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Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 451.8]

PART 366—PAYMENT-IN-FULL

Subpart B—Soil and Water Conservation Accounts

Subpart B, Part 366, Title 6, Code of Federal Regulations (23 F.R. 333, 24 F.R. 1675) is revised to read as follows:

Sec.
366.21 General.
366.22 Payment in full of insured Soil and Water Conservation loan with borrower funds including refinancing by new lender and sale of farm.
366.23 Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a noninsured basis.
366.24 Payment in full of all direct Soil and Water Conservation loans except loans coded J.

AUTHORITY: §§ 366.21 to 366.24 issued under secs. 2, 5, 6, 50 Stat. 869, as amended, 870, secs. 9, 10, 68 Stat. 735; 16 U.S.C. 590s, 590v, 590w, 590x–2, 590x–3; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8186; §§ 366.21 to 366.23 also issued under sec. 11, 72 Stat. 841; 16 U.S.C. 590x–4.

§ 366.21 General.

This subpart prescribes the authorities, policies, and procedures for processing final payment on insured and direct Soil and Water Conservation loans except that payments on Soil and Water Conservation loans coded J will be handled in accordance with §§ 361.7(d), 371.12 (a), (b), (c), and 371.14 (b) and (c) of this chapter.

(a) *Authority.* The County Supervisor is authorized to accept final payment on a Soil and Water Conservation loan and to execute the necessary satisfaction or release in connection with the indebtedness.

(1) Form FHA–77, "Satisfaction," may be used to execute satisfactions or releases when permitted by State law. If Form FHA–77 is not satisfactory, the State Director may authorize the use of another form.

(2) If State law requires recording or filing of the satisfaction or release by the mortgagee, any recording cost required to be paid by the Government will be paid by voucher.

(b) *Escrow arrangements.* Escrow arrangements may be used provided the escrow agent is properly bonded. No escrow arrangements will be initiated by the Farmers Home Administration and no part of the expense for an escrow arrangement will be paid by the Government.

(c) *Loan insurance charges for loans evidenced by promissory note forms in the FHA–520 series or FHA–965 series.* In all cases of final payment of an insured loan evidenced by Forms FHA–520, FHA–520A, FHA–965, FHA–965A, FHA–965B, or FHA–965C, when the borrower has had use of all or any part of the loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of January 1 preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment of the note account is accomplished by the lender's exchanging the insured note for a noninsured note without funds being paid to the Farmers Home Administration, the date the insured loan is refinanced will be considered to be the date final payment is made on the note account.

(d) *Loan funds refunded in full after loan closing.* If an insured loan borrower decides to refund in full his Soil and Water Conservation loan, he will be required to pay interest on the note account from the date of loan closing to the date the U.S. Treasury check is remitted to the lender. However, for a loan held by the insurance fund, the borrower will be required to pay interest on the note account from the date of loan closing to the date of the receipt for the refund. In case the loan is evidenced by a Form FHA–520 or FHA–965 series note, the borrower will be required to pay a loan insurance charge from the date of loan closing to the date the U.S. Treasury check is remitted to the lender. In the event the borrower has prepaid the loan insurance charge, any overpayment will be refunded to the borrower by the Finance Office unless the borrower is indebted on another account, in which case the overpayment will be applied to the unpaid account.

(e) *Return of funds in supervised bank account.* Prior to final payment, any Soil and Water Conservation funds remaining in the borrower's supervised bank account will be withdrawn and remitted to the Finance Office for application on the borrower's note account as a refund.

§ 366.22 Payment in full of insured Soil and Water Conservation loan with borrower funds including refinancing by new lender and sale of farm.

This section applies to all cases where final payment of the insured loan indebtedness is to be derived from the borrower's funds, refinancing with a new lender, and the sale of the farm. The County Supervisor will collect from the borrower any amount owed the loan insurance account, the annual charge for notes on Form FHA–218 or FHA–252, and the balance of the principal and interest owed on the note account and remit the collection to the Finance Office. Since the Farmers Home Administration is the collection agent for the holder, the County Supervisor will advise the borrower, purchaser, or new lender, as the case may be, that the remittance for final payment should be made payable to, or endorsed to, the order of the Farmers Home Administration.

(a) *Finance Office action*—(1) *Adjustment of records.* Upon receipt of the collection in the Finance Office, if the collection pays the account in full, the Director, Finance Office, will take the appropriate action to close the account.

(2) *Notice to holder.* The Finance Office will forward an original and one copy of Form FHA–993A, "Notice and Acknowledgment of Final Payment," to the holder for execution and return of the original to the appropriate County Supervisor.

(b) *County Office action.* Upon receipt from the holder of the canceled promissory note and the original of the completed Form FHA–993A, an instrument of satisfaction or release prepared by the County Supervisor, if needed, will be delivered to the borrower, new mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied mortgage will be delivered to the borrower. Any water stock certificates held by the Farmers Home Administration which are the property of the borrower also will be transferred to the borrower. Any assignments to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment agreement. The County Supervisor will make proper disposition of any property insurance as prescribed in Part 306 of this chapter. The County Office records will be adjusted to show a paid-in-full account.

§ 366.23 Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a noninsured basis.

This section applies when final payment of an insured Soil and Water Conservation loan is to be made by refinancing by the holder of the insured note on a noninsured basis. Final payment of the note account may be accomplished by exchanging a noninsured note of the insured promissory note.

(a) *Collection of loan insurance account and annual charge.* The County Supervisor will collect from the borrower any amount owed the loan insurance ac-

count and the annual charge, if any. If Form FHA–835, "Certified Statement of Account," shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment. Also, if the loan is evidenced by Form FHA–218 or FHA–252, the County Supervisor will compute the annual charge to the date he receives payment. He will remit the funds collected to the Finance Office.

(b) *Preparation of Form FHA–993, "Notice of Receipt of Final Payment of Insured Loan."* The County Supervisor will complete Form FHA–993 with respect to the borrower, the amount of loan, and the date of the note or bond and will forward the original and two copies to the holder. The County Supervisor will inform the holder of the outstanding balance of principal and interest due him on the insured note account and the daily rate of accrual of such interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA–993, and return to the County Supervisor the executed original and copy of Form FHA–993, together with the canceled promissory note.

(c) *Finance Office action.* Upon receipt of the executed original and copy of Form FHA–993 from the County Office, the Finance Office will determine if the full amount owed the loan insurance account, and the annual charge for notes on Form FHA–218 or FHA–252 have been paid, and, if paid, the Director, Finance Office, will sign Form FHA–993 and forward an executed copy to the County Supervisor. Finance Office records will be satisfied as a paid-in-full account.

(d) *County Office action.* Upon receipt of the completed copy of Form FHA–993 from the Finance Office, an instrument of satisfaction or release prepared by the County Supervisor, unless otherwise provided by instructions of the State Director, will be delivered to the lender or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Any water stock certificates held by the Farmers Home Administration which are the property of the borrower will be transferred to the borrower. Any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form. Property insurance will be canceled in accordance with Part 306 of this chapter. The County Office records will be adjusted to show a paid-in-full account.

§ 366.24 Payment in full of all direct Soil and Water Conservation loans except loans coded J.

Upon receipt of final payment on such loans, the County Supervisor will transmit the final payment to the Finance Office with a request for the return of the promissory note for delivery to the borrower; however, if circumstances require delivery of the note at the time final payment is received by the County Supervisor, he will request the Finance Office to forward the note prior to the time of final payment.

(a) *Delivery of documents after note stamped "paid-in-full" is received from the Finance Office.* The Finance Office will forward to the County Office the note stamped with a paid-in-full legend, provided the final payment as received from the borrower was in the form of currency and coin, U.S. Treasury check, cashier's or certified check, bank draft, postal or bank money order, or a check issued by a responsible lending institution or a responsible title insurance or title and trust company. If the final payment was in the form of an uncertified check drawn on a personal account, the note will be held in the Finance Office for 10 days after the remittance has been deposited in the Deposit Fund Account before being forwarded to the County Office. Upon receipt of the note, the County Supervisor will deliver the stamped note, any property insurance policies, and the original mortgage to the borrower. Any water stock certificates held by the Farmers Home Administration that are the property of the borrower will be transferred to the borrower. Also, any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form. For all real estate loans, and when required for notes secured by chattel property, the satisfaction or release will be executed and delivered in accordance with the instructions of the State Director.

(b) *Delivery of documents at the time final payment is made.* If the circumstances require delivery of the promissory note and the satisfaction of the mortgage at the time final payment is made, upon receipt of the note from the Finance Office, the County Supervisor will prepare the satisfaction or release unless otherwise provided by instructions of the State Director. The County Supervisor will mark the original note with a paid-in-full legend and deliver the original note, the original satisfaction or release, any property insurance policies, and the original mortgage to the borrower only upon receipt of full payment of the unpaid balance of principal and interest computed as of the date final payment is received, and only when such payment is made in the form of currency and coin, U.S. Treasury check, cashier's or certified check, bank draft, postal or bank money order, or a check issued by a responsible lending institution, or a responsible title insurance or title and trust company. Any water stock certificates held by the Farmers Home Administration which are the property of the borrower will be transferred to him. Also any assignment to the Farmers Home Administration of income from the property being released will be terminated as provided in the assignment form. If full payment is not received, or any other requirements prerequisite to the delivery of the note, the satisfaction, and other instruments are not met, the County Supervisor will return the original note to the Finance Office with the proper explanation and will destroy all copies of the satisfaction or release.

Dated: May 23, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-4893; Filed, May 31, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

PART 1—GENERAL PROVISIONS

PART 3—PROCUREMENT BY NEGOTIATION

PART 4—COORDINATED PROCUREMENT

PART 6—FOREIGN PURCHASES

PART 7—CONTRACT CLAUSES AND FORMS

PART 10—BONDS AND INSURANCE

PART 12—LABOR

PART 13—GOVERNMENT PROPERTY

PART 16—PROCUREMENT FORMS

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

Miscellaneous Amendments

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Supply and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. Revise §§ 1.315, 1.315–1, and 1.315–2, and add new §§ 1.315–3, 1.315–4 and 1.318, as follows:

§ 1.315 Time of delivery or performance.

§ 1.315–1 Scope.

Sections 1.315—1.315–4 prescribe policy and procedure regarding requirements as to time of delivery or performance of contracts for supplies or services, excluding construction.

§ 1.315–2 General.

(a) The time of delivery or performance is an essential element for inclusion

in a contract and must be clearly set forth in invitations for bids and requests for proposals. Delivery and performance schedules shall be designed to meet the requirements of the particular procurement, with due regard to all relevant factors, and must be realistic. Delivery and performance schedules which are unreasonably tight or difficult of attainment are inimical to full competition, inconsistent with small business policies (see § 1.702(b)(3)), and may result in higher contract prices. Therefore, prior to issuing an invitation for bids or request for proposals, the contracting officer shall question any delivery requirement which appears unrealistic, and, if necessary, initiate action to make appropriate adjustments, with due attention to relevant factors such as applicable transportation factors (see § 1.306), and those listed below:

(1) Urgency of need for the supplies or services;

(2) Production time (quantity, complexity of design, etc.);

(3) Market conditions;

(4) Transportation time;

(5) Industry practices;

(6) Capabilities of small business concerns;

(7) Time for obtaining and evaluating bids or offers, and awarding contracts.

(8) Time for contractors to comply with any conditions precedent to contract performance; and

(9) Time for Government to perform its obligations under the contract (e.g., furnishing Government property to the contractor, approval of preproduction samples, and inspection).

(b) Where timely delivery or performance is unusually important to the Government, liquidated damages provisions may be used as provided in § 1.313.

(c) Invitations for bids and requests for proposals shall, except where clearly unnecessary, inform bidders or offerors of the basis on which their bids or proposals will be evaluated with respect to time of delivery or performance.

§ 1.315–3 Terms.

(a) Delivery schedules may be expressed in terms of:

(1) Specific calendar dates (e.g., on or before July 1, 1960);

(2) Specified periods from date of contract (i.e., date of award or acceptance by the Government, or date shown on contract document as effective date of contract); or

(3) Specified periods from date of receipt by contractor of notice of award or acceptance by the Government (including notice by receipt of contract document executed by the Government).

The full period which the Government holds out as being available for contract performance should not be curtailed to the prejudice of the contractor by delay in giving notice of award. Accordingly, one of the provisions in paragraph (b) or (c) of this section shall be used in advertised procurements and may be suitability modified and used in appropriate negotiated procurements (other than small purchases).

(b) Where the delivery schedule is in terms of specific calendar dates, invitations for bids will include one of the following provisions:

(1) The foregoing delivery requirements are based on the assumption that the Government will make award by [purchasing activity insert calendar date]. Each delivery date in the delivery schedule set forth herein will be extended by the number of calendar days after the above date that the contract is in fact awarded. Attention is directed to paragraph 8(d) of the Terms and Conditions of the Invitation for Bids, which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Therefore, in computing the available time for performance, the bidder should take into consideration the time required for notice of award to arrive through the ordinary mails.

(2) The foregoing delivery requirements are based on the assumption that the successful bidder will receive the notice of award by [purchasing activity insert calendar date]. The Government will extend each delivery date in the delivery schedule set forth herein by the number of calendar days after the above date that the contractor receives notice of award: provided, that the contractor promptly acknowledges such receipt.

(c) Where the delivery schedule is based on the date of contract (see paragraph (a)(2) of this section), the invitations for bids will include the following provision:

Attention is directed to paragraph 8(d) of the Terms and Conditions of the Invitation for Bids which provides that a written award mailed or otherwise furnished to the successful bidder results in a binding contract. Any award hereunder, or a preliminary notice thereof, will be mailed or otherwise furnished to the bidder the day the award is dated. Therefore, in computing the time available for performance, the bidder should take into consideration the time required for the notice of award to arrive through the ordinary mails. However, a bid offering delivery based on date of receipt by the contractor of the contract or notice of award (rather than the contract date) will be evaluated by adding the maximum number of days normally required for delivery of the award through the ordinary mails. If, as so computed, the delivery date offered is later than the delivery date required in the invitation, the bid will be considered nonresponsive and rejected.

(d) Where the delivery schedule is based on the date of the contract (see paragraphs (a)(2) and (c) of this section), the contract, notice of award, acceptance of proposal, or other contract document executed by the Government shall be mailed or otherwise furnished the contractor on the day it is dated.

(e) Where the delivery schedule is based on date of receipt by the contractor of notice of award (see paragraph (a)(3) of this section), or where it is expressed in terms of specific calendar dates on the assumption that notice of award will be received by a specified date (see paragraph (b)(2) of this section), the notice of award, acceptance of proposal, or other contract document executed by the Government shall be sent by certified mail, return receipt requested, or shall be accompanied by a date of receipt acknowledgement card in accordance with Departmental procedures.

(f) When the required delivery schedule in the invitation for bids is based on the date of the contract (see paragraph (a)(2) of this section), a bid offering delivery based on date of receipt by the contractor of the contract or notice of award (see paragraph (a)(3) of this section):

(1) Shall be evaluated by adding the maximum number of days normally required for delivery of the award through the ordinary mails; and

(2) If the delivery date offered by the bid (computed in accordance with subparagraph (1) of this paragraph is later than the delivery date required in the invitation for bids, the bid shall be considered nonresponsive and rejected; but

(3) If award is made under subparagraph (1) of this paragraph, under the terms of the contract the delivery date will be the number of days, after actual receipt by the contractor of the notice of award, which were specified in the bid.

§ 1.315–4 Time of delivery clauses.

(a) Examples of time of delivery clauses for invitations for bids are set forth below. They may be modified or other clauses may be used to state particular delivery requirements or any special procedures to be used in the evaluation, rejection or award process as regards time of delivery. These clauses also may be suitably modified for use in negotiated procurements where appropriate.

(b) The following clause may be used where delivery by a particular time is necessary to meet the Government's requirements:

TIME OF DELIVERY

Delivery is REQUIRED to be made in accordance with the following schedule:

Item No.	*Quantity*	*Time* [*]

Bids offering delivery of each quantity within the applicable delivery period specified above will be evaluated equally as regards time of delivery. Bids offering delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable delivery period specified above will be considered nonresponsive and will be rejected. Where a bidder offers an earlier delivery schedule than that called for above, the Government reserves the right to award either in accordance with the REQUIRED schedule or in accordance with the schedule offered by the bidder. If the bidder offers no other delivery schedule, the delivery schedule stated above shall apply.

BIDDER'S PROPOSED DELIVERY SCHEDULE

(To be completed by bidder)

Item No.	*Quantity*	*Time* [*]

*Contracting officer shall insert the appropriate one of the following phrases, in both of the indicated spaces:

1. "[On] (on or before) the date(s) specified below."

2. "Within the number of days stated below after date of contract."

3. "Within the number of days stated below after the date of receipt of a written notice of award."

4. "Within the periods specified below." (NOTE: When this phrase is inserted, the wording "during month(s) of _____" or "not sooner than _____ and not later than _____" should be used to specify the periods.

(c) The following clause may be used where delivery by a certain time is desired, but not essential, and delivery by a specified later time is necessary to meet the Government's requirements.

TIME OF DELIVERY

Delivery is DESIRED by the Government in accordance with the following schedule:

Item No.	*Quantity*	*Time* [*]

If the bidder is unable to meet the above delivery schedule, he may, without prejudice to the evaluation of his bid, set forth his Proposed Delivery Schedule below; but such delivery schedule must not extend the delivery period beyond the time for delivery called for in the following REQUIRED delivery schedule set forth below:

REQUIRED DELIVERY SCHEDULE

Item No.	*Quantity*	*Time* [*]

Bids offering delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable REQUIRED delivery period specified above will be considered nonresponsive and will be rejected.

If the bidder does not propose a different delivery schedule, the Government's DESIRED delivery schedule shall apply.

BIDDER'S PROPOSED DELIVERY SCHEDULE

(To be completed by bidder)

Item No.	*Quantity*	*Time* [*]

*Phrases for insertion as indicated above:

1. "[On] (on or before) the date(s) specified below."
2. "Within the number of days stated below after date of contract."
3. "Within the number of days stated below after the date of receipt of a written notice of award."
4. "Within the periods specified below." (NOTE: When this phrase is inserted, the wording "during the month(s) of _____" or "not sooner than _____ and not later than _____" should be used to specify the periods.)

§ 1.318 Procurement of parts.

(a) Parts for replenishment of stock, repair, or replacement, must be procured so as to assure the requisite safe, dependable, and effective operation of the equipment. Where it is feasible to do so without impairing this assurance, parts should be procured on a competitive basis, as in the kind of cases described in paragraph (b) of this section. However, where this assurance can be had only if the parts are procured from the original manufacturer of the equipment or his supplier, the procurement should be restricted accordingly, as in the kind of cases described in paragraph (c) of this section.

(b) Parts that are fully identified and can be obtained from a number of known sources, and parts for which fully adequate manufacturing drawings and any other needed data are available (or can be made available in keeping with the policies in Subpart B, Part 9 of this title), are to be procured on a competitive basis. In general, such parts are of a standard design configuration or have commercial equivalents. They include individual items that are susceptible of separate procurement, such as resistors, transformers, generators, spark plugs, or electron tubes.

(c) Parts not within the scope of paragraph (b) of this section generally should be procured (either directly or indirectly) only from sources that have satisfactorily manufactured or furnished such parts in the past, unless fully adequate data (including any necessary proprietary data), test results, and quality assurance procedures, are available (or can reasonably be made availabe in keeping with the policies in Subpart B, Part 9 of this title) to assure the requisite reliability and interchangeability of the parts, and procurement on a competitive basis would be consistent with the assurance described in paragraph (a) of this section. In assessing this assurance, the nature and function of the equipment for which the part is needed should be considered. To illustrate, acceptable tolerances for a commercial television part may be far less stringent than those for a comparable military radar part, permitting competitive procurement of the former but not of the latter. The exacting performance requirements of specially designed military equipment generally demand that parts be closely controlled and have proven capabilities of precise integration with the system in which they operate, to a degree that precludes the use of even apparently identical parts from new sources, since the functioning of the whole may depend on latent characteristics of each part which are not definitely known.

2. In § 1.706–6, revise paragraph (e); in § 1.804–2, revise paragraph (d); and in § 1.1003–1, revise paragraph (q), as follows:

§ 1.706–6 Partial set-asides.

* * * * *

(e) After all awards have been made on the non-set-aside portion, procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiations shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made on the non-set-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted with such small business concerns in the order of their bids or proposals on the non-set-aside portion, beginning with the lowest responsive bid or proposal as indicated in the foregoing notice. Where equal low bids are received on the non-set-aside portion from concerns which are eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 2.407–6 of this subchapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion will be awarded at the highest unit price awarded for the non-set-aside portion.

§ 1.804–2 Set-aside procedures.

* * * * *

(d) After all awards have been made on the non-set-aside portion, procurement of the set-aside portion shall in all instances be effected by negotiation. Negotiation shall be conducted only with those bidders or offerors who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made on the non-set-aside portion and who are determined to be responsible prospective contractors for the set-aside portion of the procurement. Negotiations shall be conducted in the order of priority indicated in the foregoing notices. Where equal low bids are received on the non-set-aside portion from concerns which are eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 2.407–6 of this chapter) shall have first priority with respect to negotiations for the set-aside portion. The set-aside portion shall be awarded at the highest unit price awarded for the non-set-aside portion. If the entire set-aside portion cannot be awarded by the method described herein, any unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with existing regulations (see § 3.201–2(b)(1) of this chapter).

§ 1.1003–1 General.

* * * * *

(q) Procurement of parts for military equipment to be used for replenishment of stock, repair, or replacement, which are not to be procured from sources that have satisfastorily manufactured or furnished such parts in the past, pursuant to § 1.318 of this Part.

3. Revise § 3.101(d); add subparagraph (6) to § 3.403–3(b); and revise § 3.807–7, as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

* * * * *

(d) Consideration of delivery requirements (see §§ 1.306 and 1.315 of this chapter).

§ 3.403–3 Fixed-price contract providing for the redetermination of price.

* * * * *

(b) *Types of price redetermination.*

* * * * *

(6) *Modified retroactive and prospective price redetermination for follow-on contracts*—(i) *Description.* This clause provides for gearing price redetermination under a follow-on contract to repricing under a preceding contract where both contracts together cover continuing production of similar supplies.

(ii) *Applicability.* This clause is suitable in the case of a follow-on contract which is otherwise suitable for retroactive and prospective price redetermination (with or without further optional prospective price redeterminations) where contract performance is to overlap performance of a preceding contract. It may be used where the preceding contract provides for (*a*) retroactive and prospective price redetermination at a stated time prior to completion, (*b*) retroactive and prospective price redetermination including further price redetermination on request, (*c*) retroactive price redetermination after completion, or (*d*) fixed-price incentive price revision.

(iii) *Limitation.* This clause shall be used only if the follow-on contract meets the criteria of paragraph (c) or (d) of this section.

§ 3.807–7 Certificate of current pricing data.

Where a certificate of current cost or pricing data is required in accordance with § 3.807–3(a), it shall be in the form set forth below and shall be included in the contract file along with the memorandum of the contract negotiation.

This is to certify, to the best of my knowledge and belief, that in the preparation of the proposal for _____ being (to be) produced under the terms of (contract, proposal, quotation, etc.) No. _____; (i) all actual or estimated costs or pricing data available as of _____ have been considered in preparing the price estimate, and made known to the Contracting Officer or his repesentative for use in evaluating the estimate, and (ii) any significant changes in the above data which have occurred since the aforementioned date through the _____ (Date) of _____ _____ also have been made (Month) (Year) known in the price negotiations to the Government negotiator.

Name _____
Title _____
Firm _____

Date _____

Note that 18 U.S.C. 1001 prescribes criminal penalties for making false representations to the Government.

4. A new Subpart C is added to Part 4, as follows:

SUBPART C—COMMODITY ASSIGNMENTS

Sec.

4.301 Commodity assignments to Military Departments.
4.301–1 Department of the Army.
4.301–2 Department of the Navy.
4.301–3 Department of the Air Force.

AUTHORITY: §§ 4.301 to 4.301–3 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 4.301 Commodity assignments to Military Departments.

The commodity assignments set forth below have been made by the Assistant Secretary of Defense (Supply and Logistics) to the Military Departments based upon studies made by the Armed Forces Supply Center. General exclusions are:

(a) Emergency procurements;

(b) Procurements not in excess of $2,500 or where only one of an item is to be procured;

(c) Authorized local purchase items;

(d) Research and development items;

(e) Items which require continuous redesign or modification during the production phase; and

(f) Items excluded from coordinated procurement in accordance with DOD Directives.

Specific exclusions are set forth in the lists.

§ 4.301–1 Department of the Army.

Federal supply class code	Commodity	Content
	ANTI-FREEZE	
6850 P	Miscellaneous chemical specialties	Includes: Anti-freeze compounds which contain ethylene glycol, only.
	BATTERIES, DRY CELL	
6135 P	Batteries, primary	Includes: JAN type, dry cell batteries, only.
	MILITARY CHEMICAL WARFARE EQUIPMENT AND SUPPLIES [1]	
4230 P	Decontaminating and impregnating equipment.	Includes: Items peculiar to chemical warfare only.
4240 P	Safety and rescue equipment	Includes: Military respiratory protective equipment for chemical warfare only.
6630 P	Chemical analysis instruments	Includes: Instruments peculiar to chemical warfare only.
6640 P	Laboratory equipment and supplies	Includes: Chemical laboratories (assembled outfits) only.
6665 P	Hazard-detecting instruments and apparatus.	Includes: Items peculiar to chemical warfare only.
6810 P	Chemicals	Includes: Calcium hypochlorite only.
6820 P	Dyes	Includes: Items peculiar to chemical warfare only.
6850 P	Miscellaneous chemical specialties	Includes: Agents decontaminating; and impregnites for military protective clothing for chemical warfare only.
6910 P	Training aids	Includes: Items peculiar to chemical warfare only.
	CONSTRUCTION AND AGRICULTURAL EQUIPMENT AND TRACTORS	
2410	Tractors, full track, low speed	
2420	Tractors, wheeled	
2520 P	Vehicular power transmission components.	Includes: Components peculiar to construction, excavating highway maintenance, agricultural machinery and equipment, and tractors only.
2530 P	Vehicular brake, steering, axle, wheel, and track components.	Includes: Components peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment, and tractors only.
2540 P	Vehicular furniture and accessories	Includes: Furniture, and accessories peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment, and tractors only.
2590 P	Miscellaneous vehicular components	Includes: Misc. components peculiar to construction, excavating, highway maintenance, agricultural machinery and equipment only.
3210	Sawmill and planning machinery	
3805 P	Miscellaneous special industry machinery.	Includes: Specilized logging equipment only.
3710	Soil preparation equipment	
3720	Harvesting equipment	
3740	Pest, disease, and frost control equipment.	
3750 P	Gardening implements and tools	Includes: Garden tractors, walking type only.
3805	Earth moving and excavating equipment.	
3810	Cranes and crane-shovels	
3815	Crane and crane-shovel attachments	
3820	Mining, rock drilling, earth boring, and related equipment.	
3825	Road clearing and cleaning equipment.	
3830	Truck and tractor attachments	
3895	Miscellaneous construction equipment.	
5420	Bridges, fixed and floating	
5440 P	Scaffolding equipment and concrete forms.	Includes: Concrete forms only.
5680 P	Miscellaneous construction materials	Includes: Landing mats, landing mat sets, and paris peculiar.
	DRUMS AND CANS	
7240 P	Household and commercial utility containers.	Includes: 5 gal. metal containers only.
8110 P	Drums and cans	Includes: 55 gal. 16 gage; and 5 gal. metal drums and cans only.
	ELECTRONIC EQUIPMENT FIRE FIGHTING, WATER PURIFICATION, AND SEWAGE TREATMENT EQUIPMENT [2]	
4210 P	Fire fighting equipment	Excludes: Airport crash fire fighting vehicles under DOD procurement assignment to the Air Force.
4610 P	Water purification equipment	Excludes: Kits, desalter; and stills, water, solar heated, lifesaving which are under DOD procurement assignment to the Navy.
4620 P	Water distillation equipment, marine and industrial.	Excludes: Distilling plants when purchased for use aboard those vessels under DOD procurement assignment to the Navy.
4630	Sewage treatment equipment	
	FOOD PREPARATION AND SERVING EQUIPMENT [3]	
7310 P	Food cooking, baking, and warming equipment.	Includes: Covers, steam table inset; covers, steam table pans, insets, steam tables; and pans, steam table.
7330 P	Kitchen hand tools and utensils	Excludes: Blades, bakers' peel; bottles, insulated; bottles, vacuum; boxes, spice; cases, insulated food container; covers, insulated food container; fillers, vacuum bottle; food containers, insulated; food containers, vacuum, handles, bakers' peel, wood; inserts, insulated food containers; jugs, insulated; jugs, vacuum; liners, baking cup; openers, can, electric; spice boxes; stands, heating, canteen cup; and tubs, dough mixing.
7340 P	Cutlery and flatware	Excludes: Plastic and wood cutlery and flatware; knive Boy Scout; knives, hunting; knives, pocket; scissors, embroidery; scissors, ladies'; shears, pinking; and all items of silverware not specifically named among these exclusions.

See footnotes at end of § 4.301–3.

Federal supply class code	Commodity	Content
	FOOD PREPARATION AND SERVING EQUIPMENT[6]—continued	
7350 P	Tableware	Excludes: Brackets, bulkhead, vacuum pitchers; breakers, bread; breakers, bread, metal; breakers, water, metal; breakers, water, wood; cups, breaker, water; carafes, vacuum; coffee servers, vacuum; dispensers, drinking water, portable; fillers, vacuum pitcher; pitchers, vacuum; toothpicks; tubes, drinking; and all items of silverware not specifically named among these exclusions.
7360 P	Sets, kits, and outfits, food preparation and serving.	Includes: Sets, kits, and outfits consisting of food preparation and serving equipment in the FSC Class 7310(P), 7330(P), 7340(P), and 7350(P) under DOD procurement assignment to the Department of the Army.
	LUMBER, MILLWORK, PLYWOOD, AND VENEER	
5430 P	Storage tanks	Includes: Tanks, wood, storage only.
5450 P	Miscellaneous prefabricated structures.	Includes: Cooling towers, wood; and silos, wood; only.
5510	Lumber and related basic wood materials.	
5520	Millwork	
5530	Plywood and veneer.	
5540 P	Pipe and conduit, nonmetallic	Includes: Pipe, wood only.
5630 P	Roofing and siding materials	Includes: Shingles, wood only.
5650 P	Fencing, fences, and gates	Includes: Fence sections and gates, wood only.
8110 P	Drums and cans	Includes: Cooperage stock and vats wood (containers); only.
8115 P[6]	Boxes, cartons, and crates	Includes: Box, crate, and package shook only.
	MORTUARY EQUIPMENT AND SUPPLIES	
4110 P	Self-contained refrigration units and accessories.	Includes: Mortuary refrigerators only.
5340 P	Miscellaneous hardware	Includes: Casket hardware only.
9930	Memorials; cemeterial and mortuary equipment and supplies.	
	MOTOR VEHICLES, TRAILERS, AND CYCLES	
2310	Passenger motor vehicles	
2320 P	Trucks and truck tractors	Excludes: Tracked landing vehicles, which are not under DOD procurement assignment; and airport crash rescue vehicles, which are under DOD procurement assignment to the Department of the Air Force.
2330 P	Trailers	Excludes: Two wheel lubrication trailers, two wheel steam cleaning trailers, and troop transporter semitrailers, which are not under DOD procurement assignment; and airport crash rescue trailer units, which are under DOD procurement assignment to the Department of the Air Force.
2340 P	Motorcycles, motor scooters, bicycles.	Excluded: Bicycles and tricycles.
2430	Tractors, track laying high speed	
2510 P	Vehicular cab, body, and frame structural components.	Includes: Components peculiar to military motor vehicles only.
2520 P	Vehicular power transmission components.	Includes: Components peculiar to military motor vehicles only.
2530 P	Vehicular brake, steering axles, wheel, and track components.	Includes: Components peculiar to military motor vehicles only.
2540 P	Vehicular furniture and accessories	Includes: Furniture and accessories peculiar to military motor vehicles only.
2590 P	Miscellaneous vehicular components	Includes: Components peculiar to military motor vehicles only.
2910 P	Engine fuel system components, nonaircraft.	Includes: Components peculiar to military motor vehicles only.
2930 P	Engine cooling system components, nonaircraft.	Includes: Components peculiar to military motor vehicles only.
2940 P	Engine air and oil filters, strainers, and cleaners, nonaircraft.	Includes: Filters, strainers, and cleaners peculiar to military motor vehicles only.
2990 P	Miscellaneous engine accessories, nonaircraft.	Includes: Accessories peculiar to military motor vehicles only.
	PAPER AND PAPER PRODUCTS	
5970 P	Electrical insulators and insulating materials.	Includes: Insulating paper, electrical only.
8105 P	Bags and sacks	Includes: Bags, paper, coffee; bags, paper, flour; bags, paper, garment; bags, paper, kraft; bags, paper, shipping multiwall; bags, paper, waterproof; envelopes, packaging; paper; envelopes, packing list, paper; fiberboard packing list protectors; liners, bag, crepe paper; sacks, paper, shipping, multiwall; only.
8110 P	Drums and cans	Includes: Chipboard mailing tubes; drums, fiber; drums, fiberboard, overseas type; drum sets, fiber, nested; filing tubes, fiber; tubes, mailing and filing, fiber, only.
8115 P	Boxes, cartons, and crates	Includes: Baskets, fiber, shipping; boxes, chipboard, folding; boxes, set-up, paperboard; cartons, folding, paperboard; only.
8130 P	Reels and spools	Includes: Reels, paperboard; and spools, paperboard only.
8135 P	Packaging and packing bulk materials.	Excludes: Paper stocks controlled by the Congressional Joint Committee on Printing.
8540	Toiletry paper articles	
9310 P	Paper and paperboard	Excludes: Paper stocks controlled by the Congressional Joint Committee on Printing.
9920 P	Smokers' articles and matches	Includes: Cigarette paper packaged only.
	RAILWAY EQUIPMENT	
2110	Locomotives	
2220	Rail cars	
2230 P	Right-of-way construction and maintenance equipment.	Excludes: Locomotives cranes which are under DOD procurement assignment to the Department of the Navy, and specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment.
2240	Locomotive and rail car accessories and components.	
2250	Track materials, railroad	
	TELEPHONE AND TELEGRAPH EQUIPMENT AND COMPONENTS, MILITARY	
5805 P	Telephone and telegraph equipment	Includes: Military (wire) equipment, field type, only.
5815 P	Teletype and fascimile equipment	Includes: Military (wire) equipment, field type, only.
5830 P	Intercommunication and public address systems, except airborne.	Includes: Military (wire) equipment, field type, only.
5915 P	Filters and networks	Includes: Components of military (wire) equipment, field type, only.
5950 P	Coils and transformers	Includes: Components of military (wire) equipment, field type, only.
5965 P	Headsets, handsets, microphones, and speakers.	Includes: Components of military (wire) equipment, field type, only.
5985 P	Antennae, waveguides, and related equipment.	Includes: Cases, wire dispenser for military (wire) equipment, field type, only.
5995 P	Cable, cord, and wire assemblies: Communication equipment.	Includes: Components of military (wire) equipment, field type, only.
6145 P	Wire and cable, electrical	Includes: Wire and cable for military (wire) equipment, field type, only.
6625 P	Electrical and electronic properties measuring and testing instruments.	Includes: Instruments for testing military (wire) equipment, field type, only.
6940	Communication training devices	Includes: Code training sets, code practice equipment, and other telephone and telegraph training devices, only.
8130 P	Reels and spools	Includes: Reels and spools for military (wire) equipment, field type, only.
	TIME MEASURING INSTRUMENTS	
6645 P[6]	Time measuring instruments	Includes: All watches; aircraft instrument panel clocks; and spare parts thereof, as follows: aircraft clocks; aircraft panel clocks; athletic timers; cases, carrying, navigational watch; cases, watch, pocket; clocks, aircraft, mechanical; holders, watch; navigation watches, master; pocket watches; stop watches; watches, wrist, second, setting; watch case assemblies; watch movements; wrist watches.
6695 P	Combination and miscellaneous instruments.	Includes: Jewel bearings, only.
	TIRES AND TUBES[7]	
2610	Tires and tubes, pneumatic, except aircraft.	
2630	Tires, solid and cushion	

See footnotes at end of § 4.301–3.

Federal supply class code	Commodity	Content
	WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION AND EXPLOSIVES[8]	
1005 P[9]	Guns, through 30-mm	Includes: Guns, through 30-mm, and parts equipment therefor, as listed in Army Supply Manuals SM 9–5–1005, 10, 15; SM 9–1005, 10, 15. Excludes: Naval Ordnance type; Mk–12, 20-mm gun; aircraft gun mounts; and all other types not included above.
1010 P[9]	Guns, over 30-mm up to 75-mm	Includes: Guns, over 30-mm up to 75-mm, and parts and equipment therefor; as listed in Army Supply Manuals SM 9–5–1005, 10, 15; SM 9–1–1005, 10, 15. Excludes: Naval Ordnance type; aircraft gun mounts, and all other types not included above.
1015 P[9]	Guns, 75-mm through 125-mm	Includes: Guns, 75-mm through 125-mm, and parts and equipment therefor; as listed in Army Supply Manuals SM 9–5–1005, 10, 15; SM 9–1–1055, 10, 15. Excludes: Naval Ordnance type; aircraft gun mounts; and all other types not included above.
1020 P[9]	Guns, over 125-mm	Includes: Guns, over 125-mm, and parts and equipment therefor; as listed in Army Supply Manuals SM 9–5–1025, 30; SM 9–1–1025, 30 Excludes: Naval Ordnance type and all other types not included above.
1025 P[9]		
1030 P[9]		
1035 P[9]		
1040[9]	Chemical weapons and equipment.	
1055 P[9]	Launchers, rocket and pyrotechnic	Includes: Launchers, rocket and pyrotechnic, as listed in Army Supply Manuals SM 9–5–1055; SM 9–1–1050, 55. Excludes: Naval Ordnance type; airborne type; and all others not included above.
1095 P[9]	Miscellaneous weapons	Includes: Miscellaneous weapons, and parts and equipment therefor, as listed in Army Supply Manuals SM 9–5–1090, 95; SM 9–1–1090, 95. Excludes: Naval Ordnance type; guns, line throwing (which are under DOD procurement assignment to the Navy); aircraft type misc. weapons; and all others not included above.
1210 P[9]	Fire control directors	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9–1–1210, 20, 30, 40; SM 9–1–1210, 20, 30, 40, 50, 60, 90; SM 9–5–1290. Excludes: Naval Ordnance type and aircraft type.
1220 P[9]	Fire control computing sights and devices.	
1230 P[9]	Fire control systems, complete	
1240 P[9]	Optical sighting and ranging equipment.	
1250 P[9]	Fire control stabilizing mechanisms	Includes: Fire control equipment, as listed in Army Supply Manuals SM 9–5–1210, 20, 30, 40; SM 9–1–1210, 20, 30, 40, 50, 60, 90; SM 9–5–1290. Excludes: Naval Ordnance type and aircraft type.
1260 P[9]	Fire control designating and indicating equipment.	
1265 P[9]	Fire control transmitting and receiving equipment, except airborne.	
1285 P[9]	Fire control radar equipment, except airborne.	
1290 P[9]	Miscellaneous fire control equipment.	
1305 P[9]	Ammunition, through 30-mm	Includes: Ammunition, through 30-mm, as listed in Army Supply Manual SM 9–5–1305. Excludes: Naval Ordnance type; ammunition for the Mk–12, 20-mm gun; and all other types not included above.
1310 P[9,10]	Ammunition, over 30-mm up to 75-mm.	Includes: Ammunition, over 30-mm up to 75-mm, as listed in Army Supply Manual SM 9–5–1310. Excludes: Naval Ordnance type; 40-mm ammunition (which is under DOD procurement assignment to the Navy); and all other types not included above.
1315 P[9,10]	Ammunition, 75-mm through 125-mm.	Includes: Ammunition, 75-mm through 125-mm, as liste in Army Supply Manual SM 9–5–1315; Army Supply Catalog CML 5–1–1. Excludes: Naval Ordnance type; and all other types not included above.
1320 P[9,10]	Ammunition, over 125-mm	Includes: Ammunition, over 125-mm, as listed in Army Supply Manual SM 9–5–1320; Army Supply Catalog CML 5–1–1. Excludes: Naval Ordnance type; and all other types not included above.
	WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION AND EXPLOSIVES—continued	
1325 P	Bombs	Includes: Bombs as listed in Army Supply Manuals SM 9–5–1325; SM 3–5–1325, 30, 40, 45, 65, 70, 75. Excludes: Those bombs herein assigned to the Navy; and all others not included above.
1330	Grenades	
1340 P	Rockets and rocket ammunition	Includes: HE, AT, 3.5 In., M35; Practice, 3.5 In., M36; Smoke, WP, 3.5 In., M30; Drill, 4.5 In., M24; HE, 4.5 In., M32; Practice, 4.5 In., M33; incendiary and toxicological rockets, as listed in Army Supply Bulletin SB 3–33. Excludes: Rockets herein assigned to the Navy; and all others not included above.
1345	Land mines	
1365	Military chemical agents	
1370 P	Pyrotechnics	Excludes: Shipboard and aircraft pyrotechnics.
1375 P	Explosives, bulk propellants and explosive devices. Blasting Agents and Supplies.	Includes: Blasting agents and supplies such as: blocks, demolition; caps, blasting, electric and nonelectric; charge, cratering; charges, shaped and demolition; cord, detonating; detonators, all types; dynamite; firing devices; fuse, safety; Bangalore torpedo; kit demolition; lighter, fuse; primer, percussion cap; demolition equipment sets with ancillary items; chests, demolition platoon and squad; machine, blasting. Excludes: Navy underwater demolition requirements.
	Explosives	Includes: The following items only: Ammonium picrate (explosive D) JAN–A–166A; trinitrotoluene (TNT) JAN–T–248; tetryl JAN–T–339; pantaerythrite tetranitrate (PETN) JAN–P–387; RDX; composition B; composition B–3; pentolite, 50/50 JAN–P–408; composition C–3; composition A–3; composition A–4; nitroguanidine (picrite). Excludes: Production capacity for any of the above listed explosives at the U.S. Naval Propellant Plant, Indian Head, Md.; and all other explosives not included above.
	Propellants	Includes: Propellants for small arms ammunition, calibers, .30- to 30-mm, inclusive, except blank and cal. .45; propellant (for small arms ammunition, caliber .45 MIL–P–2207; propellant, increment, M8 MIL–P–10557; propellant, M9; powder, rocket propellant, type N–4 MIL–P–16401; propellant cannon, M1, M6, M14, JAN–P–309; propellant cannon, M2, M5, JAN–P–323; propellant, 4.2 In. chemical mortar; propellant, M7, M15 and M17 MIL–P–668A; propellant, M10; rocket propellant powder NAVORD OS 3383. Excludes: Production capacity for any of the above listed propellants at the U.S. Naval Propellant Plant, Indian Head, Maryland; and all other propellants not included above.
1380	Military biological agents	
1390 P[9]	Fuses and primers	Includes: Fuses and primers for Army assigned ammunition and V.T. fuses, non-rotating types. Excludes: Naval Ordnance type; V.T. fuses, rotating type, under DOD procurement assignment to the Navy; guided missile fuses; and all other fuses and primers not included above.
2350	Tanks and self-propelled weapons	
6910 P	Training aids	Includes: Training Aids as listed in Army Supply Manuals SM 9–1–6910, 20; SM 9–5–6910, 20; SM 3–1–6900. Excludes: All other training aids not included above.
6920 P	Armament training devices	Includes: Armament training devices as listed in Army Supply Manuals SM 9–1–6910, 20; SM 9–5–6910, 20. Excludes: Clay pigeons; all other training devices not included above.
8140 P	Ammunition boxes, packages, and special containers.	Includes: Boxes, packages and containers for ammunition herein assigned to the Army, as listed in Army Supply Manuals SM 9–1–8140. Excludes: All other boxes, packages, and containers not assigned herein.

§ 4.301–2 Department of the Navy.

Federal supply class code	Commodity	Content
	ECCLESIASTICAL EQUIPMENT, FURNISHINGS AND SUPPLIES	
6010 P	Training aids	Includes: Visual aids, chaplain, nonprojected; only.
7195 P	Miscellaneous furniture and fixtures	Includes: Board, bulletin, chapel; only.
7710 P	Musical instruments	Includes: Organs, musical only.
9935	Ecclesiastical equipment, furnishings, and supplies.	
	ELECTRONIC EQUIPMENT [2]	
	FIBERS, FIBER ROPE, CORDAGE, AND TWINE	
4020	Fiber rope, cordage, and twine.	
9420	Fibers, vegetable, animal, and synthetic.	
	FUELS, SOLID	
9110 P	Fuels, solid	Includes: Coal or coal products only.
	HAND TOOLS	
3439 P	Miscellaneous welding, soldering, and brazing supplies and accessories.	Includes: Only soldering irons, and soldering guns, and related parts and accessories only.
3750 P	Gardening implements and tools	Excludes: All powered gardening implements and tools.
5110	Hand tools, edged, nonpowered	
5120	Hand tools, nonedged, nonpowered.	
5133 P	Drill bits, counterbores, and countersinks: Hand and machine.	Includes: Bits, counterbores, and countersinks, hand only.
5136 P	Taps, dies, and collets: Hand and machine.	Includes: Taps, dies, and collets, hand only.
5140	Tool and hardware boxes	
5180 P	Sets, kits, and outfits of hand tools	Includes: Sets, kits, and outfits of nonpowered hand tools only.
5210	Measuring tools, craftmans'	
5280 P	Sets, kits, and outfits of measuring tools.	Excludes: Sets, kits, and outfits of inspection gages, and precision layout tools.
	LIFESAVING EQUIPMENT, MARINE [11]	
2040 P	Marine hardware and hull items	Includes: Anchor, sea; oars, sectional, aluminum; paddles; and paddles, telescoping, hand only.
4220 P	Marine lifesaving and diving equipment.	Includes: The following items only: Basket, search and rescue. Buoy, breeches. Cases, carrying, deflated raft. Containers, emergency equipment life raft. Containers, pararaft kit. CO_2 cylinders for inflatable life preservers and life rafts. Cushions, buoyant. Equipment, containers, coated nylon. Harness, for lifting personnel aboard ship. Inflation gear, complete and parts therefor (life raft). Kits, accessory, life raft. Kits, canvas repairing, for lifeboats, rafts and jackets. Life buoys, ring. Life floats (platform net rigging). Life preservers. Life preservers, pneumatic. Life rafts, pneumatic, airborne and shipborne. Life suits, waterproof. Life vest, shark chaser. Reflectors, corner, life raft. Water lifesaving nets and ladders.
4320 P	Power and hand pumps	Includes: Pump, hand only.
4610 P	Water purification equipment	Includes: Kits, desalter; and water stills, solar heated, lifesaving, only.
6230 P	Electric portable and hand lighting equipment.	Includes: Lantern, electric, automatic, floating; and lights, life preserver, only.
6380 P	Miscellaneous alarm and signal systems.	Includes: Mirrors, signalling only.
6605 P	Navigational instruments	Includes: Compasses, lifeboat and raft, only.
6850 P	Miscellaneous chemical specialties	Includes: Dye, sea marker, only.
2280 P	MATERIALS HANDLING EQUIPMENT Right-of-way construction and maintenance equipment, railroad.	Includes: Diesel, electric; diesel, mechanical; gasoline, mechanical; and steam locomotive cranes; together with their peculiar parts, attachments and accessories; only. Excludes: Specialized types of locomotive cranes used in overseas areas with other than U.S. standard gauges and standard clearances which are not under DOD procurement assignment, and all other right-of-way construction and maintenance equipment, railroad, which is under DOD procurement assignment to the Department of the Army.
2520 P	Vehicular power transmission components.	Includes: Peculiar parts, attachments, and accessories for the materials handling equipment herein assigned to the Navy, only.
2530 P	Vehicular brake, steering, axle, wheel, and track components.	Includes: Peculiar parts, attachments, and accessories for the materials handling equipment herein assigned to the Navy, only.
2540 P	Vehicular furniture	Includes: Peculiar parts, attachments, and accessories for the materials handling equipment herein assigned to the Navy, only.
2590 P	Miscellaneous vehicular components	Includes: Peculiar parts, attachments and accessories for the materials handling equipment herein assigned to the Navy, only.
3910 P	Conveyors	Includes: Portable conveyor units (commercial warehouse type), only.
3920 P	Materials handling equipment, nonself-propelled.	Excludes: Parts, attachments, and accessories for pushcarts, handcarts and wheelbarrows.
3930	Warehouse trucks and tractors, self-propelled.	
3940 P	Blocks, tackle, rigging and slings	Excludes: Aircraft blocks, tackle, rigging and slings.
3990	Miscellaneous materials handling equipment.	
6140 P	Batteries, secondary	Includes: Industrial batteries for electrically operated materials handling equipment, only.
	PAINTS AND SEALERS	
8010 P	Paints, dopes, varnishes, and related products.	Excludes: Dope thinners; enamel thinners; lacquer thinners; paint thinners (except turpentine and dispentene); thinners, dope and lacquer; thinners, synthetic resin enamel; thinners, paint, mineral spirits; these thinners are under DOD procurement assignment to MPSA.
8030 P	Preservative and sealing compounds	Includes: Caulking compounds, glazing compounds, and putties, only.
	PEST CONTROL AGENTS	
6840	Pest control agents and disinfectants	
	PREFABRICATED AND PORTABLE BUILDINGS	
5410 P	Prefabricated and portable buildings	Includes: The following prefabricated buildings covered by the designated military specifications, only: Building, arch rib 20' x 48', MIL–B–13268; Building, arch rib 40' x 100' MIL–B–16606; Building, (CAS) complete assembly structure, MIL–B–17579 (DOCK8); Building, rigid frame 40' x 100', MIL–B–16071A; Magazine, MIL–B–15494B; Magazine, MIL–B–16041A.
	SEXTANTS, AIRCRAFT	
6608 P	Navigational instruments	Includes: Sextants, aircraft, only.
	SHIPS, SMALL CRAFT, AND RELATED MARINE EQUIPMENT	
1905 P	Combat ships and landing vessels	Includes: Landing vessels only.
1910 P	Transport vessels, passenger and troop	Includes: Ferryboats, only.
1920	Fishing vessels	
1925	Special service vessels	
1930	Barges and lighters, cargo	
1935 P	Barges and lighters, special purpose	Excludes: Derrick, piledriver, rock cutter, concrete mixing plant, mechanical bank grader barges, other bank revetment barges; and powerplant, barges, only.
1940 [13]	Small Craft	
1945 P	Pontoons and floating docks	Includes: BuDock type pontoons only.
1950	Floating dry docks	
1990 P	Miscellaneous vessels	Includes: Commercial sailing vessels only.

See footnotes at end of § 4.301–3

Federal supply class code	Commodity	Content
	SHIPS, SMALL CRAFT, AND RELATED MARINE EQUIPMENT	
2010	Ship and boat propulsion components	
2020	Rigging and rigging gear	
2030	Deck machinery	
2040	Marine hardware and hull. Items	
2060	Commercial fishing equipment	
2090	Miscellaneous ship and marine equipment.	
2805 P	Gasoline reciprocating engines, except aircraft, and components.	Includes: Gasoline engines for use aboard ships herein assigned, only. Excludes: Outboard, motors, gasoline.
2815 P	Diesel engines and components	Includes: Engines and components for use aboard ships herein assigned only.
2820 P	Steam engines, reciprocating, and components.	Includes: Marine main propulsion steam engines only.
2825 P	Steam turbines and components	Includes: Marine steam turbines only.
3950 P	Winches, hoists, cranes, and derricks	Includes: Equipment for use aboard ships herein assigned only:
4010 P	Chain and wire rope	Includes: Anchor chain; and anchor chains (shots, no attachments) for use aboard ships herein assigned only.
4110 P	Self-contained refrigeration units and accessories.	Includes: Units and accessories for use aboard ships only.
4120 P	Self-contained air conditioning units and accessories.	Includes: Units and accessories for use aboard ships herein assigned only.
4130 P	Refrigeration and air conditioning plants and components.	Includes: Plants and components for use aboard ships herein assigned only.
4140 P	Fans and air circulators, non-industrial.	Includes: Fans and air circulators for use aboard ships herein assigned only.
4220 P	Marine lifesaving and diving equipment.	Includes: Diving equipment only.
4310 P	Compressors and vacuum pumps	Includes: Reciprocating air compressors; and rotary air compressors for use aboard ships herein assigned only.
4320 P	Power and hand pumps	Includes: Power driven pumps; and air ejector assemblies for use aboard ships herein assigned only.
4330 P	Centrifugals, separators, and pressure and vacuum filters.	Includes: Oil purifiers; and oil filters, for use aboard ships herein assigned only.
4410 P	Industrial boilers	Includes: Boilers for use aboard ships herein assigned only.
4420 P	Heat exchangers and steam condensers.	Includes: Heat exchangers for use aboard ships herein assigned only.
4450 P	Industrial fan and blower equipment	Includes: Equipment for use aboard ships herein assigned only.
4510 P	Plumbing fixtures and accessories	Includes: Troughs, wash (personnel); troughs, water closet; and troughs, urinal; for use aboard ships herein assigned only.
4620 P	Water distillation equipment, marine and industrial.	Includes: Distilling plants for use aboard ships herein assigned only.
5430 P	Storage tanks	Includes: Tanks, metal (enclosure only, not part of ship's structure), for use aboard ships herein assigned only.
5670 P	Architectural and related metal products.	Ineludes: Gratings and floors, metal (does not include deck structure) for use aboard ships herein assigned only.
5985 P	Antennae, waveguides, and related equipment.	Includes: Antenna poles; and masts, antenna for use aboard ships herein assigned only.
6105 P	Motors, electrical	Includes: Motors for use aboard ships herein assigned only.
6115 P	Generators and generator sets	Includes: Gasoline, diesel and steam engine-generator sets; generators, electric; and steam turbine-generator sets for use aboard ships herein assigned only.
6125 P	Converters, electrical	Includes: Motor-generator sets for use aboard ships herein assigned only.
6220 P	Electric vehicular lights and fixtures	Includes: Fixed lights for use aboard ships herein assigned only.
6320 P	Shipboard alarm and signal systems	Includes: Alarm systems: fire alarm systems; indicating systems; telegraph systems (signals and signaling) (less electronic type); for use aboard ships herein assigned only.
6605 P	Navigational instruments	Includes: Hand leads (soundings); lead reels; sounding machines; stands, pelorus, for use aboard ships herein assigned only.
6660 P	Optical instruments	Includes: Stands, telescope, for use aboard ships herein assigned only.
6665 P	Hazard-detecting instruments and apparatus.	Includes: Hazard-determining safety devices, for use aboard ships herein assigned only.
8140 P	Ammunition boxes, packages, and special containers.	Includes: Boxes, ammunition, for use aboard ships herein assigned only.
8345 P	Flags and pennants	Includes: Boxes, signal flag, for use aboard ships herein assigned only.
6645 P [1]	SHIPS, SMALL CRAFT, AND RELATED MARINE EQUIPMENT—Continued Time measuring instruments	Includes: All clocks, chronometers, and spare parts thereof, as follows: alarm clocks; boat clocks; cans, chronometer shipping and storage; carrying cases, chronometer; carrying cases, make-break circuit, chronometer; cases, chronometer, gimbal; cases, chronometer, padded; chronometers; chronometers, make-break-circuit; clocks, direct reading; clocks, electric; clocks, floor; clocks, interval timer; clocks, marine, mechanical; clocks, master control clocks, master program; clocks, master regulating; clocks, mechanical; clocks, message center; clocks, nurses'; clocks, program; clocks, shelf; clocks, wall; clocks, watchmen's; clock motors; clock movements, electric; deck clocks; dials, clock; hour-meters; interval timers; keys, clock, mariner clocks; meters engine running time; meters, hour recording; meters, time totalizing, electric; program control instruments; program timers; stop clocks; time period counters; timers, bombing; timers, engine hour; timers, sequential; timers, stop.
	WEAPONS, FIRE CONTROL EQUIPMENT, AMMUNITION AND EXPLOSIVES [3]	
1095 P	Miscellaneous weapons	Includes: Guns, line throwing only.
1310 P	Ammunition, over 30-mm up to 75mm	Includes: 40-mm ammunition only.
1325 P [13]	Bombs	Includes: Armor-piercing; depth bombs, externally suspended low drag bombs; and components and practice bombs therefor, as listed in Ord Pamphlet 1280 and OP 988.
1340 P [14]	Rockets and rocket ammunition	Includes: 2.25 in. Rocket SCAR, Practice; Heads Mk 3 and Mods; Motors Mk 15 and Mods; Mk 16 and Mods. 2.75 Inc. Rocket FFAR, service and practice; Heads Mk 1 and Mods (General Purpose); Mk 5 and Mods (HEAT); Motors Mk 1 and Mods; Mk 2 and Mods; Mk 3 and Mods. 5 in. Rocket HVAR, service and practice; Heads Mk 2 and Mods (Common) Mk 6 and Mods (GP); Mk 4 and Mods (smoke) Mk 25 and Mods (ATAR); Motors Mk 10 and Mods. 5 in. Rocket FFAR service and practice; Heads Mk 24 and Mods (General Purpose); Mk 32 and Mods (Shaped Charged); Mk 26 and Mods (illum); Motors Mk 16 and Mods. Excludes: Rockets included under above assignment to the Army.
1390 P	Fuzes and primers	Includes: Fuzes and Primers for Navy assigned ammunition and V.T. fuzes, rotating type, only.
4925 P	Ammunition maintenance and repair shop specialized equipment.	Includes: Sets, kits, and outfits of explosive Ordnance tools and equipment as defined in OPNAV 8027.1B, AR 755–1300–6; AFR 136–8 and further, as described in Ord Pamphlet 1851(C) and other similar documents of other services. Excludes: All others not included above.
8140 P	Ammunition boxes, packages, and special containers.	Includes: Boxes, packages and containers for 40-mm ammunition, only.

§ 4.301–3 Department of the Air Force.

Federal supply class code	Commodity	Content
	ELECTRICAL AND ELECTRONIC COMPONENTS	
5960 P	Electron tubes, transistors, and rectifying crystals.	Includes: Only gas filled or evacuated electronic tubes which a common coordinated dpecification as set forth in MIL–E/1D and which are common to two or more Military Departments.
	ELECTRONIC EQUIPMENT [2] FIRE FIGHTING, RESCUE AND SAFETY EQUIPMENT (AIRPORT)	
2320 P	Trucks and truck-tractors	Includes: Airport crash rescue vehicles only.
2330 P	Trailers	Includes: Airport crash rescue trailer units only.
4210 P	Fire fighting equipment	Includes: Airport crash fire fighting vehicles only.

See footnotes at end of § 4.301–3.

Federal supply class code	Commodity	Content
	LIGHTING FIXTURES, AIRPORT	
6210 P	Indoor and outdoor electric lighting fixtures.	Includes: Fixtures for airport lighting, alarm and signal systems only.
	PHOTOGRAPHIC EQUIPMENT [15]	
6710 P	Cameras, motion picture	Excludes: Submarine periscope and underwater cameras.
6720 P	Cameras, still picture	Excludes: Submarine periscope and underwater cameras.
6730 P	Photographic projection equipment	Excludes: 35 mm theatre projectors.
6740	Photographic developing and finishing equipment.	
6750 P	Photographic supplies	Excludes: Photoflash lamps, which are mandatory for purchase under the provisions of Federal Supply Schedule Class 62, Part II, Electric Lamps.
6760	Photographic equipment and accessories.	
6780	Photographic sets, kits, and outfits	

[1] The implementing procedure for this DOD Procurement Assignment also covers selected mechanical smoke generators, which are classified under FSC Class 1040 Chemical Weapons and Equipment. The entire FSC Class 1040 is under DOD Procurement Assignment to the Department of the Army.

[2] Each Department is assigned procurement responsibility for those items which the Department either designed or sponsored development, as listed in JANAP 140 and Supplemental Departmental Listings.

[3] This listing has been modified to reflect the addition of selected paper cutlery and flatware and paper tableware formerly included in the Paper and Paper Products assignment.

[4] Navy and Marine Corps requirements for Box, Crate, and Package Shook are excluded from this assignment.

[5] The following items in FSC 6645 are not assigned: chronographs; clocks, job recorder; job recording devices, racks, timecard; recorders, payroll time; recorders, time; recorders, watch movement; stamps, time; stations, watchmen's clock; time recorders; and time stamps.

[6] For purposes of procurement, Naval Ordnance comprises all arms, armor, and armament for the Department of the Navy and includes all offensive and defensive weapons, together with their components, controlling devices and ammunition used in executing the Navy's mission in National Defense (except small arms and those items of aviation ordnance procured from the Army).

[7] Requirements of commercial tires and tubes, when the item to be procured is less than $10,000 per line item (for tires costing less than $1,000 per tire) or when the item to be procured is less than $25,000 per line item (for tires costing $1,000 or more per tire), shall be purchased in accordance with the mandatory provisions of Federal Supply Class 26 Part II, Tires and Tubes, Pneumatic (except aircraft). These mandatory provisions do not apply to Military tires and tubes over the above specified dollar amounts in accordance with the procedures implementing this DOD procurement assignment. This DOD procurement assignment does not include FSC Class 2620, Tires and Tubes, Pneumatic, Aircraft. These items are mandatory for purchase in accordance with the provisions of Federal Supply Class 26—Part I, Tires and Tubes, Pneumatic, Aircraft.

[8] The Department of the Army portion of this DOD procurement assignment is covered by two sets of implementing procedures. One set covers items under the cognizance of the Army Ordnance Corps and the other covers items under the cognizance of the Army Chemical Corps.

[9] Mechanical smoke generators included in this FSC Class are covered in the implementing procedures for Chemical Warfare Equipment and Supplies.

[10] Army responsible for loading, assembling and packing toxicological smoke and incendiary shells.

[11] The implementing procedures for this DOD Procurement Assignment also cover airborne and shipborne pneumatic lifeboats, which are classified under FSC Class 1940—Small Craft. The entire FSC Class 1940 is under DOD Procurement Assignment to the Department of the Navy.

[12] Airborne and shipborne pneumatic lifeboats included in this FSC Class are covered in the implementing procedures for Lifesaving Equipment, Marine.

[13] Army responsible for loading, assembling and packing toxicological, smoke, and incendiary shells. Loading, assembling, and packing in excess of Navy owned capacity to be done by Army.

[14] Filler and filling of all smoke and toxicological rockets are assigned to the Army.

[15] Excludes photographic equipment controlled by the Congressional Joint Committee on Printing and Micro-Film Equipment and Supplies.

5. Revise §§ 6.301 and 6.302; in § 6.303, revise paragraph (g); revise § 6.304–1; and in § 6.304–2, revise paragraphs (a) and (b), as follows:

§ 6.301 Definition.

For the purpose of this part, the term "possessions", as used in the phrase "United States or its possessions", includes Puerto Rico.

§ 6.302 Restriction.

Except as provided in § 6.303, there shall not be procured supplies consisting in whole or in part of any food, clothing, cotton, wool, or spun silk yarn for cartridge cloth, which have not been grown or produced in the United States or its possessions; but this does not restrict the procurement of cotton or wool reprocessed or reused in the United States or its possessions or of foods manufactured or processed in the United States or its possessions.

§ 6.303 Exceptions.

• • • • •

(g) Any articles of food or clothing or any form of cotton, spun silk yarn for cartridge cloth, or wool, as to which the Secretary concerned has determined that a satisfactory quality and sufficient quantity grown or produced in the United States, or its possessions cannot be procured as and when needed at United States market prices.

§ 6.304–1 Procurement of food, clothing, spun silk yarn for cartridge cloth, or items containing mohair or cotton.

In general, food, clothing (not covered by § 6.304–2), spun silk yarn for cartridge cloth, or any form of mohair or cotton, will be procured only if grown, reprocessed, reused, or produced in the United States or its possessions. However, if the contracting officer finds that prices for such domestic supplies are unreasonable, he may refer the matter to the Secretary concerned for determination with respect to § 6.303(g) in accordance with Departmental procedures.

§ 6.304–2 Procurement of items containing wool (except mohair).

(a) The Secretaries have determined that to the extent that application of the procedures in this section results in the procurement of any articles of wool (except mohair) not grown, reprocessed, reused, or produced in the United States or its possessions, a satisfactory quality and sufficient quantity of such articles grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices.

(b) Bids and proposals for supplies of which wool is a part will be solicited on the following alternative bases:

(1) Manufactured in the United States or its possessions from domestic wool;

(2) Manufactured in the United States or its possessions from foreign wool; and

(3) Manufactured in the United States or its possessions from a blend of (percent) domestic wool and (percent) foreign wool.

6. New §§ 7.104–27 and 7.109–7 are added as follows:

§ 7.104–27 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in §12.102–3(c) of this chapter.

§ 7.109–7 Modified retroactive and prospective price redetermination for follow-on contracts.

(a) *Descriptions, applicability, and limitations.* See § 3.403–3(b)(6) of this chapter.

(b) *Clause.*

Where a follow-on contract is to be geared to a preceding contract for pricing purposes and is to provide for retroactive and prospective price redetermination at a stated time prior to completion, the clause in § 7.109–4 shall be used except that the caption will read "Price Redetermination (Modified Type C)" and the paragraph set forth below will be substituted for the text of paragraph (b) of the clause in § 7.109–4. Where such a follow-on contract is to provide for retroactive and prospective price redetermination including further prospective redetermination upon request, the clause in § 7.109–5 shall be used except that the caption will read "Price Redetermination (Modified Type D)" and the paragraph set forth below will be substituted for the text of subparagraph (b)(1) of the clause in § 7.109–5.

Upon completion of deliveries under Contract No. ------, herein called the preceding contract, or at such other time as the Contracting Officer may fix after negotiation of a mandatory price redetermination is to begin under the preceding contract, and as otherwise provided in (ii) below, the Contractor shall submit:

(i) Proposed prices for supplies delivered and to be delivered and services performed and to be performed under this contract;

(ii) Statements of incurred costs and cost estimates, on DD Form 748 or in any other form on which the parties may agree, to be submitted separately both for this contract and for the preceding contract until its completion, covering each of the following:

(A) All costs incurred in the performance of such contracts through the end of the --------[1] month before the submission, together with sufficient supporting data to disclose unit costs and cost trends for:

(I) Supplies delivered and services performed; and

(II) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary);

(B) An estimate of costs of all supplies delivered and to be delivered and all services performed and to be performed under such contracts, using the statement of costs incurred plus an estimate of costs to complete performance, together with:

(I) Sufficient data to support the accuracy and reliability of such estimate; and

(II) An explanation of the differences between such estimate and the original estimate used in establishing the unit prices set forth in this contract for the same supplies or services; and

(C) Supplemental statements of costs incurred subsequent to the end of the month specified in (A) above for:

(I) Supplies delivered and services performed; and

(II) Inventories of work in process and undelivered contract supplies on hand (estimated to the extent necessary); as and to the extent that such information becomes available prior to the conclusion of negotiations on redetermined prices; and

(III) Any other relevant data which may reasonably be required by the Contracting Officer.

Upon the receipt of the data required above, the Contractor and the Contracting Officer shall promptly negotiate to redetermine fair and reasonable prices for supplies delivered and to be delivered and services performed and to be performed under this contract. Where the Contractor fails to submit data as required above within the time specified, payments under this contract may be suspended by the Contracting Officer until the data are furnished.

7. Paragraph (c) of the contract clause in § 7.203–5 is revised to read as follows:

§ 7.203–5 Inspection of supplies and correction of defects.

• • • • •

(c) Notwithstanding the provisions of paragraph (b) hereof, the Government may at any time require the correction or replacement by the Contractor, without cost to the Government, of supplies or lots of supplies which are defective in material or workmanship, or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require correction or replacement by the Contractor, without cost to the Government, of any such defective supplies or lots of supplies if the defects or failures are caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

• • • • •

8. In § 7.203–7(b), revise subparagraph (4)(A) of the contract clause, as follows:

§ 7.203–7 Records.

• • • • •

(b) In the case of contracts which establish separate periods of performance, the following alternate subparagraph (a)(4) may be substituted for the corresponding subparagraph of the clause prescribed by paragraph (a) of this section.

(4) • • •

(A) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.

9. Add new §§ 7.203–27 and 7.303–14 as follows:

§ 7.203–27 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–3(c) of this chapter.

§ 7.303–14 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–3(c) of this chapter.

10. Revise paragraph (c) of the contract clause in § 7.402–5(a)(1), as follows:

§ 7.402–5 Inspection and correction of defects.

(a)(1) The following clause shall be used where the primary contract objective is the delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable.

INSPECTION AND CORRECTION OF DEFECTS

• • • • •

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract if such failure is due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory personnel has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

11. New § 7.402–28 is added, as follows:

§ 7.402–28 Payment for overtime and shift premiums.

In accordance with the requirements of § 12.102 of this chapter, insert the contract clause set forth in § 12.102–3(c) of this chapter.

12. Divide § 10.404 into 2 sections by inserting a new § 10.404–1 heading immediately after the § 10.404 heading, and change the contract clause in paragraph (a) by adding paragraph (b)(vi) and revising paragraph (d)(ii), as follows:

§ 10.404 Aircraft—Ground and Flight Risk.

§ 10.404–1 Negotiated fixed-price type contracts.

(a) Negotiated fixed-price type contracts for the production, modification, maintenance, or overhaul of aircraft shall, except as provided in (b) of this section include the following clause.

GROUND AND FLIGHT RISK

• • • • • •

(b) For the purposes of this clause:

• • • • • •

(vi) The term "flight crew members" means those persons in the aircraft who have been designated by the Contractor to conduct any flight as defined in subparagraph (ii) above on behalf of the Contractor.

• • • • • •

(d) The Government's assumption of risk shall not extend to damage to, or loss or destruction of, such aircraft:

• • • • • •

(ii) sustained during flight if the flight crew members conducting such flight have not been approved in writing by the ----------;[1]

13. Add new § 10.404–2 and in § 12.103–3 revise paragraph (c) as follows:

§ 10.404–2 Cost-reimbursement type contracts.

(a) Cost-reimbursement type contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor by the Government, shall, except as provided in (b) of this section, include the following clause.

FLIGHT RISKS

(a) Notwithstanding any other provision of this contract, and particularly subparagraph (f)(1) of the Government Property clause, and paragraph (c) of the Insurance-Liability to Third Persons clause, the Contractor shall not (i) be relieved of liability for, damage to, or loss or destruction of, aircraft sustained during flight, or (ii) be reimbursed for liabilities to third persons for loss of or damage to property, or for death or bodily injury, which are caused by aircraft during flight, unless the flight crew members have previously been approved in writing by ----------;[1]

(b) For the purposes of this clause:

(i) Unless otherwise specifically provided in the Schedule, the term "aircraft" means any aircraft, whether furnished by the Contractor under this contract or furnished by the Government to the Contractor under this contract, including all Government Property placed or installed therein or attached thereto.

(ii) The term "flight" means any flight demonstration, flight test, taxi test, or other flight, made in the performance of this contract, or for the purpose of safeguarding the aircraft, or previously approved in writing by the ----------;[2] As to land based air-

[1] Insert the word "first," except the word "second" may be inserted if necessary to achieve compatibility with the contractor's accounting system.

[1] Insert, in contracts of the Department of the Army, the words "the Contracting Officer," and insert, in contracts of the Department of Navy or the Department of the Air Force, the activity designated in accordance with Departmental procedures.

[2] Insert, in contracts of the Department of the Army or the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the activity designated in accordance with Departmental procedures.

craft, "flight" shall commence with the taxi roll from a flight line and continue until the aircraft has completed the taxi roll to a flight line; as to sea planes, "flight" shall commence with the launching from a ramp and continue until the aircraft has completed its landing run and is beached at a ramp; as to helicopters, "flight" shall commence upon engagement of the rotors for the purpose of take-off and continue until the aircraft has returned to the ground and rotors are disengaged; and for vertical take-off aircraft "flight" shall commence upon disengagement from any launching platform or device and continue until the aircraft has been re-engaged to any launching platform or device.

(iii) The term "flight crew members" means those persons in the aircraft who have been designated by the Contractor to conduct any flight, as defined in subparagraph (ii) above, on behalf of the Contractor.

(b) In the foregoing clause, the definition of "aircraft" may be appropriately modified in the Schedule if the contract covers helicopter, vertical takeoff aircraft, lighter-than-air airships, or other nonconventional types of aircraft. If the contract includes the Government Property clause in § 13.506 of this chapter, the reference in paragraph (a) of the foregoing clause to paragraph (f) (1) of the Government Property clause should be changed to (i) (1).

§ 12.102–3 Procedures.

* * * * * * *

(c) Excepting (1) firm fixed-price contracts, (2) fixed-price contracts with escalation not providing for labor escalation, and (3) fixed-price contracts providing for price redetermination prospectively only, all contracts in excess of $10,000 shall contain the following clause:

PAYMENT FOR OVERTIME AND SHIFT PREMIUMS

The contract price shall not include any amount on account of overtime premiums or shift premiums, except to the extent that they either (i) have been approved in writing on behalf of the Government or (ii) are paid for work—

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby, plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government. In cost-reimbursement type contracts, the words "Allowable cost" should be substituted for "The contract price" at the start of the foregoing clause, and the foregoing clause shall be designated (a) and the following subparagraph (b) may be added:

(b) The cost of overtime premiums or shift premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

14. In § 13.503, revise paragraph (f) (v) of the contract clause, and in § 16.202, add subdivision (vii) to paragraph (b) (2), as follows:

§ 13.503 Government property clause for cost-reimbursement type contracts.

* * * * * * *

GOVERNMENT PROPERTY

* * * * * * *

(f) * * *

(v) If this contract is for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involves the furnishing of aircraft by the Government, the clause of this contract entitled "Flight Risks" shall control, to the extent it is applicable, in the case of loss or destruction of, or damage to, aircraft.[1]

§ 16.202 Negotiated contract forms. (DD Forms 1261 and 1270.)

(b) *Short Form negotiated supply and services contracts.* * * *

(2) No clause on DD Form 1270 may be deleted or altered, and no other clause covering the subject matter of any clause set forth in this subchapter may be used, except:

* * * * * * *

(vii) the "Priorities, Allocations and Allotments" clause (§ 7.104–18 of this chapter) may be inserted in the schedule where required.

15. In § 30.2, revise items 103.9 and 304.3; and in § 30.3, revise paragraph (c) in item 103.4, as follows:

§ 30.2 Appendix B—Manual for control of Government property in possession of contractors.

* * * * * * *

103.9 Minor plant equipment means an item of plant equipment having a unit value of less than $200 and other plant equipment, regardless of cost, when so designated by the Government.

304.3 *Records of plant equipment.* Plant equipment shall be accounted for by individual item except as provided in subparagraphs (a), (b), (c), and (d) below. The form of property records to be maintained for plant equipment will include as a minimum the information prescribed by Exhibit A.

(a) *Record of accessory and auxiliary equipment.* Individual records for accessory and auxiliary equipment which is attached to or otherwise a part of an item of plant equipment and which is required for its normal operation need not be maintained, but the description of such accessory and auxiliary equipment shall be entered on the respective plant equipment records.

(b) *Record of manufacturing systems.* Where plant equipment and accessory type items are assembled and interconnected to form a single operating unit designed to perform continuously the same manufacturing process, such equipment may, for property and inventory control purposes, be grouped and reported as a single item of plant equipment on one plant equipment record in lieu of an individual record for each component comprising the item of plant equipment. This does not preclude the requirement for completely describing the component items nor does it preclude the use of more than one plant equipment record when additional space is required.

(c) *Record of minor plant equipment.* Summary stock records, rather than individual item records, shall be maintained for minor plant equipment, except in cases where individual item records are necessary for effective control.

(d) *Record of plant equipment costing between $200 and $500.* Summary stock records, rather than individual item records, shall be maintained for plant and production equipment costing between $200 and $500, except in cases where individual item records are necessary for effective control.

§ 30.3 Appendix C—Property in possession of nonprofit research and development contractors.

* * * * * * *

103.4 *Classification of Government property.* * * *

(c) Minor plant equipment means an item of plant equipment having a unit value of less than $200.00 and other plant equipment, regardless of cost, when so designated by the Government.

[Rev. 54, ASPR, 2 May 1960] (R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–4770; Filed, May 31, 1960; 8:45 a.m.]

[1] This subparagraph may be omitted where it is clearly inapplicable.

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—RECORDS AND REPORTS

Unofficial Research

In § 518.5, revise paragraph (d) (2) to read as follows:

§ 518.5 Unofficial research in Department of the Army files in records centers.

* * * * * * *

(d) *Use of security classified files.* * * *

(2) *Conditions.* Security classified files in Army records centers and in facilities of the General Services Administration will be made available to authorized individuals for unofficial research purposes, provided that:

(i) access to the information will be clearly consistent with the interests of national defense;

(ii) the person to be granted access is trustworthy, and is granted a security clearance to use the classified material concerned;

(iii) the relationship of the researcher to the research project is established as being bona fide; and

(iv) the researcher agrees that prior to publication or dissemination he will submit his manuscript and research notes for clearance to the Chief of Public Information, Office of the Secretary of the Army, ATTN: Office for the Freedom of Information, Washington 25, D.C.

[C2, AR 345–230, May 3, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–4857; Filed, May 31, 1960; 8:45 a.m.]

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Contracts That Do Not Have a Direct and Immediate Connection With the National Defense

Section 1453.5 *Contracts that do not have a direct and immediate connection with the national defense* is amended by deleting subdivision (ii) of paragraph (b) (3) and inserting in lieu thereof the following:

(ii) Contracts which obligate funds appropriated under or to carry out the purposes of foreign aid programs, insofar as such funds are obligated for military assistance, are not exempt under this subparagraph (3) of this paragraph.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60–4964; Filed, May 31, 1960; 8:50 a.m.]

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

Prime Contracts and Subcontracts To Be Performed Outside the United States

Section 1455.2(c–1) (2) *Exemption after June 30, 1956* is amended by deleting in its entirety the second sentence of subdivision (iii) and inserting in lieu thereof the following: "If at any time during the performance of the contract the United States national becomes entitled to 50 percent or more of the profits, the exemption does not apply and the entire receipts or accruals under the contract, if not otherwise exempt, are subject to exemption."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60–4965; Filed, May 31, 1960; 8:50 a.m.]

PART 1460—PRINCIPLES AND FACTORS IN DETERMINING EXCESSIVE PROFITS

Contribution to the Defense Effort

Section 1460.13 *Contribution to the defense effort* is amended by deleting the first two sentences of paragraph (b) and inserting in lieu thereof the following: "Consideration will be given to the nature and extent of the contractor's contribution to the defense effort through its defense business."

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60–4966; Filed, May 31, 1960; 8:50 a.m.]

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

Letter Form of Request by Related Group

Section 1464.91 *Letter form of request for renegotiation on consolidated basis (related group)* is amended by deleting paragraph 7 in its entirety, and by redesignating paragraph 8 as paragraph 7.

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60–4967; Filed, May 31, 1960; 8:50 a.m.]

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Application for Commercial Exemption

Section 1467.31(d) *Time for filing* is amended by deleting "§ 1470.3(d) (1)" in the second sentence and inserting in lieu thereof "§ 1470.3(d) (2)".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1210)

Dated: May 27, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60–4968; Filed, May 31, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No.16]

PART 918—MILK IN MEMPHIS, TENN., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Memphis, Tennessee, marketing area (7 CFR Part 918), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act:

(1) The provision "and § 918.51(b)" as it appears in § 918.50 of the order.

In accordance with the findings in the final decision (25 F.R. 2221) that the annual level of the Class I price would be maintained at a level approximately equal to the average of the past three years, the Class II price should not be one of the prices used to determine the basic formula price. In the same decision a finding was made and order language provided whereby the annual level of the Class II price was increased approximately 18.75 cents.

The aforesaid provision proposed for termination was inadvertently included in the order language through error and should be terminated to conform to the intent of the decision.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This termination order is necessary to promote the orderly marketing of milk in the Memphis, Tennessee, marketing area. Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 26th day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–4890; Filed, May 31, 1960; 8:47 a.m.]

[Plum Order 4]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.639 Plum Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 2, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Santa Rosa or Formosa plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-six (26) pounds: *Provided,* That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 27, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-4969; Filed, May 31, 1960; 9:15 a.m.]

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 936.640 Plum Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 2, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Tragedy plums, unless

(i) Such plums grade at least U.S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 6 standard pack and will have a net weight of not less than twenty-four (24) pounds: *Provided,* That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inches: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall

have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 27, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-4970; Filed, May 31, 1960; 9:15 a.m.]

[Milk Order No. 111]

PART 1011—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq), and of the order regulating the handling of milk in the Michigan Upper Peninsula marketing area (7 CFR Part 1011), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act:

In § 1011.51 the provision "during the 18-month period following the effective date of this part."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will provide for continuation of present Class I pricing provisions of the order due to expire May 31, 1960, pending completion of proceedings on the basis of a public hearing held at Marinette, Wisconsin, March 7–9, 1960. In a recommended decision issued May 20, 1960, based on the record of such hearing it was recommended that present pricing provisions be maintained through November 1961, subject only to a minor revision related directly to a recommended change in the marketing area. Time does not permit completion of these amendment proceedings before the May 31 expiration date. This suspension action will provide interim relief until such time as the amendment action can be completed.

Therefore, good cause exists for making this order effective June 1, 1960.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective June 1, 1960 for the period June 1, 1960, through June 30, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 26th day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4891; Filed, May 31, 1960; 8:47 a.m.]

[Milk Order No. 116]

PART 1016—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Northeastern Wisconsin marketing area (7 CFR Part 1016), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act: The phrase in § 1016.51 which reads "* * * during the 18-month period following the effective date of this part * * *"

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area since otherwise the formula for Class I milk under the order would terminate automatically on May 31, 1960.

(2) Temporary provision for a Class I price formula is necessary until the order can be amended as the result of the public hearing held March 7–9, 1960, on which a recommended decision proposing an 18-month continuation of the present Class I price formula was issued May 20, 1960.

(3) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective June 1, 1960.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective June 1, 1960 for an indefinite period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 26th day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4892; Filed, May 31, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 404; Amdt. 167]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F–27 Series Aircraft

In a recent incident, a portion of the rudder trim tab of a Fairchild F–27 was lost in flight. Cracks also were found in two other rudders where the tab hinge bracket is attached.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly, an airworthiness directive was adopted on May 20, 1960, and made effective immediately as to known operators of Fairchild F–27 Series aircraft by individual telegrams dated May 20, 1960. It is hereby published as an amendment to § 507.10(a), (14 CFR Part 507), and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

FAIRCHILD. Applies to all F–27 Series aircraft.

Compliance required as indicated.

Due to loss of portion of rudder trim tab in flight the following measures are required pending the development and installation of a Federal Aviation Agency approved modification of the affected parts:

(a) On aircraft having more than 1,800 hours' time in service, conduct inspection (1) within the next 10 hours' time in service, and conduct inspection (2) within the following 15 hours' time in service unless otherwise required by inspection (1).

(b) On aircraft having less than 1,800 hours' time in service, conduct inspection (2) within the next 25 hours' time in service.

Inspection (1): Inspect rudder trim tab hinge brackets (four) located on rudder for security of attachment by locking the rudder control, gripping the trailing edge of the rudder trim tab and attempting to move tab laterally to determine if any relative motion exists between the tab hinge bracket and the rudder structure. Inspect rudder skin and rear rudder spar areas adjacent to the hinge bracket for any sign of deformation, loose rivets, and cracks. If any signs of these conditions exist conduct inspection (2) before next flight.

Inspection (2): Cut a hole ⅝-inch diameter in rudder skin immediately below each rudder rib at end where trim tab hinge bracket is attached. Inspect the rib web in the vicinity of tab hinge, attach fitting for cracks using dye penetrant method or equivalent, and repeat inspection every 125 hours' time in service. Conduct intermediate visual boroscope inspections every 25 hours' time in service, verifying any crack indications using the dye penetrant method of inspection or equivalent. If cracks, deformation or loose rivets are found during any inspection a Federal Aviation Agency approved repair must be accomplished prior to further flight.

Reinforce inspection hole with a 1⅝-inch O.D. annular ring made of 0.050-inch 2024 aluminum alloy or equivalent with a ⅝-inch

hole in the center. Attach ring to skin over hole with six blind rivets No. MS20000-B42 or equivalent equally spaced. Plug hole with button No. 43155 made by United Carr Fastener Company which will be furnished by Fairchild, or with equivalent plug.

(Fairchild Service Bulletin No. 27-27 covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated May 20, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 26, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-4918; Filed, May 31, 1960; 8:49 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-81]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On March 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2497), stating that the Federal Aviation Agency proposed to modify the Milwaukee, Wis., control are extension.

The Department of the Air Force concurred in the proposed amendment. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 FR. 4530) and for the reasons stated in the Notice, § 601.1188 (24 F.R. 10557) is amended to read:

§ 601.1188 Control area extension (Milwaukee, Wis.).

Within a 20-mile radius of General Mitchell Field, Milwaukee, Wis. (latitude 42°56'51" N., longitude 87°53'58" W.), including the airspace S of Milwaukee bounded on the NE by VOR Federal airway No. 30 S, on the E by the Chicago Heights, Ill., VOR 013° True radial, on the S by VOR Federal airway No. 172, and on the SW and W by VOR Federal airway No. 9.

This amendment shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4861; Filed, May 31, 1960; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Glacier National Park, Montana; Recreational Water Use

By notice of proposed rule making published in the FEDERAL REGISTER on February 25, 1960 (25 F.R. 1635-6), interested persons were invited to submit written comments, suggestions, or objections on the proposed changes amending Title 36 CFR, Chapter 1, § 7.3, by the addition of a new paragraph (g) as set forth below. The purpose of this amendment is to limit and control the use of water craft, as well as to establish reasonable and safe regulations. Such written comments, suggestions, or objections were required to be filed with the National Park Service, Washington, D.C., within thirty days from the publication of the notice in the FEDERAL REGISTER.

Consideration having been given to all relevant matters presented, it has been determined that the following amendment should be and is hereby adopted without change and as set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

§ 7.3 Glacier National Park.

* * * * *

(g) Recreational water use.

(1) Use of motor propelled boats is prohibited on all lakes not reached by administratively approved roads.

(2) Water skis or surfboards being towed by motorboats are prohibited on all lakes except Lake McDonald and St. Mary Lake.

(3) Air or water propelled boats are prohibited on all Park waters.

(39 Stat. 535 as amended; 16 U.S.C. 1958 ed. Sec. 3)

Issued this 6th day of May 1960.

EDWARD A. HUMMEL,
Superintendent, Glacier National Park.

[F.R. Doc. 60-4916; Filed, May 31, 1960; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Appeals From Decisions of Contracting Officers Under Construction and Related Contracts

1. In § 1.750, the section heading is amended, a new paragraph (a) is added, and former paragraphs (a) and (b) redesignated (b) and (c) to read as follows:

§ 1.750 Appeals.

(a) *Applicability.* Sections 1.750 through 1.756 are applicable only to appeals docketed by the Construction Contract Appeals Board prior to June 1, 1960. All appeals docketed on and after June 1, 1960, will be governed by §§ 1.770 through 1.775.

(b) *Contract provisions.* Provisions of Veterans Administration construction contracts and contracts for architect-engineer services include a clause under which certain disputes arising under the contract and not disposed of by agreement shall be decided by the contracting officer subject to written appeal by the contractor, within 30 days, addressed to "the head of the department," the Administrator of Veterans Affairs, or "his duly authorized representative." This provision may be reflected, in detailed applications, in the specifications included in a particular contract.

(c) *Finality of decisions.* Public Law 356, 83d Congress (68 Stat. 81), approved May 11, 1954 (sec. 1), permits judicial review of decisions of the head of a department or agency or his duly authorized representative or board in all such disputes: *Provided, however,* That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence. The same act (sec. 2) prohibits inclusion in any Government contract of a provision making final the decision of any administrative official, representative, or board on a question of law. Any statement in a Veterans Administration construction or related contract concerning the finality of administrative decisions under its provisions will be understood and interpreted as effective only to the extent consistent with Public Law 356, 83d Congress.

2. New §§ 1.770, 1.771, 1.772, 1.773, 1.774 and 1.775 are added as follows:

§ 1.770 Construction Contract Appeals Board.

(a) *Establishment.* The Construction Contract Appeals Board has been established in the Office of the Administrator to act as his duly authorized representative to hear and decide appeals of contractors under construction and architect-engineer contracts.

(b) *Location.* The offices of the Board are located in the Veterans Administration Central Office, Washington 25, D.C.

(c) *Short title.* The short title of the Board is VACCAB.

(d) *Procedures.* The Board will consider appeals under any of the following procedures, at the election of the appellant:

(1) On the written record made by the parties under §§ 1.770 through 1.775; or

(2) On hearing before the Board; or

(3) If involving $1,000 or less, under the Optional Procedure for Small Appeals.

§ 1.771 Delegation of authority.

(a) The Board is delegated authority by the Administrator to ascertain the facts and circumstances and to render and publish final decisions on appeals entered by contractors from decisions of Veterans Administration contracting officers in accordance with contract terms and §§ 1.770 through 1.775.

(b) The Board and its individual members are delegated authority by the Administrator to take such actions as may be necessary to hear and decide appeals including the administering of oaths and affirmations, the taking of testimony and affidavits, the conduct of hearings, the dismissal of proceedings and ordering the production of documents and other evidence.

(c) The Board is authorized to take official notice of facts within general knowledge and to decide all questions necessary for complete adjudication.

(d) The Board is authorized to require Veterans Administration contracting officers and other Veterans Administration officials having responsibility for or official knowledge of the design of projects, or the award, administration or supervision of construction or architect-engineer contracts, or of work performed thereunder, to furnish the Board such information, technical data, and similar assistance as the Board may require in the performance of its duties. In such event a copy of the request and of the reply will be furnished to the appellant.

(e) Sections 1.770 through 1.775 are subject to the provisions of Public Law 356, 83d Congress (41 U.S.C. 321 and 322).

§ 1.772 Composition of the Board.

(a) *Membership.* The Board is composed of a chairman and members qualified in the law or in engineering designated by the Administrator. Law members must be members of the bar of a State, commonwealth, or territory of the United States or of the District of Columbia, and engineer members must be professional engineers having had extensive and responsible experience in construction and contract administration. Engineer members shall not constitute more than one-third of the membership of the Board.

(b) *Panels.* Except as provided in § 1.773(ff) (Rule 32) or as ordered by the chairman, each appeal shall be assigned to a panel of three Board members selected by the chairman, not more than one of whom shall be an engineer-member. A law member shall be designated by the Chairman to preside. Each panel so designated has authority to exercise the full jurisdiction of the Board on the appeal. A unanimous decision by the panel shall constitute the final decision of the Board. If the members of a panel do not agree unanimously, the appeal will be referred to the full Board, and the decision of a majority of the available members of the Board, in no case less than five, who consider the appeal so referred, shall be final.

(c) *Disqualification.* No member of the Board may consider an appeal if he has participated in the formulation or administration of the contract, or has any interest, directly or indirectly, in the dispute.

(d) *Alternates.* An alternate may be appointed by the chairman for any panel member who dies, or is absent, or disqualified.

§ 1.773 Rules of the Board.

(a) *Rule 1; filing of appeals—(1) Notice.* A contractor electing to appeal from a written decision of a contracting officer rendered under a construction or architect-engineer contract which contains a clause providing for appeal shall file a written notice as provided in the contract and within the time specified therein.

(2) *Form.* No particular form is prescribed for the notice of appeal but it should contain sufficient information to identify the dispute and the decision from which the appeal is taken, including:

(i) Date and number of the contract and location of project; and

(ii) Date and nature of the decision of the contracting officer.

(b) *Rule 2; docketing of appeals.* A notice of appeal when received by the Board will be docketed and assigned a case number, and the parties will be notified. Notification to appellant will include a copy of the appeal regulations. After docketing, a copy of the notice of appeal will be transmitted by the Board to contracting officer for the action required by paragraph (c) of this section. (Rule 3)

(c) *Rule 3; duties of contracting officer.* (1) Upon receipt of a notice of appeal, a contracting officer shall attach thereto any evidence of the date of mailing or, in the absence of any such evidence, shall endorse thereon the date of receipt and promptly forward the notice to the Board. Thereafter, the contracting officer shall furnish the Government counsel copies of all documents pertinent to the appeal, including the following:

(i) A copy of the decision from which the appeal is taken;

(ii) A copy of the notice of appeal;

(iii) The contract and pertinent plans, specifications, amendments, and change orders;

(iv) Correspondence and other data pertinent to the appeal.

(2) The contracting officer shall within 30 days of the docketing of the appeal, or within such time thereafter as the Board may approve, furnish the Board and Government counsel his written findings of fact. An original and two signed copies of the findings of fact shall be furnished to the Board.

(d) *Rule 4; duties of Government counsel.* (1) Government counsel shall file a notice of appearance with the Board, notify the appellant that he represents the interests of the Government, and take all actions required of him by §§ 1.770 through 1.775.

(2) Government counsel will represent the Government in the same manner as a private advocate represents a client.

(e) *Rule 5; appellant's representation.* An appellant may be represented by an attorney at law or by any other duly authorized person. When an attorney or other representative is to appear at a hearing or otherwise act, a prior written designation by the appellant is required.

(f) *Rule 6; filing and service of papers.* The Board will serve a copy of the findings of fact upon the appellant as soon after receipt as is practicable. The parties shall furnish the Board an original and two signed copies of all pleadings. The Board shall serve a copy of such pleadings on the opposing party or his representative of record. Service of papers shall be made in person or by certified mail to the last known address with return receipt required.

(g) *Rule 7; petition.* (1) A petition in support of the appeal must be filed by the appellant with the Board within 30 days of the receipt by the appellant of the contracting officer's findings of fact (paragraph (c)(2) of this section; Rule 3). The petition shall set forth:

(i) A summary of the decision of the contracting officer on the dispute from which the appeal is taken including the date of receipt of such decision;

(ii) A simple, concise, and direct statement of each claim and the facts upon which the appellant relies, setting forth wherein the decision is deemed erroneous;

(iii) The amount claimed or other relief sought;

(iv) Whether appellant elects a hearing or to rest on the record.

(2) Documentary evidence in support of claims may be filed as exhibits to the petition, but in such event only two copies of each exhibit will be attached to the petition. Such exhibits shall be plainly listed and identified in the petition.

(3) The petition shall be limited to those claims which have been the subject of the decision by the contracting officer.

(h) *Rule 8; answer.* (1) Within 30 days after service of the appellant's petition, counsel for the Government shall prepare and file with the Board an answer thereto.

(2) The answer shall set forth simple, concise and direct statements of the Government's defenses to each claim asserted by the appellant. Each defense shall be stated with as much particularity as is practical.

(3) Defenses which go to the jurisdiction of the Board may be included in the answer, or may be raised by motion.

(4) Counsel for the Government shall at the same time file with the Board the following documents, which shall be made a part of the appeal file (paragraph (v) of this section; Rule 22):

(i) A copy of the decision from which the appeal is taken;

(ii) The contract and pertinent plans, specifications, amendments and change orders;

(iii) Correspondence and other data pertinent to the appeal.

(5) Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer, but in such event only two copies of each exhibit need be attached to the answer.

(i) *Rule 9; amendments to pleadings.* At any time before oral hearing or before submission of a case by the parties without an oral hearing, the Board may permit a party, within the scope of the appeal, to amend its pleadings upon conditions just to both parties. The Board, in its discretion or upon application, may order that a petition or answer be made more definite.

(j) *Rule 10; extension of time.* The Board may, on application or on its own motion, grant an extension of time for the filing of any document other than the notice of appeal.

(k) *Rule 11; motions to dismiss.* (1) Defenses which go to the jurisdiction of the Board may be raised by motion of either party.

(2) Motions to dismiss for lack of jurisdiction shall be presented to the Board for consideration before proceeding with the case on the merits.

(3) The Board may permit or require such testimony and oral arguments on motions as it determines necessary.

(l) *Rule 12; dismissal by the Board.* The Board may at any time recognize its lack of authority to proceed and may dismiss an appeal on such grounds after affording the parties an opportunity to be heard thereon.

(m) *Rule 13; failure to state a case.* In the event, after completion of the pleadings, the Board finds that appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to appellant to show cause why the appeal should not be dismissed on the ground that no useful purpose would be served by setting the case for oral hearing on the merits. Appellant, in such event, will be afforded the opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground, and if appellant so desires to move to amend the petition, within the proper scope of the appeal. If the Board thereafter finds appellant has failed to show cause, and finds that the petition, with such amendments as may be offered by appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

(n) *Rule 14; failure to prosecute.* Should an appellant after filing notice of appeal fail to file a petition within the time prescribed or allowed, the appeal will be dismissed. If the appellant after timely filing of the petition, fails to advise whether he elects to be heard or to rest his case upon the record, the Board will set the case down for hearing.

(o) *Rule 15; withdrawal of appeal.* Subject to approval by the Board, an appeal may be withdrawn at any time by the appellant by filing a written notice.

(p) *Rule 16; settlement by the parties.* Subject to approval by the Board, the parties may by written stipulation filed in the proceedings settle all or any part of the dispute. In event of partial settlement, an amended petition shall be filed and the remaining issues in dispute shall thereafter be adjudicated as provided in §§ 1.770 through 1.775.

(q) *Rule 17; depositions.* (1) Depositions upon oral examination or upon written interrogatories may be taken by either party and offered as evidence.

(2) Depositions may be taken before any person authorized to administer oaths by laws of the United States or by the laws of the place where they are taken.

(3) Either party may take a deposition by giving 15 days' notice in writing to the opposing party of the time and place where such deposition will be taken. By agreement, depositions may be taken without regard to the notice requirement. The notice shall contain: The name, address and official title of the person before whom the deposition is to be taken; the name and address of the witness; and whether the deposition will be taken on oral examination or on written interrogatories. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice. The opposing party may within 15 days after receipt of the interrogatories serve cross-interrogatories to be propounded to the witness by forwarding them to the person designated to take the deposition and simultaneously forwarding a copy to the opposing party.

(4) Each deposition should show the docket number and the caption of the proceeding, the place and date of taking, the name of the witness and the party by whom called. The person recording the deposition shall certify thereon that it is a true and complete record of the testimony given by the witness.

(5) A deposition taken under the provisions of this rule may be offered in evidence in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections will be passed upon by the Board. Evidence not ordinarily admissible under rules of evidence may be received in the discretion of the Board as provided in paragraph (x)(3) of this section (Rule 24).

(r) *Rule 18; interrogatories to the parties.* Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve stated written interrogatories upon the opposing party.

(s) *Rule 19; prehearing conferences.* The Board, upon its own initiative or upon application, may direct the parties to appear for a conference to consider:

(1) The simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining stipulations as to facts and documents;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the appeal. At the conclusion of the conference, the Board shall issue such orders as may be appropriate.

(t) *Rule 20; stipulations.* The parties may stipulate in writing as to any facts that are relevant and material to the issues involved, and as to those documents or facts which may be introduced in evidence without formal proof.

(u) *Rule 21; hearing brief.* Not less than 10 calendar days in advance of the hearing, each party shall file with the Board a brief covering all items of its contentions and its intended presentation pertaining thereto, including:

(1) The estimated length of time which will be required for presentation of its case; and

(2) The names, addresses and capacities of persons who will be present in its behalf.

Failure to do so may be deemed sufficient cause for adjournment of the hearing.

(v) *Rule 22; appeal file.* The appeal file or written record in an appeal will consist of the notice of appeal, documents required to be filed pursuant to paragraph (h)(4) of this section (Rule 8), the petition and exhibits thereto, the answer and exhibits thereto, all papers filed by the parties with the Board pursuant to §§ 1.770 through 1.775 and all correspondence between the Board and the parties or their representatives. The appeal file will be available for inspection at the offices of the Board, but may not be removed therefrom except upon approval of a Board member.

(w) *Rule 23; submission without a hearing.* (1) If the appellant elects in its petition to submit its case on the written record, such record may within 30 days of the date of receipt of the answer be supplemented by a written brief.

(2) The Government shall have a period of 30 days from the date of filing its answer within which to file a brief.

(x) *Rule 24; hearings*—(1) *Notice of hearings.* (i) Hearings will normally be held at the offices of the Board after at least 15 calendar days' notification to the parties. Notice to appellant shall be by certified mail with return receipt required.

(ii) Hearings will be scheduled with due consideration to the date of filing and other factors. On request of either party, the Board may advance the hearing date for good cause.

(2) *Continuances.* Continuances will be granted only upon timely request and for good cause.

(3) *Nature of hearings.* (i) The hearing may be conducted by a panel or by any law member thereof at the discretion of the chairman. The order of introduction of evidence and the calling of witnesses shall be as prescribed by the presiding member.

(ii) The rules of evidence ordinarily observed in judicial proceedings will not be strictly followed. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under rules of evidence, may be received in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be determined by the Board.

(iii) Appellant and Government counsel may offer relevant and material testimony and evidence. The Board reserves

the right to exclude such testimony and evidence as, in its judgment, is improper, of no probative value, or not pertinent to the issues. No testimony or arguments will be permitted with respect to any matter on which a motion to dismiss has been granted by the Board.

(iv) When objections to admissibility of evidence are made during the course of a hearing, the presiding member may then rule thereon or receive the evidence subject to future determination. When a hearing is before a single member, he shall decide on reception of evidence and other interlocutory matters as presiding member.

(v) Issues within the scope of the appeal, not raised by the petition and answer, but heard by express or implied consent of the parties, shall be treated in all respects as if raised therein. If evidence is objected to at the hearing on the ground that it is not within the issues framed by the petition and answer, the Board may allow the pleadings to be amended within the scope of the appeal. The Board may grant a continuance to enable the objecting party to meet such evidence.

(4) *Examination of witnesses.* All witnesses may be examined or cross-examined by the parties, or their representatives, and by the Board. Testimony will be under oath or by affirmation. If the testimony is not given under oath, the Board shall advise the witness that his statements may be subject to the provisions of sections 287, 1001, and 1621, Title 18, United States Code, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(5) *Transcript of proceedings.* Hearings will be reported verbatim. The Government assumes no responsibility for the completeness or accuracy of any transcript, whether by contract reporter or by Government personnel. The Government will not furnish appellants copies of the transcript made by a contract reporter. Copies may be purchased directly from the reporter. When transcripts are prepared by Government personnel, one copy will be furnished the appellant without charge.

(y) *Rule 25; supplementation of the record.* At any time prior to final decision, the Board, upon application of either party, may reopen the appeal record to receive pertinent documentary evidence. The opposing party will be allowed 30 calendar days from receipt thereof to submit a written rebuttal.

(z) *Rule 26; absence of parties.* Should either party fail to appear at the time and place stated in the notice of hearing, the hearing will proceed and the appeal will be deemed as having been submitted without oral testimony or argument on behalf of the absent party.

(aa) *Rule 27; copies of papers.* When books, records, papers, or documents have been received in evidence, true copies may be substituted therefor during or at the conclusion of the hearing.

(bb) *Rule 28; withdrawal of exhibits.* After a decision has become final the Board may, after notice to the other party, permit the withdrawal of original exhibits. The substitution of true copies may be required by the Board as a condition of granting permission for withdrawal.

(cc) *Rule 29; post-hearing briefs.* A post-hearing brief may be required by the Board of either party or may be submitted by either party at its election. If filed at the election of either party, such shall be done within 30 days after conclusion of the hearing unless a further period is allowed by the Board.

(dd) *Rule 30; decisions of the Board.* (1) Authenticated copies of Board decisions will be forwarded simultaneously to both parties. Decisions of the Board will be available for public inspection at its offices.

(2) There is no further administrative appeal within the Veterans Administration from decisions of the Board.

(ee) *Rule 31; reconsideration by the Board.* (1) Motions for reconsideration may be filed by either party within 30 days from the date of the receipt of its copy of a decision of the Board. Such motions will be granted only upon a showing of material error or on the basis that new and material evidence has been discovered. It shall be incumbent upon the petitioner to state specifically in his motion the grounds upon which he relies.

(2) The opposing party shall have 30 calendar days to file an answer to the motion, and the Board shall rule on the motion without oral argument thereon, unless otherwise ordered by the Board.

(ff) *Rule 32; optional procedure for small appeals*—(1) *Application.* (i) When the amount actually in dispute, or the dollar value of the relief sought, is $1,000 or less, the appellant may elect to have the appeal considered and decided under this rule.

(ii) Should the appellant not elect to prosecute an appeal pursuant to the optional procedure for small appeals, this rule shall not apply and the appeal will be considered in accordance with provisions of paragraphs (a) through (ee) of this section (Rules 1 through 31).

(iii) For the purpose of this rule the amount involved shall be considered to be the net amount actually in dispute. If the claim involves or includes a claim for time, the dollar-amount shall be determined by multiplying the number of days in dispute by the rate of liquidated damages specified in the contract.

(iv) If it is determined that the amount involved exceeds or may exceed $1,000, the parties shall be so informed and the appeal shall be considered in accordance with paragraphs (a) through (ee) of this section (Rules 1 through 31).

(2) *Authority.* Under this rule formal pleadings will not be required. A single law member of the Board, designated by the chairman as hearing member, shall have and exercise the full authority of the Board to conduct the appeal proceedings and, subject to the concurrence of a reviewing member, also designated by the chairman, to decide the appeal. If the two members do not agree on a decision, the chairman will assign the case to a panel for decision.

(3) *Procedure.* The procedure under this rule shall be as follows:

(i) Within 30 days after receipt of the contracting officer's findings of fact, the appellant shall notify the Board in writing of its election to proceed under this rule.

(ii) Appellant's notice of election shall be in duplicate and shall include the following:

(a) A simple statement of the amount and nature of the claim and the relief sought;

(b) A statement of all contentions in support of the appeal;

(c) Documentary evidence in support of the appeal;

(d) A statement as to whether the appellant elects an oral hearing.

(iii) The Board will furnish the contracting officer with a copy of appellant's submission.

(iv) Within 30 days after receipt of appellant's submission the contracting officer shall file with the Board an original and two signed copies of a statement or brief setting forth the Government's contentions in defense of the appeal. The Board will transmit one copy to the appellant by certified mail with return receipt required. The contracting officer will also file with the Board copies of all material documentary evidence in the Government's files. Such evidence will be available for inspection by the appellant in the offices of the Board.

(v) Questions as to lack of jurisdiction of the Board may be raised by either party or by the Board and shall be disposed of as a condition to consideration of the case on the merits.

(vi) If the appellant has not elected a hearing, the appeal will be considered on the record made by the parties under this rule.

(vii) If appellant has elected a hearing, the Board will notify the parties of the time and place. The hearing will be in the nature of an informal conference between the parties, presided over by the hearing member. A transcript of the proceedings will be made.

(viii) The hearing member may require either party to furnish additional information or documents if considered necessary to clarify, explain, or supplement the information contained in the record.

(ix) Decisions shall be as brief as circumstances permit and will be limited to a summary of the facts and conclusions. Copies will be promptly furnished to the parties. Such decisions will not be cited as a precedent.

§ 1.774 Miscellaneous provisions.

(a) *Limitations on award.* The decision of the Board shall not be in an amount, if any, greater than that claimed in the proceedings before the Board nor shall a decision otherwise grant relief greater than that so claimed by the appellant.

(b) *Litigation.* The Board will not proceed with consideration of an appeal if the matter is the subject of a lawsuit to which the United States is a party, unless:

(1) The appellant files with the Board a certified copy of a court order staying or suspending further court proceedings pending completion of administrative action by the Board; and

(2) Clearance is obtained from the Department of Justice for further administrative consideration and final disposition of the appeal.

(c) *Claims pending before the Comptroller General of the United States.* The Board will not proceed with consideration of an appeal while the same matter is involved in a claim pending before the Comptroller General unless clearance is secured.

(d) *Notification by parties.* The parties will promptly notify the Board of any litigation pending or any claim filed in the General Accounting Office, involving any matter in an appeal.

§ 1.775 Effective date.

Sections 1.770 through 1.775 are effective June 1, 1960, and shall apply to all appeals docketed on or after that date. Appeals docketed by the Board prior thereto shall be governed by the regulations in effect preceding June 1, 1960 (§§ 1.750 through 1.756).

(72 Stat. 1114; 38 U.S.C. 210).

This regulation is effective June 1, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-4913; Filed, May 31, 1960; 8:48 a.m.]

PART 2—DELEGATIONS OF AUTHORITY

Construction Contract Appeals Board

Part 2, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding new §§ 2.62, 2.63, 2.64 and 2.65 as follows:

§ 2.62 The Construction Contract Appeals Board authorized by Administrator to ascertain the facts and circumstances and to render and publish final decisions on appeals entered by contractors from decisions of Veterans Administration contracting officers in accordance with contract terms and §§ 1.770 through 1.775.

This delegation of authority is identical to § 1.771(a) of this chapter.

§ 2.63 The Construction Contract Appeals Board and its individual members authorized by Administrator to take such actions as may be necessary to hear and decide appeals including the administering of oaths and affirmations, the taking of testimony and affidavits, the conduct of hearings, the dismissal of proceedings and ordering the production of documents and other evidence.

This delegation of authority is identical to § 1.771(b) of this chapter.

§ 2.64 The Construction Contract Appeals Board authorized to take official notice of facts within general knowledge and to decide all questions necessary for complete adjudication of appeals.

This delegation of authority is identical to § 1.771(c) of this chapter.

§ 2.65 The Construction Contract Appeals Board authorized to require Veterans Administration contracting officers and other Veterans Administration officials having responsibility for or official knowledge of the design of projects, or the award, administration or supervision of construction or architect-engineer contracts, or of work performed thereunder, to furnish the Board such information, technical data, and similar assistance as the Board may require in the performance of its duties.

This delegation of authority is identical to § 1.771(d) of this chapter.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-4914; Filed, May 31, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular 2044]

PART 192—OIL AND GAS LEASES

Required Forms of Remittances To Accompany Simultaneous Offers

On page 1877 of the FEDERAL REGISTER of March 3, 1960, there was published a notice of proposed amendment of 43 CFR 192.43(c). The purpose of the proposed amendment was to require that remittances to accompany oil and gas lease offers filed simultaneously pursuant to § 192.43 be made by cash, money orders, certified checks, bank drafts, or bank cashier's checks.

Interested parties were given 30 days within which to submit written comments, suggestions or objections with regard to the proposed amendement. As the result of the comments and suggestions received during that period, the proposed amendment was changed to allow acceptance of an uncertified check to cover the filing fee required to be submitted with each offer. The last sentence of the proposed amendment, as it was published, has been deleted. As changed, the proposed amendment is adopted to read as follows:

Paragraph (c) of § 192.43 is amended to read as follows:

§ 192.43 Availability of lands to further lease offers where noncompetitive lease expires, is cancelled, relinquished or terminated.

* * * * *

(c) Each offer to lease must conform with the acreage requirements of § 192.42(d), and must be accompanied by separate remittances to cover payment of the filing fee and payment of the advance rental required by the regulations of this chapter. The remittance covering payment of the advance rental must be made by cash, money order, certified check, bank draft, or bank cashier's check. The filing fee may be paid by a similar remittance or by uncertified check.

This amendment shall become effective at the beginning of the thirtieth calendar day following the date of this publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4864; Filed, May 31, 1960; 8:45 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2095]

[Sacramento 059131]

CALIFORNIA

Restoration of Public Lands From Power Withdrawal (Project No. 334)

In DA-968-California, issued June 16, 1959, the Federal Power Commission vacated the withdrawal created by the filing of application for preliminary permit for Project No. 334 on August 2, 1922, so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 9 E.,
Sec. 25, lot 1.
Containing 40.62 acres, of which a small fraction has been patented in M.S. 5816.

The lands are located about four miles southeast of Colfax in Placer County.

This order shall not become effective to change the status of the lands until 10:00 a.m. on June 29, 1960. At that time the lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

The lands have been open to application and offers under the mineral leasing laws and to location under the United States mining laws.

The State of California has waived its preference rights of application.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4865; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2096]

[Pierre 026099]

SOUTH DAKOTA

Partially Revoking Stock Driveway Withdrawal No. 208 (South Dakota No. 5)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. Stock Driveway Withdrawal No. 208 (South Dakota No. 5), of February 13, 1930, as modified by the Departmental order of March 8, 1930, and as enlarged by the Departmental order of December 1, 1942, is hereby revoked so far as it affects the following-described lands:

BLACK HILLS MERIDIAN

T. 10 N., R. 6 E.,
Sec. 5, lots 1, 2, and SW¼SW¼;
Sec. 24, S½SE¼;
Sec. 25, SE¼NW¼, and NE¼SW¼;
Sec. 29, W½SW¼.
T. 11 N., R. 6 E.,
Sec. 33, SW¼.
T. 9 N., R. 7 E.,
Sec. 29, N½N½;
Sec. 30, NE¼NE¼.
T. 9 N., R. 8 E.,
Sec. 13, S½SE¼;
Sec. 15, SE¼NW¼.

The areas described aggregate 853.82 acres.

2. The lands are located in Butte County, South Dakota, east and north of the Town of Newell. Topography is level to rolling, and soils are generally sandy to rocky gumbo. The lands support a fair cover of native grasses.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on November 22, 1960, the State of South Dakota shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws, other than those from the State, presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements, in support of their applications, setting forth all facts relevent to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4866; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2097]

[Idaho 010314]

IDAHO

Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve No. 117)

1. In DA-525-Idaho, issued March 26, 1959, and DA-536-Idaho, issued November 24, 1959, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act, as amended:

BOISE MERIDIAN

T. 11 S., R. 20 E.,
Sec. 4, lots 5, 6, and NW¼NW¼;
Sec. 5, lot 5.

The areas described contain 145.24 acres.

2. The lands are located in and on the north rim of the Snake River Canyon about six miles southwest of Milner Dam. The topography is undulating to rough and the soils are shallow with numerous lava outcrops.

3. By virtue of the authority vested in the Secretary of the Interior by Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands are hereby opened to location, entry and selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act, supra, and subject to valid existing rights, and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes eneumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, subject to the provisions of Section 24 of the Federal Power Act, supra, and the regulations in 43 CFR.

4. The State of Idaho has waived its preference right of application under section 24 of the Federal Power Act, and the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, BLM, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4867; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2098]

[Washington 03817]

WASHINGTON

Opening Lands Under Section 24 of the Federal Power Act (Power Project No. 915)

By virtue of the authority contained in Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and pursuant to Determination DA-156-Washington of the Federal Power Commission issued August 5, 1958, it is ordered as follows:

1. Subject to valid existing rights and the requirements of applicable law, including the provisions of Section 24 of the Federal Power Act, supra, the following-described public lands are hereby opened to application, petition, location, entry and selection under the public land laws:

WILLAMETTE MERIDIAN

T. 40 N., R. 39 E.,
Sec. 15, SE¼SW¼.

The area described contains 40 acres.

2. The land lies on Sheep Creek and is bisected by the Sheep Creek County road five miles northwest of Northport, Washington. The topography is rough and mountainous and the vegetation is a good cover of coniferous timber.

3. Until 10:00 a.m. on November 22, 1960, the State of Washington shall have a preferred right of application to select the lands in accordance with and sub-

ject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–852), and the regulations in 43 CFR. During this period the State may also apply for the reservation to it or to any of its political subdivisions under any law or regulation applicable thereto, of any of the lands required for rights-of-way or materials sites, in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended.

4. Other applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than from those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws. They have also been open to location under the United States mining laws pursuant to the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regualtions.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60–4868; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2099]

[Sacramento 055326]

CALIFORNIA

Partly Revoking Stock Driveway Withdrawal No. 161 (California No. 11)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

1. The departmental order of October 30, 1922, reserving land for use by the general public as stock driveways, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 1 W.,
Sec. 8, NW¼.
T. 34 N., R. 1 W.,
Sec. 12, NW¼NW¼.

The areas described contain 200 acres.

2. The lands are located in Shasta County near the town of Round Mountain, California.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws, subject to the regulations in 43 CFR 185.35–185.36.

4. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60–4869; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2100]

[78863]

CALIFORNIA

Opening Lands Under Provisions of Section 24, Federal Power Act

1. In DA–942–California issued March 14, 1958, the Federal Power Commission determined that the value of the following described lands, withdrawn in Power Site Reserve No. 655, and Power Projects Nos. 382 and 1009, would not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and subject to the prior right of the licensee for Projects No. 382 and No. 1009, and its successors and power permittees of the Department of the Interior, to use the lands for canal, conduit, and transmission line purposes; and subject to the condition that in the event the lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development, at no cost to the United States, its permittees or licensees:

MOUNT DIABLO MERIDIAN

T. 27 S., R. 32 E.,
Sec. 12, NE¼NW¼ and N½NW¼SW¼.

Containing 60 acres.

2. The land is near the town of Bodfish in Kern County. Vegetation consists of scrub oak, digger pine, ceanothus, and annual grasses.

3. Subject to any existing valid rights and the requirements of applicable law, including the provisions of Section 24 of the Federal Power Act, supra, and the provisos described in paragraph 1 hereof, and pursuant to authority contained in said act, the lands are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws. They have been open to location under the United States mining laws, subject to the provisos contained in section 1(a) of the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621(a)), which remain applicable.

c. The State of California has waived its preference rights of application under section 24 of the Federal Power Act as amended, and under subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The records of the Manager of the Bureau of Land Management at Sacramento, have been officially noted that the lands are under consideration for small tract classification under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended. Small tract applications received subsequent to 9:30 a.m. on March 10, 1960, the date and hour of notation, will therefore not be accepted, in accordance with the regulations in 43 CFR 257.6e.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60–4870; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2101]

[Nevada 045177]

NEVADA

Withdrawing Public Lands for Use of the Federal Aviation Agency as Remote Control Air to Ground Communication Facility

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended, and reserved under jurisdiction of the Department of the Interior for use of the Federal Aviation Agency in the maintenance of air-navigation facilities, under such terms and conditions as may be prescribed by the Bureau of Land Management, Department of the Interior:

MOUNT DIABLO MERIDIAN

In SW¼SE¼SE¼ and SE¼SW¼SE¼ sec. 33, T. 1 N., R. 66 E., and in unsurveyed T. 1 S., R. 66 E., all lands within a 1,000 feet radius of the center of a parcel described as follows:

Beginning at a point which is 1,300 feet west and 210 feet south of the south corner common to secs. 33 and 34, T. 1 N., R. 66 E., thence south 230 feet, thence west 170 feet; then north 230 feet; thence east 170 feet to the point of beginning. The southeast corner of this site is 110 feet north of USC&GS BM, Elevation 9,395 feet, on a summit of Highland Peak.

The tract described contains approximately 72 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60–4871; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2102]

[Sacramento 054502]

CALIFORNIA

Partially Revoking the Reclamation Withdrawal Order of June 3, 1942 (Central Valley Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of June 3, 1942, which withdrew lands in California for reclamation purposes in the first form in connection with the Central Valley Project, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 1, lots 1, 2, and S½NE¼.

The areas described contain 160 acres.

2. The lands are located one mile south of Central Valley in Shasta County, or about five miles north of Redding. The rolling lands of about 750 feet elevation are covered by a vegetative growth of oak, brush and grasses.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 29, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a.m. on June 29, 1960.

4. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60–4872; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2103]

[979613]

CALIFORNIA

Opening Lands Subject to Section 24 of Federal Power Act

1. An order of the Federal Power Commission vacated the withdrawal created by the filing of applications and supplements thereto for license for Federal Power Project No. 78 so far as the following-described lands are affected.

MOUNT DIABLO MERIDIAN

T. 7 N., R. 10 E.,
Sec. 14, lots 3, 4, 13, 15, and 16;
Sec. 36, SW¼SE¼.
T. 8 N., R. 10 E.,
Sec. 35, SE¼SW¼.
T. 9 N., R. 10 E.,
Sec. 1, lots 1 and 6;
Sec. 12, lots 1 and 2, SE¼SW¼;
Sec. 13, lots 1 and 4, NE¼NW¼;
Sec. 14, lots 2, 3, and 5.
T. 4 N., R. 11 E.,
Sec. 6, SW¼SE¼.
T. 5 N., R. 11 E.,
Sec. 9, lot 3;
Sec. 10, lots 14 and 15.
T. 10 N., R. 11 E.,
Sec. 30, lot 8.
T. 11 N., R. 11 E.,
Sec. 12, SE¼NE¼ and NE¼SE¼;
Sec. 14, NE¼NW¼.
T. 11 N., R. 12 E.,
Sec. 5, W½W½;
Sec. 6, E½SE¼ and SW¼SE¼;
Sec. 7, N½NE¼, SW¼NE¼, S½NW¼, and S½;
Sec. 8, NW¼NW¼;
Sec. 15, S½SE¼;
Sec. 18, lots 1, 2, 3, 4, NW¼NE¼ and NE¼NW¼;
Sec. 19, lot 1;
Sec. 22, N½NE¼;
Sec. 23, NW¼NW¼, S½N½, and NE¼SE¼;
Sec. 24, W½SW¼.

T. 12 N., R. 12 E.,
Sec. 32, SE¼NW¼ and SW¼;
Sec. 33, NE¼, W½SE¼, and SW¼SW¼;
Sec. 34, W½NW¼.
T. 11 N., R. 13 E.,
Sec. 25, lots 3, 4, 7, 8, and 9;
Sec. 26, SW¼SW¼;
Sec. 34, S½SE¼, N½SW¼, and SE¼SW¼;
Sec. 35, N½NE¼, W½SE¼, and SW¼.
T. 11 N., R. 14 E.,
Sec. 25, S½S½;
Sec. 26, S½SE¼, and SW¼SW¼;
Sec. 27, SW¼NW¼, SE¼, N½SW¼, and SE¼SW¼;
Sec. 28, S½NE¼ and N½S½;
Sec. 29, E½SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 30, lots 2, 3, and 4, SE¼SW¼ and S½SE¼;
Sec. 31, N½NE¼;
Sec. 32, N½NE¼, SW¼NE¼, NW¼, and NW¼SE¼;
Sec. 35, NE¼, N½NW¼, and N½SE¼.
T. 10 N., R. 15 E.,
Sec. 17, S½NE¼ and NW¼SE¼;
Sec. 20, W½NE¼ and SE¼NE¼;
Sec. 21, SW¼NE¼ and S½.
T. 11 N., R. 15 E.,
Sec. 29, SW¼SW¼;
Sec. 30, S½S½;
Sec. 31, NW¼NE¼ and N½NW¼.
T. 12 N., R. 15 E.,
Sec. 24, E½, SE¼NW¼, and E½SW¼ (Unsurveyed);
Sec. 25, E½NE¼ (Unsurveyed).
T. 9 N., R. 17 E.,
Sec. 4, lots 3, 4, and 5;
Sec. 5, lots 5 and 6, SE¼NE¼;
Sec. 8, lots 1, 2, 3, and 4, SW¼NE¼, W½NW¼, and N½SW¼.
T. 10 N., R. 17 E.,
Sec. 22, SE¼NE¼ and NE¼SE¼;
Sec. 23, lots 2, 3, 4, 5, 6, 7, and 8;
Sec. 32, lot 1;
Sec. 33, lots 1 and 2, SE¼SW¼.
T. 11 N., R. 17 E.,
Sec. 1, lot 6, SE¼NW¼, NW¼SE¼, and NE¼SW¼.
T. 12 N., R. 17 E.,
Sec. 19, W½ and SE¼ (Unsurveyed);
Sec. 20, SW¼SW¼ (Unsurveyed);
Sec. 29, W½NW¼ and NW¼SW¼ (Unsurveyed);
Sec. 30, N½ (Unsurveyed);
Sec. 34, SE¼NE¼ and NE¼SE¼;
Sec. 35, lots 1 to 14, Incl., SW¼SW¼, and Unsurveyed lands in Echo Lake;
Sec. 36, lots 1 and 5.
T. 10 N., R. 18 E.,
Sec. 18, SW¼ and SW¼SE¼;
Sec. 19, lots 1 and 9, NE¼NW¼, E½SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 20, SW¼NW¼;
Sec. 30, NE¼NE¼.
T. 11 N., R. 18 E.,
Sec. 6, NW¼ and N½SW¼.

The areas described aggregate approximately 9,913 acres.

2. Of the lands described, those in sec. 31, T. 11 N., R. 14 E., have been patented. Much of the remainder is included in other withdrawals for power or reclamation purposes.

3. The following-described lands which are a part of El Dorado National Forest, shall at 10:00 a.m. on November 22, 1960, be open to such forms of disposal as may by law be made of national forest lands, subject to valid existing rights, to applicable regulations, and to the provisions of applicable law:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 11 E.,
Sec. 14, NE¼NW¼.
T. 11 N., R. 12 E.,
Sec. 7, lot 2;
Sec. 18, lot 1.
T. 12 N., R. 12 E.,
Sec. 33, SW¼NW¼.
T. 11 N., R. 12 E.,
Sec. 24, SW¼SW¼.
T. 11 N., R. 13 E.,
Sec. 33, SW¼SW¼;
Sec. 35, SW¼SE¼.
T. 11 N., R. 14 E.,
Sec. 25, SE¼SW¼;
Sec. 27, SE¼SW¼.
T. 11 N., R. 14 E.,
Sec. 30, lot 2;
Sec. 35, SE¼NW¼.
T. 10 N., R. 15 E.,
Sec. 20, SW¼NE¼;
Sec. 21, E½SW¼NE¼, NE¼SE¼, E½NW¼SE¼, SW¼NE¼SW¼, SE¼NW¼SW¼, W½NW¼SW¼, and S½S½.
T. 11 N., R. 15 E.,
Sec. 29, SW¼SW¼;
Sec. 30, S½SW¼.
T. 9 N., R. 17 E.,
Sec. 4, lot 3;
Sec. 8, N½SW¼.
T. 10 N., R. 17 E.,
Sec. 22, NE¼SE¼;
Sec. 23, lot 8;
Sec. 33, SE¼SW¼.
T. 11 N., R. 17 E.,
Sec. 1, SE¼NW¼, NE¼SW¼, and NW¼SE¼.
T. 12 N., R. 17 E.,
Sec. 19, W½ and NE¼SE¼;
Sec. 29, NW¼SW¼;
Sec. 34, SE¼NE¼ and NE¼SE¼.
T. 11 N., R. 18 E.,
Sec. 6, lots 1 and 10.

4. Until 10:00 a.m. on November 22, 1960, the State of California shall be entitled to apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands described in Paragraph 3 of this order which may be required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4873; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2104]

WYOMING

Revoking the Executive Orders of April 11, 1916 and September 5, 1916, Which Created Petroleum Reserves Nos. 47 and 50

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive orders of April 11, 1916 and September 5, 1916, withdrawing the following-described lands for classification and in aid of legislation affecting the use and disposal of petroleum lands belonging to the United States, are hereby revoked:

[607672]

Petroleum Reserve No. 47.

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 103 W.,
Sec. 1, NW¼;
Secs. 2 to 10, incl.;
Sec. 11, N½ and SW¼;
Sec. 14, NW¼;
Secs. 15 to 21, incl.;
Sec. 22, NW¼;
Sec. 28, N½;
Sec. 29, N½ and SW¼;
Secs. 30, and 31;
Sec. 32, W½.
T. 18 N., R. 103 W.
T. 19 N., R. 103 W.
T. 20 N., R. 103 W.,
Sec. 7, W½;
Sec. 17, SW¼;
Sec. 18, W½ and SE¼;
Secs. 19 and 20;
Sec. 26, SW¼;
Sec. 27, W½ and SE¼;
Secs. 28 to 35, incl.;
Sec. 36, W½ and SE¼.
T. 21 N., R. 103 W.,
Sec. 29, SW¼;
Sec. 30, S½;
Sec. 31;
Sec. 32, W½ and SE¼.
T. 16 N., R. 104 W.,
Secs. 1 to 3, incl.;
Secs. 10 to 16, incl.;
Secs. 22 and 23;
Sec. 24, N½;
Sec. 26, N½;
Sec. 27.
T. 17 N., R. 104 W.,
Secs. 1 to 3, incl.;
Secs. 10 to 15, incl.;
Secs. 23 to 26, incl.;
Sec. 35;
Sec. 36.
T. 18 N., R. 104 W.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 10, E½;
Secs. 11 to 14, incl.;
Sec. 15, E½;
Sec. 22, E½;
Secs. 23 to 26, incl.;
Sec. 27, E½;
Sec. 34, E½;
Secs. 35 and 36.
T. 19 N., R. 104 W.,
Secs. 1 to 3, incl.;
Secs. 10 to 15, incl.;
Secs. 22 to 27, incl.;
Secs. 34 to 36, incl.
T. 20 N., R. 104 W.,
Secs. 1 to 3, incl.;
Secs. 10 to 15, incl.;
Secs. 22 to 27, incl.;
Secs. 34 to 36, incl.

The areas described aggregate approximately 119,493 acres.

[640376]

Petroleum Reserve No. 50.

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 76 W.,
Secs. 1 and 2;
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, S½;
Secs. 7 to 10, incl.;
Sec. 11, N½;
Sec. 12, N½ of N½;
Secs. 16 to 20, incl.;
Secs. 30 and 31.
T. 32 N., R. 77 W.,
Sec. 2, N½;
Secs. 3 to 9, incl.;
Sec. 10, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼.

T. 33 N., R. 77 W.,
Sec. 1, SE¼;
Secs. 11 to 14, incl.;
Sec. 15, NE¼, S½;
Secs. 22 to 27, incl.;
Sec. 28, S½N½ and S½;
Secs. 33 to 36, incl.
T. 32 N., R. 78 W.,
Secs. 1 and 12.
T. 24 N., R. 85 W.,
Secs. 5 and 6.
T. 24 N., R. 86 W.,
Secs. 1 to 6, incl.
T. 25 N., R. 86 W.,
Sec. 28, S½S½;
Sec. 29, S½S½;
Sec. 30, S½S½;
Secs. 31 to 33, incl.;
Sec. 34, S½N½ and S½;
Sec. 35, S½;
Sec. 36, S½S½.
T. 24 N., R. 87 W.,
Secs. 1 to 6, incl.
T. 25 N., R. 87 W.,
Sec. 5, S½;
Secs. 6 to 9, incl.;
Secs. 15 to 22, incl.;
Sec. 23, W½;
Sec. 25, S½S½;
Sec. 26, W½ and S½SE¼;
Secs. 27 to 36, incl.
T. 24 N., R. 88 W.,
Secs. 1 to 6, incl.
T. 25 N., R. 88 W.,
T. 26 N., R. 88 W.,
Sec. 18, SW¼SW¼;
Sec. 19, SW¼NE¼, W½, SE¼;
Sec. 20, NW¼SW¼, S½SW¼;
Sec. 27, S½SW¼;
Sec. 28, SW¼ and S½SE¼;
Sec. 29, NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 30 to 34, incl.;
Sec. 35, S½N½ and S½;
Sec. 36, S½.
T. 24 N., R. 89 W.,
Secs. 1 and 2;
Sec. 3, N½, NE¼SW¼, and SE¼;
Sec. 4, N½NE¼, SE¼NE¼.
T. 25 N., R. 89 W.,
Secs. 1 to 5, incl.;
Sec. 7, E½E½;
Secs. 8 to 17, incl.;
Sec. 18, E½E½;
Secs. 20 to 28, incl.;
Sec. 29, E½, E½NW¼;
Sec. 32, N½NE¼, SE¼NE¼;
Secs. 33 to 36, incl.
T. 26 N., R. 89 W.,
Sec. 5, SW¼SW¼;
Sec. 6, SW¼NE¼, W½, and SE¼;
Sec. 7;
Sec. 8, SW¼NE¼, W½, and SE¼;
Sec. 9, S½SW¼;
Sec. 13, S½;
Sec. 14, S½N½, S½;
Sec. 15 to 29, incl.;
Sec. 30, N½ and SE¼;
Secs. 32 to 36, incl.
T. 26 N., R. 90 W.,
Secs. 1 to 3, incl.;
Sec. 4, E½E½;
Sec. 9, E½NE¼;
Secs. 10 to 14, incl.;
Sec. 15, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 22, NE¼;
Secs. 23 and 24;
Sec. 25, NW¼;
Sec. 26, NE¼.
T. 27 N., R. 90 W.,
Sec. 33, SE¼SE¼;
Sec. 34, S½S½;
Sec. 35, S½S½.

The areas described aggregate approximately 130,691 acres.

The lands were made subject to appropriation, location, selection, entry or purchase, if otherwise available under the nonmineral public land laws, with a reservation of the minerals to the United States, by the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121). They are either known to be productive of oil and gas or are considered prospectively valuable for oil and gas. Any disposals of the lands, therefore, shall be subject to the reservation required by the act of July 17, 1914. They have been open to applications and offers under the mineral-leasing laws and to locations for metalliferous minerals, subject to provisions of the act of August 13, 1954 (68 Stat. 708; 30 U.S.C. 521, et seq.). They will be open to location for nonmetalliferous minerals under the United States mining laws, including the said act of August 13, 1954, subject to valid existing rights and the provisions of existing withdrawals, at 10:00 a.m. on June 29, 1960.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4874; Filed, May 31, 1960; 8:45 a.m.]

[Public Land Order 2105]

[84458]

WASHINGTON

Power Site Cancellation No. 145; Cancelling Power Site Classification No. 73

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, it is ordered as follows:

Power Site Classification No. 73, approved June 3, 1924, which classified the following-described lands for power purposes, is hereby cancelled:

WILLAMETTE MERIDIAN

T. 17 N., R. 7 E.,
Sec. 4, lots 1, 2, 3, 4, 9, 10, 11, 12, and N½S½.
T. 18 N., R. 7 E.,
Sec. 34, S½N½ (comprising lots 5, 6, 7, and 8) and S½.

The areas described aggregate 872.42 acres.

Portions of Section 34 are within the Mount Rainier National Park. The remaining lands are within the Snoqualmie National Forest. The national forest lands at 10:00 a.m. on June 29, 1960, shall be open to such forms of disposition as may by law be made of national forest lands.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4875; Filed, May 31, 1960; 8:46 a.m.]

[Public Land Order 2106]

[77771]

CALIFORNIA

Correcting Public Land Order No. 1989 of September 23, 1959

In Federal Register Document 59-8093 appearing as Public Land Order No. 1989 of September 23, 1959, at page 7829 of the issue of September 29, 1959, that portion of the land description in paragraph 1(b) reading "S½NW¼SW¼" is hereby corrected to read "S½NW¼ and SW¼", and the date for Project No. 249 is corrected to read "September 14, 1921" instead of "April 19, 1923".

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4876; Filed, May 31, 1960; 8:46 a.m.]

[Public Land Order 2107]

ALASKA

Correcting Certain Public Land Orders

By virtue of the authority vested in the President, and purusant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

[52799]

1. In Federal Register Document 53-1313, appearing as Public Land Order No. 883 of February 3, 1953, at page 827 of the issue of February 10, 1953, the second course of the land description for Tract 1, described as "S. 36°30' W." is hereby corrected to read "S. 36°30' E."

[Fairbanks 012558]

2. In Federal Register Document 57-9437, appearing as Public Land Order No. 1550 of November 7, 1957, at pages 9107-8 of the issue of November 15, 1957, the coordinates of latitude for the Slime Creek Area are corrected to read "latitude 63°30'36'' N.", rather than "latitude 69°30'36" N."

[Fairbanks 022950]

3. In Federal Register Document 60-632, appearing as Public Land Order No. 2045 of January 18, 1960, at page 535, of the issue of January 22, 1960, the last two courses given as "S. 21°42' E." and "N. 68°18' E." are hereby corrected to read "S. 21°42' W." and "N. 68°18' W."

[Fairbanks 021329]

4. In Federal Register Document 60-1110, appearing as Public Land Order No. 2048 of January 29, 1960, at page 951 of the issue of February 4, 1960, the third course in the description of Parcel 3, given as "N. 22°05'' W." is hereby corrected to read "N. 22°05' W."

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 24, 1960.

[F.R. Doc. 60-4877; Filed, May 31, 1960; 8:46 a.m.]

[Public Land Order 2108]

[Anchorage 032892]

ALASKA

Modifying Executive Order No. 2242 of August 31, 1915, and Reserving Certain Lands for Use of the Alaska Railroad for Railroad Purposes

By virtue of the authority contained in the act of March 12, 1914 (38 Stat. 305, 307; 48 U.S.C. 304), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska reserved by Executive Order No. 2242 of August 31, 1915, for townsite purposes in connection with the construction and operation of railroad lines, are hereby reserved for use of the Alaska Railroad for railroad purposes:

Base Addition to Anchorage Townsite Block 41-D, containing 2.066 acres.

Executive Order No. 2242 is hereby modified to the extent necessary to permit the use of said lands for the purposes stated.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 25, 1960.

[F.R. Doc. 60-4878; Filed, May 31, 1960; 8:48 a.m.]

[Public Land Order 2109]

[Montana 032361]

MONTANA

Partially Revoking the Executive Order of April 17, 1926, Which Created Public Water Reserve No. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands in Montana:

PRINCIPAL MERIDIAN

T. 24 N., R. 27 E.,
Sec. 14, S½NE¼.
T. 29 N., R. 33 E.,
Sec. 5, S½NW¼ and NE¼SW¼;
Sec. 8, S½SW¼ and SW¼SE¼.
T. 25 N., R. 34 E.,
Sec. 5, SE¼.
T. 26 N., R. 34 E.,
Sec. 13, NW¼;
Sec. 35, NE¼.
T. 27 N., R. 34 E.,
Sec. 26, NE¼.
T. 25 N., R. 36 E.,
Sec. 20, W½NE¼ and E½NW¼;
Sec. 32, SE¼.
T. 26 N., R. 36 E.,
Sec. 31, lots 3, 4, and E½SW¼.

The areas described aggregate 1,434.01 acres.

2. The lands are located 30–35 miles southeast of Malta, Montana in Phillips and Valley counties.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on November 23, 1960, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–852) and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on June 30, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m. on November 23, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, BLM, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

MAY 25, 1960.

[F.R. Doc. 60-4879; Filed, May 31, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

[AO-146 A-1]

IRISH POTATOES GROWN IN COLORADO

Decision With Respect to Proposed Amendments to Marketing Agreement and Marketing Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colorado, on February 1–2, 1960, pursuant to notice thereof, which was published in the FEDERAL REGISTER (25 F.R. 353), upon proposed amendments to Marketing Agreement No. 97 and Order No. 58, regulating the handling of Irish potatoes grown in the State of Colorado.

Upon the basis of the evidence introduced at the aforesaid hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 22, 1960, filed with the Hearing Clerk, U.S. Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunities to file written exception thereto was published April 27, 1960, in the FEDERAL REGISTER (25 F.R. 3653).

Rulings. Within the period provided therefor, three exceptions to the proposed amendments to the marketing agreement and order for Irish potatoes grown in the State of Colorado were filed by J. L. Johansen, Jr., Manager for the Proponents of the Amendments. Each exception was given careful consideration in conjunction with the evidence pertaining thereto in arriving at the findings and conclusions set forth herein.

The first exception refers to § 958.23(e) and contends that the handling of common or noncertified seed should be limited to the area, i.e., either Area 1, Area 2, or Area 3, in which such seed is produced. Regulation of the handling of noncertified seed for local planting is provided for under authority for special handling with safeguards related to specific geographic limitations. Upon approval of the Secretary, such handling may be limited in accordance with area committee judgments to each area or to other limited geographic areas. Also to the extent that such handling is in interstate commerce, or directly burdens, obstructs, or affects such commerce, area committees are authorized to recommend appropriate limitations on such handling of noncertified seed to prevent it from entering tablestock marketing channels. Additionally, with respect to State-wide policies on regulation of special purpose shipments, the proposed order provides that area committees may cooperate for the purpose of administering regulations pertaining to such shipments. Therefore, inasmuch as the terms and conditions of the proposed marketing agreement and order as presently drafted embrace authority for effectuating the objectives of this exception it is found that provision is made therefor. Hence, to the extent that the exception is at variance with the findings and determinations contained herein, it is denied.

Secondly, exception is taken to that portion of § 958.40(b), which provides that area committees, with approval of the Colorado Potato Committee, may recommend issuance of rules by the Secretary requiring inspection on regraded, resorted or repacked lots, or providing for special inspection requirements or relief therefrom on the ground that such recommendations should emanate exclusively from the Colorado Potato Committee. This exception is granted, therefore, the reference to area committees in this section is eliminated by deleting from the first sentence thereof "of area committees with approval."

Thirdly, exception is taken to the requirement for unanimous approval of respective area committees that may be affected by proposed re-establishment of areas, subdivisions thereof or the distribution of representation among such subdivisions, or among marketing organizations as provided for in § 958.53. This exception is granted and the word "unanimous" in the second sentence of this section has been deleted.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to continue exercising Federal jurisdiction;

(2) The need for amending the existing regulatory program to accomplish the declared purposes of the Act;

(3) The identity of the persons and the transactions to be regulated;

(4) The specific terms and provisions of the proposed order, including all those set forth in the notice of hearing and those applicable to:

(a) The definition of terms incidental to and necessary for administering the terms, conditions, and provisions of the proposed order;

(b) The adoption of a marketing policy which limits by means of a General Cull Regulation the handling of potatoes grown in the production area and provision for each area committee to consider and recommend marketing policies for handling potatoes produced in their respective areas;

(c) The methods, in addition to the General Cull Regulations, for limiting the handling of potatoes grown in the production area;

(d) The establishment of authority for issuing minimum standards of quality and maturity;

(e) Authorizations for special consideration for particular market outlets whereby specific demands may be properly supplied, orderly marketing may be established and maintained, and farmers' prices may be improved;

(f) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(g) The authority to establish research and development projects under the proposed order;

(h) The requirements for inspection and certification of the commodity involved;

(i) The establishment, maintenance, composition, powers, duties and operation of administrative agencies for assisting the Secretary in administration of the proposed order;

(j) The authority to incur expenses and to levy assessments on the commodity handled;

(k) The procedure for establishing reporting requirements on handlers;

(l) The requirements of compliance with all provisions of the proposed order and regulations issued pursuant thereto;

(m) Additional terms and conditions as set forth in § 958.80 through § 958.96 and published in the FEDERAL REGISTER (25 F.R. 353; January 15, 1960) which are common to marketing agreements and marketing orders.

(n) Provisions for regulations, rules, or regulations in effect under the present order being maintained in effect until amended, modified, suspended or terminated under the proposed order.

(5) The making of such other changes as may be necessary to conform the proposed order with the purpose and intent of the amendments.

Findings and conclusions. The findings and conclusions pertaining to the aforementioned material issues and based on hearing record evidence are as follows:

(1) Colorado is one of the important potato producing states and has been for a number of years. Potato production is concentrated in three major districts within the state namely, that part of the state west of the Continental Divide commonly referred to as the Western Slope, the San Luis Valley, and the remainder of the state including both the northern district and the Arkansas Valley. For the 1957 Colorado potato crop an estimated 10.8 million cwt, were produced, of which 4,058 carlots were shipped by rail and 15,187 were by truck. Also for the 1958 crop, 13.5 million cwt, was Colorado's estimated production, with 4,843 carlots shipped by rail and 16,530 carlot equivalents by truck.

Carlot unloads of potatoes are reported in 100 U.S. and 5 Canadian cities during 1957 showing 2,319 rail carlot unloads of Colorado potatoes and 5,774 carlot equiv-

alent truck unloads in 39 U.S. cities. Similarly, during 1958, 3,283 carlot rail unloads and 5,673 carlot equivalent truck unloads of Colorado potatoes were reported in these major markets. Chicago, Kansas City, Little Rock, Memphis, New Orleans, Springfield, Missouri, Topeka, Tulsa, and Wichita, Kansas are important out of state market centers for rail unloads of Colorado potatoes. Denver also is an important market within the state and also is a point of reshipment for potatoes to points outside the production area. Each of the above named cities shows unloads of 100 or more rail cars during the years indicated. Also, Chicago, Dallas, Fort Worth, Kansas City, Missouri, New Orleans, San Antonio, and Wichita are important out of state markets for truck unloads, showing more than 100 carlot equivalents unloaded in each. Denver is an important market for Colorado potatoes, many of which are consumed within the state and a sizable volume is reshipped to markets outside the production area.

Price movement for Colorado potatoes tends to be similar between out of state receiving markets such as Chicago, Kansas City, Dallas, and St. Louis, and the prices reported at shipping point for northern district Colorado and for San Luis Valley shipping points.

Order No. 58 which became effective August 30, 1941, has operated continuously under regulations since 1949. The General Cull Regulation, issued as § 958.301 (14 F.R. 3979) has been effective since July 18, 1949.

Additional grade and size regulations were also issued pursuant to the order for each of the three areas established thereunder during the 1949 season, also for each succeeding season up to and including the 1959–1960 season.

Order No. 58, as issued in 1941, has operated since 1949 in cooperation and coordination with the State of Colorado Potato Marketing Order identified as docket No. A–4. The State has issued rules and regulations, including grade, size, and quality regulations on handling of Colorado grown potatoes which were substantially the same as those issued under the Federal Order. The State program applied within its jurisdiction and the Federal program applied to Colorado potatoes handled under its jurisdiction. It is hereby found that all sales of potatoes grown in the production area which are in the current of the commerce between the production area and any point outside thereof or which are intended for distribution outside of such production area, and all shipments of such potatoes in the current of the commerce between the production area and any point outside thereof, are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce. It is concluded therefore, that the right to exercise Federal jurisdiction is established and the continuing right to exercise such jurisdiction with respect to the proposed order for Colorado potatoes, hereinafter set forth, is established.

(2) Marketing Order No. 58 as issued in 1941 was based on evidence of marketing conditions at that time and provided authorization determined to be necessary and allowable by the then existing terms and provisions of the Act. The intervening two decades have witnessed general and specific changes in supplies, demand, and market conditions for Colorado potatoes. Also, experience in administering the order has indicated the desirability and necessity for changing some of the order's terms and provisions in order to promote orderly marketing and to improve prices for Colorado potato growers. Some of these needs can be accommodated through authority provided by amendments to the Act since Order No. 58 was made effective.

Prices received by Colorado farmers for potatoes have ranged from 42 to 92 percent of the State parity equivalent price during the seasons 1953 through 1959. Insomuch as the objectives of the Act are to establish and maintain such orderly conditions for agricultural commodities (including potatoes) in interstate commerce as will establish as the price to farmers' parity prices, the need for the proposed order is thoroughly apparent.

It is concluded, therefore, on the basis of the foregoing that adequate need exists for the proposed order as hereinafter set forth.

(3) "Handler" or "shipper" are synonymous and are so defined under the proposed order.

The sale or transportation of potatoes grown in the production area places or has the effect of placing such potatoes in market channels and making them part of the current of the commerce in such potatoes. Prices received by growers for potatoes grown in the production area are directly related to the market structure for, and commerce in, potatoes.

Any person who sells, transports, or in any other way handles potatoes grown in the production area is a handler. Handlers included within the definition set forth in the proposed order are any or all those persons who by reason of their activities place or have the effect of placing such potatoes in interstate commerce, or directly burdening, affecting, or obstructing such commerce.

More than one handler may be involved in the handling of a given lot of potatoes and each such person should be responsible for complying with the terms of the proposed order.

Common or contract carriers transporting potatoes which are owned by another person are performing a handling function or activity insomuch as they are transporting potatoes, but such handling should not be regulated under the proposed order because such carriers are not responsible for the introduction of such potatoes in the current of the commerce in potatoes. Neither are they responsible for the grades, sizes, qualities, or other similar market factors affecting the commerce in potatoes which they are transporting.

The responsibility for the grade, size, quality, maturity, or pack of such potatoes delivered to a common or contract carrier, with the consequent effect of such sale or transportation upon the market for potatoes and the price of such potatoes to growers, should be borne by the person or persons responsible for delivering such potatoes to the carrier or by the person, including his agent or agents, who cause such potatoes to be delivered to such carriers.

The bulk, estimated at 90 percent or more, of the potatoes marketed from those grown in the production area are customarily handled by established packing houses. Packing house operators obviously would be handlers because their normal activity includes selling or transporting potatoes. However, some potatoes are placed in the current of the commerce and marketed by growers who sell to truckers or others. The grower, by reason of sale of such potatoes, handles them and thereby becomes a handler. Also, the person who transports or is responsible for the transportation of such potatoes handles them and thereby is a handler.

Order No. 58 defined handler as any person who first handles potatoes. It was testified that this limitation was unrealistic since it tended to hold one person responsible for the acts of other persons over whom he had no control. Therefore, this limitation on only the first person handling potatoes is removed under the proposed order so that all persons who sell or transport potatoes are handlers and as such bear the responsibility for complying with program requirements.

Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

"Handle" or "ship" are synonymous as defined in the proposed order. The definition is substantially the same as under the present order.

The usual or customary marketing of potatoes grown in the production area results in the bulk of the marketed crop going through established packing houses. Prior to packing, the potatoes are produced, dug, and harvested. These activities are producer functions included within his capacity as a producer. Immediately following harvest, the so-called early potatoes customarily are hauled to the packing plant and late potatoes to the storage or packing house. The potatoes, upon delivery to the packing plant from the field or storage, are prepared for market by separating them as to grades and sizes, as well as other market factors, then they are offered for sale or delivered on prior sales. The potatoes, as separated into marketable grades, sizes, qualities, maturity, and packs, are sold in existing market outlets, with customary price differentials, as recorded, due to quality and other market factors. These activities and the resulting transportation of potatoes essential to delivery and consummation of

sales contracts encompass the activities involved in the bulk of potatoes grown in Colorado and marketed through the institutional trade or retail outlets.

Seed potatoes are produced under special conditions to insure their positive qualities and freedom from disease which, if properly qualified, are certified to by an appropriate State agency. The marketing process for seed involves much the same activities, especially sale and transportation, by established packing houses and dealers as for potatoes distributed as table stock through institutional and retail outlets.

Some Colorado potatoes also are sold, transported, or otherwise placed in the current of commerce in other manners. At times potatoes immediately following digging are picked up either mechanically or by hand and a separation is made at this time which leaves some potatoes behind and others are placed in containers and transported to market either by rail or truck. Such potatoes sometimes do not go through a packing house and over conventional type grading equipment, however, some grading takes place in that they are prepared for the market in which they are sold. While the amount of potatoes handled in this manner is relatively small, such sales or transportation of potatoes have a direct effect upon the potato market and the prices received by growers for potatoes. It is common practice in some Colorado areas to "field grade" the potatoes so that some separation of sizes takes place, also some poor quality potatoes are thrown out. Potatoes which have been separated into lots as part of the necessary preparation for market are sold or disposed of in various outlets. Some may be held for local sale, or use, while some also may be sold in other fresh market outlets. Also, some may be disposed of for chips, livestock feed, starch, depending upon the favorable returns. The acts of persons making such sales or causing such sales to be made, or of the person who transports, or who causes the transporting of potatoes to market, each constitutes handling of such potatoes.

The movement of potatoes from the field where grown to storage or to chipping plants or other processing outlets, also the similar movements of potatoes from storage to the above outlets, is within the definition of handle because such potatoes are then in commercial market channels affecting growers prices.

The movement to fresh market of potatoes which have been graded is included in the definition of "handle". Also, the movement or sale of potatoes which have been graded, but which are not a part of tablestock supplies, including culls, pickouts, or other off-grade, off-size, or odd type potatoes, is handling. Such movement is included within the activity of transporting potatoes to market, even though the market for livestock feed, starch, or other processing differs from tablestock market outlets. Such transportation is a handling activity. These activities with respect to disposition of off-size or peculiar quality potatoes, or of any Colorado potatoes, in processing, salvage, or other market outlets are within the definition of "handle" and should be subject to appropriate regulatory authority under the proposed order.

The sale or movement of Colorado potatoes between established dealers or packing houses is a handling activity. So also is the sale or movement of potatoes between shipping point dealers and repacking plants. These activities place or have the effect of placing Colorado potatoes involved therein in the current of the commerce establishing the market structure for potatoes.

On the basis of the foregoing it is concluded that the sale or transportation of potatoes grown in the production area places such potatoes in the current of the commerce in potatoes and that the placing of such potatoes in the current of the commerce is within the definition of "handle" or "ship" in the proposed order to the extent that such commerce is interstate commerce, or it directly burdens, obstructs, or affects such commerce. Therefore, the definition of "ship" or "handle" should be as set forth in the proposed order.

(4) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

(a) The terms "Secretary", "Act", and "person" are used in marketing agreements and marketing orders effective under the statute and indicate, respectively, the officials of the Department of Agriculture who may exercise authority under the proposed order, the official citations of the legal authority for the program, and the identity of the individuals and others embraced within the meaning of the term "person". The use of such terms in the proposed order is essential to the basic framework thereof and should therefore be defined as set forth therein.

"Area" is defined in the proposed order to mean each of the geographical subdivisions of the production area, either as established or as later reestablished under authority of the proposed order. Areas are established, or may be later reestablished, as a basis for administrative jurisdiction by each area committee and for geographically delimiting regulations. The subdivisions of the production area have served adequately and equitably, as well as in accordance with commonly accepted and customary administrative subdivisions for agricultural purposes, in administration of the order since its inception and, particularly, since July, 1949, to the present. These area subdivisions should provide a practical basis for the purposes intended.

The definitions of "potatoes", "producer", and "culls" have proven adequate, equitable, and practical in the past ten seasons' operation of Order No. 58. No change in definition from those set forth in the present order was contemplated, therefore these definitions should be as set forth in the proposed order.

The terms "seed potatoes" or "seed" are commonly used in the production area. "Seed" or "seed potatoes", a term used to distinguish seed potatoes from tablestock potatoes, should be defined to include only those potatoes grown in the production area which are officially or otherwise appropriately identified by the official Colorado potato seed certifying agency.

"Fiscal period" should be defined to mean the period beginning and ending on the date as recommended by the committee and approved by the Secretary. This definition provides authority for each area committee to recommend the dates for the fiscal period, so that auditing and financial problems may be dealt with realistically, also so it will be possible for the committee to consider budgeting for longer than a 12-month period to facilitate financing long term research projects. The flexibility of the definition as set forth in the proposed order should facilitate operations under the program.

Definitions of "grade", "size", and "maturity" are incorporated in the proposed order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. "Grade", "size", and "maturity", the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms (i) in the official standards for potatoes issued by the United States Department of Agriculture (7 CFR §§ 51.1540 to 51.1556 and §§ 51.1575 to 51.1587), (ii) in the State standards for potatoes issued by the State of Colorado, (iii) in modifications or amendments of such standards, and in variations of such standards by regulations under the proposed order. Regulations under the proposed order can then use such terms with the constant meaning assigned thereto in such standards, or in such modified or amended standards, or such regulations can vary such terms by prescribing, for example, a percentage of a grade, as may be required at the time of issuing regulations.

The United States Standards for Potatoes provide means for measuring or determining maturity of potatoes. According to the same standards, "mature" means that the outer skin (epidermis) does not loosen or "feather" readily during ordinary handling and that practically no skin has been removed from the potatoes. They set forth various skinning classifications. "Maturity" as now used by the industry, and as interpreted by Federal-State inspectors and certified on the basis of such inspections, means the basis, as set forth in the aforesaid skinning classification, or modifications or adaptations thereof, for determining the extent or degree to which any lot of potatoes is mature, or falls short of qualifying as mature potatoes. "Maturity", therefore, should be defined as set forth in the proposed order.

"Varieties" is defined as set forth in the proposed order as a basis for officially distinguishing the characters associated with particular lots of potatoes and their relationship to market reac-

tions. Potato tubers of any variety tend to fall in one or another group showing similar characteristics. Colorado produces numerous varieties of potatoes, several of which are well known and result in specific, distinguishable market reactions. The San Luis Valley produces and is widely known for red skinned potatoes, particularly the Red McClure variety or type. That area also produces some round type potatoes, such as the Cobblers and Kennebec varieties, as well as some long varieties, such as the Russett Burbank. Northern Colorado produces round white varieties, also, such as Cobblers, Kennebecs, and Katahdins, as well as long varieties such as Russett Burbanks and Early Gems. The Western Slope produces both round white and long varieties.

The definition of "varieties" as set forth in the proposed order establishes a commonly accepted and practical basis for administration of the proposed order.

The term "pack" is commonly used throughout the production area by the potato industry and refers to one or more of a combination of factors relating to quantity, grade, size, weight, or container or any combination of these factors. For example, it is a common practice to differentiate packs on the basis of 100-pound packs or 50-pound packs. Differences in packs are also recognized by grade, such as U.S. No. 1 pack or U.S. No. 2 pack. Packs may be recognized by particular sizes such as Size A or Size B pack, or it may be desirable to designate the number of potatoes in a container. For example, potatoes of uniform size may be marketed by count in a carton or box and designated as size 60 or 60 count per carton. It is essential that differentiation should be authorized in the proposed order so that appropriate regulations may be tailored to a particular pack and the marketing demand therefor may be made effective and thereby tend to achieve the declared policy of the act. "Pack" should be defined so as to provide a basis for distinguishing the various sizes of shipping units in which potatoes are packed as well as the contents of the packages in terms of the quantity of potatoes or the grade or size thereof. Accordingly, the term "pack" should be defined as set forth in the proposed order.

"Container" is defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes move to market and for the permissible application of different regulations to such different shipping units. The principal containers used at present in marketing potatoes are burlap bags, paper bags, mesh bags, paper and mesh bags, polyethylene bags, boxes, pallets, and bulk loads.

The definition of "committee" is incorporated in the proposed order to identify the administrative agencies responsible for assisting in the administration of the program. "Committee" means each of the area committees, or the Colorado Potato Committee, as the respective reference in the proposed order may be, which are authorized by the act and which are necessary and incidental to the operation of the proposed order.

"Export" is defined in the proposed order because regulations different than for domestic shipments are authorized thereunder for export shipment. Export markets may have requirements which differ from the domestic markets and special regulations may be justified. "Export" should be defined to include all shipments of potatoes outside the continental United States.

(b) Order No. 58 was promulgated in 1941 on the basis, among other considerations of conclusive evidence, that a General Cull Regulation prohibiting the shipment of cull potatoes to fresh market outlets should be in effect at all times throughout the State of Colorado. This policy has been followed since the order began operations in July 1949 as both required and accepted marketing policy. Experience has proven its soundness in Colorado with potato growers and handlers in that production areas subscribe to and support such marketing policies. It is hereby found that growers and handlers desire, and good cause exists for continuation of such policies in the interest of promoting and maintaining orderly marketing for Colorado potatoes. Therefore, it is concluded that the proposed order should provide for establishing a General Cull Regulation throughout the production area, except when it is found, pursuant to Colorado Potato Committee recommendations, or other available information, that such policy and regulations for carrying out such policy should be modified or suspended.

When supply, demand, or price factors for Colorado potatoes warrant consideration of modification or suspension of the General Cull Regulation, the Colorado Potato Committee may consider doing so. Insomuch as the General Cull Regulation applies to the entire production area, recommendations for modification or suspension thereof for specified periods should rest primarily with the Colorado Potato Committee, as set forth in the proposed order. Such suspensions or modifications may apply to any or all varieties of potatoes but should be for specified periods, so that the established marketing policies with respect to culls shall continue except when expressly and specifically modified or suspended.

Order No. 58 obliges each area committee to submit marketing policy reports in connection with their recommendations for grade, size, or quality regulations. Area committee experience during the 1949 and subsequent marketing seasons has proven these terms and conditions to be satisfactory, acceptable and desirable for the industry, also administratively feasible, beneficial, and appropriate standards for operation. The terms and conditions in the proposed order requiring area committees to submit marketing policy reports to the Secretary in connection with any regulations recommended is found to be incidental to, not inconsistent with, and necessary to effectuate, the other provisions of the order. The guides and standards for considerations to be followed in determining marketing policies are found to be reasonable and practical, as well as the type of considerations which growers, handlers and others commonly consider in evaluating supply, demand, price, and general market factors affecting potatoes. It is concluded, therefore, that the terms and conditions requiring each area committee to submit marketing policy reports should be as set forth in the proposed order.

(c) Each area committee, also the Colorado Potato Committee, is established as an administrative agency with specified powers and duties in administering the terms and conditions of the proposed order. Important powers and duties are those relating to recommendations for regulations. Each area committee, also the Colorado Potato Committee, has assisted in administration of Order No. 58 through the 1949 and subsequent seasons. Their experience in considering and recommending regulations under Order No. 58 has proven feasible, satisfactory, and necessary both to the industry and to effective administration of the order. It is concluded, therefore, that each area committee, also the Colorado Potato Committee, should have responsibility and authority for recommending to the Secretary any or all regulations as authorized by the terms and conditions of the proposed order.

The declared policy of Congress through the exercise of the powers conferred upon the Secretary of Agriculture under the Act is to establish and maintain such orderly marketing conditions for agricultural commodities, including potatoes, in interstate commerce as will establish, as the prices to farmers, parity prices. The Act, pursuant to this and additional declarations, authorizes certain terms and conditions which may be contained in marketing orders relating, among others, to grades, sizes, or qualities of commodities marketed, inspection requirements, pack or container regulations, and establishment of research and development projects.

Order No. 58 has been administered during the 1949 and subsequent seasons so as to approach the declared policy of establishing parity prices through limitations, as market considerations so determined of grades, sizes, and qualities of Colorado potatoes being marketed. Approximately a decade of such marketing experiences conclusively substantiates, as attested by Colorado growers and shippers of the need for continuing similar authority under the proposed order. The committees in recommending amendments, as authorized, and committe members selected as witnesses for the industry, testified that authority for limiting the handling of potatoes grown in the production area by grade, size, or quality limitations should be continued, with appropriate modifications offering more flexibility and greater adaptability of operations than heretofore, under the proposed order.

Witnesses, with many years experience as growers, handlers, and committee members, presented substantial evidence on the importance of fresh market, seed, processing, and other market outlets. They emphasized the need for authority in the proposed order to give adequate and comprehensive consideration to the

total quantity and composition of potato supplies, the nature and measure of demand in various types of outlets, and a reasonably effective and balanced consideration to available means for establishing and maintaining orderly marketing conditions for their entire crop not only with a view to accomplishing the purposes of the Act, but also, and within the same declared policy, for maximizing their returns. Substantial evidence is found of the need for the growers and handlers on committees to consider market factors relating to all segments of the supply of Colorado potatoes, the nature and extent of demand for such potatoes in all outlets, and the prices received therefor.

Potato prices in receiving markets, also at shipping points, and, in turn, to producers are directly affected by the quantity and quality of potatoes being sold or transported, and available for current or future sale or transportation during any period. Prices for Colorado potatoes fluctuate from day to day throughout the seasons. Such fluctuations apply not only to receiving markets, but also to shipping point markets, and to prices paid growers. Different prices are paid in receiving markets, also at shipping point for different varieties of potatoes, also for different grades, qualities, sizes, maturities, and packs thereof. In turn, these differentiations in market value attributes of specific lots of potatoes are reflected in growers' prices. Varying packs of different varieties, which reflect not only varietal differences, and also grade, size, or quality, as marketed in different weight, size, count, or container units, reflect market reaction to the methods and manner in which supplies are placed in the current of the commerce in potatoes. Shifts in the quantity of certain grades, sizes, or quality of particular varieties placed on the market are reflected in shifts in prices therefor and in the acceptability of potatoes marketed from the production area.

It is found that price differentials for Colorado potatoes are related directly and specifically to different grades, sizes, qualities, or maturities as they may apply to different varieties of potatoes. Similarly, price differentials also apply to potatoes in different containers, as well as to different sizes of containers, to different packs, to different portions of the production area, to different outlets, and to different portions of the season.

Colorado growers and handlers recognize the price differentials based on the above differences, or any combination thereof. Such recognition not only enters considerations in the marketing of Colorado potatoes, it is found to be an integral, essential part of the marketing process. Colorado potato growers and handlers attempt to market their potatoes in recognition of the reflection on grower prices of receiving market prices, also shipping point prices, for potatoes in an attempt to maximize their returns through the orderly distribution of their crop at the most favorable prices they can get for their commodity.

Industry acceptance of containers and packs currently used for marketing Colorado potatoes is found generally acceptable. However, experienced industry spokesmen support the need for authority to promote orderly marketing through fixing, when and if necessary, the size, capacity, weight, dimensions or pack of the container, or containers which may be used in the packaging or handling of potatoes, or both.

It is concluded, therefore, that means and methods should be provided in the terms and conditions of the proposed order for adjusting the composition and total quantity of the marketable supply of Colorado grown potatoes during any period. It is further concluded that the terms and conditions contained in the proposed order relating to issuance of regulations provide means and methods of regulating the handling of potatoes as supported by hearing record evidence, which will tend to effectuate the declared purposes of the act.

(d) Area committees should be authorized to recommend and the Secretary to establish, in any period when the season average price for potatoes grown in the production area may be above parity, such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate orderly marketing as will be in the public interest. Some potatoes are of such low quality and undesirable size they do not give consumer satisfaction at any time because of waste and the large amount of time consumed in preparing them. Consumers do not receive proper value for their expenditures for extremely low quality or undesirable sizes of potatoes, so even when prices are above parity, it is not in the public interest, either of the producers, handlers or consumers to permit shipments of such potatoes. Shipments of excessively skinned potatoes also tend to disrupt general marketing conditions for the commodity and the discounted prices received for culls an other low quality potatoes or potatoes of undesirable sizes adversely affect growers' prices. The proposed order should authorize the establishment of minimum standards of quality and maturity which will effectuate orderly marketing in the public interest. It is also necessary that such authority should include grading and inspection requirements so that appropriate and customary means for determining minimum standards of quality and maturity, whenever such regulations are in effect, are administratively available.

The proposed order authorizes the Secretary on the basis of area committee or Colorado Potato Committee recommendations or other available information, to issue various grade, size, quality, pack, maturity, container, or other appropriate regulations which are necessary for the improvement of growers' returns and for the development of more orderly marketing conditions for production area potatoes which are subject to regulations. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the Act. Insomuch as it is found on the evidence, the proposed order should include authority to issue regulations, it is concluded therefrom also that the Secretary should have authority to amend, modify, suspend, or terminate any regulations whenever it is determined, upon the basis of committee recommendations, or other available information, that changes in supplies, demand or prices warrant such action.

The bulk of Colorado potatoes are marketed in carlots or fractions thereof. Some small sales are made occasionally by some handlers, such as to individual householders, to friends, to tourists, or to similar "nuisance" sales outlets. Administrative difficulties in regulating the grade, size, quality, maturity, pack, or type of container for such small sales or shipments, such as the certification that these nuisance sales are inspected and conform to all regulations applicable to carlot shipments, would most probably be uneconomical, not feasible, and impractical in many cases. Therefore, it is concluded that the terms and conditions of the proposed order should authorize amendment, modification, suspension, or termination of regulations, which may be issued upon committee recommendations, or other available information, by the Secretary, to relieve specific, small quantities from any or all limitations or obligations applying to commercial handling of Colorado potatoes.

When the Secretary determines that any regulation does not tend to effectuate the policy of the Act, authority to suspend or terminate such regulation should be included as set forth.

When regulations are issued adequate notice of such regulations should be given to area committees and in turn such committees should give reasonable notice to handlers. The two day limitation on effective date of regulations, except when relieving restrictions, is reasonable and is incorporated in the proposed order.

(e) As hereinbefore found, all market outlets for Colorado potatoes are important to growers and handlers of such potatoes in considering their market plans, in improving marketing conditions, and in improving potato prices with a view to establishing parity prices therefor. It is also found that Colorado potatoes moving to, sold in, or otherwise disposed of in certain outlets, such as those specified in § 958.23 (special purposes) of the proposed order, are usually handled differently than fresh shipments for retail markets, or such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or combinations thereof, than the institutional trade or fresh retail outlets and at different prices.

Some special outlets, such as those enumerated are in the nature of salvage; others involve donations; others also include special consideration of the relief needs of the recipients; others demand, and pay premiums for, special external or internal value attributes of the potatoes, and some do not compete directly with the market for table stock potatoes. Seed potatoes are grown and handled

with special care and attention to their genetic attributes and freedom from disease. These special considerations are reflected in the range of prices growers receive and in the build up of the price structure for Colorado potatoes. Special consideration is given to such outlets by growers and handlers both marketing their own crops and in trading in the potatoes marketed by others.

Colorado potatoes handled for relief or charity do not affect the commercial market to the same degree, if at all, as other table stock shipments. Charity shipments usually are donated. Relief shipments often involve similar considerations. It is concluded therefore, that special consideration and authority for special handling for relief and charity shipments of Colorado potatoes should be contained in the terms and conditions of the proposed order.

Certain outlets for potatoes, such as for livestock feed, offer a market at salvage prices for culls and off-grade and off-size potatoes and other potatoes for which there is no other market. Potatoes moving to these markets are of low value and disposal in any such type of outlet is deemed only a salvage operation by producers and growers, so, it is concluded, authority should be included in the proposed order to allow reflection of industry judgment as to whether such marketings should bear costs of inspection and assessments. Committee members familiar with these markets should be able to recommend and the Secretary to designate such outlets to which production area potatoes may move without payment of assessments or obtaining inspection of such potatoes. However, authority should be contained in the terms and conditions of the proposed order for supervision of the special shipment and marketing of these potatoes through the use of Certificates of Privilege, as hereinafter authorized, to prevent these potatoes, which are free of certain regulations, and of lower quality or less desirable sizes, from competing with potatoes which are subject to limitations for fresh tablestock going for distribution to the institutional trade or through retail outlets.

Export requirements for potatoes differ materially on occasion from domestic market requirements. Certain market outlets, such as Mexico, for example, prefer certain grades, sizes, and qualities of potatoes which usually are discounted on the domestic market. Canada, for example, prefers potatoes of grades, sizes, qualities, and maturities which are more common to our own domestic tablestock market. However, if there should be a demand from export outlets for off-grades and off-sizes for special uses, provisions should be made for dealing with it. Area committees and the Secretary should have the requisite authority to effect the appropriate modification, suspension, or termination of regulations for export shipments differently depending upon the demands of such outlets.

Although as hereinbefore found, the market for Colorado potatoes is a build up of market prices in various outlets for such potatoes and it is concluded that the terms and conditions of the proposed order should authorize regulations on handling such potatoes in any outlet, it is also found that the demand for seed potatoes is commonly distinguished from demand for table stock potatoes. Also, special cultural practices are followed in growing potatoes for seed. Special precautionary handling techniques also are followed. Certain sizes may, and frequently do return premium prices in the seed market, whereas similar sizes in the tablestock market are discounted. Order No. 58 has given special consideration to certified seed handling. It is concluded that the terms and conditions contained in the proposed order should provide for special consideration in the handling of seed as defined therein.

Similarly, some potatoes grown within the production area, although perhaps not certified by the State seed certifying agency, are known locally as of above average genetic stock and relatively free from disease. Other local growers often purchase such potatoes for planting as a common and thrifty practice. Within guides, standards, and restraints which may be prescribed by area committees or the Colorado Potato Committee, such practice is deemed appropriate as orderly marketing and devoid of injurious effect upon the market structure for fresh tablestock potatoes. Safeguards assuring that such potatoes should be handled for planting only within specific geographic limits, or handled only within specific parts of the crop year, should be authorized. It is concluded that the terms and conditions of the proposed order should authorize special consideration for potatoes sold within prescribed limitations to insure planting.

The sale or transportation of Colorado potatoes for distribution as fresh potatoes to the institutional trade or through retail outlets has been and continues to be the major market outlet. It is found, however, that the manufacture or conversion of Colorado potatoes into potato products has shown a decided upward trend in the past decade. These products include potato chips and starch. Potatoes in other areas are also converted by dehydration into potato flakes, granules, and cubes. In addition, frozen French fries are an important outlet for potatoes in some areas, while canning is another but considerably smaller market. Witnesses testified at length as to the interest of Colorado growers and handlers in processing markets for their potatoes.

It is found that Colorado chipping interests support the proponents' position in the need for a proposed marketing order to help improve orderly marketing conditions for Colorado potatoes as a means of establishing parity prices to farmers. Chipper contention that the terms and conditions of the proposed order should limit the authority of area committees to recommend and of the Secretary to issue grade, size, quality, or other regulations on potatoes handled for chipping purposes, is found to be without sufficient substance to overcome the conclusion, on evidence found, that growers and handlers should be authorized to market their crop in all allowable outlets within the terms and conditions of the proposed order.

The San Luis Valley Shippers' Association and various of its members testified that the terms and conditions of the proposed order should be so limited that any potatoes manufactured or converted into products that compete with fresh potatoes should not be of any lesser grade or quality than potatoes sold in fresh market channels. No testimony was presented concerning standards or methods for establishing standards for determining which of these products compete with fresh potatoes or the degree of such competition. Shipper Association witnesses testified in substance that their representations were believed desirable, however, proof of the contribution such limitation would offer for promoting orderly marketing and establishing parity prices to farmers was lacking in sufficient substance to be persuasive.

A brief filed by the San Luis Valley Potato Shippers Association argues that the proposed order will result in discrimination unless the limitations and terms and conditions for which they contend are included in the proposed order. The brief takes the position that the authority for special consideration for shipments of potatoes for processing would grant an exception for processors without any fixed limitation which in essence would extend a special privilege to the processors. In substance, therefore, and by way of eliminating such special privilege the Association argues that all potatoes should be required to meet the same minimum requirements regardless of outlet. Evidence introduced by the Association was to the effect that certain processed products (excluding potato chips and shoestrings) with their long shelf life tend to set, or fix, a ceiling on the fresh market. Consequently, it is argued that in practice the processed potatoe is in competition with graded fresh potatoes and tends to fix fresh potatoe prices to the detriment of the grower-shipper. The Association bases its argument on the assumption that if the processor is able to purchase a cull or low grade potato without competition from the fresh shipper for such potatoes he has an unfair advantage in the competition between his end product and fresh potatoes. The Association contends that lower grades, culls and undersized potatoes, have no place in the market either processed or fresh and the authorization of a tolerance to permit shipment is a reversal of policy followed under the Colorado marketing order. They further contend that if the processor does not have to compete with the fresh shipper the processor will pay the lowest price possible for his supplies to the detriment of the growers and shippers.

In actual practice, however, any special privilege would be granted to handlers in general and growers in particular rather than to the processors since the privilege would permit potatoes to be sold or transported to additional outlets. It was testified by the proponents that in order to attain the objectives of the Act (to increase returns to growers) the industry should recognize the fact that the potato market has changed considerably in the past few years. When Order No. 58 was first promulgated most potatoes were sold in 100-pound sacks usually U.S. No. 1 or U.S. No. 2 grade with a large majority going to the fresh market. Changes in marketing since have required various size containers and variations of established grades and sizes. Also, during the same period the use of potatoes for processing into potato chips, shoestrings, flakes, granules, and other forms has increased materially. Because of the differences in demand from these different outlets for different grades and sizes it is necessary for the industry to adopt the marketing policy necessary to satisfy such demands. By meeting these demands with the type of potato the buyer desires the proponents contend that the best price available is received for the entire crop. Authority is necessary in the proposed order to regulate shipments going to the various outlets since each is a factor affecting the total returns to growers and if some return is realized for potatoes sold or transported to certain outlets which are not detrimental to the table stock market total returns to growers will be increased. It was for this reason that the proponents testified that the privilege of departing from the standard regulations for such outlets was proposed for the benefit of growers. Any direct benefits to particular categories of use or purpose being incidental.

The brief also argues that there is question as to whether the industry can have confidence that the committee will act only in the best interests of the industry. The basis for this argument is the fact that the Secretary is not required to act exclusively on committee recommendations but may take into account other available information. The conclusion by the Association does not recognize the fact that the Secretary's authority is conferred upon him by Congress through the Act and such authority may not be limited by the language of a particular marketing order. Also, it was testified that experience under Order No. 58 has shown that instances of regulatory action without committee recommendation have been extremely rare.

Upon balanced consideration the evidence in support of the contentions of the Association is insufficient to sustain its proposals. On the contrary, and on the basis of the record evidence as a whole, it is concluded that in order to effectuate the declared purposes of the Act, growers and handlers should be permitted to utilize those outlets which will return the best price possible for all of their potatoes and thereby increase the total return for the entire crop. Therefore, to the extent that the proposals of the San Luis Valley Potato Shippers Association are at variance with the findings and conclusions set forth herein and contrary to the terms and conditions of the proposed order they are overruled.

The proponents testified that other purposes should be authorized on the basis that the future might bring forth development of products not now envisaged. For example, when Order No. 58 was issued in 1941 chipping was of considerably lesser importance than at present, while dehydration of potatoes for flakes and granules was virtually unknown in the American potato market. Therefore, it is concluded that to properly assure opportunities for progressive developments in the potato marketing and to provide opportunities for adaptation of authority for limitation on handling to such developments, other special purposes should be provided for, as set forth.

It is concluded, on evidence found, that the terms and conditions contained in the proposed order relating to handling for special purposes should be as set forth herein to effectuate the purposes of the Act.

Effective administration of Order No. 58 has proven the necessity for assuring that shipments of discounted grades, sizes, qualities, or varieties of Colorado potatoes to any market outlet other than tablestock are in fact distributed in the special outlet intended and kept out of tablestock outlets. Administrative authority for area committees or the Colorado Potato Committee to prescribe, with approval of the Secretary, adequate safeguards to prevent shipments to special outlets from entering market channels contrary to the provisions of such special regulations should be contained in the terms and conditions of the proposed order.

Appropriate authorization for safeguards should include such limitations, or appropriate qualifications on shipments, as might be necessary and incidental to the proper and efficient administration of the proposed order. Such safeguards could include, among others; mandatory inspection requirements so that committees may have an accurate record of the grade, size, quality and maturity of potatoes shipped to special outlets; applications to make such special shipments; reports by handlers on the number of such shipments and the amounts of potatoes shipped; and assurances by the purchasers that the potatoes would be used for the purpose designated.

In order to maintain appropriate identification of shipments of potatoes to special outlets, safeguards may provide for the issuance of Certificates of Privilege to handlers of such potatoes, and in addition, require that such handlers obtain such certificates on all shipments by them to such special outlets. Certificates of privilege issued by committees could serve as an indication of the authority for handlers to make such shipments and as a means of identifying specific shipments. Such Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of area or Colorado Potato Committee recommendations, or other available information, so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers.

Committees should be authorized by the proposed order to deny as well as to rescind Certificates of Privilege when such action would be necessary to prevent abuse of the exemption conferred thereby. Committees also should be authorized to exercise the authority necessary and incidental to the proper administration of the proposed order, which should include the authority to rescind or deny such certificates. Such action, however, should be based on evidence satisfactory to the respective committee that a handler to whom a Certificate of Privilege had been issued handled potatoes covered thereby contrary to the provisions of such certificate. The committee should notify applicants promptly with respect to rescinding or denying of any Certificates of Privilege. Likewise, any appeals from committee action with respect to an application or the denial of a Certificate of Privilege should be handled promptly.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificate of Privilege issued by committees in order that the Secretary may retain all rights necessary to carry out the declared policy of the Act. The Secretary should give prompt notice to committees of any action taken by him in connection therewith and committees should currently notify all persons affected by the indicated action.

Each area committee should maintain records relevant to safeguards and to Certificates of Privilege and should submit reports thereon to the Secretary, when requested, in order to supply pertinent information requisite for him to discharge his duties under the Act and the proposed order.

The terms and conditions relating to safeguards authorized for special shipments should be as set forth in the proposed order.

(f) Certain hazards such as excessive moisture, drought, hail, or tornadoes, or frosts may result in potatoes which have hollow heart, growth cracks, secondary growth, internal discoloration, jumbo size, also under-size potatoes, and other adverse quality or size conditions which are beyond the control of growers. Other conditions, such as blight, freezing damage, and dry rot may not be evident until after potatoes have been put in storage. Farmers are close to these problems and are aware of conditions beyond growers' control and, hence, as area committees are composed of producers and handlers experienced in such matters, they can properly advise with respect to such facts and conditions.

These hazards are encountered in the production and storing of potatoes grown in the production area and are beyond the control and reasonable expectation of growers. Because of these circumstances, and to provide equity among producers in administering regulations under the proposed order, it is concluded, on evidence found, that the committee should be given authority to issue exemption certificates to permit qualified applicants to handle their equitable proportion of all shipments from their respective areas. Committees by reason of their knowledge of conditions and problems applicable to the production and storing of potatoes in the various producing regions of the production area

should be well qualified to judge each applicant's case in a fair and equitable manner, in the light of the information which the applicant may furnish to substantiate requests for exemption, and to fix the quantity of exempted potatoes which each such applicant may ship. It is reasonable to require all such applicants for exemption to furnish committees with satisfactory evidence to support their applications.

Committees should be authorized by the terms and conditions of the proposed order to recommend rules and regulations governing applications for exemption certificates, for consideration thereof, for establishing basic averages of shippable potatoes under regulations from each area, safeguards for exempted shipments, and appeals from committee decisions. Such rules and regulations would be subject to the Secretary's approval.

(g) Area committees have been sponsoring and promoting research and development projects under State authority for a number of years. The Colorado potato industry wishes, on the basis of hearing record evidence found, to provide in the terms and conditions of the proposed order for authority to establish marketing research and development projects designed to assist, improve, or promote the marketing distribution, and consumption of potatoes. The Colorado industry expresses recognition of a need for development of new markets, both fresh and processing. Marketing research and development projects authorized under the proposed order should allow consideration and approval of projects, and use of funds therefor, directed to studies of quality or size preferences in various distributive channels; quality deterioration and its influence on market prices; processors' preferences and price differentials therefor; and, except for advertising programs, any others relating to marketing or development which, upon review and approval by area committee and the Secretary are determined to be in accordance with the terms and conditions of the proposed order.

(h) Inspection has been a mandatory requirement both under Order No. 58 and under State law during the past decade or more on all Colorado potatoes shipped to fresh or other similar market outlets. Federal or Federal-State Inspection Services have inspected and certified potatoes during this entire period. Reasonable assurances are such service will continue to be available. Colorado potato producers are well acquainted with requirements for inspection and with the services offered. They also are experienced in marketing potatoes under inspection and with the standards used in inspection and certifying Colorado potatoes. Inspection has been available throughout the area and, with reasonable notice, has been and can be given on potato shipments during normal marketing seasons.

Inspection and certification as to grade, size, and quality of potatoes marketed under the proposed marketing order are necessary not only as a matter of State law, but also so that handlers of Colorado potatoes, committees, and other interested parties can determine if shipments thereof comply with regulations in effect and applicable thereto. However, on record evidence found, it is concluded that the basic requirement for mandatory inspection should be subject to necessary relief therefrom, upon committee recommendations and Secretary's approval, to allow for minimum quantity "nuisance" sales or other handling, special shipments, and for administrative problems associated with repacking, repackaging, out of season or out of ordinary location shipments.

Repacking potatoes at shipping point presents an administrative problem differing somewhat from shipments repacked in terminal markets, such as Denver. Also, proximity of Denver as a repacking center for potatoes produced in nothern Colorado, but which may be distributed to market centers either outside or within the production area, may present administrative and compliance problems differing from those associated with similar operations at original shipping point. Also, potatoes from more than one area are marketed in Denver, some of which are repacked for distribution to markets both within and outside the production area. It is concluded, and the industry so requested at the hearing, that rules with respect to inspection requirements to effect compliance or other administrative needs of the proposed order at shipping point or when repacking or regrading should be pursuant to area committee recommendations with approval of the Colorado Potato Committee and Secretary's approval. Authorization of such rules by the Secretary upon area committee recommendations with approval of the Colorado Potato Committee, providing for special inspection requirements, or relief therefrom, on regraded, resorted, or repacked lots is incidental to, and not inconsistent with, and necessary for administration of the other terms and provisions of the proposed order.

Easily ascertainable and visible evidence of inspection on some lots of Colorado potatoes is administratively necessary. Although most Colorado potatoes are marketed in carlots or sizable fractions thereof, some lots are sold or transported in smaller quantities, usually trucks. Some handlers may find it both desirable and practically necessary to obtain inspection on larger lots for later sale in smaller lots. In such instances, it is essential that evidence of inspection should be attached or imprinted on each commercial unit of sale. When potatoes are inspected and certified as a single lot, then identified by seals, stamps, or tags as to such inspection and certification, evidence of inspection in such form should provide adequate and easily ascertainable evidence of inspection. Such procedures would provide more convenient and less expensive inspection services for handlers and both expedite and economize in administration of the proposed order. It is concluded, therefore, that the terms and conditions of the proposed order should provide for identification of inspection not only by requiring, where necessary, that certificates should accompany shipments of Colorado potatoes by truck, but also that alternative evidence of inspection may be provided by means of seals, stamps, tags, or other means of identification.

Inspection certificates are official evidence of the grade, size, quality and additional characteristics of the potatoes in lots covered by inspection at the time it was made. As a basis for trading they offer evidence to buyers and sellers which provide a basis for trading. This evidence is accepted customarily as applying during distribution of shipments from shipping point through receiving markets. Such evidence is satisfactory in most instances for trading and for administrative purposes under the proposed order. Certificates which apply to inspections made weeks previously may no longer reflect properly present quality factors for fresh market shipments and considerations of such administrative problems is essential to effective operations. These considerations should also allow for purposeful conditioning of potatoes to prepare them for marketing in special outlets, such as chips or similar processing. However, it is concluded, from evidence found, that the length of time for which an inspection certificate is valid may be established for administrative purposes under the terms and conditions of the proposed order.

The Federal-State Inspection Service has made copies of inspection certificates on Colorado potatoes available to each area committee for shipments originating in its respective area. This service has been acceptable and feasible both to the inspection service and to area committees. Also, it is essential to administration of the proposed order. It is concluded that such service should be continued under the proposed order.

(i) The administrative agencies established and active in operations under Order No. 58 are the three area committees and the Colorado Potato Committee. These agencies, in the decade or more of operations have proven feasible and practical administratively, also acceptable to the industry in each area as well as throughout the State. Similarly, it is found that the composition of area committees, with one additional producer representative from a newly created district in the San Luis Valley, and the other representatives on such committees, meet industry approval and support, as well as being deemed administratively feasible and practical.

Also, similarly, the terms and conditions relative to alternates, eligibility, nomination and selection, failure to nominate, vacancies, qualification, procedure, and powers accords substantially with administrative operations of Order No. 58 during the past decade or more and the amendments of terms and conditions in the proposed order relating to such sections are concluded, on evidence found, as essential to its effective and efficient operation. Need for changes in committee operation may arise from time to time as producing sections shift production or as marketing organizations develop or decline. Fair and equitable representation on committees is desirable not only by the industry, but also

for effective administration. Authority to reestablish areas or composition of committees is desirable administratively in the interest of simplifying and expediting changes in geographic or functional representation when the industry generally supports such changes. The guides and standards for reestablishment of committees as set forth in the proposed order are found to be adequate and equitable and the terms and conditions set forth therein are considered as incidental to, not inconsistent with, and necessary for administration of the proposed order. Similarly, the provisions for terms of office are supported by experience and are determined to be desirable for effective administration of the proposed order.

The provision for compensation and expenses of committee members follows generally the corresponding terms and conditions of Order No. 58. The change in rate of compensation authorized in the proposed order is found in accordance with industry attitudes and support, because of trends in wage rates and other similar trends in compensation since Order No. 58 was originally issued. Attendance of alternates at committee meetings is deemed desirable as operating policy by the Colorado industry. Accordingly, the terms and conditions of the proposed order so provide.

The fulfillment of certain duties by each area committee and by the Colorado Potato Committee is necessary for discharge of their administrative responsibilities. Most committee duties as set forth in the proposed order are quite obviously essential to effective administration of any organized group such as the administrative agencies of the proposed order. It was recognized in the evidence that the committees' duties as specified are not necessarily all inclusive, for there may be other duties incidental to, not inconsistent with, and necessary for administration of the proposed order which should be assumed when and if necessary to administer properly the proposed order.

The additional duties of the Colorado Potato Committee are similar to those authorized or exercised by it in the past. An additional duty was proposed in the hearing, namely to call joint meetings of area committees on matters warranting exchanges of views, discussions, and joint consideration of mutual marketing or administrative problems. This duty it is found on record evidence, is particularly appropriate for coordinating considerations, recommendations, and regulations among committees and the potato interests within areas throughout the State. It is concluded that such duty is administratively desirable, feasible, reasonable, and should be one of the terms and conditions of the proposed order.

(j) Committee operations necessitate incurring expenses. These expenses, which should be reasonable, include, but should not be limited to, salaries for manager, office and field personnel, research projects, rent for office space and office equipment, supplies and travel expense. Expenses incurred by committees in operating Order No. 58 have been borne by handlers and under the proposed order must, pursuant to requirements of the Act, be borne by handlers. The most practical way of distributing the costs of the program among handlers is to require each handler who first handles potatoes to pay his pro rata share of such expenses for an area committee on the basis of the ratio of his total shipments of potatoes grown in the respective area under the proposed order, as the first handler thereof, to the total of such shipments of potatoes grown in the respective area, by all such handlers, during a particular fiscal period.

Each area committee has operated in the past on a budgeted basis. Good business practices require that committees continue to so operate and each area committee should prepare a budget prior to the beginning of each fiscal period. Such budgets should show estimated income and expenses necessary for the administration of each respective area committee in carrying out its responsibilities and functions in the administration of the proposed order for the fiscal period for which the respective budget is prepared.

The funds to cover the expenses of area committees should be obtained through the levying of assessments on handlers of potatoes grown in the respective areas. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies, such as the area committees. The statute also authorizes terms and conditions for marketing orders requiring handlers to pay their pro rata share of necessary expenses. Under this authority area committees in the past have incurred expenses and have provided through levy and collection of assessments for handlers to pay their pro rata share of expenses. To assure continuance of area committee operations, the payment of assessments by handlers should be authorized as a requirement, when necessary, irrespective of suspension or lack of operation of particular provisions of the proposed order. Authorization for advance payments should be as set forth in the proposed order.

Responsibility for payment of assessments on each lot of potatoes must necessarily be known and fixed. Such responsibility has been both known and fixed in the past under Order No. 58. It is both logical and practical, as well as in accordance with common marketing practice in the production area, to impose such liability on the first handler of the potatoes. In most instances, the first handler and the applicant for inspection are the same person. Colorado potatoes customarily are inspected as they are marketed. However, in the event the first handler fails to apply for, and obtain, inspection, this does not in any way cancel his obligation with respect to the payment of assessments.

Assessment rates should be recommended by respective area committees for shipments of potatoes grown in such areas. Assessments should be applied by the Secretary to a specific unit of shipment or its equivalent. For example, assessment rates can be applied to carlot shipments or on a hundredweight basis, or by any other unit of shipment commonly used in marketing Colorado potatoes. However, such assessments for a fiscal period should be applied on a uniform rate basis.

Order No. 58 provides for increasing the rate of assessment, if necessary, during or after a fiscal period to cover expenses. It is found that, although no instance has occurred under past operations in which such authority for increasing assessments was used, proponents support continuation of substantially the same authority. It is concluded therefore that the terms and conditions relating thereto in the proposed order should be as set forth.

It is sound business practice to require proper accounting of funds derived in administering the proposed order. Committees should provide periodic reports of fiscal operations. Audit reports should be furnished, when requested by the Secretary at apropriate times, such as at the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervisions and control of each committee's affairs. Also financial statements which reflect the current fiscal position of committees should be furnished members and alternates and the Secretary at the close of each month. Audit reports and monthly financial statements should also be supplied on request to persons such as producers and handlers, having a valid interest in the contents of such reports. In no case may data of a nature which could be detrimental to the interests of an individual handler or producer be disclosed in copies of fiscal or other reports released.

Except as indicated below, handlers who ship potatoes grown in a particular area should be entitled to a proportionate refund of the excess assessments collected by the respective committee and which remain at the end of a fiscal period, or at the end of such other period as might be deemed appropriate by reason of suspension or termination.

If and when any committee should be required to liquidate its affairs, expenses will necessarily be incurred in the liquidation process. The affairs of the committee to be liquidated might involve a number of years' operations. Therefore, funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period may be carried over into subsequent fiscal periods as a reserve for possible liquidation in the event of the termination of the proposed order.

It is good business practice to provide for unforeseen contingencies. The anticipated potato crop for any season might conceivably be reduced by casualty or disaster, such as prolonged water shortage, hail, or other weather conditions, disease, or by other factors. The net effect of such a crop failure would be to reduce greatly or stop shipments sufficiently to cause discontinuance of regulations and collection of assessments. In order to continue and maintain the nucleus of committee organizations and to assure the performance of a minimum of basic services, committees should have authority to secure needed extra funds to cover expenses of operation during

such a fiscal period. Such funds might reasonably be drawn from the same reserve accrued for purposes of liquidation.

The above reserve might also properly serve another purpose. At the beginning of each fiscal period, a need exists for operating monies at a time when usually little, if any, revenues from assessments are available. It is customary and sensible budgetary practice, and committees should be so authorized, to borrow operating funds from the above reserve until such time as assessment collections provide adequate revenue to meet current expenses. It is contemplated that any such reserve will have a threefold use; namely, (i) liquidation, (ii) crop failure advance, and (iii) fiscal year advance. It will be built up over a period of years to equalize the burden among handlers. It is concluded, on the basis of record evidence found, that reserves accrued from excess assessments should be limited to an amount roughly equivalent to the average budget of expenses for two fiscal periods.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of committees should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of a committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments as may be appropriate to vest in their successor or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If any area committee should recommend that its operations should be suspended, or if no regulation should be in effect for a part or all of a marketing season, such committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby committee business could be taken care of during periods of relative inactivity with a minimum of difficulty and expense.

(k) Each committee should have the authority, with the approval of the Secretary, to require handlers to submit such reports and information as may be needed to perform committee functions under the proposed order. Every type of report or kind of information which the committees may require cannot be fully anticipated, but committees should have authority under terms and conditions in this proposed order to request reports and information at such times and in such manner as deemed necessary and including those of types set forth.

The Secretary should retain the right to approve, change, or rescind any requests by committees for information or reports in order to protect handlers from unreasonable requests therefor.

Any reports and records submitted for administration of the proposed order by individual handlers should remain under protective classification and be disclosed to none other than persons authorized by the Secretary. Any reported information released by the industry should be on a composite basis and no such release of information may disclose either the identity of handlers or their operations.

If questions arise with respect to the verification of information in the reports submitted under the program, handlers should be required to maintain complete records of their receipts, handling, and dispositions of potatoes for not less than two succeeding years. Evidence shows that handlers usually keep such records for their own business operations for periods of at least two years and no hardship would be imposed by requirements of this type under the proposed order.

(l) Except as provided in the proposed order, no handler should be permitted to handle potatoes, the handling of which is prohibited pursuant thereto; and no handler should be permitted to handle potatoes except in conformity with the proposed order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one or more handlers, although possibly of small impact individually on the industry measured by the proportion of potatoes handled by the respective handler, would be demoralizing to other handlers and would tend to impair operation of the program.

(m) The terms and conditions of § 958.82 through § 958.92 in the proposed order are substantially the same as § 958.70 through § 958.88 of Order No. 58, except for § 958.83(b) and § 958.84(a)(ii) which apply to transition of operations under Order No. 58 to the proposed order. These terms and conditions, as also § 958.93 through § 958.95 of the proposed marketing agreement, are not only common to Marketing Agreement No. 97 and Order No. 58, but also are common to other marketing agreements and orders now operating. Each such section sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate to the effective operation of the proposed marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the Act and are necessary to effectuate the declared policy of the Act. Such terms and conditions should, therefore, be included in the proposed marketing agreement and the proposed order.

(n) The General Cull Regulation, also additional rules and regulations for assessments, exemptions, safeguards for special shipments, and committee members are in effect under Order No. 58. To properly insure continuity of operations during the amending process, such rules, regulations, and committee appointments should be continued in effect until modified, amended, suspended, or terminated under the proposed order. The provisions of § 958.83(b) are to apply to all rules, regulations, and committee appointments effective immediately prior to an effective date for the proposed order. The provisions of § 958.84(a)(ii) set forth authority for terminating, and eliminating, the transitional authority which is necessary primarily during the amending process. Accordingly, it is concluded, that the terms and conditions of § 958.83(b) and § 958.84(a)(ii) should be as set forth in the proposed order.

(5) Amendments relating to the format of the proposed order, with conforming amendments thereto, which are drafted in the interest of clarity, brevity, and efficient administration are obviously desirable. It is concluded that, accordingly, such changes should be made as they are set forth in the terms and conditions of the proposed order.

Rulings on proposed findings and conclusions. At the hearing the Presiding Officer set March 1, 1960, as the final date for the filing of briefs by interested parties and, on February 25, 1960, extended the time for filing briefs to March 7, 1960. Within the prescribed time a brief was filed on behalf of the San Luis Valley Potato Shippers Association by Moses & DeSouchet, Attorneys, Alamosa, Colorado, contending that the proposed order will result in discrimination unless certain proposals submitted by that Association are adopted.

Each point and issue raised by this brief has received careful consideration and has been discussed at length above. For the reasons there stated to the extent that any suggested findings and conclusions contained therein are inconsistent with the findings and conclusions contained herein, the request to make such findings, or to reach such conclusions, is denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of evidence introduced in the hearing and record thereof it is found that:

(1) The marketing agreement and order, as amended, hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish as prices to producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said marketing agreement and order, as amended, authorize regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, a proposed marketing agreement and order upon which a hearing has been held.

(3) The said marketing agreement and order, as amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the Act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the Act.

(4) The said marketing agreement and order, as amended, prescribe, as far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area as defined in said marketing agreement and order, as amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement, as amended, and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in the State of Colorado" and "Order, as Amended, Regulating the Handling of Irish Potatoes Grown in the State of Colorado" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement, as amended, and the aforesaid order, as amended, shall not become effective unless and until the requirement of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order, as amended, which will be published with this decision.

Dated: May 26, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order, as Amended,[1] Regulating the Handling of Irish Potatoes Grown in Colorado

Sec.
958.0 Findings and determinations.

DEFINITIONS

958.1 Secretary.
958.2 Act.

[1] This order, as amended, shall not become effective unless and until the requirements of section 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
958.3 Person.
958.4 Area.
958.5 Potatoes.
958.6 Seed potatoes.
958.7 Handler.
958.8 Handle or ship.
958.9 Producer.
958.10 Fiscal period.
958.11 Grade, size and maturity.
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958.35 Research and development.

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AUTHORITY: §§ 958.0 to 958.92 inclusive, issued pursuant to secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 958.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the rules and practices and procedures governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colorado, on February 1–2, 1960, upon proposed amendments to Marketing Agreement No. 97 and Order No. 58 regulating the handling of Irish potatoes grown in the State of Colorado. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) This order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act with respect to Irish potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the Act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) This order, as amended, authorizes regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities classified in, a proposed order upon which a hearing has been held;

(3) This order, as amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the Act;

(4) This order, as amended, prescribes so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of Irish potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area, as defined in this order, as amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of Irish potatoes grown in Colorado shall be in conformity to and in compliance with, the terms and conditions of this order, as amended, and such terms and conditions are as follows:

DEFINITIONS

§ 958.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority hereafter may be delegated, to act in his stead.

§ 958.2 Act.

"Act" means Public Act No. 10 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 958.3 Person.

"Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

§ 958.4 Area.

"Area" means any of the subdivisions of the State of Colorado as set forth in this section or as reestablished pursuant to § 958.33.

(a) "Area No. 1," commonly known as the Western Slope, includes and consists of the counties of Routt, Eagle, Pitkin, Gunnison, Hinsdale, La Plata, in State of Colorado, and all counties in said State west of the aforesaid counties.

(b) "Area No. 2," commonly known as the San Luis Valley, includes and consists of the Counties of Saguache, Huerfano, Las Animas, Mineral, Archuleta, in the State of Colorado, and all counties in said State, south of the counties enumerated in this definition of Area No. 2.

(c) "Area No. 3" includes and consists of all the remaining counties in the State of Colorado which are not included in Area No. 1 or Area No. 2.

§ 958.5 Potatoes.

"Potatoes" means and includes all varieties of Irish potatoes grown within any of the aforesaid areas.

§ 958.6 Seed potatoes.

"Seed potatoes" or "seed" means any potatoes which have been certified by the official seed certification agency of the State of Colorado and bear the official tags, seals, or other appropriate identification indicating such certification.

§ 958.7 Handler.

"Handler" is synonymous with "shipper" and means any person, except a common or contract carrier of potatoes owned by another person, who handles potatoes.

§ 958.8 Handle or ship.

"Handle" or "ship" means to transport, sell, or in any way to place potatoes in the current of the commerce between the State of Colorado and any point outside thereof.

§ 958.9 Producer.

"Producer" means any person engaged in the production of potatoes for market.

§ 958.10 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by an area committee.

§ 958.11 Grade, size and maturity.

"Grade," means any of the officially established grades of potatoes, "Size" means any of the officially established sizes of potatoes, and "Maturity" means any of the stages of development or condition of the outer skin (epidermis) of potatoes, as defined in the United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1556, inclusive of this title) or Colorado grades established by the Commissioner, or amendments thereto, or modifications thereof, or variations based on any of the foregoing.

§ 958.12 Varieties.

"Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 958.13 Pack.

"Pack" means a quantity of potatoes in any type of container, which falls within specific weight limits, numerical limits, grade limits, or any combination of these recommended by the committee and approved by the Secretary.

§ 958.14 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation, or sale of potatoes.

§ 958.15 Culls.

"Culls" means potatoes which do not meet the requirements set forth in § 958.20.

§ 958.16 Committee.

"Committee" means any of the area committees established pursuant to § 958.50 or the Colorado Potato Committee established pursuant to § 958.51.

§ 958.17 Export.

"Export" means the shipment of potatoes to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

REGULATION

§ 958.20 Marketing policy.

(a) *General cull regulation.* (1) It shall be the marketing policy for the production area to maintain a general cull regulation in effect prohibiting the handling of potatoes for fresh market, except as otherwise provided in this subpart, which do not meet the requirements of the U.S. No. 2, or better, grade, 1½ inches minimum diameter and larger.

(2) Upon recommendation of the Colorado Potato Committee, or on other available information, the general cull regulation may be suspended or modified by the Secretary during a specified period with respect to any or all varieties of potatoes.

(b) *Area marketing policies.* Each season prior to or at the same time as initial recommendations are made pursuant to § 958.21, each area committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in handling the respective area's potatoes during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by an area committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(1) Supply of potatoes by grade, size, quality, and maturity in the respective area, in the production area, and in other areas;

(2) Market prices for fresh potatoes, including grower, shipping point, and terminal market prices by grade, size, and quality in different packs or in different containers;

(3) Market prices for potatoes in other outlets, including growers' and other market price levels by grade, size, and quality;

(4) The trend and level of consumer income;

(5) Establishing and maintaining such orderly marketing conditions for potatoes as will be in the public interest; and

(6) Other relevant factors.

§ 958.21 Recommendations for regulations.

An area committee upon complying with the requirements of § 958.20 may recommend regulations, or modifications, suspension or termination thereof, to the Secretary whenever it finds that such regulations as provided for in this subpart will tend to effectuate the declared policies of the act.

§ 958.22 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of potatoes whenever he finds from recommendations and information submitted by an area committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit the handling of particular grades, sizes, qualities, or maturities of any or all varieties of potatoes, or any combination of the foregoing during any period.

(2) Limit the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for different containers, for different packs, for different portions of the production area, for different purposes under § 958.23, or for any combination of the foregoing, during any period.

(3) Provide a method through rules and regulations issued pursuant to this subpart for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both.

(4) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) Any regulation issued hereunder may be amended, modified, suspended, or terminated by the Secretary on recommendations by an area committee, or on other available information, to provide for

(1) Such changes in regulations found necessary by changes in supplies, demand, or prices;

(2) Minimum quantities which should be relieved of regulatory or administrative obligations; or

(3) Relief from regulations no longer tending to effectuate the declared policies of the Act.

(c) The Secretary shall notify each committee of each regulation recommended by it and issued pursuant to this section. The respective committee shall give reasonable notice thereof to handlers. No regulation, except when relieving limitations, shall become effective less than two days after issuance thereof.

§ 958.23 Handling for special purposes.

Upon the basis of recommendations and information submitted by an area committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared purposes of the Act, shall modify, suspend, or terminate requirements in effect pursuant to §§ 958.20 to 958.22, inclusive, or §§ 958.40 or 958.77, or any combination thereof, to facilitate handling of potatoes for:

(a) Relief or charity;
(b) Livestock feed;
(c) Export;
(d) Seed;
(e) Potatoes, other than certified seed, sold to a producer exclusively for planting within specific geographic limits;
(f) Manufacture or conversion into specified products;
(g) Other purposes recommended by the committees and approved by the Secretary.

§ 958.24 Safeguards.

(a) Each area committee, with the approval of the Secretary, shall prescribe adequate safeguards for potatoes handled pursuant to § 958.23 from entering trade channels other than those authorized by regulations and by such rules as may be necessary and incidental thereto.

(b) Such safeguards may include requirements that handlers or processors desiring to handle potatoes pursuant to § 958.23 shall:

(1) Apply for and obtain Certificates of Privilege from the area committee for handling potatoes affected or to be affected under the provisions of § 958.23.

(2) Obtain inspection as required by § 958.40, or pay the assessment levied pursuant to § 958.77, or both, except as modified pursuant to § 958.23 in connection with shipments made under any such certificate; and

(3) Furnish the committee such information, and execute or obtain execution of such documents, as the committee may require.

(c) An area committee may rescind or deny to any handler permission to handle potatoes pursuant to § 958.23 of this subpart if proof satisfactory to the committee is obtained that potatoes handled by him for a purpose stated in § 958.23 were handled contrary to the provisons of this subpart.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

EXEMPTIONS

§ 958.28 Policy.

Any producer whose potatoes have been adversely affected by acts beyond the control or reasonable expectation of a prudent grower and who, by reason of any regulation issued pursuant to this part, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 958.29 Procedure.

Rules and procedures for granting exemptions may be issued by the Secretary, upon recommendation of area committees. Such rules and procedures may provide for methods of determinations by area committees of average proportions of crops shipped or being shipped in respective areas or subdivisions thereof during any or all portions of a season, for processing applications for exemption, for issuing or denying certificates of exemption, for administrative compliance with certificates issued, for reports by handlers thereon, and for such other procedures as may be necessary to administration hereof.

§ 958.30 Granting exemptions.

An area committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond his control or reasonable expectations;

(b) That by reason of regulations issued pursuant to § 958.20 or § 958.22, the applicant will be prevented as a producer from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof.

(c) Each such certificate issued shall permit the person identified therein to ship or have shipped the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 958.31 Investigation.

An area committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 958.32 Appeal.

If any applicant for exemption certificates is dissatisfied with the determination by an area committee with respect to his application, he may file an appeal with the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal.

RESEARCH AND DEVELOPMENT

§ 958.35 Research and development.

The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

INSPECTION

§ 958.40 Inspection and certification.

(a) During any period in which the handling of potatoes is regulated pursuant to § 958.20 through § 958.24, inclusive, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or a Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved of such requirements by § 958.22(b), § 958.23, or § 958.40(b).

(b) Rules may be issued by the Secretary, upon recommendation of the Colorado Potato Committee requiring inspection on regraded, resorted or repacked lots, or providing for special inspection requirements or relief therefrom. Such rules may provide distinctions, insofar as practical, between handling at shipping point and handling in receiving markets within the production area.

(c) Upon recommendation of an area committee and approval by the Secretary, any or all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) Area committees with the approval of the Colorado Potato Committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other

means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

COMMITTEES

§ 958.50 Area committees.

A committee is hereby established as an administrative agency for each area. Each area committee shall be comprised of members and alternates as set forth in this section or as reestablished by § 958.53.

(a) Area No. 1 (Western Slope): Four producers and three handlers selected as follows:

Two (2) producers and one (1) handler from the counties of Eagle, Garfield, Pitkin, Moffat, and Routt, in the State of Colorado;
Two (2) producers and one (1) handler from the remaining counties of Area No. 1;
One (1) handler representing all producers' cooperative marketing associations in Area No. 1.

(b) Area No. 2 (San Luis Valley): Seven producers and five handlers selected as follows:

Three (3) producers from Rio Grande County;
One (1) producer from Saguache County;
One (1) producer from Conejos County;
One (1) producer from Alamosa County;
One (1) producer from all other counties in Area No. 2;
Two (2) handlers representing all producers' cooperative marketing associations in Area No. 2;
Three (3) handlers representing handlers in Area No. 2 other than producers' cooperative marketing associations.

(c) Area No. 3: Five Producers and four handlers selected as follows:

Three (3) producers from Weld County;
One (1) producer from Morgan County;
One (1) producer from the remaining counties of Area No. 3;
Four (4) handlers from Area No. 3.

§ 958.51 Colorado Potato Committee.

The Colorado Potato Committee is hereby established consisting of six members, with alternates. Two members and alternates shall be selected from each area committee. Committeemen shall be selected by the Secretary from nominations of area committee members or alternates.

§ 958.52 Alternates.

(a) For each committee member there shall be an alternate who shall have the same qualifications. During a member's absence, or when called upon to do so in accordance with the terms hereof, or in the event of a member's death, removal, resignation, or disqualification, an alternate shall act in his place and stead until the member's successor is selected and has qualified.

(b) Area committees, with the Secretary's approval, may provide through rules for members or for alternates to recommend regulations for early crop potatoes or for late crop potatoes and to specify the particular crop for which each group shall be responsible.

§ 958.53 Reestablishment.

Areas, subdivisions of areas, the distribution of representation among the subdivision of areas, or among marketing organizations within respective areas may be reestablished by the Secretary upon area committee recommendations. Upon approval therefor of respective committees affected thereby, areas may be reestablished. In recommending any such changes, the committee shall consider (a) the relative importance of new producing sections, (b) relative production, (c) changes in marketing organizations and their relative status in the industry, (d) the geographic locations of producing sections as they would affect the efficiency of administration of this part, and (e) other relevant factors.

§ 958.54 Eligibility.

Area committee members and alternates shall be individuals who shall be residents of, and producers or handlers, as the case may be, in the respective area. Also, each member or alternate to qualify as a representative (a) for producers shall be a producer, or an officer or employee of a producer; (b) for producers' cooperative marketing associations shall be members or employees of such associations; or (c) for handlers other than cooperative marketing associations shall be a handler, or an officer or employee of a handler.

§ 958.55 Term of office.

The term of office of each area committee member and alternate shall be for two years. The term of office for Colorado Potato Committee members and alternates shall be for one year. The dates on which terms of office for each committee shall begin and end shall be established by the Secretary pursuant to respective committee recommendation. Terms of office of area committee members shall be arranged so that approximately one-half shall terminate each year. Determination of which initial members and alternates shall serve for one year or two years shall be by lot.

§ 958.56 Nomination and selection.

(a) Each area committee shall hold or cause to be held, not less than 15 days prior to the expiration date of respective terms of office, meetings of producers and handlers for each subdivision in which terms expire or in which vacancies otherwise occur.

(b) At each such meeting one or more nominees shall be designated for each impending vacancy as member or alternate. Such designation may be by ballot or by motion at the option of those present in voting capacity.

(c) Only producers may participate in designating producer nominees; only handlers may participate in designating handler nominees; and only duly authorized representatives of producers' cooperative marketing associations may participate in designating nominees to represent such associations. If no separate representation is provided for producers' cooperative marketing associations, duly authorized representatives of such associations may participate in designating handler nominees.

(d) Each producers' cooperative marketing association shall be entitled to cast only one vote in designating nominees to represent such associations. Each producer and each handler shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(e) If a producer, handler, or producers' cooperative marketing association is engaged in producing or handling potatoes in more than one area, or in more than one subdivision of an area, such producer, handler, or producers' cooperative marketing association shall elect the area or subdivision in which he may participate in designating nominees. In no event shall there be participation in more than one area or subdivision.

§ 958.57 Failure to nominate.

If nominations are not made pursuant to the provisions of § 958.56 by the date provided therein, the Secretary may, without regard to nominations, select members and alternates on the basis of the representation provided for in this part.

§ 958.58 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of a member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made pursuant to § 958.56, from previously unselected nominees on the current nominee list, or from other eligible persons.

§ 958.59 Qualification.

Each person selected as a member or as an alternate shall qualify by promptly filing a written acceptance with the Secretary.

§ 958.60 Compensation and expenses.

(a) Members of each area committee and their alternates shall serve without salary, but may be compensated at a rate not in excess of $10.00 per day while engaged on committee business, and may be reimbursed for necessary expenses actually incurred while so engaged. At the discretion of an area committee, alternates may be requested to attend any or all committee meetings and receive compensation and expenses therefor regardless of attendance by the respective members.

(b) The compensation and expenses of members and alternates of the Colorado Potato Committee shall be paid by the respective area committee they represent.

(c) Such other expenses as may be incurred by the Colorado Potato Committee pursuant to a budget of expenses approved by the Secretary shall be allotted to, and paid by, one or more of the area committees as may be specified in an order issued by the Secretary pursuant to the provisions of this subpart.

§ 958.61 Procedure.

(a) A majority of all members of a committee shall be necessary to constitute a quorum or to pass any motion or approve any committee action.

(b) Each committee may provide for the members thereof, including the alternate members when acting as members, to vote by mail, telegraph, telephone, or other means of communication, provided that any such vote cast orally shall be confirmed promptly in writing. If any assembled meeting is held all votes shall be cast in person.

§ 958.62 Powers.

Each committee shall have the following powers:

(a) To administer the provisions of this subpart as specified herein;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 958.63 Duties.

(a) Each committee shall:

(1) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees and adopt such rules and procedures for the conduct of its business as it may deem advisable;

(2) Act as intermediary between the Secretary and any producer or handler;

(3) Appoint such employees, agents and representatives as it may deem necessary and determine the salaries and define the duties of each;

(4) Keep minutes, books, and records which clearly reflect all its acts and transactions. Such minutes, books and records shall be subject to examination at any time by the Secretary;

(5) Furnish promptly notices of meetings, copies of the minutes of each committee meeting, and such other reports or information as may be requested by the Secretary, including annual reports of each area committee's operations for the preceding marketing season or fiscal period;

(6) Make available to producers, and to other area committees and the Colorado Potato Committee the committee's voting record on recommended regulations and other matters of policy;

(7) Meet jointly with other area committees when requested to do so by the Colorado Potato Committee;

(8) Consult, cooperate, and exchange information with other area committees, with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives;

(9) Take any proper action necessary to carry out the provisions of this subpart; and

(10) Cause the books of the committee to be audited by a competent accountant at least once each fiscal period.

(b) The Colorado Potato Committee shall also:

(1) Supervise the regulation of shipments pursuant to the provisions of the general cull regulation in the absence of more restrictive regulations, and shall cooperate with any area committee in administering any regulation issued pursuant to this subpart;

(2) Make recommendations to the Secretary with respect to suspending or modifying the provisions of the general cull regulation;

(3) Make available to area committees its voting record on recommendations for modification of the cull regulation and other matters of policy;

(4) Submit to each area committee such available information as may be requested; and

(5) Call joint meetings of area committees on matters requiring consideration of statewide marketing policies when requested to do so by an area committee.

EXPENSES AND ASSESSMENTS

§ 958.75 Expenses.

Each area committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for purposes determined to be appropriate for administration of this part. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

§ 958.76 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, each area committee shall prepare an estimated budget of income and expenditures necessary for its administration of this part. Each area committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. Each area committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 958.77 Assessments.

(a) The funds to cover each area committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes under this part, shall pay assessments to his respective area committee upon demand, which assessments shall be in payment of such handler's pro rata share of the area committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of each area committee's budget, recommendations, and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period each area committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes grown within the particular area where an area committee recommends such increase and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of each area committee may be required under this part throughout the period it is in effect irrespective to whether particular provisions thereof are suspended or become inoperative.

(e) In order to provide funds to enable each area committee to perform its functions under this part, handlers may make advance payment of assessments.

§ 958.78 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected.

(2) An area committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve are less than approximately two fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses; (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses; (iii) to defray expenses incurred during any period when any or all provisions of this subpart are suspended or are inoperative; (iv) to cover necessary expenses of liquidation in the event of termination of this subpart. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by an area committee pursuant to the provisions of this part shall be used solely for the purposes specified herein. The Secretary may at any time require an area committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of an area committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to such committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) Each area committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations

are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for such committee.

REPORTS

§ 958.80 Reports.

Upon request of an area committee or of the Colorado Potato Committee through an area committee, each handler within the respective area of such area committee shall furnish to the area committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to the following examples:

(1) The quantities of potatoes received by a handler during any or all periods of a season;

(2) The quantities disposed of by him, segregated as to quantities subject to regulation, and where necessary segregated as to types of outlets and special or modified regulations applicable to alternative outlets, and including quantities not subject to grade, inspection, assessment, or other similar regulations;

(3) The date of each such disposition and the identification of the carrier transporting such potatoes;

(4) Information essential to identification of any or all specific quantities, lots, and disposition of potatoes handled under §§ 958.23 to 958.30, inclusive, which may include identification of inspection certificates, exemption certificates, certificates of privilege, or other appropriate identification, including the destination of each special shipment, where necessary.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 958.81 Compliance.

Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 958.82 Right of the Secretary.

The members of each area committee (including successors and alternates) and any agent or employee appointed or employed by any committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of each committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 958.83 Effective time.

(a) The provisions of this subpart or any amendments thereto shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

(b) All regulations and rules, including the General Cull Regulation effective July 18, 1949 (§ 958.301; 14 F.R. 3979), issued pursuant to the order (this part) and in effect immediately prior to the effective date of the order as amended (this part), and not in conflict with the amended order, shall continue in effect under this subpart, until such regulations and rules are changed, modified, or suspended. Also, all committee members and alternates selected pursuant to the order and occupying a term of office immediately prior to the effective date of the order as amended, shall continue in office under the amended order until their successors have been selected and have qualified.

§ 958.84 Termination.

(a)(1) The Secretary may at any time terminate any or all provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The provisions of § 958.83(b) may be terminated when its purpose has been attained.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, as determined by the Secretary have been engaged in the production of potatoes for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such potatoes produced for market.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 958.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of each area committee shall continue as joint trustees for the purpose of liquidating the affairs of their respective area committee of all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of said committees and of the trustees, to such person as the Secretary may direct; and shall upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in said committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by an area committee or its members pursuant to this section shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 958.86 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart; or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 958.87 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 958.88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 958.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 958.90 Personal liability.

No member or alternate of any committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ 958.91 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 958.92 Amendments.

Amendments to this subpart may be proposed from time to time by a committee or by the Secretary.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agents To Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who are engaged in the State of Colorado in the production of Irish potatoes for market, and who marketed such Irish potatoes during the period June 1, 1959 through May 31, 1960 (which period is hereby determined to be a representative period for the purpose of such referendum), to determine whether such producers approve or favor the issuance of amendments to Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado; and said order, as amended.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176).

J. W. Gannaway, W. J. Cremins and K. W. Schaible, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally. Said agents may appoint any person or persons to assist them in performing their functions hereunder.

Copies of the text of the aforesaid annexed order, as amended, may be examined in the office of the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., or at those places in the production area (State of Colorado) announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said order, as amended, may be obtained from any referendum agent and any appointee hereunder.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1960.

CLARENCE L. MILLER,
Assistant Secretary of Agriculture.

[F.R. Doc. 60-4889; Filed, May 31, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-FW-12]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2344 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering modification of the Gulfport, Miss., control zone. The present Gulfport control zone includes the airspace within a 3-mile radius of the Gulfport Municipal Airport and within 3 miles either side of a direct line extending from the Gulfport Municipal Airport to the Keesler Air Force Base, Biloxi, Miss., excluding the portion which coincides with the Biloxi control zone. The Gulfport control zone is only designated during the period 0001 c.s.t., June 1 to 2400 c.s.t. September 15 annually. It is proposed to designate the Gulfport control zone on a continuous basis and to enlarge the Gulfport control zone to include the airspace within a 5-mile radius of the Gulfport Municipal Airport and within 2 miles either side of the Gulfport VOR 325° True radial extending from the 5-mile radius zone to a point 12 miles northwest of the Gulfport VOR. This modification of the Gulfport control zone would provide protection for aircraft conducting IFR approaches and departures at the Gulfport Municipal Airport.

If this action is taken, the Gulfport, Miss., control zone would be redesignated within a 5-mile radius of the Gulfport Municipal Airport (latitude 30°24'25" N., longitude 89°04'20" W.) and within 2 miles either side of the Gulfport VOR 325° True radial extending from the 5-mile radius zone to a point 12 miles northwest of the Gulfport VOR, excluding the portion which coincides with the Biloxi, Miss., control zone (§ 601.2132).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4858; Filed, May 31, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-55]

CONTROL AREAS

Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1394 of the regulations of the Administrator, the substance of which is stated below.

The Westhampton Beach, N.Y., control area extension includes the airspace centered on the Suffolk County AFB TVOR 039° True radial extending from the airport 5 statute mile radius zone boundary to a point 27 statute miles northeast thereof and having a width of 2 statute miles at the control zone boundary expanding to a width of 4.6 statute miles at a point 27 statute miles northeast of the control zone boundary. The Federal Aviation Agency has under consideration modification of the Westhampton Beach control area extension by enlarging it to include additional airspace north-northeast of the Hampton, N.Y., VOR and to include the airspace with the Gardiner's Island, N.Y., Restricted Area (R-19). This modification would provide protection for aircraft conducting instrument approaches to the Suffolk County Air Force Base. The airspace within Restricted Area (R-19) would be utilized for the air traffic management of aircraft operating between Hampton VOR and Norwich, Conn., VOR during the period when Restricted Area (R-19) is not in use.

If this action is taken, the Westhampton Beach, N.Y., control area extension would be redesignated to include the area

north-northeast of the Hampton, N.Y., VOR bounded on the west by the New York, N.Y., control area extension (§ 601.1066), on the northwest by VOR Federal airway No. 16, on the north by VOR Federal airway No. 130, on the northeast and southeast by VOR Federal airway No. 139. The portions of this control area extension which lie within the Westhampton Beach, N.Y., (Suffolk County AFB) Restricted Area/Military Climb Corridor (R–545) and within the Gardiner's Island, N.Y., Restricted Area (R–19) shall be used only after obtaining prior approval from the controlling agencies concerned.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–4859; Filed, May 31, 1960; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59–FW–105]

RESTRICTED AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.51 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Army to modify the Fort Hood, Tex., Restricted Area (R–219). The Fort Hood Restricted Area is an area of approximately 250 square miles located in central Texas, southwest of Waco, utilized by the Department of Army for small arms, tank cannon, artillery and rocket firing. The time of designation is continuous. The controlling agency is the Commanding General, Fort Hood, Tex. It is proposed to modify the Fort Hood Restricted Area in order to place the Fort Hood Airport outside of the Restricted Area. It would then be possible to designate the controlled airspace necessary to provide protection for aircraft conducting instrument approaches to the Fort Hood Airport. In addition, the boundary of the Restricted Area would be modified and extended towards the northwest so as to provide additional space for the containment of gunnery and rocket firing. This modification would reduce the size of the Fort Hood Restricted Area by approximately 25 square miles.

If this action is taken, the Fort Hood, Tex., Restricted area (R–219) (Austin Chart) would be designated as follows:

Description by geographical coordinates:

Beginning at latitude 31°06'07" N., longitude 97°32'45" W.;
thence northwest to latitude 31°09'00" N., longitude 97°41'15" W.;
north to latitude 31°09'45" N., longitude 97°41'15" W.;
West to latitude 31°09'45" N., longitude 97°43'15" W.;
southwest to latitude 31°08'45" N., longitude 97°43'30" W.;
west to latitude 31°08'45" N., longitude 97°47'15" W.;
northwest to latitude 31°15'00" N., longitude 97°50'45" W.;
north to latitude 31°19'15" N., longitude 97°50'45" W.;
northeast to latitude 31°23'25" N., longitude 97°47'40" W.;
southeast to latitude 31°22'30" N., longitude 97°42'45" W.;
southwest to latitude 31°12'45" N., longitude 97°30'45" W.;
southwest to point of beginning.

Designated altitude. Surface to 33,000 feet MSL.

Time of designation. Continuous.

Controlling Agency. Commanding General, Fort Hood, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–4860; Filed, May 31, 1960; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal To Amend the Definition of Small Business for the Trucking and Warehousing Industry for the Purpose of Government Procurements and SBA Business Loans

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of small business for the trucking and warehousing industry for the purpose of Government procurements and SBA business loans, as contained in the Small Business Size Standards Regulation (Revision 1), as amended, (24 F.R. 3491, 5628, 7458, 9329).

The present definition of small business for the trucking and warehousing industry, for the purpose of Government procurements, is 500 or less employees. The proposed amendment would change the definition so that a small business in this industry will be defined as a concern which has annual receipts of $3,000,000 or less for its preceding fiscal year.

The present definition of small business for the trucking and warehousing industry, for the purpose of SBA business loans, is a concern which has annual receipts of $3,000,000 or less. It is proposed to amend this definition so that the language contained therein will be identical to the definition for small business for the trucking and warehousing industry for the purpose of Government procurements.

Both definitions include, but are not limited to, household movers, freight carriers, booking and hauling agents and other similar businesses. The requirements that a concern must be independently owned and operated and that affiliates must be included in determining the annual receipts of a company remain unchanged.

Interested persons may file with the Small Business Administration within 30 days after publication in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the new definition.

All correspondence shall be addressed to:

Donald A. Hipkins, Deputy Administrator, Small Business Administration, Washington 25, D.C.

It is proposed to change the definition of small business for the trucking and warehousing industry, for the purpose of Government procurements and SBA business loans, as follows:

The Small Business Size Standards Regulation (Revision 1), as amended (24 F.R. 3491, 5628, 7458, 9329) is hereby further amended by:

1. Adding new § 121.3–8(a)(7) as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * * * *

(a) * * *

"(7) *Trucking and warehousing industry.* Any business concern in the local and long distance trucking and warehousing industry (including household movers, freight forwarders, booking and hauling agents and other similar businesses) is small if its annual receipts for the preceding fiscal year are $3,000,000 or less.

2. Deleting § 121.3–10(h) and substituting in lieu thereof, the following new § 121.3–10(h):

§ 121.3–10 Definition of small business for SBA business loans.

* * * * * * *

(h) *Trucking and warehousing.* Any business concern in the local and long distance trucking and warehousing industry (including household movers, freight forwarders, booking and hauling agents and other similar businesses) is small if its annual receipts for the preceding fiscal year are $3,000,000 or less.

PHILIP MCCALLUM,
Administrator.

MAY 17, 1960.

[F.R. Doc. 60–4861; Filed, May 31, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

MILLFEED SHORTS FROM CUBA

Notice That There Is Reason To Believe or Suspect Exporter's Sales Price Is Less or Likely To Be Less Than Foreign Market Value

MAY 25, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the exporter's sales price of millfeed shorts imported from Cuba is less, or likely to be less, than the foreign market value, as defined by sections 204 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 163 and 164).

Customs officers are being authorized to withhold appraisement of entries of millfeed shorts from Cuba pursuant to section 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-4894; Filed, May 31, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9934]

WHEELING-NEW YORK NONSTOP

Notice of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on June 15, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 26, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-4895; Filed, May 31, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2217]

EDEN RIDGE HYDROELECTRIC PROJECT, PACIFIC POWER AND LIGHT CO.

Notice of Land Withdrawal; Oregon

MAY 24, 1960.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States are included in power Project No. 2217 (Eden Ridge Hydroelectric Project) for which application for license was filed January 29, 1960, by the Pacific Power and Light Company, Public Service Building, Portland 4, Oregon. Under said section 24 these lands are from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The area reserved by the filing of the application for this project is approximately 7,400.22 acres; all of which are within the Siskiyou National Forest and approximately 1600.66 acres of which are Revested O & C lands.

WILLAMETTE MERIDIAN—OREGON

All of the following described subdivisions lying within the boundaries of the project as delimited on map exhibit K, entitled "Project No. 2217, Oregon, Eden Ridge Hydroelectric Project, South Fork Coquille River, Property Map, Project Boundary, and Profile, Pacific Power and Light Company, Portland, Oregon, FPC 3208 A-2-4" (FPC No. 2217-6).

Revested Oregon and California Railroad Lands

T. 32 S., R. 11 W.,
Sec. 17: Lots 3, 4, 5, 6, 7, NW¼, N½SW¼, NW¼SE¼;
Sec. 21: W½;
Sec. 33: E½NE¼, W½NW¼, S½.
T. 33 S., R. 11 W.,
Sec. 9: Lots 1, 4, NW¼SW¼, S½S½, NE¼SE¼.

PUBLIC LANDS

T. 32 S., R. 10 W.,
Sec. 4: W½NW¼SW¼, NE¼SE¼, E½SE¼SE¼;
Sec. 5: N½S½, SE¼SW¼, SE¼SE¼;
Sec. 6: SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 7: Lots 3, 4, NE¼NE¼, S½NE¼;
Sec. 8: NE¼, NW¼NW¼, SW¼SW¼, E½SE¼;
Sec. 9: NW¼;
Sec. 17: N½;
Sec. 18: W½NE¼NE¼, W½NE¼, NW¼.
T. 32 S., R. 11 W.,
Sec. 12: E½SW¼, SW¼SW¼, SE¼;
Sec. 13: NE¼, W½;
Sec. 14: E½;
Sec. 20: E½;
Sec. 21: W½E½, SE¼SE¼;
Sec. 22: S½;
Sec. 23: E½NE¼, NW¼, W½SW¼, S½SE¼;
Sec. 24: N½NW¼, S½SW¼;
Sec. 25: N½NW¼, SW¼NW¼;
Sec. 26: N½;
Sec. 27: NE¼;
Sec. 28: E½;
Sec. 32: E½;
Sec. 34: NW¼.
T. 33 S., R. 11 W.,
Sec. 10: Lots 3, 4, SW¼.

Copies of the project's K map exhibit (FPC No. 2217-6) have been transmitted to the Bureau of Land Management, Forest Service, and Geological Survey.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4862; Filed, May 31, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13489 etc.; FCC 60M-883]

ALEXANDRIA BROADCASTING CORP. (KXRA) ET AL.

Order for Prehearing Conference

In re applications of Alexandria Broadcasting Corporation (KXRA), Alexandria, Minnesota, Docket No. 13489, File No. BP-12287; Clifford L. Hedberg, tr/as Western Minnesota Broadcasting Co. (KMRS), Morris, Minnesota, Docket No. 13499, File No. BP-12347; KISD, Inc. (KISD), Sioux Falls, South Dakota, Docket No. 13500, File No. BP-13366; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Friday, June 3, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the Rules.

It is so ordered, This the 20th day of May 1960.

Released: May 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4896; Filed, May 31, 1960; 8:48 a.m.]

[Docket Nos. 13381, 13439; FCC 60M-881]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, regulations and charges for components of a distinctive tone and circuit assurance arrangement, Docket No. 13381; American Telephone and Telegraph Company, et al., regulations and charges for certain equipment on an 82-B-1 type relay system for use in connection with private line teletypewriter service, Docket No. 13439.

Pursuant to agreement of counsel, arrived at during the prehearing conference held on this date, the direct evidence in this case will be presented in writing.

It was further agreed and it is so ordered, This 19th day of May 1960, that the following schedule of dates shall govern:

Direct cases will be exchanged on July 20, 1960.

Request for additional data, if any, will be made on August 3, 1960.

A statement as to any data which will not be submitted voluntarily will be served on other parties on August 10, 1960.

A further prehearing conference will be held on September 1, 1960, at 10 a.m.

Any additional data which has been requested will be furnished on or before September 7, 1960.

It is further ordered, That the hearing in this proceeding will commence on September 21, 1960, at 10 a.m., in Washington, D.C.

Released: May 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4897; Filed, May 31, 1960; 8:48 a.m.]

[Docket No. 13514; FCC 60M-903]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, regulations and charges for switching and selecting equipment (common user group and dual facility arrangements) for use with channels of telephone grade furnished for the remote operation of mobile radiotelephone systems, Docket No. 13514.

It is ordered, This 24th day of May 1960, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 5, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4898; Filed, May 31, 1960; 8:48 a.m.]

[Docket No. 12264 etc.; FCC 60M-909]

HIRSCH BROADCASTING CO. (KFVS) ET AL.

Statement and Order After Prehearing Conference

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, Docket No. 12264, File No. BP-11001; W. H. Firmin, J. H. Firmin and Bernard Lurie, d/b as The Firmin Company, Vincennes, Indiana, Docket No. 12266, File No. BP-11621; Donze Enterprises, Incorporated (KSGM), Chester, Illinois, Docket No. 13059, File No. BP-11456; for construction permits.

1. A prehearing conference today was attended by counsel for applicants Hirsch and Donze; respondents WAVE, Radio Indianapolis (WXIW), and KXJK; and the Broadcast Bureau. On March 9, 1960, counsel for applicant Firmin had withdrawn their appearance. No substitute appearance was filed for Firmin, nor was it represented at today's session. Since the preparation of the other parties would be materially affected by the participation of Firmin, and the absence of its representative made it impossible to determine its position, in accordance with his authority to regulate the course of the hearing (Rule 1.144(f)) the Hearing Examiner held Firmin in default, a ruling which is here again noted and confirmed. He permitted counsel for WAVE and Radio Indianapolis, interested solely in the Firmin application, to leave the hearing room; it was understood, however, that they were not withdrawing from the proceeding, and that their future participation was dependent on the treatment of Firmin's application. While Firmin's application was not denied for default, since such action would be premature at this point, its continued failure to participate can obviously lead only to that result.

2. Because the issues do not appear in a single order, it was necessary to correlate the various orders of designation and determine the applicable issues. They are as follows:

As to Hirsch:

Order released December 16, 1957: Issues No. 1, 7, and 9.

Memorandum Opinion and Order released October 16, 1958: Issue No. 12.

Order released August 10, 1959: Issues No. 2, 3, 4, 10, and 12.

As to Donze:

Order released August 10, 1959: Issues No. 2, 3, 4, 8, 10, and 12.

3. It was agreed, among other things, that the direct affirmative cases of the applicants would be in written form. The following timetable was agreed to:

a. Exchange of written cases—By July 8, 1960.

b. Notice of witnesses desired for cross-examination—By July 19, 1960.

c. Hearing—Tuesday, July 26, 1960, at 10 a.m.

So ordered, This 25th day of May, 1960.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4899; Filed, May 31, 1960; 8:48 a.m.]

[Docket Nos. 13518-13521; FCC 60M-905]

HUB CITY BROADCASTING CO. (WHSY) ET AL.

Order Scheduling Hearing

In re applications of Hub City Broadcasting Company, Inc. (WHSY), Hattiesburg, Mississippi, Docket No. 13518, File No. BP-12170; Veterans Broadcasting Company, a partnership composed of Max H. Jacobs, Douglas B. Hicks, Bailey Swenson, Leon Green and David H. Morris (KNUZ), Houston, Texas, Docket No. 13519, File No. BP-12179; Price Broadcasting Corporation, Inc., Fairhope, Alabama, Docket No. 13520, File No. BP-12654; Radio New Orleans, Inc. (WJBW), New Orleans, Louisiana, Docket No. 13521, File No. BP-12940; for construction permits.

It is ordered, This 24th day of May 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4900; Filed, May 31, 1960; 8:48 a.m.]

[Docket No. 13410; FCC 60M-900]

IDAHO MICROWAVE, INC.

Order Continuing Hearing

In re applications of Idaho Microwave, Inc., Docket No. 13410: for construction permit for new fixed radio station at Kimport Peak, Idaho (KPL24), File No. 2672-C1-P-58; for construction permit for new fixed radio station at Rock Creek, Idaho (KPL25), File No. 2673-C1-P-58; for construction permit for new fixed radio station at Jerome, Idaho (KPL26), File No. 2674-C1-P-58.

The Hearing Examiner having under consideration a "Motion to Continue Date of Hearing" (the movant obviously has reference to a prehearing conference) filed on May 20, 1960, in the above-entitled matter by Idaho Microwave, Inc., and

It appearing that the aforesaid Motion requests the continuance of the prehearing conference now scheduled to take place on June 1, 1960, to a date later to be specified following the Commission's action on a "Petition for Reconsideration" directed toward a Commission Order, released May 2, 1960, and

It further appearing that all parties to the proceeding agree to the present Motion and that no objection to its granting will be filed, and

It further appearing that good cause for granting the said Motion has been shown,

It is ordered, This 24th day of May 1960, that the Motion is granted and that, accordingly, the prehearing conference now scheduled to take place on June 1, 1960, be continued without date, and

It is further ordered, On the Examiner's own motion, that the hearing in this matter now scheduled for June 15, 1960, be likewise continued without date.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4901; Filed, May 31, 1960; 8:48 a.m.]

[Docket No. 13490; FCC 60M-911]

IONIA BROADCASTING CO. (WION)

Order Scheduling Prehearing Conference

In re application of Monroe MacPherson, tr/as Ionia Broadcasting Company

(WION), Ionia, Michigan, Docket No. 13490, File No. BP-12445; for construction permit.

Upon verbal request of counsel for the Ionia Broadcasting Co.: *It is ordered*, This 25th day of May 1960, that the prehearing conference of this proceeding will be held Thursday, June 9, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4902; Filed, May 31, 1960; 8:48 a.m.]

[Docket No. 13512; FCC 60M-901]

VITO LOCHIRICO

Order Scheduling Hearing

In the matter of Vito Lochirico, P.O. Box 24, Gulf Shores, Alabama, Docket No. 13512; suspension of restricted radiotelephone operator permit.

It is ordered, This 24th day of May 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 15, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4903; Filed, May 31, 1960; 8:48 a.m.]

[Docket No. 13513; FCC 60M-902]

NATIONAL AMBULANCE & OXYGEN SERVICE, INC.

Order Scheduling Hearing

In the matter of National Ambulance & Oxygen Service, Inc., Rochester, New York, Docket No. 13513; order to show cause why the license for Special Emergency Radio Station KED-379 should not be revoked, or, in the alternative, why a cease-and-desist order should not be issued.

It is ordered, This 24th day of May 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 14, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4904; Filed, May 31, 1960; 8:48 a.m.]

[Docket Nos. 13515-13517; FCC 60M-904]

PIONEER BROADCASTING CORP. (WOPI) ET AL.

Order Scheduling Hearing

In re applications of Pioneer Broadcasting Corp. (WOPI), Bristol, Tennessee, Docket No. 13515, File No. BP-12262; WSTP, Incorporated (WSTP), Salisbury, North Carolina, Docket No. 13516, File No. BP-12328; Central Broadcasting Company, Valdese, North Carolina, Docket No. 13517, File No. BP-12650; for construction permits.

It is ordered, This 24th day of May 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 27, 1960, in Washington, D.C.

Released: May 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4905; Filed, May 31, 1960; 8:48 a.m.]

[Docket Nos. 12991, 12992; FCC 60M-895]

SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

Order Continuing Hearing

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

Upon oral request of counsel for Donald Jerome Lewis, and with the consent of all other parties; *It is ordered*, This 23d day of May 1960, that the exchange of exhibits presently scheduled for May 26, 1960, be, and the same is hereby, continued to June 24, 1960; and

That the hearing in the above entitled matter presently scheduled for June 14, 1960, be, and the same is hereby, continued to July 5, 1960.

Released: May 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4906; Filed, May 31, 1960; 8:48 a.m.]

[Docket Nos. 13473, 13474; FCC 60M-882]

TALIESIN BROADCASTING CO. AND DOUGLAS G. OVIATT & SON, INC.

Order Continuing Hearing

In re applications of Mary W. Carpenter tr/as The Taliesin Broadcasting Company, Cleveland, Ohio, Docket No. 13473, File No. BPH-2859; The Douglas G. Oviatt & Son, Inc., Cleveland, Ohio, Docket No. 13474, File No. BPH-2914; for construction permits.

Pursuant to agreements reached at the prehearing conference held May 20, 1960, the evidentiary hearing in the above-entitled proceeding is continued from Tuesday, June 21, 1960, to Monday, July 18, 1960.

It is so ordered, This the 20th day of May 1960.

Released: May 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4907; Filed, May 31, 1960; 8:48 a.m.]

[Docket Nos. 12814, 13488; FCC 60M-890]

VOICE OF THE NEW SOUTH, INC., (WNSL) AND MID-AMERICA BROADCASTING CO., INC. (WGVM)

Order Setting Prehearing Conference

In re applications of Voice of the New South, Inc. (WNSL), Laurel, Mississippi, Docket No. 12814, File No. BP-11916; Mid-America Broadcasting Company, Inc. (WGVM), Greenville, Mississippi, Docket No. 13488, File No. BP-13245; for construction permits.

It is ordered, This 23d day of May 1960, on the Examiner's own motion, that all parties, or their counsel, who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference pursuant to the provisions of section 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9:30 a.m., Tuesday, June 7, 1960.

Released: May 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4908; Filed, May 31, 1960; 8:48 a.m.]

[Docket Nos. 13442-13444; FCC 60M-896]

WASHINGTON STATE UNIVERSITY AND THE FIRST PRESBYTERIAN CHURCH OF SEATTLE, WASHINGTON

Order Continuing Hearing

In re applications of Washington State University, Pullman, Washington, for renewal of license of station KWSC (& Aux.), Docket No. 13442, File No. BR-58, and for modification of license of station KWSC, Docket No. 13443, File No. BML-1789; The First Presbyterian Church of Seattle, Washington, Seattle, Washington, Docket No. 13444, File No. BR-64, for renewal of license of station KWT.

A prehearing conference in the above-captioned matter having been held on May 13, 1960, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an order;

It is ordered, This 23d day of May 1960, that the following schedule shall govern:

(1) Exchange of preliminary drafts of the applicants' engineering exhibits on or before June 15, 1960;

(2) Final exchange of sworn engineering and lay exhibits by July 8, 1960, with copies thereof to the Hearing Examiner;

(3) Hearing to commence on July 20, 1960;

It is further ordered, That the hearing presently scheduled herein to commence on June 15, 1960, is continued to July 20, 1960, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: May 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4910; Filed, May 31, 1960; 8:48 a.m.]

[Docket No. 13414; FCC 60M-888]

WDUL TELEVISION CORP. (WHYZ-TV)

Order Continuing Hearing

In re application of WDUL Television Corp. (WHYZ-TV), Duluth, Minnesota, Docket No. 13414, File No. BMPCT-5375; for modification of construction permit.

Pursuant to discussion at today's prehearing conference, *It is ordered*, This 23d day of May 1960, that the hearing now scheduled for June 6 is continued to Monday, July 18, 1960, at 10 a.m., and that a further prehearing conference is scheduled for Wednesday, July 6, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: May 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-4909; Filed, May 31, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 321]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63233. By order of May 25, 1960, the Transfer Board approved the transfer to Digman Trucking Inc., Tallmadge, Ohio, of the operating rights set forth in Certificate No. MC 119523, issued by the Commission April 19, 1960, to Ernie Gable, Akron, Ohio, authorizing the transportation, over irregular routes, of ground clay and clay products, from Empire, Ohio, to points in a described portion of Pennsylvania, from points in Beaver (except Fallston) Armstrong, and Jefferson Counties, Pa., to points in a described portion of Ohio, and clay products, from seven specified towns in Ohio to points in described portions of Pennsylvania and West Virginia, and from Bradford and Fallston, Pa., to points in Ohio. Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, for applicants.

No. MC-FC 63260. By order of May 25, 1960, the Transfer Board approved the transfer to Alfred Brown and Sylvia J. Brown, a partnership, doing business as Brown and Brown, Atmore, Alabama, of Certificate in No. MC 116994, issued May 21, 1958, to Keel H. Brown and Alfred Brown, a partnership, doing business as Brown & Brown, Atmore, Alabama, authorizing the transportation of: Passengers and their baggage, between Frisco City, Ala., and the plant site of Chemstrand Corporation (near Gonzalez, Fla.), serving all intermediate points in Alabama. J. Douglas Harris, Attorney, 413-414 Bell Building, Montgomery, Ala., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-4882; Filed, May 31, 1960; 8:46 a.m.]

[Docket 33440]

PETITION FOR INSTITUTION OF AN INVESTIGATION AND FOR OTHER RELIEF

MAY 24, 1960.

Petitioners: Brotherhood of Locomotive Firemen and Enginemen, Keith Building, Cleveland 15, Colo. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland 14, Ohio. Brotherhood of Railroad Trainmen, Standard Building, Cleveland 13, Ohio. Order of Railway Conductors and Brakemen, ORC & B Building, Cedar Rapids, Iowa. Switchmen's Union of North America, 3 Linwood Avenue, Buffalo 2, N.Y. By a petition filed May 11, 1960, petitioners pray that the Interstate Commerce Commission in response to the petition, upon its own motion, or otherwise inaugurate a general investigation of the transportation by motor vehicle of petroleum, petroleum products and similar dangerous inflammable liquids, and of the frequency, causes and results of collisions between such vehicles and railroad trains.

Petitioners state that the principal object of such investigation should be the determination of what rules, regulations, facilities or other actions are feasible and necessary to prevent such collisions. A further request is that the Commission invite the cooperation, recommendations, participation and other assistance of states, Federal agencies and private organizations and officers and officials thereof having any interest in the subject matter.

Any person or persons desiring to participate in this matter may file representations supporting or opposing the relief sought within 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-4883; Filed, May 31, 1960; 8:46 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 117]

READING CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, because the coal dumping pier located on the Reading Company at Port Reading, New Jersey, is inoperative the Reading Company is unable to dump carload coal or slag now on hand at Port Reading or enroute to Port Reading.

It is ordered, That:

(a) Rerouting of traffic: The Reading Company is hereby authorized to reroute or divert carloads of anthracite and bituminous coal or slag, now on hand at Port Reading or enroute to Port Reading, to the coal dumping piers of The Central Railroad Company of New Jersey at Jersey City, New Jersey, or to any other coal dumping pier in New York Harbor or for all rail delivery in New York Harbor where practicable. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad named, desiring to divert or reroute traffic over the line or lines of another carrier under this order, shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a.m., May 24, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., June 24, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 24, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-4884; Filed, May 31, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4842]

DEADLY GAME CO.

Order Vacating Order of Suspension

MAY 25, 1960.

In the matter of Wilkes-Manchester Productions and Emil Coleman as "The Deadly Game Company"; File No. 24NY-4842.

Wilkes-Manchester Productions and Emil Coleman as "The Deadly Game Company" (issuer), a limited partnership organized under the laws of the State of New York, filed with the Commission on April 8, 1959 a notification on Form 1-A and an offering circular relating to a proposed public offering of pre-formation limited partnership interests in units of $2,000 for an aggregate amount of $100,000 with the provision for an involuntary overcall of 10 percent for an additional amount of $10,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Section 3(b) thereof and Regulation A promulgated thereunder.

The Commission on March 25, 1960 ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A sought for the offering be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that a Form 2-A report of sales had not been filed as required by Rule 260.

Subsequent to the Commission's action temporarily suspending the exemption, a Form 2-A report was filed reflecting that units in the amount of $100,000 had been sold as of December 20, 1959 and that the play has been produced, presented and closed. No further offering is being made.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors,

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-4880; Filed, May 31, 1960; 8:46 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

MAY 25, 1960.

In the matter of trading on the American Stock Exchange in the common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation; File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 26, 1960 to June 4, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-4917; Filed, May 31, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 2]

ALASKA

Small Tract Opening

1. Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands totaling 14.34 acres at Tok Junction, Alaska, as suitable for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

COPPER RIVER MERIDIAN

T. 18 N., R. 13 E.,
Section 19: Lots 88, 89, 90, 91, 93, 94, U.S. Survey 2787: Lots 1, 2, 3, 4, 5, 6.

Containing 14.34 acres.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located on the south side of the Alaska Highway approximately one-fourth mile east of the junction of the Alaska Highway and the Glenn Highway near the community of Tok Junction, Alaska. The topography is generally flat. Culinary water is not available from any presently developed source. A school, church, and stores, plus other public facilities, are available in Tok Junction. Soils are of shallow depth underlain with a thick gravel deposit. The native vegetation consists of a mixture of cottonwood and spruce beneath which is a dense growth of tundra type mosses and berry bushes. There is no evidence of metallic or nonmetallic minerals.

4. Each tract of land offered will consist of two lots and have a total acreage of 2.39 acres as shown below. A plat of survey showing the location and dimensions of each lot can be secured for $1.00 from the Manager, Land Office, 516 Second Avenue, Fairbanks, Alaska. The appraised value of each tract, consisting of two lots, is $800 per tract as shown below. An easement, 150 feet in width, for highway purposes, will extend along the northern boundary of each tract as shown below. All minerals in the lands will be reserved to the United States.

T. 18 N., R. 13 E., C.R.M.

U.S.S. 2787 + Sec. 19	Total acreage	Advance rental 2 years	Easement width location	Appraised value
Lot 1 + Lot 88	2.39	$80.00	150' N. boundary	$800.00
Lot 2 + Lot 89	2.39	80.00	150' N. boundary	800.00
Lot 3 + Lot 90	2.39	80.00	150' N. boundary	800.00
Lot 4 + Lot 91	2.39	80.00	150' N. boundary	800.00
Lot 5 + Lot 93	2.39	80.00	150' N. boundary	800.00
Lot 6 + Lot 94	2.39	80.00	150' N. boundary	800.00

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above provided that during the period of their leases they construct the improvements specified in paragraph 7. Leases will be renewable at the discretion of the Bureau of Land Management, and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of the renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation and construction requirements of local ordinances and must in addition meet the following standards:

In the case of a residence site, the improvements will have a minimum exterior dimension of 12 feet by 16 feet, a permanent foundation, at least one door and one window and will be sufficiently well-constructed and insulated so that permanent year around residence would be feasible. Sanitary facilities must be provided (enclosed outhouse with pit or chemical toilet with disposal pit are acceptable). Improvements must be neat and sightly, and the lands leased shall not be permitted to become covered with building waste, trash, or other debris.

In the case of a business site, the improvements will be substantial construction suitable for the use for which the lease is issued. The structure must be constructed with standard materials in accordance with standard practices and supported on foundation, piers, footings, or posts and provided with permanent windows and doors. The structure must be permanently affixed to the ground and provisions made for an adequate water supply and sewage disposal facilities as necessary in the proper conduct of the business. Where sanitary and sewage disposal facilities are necessary in the proper conduct of the business, they must be in accordance with the requirements set forth above pertaining to residence sites. At the time of application to purchase, the lessee will be required to show that he is engaged in the operation of a legitimate commercial business considered prudent under usual business practices.

In all cases, a permit must be obtained from the local Bureau of Public Roads representative before a driveway is constructed from the highway to the lot.

8. The lands are now open to filing of drawing cards, Form 4-775b. Drawing cards are available upon request from the Manager, Land Office, 516 Second Avenue, Fairbanks, Alaska. Requests for drawing cards should refer to "Classification No. 2", and should be accompanied by a stamped self-addressed return envelope to facilitate mailing of the cards.

Drawing cards will be accepted if filled out in compliance with the instructions on the form and filed with the above named official by 10:00 a.m. on June 30, 1960. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants complying with the instructions on the drawing cards and in this classification order will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776), with instructions as to their execution and return and as to payment of fees and rentals.

Any tracts remaining untaken or unleased after the drawing will be open to the filing of applications on a first come, first served, basis beginning at 10:00 a.m., on June 30, 1960. All persons are warned that the $10.00 service fee will be retained by the Government in connection with all applications filed after that date.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, 516 Second Avenue, Fairbanks, Alaska.

RICHARD L. QUINTUS,
Operations Supervisor.

MAY 24, 1960.

[F.R. Doc. 60-4885; Filed, May 31, 1960; 8:47 a.m.]

[Classification 57; Amdt. 1]

ALASKA

Small Tract Classification

MAY 24, 1960.

Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), Small Tract Classification Order Number 57 is hereby amended as follows:

The classification of Lot 20, U.S. Survey 2775 for homesite purposes is hereby amended to a classification for business site purposes. This amendment will take effect immediately.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F.R. Doc. 60-4886; Filed, May 31, 1960; 8:47 a.m.]

[Classification 129 (Alaska No. 1) Amdt. 1]

ALASKA

Small Tract Classification

MAY 24, 1960.

Pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), Small Tract Classification Order Number 129 (Alaska Number 1) is hereby amended as follows:

The classification of Lot 5, U.S. Survey 2723, for home, cabin, camp, recreational, and business site purposes is hereby amended to residence and business site purposes. This amendment will take effect immediately.

RICHARD L. QUINTUS,
Operations Supervisor, Fairbanks.

[F.R. Doc. 60-4887; Filed, May 31, 1960; 8:47 a.m.]

ALASKA

Nenana Townsite; Notice of Sale

MAY 20, 1960.

Notice is hereby given that there will be offered at public sale to the highest bidder at 12:00 noon on June 27, 1960 in the Nenana Civic Center, Nenana, Alaska, the lots or blocks listed at the end of this notice. These tracts will not be sold for less than the appraised price. No bid exceeding that amount will be accepted unless made in increments of $25.00. Bids may be offered by all who may care to do so, and when there will be no further offers, the lots or blocks will be declared sold to the last and highest bidder.

Full payment may be made in cash, postal money order, or bank draft at the date of sale. On all bids, a minimum of $100 will be required at time of sale. The balance must be paid to the Manager, Fairbanks Land Office, within three months from date of sale. If any person who has made partial payment for a tract fails to make succeeding payment, the money theretofore paid and his rights to the tract will be forfeited.

The officer conducting the sale is authorized to reject any and all bids, to suspend, adjourn or postpone the sale of the lots or blocks and to reappraise them at the time of sale or after the sale has been adjourned or closed. If they remain unsold, they may be sold at private entry for the appraised price. Tracts, the rights to which have been declared forfeited for nonpayment of the succeeding installment, or for any other reason, shall be subject to private entry at the appraised price. All persons are warned against violation of the provisions of 18 U.S.C. 1860, prohibiting unlawful combinations or intimidation of bidders.

Following are the lots or blocks being offered for sale, the area embraced by each, and the minimum acceptable bids for these tracts:

BLOCK 38

Lot				
9	7,000	square	feet	$200.00
10	7,000	square	feet	200.00
11	7,000	square	feet	200.00
12	7,000	square	feet	200.00
13	7,000	square	feet	200.00
14	7,000	square	feet	200.00
15	7,000	square	feet	200.00
16	7,000	square	feet	200.00

BLOCK 39

Lot				
1	7,000	square	feet	$150.00
2	7,000	square	feet	150.00
3	7,000	square	feet	150.00
4	7,000	square	feet	150.00
5	7,000	square	feet	150.00
6	7,000	square	feet	150.00
12	7,000	square	feet	150.00

BLOCK 39—Continued

Lot			
13	7,000	square feet	$150.00
14	7,000	square feet	150.00
15	7,000	square feet	150.00
16	7,000	square feet	150.00

BLOCK 40

Lot			
1	7,000	square feet	$150.00
2	7,000	square feet	150.00
3	7,000	square feet	150.00
4	7,000	square feet	150.00
5	7,000	square feet	150.00
6	7,000	square feet	150.00
7	7,000	square feet	150.00
8	7,000	square feet	150.00
9	7,000	square feet	150.00
10	7,000	square feet	150.00
11	7,000	square feet	150.00
12	7,000	square feet	150.00
13	7,000	square feet	150.00
14	7,000	square feet	150.00
15	7,000	square feet	150.00
16	7,000	square feet	150.00

BLOCK 41

Lot			
1	8,204	square feet	$150.00
2	7,000	square feet	150.00
3	7,000	square feet	150.00
4	7,000	square feet	150.00
5	7,000	square feet	150.00
6	7,000	square feet	150.00
7	7,000	square feet	150.00
8	7,000	square feet	150.00
9	7,000	square feet	150.00
10	7,000	square feet	150.00
11	7,000	square feet	150.00
12	7,000	square feet	150.00
13	7,000	square feet	150.00
14	7,000	square feet	150.00
15	7,000	square feet	150.00
16	7,000	square feet	150.00
17	7,000	square feet	150.00
18	8,239	square feet	150.00

BLOCK 42

Lot			
1	8,282	square feet	$150.00
2	7,000	square feet	150.00
3	7,000	square feet	150.00
4	7,000	square feet	150.00
5	7,000	square feet	150.00
6	7,000	square feet	150.00
7	7,000	square feet	150.00
8	7,000	square feet	150.00
9	7,000	square feet	125.00
10	5,000	square feet	125.00
11	5,000	square feet	125.00
12	5,000	square feet	125.00
13	5,000	square feet	125.00
14	5,000	square feet	125.00
15	5,000	square feet	125.00
16	5,000	square feet	125.00
17	5,000	square feet	125.00
18	5,935	square feet	125.00

BLOCK 43

Lot			
1	7,000	square feet	$150.00
2	7,000	square feet	150.00
3	7,000	square feet	150.00
4	7,000	square feet	150.00
5	7,000	square feet	150.00
6	7,000	square feet	150.00
7	7,000	square feet	150.00
8	7,000	square feet	150.00
9	5,000	square feet	125.00
10	5,000	square feet	125.00
11	5,000	square feet	125.00
12	5,000	square feet	125.00
13	5,000	square feet	125.00
14	5,000	square feet	125.00
15	5,000	square feet	125.00
16	5,000	square feet	125.00

BLOCK 44

Lot			
1	7,000	square feet	$150.00
2	7,000	square feet	150.00
3	7,000	square feet	150.00
4	7,000	square feet	150.00

BLOCK 44—Continued

Lot			
5	7,000	square feet	$150.00
6	7,000	square feet	150.00
7	7,000	square feet	150.00
8	7,000	square feet	150.00
9	5,000	square feet	125.00
10	5,000	square feet	125.00
11	5,000	square feet	125.00
12	5,000	square feet	125.00
13	5,000	square feet	125.00
14	5,000	square feet	125.00
15	5,000	square feet	125.00
16	5,000	square feet	125.00

BLOCK 45

Lot			
1	7,000	square feet	$200.00
2	7,000	square feet	200.00
3	7,000	square feet	200.00
4	7,000	square feet	200.00
5	7,000	square feet	200.00
9	5,000	square feet	175.00
11	5,000	square feet	175.00
12	5,000	square feet	175.00
13	5,000	square feet	175.00
14	5,000	square feet	175.00
15	5,000	square feet	175.00
16	5,000	square feet	175.00

BLOCK 66

12.24	acres	$375.00

BLOCK 101

37.64	acres	$375.00

BLOCK 102

20.52	acres	$200.00

RICHARD L. QUINTUS,
Superintendent of Sales, Alaska Railroad Townsites, Fairbanks Land District.

[F.R. Doc. 60-4915; Filed, May 31, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Conway.	Johnson.
Faulkner.	Pope.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of May 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-4912; Filed, May 31, 1960; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 536 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 5–11–60 to 5–10–61. Learners may not be engaged at special minimum wage rates in the production of separate skirts and/or lined jackets (women's dresses and sportswear).

Brunswick Manufacturing Co., Goodyear Park, Brunswick, Ga.; effective 5–6–60 to 5–5–61 (children's and ladies' jackets, car coats).

Cluett, Peabody & Co., Inc., 433–471 River Street, Troy, N.Y.; effective 5–21–60 to 5–20–61 (dress shirts).

Elsing Manufacturing Co., South on Highway 69, McAlester, Okla.; effective 5–13–60 to 5–11–61. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's and children's sportswear, dresses and blouses).

Fleetwood Shirt Corp., 26 East Locust Street, Fleetwood, Pa.; effective 5–16–60 to 5–15–61 (men's and women's shirts).

Griffin Garment, 123 Experiment Street, Griffin, Ga.; effective 5–16–60 to 5–15–61 (brassieres and girdles).

The H. D. Lee Co., Inc., 405 East Madison Street, South Bend, Ind.; effective 5–15–60 to 5–14–61 (men's work clothing).

Kar-Lyn, Inc., 162 Coxe Avenue, Asheville, N.C.; effective 5–4–60 to 5–3–61 (boys' clothes).

W. Kotkes and Son, Inc. (Wilko Uniform Co.); 1305 Main Street, Lynchburg, Va.; effective 5–2–60 to 5–1–61 (women's, nurses' and maids' uniforms).

Lee-Mar Shirt Co., Inc., Pulaski, Tenn.; effective 5–13–60 to 5–12–61 (boys' sport shirts).

Metter Manufacturing Co., Metter, Ga.; effective 5–9–60 to 5–8–61 (ladies' blouses).

Monroe Garment Co., Southerland Avenue, Monroe, N.C.; effective 5–14–60 to 5–13–61 (men's cotton work shirts).

Oberman Manufacturing Co., Valdosta, Ga.; effective 5–27–60 to 5–26–61 (men's and boys' dungarees).

Opp Textiles, Inc., Opp, Ala.; effective 5–12–60 to 5–11–61 (hunting clothes; men's work clothes; miscellaneous outerwear).

Pikeville Sportswear Co., Pikeville, Tenn.; effective 5–21–60 to 5–20–61 (men's and boys' sport shirts).

Pittston Apparel Co., West Enterprise and Market Streets, Glen Lyon, Pa; effective 5–4–60 to 5–3–61 (ladies' brassieres and girdles).

Rappahannock Manufacturing Co., Inc., Airport Avenue, Fredericksburg, Va.; effective 5–15–60 to 5–14–61 (men's dress trousers).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 5–18–60 to 5–17–61 (misses' and junior cotton dresses).

Reliance Manufacturing Co., Factory No. 49, Adams Commercial, Lebanon, Mo.; effective 5–5–60 to 5–4–61 (men's and boys' work clothing and leisure wear).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa.; effective 5–23–60 to 5–22–61 (men's trousers).

Southeastern Shirt Corp., 110 North Indiana Avenue, LaFollette, Tenn.; effective 5–4–60 to 5–3–61 (men's dress and sport shirts—woven material).

Stein-Way Clothing Co., Inc., 711 West Walnut Street, Johnson City, Tenn.; effective 5–4–60 to 5–3–61 (men's and boys' trousers and shorts).

Sweet-Orr and Co., Inc., Dawsonville, Ga.; effective 5–24–60 to 5–23–61 (boys' uniform shirts).

Trimble Manufacturing Corp., Trimble, Tenn.; effective 5–3–60 to 5–2–61 (sport jackets).

Twin Cities Manufacturing Co., Inc., White Hall, Ill.; effective 5–10–60 to 5–9–61 (women's dresses and sportswear).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; effective 5–25–60 to 5–24–61 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carol Ann Apparel Corp., Municipal Building., Cherry Tree, Pa.; effective 5–16–60 to 5–15–61; five learners (women's dresses).

Huntsville Garment Co., Huntsville, Ark.; effective 5–6–60 to 5–5–61; 10 learners (men's laundry pants).

Irene Sportswear Co., Inc., Wyoming County, Nicholson, Pa.; effective 5–18–60 to 5–17–61; 10 learners (ladies' blouses).

Jeffs Garment Co., Inc., Hicks Street, Lawrenceville, Va.; effective 5–16–60 to 5–15–61; five learners (children's dresses).

Judy Lynn Frocks, Inc., 322 South Juniata Street, Mifflin, Pa.; effective 5–6–60 to 5–5–61; 10 learners (ladies' and children's cotton dresses).

Gasper LaFata and Co., 14 Bush Avenue, Staten Island, N.Y.; effective 5–10–60 to 11–9–60; five learners (boys' pants).

Normandy Dress Co., 700 South Madison, Bay City, Mich.; effective 5–22–60 to 5–21–61; 10 learners (ladies' cotton dresses).

Panther Valley Dress Co., Inc., 114 East Kline Avenue, Lansford, Pa.; effective 5–2–60 to 5–1–61; five learners (children's dresses).

The Roswell Co., Alpharetta Division, Alpharetta, Ga.; effective 5–19–60 to 5–18–61; 10 learners (men's work trousers).

Sanford Manufacturers, Inc., 918 West First Street, Sanford, Fla.; effective 5–29–60 to 5–28–61; 10 learners (men's and boys' pajamas and sportswear).

Style-Mac Corp., Southerland Avenue, Monroe, N.C.; effective 5–12–60 to 5–11–61; 10 learners (boys' cotton pants).

Susan Garment, Inc., Berks County, Bethel, Pa.; effective 5–6–60 to 5–5–61; 10 learners (ladies' blouses, dresses and dusters).

Tru-fit Trousers, Traverse City, Mich.; effective 5–16–60 to 5–17–61; 10 learners (single pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Glendale Manufacturing Corp., 26 Glendale Avenue, Biltmore, N.C.; effective 5–6–60 to 11–5–60; 20 learners (ladies' cotton pajamas and gowns).

Meyers & Son Manufacturing Co., Inc., New Castle, Ky.; effective 5–16–60 to 11–15–60; 40 learners (men's one piece wash suits).

Ringer Staples Co., Staples, Minn.; effective 5–16–60 to 11–15–60; 20 learners (sportswear, jackets, parkas and car coats).

Selro Manufacturing Co., 113 Gay Street, 115 Race Street, Washington Street Extended, Cambridge, Md.; effective 5–11–60 to 11–10–60; 45 learners (women's sportswear).

Sweet-Orr and Co., Inc., Dawsonville, Ga.; effective 5–24–60 to 11–23–60; 45 learners (boys' uniform shirts).

Tallassee Manufacturing Co., Tallassee, Ala.; effective 5–4–60 to 11–3–60; 10 learners (women's dusters, shorts, etc.; children's shorts, pedal pushers, etc.).

Tompkinsville Garment Co., Tompkinsville, Ky.; effective 5–6–60 to 11–5–60; 15 learners (men's, women's and children's dungarees; men's trousers).

Tru-fit Trousers, Traverse City, Mich.; effective 5–10–60 to 11–9–60; 40 learners (single pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended.

N. Churchill Manufacturing Co., Inc., 544 North Pearl Street, Centralia, Wash.; effective 5–25–60 to 5–24–61; 10 learners for normal labor turnover purposes (work gloves).

Fairfield Glove Co., 603–607 West Stone Street, Fairfield, Iowa; effective 5–16–60 to 5–15–61; 10 learners for normal labor turnover purposes (work gloves).

Indianapolis Glove Co., Inc., Glenwood, Ark.; effective 5–11–60 to 5–10–61; 10 learners for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind.; effective 5–5–60 to 5–4–61; 10 learners for normal labor turnover purposes (leather and cotton combination work gloves).

Riegel Textile Corp., Glove Division, Conover, N.C.; effective 5–28–60 to 5–27–61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 5–6–60 to 5–5–61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 5–6–60 to 11–5–60; 15 learners for plant expansion poses (full-fashioned and circular knit).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; effective 5–10–60 to 5–9–61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and circular knit).

Harper Hosiery Mills, Inc., Concord, N.C.; effective 5–5–60 to 5–4–61; five learners for normal labor turnover purposes (ladies' seamless).

Tower Hosiery Mills, Inc., 110 Broad Street, Burlington, N.C.; effective 5–4–60 to 5–3–61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brown Century Corp., Lake Village, Ark.; effective 5–16–60 to 11–15–60; 50 learners for plant expansion purposes (men's and boys' knitted underwear).

Gloray Knitting Mills, Inc., Robesonia, Pa.; effective 5–6–60 to 5–5–61; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters).

Movie Star of Purvis, Miss.; effective 5–9–60 to 5–8–61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, etc.).

Quitman Knitting Mills, Inc., Quitman, Miss.; effective 5–9–60 to 5–8–61; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's underwear and sleepwear).

Quitman Knitting Mills, Inc., Quitman, Miss.; effective 5–16–60 to 11–15–60; 35 learners for plant expansion purposes (children's knitted sleepwear and underwear).

Warrenton Manufacturing Co., Elsberry, Mo.; effective 5–6–60 to 11–5–60; 50 learners for plant expansion purposes (slips, half-slips, sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Palm Beach Co., Talladega, Ala.; effective 5–2–60 to 11–1–60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator and final presser, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's summer wash pants, suit pants and shorts).

Henry I. Siegel Co., Inc., Men's and Boys' Vest Department, Gleason, Tenn.; effective 5–5–60 to 11–4–60; 70 learners for plant expansion purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours. (men's and boys' vests).

Unitog Co., 138 West Pine Street, Warrensburg, Mo.; effective 5–11–60 to 11–10–60; four learners for normal labor turnover purposes in the occupations of embroidery machine operator and sewing machine operator, each for a learning period of 320 hours at the rates of at least 90 cents an hour for the first 160 hours and 95 cents an hour for the remaining 160 hours (industrial uniforms).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Beatrice Needle Craft, Inc., Ponce, P.R.; effective 5–5–60 to 5–4–61; 25 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres and girdles).

Beatrice Needle Craft, Inc., Malecon Road Plant, Mayagues, P.R.; effective 4–28–60 to

4-22-61; 20 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Caribe Crown Cap Corp., 27 San Patricio Avenue, Reparto Metropolitano, Rio Piedras, P.R.; effective 5-2-60 to 11-1-60; nine learners for plant expansion purposes in the occupations of press operators, Nagy assembly machine operators, Sacmi spot machine operators, and disc cutter operators, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (crown caps).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayagues, P.R.; effective 4-22-60 to 4-21-61; 16 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

E. M. T. Fittings Co., Inc., Dorado, P.R.; effective 5-2-60 to 11-1-60; 12 learners for plant expansion purposes in the occupations of die cast machine operators, machine operators, and assemblers, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (electrical conduit fittings).

General Electric Instrument Corp., Caguas, P.R.; effective 5-2-60 to 11-1-60; 49 learners for plant expansion purposes in the occupations of sub-assembly and final assembly of small panel instruments, exposure meters, small portable instruments, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric instruments).

General Electric Instrument Corp., Caguas, P.R.; effective 5-2-60 to 5-1-61; 24 learners for normal labor turnover purposes in the occupations of sub-assembly and final assembly of small panel instruments, exposure meters, small portable instruments, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric instruments).

Jaress Corp., Rio Piedras, P.R.; effective 4-27-60 to 4-26-61; five learners for normal labor turnover purposes in the occupations of quality control operations, soft soldering, metal stampings, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (components for aircraft engines).

Marbill Industries, Inc., Carretera No. 2, salida para Yauco, Sabana Grande, P.R.; effective 5-2-60 to 11-1-60; 20 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators, sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours; (3) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 53 cents an hour (slips, petticoats and sleepwear).

Paradise Manufacturing, Inc., Gurabo, P.R.; effective 5-2-60 to 5-1-61; 13 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours to be paid the special minimum wage rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours effective from May 2, 1960 to May 15, 1960; effective from May 16, 1960 the special minimum wage rates to be 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 19th day of May 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60-4814; Filed, May 27, 1960; 8:46 a.m.]

Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 900–959 ..... $1.50
Title 42 (Revised) $4.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Government Printing Office, Washington 25, D.C.

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Part 960 to End ---- $2.50
Title 14, Parts 1–39 ---- $0.65
Title 15 ---- $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (25) is added to § 6.342(a) as set out below.

§ 6.342 Housing and Home Finance Agency.

* * * * * *

(a) *Office of the Administrator.* * * *

(25) Director, Division of Housing for the Elderly.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-4963; Filed, June 1, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

On November 10, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9147) regarding a proposed revision of regulations, other than rules of practice, (7 CFR 46.1–46.40) effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following regulations are hereby promulgated pursuant to the authority contained in section 15, 46 Stat. 537, as amended; 7 U.S.C. 499o:

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46.40 Copies of records; how obtained.

TRADE TERMS AND DEFINITIONS
46.41 Terms construed.

AUTHORITY: §§ 46.1 to 46.41 issued under sec. 15, 46 Stat. 537; 7 U.S.C. 499o.

DEFINITIONS

§ 46.1 Words in singular form.

Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 46.2 Definitions.

The terms defined in section 1 of the act shall have the same meaning as stated therein. Unless otherwise defined, the following terms whether used in the regulations, in the act, or in the trade shall be construed as follows:

(a) "Act" means the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, and legislation supplementary thereto and amendatory thereof (46 Stat. 531; 7 U.S.C. 499a–499r);

CROSS REFERENCE: For rules of practice under the act, see Part 47 of this chapter.

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) "Service" means the Agricultural Marketing Service, United States Department of Agriculture.

(e) "Deputy Administrator" means the Deputy Administrator for Marketing Services of the Agricultural Marketing Service, or any officer or employee of the Service, to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(f) "Division" means the Fruit and Vegetable Division of the Service.

(g) "Director" means the Director of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, by the Director to act in his stead.

(h) "In commerce" means interstate or foreign commerce as defined in section 1 (3) and (8) of the act.

(i) "Person" means any individual, partnership, corporation, association, or separate legal entity.

(j) "Firm" means any person engaged in business as a commission merchant, dealer, or broker.

(k) "Licensee" means any firm who holds an unrevoked and valid unsuspended license issued under the act.

(l) "Dealer" means any person engaged in business as a dealer as defined in section 1(6) of the act.

(m) "Broker" means any person engaged in the business of negotiating sales and purchases of produce in commerce for or on behalf of the vendor or the purchaser, respectively.

(n) "Shipper" means any person operating at shipping point who is engaged

in the business of purchasing produce from growers or others and distributing such produce in commerce by resale or other methods, or who handles such produce on joint account with others.

(o) "Grower" means any person who raises produce for marketing.

(p) "Growers' agent" means any person operating at shipping point who sells or distributes produce in commerce for or on behalf of growers or others and whose operations may include the planting, harvesting, grading, packing, and furnishing containers, supplies, or other services.

(q) "Receiving market commission merchant" means any person operating on a receiving market who is engaged in the business of receiving produce in commerce for sale, on commission, for or on behalf of another.

(r) "Joint account transaction" means a produce transaction in commerce in which two or more persons participate under a limited joint venture arrangement whereby they agree to share in a prescribed manner the costs, profits, or losses resulting from such transaction.

(s) "Produce" means any perishable agricultural commodity, as defined in section 1(4) of the act.

(t) "Fresh fruits and fresh vegetables" include all produce in fresh form generally considered as perishable fruits and vegetables, whether or not packed in ice or held in common or cold storage, but does not include those perishable fruits and vegetables which have been dried or manufactured into articles of food of a different kind or character. Blanching, chopping, color adding, curing, cutting, dicing, drying for the removal of surface moisture, fumigating, gassing, heating for insect control, ripening and coloring, husking, icing, peeling, polishing, pre-cooling, refrigerating, shredding, slicing, trimming, washing with or without chemicals, waxing, adding of sugar or other sweetening agents, and ascorbic acid or other agents used to retard oxidation, or the mixing of several kinds of sliced, chopped, or diced fruits or vegetables for packaging in any type of containers, or comparable methods of preparation, where the product is not processed by heat to assure preservation shall not be considered a change into a food of a different kind or character.

(u) "Frozen fruits and vegetables" include all produce defined in paragraph (t) of this section when such produce is in frozen form.

(v) "Cherries in brine" means cherries packed in an aqueous solution containing sulphur dioxide or other bleaching agent of sufficient strength to preserve the product, with or without the addition of hardening agents.

(w) "Wholesale or jobbing quantities," as used in section 1(6) of the act, means aggregate quantities of all types of produce totaling one ton (2,000 pounds) or more in weight in any day shipped, received, or contracted to be shipped or received, or any single transaction totaling one ton (2,000 pounds) or more in weight.

(x) "Truly and correctly to account" means, in connection with:

(1) Consignments, to account promptly by rendering a true and correct statement showing the date of receipt and date of final sale, the quantities sold at each price, or other disposition of the produce, and the proper, usual or specifically agreed upon selling charges and expenses properly incurred or agreed to in the handling thereof, plus any other information required by § 46.27;

(2) Joint account transactions, to account promptly by rendering a true and correct statement showing the date of receipt and date of final sale, the quantities sold at each price or other disposition of produce, the joint account cost of the produce, and the expenses properly incurred or other charges specifically agreed to in the handling thereof, plus any other information required by § 46.27; and

(3) Buying brokerage transactions, where the broker pays for the produce, to account promptly by rendering a true and correct itemized statement showing the cost of the produce, the expenses properly incurred, and the amount of brokerage charged.

(y) "Account promptly", except when otherwise specifically agreed upon by the parties, means rendering a true and correct accounting:

(1) In connection with buying brokerage transactions where the broker pays for the produce, within 24 hours after the date of shipment;

(2) In connection with consignment or joint account transactions, within 10 days after the date of final sale with respect to each shipment: *Provided*, That whenever a grower's agent or a shipper distributes individual lots of produce for or on behalf of others, his accounting shall be made within 5 days after the date he is paid by the purchaser or receives the accounting on consigned or joint account transactions and, whenever a grower's agent or shipper harvests, packs, or distributes entire crops or multiple lots therefrom for or on behalf of others, he shall make interim accountings at reasonable intervals and a final accounting within a reasonable time following the close of the season's transactions: *Provided further*, That nothing in the regulations in this part shall prohibit cooperative associations from accounting to their members on the basis of seasonal pools or other arrangements provided by their regulations or bylaws; and

(3) In connection with a consignment or joint account transaction, within 10 days after the date of receipt of payment of a carrier claim filed.

(z) "Full payment promptly" is the term used in the act in specifying the period of time for making payment without committing a violation of the act. The contracting parties have the right to agree as to when payment is due in connection with any transaction. In the absence of such agreement, "full payment promptly", for the purpose of determining violations of the act, means:

(1) Payment of the net proceeds for produce received on consignment or the pro rata share of the net profits for produce received on joint account, within 10 days after the day on which the final sale with respect to each shipment is made;

(2) Payment by growers, growers' agents or shippers of deficits on consignments or joint account transactions, within 10 days after the day on which the accounting is received;

(3) Payment of the purchase price, brokerage, and other expenses to buying brokers who pay for the produce, within 10 days after the day on which the broker's invoice is received by the buyer;

(4) Payment of brokerage charges earned in connection with the produce purchased or sold within 10 days after the day on which the broker's invoice for brokerage is received by the principal;

(5) Payment for produce purchased by a buyer within 10 days after the day on which the produce is accepted after arrival at the contract destination without complaint by the buyer: *Provided*, That if the shipment is diverted to a destination other than the contract destination, the time shall run from the scheduled time of arrival at contract destination or the time of actual arrival at its ultimate destination, whichever is shorter;

(6) Payment to growers, growers' agents or shippers by terminal market agents or brokers, who are selling for the account of a grower, growers' agent or shipper and are authorized to collect from the buyer or receiver, within 5 days after the agent or broker receives payment from the buyer or receiver;

(7) Payment to the principal within 10 days of net proceeds realized from a carrier claim in connection with a consignment transaction or, in connection with a joint account transaction, payment to the joint account partners of their share of the joint account net proceeds realized from a carrier claim;

(8) Payment by growers' agents or shippers distributing individual lots of produce for or on behalf of others, within 5 days after the day on which he receives payment from the purchaser or receives the net proceeds on consigned or joint account transactions;

(9) Partial payments at reasonable intervals during the shipping season by a growers' agent or shipper who harvests, packs, or distributes entire crops or multiple lots therefrom for or on behalf of others and final payment within a reasonable time following the close of the season's transactions.

Nothing in the regulations in this part shall limit the seller's privilege of shipping under a closed or advise bill of lading or other arrangement requiring cash on delivery unless there has been specific prior agreement to the contrary between the parties; or prohibit cooperative associations from settling with their members on the basis of seasonal pools or other arrangements provided by their regulations or bylaws. Payment in connection with any transaction or situation not specifically covered herein shall be made within a reasonable time; and, if there is a dispute concerning a transaction, the foregoing time periods apply only to the undisputed amount.

(aa) "Reject without reasonable cause" means in connection with purchases, consignments, or joint account transactions: (1) Refusing or failing without legal justification to accept produce within a reasonable time; (2) advising the seller, shipper, or his agent that produce, complying with contract, will not be accepted; (3) indicating an intention not to accept produce through an act or failure to act inconsistent with the contract; or (4) any rejection following an act of acceptance.

(bb) "Reasonable time", as used in paragraph (aa) of this section, means:

(1) For frozen fruits and vegetables with respect to rail shipments, 48 hours after notice of arrival and the produce is made accessible for inspection, and with respect to truck shipments, not to exceed 12 hours after the receiver or a responsible representative is given notice of arrival and the produce is made accessible for inspection;

(2) For fresh fruits and vegetables with respect to rail shipments, not to exceed 24 hours after notice of arrival and the car has been placed in a location where the produce is made accessible for inspection; and with respect to truck shipments, not to exceed 8 hours after the receiver or a responsible representative is given notice of arrival and the produce is made accessible for inspection; and, with respect to boat shipments, not to exceed 24 hours after the produce is unloaded and made accessible for inspection and the receiver is given notice thereof;

(3) If, within the applicable period, the receiver cannot make a thorough inspection due to adverse weather condition or applies for but cannot obtain Federal inspection before the end of this period, and so notifies the consignor within the applicable period, the period shall be extended until weather conditions permit inspection or until Federal inspection is made, as the case may be, plus two hours after either an oral or written report of the results of such inspection is made available to the receiver; and

(4) In computing the time periods specified in this paragraph, (i) for shipments arriving on non-work days or after the close of regular business hours on work days when a representative of the receiver having authority to reject shipments is not present, non-working hours preceding the start of regular business hours on the next working day shall not be included; and (ii) for shipments arriving during regular business hours when a representative of the receiver having authority to reject shipments customarily is present, the period shall run without interruption except that, for shipments arriving less than two hours before the close of regular business hours, the unexpired balance of the time period shall be extended and run from the start of regular business hours on the next working day.

(cc) "Acceptance" means:

(1) Any act by the consignee signifying acceptance of the shipment, including diversion or unloading;

(2) Any act by the consignee which is inconsistent with the consignor's ownership, but if such act is wrongful against the consignor it is acceptance only if ratified by him; or

(3) Failure of the consignee to give notice of rejection to the consignor within a reasonable time as defined in paragraph (bb) of this section: *Provided*, That acceptance shall not affect any claim for damages because of failure of the produce to meet the terms of the contract.

(dd) "Responsible position" means:

(1) A position in which the person is the individual owner, partner in a partnership, or officer or director of a corporation or association, or has direct or indirect control of a firm.

(2) A position in which the person is authorized to negotiate contracts of purchases, sales, consignments or joint account transactions of produce (excluding floor salesmen or other salesmen making sales at predetermined prices who operate under direct supervision and handle only local sales in less than carlot quantities and other comparable positions in relation to operations of the licensee);

(3) A position of a general supervisory nature, including one having responsibility for office management or supervision of the preparation of account sales and/or the maintenance of records required by the act; or

(4) Any other position in which the person, through exercise of his own judgment or initiative, has authority to bind or commit the licensee.

(ee) "Responsibly connected" means affiliation as individual owner, partner in a partnership, or officer, director or holder of more than 10 percent of the outstanding stock of a corporation or association.

LICENSES

§ 46.3 License required.

(a) No person shall at any time carry on the business of a commission merchant, dealer, or broker without a license which is valid and effective at such time.

(b) Separate licenses are required for each firm. More than one trade name may be used by the same firm only when such trade names are shown on the firm's license certificate.

(c) Joint account arrangements between two or more licensees are not considered to result in separate firms and, therefore, do not require separate licenses.

§ 46.4 Application for license.

Any person who desires to secure a license shall make application therefor on the currently approved form to be obtained from the Director or his representatives. The applicant shall furnish the following information:

(a) Name or names in which business is conducted; place of business; mailing address; name and location of branches, divisions, or affiliates, if any; and name of firm succeeded, if any.

(b) Type of business (i.e., wholesale, retail, trucking, processing, commission merchant, or broker), and whether the fruits and/or vegetables handled are fresh or frozen, or cherries in brine.

(c) Type of ownership. If a corporation, applicant shall furnish (1) the date incorporated; (2) the State in which incorporated; and (3) the address of the principal office.

(d) Full names and home address of the owner. If a partnership, the applicant shall furnish the full names and addresses of all partners, indicating whether general or special; or if an association or corporation, the applicant shall furnish the full names and addresses of all the officers, directors, holders of more than 10 per centum of the outstanding stock, and percentage of stock held by each such person.

(e) Date of the first transaction coming within the provisions of the act. If business was conducted subject to the act prior to the filing of an application for a license, applicant shall furnish an explanation for such violation as prescribed in section 3(a) of the act.

(f) If the applicant, or in case the applicant is a partnership, any partner, or in case the applicant is an association or corporation, any officer, director, or holder of more than 10 per centum of the outstanding stock, has prior to the filing of the application:

(1) Been connected with any firm whose license is under suspension or has been revoked, and if so, furnish the name and address of the firm whose license is under suspension or has been revoked and the details of such connection, including the dates thereof;

(2) Been an officer, director, stockholder, partner, or owner of a firm against which there is an unpaid reparation award under the act, and if so, furnish the name and address of the firm against which the reparation was issued and the details of such connection, including the dates thereof;

(3) Been an officer, director, stockholder, partner, or owner of a firm against which there is a pending complaint under the act known to the applicant and if so, furnish the name and address of the firm against which there is a pending complaint.

(4) Within three years been adjudicated or discharged as a bankrupt or was an officer, director, stockholder, partner, or owner of a firm adjudicated or discharged as a bankrupt, and if so, furnish a copy of the petition in bankruptcy, including the schedule of creditors and certificate of discharge, if any; estimated value of produce that will be handled by the new firm during any month, percentage of business that will be handled on consignment or joint account, and amount of credit that will be incurred;

(5) Been convicted of one or more felonies in any State or Federal court, and if so, furnish the name and date of birth of the party convicted, alias if any, name, location of court and date convicted, nature of felony, sentence imposed, where and length of time served; if paroled, date parole terminated;

(6) Ever been licensed under the act, and if so, furnish the name and address of licensee and whether license is still in effect.

(g) Whether any person employed in a responsible position by the applicant has been the individual owner, partner in a partnership, or officer, director, holder of more than 10 per centum of the outstanding stock of an association or corporation, or held a responsible position in any firm whose license is under suspension or has been revoked, and if so, furnish the full name of the person and the name of the firm involved and the details of such connection, including the dates thereof.

(h) Any other information the Director deems necessary to establish the identity and eligibility of the applicant to obtain a license.

(i) The application shall be signed by the owner, all general partners, or, in case the applicant is an association or corporation, a duly authorized official.

(j) The application and fees shall be forwarded to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., or to his representative. An application which does not contain full or complete answers to all the questions, or is not properly signed, or not accompanied by the proper fee, shall not be considered a valid application for license. The "period not to exceed 30 days" as prescribed in section 4(d) of the act shall commence on the day that a valid application for license is received by the Director or his representative.

(k) If the application is incomplete, the Director may return the application to the applicant with a request that the application be completed by furnishing the missing data. If the applicant does not respond to this request within 30 days after it is mailed by the Director, the fees submitted shall be refunded.

(l) If the Director has reason to believe that the application contains inaccurate information, he may afford the applicant an opportunity to submit a corrected application or verify or explain information contained in the application. If the applicant submits a corrected application, the original application shall be considered withdrawn. If the applicant, in response to the Director's request, submits additional or corrected information for consideration in connection with his original application, the original application plus such information shall be considered as constituting a new application.

(m) Fees shall be refunded whenever an application is withdrawn without the filing of a new application.

(n) When a valid application is received and the provisions of section 4(b) of the act are applicable, the Director shall notify the applicant by letter of the pertinent provisions of this section and the reasons for denial of license and shall refund the fee.

§ 46.5 License fee.

The annual license fee is twenty-five dollars ($25). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

§ 46.6 Issuance of license.

Upon receipt of a valid application accompanied by the proper fee for a license, the Director shall, if the applicant is found to be eligible, issue a license certifying that the licensee is authorized to engage in the business of a commission merchant, dealer, or broker. All fees and any penalties assessed by the Director in accordance with the provisions of the act, shall be deposited in a special fund designated as the "Perishable Agricultural Commodities Act fund."

§ 46.7 Copies of licenses.

Copies of licenses may be issued upon request and upon the payment of a fee of two dollars ($2) for each copy. Each copy shall bear the word "copy" in conspicuous letters on its face and shall be certified by the Director as a true copy of the original.

§ 46.8 Termination of license; notice; renewal.

At least thirty days prior to the anniversary date of a valid and effective license, the Director shall mail a notice to the licensee at the latest address known to the Director, advising that the license will automatically terminate on its anniversary date unless the annual fee is paid on or before such date. If the annual fee is not paid by the anniversary date, the licensee may obtain a renewal of that license at any time within 30 days by paying the annual fee, plus five dollars ($5). Within 60 days after the termination date of a valid and effective license, the former licensee shall be notified of such termination, unless a new license has been obtained in the meantime.

§ 46.9 Nonlicensed person; liability; penalty.

Any commission merchant, dealer, or broker who violates the act by engaging in business subject to the act without a license may settle his liability, if such violation is found by the Director not to have been willful but was due to inadvertence, by paying the amount of fees that he would have paid had he obtained and maintained a license during the period that he engaged in business subject to the act, plus an additional sum not in excess of twenty-five dollars ($25), as may be determined by the Director.

§ 46.10 What constitutes valid license, form and use.

Each license shall bear a serial number, the names in which authorized to conduct business, type of ownership; if the business is individually owned, the name of the owner; if a partnership, the names of all general partners; the facsimile signature of the Secretary; the seal of the Department and shall be duly countersigned. The licensee may place upon his stationery, trucks, or business sign an inscription indicating that he is licensed under the act, but such inscription must not be of such form or arrangement as to be deceptive or misleading to the public, nor shall any such inscription be displayed or used unless the person using the inscription has a license valid and effective at the time.

§ 46.11 Forms of inscriptions.

The following inscriptions, for use with or without the license number, meet the foregoing requirements and may be used by licensees: "Licensed by the U.S. Department of Agriculture under the Perishable Agricultural Commodities Act", or "Licensed under the PACA."

§ 46.12 Address, ownership, trade name, or membership changes.

The licensee shall (a) promptly inform the Director of any changes of address or any change in the officers, directors, and holders of more than 10 percent of the outstanding stock of a corporation, with the percentage of the stock held by each such person, and (b) report changes or additions in trade names to the Director prior to using such trade names in its business operation. A new license is required in case of a change in the ownership of a business, an addition or withdrawal of members of a partnership, or in case business is conducted under a different corporate charter from that to whom the license was originally issued.

Accounts and Records (General)

§ 46.13 General.

Every commission merchant, dealer, and broker shall prepare and preserve for a period of 2 years from the closing date of the transaction the accounts, records, and memoranda required by the act, which shall fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Licensees shall keep records which are adapted to the particular business that the licensee is conducting and in each case such records shall fully disclose all transactions in the business in sufficient detail as to be readily understood and audited. It is impracticable to specify in detail every class of records which may be found essential since many different types of business are conducted in the produce industry and many different types of contracts are made covering a wide range of services by agents and others. The responsibility is placed on every licensee to maintain records which will disclose all essential facts regarding the transactions in his business.

§ 46.14 Documents to be preserved.

Bills of lading, diversion orders, paid freight and other bills, car manifests, express receipts, confirmations and memorandums of sales, letter and wire correspondence, inspection certificates, invoices on purchases, receiving records, sales tickets, copies of statements (bills) of sales to customers, accounts of sales, papers relating to loss and damage claims against carriers, records as to reconditioning, shrinkage and dumping, daily inventories by lots, a consolidated record of all rebates and allowances made or received in connection with shipments handled for the account of another, an itemized daily record of cash receipts, ledger records in which purchases and sales can be verified, and all other pertinent papers relating to the shipment, handling, delivery, and sale of each lot of produce shall be preserved for a period of 2 years.

§ 46.15 Method of preservation or storage of records.

All records required to be preserved under the act shall be stored in an orderly manner and in keeping with sound business practices. The records being currently used shall be filed in order of dates, by serial numbers, alphabetically or by any other proper method which will enable the licensee to promptly locate and produce the records. Records in dead storage should be arranged in an orderly fashion, be packaged or wrapped to insure proper preservation, be adequately marked or identified, and stored in a safe, dry location. When part of the records are forwarded to others (such as accountants, traffic agencies, attorneys, etc.), proper notations should be filed in appropriate places in the records identifying the missing records and stating where they can be located.

§ 46.16 Inspection of records.

Each licensee shall, during ordinary business hours, permit any duly authorized representative of the Department to enter his place of business and inspect such accounts, records, and memoranda as may be material (a) in the investigation of complaints under the act, or (b) to the determination of ownership, control, packer, or State, country or region of origin in connection with commodity inspections, or (c) to ascertain whether there is compliance with section 9 of the act. Any necessary facilities for such inspection shall be extended to such representative by the licensee, his agents, and employees.

Records of Market Receivers

§ 46.17 Record of produce received.

Market receivers shall keep in the order of receipt a record of all produce received and this record shall be in the form of a book (preferably a bound book) with numbered pages or comparable business record. This record shall clearly show for each lot the date of arrival and unloading; whether received by freight, express, truck, or otherwise; the car initials and number; the truck license number and the driver's name or the name of the trucking firm; the number of packages or the quantity received; the kind of produce; the name and address of the consignor or seller; whether the produce was purchased; consigned or received on joint account; and the disposition of the produce, whether jobbed or sold in carlots or trucklots, and the lot number assigned to the shipment by the receiver (as required by § 46.19).

§ 46.18 Sales tickets.

Sales tickets shall bear printed serial numbers running consecutively and shall be used in numerical order so far as practicable. No serial number shall be repeated within a 90-day period. The sales tickets shall be prepared and all the details of the sale shall be entered on the tickets in a legible manner in order that an audit can be readily made. Erasures, strike-outs, changes, etc., should be held to the minimum. When errors are made in preparing sales tickets, the tickets should be voided. Each sales ticket shall show the date of sale, the purchaser's name (so far as practicable), the kind, quantity, the unit price, and the total selling price of the produce. Each sales ticket shall show the lot number of the shipment if the produce is being handled on consignment or on joint account. Sales tickets on all other lots of the same commodity which are on hand at the same time shall also show a lot number. The original or a legible carbon copy of each sales ticket, including those voided or unused, shall be accounted for and shall be filed or stored either by dates of sales or in the order of the serial numbers for a period of two years.

§ 46.19 Lot numbers.

An identifying lot number shall be assigned to each shipment of produce to be sold on consignment or joint account or for the account of another person or firm and should be assigned to any purchased shipment in dispute between the parties to assist in proving damages. A lot number shall be assigned to each purchased shipment of similar produce on hand at that time or received later while the consigned or joint account or disputed lot is being sold. A lot number shall be assigned to each purchased shipment which is reconditioned if the seller is to be charged with the shrinkage or loss. The lot number shall be entered on the receiving record in connection with each shipment and entered on all sales tickets identifying and segregating the sales from the various shipments on hand. The lot number shall be entered on the sales tickets by the salesmen at the time of sale or by the produce dispatcher, and not by bookkeepers or others after the sales have been made. No lot number shall be repeated within a period of 30 days after the last sale from the preceding lot to which such number was assigned.

§ 46.20 Returns, rejections, or credit memorandums on sales.

In the event of the rejection and return of any produce sold for or on behalf of another or consignment or joint account, or of any necessary allowance or adjustment being made to the buyers thereof, a credit memorandum showing the buyer's name, sales ticket number, lot number, date of the granting of the allowance, and amount of the credit or adjustment, with reasons therefor, shall be made or a notation shall be made on the original sales ticket referring to the adjustment and showing where the credit memorandum is filed. The credit memorandum shall be on a regular form, in a ledger book, or on a sales ticket or invoice properly completed to show the facts and shall be approved by a duly authorized person. Credits granted shall be entered in the same records as the original sales tickets.

§ 46.21 Accounting for dumped produce.

A clear and complete record shall be maintained showing justification for dumping of produce received on joint account, on consignment, or handled for or on behalf of another person if any portion of such produce regardless of percentage cannot be sold due to poor condition or is lost through re-sorting or reconditioning. In addition to the foregoing, if five percent or more of a shipment is dumped, an official certificate, or other adequate evidence, shall be obtained to prove the produce was actually without commercial value, unless there is a specific agreement to the contrary between the parties. The original certificate or other adequate evidence justifying dumping shall be forwarded to the consignor or joint account partner with the accounting and a copy shall be retained by the receiver.

§ 46.22 Evidence of dumping.

Reasonable cause for destroying any produce exists when the commodity has no commercial value or when it is dumped by order of a local health officer or other authorized official or when the shipper has specifically consented to such disposition. The term "commercial value" means any value that a commodity may have for any purpose that can be ascertained by the exercise of due diligence without unreasonable expense or loss of time. When produce is being handled for or on behalf of another person, proof as to the quantities of produce destroyed or dumped in excess of five percent of the shipment shall be provided by procuring an official certificate showing that the produce has no commercial value from any person authorized by the Department to inspect fruits and vegetables. Where such inspection service is not available certification may be obtained from (a) any health officer or food inspector of any State, county, parish, city or municipality or of the District of Columbia; (b) any established commercial agency or service making inspections for the fruit and vegetable industry; or (c) when no inspector or health officer designated above is available consideration will be given to other evidence such as inspection and certification made by any two persons having no financial interest in the produce involved or in the business of any person financially interested therein, and who are unrelated by blood or marriage to any such financially interested person, and who, at the time of the inspection and certification, and for a period of at least one year immediately prior thereto, have been engaged in the handling of the same general kind or class of produce with respect to which the inspections and certification are to be made. Any certificate issued by any persons designated in paragraph (c) of this section shall include a statement that each of them possesses the requisite qualifications. Any such certificate shall properly identify the produce by showing the commodity, lot number, brand or principal identifying marks on the containers,

quantity dumped, name and address of shipper, name and address of applicant, condition of the produce, time, place, and date of inspection and a statement that the produce possesses no commercial value.

RECORDS OF RETAILERS

§ 46.23 Records of retailers.

Notwithstanding the specific records and documents prescribed in the foregoing sections, licensees who purchase produce solely for sale at retail shall establish and maintain accounts and records, adapted to their type of operations, which will fully and correctly disclose all transactions relating to the purchase of produce. Such accounts and records should include the date of receipt of each lot, kind of produce, number of packages and quantity, price paid, evidence of agreement or contract of purchase, bills of lading, paid bills, and any other documents relating to the purchase of produce.

AUCTION SALES

§ 46.24 Auction sales.

Commission merchants, dealers and brokers who offer produce for sale through auction companies which publish catalogs of offerings will be responsible for furnishing the auction company for publication true and correct information concerning the ownership of the produce. When the goods are offered for sale by an owner, his name shall be shown in the catalog listing as owner. When a joint account partner makes an offering, his name as well as that of his joint partner, or partners, shall be shown. When any person offers produce for sale at auction for the account of another, the name, or names of the owner, if known, and of his principal, if located in the area served by the auction, shall be shown. In addition to listing the name of the owner, or his principal, he may show that he is acting in the capacity of agent. If a person instructs an auction company to catalog a shipment without disclosing true ownership, if known, or the name of an agent's principal he shall be deemed to have made a false or misleading statement within the meaning of the act. Since sales at auctions normally involve additional expenses, a broker, grower's agent or commission merchant shall have prior consent from his principal before such disposition is accomplished. Where a dispute exists regarding the ownership of produce, it may be listed in the auction catalog as being offered for sale "for the account of whom concerned" with the name of the party making the offering shown as agent.

BROKERS

§ 46.25 Types of broker operations.

(a) Brokers carry on their business operations in several different ways and are generally classified by their method of operation. The following are some of the broad groupings by method of operation. The usual operation of brokers consists of the negotiation of the purchase and sale of carlots either of one commodity or of several commodities. Brokers may operate as the agent of the buyer, the seller, or of both parties. Frequently, carlot brokers never see the produce they are quoting for sale or negotiating for purchase by the buyer and they carry out their duties by relaying offers and counter-offers between the buyer and seller until a contract is effected. Generally, the seller of the produce invoices the buyer; however, when there is a specific agreement between the broker and his principal, the seller invoices the broker who, in turn, invoices the buyer, collects, and remits to the seller. Under other types of agreements, the seller ships the produce to the broker at destination who distributes to pool buyers, invoices the buyers, collects, and remits to the seller. Also, there are times when the broker is authorized by the seller to act much like a commission merchant being given blanket authority to dispose of the produce for the seller's account either by negotiation of sales to buyers not known to the seller or by placing the produce for sale on consignment with receivers in the terminal markets.

(b) There is a second general grouping of brokers which are commonly referred to as buying brokers. Their operations are typified by the fact that they act as the buyer's representative in negotiating purchases at shipping points, terminal markets, or intermediate points. Their typical type of operation is to negotiate a purchase on the buyer's instructions and authorization. Sometimes the broker negotiates the purchase without seeing the produce. In other instances he may select the merchandise after forming an appraisal of the quality of the produce being offered for sale on the market. Generally, a purchase is made in the buyer's name and the seller invoices the buyer direct. On the other hand, acting on authority given him by the buyer, the broker may negotiate purchases in his own name, pay the seller for the produce, make arrangements for its loading and shipment, and bill the buyer direct for the cost price plus the brokerage fee and the cost of any agreed upon accessorial service charges such as ice, loading, etc.

§ 46.26 Duties of brokers.

(a) *General.* The function of a broker is to negotiate, for or on behalf of others, valid and binding contracts. A broker who fails to perform any specification or duty in connection with any transaction is in violation of the Act and may be held liable for damages which accrue as a direct result of his failure. It shall be the duty of the broker to fully inform all parties concerning the terms and conditions of the proposed contract. After all parties agree on the terms and the contract is effected, the broker shall prepare in writing and deliver promptly to all parties a properly executed confirmation or memorandum of sale setting forth all of the essential details of the agreement between the parties. The broker shall retain a copy of such confirmations or memoranda as part of his accounts and records. The broker who does not issue and deliver these documents to the proper parties is failing to prepare and maintain complete and correct records as required by the Act. If the broker's records do not support his contentions that a binding contract was made with proper notice to the parties, the broker may be held liable for any loss or damage resulting from such negligence or for other penalties provided by the Act for failure to perform his express or implied duties. The broker shall take into consideration all the circumstances of the transaction in selecting the proper method for transmitting the written confirmation or memorandum of sale to the parties. A buying broker is required to truly and correctly account to his customer in accordance with § 46.2(x)(3).

(b) *Brokerage fees.* Brokerage fees may be charged to only one of the parties to the contract unless by mutual agreement the parties agree to split the brokerage fee. If a full brokerage fee is charged to both parties, such action by the broker is a violation of the act. A broker employed to negotiate the sale of produce may not employ another broker or selling agent without specific prior authority from his principal. When a broker collects and when an accounting to the owner of the produce by the broker or selling agent is required, it shall show the actual gross sale and all brokerages deducted as well as all other charges incurred in connection with the shipment. A broker is not considered to be entitled to a brokerage fee unless he effects a sale or makes a valid and binding contract, fully performing his duties as a broker. Unless otherwise specifically agreed, the broker does not guarantee the performance of the contracting parties and is entitled to receive payment of the brokerage fee whenever a valid and binding contract has been negotiated.

(c) *Brokers' responsibility for payment.* In the absence of a specific agreement, a broker is not responsible for payment to the seller by the buyer except a buying broker, who negotiates a purchase in his own name under agreement with his principal, is responsible for payment of the purchase price to the seller. A broker who agrees to collect funds for or on behalf of another shall promptly remit such funds when collected and render an accounting showing the sales price of the shipment, all brokerages deducted, and all other charges incurred. Agreement to collect from the buyer and remit to the seller is not a guarantee by the broker that the buyer will pay, unless there is a specific agreement by the broker that he will pay if the buyer does not pay.

(d) *Purchases and sales by brokers.* A person who operates in a dual capacity, both as a broker and as a dealer, shall clearly disclose his status in each transaction to all parties with whom he is dealing. When a person purchases or sells produce as a dealer, he shall not charge or receive a brokerage fee from the seller or buyer. A broker shall not negotiate a transaction where the broker is subject to the direct or indirect control of any party to such transaction other than his principal or where the other party is subject to the broker's direct or indirect control without the prior approval of his principal.

(e) *Filing carrier claims by brokers.* Without prior consent of the owner, a broker has no authority to file claims with carriers in his own name or any other name. A broker has no obligation to file carrier claims for the owners of the shipments. However, in handling transactions when a broker receives information valuable to owners in connection with carrier claim rights, the broker should promptly advise the owner. A broker who agrees to protect the carrier claims of owners shall at all times exercise reasonable care to fulfill such obligation. If a broker makes an agreement with a seller or a buyer to file and handle such a claim for the benefit of the owner of the produce, the claim shall be filed promptly with the carrier, supported by adequate evidence, and he shall take the necessary action to bring the matter to a conclusion. A copy of the claim shall be forwarded to the owner of the shipment when the claim is filed. When settlement of the claim is effected, the broker shall promptly remit the net amount due the owner, after deducting the agreed or customary charges for handling the claim. Adequate information shall be furnished the owner regarding the claim while the matter is being handled with the carrier. If the owner files the claim, the broker shall promptly furnish any necessary information available in his records which is requested by the owner.

RECEIVING MARKET COMMISSION MERCHANTS AND JOINT ACCOUNT PARTNERS

§ 46.27 Duties.

(a) *General.* All licensees who accept produce for sale on consignment or on joint account are required to exercise reasonable care and diligence in disposing of the produce promptly and in a fair and reasonable manner. When rendering account sales for produce handled for or on behalf of another, an accurate and itemized report of sales shall be made and averaging or pooling of sales is not permissible without the specific written consent of the owner of the produce prior to the accounting. Complete and detailed records shall be prepared and maintained by all commission merchants and joint account partners covering produce received, sales, quantities lost, dates and cost of repacking or reconditioning, unloading, handling, freight or demurrage charges, or any other expenses which are deducted on the accounting, in accordance with the provisions of §§ 46.17 through 46.22. Charges which cannot be supported by proper evidence in the records of the commission merchant or joint account partner shall not be deducted. The commission merchant or joint account partner may be held liable for any financial loss resulting to his principal due to his negligence or failure to perform any specific or implied duty.

(b) *Commission charges.* Before accepting produce on consignment, the parties should reach a specific agreement on the amount of commission and other charges which will be assessed by the commission merchant. In the absence of such an agreement, only the usual and customary commission and other charges shall be permitted. Without specific prior authority of the consignor, double commissions are not permitted nor may a receiver of consigned produce employ another person or firm to dispose of all or part of such produce. Unless otherwise specifically agreed upon by the parties, joint account partners shall not charge a commission fee or other selling charge against the joint account for disposing of the produce.

(c) *Purchasing consigned produce.* A commission merchant or joint account partner may not purchase produce received on consignment or joint account or sell such produce to any person or firm over whose business he has direct or indirect control, or to any person or firm having direct or indirect control over his business, without specific prior authority of the consignor or the joint account partner. However, produce may be purchased by the commission merchant or joint account partner at reasonable market value to clean up remnants of shipments so accountings will not be unduly delayed, provided the accounting shows the quantity and price of the goods bought by the commission merchant or joint account partner. "Remnants", as used here, mean small quantities remaining after the bulk of the shipment has been sold but shall not exceed 5 percent of the shipment. When consigned produce is purchased by a commission merchant he shall not charge or receive a commission fee for such sales.

(d) *Filing carrier claims.* Without the prior consent of the owner of the produce, a commission merchant has no authority to file claims with carriers in his own name or any other name: *Provided*, That the commission merchant may file a claim for breakage where the owner has been paid for the full value of the produce without any deduction for damage. Commission merchants have no obligation to file carrier claims on shipments for the owners. However, in handling transactions when commission merchants receive information valuable to the consignors in connection with carrier claim rights, the commission merchant should promptly advise the consignor. Before a commission merchant files a carrier claim on a consigned shipment, a specific agreement shall be reached with the consignor. If a commission merchant is authorized and agrees to file the claim, he shall forward a copy of the claim filed with the carrier to the consignor and shall exercise reasonable care to protect the interests of the consignor by filing the claim promptly and in the proper amount, supported by adequate evidence, and shall take the necessary action to bring the matter to a conclusion. When settlement of the claim is effected, he shall promptly remit the net amount due the consignor, after deducting the agreed handling charges. Full and complete information shall be furnished the consignor while the claim is being handled. If the consignor is to file the claim, the commission merchant shall exercise reasonable care to protect the claim rights of the consignor and shall promptly furnish all necessary information and evidence from his records to enable the consignor to file a proper claim. A joint account partner who files a carrier claim on behalf of the partnership shall forward a copy of the claim filed with the carrier to his partner, keep him advised of its status, and remit promptly his share of the net proceeds realized from such claim.

GROWERS' AGENTS AND SHIPPERS

§ 46.28 Types of operations by growers' agents and shippers.

(a) The usual operations of shippers consist of purchasing produce from growers in their own names. They distribute the produce in commerce by selling, consigning, or jointing the shipments, assuming any loss or profits that result from these operations. In addition, shippers may handle produce on joint account with growers or others.

(b) Growers' agents sell and distribute produce for or on behalf of growers and others and, in addition, may perform a wide variety of services, such as financing, planting, harvesting, grading, packing, furnishing labor, seed, containers, and other supplies or services. They usually distribute the produce in their own names and collect payment direct from the consignees. They render accountings to their principals, paying the net proceeds after deducting their expenses and fees. Some agents are limited by contract to making only sales and cannot joint or consign produce without obtaining the prior consent of the growers. Other agents are granted blanket authority by the growers to market and distribute the produce, using their discretion as to the best methods, depending on market conditions and the quality of the produce available. They can sell, consign or ship on joint account, use the services of brokers or sell through terminal market auctions. They are authorized to grant credits, make adjustments in the invoice price, handle claims with the carriers, or even abandon shipments, when circumstances justify such action, without consulting the growers. Some agents have an agreement with the growers to pool the produce and render accountings on the basis of the average or prorated selling prices after deducting the prorated expenses incurred for the various operations performed and the agents' selling fees. Some agents' contracts require an accounting on the basis of actual selling prices after deducting the actual expenses incurred for services performed and the selling fees. Some agents' contracts specify a fixed charge for harvesting, grading, packing, furnishing the container or other services, plus a selling fee, and thereby substantially reduce the record requirements necessary to prove the cost of the various operations.

§ 46.29 Duties of shippers.

(a) *General.* The responsibilities of shippers vary with their contract with growers to purchase produce or to handle produce on joint account. Similarly, their responsibilities to their customers depend upon their contracts to sell, consign or joint account produce with deal-

ers on terminal markets. Shippers shall pay promptly for produce purchased and any deficits incurred on consigned shipments. They shall fully comply with their obligations in connection with joint account transactions. A shipper who fails to perform any express or implied duty is in violation of the act and may be held liable for any damages resulting therefrom. The shipper shall prepare and maintain records which fully and correctly disclose the details of his transactions.

(b) *Receiving records.* Each shipper shall prepare and maintain a record of all produce received, including his own production. This record shall be in the form of a book (preferably a bound book) with numbered pages or comparable business records. This receiving record shall show for each lot the date received, whether purchased or received on joint account, the quantity, quality, and kind of produce, the purchase price or joint account cost, and the name and address of the supplier. Each shipper shall issue receipts to growers and others for all produce received.

(c) *Disposition records.* When a shipper purchases all of his produce from growers or others, his records shall also show the disposition of the produce, whether sold or consigned, date of shipment, car number, or if shipped by truck, the license number, name and address of the carrier, name and address of the buyer, commission merchant or auction, and other pertinent details of the transaction, such as the terms of sale, selling price, and date of payment.

(d) *Joint accounts with growers.* When a shipper enters into joint account transactions with growers or others, his records shall also show in detail the actual expenses incurred for the services he furnishes, such as harvesting, grading, packing and selling the produce (unless a fixed charge is agreed on between the parties to cover the cost of these services), methods of distribution, and proceeds received for the produce. If a shipper is at the same time handling similar produce not involved in the joint account transaction, a lot number or other positive means of identification shall be assigned to each lot of produce received in order to segregate and identify the various lots of produce. If a shipper consigns all or a part of the produce or employs the services of brokers or terminal market auctions, his records shall show the results of these transactions, including the expenses involved and the names and addresses of the commission merchants, brokers, and the auctions. The shipper shall render a detailed and accurate accounting and pay promptly the net proceeds due the joint partner, in accordance with § 46.2 (y) and (z). The accounting shall disclose the status of all claims collected or filed with the carriers.

(e) *Joint accounts with receivers.* When a shipper enters into a joint account agreement with a terminal market dealer, his records shall also show the expenses which may be properly charged in accordance with the joint agreement, purchase price or joint account cost of the produce, and cost of harvesting, packing, grading, or other expenses. His records shall show the quantity and quality of the produce packed and shipped, the dates and methods of shipment, and all other pertinent details of his operations. At the conclusion of the transaction, a detailed and accurate accounting shall be furnished promptly to the joint partner, in accordance with § 46.2(y). If a deficit results, the shipper shall pay promptly his share of the deficit.

§ 46.30 Duties of growers' agents.

(a) *General.* The duties, responsibilities, and extent of the authority of a growers' agent depend on the type of contract made with the growers. Agreements between growers and agents should be reduced to a written contract clearly defining the duties and responsibilities of both parties and the extent of the agent's authority in distributing the produce. When such agreements between the parties are not reduced to written contracts, the agent shall have available a written statement describing the terms under which he will handle the produce of the grower during the current season and shall mail or deliver this statement to the grower on or before receipt of the first lot. A grower will be considered to have agreed to these terms if, after receiving such statement, he delivers his produce to the agent for handling in the usual manner. In the event an unsolicited lot of produce is delivered to an agent, he shall promptly deliver or mail a copy of such statement to the grower. A copy of this statement, showing the name of the grower and the date the statement was delivered to the grower, shall be retained in the agent's files. An agent who does not have in his files either written contracts or a written statement as required herein is failing to prepare and maintain full and complete records as required by the act. *Provided*, That regulations or bylaws of cooperative marketing associations may be used in lieu of individual agreements or contracts to determine the methods of accounting and settlement with their grower members. An agent who fails to perform any express or implied duty is in violation of the act and may be held liable for any damages resulting therefrom.

(b) *Accounting for charges.* A growers' agent whose operations include such services as the planting, harvesting, grading, packing, furnishing of containers or other supplies, storing, selling or distributing produce for or on behalf of growers shall prepare and maintain complete and detailed records in order to be in a position to render to the grower accurate and detailed accountings covering his handling of the produce. He shall maintain a record of all produce received in the form of a book (preferably a bound book) with numbered pages or comparable business records, showing for each lot the date received, quantity, the kind of produce and the name and address of the grower. Each agent shall issue receipts to growers and others for all produce received. A lot number or other positive means of identification shall be assigned to each lot in order to segregate the various lots of produce received from different growers and for similar produce being handled at the same time. Each lot shall be so identified and segregated throughout all operations conducted by the agent, including the sale or other disposition of the produce. The records shall show the result of all packing and grading operations, including the quantity lost through packing and grading and the quantity and quality packed out. If the culls are sold, they shall be included in the accounting. Unless there is a specific agreement with the growers to pool all various growers' produce, the accountings to the growers shall itemize the actual expenses incurred for the operations conducted by the agent and the actual sales prices received for the produce distributed for the account of each grower. If an agent is working under a pool agreement with growers, the accounting to the growers shall show how the pool cost and pool sales prices are computed. If the agent and the growers have agreed on a fixed charge to cover the various operations conducted by an agent, actual expenses incurred for harvesting, packing, grading, or other services covered by the agreement are not required to be shown in the accounting. An agent shall render promptly an accurate and detailed accounting in accordance with § 46.2(y). Unless the agent has a pooling agreement with the growers, the final accounting shall show all sales, adjustments and credits allowed buyers, rejections, details of consigned or jointed shipments, details of sales through brokers, details of sales through auctions, and the status of all claims filed with or collected from the carriers.

(c) *Sales through brokers or auctions.* Unless a growers' agent is specifically authorized in his contract with the growers to use the services of brokers, commission merchants, joint partners, or auctions, he is not entitled to use these methods of marketing the growers' produce. Any expenses incurred for such services, without the growers' permission, cannot be charged to the growers.

(d) *Filing of carrier claims.* Without the prior consent of the growers, an agent has no authority to file claims with the carriers in his own name or any other name. An agent has no obligation to file carrier claims on shipments for growers in the absence of a specific agreement to perform these duties. All information which an agent has received in handling the shipment which is essential for the growers to file such claims shall be made available to the growers. If an agent has an agreement with the growers to file and handle carrier claims, he shall exercise reasonable care in handling the claims with the carriers by filing the claim promptly in the proper amount, supported by adequate evidence, and take the necessary action to bring the matter to a conclusion.

(e) *Purchases and sales by growers' agents.* A person who operates in a dual capacity, both as a growers' agent and as shipper, shall clearly disclose his status in each transaction to all parties with whom he is dealing. When a person purchases or sells produce as a shipper, he shall not charge or receive a fee from the seller or the buyer. A growers' agent shall not negotiate a transaction where he is subject to the direct or indirect control of any party to such transactions other than his principal, or where the other party is subject to the agents' direct or indirect control, without the prior approval of his principal.

(f) *Negligence of agent.* A growers' agent may be held responsible for any financial loss resulting to the growers due to negligence in performing or failing to perform any specific or implied duties.

(g) *Responsibility for payment.* An agent is not responsible for the payment by the buyer who has purchased the growers' produce on credit, unless he guarantees payment or is negligent in extending credit. Agreement to collect from the buyer and remit to his principal is not a guarantee by the agent that the agent will pay if the buyer does not pay.

(h) *Responsibility for payment of selling fees and expenses to the growers' agent.* In the absence of a specific agreement to the contrary, the agent does not guarantee the performance of the contracting parties and he is entitled to the payment of his selling fees and expenses incurred in handling the produce of growers or others, providing he fully performs his duties as agent.

(i) *Agent's financial responsibility to buyers for failure to comply with contracts.* If a growers' agent contracts in his own name to deliver produce to a buyer and subsequently cannot deliver produce complying with the contract because the growers cannot or will not deliver such produce to him, he may be liable to the buyer for damages resulting from the breach of the contract.

Conversion of Funds

§ 46.31 Conversion of funds.

Any licensee who collects or receives funds for or on behalf of another person or firm in connection with produce shall not make any use or disposition of such funds in his possession or control that will endanger or impair faithful and prompt payment to the owner or consignor of the produce or to any other person having a financial interest therein.

Disclosure of Business

§ 46.32 No disclosure of business of licensee.

No representative of the Department shall, without the consent of the licensee, divulge or make known, except to financially interested parties, or to other representatives of the Department who may be required to have such knowledge in the regular course of their official duties, or except insofar as he may be directed by the Secretary, Deputy Administrator, Director, or a court of competent jurisdiction, any facts or information regarding the business of such licensee which may come to the knowledge of such representative through an examination or inspection of the business or the accounts of the licensee, unless such facts or information should be testified to at a hearing authorized by the Act because they are relevant and material to the issue in the case being heard.

Suspension and Revocation of Licenses

§ 46.33 Suspension or revocation order.

(a) Whenever the Secretary shall order the suspension or revocation of a license, the person against whom such order is directed shall be served by the Hearing Clerk with a copy of the order, and be notified of the effective date thereof.

(b) Except in the case of any license automatically suspended by the Act, a reasonable time shall be allowed, which shall not be less than 10 days between the date of issuance of the order of suspension or revocation and the date upon which such order becomes effective, during which period the licensee may make all necessary arrangements with some other person, who has a valid and effective license to safeguard the interests of consignors or other innocent parties whose property or business may be affected by such suspension or revocation and during which the licensee may terminate his affairs and business relating to the handling of produce.

(c) After the revocation of his license or during the effective period of any suspension thereof, no person shall, either directly or indirectly, through any agent, employee, or otherwise, carry on the business of a commission merchant, dealer, or broker until his status as a licensee has been restored.

(d) The suspension or revocation of a license shall not prevent the licensee from collecting amounts due on contracts entered into prior to the date of suspension or revocation or from remitting promptly to his principals and obligees.

Publication of Facts

§ 46.34 Publicity.

Upon the issuance by the Secretary of an order revoking or suspending a license, or in case of automatic suspension of a license for failure to pay a reparation award, the Director shall cause general publicity to be given to such fact, in order that those doing business with the licensee whose license has been revoked or suspended may take due notice thereof.

Sundays and Holidays

§ 46.35 Sundays and holidays excluded.

Sundays and holidays shall not be included in the computation of the 5-day period provided by section 7(d) of the Act nor in connection with the periods defined in § 46.41 with exception of paragraph (a) thereof.

§ 46.36 Sundays and holidays included.

Sundays and holidays shall be included in the computation of all other periods mentioned in the Act or in the regulations in this part.

Commodity Inspection

§ 46.37 Inspection of commodities.

Each licensee shall, during ordinary business hours, permit any duly authorized representative of the Department to inspect any lot of produce under his ownership or control covered by this act. Any necessary facilities for such inspection shall be extended to such representative by the licensee, his agents, and employees. The licensee shall be furnished a copy of any certificate or memorandum of inspection which is issued for any lot of his produce which is inspected in accordance with this section.

§ 46.38 Inspection service.

The rules and regulations of the Secretary governing inspection and certification of fresh fruits and vegetables as outlined in Part 51 of this chapter; and frozen fruits and vegetables as outlined in Part 52 of this chapter, and amendments thereto, and such additional amendments as may from time to time be promulgated shall govern the inspection of such products under the Act and are hereby made a part of the regulations in this part.

Licensee's Responsibility for Acts of Employees and Agents

§ 46.39 Licensee's responsibility for acts of employees and agents.

In construing and enforcing the provisions of the Act and the regulations in this part, the act, omission, or failure of any agent, officer, or other person acting for or employed by a licensee, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of the licensee.

Copies of Records

§ 46.40 Copies of records; how obtained.

Copies of records pertaining to licensees under the Act may be furnished under the conditions and at the prices prescribed in the regulations of the Department.

Trade Terms and Definitions

§ 46.41 Terms construed.

The following terms and definitions, when used in any contract or communication involving any transaction coming within the scope of the Act, shall be construed as follows:

(a) "Today's shipment", or shipment on a specified date (such as "shipment September 12"), means in connection with shipments by rail, that the goods referred to shall be under billing by the transportation company on the date the order is given or on the date specified in time to be picked up by a train schedule to move that day's loadings from the shipping point. When used in connection with shipments by boat, this term shall mean that the goods shall be placed alongside the boat and be under billing in time to be loaded and shipped on a boat scheduled to leave before midnight of the date specified. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight of the date specified.

(b) "Tomorrow's shipment" or "immediate shipment" means that the shipment referred to shall be under billing by the transportation company in time to

move on a transportation facility scheduled to leave not more than 24 hours later than allowed under "Today's shipment."

(c) "Quick shipment" means that the conditions of the offer, order, or confirmation will be met if the shipment is under billing by the transportation company in time to move on a transportation facility scheduled to leave not more than 48 hours later than allowed under "today's shipment."

(d) "Prompt shipment" means that the conditions of the offer, order, or confirmation will be met if the shipment is under billing by the transportation company in time to move on a transportation facility scheduled to leave not more than 72 hours later than allowed under "today's shipment."

(e) "Shipment first part of week" or "shipment early part of week" means that the produce referred to shall be under billing on Monday or Tuesday of the week specified in time to be picked up by a train scheduled to move these days' loadings from the shipping point. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight on Tuesday of the week specified.

(f) "Shipment middle of week" means that the produce referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave Wednesday or Thursday of the week specified. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight on Thursday of the week specified.

(g) "Shipment last of week" or "shipment latter part of week" means that the produce referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave on Friday or Saturday of the week specified. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight on Saturday of the week specified.

(h) "Shipment as soon as possible" or "Shipment as soon as car (truck) can be secured" means that the shipper is uncertain as to when the shipment can be made, but expects to make it within a reasonable time and will make it soon as possible. But in any case where these words are used the buyer shall, at any time after 7 days from the date the order is given, have the right to cancel the order or contract of sale, if notice of his decision so to cancel shall have been received by the shipper before shipment has been made.

(i) "F.o.b." (for example, "f.o.b. Laredo, Tex.," or "f.o.b. California") means that the produce quoted or sold is to be placed free on board the boat, car, or other agency of the through land transportation at shipping point, in suitable shipping condition (see definitions of "suitable shipping condition," paragraphs (j) and (k) of this section), and that the buyer assumes all risk of damage and delay in transit not caused by the seller irrespective of how the shipment is billed. The buyer shall have the right of inspection at destination before the goods are paid for to determine if the produce shipped complied with the terms of the contract at time of shipment, subject to the provisions covering suitable shipping condition.

(j) "Suitable shipping condition", in relation to direct shipments, means that the commodity, at time of billing, is in a condition which, if the shipment is handled under normal transportation service and conditions, will assure delivery without abnormal deterioration at the contract destination agreed upon between the parties: *Provided*, That the seller has no responsibility for any deterioration in transit if there is no contract destination agreed upon between the parties.

(k) "Suitable shipping condition", in connection with reconsigned rolling or tramp cars, means that the commodity, at time of sale, meets the requirements of this phrase as defined in paragraph (j) of this section, relating to direct shipments.

(l) "F.o.b. acceptance" or "Shipping point acceptance" means that the buyer accepts the produce at shipping point and has no right of rejection. The buyer has recourse against the seller if the produce was not in suitable shipping condition (see definitions, paragraphs (j) and (k) of this section) or has recourse for a material breach of contract, providing the shipment is not rejected. The buyer's remedy under this method of purchase is by recovery of damages from the seller and not by rejection.

(m) "F.o.b. acceptance final" or "Shipping point acceptance final" means that the buyer accepts the produce at shipping point and has no right of rejection. Suitable shipping condition does not apply under this trade term. The buyer does have recourse for a material breach of contract, providing the shipment is not rejected. The buyer's remedy under this type of contract is by recovery of damages from the seller and not by rejection of the shipment.

(n) "F.o.b. steamer" means that the produce is to be placed free on board steamer at shipping point, in suitable shipping condition (see definitions of "suitable shipping condition", paragraphs (j) and (k) of this section) in accordance with the terms of the contract, and that the buyer assumes all responsibility and risk of damage thereafter.

(o) "F.a.s. steamer" means that the produce is to be delivered free alongside the steamer, in suitable shipping condition (see definitions of "suitable shipping condition", paragraphs (j) and (k) of this section), in accordance with the terms of the contract, and that the buyer assumes all responsibility and risk of damage thereafter.

(p) "Delivered" or "delivered sale" means that the produce is to be delivered by the seller on board car, or truck or on dock if delivered by boat, at the market in which the buyer is located, or at such other market as is agreed upon, free of any and all charges for transportation or protective service. The seller assumes all risks of loss and damage in transit not caused by the buyer. For example, a sale of "U.S. No. 1 potatoes delivered Chicago" means that the potatoes, when tendered for delivery at Chicago, shall meet all the requirements of the U.S. No. 1 grade as to quality and condition.

(q) "In transit", "roller", or "rolling car" means that the produce referred to is in possession of the transportation company and under movement from shipping point when the quotation is made, and that the car is moving over a route in line of haul between the point of origin and the market in which delivery is to be made, and has been so moving since date of shipment, without any delay attributable to the shipper or his agent. Unless otherwise specifically agreed, if a roller, rolling car, or a car in transit is sold f.o.b. shipping point, the buyer shall be deemed to have assumed only the lowest all-rail freight charges applicable for the shipment between the point of origin and the contract destination agreed upon between the parties together with such other charges which would have accrued if the car had been originally shipped direct to the contract destination: *Provided*, That the buyer is not liable for payment for protective services if the seller does not inform him of the kind and extent of such services ordered from the carrier.

(r) "Tramp car" or "tramp car sale" means that the produce has left the shipping point under a bill of lading issued prior to the day on which the quotation is made and has moved or is moving over a route out of line of haul with the market in which it is to be delivered or in which it is being offered or quoted, or has been moving over a route in line of haul between the point of origin and the market in which it is to be delivered or in which it is being offered or quoted, but has been delayed in transit by the seller, or has been held by the transportation company at diversion or other points en route awaiting instructions from the shipper and by such holding or delay has missed scheduled movement between points of shipment and the market in which it is to be delivered as the result of the transaction in question. Unless otherwise specifically agreed, if a "tramp car" is sold f.o.b. shipping point or a "tramp car sale" is made f.o.b. shipping point, the buyer shall be deemed to assume only the lowest authorized all-rail freight charges applicable for the shipment between the point of origin and the contract destination agreed upon between the parties, together with such other charges which would have accrued if the car had been originally shipped direct to the contract destination: *Provided*, That the buyer is not liable for payment for protective services if the seller does not inform him of the kind and extent of such services ordered from the carrier.

(s) "Rolling acceptance" means that the buyer accepts at time of purchase produce which is in the custody of the transportation company and under

movement from shipping point, under the terms and conditions described in paragraphs (q) and (r) of this section, except that the buyer assumes full responsibility for transportation of the goods from time of purchase, has no recourse against the seller because of any change in condition after time of purchase unless the goods at the time of sale were not in suitable shipping condition, and has no right of rejection on arrival. The buyer's remedy under this method of purchase is by recovery of damages from the shipper and not by rejection of the shipment. By agreement between the parties, however, the purchase may be made subject to inspection at any specified point while the car is rolling or in transit and the point at which the buyer will assume transportation charges may be specified without affecting the time of acceptance of the commodity.

(t) "Rolling acceptance final" means the same as "Rolling acceptance" except that the buyer has no recourse against the seller because of any change in condition of the produce in transit. The buyer has recourse against the seller for any material breach of the contract providing the shipment is not rejected. The buyer's remedy under this type of contract is recovery of damages from the seller and not by rejection.

(u) (1) "Track sale" or "sale on track" means a sale of produce on track after transit and after inspection or opportunity for inspection by the buyer, or his agent, who shall be considered to have waived any right to reject the commodity so purchased upon receipt by him or his duly authorized representative from the seller or his duly authorized representative of the bill of lading, delivery order, or other document enabling him to obtain the goods from the carrier.

(2) The above definition shall not be construed as depriving the buyer of a right to reparation when the unloading of the car demonstrates that a part of the lading which was not accessible to inspection was of a quality or condition materially inferior to that portion which was accessible to inspection; but notice of intention to file a claim for reparation must be given the seller within 24 hours after receipt by the buyer of the delivery order or bill of lading.

(3) If the seller gives the date of arrival when quoting price, the buyer shall, in the absence of any written memorandum of sale to the contrary, assume all charges that accrue on the shipment from the date of its arrival. If the seller fails to furnish the date of arrival when quoting price the buyer may, in the absence of any written memorandum of sale which includes the date of arrival or specific written statement as to who shall assume such charges as have accrued after arrival, assume that the shipment arrived at point of sale on the day and date upon which the purchase was made, and shall be liable only for such charges as would properly attach to a shipment arriving on the date the purchase was made.

(v) "C.a.f.," "c.a.c.," and "c.i.f." mean "cost and freight," "cost and charges," and "cost, insurance, and freight," respectively. C.a.f. sales shall be deemed to be the same as f.o.b. sales, except that the selling price shall include the correct freight charges to destination. C.a.c. sales shall be deemed to be the same as f.o.b. sales, except that the selling price includes the correct freight and refrigeration or heater charges to destination. C.i.f. sales shall be deemed to be the same as f.o.b. sales, except that the selling price includes insurance and the correct freight and refrigeration or heater charges to destination.

(w) "Carload," "carlot," or "car" when used in offers, quotations, or contracts in which the quantity is not more definitely specified, and in the absence of well-established trade custom or standard as to size of a "carload," "carlot," or "car" of the produce in question, means not less than the minimum quantity required by the carrier's tariff applicable to the movement, and not more than 10 percent in excess of such minimum tariff requirements, except that, where the carrier's tariffs provide alternative rates and minimum, the buyer shall state which tariff minimum must be observed, and, in event of failure so to do, the shipper may exercise his discretion, in no case, however, exceeding the higher alternative minimum quantity provided by the tariff, with only such variations therefrom as are permitted by this paragraph.

(x) "Shipping-point inspection" means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, to show the compliance of the lot sold with the quality, condition, and grade specifications of the contract, and that the seller assumes the risk incident to incorrect certification.

(y) "Shipping-point inspection final," or "inspection final" following the name of the State or point, as "California inspection final," means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, to show the compliance of the lot sold with the quality, condition, and grade specifications of the contract, and that the buyer assumes the risk incident to incorrect certification and is without recourse against the seller on account of quality, condition, and grade.

(z) "Subject approval Government inspection" means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, and to correctly communicate, by wire or other agreed means, the statements on the certificate as to quality, condition and grade, and other essential information, whereupon the buyer, upon approval thereof, will be deemed to have accepted the produce without recourse against the seller on account of quality, condition, and grade.

(aa) "Guaranteed advance" used in connection with an advance payment on consigned produce means that the person making the advance guarantees that the net proceeds to the consignor shall at least equal the amount so advanced, and that the consignor cannot be held liable for any deficit resulting from the sale of the produce, if such deficit is not occasioned by or contributed to by an act of the consignor.

(bb) "Accommodation advance" or "regular advance", used in connection with an advance of money or credit against anticipated net proceeds to be realized from the sale of consigned produce, means that the consignor has received an advance of money or credit and that, if the consigned produce does not sell for enough to cover the cost of transportation and handling, including customary or agreed commission and the advance made to him, the consignor must return to the person making the advance a sum equal to the deficit sustained.

(cc) "Price arrival", in the absence of a contrary specific understanding, means that the produce is shipped either direct to the customer or to an agent of the consignor, for the benefit of the customer, the price to be subject to agreement between the customer and the consignor upon the arrival of the produce at the customer's destination, with sufficient time being permitted for inspection.

(dd) "F.o.b. inspection and acceptance arrival" means that the produce quoted or sold is to be placed by the seller free on board car or other agency of through transportation at shipping point, the cost of transportation to be borne by the buyer, but the seller to assume all risks of loss and damage in transit not caused by the buyer, who has the right to inspect the goods upon arrival and to reject them if, upon such inspection, they are found not to meet the specifications of the contract of sale at destination. The buyer may not reject without reasonable cause. Such a sale is f.o.b. only as to price and is on a delivered basis as to grade, quality, and condition.

(ee) "F.o.b. sale at delivered price" means the same as f.o.b., except that transportation charges from shipping point to destination shall be borne by the seller; that is, the sale is f.o.b. as to grade, quality, and condition, and delivered as to price.

(ff) "Purchase after inspection" means a purchase of produce after inspection or opportunity for inspection by the buyer or his agent. Under this term the buyer has no right of rejection and waives all warranties as to quality or condition, except warranties expressly made by the seller.

(gg) "Cash sale" means that the buyer is required to pay the seller within 24 hours after his acceptance of the shipment.

(hh) "Joint Account—Split Above" means that the receiving joint partner will pay promptly the agreed cost of the shipment to his joint partner. After disposition of the produce, the parties will divide equally the profits on the shipment after deduction of the cost of the shipment and proper expenses from the gross proceeds. The receiving joint partner will pay all expenses and cannot recover any loss resulting from the joint venture.

The regulations contained in this subpart shall become effective on August 1,

1960, and thereupon will supersede the regulations now in effect.

Dated: May 27, 1960.

G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-4975; Filed, June 1, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 937—NECTARINES GROWN IN CALIFORNIA

Exemption From Inspection

Notice is hereby given of the approval of an amendment, hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 937.102 et seq.; 25 F.R. 238) currently in effect pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment changes the inspection waiver procedure prescribed in § 937.110(b) of the rules and regulations by permitting consideration of the availability of inspection at first delivery point within the production area after packing, as well as at shipping point, in the issuance of inspection waivers pursuant to § 937.55(a) of the marketing agreement and Order No. 37.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.); and good cause exists for making the provisions thereof effective at the time hereinafter set forth, in that the time intervening between the date when information upon which this amendment is based became available and the time such amendment must become effective in order to effectuate the declared purposes of the act is insufficient; shipments of nectarines are expected to begin on or about May 27, 1960; to be of maximum benefit during the 1960-61 season, it is necessary that the provisions of this amendment apply insofar as possible to all such shipments; and this amendment does not require any special preparation for compliance therewith which cannot be completed by the effective time thereof.

Order. In § 937.110(b), delete subparagraphs (2), (3), and (7), and substitute in lieu thereof new subparagraphs (2), (3), and (7) as set forth below.

§ 937.110 Exemption from inspection.

* * * * *

(b) *Waivers.* * * *

(2) The handler designates in such request the varieties of nectarines to be inspected, the approximate quantities by variety and the time when the nectarines will be available for inspection at shipping point and also at point of first delivery within the production area after packing;

(3) The Federal-State Inspection Service furnishes the handler with a signed statement that it is not practicable, under such conditions for the Federal-State Inspection Service to make the inspection within the necessary time designated by the handler at either shipping point or point of first delivery within the production area after packing;

* * * * *

(7) Nothing contained in § 937.55 or in this paragraph shall prevent a handler from shipping nectarines without inspection during working hours of an announced Federal-State Inspection Service working day if (i) such handler requests inspection for such nectarines, including therein all information required under subparagraph (2) of this paragraph, and the Federal-State Inspection Service furnishes such handler with a waiver number and a signed statement that it is not practicable to make the inspection within the necessary time designated by the handler at either shipping point or point of first delivery within the production area after packing, (ii) such handler submits, or causes to be submitted, promptly to the Nectarine Administrative Committee such statement together with a report concerning such shipments containing all of the information set forth in subparagraph (5) of this paragraph, and (iii) such handler complies with the marking requirements set forth in subparagraph (6) of this paragraph.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 27, 1960, to become effective at 12:01 a.m., P.s.t., June 2, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-4974; Filed, June 1, 1960; 8:51 a.m.]

[Milk Order 80]

PART 980—MILK IN WESTERN COLORADO MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Western Colorado Marketing area (7 CFR Part 980), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act: In § 980.51, the phrase "for the first eighteen months beginning with the effective date of prices pursuant to this section".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will continue the pricing provisions in the order which otherwise would expire on May 31, 1960, pending consideration of proposed amendments to the order. The time available, prior to the expiration date of the pricing provisions, is too short to permit the necessary analysis of the record evidence and the preparation and issuance of a recommended decision, a final decision, and an order on the proposed amendments being considered.

(4) Suspension action is based on evidence presented at a hearing held in Grand Junction, Colorado, on May 16, 1960. The request for suspension was made by the producers' association, representing about 90 percent of the producers supplying the market, and was supported by handlers.

Therefore, good cause exists for making this order effective June 1, 1960.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective June 1, 1960.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 27th day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4972; Filed, June 1, 1960; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1959 C.C.C. Grain Price Support Reseal Loan Bulletin, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Reseal Loan Programs for Barley, Corn, Grain Sorghums and Wheat

STORAGE AND TRACK-LOADING PAYMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 2049, and containing the specific requirements of the 1959-crop reseal loan programs for barley, corn, grain sorghums and wheat are amended as follows:

Section 421.4560(a)(1) is amended to provide for the amount of reseal storage payments to be made on barley, corn, grain sorghums and wheat and paragraph (a)(2) of this section is amended to provide for the prorated storage payment for barley, corn, grain sorghums and wheat so that the amended subparagraphs read as follows:

§ 421.4560 Storage and track-loading payments.

(a) * * *

(1) *Storage payment for full reseal period.* A storage payment in the amount of 14 cents per bushel for barley, corn and wheat and 24 cents per hundredweight for grain sorghums will be made to the producer on the quantity involved if he (i) redeems the commodity from the loan on or after the maturity date of the reseal loan (ii) delivers the commodity to CCC on or after the maturity date of the reseal loan or (iii) delivers the commodity to CCC prior to the maturity date of the reseal loan pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC.

(2) *Prorated storage payment.* A storage payment determined by prorating the yearly rate according to the length of time the commodity was in store for the period beginning 60 days subsequent to the maturity date applicable to the regular loan will be made to the producer; (i) in the case of loss assumed by CCC under the provisions of the loan program; (ii) in the case of the commodity redeemed from reseal loans prior to the maturity date of the reseal loan and, (iii) in the case of the commodity delivered to CCC prior to the maturity date of the reseal loan pursuant to CCC's demand and not solely for the convenience of CCC or upon request of the producer and with the approval of CCC. The prorated storage payment will be computed at the daily rate of 0.046 cent per bushel for barley, corn and wheat and 0.079 cent per hundredweight for grain sorghums but not to exceed the amount specified in subparagraph (1) of this paragraph. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss, and in the case of redemptions, on the date of repayment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442, 1447)

Issued this 27th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-4979; Filed, June 1, 1960; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-66]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On November 19, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9345) stating that the Federal Aviation Agency was proposing to modify a segment of VOR Federal airway No. 77 between Oklahoma City, Okla., and Ponca City, Okla., by designating an east alternate via the Oklahoma City VOR 021° True and Ponca City VOR 163° True radials. Subsequent to the closing date, a modification of the proposal was published in the FEDERAL REGISTER (25 F.R. 84) amending the original proposal by proposing to designate Victor 77E via the Oklahoma City VOR 040° True and Ponca City VOR 180° True radials.

Two comments were received concerning the proposal. The Air Transport Association concurred in the designation of an east alternate. However, the Department of the Air Force objected to the proposal because the off-airway airspace east of Victor 77 is used as a basic instrument training area by ten to twelve jet aircraft from Vance AFB, Okla., below 20,000 feet, 5 days a week. Above 20,000 feet en route instrument training aircraft are passing through this area to and from navigational aids used as training facilities. Off-airway airspace to the west of Vance AFB is utilized by the other 70 to 90 Vance aircraft that are airborne 5 days per week conducting other training missions.

An IFR peak-day airway traffic survey for fiscal year 1959 showed aircraft movements on Victor 77 as forty-five. The utilization of the area in question by the Air Force aircraft operating from Vance AFB is recognized. However, it appears that there is an extensive area west of Vance AFB that is not traversed by airways and could be utilized for types of training that are required to be conducted off airways. As noted above, the volume of IFR operations between Oklahome City and Ponca City necessitates the designation of an east alternate to Victor 77 for efficient air traffic management. The main airway segment of Victor 77 between Oklahoma City and Ponca City is used primarily as a northbound departure route. The east alternate between these points will be used as an inbound route to Oklahoma City for aircraft arriving from the north. The Federal Aviation Agency is modifying the segment of Victor 77 between Oklahoma City and Ponca City by designating an east alternate via the intersection of the Oklahoma City VOR 040° True and the Ponca City VOR 181° True radials. The 181° True radial is necessary in lieu of the 180° True radial so that the apex of Victor 77 east will coincide with the existing Stillwater, Okla., intersection. The control areas associated with Victor 77 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6077 (24 F.R. 10513) is amended as follows:

In the text of § 600.6077 *VOR Federal airway No. 77 (Cotulla, Tex., to Des Moines, Iowa)*, delete "Ponca City, Okla., omnirange station;" and substitute therefor "Ponca City, Okla., VOR, including an E alternate from the Oklahoma City VOR to the Ponca City VOR via the INT of the Oklahoma City VOR 040° T and the Ponca City VOR 181° T radials;"

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-4927; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-366]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1958) stating that the Federal Aviation Agency proposed to modify a segment of VOR Federal airway No. 4 between Elkins, W. Va., and Front Royal, Va., via a VOR to be installed near Kessel, W. Va., approximately October 15, 1960.

Subsequent to publication of the notice, installation of the Kessel VOR was rescheduled, and it will now be commissioned approximately January 12, 1961.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6004 (24 F.R. 10504, 10142; 25 F.R. 2009, 2883, 3755), "INT of the Elkins VOR 077° and the Grantsville, Md., VOR 191° radials;" is deleted and "Kessel, W. Va., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 26, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-4928; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-KC-57]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas

On December 23, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 10461) stating that the Federal Aviation Agency was considering amendments to §§ 600.6181 and 601.6181 of the regulations of the Administrator which would extend VOR Federal airway No. 181 and its associated control areas from Watertown, S. Dak., to Fargo, N. Dak.

As stated in the notice, Victor 181 presently extends from Sioux Falls, S. Dak., to Watertown. The Federal Aviation Agency is extending Victor 181 and its associated control areas from the Watertown VOR to the Fargo VOR in order to establish an interconnecting airway between Watertown and Fargo, thereby providing more efficient air traffic management by furnishing air traffic control service to aircraft now conducting offairway direct flights between these points. This action will result in Victor 181 extending from the Sioux Falls VORTAC to the Fargo VORTAC via the Watertown VORTAC.

The Department of the Air Force stated that a confliction would result between the proposed airway and the jet letdown procedures at the Hector Aerodrome, Fargo, N. Dak. The Air Force, however, further stated that it recognized that the present IFR traffic between Watertown and Fargo justified the extension of Victor 181, but recommended that a holding fix be established on Victor 181 to permit holding airway traffic south of the area utilized for jet penetrations. The Federal Aviation Agency recognizes the need for the holding fix recommended by the Air Force and the designation of the extension to Victor 181 will provide the controlled airspace required for such holding fix.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.6181 (24 F.R. 10520) and 601.6181 (24 F.R. 10602) are amended to read:

§ 600.6181 VOR Federal airway No. 181 (Sioux Falls, S. Dak., to Fargo, N. Dak.).

From the Sioux Falls, S. Dak., VORTAC via the Watertown, S. Dak., VORTAC to the Fargo, N. Dak., VORTAC.

§ 601.6181 VOR Federal airway No. 181 control areas (Sioux Falls, S. Dak., to Fargo, N. Dak.).

All of VOR Federal airway No. 181.

These amendments shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4929; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 60-NY-6]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On March 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2018) stating that the Federal Aviation Agency proposed to revoke the segment of Red Federal airway No. 33 from Morris, Conn., to Chicopee Falls, Mass., its associated control areas and designated reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.233 (24 F.R. 10497, 25 F.R. 336), 601.233 (24 F.R. 10544) and 601.4233 (24 F.R. 10595) are amended to read:

§ 600.233 Red Federal airway No. 33 (Norfolk, Va., to Richmond, Va.).

From the INT of the E course of the Langley, Va., AFB RR and the N course of the Norfolk, Va., Navy RR via the Langley AFB RR to the Richmond, Va., RR.

§ 601.233 Red Federal airway No. 33 control areas (Norfolk, Va., to Richmond, Va.).

All of Red Federal airway No. 33.

§ 601.4233 Red Federal airway No. 33 (Norfolk, Va., to Richmond, Va.).

No reporting point designation.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4930; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-66]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway and Associated Control Areas

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2590) stating that the Federal Aviation Agency proposed to revoke the segment of Red Federal airway No. 17 between Rantoul, Ill., and Rensselaer, Ind., and its associated control areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.217 (24 F.R. 10496, 9366) is amended to read:

§ 600.217 Red Federal airway No. 17 (Martinsburg, W. Va., to Baltimore, Md.).

From the Martinsburg, W. Va., RR via the INT of a line bearing 011° True from the Springfield, Va., RBN and the W course of the Baltimore, Md., RR to the Baltimore RR.

2. Section 601.217 (24 F.R. 10544, 9366) is amended to read:

§ 601.217 Red Federal airway No. 17 control areas (Martinsburg, W. Va., to Baltimore, Md.).

All of Red Federal airway No. 17.

3. Section 601.4217 (24 F.R. 10594, 9366) is amended to read:

§ 601.4217 Red Federal airway No. 17 (Martinsburg, W. Va., to Baltimore, Md.).

The INT of a line bearing 011° True from the Springfield, Va., RBN and the W course of the Baltimore, Md., RR; Baltimore, Md., RR.

These amendments shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 25, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4931; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-FW-96]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On April 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2805) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 84 in its entirety, together with its associated control areas and designated reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended as follows:

1. Section 600.284 *Red Federal airway No. 84 (Meridian, Miss., to Maxwell AFB, Ala.)* is revoked.

2. Section 601.284 *Red Federal airway No. 84 control areas (Meridian, Miss., to Maxwell AFB, Ala.)* is revoked.

3. Section 601.4284 *Red Federal airway No. 84 (Meridian, Miss., to Maxwell AFB, Ala.)* is revoked.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 25, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4932; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-132]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Designated Reporting Points

On December 10, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9996) stating that the Federal Aviation Agency was considering amendments to Parts 600 and 601 of the regulations of the Administrator which would revoke in its entirety Blue Federal airway No. 87 and its associated control areas.

As stated in the notice, Blue 87 and its associated control areas presently extend from Lexington, Ky., to the North Hampton, Ohio, Intersection. Justification for the revocation of Blue 87 was the proposed designation of a Restricted Area/Military Climb Corridor for Wright-Patterson AFB, Dayton, Ohio, which would overlie Blue 87 longitudinally between Cincinnati, Ohio, and Dayton, and the small amount of IFR traffic using the airway. Subsequent to the issuance of the notice, the Department of the Air Force advised it no longer had a requirement for a Restricted Area/Military Climb Corridor at Wright-Patterson AFB. However, the Federal Aviation Agency considers that Blue 87 is unjustified as an assignment of airspace on the basis of the IFR traffic activity only. Coincident with this action, § 601.4687 relating to the reporting points associated with this airway, is also being revoked.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 600 (24 F.R. 10487) and Part 601 (24 F.R. 10530) are amended as follows:

1. Section 600.687 *Blue Federal airway No. 87 (Lexington, Ky., to Dayton, Ohio)* is revoked.

2. Section 601.687 *Blue Federal airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio)* is revoked.

3. Section 601.4687 *Blue Federal airway No. 87 (Lexington, Ky., to Dayton, Ohio)* is revoked.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 25, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4933; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-70]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Extension of Federal Airway, Associated Control Areas; Establishment of Coded Jet Route

On October 28, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8749) stating that the Federal Aviation Agency was considering amendments to §§ 600.6146 and 601.6146, and Part 602, of the regulations of the Administrator which would extend VOR Federal airway No. 146 and its associated control areas and establish VOR/VORTAC jet route No. 68.

As stated in the notice, Victor 146 presently extends from Wilkes-Barre, Pa., to Providence, R.I. The Federal Aviation Agency is extending Victor 146 from the Providence VOR to the Nantucket VOR and establishing jet route J-68-V from the Nantucket VOR via the Providence VOR to the intersection of the Providence VOR 270° True and the Boston VOR 231° True radials which, in conjunction with VOR Federal airway No. 30 and VOR/VORTAC jet route No. 62, will provide a dual airway structure for incoming and departing overseas traffic between the Idlewild, N.Y., International Airport and Europe. This action will result in Victor 146 and its associated control areas extending from Wilkes-Barre to Nantucket and jet route J-68-V extending from Nantucket via the Providence VOR to the intersection of the Providence VOR 270° True and the Boston VOR 231° True radials.

The Department of the Navy Regional Airspace Officer in the New York Regional Office objected to both the extension of Victor 146 and the establishment of jet route J-68-V as (a) they would create an area of high density VFR Navy and civilian air traffic inconsistent with good safety practices; (b) aircraft holding at 20,000 feet MSL over the Quonset Point, R.I., radio range or VOR, or shut-

tiling down from 30,000 feet MSL, will penetrate the airway and/or jet route structure; and (c) the airway and/or jet route structure would limit utilization of the established Navy jet penetrations into Quonset Point Naval Air Station including the procedure whereby aircraft inbound from seaward may be cleared inbound from Nantucket for en route penetration. The Federal Aviation Agency does not agree there is any basis for a statement that an airway or jet route per se, attracts VFR civilian air traffic. The second objection that aircraft holding at 30,000 feet MSL or shuttling down from 30,000 feet MSL will penetrate the airway and/or jet route structure is true. However, procedural arrangements have been developed between the Boston Air Route Traffic Center and the Quonset Point Radar Air Traffic Control Center for altitude use at 23,000 feet and below, as and when required within the RATCC area of control jurisdiction, and will provide for maximum available utilization of the RATCC radar in its application to the control of traffic along the airway. Additionally, the Boston ARTCC will provide separation between the Navy jet aircraft on IFR flight plans, shuttling between 30,000 feet and 20,000 feet to land at the Quonset Point NAS, and en route aircraft on Victor 146 and/or jet route J–68–V. The third objection refers mainly to conflict between en route aircraft on Victor 146 and/or jet route J–68–V and Navy jet aircraft conducting an en route penetration from Nantucket. This, too, will be resolved procedurally by the Boston ARTCC.

The Air Transport Association, the Airline Pilots Association and the Department of the Air Force submitted comments reflecting concurrence with the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 600.6146 (24 F.R. 10518), § 601.6146 (24 F.R. 10601), and Part 602 (14 CFR, 1958 supp., Part 602) are amended as follows:

§ 600.6146 [Amendment]

1. Section 600.6146 *VOR Federal airway No. 146 (Wilkes-Barre, Pa., to Providence, R.I.)*:

(a) In the caption delete "*(Wilkes-Barre, Pa., to Providence, R.I.)*." and substitute therefor "*(Wilkes-Barre, Pa., to Nantucket, Mass.)*."

(b) In the text delete "to the Providence, R.I., omnirange station." and substitute therefor "Providence, R.I., VOR; to the Nantucket, Mass., VOR."

§ 601.6146 [Amendment]

2. In the caption of § 601.6146 *VOR Federal airway No. 146 control areas (Wilkes-Barre, Pa., to Providence, R.I.)*, delete "*(Wilkes-Barre, Pa., to Providence, R.I.)*." and substitute therefor "*(Wilkes-Barre, Pa., to Nantucket, Mass.)*."

3. Section 602.568 is added to read:

§ 602.568 VOR/VORTAC jet route No. 68 (Providence, R.I., to Nantucket, Mass.).

From the INT of the Providence VOR 270° T and the Boston, Mass., VOR 231° T radials via the Providence, R.I., VOR to the Nantucket, Mass., VOR.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 25, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–4921; Filed, June 1, 1960; 8:45 a.m.]

[Airspace Docket No. 60–WA–32]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extensions

The purpose of this amendment to §§ 601.1008 and 601.1175 of the regulations of the Administrator is to delete all reference to the Beaufort, S.C., Restricted Area (R–563) in the description of the Savannah, Ga., control area extension (601.1008) and the Charleston, S.C., control area extension (601.1175). Designation of Restricted Area (R–563) expired on December 1, 1959.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 601.1008 (24 F.R. 10547) and 601.1175 (24 F.R. 10556) are amended as follows:

1. In the text of § 601.1008 *Control area extension (Savannah, Ga.)*, delete: "Beaufort Restricted Area R–563,".

2. In the text of § 601.1175 *Control area extension (Charleston, S.C.)*, delete: "The portions of this control area which lie within the Beaufort Restricted Area (R–563) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control."

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–4922; Filed, June 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59–EC–32]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On December 29, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 10917) stating that the Federal Aviation Agency was considering an amendment to § 601.2061 of the regulations of the Administrator which would modify the Lincoln, Nebr., control zone.

As stated in the notice, the Lincoln control zone is presently designated within a 5-mile radius of the Lincoln Air Force Base with extensions 10 miles north of the Lincoln radio range based on the radio range north course, 15 miles south of the Lincoln AFB based on the radio range south course, and 12 miles northwest of the Lincoln ILS outer marker based on the former ILS localizer front course at its previous location. The ILS, which previously served runway 14, has been relocated to serve runway 35, so the control zone extension to the northwest is being revoked. The approach procedure based on the south course of the radio range has been canceled, so the extension to the south is being shortened to the Sprague, Nebr., radio beacon. A new instrument approach procedure has been prescribed based on the Raymond, Nebr., VOR, so a new extension is being designated to the north-northeast. The extension based on the radio range north course is being extended 2 miles to protect aircraft making instrument approaches in their descent below 1,000 feet above the airport surface. This action will result in the Lincoln control zone being redesignated within 5 miles of the geographical center of the air base (latitude 40°50'35" N., longitude 96°45'42" W.); within 2 miles either side of the north course of the Lincoln radio range extending from the 5-mile radius zone to a point 12 miles north of the radio range; within 2 miles either side of the 195° True and 015° True radials of the Raymond, Nebr., VOR, extending from the 5-mile radius zone to a point 12 miles north-northeast of the Raymond VOR; and within 2 miles either side of the south course of the Lincoln ILS localizer from the 5-mile radius zone to the Sprague, Nebr., radio beacon.

The Aircraft Owners and Pilots Association objected to the proposal because the need for flight of aircraft at an altitude below 1,000 feet above ground at a distance beyond 5 miles from the field is not established in the proposal. However, in accordance with the prescribed radio range, VOR, and ADF instrument approaches at Lincoln AFB, aircraft are authorized to descend to an altitude of 702 feet above the terrain within 10 nautical miles of the Lincoln radio range and the Raymond VOR, and an altitude of 700 feet above the terrain after passing the Sprague radio beacon. Therefore, the Federal Aviation Agency considers that the control zone extensions to the north, north-northeast, and to the south are required for the full protection of the instrument approaches.

The Department of the Air Force submitted comments concurring with the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, § 601.2061 (24 F.R. 10574) is amended to read:

§ 601.2061 Lincoln, Nebr., control zone.

Within a 5-mile radius of the geographical center of the Lincoln Air Force Base (latitude 40°50'35" N., longitude 96°45'42" W.); within 2 miles either side of the N course of the Lincoln RR extending from the 5-mile radius zone to a point 12 miles N.; within 2 miles either side of the 195° T and the 015° T radials of the Raymond, Nebr., VOR, extending from the 5-mile radius zone to a point 12 miles NNE of the VOR; and within 2 miles either side of the S course of the Lincoln ILS localizer from the 5-mile radius zone to the Sprague, Nebr., RBN.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–4923; Filed, June 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59–NY–53]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2591) stating that the Federal Aviation Agency proposed to designate a control zone at Lancaster, Pa.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (24 F.R. 10530) is hereby amended by adding the following section:

§ 601.2045 Lancaster, Pa., control zone.

Within a 5-mile radius of the geographical center of the Lancaster, Pa., Municipal Airport (latitude 40°07'16" N., longitude 76°17'47" W.), within 2 miles either side of the 128° True radial of the Lancaster VOR extending from the VOR to a point 12 miles SE of the VOR and within 2 miles either side of the 260° True radial of the Lancaster VOR extending from the VOR to a point 12 miles W of the VOR.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 25, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–4924; Filed, June 1, 1960; 8:45 a.m.]

[Airspace Docket No. 59–WA–439]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2593) stating that the Federal Aviation Agency proposed to modify the San Antonio, Tex. (Kelly AFB), control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2311 (24 F.R. 10586) is amended to read:

§ 601.2311 San Antonio, Tex. (Kelly AFB), control zone.

Within a 5-mile radius of the geographical center of Kelly Air Force Base (latitude 29°22'37" N., longitude 98°34'50" W.), within 2 miles either side of the ILS localizer N course extending from the 5-mile radius zone to the ILS OM, and within 2 miles either side of the Somerset, Tex., VOR 035° True radial extending from the 5-mile radius zone to the Somerset VOR.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 25, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–4925; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 60–EC–2]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On March 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2496) stating that the Federal Aviation Agency proposed to modify the Glenview, Ill., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

Section 601.2100 (24 F.R. 10576) is amended to read:

§ 601.2100 Glenview, Ill., control zone.

Within a 5-mile radius of the geographical center of the Glenview, Ill., Naval Air Station (latitude 42°06'21" N., longitude 87°49'07" W.), within 2 miles either side of the NW course of the Glenview, Ill., RR extending from the 5-mile radius zone to a point 12 miles NW of the RR, and within 2 miles either side of the 158° True radial of the Northbrook, Ill., VOR extending from the Glenview 5-mile radius zone and the Chicago, Ill. (O'Hare International Airport) 5-mile radius zone to the VOR, excluding that portion which overlies the Chicago, Ill. (O'Hare International Airport) control zone.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 25, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–4926; Filed, June 1, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-319]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Jet Route

On November 10, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9170) stating that the Federal Aviation Agency proposed to amend Part 602 of the regulations of the Administrator by establishing VOR/VORTAC jet route No. 88 from Santa Barbara, Calif., to Los Angeles, Calif.

As stated in the notice, the Federal Aviation Agency proposed to establish jet route No. 88–V from the intersection of the Bakersfield, Calif., VOR 210° True and the Los Angeles VOR 298° True radials to the Los Angeles VOR to make available a coded jet route within the United States for jet operations between Los Angeles and Hawaii. This intersection overlies the Santa Barbara VOR which is presently a medium altitude coverage facility. However, as the Santa Barbara VOR was converted to a high altitude coverage facility approximately April 1, 1960, jet route No. 88–V will be established from the Santa Barbara VOR to the Los Angeles VOR.

The Department of the Air Force has registered an objection to the establishment of the jet route stating that it would conflict with a climb corridor proposed at Oxnard, Calif., AFB. The Air Force further stated that any modification of the proposed route should be consistent with full radar coverage capability to avoid any serious restrictions to Air Force air operations in this area.

It has been determined that the altitudes in use on this route in the area of the climb corridor will ordinarily be transitional and below the altitudes designated for the climb corridor. Additionally, adequate radar coverage, for air traffic management purposes exists for the route.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) Part 602 (14 CFR, 1958 Supp., Part 602) is amended by adding the following section:

§ 602.588 VOR/VORTAC jet route No. 88 (Santa Barabara, Calif., to Los Angeles, Calif.).

From the Santa Barbara, Calif., VOR to the Los Angeles, Calif., VOR.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 25, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4920; Filed, June 1, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7689 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Carteret Jr. Fashions Corp. and Aaron Dworkowitz

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Carteret Jr. Fashions Corp., et al., New York, N.Y., Docket 7689, April 2, 1960]

In the Matter of Carteret Jr. Fashions Corp. a Corporation, and Aaron Dworkowitz, Individually and as Officer of Said Corporation

The complaint in this case charged New York City manufacturers with violating the Wool Products Labeling Act by failing to label ladies' dresses as to wool content.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Carteret Jr. Fashions Corp., a corporation, and its officers, and Aaron Dworkowitz individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' dresses or other wool products, as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Carteret Jr. Fashions Corp., a corporation, and Aaron Dworkowitz, individually and as officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-4939; Filed, June 1, 1960; 8:47 a.m.]

[Docket 7574 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Damascus Hosiery Mills, Inc., et al.

Subpart—Misbranding or mislabeling; § 13.1185 *Composition;* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition;* § 13.1845 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Damascus Hosiery Mills, Inc., et al., Damascus, Va., Docket 7574, April 1, 1960]

In the Matter of Damascus Hosiery Mills, Inc., a Corporation, and B. P. Murphy, R. G. Minton, and G. A. Hall, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Damascus, Va., manufacturers with violating the Wool Products Labeling Act by labeling as "100 percent Wool sole cushioning", men's hosiery the soles of which in fact contained a substantial quantity of non-wool fibers, and by failing to disclose on labels the fiber composition of sections of the hosiery which were recognizably distinct as required.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Damascus Hosiery Mills, Inc., a corporation, and its officers, and B. P. Murphy, individually and as an officer of said corporation, and G. A. Hall, as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of men's hosiery or other wool products, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging or labeling or otherwise falsely identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) The maximum percentages of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to set forth on stamps, tags, labels or other means of identification attached to such products the information required under section 4(a)(2)(A) of the Wool Products Labeling Act with respect to each specifically designated section of a wool product composed of two or more sections where such sections are of a different fiber composition and are recognizably distinct.

4. Falsely or deceptively designating the character or amount of the fibers contained in any section of a wool product composed of two or more sections which are recognizably distinct in violation of Rule 23 of the rules and regulations promulgated pursuant to the Wool Products Labeling Act of 1939.

It is further ordered, That the complaint be dismissed as to respondent R. G. Minton and as to G. A. Hall as an individual.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Damascus Hosiery Mills, Inc., a corporation, and B. P. Murphy, individually and as an officer of said corporation, and G. A. Hall, as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-4940; Filed, June 1, 1960; 8:47 a.m.]

[Docket 7681 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Fell-Bass, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Fell-Bass, Inc., et al., New York, N.Y., Docket 7681, April 1, 1960]

In the Matter of Fell-Bass, Inc., a Corporation, and Sam Fell, Theodore Fell and Kermit Bass, Individually and as Officers of Said Corporation

The complaint in this proceeding charged New York City manufacturers with violating the Wool Products Labeling Act by tagging as "100% Virgin Wool" ladies' skirts composed of fabrics containing substantially less than 100% wool, and by failing to label other wool products as required.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Fell-Bass, Inc., a corporation, and its officers, and Sam Fell, Theodore Fell, and Kermit Bass, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained or included therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-4941; Filed, June 1, 1960; 8:47 a.m.]

[Docket 6418]

PART 13—PROHIBITED TRADE PRACTICES

Marvin Accessories, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, 67 Stat. 111; 15 U.S.C. 45, 1191) [Cease and desist order, Marvin Accessories, Inc., et al., New York, N.Y., Docket 6418, April 11, 1960]

In the Matter of Marvin Accessories, Inc., a Corporation, and Julius Ruderman and Fannie Ruderman, Individually and as Officers of Said Corporation

The complaint in this case charged New York City importers with selling in commerce silk scarves manufactured in Japan which were so highly flammable as to be dangerous when worn.

After trial of the issues, the hearing examiner made his initial decision, including findings, conclusions and order to ceast and desist, which became on April 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Marvin Accessories, Inc., and its officers, and respondents Julius Ruderman and Fannie Ruderman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device do forthwith cease and desist from:

1. Importing into the United States; or

2. Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

3. Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any article of wearing apparel, which under the provisions of section 4 of said Flammable Fabrics Act, as amended is so highly flammable as to be dangerous when worn by individuals.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Marvin Accessories, Inc., a corporation, and Julius Ruderman and Fannie Ruderman, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission

a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision as modified.

Issued: April 11, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-4942; Filed, June 1, 1960; 8:48 a.m.]

[Docket 7668 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Toycraft Associates, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1200 *Price.* Subpart—Misrepresenting oneself and goods—Prices; § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Toycraft Associates, Inc., et al., Brooklyn, N.Y., Docket 7668, April 1, 1960]

In the Matter of Toycraft Associates, Inc., a Corporation, and Harold Miller, Individually and as an Officer of Said Corporation, and Phil Miller, an Individual

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Brooklyn, N.Y. with selling their stuffed toy animals with tickets attached, or supplied for use therewith, printed with fictitious and greatly exaggerated prices, thus represented falsely as the usual retail selling prices.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Toycraft Associates, Inc., a corporation, its officers and Harold Miller, individually and as an officer of the corporation, and Phil Miller, an individual, and respondents' agents, representatives and employees, directly or through any corporate or other device, in the connection with the offering for sale, sale, or distribution of stuffed toy animals or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing, by preticketing or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

2. Furnishing any means or instrumentality to others by and through which they may mislead the public as to the usual and customary prices of respondents' merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-4943; Filed, June 1, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86-139 as It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Effective on publication in the FEDERAL REGISTER § 120.35 (25 F.R. 1943, 2836, 3351) is amended by changing the item "ethylene * * *" to read as follows:

Ethylene	On pineapple to induce flowering.
Do	For use in degreening and maturing of fruits and vegetables.

This action is taken pursuant to authority provided in Public Law 86-139 (73 Stat. 288, 7 U.S.C. 135 et seq.) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500).

Dated: May 24, 1960.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 60-4947; Filed, June 1, 1960; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER H—ECONOMIC ENTERPRISES

PART 88—COMMERCIAL INDIAN FISHING IN ALASKA

On page 3079 of the FEDERAL REGISTER of April 9, 1960, there was published a notice of intention to amend Subchapter H of 25 CFR by adding Part 88. The purpose of this amendment is to perpetuate certain fishing rights long recognized by Federal statutes, regulations, and custom and secured to the Alaska Eskimos, Indians and Aleuts by section 4 of the Alaska Statehood Act of July 7, 1958.

Interested persons were given an opportunity to submit their views, data, or arguments in writing on the proposed regulations to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C. within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

Several comments regarding the proposed regulations were received. They dealt mainly with the sections providing for the authorization of fishtrap operation by three native communities of Kake, Angoon and Metlakatla, and the declaration of an exclusive fishery at the Karluk reservation.

The written comments, suggestions and objections were thoroughly considered and discussed during the 30 day period.

In addition, in response to their request to be heard, an opportunity was extended to seven Alaska canners operating on Kodiak Island to orally present their view on the proposed regulations pertaining to the Karluk reservation. Further, this department sought the views of the native inhabitants of the Karluk reservation as to their plans and desires for the utilization of reservation waters for the 1960 fishing season.

At the request of the native inhabitants of the Karluk reservation, the waters of the Karluk reservation will continue to remain open to fishing by others during the 1960 season and beach seine gear as heretofore authorized will be covered in these regulations.

As a result of such consideration and discussion, the following changes have been made: The wording of § 88.2 has been revised to clarify the language pertaining to the locations and periods in which traps may be operated. The wording in § 88.2(a) as published would allow the operation of Indian traps at any time fishing was allowed by the State in the established fishing section in which the traps are located or at any time fishing was allowed in adjacent district. The newly proposed wording would key the trap fishing season in each section to the periods in which purse seine fishing is permitted by the State in the respective sections, with one exception. In the case of Metlakatla traps the fishing season would be keyed to the purse seine fishing season in the Southeast Section of Clarence Strait, and also to the seining season in the adjacent general section of the Southern District, since relatively little purse seining is conducted in the Southeast Section of Clarence Strait.

The headnote for § 88.5 published as Fishing restrictions, Karluk Indian Reservation, has been amended to read Commercial Fishing, Karluk Indian Reservation. The language of this section has also been revised, in accordance with comments received from the natives of

the Karluk reservation and others, to provide that the waters of the Karluk Indian reservation shall be open to native inhabitants of the village of Karluk and vicinity and to other persons insofar as the fishing activities of the latter do not restrict or interfere with fishing by such natives. Further, the newly worded section provides for the use of beach seines up to 250 fathoms in length by natives and, prior to July 1, for their fishing up to within 100 yards of the mouth of the Karluk River.

The changes suggested in § 88.7, Personal Use fishing by native Indians, are based on the information that the Alaska regulations concerning personal use fishing are substantially the same as those previously in existence under Federal regulation.

A new part entitled Commercial Indian Fishing in Alaska containing nine sections, designated § 88.1 to 88.9, to read as set forth below is added to Subchapter H.

Sec.
88.1 Scope.
88.2 Restrictions on Indian fish traps.
88.3 Size and operation of Indian salmon traps.
88.4 Definition Karluk Indian Reservation.
88.5 Commercial Fishing, Karluk Indian Reservation.
88.6 Commercial salmon fishing by native Indians in the Yukon and Kuskokwim Rivers.
88.7 Personal use fishing by native Indians.
88.8 Modification of regulations.
88.9 Enforcement.

AUTHORITY: §§ 88.1 to 88.9 issued under 25 U.S.C. 2 and 9, 5 U.S.C. 485, and section 4 of the Act of July 7, 1958, 72 Stat. 339 as amended.

§ 88.1 Scope.

The regulations in this part implement section 4 of the Act of July 7, 1958, 72 Stat. 339, as amended, by declaring existing fishing rights of Indians in Alaska and providing for the protection and control thereof. Provisions for those rights which derive from the Act of June 6, 1924, as amended, 48 U.S.C. 221 et seq., and the limitations and sanctions necessary to preserve such rights are included herein. The regulations in this part are permissive, but shall not be construed as a limitation upon any native rights not mentioned in this part.

§ 88.2 Restrictions on Indian traps.

(a) Subject to the limitations of paragraph (c) of this section, not more than twenty-one salmon fish traps may be, but are not required to be, utilized for the purpose of salmon trap fishing by Indian villages. Such fish trap operations, if the natives elect to engage in them, shall be conducted as heretofore only at sites hereinafter described, and within the fishing districts and fishing sections defined in the 1960 edition of the Regulations of the Alaska Board of Fish and Game for Commercial Fishing in Alaska.

(b) Angoon Community Association: Salmon trap fishing is permitted, but not required, at the following sites within the southern section of the western district when any salmon purse seine fishing is permitted by the State of Alaska in the southern section of the western district:

(1) Chicago Island at 57°36'16" north latitude, 134°51'34" west longitude.

(2) Admiralty Island at 57°22'28" north latitude, 134°34'18" west longitude.

(3) Killisnoo Island at 57°28'15" north latitude, 134°36'35" west longitude.

(4) Admiralty Island at 57°13'52" north latitude, 134°39'05" west longitude.

(c) Organized Village of Kake: Salmon trap fishing is permitted but not required, at the following sites within the General Section of the eastern district when any salmon purse seine fishing is permitted by the State of Alaska in the General Section of the eastern district:

(1) Stephens Passage at 57°21'20" north latitude, 133°27'02" west longitude.

(2) Frederick Sound at 57°11'27" north latitude, 133°34'02" west longitude.

(3) Frederick Sound at 57°10'52" north latitude, 133°32'44" west longitude.

(4) Admiralty Island at 57°18'40" north latitude, 133°57'21" west longitude.

(5) Admiralty Island at 57°10'29" north latitude, 134°12'53" west longitude.

(6) Herring Bay at 57°07'21" north latitude, 134°19'45" west longitude.

(7) Admiralty Island at 57°04'02" north latitude, 134°25'20" west longitude.

(8) Kupreanof Island at 57°01'23" north latitude, 134°02'50" west longitude.

(9) Kuiu Island at 56°55'52" north latitude, 134°16'08" west longitude.

(d) Metlakatla Indian Community (Annette Island Fishery Reserve): Salmon trap fishing is permitted, but not required, at the following sites within the southeast section of the Clarence Strait District from the opening date set by the State of Alaska for any salmon purse seine fishing in the General Section of the southern district to the closing date set by the State for any salmon purse seine fishing in the southeast section of the Clarence Strait District, or one week following the closing date set by the State for any salmon purse seine fishing in the General Section of the southern district, whichever date is later:

(1) Annette Island at 55°15'09" north latitude, 131°36'00" west longitude.

(2) Annette Island at 55°12'52" north latitude, 131°36'10" west longitude.

(3) Annette Island at 55°02'47" north latitude, 131°38'53" west longitude.

(4) Annette Island at 55°05'41" north latitude, 131°36'39" west longitude.

(5) Annette Island at 55°01'54" north latitude, 131°38'36" west longitude.

(6) Annette Island at 55°00'45" north latitude, 131°38'30" west longitude.

(7) Annette Island at 54°59'41" north latitude, 131°36'48" west longitude.

(8) Ham Island at 55°10'13" north latitude, 131°19'31" west longitude.

(e) During the 1960 fishing season and until the Secretary or his authorized representative determines otherwise, and if the villages elect to operate any fish traps, the villages may operate traps only at the following sites: Angoon: (1), (2), and (4); Kake: (3), (4), (8), and (9); Metlakatla: (2), (3), (4), and (6).

§ 88.3 Size and operation of Indian salmon traps.

(a) No trap shall extend more than 900 feet from shore to the outer face of the pot as measured at mean high tide when any part is in a greater depth of water than 100 feet.

(b) Poles shall be permanently secured to the webbing at each side of the mouth of the pot tunnel and shall extend from the tunnel floor to a height of at least 4 feet above the water. A draw line shall be reeved through the lower end of both poles and the top of one. During any period when commercial net fishing for salmon is prohibited by the State of Alaska in the water open to trap fishing as above described, the tunnel walls shall be overlapped as far as possible, the line pulled tight and both secured so as to close the trap to fishing. In addition 25 feet of the webbing of the heart on each side next to the pot shall be lifted or lowered in such manner as to permit the free passage of salmon and other fish.

§ 88.4 Definition, Karluk Indian reservation.

The Karluk Indian reservation includes all waters extending 3,000 feet from the shore at mean low tide on Kodiak Island beginning at the end of a point of land on the shore of Shelikof Strait about 1¼ miles east of Rocky Point and in approximate latitude 57°39'40" N., longitude 154°12'20" W.; thence south approximately 6 miles to latitude 57°32'30" N.; thence west approximately 12½ miles to the confluence of the north shore of Sturgeon River with the east shore of Shelikof Strait; thence northeasterly following the easterly shore of Shelikof Strait to the place of beginning, containing approximately 35,200 acres.

§ 88.5 Commercial fishing, Karluk Indian reservation.

(a) The waters of the Karluk Indian reservation shall be open to commercial fishing by bona fide native inhabitants of the native village of Karluk and vicinity, and to other persons insofar as the fishing activities of the latter do not restrict or interfere with fishing by such natives. Such natives shall not be required to obtain a license to engage in commercial fishing in the waters of the Karluk Indian reservation.

(b) Commercial fishing for salmon by native inhabitants of the native village of Karluk and vicinity in the waters of the Karluk Indian reservation shall be in accordance with the seasonal and gear restrictions of the 1960 edition of the Regulations of the Alaska Board of Fish and Game for Commercial Fishing in Alaska in the Karluk District except that: (1) Beach seines up to 250 fathoms in length may be used northeast of Cape Karluk; and (2) prior to July 1, fishing shall be permitted to within 100 yards of the Karluk River where it breaks

through the Kariuk Spit into Shelikof Strait.

§ 88.6 Commercial salmon fishing by native Indians in the Yukon and Kuskokwim Rivers.

Certain fishing rights in the Yukon and Kuskokwim Rivers granted by Federal law and running to the native Indians of Alaska are preserved in the Statehood Act. Since the 1960 edition of the Regulations of the Alaska Board of Fish and Game for Commercial Fishing in Alaska has embraced these rights, no additional provision therefor is made at this time in the regulations in this part.

§ 88.7 Personal use fishing by native Indians.

Subsistence or personal use fishing rights granted by Federal law to the Indians of Alaska, are preserved in the Statehood Act. The 1960 edition of the Regulations of the Alaska Board of Fish and Game for Commercial Fishing in Alaska has substantially provided for continuance of these rights and no additional provision therefor is made at this time in the regulations in this part.

§ 88.8 Modification of regulations.

The regulations in this part will be modified from time to time as the Secretary of the Interior may deem necessary. The native Indians and Indian villages of Alaska shall be governed by the regulations in this part in the waters where they apply or by the regulations of the State of Alaska, whichever are least restrictive to their fishing operations.

§ 88.9 Enforcement.

Fishing activities in violation of the regulations in this part will be subject to the sanctions imposed by the Act of June 6, 1924, as amended, 48 U.S.C. 226.

The proposed amendment to the regulations, as changed, is hereby adopted. As set forth herein, this amendment is effective upon publication in the FEDERAL REGISTER because the fishing season in Alaska opens within the next 30 days.

FRED A. SEATON,
Secretary of the Interior.

MAY 25, 1960.

[F.R. Doc. 60-4944; Filed, June 1, 1960; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[No. 32156]

PART 181—COMMON AND CONTRACT CARRIERS OF PASSENGERS

Miscellaneous Amendments

At a session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 16th day of May 1960.

Having under consideration certain modifications of the accounting regulations for motor carriers of passengers, pursuant to the provisions of section 220 of the Interstate Commerce Act, as amended, and the notice of proposed rule making published in the FEDERAL REGISTER January 30, 1960 (25 F.R. 817), with all responses thereto given due consideration;

It is ordered, That the modifications of the regulations (49 CFR Part 181) which appear below and are made a part hereof shall become effective July 1, 1960; and,

It is further ordered, That this order be served on each Class I common and contract motor carrier of passengers subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of such motor carrier, and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply Sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

1. Add the following new and additional section:

§ 181.02-31 Amortization of intangibles.

When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 1550, Other Intangible Property, has become limited or its value impaired, its cost shall be amortized by charges to account 7500, Other Deductions, over the remaining estimated period of usefulness, or the entire cost may be written off by charges to account 2946, Other Debits to Surplus, with concurrent credits to account 2600, Reserve for Amortization—Carrier Operating Property, unless otherwise authorized or directed by the Commission.

§ 181.1550 [Amendment]

In § 181.1550 *Other intangible property*, in paragraph (b) of the text of the account change the period at the end of the paragraph to a comma and add the following clause: "except as otherwise provided for in § 181.02-31."

[F.R. Doc. 60-4959; Filed, June 1, 1960; 8:50 a.m.]

[No. 32155]

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Miscellaneous Amendments

At a session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 16th day of May 1960.

Having under consideration certain modifications of the accounting regulations for motor carriers of property, pursuant to the provisions of section 220 of the Interstate Commerce Act, as amended, and the notice of proposed rule making published in the FEDERAL REGISTER January 30, 1960 (25 F.R. 818), with all responses thereto given due consideration;

It is ordered, That the modifications of the regulations (49 CFR Part 182) which appear below and are made a part hereof shall become effective July 1, 1960; and,

It is further ordered, That this order be served on each Class I and Class II common and contract motor carrier of property subject to its provisions, and on every trustee, receiver, executor, administrator, or assignee of such motor carrier, and notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

§ 182.01-23 [Amendment]

1. In § 182.01-23 *Depreciation and amortization*, in paragraph (d) in the latter part of the text following the comma after the words "account 1550, Other Intangible Property", and preceding the word "may" insert the following: "except those relating to the acquisition of a distinct operating unit for which specific provision is made in § 182.01-29."

2. Add the following new and additional section:

§ 182.01-29 Amortization of intangibles.

When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 1550, Other Intangible Property, has become limited or its value impaired, its cost shall be amortized by charges to account 7500, Other Deductions, over the remaining estimated period of usefulness, or the entire cost may be written off by charges to account 2948, Other Debits to Earned Surplus, with concurrent credits to account 2600, Reserve for Amortization—Carrier Operating Property, unless otherwise authorized or directed by the Commission.

§ 182.1550 [Amendment]

3. In § 182.1550 *Other intangible property*, in paragraph (b) of the text of the account change "§§ 182.01-21 and 182.01-23" to read "§§ 182.01-21, 182.01-23, and 182.01-29."

[F.R. Doc. 60-4960; Filed, June 1, 1960; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 27, 28]

COTTON

Grade; Wasty Staple

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Agricultural Marketing Service is considering amendments of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27, Subpart A) and the Regulations under the United States Cotton Standards Act (7 CFR Part 28, Subpart A), pursuant to authority contained in sec. 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in sec. 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61).

The primary purposes of the proposed amendments are to (1) delete from the cotton classing regulations the definition of cotton of immature staple and substitute therefor a definition of cotton of wasty staple, and (2) delete from the cotton classing regulations the present provisions that require determinations of the staple length to which reduced and staple length from which reduced for cotton that is irregular or defective in staple.

The proposed amendments are as follows:

1. Section 27.37 of the Regulations for Cotton Classification under Cotton Futures Legislation and § 28.39 of the Regulations under the United States Cotton Standards Act would both be amended to read as follows:

Cotton reduced in grade. If cotton be reduced in grade, by reason of the presence of extraneous matter or other irregularities or defects, below its grade according to the official cotton standards of the United States, the grade from which it is so reduced, the grade to which it is so reduced, and the condition or reason which so reduces its grade shall be determined and stated.

2. Paragraph (b) of § 27.38 of the Regulations for Cotton Classification under Cotton Futures Legislation and paragraph (b) of § 28.40 of the Regulations under the United States Cotton Standards Act would be deleted and the following new paragraph (b) substituted therefor in both of said sections:

(b) *Cotton of wasty staple.* Cotton that has a weak, irregular, or immature staple.

It is proposed that the amendments would become effective July 1, 1960.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of May 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-4977; Filed, June 1, 1960; 8:51 a.m.]

[7 CFR Part 52]

CANNED SWEET CHERRIES

United States Standards for Grades;[1] Minimum Drained Weights

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Canned Sweet Cherries (7 CFR 52.821—52.836) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). The amendment proposes to adjust the recommended minimum drained weights for cherries in No. 10 cans and in certain packing media set forth in Table I in § 52.828 (7 CFR 52.828).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

It is proposed to amend Table I in § 52.828 to read as follows:

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR PITTED AND UNPITTED CANNED SWEET CHERRIES

Container size or designation (metal, unless otherwise stated)	In extra heavy sirups and in declared "dietetic packs" whether or not packed in water	In heavy sirups	In light sirup and in slightly sweetened water or juice	Other than declared "dietetic packs" packed in water
	(Ounces)	(Ounces)	(Ounces)	(Ounces)
8 Z tall	4¾	5	5¼	5⅛
No. 1 tall	9¾	10	10¼	10⅛
No. 303	9¾	10	10¼	10⅛
No. 303 glass	9¾	10	10¼	10⅛
No. 2	12	12⅜	12¾	12⅝
No. 2½	17½	18	18½	18⅛
No. 2½ glass	17¾	17¾	18¼	18¼
No. 10	64½	66½	70	70

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

(Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

Dated: May 26, 1960.

F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-4952; Filed, June 1, 1960; 8:49 a.m.]

[7 CFR Part 52]

CONCENTRATED TOMATO JUICE

United States Standards for Grades[1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance of the United States Standards for Grades of Concentrated Tomato Juice (7 CFR, 52.5201-52.5210) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). These standards, if made effective, will be the first issue by the Department of grades standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.5201 Product description.
52.5202 Grades of concentrated tomato juice.

FILL OF CONTAINER

52.5203 Recommended fill of container.

FACTORS OF QUALITY

52.5204 Ascertaining the grade of a sample unit.
52.5205 Color.
52.5206 Consistency.
52.5207 Defects.
52.5208 Flavor.

LOT INSPECTION AND CERTIFICATION

52.5209 Ascertaining the grade of a lot.

SCORE SHEET

52.5210 Score sheet for concentrated tomato juice.

AUTHORITY: §§ 52.5201 to 52.5210 issued under sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

PRODUCT DESCRIPTION AND GRADES

§ 52.5201 Product description.

"Concentrated tomato juice" means the product prepared from clean, sound tomatoes of the red or reddish varieties, as such product is defined in the Standard of Identity for Tomato Puree (21 CFR 53.20; 25 F.R. 1687) issued pursuant to the Federal Food, Drug, and Cosmetic Act. When packed in hermetically sealed containers it is sufficiently processed by heat, before or after sealing, to assure preservation of the product.

§ 52.5202 Grades of concentrated tomato juice.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of concentrated tomato juice that, when properly reconstituted, (1) has a good color; (2) has a good consistency; (3) is practically free from defects; (4) has a good flavor; and (5) scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided*, That the reconstituted tomato juice may have only a fairly good color, scoring not less than 25 points and a fairly good consistency, if the total score is not less than 85 points.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of concentrated tomato juice that, when properly reconstituted, (1) has a fairly good color; (2) has a fairly good consistency; (3) is fairly free from defects; (4) has a fairly good flavor; and (5) scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of concentrated tomato juice that fails to meet the requirements of U.S. Grade C.

FILL OF CONTAINER

§ 52.5203 Recommended fill of container.

Fill of container is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of concentrated tomato juice be filled as full as practicable without impairment of quality, and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.5204 Ascertaining the grade of a sample unit.

In addition to considering other requirements outlined in the standards, the quality factors of color, consistency, defects, and flavor are evaluated by applying appropriate criteria to the reconstituted tomato juice prepared by thoroughly mixing the concentrated tomato juice with three volumes of water. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	Points
Color	30
Consistency	15
Defects	15
Flavor	40
Total score	100

§ 52.5205 Color.

(a) *General.* (1) The amount of red in the reconstituted tomato juice is determined by comparing the color of the product with that produced by spinning a combination of the following Munsell color discs:

Disc 1—Red (5R 2.6/13) (glossy finish).
Disc 2—Yellow (2.5 YR 5/12) (glossy finish).
Disc 3—Black (N1) (glossy finish).
Disc 4—Grey (N4) (mat finish).

(2) Such comparison is to be made under a diffused light source of approximately 250 foot-candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky, and a color temperature of 7500 degrees Kelvin ±200 degrees. With the light source directly over the disc and product, observation is made at an angle of 45 degrees from a distance of about 24 inches from the product.

(b) (*A*) *classification.* Concentrated tomato juice that, when reconstituted properly, has a good color may be given a score of 26 to 30 points. "Good color" means a color that is typical of canned tomato juice, made from well ripened red tomatoes, which has been properly prepared and properly processed.. Such color contains as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: 65 percent of the area of Disc 1; 21 percent of the area of Disc 2; 14 percent of the area of Disc 3 or of Disc 4, or 7 percent of the area of Disc 3 and 7 percent of the area of Disc 4, whichever most nearly matches the reflectance of the product.

(c) (*C*) *classification.* If the reconstituted tomato juice has a fairly good color a score of 23 to 25 points may be given. Concentrated tomato juice that scores 23 or 24 points for color shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means a color that is typical of canned tomato juice. To score 25 points for color the reconstituted juice shall contain as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: 59 percent of the area of Disc 1; 24½ percent of the area of Disc 2; 16½ percent of the area of either Disc 3 or Disc 4, or 8¼ percent of the area of Disc 3 and 8¼ percent of the area of Disc 4, whichever most nearly matches the reflectance of the product. To score 23 or 24 points for color the reconstituted tomato juice shall contain as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: 53 percent of the area of Disc 1; 28 percent of the area of Disc 2; 19 percent of the area of either Disc 3 or Disc 4, or 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the reflectance of the product.

(d) (*SStd.*) *classification.* Concentrated tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 22 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5206 Consistency.

(a) *General.* This factor has reference to the viscosity of the reconstituted juice. The tendency of the insoluble solids to separate, leaving practically clear liquid at the top is also to be noted in this connection.

(b) (*A*) *classification.* Concentrated tomato juice that, when properly reconstituted, has a good consistency may be given a score of 13 to 15 points. "Good consistency" means that the reconstituted tomato juice flows readily; has a normal amount of insoluble tomato solids in suspension; and that there is little tendency for such solids to settle out.

(c) (*C*) *classification.* If the concentrated tomato juice has a fairly good consistency a score of 10 to 12 points may be given. "Fairly good consistency" means that the reconstituted tomato juice flows readily; has a normal amount of insoluble tomato solids in suspension; and that there is not a marked tendency for such solids to settle out.

(d) (*SStd.*) *classification.* Concentrated tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5207 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from defects, such as dark specks or scale-like particles, seeds, particles of seed, tomato peel, core material or other similar substances.

(b) (*A*) *classification.* Concentrated tomato juice that is practically free from defects may be given a score of 13 to 15 points. "Practically free from defects" means that any defects present in the reconstituted juice do not more than slightly affect the appearance or drinking quality of the juice.

(c) (*C*) *classification.* If the concentrated tomato juice is fairly free from defects a score of 10 to 12 points may be given. Concentrated tomato juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present in the reconstituted juice may be noticeable, but are not so large, so numerous or of such contrasting color as to seriously affect the appearance or drinking quality of the juice.

(d) (*SStd.*) *classification.* Concentrated tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5208 Flavor.

(a) (*A*) *classification.* Concentrated tomato juice that possesses a good flavor may be given a score of 33 to 40 points. "Good flavor" means a distinct canned tomato juice flavor and odor characteristic of good quality tomatoes. To score in this classification the flavor of the reconstituted juice shall not be adversely affected by stems, leaves, crushed seeds, cores, immature tomatoes, or the effects of improper trimming or processing.

(b) (*C*) *classification.* If the reconstituted tomato juice possesses only a fairly good flavor a score of 27 to 32 points may be given. Concentrated tomato juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a characteristic canned tomato juice flavor. To score in this classification the flavor of the reconstituted juice may be affected adversely, but not seriously so, by stems, leaves, crushed seeds, cores, immature tomatoes, or the effects of improper trimming or processing.

(c) (*SStd.*) *classification.* Concentrated tomato juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 26 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.5209 Ascertaining the grade of a lot.

The grade of a lot of concentrated tomato juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87 of this title).

SCORE SHEET

§ 52.5210 Score sheet for concentrated tomato juice.

Type of container			
Container size			
Label			
Code			
Volume (fl. ozs.)			
Vacuum (inches)			
Factors	**Score points**		
Color	30	(A)	26–30
		(C) [1]	23–25
		(SStd.) [2]	0–22
Consistency	15	(A)	13–15
		(C)	10–12
		(SStd.) [2]	0–9
Defects	15	(A)	13–15
		(C) [1]	10–12
		(SStd.) [2]	0–9
Flavor	40	(A)	33–40
		(C) [1]	27–32
		(SStd.) [2]	0–26
Total score	100		
Grade			

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

Dated: May 26, 1960.

F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 60-4963; Filed, June 1, 1960; 8:49 a.m.]

[7 CFR Part 943]

[Docket No. AO-281-A12]

MILK IN NORTH TEXAS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Texas, on October 28, 1959, pursuant to notice thereof issued on October 21, 1959 (24 F.R. 8653).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 25, 1960 (25 F.R. 2668) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing related to:

1. A revision, both of the Class I differential and of the supply-demand adjustment norms;
2. The definition of "supply plant";
3. A revision of the method of applying a charge to inventories which are allocated to Class I;
4. The exclusion of lactose from the computation of a handler's utilization;
5. The inclusion in the order of an "equivalent price" provision; and
6. Changing from a "market-wide" to an "individual-handler" pool.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof:

1. The Class I differential should be revised to provide a greater seasonality in the Class I price.

On an annual average, at the present time, the North Texas price is in a reasonable relationship with prices at those points in Missouri, Iowa, and Wisconsin where alternative supplies are available. Even though prices are comparable on an annual average, North Texas prices have been out of line with those in the Midwest during the months of heaviest production because the seasonal pricing pattern in North Texas has differed from that of other markets. The present order provides a Class I differential during March, April, May and June which is 20 cents less than that during other months; whereas in most Midwest markets, the differential is 40 cents lower in April, May and June than during other months.

In the past substantial quantities of other source milk have been imported by North Texas handlers during the April-June period, even though ample supplies of local producer milk were available, because the handler who purchased such other source milk was able to buy it delivered to Dallas at a price lower than the North Texas Class I price. Changing the seasonal pattern of the Class I differential without materially affecting its annual level will remove the incentive to bring in outside supplies when local production is adequate to meet the market requirements.

The Class I differential should be fixed at $1.85 per hundredweight during the months of March through June and at $2.25 for all other months. While this results in a reduction of approximately one and one-half cents per hundredweight in the annual average of the differential, the changes in the supply-demand adjustment which have been recommended below will offset this change. Thus at any given supply-demand relationship there will be no reduction in the actual Class I prices to producers on the annual average from that which would otherwise prevail.

The supply-demand adjustment norms in the order should be revised to reflect the change in the seasonal pattern of production that has taken place in Texas markets, and the range within which no adjustment takes place should be widened to prevent frequent erratic changes in the Class I price.

In the last 2 years production in the late summer and fall has been higher in relation to sales than that set forth in the supply-demand norms provided in the order. During the winter and early spring, however, production in relation to sales has been lower than that which prevailed during the period on which the norms are based. As a result, the effect of the supply-demand adjustor in the past 2 years has been to increase Class I prices at the beginning of the flush production season and to reduce them substantially during the fall months when production generally is lower and Class I sales are usually at their peak.

To mitigate its adverse effects on production during the past fall, an order was issued suspending a portion of the supply-demand adjustment of the Class I price. The substantial reduction in price, which otherwise would have occurred, threatened a serious curtailment of the production for the market and the possibility of a shortage of milk this winter.

The standard norms provided in the order should be revised seasonally to prevent unwarranted contraseasonal movements in price. The spread between the maximum and minimum percentages within which no adjustment takes place should also be widened to 6 percentage points to prevent frequent short time changes of only a cent or two in the level of the Class I price.

In the revised table of supply-demand norms, although there is a considerable degree of variation from month to month between the present and proposed standards, the minimum percentages set forth will average slightly higher, on a yearly basis, than those now in the order. The widening of the range within which the supply-demand percentages can fluctu-

ate without a change in price taking place, coupled with the proposed seasonal changes in the percentages, would have had the effect of reducing prices slightly below those which have prevailed during March, April, May and June, but would have prevented the very substantial reduction in price which has occurred in the fall months in the past two years.

Producers also proposed that a contra-seasonal limitation provision be incorporated in the supply-demand adjustor, applicable for the months of June through November, and that the present provision which limits the maximum operation of the adjustor to plus or minus 50 cents be reduced to plus or minus 25 cents.

The purpose of the supply-demand adjustor is to reflect in the Class I price, changes in the relationship of producer receipts to Class I sales. It is not intended to affect Class I prices seasonally during the year. To limit the operation of the supply-demand adjustor seasonally would tend to nullify its effectiveness. Similarly, reducing the maximum limits within which the supply-demand adjustor can operate would also serve to nullify its effectiveness.

It is concluded that in view of the supply-demand conditions prevailing in the marketing area and the revised supply-demand norms as provided for herein, the adjustor's proper functioning should not be impaired, either by limiting it seasonally or by reducing the total range within which it may operate.

2. The definition of the term, "supply plant", should be revised to delete the requirement that such a plant be under the routine inspection of the appropriate health authority.

Under the present requirements a plant which is approved to ship milk could dispose of its entire receipts in the North Texas marketing area every day in the year and still fail to qualify as a pool plant if the health authority failed to make its routine inspection. Whether an approved plant is pooled under the order should depend on its degree of association with the market and not on the regularity of inspection by the health authority which has issued the approval.

The performance standards now in the order are such that only a plant which has a definite association with the market participates in the market-wide pool. Adoption of the proposal will not change this situation and it will permit participation therein by other plants which may become an important source of supply but which may not be subject to regular periodic inspection by a local authority.

3. No change should be made in the present practice of applying a reclassification charge to inventories which are subsequently allocated to Class I.

The purpose of the charge on inventory which is reclassified as Class I the following month is to insure that all handlers pay at least the Class I price for milk which is disposed of for Class I use. A charge is made only if the handler had receipts of producer milk in excess of his Class I use or receipts of other source milk which were not classified and priced as Class I milk under another Federal order during the preceding month which are allocated to Class I use in the current month. To remove the reclassification charge on such milk would afford handlers an opportunity to gain a competitive advantage by building up inventories of producer milk at the Class II price or of unpriced other source milk and disposing of such milk for Class I use in certain months.

Proponent excepted to our failure to adopt his proposal. It appears from the exceptions that proponent is under a misconception as to the application of this provision.

The allocation provisions of the order are intended to insure that producer milk be allocated to Class I use before other source milk is so allocated. This applies to producer milk in the closing inventory for the preceding month as well as to receipts of producer milk during the current month. Since inventory on hand at the end of the month is classified as Class II, it is provided that if any of the inventory is allocated to Class I in the following month, a charge equal to the difference between the Class I and Class II prices is levied against the handler.

The order likewise provides that if any other source milk, regardless of whether it is a current receipt or from inventory, which has not been classified and priced as Class I milk under this or another Federal Order is allocated to Class I use, the handler shall pay the difference between the Class I price and the Class II price on the amount of milk (or its equivalent) allocated to Class I use.

The exceptant alleges that he is assessed a reclassification charge on milk which is priced as Class I under this or another order. The order provides specifically that the charge on inventory shall not be made on a volume of milk greater than the producer milk in inventory plus the other source milk which has not been classified and priced as Class I milk under this or another Federal Order.

The charge in this instance comes about because the handler purchases condensed skim milk from other regulated plants for fortification of Class I products. Such milk was classified and priced as Class II milk at the plant where it was manufactured. When it is allocated to Class I in the plant of the excepting handler, whether directly or through the inventory reclassification, he is assessed the difference between the Class I and Class II prices on the volume so allocated. It appears to be the contention of the exceptant that no charge should be made because the condensed skim milk came from a regulated plant regardless of the fact that producers received only the Class II price for such milk.

4. Following the issuance of the recommended decision, the proponent of issue No. 4 requested that the hearing be reopened with respect to this issue to afford opportunity to submit additional evidence which was not available at the time of the hearing. Pending a decision with respect to reopening the hearing on issue No. 4, this decision is confined to a consideration of the issues numbered 1, 2, 3, 5, and 6.

5. A section should be added to the order providing that, in the event one of the price quotations prescribed for use in making any of the computations in the order is not published or available, the market administrator shall use a price determined by the Secretary to be equivalent to that prescribed.

The pricing provisions of the order utilize a number of prices from various sources. It is possible that occasionally one of the specified prices may not be reported or published. To facilitate the functioning and administration of the order, it is necessary to provide that the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the unreported or unpublished price in the event of such an occurrence.

6. The present market-wide pool should be maintained.

The adoption of an individual-handler pool was proposed by one handler. For reasons undisclosed on the record, this handler purchases substantial quantities of other source milk for use in Class I even though receipts of locally produced milk are well in excess of the Class I requirements of the market. The few producers who supply milk to this handler might benefit temporarily from an individual-handler pool to the detriment of the remainder of the producers who supply the market. Adoption of an individual-handler pool would also tend to cause the disruption of the orderly marketing procedures. No producer appeared at the hearing in support of the proposal. Neither was it supported by any other handler in the market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March, 1960, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the North Texas marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 27th day of May 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the North Texas Marketing Area

§ 943.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 943.9 [Amendment]

1. Delete the phrase, "and under the routine inspection of", in the first sentence thereof.

§ 943.51 [Amendment]

2a. Amend the introductory paragraph of § 943.51(a) to read as follows:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June, and plus $2.25 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

b. Delete the table contained in § 943.51(a) (2) (iii) and substitute therefor the following:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	108	112
February	November–December	107	113
March	December–January	109	115
April	January–February	109	115
May	February–March	113	119
June	March–April	120	126
July	April–May	126	132
August	May–June	122	129
September	June–July	119	125
October	July–August	113	119
November	August–September	106	112
December	September–October	105	111

c. Reissue § 943.51(a)(3) (ii) and (iii) to read as follows:

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month;

3. Add as § 943.54 the following:

§ 943.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

[F.R. Doc. 60-4976; Filed, June 1, 1960; 8:51 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket No. CP60–75 etc.]

HOPE NATURAL GAS CO. ET AL.

Notice of Applications and Date of Hearing

MAY 25, 1960.

Hope Natural Gas Company, Docket No. CP60–75; Texas Gas Transmission Corporation, Docket No. CP60–76; J. C. Trahan, Drilling Contractor, Inc., Operator, Docket No. CI60–394.

Take notice that the above Applicants have filed applications pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the sale of natural gas and the construction and operation of facilities for receiving and transporting natural gas in interstate commerce as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Texas Gas Transmission Corporation (Texas Gas) filed an application, on March 29, 1960, as amended April 11, 1960, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 17 miles of 10¾-inch O.D. pipeline extending from a point on the eastern terminus of its existing 20-inch pipeline near Thibodaux, Louisiana, to a proposed meter station in the Bayou Chevreuil Field, Lafourche, St. James and St. John the Baptist Parishes, Louisiana. The proposed facilities will enable Texas Gas to purchase and receive natural gas produced in said Bayou Chevreuil Field by Hope Natural Gas Company (Hope) and J. C. Trahan, Drilling Contractor, Inc. (Trahan), Operator. The estimated initial total cost of the proposed facilities is $965,200, which cost will be financed from cash on hand.

On March 29, 1960, Hope and Trahan filed separate applications in Docket Nos. CP60–75 and CI60–394, respectively, for certificates covering the above sales to be made pursuant to separate 20-year gas sales contracts. Hope's contract is dated March 3, 1960, and Trahan's contract is dated February 29, 1960. The respective contracts provide for an initial base rate of 20 cents per Mcf.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 30, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–4935; Filed, June 1, 1960; 8:46 a.m.]

[Docket No. CP60–73]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

MAY 25, 1960.

Take notice that on March 28, 1960, as supplemented on April 22, 1960, Lone Star Gas Company (Applicant) filed in Docket No. CP60–73 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the purpose of serving natural gas directly on an interruptible basis to a prospective industrial customer, Dierks Forests, Inc., for use in its insulation board manufacturing plant now under construction near Broken Bow, McCurtain County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought consist of approximately 6.2 miles of 6⅝-inch O.D. branch pipeline extending from a point on Applicant's existing pipeline E–26 south of Broken Bow in an easterly direction to the Dierks Forests, Inc., plant, together with appurtenant metering and regulating facilities.

Estimated natural gas requirements under this application, to be used in the plant cafeteria, for space heating, for boiler fuel and for processing purposes, are:

	1st Year	2d year	3d year
Mcf per year	144,000	288,000	345,600
Mcf peak day	720	———	3,200

The estimated cost of the proposed facilities is $98,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 23, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 13, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–4936; Filed, June 1, 1960; 8:46 a.m.]

[Docket Nos. RI60–353—359]

AMERADA PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject to Refund [1]

MAY 25, 1960.

Amerada Petroleum Corporation, Docket No. RI60–353; Amerada Petroleum Corporation (Operator), et al., Docket No. RI60–354; David Crow (Trustee), et al., Docket No. RI60–355; L. E. Smith et al., Docket No. RI60–356; Cabot Carbon Company, Docket No. RI60–357; United Producing Company, Inc., Docket No. RI60–358; Texaco, Inc., Docket No. RI60–359.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with exceptions of David Crow (Trustee), et al., and L. E. Smith, et al., which is sold at 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60–353	Amerada Petroleum Corp.	1	22	El Paso Natural Gas Co. (Eumont, Jalmat, etc., Fields, Lea County, N. Mex.).	4–22–60	4–25–60	[1] 6–1–60	11–1–60	[2] 13.34802	15.5	G–19488
RI60–353	do	27	4	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.).	4–22–60	4–25–60	[1] 6–1–60	11–1–60	13.34802	15.5	G–19489
RI60–353	do	31	7	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	4–22–60	4–25–60	[1] 6–1–60	11–1–60	[2] 13.34802	15.5	G–19577
RI60–353	do	55	4	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	4–22–60	4–25–60	[1] 6–1–60	11–1–60	13.34802	15.5	G–19577
RI60–353	do	56	9	do	4–22–60	4–25–60	[1] 6–1–60	11–1–60	13.34802	15.5	G–19577
RI60–353	do	62	5	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.).	4–22–60	4–25–60	[1] 6–1–60	11–1–60	13.34802	15.5	G–19488
RI60–353	do	69	2	do	4–22–60	4–25–60	[1] 6–1–60	11–1–60	13.34802	15.5	G–19488
RI60–353	do	72	3	do	4–22–60	4–25–60	[1] 6–1–60	11–1–60	13.34802	15.5	G–19488
RI60–354	Amerada Petroleum Corp. (Operator), et al.	57	6	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	4–22–60	4–25–60	[1] 6–1–60	11–1–60	[2] 13.34802	15.5	G–19489
RI60–355	David Crow (Trustee), et al.	2	5	Southern Natural Gas Co. (Bear Creek Field, Bienville Parish, La.).	4–21–60	4–25–60	[4] 5–26–60	5–27–60	11.4	11.85	[5] G–17714
RI60–356	L. E. Smith, et al.	1	3	do	4–22–60	4–25–60	[4] 5–26–60	5–27–60	11.4	11.85	[5] G–17679
RI60–357	Cabot Carbon Co.	36	2	Natural Gas Pipeline Co. of America (Camrick Southeast Field, Beaver County, Okla.).	4–21–60	4–25–60	[1] 5–26–60	10–26–60	16.2	16.4	———
RI60–358	United Producing Co., Inc.	20	5	Natural Gas Pipeline Co. of America (Camrick Southeast Field, Texas and Beaver Counties, Okla.).	4–18–60	4–25–60	[1] 6–5–60	11–5–60	16.6	16.8	G–18485
RI60–359	Texaco Inc.	133	25	do	Undated	4–27–60	[1] 6–5–60	11–5–60	16.6	16.8	G–18564

[1] The stated effective date is the effective date proposed by Amerada.
[2] Includes 0.4467 cents per Mcf for compression, for some leases, deducted by buyer.
[3] Includes 0.4467 cents per Mcf for compression deducted by buyer.
[4] The stated effective date is the first day after expiration of the required 30 days' notice.
[5] Louisiana severance tax increase.

In support of its proposed favored-nation rate increases, Amerada Petroleum Corporation (Amerada) states that the amendatory agreements were negotiated at arm's length and that as consideration for the price increases Amerada agreed to give up the favored-nation clauses of the contracts.

Cabot Carbon Company and United Producing Company, Inc., in support of their proposed periodic rate increases, state that their contracts were negotiated at arm's length; the proposed rates are an integral part of the initial rate filings; such pricing arrangements are common in long-term contracts in order to permit initial deliveries at a price lower than the contemplated average price for the life of the contracts; and that such arrangements are beneficial to the buyer, the seller, and the public.

In support of its proposed periodic rate increase, Texaco, Inc., states that the proposed increase is one of several price adjustments, all comprising one overall contract consideration or price to partially compensate seller for continuously increasing costs of development, operation and maintenance as shown by various statistical indices released by the Bureau of Labor Statistics; and that the proposed rate is below the price paid by Transwestern Pipeline Company and Michigan-Wisconsin Pipe Line Company for gas produced in the same general area.

David Crow (Trustee), et al., (Crow) and L. E. Smith, et al., (Smith) each proposes a periodic rate increase of 0.45 cent per Mcf, from 11.4 cents per Mcf to 11.85 cents per Mcf, for gas sales to Southern Natural Gas Company (Southern Natural) from leases in the Bear Creek Field, Bienville Parish, Louisiana. Such increased rates include a questionable 1.5 cents per Mcf reimbursement of the increased Louisiana severance tax effective December 1, 1958. The sellers and Southern Natural disagreed on the interpretation of the tax reimbursement provisions of the gas sales contract with Southern Natural protesting the original severance tax reimbursement filings. In view of the controversy over the proper interpretation of the tax reimbursement provision of the contracts, and in order to assure refund in the event Southern Natural's interpretation thereof is correct, it is deemed advisable to suspend the aforesaid proposed increased rates and charges for one day until May 27, 1960, with only the tax reimbursement portion of the increased rates to be made effective subject to refund; and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Supplement No. 5 to Crow's FPC Gas Rate Schedule No. 2, and Supplement No. 3 to Smith's FPC Gas Rate Schedule No. 1 be allowed to take effect subject to refund of the tax reimbursement portion only of the increased rates upon the timely filing of their respective agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement No. 5 to Crow's FPC Gas Rate Schedule No. 2, and Supplement No. 3 to Smith's FPC Gas Rate Schedule No. 1, shall be effective as of May 27, 1960: *Provided, however,* That within 20 days from the date of the issuance of this order, Crow and Smith shall severally execute and file under Docket Nos. RI60–355 and RI60–356, respectively, with the Secretary of the Commission their agreement and undertaking to comply with the refunding and reporting procedure required by the Nat-

ural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A). The agreement and undertaking shall be signed by Respondent, or if Respondent is a corporation, signed by a responsible officer thereof accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Respondents (Crow and Smith) are advised to the contrary within 15 days after the filing of such agreement and undertaking, their agreement and undertakings shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 8, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4934; Filed, June 1, 1960; 8:46 a.m.]

[Docket No. RP60-12]

PERMIAN BASIN PIPELINE CO.

Order Providing for Hearing and Suspension of Proposed Revised Tariff Sheet

MAY 25, 1960.

On April 28, 1960, Permian Basin Pipeline Company (Permian Basin) tendered for filing First Revised Sheet No. 66 to its FPC Gas Tariff, Original Volume No. 2, proposing a contractual favored-nation type increase in rate from 21.0 cents to 22.25 cents per Mcf under its Rate Schedule X-5 which covers sales of gas to Pioneer Natural Gas Company (Pioneer) for resale for irrigation service. Rate Schedule X-5 is a special rate schedule comprising a contract dated February 13, 1959, for the sale by Permian Basin to Pioneer.

In support of its proposed increased rate, Permian Basin has submitted generally the information required by § 154.63(b)(3) of the regulations under the Natural Gas Act for minor increases such as is involved in this proceeding. The submissions include Permian Basin's claimed actual total cost of service of 6½ percent rate of return for the Calendar Year 1959. Permian Basin relies on the contract favored nation type pricing provision contained in Rate Schedule X-5 to make the instant filing.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rate, charge, classification, and service contained in the First Revised Sheet No. 66 to Permian Basin's FPC Gas Tariff, Original Volume No. 2 and that such proposed revised tariff sheet and the rate contained therein be suspended and the use thereof deferred hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rate, charge, classification and service contained in the First Revised Sheet No. 66 to Permian Basin's FPC Gas Tariff, Original Volume No. 2.

(B) Pending such hearing and decision thereon, the First Revised Sheet No. 66 to Permian Basin's FPC Gas Tariff, Original Volume No. 2 be and it is hereby suspended and the use thereof deferred until May 31, 1960, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 15, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4937; Filed, June 1, 1960; 8:46 a.m.]

[Docket Nos. RI60-360—RI60-366]

SOUTHWESTERN EXPLORATION CONSULTANTS, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

MAY 25, 1960.

Southwestern Exploration Consultants, Inc. (Operator), et al., Docket No. RI60-360; Humble Oil & Refining Company, Docket No. RI60-361; Jal Oil Company, Inc., Docket No. RI60-362; Ambassador Oil Corporation, Docket No. RI60-363; Nova Company et al., Docket No. RI60-364; Austral Oil Company, Inc., Agent for Oil Participations, Inc., Docket No. RI60-365; Virginia Ramsey et al., Docket No. RI60-366.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the natural gas is produced at 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60-360	Southwestern Exploration Consultants, Inc. (Operator), et al.	1	2	Lone Star Gas Co. (Asphaltum Field, Stephens and Jefferson Counties, Okla.).	Undated	4-28-60	5-29-60	10-29-60	11.0	16.8	G-14419
RI60-361	Humble Oil & Refining Co.	200	3	Natural Gas Pipeline Co. of America (Camrick Southeast Field, Texas and Beaver Counties, Okla.).	4-26-60	4-27-60	5-28-60	10-28-60	[3] 16.6	16.8	G-18488
RI60-362	Jal Oil Co., Inc.	1	5	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.) (R.R. Dist. No. 8).	4-25-60	[2] 4-28-60	5-29-60	10-29-60	10.5	[4] 15.5	----------
RI60-363	Ambassador Oil Corp.	6	2	Natural Gas Pipeline Co. of America (Camrick Southeast Field, Texas County, Okla.).	4-26-60	4-29-60	6-1-60	11-1-60	16.4	16.6	----------
RI60-364	Nova Co., et al.	1	5	Tennessee Gas Transmission Co. (Boyle, Kennard and South Rincon Fields, Starr County, Tex.) (R.R. Dist. No. 4).	Undated	4-29-60	6-1-60	11-1-60	15.0952	17.24347	G-19688
RI60-365	Austral Oil Co., Inc., Agent for Oil Participations, Inc.	4	7	Tennessee Gas Transmission Co. (Spartan Field, San Patricio County, Tex.) (R.R. Dist. No. 4).	4-29-60	[5] 5-6-60	6-6-60	[5] 11-6-60	[6] 15.0952	17.24347	G-19631

[1] The stated effective dates are those requested by respondents or the first day after expiration of the required thirty days' notice.
[2] This rate is also subject to order in Docket No. G-15176.
[3] Requests waiver of notice.
[4] Includes 0.4467 cents per Mcf for compression deducted by buyer.
[5] Includes 0.21931 cents per Mcf for dehydration of Spartan Field wells and 3.75 cents per Mcf for dehydration of Miller Lease well, both of which are deducted by buyer.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60-366	Virginia Ramsey, et al.	2	20	Tennessee Gas Transmission Co. (Seeligson Field, Jim Wells County, Tex.) (R.R. Dist. No. 4).	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	21	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	22	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	23	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	24	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	25	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	26	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	27	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	28	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	29	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	30	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	31	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	32	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------
RI60-366	do	2	33	do	4-20-60	5-9-60	6-9-60	11-9-60	13.125	17.24347	----------

In support of the proposed favored-nation increase, Southwestern Exploration Consultants, Inc. (Operator), et al., cite the contract provisions thereof and the triggering initial 16.8 cents per Mcf rate to Lone Star in the Knox Field. Southwestern also states that the favored-nation provisions resulted from arm's-length bargaining in good faith and were an important consideration to seller in providing protection against increases in costs.

In support of the proposed periodic rate increases, Humble Oil & Refining Company and Ambassador Oil Corporation cite the contract provisions and state that such provisions resulted from bargaining at arm's length and that the increased rates are not excessive. Humble also cites higher initial rates in the area, and states that denial of its increased rate would abrogate the contract, unjustly enrich buyer, and would be unjust and confiscatory. Humble also requests that, should the Commission suspend the increased rate, the period of suspension be limited to one day. Ambassador states that in view of increases in costs, the proposed increased rate is necessary to provide a fair rate of return.

Jal Oil Company, Inc., has proposed a renegotiated rate increase resulting from January 1, 1960, contract amendment entered into pursuant to El Paso's contract renegotiation program for purchases in the Permian Basin area. Such amendment deletes the favored-nation clause from the contract, provides for the proposed rate from January 1, 1960, until August 1, 1964, and 1.0 cent per Mcf periodic increases at 5-year intervals. In addition, the prices payable for the 5-year periods commencing with August 1, 1969, are subject to redetermination by mutual agreement or by arbitration. In support of the increase, Jal Oil submits copies of the renegotiated agreement and cites provisions thereof and states that such amendment resulted from arm's-length bargaining. In addition, Jal Oil states that the increased rate is not in excess of other prices in the area and is necessary to offset increasing costs and provide incentive for further exploration. Jal Oil requests waiver of notice to permit a retroactive effective date of January 1, 1960.

In support of the proposed favored-nation increases, Nova Company et al., Austral Oil Company, Inc., Agent for Oil Participations, Inc., and Virginia Ramsey et al., cite the contract favored-nation provisions, submit copies of Tennessee's letter establishing the increased rates, and state that the contracts resulted from arm's-length bargaining. Nova and Austral state additionally, that the increased price is just and reasonable and no greater than prices for other gas in the area. Virginia Ramsey et al., state that the increased price does not exceed the going prices for gas in the area. Austral further requests waiver of statutory notice.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 11, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-4938; Filed, June 1, 1960; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

NEPHELINE SYENITE FROM CANADA

Determination of Sales at Less Than Fair Value

MAY 26, 1960.

A complaint was received that nepheline syenite from Canada was being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that nepheline syenite from Canada is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

Statement of reasons. It was determined that the proper fair value comparison is between purchase price and home market price.

In the determination of purchase price, the included commission and brokerage fee were deducted from the f.o.b. plant price.

In the determination of home market price, advertising, traveling, selling, and general expenses attributable solely to the home market sales were deducted from the home market f.o.b. plant price.

The purchase price was found to be lower than the home market price.

Subsequently, the manufacturers involved revised their pricing with respect to both their home market sales and their United States sales.

The purchase price of nepheline syenite imported from Canada after the effective date of the price revisions was found not to be lower than the home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-4962; Filed, June 1, 1960; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 325]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 27, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 873 (Sub No. 36), filed April 8, 1960. Applicant: SOONER FREIGHT LINES, a Corporation, 3000 West Reno, P.O. Box 2486, Exchange Branch, Oklahoma City, Okla. Applicant's attorney: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Government owned compressed gas trailers, loaded with compressed gas* (other than liquefied petroleum gas or empty), between the points and in the territory, over applicant's authorized routes, in Oklahoma, Kansas, Colorado and Texas, as described in Certificate No. MC 873 and Sub Numbers thereunder.

NOTE: Common control may be involved.

HEARING: July 21, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner Alton R. Smith.

No. MC 1150 (Sub No. 23), (amendment), filed May 9, 1960, published FEDERAL REGISTER issue of May 25, 1960. Applicant: J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorneys: Franklin J. Van Osdel *and* Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Iowa, Nebraska, Minnesota, North Dakota, and South Dakota.

HEARING: Remains as assigned, June 20, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 1150 (Sub-No. 24), filed May 12, 1960. Applicant: J. B. Heeren, doing business as HERREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the Oil Basin Pipeline Terminal at or near Minot, N. Dak., and points within two (2) miles thereof, to points in North Dakota, South Dakota, Montana, and Minnesota.

HEARING: July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dakota, before Examiner Lyle C. Farmer.

No. MC 2202 (Sub No. 188), filed May 19, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the new plant site of General Electric Company, located approximately two (2) miles southwest of Mount Vernon, Ind., as an off-route point in connection with applicant's authorized regular route operations over U.S. Highway 41 to and from Evansville, Ind.

HEARING: June 16, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner Charles J. Murphy.

No. MC 2428 (Sub No. 14), filed May 6, 1960. Applicant: HAROLD PRANG, doing business as PRANG TRUCKING, 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver alloy bars* and *coins*, from West Point, N.Y., to Carteret, N.J..

NOTE: Applicant holds common carrier authority in Certificate No. MC 113100. Dual operations under section 210 may be involved.

HEARING: July 12, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 7640 (Sub No. 17) (Correction), filed April 18, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: BARNES TRUCK LINE, INC., Herring Avenue, Wilson, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington, D.C.

NOTE: Previous publication inadvertently omitted applicant's attorney.

HEARING: Remains as assigned, July 25, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Hugh M. Nicholson.

No. MC 7746 (Sub No. 101), filed April 6, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 654 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Spokane, Wash., and port of entry on the International Boundary line between the United States and Canada at or near Laurier, Wash., over U.S. Highway 395, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (2) between Spokane, Wash., and port of entry on the International Boundary line between the United States and Canada at or near Boundary, Wash., from Spokane over U.S. Highway 395 to Kettle Falls, Wash., thence over Washington Highway 22 to junction Washington Highway 22A, thence over Washington Highway 22A to port of entry on the International Boundary line between the United States and Canada at or near Boundary, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (3) between Spokane, Wash., and port of entry on the International Boundary line between the United States and Canada at or near Danville and Ferry, Wash., (a) From Spokane over U.S. Highway 2 to Wilbur, Wash., thence over Washington Highway 4 to junction Washington Highway 4A, at Republic, Wash., thence over Washington Highway 4A to port of entry on the International Boundary line between the United States and Canada at or near Danville, and (b) from Curlew, Wash., over unnumbered highway to port of entry on the International Boundary line between the United States and Canada at or near Ferry, and return over these two routes immediately above, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations; (4) between Spokane, Wash., and port of entry on the International Boundary line between the United States and Canada at or near Oroville, Wash., from Spokane over U.S. Highway 2 to Wenatchee, Wash., thence over U.S. Highway 97 to port of entry on the International Boundary line between the United States and Canada at or near Oroville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (5) between Spokane, Wash., and port of entry on the International Boundary line between the United States and Canada at approximately twelve (12) miles north of Metaline Falls, Wash., on Washington Highway 6, from Spokane over combined U.S. Highways 2 and 195 to Newport, Wash., thence over Washington Highway 6 to port of entry on the International Boundary line between the United States and Canada at approximately twelve (12) miles north of Metaline Falls, (also from junction Washington Highway 6B and combined U.S. Highways 2 and 195, approximately 33 miles north of Spokane, over Washington Highway 6B to junction Washington Highway 6 near Usk, Wash.), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Applicant states that the above will be restricted to International Traffic.

HEARING: July 20, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 13784 (Sub No. 4) filed May 17, 1960. Applicant: SNELL TRUCK LINE, INC., P.O. Box 525, Pierceton, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plant site of the B. F. Goodrich Tire Company, located in Milan Township, Allen County, Ind., approximately 11 to 13 airline miles from the City limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner Charles J. Murphy.

No. MC 23625 (Sub No. 4), filed April 21, 1960. Applicant: EASTERN TRANSPORTATION COMPANY, INC., 132d Street and Cypress Avenue, New York 54, N.Y. Applicant's attorney: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, ranges, automatic washers, dryers, dishwashers, waste disposal units, water heaters, freezers, air conditioners, ovens*, and *surface units*, from Newark, N.J., to New York, N.Y., points in Westchester, Orange, Putnam, Dutchess, Nassau, Suffolk, Rockland, Sullivan, and Ulster Counties, N.Y., and Fairfield County, Conn., and *refused, rejected, damaged and returned shipments* of the commodities specified in this application on return. Applicant states the proposed transportation is restricted to a service under contract with Hotpoint division of General Electric Company, Newark, N.J.

NOTE: Section 210, dual operations, may be involved.

HEARING: July 7, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 28132 (Sub No. 56) (Amendment), filed April 28, 1960, published in the FEDERAL REGISTER issue of May 11, 1960. Applicant: HVIDSTEN TRANSPORT, INC., 2821 Main Avenue, Fargo, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Illinois, Iowa, Kahsas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan.

HEARING: Remains as assigned, June 20, 1960, in Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 28264 (Sub No. 5) filed May 5, 1960. Applicant: 3 Y MOTOR FREIGHT, INC., E 2110 Broadway Avenue, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) from Ephrata, Wash., to Stratford, Wash.: from Ephrata over Washington Highway 7 to Stratford, and (2) between Spokane, Wash., and Stratford, Wash.: from Spokane over U.S. Highway 2 to Davenport, Wash., and thence over Washington Highway 7 to Stratford, and return over the same route, serving the intermediate points of Lamona, Odessa, Marlin, and Wilson Creek, Wash.

NOTE: Applicant states, in connection with route (1) above it will carry general commodities interchanged from other common carriers at Ephrata destined to Stratford, Wilson Creek, Marlin, Odessa, and Lamona.

HEARING: July 21, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 29566 (Sub No. 65), filed April 22, 1960. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: Thomas N. Dowd, Ring Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, building materials, roofing and insulating materials*, and *materials* and *supplies* used in the installation of such commodities (except liquid commodities, in bulk, in tank vehicles), between the plant site of Bestwall Gypsum Company, near Blue Rapids, Kans., on the one hand, and, on the other, points in Colorado, Iowa, Missouri, Nebraska, and Oklahoma.

HEARING: July 18, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 29821 (Sub No. 3), filed April 25, 1960. Applicant: NEWBERG AUTO FREIGHT, INC., 111 South Meridian Street, Newberg, Oreg. Applicant's attorneys: Earle V. White and Wm. G. Southwell, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cans*, from Vancouver, Wash. to Newberg, Springbrook and Dundee, Oreg., and *empty pallets, carriers or containers* from above destination points to Vancouver, Wash. on return. (2) *Canned goods*, between Newberg, Springbrook and Dundee, Oreg., on the one hand, and, on the other, Vancouver, Wash.

HEARING: July 25, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 30311 (Sub No. 15), filed May 25, 1960. Applicant: FREIGHT, INC., 1350 Kelly Avenue, Akron 6, Ohio. Applicant's representative: W. R. Hubbard, 1032 Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle transporting: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Company located in Milan Township, Allen County, Ind., approximately 11 to 13 miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind., on U.S. Highway 30 between Delphos, Ohio, and Joliet, Ill.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 42329 (Sub No. 144), (CORRECTION), filed May 12, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: James W. Lawson, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the B. F. Goodrich Tire Company, located approximately seven (7) miles east of Fort Wayne, Ind., as

an off-route point in connection with applicant's authorized regular-route operations to and from Fort Wayne, Ind.

NOTE: The hearing information contained herein is correct. Previous publication was in error in this regard.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 42329 (Sub No. 145) (Correction), filed May 12, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: James W. Lawson, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plant site of the Kelsey-Hayes Company located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

NOTE: The hearing information contained herein is correct. Previous publication was in error in this regard.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 42405 (Sub No. 13), filed May 2, 1960. Applicant: MISTLETOE EXPRESS SERVICE, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, moving in express service, between Westville, Okla., and Miami, Okla.: from Westville over U.S. Highway 62 to Rogers, Ark., thence over U.S. Highway 71 to Joplin, Mo., and thence over U.S. Highways 66 and 166 to Miami, Okla., and return over the same routes. Between Westville, Okla., and Gravette, Ark.: from Westville over U.S. Highway 59 to Siloam Springs, Ark., and thence over Arkansas Highway 59 to Junction U.S. Highway 71 near Gravette, Ark., and return over the same routes. Between Siloam Springs, Ark., and Springdale, Ark.: from Siloam Springs, over Arkansas Highway 68 and U.S. Highway 71 to Springdale, Ark., and return over the same routes. Between Afton, Okla., and Neosho, Mo.: from Afton over U.S. Highway 60 to Neosho, Mo., and return over the same routes. Between Seneca, Mo., and Joplin, Mo.: from Seneca over Missouri Highway 43 to Joplin, and return over the same routes. Between Joplin, Mo., and Tulsa, Okla.: from Joplin over Will Rogers Turnpike (Interstate 44) and/or Alternate U.S. Highway 166, and return over the same routes, serving all intermediate points on the above described routes. Alternate: Between Miami, Okla., and Junction Oklahoma Highway 10 C with Missouri Highway 43 near Seneca, Mo.: from Miami over Oklahoma Highway 10 C to Junction Missouri Highway 43, and return over the same routes.

NOTE: Applicant states that under MC 42405 it holds authority to serve between Tulsa and Miami, Okla., over U.S. Highway 66 that could be served from the Will Rogers Turnpike. Applicant specifically requests the right to tack at any common point with its existing authorities.

HEARING: July 12, 1960, at the Mayo Hotel, Tulsa, Okla., before Examiner Alton R. Smith.

No. MC 46267 (Sub No. 4), filed May 13, 1960. Applicant: RALPH A. SCOTT, doing business as SCOTT FREIGHT SERVICE, 4740 Industrial Road, Fort Wayne, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company plant, located in Milan Township, Allen County, Ind., approximately eleven (11) to thirteen (13) air line miles from the city limits of Fort Wayne, Ind., between County Roads Webster and Garver on U.S. Highway 24.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner Charles J. Murphy.

No. MC 52652 (Sub No. 3) (Amendment), filed March 14, 1960, published in the FEDERAL REGISTER, issue of April 13, 1960. Applicant: LAWRENCE MOTOR LINES, INC., 21 South Mill Street, Haverhill, Mass. Applicant's attorney: Stanley J. Polak, 111 State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products*, and *equipment, materials*, and *supplies* used in the manufacture of pulpboard, except commodities in bulk, in tank or hopper vehicles, between Hampton, N.H., on the one hand, and, on the other, New York, N.Y., and points in New York and New Jersey within 30 miles of New York and points in New Hampshire, Maine, Massachusetts, Rhode Island and Connecticut. Applicant states the proposed operations will be under a continuing contract with J. D. Cahill Co., Haverhill, Mass.

NOTE: The purpose of this republication is to reflect the amendment to restrict the application against the transportation of commodities in bulk, in tank or hopper vehicles.

HEARING: Remains as assigned, June 21, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Isadore Freidson.

No. MC 52869 (Sub No. 58) (Amendment), filed March 3, 1960, published in the FEDERAL REGISTER, issue of May 11, 1960. Applicant: NORTHERN TANK LINE (Corporation), 8 South Seventh Street, Miles City, Mont. Applicant's attorney: Robert W. Burchmore, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* products, in bulk, in tank vehicles, from points in Ward County, N. Dak., to points in South Dakota and Minnesota and *contaminated or refused products* on return.

HEARING: Remains as assigned, July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 143, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 55896 (Sub No. 9), filed May 18, 1960. Applicant: RAY WILLIAMS FREIGHT LINES, INC., 1757 Southfield Road, Lincoln Park, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the B. F. Goodrich Tire Co., plant located in Milan Township, Allen County, Ind. (approx. (12) miles from Fort Wayne, Ind.), on U.S. Highway 24, between County Roads Webster and Garver, as an off-route point in connection with applicant's presently authorized certificated authority.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner Charles J. Murphy.

No. MC 59014 (Sub No. 21) (Correction), filed April 18, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: TALLANT TRANSFER COMPANY, INC., 1341 Second Avenue SW., Hickory, N.C. Applicant's attorney: James E. Wilson, 1111 E Street, NW., Perpetual Building, Washington, D.C.

NOTE: Previous publication inadvertently omitted applicant's attorney.

HEARING: Remains as assigned, July 25, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Hugh M. Nicholson.

No. MC 59185 (Sub No. 24), filed May 23, 1960. Applicant: HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio. Applicant's representative: J. C. Schriner, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio, and Romulus Township, Wayne County, Mich., as follows: To serve the plant site of the Kelsey-Hayes Co., located at North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich., under Certificate No. MC 59185.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 64932 (Sub No. 273) (Amendment), filed May 11, 1960, published in the FEDERAL REGISTER issue of May 25, 1960. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, North Dakota, South Dakota, Upper Peninsula of Michigan, and Wisconsin.

HEARING: Remains as assigned, June 20, 1960, in Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 69116 (Sub No. 51), filed March 28, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over the following alternate routes, for operating convenience only, between Kansas City, Mo., and St. Louis, Mo., serving no intermediate points, as follows: (a) From Kansas City, Mo., over U.S. Highway 40 to St. Louis, Mo., and return over the same route; (b) Between Junction U.S. Highway 40 and U.S. Bypass Highway 40 near Wentzville, Mo., and St. Louis, Mo., serving no intermediate points, as follows: from Junction U.S. Highway 40 and U.S. Bypass 40 near Wentzville, Mo., over U.S. Bypass Highway 40 to Junction U.S. Alternate Highway 40; thence over U.S. Alternate Highway 40 to St. Louis, and return over the same route; and (c) Between Junction U.S. Highway 40 and U.S. Bypass Highway 40 near Wentzville, Mo., and Junction U.S. Bypass Highway 40 and U.S. Highway 40 approximately 2 miles east of Troy, Ill., serving no intermediate points, as follows: from Junction U.S. Highway 40 and U.S. Bypass Highway 40 near Wentzville, Mo., over U.S. Bypass Highway 40, to Junction U.S. Highway 40 approximately 2 miles east of Troy, Ill.

HEARING: July 20, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 69365 (Sub No. 12), filed April 25, 1960. Applicant: CONTRACT CARRIER SERVICE, INC., P.O. Box 3083, Eugene, Oreg. Applicant's attorney: Earl V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden beams, timbers*, and *arches*, from the site of the plant of Rilco Laminated Products Division of Weyerhaeuser Company at or near Cottage Grove, Oreg., to points in Washington.

HEARING: July 27, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 69833 (Sub-No. 55), filed May 18, 1960. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street, SE., Grand Rapids 7, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, and *general commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Kelsey-Hayes Company Plant located at the intersection of Northline Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with carrier's authorized operations between Detroit, Mich. and various points in Michigan, Illinois, Indiana and Ohio.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate before Examiner Charles J. Murphy.

No. MC 76888 (Sub No. 3), filed April 26, 1960. Applicant: EQUITY EXPRESS, INC., Pier 68, North River, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Aluminum articles, housewares, kitchenware, cooking utensils, electric housewares, toys, gift wares, boats* and *enameled sheet steel wares*, from piers located in the Commercial Zone of New York, N.Y., as defined by the Commission, to points in Nassau and Westchester Counties, N.Y.

HEARING: July 11, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 84737 (Sub No. 71) (Correction), filed April 18, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: NILSON MOTOR EXPRESS, a Corporation, P.O. Box 6038, Myers Branch, Charleston, S.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington, D.C.

NOTE: The purpose of this republication is to show applicant's correct name and also to give applicant's attorney's correct address.

HEARING: Remains as assigned, July 25, 1960, at the Charlotte Hotel, Charlotte, N.C. before Examiner Hugh M. Nicholson.

No. MC 92983 (Sub No. 377), filed April 14, 1960. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, the Upper Peninsula of Michigan, and Wisconsin.

HEARING: June 20, 1960, in Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 95876 (Sub No. 15) (Republication) filed February 23, 1960, published in the FEDERAL REGISTER, issue of March 9, 1960. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue N., St. Cloud, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, stone, marble* and *slate*, between points in Kansas, Missouri and Oklahoma, on the one hand, and, on the other, points in Kansas, Missouri, Oklahoma, Texas, Nebraska, South Dakota North Dakota, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York and Vermont.

NOTE: The purpose of this republication is to eliminate the second part of application, as originally published.

HEARING: July 19, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 96952 (Sub No. 1), filed May 4, 1960. Applicant: MAX J. POSNER SERVICE, INC., 321 West 35th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and accessories*, from New York, N.Y., to White Plains, N.Y.

HEARING: July 12, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 99340 (Sub No. 1), filed April 25, 1960. Applicant: DANIEL ROSE, CARL SCHERF AND ROBERT H. SHERWOOD, doing business as LIBERTY-MIDDLETOWN EXPRESS, 196 Sprague Avenue, Liberty, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between

points in The Townships of Wawarsing and Rochester in Ulster County, N.Y., on the one hand, and, on the other, Poughkeepsie, Dutchess County, N.Y.

NOTE: Applicant conducts operations under the Second Proviso of section 206(a)(1) in No. MC 96340.

HEARING: July 19, 1960, at the Federal Building, Albany, N.Y., before Examiner Abraham J. Essrick.

No. MC 103880 (Sub No. 204), filed April 11, 1960. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, North Dakota, South Dakota, Upper Peninsula of Michigan, and Wisconsin.

HEARING: June 20, 1960, in Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 105865 (Sub No. 1), filed March 2, 1960. Applicant: ALVIN SMART, Beattie, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, dry, from Horn and St. Joseph, Mo., to points in Nemaha, Marshall, Washington, Pottawatomie and Jackson Counties, Kans., and points in Pawnee and Gage Counties, Nebr.; and from Lawrence, Kans. to points in Pawnee and Gage Counties, Nebr., (2) *Processed mill feeds*, from St. Joseph, Mo., to points in Nemaha, Marshall, Washington, Pottawatomie, and Jackson Counties, Kans., and points in Pawnee and Gage Counties, Nebr.

HEARING: July 21, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 106373 (Sub No. 25), filed May 23, 1960. Applicant: THE SERVICE TRANSPORT CO. a Corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except articles of size or weight that makes handling by motor vehicle impractical, bank bill coins, currency, drafts, notes, or other valuable papers, precious metals or articles manufactured therefrom, Classes A and B explosives, liquid bulk commodities, and household goods, serving the plant site of The Kelsey Hayes Company located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off route point in connection with applicant's existing authorized regular route service at Detroit, Mich., which reads in part as follows: Between Youngstown, Ohio, and points in Michigan, New York, Ohio, and Pennsylvania.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 106943 (Sub No. 70), filed May 23, 1960. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Classes A and B explosives, livestock, grain, petroleum products in bulk, household goods, as defined by the Commission, and commodities requiring special equipment, serving the site of the plant of the B. F. Goodrich Tire Company, Milan Township, Allen County, Ind., approximately 11 miles east of Fort Wayne, Ind., as an off-route point in connection with carrier's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 107010 (Sub No. 6) filed May 23, 1960. Applicant: Ralph E. Darling, doing business as DARLING TRANSPORT SERVICE, Auburn, Nebr. Applicant's attorney: C. J. Burrill, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* used in transporting liquid petroleum gas, and *damaged* or *rejected shipments*, thereof, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, the Upper Peninsula of Michigan, Wisconsin, and Nebraska.

HEARING: June 20, 1960, at Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 107409 (Sub No. 22) (Correction), filed April 18, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: Ratliff & Ratliff, Inc., P.O. Box 399, Highway 742, Wadesboro, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington, D.C.

NOTE: Previous publication inadvertently omitted applicant's attorney.

HEARING: Remains as assigned, July 25, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Hugh M. Nicholson.

No. MC 107698 (Sub No. 26), filed March 14, 1960. Applicant: BONANZA, INC., Southeast 28th Street and Sooner Road, P.O. Box 5526, Midwest City, Okla. Applicant's attorney: Charles D. Dudley, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved and processed foods*, in cans and containers, from points in Alameda, Contra Costa, Imperial, Fresno, Kern, Los Angeles, Monterey, Orange, Riverside, Sacramento, Stanislaus, San Benito, San Francisco, San Joaquin, San Mateo, Santa Ana, Santa Barbara, Santa Clara, Tulare, Ventura, and Yuba Counties, Calif., to points in Oklahoma and Benton and Crawford Counties, Ark., and points in Jasper and Newton Counties, Mo.

HEARING: July 18, 1960, at the Federal Building, Oklahoma City, Okla., before Examiner Alton B. Smith.

No. MC 109435 (Sub No. 10), filed March 25, 1960. Applicant: ELLSWORTH BROS., TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Wilburn L. Williamson, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in Bulk, and in Bags, or packages, from Pryor, Okla., and points within a 10 mile radius thereof to points within a 200 mile radius of origin.

HEARING: July 19, 1960, at the Federal Building, Oklahoma City, Okla., before Joint Board No. 88, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 112223 (Sub No. 50) (Amendment), filed May 11, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: QUICKIE TRANSPORT COMPANY, 1121 South Seventh Street, Minneapolis 4, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Upper Peninsula of Michigan, and Wisconsin, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application on return.

NOTE: Applicant states all duplicating authority will be eliminated.

HEARING: Remains as assigned, June 20, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 112822 (Sub No. 21), filed March 21, 1960. Applicant: EARL BRAY, INC., P.O. Box 910 Linwood and North Streets, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, (1) from terminals located on and within three (3) miles of the Mid-America Pipeline Company Pipeline in Missouri, to points in Iowa, Nebraska, Illinois, and that part of Kansas on and east of U.S. Highway 81 and on and north of a line beginning at McPherson, Kans. and extending along U.S. Highway 56 (formerly U.S. Highway 50N) to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, Kans., and thence along U.S. Highway 40 to the Kansas-Missouri State line; (2) from terminals located on and within three (3) miles of the Mid-America Pipeline Company Pipeline in Nebraska, to points in Iowa, and that part of Missouri on and north of U.S. Highway 40, and points in that part of Kansas on and east of a line beginning at the Nebraska-Kansas State line at U.S. Highway 81, and extending along U.S. Highway 81 to Newton, Kans., and on and north of U.S. Highway 50 from Newton, Kans. to the Kansas-Missouri State line; and (3) from Terminals located on and within three (3) miles of the Mid-America Pipeline Company Pipeline in Iowa, to points in Illinois, and that part of Missouri on and north of U.S. Highway 40: and *damaged or rejected shipments* of the above-specified commodity, on return.

HEARING: July 15, 1960, at the Mayo Hotel, Tulsa, Okla., before Examiner Alton R. Smith.

No. MC 113267 (Sub No. 21), filed April 25, 1960. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, stone products, slag, slate, soap stone or talc*, from points in Georgia, North Carolina, South Carolina, and Tennessee to points in Illinois, Iowa, and Missouri.

NOTE: Applicant has contract carrier authority under Permit No. MC 50132 and Sub Numbers thereunder. Dual authority under section 210 may be involved. A proceeding has been instituted under section 212(c) in No. MC 50132 (Sub No. 38) to determine whether applicant's status is that of a common or contract carrier.

HEARING: July 13, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 113779 (Sub No. 120) filed April 11, 1960. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over, irregular routes, transporting: (1) *Phosphoric* and *sulphuric acids*, in bulk, in tank vehicles from Tulsa, Okla., to points in Tennessee and Louisiana, and (2) *Sulphuric acid*, from Tulsa, Okla., to points in Arkansas.

HEARING: July 15, 1960, at the Mayo Hotel, Tulsa, Okla., before Examiner Alton R. Smith.

No. MC 113950 (Sub No. 5), filed April 27, 1960. Applicant: FIRST NATIONAL HAULAGE CO., INC., 215 North Ninth Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor-cycles and scooters*, and *bodies, frames, motors and parts* thereof, when transported in the same vehicle and at the same time as motor-cycles and scooters, and as separate shipments when required by the shipper, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other Hasbrouck Heights, N.J.

HEARING: July 11, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 114098 (Sub No. 9) (Correction), filed April 18, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: LOWTHER TRUCKING CO., a Corporation, 521 Penman Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington, D.C.

NOTE: Previous publication inadvertently omitted applicant's attorney.

HEARING: Remains as assigned, July 25, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Hugh M. Nicholson.

No. MC 116319 (Sub No. 4), filed April 15, 1960. Applicant: MIDLAND PACIFIC TRANSPORT, INC., 2928 North Nevada Street, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk Cement*, (1) from Spokane County, Wash., to Benewah County, Idaho, and (2) between Spokane, Wash., and St. Maries, Idaho.

HEARING: July 22, 1960, at the Davenport Hotel, Spokane, Washington, before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 116810 (Sub No. 4), filed April 29, 1960. Applicant: BLAIR TRANSPORT, INC., P.O. Box 216, Riverside, N.J. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other Providence, R.I., points in Massachusetts on and east of U.S. Highway 5, and those in Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn.

NOTE: Applicant states the proposed service embraces only a change of gateway, as it is authorized in Certificate No. MC 116810 to perform the entire proposed service by combination of its existing general commodities authorities via Fort Lee, N.J., as a gateway point.

HEARING: July 6, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 117427 (Sub No. 15) (Correction), filed April 18, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: G. G. PARSONS, G. G. PARSONS TRUCKING COMPANY, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington, D.C.

NOTE: Previous publication inadvertently omitted applicant's attorney.

HEARING: Remains as assigned, July 25, 1960, at the Charlotte Hotel, Charlotte, N.C., before Examiner Hugh M. Nicholson.

No. MC 117640 (Sub No. 1), filed February 25, 1960. Applicant: CEE BEE AUTOMOTIVE DISTRIBUTORS, INC., Central Bridge, N.Y. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used, rebuilt* or *reconditioned engines, automatic transmissions, brake shoes* and *automobile parts*, and *accessories, equipment, parts or supplies* used or useful in rebuilding and reconditioning automatic transmissions, brake shoes and automobile parts, between Amsterdam, and Central Bridge, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states the proposed operations will be under a contract or contracts with Lal-Par Manufacturing Co., Inc. and other companies controlled by Kenneth T. Lally and Charles A. Parsons.

HEARING: July 20, 1960, at the Federal Building, Albany, N.Y., before Examiner Abraham J. Essrick.

No. MC 118002 (Sub No. 1), filed May 18, 1960. Applicant: C. M. MILLS, doing business as MILLS WHOLESALE PRODUCE CO., P.O. Box 65, Winfield, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight shipments or in mixed shipments with *exempt commodities*, from Gulfport, Miss., to Birmingham, Ala.

NOTE: Applicant states on return trip he proposes to transport produce to Mississippi and bananas back, also supporting consignee now gets bananas from New Orleans, La.

HEARING: June 22, 1960, Room 307, Masonic Temple Building 333 St. Charles Street, New Orleans, La., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 118024 (Sub No. 1), filed May 18, 1960. Applicant: SUNNYLAND REFINING COMPANY, INC., 3330 10th Avenue North, Birmingham, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, in straight shipments or in mixed shipment with *exempt commodities*, between Gulfport, Miss., and Birmingham, Ala. (2) *Oleomargarine*, from Birmingham, Ala., to Gulfport, Miss.

HEARING: June 22, 1960, Room 307 Masonic Temple Building, 333 St. Charles Street, New Orleans, La., before Joint Board No. 14, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 118101 (Sub No. 2), filed May 18, 1960. Applicant: RAY GILBERT, JR., Route 3, Box 390, Muskogee, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wyoming, and *exempt commodities*, on return.

HEARING: June 22, 1960, at the Federal Office Building, 600 South Street,

New Orleans, La., before Examiner Henry A. Cockrum.

No. MC 118128 (Sub No. 2), filed May 18, 1960. Applicant: ED HOPSON PRODUCE COMPANY, INC., 211 Meadow Avenue, Oxford, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight shipments or in mixed shipments with *exempt commodities*, between Gulfport, Miss., and all points in the United States, except Alaska and Hawaii.

NOTE: Applicant states that *exempt commodities*, under section 203(b)6 of the Act will be transported, on return.

HEARING: June 22, 1960, Room 307, Masonic Temple Building, 333 St. Charles Street, New Orleans, La., before Examiner Henry A. Cockrum.

No. MC 118200 (Sub No. 2), filed May 25, 1960. Applicant: CHARLES SHERWOOD, doing business as CHARLES SHERWOOD PRODUCE, 710 West Seventh Street, Muncie, Ind. Applicant's attorney: Mario Pieroni, Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to points in Indiana and De Kalb, Ill.

HEARING: June 22, 1960, in Room 307, Masonic Temple Building, 333 St. Charles Street, New Orleans, La., before Examiner Henry A. Cockrum.

No. MC 118201 (Sub No. 1) filed May 18, 1960. Applicant: JOHN SEPHTON, doing business as JOHN SEPHTON PRODUCE CO., 403 Marine Street, Mobile, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight shipments or in mixed shipments with *exempt commodities*, from Gulfport, Miss., to Chicago, Ill., Indianapolis, Ind., Flint, Detroit, and Lansing, Mich., Columbus, Cleveland and Dayton, Ohio.

NOTE: Applicant states that *exempt commodities* under section 203(b)6 of the Act will be transported on return.

HEARING: June 22, 1960, Room 307 Masonic Temple Building, 333 St. Charles Street, New Orleans, La., before Examiner Henry A. Cockrum.

No. MC 118431 (Sub No. 2) filed May 17, 1960. Applicant: EARL M. YOUNG, 2858 Washington, Lincoln, Nebr. Applicant's attorney: H. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., and Mobile, Ala., to points in Nebraska, and *exempt commodities*, on return.

HEARING: June 22, 1960, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Henry A. Cockrum.

No. MC 118746 (Sub No. 2) filed May 16, 1960. Applicant: NOEL E. TIDWELL, doing business as CULLMAN BANANA SUPPLY, 104 East First Avenue, Cullman, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight shipments or in mixed shipments with *exempt commodities*, between Gulfport, Miss., and all points in the United States, except Alaska and Hawaii.

NOTE: Applicant states that *exempt commodities*, under section 203(b)(6) of the Act will be transported, on return.

HEARING: June 22, 1960, Room 307 Masonic Temple Building, 333 St. Charles Street, New Orleans, La., before Examiner Henry A. Cockrum.

No. MC 119268 (Sub No. 5), filed May 18, 1960. Applicant: OSBORN, INC., 124 Court Street, Gadsden, Ala. Applicant's representative: Robert E. Tate, Traffic Building, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in straight shipments or in mixed shipments with *exempt commodities*, between Gulfport, Miss., and all points in the United States, except Alaska and Hawaii.

NOTE: Applicant states that *exempt commodities*, under section 203(b) 6 of the Act will be transported, on return.

HEARING: June 22, 1960, Room 307, Masonic Temple Building, 333 St. Charles Street, New Orleans, La., before Examiner Henry A. Cockrum.

No. MC 119396 (Sub No. 1), filed April 28, 1960. Applicant: MILTON PLAFKER, doing business as NULAND TRANSPORTATION CO., 32–48 87th Street, Jackson Heights, Long Island, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire*, in coils, *steel poles and rods*, bundled, *nuts and bolts* as used in the manufacture of fences and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between points in the New York, N.Y., Commercial Zone, as defined by the Commission, and Hicksville, Long Island, N.Y., and Bethpage, N.Y. Applicant states the restriction that the operations to be authorized are limited to a transportation service to be performed under a continuing contract, or contracts, with Ideal Fence Supply Company, Hicksville, N.Y.

HEARING: July 8, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 119426, filed January 12, 1960. Applicant: ARCHIE GOOKSTETTER, doing business as GOOKSTETTER HORSE VAN SERVICE, Box 241; Coeur d'Alene, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle with such horses, *stable supplies and equipment* used in their care and exhibition, *Mascots, and the personal effects of their attendants, trainers, and exhibits*, between points in Washington, Idaho, Montana, Oregon, Nevada, California, and Arizona.

HEARING: July 18, 1960, at the Davenport Hotel, Spokane, Wash., before Examiner Harold P. Boss.

No. MC 119433, Filed January 18, 1960. Applicant: SERVICE TANK LINES, INC., P.O. Box 277, Parkwater Station, Spokane 6, Wash. Applicant's attorney: Robert M. Brown, 902 Paulsen Building, Spokane 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts* and *residual fuel oil products*, in bulk, in tank vehicles, from Seattle, Tacoma, Edmonds, Richmond Beach, Point Wells, Pasco, and Spokane, Wash., to points in Idaho north of the southern boundary of Idaho County, and to points in Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, Granite, and Beaverhead, Mont. From Spokane and Pasco, Wash., to points in Wallowa, Union, Baker, Umatilla, Morrow, Gilliam, Wheeler, and Grant Counties, Oreg. From Kalispell, Cut Bank, Sunburst, Kevin, Chinook, Great Falls, Laurel, and Billings, Mont., to points in Idaho north of the southern boundary of Idaho County, and to points in Washington.

NOTE: Applicant states the return movement will be only from the loading points indicated.

HEARING: July 18, 1960, at the Davenport Hotel, Spokane, Wash., before Examiner Harold P. Boss.

No. MC 119443 (Sub No. 4), filed April 25, 1960. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's attorneys: V. Baker Smith *and* Robert H. Shertz, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coatings, liquid chocolate liquor* and *liquid cocoa butter*, in bulk, in heated tank vehicles, from Newark, N.J., to Richmond, Va., and *rejected shipments* of the commodities specified on return.

HEARING: July 7, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 119493 (Sub No. 3), filed April 29, 1960. Applicant: MONKEN COMPANY, INC., 1206 East Seventh Street, P.O. Box 689, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured asphalt roofing*, from Joplin, Mo., and points within 15 miles thereof, to points in Arkansas, Oklahoma and Kansas beyond 250 miles of Joplin, Mo. *Materials used in the manufacture of asphalt roofing*, from points in Arkansas, Oklahoma and Kansas to Joplin, Mo., and points within 15 miles thereof. *Fertilizer* (other than liquid), in bags and in bulk, in self unloading trailers, or shipper-owned trailers, from Joplin, Mo., and points within 15 miles thereof, to points in Iowa, Kansas, Oklahoma, Arkansas, Nebraska and Missouri, *Potash*, in bulk, from Tulsa, Okla., to Joplin, Mo., and points within 15 miles thereof. *Fertilizer* (other than liquid), in bags and in bulk, from Trenton, Mo., to points in Kansas, Iowa and Nebraska. *Empty bags* and *containers*, from points in Illinois, Oklahoma, Arkansas, and Missouri to Joplin, Mo., and points within 15 miles thereof.

HEARING: July 20, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 119507 (Sub No. 3), filed May 12, 1960. Applicant: CRAUN TRANSPORTATION, INC., Emma Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Le Veque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (clay, rock, slag or glass wool), plain or saturated, other than bats, in bulk, in bags. *Mineral wool* (clay, rock, slag or glass wool), bats, plain or saturated, with or without paper backing or wrapping. *Mineral wool* (clay, rock, slag or glass wool), bats or blankets (quilted or not quilted), with or without backing and for covering, loose or in packages, when transported with, and top-loaded on truckload shipments of plaster products and/or gypsum products, from Grand Rapids, Mich., to points in Ohio.

NOTE: Applicant holds contract carrier authority in Permit No. MC 27962 and Subs thereunder. Dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier in No. MC 27962 (Sub No. 11). Applicant states it presently has authority, under Permit MC 27962 (Sub No. 9) to transport plaster products and gypsum products from Grand Rapids, Mich. to points in Ohio, and the purpose of this application is to request supplementary authority to transport the above-described insulation materials, when, and only when, top-loaded on truckload shipments of the products which applicant may transport under Permit 27962 (Sub No. 9).

HEARING: June 14, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 119683, filed April 18, 1960. Applicant: ATHENS GARAGE, INC., South Washington Street and Third Street, Athens, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* in a heavy towing and wrecker truck away service requiring heavy duty wrecked equipment, between points in Vermont, Connecticut, Massachusetts, Rhode Island, New Hampshire, New Jersey, and Pennsylvania on the one hand, and on the other, points in New York, and from any point in New York State to any point in Vermont, Connecticut, Massachusetts, Rhode Island, New Hampshire, New Jersey, and Pennsylvania.

HEARING: July 19, 1960, at the Federal Building, Albany, N.Y., before Examiner Abraham J. Essrick.

No. MC 119690, filed April 21, 1960. Applicant: LEO L. HESSELGESSER AND JOHN R. WORTLEY, doing business as A–1 DELIVERY SERVICE, 2004 Broadway, Yakima, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Yakima, Wash., and Zillah, Wash., over U.S. Highway 410, serving the intermediate points of Donald, Sawyer, and Buena, Wash.; and (2) between Yakima, Wash., and Toppenish, Wash., over Washington Highway 3A, serving the intermediate points of Union Gap, Parker, and Wapato, Wash.

NOTE: Applicant states that the above are restricted to traffic originating at or destined to points beyond those named herein.

HEARING: July 21, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 119709, filed April 13, 1960. Applicant: THOMAS W. TRAINOR, TRAINOR TRANSPORT, Piney Wood Road, Southwick, Mass. Applicant's attorney: Jeanne M. Hession, 64 Harvest Street, Dorchester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *School and Classroom furniture and furnishings*, uncrated, between points in Hampden County, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Michigan, Illinois, Indiana, Ohio, Kentucky, West Virginia, Washington, D.C., and Wisconsin.

HEARING: July 15, 1960, at the U.S. Court Rooms, Hartford, Conn., before Examiner Abraham J. Essrick.

No. MC 119719, filed April 27, 1960. Applicant: JOSEPH ELLETO, 31 West St. Marks Place, Valley Stream, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by, and dealt in by, department stores*, excepting new furniture, between points in Nassau County, N.Y., and New York, N.Y., on the one hand, and, on the other, Paramus, N.J.

HEARING: July 8, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 119736, filed May 5, 1960. Applicant: HERBERT ALLEN SIMON, doing business as CASCADE FREIGHT, 1306 Northwest Hoyt, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Alcoholic beverages* in kegs, bottles and cans, between points in Oregon on the one hand, and, on the other, points in Washington, California, Nevada, Utah, Arizona, and Montana.

HEARING: July 26, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner Harold P. Boss.

No. MC 119781 EX, filed May 13, 1960. Applicant: H. J. JOHNSEN, doing business as KERNVILLE FREIGHT & STAGE LINES, 819 16th Street, Bakersfield, Calif. For a Certificate of Exemption (BMC 72) under section 204(a)(4a), Part II of the Interstate Commerce Act, authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, Classes A and B explosives, commodities requiring special equipment, and household goods as defined by the Commission, between Bakersfield, Calif., and Kernville and Onyx, Calif.: from Bakersfield over California Highway 178 to Onyx, and from Bakersfield over California Highway 178 to Isabella, and thence over unnumbered highway to Kernville, and return over the above-described routes, serving all intermediate points.

HEARING: July 7, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 119789, filed May 16, 1960. Applicant: ALTO DISTRIBUTORS, INCORPORATED, 213 South Madison, Malden, Mo. Applicant's attorneys: Edward F. O'Herin, 106 South Decatur Street, Malden, Mo. John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming, and *exempt commodities*, on return.

NOTE: Applicant states its four stockholders hold common carrier authority to transport bananas, Buford N. Owens, MC 118210, F. D. Trover, MC 118284, A. R. Lewis, MC 118148, and H. M. Arrington, MC 118050; therefore, common control may be involved. Applicant further states it will file appropriate transfer application to eliminate any duplicating authority between it and stockholders and to combine all of their aggregate authority in applicant corporation.

HEARING: July 6, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

MOTOR CARRIERS OF PASSENGERS

No. MC 84728 (Sub No. 35), filed May 12, 1960. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. Applicant's attorney: Morris J. Levin, Continental Building, 14th at K Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round-trip, special operations, seasonal during racing seasons, beginning and ending at Trenton, N.J., and extending to (a) Yonkers Raceway, Yonkers, N.Y., (b) Roosevelt Raceway, Westbury, Long Island, N.Y., (c) Aqueduct Race Track, New York, N.Y., (d) Belmont Park Race Track, Elmont, N.Y., (e) Delaware Park

Race Track, New Castle, Del., (f) Brandywine Raceway, New Castle, Del., (g) Pimlico Race Course, Baltimore, Md., (h) Bowie Race Course, Bowie, Md., (i) Laurel Race Course, Laurel, Md., and (j) Charles Town Race Track, Charles Town, W. Va.

HEARING: July 26, 1960, at the U.S. Court Rooms, Newark, N.J., before Examiner Leo A. Riegel.

No MC 84728 (Sub No. 36), filed May 12, 1960. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. Applicant's attorney: Morris J. Levin, Continental Building, 14th at K Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations, seasonal during racing seasons, beginning and ending at Washington, D.C., and extending to (a) Charles Town Race Track, Charles Town, W. Va., (b) Shenandoah Downs Race Track, Charles Town, W. Va., (c) Bowie Race Course, Bowie, Md., and (d) Rosecroft Raceway, Oxen Hill, Md.

HEARING: July 7, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Esarick.

No. MC 96949 (Sub No. 1), filed April 13, 1960. Applicant: POST ROAD STAGES, INC., 1105 Strong Road, Wapping (South Windsor) Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *mail* and *newspapers* in the same vehicle with passengers, between Monson, Mass., and Hartford, Conn., from Monson over Massachusetts Highway 32 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 32 to junction Connecticut Highway 20, thence as follows: (1) *STAFFORD SPRINGS-ROCKVILLE:* Commencing at Haymarket Square in Stafford Springs; thence along Main Street and westerly along West Main Street; thence along Highway Connecticut 20 to West Stafford in the town of Stafford and continuing southerly on Highway Connecticut 30 to Sandy Beach and Rau's Pavilion at Crystal Lake in the Town of Ellington; thence along Highway Connecticut 30 to Leonard's Corner in the Town of Tolland and westerly along Tolland Avenue entering Rockville via East Main Street (Highway Connecticut 74) and continuing to the Green (Central Park), in the Town of Vernon. (2) *ROCKVILLE-HARTFORD:* Commencing at the Green in the City of Rockville (Highway Connecticut 74), thence via East Main Street, West Main Street and Vernon Avenue (Connecticut 83) to Lang's Corner in the Town of Vernon, thence along Highway Connecticut 83 through Vernon Center, Dobsonville and Talcottville, thence on Connecticut 30 through Oakland (Manchester) and Wapping in the Town of South Windsor and thence continuing on Connecticut 30 and Highway U.S. 5 in the Town of South Windsor through Pleasant Valley, thence to Main Street in East Hartford (U.S. 5); thence along Main Street and Connecticut Boulevard to the Bulkeley Bridge, along Morgan Street, Front Street, State Street, American Row, Central Row, Pearl Street, Ford Street, Asylum Street, Spruce Street, Church Street and Union Place to the motor bus terminal on Union Place; (reverse direction: From the motor bus terminal on Union Place, along Union Place, Allyn Street, Ann Street, Main Street, Morgan Street and the Connecticut Boulevard) all within the City of Hartford, and then as authorized above. Also, from the junction of Spruce Street and Asylum Street, along Asylum Street, Asylum Avenue, Sigourney Street and Farmington Avenue to the Aetna Life Insurance Company building on Farmington Avenue; thence along Farmington Avenue and Asylum Street to its junction with Spruce Street. Serving all intermediate points on the above-specified routes. *RESTRICTION:* No passengers may be both picked up and discharged along the route in Hartford between the junction of Spruce Street and Asylum Street and the Aetna Life Insurance Company building on Farmington Avenue.

NOTE: Applicant is presently conducting the operations described in (1) and (2) above under the second proviso of section 206(a)(1) of the Act, and if and when the applied for authority is granted the BMC 75 filing in Docket No. MC 96949 should be dismissed.

HEARING: July 18, 1960, at the U.S. Court Rooms, Hartford, Conn., before Joint Board No. 22, or, if the Joint Board waives its right to participate, before Examiner Abraham J. Essrick.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PROPERTY

No. MC 12727, filed March 14, 1960. Applicant: GUTHRIE INVESTMENT, INC., 2928 North Nevada Street, Spokane, Wash. Authority sought to operate as a *broker* (BMC 4) at Spokane, Wash., in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *General commodities, including commodities of unusual value, Classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment*, between points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Minnesota, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: July 19, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub No. 115), filed May 16, 1960. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P.O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Baker, Botts, Andrews & Shepherd, Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Texas Highway 239 and Texas Farm Road 2443 near Choate, Tex., and Pettus, Tex., from junction Texas Highway 239 and Texas Farm Road 2443 near Choate, over Texas Farm Road 2443 to junction Texas Farm Road 743, thence over Texas Farm Road 743 to junction Texas Farm Road 623, thence over Texas Farm Road 623 to Pettus, a distance of approximately thirteen (13) miles, and return over the same route, serving no intermediate points between the termini, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Applicant states the main purpose of the instant application is to effect economy and efficiency of operations. Common control may be involved.

No. MC 64932 (Sub No. 274), filed May 23, 1960. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Havana, Ill. and points within four (4) miles of Havana, to points in Indiana, Iowa, Missouri, and Wisconsin.

No. MC 66562 (Sub No. 1676), filed May 11, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 1700 Clark Avenue, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Classes A and B explosives*, moving in express service, limited to transportation of express shipments having a prior or subsequent rail or air haul, between St. Louis, Mo., and Carlyle, Ill., from St. Louis northeast over U.S. Highway 40, a distance of approximately 36 miles, to junction Illinois Highway 143, thence east over Illinois Highway 143, a distance of approximately 2 miles, to Pierron, Ill., thence return over Illinois Highway 143 to junction U.S. Highway 40, thence northeast over U.S. Highway 40, a distance of approximately 15 miles, to Greenville, Ill., thence south over Illinois Highway 127, a distance of approximately 23 miles, to Carlyle, at U.S. Highway 50, where connection is made with present St. Louis, Mo.-Carlyle, Ill., Over-The-Road Truck Route operated by Applicant under MC 66562 (Sub No. 274), and return over the same route, serving the intermediate points of St. Jacob, Highland, Pocahontas, Pierron, and Greenville, Ill. RESTRICTIONS: (1) Service to be auxiliary to or supplemental of air or rail express service; and (2) Shipments transported shall be limited to those moving on through bills of lading or express receipts covering in addition to a motor carrier movement by carrier an immediately prior or immediately subsequent movement by air or rail.

No. MC 66562 (Sub No. 1678), filed May 17, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800 Randolph Tower, 188 West Randolph Street, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service between Joplin, Mo. and Adrian, Mo. as follows: From Joplin over U.S. Highway 71 to junction U.S. Highway 160, thence over U.S. Highway 160 to Lamar, Mo., from Lamar over U.S. Highway 160 to junction U.S. Highway 71, thence over U.S. Highway 71 to Adrian, a distance of 105 miles, and return over the same route, serving the intermediate points of Carthage, Jasper, Lamar, Sheldon, Nevada, Rich Hill and Butler, Mo. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. Such further specific conditions as the Commission may, in the future, find necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of air or rail service of the applicant.

No. MC 66562 (Sub No. 1679), filed May 17, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Mehaffy, Smith & Williams, Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, from Batesville, Ark. to Newport, Ark. as follows: From Batesville over Arkansas Highway 11 to junction Arkansas Highway 14, thence over Arkansas Highway 14 to junction U.S. Highway 67, thence over U.S. Highway 67 to Newport, a distance of 29 miles, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. Such further specific conditions as the Commission may, in the future, find necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of air or rail express service of applicant.

No. MC 66562 (Sub No. 1680), filed May 17, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Harrisonburg, Va. and Bridgewater, Va. as follows: From Harrisonburg over Virginia Highway 42 to Bridgewater, Va., and return over the same route, serving the intermediate point of Dayton, Va.

NOTE: Applicant states the proposed service will be operated in connection with and will be an extension of applicant's existing authorized operation in MC 66562 (Sub No. 378), between Washington, D.C. and Harrisonburg, Va.

No. MC 81771 (Sub No. 5), filed May 23, 1960. Applicant: CARL JOHNSON, 1008 North Perry Street, Attica, Ind. Applicant's representative: W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough cut, unfinished, Domestic, from Attica, Ind., to points in Illinois, Kentucky, and Michigan.

No. MC 98749 (Sub No. 11) filed May 19, 1960. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second, Longview, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1209, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in The Maxwell Co., Extension-Addyston, 63 M.C.C. 677, in bulk, in specialized equipment, from Kingsport, Tenn. to the site of the Texas Eastman Company (near Longview, Tex.).

No. MC 104004 (Sub No. 150) filed May 16, 1960. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between junction U.S. Highway 6 and New York Highway 17, near Harriman, N.Y., and Scranton, Pa.: from junction U.S. Highway 6 and New York Highway 17, over U.S. Highway 6 to Scranton, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

No. MC 107403 (Sub No. 305) filed May 18, 1960. Applicant: E. BROOKE MATLACK, INC., Wilford Building, 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Owosso Township, Mich., to Toledo, Ohio.

No. MC 107403 (Sub No. 306), filed May 18, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, in bulk, from Trenton, Mich., to Huron, Ohio.

No. MC 109637 (Sub No. 150) filed May 19, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid flavoring compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio to points in Kentucky.

NOTE: Common control may be involved.

No. MC 119796, May 19, 1960. Applicant: KENNETH W. HULME AND DONALD A. HULME, a Partnership, doing business as HULME PRODUCE, Hagerman, Idaho. Applicant's attorney: Randall Wallis, Idaho Building, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bananas*, from Wilmington, Calif., to Boise, Idaho: from Wilmington over U.S. Highway 6 to junction U.S. Highway 95, thence north over U.S. Highway 95 to Marsing, Idaho, thence east over Idaho Highway 72 to junction U.S. Highway 30, and thence over U.S. Highway 30 to Boise; also, from Wilmington north over U.S. Highway 99 to Sacramento, Calif., thence east over U.S. Highway 40 to Fernley, Nev., thence north over U.S. Highway 95 to Marsing, Idaho, thence east over Idaho Highway 72 to junction U.S. Highway 30, and thence over U.S. Highway 30 to Boise; and also, from Wilmington east over U.S. Highway 99 to Indio, Calif., thence east over U.S. Highways 60–70 to junction U.S. Highway 95, thence north over U.S. Highway 95 to Las Vegas, Nev., thence north over U.S. Highway 93 to Twin Falls, Idaho, and thence over U.S. Highway 30 to Boise, and *exempt agricultural products*, on return.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12732, filed May 9, 1960. Applicant: ROBBINS TRAVEL INTERNATIONAL, INC., 14 South Main Street, Salt Lake City, Utah. Applicant's attorney: William T. Thurman, Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a BROKER (BMC 5), at Salt Lake City, Utah, in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage*, from points in Utah and Idaho, to points in the United States, including points in Hawaii and Alaska, and return.

PETITION

No. MC 95920 (Sub No. 13) (PETITION FOR REOPENING), filed March 30, 1960. Petitioner: SANTRY TRUCKING CO., Portland, Oreg. Petitioner's attorney: George R. LaBissonierre, 654 Central Building, Seattle 4, Wash. Petitioner holds authority as a contract carrier authorizing operations, in part, which are here pertinent, transporting solely as a contract carrier for the Olympia Brewing Co., located near Tumwater, Wash., malt beverages, malt beverage containers and cartons, bottle openers, advertising matter, brewer's yeast and brewery products moving incidentally to the movement of malt beverages, from Olympia, Wash., to points in California, Utah, Nevada, Arizona, and Montana, and empty or rejected malt beverages and other related items on return, under a continuing contract with the Olympia Brewing Co. Petitioner's attorney advises that by virtue of a specific statutory prohibition of the State of California, a contract carrier may not transport alcoholic beverages of any kind, including beer, into the State of California. Petitioner seeks conversion of a portion of the above-numbered permit so as to authorize the transportation for the Olympia Brewing Co., at Tumwater, Wash., to the State of California, as a *common carrier*, and seeks the issuance of a Certificate to cover such operations, such Certificate reading: *Malt beverages, malt beverage containers and cartons, bottle openers, and advertising matter*, over irregular routes, from the site of the Olympia Brewing Co. at or near Tumwater, Wash., to points in California. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7535 (correction) (BRANCH MOTOR EXPRESS CO.—MERGER—MURDOCH & HATCH MOTOR TRANSPORT, INC.), published in the May 18, 1960, issue of the FEDERAL REGISTER on page 4415. This application should have been shown as one for merger rather than control and merger.

No. MC-F 7537 (correction) (YELLOW CAB CO.—CONTROL—DiSALVO TRUCKING CO.), published in the May 25, 1960, issue of the FEDERAL REGISTER on page 4622. The address of YELLOW CAB COMPANY should have been shown as 245 Turk Street, San Francisco 2, Calif.

No. MC-F 7544. Authority sought for ROBERT W. MATLACK, 33d and Arch Streets, Philadelphia, Pa., E. E. TAYLOR, 33d and Arch Streets, Philadelphia, Pa., and C. G. FULLER, Bal Harbor, Miami, Fla., individuals, and E. BROOKE MATLACK, INC., a motor carrier, (in turn by DUVERNEY B. MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., and ROBERT W. MATLACK, all of Philadelphia, who control E. BROOKE MATLACK, INC., through ownership of capital stock) to acquire control of SOUTHERN BULK HAULERS, INC., P.O. Box No. 2095, Station A, Charleston, S.C. Applicants' attorney: Robert H. Shertz, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia, Pa. Operating rights sought to be controlled: Authority applied for covering the transportation, as a *contract carrier* over irregular routes, of *cement*, from the plant site of Giant Portland Cement Company located in Dorchester County, S.C., to points in North Carolina and Georgia, and *empty containers* or other such incidental facilities (not specified), used in transporting cement, on return. E. BROOKE MATLACK, INC., is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Kansas, Indiana, Tennessee, Minnesota, Michigan, Illinois, Iowa, Wisconsin, Kentucky, Missouri, Maine, New Hampshire, Vermont, Mississippi, Connecticut, Massachusetts, Rhode Island, Florida, Louisiana, and the District of Columbia, and as a *contract carrier* in Ohio, New York, Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont. C. G. FULLER is affiliated with THE GEO. A. RHEMAN CO., INC., Charleston, S.C., which is authorized to operate as a *common carrier* in the States of Virginia, North Carolina, South Carolina, Georgia, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7546. Authority sought for purchase by BROADWAY TRANSFER AND STORAGE COMPANY, INC., 4109 South Western Avenue, Los Angeles 62, Calif., of the operating rights and property of GEORGE E. McMURCHY, (GERTRUDE H. McMURCHY, EXECUTRIX), doing business as BROADWAY TRANSFER CO., 4109 South Western Avenue, Los Angeles 62, Calif., and for acquisition by JAMES JENKINS, Jr., LeROY F. JENKINS AND FRANK M. JENKINS, all of Los Angeles, of control of such rights and property through the purchase. Applicants' representative: Frank M. Jenkins, Secretary, Broadway Transfer and Storage Company, Inc., 4109 South Western Avenue, Los Angeles 62, Calif. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between points in Los Angeles, Calif. Vendee holds no authority from this Commission. However, its three controlling stockholders presently conduct operations as a partnership, doing business as JENKINS VAN & STORAGE, 1527 Lincoln Boulevard, Santa Monica, Calif., as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7547. Authority sought for purchase by LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, Mass., of the operating rights and property of R. G. MATHEWS CORPORATION, Port Newark 5, N.J., and for acquisition by FELIX A. LOPEZ and VINCENT A. LOPEZ, both of Waltham, of control of such rights and property through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston 9, Mass., and August W. Heckman, 880 Bergen Avenue, Jersey City, N.J. Operating rights sought to be transferred: *Building materials*, as a *common carrier* over irregular routes, from New York, N.Y., and points in Westchester, Nassau, Suffolk, Orange, and Rockland Counties, N.Y., and those in Hudson, Essex, Union, Bergen, Passaic, Middlesex, Warren, Hunterdon, Morris, and Somerset Counties, N.J., to points in New Jersey and New York within 50 miles of point of origin, between Port Newark, N.J., and Port of New York, N.Y., on the one hand, and, on the other, Baltimore, Md., and certain points in Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, New Jersey, and Delaware, and between all ports on the Atlantic Ocean between Baltimore, Md., and Boston, Mass., inclusive, and inland ports on the Hudson River south of and including Albany, N.Y., and inland ports on the Delaware River south of and including Trenton, N.J., on the one hand, and, on the other, points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, and the District of Columbia within 75 miles of points of origin. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7550. Authority sought for control by FRANCIS L. WIRTZ, Post Office Box 806, East Chicago, Ind., of STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. Applicant's attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be controlled: *Steel articles* and *such materials* as are used or useful on highway construction projects, except cement, rock, sand, and gravel, as a *common carrier* over irregular routes, from St. Louis and Springfield, Mo., points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, and Tulsa, Okla., and points within five miles of Tulsa, to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Oklahoma, and Texas, from Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, from Chicago, Ill., to points in Illinois within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, and from Houston, Tex., and points within five miles of Houston, to points in that part of Louisiana, Arkansas, and Oklahoma within 400 miles of Houston; *such materials* as are used or useful on highway construction projects, except cement, rock, sand, and gravel, from St. Louis, Mo., and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, to points in Nebraska and South Dakota; *used steel forms* used on highway construction projects, from points in Illinois, Missouri, Kansas, Nebraska, Iowa, South Dakota, Oklahoma, Arkansas, and Texas, to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, Oklahoma City, Okla., and Omaha, Nebr., and from points in Missouri, Kansas, Nebraska, Iowa, South Dakota, Oklahoma, Arkansas, and Texas to Cicero, Ill.; *used steel spools*, and *used wooden spools*, from points in Illinois, Missouri, Kansas, Nebraska, Iowa, South Dakota, Oklahoma, Arkansas, and Texas, to points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission; *iron and steel wire*, in coils, in vehicles equipped with filtered ventilators, from Kansas City, Mo., to Milwaukee, Wis.; *pallets and other incidental articles* used in transporting the above-specified commodities, from Milwaukee, Wis., to Kansas City, Mo. FRANCIS L. WIRTZ holds no authority from this Commission. However, he is affiliated with CONTRACT STEEL CARRIERS, INC., East Chicago, Ind., which is authorized to operate as a *common carrier* in Illinois and Iowa. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7545. Authority sought for control by AMERICAN BUSLINES, INC., 1341 "P" Street, Lincoln 8, Nebr., of MIDWEST BUSLINES, INC., 1800 Lincoln Avenue, P.O. Box 1188, Little Rock, Ark., and for acquisition by TRANSPORTATION PROPERTIES, INC., 427 Pyramid Building, Little Rock, Ark., in turn by CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, Alexandria, La., and in turn by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas 7, Tex., of control of MIDWEST BUSLINES, INC., through the acquisition by AMERICAN BUSLINES, INC. Applicant's attorneys: Curry and Dolan, 631 Southern Building, Washington 5, D.C. Operating rights sought to be controlled: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes including routes between St. Louis, Mo., and Kansas City, Mo., between Kansas City, Mo., and Olathe, Kans., between St. Louis, Mo., and Freeport, Tex., between specified points in Arkansas, between Fort Smith, Ark., and Memphis, Tenn., between Little Rock, Ark., and Natchez, Miss., between specified points in Louisiana, between specified points in Texas, between specified points in Kansas, between McGhee, Ark., and Monroe, La., between specified points in Nebraska, and between Kansas City, Mo., and Memphis, Tenn., serving certain intermediate points; *passengers and their baggage*, between Levy, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate points; *passengers and their baggage*, and express, in the same vehicle with passengers, between specified points in Texas and between Thornton, Ark., and El Dorado, Ark., serving all intermediate points; alternate route for operating convenience only between junction Old U.S. Highway 67 and New U.S. Highway 67 (about six miles west of Texarkana, Tex.), and junction Old U.S. Highway 67 and New U.S. Highway 67 (near Redwater, Tex.), serving no intermediate points, with service at the termini limited to joinder only with authorized routes; *newspapers*, in the same vehicle with passengers, between Kansas City, Mo., and junction Kansas Highway 58 and Antioch Road, near Overland Park, Kans., serving all intermediate points. AMERICAN BUSLINES, INC., is authorized to operate as a *common carrier* in New York, Pennsylvania, Ohio, Indiana, Illinois, California, Arizona, Missouri, Texas, New Mexico, New Jersey, Oklahoma, Maryland, Michigan, Iowa, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7549. Authority sought for purchase by THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., of the operating rights of ATLANTIC GREYHOUND LINES OF VIRGINIA, INC., 1100 Kanawha Valley Building, Charleston 1, W. Va. Applicants' attorney: George W. Rauch, 140 South Dearborn Street, Chicago 3, Ill. Operating rights sought to be transferred: *Passengers and their baggage*, and *express*, *newspapers*, and *mail*, in the same vehicle with passengers, as a *common carrier* over a regular route, between Norfolk, Va., and the Virginia-Maryland State line at a point approximately one-half mile north of New Church, Va., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 60-4957; Filed, June 1, 1960; 8:50 a.m.]

[Notice 322]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 27, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63157. By order of May 25, 1960, the Transfer Board approved the transfer to Bryan Tank Lines, Inc., Cheyenne, Wyo., of Certificate No. MC 29991, issued July 31, 1959, to Melton H. Bryan, doing business as Bryan Tank Lines, Cheyenne, Wyo., authorizing the transportation of: Refined petroleum products, in bulk, from El Dorado, Kans., to points in Colorado as specified, serving the intermediate point of Augusta, Kans., for pick-up only, and from Augusta, Kans., to Loveland and Boulder, Colo.; refined petroleum products, in bulk, in tank trucks, from Arkansas City, El Dorado, Augusta, Hutchinson, McPherson, and Wichita, Kans., to Littleton, Colo., serving the intermediate points of Stratton, Genoa, Byers, Deer Trail, and Denver, Colo., for delivery only, from Arkansas City, El Dorado, Augusta, Hutchinson, McPherson and Wichita, Kans., to Denver, Colo., serving the intermediate point of Littleton, Colo., for delivery only, from Arkansas City, El Dorado, Augusta, Hutchinson, McPherson, and Wichita, Kans., to Wiggins, Colo., serving the intermediate point of Wray, Colo., for delivery only, and from Arkansas City, El Dorado, Augusta, Hutchinson, McPherson, and Wichita, Kans., to Montrose, Colo.; petroleum products, in bulk, in tank trucks, from Augusta, El Dorado, and Hutchinson, Kans., to Denver, Colo.; refined petroleum products, in bulk, from petroleum refining points in Wyoming to points in Colorado on indicated portions of specified highways; refined petroleum products, in bulk, in tank trucks, from Glenrock, Wyo., to Briggsdale, Crook, East Lake, Estes Park, Galeton, Grover, Johnstown, Julesburg, Lyons, New Raymer, Padroni, Peetz, Sedgwick, Snyder, Stoneham, Weldona, and Willard, Colo.; petroleum products, from El Dorado, Kans., to Wray, Brush, Denver, Stratton, Genoa, Colorado Springs, Salida, Montrose, Littleton, Yuma and Ft. Morgan, Colo.; petroleum and petroleum products, in bulk, in tank vehicles, between points in Park and Big Horn Counties, Wyo., on the one hand, and, on the other, points in Sheridan, Crook, Campbell, Weston, and Johnson Counties, Wyo.; and crude oil, in bulk, in tank vehicles, from points in the Ash Creek Oil Field in Big Horn County, Mont., and Sheridan County, Wyo., to Billings, Mont., and Midwest and Casper, Wyo. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo., for applicants.

No. MC-FC 63217. By order of May 25, 1960, the Transfer Board approved the transfer to Milton C. Borud, doing business as Valley Bus Lines, Fargo, N. Dak., of Certificate No. MC 117256, issued July 25, 1958, in the name of W. J. Pritchard, doing business as Valley Bus Line, Cooperstown, N. Dak., authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Fargo, N. Dak., and Cooperstown, N. Dak., serving the intermediate points between Casselton, restricted to traffic moving to or from points between Casselton and Coopers-

town, including Cooperstown. Alan Foss, 502 First National Bank Building, Fargo, N. Dak., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-4956; Filed, June 1, 1960; 8:50 a.m.]

[Notice 124]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 27, 1960.

The following letter-notices of proposals to operate over deviation route for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notices thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 7), filed April 26, 1960. Applicant: ROADWAY EXPRESS INC., Post Office Box 471, Akron 9, Ohio. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Ashland, Ohio, over U.S. Highway 250 to junction Interstate Highway 71, thence over Interstate Highway 71, to junction Ohio Highway 95, thence over Ohio Highway 95 to Mount Gilead, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Ashland and Mount Gilead over U.S. Highway 42.

No. MC 2542 (Deviation No. 4), filed April 28, 1960. Applicant: ADLEY EXPRESS CO., 216 Crown Street, New Haven, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the eastern terminus of the Trenton Freeway in Trenton, N.J., over the Trenton Freeway to its western terminus in Morrisville, Pa., and return over the same route, for operating convenience only, serving no intermediate point. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Boston over U.S. Highway 1 to Philadelphia, and return over the same route.

No. MC 104004 (Deviation No. 5), filed April 27, 1960. Applicant: ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the Massachusetts-New York State line over Interstate Highway No. 90 (Berkshire section of the New York Thruway) to Interchange No. 21-A of the New York Thruway, and return over the same route, for operating conveneince only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Albany, N.Y., and Boston, Mass., over U.S. Highway 20.

No. MC 104004 (Deviation No. 6), filed April 27, 1960. Applicant: ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the southwestern terminus of the New England Thruway over the said Thruway to junction with the Connecticut Turnpike, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between New York, N.Y., and Providence, R.I., over U.S. Highway 1.

No. MC 104004 (Deviation No. 7), filed April 27, 1960. Applicant: ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the Connecticut-New York State line over the Connecticut Turnpike to junction U.S. Highway 6 near the Connecticut-Rhode Island State line and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between New York, N.Y., and Providence, R.I. over U.S. Highway 1.

No. MC 104004 (Deviation No. 8), filed April 27, 1960. Applicant: ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Newburgh, N.Y., over the New York Thruway to New York, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Newburgh and New York over U.S. Highway 9-W.

No. MC 110325 (Sub No. 1) (Deviation No. 9), filed April 28, 1960. Applicant: TRANSCON LINES, 1206 South Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Lee Reeder, 1012 Baltimore Building, Kansas City 5, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Conway, Ark., over U.S. Highway 64 to Beebee, Ark., thence over Arkansas Highway 31 to Lonoke, Ark., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Conway over U.S. Highway 65 to Little Rock, Ark., thence over U.S. Highway 70 to Lonoke, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-4956; Filed, June 1, 1960; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 27, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36272: *Caustic soda—Wichita, Kans., to Foley, Fla.* Filed by Western Trunk Line Committee, Agent (No. A-2131), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Wichita, Kans., to Foley, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 150 to Western Trunk Line Committee tariff I.C.C. A-4171.

FSA No. 36273: *Liquefied chlorine gas—Alabama to Louisiana points.* Filed by O. W. South, Jr., Agent (SFA No. A3957), for interested rail carriers. Rates on liquefied chlorine gas, in tank-car loads, from Huntsville and Redstone Arsenal, Ala., to Bastrop and Spring Hill, La.

Grounds for relief: Market competition.

Tariff: Supplement 152 to Southwestern Freight Bureau tariff I.C.C. 4234.

FSA No. 36274: *Paper articles—Gastonia, N.C., to WTL territory.* Filed by O. W. South, Jr., Agent (SFA No. A3958), for interested rail carriers. Rates on paper articles, in carloads, as described in the application, from Gastonia, N.C., to points in western trunk line territory.

Grounds for relief: Market competition, short-line distance formula, and grouping.

Tariff: Supplement 63 to Southern Freight Association tariff I.C.C. 1578 (Spaninger series).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-4955; Filed, June 1, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 17]

ANCHORAGE LAND DISTRICT

Notice of Filing of Alaska Protraction Diagram

MAY 24, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

Alaska Protraction Diagram (Unsurveyed)

F 9-21, Ts. 21 to 22 S., Rs. 1 to 3 E., Fairbanks Meridian.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

L. M. LAITALA, *Acting Manager, Anchorage Land Office.*

[F.R. Doc. 60-4945; Filed, June 1, 1960; 8:48 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

MAY 20, 1960.

The Forest Service has filed an application, Serial No. Washington 03920, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to valid existing rights. The applicant desires the land for establishment of the Crystal Mountain Recreation Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Bldg., Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: a part of the Snoqualmie National Forest and are described as follows:

WILLAMETTE MERIDIAN, WASHINGTON

T. 17 N., R. 10 E., unsurveyed;
Sec. 13;
Sec. 14, E½E½, NW¼NE¼, E½SW¼NE¼;
Sec. 23, E½E½E½, NW¼NE¼NE¼;
Sec. 24;
Sec. 25;
Sec. 26, E½NE¼NE¼, SW¼NE¼NE¼, SE¼NW¼NE¼NE¼, SE¼NE¼, SE¼SE¼NW¼NE¼, E½SW¼NE¼, SE¼SW¼NE¼, SE¼;
Sec. 35, E½NE¼, N½NW¼NE¼, N½S½NW¼NE¼, S½SE¼NW¼NE¼, E½E½SW¼NE¼, NE¼SE¼;
Sec. 36, N½N½, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼.
T. 17 N., R. 11 E., unsurveyed,
Sec. 17, W½SW¼;
Sec. 18, S½;
Sec. 19;
Sec. 20, W½W½;
Sec. 29, NW¼NW¼;
Sec. 30, N½, SW¼, W½NE¼SE¼, N½SW¼SE¼, NW¼SE¼SE¼, NW¼SE¼;
Sec. 31, N½NW¼, NW¼SW¼NW¼.

This area contains 4,681.97 acres, more or less.

FRED J. WEILER, *State Supervisor.*

[F.R. Doc. 60-4946; Filed, June 1, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DATES

Notice of Purchase Program AMP 29a

In order to encourage domestic consumption of dates by diverting them from normal channels of trade and commerce, in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, an announcement of the contemplated purchase by the Department of dates, in the form of date pieces, has been distributed to the industry. Date pieces so purchased will be distributed to nonprofit school lunch programs. The quantity to be purchased will not exceed 2 million pounds and the pieces must be manufactured from Deglet Noor dates produced domestically. Information relative to this purchase program may be obtained from Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D.C., or Los Angeles 16, California.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: May 27, 1960.

G. R. GRANGE, *Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 60-4978; Filed, June 1, 1960; 8:52 a.m.]

Office of the Secretary

KANSAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Kansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Jackson.	Pottawatomie.
Jefferson.	Shawnee.
Leavenworth.	Wabaunsee.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of May 1960.

TRUE D. MORSE, *Acting Secretary.*

[F.R. Doc. 60-4954; Filed, June 1, 1960; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-113]

GRACE LINE INC.

Notice of Extension of Time for Filing Comments

Notice of Petition and Oral Argument in the above Docket appeared in the FEDERAL REGISTER issue of May 20, 1960 (25 F.R. 4487).

Notice is hereby given that the oral argument set in said notice for June 2, 1960, is postponed and is now set for June 9, 1960, at 9:30 a.m., e.d.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C.

The closing date on which comments on said Petition and requests for permission to be heard in this matter has been changed to "on or before the close of business, June 7, 1960." Comments and requests received after this stipulated time will not be granted.

Dated: June 1, 1960.

JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 60-5067; Filed, June 1, 1960; 10:32 a.m.]

Office of the Secretary

EDWARD ABBOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

Dated: May 18, 1960.

This statement is made as of May 18, 1960.

EDWARD ABBOTT.

[F.R. Doc. 60-4948; Filed, June 1, 1960; 8:49 a.m.]

KEVIN G. SHEA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 14, 1960.

Dated: May 16, 1960.

KEVIN G. SHEA.

[F.R. Doc. 60-4949; Filed, June 1, 1960; 8:49 a.m.]

WILLIAM E. VAUGHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of May 18, 1960.

Dated: May 18, 1960.

WILLIAM E. VAUGHN.

[F.R. Doc. 60-4919; Filed, June 1, 1960; 8:45 a.m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 25 NUMBER 108

Washington, Friday, June 3, 1960

THE UNIVERSITY OF MICHIGAN
JUN 6 1960
MAIN READING ROOM

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Executive Order 10879

ESTABLISHING THE WHITE HOUSE SERVICE CERTIFICATE AND THE WHITE HOUSE SERVICE BADGE

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. There is hereby established a White House Service Certificate, to be awarded in the name of the President of the United States, as public evidence of deserved honor and distinction, to members of the Army, Navy, Marine Corps, and Air Force, other than the Presidential Aides, who have been detailed to duty in the White House for at least one year subsequent to January 20, 1953.

2. The White House Service Certificate shall be of appropriate design, approved by the Secretary of the Army, and shall be awarded by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, upon recommendation of the Presidential Military, Naval, or Air Force Aide, as the case may be, to military personnel of their respective services.

3. A White House Service Badge, the design of which accompanies and is hereby made a part of this order, is hereby established and may be issued to any member of the armed forces detailed to duty in the White House, other than the Presidential Aides. The badge may be worn as a part of the uniform of those individuals, during the period of their detail to White House duty, under such regulations as the Secretaries of the Army, Navy, and Air Force, with the approval of the Secretary of Defense, may severally prescribe.

4. No more than one White House Service Certificate shall be awarded to any person.

5. The service certificate established by this order may be granted posthumously.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 1, 1960.



On a disk of white enamel the device in silver from the Presidential seal without the encircling stars, the whole surrounded by 27 gold rays radiating from center 2¼" in diameter overall.

THE WHITE HOUSE SERVICE BADGE

[F.R. Doc. 60-5099; Filed, June 2, 1960; 10:26 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Grain Sorghums Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3920, and containing the specific requirements for the 1960-Crop Grain Sorghums Price Support Program are hereby amended as follows:

1. Section 421.5233(a)(2)(ii) is amended to provide the amount of deduction from the designated terminal market on grain sorghums received by truck so that the amended subdivision reads as follows:

§ 421.5233 Determination of support rates.

(a) • • •

(2) • • •

(ii) The support rate for grain sorghums received by truck and stored at any designated terminal market shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	*Amount of deduction (cents per 100 pounds)*
Omaha, Nebr.; Council Bluffs, Iowa; Sioux City, Iowa; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Saint Joseph, Mo.; Atchison, Kans	18
Cairo, Ill.; Memphis, Tenn	23

2. Section 421.5233(a)(3)(ii) is amended to provide the amount of deduction from the designated terminal market on grain sorghums received by truck so that the amended subdivision reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for grain sorghums received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction of 6 cents per hundredweight from the terminal rate, plus the transportation cost, if any, as determined by the appropriate CSS commodity office for moving the grain sorghums to a tidewater loading facility located within the same switching limits.

3. Section 421.5234(a)(1) is amended to provide the storage charges per hundredweight to be deducted in computing the amount of the loan or purchase price when such charges have not been prepaid, and in the case of recourse loans, the amount of handling charges to be deducted so that the amended subparagraph reads as follows:

§ 421.5234 Warehouse charges.

(a)(1) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain sorghums are deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing grain sorghums stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per hundredweight as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through the nonrecourse loan maturity date of March 31, 1961.

Amount of deduction (cents per hundredweight)	For States having a maturity date not later than Mar. 31, 1961—Date the storage charges start (all dates inclusive)
21	Prior to June 4, 1960.
20	June 4–June 15, 1960.
19	June 16–June 27, 1960.
18	June 28–July 11, 1960.
17	July 12–July 26, 1960.
16	July 27–Aug. 10, 1960.
15	Aug. 11–Aug. 25, 1960.
14	Aug. 26–Sept. 9, 1960.
13	Sept. 10–Sept. 24, 1960.
12	Sept. 25–Oct. 9, 1960.
11	Oct. 10–Oct. 24, 1960.
10	Oct. 25–Nov. 8, 1960.
9	Nov. 9–Nov. 23, 1960.
8	Nov. 24–Dec. 8, 1960.
7	Dec. 9–Dec. 23, 1960.
6	Dec. 24, 1960–Jan. 7, 1961.
5	Jan. 8–Jan. 22, 1961.
4	Jan. 23–Feb. 6, 1961.
3	Feb. 7–Feb. 21, 1961.
2	Feb. 22–Mar. 8, 1961.
1	Mar. 9–Mar. 31, 1961.

In the case of recourse loans there shall be deducted in determining the support rate, storage charges per hundredweight per day from the date the storage charges start against holders of the warehouse receipt to the recourse loan maturity date of January 31, 1962, as provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that such charges have been prepaid. In addition to the provisions contained in § 421.5233 (a) and (b) for determining the support rate there shall also be deducted on recourse loans 4 cents per hundredweight for grain sorghums received by rail, water, or truck, unless written evidence has been received that the receiving and loading out charges have been prepaid. If the receiving and loading out charges for truck received grain sorghums have been prepaid, the support rate as determined under § 421.5233 (a)(2)(ii) and (a)(3)(ii) shall be increased 6 cents per hundredweight on recourse loans. For grain sorghums received by truck in approved warehouses where the support rate is not determined under § 421.5233 (a) and (b), there shall also be deducted from the county support rate on recourse loans the receiving and loading out charge provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that the receiving and loading out charges have been prepaid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 27th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–5056; Filed, June 2, 1960; 8:54 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3570, and containing the specific requirements for the 1960-Crop Barley Price Support Program are hereby amended as follows:

1. Section 421.5083(a)(2)(ii) is amended to provide the amount of deduction from the designated terminal market on barley received by truck so that the amended subdivision reads as follows:

§ 421.5083 Determination of support rates.

(a) • • •

(2) • • •

(ii) The support rate for barley received by truck and stored at any designated terminal market shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	*Amount of deduction (cents per bushel)*
Atchinson, Kans	8.5
Kansas City, Mo	8.5
Saint Joseph, Mo	8.5
Omaha, Nebr	8.5
Saint Louis, Mo	8.5
Sioux City, Iowa	12.5
Minneapolis, Minn	12.5
Saint Paul, Minn	12.5
Chicago, Ill	12.5
Milwaukee, Wis	12.5
Memphis, Tenn	12.5

2. Section 421.5083(a)(3)(ii) is amended to provide the amount of deduction from the designated terminal market on barley received by truck so that the amended subdivision reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for barley received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction of 2.5 cents per bushel from the terminal rate, plus the transportation cost, if any, as determined by the appropriate CSS commodity office for moving the barley to a tidewater loading facility located within the same switching limits.

3. Section 421.5084(a)(1) is amended to provide the storage charges per bushel to be deducted in computing the amount of the loan or purchase price when such charges have not been prepaid, and in the case of recourse loans, the amount of handling charges to be deducted so that the amended subparagraph reads as follows:

§ 421.5084 Warehouse charges.

(a)(1) Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the barley is deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the applicable nonrecourse loan maturity date to be determined in accordance with § 421.5082.

Amount of deduction (cents per bushel)	For States having a maturity date not later than Apr. 30, 1961—Date the storage charges start (all dates inclusive)	For States having a maturity date not later than Mar. 10, 1961—Date the storage charges start (all dates inclusive)	For States having a maturity date not later than Feb. 28, 1961—Date the storage charges start (all dates inclusive)
13	Prior to June 6, 1960		
12	June 6–June 27, 1960	Prior to May 17, 1960	
11	June 28–July 21, 1960	May 17–June 7, 1960	Prior to May 20, 1961.
10	July 22–Aug. 17, 1960	June 8–June 29, 1960	May 20–June 20, 1960.
9	Aug. 18–Sept. 13, 1960	June 30–July 24, 1960	June 21–July 14, 1960.
8	Sept. 14–Oct. 10, 1960	July 25–Aug. 20, 1960	July 15–Aug. 10, 1960.
7	Oct. 11–Nov. 6, 1960	Aug. 21–Sept. 16, 1960	Aug. 11–Sept. 6, 1960.
6	Nov. 7–Dec. 3, 1960	Sept. 17–Oct. 13, 1960	Sept. 7–Oct. 3, 1960.
5	Dec. 4–Dec. 30, 1960	Oct. 14–Nov. 9, 1960	Oct. 4–Oct. 30, 1960.
4	Dec. 31, 1960–Jan. 26, 1961	Nov. 10–Dec. 6, 1960	Oct. 31–Nov. 25, 1960.
3	Jan. 27–Feb. 22, 1961	Dec. 7, 1960–Jan. 2, 1961	Nov. 27–Dec. 23, 1960.
2	Feb. 23–Mar. 21, 1961	Jan. 3–Jan. 29, 1961	Dec. 24, 1960–Jan. 18, 1961.
1	Mar. 22–Apr. 30, 1961	Jan. 30–Mar. 10, 1961	Jan. 20–Feb. 28, 1961.

In the case of recourse loans there shall be deducted in determining the support rate, storage charges per bushel per day from the date the storage charges start against holders of the warehouse receipt to the recourse loan maturity date of January 31, 1962, as provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that such charges have been prepaid. In addition to the provisions contained in § 421.5083 (a) and (b) for determining the support rate there shall also be deducted on recourse loans 2.5 cents per bushel for barley received by rail, water or truck, unless written evidence has been received that the receiving and loading out charges have been prepaid. If the receiving and loading out charges for truck received barley have been prepaid, the support rate as determined under § 421.5083 (a)(2)(ii) and (a)(3)(ii) shall be increased 2.5 cents per bushel on recourse loans. For barley received by truck in approved warehouses where the support rate is not determined under § 421.5083 (a) and (b), there shall also be deducted from the county support rate on recourse loans the receiving and loading out charges provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that the receiving and loading out charges have been prepaid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 27th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–5057; Filed, June 2, 1960; 8:54 a.m.]

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Rye Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3781 and containing the specific requirements for the 1960-Crop Rye Price Support Program are hereby amended as follows:

1. Section 421.5383(a)(2)(ii) is amended to provide the amount of deduction from the designated terminal market on rye received by truck so that the amended subdivision reads as follows:

§ 421.5383 Determination of support rates.

(a) • • •

(2) • • •

(ii) The support rate for rye received by truck and stored at any designated terminal market shall be determined by making a deduction of 15.26 cents per bushel from the terminal rate.

2. Section 421.5383(a)(3)(ii) is amended to provide the amount of deduction from the designated port terminal market on rye received by truck so that the amended subdivision reads as follows:

(ii) Notwithstanding the foregoing provisions of this paragraph, the support rate for rye received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction of 3.25 cents per bushel from the terminal rate, plus the transportation cost, if any, as determined by the appropriate CSS commodity office for moving the rye to a tidewater loading facility located within the same switching limits.

3. Section 421.5384(a)(1) is amended to provide the storage charges per bushel to be deducted in computing the amount of the loan or purchase price when such charges have not been prepaid and in the case of recourse loans the amount of handling charges to be deducted so that the amended subparagraph reads as follows:

§ 421.5384 Warehouse charges.

(a)(1) Warehouse receipts and the rye represented thereby stored in an ap-

proved warehouse operating under the Uniform Grain Storage Agreement may be subject to the liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading-out charges, have been prepaid through the applicable nonrecourse loan maturity date to be determined in accordance with § 421.5382.

Amount of deduction (cents per bushel)	For States having a maturity date not later than Apr. 30, 1961—Date storage charges start (all dates inclusive)	For States having a maturity date not later than Feb. 28, 1961—Date storage charges start (all dates inclusive)
13	Prior to June 6, 1960.	Prior to May 13, 1960.
12	June 6, 1960–June 26, 1960.	May 13, 1960–June 1, 1960.
11	June 27, 1960–July 21, 1960.	June 2, 1960–June 21, 1960.
10	July 22, 1960–Aug. 17, 1960.	June 22, 1960–July 14, 1960.
9	Aug. 18, 1960–Sept. 13, 1960.	July 15, 1960–Aug. 10, 1960.
8	Sept. 14, 1960–Oct. 10, 1960.	Aug. 11, 1960–Sept. 6, 1960.
7	Oct. 11, 1960–Nov. 6, 1960.	Sept. 7, 1960–Oct. 3, 1960.
6	Nov. 7, 1960–Dec. 3, 1960.	Oct. 4, 1960–Oct. 30, 1960.
5	Dec. 4, 1960–Dec. 30, 1960.	Oct. 31, 1960–Nov. 26, 1960.
4	Dec. 31, 1960–Jan. 26, 1961.	Nov. 27, 1960–Dec. 23, 1960.
3	Jan. 27, 1961–Feb. 22, 1961.	Dec. 24, 1960–Jan. 19, 1961.
2	Feb. 23, 1961–Mar. 21, 1961.	Jan. 20, 1961–Feb. 28, 1961.
1	Mar. 22, 1961–Apr. 30, 1961.	

In the case of recourse loans there shall be deducted in determining the support rate, the storage charges per day from the date the storage charges start against holders of the warehouse receipt to the recourse loan maturity date of January 31, 1962, provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that such charges have been prepaid. In addition to the provisions contained in § 421.5383 (a) and (b) for determining the support rate, there shall also be deducted on recourse loans 2.5 cents per bushel for rye received by rail, water or truck, unless written evidence has been received that the receiving and loading-out charges have been prepaid. If the receiving and loading-out charges for truck received rye have been prepaid, the support rate as determined under § 421.5383 (a)(2)(ii) and (a)(3)(ii) shall be increased 3.25 cents per bushel on recourse loans. For rye received by truck in approved warehouses where the support rate is not determined under § 421.5383 (a) and (b), there shall also be deducted from the county support rate on recourse loans the amount of the receiving and loading-out charge provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been received that such receiving and loading-out charges have been prepaid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 27th day of May 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-5058; Filed, June 2, 1960; 8:54 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 11]

PART 911—MILK IN THE TEXAS PANHANDLE MARKETING AREA

Order Amending Order

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued April 13, 1960, and the decision of the Acting Secretary containing all amendment provisions of this order, was issued May 12, 1960. The changes effected by this order will not require extensive preparation or substantial alteration of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 911.46 [Amendment]

1. Delete § 911.46(a)(4) and substitute therefor the following:

(4) Whenever the total receipts of producer milk by all handlers are less than 110 percent of Class I sales by all handlers, subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less.

§ 911.51 [Amendment]

2. Delete § 911.51(b) and substitute therefor the following:

(b) *Class II milk price.* For the months of July through February, the price for Class II milk shall be the price computed pursuant to § 911.50(b), and for the months of March through June, such price less 13 cents.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 27th day of May 1960, to be effective on and after the 1st day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4971; Filed, June 2, 1960; 8:45 a.m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Findings and Determinations Relative to Expenses To Be Incurred and Fixing of Rates of Assessment for the 1960–61 Season

On May 11, 1960, notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4184) regarding the expenses and the fixing of the rates of assessment for the 1960–61 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.214 Expenses and rates of assessment for the 1960–61 season.

(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1960–61 season beginning March 1, 1960, and ending February 28, 1961, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $23,048.81;

(2) Early varieties of plums, $20,129.02;

(3) Late varieties of plums, $20,177.51; and

(4) Elberta peaches, $12,449.66.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 8 and ½ mills ($0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 8 and ½ mills ($0.0085) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 8 and ½ mills ($0.0085) per standards four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 5 mills ($0.035) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

(c) It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1960–61 season; (2) shipments of plums have already commenced and shipments of Elberta peaches are expected to begin on or about June 17, 1960, with shipments of Bartlett pears following on or about July 11, 1960; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums, Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

(d) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order. The terms hereof shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat., as amended; 7 U.S.C. 601–674)

Dated: May 31, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5052; Filed, June 2, 1960; 8:53 a.m.]

PART 937—NECTARINES GROWN IN CALIFORNIA

Determination Relative to the Expenses and the Fixing of the Rate of Assessment for the 1960–61 Fiscal Period and Carryover of Unexpended Funds

Notice was published in the May 11, 1960, issue of the FEDERAL REGISTER (25 F.R. 4184) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending February 28, 1961, under the marketing agreement and Order No. 37 (7 CFR Part 937), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 937.203 Expenses and rate of assessment for the 1960–61 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1960, and ending February 28, 1961, will amount to $114,000.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles nectarines shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at three cents ($0.03) per standard lug box, or equivalent quantity of nectarines in other containers or in bulk so handled by such handler during such fiscal period.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1961, shall be carried over as a reserve in accordance with the applicable provisions of § 937.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of nectarines are now being made; (2) the rate of assessment is applicable to all nectarines shipped during the aforementioned fiscal period; and (3) it is essential that the specification of assessment rate be issued immediately so as to enable the said Nectarine Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in § 828.4 of the Agricultural Code of California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 31, 1960, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5053; Filed, June 2, 1960; 8:53 a.m.]

[Milk Order No. 82]

PART 982—MILK IN CENTRAL WEST TEXAS MARKETING AREA

Order Amending Order

§ 982.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued April 15, 1960 and the decision of the Acting Secretary containing all amendment provisions of this order, was issued May 12, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is Therefore Ordered, that on and after the effective date hereof, the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 982.51 [Amendment]

1. Delete § 982.51(a) and substitute therefor the following:

(a) *Class II milk.* Subject to the provisions of § 982.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be the sum of the plus values computed as follows:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

2. Add as § 982.54 the following:

§ 982.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 27th day of May 1960, to be effective on and after the 1st day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-4973; Filed, June 2, 1960; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Procedure on Applications for Approval of Acquisition of Bank Shares or Assets

1. Effective July 1, 1960, paragraphs (d) and (e) of § 222.4 are amended to read as follows:

§ 222.4 Acquisition of bank shares or assets.

* * * * *

(d) *Submission of applications.* An application for approval by the Board of any transaction requiring such approval under paragraph (a) of this section shall be filed with the Federal Reserve Bank.[2a] Three copies of such application shall be filed except where, pursuant to the provisions of paragraph (e) of this section, copies of the application are required to be transmitted to both the Comptroller of the Currency and the appropriate State supervisory authority, in which circumstances four copies of the application shall be filed. The application shall be filed not less than 60 days before the date on which it is proposed that the transaction requiring approval be consummated.[2] However, the Board in its discretion may, upon good cause shown, accept an application although submitted within such period of 60 days. A separate application shall be filed with respect to each bank the voting shares or assets of which are sought to be acquired by an existing bank holding company or nonbanking subsidiary thereof.

(e) *Procedure on applications.* (1) A Federal Reserve Bank receiving an application under this section will retain one copy thereof and will forward all other copies to the Board. If either the applicant or the bank the voting shares or assets of which are sought to be acquired is a national bank or a District bank, the Board will transmit a copy of the application to the Comptroller of the Currency. If either the applicant or the bank the voting shares or assets of which are sought to be acquired is a State bank, the Board will transmit a copy of the application to the bank supervisory authority of the State in which such bank is located.

(2) Following the receipt of an application under this section, the Board will publish in the FEDERAL REGISTER a notice of such receipt, stating the names and addresses of the applicant and the bank or banks involved, indicating the general nature of the proposed transaction, and allowing 30 days (or a shorter period in exceptional circumstances) for the submission of written comments or views. Such comments or views shall be submitted to the Board or to the Federal Reserve Bank for transmission to the Board.

2a. The purposes of this amendment are to give public notice of the receipt of application filed pursuant to § 222.4 and thereby (i) afford interested persons full opportunity to submit to the Board comments and views with respect to such applications, and (ii) facilitate disposition of applications by the Board in the light of such comments or views. The procedure here contemplated will supersede the procedure of announcing tentative decisions on applications.

b. A draft form of this amendment was the subject of a notice of proposed rule making, published in the FEDERAL REGISTER (25 F.R. 2140). After consideration of all relevant views and arguments received from interested persons, the Board has adopted the amendment herein set forth.

(Sec. 5(b), 70 Stat. 133; 12 U.S.C. 1844(b))

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-4995; Filed, June 2, 1960; 8:47 a.m.]

[2a] The term "Federal Reserve Bank", as used herein, means the Federal Reserve Bank of the Federal Reserve district in which the applicant has its principal office.

[2] In some cases it may not be possible for the Board to act upon an application within such period of 60 days and this requirement should not be regarded as suggesting that the Board will act upon all applications within that period of time, although every effort will be made to expedite such action.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 330; Amdt. 168]

PART 507—AIRWORTHINESS DIRECTIVES

De Havilland Dove 104 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection for cracks in the wing root joint fitting of De Havilland Dove Model 104 aircraft, and replacement of defective parts to preclude occurrence of an unsafe condition in service was published in 25 F.R. 2860.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DE HAVILLAND. Applies to De Havilland Dove Model 104, Serial Numbers 04001 through 04507.

Compliance required as indicated.

During fatigue tests cracks caused by corrosion and fretting occurred in the wing main lower root joint fitting at an equivalent time in service of 13,000 hours. To preclude the failure of this fitting in service, compliance with De Havilland Technical News Sheet CT(104) No. 168 Issue No. 2, is required by July 15, 1960, for aircraft which have exceeded 12,000 hours time in service. For all other aircraft compliance required before the aircraft exceeds 12,000 hours time in service but not later than: December 31, 1960, for Serial Numbers 04001 through 04463; December 31, 1961, for Serial Numbers 04464 through 04507.

Magnetic particle and dye penetrant methods of inspection may be used in lieu of the crack testing methods called for in De Havilland Technical News Sheet CT(104) No. 168 Issue No. 2. Other jointing, antifretting and anticorrosive, and sealing compounds, if shown to be equivalent to the commercially designated compounds in De Havilland Technical News Sheet CT(104) No. 168 Issue No. 2, may be used.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

Issued in Washington, D.C., on May 26, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-4961; Filed, June 2, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-308]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On February 2, 1960, there was published in the FEDERAL REGISTER (25 F.R. 856) an amendment to § 600.6058 of the regulations of the Administrator. This amendment, to be effective July 28, 1960, modified VOR Federal airway No. 58 between Imperial, Pa., and Tyrone, Pa., concurrently with the commissioning of a VOR near Carrolltown, Pa.

The commissioning date of the Carrolltown, Pa., VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-308 is hereby modified as follows: "effective 0001, e.s.t., July 28, 1960." is deleted and "effective 0001, e.s.t., November 17, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4983; Filed, June 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-309]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On February 2, 1960, there was published in the FEDERAL REGISTER (25 F.R. 856) an amendment to § 600.6276 of the regulations of the Administrator. This amendment, to be effective July 28, 1960, modified VOR Federal airway No. 276 between Elwood City, Pa., and Tyrone, Pa. This realignment of V276, although not designated via the Carrolltown, Pa., VOR, is part of the planned airway structure based on the commissioning of this new facility. Consequently, this amendment should become effective concurrently with the commissioning of the Carrolltown VOR.

The commissioning date of the Carrolltown VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-309 is hereby modified as follows: "effective 0001 e.s.t. July 28, 1960." is deleted and "effective 0001 e.s.t. November 17, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4984; Filed, June 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59-NY-1]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas; Change of Effective Date

On January 26, 1960, there was published in the FEDERAL REGISTER (25 F.R. 630) amendments to §§ 600.6151 and

601.6151 of the regulations of the Administrator. These amendments, to be effective July 28, 1960, extended VOR Federal airway No. 151 and its associated control areas from Lebanon, N.H., to Burlington, Vt., concurrently with the commissioning of a VOR near Montpelier, Vt.

The commissioning date of the Montpelier VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–NY–1 is hereby modified as follows: "effective 0001 e.s.t. July 28, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4982; Filed, June 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59–WA–105]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas; Change of Effective Date

On January 28, 1960, there was published in the FEDERAL REGISTER (25 F.R. 631) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, to be effective July 28, 1960, designated a new airway, VOR Federal airway No. 447, and its associated control areas from Montpelier, Vt., to Newport, Vt., concurrently with the commissioning of a VOR near Montpelier.

The commissioning date of the Montpelier VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–WA–105 is hereby modified as follows: "effective 0001 e.s.t. July 28, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4985; Filed, June 2, 1960; 8:46 a.m.]

[Airspace Docket No. 59–WA–310]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas; Change of Effective Date

On April 30, 1960, there was published in the FEDERAL REGISTER (25 F.R. 3815) amendments to §§ 600.6210 and 601.6210 of the regulations of the Administrator. These amendments, to be effective July 28, 1960, extended VOR Federal airway No. 210 and its associated control areas from Imperial, Pa., to Harrisburg, Pa., concurrently with the commissioning of a VOR near Carrolltown, Pa.

The commissioning date of the Carrolltown VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–WA–310 is hereby modified as follows: "effective 0001, e.s.t., July 28, 1960." is deleted and "effective 0001, e.s.t., November 17, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4986; Filed, June 2, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7677 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Geenblatt's, Inc., of Ind., and Harold Michelson

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1845–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Greenblatt's, Inc., of Ind., et al., Fort Wayne, Ind., Docket 7677, April 20, 1960]

The complaint in this case charged furriers in Fort Wayne, Ind., with violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose that fur products were artificially colored or made of cheap or waste fur and to disclose the country of origin of imported furs, represented fictitious amounts as to the usual prices and made deceptive percentage savings claims; by failing to keep adequate records as a basis for said pricing claims; and by failing to comply with invoicing requirements.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Greenblatt's, Inc., of Indiana, a corporation, and its officers, and Harold Michelson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely and deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act;

2. Falsely and deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) That the fur product is composed in whole or in substantial part of paws, tails, bellies and waste fur, when such is the fact;

(4) The name of the country of origin of any imported furs contained in a fur product;

B. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other;

C. Represents, directly or by implication, that respondents' regular or usual price of any fur product is any amount which is in excess of the price at which they have usually and customarily sold such products in the recent regular course of business;

D. Represents, directly or by implication, through percentage savings claims that the regular or usual retail prices charged by respondents for fur products in the recent regular course of business were reduced in direct proportion to the amount of savings stated, when contrary to the fact;

E. Misrepresents in any manner the savings available to purchasers of respondents' fur products;

3. Making claims or representations in advertisements respecting prices or values of fur products unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Greenblatt's, Inc., of Indiana, a corporation, and Harold Michelson, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 20, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-4997; Filed, June 2, 1960; 8:47 a.m.]

[Docket 7661 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ozan's Furs and R. H. Ozan

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Ozan's Furs, Reading, Pa., Docket 7661, April 13, 1960]

The complaint in this case charged a Reading, Pa., furrier with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That R. H. Ozan, an individual trading as Ozan's Furs, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

2. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder:

(a) In abbreviated form;

(b) Mingled with non-required information;

(c) In handwriting;

3. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

2. Setting forth required information in abbreviated form;

3. Failing to set forth the term "Dyed Broadtail-processed Lamb" as required;

4. Failing to set forth the item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent R. H. Ozan, an individual trading as Ozan's Furs, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 13, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-4998; Filed, June 2, 1960; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Exemption of Certain Transactions

Section 16(b) of the Securities Exchange Act of 1934 provides that profits realized by an officer or director of a company having any class of equity securities registered on a national securities exchange, or by any person owning beneficially more than 10 percent of such registered securities, from the purchase and sale or the sale and purchase within a period of less than six months of any equity security of such company shall inure to and be recoverable on behalf of the company. Rule 16b–3 has heretofore provided an exemption from these provisions for shares of stock acquired pursuant to bonus, profit sharing, retirement, thrift, savings or similar plans meeting specified conditions. The rule also exempted the acquisition of nontransferable options, and stock acquired under such options, pursuant to a plan meeting similar conditions.

On November 5, 1959, the Commission published, in Release No. 6111, notice of a proposal to amend Rule 16b–3 (§ 240.16b–3) to delete, as a matter of

policy, the exemption for stock acquired upon the exercise of options and to provide that the selection of persons participating in plans subject to the rule be made by a disinterested board of directors or committee. A revised proposal was published on April 6, 1960, in Release No. 6227. The proposal has been further revised in the light of the comments received and, after consideration of the views expressed by all those who submitted letters of comment, the Commission has adopted an amendment in the form set forth below.

§ 240.16b–3 Exemption from section 16 (b) of acquisitions of shares of stock and restricted stock options under certain stock bonus, stock option or similar plans.

Any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings, or similar plan, or any acquisition of a restricted stock option pursuant to a restricted stock option plan, by a director or officer of the issuer of such stock or restricted stock option shall be exempt from the operation of section 16(b) of the Act if the plan meets the following conditions:

(a) The plan has been duly approved, directly or indirectly:

(1) By the holders of a majority of the securities of the issuer present, or represented, and entitled to vote at a meeting for which proxies were solicited substantially in accordance with the rules and regulations, if any, then in effect under section 14(a) of the Act, or by the written consent of the holders of a majority of the securities of the issuer entitled to vote solicited substantially in accordance with such rules and regulations, whether or not such rules and regulations were applicable to such solicitations; or

(2) By the holders of a majority of the securities of a predecessor corporation entitled to vote, in the manner specified in subparagraph (1) of this paragraph, if the plan or obligations to participate thereunder were assumed by the issuer in connection with the succession.

(b) If the selection of any director or officer of the issuer to whom stock may be allocated or to whom restricted stock options may be granted pursuant to the plan, or the determination of the number or maximum number of shares of stock which may be allocated to any such director or officer or which may be covered by restricted stock options granted to any such director or officer, is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(1) With respect to the participation of directors:

(i) By the board of directors of the issuer, a majority of which board and a majority of the directors acting in the matter are disinterested persons;

(ii) By, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(iii) Otherwise in accordance with the plan, if the plan (*a*) specifies the number or maximum number of shares of stock which directors may acquire or which may be subject to restricted stock options granted to directors and the terms upon which and the times at which, or the periods within which, such stock may be acquired or such options may be acquired and exercised; or (*b*) sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors.

(2) With respect to the participation of officers who are not directors:

(i) By the board of directors of the issuer or a committee of three or more directors; or

(ii) By, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons.

For the purpose of this paragraph, a director or committee member shall be deemed to be a disinterested person only if such person is not at the time such discretion is exercised eligible and has not at any time within one year prior thereto been eligible for selection as a person to whom stock may be allocated or to whom restricted stock options may be granted pursuant to the plan or any other plan of the issuer or any of its affiliates entitling the participants therein to acquire stock or restricted stock options of the issuer or any of its affiliates.

(c) (1) As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock which may be allocated, or which may be subject to restricted stock options granted, pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date, and may be determined either by fixed or maximum dollar amounts or fixed or maximum numbers of shares or by formulas based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors which will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable or options outstanding thereunder to prevent dilution or enlargement of rights.

(2) Unless the context otherwise requires, all terms used in this rule shall have the same meaning as in the Act or elsewhere in the general rules and regulations thereunder. In addition, the following definitions apply:

(i) The term "plan" includes all plans, whether or not set forth in any formal document or documents and whether or not approved at one time.

(ii) The term "restricted stock option" means a restricted stock option as defined in section 421 of the Internal Revenue Code of 1954, as amended, and the regulations or rulings of the Internal Revenue Service thereunder.

The foregoing action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 3(a)(12), 3(b), 16(b) and 23(a) thereof. Such action shall become effective June 27, 1960, except that any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) or any acquisition of a restricted stock option, prior to the issuer's annual meeting of stockholders in 1961 shall be deemed to be exempted from the operation of section 16(b) of the Act by Rule 16b–3 as hereinabove amended if such acquisition would have been so exempted by Rule 16b–3 as heretofore in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 26, 1960.

[F.R. Doc. 60–5004; Filed, June 2, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Demeton

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Kansas City, Missouri, requesting the establishment of tolerances for residues of demeton (a mixture of *O,O*-diethyl *O* (and *S*)-2-(ethylthio) ethyl phosphorothioates), sold under the trade name Systox, in or on raw agricultural commodities as follows:

1.25 parts per million in or on peaches.

0.75 part per million in or on celery, peas, and tomatoes.

The petition was later amended, and the requested tolerance on peaches was changed from 1.25 parts per million to 0.75 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1959 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3, 120.105) are amended as set forth below:

§ 120.3 [Amendment]

1. Section 120.3 *Tolerances for related pesticide chemicals* is amended as follows:

a. Paragraph (e)(5) is amended by inserting therein as the second item in the list of cholinesterase-inhibiting compounds the following item:

Demeton (a mixture of *O,O*-diethyl *O* (and *S*)-2-(ethylthio) ethyl phosphorothioates).

b. Subparagraph (5) is further amended by deleting therefrom the item "Systox * * *".

2. Section 120.105 is amended by replacing the trade name Systox with the common name demeton, by bringing the chemical name into conformity with American Chemical Society preferred nomenclature recommendations, and by adding a tolerance of 0.75 part per million on each of the raw agricultural commodities celery, peaches, peas, tomatoes. As amended, § 120.105 reads as follows:

§ 120.105 Tolerances for residues of demeton.

Tolerances for residues of demeton (a mixture of *O,O*-diethyl *O* (and *S*)-2-(ethylthio) ethyl phosphorothioates) and derived anticholinesterase products as determined by in vitro cholinesterase inhibition of pooled human plasma, using technical demeton as a standard (this standard effects 50 percent inhibition of pooled human plasma cholinesterase at a concentration 0.3±0.025 part per million in water as a medium) are established as follows:

(a) 12 parts per million in or on alfalfa hay, clover hay.

(b) 5 parts per million in or on almond hulls, fresh alfalfa, fresh clover.

(c) 1.25 parts per million in or on grapes, hops.

(d) 0.75 part per million in or on almonds, apples, broccoli, brussels sprouts, cabbage, cauliflower, celery, grapefruit, lemons, lettuce, muskmelons, oranges, peaches, pears, peas, pecans, potatoes, strawberries, tomatoes, walnuts.

(e) 0.3 part per million in or on beans.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 26, 1960.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 60–5022; Filed, June 2, 1960; 8:50 a.m.]

Title 26—INTERNAL REVENUE, 1954

[T.D. 6467]

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 186—GAUGING MANUAL

Miscellaneous Amendments

On March 24, 1960, a notice of proposed rule making regarding amendment of 26 CFR Part 186, with respect to the gauging of distilled spirits (including alcohol), was published in the FEDERAL REGISTER (25 F.R. 2487).

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments, pertaining thereto. No objections were received within the 30-day period prescribed in the notice. However, it has been determined administratively to make certain clarifying, liberalizing, and editorial changes. Accordingly, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

1. Section 186.23 of the notice is changed as follows:

(A) By striking from the last sentence the words "should be" immediately following the words "final proof" and by inserting in lieu thereof the word "is"; and

(B) By adding immediately following the last sentence, a new sentence to read "In such cases, if the hundredths decimal is less than five, it will be dropped; if it is five or over, a unit will be added."

2. Sections 186.31, 186.32 and 186.36 of the notice are changed.

3. Section 186.43 of the notice is changed by inserting, in the first sentence and immediately following the words "or in pounds and ounces" the words ", or pounds and hundredths of a pound,".

4. Section 186.51 of the notice is changed by striking the first four sentences, and inserting in lieu thereof, the following: "Where the quantity of spirits (including denatured spirits) is to be determined by volume as authorized by this chapter, the measurement shall be made in tanks, or by meters or other devices or methods authorized by the Director, or as otherwise provided in this chapter, or such measurement may be made in tank cars or tank trucks if calibration charts for such conveyances are provided and such charts have been accurately prepared, and certified as accurate, by engineers or other persons qualified to calibrate such conveyances. Volumetric measurements in tanks shall be made only in accurately calibrated tanks equipped with guage glasses, float guages, steel tapes, or other suitable measuring devices, whereby the actual contents can be correctly ascertained."

5. Section 186.61 of the notice is changed.

6. Section 186.67 of the notice is changed by striking the last four sentences, and inserting in lieu thereof, the following:

Example. It is desired to correct spirits of 180 proof at 51 degrees temperature:

1.006 (50°) −1.005 (52°) =0.001÷2=0.0005
0.0005+1.005=1.0055 correction factor at 51° F.

Example. It is desired to correct spirits of 180 proof at 53 degrees temperature:

1.005 (52°) −1.003 (54°) =0.002÷2=0.001
0.001+1.003=1.004 correction factor at 53° F.

Where the percent of proof is other than a multiple of five, the difference, if any, between the factors for the next higher and lower proofs should be divided by five and multiplied by the degrees of proof beyond the next lower proof, and the fractional product so obtained should be added to the factor for the next lower proof (if the temperature is above 60 degrees Fahrenheit, the fractional product so obtained must be subtracted from the factor for the next lower proof), or if it is also necessary to correct the factor because of odd temperature, to the temperature corrected factor for the next lower proof.

Example. It is desired to ascertain the correction factor for spirits of 112 proof at 47 degrees temperature:

1.006 (46°) −1.005 (48°) =0.001÷2=0.0005
0.0005+1.005=1.0055 corrected factor at 47° F.,
1.007 (115 proof) −1.006 (110 proof) =0.001
0.001÷5=0.0002 (for each percent of proof) ×2 (for 112 proof) =0.0004
0.0004+1.0055 (corrected factor at 47° F.) =1.0059 correction factor to be used for 112 proof at 47° F.

Example. It is desired to ascertain the correction factor for spirits of 97 proof at 93 degrees temperature:

0.986 (92°) −0.985 (94°) =0.001÷2=0.0005
0.0005+0.985=0.9855 corrected factor at 93° F.,
0.986 (95 proof) —0.985 (100 proof) =0.001
0.001÷5=0.0002 (for each percent of proof) ×2 (for 97 proof) =0.0004
0.9855 (corrected factor at 93° F.) −0.0004 =0.9851 correction factor to be used for 97 proof at 93° F.

This Treasury decision shall be effective on July 1, 1960.

This Treasury decision is issued under the authority contained in section 7805

of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: May 27, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to implement certain provisions of the Internal Revenue Code of 1954, as amended by Public Law 85-859, as they relate to the gauging of distilled spirits (including alcohol); to clarify and prescribe the methods or techniques of gauging; and to make editorial and corrective changes, 26 CFR Part 186 is amended as follows:

Subpart A—Scope of Regulations

Sec.
186.1 Gauging of distilled spirits.

Subpart B—Definitions

186.11 Meaning of terms.

Subpart C—Gauging Instruments

186.21 General requirements.
186.22 Hydrometers and thermometers.
186.23 Use of precision hydrometers and thermometers.
186.24 Use of U.S. standard hydrometers and thermometers.
186.25 Gauging instruments of unusual or costly design.

Subpart D—Gauging Procedures

186.31 Determination of proof.
186.32 Determination of proof obscuration.

DETERMINATION OF QUANTITY

186.36 General requirements.

DETERMINATION OF QUANTITY BY WEIGHT

186.41 Bulk spirits.
186.42 Denatured spirits.
186.43 Packaged spirits.
186.44 Entry or filling gauge for packages.
186.45 Withdrawal gauge for packages.

DETERMINATION OF QUANTITY BY VOLUME

186.51 Procedure for measurement.

Subpart E—Prescribed Tables

186.61 Table 1, showing the true percents of proof spirit for any indication of the hydrometer at temperatures between zero and 100 degrees Fahrenheit.
186.62 Table 2, showing wine gallons and proof gallons by weight.
186.63 Table 3, for determining the number of proof gallons from the weight and proof of spirituous liquor.
186.64 Table 4, showing the fractional part of a gallon per pound at each percent and each tenth percent of proof of spirituous liquor.
186.65 Table 5, showing the weight per wine gallon (at 60 degrees Fahrenheit) and proof gallon at each percent of proof of spirituous liquor.
186.66 Table 6, showing respective volumes of alcohol and water and the specific gravity in both air and vacuum of spirituous liquor.
186.67 Table 7, for correction of volume of spirituous liquors to 60 degrees Fahrenheit.

Subpart A—Scope of Regulations

§ 186.1 Gauging of distilled spirits.

This part, the "Gauging Manual", relates to the gauging of distilled spirits. By "gauging" is meant the determination of the proof and the quantity of distilled spirits. Tables 1–7, together with their instructions, are provided as a part hereof and should be used, wherever applicable, in making the necessary computations from gauge data. Table 1 provides a method for correcting hydrometer indications at temperatures between 0 and 100 degrees Fahrenheit to true proof. If distilled spirits contain dissolved solids, temperature-correction of the hydrometer reading by the use of this table would result in apparent proof rather than true proof. Tables 2 and 3 show the gallonage of spirituous liquor according to weight and proof, Table 4 shows the gallons per pound at each one-tenth proof from 1 to 200 proof, Table 5 shows the weight per wine gallon and proof gallon at each proof, Table 6 shows the volumes of alcohol and water, and the specific gravity (air and vacuum) of spirituous liquor at each proof, and Table 7 provides a means of ascertaining the volume (at 60 degrees Fahrenheit) of spirits at various temperatures ranging from 18 degrees through 100 degrees Fahrenheit. The procedures prescribed in, or authorized under the provisions of, this part shall, except as may be otherwise authorized in this chapter, be followed in making any determination of quantity or proof of distilled spirits required by or under the authority of regulations in this chapter.

(72 Stat. 1358; 26 U.S.C. 5204)

Subpart B—Definitions

§ 186.11 Meaning of terms.

When used in this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Bulk conveyance. Any tank car, tank truck, tank ship, tank barge, or other similar container approved by the Director, authorized for the conveyance of spirits (including denatured spirits) in bulk.

CFR. The Code of Federal Regulations.

Container. Any receptacle, vessel, or form of package, bottle, tank, or pipeline used, or capable of use, for holding, storing, transferring or conveying distilled spirits.

Denatured spirits or denatured alcohol. Spirits to which denaturants have been added pursuant to formulas prescribed in Part 212 of this chapter.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Gallon or wine gallon. The liquid measure equivalent to the volume of 231 cubic inches.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this chapter.

Package. Any cask, barrel, drum, or similar container approved under the provisions of this chapter.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. A United States gallon of proof spirits, or the alcoholic equivalent thereof.

Proof spirits. That liquid which contains one-half its volume of ethyl alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths (0.7939) in vacuum at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity.

Regional commissioner. A regional commissioner of internal revenue.

Spirits, spirituous liquor, or distilled spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka, but not denatured spirits unless specifically stated.

Tax gallon. The unit of measure of spirits for the imposition of tax under section 5001, I.R.C. When spirits are 100 degrees of proof or more, the tax is determined on a proof gallon basis. When spirits are less than 100 degrees of proof, the tax is determined on a wine gallon basis.

This chapter. Chapter I, Title 26, CFR.

U.S.C. The United States Code.

(72 Stat. 1315; 26 U.S.C. 5002)

Subpart C—Gauging Instruments

§ 186.21 General requirements.

Internal revenue officers shall use only hydrometers and thermometers furnished by the Government: *Provided*, That the Director may authorize internal revenue officers to use, as prescribed in § 186.25, approved gauging instruments of unusual or costly design furnished by the proprietor. From time to time internal revenue officers shall verify the accuracy of hydrometers and thermometers used by proprietors. The proof of distilled spirits and rectified products shall be determined by the use of gauging instruments as prescribed in this part.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.22 Hydrometers and thermometers.

The hydrometers furnished to internal revenue officers are graduated to read the proof of aqueous alcoholic solutions at 60 degrees Fahrenheit; thus, they read, 0 for water, 100 for proof spirits, and 200 for absolute alcohol. Because of temperature-density relationships and the selection of 60 degrees Fahrenheit for reporting proof, the hydrometer readings will be less than the true percent of proof at temperatures below 60 degrees Fahrenheit and greater than the true percent of proof at temperatures above 60 degrees Fahrenheit. Hence, corrections are necessary for hydrometer readings at temperatures other than 60 degrees Fahrenheit. Precision hydrometers shall be used for gauging large quantities of spirits, such as bulk gauging for tax payment. Hydrometers and thermometers shall be used and the true percent of proof shall be determined in accordance with § 186.31. Hydrometers are designated by letter according to range of proof and are provided in ranges and subdivisions of stems as follows:

U.S. Standard:	Range	Subdivision
A	0 to 100	1.0°
B	80 to 120	0.5°
C	100 to 140	0.5°
D	130 to 170	0.5°
E	160 to 206	0.5°
Precision:		
F	0 to 20	0.2°
G	20 to 40	0.2°
H	40 to 60	0.2°
I	60 to 80	0.2°
K	75 to 95	0.2°
L	90 to 110	0.2°
M	105 to 125	0.2°
N	125 to 145	0.2°
P	145 to 165	0.2°
Q	165 to 185	0.2°
R	185 to 206	0.2°

Thermometers are designated by type according to range of degrees Fahrenheit and are provided in ranges and subdivisions of degrees as follows:

Type	Range	Subdivision
Copper cup	0° to 100°	1°
Pencil type	10° to 100°	1°
V-back	10° to 100°	1°
Glass shell (earlier model)	40° to 100°	¼°
Glass shell (later model)	40° to 100°	¼°

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.23 Use of precision hydrometers and thermometers.

Care should be exercised to obtain accurate hydrometer and thermometer readings. In order to accomplish this result, the following precautions should be observed. Bulk spirits should be thoroughly agitated so that the test sample will be representative of the entire quantity. The hydrometer should be kept clean and free of any oily substance. Immediately before readings are taken, the glass cylinder containing the thermometer should be rinsed several times with the spirits which are to be gauged so as to bring both the cylinder and the thermometer to the temperature of the spirits (if time permits, it is desirable to bring both the spirits and the instruments to room temperature). If the outer surface of the cylinder becomes wet, it should be wiped dry to avoid the cooling effect of rapid evaporation. During the readings the cylinder should be protected from drafts or other conditions which might affect its temperature or that of the spirits which it contains. The hands should not be placed on the cylinder in such a manner as to warm the liquid contained therein. The hydrometer should be inserted in the liquid and the hydrometer bulb raised and lowered from top to bottom 5 or 6 times to obtain an even temperature distribution over its surface, and, while the hydrometer bulb remains in the liquid, the stem should be dried and the hydrometer allowed to come to rest without wetting more than a few tenths degrees of the exposed stem. Special care should be taken to ascertain the exact point at which the level of the surface of the liquid intersects the scale of proof in the stem of the hydrometer. The hydrometer and thermometer should be immediately read, as nearly simultaneously as possible. In reading the hydrometer, a sighting should be made slightly below the plane of the surface of the liquid and the line of sight should then be raised slowly, being kept perpendicular to the hydrometer stem, until the appearance of the surface changes from an ellipse to a straight line. The point where this line intersects the hydrometer scale is the correct reading of the hydrometer. When the correct readings of the hydrometer and the thermometer have been determined, the true percent of proof shall be ascertained from table 1. Another sample of the spirits should then be taken and be tested in the same manner so as to verify the proof originally ascertained. Hydrometer readings should be made to the nearest 0.05 degree and thermometer readings should be made to the nearest 0.1 degree, and instrument correction factors, if any, should be applied. It is necessary to interpolate in table 1 for fractional hydrometer and thermometer readings.

Example. A hydrometer reads 192.85° at 72.10° F. The correction factors for the hydrometer and the thermometer, respectively are minus 0.03° and plus 0.05°. The corrected reading, then, is 192.82° at 72.15° F.

From table 1:
193.0° at 72.0° F.=190.2°
192.0° at 72.0° F.=189.1°
Difference= 1.1°

192.0° at 72.0° F.=189.1°
192.0° at 73.0° F.=188.9°
Difference= 0.2°

The hydrometer difference (1.1°) multiplied by the fractional degree of the hydrometer reading (0.82°)=0.902.
The temperature difference (0.2°) multiplied by the fractional degree of the temperature reading (0.15°)=0.03°.
Proof at 60° F.=189.1+0.902−0.03=189.972°=190.0°.

As shown, the final proof is rounded to the nearest tenth of a degree of proof. In such cases, if the hundredths decimal is less than five, it will be dropped; if it is five or over, a unit will be added.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.24 Use of U.S. standard hydrometers and thermometers.

In general, the care prescribed for reading precision instruments should also be used for gauging in which U.S. standard hydrometers (A to E) and thermometers graduated in full degrees are employed. However, when using such instruments, they are read to the nearest half degree, and the true proof determined from table 1 (interpolating as prescribed in § 186.23) is rounded to the nearest whole degree. In rounding the true proof to the nearest whole degree, if the decimal is less than five, it will be dropped; if it is five or over, a unit will be added.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.25 Gauging instruments or unusual or costly design.

The Director may authorize the use of instruments of unusual or costly design (in lieu of those specified in this part) for making official gauges, if such instruments permit the internal revenue officer to more efficiently and accurately determine the proof and the quantity of distilled spirits, and the proprietor desires to furnish such instruments at his expense. Such instruments shall be placed in the custody of the internal revenue officer. A proprietor who proposes to use instruments of unusual or costly design shall submit a written application (in triplicate) to the assistant regional commissioner, describing the instruments and their advantages. The assistant regional commissioner shall make appropriate inquiries as to such instruments and whether approval thereof will hinder the effective administration of this chapter or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendations. Where the instruments cannot be adequately described in the application, drawings or photographs should also be submitted.

(72 Stat. 1358; 26 U.S.C. 5204)

Subpart D—Gauging Procedures

§ 186.31 Determination of proof.

The proof of spirits shall be determined as follows—

(a) The proof of spirits in bond shall be determined by the use of a hydrometer and a thermometer in accordance with the provisions of sections 186.23 and 186.24;

(b) The proof of spirits in packages to be withdrawn from bond on the basis of individual package gauge shall be determined to the nearest tenth but shall be rounded to a whole degree, which shall be the proof used in determining the proof or taxable gallons. In rounding off, where the decimal is less than five it will be dropped; where it is five or over a unit will be added;

(c) The proof of spirits to be transferred in bond or withdrawn from bond in bulk conveyances or by pipeline free of tax or without payment of tax, shall be determined to the nearest tenth and, if not adjusted to a whole degree, shall be rounded to a whole degree and such whole degree shall be the proof of transfer or withdrawal and shall be used in determining the proof gallons;

(d) The proof of spirits to be withdrawn after tax determination in bulk conveyances or by pipeline shall be determined to the nearest tenth, which shall be used in determining the taxable gallons in accordance with table 4 of this part;

(e) The proof of tax-determined spirits which have not been rectified (or which have been rectified without the addition of materials containing solids)

shall be determined by the use of a hydrometer and a thermometer, except that the proof of imported spirits to be bottled without rectification, after withdrawal from customs bond on tax determination, shall be determined on the same basis as was used for customs purposes. (The basis of such determination shall be supported by a copy of the Customs chemist's report which shall be available for inspection by Internal Revenue officers. If the Customs chemists's report of alcoholic content has not been received, the bottler may bottle the spirits provided he ascertains the apparent proof and obscuration caused by solids in the spirits. If the solids content, ascertained before and after reduction of the spirits, exceeds 0.200 gram per 100 milliliters, representing an obscuration of more than 0.8° proof, the true proof may be used on labels. If the solids content exceeds 0.600 gram per 100 milliliters, the true proof is to be ascertained by the distillation or laboratory method prescribed respectively in paragraphs (f) (2) and (f) (3) of this section. If the solids content is 0.200 gram per 100 milliliters or less, representing an obscuration of 0.8° proof or less, the apparent proof shall be used on labels) ;

(f) The proof of spirits to which materials containing solids have been added in a process of rectification, but which contain not more than 600 milligrams of solids per 100 milliliters, may be determined (1) by the direct use of a hydrometer and a thermometer, or (2) by the use of a hydrometer and a thermometer after the spirits have been distilled in a small laboratory still and restored to the original volume and temperature by the addition of pure water to the distillate, or (3) by a recognised laboratory method which is equal or superior in accuracy to the distillation method: *Provided*, That where the proof of such spirits is determined by the use of a hydrometer and a thermometer, the proof so determined may be corrected by adding thereto the obscuration determined as prescribed in § 186.32; and

(g) The proof of spirits containing solids in excess of 600 milligrams per 100 milliliters, and of cordials, liqueurs, and other rectified products containing such excess of solids, shall be determined by the distillation or laboratory method prescribed respectively in paragraphs (f) (2) and (f) (3) of this section.

The Director may also authorize, as prescribed in § 186.25, the use of instruments of unusual or costly design for making gauges, if such instruments more efficiently and accurately determine the proof and quantity of the spirits.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.32 Determination of proof obscuration.

Solids or other substances in solution in beverage spirits have an effect on the specific gravity of the spirits and, depending on the density or specific gravity of the substances, obscure the true proof of the liquid. Experience has shown that 0.1 gram (100 milligrams) of solids per 100 milliliters will obscure the true proof by 0.4 of 1 degree of proof. The amount of solids in the spirits may be determined—

(a) By evaporating the water and alcohol from a carefully measured 25 milliliter sample of the spirits, drying the residue at 100 degrees centigrade for 30 minutes and then weighing the residue precisely. The number of grams of solids thus determined, multiplied by 4, will give the amount of solids in 100 milliliters of the spirits, and that figure, multiplied by 4, will give the obscuration. For example, if a blended whisky contains 0.25 gram of solids per 100 milliliters, the obscuration is 4 times 0.25, which is one degree of proof. This value, added to the temperature corrected hydrometer reading, will give the true proof; or

(b) By determining the apparent proof and temperature of the sample of spirits and then by distilling a carefully measured sample in a small laboratory still, and collecting a quantity of the distillate, 1 or 2 milliliters less than the original sample. The distillate is adjusted to the original temperature and restored to the original volume by addition of distilled water. The proof of the restored distillate is then determined by use of a precision hydrometer and thermometer in accordance with the provisions of §§ 186.23 and 186.24 except that such proof shall be determined to the nearest 0.1 degree of proof. The difference between the proof so determined and the apparent proof of the undistilled sample is the obscuration; or

(c) By determination of the specific gravity of the undistilled sample, distillation and restoration of the samples as provided in paragraph (b) of this section and determination of the specific gravity of the restored distillate by means of a pycnometer. The specific gravities so obtained will be converted to degrees of proof by interpolation of Table 6 to the nearest 0.1 degree of proof. The difference in proof so obtained is the obscuration; or

(d) In the case of imported bulk spirits, by comparing the apparent proof of the product with the laboratory determined true proof received from the Customs chemist, the difference being the obscuration factor.

(72 Stat. 1358; 26 U.S.C. 5204)

Determination of Quantity

§ 186.36 General requirements.

The quantity of distilled spirits shall be determined by weight or, whenever permitted by this chapter, by volume. The quantity of denatured distilled spirits may be determined either by weight or by volume. Where determination of quantity of distilled spirits or denatured distilled spirits by volume is authorized, such determination may, when approved by the Director, be by meter or other device. The Director may also authorize the determination of quantity of distilled spirits or denatured distilled spirits by a statistical control method.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

§ 186.41 Bulk spirits.

When spirits (including denatured spirits) are to be gauged by weight in bulk quantities, the weight shall be determined by means of weighing tanks, mounted on accurate scales. Before each use, the scales shall be balanced at zero load; thereupon the spirits shall be run into the weighing tank and proofed: *Provided*, That where the spirits are to be reduced in proof as authorized by this chapter, the spirits shall be so reduced before final determination of the proof. The scales shall then be brought to a balanced condition and the weight of the spirits determined by reading the beam to the nearest graduation mark. From the weight and the proof thus ascertained, the quantity of the spirits in proof gallons shall be determined by reference to table No. 4. When it is desired to withdraw a portion of the contents of a weighing tank, the difference between the quantity (ascertained by proofing and weighing) in the tank immediately before the removal of the spirits and the quantity (ascertained by proofing and weighing) in the tank immediately after the removal of the spirits shall be the quantity considered to be withdrawn.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

§ 186.42 Denatured spirits.

The quantity, in gallons, of any lot or package of specially denatured spirits may be determined by weighing it and then dividing its weight by the weight per gallon of the formula concerned, as given in the appropriate tables in subpart H of Part 212 of this chapter. In the case of completely denatured spirits, the gallonage of any lot or package may be ascertained by determining its weight and apparent proof (hydrometer indication, corrected to 60 degrees Fahrenheit) and then multiplying the weight by the wine gallons per pound factor shown in table No. 4 for the (apparent) proof.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.43 Packaged spirits.

When the quantity of spirits (including denatured spirits when gauged by weight) in packages, such as barrels, drums, and similar portable containers, is to be determined by gauge of the individual packages, such quantity shall be determined by weighing each package on an accurate weighing beam or platform scale having a beam or dial showing weight in pounds and half pounds, where packages having a capacity in excess of 10 wine gallons are to be gauged, or in pounds and ounces, or pounds and hundredths of a pound, where packages designed to hold 10 wine gallons or less are to be gauged.

In either case the tare must be determined and subtracted from the gross weight to obtain the net weight. From the proof and weight ascertained, the quantity of the spirits in proof gallons shall be determined by reference to table 2, 3, or 4.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.44 Entry or filling gauge for packages.

(a) *General.* The spirits in the tank from which the packages are to be filled shall be thoroughly agitated before taking the proof. The proof determined after such agitation shall be regarded as the proof of the spirits run into all packages filled from the tank. No package which contains or has on its interior or exterior any substance which will prevent the correct ascertainment of tare shall be used. The tare or weight of empty packages shall be determined immediately prior to filling, except that the tare of a number of packages may be ascertained before any are filled but not exceeding the number which are to be filled on the same or the following day. An average tare (rounded to the nearest half pound, as described in section 186.45 for wooden packages) may be ascertained and used for metal packages of the same kind and capacity produced by the same manufacturer which are to be filled with spirits for industrial use, or with denatured spirits, by weighing not less than 20 percent of any lot of such packages. Not less than two packages shall be weighed to determine the average tare of any lot of five metal packages to be filled. The tares shall be recorded on the gauge report at the time they are ascertained. Whenever there is a change in the specifications as to capacity and weight of cooperage, the proprietor shall give notice to the internal revenue officer. When the packages have been filled, the gross weight of each will be ascertained. The wine gallon (if desired) and proof gallon contents may be determined from the proofs and the net weights of the packages, by the use of table 2, 3, or 4, whichever is applicable.

(b) *Weighing packages of more than 10 wine gallons.* The weight of packages having a capacity in excess of 10 wine gallons shall be determined and recorded in pounds and half pounds.

(c) *Weighing containers of 10 wine gallons or less.* The weight for packages and other containers of a capacity of 10 wine gallons or less shall be determined in pounds and ounces, or pounds and hundredths of a pound, and shall be recorded in pounds and hundredths of a pound. The equivalent pounds and hundredths of a pound and the corresponding wine gallons and proof gallons shall be expressed as shown in the following table for the respective weights in pounds and ounces and proofs shown therein or, as applicable, computed in accordance with rules in this section.

100 Proof Spirits

Size of container, wine gallons	Weight of contents: Pounds	Ounces	Weight in pounds and hundredths of a pound	Contents in wine gallons	Proof gallons
1	6	13	6.81	1	1.9
2	13	10	13.63	2	3.8
5	34	00	34.00	5	9.5
10	68	00	68.00	10	19.0

192 Proof Spirits

1	6	13	6.81	1	1.9
2	13	9	13.56	2	3.8
5	33	13	33.81	5	9.6
10	67	10	67.63	10	19.2

200 Proof Spirits

1	6	10	6.63	1	2.0
2	13	4	13.25	2	4.0
5	33	1	33.06	5	10.0
10	66	2	66.12	10	20.0

(d) *Packages of other proofs or sizes.* Where packages of proofs or sizes not shown above are to be filled, the following rule may be used for ascertaining the weight of the spirits to be placed in the package: Divide the number of gallons representing the quantity of spirits to be placed in the container by the fractional part of a gallon equivalent to one pound, to obtain the weight of the spirits in pounds and fractions of a pound to two decimal places. Reduce the decimal fraction of a pound to ounces by multiplying by 16, calling any fraction of an ounce a whole ounce. The pounds and ounces thus obtained will determine the point to which the spirits must be weighed to produce the results desired. If it is required to mark the weight on the package in pounds and decimal fractions of a pound, it will be necessary to convert the ounces to hundredths of a pound. The fraction of a gallon equivalent to one pound at any given proof shall be ascertained by reference to table No. 4.

Example. It is desired to fill a one-gallon can with precisely one wine gallon of 194 proof spirits:

1.00 divided by 0.14866=6.73 pounds.

0.73 multiplied by 16=11.68 ounces, rounded to 12 ounces.

Weight of spirits—6 pounds, 12 ounces.

Weight, if required, to be marked on can—6.75 pounds.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.45 Withdrawal gauge for packages.

When wooden packages are to be individually gauged for withdrawal, actual or (on approval by the internal revenue officer) average tare of the packages shall be determined. The actual tare of a package shall be determined by weighing it after its contents (including rinse water, if any) have been temporarily removed to a separate container or vessel. The average tare method may be used only for lots of spirits of the same kind and cooperage which were warehoused within a period of ten days of each other at proofs differing by not more than 10 percent. Packages which have been changed in cooperage may not be included as a part of a lot containing packages not so changed. Packages which have been consolidated for further storage in bond may not be included as a part of a lot containing packages not so consolidated. The average increase in tare for a lot of spirits shall be established by finding the actual tare for not less than 20 percent of the packages to be gauged for withdrawal, and determining the actual increase in tare for such packages. Where application of the percentage to the number of packages to be withdrawn results in a fraction, the fraction will be counted as an additional package. The actual tares found shall be entered in the proper column of the gauge report for the packages for which they were determined, and an asterisk (*) shall be placed to the left of the serial numbers of such packages. The actual increase in tare of each such package shall be entered in the proper column of the gauge report and the average of these increases shall be determined by adding them together and dividing their sum by the number of packages weighed. If the average increase so found contains a fraction of a pound less than twenty-five hundredths (0.25), it shall be dropped; if twenty-five hundredths (0.25) or any intermediate fraction to and including seventy-five hundredths (0.75), it shall be called one-half pound; if above seventy-five hundredths (0.75), it shall be called one pound. The average increase in tare thus ascertained shall be regarded as the increase of each of the remaining packages enumerated in the application for withdrawal and shall be added to the entry tare of each such package to determine the withdrawal tare. When this method is used, the words "average tare taken" shall be entered conspicuously on the gauge report. The packages to be used for the determination shall be selected by the internal revenue officer, and not less than two packages shall be selected to determine the average increase in tare of any lot of five packages or less. If the increase in tare varies more than six pounds as between any two reused barrels in a lot, the average tare method may not be used for that lot and actual tare shall be taken on all of the packages. However, when any package selected for determining the average tare shows a decrease in tare or, except in the case of reused packages, no change in tare, the average tare method may not be used for that lot and actual tare shall be taken on all of the packages. Where the average tare method is used, the packages may not be rinsed. Where the contents of packages have been temporarily removed for determination of tare, the proof, if any rinse water is added to

the spirits, shall be determined after a thorough mixing of the rinse water and the spirits and before return of the spirits to the rinsed packages, and the gross weight shall be determined after the spirits and any added rinse water have been returned to the packages. When metal packages are to be individually gauged for withdrawal, the tare established at the time of filling shall be used unless it appears that there has been a change in tare or the established tare is incorrect, in which case a new tare will be established. From the proofs and the net weights of the packages, the wine gallon (if desired) and the proof gallon contents shall be determined by the use of table 2. If either the weight or the proof is beyond the limitations of table 2, either table 3 or table 4 may be used.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

DETERMINATION OF QUANTITY BY VOLUME

§ 186.51 Procedure for measurement.

Where the quantity of spirits (including denatured spirits) is to be determined by volume as authorized by this chapter, the measurement shall be made in tanks, or by meters or other devices or methods authorized by the Director, or as otherwise provided in this chapter, or such measurement may be made in tank cars or tank trucks if calibration charts for such conveyances are provided and such charts have been accurately prepared, and certified as accurate, by engineers or other persons qualified to calibrate such conveyances. Volumetric measurements in tanks shall be made only in accurately calibrated tanks equipped with gauge glasses, float gauges, steel tapes, or other suitable measuring devices, whereby the actual contents can be correctly ascertained. If the temperature of spirits (including denatured spirits) is other than the standard of 60° Fahrenheit, gallonage determined by volumetric measurements shall be corrected to the standard temperature by means of table No. 7. In the case of denatured spirits, the temperature-correction factor for the proof of the spirits used in denaturation will give sufficiently accurate results, except that the temperature-correction factor used for specially denatured spirits, Formula No. 18, should be that given in table No. 7 for 100 proof spirits. When the quantity of spirits, in wine gallons, has been determined by volumetric measurement, the number of proof gallons shall be obtained by multiplying the wine gallons by the proof of the spirits.

Example.

Gauge glass reading---------inches---	88.
Wine gallons per inch----------	48.96
Temperature---------° F---	72
Proof of spirits----------	86.6
Temperature correction factor (table 7)----------	.995

48.96 W.G.×88=4308.48 wine gallons.
4308.48 W.G.×0.995=4286.94 wine gallons.
4286.94 W.G.×0.868=3721.06392=3721.1 proof gallons.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

Subpart E—Prescribed Tables

§ 186.61 Table 1, showing the true percent of proof of distilled spirits for indications of the hydrometer at temperatures between zero and 100 degrees Fahrenheit.

This table shows the true percent of proof of distilled spirits for indications of the hydrometer likely to occur in practice at temperatures between zero and 100° Fahrenheit and shall be used in determining the proof of spirits. The left-hand column contains the reading of the hydrometer and on the same horizontal line, in the body of the table, in the "Temperature" column corresponding to the reading of the thermometer is the corrected reading or "true percent of proof." The table is computed for tenths of a percent.

Example.

Temperature, ° F----------	75
Hydrometer reading----------	193
True percent of proof----------	189.5

If the proof is to be determined to the nearest whole degree, a decimal of less than five will be dropped; if the decimal is five or over, a unit will be added.

Examples.

Temperature, ° F----------	69
Hydrometer reading----------	114
True percent of proof----------	110.4
Rounded to----------	110
Temperature, ° F----------	69
Hydrometer reading----------	117
True percent of proof----------	113.5
Rounded to----------	114

Where fractional readings are ascertained, the proper interpolations will be made (see § 186.23). If the distilled spirits contain dissolved solids, temperature-correction of the hydrometer reading by the use of this table would result in apparent proof rather than true proof.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

§ 186.62 Table 2, showing wine gallons and proof gallons by weight.

The wine and proof gallon content by weight and proof of packages of distilled spirits usually found in actual practice will be ascertained from this table. The left-hand column contains the weights. The true percent of proof is shown on the heading of each page in a range from 90 degrees to 200 degrees. Under the true percent of proof and on the same horizontal line with the weight will be found the wine gallons (at 60 degrees Fahrenheit) and the proof gallons respectively. Where either the weight or the proof of a quantity of spirits is beyond the limitations of this table, the number of proof gallons may be ascertained by reference to table 3. This table may also be used to ascertain the wine gallons at 60 degrees Fahrenheit) and proof gallons of spirituous liquor containing dissolved solids where the weight, apparent proof (hydrometer indication corrected to 60 degrees Fahrenheit), and obscuration factor have been determined.

Example.
834 lbs. of distilled spirits
Apparent proof—105.0°.
Obscuration—0.8°.
True Proof 105.0°+0.8°=105.8°=106°.
834 lbs. at 105.0° apparent proof=43.2 wine gallons.
43.2 wine gallons×1.06=45.8 proof gallons.

In addition this table may be used to obtain the wine gallons, at the prevailing temperature, of most liquids within the range of the table, from the weight of the liquid and the uncorrected reading of the hydrometer stem. An application of this would be in determining the capacity of a package.

Example. It is desired to determine, or to check, the rated capacity of a package having a net weight of 395 pounds when completely filled with spirits having an uncorrected hydrometer reading of 113.0°. The full capacity of the package, 51.5 wine gallons, would be found by referring to the table at 395 pounds and 113° proof (hydrometer reading).

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.63 Table 3, for determining the number of proof gallons from the weight and proof of spirituous liquor.

Where the weight or proof of a quantity of distilled spirits is not found in Table 2, the proof gallons may be ascertained from Table 3. The wine gallons (at 60 degrees Fahrenheit) may be ascertained by dividing the proof gallons by the proof.

Example. A tank car of spirits of 190 degrees of proof weighed 60,378 pounds net. We find—

	Proof gallons
60,000 pounds equal to----------	16,778.4
300 pounds equal to----------	83.9
70 pounds equal to----------	19.6
8 pounds equal to----------	2.2
	16,884.1

That is, the total weight of 60,378 pounds of spirits at 190 proof is equal to 16,884.1 proof gallons. The equivalent gallonage for 70 pounds is found from the column 700 pounds by moving the decimal point one place to the left; that for 8 pounds from the column 800 pounds by moving the decimal point two places to the left.

Example. A package of spirits at 86 proof weighed 321½ pounds net. We find—

	Proof gallons
300 pounds equal to----------	32.7
20 pounds equal to----------	2.2
1 pound equal to----------	.1
½ pound equal to----------	.1
	35.1

That is, 321½ pounds of spirits at 86 proof is equal to 35.1 proof gallons. The equivalent gallonage for 20 pounds is found from the column 200 pounds by moving the decimal point one place to the left; that for 1 pound from the column 100 pounds by moving the decimal point two places to the left; that for the ½ pound from the column 500 pounds by moving the decimal point three places to the left. Fractional gallons beyond the first decimal ascertained through use of this table will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more. The wine gallons (at 60 degrees Fahrenheit) may be determined by dividing the proof gallons by the proof. For example: 35.1 divided by 0.86 equals 40.8 wine gallons.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.64 Table 4, showing the fractional part of a gallon per pound at each percent and each tenth percent of proof of spirituous liquor.

This table provides a method for use in ascertaining the wine gallon (at 60 degrees Fahrenheit) and/or proof gallon contents of containers of spirits by multiplying the net weight of the spirits by the fractional part of a gallon per pound shown in the table for spirits of the same proof. Fractional gallons beyond the first decimal will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more.

Example. It is desired to ascertain the wine gallons and proof gallons of a tank of 190 proof spirits weighing 81,000 pounds.

81,000×0.14718=11,921.58=11,921.6 wine gallons.
81,000×0.27964=22,650.84=22,650.8 proof gallons.

This table may also be used for ascertaining the quantity of water required to reduce to a given proof. To do this, divide the proof gallons of spirits to be reduced by the fractional part of a proof gallon per pound of spirits at the proof to which the spirits are to be reduced, and subtract from the quotient the net weight of the spirits before reduction. The remainder will be the pounds of water needed to reduce the spirits to the desired proof.

Example. It is desired to ascertain the quantity of water needed to reduce 1,000 pounds of 200 proof spirits, 302.58 proof gallons, to 190 proof:

302.58 divided by 0.27964 equals 1,082.03 pounds, weight of spirits after reduction.
1,082.03 minus 1,000 equals 82.03 pounds, weight of water required to reduce to desired proof.

The slight variation between this table and tables 2, 3, and 5 on some calculations is due to the dropping or adding of fractions beyond the first decimal in those tables. This table may also be used to determine the wine gallons (at 60 degrees Fahrenheit) of distilled spirits containing dissolved solids from the total weight of the liquid and its apparent proof (hydrometer indication, corrected to 60 degrees Fahrenheit). The proof gallons may then be found by multiplying the wine gallons by the true proof.

Example.
5,350 pounds of blended whisky containing added solids

Temperature ° F----------	75.0°
Hydrometer reading----------	92.0°
Apparent proof----------	85.5°
Obscuration----------	0.5°
True proof----------	86.0°

5,350.0 lbs.×0.12676 (W.G. per pound factor for apparent proof of 85.5°)=678.2 wine gallons.
678.2 W.G.×0.86=583.3 proof gallons.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 186.65 Table 5, showing the weight per wine gallon (at 60 degrees Fahrenheit) and proof gallon at each percent of proof of spirituous liquor.

This table may be used to ascertain the weight of any given number of wine gallons (at 60 degrees Fahrenheit) or proof gallons of spirits by multiplying the pounds per gallon by the given number of gallons of the spirits. The table should be especially useful where it is desired to weigh a precise quantity of spirits.

Example. It is desired to ascertain the weight of 100 wine gallons of 190 proof spirits:

6.79434×100 equals 679.43 pounds, net weight of 100 wine gallons of 190 proof spirits.

Example. It is desired to ascertain the weight of 100 proof gallons of 190 proof spirits:

3.57597×100 equals 357.60 pounds, net weight of 100 proof gallons of 190 proof spirits.

The slight variation between this table and Tables 2 and 3 on some calculations is due to dropping or adding of fractions beyond the first decimal on those tables. This table also shows the weight per wine gallon (at the prevailing temperature) corresponding to each uncorrected reading of a proof hydrometer.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.66 Table 6, showing respective volumes of alcohol and water and the specific gravity in both air and vacuum of spirituous liquor.

This table provides an alternate method for use in ascertaining the quantity of water needed to reduce the strength of distilled spirits by a definite amount. To do this, divide the alcohol in the given strength by the alcohol in the required strength, multiply the quotient by the water in the required strength, and subtract the water in the given strength from the product. The remainder is the number of gallons of water to be added to 100 gallons of spirits of the given strength to produce a spirit of a required strength.

Example. It is desired to reduce spirits of 191 proof to 188 proof. We find that 191 proof spirits contains 95.5 parts alcohol and 5.59 parts water, and 188 proof spirits contains 94.0 parts alcohol and 7.36 parts water.

95.5 (the strength of 100 wine gallons of spirits at 191 proof) divided by 94.0 (the strength of 100 wine gallons of spirits at 188 proof) equals 1.01.
7.36 (the water in 188 proof) multiplied by 1.01 equals 7.43.
7.43 less 5.59 (the water in 191 proof spirits) equal 1.84 gallons of water to be added to each 100 wine gallons of 191 proof spirits to be reduced.

This rule is applicable for reducing to any proof; but when it is desired to reduce to 100 proof, it is sufficient to point off two decimals in the given proof, multiply by 53.73, and deduct the water in the given strength. Thus, to reduce 112 proof spirits to 100 proof:

1.12×53.73—47.75 equals 12.42 gallons of water to be added to each 100 wine gallons of spirits to be reduced.

This table may also be used to obtain the proof gallonage of spirituous liquor according to weight and percent of proof.

Example.
It is desired to determine the number of gallons in 400 pounds of spirits of 141 percent of proof. Multiply the weight of one gallon of water in air by the specific gravity in air of the spirits—8.32523 by 0.82862—the product (7.40063) divided into 400 gives 54.049 wine gallons, which rounded to the nearest hundredth is 54.05 and multiplied by 1.41 gives 76.2 proof gallons. In rounding off where the decimal is less than five, it will be dropped; if it is five or over a unit will be added.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 186.67 Table 7, for correction of volume of spirituous liquors to 60 degrees Fahrenheit.

This table is prescribed for use in correcting spirits to volume at 60 degrees Fahrenheit. To do this, multiply the wine gallons of spirits which it is desired to correct to volume at 60 degrees Fahrenheit by the factor shown in the table at the percent of proof and temperature of the spirits. The product will be the corrected gallonage at 60 degrees Fahrenheit. This table is also prescribed for use in ascertaining the true capacity of containers where the wine gallon contents at 60 degrees Fahrenheit have been determined by weight in accordance with Tables 2, 3, 4, or 5. This is accomplished by dividing the wine gallons at 60 degrees Fahrenheit by the factor shown in the table at the percent of proof and temperature of the spirits. The quotient will be the true capacity of the container.

Example. It is desired to ascertain the volume at 60 degrees Fahrenheit of 1,000 wine gallons of 190 proof spirits at 76 degrees Fahrenheit:

1,000×0.991 equals 991 wine gallons, the corrected gallonage at 60 degrees Fahrenheit.

Example. It is desired to ascertain the capacity of a container of 190 proof spirits at 76 degrees Fahrenheit, shown by Table 2 to contain 55.1 wine gallons at 60 degrees Fahrenheit:

55.1 divided by 0.991 equals 55.6 wine gallons, the true capacity of the container when filled with spirits of 60 degrees temperature.

It will be noted that the table is prepared in multiples of 5 percent of proof and 2 degrees temperature. Where the spirits to be corrected are of an odd temperature, one-half of the difference, if any, between the factors for the next higher and lower temperature, should be added to the factor for the next higher temperature.

Example. It is desired to correct spirits of 180 proof at 51 degrees temperature:

1.008 (50°)—1.005 (52°)=0.001÷2=0.0005
0.0005+1.005=1.0055 correction factor at 51° F.

Example. It is desired to correct spirits of 180 proof at 53 degrees temperature:

1.005 (52°)—1.003 (54°)=0.002÷2=0.001
0.001+1.003=1.004 correction factor at 53° F.

Where the percent of proof is other than a multiple of five, the difference, if any, between the factors for the next higher and lower proofs should be divided by five and multiplied by the degrees of proof beyond the next lower proof, and the fractional product so obtained should be added to the factor for the next lower proof (if the temperature is above 60 degrees Fahrenheit, the fractional product so obtained must be subtracted from the factor for the next lower proof), or if it is also necessary to correct the factor because of odd temperature, to the temperature corrected factor for the next lower proof.

Example. It is desired to ascertain the correction factor for spirits of 112 proof at 47 degrees temperature:

1.008 (46°) − 1.005 (48°) = 0.001 ÷ 2 = 0.0005
0.0005 + 1.005 = 1.0055 corrected factor at 47° F.,
1.007 (115 proof) − 1.006 (110 proof) = 0.001
0.001 ÷ 5 = 0.0002 (for each percent of proof)
×2 (for 112 proof) = 0.0004
0.0004 + 1.0055 (corrected factor at 47° F.) = 1.0059 correction factor to be used for 112 proof at 47° F.

Example. It is desired to ascertain the correction factor for spirits of 97 proof at 98 degrees temperature:

0.986 (92°) − 0.985 (94°) = 0.001 ÷ 2 = 0.0005
0.0005 + 0.985 = 0.9855 corrected factor at 93° F.,
0.986 (95 proof) − 0.985 (100 proof) = 0.001
0.001 ÷ 5 = 0.0002 (for each percent of proof)
×2 (for 97 proof) = 0.0004
0.9855 (corrected factor at 93° F.) − 0.0004 = 0.9851 correction factor to be used for 97 proof at 98° F.

(72 Stat. 1358; 26 U.S.C. 5204)

[F.R. Doc. 60-5023; Filed, June 2, 1960; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 60-626]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Geographic Assignment of Call Signs

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission, having under consideration § 2.303 of its rules and regulations, Table of Geographic Assignment of Call Signs, and

It appearing that the geographical assignment plan was devised primarily to aid the Field Engineering and Monitoring Bureau in certain of its enforcement functions, that it has been of little or no value in this regard in recent years, and that elimination of the plan will increase operating efficiency under present methods of call letter assignment;

It further appearing that the amendment adopted herein pertains to a matter of procedure, and hence that compliance with the notice, procedural, and effective date requirements of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 303(o), 303(p), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective May 25, 1960, § 2.303 of the rules and regulations is deleted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U.S.C. 303)

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5048; Filed, June 2, 1960; 8:53 a.m.]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Posting of Station Authorizations; Transmitter Identification

1. The Commission has under consideration editorial amendment of Part 21 of its Domestic Public Radio Services (Other than Maritime Mobile) Rules (§§ 21.201(b) and 21.202).

2. This amendment makes editorial clarification of the requirements of §§ 21.201(b) and 21.202 and conforms such sections to rules applicable to the use of transmitter identification card (FCC Form 452-C) in other radio services.

3. The amendment is non-substantive and editorial in nature. Therefore, prior publication of notice of proposed rule making pursuant to the provisions of section 4 of the Administrative Procedure Act is unnecesary.

4. The amendment adopted herein is issued pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority.

5. In view of the foregoing: *It is ordered*, This 27th day of May 1960 that effective June 3, 1960, Part 21 of the Commission's rules, Domestic Public Radio Services (Other than Maritime Mobile) is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 21.201(b) is amended to read as follows:

§ 21.201 Posting of station authorizations.

* * * * *

(b) If the station is authorized for mobile operation or for operation at temporary fixed locations, the documents specified in paragraph (a) of this section shall be retained as a permanent part of the station record, but need not be posted.

2. Section 21.202 is amended to read as follows:

§ 21.202 Transmitter identification.

An executed transmitter identification card (FCC Form 452-C), or a plate of metal or other durable substance legibly indicating the station call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each base, land and fixed transmitter operated at a fixed location when the transmitter is not in view of, or is not readily accessible to, the operator at the principal control point. Such identification card or plate shall be affixed, readily visible for inspection, to each transmitter operated in a mobile unit or at a temporary fixed location: *Provided*, That, when the transmitter and its control equipment are both installed in the same vehicle, such identification card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

[F.R. Doc. 60-5047; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13453; FCC 60-619]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Filing of Journal Entries Recording Acquisition of Plant

1. On March 30, 1960, the Commission adopted a notice of proposed rule making which was published in the FEDERAL REGISTER on April 6, 1960 (25 F.R. 2908) in accordance with section 4(a) of the Administrative Procedure Act. It was proposed to amend paragraph (e) of § 31.2-21 of Part 31 of the Commission's rules with respect to the reporting requirement for submission of journal entries recording the acquisition of telephone plant. This amendment would be accomplished by changing the dollar amounts specified from $50,000 to $100,000 for Class A telephone companies and from $25,000 to $50,000 for Class B telephone companies. Thus, journal entries for plant acquired from predecessors would not be required from Class A telephone companies where the consideration paid is less than $100,000 and from Class B telephone companies where the consideration paid is less than $50,000.

2. The time for filing comments regarding the above-mentioned proposed rule making expired on May 2, 1960, and the time for filing comments in reply to the original comments expired on May 23, 1960. Comments were received from the American Telephone and Telegraph Company (AT&T), on behalf of itself and its associated telephone companies, and from the United States Independent Telephone Association (USITA). AT&T stated that the increases in the dollar criteria were very desirable changes and it pointed out that the entries for the exempted purchases would be analyzed in Schedule 13A, "Analysis of telephone plant acquired (Account 276)," of Annual Report Form M, filed with the Commission. USITA, through its Accounting Committee, expressed complete agreement with the proposed changes.

It appearing that the proposed rule making in this matter has indicated the desirability of amendment of Part 31 of the Commission's rules and regulations as proposed;

It is ordered, That under authority contained in sections 4(i) and 220(a) of the Communications Act of 1934, as amended, paragraph (e) of § 31.2-21 of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules is amended to read as follows:

§ 31.2-21 Telephone plant acquired.

* * * * *

(e) Except for telephone plant acquired by class A companies where the consideration paid is less than $100,000 and by class B companies where the consideration paid is less than $50,000, copies of journal entries recording acquisitions of telephone plant covered by this instruction shall be submitted to this Commission for consideration and approval. The text of such entries shall give a complete description of the property acquired and the basis upon which the amounts of the entries have been determined.

It is further ordered, That the amendment ordered herein be effective July 1, 1960.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 220, 48 Stat. 1078, 47 U.S.C. 220)

Adopted: May 25, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5049; Filed, June 2, 1960; 8:53 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 73]

PART 142—EXTENSION OF CREDIT TO SHIPPERS

Payment of Charges

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of May, A.D. 1960.

It appearing that by order dated August 6, 1958, the Commission reopened this proceeding for further hearing for the purpose of determining whether the time should be extended within which freight charges on carload traffic may be paid;

It further appearing that a further hearing has been held, and that a full investigation of the matters and things involved has been made, and the Commission, on the date hereof, having made and filed a report on further hearing, which report, together with the prior reports herein, are hereby referred to and made a part hereof:

It is ordered, That the order entered herein on January 20, 1931, as modified, and the regulations issued thereunder, 49 CFR Part 142, be, and they are hereby further modified by adding after § 142.1a the following:

§ 142.1b Carload traffic.

Effective on July 7, 1960, the rail carriers subject to the jurisdiction of the Interstate Commerce Commission are hereby authorized to extend credit for 96 hours and 120 hours in respect of charges on carload traffic, in lieu of 48 hours and 96 hours, respectively, under the present rules in this part, computation of time to be made in the same manner as provided in connection with the 48-hour and 96-hour periods. (See § 142.2)

It is further ordered, That in all other respects said order of January 20, 1931, as modified, and said regulations shall remain in full force and effect.

And it is further ordered, That notice to the general public shall be given by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 3(2), 24 Stat. 380, as amended, 49 U.S.C. 3)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-5017; Filed, June 2, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 978]

[Docket No. AO-184-A17]

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Noel Hotel, 4th and Church Streets, Nashville, Tennessee, beginning at 10:00 a.m., e.s.t., on June 21, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Nashville, Tennessee, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposal to change the type of pooling from individual handler pools to a marketwide pool raises the issue of the appropriate disposition of the reserve funds maintained pursuant to § 978.71 (e).

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Nashville Milk Producers, Inc.

Proposal No. 1.

DEFINITIONS

§ 978.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 978.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 978.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 978.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 978.5 Nashville, Tennessee, marketing area.

"Nashville, Tennessee, marketing area", hereinafter called the "Marketing Area", means all the territory within the boundaries of the Counties of Bedford, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Hardin, Hickman, Houston, Humphreys, Jackson, Lewis, Macon, Montgomery, Overton, Perry, Pickett, Robertson, Rutherford, Smith, Stewart, Summer, Trousdale, Wayne, Williamson, and Wilson; all in the State of Tennessee; and Allen, Barren, Simpson and Warren; all in the State of Kentucky; and the entire area of the Fort Campbell Military Reservation, located jointly in the States of Tennessee and Kentucky.

§ 978.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended known as the "Capper-Volstead Act", and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 978.7 Producer-handler.

Producer-handler means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority, and who processes milk from his own production, all or a portion of which is distributed within the marketing area as Class I milk, but who receives no milk from producers, or non-pool plants.

§ 978.8 Approved plant.

"Approved plant" means the premises, buildings and facilities of any milk processing or packaging plant from which Grade A milk or skim milk is shipped during the month to a pool plant, or from which Class I milk is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) in the marketing area.

§ 978.9 Pool Plant.

"Pool plant" means any:

(a) Milk distributing plant approved or recognized by any health authority having jurisdiction in the marketing area for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on a route(s) and from which Class I milk equal to not less than 20 percent of its total Class I disposition is disposed of during the month on a route(s) in the marketing area.

(b) Milk supply plant which, during the month, ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July. *And provided further*, That any such plant may withdraw from pool plant status for any month in the March–July period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

(c) A plant operated by a cooperative association if, during the month, the sum of the milk delivered to other pool plants by producers who are members of such cooperative association plus the milk which was transferred thereto from the plant operated by the cooperative association is equal to not less than 50 percent of the total volume of milk delivered to all plants by producers who are members of the association.

§ 978.10 Nonpool plant.

"Nonpool plant" means any milk plant other than a pool plant.

§ 978.11 Handler.

"Handler" means: (a) any person in his capacity as the operator of one or more approved plants; or (b) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 978.12; or (c) a cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to be the handler for such milk.

§ 978.12 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, or produces milk acceptable for fluid consumption at Federal Government, State or municipal establishments within the marketing area, which milk is received at a pool plant: *Provided*, That if such milk is diverted for the account of a cooperative association from a pool plant to any other milk plant any day during the month, the milk so diverted shall be deemed to have been received by the diverting cooperative association at the location of the plant from which it was diverted.

§ 978.13 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers' farms, or (b) diverted from a pool plant to any other milk plant (except a plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 978.12.

§ 978.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated cream).

§ 978.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from other pool plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those from a plant's own production), which are reprocessed or converted to another product in the pool plant during the month.

§ 978.16 Base milk.

"Base milk" means milk received at pool plants from a producer during any of the months specified in § 978.72 for the computation of base and excess prices, which is not in excess of such producer's daily average base computed pursuant to § 978.60, multiplied by the number of days in such month.

§ 978.17 Excess milk.

"Excess milk" means milk received at pool plants from a producer during any of the months specified in § 978.72 for computation of base and excess prices, which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 978.60.

MARKET ADMINISTRATOR

§ 978.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 978.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 978.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary, a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 978.85 (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 978.86) necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 978.30 and 978.31, or (2) payments pursuant to §§ 978.80, 978.85 and 978.87;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following: (1) The 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month, (2) the 5th day of each month, the Class I price, and the Class I butterfat differential, both for the current month, and (3) the 10th day after the end of each month, the uniform price(s), computed pursuant to § 978.71 or § 978.72, and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 978.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month each handler, except a producer-handler shall report for each of his approved plants for such month, to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 978.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 6th day after the end of each month for each producer from whom milk was received (i) his name and address, (ii) the total pounds and butterfat content of milk received from such producer during the month, (iii) his total pounds of base milk and his total pounds of excess milk for the month, and (iv) the amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered;

(2) On or before the 21st day of each month, the name and address of each producer from whom milk was received during the first 15 days of such month, and the pounds of milk so received during said period from such producer; and

(3) On or before the first day in any month during which other source milk is received in the form of fluid milk products, his intention to receive such milk, and on or before the last day such milk is received, his intention to discontinue such receipts.

§ 978.32 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat, and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to

(a) verify the receipts and utilization of all skim milk and butterfat, and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test for butterfat content all milk and milk products handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operation equipment, and facilities as the market administrator deems necessary.

§ 978.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.

§ 978.34 Reports to cooperative associations.

On or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association, as described in § 978.86 (b), upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report, any milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler are used in such class.

CLASSIFICATION OF MILK

§ 978.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported for pool plants pursuant to § 978.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 978.41 to 978.45.

§ 978.41 Classes of utilization.

Subject to the conditions set forth in §§ 978.42 to 978.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b)(3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any products other than fluid milk products; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of and used for livestock feed, and skim milk dumped after prior notification to, and opportunity for verification by, the market administrator; and (4) in shrinkage not to exceed 2 percent respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 978.12) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than 2 percent of such amounts, it shall be assigned prorata, respectively, to the skim milk and butterfat contained in such producer milk and other source milk.

§ 978.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 978.43 Transfers.

(a) Skim milk and butterfat transferred to the pool plant of another handler (except a producer-handler) in the form of fluid milk products shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 978.30: *Provided*, That skim milk or butterfat so assigned to Class II milk for any month shall be limited to the amount thereof remaining in Class II milk in the pool plant(s) of the transferee for such month after the computations pursuant to § 978.45(a)(1), (2), (3), (4), and (5), and the corresponding steps of § 978.45(b), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant located less than 100 miles from the State Capital at Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified as Class I milk unless (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, for the month within which such transaction occurred; (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) the skim milk and butterfat in the fluid milk products (except in ungraded fluid milk products) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved by a duly constituted health authority for the production of Grade A milk who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded fluid milk products) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products transferred or diverted from a pool plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants fully regulated by this order and other orders issued pursuant to the Act is more than the skim milk and butterfat in fluid milk products disposition at the nonpool plant assignable pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a pool plant pursuant to this computation shall be not less than that obtained by prorating the assignable fluid milk product disposition at the nonpool plant over the receipts at such plant from all plants fully regulated by this and other orders issued pursuant to the Act.

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant located 100 miles or more from the State Capital in Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified as Class I milk unless (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, (2) such cream is disposed of and used as other than Grade A under a Grade A certification or label, (3) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only", (4) the handler gives the market administrator sufficient notice to allow him to verify or inspect such shipment, and (5) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification.

§ 978.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 978.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in the pool plant(s) of such handler.

§ 978.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 978.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 978.41(b)(4);

(2) Subtract from the pounds of skim milk remaining in Class II milk the skim milk received as other source milk not in the form of fluid milk products: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the skim milk in other source milk received in the form of fluid milk products and not subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(6) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk transferred from the fluid milk plants of other handlers in the form of fluid milk products according to the classification thereof as determined pursuant to § 978.43(a);

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "Overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 978.50 Basic formula price.

The basic formula price shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraphs (a), (b), (c), or (d) of this section, rounded to the nearest whole cent.

(a) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month:

Location and Present Operator

Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Bellsville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 978.82(a) by 5.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiplying by 4 the average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Location and Present Operator

Cudahy Packing Company, Lafayette, Tenn.
Carnation Company, Murfreesboro, Tenn.
Kraft Foods Company, Gallatin, Tenn.
Kraft Foods Company, Pulaski, Tenn.
Borden Company, Fayetteville, Tenn.
Borden Company, Lewisburg, Tenn.
Lakeshire-Marty Cheese Company, Carthage, Tenn.
Sumner County Cooperative Creamery, Gallatin, Tenn.
Swift & Company, Lawrenceburg, Tenn.
Wilson & Company, Murfreesboro, Tenn.

(d) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

(2) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange; *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

§ 978.51 Class prices.

Subject to the provisions of §§ 978.52 and 978.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40 during the months of August through January; plus $1.10 during all other months and, plus or minus a supply-demand adjustment calculated for each month as follows: *Provided*, That any pool plant which, during the second preceding month, did not dispose of at least an average of 1,000 pounds of fluid milk products per day on routes (including routes operated by vendors and sales through plant stores) to retail and wholesale outlets in the marketing area shall not be included in the supply-demand computation:

(1) For each month calculate a utilization ratio as follows:

(i) Calculate a utilization percentage by dividing the total hundredweight of producer milk of all pool plants during the twelve-month period ending with the beginning of the preceding month by the net hundredweight of Class I milk disposed of from all pool plants during the same period, and multiply the result by 100,

(ii) Add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this subparagraph is greater or less than a comparable utilization percentage calculated using the twelve-month period ending with the beginning of the fourth preceding month, and

(iii) The resultant figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130, subtract from, or for each percentage by which it is less than 125, add to, the Class I price, two cents: *Provided*, That any subtraction or addition shall be limited to 50 cents.

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 978.50(c) plus 25 cents during the months of February through August, and plus 35 cents during all other months: *Provided*, That such price shall not exceed the basic formula price.

§ 978.52 Butterfat differentials to handlers.

For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 978.51 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate determined as follows:

(a) *Class I price.* Multiply by 0.12 the average of the daily wholesale prices

(using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

§ 978.53 Location differential to handlers.

For that milk which is received from producers at a pool plant located outside the marketing area and 50 miles or more from the State Capitol, Nashville, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 978.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

	Rate per hundredweight (cents)
Distance from the State Capitol, Nashville, Tenn. (miles):	
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 978.45(a) (1), (2), (3), (4) and (5), and the comparable steps in § 978.45(b) for such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 978.54 Use of equivalent price.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF BASE

§ 978.60 Computation of daily average base for each producer.

Subject to the rules set forth in § 978.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer at all pool plants during the months of September through January immediately preceding by 153: *Provided,* That the base of a producer, who delivers milk during August and whose deliveries are temporarily discontinued during the base-forming period, shall be determined by dividing by the number of days for which deliveries are made or by 138 whichever is higher.

§ 978.61 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) and (c) of this section, the market administrator shall assign a base as calculated pursuant to § 978.60 to each person for whose account producer milk was delivered to pool plants during the months specified in § 978.60 for computation of base.

(b) A base which has been established by two or more persons operating a dairy farm as a partnership may be divided between the partners on any basis agreed to in writing by the partners provided written notification of the agreed division of base signed by each partner is received by the market administrator prior to the first day of the month on which such division is to be effective.

(c) An entire base shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator such application to be on forms approved by the market administrator, and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That an entire base or any portion thereof shall be transferred from a producer to any other person upon adequate proof that such producer has discontinued marketing milk to a handler(s): *And provided further,* That if a base is held jointly, it shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs.

§ 978.62 Announcement of established bases.

On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily average base established by such producer.

DETERMINATION OF PRICES TO PRODUCERS

§ 978.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 978.45 by the applicable class price, total the resulting amounts;

(b) Add the amounts computed in subparagraphs (1), (2) and (3) of this paragraph;

(1) Multiply the rate of compensatory payment determined pursuant to § 978.92 by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45(a) (2) and (b),

(2) Multiply the rate of compensatory payment determined pursuant to § 978.92 at the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45 (a) (3) and (b),

(3) Multiply the rate of compensatory payment determined pursuant to § 978.92 at the nearest plant(s) from which an equivalent amount of other source milk was received by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45 (a) (5) and (b), which is in excess of the sum of: (i) the quantity for which a payment must be computed pursuant to paragraph (d) of this section, and (ii) the quantity subtracted from Class II milk pursuant to § 978.45 (a) (4) and (b) in the preceding month;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 978.45 (a) (8) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 978.45 (a) (6) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 978.45 (a) (5) and (b) for the current month, whichever is less, respectively.

§ 978.71 Computation of the uniform price.

For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, F.O.B. market, as follows:

(a) Combine into one total the values computed pursuant to § 978.70 for the producer milk of all handlers who submit reports prescribed in § 978.30 and who are not in default of payments pursuant to § 978.80;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 978.82(a), and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 978.82(b);

(d) Add an amount equal to the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 978.91;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 978.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk. Each of 4.0 percent butterfat content, F.O.B. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 978.30, and who are not in default of payments pursuant to § 978.80 as follows: (1) multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts.

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 978.71 (a) through (e);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f.o.b. market.

§ 978.73 Notification of handlers.

On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing;

(a) The amount of his producer milk allocated to each class;

(b) The calculation of such handler's net obligation pursuant to § 978.70; and

(c) The amounts to be paid by such handler pursuant to §§ 978.80, 978.85 and 978.87.

PAYMENTS

§ 978.80 Payments to market administrator.

(a) On or before the 25th day of each month each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month.

(b) On or before the 12th day after the end of each month, each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount of money equal to such handler's net obligation for such month as determined pursuant to § 978.70 less payments made pursuant to paragraph (a) of this section for such month and less proper deductions authorized in writing by producers from whom such handler received milk.

§ 978.81 Payments to producers.

(a) On or before the last day of each month, the market administrator shall make payment to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 978.80(a) at not less than the Class II price per hundredweight for the preceding month.

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 978.80 (b), such payments by the market administrator to be at not less than the uniform price computed pursuant to § 978.71 for handlers for the months for which such uniform prices are computed and such payments to be for base and excess milk at not less than the uniform base and excess prices, respectively, computed pursuant to § 978.72 for the months for which such base and excess prices are computed subject to the following adjustments: (1) Butterfat and location differentials pursuant to § 978.82, (2) less payments made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 978.86, (4) less proper deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past months: *Provided,* That if the market administrator has not received full payment from any handler for such month, pursuant to § 978.80, he shall reduce uniformly per hundredweight his payments due producers for milk received by handlers by a total amount not in excess of the amount due from such handler(s): *Provided further,* That the market administrator shall make such balance of payment to producers on or before the next date for making payments pursuant to this paragraph following that on which such balance of payment is received from such handler(s); and

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, a total amount equal to, but not less than, the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 978.82 Butterfat and location differentials to producers.

The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of one per-cent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differentials for such class as determined by § 978.52, dividing by the total butterfat in producer milk, and rounding to the nearest fifth of a cent.

(b) In making payment to producers pursuant to § 978.81(b), the applicable uniform prices to be paid for producer milk received at a pool plant located 50 miles or more from the State Capitol, Nashville, Tennessee, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the following rate:

	Rate per hundredweight (cents)
Distance from State Capitol, Nashville, Tenn. (miles):	
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof an additional	1.5

§ 978.83 Statement to producers.

In making payments required by § 978.81(b), the market administrator shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer, including, for the months in which base and excess prices apply, the pounds of base and excess milk;

(c) The minimum rate or rates at which payment to the producer or cooperative association is required under the provisions of §§ 978.81 and 978.82;

(d) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 978.86, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 978.84 Producer-Settlement fund.

The market administrator shall maintain a producer-settlement fund into which he shall deposit the appropriate payments made by handlers pursuant to §§ 978.80, 978.87 and 978.91 and out of which he shall make appropriate payments required pursuant to §§ 978.81 and 978.87.

§ 978.85 Expense of administration.

As his pro rata share of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts during the month, of (a) producer milk (including such handler's own production, and (b) other source milk allocated to Class I milk pursuant to § 978.45.

§ 978.86 Marketing services.

(a) Except as set forth in paragraph (b) of this section, the market administrator, in making payments to producers pursuant to § 978.81, shall deduct an amount not exceeding 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk received by a handler(s) from producers during the month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association. Such services shall be performed in whole or in part by the market administrator or an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary determines is performing the services specified in paragraph (a) of this section for its members, the market administrator shall, in lieu of the deductions provided in paragraph (a) of this section, make such deductions as are authorized by such producers, and on or before the 15th day after the end of each month, pay the money so deducted to such cooperative association.

§ 978.87 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records or accounts or other verification discloses errors, resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 978.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money, irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligations, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 978.90 Producer-handlers.

Sections 978.40 through 978.45, 978.50 through 978.53, 978.60 through 978.62, 978.70 through 978.73, and 978.80 through 978.87 shall not apply to a producer-handler.

§ 978.91 Handlers operating a nonpool distributing plant.

In lieu of the payments required pursuant to §§ 978.80 to 978.86 each handler, other than a producer-handler, or one exempt pursuant to § 978.93, who operates during the month a nonpool distributing plant, shall pay to the market administrator on or before the 12th day after the end of the month the amount calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 978.30, to pay the amounts computed pursuant to paragraph (b) of this section.

(a) The following amounts:

(1) For the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 978.85 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts:

(1) For the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 978.70 if such handler had operated a pool plant the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant(s) which serves as a supply plant(s); and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 978.85 had such plant been a pool plant.

§ 978.92 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of March through July, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential and the Class I location differential.

(b) For the months of August through February, subtract the uniform price to producers from the Class I price.

§ 978.93 Plants subject to other Federal orders.

The provisions of this part, except §§ 978.30, 978.32 and 978.33, shall not apply to:

(a) A distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I is disposed of from such plant during the month on routes in the Nashville marketing area than in the marketing area defined in such other order.

(b) A Supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant during each of the preceding months of August through February.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 978.100 Effective time.

The provisions of this part or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 978.101 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 978.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator, shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 978.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator, or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 978.110 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 978.111 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Consider adding a proviso to § 978.44 to read as follows:

Provided, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

Proposal No. 3.

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 101 Presbyterian Bldg., 152 Fourth Avenue, N., Nashville 3, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 31st day of May 1960.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-5064; Filed, June 2, 1960; 8:54 a.m.]

[7 CFR Part 994]

[Docket No. AO-300-A1]

MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Antlers Hotel, Cascade and Pikes Peak Avenue, Colorado Springs, Colorado, beginning at 10:00 a.m., local time, on June 21, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Colorado Springs-Pueblo marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Colorado Springs Milk Producers Association and the Pueblo Dairymen's Cooperative, Inc.:

Proposal No. 1. Revise § 994.51(a) by deleting the phrase, "during the first 18 months following the effective date of this part," and changing the word "the" to "The".

Proposal No. 2. Review the method of computing the price of Class II milk and the level of the price as provided in § 994.51(b).

Proposed by the Beatrice Foods Company, Sinton Dairy Company, The DEL Creamery Company (Division of Carnation Company), the Borden Company-Carlson Frink, and Scotland Pride Dairy:

Proposal No. 3. Review the price of Class I milk.

Proposal No. 4. Review the price of Class II milk.

Proposed by the Cache Valley Dairy Association, Smithfield, Utah:

Proposal No. 5. Define a "distribution point" as follows:

"Distribution point" means any building, premises, facilities or equipment used primarily to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution.

Proposal No. 6. Define a "plant" as follows:

"Plant" means the premises, buildings, facilities, and equipment constituting a single operating unit or establishment, whether owned or operated by one or more persons, at which are maintained stationary holding tanks for milk, facilities and other equipment used during the month for the receiving, handling, or processing of milk or milk products: *Provided*, That this definition shall not include any distribution point or any building, premises, equipment, or facilities used primarily to transfer milk from one road vehicle to another.

Proposal No. 7. Amend § 994.7(b) by deleting the present language therein and substitute the following:

(b) At which milk eligible for distribution as Grade A milk is received from dairy farmers and from which 50 percent during the months of August through January and 30 percent during all other months or more of such receipts is delivered to (and is physically received in) a plant(s) which operates in the manner described in paragraph (a) of this section, irrespective of whether or not such plant(s) receives milk from dairy farmers. *Provided*, That any such receiving plant that was a pool plant during three of the four months of the period from August through November immediately preceding shall continue to be a pool plant for each of the succeeding months of December through July unless the milk received at the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant delivers more than 50 percent of its Grade A receipts to a plant(s) regulated under another order issued pursuant to the Act, or the operator of the plant notifies the Market Administrator in writing that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the Market Administrator, except during any delivery period(s) in which the pool plant requirements under this paragraph are fulfilled.

Proposal No. 8. Amend § 994.10 by deleting the present language therein and substituting the following: "Producer" means any dairy farmer, except a producer-handler and any dairy farmer for other markets, who produces milk on a dairy farm approved by a

duly constituted health authority for the production of milk for fluid disposition, which milk is qualified for labeling and disposition as Grade A milk in the marketing area and is handled under any of the following conditions:

(1) Received at a pool plant directly from the farm;

(2) Diverted for the account of the operator of a pool plant to another pool plant; or

(3) Diverted during the month from a pool plant to a nonpool plant for the account of the operator of a pool plant or a cooperative association: *Provided*, That for each of the months of August through March milk so diverted shall be limited to deliveries of such person not exceeding 12 days' production during such month: *And provided further*, That milk diverted to another pool plant or to a nonpool plant under the conditions of this paragraph shall be deemed to have been received at the pool plant at which his milk was last received immediately prior to diversion.

Proposal No. 9. Amend § 994.44(e)(1) to make the first paragraph thereof to read as follows:

(e)(1) As Class I milk, if transferred or diverted in the form of a fluid milk product, in bulk, to a nonpool plant located in Cache or Weber Counties of the State of Utah, or not more than 200 miles from the El Paso County Courthouse by the shortest highway distance, as determined by the Market Administrator, unless the following conditions are met.

Proposal No. 10. Amend § 994.81 by designating the present language contained therein as paragraph (a) and adding the following as paragraph (b):

(b) For milk which is diverted to a nonpool plant located more than 450 miles from Colorado Springs, Pueblo, or Walsenburg, whichever is closest, and classified as Class II there shall be deducted twenty (20) cents per hundredweight and an additional one and one-half (1½) cents shall be deducted for each ten (10) miles or fraction thereof that such distance exceeds 450 miles.

Proposed by the Sealtest Foods Division, National Dairy Products Corporation:

Proposal No. 11. Consider the revision of § 994.62 as follows:

(a) Review the rate of payment in paragraph (a)(1);

(b) By providing in paragraph (a)(1) that the rate of payments specified therein, as amended, shall be applicable to the hundredweight of skim milk and butterfat, respectively, disposed of as Class I milk on routes in the marketing area, less the receipts by the noonpool plants of skim milk and butterfat which was fully subject to the classification and pricing provisions of another order issued pursuant to the Act and was classified and priced as Class I milk under said Order;

(c) By providing in paragraph (b)(2) a lesser amount of administrative charge through revision of the amount of milk to which the charge is applicable.

Proposed by the Country Charm Dairy:

Proposal No. 12. In § 994.44(e), the phrase "200 miles" should be changed to read "600 miles".

Proposed by the National Cheese Company, 644 West Randolph Street, Chicago 6, Illinois:

Proposal No. 13. Amend § 994.46 so that sour cream manufactured from milk subject to the price and pooling of Chicago, Illinois, Market Order No. 41, be allocated to Class I at pool plants under any of the orders where such sour cream is received, handled, and distributed in the same consumer or institutional size packages in which it is received.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 121 East Boulder Street, Colorado Springs, Colorado, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 31st day of May 1960.

F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-5055; Filed, June 2, 1960; 8:54 a.m.]

Commodity Stabilization Service

[7 CFR Part 717]

HOLDING OF REFERENDA ON MARKETING QUOTAS

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, 7 U.S.C., 1281 et seq., consideration is being given to amending the regulations governing the holding of referenda on marketing quotas (23 F.R. 3432. 7285).

The amendment being considered would change paragraph (a) of § 717.6 to read as follows:

(a) *Posting a notice.* The county committee shall give public notice in each community or neighborhood of a referendum by posting a notice at one or more places open to the public within such community or neighborhood prior to the date of the referendum. Such notice shall be on a form prescribed by the Deputy Administrator, and shall state the commodity or commodities and marketing year, or years, or crops for which the referendum is to be held, the location of the polling places in the community or neighborhood, the date of the referendum, and the hours when the polls will be opened and closed.

All persons who desire to submit written data, views, and recommendations in connection with this proposal should file the same with the Deputy Administrator, Production Adjustment, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C., within 10 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of May 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5060; Filed, June 2, 1960; 8:55 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of O,O-Diethyl S-2-(Ethylthio) Ethyl Phosphorodithioate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, proposing the establishment of tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in or on raw agricultural commodities, as follows:

1. 2.0 parts per million in or on sugar beet tops.

2. 0.5 part per million in or on sugar beets.

The quantitative analytical method proposed in the petition for determining residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate is that published in the FEDERAL REGISTER of April 29, 1955 (20 F.R. 2892), for Systox. In addition, a qualitative paper chromatographic identification procedure as described in the FEDERAL REGISTER of February 27, 1960 (25 F.R. 1730), for Systox is presented for identification of the compound.

Dated: May 25, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-5012; Filed, June 2, 1960; 8:49 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of Malathion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance of 8 parts per million for residues of malathion in or on pasture and range grass, grass and grass hay, pea vines for forage.

The analytical method proposed in the petition for determining residues of malathion is that described in the Journal of Agricultural and Food Chemistry, Volume II, No. 11, pages 570–573 (1954).

Dated: May 25, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-5013; Filed, June 2, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-AN-6]

CONTROL ZONES

Notice of Proposed Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2239 of the regulations of the Administrator, the substance of which is stated below.

The Cordova, Alaska, control zone is presently designated within a 5-mile radius of the Cordova (Mile 13) Airport, within 5 miles either side of a line extending from the airport to the Cordova (localizer) radio range station and within 5 miles either side of the southeast and southwest courses of the Cordova (localizer) radio range extending from the radio range station to Amber Federal airway No. 1. The Federal Aviation Agency has under consideration the modification of the Cordova control zone by reducing the width of the extensions from five miles to two miles either side of the southeast and southwest courses of the radio range, and lengthening the extensions from their present termination at the north edge of Amber Federal airway No. 1 to the East Cordova and Egg Island intersections, respectively. This modification would eliminate the excessive lateral portions of the control zone extensions and provide sufficient length for the protection of aircraft executing standard instrument approach procedures and missed approach procedures utilizing the Cordova radio range.

If this action is taken, the Cordova, Alaska, control zone would be designated within a 5-mile radius of the Cordova (Mile 13) Airport (latitude 60°29'25" N., longitude 145°29'00" W.), within 2 miles either side of the southeast course of the Cordova radio range extending from the 5-mile radius zone to the intersection of the Cordova radio range southeast course and Hinchinbrook, Alaska, radio range east course, and within 2 miles either side of the southwest course of the Cordova radio range extending from the 5-mile radius zone to the intersection of the Cordova radio range southwest course and the Hinchinbrook radio range east course.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4987; Filed, June 2, 1960; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 60-KC-12]

RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.22 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering a proposal by the Department of Air Force to designate a Restricted Area/Military Climb Corridor at Bunker Hill Air Force Base, Ind. The military climb corridor, designated as a restricted area, would be used by the high-speed, high rate-of-climb Century series air defense aircraft when departing from the airbase on active air defense missions. The restricted area would provide protection for high-speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. The proposed restricted area/military climb corridor would extend along the 256° True radial of the Bunker Hill Air Force Base TACAN, beginning 5 statute miles west of the TACAN and extending to a point 32 statute miles west of the TACAN, having a width of 1 statute mile north and 3 statute miles south of the TACAN 256° True radial at the beginning, with the northern portion expanding uniformly and the southern portion decreasing uniformly to a width of 2.3 statute miles either side of the TACAN 256° True radial at the outer extremity. The lower altitude limits would extend in graduated steps from 2,800 feet MSL to 19,800 feet MSL. The upper altitude limits would extend from 15,800 feet MSL to 27,000 feet MSL. Time of designation would be continuous. The controlling agency would be the Bunker Hill AFB approach control. The controlling agency would authorize aircraft to operate within the climb corridor when not in use by active air defense aircraft.

If this action is taken, the Bunker Hill Air Force Base, Ind., Restricted Area/Military Climb Corridor (R-596) (Chicago Chart) would be designated as follows:

Description. That area based on the 256° True radial of the Bunker Hill Air Force Base, Ind., TACAN beginning 5 statute miles west of the TACAN and extending 32 statute miles west of the TACAN, having a width at the point of beginning of one statute mile north and 3 statute miles south of the 256° True radial and a width of 2.3 statute miles either side of the 256° True radial at the outer extremity.

Designated altitudes.

2,800' to 15,800' MSL from 5 statute miles west of the TACAN to 6 statute miles west of the TACAN.

2,800' to 24,800' MSL from 6 to 7 statute miles west of the TACAN.

2,800' to 27,000' MSL from 7 to 10 statute miles west of the TACAN.

6,800' to 27,000' MSL from 10 to 15 statute miles west of the TACAN.

10,800' to 27,000' MSL from 15 to 20 statute miles west of the TACAN.

15,800' to 27,000' MSL from 20 to 25 statute miles west of the TACAN.

19,800' to 27,000' MSL from 25 to 32 statute miles west of the TACAN.

Time of use. Continuous.

Controlling agency. Bunker Hill Air Force Base, Ind., Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance

with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-4986; Filed, June 2, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13419; FCC 60-616]

TELEVISION BROADCAST STATIONS

Table of Assignments

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making (RM-152), released March 4, 1960 (FCC 60-192), to amend § 3.606, Table of Assignments, Television Broadcast Stations, by making the following change:

City	Channel No.	
	Present	Proposed
Waycross, Ga.	8+, 16	*8+, 16

2. The proposal is supported by the petitioner, the Georgia State Board of Education; and no comments were filed in opposition to the requested change.

3. The Georgia State Board of Education is the present holder of a construction permit (BPCT-2501) granted on April 9, 1959, for a new television station to operate on Channel 8+ at Waycross, Georgia. The permittee proposes to operate solely on a noncommercial, educational basis; and it desires reservation of the channel to conform to its planned mode of operation.

4. Since the granting of the construction permit, permittee has filed two applications for extension of completion date thereof. The first of these, File No. BMPCT-5403, was granted November 16, 1959. The second, File No. BMPCT-5472, filed May 4, 1960, is presently under consideration by the Commission, and if granted would extend completion date from June 9, 1960 to December 9, 1960. It appears from statements submitted with these applications that, although the permittee has not been inactive in the promotion of its plans for construction of the proposed facility, actual construction of the station has not as yet been started. Nor does permittee indicate firm plans for scheduling construction. Under these circumstances we are not persuaded that the public interest would be served by shifting the channel assignment from commercial to noncommercial educational at this time.

5. The authority for the action here taken is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That the request for amendment of § 3.606 of the rules in the manner set out above is denied without prejudice to the rights of petitioner, Georgia State Board of Education, to request consideration of its proposal at such time as its station shall have been constructed and put into operation.

Adopted: May 25, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5050; Filed, June 2, 1960; 8:53 a.m.]

[47 CFR Part 21]

[Docket No. 13478]

DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Extension of Time for Filing Comments and Reply Comments

In the matter of amendment of Part 21 of the Commission's rules governing Domestic Public Radio Services (Other than Maritime Mobile) to provide for the authorization of dispatch stations, and the assignment of mobile frequencies thereto, in the Domestic Public Land Mobile Radio Service.

The Commission having under consideration the joint requests by Fresno Mobile Radio Service, Inc., Antennavision Service Co., Hanford Mobile Radio Service, Madera Radio Dispatch, Riggs Radio Dispatch, Tadlock's Radio Dispatch, General Communications Service, Nor-Car Tele-Radio System, Radio Communications Service, United Radio Communications, Caprock Radio Dispatch and National Mobile Radio System, to extend the dates for filing comments and reply comments in the above entitled matter; and

It appearing that petitioners are in the process of collecting certain facts bearing on this proposed rule making and require an extension of approximately 40 days in which to complete their factual study and to formulate a comprehensive comment thereto; and

It further appearing that the public interest will be served by providing additional time to enable interested parties to submit comments and reply herein;

It is ordered, This twenty-sixth day of May 1960, that the time for filing comments herein is extended until July 8, 1960, and the time within which to file reply comments is extended until July 18, 1960.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5051; Filed, June 2, 1960; 8:53 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 332]

ARIZONA

Notice of Filing of Plats of Survey

MAY 26, 1960.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plats of survey accepted December 3, 1959, of T. 12 N., R. 11 W., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a.m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 12 N., R. 11 W.,
Sec. 1, Lots 1, 2, 3, 4, S½;
Sec. 2, Lots 1, 2, 3, 4, S½;
Sec. 3, Lots 1, 2, 3, 4, S½;
Sec. 4, Lots 1, 2, 3, 4, S½;
Sec. 5, Lots 1, 2, 3, 4, S½;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, Lots 1, 2, 3, 4, E½W½E½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.

Within the above described areas are 22,093.60 acres.

2. Available data indicates that the lands in T. 12 N., R. 11 W., are rough and broken and the soil is sandy and rocky.

3. All of the lands in T. 12 N., R. 11 W., were withdrawn and reserved for power site purposes by Executive Order of July 2, 1910.

4. In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 60-4992; Filed, June 2, 1960; 8:47 a.m.]

[W-04007]

WASHINGTON

Notice of Filing of Plat of Survey

1. Plat of survey of lands described below will be officially filed in the Land Office, Spokane, Washington, effective 10:00 a.m., July 8, 1960;

WILLAMETTE MERIDIAN

T. 39 N., R. 35 E.,
Secs. 25, 26, 31, 32, 33, 34, 35, 36.

Containing 5,248.20 acres.

2. This plat represents a retracement and re-establishment of the east boundary of Township 39 North, Range 34 East, and the west boundary of Township 39 North, Range 36 East, designed to restore the corners in their true original location according to the best available evidence, also dependent resurvey of the east boundary of Township 39 North, Range 34 East, the west boundary of Township 39 North, Range 36 East, and survey of a portion of the subdivisional lines in Township 39 North, Range 35 East, Willamette Meridian, Washington.

3. The lands are within the exterior boundaries of the Colville National Forest, having been withdrawn from all forms of disposition by Presidential Proclamation of March 1, 1907.

4. In view of the foregoing withdrawal, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

5. All inquiries relating to the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 680, Bon Marche Building, Spokane 1, Washington.

ERLING A. OLSON,
Acting Manager.

[F.R. Doc. 60-5000; Filed, June 2, 1960; 8:48 a.m.]

CALIFORNIA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MAY 26, 1960.

Notice is given that the plat of survey of the following described lands accepted March 7, 1960, will be officially filed in the Land Office, Sacramento, California, effective at 10 a.m. on June 30, 1960.

MOUNT DIABLO MERIDIAN

T. 20 N., R. 3½ E.,
Sec. 1: Lots 1, 2, 3, 4;
Sec. 12: Lots 1, 2, 3, 4;
Sec. 13: Lots 1, 2, 3, 4;
Sec. 24: Lots 1, 2, 3, 4;
Sec. 25: Lot 1.

The area described aggregates 188.51 acres of public land.

The lands are located 8 miles north of Oroville in Butte County, California, and are accessible by road. Available data indicate the lands consist generally of rolling, open woodland bisected from east to west by several steep canyons. The elevation varies from 400 feet in the south portion to 1,160 feet in the north portion. The upper Miocene Canal passes through the south portion of Section 1. Most of the area is now used for winter livestock range.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and date shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. on June 30, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 60-5001; Filed, June 2, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE

Notice of Hearing on Wages and Prices in Louisiana; Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(1) and (2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Thibodaux, Louisiana, in the Grand Theatre on July 14, 1960, beginning at 9:30 a.m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c)(1) of said Act, fair and reasonable wage rates for persons employed in the harvesting of the 1960 crop of sugarcane, and in the production and cultivation of sugarcane during the calendar year 1961, and (2), pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1960 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the Act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matter regarding fair prices for sugarcane:

Season's average prices for raw sugar and molasses. The 1959 crop determination provided the period October 9, 1959 through January 28, 1960 for determining the season's average price of raw sugar, and the period October 9, 1959 through April 28, 1960 for determining the season's average price of blackstrap molasses. What periods will provide an equitable basis for pricing raw sugar and molasses of the 1960 crop?

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Tom O. Murphy and A. A. Greenwood are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 27th day of May 1960.

LAWRENCE MYERS,
Director, Sugar Division, Commodity Stabilization Service.

[F.R. Doc. 60-5059; Filed, June 2, 1960; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HENRY G. MAGNUSSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.

B. Additions: American Electronics, Telecomputing, Melville Shoe Co.

This statement is made as of May 25, 1960.

Dated: May 25, 1960.

HENRY G. MAGNUSSEN.

[F.R. Doc. 60-5021; Filed, June 2, 1960; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-115]

UNIVERSITY OF TENNESSEE

Notice of Withdrawal of Application for Construction Permit

Please take notice that by letter dated May 2, 1960, the University of Tennessee has withdrawn its application dated September 1, 1958, for a construction permit for a Class 104 facility. The withdrawal does not prejudice submittal by the University of a new application at a later date.

Dated at Germantown, Md., this 20th day of May 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-4980; Filed, June 2, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13535; FCC 60-620]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 13535; regulations and charges for switching and selecting equipment (common user group) for use with channels of telephone grade furnished for the remote operation of mobile radiotelephone systems and for channel terminals and terminal equipment in connection with Schedule 5 channels for data transmission (filed on behalf of the Lincoln-Tillamook Telephone Company).

At a session of Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having under consideration 1) certain tariff schedules filed by the American Telephone and Telegraph Company on behalf of the Lincoln-Tillamook Telephone Company, a connecting carrier, under Transmittal Nos. 6288 and 6289, to become effective May 30, 1960, establishing new regulations and charges applicable to switching and selecting equipment (common user group) for use with channels of telephone grade furnished for remote operation of mobile radiotelephone systems and also applicable to channel terminals and terminal equipment in connection with Schedule 5 channels for data transmission, such tariff schedules being respectively designated A.T. & T. Tariff F.C.C. No. 135, 3d Revised Page 42AB and A.T. & T. Tariff F.C.C. No. 237, 1st Revised Page 19, and 2) a petition by the United States of America, through its Administrator of General Services, filed May 20, 1960, requesting that the Commission suspend the above new and revised tariff schedules and that it initiate a hearing and investigation into the lawfulness thereof;

It appearing that the Commission is unable to determine that the regulations and charges contained in the new and revised tariff schedules are or will be just and reasonable or otherwise lawful under the provisions of section 201(b) or section 202(a) of the Communications Act of 1934, as amended;

It further appearing that no rights and interests of the public will be substantially affected if these regulations and charges are permitted to become effective as scheduled since there is only one customer who would be affected by them and since such customer has a remedy by way of complaint for damages pursuant to the provisions of section 208 of the Communications Act of 1934, as amended, in the event the tariff schedules are determined to be unjust, unreasonable or otherwise unlawful;

It further appearing that GSA's petition raises certain questions relating to compliance with section 203 of the Communications Act of 1934, as amended, and Part 61 of the Commission's rules which are not confined to the tariff schedules under consideration but are of general application and therefore would not be appropriate for consideration in connection with these specific tariff schedules;

It is ordered, That, pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned tariff schedules, including amendments thereto and successive issues thereof;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether any of the classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality, or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be followed with respect to the services governed by the tariff schedules listed above and, if so, what classifications, regulations, and practices should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision;

It is further ordered, That American Telephone and Telegraph Company and the Lincoln-Tillamook Telephone Company are hereby made parties respondent in the proceedings, and the United States of America, through its Administrator of General Services, is hereby granted leave to intervene upon filing notice of intention to participate in these proceedings within twenty days from the date of issuance of the Order;

It is further ordered, That the petition of the United States of America, through its Administrator of General Services, is granted to the extent indicated herein and in all other respects is denied.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5028; Filed, June 2, 1960; 8:51 a.m.]

[Docket No. 13527; FCC 60-612]

BABYLON-BAY SHORE BROADCASTING CORP. (WBAB)

Order Designating Application for Hearing on Stated Issues

In re application of Babylon-Bay Shore Broadcasting Corp. (WBAB), Babylon, New York, Docket No. 13527, File No. BP-12538; has 1440 kc, 500 w, Day, requests 1440 kc, 1 kw, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 31, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBAB and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Babylon-Bay Shore Broadcasting Corp. would involve objectionable interference with Stations WBIS, Bristol, Connecticut and WNJR, Newark, New Jersey, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That Bristol Broadcasting Corporation and Continental Broadcasting, Inc., licensees of Stations WBIS and WNJR, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person, or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5029; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13461; FCC 60M-918]

J. P. BEACOM ET AL.

Order Continuing Hearing

In re application of J. P. Beacom (transferor), Docket No. 13461, File No. BTC-3360; and Thomas P. Johnson and George W. Eby (transferee), for consent to the relinquishment of positive control of WJPB-TV, Inc., permittee of Station WJPB-TV, Weston, Virginia.

On the oral request of counsel for protestant WSTV, Inc., and without objection by counsel for the other parties:

It is ordered, This 26th day of May 1960, that the hearing now scheduled for June 15 is rescheduled to Monday, June 20, 1960 at 2 p.m., in the offices of the Commission, Washington, D.C.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5030; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13501; FCC 60M-921]

CONCORD KANNAPOLIS BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Concord Kannapolis Broadcasting Company, Concord, North Carolina, Docket No. 13501, File No. BPH-2826; for construction permit (FM).

It is ordered, This 27th day of May 1960, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., at 9:00 a.m., Thursday, June 2, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5031; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13524]

J. R. CONNELL

Order To Show Cause

In the matter of Dr. J. R. Connell, d/b/a Animal Clinic, Route No. 1, Sheridan, Wyoming, Docket No. 13524, order to show cause why there should not be revoked the license for Special Emergency Station KOI-958.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed to the licensee on November 20, 1959, alleging that on November 14, 1959 the licensee was found to be in violation of § 10.161(c)(d) of the Commission's rules in that the said licensee did not maintain a radio station log or station records as is required by said Section.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated January 25, 1930, and sent by Registered Mail, Return Receipt Requested (No. 74948), requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that said letter, Registered as aforesaid, was returned to the Commission on or about February 12, 1960, by the Sheridan, Wyoming branch of the Post Office for the reason that the said licensee had failed to claim said letter; and

It further appearing that the Commission, by letter dated February 15, 1960, and sent by Registered Mail, Return Receipt Requested (No. 76293) again attempted to call the matter to the said licensee's attention, but that said letter was returned on March 2, 1960 by said Post Office for the reason that the said licensee again failed to claim said letter; and

It further appearing that the Commission, upon being advised by said branch Post Office that the said licensee habitually refused to pick up such Registered Mail, duly sent a letter directed to the licensee at his address of record on April 15, 1960, by Ordinary Mail, calling said licensee's attention to his failure to reply to said official notice dated November 20, 1959. Said letter also contained a copy of said official notice together with a copy of the aforementioned Commission letter dated January 25, 1960, and demanded that the licensee explain his failure to reply to the former letter. He was also required to account for the occurrence of the violations and to specify the corrective action taken with respect thereto; and

It further appearing that the aforementioned Commission letter duly mailed on April 15, 1960, as aforesaid has not been returned and that more than one (1) month has elapsed since the mailing thereof; and

It further appearing that the said licensee has not responded to said letter; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 25th day of May 1960, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.219(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to the said licensee.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5032; Filed, June 2, 1960; 8:52 a.m.]

[Docket Nos. 13525, 13526; FCC 60-611]

SIMON GELLER AND ASSOCIATED ENTERPRISES

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-11667, requests 1410 kc, 500 w, DA-2, U, Alan C. Tindal, Kristian Solberg, Paul Monson, and John J. Sullivan, d/b as Associated Enterprises, Brockton, Massachusetts, Docket No. 13526, File No. BP-11630, requests 1419 kc, 1 kw, DA-D, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate its proposed station; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated December 14, 1959, and incorporated herein by reference, notified the applicants and any other known party in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that Simon Geller, in pleadings filed on September 28 and December 23, 1959, requested the Commission to consolidate in a hearing on his application the applications of Plymouth Rock Broadcasting Co., Inc. (a) to increase the daytime power of Station WPLM, Plymouth Rock, Massachusetts (1390 kc, 5 kw, DA-D), File No. BP-11625, granted on January 1, 1959, and (b) to modify the permit to operate night-time with a power of 5 kw, Directional Antenna, File No. BMP-8411, because the said WPLM operations would involve 2 and 25 mv/m overlap with the Geller proposal in contravention of the provisions of § 3.37 of the Commission rules; but that we find the overlap would occur approximately 42 to 45 miles from the Geller transmitter site and approximately 5 miles from the WPLM transmitter site immediately along the coast; that, with the physical separation which exists between the proposed Geller operation and the WPLM location, it would not appear that there should be any substantial overlap of service areas where the presence of high signal intensities from the respective stations would give rise to interference caused by non-selectivity, external cross-modulation, and internal cross-modulation; and that, therefore, the Commission this day waived the provisions of § 3.37 of the rules with respect to the WPLM proposals and granted the said WPLM application for modification of permit to operate night-time with a power of 5 kilowatts, directional antenna, without prejudice to a grant of the instant Geller application; and

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

It further appearing that after consideration of the foregoing and of the instant applicant's reply, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity; and is of the opinion that the applications must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of Associated Enterprises would involve objectionable interference with Station WHIL, Medford, Massachusetts, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal of Simon Geller is in compliance with the provisions of §§ 3.28(c), 3.182, and 3.188 of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of each of said sections.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of either of the instant applications would serve the public interest, convenience, and necessity.

It is further ordered, That Conant Broadcasting Company, Inc., licensee of Station WHIL, Medford, Massachusetts, is made a party to the proceeding;

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5033; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13539]

DON GULOVSEN

Order Designating Matter for Hearing on Stated Issues

In the matter of Don Gulovsen, c/o The Warden, United States Penitentiary, Alcatraz, California, Docket No. 13539; suspension of Restricted Radiotelephone Operator Permit.

The Commission having under consideration the suspension of the Restricted Radiotelephone Operator Permits, RP-6E0570, RP-12-41461 and RP-30B4314, issued to Harry Donald Gulovsen also known as Don Gulovsen, Donald David Gulovsen, Harry U. Barkoff and David Hoelling; and

It appearing that acting in accordance with the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the above named party filed with the Commission a timely application for a hearing on the Commission's Order dated April 28, 1960, suspending his restricted radiotelephone operator permits; and

It further appearing that under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the said permittee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of the proceeding in this matter,

It is ordered, This 27th day of May 1960, that the matter of the suspension of the Restricted Radiotelephone Operator Permits of Don Gulovsen, are hereby designated for hearing before Commission Examiner, James D. Cunningham on June 30, 1960, at 10:00 a.m., in San Francisco, California, on the following issues:

1. To determine whether the above named permittee by not disclosing criminal convictions and in one instance by using the assumed name of Harry U. Barkoff obtained radio operator licenses by fraudulent means in violation of § 13.70 of the Commission's rules.

2. To determine whether the above named permittee by representing to the management of Broadcasting Station KENL that he held a Radiotelephone First Class Operator License and by performing duties not authorized under a Restricted Radiotelephone Operator Permit at Broadcasting Station KENL, Arcata, California, he violated §§ 13.61 (h) and 13.62(c) of the Commission's rules.

3. To determine in the light of the evidence adduced in the preceding issues whether the terms of the original Order of Suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this order be transmitted by Registered Mail, Return Receipt Requested, to Don Gulovsen and that he notify the Commission in writing within 10 days after the receipt of this order that he will appear in person or by counsel at said hearing.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5034; Filed, June 2, 1960; 8:52 a.m.]

[Docket Nos. 13518-13521; FCC 60M-919]

HUB CITY BROADCASTING CO., INC. (WHSY) ET AL.

Order Scheduling Prehearing Conference

In re applications of Hub City Broadcasting Company, Inc. (WHSY), Hattiesburg, Mississippi, Docket No. 13518, File No. BP-12170; Veterans Broadcasting Company, a partnership composed of Max H. Jacobs, Douglas B. Hicks, Bailey Swenson, Leon Green and David H. Morris (KNUZ), Houston, Texas, Docket No. 13519, File No. BP-12179; Price Broadcasting Corporation, Inc., Fairhope, Alabama, Docket No. 13520, File No. BP-12654; Radio New Orleans, Inc. (WJBW), New Orleans, Louisiana, Docket No. 13521, File No. BP-12940; for construction permits.

Pursuant to the provisions of § 1.111 of the Commission's rules: *It is ordered*, This 27th day of May 1960, that a prehearing conference in the above-entitled proceeding be convened at the Commission's offices, Washington, D.C., Tuesday, June 14, 1960, at 10:00 a.m.

To the extent it may be feasible in this multi-party proceeding the parties are requested to seek agreement beforehand on such routine matters as dates for further prehearing conferences, hearing dates, and the manner of presentation (e.g., whether oral or by written case procedure).[1]

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5035; Filed, June 2, 1960; 8:52 a.m.]

[Docket No. 13429; FCC 60M-917]

INDEPENDENT BROADCASTING CO. (KTTS)

Order Continuing Hearing

In re application of Independent Broadcasting Company (KTTS), Springfield, Missouri, Docket No. 13429, File No. BP-12158; for construction permit.

[1] In all events each party individually is expected to be fully prepared at the conference to discuss practicable methods directed to the elimination of unessentials and to the orderly and expeditious conduct of the hearing.

The Hearing Examiner having before him a motion filed by Independent Broadcasting Company on May 24, 1960, for continuance of the hearing from May 31, 1960, to July 11, 1960; and

It appearing that the Broadcast Bureau, the only other party to the proceeding, consents to grant of the motion and to its immediate consideration;

It is ordered, This 26th day of May 1960, that the motion is granted; and the hearing in the above-captioned proceeding now scheduled for May 31, 1960, is continued to July 11, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5036; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13180; FCC 60M-920]

RODNEY F. JOHNSON (KWJJ)

Order Continuing Hearing

In re application of Rodney F. Johnson (KWJJ), Portland, Oregon, Docket No. 13180, File No. BP-12056; for construction permit.

Upon the Examiner's own information and belief that a petition for leave to amend the application in the above-entitled matter will be filed on May 26 or May 27, 1960, and that the petition will pray that the application be transferred to the processing line and that the further hearing now scheduled to commence on May 31, 1960, be continued without date:

It is ordered, This 26th day of May 1960, that the aforesaid hearing be and it hereby is continued without date.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5037; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 13276-13279; FCC 60M-926]

LARAMIE BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of Grady Franklin Maples, Edna Hill Maples, George G. Entz and William R. Vogel d/b as Laramie Broadcasters, Laramie, Wyoming, Docket No. 13276, File No. BP-12166; Garden of the Gods Broadcasting Company (KCMS), Manitou Springs, Colorado, Docket No. 13277, File No. BP-12339; Boulder Radio KBOL, Inc. (KBOL), Boulder, Colorado, Docket No. 13278, File No. BP-12572; T. I. Moseley, Denver, Colorado, Docket No. 13279, File No. BP-13147; for construction permits.

The Hearing Examiner having under consideration the necessity of changing the date of hearing;

It appearing that the Hearing Examiner is obliged to change the date of hearing because of a conflict in his schedule;

It is ordered, This 27th day of May 1960, that the hearing scheduled for June 15 is continued to June 30, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5038; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13222 etc.; FCC 60-599]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, et al., Docket No. 13222, File No. BP-11439, etc.; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed November 18, 1959, by Sam Kamin and James A. Howenstein, d/b as Citizens Broadcasting Company, (2) an opposition to the petition, filed December 7, 1959, by the Commission's Broadcast Bureau; and (3) a reply to the opposition, filed December 17, 1959, by Citizens Broadcasting Company.

2. Citizens Broadcasting Company (Citizens) and Western Ohio Broadcasting Company (Western Ohio) are mutually exclusive applicants for new standard broadcast stations at Lima and Delphos, Ohio, respectively, and their applications were consolidated for hearing by Order released October 28, 1959 (FCC 59-1079). Each of these applications is also mutually exclusive with several other applications in the above-captioned proceeding. The standard 307(b) issue is included among the hearing issues specified in the designation order.

3. In its petition, Citizens requests that the issues be enlarged to include the following issues:

To determine on a comparative basis, in the event that either Lima or Delphos, Ohio, is selected as having the greatest need pursuant to section 307(b), which of the operations proposed by Charles F. Trivette and Herman C. Dotson, d/b as Western Ohio Broadcasting Co., and Sam Kamin and James A. Howenstein, d/b as Citizens Broadcasting Company, would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed standard broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of said applications.

3. In support of its request, Citizens states that the proposed sites of both applicants' studios and transmitters are in the Allen County metropolitan area, of which Lima (population 50,246) is the county seat; that the city limits of the two cities are twelve miles apart; that the proposed site of Western Ohio's facilities is 2 miles southeast of Delphos (population 6,220), and 10 miles northwest of Lima; that petitioner's proposed transmitter site is approximately 14 miles from that of Western Ohio's proposed site; and that the applications of Citizens and Western Ohio show that the proposal of each of them would place a 2 mv/m signal over the city of the other. Citizens states that in view of these circumstances, should either Lima or Delphos be found to have the greater need under the 307(b) issue in this proceeding, the usual engineering showings under that section cannot form the basis for a decision as between Citizens and Western Ohio, and that a choice between the two can be made only under the standard comparative issue.

4. In further support of its request, Citizens states that in 307(b) cases, the Commission has followed the holding in FCC v. Allentown Broadcasting Corp., 349 U.S. 358 (1955), by first determining which community has the greater need for additional service, and then determining which applicant can best serve that need. It also notes, in this connection, that since Delphos has less than 10,000 population, Citizens could provide a primary service to the entire city of Delphos, as defined in § 3.184(g),[1] whereas Western Ohio, with its 2 mv/m signal over Lima, would provide, under § 3.182(f),[2] primary service to the residential areas of Lima but not to its business or industrial areas. In view of this circumstance, Citizens suggests that the Commission may deem it appropriate to frame the issue so as to require comparative consideration only in the event the 307(b) question is resolved in favor of Delphos.

5. Citizens further argues that the proximity of the two applicants may render impossible a choice under 307(b). It notes that both applicants propose Class II stations to operate on a Class I-B frequency, and that § 3.22(b) describes a Class II station as a secondary station which is "designed to render service over a primary service area which is limited and subject to such interference as may be received from Class I stations." Thus, Citizens argues, there is presented a situation much like that involved in Radio Tampa, 16 RR 724 (1958), and Broadcasters, Inc., 16 RR 295 (1957), rendering unlikely the possibility of a choice under 307(b). It also cites Huntington Broadcasting Company, Inc., 5 RR 721, 6 RR 569 (1956), as supporting its request.

6. Though conceding that a choice between Citizens and Western Ohio can probably not be made under 307(b), the Bureau opposes the addition of a comparative issue because of the existence of 307(b) problems between each of the applicants and several other proposals involved in this proceeding, and because of the interference problems affecting the proposals of Citizens and Western Ohio. The Bureau indicates that because it is essential to resolve the interference and other 307(b) problems affecting each of the applicants, as well as the question of whether Lima and Delphos are separate communities, "it cannot be concluded at this time that the chance of indecision in making a 307(b) choice is so great that the record should be burdened with the additional evidence which would be required to compare the Delphos and Lima applicants on a comparative basis." The Bureau also states that evidence as to whether Lima and Delphos are separate communities is admissible under the present 307(b) issue, and that the addition of a new issue for this purpose is not necessary, citing in support of Manchester Broadcasting Co., 14 RR 219 (1958) and Valley Broadcasting Company, 18 RR 629 (1959).

7. In reply to the Bureau, Citizens maintains that the probability of Delphos or Lima prevailing under 307(b) is not remote, and it asserts that the pattern of interference conflicts among the several communities is such that many of the applications can be granted in certain combinations including Lima or Delphos, but not both. Should any such combination be selected on 307(b) grounds, Citizens submits that the Examiner could not, under the present issues, make a choice between Citizens and Western Ohio and a further hearing would be required. Such further hearing, according to Citizens, would present two difficulties. First, the outcome of the comparative hearing could nullify any preliminary 307(b) determination that a certain combination of cities should be granted, since the particular applicant preferred in the comparison might not be compatible from an interference standpoint, with the combination tentatively selected; and in that event further 307(b) consideration would have to be given to other combinations. The Bureau offers no solution, according to Citizens, as to how, in the light of this problem, the Examiner could decide the 307(b) issue without at the same time making a comparative determination between Citizens and Western Ohio. Second, Citizens argues that even if the Examiner were able to decide the 307(b) question, and if Lima or Delphos were preferred, the Bureau indicates no procedure (in view of the requirements as to when petitions to enlarge must be filed) by which the hearing issues could at that time be enlarged to include the comparative determination required by the Allentown decision.

8. The standard 307(b) issue calls for a determination of which of the cities involved has the greater need for a new broadcast service. Where applicants for different cities are consolidated for hearing because of engineering conflicts between them, the determination under the 307(b) issue will under normal circumstances also be decisive of the question of which of the otherwise qualified applicants should receive the grant. The 307(b) issue is not, however, determinative where the cities involved, though separate legal entities, are not separate communities within the contemplation of section 307(b) of the Act, and a choice between two or more qualified applicants can under such circumstances be made only by a comparative consideration of their qualifications. See Huntington Broadcasting Company, supra; Consolidated Broadcasting Industries, Inc., FCC 60-413 (1960); Radio St. Croix, FCC 59-1258 (1959). Nor will a determination under the 307(b) issue be dispositive of the question of which application is to be granted if the community selected as having the greater need would receive service[3] not only from the applicant for that community, but also from applicants for communities which were not preferred under the 307(b) issue. Under such circumstances, the decision in Allentown, supra, requires a comparative consideration of the qualifications of the applicants which would provide service to the favored community. See Consolidated Broadcasting Industries, Inc., supra.

9. In Consolidated we were confronted with a situation as is presented by the instant pleadings. Thus, it had been alleged that the communities involved might not be separate communities within the contemplation of Section 307(b) of the Act, and also that some of the applicants might provide a primary service to the communities of other applicants. In Consolidated, we added an issue specifically designed to determine the separate community question, and we coupled to that issue a contingent standard comparative issue. We also added an issue specifically designed to determine which of the applicants would provide primary service to the community which, under the 307(b) issue, was selected as having the greatest need for a new facility, and coupled to that issue was a contingent standard comparative issue. Similar issues will be adopted in the instant proceeding.

10. As noted by the Bureau, it has been stated that the standard 307(b) issue permits a determination of the separate community question. As is evident from the issues adopted herein, the circumstances of the instant proceeding, like those in Consolidated, require complex determinations, and we think it is a better practice to adopt issues specifically designed for that purpose rather than to rely on the standard 307(b) issue. Accordingly, where, at the time of designation, it appears that a separate community question may be presented, an issue specifically directed to that question, along with a contingent standard comparative issue, should be included in the hearing issues; where the problem arises after designation, a petition to enlarge issues should be filed. In accordance with the views expressed herein, the standard 307(b) issue in designation orders hereafter released is not to be construed as permitting a determination of the separate community question.

11. In the instant pleadings, it has been alleged that Lima and Delphos may be part of a single community. This allegation has not been controverted in any of the reply pleadings, and an issue to determine that question will therefore be added. Moreover, the petitioner has alleged, without contradiction in the reply pleadings, that the Lima and Delphos applicants would provide a 2 mv./m. signal to the community of the other, and it may well be that each applicant might provide service (as that term is used herein) to the community of the other. In view of this possibility, an issue directed to that question will be added.

12. It may be noted that some of the issues included herein, although they correspond in part to the issue requested in Citizens' petition, are being added on our own motion. The procedure contemplated by these issues is as follows: First, there is to be a determination, under Issue 13, whether or not the two communities here involved are to be treated as separate and distinct communities for the purpose of 307(b). If so, a determination is to be made, under Issue 14, as to which community is to be preferred. Issue 15 is designed to determine whether the Delphos and Lima applicants would provide a service to the community of the other. In the event it is determined, under Issue 13, that Lima and Delphos are not separate communities, or if they are separate communities, that the applicant for one would provide service to the community of the other, a comparative consideration of the applicants is called for by Issue 16.

Accordingly, it is ordered, This 25th day of May 1960, that, to the extent indicated herein, the petition to enlarge issues, filed by Citizens Broadcasting Company, on November 18, 1959, is granted; and is in all other respects denied;

It is further ordered, By the Commission on its own motion that the Order, released on October 28, 1959 (FCC 59-1079), is amended by renumbering Issues 13, 14, and 15, as Issues 14, 17, and 18, respectively, and by adding new Issues 13, 15, and 16. Issues 13 to 18 shall, accordingly, read as follows:

13. To determine in the light of their location and urban and industrial characteristics, and other relevant factors, whether Delphos, Ohio and Lima, Ohio are separate communities for the purpose of section 307(b) of the Communications Act of 1934, as amended.

14. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant

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[1] *Section 3.184(g)* provides that in determining the population of the primary service area, the satisfactory value of the signal in towns with population of up to 2500 is 0.5 mv/m, and from 2500 to 10,000 it is 2.0 mv/m.

[2] *Section 3.182(f)* provides that for cities over 10,000 populations, a 2 mv/m signal will provide primary service to residential areas but not to business or industrial areas. For the latter areas, a signal strength of 10 to 50 mv/m is specified.

[3] By "service", as that term is used herein and in issues 15 and 16 hereinafter adopted, is meant the service which, under our rules, an applicant is required to provide to the community which it has designated in its application as the community it proposes to serve. Thus, if community A is the favored community under section 307(b), an applicant for community B will be considered comparatively with applicant for community A only if it meets all of the requirements of our rules which applicants for community A are required to meet.

proposals would best provide a fair, efficient and equitable distribution of radio service.

15. To determine, if Delphos and Lima are separate communities, whether Citizens Broadcasting Company and Western Ohio Broadcasting Company will provide service to the community selected as having the greater need for a new facility.

16. To determine, if (a) Lima and Delphos are determined not to be separate communities, or (b) if they are separate communities and if it is determined that Citizens Broadcasting Company and Western Ohio Broadcasting Company would provide service to the community determined to have the greater need for a new facility, which of the proposals of Citizens Broadcasting Company and Western Ohio Broadcasting Company would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to significant differences between the applicants as to:

(1) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(2) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the said applications.

17. To determine, on a comparative basis, in the event that Potomac, Maryland or Smithfield, Virginia, is, or are, selected as having the greatest need pursuant to section 307(b), which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

18. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5039; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13222 etc.; FCC 60M-927]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Order Continuing Hearing

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP-11439, etc.; Docket Nos. 13223, 13224, 13225, 13226, 13227, 13228, 13229, 13230, 13231, 13232, 13233, 13235, 13237, 13239, 13241, 13242, 13243, 13245, 13246, 13247, 13248, 13249, 13250, 13251; for construction permits.

In view of the fact that the Commission has added new issues in this proceeding,[1] and pursuant to agreement of all counsel in the group involved: *It is ordered*, This 26th day of May 1960, that the dates heretofore scheduled[2] for (1) the exchange of exhibits with respect to Step 2 of the hearing relative to Group 3, (2) notification of witnesses desired for cross-examination, and (3) the evidentiary hearing be and the same are hereby continued to dates to be hereafter fixed.

It is further ordered, That a further prehearing conference of Group 3 to consider the new issues and their effect on the procedures heretofore agreed upon, and to fix new dates with respect to Step 2 for the exchange of exhibits, notification of witnesses and hearing will be held at 2 p.m., June 7, 1960, in Washington, D.C.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5040; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 13507, 13508; FCC 60M-916]

SPRINGFIELD YELLOW CAB CO. AND DAYTON CHECKER CAB CO.

Order for Prehearing Conference

In re applications of Springfield Yellow Cab Company, Docket No. 13507, File No. 30490-LX-59; Dayton Checker Cab Company, Docket No. 13508, File No. 30788-LX-59; for authorizations in the Taxicab Radio Service to operate radio facilities in the cities of Springfield, Ohio, and Dayton, Ohio, respectively.

A prehearing conference in the above-entitled proceeding will be held on Friday, June 10, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 25th day of May 1960.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5041; Filed, June 2, 1960; 8:53 a.m.]

[1] While Public Notice has been given of such action (May 25, 1960, Public Notice—B—Report No. 1805), the Memorandum Opinion and Order containing the actual text of the issues has not yet been made public and, thus, the precise scope of the issues cannot now be determined.

[2] See order in this proceeding dated April 29, 1960.

[Docket No. 13503; FCC 60M-922]

KENNETH F. WARREN

Order Scheduling Prehearing Conference

In re application of Kenneth F. Warren, Monterey, California, Docket No. 13503, File No. BPH-2867; for construction permit (FM).

It is ordered, This 27th day of May 1960, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., at 1:30 p.m., Thursday, June 9, 1960.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5042; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 13528-13534; FCC 60-613]

WASHINGTON BROADCASTING CO. (WOL) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Washington Broadcasting Company (WOL), Washington, D.C., has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13528, File No. BP-12145; Delaware Broadcasting Company (WILM), Wilmington, Delaware, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13529, File No. BP-12250; WDAD, Inc. (WDAD), Indiana Pennsylvania, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13530, File No. BP-12455; Centre Broadcasters, Inc. (WMAJ), State College, Pennsylvania, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13531, File No. BP-12463; Sky-Park Broadcasting Corporation (WFTR), Front Royal, Virginia, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS U, Docket No. 13532, File No. BP-12624; Miners Broadcasting Service, Inc. (WPAM), Pottsville, Pennsylvania, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13533, File No. BP-13197; Cumberland Valley Broadcasting Corporation (WTBO), Cumberland, Maryland, has 1450 kc, 250 w, U, req 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13534, File No. BP-13471; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that on the basis of the information before us, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal, except as indicated by the issues specified below; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated December 9, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Station WOL would involve objectionable interference with Station WPRW, Manassas, Virginia, Station WGET, Gettysburg, Pennsylvania, Station WFTR, Front Royal, Virginia, Station WILM, Wilmington, Delaware, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Station WILM would involve objectionable interference with Station WPAM, Pottsville, Pennsylvania, Station WOL, Washington, D.C., Station WFPG, Atlantic City, New Jersey, WGET, Gettysburg, Pennsylvania, WCTC, New Brunswick, New Jersey, BP-11313, Lansdale, Pennsylvania, BP-11934, Lansdale, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Station WDAD would involve objectionable interference with Station WTBO, Cumberland, Maryland, Station WJPA, Washington, Pennsylvania, Station WMAJ, State College, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of Station WMAJ would involve objectionable interference with Station WDAD, Indiana, Pennsylvania, Station WGET, Gettysburg, Pennsylvania, Station WMPT, South Williamsport, Pennsylvania, Station WTBO, Cumberland, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the instant proposal of Station WFTR would involve objectionable interference with Station WOL, Washington, D.C. and Station WTBO, Cumberland, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine whether the instant proposal of Station WPAM would involve objectionable interference with Station WMPT, South Williamsport, Pennsylvania, WILM, Wilmington, Delaware and Station WGET, Gettysburg, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

9. To determine whether the instant proposal of Station WTBO would involve objectionable interference with Station WJPA, Washington, Pennsylvania, Station WDAD, Indiana, Pennsylvania, Station WMAJ, State College, Pennsylvania, Station WGET, Gettysburg, Pennsylvania, and WFTR, Front Royal, Virginia, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

10. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission Rules and, if so, whether circumstances exist which would warrant a waiver of said section.

11. To determine whether the roof-top antenna system proposed by Washington Broadcasting Company (BP-12145) is in compliance with § 3.188(d) of the rules and, if not, whether circumstances exist which would warrant a waiver of said section.

12. To determine whether the transmitter site proposed by Washington Broadcasting Company (BP-12145) is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

13. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

14. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees which are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Sky-Park Broadcasting Corporation (WFTR, Front Royal, Va.).
Delaware Broadcasting Company (WILM, Wilmington, Del.).
Miners Broadcasting Service, Inc. (WPAM, Pottsville, Pa.).
Washington Broadcasting Company (WOL, Washington, D.C.).
Cumberland Valley Broadcasting Corporation (WTBO, Cumberland, Md.).
Centre Broadcasters, Inc. (WMAJ, State College, Pa.).
WDAD, Inc. (WDAD, Indiana, Pa.).

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

Prince William Broadcasting Corporation (WPRW, Manassas, Va.).
Times and News Publishing Company (WGET, Gettysburg, Pa.).
WFPG, Incorporated (WFPG, Atlantic City, N.J.).
Raritan Valley Broadcasting Co., Inc. (WCTC, New Brunswick, N.J.).
Donald W. Huff (BP-11313, Lansdale, Pa.).
Equitable Publishing Company (BP-11934, Lansdale, Pa.).
Washington Broadcasting Company (WJPA, Washington, Pa.).
Galen D. Castlebury, Jr., tr/as Will-Mont Broadcasting Co. (WMPT, So. Williamsport, Pa.).

It is further ordered, That in the event of a grant to Miners Broadcasting Service, Inc. (BP-13197), the permittee shall take appropriate steps that may be necessary to prevent cross-modulation or reradiation with the present operation of Station WPPA, Pottsville, Pennsylvania and shall cooperate with said station in eliminating any problems that may occur in the event of a grant of application, File No. BP-13265 which proposes a daytime power increase for Station WPPA.

It is further ordered, That in the event of a grant to Cumberland Valley Broadcasting Corporation (File No. BP-13471), the permittee shall take appropriate steps that may be necessary to prevent cross-modulation or reradiation with the present operation of Station WCUM and shall cooperate with WCUM to eliminate

any additional interaction problems that may occur in the event of a grant of application of File No. BP-13357 which proposes a daytime power increase for WCUM.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the applicants and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5043; Filed, June 2, 1960; 8:53 a.m.]

[Docket No. 13460; FCC 60M-915]

BILLY G. WATTERS

Order Continuing Hearing

In the matter of Billy G. Watters, 315 South Third Street, Elkhart, Indiana, Docket No. 13460; order to show cause why there should not be revoked the license for Citizens Radio Station 16W5911.

The Hearing Examiner having under consideration a "Motion to Continue Proceedings" filed by the Acting Chief, Safety and Special Radio Services Bureau, Federal Communications Commission, on May 24, 1960, requesting that the hearing in the above-entitled matter presently scheduled for June 10, 1960, be adjourned indefinitely; and

It appearing that the Order to Show Cause in the above-entitled matter was released and mailed to the respondent on April 13, 1960, by Certified Mail, Return Receipt Requested at the mailing address appearing on his application for station license; and

It further appearing that on May 4, 1960, said Order to Show Cause was returned to the Commission by the United States Post Office bearing the stamped endorsement "unclaimed"; and

It further appearing that the Order fixing June 10, 1960, and Washington, D.C., as the time and place of hearing was released and mailed on April 15, 1960, to the respondent at the mailing address appearing on his application for station license, and was received in person by the respondent on April 19, 1960; and

It further appearing that good cause exists for a grant of the motion to continue the hearing in this matter pending further Bureau attempts to obtain service of the said Order to Show Cause; and

It further appearing that the public interest requires immediate consideration of the aforesaid motion to continue proceedings without waiting for the four-day period specified in § 1.43 of the Commission's rules;

Now therefore, it is ordered, This 25th day of May 1960, that the "Motion to Continue Proceedings" filed on May 24, 1960, by the Acting Chief, Safety and Special Radio Services Bureau, requesting continuance of the hearing presently scheduled in the above-entitled matter for June 10, 1960, be, and the same is, hereby granted; and

It is further ordered, That the hearing previously scheduled for June 10, 1960, be, and the same is, hereby continued to a date to be set by subsequent order.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5044; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 12432-12435; FCC 60-596]

WILSON BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Wilson Broadcasting Corporation, New Bedford, Massachusetts, Docket No. 12432, File No. BPCT-2232; E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corp., New Bedford, Massachusetts, Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Massachusetts, Docket No. 12435, File No. BPCT-2425; for construction permits for new television broadcast stations.

1. The Commission has before it (a) the following requests of E. Anthony & Sons, Inc. (Anthony); a petition (addressed directly to the Commission) for leave to amend application; a petition for immediate action thereon; and a request for Commission action to accept amendments to application filed June 18, 1959, January 18, 1960, and March 30, 1960, respectively; (b) a petition for leave to amend and a request for conference with the Commission en banc filed July 17, 1959, and February 8, 1960, respectively, by Eastern States Broadcasting Corp., (Eastern); and (c) an appeal filed March 20, 1959, by Wilson Broadcasting Corporation (Wilson).

2. All applicants in the instant proceeding proposed antenna towers to be located on Martha's Vineyard, Massachusetts, in an area within a radius of three miles from the United States Coast Guard Loran C (radio-navigation) station on that island. Such area was the only location from which the Channel 6 transmitter for New Bedford would comply with minimum mileage separations from other television stations required by § 3.610 of the Commission's rules. Issue 1 in the proceeding is whether applicants' proposed operations would adversely affect the operation of the Loran C Station. The issue was specified in the light of objections of record made by the Coast Guard prior to designation concerning the probability that a television tower of the height proposed located within close proximity to the Loran C Station would reradiate energy and thus impair the accuracy of the navigational information obtained from that station. At a prehearing conference the Coast Guard indicated that operations from the proposed locations were objectionable for highly classified reasons, relating to the national defense which could not be disclosed at hearing. An appeal from an Examiner's Order scheduling hearing was filed by Wilson Broadcasting Corporation which requested clarification of procedures to be followed in view of the Coast Guard objections.

3. Thereafter Anthony filed a petition for leave to amend to a new transmitter site slightly more than 3 miles from the Coast Guard Loran C station which Anthony alleged would moot Coast Guard objections.[1] Since the proposed site would involve a separation of 167.8 miles from co-channel Station WCSH-TV, Portland, Maine, a departure of 2.2 miles from the required separation of 170 miles for zone 1 co-channel, the petition included a request for waiver of the minimum mileage separations required by § 3.610 of the Commission's rules. The Commission's Broadcast Bureau opposed any action on the Anthony petition for leave to amend pending Commission action on procedure to be followed under Issue 1. The Coast Guard in a letter to the Commission stated that from its standpoint and considering future uses of the Loran C Station, a greater separation than three miles is desirable and that if the Anthony amendment to a new site and its application is granted the Coast Guard would insist that reradiation characteristics of the television tower be minimized as much as practicable and appropriate measures be taken to maintain the tower electromagnetically stable.[2]

4. In a petition for immediate action on its request to amend to a new site Anthony states that a settlement has been reached between the applicants; that as a result of such settlement Anthony's application will remain in

[1] Eastern on July 17, 1959, filed a petition for leave to amend to a site on the mainland accompanied by a request for waiver of minimum separations. In view of settlement arrangements, set out infra, whereby Eastern's application will be dismissed, this petition is now moot and will be dismissed.

[2] Pleadings of other applicants relative to Anthony's proposal are not discussed in view of the settlement referred to in paragraph 4 hereof whereby their applications will be dismissed.

hearing,[3] and the other applications will be dismissed.[4] Anthony states that notwithstanding the settlement, the hearing cannot be carried to a conclusion unless some action is taken with respect to Issue 1. Anthony urges that its proposed new site will eliminate Coast Guard objections and that the requested waiver of separations is insubstantial. Further, Anthony states such proposed site will conform to separation requirements if Station WCSH-TV, Portland, Maine, is authorized to effect a currently proposed move of its transmitter to a location more than 170 miles from Anthony's proposed site.[5] Anthony makes alternative requests for action on its proposed amendment including a request that the question of waiver of separations be designated for hearing. Eastern whose interests will be merged with Anthony under the settlement requests a conference of all parties with the Commission en banc as a means of clarifying and expediting the proceeding.

5. In its request for Commission action to accept amendments to its application, Anthony alleges, among other things, that an agreement has been reached with the Coast Guard predicated on its proposed amended site; that under the agreement the Coast Guard would withdraw its objections presented under Issue 1 with reference to the proposed amended site and Anthony would agree to include certain specified terms and conditions in its construction permit relative to construction, shielding and operation of the antenna tower at such site. Anthony urges that the Commission (1) grant Anthony's petition for leave to amend to a new site and request for waiver of minimum separations; (2) grant its petition for leave to amend, filed January 18, 1960, to reflect the settlement arrangements; (3) terminate rule-making proceedings in Docket No. 13264 proposing to delete Channel 6 from New Bedford and Docket No. 13375 proposing reassignment of Channel 6 from New Bedford to Providence, Rhode Island, instituted November 12, 1959, and January 27, 1960, respectively; and (4) take such further action as it deems necessary and order the Examiner to resume hearing.

6. It does not appear that operations at Anthony's original site can be authorized because of national defense considerations not known until the case reached the hearing stage. In light of the extraordinary circumstances here present, where the only site from which, consistent with minimum separations, a signal of the required strength might be placed over the principal city, is unavailable due to the proximity of a defense installation, and national defense considerations can be satisfied by selection of a site involving only a slight departure from the rule, it is appropriate to consider whether applicants' request for waiver raises the question of whether the public interest in obtaining the facility at New Bedford may outweigh the considerations which governed the promulgation of the rule. However, the Commission does not believe that action should be taken with respect to Anthony's request for waiver of separations without an evidentiary record as to all pertinent circumstances. Accordingly, the Commission will grant Anthony's petition for leave to amend to a new site and accept its proposed amendment.[6] An issue will be added to the proceeding to determine whether waiver of minimum separations is warranted. Maine Radio and Television Company, licensee of Station WCSH-TV, will be named a party respondent to the proceeding since the waiver if granted would affect its existing license. The issue relative to waiver of minimum separations will be subject to deletion on motion to the Examiner if WCSH-TV is subsequently authorized to and does move its transmitter to a location which would result in Anthony's amended site conforming to minimum separations. In view of the action taken no reason appears for a conference with the parties, and Eastern's request therefor will be denied.

7. The Commission will not take action on Anthony's petition for leave to amend to reflect the settlement agreement; such petition may be considered by the Examiner under §§ 0.231 and 1.311(b) of our rules. The request to terminate rule-making proceedings in Docket Nos. 13264 and 13375 should be the subject of a separate pleading under § 1.12(a) (2) of the Commission's rules. The request, accordingly, will be denied without prejudice to refiling the same by proper pleading.

Accordingly, it is ordered, This 25th day of May 1960, That the petition for leave to amend, filed June 18, 1959, by E. Anthony and Sons, Inc., except to the extent it requests waiver of minimum separations is granted and the amendment tendered therewith is accepted; and that the following issue is added to the proceeding:

To determine whether waiver of § 3.610 of the Commission's rules to permit use of the transmitter site proposed in the application as amended of E. Anthony and Sons, Inc. is warranted.

It is further ordered, That Maine Radio and Television Company, licensee of Station WCSH-TV, Portland, Maine, is made party respondent to this proceeding;

It is further ordered, That the petition for immediate action, and the request for Commission action to accept amendments to application filed January 18, 1960, and March 30, 1960, by E. Anthony and Sons, Inc., are granted to the extent indicated herein and are otherwise denied; and that the request for a conference with the Commission en banc filed February 8, 1960, by Eastern States Broadcasting Corp, is denied;

It is further ordered, That the appeal filed March 20, 1959, by Wilson Broadcasting Corporation; and the petition for leave to amend, filed July 17, 1959, by Eastern States Broadcasting Corp. are dismissed.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5045; Filed, June 2, 1960; 8:53 a.m.]

[Docket Nos. 13448-13452; FCC 60M-914]

WTTT, INC. (WTTT) ET AL.

Order Continuing Hearing

In re applications of WTTT, Inc. (WTTT), Arlington, Florida, Docket No. 13448, File No. BP-12059; Onslow Broadcasting Corporation (WJNC), Jacksonville, North Carolina, Docket No. 13449, File No. BP-12309; Ponce de Leon Broadcasting Company (WFOY), St. Augustine, Florida, Docket No. 13450, File No. BP-12322; Indian River Radio, Inc. (WMMB), Melbourne, Florida, Docket No. 13451, File No. BP-12479; Capitol Broadcasting Company, incorporated (WRAL), Raleigh, North Carolina, Docket No. 13452, File No. BP-13130; for standard broadcast construction permits.

Pursuant to agreement reached at a prehearing conference in the above-entitled matter on May 25, 1960: *It is ordered*, That the hearing in the above-entitled matter presently scheduled for June 6, 1960, be, and the same is, hereby continued, to September 13, 1960.

Released: May 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5046; Filed, June 2, 1960; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17350 etc.]

PACIFIC GAS TRANSMISSION CO. ET AL.

Order Fixing Date for Oral Argument

MAY 27, 1960.

Pacific Gas Transmission Company, Docket No. G-17350, G-17351, and G-17352; El Paso Natural Gas Company, Docket No. G-17902 and G-18933; The Montana Power Company, Docket No. G-17370 and G-17371.

[3] A petition for leave to amend its application to reflect the settlement was filed January 18, 1960, by Anthony. Under the proposed settlement, the interests of Eastern and New England Television Company, Inc., will be merged in the Anthony application. Wilson is to be reimbursed for expenses not in excess of a specified amount.

[4] The Wilson application has been dismissed by Order released January 26, 1960 (FCC 60M-178), and petitions have been filed to dismiss the Eastern and New England applications.

[5] On October 1, 1959, Maine Radio and Television Company, licensee of WCSH-TV, Portland, Maine, filed an application (BPCT-3703) to change its transmitter site. This application is currently pending.

[6] The amendment does not indicate that air space clearance has been received for the proposed site. Acceptance thereof, accordingly, will be subject to subsequent addition of an air hazard issue with respect to the site in the event applicant fails to demonstrate that appropriate clearance has been obtained.

Exceptions have been filed to the initial decision of the Presiding Examiner issued April 29, 1960, in the above-captioned consolidated proceedings and it is appropriate that oral argument be held thereon.

The Commission orders:

(A) Oral argument be had before the Commission on June 21, 1960 at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the exceptions to the aforesaid decision.

(B) Parties to these proceedings intending to participate in the oral argument shall notify the Secretary of the Commission in writing on or before June 9, 1960 of such intention and of the length of time requested for presentation of their arguments.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-4989; Filed, June 2, 1960; 8:46 a.m.]

[Docket No. E-6941]

SIERRA PACIFIC POWER CO.

Notice of Application

MAY 27, 1960.

Take notice that on May 19, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of $3,500,000, principal amount of New Debentures. The aforesaid Debentures are to be dated as of July 1, 1960, with The National Shawmut Bank of Boston, as Trustee, containing a sinking fund designed to retire approximately 50 percent of the Debentures prior to maturity. The Debentures will be unsecured but the Indenture will contain provisions restricting Applicant in the creation of specified new liens, and the Company will covenant not to obligate itself with respect to any unsecured funded indebtedness which exceeds 65 percent of total capitalization or does not meet certain earnings requirements. The Debentures will be sold at competitive bidding and will mature on July 1, 1985. The interest or dividend rate, if any, will be determined by competitive bidding. Applicant states that the aforesaid Debentures are to be issued and sold to obtain funds to pay the balance remaining of bank loans, to reimburse Applicant's treasury for construction expenditures heretofore made and to finance additional construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 21st day of June 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-4990; Filed, June 2, 1960; 8:46 a.m.]

[Docket No. G-20509]

SOUTHERN NATURAL GAS CO.

Order Omitting Intermediate Decision Procedure and Fixing Date for Oral Argument

MAY 27, 1960.

The Presiding Examiner on May 12, 1960, reported to the Commission certain motions entered orally upon the record by staff counsel during the hearing on May 10, 1960. Staff counsel moved for an interim order based upon the sole issue of rate of return, thereby reserving for a subsequent phase of the proceeding all other issues involved therein. Staff counsel, in summary, requested that the Commission determine the proper rate of return to be allowed Southern during the refund period in which the proposed increased rates, which are the subject of this proceeding, may be made effective.

Staff counsel, pursuant to § 1.30(c) of the Commission's rules of practice and procedure, also requested waiver and omission of the intermediate decision procedure on the single separate issue of the proper rate of return to be allowed to Southern Natural Gas Company (Southern) in its cost of service for the test period utilized by it in this proceeding.

In support of the said motion for omission of intermediate decision procedure, it was pointed out that Southern's proposed increased rates may become effective on June 1, 1960, by motion filed by Southern in accordance with the provisions of section 4(e) of the Natural Gas Act, although the actual billing for gas delivered on and after that date will not be made until after July 1, 1960. In consideration of these facts, we are requested to consider the aforesaid motion for an interim order, if possible, on or before June 30, 1960. By such early consideration staff seeks a reduction in the level of the proposed increased rates either prior to their becoming effective, or immediately thereafter.

As reported by the Presiding Examiner, the record indicates that all parties, except Southern, join in staff counsel's motion for omission of the intermediate decision procedure. Southern stated that it "took no position" on the motion for omission of such decision. However, staff counsel's motion, first discussed above, requesting the issuance of an interim order, has been opposed by Southern and some of the interveners.[1] Southern contends, among other things, that the proposed interim order would be "illegal, unfair, and improper".

Thus, inasmuch as there is no opposition to the omission of the intermediate decision procedure, only two issues are presented for our consideration, namely, (1) whether an interim order based solely on the issue of rate of return is proper, and (2) what the reasonable rate of return for Southern is for the test period encompassed in this proceeding.

In the interest of saving time, the Presiding Examiner recommended a briefing and oral argument schedule which we find to be appropriate, and we adopt such schedule with minor modifications, as hereinafter provided. Several parties have recommended the waiver of briefing to save time and request that we rely solely upon oral argument. The Examiner recommended the filing of main briefs to be followed by either reply briefs or by oral argument. On May 16, 1960, Southern filed two motions, (1) for oral argument in addition to allowing the filing of both main and reply briefs, and (2) for a conference to be held for the purpose of determining whether by agreement, or otherwise, the issue of rate of return and related income taxes can be decided.

In view of the important issues raised in this proceeding, it would appear that oral argument on these issues should be held in addition to allowing the filing of both main and reply briefs, as hereinafter ordered.

By its above-mentioned motion for a conference, Southern seeks to resolve its claims of "denial of due process" and the "risk of confiscation" arising out of the second or final phase of this proceeding, as proposed by staff counsel's motion for an interim order. Answers objecting to Southern's motion have been filed by Atlanta Gas Light Company, Georgia Public Service Commission and South Atlantic Gas Company. Answers favoring Southern's motion have been filed by Georgia Municipal Association, Georgia Textile Manufacturers Association, Inc. and Georgia Industrial Gas Users Association. Additionally, South Carolina Natural Gas Company filed an answer stating that it does not oppose Southern's motion. We have considered Southern's motion and find that nothing essentially new or different is contained therein which has not already been the subject of an informal conference, the results of which were stated upon the record on January 28, 1960, and a formal conference held on the record on March 15, 1960. We have examined the record of this proceeding and it appears that there is neither a change in the factual situation nor any new proposal pending which would justify another conference, inasmuch as the two previous conferences, heretofore held, have proven nonproductive.

The Commission finds:

(1) Due and timely execution of our functions imperatively and unavoidably requires that the intermediate decision procedure be omitted in order that we may resolve the single issue of the proper rate of return to be allowed Southern in this proceeding, together with the procedural issue raised by staff counsel's aforementioned motion for an interim order.

(2) It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be held, as hereinafter provided, on the two issues set forth in finding (1) above.

(3) The aforementioned motion for a conference filed by Southern on May 16, 1960, should be denied.

The Commission orders:

(A) The intermediate decision procedure is hereby omitted for the purposes of our determination of the proper rate of return to be allowed Southern in this proceeding, together with the procedural issue raised by staff counsel's aforementioned motion for an interim order.

(B) Main briefs shall be filed by all parties who desire to do so, on or before June 13, 1960, and reply briefs shall be filed by all parties who desire to do so, on or before June 22, 1960, by service of copies on all parties.

(C) Oral argument before the Commission on the two aforementioned issues shall be held on June 24, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(D) all parties to this proceeding who desire to participate in the oral argument, herein provided, shall notify the Secretary, on or before June 13, 1960, of their intent to do so and the amount of time they desire for such argument.

(E) The aforementioned motion for a conference filed by Southern on May 16, 1960, is hereby denied.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-4991; Filed, June 2, 1960; 8:46 a.m.]

[Docket No. CP60-59]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

MAY 27, 1960.

Take notice that on March 14, 1950, as supplemented on April 26, 1960, United Gas Pipe Line Company (Applicant) filed in Docket No. CP60-59 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to provide an additional source of supply to assure continued reliable service to Applicant's so-called Rayville-Winnsboro System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist of approximately 7.81 miles of 8-inch pipeline, and appurtenant facilities, from a point near Milepost 26.33 on Applicant's 18-inch Sterlington-Jackson pipeline extending southwesterly to a point near Milepost 5.74 on Applicant's 4-inch Rayville-Winnsboro pipeline, all in Richland Parish, Louisiana.

Applicant represents that existing service to Applicant's customer, Louisiana Gas Service Company, for resale in the Towns of Rayville, Archibald, Mangham, Baskon, and Winnsboro, and directly to the Town of Rayville for use in its electric generating plant, all formerly rendered by Applicant from intrastate facilities, would become interstate in character. The purpose of the application is to provide for expected future load growth in this area.

Applicant's estimated requirements under this application for the first three years are:

	Mcf at 14.73 psia		
	1st year	2d year	3d year
Annual, firm	546,700	569,700	593,700
Annual, interruptible	155,000	155,000	155,000
Peak day, firm	5,317	5,565	5,822
Peak day, interruptible	1,000	1,000	1,000

The total estimated cost of the proposed facilities is $186,836.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-4993; Filed, June 2, 1960; 8:46 a.m.]

[Docket No. RI60-377 etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Amendment

MAY 25, 1960.

Standard Oil Company of Texas, et al., Docket No. RI60-337, et al.; Helmerich & Payne, Inc., Docket No. RI60-342.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued May 13, 1960, and published in the FEDERAL REGISTER on May 21, 1960 (25 F.R. 4519): In RI60-342 under the column heading "Purchaser and Producing Area" change "Panhandle Eastern Pipe Line Company, (Liberal Southeast Fld., Seward Co., Texas)" to read "Panhandle Eastern Pipe Line Company (Liberal Southeast Fld., Seward Co., Kansas".

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-4992; Filed, June 2, 1960; 8:46 a.m.]

[Project No. 2155]

CALIFORNIA

Notice of Land Withdrawal

MAY 27, 1960.

In the matter of White Rock Division, Upper American River Project, Sacramento Municipal Utility District.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2155 (White Rock Division, Upper American River Project) for which application for license was filed March 21, 1960, by the Sacramento Municipal Utility District, Sacramento 11, California. Under said section 24 these lands are, from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The area reserved by the filing of the application for this project is approximately 1168.04 acres, all of which have been previously withdrawn by Projects No. 78, 184, 424, or 1455; Power Site Reserves No. 201, 268, 700; or Power Site Classification No. 178. Approximately 1018.10 acres of the United States lands are within the Eldorado National Forest.

MOUNT DIABLO MERIDIAN

CALIFORNIA

All portions of the following described subdivisions as depicted on map exhibit J, White Rock Division Plan and Profile (FPC No. 2155-2) for tunnel purposes:

T. 11 N., R. 11 E.,
Sec. 25: NE¼SW¼, NW¼SE¼;
Sec. 32: NW¼NE¼, NE¼NW¼.

All portions of the following described subdivisions lying within the project boundaries as delimited on map exhibits K-1-1 and K-1-2, White Rock Division, Slab Creek Reservoir and K-1-3, White Rock Division, Chili Bar Reservoir (FPC Nos. 2155-3, -4, -5).

T. 11 N., R. 11 E.,
Sec. 25: E½NE¼, SW¼NE¼;
Sec. 30: S½S½ of Lot 3, E½ and SW¼ of Lot 4, S½S½NE¼SW¼, SE¼SW¼, S½S½SE¼.
T. 11 N., R. 12 E.
Sec. 15: S½SW¼;
Sec. 16: SW¼;
Sec. 20: NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 21: N½N½;
Sec. 22: NW¼NE¼, N½NW¼;
Sec. 30: Lot 1.

[1] Georgia Textile Manufacturers Association, Inc., Georgia Industrial Gas Users Association, Alabama Gas Corporation, Alabama Municipal Gas Association, Alabama Public Service Commission, and Marshall County Gas District oppose the staff's motion for an interim order.

Copies of the project map exhibits J (FPC No. 2155–2) and K–1, 1, 2, 3 (FPC Nos. 2155, 3, 4, 5) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–4994; Filed, June 2, 1960; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749–1749c), is hereby authorized within such Region:

1. To execute loan agreements involving loans for student and/or faculty housing and/or dining facilities, and to amend or modify any such loan agreement;

2. To execute any loan agreement under the program in the amount approved by the Community Facilities Commissioner, and to amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960), as corrected 25 F.R. 3198, April 13, 1960))

Effective as of the 3d day of May 1960.

[SEAL] WALTER S. FRIED,
Regional Administrator, Region I.

[F.R. Doc. 60–5024; Filed, June 2, 1960; 8:51 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region:

1. To enter into contracts with public agencies involving loans for essential public works or facilities in amounts not exceeding $250,000, and to amend or modify any such contract provided that such amendment or modification does not increase the Federal loan beyond $275,000;

2. To enter into contracts with public agencies for loans for such public works or facilities in amounts approved by the Community Facilities Commissioner, and to amend or modify any such contract provided that such amendment or modification does not increase the amount of the Federal loan approved by the Commissioner by more than $25,000 or 10 percent, whichever is the lesser.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960))

Effective as of the 3d day of May 1960.

[SEAL] WALTER S. FRIED,
Regional Administrator, Region I.

[F.R. Doc. 60–5025; Filed, June 2, 1960; 8:51 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Public Works Plannning

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers to public agencies for planning projects involving advances in amounts not exceeding $30,000 per project, and to amend or modify contracts resulting from the acceptance of such offers provided that such amendments or modifications do not increase the Federal advances for any project beyond $30,000;

2. To execute offers to public agencies in amounts approved by the Community Facilities Commissioner for planning projects involving advances in excess of $30,000, and to amend or modify contracts resulting from the acceptance of such offers, except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Federal advance shall not be executed without the prior approval of the Community Facilities Commissioner;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs 1 or 2 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraphs 1 or 2 above.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960))

Effective as of the 3d day of May 1960.

[SEAL] WALTER S. FRIED,
Regional Administrator, Region I.

[F.R. Doc. 60–5026; Filed, June 2, 1960; 8:51 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The Regional Director of Urban Renewal, Region I (New York), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F.R. 428, Jan. 19, 1955), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U.S.C. 1450–1460), and under section 312 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1452 note), with respect to the demonstration grant program authorized under section 314 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1452a), and with respect to the urban planning grant program authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U.S.C. 461), except those authorities which under paragraph 5 of such delegation may not be redelegated.

This redelegation supersedes the redelegation effective February 3, 1959 (24 F.R. 1161, Feb. 14, 1959), and redelegation effective April 15, 1958 (23 F.R. 3277, May 14, 1958).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 3d day of May 1960.

[SEAL] WALTER S. FRIED,
Regional Administrator, Region I.

[F.R. Doc. 60–5027; Filed, June 2, 1960; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of The Marine Corporation for prior approval of acquisition of voting shares of Peoples Trust & Savings Bank, Green Bay, Wisconsin.

There having come before the board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of The Marine Corporation, Milwaukee, Wisconsin, for the Board's prior approval of the acquisition of 80 per cent or more of the 5,000 voting shares of Peoples Trust & Savings Bank, Green Bay, Wisconsin; a Notice of Tentative Decision referring to a Tentative Statement on said application has been published in the FEDERAL REGISTER on May 7, 1960 (25 F.R. 4120); the said Notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and comments having expired and no such objections or comments having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, and the acquisition by The Marine Corporation of 80 percent or more of the 5,000 voting shares of Peoples Trust & Savings Bank, Green Bay, Wisconsin, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 26th day of May 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60–4996; Filed, June 2, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24C–1933]

BABY-FUND, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 27, 1960.

I. Baby-Fund, Inc. (issuer), a Minnesota corporation located in Detroit Lakes, Minnesota, filed with the Commission on March 5, 1957, a notification on Form I–A and an offering circular, and subsequently filed amendments thereto relating to an offering of 100,000 shares of its $1 par value common stock at $1 per share in the aggregate amount of $100,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports on Form 2–A as required by Rule 260 of Regulation A and has failed to file a revised offering circular in accordance with Rule 256(e) of Regulation A despite repeated requests of the Commission's staff.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5002; Filed, June 2, 1960; 8:48 a.m.]

[File No. 812–1301]

INCOME FUND OF BOSTON, INC.

Notice of Filing of Application To Permit Borrowing From Foreign Bank

MAY 26, 1960

Notice is hereby given that Income Fund of Boston, Inc. ("Applicant"), an open-end investment company organized as a Massachusetts Trust and registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act requesting an exemption from the requirements of section 18(f)(1) of the Act to the extent necessary to permit Applicant to make borrowings from time to time from foreign banking firms as hereinafter described.

Section 18(f)(1) of the Act provides, among other things, that any registered open-end investment company shall be permitted to borrow from any bank, subject to certain asset coverage restrictions. Section 2(a)(5) of the Act defines a "bank", so far as here relevant, as a banking institution organized under the laws of the United States, a member bank of the Federal Reserve System, or any laws of the United States, a mmeber bank other domestic banking institution or trust company supervised and examined by State or Federal authority.

Applicant states that while section 18(f)(1) of the Act generally prohibits the issuance of senior securities by an open-end investment company, exception was made to permit borrowings to be made from a bank, apparently for the reason that the practical difficulties in maintaining adequate asset coverage for a security senior to a fully redeemable common stock would not raise problems adverse to the interest of investors in the case of bank borrowings. Applicant also states that there appears to be no reason to distinguish between domestic banks and foreign banking firms in implementing this policy.

Applicant states that if the exemption requested is granted, loans from foreign banking firms will be made only if such loans are consistent with its borrowing policy, are otherwise consistent with the requirements of the Act, and can be obtained on more favorable terms than from domestic banks.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally, or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than June 9, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5003; Filed, June 2, 1960; 8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Addition to List

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are published the following additions to the list of companies which have accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply, as Amended," dated May 8, 1956. The request and original list of acceptances were published in 21 F.R. 5703, July 28, 1956; and additional acceptances were published in 21 F.R. 6687, September 5, 1956; 21 F.R. 6964, September 14, 1956; 21 F.R. 7640, October 4, 1956; and 22 F.R. 1162, February 27, 1957.

Continental Oil Company, Houston, Tex.
Phillips Petroleum Company, Bartlesville, Okla.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

Plymouth Oil Company, Pittsburgh, Pa.
Signal Oil and Gas Company, Los Angeles, Calif.
Standard Oil Company (Indiana), Chicago, Ill.
Standard Oil Company (Ohio), Cleveland, Ohio.
Sunray Mid-Continent Oil Company, Tulsa, Okla.
The Atlantic Refining Company, Philadelphia, Pa.
The Ohio Oil Company, Findlay, Ohio.

(Sec. 708, 64 Stat. 816, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939)

Dated: May 26, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-4981; Filed, June 2, 1960; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 276]

VIRGIN ISLANDS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas on the Island of St. Thomas, Virgin Islands;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated on the Island of St. Thomas, Virgin Islands, suffered damage or destruction as a result of heavy rain and flood occurring on or about May 5 through May 9, 1960.

Office: Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

2. A temporary field office will be established at Charlotte Amalie, on the Island of St. Thomas, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 21, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5005; Filed, June 2, 1960; 8:48 a.m.]

[Declaration of Disaster Area 277]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Scott (flood occurring on or about May 20, 1960).

Office: Small Business Administration Regional Office, Lewis Building, 603 Second Avenue, South Minneapolis 2, Minn.

2. A temporary field office will be established at Jordan, Minnesota, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 23, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5006; Filed, June 2, 1960; 8:48 a.m.]

[Declaration of Disaster Area 278]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Jefferson, Shawnee and Pottawatomie (tornado occurring on or about May 19, 1960).

Office: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 23, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5007; Filed, June 2, 1960; 8:48 a.m.]

[Declaration of Disaster Area 279]

HAWAII

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Hawaii;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the State of Hawaii suffered damage or destruction as a result of tidal waves occurring on or about May 23, 1960.

Offices: Small Business Administration Regional Office, 525 Market Street, San Francisco 5, Calif. Small Business Administration Branch Office, Finance Factors Building, 195 South King Street, Honolulu, Hawaii.

2. A temporary field office will be established at Hilo, Hawaii, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 24, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5008; Filed, June 2, 1960; 8:48 a.m.]

[Declaration of Disaster Area 280]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Los Angeles (tidal wave occurring on or about May 24, 1960).

Office: Small Business Administration Regional Office, Ohrbach Building, Room 1101, 312 West Fifth Street, Los Angeles 13, Calif.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 24, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5009; Filed, June 2, 1960; 8:48 a.m.]

[Delegation of Authority 30-X-1 (Rev. 2)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960, there is hereby redelegated to the Chief, Financial Assistance Division, Dallas Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* (1) To approve the following types of loans.

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000;

(c) Disaster loans in an amount not exceeding $50,000.

(2) To decline original applications for disaster loans but not reconsideration of such applications.

(3) To approve or decline Limited Loan Participation loans.

(4) To disburse approved loans.

(5) To enter into Business Loan and Disaster Loan Participation Agreements with banks.

(6) To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Chief, Financial Assistance Division.

(7) To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

(8) To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

(9) To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

(10) To approve service charges by participating bank not to exceed 2% per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

(11) To take the following actions in the Administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000 or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

(12) To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing.

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; *Provided, however,* That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: March 28, 1960.

J. F. MATCHETT,
Deputy Regional Director,
Dallas Regional Office.

[F.R. Doc. 60-5010; Filed, June 2, 1960; 8:48 a.m.]

[Delegation of Authority 30-X-19]

DEPUTY REGIONAL DIRECTOR, DALLAS, TEXAS

Delegation Relating to Financial Assistance, Investment, Procurement and Technical Assistance, and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6) (25 F.R. 1706), there is hereby redelegated to the Deputy Regional Director, Dallas Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* (1) To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000;

(c) Disaster loans in an amount not exceeding $50,000.

(2) To decline original applications for disaster loans but not reconsideration of such applications.

(3) To approve or decline Limited Loan Participation loans.

(4) To disburse approved loans.

(5) To enter into Business Loan and Disaster Loan Participation Agreements with banks.

(6) To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
Deputy Regional Director.

(7) To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

(8) To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

(9) To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

(10) To approve service charges by participating bank not to exceed 2% per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

(11) To take the following actions in the Administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000, or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

(12) To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing.

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator: *Provided, however,* That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing:

B. *Investment program.* (1) To disburse Section 502 loans.

(2) To extend the disbursement period on section 502 loan authorization or undisbursed portions of section 502 loans.

(3) To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

(4) To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* (1) To: (a) determine joint setasides for Government procurements and sales; (b) to determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

D. *Administration.* (1) To administer oaths of office.

(2) To approve (a) annual and sick leave and (b) leave without pay, not to exceed 30 days.

(3) To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $50 for any one object class in any one instance but not more than $100 for any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

(4) In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

(5) To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

(6) To (a) authorize or approve official travel within the Region and (b) administratively approve travel reimbursement claims.

(7) To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

(8) To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

(9) To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in grades GS–1 through GS–7.

E. *Eligibility.* (1) To determine the size of applicants for assistance in accordance with the specific definitions set forth in sections 121.3–8, 121.3–9, 121.3–10 and 121.3–11 of the Small Business Size Standards Regulation, as amended (13 CFR Part 121), and within the rules set forth in section 121.3–4 of said Regulation, except where such determination involves questions of affiliation including franchise agreements, license agreements, or other similar contractual arrangements.

(2) To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Correspondence.* To sign all correspondence relating to the functions of the Regional Office, except Congressional correspondence and correspondence involving new policy matters.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Regional Director.

IV. All previous authority delegated to employees of the Dallas Regional Office by the Regional Director may be rescinded, revised or amended without prejudice to actions taken thereunder.

Effective date: March 28, 1960.

C. W. FERGUSON,
Regional Director,
Dallas Regional Office.

[F.R. Doc. 60–5011; Filed, June 2, 1960; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FREDERIC CHARLES GROMME ARNING

Notice of Intention To Return Vested Property; Amendment

The Notice of Intention to Return Vested Property to Frederic Charles Gromme Arning, Claim No. 57823, which was published in the FEDERAL REGISTER on September 11, 1958 (23 F.R. 7057), is hereby amended in view of the death of Frederic Charles Gromme Arning by deleting therefrom under the heading "Claimant" the words: Frederic Charles Gromme Arning, Longstone, Powdermill Lane, Battle, Sussex, England, and substituting in place thereof the following: District Bank Limited, Executor of the Estate of Frederic C. G. Arning, deceased, Manchester, England.

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on May 27, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60–5020; Filed, June 2, 1960; 8:50 a.m.]

JULIUS GOUDSMIT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Julius Goudsmit, The Hague, The Netherlands; $105.00 in the Treasury of the United States.

Vesting Order No. 18117; Claim No. 62394.

Executed at Washington, D.C., on May 27, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60–5018; Filed, June 2, 1960; 8:50 a.m.]

JOHANN STOLL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johann Stoll, Munich, Germany; $4,186.76 in the Treasury of the United States.

Vesting Order No. 13237; Claim No. 63242.

Executed at Washington, D.C., on May 27, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60–5019; Filed, June 2, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 323]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 31, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62602. By order of May 26, 1960, the Transfer Board approved the transfer to Clearwater Stage Lines, Inc., Grangeville, Idaho, of Certificates in Nos. MC 110604 and MC 110604 Sub 2, issued October 29, 1957 and December 11, 1959, to Virgil Boyd, doing business as Clearwater Stage Lines, Grangeville, Idaho, authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Lewiston, Idaho, and Grangeville, Idaho, and between Lewiston, Idaho, and Headquarters, Idaho, serving all intermediate points, and between junction Idaho Highway 9 and Idaho Highway 11 (near Greer, Idaho, and Kamiah, Idaho), serving all intermediate points. Elbert A. Stellmon, P.O. Box 496, Lewiston, Idaho, for applicants.

No. MC–FC 63119. By order of May 27, 1960, the Transfer Board approved the transfer to Ritchie Moving & Storage Company, a Corporation, Cleveland, Ohio, of Certificate No. MC 72982, issued June 14, 1949, in the name of J. Ritchie & Sons, Inc., Cleveland, Ohio, authorizing the transportation of household goods, over irregular routes, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Michigan, New Jersey, New York, Pennsylvania, and West Virginia, traversing Maryland for operating convenience only. G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio, for applicants.

No. MC–FC 63137. By order of May 26, 1960, the Transfer Board approved the transfer to all Boro Mountain Limousine Service, Inc., at St. Albans, N.Y., of Certificate No. MC 94162, issued August 16, 1944, to Rosenblatt's Friendly Mountain Line, Inc., Brooklyn, N.Y., authorizing the transportation of: Passengers and their baggage, in special operations, from May 15 to September 30, inclusive, traversing New Jersey for operating convenience, between New York, N.Y., on the one hand, and, on the other, points in Bethel, Neversink, Liberty, Thompson, Fallsburgh, and Rockland Townships, Sullivan County, N.Y., and Warwarsing Township, Ulster County, N.Y. Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–5015; Filed, June 2, 1960; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 117–A]

READING CO.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 117 (the Reading Company) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 117, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a.m.; May 27, 1960.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 27, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60–5016; Filed, June 2, 1960; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 31, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36275: *Substituted service—PRR for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 24), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Buffalo, N.Y., on the one hand, and specified points in Illinois, Indiana, Kentucky, Maryland, New Jersey, and Pennsylvania, on the other, between Cincinnati, Ohio and Chicago, Ill., and between Dayton, Ohio, on the one hand, and points in Illinois,

Maryland, New Jersey and Pennsylvania, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 36276: *Substituted service—Wabash for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 25), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Fort Wayne, Ind., and East St. Louis, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 36277: *Wrought iron pipe—East to the southwest.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2542), for interested rail carriers. Rates on wrought iron pipe and related articles, in carloads, from producing points in official territory, to points in southwestern territory.

Grounds for relief: Rates prescribed by order of the Commission and grouping.

Tariff: Supplement 231 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. A-732 (Boin series).

FSA No. 36278: *Bituminous fine coal—Alabama to Mitchell, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3960), for interested rail carriers. Rates on bituminous fine coal, in carloads, as described in the application, from L&N mines in Alabama, to Mitchel, Ga.

Grounds for relief: Grouping.

Tariff: Supplement 33 to Southern Freight Association tariff I.C.C. S-39.

FSA No. 36279: *Radiators—Ga., Miss., and N.C., to official territory.* Filed by O. W. South, Jr., Agent (SFA No. A3955), for interested rail carriers. Rates on boilers, radiators, and related articles, in carloads, as described in the application, from Brunswick, Ga., West Point, Miss., and Wilmington, N.C., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 197 to Southern Freight Association tariff I.C.C. 971 (Spaninger series).

FSA No. 36280: *Superphosphate—South Florida to Massachusetts.* Filed by O. W. South, Jr., Agent (SFA No. A3959), for interested rail carriers. Rates on superphosphate (acid phosphate), in carloads, from South Florida producing points, to Lowell, North Cambridge and South Wilmington, Mass.

Grounds for relief: Rail-water-truck competition.

Tariff: Supplement 66 to Southern Freight Association tariff I.C.C. 1568 (Spaninger series).

FSA No. 36281: *T.O.F.C. Service—Between Illinois and WTL territories and the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7808), for interested carriers. Rates on property of various kinds moving on class rates loaded in trailers and transported on railroad flat cars between points in Illinois and western trunk line territory, on the one hand, and points in Arkansas, Missouri and Oklahoma, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 66 to Southwestern Freight Bureau tariff I.C.C. 4312.

FSA No. 36282: *Substituted service—Monon and L&N for Southern-Plaza Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 17), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

FSA No. 36283: *Substituted service—Monon and L&N for Super Service Motor Freight Company.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 18), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., on the one hand, and Chattanooga or Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

FSA No. 36284: *Substituted service—IC for Southern-Plaza Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent, (No. 19), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and East St. Louis, Ill., and Memphis, Tenn., on the other, and between East St. Louis, Ill., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5014; Filed, June 2, 1960; 8:49 a.m.]

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(As of January 1, 1960)

The following Supplements are now available:

Title 7, Part 960 to End — $2.50
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Title 15 — $1.25

Previously announced: Title 3 ($0.60); Titles 4-5 ($1.00); Title 7, Parts 1-50 ($0.45); Parts 51-52 ($0.45); Parts 53-209 ($0.40); Parts 210-399, Revised ($4.00); Parts 900-959 ($1.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10-13 ($0.50); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22-23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1-79 ($0.40); Parts 80-169 ($0.35); Parts 170-182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01-1.499) ($1.75); Parts 1 (§§ 1.500 to End)-19 ($2.25); Parts 20-169 ($1.75); Parts 170-221 ($2.25); Part 300 to End ($1.25); Titles 28-29 ($1.75); Titles 30-31 ($0.50); Title 32, Parts 1-399 ($2.00); Parts 400-699 ($2.00); Parts 700-799 ($1.00); Parts 800-999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1-145 ($1.00); Parts 146-149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1-29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1-70 ($1.75); Parts 71-90 ($1.00); Parts 91-164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Washington, Saturday, June 4, 1960

THE UNIVERSITY OF MICHIGAN
JUN 6 1960
MAIN READING ROOM

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3351

FLAG DAY, 1960

By the President of the United States of America

A Proclamation

WHEREAS in the first year of our national independence, on June 14, 1777, "the United States in Congress assembled" created the flag of the United States consisting of thirteen stripes of red and white and a union of thirteen white stars in a blue field; and

WHEREAS the stars of the union, representing the States of the Nation, have multiplied with the passing years until they will number fifty on July 4, 1960; and

WHEREAS it is fitting that the sight of our flag should stir our hearts with pride and gratitude for our national heritage of independence, union, and equality under representative government dedicated to freedom and justice for all; and

WHEREAS it is proper on the birthday of the Stars and Stripes that we should recall the qualities of greatness that our Founding Fathers displayed when, with firm reliance on Divine Providence, they pledged their lives, their fortunes, and their sacred honor to bring this Nation into being; and

WHEREAS the troubled times in which we live call for the courage, steadfastness, and wisdom of our forefathers in their times of trial and for renewed dedication to our country under the banner which symbolizes our national purposes; and

WHEREAS the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling upon the Government and the people of the United States to observe that day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Tuesday, June 14, 1960, to be Flag Day; and I call upon the responsible officers of the Federal Government and of the State and local governments to arrange for the flag to be flown on all public buildings on that day.

I request the people of the United States to observe Flag Day by flying the colors at their homes and other suitable places, by organizing and participating in appropriate services and ceremonies, and by giving grateful thought to the treasured national heritage which the flag represents.

I also urge all our people at all times to cultivate and to inculcate in their children the ideals and the qualities of responsible American citizenship, which constitute the strongest possible guarantee of the flag's future honor and glory.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of June in the year of our Lord nineteen hundred and sixty, [SEAL] and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-5167; Filed, June 3, 1960; 10:39 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 89—GROUP HEALTH BENEFITS

Miscellaneous Amendments

The Civil Service Commission has approved amendments to the regulations governing the Federal Employees Health Benefits Program. The first of these amendments is designed to exclude from coverage certain persons whose Federal employment is intermittent, whether they have regular tours of duty or not. These persons typically spend but a few minutes a day or week performing Federal duties. Ordinarily their duties are such that there is no particular period of time to be spent in performing Federal duties. However, the annual rate of pay reflects the amount of time required for performance of the duties. Consequently the amendment excludes those employees whose annual rate of pay is $350 a year or less.

The other amendments are intended to clarify the regulations and instructions for registration of Federal employees and to simplify administration.

Because of the imminence of the effective date established by law for the Federal Employees Health Benefits Program, the Commission finds that notice and public procedure on these amendments is impracticable, and therefore,

It is ordered, That effective on the date of publication in the FEDERAL REGISTER, Part 89 of Chapter I of Title 5, Code of Federal Regulations, is amended as follows:

Section 89.2(b)(5) is amended to read as follows:

§ 89.2 Coverage.

* * * * *

(b) Employees in the following groups are not eligible:

* * * * *

(5) Employees whose salary, pay, or compensation on an annual basis is $350 a year or less.

Section 89.4 (a) and (b) is amended to read as follows:

§ 89.4 Effective date of enrollment.

(a) The effective date of enrollment under § 89.3(a) is the first day of the first pay period after June 30, 1960, if (1) the employee is in pay status at any time in the preceding pay period, except that, if the employee is a substitute in the postal field service, he must have drawn sufficient pay after other deductions during the six consecutive preceding pay periods to permit withholding the amount necessary for his share of the cost of the health benefits plan he selects, and (2) his Health Benefits Registration Form has been received by his employing office before July 1, 1960.

(b) The effective date of enrollment or change of enrollment under § 89.3(f), for employees, is the first day of the first pay period after October 31 of the year in which the employing office receives the employee's registration to enroll or change enrollment, if the employee is in pay status at any time in the preceding pay period, except that, if the employee is a substitute in the postal field service, the effective date must follow six consecutive pay periods in which the employee was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding of the amount necessary for his share of the cost of the health benefits plan he selects.

(Sec. 10, 73 Stat. 715, 5 U.S.C. 3009)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-5079; Filed, June 3, 1960; 8:47 a.m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.435]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15 *Designation of differential posts* is amended as follows, effective as of the beginning of the first pay period following May 28, 1960:

1. Paragraph (b) is amended by the deletion of the following:

Colombia, all posts except Barranquilla, Bogota, Cali, Medellin and San Andres Island.

2. Paragraph (b) is amended by the addition of the following:

Colombia, all posts except Barranquilla, Bogota, Cali, Manizales, Medellin and San Andres Island.

3. Paragraph (c) is amended by the addition of the following:

Manizales, Colombia.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Dated: May 13, 1960.

For the Secretary of State.

[SEAL] LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 60-5092; Filed, June 3, 1960; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 446—PEANUTS

Notice of Extension of Maturity Date 1959 Crop Peanut Price Support Program

Notice is hereby given of the extension by Commodity Credit Corporation of the loan maturity date for 1959 crop peanuts, as provided for in § 446.1102(b) of the 1959 crop peanut price support program regulations published in the FEDERAL REGISTER for July 30, 1959 (24 F.R. 6077), from May 31, 1960 to June 24, 1960.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 63 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 31st day of May 1960.

ANDREW J. MAIR,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-5095; Filed, June 3, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

Fees and Charges

On April 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3764), regarding the issuance of an amendment to the regulations governing the inspection of tobacco (7 CFR Part 29), issued pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.). The notice provided that all persons desiring to submit written data, views, and arguments for consideration in connection with the proposed amendment should submit same not later than 10 days after publication of the proposed amendment in the FEDERAL REGISTER of April 29, 1960. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following amendments are hereby promulgated, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731, 7 U.S.C. 511 et seq.).

1. Change paragraphs (b) and (c) of § 29.123 to read as follows:

(b) The fees or charges for hogshead, bale or case inspection shall be the actual total cost including travel expense, per diem allowance and salaries.

(c) The fees or charges for sample inspection shall be the actual total cost including travel expense, per diem allowance and salaries.

2. Change paragraph A of § 29.801 to read as follows:

A. *Determination of fees or charges and payments of costs.*

1. Fees or charges for inspection at redrying plants and receiving points shall include travel expense, per diem allowance and salaries: *Provided*, That charges for verification or confirmation of grades previously assigned at redrying plants and receiving points shall not include a charge for salaries if there has been no change in ownership of the tobacco involved and if inspectors performing such verification or confirmation were not recalled to duty for the purpose of performing such service.

2. Charges for inspection at non-designated auction markets shall include travel expense, per diem allowance and salaries.

3. Fees or charges for hogshead, bale or case inspection shall be the actual total cost including travel expense, per diem allowance and salaries.

4. Fees or charges for sample inspection shall be the actual total cost including travel expense, per diem allowance and salaries.

5. All charges as assessed under paragraphs 1, 2, 3 and 4, shall be increased by 8 percent to cover administrative expenses.

6. It is mutually agreed that AMS will pay all expenses above mentioned from any available appropriation with the agreement and understanding that AMS shall be reimbursed therefor by the applicant for all expenses so paid by AMS for conducting the work hereunder.

7. The applicant agrees to reimburse the Agricultural Marketing Service for all expenses incurred in the conduct of the services rendered under this application, not later than 15 days from the date of billing, such payment to be made by check, money order, or draft, payable and mailed to the Agricultural Marketing Service, Washington 25, D.C., for deposit to the appropriation from which the expenses were paid.

Done at Washington, D.C., this 1st day of June 1960, to become effective July 1, 1960.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-5094; Filed, June 3, 1960; 8:50 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Fruits for Salad [1]

On August 18, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 6693) regarding a proposed revision of the United States Standards for Grades of Canned Fruits for Salad.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Fruits for Salad are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627):

PRODUCT DESCRIPTION AND GRADES

Sec.
52.3831 Product description.
52.3832 Grades of canned fruits for salad.

PROPORTIONS AND FORMS OF FRUIT

52.3833 Proportions and forms of fruit.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

52.3834 Liquid media and Brix measurements for canned fruits for salad.
52.3835 Recommended fill of container for canned fruits for salad.
52.3836 Recommended minimum drained weights for canned fruits for salad.
52.3837 Compliance with recommended drained weights.

FACTORS OF QUALITY

52.3838 Ascertaining the grade.
52.3839 Ascertaining the rating for the factors which are scored.
52.3840 Color.
52.3841 Uniformity of count and size.
52.3842 Absence of defects.
52.3843 Character.

LOT INSPECTION AND CERTIFICATION

52.3844 Ascertaining the grade of a lot.

SCORE SHEET

52.3845 Score sheet for canned fruits for salad.

AUTHORITY: §§ 52.3831 to 52.3845 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.3831 Product description.

"Canned fruits for salad" (or "canned salad fruits" or "canned fruit salad") for the purposes of this subpart is the product consisting of units of properly prepared apricots, yellow clingstone peaches, pears, pineapple, cherries and/or grapes in the forms (or styles), proportions, and minimum counts specified in Table I of this subpart. The product is packed in a suitable liquid medium with or without the addition of nutritive sweetening ingredients, artificial sweetening ingredients, or other ingredients permissible under the Federal Food, Drug, and Cosmetic Act, and is processed by heat to assure preservation of the product in hermetically-sealed containers.

§ 52.3832 Grades of canned fruits for salad.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned fruits for salad in which each fruit ingredient possesses similar varietal characteristics; in which the fruit ingredients possess a good color, are practically uniform in count and size, are practically free from defects, possess a good character, possess a normal flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned fruits for salad in which each fruit ingredient possesses similar varietal characteristics; in which the fruit ingredients possess a reasonably good color, may be irregular in count but are fairly uniform in size, are reasonably free from defects, possess a reasonably good character, possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned fruits for salad that fail to meet the requirements of U.S. Grade B.

PROPORTIONS AND FORMS OF FRUIT

§ 52.3833 Proportion and forms of fruits.

Canned fruits for salad shall consist of the kinds of fruits in the forms (styles) and proportions as specified in Table I of this subpart.

TABLE I

Fruit and forms (or styles)	Proportion [1]	
Apricots:		
Unpeeled quarters; or unpeeled halves; or peeled quarters; or peeled halves.	Not less than 15%.	Not more than 30%.
Yellow clingstone peaches:		
Peeled quarters; or peeled slices.	Not less than 23%.	Not more than 46%.
Pears:		
Peeled quarters; or peeled slices.	Not less than 10%.	Not more than 38%.
Pineapple:		
Wedge-shaped segments from slices.	Not less than 8%.	Not more than 16%.
Cherries, whole:		
Artificially colored red; or artificially colored red and artificially flavored.	Not less than 3%.	Not more than 8%.
Grapes, whole:		
Natural, seedless.	Not less than 6%.	Not more than 12%.

[1] Percentages of each fruit based on the average drained weight from the containers examined: *Provided*, That the variability is within the range of good commercial practice.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.3834 Liquid media and Brix measurements for canned fruits for salad.

"Cut-out" requirements for liquid media in canned fruits for salad are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy fruit juice sirup".	22° or more but less than 35°.
"Heavy sirup" or "Heavy fruit juice sirup".	18° or more but less than 22°.
"Light sirup" or "Light fruit juice sirup".	14° or more but less than 18°.
"In water"	No requirement.
"In fruit juice"	No requirement.

§ 52.3835 Recommended fill of container for canned fruits for salad.

The recommended fill of container for canned fruits for salad is not incorpo-

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

rated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of the fruit ingredients as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.3836 Recommended minimum drained weights for canned fruits for salad.

(a) *General.* The minimum drained weight recommendations in Table II of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned fruits for salad is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and fruits less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.3837 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned fruits for salad is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED FRUITS FOR SALAD

Container designations (metal, unless otherwise stated)	Container size-over-all dimensions		In any liquid medium
	Width	Height	
	Inches	*Inches*	*Ounces*
8 Z Tall	2 1/16	3 4/16	5.2
8 oz. glass			5.2
No. 300	3	4 7/16	9.0
No. 1 Tall	3 1/16	4 13/16	10.0
No. 303	3 1/16	4 9/16	10.0
No. 303 glass			10.0
No. 2	3 7/16	4 3/16	12.5
No. 2½	4 1/16	4 13/16	18.0
No. 2½ glass			18.0
No. 10	6 3/16	7	64.5

FACTORS OF QUALITY

§ 52.3838 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Uniformity of count and size	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(b) *Definition of normal flavor and odor.* "Normal flavor and odor" means that the individual fruits may lack the distinctive flavor and odor of each fruit ingredient but that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.3839 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means "17, 18, 19, or 20 points").

§ 52.3840 Color.

(a) (*A*) *classification.* Canned fruits for salad that possess a good color may be given a score of 17 to 20 points. "Good color" means that each fruit ingredient possesses a reasonably uniform typical color that is bright and characteristic of at least reasonably well-matured (or ripened) fruit that has been properly prepared and processed; that the fruit ingredients may be no more than slightly affected by pink staining; that none of the fruit ingredients are dull or off color for reasons other than being slightly affected by pink staining; and that not more than 10 percent, by count, of all the units may possess a fairly good color: *Provided*, That not more than 20 percent, by count, of any one fruit may possess a fairly good color.

(b) (*B*) *classification.* If the canned fruits for salad possess a reasonably good color, a score of 14 to 16 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that each fruit ingredient possesses a fairly uniform and fairly good typical color that is characteristic of at least fairly well-matured (or ripened) fruit that has been properly prepared and processed; that the fruit ingredients may be more than slightly affected by pink staining but not to the extent that the appearance is materially affected by this cause but none of the fruit ingredients may be off color for reasons other than staining or dullness within these limits; and that not more than 10 percent, by count, of all the units may fail to meet such reasonably good color or may be dull in color: *Provided*, That not more than 20 percent, by count, of any one fruit may be of such color.

(c) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3841 Uniformity of count and size.

(a) (*A*) *classification.* Canned fruits for salad that are practically uniform in count and size may be given a score of 17 to 20 points.

(1) "Practically uniform in count" means the minimum number of units of fruit as specified in Table III of this subpart.

TABLE III

When the following forms (styles) are present, and excluding grapes as fruit units, if present.	8 oz. cans or glass.	No. 1 Tall cans, No. 300 cans, No. 303 cans (or equivalent glass).	No. 2½ cans or glass.	No. 10 cans.
Halved apricots, quartered peaches, quartered pears.	No less than 2 units each of 5 fruits.	No less than 3 units each of 5 fruits.	No less than 5 units each of 5 fruits.	No less than 20 units each of 3 or more fruits.
Halved apricots, sliced or quartered peaches, sliced or quartered pears.	No less than 2 units each of fruits other than those of sliced style(s).	No less than 3 units each of fruits other than those of sliced style(s).	No less than 5 units each of fruits other than those of sliced style(s).	No less than 20 units each of 2 or more fruits other than those of sliced style(s).
Quartered apricots, sliced or quartered peaches, sliced or quartered pears.	No less than 2 units each of fruits other than peaches and/or pears of sliced style and quartered style apricots.	No less than 3 units each of fruits other than peaches and/or pears of sliced style and quartered style apricots.	No less than 5 units each of fruits other than peaches and/or pears of sliced style and quartered style apricots.	No less than 20 units each of 2 or more fruits other than peaches and/or pears of sliced style and quartered style apricots.

(2) "Practically uniform in size" means with respect to the individual fruits within each container; and excluding cherries or grapes that may be present:

(i) *Apricots.* Halves or quarters are very symmetrical; and the weight of the largest full-size half does not exceed the weight of the smallest full-size half by more than 75 percent.

(ii) *Pears or peaches (quarters).* Quarters are very symmetrical; the weight of the largest full-size quarter does not exceed the weight of the smallest full-size quarter by more than 60 percent.

(iii) *Peaches (slices).* Not more than 5 percent, by count, of the units may be partial slices, slivers, and slabs; and any variation in the size and symmetry of normal slices does not affect more than slightly the appearance of the product.

(iv) *Pears (slices).* Not more than 10 percent, by count, of the units may vary noticeably from the uniform shape of slices.

(v) *Pineapple (wedges).* Not more than a total of 10 percent, by count, of the units may vary noticeably in measurement of the outside arc of the wedges, may be less than 5/16 inch or more than ½ inch in thickness, and may be less than 1 1/16 inch or more than 1¼ inches in length.

(b) (*B*) *classification.* If the canned fruits for salad are irregular in count or fairly uniform in size, a score of 14 to 16 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(1) "Irregular in count" means that the canned fruits for salad (within the container) fail to meet the applicable count requirements of the (A) classification (paragraph (a) of this section).

(2) "Fairly uniform in size" means with respect to the individual fruits within each container; and excluding cherries or grapes that may be present:

(i) *Apricots.* Units may vary in size and thickness; the weight of the largest full-size half may be not more than twice the weight of the smallest full-size half.

(ii) *Pears or peaches (quarters).* Quarters may vary in size and thickness; the weight of the largest full-size quarter may be not more than twice the weight of the smallest full-size quarter.

(iii) *Peaches (slices).* Not more than 20 percent, by count, of the units may be partial slices, slivers, and slabs; and the balance of normal slices may vary noticeably in size and thickness.

(iv) *Pears (slices).* Not more than 20 percent, by count, of the units may vary noticeably from the uniform shape of slices.

(v) *Pineapple (wedges).* Not more than a total of 15 percent, by count, of the units may vary noticeably in measurement of the outside arc of the wedges, may be less than 5/16 inch or more than ½ inch in thickness, and may be less than 1 1/16 or more than 1¼ inches in length.

(c) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (b) of this section with respect to uniformity of size may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3842 Absence of defects.

(a) *General.* The factor of defects refers to loose or attached peel from peaches or pears or when peeled apricots are present; blemishes typical for each fruit ingredient; and other defects not specifically mentioned (such as, but not limited to, harmless extraneous material, main stems or portions thereof, capstems from or on grapes, pit or core material, broken or severed units, excessive trimming) that affect the appearance or edibility of the product.

(b) *Definition of blemishes.* For the purposes of the standards in this subpart, blemishes (or blemished or blemished unit) for the respective fruit ingredient are as follows:

(1) *Apricot*—(i) *Minor blemishes.* "Minor blemishes" in unpeeled style include "freckles" and also mean:

(*a*) Light brown to brown surface areas which, singly or in combination on a unit, exceed in the aggregate the area of a circle 1/8 inch in diameter but do not exceed in the aggregate the area of a circle ¼ inch in diameter; or

(*b*) Single dark brown surface areas that do not exceed the area of a circle 1/8 inch in diameter but which, singly or in combination with other "minor blemishes" on a unit, affect materially but not seriously the appearance of the unit. Light brown to brown surface areas and "freckles" that are insignificant and less than the area of a circle 1/8 inch in diameter and which do not affect materially the appearance of the unit are not considered "blemished."

(ii) *Serious blemishes.* "Serious blemishes" include units affected by scab, hail injury, discoloration, or other abnormalities in the following degree:

(*a*) Light brown to brown surface areas in unpeeled styles which, singly or in combination on a unit, exceed in the aggregate the area of a circle ¼ inch in diameter;

(*b*) Blemishes that extend into the fruit tissue regardless of area of depth;

(*c*) Single dark brown surface areas in unpeeled styles that exceed the area of a circle 1/8 inch in diameter, whether or not the unit is affected by minor blemishes; or

(*d*) Any blemish whether or not specifically defined or mentioned in this subparagraph which affects seriously the appearance of the unit but is not a filthy or decomposed substance.

(2) *Cherries.* (i) "Blemished" or "blemished units" include, but are not necessarily limited to, cherries that are deformed, are damaged by mechanical injury, possess pits or portions thereof; are affected by surface discoloration, rough surface areas, or checks or cracks to the extent that the appearance of the cherry is materially affected.

(ii) "Seriously blemished" or "seriously blemished units" include cherries that are blemished to the extent that the appearance of the cherry is seriously affected or the edibility of the cherry is affected in any way.

(3) *Peach*—(i) *Blemished.* "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality which affects materially the appearance or edibility of the unit.

(ii) *Seriously blemished.* "Seriously blemished" or "seriously blemished units" means units that are blemished to the extent that the appearance or edibility of the unit is seriously affected.

(4) *Pear*—(i) *Blemished.* "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality covering an aggregate area exceeding the area of a circle ¼ inch in diameter or units that are partially or improperly cored and stemmed. Units with black or very dark spots or any other damage which materially affect the appearance or edibility of the product are considered as "blemished," regardless of the area of the injury.

(ii) *Seriously blemished.* "Seriously blemished" or "seriously blemished units" means units that are blemished to the extent that the appearance or edibility of the unit is seriously affected.

(5) *Pineapple*—(i) *Blemished.* (*a*) "Blemishes" include:

(*1*) Any of the following, if in excess of 1/16 inch in the longest dimension on the exposed surface of the unit; eyes, pieces of shell, brown spots.

(*2*) Deep fruit eyes.

(*3*) Bruised portions.

(*4*) Other abnormalities that it is possible to detect in good commercial practice before sealing in the containers.

(c) (*A*) *classification.* Canned fruits for salad that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" in canned fruits for salad means:

(1) Not more than ¼ square inch of peel, on an average, per pound of total contents may be present;

(2) Not more than a total of 10 percent, by count, of all the fruit units may be blemished and seriously blemished: *Provided*, That not more than 5 percent, by count, may be seriously blemished; and

(3) The presence of blemished and seriously blemished units, peel, and any other defects, individually or collectively does not materially affect the appearance or edibility of the product.

(d) (*B*) *classification.* If the canned fruits for salad are reasonably free from defects, a score of 21 to 25 points may be given. Canned fruits for salad that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" in canned fruits for salad means:

(1) Not more than ½ square inch of peel, on an average, per pound of total contents may be present;

(2) Not more than a total of 20 percent, by count, of all the fruit units may be blemished and seriously blemished: *Provided*, That not more than 10 percent, by count, may be seriously blemished; and

(3) The presence of blemished and seriously blemished units, peel, and any other defects, individually or collectively does not seriously affect the appearance or edibility of the product.

(e) (*SStd*) *classification.* Canned fruits for salad that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3843 Character.

(a) *General.* The factor of character, as may be applicable to the respective fruit ingredient, refers to the degree of ripeness, the texture and condition of the flesh, the firmness, the tenderness,

and the tendency of the units to retain their apparent original conformation and size without material disintegration.

(b) (4) *classification.* Canned fruits for salad that possess a good character may be given a score of 25 to 30 points. "Good character" means that not more than 10 percent, by count, of the total number of apricot, peach, pear, and pineapple ingredients may fail to comply with the following requirements for the individual fruit ingredient, and that the cherries, or grapes if present, are reasonably firm and retain their apparent original conformation:

(1) *Apricot.* The units possess a reasonably uniform, reasonably tender texture typical of properly ripened canned apricots that are properly processed; the texture is reasonably fleshy, and the units are reasonably thick but the tenderness may be variable within the unit or among the units; and the units may be soft to slightly firm or slightly ragged but are not mushy.

(2) *Peach.* The units possess a texture typical of mature, properly ripened, properly prepared, and properly processed canned clingstone peaches; the texture is reasonably fleshy, and the units are reasonably tender or the tenderness may be variable within the unit; and the units are reasonably intact with not more than slightly frayed edges and may be slightly firm or slightly soft but are not mushy.

(3) *Pear.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; and the units may be slightly firm or slightly ragged with slightly frayed edges or slightly soft but are not mushy.

(4) *Pineapple.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, and the units are reasonably free from porosity.

(c) *(B) classification.* If the canned fruits for salad possess a reasonably good character, a score of 21 to 24 points may be given. Canned fruits for salad that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not more than 10 percent, by count, of the total number of apricot, peach, pear, and pineapple ingredients may fail to comply with the following requirements for the individual fruit ingredient, and that the cherries, or grapes if present, may be only fairly firm: *Provided,* That the appearance or edibility of the product is not affected materially by such units:

(1) *Apricot.* The units possess a texture of properly processed apricots which may be variable but the texture is fairly fleshy and the units are intact; the units may be lacking uniformity of tenderness but are not so firm as to be "not tender"; and the units may be markedly ragged with frayed edges or may be very soft but are not mushy.

(2) *Peach.* The units possess a texture typical of mature, properly prepared, and properly processed canned clingstone peaches which may be variable but the texture is fairly fleshy; the units may be lacking uniformity of tenderness but are not so firm as to be "not tender"; and the units may be frayed but not excessively frayed or may be soft but are not mushy.

(3) *Pear.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; and the units may be lacking uniformity of tenderness and may be markedly firm but are not so firm as to be "not tender";

(4) *Pineapple.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, and the units are fairly free from porosity.

(d) *(SStd) classification.* Canned fruits for salad that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.3844 Ascertaining the grade of a lot.

The grade of a lot of canned fruits for salad covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87 of this title).

SCORE SHEET

§ 52.3845 Score sheet for canned fruits for salad.

Size and kind of container	------
Container mark or identification	------
Label	------
Net weight (ounces)	------
Vacuum (inches)	------
Drained weight (ounces)	------
Brix measurement	------
Sirup designation (extra heavy, heavy, etc.)	------

Proportions of fruit ingredients:

	Average		Count ranges		Styles
Apricot	...ozs.	%	---	to ---	------
Peach	...ozs.	%	---	to ---	------
Pear	...ozs.	%	---	to ---	------
Pineapple	...ozs.	%	---	to ---	------
Cherry	...ozs.	%	---	to ---	------
Grape	...ozs.	%	---	to ---	------
Total	...ozs.	100%	---	to ---	------

Factors		Score points	
Color	20	(A)	17-20
		(B)	[1] 14-16
		(SStd)	[1] 0-13
Uniformity of count and size.	20	(A)	17-20
		(B)	[1] 14-16
		(SStd)	[1] 0-13
Absence of defects	30	(A)	26-30
		(B)	[1] 21-25
		(SStd)	[1] 0-20
Character	30	(A)	25-30
		(B)	[1] 21-24
		(SStd)	[1] 0-20
Total score	100		

Flavor and odor ( ) Normal; ( ) Off	------
Grade	------

[1] Indicates limiting rule.

The United States Standards for Grades of Canned Fruits for Salad (which is the second issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Canned Fruits for Salad which have been in effect since April 1, 1942.

Dated: June 1, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-5077; Filed, June 3, 1960; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1959–60 Crop Year

The salable and surplus percentages for California almonds during the 1959–60 crop year which were established August 21, 1959 (24 F.R. 6804), are being revised as hereinafter set forth. This action, which is based on the recommendation of the Almond Control Board and other available information, is in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The revised percentages are based on the following revised estimates (in terms of kernel weight) of the Board for the crop year which began July 1, 1959: (1) Production of 84.5 million pounds; (2) trade demand for domestic almonds of 50 million pounds (based on a total trade demand of 52.5 million pounds less 2.5 million pounds of imported almonds); (3) a handler carryover of 6.1 million pounds on July 1, 1959; (4) provision for a desirable handler carryover of 19.5 million pounds on June 30, 1960; (5) trade demand and carryover requirements for 1959 crop of 63.4 million pounds; and (6) a surplus supply of 21.1 million pounds.

Based on Almond Control Board revised estimates and data now available to the Department, trade demand for domestic almonds (including needed small-sized almonds which constitute a significant part of trade demand) is expected to be in excess of the 48 million pounds previously estimated for the current crop year. The 1959 almond crop production which is now estimated at approximately 14.5 million pounds more than initially estimated (24 F.R. 6804), includes a substantial quantity of small-sized almonds, much of which constitutes surplus. Preliminary indications are that a less abundant production of small-sized almonds will result from the 1960 crop. Notwithstanding the increased 1959 crop production, it will be necessary, in order to make available a quantity of salable almonds (including small-sized almonds) sufficient to satisfy both the enhanced trade demand and desirable handler carryover requirements on June 30, 1960, to increase the salable percentage from 70 percent to 75 percent and reduce the complementary surplus percentage from 30 percent to 25 percent.

After consideration of all available information, it is hereby found that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable carryover requirements for the 1959–60 crop year and that to establish the salable and surplus percentages hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, salable and surplus percentages for almonds during the 1959–60 crop year (24 F.R. 6804) are hereby revised to read as follows:

§ 909.209 Salable and surplus percentages for almonds during the crop year beginning July 1, 1959.

The salable and surplus percentages during the crop year beginning July 1, 1959, applicable to the total kernel weight of almonds received by handlers for their own accounts, shall be 75 percent and 25 percent, respectively.

It is hereby further found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this document later than the time of its publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) for the reasons that: (1) upon the increase in the salable percentage and corresponding decrease in the surplus precentage, recomputation of the surplus obligation of each handler for the entire 1959–60 crop year to the effective date of such action is required by the provisions of the amended marketing agreement and order; (2) handlers who are acting as agents of the Control Board are permitted, in the event of such action, to select the requisite quantity of surplus almonds to be restored to their respective salable percentages; (3) such restoration shall, under the amended marketing agreement and order, be deemed to fulfill the obligation of the Board with respect to such increase; (4) it is necessary to make effective promptly the increase in salable percentage and the concomitant mandatory restorations of surplus almonds to handlers in order to make additional supplies of almonds available to meet the increased trade demand as soon as possible, to facilitate the achievement of the desirable handler carryover June 30, 1960, and to permit the Board to fulfill its obligation with respect to such increase; (5) this action reduces the quantity of almonds that would otherwise have to be disposed of pursuant to §§ 909.65 through 909.68; (6) the revised estimates of the Control Board were promptly submitted to the Department after an open meeting of the Board on May 13, 1960, with respect to which handlers and other interested persons were given advance notice and opportunity to express their views; and (7) this action relieves certain restrictions on the handling, use and disposition of almonds.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 31, 1960, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH
Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-5078; Filed, June 3, 1960; 8:47 a.m.]

[Valencia Orange Reg. 200]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.500 Valencia Orange Regulation 200.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 2, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., Jupe 5, 1960, and ending at 12:01 a.m., P.s.t., June 12, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5172; Filed, June 3, 1960; 11:20 a.m.]

[Lemon Reg. 849]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.956 Lemon Regulation 849.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective

in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 1, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 5, 1960, and ending at 12:01 a.m., P.s.t., June 12, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 2, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5134; Filed, June 3, 1960; 9:16 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-40]

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Specification of Basis for Appeals and Supporting Briefs Required

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June 1960.

The Board has observed that presently effective §§ 301.46 and 301.47, of the rules of practice in Air Safety Proceedings, do not adequately express its intention that a party wishing to challenge an Initial Decision must specify his objections thereto and embody them in a brief including itemized record and other support for the various points of fact and law relied upon.[1]

Upon issuance of an Initial Decision, there has been a full-fledged evidentiary hearing upon all contested issues before the Examiner which satisfies the applicable requirements of the Administrative Procedure Act governing formal adjudications. Consequently, any further proceedings before the Board are of a limited, appellate character so that the appellant should frame his objections specifically in order to delineate the scope of the issues raised on appeal. Unless this course is followed, the filing of a non-specific and unsupported Notice of Appeal would be sufficient to perfect the appeal and compel the Board to review the entire record without the benefit of argument from the parties. By the same token, the appellee would be subjected to a clearly onerous burden in defending the Examiner's decision without knowing the objections made or the basis therefor.

The Board's intention to require more than a bare Notice of Appeal is made manifest in the language used in § 301.46 which is captioned "Consideration of issues on appeal" and states that the Board will consider "whether any finding appealed from is supported by substantial, reliable and probative evidence." The choice of this language clearly manifests the Board's desire to limit its consideration of the issues in air safety appeals to those matters specifically raised by the parties, in their appellate briefs.[2]

Since, however, the presently effective provisions of Part 301 do not adequately embody that intention, the Board has decided to adopt a clarifying amendment which will expressly require any person seeking to appeal from an Initial Decision to perfect his appeal, within 20 days after the rendition of such decision, by filing an appeal brief stating his objections to the decision, the reasons therefor and the relief requested. Any error not so specified in the brief will be deemed waived and failure to file a brief will subject the appeal to dismissal. The Board will also expressly require that each brief on appeal and reply brief shall contain itemized record support for positions based upon the evidence of record and will provide that it need not consider any objections which are not so supported. Finally, the amended rule requires that eight, rather than five, copies of every brief shall be filed in order to provide necessary individual copies for each of the five Board members, in addition to Docket and work copies.

In order to accomplish these objectives, the instant amendment substitutes a new § 301.46 for present § 301.47. The Board has also made certain minor editorial changes in present § 301.46 captioned "Consideration of issues on appeal" and renumbered that section as § 301.47.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 301 of the Procedural Regulations (14 CFR Part 301) as follows, effective June 4, 1960:

1. Revise § 301.46 to read as follows:

§ 301.46 Briefs and oral argument.

(a) *Appeal briefs.* Each appeal must be perfected within 20 days after a party is advised of an oral initial decision or served with a written initial decision, by the filing with the Board of appellant's brief on appeal. Appeals may be dismissed by the Board, on its own initiative or on motion of the adverse party, when a party who has filed a Notice of Appeal fails to perfect his appeal by filing a timely brief.

(b) *Waiver of objections.* Each appellant's brief shall set forth in detail the objections to the initial decision, whether such objections be related to alleged errors in the Examiner's findings of fact and conclusions of law, his failure to make desired findings or conclusions, or the proposed order. Each such brief shall further state the reasons for such objections and the relief requested. Any error contained in the initial decision that is not objected to shall be deemed to have been waived. Where any objection is based upon evidence of record, such objection need not be considered by the Board if specific record citations to the pertinent evidence are not contained in appellant's brief.

(c) *Appellee's reply brief.* Within 15 days after appellant's appeal brief has been served upon him the appellee may file a brief in reply thereto. No further briefs may be filed except upon specific leave of the Board granted upon a showing of good cause. Where the reply brief relies upon evidence of record, specific citations thereto shall be made in the brief.

(d) *Number of copies.* Eight copies of briefs shall be filed with the Board.

(e) *Oral argument.* Oral argument before the Board will normally not be held in proceedings conducted under this part. However, the Board may permit oral argument when it is specifically requested and a need therefor is shown.

2. Revise § 301.47 to read as follows:

§ 301.47 Consideration of issues on appeal.

In considering issues raised on appeal by the parties which relate to findings of fact or the order of the Examiner, the Board will consider only (a) whether a finding is supported by substantial, reliable or probative evidence; or (b) whether the order is required by safety in air commerce or air transportation and the public interest. If the Board determines that the Examiner erred in any respect or that his order specifying the appropriate sanction or denial thereof should be changed, the Board may make any necessary findings or order in lieu thereof or remand the case for further hearing. The Board, upon its own motion, may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such a case a reasonable opportunity shall be afforded to the parties to submit argument thereon.

(Secs. 204(a), 609, 1001, 1004, 1005, 1104; 72 Stat. 743, 779, 788, 792-4, 797; 49 U.S.C. 1324, 1481, 1484, 1485 and 1504)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 60-5093; Filed, June 3, 1960; 8:50 a.m.]

[1] Administrator v. Luther J. Smith, Order S-1037, dated April 22, 1960.

[2] But, the Board reserves the right to raise additional issues on its own motion in § 301.47.

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 395; Amdt. 169]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

Investigation of an incident of severe vibration experienced in flight revealed that excessive free play existed in the elevator counter weight system at the center line of the airplane. If this condition is not corrected it could result in a serious oscillation of the elevator control system with possible destruction of the aircraft.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly, an airworthiness directive was adopted on May 13, 1960, and made effective immediately as to all known operators of Lockheed Model 188 aircraft by individual telegrams dated May 13, 1960. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507) and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

LOCKHEED. Applies to all 188 Series aircraft. Compliance required as indicated.

Due to instance of severe vibration occurring, the following precautionary measures are required. Within the next ten hours' time in service inspect the elevator counter weight installation. Lockheed Drawing No. 329012, at airplane center line for evidence of free play as follows: with elevator blocked at extreme down position apply up and down force to balance weight Lockheed P/N 327020-1, and measure total movement of balance weight due to cumulative free play in joints of balance arm linkage. If movement of balance weight due to cumulative free play in system exceeds one-eighth inch inspect each joint in balance arm linkage and reduce the free play by bolt and/or part replacement at one or more of these joints so as to reduce the total free play movement of the balance weight to one-sixteenth inch or less. The airplane shall not be returned to passenger service until the excess free play in the balance arm system is eliminated.

After inspection aircraft may be ferried without passengers to a maintenance base to accomplish any necessary rework.

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated May 13, 1960.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 31, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5061; Filed, June 3, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-95]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway and Associated Control Areas

On March 25, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2544) stating that the Federal Aviation Agency proposed to revoke the segment of VOR Federal airway No. 174 and its associated control areas between Troy, Ill., and Louisville, Ky.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.6174 (24 F.R. 10520, 10142, 25 F.R. 2574) and 601.6174 (24 F.R. 10602, 25 F.R. 2574) are amended to read:

§ 600.6174 VOR Federal airway No. 174 (Louisville, Ky., to Washington, D.C.).

From the Louisville, Ky., VORTAC via the Falmouth, Ky., VOR; York, Ky., VOR; Henderson, W. Va., VORTAC; Elkins, W. Va., VORTAC; Linden, Va., VOR; INT of the Linden VOR 095° True and the Washington, D.C. VOR 245° True radials; to the Washington VOR.

§ 601.6174 VOR Federal airway No. 174 control areas (Louisville, Ky., to Washington, D.C.).

All of VOR Federal airway No. 174.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5062; Filed, June 3, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-20]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segment of Federal Airway, Associated Control Areas and Designated Reporting Points; Modification of Control Area Extension

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2108) stating that the Federal Aviation Agency proposed the following actions: revocation of the segment of Amber Federal airway No. 6 and its associated control areas between Nashville, Tenn., and Cincinnati, Ohio; revocation of the Bowling Green, Ky., radio range station and the Lexington, Ky., non-directional radio beacon as designated reporting points; and redesignation of the Lexington control area extension by substituting VOR Federal airway No. 4 south alternate for Amber 6 in its description. In the third paragraph of the Notice, the south alternate of Victor 4 was incorrectly referred to as the east alternate. This was a typographical error and is corrected herein.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.106 (24 F.R. 10495, 25 F.R. 583), 601.106 (24 F.R. 10544, 25 F.R. 583), 601.4106 (24 F.R. 10593, 25 F.R. 583) and 601.1067 (24 F.R. 10550) are amended to read:

§ 600.106 Amber Federal airway No. 6 (Cincinnati, Ohio, to Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border).

From the Cincinnati, Ohio, RR to the INT of the NE course of the Cincinnati RR and the W course of the Columbus, Ohio, RR. From the INT of the E course of the Cleveland, Ohio, RR and a line bearing 204° True from the Perry,

Ohio, RBN via the Perry RBN to the Clear Creek, Ont., Canada, RBN.

§ 601.106 Amber Federal airway No. 6 control areas (Cincinnati, Ohio, to Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border).

All of Amber Federal airway No. 6.

§ 601.4106 Amber Federal airway No. 6 (Cincinnati, Ohio, to Columbus, Ohio, and Parkman, Ohio, to United States-Canadian Border).

No reporting point designation.

§ 601.1067 Control area extension (Lexington, Ky.).

The airspace within a 40-mile radius of the Lexington VOR extending clockwise from VOR Federal airway No. 4, east of Lexington to VOR Federal airway No. 4 south alternate, west of Lexington; and within a 25-mile radius of the Lexington VOR extending clockwise from VOR Federal airway No. 4 south alternate, west of Lexington to VOR Federal airway No. 4, east of Lexington.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5063; Filed, June 3, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-27]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airways, Associated Control Areas and Reporting Points

On March 25, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2545) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 26 in its entirety, its associated control areas and reporting points. Additionally, the segment of Amber Federal airway No. 9 between Corapeake, N.C., and Norfolk, Va., would also be revoked.

Although not mentioned in the notice, this action revokes Amber 9 in its entirety.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended as follows:

1. Section 600.109 *Amber Federal airway No. 9 (Corapeake, N.C., to Norfolk, Va.).* is revoked.

2. Section 600.226 *Red Federal airway No. 26 (Petersburg, Va., to Corapeake, N.C.).* is revoked.

3. Section 601.109 *Amber Federal airway No. 9 control areas (Corapeake, N.C., to Norfolk, Va.).* is revoked.

4. Section 601.4109 *Amber Federal airway No. 9 (Corapeake, N.C., to Norfolk, Va.).* is revoked.

5. Section 601.226 *Red Federal airway No. 26 control areas (Petersburg, Va., to Corapeake, N.C.).* is revoked.

6. Section 601.4226 *Red Federal airway No. 26 (Petersburg, Va., to Corapeake, N.C.).* is revoked.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5064; Filed, June 3, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-27]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On April 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2807) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 45 west between Greensboro, N.C., and Raleigh, N.C.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6045 [Amendment]

1. In the text of § 600.6045 (24 F.R. 10511, 25 F.R. 859, 2078) "and also a west alternate via the INT of the Raleigh VOR direct radial to the Charlotte, N.C., VOR with the Greensboro VOR 122° radial;" is deleted and "and also a W alternate via the Liberty, N.C., VOR and the INT of the Liberty VOR 114° True and the Raleigh VOR 240° True radials;" is substituted therefor.

2. Section 601.6045 (24 F.R. 10509, 25 F.R. 859) is amended to read:

§ 601.6045 VOR Federal airway No. 45 control areas (New Bern, N.C., to Charleston, W. Va., Lexington, Ky., to Waterville, Ohio, and Tipton, Mich., to Saginaw, Mich.).

All of VOR Federal airway No. 45 including an E and a W alternate.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5065; Filed, June 3, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-412]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On January 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 222) stating that the Federal Aviation Agency proposed to modify the segment of VOR/VORTAC jet route No. 77 between Wilmington, N.C., and Gordonsville, Va., via the Wilmington VOR 012° True and the Gordonsville VOR 164° True radials in order to permit simultaneous use of the Seymour-Johnson Restricted Area/Military Climb Corridor and J-77-V. Subsequent to the publication of the notice, it was determined that a direct route between Wilmington and Gordonsville would permit simultaneous use of the jet route and the climb corridor. However, this would require a reduction to the normal width of the jet route in the vicinity of Seymour-Johnson AFB. Accordingly, a modification of the proposal was published on April 28, 1960, in the FEDERAL REGISTER (25 F.R. 3723) amending the original notice by realigning J-77-V from Wilmington direct to Gordonsville.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 602.577 (14 CFR, 1958 Supp., 602.577), "From the Wilmington, N.C., VOR via the INT of the Wilmington VOR 354° and the Gordonsville VOR 170° radials; Gordonsville, Va., VOR;" is deleted and "From the Wilmington, N.C., VORTAC via the Gordonsville, Va., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 27, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5066; Filed, June 3, 1960; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Reg. 1, Revision 2]

OIL IMPORT REGULATION

Revision

There was published in the FEDERAL REGISTER of April 16, 1960 (25 F.R. 3323) a notice and text of proposed amendments of Oil Import Regulation 1 (Revision 1) prescribing regulations governing the allocations of imports into Districts I–IV of residual fuel oil to be used as fuel on a quarterly basis. Interested persons were requested to present written comments, objections or suggestions with respect to the proposed amendments on or before April 29, 1960.

Most of the comments received were in favor of the proposed changes. Some objections also were received. While these objections were carefully considered it still appears desirable to adopt the proposed changes to facilitate consideration of marketing and importing patterns in connection with the determination of residual fuel oil levels. Accordingly, sections 3, 5, 9, 13, and 21 have been revised as proposed.

As a result of several comments from holders of small allocations of residual fuel oil, a new section 6 "Delayed allocations of residual fuel oil" has been added, the section on "Licenses" renumbered as section 7, and the section on "Small quantities" renumbered as section 8. The intent of the new section is to afford some measure of relief to persons with small allocations of imports of residual fuel oil who will experience difficulty in importing during a particular quarter.

A notice of proposed amendments to sections 10 and 11 was published in the FEDERAL REGISTER on May 10, 1960 (25 F.R. 4137). As has already been announced (25 F.R. 4588) it has been determined not to adopt those portions of the proposed amendments relating to reductions in crude and unfinished oil import quotas of refiners whose allocations are based on historic factors and who imported oil overland from the country of origin.

Comments were also received suggesting major changes in the method of allocation—for example, the graduated scale and the "historical percentages"—as well as comments on the specific changes proposed. After consideration of all comments, it has been determined that no fundamental changes in the method of allocation will be made at this time. Upon final determination of the amount of crude oil available for allocation in Districts I–IV it was found to be necessary to reduce somewhat the "Percents of input" in section 10..

Sections 15 and 16, pertaining to allocations in Puerto Rico, have been amended to make reference to the ensuing allocation period.

Since a number of amendments have been made to the regulation, it is desirable to revise and publish the regulation in full. Accordingly, Oil Import Regulation 1 (Revision 1) as amended, is revised in its entirety to read as set forth below and as so revised is designated as Oil Import Regulation 1 (Revision 2). Because allocations of imports must be made, applications for licenses received, and licenses issued before the beginning of the ensuing allocation periods, Oil Import Regulation 1 (Revision 2) shall become effective immediately.

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3 Allocation periods.
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5 Applications for allocations.
6 Delayed allocations of residual fuel oil.
7 Licenses.
8 Small quantities.
9 Determination of quantities available for allocation; Districts I–IV, District V.
10 Allocations of crude oil and unfinished oils; Districts I–IV.
11 Allocations of crude oil and unfinished oils; District V.
12 [Reserved]
13 Allocations of finished products; Districts I–IV, District V.
14 Determination of maximum level of imports; Puerto Rico.
15 Allocation of crude oil and unfinished oils; Puerto Rico.
16 Allocations of finished products; Puerto Rico.
17 Use of imported crude oil and unfinished oils.
18 Reports.
19 False statements.
20 Revocation or suspension of allocations or licenses.
21 Appeals.
22 Definitions.

AUTHORITY: Sections 1 to 22 issued under Proc. 3279, as amended 24 F.R. 1781, 3527, 10133; sec. 2, 68 Stat. 360, as amended, 72 Stat. 676; 19 U.S.C. 1352a.

Section 1. Purpose.

These regulations implement Presidential Proclamation 3279, "Adjusting Imports of Petroleum and Petroleum Products into the United States," dated March 10, 1959 (24 F.R. 1781), as amended, by providing for the discharge of the responsibilities imposed upon the Secretary of the Interior.

Sec. 2. Oil Import Administration.

There is established in the Department of the Interior an Oil Import Administration under the direction of an Administrator designated by the Secretary of the Interior. The Administrator is hereby empowered to exercise, pursuant to this regulation, all of the authority conferred upon the Secretary by Proclamation 3279, as amended, and the Administrator may redelegate such authority.

Sec. 3. Allocation periods.

Allocations of imports of crude oil, unfinished oils and finished products will be made for periods of six months—that is, July 1 through December 31; January 1 through June 30; except that the allocations of imports into Districts I–IV of residual fuel oil to be used as fuel will be made on a quarterly basis commencing July 1, 1960.

Sec. 4. Eligibility for allocations.

(a) To be eligible for an allocation of imports of crude and unfinished oils in Districts I–IV or in District V, a person must (1) have refinery capacity in the respective districts and (2) in respect of an allocation for the allocation period March 11, 1959, through June 30, 1959, have had refinery inputs in the respective districts for the calendar year 1958 and (3) in respect of the allocation period July 1, 1959, through December 31, 1959, and each successive allocation period thereafter have had refinery inputs in the respective districts for the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

(b) To be eligible for an allocation of imports of crude oil and unfinished oils for Puerto Rico, a person must have refinery capacity in Puerto Rico and must have had refinery inputs in Puerto Rico during the months of July, August, and September of the year 1958.

(c) (1) To be eligible for an allocation of imports of finished products, other than residual fuel oil to be used as fuel, in Districts I–IV or District V, a person must have imported such products into the respective districts during the calendar year 1957.

(2) To be eligible for an allocation of imports of residual fuel oil to be used as fuel in Districts I–IV or District V, a person must have imported residual fuel oil used as fuel into the respective districts during the calendar year 1957.

(3) To be eligible for an allocation of imports of finished products, other than residual fuel oil used as fuel, in Puerto Rico, a person must have imported such products into Puerto Rico during the last half of the calendar year 1958.

(4) To be eligible for an allocation of imports of residual fuel oil to be used as fuel in Puerto Rico, a person must have imported residual fuel oil used as fuel into Puerto Rico during the last half of the calendar year 1958.

(d) A person is not eligible individually for an allocation of crude oil and unfinished oils or finished products if the person is a subsidiary or affiliate owned or controlled, by reason of stock ownership or otherwise, by any other individual, corporation, firm or other business organization or legal entity. The controlling person and the subsidiary or affiliate owned or controlled will be regarded as one. Allocations will be made to the controlling person on behalf of itself and its subsidiary or affiliate but, upon request, licenses will be issued to the subsidiary or affiliate.

Sec. 5. Applications for allocations.

(a) With respect to the allocation period January 1, 1960 through June 30, 1960 and each successive allocation period thereafter, an application for allocations of imports of crude oil and unfinished oils must be filed with the Administrator, in such form as he may prescribe, not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day.

(b) For the respective allocation periods beginning July 1, 1960, an application for an allocation of imports of residual fuel oil to be used as fuel or for an allocation of imports of other finished products must be filed with the Administrator on or before May 2, 1960, on the form that has already been made available. An application so filed by an eligible applicant will be considered to be a continuing application. Such eligible applicant need not thereafter file an application for an allocation of imports of residual fuel oil to be used as fuel or for an allocation of imports of other finished products and an application for a license for each allocation period will be mailed to him by the Oil Import Administration. The failure of an eligible applicant to return an application for a license will be regarded as an abandonment by the applicant of his continuing application for an allocation and no applications for licenses will thereafter be sent to him unless he files a new application for an allocation as provided in paragraph (c) of this section.

(c) An applicant who has no continuing application on file must, in order to receive an allocation of imports of residual fuel oil to be used as fuel or an allocation of imports of other finished products, file an application for an allocation with the Administrator not later than 60 calendar days prior to the beginning of the allocation period for which the allocation is required. However, if the 60th day is a Saturday, Sunday, or holiday, the application may be filed on the next succeeding business day. An application so filed by an eligible applicant will be regarded as a continuing application and subject to the provisions of paragraph (b) of this section.

Sec. 6. Delayed allocations of residual fuel oil.

A person with a quarterly allocation of imports of 100,000 barrels or less of residual fuel oil to be used as fuel may, upon notifying the Administrator at least 60 days in advance of a particular allocation period, decline his allocation for that period and reacquire it in the succeeding period. In order to preserve the levels and at the same time to satisfy demand, the quantity of imports which would have been allocated to those applicants electing to avail themselves of the provisions of this section will be allocated to all other eligible applicants for the period. In the succeeding period the quantity allocated to all other eligible applicants will be correspondingly reduced to reimburse the applicants whose allocations were delayed pursuant to this section. This section has no application with respect to allocations for the allocation period beginning July 1, 1960.

Sec. 7. Licenses.

(a) When an allocation has been made to a person under this regulation, the Administrator shall, upon application in such form as he may prescribe, issue a license or licenses based on the allocation, specifying the amount of crude oil and unfinished oils or finished products which may be imported, the period of time such license shall be in effect, and the districts (Districts I-IV, District V, or Puerto Rico) into which the importation may be made. The Administrator may amend such licenses.

(b) No license issued pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 8. Small quantities.

(a) Collectors of Customs are authorized to permit without a license baggage entries, and entries for consumption of small quantities of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis and which do not exceed 110 gallons per entry.

(b) Persons desiring to import small quantities not covered by paragraph (a) of this section should file with the Administrator a request for an authorization for entry without a license for each shipment describing the oil and quantity to be imported and listing the port of entry.

Sec. 9. Determination of quantities available for allocation; Districts I–IV, District V.

(a) Prior to the beginning of each allocation period the Administrator shall determine in accordance with the limitations imposed by section 2 of Proclamation 3279, as amended, the quantities of imports of crude oil and unfinished oils which are available for allocation in Districts I–IV and in District V, respectively, and the quantities of imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel which are available for allocation in such districts.

(b) Pursuant to paragraph (e) of section 2 of Proclamation 3279 as amended, the Secretary will make a determination as to the level of imports into Districts I–IV of residual fuel oil to be used as fuel in sufficient time to permit the making of allocations at least 45 calendar days in advance of each quarterly period, except that for the period beginning July 1, 1960, the determination will be made in sufficient time to permit the making of allocations by June 1, 1960.

(c) After each such determination, the Administrator shall as provided by these regulations make allocations to eligible applicants for the appropriate allocation period.

Sec. 10. Allocations of crude oil and unfinished oils; Districts I–IV.

(a) The quantity of imports of crude oil and unfinished oils determined to be available for allocation in Districts I–IV for the allocation period July 1, 1960 through December 31, 1960, shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1960, and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	11.6
10–20,000	10.6
20–30,000	9.6
30–60,000	8.6
60–100,000	7.6
100–150,000	6.6
150–200,000	5.6
200–300,000	4.6
300,000 plus	3.6

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 75.7 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall nevertheless receive an allocation under this section equal to 75.7 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) No allocation made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 10 percent of the allocation.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 11. Allocations of crude oil and unfinished oils, District V.

(a) The quantity of imports of crude oils determined to be available for allocation in District V for the allocation period July 1, 1960 through December 31, 1960 shall be allocated by the Administrator among eligible applicants as provided in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (c) of this section, each eligible applicant shall receive an allocation based on refinery inputs for the year ending March 31, 1960 and computed according to the following schedule:

Average B/D input:	Percent of input
0–10,000	40.0
10–20,000	26.6
20–30,000	22.9
30–60,000	17.9
60–100,000	14.4
100–150,000	13.1
150–200,000	11.9
200,000 plus	9.8

(c) If an eligible applicant has been importing crude oil pursuant to an allocation under the Voluntary Oil Import Program and if an allocation computed under paragraph (b) of this section would be less than 80 percent of the applicant's last allocation of imports of crude oil under the Voluntary Oil Import Program, the applicant shall nevertheless receive an allocation under this section equal to 80 percent of his last allocation of imports of crude oil under the Voluntary Oil Import Program.

(d) Allocations made pursuant to this section shall not permit the importation of unfinished oils in excess of 10 percent of the permissible imports of crude oil. With respect to any allocation made pursuant to this section, the Administrator upon request shall issue a license permitting the importation of unfinished oils in an amount not in excess of 10 percent of the allocation. If the total quantity of unfinished oils applied for is less than 10 percent of the permissible imports of crude oils, the Administrator may to that extent increase the percentage amount of unfinished oils specified in licenses of persons who request such increases. Each person making such a request shall receive an increase in the proportion that his allocation bears to the total of allocations made to all persons requesting increases. Each barrel of unfinished oil imported shall be deemed to be the equivalent of one barrel of crude oil and will be so charged against the person's license by the respective Collectors of Customs. The permissible percentage of imports of unfinished oils and the equivalence of unfinished oils to crude oil may be changed during the allocation period, if necessary to prevent impairing accomplishment of the purposes of the program. Such a change will be made only after notice of proposed rule making and will not become effective until the 30th calendar day following publication in the FEDERAL REGISTER of the amendment making such change.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 12. [Reserved]

Sec. 13. Allocations of finished products; Districts I–IV, District V.

(a) The quantity of imports of finished products determined to be available for allocation in Districts I–IV and in District V for any particular allocation period shall be allocated by the Administrator to each eligible applicant in the proportion that the applicant's imports of finished products during the calendar year 1957 bore to the imports of such products during that year by all eligible applicants. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and for imports of finished products other than residual fuel oil to be used as fuel. The allocations of imports into Districts I–IV of residual fuel oil to be used as fuel shall be issued at least 45 calendar days in advance of the allocation period, except that for the allocation period beginning July 1, 1960, such allocations shall be made not later than June 1, 1960.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 14. Determination of maximum level of imports; Puerto Rico.

(a) Pursuant to section 2 of Proclamation 3279, it is determined (1) that the average barrels per day of imports of crude oil and unfinished oils into Puerto Rico during any particular allocation period shall not exceed the average barrels per day, as determined by the Administrator, during the months of July, August, and September of the year 1958 of imports of such commodities into Puerto Rico, and (2) that the average barrels per day, as determined by the Administrator, of imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel into Puerto Rico during any particular allocation period shall not exceed the average barrels per day of imports of such products, respectively, into Puerto Rico during the last half of the calendar year 1958.

(b) The Administrator shall from time to time review the determinations set forth in paragraph (a) of this section and shall recommend to the Secretary of the Interior that the level of imports be increased or decreased as may be required to meet increases or decreases in local demand in Puerto Rico or in demand for export to foreign areas.

Sec. 15. Allocation of crude oil and unfinished oils; Puerto Rico.

(a) For the allocation period July 1, 1960 through December 31, 1960, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico quantities of imports of crude oil and unfinished oils equal to the applicant's average barrels daily of refinery input (adjusted by the Administrator for downtime) in Puerto Rico during the months of July, August, and September of the year 1958.

(b) In the event that the maximum levels of imports of crude oil and unfinished oils are increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of crude oil and unfinished oils.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 16. Allocations of finished products, Puerto Rico.

(a) For the allocation period July 1, 1960, through December 31, 1960, the Administrator shall allocate to each eligible applicant for an allocation for Puerto Rico a quantity of imports of finished products equal to the applicant's average barrels daily of imports of such products during the last 6 months of the calendar year 1958. Separate allocations shall be made for imports of residual fuel oil to be used as fuel and of imports of finished products other than residual fuel oil to be used as fuel.

(b) In the event that the maximum level of imports of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel is increased or decreased pursuant to paragraph (b) of section 14, the Administrator shall increase or decrease individual allocations in the proportion that each allocation bears to the total allocations of residual fuel oil to be used as fuel or of finished products other than residual fuel oil to be used as fuel, respectively.

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 17. Use of imported crude oil and unfinished oils.

(a) Each person who imports crude oil or unfinished oils under a license issued pursuant to an allocation made under sections 10, 11, or 15 of this regulation must process the oils so imported in his own refinery, except that foreign crude oil may be exchanged for either domestic crude oil or domestic unfinished oils and foreign unfinished oils may be exchanged for either domestic unfinished oils or domestic crude oil for processing in such refinery if:

(1) The exchange is not otherwise unlawful;

(2) The exchange is effected on a current basis—that is, not more than ninety days elapse between the delivery of foreign and domestic oil under the exchange agreement; and

(3) The proposed exchange agreement is reported to the Administrator before it is acted upon.

(b) All exchanges must be on an oil-for-oil basis and any exchange involving adjustments, settlements, or accounting on a monetary basis is not permissible and will not be approved by the Administrator.

Sec. 18. Reports.

(a) Each person who imports crude oil, unfinished oils, or finished products under a license issued under this regulation shall report to the Administrator the quantities in barrels corrected to 60° F. of crude oil, unfinished oils, and finished products so imported. Each report shall state through which port of entry the importation was made and shall specify the kinds of unfinished oils and finished products imported. Each report should be filed with the Administrator within fifteen days of the end of a particular month.

(b) Each person who exchanges oil pursuant to section 17 of this regulation shall report the exchange to the Administrator on such forms as he shall prescribe. In addition, any changes occurring during an allocation period in the types of oils or the exchange ratio shall be reported.

Sec. 19. False statements.

Persons concealing material facts or making false statements in or in connection with any applications or reports filed with the Administrator or in connection with any license presented to or statements made to a Collector of Customs with respect to imports of crude oil, unfinished oils, or finished products, are guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

Sec. 20. Revocation or suspension of allocations or licenses.

The Administrator may, after a hearing, revoke or suspend any allocation or license issued under this regulation, on grounds relating to the national security, or the violation of the terms of Proclamation 3279, this regulation, or licenses issued pursuant thereto.

Sec. 21. Appeals.

(a) There is hereby established an Oil Import Appeals Board, comprised of a representative each from the Departments of Commerce, Defense, and Interior, of the rank of Deputy Assistant Secretary or higher, designated, respectively, by the Secretaries of such Departments. The Board shall elect a Chairman from its own membership.

(b) The Appeals Board shall consider petitions by persons affected by this regulation and may, within the limits of the maximum levels of imports established in section 2 of Proclamation 3279, as amended:

(1) Modify any allocation made to any person under this regulation on the grounds of exceptional hardship or error;

(2) Grant allocations of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under this regulation;

(3) Grant allocations of finished products on the grounds of exceptional hardship to persons who do not qualify for allocations under this regulation; and

(4) Review the revocation or suspension of any allocation or license.

(c) The modification or grant of an allocation by the Appeals Board of imports of finished products other than imports into Districts I–IV of residual fuel oil to be used as fuel shall become effective in the allocation period succeeding the period for which the appeal or petition was filed. The modification or grant of an allocation by the Appeals Board of imports into Districts I–IV of residual fuel oil to be used for fuel shall become effective in the second allocation period succeeding the period for which the appeal or petition was filed.

(d) The Appeals Board may take such action on petitions as it deems appropriate; and it may adopt, promulgate, and publish such rules and procedures as it deems appropriate for the conduct of its business. The decisions of the Appeals Board on petitions shall be final.

Sec. 22. Definitions.

As used in this regulation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a State, territorial, or local government, but does not include a department, establishment, or agency of the United States;

(b) "Districts I–IV" means the District of Columbia and all of the States of the United States except those States within District V;

(c) "District V" means the States of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii.

(d) "Crude oil" means crude petroleum as it is produced at the wellhead;

(e) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, which are to be used without further processing except blending by mechanical means:

(1) Liquefied gases: Hydrocarbon gases recovered from natural gas or produced from petroleum refining and kept under pressure to maintain a liquid state at ambient temperatures;

(2) Gasoline: A refined petroleum distillate which, by its composition, is suitable for use as a carburant in internal combustion engines;

(3) Jet fuel: A refined petroleum distillate used to fuel jet propulsion engines;

(4) Naphtha: A refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes;

(5) Fuel oil: A liquid or liquefiable petroleum product burned for lighting or for the generation of heat or power and derived directly or indirectly from crude oil, such as kerosene, range oil, distillate fuel oils, gas oil, diesel fuel, topped crude oil, residues;

(6) Lubricating oil: A refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces;

(7) Residual fuel oil: A topped crude oil or viscous residuum which, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification Mil–F–859 for Navy Special Fuel Oil and any other more viscous fuel oil, such as No. 5 or Bunker C;

(8) Asphalt: A solid or semi-solid cementitious material which gradually liquefies when heated, in which the predominating constituents are bitumins, and which is obtained in refining crude oil.

(f) "Unfinished oils" means one or more of the petroleum oils listed in paragraph (e) of this section, or a mixture or combination of such oils, which are to be further processed other than by blending by mechanical means;

(g) "Administrator" means Administrator, Oil Import Administration, Department of the Interior, or his duly authorized representative;

(h) The words, "importation," "importing," "import," "imports," and "imported," include both entry for consumption and withdrawal from warehouse for consumption;

(i) "Refinery inputs" include all crude oil, imported unfinished oils, natural gasoline mixed in crude oil, and plant and field condensates mixed in crude oil, which are further processed, other than by blending by mechanical means, but do not include:

(1) Unfinished oils which have not been imported, and

(2) Crude oil and unfinished oils imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oils from which the unfinished oils were processed or manufactured.

(j) "Refinery capacity" means a plant which, by further processing crude oil or unfinished oils, other than by blending by mechanical means, manufactures finished petroleum products.

FRED A. SEATON,
Secretary of the Interior.

JUNE 1, 1960.

[F.R. Doc. 60–5097; Filed, June 2, 1960; 12:35 p.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 71—FOREIGN QUARANTINE

Exemption From Inspection

On April 22, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3531) stating that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, was proposing to amend § 71.46 of the Public Health Service Regulations regarding conditions under which vessels and aircraft are exempt from quarantine inspection upon arrival at ports of entry under the control of the United States.

Consideration has been given to all relevant matter presented by interested persons regarding the proposed amendment, and it has been revised in several respects.

Effective date. This amendment relates to exemption of carriers and persons from quarantine inspection under certain conditions on arrival from designated areas; and the public interest requires that it become effective at the earliest feasible date. Accordingly, the amendment shall become effective on June 10, 1960.

Section 71.46 is amended to read as follows:

§ 71.46 General provisions.

(a) A vessel or aircraft arriving at a port under the control of the United States shall undergo quarantine inspection prior to entry unless:

(1) In the current voyage the vessel or aircraft has been only in areas determined by the Surgeon General to present no significant threat of introduction of communicable disease into the United States or its possessions,[1] or

(2) In the current voyage the vessel or aircraft has received pratique at a port under the control of the United States, and since receiving such pratique has been only in areas determined by the Surgeon General to present no significant threat of introduction of communicable disease into the United States or its possessions,[1] or

(3) The vessel or aircraft possesses a duplicate of a pratique issued at a port in Canada or the Canal Zone, provided that since receiving such pratique the vessel or aircraft has been only in areas determined by the Surgeon General to present no significant threat of introduction of communicable disease into the United States or its possessions.[1]

(b) Notwithstanding the provisions of paragraph (a) of this section a vessel or aircraft:

[1] A list of such areas and changes thereto will be published in the FEDERAL REGISTER. A current list may be obtained from the Surgeon General of the Public Health Service, Washington 25, D.C. Attention: Chief, Division of Foreign Quarantine; or from Public Health Service quarantine stations at United States ports.

(1) Shall comply with any conditions and carry out any additional measures specified in the pratique.

(2) Shall undergo quarantine inspection prior to entering a port under the control of the United States if:

(i) It has on board, or during the current voyage has had on board, a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, scarlet fever, smallpox, streptococcic sore throat, typhoid fever, typhus, or yellow fever, or

(ii) On arrival at its first port under the control of the United States it has on board: A psittacine bird (see § 71.152); a dog, cat, or monkey (see § 71.154); or an animal or article subject to § 71.156 or § 71.157 that does not comply with admission requirements therein, or

(iii) On arrival at its first port under the control of the United States it has on board a person who, within 14 days prior to arrival of the vessel or aircraft in the port, has been in an area other than those determined by the Surgeon General to present no significant threat of introduction of communicable disease into the United States or its possessions:[1] *Provided,* That inspection shall not be required where the Chief of the Division of Foreign Quarantine finds that the entry of the vessel or aircraft would not be likely to cause the introduction of communicable disease. Reports as to whether such persons are on board shall be submitted in accordance with instructions of the Chief of the Division of Foreign Quarantine.

(3) May be required, in accordance with instructions of the Chief of the Division of Foreign Quarantine, to undergo quarantine inspection if the Chief of such Division or the medical officer in charge has reason to believe that the entry of the vessel or aircraft would be likely to cause the introduction of communicable disease.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply secs. 361–369, 58 Stat. 703–706; 42 U.S.C. 264–272)

JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: May 31, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60–5070; Filed, June 3, 1960; 8:46 a.m.]

[1] A list of such areas and changes thereto will be published in the FEDERAL REGISTER. A current list may be obtained from the Surgeon General of the Public Health Service, Washington 25, D.C. Attention: Chief, Division of Foreign Quarantine; or from Public Health Service quarantine stations at United States ports.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 60–42]

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Subpart 74.01—Charges to Public

REPAIR OR REPLACEMENT OF DAMAGED AIDS TO NAVIGATION

The purpose of this amendment to 33 CFR 74.01–1 is to provide in the regulations for charges for the repair or replacement of aids to navigation that are damaged, destroyed, or moved off station by private persons.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167–3 dated May 6, 1953 (18 F.R. 2962), 167–15 dated January 3, 1955 (20 F.R. 640), 167–17 dated June 29, 1955 (20 F.R. 4976) and 167–23 dated July 27, 1956 (21 F.R. 5852), to promulgate regulations in accordance with the statutes cited with the regulations below, § 74.01–1 is amended by the addition of paragraphs (c) and (d) which are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 74.01–1 Claim for damage or destruction.

* * * * * *

(c) The repair or replacement with an identical or substitute aid as prescribed in this subchapter may be accomplished by the responsible interests, or by contractors employed for that purpose by them, provided the plans for the repair or replacement are satisfactory and the delay incident thereto is acceptable to the Coast Guard.

(d) Whenever a floating aid to navigation is moved off station by a private person without being otherwise damaged, claim for the cost of replacing it on station, including vessel time, shall be made against such person.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 86, 633, 642, 63 Stat. 501, 545, 547, sec. 4, 67 Stat. 462; (14 U.S.C. 86, 633, 642, 43 U.S.C. 1333))

Dated: May 27, 1960.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 60–5096; Filed, June 3, 1960; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40]

PART 192—DRIVING OF MOTOR VEHICLES

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS

Qualifications and Maximum Hours of Service of Employees of Motor Carriers, and Safety of Operation and Equipment

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 27th day of May A.D. 1960.

It appearing that the entire Commission by order of January 25, 1960, in Ex Parte No. MC–40 Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment (25 F.R. 1008, published February 5, 1960) promulgated certain new regulations relating to lighting devices, reflectors, and electrical equipment to be installed and maintained on motor vehicles.

It further appearing that petitions have been filed by:

(1) Truck Trailer Manufacturers Association, Inc., dated March 18, 1960.

(2) Truck Body and Equipment Association, Inc., filed April 13, 1960.

(3) Automobile Manufacturers Association, Inc., dated April 1, 1960.

(4) American Trucking Associations, Inc., dated May 12, 1960.

(5) Volkswagen of America, Inc., dated May 9, 1960.

It further appearing that further investigation and consideration of the petitions necessitates a postponement of the effective date of the order of January 25, 1960; and good cause appearing therefor:

It is ordered, That the effective date of the order of January 25, 1960, be, and it is hereby, postponed from August 1, 1960, to November 15, 1960.

And it is further ordered, That notice of this order shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–5075; Filed, June 3, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Proposed Termination of Certain Provisions

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Central Arizona marketing area is being considered.

The provisions proposed to be terminated are §§ 1004.17, 1004.18, 1004.31(b)(1), 1004.72, 1004.90, 1004.91, 1004.92, in § 1004.31(b)(2)(ii) the provision "including for the months of January through June, the pounds of base milk", and in § 1004.71, the provision "July through December", relating to establishment of producer bases and payments to producers for base milk and excess milk in certain months.

The United Dairymen of Arizona has requested that the base excess plan of the order be terminated by July 1, 1960, in order that producers may be aware that their milk deliveries during the months of August through November 1960 will not be used as a basis of computing payments during the months of January through June 1961. Termination of the plan will have no effect on costs of milk to handlers, but will affect distribution of returns among producers with different seasonal patterns of production. Timely action on the request can best be accomplished through termination of the provisions cited. Opportunity is hereby afforded all interested parties to submit written data, views and arguments with respect to the proposed termination.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Issued at Washington, D.C., this 1st day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5080; Filed, June 3, 1960; 8:47 a.m.]

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Approval of Budget and Fixing of Rate of Assessment for Calendar Year 1960

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1960, as follows:

§ 131.160 Budget of expenses and rates of assessment for the calendar year 1960.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1960, will amount to $46,815.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $7,229.66 on hand with said Control Agency on January 1, 1960, from assessments collected during the calendar year 1959, leaving a balance of $39,585.34 to be collected during the calendar year 1960.

(b) *Rates of assessment.* Of the amount of $39,585.34 to be collected during the calendar year 1960, the sum of $30,836.98 shall be assessed against handlers who are manufacturers, and $8,748.36 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1960 by each handler who is a manufacturer shall be $16.54 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1959 and the pro rata share of such expenses to be paid for the calendar year 1960 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $8.48 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used herein, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 512 Veterans of Foreign Wars Building, Kansas City 11, Missouri.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the fifteenth (15th) day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate.

(49 Stat. 781; 7 U.S.C. 851 et seq.)

Issued this 31st day of May 1960.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 60-5081; Filed, June 3, 1960; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

[Docket No. FDC-68]

FRUIT JELLIES, ARTIFICIALLY SWEETENED FRUIT JELLIES, ARTIFICIALLY SWEETENED FRUIT PRESERVES OR JAMS; DEFINITIONS AND STANDARDS OF IDENTITY

Notice of Hearing

In the matter of adopting definitions and standards of identity for artificially sweetened fruit jellies and for artificially sweetened fruit preserves or jams and of amending the definition and standard of identity for fruit jellies:

In the FEDERAL REGISTER of November 13, 1958 (23 F.R. 8791) there was published an order acting on a proposed amendment to the definition and standard of identity for fruit jellies, offered by the National Preservers Association (23 F.R. 6836), to permit the use of artificial red coloring in cinnamon-flavored apple and/or crabapple jelly.

Subsequently, an order was published in the FEDERAL REGISTER of October 31, 1959 (24 F.R. 8896) establishing identity standards for artificially sweetened fruit jellies and artificially sweetened fruit preserves or jams, as proposed by the National Preservers Association.

Objections were filed to both orders, and in each case a public hearing was requested in accordance with section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (70 Stat. 919; 21 U.S.C. 371(e)(2)). Notices were published announcing that objections had been filed and that both orders were stayed pending a resolution of the issues at a public hearing (24 F.R. 762, 25 F.R. 720).

The Commissioner of Food and Drugs has concluded that the objections state reasonable grounds for a hearing on the following issues:

A. With respect to the order establishing standards for artificially sweetened fruit jellies and artificially sweetened fruit preserves or jams—

1. Whether the establishment of standards of identity for these foods under the names specified would promote honesty and fair dealing in the interest of consumers.

2. Whether the standards of identity should provide for limits on fruit content other than those specified in the proposal.

3. Whether the list of jelling ingredients provided in each standard should be expanded to include certain additional jelling ingredients.

4. Whether the standards should permit the following optional ingredients:

a. Artificial coloring.

b. Propylene glycol.

c. Sugar.

B. With respect to the amendment permitting use of artificial red coloring in cinnamon-flavored apple and/or crabapple jelly—

1. Whether use of artificial red coloring would permit use of low-quality fruit in the foods specified.

2. Whether use of artificial red color in the foods specified would result in the substitution of these cinnamon-flavored, artificially colored jellies by institutional users for the more expensive berry jellies.

3. Whether the amendment would promote honesty and fair dealing in the interest of consumers.

Since the National Preservers Association was the petitioner in both orders to which objections were filed, and since the packers of fruit jellies and preserves and their suppliers are in both instances the persons most directly concerned, it is concluded that it will be practicable and efficient to hold one hearing on the objections. There will be two phases to the hearing. In the first, objections to the order establishing standards for artificially sweetened fruit jellies and fruit preserves or jams will be considered, and; in the second, objections to the order amending the fruit jellies standard to permit artificial red coloring in cinnamon-flavored apple and/or crabapple jelly will be considered.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that a public hearing will be held for the purpose of receiving evidence relevant and material to the objections set forth herein. The hearing will begin at 10:00 o'clock in the morning, eastern daylight time, July 5, 1960, in room G-747A, North Building, Department of Health, Education, and Welfare, Washington, D.C. All persons interested are invited to attend the hearing and to present evidence. The hearing will be conducted in accordance with the rules of practice provided therefor.

Mr. William J. Risteau is hereby designated as presiding officer to conduct the hearing, with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Commissioner of Food and Drugs for action.

Dated: May 31, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-5084; Filed, June 3, 1960; 8:49 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Ronnel

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of tolerances of zero for residues of ronnel (*O,O*-dimethyl-*O*-(2,4,5-trichlorophenyl) phosphorothioate) in the uncooked meat and meat by-products from beef cattle.

The analytical method proposed in the petition for determination residues of ronnel is that published in the FEDERAL REGISTER of October 10, 1959 (24 F.R. 8270).

Dated: May 31, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-5085; Filed, June 3, 1960; 8:49 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Ronnel

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of a tolerance of 1 part per million for residues of ethion in or on citrus fruits (citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangelos, and tangerines) and meat byproducts from cattle.

The analytical method proposed in the petition is that published in the FEDERAL REGISTER of August 18, 1959 (24 F.R. 6696) with mercuric chloride and sodium hydroxide treatments to eliminate interferences with other phosphorodithioate pesticides. In addition, an infrared method is given.

Dated: May 27, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-5069; Filed, June 3, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

RESIDUAL FUEL OIL; DISTRICTS I–IV

Maximum Level of Imports

Pursuant to paragraph (e) section 2 of Presidential Proclamation 3279, as amended, the maximum level of imports into Districts I–IV of residual fuel oil to be used as fuel shall be 250,000 barrels daily for the allocation period July 1, 1960 through September 30, 1960. This action constitutes an adjustment downward of the maximum level (490,934 barrels daily) now in effect in those Districts. Neither the present level nor the adjusted level includes residual fuel oil withdrawn from bonded warehouse for ships' supplies or for exportation.

FRED A. SEATON,
Secretary of the Interior.

JUNE 1, 1960.

[F.R. Doc. 60–5098; Filed, June 2, 1960; 12:35 p.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

FOREIGN QUARANTINE

Areas Presenting No Significant Threat of Introduction of Communicable Disease Into the United States or Its Possessions

Notice is hereby given that the following areas have been determined by the Surgeon General pursuant to § 71.46 of Foreign Quarantine Regulations of the Public Health Service, 42 CFR, Part 71, as amended, to present no significant threat of introduction of communicable disease into the United States or its possessions:

The United States and its possessions.
Canada.
The Islands of St. Pierre and Miquelon.
Iceland.
Greenland.
The West Coast of Lower California.
Cuba.
The Bahama Islands.
The Canal Zone.
The Bermuda Islands.
The British Virgin Islands.
The Islands of Aruba and Curacao.
Jamaica (British West Indies).

The above list is effective June 10, 1960.

Dated: May 24, 1960.

JOHN D. PORTERFIELD,
Acting Surgeon General.

[F.R. Doc. 60–5071; Filed, June 3, 1960; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–6940]

CENTRAL VERMONT PUBLIC SERVICE CORP. AND VERMONT ELECTRIC POWER CO., INC.

Notice of Application

MAY 31, 1960.

Take notice that on May 19, 1960, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Central Vermont Public Service Corporation ("Central Vermont") and Vermont Electric Power Company, Inc. ("Velco") seeking an order authorizing Central Vermont to sell or otherwise dispose of, and Velco to acquire, certain facilities, and both applicants to enter into an agreement for the joint use of such and other facilities. Central Vermont is incorporated under the laws of the State of Vermont and is authorized to do business in the States of New Hampshire and New York. Velco is incorporated under the laws of the State of Vermont and is not domesticated in any other state. Both Central Vermont and Velco have principal business offices at Rutland, Vermont. Central Vermont is an operating public utility engaged primarily in generating, purchasing, transmitting, distributing and selling electric energy in 13 counties of Vermont and to 4 customers in Washington County, New York. Velco, a subsidiary of Central Vermont, is an operating public utility engaged in the business of operating transmission and associated facilities to receive and transmit 100,000 kw of firm power from the St. Lawrence River Development, pursuant to a contract dated June 13, 1957 between Velco and the State of Vermont, and to deliver such power either directly or through the facilities of others to allottees of the State of Vermont, and of purchasing and selling, and transmitting for others, other power. Velco began receiving St. Lawrence power on September 1, 1958. The facilities to be transferred from Central Vermont to Velco consist of:

Approximately 33.8 circuit miles of 115 KV transmission line between Essex and Middlebury, Vermont and approximately 12.3 circuit miles of 115 KV transmission line between Essex and Milton, Vermont.

The facilities to be subject to the joint use agreement consist of the foregoing and:

(a) Approximately 13.7 miles of 115 KV transmission line between Milton, Vermont and Velco's St. Albans substation,

(b) Velco's St. Alban's substation,

(c) Velco's Middlebury substation.

The present use of the facilities to be transferred and the facilities to be subject to the joint use agreement is for the distribution by Velco of St. Lawrence Power owned by the State of Vermont to allottees of the State of Vermont, for interchange by Central Vermont of power within its Central system and by Velco for the transmission of other power for its own account and for others. The proposed disposition does not include all the operating facilities of Central Vermont or Velco. The conveyance by Central Vermont to Velco heretofore referred to shall be made within 20 days after final approval has been given by all regulatory or other bodies having jurisdiction upon a date to be established by either Central Vermont or Velco giving five days' notice to the other. The price to be paid by Velco to Central Vermont shall be the original cost, as defined by the Uniform System of Accounts prescribed by the Federal Power Commission, of such Middlebury-Milton line less the amounts accrued for depreciation as of the date on which the aforesaid conveyance is made. The proposed transaction will not have any effect upon any contract for the purchase, sale or interchange of electric energy except to permit Velco to fulfill its commitments to the State of Vermont under the Power Transmission Contract dated June 13, 1957.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 20th day of June 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5086; Filed, June 3, 1960; 8:49 a.m.]

[Docket No. G–12399 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Order Fixing Date for Oral Argument

MAY 31, 1960.

Natural Gas Pipeline Company of America, Docket No. G–12399; Champlin Oil & Refining Company, Docket No. G–14830; Amerada Petroleum Corporation, Docket No. G–16029; Cities Service Gas Company, Docket No. G–16217; Phillips Petroleum Company, Docket Nos. G–16280 and G–16439; Carter-Jones Drilling Company, Inc., Docket No. G–16288; Magnolia Petroleum Company (now Socony Mobile Oil Company, Inc.), Docket Nos. G–16295, G–16296, G–16398 and G–16266; Johntom Oil Company, Inc., Docket No. G–16375; McCommons Oil Company, Docket No. G–16376; Anson L. Clark, Docket No. G–16382; Cornell Oil Company, Docket No. G–16383; Bond Oil Corporation, et al., Docket No. G–16392; Hudson Oil & Metals Company, Dockt No. G–16436; The Pure Oil Company, Docket No. G–17493; Gulf Oil Corporation, Docket No. G–16761; Riddell Petroleum Corporation, Docket No. G–17828; Fain-Porter Drilling Corporation, Docket No. G–17831.

This matter was previously scheduled for oral argument on May 20, 1960. Upon consideration of the request filed by Amerada Petroleum Corporation and concurred in by Gulf Oil Corporation, the oral argument was postponed by order of the Commission dated May 17, 1960.

The following parties have filed notice of their intention to participate in the oral argument:

Natural Gas Pipeline Company of America.
Amerada Petroleum Corporation.
Socony Mobil Oil Company, Inc.
Gulf Oil Corporation.
Riddell Petroleum Corporation and Fain Porter Drilling Corporation.
Illinois Power Company.
City of Chicago.
Commission Staff Counsel.

The Commission orders: Oral argument be had before the Commission on June 16, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by the exceptions to the aforesaid decision.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5087; Filed, June 3, 1960; 8:49 a.m.]

[Docket No. RI60–320]

JOSEPH I. O'NEILL, JR., ET AL.

Order Permitting Corrected Supplement To Be Filed, Providing for Hearing on and Suspension of Corrected Supplement

MAY 27, 1960.

By order issued May 6, 1960, in the above-entitled proceeding, the Commission suspended proposed increased rates tendered by Joseph I. O'Neill, Jr., et al. (O'Neill) until November 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. The proposed increased rates were for sales of natural gas to Hunt Oil Company (Supplement No. 7 to O'Neill's FPC Gas Rate Schedule No. 1) and to El Paso Natural Gas Company (Supplement No. 8 to O'Neill's FPC Gas Rate Schedule No. 1) produced in the Jack Herbert Field, Upton County, Texas.

On May 5, 1960, O'Neill tendered for filing an adjustment to the tax reimbursement portion of its previously filed and suspended Supplement No. 8, which is designated as Supplement No. 1 to Supplement No. 8 to O'Neill's FPC Gas Rate Schedule No. 1. The tender of May 5, 1960 reflects the terms of the renegotiated agreement between O'Neill and El Paso, the purchaser, wherein O'Neill is entitled to reimbursement based on an increase in the Texas occupation tax from 5.2 percent to 7 percent.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for permitting the tender of May 5, 1960 to be filed.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Supplement No. 1 to Supplement No. 8 to O'Neill's FPC Gas Rate Schedule No. 1 and that the aforesaid supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) O'Neill is hereby permitted to file Supplement No. 1 to Supplement No. 8 to O'Neill's FPC Gas Rate Schedule No. 1.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Supplement No. 8 to O'Neill's FPC Gas Rate Schedule No. 1.

(C) Pending hearing and decision thereon, the aforesaid supplement is hereby suspended and the use thereof deferred until November 1, 1960 or until such later date as Supplement No. 8 to O'Neill's FPC Gas Rate Schedule No. 1 is made effective in the manner prescribed by the Natural Gas Act, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before July 11, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5088; Filed, June 3, 1960; 8:49 a.m.]

[Docket No. G–20121]

PENNSYLVANIA GAS CO.

Notice of Application and Date of Hearing

MAY 31, 1960.

Take notice that on November 9, 1959, Pennsylvania Gas Company (Applicant), a Pennsylvania corporation with its principal place of business in Warren, Pennsylvania, filed an application in Docket No. G–20121, supplemented on December 9, 1959 and January 25, 1960, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to activate and operate the Summit Gas Field in Summit Township, Erie County, Pennsylvania, as an underground gas storage field.

Applicant proposes to recondition 46 wells, plug 10 wells and install a 440 horsepower compressor in the summer of 1960. Completion of the project is scheduled for November 1, 1961. The total cost of activating Summit Field for underground storage is $1,186,288.

The storage project is to be financed from current earnings prior to May 31, 1960, and after that date from current earnings and from borrowings from National Gas Company, Applicant's parent company.

Applicant was granted temporary authorization to operate the Summit Storage Field as proposed in its application on February 26, 1960.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 1, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 21, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5089; Filed, June 3, 1960; 8:49 a.m.]

[Docket No. E–6938]

DEPARTMENT OF THE INTERIOR AND SOUTHEASTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

MAY 31, 1960.

Notice is hereby given that the United States Department of the Interior, on behalf of the Southeastern Power Administration, has filed with the Federal Power Commission for confirmation and

approval, pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887), the schedules of rates and charges for the sale of electric energy produced at the Allatoona, Buford and Clark Hill projects and sold by the Southeastern Power Administration. Approval is requested for the period beginning July 1, 1960 and ending June 30, 1964.

The filing comprises four rate schedules designated ABC–1, ABC–2, CH–1, and CH–2, which are set forth below. Rate Schedules ABC–1 and ABC–2 are applicable to all power sold from the Allatoona and Buford projects and that power from the Clark Hill project sold in the State of Georgia. Rate Schedules CH–1 and CH–2 are applicable to all power sold from the Clark Hill project in the State of South Carolina.

Any person desiring to make comments or suggestions for Commission consideration with respect to the attached schedules of rates and charges, should submit the same in writing on or before June 20, 1960, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[Exhibit B–1]

WHOLESALE POWER RATE SCHEDULE ABC–1

Availability. This rate schedule shall be available to public bodies and cooperatives in Georgia to whom power may be wheeled pursuant to the provisions of the contract, dated October 11, 1957, between the Georgia Power Company (hereinafter called the Company) and the Government.

Applicability. This rate schedule shall be applicable to power and accompanying energy generated at the Allatoona, Buford, and Clark Hill Projects (hereinafter called the Projects) and sold in wholesale quantities.

Character of service. The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of sixty cycles per second delivered at the delivery points of the customer on the Company's transmission and distribution system. The voltage of delivery will be maintained within the limits established by the state regulatory commission.

Monthly rate. The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand charge. $0.915 per kilowatt of total contract demand.

Energy charge. 3.56 mills per kilowatt-hour.

Energy to be furnished by the Government. The Government will sell to the Customer and the Customer will purchase from the Government energy from the Projects to the extent that it is available at the Projects each billing month up to a total amount annually of 4,500 hours per kilowatt of contract demand.

For billing purposes, the energy allocation available on an annual basis to accompany the Customer's contract demand as assigned to individual delivery points shall be allocated in equal quantities each day throughout the year. In those billing months when the quantity of energy available from the Projects, less seven (7) percent losses, is sufficient to supply the energy allocations which accompany the total contract demands of all customers purchasing power pursuant to this rate schedule, the Customer will be billed by the Government by delivery points for its monthly energy allocation in an amount determined by multiplying the daily energy allocation by the number of days in the billing month. In those billing months when energy available from the Projects, less seven (7) percent losses, is insufficient to supply the energy allocations which accompany the total contract demands of all customers purchasing power pursuant to this rate schedule, the Customer shall be billed by the Government by delivery points for that portion of its monthly energy allocation determined by multiplying the ratio which the total energy available from the Projects for all said Customers' use during the particular billing month bears to the quantity necessary to supply the energy allocations which accompany the total contract demands of all said customers during such month by the quantity of energy necessary to meet the energy allocation of the Customer for said billing month.

Maximum cost to customer for capacity and energy from the projects and deficiency energy. In the event that a change in the Company's rate for deficiency energy (as defined in the contract between the Government and the Company dated October 11, 1957), upon an order of a regulatory body having jurisdiction thereof, results in a total cost to the Customer for capacity and energy from the Projects and deficiency energy that is higher than that which would result from applying the monthly rates contained in this schedule to such capacity and energy, the Government agrees to reduce the Customer's power bill for capacity and energy from the Projects, beginning as of the effective date of the order, in an amount that will result in the Customer receiving capacity and energy from the Projects and deficiency energy at a cost no higher than would result from an application of the monthly rates contained in this schedule to all such capacity and energy.

Billing month. The billing month for power sold under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

Conditions of service. The Customer shall at its own expense provide, install, and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

Service interruption. When energy delivery to the Customer's system for the account of the Government is reduced or interrupted for one hour or longer, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced.

[Exhibit B–2]

WHOLESALE POWER RATE SCHEDULE ABC–2

Availability. This rate schedule shall be available to the Georgia Power Company (hereinafter called the Company).

Applicability. This rate schedule shall be applicable to electric capacity and energy generated at the Allatoona, Buford, and Clark Hill Projects (hereinafter called the Projects) and sold under the contract, dated October 11, 1957, between the Government and the Company.

Character of service. Electric capacity and energy delivered to the Company will be three-phase alternating current at a nominal frequency of sixty cycles per second and will be delivered at approximately 115,000 volts at mutually agreeable points in the vicinity of the Projects' power stations.

Monthly rate. The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand charge. $0.915 per kilowatt per billing month for dependable capacity made available to the Company for its own use.

$0.915 per kilowatt per calendar month for the average of the weekly minimum amounts of nondependable capacity made available by the Government during each of several months and up to a maximum weekly quantity for each month as provided for in the aforementioned contract between the Government and the Company.

Any week which falls within two calendar months shall, for the purpose of determining the amount of nondependable capacity to be made available, be considered to be completely within the month in which Wednesday of each week falls.

Energy charge. 2.96 mills per kilowatt-hour for firm and secondary energy made available from the Projects in any billing month in excess of 1,869,696 kilowatt-hours multiplied by the number of days in said billing month.

2.00 mills per kilowatt-hour for dump energy made available by the Government and accepted by the Company.

Billing month. The billing month for power sold under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

Charges for nondependable capacity included in a bill rendered for a particular billing month shall be for that nondependable capacity made available for the calendar month ending during said billing month.

Power factor. The Company shall take capacity and energy from the Government at such power factor as will best serve the Company's system from time to time, provided that the Company shall not impose a power factor of less than 0.85 lagging on the Government's facilities which requires operation contrary to good operating practice or results in overload or impairment of such facilities or unreasonably interferes with the delivery of capacity and energy by the Government to the Company and to its other customers.

Condenser operation. The Government shall, upon the request of the Company, cause the generating units at Allatoona and Buford and one to three of its generating units at Clark Hill to be operated as condensers if, in the sole judgment of the Government, such operation does not unreasonably interfere with the delivery of capacity and energy by the Government to any of its customers, is not contrary to good operating practice, is not detrimental to such generating facilities in excess of ordinary wear and tear, and does not overload such generating facilities. Such condenser operation, subject to the preceding limitations, shall be in accordance with procedures and schedules developed and agreed upon from time to time by the operating representatives of the parties hereto. The Company shall pay the Government $5.00 per generating unit so operated for each hour that such condenser operation is requested by the Company.

Service interruption. When delivery to the Company is interrupted or reduced due to conditions on the Government's system which have not been arranged for and agreed to in advance, the charge for dependable capacity will be reduced as to the kilowatts of such capacity which have been interrupted or reduced in the proportion that the number of peak hours during such period of interruption or reduction bears to the total number of peak hours during the period covered by such charge and the monthly charge for nondependable capacity will be based on the reduced weekly availability of such capacity. Any interruption or reduction in the capacity made available will be deemed to be first an interruption or reduction of nondependable capacity made available to the Company and, next, an interruption or reduction of dependable capacity made available to the Company.

[Exhibit B–3]

WHOLESALE POWER RATE SCHEDULE CH–1

Availability. This rate schedule shall be available to public bodies and cooperatives in South Carolina purchasing firm power from the Clark Hill Project (hereinafter called the Project).

Applicability. This rate schedule shall be applicable to power and accompanying energy generated at the Project and sold in wholesale quantities.

Character of service. The electric capacity and energy supplied hereunder will be three-phase alternating current at a nominal frequency of sixty cycles per second and will be delivered at a nominal voltage of 115,000 volts at the 115 KV bus of the Project power plant. The actual operating voltage of the Government shall within the limits of good operating practice be suitable for operation with the Customer's system.

Monthly rate. The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand charge. $0.75 per kilowatt per billing month for dependable capacity made available on a firm basis.

$0.175 per kilowatt per weeek, cumulative for the billing month, for capacity made available and accepted on a weekly basis in addition to the capacity which the Government makes available for scheduling energy.

Energy charge. (a) 4.0 mills per kilowatt-hour for weekday firm energy.

(b) 3.0 mills per kilowatt-hour for all energy made available or declared and accepted in any week in excess of the weekday firm energy and up to a total weekly quantity (including weekday firm energy) determined by multiplying the number of peak period hours remaining at the time a declaration or a revision becomes effective times 0.7 times the total capacity made available, plus any energy scheduled during the week prior to the effective date of any revision; provided, that whenever as a result of a declaration or revision thereof, the Customer accepts for the remaining peak period hours of the week an amount of energy equal to or greater than 0.7 times the maximum capacity which the Government, by contract, is obligated to make available to the Customer times the remaining peak period hours, no further energy declared will be in the 3.0 mill rate block.

(c) 2.5 mills per kilowatt-hour for all energy made available or declared and accepted in any week in excess of the maximum weekly quantity determined under (b) above and up to a total weekly quantity (including the quantities under (a) and (b) above) determined by multiplying the number of peak period hours remaining at the time the declaration or revision becomes effective times 0.9 times the total capacity made available, plus any energy scheduled during the week prior to the effective date of any revision; provided, that whenever as a result of a declaration or revision thereof the Customer accepts for the remaining peak period hours of the week an amount of energy equal to or greater than 0.9 times the maximum capacity available times the then remaining peak period hours in the week, no energy thereafter declared and accepted will be in the 2.5 mill rate block.

(d) 2.0 mills per kilowatt-hour for all energy declared and accepted in any week in excess of the maximum weekly quantity determined under (c) above.

(e) 2.0 mills per kilowatt-hour for dump energy.

Billing month. All project energy shall be accounted for on a weekly basis and the total quantities of energy billed monthly shall be the sum of the weekly quantities. Energy declared or made available for any week which falls within two billing months shall be divided between the months on the basis of weekly schedules for energy delivery furnished by the Customer.

The billing month for power sold under this rate schedule shall end at midnight on the last day of each calendar month.

Power factor. The Customer shall not impose a power factor of less than .85 lagging on the Government's facilities which requires operation contrary to good operating practice or results in overload or impairment of such facilities.

Condenser operation. The Government shall, upon the request of the Customer, cause its generating units (up to the maximum number specified by contracts) to be operated as condensers if, in the sole judgment of the Government, such operation is not contrary to good operating practice, is not detrimental to such generating facilities in excess of ordinary wear and tear, and does not overload such generating facilities. Such condenser operation, subject to the preceding limitations, shall be in accordance with procedures and schedules developed and agreed upon from time to time by the operating representatives of the parties hereto. The Customer shall pay the Government $5.00 per generating unit so operated for each hour that such condenser operation is requested by the Customer.

Service interruption. When capacity made available to the Customer's system is reduced or interrupted for one hour or longer, and such reduction or interruption is not agreed to in advance nor due to conditions on the Purchaser's system, the monthly demand charge for dependable capacity shall be reduced, for each on-peak hour (the nearest number of whole hours) that such capacity is reduced or interrupted, by an amount equal to $0.75 divided by the number of peak hours in the billing month times the reduction, in kilowatts, of such capacity; and the amount of energy previously scheduled and not taken during the time of interruption shall be placed in storage to the Customer's account. If the Customer advises the Government within one working day after a day in which energy is placed in storage that it does not desire to retain ownership of such energy, the ownership of the energy will revert to the Government and the Customer shall not be obligated to pay for such energy.

[Exhibit B–4]

WHOLESALE POWER RATE SCHEDULE CH–2

Availability. This rate schedule shall be available to customers in South Carolina who have no contract for the purchase of firm power produced at the Clark Hill Project (hereinafter called the Project).

Applicability. This rate schedule shall be applicable to power available at the Project in excess of the requirements of firm power purchasers and sold in wholesale quantities.

Character of service. Power supplied hereunder will be three-phase alternating current at a nominal frequency of sixty cycles per second and will be delivered at a nominal voltage of 115,000 volts at the 115 KV bus of the Project's power plant.

Monthly rate. The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand charge. $0.175 per kilowatt week for capacity made available and accepted on a weekly basis when such charge is agreed to by the customer.

Energy charge. Not more than 3.0 fmills per kilowatt-hour nor less than 2.0 mills per kilowatt-hour for energy.

Billing month. The billing month for power sold under this rate schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of service. The Government may, in its sole discretion, make power available for sale under this rate schedule and the customer may, in its sole discretion, agree to take such power.

[F.R. Doc. 60–5090; Filed, June 3, 1960; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

MAY 31, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 1, 1960 to June 10, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5091; Filed, June 3, 1960; 8:50 a.m.]

TARIFF COMMISSION

[AA1921–13]

NEPHELINE SYENITE

Notice of Investigation

Having received advice from the Treasury Department on May 27, 1960 that nepheline syenite from Canada is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended, (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages, each clearly marked "Submitted in Confidence". Written statements should be filed not later than July 5, 1960.

Issued: May 31, 1960.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-5076; Filed, June 3, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 881]

GENERAL INCREASES IN ALASKAN RATES AND CHARGES

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on May 17, 1960, the following Third Supplemental Order, to the original order in this proceeding dated January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364).

It appearing that by Original and First Supplemental Orders herein, the Board instituted an investigation into the reasonableness and lawfulness of various tariff schedules of Alaska Steamship Company, Coastwise Line, Agent C. R. Nickerson, Garrison Fast Freight Division of Consolidated Freightways, Inc., and Alaska Northern Express, Inc., naming increases in freight rates and charges, between Pacific Coast ports on the one hand and ports and points in Alaska on the other, also between ports within Alaska; and

It further appearing that such order provides that the investigation instituted thereby should include all matters and issues with respect to the lawfulness of all freight schedules of the carriers named above in effect between Pacific Coast ports on the one hand and ports and points in Alaska on the other, also between ports within Alaska; and

It further appearing that there have been filed with the Federal Maritime Board by Puget Sound-Alaska Van Lines, Inc., Local and Joint Proportional Freight Tariff, F.M.B.-F. No. 1, and Local and Joint Proportional Freight Tariff, F.M.B.-F. No. 4, naming rates at a level generally the same as those now under investigation, applying between Pacific Coast ports on the one hand and ports and points in Alaska on the other; and

It further appearing that the Board, upon consideration of said tariff schedules is of the opinion that the rates, charges, rules, regulations and practices named therein, should be made the subject of a public investigation and hearing to determine whether they are just and reasonable and otherwise lawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It is ordered, That this investigation be, and it is hereby, expanded to include the lawfulness of the rates, charges, rules and regulations contained in said tariff schedules under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, with a view to making such findings and order in the premises as the facts and circumstances shall warrant; and

It is further ordered, That no change shall be made in the rates or other matters affecting the rates contained in said tariffs as of the date of this order, or filed as of the date of this order to later become effective, until this investigation has been terminated by final order of the Board unless otherwise authorized by special permission of the Board; and

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedules and of all other freight schedules of the carrier named herein in effect between Pacific Coast ports on the one hand and ports and points in Alaska on the other, also between ports within Alaska under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the office of the Federal Maritime Board; and

It is further ordered, That Puget Sound-Alaska Van Lines, Inc., be made respondent herein; that a copy of this order shall forthwith be served upon them and upon all other respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: June 1, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 60-5082; Filed, June 3, 1960; 8:48 a.m.]

[Docket No. 901]

PACIFIC-ATLANTIC GUAM TRADE

General Increases In Rates

Notice is hereby given that the Federal Maritime Board has entered, on May 17, 1960, the following Fourth Supplemental Order, to the original order in this proceeding dated March 21, 1960, which appeared in the FEDERAL REGISTER of April 1, 1960 (25 F.R. 2780).

It appearing that by Original Order, as supplemented, the Board ordered suspended in full to and including April 29, 1960, Pacific Far East Line, Inc., Guam Freight Tariff No. 2, F.M.B.-F. No. 2 and American President Lines, Ltd., Pacific/Guam Tariff No. 5, F.M.B.-F. No. 9 and Atlantic/Guam Freight Tariff No. 3, F.M.B.-F. No. 8; and

It further appearing that pursuant to Third Supplemental Order the Board ordered that the investigation and hearing instituted should carry over the running of the suspension date; and

It further appearing that that said Order provides that "no change shall be made in the rates or other matters which were changed by said tariff schedules until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on May 6, 1960, Pacific Far East Line, Inc., filed Application for Special Permission seeking authority to publish, post and file, on 30 days' notice, consecutively numbered revised pages to Guam Freight Tariff No. 2, F.M.B.-F. No. 2, in order to establish reduced rates on the following commodities:

Beer, ale and stout, in cases. Size: in Stubby bottles in cartons 24/11 oz.
Cement, Building, in bulk, F.I.O.; and

It further appearing that on May 6, 1960, American President Lines, Ltd., filed Application No. 1 seeking authority to publish, post and file, on 30 days' notice, consecutively numbered revised pages to Pacific/Guam Freight Tariff No. 5, F.M.B.-F No. 9, in order to establish identical rate items as set forth above in the Pacific Far East Line application; and

It further appearing that the Board having found good cause therefor has on May 17, 1960, granted special permission to publish such changes on 30 days' notice under Special Permission No. 3839 in the case of Pacific Far East Line, Inc., and Special Permission No. 3840 in the case of American President Lines, Ltd.;

It is ordered, That the Original Orders herein be modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission Nos. 3839 and 3840; and

It is further ordered, That any rates, charges, regulations and practices set forth in the schedules filed pursuant to such special permissions shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules canceled thereby, and that the special permissions granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: June 1, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 60-5083; Filed, June 3, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 1, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36285: *Substituted service—Monon and L&N for Gordons Transports, Inc., et al.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 16), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., and Atlanta, Ga., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 3 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF-I.C.C. 220.

FSA No. 36286: *Bituminous fine coal—Alabama to Yates and McManus, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3961), for interested rail carriers. Rates on bituminous fine coal, in carloads, as described in the application, from Alabama Central and St. L-SF mines in Alabama, to Yates and McManus, Ga.

Grounds for relief: Grouping.

Tariff: Supplement 34 to Southern Freight Association tariff I.C.C. S-39.

FSA No. 36287: *Substituted service—C&NW for McCoy Truck Lines, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 243), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Cedar Rapids, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 132 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5072; Filed, June 3, 1960; 8:46 a.m.]

[Notice 324]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 1, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62879. By order of May 31, 1960, the Transfer Board approved the transfer to LeRoy Shipman, doing business as Hale Transfer & Storage, Oskaloosa, Iowa, of Certificate No. MC 52902 issued July 19, 1955, in the name of Marshall Calef, doing business as Calef Transfer, Oskaloosa, Iowa, authorizing the transportation of malt beverages, over regular routes from Peoria, Ill., to Oskaloosa, Iowa; and empty malt beverage containers, on return. Stephen Robinson, 1020 Savings and Loan Building, Des Moines, Iowa, for applicants.

No. MC-FC 62967. By order of May 27, 1960, the Transfer Board approved the transfer to Arcadia Truck Line, Inc., Pittsburg, Kans., of Certificate in No. MC 96108, issued July 22, 1943, to Oliver Johnston, Arcadia, Kans., authorizing the transportation of: Feed, building materials, livestock, and grain, from, to, or between specified points in Missouri and Kansas. Wilbert W. Phalen, 201 Professional Building, Pittsburg, Kans., for applicants.

No. MC-FC 63134. By order of May 27, 1960, the Transfer Board approved the transfer to Goman's Moving Co., Inc., Verona, N.J., of Certificate in No. MC 90957, issued August 10, 1954, to Robert William Goman, Sr., doing business as Goman's Express, Verona, N.J., authorizing the transportation of: Household goods, between points in Essex County, N.J., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Pennsylvania, Maryland, and the District of Columbia. Nicholas R. Fiore, 744 Broad Street, Newark 2, N.J., for applicants.

No. MC-FC 63165. By order of May 27, 1960, the Transfer Board approved the transfer to William J. Ford, Philadelphia, Pa., of a portion of Certificate No. MC 44724, issued December 3, 1959, to White's Delivery Service, Inc., Philadelphia, Pa., authorizing the transportation of: Paper and paper products, from Miquon, Pa., to Philadelphia, Pa., Bordentown, Camden, Linden, and Newark, N.J., Baltimore, Md., New York, N.Y., and Wilmington, Del. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., for applicants.

No. MC-FC 63263. By order of May 27, 1960, the Transfer Board approved the transfer to Star Cartage, Inc., Steubenville, Ohio, of the operating rights set forth in Certificate No. MC 18982, issued by the Commission June 10, 1941, to The Kane Bros. Co., a Corporation, Youngstown, Ohio, authorizing the transportation, over irregular routes, of contractor's equipment, machinery, and machine parts, and articles requiring specialized handling or rigging, because of size or weight, between points Columbiana, Mahoning and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Beaver, Lawrence, and Mercer Counties, Pa., and Hancock County, W. Va. James M. Burtch, 44 E. Broad Street, Columbus, Ohio, for applicants.

No. MC-FC 63267. By order of May 27, 1960, the Transfer Board approved the transfer to Pacific & Atlantic Trucking Co., Inc., Newark, N.J., of Permit in No. MC 45022, issued February 15, 1957, to Arthur Russo, doing business as Arthur Russo Trucking, Oceanside, N.Y., authorizing the transportation of: Such commodities as are dealt in by wholesale and retail grocery houses, between points in N.J., on the one hand, and, on the other, New York, N.Y., and points in 3 counties in New York. Edward M. Alfano, Werner & Alfano, Attorneys, 2 West 45th Street, New York 36, N.Y., for applicants.

No. MC-FC 63269. By order of May 31, 1960, the Transfer Board, approved the transfer to Eldon Wenger, doing business as Wenger Truck Line, Beaver, Iowa, of the operating rights set forth in Certificate No. MC 99603 Sub 1, issued by the Commission September 12, 1956, to Ralph L. Conard, Jr., doing business as United Freight Line, Adel, Iowa, authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Des Moines, Iowa, and Minburn, Iowa, and between Des Moines, Iowa, and Audubon, Iowa. Robert R. Rydell, 1014 Savings and Loan Building, Des Moines 9, Iowa, for applicants.

No. MC-FC 63271. By order of May 27, 1960, the Transfer Board approved the transfer to A. J. Boyd, Inc., Oaklyn, N.J., of Certificate in No. MC 50938, issued October 11, 1949, to Mable V. Hagerty, Hammonton, N.J., authorizing the transportation of: General commodities, over a regular route between Winslow Junction, N.J., and Atlantic City, N.J. Robert T. Healey, Attorney at Law, 519 Market Street, Camden, N.J., for applicants.

No. MC-FC 63273. By order of May 27, 1960, the Transfer Board approved the transfer to Rex Moving Van Service, Inc., Brooklyn, N.Y., of Certificate in No. MC 112324, issued June 4, 1956, to P. Toscano & Sons Moving Co., Inc., Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, from points in the New York, N.Y., commercial zone, to points in Connecticut, New Jersey, New York, and Pennsylvania which are within 100 miles of New York, N.Y. Morris Honig, Attorney, 150 Broadway, New York 38, N.Y., for applicants.

No. MC-FC 63275. By order of May 27, 1960, the Transfer Board approved the transfer to R. Johns Transfer, In-

corporated, Roanoke, Va., of Permit No. MC 117700, issued April 10, 1959, in the name of Rogers Johns, doing business as R. Johns Transfer, Roanoke, Va., authorizing the transportation of general commodities excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, from the warehouse of Mick-or-Mack Stores, Inc., at Salem, Va., to points in West Virginia; and empties on return. W. G. Burnette, P.O. Box 859, Lynchburg, Va., for applicants.

No. MC–FC 63277. By order of May 31, 1960, the Transfer Board approved the transfer to Clark Transfer & Storage Co., Inc., 233 D Street NW., Auburn, Washington, of Certificate No. MC 106972 issued March 19, 1948, to Harold L. Clark, doing business as Clark Transfer & Storage, 233 D Street NW., Auburn, Washington, authorizing the transportation of General commodities, excluding household goods, commodities in bulk, and other specified commodities between Auburn, Wash., on the one hand, and, on the other, points within 10 miles of Auburn with exceptions; and household goods, over irregular routes, between Auburn, Wash., on the one hand, and, on the other, points within 10 miles of Auburn.

No. MC–FC 63285. By order of May 31, 1960, the Transfer Board approved the transfer to Harner's Express, Inc., Baltimore, Md., of Certificate No. MC 46036 Sub 1, issued June 15, 1944, to Ernest L. Harner, doing business as Harner's Express, Baltimore, Md., authorizing the transportation of: Pulpboard and pulpboard boxes, from Baltimore, Md., to Hanover, York, Harrisburg, Lebanon, Lancaster, Shippensburg, and Gettysburg, Pa., Wilmington, Del., Alexandria, and Richmond, Va., and Washington, D.C.; and macaroni, noodles, spaghetti, and the sauces therefor, from Lebanon, Pa., to Baltimore, Md., and Washington, D.C. Harry F. Gillis, 919 18th Street NW., Washington, D.C., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–5073; Filed, June 3, 1960; 8:46 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part II, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connection as heretofore reported and published (22 F.R. 996, 6584; 23 F.R. 1062, 6730; 24 F.R. 552, 6251 and 9689) during the six months' period ended May 29, 1960.

No changes.

Dated: May 29, 1960.

F. A. MECHLING.

[F.R. Doc. 60–5074; Filed, June 3, 1960; 8:47 a.m.]

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SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 CCC Cotton Bulletin 2]

PART 427—COTTON

Subpart—1960 Choice (A) Cotton Price Support Program Regulations

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AUTHORITY: §§ 427.1151 to 427.1171 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178; 15 U.S.C. 714b and 714c, 7 U.S.C. 1441, 1443, 1421.

§ 427.1151 General statement.

This bulletin contains the regulations and requirements with respect to the 1960 Choice (A) Cotton Price Support Program of Commodity Credit Corporation (referred to in this subpart as "CCC") formulated by CCC and the Commodity Stabilization Service (referred to in this subpart as "CSS"). Under this program, CCC will purchase 1960-crop Choice (A) upland cotton from producers, subject to the $50,000 limitation on nonrecourse price support on 1960-crop cotton contained in Public Law 86–80, and will make recourse loans to producers on 1960-crop Choice (A) upland cotton in excess of that which may be tendered for purchase under the $50,000 limitation, if such cotton was produced on a farm for which the operator elected the Choice (A) allotment and the acreage planted to cotton on the farm is in compliance with such allotment. Cotton as used in this subpart means American upland cotton. The requirements with respect to loans to producers on cotton produced on farms for which the operators elected the Choice (B) allotment are contained in 1960 CCC Cotton Bulletin 1.

§ 427.1152 Administration.

Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division and other appropriate divisions of CSS will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as "State committees" and "county committees," respectively). Program availability and maturity dates will be those specified hereinafter except that whenever the final date of availability or the maturity date falls on a nonwork day for ASC county offices or the New Orleans office, the applicable final date shall be extended to include the next work day. Forms will be distributed by the New Orleans office and will be available at county ASC offices (referred to in this subpart as "county offices") and at approved purchasing agencies, approved warehouses, and others designated to participate in the purchase program. State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 427.1153 Availability of program.

(a) *Purchases.* The purchase program will be available to eligible producers on eligible cotton and will be made available on warehouse-stored cotton and cotton represented by order bills of lading. As provided in § 427.1156, no person shall be eligible to receive more than $50,000 in nonrecourse price support from sales of 1960-crop Choice (A) cotton to CCC unless he has qualified for an exemption from the $50,000 limitation on nonrecourse price support contained in P.L. 86–80 through reduction of his production of cotton.

(b) *Recourse loans.* Eligible producers who have not qualified for an exemption from the $50,000 limitation may obtain price support on their Choice (A) cotton in excess of that permitted under the $50,000 limitation on purchases only by means of recourse loans obtained in accordance with the provisions of § 427.1170.

(c) *Area.* The purchase program will be available on cotton stored in approved warehouses in all cotton-producing areas of the United States and will be available on cotton represented by order bills of lading in areas specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(d) *Time.* Purchases will be made from date purchase rates are announced through April 30, 1961. Cotton Producer's Sales Agreements covering the cotton must be signed by the producer and delivered to an approved purchasing agency on or before April 30, 1961, or postmarked not later than such date if tendered to the New Orleans office by mail for direct purchase by CCC.

(e) *Source.* Purchases of eligible cotton will be made by approved purchasing agencies and by the New Orleans office. Purchase proceeds shall be disbursed to producers by approved purchasing agencies, or by the New Orleans office. Disbursement of purchase proceeds by approved purchasing agencies shall be made not later than April 30, 1961, except where specifically approved by the New Orleans office in each instance. The producer shall not present the cotton for purchase by CCC unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall promptly refund the proceeds.

§ 427.1154 Approved purchasing agency and approved sales agency.

(a) *Approved purchasing agency.* An approved purchasing agency shall be any person or firm, such as bank, cotton buyer, cotton merchant, cotton cooperative, ginner, or other legal entity, which has entered into a Cotton Purchasing Agency Agreement (Form CCC Cotton SD) with CCC. Under this agreement, a purchasing agency which purchases cotton is required to assist the producer in preparing the necessary purchase documents, to pay him or his designee the purchase price for his Choice (A) cotton, and to tender to CCC either directly or through another purchasing agency the documents covering the purchased cotton, in accordance with § 427.1169. Persons or firms desiring to enter into Cotton Purchasing Agency Agreements should make application to the New Orleans office which will enter into such agreements on behalf of CCC with responsible applicants having organizations and facilities adequate to properly carry out their responsibilities and obligations under the program.

(b) *Approved sales agency.* An approved sales agency shall be any person or firm, such as a cotton buyer, cotton merchant, cotton cooperative, cotton ginner, or other legal entity, which is an approved purchasing agency and which has entered into a Cotton Sales Agency Agreement (CCC Cotton Form SL or SU) with CCC. Each approved sales agency must furnish the required performance guarantee. In selecting sales agencies, CCC will give preference to persons or firms which were actively engaged in the merchandising of cotton during the years immediately preceding 1960. An ap-

proved sales agency will be permitted to offer Choice (A) cotton, which it purchased from producers as a purchasing agency or which was transferred to it by another purchasing agency, for sale locally for CCC in accordance with the terms of its agreement with CCC and such other instructions as are issued by CCC. The sales agency will be required to deposit the warehouse receipts for all cotton it retains for sale locally with a bank selected by the sales agency and approved by CCC. A sales agency which desires to purchase any Choice (A) cotton from a local sales agent of CCC, either directly or indirectly for its own account, will be required to enter into a different type of agreement from a sales agency which is acting solely in the capacity of sales agent for CCC and is not buying any such cotton from local sales agents for its own account. Any person or firm desiring to enter into a Cotton Sales Agency Agreement and sell Choice (A) cotton locally should make application to the New Orleans office which will enter into such agreements on behalf of CCC.

§ 427.1155 Producer.

A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing upland cotton in the capacity of landowner, landlord, tenant, or sharecropper.

§ 427.1156 Eligible producer.

A producer will be entitled to sell to CCC eligible cotton produced by him in 1960 on a farm (as defined for purposes of cotton marketing quotas) for which the operator has elected the Choice (A) allotment in accordance with the Acreage Allotment Regulations for the 1960 Crop of Upland Cotton (24 F.R. 8430 and any amendments or supplements thereof) if all the following requirements are met:

(a) The 1960 planted acreage (as determined for purposes of cotton marketing quotas) of cotton on the farm does not exceed the 1960 Choice (A) cotton acreage allotment for the farm. For the purpose of determining eligibility under this program, the cotton acreage on the farm will not be deemed to be in excess of the acreage allotment unless the acreage allotment is knowingly exceeded. If the producer operating the farm is notified that the acreage allotment has been exceeded, and the planted acreage is not adjusted to the acreage allotment within the period allowed under the notice, the acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton.

(b) A person will not be eligible to receive more than $50,000 from sales of Choice (A) cotton to CCC unless he has qualified for an exemption from the $50,000 limitation on nonrecourse price support contained in P.L. 86–80 through reduction of his production of cotton. The rules provided in the "Regulations Relating to the $50,000 Limitation of Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply" (25 F.R. 1001), as amended (hereinafter referred to as the "Regulations Relating to the $50,000 Limitation"), shall be applied for the purposes of this subpart to determine whether certain individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the $50,000 limitation in P.L. 86–80 and whether producers come within the exemption from such limitation through reduction of their production. Any person who, on the basis of a reduction of his production, desires to qualify for an exemption from the $50,000 limitation shall file an application with the ASC county committee in accordance with the Regulations Relating to the $50,000 Limitation.

(c) Where eligible cotton is produced by a landlord and his share tenant or sharecropper, the cotton may be sold to CCC (subject to the other provisions of this subpart) only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may sell his separate share.

(2) If the cotton is not divided, (i) all producers having a share in the cotton may join in the sale of such cotton, or (ii) the landlord may sell cotton in which both he and one or more share tenants or sharecroppers have an interest, if he has the legal right to do so, and in such cases, the share tenants or sharecroppers must be paid their pro rata share of the proceeds of the sale: *Provided*, That the landlord shall not be eligible to sell to CCC cotton in which a share tenant's or sharecropper's share of the sales proceeds when added to price support proceeds previously received by the share tenant or sharecropper from sales of 1960 crop cotton to CCC would exceed $50,000, unless such share tenant or sharecropper has qualified for an exemption from the $50,000 limitation on nonrecourse price support through reduction of his production, in accordance with the Regulations Relating to the $50,000 Limitation. In determining the amount of price support extended each producer in the case of sales of cotton in which both the landlord and one or more share tenants or sharecroppers have an interest, each producer shall be deemed to have been extended price support to the extent of his interest in the cotton. In no case shall a share tenant or sharecropper sell individually cotton in which a landlord has an interest. Except as provided above, two or more producers may not sell their cotton jointly.

(d) When a producer becomes ineligible to sell cotton to CCC because of the $50,000 limitation on nonrecourse price support, any cotton in which he has an interest with other producers must be divided among all of the producers before the other producers, if they are otherwise eligible, may sell their separate shares to CCC.

§ 427.1157 Eligible cotton.

Eligible cotton under the purchase program shall be Choice (A) upland cotton produced in the United States in 1960 which meets the following requirements:

(a) Such cotton must not be tendered to CCC for purchase if any producer's share of the sales proceeds of such cotton together with such producer's share of the sales proceeds of any 1960 crop cotton previously sold to CCC will exceed $50,000, unless such producer has qualified for an exemption from the $50,000 limitation on nonrecourse price support.

(b) Such cotton must have been produced on a farm for which the operator elected the Choice (A) allotment and on which the acreage planted to cotton is in compliance with such allotment.

(c) Such cotton must be of a grade and staple length specified in § 427.1171.

(d) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked, and must not be below grade or shorter than 15/16-inch staple. Cotton which has been reduced in grade because of preparation, but which has not been reduced more than two grades, will be purchased at the purchase rate for the grade to which it is reduced. Cotton designated as "Wasty" or which has been reduced in grade, other than a reduction of not more than two grades for preparation, will be eligible for purchase but at a discount as shown in § 427.1161.

(e) Such cotton must be in existence and in good condition.

(f) Such cotton must not be compressed to high density.

(g) Such cotton must have been produced by the producer tendering it for purchase, and such producer must have the legal right to sell the cotton.

(h) If such cotton was produced on land owned by the Federal Government, it must not have been produced in violation of the provisions of the lease.

(i) If the producer tendering such cotton for purchase is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(j) The producer tendering such cotton must not have previously sold and repurchased such cotton.

(k) Each bale of cotton must weigh not less than 275 and not more than 700 pounds, gross weight. However, bales weighing from 275 through 349 pounds and from 626 through 700 pounds, gross weight, will be subject to a discount as shown in § 427.1161. Each bale must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. The bagging must be sufficiently strong to adequately protect the cotton. Cotton compressed to standard density, whether compressed by a warehouseman or at a gin, must not have less than eight bands. Heads of bales must be completely covered. Bales packaged with new bagging and ties used in the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tennessee (referred to in this subpart as "Experimental Bale Packaging Program"), will be acceptable provided there is attached to each such bale a tag which identifies such bale with the program and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

(l) Each bale of cotton must bear the gin bale number.

§ 427.1158 Purchase forms.

The following documents must be delivered by producers in connection with each sale to CCC:

(a) *Warehouse-stored cotton.* (1) Cotton Producer's Sales Agreement (Form CCC Cotton SA, referred to in this subpart as "Form SA").

(2) Warehouse receipts complying with the provisions of § 427.1160.

(3) If the sales proceeds are to be obtained direct from the New Orleans office, a Producer's Letter of Transmittal (Sales) (CCC Cotton Form SB, referred to in this subpart as "Form SB").

(4) Lien Waiver (Form CCC Cotton 888, referred to in this subpart as "Form 888") if used in lieu of execution of Lienholder's Waiver on the Form SA in accordance with provisions of § 427.1163.

(b) *Cotton represented by order bills of lading.* (1) Form SA executed within the area and during the period such purchases are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered for purchase.

(3) If the receiving agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.1167 and a Receiving Agency's Certificate.

(4) If the sales proceeds are to be obtained direct from the New Orleans office, a Form SB.

(5) Lien Waiver (Form 888) if used in lieu of execution of Lienholder's Waiver on the Form SA in accordance with provisions of § 427.1163.

(c) *Sales documents executed by an administrator, executor, or trustee.* Sales documents executed by an administrator, executor, or trustee will be acceptable only where valid in law. State documentary revenue stamps shall be affixed to sales documents where required by law. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his cotton shall use Power of Attorney (Form CCC Cotton 77) which must be filed with the New Orleans office. Only one attorney-in-fact shall be appointed in each Power of Attorney.

§ 427.1159 Approved storage.

Warehouse-stored cotton will be accepted for purchase by CCC only if stored in warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or State or county offices.

§ 427.1160 Warehouse receipts and insurance.

Only negotiable machine card type warehouse receipts, acceptable to CCC, issued by an approved warehouse, and properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer, will be acceptable in connection with sales to CCC. The warehouse receipts must show that the cotton is covered by fire insurance and that warehouse charges have been paid as provided in § 427.1166. The warehouse receipts must contain the gin bale number and must be dated on or prior to the date of the Producer's Sales Agreement. Each receipt must set out in its written or printed terms a description by tag number and the weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Block warehouse receipts will not be accepted without prior approval by CCC.

§ 427.1161 Weight, purchase rate, and amount.

(a) *Weight.* Purchases will be made on the gross weight of each bale. The gross weight of the bale shall be the gross weight shown on the warehouse receipt if cotton represented by warehouse receipts is purchased, or on the gross weight shown on the Weight and Condition Certificate (see § 427.1167(c)) if cotton represented by an order bill of lading is purchased. Forms SA covering cotton offered for sale to CCC on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight in purchasing upland cotton wrapped with material under the Experimental Bale Packaging Program, there will be added to the gross weight of the bale an allowance equal to the number of pounds shown on the program bale tag to be necessary "to adjust to normal gross weight" under such programs. No allowances other than those provided for in this subsection will be made.

(b) *Purchase rate.* (1) The base purchase rate applicable to Middling 1-inch cotton at each approved warehouse will be shown in the Schedule of Base Purchase Rates for Choice (A) Cotton (which will be issued about June 15, 1960).

(2) The premium or discount applicable to each other eligible grade and staple length is shown in § 427.1171.

(3) The purchase rate for cotton (i) for which the classification memorandum shows a reduction in grade shall be two cents a pound less than the purchase rate for the quality (grade and staple length) to which the cotton is reduced, except that the purchase rate for cotton which is reduced not more than two grades because of preparation will be the purchase rate for the quality to which it is reduced, or (ii) for which the classification memorandum shows that the cotton has been designated as "Wasty" shall be four cents a pound less than the purchase rate for the quality (grade and staple length) shown on the classification memorandum.

(4) The purchase rate for bales weighing from 275 through 349 pounds, gross weight, will be reduced one cent per pound, and the purchase rate for bales weighing from 626 through 700 pounds, gross weight, will be reduced one-half cent per pound.

(c) *Amount.* The amount due the producer will be determined by multiplying the gross weight as determined in paragraph (a) of this section by the applicable purchase rate as determined in paragraph (b) of this section. After the cotton is purchased, CCC will not be obligated to make adjustments in the amount of the purchase as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.1162 Preparation of documents.

(a) A producer desiring to sell eligible warehouse-stored or bill of lading cotton may obtain the necessary forms from county offices, approved purchasing agencies, and approved warehouses. The purchasing agency will assist the producer in the preparation and execution of the Form SA, except as provided below. All applicable blanks on the purchase forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC (Forms SA having a date prior to March 17, 1960, shall not be used). All copies should be clearly legible. The spaces provided on Form SA for the producer to request and direct payment of the sales proceeds must be completed in every instance. All disbursements made from the proceeds of a sale must be shown, and the total must agree with the amount of the sale. No deduction may be made from the sales proceeds by the purchasing agency as a charge for preparing (or handling) the documents. Care should be exercised by the purchasing agency to determine that the producer and the cotton are eligible and that the warehouse receipts or bills of lading are genuine. Before a purchasing agency prepares documents for a producer, it must require the producer to present his marketing card so the purchasing agency can determine whether the producer is eligible to sell his cotton to CCC. The marketing cards issued by the county office will indicate the producer's eligibility. If the producer's 1960 Choice (A) marketing card is Form MQ–76–A—Upland Cotton (a green card), the purchasing agency will use this as evidence that the producer is eligible to sell his cotton to CCC. If the producer's 1960 marketing card is Form MQ–76–R—Upland Cotton (a red card) and the boxes following the words "1960 Choice (A)" and "Not eligible unless price support documents approved by county committee" contain an "X," the purchasing agency shall inform the producer that in order for him to sell his cotton to CCC he must have the Certifi-

cate of Agricultural Stabilization and Conservation County Committee on Form SA executed by the county office manager (or a county office employee designated by him). If the box on Form MQ-76-R—Upland Cotton following the words, "Not eligible" contains an "X," the cotton produced on the farm for which the marketing card was issued is not eligible for price support under any condition, and the producer should be so informed by the purchasing agency. In any case where a Marketing Certificate for Penalty Free Upland Cotton, Form MQ-91—Cotton (Upland), is presented to a purchasing agency in lieu of a 1960 Choice (A) upland cotton marketing card, the purchasing agency shall inform the producer that in order for him to sell his cotton to CCC he must have the Certificate of Agricultural Stabilization and Conservation County Committee on the Form SA executed by the county office manager (or a county office employee designated by him). If it is determined that the cotton is eligible to be sold to CCC, the Certificate of Agricultural Stabilization and Conservation County Committee shall be executed as prescribed in the preceding sentence, and the serial number of the Marketing Certificate for Penalty Free Upland Cotton shall be inserted by the county office in the space provided for the Marketing Card Serial Number on the Form SA. Purchasing agencies which are also eligible producers must sell cotton produced by them direct to the New Orleans office or to another approved purchasing agency. If a purchasing agency, or any officer, employee, or agent of such purchasing agency, holds a power of attorney from an eligible producer who desires to sell his cotton to CCC, the cotton must be sold direct to the New Orleans office or to another purchasing agency.

(b) The Purchasing Agency's Certificate on each Form SA tendered for purchase by CCC must be executed by the purchasing agency making the purchase from the producer. The original of Form SA must be signed by the producer in the presence of the person who signs the Purchasing Agency's Certificate except that, if the producer is a nonresident applicant, such producer may sign the Form SA in the presence of the county office manager of any ASC county office, and the county office manager shall enter his signature and title in the space provided for Witness to Signature. The copy marked "producer's copy" is to be retained by the producer. Purchase forms must not be signed in blank. All applicable entries, except entries in the Agreement of Warehouseman, must be completed prior to the time the form is signed by the producer and the purchasing agency. If the Agreement of Warehouseman on Form SA is not executed prior to payment of the purchase price, the purchasing agency shall require the producer to pay charges due the warehouseman according to § 427.1166 and, before tendering the purchase documents to CCC, shall present the Form SA, class cards, and warehouse receipts to the warehouseman for execution of the Agreement of Warehouseman on Form SA and for stamping of the warehouse receipts to reflect the date through which charges have been paid. The proper status of the producr (i.e., whether landowner, landlord, tenant, or sharecropper) must be shown in the space provided therefor on Form SA. The producer's correct percentage share of the cotton must be shown in the space provided therefor on Form SA if he has reason to believe that the total amount of price support advances which could be obtained by or for him (including any price support advances obtained in his name for sharecroppers or tenants) on upland cotton under the 1960 price support programs of CCC would exceed $50,000, unless he has qualified for an exemption from the $50,000 limitation in Public Law 86-80. If a producer's correct percentage share in the cotton is required to be shown, such producer must have the same percentage share in all cotton listed in the Schedule of Cotton Sold on a particular Form SA, and separate Forms SA must be used for each lot of cotton in which the producer's share is different. All persons claiming liens on the cotton must sign the Lienholder's Waiver on the Form SA except that in lieu of signing the Lienholder's Waiver on each Form SA, the lienholder may waive his lien on all cotton produced on a farm by executing Form CCC Cotton 888 as provided in § 427.1163. Cotton of various grades and staple lengths may be included on one Form SA. All of the cotton on a Form SA must be stored in the same warehouse, and the gin bale number of each bale must be entered in the applicable column of the Schedule of Cotton Sold on the Form SA. When the cotton has been designated by the notation "Wasty" on the cotton classification memorandum, the notation "Wasty" must be entered in the column headed "Reduced from A/C or Wasty" in the Schedule of Cotton Sold. Not more than 999 bales shall be included on any one Sales Agreement. When a producer has two or more Choice (A) farms, the cotton produced on different farms shall not be entered on the same Form SA.

(c) County ASC offices will maintain a file of Forms SA and a record of the cotton sold to CCC from each Choice (A) farm as reflected by the county office [illegible] of the Forms SA.

§ 427.1163 Liens.

Eligible cotton tendered for purchase must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.1166 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered for purchase by CCC, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form SA, except that in lieu of signing the Lienholder's Waiver on each Form SA, the lienholder may waive his lien on all cotton produced on a farm for the crop year designated by executing a Lien Waiver (Form 888). The original of the Form 888 must be attached securely to the first Form SA on which the Lienholder's Waiver is not executed for the particular lien so as to be recorded and filed at the New Orleans office. Thereafter, the Lienholder's Waiver on Forms SA covering additional cotton produced on the farm shall show the words "See Form 888 on file." An executed copy must be filed by the producer selling the cotton with each purchasing agency which disburses the proceeds of any Form SA executed by the producer. Additional copies may be prepared and retained by the producer and agency as desired. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Sales Agreement and subject him, and any other person who causes the fraudulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver or Lien Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (Form 77) must be filed with the New Orleans office), or if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 427.1164 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, Title 7, Part 13, CFR (23 F.R. 3757), to such indebtedness.

(c) In any case referred to in paragraphs (a) and (b) of this section, the producer must go to the county office in the county in which he is listed on the debt record and have the Certificate of Agricultural Stabilization and Conservation County Committee on Form SA executed by the county office manager (or a county office employee designated by him). Any amount which is to be set off must be entered in the space provided in the Producer's Sales Agreement by the county office manager (or an employee designated by him).

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 427.1165 Classification of cotton.

(a) All cotton tendered for purchase must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (referred to in this subpart as the "Board") and tendered on the basis of such classification. Only Cotton Classification Memorandum Form 1 and Form A3 of the United States Department of Agriculture will be acceptable as proof of quality when the cotton is sold to CCC. A Cotton Classification Memorandum Form 1 will be accepted only if the sample was a representative sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1960 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton) or receiving agency (for cotton covered by bills of lading) shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, referred to in this subpart as "Form L") must be prepared by the warehouseman or receiving agency listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples, and the original and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse or receiving agency. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample may not be drawn and forwarded to a Board except for a review classification. If through error or otherwise, in any case where review classification is not involved, two or more samples from the same bale are submitted for classification, the purchase rate shall be based on the classification having the lower purchase rate. If a Form 1 or Form A3 review classification is obtained, the purchase rate for the cotton represented thereby will be based on such review classification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman or receiving agency for all cotton for which samples are submitted to a Board for a Form A3 classification or a Form 1 or A3 review classification. The Boards will submit billings for classing charges to the warehouseman or receiving agencies at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.1166 Warehouse charges.

(a) All warehouse charges for storage and for other services performed (except compression) must be paid by the producer to the end of the calendar month during which the Agreement of Warehouseman on the Form SA is executed by the warehouseman. The warehouseman must stamp each warehouse receipt to reflect the date through which such charges have been paid. The Agreement of Warehouseman on each Form SA must be executed by the warehouseman storing the cotton covered by the Form SA not more than 10 days preceding the date of the Producer's Sales Agreement on the Form SA. By executing the Agreement of Warehouseman on the Form SA, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form SA and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows:

(b) The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates through which the producer has paid storage charges through July 31, 1961, all charges on the cotton for storage and insurance shall be at the rate of 46 cents per bale per month or fraction thereof for flat or compressed cotton stored in warehouses operating compress facilities or compressed cotton stored in warehouses not operating compress facilities, and at the rate of 51 cents per bale per month or fraction thereof for flat cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC cotton, whichever is less: *Provided*, That on any cotton transferred prior to July 31, 1961, to another warehouseman without movement of the cotton, and for which new warehouse receipts must be issued, or on any cotton shipped by CCC prior to July 31, 1961, at the request of the warehouseman to permit the warehouseman to discontinue the storage of cotton, payment for the fractional part of the storage month prior to the date of such transfer or shipment shall be paid by CCC at the proportionate part of the monthly rate. If the warehouse operates compress facilities, the tariff rate to which reference is made herein shall be the rate applicable to compressed cotton regardless of the compression status of the cotton. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment. The charges for delivery or outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, shall not exceed 25 cents per bale in case cotton is shipped by CCC at the request of the warehouseman and 50 cents per bale in any other case where cotton is shipped by CCC, or in either case, the warehouseman's established tariff, whichever is less: *Provided*, That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin or another warehouse under contract with the warehouseman will be at the rate which the warehouseman pays the ginner or the other warehouseman. In no event shall compression charges on gin compressed cotton or cotton compressed by another warehouseman exceed the rate paid to the ginner or the other warehouseman by his customers on all other cotton. Charges for the compression of cotton will be

paid by CCC only if the charges have not been paid by the producer, and if the cotton is shipped from the warehouse by CCC. All other charges on cotton including flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided*, That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 25 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Cotton Sold on the Form SA, and executing the Agreement of Warehouseman on the Form SA, if such charges are included in the warehouseman's tariff: *And provided further*, That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for standard density compression or for delivery or outhandling, except as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate:

I hereby certify that, since the cotton covered by this voucher was received at the warehouse, there has been removed from such cotton only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing of said cotton except for reconditioning of damaged cotton, and that since issuance of warehouse receipts thereon such cotton has not been reconditioned, picked, or cleaned by blowing or brushing except as noted on report attached hereto or to a previous voucher covering such cotton.

The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. The rates quoted herein will remain in effect through July 31, 1961, and will remain in effect thereafter until terminated by CCC or the warehouseman on July 31, 1961, or at the end of any subsequent month by giving the other at least 30 days' prior notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is sold by CCC, the storage rates provided in this section shall be applicable for storage service rendered up to and including the last day of the calendar month in which the sale is made, and the warehouseman shall not charge the holder of the warehouse receipts representing such cotton for such storage service an amount in excess of that computed in accordance with this agreement. The terms and provisions of this section shall prevail over the written or printed terms of the warehouse receipts representing the cotton.

§ 427.1167 Purchase of cotton represented by order bills of lading.

(a) Purchases of cotton represented by order bills of lading will be made only in areas and during the periods specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for purchase only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such purchases will be made may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer in any such area who is unable to find storage space in his local area and who desires to sell his cotton to CCC should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer, in accordance with shipping instructions furnished by CCC, to a warehouse where storage space is available. The receiving agency will complete the Schedule of Cotton Sold on a Form SA, and if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agency's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form SA and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.1166 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only, be considered as a warehouseman, and will be permitted to collect from CCC charges for gin compression as provided in § 427.1166, and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post in a conspicuous place a notice showing the fee to be charged producers. Purchases will be made at the full purchase rate at the point where the receiving agency receives the cotton. If the receiving agency is a warehouseman, CCC will not pay any storage charges on such cotton.

§ 427.1168 Manner of payment to producers.

Purchases of cotton under the 1960 Cotton Purchase Program will ordinarily be made by purchasing agencies acting as agents for CCC. In such case, the producers must tender a Cotton Producer's Sales Agreement, together with forms required in § 427.1158, to the purchasing agency not later than April 30, 1961. After completion of the Form SA in accordance with § 427.1162, the purchasing agency will pay the purchase price on behalf of CCC in the manner directed in the Producer's Sales Agreement on such Form SA and will distribute the copies of Form SA in accordance with the provisions of the Purchasing Agency Agreement. A producer may also obtain payments direct from CCC by tendering a properly executed Form SA, together with forms required in § 427.1158, to the New Orleans office not later than April 30, 1961. In case payment is to be obtained direct from CCC, the sales documents shall be transmitted to the New Orleans office by the county office of the county in which the producer's farm is located.

§ 427.1169 Tender of Forms SA by purchasing agencies.

Forms SA evidencing purchases of eligible Choice (A) cotton made by a purchasing agency which has entered into Cotton Purchasing Agency Agreement with CCC (Form CCC Cotton SD) prior to the purchase of the cotton will be eligible for tender to CCC. The Forms SA and other required purchase documents must be tendered on a Purchasing Agency's Letter of Transmittal (CCC Cotton Form SC). Separate Forms SC shall be used for listing Forms SA covering warehouse-stored cotton which is to be retained for sale locally; Forms SA covering warehouse-stored cotton which is not to be retained for sale locally; and Forms SA covering cotton represented by order bills of lading. Separate Forms SC shall also be used for Forms SA covering cotton produced in different counties. A purchasing agency which purchases Choice (A) cotton for CCC may tender the required purchase documents as specified in § 427.1158 to CCC directly or through another purchasing agency. Such tender shall be in accordance with the provisions of Form SD and shall be made within 15 days after execution of the Producer's Sales Agreement on the Forms SA. Upon receipt of the documents by CCC, they will be examined and if found to be acceptable, the purchasing agency designated on the Form SC will be reimbursed by CCC. The required purchase documents will be the Cotton Producer's Sales Agreement (CCC copy together with county office copy) and the warehouse receipts (or a tag list receipted by the custodian bank where applicable) or order bills of lading. Purchasing agents will have the following options in tendering documents to and obtaining reimbursement from CCC (all cotton listed on a Form SC must be submitted under the same option):

(a) If the purchasing agency has not entered into a Cotton Sales Agency Agreement with CCC, such tender may be made direct to the New Orleans office or through another approved purchasing agency (including a banking institution which has been approved to obtain immediate payment by drawing drafts on CCC or an approved sales agency).

(b) If the purchasing agency has entered into a Cotton Sales Agency Agreement with CCC but does not desire to retain for sale cotton covered by the sales agreements listed on a particular letter of transmittal, it shall tender the purchase documents covering such cotton directly to the New Orleans office or through another purchasing agency as set forth in paragraph (a) of this section.

(c) If the purchasing agency has entered into a Cotton Sales Agency Agreement with CCC and desires to retain, for sale locally, the cotton covered by the sales agreements listed on a particular letter of transmittal, it shall tender the purchase documents covering such cotton to CCC through the custodian bank (selected by the agency and approved by CCC) which will retain the warehouse receipts representing such cotton. In this case the agency shall prepare and submit to the custodian bank a tag list, in duplicate (on a form prescribed by CCC), of the warehouse receipts covered by the sales agreements listed on the letter of transmittal. If a reconcentration order number has been entered on a sales agreement, the cotton covered by such sales agreement cannot be retained for sale locally (since it will be reconcentrated), and the purchase documents must be tendered to CCC.

§ 427.1170 Choice (A) recourse loans.

(a) *General.* Producers who have not qualified for an exemption from the $50,000 limitation on nonrecourse price support contained in Public Law 86-80 through reduction of their production of cotton may obtain price support by means of recourse loans on their Choice (A) cotton in excess of that which may be tendered for purchase under this subpart. Except as provided herein, these recourse loans will be made by CCC under the same terms and conditions as loans are made to producers on Choice (B) cotton under the provisions of 1960 CCC Cotton Bulletin 1 (Subpart—1960 Cotton Loan Program Regulations of this Part 427—Cotton). The necessary forms may be obtained from county offices.

(b) *Eligible producer.* A producer will be entitled to a recourse loan on eligible cotton produced by him in 1960 on a farm (as defined for purposes of cotton marketing quotas) for which the operator has elected the Choice (A) allotment in accordance with the Acreage Allotment Regulations for the 1960 Crop of Upland Cotton (24 F.R. 8430 and any amendments or supplements thereof) if all the following requirements are met:

(1) The 1960 planted acreage (as determined for purposes of cotton marketing quotas) of cotton on the farm does not exceed the 1960 Choice (A) cotton acreage allotment for the farm. For the purpose of determining eligibility under this program, the cotton acreage on the farm will not be deemed to be in excess of the acreage allotment unless the acreage allotment is knowingly exceeded. If the producer operating the farm is notified that the acreage allotment has been exceeded, and the planted acreage is not adjusted to the acreage allotment within the period allowed under the notice, the acreage allotment shall be deemed to have been knowingly exceeded by all producers having an interest in the cotton.

(2) Where eligible cotton is produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(i) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(ii) If the cotton is not divided, all producers having a share in the cotton may obtain a joint loan on such cotton, or the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest. Except as provided above, two or more producers may not obtain a joint loan on cotton.

(c) *Eligible cotton.* Eligible cotton shall be Choice (A) cotton which was produced in the United States in 1960 on a farm for which the operator elected the Choice (A) allotment and which meets the requirements of subsections (b) through (k) of § 427.1107 of 1960 CCC Cotton Bulletin 1 (Subpart—1960 Cotton Loan Program Regulations of this Part 427—Cotton).

(d) *Time.* Loans will be available from the date on which the producer has sold to CCC all of the Choice (A) cotton which he may sell to CCC under this subpart through April 30, 1961. Note and loan agreements covering the cotton must be signed and delivered to the New Orleans office on or before April 30, 1961, or postmarked not later than such date if tendered to the New Orleans office by mail.

(e) *Source and preparation of documents.* Loans will be available only from the New Orleans office. Loan forms for Choice (A) cotton will be prepared by ASC county offices. The producer must present his 1960 Choice (A) marketing card before the county office will prepare the loan forms. If the producer is a corporation, one or more of the principal stockholders (as determined by CCC) of the corporation must sign the loan note personally, as an individual, in addition to the note being signed by an authorized agent of the corporation on behalf of the corporation. Disbursements on loans will be made to producers by the New Orleans office only.

(f) *Forms.* The words "Choice (A) Recourse Loan" must be typed or stamped in the heading of the Cotton Producer's Note and Loan Agreement (Form CCC Cotton A) and Producer's Letter of Transmittal (CCC Cotton Form B).

(g) *Loan rate.*

(1) The base loan rate applicable to Middling 1-inch cotton at each approved warehouse shall be an amount equal to the base purchase rate applicable to Middling 1-inch cotton shown in the Schedule of Base Purchase Rates for Choice (A) cotton (which will be issued about June 15, 1960).

(2) The premium or discount applicable to each other eligible grade and staple length is shown in § 427.1171 of this subpart.

(h) *Maturity.* Recourse loans mature on April 30, 1962, and producers are required to pay the amounts due on such loans on or before such date. In the event a producer fails to pay the amount due on a loan by April 30, 1962, CCC will have the right, as provided in the loan agreement and 1960 CCC Cotton Bulletin 1, to sell the collateral, and the producer will be liable for any deficiency.

(i) *Repayment by producer.* If a producer desires to obtain the return of his recourse note and the release of the cotton securing the recourse note prior to maturity, he must execute the Producer's Redemption Request on the front of the Producer's Loan Statement—A and submit it in accordance with the provisions of 1960 CCC Cotton Bulletin 1. The producer shall not transfer either his right to redeem the Choice (A) cotton securing the recourse loan or his remaining interest in the cotton. The Producer's Equity Transfer on the reverse side of the Producer's Loan Statement—A may not be used in connection with such recourse loans.

§ 427.1171 Schedule of premiums and discounts for eligible qualities of 1960-crop American upland cotton (basis middling 1-inch).

Grade	Staple length (inches)													
	1 3/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
White	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
GM and better	−365	−285	−215	−110	−20	70	155	240	275	335	400	490	600	690
SM	−375	−300	−225	−120	−30	60	140	225	265	320	390	475	590	680
Mid plus	−400	−325	−250	−150	−60	25	105	190	230	290	360	445	545	640
Mid	−420	−345	−270	−165	−80	Base	75	155	205	255	325	400	485	580
SLM plus	−570	−500	−430	−330	−245	−155	−75	Even	35	85	110	170	235	305
SLM	−685	−620	−550	−460	−365	−280	−190	−135	−110	−80	−40	Even	35	75
LM plus	−800	−735	−665	−580	−505	−420	−345	−305	−285	−260	−235	−205	−170	−130
LM	−895	−825	−760	−680	−610	−525	−465	−425	−405	−395	−390	−390	−390	−390
SGO plus	−1,035	−965	−900	−825	−755	−675	−625	−595	−595	−595	−590	−590	−590	−590
SGO	−1,120	−1,055	−990	−915	−850	−770	−725	−700	−700	−700	−700	−700	−700	−700
GO plus	−1,235	−1,175	−1,120	−1,060	−1,000	−930	−885	−865	−865	−865	−865	−865	−865	−865
GO	−1,305	−1,245	−1,200	−1,140	−1,080	−1,010	−970	−955	−955	−955	−955	−955	−955	−955
Light spotted														
GM	−525	−455	−380	−275	−200	−105	−25	35	60	100	150	200	275	355
SM	−545	−470	−400	−295	−215	−125	−45	15	45	80	125	175	250	330
Mid	−675	−605	−535	−445	−370	−285	−205	−155	−120	−85	−40	10	80	155
SLM	−885	−825	−760	−680	−605	−525	−460	−430	−405	−380	−365	−690	−685	−680
LM	−1,105	−1,045	−990	−925	−860	−785	−735	−720	−705	−700	−695			
Spotted												−335	−310	−285
GM	−720	−640	−570	−470	−400	−310	−240	−190	−165	−135	−95	−45	5	55
SM	−740	−660	−590	−490	−420	−330	−260	−210	−185	−155	−115	−75	−45	Even
Mid	−920	−855	−795	−715	−650	−560	−500	−465	−445	−420	−385	−360	−320	−295
SLM	−1,110	−1,050	−1,005	−930	−870	−800	−765	−740	−735	−725	−715	−710	−705	−700
LM	−1,320	−1,260	−1,215	−1,150	−1,110	−1,045	−1,020	−1,005	−1,005	−1,005	−1,005	−1,005	−1,005	−1,005
Tinged														
GM	−1,055	−1,010	−965	−910	−875	−835	−815	−805	−880	−790	−785	−780	−770	−755
SM	−1,090	−1,030	−985	−935	−895	−860	−835	−830	−820	−810	−810	−805	−790	−790
Mid	−1,235	−1,195	−1,140	−1,095	−1,065	−1,020	−1,005	−995	−995	−995	−995	−995	−995	−995
SLM	−1,420	−1,370	−1,325	−1,275	−1,245	−1,210	−1,200	−1,195	−1,195	−1,195	−1,195	−1,195	−1,195	−1,195
LM	−1,600	−1,550	−1,500	−1,450	−1,420	−1,380	−1,375	−1,370	−1,370	−1,370	−1,370	−1,370	−1,370	−1,370
Yellow stained														
GM	−1,325	−1,270	−1,215	−1,175	−1,140	−1,105	−1,095	−1,090	−1,090	−1,090	−1,090	−1,090	−1,090	−1,090
SM	−1,350	−1,295	−1,240	−1,200	−1,165	−1,135	−1,120	−1,115	−1,115	−1,115	−1,115	−1,115	−1,115	−1,115
Mid	−1,525	−1,470	−1,410	−1,365	−1,335	−1,305	−1,300	−1,295	−1,295	−1,295	−1,295	−1,295	−1,295	−1,296
Light gray														
GM	−545	−475	−400	−310	−240	−150	−75	−25	5	30	65	105	170	245
SM	−615	−540	−470	−375	−305	−225	−155	−100	−70	−45	−5	35	75	150
Mid	−760	−690	−615	−535	−470	−375	−320	−270	−235	−205	−170	−130	−90	−40
SLM	−980	−910	−850	−770	−705	−615	−565	−535	−505	−480	−455	−430	−405	−380
Gray														
GM	−760	−695	−620	−525	−465	−380	−310	−270	−250	−230	−200	−145	−105	−55
SM	−830	−760	−690	−595	−540	−460	−400	−355	−335	−315	−285	−260	−220	−180
Mid	−1,025	−960	−895	−815	−755	−670	−625	−595	−575	−565	−545	−530	−515	−500
SLM	−1,230	−1,165	−1,105	−1,030	−975	−900	−855	−840	−825	−805	−790	−780	−780	−770

Grade symbols: GM—Good Middling; SM—Strict Middling; Mid—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

Issued this 1st day of June 1960.

ANDREW J. MAIR,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-5118; Filed, June 6, 1960; 8:46 a.m.]

[1960 Honey Bulletin 1, Amdt. 1]

PART 434—HONEY

Subpart—1960 Honey Price Support Program

The regulations issued by Commodity Credit Corporation with respect to the 1960 Crop Honey Price Support Program (25 F.R. 2785), are amended by revising § 434.1115 to read as follows:

§ 434.1115 Interest rate.

Loans shall bear interest at the rate of 3½ per centum per annum from the date of disbursement of the loan: *Provided*, That if the producer has made a fraudulent representation in the loan documents or in obtaining the loan, the principal amount of the loan and any costs incurred by CCC shall bear interest from the date of disbursement at the rate of 6 per centum per annum.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Issued this 1st day of June 1960.

ANDREW J. MAIR,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-5136; Filed, June 6, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under The United States Cotton Standards Act

ABOLISHMENT OF COTTON AND COTTON LINTERS LICENSING PROGRAM

Pursuant to authority contained in the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U.S.C. 51 et seq.), the regulations under said Act (7 CFR Part 28, Subpart A) are amended as hereinafter set forth to delete all references to licensed cotton classers and licensed cotton linters classers.

This amendment abolishes the licensing program for cotton classers and cotton linters classers effective August 1, 1960. Each classer to whom a license was issued for the 1959–60 season was given written notice of plans to discontinue the program. No objections were received.

The licensing program was established to provide an objective classing service on a fee basis for the public, supplemental to that provided by the Agricultural Marketing Service. The number of licensees and activity under the program have declined steadily to a point where continuation of the program is not considered justified or useful.

The amendment is as follows:

§ 28.2 [Amendment]

1. Paragraphs (k) and (l) of § 28.2 are deleted.

§ 28.67 [Deletion]

2. Section 28.67 is deleted.

§§ 28.80–28.99 [Deletion]

3. The undesignated center head "Licensed Classers" preceding § 28.80 and §§ 28.80 through 28.99 are deleted.

4. Section 28.122 is amended to read as follows:

§ 28.122 Fee for practical classing examination.

The fee for the practical classing examination for cotton or cotton linters shall be $40.00. Any applicant who passes the examination may be issued a certificate indicating this accomplishment.

§§ 28.141, 28.147, 28.150 [Deletion]

5. Sections 28.141, 28.147, and 28.150 are deleted.

6. Section 28.138 is amended to read as follows:

§ 28.138 Classification and comparison; requests, memorandums and certificates.

For each lot or mark of linters which the applicant desires classified or compared separately he shall make a separate written request specifying which of the following forms of service is desired. Only one request within a 30-day period shall be made by the same owner for the classification or comparison of the same linters, except a request for a review determination. If the applicant desires that the samples be returned to him, at his expense, he must indicate this in the request for classification or comparison. If the return of samples is not requested they shall become the property of the Government and shall be disposed of in accordance with law and applicable regulations.

(a) *Form C determination.* The classification of bales of linters sampled under the supervision of an employee of the Department. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in § 28.146. Such certificate when it has been reviewed in accordance with § 28.146 shall be deemed to be a final certificate as to the classification shown, within the meaning of section 4 of the act (42 Stat. 1517; 7 U.S.C. 54).

(b) *Form D determination.* The classification or comparison of samples submitted for other than Form C determination. Such classification or comparison shall be evidenced by a Form D memorandum which shall be subject to review as provided in § 28.146.

7. Section 28.139 is amended to read as follows:

§ 28.139 Filing of requests.

All requests for classification or comparison leading to Form D memoranda or Form C certificates shall be filed with the secretary of the Board of Cotton Linters Examiners at Washington, D.C., unless otherwise directed by the Director.

8. Section 28.142 is amended to read as follows:

§ 28.142 Submission of samples.

All samples submitted to a Board of Cotton Linters Examiners for classification or comparison under this subpart shall be delivered or sent to the secretary of the board with all transportation charges thereto prepaid.

9. Section 28.146 is amended to read as follows:

§ 28.146 Reviews.

A review of any Form C or Form D determination may be requested by the owner of the linters from which the sample was drawn, or his agent, within 30 days after the issuance of the original certificate. Such request shall be filed with the secretary of the Board of Cotton Linters Examiners at Washington, D.C., and shall be accompanied by the original classification memorandum or certificate or a statement explaining why the original classification document cannot be submitted. Redrawn samples will be required for reviews except in cases where the original samples have remained in the custody of the Board of Cotton Linters Examiners. When redrawn samples are necessary, they shall be drawn and submitted in accordance with the applicable provisions of §§ 28.138, 28.140, and 28.142. A Form C certificate or Form D memorandum appropriately marked to indicate that it represents a review determination, shall be issued to the applicant requesting the review. The review classification document shall supersede the original classification document.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

Effective date. This amendment shall become effective on August 1, 1960.

Done at Washington, D.C., this 2d day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-5117; Filed, June 6, 1960; 8:45 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

Subpart—1960–61 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1960 CROP

The regulations contained in § 730.1108 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, including the amendments to section 301 of that Act which are contained in section 502 of the Agricultural Act of 1956. These amendments provide definitions for county normal yields as follows:

(D) "Normal yield" for any county, in the case of rice, shall be the average yield per acre of rice for the county during the five calendar years immediately preceding the year for which such normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

(E) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such five-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for 1960 and the determination of county normal yields thereunder, public notice (24 F.R. 8186) was given in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining thereto were submitted pursuant to such notice.

Section 730.1108 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1960 crop of rice determined thereunder.

§ 730.1108 County normal yields for 1960 crop rice.

(a) *Regulations.* County normal yields for 1960 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1955 through 1959, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, and appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be made as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the five-year 1955–59 average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the five-year 1955–59 average yield, 125 per centum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by computing the simple average of (1) the 1955–59 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the 1958–59 average yield per harvested acre of rice for the county, similarly adjusted.

(b) *Statistical data.* Section 301(c) of the Agricultural Adjustment Act of 1938, as amended, provides that "The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this act." In accordance therewith, the annual yields of rice for counties in the States of Arkansas, California, Louisi-

ana, Mississippi, Missouri, and Texas used in the determination of county normal yields in this section were the latest official yields determined by the Agricultural Estimates Division, Agricultural Marketing Service, on the basis of its estimate of harvested acres and production of rice in applicable counties of these States during each of the years 1955 through 1959. In the minor rice-producing States of Florida, Illinois, North Carolina, Oklahoma, South Carolina, and Tennessee where no official estimates of county rice yields were available the annual rice yields for the years 1955 through 1959 used in determining the county normal yields in this section for the applicable counties in these States were obtained by special surveys covering all farms producing rice in any of the calendar years 1955 through 1959.

(c) *Proclamation of county normal yields.* County normal yields for 1960 crop rice, determined in accordance with paragraphs (a) and (b) of this section, are as follows:

ARKANSAS

County	Normal yield (pounds)	County	Normal yield (pounds)
Arkansas	3,212	Lafayette	2,554
Ashley	2,970	Lawrence	3,128
Chicot	2,974	Lee	3,053
Clark	2,836	Lincoln	3,102
Clay	3,072	Little River	2,722
Conway	2,713	Lonoke	3,212
Craighead	3,210	Miller	2,459
Crittenden	3,020	Mississippi	2,876
Cross	3,068	Monroe	3,058
Dallas	2,889	Perry	2,912
Desha	3,064	Phillips	2,900
Drew	3,041	Poinsett	3,122
Faulkner	2,930	Prairie	3,249
Grant	2,810	Pulaski	2,985
Greene	3,020	Randolph	2,808
Hot Spring	3,022	St. Francis	3,062
Independence	2,975	White	2,863
Jackson	3,138	Woodruff	3,104
Jefferson	3,064	State	3,128

CALIFORNIA

Butte	4,510	Riverside	2,000
Colusa	4,370	Sacramento	4,505
Fresno	3,915	San Joaquin	3,930
Glenn	4,520	Stanislaus	4,073
Imperial	1,780	Sutter	4,620
Kern	3,205	Tulare	2,996
Kings	2,230	Yolo	4,708
Madera	3,860	Yuba	3,695
Merced	3,674	State	4,348
Placer	3,865		

FLORIDA

Palm Beach	1,788

ILLINOIS

Adams	2,950

LOUISIANA

County	Normal yield (pounds)	County	Normal yield (pounds)
Acadia	2,826	Iberville	2,573
Allen	2,762	Jefferson Davis	2,826
Ascension	2,500	Lafayette	2,772
Assumption	2,443	Lafourche	2,414
Avoyelles	2,908	Madison	3,817
Beauregard	2,156	Morehouse	3,799
Bossier	3,670	Plaquemines	2,598
Calcasieu	2,444	Rapides	2,801
Cameron	2,526	Richland	3,732
Concordia	3,340	St. Charles	2,472
East Carroll	3,890	St. James	2,438
Evangeline	2,736	St. John the Baptist	2,506
Franklin	3,708	St. Landry	2,750
Grant	2,926	St. Martin	2,790
Iberia	2,427		

LOUISIANA—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
St. Mary	2,758	Vermilion	2,771
St. Tammany	2,172	West Carroll	3,756
Tensas	3,698	State	2,747
Terrebonne	2,416		

MISSISSIPPI

Bolivar	2,724	Quitman	3,115
Coahoma	2,952	Sharkey	2,975
De Soto	3,227	Sunflower	2,785
Hancock	2,524	Tallahatchie	2,485
Humphreys	2,740	Tate	1,984
Issaquena	2,134	Tunica	3,028
Leflore	2,762	Washington	2,887
Panola	2,770	State	2,814

MISSOURI

Butler	3,330	Pemiscot	3,356
Dunklin	3,316	Ripley	3,136
Lewis	2,679	St. Charles	2,763
Lincoln	2,805	Scott	3,314
Marion	2,662	Stoddard	3,118
Mississippi	2,900	State	3,177
New Madrid	2,951		

NORTH CAROLINA

Brunswick	1,922
Hyde	1,710
State	1,760

OKLAHOMA

McCurtain	3,304

SOUTH CAROLINA

Berkeley	1,709	Horry	1,736
Charleston	1,245	Jasper	1,579
Colleton	943	Kershaw	1,040
Georgetown	1,010	State	1,374

TENNESSEE

Crockett	2,926	Lauderdale	3,198
Dyer	3,572	State	3,280
Fayette	2,110		

TEXAS

Austin	3,225	Liberty	2,849
Bowie	2,662	Matagorda	3,340
Brazoria	2,905	Newton	2,942
Calhoun	3,225	Orange	2,778
Chambers	2,812	Polk	2,840
Colorado	3,280	San Jacinto	2,595
Fort Bend	3,344	Victoria	3,288
Galveston	3,060	Walker-Houston	2,662
Hardin	2,926	Waller	3,170
Harris	3,132	Washington	3,133
Jackson	3,342	Wharton	3,248
Jasper	2,930	State	3,069
Jefferson	2,769		
Lavaca	3,225		

(Secs. 301, 52 Stat. 38, as amended by 70 Stat. 212, 375, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1375)

Done at Washington, D.C., this 1st day of June 1960.

ANDREW J. MAIR,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5138; Filed, June 6, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.306, Amdt. 3]

PART 970—IRISH POTATOES GROWN IN MAINE

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), hereinafter referred to as the "order," regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674), it is hereby found and determined that the amendment to the limitation of shipments, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing as will be in the public interest, and is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress to establish thereunder. It is hereby further found and determined that the estimated season average price to growers for potatoes for the marketing season which began in September 1959 will be in excess of the parity level specified in section 2(1) of the said act.

(b) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date hereinafter specified (5 U.S.C. 1001 et seq.), in that (1) the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, shall be made effective when the season average price to growers for potatoes exceeds the parity level specified in section 2(1) of the act; (2) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; and (3) this amendment relieves restrictions on the handling of potatoes.

Order as amended. Section 970.306 (24 F.R. 7569, 25 F.R. 1724, 2944) through paragraph (a) thereof is amended to read as follows:

§ 970.306 Limitation of shipments.

During the period from June 8, 1960, through July 16, 1960, no handler shall handle any lot of potatoes unless such potatoes meet the requirements of paragraph (a) of this section or unless such potatoes are handled in accordance with the provisions of paragraphs (b), (c), (d), (e), (f), or (g) of this section.

(a) *Minimum standards of quality and maturity*—(1) *Round varieties.* U.S. No. 1, or better, grade, size A, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 1⅞ inches minimum diameter or 3 ounces minimum weight.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated June 2, 1960, to become effective June 8, 1960.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-5135; Filed, June 6, 1960; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 121—SMALL BUSINESS SIZE STANDARDS

Notice of Availability of SBA Business Loans for Household Movers Industry

In § 121.3-10 add the following note to paragraph (h):

§ 121.3-10 Definition of small business for SBA business loans.

* * * * * * *

(h) * * *

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents and similar enterprises, no such concern will be denied an SBA business loan solely because of its relationship with an interstate van line, provided that its annual receipts have not exceeded $3,000,000 during the concern's most recently completed fiscal year. Applications for SBA business loans submitted by household movers, freight forwarders, booking and hauling agents and similar enterprises must state the amount, if any, of such annual receipts which are directly attributable to the applicant's relationship with an interstate van line.

Dated: June 3, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5182; Filed, June 6, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-2]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas; Change of Effective Date

On February 2, 1960, there were published in the FEDERAL REGISTER (25 F.R. 857) amendments to §§ 600.6300 and 601.6300 of the regulations of the Administrator. These amendments, to be effective June 30, 1960, modified VOR Federal airway No. 300 and its associated control areas by extending them from Sault Ste. Marie, Mich., to Lakehead, Ontario, concurrently with the commissioning of a VOR near Whitefish, Mich.

The commissioning date of the Whitefish VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until January 12, 1961.

Subsequent to the publication of Airspace Docket No. 59-KC-2 as a final rule, Victor 300 and its associated control areas were further modified by extending them from the Sherbrooke, Quebec, VOR to the Millinocket, Maine, VOR. (Airspace Docket No. 59-NY-25; 25 F.R. 4543.) Since the action contained herein will cause Airspace Docket No. 59-KC-2 to become effective at a later date than Docket 59-NY-25, it is necessary to incorporate the changes to Victor 300 contained in Docket 59-NY-25, with the action being taken in 59-KC-2.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-KC-2 is hereby modified as follows:

1. Section 600.6300 is amended to read:

§ 600.6300 VOR Federal airway No. 300 (Lakehead, Ontario, to Wiarton, Ontario; Sherbrooke, Quebec, to Millinocket, Maine).

From the Lakehead, Ont., VOR via the Whitefish, Mich., VOR; Sault Ste. Marie, Mich., VOR including a N alternate via the INT of the Whitefish VOR 034° True and the Sault Ste. Marie VOR 328° True radials; to the Wiarton, Ont., VOR, including a N alternate. From the Sherbrooke, Quebec, VOR to the Millinocket, Maine, VOR.

2. Section 601.6300 is amended to read:

§ 601.6300 VOR Federal airway No. 300 control areas (Lakehead, Ontario, to Wiarton, Ontario; Sherbrooke, Quebec, to Millinocket, Maine).

All of VOR Federal airway No. 300 including N alternates.

3. Delete "effective 0001 e.s.t. June 30, 1960." and substitute therefor "effective 0001 e.s.t. January 12, 1961."

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 31, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5103; Filed, June 6, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-67]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On November 25, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9480) stating that the Federal Aviation Agency proposed to amend Part 601 and § 601.1103 of the regulations of the Administrator by designating a control zone at Minot AFB, N. Dak., and by modifying the present Minot, N. Dak., control area extension.

As stated in the notice, at present there is no control zone designated at Minot AFB. Designation of a control zone, within a 5-mile radius of Minot AFB, with an extension to the southeast 2 miles either side of the Minot AFB ILS localizer southeast course to the ILS outer marker, will provide protection for aircraft conducting instrument approaches at Minot AFB. In the notice, it was also proposed to modify the Minot control area extension by changing it from a 15-mile radius area centered on the Minot VOR to a 35-mile radius area centered on the geographical center of the Minot AFB. However, subsequent to the issuance of the notice, a jet penetration procedure from the Minot VOR was published. This penetration could not be conducted entirely within the proposed control area extension. Therefore, the Federal Aviation is not modifying the Minot control area extension at this time, but is giving further study to the actual requirements for control area at Minot.

The Air Transport Association submitted a comment to the effect that a conflict will exist between ILS approaches at Minot AFB and VOR approaches to Minot International Airport and that this conflict will call for nonsimultaneous approaches to each airport. The Federal Aviation Agency recognizes that it will not be possible to conduct simultaneous approaches to Minot AFB and Minot International Airport. However, Federal Aviation Agency records show that during calendar year 1959, there were only 459 instrument approaches, or an average of less than two per day, conducted at Minot International Airport. Therefore, due to the limited operations at Minot International, the Federal Aviation Agency considers that non-simultaneous approaches to these two airports can be tolerated without prohibitive delays to either civil or military aircraft. The Air Transport Association also objected to the 35-mile radius control area extension and the comments will be given full consideration prior to the modification of this control area extension.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) is amended as follows:

Section 601.2455 is added to read:

§ 601.2455 Minot, N. Dak. (Minot AFB), control zone.

Within a 5-mile radius of the geographical center of the Minot AFB (lati-

tude 48°25'18" N., longitude 101°22'08" W.) and within 2 miles either side of the ILS localizer SE course extending from the 5-mile radius zone to the ILS outer marker (latitude 48°21'01" N., longitude 101°12'43" W.).

This amendment shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 31, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5104; Filed, June 6, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-48]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Area Extension

On November 19, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9346) stating that the Federal Aviation Agency was considering an amendment to Part 601 of the regulations of the Administrator which would designate a control area extension at K. I. Sawyer AFB, Marquette, Mich.

As stated in the notice, the Federal Aviation Agency, at the request of the United States Air Force, is designating a control area extension at K. I. Sawyer AFB. The proposal as published in the notice provided for a control area extension within a 40-mile radius of the airbase to provide protection for instrument flight operations being conducted by jet aircraft arriving K.I. Sawyer AFB, and departing on active air defense missions.

The Air Transport Association objected to the southeast portion of the proposed control area extension as it encompasses an area near Escanaba, Mich., which is used for procedure turns on an ADF approach to Runway 18 at the Escanaba airport, and would necessitate each IFR arrival at Escanaba having to secure ATC clearance from the agency having jurisdiction over the proposed area. This could result in an unnecessary delay to aircraft making approaches to the Escanaba airport. The Federal Aviation Agency considers this a valid objection and is modifying the amendment herein to exclude the airspace bounded on the west by longitude 87°20'30" W., and on the north by latitude 46°03'00" N., which lies within a 40-mile radius of K. I. Sawyer AFB. The Air Transport Association also objected to the proposal until the Federal Aviation Agency assures that proper facilities and procedures are available to handle the traffic within the area proposed. The Minneapolis Air Route Traffic Control Center has the capability and will control the traffic in this area until such time as this authority is delegated to approach control at K. I. Sawyer AFB.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) is amended by adding the following section:

§ 601.1183 Control area extension (Marquette, Mich.)

That airspace not otherwise designated as control area within a 40-mile radius of the geographical center of K. I. Sawyer AFB (latitude 46°20'54" N., longitude 87°24'05" W.), excluding the airspace within the 40-mile radius bounded on the W. by longitude 87°20'30" W., and on the N by latitude 46°03'00" N.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on May 31, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5105; Filed, June 6, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7503 c.]

PART 13—PROHIBITED TRADE PRACTICES

American Deb Furs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, American Deb Furs, Inc., et al., New York, N.Y., Docket 7503, April 18, 1960]

In the Matter of American Deb Furs, Inc., a Corporation, and Herbert Fischbein and Ethel Harris, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by falsely identifying animals producing the fur in certain products; by invoicing which failed to state the country of origin of fur and to reveal that certain fur was dyed, and which set out fictitious "original" prices; and by failing in other respects to comply with labeling and invoicing requirements.

After hearings, the hearing examiner made his initial decision, including findings, conclusion and order to cease and desist, which as modified on review, became on April 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That American Deb Furs, Inc., a corporation, and its officers, and Herbert Fischbein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly, or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising or offering for sale, transportation or distribution, in commerce, of fur products; or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such products as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing each element of information required to be disclosed under section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "Dyed Broadtail processed Lamb" as required by Rule 10 of the "Rules and Regulations under the Fur Products Labeling Act."

4. Setting forth on labels attached to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is mingled with non-required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish purchasers of the fur products an invoice showing each element of information required to be disclosed under section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products the name or names of any animal or animals other than the name or names provided for in section 5(b)(1) of the Fur Products Labeling Act.

3. Representing, directly or by implication, that the respondents' regular or usual price of any fur product is any amount in excess of the price at which the respondents have usually and customarily sold such product in the recent regular course of business.

4. Representing, directly or by implication, that any person's regular or usual price of any fur product is any amount in excess of the price at which such person has usually and customarily sold such product in the recent regular course of business.

5. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

6. Failing to set forth the term "Dyed Broadtail Processed Lamb" as required by Rule 10 of the "Rules and Regulations under the Fur Products Labeling Act."

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of fur products and which represents, directly or by implication, that the former, regular or usual price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such product in the recent regular course of their business.

D. Making pricing claims or representations of the type referred to in paragraph C above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the complaint herein against respondent Ethel Harris, an individual, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such action in the future as the facts may warrant.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, American Deb Furs, Inc., and Herbert Fischbein, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as modified.

Issued: April 18, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5110; Filed, June 6, 1960; 8:45 a.m.]

[Docket 7436o.]

PART 13—PROHIBITED TRADE PRACTICES

Rudolph Mendiola and Wholesale Fur House

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Rudolph Mendiola t/a Wholesale Fur House, Houston, Tex., Docket 7436, April 18, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Houston, Tex., furrier with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing provisions.

Setting aside the initial decision on review, the Commission on April 18 issued in lieu thereof its own findings, conclusions and order to cease and desist.

The order to cease and desist, including compliance order, is as follows:

It is ordered, That Rudolph Mendiola, an individual, trading as Wholesale Fur House, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution, in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

2. Falsely or deceptively invoicing fur products by failing to furnish to purchasers of fur products an invoice showing:

(A) All of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

(B) The item number or mark assigned to a fur product.

It is further ordered, That the allegations contained in paragraphs 3, 4(a)(b)(d), 6(a) and 7 through 11 of the complaint be, and they hereby are, dismissed.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 18, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5111; Filed, June 6, 1960; 8:45 a.m.]

[Docket 7628 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Titche-Goettinger Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Titche-Goettinger Co., et al., Dallas, Tex., Docket 7628, April 6, 1960]

In the Matter of Titche-Goettinger Company, a Corporation, and L. D. Starr, W. A. Lea, Saul Hirsch, and Henry Kaufman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Dallas, Tex., furriers with violating the Fur Products Labeling Act by affixing to fur products labels containing fictitious prices represented thereby as the regular retail prices; and by advertising in newspapers which represented prices of fur products as reduced from regular prices which were, in fact, fictitious, and contained comparative prices without giving a designated time of a bona fide compared price; and by failing to maintain adequate records as a basis for said pricing claims.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 6 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Titche-Goettinger Company, a corporation, and its officers, and L. D. Starr, W. A. Lea, and Saul Hirsch, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corpo-

rate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products; or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

(a) Falsely or deceptively labeling or otherwise identifying such products as to the regular prices thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

(a) Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

(b) Represents, directly or by implication, that prices of fur products are reduced from previous higher prices without giving the time of such compared previous higher prices.

(c) Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Making claims and representations respecting prices and values of fur products unless respondents maintain full and adequate records showing the facts upon which such claims and representations are based.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Henry Kaufman.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Titche-Goettinger Company, a corporation, and L. D. Starr, W. A. Lea, and Saul Hirsch, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 6, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5113; Filed, June 6, 1960; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6468]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On November 24, 1959, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1232 of the Internal Revenue Code of 1954 (relating to bonds and other evidences of indebtedness) to reflect the changes made by sections 50 and 51 of the Technical Amendments Act of 1958 (72 Stat. 1642, 1643) and by section 3(e) of the Life Insurance Company Income Tax Act of 1959 (73 Stat. 140) was published in the FEDERAL REGISTER (24 F.R. 9428). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as so published is hereby adopted, subject to the changes set forth below.

Paragraph (b)(4) of § 1.1232–3, as set forth in paragraph 3 of the notice of proposed rule making, is revised—

(A) By striking the last sentence of subdivision (i) thereof and inserting in lieu thereof: "For purposes of this subparagraph, the term "original purchaser" does not include persons or organizations acting in the capacity of underwriters or dealers, who purchased the obligation for resale in the ordinary course of their trade or business. It is not necessary that the issuer's intention to call the obligation before maturity be communicated directly to the original purchaser by the issuer. The understanding to call before maturity need not be unconditional; it may, for example, be dependent upon the financial condition of the issuer on the proposed early call date.

(B) By striking the last sentence of subdivision (ii)(*a*) thereof and inserting in lieu thereof: "The fact that the obligation is issued with provisions on its face giving the issuer the privilege of redeeming the obligation before maturity is not determinative of an intention to call before maturity; likewise, the absence of such provision is not determinative of the absence of an intention to call before maturity. However, such provision, or the absence of such provision, is one of the circumstances to be given consideration along with other factors in determining whether an understanding existed. If the obligation was part of an issue registered with the Securities and Exchange Commission and was sold to the public (whether or not sold directly to the public by the obligor) without representation to the public that the obligor intends to call the obligation before maturity, there shall be a presumption that no intention to call the obligation before maturity was in existence at the time of original issue. The existence of a provision on the face of an obligation giving the issuer the privilege of redeeming the obligation before maturity shall not in and of itself overcome the presumption set forth in the preceding sentence."

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX, *Acting Commissioner of Internal Revenue.*

Approved: June 1, 1960.

FRED C. SCRIBNER, JR., *Acting Secretary of the Treasury.*

PARAGRAPH 1. Section 1.1232 is amended—

(A) By revising subsections (a)(2) and (c) of section 1232 to read as follows:

§ 1.1232 Statutory provisions; bonds and other evidences of indebtedness.

SEC. 1232. *Bonds and other evidences of indebtedness*—(a) *General rule.* * * *

(2) *Sale or exchange*—(A) *General rule.* Except as provided in subparagraph (B), upon sale or exchange of bonds or other evidences of indebtedness issued after December 31, 1954, held by the taxpayer more than 6 months, any gain realized which does not exceed—

(i) An amount equal to the original issue discount (as defined in subsection (b)), or

(ii) If at the time of original issue there was no intention to call the bond or other evidence of indebtedness before maturity, an amount which bears the same ratio to the original issue discount (as defined in subsection (b)) as the number of complete months that the bond or other evidence of indebtedness was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity,

shall be considered as gain from the sale or exchange of property which is not a capital asset. Gain in excess of such amount shall be considered gain from the sale or exchange of a capital asset held more than 6 months.

(B) *Exceptions.* This paragraph shall not apply to—

(i) Obligations the interest on which is not includible in gross income under section 103 (relating to certain governmental obligations), or

(ii) Any holder who has purchased the bond or other evidence of indebtedness at a premium.

(C) *Double inclusion in income not required.* This section shall not require the inclusion of any amount previously includible in gross income.

* * * * *

(c) *Bond with unmatured coupons detached.* If a bond or other evidence of indebtedness issued at any time with interest coupons—

(1) Is purchased after August 16, 1954, and before January 1, 1958, and the purchaser does not receive all the coupons which first become payable more than 12 months after the date of the purchase, or

(2) Is purchased after December 31, 1957, and the purchaser does not receive all the coupons which first become payable after the date of the purchase,

then the gain on the sale or other disposition of such evidence of indebtedness by such purchaser (or by a person whose basis is determined by reference to the basis in the hands of such purchaser) shall be considered as gain from the sale or exchange of property which is not a capital asset to the extent that the fair market value (determined as of the time of the purchase) of the evidence of indebtedness with coupons attached exceeds the purchase price. If this subsection and subsection (a)(2)(A) apply with respect to gain realized on the sale or exchange of any evidence of indebtedness, then subsection (a)(2)(A) shall apply with respect to that part of the gain to which this subsection does not apply.

(B) By adding at the end thereof the following historical note:

[Sec. 1232 as amended by secs. 50 and 51, Technical Amendments Act 1958 (72 Stat. 1642, 1643); sec. 3(e), Life Insurance Company Income Tax Act 1959 (73 Stat. 140)]

PAR. 2. Section 1.1232–1 is amended by revising paragraph (a) thereof to read as follows:

§ 1.1232–1 Bonds and other evidences of indebtedness; scope of section.

(a) *In general.* Section 1232 applies to any bond, debenture, note, or certificate or other evidence of indebtedness (referred to in this section and §§ 1.1232–2 through 1.1232–4 as an obligation) (1) which is a capital asset in the hands of the taxpayer, and (2) which is issued by any corporation, or by any government or political subdivision thereof. In general, section 1232(a)(1) provides that the retirement of an obligation, other than certain obligations issued before January 1, 1955, is considered to be an exchange and, therefore, is usually subject to capital gain or loss treatment; and section 1232(a)(2) provides that in the case of a gain realized on the sale or exchange of certain obligations issued at a discount after December 31, 1954, the amount of gain equal to such discount or, under certain circumstances, the amount of gain equal to a specified portion of such discount, constitutes ordinary income. Section 1232(c) treats as ordinary income a portion of any gain realized upon the disposition of (i) coupon obligations which were acquired after August 16, 1954, and before January 1, 1958, without all coupons maturing more than 12 months after purchase attached, and (ii) coupon obligations which were acquired after December 31, 1957, without all coupons maturing after the date of purchase attached.

PAR. 3. Section 1.1232–3 is amended—

(A) By revising paragraph (a) thereof to read as follows:

§ 1.1232–3 Gain upon sale or exchange of obligations issued at a discount after December 31, 1954.

(a) *General rule*—(1) *Sale or exchange before January 1, 1958.* Gain realized upon the sale or exchange before January 1, 1958, of an obligation issued at a discount after December 31, 1954, and held by the taxpayer for more than six months, shall be considered ordinary income to the extent it equals a specified portion of the "original issue discount", and the balance, if any, of the gain shall be considered as long-term capital gain. The term "original issue discount" is defined in paragraph (b) of this section. The computation of the amount of gain which constitutes ordinary income is illustrated in paragraph (c) of this section.

(2) *Sale or exchange after December 31, 1957.* In the case of gain realized upon the sale or exchange after December 31, 1957, of an obligation issued at a discount after December 31, 1954, and held by the taxpayer for more than six months, section 1232(a)(2)(A) provides that such gain shall be considered ordinary income to the extent it does not exceed—

(i) An amount equal to the entire "original issue discount", or

(ii) If at the time of original issue there was no intention to call the bond or other evidence of indebtedness before maturity, a portion of the "original issue discount" determined in accordance with paragraph (c) of this section,

and the balance, if any, of the gain shall be considered as long-term capital gain. The terms "original issue discount" and "intention to call the bond or other evidence of indebtedness before maturity" are defined in paragraph (b) of this section.

(3) *Obligations issued before January 1, 1955.* Whether gain representing original issue discount realized upon the sale or exchange of obligations issued at a discount before January 1, 1955, is capital gain or ordinary income shall be determined without reference to section 1232.

(B) By adding at the end of paragraph (b) thereof the following new subparagraph:

(b) *Definitions.* * * *

(4) *Intention to call before maturity*—(i) *Meaning of term.* For purposes of section 1232, the term "intention to call the bond or other evidence of indebtedness before maturity" means an understanding between (*a*) the issuing corporation (such corporation is hereinafter referred to as the "issuer"), and (*b*) the original purchaser of such obligation (or, in the case of obligations constituting part of an issue, any of the original purchasers of such obligations) that the issuer will redeem the obligation before maturity. For purposes of this subparagraph, the term "original purchaser" does not include persons or organizations acting in the capacity of underwriters or dealers, who purchased the obligation for resale in the ordinary course of their trade or business. It is not necessary that the issuer's intention to call the obligation before maturity be communicated directly to the original purchaser by the issuer. The understanding to call before maturity need not be unconditional; it may, for example, be dependent upon the financial condition of the issuer on the proposed early call date.

(ii) *Proof of intent*—(*a*) *In general.* Ordinarily the existence or non-existence of an understanding at the time of original issue that the obligation will be redeemed before maturity shall be determined by an examination of all of the circumstances under which the obligation was issued and held. The fact that the obligation is issued with provisions on its face giving the issuer the privilege of redeeming the obligation before maturity is not determinative of an intention to call before maturity; likewise, the absence of such provision is not determinative of the absence of an intention to call before maturity. However, such provision, or the absence of such provision, is one of the circumstances to be given consideration along with other factors in determining whether an understanding existed. If the obligation was part of an issue registered with the Securities and Exchange Commission and was sold to the public (whether or not sold directly to the public by the obligor) without representation to the public that the obligor intends to call the obligation before maturity there shall be a presumption that no intention to call the obligation before maturity was in existence at the time of original issue. The existence of a provision on the face of an obligation giving the issuer the privilege of redeeming the obligation before maturity shall not in and of itself overcome the presumption set forth in the preceding sentence.

(*b*) *Circumstances indicating absence of understanding.* Examples of circumstances which would be evidence that there was no understanding at the time of original issue to redeem the obligation before maturity are—

(*1*) The issue price and term of the obligation appear to be reasonable, taking into account the interest rate, if any, on the obligation, for a corporation in the financial condition of the issuer at the time of issue.

(*2*) The original purchaser and the issuer are not related within the meaning of section 267(b) and have not engaged in transactions with each other (other than concerning the obligation).

(*3*) The original purchaser is not related within the meaning of section 267(b) to any of the officers or directors of the issuer, and he has not engaged in transactions with such officers or directors (other than concerning the obligation).

(*4*) The officers and directors of the issuer at the time of issue of the obligation are different from those in control at the time the obligation is called or the taxpayer disposes of it.

(C) By striking the heading and first sentence of paragraph (c) thereof and inserting in lieu thereof:

(c) *Gain treated as ordinary income in certain cases; computation.* The amount of gain treated as ordinary income under paragraph (a)(1) or (2)(ii) of this section is computed by multiplying the original issue discount by a fraction, the numerator of which is the number of full months the obligation was held by the holder and the denominator of which is the number of full months from the date of original issue to the date specified as the redemption date at maturity.

(D) By inserting between the second and third sentences of example (1) in paragraph (c) thereof the following new sentence: "At the time of original issue,

delivery type contract calling for a stated quantity of certain supplies or services to be delivered pursuant to delivery orders furnished during a designated period of time. The duration of this type of contract is limited to the fiscal year for which such funds are appropriated. Funds are obligated for the total amount of the contract for the fulfillment of a bona fide need of certain supplies or services for the fiscal year for which such funds are appropriated. It normally specifies the individuals or activities authorized to issue orders for delivery on behalf of the Government and in most cases provides for the direct shipment of the supplies involved from the vendor's establishment to the using agency, thereby minimizing expense of Government handling. Although this type of contract is used primarily for commercial type items readily available, or which will be available after a short lead time, it may also be used for non-commercial items.

(b) *Requirements contract.* A requirements contract is an indefinite delivery type contract under which the Government agrees that designated activities are obligated to order all of their purchase requirements for specified supplies or services and the contractor agrees to furnish the specified supplies or services during a designated period of time upon receipt of a delivery order from the Government. Under such an arrangement, funds are obligated for individual purchases each time a delivery order is issued except where the terms of the contract provide for an acceptance of each order by the contractor. When the contract provides for such acceptance, funds are obligated when the contractor has accepted the delivery order. The duration of this type contract may extend beyond the fiscal year for which the contract was executed provided (1) the duration of performance of the contract does not exceed one calendar year, (2) current fiscal year funds are obligated for each delivery order, and (3) the supplies or services to be obtained by each such delivery order are determined to be for the fulfillment of a bona-fide need of the fiscal year involved. When the contract provides no limitation as to the maximum quantity which may be ordered at one time, the contracting officer should not issue delivery orders for what, under the circumstances, may be unreasonable quantities. Generally, the function, purpose, and use of a requirements contract are similar to those of the definite quantity contract.

(c) *Indefinite quantity contract.* An indefinite quantity contract is a combination of a definite quantity contract and a requirements contract, in that the Government is obligated to order a stated minimum quantity of supplies or services, during a specified period and has the option to order quantities in excess of the minimum. Under this arrangement the contractor is obligated to furnish such stated minimum and any additional quantities ordered by the Government under the option. Optional provision of the contract shall state a maximum quantity. In the determination of such maximum, the contracting officer should not establish a quantity greater than may be reasonably expected to be ordered from, or furnished by, the contractor. Up to the stated minimum the contract is in effect a definite quantity contract and funds are obligated upon execution of the contract. In this situation, the duration of the contract is limited to the fiscal year for which such funds are appropriated and for the fulfillment of a bona-fide need of certain supplies or services for that fiscal year. If and when the Government exercises its option of ordering quantities in excess of the minimum, with respect to such quantities, the contract is in effect a requirements contract and funds are obligated upon the issuance of the delivery order or its acceptance by the contractor, depending upon the terms of the contract. In this situation, the duration of the performance of the contract may extend beyond the fiscal year for which the contract was executed provided (1) the entire contract period does not exceed a total period of one calendar year, (2) current fiscal year funds are obligated for each delivery order, and (3) the supplies or services to be obtained by each such delivery order are determined to be for the fulfillment of a bona-fide need of the fiscal year involved.

[C 21, APP, May 18, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–5101; Filed, June 6, 1960; 8:45 a.m.]

there was no intention to call the bond before maturity.

(E) By revising paragraph (e) thereof to read as follows:

(e) *Amounts previously includible in income.* Nothing in section 1232 shall require the inclusion of any amount previously includible in gross income. Thus, if an amount was previously includible as income of a taxpayer's income on account of obligations issued at a discount and redeemable for fixed amounts increasing at stated intervals, or, under section 818(b), as amended by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 133) (relating to accrual of discount on bonds and other evidences of indebtedness held by life insurance companies), such amount is not again includible in the taxpayer's gross income under section 1232. For example, amounts includible in gross income by a cash receipts and disbursements method taxpayer who has made an election under section 454 (a) or (c) (relating to accounting rules for certain obligations issued at a discount) are not includible in gross income under section 1232. In the case of a gain which would include, under section 1232, an amount considered to be ordinary income and a further amount considered long-term capital gain, any amount to which this paragraph applies is first used to offset the amount considered ordinary income. For example, on January 1, 1956, A purchases a ten-year bond which is redeemable for fixed amounts increasing at stated intervals. At the time of original issue, there was no intention to call the bond before maturity. The purchase price of the bond is $75, which is also the issue price. The stated redemption price at maturity of the bond is $100. A elects to treat the annual increase in the redemption price of the bond as income pursuant to section 454(a). On January 1, 1960, A sells the bond for $90. The total stated increase in the redemption price of the bond which A has reported anually as income for the taxable years 1955 through 1959 is $7. The portion of the original issue discount of $25 attributable to this period is $12.50, computed as follows:

$$\frac{60 \text{ (months bond is held by A)}}{120 \text{ (months from date of original issue to redemption date)}} \times \$25 \text{ (original issue discount)}$$

However, $7, which represents the annual stated increase taken into income, is offset against the amount of $12.50, leaving $5.50 of the gain from the sale to be treated as ordinary income.

PAR. 4. Section 1.1232–4 is amended by striking the first sentence thereof and inserting in lieu thereof:

§ 1.1232–4 Obligations with excess coupons detached.

Section 1232(c) provides that if an obligation which is issued at any time with interest coupons—

(a) Is purchased after August 16, 1954, and before January 1, 1958, and the purchaser does not receive all the coupons which first become payable more than 12 months after the date of the purchase, or

(b) Is purchased after December 31, 1957, and the purchaser does not receive all the coupons which first become payable after the date of purchase,

any gain on the later sale or other disposition of the obligation by the purchaser (or by a transferee of the pur-

chaser whose basis is determined by reference to the basis of the purchaser) shall be treated as ordinary income to the extent that the fair market value of the obligation (determined as of the time of the purchase) with coupons attached exceeds the purchase price.

[F.R. Doc. 60–5116; Filed, June 6, 1960; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 606—SUPPLEMENTAL PROVISIONS

Indefinite Delivery Type Contracts

Section 606.1102 is revised to read as follows:

§ 606.1102 General.

(a) *Definite quantity contract.* A definite quantity contract is an indefinite

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

Prime Contracts and Subcontracts To Be Performed Outside the United States; Correction

In Federal Register Document 60–4965, published on page 4801 of the issue for Wednesday, June 1, 1960, in § 1455.2 (c–1)(2) the final word "exemption" should read "renegotiation".

Dated: June 2, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60–5127; Filed, June 6, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 4—INFORMATION ON POSTAL MATTERS

PART 36—SPECIAL CANCELLATIONS

PART 61—MONEY ORDERS

PART 63—POSTAL SAVINGS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 4.4 *Available records*, paragraph (d) is amended to provide that postmasters and postal employees consult with and secure the approval of the General Counsel before complying with a proper subpena duces tecum. As so amended, paragraph (d) reads as follows:

§ 4.4 Available records.

* * * * *

(d) Postmasters and postal employees will comply with a proper subpena duces tecum issued by a court of record only after consulting with and getting approval of the General Counsel of the Post Office Department. When employees are authorized to comply with subpenas duces tecum, they will not leave the records themselves with the court but will leave copies prepared for that purpose.

NOTE: The corresponding Postal Manual section is 114.44.

(R.S. 161, as amended 396, as amended, 5 U.S.C. 22, 369)

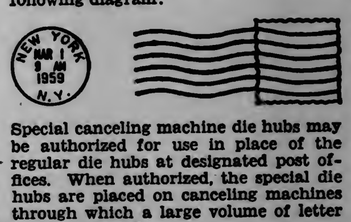
II. Part 36—Special Cancellation, as amended by Federal Register document 59—5314, 24 F.R. 5302–5303, is further amended by (1) clarifying the period of time for use of the special cancellations; (2) providing that the wording must relate directly to the event and that illustrations or designs should not be used; (3) adding the requirement that postmasters submit an impression of the cancellation presently in the machine which is to use the special die, and the part numbers of certain dies; (4) inserting a new § 36.5 which requires mailers desiring special cancellations on their mail to pay postage on the mail at first class rate, and prohibits the holding of mail by postmasters to comply with requests that the mail be cancelled on a particular date. As so amended, Part 36 reads as follows:

Sec.
36.1 Description of machine cancellations.
36.2 How sponsors obtain special cancellations.
36.3 Disposition.
36.4 Revocation.
36.5 Mail submitted for special cancellation.

AUTHORITY: §§ 36.1 to 36.5 issued under R.S. 161, as amended, 396, as amended, sec. 1, 2, 42 Stat. 540, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 368, 368a.

§ 36.1 Description of machine cancellations.

The canceling of postage stamps and the printing of the postmark circle on letter mail is accomplished simultaneously by the inked die hubs of high speed canceling machines. The cancellation portion of the impression appears to the right of the postmark circle and consists of lines, or messages, to sufficiently deface stamps in the area indicated in the following diagram:



Special canceling machine die hubs may be authorized for use in place of the regular die hubs at designated post offices. When authorized, the special die hubs are placed on canceling machines through which a large volume of letter mail is canceled.

§ 36.2 How sponsors obtain special cancellations.

(a) *Requirements for use*—(1) *When.* (i) Permission for use of special cancellations is granted for advertising purposes in the following cases only:

(a) Where the event to be advertised is for some national purpose for which Congress has made an appropriation; or

(b) Where the event to be advertised is of general public interest and importance, to endure for a definite period of time, and is not to be conducted for private gain or profit.

(ii) Special cancellations are not authorized for:

(a) Events of interest primarily to a particular local group.

(b) Fraternal, political, religious, commercial, or trade organizations.

(c) Campaigns or events promoting the sale or use of private products or services.

(d) Idea or slogan promotion not directly connected with an event of general public interest and importance.

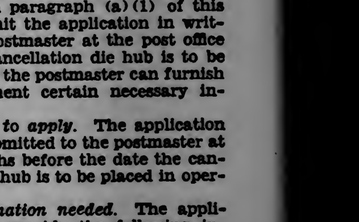
(e) Events which occur during a period when all canceling machines in the post office have already been scheduled for the use of other special cancellation die hubs.

(2) *Where.* The cancellation may be used only in a first- or second-class post office.

(3) *Period of time.* The special cancellation may not be used longer than 6 months, plus the duration of the event.

(4) *Cost.* The sponsor must pay the cost of manufacturing the special cancellation die hub, and any costs incurred in adapting canceling machines for its use or for installing the hub. The cost of a die hub is usually $36 to $60. The organization or persons assuming the cost of manufacturing the die hub are billed by the manufacturer.

(b) *Wording.* The space available for the wording is shown in the illustration below. The wording must be limited to 3 lines of not more than 20 letters, numbers, or spaces each, so that the wording may be in type large enough to be legible. The wording must relate direct to the event. Illustrations or designs should not be used because of the limited space available on the die hub.



(c) *Application*—(1) *Where to apply.* If the event to be advertised meets the conditions in paragraph (a)(1) of this section, submit the application in writing to the postmaster at the post office where the cancellation die hub is to be used, so that the postmaster can furnish the Department certain necessary information.

(2) *When to apply.* The application should be submitted to the postmaster at least 2 months before the date the cancellation die hub is to be placed in operation.

(3) *Information needed.* The application must provide the following information:

(i) Complete description of the event to be advertised, including evidence that it is not being conducted for private profit.

(ii) Wording of the proposed cancellation.

(iii) Name of the post office where the cancellation is to be used.

(iv) Period of use desired.

(v) Number of die hubs desired.

(vi) Name and address of the sponsor who will be billed for the cost.

(d) *Referral by postmaster.* The postmaster will forward the application to the Postal Services Division, Bureau of Operations, Post Office Department, Washington 25, D.C. The postmaster must furnish with the application a sample impression of the canceling die presently on the machine that is to use the special cancellation die and the name of the manufacturer and model of the canceling machine on which the special die hub will be used, and must specify whether the machine is new or old (square or round type ring die). If the canceling machine is a Model Flier, M, or G, the postmaster must state the correct die hub part number from the Operating Instruction Book (1207 or 1207–G for Flier and M Machines, and 218 or 218–A for G Machines). The postmaster must also state the effect the approval would have on the use of special

cancellations already approved for his office.

(c) *Authorization.* The sponsor will be informed through the postmaster of the approval or denial of the application. If the application is approved, the Department will arrange for the manufacture of the die hub, and instruct the postmaster as to its use.

§ 36.3 Disposition.

(a) *After use.* Sponsors may not obtain from postmasters die hubs that have been used. Hubs not retained by the postmaster for future use shall be sent by him to the Procurement Parts Unit, Mail Equipment Shops, 2135 Fifth Street NE., Washington 25, D.C., as soon as the period of use is completed.

(b) *Unserviceable die hubs.* (1) Replacement parts for a die hub retained for use during an event which recurs each year may be requisitioned from the Procurement Parts Unit, Mail Equipment Shops, if the die hub can be repaired by the postmaster. Die hubs that cannot be repaired by the postmaster should be sent to the Procurement Parts Unit, Mail Equipment Shops, 2135 Fifth Street NE., Washington 25, D.C., together with a memorandum requesting their disposal. No facilities are available at the Shops for the repair of these die hubs.

(2) When the special cancellation die hub must be replaced, the postmaster will immediately notify the local sponsor so that the sponsor may, if he desires, make application for a replacement through the local postmaster.

§ 36.4 Revocation.

Authorization to use any special cancellation die hub may be curtailed or revoked when necessary to use special postmarking dies for Government purposes.

§ 36.5 Mail submitted for special cancellations.

(a) *Postage.* Mailers requesting that their mail be canceled with a special cancellation must affix first-class postage to the mail. Stamps issued by foreign countries must not be placed on the mail.

(b) *Holding the mail.* Postmasters will not hold mail to comply with requests of patrons that the mail be postmarked with the special cancellation on a particular date.

NOTE: The corresponding Postal Manual Part is 146.

III. In § 61.3 *How to cash a money order,* subparagraph (3) of paragraph (a) as amended by Federal Register Document 60-1647, 25 F.R. 1616-1617, is further amended by deleting the provision for cashing money orders issued at military post offices at foreign branches of United States banks. As so amended, subparagraph (3) of paragraph (a) reads as follows:

§ 61.3 How to cash a money order.

(a) *Where to cash.* • • •

(3) Money orders issued at military post offices are payable only at military post offices and United States military banking facilities, or at post offices or banks located in the United States, its possessions or Territories, and countries with which the United States transacts domestic-international money order business. If the remitter or payee of a money order issued at a military post office transfers ownership by endorsement to another, the endorsee must cash the money order at either a military post office, a United States military banking facility, or a post office located in the United States, its possessions or Territories.

• • • • •

NOTE: The corresponding Postal Manual section is 171.313.

(R.S. 161, as amended, 396, as amended, 4027, sec. 12, 65 Stat. 676, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 246f, 711)

IV. In § 63.7 *Privacy of accounts,* a new paragraph (d) is added to extend authority to furnish information about the balance in a postal savings account to an Internal Revenue agent. As so added, paragraph (d) reads as follows:

§ 63.7 Privacy of accounts.

• • • • •

(d) On request of an Internal Revenue agent investigating a tax deficiency, if the agent has reason to believe the person may have a postal savings account.

NOTE: The corresponding Postal Manual section is 173.7d.

(R.S. 161, as amended, 396, as amended, sec. 1, 36 Stat. 814, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 751)

§ 63.8 [Deletion]

V. Section 63.8 *Nuisance accounts* is deleted.

§ 63.9 [Amendment]

VI. Section 63.9 *Claims* is redesignated as § 63.8 *Claims.* The 20 cents fee charged a depositor for cashing a certificate within 1 month from the date of issue eliminates the necessity for classifying an account with frequent turnover of deposits as a nuisance account.

NOTE: The corresponding Postal Manual sections are 173.8 and 173.9.

(R.S. 161, as amended, 396, as amended, sec. 1, 36 Stat. 814, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 751)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-5068; Filed, June 6, 1960; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Yosemite National Park, California; Fishing and Speed

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), National Park Service Order No. 14, 19 F.R. 8824; Regional Director, Region Four, Order No. 3, 21 F.R. 1495, § 7.16 of Title 36 of the Code of Federal Regulations is amended as follows: Subparagraph (2) of paragraph (a), is revoked since these waters are no longer needed as a source of fish spawn and paragraph (d) *Speed* is deleted, as this is adequately covered in the National Park Service General Rules and Regulations under § 1.42 *Limitations on speed.* As these amendments are a relaxation of the restrictions of the special regulations, notice and public procedure thereon have been deemed unnecessary and the amendments shall become effective upon publication in the FEDERAL REGISTER.

JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

[F.R. Doc. 60-5114; Filed, June 6, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Part 63 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 27th day of May 1960 that, effective June 3, 1960, Part 63 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 63.60(a)(1) and (h) are amended to read:

§ 63.60 Definitions.

• • • • •

(a) • • •

(1) The closure by a carrier of a public telegraph office, a telephone exchange rendering interstate or foreign telephone toll service, a public toll station serving a community or part of a community, or a public coast station as defined in § 7.3 of this chapter; the term "closure" of a public telegraph office includes the substitution of an agency or jointly-operated office for a telegraph office operated directly by the carrier but does not include the substitution of one telegraph agency office for another telegraph agency office, except where an increase in charges to the public results;

• • • • •

(h) "Public toll station" means a public telephone station, located in a community, through which a carrier provides service to the public, and which is connected directly to a toll line operated by such carrier;

2. Section 63.62(d) is amended by adding a proviso (derived from § 63.60 (h)), as follows:

§ 63.62 Type of discontinuance, reduction, or impairment of telephone or telegraph service requiring formal application.

• • • • •

(d) The closure of a public toll station where no other such toll station of the applicant in the community will continue service (for contents of application, see § 63.504): *Provided, however,* That no application shall be required under this part with respect to the closure of a toll station located in a community where telephone toll service is otherwise available to the public through a telephone exchange connected with the toll lines of a carrier;

§ 63.63 [Amendment]

3. Section 63.63(b) is amended by adding a comma after "expiration of such 60-day period".

§ 63.64 [Amendment]

4. Section 63.64(b) is amended by adding a comma after "effective as of the 60th day following the date of filing of such request unless".

§ 63.67 [Amendment]

5. Section 63.67(a)(6) is amended by changing the word "substituted" to "substitute" in two places in the form of notice.

§ 63.68 [Amendment]

6. Section 63.68(a)(6) is amended by changing the word "substituted" to "substitute" in the parenthetical expression in the form of notice.

§ 63.502 [Amendment]

7. Section 63.502(n) is amended by substituting a colon for the semicolon after "If application is for reduction of hours".

[F.R. Doc. 60-5140; Filed, June 6, 1960; 8:48 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 43]

MAILING CHUTES AND RECEIVING BOXES

Procedure for Approving Manufacturers

It is proposed to amend the regulations in § 43.6(h) of Title 39, Code of Federal Regulations, by adding regulations which outline the general procedure to be followed by a firm desiring to have its name placed on the list of approved manufacturers of mailing chutes and receiving boxes.

Although the regulations relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have an opportunity to present written views concerning the proposed regulations. Accordingly, such written views may be submitted to Mr. L. B. Schoonover, Director, Postal Installations Division, Room 4334, Post Office Department, Washington 25, D.C., at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

In § 43.6 *Mail chutes and receiving boxes*, paragraph (h) is amended by redesignating subparagraphs (1) and (2) as subparagraphs (2) and (3), and by inserting a new subparagraph (1). As so amended, paragraph (h) reads as follows:

§ 43.6 Mail chutes and receiving boxes.

* * * * *

(h) *Mailing chute and receiving box manufacturers.* (1) A firm interested in the manufacture of mailing chutes or mailing chute receiving boxes must first submit to the Regional Operations Director, through the postmaster, specifications, drawings, and a full size working model of the chute and receiving box. The chute section should be at least five feet in length and must contain a mail slot. This section is to be attached to the receiving box. If the specifications, drawings, and model are found satisfactory, the Regional Operations Director will request the firm to submit a $10,000 bond as specified in paragraph (f)(3) of this section. After the bond is examined and approved, he will authorize installation of not more than three mailing chutes and receiving boxes for a 90-day actual service condition test. If no unsatisfactory condition is disclosed during the test period, the Regional Operations Director will give the concern final approval for the manufacture of this equipment. The company's name and address will then be added to the list of authorized manufacturers of mailing chutes and receiving boxes.

(2) Manufacturers of approved receiving boxes and mailing chutes are: Capitol Mail Chute Corp., 55 Cozine Avenue, Brooklyn 7, N.Y.; Cutler Mail Chute Co., 76 Anderson Avenue, Rochester 7, N.Y.; Federal Mail Chute Corp., Ltd., 436 Kearny Street, San Francisco 8, Calif.

(3) Louis Sack Co., Inc., 24 Lake Street, Somerville 43, Mass., is authorized to manufacture only receiving boxes for mailing chutes.

NOTE: The corresponding Postal Manual section is 153.68.

(R.S. 161, as amended, 396, as amended, sec. 1, 24 Stat. 569, as amended; 5 U.S.C. 22,369,39 U.S.C. 156)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-5126; Filed, June 6, 1960; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Arizona; Closing Time for Comments

In F.R. Doc. 60-4811, appearing on page 4751 of the issue of May 28, 1960, notice was given of the intent to amend 25 CFR Part 221. Further notice is given that written comments, suggestions, or objections with respect to the proposed amendment may be submitted within thirty days of the date of the publication of that notice in the FEDERAL REGISTER to the Bureau of Indian Affairs, Washington 25, D.C.

LEON V. LANGAN,
Acting Commissioner.

JUNE 1, 1960.

[F.R. Doc. 60-5113; Filed, June 6, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Dow Chemical Company, Abbott Road Building, Midland, Michigan, proposing the issuance of a regulation to establish a tolerance of 6,000 parts per million (0.6 percent) of ronnel (*O,o*-dimethyl *o*-(2,4,5-trichlorophenyl) phosphorothioate) in feed for beef cattle.

Dated: May 31, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-5126; Filed, June 6, 1960; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 14]

APPRAISEMENT OF COAL-TAR PRODUCTS

Notice of Intention To Establish New Standards of Strength of Dyes

Notice is hereby given that under the authority conferred in paragraph 28(h), Tariff Act of 1930 (U.S.C., Title 19, section 1001, par. 28(h)), it is proposed to establish new standards of strength of dyes and to remove certain standards of strength previously adopted, as set forth below.

The new standards of strength would replace the standards previously adopted, which are not now of the lowest commercial strength. The specific duties provided for in paragraph 28 on the importations of the dyes affected thereafter would be based on the new standards of lower strength.

Upon any importations which exceed the new standards of strength, the dutiable weight is to be computed on the weight which the article would have if it were diluted to correspond with the new standard strength established as provided in paragraph 28(e).

It is further proposed that the number of the Treasury decision to be published to adopt the proposed new standards of strength shall be added to footnote 13 to § 14.5(m) of the Customs Regulations (19 CFR 14.5(m)).

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to this proposal may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C. To insure consideration, such communications must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: May 31, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

STANDARDS ESTABLISHED

Standard No.	Class index	Name of standard	Manufacturer	Partial list of trade names of imported products commercially identical with each standard	Manufacturer
1 CE	S-VII 1077 C 978.	Calcogene Black RBCF Solution.	(CCC)	Neosol Printing Black BD..	(Ciba)
				Sulphur Printing Black WR Powder.	(C)
				Sulphur Black T Ex.	(A)
2 CE	S-VII 1301 C-1177.	Indigo VS Paste	(ICI)	Indigo, Pure BASF Pastes and Powder.	(B)
				Indigo Synthetic Powder	(Fran)
				Indigo Powder O	(ICI)

Key to additional abbreviations of names of manufacturers:
(CCC) American Cyanamid Co., Dyestuff Dept., Bound Brook, N.J., U.S.A.
(Ciba) Ciba Limited, Basle, Switzerland.
(ICI) Imperial Chemical Industries, Ltd., Dyestuffs Div., Manchester, England.
(Fran) Compagnie Francaise de Matieres Colorantes, Paris, France.

STANDARDS REMOVED

Standard No.	Class index	Name of standard	Manufacturer	Partial list of trade names of imported products commercially identical with each standard	Manufacturer
1005	S-720. C-978.	Sulphur Black T Ex.	(A)	Sulphur Black FAG Ext. No. 4375.	(A)
757	S-874. C-1177.	Indigo, Pure BASF, 20% Paste.	(B)	Indigo, Pure Pastes and Powder.	(Var.)
				Indigo MLB Pastes and Powder.	(M)

NOTE: Standard 1 CE replaces standard 1005. Standard 2 CE replaces standard 757.

[F.R. Doc. 60-5130; Filed, June 6, 1960; 8:47 a.m.]

Internal Revenue Service

[26 CFR (1939) Part 171]

[26 CFR (1954) Part 170]

MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

The purposes of this Treasury decision are to delete certain obsolete material now contained in 26 CFR (1939) Part 171, to revise and include in 26 CFR Part 170 certain regulatory provisions now contained in 26 CFR (1939) Part 171 and in Subparts C, D, and E of 26 CFR Part 235, and to implement the changes in section 5025(i), I.R.C., as amended by Public Law 85-859.

Pursuant to the above:

(A) 26 CFR (1939) Part 171 is amended by deleting § 171.1(a).

(B) 26 CFR Part 170 is amended by adding, immediately following § 170.585, a new Subpart U, as follows:

Subpart U—Manufacture and Sale of Certain Compounds, Preparations, and Products Containing Alcohol

Sec.
170.611 Scope of subpart.
170.612 Meanings of terms.

COMMODITY TAX STATUS OF PRODUCTS

170.613 Products exempt from commodity taxes.
170.614 Other exempt U.S.P. and N.F. preparations.
170.615 Change of formula; when required.
170.616 Products classed as rectified products.

SPECIAL (OCCUPATIONAL) TAX STATUS OF APOTHECARIES AND MANUFACTURERS

170.617 Apothecaries and manufacturers exempt.
170.618 Sale of products for beverage use; special tax.

EFFECT ON OTHER DOCUMENTS

170.619 Regulations superseded.

AUTHORITY: §§ 170.611 to 170.619 issued under 68A Stat. 917; 26 U.S.C. 7805. Other statutory provisions interpreted or applied are cited to text in parenthesis.

§ 170.611 Scope of subpart.

This subpart contains provisions relating to the special tax status of persons who compound, mix, manufacture, or sell compounds, mixtures, preparations, or products containing taxpaid distilled spirits or wines, and the commodity tax status of such compounds, mixtures, preparations, and products.

§ 170.612 Meanings of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Commodity tax. The tax or taxes imposed by sections 5021 and 5022, I.R.C., on products of rectification.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D.C.

Distilled spirits, or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof.

I.R.C. The Internal Revenue Code of 1954, as amended.

Liquors. Distilled spirits and/or wines.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Special tax. The special (occupational) tax imposed by sections 5081, 5111, and 5121, I.R.C., on rectifiers and dealers in liquors.

Taxpaid distilled spirits, or wines. Distilled spirits or wines, as the case may be, on which the distilled spirits tax imposed by section 5001, I.R.C., or the wine taxes imposed by section 5041, I.R.C., have been paid or determined.

This chapter. Chapter I of Title 26 of the Code of Federal Regulations.

U.S.C. The United States Code.

COMMODITY TAX STATUS OF PRODUCTS

§ 170.613 Products exempt from commodity taxes.

(a) *Products meeting requirements.* Except as provided in § 170.616(b), apothecaries, pharmacists, and manufacturers are not required to pay commodity taxes on medicines, medicinal preparations, food products, flavors, and flavoring extracts manufactured or compounded by them, if the tax has been paid or determined on all of the distilled spirits and/or wines contained therein, as follows:

(1) *Medicines and medicinal preparations.* Medicines and medicinal preparations (including such preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States) that are unfit for use for beverage purposes.

(2) *Patent medicines.* Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

(3) *Toilet preparations.* Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(4) *Flavoring extracts.* Flavoring extracts, sirups, and concentrates that are unfit for use for beverage purposes.

(5) *Laboratory reagents.* Laboratory reagents, stains, and dyes that are unfit for use for beverage purposes.

(6) *Salted wines.* Salted wines which contain not in excess of 21 percent alcohol by volume and not less than 1.5 grams of salt per 100 cubic centimeters.

(7) *Sauces.* Sauces, or sirups consisting of sugar solutions and liquors, in which the alcohol content is not more than 12 percent by volume and the sugar content is not less than 60 grams per 100 cubic centimeters.

(8) *Brandied fruits.* Brandied fruits consisting of solidly packaged fruits, either whole or segmented, and liquors not exceeding the quantity and alcohol content necessary for flavoring and preserving.

(9) *Food products.* Food products such as mincemeat, plum pudding, and fruit cake, where only sufficient liquor is used for flavoring and preserving; and ice cream and ices where only sufficient liquor is used for flavoring purposes.

(b) *Formulas and samples; when required.* On request of the Director, or when in doubt as to the classification of his product, the manufacturer shall submit to the Director the formula for and a sample of his product for examination to verify the manufacturer's claim of exemption from tax.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 170.614 Other exempt U.S.P. and N.F. preparations.

The following United States Pharmacopoeia and National Formulary preparations which are used by physicians and pharmacists principally as vehicles may be made with distilled spirits without incurring liability for rectification and special taxes for their manufacture and sale:

Elixir aromaticum.
Elixir aromaticum rubrum.
Elixir aurantii amari.
Elixir cardamom compositum.
Elixir glycyrrhizae.
Elixir taraxaci compositum.
Elixir terpini hydratis.
Spiritus aetheris.
Spiritus myrciae compositus.
Tinctura aurantii dulcis.
Tinctura limonis.

§ 170.615 Change of formula; when required.

If the assistant regional commissioner finds at any time that any product manufactured under this subpart as an unfit product exempt from tax is being used for beverage purposes, or for mixing with beverage liquors other than by a rectifier, he shall notify the manufacturer to desist the manufacturing of such product until the formula is so changed as to render the product not susceptible of beverage use and such change is approved by the Director: *Provided*, That the provisions of this section shall not be so construed as to prohibit the use of such unfit products in small quantities for flavoring drinks at the time of serving for immediate consumption. Where, pursuant to notice, the manufacturer does not desist, or the formula is not so modified as to render the product unsusceptible of beverage use, the manufacturer shall immediately qualify as a rectifier and pay the rectification tax on such product.

§ 170.616 Products classed as rectified liquors.

(a) *Rectified liquors.* United States Pharmacopoeia tincture of ginger is held to be rectified liquor. Bitters, patent medicines, and similar alcoholic preparations which are fit for beverage purposes, although held out as having certain medicinal properties, are also classed as rectified liquors. The commodity tax imposed by section 5021 or 5022, I.R.C., as the case may be, is required to be paid on alcoholic preparations classed as rectified liquors (including cordials or liqueurs). Such preparations are required to be manufactured in the rectifying facilities of a distilled spirits plant, taxpaid, bottled or packaged, stamped, recorded, and disposed of in accordance with the procedure prescribed in Part 201 of this chapter for other rectified spirits or products. Sellers of such preparations will be subject to the provisions of Part 194 of this chapter with respect to special taxes.

(b) *Products sold for beverage use.* Any product described in §§ 170.613 to 170.614, or any other product declared by the Director to be unfit for use for beverage purposes, or any taxpaid distilled spirits recovered from any such product, which is sold for beverage purposes, or is sold under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, is subject to commodity tax.

(72 Stat. 1328; 26 U.S.C. 5021, 5022)

SPECIAL TAX STATUS OF APOTHECARIES AND MANUFACTURERS

§ 170.617 Apothecaries and manufacturers exempt.

(a) *Compounders or manufacturers.* An apothecary, a pharmacist, or a manufacturer is not required to qualify as a rectifier, or pay special (occupational) tax as a rectifier or, except as provided in § 170.618, to qualify as a dealer in liquors in order to prepare, manufacture, or sell products described in §§ 170.613 to 170.614, or products declared by the Director to be unfit for use for beverage purposes.

(b) *Manufacturers recovering taxpaid alcohol.* A manufacturer who recovers taxpaid distilled spirits from dregs or marc or percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts, which do not meet the manufacturer's standards, is not required to qualify or pay special tax as a rectifier, if such manufacturer uses the recovered distilled spirits exclusively in the manufacture of medicine, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for use for beverage purposes.

(c) *Records.* Each manufacturer intending to recover taxpaid distilled spirits under the provisions of paragraph (b) of this section shall notify the assistant regional commissioner of his intention to do so and advise where such operations will be conducted. Such manufacturer shall keep a record of the distilled spirits recovered and the subsequent use to which they are put. The records shall show, (1) the date of recovery, (2) the commodity from which the spirits were recovered, (3) the amount of distilled spirits recovered, (4) the amount of recovered distilled spirits reused, (5) the commodity in which the recovered distilled spirits were reused, and (6) the date of such reuse. Such records shall be retained at the premises where the recovery operations are conducted for not less than two years, and shall be available during regular business hours for examination by internal revenue officers.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 170.618 Sale of products for beverage use; special tax.

Any person (including the manufacturer) who sells for beverage purposes any of the products described in §§ 170.613 to 170.614, or any other product declared by the Director to be unfit for use for beverage purposes, or any distilled spirits recovered as provided in § 170.617(b), or who sells any such substance under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, is required to pay special tax as a wholesale dealer in liquors or a retail dealer in liquors, as the case may be, and, in the case of a manufacturer, may also be required to pay special tax as a rectifier (plus any penalties and interest due).

(72 Stat. 1338, 1340, 1343; 26 U.S.C. 5081, 5111, 5113, 5121)

EFFECT ON OTHER DOCUMENTS

§ 170.619 Regulations superseded.

The provisions of this subpart supersede the regulations contained in 26 CFR (1939) 171.6 and 171.7, and 26 CFR 235.40 through 235.42, 235.50 through 235.61, 235.75, and 235.76. The regulations in this subpart shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of the regulations in this subpart.

[F.R. Doc. 60-5131; Filed, June 6, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Parts 723, 725, 727]

TOBACCO

Farm Acreage Allotments, Normal Yields, and History

Notice of formulation of regulations relating to establishment of farm acreage allotments and normal yields for Cigar-binder (types 51, and 52) Tobacco; Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) Tobacco; Burley, Fluecured, Fire-cured (type 21), Fire-cured (types 22, 23, and 24) Tobacco, Dark Air-cured, and Virginia Sun-cured Tobacco; and Maryland Tobacco, for the 1961–62 marketing year, and including certain basic provisions relating to determination of tobacco acreage history and preliminary tobacco acreage allotments for farms for succeeding years.

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1312, 1313, 1375), regulations are being prepared governing the establishment of farm acreage allotments and normal yields for the 1961 crop of (1) cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, (2) burley, flue-cured, fire-cured (type 21), fire-cured (types 22, 23, and 24), dark air-cured, and Virginia sun-cured tobacco, and (3) Maryland tobacco. Included in such regulations are certain basic provisions relating to determination of tobacco acreage history and preliminary acreage allotments for farms for succeeding years.

The Agricultural Adjustment Act of 1938, as amended, includes only type 41 tobacco in the definition of cigar-filler tobacco. Producers of cigar-filler (type 41) tobacco disapproved marketing quotas for such kind of tobacco for the three marketing years beginning October 1, 1959 (24 F.R. 2271), and previously thereto had disapproved marketing quotas for three successive years subsequent to 1952 (18 F.R. 8474, 19 F.R. 9365, 21 F.R. 667). Hence, pursuant to the provisions of section 312 of the Agricultural Adjustment Act of 1938, as amended, no acreage allotments and marketing quotas were determined for such kind of tobacco for the 1960 crop of such kind of tobacco, and will not be determined for such kind of tobacco for the 1961 crop, unless the required number of producers petition the Secretary to proclaim a quota for such kind of tobacco in accordance with said section.

Maryland tobacco growers approved quotas for the 1960, 1961 and 1962 crops in a referendum held on February 2, 1960 (25 F.R. 1479). Cigar-binder (types 51 and 52) tobacco growers and cigar-filler and binder tobacco growers approved quotas in referenda held on February 11, 1960 for the 1960, 1961 and 1962 crops (25 F.R. 2125). Burley tobacco growers and Virginia sun-cured tobacco growers approved quotas for the 1959, 1960 and 1961 crops in referenda held on February 24, 1959 (24 F.R. 2271). Flue-cured tobacco growers approved quotas for the 1959, 1960 and 1961 crops in a referendum held on December 15, 1958 (24 F.R. 356).

Pursuant to the provisions of section 312 of the Act, as amended, the Secretary of Agriculture has proclaimed marketing quotas for the 1961–62 marketing year for burley, flue-cured, Virginia suncured, Maryland, cigar-binder, and cigar-filler and binder tobacco, respectively. In accordance with section 312 of the Act, the amounts of such marketing quotas will be determined and announced, and under section 313 of the Act will be apportioned among the States, converted into State acreage allotments, and allotted to farms.

Fire-cured tobacco growers and dark air-cured tobacco growers approved quotas for the 1958, 1959 and 1960 crops in referenda held on February 18, 1958 (23 F.R. 2070). The regulations to be issued will be applicable to determination of 1961 farm acreage allotments, which allotments will remain in effect whether or not quotas are approved by growers for the 1961 crop in separate referenda to be held in late 1960 or early 1961, but marketing quotas will not be applicable to the 1961 crop if quotas are disapproved for such crop by growers voting in such referenda. Consideration will be given to suggestions for a date or dates on which the referenda will be held.

Pursuant to the provisions of section 312 of the Act, as amended, the Secretary of Agriculture is required to proclaim marketing quotas for the 1961–62, 1962–63, and 1963–64 marketing years for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, and for dark air-cured tobacco. In accordance with section 312 of the Act, the amounts of such marketing quotas will be determined and announced, and under the provisions of section 313 of the Act (7 U.S.C. 1313), such quotas will be apportioned among the States, converted into State acreage allotments and allotted to farms.

It is contemplated that the regulations for (1) cigar-binder (types 51 and 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, (2) burley, flue-cured, fire-cured, dark air-cured and Virginia suncured tobacco respectively, and (3) Maryland tobacco, will provide for establishment of farm acreage allotments and normal yields and the issuance of notices of allotments and marketing quotas by county committees substantially the same as provided with respect to the 1960 crops (24 F.R. 6889, 7243), (24 F.R. 6895, 7243), and (23 F.R. 6889). However, the following modifications are contemplated:

1. Sections 725.1116, 723.1116 and 727.1116 would be abbreviated to read:

Determination of 1961 preliminary acreage allotments for old farms. (a) The 1961 preliminary acreage allotment for an old tobacco farm shall be the 1960 farm acreage allotment established for such farm, prior to any reduction for violation of the tobacco marketing quota regulations.

(b) Notwithstanding the provisions of paragraph (a) of this section, no 1961 preliminary allotment or 1961 farm allotment shall be determined for any land which is devoted to commercial or residential development or other nonagricultural purposes, which was not acquired by an agency having the right of eminent domain and which could not have been acquired under right of eminent domain by the person or agency that did acquire it, and which the county committee and a representative of the State committee determine is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary allotment or allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.1220 (723.1220 or 727.1220).

Sections 725.1220, 723.1220 and 727.1220 relate to §§ 725.1120, 723.1120 and 727.1120 in the regulations for the 1960–61 marketing year.

2. The following sentence would be added at the end of §§ 725.1118, 723.1118 and 727.1118: "The allotment for a farm under a conservation contract shall be given the same consideration as the allotments for other farms under this section."

3. The following paragraph (d) would be added following paragraph (c) of §§ 725.1123, 723.1123 and 727.1123:

(d) Any new farm allotment approved under §§ 725.1211 to 725.1228, 723.1211 to 723.1229 or 727.1211 to 727.1228 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be canceled as of the date established.

4. The definition of "new farm" would be revised to read: "New farm means a farm on which there is no tobacco acreage history since 1955. If in accordance with applicable law and regulations, no 1956, 1957, 1958, 1959 or 1960 tobacco acreage allotment was determined for the farm, any production of tobacco in 1956, 1957, 1958, 1959, or 1960, respectively, shall not be considered in determining whether the farm is a new farm. The term 'tobacco acreage history' as used in this paragraph shall be as defined and explained in § 725.1228 (723.1229 or 727.1228)."

5. The definition of "old farm" would be revised to read: "Old farm means a farm on which there is tobacco acreage history in one or more of the five years 1956 through 1960. If in accordance with applicable law and regulations, no 1956, 1957, 1958, 1959 or 1960 tobacco acreage allotment was determined for the farm, any production of tobacco in 1956, 1957, 1958, 1959 or 1960, respectively, shall not be considered in determining whether the farm is an old farm. The term 'tobacco acreage history' as used in this paragraph shall be as defined and explained in § 725.1228 (723.1229 or 727.1228)."

6. Sections 725.1228, 723.1229 and 727.1228 would be included and would read as follows:

Determination of preliminary allotments for 1962 and subsequent years, and tobacco acreage history for 1960 and subsequent years. (a) The preliminary acreage allotment for an old farm for 1962 and subsequent years shall be the farm acreage allotment for the immediately preceding year prior to any reduction for violation of the tobacco marketing quota regulations; except that if the tobacco acreage history in at least one of the immediately preceding two years

is not as much as 75 percent of the farm allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the average tobacco acreage history for the past five years.

(b) Notwithstanding the provisions of paragraph (a) of this section, no 1962 preliminary allotment or 1962 farm allotment shall be determined for any land which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain and which could not have been acquired under right of eminent domain by the person or agency that did acquire it, and which the county committee and a representative of the State committee determine is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary allotment or allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.1220, 723.1220 or 727.1220.

(c) For each of the years 1957, 1958 and 1959, the tobacco acreage history shall be the same as the farm allotment for each such respective year, prior to any reduction for violation. For 1960, and for each subsequent year, the tobacco acreage history shall be the same as the farm allotment (prior to any reduction for violation) for such year, if

(1) The farm consists of federally owned land, or

(2) The final acreage of tobacco determined for the farm is as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year, or

(3) The final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act is as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year, or

(4) The final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act for at least one of the two immediately preceding years was as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such respective year.

(d) If for 1960 or for any subsequent year, the county committee determines that the final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act is not as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (1) the allotment (prior to any reduction for violation) or (2) the final tobacco acreage determined for the farm, plus the additional acreage which the county committee determines would have been included in the final tobacco acreage except for abnormal weather or disease, plus the acreage regarded as planted to tobacco under the Soil Bank Act, and plus the amount of any reduction for violation. However, in such a case, the farm allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years.

(e) If the tobacco acreage history for 1960 or any subsequent year cannot be considered to be the same as the farm allotment under the provisions of paragraph (c) or (d), it shall be the final tobacco acreage determined for the farm, plus the acreage regarded as planted to tobacco under the Soil Bank Act, plus the acreage by which the farm allotment was reduced for violation, and plus the additional acreage which the county committee determines would have been included in the final tobacco acreage except for abnormal weather or disease, not to exceed the tobacco acreage allotment prior to any reduction for violation.

(f) In applying the provisions of paragraphs (c), (d), and (e) of this section, the tobacco acreage history for any year shall not be larger than the allotment prior to any reduction for violation. For any year for which the allotment was reduced for violation (but not reduced to zero), the reduced allotment shall be used in determining whether the allotment was 75 percent planted or regarded as planted. For any year for which an allotment of zero was established (or no allotment was established), any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment for 1960 or any subsequent year was or is planted or is to be regarded as planted. In the event of planting pursuant to an erroneous notice of allotment for any year, the smaller of (1) the allotment shown on the erroneous notice or (2) the correct allotment that should have been shown on the notice will be used in determining whether the allotment was 75 percent planted or regarded as planted: except that, if the correct notice is zero, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment for 1960 or any subsequent year was or is planted or is to be regarded as planted.

(g) The 1956 tobacco acreage history shall not exceed the 1956 allotment, and shall include the tobacco acreage harvested on the farm in 1956, the tobacco acreage devoted in 1956 to the acreage reserve program, the tobacco acreage devoted in 1956 to the conservation reserve program, and, excepting flue-cured tobacco, the 1956 tobacco acreage preserved pursuant to a request of the owner or operator of the farm, as provided in § 725.816(c) of the tobacco marketing quota regulations for the 1957–58 marketing year (21 F.R. 6803, 9398).

(h) Notwithstanding the foregoing provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of acreage history restored pursuant to reductions of the allotment for violation(s) of the tobacco marketing quota regulations.

(i) As used in this section, the following terms shall have the meanings described as follows:

(1) "Federally owned land" means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all the stock of which is owned by the Federal Government.

(2) "Final tobacco acreage" means the acreage determined under the provisions of Part 718, Determination of Acreage and Performance, and any amendments thereto, to be the final acreage of tobacco on the farm. Any acreage that may have been planted in any year on a farm for which a zero allotment was established or for which no allotment was established shall not be taken into account in determining whether at least 75 percent of the farm allotment for 1960 or any subsequent year was planted.

(3) "Acreage regarded as planted to tobacco under the Soil Bank Act" means: For 1960 and any subsequent crop year, if the tobacco allotment is the only commodity acreage allotment for the farm, the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the farm tobacco acreage allotment, after any reduction for violation, exceeds the final tobacco acreage shall be regarded as planted to tobacco under the Soil Bank Act. In the event the farm has two or more commodity allotments for which the final acreage is less than the respective allotment, and the acreage placed in the conservation reserve at the regular rate on the farm is less than the sum of the amounts by which such respective allotments (after release and before reapportionment) exceed the respective final acreages of such crops on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each such allotment commodity. To prorate this acreage, the sum of the amounts by which the respective allotments for those crops for which the final acreage is less than the respective allotment (after release and before reapportionment) exceed the respective final acreage for such allotment crops on the farm shall be obtained. This total shall then be divided into the amount by which each such allotment (after release and before reapportionment) exceeds the final acreage. The percentage thus obtained for each such commodity shall be applied to the acreage on the farm under a conservation contract at the regular rate. The result shall be the acreage considered planted to such commodity on the farm under a conservation reserve contract. Where it is necessary to determine the acreage regarded as planted to tobacco under the Soil Bank Act in 1959 or 1958, the provisions of this paragraph shall be followed in making such determination. For 1958, the acreage entered on the acreage reserve agreement shall be included in the acreage regarded as planted under the Soil Bank Act, and shall be added to the final acreage in determining whether, and the extent to which, the commodity is entitled to share in the conservation reserve credit for the farm. As used in this paragraph (i)(3), the term "allotment" means the allotment after any reduction for violation in the case of tobacco and peanuts.

7. The definitions of "community cropland factor" and "acreage indicated by cropland" would be eliminated.

8. In §§ 725.1118, 723.1118 and 727.1118, the word "county" would be substituted for the word "community".

9. §727.1118, the expression "four percent" would be substituted for the expression "three-fourths of one percent".

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D.C., this 1st day of June 1960.

ANDREW J. MAIR,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5137; Filed, June 6, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-35]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 34 presently extends from the intersection of the southwest course of the Norfolk, Va., radio range and a line bearing 287° True from the Weeksville, N.C., (Navy) radio range to the Weeksville (Navy) radio range. The Federal Aviation Agency has under consideration the revocation of Red 34 in its entirety. A Federal Aviation Agency IFR peak-day airway traffic survey for the period from July 1, 1958 through June 30, 1959, shows no aircraft movement on this airway. On the basis of this survey it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest.

If this action is taken, Red Federal airway No. 34 and its associated control areas and reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 1, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5106; Filed, June 6, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-39]

FEDERAL AIRWAY, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 22 and associated control areas presently extend from Delta, Utah, to Malad City, Idaho. The Federal Aviation Agency has under consideration the revocation of Blue 22. The Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1958 through June 30, 1959 shows no aircraft movements on Blue 22. On the basis of the survey, it appears that the retention of Blue 22 and its associated control areas is unjustified as an assignment of airspace and the revocation thereof would be in the public interest.

If this action is taken, Blue Federal airway No. 22 and its associated control areas and reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 1, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5107; Filed, June 6, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-25]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Segment of Federal Airway and Associated Control Areas; Modification of Reporting Points and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.107, 601.107, 601.1378, and 601.4107 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 7 presently extends, in part, from Richmond, Va., to Philadelphia, Pa. The Federal Aviation Agency has under consideration the revocation of this segment of Amber 7.

The Federal Aviation Agency IFR peak-day air traffic survey for the period January 1, 1959, through December 31, 1959, showed a maximum of seven aircraft movements between any two reporting points on this segment of Amber 7. On the basis of this survey, it appears that the retention of this airway segment and the associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. Concurrently, with this action, the Federal Aviation Agency is considering modification of the Wilmington, Del., control area extension which is presently designated as that airspace lying south of a true east/west line through the center of the New Castle County Airport, Wilmington, Del., within a 30-mile radius of the center of the airport; the airspace west of Wilmington bounded on the south by Amber Federal airway No. 7, on the west by Red Federal airway No. 45, on the north by VOR Federal airway No. 3 and on the northeast by VOR Federal airway No. 29, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Aberdeen Restricted Area (R–54) during the restricted area's time of designation. It is proposed to redescribe this control area extension to simplify its description and substitute in its description VOR Federal airways in lieu of L/MF Federal airways due to the diminishing requirement for and the gradual phasing out of the L/MF airways. This modification of the Wilmington control area extension would not result in the designation of any additional control area.

If these actions are taken, the segment of Amber Federal airway No. 7 and associated control areas from Richmond, Va., to Philadelphia, Pa., would be revoked. The caption to § 601.4107 relating to the associated reporting points on Amber Federal airway No. 7 would be modified to coincide with the redesignated airway.

The Wilmington, Del., control area extension would be designated as the area southwest of Wilmington within a 30-mile radius of the New Castle County Airport (latitude 39°40'42" N., longitude 75°36'27" W.), extending clockwise from the New York control area extension (§ 601.1066), to the northern boundary of VOR Federal airway No. 123, excluding the portion which would coincide with the Aberdeen, Md., Restricted Area (R–54) during the restricted area's time of designation; and the area west of Wilmington bounded on the east by the New York control area extension, on the south by VOR Federal airway No. 123, on the west by VOR Federal airway No. 93 and on the north by VOR Federal airway No. 3

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 1, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5106; Filed, June 6, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59–WA–430]

FEDERAL AIRWAYS AND CONTROL AREAS

Withdrawal of Proposed Modification

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59–WA–430 on March 23, 1960 (25 F.R. 2439), it was stated that the Federal Aviation Agency proposed to designate a standard east alternate to VOR Federal airway No. 42 with associated control areas from the Flint, Mich., VOR to the Windsor, Ontario, VOR. Subsequent to publication of the notice, information has been received regarding a proposal by the Department of Transport of the Canadian Government to convert the Windsor low frequency range to a non-directional radio beacon. This conversion would require revision of procedures in the Detroit, Mich., terminal area, which, in turn, would require a change in alignment of the proposed Victor 42 east alternate. In view of this requirement, the notice is being withdrawn pending further coordination with the Department of Transport of the Canadian Government.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 59–WA–430 is hereby withdrawn.

(Sections 307(a), 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354))

Issued in Washington, D.C., on June 1, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5109; Filed, June 6, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 7, 8]

[Docket No. 13588; FCC 60–652]

PUBLIC SHIP-SHORE COMMUNICATION IN THE MARITIME MOBILE SERVICE

Los Angeles-San Diego Area

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2466 kc (coast)–2382 kc (ship) available for public ship-shore use in the Los Angeles-San Diego area on a 24-hour basis, Docket No. 13588.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The rule amendments proposed are set forth below.

2. By its Report and Order of February 10, 1954 (FCC 54–182, Docket No. 10444), the Commission adopted a frequency assignment plan to implement the provisions of the Geneva Agreement (1951). The frequency pair 2466 kc (coast)–2382 kc (ship) was at that time assigned to the Los Angeles-San Diego area for public ship-shore communication in the maritime mobile service but was not to be available for use until assignment conflicts with other services were eliminated. Those conflicts have been resolved, and final clearance of the frequency pair has been effected.

3. Accordingly, the rule amendments proposed herein would make the frequency pair 2466 kc (coast)–2382 kc (ship) available for public ship-shore use in the Los Angeles-San Diego area on a 24-hour basis. Such use of this pair would be, as indicated in the proposed amendments, subject to certain conditions concerning harmful interference.

4. This proposal is issued under the authority contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 11, 1960, written data, views, or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views, or briefs. The Commission will consider all such comments prior to taking final action in this matter.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 1, 1960.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

A. Part 7 is amended as follows:

1. The entry for Los Angeles-San Diego, California, in the table in § 7.306 (b) is amended to read as follows:

§ 7.306 Availability of frequencies below 30 Mc.

(b) • • •

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 8.354(a)(1) of this chapter [2]
•	•	•	•	•
Los Angeles-San Diego, Calif.	2566 2466	None. Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.	2009 2382	None. Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	2598 2522	7 a.m. to 7 p.m., P.s.t., only. do.	2206 2126	7 a.m. to 7 p.m., P.s.t., only. Do.

B. Part 8 is amended as follows:

1. The entry for Los Angeles-San Diego, California, in the table in § 8.354(a)(1) is amended to read as follows:

§ 8.354 Frequencies below 5000 kc for public correspondence.

(a) • • •
(1) • • •

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc)	Specific limitations imposed upon availability for use [2]	Frequency (kc)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in (7.306 (b) of this chapter. [2]
•	•	•	•	•
Los Angeles-San Diego, Calif.	2009 2382	None. Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2566 2466	None. Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.
	2206 2126	7 a.m. to 7 p.m., P.s.t., only. do.	2598 2522	7 a.m. to 7 p.m., P.s.t., only. Do.

[F.R. Doc. 60–5139; Filed, June 6, 1960; 8:48 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Issuance of Construction Permit

Please take notice that the Atomic Energy Commission by an order of the Presiding Officer dated May 6, 1960, has issued Construction Permit No. CPPR-9, effective May 31, 1960, to Consumers Power Company. A public hearing on the issuance of the Construction Permit was held on March 29, 1960.

Dated at Germantown, Md., this 31st day of May 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-5100; Filed, June 6, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 5132 et al.]

REOPENED LARGE IRREGULAR AIR CARRIER INVESTIGATION

Notice of Hearing

In the matter of the qualification for supplemental-air-service authorization of Airline Transport Carriers, Inc., Argonaut Airways Corporation, Miami Airline, Inc., and World Wide Airlines, Inc.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 14, 1960, at 10 a.m., in room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser, and is to be recessed for further hearing in Miami, Fla., and Los Angeles, Calif., at places and at times which shall be designated hereafter.

This is a reopened phase of the Large Irregular Air Carrier Investigation in which the record will be brought up to date with respect to the qualifications of Airline Transport Carriers, Inc., Argonaut Airways Corporation, Miami Airline, Inc., and World Wide Airlines, Inc., to perform supplemental air transportation. For further details of the issues involved in the proceeding, interested persons are referred to the applications as amended, the examiner's prehearing conference report and supplement thereto and notices to the parties, and the orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board on or before June 10, 1960, a statement setting forth the issues of fact or law raised by the proceeding on which he desires to be heard, and such person may appear and participate in the hearing in accordance with rule 14 of the Board's rules of practice in Economic Proceedings.

Dated at Washington, D.C., June 1, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5132; Filed, June 6, 1960; 8:47 a.m.]

[Docket No. SA-354]

ACCIDENT OCCURRING NEAR CANNELTON, IND.

Notice of Reconvening of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 121US, which occurred on March 17, 1960, near Cannelton, Indiana.

Notice is hereby given that the hearing in the above styled matter will be reconvened for receiving in evidence certain exhibits that were not available at the original hearing. This hearing will commence on Wednesday, July 20, 1960, at 9:30 a.m. (local time) and will be held in the ballroom of the Hollywood Roosevelt Hotel, Hollywood, California.

Dated at Washington, D.C., June 1, 1960.

[SEAL] VAN R. O'BRIEN,
Hearing Officer.

[F.R. Doc. 60-5133; Filed, June 6, 1960; 8:47 a.m.]

[Docket 11096]

SEVEN SEAS AIRLINES, INC.; ENFORCEMENT PROCEEDING

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, now assigned for June 7, 1960, is postponed to June 24, 1960, at 9:30 a.m., e.d.t., in Room 803, Universal Building, Washington, D.C. and to June 27, 1960, at 10:00 a.m., e.d.t., in the Army Reserve Building, 30 West 44th Street, New York, New York, before Examiner Russell A. Potter.

Dated at Washington, D.C., June 3, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5183; Filed, June 6, 1960; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13535; FCC 60M-949]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13535; regulations and charges for switching and selecting equipment (common user group) for use with channels of telephone grade furnished for the remote operation of mobile radiotelephone systems and for channel terminals and terminal equipment in connection with Schedule 5 channels for data transmission. (Filed on behalf of the Lincoln-Tillamook Telephone Company.)

It is ordered, This 1st day of June 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 19, 1960, in Washington, D.C.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5141; Filed, June 6, 1960; 8:48 a.m.]

[Docket No. 13385; FCC 60M-940]

ANTENNAVISION SERVICE CO., INC.

Order Continuing Hearing

In re applications of Antennavision Service Company, Inc., Phoenix, Arizona, Docket No. 13385; for construction permit for new fixed radio station at Oatman Mountain, Arizona, File No. 2984-C1-P-59 (KPK30); for construction permit for new fixed radio station at Telegraph Pass, Arizona, File No. 2985-C1-P-59 (KPK31).

The Hearing Examiner having under consideration an informal proposal for continuing the date of hearing;

It appearing that the hearing is now scheduled to commence on June 14, 1960, but that a conference was held on May 27, at which time all the parties, including counsel for the Broadcast and Common Carrier Bureaus, expressed themselves in favor of a continuance in order to permit the Commission to act on certain pending petitions, which action would be likely to have a profound influence on the course of the hearing; and

It further appearing that if circumstances should change so as to permit scheduling of the proceeding earlier than the date shown in the ordering clause below the Examiner will advance the date of hearing;

It is ordered, This 31st day of May 1960, that the hearing is continued from June 14 to September 7, 1960.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5142; Filed, June 6, 1960; 8:49 a.m.]

[Docket No. 13527; FCC 60M-947]

BABYLON-BAY SHORE BROADCASTING CORP. (WBAB)

Order Scheduling Hearing

In re application of Babylon-Bay Shore Broadcasting Corp. (WBAB), Babylon, New York, Docket No. 13527, File No. BP-12538; for construction permit.

It is ordered, This 1st day of June 1960, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 22, 1960, in Washington, D.C.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5143; Filed, June 6, 1960; 8:49 a.m.]

[Docket No. 13308 etc.; FCC 60M-935]

BELOIT BROADCASTERS, INC. (WBEL) ET AL.

Order Continuing Hearing

In re applications of Beloit Broadcasters, Incorporated (WBEL), South Beloit, Illinois, Docket No. 13308, File No. BP-12101; Samuel A. Burk and Ralph J. Bitzer, d/b as Washington County Broadcasting Company, Washington, Iowa, Docket No. 13309, File No. BP-12118; Lloyd C. McKenney, tr/as Iola Broadcasting Company, Iola, Kansas, Docket No. 13311, File No. BP-12785; Heart of America Broadcasters, Inc. (KUDL), Kansas City, Missouri, Docket No. 13312, File No. BP-12879; Washington Home and Farm Radio, Inc., Washington, Iowa, Docket No. 13314, File No. BP-13159; for construction permits.

The Hearing Examiner having under consideration a joint motion to postpone hearing filed by the partnership doing business as Washington County Broadcasting Company and Washington Home and Farm Radio, Inc., on May 31, 1960;

It appearing that a hearing is now scheduled for June 2, 1960, on the comparative issues only and that the two applicants making this motion are the only ones concerned with this particular aspect of the case and;

It further appearing that these applicants represent the existence of steps to secure a merger which would render the comparative issues moot; and

It further appearing that the Broadcast Bureau has consented to immediate consideration of the motion and a grant thereof; and

It further appearing that all parties have previously reached an understanding that the engineering portions of the proceeding would go forward at a further hearing to be held on June 20, at which time the merger question can also be dealt with;

It is ordered, This 31st day of May 1960, that the hearing now scheduled for June 2 is continued to June 20, 1960.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5144; Filed, June 6, 1960; 8:49 a.m.]

[Docket No. 13480; FCC 60M-941]

EDWARD C. FRITZ, JR.

Order Continuing Hearing

In re application of Edward C. Fritz, Jr., Waukegan, Illinois, Docket No. 13480, File No. BPH-2861; for construction permit (FM).

The Hearing Examiner having under consideration the petition filed in the above-entitled proceeding on May 23, 1960, by Edward C. Fritz, Jr., requesting leave to amend and grant of his application as amended without hearing;

It appearing that jurisdiction over the said pleading insofar as leave to amend and acceptance of the amendment tendered therewith is sought rests in the Hearing Examiner pursuant to the provisions of section 0.231 of the Commission's rules and that jurisdiction over the relief otherwise requested is reserved to the Commission;

It further appearing that the said request to amend is unopposed and that good cause for a grant thereof is shown in that the proferred amendment more clearly sets forth in affidavit form matters affecting the financial qualifications of applicant and the participation of one Charles W. Kline in the instant proposal which are the matters at issue herein;

It is ordered, This 31st day of May 1960 that the said petition is granted insofar as leave to amend is requested, the amendment tendered therewith is accepted and the said petition insofar as grant of the application as amended without hearing is requested is respectfully referred to the Commission;

It is further ordered, On the Hearing Examiner's own motion, that the hearing herein presently scheduled to commence on June 27, 1960, is continued without date.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5145; Filed, June 6, 1960; 8:49 a.m.]

[Docket Nos. 13525, 13526; FCC 60M-946]

SIMON GELLER AND ASSOCIATED ENTERPRISES

Order Scheduling Hearing

In re application of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-11667; Alan C. Tindal, Kristian Solberg, Paul Monson, and John J. Sullivan, d/b as Associated Enterprises, Brockton, Massachusetts, Docket No. 13526, File No. BP-11630; for construction permit.

It is ordered, This 1st day of June 1960, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 22, 1960, in Washington, D.C.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5146; Filed, June 6, 1960; 8:49 a.m.]

[Docket No. 13222 etc.; FCC 60-508]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Memorandum Opinion and Order Amending Issues

In re application of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, et al., Docket No. 13222, et al., File No. BP-11439; for construction permits.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed November 18, 1959, by the Caba Broadcasting Corporation; (2) comments on petition, filed on December 7, 1959, by Edwin R. Fischer; (3) opposition to the petition, filed on December 7, 1959, by Charles R. Randolph, Farley W. Warner, Richard S. Cobb, and Mary Cobb, doing business as Catonsville Broadcasting Company; (4) opposition to the petition, filed December 9, 1959, by Rossmoyne Corporation; (5) opposition to Fischer's comments, filed December 10, 1959, by The Tidewater Broadcasting Company; (6) reply to petition, filed December 14, 1959, by the Broadcast Bureau; (7) reply to responses, filed December 28, 1959, by Caba Broadcasting Company.

2. Caba Broadcasting Corporation (Caba) filed an application for a new standard broadcast station for Baltimore, Maryland, which is mutually exclusive with the applications of Rossmoyne Corporation (Rossmoyne) for Lebanon, Pennsylvania, and of Catonsville Broadcasting Company (Catonsville) for Catonsville, Maryland. The application of Edwin R. Fischer (Fischer) for Newport News, Virginia, is mutually exclusive with the application for Smithfield, Virginia, filed by The Tidewater Broadcasting Company (Tidewater) and by East Virginia Broadcasting Company (East Virginia), respectively. All named applications were consolidated for hearing with certain other applications by

Order released on October 28, 1959 (FCC 59-1079). The proposals of each of the named applicants are also mutually exclusive, or have mutual interference problems, with several other proposals in the above-captioned proceeding. Caba requests enlargement of the issues to include a multiple ownership issue as to Rossmoyne and Catonsville, a standard comparative issue between Caba and Catonsville, and a financial issue as to Catonsville. Fischer requests a standard comparative issue between Fischer, East Virginia, and Tidewater.

MULTIPLE OWNERSHIP ISSUE

3. In its petition, Caba requests that the issues be enlarged by the addition of the following issue as to Rossmoyne:

To determine whether a grant of the application of Rossmoyne Corporation for Lebanon, Pennsylvania, would be consistent with the provisions of § 3.35[1] of the Commission's rules in view of the ownership by Rossmoyne of Station WCMB in Harrisburg, Pennsylvania, and the overlap of the primary service areas of the two stations which would result from a grant of the application.

In support of its request, Caba states that 9 percent of the population of 240,955 within the 2.0 mv/m contour of Rossmoyne's Station WCMB, and 39 percent of the population of 394,104 within the 0.5 mv/m contour of WCMB, would be affected by the overlap of the proposed Lebanon service area. As to Lebanon, it shows that 12 percent of the population of 179,603 in its 2.0 mv/m contour, and 35 percent of the population of 427,906 in its 0.5 mv/m contour, would be affected by the overlap of the WCMB primary service area.

4. Both Rossmoyne and the Broadcast Bureau oppose the addition of the requested issue because neither the proposal nor the existing station would furnish a 2 mv/m service to the principal community of the other and because the overlap of the 2 mv/m contours is small. Rossmoyne points out that the two communities are some 20 miles apart, in separate counties and separate metropolitan areas; that each community has separate marketing areas and distinct interests; that both the communities and the overlap area have available service from a multiplicity of mass communication media—radio, television and newspaper; that these facts were before the Commission at the time of its order of designation herein, and that no new or additional facts have been presented in Caba's petition.

5. We have held on numerous occasions that a problem under § 3.35 of our rules is not presented where, as here, the proposed operation and existing station would not provide primary service to the principal city of the other, where the cities involved are separate and distinct communities, and where the overlap area is served by other media. Knorr Broadcasting Corp., 14 RR 925 (1958), Booth Broadcasting Co., 18 RR 934 (1959). Accordingly, Caba's request for an overlap issue as to Rossmoyne will be denied.

STANDARD COMPARATIVE ISSUE BETWEEN CABA AND CATONSVILLE

6. Caba also requests that the issues be enlarged by adding a standard comparative issue between Caba and Catonsville. Caba submits that Catonsville adjoins Baltimore; that Catonsville's population in 1950 was about 18,000 whereas Baltimore's population in that year was 950,000; that it will serve almost all of the area to be served by Catonsville; that the two proposed transmitter sites are only 8 miles apart; that each would provide a 2 mv/m or better signal over the other's community, and that in view of these circumstances a choice between the two communities may not be possible on 307(b) grounds alone, in which case a comparative evaluation would be required. To meet the contingency mentioned by Caba, Catonsville in its opposition expresses a belief that a comparative issue, contingent on the event that it is concluded that section 307(b) considerations are not applicable or controlling, should be added. The Broadcast Bureau opposes Caba's request because of the existence of other 307(b) as well as various interference problems among the numerous applicants consolidated in this multi-party proceeding, which must be resolved before comparative consideration could be given to the Caba and Catonsville applications. It also argues that the question whether Catonsville may be considered a separate community is admissible under the present issues.

7. The facts alleged in Caba's request and the Bureau's opposition are similar to those considered in our Memorandum Opinion and Order in Michigan Broadcasting Company (WBCK), released May 31, 1960 (FCC 60-599). For the reasons therein stated, issues like those adopted in that Memorandum will be added in the instant proceeding.[2]

MULTIPLE OWNERSHIP ISSUE AS TO CATONSVILLE

8. Caba also requests the addition of the following multiple ownership issue as to Catonsville:

To determine whether a grant of the application of Catonsville Broadcasting Company would be consistent with the provisions of § 3.35 of the rules relating to the multiple ownership of standard broadcast stations.

In support thereof, it states that Mary Cobb and her son, Richard S. Cobb (hereinafter referred to as "the Cobbs"), are each 25 percent partners in Catonsville, and that they also hold significant partnership interests in five other broadcasting companies which are either permittees or applicants for permits; that three of those stations are located from 30 to 140 miles from Catonsville; and that under the circumstances a question of undue concentration of control is raised. Catonsville and the Broadcast Bureau oppose the requested issue because of lack of showing of any overlap of the primary service contours of the several stations and proposals in which the Cobbs have interests. It is the Commission's view that the bare allegation that the applicant has other broadcast interests, without a showing as to any overlap of primary service area, present or proposed, does not warrant the addition of the requested multiple ownership issue, and this request, therefore, will be denied. See Knorr Broadcasting Corp., supra.

FINANCIAL QUALIFICATION ISSUE AS TO CATONSVILLE

9. Caba also requests an additional issue to determine whether Catonsville is financially qualified to construct and operate its proposed station because of the Cobbs' failure to show their ability to meet their financial commitments, particularly in view of their other broadcast commitments. It argues that the balance sheet accompanying the Catonsville application shows the total of current assets belonging to the Cobbs amount to about $7,300 and that they have assumed financial commitments amounting to over $7,500 in connection with various applications for radio stations, in addition to Catonsville. In opposition, Catonsville contends that there are more than sufficient funds available to cover the construction costs; that the wife of Richard S. Cobb, Catonsville's consulting engineer, agreed to forego indefinitely the payments for such services; that Farley W. Warner, one of Catonsville's four partners, has been functioning as its general counsel on an unsalaried basis; that special counsel to prosecute its application before the Commission were not retained until after receipt of the Commission's McFarland letter; and that, consequently, the actual pre-designation cash requirements for Catonsville have been less than $1,000. Catonsville states that the other applications, in which the Cobbs are interested, have been handled on approximately the same basis during the pre-operational period. The Bureau agrees with Caba's request for the financial issue as to Catonsville, in view of the existence of sufficient doubt in the Cobbs' ability to meet their commitment for 50 percent of the hearing costs in that application, while they have extensive financial obligations with respect to other broadcast undertakings. Although Catonsville alleges certain later modifications to the partnership agreement, the Bureau points out that such changes (an agreement by the Cobbs' partners to underwrite all the expenses of special legal counsel) do not appear in the application.

[1] Section 3.35 provides in pertinent part as follows: "No license for a standard broadcast station shall be granted to any party • • • if (a) Such party • • • owns • • • another broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except upon showing that public interest, convenience, and necessity will be served through such multiple ownership situation. • • •"

[2] The term "service" as used in Issue 15, as herein amended, and in Issue 18 hereinafter adopted, means the service which, under our Rules, an applicant is required to provide to the community which it has designated in its application as the community it proposes to serve. Thus, if community A is the favored community under section 307(b), an applicant for community B will be considered comparatively with applicant for community A only if it meets all of the requirements of our Rules which applicants for community A are required to meet.

10. The Commission has considered the allegations and arguments advanced by the parties and concludes that Catonsville's financial commitments and arrangements, not part of its original proposal, warrant the addition of the financial issue. These are matters which could best be documented at the hearing, and made part of the record. Accordingly, Caba's request for an issue as to Catonsville's financial qualifications will be added.

COMPARATIVE ISSUE AS TO NEWPORT NEWS AND SMITHFIELD

11. Fischer, an applicant for a new standard broadcast station at Newport News, Virginia, and a party in the consolidated proceeding, filed comments on that portion of Caba's petition which pertains to the addition of the standard comparative issue between Caba and Catonsville. Fischer's application is mutually exclusive with the application of Tidewater for a new station at Smithfield, Virginia.[3] Fischer believes that in view of the limited population of Smithfield (1950 population 1,180), Tidewater's application was filed solely in an attempt to obtain a section 307(b) advantage and, consequently, this section under the circumstances should not be controlling. Fischer contends that the transmitter site for his Newport News station is located on the Smithfield side of the James River, and will provide a 25 mv/m service to Smithfield. Similarly, the Smithfield applicant will provide primary service to Newport News and other parts of the Norfolk area. It requests, therefore, that if a comparative issue will be added as to Catonsville and Baltimore, such an issue also be added with respect to the Smithfield and Newport News applications, in the event it is determined that a choice among them cannot be based upon section 307(b) considerations or that this section is inapplicable under the circumstances. Tidewater and the Broadcast Bureau oppose Fischer's request as an untimely filed petition to enlarge the issues (filed on December 7, 1959, while the last day for filing petitions to enlarge issues was November 18, 1959). Tidewater also states that the grounds in Caba's petition with respect to Baltimore and Catonsville are entirely unrelated to the situation existing with regard to Newport News and Smithfield; that Caba's basic allegation is that Catonsville adjoins Baltimore and is a suburb of it, whereas Smithfield and Newport News are distant communities; that Fischer's reliance upon the fact that his transmitter site is located on the Smithfield side of the James River, is not well founded, because the proposed location of his main studios is in Newport News, whereas the Smithfield applicants propose main studios in Smithfield; and that Fischer's allegation that the Smithfield applicants designated that community "solely in an attempt to obtain a section 307(b) advantage" is unsupported by any convincing factual showing.

12. It appears from their respective applications that Fischer and Tidewater would provide a 25 mv/m signal to the other's community. We have held that a determination under the 307(b) issue will not be dispositive of the question of which application is to be granted if the community selected as having the greater need would receive service not only from the applicant for that community, but also from applicants for communities which were not preferred under the 307(b) issue. Under such circumstances, the decision in FCC v. Allentown Broadcasting Corp., 349 U.S. 358 (1955), requires a comparative consideration of the qualifications of the applicants which would provide service[4] to the favored community. In view of the fact that each of these applicants might provide such service to the community of the other, an issue to determine this question, together with a contingent standard comparative issue, will be added. Although Fischer's petition was untimely filed, the Commission, in view of the requirements of Allentown, is adding these issues on its own motion.

Accordingly, it is ordered, This 25th day of May 1960, That the petition to enlarge issues, filed by Caba Broadcasting Corporation, on November 18, 1959, is granted to the extent noted above, and in all other respects is denied; that Issues 13 and 15 in this proceeding are amended to read as follows:

13. To determine in the light of their location and urban and industrial characteristics, and other relevant factors, whether Delphos, Ohio, and Lima, Ohio, and whether Baltimore, Maryland, and Catonsville, Maryland, are separate communities for the purpose of section 307(b) of the Communications Act of 1934, as amended.

15. To determine (a) if Delphos and Lima are separate communities, whether Citizens Broadcasting Company and Western Ohio Broadcasting Company will provide service to the community selected as having the greater need for a new facility; and (b) if Baltimore and Catonsville are separate communities, whether Caba Broadcasting Corporation and Catonsville Broadcasting Company will provide service to the community selected as having the greater need for a new facility.

It is further ordered, That the request for enlargement of issues, filed on December 7, 1959, by Edwin R. Fischer in his comments on Caba Broadcasting Corporation's petition to enlarge issues, is denied;

It is further ordered, By the Commission on its own motion, That the order, released on October 28, 1959 (FCC 59-1079), is amended by renumbering Issue 18 as Issue 22; and the issues are enlarged, by adding new Issues 18, 19, 20, and 21. Issues 18 to 21 shall accordingly read as follows:

18. To determine if (a) Baltimore and Catonsville are determined not to be separate communities, or (b) if they are separate communities and if it is determined that Caba Broadcasting Corporation and Catonsville Broadcasting Company would provide service to the community determined to have the greater need for a new facility, which of the proposals of Caba Broadcasting Corporation and Catonsville Broadcasting Company would better serve the public interest in the light of evidence adduced pursuant to the foregoing issues and the record made with respect to significant differences between the applicants as to:

(1) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(2) The proposal of each of the applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of said applications.

19. To determine whether Catonsville Broadcasting Company is financially qualified to construct and operate its proposed station for a reasonable period of time without operating revenue.

20. To determine, in the event Newport News, Virginia, or Smithfield, Virginia, is preferred under Issue 14, whether Edwin R. Fischer and Tidewater Broadcasting Company will provide service to the community selected as having the greater need for a new facility.

21. To determine, if Edwin R. Fischer and Tidewater Broadcasting Company would provide service to the community determined to have the greater need for a new facility, which of the proposals of these two applicants would better serve the public interest in the light of evidence adduced pursuant to the foregoing issues and the record made with respect to significant differences between the applicants as to:

(1) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(2) The proposal of each of the applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the said applications.

22. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

Released: May 31, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5147; Filed, June 6, 1960; 8:49 a.m.]

[3] The application of East Virginia, with which Fischer's application was also mutually exclusive, was dismissed by Order released March 15, 1960 (FCC 60M-483).

[4] For a definition of "service", as here used and as it appears in Issues 20 and 21 hereinafter adopted, see footnote 2, supra.

[Docket No. 12870; FCC 60M-938]

NORTHEAST RADIO, INC. (WCAP)

Order Scheduling Prehearing Conference

In re application of Northeast Radio, Inc. (WCAP), Lowell, Massachusetts, Docket No. 12870, File No. BP-12014; for construction permit.

The Hearing Examiner having under consideration a motion filed May 16, 1960, on behalf of Northeast Radio, Inc., requesting that a prehearing conference be held at 10:00 a.m., on June 13, 1960; and

It appearing that no opposition to the motion has been filed, and that a grant thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 31st day of May 1960, that the aforesaid motion is granted, and that a prehearing confer-

ence will be held at 10:00 a.m., on June 13, 1960.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5148; Filed, June 6, 1960; 8:49 a.m.]

[Docket No. 13538]

R. O'BRIEN & CO., INC.

Order To Show Cause

In the matter of R. O'Brien & Co., Inc., 34 Fish Pier, South Boston, Massachusetts, Docket No. 13538; order to show cause why there should not be revoked the license for radio station WB-5666 aboard the vessel "Thomas Whalen."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed to the licensee on January 20, 1960, alleging that on January 3, 1960, at approximately 2311 GMT, the subject ship radio station was observed operating in violation of § 8.366(b)(2) of the Commission's rules in that said ship station transmitted on the 2738 kc intership radio-channel frequency without first establishing communication on the 2182 kc calling channel frequency;

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated March 2, 1960, and sent by Certified Mail, Return Receipt Requested (No. 777830), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, B. F. Whalen, on March 7, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 27th day of May 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5149; Filed, June 6, 1960; 8:49 a.m.]

[Docket No. 13394; FCC 60M-939]

OIL TRANSPORT CO., INC.

Memorandum Opinion and Order Continuing Hearing

In the matter of Oil Transport Co., Inc., 2837 Tchoupitoulas Street, New Orleans, Louisiana, Docket No. 13394; order to show cause why there should not be revoked the license for radio station WC-5908 aboard the vessel "Susan Houghland."

1. There is under consideration a motion for changes in dates previously prescribed in this proceeding filed with the Commission by the above-named licensee on May 27, 1960,[2] and a statement in response thereto filed by the Chief of the Commission's Safety and Special Radio Services Bureau, the only other party to the proceeding, on the same date.

2. The motion, after reciting that respondent licensee has been directed to give notice by June 2, 1960 whether it desired to proceed by oral or written presentation or by waiver of hearing in accordance with § 1.62 of the Commission's rules, to mail to the Commission copies of all of its exhibits in rebuttal or extenuation by June 9, and to transmit copies of all such exhibits to the Hearing Examiner by June 12th, requests in the alternative either the indefinite postponement of these dates or the establishment of new dates "no sooner than fourteen days after respondent has been served with answers" to certain specified letters it wrote to the Commission. The respondent urges that in one of its letters to the Commission (dated May 10th) it suggested "the possibility of amicable adjustment of all issues herein" and in another (dated May 13th) it suggested adjustments and deletions in the proposed exhibits it received on May 13, 1960, from the Commission. Since its evidence will depend on the "as yet unexpressed attitude of the Commission," respondent having allegedly received no reply to this correspondence, it is not feasible, respondent asserts, to meet the deadlines previously established.

3. The Bureau's rejoinder is that while the Bureau does not object to granting the motion, since it believes "a bona fide error of understanding on the part of the Respondent has occurred," the Bureau had in fact responded to the letters on May 23d, and that the respondent's letters were "in fact extraneous to the feasibility of timely compliance by respondent with the Hearing Examiner's order of May 3, 1960." The question of "amicable adjustment," the Bureau asserts, has been raised and reiterated by the respondent heretofore and it is obviously impossible to reach such an agreement until the facts concerning the alleged violations, as well as any matters in extenuation, are made known by the respondent itself. On the question of the exhibits to which the respondent refers the Bureau points out, in substance, that there was no request by the examiner or the Bureau that the respondent agree to the admissibility thereof in advance of the hearing.[3]

4. It is by no means as clear to the Hearing Examiner as it appears to be to the Bureau that the present motion is the product of a "bona fide error of understanding" on the respondent's part. Respondent's counsel was clearly informed at the prehearing conference in this proceeding, which was held on May 2, 1960—on which occasion the procedures at issue were agreed upon and thereafter established by the Examiner's May 3d order—that the gravamen of the Show Cause Order is whether the respondent has repeatedly violated § 1.61 of the Commission's rules in failing to respond to notices of violation served upon it by the Commission (t. 2, 3). As a matter of fact, this much is quite plain from the Show Cause Order itself, which was released February 17, 1960. Indeed, the main, if not the only, purpose in scheduling a prehearing conference in this case was to ascertain or investigate whether there are any triable issues of fact in this proceeding in the first place, inasmuch as an admission by the respondent that it had received the notices of violation mentioned in the order to show cause might well reduce the entire case to an exploration of the justifications offered by the respondent for its failure to respond to Commission inquiries; and it was believed that the Bureau might be willing to accept such explanations as the respondent might wish to offer without requiring cross-examination of any witnesses. Under § 1.62(f) of the Commission's rules[4] a procedure is delineated which would allow for this and if that procedure could be followed in this case the Hearing Examiner thought that both the licensee concerned and the government could be spared the unnecessary expense of a formal hearing, whether in the field or in Washington, D.C. However, respondent's counsel stated at the prehearing conference that he could not "say that there are no issues of fact" since he did not know what the engineer at the monitoring station would testify to and, while the respondent admits it received the violation notice, "our man says that according to his recollection, he answered" (T. 4). On the basis of this declared uncertainty on respondent's counsel's part the procedure summarized in the order of the Hearing Examiner released May 3d was worked out. The Bureau for its part appears to have complied fully—and prior to the deadline date of May 16th—by supplying respondent's counsel with copies of all exhibits it would offer into evidence at a formal hearing as part of its direct case. Presumably, at least, the respondent must now be aware of what the testimony of the engineer at the monitoring station would be. To show its bona fides in this matter it follows that the respondent must make timely reply in accordance with the agreements to which its own counsel subscribed at the prehearing conference.

5. In view of the fact, however, that the motion papers and the Bureau's response to the respondent's letters may have crossed in the mails and that the Bureau's response, together with the present statement of the Examiner's views, may serve to clear up any lingering uncertainties on the part of respondent or its counsel, the Hearing Examiner will extend the June 2d date, to enable the respondent to decide whether it wants to proceed by a formal hearing or by the procedure delineated by § 1.62 (f) of the Commission's rules, until June 16, 1960.[5] In addition, the respondent will be required to furnish a copy of its own exhibits to the Bureau by no later than June 23, 1960, and at the same time to provide a copy thereof to the Hearing Examiner. If compliance with the June 23d deadline is not obtained respondent's exhibits will be subject to possible exclusion, on objection, at any formal hearing which may be held. The two dates herein prescribed are the dates on which the prescribed information is to be placed in the mails and the postmark will be considered conclusive if any question of timely compliance should arise.

6. Because of the changes in dates to be ordered hereinafter, the possibility that the parties may yet be able to evolve some sort of stipulation that would eliminate the necessity of holding a formal hearing in this case, and the presently crowded condition of the Hearing Examiner's calendar, the hearing which has been scheduled to commence on June 29, 1960, will be postponed to a date to be determined by a further order. In this connection, the Hearing Examiner reiterates his feeling that counsel for the respondent should now proceed promptly to comply with the new deadlines and that counsel for both parties should immediately thereafter leave no stone unturned to stipulate all unessentials out of this case with the goal in mind that the need for a formal, oral-type hearing may be eliminated.

Accordingly, it is ordered, This 31st day of May 1960, that the motion of the respondent for changes in dates prescribed in the Order of the Hearing Examiner released May 3, 1960, is granted to the extent only that respondent is afforded until June 16, 1960, to mail a letter to the Chief of the Commission's Safety and Special Radio Services Bureau stating whether respondent desires to proceed by formal hearing or by the procedure set forth in § 1.62(f) of the Commission's rules, and until June 23, 1960, to mail copies to the Bureau and to the Hearing Examiner of all exhibits the respondent intends to present either in rebuttal of the charges in the order to show cause or in extenuation or mitigation thereof (irrespective of the method of procedure the respondent finally determines to pursue);

It is further ordered, That in all other respects the respondent's motion is denied;

It is further ordered, On the Hearing Examiner's own motion that the hearing in this proceeding now scheduled to commence on June 29, 1960, at the Commission's offices, Washington, D.C., is postponed to a date to be determined in a further order, after the deadline dates prescribed herein have been met.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5150; Filed, June 6, 1960; 8:50 a.m.]

[Docket Nos. 13528-13534; FCC 60M-948]

WASHINGTON BROADCASTING CO. (WOL) ET AL.

Order Scheduling Hearing

In re applications of Washington Broadcasting Company (WOL), Washington, D.C., Docket No. 13528, File No. BP-12145; Delaware Broadcasting Company (WILM), Wilmington, Delaware, Docket No. 13529, File No. BP-12250; WDAD, Inc. (WDAD), Indiana, Pennsylvania, Docket No. 13530, File No. BP-12455; Centre Broadcasters, Inc., (WMAJ), State College, Pennsylvania, Docket No. 13531, File No. BP-12463; Sky-Park Broadcasting Corporation (WFTR), Front Royal, Virginia, Docket No. 13532, File No. BP-12624; Miners Broadcasting Service, Inc. (WPAM), Pottsville, Pennsylvania, Docket No. 13533, File No. BP-13197; Cumberland Valley Broadcasting Corporation (WTBO), Cumberland, Maryland, Docket No. 13534, File No. BP-13471; for construction permits.

It is ordered, This 1st day of June 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 6, 1960, in Washington, D.C.

Released: June 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5151; Filed, June 6, 1960; 8:50 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[2] The document is dated May 24, 1960, and was sent by ordinary mail on that date, according to the certificate of service, but did not reach the Commission's offices until May 27th.

[3] The Hearing Examiner concurs with the Bureau's version on this. However, the possibility that the parties may yet agree to put in their respective cases entirely in written form, with the right to cross-examination waived, in the event for some reason the respondent does not desire to proceed under § 1.62(f) of the Commission's rules should be explored by the parties concerned. It is believed that a condition precedent to such an arrangement might be the elimination, also by agreement of the parties, of objectionable matter in the respective exhibits or perhaps by the submission of objections in writing. If the parties are able to reach specific and clear-cut agreements on such a procedure including the precise method whereby it could be implemented the Hearing Examiner's approval will be forthcoming.

[4] Section 1.62(f) provides: "Where a hearing is waived, a written statement in mitigation or justification may be submitted within 30 days of the receipt of the order to show cause or within such shorter period of time as may be specified therein. The Hearing Examiner may, if the statement contains, with particularity, factual allegations denying or, in the Hearing Examiner's opinion, justifying the facts upon which the show cause order is based, call upon the submitting party to furnish additional information, and the Hearing Examiner shall request all opposing parties to file an answer to the written statement and/or additional information. The Hearing Examiner will then, unless he orders that further pleadings be filed, close the record and issue, on basis of the procedure delineated in this paragraph, an initial decision."

[5] If the respondent should fail to comply with the direction that it notify the Bureau by June 16th on the matter mentioned in the text this will be construed as a decision by it not to waive a formal hearing in this proceeding. However, the Examiner feels in view of what has transpired to date, that the respondent should make its intentions known in writing either way.

FEDERAL POWER COMMISSION

[Docket No. G–17350 etc.]

PACIFIC GAS TRANSMISSION CO., ET AL.

Notice of Postponement of Oral Argument

JUNE 1, 1960.

Pacific Gas Transmission Company, Docket Nos. G–17350, G–17351 and G–17352; El Paso Natural Gas Company, Docket Nos. G–17902 and G–18033; The Montana Power Company, Docket Nos. G–17370 and G–17371.

Take notice that the oral argument in the above-designated matters now scheduled for June 21, 1960, is hereby postponed to July 6, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5124; Filed, June 6, 1960; 8:46 a.m.]

[Docket No. G–19086 etc.]

PEOPLES GULF COAST NATURAL GAS PIPELINE CO., ET AL.

Order Waiving Intermediate Decision Procedure and Fixing Date of Oral Argument

JUNE 1, 1960.

Peoples Gulf Coast Natural Gas Pipeline Company and Natural Gas Pipeline Company of America, Docket No. G–19086; Hassie Hunt Trust, Operator, et al., Docket No. G–19115; H. L. Hunt, Operator, et al., Docket No. G–19116; Hunt Oil Company, Docket No. G–19117; William Herbert Hunt Trust Estate, Operator, Docket No. G–19118; Lamar Hunt Trust Estate, Docket No. G–19119; George W. Graham, Inc., Operator, et al., Docket No. G–19123; Placid Oil Company, Operator, et al., Docket Nos. G–19124, G–19125; Natural Gas Pipeline Company of America, Docket No. G–20202; Iowa Southern Utilities Company, Docket No. G–20313; Missouri Utilities Company, Docket No. G–20335; City of Corning, Iowa, Docket No. G–20591; Iowa-Illinois Gas and Electric Company, Docket No. G–20593; Lateral Gas Pipeline Company, Docket No. GP60–42; Iowa Electric Light and Power Company, Docket No. CP60–43; Iowa Power and Light Company, Docket No. CP60–48.

On May 20, 1960, at the conclusion of the hearing in the above-captioned proceedings, counsel for Peoples Gulf Coast Natural Gas Pipeline Company (Peoples Gulf Coast) and Natural Gas Pipeline Company of America (Natural) moved on the record that the intermediate decision procedure be waived.

By the proposals set forth in their applications both Peoples Gulf Coast and Natural plan to construct substantial pipeline facilities and lay considerable pipe in order to expand the capacities of their respective pipelines.

In support of the motion for waiver, Applicants counsel stated that in order to have the proposed facilities in operation by November 1, 1960, for the next winter heating season, it would be necessary to commence construction no later than July 1, 1960, and to commit for critical materials prior to that time. Counsel further indicated that its gas purchase contracts, involved in these proceedings, are subject to cancellation if a certificate has not issued to and been accepted by Peoples Gulf Coast on July 1, 1960. The producer applicants in these proceedings supported the motion stating that they were suffering severe drainage which makes it necessary for them to immediately begin the sale of gas.

The motion was unopposed by any party to the proceedings. The City of Chicago, Fuels Research Council, Inc., et al., and Staff counsel took no position with respect to the motion.

As we have indicated many times in the past, it is our intention to expedite the handling and disposition of certificate applications in which the expansion of service to areas in need of natural gas is sought. We further recognize the hardship which may be suffered by the independent producers who must await Commission action prior to the delivery of their product into interstate commerce. The Commission considers that good cause has been shown for waiving the intermediate decision procedure and for allowing oral argument before the Commission.

The Commission finds:

(1) The due and timely execution of the Commission's functions imperatively and unavoidably requires the omission of the intermediate decision procedure.

(2) Good cause has been shown for waiving the intermediate decision procedure and for allowing oral argument before the Commission at the time hereinafter fixed.

The Commission orders:

(A) The intermediate decision procedure in the above-entitled proceedings is hereby waived.

(B) The time fixed by the presiding examiner for the filing of briefs is hereby adopted.

(C) Oral argument shall be held before the Commission on July 8, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C. All parties intending to participate in the oral argument shall notify the Secretary of the Commission in writing on or before June 17, 1960, of such intention and of the length of time requested for presentation of their arguments. Parties having common interests should present their arguments by one representative.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5125; Filed, June 6, 1960; 8:46 a.m.]

TARIFF COMMISSION

[337–D–21]

CERTAIN WOVEN MATS

Notice of Dismissal of Complaint

After preliminary inquiry in accordance with § 203.3 of its rules of practice and procedure (19 CFR 203.3) the United States Tariff Commission, on May 23, 1960, dismissed the complaint filed under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) by the Chicago Weaving Corporation of Chicago, Illinois. That complaint alleged unfair methods of competition and unfair acts in the importation and sale in the United States of certain woven mats. (Notice that the complaint had been received and that a preliminary inquiry had been instituted was published in 24 F.R. 10723.)

The preliminary inquiry did not disclose to the Commission a prima facie case of substantial injury to a domestic industry resulting from the importations or sales in question. A substantial decline in sales, by domestic producers, of woven mats of the kind or class to which complainant's patent relates, began before there were any imports of such mats, and their sales of such mats in 1959 were less than in 1958 by a quantity equal to approximately three times the quantity of imports in 1959. Two firms that imported and sold woven mats allegedly made in accordance with the invention disclosed in the patent were named in the complaint, and one additional firm that imported and sold mats of the class or kind to which the patent relates was discovered during the preliminary inquiry. Importations and sales of the mats by these firms were in limited quantities, and the three firms have advised the Commission that they have no intention of engaging hereafter in importations and sales of the allegedly offending mats.

By order of the Commission.

Issued June 2, 1960.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60–5129; Filed, June 6, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2639]

AUTO LUBE, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 1, 1960.

I. Auto Lube, Inc. (issuer), a Nevada corporation, 8 East Charleston Boulevard, Las Vegas, Nevada, filed with the Commission on August 13, 1959 a notification on Form 1–A and an offering

circular relating to an offering of 250,000 shares of its $1 par value common stock at $1 per share for an aggregate of $250,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the issuer has violated Rule 261(a)(7) of Regulation A in that the issuer has failed to cooperate with the Commission in connection with its proposed offering to be made hereunder.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5115; Filed, June 6, 1960; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749–1749c), is hereby authorized within such Region:

1. To execute loan agreements involving loans for student and/or faculty housing and/or dining facilities, and to amend or modify any such loan agreement;

2. To execute any loan agreement under the program in the amount approved by the Community Facilities Commissioner, and to amend or modify any such loan agreement.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960, as corrected 25 F.R. 3198, April 13, 1960))

Effective as of the 7th day of June 1960.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 60–5119; Filed, June 6, 1960; 8:46 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region:

1. To enter into contracts with public agencies involving loans for essential public works or facilities in amounts not exceeding $250,000, and to amend or modify any such contract provided that such amendment or modification does not increase the Federal loan beyond $275,000;

2. To enter into contracts with public agencies for loans for such public works or facilities in amounts approved by the Community Facilities Commissioner, and to amend or modify any such contract provided that such amendment or modification does not increase the amount of the Federal loan approved by the Commissioner by more than $25,000 or 10 percent, whichever is the lesser.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960)

Effective as of the 7th day of June 1960.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 60–5120; Filed, June 6, 1960; 8:46 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers to public agencies for planning projects involving advances in amounts not exceeding $30,000 per project, and to amend or modify contracts resulting from the acceptance of such offers provided that such amendments or modifications do not increase the Federal advances for any project beyond $30,000;

2. To execute offers to public agencies in amounts approved by the Community Facilities Commissioner for planning projects involving advances in excess of $30,000, and to amend or modify contracts resulting from the acceptance of such offers, except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Federal advance shall not be executed without the prior approval of the Community Facilities Commissioner;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs 1 or 2 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraphs 1 or 2 above.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960))

Effective as of the 7th day of June 1960.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 60–5121; Filed, June 6, 1960; 8:46 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The Regional Director of Urban Renewal, Region IV (Chicago), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F.R. 428, Jan. 19, 1955), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U.S.C. 1450–1460), and under section 312 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1450 note), with respect to the demonstration grant program authorized under section 314 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1452a), and with respect to the urban planning grant program authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40

U.S.C. 461), except those authorities which under paragraph 5 of such delegation may not be redelegated.

This redelegation supersedes the redelegations effective December 19, 1959 (24 F.R. 10315, December 19, 1959) and October 27, 1955 (20 F.R. 8678, November 24, 1955).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 7th day of June 1960.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 60-5122; Filed, June 6, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 2, 1960..

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36288: *Cinders—Strawn, Tex., to Memphis, Tenn., and Vicksburg, Miss.* Filed by Southwestern Freight Bureau, Agent (No. B-7815), for interested rail carriers. Rates on coal cinders, in carloads, from Strawn, Tex., to Memphis, Tenn., and Vicksburg, Miss.

Grounds for relief: Market competition.

Tariff: Supplement 60 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 36289: *Asphalt, returned, from points in Central Territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2544), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product, or petroleum, other than paint, stain or varnish, in tank-car loads, from points in New York, Ohio, Pennsylvania and West Virginia, to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia.

Grounds for relief: Carrier competition.

Tariff: Supplement 12 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4780.

FSA No. 36290: *Substituted service—Wabash for Great American Transport, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 244), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and Chicago, Ill., Detroit, Mich., and Buffalo, N.Y., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 132 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36291: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 23), for itself and interested motor carriers. Rates on various commodities moving on less-than-truckload class rates loaded in trailers and transported over water, joint motor-water, water-motor and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, on the one hand, and points in Florida, on the other.

Grounds for relief: Freight forwarder competition.

Tariff: Sea-Land Service, Inc., tariff I.C.C. 2.

FSA No. 36292: *Substituted service—CRI&P for Spector Freight System, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 242), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., and Wichita, Kans., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 132 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36293: *Substituted service—C&NW for Bos Lines, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 245), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Des Moines, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 133 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5123; Filed, June 6, 1960; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Part 960 to End $2.50
Title 14, Parts 1-39 ..... $0.65
Title 15 ..... $1.25

Previously announced: Title 3 ($0.60); Titles 4-5 ($1.00); Title 7, Parts 1-50 ($0.45); Parts 51-52 ($0.45); Parts 53-209 ($0.40); Parts 210-399, Revised ($4.00); Parts 900-959 ($1.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10-13 ($0.50); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22-23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1-79 ($0.40); Parts 80-169 ($0.35); Parts 170-182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01-1.499) ($1.75); Parts 1 (§ 1.500 to End)-19 ($2.25); Parts 20-169 ($1.75); Parts 170-221 ($2.25); Part 300 to End ($1.25); Titles 28-29 ($1.75); Titles 30-31 ($0.50); Title 32, Parts 1-399 ($2.00); Parts 400-699 ($2.00); Parts 700-799 ($1.00); Parts 800-999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1-145 ($1.00); Parts 146-149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1-29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1-70 ($1.75); Parts 71-90 ($1.00); Parts 91-164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Pages 5013–5072

PART II

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 25 NUMBER 110

Washington, Tuesday, June 7, 1960

Uniform System of Accounts for Public Utilities and Licensees

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER C—ACCOUNTS, FEDERAL POWER ACT

[Order No. 218; Docket No. R-173]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

This Commission has under consideration in this proceeding the revision of its Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Part 101, Chapter I, Title 18, Code of Federal Regulations (CFR). That System of Accounts, as revised, is prescribed hereinafter to become effective January 1, 1961.

Part 101, §§ 101.02-1—101.905, corresponds to, and appears at pp. 4-145 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, effective January 1, 1937, revised to September 1, 1957,[1] as amended by Order No. 204 issued May 29, 1958 (23 F.R. 4160, June 12, 1958).[2] The System of Accounts, as revised and prescribed hereinafter, follows the numbering system (accounts, instructions, definitions, etc.) used in the Commission's pamphlet edition, referred to above.

Important developments in the electric power industry since the adoption of the Uniform System of Accounts effective January 1, 1937, and the Commission's experience over the intervening 23 years, indicated the need for a revision of the System of Accounts. Accordingly, this proceeding was commenced by Notice of Proposed Rulemaking served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on May 14, 1959 (24 F.R. 3905). Copies of a proposed revised System of Accounts were served and published as a part of that general notice.

Generally speaking, the revisions of the Commission's System of Accounts, as then proposed, are prescribed hereinafter as a part of the Commission's System of Accounts to become effective January 1, 1961. Additional revisions and modifications of those previously proposed, are detailed hereinafter.

Overall, the more significant changes and improvements to be found in the revised System of Accounts prescribed herein are as follows:

(a) Redefinition of size classifications of electric utilities to permit more simplified accounting requirements for smaller utilities;

(b) Inclusion of accounts for nuclear power plant operations;

(c) Improvement and clarification of account texts and instructions, lessening of special filing requirements for certain subject matters, provision of certain needed new instructions, simplification of account numbering;

(d) Rearrangement of balance sheet and certain other accounts to make them more informative;

(e) Reduction in the number of expense account classifications, mainly, but not entirely, by the discontinuance of segregations of functional accounts as to labor and other expenses;

(f) Expansion of items lists of account texts and clearer description of such items according to their functional nature, to facilitate use and consistency of respective account classifications;

(g) Restatements of the accounting aspects of certain accounting interpretations issued in the past.

None of these changes affect, adversely, the basic principles, generally, of the Commission's existing System of Accounts. They remain undisturbed.

In recommending the form of revised System of Accounts accompanying the Notice of Proposed Rulemaking in this proceeding, the staff of this Commission correlated its activities with the activities of the National Association of Railroad and Utility Commissioners (NARUC) which has recently prepared a revised form of the NARUC's Uniform System of Accounts for Class A and Class B Electric Utilities. This was done to promote continued consistency and uniformity of approach to the common problems with which the two accounting systems are concerned; and to assure a minimum amount of deviation where the two accounting systems do differ. The staff's activities in this regard were undertaken mainly with the Committee on Statistics and Accounts of the NARUC.

Subsequent to the general public notice of rulemaking in this proceeding on May 14, 1959,[3] comments and suggestions were filed by the following classes of respondents:

State Public Service Commissions (Missouri, New York)	2
State Auditor (Washington)	1
Municipality (Colorado Springs)	1
Electric Utilities	29
Utility Service Companies	2
Public Accounting Firms	4
Accounting Professional Societies	2
Legal Firms	2
Total	43

These comments, criticisms, and suggestions covered a wide spectrum. Some respondents objected to any general revision of the effective System of Accounts as unnecessary, expensive, and time consuming. Also, issue was taken with some definitions of basic terms. Other respondents urged basic changes in the accounting requirements for income taxes and other matters contrary to settled Commission policy and decisions. Objections were made to the specificity of the records requirements for depreciation and certain other accounts. Some respondents further suggested that this Commission completely abandon its cost accounting policies in favor of a fair value concept of depreciation.

In reviewing all of the responses, the staff of this Commission again correlated its activities with those of the NARUC Committee on Statistics and Accounts at a conference held December 8, 9, and 10, 1959. Thereafter, the staff presented its recommendations in this matter to the Commission. The staff recommends Commission adoption of the revised System of Accounts as proposed in the Notice of Proposed Rulemaking initiating this proceeding with the following further revisions or modifications (page citations are to Volume 24 of the FEDERAL REGISTER, issue of May 14, 1959):

Page 3907: *Definition 28, "Retirement Units":* Change word "utility" in the next to last line of text to "electric".

Pages 3907-08: *General Instruction 3, Numbering System:* Delete present paragraph C. Substitute the following revision:

C. The numbers prefixed to account titles are to be considered as parts of the titles. Each utility, however, may adopt for its own purposes a different system of account numbers (see also General Instruction 2D) provided that the numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and in the various sources of original entry; however, if a utility uses a different group of account numbers and it is not practicable to show the prescribed account numbers in the various sources of original entry, such reference to the prescribed account numbers may be omitted from the various sources of original entry. Moreover, each utility using different account numbers for its own purposes shall keep readily available a list of such account numbers which it uses and a reconciliation of such account numbers with the account numbers provided herein. It is intended that the utility's records shall be so kept as to permit ready analysis by prescribed accounts (by direct reference to sources of original entry to the extent practicable) and to permit preparation of financial and operating statements directly from such records at the end of each accounting period according to the prescribed accounts.

Pages 3908-09: *Electric Plant Instruction 1. Classification of Electric Plant at Effective Date of System of Accounts:* In paragraph C, third sentence, add word "If" after phrase "contributions in aid of construction". Sentence will then read "• • • provisions for depreciation and amortization and contributions in aid of construction if recorded by the accounting utility • • •."

Page 3910: *Electric Plant Instruction 5. Electric Plant Purchased or Sold:* Delete present paragraph B(4). Substitute the following revision:

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Electric Plant Purchased or Sold, and concurrently credited to account 271, Contributions in Aid of Construction, unless otherwise authorized by the Commission.

Page 3911: *Electric Plant Instruction 7. Land and Land Rights:* Change item 3 of Paragraph I to read:

3. Clearing (first cost) the land of brush, trees, and debris, except in the case of account 332, Reservoirs, Dams and Waterways, and Account 351 (Transmission Plant), Clearing Land and Rights of Way.

Page 3912: *Electric Plant Instruction 9, Equipment:* Paragraph B, fourth line change "($50 or less)" to read "(for example, $50 or less)".

Page 3913: *Electric Plant Instruction 11, Work Order and Property Record System Required:* Change paragraph C to read:

C. Each utility shall maintain records in which, for each plant account, the amount of the annual additions and retirements, subsequent to the effective date of this system of accounts, are classified so as to show the number and cost of the various record units or retirement units.

Page 3914: *Operating Expense Instruction 3. Rents:* Delete note following paragraph D.

Page 3915: *Balance Sheet Accounts:* Change title of *Account 151* to *"Fuel Stock."*

Change title of *Account 152* to *"Fuel Stock Expenses Undistributed."*

Change title of *Account 163* to *"Stores Expense Undistributed."*

Change title of reference *11* to *"Accumulated Deferred Income Taxes."*

Change title of *Account 281* to *"Accumulated Deferred Income Taxes—Accelerated Amortization."*

Change title of *Account 282* to *"Accumulated Deferred Income Taxes—Liberalized Depreciation."*

Change title of *Account 283* to *"Accumulated Deferred Income Taxes—Other."*

Page 3917: *Account 124, Other Investments:* Change reference sentence at end of paragraph B to read: "(See also account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, and account 217, Reacquired Capital Stock)".

Page 3918: *Account 142, Customer Accounts Receivable:* Change paragraph B to read: "This account shall be maintained so as to permit ready segregation of the amounts due for merchandising, jobbing, and contract work."

Page 3918: *Account 151, Fuel:* Change title of *Account 151* to *"Fuel Stock."*

Page 3918: *Account 152, Fuel Stock Expenses:* Change title of *Account 152* to *"Fuel Stock Expenses Undistributed."*

Pages 3918-19: *Account 154, Plant Materials and Operating Supplies:* Change first sentence of paragraph A to read: "A. This account shall include the cost of materials purchased primarily for use in the utility business for construction, operation and maintenance purposes."

Page 3919: *Account 154, Plant Materials and Operating Supplies:* Change title reference in last line of note to: "account 163, Stores Expense Undistributed."

Page 3919: *Account 163, Stores Expense:* Change title of *Account 163* to: *"Stores Expense Undistributed."* Change reference to Account 152 in last line of paragraph B to account 152 "Fuel Stock Expenses Undistributed."

Page 3920: *Account 181, Unamortized Debt Discount and Expense:* In paragraph E, twelfth line, place a period after the word "redemption" and delete the following: "after reducing the aggregate of such amounts by an amount equal to the saving in income taxes from the refunding transactions, as to which a special charge of similar amount shall be entered in account 428, Amortization of Debt Discount and Expense."

Page 3921: *Account 213, Discount on Capital Stock;* Page 3922: *Account 214, Capital Stock Expense:* In paragraph B, line 10, of the above accounts, place a period after "account 210" and delete the following: ", and provided, further, that in no event shall debits in excess of accumulated credits from the retirement of stock be charged to account 210."

Page 3922: *Account 217, Reacquired Capital Stock:* In paragraph B, line 15, of the above account, place a period after "210" and delete the following: ", and provided, further, that in no event shall debits in excess of accumulated credits from the retirement of stock be charged to account 210."

Page 3924: *11. Accumulated Deferred Taxes on Income:* Change title to "Accumulated Deferred Income Taxes" and delete the first paragraph. Per Commission Order No. 216, issued October 22, 1959, substitute the following revision:

Public utilities and licensees shall use the accounts provided below for prior accumulations of deferred taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the state public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a state public service commission having accounting jurisdiction, the public utility or licensee shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Account 283 is provided for use of those public utilities and licensees which have obtained permission of the Commission for specific types of deferrals on taxes on income other than with respect to accelerated amortization or liberalized depreciation.

Page 3924: *Account 281, Accumulated Deferred Taxes on Income—Accelerated Amortization:* Change title of *Account 281* to *"Accumulated Deferred Income Taxes—Accelerated Amortization"* and change first sentence of paragraph A to read: "A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be • • •."

Change first sentence of paragraph B to read: "B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be • • •."

Change fourth and third lines from end of paragraph E to read: "account 411, Income Taxes Deferred in Prior Years—Credit, • • •."

Page 3924: *Account 282, Accumulated Deferred Taxes on Income—Liberalized Depreciation:* Change title of *Account 282* to *"Accumulated Deferred Income Taxes—Liberalized Depreciation"* and change first sentence of paragraph A to read: "A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be • • •."

Change first sentence of paragraph B to read: "B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be • • •."

Change fourth and third lines from end of paragraph E to read: "count 411, Income Taxes Deferred in Prior Years—Credit, • • •."

Page 3925: *Account 283, Accumulated Deferred Taxes on Income—Other:* Change title of *Account 283* to *"Accumulated Deferred Income Taxes—Other"* and change fourth and fifth lines of paragraph A to read: "• • • and account 410, Provision for Deferred Income Taxes • • •".

Change third and fourth lines of paragraph B to read: "debited and account 411, Income Taxes Deferred in Prior Years—Credit,".

Change fourth and third lines from end of paragraph D to read: "Income Taxes Deferred in Prior Years—Credit, • • •."

Page 3930: *Account 344, Generators:* At end of list of items add the following note: "Note: If prime movers and generators are so integrated that it is not practical to classify them separately, the entire unit may be included in account 344 Generators."

Page 3932: *Account 368, Line Transformers:* Add the following to list of items:

5. Capacitors.
6. Network Protectors.

Page 3934: *Income Accounts:* Change title of *Account 410* to *"Provision for Deferred Income Taxes"*; Change title of *Account 411* to *"Income Taxes Deferred in Prior Years—Credit."*

Page 3935: *Account 410, Provision for Deferred Taxes on Income:* Change title of *Account 410* to *"Provision for Deferred Income Taxes."*

Change reference to Account 411 in third to last line of text of account to read "account 411, Income Taxes Deferred in Prior Years—Credit."

Page 3935: *Account 411, Taxes on Income Deferred in Prior Years—Credit:* Change title of *Account 411* to *"Income Taxes Deferred in Prior Years—Credit."*

Change reference to Account 410 in last line of text of account to read: "Provision for Deferred Income Taxes".

[1] The Uniform System of Accounts effective January 1, 1937, was prescribed by Commission Order No. 42 dated June 16, 1936 (1 F.R. 691, July 1, 1936); and was contained in the codification and reissuance of the Commission's general rules promulgated by Commission Order No. 141, December 11, 1947, effective January 1, 1948 (12 F.R. 8461).

[2] Also see Order No. 216 issued October 22, 1959 (24 F.R. 8790, October 29, 1959).

[3] All parties were given to and including June 19, 1959, later extended to and including September 30, 1959 (24 F.R. 5001, June 19, 1959), to submit data, views, and comments in writing concerning the aforesaid proposed revisions in the Commission's then effective Uniform System of Accounts.

Page 3936: Following the text of *Account 426 Other Income Deductions* add the following note: "Note: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes."

Page 3936: *Account 434, Miscellaneous Credits to Surplus:* After the first full sentence of Account 434, add the following sentence: "If an amount otherwise required by the Uniform System of Accounts to be credited to this account is not significant with respect to net income determination for the year, it may be credited to the appropriate nonoperating income account. (See also General Instruction 7. Delayed Items.)."

Page 3936: *Account 435, Miscellaneous Debits to Surplus:* After the first full sentence of Account 435, add the following sentence: "If an amount otherwise required by the Uniform System of Accounts to be charged to this account is not significant with respect to income determination for the year, it may be charged to the appropriate nonoperating income deduction account. (See also General Instruction 7. Delayed Items.)."

Page 3937: *Account 442, Commercial and Industrial Sales:* Present note becomes "Note B".

Add the following note as Note A to the text of Account 442:

NOTE A: If the utility classifies large commercial and industrial customers and related revenues on a lesser basis than 1000 kilowatts of demand, or segregates industrial customers and related revenues according to a recognized definition of an industrial customer, such classifications are acceptable in lieu of those otherwise required by the text of this account on the basis of 1000 kilowatts of demand.

Page 3938: *Operation and Maintenance Expense Accounts:* Delete "and improvements" from title of Account 529.

Page 3939: *Account 501, Fuel:* Second line of paragraph B, change reference to Account 151, Fuel to "account 151, Fuel Stock."

Sixth and seventh lines of paragraph B, change reference to Account 152, to "account 152, Fuel Stock Expenses Undistributed."

At the end of paragraph B, add the following sentence: "Respective amounts of fuel stock and fuel stock expenses shall be readily available."

Page 3941: *Account 529, Maintenance of Structures and Improvements:* Delete "and Improvements" from title of account.

Page 3942: *Account 547, Fuel:* Change the reference to Account 151, Fuel, in the second line of the text of Account 547 to "account 151, Fuel Stock."

Page 3945: *Account 588, Miscellaneous Distribution Expenses:* Change the reference to Account 163 in last line of item 8 to "account 163, Stores Expense Undistributed."

Page 3947: *Account 913, Advertising Expenses:* Change the last three lines of Note B to read: "and accounts 416 or 915, as appropriate, on the basis of space, time, or other proportional factors."

Page 3948: *Account 924, Property Insurance:* In Note B(1), change reference to Account 163 to: "account 163, Stores Expense Undistributed."

The Commission recognizes that some burden and expense will have to be borne by the accounting and reporting parties affected in connection with the transition from the present to the revised System of Accounts. However, the Commission is of the opinion that the physical burden and monetary cost of the changeover is of minor importance when viewed in relation to the immediate and future benefits to be derived from the revised System of Accounts, as prescribed herein.

For the convenience of all parties concerned, Appendix A set forth below correlates the account titles of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, effective January 1, 1937, with the revised System of Accounts prescribed herein effective January 1, 1961. Being a schematic presentation only, and of a very general nature, nothing contained therein shall be construed as in any way modifying the general or specific account titles, texts, and instructions of either of the Systems of Accounts.

Also, it should be noted that for the period of time required for the preparation and publication of the revised System of Accounts prescribed herein in pamphlet form, the revised System of Accounts (18 CFR 101.02-1—101.905) will be available in the printed form set forth below as Appendix B.

The Commission finds:

(1) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Federal Power Act that the proposed revised System of Accounts as set forth in the Notice of Proposed Rulemaking (24 F.R. 3906–3949) and as modified by the changes set forth above, be adopted and promulgated as this Commission's revised Uniform System of Accounts Prescribed for Public Utilities and Licensees subject to the provisions of the Federal Power Act, effective January 1, 1961, all in the manner as hereinafter provided.

(2) Good cause exists for the adoption of the revised System of Accounts set forth herein to be effective as of January 1, 1961.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly sections 301(a), 304, and 309 (16 U.S.C. 825, 825c, and 825h), orders:

(A) Effective January 1, 1961, §§ 101.02–1 through 101.905, Part 101 of Subchapter C—Accounts, Federal Power Act (18 CFR 101.02–1 through 101.905) are amended to read as provided by Appendix B set forth below.

(B) Effective January 1, 1961, all Class A and Class B Public Utilities and Licensees under the Federal Power Act shall keep their accounts in the manner set forth in the revised System of Accounts appearing in Appendix B set forth below.

(C) The Secretary of the Commission shall cause prompt publication of this order.

Issued: June 7, 1960.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS			BALANCE SHEET ACCOUNTS
ASSETS AND OTHER DEBITS			ASSETS AND OTHER DEBITS
1. Utility Plant			*1. Utility Plant*
Electric plant in service	100.1	101	Electric plant in service.
Electric plant leased to others	100.2	104	Electric plant leased to others.
		106	Completed construction not classified—electric.
Construction work in progress	100.3	107	Construction work in progress—electric.
Electric plant held for future use	100.4	105	Electric plant held for future use.
Electric plant acquisition adjustments	100.5	114	Electric plant acquisition adjustments.
Electric plant in process of reclassification	100.6	103	Electric plant in process of reclassification.
Electric plant adjustments	107	116	Other electric plant adjustments.
Other utility plant	108	118	Other utility plant.
2. Investment and Fund Accounts			*2. Other Property and Investments*
Other physical property	110	121	Nonutility property.
Investment in securities of associated companies	111.1	123	Investment in associated companies.
Advances to associated companies	111.2		
Other investments	112	124	Other investments.
Sinking funds	113	125	Sinking funds.
Depreciation fund	114.1	126	Depreciation fund.
Amortization fund—Federal	114.2	127	Amortization fund—Federal.
Miscellaneous special funds	114.3	128	Other special funds.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS			BALANCE SHEET ACCOUNTS
ASSETS AND OTHER DEBITS			ASSETS AND OTHER DEBITS
1. Utility Plant			*1. Utility Plant*
Electric plant in service	101	100.1	Electric plant in service.
		391	Electric plant purchased.
Electric plant purchased or sold	102	392	Electric plant sold.
Electric plant in process of reclassification	103	100.6	Electric plant in process of reclassification.
Electric plant leased to others	104	100.2	Electric plant leased to others.
Electric plant held for future use	105	100.4	Electric plant held for future use.
Completed construction not classified—electric	106	100.3	Construction work in progress.
Construction work in progress—electric	107		
Accumulated provision for depreciation and amortization:			
Accumulated provision for depreciation of electric plant in service	108	250.1	Reserve for depreciation of electric plant in service.
Accumulated provision for depreciation of electric plant leased to others	109	250.2	Reserve for depreciation of electric plant leased to others.
Accumulated provision for depreciation of electric plant held for future use	110	250.3	Reserve for depreciation of electric plant held for future use.
Accumulated provision for amortization of electric plant in service	111	251.1	Reserve for amortization of limited term electric investment—electric plant in service.
Accumulated provision for amortization of electric plant leased to others	112	251.2	Reserve for amortization of limited term electric investment—electric plant leased to others.
Accumulated provision for amortization of electric plant held for future use	113	251.3	Reserve for amortization of limited term electric investments—electric plant held for future use.
Electric plant acquisition adjustments	114	100.5	Electric plant acquisition adjustments.
Accumulated provision for amortization of electric plant acquisition adjustments	115	252	Reserve for amortization of electric plant acquisition adjustments.
Other electric plant adjustments	116	107	Electric plant adjustments.
Other utility plant	118	108	Other utility plant.
Accumulated provision for depreciation and amortization of other utility plant	119	253	Reserve for depreciation and amortization of other property.
2. Other Property and Investments			*2. Investment and Fund Accounts*
Nonutility property	121	110	Other physical property.
Accumulated provision for depreciation and amortization of nonutility property	122	253	Reserve for depreciation and amortization of other property.
Investment in associated companies	123	111.1	Investment in securities of associated companies.
		111.2	Advances to associated companies.
Other investments	124	112	Other investments.
Sinking funds	125	113	Sinking funds.
Depreciation fund	126	114.1	Depreciation fund.
Amortization fund—Federal	127	114.2	Amortization fund—Federal.
Miscellaneous special funds	128	114.3	Other special funds.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
ASSETS AND OTHER DEBITS—continued			ASSETS AND OTHER DEBITS—continued
3. Current and Accrued Assets			*3. Current and Accrued Assets*
Cash	120	131	Cash.
Interest special deposits	121.1	132	Interest special deposits.
Dividend special deposits	121.2	133	Dividend special deposits.
Miscellaneous special deposits	121.3	134	Other special deposits.
Working funds	122	135	Working funds.
Temporary cash investments	123	136	Temporary cash investments.
Notes receivable	124	141	Notes receivable
Accounts receivable—customers	125.1	142	Customer accounts receivable.
Other accounts receivable	125.2	143	Other accounts receivable.
Notes receivable from associated companies	126.1	145	Notes receivable from associated companies.
Accounts receivable from associated companies	126.2	146	Accounts receivable from associated companies.
Subscriptions to capital stock	127	-------	(Eliminated—charges to be made to account 143.)
Interest and dividends receivable	128	171	Interest and dividends receivable.
Rents receivable	129	172	Rents receivable.
Accrued utility revenues	130	173	Accrued utility revenues.
Materials and supplies—electric	131.1	151	Fuel stock.
		152	Fuel stock expenses undistributed.
		153	Residuals.
		154	Plant materials and operating supplies.
Materials and supplies—other	131.2	155	Merchandise.
		156	Other material and supplies.
Prepayments	132	165	Prepayments.
Other current and accrued assets	133	174	Miscellaneous current and accrued assets.
4. Deferred Debits			*4. Deferred Debits*
Unamortized debt discount and expense	140	181	Unamortized debt discount and expense.
Extraordinary property losses	141	182	Extraordinary property losses.
Preliminary survey and investigation charges	142	183	Preliminary survey and investigation charges.
Clearing accounts	143	184	Clearing accounts.
Retirement work in progress	144	-------	(Eliminated—charges to be made to account 108.)
Other work in progress	145	-------	(Eliminated—charges to be made to account 186.)
Other deferred debits	146	186	Miscellaneous deferred debits.
5. Capital Stock Discount and Expense			
Discount on capital stock	150	213	Discount on capital stock.
Capital stock expense	151	214	Capital stock expense.
6. Reacquired Securities			
Reacquired capital stock	152	217	Reacquired capital stock.
Reacquired long-term debt	153	222	Reacquired bonds.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
ASSETS AND OTHER DEBITS—continued			ASSETS AND OTHER DEBITS—continued
3. Current and Accrued Assets			*3. Current and Accrued Assets*
Cash	131	120	Cash.
Interest special deposits	132	121.1	Interest special deposits.
Divided special deposits	133	121.2	Dividend special deposits.
Other special deposits	134	121.3	Miscellaneous special deposits.
Working funds	135	122	Working funds.
Temporary cash investments	136	123	Temporary cash investments.
Notes receivable	141	124	Notes receivable.
		221	Notes receivable discounted.
Customer accounts receivable	142	125.1	Accounts receivable—customer.
Other accounts receivable	143	125.2	Other accounts receivable.
		127	Subscriptions to capital stock
Accumulated provision for uncollectible accounts—credit.	144	254	Reserve for uncollectible accounts.
Notes receivable from associated companies	145	126.1	Notes receivable from associated companies.
Accounts receivable from associated companies	146	126.2	Accounts receivable from associated companies.
Fuel stock	151		
Fuel stock expenses undistributed	152	131.1	Materials and supplies—electric.
Residuals	153		
Plant materials and operating supplies	154		
Merchandise	155	131.2	Materials and supplies—other.
Other materials and supplies	156		
Nuclear fuel assemblies and components—in reactor.	157	-------	New account.
Nuclear fuel assemblies and components—stock account.	158	-------	New account.
Nuclear byproduct materials	159	-------	New account.
Stores expenses undistributed	163	902	Stores expense—clearing.
Prepayments	165	132	Prepayments.
Interest and dividends receivable	171	128	Interest and dividends receivable.
Rents receivable	172	129	Rents receivable.
Accrued utility revenues	173	130	Accrued utility revenues.
Miscellaneous current and accrued assets	174	133	Other current and accrued assets.
4. Deferred Debits			*4. Deferred Debits*
Unamortized debt discount and expense	181	140	Unamortized debt discount and expense.
Extraordinary property losses	182	141	Extraordinary property losses.
Preliminary survey and investigation charges	183	142	Preliminary Survey and investigation charges.
Clearing accounts	184	143	Clearing accounts.
Temporary facilities	185	-------	New account.
Miscellaneous deferred debits	186	146	Other deferred debits.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
LIABILITIES AND OTHER CREDITS			LIABILITIES AND OTHER CREDITS
7. Capital Stock			*5. Proprietary Capital*
Common capital stock	200	201	Common stock issued.
Preferred capital stock	201	204	Preferred stock issued.
Stock liability for conversion	202	203	Common stock liability for conversion.
		206	Preferred stock liability for conversion.
Premiums and assessments on capital stock	203	207	Premiums on capital stock.
Capital stock subscribed	204	202	Common stock subscribed.
		205	Preferred stock subscribed.
Installments received on capital stock	205	212	Installments received on capital stock.
8. Long-Term Debt			*6. Long-Term Debt*
Bonds	210	221	Bonds.
Receivers certificates	211	224	Other long-term debt.
Advances from associated companies—notes	212.1	228	Advances from associated Companies.
Advances from associated companies—open accounts.	212.2		
Miscellaneous long-term debt	213	224	Other long-term debt.
9. Current and Accrued Liabilities			*7. Current and Accrued Liabilities*
Notes payable	220	231	Notes payable.
Notes receivable discounted	221	141	Notes receivable.
Accounts payable	222	232	Accounts payable.
Notes payable to associated companies	223.1	233	Notes payable to associated companies.
Accounts payable to associated companies	223.2	234	Accounts payable to associated companies.
Dividends declared	224	238	Dividends declared.
Matured long-term debt	225	239	Matured long-term debt.
Matured interest	226	240	Matured interest.
Customers deposits	227	235	Customer deposits.
Taxes accrued	228	236	Taxes accrued.
Interest accrued on long-term debt	229.1	237	Interest accrued.
Interest accrued on other liabilities	229.2		
Other current and accrued liabilities	230	242	Miscellaneous current and accrued liabilities.
10. Deferred Credits			*8. Deferred Credits*
Unamortized premium on debt	240	251	Unamortized premium on debt.
Customers advances for construction	241	252	Customers advances for construction.
Other deferred credits	242	253	Other deferred credits.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
LIABILITIES AND OTHER CREDITS			LIABILITIES AND OTHER CREDITS
5. Proprietary Capital			*7. Capital Stock*
			14. Surplus
Common stock issued	201	200	Common capital stock.
Common stock subscribed	202	204	Capital stock subscribed.
Common stock liability for conversion	203	202	Stock liability for conversion.
Preferred stock issued	204	201	Preferred capital stock.
Preferred stock subscribed	205	204	Capital stock subscribed.
Preferred stock liability for conversion	206	202	Stock liability for conversion.
Premium on capital stock	207	203	Premiums on assessments on capital stock.
Donations received from stockholders	208	-------	New account (included in account 270, capital surplus).
Reduction in par or stated value of capital stock	209	-------	New account (included in account 270, capital surplus).
Gain on resale or cancellation of reacquired capital stock.	210	-------	New account (included in account 270, capital surplus).
Miscellaneous paid-in-capital	211	-------	New account (included in account 270, capital surplus).
Installment received on capital stock	212	205	Installments received on capital stock.
Discount on capital stock	213	150	Discount on capital stock.
Capital stock expense	214	151	Capital stock expense.
Appropriated earned surplus	215	413	Miscellaneous reservations of surplus.
Unappropriated earned surplus	216	271	Earned surplus.
Reacquired capital stock	217	152	Reacquired capital stock.
6. Long-Term Debt			*8. Long-Term Debt*
Bonds	221	210	Bonds.
Reacquired bonds	222	153	Reacquired long-term debt.
Advances from associated companies	223	212.1	Advances from associated companies—notes.
		212.2	Advances from associated companies—open accounts.
Other long-term debt	224	211	Receiver's certificates.
		213	Miscellaneous long-term debt.
7. Current and Accrued Liabilities			*9. Current and Accrued Liabilities*
Notes payable	231	220	Notes payable.
Accounts payable	232	222	Accounts payable.
Notes payable to associated companies	233	223.1	Notes payable to associated companies.
Accounts payable to associated companies	234	223.1	Accounts payable to associated companies.
Customer deposits	235	227	Customers deposits.
Taxes accrued	236	228	Taxes accrued.
Interest accrued	237	229.1	Interest accrued on long-term debt.
		229.2	Interest accrued on other liabilities.
Dividends declared	238	224	Dividends declared.
Matured long-term debt	239	225	Matured long-term debt.
Matured interest	240	226	Matured interest.
Tax collections payable	241	-------	New account.
Miscellaneous current and accrued liabilities	242	230	Other current and accrued liabilities.
8. Deferred Credits			*10. Deferred Credits*
Unamortized premium on debt	251	240	Unamortized premium on debt.
Customers advances for construction	252	241	Customers advances for construction.
Other deferred credits	253	242	Other deferred credits.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
LIABILITIES AND OTHER CREDITS—continued			LIABILITIES AND OTHER CREDITS—continued
11. Reserves			*9. Operating Reserves*
Reserve for depreciation of electric plant in service.	250.1	108	Accumulated provision for depreciation of electric plant in service.
Reserve for depreciation of electric plant leased to others.	250.2	109	Accumulated provision for depreciation of electric plant leased to others.
Reserve for depreciation of electric plant held for future use.	250.3	110	Accumulated provision for depreciation of electric plant held for future use.
Reserve for amortization of limited-term electric investments—electric plant in service.	251.1	111	Accumulated provision for amortization of electric plant in service.
Reserve for amortization of limited-term electric investments—electric plant leased to others.	251.2	112	Accumulated provision for amortization of electric plant leased to others.
Reserve for amortization of limited-term electric investments—electric plant held for future use.	251.3	113	Accumulated provision for amortization of electric plant held for future use.
Reserve for amortization of electric plant acquisition adjustments.	252	115	Accumulated provision for amortization of electric plant acquisition adjustments.
Reserve for depreciation and amortization of other property.	253	119	Accumulated provision for depreciation and amortization of other utility plant.
Reserve for uncollectible accounts	254	144	Accumulated provision for uncollectible accounts—credit.
Insurance reserve	255	261	Property insurance reserve.
Injuries and damages reserve	256	262	Injuries and damages reserve.
Employees' provident reserve	257	263	Pension and benefits reserve.
Amortization reserve—Federal	258.1	264	Amortization reserve—Federal.
Miscellaneous reserves	258.2	265	Miscellaneous operating reserve.
12. Contributions in Aid of Construction			*10. Contributions in Aid of Construction*
Contributions in aid of construction	265	271	Contributions in aid of construction.
13. Accumulated Deferred Taxes on Income			*11. Accumulated Deferred Income Taxes*
Accumulated deferred taxes on income—accelerated amortization.	266.1	281	Accumulated deferred income taxes—accelerated amortization.
Accumulated deferred taxes on income—liberalized depreciation.	266.2	282	Accumulated deferred income taxes—liberalized depreciation.
Accumulated deferred taxes on income—other	266.3	283	Accumulated deferred income taxes—other.
14. Surplus			
		208	Donations received from stockholders.
		209	Reduction in par or stated value of capital stock.
Capital surplus	270	210	Gain on resale on cancellation of reacquired capital stock.
		211	Miscellaneous paid in capital.
		215	Appropriated earned surplus.
Earned surplus	271	216	Unappropriated earned surplus.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
LIABILITIES AND OTHER CREDITS—continued			LIABILITIES AND OTHER CREDITS—continued
9. Operating Reserves			*11. Reserves*
Property insurance reserve	261	255	Insurance reserve.
Injuries and damages reserve	262	256	Injuries and damages reserves.
Pensions and benefits reserve	263	257	Employees' provident reserve.
Amortization reserve—Federal	264	258.1	Amortization fund—Federal.
Miscellaneous operating reserve	265	258.2	Other reserves.
10. Contributions in Aid of Construction			*12. Contributions in Aid of Construction*
Contributions in aid of construction	271	265	Contributions in aid of construction.
11. Accumulated Deferred Income Taxes			*13. Accumulated Deferred Taxes on Income*
Accumulated deferred income taxes—accelerated amortization.	281	266.1	Accumulated deferred taxes on income—accelerated amortization.
Accumulated deferred income taxes—liberalized depreciation.	282	266.2	Accumulated deferred taxes on income—liberalized depreciation.
Accumulated deferred income taxes—other	283	266.3	Accumulated deferred taxes on income—other.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
ELECTRIC PLANT ACCOUNTS			ELECTRIC PLANT ACCOUNTS
1. Intangible Plant			*1. Intangible Plant*
Organization	301	301	Organization.
Franchises and consents	302	302	Franchises and consents.
Miscellaneous intangible plant	303	303	Miscellaneous intangible plant.
2. Production Plant			*2. Production Plant*
A. Steam Production			*A. Steam Production*
Land and land rights	310	310	Land and land rights.
Structures and improvements	311	311	Structures and improvements.
Boiler plant equipment	312	312	Boiler plant equipment.
Engines and engine driven generators	313	313	Engines and engine driven generators.
Turbogenerator units	314	314	Turbogenerator units.
Accessory electric equipment	315	315	Accessory electric equipment.
Miscellaneous power plant equipment	316	316	Miscellaneous power plant equipment.
B. Hydraulic Production			*C. Hydraulic Production*
Land and land rights	320	330	Land and land rights.
Structures and improvements	321	331	Structures and improvements.
Reservoirs, dams, and waterways	322	332	Reservoirs, dams, and waterways.
Water wheels, turbines, and generators	323	333	Water wheels, turbines, and generators.
Accessory electric equipment	324	334	Accessory electric equipment.
Miscellaneous power plant equipment	325	335	Miscellaneous power plant equipment.
Roads, railroads, and bridges	326	336	Roads, railroads, and bridges.
C. Internal Combustion Engine Production			*D. Other Production*
Land and land rights	330	340	Land and land rights.
Structures and improvements	331	341	Structures and improvements.
Fuel holders, producers, and accessories	332	342	Fuel holders, producers, and accessories.
Internal combustion engines	333	343	Prime movers.
Generators	334	344	Generators.
Accessory electric equipment	335	345	Accessory electric equipment.
Miscellaneous power plant equipment	336	346	Miscellaneous power plant equipment.
3. Transmission Plant			*3. Transmission Plant*
Land and land rights	340	350	Land and land rights.
Clearing land and rights-of-way	341	351	Clearing land and rights-of-way.
Structures and improvements	342	352	Structures and improvements.
Station equipment	343	353	Station equipment.
Towers and fixtures	344	354	Towers and fixtures.
Poles and fixtures	345	355	Poles and fixtures.
Overhead conductors and devices	346	356	Overhead conductors and devices.
Underground conduit	347	357	Underground conduit.
Underground conductors and devices	348	358	Underground conductors and devices.
Roads and trails	349	359	Roads and trails.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
ELECTRIC PLANT ACCOUNTS			ELECTRIC PLANT ACCOUNTS
1. Intangible Plant			*1. Intangible Plant*
Organization	301	301	Organization.
Franchises and consents	302	302	Franchises and consents.
Miscellaneous intangible plant	303	303	Miscellaneous intangible plant.
2. Production Plant			*2. Production Plant*
A. Steam Production			*A. Steam Production*
Land and land rights	310	310	Land and land rights.
Structures and improvements	311	311	Structures and improvements.
Boiler plant equipment	312	312	Boiler plant equipment.
Engines and engine driven generators	313	313	Engines and engine driven generators.
Turbogenerator units	314	314	Turbogenerator units.
Accessory electric equipment	315	315	Accessory electric equipment.
Miscellaneous power plant equipment	316	316	Miscellaneous power plant equipment.
B. Nuclear Production			
Land and land rights	320		
Structures and improvements	321		
Reactor plant equipment	322	-------	New accounts.
Turbogenerator units	323		
Accessory electric equipment	324		
Miscellaneous power plant equipment	325		
C. Hydraulic Production			*B. Hydraulic Production*
Land and land rights	330	320	Land and land rights.
Structures and improvements	331	321	Structures and improvements.
Reservoirs, dams, and waterways	332	322	Reservoirs, dams, and waterways.
Water wheels, turbines, and generators	333	323	Water wheels, turbines, and generators.
Accessory electric equipment	334	324	Accessory electric equipment.
Miscellaneous power plant equipment	335	325	Miscellaneous power plant equipment.
Roads, railroads, and bridges	336	326	Roads, railroads, and bridges.
D. Other Production			*C. Internal Combustion Engine Production*
Land and land rights	340	330	Land and land rights.
Structures and improvements	341	331	Structures and improvements.
Fuel holders, producers, and accessories	342	332	Fuel holders, producers, and accessories.
Prime movers	343	333	Internal combustion engines.
Generators	344	334	Generators.
Accessory electric equipment	345	335	Accessory electric equipment.
Miscellaneous power plant equipment	346	336	Miscellaneous power plant equipment.
3. Transmission Plant			*3. Transmission Plant*
Land and land rights	350	340	Land and land rights.
Clearing land and rights-of-way	351	341	Clearing land and rights-of-way.
Structures and improvements	352	342	Structures and improvements.
Station equipment	353	343	Station equipment.
Towers and fixtures	354	344	Towers and fixtures.
Poles and fixtures	355	345	Poles and fixtures.
Overhead conductors and devices	356	346	Overhead conductors and devices.
Underground conduit	357	347	Underground conduit.
Underground conductors and devices	358	348	Underground conductors and devices.
Roads and trails	359	349	Roads and trails.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
ELECTRIC PLANT ACCOUNTS—Continued			ELECTRIC PLANT ACCOUNTS—Continued
4. Distribution Plant			*4. Distribution Plant*
Land and land rights	350	360	Land and land rights.
Structures and improvements	351	361	Structures and improvements.
Station equipment	352	362	Station equipment.
Storage battery equipment	353	363	Storage battery equipment.
Poles, towers, and fixtures	354	364	Poles, towers and fixtures.
Overhead conductors and devices	355	365	Overhead conductors and devices.
Underground conduit	356	366	Underground conduit.
Underground conductors and devices	357	367	Underground conductors and devices.
Line transformers	358	368	Line transformers.
Services	359	369	Services.
Meters	360	370	Meters.
Installations on customers' premises	361	371	Installations on customers' premises.
Leased property on customers' premises	362	372	Leased property on customers' premises.
Street lighting and signal systems	363	373	Street lighting and signal systems.
5. General Plant			*5. General Plant*
Land and land rights	370	389	Land and land rights.
Structures and improvements	371	390	Structures and improvements.
Office furniture and equipment	372	391	Office furniture and equipment.
Transportation equipment	373	392	Transportation equipment.
Stores equipment	374	393	Stores equipment.
Shop equipment	375	394	Tools, shop and garage equipment.
Laboratory equipment	376	395	Laboratory equipment.
Tools and work equipment	377	394	Tools, shop and garage equipment.
Communication equipment	378	397	Communication equipment.
Miscellaneous equipment	379	398	Miscellaneous equipment.
Other tangible property	390	399	Other tangible property.
Electric plant purchased	391	102	Electric plant purchased or sold.
Electric plant sold	392		
EARNED SURPLUS ACCOUNTS			
Credits:			Credits:
Earned surplus (at beginning of period)	271	216	Unappropriated earned surplus (at beginning of period).
Credit balance transferred from income account.	400	433	Balance transferred from income.
Miscellaneous credits to surplus	401	434	Miscellaneous credits to surplus.
Debits:			Debits:
Debit balance transferred from income account.	410	433	Balance transferred from income.
Dividend appropriations—preferred stock	411	437	Dividends declared—preferred stock.
Dividend appropriations—common stock	412	438	Dividends declared—common stock.
Miscellaneous reservations of surplus	413	436	Appropriations of surplus.
Miscellaneous debits to surplus	414	435	Miscellaneous debits to surplus.
Earned surplus (at end of period)	271	216	Unappropriated earned surplus (at end of period).

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
ELECTRIC PLANT ACCOUNTS—Continued			ELECTRIC PLANT ACCOUNTS—Continued
4. Distribution Plant			*4. Distribution Plant*
Land and land rights	360	350	Land and land rights.
Structures and improvements	361	351	Structures and improvements.
Station equipment	362	352	Station equipment.
Storage battery equipment	363	353	Storage battery equipment.
Poles, towers and fixtures	364	354	Poles, towers, and fixtures.
Overhead conductors and devices	365	355	Overhead conductors and devices.
Underground conduit	366	356	Underground conduit.
Underground conductors and devices	367	357	Underground conductors and devices.
Line transformers	368	358	Line transformers.
Services	369	359	Services.
Meters	370	360	Meters.
Installations on customers' premises	371	361	Installations on customers' premises.
Leased property on customers' premises	372	362	Leased property on customers' premises.
Street lighting and signal systems	373	363	Street lighting and signal systems.
5. General Plant			*5. General Plant*
Land and land rights	389	370	Land and land rights.
Structures and improvements	390	371	Structures and improvements.
Office furniture and equipment	391	372	Office furniture and equipment.
Transportation equipment	392	373	Transportation equipment.
Stores equipment	393	374	Stores equipment.
Tools, shop and garage equipment	394	375	Shop equipment.
		377	Tools and work equipment.
Laboratory equipment	395	376	Laboratory equipment.
Power operated equipment	396	-------	New account.
Communication equipment	397	378	Communication equipmnet.
Miscellaneous equipment	398	379	Miscellaneous equipment.
Other tangible property	399	390	Other tangible property.
(In the system of accounts effective Jan. 1, 1961, the earned surplus accounts are included with the income accounts. See below.)			

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
INCOME ACCOUNTS			INCOME ACCOUNTS
1. Utility Operating Income			*1. Utility Operating Income*
Operating revenues	501	400	Operating revenues.
Operating revenue deductions:			Operating expenses:
Operating expenses	502	401	Operation expense.
		402	Maintenance expense.
Depreciation	503	403	Depreciation expense.
Amortization of limited-term electric investments.	504	404	Amortization of limited-term electric plant.
Amortization of electric plant acquisition adjustments.	505	406	Amortization of electric plant acquisition adjustments.
Property losses chargeable to operations	506	407	Amortization of property losses.
Taxes	507	408	Taxes other than income taxes.
		409	Income taxes.
Provision for deferred taxes on income	507A	410	Provision for deferred income taxes.
Taxes on income deferred in prior years—credit.	507B	411	Income taxes deferred in prior years—credit.
Income from electric plant leased to others	508	412, 413	Income from electric plant leased to others.
Other utility operating income	509	414	Other utility operating income.
2. Other Income			*2. Other Income*
Income from merchandising, jobbing, and contract work.	520	415, 416	Income from merchandising, jobbing and contract work.
Income from nonutility operations	521	417	Income from nonutility operations.
Revenues from lease of other physical property	522	418	Nonoperating rental income.
Dividend revenues	523	419	Interest and dividend income.
Interest revenues	524		
Revenues from sinking and other funds	525		
Miscellaneous nonoperating revenues	526	421	Miscellaneous nonoperating income.
Nonoperating revenue deductions	527	-------	Deleted.
3. Income Deductions			*3. Miscellaneous Income Deductions*
			4. Interest Charges
Interest on long-term debt	530	427	Interest on long-term debt.
Amortization of debt discount and expense	531	428	Amortization of debt discount and expense.
Amortization of premium on debt—credit	532	429	Amortization of premium on debt—credit.
Taxes assumed on interest	533	431	Other interest expense.
Interest on debt to associated companies	534	430	Interest on debt to associated companies.
Other interest charges	535	431	Other interest expense.
Interest charges to construction—credit	536	432	Interest charged to construction—credit.
Miscellaneous amortization	537	425	Miscellaneous amortization.
Miscellaneous income deductions	538	426	Other income deductions.
4. Disposition of Net Income			
Miscellaneous reservations of net income	540	-------	Deleted.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
INCOME ACCOUNTS			INCOME ACCOUNTS
1. Utility Operating Income			*1. Utility Operating Income*
Operating revenues	400	501	Operating revenues.
Operating expenses:			Operating revenue deductions:
Operation expense	401	502	Operating expenses.
Maintenance expense	402		
Depreciation expense	403	503	Depreciation.
Amortization of limited-term electric plant	404	504	Amortization of limited-term electric investments.
Amortization of other electric plant	405	-------	New account.
Amortization of electric plant acquisition adjustments.	406	505	Amortization of electric plant acquisition adjustments.
Amortization of property losses	407	506	Property losses chargeable to operations.
Taxes other than income taxes	408	507	Taxes.
Income taxes	409		
Provision for deferred income taxes	410	507A	Provision for deferred taxes on income.
Income taxes deferred in prior years—credit	411	507B	Taxes on income deferred in prior years—credit.
Income from electric plant leased to others	412, 413	508	Income from electric plant leased to others.
Other utility operating income	414	509	Other utility operating income.
2. Other Income			*2. Other Income*
Income from merchandising, jobbing and contract work.	415, 416	520	Income from merchandising, jobbing, and contract work.
Income from nonutility operations	417	521	Income from nonutility operations.
Nonoperating rental income	418	522	Revenues from lease of other physical property.
Interest and dividend income	419	523	Dividend revenues.
		524	Interest revenues.
		525	Revenues from sinking and other funds.
Miscellaneous nonoperating income	421	526	Miscellaneous nonoperating revenues.
3. Miscellaneous Income Deductions			*3. Income Deductions*
Miscellaneous amortization	425	537	Miscellaneous amortization.
Other income deductions	426	538	Miscellaneous income deductions.
4. Interest Charges			
Interest on long-term debt	427	530	Interest on long-term debt.
Amortization of debt discount and expense	428	531	Amortization of debt discount and expense.
Amortization of premium on debt—credit	429	532	Amortization of premium on debt—credit.
Interest on debt to associated companies	430	534	Interest on debt to associated companies.
Other interest expense	431	533	Taxes assumed on interest.
		535	Other interest charges.
Interest charged to construction—credit	432	536	Interest charged to construction—credit.
5. Earned Surplus			
Unappropriated earned surplus (at beginning of period).	216	271	Earned surplus (at beginning of period).
Balance transferred from income	433	400	Credit balance transferred from income account.
		410	Debit balance transferred from income account.
Miscellaneous credits to surplus	434	401	Miscellaneous credits to surplus.
Miscellaneous debits to surplus	435	414	Miscellaneous debits to surplus.
Appropriations of surplus	436	413	Miscellaneous reservations of surplus.
Dividends declared—preferred stock	437	411	Dividend appropriations—preferred stock.
Dividends declared—common stock	438	412	Dividend appropriations—common stock.
Unappropriated earned surplus (at end of period)	216	271	Earned surplus (at end of period).

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING REVENUE ACCOUNTS			OPERATING REVENUE ACCOUNTS
1. Sales of Electric Energy			*1. Sales of Electricity*
Residential or domestic sales	600	440	Residential sales.
Rural sales	601	440	Residential sales.
		442	Commercial and industrial sales.
Commercial and industrial sales	602	442	Commercial and industrial sales.
Public street and highway lighting	603	444	Public street and highway lighting.
Other sales to public authorities	604	445	Other sales to public authorities.
Sales to other electric utilities	605	447	Sales for resale.
Sales to railroads and railways	606	446	Sales to railroads and railways.
Interdepartmental sales	607	448	Interdepartmental sales.
Other sales	608	-------	Deleted.
2. Other Electric Revenues			*2. Other Operating Revenues*
Rent from electric property	610	454	Rent from electric property.
Interdepartmental rents	611	455	Interdepartmental rents.
Customers' forfeited discounts and penalties	612	450	Forfeited discounts.
Sales of water and water power	613	453	Sales of water and water power.
Servicing of customers' installations	614	451	Miscellaneous service revenues.
Miscellaneous electric revenues	615	456	Other electric revenues.
OPERATING EXPENSE ACCOUNTS			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS
1. Production Expenses			*1. Power Production Expenses*
A. Electric Generation—Steam Power			*A. Steam Power Generation*
Operation:			Operation:
Operation supervision and engineering	701	500	Operation supervision and engineering.
Boiler labor	702.1	502	Steam expenses.
Prime mover and generator labor	702.2	505	Electric expenses.
Electric labor	702.3	505	Electric expenses.
Miscellaneous station labor	702.4	506	Miscellaneous steam power expenses.
Fuel	703	501	Fuel.
Water	704	505	Electric expenses.
Lubricants	705.1	502	Steam expenses.
		505	Electric expenses.
Station supplies	705.2	502	Steam expenses.
Station expenses	705.3	505	Electric expenses.
		506	Miscellaneous steam power expenses.
Maintenance:			Maintenance:
Maintenance supervision and engineering	706	510	Maintenance supervision and engineering.
Maintenance of structures and improvements	707	511	Maintenance of structures.
Maintenance of coal storage, handling, and weighing equipment	708.1	512	Maintenance of boiler plant.
Maintenance of furnaces and boilers	708.2	512	Maintenance of boiler plant.
Maintenance of boiler apparatus	708.3	512	Maintenance of boiler plant.
Maintenance of steam piping and accessories	708.4	512	Maintenance of boiler plant.
Maintenance of prime movers and generators	709.1	513	Maintenance of electric plant.
Maintenance of accessory electric equipment	709.2	513	Maintenance of electric plant.
Maintenance of miscellaneous power plant equipment	709.3	514	Maintenance of miscellaneous steam plant.
Miscellaneous:			
Rents	710	507	Rents.
Steam from other sources	711	503	Steam from other sources.
Steam transferred—credit	712	504	Steam transferred—credit.
Joint expenses—debit	713	-------	Deleted.
Joint expenses—credit	714	-------	Deleted.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
OPERATING REVENUE ACCOUNTS			OPERATING REVENUE ACCOUNTS
1. Sales of Electricity			*1. Sales of Electric Energy*
Residential sales	440	600	Residential or domestic sales.
		601	Rural sales.
Commercial and industrial sales	442	602	Commercial and industrial sales.
		601	Rural sales.
Public street and highway lighting	444	603	Public street and highway lighting.
Other sales to public authorities	445	604	Other sales to public authorities.
Sales to railroads and railways	446	606	Sales to railroads and railways.
Sales for resale	447	605	Sales to other electric utilities.
Interdepartmental sales	448	607	Interdepartmental sales.
2. Other Operating Revenues			*2. Other Electric Revenues*
Forfeited discounts	450	612	Customers' forfeited discounts and penalties.
Miscellaneous service revenues	451	614	Servicing of customers' installations.
Sales of water and water power	453	613	Sales of water and water power.
Rent from electric property	454	610	Rent from electric property.
Interdepartmental rents	455	611	Interdepartmental rents.
Other electric revenues	456	615	Miscellaneous electric revenues.
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS			OPERATING EXPENSE ACCOUNTS
1. Power Production Expenses			*1. Production Expenses*
A. Steam Power Generation			*A. Electric Generation—Steam Power*
Operation:			Operation:
Operation supervision and engineering	500	701	Operation supervision and engineering.
Fuel	501	703	Fuel.
Steam expenses	502	702.1	Boiler labor.
		705.1	Lubricants.
		705.2	Station supplies.
		705.3	Station expenses.
Steam from other sources	503	711	Steam from other sources.
Steam transferred—credit	504	712	Steam transferred—credit.
Electric expenses	505	702.2	Prime mover and generator labor.
		702.3	Electric labor.
		704	Water.
		705.1	Lubricants.
		705.2	Station supplies.
		705.3	Station expenses.
Miscellaneous steam power expenses	506	702.4	Miscellaneous station labor.
		705.3	Station expenses.
Rents	507	710	Rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	510	706	Maintenance supervision and engineering.
Maintenance of structures	511	707	Maintenance of structures and improvements.
Maintenance of boiler plant	512	708.1	Maintenance of coal storage, handling, and weighing equipment.
		708.2	Maintenance of furnaces and boilers.
		708.3	Maintenance of boiler apparatus.
		708.4	Maintenance of steam piping and accessories.
Maintenance of electric plant	513	709.1	Maintenance of prime movers and generators.
		709.2	Maintenance of accessory electric equipment.
Maintenance of miscellaneous steam plant	514	709.3	Maintenance of miscellaneous power plant equipment.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
1. Production Expenses—Continued			*1. Power Production Expenses*—Continued
B. Electric Generation—Hydraulic Power			*C. Hydraulic Power Generation*
Operation:			Operation:
Operation supervision and engineering	715	535	Operation supervision and engineering.
Hydraulic labor	716.1	537	Hydraulic expenses.
Prime mover and generator labor	716.2	538	Electric expenses.
Electric labor	716.3	538	Electric expenses.
Miscellaneous station labor	716.4	539	Miscellaneous hydraulic power generation expenses.
Water for power	717	536	Water for power.
Lubricants	718.1	537	Hydraulic expenses.
		538	Electric expenses.
Station supplies	718.2	537	Hydraulic expenses.
Station expenses	718.3	538	Electric expenses
		539	Miscellaneous hydraulic power generation expenses.
Maintenance:			Maintenance:
Maintenance supervision and engineering	719	541	Maintenance supervision and engineering.
Maintenance of structures and improvements	720	542	Maintenance of structures.
Maintenance of reservoirs, dams, and waterways	721	543	Maintenance of reservoirs, dams, and waterways.
Maintenance of prime movers and generators	722.1	544	Maintenance of electric plant.
Maintenance of accessory electric equipment	722.2	544	Maintenance of electric plant.
Maintenance of miscellaneous power plant equipment	722.3	545	Maintenance of miscellaneous hydraulic plant.
Maintenance of roads, railroads, and bridges	723	545	Maintenance of miscellaneous hydraulic plant.
Miscellaneous:			
Rents	724	540	Rents.
Joint expenses—debit	725	-------	Deleted.
Joint expenses—credit	726	-------	Deleted.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
1. Power Production Expenses—Continued			*1. Production Expenses*—Continued
B. Nuclear Power Generation			
Operation:			
Operation supervision and engineering	517	-------	New accounts.
Fuel	518		
Coolants and water	519		
Steam expenses	520		
Steam from other sources	521		
Steam transferred—credit	522		
Electric expenses	523		
Miscellaneous nuclear power expenses	524		
Rents	525		
Maintenance:			
Maintenance supervision and engineering	528		
Maintenance of structures	529		
Maintenance of reactor plant equipment	530		
Maintenance of electric plant	531		
Maintenance of miscellaneous nuclear plant	532		
C. Hydraulic Power Generation			*B. Electric Generation—Hydraulic Power*
Operation:			Operation:
Operation supervision and engineering	535	715	Operation supervision and engineering.
Water for power	536	717	Water for power.
Hydraulic expenses	537	716.1	Hydraulic labor.
		718.1	Lubricants.
		718.2	Station supplies.
		718.3	Station expenses.
Electric expenses	538	716.2	Prime mover and generator labor.
		716.3	Electric labor.
		718.1	Lubricants.
		718.2	Station supplies.
		718.3	Station expenses.
Miscellaneous hydraulic power generation expenses.	539	716.4	Miscellaneous station labor.
		718.2	Station supplies.
		718.3	Station expenses.
Rents	540	724	Rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	541	719	Maintenance supervision and engineering.
Maintenance of structures	542	720	Maintenance of structures and improvements.
Maintenance of reservoirs, dams, and waterways.	543	721	Maintenance of reservoirs, dams, and waterways.
Maintenance of electric plant	544	722.1	Maintenance of prime movers and generators.
		722.2	Maintenance of accessory electric equipment.
		722.3	Maintenance of miscellaneous power plant equipment.
Maintenance of miscellaneous hydraulic plant	545	723	Maintenance of roads, railroads, and bridges.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
1. Production Expenses—Continued			*1. Power Production Expenses*—Continued
C. Electric Generation—Internal Combustion Engine Power			*D. Other Power Generation*
Operation:			Operation:
Operation supervision and engineering	727	546	Operation supervision and engineering.
Engine labor	728.1	546	Generation expenses.
Electric labor	728.2	546	Generation expenses.
Miscellaneous station labor	728.3	549	Miscellaneous other power generation expenses.
Engine fuel	729	547	Fuel.
Water	730.1	548	Generation expenses.
Lubricants	730.2		
Station supplies	730.3	549	Miscellaneous other power generation expenses.
Station expenses	730.4		
Maintenance:			Maintenance:
Maintenance supervision and engineering	731	551	Maintenance supervision and engineering.
Maintenance of structures and improvements	732	552	Maintenance of structures.
Maintenance of fuel holders, producers, and accessories.	733	553	Maintenance of generating and electric plant.
Maintenance of engines	734.1	553	Maintenance of generating and electric plant.
Maintenance of generators	734.2	553	Maintenance of generating and electric plant.
Maintenance of accessory electric equipment	734.3	553	Maintenance of generating and electric plant.
Maintenance of miscellaneous power plant equipment.	734.4	554	Maintenance of miscellaneous other power generation plant.
Miscellaneous:			
Rents	735	550	Rents.
Joint expenses—debit	736	-------	Deleted.
Joint expenses—credit	737	-------	Deleted.
D. Other Production Expenses and Credits			*E. Other Power Supply Expenses*
Purchased power	738	555	Purchased power.
Interchange power	739	555	Purchased power.
Other expenses	740	557	Other expenses.
Joint expenses—debit	741	-------	Deleted.
Joint expenses—credit	742	-------	Deleted.
2. Transmission Expenses			*2. Transmission Expenses*
Operation:			Operation:
Operation supervision and engineering	743	560	Operation supervision and engineering.
Load dispatching labor and expenses	744	561	Load dispatching.
Station labor	745.1	562	Station expenses.
Station supplies and expenses	745.2	562	Station expenses.
Overhead lines	746.1	563	Overhead line expenses.
Underground lines	746.2	564	Underground line expenses.
Maintenance:			Maintenance:
Maintenance supervision and engineering	747	568	Maintenance supervision and engineering.
Maintenance of structures and improvements	748	569	Maintenance of structures.
Maintenance of station equipment	749	570	Maintenance of station equipment.
Maintenance of towers and fixtures	750.1	571	Maintenance of overhead lines.
Maintenance of poles and fixtures	750.2	571	Maintenance of overhead lines.
Maintenance of conductors and devices	750.3	571	Maintenance of overhead lines.
Maintenance of conduit	751.1	572	Maintenance of underground lines.
Maintenance of conductors and devices	751.2	572	Maintenance of underground lines.
Maintenance of roads and trails	752	571	Maintenance of overhead lines.
		572	Maintenance of underground lines.
Rents	753	567	Rents.
Joint expenses—debit	754		Deleted.
Joint expenses—credit	755		Deleted.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
1. Power Production Expenses—Continued			*1. Production Expenses*—Continued
D. Other Power Generation			*C. Electric Generation—Internal Combustion Engine Power*
Operation:			Operation:
Operation supervision and engineering	546	727	Operation supervision and engineering.
Fuel	547	729	Engine fuel.
		728.1	Engine labor.
		728.2	Electric labor.
Generation expenses	548	730.1	Water.
		730.2	Lubricants.
		730.3	Station supplies.
		730.4	Station expenses.
Miscellaneous other power generation expenses	549	728.3	Miscellaneous station labor.
		730.3	Station supplies.
		730.4	Station expenses.
Rents	550	735	Rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	551	731	Maintenance supervision and engineering.
Maintenance of structures	552	732	Maintenance of structures and improvements.
		733	Maintenance of fuel holders, producers, and accessories.
Maintenance of generating and electric plant	553	734.1	Maintenance of engines.
		734.2	Maintenance of generators.
		734.3	Maintenance of accessory electric equipment
Maintenance of miscellaneous other power generation plant.	554	734.4	Maintenance of miscellaneous power plant equipment.
E. Other Power Supply Expenses			*D. Other Production Expenses and Credits*
Purchased power	555	738	Purchased Power.
		739	Interchange Power.
System control and load dispatching	556	-------	New account.
Other expenses	557	740	Other expenses.
2. Transmission Expenses			*2. Transmission Expenses*
Operation:			Operation:
Operation supervision and engineering	560	743	Operation supervision and engineering.
Load dispatching	561	744	Load dispatching labor and expenses.
Station expenses	562	745.1	Station labor.
		745.2	Station supplies and expenses.
Overhead line expenses	563	746.1	Overhead lines.
Underground line expenses	564	746.2	Underground lines.
Transmission of electricity by others	565	-------	New accounts.
Miscellaneous transmission expenses	566		
Rents	567	753	Rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	568	747	Maintenance supervision and engineering.
Maintenance of structures	569	748	Maintenance of structures and improvements.
Maintenance of station equipment	570	749	Maintenance of station equipment.
Maintenance of overhead lines	571	750.1	Maintenance of towers and fixtures.
		750.2	Maintenance of poles and fixtures.
		750.3	Maintenance of conductors and devices.
		752	Maintenance of roads and trails.
Maintenance of underground lines	572	751.1	Maintenance of conduit.
		751.2	Maintenance of conductors and devices.
		752	Maintenance of roads and trails.
Maintenance of miscellaneous transmission plant.	573	-------	New account.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
3. Distribution Expenses			*3. Distribution Expenses*
Operation:			Operation:
Operation supervision and engineering	756	580	Operation supervision and engineering.
Load dispatching labor and expenses	757	581	Load dispatching.
Distribution maps and records	758.1	588	Miscellaneous distribution expenses.
Other distribution office expenses	758.2	588	Miscellaneous distribution expenses.
Station labor	759.1	582	Station expenses.
Station supplies and expenses	759.2	582	Station expenses.
Storage battery labor	760.1	582	Station expenses.
Storage battery supplies and expenses	760.2	582	Station expenses.
Overhead lines	761.1	583	Overhead lines expenses.
Underground lines	761.2	584	Underground line expenses.
Removing and resetting line transformers	761.3	583	Overhead line expenses.
		584	Underground line expenses
Removing and resetting meters	762.1	586	Meter expenses.
Other services on customers' premises	762.2	587	Customer installations expenses.
Overhead systems	763.1	585	Street lighting and signal system expenses.
Underground systems	763.2	585	Street lighting and signal system expenses.
Maintenance:			Maintenance:
Maintenance supervision and engineering	764	590	Maintenance supervision and engineering.
Maintenance of structures and improvements	765	591	Maintenance of structures.
Maintenance of station equipment	766	592	Maintenance of station equipment.
Maintenance of storage battery equipment	767	592	Maintenance of station equipment.
Maintenance of poles, towers, and fixtures	768.1	593	Maintenance of overhead lines.
Maintenance of conductors and devices	768.2	593	Maintenance of overhead lines.
Maintenance of conduit	769.1	594	Maintenance of underground lines.
Maintenance of conductors and devices	769.2	594	Maintenance of underground lines.
Maintenance of line transformers and devices	770	595	Maintenance of line transformers.
Maintenance of services	771	593	Maintenance of overhead lines.
		594	Maintenance of underground lines.
Maintenance of meters	772	597	Maintenance of meters.
Maintenance of installations on customers' premises.	773	598	Maintenance of miscellaneous distribution plant.
Maintenance of leased property on customers' premises.	774	598	Maintenance of miscellaneous distribution plant.
Maintenance of street lighting and signal systems.	775	596	Maintenance of street lighting and signal systems.
Rents	776	589	Rents.
Joint expenses—debit	777	---	Deleted.
Joint expenses—credit	778	---	Deleted.
4. Customers' Accounting and Collecting Expenses			*4. Customer Accounts Expenses*
Supervision	779	901	Supervision.
Customers' contracts and orders	780.1	903	Customer records and collection expenses.
Credit investigations and records	780.2	903	Customer records and collection expenses.
Meter reading	780.3	902	Meter reading expenses.
Collecting	780.4	903	Customer records and collection expenses.
Customers' billing and accounting	781	903	Customer records and collection expenses.
Miscellaneous expenses	782	905	Miscellaneous customer accounts expenses.
Uncollectible accounts	783	904	Uncollectible accounts.
Rents	784	---	Deleted.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
3. Distribution Expenses			*3. Distribution Expenses*
Operation:			Operation:
Operation supervision and engineering	580	756	Operation supervision and engineering.
Load dispatching	581	757	Load dispatching labor and expenses.
Station expenses	582	759.1	Station labor.
		759.2	Station supplies and expenses.
		760.1	Storage battery labor.
		760.2	Storage battery supplies and expenses.
Overhead line expenses	583	761.1	Overhead lines.
		761.3	Removing and resetting line transformers.
Underground line expenses	584	761.2	Underground lines.
		761.3	Removing and resetting line transformers.
Street lighting and signal system expenses	585	763.1	Overhead systems.
		763.2	Underground systems.
Meter expenses	586	762.1	Removing and resetting meters.
Customer installations expenses	587	762.2	Other services on customers' premises.
Miscellaneous distribution expenses	588	758.1	Distribution maps and records.
		758.2	Other distribution office expenses.
Rents	589	776	Rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	590	764	Maintenance supervision and engineering.
Maintenance of structures	591	765	Maintenance of structures and improvements.
Maintenance of station equipment	592	766	Maintenance of station equipment.
		767	Maintenance of storage battery equipment.
Maintenance of overhead lines	593	768.1	Maintenance of poles, towers, and fixtures.
		768.2	Maintenance of conductors and devices.
		771	Maintenance of services.
Maintenance of underground lines	594	769.1	Maintenance of conduit.
		769.2	Maintenance of conductors and devices.
		771	Maintenance of services.
Maintenance of line transformers	595	770	Maintenance of line transformers and devices.
Maintenance of street lighting and signal systems.	596	775	Maintenance of street lighting and signal systems.
Maintenance of meters	597	772	Maintenance of meters.
Maintenance of miscellaneous distribution plant.	598	773	Maintenance of installations on customers' premises.
		774	Maintenance of leased property on customers' premises.
4. Customer Accounts Expenses			*4. Customers' Accounting and Collecting Expenses*
Supervision	901	779	Supervision
Meter reading expenses	902	780.3	Meter reading.
Customer records and collection expenses	903	780.1	Customers' contracts and orders.
		780.2	Credit investigations and records.
		780.4	Collecting.
		781	Customers' billing and accounting.
Uncollectible accounts	904	783	Uncollectible accounts.
Miscellaneous customer accounts expenses	905	782	Miscellaneous expenses.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1937, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1937		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
5. Sales Promotion Expenses			*5. Sales Expenses*
Supervision	735	911	Supervision.
Salaries and commissions	736	912	Demonstrating and selling expenses.
Demonstration	737.1	912	Demonstrating and selling expenses.
Advertising	737.2	913	Advertising Expenses.
Miscellaneous sales expenses	737.3	916	Miscellaneous sales expenses.
Rents	738	-------	Deleted.
Revenues from merchandising, jobbing, and contract work.	739.1	914	Revenues from merchandising, jobbing and contract work.
Costs and expenses of merchandising, jobbing, and contract work.	739.2	915	Costs and expenses of merchandising, jobbing and contract work.
6. Administrative and General Expenses			*6. Administrative and General Expenses*
Operation:			Operation:
Salaries of general officers and executives	790	920	Administrative and general salaries.
Other general office salaries	791	920	Administrative and general salaries.
Expenses of general officers	792.1	921	Office supplies and expenses.
Expenses of general office employees	792.2	921	Office supplies and expenses.
General office supplies and expenses	793	921	Office supplies and expenses.
Management and supervision fees and expenses.	794	923	Outside services employed.
Special services	795	923	Outside services employed.
Legal services	796	923	Outside services employed.
Regulatory commission expenses	797	928	Regulatory commission expenses.
Insurance	798	924	Property insurance.
Injuries and damages	799	925	Injuries and damages.
Employees' welfare expenses	800.1	926	Employee pensions and benefits.
Pensions	800.2	926	Employee pensions and benefits.
Miscellaneous general expenses	801	930	Miscellaneous general expenses.
Maintenance of structures and improvements	802.1	932	Maintenance of general plant.
Maintenance of office furniture and equipment	802.2	932	Maintenance of general plant.
Maintenance of communication equipment	802.3	932	Maintenance of general plant.
Maintenance of miscellaneous property	802.4	932	Maintenance of general plant.
Rents	803	931	Rents.
Commissions paid under agency sales contracts.	804	-------	Deleted.
Cash outlays	805.1	} 927	Franchise requirements.
Electricity supplied without charge—debit	805.2		
Other items furnished without charge—debit	805.3		
Duplicate miscellaneous charges—credit	806	929	Duplicate charges—credit.
Administrative and general expenses transferred—credit.	807	-------	(See text of account 922).
Joint expenses—debit	808	} -------	Deleted.
Joint expenses—credit	809		
Charges by associated companies—clearing	901		
Stores expenses—clearing	902		
Transportation expenses—clearing	903	} -------	Deleted (see account 184).
Laboratory expenses—clearing	904		
Shop expenses—clearing	905		

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1937

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1937	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
5. Sales Expenses			*5. Sales Promotion Expenses*
Supervision	911	735	Supervision.
Demonstrating and selling expenses	912	{ 736	Salaries and commissions.
		{ 737.1	Demonstration.
Advertising expenses	913	737.2	Advertising.
Revenues from merchandising, jobbing and contract work.	914	739.1	Revenues from merchandising, jobbing and contract work.
Costs and expenses of merchandising, jobbing and contract work.	915	739.2	Costs and expenses of merchandising, jobbing, and contract work.
Miscellaneous sales expenses	916	737.3	Miscellaneous sales expenses.
6. Administrative and General Expenses			*6. Administrative and General Expenses*
Operation:			Operation:
Administrative and general salaries	920	{ 790	Salaries of general officers and executives.
		{ 791	Other general office salaries.
Office supplies and expenses	921	{ 792.1	Expenses of general officers.
		{ 792.2	Expenses of general office employees.
		{ 793	General office supplies and expenses.
Administrative expenses transferred—credit	922	807	Administrative and general expenses transferred—credit. (NOTE.—Account 922 to be credited with amounts transferred from accounts 920 and 921.)
Outside services employed	923	{ 794	Management and supervision fees and expenses.
		{ 795	Special services.
		{ 796	Legal services.
Property insurance	924	796	Insurance.
Injuries and damages	925	799	Injuries and damages.
Employee pensions and benefits	926	{ 800.1	Employees' welfare expenses.
		{ 800.2	Pensions.
Franchise requirements	927	{ 805.1	Cash outlays.
		{ 805.2	Electricity supplied without charge—debit.
		{ 805.3	Other items furnished without charge—debit
Regulatory commission expenses	928	797	Regulatory commission expenses.
Duplicate charges—credit	929	806	Duplicate miscellaneous charges—credit.
Miscellaneous general expenses	930	801	Miscellaneous general expenses.
Rents	931	803	Rents.
Maintenance of general plant	932	{ 802.1	Maintenance of structures and improvements.
		802.2	Maintenance of office furniture and equipment.
		{ 802.3	Maintenance of communication equipment.
		{ 802.4	Maintenance of miscellaneous property.

APPENDIX B

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT

Definitions

When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued," as applied to securities issued or assumed by the utility, means those which have been sold to bona fide purchasers for a valuable consideration, those issued as dividends on stock, and those which have been issued in accordance with contractual requirements direct to trustees of sinking funds.

3. "Actually outstanding," as applied to securities issued or assumed by the utility, means those which have been actually issued and are neither retired nor held by or for the utility; provided, however, that securities held by trustees shall be considered as actually outstanding.

4. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

5. A. "Associated companies" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting company.

B. "Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

6. "Book cost" means the amount at which property is recorded in these accounts without deduction of related provisions for accrued depreciation, amortization, or for other purposes.

7. "Commission," means the Federal Power Commission.

8. "Cost" means the amount of money actually paid for property or services. When the consideration given is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of common stock in a merger or a pooling of interest, the value of such consideration shall be determined on a cash basis.

9. "Cost of removal" means the cost of demolishing, dismantling, tearing down or otherwise removing electric plant, including the cost of transportation and handling incidental thereto.

10. "Debt expense" means all expenses in connection with the issuance and initial sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

11. "Depreciation," as applied to depreciable electric plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of electric plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities.

12. "Discount," as applied to the securities issued or assumed by the utility, means the excess of the par (stated value of no-par stocks) or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

13. "Investment advances" means advances, represented by notes or by book accounts only, with respect to which it is mutually agreed or intended between the creditor and debtor that they shall be settled by the issuance of securities or shall not be subject to current settlement.

14. "Licensee" means any person, or State, licensed under the provisions of the Federal Power Act and subject to the Commission's accounting requirements under the terms of the license.

15. "Minor items of property" means the associated parts or items of which retirement units are composed.

16. "Net salvage value" means the salvage value of property retired less the cost of removal.

17. "Nominally issued," as applied to securities issued or assumed by the utility, means those which have been signed, certified, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the utility, but which have not been sold, or issued direct to trustees of sinking funds in accordance with contractual requirements.

18. "Nominally outstanding," as applied to securities issued or assumed by the utility, means those which, after being actually issued, have been reacquired by or for the utility under circumstances which require them to be considered as held alive and not retired, provided, however, that securities held by trustees shall be considered as actually outstanding.

19. "Nonproject property" means the electric plant of a licensee which is not a part of the project property subject to a license issued by the Commission.

20. "Original cost," as applied to electric plant, means the cost of such property to the person first devoting it to public service.

21. "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or any organized group of persons, whether incorporated or not, or any receiver or trustee.

22. "Premium," as applied to securities issued or assumed by the utility, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face value and interest or dividends accrued at the date of sale.

23. "Project" means complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, ditches, dams, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.

24. "Project property" means the property described in and subject to a license issued by the Commission.

25. "Property retired," as applied to electric plant, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been withdrawn from service.

26. "Public utility" means any person who owns or operates facilities subject to the jurisdiction of the Commission under the Federal Power Act. (See section 201(e) of said act.)

27. "Replacing" or "replacement," when not otherwise indicated in the context, means the construction or installation of electric plant in place of property retired, together with the removal of the property retired.

28. "Retirement units" means those items of electric plant which, when retired, with or without replacement, are accounted for by crediting the book cost thereof to the electric plant account in which included.

29. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recoverable is chargeable to materials and supplies, or other appropriate account.

30. "Service life" means the time between the date electric plant is includible in electric plant in service, or electric plant leased to others, and the date of its retirement. If depreciation is accounted for on a production basis rather than on a time basis, then service life should be measured in terms of the appropriate unit of production.

31. "Service value" means the difference between original cost and net salvage value of electric plant.

32. "State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

33. "Utility," as used herein and when not otherwise indicated in the context, means any public utility or licensee to which this system of accounts is applicable.

General Instructions

1. *Classification of Utilities.*

A. For the purpose of applying systems of accounts prescribed by the Commission, electric utilities and licensees are divided into four classes, as follows:

Class A. Utilities having annual electric operating revenues of $2,500,000 or more.

Class B. Utilities having annual electric operating revenues of $1,000,000 or more but less than $2,500,000.

Class C. Utilities having annual electric operating revenues of $150,000 or more but less than $1,000,000.

Class D. Utilities having annual electric operating revenues of $25,000 or more but less than $150,000.

B. This system of accounts applies to Class A and Class B utilities. Those applicable to Class C and Class D utilities are issued separately.

C. The class to which any utility belongs shall originally be determined by the average of its annual electric operating revenues for the last three consecutive years. Subsequent changes in classification shall be made when the annual electric operating revenues for each of the three immediately preceding years shall exceed the upper limit, or be less than the lower limit, of the annual electric operating revenues of the classification previously applicable to the utility.

D. Any utility may, at its option, adopt the system of accounts prescribed by the Commission for any larger class of utilities.

2. *Records.*

A. Each utility shall keep its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

B. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, stock books, reports, correspondence, memoranda, etc., which may be useful in developing the history of or facts regarding any transaction.

C. No utility shall destroy any such books or records unless the destruction thereof is permitted by rules and regulations of the Commission.

D. In addition to prescribed accounts, clearing accounts, temporary or experimental accounts, and subdivisions of any accounts, may be kept, provided the integrity of the prescribed accounts is not impaired.

E. All amounts included in the accounts prescribed herein for electric plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426, Other Income Deductions.

F. The arrangement or sequence of the accounts prescribed herein shall not be controlling as to the arrangement or sequence in report forms which may be prescribed by the Commission.

3. *Numbering System.*

A. The account numbering plan used herein consists of a system of three-digit whole numbers as follows:

100–199	Assets and other debits.
200–299	Liabilities and other credits.
300–399	Plant accounts.
400–439	Income accounts.
440–459	Revenue accounts.
500–599	Production, transmission and distribution expenses.
900–949	Customer accounts, sales and general administrative expenses.

B. In certain instances, numbers have been skipped in order to allow for possible later expansion or to permit better coordination with the numbering system for other utility departments.

C. The numbers prefixed to account titles are to be considered as parts of the titles. Each utility, however, may adopt for its own purposes a different system of account numbers (see also general instruction 2D) provided that the numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and in the various sources of original entry; however, if a utility uses a different group of account numbers and it is not practicable to show the prescribed account numbers in the various sources of original entry, such reference to the prescribed account numbers may be omitted from the various sources of original entry. Moreover, each utility using different account numbers for its own purposes shall keep readily available a list of such account numbers which it uses and a reconciliation of such account numbers with the account numbers provided herein. It is intended that the utility's records shall be so kept as to permit ready analysis by prescribed accounts (by direct reference to sources of original entry to the extent practicable) and to permit preparation of financial and operating statements directly from such records at the end of each accounting period according to the prescribed accounts.

4. *Accounting Period.*

Each utility shall keep its books on a monthly basis so that for each month all transactions applicable thereto, as nearly as may be ascertained, shall be entered in the books of the utility. Amounts applicable or assignable to specific utility departments shall be so segregated monthly. Each utility shall close its books at the end of each calendar year unless otherwise authorized by the Commission.

5. *Submittal of Questions.*

To maintain uniformity of accounting, utilities shall submit questions of doubtful interpretation to the Commission for consideration and decision.

6. *Item Lists.*

Lists of "items" appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The lists are intended to be representative, but not exhaustive. The appearance of an item in a list warrants the inclusion of the item in the account mentioned only when the text of the account also indicates inclusion inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

7. *Delayed Items.*

Items relating to transactions which occurred prior to the current calendar year but which were not recorded in the books of account shall be included in the same accounts which would have been charged or credited if the items had not been delayed; provided, that when the amount of a delayed item is relatively so large that its inclusion in the accounts for a single month would seriously distort the accounts, it may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year; and provided further, that, if the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort the accounts, the amount shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, unless the Commission shall prescribe otherwise in specific instances.

8. *Unaudited Items.*

Whenever a financial statement is required by the Commission, if it is known that a transaction has occurred which affects the accounts but the amount involved in the transaction and its effect upon the accounts cannot be determined with absolute accuracy, the amount shall be estimated and such estimated amount included in the proper accounts. The utility is not required to anticipate minor items which would not appreciably affect the accounts.

9. *Distribution of Pay and Expenses of Employees.*

The charges to electric plant, operating expense and other accounts for services and expenses of employees engaged in activities chargeable to various accounts, such as construction, maintenance, and operations, shall be based upon the actual time engaged in the respective classes of work, or in case that method is impracticable, upon the basis of a study of the time actually engaged during a representative period.

10. *Payroll Distribution.*

Underlying accounting data shall be maintained so that the distribution of the cost of labor charged direct to the various accounts will be readily available. Such underlying data shall permit a reasonably accurate distribution to be made of the cost of labor charged initially to clearing accounts so that the total labor cost may be classified among construction, cost of removal, electric operating functions (steam generation, nuclear generation, hydraulic generation, transmission, distribution, etc.) and nonutility operations.

11. *Operating Reserves.*

Accretions to operating reserve accounts made by charges to operating expenses shall not exceed a reasonable provision for the expense. Material balances in such reserve accounts shall not be diverted from the purpose for which provided unless the permission of the Commission is first obtained.

12. *Records for Each Plant.*

Separate records shall be maintained by electric plant accounts of the book cost of each plant owned, including additions by the utility to plant leased from others, and of the cost of operating and maintaining each plant owned or operated. The term "plant" as here used means each generating station and each transmission line or appropriate group of transmission lines.

13. *Accounting for Other Departments.*

If the utility also operates other utility departments, such as gas, water, etc., it shall keep such accounts for the other departments as may be prescribed by proper authority and in the absence of prescribed accounts, it shall keep such accounts as are proper or necessary to reflect the results of operating each such department. It is not intended that proprietary and similar accounts which apply to the utility as a whole shall be departmentalized.

14. *Transactions With Associated Companies.*

Each utility shall keep its accounts and records so as to be able to furnish accurately and expeditiously statements of all transactions with associated companies. The statements may be required to show the general nature of the transactions, the amounts involved therein and the amounts included in each account prescribed herein with respect to such transactions. Transactions with associated companies shall be recorded in the appropriate accounts for transactions of the same nature. Nothing herein contained, however, shall be construed as restraining the utility from subdividing accounts for the purpose of recording separately transactions with associated companies.

15. *Contingent Assets and Liabilities.*

Contingent assets represent a possible source of value to the utility contingent upon the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may under certain conditions become obligations of the utility but which are neither direct nor assumed liabilities at the date of the balance sheet. The utility shall be prepared to give a complete statement of significant contingent assets and liabilities (including cumulative dividends on preference stock) in its annual report and at such other times as may be requested by the Commission.

16. *Separate Accounts or Records for Each Licensed Project.*

The accounts or records of each licensee shall be so kept as to show for each project under license:

(a) the actual legitimate original cost of the project, including the original cost (or fair value as determined under section 23 of the Federal Power Act) of the original project, the original cost of additions thereto and betterments thereof, credits for property retired from service, and credits for related contributions in aid of construction, as determined under the Commission's regulations;

(b) the charges for operation and maintenance of the project property directly assignable to the project;

(c) the credits and debits to the depreciation reserve account, and the balance in such account;

(d) the credits and debits to operating revenue, income, and surplus accounts that can be identified with and directly assigned to the project.

NOTE: The purpose of this instruction is to insure that accounts or records are currently maintained by each licensee from which reports may be made to the Commission for use in determining the net investment in each licensed project. The instruction covers only the debit and credit items appearing in the licensee's accounts which may be identified with and assigned directly to any licensed project. In the determination of the net investment as defined in section 3 of the Federal Power Act, allocations of items affecting the net investment may be required where direct assignment is not practicable.

Electric Plant Instructions

1. *Classification of Electric Plant at Effective Date of System of Accounts.*

A. The electric plant accounts provided herein are the same as those contained in the prior system of accounts except for inclusion of accounts for nuclear production plant and some changes in classification in the general equipment accounts. Except for these changes, the balances in the various plant accounts, as determined under the prior system of accounts, should be carried forward. Any remaining balance of plant which has not yet been classified, pursuant to the requirements of the prior system, shall be classified in accordance with the following instructions.

B. The cost to the utility of its unclassified plant shall be ascertained by analysis of the utility's records. Adjustments shall not be made to record in utility plant accounts amounts previously charged to operating expenses or to income deductions in accordance with the uniform system of accounts in effect at the time or in accordance with the discretion of management as exercised under a uniform system of accounts, or under accounting practices previously followed.

C. The detailed electric plant accounts (301 to 399, inclusive) shall be stated on the basis of cost to the utility of plant constructed by it and the original cost, estimated if not known, of plant acquired as an operating unit or system. The difference between the original cost, as above, and the cost to the utility of electric plant after giving effect to any accumulated provision for depreciation or amortization and contributions in aid of construction applicable to the property acquired if recorded by the accounting utility at the time of acquisition, shall be recorded in account 114, Electric Plant Acquisition Adjustments. The original cost of electric plant shall be determined by analysis of the utility's records or those of predecessor or vendor companies with respect to electric plant previously acquired as operating units or systems and the difference between the original cost so determined, less accumulated provisions for depreciation and amortization and contributions in aid of construction if recorded by the accounting utility, and the cost to the utility, with necessary adjustments for retirements from date of acquisition, shall be entered in account 114, Electric Plant Acquisition Adjustments. Any difference between the cost of electric plant and its book cost, when not properly includible in other accounts, shall be recorded in account 116, Other Electric Plant Adjustments.

2. *Electric Plant To Be Recorded at Cost.*

A. All amounts included in the accounts for electric plant acquired as an operating unit or system, except as otherwise provided in the texts of the intangible plant accounts, shall be stated at the cost incurred by the person who first devoted the property to utility service. All other electric plant shall be included in the accounts at the cost incurred by the utility. Where the term "cost" is used in the detailed plant accounts, it shall have the meaning stated in this paragraph.

B. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis (see, however, definition 8). In the entry recording such transition, the actual consideration shall be described with sufficient particularity to identify it. The utility shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than cash.

C. When property is purchased under a plan involving deferred payments, no charge shall be made to the electric plant accounts for interest, insurance, or other expenditures occasioned solely by such form of payment.

D. Electric plant contributed to the utility or constructed by it from contributions to it of cash or its equivalent shall be charged to the electric plant accounts at cost of construction; estimated if not known. There shall be credited to the accounts for accumulated depreciation and amortization the estimated amount of depreciation and amortization applicable to the property at the time of its contribution to the utility. The difference between the amounts included in the electric plant accounts and the accumulated depreciation and amortization shall be credited to account 271, Contributions in Aid of Construction.

3. *Components of Construction Cost.*

The cost of construction properly includible in the electric plant accounts shall include, where applicable, the direct and overhead costs as listed and defined hereunder:

(1) "Contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals, costs incident to the award of such contracts, and the inspection of such work.

(2) "Labor" includes the pay and expenses of employees of the utility engaged on construction work, and related workmen's compensation insurance, pay-

their assistants applicable to construction work.

(12) "General administration capitalized" includes the portion of the pay and expenses of the general officers and administrative and general expenses applicable to construction work.

(13) "Engineering services" includes amounts paid to other companies, firms, or individuals engaged by the utility to plan, design, prepare estimates, supervise, inspect, or give general advice and assistance in connection with construction work.

(14) "Insurance" includes premiums paid or amounts provided or reserved as self-insurance for the protection against loss and damages in connection with construction, by fire or other casualty, injuries to or death of persons other than employees, damages to property of others, defalcation of employees and agents, and the nonperformance of contractual obligations of others. It does not include workmen's compensation or similar insurance on employees included as "labor" in item 2, above.

(15) "Law expenditures" includes the general law expenditures incurred in connection with construction and the court and legal costs directly related thereto, other than law expenses included in protection, item 7, and in injuries and damages, item 8.

(16) "Taxes" includes taxes on physical property (including land) during the period of construction and other taxes properly includible in construction costs before the facilities become available for service.

(17) "Interest during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used. No interest charges shall be included in these accounts upon expenditures for construction projects which have been abandoned.

NOTE: When a part only of a plant or project is placed in operation or is completed and ready for service but the construction work as a whole is incomplete, that part of the cost of the property placed in operation, or ready for service, shall be treated as "Electric Plant in Service" and interest thereon as a charge to construction shall cease. Interest on that part of the cost of the plant which is incomplete may be continued as a charge to construction until such time as it is placed in operation or is ready for service, except as limited in item 17, above.

(18) "Earnings and expenses during construction." The earnings and expenses during construction shall constitute a component of construction costs.

(a) The earnings shall include revenues received or earned for power produced by generating plants during the construction period and sold or used by the utility. Where such power is sold to an independent purchaser before intermingling with power generated by other plants, the credit shall consist of the selling price of the energy. Where the power generated by a plant under construction is delivered to the utility's electric system for distribution and sale, or is delivered to and used by the utility for purposes other than distribution and sale (for manufacturing or industrial use, for example), the credit shall be the fair value of the energy so delivered. The revenues shall also include rentals for lands, buildings, etc., and miscellaneous receipts not properly includible in other accounts.

(b) The expenses shall consist of the cost of operating the power plant, and other costs incident to the production and delivery of the power for which construction is credited under paragraph (a), above, including the cost of repairs and other expenses of operating and maintaining lands, buildings, and other property, and other miscellaneous and like expenses not properly includible in other accounts.

4. *Overhead Construction Costs.*

A. All overhead construction costs, such as engineering, supervision, general office salaries and expenses, construction engineering and supervision by others than the accounting utility, law expenses, insurance, injuries and damages, relief and pensions, taxes and interest, shall be charged to particular jobs or units on the basis of the amounts of such overheads reasonably applicable thereto, to the end that each job or unit shall bear its equitable proportion of such costs and that the entire cost of the unit, both direct and overhead, shall be deducted from the plant accounts at the time the property is retired.

B. As far as practicable, the determination of pay roll charges includible in construction overheads shall be based on time card distributions thereof. Where this procedure is impractical, special studies shall be made periodically of the time of supervisory employees devoted to construction activities to the end that only such overhead costs as have a definite relation to construction shall be capitalized. The addition to direct construction costs of arbitrary percentages or amounts to cover assumed overhead costs is not permitted.

C. The records supporting the entries for overhead construction costs shall be so kept as to show the total amount of each overhead for each year, the nature and amount of each overhead expenditure charged to each construction work order and to each electric plant account, and the bases of distribution of such costs.

5. *Electric Plant Purchased or Sold.*

A. When electric plant constituting an operating unit or system is acquired by purchase, merger, consolidation, liquidation, or otherwise, after the effective date of this system of accounts, the costs of acquisition, including expenses incidental thereto properly includible in electric plant, shall be charged to account 102, Electric Plant Purchased or Sold.

B. The accounting for the acquisition shall then be completed as follows:

(1) The original cost of plant, estimated if not known, shall be credited to account 102, Electric Plant Purchased or Sold, and concurrently charged to the appropriate electric plant in service accounts and to account 104, Electric Plant Leased to Others, account 105, Electric Plant Held for Future Use, and account 107, Construction Work in Progress—Electric, as appropriate.

(2) The depreciation and amortization applicable to the original cost of the properties purchased shall be charged to account 102, Electric Plant Purchased or Sold, and concurrently credited to appropriate account for accumulated provision for depreciation or amortization.

(3) The cost to the utility of any property included in account 121, Nonutility Property, shall be transferred thereto.

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Electric Plant Purchased or Sold, and concurrently credited to account 271, Contributions in Aid of Construction, unless otherwise authorized by the Commission.

(5) The amount remaining in account 102, Electric Plant Purchased or Sold, shall then be closed to account 114, Electric Plant Acquisition Adjustments.

C. If property acquired in the purchase of an operating unit or system is in such physical condition when acquired that it is necessary substantially to rehabilitate it in order to bring the property up to the standards of the utility, the cost of such work, except replacements, shall be accounted for as a part of the purchase price of the property.

D. When any property acquired as an operating unit or system includes duplicate or other plant which will be retired by the accounting utility in the reconstruction of the acquired property or its consolidation with previously owned property, the proposed accounting for such property shall be presented to the Commission.

E. In connection with the acquisition of electric plant constituting an operating unit or system, the utility shall procure, if possible, all existing records relating to the property acquired, or certified copies thereof, and shall preserve such records in conformity with regulations or practices governing the preservation of records of its own construction.

F. When electric plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation, or otherwise, the book cost of the property sold or transferred to another shall be credited to appropriate utility plant accounts, including amounts carried in account 114, Electric Plant Acquisition Adjustments, and the amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provision for depreciation and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102, Electric Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property (less commissions and other expenses of making the sale) shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate, unless a reserve therefor has been authorized and provided. Appropriate adjustments of the accounts shall be made with respect to any structures or improvements located on land sold.

F. The cost of buildings and other improvements (other than public improvements) shall not be included in the land account. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to utility operations, the land and improvements shall be separately appraised and the cost allo-

Debits to Surplus. (See account 102, Electric Plant Purchased or Sold.)

NOTE: In case where existing utilities merge or consolidate because of financial or operating reasons or statutory requirements rather than as a means of transferring title of purchased properties to a new owner, the accounts of the constituent utilities, with the approval of the Commission, may be combined. In the event original cost has not been determined, the resulting utility shall proceed to determine such cost as outlined herein.

6. *Expenditures on Leased Property.*

A. The cost of substantial initial improvements (including repairs, rearrangements, additions, and betterments) made in the course of preparing for utility service property leased for a period of more than one year, and the cost of subsequent substantial additions, replacements, or betterments to such property, shall be charged to the electric plant account appropriate for the class of property leased. If the service life of the improvements is terminable by action of the lessee, the cost, less net salvage, of the improvements shall be spread over the life of the lease by charges to account 404, Amortization of Limited-Term Electric Plant. However, if the service life is not terminated by action of the lessee but by depreciation proper, the cost of the improvements, less net salvage, shall be accounted for as depreciable plant.

B. If improvements made to property leased for a period of more than one year are of relatively minor cost, or if the lease is for a period of not more than one year, the cost of the improvements shall be charged to the electric plant account appropriate for the class of property leased. If the service life of the improvements is terminable by action of the lessee, the cost, less net salvage, of the improvements shall be spread over the life of the lease by charges to account 404, Amortization of Limited-Term Electric Plant. However, if the service life is not terminated by action of the lessee but by depreciation proper, the cost of the improvements, less net salvage, shall be accounted for as depreciable plant.

C. If improvements made to property leased for a period of not more than one year, or if the lessee is for a period of not more than one year, the cost of the improvements shall be charged to the electric plant account appropriate for the class of property leased. If the service life of the improvements is terminable by action of the lessee, the cost, less net salvage, of the improvements shall be spread over the life of the lease by charges to account 404, Amortization of Limited-Term Electric Plant. However, if the service life is not terminated by action of the lessee but by depreciation proper, the cost of the improvements, less net salvage, shall be accounted for as depreciable plant.

D. If improvements made to property leased for a period of more than one year, and the cost of subsequent substantial additions, replacements, or betterments to such property, shall be charged to the electric plant account appropriate for the class of property leased. If the service life of the improvements is terminable by action of the lessee, the cost, less net salvage, of the improvements shall be spread over the life of the lease by charges to account 404, Amortization of Limited-Term Electric Plant. However, if the service life is not terminated by action of the lessee but by depreciation proper, the cost of the improvements, less net salvage, shall be accounted for as depreciable plant.

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or rights, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate, unless a reserve therefor has been authorized and provided. Appropriate adjustments of the accounts shall be made with respect to any structures or improvements located on land sold.

F. The cost of buildings and other improvements (other than public improvements) shall not be included in the land account. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to utility operations, the land and improvements shall be separately appraised and the cost al-

located to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

G. When the purchase of land for electric operations requires the purchase of more land than needed for such purposes, the charge to the specific land account shall be based upon the cost of the land purchased, less the fair market value of that portion of the land which is not to be used in utility operations. The portion of the cost measured by the fair market value of the land not to be used shall be included in account 105, Electric Plant Held for Future Use, or account 121, Nonutility Property, as appropriate.

H. Provisions shall be made for amortizing amounts carried in the accounts for limited-term interests in land so as to apportion equitably the cost of each interest over the life thereof. (See account 111, Accumulated Provision for Amortization of Electric Plant in Service, and account 404, Amortization of Limited-Term Electric Plant.)

I. The items of cost to be included in the accounts for land and land rights are as follows:

1. Bulkheads, buried, not requiring maintenance or replacement.
2. Cost, first, of acquisition including mortgages and other liens assumed (but not subsequent interest thereon).
3. Clearing (first cost) the land of brush, trees, and debris, except in the case of account 332, Reservoirs, Dams and Waterways, and account 351 (Transmission Plant), Clearing Land and Rights of Way.
4. Condemnation proceedings, including court and counsel costs.
5. Consents and abutting damages, payment for.
6. Conveyancers' and notaries' fees.
7. Fees, commissions, and salaries to brokers, agents and others in connection with the acquisition of the land or land rights.
8. Grading the land, except when directly occasioned by the building of a structure.
9. Leases, cost of voiding upon purchase to secure possession of land.
10. Removing, relocating, or reconstructing, property of others, such as buildings, highways, railroads, bridges, cemeteries, churches, telephone and power lines, etc., in order to acquire quiet possession.
11. Retaining walls unless identified with structures.
12. Special assessments levied by public authorities for public improvements on the basis of benefits for new roads, new bridges, new sewers, new curbing, new pavements, and other public improvements, but not taxes levied to provide for the maintenance of such improvements.
13. Surveys in connection with the acquisition, but not amounts paid for topographical surveys and maps where such costs are attributable to structures or plant equipment erected or to be erected or installed on such land.
14. Taxes assumed, accrued to date of transfer of title.
15. Title, examining, clearing, insuring, and registering in connection with the acquisition and defending against claims relating to the period prior to the acquisition.
16. Appraisals prior to closing title.
17. Cost of dealing with distributees or legatees residing outside of the state or county, such as recording power of attorney, recording will or exemplification of will, recording satisfaction of state tax.
18. Filing satisfaction of mortgage.
19. Documentary stamps.
20. Photographs of property at acquisition.
21. Fees and expenses incurred in the acquisition of water rights and grants.
22. Cost of fill to extend bulkhead line over land under water, where riparian rights are held, which is not occasioned by the erection of a structure.
23. Sidewalks and curbs constructed by the utility on public property.
24. Labor and expenses in connection with securing rights of way, where performed by company employees and company agents.

8. *Structures and Improvements.*

A. The accounts for structures and improvements shall include the cost of all buildings and facilities to house, support, or safeguard property or persons, including all fixtures permanently attached to and made a part of buildings and which cannot be removed therefrom without cutting into the walls, ceilings, or floors, or without in some way impairing the buildings, and improvements of a permanent character on or to land.

B. The cost of specially provided foundations not intended to outlast the machinery or apparatus for which provided, and the cost of angle irons, castings, etc., installed at the base of an item of equipment, shall be charged to the same account as the cost of the machinery, apparatus, or equipment.

C. Minor buildings and structures, such as valve towers, patrolmen's towers, telephone stations, etc., which are used directly in connection with or form a part of a reservoir, dam, waterway, etc., shall be considered a part of the facility in connection with which constructed or operated and the cost thereof accounted for accordingly.

D. Where furnaces and boilers are used primarily for furnishing steam for some particular department and only incidentally for furnishing steam for heating a building and operating the equipment therein, the entire cost of such furnaces and boilers shall be charged to the appropriate plant account, and no part to the building account.

E. Where the structure of a dam forms also the foundation of the power plant building, such foundation shall be considered a part of the dam.

F. The cost of disposing of materials excavated in connection with construction of structures shall be considered as a part of the cost of such work, except as follows: (a) When such material is used for filling, the cost of loading, hauling, and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used; (b) When such material is sold, the net amount realized from such sales shall be credited to the work in connection with which the removal occurs. If the amount realized from the sale of excavated materials exceeds the removal costs and the costs in connection with the sale, the excess shall be credited to the land account in which the site is carried.

G. Lighting or other fixtures temporarily attached to buildings for purposes of display or demonstration shall not be included in the cost of the building but in the appropriate equipment account.

H. The items of cost to be included in the accounts for structures and improvements are as follows:

1. Architects' plans and specifications including supervision.
2. Ash pits (when located within the building).
3. Athletic field structures and improvements.
4. Boilers, furnaces, piping, wiring, fixtures, and machinery for heating, lighting, signaling, ventilating, and air conditioning systems, plumbing, vacuum cleaning systems, incinerator and smoke pipe, flues, etc.
5. Bulkheads, including dredging, riprap fill, piling, decking, concrete, fenders, etc., when exposed and subject to maintenance and replacement.
6. Chimneys.
7. Coal bins and bunkers.
8. Commissions and fees to brokers, agents, architects and others.
9. Conduit (not to be removed) with its contents.
10. Damages to abutting property during construction.
11. Docks.
12. Door checks and door stops.
13. Drainage and sewerage systems.
14. Elevators, cranes, hoists, etc., and the machinery for operating them.
15. Excavation, including shoring, bracing, bridging, refill and disposal of excess excavated material, cofferdams around foundation, pumping water from cofferdams during construction, and test borings.
16. Fences and fence curbs (not including protective fences isolating items of equipment, which shall be charged to the appropriate equipment account).
17. Fire protection systems when forming a part of a structure.
18. Flagpole.
19. Floor covering (permanently attached).
20. Foundations and piers for machinery, constructed as a permanent part of a building or other item listed herein.
21. Grading and clearing when directly occasioned by the building of a structure.
22. Intrasite communication system, poles, pole fixtures, wires and cables.
23. Landscaping, lawns, shrubbery, etc.
24. Leases, voiding upon purchase to secure possession of structures.
25. Leased property, expenditures on.
26. Lighting fixtures and outside lighting system.
27. Mailchutes when part of a building.
28. Marquee, permanently attached to building.
29. Painting, first cost.
30. Permanent paving, concrete, brick, flagstone, asphalt, etc., within the property lines.
31. Partitions, including movable.
32. Permits and privileges.
33. Platforms, railings and gratings when constructed as a part of a structure.
34. Power boards for services to a building.
35. Refrigerating systems for general use.
36. Retaining walls except when identified with land.
37. Roadways, railroads, bridges, and trestles intrasite except railroads provided for in equipment accounts.
38. Roofs.
39. Scales, connected to and forming a part of a structure.
40. Screens.
41. Sewer systems, for general use.
42. Sidewalks, culverts, curbs and streets constructed by the utility on its property.
43. Sprinkling systems.
44. Sump pumps and pits.
45. Stacks—brick, steel, or concrete, when set on foundation forming part of general foundation and steelwork of a building.
46. Steel inspection during construction.

47. Storage facilities constituting a part of a building.
48. Storm doors and windows.
49. Subways, areaways, and tunnels, directly connected to and forming part of a structure.
50. Tanks, constructed as part of a building or as a distinct structural unit.
51. Temporary heating during construction (net cost).
52. Temporary water connection during construction (net cost).
53. Temporary shanties and other facilities used during construction (net cost).
54. Topographical maps.
55. Tunnels, intake and discharge, when constructed as part of a structure, including sluice gates, and those constructed to house mains.
56. Vaults constructed as part of a building.
57. Watchmen's sheds and clock systems (net cost when used during construction only).
58. Water basins or reservoirs.
59. Water front improvements.
60. Water meters and supply system for a building or for general company purposes.
61. Water supply piping, hydrants and wells.
62. Wharves.
63. Window shades and ventilators.
64. Yard drainage system.
65. Yard lighting system.
66. Yard surfacing, gravel, concrete, or oil. (First cost only.)

NOTE: Structures and Improvements accounts shall be credited with the cost of coal bunkers, stacks, foundations, subways, tunnels, etc., the use of which has terminated with the removal of the equipment with which they are associated even though they have not been physically removed.

9. *Equipment.*

A. The cost of equipment chargeable to the electric plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate.

B. Exclude from equipment accounts hand and other portable tools, which are likely to be lost or stolen or which have relatively small value (for example, $50 or less) or short life, unless the correctness of the accounting therefor as electric plant is verified by current inventories. Special tools acquired and included in the purchase price of equipment shall be included in the appropriate plant account. Portable drills and similar tool equipment when used in connection with the operation and maintenance of a particular plant or department, such as production, transmission, distribution, etc., or in "stores," shall be charged to the plant account appropriate for their use.

C. The equipment accounts shall include angle irons and similar items which are installed at the base of an item of equipment, but piers and foundations which are designed to be as permanent as the buildings which house the equipment, or which are constructed as a part of the building and which cannot be removed without cutting into the walls, ceilings or floors or without in some way impairing the building, shall be included in the building accounts.

D. The equipment accounts shall include the necessary costs of testing or running a plant or part thereof during an experimental or test period prior to becoming available for service. The utility shall furnish the Commission with full particulars of and justification for any test or experimental run extending beyond a period of thirty days.

E. The cost of efficiency or other tests made subsequent to the date equipment becomes available for service shall be charged to the appropriate expense accounts, except that tests to determine whether equipment meets the specifications and requirements as to efficiency, performance, etc., guaranteed by manufacturers, made after operations have commenced and within the period specified in the agreement or contract of purchase, may be charged to the appropriate electric plant account.

10. *Additions and Retirements of Electric Plant.*

A. For the purpose of avoiding undue refinement in accounting for additions to and retirements and replacements of electric plant, all property shall be considered as consisting of (1) retirement units and (2) minor items of property. Each utility shall use such list of retirement units as is in use by it at the effective date hereof or as may be prescribed by the Commission, with the option, however, of using smaller units, provided the utility's practice in this respect is consistent.

B. The addition and retirement of retirement units shall be accounted for as follows:

(1) When a retirement unit is added to electric plant, the cost thereof shall be added to the appropriate electric plant account, except that when units are acquired in the acquisition of any electric plant constituting an operating system, they shall be accounted for as provided in electric plant instruction 5.

(2) When a retirement unit is retired from electric plant, with or without replacement, the book cost thereof shall be credited to the electric plant account in which it is included, determined in the manner set forth in paragraph D, below. If the retirement unit is of a depreciable class, the book cost of the unit retired and credited to electric plant shall be charged to the accumulated provision for depreciation applicable to such property. The cost of removal and the salvage shall be charged or credited, as appropriate, to such depreciation account.

C. The addition and retirement of minor items of property shall be accounted for as follows:

(1) When a minor item of property which did not previously exist is added to plant, the cost thereof shall be accounted for in the same manner as for the addition of a retirement unit, as set forth in paragraph B(1), above, if a substantial addition results, otherwise the charge shall be to the appropriate maintenance expense account.

(2) When a minor item of property is retired and not replaced, the book cost thereof shall be credited to the electric plant account in which it is included; and, in the event the minor item is a part of depreciable plant, the account for accumulated provision for depreciation shall be charged with the book cost and cost of removal and credited with the salvage. If, however, the book cost of the minor item retired and not replaced has been or will be accounted for by its inclusion in the retirement unit of which it is a part when such unit is retired, no separate credit to the property account is required when such minor item is retired.

(3) When a minor item of depreciable property is replaced independently of the retirement unit of which it is a part, the cost of replacement shall be charged to the maintenance account appropriate for the item, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity), the excess cost of the replacement over the estimated cost at current prices of replacing without betterment shall be charged to the appropriate electric plant account.

D. The book cost of electric plant retired shall be the amount at which such property is included in the electric plant accounts, including all components of construction costs. The book cost shall be determined from the utility's records and if this cannot be done, it shall be estimated. When it is impracticable to determine the book cost of each unit, due to the relatively large number or small cost thereof, an appropriate average book cost of the units, with due allowance for any differences in size and character, shall be used as the book cost of the units retired.

E. The book cost of land retired shall be credited to the appropriate land account. If the land is sold, the difference between the book cost (less any accumulated provision for depreciation or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 434, Miscellaneous Credits to Surplus or account 435, Miscellaneous Debits to Surplus, as appropriate. If the land is not used in utility service but is retained by the utility, the book cost shall be charged to account 105, Electric Plant Held for Future Use, or account 121, Nonutility Property, as appropriate.

F. The book cost less net salvage of depreciable electric plant retired shall be charged in its entirety to account 108, Accumulated Provision for Depreciation of Electric Plant in Service. Any amounts which, by approval or order of the Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 108.

G. The accounting for the retirement of amounts included in account 302, Franchises and Consents, and account 303, Miscellaneous Intangible Plant, and the items of limited-term interest in land included in the accounts for land and land rights, shall be as provided for in the text of account 111, Accumulated Provision for Amortization of Electric Plant in Service, account 404, Amortization of Limited-Term Electric Plant, and

account 405, Amortization of Other Electric Plant.

11. *Work Order and Property Record System Required.*

A. Each utility shall record all construction and retirements of electric plant by means of work orders or job orders. Separate work orders may be opened for additions to and retirements of electric plant or the retirements may be included with the construction work order, provided, however, that all items relating to the retirements shall be kept separate from those relating to construction and provided, further, that any maintenance costs involved in the work shall likewise be segregated.

B. Each utility shall keep its work order system so as to show the nature of each addition to or retirement of electric plant, the total cost thereof, the source or sources of costs, and the electric plant account or accounts to which charged or credited. Work orders covering jobs of short duration may be cleared monthly.

C. Each utility shall maintain records in which, for each plant account, the amounts of the annual additions and retirements, subsequent to the effective date of this system of accounts, are classified so as to show the number and cost of the various record units or retirement units.

12. *Transfers of Property.*

When property is transferred from one electric plant account to another, from one utility department to another, such as from electric to gas, from one operating division or area to another, to or from accounts 101, Electric Plant in Service, 104, Electric Plant Leased to Others, 105, Electric Plant Held for Future Use, and 121, Nonutility Property, the transfer shall be recorded by transferring the original cost thereof from the one account, department, or location to the other. Any related amounts carried in the accounts for accumulated provision for depreciation or amortization shall be transferred in accordance with the segregation of such accounts.

13. *Common Utility Plant.*

A. If the utility is engaged in more than one utility service, such as electric, gas, and water, and any of its utility plant is used in common for several utility services or for other purposes to such an extent and in such manner that it is impracticable to segregate it by utility services currently in the accounts, such property, with the approval of the Commission, may be designated and classified as "common utility plant."

B. The book amount of utility plant designated as common plant shall be included in account 118, Other Utility Plant, and if applicable in part to the electric department, shall be segregated and accounted for in subaccounts as electric plant is accounted for in accounts 101 to 107, inclusive, and electric plant adjustments in account 116; any amounts classifiable as common plant acquisition adjustments or common plant adjustments shall be subject to disposition as provided in paragraphs C and B of accounts 114 and 116, respectively, for amounts classified in those accounts. The original cost of common utility plant in service shall be classified according to detailed utility plant accounts appropriate for the property.

C. The utility shall be prepared to show at any time and to report to the Commission annually, or more frequently, if required, and by utility plant accounts (301 to 399) the following: (1) The book cost of common utility plant, (2) The allocation of such cost to the respective departments using the common utility plant, and (3) The basis of the allocation.

D. The accumulated provision for depreciation and amortization of the utility shall be segregated so as to show the amount applicable to the property classified as common utility plant.

E. The expenses of operation, maintenance, rents, depreciation and amortization of common utility plant shall be recorded in the accounts prescribed herein, but designated as common expenses, and the allocation of such expenses to the departments using the common utility plant shall be supported in such manner as to reflect readily the basis of allocation used.

14. *Transmission and Distribution Plant.*

For the purpose of this system of accounts:

A. "Transmission system" means:

(1) All land, conversion structures, and equipment employed at a primary source of supply (i.e., generating station, or point of receipt in the case of purchased power) to change the voltage or frequency of electricity for the purpose of its more efficient or convenient transmission;

(2) All land, structures, lines, switching and conversion stations, high tension apparatus, and their control and protective equipment between a generating or receiving point and the entrance to a distribution center or wholesale point; and

(3) All lines and equipment whose primary purpose is to augment, integrate or tie together the sources of power supply.

B. "Distribution system" means all land, structures, conversion equipment, lines, line transformers, and other facilities employed between the primary source of supply (i.e., generating station, or point of receipt in the case of purchased power) and of delivery to customers, which are not includible in transmission system, as defined in paragraph A, whether or not such land, structures, and facilities are operated as part of a transmission system or as part of a distribution system.

NOTE: Stations which change electricity from transmission to distribution voltage shall be classified as distribution stations.

C. Where poles or towers support both transmission and distribution conductors, the poles, towers, anchors, guys, and rights of way shall be classified as transmission system. The conductors, crossarms, braces, grounds, tiewire, insulators, etc., shall be classified as transmission or distribution facilities, according to the purpose for which used.

D. Where underground conduit contains both transmission and distribution conductors, the underground conduit and right of way shall be classified as distribution system. The conductors shall be classified as transmission or distribution facilities according to the purpose for which used.

E. Land (other than rights of way) and structures used jointly for transmission and distribution purposes shall be classified as transmission or distribution according to the major use thereof.

Operating Expense Instructions

1. *Supervision and Engineering.*

The supervision and engineering includible in the operating expense accounts shall consist of the pay and expenses of superintendents, engineers, clerks, other employees and consultants engaged in supervising and directing the operation and maintenance of each utility function. Wherever allocations are necessary in order to arrive at the amount to be included in any account, the method and basis of allocation shall be reflected by underlying records.

ITEMS

Labor

1. Special tests to determine efficiency of equipment operation.
2. Preparing or reviewing budgets, estimates, and drawings relating to operation or maintenance for departmental approval.
3. Preparing instructions for operations and maintenance activities.
4. Reviewing and analyzing operating results.
5. Establishing organizational setup of departments and executing changes therein.
6. Formulating and reviewing routines of departments and executing changes therein.
7. General training and instruction of employees by supervisors whose pay is chargeable hereto. Specific instruction and training in a particular type of work is chargeable to the appropriate functional account.
8. Secretarial work for supervisory personnel, but not general clerical and stenographic work chargeable to other accounts.

Expenses

9. Consultants' fees and expenses.
10. Meals, traveling and incidental expenses.

2. *Maintenance.*

A. The cost of maintenance chargeable to the various operating expense and clearing accounts includes labor, materials, overheads and other expenses incurred in maintenance work. A list of work operations applicable generally to utility plant is included hereunder. Other work operations applicable to specific classes of plant are listed in functional maintenance expense accounts.

B. Materials recovered in connection with the maintenance of property shall be credited to the same account to which the maintenance cost was charged.

C. If the book cost of any property is carried in account 102, Electric Plant Purchased or Sold, the cost of maintaining such property shall be charged to the accounts for maintenance of property of the same class and use, the book cost of which is carried in other electric plant in service accounts. Maintenance of property leased from others shall be treated as provided in operating expense instruction 3.

ITEMS

1. Direct field supervision of maintenance.
2. Inspecting, testing, and reporting on condition of plant specifically to determine the need for repairs, replacements, rearrangements and changes and inspecting and testing the adequacy of repairs which have been made.
3. Work performed specifically for the purpose of preventing failure, restoring serviceability or maintaining life of plant.
4. Rearranging and changing the location of plant not retired.
5. Repairing for reuse materials recovered from plant.
6. Testing for, locating and clearing trouble.
7. Net cost of installing, maintaining, and removing temporary facilities to prevent interruptions in service.
8. Replacing or adding minor items of plant which do not constitute a retirement unit. (See electric plant instruction 10.)

3. *Rents.*

A. The rent expense accounts provided under the several functional groups of expense accounts shall include all rents, including taxes paid by the lessee on leased property, for property used in utility operations, except (1) minor amounts paid for occasional or infrequent use of any property or equipment and all amounts paid for use of equipment that, if owned, would be includible in plant accounts 391 to 398, inclusive, which shall be treated as an expense item and included in the appropriate functional account and (2) rents which are chargeable to clearing accounts, and distributed therefrom to the appropriate account. If rents cover property used for more than one function, such as production and transmission, or by more than one department, the rents shall be apportioned to the appropriate rent expense or clearing accounts of each department on an actual, or, if necessary, an estimated basis.

B. When a portion of property or equipment rented from others for use in connection with utility operations is subleased, the revenue derived from such subleasing shall be credited to the rent revenue account in operating revenues; provided, however, that in case the rent was charged to a clearing account, amounts received from subleasing the property shall be credited to such clearing account.

C. The cost, when incurred by the lessee, of operating and maintaining leased property, shall be charged to the accounts appropriate for the expense if the property were owned.

D. The cost incurred by the lessee of additions and replacements to electric plant leased from others shall be accounted for as provided in electric plant instruction 6.

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

Electric plant.

101 Electric plant in service.
102 Electric plant purchased or sold.
103 Electric plant in process of reclassification.
104 Electric plant leased to others.
105 Electric plant held for future use.
106 Completed construction not classified—Electric.
107 Construction work in progress—Electric.

Accumulated provision for depreciation and amortization.

108 Accumulated provision for depreciation of electric plant in service.
109 Accumulated provision for depreciation of electric plant leased to others.
110 Accumulated provision for depreciation of electric plant held for future use.
111 Accumulated provision for amortization of electric plant in service.
112 Accumulated provision for amortization of electric plant leased to others.
113 Accumulated provision for amortization of electric plant held for future use.
114 Electric plant acquisition adjustments.
115 Accumulated provision for amortization of electric plant acquisition adjustments.
116 Other electric plant adjustments.
118 Other utility plant.
119 Accumulated provision for depreciation and amortization of other utility plant.

2. OTHER PROPERTY AND INVESTMENTS

121 Nonutility property.
122 Accumulated provision for depreciation and amortization of nonutility property.
123 Investment in associated companies.
124 Other investments.

Special funds.

125 Sinking funds.
126 Depreciation fund.
127 Amortization fund—Federal.
128 Other special funds.

3. CURRENT AND ACCRUED ASSETS

131 Cash.

Special deposits.

132 Interest special deposits.
133 Dividend special deposits.
134 Other special deposits.
135 Working funds.
136 Temporary cash investments.

Notes and accounts receivable.

141 Notes receivable.
142 Customer accounts receivable.
143 Other accounts receivable.
144 Accumulated provision for uncollectible accounts—credit.

Receivables from associated companies.

145 Notes receivable from associated companies.
146 Accounts receivable from associated companies.

Material and supplies.

151 Fuel stock.
152 Fuel stock expenses undistributed.
153 Residuals.
154 Plant materials and operating supplies.
155 Merchandise.
156 Other materials and supplies.
157 Nuclear fuel assemblies and components—In reactor.
158 Nuclear fuel assemblies and components—Stock account.
159 Nuclear byproduct materials.
163 Stores expense undistributed.
165 Prepayments.

Other current and accrued assets.

171 Interest and dividends receivable.
172 Rents receivable.
173 Accrued utility revenues.
174 Miscellaneous current and accrued assets.

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.
182 Extraordinary property losses.

Other deferred debits.

183 Preliminary survey and investigation charges.
184 Clearing accounts.
185 Temporary facilities.
186 Miscellaneous deferred debits.

Liabilities and other credits.

5. PROPRIETARY CAPITAL

Common capital stock.

201 Common stock issued.
202 Common stock subscribed.
203 Common stock liability for conversion.

Preferred capital stock.

204 Preferred stock issued.
205 Preferred stock subscribed.
206 Preferred stock liability for conversion.

Other paid-in capital.

207 Premium on capital stock.
208 Donations received from stockholders.
209 Reduction in par or stated value of capital stock.
210 Gain on resale or cancellation of reacquired capital stock.
211 Miscellaneous paid-in capital.
212 Installments received on capital stock.
213 Discount on capital stock.
214 Capital stock expense.
215 Appropriated earned surplus.
216 Unappropriated earned surplus.
217 Reacquired capital stock.

6. LONG-TERM DEBT

Bonds.

221 Bonds.
222 Reacquired bonds.
223 Advances from associated companies.
224 Other long-term debt.

7. CURRENT AND ACCRUED LIABILITIES

231 Notes payable.
232 Accounts payable.

Payables to associated companies.

233 Notes payable to associated companies.
234 Accounts payable to associated companies.
235 Customer deposits.
236 Taxes accrued.
237 Interest accrued.

Other current and accrued liabilities.

238 Dividends declared.
239 Matured long-term debt.
240 Matured interest.
241 Tax collections payable.
242 Miscellaneous current and accrued liabilities.

8. DEFERRED CREDITS

251 Unamortized premium on debt.
252 Customer advances for construction.
253 Other deferred credits.

9. OPERATING RESERVES

261 Property insurance reserve.
262 Injuries and damages reserve.
263 Pensions and benefits reserve.
264 Amortization reserve—Federal.
265 Miscellaneous operating reserves.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

11. ACCUMULATED DEFERRED INCOME TAXES

281 Accumulated deferred income taxes—Accelerated amortization.
282 Accumulated deferred income taxes—Liberalized depreciation.
283 Accumulated deferred income taxes—Other.

Balance Sheet Accounts

1. Utility Plant

101 Electric plant in service.

A. This account shall include the original cost of electric plant, included in accounts 301 to 399, prescribed herein, owned and used by the utility in its electric utility operations, and having an expectation of life in service of more than one year from date of installation, including such property owned by the utility but held by nominees.

(See also account 106 for unclassified construction costs of completed plant actually in service.)

B. The cost of additions to and betterments of property leased from others, which are includible in this account, shall be recorded in subdivisions separate and distinct from those relating to owned property. (See electric plant instruction 6.)

102 Electric plant purchased or sold.

A. This account shall be charged with the cost of electric plant acquired as an operating unit or system by purchase, merger, consolidation liquidation, or otherwise, and shall be credited with the selling price of like property transferred to others pending the distribution to appropriate accounts in accordance with electric plant instruction 5.

B. Within six months from the date of acquisition or sale of property recorded herein, the utility shall file with the Commission the proposed journal entries to clear from this account the amounts recorded herein.

103 Electric plant in process of reclassification.

A. This account shall include temporarily the balance of electric plant as of the effective date of the prior system of accounts, which has not yet been reclassified as of the effective date of this system of accounts. The detailed or primary accounts in support of this account employed prior to such date shall be continued pending reclassification into the electric plant accounts herein prescribed (301–399), but shall not be used for additions, betterments, or new construction.

B. No charges other than as provided in paragraph A, above, shall be made to this account, but retirements of such unclassified electric plant shall be credited hereto and to the supporting (old) fixed capital accounts until the reclassification shall have been accomplished.

104 Electric plant leased to others.

A. This account shall include the original cost of electric plant owned by the utility, but leased to others as operating units or systems, where the lessee has exclusive possession.

B. The property included in this account shall be classified according to the detailed accounts (301 to 399) prescribed for electric plant in service and this account shall be maintained in such detail as though the property were used by the owner in its utility operations.

105 Electric plant held for future use.

A. This account shall include the original cost of electric plant owned and held for future use in electric service under a definite plan for such use. There shall be included herein property acquired but never used by the utility in electric service, but held for such service in the future under a definite plan, and property previously used by the utility in electric service, but retired from such service and held pending its reuse in the future, under a definite plan, in electric service.

B. The property included in this account shall be classified according to the detailed accounts (301 to 399) prescribed for electric plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE: Materials and supplies, meters and transformers held in reserve, and normal spare capacity of plant in service shall not be included in this account.

106 Completed construction not classified—Electric.

At the end of the year or such other date as a balance sheet may be required by the Commission, this account shall include the total of the balances of work orders for electric plant which has been completed and placed in service but which work orders have not been classified for transfer to the detailed electric plant accounts.

NOTE: For the purpose of reporting to the Commission the classification of electric plant in service by accounts is required, the utility shall also report the balance in this account tentatively classified as accurately as practicable according to prescribed account classifications. The purpose of this provision is to avoid any significant omissions in reported amounts of electric plant in service.

107 Construction work in progress—Electric.

A. This account shall include the total of the balances of work orders for electric plant in process of construction.

B. Work orders shall be cleared from this account as soon as practicable after completion of the job. Further, if a project, such as a hydroelectric project, a steam station or a transmission line, is designed to consist of two or more units or circuits which may be placed in service at different dates, any expenditures which are common to and which will be used in the operation of the project as a whole shall be included in electric plant in service upon the completion and the readiness for service of the first unit. Any expenditures which are identified exclusively with units of property not yet in service shall be included in this account.

108 Accumulated provision for depreciation of electric plant in service.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, to account 416, Costs and Expenses of Merchandising, Jobbing, and Contract Work, or to clearing accounts for current depreciation expense.

(2) Amounts charged to account 435, Miscellaneous Debits to Surplus, for past accrued depreciation.

(3) Amounts of depreciation applicable to electric properties acquired as operating units or systems. (See electric plant instruction 5.)

(4) Amounts charged to account 182, Extraordinary Property Losses, when authorized by the Commission.

(5) Amounts of depreciation applicable to electric plant donated to the utility.

B. At the time of retirement of depreciable electric plant in service, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance. When retirement, costs of removal and salvage are entered originally in retirement work orders, the net total of such work orders may be included in a separate subaccount hereunder. Upon completion of the work order, the proper distribution to subdivisions of this account shall be made as provided in the following paragraph.

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for depreciation. For purposes of analysis, however, each utility shall maintain subsidiary records in which this account is segregated according to the following functional classification for electric plant: (1) Steam production, (2) Nuclear production, (3) Hydraulic production, (4) Other production, (5) Transmission, (6) Distribution, and (7) General. These subsidiary records shall reflect the current credits and debits to this account in sufficient detail to show separately for each such functional classification (a) the amount of accrual for depreciation, (b) the book cost of property retired, (c) cost of removal, (d) salvage, and (e) other items, including recoveries from insurance.

D. When transfers of plant are made from one electric plant account to another, or from or to another utility department, or from or to nonutility property accounts, the accounting for the related accumulated provision for depreciation shall be as provided in electric plant instruction 12.

E. The utility is restricted in its use of the accumulated provision for depreciation to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

109 Accumulated provision for depreciation of electric plant leased to others.

A. This account shall be credited with amounts charged to account 413, Expenses of Electric Plant Leased to Others, for current depreciation expense or to account 435, Miscellaneous Debits to Surplus, for past accrued depreciation of property included in account 104, Electric Plant Leased to Others. Include, also, credits for depreciation applicable to plant acquired as operating units or systems, to plant donated to the utility or for losses transferred to account 182, Extraordinary Property Losses.

B. The requirements of account 108, Accumulated Provision for Depreciation of Electric Plant in Service, regarding

retirements chargeable thereto and subsidiary data to be maintained shall be applicable likewise to this account.

C. The utility is restricted in its use of the accumulated provision for depreciation to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

110 Accumulated provision for depreciation of electric plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in account 105, Electric Plant Held for Future Use. Include, also, the balance of accumulated provision for depreciation on property which may be transferred to account 105, Electric Plant Held for Future Use, from other property accounts.

B. The utility is restricted in its use of the accumulated provision for depreciation to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

NOTE: Normally, this account will not be used for current depreciation provisions because, as provided herein, the service life during which depreciation is computed commences with the date property is includible in electric plant in service; however, if special circumstances indicate the propriety of current accruals for depreciation, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

111 Accumulated provision for amortization of electric plant in service.

A. This account shall be credited with amounts charged to account 404, Amortization of Limited-Term Electric Plant, for the current amortization of limited-term electric investments, or to account 435, Miscellaneous Debits to Surplus, for past accrued amortization. It shall be credited also with amounts which may be charged to account 405, Amortization of Other Electric Plant, to account 425, Miscellaneous Amortization, or to account 435, Miscellaneous Debits to Surplus, to amortize intangible or other electric plant which does not have a definite or terminable life and is not subject to charges for depreciation expense.

B. When any property to which this account applies is sold, relinquished, or otherwise retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

C. Records shall be maintained so as to show separately the balance applicable to each class of property which is being amortized.

D. The utility is restricted in its use of the accumulated provision for amortization to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

112 Accumulated provision for amortization of electric plant leased to others.

A. This account shall be credited with amounts charged to account 413, Expenses of Electric Plant Leased to Others, for the current amortization of limited-term or other investments subject to amortization included in account 104, Electric Plant Leased to Others, or to account 435, Miscellaneous Debits to Surplus, for past accrued amortization.

B. When any property to which this account applies is sold, relinquished, or otherwise retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

C. Records shall be maintained so as to show separately the balance applicable to each class of property which is being amortized.

D. The utility is restricted in its use of the accumulated provision for amortization to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

113 Accumulated provision for amortization of electric plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Non-operating Income for amortization expense on property included in account 105, Electric Plant Held for Future Use. Include also the balance of accumulated provision for amortization on property which may be transferred to account 105, Electric Plant Held for Future Use, from other property accounts.

NOTE: See also note to account 110, Accumulated Provision for Depreciation of Electric Plant Held for Future Use.

B. The utility is restricted in its use of the accumulated provision for amortization to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

114 Electric plant acquisition adjustments.

A. This account shall include the difference between (a) the cost to the accounting utility of electric plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and (b) the original cost, estimated, if not known, of such property, less the amount or amounts credited by the accounting utility at the time of acquisition to accumulated provisions for depreciation and amortization and contributions in aid of construction with respect to such property.

B. With respect to acquisitions after the effective date of this system of accounts, this account shall be subdivided so as to show the amounts included herein for each property acquisition and to electric plant in service, electric plant held for future use, and electric plant leased to others. (See electric plant instruction 5.)

C. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

115 Accumulated provision for amortization of electric plant acquisition adjustments.

This account shall be credited or debited with amounts which are includible in account 406, Amortization of Electric Plant Acquisition Adjustments, account 425, Miscellaneous Amortization, or account 435, Miscellaneous Debits to Surplus, for the purpose of providing for the extinguishment of amounts in account 114, Electric Plant Acquisition Adjustments, in instances where the amortization of account 114 is not being made by direct write-off of the account.

116 Other electric plant adjustments.

A. This account shall include the difference between the original cost, estimated if not known, and the book cost of electric plant to the extent that such difference is not properly includible in account 114, Electric Plant Acquisition Adjustments.

B. Amounts included in this account shall be classified in such manner as to show the origin of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of electric plant.

118 Other utility plant.

This account shall include the balances in accounts for utility plant, other than electric plant, such as gas, railway, etc.

119 Accumulated provision for depreciation and amortization of other utility plant.

This account shall include the accumulated provision for depreciation and amortization applicable to utility property other than electric plant.

2. Other Property and Investments

121 Nonutility property.

A. This account shall include the book cost of land, structures, equipment or other tangible or intangible property owned by the utility, but not used in utility service and not properly includible in account 105, Electric Plant Held for Future Use.

B. This account shall be subdivided so as to show the amount of property used in operations which are nonutility in character but nevertheless constitute a distinct operating activity of the company (such as operation of an ice department where such activity is not classed as a utility) and the amount of miscellaneous property not used in operations. The records in support of each subaccount shall be maintained so as to show

an appropriate classification of the property.

122 Accumulated provision for depreciation and amortization of nonutility property.

This account shall include the accumulated provision for depreciation and amortization applicable to nonutility property.

123 Investment in associated companies.

A. This account shall include the book cost of investments in securities issued or assumed by associated companies and investment advances to such companies, including interest accrued thereon when such interest is not subject to current settlement. Include also the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. The account shall be maintained in such manner as to show the investment in securities of, and advances to, each associated company together with full particulars regarding any of such investments that are pledged.

NOTE A: Securities and advances of associated companies owned and pledged shall be included in this account, but such securities, if held in special deposits or in special funds, shall be included in the appropriate deposit or fund account. A complete record of securities pledged shall be maintained.

NOTE B: Securities of associated companies held as temporary cash investments are includible in account 136, Temporary Cash Investments.

NOTE C: Balances in open accounts with associated companies, which are subject to current settlement, are includible in account 146, Accounts Receivable from Associated Companies.

NOTE D: The utility may write down the cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded but a permanent impairment in the value of securities shall be recognized in the accounts. When securities are written off or written down, the amount of the adjustment shall be charged to account 435, Miscellaneous Debits to Surplus, or to an appropriate account for accumulated provisions for loss in value established as a separate subdivision of this account.

124 Other investments.

A. This account shall include the book cost of investments in securities issued or assumed by nonassociated companies, investment advances to such companies, and any investments not accounted for elsewhere. Include also the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. The cost of capital stock of the utility reacquired by it under a definite plan for resale pursuant to authorization by the Board of Directors may, if permitted by statutes, be included in a separate subdivision of this account. (See also account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, and account 217, Reacquired Capital Stock.)

C. The records shall be maintained in such manner as to show the amount of each investment and the investment advances to each person.

NOTE A: Securities owned and pledged shall be included in this account, but securities held in special deposits or in special funds shall be included in appropriate deposit or fund accounts. A complete record of securities pledged shall be maintained.

NOTE B: Securities held as temporary cash investments shall not be included in this account.

NOTE C: See Note D of account 123.

125 Sinking funds.

This account shall include the amount of cash and book cost of investments held in sinking funds. A separate account, with appropriate title, shall be kept for each sinking fund. Transfers from this account to special deposit accounts, may be made as necessary for the purpose of paying matured sinking-fund obligations, or obligations called for redemption but not presented, or the interest thereon.

126 Depreciation fund.

This account shall include the amount of cash and the book cost of investments which have been segregated in a special fund for the purpose of identifying such assets with the accumulated provisions for depreciation.

127 Amortization fund—Federal.

This account shall include the amount of cash and book cost of investments of any fund maintained pursuant to the requirements of a federal regulatory body, and the cash and investments segregated for the purpose of identifying the specific assets associated with account 264, Amortization Reserve—Federal.

128 Other special funds.

This account shall include the amount of cash and book cost of investments which have been segregated in special funds for insurance, employee pensions, savings, relief, hospital, and other purposes not provided for elsewhere. A separate account, with appropriate title, shall be kept for each fund.

NOTE: Amounts deposited with a trustee under the terms of an irrevocable trust agreement for pensions or other employee benefits shall not be included in this account.

3. CURRENT AND ACCRUED ASSETS

Current and accrued assets are cash, those assets which are readily convertible into cash or are held for current use in operations or construction, current claims against others, payment of which is reasonably assured, and amounts accruing to the utility which are subject to current settlement, except such items for which accounts other than those designated as current and accrued assets are provided. There shall not be included in the group of accounts designated as current and accrued assets any item, the amount or collectibility of which is not reasonably assured, unless an adequate provision for possible loss has been made therefor. Items of current character but of doubtful value may be written down and for record purposes carried in these accounts at nominal value.

131 Cash.

This account shall include the amount of current cash funds except working funds.

132 Interest special deposits.

This account shall include special deposits with fiscal agents or others for the payment of interest.

133 Dividend special deposits.

This account shall include special deposits with fiscal agents or others for the payment of dividends.

134 Other special deposits.

This account shall include deposits with fiscal agents or others for special purposes other than the payment of interest and dividends. Such special deposits may include cash deposited with federal, state, or municipal authorities as a guaranty for the fulfillment of obligations; cash deposited with trustees to be held until mortgaged property sold, destroyed, or otherwise disposed of is replaced; cash realized from the sale of the accounting utility's securities and deposited with trustees to be held until invested in property of the utility, etc. Entries to this account shall specify the purpose for which the deposit is made.

NOTE: Assets available for general corporate purposes shall not be included in this account. Further, deposits for more than one year, which are not offset by current liabilities, shall not be charged to this account but to account 128, Other Special Funds.

135 Working funds.

This account shall include cash advanced to officers, agents, employees, and others as petty cash or working funds.

136 Temporary cash investments.

A. This account shall include the book cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

B. This account shall be so maintained as to show separately temporary cash investments in securities of associated companies and of others. Records shall be kept of any pledged investments.

141 Notes receivable.

This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable and similar evidences (except interest coupons) of money due on demand or within one year from the date of issue, except, however, notes receivable from associated companies. (See account 136, Temporary Cash Investments, and account 145, Notes Receivable from Associated Companies.)

NOTE: The face amount of notes receivable discounted, sold, or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

142 Customer accounts receivable.

A. This account shall include amounts due from customers for utility service, and for merchandising, jobbing and contract work. This account shall not include amounts due from associated companies.

B. This account shall be maintained so as to permit ready segregation of the amounts due for merchandising, jobbing and contract work.

143 Other accounts receivable.

A. This account shall include amounts due the utility upon open accounts, other than amounts due from associated companies and from customers for utility services and merchandising, jobbing and contract work.

B. This account shall be maintained so as to show separately amounts due on subscriptions to capital stock and from officers and employees, but the account shall not include amounts advanced to officers or others as working funds. (See account 135, Working Funds.)

144 Accumulated provision for uncollectible accounts—Cr.

A. This account shall be credited with amounts provided for losses on accounts receivable which may become uncollectible, and also with collections on accounts previously charged hereto. Concurrent charges shall be made to account 904, Uncollectible Accounts, for amounts applicable to utility operations, and to corresponding accounts for other operations. Records shall be maintained so as to show the write-offs of account receivable for each utility department.

B. This account shall be subdivided to show the provision applicable to the following classes of accounts receivable:

Utility customers.
Merchandising, jobbing and contract work
Officers and employees.
Others.

NOTE A: Accretions to this account shall not be made in excess of a reasonable provision against losses of the character provided for.

NOTE B: If provisions for uncollectible notes receivable or for uncollectible receivables from associated companies are necessary, separate subaccounts therefor shall be established under the account in which the receivable is carried.

145 Notes receivable from associated companies.

146 Accounts receivable from associated companies.

These accounts shall include notes and drafts upon which associated companies are liable, and which mature and are expected to be paid in full not later than one year from the date of issue, together with any interest thereon, and debit balances subject to current settlement in open accounts with associated companies. Items which do not bear a specified due date but which have been carried for more than twelve months and items which are not paid within twelve months from due date shall be transferred to account 123, Investment in Associated Companies.

NOTE A: On the balance sheet, accounts receivable from an associated company may be set off against accounts payable to the same company.

NOTE B: The face amount of notes receivable discounted, sold or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

151 Fuel stock.

This account shall include the book cost of fuel on hand.

Items

1. Invoice price of fuel less any cash or other discounts.
2. Freight, switching, demurrage and other transportation charges, not including, however, any charges for unloading from the shipping medium.
3. Excise taxes, purchasing agents' commissions, insurance and other expenses directly assignable to cost of fuel.

152 Fuel stock expenses undistributed.

A. This account may include the cost of labor and of supplies used and expenses incurred in unloading fuel from the shipping medium and in the handling thereof prior to its use, if such expenses are sufficiently significant in amount to warrant being treated as a part of the cost of fuel inventory rather than being charged direct to expense as incurred.

B. Amounts included herein shall be charged to expense as the fuel is used to the end that the balance herein shall not exceed the expenses attributable to the inventory of fuel on hand.

ITEMS

Labor:
1. Procuring and handling of fuel.
2. All routine fuel analyses.
3. Unloading from shipping facility and putting in storage.
4. Moving of fuel in storage and transferring from one station to another.
5. Handling from storage or shipping facility to first bunker, hopper, bucket, tank or holder of boiler house structure.
6. Operation of mechanical equipment, such as locomotives, trucks, cars, boats, barges, cranes, etc.

Supplies and Expenses:
7. Tools, lubricants and other supplies.
8. Operating supplies for mechanical equipment.
9. Transportation and other expenses in moving fuel.
10. Stores expenses applicable to fuel.

153 Residuals.

This account shall include the book cost of any residuals produced in production or manufacturing processes.

154 Plant materials and operating supplies.

A. This account shall include the cost of materials purchased primarily for use in the utility business for construction, operation and maintenance purposes. It shall include also the book cost of materials recovered in connection with construction, maintenance or the retirement of property, such materials being credited to construction, maintenance or accumulated depreciation provision, respectively, and included herein as follows:

(1) Reusable materials consisting of large individual items shall be included in this account at original cost, estimated if not known. The cost of repairing such items shall be charged to the maintenance account appropriate for the previous use.

(2) Reusable materials consisting of relatively small items, the identity of which (from the date of original installation to the final abandonment or sale thereof) cannot be ascertained without undue refinement in accounting, shall be included in this account at current prices new for such items. The cost of repairing such items shall be charged to the appropriate expense account as indicated by previous use.

(3) Scrap and nonusable materials included in this account shall be carried at the estimated net amount realizable therefrom. The difference between the amounts realized for scrap and nonusable materials sold and the net amount at which the materials were carried in this account, as far as practicable, shall be adjusted to the accounts credited when the materials were charged to this account.

B. Materials and supplies issued shall be credited hereto and charged to the appropriate construction, operating expense, or other account on the basis of a unit price determined by the use of cumulative average, first-in-first-out, or such other method of inventory accounting as conforms with accepted accounting standards consistently applied.

ITEMS

1. Invoice price of materials less cash or other discounts.
2. Freight, switching or other transportation charges when practicable to include as part of the cost of particular materials to which they relate.
3. Customs duties and excise taxes.
4. Costs of inspection and special tests prior to acceptance.
5. Insurance and other directly assignable charges.

NOTE: Where expenses applicable to materials purchased cannot be directly assigned to particular purchases, they shall be charged to account 163, Stores Expense Undistributed.

155 Merchandise.

This account shall include the book cost of materials and supplies and appliances and equipment held primarily for merchandising, jobbing and contract work. The principles prescribed in accounting for utility materials and supplies shall be observed in respect to items carried in this account.

156 Other materials and supplies.

This account shall include the book cost of materials and supplies held primarily for nonutility purposes. The principles prescribed in accounting for utility materials and supplies shall be observed in respect to items carried in this account.

157 Nuclear fuel assemblies and components—In reactor.

This account shall include cost to the utility of assemblies and components installed in the reactor for production of electricity. This account shall be debited for cost of assemblies and components transferred from account 158, Nuclear Fuel Assemblies and Components—Stock Account, and credited for amounts charged to account 518, Fuel, for cost distribution of assemblies and components in use. Upon discharge of the reactor for refueling this account shall be

credited and account 158, Nuclear Fuel Assemblies and Components—Stock Account, debited for remaining undistributed net costs pertaining to assemblies and components removed from the reactor.

158 Nuclear fuel assemblies and components—Stock account.

A. This account shall include the cost to the utility of nuclear fuel assemblies and components in process of fabrication, held in stock as spare assemblies and components, and held for or being chemically processed after use. When fuel assemblies and components are removed from stock for installation in the reactor, this account shall be credited and account 157, Nuclear Fuel Assemblies And Components—In Reactor, debited for the utility's cost thereof. When materials are discharged from the reactor, this account shall be debited and account 157 credited with the remaining costs applicable to the spent fuel assemblies. Upon completion of chemical processing of the reactor discharge materials, an accounting shall be made for disposition of such reprocessed materials, including adjustments to account 518, Fuel, and other accounts, as appropriate.

B. Where stock may consist of assemblies and components from more than one lot of fabricated materials, the basis of costing issues from stock may be on the basis of a unit price determined by the use of cumulative average, first-in-first-out, or such other method of inventory accounting as conforms with accepted accounting standards consistently applied.

NOTE: Provisions will be made as required to provide for reactors utilising aqueous and liquid metal solutions, slurries, and fluidized solids.

159 Nuclear by-product materials.

This account shall include the net recoverable values of plutonium and other nuclear by-product materials. This account shall be debited and account 518, Fuel, credited with the estimated recoverable values of the excess of the nuclear by-product materials formed in operation of the reactor over the nuclear by-product materials burned, if any, net of the estimated cost of conversion to metal and delivery to the Atomic Energy Commission. Adjustments to this account with respect to differences between amounts actually realized and the estimated amounts accumulated from credits to operations shall be debited or credited, as appropriate, to account 518, Fuel.

163 Stores expense undistributed.

A. This account shall include the cost of supervision, labor and expenses incurred in the operation of general storerooms, including purchasing, storage, handling and distribution of materials and supplies.

B. This account shall be cleared by adding to the cost of materials and supplies issued a suitable loading charge which will distribute the expense equitably over stores issues. The balance in the account at the close of the year shall not exceed the amount of stores expenses reasonably attributable to the inventory of materials and supplies exclusive of fuel, as any amount applicable to fuel costs should be included in account 152, Fuel Stock Expenses Undistributed.

ITEMS

Labor:

1. Inspecting and testing materials and supplies when not assignable to specific items.
2. Unloading from shipping facility and putting in storage.
3. Supervision of purchasing and stores department to extent assignable to materials handled through stores.
4. Getting materials from stock and in readiness to go out.
5. Inventorying stock received or stock on hand by stores employees but not including inventories by general department employees as part of internal or general audits.
6. Purchasing department activities in checking material needs, investigating sources of supply, analyzing prices, preparing and placing orders, and related activities to extent applicable to materials handled through stores. (Optional. Purchasing department expenses may be included in administrative and general expenses.)
7. Maintaining stores equipment.
8. Cleaning and tidying storerooms and stores offices.
9. Keeping stock records, including recording and posting of material receipts and issues and maintaining inventory record of stock.
10. Collecting and handling scrap materials in stores.

Supplies and expenses:

11. Adjustments of inventories of materials and supplies but not including large differences which can readily be assigned to important classes of materials and equitably distributed among the accounts to which such classes of materials have been charged since the previous inventory.
12. Cash and other discounts not practically assignable to specific materials.
13. Freight, express, etc., when not assignable to specific items.
14. Heat, light and power for storerooms and store offices.
15. Brooms, brushes, sweeping compounds and other supplies used in cleaning and tidying storerooms and stores offices.
16. Injuries and damages.
17. Insurance on materials and supplies and on stores equipment.
18. Losses due to breakage, leakage, evaporation, fire or other causes, less credits for amounts received from insurance, transportation companies or others in compensation of such losses.
19. Postage, printing, stationery and office supplies.
20. Rent of storage space and facilities.
21. Communication service.
22. Excise and other similar taxes not assignable to specific materials.
23. Transportation expense on inward movement of stores and on transfer between storerooms but not including charges on materials recovered from retirements which shall be accounted for as part of cost of removal.

NOTE: A physical inventory of each class of materials and supplies shall be made at least every two years.

165 Prepayments.

This account shall include amounts representing prepayments of insurance, rents, taxes, interest and miscellaneous items, and shall be kept or supported in such manner as to disclose the amount of each class of prepayment.

171 Interest and dividends receivable.

This account shall include the amount of interest on bonds, mortgages, notes, commercial paper, loans, open accounts, deposits, etc., the payment of which is reasonably assured, and the amount of dividends declared or guaranteed on stocks owned.

NOTE A: Interest which is not subject to current settlement shall not be included herein but in the account in which is carried the principal on which the interest is accrued.

NOTE B: Interest and dividends receivable from associated companies shall be included in account 146, Accounts receivable from associated companies.

172 Rents receivable.

This account shall include rents receivable or accrued on property rented or leased by the utility to others.

NOTE: Rents receivable from associated companies shall be included in account 146, Accounts Receivable from Associated Companies.

173 Accrued utility revenues.

At the option of the utility, the estimated amount accrued for service rendered, but not billed at the end of any accounting period, may be included herein. In case accruals are made for unbilled revenues, they shall be made likewise for unbilled expenses, such as for the purchase of energy.

174 Miscellaneous current and accrued assets.

This account shall include the book cost of all other current and accrued assets, appropriately designated and supported so as to show the nature of each asset included herein.

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.

A. This account shall include the total of the debit balances in the discount, expense and premium accounts for all classes of long-term debt, determined as provided in the following paragraphs of this account.

B. A discount, expense and premium account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility, in which shall be recorded the discount, expense and premium associated with the issuance and sale of each such class and series of debt. In stating the balance sheet, the total of the debit balances remaining in those accounts having debit balances shall be reported under this account and the total of credit balances remaining in those accounts having credit balances shall be reported under account 251, Unamortized Premium on Debt. Accounts with debit balances shall not be set off against accounts with credit balances.

C. The discount, expense and premium shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense, or credited to account 429, Amortization of Premium on Debt—Cr., as may be appropriate. The utility may, however, accelerate the writing off of discount and expense where the amounts are insignificant.

D. When any long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquirement and the face value plus the unamortized premium or less the unamortized discount and expense, as the case may be, applicable to the debt redeemed, retired and canceled, shall be included in account 434, Miscellaneous Credits to Surplus or account 435, Miscellaneous Debits to Surplus, as appropriate.

E. When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, shall be credited or debited, as appropriate, with any unamortized discount, expense, or premium on the first issue and any premium paid or discount earned on the redemption. If the utility desires to amortize any of the discount, expense, or premium associated with the issuance or redemption of the first issue over a period subsequent to the date of redemption, the permission of the Commission must be obtained; provided, however, that special permission of the Commission shall not be necessary, if the utility proceeds with a plan of disposition of the discount, expense, and redemption premiums associated with the refunded bonds, as follows:

(1) A special charge is recorded in the year of refunding in account 428, Amortization of Debt Discount and Expense, equal to the saving in income taxes arising from the refunding transactions;

(2) There is charged to account 435, Miscellaneous Debits to Surplus, in the year of refunding, any amounts of unamortized discount and expenses or redemption premiums relating to bonds or other long-term obligations previously refunded by the refunded bonds under immediate consideration, such amounts sometimes being referred to as "grandfather items"; and,

(3) The utility proceeds to amortize by equal monthly charges, from the date of refunding, the remainder of the charges associated with the refunded bonds, over a period not longer than that in which the saving in net annual interest and amortization charges equals the remainder of charges to be amortized, after taking into consideration the estimated additional taxes on income attributable to the saving in net annual interest and amortization charges.

F. Discount, expense or premium on debt shall not be included as part of the cost of constructing or acquiring any property, tangible or intangible, except under the provisions of account 432, Interest Charged to Construction—Cr.

182 Extraordinary property losses.

A. When authorized or directed by the Commission, this account shall include extraordinary losses on property abandoned or otherwise retired from service which are not provided for by the accumulated provisions for depreciation or amortization and which could not reasonably have been foreseen and provided for, and extraordinary losses, such as unforeseen damages to property, which could not reasonably have been anticipated and which are not covered by insurance or other provisions.

B. The entire cost, less net salvage, of depreciable property retired shall be charged to accumulated provision for depreciation. If all, or a portion, of the loss is to be included in this account, the accumulated provision for depreciation shall then be credited and this account charged with the amount properly chargeable hereto.

C. Application to the Commission for permission to use this account shall be accompanied by a statement giving a complete explanation with respect to the items which it is proposed to include herein, the period over which, and the accounts to which it is proposed to write off the charges, and other pertinent information.

183 Preliminary survey and investigation charges.

A. This account shall be charged with all expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of utility projects under contemplation. If construction results, this account shall be credited and the appropriate utility plant account charged. If the work is abandoned, the charge shall be made to account 435, Miscellaneous Debits to Surplus, or to the appropriate operating expense account.

B. The records supporting the entries to this account shall be so kept that the utility can furnish complete information as to the nature and the purpose of the survey, plans, or investigations and the nature and amounts of the several charges.

NOTE: The amount of preliminary survey and investigation charges transferred to utility plant shall not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to utility plant.

184 Clearing accounts.

This caption shall include undistributed balances in clearing accounts at the date of the balance sheet. Balances in clearing accounts shall be substantially cleared not later than the end of the calendar year unless items held therein relate to a future period.

185 Temporary facilities.

This account shall include amounts shown by work orders for plant installed for temporary use in utility service for periods of less than one year. Such work orders shall be charged with the cost of temporary facilities and credited with payments received from customers and net salvage realized on removal of the temporary facilities. Any net credit or debit resulting shall be cleared to account 451, Miscellaneous Service Revenues.

186 Miscellaneous deferred debits.

A. This account shall include all debits not elsewhere provided for, such as miscellaneous work in progress, and unusual or extraordinary expenses, not included in other accounts, which are in process of amortization and items the proper final disposition of which is uncertain.

B. The records supporting the entries to this account shall be so kept that the utility can furnish full information as to each deferred debit.

5. PROPRIETARY CAPITAL

201 Common stock issued.

204 Preferred stock issued.

A. These accounts shall include the par value or the stated value of stock without par value if such stock has a stated value, and, if not, the cash value of the consideration received for such nonpar stock, of each class of capital stock actually issued, including the par or stated value of such capital stock in account 124, Other Investments, and account 217, Reacquired Capital Stock.

B. When the actual cash value of the consideration received is more or less than the par or stated value of any stock having a par or stated value, the difference shall be credited or debited, as the case may be, to the premium or discount account for the particular class and series.

C. When capital stock is retired, these accounts shall be charged with the amount at which such stock is carried herein.

D. A separate ledger account, with a descriptive title, shall be maintained for each class and series of stock. The supporting records shall show the shares nominally issued, actually issued, and nominally outstanding.

NOTE: When a levy or assessment, except a call for payment on subscriptions, is made against holders of capital stock, the amount collected upon such levy or assessment shall be credited to account 207, Premium on Capital Stock; provided, however, that the credit shall be made to account 213, Discount on Capital Stock, to the extent of any remaining balance of discount on the issue of stock.

202 Common stock subscribed.

205 Preferred stock subscribed.

A. These accounts shall include the amount of legally enforceable subscriptions to capital stock of the utility. They shall be credited with the par or stated value of the stock subscribed, exclusive of accrued dividends, if any. Concurrently, a debit shall be made to subscriptions to capital stock, included as a separate subdivision of account 143, Other Accounts Receivable, for the agreed price, and any discount or premium shall be debited or credited to the appropriate discount or premium account. When properly executed stock certificates have been issued representing the shares subscribed, this account shall be debited, and the appropriate capital stock account credited, with the par or stated value of such stock.

B. The records shall be kept in such manner as to show the amount of subscriptions to each class and series of stock.

208 Common stock liability for conversion.

206 Preferred stock liability for conversion.

A. These accounts shall include the par value or stated value, as appropriate, of capital stock which the utility has agreed to exchange for outstanding securities of other companies in connection with the acquisition of properties of such companies under terms which allow the holders of the securities of the other companies to surrender such securities and receive in return therefor capital stock of the accounting utility.

B. When the securities of the other companies have been surrendered and capital stock issued in accordance with the terms of the exchange, these accounts shall be charged and accounts 201, Common Stock Issued, or 204, Preferred Stock Issued, as the case may be, shall be credited.

C. The records shall be kept so as to show separately the stocks of each class and series for which a conversion liability exists.

207 Premium on capital stock.

A. This account shall include, in a separate subdivision for each class and series of stock, the excess of the actual cash value of the consideration received on original issues of capital stock over the par or stated value and accrued dividends of such stock, together with assessments against stockholders representing payments required in excess of par or stated values.

B. Premium on capital stock shall not be set off against expenses. Further, a premium received on an issue of a certain class or series of stock shall not be set off against expenses of another issue of the same class or series.

C. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be transferred to account 210, Gain on Resale or Cancellation of Reacquired Capital Stock.

208 Donations received from stockholders.

This account shall include the balance of credits for donations received from stockholders consisting of capital stock of the utility, cancellation or reduction of debt of the utility, and the cash value of other assets received as a donation.

209 Reduction in par or stated value of capital stock.

This account shall include the balance of credits arising from a reduction in the par or stated value of capital stock.

210 Gain on resale or cancellation of reacquired capital stock.

This account shall include the balance of credits arising from the resale or cancellation of reacquired capital stock. (See account 217, Reacquired Capital Stock.)

211 Miscellaneous paid-in capital.

This account shall include the balance of all other credits for paid-in capital which are not properly includible in the foregoing accounts.

NOTE: Amounts included in capital surplus at the effective date of this system of accounts which cannot be classified as to the source thereof shall be included in this account.

212 Installments received on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock the amount of installments received on capital stock on a partial or installment payment plan from subscribers who are not bound by legally enforceable subscription contracts.

B. As subscriptions are paid in full and certificates issued, this account shall be charged and the appropriate capital stock account credited with the par or stated value of such stock. Any discount or premium on an original issue shall be included in the appropriate discount or premium account.

213 Discount on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock all discount on the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, provided, however, that the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 210.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

214 Capital stock expense.

A. This account shall include in a separate subdivision for each class and series of stock all commissions and expenses incurred in connection with the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues. Expenses applicable to capital stock shall not be deducted from premium on capital stock.

B. When capital stock which has been actually issued by the utility is retired, the amount in this account, applicable to the shares retired shall be written off to account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, provided, however, that the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 210.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

NOTE: Expenses in connection with the reacquisition or resale of the utility's capital stock shall not be included herein.

215 Appropriated earned surplus.

This account shall include the amount of earned surplus which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

216 Unappropriated earned surplus.

This account shall include the balance, either debit or credit, of unappropriated surplus arising from earnings. It shall not include items includible in any of the accounts for paid-in capital.

217 Reacquired capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock, the cost of capital stock actually issued by the utility and reacquired by it and not retired or canceled, except, however, stock which is held by trustees in sinking or other funds.

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, provided, however, that debits shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that they exceed the balance in account 210.

C. When reacquired capital stock is resold by the utility, the difference between the amount received on the resale of the stock, less expenses incurred in the resale, and the cost of the stock included in this account shall be accounted for as outlined in paragraph B.

NOTE A: See account 124, Other Investments, for permissive accounting treatment of stock reacquired under a definite plan for resale.

NOTE B: The accounting for reacquired stock shall be as prescribed herein unless otherwise specifically required by statute.

6. LONG-TERM DEBT

221 Bonds.

This account shall include in a separate subdivision for each class and series of bonds the face value of the actually issued and unmatured bonds which have not been retired or canceled; also the face value of such bonds issued by others the payment of which has been assumed by the utility.

222 Reacquired bonds.

A. This account shall include the face value of bonds actually issued or assumed by the utility and reacquired by it and not retired or canceled. The account for reacquired debt shall not include securities which are held by trustees in sinking or other funds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 434, Miscellaneous Credits to Surplus or account 435, Miscellaneous Debits to Surplus, as appropriate. (See, however, account 181, paragraph E, as to refunding operations.)

223 Advances from associated companies.

A. This account shall include the face value of notes payable to associated companies and the amount of open book accounts representing advances from associated companies. It does not include notes and open accounts representing indebtedness subject to current settlement which are includible in account 233, Notes Payable to Associated Companies, or account 234, Accounts Payable to Associated Companies.

B. The records supporting the entries to this account shall be so kept that the utility can furnish complete information concerning each note and open account.

224 Other long-term debt.

A. This account shall include, until maturity, all long-term debt not otherwise provided for. This covers such items as receivers' certificates, real estate mortgages executed or assumed, assessments for public improvements, notes and unsecured certificates of indebtedness not owned by associated companies, receipts outstanding for long-term debt, and other obligations maturing more than one year from date of issue or assumption.

B. Separate accounts shall be maintained for each class of obligation, and records shall be maintained to show for each class all details as to date of obligation, date of maturity, interest dates and rates, security for the obligation, etc.

NOTE: Miscellaneous long-term debt reacquired shall be accounted for in accordance with the procedure set forth in account 222, Reacquired Bonds.

7. CURRENT AND ACCRUED LIABILITIES

Current and accrued liabilities are those obligations which have either matured or which become due within one year from the date thereof: except, however, bonds, receivers' certificates and similar obligations which shall be classified as long-term debt until date of maturity; accrued taxes, such as income taxes, which shall be classified as accrued liabilities even though payable more than one year from date; compensation awards, which shall be classified as current liabilities regardless of date due; and minor amounts payable in installments which may be classified as current liabilities. If a liability is due more than one year from date of issuance or assumption by the utility, it shall be credited to a long-term debt account appropriate for the transaction, except, however, the current liabilities previously mentioned.

231 Notes payable.

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue, to other than associated companies.

232 Accounts payable.

This account shall include all amounts payable by the utility within one year, which are not provided for in other accounts.

233 Notes payable to associated companies.

234 Accounts payable to associated companies.

These accounts shall include amounts owing to associated companies on notes, drafts, acceptances, or other similar evidences of indebtedness, and open accounts payable on demand or not more than one year from date of issue or creation.

NOTE: Exclude from these accounts notes and accounts which are includible in account 223, Advances from Associated Companies.

235 Customer deposits.

This account shall include all amounts deposited with the utility by customers as security for the payment of bills.

236 Taxes accrued.

A. This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known, the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet, shall be shown under account 165, Prepayments.

B. If accruals for taxes are found to be insufficient or excessive, correction therefor shall be made through current tax accruals. However, if such corrections are so large as to seriously distort current expenses, they shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

C. Accruals for taxes shall be based upon the net amounts payable after credit for any discounts, and shall not include any amounts for interest on tax deficiencies or refunds. Interest received on refunds shall be credited to account 419, Interest and Dividend Income, and interest paid on deficiencies shall be charged to account 431, Other Interest Expense.

D. The records supporting the entries to this account shall be kept so as to show for each class of taxes, the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

237 Interest accrued.

This account shall include the amount of interest accrued but not matured on all liabilities of the utility not including, however, interest which is added to the principal of the debt on which incurred. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

238 Dividends declared.

This account shall include the amount of dividends which have been declared but not paid. Dividends shall be credited to this account when they become a liability.

239 Matured long-term debt.

This account shall include the amount of long-term debt (including any obligation for premiums) matured and unpaid, without specific agreement for extension of the time of payment and bonds called for redemption but not presented.

240 Matured interest.

This account shall include the amount of matured interest on long-term debt or other obligations of the utility at the date of the balance sheet unless such interest is added to the principal of the debt on which incurred.

241 Tax collections payable.

This account shall include the amount of taxes collected by the utility through pay roll deductions or otherwise pending transmittal of such taxes to the proper taxing authority.

NOTE: Do not include liability for taxes assessed directly against the utility which are accounted for as part of the utility's own tax expense.

242 Miscellaneous current and accrued liabilities.

This account shall include the amount of all other current and accrued liabilities not provided for elsewhere appropriately designated and supported so as to show the nature of each liability.

8. DEFERRED CREDITS

251 Unamortized premium on debt.

This account shall include the total of the credit balances in the discount, expense and premium accounts, for all classes of long-term debt, including receivers' certificates. (See account, 181, Unamortized Debt Discount and Expense.)

252 Customer advances for construction.

This account shall include advances by customers for construction which are to be refunded either wholly or in part. When a customer is refunded the entire amount to which he is entitled according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 271, Contributions in Aid of Construction.

253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received.

9. OPERATING RESERVES

261 Property insurance reserve.

A. This account shall include amounts reserved by the utility for self-insurance against losses through accident, fire, flood, or other hazards to its own property or property leased from others. The amounts charged to account 924, Property Insurance, or other appropriate accounts to cover such risks shall be credited to this account. A schedule of risks

covered by this reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

B. Charges shall be made to this account for losses covered by self-insurance. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

262 Injuries and damages reserve.

A. This account shall be credited with amounts charged to account 925, Injuries and Damages, or other appropriate accounts, to meet the probable liability, not covered by insurance, for deaths or injuries to employees and others, and for damages to property neither owned nor held under lease by the utility.

B. When liability for any injury or damage is admitted by the utility either voluntarily or because of the decision of a court or other lawful authority, such as a workmen's compensation board, the admitted liability shall be charged to this account and credited to the appropriate liability account. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

NOTE: Recoveries or reimbursements for losses charged to this account shall be credited hereto; the cost of repairs to property of others if provided for herein, shall be charged to this account.

263 Pensions and benefits reserve.

A. This account shall include provisions made by the utility and amounts contributed by employees for pensions, accident and death benefits, savings, relief, hospital and other provident purposes, where the funds represented by the reserve are included in the assets of the utility either in general or in segregated fund accounts.

B. Amounts paid by the utility for the purposes for which this reserve is established shall be charged hereto.

C. A separate account shall be kept for each kind of reserve included herein.

NOTE: If employee pension or benefit plan funds are not included among the assets of the utility but are held by outside trustees, payments into such funds, or accruals therefor, shall not be included in this account.

264 Amortization reserve—Federal.

A. This account shall be credited with such amounts as are appropriated or set aside by a licensee from earnings for amortization purposes in accordance with the requirements of a license; also the interest derived from the "Amortization Fund—Federal," or income from investments belonging to such fund.

B. This account shall be debited with only such items or amounts as the Commission may require or approve. (See account 127 Amortization Fund—Federal.)

265 Miscellaneous operating reserves.

A. This account shall include all operating reserves maintained by the utility which are not provided for elsewhere.

B. This account shall be maintained in such manner as to show the amount of each separate reserve and the nature and amounts of the debits and credits thereto.

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits for which should be carried in account 215, Appropriated Earned Surplus.

10. CONTRIBUTIONS IN AID OF CONSTRUCTION

271 Contributions in aid of construction.

A. This account shall include donations or contributions in cash, services, or property from states, municipalities or other governmental agencies, individuals, and others for construction purposes.

B. The credits to this account shall not be transferred to earned surplus or to any other account without the approval of the Commission.

C. The records supporting the entries to this account shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers and (d) others, and the amount applicable to each utility department.

D. This account shall be subdivided as follows:

Contributions in Aid of Construction—General.

Contributions in Aid of Construction—Federal.

Contributions in Aid of Construction—General shall include all the donations to the various utility departments except those which are made in respect to a licensed project. Contributions in Aid of Construction—Federal shall be kept only by licensees. There shall be included therein donations from States, municipalities, individuals or others which have been expended for plant, or which are included in the plant accounts, of a licensed project, referred to in section 3, subsection (13) of the Federal Power Act, 49 Stat. 839; 16 U.S.C. 796(13). This treatment shall not affect the determination of actual legitimate original cost or net investment in accordance with the Act.

NOTE: There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

11. ACCUMULATED DEFERRED INCOME TAXES

Public utilities and licensees shall use the accounts provided below for prior accumulations of deferred taxes on income and for additional provisions. A copy of the order or other authorization to practice deferred tax accounting of the state public service commission also having jurisdiction shall be filed with the Commission, or, in the absence of a state public service commission having accounting jurisdiction, the public utility or licensee shall file with this Commission a copy of its plan of accounting for deferred taxes on income. The filing of such order or other authorization, or accounting plan, shall constitute permission for additional accumulations of deferred taxes on income. Account 283 is provided for use of those public utilities and licensees which have obtained permission of the Commission for specific types of deferrals on taxes on income other than with respect to accelerated amortization or liberalized depreciation.

NOTE A: The text of the accounts below are designed primarily to cover deferrals of federal income taxes pursuant to provisions of the Internal Revenue Code of 1954 but the accounts are also applicable to deferrals of State taxes on income.

NOTE B: Public Utilities and Licensees which, in addition to an electric utility department, have another utility department, gas, water, etc., and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below under Subdivisions for each utility department.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes, as permitted by Section 168 of the Internal Revenue Code of 1954 (Section 124A of previous Internal Revenue Code), as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411 Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified defense facilities instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed, shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement of such facility or predominant part thereof, be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise be applied as the Commission may authorize or direct.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise applied as the Commission may authorize or direct.

283 Accumulated deferred income taxes—Other.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years.

B. This account, when its use has been authorized by the Commission, shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise disposed of as the Commission may authorize or direct.

NOTE: In determining appropriate use of this account as a basis of request to the Commission for authorization of its use, consideration shall be given to the relative importance of the amount involved, and to other items in the utility's accounts where "prepaid tax accounting" may be appropriate such as situations (a) where the time of taking a deduction in computing taxes on income is such that the tax deduction must be delayed or applied to a series of future years as opposed to earlier recognition of such item in determination of income in the general accounts of the utility, or (b) where inclusion of an income item is required for tax purposes but is to be recognized in whole or in part in the utility's income accounts of a subsequent year or years.

Electric Plant Accounts

1. INTANGIBLE PLANT

Sec.	
301	Organization.
302	Franchises and consents.
303	Miscellaneous intangible plant.

2. PRODUCTION PLANT

A. STEAM PRODUCTION

310	Land and land rights.
311	Structures and improvements.
312	Boiler plant equipment.
313	Engines and engine driven generators.
314	Turbogenerator units.
315	Accessory electric equipment.
316	Miscellaneous power plant equipment.

B. NUCLEAR PRODUCTION

320	Land and land rights.
321	Structures and improvements.
322	Reactor plant equipment.
323	Turbogenerator units.
324	Accessory electric equipment.
325	Miscellaneous power plant equipment.

C. HYDRAULIC PRODUCTION

330	Land and land rights.
331	Structures and improvements.
332	Reservoirs, dams and waterways.
333	Water wheels, turbines and generators.
334	Accessory electric equipment.
335	Miscellaneous power plant equipment.
336	Roads, railroads and bridges.

D. Records supporting this account shall be kept so as to show separately the book cost of each franchise or consent.

Note: Annual or other periodic payments under franchises shall not be included herein but in the appropriate operating expense account.

303 Miscellaneous intangible plant.

A. This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of utility operations and not specifically chargeable to any other account.

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or account 111, Accumulated Provision for Amortization of Electric Plant in Service, as appropriate.

C. This account shall be maintained in such a manner that the utility can furnish full information with respect to the amounts included herein.

2. PRODUCTION PLANT

A. STEAM PRODUCTION

310 Land and land rights.

This account shall include the cost of land and land rights used in connection with steam-power generation. (See electric plant instruction 7.)

311 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with steam-power generation. (See electric plant instruction 8.)

NOTE: Include steam production roads and railroads in this account.

312 Boiler plant equipment.

This account shall include the cost installed of furnaces, boilers, coal and ash handling and coal preparing equipment, steam and feed water piping, boiler apparatus and accessories used in the production of steam, mercury, or other vapor, to be used primarily for generating electricity.

ITEMS

1. Ash handling equipment, including hoppers, gates, cars, conveyors, hoists, sluicing equipment, including pumps and motors, sluicing water pipe and fittings, sluicing trenches and accessories, etc., except sluices which are a part of a building.
2. Boiler feed system, including feed water heaters, evaporator condensers, heater drain pumps, heater drainers, deaerators, and vent condensers, boiler feed pumps, surge tanks, feed water regulators, feed water measuring equipment, and all associated drives.
3. Boiler plant cranes and hoists and associated drives.
4. Boilers and equipment, including boilers and baffles, economizers, superheaters, soot blowers, foundations and settings, water walls, arches, grates, insulation, blowdown system, drying out of new boilers, also associated motors or other power equipment.
5. Breeching and accessories, including breeching, dampers, soot spouts, hoppers and gates, cinder eliminators, breeching insulation, soot blowers and associated motors.
6. Coal handling and storage equipment, including coal towers, coal lorries, coal cars, locomotives and tracks when devoted principally to the transportation of coal, hoppers, downtakes, unloading and hoisting equipment, skip hoists and conveyors, weighing equipment, magnetic separators, cable ways, housings and supports for coal handling equipment.
7. Draft equipment, including air preheaters and accessories, induced and forced draft fans, air ducts, combustion control mechanisms, and associated motors or other power equipment.
8. Gas-burning equipment, including holders, burner equipment and piping, control equipment, etc.
9. Instruments and devices, including all measuring, indicating, and recording equipment for boiler plant service together with mountings and supports.
10. Lighting systems.
11. Oil-burning equipment, including tanks, heaters, pumps with drive, burner equipment and piping, control equipment, etc.
12. Pulverized fuel equipment, including pulverizers, accessory motors, primary air fans, cyclones and ducts, dryers, pulverized fuel bins, pulverized fuel conveyors and equipment, burners, burner piping, priming equipment, air compressors, motors, etc.
13. Stacks, including foundations and supports, stack steel and ladders, stack brick work, stack concrete, stack lining, stack painting (first), when set on separate foundations, independent of substructure or superstructure of building.
14. Station piping, including pipe, valves, fittings, separators, traps, desuperheaters, hangers, excavation, covering, etc., for station piping system, including all steam, condensate, boiler feed and water supply piping, etc., but not condensing water, plumbing, building heating, oil, gas, air piping or piping specifically provided for in account 315.
15. Steelwork, specially constructed for apparatus listed herein.
16. Throttle and inlet valve.
17. Tunnels, intake and discharge, for condenser system, when not a part of structure, water screens, etc.
18. Turbogenerators—main, including turbine and generator, field rheostats and electric connections for self-excited units.
19. Water screens, motors, etc.
20. Moisture separator for turbine steam.
21. Turbine lubricating oil (initial charge).

315 Accessory electric equipment.

This account shall include the cost installed of auxiliary generating apparatus, conversion equipment, and equipment used primarily in connection with the control and switching of electric energy produced by steam power, and the protection of electric circuits and equipment, except electric motors used to drive equipment included in other accounts. Such motors shall be included in the account in which the equipment with which they are associated is included.

ITEMS

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.
2. Excitation system, including motor, turbine and dual-drive exciter sets and rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conduit, generator field and exciter switch panels, exciter bus tie panels, generator and exciter rheostats, etc., special housing, protective screens, etc.
3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for generator main leads, grounding switch, etc.
4. Station buses including main, auxiliary, transfer, synchronising and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, reactors and accessories, voltage regulators and accessories, compensators, transformers, potential transformers, protective relays, storage batteries and charging equipment, isolated panels and equipment, special housings, concrete pads, general station grounding system, special fire-extinguishing system, and test equipment.
5. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature recording devices, frequency-control equipment, master clocks, watt-hour meters and synchronoscope in the turbine room, station totalising wattmeter, boiler-room load indicator equipment, storage batteries, panels and charging sets, instrument transformers for supervisory metering, conductors and conduit, special supports for conduit, switchboards, batteries, special housing for batteries, protective screens, doors, etc.

NOTE A: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electricity for the purposes of transmission or distribution.

NOTE B: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

316 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the steam generating plant devoted to general station use, and which is not properly includible in any of the foregoing steam-power production accounts.

ITEMS

1. Compressed air and vacuum cleaning systems, including tanks, compressor, exhausters, air filters, piping, etc.
2. Cranes and hoisting equipment, including cranes, cars, crane rails, mechanical hoists, etc., with electric and mechanical connections.
3. Fire-extinguishing equipment for general station use.
4. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.
5. Locomotive cranes not includible elsewhere.
6. Locomotives not includible elsewhere.
7. Marine equipment, including boats, barges, etc.
8. Miscellaneous belts, pulleys, countershafts, etc.
9. Miscellaneous equipment, including atmospheric and weather indicating devices, intrasite communication equipment, laboratory equipment, signal systems, callophones, emergency vehicles and sirens, fire alarms, insect-control equipment, and other similar equipment.
10. Railway cars not includible elsewhere.

B. OTHER PRODUCTION

340 Land and land rights.
341 Structures and improvements.
342 Fuel holders, producers and accessories.
343 Prime movers.
344 Generators.
345 Accessory electric equipment.
346 Miscellaneous power plant equipment.

3. TRANSMISSION PLANT

350 Land and land rights.
351 Clearing land and rights of way.
352 Structures and improvements.
353 Station equipment.
354 Towers and fixtures.
355 Poles and fixtures.
356 Overhead conductors and devices.
357 Underground conduit.
358 Underground conductors and devices.
359 Roads and trails.

4. DISTRIBUTION PLANT

360 Land and land rights.
361 Structures and improvements.
362 Station equipment.
363 Storage battery equipment.
364 Poles, towers and fixtures.
365 Overhead conductors and devices.
366 Underground conduit.
367 Underground conductors and devices.
368 Line transformers.
369 Services.
370 Meters.
371 Installations on customers' premises.
372 Leased property on customers' premises.
373 Street lighting and signal systems.

5. GENERAL PLANT

389 Land and land rights.
390 Structures and improvements.
391 Office furniture and equipment.
392 Transportation equipment.
393 Stores equipment.
394 Tools, shop and garage equipment.
395 Laboratory equipment.
396 Power operated equipment.
397 Communication equipment.
398 Miscellaneous equipment.
399 Other tangible property.

Electric Plant Accounts

1. INTANGIBLE PLANT

301 Organization.

This account shall include all fees paid to federal or state governments for the privilege of incorporation and expenditures incident to organizing the corporation, partnership, or other enterprise and putting it into readiness to do business.

ITEMS

1. Cost of obtaining certificates authorizing an enterprise to engage in the public-utility business.
2. Fees and expenses for incorporation.
3. Fees and expenses for mergers or consolidations.
4. Office expenses incident to organizing the utility.
5. Stock and minute books and corporate seal.

NOTE A: This account shall not include any discounts upon securities issued or assumed; nor shall it include any costs incident to negotiating loans, selling bonds or other evidences of debt or expenses in connection with the authorization, issuance or sale of capital stock.

NOTE B: Exclude from this account and include in the appropriate expense account the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off. When charges are made to this account for expenses incurred in mergers, consolidations, or reorganizations, amounts previously included herein or in similar accounts in the books of the companies concerned shall be excluded from this account.

302 Franchises and consents.

A. This account shall include amounts paid to the federal government, to a state or to a political subdivision thereof in consideration for franchises, consents, water power licenses, or certificates, running in perpetuity or for a specified term of more than one year, together with necessary and reasonable expenses incident to procuring such franchises, consents, water power licenses, or certificates of permission and approval, including expenses of organizing and merging separate corporations, where statutes require, solely for the purpose of acquiring franchises.

B. If a franchise, consent, water power license or certificate is acquired by assignment, the charge to this account in respect thereof shall not exceed the amount paid therefor by the utility to the assignor, nor shall it exceed the amount paid by the original grantee, plus the expense of acquisition to such grantee. Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 435, Miscellaneous Debits to Surplus.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or to account 111, Accumulated Provision for Amortization of Electric Plant in Service, as appropriate.

Items

1. Air cleaning and cooling apparatus including blowers, drive equipment, air ducts not a part of building, louvers, pumps, hoods, etc.

2. Circulating pumps, including connections between condensers, and intake and discharge tunnels.

3. Condensers, including condensate pumps, air and vacuum pumps ejectors, unloading valves and vacuum breakers, separation devices, screens, etc.

4. Generator hydrogen gas piping system and hydrogen detrainment equipment, and bulk hydrogen gas storage equipment.

5. Cooling system, including towers, pumps, tanks and piping.

6. Cranes, hoists, etc., including items wholly identified with items listed herein.

7. Excitation system, when identified with main generating units.

8. Fire extinguishing systems.

9. Foundations and settings, especially constructed for and not expected to outlast the apparatus for which provided.

10. Governors.

11. Lighting systems.

12. Lubricating systems, including gauges, filters, water separators, tanks, pumps, piping, motors, etc.

13. Mechanical meters, including gauges, recording instruments, sampling and testing equipment.

14. Piping—main exhaust, including connections between turbogenerator and condenser and between condenser and hotwell.

15. Piping—main steam, including connections from main throttle valve to turbine inlet.

16. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.

17. Pressure oil systems, including accumulators, pumps, piping, motors, etc.

18. Steelwork, specially constructed for apparatus listed herein.

19. Throttle and inlet valve.

20. Tunnels, intake and discharge, for condenser system, when not a part of structure, water screens, etc.

21. Turbogenerators—main, including turbine and generator, field rheostats and electric connections for self-excited units.

22. Water screens, motors, etc.

23. Moisture separators for turbine steam.

24. Turbine lubricating oil (initial charge).

324 Accessory electric equipment.

This account shall include the cost installed of auxiliary generating apparatus, conversion equipment, and equipment used primarily in connection with the control and switching of electric energy produced by nuclear power, and the protection of electric circuits and equipment, except electric motors used to drive equipment included in other accounts. Such motors shall be included in the account in which the equipment with which they are associated is included.

Note: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electric energy for the purpose of transmission or distribution.

Items

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.

2. Excitation system, including motor, turbine, and dual-drive exciter sets and rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conductors and conduit, special switch panels, exciter field and exciter generator and exciter bus tie panels, generator and exciter rheostats, etc., special housing, protective screens, etc.

3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and accessories, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for conductors and conduit, special switch, etc., special housings, protective screens, etc.

4. Station buses, including and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for conductors and conduit, special housings, protective screens, etc.

5. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature recording devices, frequency-control equipment, master clocks, watt-hour meters and synchronoscope in the turbine room, station totalizing wattmeter, boiler-room load indicator equipment, storage batteries, panels and charging sets, instrument transformers for ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, rheostats and accessories, operating mechanisms and wiring, conductors and conduit, special supports, special housings, concrete pads, general station grounding system, fire-extinguishing system, and test equipment.

6. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature recording devices, frequency-control equipment, master clocks, watt-hour meters and synchronoscope in the turbine room, station totalizing wattmeter, boiler-room load indicator equipment, storage batteries, panels and charging sets, instrument transformers for ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, rheostats and accessories, operating mechanisms and wiring, conductors and conduit, special supports, special housings, concrete pads, general station grounding system, fire-extinguishing system, and test equipment.

Note: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

325 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the nuclear generating plant devoted to general station use, and which is not properly includible in any of the foregoing nuclear-power production accounts.

Items

1. Compressed air and vacuum cleaning systems, including tanks, compressors, exhausters, air filters, piping, etc.

2. Cranes and hoisting equipment, including crane, car, crane rail, monorails, hoists, etc., with electric and mechanical connections.

3. Fire-extinguishing equipment for general station use.

4. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.

5. Locomotive cranes not includible elsewhere.

6. Locomotives not included elsewhere.

7. Marine equipment, including boats, barges, etc.

8. Miscellaneous belts, pulleys, countershafts, etc.

9. Miscellaneous equipment, including atmospheric and weather recording devices, intrasite communication system, laboratory equipment, signal systems, fire alarms, emergency whistles and sirens, alarms, telephones, insect-control equipment, and other similar equipment.

10. Railway car or special shipping containers not includible elsewhere.

11. Refrigerating systems, including compressors, pumps, cooling coils, etc.

12. Station maintenance equipment, including lathes, shapers, planers, drill presses, hydraulic presses, grinders, etc., with motors, shafting, hangers, pulleys, etc.

13. Ventilating equipment, including items wholly identified with apparatus listed herein.

Note: When any item of equipment listed herein is wholly used in connection with equipment included in another account, its cost shall be included in such other account.

B. NUCLEAR PRODUCTION

320 Land and land rights.

This account shall include the cost of land and land rights used in connection with nuclear power generation. (See electric plant instruction 7.)

321. Structures and improvements.

This account shall include the cost in place of structures and improvements used and useful in connection with nuclear power generation. (See electric plant instruction 8.)

Note: Include vapor containers and nuclear production roads and railroads in this account.

322 Reactor plant equipment.

This account shall include the installed cost of reactors, reactor fuel handling and storage equipment, pressurizing equipment, coolant charging equipment, purification and discharging equipment, radioactive waste treatment and disposal equipment, boilers, steam and feed water piping, reactor and boiler apparatus and accessories and other reactor plant equipment used in the production of steam to be used primarily for generating electricity, including auxiliary superheat boilers and associated equipment in systems which change temperatures or pressure of steam from the reactor system.

Items

1. Auxiliary superheat boilers and associated fuel storage handling preparation and burning equipment, etc. (See account 312, Boiler Plant Equipment, for items, but exclude water supply, water flow lines, and steam lines, as well as other equipment not strictly within the superheat function.)

2. Boiler feed system, including feed water heaters, evaporator condensers, heater drain pumps, heater drainers, deaerators, and vent condensers, boiler feed pumps, surge tanks, feed water regulators, feed water measuring equipment, and all associated drivers.

3. Boilers and heat exchangers.

4. Instruments and devices, including all measuring, indicating, and recording equipment for reactor and boiler plant service together with mountings and supports.

5. Lighting systems.

6. Moderators, such as heavy water, graphite, etc., initial charge).

7. Reactor coolants; primary and secondary systems (initial charge).

8. Radioactive waste treatment and disposal equipment, including tanks, ion exchangers, incinerators, condensers, chimneys, and diluting fans and pumps.

9. Foundations and settings, especially constructed for and not expected to outlast the apparatus for which provided.

10. Reactor including shielding, control rods and mechanisms.

11. Reactor fuel handling equipment, including manipulating and extraction tools, underwater viewing equipment, seal cutting and welding equipment, fuel transfer equipment and fuel disassembly machinery.

12. Reactor fuel element failure detection system.

13. Reactor emergency poison container and injection system.

14. Reactor pressuring and pressure relief equipment, including pressurizing tanks and immersion heaters.

15. Reactor coolant or moderator circulation charging, purification, and discharging equipment, including tanks, pumps, heat exchangers, demineralizers, and storage.

16. Station piping, including pipes, valves, fittings, separators, traps, desuperheaters, hangers, excavation, covering, etc., for station piping system, including all-reactor coolant, steam, condensate, boiler feed and water supply piping, etc., but not condensing water, plumbing, building heating, oil, gas, or air piping.

17. Ventilating equipment.

18. Water purification equipment, including softeners, demineralizers, and accessories, evaporators and accessories, heat exchangers, filters, tanks for filtered or softened water, pumps, motors, etc.

19. Water supply systems, including pumps, motors, strainers, raw-water storage tanks, boiler wash pumps, intake and discharge pipes and tunnels not a part of a building.

20. Reactor plant cranes and hoists, and associated drives.

Note: When the system for supplying boiler or condenser water is elaborate, as when it includes a dam, reservoir, canal, pipe lines, or cooling ponds, the cost of such special facilities shall be charged to a subdivision of account 331, Structures and improvements.

323 Turbogenerator units.

This account shall include the cost installed of main turbine-driven units and accessory equipment used in generating electricity by steam.

2. Excitation system, including motor, turbine, and dual-drive exciter sets and rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conductors and conduit, special switch, etc., special housings, protective screens, etc.

3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for conductors and conduit, special housings, protective screens, etc.

4. Station buses, including and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for conductors and conduit, special housings, protective screens, etc.

5. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature recording devices, frequency-control equipment, master clocks, watt-hour meters and synchronoscope in the turbine room, station totalizing wattmeter, boiler-room load indicator equipment, storage batteries, panels and charging sets, instrument transformers for ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, rheostats and accessories, operating mechanisms and wiring, conductors and conduit, special supports, special housings, concrete pads, general station grounding system, fire-extinguishing system, and test equipment.

6. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature recording devices, frequency-control equipment, master clocks, watt-hour meters and synchronoscope in the turbine room, station totalizing wattmeter, boiler-room load indicator equipment, storage batteries, panels and charging sets, instrument transformers for ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for conductors and conduit, special housings, grounding switch, etc., special housings, protective screens, etc.

Note: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

325 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the nuclear generating plant devoted to general station use, and which is not properly includible in any of the foregoing nuclear-power production accounts.

Items

1. Compressed air and vacuum cleaning systems, including tanks, compressors, exhausters, air filters, piping, etc.

2. Cranes and hoisting equipment, including crane, car, crane rail, monorails, hoists, etc., with electric and mechanical connections.

3. Fire-extinguishing equipment for general station use.

4. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.

5. Locomotive cranes not includible elsewhere.

6. Locomotives not included elsewhere.

7. Marine equipment, including boats, barges, etc.

8. Miscellaneous belts, pulleys, countershafts, etc.

9. Miscellaneous equipment, including atmospheric and weather recording devices, intrasite communication system, laboratory equipment, signal systems, fire alarms, emergency whistles and sirens, alarms, telephones, insect-control equipment, and other similar equipment.

10. Railway car or special shipping containers not includible elsewhere.

11. Refrigerating systems, including compressors, pumps, cooling coils, etc.

12. Station maintenance equipment, including lathes, shapers, planers, drill presses, hydraulic presses, grinders, etc., with motors, shafting, hangers, pulleys, etc.

13. Ventilating equipment, including items wholly identified with apparatus listed herein.

14. Station and area radiation monitoring equipment.

Note: When any item of equipment listed herein is wholly used in connection with equipment included in another account, its cost shall be included in such other account.

C. HYDRAULIC PRODUCTION

330 Land and land rights.

This account shall include the cost of land and land rights used in connection with hydraulic power generation.

(See electric plant instruction 7.)

331 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with hydraulic power generation. (See electric plant instruction 8.)

332 Reservoirs, dams and waterways.

This account shall include the cost in place of facilities used for impounding, collecting, storage, diversion, regulation, and delivery of water used primarily for generating electricity.

Items

1. Bridges and culverts (when not a part of roads or railroads).

2. Clearing and preparing land.

3. Dams, including waterways, spillways, flash boards, spillway gates with operating mechanisms, tunnels, gate house, and fish ladders.

4. Dikes and embankments.

5. Electric system, including conductors, control system, transformers, lighting fixtures, etc.

6. Excavation, including shoring, bracing, bridging, refill, and disposal of excess excavated material.

7. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided; rack structures.

8. Intakes, including trash racks, rack cleaners, control gates and intake house when not a part of station structure.

9. Platforms, railings, steps, gratings, etc., appurtenant to structures listed herein.

10. Power line wholly identified with items included herein.

11. Retaining walls.

12. Water conductors and accessories, including canals, tunnels, flumes, penstocks, pipe conductors, forebays, tailraces, navigation locks and operating mechanisms, water-hammer and surge tanks, and supporting trestles and structures.

13. Water storage reservoirs, including dams, flashboards, spillway gates and operating mechanisms, inlet and outlet tunnels, regulating valves and valve towers, silt and mud sluicing tunnels with valve or gate towers, and all other structures wholly identified with any of the foregoing items.

333 Water wheels, turbines and generators.

This account shall include the cost installed of water wheels and hydraulic turbines (from connection with penstock or flume to tailrace) and generators driven thereby devoted to the production of electricity by water power or for the production of power for industrial or

other purposes, if the equipment used for such purposes is a part of the hydraulic power plant works.

Items

1. Exciter water wheels and turbines, including runners, gates, governors, pressure regulators, oil pumps, operating mechanisms, scroll cases, draft tubes, and draft-tube supports.

2. Fire-extinguishing equipment.

3. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.

4. Generator cooling system, including air cooling and washing apparatus, air fans and accessories, air ducts, etc.

5. Generators—main, a.c. or d.c., including field rheostats and connections for self-excited units and excitation system when identified with the generating unit.

6. Lighting systems.

7. Lubricating systems, including gauges, filters, tanks, pumps, piping, etc.

8. Main penstock valves and appurtenances, including main valves, control equipment, bypass valves and fittings, and other accessories.

9. Main turbines and water wheels, including runners, gates, governors, pressure regulators, oil pumps, operating mechanisms, scroll cases, draft tubes, and draft-tube supports.

10. Mechanical meters and recording instruments.

11. Miscellaneous water-wheel equipment, including gauges, thermometers, meters, and other instruments.

12. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.

13. Scroll case filling and drain system, including gates, pipe, valves, fittings, etc.

14. Water-actuated pressure-regulator system, including tanks and housings, pipes, valves, fittings and insulations, piers and anchorage, and excavation and backfill.

334 Accessory electric equipment.

This account shall include the cost installed of auxiliary generating apparatus, conversion equipment, and equipment used primarily in connection with the control and switching of electric energy produced by hydraulic power and the protection of electric circuits and equipment, except electric motors used to drive equipment included in other accounts, such motors being included in the account in which the equipment with which they are associated is included.

Items

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.

2. Excitation system, including motor, turbine, and dual-drive exciter sets and rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conductors and conduit, special switch, etc., special housings, protective screens, etc.

3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for conductors and conduit, special housings, protective screens, etc.

4. Station buses, including and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for conductors and conduit, special housings, protective screens, etc.

5. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature recording devices, frequency-control equipment, master clocks, watt-hour meters and synchronoscope in the turbine room, station totalizing wattmeter, boiler-room load indicator equipment, storage batteries, panels and charging sets, instrument transformers for ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, rheostats and accessories, operating mechanisms and wiring, conductors and conduit, special supports, special housings, concrete pads, general station grounding system, fire-extinguishing system, and test equipment.

6. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, truck-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature recording devices, frequency-control equipment, master clocks, watt-hour meters and synchronoscope in the turbine room, station totalizing wattmeter, boiler-room load indicator equipment, storage batteries, panels and charging sets, instrument transformers for ground buses, including oil circuit breakers and accessories, disconnecting switches and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for conductors and conduit, special housings, grounding switch, etc., special housings, protective screens, etc.

Note: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

335 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the hydroelectric generating plant which is devoted to general station use and is not properly includible in other hydraulic production accounts.

ITEMS

1. Compressed air and vacuum cleaning systems, including tanks, compressors, exhausters, air filters, piping, etc.
2. Cranes and hoisting equipment, including cranes, cars, crane rails, monorails, hoists, etc., with electric and mechanical connections.
3. Fire-extinguishing equipment for general station use.
4. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
5. Locomotive cranes not includible elsewhere.
6. Locomotives not includible elsewhere.
7. Marine equipment, including boats, barges, etc.
8. Miscellaneous belts, pulleys, countershafts, etc.
9. Miscellaneous equipment, including atmospheric and weather indicating devices, intrasite communication equipment, laboratory equipment, insect control equipment, signal systems, callophones, emergency whistles and sirens, fire alarms, and other similar equipment.
10. Railway cars, not includible elsewhere.
11. Refrigerating system, including compressors, pumps, cooling coils, etc.
12. Station maintenance equipment, including lathes, shapers, planers, drill presses, hydraulic presses, grinders, etc., with motors, shafting, hangers, pulleys, etc.
13. Ventilating equipment, including items wholly identified with apparatus listed herein.

NOTE: When any item of equipment, listed herein is used wholly in connection with equipment included in another account, its cost shall be included in such other account.

336 Roads, railroads and bridges.

This account shall include the cost of roads, railroads, trails, bridges, and trestles used primarily as production facilities. It includes also those roads, etc., necessary to connect the plant with highway transportation systems, except when such roads are dedicated to public use and maintained by public authorities.

ITEMS

1. Bridges, including foundations, piers, girders, trusses, flooring, etc.
2. Clearing land.
3. Railroads, including grading, ballast, ties, rails, culverts, hoists, etc.
4. Roads, including grading, surfacing, culverts, etc.
5. Structures, constructed and maintained in connection with items listed herein.
6. Trails, including grading, surfacing, culverts, etc.
7. Trestles, including foundations, piers, girders, trusses, flooring, etc.

NOTE A: Roads intended primarily for connecting employees' houses with the power plant shall not be included herein but in account 931, Structures and Improvements.

NOTE B: The cost of temporary roads, bridges, etc., necessary during the period of construction but abandoned or dedicated to public use upon completion of the plant, shall not be included herein but shall be charged to the accounts appropriate for the construction.

D. OTHER PRODUCTION

340 Land and land rights.

This account shall include the cost of land and land rights used in connection with other power generation. (See electric plant instruction 7.)

341 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with other power generation. (See electric plant instruction 8.)

342 Fuel holders, producers, and accessories.

This account shall include the cost installed of fuel handling and storage equipment used between the point of fuel delivery to the station and the intake pipe through which fuel is directly drawn to the engine, also the cost of gas producers and accessories devoted to the production of gas for use in prime movers driving main electric generators.

ITEMS

1. Blower and fans.
2. Boilers and pumps.
3. Economizers.
4. Exhauster outfits.
5. Flues and piping.
6. Pipe system.
7. Producers.
8. Regenerators.
9. Scrubbers.
10. Steam injectors.
11. Tanks for storage of oil, gasoline, etc.
12. Vaporizers.

343 Prime movers.

This account shall include the cost installed of Diesel or other prime movers devoted to the generation of electric energy, together with their auxiliaries.

ITEMS

1. Air-filtering system.
2. Belting, shafting, pulleys, reduction gearing, etc.
3. Cooling system, including towers, pumps, tanks, and piping.
4. Cranes, hoists, etc., including items wholly identified with apparatus listed herein.
5. Engines, Diesel, gasoline, gas, or other internal combustion.
6. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.
7. Governors.
8. Ignition system.
9. Inlet valve.
10. Lighting systems.
11. Lubricating systems, including filters, tanks, pumps, and piping.
12. Mechanical meters, including gauges, recording instruments, sampling, and testing equipment.
13. Mufflers.
14. Piping.
15. Starting systems, compressed air, or other, including compressors and drives, tanks, piping, motors, boards and connections, storage tanks, etc.
16. Steelwork, specially constructed for apparatus listed herein.
17. Waste heat boilers, antifluctuators, etc.

344 Generators.

This account shall include the cost installed of Diesel or other power driven main generators.

ITEMS

1. Cranes, hoists, etc., including items wholly identified with such apparatus.
2. Fire-extinguishing equipment.
3. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
4. Generator cooling system, including air cooling and washing apparatus, air fans and accessories, air ducts, etc.
5. Generators—main, a.c. or d.c., including field rheostats and connections for self-excited units and excitation system when identified with the generating unit.
6. Lighting systems.
7. Lubricating system, including tanks, filters, strainers, pumps, piping, coolers, etc.
8. Mechanical meters, and recording instruments.
9. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.

NOTE: If prime movers and generators are so integrated that it is not practical to classify them separately, the entire unit may be included in account 344, Generators.

345 Accessory electric equipment.

This account shall include the cost installed of auxiliary generating apparatus, conversion equipment, and equipment used primarily in connection with the control and switching of electric energy produced in other power generating stations, and the protection of electric circuits and equipment, except electric motors used to drive equipment included in other accounts. Such motors shall be included in the account in which the equipment with which it is associated is included.

ITEMS

1. Auxiliary generators, including boards, compartments, switching equipment, control equipment, and connections to auxiliary power bus.
2. Excitation system, including motor, turbine and dual-drive exciter sets and rheostats, storage batteries and charging equipment, circuit breakers, panels and accessories, knife switches and accessories, surge arresters, instrument shunts, conductors and conduit, special supports for conduit, generator field and exciter switch panels, exciter bus tie panels, generator and exciter rheostats, etc., special housings, protective screens, etc.
3. Generator main connections, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, current transformers, potential transformers, protective relays, isolated panels and equipment, conductors and conduit, special supports for generator main leads, grounding switch, etc., special housing, protective screens, etc.
4. Station control system, including station switchboards with panel wiring, panels with instruments and control equipment only, panels with switching equipment mounted or mechanically connected, trunk-type boards complete, cubicles, station supervisory control boards, generator and exciter signal stands, temperature-recording devices, frequency control equipment, master clocks, watt-hour meter, station totalizing wattmeter, storage batteries, panels and charging sets, instrument transformers for supervisory metering, conductors and conduit, special supports for conduit, switchboards, batteries, special housing for batteries, protective screens, doors, etc.
5. Station buses, including main, auxiliary, transfer, synchronizing and fault ground buses, including oil circuit breakers and accessories, disconnecting switches and accessories, operating mechanisms and interlocks, reactors and accessories, voltage regulators and accessories, compensators, resistors, starting transformers, current transformers, potential transformers, protective relays, storage batteries and charging equipment, isolated panels and equipment, conductors and conduit, special supports, special housings, concrete pads, general station ground system, special fire-extinguishing system, and test equipment.

NOTE A: Do not include in this account transformers and other equipment used for changing the voltage or frequency of electric energy for the purpose of transmission or distribution.

NOTE B: When any item of equipment listed herein is used wholly to furnish power to equipment included in another account, its cost shall be included in such other account.

346 Miscellaneous power plant equipment.

This account shall include the cost installed of miscellaneous equipment in and about the other power generating plant, devoted to general station use, and not properly includible in any of the foregoing other power production accounts.

ITEMS

1. Compressed air and vacuum cleaning systems, including tanks, compressors, exhausters, air filters, piping, etc.
2. Cranes and hoisting equipment, including cranes, cars, crane rails, monorails, hoists, etc., with electric and mechanical connections.
3. Fire-extinguishing equipment for general station use.
4. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
5. Miscellaneous equipment, including atmospheric and weather indicating devices, intrasite communication equipment, laboratory equipment, signal systems, callophones, emergency whistles and sirens, fire alarms, and other similar equipment.
6. Miscellaneous belts, pulleys, countershafts, etc.
7. Refrigerating system including compressors, pumps, cooling coils, etc.
8. Station maintenance equipment, including lathes, shapers, planers, drill presses, hydraulic presses, grinders, etc., with motors, shafting, hangers, pulleys, etc.
9. Ventilating equipment, including items wholly identified with apparatus listed herein.

NOTE: When any item of equipment, listed herein is used wholly in connection with equipment included in another account, its cost shall be included in such other account.

3. TRANSMISSION PLANT

350 Land and land rights.

This account shall include the cost of land and land rights used in connection with transmission operations. (See electric plant instruction 7.)

351 Clearing land and rights of way.

This account shall include the cost of initial or original clearing of transmission land and rights of way.

NOTE: The cost of removing stumps, grading, excavating, etc., incident to the preparation of foundations for towers or other structures or to the construction of roads, trails, and bridges, shall not be included in this account but in the accounts directly benefited.

352 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with transmission operations. (See electric plant instruction 8.)

353 Station equipment.

This account shall include the cost installed of transforming, conversion, and switching equipment used for the purpose of changing the characteristics of electricity in connection with its transmission or for controlling transmission circuits.

ITEMS

1. Bus compartments, concrete, brick, and sectional steel, including items permanently attached thereto.
2. Conduit, including concrete and iron duct runs not a part of a building.
3. Control equipment, including batteries, battery charging equipment, transformers, remote relay boards, and connections.
4. Conversion equipment, including transformers, indoor and outdoor, frequency changers, motor generator sets, rectifiers, synchronous converters, motors, cooling equipment, and associated connections.
5. Fences.
6. Fixed and synchronous condensers, including transformers, switching equipment, blowers, motors and connections.
7. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
8. General station equipment, including air compressors, motors, hoists, cranes, test equipment, ventilating equipment, etc.
9. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
10. Primary and secondary voltage connections, including bus runs and supports, insulators, potheads, lightning arresters, cable and wire runs from and to outdoor connections or to manholes and the associated regulators, reactors, resistors, surge arresters, and accessory equipment.
11. Switchboards, including meters, relays, control wiring, etc.
12. Switching equipment, indoor and outdoor, including oil circuit breakers and operating mechanisms, truck switches, and disconnect switches.
13. Tools and appliances.

354 Towers and fixtures.

This account shall include the cost installed of towers and appurtenant fixtures used for supporting overhead transmission conductors.

ITEMS

1. Anchors, guys, braces.
2. Brackets.
3. Crossarms, including braces.
4. Excavation, backfill, and disposal of excess excavated material.
5. Foundations.
6. Guards.
7. Insulator pins and suspension bolts.
8. Ladders and steps.
9. Railings, etc.
10. Towers.

355 Poles and fixtures.

This account shall include the cost installed of transmission line poles, wood, steel, concrete, or other material, together with appurtenant fixtures used for supporting overhead transmission conductors.

ITEMS

1. Anchors, head arm and other guys, including guy guards, guy clamps, strain insulators, pole plates, etc.
2. Brackets.
3. Crossarms and braces.
4. Excavation and backfill, including disposal of excess excavated material.
5. Extension arms.
6. Gaining, roofing, stenciling, and tagging.
7. Insulator pins and suspension bolts.
8. Paving.
9. Pole steps.
10. Poles, wood, steel, concrete, or other material.
11. Racks complete with insulators.
12. Reinforcing and stubbing.
13. Settings.
14. Shaving and painting.

356 Overhead conductors and devices.

This account shall include the cost installed of overhead conductors and devices used for transmission purposes.

ITEMS

1. Circuit breakers.
2. Conductors, including insulated and bare wires and cables.
3. Ground wires and ground clamps.
4. Insulators, including pin, suspension, and other types.
5. Lightning arresters.
6. Switches.
7. Other line devices.

357 Underground conduit.

This account shall include the cost installed of underground conduit and tunnels used for housing transmission cables or wires. (See electric plant instruction 14.)

ITEMS

1. Conduit, concrete, brick or tile, including iron pipe, fiber pipe, Murray duct, and standpipe on pole or tower.
2. Excavation, including shoring, bracing, bridging, backfill, and disposal of excess excavated material.
3. Foundations and settings specially constructed for and not expected to outlast the apparatus for which provided.
4. Lighting systems.
5. Manholes, concrete or brick, including iron or steel, frames and covers, hatchways, gratings, ladders, cable racks and hangers, etc., permanently attached to manholes.
6. Municipal inspection.
7. Pavement disturbed, including cutting and replacing pavement, pavement base and sidewalks.
8. Permits.
9. Protection of street openings.
10. Removal and relocation of subsurface obstructions.
11. Sewer connections, including drains, traps, tide valves, check valves, etc.
12. Sumps, including pumps.
13. Ventilating equipment.

358 Underground conductors and devices.

This account shall include the cost installed of underground conductors and devices used for transmission purposes.

ITEMS

1. Armored conductors, buried, including insulators, insulating materials, splices, potheads, trenching, etc.
2. Armored conductors, submarine, including insulators, insulating materials, splices in terminal chambers, potheads, etc.
3. Cables in standpipe, including pothead and connection from terminal chamber of manhole to insulators on pole.
4. Circuit breakers.
5. Fireproofing, in connection with any items listed herein.
6. Hollow-core oil-filled cable, including straight or stop joints, pressure tanks, auxiliary air tanks, feeding tanks, terminals, potheads and connections, ventilating equipment, etc.
7. Lead and fabric covered conductors, including insulators, compound filled, oil filled, or vacuum splices, potheads, etc.
8. Lightning arresters.
9. Municipal inspection.
10. Permits.
11. Protection of street openings.
12. Racking of cables.
13. Switches.
14. Other line devices.

359 Roads and trails.

This account shall include the cost of roads, trails, and bridges used primarily as transmission facilities.

ITEMS

1. Bridges, including foundation piers, girders, trusses, flooring, etc.
2. Clearing land.
3. Roads, including grading, surfacing, culverts, etc.
4. Structures, constructed and maintained in connection with items included herein.
5. Trails, including grading, surfacing, culverts, etc.

NOTE: The cost of temporary roads, bridges, etc., necessary during the period of construction but abandoned or dedicated to public use upon completion of the plant, shall be charged to the accounts appropriate for the construction.

4. DISTRIBUTION PLANT

360 Land and land rights.

This account shall include the cost of land and land rights used in connection with distribution operations. (See electric plant instruction 7.)

NOTE: Do not include in this account the cost of permits to erect poles, towers, etc., or to trim trees. (See account 364, Poles, Towers and Fixtures, and account 365, Overhead Conductors and Devices.)

361 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with distribution operations. (See electric plant instruction 8.)

362 Station equipment.

This account shall include the cost installed of station equipment, including transformer banks, etc., which are used for the purpose of changing the characteristics of electricity in connection with its distribution.

ITEMS

1. Bus compartments, concrete, brick and sectional steel, including items permanently attached thereto.
2. Conduit, including concrete and iron duct runs not part of building.
3. Control equipment, including batteries, battery charging equipment, transformers, remote relay boards, and connections.
4. Conversion equipment, indoor and outdoor, frequency changers, motor generator sets, rectifiers, synchronous converters, motors, cooling equipment, and associated connections.
5. Fences.
6. Fixed and synchronous condensers, including transformers, switching equipment, blowers, motors, and connections.
7. Foundations and settings, specially constructed for and not expected to outlast the apparatus for which provided.
8. General station equipment, including air compressors, motors, hoists, cranes, test equipment, ventilating equipment, etc.
9. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
10. Primary and secondary voltage connections, including bus runs and supports, insulators, potheads, lightning arresters, cable and wire runs from and to outdoor connections or to manholes and the associated regulators, reactors, resistors, surge arresters, and accessory equipment.
11. Switchboards, including meters, relays, control wiring, etc.
12. Switching equipment, indoor and outdoor, including oil circuit breakers and operating mechanisms, truck switches, disconnect switches.

NOTE: The cost of rectifiers, series transformers, and other special station equipment devoted exclusively to street lighting service shall not be included in this account, but in account 373, Street Lighting and Signal Systems.

363 Storage battery equipment.

This account shall include the cost installed of storage battery equipment used for the purpose of supplying electricity to meet emergency or peak demands.

ITEMS

1. Batteries, including elements, tanks, tank insulators, etc.
2. Battery room connections, including cable or bus runs and connections.
3. Battery room flooring, when specially laid for supporting batteries.
4. Charging equipment, including motor generator sets and other charging equipment and connections, and cable runs from generator or station bus to battery room connections.
5. Miscellaneous equipment, including instruments, water stills, etc.
6. Switching equipment, including end-cell switches and connections, boards and panels, used exclusively for battery control, not part of general station switchboard.
7. Ventilating equipment, including fans and motors, louvers, and ducts not part of building.

NOTE: Storage batteries used for control and general station purposes shall not be included in this account but in the account appropriate for their use.

364 Poles, towers and fixtures.

This account shall include the cost installed of poles, towers, and appurtenant fixtures used for supporting overhead distribution conductors and service wires.

ITEMS

1. Anchors, head arm, and other guys, including guy guards, guy clamps, strain insulators, pole plates, etc.
2. Brackets.
3. Crossarms and braces.
4. Excavation and backfill, including disposal of excess excavated material.
5. Extension arms.
6. Foundations.
7. Guards.
8. Insulator pins and suspension bolts.
9. Paving.
10. Permits for construction.
11. Pole steps and ladders.
12. Poles, wood, steel, concrete, or other material.
13. Racks complete with insulators.
14. Railings.
15. Reinforcing and stubbing.
16. Settings.
17. Shaving, painting, gaining, roofing, stenciling, and tagging.
18. Towers.
19. Transformer racks and platforms.

365 Overhead conductors and devices.

This account shall include the cost installed of overhead conductors and devices used for distribution purposes.

ITEMS

1. Circuit breakers.
2. Conductors, including insulated and bare wires and cables.
3. Ground wires, clamps, etc.
4. Insulators, including pin, suspension, and other types, and tie wire or clamps.
5. Lightning arresters.
6. Railroad and highway crossing guards.
7. Splices.
8. Switches.
9. Tree trimming, initial cost including the cost of permits therefor.
10. Other line devices.

NOTE: The cost of conductors used solely for street lighting or signal systems shall not be included in this account but in account 373, Street Lighting and Signal Systems.

366 Underground conduit.

This account shall include the cost installed of underground conduit and tunnels used for housing distribution cables or wires.

ITEMS

1. Conduit, concrete, brick and tile, including iron pipe, fiber pipe, Murray duct, and standpipe on pole or tower.
2. Excavation, including shoring, bracing, bridging, backfill, and disposal of excess excavated material.
3. Foundations and settings specially constructed for and not expected to outlast the apparatus for which constructed.
4. Lighting systems.
5. Manholes, concrete or brick, including iron or steel frames and covers, hatchways, gratings, ladders, cable racks and hangers, etc., permanently attached to manholes.
6. Municipal inspection.
7. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
8. Permits.
9. Protection of street openings.
10. Removal and relocation of subsurface obstructions.
11. Sewer connections, including drains, traps, tide valves, check valves, etc.
12. Sumps, including pumps.
13. Ventilating equipment.

NOTE: The cost of underground conduit used solely for street lighting or signal systems shall be included in account 373, Street Lighting and Signal Systems.

367 Underground conductors and devices.

This account shall include the cost installed of underground conductors and devices used for distribution purposes.

ITEMS

1. Armored conductors, buried, including insulators, insulating materials, splices, potheads, trenching, etc.
2. Armored conductors, submarine, including insulators, insulating materials, splices in terminal chamber, potheads, etc.
3. Cables in standpipe, including pothead and connection from terminal chamber or manhole to insulators on pole.
4. Circuit breakers.
5. Fireproofing, in connection with any items listed herein.
6. Hollow-core oil-filled cable, including straight or stop joints, pressure tanks, auxiliary air tanks, feeding tanks, terminals, potheads and connections, etc.
7. Lead and fabric covered conductors, including insulators, compound-filled, oil-filled or vacuum splices, potheads, etc.
8. Lightning arresters.
9. Municipal inspection.
10. Permits.
11. Protection of street openings.
12. Backing of cables.
13. Switches.
14. Other line devices.

NOTE: The cost of underground conductors and devices used solely for street lighting or signal systems shall be included in account 373, Street Lighting and Signal Systems.

368 Line transformers.

A. This account shall include the cost installed of overhead and underground distribution line transformers and pole-type and underground voltage regulators owned by the utility, for use in transforming electricity to the voltage at which it is to be used by the customer, whether actually in service or held in reserve.

B. When a transformer is permanently retired from service, the original installed cost thereof shall be credited to this account.

C. The records covering line transformers shall be so kept that the utility can furnish the number of transformers of various capacities in service and those in reserve, and the location and the use of each transformer.

ITEMS

1. Installation, labor of (first installation only).
2. Transformer cut-out boxes.
3. Transformer lightning arresters.
4. Transformers, line and network.
5. Capacitors.
6. Network protectors.

NOTE: The cost of removing and resetting line transformers shall not be charged to this account but to account 583, Overhead Line Expenses, or account 584, Underground Line Expenses, as appropriate. The cost of line transformers used solely for street lighting or signal systems shall be included in account 373, Street Lighting and Signal Systems.

369 Services.

This account shall include the cost installed of overhead and underground conductors leading from a point where wires leave the last pole of the overhead system or the distribution box or manhole, or the top of the pole of the distribution line, to the point of connection with the customer's outlet or wiring. Conduit used for underground service conductors shall be included herein.

ITEMS

1. Brackets.
2. Cables and wires.
3. Conduit.
4. Insulators.
5. Municipal inspection.
6. Overhead to underground, including conduit or standpipe and conductor from last splice on pole to connection with customer's wiring.
7. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
8. Permits.
9. Protection of street openings.
10. Service switch.
11. Suspension wire.

370 Meters.

A. This account shall include the cost installed of meters or devices and appurtenances thereto, for use in measuring the electricity delivered to its users, whether actually in service or held in reserve.

B. When a meter is permanently retired from service, the installed cost included herein shall be credited to this account.

C. The records covering meters shall be so kept that the utility can furnish information as to the number of meters of various capacities in service and in reserve as well as the location of each meter owned.

ITEMS

1. Alternating current watt-hour meters.
2. Current limiting devices.
3. Demand indicators.
4. Demand meters.
5. Direct current watt-hour meters.
6. Graphic demand meters.
7. Installation, labor of (first installation only).
8. Instrument transformers.
9. Maximum demand meters.
10. Meter badges and their attachments.
11. Meter boards and boxes.
12. Meter fittings, connections, and shelves (first set).
13. Meter switches and cut-outs.
14. Prepayment meters.
15. Protective devices.
16. Testing new meters.

NOTE A: This account shall not include meters for recording output of a generating station, substation meters, etc. It includes only those meters used to record energy delivered to customers.

NOTE B: The cost of removing and resetting meters shall be charged to account 586, Meter Expenses.

371 Installations on customers' premises.

This account shall include the cost installed of equipment on the customer's side of a meter when the utility incurs such cost and when the utility retains title to and assumes full responsibility for maintenance and replacement of such property. This account shall not include leased equipment, for which see account 372, Leased Property on Customers' Premises.

ITEMS

1. Cable vaults.
2. Commercial lamp equipment.
3. Foundations and settings specially provided for equipment included herein.
4. Frequency changer sets.
5. Motor generator sets.
6. Motors.
7. Switchboard panels, high or low tension.
8. Wire and cable connections to incoming cables.

NOTE: Do not include in this account any costs incurred in connection with merchandising, jobbing, or contract work activities.

372 Leased property on customers' premises.

This account shall include the cost of electric motors, transformers, and other equipment on customers' premises (including municipal corporations), leased or loaned to customers, but not including property held for sale.

NOTE A: The cost of setting and connecting such appliances or equipment on the premises of customers and the cost of resetting or removal shall not be charged to this account but to operating expenses, account 587, Customer Installations Expenses.

NOTE B: Do not include in this account any costs incurred in connection with merchandising, jobbing, or contract work activities.

373 Street lighting and signal systems.

This account shall include the cost installed of equipment used wholly for public street and highway lighting or traffic, fire alarm, police, and other signal systems.

ITEMS

1. Armored conductors, buried or submarine, including insulators, insulating materials, splices, trenching, etc.
2. Automatic control equipment.
3. Conductors, overhead or underground, including lead or fabric covered, parkway cables, etc., including splices, insulators, etc.
4. Lamps, arc, incandescent, or other types, including glassware, suspension fixtures, brackets, etc.
5. Municipal inspection.
6. Ornamental lamp posts.
7. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
8. Permits.
9. Posts and standards.
10. Protection of street openings.
11. Relays or time clocks.
12. Series contactors.
13. Switches.
14. Transformers, pole or underground.

5. GENERAL PLANT

389 Land and land rights.

This account shall include the cost of land and land rights used for utility purposes, the cost of which is not properly includible in other land and land rights accounts. (See electric plant instruction 7.)

390 Structures and improvements.

This account shall include the cost in place of structures and improvements used for utility purposes, the cost of which is not properly includible in other structures and improvements accounts. (See electric plant instruction 8.)

391 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the utility and devoted to utility service, and not permanently attached to buildings, except the cost of such furniture and equipment which the utility elects to assign to other plant accounts on a functional basis.

ITEMS

1. Bookcases and shelves.
2. Desks, chairs, and desk equipment.
3. Drafting-room equipment.
4. Filing, storage, and other cabinets.
5. Floor covering.
6. Library and library equipment.
7. Mechanical office equipment, such as accounting machines, typewriters, etc.
8. Safes.
9. Tables.

392 Transportation equipment.

This account shall include the cost of transportation vehicles used for utility purposes.

ITEMS

1. Airplanes.
2. Automobiles.
3. Bicycles.
4. Electrical vehicles.
5. Motor trucks.
6. Motorcycles.
7. Repair cars or trucks.
8. Tractors and trailers.
9. Other transportation vehicles.

393 Stores equipment.

This account shall include the cost of equipment used for the receiving, shipping, handling, and storage of materials and supplies.

ITEMS

1. Chain falls.
2. Counters.
3. Cranes (portable).
4. Elevating and stacking equipment (portable).
5. Hoists.
6. Lockers.
7. Scales.
8. Shelving.

9. Storage bins.
10. Trucks, hand and power driven.
11. Wheelbarrows.

394 Tools, shop and garage equipment.

This account shall include the cost of tools, implements, and equipment used in construction, repair work, general shops and garages and not specifically provided for or includible in other accounts.

ITEMS

1. Air compressors.
2. Anvils.
3. Automobile repair shop equipment.
4. Battery charging equipment.
5. Belts, shafts and countershafts.
6. Boilers.
7. Cable pulling equipment.
8. Concrete mixers.
9. Drill presses.
10. Derricks.
11. Electric equipment.
12. Engines.
13. Forges.
14. Furnaces.
15. Foundations and settings specially constructed for and not expected to outlast the equipment for which provided.
16. Gas producers.
17. Gasoline pumps, oil pumps and storage tanks.
18. Greasing tools and equipment.
19. Hoists.
20. Ladders.
21. Lathes.
22. Machine tools.
23. Motor-driven tools.
24. Motors.
25. Pipe threading and cutting tools.
26. Pneumatic tools.
27. Pumps.
28. Riveters.
29. Smithing equipment.
30. Tool racks.
31. Vises.
32. Welding apparatus.
33. Work benches.

395 Laboratory equipment.

This account shall include the cost installed of laboratory equipment used for general laboratory purposes and not specifically provided for or includible in other departmental or functional plant accounts.

ITEMS

1. Ammeters.
2. Current batteries.
3. Frequency changers.
4. Galvanometers.
5. Inductometers.
6. Laboratory standard millivolt meters.
7. Laboratory standard volt meters.
8. Meter-testing equipment.
9. Millivolt meters.
10. Motor generator sets.
11. Panels.
12. Phantom loads.
13. Portable graphic ammeters, voltmeters, and wattmeters.
14. Portable loading devices.
15. Potential batteries.
16. Potentiometers.
17. Rotating standards.
18. Standard cell, reactance, resistor, and shunt.
19. Switchboards.
20. Synchronous timers.
21. Testing panels.
22. Testing resistors.
23. Transformers.
24. Voltmeters.
25. Other testing, laboratory, or research equipment not provided for elsewhere.

396 Power operated equipment.

This account shall include the cost of power operated equipment used in construction or repair work exclusive of equipment includible in other accounts. Include, also, the tools and accessories acquired for use with such equipment and the vehicle on which such equipment is mounted.

ITEMS

1. Air compressors, including driving unit and vehicle.
2. Back filling machines.
3. Boring machines.
4. Bulldozers.
5. Cranes and hoists.
6. Diggers.
7. Engines.
8. Pile drivers.
9. Pipe cleaning machines.
10. Pipe coating or wrapping machines.
11. Tractors—Crawler type.
12. Trenchers.
13. Other power operated equipment.

NOTE: It is intended that this account include only such large units as are generally self-propelled or mounted on movable equipment.

397 Communication equipment.

This account shall include the cost installed of telephone, telegraph, and wireless equipment for general use in connection with utilitiy operations.

ITEMS

1. Antennae.
2. Booths.
3. Cables.
4. Distributing boards.
5. Extension cords.
6. Gongs.
7. Hand sets, manual and dial.
8. Insulators.
9. Intercommunicating sets.
10. Loading coils.
11. Operators' desks.
12. Poles and fixtures used wholly for telephone or telegraph wire.
13. Radio transmitting and receiving sets.
14. Remote control equipment and lines.
15. Sending keys.
16. Storage batteries.
17. Switchboards.
18. Telautograph circuit connections.
19. Telegraph receiving sets.
20. Telephone and telegraph circuits.
21. Testing instruments.
22. Towers.
23. Underground conduit used wholly for telephone or telegraph wires and cable wires.

398 Miscellaneous equipment.

This account shall include the cost of equipment, apparatus, etc., used in the utility operations, which is not includible in any other account of this system of accounts.

ITEMS

1. Hospital and infirmary equipment.
2. Kitchen equipment.
3. Recreation equipment.
4. Radios.
5. Restaurant equipment.
6. Soda fountains.
7. Operators' cottage furnishings.
8. Other miscellaneous equipment.

NOTE: Miscellaneous equipment of the nature indicated above wherever practicable shall be included in the utility plant accounts on a functional basis.

399 Other tangible property.

This account shall include the cost of tangible utility plant not provided for elsewhere.

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.

Operating expenses.

401 Operation expense.
402 Maintenance expense.
403 Depreciation expense.
404 Amortization of limited-term electric plant.
405 Amortization of other electric plant.
406 Amortization of electric plant acquisition adjustments.
407 Amortization of property losses.
408 Taxes other than income taxes.
409 Income taxes.
410 Provision for deferred income taxes.
411 Income taxes deferred in prior years—Credit.
Total operating expenses.

Operating income.

412-413 Income from electric plant leased to others.
414 Other utility operating income.
Total operating income.

2. OTHER INCOME

415-416 Income from merchandising, jobbing and contract work.
417 Income from nonutility operations.
418 Nonoperating rental income.
419 Interest and dividend income.
421 Miscellaneous nonoperating income.
Total other income.
Total income.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.
426 Other income deductions.
Total income deductions.
Income before interest charges.

4. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt—Cr.
430 Interest on debt to associated companies.
431 Other interest expense.
432 Interest charged to construction—Cr.
Total interest charges.
Net income.

5. EARNED SURPLUS

216 Unappropriated earned surplus (at beginning of period).
433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.
Net addition to earned surplus.
437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
216 Unappropriated earned surplus (at end of period).

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.

There shall be shown under this caption the total amount included in the electric operating revenue accounts provided herein.

401 Operation expense.

There shall be shown under this caption the total amount included in the electric operation expense accounts provided herein. (See note to operating expense instruction 3.)

402 Maintenance expense.

There shall be shown under this caption the total amount included in the electric maintenance expense accounts provided herein.

403 Depreciation expense.

A. This account shall include the amount of depreciation expense for all classes of depreciable electric plant in service except such depreciation expense as is chargeable to clearing accounts or to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

B. The utility shall keep such records of property and property retirements as will reflect the service life of property which has been retired and aid in estimating probable service life by mortality, turnover, or other appropriate methods; and also such records as will reflect the percentage of salvage and costs of removal for property retired from each account, or subdivision thereof, for depreciable electric plant.

NOTE A: Depreciation expense applicable to property included in account 104, Electric Plant Leased to Others, shall be charged to account 413, Expenses of Electric Plant Leased to Others.

NOTE B: Depreciation expense applicable to transportation equipment, shop equipment, tools, work equipment, power operated equipment and other general equipment may be charged to clearing accounts as necessary in order to obtain a proper distribution of expenses between construction and operation.

404 Amortization of limited-term electric plant.

This account shall include amortization charges applicable to amounts included in the electric plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, and expenditures on leased property where the service life of the improvements is terminable by action of the lease. The charges to this account shall be such as to distribute the book cost of each investment as evenly as may be over the period of its benefit to the utility. (See account 111, Accumulated Provision for Amortization of Electric Plant in Service.)

405 Amortization of other electric plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other electric plant in service which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. This account shall be supported in such detail as to show the amortization applicable to each investment being amortized, together with the book cost of the investment and the period over which it is being written off.

406 Amortization of electric plant acquisition adjustments.

This account shall be debited or credited, as the case may be, with amounts includible in operating expenses, pursuant to approval or order of the Commission, for the purpose of providing for the extinguishment of the amount in account 114, Electric Plant Acquisition Adjustments.

407 Amortization of property losses.

This account shall be charged with amounts credited to account 182, Extraordinary Property Losses, when the Commission has authorized the amount in the latter account to be amortized by charges to electric operations.

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, which are properly chargeable to electric operations, except income taxes.

B. This account shall be charged in each accounting period with the amount of taxes which is applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to this account shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in this account shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Taxes applicable to nonutility property or investments shall be charged to the account in which the income from the property or investments is included.

NOTE B: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE C: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE D: Taxes assumed by the utility on property leased from others for use in utility operations shall be charged to the appropriate rent expense or clearing account.

NOTE E: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE F: Social security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

409 Income taxes.

A. This account shall include the amount of state and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to utility operations.

B. The accruals for income taxes shall be apportioned among utility departments and nonutility operations so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or nonutility operation the income from which gave rise to the tax.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Income taxes on income from utility plant leased to others shall be charged to account 413, Expenses of Electric Plant Leased to Others.

NOTE C: Where statutes or regulatory practices require that the profits or losses of merchandising, jobbing and contract work shall not be considered in arriving at rates to be charged for utility service, income taxes on income from merchandising, jobbing and contract work shall be charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

NOTE D: Income taxes on nonutility income shall be charged to the account in which the income is included. If the amount of nonutility income is relatively small, the allocation of income taxes thereto may be made annually.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

410 Provision for deferred income taxes.

This account shall be debited, and Accumulated Deferred Income Taxes, shall be credited with an amount equal to any deferral of taxes on income as provided by the texts of accounts 281, 282 and 283. There shall not be netted against entries required to be made to this account any credit amounts appropriately includible in account 411, Income Taxes Deferred in Prior Years—Credit.

411 Income taxes deferred in prior years—Credit.

This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the texts of accounts 281, 282, and 283. There shall not be netted against entries required to be made to this account any debit amounts appropriately includible in account 410, Provision for Deferred Income Taxes.

412 Revenues from electric plant leased to others.

413 Expenses of electric plant leased to others.

A. These accounts shall include respectively, revenues from electric property constituting a distinct operating unit or system leased by the utility to others, and which property is properly includible in account 104, Electric Plant Leased to Others, and the expenses attributable to such property.

B. The detail of expenses shall be kept or supported so as to show separately the following:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes other than income taxes.
Income taxes.

414 Other utility operating income.

A. This account shall include the revenues received and expenses incurred in connection with the operations of utility plant, the book cost of which is included in account 118, Other Utility Plant.

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, taxes, and insurance.

2. OTHER INCOME

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

A. These accounts shall include respectively, all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission, and all expenses incurred in such activities.

B. Records in support of these accounts shall be so kept as to permit ready summarization of revenues, costs and expenses by such major items as are feasible.

NOTE: Revenues and expenses of merchandising, jobbing and contract work shall be reported in these accounts, if a state regulatory body having jurisdiction over the utility requires the net income therefrom to be reported as other income; but the revenues and expenses shall be reported in accounts 914, Revenues from Merchandising, Jobbing and Contract Work, and 915, Costs and Expenses of Merchandising, Jobbing and Contract Work, if such regulatory body requires the net income to be reported as an operating income or expense item. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 914 and 915 at its option, in which case the practice of the utility must be consistent.

ITEMS

Account 415:

1. Revenues from sale of merchandise and from jobbing and contract work.

2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 416:

Labor—

1. Canvassing and demonstrating appliances in homes and other places for the purpose of selling appliances.

2. Demonstrating and selling activities in sales rooms.

3. Installing appliances on customer premises where such work is done only for purchasers of appliances from the utility.

4. Installing wiring, piping, or other property work, on a jobbing or contract basis.

5. Preparing advertising materials for appliance sales purpose.

6. Receiving and handling customer orders for merchandise or for jobbing services.

7. Cleaning and tidying sales rooms.

8. Maintaining display counters and other equipment used in merchandising.

9. Arranging merchandise in sales rooms and decorating display windows.

10. Reconditioning repossessed appliances.

11. Bookkeeping and other clerical work in connection with merchandise and jobbing activities.

12. Supervising merchandise and jobbing operations.

Materials and expenses—

13. Advertising in newspapers, periodicals, radio, television, etc.

14. Cost of merchandise sold and of materials used in jobbing work.

15. Stores expenses on merchandise and jobbing stocks.

16. Fees and expenses of advertising and commercial artists' agencies.

17. Printing booklets, dodgers, and other advertising data.

18. Premiums given as inducement to buy appliances.

19. Light, heat and power.

20. Depreciation on equipment used primarily for merchandise and jobbing operations.

21. Rent of sales rooms or of equipment.

22. Transportation expense in delivery and pick-up of appliances by utility's facilities or by others.

23. Stationery and office supplies and expenses.

24. Taxes directly assignable to merchandise and jobbing operations including income taxes on net income derived therefrom.

25. Losses from uncollectible merchandise and jobbing accounts.

417 Income from nonutility operations.

A. This account shall include revenues and expenses applicable to operations which are nonutility in character but nevertheless constitute a distinct operating activity of the enterprise as a whole, such as the operation of an ice department where applicable statutes do not define such operation as a utility, or the operation of a servicing organization for furnishing supervision, management, engineering, and similar services to others.

B. The expenses shall include all elements of costs incurred in such operations, and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes other than income taxes.
Income taxes.

418 Nonoperating rental income.

A. This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property, which is not used in operations covered by account 417.

B. The expenses shall include all elements of costs incurred in the ownership and rental of property and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes other than income taxes.
Income taxes.

419 Interest and dividend income.

A. This account shall include interest revenues on securities, loans, notes, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received are carried as investments or included in sinking or other special fund accounts.

B. If any interest or dividends are required to be retained in a special fund and the fund is represented by a reserve, the amount of such accretion to the fund shall concurrently be credited to the appropriate reserve account and charged to account 436, Appropriations of Surplus.

C. This account may include the pro rata amount necessary to extinguish (during the interval between the date of acquisition and the date of maturity) the difference between the cost to the utility and the face value of interest-bearing securities. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried.

D. Where significant in amount, expenses, including operating taxes and income taxes, applicable to security investments and to interest and dividend revenues thereon shall be charged hereto.

NOTE: Interest accrued, the payment of which is not reasonably assured, dividends receivable which have not been declared or guaranteed, and interest or dividends upon reacquired securities issued or assumed by the utility shall not be credited to this account.

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items properly includible in the income account and not provided for elsewhere.

ITEMS

1. Profit on sale of timber. (See electric plant instruction 7C.)

2. Profits from operations of others realized by the utility under contracts.

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program. Similar charges made irregularly without a definite program, or which are dependent upon the amount of net income shall be charged to account 435, Miscellaneous Debits to Surplus.

ITEMS

1. Amortization of utility plant acquisition adjustments, or of intangibles included in utility plant in service when not authorized to be included in utility operating expenses by the Commission.

2. Amortization of amounts in account 182, Extraordinary Property Losses, when not authorized to be included in utility operating expenses by the Commission.

3. Amortization of capital stock discount or expenses when in accordance with a systematic amortization program.

426 Other income deductions.

This account shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

ITEMS

1. Donations for charitable, social or community welfare purposes.

2. Life insurance of officers and employees where utility is beneficiary (net premiums less increase in cash surrender value of policies).

3. Penalties or fines for violation of statutes pertaining to regulation.

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

4. INTEREST CHARGES

427 Interest on long-term debt.

A. This account shall include the amount of interest on outstanding long-term debt issued or assumed by the utility, the liability for which is included in account 221, Bonds, or account 224, Other Long-Term Debt.

B. This account shall be so kept or supported as to show the interest accruals on each class and series of long-term debt.

NOTE: This account shall not include interest on nominally issued or nominally outstanding long-term debt, including securities assumed.

428 Amortization of debt discount and expense.

A. This account shall include the amortization of unamortized debt discount and expense on outstanding long-term debt. Amounts charged to this account shall be credited concurrently to account 181, Unamortized Debt Discount and Expense.

B. This account shall be so kept or supported as to show the debt discount and expense on each class and series of long-term debt.

429 Amortization of premium on debt—Cr.

A. This account shall include the amortization of unamortized net premium on outstanding long-term debt. Amounts credited to this account shall be charged concurrently to account 251, Unamortized Premium on Debt.

B. This account shall be so kept or supported as to show the premium on each class and series of long-term debt.

430 Interest on debt to associated companies.

A. This account shall include the interest accrued on amounts included in account 223, Advances from Associated Companies, and on all other obligations to associated companies.

B. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued.

431 Other interest expense.

This account shall include all interest charges not provided for elsewhere.

ITEMS

1. Interest on notes payable on demand or maturing one year or less from date and on open accounts, except notes and accounts with associated companies.

2. Interest on customers' deposits.

3. Interest on claims and judgments, tax assessments, and assessments for public improvements past due.

4. Income and other taxes levied upon bondholders of utility and assumed by it.

432 Interest charged to construction—Cr.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. (See electric plant instruction 3(17).)

5. EARNED SURPLUS

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

434 Miscellaneous credits to surplus.

This account shall include credits affecting earned surplus not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be credited to this account is not significant with respect to net income determination for the year, it may be credited to the appropriate nonoperating income account. (See also general instruction 7, Delayed Items.) All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Delayed credits as provided in general instruction 7.

2. Profit on reacquisition and resale or retirement of utility's debt securities.

3. Profit on sale of property or investments.

435 Miscellaneous debits to surplus.

This account shall include amounts chargeable to earned surplus but not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be charged to this account is not significant with respect to net income determination for the year, it may be charged to the apropriate nonoperating income deduction account. (See also general instruction 7, Delayed Items.) All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Decline in value of investments.

2. Delayed debits as provided in general instruction 7.

3. Loss on reacquisition and resale or retirement of utility's debt securities.

4. Provision for past accrued depreciation not provided for.

5. Long-term debt discount or expense written off.

6. Loss on sale of property or investments.

7. Write off of utility plant acquisition adjustments or of intangibles when not done under an orderly systematic program indicating the propriety of inclusion of the annual charges in account 425, Miscellaneous Amortization.

8. Preliminary survey and investigation expenses on abandoned projects.

9. Income taxes, both state and federal, occasioned by items included in account 434, Miscellaneous Credits to Surplus.

10. Charges from retirement or resale of reacquired capital stock.

436 Appropriations of surplus.

This account shall include appropriations of earned surplus for purposes not provided for elsewhere.

ITEMS

1. Appropriations of income required under terms of mortgages, orders of courts, contracts or other agreements.

2. Appropriations of income required by action of regulatory authorities.

3. Miscellaneous appropriations of income made at option of utility for specified purposes.

437 Dividends declared—Preferred stock.

A. This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

Operating Revenue Accounts

1. SALES OF ELECTRICITY

440 Residential sales.
442 Commercial and industrial sales.
444 Public street and highway lighting.
445 Other sales to public authorities.
446 Sales to railroads and railways.
447 Sales for resale.
448 Interdepartmental sales.

2. OTHER OPERATING REVENUES

450 Forfeited discounts.
451 Miscellaneous service revenues.
453 Sales of water and water power.
454 Rent from electric property.
455 Interdepartmental rents.
456 Other electric revenues.

Operating Revenue Accounts

1. SALES OF ELECTRICITY

440 Residential sales.

A. This account shall include the net billing for electricity supplied for residential or domestic purposes.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received under each rate schedule shall be readily available.

NOTE: When electricity supplied through a single meter is used for both residential and commercial purposes, the total revenue shall be included in this account, or account 442, Commercial and Industrial Sales, according to the rate schedule which is applied. If the same rate schedules apply to residential as to commercial and industrial service, classification shall be made according to principal use.

442 Commercial and industrial sales.

A. This account shall include the net billing for electricity supplied to cus-

tomers for commercial and industrial purposes.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received under each rate schedule shall be readily available. Records shall be maintained also so as to show separately the revenues from commercial and industrial customers (a) which have demands generally of 1000 kw or more, and (b) those which have demands generally less than 1000 kw. Reasonable deviations above or below the 1000 kw demand are permissible in order that transfers of customers between the two classes during the year may be minimized.

NOTE A: If the utility classifies large commercial and industrial customers and related revenues on a lesser basis than 1000 kilowatts of demand, or segregates industrial customers and related revenues according to a recognized definition of an industrial customer, such classifications are acceptable in lieu of those otherwise required by the text of this account on the basis of 1000 kilowatts of demand.

NOTE B: When electricity supplied through a single meter is used for both commercial and residential purposes, the total revenue shall be included in this account, or in account 440, Residential Sales, according to the rate schedule which is applied. If the same rate schedules apply to residential as to commercial and industrial service, classification shall be made according to the principal use.

444 Public street and highway lighting.

A. This account shall include the net billing for electricity supplied and services rendered for the purposes of lighting streets, highways, parks and other public places, or for traffic or other signal system service, for municipalities or other divisions or agencies of state or federal governments.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received from each customer shall be readily available. In addition, the records shall be maintained so as to show the revenues from (a) contracts which include both electricity and services, and (b) contracts which include sales of electricity only.

445 Other sales to public authorities.

A. This account shall include the net billing for electricity supplied to municipalities or divisions or agencies of federal or state governments, under special contracts or agreements or service classifications applicable only to public authorities, except such revenues as are includible in accounts 444 and 447.

B. Records shall be maintained so as to show the quantity of electricity sold and the revenues received from each customer.

446 Sales to railroads and railways.

A. This account shall include the net billing for electricity supplied to railroads and interurban and street railways, for general railroad use, including the propulsion of cars or locomotives, where such electricity is supplied under separate and distinct rate schedules.

B. Records shall be maintained so that the quantity of electricity sold and the revenue received from each customer shall be readily available.

NOTE: Revenues from incidental use of electricity furnished under a contract for propulsion of cars or locomotives shall be included herein.

447 Sales for resale.

A. This account shall include the net billing for electricity supplied to other electric utilities or to public authorities for resale purposes.

B. Records shall be maintained so as to show the quantity of electricity sold and the revenue received from each customer.

NOTE: Revenues from electricity supplied to other public utilities for use by them and not for distribution, shall be included in account 442, Commercial and Industrial Sales, unless supplied under the same contract as and not readily separable from revenues includible in this account.

448 Interdepartmental sales.

A. This account shall include amounts charged by the electric department at tariff or other specified rates for electricity supplied by it to other utility departments.

B. Records shall be maintained so that the quantity of electricity supplied each other department and the charges therefor shall be readily available.

2. OTHER OPERATING REVENUES

450 Forfeited discounts.

This account shall include the amount of discounts forfeited or additional charges imposed because of the failure of customers to pay their electric bills on or before a specified date.

451 Miscellaneous service revenues.

This account shall include revenues for all miscellaneous services and charges billed to customers which are not specifically provided for in other accounts.

ITEMS

1. Fees for changing, connecting or disconnecting service.
2. Profit on maintenance of appliances, wiring, piping or other installations on customers' premises.
3. Net credit or debit (cost less net salvage and less payment from customers) on closing of work orders for plant installed for temporary service of less than one year. (See account 185, Temporary Facilities.)
4. Recovery of expenses in connection with current diversion cases (billing for the electricity consumed shall be included in the appropriate electric revenue account).

453 Sales of water and water power.

A. This account shall include revenues derived from the sale of water for irrigation, domestic, industrial or other uses, or for the development by others of water power, or for headwater benefits; also, revenues derived from furnishing water power for mechanical purposes when the investment in the property used in supplying such water or water power is carried as electric plant in service.

B. The records for this account shall be kept in such manner as to permit an analysis of the rates charged and the purposes for which the water was used.

454 Rent from electric property.

A. This account shall include rents received for the use by others of land, buildings, and other property devoted to electric operations by the utility.

B. When property owned by the utility is operated jointly with others under a definite arrangement for apportioning the actual expenses among the parties to the arrangement, any amount received by the utility for interest or return or in reimbursement of taxes or depreciation on the property shall be credited to this account.

NOTE: Do not include in this account rents from property constituting an operating unit or system. (See account 412, Revenues from Electric Plant Leased to Others.)

455 Interdepartmental rents.

This account shall include rents credited to the electric department on account of rental charges made against other departments (gas, water, etc.) of the utility. In the case of property operated under a definite arrangement to allocate the costs among the departments using the property, any reimbursement to the electric department for interest or return and depreciation and taxes shall be credited to this account.

456 Other electric revenues.

This account shall include revenues derived from electric operations not includible in any of the foregoing accounts.

ITEMS

1. Commission on sale or distribution of electricity of others when sold under rates filed by such others.
2. Compensation for minor or incidental services provided for others such as customer billing, engineering, etc.
3. Profit or loss on sale of material and supplies not ordinarily purchased for resale and not handled through merchandising and jobbing accounts.
4. Sale of steam, but not including sales made by a steamheating department or transfers of steam under joint facility operations.
5. Revenues from transmission of electricity of others over transmission facilities of the utility.

Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

A. STEAM POWER GENERATION

Operation

500 Operation supervision and engineering.
501 Fuel.
502 Steam expenses.
503 Steam from other sources.
504 Steam transferred—Cr.
505 Electric expenses.
506 Miscellaneous steam power expenses.
507 Rents.

Maintenance

510 Maintenance supervision and engineering.
511 Maintenance of structures.
512 Maintenance of boiler plant.
513 Maintenance of electric plant.
514 Maintenance of miscellaneous steam plant.

B. NUCLEAR POWER GENERATION

Operation

517 Operation supervision and engineering.
518 Fuel.
519 Coolants and water.
520 Steam expenses.
521 Steam from other sources.
522 Steam transferred—Cr.
523 Electric expenses.
524 Miscellaneous nuclear power expenses.
525 Rents.

Maintenance

526 Maintenance supervision and engineering.
529 Maintenance of structures.
530 Maintenance of reactor plant equipment.
531 Maintenance of electric plant.
532 Maintenance of miscellaneous nuclear plant.

C. HYDRAULIC POWER GENERATION

Operation

535 Operation supervision and engineering.
536 Water for power.
537 Hydraulic expenses.
538 Electric expenses.
539 Miscellaneous hydraulic power generation expenses.
540 Rents.

Maintenance

541. Maintenance supervision and engineering.
542 Maintenance of structures.
543 Maintenance of reservoirs, dams and waterways.
544 Maintenance of electric plant.
545 Maintenance of miscellaneous hydraulic plant.

D. OTHER POWER GENERATION

Operation

546 Operation supervision and engineering.
547 Fuel.
548 Generation expenses.
549 Miscellaneous other power generation expenses.
550 Rents.

Maintenance

551 Maintenance supervision and engineering.
552 Maintenance of structures.
553 Maintenance of generating and electric plant.
554 Maintenance of miscellaneous other power generation plant.

E. OTHER POWER SUPPLY EXPENSES

555 Purchased power.
556 System control and load dispatching.
557 Other expenses.

2. TRANSMISSION EXPENSES

Operation

560 Operation supervision and engineering.
561 Load dispatching.
562 Station expenses.
563 Overhead line expenses.
564 Underground line expenses.
565 Transmission of electricity by others.
566 Miscellaneous transmission expenses.
567 Rents.

Maintenance

568 Maintenance supervision and engineering.
569 Maintenance of structures.
570 Maintenance of station equipment.
571 Maintenance of overhead lines.
572 Maintenance of underground lines.
573 Maintenance of miscellaneous transmission plant.

3. DISTRIBUTION EXPENSES

Operation

580 Operation supervision and engineering.
581 Load dispatching.
582 Station expenses.
583 Overhead line expenses.
584 Underground line expenses.
585 Street lighting and signal system expenses.
586 Meter expenses.
587 Customer installations expenses.
588 Miscellaneous distribution expenses.
589 Rents.

Maintenance

590 Maintenance supervision and engineering.
591 Maintenance of structures.
592 Maintenance of station equipment.
593 Maintenance of overhead lines.
594 Maintenance of underground lines.
595 Maintenance of line transformers.
596 Maintenance of street lighting and signal systems.
597 Maintenance of meters.
598 Maintenance of miscellaneous distribution plant.

4. CUSTOMER ACCOUNTS EXPENSES

Operation

901 Supervision.
902 Meter reading expenses.
903 Customer records and collection expenses.
904 Uncollectible accounts.
905 Miscellaneous customer accounts expenses.

5. SALES EXPENSES

Operation

911 Supervision.
912 Demonstrating and selling expenses.
913 Advertising expenses.
914 Revenues from merchandising, jobbing and contract work.
915 Cost and expenses of merchandising, jobbing and contract work.
916 Miscellaneous sales expenses.

6. ADMINISTRATIVE AND GENERAL EXPENSES

Operation

920 Administrative and general salaries.
921 Office supplies and expenses.
922 Administrative expenses transferred—Cr.
923 Outside services employed.
924 Property insurance.
925 Injuries and damages.
926 Employee pensions and benefits.
927 Franchise requirements.
928 Regulatory commission expenses.
929 Duplicate charges—Cr.
930 Miscellaneous general expenses.
931 Rents.

Maintenance

932 Maintenance of general plant.

Operation and Maintenance Expense Accounts

1. POWER PRODUCTION EXPENSES

A. STEAM POWER GENERATION

Operation

500 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of steam power generating stations. Direct supervision of specific activities, such as fuel handling, boiler-room operations, generator operations, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

501 Fuel.

A. This account shall include the cost of fuel used in the production of steam for the generation of electricity, including expenses in unloading fuel from the shipping media and handling thereof up to the point where the fuel enters the first boiler plant bunker, hopper, bucket, tank or holder of the boiler-house structure. Records shall be maintained to show the quantity, B.t.u. content and cost of each type of fuel used.

B. The cost of fuel shall be charged initially to account 151, Fuel Stock, and cleared to this account on the basis of the fuel used. Fuel handling expenses may be charged to this account as incurred or charged initially to account 152, Fuel Stock Expenses Undistributed. In the latter event, they shall be cleared to this account on the basis of the fuel used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

ITEMS

Labor:
1. Supervising purchasing and handling of fuel.
2. All routine fuel analyses.
3. Unloading from shipping facility and putting in storage.
4. Moving of fuel in storage and transferring fuel from one station to another.
5. Handling from storage or shipping facility to first bunker, hopper, bucket, tank or holder of boiler-house structure.
6. Operation of mechanical equipment, such as locomotives, trucks, cars, boats, barges, cranes, etc.

Materials and Expenses:
7. Cost of fuel including freight, switching, demurrage and other transportation charges.
8. Excise taxes, insurance, purchasing commissions and similar items.
9. Stores expenses to extent applicable to fuel.
10. Transportation and other expenses in moving fuel in storage.
11. Tools, lubricants and other supplies.
12. Operating supplies for mechanical equipment.
13. Residual disposal expenses less any proceeds from sale of residuals.

NOTE: Abnormal fuel handling expenses occasioned by emergency conditions shall be charged to expense as incurred.

502 Steam expenses.

This account shall include the cost of labor, materials used and expenses incurred in production of steam for electric generation. This includes all expenses of handling and preparing fuel beginning at the point where the fuel enters the first boiler plant bunker, hopper, tank or holder of the boiler-house structure.

ITEMS

Labor:
1. Supervising steam production.
2. Operating fuel conveying, storage, weighing and processing equipment within boiler plant.
3. Operating boiler and boiler auxiliary equipment.
4. Operating boiler feed water purification and treatment equipment.
5. Operating ash-collecting and disposal equipment located inside the plant.
6. Operating boiler plant electrical equipment.
7. Keeping boiler plant log and records and preparing reports on boiler plant operation.
8. Testing boiler water.
9. Testing, checking, and adjusting meters, gauges, and other instruments and equipment in boiler plant.
10. Cleaning boiler plant equipment when not incidental to maintenance work.
11. Repacking glands and replacing gauge glasses where the work involved is of a minor nature and is performed by regular operating crews. Where the work is of a major character, such as that performed on high-pressure boilers, the item should be considered as maintenance.

Materials and Expenses:
12. Chemicals and boiler inspection fees.
13. Lubricants.

14. Boiler feed water purchased and pumping supplies.

503 Steam from other sources.

This account shall include the cost of steam purchased, or transferred from another department of the utility or from others under a joint facility operating arrangement, for use in prime movers devoted to the production of electricity.

NOTE: The records shall be so kept as to show separately for each company from which steam is purchased, the point of delivery, the quantity, the price, and the total charge. When steam is transferred from another department or from others under a joint operating arrangement, the utility shall be prepared to show full details of the cost of producing such steam, the basis of the charge to electric generation and the extent and manner of use by each department or party involved.

504 Steam transferred—Credit.

A. This account shall include credits for expenses of producing steam which are charged to others or to other utility departments under a joint operating arrangement. Include also credits for steam expenses chargeable to other electric accounts outside of the steam generation group. Full details of the basis of determination of the cost of steam transferred shall be maintained.

B. If the charges to others or to other departments of the utility include an amount for depreciation, taxes and return on the joint steam facilities, such portion of the charge shall be credited, in the case of others, to account 454, Rent from Electric Property, and in the case of other departments of the utility, to account 455, Interdepartmental Rents.

505 Electric expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating prime movers, generators, and their auxiliary apparatus, switch gear and other electric equipment to the points where electricity leaves for conversion for transmission or distribution.

ITEMS

Labor:
1. Supervising electric production.
2. Operating turbines, engines, generators and exciters.
3. Operating condensers, circulating water systems and other auxiliary apparatus.
4. Operating generator cooling system.
5. Operating lubrication and oil control system, including oil purification.
6. Operating switchboards, switch gear and electric control and protective equipment.
7. Keeping electric plant log and records and preparing reports on electric plant operations.
8. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.
9. Cleaning electric plant equipment when not incidental to maintenance work.
10. Repacking glands and replacing gauge glasses.

Materials and Expenses:
11. Lubricants and control system oils.
12. Generator cooling gases.
13. Circulating water purification supplies.
14. Cooling water purchased.
15. Motor and generator brushes.

506 Miscellaneous steam power expenses.

This account shall include the cost of labor, materials used and expenses incurred which are not specifically provided for or are not readily assignable to other steam generation operation expense accounts.

ITEMS

Labor:
1. General clerical and stenographic work.
2. Guarding and patrolling plant and yard.
3. Building service.
4. Care of grounds including snow removal, cutting grass, etc.
5. Miscellaneous labor.

Materials and Expenses:
6. General operating supplies, such as tools, gaskets, packing waste, gauge glasses, hose, indicating lamps, record and report forms, etc.
7. First-aid supplies and safety equipment.
8. Employees' service facilities expenses.
9. Building service supplies.
10. Communication service.
11. Miscellaneous office supplies and expenses, printing and stationery.
12. Transportation expenses.
13. Meals, traveling and incidental expenses.

507 Rents.

This account shall include all rents of property of others used, occupied or operated in connection with steam power generation. (See operating expense instruction 3.)

Maintenance

510 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of steam generation facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

511 Maintenance of structures.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of steam structures, the book cost of which is includible in account 311, Structures and Improvements. (See operating expense instruction 2.)

512 Maintenance of boiler plant.

A. This account shall include the cost of labor, materials used and expenses incurred in the maintenance of steam plant, the book cost of which is includible in account 312, Boiler Plant Equipment. (See operating expense instruction 2).

B. For the purpose of making charges hereto and to account 513, Maintenance of Electric Plant, the point at which steam plant is distinguished from electric plant is defined as follows:

a. Inlet flange of throttle valve on prime mover.

b. Flange of all steam extraction lines on prime mover.

c. Hotwell pump outlet on condensate lines.

d. Inlet flange of all turbine-room auxiliaries.

e. Connection to line side of motor starter for all boiler-plant equipment.

513 Maintenance of electric plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of electric plant, the book cost of which is includible in account 313, Engines and Engine-Driven Generators, account 314, Turbogenerator Units, and account 315, Accessory Electric Equipment. (See operating expense instruction 2 and paragraph B of account 512.)

514 Maintenance of miscellaneous steam plant.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of miscellaneous steam generation plant, the book cost of which is includible in account 316, Miscellaneous Power Plant Equipment. (See operating expense instruction 2.)

B. NUCLEAR POWER GENERATION

Operation

517 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of nuclear power generating stations. Direct supervision of specific activities, such as fuel handling, reactor operations, generator operations, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

518 Fuel.

A. This account shall include fuel costs for the production of steam in the generation of electricity by nuclear process (see accounts 157, 158 and 159).

B. Records supporting entries to this account shall be so kept that the utility can furnish the basis of computations and amounts of the individual fuel cost items. The records shall be so maintained that the fuel cost may be readily classified as to use charges, nuclear fuel burn-up, consumption of non-nuclear materials, net plutonium and other nuclear materials formed—credit, provision for chemical processing, and cost of non-nuclear fuel, if any, used for steam superheat facilities.

ITEMS

1. Use charge for nuclear materials in service, in reserve, in cooling, or in chemical processing.
2. Amortization of costs of fuel assemblies and components in use.
3. Burn-up of nuclear fuel.
4. Chemical processing of fuel assemblies including charges for converting recovered materials into a form acceptable to a supplier of nuclear materials, disposal of chemical processing wastes and for transportation of materials.
5. Plutonium and other nuclear materials—credit.
6. Oil, gas, coal or other fuel used in auxiliary steam superheat facilities, at cost delivered to station.

NOTE: The utility shall adopt the necessary accounting procedures to assure that charges to this account shall, so far as practicable, be accurately distributed to accounting periods. Where computed amounts are derived from estimates, corrections of this account shall be made promptly when it is ascertained that significant revisions of the estimates are necessary. Where significant delayed adjustments are necessary, such adjustments shall be made in accordance with the provisions of general instruction 7, Delayed Items.

519 Coolants and water.

This account shall include the cost of labor, materials used and expenses incurred for heat transfer materials and water used for steam and cooling purposes.

ITEMS

Labor:
1. Operation of water supply facilities.
2. Handling of coolants and heat transfer materials.

Materials and Expenses:
3. Chemicals.
4. Additions to or refining of, fluids used in reactor systems.
5. Lubricants.
6. Pumping supplies and expenses.
7. Miscellaneous supplies and expenses.
8. Purchased water.

NOTE: Do not include in this account water for general station use or the initial charge for coolants, heat transfer or moderator fluids, chemicals or other supplies capitalized.

520 Steam expenses.

This account shall include the cost of labor, materials used and expenses incurred in production of steam through nuclear processes, and similar expenses for operation of any auxiliary superheat facilities.

ITEMS

Labor:
1. Supervising steam production.
2. Fuel handling including removal, insertion, disassembly and preparation for cooling operations and shipment.
3. Testing instruments and gauges.
4. Health, safety, monitoring and decontamination activities.
5. Waste disposal.
6. Operating steam boilers and auxiliary steam, superheat facilities.

Materials and Expenses:
7. Chemical supplies.
8. Charts, logs, etc.
9. Health, safety, monitoring and decontamination supplies.
10. Boiler inspection fees.
11. Lubricants.

521 Steam from other sources.

This account shall include the cost of steam purchased or transferred from another department of the utility or from others under a joint facility operating arrangement for use in prime movers devoted to the production of electricity.

NOTE: The records shall be so kept as to show separately, for each company from which steam is purchased, the point of delivery, the quantity, the price, and the total charge. When steam is transferred from another operating department, the utility shall be prepared to show full details of the cost of producing such steam, the basis of the charges to electric generation, and the extent and manner of use by each department involved.

522 Steam transferred—Credit.

A. This account shall include credits for expenses of producing steam which are charged to others or to other utility departments under a joint operating arrangement. Include also credits for steam expenses chargeable to other electric accounts outside of the steam generation group. Full details of the basis of determination of the cost of steam transferred shall be maintained.

B. If the charges to others or to other departments of the utility include an amount for depreciation, taxes and return on the joint steam facilities, such portion of the charge shall be credited, in the case of others, to account 454, Rent from Electric Property, and in the case of other departments of the utility, to account 455, Interdepartmental Rents.

523 Electric expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating turbogenerators, steam turbines and their auxiliary apparatus, switch gear and other electric equipment to the points where electricity leaves for conversion for transmission or distribution.

ITEMS

Labor:
1. Supervising electric production.
2. Operating turbines, engines, generators and exciters.
3. Operating condensers, circulating water systems and other auxiliary apparatus.
4. Operating generator cooling system.
5. Operating lubrication and oil control system, including oil purification.
6. Operating switchboards, switch gear and electric control and protective equipment.
7. Keeping plant log and records and preparing reports on electric plant operations.
8. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls and other equipment in the electric plant.
9. Cleaning electric plant equipment when not incidental to maintenance.
10. Repacking glands and replacing gauge glasses.

Materials and Expenses:
11. Lubricants and control system oils.
12. Generator cooling gases.
13. Log sheets and charts.
14. Motor and generator brushes.

524 Miscellaneous nuclear power expenses.

This account shall include the cost of labor, materials used and expenses incurred which are not specifically provided for or are not readily assignable to other nuclear generation operation accounts.

ITEMS

Labor:
1. General clerical and stenographic work.
2. Plant security.
3. Building service.
4. Care of grounds, including snow removal, cutting grass, etc.
5. Miscellaneous labor.

Materials and Expenses:
6. General operating supplies, such as tools, gaskets, hose, indicating lamps, record and report forms, etc.
7. First-aid supplies and safety equipment.
8. Employees' service facilities expenses.
9. Building service supplies.
10. Communication service.
11. Miscellaneous office supplies and expenses, printing and stationery.
12. Transportation expenses.
13. Meals, traveling and incidental expenses.

525 Rents.

This account shall include all rents of property of others used, occupied or operated in connection with nuclear generation. (See operating expense instruction 3.)

Maintenance

528 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of nuclear generation facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

529 Maintenance of structures.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 321, Structures and Improvements. (See operating expense instruction 2.)

530 Maintenance of reactor plant equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of reactor plant, the book cost of which is includible in account 322, Reactor Plant Equipment. (See operating expense instruction 2.)

531 Maintenance of electric plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of electric plant, the book cost of which is includible in account 323, Turbogenerator Units, and account 324, Accessory Electric Equipment. (See operating expense instruction 2.)

532 Maintenance of miscellaneous nuclear plant.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of miscellaneous nuclear generating plant, the book cost of which is includible in account 325, Miscellaneous Power Plant Equipment. (See operating expense instruction 2.)

C. HYDRAULIC POWER GENERATION

Operation

535 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of hydraulic power generating stations. Direct supervision of specific activities, such as hydraulic operation, generator operation, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

536 Water for power.

This account shall include the cost of water used for hydraulic power generation.

ITEMS

1. Cost of water purchased from others, including water tolls paid reservoir companies.
2. Periodic payments for licenses or permits from any governmental agency for water rights, or payments based on the use of the water.
3. Periodic payments for riparian rights.
4. Periodic payments for headwater benefits or for detriments to others.
5. Cloud seeding.

537 Hydraulic expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating hydraulic works including reservoirs, dams and waterways, and in activities directly relating to the hydroelectric development outside the generating station.

ITEMS

Labor:
1. Supervising hydraulic operation.
2. Removing debris and ice from trash racks, reservoirs and waterways.
3. Patrolling reservoirs and waterways.
4. Operating intakes, spillways, sluiceways, and outlet works.
5. Operating bubbler, heater or other deicing systems.
6. Ice and log jam work.
7. Operating navigation facilities.
8. Operations relating to conservation of game, fish, forests, etc.
9. Insect control activities.

Materials and Expenses:
10. Insect control materials.
11. Lubricants, packing, and other supplies used in operation of hydraulic equipment.
12. Supplies and expenses in conservation of game, fish, forests, etc.
13. Transportation expense.

538 Electric expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating prime movers, generators, and their auxiliary apparatus, switchgear, and other electric equipment, to the point where electricity leaves for conversion for transmission or distribution.

ITEMS

Labor:
1. Supervising electric production.
2. Operating prime movers, generators and auxiliary equipment.
3. Operating generator cooling system.
4. Operating lubrication and oil control systems, including oil purification.
5. Operating switchboards, switchgear, and electric control and protection equipment.
6. Keeping plant log and records and preparing reports on plant operations.
7. Testing, checking and adjusting meters, gauges, and other instruments, relays, controls, and other equipment in the plant.
8. Cleaning plant equipment when not incidental to maintenance work.
9. Repacking glands.

Materials and Expenses:
10. Lubricants and control system oils.
11. Motor and generator brushes.

539 Miscellaneous hydraulic power generation expenses.

This account shall include the cost of labor, materials used and expenses incurred which are not specifically provided for or are not readily assignable to other hydraulic generation operation expense accounts.

ITEMS

Labor:
1. General clerical and stenographic work.
2. Guarding and patrolling plant and yard.
3. Building service.
4. Care of grounds including snow removal, cutting grass, etc.
5. Snow removal from roads and bridges.
6. Miscellaneous labor.

Materials and Expenses:
7. General operating supplies, such as tools, gaskets, packing, waste, hose, indicating lamps, record and report forms, etc.
8. First-aid supplies and safety equipment.
9. Employees' service facilities expenses.
10. Building service supplies.
11. Communication service.
12. Office supplies, printing and stationery.
13. Transportation expenses.
14. Fuel.
15. Meals, traveling and incidental expenses.

540 Rents.

This account shall include all rents of property of others used, occupied or operated in connection with hydraulic power generation, including amounts payable to the United States for the occupancy of public lands and reservations for reservoirs, dams, flumes, forebays, penstocks, power houses, etc., but not including transmission right of way. (See operating expense instruction 3.)

Maintenance

541 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the maintenance of hydraulic power generating stations. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

542 Maintenance of structures.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of hydraulic structures, the book cost of which is includible in account 331, Structures and Improvements. (See operating expense instruction 2.)

543 Maintenance of reservoirs, dams and waterways.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant includible in account 332, Reservoirs, Dams and Waterways. (See operating expense instruction 2.)

544 Maintenance of electric plant.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant includible in account 333, Water Wheels, Turbines and Generators, and account 334, Accessory Electric Equipment. (See operating expense instruction 2.)

545 Maintenance of miscellaneous hydraulic plant.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant, the book cost of which is includible in account 335, Miscellaneous Power Plant Equipment, and account 336, Roads, Railroads and Bridges. (See operating expense instruction 2.)

D. OTHER POWER GENERATION

Operation

546 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of other power generating stations. Direct supervision of specific activities, such as fuel handling, engine and generator operation, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

547 Fuel.

This account shall include the cost delivered at the station (see account 151, Fuel Stock) of all fuel, such as gas, oil, kerosene, and gasoline used in other power generation.

548 Generation expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating prime movers, generators and electric equipment in other power generating stations, to the point where electricity leaves for conversion for transmission or distribution.

ITEMS

Labor:
1. Supervising other power generation operation.
2. Operating prime movers, generators and auxiliary apparatus and switching and other electric equipment.
3. Keeping plant log and records and preparing reports on plant operations.
4. Testing, checking, cleaning, oiling and adjusting equipment.

Materials and Expenses:
5. Dynamo, motor, and generator brushes.
6. Lubricants and control system oils.
7. Water for cooling engines and generators.

549 Miscellaneous other power generation expenses.

This account shall include the cost of labor, materials used and expenses incurred in the operation of other power generating stations which are not specifically provided for or are not readily assignable to other generation expense accounts.

ITEMS

Labor:
1. General clerical and stenographic work.
2. Guarding and patrolling plant and yard.
3. Building service.
4. Care of grounds, including snow removal, cutting grass, etc.
5. Miscellaneous labor.

Materials and Expenses:
6. Building service supplies.
7. First-aid supplies and safety equipment.
8. Communication service.
9. Employees' service facilities expenses.
10. Office supplies, printing and stationery.
11. Transportation expense.
12. Meals, traveling and incidental expenses.
13. Fuel for heating.
14. Water for fire protection or general use.
15. Miscellaneous supplies, such as hand tools, drills, saw blades, files, etc.

550 Rents.

This account shall include all rents of property of others used, occupied, or operated in connection with other power generation. (See operating expense instruction 3.)

Maintenance

551 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the maintenance of other power generating stations. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

552 Maintenance of structures.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of facilities used in other power generation, the book cost of which is includible in account 341, Structures and Improvements, and account 342, Fuel Holders, Producers and Accessories. (See operating expense instruction 2.)

553 Maintenance of generating and electric equipment.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant, the book cost of which is includible in account 343, Prime Movers, account 344, Generators, and account 345, Accessory Electric Equipment. (See operating expense instruction 2.)

554 Maintenance of miscellaneous other power generation plant.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of other power generation plant, the book cost of which is includible in account 346, Miscellaneous Power Plant Equipment. (See operating expense instruction 2.)

E. OTHER POWER SUPPLY EXPENSES

555 Purchased power.

A. This account shall include the cost at point of receipt by the utility of electricity purchased for resale. It shall include, also, net settlements for exchange of electricity or power, such as economy energy, off-peak energy for on-peak energy, spinning reserve capacity, etc. In addition, the account shall include the net settlements for transactions under pooling or interconnection agreements wherein there is a balancing of debits and credits for energy, capacity, etc. Distinct purchases and sales shall not be recorded as exchanges and net amounts only recorded merely because debit and credit amounts are combined in the voucher settlement.

B. The records supporting this account shall show, by months, the demands and demand charges, kilowatt-hours and prices thereof under each purchase contract and the charges and credits under each exchange or power pooling contract.

556 System control and load dispatching.

This account shall include the cost of labor and expenses incurred in load dispatching activities for system control. Utilities having an interconnected electric system or operating under a central authority which controls the production and dispatching of electricity may apportion these costs to this account and accounts 561, Load Dispatching—Transmission, and 581, Load Dispatching—Distribution.

ITEMS

Labor:
1. Allocating loads to plants and interconnections with others.
2. Directing switching.
3. Arranging and controlling clearances for construction, maintenance, test and emergency purposes.
4. Controlling system voltages.
5. Recording loadings, water conditions, etc.
6. Preparing operating reports and data for billing and budget purposes.
7. Obtaining reports on the weather and special events.

Expenses:
8. Communication service provided for system control purposes.
9. System record and report forms.
10. Meals, traveling and incidental expenses.
11. Obtaining weather and special events reports.

557 Other expenses.

A. This account shall be charged with any production expenses, including expenses incurred directly in connection with the purchase of electricity, which are not specifically provided for in other production expense accounts. Charges to this account shall be supported so that a description of each type of charge will be readily available.

B. Recoveries from insurance companies, under use and occupancy provisions of policies, of amounts in reimbursement of excessive or added production costs for which the insurance company is liable under the terms of the policy shall be credited to this account.

2. TRANSMISSION EXPENSES

Operation

560 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of the transmission system as a whole. Direct supervision of specific activities, such as station operation, line operation, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

561 Load dispatching.

This account shall include the cost of labor, materials used and expenses incurred in load dispatching operations pertaining to the transmission of electricity.

ITEMS

Labor:
1. Directing switching.
2. Arranging and controlling clearances for construction, maintenance, test and emergency purposes.
3. Controlling system voltages.
4. Obtaining reports on the weather and special events.
5. Preparing operating reports and data for billing and budget purposes.

Expenses:
6. Communication service provided for system control purposes.
7. System record and report forms.
8. Meals, traveling and incidental expenses.
9. Obtaining weather and special events reports.

562 Station expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating transmission substations and switching stations. If transmission station equipment is located in or adjacent to a generating station, the expenses applicable to transmission station operations shall nevertheless be charged to this account.

ITEMS

Labor:
1. Supervising station operation.
2. Adjusting station equipment where such adjustment primarily affects performance, such as regulating the flow of cooling water, adjusting current in fields of a machine or changing voltage of regulators, changing station transformer taps.
3. Inspecting, testing and calibrating station equipment for the purpose of checking its performance.
4. Keeping station log and records and preparing reports on station operation.
5. Operating switching and other station equipment.
6. Standing watch, guarding, and patrolling station and station yard.
7. Sweeping, mopping, and tidying station.
8. Care of grounds, including snow removal, cutting grass, etc.

Materials and Expenses:
9. Building service expenses.
10. Operating supplies, such as lubricants, commutator brushes, water, and rubber goods.
11. Station meter and instrument supplies, such as ink and charts.
12. Station record and repor forms.
13. Tool expense.
14. Transportation expenses.
15. Meals, traveling, and incidental expenses.

563 Overhead line expenses.

564 Underground line expenses.

A. These accounts shall include the cost of labor, materials used and expenses incurred in the operation of transmission lines.

B. If the expenses are not substantial for both overhead and underground lines, these accounts may be combined.

ITEMS

Labor:
1. Supervising line operation.
2. Inspecting and testing lightning arresters, circuit breakers, switches, and grounds.
3. Load tests of circuits.
4. Routine line patrolling.
5. Routine voltage surveys made to determine the condition or efficiency of transmission system.
6. Transferring loads, switching and reconnecting circuits and equipment for operating purposes. (Switching for construction or maintenance purposes is not includible in this account.)
7. Routine inspection and cleaning of manholes, conduit, network and transformer vaults.
8. Electrolysis surveys.
9. Inspecting and adjusting line-testing equipment, such as voltmeters, ammeters, wattmeters, etc.
10. Regulation and addition of oil or gas in high-voltage cable systems.

Materials and Expenses:
11. Transportation expenses.
12. Meals, traveling and incidental expenses.
13. Tool expenses.
14. Operating supplies, such as instrument charts, rubber goods, etc.

565 Transmission of electricity by others.

This account shall include amounts payable to others for the transmission of the utility's electricity over transmission facilities owned by others.

566 Miscellaneous transmission expenses.

This account shall include the cost of labor, materials used and expenses in-

curred in transmission map and record work, transmission office expenses, and other transmission expenses not provided for elsewhere.

ITEMS

Labor:
1. General records of physical characteristics of lines and stations, such as capacities, etc.
2. Ground resistance records.
3. Janitor work at transmission office buildings, including care of grounds, snow removal, cutting grass, etc.
4. Joint pole maps and records.
5. Line load and voltage records.
6. Preparing maps and prints.
7. General clerical and stenographic work.
8. Miscellaneous labor.

Materials and Expenses
9. Communication service.
10. Building service supplies.
11. Map and record supplies.
12. Transmission office supplies and expenses, printing and stationery.
13. First-aid supplies.

567 Rents.

This account shall include rents of property of others used, occupied, or operated in connection with the transmission system, including payments to the United States and others for use of public or private lands and reservations for transmission line rights of way. (See operating expense instruction 3.)

Maintenance

568 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of the transmission system. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

569 Maintenance of structures.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 352, Structures and Improvements. (See operating expense instruction 2.)

570 Maintenance of station equipment.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of station equipment the book cost of which is includible in account 353, Station Equipment. (See operating expense instruction 2.)

571 Maintenance of overhead lines.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of transmission plant, the book cost of which is includible in accounts 354, Towers and Fixtures, 355, Poles and Fixtures, 356, Overhead Conductors and Devices, 359, Roads and Trails. (See operating expense instruction 2.)

ITEMS

1. Work of the following character on poles, towers and fixtures:
a. Installing or removing additional clamps or strain insulators on guys in place.
b. Moving line or guy pole in relocation of the same pole or section of line.
c. Painting poles, towers, crossarms or pole extensions.
d. Readjusting and changing position of guys or braces.
e. Realigning and straightening poles, crossarms braces, and other pole fixtures.
f. Reconditioning reclaimed pole fixtures.
g. Relocating crossarms, racks, brackets, and other fixtures on poles.
h. Repairing or realigning pins, racks, or brackets.
i. Repairing pole supported platform.
j. Repairs by others to jointly owned poles.
k. Shaving, cutting rot, or treating poles or crossarms in use or salvaged for reuse.
l. Stubbing poles already in service.
m. Supporting fixtures and conductors and transferring them to new pole during poles replacements.
n. Maintenance of pole signs, stencils, tags, etc.
2. Work of the following character on overhead conductors and devices:
a. Overhauling and repairing line cutouts, line switches, line breakers, etc.
b. Cleaning insulators and bushings.
c. Refusing cutouts.
d. Repairing line oil circuit breakers and associated relays and control wiring.
e. Repairing grounds.
f. Resagging, retying, or rearranging position or spacing of conductors.
g. Standing by phones, going to calls, cutting faulty lines clear, or similar activities at times of emergencies.
h. Sampling, testing, changing, purifying, and replenishing insulating oil.
i. Repairing line testing equipment.
j. Transferring loads, switching and reconnecting circuits and equipment for maintenance purposes.
k. Trimming trees and clearing brush.
l. Chemical treatment of right of way areas when occurring subsequent to construction of line.
3. Work of the following character on roads and trails:
a. Repairing roadway, bridges, etc.
b. Trimming trees and brush to maintain previous roadway clearance.
c. Snow removal from roads and trails.
d. Maintenance work on publicly owned roads and trails when done by utility at its expense.

572 Maintenance of underground lines.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of transmission plant, the book cost of which is includible in accounts 357, Underground Conduit, and 358, Underground Conductors and Devices. (See operating expense instruction 2.)

ITEMS

1. Work of the following character on underground conduit:
a. Cleaning ducts, manholes, and sewer connections.
b. Minor alterations of handholes, manholes, or vaults.
c. Refastening, repairing, or moving racks, ladders, or hangers in manholes, or vaults.
d. Plugging and shelving or replugging ducts.
e. Repairs to sewers and drains, walls and floors, rings and covers.
2. Work of the following character on underground conductors and devices:
a. Repairing oil circuit breakers, switches, cutouts, and control wiring.
b. Repairing grounds.
c. Retraining and reconnecting cables in manhole, including transfer of cables from one duct to another.
d. Repairing conductors and splices.
e. Repairing or moving junction boxes and potheads.
f. Refireproofing of cables and repairing supports.
g. Repairing electrolysis preventive devices for cables.
h. Repairing cable bonding systems.
i. Sampling, testing, changing, purifying and replenishing insulating oil.
j. Transferring loads, switching and reconnecting circuits and equipment for maintenance purposes.
k. Repairing line testing equipment.
l. Repairs to oil or gas equipment in high-voltage cable system and replacement of oil or gas.

573 Maintenance of miscellaneous transmission plant.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of owned or leased plant which is assignable to transmission operations and is not provided for elsewhere. (See operating expense instruction 2.)

3. Distribution Expenses

Operation

580 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of the distribution system. Direct supervision of specific activities, such as station operation, line operation, meter department operation, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

581 Load dispatching.

This account (the keeping of which is optional with the utility) shall include the cost of labor, materials used and expenses incurred in load dispatching operations pertaining to the distribution of electricity.

ITEMS

Labor:
1. Directing switching.
2. Arranging and controlling clearances for construction, maintenance, test and emergency purposes.
3. Controlling system voltages.
4. Preparing operating reports.
5. Obtaining reports on the weather and special events.

Expenses:
6. Communication service provided for system control purposes.
7. System record and report forms.
8. Meals, traveling and incidental expenses.

582 Station expenses.

This account shall include the cost of labor, materials used and expenses incurred in the operation of distribution substations.

ITEMS

Labor:
1. Supervising station operation.
2. Adjusting station equipment where such adjustment primarily affects performance, such as regulating the flow of cooling water, adjusting current in fields of a machine, changing voltage of regulators, or changing station transformer taps.
3. Keeping station log and records and preparing reports on station operation.
4. Inspecting, testing, and calibrating station equipment for the purpose of checking its performance.
5. Operating switching and other station equipment.
6. Standing watch, guarding and patrolling station and station yard.
7. Sweeping, mopping, and tidying station.
8. Care of grounds, including snow removal, cutting grass, etc.

Materials and Expenses:
9. Building service expenses.
10. Operating supplies, such as lubricants, commutator brushes, water, and rubber goods.
11. Station meter and instrument supplies, such as ink and charts.
12. Station record and report forms.
13. Tool expense.
14. Transportation expense.
15. Meals, traveling, and incidental expenses.

NOTE: If the utility owns storage battery equipment used for supplying electricity to customers in periods of emergency, the cost of operating labor and of supplies, such as acid, gloves, hydrometers, thermometers, soda, automatic cell fillers, acid proof shoes, etc., shall be included in this account. If significant in amount, a separate subdivision shall be maintained for such expenses.

583 Overhead line expenses.

584 Underground line expenses.

These accounts shall include, respectively, the cost of labor, materials used and expenses incurred in the operation of overhead and underground distribution lines.

ITEMS

Labor:
1. Supervising line operation.
2. Changing line transformer taps.
3. Inspecting and testing lightning arresters, line circuit breakers, switches, and grounds.
4. Inspecting and testing line transformers for the purpose of determining load, temperature, or operating performance.
5. Patrolling lines.
6. Load tests and voltage surveys of feeders, circuits, and line transformers.
7. Removing line transformers and voltage regulators with or without replacement.
8. Installing line transformers or voltage regulators with or without change in capacity provided that the cost of first installation of these items is included in account 368, Line Transformers.
9. Voltage surveys, either routine or upon request of customers, including voltage tests at customer's main switch.
10. Transferring loads, switching and reconnecting circuits and equipment for operation purposes.
11. Electrolysis surveys.
12. Inspecting and adjusting line testing equipment.

Materials and Expenses:
13. Tool expense.
14. Transportation expense.
15. Meals, traveling, and incidental expense.
16. Operating supplies, such as instrument charts, rubber goods, etc.

585 Street lighting and signal system expenses.

This account shall include the cost of labor, materials used and expenses incurred in: (1) The operation of street lighting and signal system plant which is owned or leased by the utility; and (2) the operation and maintenance of such plant owned by customers where such work is done regularly as a part of the street lighting and signal system service.

ITEMS

Labor:
1. Supervising street lighting and signal systems operation.
2. Replacing lamps and incidental cleaning of glassware and fixtures in connection therewith.
3. Routine patrolling for lamp outages, extraneous nuisances or encroachments, etc.
4. Testing lines and equipment including voltage and current measurement.
5. Winding and inspection of time switch and other controls.

Materials and Expenses:
6. Street lamp renewals.
7. Transportation and tool expense.
8. Meals, traveling, and incidental expenses.

586 Meter expenses.

This account shall include the cost of labor, materials used and expenses incurred in the operation of customer meters and associated equipment.

ITEMS

Labor:
1. Supervising meter operation.
2. Clerical work on meter history and associated equipment record cards, test cards, and reports.
3. Disconnecting and reconnecting, removing and reinstalling, sealing and unsealing meters and other metering equipment in connection with initiating or terminating services including the cost of obtaining meter readings, if incidental to such operation.
4. Consolidating meter installations due to elimination of separate meters for different rates of service.
5. Changing or relocating meters, instrument transformers, time switches, and other metering equipment.
6. Resetting time controls, checking operation of demand meters and other metering equipment, when done as an independent operation.
7. Inspecting and adjusting meter testing equipment.
8. Inspecting and testing meters, instrument transformers, time switches, and other metering equipment on premises or in shops excluding inspecting and testing incidental to maintenance.

Materials and Expenses:
9. Meter seals and miscellaneous meter supplies.
10. Transportation expenses.
11. Meals, traveling, and incidental expenses.
12. Tool expenses.

NOTE: The cost of the first setting and testing of a meter is chargeable to utility plant account 370, Meters.

587 Customer installations expenses.

This account shall include the cost of labor, materials used and expenses incurred in work on customer installations in inspecting premises and in rendering services to customers of the nature of those indicated by the list of items hereunder.

ITEMS

Labor:
1. Supervising customer installations work.
2. Inspecting premises, including check of wiring for code compliance.
3. Investigating, locating, and clearing grounds on customers' wiring.
4. Investigating service complaints, including load tests of motors and lighting and power circuits on customers' premises; field investigations of complaints on bills or of voltage.
5. Installing, removing, renewing, and changing lamps and fuses.
6. Radio, television and similar interference work including erection of new aerials on customers' premises and patrolling of lines, testing of lightning arresters, inspection of pole hardware, etc., and examination on or off premises of customers' appliances, wiring, or equipment to locate cause of interference.
7. Installing, connecting, reinstalling, or removing leased property on customers' premises.
8. Testing, adjusting, and repairing customers' fixtures and appliances in shop or on premises.
9. Cost of changing customers' equipment due to changes in service characteristics.
10. Investigation of current diversion including setting and removal of check meters and securing special readings thereon; special calls by employees in connection with discovery and settlement of current diversion; changes in customer wiring and any other labor cost identifiable as caused by current diversion.

Materials and Expenses:
11. Lamp and fuse renewals.
12. Materials used in servicing customers' fixtures, appliances and equipment.
13. Power, light, heat, telephone, and other expenses of appliance repair department.
14. Tool expense.
15. Transportation expense, including pickup and delivery charges.
16. Meals, traveling and incidental expenses.
17. Rewards paid for discovery of current diversion.

NOTE A: Amounts billed customers for any work, the cost of which is charged to this account, shall be credited to this account. Any excess over costs resulting therefrom shall be transferred to account 451, Miscellaneous Service Revenues.

NOTE B: Do not include in this account expenses incurred in connection with merchandising, jobbing and contract work.

588 Miscellaneous distribution expenses.

This account shall include the cost of labor, materials used and expenses incurred in distribution system operation not provided for elsewhere.

ITEMS

Labor:
1. General records of physical characteristics of lines and substations, such as capacities, etc.
2. Ground resistance records.
3. Joint pole maps and records.
4. Distribution system voltage and load records.
5. Preparing maps and prints.
6. Service interruption and trouble records.
7. General clerical and stenographic work except that chargeable to account 586, Meter Expenses.
8. Operating records covering poles, transformers, manholes, cables, and other distribution facilities. Exclude meter records chargeable to account 586, Meter Expenses, and station records chargeable to account 582, Station Expenses, and stores records chargeable to account 163, Stores Expense Undistributed.
9. Janitor work at distribution office buildings including snow removal, cutting grass, etc.

Materials and Expenses:
10. Communication service.
11. Building service expenses.
12. Miscellaneous office supplies and expenses, printing, and stationery, maps and records and first-aid supplies.

589 Rents.

This account shall include rents of property of others used, occupied, or operated in connection with the distribution system, including payments to the United States and others for the use and occupancy of public lands and reservations for distribution line rights of way. (See operating expense instruction 3.)

Maintenance

590 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of the distribution system. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

591 Maintenance of structures.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of structures, the book cost of which is includible in account 361, Structures and Improvements. (See operating expense instruction 2.)

592 Maintenance of station equipment.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant, the book cost of which is includible in account 362, Station Equipment, and account 363, Storage Battery Equipment. (See operating expense instruction 2.)

593 Maintenance of overhead lines.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of overhead distribution line facilities, the book cost of which is includible in account 364, Poles, Towers and Fixtures, account 365, Overhead Conductors and Devices, and account 369, Services. (See operating expense instruction 2.)

ITEMS

1. Work of the following character on poles, towers, and fixtures:
a. Installing additional clamps or removing clamps or strain insulators on guys in place.
b. Moving line or guy pole in relocation of pole or section of line.
c. Painting poles, towers, crossarms, or pole extensions.
d. Readjusting and changing position of guys or braces.
e. Realigning and straightening poles, crossarms, braces, pins, racks, brackets, and other pole fixtures.
f. Reconditioning reclaimed pole fixtures.
g. Relocating crossarms, racks, brackets, and other fixtures on poles.
h. Repairing pole supported platform.
i. Repairs by others to jointly owned poles.
j. Shaving, cutting rot, or treating poles or crossarms in use or salvaged for reuse.
k. Stubbing poles already in service.
l. Supporting conductors, transformers, and other fixtures and transferring them to new poles during pole replacements.
m. Maintaining pole signs, stencils, tags, etc.
2. Work of the following character on overhead conductors and devices:
a. Overhauling and repairing line cutouts, line switches, line breakers, and capacitor installations.
b. Cleaning insulators and bushings.
c. Refusing line cutouts.
d. Repairing line oil circuit breakers and associated relays and control wiring.
e. Repairing grounds.
f. Resagging, retying, or rearranging position or spacing of conductors.
g. Standing by phones, going to calls, cutting faulty lines clear, or similar activities at times of emergency.
h. Sampling, testing, changing, purifying, and replenishing insulating oil.
i. Transferring loads, switching, and reconnecting circuits and equipment for maintenance purposes.
j. Repairing line testing equipment.
k. Trimming trees and clearing brush.
l. Chemical treatment of right of way area when occurring subsequent to construction of line.
3. Work of the following character on overhead services:
a. Moving position of service either on pole or on customers' premises.
b. Pulling slack in service wire.
c. Retying service wire.
d. Refastening or tightening service bracket.

594 Maintenance of underground lines.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of underground distribution line facilities, the book cost of which is includible in account 366, Underground Conduit, account 367, Underground Conductors and Devices, and account 369, Services. (See operating expense instruction 2.)

ITEMS

1. Work of the following character on underground conduit:
a. Cleaning ducts, manholes, and sewer connections.
b. Moving or changing position of conduit or pipe.
c. Minor alterations of handholes, manholes, or vaults.
d. Refastening, repairing, or moving racks, ladders, or hangers in manholes or vaults.
e. Plugging and shelving ducts.
f. Repairs to sewers, drains, walls, and floors, rings and covers.
2. Work of the following character on underground conductors and devices:
a. Repairing circuit breakers, switches, cutouts, network protectors, and associated relays and control wiring.
b. Repairing grounds.
c. Retraining and reconnecting cables in manholes including transfer of cables from one duct to another.
d. Repairing conductors and splices.
e. Repairing or moving junction boxes and potheads.
f. Refireproofing cables and repairing supports.
g. Repairing electrolysis preventive devices for cables.
h. Repairing cable bonding systems.
i. Sampling, testing, changing, purifying, and replenishing insulating oil.
j. Transferring loads, switching and reconnecting circuits and equipment for maintenance purposes.
k. Repairing line testing equipment.
l. Repairing oil or gas equipment in high voltage cable systems and replacement of oil or gas.
3. Work of the following character on underground services:
a. Cleaning ducts.
b. Repairing any underground service plant.

595 Maintenance of line transformers.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of distribution line transformers, the book cost of which is includible in account 368, Line Transformers. (See operating expense instruction 2.)

596 Maintenance of street lighting and signal systems.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant, the book cost of which is includible in account 373, Street Lighting and Signal Systems. (See operating expense instruction 2.)

597 Maintenance of meters.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of meters and meter testing equipment, the book cost of which is includible in account 370, Meters, and account 395, Laboratory Equipment, respectively. (See operating expense instruction 2.)

598 Maintenance of miscellaneous distribution plant.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of plant, the book cost of which is includible in accounts 371, Installations on Customers' Premises, and 372, Leased Property on Customers' Premises, and any other plant the maintenance of which is assignable to the distribution function and is not provided for elsewhere. (See operating expense instruction 2.)

ITEMS

1. Work of similar nature to that listed in other distribution maintenance accounts.
2. Maintenance of office furniture and equipment used by distribution system department.

4. CUSTOMER ACCOUNTS EXPENSES

Operation

901 Supervision.

This account shall include the cost of labor and expenses incurred in the general direction and supervision of customer accounting and collecting activities. Direct supervision of a specific activity shall be charged to account 902, Meter Reading Expenses, or account 903, Customer Records and Collection Expenses, as appropriate. (See operating expense instruction 1.)

902 Meter reading expenses.

This account shall include the cost of labor, materials used and expenses incurred in reading customer meters, and determining consumption when performed by employees engaged in reading meters.

ITEMS

Labor:
1. Addressing forms for obtaining meter readings by mail.
2. Changing and collecting meter charts used for billing purposes.
3. Inspecting time clocks, checking seals, etc., when performed by meter readers and the work represents a minor activity incidental to regular meter reading routine.
4. Reading meters, including demand meters, and obtaining load information for billing purposes. Exclude and charge to account 586, Meter Expenses, or to account 903, Customer Records and Collection Expenses, as applicable, the cost of obtaining meter readings, first and final, if incidental to the operation of removing or resetting, sealing, or locking, and disconnecting or reconnecting meters.
5. Computing consumption from meter reader's book or from reports by mail when done by employees engaged in reading meters.
6. Collecting from prepayment meters when incidental to meter reading.
7. Maintaining record of customers' keys.
8. Computing estimated or average consumption when performed by employees engaged in reading meters.

Materials and Expenses:
9. Badges, lamps, and uniforms.
10. Demand charts, meter books and binders and forms for recording readings, but not the cost of preparation.
11. Postage and supplies used in obtaining meter readings by mail.
12. Transportation, meals, and incidental expenses.

903 Customer records and collection expenses.

This account shall include the cost of labor, materials used and expenses incurred in work on customer applications, contracts, orders, credit investigations, billing and accounting, collections and complaints.

ITEMS

Labor:
1. Receiving, preparing, recording and handling routine orders for service, disconnections, transfers or meter tests initiated by the customer, excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
2. Investigations of customers' credit and keeping of records pertaining thereto, including records of uncollectible accounts written off.
3. Receiving, refunding or applying customer deposits and maintaining customer deposit, line extension, and other miscellaneous records.
4. Checking consumption shown by meter readers' reports where incidental to preparation of billing data.
5. Preparing address plates and addressing bills and delinquent notices.
6. Preparing billing data.
7. Operating billing and bookkeeping machines.
8. Verifying billing records with contracts or rate schedules.
9. Preparing bills for delivery, and mailing or delivering bills.
10. Collecting revenues, including collection from prepayment meters unless incidental to meter-reading operations.
11. Balancing collections, preparing collections for deposit, and preparing cash reports.
12. Posting collections and other credits or charges to customer accounts and extending unpaid balances.
13. Balancing customer accounts and controls.
14. Preparing, mailing, or delivering delinquent notices and preparing reports of delinquent accounts.
15. Final meter reading of delinquent accounts when done by collectors incidental to regular activities.
16. Disconnecting and reconnecting service because of nonpayment of bills.
17. Receiving, recording, and handling of inquiries, complaints, and requests for investigations from customers, including preparation of necessary orders, but excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
18. Statistical and tabulating work on customer accounts and revenues, but not including special analyses for sales department, rate department, or other generrl purposes, unless incidental to regular customer accounting routines.
19. Preparing and periodically rewriting meter reading sheets.
20. Determining consumption and computing estimated or average consumption when performed by employees other than those engaged in reading meters.

Materials and Expenses:
21. Address plates and supplies.
22. Cash overages and shortages.
23. Commissions or fees to others for collecting.
24. Payments to credit organizations for investigations and reports.
25. Postage.
26. Transportation expenses, including transportation of customer bills and meter books under centralized billing procedure.
27. Transportation, meals, and incidental expenses.
28. Bank charges, exchange, and other fees for cashing and depositing customers' checks.
29. Forms for recording orders for services, removals, etc.
30. Rent of mechanical equipment.

NOTE: The cost of work on meter history and meter location records is chargeable to account 586, Meter Expenses.

904 Uncollectible accounts.

This account shall be charged with amounts sufficient to provide for losses from uncollectible utility revenues. Concurrent credits shall be made to account 144, Accumulated Provision for Uncollectible Accounts—Cr. Losses from uncollectible accounts shall be chargd to account 144.

905 Miscellaneous customer accounts expenses.

This account shall include the cost of labor, materials used and expenses incurred not provided for in other accounts.

ITEMS

Labor:
1. General clerical and stenographic work.
2. Miscellaneous labor.

Materials and Expenses:
3. Communication service.
4. Miscellaneous office supplies and expenses and stationery and printing other than those specifically provided for in accounts 902 and 903.

5. SALES EXPENSES

Operation

911 Supervision.

This account shall include the cost of labor and expenses incurred in the general direction and supervision of sales activities, except merchandising. Direct supervision of a specific activity, such as demonstrating, selling, or advertising shall be charged to the account wherein the costs of such activity are included. (See operating expense instruction 1.)

912 Demonstrating and selling expenses.

This account shall include the cost of labor, materials used and expenses incurred in promotional, demonstrating, and selling activities, except by merchandising, the object of which is to promote or retain the use of utility services by present and prospective customers.

ITEMS

Labor:
1. Demonstrating uses of utility services.
2. Conducting cooking schools, preparing recipes, and related home service activities.
3. Exhibitions, displays, lectures, and other programs designed to promote use of utility services.
4. Experimental and development work in connection with new and improved appliances and equipment, prior to general public acceptance.
5. Solicitation of new customers or of additional business from old customers, including commissions paid employees.
6. Engineering and technical advice to present or prospective customers in connection with promoting or retaining the use of utility services.
7. Special customer canvasses when their primary purpose is the retention of business or the promotion of new business.

Materials and Expenses:
8. Supplies and expenses pertaining to demonstration, and experimental and development activities.
9. Booth and temporary space rental.
10. Loss in value on equipment and appliances used for demonstration purposes.
11. Transportation, meals, and incidental expenses.

913 Advertising expenses.

This account shall include the cost of labor, materials used and expenses incurred in advertising designed to promote or retain the use of utility service, except advertising the sale of merchandise by the utility.

ITEMS

Labor:
1. Direct supervision of department.
2. Preparing advertising material for newspapers, periodicals, billboards, etc., and preparing and conducting motion pictures, radio and television programs.
3. Preparing booklets, bulletins, etc., used in direct mail advertising.
4. Preparing window and other displays.
5. Clerical and stenographic work.
6. Investigating advertising agencies and media and conducting negotiations in connection with the placement and subject matter of sales advertising.

Materials and Expenses:
7. Advertising in newspapers, periodicals, billboards, radio, etc., for sales promotion purposes, but not including institutional or goodwill advertising includible in account 930, Miscellaneous General Expenses.
8. Materials and services given as prizes or otherwise in connection with civic lighting contests, canning, or cooking contests, bazaars, etc., in order to publicize and promote the use of utility services.
9. Fees and expenses of advertising agencies and commercial artists.
10. Novelties for general distribution.
11. Postage on direct mail advertising.
12. Premiums distributed generally, such as recipe books, etc., when not offered as inducement to purchase appliances.
13. Printing booklets, dodgers, bulletins, etc.
14. Supplies and expenses in preparing advertising material.
15. Office supplies and expenses.

NOTE A: The cost of advertisements which set forth the value or advantages of utility service without reference to specific appliances, or, if reference is made to appliances, invites the reader to purchase appliances from his dealer, or refer to appliances not carried for sale by the utility, shall be considered sales promotion advertising and charged to this account. However, advertisements which are limited to specific makes of appliances sold by the utility and prices, terms, etc., thereof, without referring to the value or advantages of utility service, shall be considered as merchandise advertising and the cost shall be charged to Cost and Expenses of Merchandising, Jobbing and Contract Work, accounts 416 or 915, as appropriate.

NOTE B: Advertisements which substantially mention or refer to the value or advantages of utility service, together with specific

reference to makes of appliances sold by the utility and the price, terms, etc., thereof, and designed for the joint purpose of increasing the use of utility service and the sales of appliances, shall be considered as a combination advertisement and the costs shall be distributed between this account and accounts 416 or 915, as appropriate, on the basis of space, time, or other proportional factors.

NOTE C: Exclude from this account and charge to account 930, Miscellaneous General Expenses, the cost of publication of stockholder reports, dividend notices, bond redemption notices, financial statements, and other notices of a general corporate character. Exclude also all institutional or goodwill advertising. (See account 930, Miscellaneous General Expenses.)

914 Revenues from merchandising, jobbing and contract work.

915 Costs and expenses of merchandising, jobbing and contract work.

A. These accounts shall include, respectively, all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission and all expenses incurred in such activities.

B. Records in support of these accounts shall be so kept as to permit ready summarization of revenues, costs and expenses by such major items as are feasible.

NOTE: Revenues and expenses of merchandising, jobbing, and contract work shall be reported in this account, if a state regulatory body having jurisdiction over the utility requires such income to be reported as an operating expense item, but the revenues and expenses shall be reported in accounts 415 and 416, if such regulatory body requires the net income to be reported as nonoperating income. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 415 and 416 at its option, in which case the practice of the utility must be consistent.

ITEMS

Account 914:

1. Revenues from sale of merchandise and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 915:

Labor:

1. Canvassing and demonstrating appliances in homes and other places for the purpose of selling appliances.
2. Demonstrating and selling activities in sales rooms.
3. Installing appliances on customer premises where such work is done only for purchasers of appliances from the utility.
4. Installing wiring, piping, or other property work on a jobbing or contract basis.
5. Preparing advertising materials for appliance sales purposes.
6. Receiving and handling customer orders for merchandise or for jobbing services.
7. Cleaning and tidying sales rooms.
8. Maintaining display counters and other equipment used in merchandising.
9. Arranging merchandise in sales rooms and decorating display windows.
10. Reconditioning repossessed appliances.
11. Bookkeeping and other clerical work in connection with merchandise and jobbing activities.
12. Supervising merchandise and jobbing operations.

Materials and Expenses:

13. Advertising in newspapers, periodicals, radio, television, etc.
14. Cost of merchandise sold and of materials used in jobbing work.
15. Stores expenses on merchandise and jobbing stocks.
16. Fees and expenses of advertising and commercial artists' agencies.
17. Printing booklets, dodgers, and other advertising data.
18. Premiums given as inducement to buy appliances.
19. Light, heat and power.
20. Rent of sales rooms or of equipment.
21. Transportation expense in delivery and pick-up of appliances by utility's facilities or by others.
22. Stationery and office supplies and expenses.
23. Taxes directly assignable to merchandise and jobbing operations.
24. Losses from uncollectible merchandise and jobbing accounts.

916 Miscellaneous sales expenses.

This account shall include the cost of labor, materials used and expenses incurred in connection with sales activities, except merchandising, which are not includible in other sales expense accounts.

ITEMS

Labor:

1. General clerical and stenographic work not assigned to specific functions.
2. Special analysis of customer accounts and other statistical work for sales purposes not a part of the regular customer accounting and billing routine.
3. Miscellaneous labor.

Materials and Expenses:

4. Communication service.
5. Printing, postage, and office supplies and expenses applicable to sales activities, except those chargeable to account 913, Advertising Expenses.

6. ADMINISTRATIVE AND GENERAL EXPENSES

Operation

920 Administrative and general salaries.

A. This account shall include the compensation (salaries, bonuses, and other consideration for services, but not including directors' fees) of officers, executives, and other employees of the utility properly chargeable to utility operations and not chargeable directly to a particular operating function.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

921 Office supplies and expenses.

A. This account shall include office supplies and expenses incurred in connection with the general administration of the utility's operations which are assignable to specific administrative or general departments and are not specifically provided for in other accounts. This includes the expenses of the various administrative and general departments, the salaries and wages of which are includible in account 920.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

NOTE: Office expenses which are clearly applicable to any group of operating expenses other than the administrative and general group shall be included in the appropriate account in such group. Further, general expenses which apply to the utility as a whole rather than to a particular administrative function shall be included in account 930, Miscellaneous General Expenses.

ITEMS

1. Automobile service, including charges through clearing account.
2. Bank messenger and service charges.
3. Books, periodicals, bulletins and subscriptions to newspapers, newsletters, tax services, etc.
4. Building service expenses for customer accounts, sales, and administrative and general purposes.
5. Communication service expenses.
6. Cost of individual items of office equipment used by general departments which are of small value or short life.
7. Membership fees and dues in trade, technical, and professional associations paid by a utility for employees. (Company memberships are includible in account 930.)
8. Office supplies and expenses.
9. Payment of court costs, witness fees, and other expenses of legal department.
10. Postage, printing and stationery.
11. Meals, traveling and incidental expenses.

922 Administrative expenses transferred—Credit.

This account shall be credited with administrative expenses recorded in accounts 920 and 921 which are transferred to construction costs or to nonutility accounts. (See electric plant instruction 4.)

923 Outside services employed.

A. This account shall include the fees and expenses of professional consultants and others for general services which are not applicable to a particular operating function or to other accounts. It shall include also the pay and expenses of persons engaged for a special or temporary administrative or general purpose in circumstances where the person so engaged is not considered as an employee of the utility.

B. This account shall be so maintained as to permit ready summarization according to the nature of service and the person furnishing the same.

ITEMS

1. Fees, pay and expenses of accountants and auditors, actuaries, appraisers, attorneys, engineering consultants, management consultants, negotiators, public relations counsel, tax consultants, etc.
2. Supervision fees and expenses paid under contracts for general management services.

NOTE: Do not include inspection and brokerage fees and commissions chargeable to other accounts or fees and expenses in connection with security issues which are includible in the expenses of issuing securities.

924 Property insurance.

A. This account shall include the cost of insurance or reserve accruals to protect the utility against losses and damages to owned or leased property used in its utility operations. It shall include also the cost of labor and related supplies and expenses incurred in property insurance activities.

B. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

C. Records shall be kept so as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums. Any dividends distributed by mutual insurance companies shall be credited to the accounts to which the insurance premiums were charged.

ITEMS

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to account 261, Property Insurance Reserve, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.

NOTE A: The cost of insurance or reserve accruals capitalized shall be charged to construction either directly or by transfer to construction work orders from this account.

NOTE B: The cost of insurance or reserve accruals for the following classes of property shall be charged as indicated.

(1) Materials and supplies and stores equipment, to account 163, Stores Expense Undistributed, or appropriate materials account.

(2) Transportation and other general equipment to appropriate clearing accounts that may be maintained.

(3) Electric plant leased to others, to account 413, Expenses of Electric Plant Leased to Others.

(4) Nonutility property, to the appropriate nonutility income account.

(5) Merchandise and jobbing property, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or account 915, as appropriate.

NOTE C: The cost of labor and related supplies and expenses of administrative and general employees who are only incidentally engaged in property insurance work may be included in accounts 920 and 921, as appropriate.

925 Injuries and damages.

A. This account shall include the cost of insurance or reserve accruals to protect the utility against injuries and damages claims of employees or others, losses of such character not covered by insurance, and expenses incurred in settlement of injuries and damages claims. It shall also include the cost of labor and related supplies and expenses incurred in injuries and damages activities.

B. Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

ITEMS

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to account 262, Injuries and Damages Reserve, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries, or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Note A.)
8. Cost of safety, accident prevention and similar educational activities.

NOTE A: Payments to or in behalf of employees for accident or death benefits, hospital expenses, medical supplies or for salaries while incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of occupational injuries, shall be charged to account 926, Employee Pensions and Benefits. (See also Note B of account 926.)

NOTE B: The cost of injuries and damages or reserve accruals capitalized shall be charged to construction directly or by transfer to construction work orders from this account.

NOTE C: Exclude herefrom the time and expenses of employees (except those engaged in injuries and damages activities) spent in attendance at safety and accident prevention educational meetings, if occurring during the regular work period.

NOTE D: The cost of labor and related supplies and expenses of administrative and general employees who are only incidentally engaged in injuries and damages activities may be included in accounts 920 and 921, as appropriate.

926 Employee pensions and benefits.

A. This account shall include pensions paid to or on behalf of retired employees, or accruals to provide for pensions, or payments for the purchase of annuities for this purpose, when the utility has definitely, by contract, committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes, and payments for employee accident, sickness, hospital, and death benefits, or insurance therefor. Include, also, expenses incurred in medical, educational or recreational activities for the benefit of employees, and administrative expenses in connection with employee pensions and benefits.

B. The utility shall maintain a complete record of accruals or payments for pensions and be prepared to furnish full information to the Commission of the plan under which it has created or proposes to create a pension fund and a copy of the declaration of trust or resolution under which the pension plan is established.

C. There shall be credited to this account the portion of pensions and benefits expenses which is applicable to nonutility operations or which is charged to construction unless such amounts are distributed directly to the accounts involved and are not included herein in the first instance.

D. Records in support of this account shall be so kept that the total pensions expense, the total benefits expense, the administrative expenses included herein, and the amounts of pensions and benefits expenses transferred to construction or other accounts will be readily available.

ITEMS

1. Payment of pensions under a nonaccrual or nonfunded basis.
2. Accruals for or payments to pension funds or to insurance companies for pension purposes.
3. Group and life insurance premiums (credit dividends received).
4. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.
5. Payments for accident, sickness, hospital, and death benefits or insurance.
6. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of occupational injuries, or in excess of statutory awards.
7. Expenses in connection with educational and recreational activities for the benefit of employees.

NOTE A: The cost of labor and related supplies and expenses of administrative and general employees who are only incidentally engaged in employee pension and benefit activities may be included in accounts 920 and 921, as appropriate.

NOTE B: Salaries paid to employees during periods of nonoccupational sickness may be charged to the appropriate labor account rather than to employee benefits.

927 Franchise requirements.

A. This account shall include payments to municipal or other governmental authorities, and the cost of materials, supplies and services furnished such authorities without reimbursement in compliance with franchise, ordinance, or similar requirements; provided, however, that the utility may charge to this account at regular tariff rates, instead of cost, utility service furnished without charge under provisions of franchises.

B. When no direct outlay is involved, concurrent credit for such charges shall be made to account 929, Duplicate Charges—Credit.

C. The account shall be maintained so as to readily reflect the amounts of cash outlays, utility service supplied without charge, and other items furnished without charge.

NOTE A: Franchise taxes shall not be charged to this account but to account 408, Taxes Other Than Income Taxes.

NOTE B: Any amount paid as initial consideration for a franchise running for more than one year shall be charged to account 302, Franchises and Consents.

928 Regulatory commission expenses.

A. This account shall include all expenses (except pay of regular employees only incidentally engaged in such work) properly includible in utility operating expenses, incurred by the utility in connection with formal cases before regulatory commissions, or other regulatory bodies, or cases in which such a body is a party, including payments made to a regulatory commission for fees assessed against the utility for pay and expenses of such commission, its officers, agents, and employees, and also including payments made to the United States for the administration of the Federal Power Act.

B. Amounts of regulatory commission expenses which by approval or direction of the Commission are to be spread over

future periods shall be charged to account 186, Miscellaneous Deferred Debits, and amortized by charges to this account.

C. The utility shall be prepared to show the cost of each formal case.

ITEMS

1. Salaries, fees, retainers, and expenses of counsel, solicitors, attorneys, accountants, engineers, clerks, attendants, witnesses, and others engaged in the prosecution of, or defense against petitions or complaints presented to regulatory bodies, or in the valuation of property owned or used by the utility in connection with such cases.

2. Office supplies and expenses, payments to public service or other regulatory commissions, stationery and printing, traveling expenses, and other expenses incurred directly in connection with formal cases before regulatory commissions.

NOTE A: Exclude from this account and include in other appropriate operating expense accounts, expenses incurred in the improvement of service, additional inspection, or rendering reports, which are made necessary by the rules and regulations, or orders, of regulatory bodies.

NOTE B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Discount and Expense, or account 214, Capital Stock Expense.

929 Duplicate charges—Credit.

This account shall include concurrent credits for charges which may be made to operating expenses or to other accounts for the use of utility service from its own supply. Include, also, offsetting credits for any other charges made to operating expenses for which there is no direct money outlay.

930 Miscellaneous general expenses.

This account shall include the cost of labor and expenses incurred in connection with the general management of the utility not provided for elsewhere.

ITEMS

Labor:

1. Miscellaneous labor not elsewhere provided for.

Expenses:

2. Industry association dues for company memberships.
3. Contributions for conventions and meetings of the industry.
4. Experimental and general research work for the industry.
5. Communication service not chargeable to other accounts.
6. Trustee, registrar, and transfer agent fees and expenses.
7. Stockholders meeting expenses.
8. Dividend and other financial notices.
9. Printing and mailing dividend checks.
10. Directors' fees and expenses.
11. Publishing and distributing annual reports to stockholders.
12. Institutional or goodwill advertising.
13. Public notices of financial, operating, and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.

931 Rents.

This account shall include rents properly includible in utility operating expenses for the property of others used, occupied, or operated in connection with the customer accounts, sales, and general and administrative functions of the utility. (See operating expense instruction 3.)

Maintenance

932 Maintenance of general plant.

A. This account shall include the cost assignable to customer accounts, sales and administrative and general functions of labor, materials used and expenses incurred in the maintenance of property, the book cost of which is includible in account 390, Structures and Improvements, account 391, Office Furniture and Equipment, account 397, Communication Equipment, and account 398, Miscellaneous Equipment. (See operating expense instruction 2.)

B. Maintenance expenses on office furniture and equipment used elsewhere than in general, commercial and sales offices shall be charged to the following accounts:

Steam Power Generation, Account 514.
Nuclear Power Generation, Account 532.
Hydraulic Power Generation, Account 545.
Other Power Generation, Account 554.
Transmission, Account 573.
Distribution, Account 598.
Merchandise and Jobbing, Account 416 or 915.
Garages, Shops, etc., Appropriate clearing account, if used.

NOTE: Maintenance of plant included in other general equipment accounts shall be included herein unless charged to clearing accounts or to the particular functional maintenance expense account indicated by the use of the equipment.

[F.R. Doc. 60-4950; Filed, June 6, 1960; 8:45 a.m.]

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1960
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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Title 16, Revised.... $6.50

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Air Force

Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 6.107 is amended as set out below.

§ 6.107 Department of the Air Force.

* * * * *

(d) *United States Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60–5168; Filed, June 7, 1960; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Commission on Civil Rights

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.360 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60–5169; Filed, June 7, 1960; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

Part 333, Title 6, Code of Federal Regulations (21 F.R. 5553, 10447, 22 F.R. 465, 1586, 2503, 10483, 23 F.R. 161, 3965, 10507, 25 F.R. 673), is revised to read as follows:

Sec.
333.1 General.
333.2 Authority.
333.3 Subsequent direct loans.
333.4 Subsequent insured loan to a person indebted for a direct or insured Farm Ownership loan.
333.5 Subsequent insured loan to an eligible applicant to refinance a direct or insured Farm Ownership loan in connection with a transfer.

AUTHORITY: §§ 333.1 to 333.5 issued under sec. 41, 50 Stat. 528, as amended, sec. 510, 63 Stat. 437, sec. 4, 64 Stat. 100; 7 U.S.C. 1015, 42 U.S.C. 1480, 40 U.S.C. 442; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188. §§ 333.1, 333.4, 333.5 also issued under secs. 1, 2, 3, 44, 50 Stat. 522, as amended, 523, as amended, 530, as amended, secs. 11, 12, 60 Stat. 1075, as amended, 1076, as amended, sec. 16, 60 Stat. 553, as amended, sec. 17, 70 Stat. 802, as amended, sec. 16, 72 Stat. 840; 7 U.S.C. 1001, 1002, 1003, 1018, 1005a, 1005b, 1006c, 1006d, 1006e. Additional authority is cited in parentheses following the sections affected.

§ 333.1 General.

This part prescribes the authority, policies, and procedures for processing subsequent direct and insured Farm Ownership loans. The term "subsequent loan," as used in this part, means a Farm Ownership loan to a person who is indebted for a direct or insured Farm Ownership loan, a direct Farm Ownership loan made in connection with a credit sale of real estate on Farm Ownership terms, or a direct or insured Farm Ownership loan made to a transferee in connection with the transfer of a Farm Ownership farm. "Farm Ownership debt" means any amount owed by a Farm Ownership borrower on his Farm Ownership account. "Holder" means the current holder of the insured note, and, when applicable, also the insured mortgage and related instruments. "Private holder" means any holder other than the insurance fund or the United States as Trustee for a State Rural Rehabilitation Corporation under an agreement pursuant to section 2(f) of the Rural Rehabilitation Corporation Trust Liquidation Act (40 U.S.C. 440 (f)). If the subsequent credit needs of a Farm Ownership borrower can be met with a Farm Housing loan, the special requirements contained in § 383.6(e) of this chapter will apply.

(a) A subsequent Farm Ownership loan may be made for the same purposes and under the same conditions as an initial Farm Ownership loan, including the development of an underdeveloped farm or enlargement of an undersized farm into an adequate family-type farm, and:

(1) May include funds to pay equity to a transferor in connection with the transfer of a farm which is security for a Farm Ownership loan if the transaction will result in the transferee becoming the owner-operator of a family-type farm.

(2) May include funds for the payment of principal and interest owed on an existing direct Farm Ownership loan being refinanced in accordance with this part.

(3) In case the borrower is indebted for an insured loan, the subsequent loan may include funds to pay the holder the unpaid principal balance plus accrued interest owed to the holder, as well as the following items when the borrower or transferee is unable to pay them from personal funds:

(i) Any amount owed the insurance fund for advances made on behalf of the borrower.

(ii) Any amount owed the insurance fund for annual loan insurance charges for loans evidenced by Form FHA–240, "Promissory Note," or Form FHA–360 "Promissory Note."

(iii) The portion of the unpaid interest on the note account that represents the annual charge on the loan being refinanced when the loan is evidenced by Form FHA–251, "Promissory Note (Insured FO Loan)." (Since the annual charge in such cases is a fractional part of the accrued interest on the note account, there always will be an annual charge to be collected.)

(b) Ordinarily, a subsequent Farm Ownership loan, or a Farm Housing loan to a Farm Ownership borrower, will not be processed if the amount of funds required is less than $1,000 because of the costs involved in proportion to the amount of the loan.

(c) Ordinarily, a subsequent Farm Ownership loan will be amortized so as to mature within one year of the maturity date of the earliest existing Farm Ownership note. The loan may be amortized over a longer period if the approval official determines that a longer payment period is necessary, but in no case will it be amortized over a period longer than 40 years from the date of the subsequent Farm Ownership note. The note and security instrument taken in connection with the subsequent Farm Ownership loan will indicate the proper amortization period of the loan.

(d) For a subsequent direct Farm Ownership loan, title clearance and loan closing will be accomplished in accordance with Part 307 of this chapter. For a subsequent insured Farm Ownership loan, closing instructions will be issued by the Attorney in Charge in each case.

(e) A new appraisal report will be required in connection with a subsequent Farm Ownership loan only when:

(1) Subsequent loan funds will be used to purchase land or to refinance debts against land not covered by the mortgage for the initial Farm Ownership loan; or

(2) The latest appraisal report was made on a different basis (normal earning capacity value or normal market value) than the type of appraisal applicable to the subsequent loan; or

(3) The County Committee, County Supervisor, or loan approval official requests a new appraisal report; or

(4) The physical characteristics of the farm have changed significantly or will be changed as a result of the subsequent loan.

(f) The County Committee will certify again, on Form FHA–491, "County Committee Certification (Farm Ownership Loans)," as to the fair and reasonable value of the farm, after the contemplated improvements are made. The Committee will take into consideration any information on farm production that has become available as a result of operating history, as well as the normal earning capacity value or the normal market value of the farm as indicated on the latest appraisal report.

(g) Escrow arrangements may be used with the advice of the Attorney in Charge, provided the escrow agent is properly bonded. No escrow arrangements will be initiated by the Farmers Home Administration and no part of the expense for an escrow arrangement will be paid by the Government.

§ 333.2 Authority.

The State Director is authorized to approve or disapprove subsequent Farm Ownership loans. This authority may be redelegated in writing by the State Director to one or more of the following State Office employees: Chief, Real Estate Loans; Chief, Program Operations; Program Loan Officer; or Real Estate Loan Officer.

§ 333.3 Subsequent direct loans.

(a) *Direct loan to insured loan borrower.* A direct Farm Ownership loan will not be made to an insured loan borrower unless prior approval is received from the National Office.

(b) *Refinancing of existing direct Farm Ownership debt required.* Existing direct Farm Ownership debts will be refinanced when the borrower's indebtedness represents an asset of a State Rural Rehabilitation Corporation; a Defense Relocation Corporation, the accounts of which are not yet considered Government accounts; or a land-leasing or land-purchasing association or similar organization. The amount to be refinanced will include interest on the direct Farm Ownership debt to the date the subsequent direct loan is closed. The determination of the balance to be refinanced, the receipt for payment, note, mortgage, and satisfaction or release of the mortgage in connection with the debt being refinanced will be handled in accordance with Subpart A of Part 366 of this chapter.

(c) *Refinancing of existing direct Farm Ownership debt not required.* Existing direct Farm Ownership debts, except the three types indicated in paragraph (b) of this section, will not be refinanced unless special authorization is obtained from the National Office. When the existing direct Farm Ownership debt is not refinanced:

(1) The subsequent direct Farm Ownership loan will bear interest at 5 percent and the existing debt(s) will be continued at the rate(s) of interest shown in the note(s).

(2) The mortgage(s) securing the existing direct Farm Ownership debt will not be released.

(3) Each borrower whose initial direct Farm Ownership loan was approved prior to November 1, 1946, will execute Form FHA–165, "Variable-Payment Agreement," for his initial loan at the time he receives a subsequent direct Farm Ownership loan if he has not previously done so. The Form also will be executed by the County Supervisor. Execution of Form FHA–165 will change the repayment plan, eliminate the 90-day grace period, and establish December 31 as the installment due date. However, if a prior subsequent direct Farm Ownership loan has been made with a March 31 installment due date, the installment due date for the new subsequent direct Farm Ownership loan also will be March 31.

(d) *Reamortization of existing direct Farm Ownership debt.* The existing direct Farm Ownership debt will be reamortized in accordance with Subpart A of Part 361 of this chapter, except an account need not be reamortized if it was on schedule (neither ahead nor behind schedule) as of the last preceding installment due date. When the existing direct Farm Ownership debt is to be reamortized, the borrower will execute Form FHA–176, "Request for Reamortization of Farm Ownership Loan."

(e) *Loan processing actions.* The subsequent loan docket will be assembled and the loan will be processed in the same manner as prescribed in Part 332 of this chapter, except that:

(1) Additional Forms FHA–643, "Farm Development Plan," FHA–42, "Valuation of Buildings," and FHA–596, "Appraisal Report," will be completed and included in the docket only when applicable.

(2) The docket will include, when applicable, Forms FHA–165 and FHA–176. If the subsequent loan is made in connection with a transfer, Form FHA–97, "Assumption Agreement," will be included.

(3) The installment due date of the subsequent direct Farm Ownership loan will be January 1 except in those cases in which a borrower previously executed an initial or a subsequent direct Farm Ownership note or an assumption agreement which provided for a March 31 installment due date. If the borrower previously executed an initial or a subsequent direct Farm Ownership note or an assumption agreement with a March 31 installment due date, the installment due date of the subsequent direct Farm Ownership loan will be March 31; in such case, the note taken in connection with the subsequent direct Farm Ownership loan will be amended to provide for a March 31 installment due date.

(Secs. 1, 2, 3, 44, 48, 50 Stat. 522, as amended, 523, as amended, 530, as amended, 531, as amended, sec. 17, 70 Stat. 802, as amended; 7 U.S.C. 1001, 1002, 1003, 1018, 1022, 1006d)

§ 333.4 Subsequent insured loan to a person indebted for a direct or insured Farm Ownership loan.

(a) *General.* When a subsequent insured loan is made, the existing direct or insured Farm Ownership loan will be refinanced and the entire amount of the subsequent insured Farm Ownership note will bear 5 percent interest. Generally, a subsequent insured loan may be made from the insurance fund only when funds are not available from a private lender or under a 2(f) agreement.

(1) Before refinancing a Farm Ownership loan held by a local or state lender, the lender should be contacted to determine whether he is willing to make the subsequent loan. If a holder is not interested in making the subsequent loan, the loan may be made by another lender, including the United States as Trustee under a 2(f) agreement or the insurance fund.

(2) Loan limitations will apply as in the case of an initial insured Farm Ownership loan.

(3) If a new appraisal report is made, the borrower will be required to pay a $20 appraisal fee.

(4) When a subsequent insured loan is made, the existing note(s) will be cancelled and the existing Farm Ownership mortgage(s) will be satisfied except that in any state where local law requires the lien of the initial mortgage to the kept alive in order to obtain adequate security for the subsequent loan, the initial note and mortgage will not be cancelled and satisfied, and the State Director may approve the taking of a subsequent insured Farm Ownership note and mortgage which will renew, extend, if legally proper, and consolidate the unpaid balance of principal and interest on the initial loan with the additional advance, provided the Government will hold both the initial and subsequent mortgages.

(5) The fixed 5-year period for nonredemption by the Government from the holder of a subsequent insured Farm Ownership loan will begin from the date of execution of the insurance endorsement.

(b) *Loan processing actions.* The subsequent loan docket will be assembled and the loan will be processed in the same manner as prescribed for an initial insured loan except that:

(1) Additional Forms FHA–643, FHA–42, and FHA–596 will be completed and included in the docket only when applicable.

(2) After approval of the loan by the loan approval official, the following additional items will be submitted by the County Supervisor to the Attorney in Charge for preparation of closing instructions:

(i) Preliminary title evidence based on a continuation search commencing from the date of recordation of the latest mortgage for the existing Farm Ownership loan.

(ii) Final opinion and any title insurance policy issued in connection with the existing Farm Ownership loan.

(iii) The mortgage for the existing Farm Ownership loan. This may be the original or a conformed copy certified by the County Supervisor or the recorder and showing the recording information.

(iv) Any additional title information required by the Attorney in Charge.

(3) The Attorney in Charge will include in his closing instructions advice with respect to the satisfaction or release of the mortgage for the initial Farm Ownership loan. In case such mortgage is held by a private lender, the closing instructions will recognize that the satisfaction or release will not be received from the holder until some time after closing of the subsequent insured Farm Ownership loan and the closing instructions will require that the satisfaction or release be recorded as soon as it is received. In case the mortgage for the initial insured Farm Ownership loan is held by a private lender, the closing instructions also will require that Form FHA–366, "Consent and Release of Interest of United States (Insured Farm Ownership Loans)," be recorded along with the satisfaction or release.

(4) The amount of the new note will be the sum of the following items less any amount paid by the borrower or transferee from personal funds:

(i) Unpaid principal of note being refinanced.

(ii) Total unpaid interest on note being refinanced computed to date of loan closing.

(iii) Any amount owed the loan insurance account for advances or annual loan insurance charges.

(iv) Amount of additional funds needed.

(5) When a new lender is making the subsequent loan and the loan is ready for closing, the County Supervisor will request a check for the total amount of funds needed for refinancing the existing Farm Ownership loan and providing additional funds. This amount will correspond with the amount to be shown in the new note, Form FHA–251, when the loan is closed.

(i) When the account is paid in full, the account will be closed. If the initial insured loan is held by a private holder, the original and one copy of Form FHA–993A, "Notice and Acknowledgment of Final Payment," will be forwarded to the holder. In a case where the holder holds the deed of trust and under State law the satisfaction or release is not to be furnished by the holder, the language of Form FHA–993A, Section II B, will be modified accordingly.

(6) If the holder is making the subsequent loan, the amount of the loan check requested will be determined by subtracting the unpaid principal and interest owed the holder, calculated to the date of loan closing, from the total amount of the subsequent loan. (For insured loans evidenced by Form FHA–251, the interest owed the holder does not include the portion of interest representing the annual charge due the Government.)

(i) When the subsequent loan is to be made by a private holder, the loan will be closed before the County Supervisor requests a loan check for the additional advance.

(a) The State Director will deliver to the holder the original and two copies of the partially completed Form FHA–993, "Notice of Receipt of Final Payment on Insured Loan," the original of the subsequent insured Farm Ownership note, and the original attested Form FHA–971, "Request for Check," with a letter explaining the transaction. The State Director will inform the holder of the amount of the unpaid balance of principal and interest due him as of the date of loan closing on the old note being refinanced. The State Director will request that, if such amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA–993, and send to the appropriate County Supervisor the executed original and copy of Form FHA–993, together with the cancelled note for the initial insured Farm Ownership loan. If the mortgage for the initial insured Farm Ownership loan is held by the holder, the State Director also will request the holder to send to the County Supervisor the mortgage and an appropriate instrument of satisfaction or release of the mortgage. The State Director also will request the holder to send a check to the County Supervisor drawn to the order of the borrower in the amount specified on Form FHA–971.

(b) When the executed original and copy of Form FHA–993 and the cancelled note are received from the holder, the County Supervisor will send the executed original and copy of Form FHA–993 to the Finance Office.

(c) Upon receipt of the executed original and copy of Form FHA–993, the Finance Office will determine if the full amount owed the loan insurance account and, if the note is on Form FHA–251, the annual charge for the initial insured Farm Ownership loan have been paid, and, if paid, the Director, Finance Office, will sign Section II of the original and copy of Form FHA–993. Finance Office records on the initial insured Farm Ownership loan will be satisfied as a paid-in-full account.

(ii) When the holder of the initial loan is the insurance fund or a State Rural Rehabilitation Corporation under a 2(f) agreement, the check for the subsequent loan and the note for the initial loan will be obtained before the loan is closed.

(7) The County Supervisor on the date of loan closing will collect from the borrower a $20 appraisal fee if a new apparisal was made, any amount owed the loan insurance account, the annual charge if the note being refinanced is on Form FHA–251, and if a new lender is making the subsequent loan the unpaid balance of principal on the initial Farm Ownership note and the amount of unpaid interest due the holder. However, if a private holder is making the subsequent loan and the loan check includes the appraisal fee and any amount owed the loan insurance account or the annual charge, the amounts for these items will be collected as soon as the loan check is received. If a new lender is making the subsequent loan and the holder of the initial loan is a private lender, the collection will include 10 days' additional interest.

(8) The County Supervisor is authorized to satisfy the existing mortgage(s) in accordance with the closing instructions of the Attorney in Charge when the loan(s) being refinanced is a direct Farm ownership loan, an insured Farm Ownership loan for which the Government is named as mortgagee in the mortgage, or an insured Farm Ownership loan for which the mortgage is held by the Government under a trust assignment or declaration of trust. Whenever the Government holds the mortgage under a trust assignment or declaration of trust, the satisfaction will show that the Government is satisfying the mortgage for itself and as trustee.

(9) The County Supervisor is authorized to execute Form FHA–366 for an initial insured Farm Ownership loan for which the lender holds the mortgage.

(10) The cost of recording the satisfaction or release and Form FHA–366 will be borne by the borrower, except when State law requires the mortgagee to record or file satisfactions or releases and to pay the cost of recording. When the mortgagee is required to pay the recording cost:

(i) The cost of recording the satisfaction or release will be paid by the mortgagee. The Government is the mortgagee for all mortgages taken on Form FHA–242..., "Real Estate Mortgage," or Form FHA–177..., "Real Estate Mortgage (Insured Loan)," and will be considered as the mortgagee for any mortgage taken on Form FHA–363..., "Real Estate Mortgage," which is subject to a trust assignment or declaration of trust.

(ii) The cost of recording Form FHA–366 will be paid by the Government.

(iii) Any recording costs required to be paid by the Government will be paid by voucher.

(11) After the satisfaction or release of the mortgage for the initial insured Farm Ownership loan and, when appropriate, Form FHA–366 have been recorded, the County Supervisor will deliver to the borrower the cancelled note, the satisfied real estate mortgage, the instrument of satisfaction or release of the mortgage, and, when appropriate, Form FHA–366.

§ 333.5 Subsequent insured loan to an eligible applicant to refinance a direct or insured Farm Ownership loan in connection with a transfer.

When an applicant elegible for a Farm Ownership loan is acquiring by transfer a farm which is security for a Farm Ownership loan, he may be made a subsequent insured Farm Ownership loan to refinance the existing Farm Ownership indebtedness and provide additional funds for authorized purposes if needed. Even though the applicant (transferee) is not indebted for a Farm Ownership loan, the loan to refinance the Farm Ownership indebtedness is considered to be a subsequent Farm Ownership loan. The amount of the subsequent loan plus any prior lien indebtedness not being refinanced may not exceed 90 percent of the fair and reasonable value of the farm rather than the lesser of such value or the total cash investment. In all other respects, the policies and procedures outlined in this part will be followed except: The county average value limitation is not applicable when no additional land is being purchased; an option from the old borrower will be included in the docket; and the deed from the old borrower to the new borrower

will be prepared or approved by the Farmers Home Administration.

Dated: June 1, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-5175; Filed, June 7, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

PART 1015—CUCUMBERS GROWN IN FLORIDA

Order Terminating Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015), regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Florida Cucumber Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the termination of the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination order until 30 days or any other period beyond the date specified (5 U.S.C. 1001 et seq.) in that: (i) the time intervening between the date when information upon which this termination order is based became available and the time when this termination order must become effective in order to effectuate the declared policy of the act is insufficient; (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by terminating regulations applicable to the handling of cucumbers, in the manner set forth below, on and after the effective date of this termination order; (iii) compliance with this termination order will not require any special preparation on the part of handlers which cannot be completed by the effective dates; (iv) a reasonable time is permitted under the circumstances, for such preparation; (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area; and (vi) this order relieves restrictions on the handling of cucumbers grown in the production area during the period from the effective date specified until July 31, 1960.

Order terminated. The provisions of § 1015.303, as amended (24 F.R. 7863, 8089, 8542, 9708, 25 F.R. 2512, 3315, 3804) are hereby terminated as of June 6, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5185; Filed, June 7, 1960; 8:49 a.m.]

[Cherry Order 4]

PART 1022—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 1022.304 Cherry Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 122 (7 CFR Part 1022), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of cherries, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 13, 1960. A reasonable determination as to the supply of, and the demand for, cherries must await the development of the crop and adequate information thereon was not available to the Washington Cherry Marketing Committee until May 19, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such cherries was made at the meeting of said committee on May 19, 1960, after consideration of all available information relative to the supply and demand conditions for such cherries, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifiaction of the provisions of this section were not available until May 25, 1960; shipments of the current crop of such cherries will begin on or about June 13, 1960, and this section should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 13, 1960, and ending at 12:01 a.m., P.s.t., September 1, 1960, no handler shall handle:

(i) Any lot of cherries unless such cherries grade at least U.S. No. 1, except the contents of individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade;

(ii) Any lot of cherries, unless at least 95 percent, by count, of such cherries measure at least $^{48}/_{64}$ inch in diameter;

(iii) Any lot of cherries in faced packs unless at least 90 percent, by count, of such cherries measure at least $^{54}/_{64}$ inch in diameter; or

(iv) Any lot of cherries in any pack other than faced packs in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches, unless the net weight of the cherries in such container is not less than 20 pounds, and at least 90 percent, by count, of such cherries measure at least $^{54}/_{64}$ inch in diameter.

(2) Notwithstanding any other provisions of this regulation, any individual shipment of cherries which, in the aggregate, does not exceed 100 pounds, net weight, may be handled without regard to the restrictions specified in this paragraph (b) or in § 1022.41 or § 1022.55.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Sweet Cherries (§§ 51.2646–51.2657 of this title); and "faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5173; Filed, June 7, 1960; 8:47 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1070—CUCUMBERS

Order Terminating Cucumber Import Regulation

Pursuant to the requirement contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674), § 1070.3 *Cucumber Regulation No. 3* (24 F.R. 8717, 9780, 25 F.R. 2515, 3315, 3812), is hereby terminated as of June 6, 1960.

It is hereby found that it is impracticable, unnessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination of regulation beyond that herein specified (5 U.S.C. 1001 et seq.) in that (a) the requirements established by this termination order are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, supra, which makes such termination mandatory; (b) termination of regulations imposed on domestic shipments of cucumbers under Marketing Agreement No. 118 and Order No. 115 (7 CFR 1015.303; 24 F.R. 7863, 8089, 8542, 9708, 25 F.R. 2512, 3315, 3804), will become effective June 6, 1960; (c) compliance with this cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date; and (d) this order terminates restrictions on the importation of cucumbers which would be imposed by § 1070.3 *Cucumber Regulation No. 3* (24 F.R. 8717, 9780, 25 F.R. 2515, 3315, 3812), if it were not terminated.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: June 3, 1960, to become effective June 6, 1960.

FLOYD F. HEDLUND,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-5186; Filed, June 7, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 411; Amdt. 61]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days notice. Part 610 is amended as follows:

Section 610.15 *Green Federal airway 5* is amended to delete:

From Pine Bluff, Ark., LF/RBN; to Memphis, Tenn., LFR; MEA 1,500.
From Memphis, Tenn., LFR; to Jack's Creek, Tenn., LFR; MEA 2,000.
From Jack's Creek, Tenn., LFR; to Nashville, Tenn., LFR; MEA 3,000.
From Nashville, Tenn., LFR; to Smithville, Tenn., LF/RBN; MEA 3,500.

Section 610.210 *Red Federal airway 10* is deleted.

Section 610.211 *Red Federal airway 11* is amended to delete:

From Claremore INT, Okla., to Springfield, Mo., LFR; MEA 2,500.
From Springfield, Mo., LFR; to Vichy, Mo., LF/RBN; MEA 2,600.
From Vichy, Mo., LF/RBN; to St. Peters INT, Mo., MEA 2,200.

Section 610.602 *Blue Federal airway 2* is amended to read:

From Sitka, Alaska, LFR; to Sistera Island, Alaska, LF/RBN; MEA 6,500.

Section 610.606 *Blue Federal airway 6* is deleted:

Section 610.613 *Blue Civil airway 13* is amended to delete:

From Liberty INT, Mo.; to Des Moines, Iowa, LFR; MEA 2,300.

Section 610.640 *Blue Federal airway 40* is amended to delete:

From Concord, N.H., LFR; to Lebanon, N.H., LFR; MEA 5,000.

Section 610.645 *Blue Federal airway 45* is amended to delete:

From Keene, N.H., LF/RBN; to Lebanon, N.H., LF/RBN; MEA 5,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Rochelle INT, N.Y.; to Wilton, Conn., VOR; MEA 2,500.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Gardner, Mass., VOR; to Boston, Mass., VOR; MEA 3,000.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Macon, Ga., VOR; to *Loraine INT, Ga.; MEA 2,000. *3,500—MRA.
From Loraine INT, Ga.; to *Jenkinsburg INT, Ga.; MEA 2,000. *2,500—MRA.
From Roberta INT, Ga., via W alter; to Yatesville INT, Ga., via W alter; MEA 2,300. **3,000—MRA.
From Yatesville INT, Ga., via W alter.; to Atlanta, Ga., VORTAC via W alter.; MEA 2,300.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Skipperville INT, Ala.; to **Banks INT, Ala.; MEA 1,800. *3,000,—MRA. **2,000—MRA.
From Marianna, Fla., VOR; to *Malone INT, Fla.; MEA 2,000. *3,000—MRA.
From Malone INT, Fla.; to Dothan, Ala., VOR; MEA 2,000.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Goshen, Ind., VOR; to *Garrett INT, Ind.; MEA **3,000. *3,500—MRA. **2,300—MOCA.
From Garrett INT, Ind.; to Findlay, Ohio, VOR; MEA *3,500. *2,000—MOCA.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Bradford, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Santa Barbara, Calif., VOR; to *Fillmore, Calif., VOR; MEA 8,000. *6,500—MCA Fillmore VOR, westbound.
From Fillmore, Calif., VOR; to Saugus INT, Calif.; MEA 6,000.
From Saugus INT, Calif.; to *Palmdale, Calif. VOR; 8,000. *6,000—MCA Palmdale VOR, southwestbound.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Lamoni, Iowa, VOR; to *Woodburn INT, Iowa; MEA 2,300. *4,300—MRA.
From Woodburn INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.
From Mason City, Iowa, VORTAC via W alter.; to *Alma City INT, Iowa, via W alter.; MEA **4,300. *4,300—MRA. **2,600—MOCA.
From Alma City INT, Iowa, via W alter.; to New Prague INT, Minn., via W alter.; MEA **4,300. *3,500—MRA. **2,300—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From *Coldwater INT, Ind.; to Rockford INT, Ohio; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From Rockford INT, Ohio; to Findlay, Ohio, VOR; MEA 2,500.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Piedmont INT, Tenn.; to **White Pine INT, Tenn.; MEA 4,000. *8,000—MRA. **5,000—MRA.
From Knoxville, Tenn., VOR via N alter.; to *Witt INT, Tenn., via N alter.; MEA **7,000. *5,000—MRA. **6,600—MOCA.
From Witt INT, Tenn., via N alter.; to *Hilton INT, Va., via N alter.; MEA **7,000. *9,500—MRA. **6,600—MOCA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Cotulla, Tex., VOR; to *Millet INT, Tex.; MEA **2,500. *3,500—MRA. **1,600—MOCA.
From Millet INT, Tex.; to *Leming INT, Tex.; MEA **2,500. *2,500—MRA. **1,600—MOCA.
From Leming INT, Tex.; to San Antonio, Tex., VOR; MEA 2,200.

Section 610.6018 *VOR Federal airway 18* is amended to delete:

From Anniston, Ala., VOR; to Heflin INT, Ala.; MEA 4,000.
From Heflin INT, Ala.; to Chattahoochee INT, Ga.; MEA 2,700.
From Anniston, Ala., VOR via S alter.; to Roopville INT, Ga., via S alter.; MEA 4,000.
From Roopville INT, Ga., via S alter.; to Atlanta, Ga., VOR via S alter.; MEA 2,300.
From Atlanta, Ga., VOR via S. alter.; to McDonough, Ga., VORTAC via S alter.; MEA 2,200.
From McDonough, Ga., VORTAC via S. alter.; to *Eatonton INT, Ga., via S. alter.; MEA **3,000. *3,000—MRA. **1,900—MOCA.
From Eatonton INT, Ga., via S alter; to Thomas INT, Ga., via S alter; MEA *3,000. *1,900—MOCA.
From Thomas INT, Ga., via S alter.; to Augusta, Ga., VOR via S alter.; MEA 1,800.
From Chattahoochee INT, Ga.; to Atlanta, Ga., ILS loc.; MEA 2,200.
From Atlanta, Ga., ILS loc.; to Oxford INT, Ga.; MEA 2,200.
From Oxford INT, Ga.; to *Madison INT., Ga.; MEA **3,500. *3,500—MRA. **2,100—MOCA.
From Madison INT, Ga.; to Raytown INT, Ga.; MEA *3,800. *1,800—MOCA.

From Raytown INT, Ga.; to *Appling INT, Ga.; MEA 1,800. *2,500—MEA.
From Appling INT, Ga.; to Augusta, Ga., VOR; MEA 1,800.

Section 610.6018 *VOR Federal airway 18* is amended by adding:

From Anniston, Ala., VOR; to Roopville INT, Ga.; MEA 4,000.
From Roopville INT, Ga.; to Atlanta, Ga., VORTAC; MEA 2,300.
From Atlanta, Ga., VORTAC; to McDonough, Ga., VOR; MEA 2,200.
From McDonough, Ga., VOR; to *Eatonton INT, Ga.; MEA **2,300. *2,300—MRA. **1,900—MOCA.
From Eatonton INT, Ga.; to Thomson INT, Ca.; MEA *2,300. *1,900—MOCA.
From Thomson INT, Ga., to Augusta, Ga., VOR; MEA 1,800.
From Anniston, Ala., VOR via N alter.; to Heflin INT, Ala., via N alter.; MEA 4,000.
From Heflin INT., Ala., via N alter.; to Chattahoochee INT, Ga., via N alter; MEA 2,700.
From Chattahoochee INT, Ga., via N alter.; to Conyers INT, Ga., via N alter.; MEA 2,200.
From Conyers INT, Ga., via N alter.; to *Madison INT, Ga., via N alter.; MEA **3,500. *3,500—MRA. **2,100—MOCA.
From Madison INT, Ga., via N. alter.; to Raytown INT, Ga., via N alter.; MEA *3,800. *1,800—MOCA.
From Raytown INT, Ga., via N alter.; to *Appling INT, Ga., via N alter.; MEA 1,800. *2,500—MRA.
From Appling INT, Ga., via N alter.; to Augusta, Ga., VOR via N alter; MEA 1,800.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From *Soda INT, Calif.; to **Craters INT, Calif.; MEA ***19,000. *16,000—MCA Soda INT, northeastbound. **18,000—MCA Craters INT, southwestbound. ***10,000—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Sacramento, Calif., VOR; to *Capital INT, Calif.; MEA 2,000. *3,700—MRA.
From Capital INT, Calif.; to *Grimes INT, Calif.; MEA 2,000. *4,000—MCA Grimes INT, northbound.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Klamath Falls, Oreg., VORTAC; to Redmond, Oreg., VOR; MEA *12,000. *10,000—MOCA.
From Redmond, Oreg., VOR.; to The Dalles, Oreg., VOR; MEA 7,000.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,400. *3,500—MRA.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Paso Robles, Calif., VOR via W alter.; to *Salinas, Calif., VOR via W alter.; MEA 7,000. *4,000—MCA Salinas VOR, southbound (deletes MCA Paso Robles VOR).

Section 610.6032 *VOR Federal airway 32* is amended to read in part:

From *Elko, Nev., VOR; to Bonneville, Utah, VOR; MEA 13,000. *11,500—MCA Elko VOR, eastbound.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Macon, Ga., VOR; to *Clinton INT, Ga.; MEA 2,000. *2,500—MRA.
From Clinton INT, Ga.; to *Eatonton INT, Ca.; MEA 2,000. *3,000—MRA.

Section 610.6037 *VOR Federal airway 37* is amended to read in part:

From Allendale, S.C., VOR; to *North INT, S.C.; MEA 1,700. *2,000—MRA.
From North INT, S.C.; to Columbia, S.C., VOR; MEA 1,700.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Macon, Ga., VOR; to *Loraine INT, Ga.; MEA 2,000. *3,500—MRA.
From Loraine INT, Ga.; to *Jenkinsburg INT, Ga.; MEA 2,000. *2,500—MRA.
From Roberta INT, Ga., via W alter.; to *Yatesville INT, Ga., via W alter.; MEA 2,300. *3,000—MRA.
From Yatesville INT, Ga., via W alter.; to Atlanta, Ga., VORTAC, via W alter.; MEA 2,300.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From St. George INT, S.C.; to Columbia, S.C., VOR; MEA 1,700.

Section 610.6054 *VOR Federal airway 54* is amended by adding:

From Fort Mill, N.C., VOR; to Pinehurst, N.C., VOR; MEA *2,500. *1,800—MOCA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Dawn INT, Ohio; to *Coldwater INT, Ohio; MEA **2,600. *3,000—MRA. **2,200—MOCA.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From *Junction City INT, Ga.; to **Reynolds INT, Ga.; MEA 1,700. *3,000—MRA. **2,500—MRA.
From Reynolds INT, Ga.; to Macon, Ga., VOR; MEA 1,700.
From *North INT, S.C., via S alter; to Columbia, S.C., VOR via S alter.; MEA 1.700. *2,000—MRA.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From *Floresville INT, Tex.; to **Essen INT, Tex.; MEA ***2,500. *3,000—MRA. **4,000—MRA. ***2,000—MOCA.
From Essen INT, Tex.; to Burnell INT, Tex.; MEA *4,000. *1,600—MOCA.
From Burnell INT, Tex.; to Corpus Christi, Tex., VOR; MEA 1,400.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From *Banks INT, Ala.; to Eufaula, Ala., VOR; MEA **2,000. *2,000—MRA. **1,800—MOCA.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Fayetteville, Ark., VOR; to Dogwood, Mo., VOR; MEA *3,000. *2,600—MOCA.
From Dogwood, Mo., VOR; to Maples, Mo., VOR; MEA *3,000. *2,700—MOCA.

Section 610.6072 *VOR Federal airway 72* is amended by adding:

From Albany, N.Y., VOR; to Keene, N.H., VOR; MEA 5,600.
From Keene, N.H., VOR; to Manchester, N.H., VOR; MEA 4,300.
From Manchester, N.H., VOR; to Ipswich INT, Mass.; MEA 1,800.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Little Rock, Ark., VOR; to Pine Bluff, Ark., VOR; MEA 1,800.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Lamoni, Iowa, VOR; to *Woodburn INT, Iowa; MEA 2,300. *4,300—MRA.
From Woodburn INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.

Section 610.6078 *VOR Federal airway 78* is amended to read in part:

From Darwin, Minn., VOR; to Minneapolis, Minn., VOR; MEA 2,400.

Section 610.6084 *VOR Federal airway 84* is amended by adding:

From Bradford, Ill., VOR; to Hinckley INT, Ill.; MEA 2,000.

Section 610.6088 *VOR Federal airway 88* is amended to read in part:

From *Waco INT, Mo.; to Avilla INT, Mo.; MEA **2,900. *6,500—MRA. **2,600—MOCA (deletes MEA Joplin LOM to Avilla INT).

Section 610.6095 *VOR Federal airway 95* is amended to read in part:

From Phoenix, Ariz., VOR; to Knob INT, Ariz., northbound, MEA 8,000; southbound, MEA 6,000.

Section 610.6100 *VOR Federal airway 100* is amended to read in part:

From Sioux City, Iowa, VOR; to Ft. Dodge, Iowa, VOR; MEA 3,000.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Phoenix, Ariz., VOR; to *Cactus INT, Ariz.; northbound, MEA 7,000; southbound, MEA 5,000. *7,000—MRA.
From Phoenix, Ariz., VOR via E alter.; to Knob INT, Ariz., via E alter.; northbound, MEA 8,000; southbound, MEA 6,000.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From Mission INT, Calif.; to Oakland, Calif., VORTAC; southeastbound, MEA 7,000; northwestbound, MEA 3,500.

Section 610.6113 *VOR Federal airway 113* is amended to read in part:

From Paso Robles, Calif., VOR; to Priest, Calif., VOR; MEA 6,000.
From Priest, Calif., VOR; to *Los Banos, Calif., VOR; MEA 7,000. *5,500—MCA Los Banos VOR, southbound.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Gregg County, Tex., VOR, via N alter.; to Marshall INT, Tex., via N alter.; MEA 2,400.
From Marshall INT, Tex., via N alter.; to Shreveport, La., VOR via N alter.; MEA 2,600.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From *Waco INT, Mo., via S alter.; to Avilla INT, Mo., via S alter.; MEA **2,900. *6,500—MRA. **2,600—MOCA (deletes MEA Joplin LOM to Avilla INT).

Section 610.6133 *VOR Federal airway 133* is amended to read in part:

From Salem, Mich., VOR; to *Russell INT, Mich.; MEA 2,600. *4,000—MRA.
From Russell INT, Mich.; to Flint, Mich., VOR; MEA 2,200.

Section 610.6134 *VOR Federal airway 134* is amended to read:

From Evergreen, Ala., VOR; to Rutledge INT, Ala.; MEA *1,800. *1,500—MOCA.
From Rutledge INT, Ala.; to *Banks INT, Ala.; MEA **2,700. *2,000—MRA. **1,800—MOCA.
From Banks INT, Ala.; to Columbus, Ga., VOR; MEA 2,000.

Section 610.6141 *VOR Federal airway 141* is amended to read in part:

From Ipswich INT, Mass.; to Manchester, N.H., VOR; MEA 1,800.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From *Junction City INT, Ga.; to **Reynolds INT, Ga.; MEA 1,700. *3,000—MRA. **2,500—MRA.
From Reynolds INT, Ga.; to Macon, Ga., VOR; MEA 1,700.

Section 610.6156 *VOR Federal airway 156* is amended to read in part:

From Elkins, W. Va.,VOR; to Grottoes INT, Va.; MEA *8,000. *6,900—MOCA.

Section 610.6159 *VOR Civil airway 159* is amended to read in part:

From *Malabar INT, Fla., via E alter.; to Orlando, Fla., VOR via E alter.; MEA **1,500. *3,200—MRA. **1,300—MOCA.

Section 610.6161 *VOR Federal airway 161* is amended to read in part:

From Tulsa, Okla., VOR; to Nowata INT, Okla.; MEA 2,100.
From Nowata INT, Okla.; to Oswego, Kans., VOR; MEA *2,500. *2,000—MOCA.
From Oswego, Kans., VOR; to *Walnut INT, Kans.; MEA 2,300. *3,800—MRA.
From Walnut INT, Kans.; to *Fulton INT, Kans.; MEA **3,800. *6,000—MRA. **2,300—MOCA.
From Fulton INT, Kans.; to Butler, Mo., VOR; MEA 2,300.
From Lamoni, Iowa, VOR; to *Woodburn INT, Iowa; MEA 2,300. *4,300—MRA.
From Woodburn INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From Tilden INT, Tex., via W alter.; to *Leming INT, Tex., via W alter.; MEA 2,200. *2,500—MRA.
From Leming INT, Tex., via W alter.; to San Antonio, Tex., VOR via W alter.; MEA 2,200.

Section 610.6171 *VOR Federal airway 171* is amended to delete:

From Scotland, Ind., VOR; to Terre Haute, Ind., VOR; MEA 2,000.
From Terre Haute, Ind., VOR; to State Line INT, Ind.; MEA 2,000.
From State Line INT, Ind.; to Peotone, Ill., VOR; MEA *2,500. *2,000—MOCA.
From Nodine, Minn., VOR; to Elba INT, Minn.; MEA 2,800.
From Elba INT, Minn.; to Zumbrota INT, Minn.; MEA 2,500.
From Zumbrota INT, Minn.; to Farmington, Minn., VOR; MEA 2,200.
From Farmington, Minn., VOR; to Excelsior INT, Minn.; MEA 2,200.
From Excelsior INT, Minn.; to Mayer INT, Minn.; MEA 2,500.
From Mayer INT, Minn.; to *Cokato INT, Minn.; MEA **3,300. *4,600—MRA. **2,500—MOCA.
From *Cokato INT, Minn., to Roscoe INT, Minn.; MEA **4,600. *4,600—MCA Cokato INT, northwestbound. **2,500—MOCA.
From Roscoe INT, Minn.; to Alexandria, Minn., VOR; MEA 2,600.

Section 610.6171 *VOR Federal airway 171* is amended by adding:

From Scotland, Ind., VOR; to Lewis, Ind., VOR; MEA 2,000.
From Lewis, Ind., VOR; to Danville, Ill., VOR; MEA 2,000.
From Lewis, Ind., VOR via W alter.; to Danville, Ill., VOR via W alter.; MEA 2,000.
From Danville, Ill., VOR; to Peotone, Ill., VOR; MEA 1,900.
From Nodine, Minn., VOR; to Farmington, Minn., VOR; MEA 2,200.
From Farmington, Minn., VOR; to Victoria INT, Minn.; MEA 2,200.
From Victoria INT, Minn.; to Darwin, Minn., VOR; MEA 2,300.
From Darwin, Minn., VOR; to Eden Valley INT, Minn.; MEA 2,300.
From Eden Valley INT, Minn.; to Alexandria, Minn., VOR; MEA 2,900.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From *Ottway INT, Tenn., via E alter.; to **White Pine INT, Tenn. via E alter.; MEA 4,000. *7,200—MRA. **5,000—MRA.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Phoenix, Ariz., VOR; to Four Peaks INT, Ariz.; MEA 6,000.
From *Four Peaks INT, Ariz.; to Grapevine INT, Ariz.; northeastbound, MEA 10,000; southwestbound, MEA 6,000. *9,000—MCA Four Peaks INT, northeastbound.
From Ponca City, Okla., VOR; to Bartlesville, Okla., VOR; 2,200.
From Bartlesville, Okla., VOR; to Oswego, Kans., VOR; MEA 2,100.
From Oswego, Kans., VOR; to *Waco INT, Mo.; MEA 2,500. *6,500—MRA.
From Waco INT, Mo.; to Avilla INT, Mo.; MEA *2,900. *2,600—MOCA.
From Avilla INT, Mo.; to Springfield, Mo., VOR; MEA 2,600 (deletes MEA Joplin LOM to Avilla INT).

Section 610.6191 *VOR Federal airway 191* is amended by adding:

From Milwaukee, Wis., VOR; to Oshkosh, Wis., VOR; MEA 2,600.
From Oshkosh, Wis., VOR; to Stevens Point, Wis., VOR; MEA 2,200.
From Stevens Point, Wis., VOR; to Wausau, Wis., VOR; MEA 2,500.
From Wausau, Wis., VOR; to Rhinelander, Wis., VOR; MEA 3,000.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From Union INT, S.C.; to Fort Mill, N.C., VOR; MEA 2,000.
From Fort Mill, N.C., VOR; to Norwood INT, N.C.; MEA *2,500. *1,800—MOCA.

Section 610.6194 *VOR Federal airway 194* is amended by adding:

From Fort Mill, N.C., VOR via N alter.; to Liberty, N.C., VOR via N alter.; MEA 2,400.
From Liberty, N.C., VOR via N alter.; to Raleigh, N.C., VOR via N alter.; MEA 2,000.
From Cofield, N.C., VOR via S alter.; to Norfolk, Va., VOR via S alter.; MEA 1,400.

Section 610.6199 *VOR Federal airway 199* is amended to read in part:

From Ukiah, Calif., VOR; to *Red Bluff, Calif., VORTAC; MEA 9,000. *5,000—MCA Red Bluff VORTAC, southwestbound.

Section 610.6200 *VOR Federal airway 200* is amended to read in part:

From Yuba INT, Calif.; to *Valley INT, Calif.; MEA 4,000. *8,500—MCA Valley INT, eastbound.
From Valley INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

Section 610.6208 *VOR Federal airway 208* is amended to read in part:

From *Mesa Grande INT, Calif.; to **Thermal, Calif., VOR; MEA ***11,000. *9,000—MCA Mesa Grande INT, northeastbound. **9,000—MCA Thermal VOR, southwestbound. **6,000—MCA Thermal VOR, northeastbound. ***10,000—MOCA.

Section 610.6214 *VOR Federal airway 214* is amended to read in part:

From Zanesville, Ohio, VOR; to Bellaire, Ohio, VOR; MEA 2,400.
From Bellaire, Ohio, VOR; to Pittsburgh, Pa., VOR; MEA 2,600.

Section 610.6217 *VOR Federal airway 217* is amended by adding:

From Green Bay, Wis., VOR; to Whinelander, Wis., VOR; MEA 2,900.

Section 610.6221 *VOR Federal airway 221* is amended to read in part:

From Fort Wayne, Ind., VORTAC; to *Garrett INT, Ind.; MEA 2,700. *3,500—MRA.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Norcross, Ga., VOR; to Silver City INT, Ga.; MEA 3,000.
From Silver City INT, Ga.; to Toccoa, Ga., VOR; MEA 3,500.

Section 610.6241 *VOR Federal airway 241* is amended to delete:

From Columbus, Ga., VOR via W alter.; to Raymond INT, Ga., via W alter.; MEA 2,200.
From Raymond INT, Ga., via W alter.; to Atlanta, Ga., VORTAC via W alter.; MEA 2,100.

Section 610.6241 *VOR Federal airway 241* is amended to read in part:

From *Abbeville INT, Ala.; to **Bakerhill INT, Ala.; MEA 1,600. *1,700—MRA. **1,700—MRA.
From Bakerhill INT, Ala.; to Eufaula, Ala., VOR; MEA 1,600.
From Columbus, Ga., VOR; to *Big Spring INT, Ga.; MEA 2,200. *2,800—MRA.
From Big Spring INT, Ga.; to Raymond INT, Ga.; MEA 2,200.
From Raymond INT, Ga.; to Atlanta, Ga., VOR; MEA 2,100.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Oakland, Calif., VORTAC via E alter.; to Sunol INT, Calif., via E alter.; MEA 4,000.
From *Delano INT, Utah; to **Hanksville, Utah, VOR; MEA ***#16,000. *16,000—MCA Delano INT, eastbound. **11,000—MCA Hanksville VOR, westbound. ***15,000—MOCA. #Continuous navigation signal coverage does not exist over the entire route segment below 16,000 feet.

Section 610.6247 *VOR Federal airway 247* is amended to read:

From Douglas, Wyo., VOR; to Crazy Woman, Wyo., VOR; MEA 7,500.

Section 610.6248 *VOR Federal airway 248* is amended to read in part:

From Avenal, Calif., VOR; to *Shafter INT, Calif.; southeastbound, MEA 2,000; northwestbound, MEA, 4,000. *4,000—MRA.
From Shafter INT, Calif.; to Bakersfield, Calif., southeastbound, MEA 2,000; northwestbound, MEA 4,000.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From *Anita INT, Ariz.; to Bryce Canyon, Utah, VOR; MEA **15,500. *11,000—MRA. **11,500—MOCA.
From Phoenix, Ariz., VOR; to *Cactus INT, Ariz.; northbound, MEA 7,000; southbound, MEA 5,000. *7,000—MRA.

Section 610.6281 *VOR Federal airway 281* is amended to read in part:

From Redmond, Oreg., VOR; to *Heppner INT, Oreg.; MEA **10,500. *10,000—MRA. **8,000—MOCA.

Section 610.6283 *VOR Federal airway 283* is amended to read in part:

From Lakeview, Oreg., VOR; to Redmond, Oreg., VOR; MEA 10,000.
From *Redmond, Oreg., VOR; to Elkhorn INT, Oreg.; MEA 12,500. *10,000—MCA Redmond VOR, northwestbound.
From Elkhorn INT, Oreg., to *Maverick INT, Oreg.; northwestbound, MEA 7,000; southeastbound, MEA 12,500. *9,500—MCA Maverick INT, southeastbound.
From Maverick INT, Oreg.; to Newberg, Oreg., VOR; MEA 4,000.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Vero Beach, Fla., VOR via E alter.; to *Malaber INT, Fla., via E alter.; MEA **1,500. *3,000—MRA. **1,300—MOCA.
From Malaber INT, Fla., via E alter; to Hopkins INT, Fla.; via E alter.; MEA *1,500. *1,300—MOCA.
From Hopkins INT, Fla., via E alter.; to *Sawgrass INT, Fla., via E alter.; MEA **2,000. *1,800—MRA. **1,300—MOCA.
From Sawgrass INT, Fla., via E alter.; to Orlando, Fla., VOR, via E alter.; MEA *2,000. *1,300—MOCA.

Section 610.6298 *VOR Federal airway 298* is amended to read in part:

From *Lamont INT, Idaho; to Dunoir, Wyo., VOR; MEA 15,000. *13,000—MCA Lamont INT, eastbound.
From Dunoir, Wyo., VOR; to *Boysen Reservoir, Wyo., VOR; MEA 14,000. *11,000—MCA Boysen Reservoir VOR, westbound.

Section 610.6422 *VOR Federal airway 422* is amended to read in part:

From Wolfake, Ind., VOR; to *Garrett INT, Ind.; MEA 2,200. 3,500—MRA.
From Garrett INT, Ind.; to Defiance, Ohio, VOR; MEA 2,000.

Section 610.6427 *VOR Federal airway 427* is amended by adding:

From Navarre, Ohio, VOR; to Kent INT, Ohio; MEA 2,500.

Section 610.6443 *VOR Federal airway 443* is amended to delete:

From Glen Dale INT, W. Va.; to Newcomerstown, Ohio, VOR; MEA 2,600.

Section 610.6443 *VOR Federal airway 443* is amended by adding:

From Bellaire, Ohio, VOR; to Newcomerstown, Ohio, VOR; MEA 2,600.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Tuskegee, Ala., VOR; to *Big Spring INT, Ga.; MEA **2,800. *2,800—MRA. **2,300—MOCA.

Section 610.6454 *VOR Federal airway 454* is amended by adding:

From Ft. Mill, N.C., VOR; to Liberty, N.C., VOR; MEA 2,400.
From Liberty, N.C., VOR; to Lawrenceville, Va., VOR; MEA 2,500.

Secton 610.6456 *VOR Federal airway 456* is added to read:

From Redoubt Bay INT, Alaksa; to Anchorage, Alaska, VOR; MEA 2,500.

Section 610.6457 *VOR Federal airway 457* is added to read:

From Norwich, Conn., VORTAC; to Providence, R.I., VOR; MEA 1,600.
From Providence, R.I., VOR; to Walpole INT, Mass.; MEA 2,000.
From Walpole INT, Mass.; to Boston, Mass., VOR; MEA 1,800.

Section 610.6600 *VOR Federal airway 1500* is amended to read in part:

From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,400. *3,500—MRA.
From Bradford, Pa., VOR; to Slate Run, Pa., VOR; MEA 4,000.
From Slate Run, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.

Section 610.6604 *VOR Federal airway 1504* is amended to read in part:

From Etna INT, Utah; to Strevell INT, Utah; MEA 12,000.

Section 610.6604 *VOR Federal airway 1504* is amended by adding:

From *Malad City, Idaho, VOR; to **Big Piney, Wyo., VOR; MEA ***15,000. *10,000—MCA Malad City VOR, eastbound. **12,500—MCA Big Piney VOR, westbound. ***13,500—MOCA.
From Big Piney, Wyo., VOR; to *Hudson INT, Wyo.; MEA 15,000. *12,200—MRA. *12,700—MCA Hudson INT, westbound.
From Hudson INT, Wyo.; to Casper, Wyo., VOR; MEA *12,500. *10,000—MOCA.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From Sioux City, Iowa, VOR; to Fort Dodge, Iowa, VOR; MEA 3,000.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From Sioux City, Iowa, VOR; to Fort Dodge, Iowa, VOR; MEA 3,000.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From *Gordon INT, Colo.; to **Rattlesnake INT, Colo.; MEA ***10,500. *12,000—MCA Gordon INT, westbound. **10,500—MCA Rattlesnake INT, westbound. ***8,500—MOCA.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Oakland, Calif., VORTAC; to Sunol INT, Calif.; MEA 4,000.
From *Delano INT, Utah; to **Hanksville, Utah, VOR; MEA ***#16,000. *16,000—MCA Delano INT, eastbound. **11,000—MCA Hanksville VOR, westbound. ***15,000—MOCA. #Continuous navigation signal coverage does not exist over the entire route segment below 18,000 feet.

Section 610.6616 *VOR Federal airway 1516* is amended to read in part:

From Oakland, Calif., VORTAC; to Sunol INT, Calif.; MEA 4,000.
From Ponca City, Okla., VOR; to Oswego, Kans., VOR; MEA 2,500.
From Oswego, Kans., VOR; to *Waco INT, Mo.; MEA 2,500. *6,500—MRA.
From Waco INT, Mo.; to Avilla INT, Mo.; MEA *2,900. *2,600—MOCA.
From Avilla INT, Mo.; to Springfield, Mo., VOR; MEA 2,600 (deletes MEA Joplin LOM to Avilla INT).

Section 610.6620 *VOR Federal airway 1520* is amended to read in part:

From *Piedmont INT, Tenn.; to **White Pine INT, Tenn.; MEA 4,000. *8,000—MRA. **5,000—MRA.
From White Pine INT, Tenn.; to *Ottway INT, Tenn.; MEA 4,000. *7,200—MRA.

Section 610.6633 *VOR Federal airway 1533* is amended to read in part:

From Sacramento, Calif., VOR; to *Capital INT, Calif.; MEA 2,000. *3,700—MRA.
From Capital INT, Calif.; to *Grimes INT, Calif.; MEA 2,000. *4,000—MCA Grimes INT, northbound.
From Red Bluff, Calif., VORTAC; to Klamath Falls, Oreg., VORTAC; *13,500. *10,000—MOCA.
From Klamath Falls, Oreg., VORTAC; to Redmond, Oreg., VOR; MEA *12,000. *10,000—MOCA.
From Redmond, Oreg., VOR; to *Heppner INT, Oreg.; MEA **10,500. *10,000—MRA. **8,000—MOCA.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective June 30, 1960.

Issued in Washington, D.C., on June 1, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-5102; Filed, June 7, 1960; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 4—ESTABLISHMENT OF CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

Part 4 of Subtitle A of Title 15 of the Code of Federal Regulations is revised to read as follows:

Sec.
4.1 Charges for certifications.
4.2 Charges for searching records and for copying records and documents.

AUTHORITY: §§ 4.1 and 4.2 issued under 56 Stat. 1067; 5 U.S.C. 606.

§ 4.1 Charges for certifications.

Effective May 15, 1960 and except when otherwise provided by statute, the charge for each certification as to the official nature of copies of correspondence and records from the files, publications and other documents of the Department, including the affixing of the Department of Commerce seal or the properly authorized office or bureau seal, in appropriate cases, shall be 50 cents.

§ 4.2 Charges for searching records and for copying records and documents.

Fixed fees and charges for searching records and for copying records and documents are established by the individual organization units of the Department and are published, as appropriate, in applicable titles and chapters of the Code of Federal Regulations.

Dated: June 1, 1960.

[SEAL] FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-5187; Filed, June 7, 1960; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7646 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

B. Gertz, Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–80 *Retail as cost, etc., or discounted;* § 13.155–85 *Sales below cost.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 6, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, B. Gertz, Inc., Jamaica, Long Island, N.Y., Docket 7646, April 20, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Jamaica, Long Island, N.Y., with violating the Fur Products Labeling Act by advertising in newspapers which falsely represented prices of fur products to be "Below wholesale" and below or at cost, and represented excessive amounts to be the usual prices; by failing to maintain adequate records as a basis for such pricing claims; and by failing to comply with invoicing requirements.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That B. Gertz, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products, which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

(b) Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

(a) Represents, directly or by implication, that the prices of fur products are "below wholesale", or words of similar import, when such is not the fact.

(b) Represents, directly or by implication that the prices of fur products are below or at respondent's cost, or words of similar import, when such is not the fact.

(c) Misrepresents in any manner the savings available to purchasers of respondent's fur products.

(d) Represents in any manner that any amount is respondent's regular or usual price of fur products when such amount is in excess of the price at which respondent has usually and customarily sold such products in the recent, regular course of its business.

3. Making pricing claims and representations respecting prices and values of fur products unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 20, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5159; Filed, June 7, 1960; 8:46 a.m.]

[Docket 7685 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Rosenbaum Company of Pittsburgh

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.30–30 *Fur Products Labeling Act.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.* Subpart—Using misleading name, § 13.2280 *Composition;* § 13.2280–30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 6, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Rosenbaum Company of Pittsburgh, Pittsburgh, Pa., Docket 7685, April 14, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Pittsburgh furrier with violating the Fur Products Labeling Act by mutilating labels on fur products prior to ultimate sale and delivery; by setting forth on invoices and in advertising the name of another animal than that producing the fur; by advertising in newspapers which failed to disclose the names of animals producing certain furs or the country of origin or that furs were artificially colored, and by failing in other respects to comply with labeling and invoicing requirements.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Rosenbaum Company of Pittsburgh, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Mutilating, or causing the mutilation or participation in the mutilation of, labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products.

2. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regualtions promulgated thereunder:

(1) Mingled with non-required information.

(2) In handwriting.

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

3. Falsely or deceptively invoicing fur products by:

A. Failing to furnish the purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing or otherwise identifying any such products as to the name or names of the animal or animals that produced the fur from which such products were manufactured.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to set forth the item number or mark assigned to a fur product.

4. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) The name of the country of origin of any imported furs contained in a fur product.

B. Sets forth the name or names of any animal or animals other than the name or names specified in section 5(a)(1) of the Fur Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 14, 1960.

By the Commission.

[SEAL.] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5160; Filed, June 7, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 561—ARMY RESERVE

Appointments

1. Section 561.8(d)(1) is amended to read as follows:

§ 561.8 Eligibility.

* * * * *

(d) *Mental requirements.* Applicant will be administered the Armed Forces Qualification Test AFQT-3 or -4, by the examining board, and must achieve a percentile score of 74 or higher thereon except for the following:

(1) Those who have a previously recorded percentile score of 74 on the AFQT-1 or -2, or standard score of 115 or higher on AFQT-1 or -2, the Army General Classification test (AGCT), the general classification test (GCT), Aptitude Area I, or General Technical Aptitude Area (GT).

2. In § 561.20, revise paragraphs (c) and (e) as follows:

§ 561.20 Appointment of professional and technical personnel as Reserve Commissioned Officers of the Army.

* * * * *

(c) *Grade.* Initial appointments are authorized under this section in recognition of advanced professional or technical experience and training, in accordance with the grades indicated in paragraph (d)(4) of this section. However, appointments up to and including the grade of colonel may be made when an individual possesses outstanding qualifications for which a need exists in the military service.

* * * * *

(e) *Supplementary military training.* (1) Applicants who are appointed under this section and who are not assigned to a TOE or TD unit in the Ready Reserve, will be required to complete the appropriate extension course series within 2 years of date of appointment, except when the applicant is ordered to active duty at time of appointment or when the Department of the Army evaluates the applicant's prior military service, where applicable, and determines that such service is the equivalent of the subject matter of the appropriate Army extension course or courses. Determination of extension courses to be completed will be made by the Department of the Army at the time the individual's application for appointment is approved. Necessary records will be maintained by the appropriate area commander to determine whether the individual satisfactorily completed the required courses. Those failing to comply with this requirement are subject to discharge as provided for in paragraph (f) of this section.

(2) The requirements in subparagraph (1) of this paragraph may be fulfilled at any time by the successful completion of an appropriate associate basic course.

(3) Applicants without prior service appointed under this section and who are assigned to a TOE or TD unit in the Ready Reserve will be encouraged to enroll in appropriate extension courses as soon as practicable in order that they may qualify themselves in areas not covered by civilian education and/or experience. Area commander will insure that information regarding extension courses is furnished newly appointed officers under this section. (Area commanders will inform individuals who have been appointed and have been assigned to TOE or TD units in the Ready Reserve and who are obligated to complete an appropriate extension course series within 2 years of date of appointment, that the statement appearing on the letter of appointment as pertains to completion of the extension course series no longer applies. Area commanders will encourage such individuals to continue in their present extension course series.)

3. In § 561.21(c)(1)(i), revise heading for MOS 8104, and add new MOS numbers, as follows:

§ 561.21 Appointment as Reserve Commissioned Officers of the Army for assignment to the Civil Affairs/Military Government Branch.

* * * * *

(c) *Special requirements.* (1) In addition to the requirements of section I, the applicant must:

(i) Qualify for an * * * of such MOS.

* * * * *

Civil Affairs/Military Government Officer	MOS 8104
* * * * *	
Preventive Medicine Officer	MOS 3005
Sanitary Engineer	MOS 7960
Legal Officer	MOS 8101

[C 11, AR 140-100, May 9, 1960] (Sec. 280, 70A Stat. 14; 10 U.S.C. 280)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-5152; Filed, June 7, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER H—GRAZING

[Circular 2046]

PART 160—GRAZING LEASES

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Compensation for Loss of Improvements; Restrictions in Gathering Unlicensed Horses and Burros From Public Lands

On page 81 of the FEDERAL REGISTER of January 6, 1960, there were published proposed amendments to § 160.12 and § 161.15, Title 43, Code of Federal Regulations, governing compensation to lessees and permittees for loss of improvements placed on public lands, and banning the use of airplanes and motor vehicles in the gathering of unlicensed horses and burros from public lands to conform to Public Law 86-234. Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

As a result of comments received, the following changes in the proposed regulations are made:

Section 160.12, line 14: To avoid an unusually long sentence, a period is placed after the word "upon". The following words, "except that", are stricken and a new sentence is begun with the word "If".

Section 160.12, line 29: After the word "needed" the words "by the United States" are inserted.

Section 161.15, line 21: To avoid an unusually long sentence, a period is placed after the word "cooperators". The following words, "except that", are stricken and a new sentence is begun with the word "If".

Section 161.15, line 36: After the word "needed" the words "by the United States" are inserted.

As changed, the regulations are adopted and are set forth below. They shall become effective at the beginning of the 30th calendar day following date of publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

JUNE 1, 1960.

1. Paragraph 160.12(a) is amended to read as follows:

§ 160.12 Lease lands subject to disposition; compensation to lessee for loss of improvements.

(a) Lands embraced in a grazing lease are subject to disposition under the provisions of the Act of June 28, 1934 (48 Stat. 1272, 1274), as amended, or other public land laws. Before any application for such disposition is allowed, evidence must be furnished that the applicant has agreed to compensate the lessee and the United States for any grazing improvements placed on the lands under the authority of the lease, permit, or cooperative agreement in an amount and manner to be mutually agreed upon. If such improvements have been constructed in whole or in part with Federal funds and are administered by the Bureau of Land Management, and the application for disposal is in satisfaction of any lieu or indemnity selection right of any State under R.S. 2275, as amended (43 U.S.C. 851), such application may be allowed in the discretion of the authorized officer without compensation to the United States for its share of the value of the improvements, if the authorized officer shall first determine that the grazing improvements are no longer used or needed by the United States for the purpose for which the improvements were constructed and that the probable salvage value is insufficient to warrant the expense of removal of the salvageable materials in such improvements. If the parties are unable to agree as to the amount, manner, and time for compensation for such improvements, the amount, manner, and time shall be fixed by the authorized officer. The failure of the applicant to comply with the agreement or the conditions fixed by the authorized officer shall be just cause for cancellation of any right or interest in the lands acquired by the applicant by reason of the allowance of his application.

2. Paragraph 161.12(c)(2) is amended to read as follows:

§ 161.12 Procedure for enforcement of rules and regulations.

* * * * *

(c) *Unlawful grazing on Federal range; removal of livestock; impoundment.* * * *

(2) In any case where the owner of the trespassing livestock, or his representative, is unknown, or where conservation of the Federal range and of the forage thereon requires it, the district manager when so authorized by order of the State Supervisor may take steps to remove the trespassing livestock by such methods and by such means not inconsistent with legislation which prohibits the use of airborne or motor-driven vehicles in the gathering of horses and burros, as may be necessary, and to dispose of them by sale or otherwise within not less than 48 hours after public notice of his intention to make such disposition, subject to the right of any owner or registered lien holder of such trespassing livestock to redeem the livestock within such nondisposal period upon payment of (i) the value of the forage consumed, (ii) damage to the Federal range and other property of the United States, and (iii) the cost of such impoundment and removal, as determined by the district manager.

3. Paragraph 161.15(g)(2)(i) is amended to read as follows:

§ 161.15 Construction and maintenance of improvements on the Federal range.

* * * * *

(g) *Applications for lands containing range improvements; compensation; reservation.* * * *

(2)(i) When the disposal application covers public land upon which range improvements have been placed by the United States, or pursuant to a cooperative agreement heretofore or hereafter entered into between the Bureau and the licensee, permittee, and/or other cooperators, the disposal application will be referred by the land office manager to the district manager for determination as to whether it may be allowed, notwithstanding such improvements, and, if so, whether with or without a reservation. If the application is to be allowed without a reservation of the improvements, the applicant may be required to agree in writing to compensate for the loss of such improvements in the amounts to be mutually agreed upon and payable separately to the Bureau and to the cooperators. If such improvements have been constructed in whole or in part with Federal funds and are administered by the Bureau of Land Management, and the application for disposal is in satisfaction of any lieu or indemnity selection right of any State under R.S. 2275, as amended (43 U.S.C. 851), such application may be allowed in the discretion of the authorized officer without compensation to the United States for its share of the value of the improvements, if the authorized officer shall first determine that the grazing improvements are no longer used or needed by the United States for the purpose for which the improvements were constructed and that the probable salvage value is insufficient to warrant the expense of removal of the salvageable materials in such improvements. In the event of disagreement, the district manager shall determine the total amount of compensation due, as provided in paragraph (e) of this section, and the time for payment. Such amount shall then be payable separately to the Bureau and to the cooperators entitled thereto, in proportion to the amount or value of their respective contributions in money, material, or labor, to the total cost of the improvement, as made by them under the original cooperative agreement, as specified by the district manager.

[F.R. Doc. 60-5163; Filed, June 7, 1960; 8:46 a.m.]

[Circular 2045]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Adjudication of Grazing Privileges; Graduated Reduction for Hardship Cases

On page 9627 of the FEDERAL REGISTER of December 2, 1959, there were published proposed amendments to § 161.2 and § 161.6, Title 43, Code of Federal Regulations, to standardize the meaning and use of the term "adjudication of grazing privileges" and to provide a graduated reduction for hardship cases where grazing privileges are required to be reduced to reach the grazing capacity of the Federal range.

Interested persons were given 30 days within which to submit written comments with respect to the proposed amendments. After consideration of all such relevant matter as was presented regarding the proposed amendments, the regulations are hereby adopted and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

JUNE 1, 1960.

1. A new paragraph (r) is added to § 161.2, as follows:

§ 161.2 Definitions.

* * * * *

(r) "Adjudication of grazing privileges" is the determination of the qualifications for grazing privileges of the base properties, land (§ 161.2(k)(1)) or water (§ 161.2(p)(1)), offered in support of applications for grazing licenses or permits in a range unit or area, and the subsequent equitable apportionment among the applicants of the forage production within the proper grazing season and capacity of the particular unit or area of Federal range, and acceptance by the applicants of the grazing privileges based

upon the apportionment or its substantiation in a decision by an examiner, the Director, or the Secretary upon appeal. (Applicable provisions are §§ 161.1 to 161.5, inclusive; § 161.6 (a) and (b); § 161.6(e) (1) to (4), inclusive; § 161.6 (f); § 161.6(g); § 161.9 and § 161.10.)

2. Paragraph (e)(3) of § 161.6 is amended, and subparagraph (1)(ii) is amended and new subparagraphs (3) and (4) are added to paragraph (f), as follows:

§ 161.6 Issuance of licenses and permits.

* * * * * * *

(e) *Terms and conditions.* * * *

(3) No license or permit will confer grazing privileges in excess of the grazing capacity of the Federal range to be used, as determined by the district manager, except as may be allowed under paragraph (f)(3) of this section.

* * * * * * *

(f) *Reduction.* (1) * * *

(ii) Regular licenses or permits to the extent, if any, to which they are in excess of the base property qualifications or have been otherwise improperly issued.

* * * * * * *

(3) When the district manager, after recommendation by the advisory board, determines that the imposition of the full amount of certain reductions in grazing privileges from current licensed or permitted use necessary to reach the grazing capacity of a range area would impose a serious hardship on the range users, he is not required to impose the full amount of the reduction forthwith, but will then schedule a percentage of the required reduction during each of the three years immediately following the determination as the circumstances of each case may warrant, except when the total reduction is less than fifteen percent it may not be so scheduled but will be imposed forthwith in the full amount. (4) The district manager will notify each affected licensee or permittee by certified mail of his decision to make a reduction in grazing privileges to reach the grazing capacity of any Federal range area and of the manner in which the reduction is to be made. The district manager's decision notice will allow thirty days from receipt thereof in which to file any desired appeal in accordance with § 161.10 of this part. If no appeal is filed within the thirty-day period, the reduction will be made in accordance with the district manager's decision, and no further appeal will be allowed even though the reduction may be scheduled under subparagraph (3) of this paragraph to cover a period of time up to three years. If any timely appeal is filed after receipt of the district manager's decision notice, the reduction for the entire Federal range area under consideration will be deferred pending the completion of the appeal and hearing procedure. Any reduction provided by the ultimate decision will be applied to its full extent immediately after the effective date of that decision. If, however, the final decision on appeal is rendered within the three-year reduction period established by the decision notice of the district manager, the required adjustment may be apportioned over the remaining portion of that period. In the event that the orderly administration of the range or other public interest so requires, any decision may be placed in full force and effect in accordance with the provisions of § 161.10(i)(2).

[F.R. Doc. 60-5162; Filed, June 7, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

[Docket No. 11331; FCC 60-615]

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Operation of Co-channel Amplifying Transmitters in Conjunction With Main Transmitter

1. The Commission has before it for consideration its Memorandum Opinion and Notice of Further Proposed Rule Making (FCC 57-700), issued in this proceeding on July 2, 1957, proposing the authorization of television broadcast booster stations for use in conjunction with UHF television broadcast stations.

2. This proceeding was instituted on March 31, 1955, by a Notice of Proposed Rule Making (FCC 55-404) designed to elicit information on the desirability and feasibility of licensing UHF television co-channel amplifying transmitters, generally referred to as TV boosters. The Notice contemplated that such devices would be used by the licensees of UHF television broadcast stations to receive, amplify and retransmit the signals of the TV broadcast station on the original channel in order to "boost" the signal in areas of sub-normal signal intensity. After reviewing the comments directed to this phase of the proceeding, the Commission, on June 27, 1957, adopted a Memorandum Opinion and Notice of Further Proposed Rule Making proposing specific rules to govern UHF television boosters.

3. There was no opposition to the general proposal. Some of the comments merely endorsed the proposal without commenting on the specific rules; others suggested certain modifications; and a few requested that provision be made for VHF boosters.

4. Governor McNichols of Colorado filed comments on behalf of the Governors of several western states urging that provision be made for licensing the numerous low-power television boosters and translators operating in the VHF television band without Commission authorization.[1]

5. Two other parties filed comments supporting the subject proposal but requesting that it be expanded to include VHF boosters and translators. Television Montana, Inc. (KXLF-TV, Channel 4, Butte, Montana) proposed the licensing of VHF boosters with power up to 100 watts not only to the licensee of the primary TV station but to other "qualified applicants."[2] The Washington State TV Reflector Association endorsed the subject proposal but requested that the proceeding be expanded to include provision for licensing devices such as those now being operated by its members.[3]

6. The Commission by a Memorandum Opinion and Order of July 29, 1957, initiated a separate proceeding (Docket No. 12116) concerning low power TV repeater stations. In the judgment of the Commission, the considerations involved in that proceeding are not sufficiently related to the matters considered in the subject proceeding to be included herein. Since none of the parties commenting with respect to the above problem objected to the subject proposal for UHF, their comments need not be considered further in this UHF booster proceeding.

7. The following parties generally supported the proposal but did not comment with respect to specific rules: Basin TV Company (KBAS-TV, Channel 43, Ephrata, Washington), WATR, Inc. (WATR-TV, Channel 53, Waterbury, Connecticut), Prairie Television Company (WTVP, Channel 17, Decatur, Illinois), Great Lakes Television Company (WSEE, Channel 35, Erie, Pennsylvania), KCOR, Inc. (KCOR-TV, Channel 41, San Antonio, Texas), Sir Walter Television Company (WNAO-TV, Channel 28, Raleigh, North Carolina), WBRE-TV, Inc. (WBRE-TV, Channel 28, Wilkes Barre, Pennsylvania), Committee for Competitive Television and American Broadcasting Company.

8. Six parties submitted comments which support the proposal generally but suggest certain modifications. These are discussed in the following paragraphs.

9. Adler Electronics, Inc., which is engaged in the production of UHF transmitting apparatus, has operated an experimental UHF booster in conjunction with WATR-TV (Channel 53, Waterbury, Connecticut) since July 1955. Adler endorses the general proposal and subscribes to the comments of Electronics Industries Association (formerly RETMA). Adler suggests that the required suppression of emissions more than 3 mc above or below the assigned TV channel be reduced from 60 decibels to 40 decibels below the peak visual carrier power, with additional suppression added in individual cases if objectionable interference occurs. Adler contends that the proposed 60 decibels of suppression would add considerably to the cost of basic equipment and would be unnecessary at the majority of the actual installations.

10. Columbia Broadcasting System, Inc. supports the proposal generally but recommends the following modifications:

(a) CBS suggests that the rules expressly state that there is no numerical limit on the number of boosters used by a licensee to fill in shadows in its normal service area.

(b) CBS urges that the rules should clearly show that there is no fixed minimum separation required between boosters or between a booster and other TV broadcast stations since potential interference is controlled to a great extent by limitations on power and field intensity as well as the provision limiting boosters to the Grade A service area of the parent station.

(c) CBS submits that the provision in § 4.803(a) suggesting adjustment of time differential as a corrective measure for interference is impractical and should be deleted.

(d) CBS urges that the reference to "principal community" in §§ 4.835 and 4.837 should be deleted since the principal community might be difficult to determine and the provisions could impose an artificial and unnecessary barrier to providing service to two adjacent communities from a single booster. CBS suggests that "center of the area of highest concentration of population" could be used instead.

(e) CBS believes that the proposed requirement of § 4.803(c) that the booster licensee "assume full responsibility for resolving all valid complaints of interference" may be impossible to meet and recommends that the responsibility of the booster licensee be limited to "reducing the interference to a minimum."

(f) CBS suggests that the provision of § 4.883(b), which states that the Commission may request the operator on duty at the TV broadcast station to interrupt the transmissions of the booster for short intervals to aid in identification of a particular booster, should be modified to limit such requests to times when the booster is not transmitting programs since such interruptions may prove annoying to viewers.

11. Radio-Electronics-Television Manufacturers Association (RETMA), now Electronics Industries Association (EIA), supports the proposal generally but comments specifically with respect to the following:

(a) EIA now supports the proposal to restrict the use of boosters to areas within the Grade A contour of the primary TV station.

(b) EIA agrees that a reduction in out-of-band emissions should be specified but recommends that the proposed requirement be reduced from 60 decibels to 40 decibels below the visual carrier power, with additional attentuation required in individual cases of interference.

(c) EIA opposes any maximum limit on power since such a restriction may raise problems when a booster operates close to the primary station. EIA is of the opinion that the amount of power which may be employed will be automatically limited by design considerations, which restrict the possible gain in the amplifier because of "feed-back" problems. The output power would thus be controlled by the strength of the signal available from the primary station and would decrease with distance from the primary station.

(d) EIA recommends against imposing a maximum field intensity over the area to be served since this will be governed by the automatic limit on power output. In this connection, EIA believes the political boundaries of a "principal community" would be difficult to define.

(e) EIA supports the proposal which would limit the field strength to not more than 5 millivolts per meter at 68 miles from the primary station.

(f) EIA suggests that the term "maximum overall gain" in § 4.850(d) be changed to "maximum utilized gain" to embrace circumstances where the booster amplifier might be operated below its maximum capabilities.

12. Joint Council on Educational Television (JCET) supports the proposal generally but expresses concern that boosters operating in locations at less than the minimum separations required by regular TV broadcast stations may cause interference under certain conditions. JCET suggests that an applicant proposing a booster at less than the normally required separation from any TV broadcast station be required to submit a special showing with regard to potential interference.

13. Indiana Broadcasting Corporation supports the proposal generally but believes that the requirement of § 4.834(a)(3), that a manned control point be established in the areas served by the booster, would add substantially to the cost of operation and might discourage the use of boosters. Indiana Broadcasting suggests that the rules also permit remote control of boosters from the primary station if automatic devices are incorporated which will transmit a warning signal to the control point by wire lines if the booster equipment malfunctions.

14. National Broadcasting Company, Inc. supports the proposal generally and stated that it was considering the use of boosters in conjunction with its UHF stations at Buffalo, New York and New Britain, Connecticut.[4] NBC suggests the following modifications:

(a) Delete the provision in § 4.832(b)(1) that would require a showing that 50 percent of the locations in the area proposed to be served by the booster receive signals of less than 5 millivolts per meter from the primary station. NBC contends that this requirement would be burdensome, that making such a determination with respect to the "principal community" would not necessarily indicate that the area adjacent to the "principal community" and served by the contemplated booster had less than 5 millivolts at more than 50 percent of the locations, and that the purpose of the rule is obscure. NBC urges that deletion of this requirement would not lead to abuses since self-interest would deter broadcasters from placing boosters in areas where they are not actually needed.

(b) Delete the restriction on maximum power in § 4.835(c) and let this be governed by the strength of the signal available from the primary station at the booster location. NBC contends that the provisions of § 4.803(c) and (d) afford adequate protection to other services from interference by the booster and that limiting the 5 millivolt per meter field to within the Grade A contour of the primary station guards against extension of the service area of a TV station.

(c) NBC states that the reference in § 4.835(a) to political boundary of the principal community may be difficult to determine and that elimination of the limit on maximum power and maximum field intensity would remove any need for such a reference point.

DISCUSSION

15. The Commission agrees with CBS that the sentence in § 4.803(a) concerning adjustment of the time differential of the modulation envelope should be deleted.

16. On the basis of the comments of NBC with regard to § 4.832(b)(1), we have reconsidered the proposed requirement that booster applicants indicate the quality and extent of direct reception in the area proposed to be served, and agree that the cost and complexity of the necessary field strength survey outweighs the importance of the data so obtained. This requirement has therefore been deleted.

17. We do not agree with the suggestion by CBS regarding § 4.803(c)—that the licensee of a booster should assume responsibility for interference only to the extent of "reducing it to a minimum." On-channel amplifiers used for "boosting" and re-radiating TV signals inherently are a source of potential interference. The subject rules stress this fact and there will undoubtedly be places where boosters cannot be operated because of insoluble interference problems. Where a TV booster is authorized, the burden of resolving interference must, in our judgment, rest with the licensee. In the experimental UHF booster operations that have been conducted to date, it has been found that when a UHF booster is properly located, it is possible to eliminate interference through the use of readily available engineering procedures. If the circumstances are such that the booster cannot be properly located, the operation is not feasible. The Commission is placing the burden of eliminating interference on the licensee to prevent the use of boosters to provide service to one group of people at the expense of service to another group, even though such use might result in a net gain in audience.

18. We have carefully considered the comments of Indiana Broadcasting Corporation concerning the establishment of a monitoring point in the area served by the booster and conclude that the

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[1] In connection with that pleading, the following parties filed comments endorsing the Governor's comments: Congressman Don Magnuson (Washington), Congressman Emanuel Celler (New York), Congresswoman Gracie Pfost (Idaho), and Governor Charles H. Russell of Nevada. In addition, the following parties referred to or forwarded copies of the pleading filed by the Governor of Colorado and requested that they be kept advised of developments: Senator Carl Hayden (Arizona), Senator Warren G. Magnuson (Washington) and Congressman James Roosevelt (California).

[2] To the extent that they may be pertinent, the comments of Television Montana, Inc., will be considered in Docket No. 12116.

[3] Their comments generally paralleled those of Governor McNichols and will be considered in Docket No. 12116 concerning low power television repeater stations.

[4] NBC has since terminated the UHF operation at Buffalo and disposed of its UHF station at New Britain.

additional protection against interference caused by improper operation, which might be afforded by the establishment of a local monitoring point is not sufficient to warrant the cost of establishing such a monitoring point. The most important feature of the originally proposed local monitoring point was the provision for manual on and off control of the booster, particularly in the event of failure of the remote on and off control. This problem has been met by adding a requirement to the remote control provision which makes necessary the periodic transmission of a "cue" signal by the primary station. Failure of the primary station to transmit the cue signal or failure of the booster control circuit to receive the cue signal will automatically place the transmitter in an inoperative condition. The cue signal need not be transmitted more frequently than intervals of one hour.

19. CBS, NBC, and EIA commented extensively with respect to § 4.835. It is their consensus that using the political boundaries of a "principal community" as a reference point in connection with the maximum limit on field intensity radiated by a booster is impractical and might introduce artificial restrictions on the use of boosters. All of the parties subscribed to the provisions of paragraph (b) (4) of this section, which would prohibit the radiation of a field having an intensity in excess of 5 millivolts per meter beyond the theoretical Grade A contour (68 miles) of the primary station; and EIA and NBC submitted that the further restriction limiting the radiated field to 5 millivolts per meter over the "principal community" is unnecessary. CBS suggested as a reference point "the center of the area of highest concentration of population" in the area proposed to be served by the booster in applying the proposed restriction. NBC and EIA recommended that paragraph (c) be deleted and that no maximum power limit be specified. Both expressed the view that there is an automatic limit on power imposed by the practical limits on the amplification of the signals received from the primary station which can be accomplished. They maintain that since the strength of the direct signals diminish with the distance from the primary station, less power can be employed at the booster as the distance from the primary station increases, and no specified limit is necessary.

20. We adhere to our belief that a ceiling on the maximum power which may be used by a television broadcast booster station, should be included in these rules. However, we have reconsidered the original proposal which would have determined this "ceiling" on the basis of a predicted field strength over a "principal community" and conclude that this would add an unnecessary complexity to the rules. Accordingly, the rules adopted herein limit the power in only two regards; (1) the maximum effective radiated power which will be authorized is 5 kilowatts, and (2) no booster installation will be authorized which would produce a predicted field of more than 5 millivolts per meter beyond the normal Grade A (68 mile) contour of the primary station.[5] The problem of interference to other television stations, raised by JCET, is met by the provisions of § 4.804 which require the TV booster licensee to correct any condition of interference to other TV stations which occurs as the result of a field strength from the booster in excess of that which could be produced at the place where the interference occurs, by the primary station if it were operating at its authorized location with an effective radiated power of 5,000 kilowatts from an antenna 2,000 feet above average terrain.

21. Deletion of the rules which would have required determination of field strength over a "principal community" eliminates the need for establishing such a reference point. For record purposes a booster will be identified with the largest community in the area which it serves, i.e., the license, in addition to the geographic coordinates, will specify such community.

22. With regard to CBS's suggestion that the rules clearly show that no numerical limit is placed on the number of TV boosters that may be used by a single licensee, we have added language to § 4.832(c) which makes this clear.

23. On the basis of the comments of Adler and EIA, the Commission has reconsidered the proposal in § 4.836(c) which would require that spurious emissions, including any emissions more than 3 megacycles above or below the upper and lower limits of the assigned channel, be suppressed at least 60 decibels below the peak visual carrier amplitude. Adler and EIA have suggested that a suppression of only 40 decibels would be adequate. In view of the statements that achieving the additional 20 decibels of suppression above 40 decibels will add substantially to the cost of equipment and our experience with UHF translators which have been operating for over a year with less than 60 decibels suppression, we are incorporating the suggested reduction in the suppression requirement in §§ 4.836(c) and 4.850. However, § 4.836 (c) will continue to provide that additional suppression may be required in individual cases where interference is caused by out-of-band emissions.

24. JCET urges adoption of minimum geographic separations between boosters, and between a booster and a regular TV broadcast station. CBS on the other hand urges that the rules clearly show that no minimum spacings are required. JCET expresses concern at the possibility of interference if no separation requirement is specified. Application of the separation requirements of Part 3 of the rules to boosters would make it virtually impossible to find satisfactory locations in regions where boosters are needed. UHF operation is concentrated in areas of high population density. In such areas there is often little flexibility in the allocation of UHF channels since many of the allocations have been made at or near minimum spacings. Therefore, boosters proposed to serve communities beyond the immediate area around the TV station would, in many cases, not meet minimum spacings to other UHF stations or assignments. By confining boosters within the theoretical Grade A contour, limiting the power to 5 kilowatts and requiring correction of interference which occurs as the result of fields in excess of those which could be produced by the primary station, we accomplish substantially the same degree of protection to other co-channel TV stations as is provided by the minimum separations. Interference can be controlled in most cases by the judicious choice of booster sites and the intelligent use of the directive properties of transmitting antennas and individual TV receiving antennas in the areas served by the booster. In circumstances where such measures are inapplicable, other means, such as translators or satellite operation may be employed to provide the needed service.

25. Sections 4.803, 4.804 and 4.832(b) are intended to insure that the use of a TV booster does not deprive people of otherwise satisfactory service. These rules are designed (1) to guard against the destruction of the service of a TV station other than the primary station whether or not a substitute service is provided by the TV booster and (2) to prevent the degradation of service received directly from the primary station unless the substitute service provided by the booster is of equivalent quality. However, in neither of the above cases is it intended to provide protection over and above that which is provided under the rules governing TV broadcast stations. Therefore, the responsibility of the licensee of the TV booster with respect to interference, applies only in those cases where the interference results from the existence of signals from the booster having a strength in excess of that which would be produced at the same location, by the primary station operating with the maximum power and antenna height permitted under the TV rules. The provisions of § 4.804 place a continuing requirement on the licensee of the TV booster and the responsibility for resolving valid complaints of interference applies not only to interference to stations existing at the time the TV booster is placed in operation but also to interference which may develop as the result of new TV stations coming into operation. Although the rules are concerned only with actual interference, applicants should carefully consider potential interference and the hazard of interrupted operation posed thereby.

26. EIA suggested that § 4.850(d) refer to "maximum utilized gain" rather than "maximum overall gain." The term "overall gain" as used in this section simply means the net gain of the booster amplifier between the input and output terminals, and refers to the actual utilized gain, not the maximum capabilities of the amplifier. Therefore, no change in the wording of this rule appears necessary.

27. We have found it unnecessary to require these boosters to transmit individual call signs. They are licensed only to the licensee of the TV broadcast station they are retransmitting and the transmission of the TV station call sign provides rapid identification. If it becomes necessary to obtain emergency suspension of operation due to interference, these devices can be turned off from the TV station by the transmission of a coded signal. The proposed rule contained a provision whereby the Commission could request that the transmissions of a booster be interrupted for short intervals of time to facilitate identification. CBS suggested that such interruptions be limited to periods when no program is being transmitted. The importance of rapid identification outweighs the slight annoyance of inconvenience of program interruption. If a TV station licensee operates more than one booster selective coding may be employed to control each booster separately. This would avoid having to turn off all the boosters when interruption of the signal of only one is needed to identify improper operation or eliminate interference. It should not be necessary to interrupt the transmissions of the primary TV station for this purpose.

28. The present Television Agreements with Canada and Mexico do not cover the matter of "booster" amplifiers. Under rules such as those adopted herein, boosters may not be used to extend the service range of a TV station beyond that which it could obtain with the maximum power and antenna height at the site of its main transmitter. Consequently, such operation may be considered to come within the purview of the Agreements. However, in the interest of good international relations, the Commission will not act unilaterally in this matter and will initiate action looking toward securing concurrence of the governments of Canada and Mexico in the matter of licensing these devices in the vicinity of the borders. Pending the completion of such an arrangement, applications proposing UHF boosters in conjunction with assignments listed in the Canadian or Mexican TV Agreements and located more than 15 miles from the site of the main transmitter in the direction of the border of Canada or Mexico, will be referred to the appropriate Government on a case-by-case basis.

29. In order to implement the rules, we are adopting FCC Form 343 to be used in applying for a Construction Permit for a Television Broadcast Booster Station. This form will be available shortly.

30. Authority for the adoption of the rules herein is contained in sections 4(i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (j), and (r), and 307(b) of the Communications Act of 1934, as amended.

31. *Accordingly, it is ordered,* That effective July 5, 1960, the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: May 25, 1960.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 1.322(a) is amended by adding the following new subparagraph:

§ 1.322 Application forms for authority to construct a new station or make changes in an existing station.

(a) • • •

(6) FCC Form 343 "Application for Authority to Construct or Make Changes in a Television Broadcast Booster Station."

2. Section 1.325(a) is amended by adding the following new subparagraph:

§ 1.325 Application for license to cover construction permit.

(a) • • •

(6) FCC Form 344 "Application for Television Broadcast Booster Station License."

3. Section 1.328(d) is amended by adding the following new subparagraph:

§ 1.328 Application for renewal of license.

(d) • • •

(6) FCC Form 345 "Application for Renewal of Television Broadcast Booster Station License."

4. Section 4.15 is amended by adding the following new paragraph:

§ 4.15 License period.

• • • • • •

(c) The license of a television broadcast booster station will be issued for a period running concurrently with the license of the television broadcast station (Primary Station) with which it is used.

5. Add a new Subpart H to read as follows:

Subpart H—Television Broadcast Booster Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

Sec.
4.801 Definitions.
4.802 Frequency assignment.
4.803 Interference to primary station.
4.804 Interference to other stations and services.

ADMINISTRATIVE PROCEDURE

4.811 Administrative procedure.

LICENSING POLICIES

4.831 Purpose and permissible service.
4.832 Eligibility and licensing requirements.
4.833 [Reserved]
4.834 Remote control operation.
4.835 Power limitations.
4.836 Emissions and bandwidth.
4.837 Antenna location.

EQUIPMENT

4.850 Equipment and installation.
4.851 Equipment changes.

TECHNICAL OPERATION

Sec.
4.861 Frequency tolerance.
4.862 Frequency monitors and measurements.
4.863 Time of operation.
4.864 Station inspection.
4.865 Posting of station and operator's licences.
4.866 Operator requirements.
4.867 Marking and lighting of antenna structures.
4.868 Additional orders.
4.869 Copies of rules.

OPERATION

4.881 Station records.
4.882 [Reserved].
4.883 Station identification.
4.884 Rebroadcasts.

AUTHORITY: §§ 4.801 to 4.884 issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307.

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.801 Definitions.

(a) Television broadcast booster station: A station in the broadcasting service operated for the sole purpose of retransmitting the signals of a television broadcast station by amplifying and reradiating such signals which have been received directly through space, without significantly altering any characteristic of the incoming signal other than its amplitude.

(b) Primary station: The television broadcasting station radiating the signals which are retransmitted by a television broadcast booster station.

§ 4.802 Frequency assignment.

A television broadcast booster station will be assigned the channel and carrier frequencies assigned to its primary station.

§ 4.803 Interference to primary station.

(a) An application for a new television broadcast booster station or for a change in the facilities of an existing station shall be accompanied by a detailed showing and discussion of the areas of potential interference. The showing shall include:

(1) A suitable map of the area in which the booster is proposed to be operated showing the location of the booster, the direction from the booster toward the primary station and the distance to the primary station, the radiation pattern of the booster, and the areas in which an unfavorable ratio is likely to exist between the direct signal and the boosted signal. If certain terrain features are expected to confine or otherwise minimize interference, these shall be clearly marked.

(2) A statement as to the approximate number of existing receiving installations which may be adversely affected by the proposed booster operation and the measures which will be employed by the applicant to restore reception, including an estimate of the cost of such restoration and how this cost will be borne.

(b) It shall be the responsibility of the licensee of a television broadcast booster station to correct any condition of inter-

[5] The proposal in Docket 13340 if adopted as proposed would eliminate the definition of Grade A service and revise the Field Strength Charts used for estimating service ranges. If these changes are adopted the rules relating to TV boosters will be appropriately amended to be consistent with the changes.

ference resulting from the operation of the booster to a receiving installation existing at the time the booster is placed in operation, which causes loss or degradation of on otherwise acceptable service from the primary station if requested to do so by the owner of the affected TV receiver. The licensee of the booster is expected to provide such advice, technical assistance, and materials as may be required to restore the lost service either by rejecting the booster signals to the extent necessary to restore the direct service to its original condition or by utilizing the booster service to replace the lost direct service. Refusal of the complainant to permit the application of remedies which are demonstrably capable of restoring the lost service will relieve the booster licensee of further responsibility for the correction of interference to that complainant.

§ 4.804 Interference to other stations and services.

(a) The licensee of a television broadcast booster station is responsible for the correction of interference to reception of other television broadcast stations or stations in other services, caused by:

(1) Radiation of radio frequency energy outside the channel assigned to the booster.

(2) Radiation of spurious emissions, i.e., emissions not contained in the visual and sound signal received from the primary TV station, within the channel assigned to the booster.

(3) Authorized emissions which produce a field strength at the affected receiver in excess of the theoretical field which would be produced by the primary TV station at that same location if the primary TV station were operating with 5 megawatts effective radiated power from an antenna 2,000 feet above average terrain, over a path of normal terrain. The theoretical value of field strength which could be produced by the primary station under the conditions stipulated, shall be determined by the use of the F(50,50) field strength charts for Channels 14–83, contained in § 3.699 of this chapter.

(b) Upon notification by the Commission that such interference has been reported, operation of the booster shall be suspended and shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to any of the above causes: *Provided, however,* That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures. In each case where suspension of operation is required, the licensee of the TV booster shall within 10 days after operation is resumed, submit a full report to the Commission of the cause and nature of the interference and the remedial steps taken to eliminate the interference.

(c) An application for a new television broadcast booster station shall contain a suitable map showing the locations of the proposed booster and all other TV boosters and television broadcast stations within 75 miles of the proposed booster site and operating on the same channel as the proposed booster or on any related channel shown in the columns opposite the proposed booster channel in Table IV of § 3.698 of this chapter.

ADMINISTRATIVE PROCEDURE

§ 4.811 Administrative procedure.

See §§ 4.11 to 4.16 inclusive.

LICENSING POLICIES

§ 4.831 Purpose and permissible service.

Television broadcast booster stations provide a means whereby the licensees of television broadcast stations operating in the UHF television broadcast band may provide service to areas of low signal intensity in any region which would be encompassed by the theoretical Grade A contour if the station were assumed to be operating with an effective radiated power of 5,000 kilowatts from an antenna 2,000 feet above average terrain over a transmission path of normal terrain. For the purpose of this section, the distance from a UHF television broadcast station to its theoretical Grade A contour under the above assumptions is 68 miles.

(a) A television broadcast booster station is authorized to retransmit only the signals of its primary station. It shall not retransmit the signals of any other station nor make independent transmissions: *Provided, however,* That locally generated signals may be used to excite the booster apparatus for the purpose of conducting tests and measurements essential to the proper installation and maintenance of the apparatus.

(b) A television broadcast booster station will not be authorized to operate at any location more than 68 miles from its primary station and shall not be operated to produce a field strength greater than 5 millivolts per meter at a height of 30 feet above ground at a distance of more than 68 miles from its primary station.

(c) The transmissions of a television broadcast booster station shall be intended for direct reception by the general public. Such stations may not be used to establish a point-to-point television relay system.

§ 4.832 Eligibility and licensing requirements.

(a) A license for a television broadcast booster station will be issued only to the licensee of a television broadcast station operating in the UHF television broadcast band, and solely for the purpose of retransmitting the signals of such television broadcast station.

(b) An application for a television broadcast booster station shall contain an adequate showing that:

(1) The proposed booster can be installed and operated so as to provide satisfactory reception without causing harmful interference to existing service, by the application of acceptable techniques.

(2) That a signal of sufficient magnitude is available from the primary station at the site of the proposed booster.

(c) No numerical limit is placed upon the number of boosters which may be licensed to a single licensee. A separate application is required for each booster transmitter. Television broadcast booster stations will not be counted as TV stations in applying the multiple ownership provisions of § 3.636 of this chapter.

§ 4.833 [Reserved]

§ 4.834 Remote control operation.

(a) A television broadcast booster station may be operated by remote control provided that such operation is conducted in accordance with the conditions set forth in subparagraphs (1) through (4) of this paragraph.

(1) The transmitter shall be equipped with automatic devices, which, in the absence of a signal from the primary station, will render the transmitter incapable of emitting radio frequency energy.

(2) The transmitter shall be further equipped with a device, which may be actuated by a coded signal or tone transmitted by the primary station, and which will permit turning the transmitter on and off at will from the primary station. The signal required to be transmitted by the primary station for this purpose shall be of such nature or of duration so short that it will not appreciably degrade normal reception of the primary station.

(3) As a precaution against loss of control due to failure of the control circuit, the circuit shall be designed so as to require reception of a cue signal from the primary station at intervals of one hour or less and failure to receive the cue signal will automatically place the booster transmitter in an inoperative condition.

(4) The transmitter and its associated controls shall be so installed and protected as to be inaccessible to unauthorized persons.

(b) An application for a new television broadcast booster station or for a change in the facilities of an existing station which proposes remote control operation, shall be accompanied by a satisfactory showing as to the manner of compliance with the above conditions. Unless remote control is specifically authorized pursuant to the above requirements, the booster transmitter shall be under the direct supervision of a qualified operator in accordance with § 4.866.

§ 4.835 Power limitations.

(a) A television broadcast booster station will not be authorized to operate with power in excess of that required to provide an adequate signal over the area intended to be served by the booster. Due consideration should be given to the provisions of § 4.804 which requires the licensee of a television broadcast booster station to correct any condition of interference which results from field strengths in excess of those which could be produced by the primary station at the place where interference occurs.

(b) In no event will a television broadcast booster station be authorized to operate with an effective radiated power of more than 5 kilowatts peak visual.

(c) In no event will a television broadcast booster station be authorized to operate at a location, and with an effective radiated power, and antenna height above average terrain, which would produce a predicted field strength of more than 5 millivolts per meter at any location more than 68 miles from the primary station. The predicted field strength of a television broadcast booster station shall be determined in accordance with the procedures set forth in Section 3.684 of this chapter. If a directive transmitting antenna is to be used to suppress radiation so as to comply with this requirement, the proposed directive pattern shall be supported with adequate engineering data.

(d) No minimum power is specified for television broadcast booster stations.

§ 4.836 Emissions and bandwidth.

(a) The license of a television broadcast booster station authorizes the transmission of the visual signal by amplitude modulation (A5) and the accompanying aural signal by frequency modulation (F3).

(b) Standard width television channels will be assigned and the emission of a television broadcast booster station shall be confined to the authorized channel in accordance with the Television Technical Standards contained in Part 3, Subpart E, of this chapter, except as provided in paragraph (c) of this section.

(c) Spurious emissions on frequencies more than 3 megacycles outside the assigned channel, other than radio frequency harmonics of the visual and aural carriers but including intermodulation products, signals other than those received from the primary station, and radio frequency energy generated within the booster apparatus, shall be attenuated no less than 40 decibels below the peak visual carrier amplitude. Radio frequency harmonics of the visual and aural carriers shall be attenuated no less than 60 decibels for transmitters operating with more than 1 kilowatt power output. For transmitters operating with power output of 1 kilowatt or less, the power of such radio frequency harmonics shall not exceed 1 milliwatt. Greater attenuation of all spurious emissions may be required if interference is caused to any radio service.

§ 4.837 Antenna location.

(a) The transmitting antenna of a television broadcast booster station shall be located within the Grade A contour of the primary station, as defined in § 4.831.

(b) An applicant for a new television broadcast booster station or for changes in an existing station shall endeavor to select a site which will provide a line-of-sight transmission path to the area intended to be served and at which there is a suitable signal available from the primary station. The transmitting antenna should be placed above growing vegetation lying in the direction of the area intended to be served to minimize the possibility of signal absorption by foliage.

(c) Consideration should be given to accessibility of the site at all seasons of the year and to the availability of facilities for the maintenance and operation of the television broadcast booster station.

(d) Consideration should be given to the existence of strong radio frequency fields from other transmitters at the booster site and possibility that such fields may result in the retransmission of signals originating on frequencies other than that of the primary station.

EQUIPMENT

§ 4.850 Equipment and installation.

(a) An application for a new television broadcast booster station or for changes in the facilities of an existing station shall supply complete technical details of the apparatus to be employed and the overall installation. The functioning of such automatic features or other safeguards as may be incorporated to prevent improper operation shall be fully described. If the apparatus is to be remotely controlled, a detailed description of the control features shall be included.

(b) The overall characteristics of the complete installation shall be essentially linear so as to accomplish retransmission of the incoming signals of the primary station without significantly altering any electrical characteristics other than the overall amplitude. Intermodulation products which may be generated shall be adequately removed from the transmissions of the booster so as not to constitute a source of potential interference. Provision shall be made in the circuits employed, to prevent the amplifier being driven into a non-linear condition over the full range of signal intensities within which the booster may be called upon to operate, or to cause it to cease radiating should non-linear operation or oscillation of any stage occur.

(c) The isolation between the input and output circuits of the booster, including the receiving and transmitting antenna systems, shall be at least 20 decibels greater than the maximum overall gain of the booster amplifier.

(d) The overall response of the amplifier shall not vary by more than 2 decibels over the entire assigned channel: *Provided, however,* That the amplitude of the aural signal may be decreased by a suitable amount if necessary to minimize intermodulation effects or eliminate interference between the sound and picture signals. The apparatus shall be capable of complying with the requirements of § 4.836(c) with respect to spurious emissions.

(e) In general, the transmitter shall be mounted on racks and panels or in totally enclosed frames protected as required by Article 810 of the National Electrical Code.

(f) The installation of a television broadcast booster station shall be made only by, or under the direct supervision of, a qualified electronics engineer and any repairs or adjustments made during or subsequent to the installation, which could result in improper operation, shall be made by or under the direct supervision of such an engineer or an operator holding a valid first or second class radiotelephone operator's license issued by the Commission.

(g) In cases where the electrical characteristics of the transmitting and receiving antennas of a booster station are used to provide the required degree of isolation between the input and output circuits, the installation of such antennas shall be sufficiently rugged and protected as to withstand such hazards as may reasonably be expected to be encountered due to their exposure to the elements and the local environment.

(h) Prior to placing a television broadcast booster station in regular operation, the permittee shall perform sufficient measurements of the completed installation to insure compliance with this section. These measurements together with a detailed description of the methods used in obtaining the measurements shall be submitted with the application for license for the booster station.

(i) Type acceptance of television booster amplifiers may be granted upon request in accordance with the type acceptance procedure set forth in Part 2 of this chapter; provided that measurement data and descriptive information submitted shows that the amplifier is capable of meeting the technical requirements of this subpart. The following measurement data must be supplied:

(1) Radio frequency power output (visual peak power).

(2) Over-all gain of the amplifier vs. frequency throughout the entire channel in which it is designed to operate.

(3) Spurious emissions appearing on frequencies outside the channel in which it is designed to operate, including radio frequency harmonics up to 2,000 megacycles.

§ 4.851 Equipment changes.

(a) Formal application (FCC Form 343) is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except replacement with an identical transmitter, or any modification which could result in a change in the electrical characteristics or overall performance of the booster installation.

(2) A change in the transmitting antenna system, including the direction of radiation, directive pattern, or transmission line.

(3) An increase in the authorized overall height of the antenna above ground of more than 20 feet or which will result in an overall height above ground of more than 170 feet.

(4) A change in the control system.

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole, and any horizontal change in the antenna location of the transmitting antenna in excess of 500 feet.

(6) A change of frequency assignment.

(7) A change of authorized operating power.

(b) Other equipment changes not specifically referred to above may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the television broadcast booster station is located and the Commission's Washington, D.C. office, are notified in writing upon completion of such changes, and provided, further, that the changes are appropri-

ately reflected in the next application for renewal of license of the television broadcast booster station.

TECHNICAL OPERATION

§ 4.861 Frequency tolerance.

The visual carrier frequency and the aural center frequency of the television signals transmitted by a television broadcast booster station shall be identical with those of the primary station.

§ 4.862 Frequency monitors and measurements.

The licensee of a television broadcast booster is not required to provide means for measuring the operating frequencies of the booster transmitter.

§ 4.863 Time of operation.

(a) A television broadcast booster station is not required to adhere to any regular schedule of operation. However, the licensee of a television booster station is expected to provide a dependable service to the extent that such is within its control and to avoid unwarranted interruptions to the service provided.

(b) If causes beyond the control of the licensee require that a television broadcast booster station remain inoperative for a period in excess of 10 days, the Engineer in Charge of the radio district in which the station is located shall be notified promptly in writing, describing the cause of failure and the steps taken to place the station in operation again, and shall be notified promptly when the operation is resumed.

(c) Failure of a television broadcast booster station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the station will be automatically forfeited.

(d) A television broadcast booster station shall not be operated during periods when the primary station is not operating.

§ 4.864 Station inspection.

The licensee of a television broadcast booster station shall make the station and the records required to be kept available for inspection upon request by representatives of the Commission.

§ 4.865 Posting of station and operators licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted at the place where the transmitter is located, so that all of the terms thereof are visible: *Provided, however,* That if the booster transmitter is operated by remote control and is located more than 20 miles from the primary station, the station license and other instruments of authorization shall be posted in the above-described manner at the transmitter of the primary station.

(b) The call letters and assigned channel of the primary station shall be displayed at the booster site on the structure supporting the transmitting antenna so as to be visible to a person standing on the ground at the booster transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee.

(c) The original of each station operator license shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by a representative of the Commission, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: *Provided further, however,* That if the operator in charge holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form), he shall not post that permit but shall keep it in his personal possession.

§ 4.866 Operator requirements.

(a) The actual operation of the transmitting apparatus at a television broadcast booster station shall be carried on only by a person holding a valid first or second class radio-telephone operators license: *Provided, however,* That where the booster transmitter is remotely controlled by the transmission of coded signals from the primary station, an unlicensed person may turn the power supplied to the booster by the power mains, on and off upon instructions from the operator on duty at the primary station.

(b) The licensed operator on duty and in charge of a television broadcast booster station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the television broadcast booster station.

§ 4.867 Marking and lighting of antenna structures.

The marking and lighting of antenna structures employed at a television broadcast booster station, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the conditions under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 4.868 Additional orders.

In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders, in each case as may be deemed necessary.

§ 4.869 Copies of rules.

The licensee of a television broadcast booster station shall have current copies of Part 3 and Part 4, and in cases where antenna marking is required, Part 17 of this chapter, available for use by the operator in charge, and is expected to be familiar with those rules relating to the operation of a television broadcast booster station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C., at nominal cost.

OPERATION

§ 4.881 Station records.

(a) The licensee of a television broadcast booster station shall maintain an operating log showing the following:

(1) Hours of operation.

(2) A record of all repairs, adjustments, maintenance, tests, and equipment changes, showing the date of such events, the name and qualifications of the person performing the operation, and a brief description of the matter logged.

(b) Where an antenna structure is required to be illuminated, see § 17.38 of this chapter.

(c) The operating log shall be made available upon request to any authorized representative of the Commission.

(d) Station records shall be retained for a period of two years.

§ 4.882 [Reserved]

§ 4.883 Station identification.

(a) Television broadcast booster stations will not be assigned individual call signs. Station identification will be accomplished by the retransmission of the call sign of the primary station.

(b) The Commission may request the operator on duty at the primary station to interrupt the transmissions of the booster station for short intervals of time in order to facilitate identification of a particular booster.

§ 4.884 Rebroadcasts.

(a) The term "rebroadcast" means the reception by radio of the programs or other signals of a radio or television station and the simultaneous or subsequent retransmission of such programs or signals for direct reception by the general public.

(b) A television broadcast booster station is authorized to rebroadcast only the signals of the primary station with which it is associated. In cases where the booster is located at a site where the signals of other television broadcast stations or other classes of stations may be received, care shall be exercised in the installation to insure that such other signals are not retransmitted: *Provided, however,* That occasional inadvertent retransmission of the signals of other co-channel TV stations caused by abnormal propagation conditions, will not be considered to be non-compliance.

[F.R. Doc. 60–5188; Filed, June 7, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1018]

[Docket No. AO–286–A2]

MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fort Lauderdale, Florida, on October 5 and 6, 1959, pursuant to notice thereof issued on September 21, 1959 (24 F.R. 7703).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 15, 1960 (25 F.R. 2263) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Definition of producer;
2. Price for Class I milk;
3. Classification and price for milk dumped;
4. Classification of diverted and transferred milk, shrinkage, and inventories;
5. Base-excess plan; and
6. Miscellaneous and conforming changes.
   (a) Definition of Chicago butter price;
   (b) Establishment of milk weights or measurements;
   (c) Advance payments; and
   (d) Adjustment of overdue accounts.

Findings and conclusions. The findings and conclusions relative to the base-excess plan were dealt with in a decision issued by the Acting Secretary on February 12, 1960 (25 F.R. 1412). The remaining issues were reserved for a later decision pending further study of the hearing record. The following findings and conclusions, on issues 1, 2, 3, 4 and 6 are based on evidence presented at the hearing and the record thereof.

1. *Definition of producer.* The definition of producer should be changed to allow a producer's milk to be diverted temporarily to nonpool plants. The definition should exclude persons who use the same farm production facilities to produce milk for other markets unless such deliveries to other markets are covered by the diversion provision.

A diversion provision in the order was proposed by the Independent Dairy Farmer's Association, Inc. Members of the association produce 90 percent or more of the regular supply for the market. The association performs the services of allocating member milk among handlers according to their needs, obtaining needed supplemental supplies, and arranging for disposal of milk in excess of handler's needs.

During the years of 1958 and 1959, the problem of disposing of milk in excess of handler's immediate needs has increased. The increase in production in relation to sales is discussed in detail in other parts of this decision. Variations in fluid sales, particularly through stores, has become increasingly important in causing short-term changes in the supply-sales relationship.

It is concluded that a diversion provision will aid the producer's association in finding outlets for temporary surpluses which are necessarily associated with production of a reliable and adequate supply. It will also provide a means of more equitable sharing of the burden of such surplus on the basis of marketwide pooling. Such a provision will enable movement of a producers milk directly from his farm to a nonpool plant. Inasmuch as the association does not have a plant, the diversion provision will extend the association's ability to move milk to plants where it may be used without depending on the services of handlers' plants. The diversion operation will also be more economical in handling of the milk than receiving it at a pool plant prior to transfer to a nonpool plant. A cooperative association which diverts milk for its account would be the responsible handler for such milk.

Handlers requested that the diversion privilege should also be available to them. Inasmuch as the Independent Dairy Farmer's Association regularly performs the function of allocating member milk to various plants according to market needs, and the membership includes all but a few producers, it may be expected that relatively few diversions would be made by plant operators. Nevertheless, handlers should be permitted to divert milk of nonmembers, in order to provide for economical disposition for such milk when it is not needed at the plant where regularly received.

In order to assure that diverted producers are genuinely associated with the market, the requirement in the producer definition for delivery to a pool plant on eight days in the current or previous month should be retained.

The testimony with respect to diverting milk shows a need to provide appropriate classification of the milk as discussed under another part of the findings and conclusions.

The producer association also requested that any person who produces milk for another market, except as would be provided under a diversion arrangement, should not qualify as a producer for this market. If a dairy farmer sells part of his production in this market and part in another market, he may arrange so that his deliveries to the other market closely approximate the amount of his base in that market. For this base milk he may be paid a price in the other market close to the level of this market's Class I price. At the same time, such a dairy farmer, if he is qualified as a producer under the order for the Southeastern Florida market, will share in the marketwide utilization of milk as reflected in his deliveries to a pool plant. Such a farmer's deliveries to this market would represent merely the variable excess of his production over the needs of the other market. As a result, the marketwide pool of this market would be burdened with the surplus or reserve of other markets without a share of the associated fluid sales in such other markets.

Furthermore, in the southern Florida area, plants in this market and surrounding markets are primarily engaged in fluid milk handling for route sales, and usually buy only enough of locally produced milk to cover fluid sales. Thus the shifting of deliveries to other markets in the manner described tends to increase the burden upon this market to obtain supplemental supplies.

It is concluded that the order should limit the conditions under which a dairy farmer may have producer status and yet deliver part of the production from the same production facilities to another market. The term production facilities would include the milking barns and premises. Such partial shifting of deliveries should be only through diversion by a handler (including a cooperative association). This would not preclude any farmer from shifting his entire production to another market. Furthermore, since such a limitation could be circumvented by a producer by assigning part of the herd to a member of his family as another producer on the same farm, it is necessary that the definition of producer exclude persons who produce milk using the same farm production facilities which are used by him or another person to produce milk for another market. It is not practical, however, to place a limitation, as requested at the hearing, on producer qualification with respect to shipments from separate farms to this and another market. To give any producer now delivering part of his production to other markets an opportunity to change his business arrangements, this limitation on producer status should become effective January 1, 1961.

2. *Class I Price.* The price for Class I milk should be subject to adjustment based upon the relationship of producer milk supplies to Class I disposition by pool plants. The adjusted Class I price should not exceed a value for manufacturing milk by more than $4.00 nor should it be less than such manufacturing price plus $2.75.

Since the order prices were made effective September 1, 1957, there has

been considerable change in the supply-demand situation in the market, although the price for Class I milk has remained constant at $7.00 per hundredweight. During the early period under the order, the supply of producer milk was very close to the quantity of milk needed for Class I sales and in some months there were shortages which were met by shipments from other markets. Since that time, both supplies of producer milk and Class I sales have increased. Throughout 1959, however, the supply of producer milk has been at a higher level in relation to Class I sales than in previous periods. Prior to that time, the percentage of producer milk assigned to Class I was never less than 91 percent and in most months exceeded 95 percent. During 1959, the percentage of producer milk assigned to Class I was less than 90 percent in 8 of the twelve months. The lowest monthly utilization was 82.3 percent in Class I in May. Official notice is taken of data on milk receipts and utilization published by the market administrator.

During the year 1959, there have been large quantities of distress skim milk which have been dumped. No plant in or near the market has equipment for manufacturing large quantities of excess skim milk into a storable form.

A further factor in the supply situation is the ability of the market to depend on supplemental supplies from other fluid markets which have ample reserve supplies. The relationship of the price level in this market to price levels in markets with more ample supplies has an important bearing on this matter. In recent years the Southeastern Florida market has obtained supplemental milk from Bristol, Tennessee (Order No. 23), Chattanooga, Tennessee (Order No. 100), Chicago, Illinois (Order No. 41), and Springfield, Missouri (Order No. 21). Computations using a hauling rate of 1½ cents for each 10 miles (and adjusting for butterfat test) would result in an average cost of milk in 1959 delivered to Miami of $6.77 from Bristol, Tennessee, $6.35 from Chattanooga, $6.13 from Chicago, and $6.37 from Springfield, Missouri. These computations make no allowance for special handling charges or other mark-ups. Although the price differences between these markets and the Southeastern Florida market tend to narrow in the months when this market is shortest of milk, the type of computation referred to for the months of December 1958 through February 1959 for milk from the Chicago market would give a price 83 cents less than the price in this market.

In the case of milk from Bristol, Tennessee in these months the computed price difference was 9 cents per hundredweight under this market, and similarly for Chattanooga, 62 cents; and for Springfield, Missouri, 57 cents. In view of the ability of this market to depend on other markets for supplemental supplies, this market may be adequately supplied although only a small amount of reserve milk is locally produced.

The changes in the supply-demand situation in the market show a definite need for a Class I pricing formula which is responsive to such changes in market conditions. Formula calculations based on the cost of feed and a local industrial wage index, which have been in the order provisions, although not effective, have not provided a suitable basis for a Class I milk price formula. The supply-demand adjustment stated in the order has not been made effective, and would not provide an adequate reflection of market conditions if it were effective. A supply-demand adjustment more closely related to experience in the market under order regulation should be used.

The Independent Dairy Farmer's Association, Inc., proposed that the Class I price be subject to a supply-demand adjustment which could adjust the price as much as 20 cents above or below the present price of $7.00 per hundredweight. The association recommended the continuance of the present order relationship to the manufacturing milk value described in § 1018.50(b), and the deletion of the present ineffective order provisions under which computations are made of supply-demand figures and feed-wage price formula.

The proposed supply-demand adjustment would be based on milk utilization figures for the four preceding months. As an indicator of demand, Class I disposition in the marketing area by pool plants and by nonpool plants including that of producer-handlers would be used. On the supply side this computation would include milk received from producers and milk produced by producer-handlers. Class I disposition outside the marketing area by pool plants would not be included because of possible erratic variations. The normal utilization percentages in such proposed supply-demand adjustment would range from 112 percent to 117 percent of supply as a percent of sales. The actual percentage of utilization on this basis was calculated to range from 99 percent to 112 percent for price adjustments applicable in the period from October 1958 through September 1959. The resulting computed adjustments ranged from plus 52 cents to minus 20 cents, but actual adjustments in either direction would be limited under the proposal to 20 cents.

The foregoing proposal includes production and sales of producer-handlers. This milk is not priced under the order and accordingly is not subject to the same kind of supply-demand considerations as producer milk. Class I sales by pool plants outside the marketing area should be included as part of the demand for producer milk. The omission of these sales in the proposal by producers was for the purpose of avoiding the effect of variations in outside sales, such as might be caused by a handler transferring his outside sales to a nonpool plant which he operates. The latter situation, however, would usually represent an actual change in the supply-demand situation in this market, whether the handler did or did not shift corresponding volume of production along with the sales.

Utilization in the market during a recent four-month period, with somewhat different methods of calculation than proposed by producers, would provide a suitable basis for a price adjustment reflecting particularly the situation in the most recent of the four months, as well as a progressively greater effect to the extent that a particular level of utilization persisted for more than one month during the four-month period.

The relationship of supply to demand may be expressed for this purpose by calculating the percentage that producer milk is of the quantity of Class I disposition. The supply-demand adjustment adopted herein would combine the receipts and disposition of each two successive months, and would use three such two-month utilization percentages. A price adjustment for the month of January, for example, would be based on the three utilization percentages for the preceding August–September, September–October and October–November periods. These months would be the latest for which data would be available so that the supply-demand price adjustment could be announced before the month in which it is effective.

The amount of price adjustment would depend on the difference of each two-month utilization percentage from a corresponding standard established for such two-month period. These differences would be called deviation percentages. The three successive deviation percentages to be used in the price adjustment for each month, would be applied in a manner so that the more recent of the deviations would be given more importance than the earlier of the three deviation percentages. This would be done by eliminating any deviation which is in the opposite direction (above or below the corresponding standard) from a more recent deviation, and reducing any deviation figure to the extent that it exceeds a more recent deviation. The sum of the remaining deviation percentages would be the basis for price adjustment. The price adjustment would be upward or downward depending on whether the sum of the deviations reflects utilization below or above, respectively, the standard utilization percentages.

The rate of price adjustment for each deviation percentage should be 1½ cents rather than the 2 cent rate in the recommended decision. This change is made in light of producer exceptions which protested that the standard utilization percentages in the recommended decision would yield Class I prices lower than could be justified. Standard utilization percentages recommended by the producer association would have resulted, however, in price adjustments too large on the plus side in some past periods, particularly 1958. It is concluded elsewhere in this decision that the utilization percentages in the recommended decision represent a better seasonal pattern and annual level for the kind of price adjustment needed in this market

than do the percentages recommended by the producers. In view of producer exceptions and other considerations referred to, it is concluded here that the lesser rate of price adjustment on both the upper and lower side of the current price level will provide adequate response to supply and demand conditions in the market.

Fractional amounts resulting from the one-and-one-half-cent rate should be rounded to the next largest figure (plus or minus).

The standard utilization percentages specified herein for use in the supply-demand adjustment have been developed on the basis of the experience with the changes in supply and demand since the order was established. As evidenced in the record and by the market data of which official notice was taken in the recommended decision, a more than an adequate supply of milk has developed at the price level of $7.00 per hundredweight which has been the price throughout the effective period of the order. In accordance with the act under which the order is issued, the level of price should reflect the market supply and demand condition. For this reason the level of price should be reduced when the supply is as large in relation to sales as it has been in recent periods of oversupply. The standard utilization percentages therefore represent a means of arriving at such price adjustment.

The producers in their exceptions complained that the standard utilization percentages in the recommended decision did not represent an optimum relation of supply to sales. In this connection, it is pointed out, that the standard utilization percentages merely serve as a basis for arriving at appropriate price adjustments in view of market experience. In this light, it is not necessary that the standard percentages represent the most desirable utilization to be achieved by the market.

There are definite seasonal changes in the level of Class I disposition. The seasonal increase may begin in September and continue to increase to the highest level in January or February. Production has generally increased seasonally in the same manner. The decline in Class I disposition during spring months tends to be more rapid than changes in production. As a result, during spring months supplies become more ample in relation to Class I sales. Such seasonal changes in the utilization of producer milk are sufficiently definite to be recognized to some degree in the mechanism of a supply-demand adjustment, although the two years of experience under the order does not establish precisely a normal seasonal pattern. Accordingly, a given level of utilization in the spring months should correspond to a higher adjusted price than for the same level of utilization in the late summer and fall months.

The standard utilization percentages to be used in the supply-demand adjustment would be as follows:

Month for which price applies	Months for which utilization is computed	Standard utilization percentage
January	October–November	100
February	November–December	103
March	December–January	105
April	January–February	105
May	February–March	108
June	March–April	112
July	April–May	114
August	May–June	114
September	June–July	112
October	July–August	107
November	August–September	104
December	September–October	100

At the level of utilization which has existed since October 1957, the supply-demand formula would have resulted in adjustments ranging from plus 30 cents per hundredweight in the month of November 1958 to minus 53 cents in February 1960. The average adjustment for the year 1958 would have been plus 16 cents and for 1959 minus 15 cents.

The tie-in of the Class I price with the value of milk for manufacturing uses will provide an adequate limit to the operation of the supply-demand adjustment. This tie-in based on a relationship to prices paid by Mid-West manufacturing plants and prices of nonfat dry milk and butter, requires that the Class I price be not less than $3.25 over the manufacturing milk formula value, and be not more than $3.75 over such formula value. Although this tie-in has not affected the Class I price in any month since the inception of the order, it is apparent that the limits of this tie-in relationship would limit the action of the supply-demand adjustment to a narrow range. In view of the need to provide a pricing mechanism more responsive to supply and demand conditions, the limits of the relationship to the manufacturing milk value should be widened. The lower limit should be established at $2.75 over the manufacturing milk value and the upper limit at $4.00 over such value.

3. *Dumped milk.* Skim milk dumped should be classified and priced as Class II milk.

Production of milk for this market since the latter part of 1958 has increased faster than Class I disposition. An excess of supply over Class I sales has resulted. Although there is generally use for the butterfat of such excess milk in fluid cream, ice cream, or storage cream, the outlets for the skim milk portion are very restricted by lack of manufacturing facilities. As a result, during the January-July period of 1959, handlers returned large quantities of skim milk to producers through the producer's association for dumping.

A proposal made by representatives of producers, intended to facilitate the handling of skim milk in such circumstances, would classify the dumped skim milk as Class II milk, but would allow the handler a credit for such skim milk at the rate of the Class II price for 4.0 percent milk less $3.00. This difference would have ranged between $1.39 and $1.41 in the January-July period of 1959. The figure of $3.00 is equivalent to the value of four pounds of butterfat arrived at by applying the producer butterfat differential of 7.5 cents provided under the order. Hence, there would be no value attached to the skim milk.

It is pointed out in connection with the prior findings on Class I prices that in the early period under the order, the supply of milk from local sources was very close to the amount of milk needed for fluid sales. When supplemental milk was needed it was obtained from distant markets. More recently, the local supply of milk has increased to the point that skim milk is in excess of the needs for the fluid market.

In a fluid market the unpredictable variations in supplies and fluid sales can be met either out of a reserve produced locally or by obtaining supplemental milk from other markets. Although the change in the supply situation since the order became effective might be interpreted as the development of a local reserve supply, physical facilities for handling such a reserve have not been provided. Under the circumstances it may be just as feasible for the market and in the interest of consumers to maintain a pricing arrangement which will promote a supply of milk which is geared to the facilities available for the economic disposal thereof. Appropriate adjustments of the Class I price have been considered in this decision to encourage a proper balance of supplies in relation to the requirements for the fluid market.

The primary purpose of a milk marketing order is to provide for the orderly marketing of milk produced for sale in a regulated marketing area. This is achieved chiefly by the use of the classified price plan and the pooling mechanisms provided in the order. It is presumed that the Class prices established will be at levels which will encourage the utilization of milk in its most economical outlets. A pricing system which assigns no value for skim milk when it is dumped, while at the same time establishing a significantly higher value for all other uses of skim milk, will obviously not encourage the disposition of skim milk in its most economical uses. On the contrary, such provision could only encourage the wastage of skim milk.

The problem here is to find a pricing level for skim milk in Class II which will accommodate its utilization in some form of useful product. The evidence, however, did not address itself to this matter and, consequently, the basis is not provided in this record for establishing a value for Class II skim milk different from that which is presently provided.

In view of the above considerations it is concluded that dumped skim milk should be classified and priced as Class II milk.

4. *Classification:* Milk transferred or diverted to nonpool plants, shrinkage, and inventories.

(a) *Transfers and diversions.* The discussion in previous findings and con-

clusions with respect to the producer definition, particularly the diversion of milk from producers' farms to nonpool plants, shows the need to establish rules of classification for diverted milk.

Most of the nonpool plants in Florida to which producer milk may be diverted are in the fluid milk distribution business. These plants depend very largely on supplies of milk received directly from dairy farmers, and usually have only a relatively small margin of such receipts over their volume of fluid sales.

If a handler in this market diverts milk to any nonpool plant which has more Class I disposition than milk received from the farmers primarily associated with the nonpool plant, the diverted milk should be considered as part of the supply upon which the nonpool plant depends to cover Class I disposition. Accordingly, after assignment of Class I disposition of the nonpool plant to dairy farmers which supply approved milk to the nonpool plant, any remaining Class I disposition should be assigned to producer milk diverted to the nonpool plant, with provision, however, for similar classification for milk originating at plants under other Federal orders. If the nonpool plant has received milk classified and priced as Class I milk under other orders, the assignment of Class I disposition to diverted milk should be pro rata with the milk which has been classified and priced as Class I milk under the other Federal orders.

In this connection, a proposal was made by producers that the classification of producer milk should not be restricted to Class I when the diversion is to a plant more than 350 miles from Boca Raton, Florida. It was suggested that the mileage limitation be extended to 900 miles so that milk could be diverted to Chattanooga, Tennessee, for surplus disposition. It was claimed in this connection that the plant of the Chattanooga Area Milk Producer's Association is the nearest plant which could regularly accept such diversions for manufacturing purposes.

For the purpose of effective administration of the order, some limitations must be set on the requirements upon the market administrator to determine final disposition of producer milk in other than Class I use. The mileage figure referred to is such a limitation. In this case the limit may be extended to 500 miles from Boca Raton and be in accordance with administrative feasibility. In the case of movements of milk beyond such distance, if the nonpool plant is regulated under another Federal order, reliance could be placed on the verification procedures under the other order. Such would be the case for shipments to the Chattanooga association plant as long as that plant is fully regulated under the Chattanooga Federal order.

The preceding rules for classification of producer milk diverted to nonpool plants are necessary to assure that producers for this market will share properly in the utilization at the nonpool plants. The terminology "diversion of producer milk by a pool plant operator to a nonpool plant" is applied here particularly to movements of milk directly from a producer's farm to a nonpool plant. In the case of producer milk transferred as shipments from pool plants to nonpool plants, similar considerations with respect to proper classification necessarily apply. The evidence with respect to shifting of milk supplies between pool plants and nonpool plants, and the possible result that this market may carry the surplus and reserve of other markets, bears on the proper classification of transfers from pool plants to nonpool plants. Accordingly, the same classification rules should apply to such transfers as would apply to diverted milk.

(b) *Shrinkage.* The shrinkage provision should be revised to provide that shrinkage shall be prorated only to receipts in the form of milk or skim milk.

Under current order provisions, the total shrinkage is prorated to producer milk and other source milk without distinction as to whether the other source milk is a fluid receipt or represents the use of nonfat dry milk, or some other concentrated product. Thus, pool plants with manufacturing operations using largely other source milk received in concentrated forms may prorate shrinkage over the entire fluid equivalent of products in this operation as well as fluid receipts. Under the definition of Class II milk, skim milk and butterfat used in the manufacture of milk products are accounted for on a used-to-produce basis. Any processing loss is included in the amount of skim milk and butterfat reported as used.

Other source milk received by pool plants in forms other than milk or skim milk is very largely (if not entirely) used in a manner which results in the used-to-produce accounting. It is improper, therefore, that proration of shrinkage should apply to other source milk receipts in forms other than milk or skim milk.

Producers also proposed that the allowable amount of shrinkage of producer milk classified as Class II milk should be reduced from 2 percent to 1½ percent. The evidence on such a change in the shrinkage allowance is not sufficiently clear to arrive at a conclusion on this record. Some handler testimony claimed that the amount of actual shrinkage experienced generally was in the neighborhood of 2 percent. It is not clear from the record from what type of calculation or what data were used by the producer representative in arriving at the market average figure of 1.2 percent.

(c) *Inventories.* A reclassification charge should apply to other source milk in inventories allocated to Class I milk.

The order now provides in § 1018.70(c) for a reclassification charge on producer milk in inventories. This charge applies when under the allocation procedure pursuant to § 1018.45 any part of beginning inventory is assigned to Class I milk, limited however, to the amount of producer milk assigned to Class II milk in the preceding month. The rate of reclassification charge is the difference between the Class II price of the preceding month (since closing inventory is classified as Class II milk) and the Class I price of the current month.

A proposal made by producers was intended to apply a further reclassification charge when beginning inventory allocated to Class I milk is at least in part from unregulated sources. Such a reclassification charge would be at the rate of compensatory payments applied to current receipts of other source milk classified as Class I milk.

Compensatory payments do not apply to other source milk which has been priced as Class I milk under another Federal order, but may apply when milk is received from unregulated sources or from another Federal order market where it is not priced as Class I milk. Similarly, in case of inventory reclassification, a compensatory payment should not apply if, after reclassification of producer milk in inventory, the remaining amount of beginning inventory assigned to Class I may have come from supplies received in the previous month which were classified as Class I under another Federal order. Accordingly, after arriving at a reclassification charge on producer milk in inventory, the remaining amount of beginning inventory which has been allocated to Class I should be reduced to the extent that receipts during the prior month from other Federal markets were allocated to Class II milk although classified as Class I milk under the other orders. The then remaining amount of reclassified inventory would be subject to compensatory payment.

Inasmuch as the rate of compensatory payment differs according to whether the other source milk originates inside or outside the State of Florida, it is necessary to provide separate steps in allocation procedure under § 1018.45 for the assignment of other source milk from inside and outside the state. The procedure of assigning milk from the nearest source (inside the state) to Class I milk first is followed in this connection.

6. *Miscellaneous and conforming changes.* (a) The definition of Chicago butter price should be changed to mean the average price for the month instead of for the period from the 26th of the preceding month through the 25th day of the current month. This will conform with the general practice in other Federal milk orders and will provide an appropriate average butter price for establishing prices under this order.

(b) The producer's association proposed that the order contain a provision which would require handlers to use approved measuring devices in determining the quantity of milk received at a handler's plant. This proposal was made because of inaccuracies discovered in the measurements of milk by flow meters at plants of two handlers. Tests made by the Weights and Measure Division of the Florida State Department of Agriculture showed errors of as much as 2 percent in the milk measured by these flow meters.

The assurance of accurate measurement of milk received from producers is necessary to make effective the minimum price provisions of the order and to provide equity among handlers as to the cost of milk.

The responsibility for the routine weighing and testing of producers' milk deliveries may be undertaken by either handlers, or producers, or both. For producers who are not members of a cooperative association, the market administrator is responsible for checking the accuracy of the weights and tests of their deliveries and furnishing them with the market information. Four cents per hundredweight or such lesser amount as the Secretary may prescribe, is deducted from the payments due such producers and is paid to the market administrator to cover the cost of such checking. If a cooperative association is performing these services for their members, handlers make such deductions as are authorized by producers and pay the money so deducted to the cooperative association performing such services.

The verification of the quantities of milk receipts reported by each handler is one of the duties of the market administrator, particularly pursuant to § 1018.22(h). In performance of such duty, the market administrator may rely upon approval of weighing and measuring devices by local or state government agencies if such approval is based upon a regular inspection. If a scale or other device is shown by such agency to be inaccurate, or if the device is not subject to such regular inspection, this may be a basis for the market administrator to disregard measurements made by such device. The market administrator also may check the accuracy of scales or other measuring devices by whatever physical testing procedure is necessary.

In view of the above stated considerations it is concluded that the provisions of the order are sufficient to deal with the type of problem raised.

(c) *Advance payments.* Advance payments should be made to producers twice a month.

All of the handlers in the market are currently paying the milk producers' association two advance payments each month. For milk delivered during the first 15 days of the month, handlers make a payment on the 18th and for milk delivered during the last half, on the 3d of the following month. These payments are for a partial value of the milk the handlers have already received. Such payments are in advance of the final settlement, which is due on the 13th of the following month for payments to the cooperative association and 15th of the following month for individual producers.

The order now provides for advance payment on the last day of the month for milk received during the first 15 days at the rate equal to the Class II price for the preceding month. The order provisions should be revised as proposed by the producer's association to conform more nearly with market practices and thus to ameliorate the burden of financing production by putting it on as current a basis as possible. Advance payment should be made by handlers to cooperative associations on the 18th of the month for milk received during the first 15 days of the month, and similar payments to individual producers who are not members of an association should be made on the 20th. Handlers should make an advance payment on the 3d of the following month to cooperative associations for milk received during the last half of the month, and on the 5th of the following month to individual producers. If such date of payment falls on a day which is not a day of business, the requirement would be delayed to the next regular business day. The rate of payment should be not less than the uniform base price for the preceding month less 20 percent. Payment at this rate will reduce the possibility of an overpayment at the time advance payments to producers are made. Any balance should be paid by the handler on the date for final payment as now specified in the order.

(d) The order should be amended to provide for the charging of interest at the rate of one-half of one percent per month or any portion thereof on overdue obligations to the producer-settlement fund. Prompt payment to the producer-settlement fund is essential to the operation of the marketwide pool. Charging interest at the above rate will encourage handlers to make payments to such fund within the time specified.

The requirement as to date of payment shall be considered to have been met in the case of payments made by mail if the postmark is not later than the required payment date.

Producers also proposed that interest be charged handlers on any payments due producers which are not remitted by the date specified in the order. The evidence does not show that a serious problem exists in this regard and accordingly, the proposal is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern Florida Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Southeastern Florida marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 2d day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern Florida Marketing Area

Sec.
1018.0 Findings and Determinations.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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MISCELLANEOUS PROVISIONS

1018.110 Agents.
1018.111 Separability of provisions.

AUTHORITY: §§ 1018.0 to 1018.111 issued under secs. 1–19, 49 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1018.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 1018.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1018.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1018.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1018.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1018.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1018.6 Southeastern Florida marketing area.

"Southeastern Florida marketing area" hereinafter called the "marketing area" means all territory included within the counties of Dade, Broward, Monroe, and Palm Beach, all in the State of Florida. All government reservations and incorporated municipalities within this territory shall be considered part of the marketing area as herein defined.

§ 1018.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk (as described in § 1018.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the United States Government located in the marketing area for fluid consumption), which milk is received at pool plant(s) on eight or more days during the month, or a person who was a producer during the preceding month from whom milk was received at pool plant(s) on eight or more days: *Provided*, That after December 31, 1960 the definition of "producer" shall not mean any person who during the month produces milk on, in, or by the use of the same milking barns or premises from which milk is delivered to a nonpool plant except milk diverted to such nonpool plant by a handler pursuant to § 1018.13.

§ 1018.8 Producer-handler.

"Producer-handler" means any person who, during the month: (a) produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1018.41(a) from pool plants or other sources.

§ 1018.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area on routes;

(d) Any person in his capacity as the operator of a plant from which milk in the form of products designated as Class I milk pursuant to § 1018.41(a) is shipped to pool plants, and

(e) A cooperative association with respect to milk diverted to a nonpool plant pursuant to § 1018.7.

§ 1018.10 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1018.41(a), but does not include delivery to a milk receiving or processing plant.

§ 1018.11 Pool plant.

"Pool plant" means a plant described under paragraphs (a) or (b) of this section which is not a plant operated by a dairy farmer in his capacity as a producer-handler, is not determined to be a nonpool plant pursuant to § 1018.61, and is not a facility described in paragraph (c) of this section:

(a) A plant at which the total Class I milk during the month is equal to not less than 50 percent of the receipts at the plant during the month of milk from dairy farmers who meet the inspection requirements pursuant to § 1018.7 and other receipts in the form of milk products designated as Class I milk pursuant to § 1018.41(a) and from which an amount of Class I milk equal to not less than 20 percent of such receipts is disposed of during the month in the marketing area on routes;

(b) A plant from which, during the month, a volume of milk and skim milk equal to at least the required percentage (specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1018.7 is shipped to plants which are pool plants pursuant to paragraph (a) of this section, such required percentages being 50 percent in each of the months of December through March, and 40 percent in other months; and

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1018.12 Nonpool plant.

"Nonpool plant" means any milk receiving or processing plant other than a pool plant.

§ 1018.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk received at pool plants directly from producers and milk from producers diverted by a handler to a nonpool plant for his account: *Provided*, That milk so diverted shall be deemed to be received by the diverting handler at the location (except in computing the days of receipt at pool plants pursuant to § 1018.7) of the pool plant from which diverted.

§ 1018,14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in a form of products designated as Class I milk pursuant to § 1018.41(a) except (1) receipts from pool plants, (2) inventory at the beginning of the month or accounting period, or (3) producer milk; and

(b) Milk products in any form other than those designated as Class I milk pursuant to § 1018.41(a) received from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1018.15 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

§ 1018.16 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported by the Department for the month.

§ 1018.17 Chicago powder price.

"Chicago powder price" means the carlot price per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1018.18 Base milk.

"Base milk" means producer milk received by a handler from a producer which is not in excess of such producer's daily base determined pursuant to § 1018.90, multiplied by the number of days of production for which such producer delivered milk during the month.

§ 1018.19 Excess milk.

"Excess milk" means producer milk received by a handler which is in excess of base milk.

MARKET ADMINISTRATOR

§ 1018.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1018.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1018.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1018.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1018.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1018.30 through 1018.32, or payments pursuant to §§ 1018.80 through 1018.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month, the Class I price and the Class I butterfat differential, both for the current month, and the Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform prices computed pursuant to § 1018.72 and the producer butterfat differential, all for the preceding months; and

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

Reports, Records and Facilities

§ 1018.30 Reports of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for each of the plants with respect to which he is a handler for such month, and for each accounting period in each month, in the detail and on the forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk;

(2) Receipts from pool plants in the form of products designated as Class I pursuant to § 1018.41(a);

(3) Other source milk; and

(4) Inventories in the form of products designated as Class I milk pursuant to § 1018.41(a) on hand at the beginning and end of the month or accounting period.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request;

(d) The total quantity of base milk and the total quantity of excess milk received; and

(e) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1018.45 (d), shall submit a summary report of the same information for the entire month.

§ 1018.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, separately, the pounds of base milk and the pounds of excess milk, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1018.14(a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 1018.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1018.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification of Milk

§ 1018.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported for pool plants pursuant to § 1018.30(a) shall be classified by the market administrator, pursuant to the provisions of §§ 1018.41 through 1018.45.

§ 1018.41 Classes of utilization.

Subject to the conditions set forth in §§ 1018.42 through 1018.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of milk, skim milk, frozen milk (whole or concentrated), concentrated milk, reconstituted milk, chocolate milk, fortified skim milk up to the weight of an equal volume of unmodified skim milk, and fortified milk up to the weight of an equal volume of unmodified milk of the same butterfat test, and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Contained in inventories in the form of milk products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of each month and accounting period;

(3) That portion of fortified milk or skim milk not classified as Class I milk pursuant to subparagraph (a)(1) of this section;

(4) In total shrinkage of skim milk and butterfat, respectively, such shrinkage to be prorated to producer milk and other source milk received in the form of fluid milk or skim milk: *Provided*, That Class II classification of shrinkage prorated to skim milk and butterfat, respectively, in producer milk shall not exceed 2 percent of skim milk and butterfat in producer milk; and

(5) Skim milk which is dumped at the plant after notification to the market administrator which provides adequate opportunity for him to observe the dumping operation and verify the amount of product dumped.

§ 1018.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who received such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1018.43 Transfers.

(a) Skim milk and butterfat transferred to a pool plant in the form of milk products designated as Class I milk pursuant to § 1018.41(a) shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk within the accounting period used by each handler, and skim milk and butterfat so transferred shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1018.30: *Provided*, That the skim milk or butterfat so assigned, to Class II milk shall be limited to the respective amounts thereof remaining in Class II milk at the pool plants of the receiving handler after the subtraction of other source milk and beginning inventory pursuant to § 1018.45;

(b) Skim milk and butterfat transferred in bulk form as milk or skim milk from a pool plant to a nonpool plant, or diverted from a producer's farm to a nonpool plant for the account of a handler shall be classified as Class I milk unless the conditions pursuant to subparagraphs (1) and (2) of this paragraph are met and classification pursuant to subparagraph (3) or (4) of this paragraph is claimed by the transferring or diverting handler;

(1) The nonpool plant is located less than 500 miles from the location of the main U.S. Post Office in Boca Raton, Florida, by the shortest hard-surfaced highway distance as determined by the market administrator or is a plant fully regulated under another order issued pursuant to the Act;

(2) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the milk transferred or diverted is classified as Class I milk in an amount not less than the pro rata assignment of such skim milk and butterfat and skim milk and butterfat received at the nonpool plant in milk classified and priced as Class I milk under another Federal order, such pro rata assignment to be to skim milk and butterfat in route disposition from the nonpool plant in forms designated as Class I milk in § 1018.41(a) after subtraction from such disposition of the quantities of skim milk and butterfat, respectively, in milk received at the nonpool plant from dairy farmers who the market administrator determines constitute the regular approved dairy-farmer supply for the nonpool plants, or

(4) If the nonpool plant to which milk is transferred or diverted is a plant fully regulated under another order issued pursuant to the Act, the milk transferred or diverted shall be classified as Class I milk in the same amount as it is classified in the highest price class under such other order, and the remainder shall be Class II milk.

§ 1018.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1018.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1018.45 Allocation of skim milk and butterfat classified.

(a) For each month or other accounting period as described in paragraph (d) of this section, the pounds of skim milk remaining in each class after making the following computations with respect to the pool plants of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1018.41(b)(4);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk not priced as Class I milk under another Federal order and received from a plant or dairy farmers located outside the State of Florida: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk not priced as Class I milk under another Federal order and received from a plant or dairy farmers located in the State of Florida: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which is priced and pooled as Class I milk under another order except any quantities from a nonpool plant equal to or less than the skim milk in milk or skim milk disposed of from such nonpool plant and not priced and pooled under such other order: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of milk products in the form of products designated as Class I milk pursuant to § 1018.41(a) on hand at the beginning of the month or other accounting period: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(6) Subtract the pounds of skim milk in milk products in the form of products designated as Class I milk pursuant to § 1018.41(a) received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 1018.43(a);

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in Class II milk, and then subtract any remaining excess from Class I. Any amount so subtracted shall be called "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

Minimum Prices

§ 1018.50 Class prices.

Subject to the provisions of § 1018.51, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be $7.00 per hundredweight, plus or minus a supply-demand adjustment as provided in paragraph (c) of this section: *Provided*, That the price shall not exceed by more than $4.00 the price calculated pursuant to paragraph (b) of this section nor be less than the price calculated pursuant to paragraph (b) of this section plus $2.75.

(b) Calculate the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the average of the basic field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the preceding month by 0.625; and

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price for the preceding month by 4.0, add 20 percent thereof, and add to such sum 7.5 times the amount by which the Chicago powder price for the preceding month exceeds 5 cents.

(c) The supply-demand adjustment shall be calculated as follows:

(1) The "supply-demand percentage" for a month means the quantity of producer milk during the second and third preceding months expressed as a percent of the gross Class I disposition of all pool plants during the same months, rounded to the nearest whole percent.

(2) The "standard utilization percentage" for each month means the percentage shown in the right-hand column of the following schedule in the same line with the month in the left-hand column:

Month for which price applies	Months for which utilization is computed	Standard utilization percentage
January	October–November	100
February	November–December	103
March	December–January	105
April	January–February	105
May	February–March	106
June	March–April	112
July	April–May	114
August	May–June	114
September	June–July	112
October	July–August	107
November	August–September	104
December	September–October	100

(3) The "deviation percentage" for a month means the difference between the supply-demand percentage for the month and the corresponding standard utilization percentage, the direction of such deviation to depend on whether it is above or below the standard utilization percentage.

(4) Compute the deviation percentages for the current and two preceding months, and after excluding any deviation percentage which is in the opposite direction from the deviation percentage of a more recent month, compute a sum from the remaining deviation percentages which excludes any amount by which any of such deviation percentages exceeds any of such deviation percentages for a more recent month.

(5) If the current month's supply-demand percentage is less than the corresponding standard utilization percentage, increase the Class I price by the number of cents which is 1½ times the sum computed pursuant to subparagraph (4) of this paragraph (rounding any fraction of a cent to a whole cent); and if the current month's supply-demand percentage is more than the corresponding standard utilization percentage, decrease the Class I price by the number of cents which is 1½ times the sum computed pursuant to subparagraph (4) of this paragraph (rounding any fraction of a cent to a whole cent).

(e) *Class II milk price.* The Class II price per hundredweight shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 4; and

(2) Add 2.5 cents to the Chicago powder price and multiply the result by 8.5.

§ 1018.51 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 60 miles or more from the location of the main U.S. Post Office in Boca Raton, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, when moved to another pool plant, or classified as Class I milk without such movement, the Class I price specified in § 1018.50 shall be reduced at the rate set forth in the following schedule:

	Rate per hundredweight (cents)
Distance (miles):	
60 but not more than 70	13.0
For each additional 10 miles or fraction thereof over 70 an additional	1.5

Provided, That for the purpose of calculating such locations differential, milk in the form of any milk product designated as Class I milk pursuant to § 1018.41(a) transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1018.45(a) (1) through (4), and the comparable steps in paragraph (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1018.52 Rate of compensatory payment.

(a) Except as provided in paragraph (b) of this section, the rate of compensatory payment per hundredweight to be paid by pool plants, or by nonpool plants pursuant to § 1018.62(a), shall be calculated as follows:

(1) If the milk is received at a pool plant from a nonpool plant located in the State of Florida, or if the nonpool plant described in § 1018.62(a) is located in the State of Florida, subtract the Class II price from the Class I price adjusted by the Class I location differential at the nonpool plant; or

(2) If the milk is received at a pool plant from a nonpool plant located outside the State of Florida, or if the nonpool plant described in § 1018.62(a) is located outside the State of Florida, subtract the price pursuant to § 1018.50(b) (2) from the Class I price adjusted by the Class I location differential at the nonpool plant.

(b) If other source milk is received at a pool plant in a form other than milk or skim milk, the rate of compensatory payment per hundredweight with respect to such receipts shall be computed by subtracting the Class II price from the Class I price at the plant where such other source milk is received.

§ 1018.53 Use of equivalent prices.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1018.60 Producer-handler.

Sections 1018.50 through 1018.53, 1018.61, 1018.62, 1018.70 through 1018.75, and 1018.80 through 1018.86 shall not apply to a producer-handler.

§ 1018.61 Plants where other Federal orders may apply.

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b) and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1018.11(b) but not pursuant to § 1018.11(a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(b) Any plant meeting the requirements of a pool plant pursuant to § 1018.11(b) but not pursuant to § 1018.11(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

(c) Any plant which does not dispose of a greater volume of Class I milk on routes in the southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1018.62 Handlers operating nonpool plants.

On or before the 25th day after the end of each month, each handler (except as provided in § 1018.60) operating a nonpool plant from which Class I milk is disposed of on routes in the marketing area shall pay to the market administrator for deposit into the producer-settlement fund the amount calculated pursuant to paragraph (a) of this section unless the handler elects to pay the amount computed pursuant to paragraph (b) of this section:

(a) Multiply the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month by the rate of compensatory payment pursuant to § 1018.52; or

(b) Any plus amount resulting from the following computation: from an amount equal to the value of milk which would be computed pursuant to § 1018.70 for such month if the plant were a pool plant, adjusted by the butterfat differential pursuant to § 1018.73, deduct the gross payments made by such handler to dairy farmers for milk approved by a duly constituted health authority as described in § 1018.7.

§ 1018.63 Person producing milk.

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

Determination of Uniform Prices to Producers

§ 1018.70 Computation of the obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1018.45 by the applicable class price as adjusted by the location differentials pursuant to § 1018.51, and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1018.45 (a)(8) and (b) by the applicable class price adjusted by the butterfat differential specified in § 1018.73;

(c) Add the amounts computed pursuant to subparagraph (1) and (2) of this paragraph:

(1) Multiply the difference between the Class II price for the preceding accounting period and the Class I price for the month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1018.45(a)(6) and the corresponding step of § 1018.45(b) for the preceding accounting period, or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45(a)(5) and the corresponding step of § 1018.45(b) for the current accounting period, whichever is less; and

(2) Amounts computed as follows:

(i) Multiply the rate of compensatory payment pursuant to § 1018.52(a)(1) by the quantity of skim milk and butterfat computed pursuant to subdivision (iii) of this subparagraph which does not exceed the quantity of skim milk and butterfat, respectively, subtracted from Class II milk pursuant to § 1018.45(a)(3) and the corresponding step of (b) for the preceding accounting period; (ii) multiply the rate of compensatory payment pursuant to § 1018.52(a)(2) by any remainder of the quantity computed pursuant to subdivision (iii) of this subparagraph which does not exceed the quantity of skim milk and butterfat respectively, subtracted from Class II milk pursuant to § 1018.45(a)(2) for the preceding accounting period; and (iii) calculate the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45(a)(5) and the corresponding step of (b), which are in excess of the sum of the quantity of skim milk and butterfat, respectively, on which a payment is applicable pursuant to subparagraph (1) of this paragraph and the quantity of skim milk and butterfat assigned in the preceding accounting period to Class II milk pursuant to § 1018.45(a)(4) and the corresponding step of (b); and

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45(a) (2) and (3) by the applicable rate determined by § 1018.52: *Provided*, That this provision shall not apply in any month in which more than 95 percent of producer milk in all handlers' plants is classified as Class I milk.

§ 1018.71 Aggregate value used to determine producer prices.

For each month, the market administrator shall compute an aggregate value from which to determine the uniform prices for base milk and excess milk of 4.0 percent butterfat content, at the market, as follows:

(a) Combine into one total the values computed pursuant to § 1018.70 for the producer milk of all handlers who submitted reports prescribed in § 1018.30 and who are not in default of payments pursuant to § 1018.80 and § 1018.82;

(b) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1018.74; and

(c) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund.

§ 1018.72 Computation of uniform base and excess prices.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 4.0 percent butterfat content, at the market, as follows:

(a) Compute the total value, on a 4.0 percent butterfat basis, of excess milk for all handlers whose receipts are included in the computation pursuant to § 1018.71 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the applicable Class II price plus 4 cents, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content at the market;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of producer milk computed pursuant to § 1018.71;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content at the market.

§ 1018.73 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased 7.5 cents for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively.

§ 1018.74 Location differential to producers.

The applicable uniform prices computed pursuant to § 1018.72 to be paid for base milk and excess milk received at a pool plant located 60 miles or more from the location of the main U.S. Post Office in Boca Raton by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received, at the rates set forth in § 1018.51.

§ 1018.75 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform prices for base and excess milk computed pursuant to § 1018.72, and the butterfat differentials;

(c) The amount and value of his base milk and excess milk, respectively, and the totals thereof; and

(d) The amounts to be paid by such handler pursuant to §§ 1018.82, 1018.85, and 1018.86, and the amount due such handler pursuant to § 1018.83.

Payments

§ 1018.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the base price for the preceding month less 20 percent, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 5th day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the base price for the preceding month less 20 percent, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform prices for base milk and excess milk pursuant to § 1018.72, adjusted by the butterfat and location differentials to producers, multiplied by the respective hundredweight of base milk and excess milk received from such producer, subject to the following adjustment: (i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph, (ii) less marketing service deductions made pursuant to § 1018.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1018.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the total pounds of base milk and excess milk, (iv) the amount or rate and nature of any authorized deductions to be made from payments, and (v) the amount and nature of payments due pursuant to § 1018.84.

§ 1018.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1018.82 and out of which he shall make all payments pursuant to § 1018.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1018.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1018.70 is greater than the amount owed by him for such milk at the uniform prices determined pursuant to § 1018.72, adjusted by the producer location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date.

§ 1018.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1018.70, is less than the amount owed by him for such milk at the uniform prices determined pursuant to § 1018.72, adjusted by the producer location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1018.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1018.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1018.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1018.86 Expense of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 1018.45(a) (2) and (3) and the corresponding step in § 1018.45(b), or

(c) Class I milk disposed of on routes in the marketing area from a nonpool plant for which the obligation to the producer-settlement fund is determined pursuant to § 1018.62(a);

(d) Receipts of milk from dairy farmers, or total Class I milk, whichever is greater, at a nonpool plant which elects to have its obligation computed pursuant to § 1018.62(b); and

(e) With respect to payments pursuant to paragraphs (a), (b), (c), and (d) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1018.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

BASE RATING

§ 1018.90 Computation of daily base for each producer.

Subject to the rules set forth in § 1018.91, a daily base, effective for 12 months beginning February 1 of each year, shall be computed for each producer by dividing the total pounds of milk received from such producer at all pool plants during the base earning months of August through December immediately preceding by the number of days beginning with the first day of delivery by such producer during such months through the last day of December, inclusive, or by 120, whichever is greater: *Provided*, That any producer who, during the preceding months of August through December, delivered his milk to a nonpool plant which subsequently became a pool plant shall be assigned a base in the same manner calculated from his deliveries during such August–December period to such plant: *And provided further*, That for the period beginning with March 1, 1960, and through January 31, 1961, the daily base for each producer shall be computed by dividing the total pounds of milk received from such producer at all pool plants during the base earning months of August 1959 through January 1960, inclusive, by the number of days from the first day of delivery during such months through the last day of January, or by 150, whichever is greater, subject also to the first proviso of this section applied to the August 1959 through January 1960 period instead of the August–December period.

§ 1018.91 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1018.90 to each person for whose account milk was delivered to plants as described in § 1018.90 during the months of August through December (August through January for bases effective March 1, 1960): *Provided*, That any producer who has not earned a base pursuant to § 1018.90 or any producer who elects to relinquish such base by giving written notice to the market administrator, shall be assigned a base each month equal to the percentage of his deliveries specified in the following schedule:

	Percentage
February	50
March	50
April	50
May	55
June	55
July	60
August	70
September	70
October	65
November	60
December	55
January	55

(b) Assignment and transfer of any base shall be subject to the following rules:

(1) An entire base (except one computed pursuant to the proviso of paragraph (a) of this section) may be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders, or their heirs, and by the person to whom such base is to be transferred.

(2) If milk received as producer milk under the name of more than one person is produced on, in, or by use of the same milking barns or premises, the base or bases assigned to such persons as producers shall not exceed the base assignable if such milk were produced by one person using the same facilities.

(3) A base may be divided among members of a partnership, among members of the immediate family of the baseholder, or among stockholders of a corporation at dissolution of the corporation, such division to be effective as of the end of any month during which an application for such division is received by the market administrator on forms approved by the market administrator and signed by persons making such division.

(4) A person who has transferred a base computed from milk deliveries to pool plants during a base earning period may not have a base assigned to him on a percentage of his deliveries pursuant to the proviso of paragraph (a) of this section until after the end of the period to which the transferred base applies.

(5) A producer who has made milk deliveries to pool plants during the immediately preceding base earning period may elect to have his base computed from his milk deliveries to pool plants in the second preceding base earning period, if he so notifies the market administrator prior to the month in which such election will apply.

§ 1018.92 Announcement of established bases.

On or before January 25th of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the producer's daily base to be effective for the 12-month period, beginning February 1 of such year: *Provided*, That for the period March 1960 through January 1961, each producer's base shall be announced on or before February 25, 1960.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1018.100 Effective time.

The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1018.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1018.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1018.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the

market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including account receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1018.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1018.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 60-5174; Filed, June 7, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 415]

AIRWORTHINESS DIRECTIVES

Beech Aircraft

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification to certain Beech C45 Series aircraft. It has been determined that a condition exists which would present a hazard in an emergency situation. Certain Beech C45 Series aircraft converted from military status have seats obstructing the emergency exits and the emergency position switch on the electrical turn and bank indicator bypasses the master switch.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-318, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 11, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

BEECH. Applies to all Beech Model C45G, C45H, TC45G and TC45H airplanes which have been converted from military status to civil certification.

Compliance required not later than October 1, 1960.

The emergency position switch of the electrical turn and bank indicator that bypasses the master switch arrangement contrary to CAR 3.688, must be removed. The live wire connected to the switch must be disconnected at the battery terminal and either removed from the airplane or carefully insulated and secured.

Passenger seats (P/N 734-183302) which partially block the emergency exit must be removed, relocated, or reversed to provide a clear and unobstructed opening as required by CAR 3.387. Two configurations of seat P/N 734-183302 were delivered to the military only one of which has been structurally substantiated for aft facing mounting. This seat can be identified by the triangular shaped closed rear leg formed from 2 sheets of .040 alal with a long stiffening bead on the outer face of the leg. FAA approval must be obtained for any modification of the seating arrangement, other than removing or or reversing (if applicable) the obstructing seat.

Issued in Washington, D.C., on June 2, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-5153; Filed, June 7, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-2]

CONTROL AREAS

Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1139 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the modification of the Fort Rucker, Ala., control area extension. The Fort Rucker control area extension is presently designated within a 35-mile radius of a point at latitude 31°14'55" N., longitude 85°46'20" W., excluding the portion which coincides with Restricted Area R-156. It is proposed to designate additional control area to the northeast bounded on the north by VOR Federal airway No. 70, on the east by VOR Federal airway No. 241, and on the southwest by the present control area extension and VOR Federal airway No. 7; and additional control area to the west bounded on the west by VOR Federal airway No. 115, on the north by VOR Federal airway No. 70, on the south by VOR Federal airway No. 241 and on the east by the present control area extension. The U.S. Army Aviation Center and School at Rucker is responsible for the instrument training of personnel in fixed and rotary wing type aircraft. To accommodate the extensive instrument training required, departure and arrival routes and holding patterns have been developed which would require additional control area to provide protection for aircraft operating in the Fort Rucker area.

If this action is taken, the Fort Rucker, Ala., control area extension would be designated as that area bounded on the west by VOR Federal airway No. 115, on the north by VOR Federal airway No. 70, on the east by VOR Federal airway No. 241, and VOR Federal airway No. 7; and the area within a 35-mile radius of a point at latitude 31°14'55" N., longitude 85°46'20" W., extending from Victor 241 clockwise to Victor 7, on the south by VOR Federal airway No. 22, excluding the portion which coincides with the Camp Rucker, Ala., Restricted Area (R-156) during its time of designation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 1, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5154; Filed, June 7, 1960; 8:45 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 11234; Order No. E-18318]

JOHNSON FLYING SERVICE, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2d day of June 1960.

In the matter of the application of Johnson Flying Service, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958.

On March 21, 1960, Johnson Flying Service, Inc. (Johnson), a certificated supplemental air carrier, filed a letter application with the Board seeking an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, under which it would be enabled to carry persons in foreign air transportation from the United States to Canada on an infrequent and irregular basis utilizing for this purpose aircraft not exceeding 12,500 pounds maximum certificated take-off weight.

In support of its application, Johnson recites that it receives up to twenty requests annually from business concerns, civic organizations, vacationers and persons desiring emergency air ambulance service for air transportation services from the United States to Canada. Under its present operating authority, Johnson has been unable to satisfy these requests. The economic loss sustained by Johnson resulting from its lack of operating authority in this respect amounts to several thousand dollars annually and is of considerable importance to Johnson.

The Board has considered the application and finds that the limited extent of the foreign air transportation services which Johnson seeks to provide, a major portion of which will be on an emergency basis, will have little, if any, competitive impact on other air carriers, while the additional revenue which Johnson will be able to generate from these operations will be of benefit to Johnson and will strengthen its financial position. The time and expense involved in prosecuting a certificate proceeding by which to obtain authority to conduct the proposed operations would be wholly disproportionate to the limited and sporadic operations for which the exemption is sought, and the duration of such a proceeding would prevent such operations from being conducted during its pendency. Moreover, the time incidental to prosecuting an application for exemption authority would in emergency or short notice conditions prevent the carrying out of the operations. Accordingly, the Board finds that enforcement of the provisions of section 401 of the Act and § 291.23(a) of the Board's Economic Regulations, insofar as they would otherwise prevent the operations sought by Johnson would be an undue burden on Johnson by reason of the limited extent of, and unusual circumstances affecting, its operations and is not in the public interest.

The Board therefore considers it appropriate to grant Johnson an exemption to enable the carrier to conduct the proposed operations subject to the following conditions:

1. Such flights shall be conducted on an infrequent and irregular basis utilizing aircraft not exceeding 12,500 pounds maximum certificated take-off weight.

2. Johnson shall file with the Board flight reports disclosing the extent and nature of operations conducted under such exemption, said reports to be filed concurrently with reports to be filed as a supplemental air carrier.

3. Such exemption shall not extend beyond the expiration date of Johnson's temporary certificate of public convenience and necessity.[1]

The Board will afford all interested parties the opportunity to show cause why an exemption order as described above should not issue.

Accordingly, it is ordered:

1. That all interested persons having any objections to the issuance of an exemption order by the Board under the terms of which Johnson Flying Service, Inc. will be permitted to carry persons in foreign air transportation between the United States and Canada on an infrequent and irregular basis utilizing aircraft not exceeding 12,500 pounds maximum certificated take-off weight shall file a statement of such objections with the Board within fifteen days from the date thereof;

2. That any objections filed by interested persons in opposition to the grant of an exemption to Johnson must conform to the Board's Rules of Practice in Economic Proceedings and shall indicate the basis for the objections, together with a summary of the evidence, if any, which the objector would introduce if offered the opportunity for an evidentiary hearing. If no objections are received within fifteen days after the date of this order, or if, in the Board's judgment, such objections as are received do not require reconsideration of the Board's findings and its conclusions herein, the Board will by subsequent order, and without further hearing, grant an exemption as outlined above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 60-5184; Filed, June 7, 1960; 8:49 a.m.]

[1] Johnson's certificate of public convenience and necessity will expire March 29, 1964. See Order E-13496, Docket 5132, et al., Jan. 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13462-13465; FCC 60M-953]

BROCKWAY CO. (WMSA) ET AL.

Order Following Prehearing Conference

In re applications of The Brockway Company (WMSA), Massena, New York, Docket No. 13462, File No. BP-12290; Twin State Broadcasters, Inc. (WTWN), St. Johnsbury, Vermont, Docket No. 13463, File No. BP-13040; Trustees of Dartmouth College (WDCR), Hanover, New Hampshire, Docket No. 13464, File No. BP-13112; WIRY, Inc. (WIRY), Plattsburgh, New York, Docket No. 13465, File No. BP-13631; for construction permits.

Pursuant to agreements reached by counsel for all parties at the prehearing conference held on May 26, 1960, as set forth on the record thus made;

It is ordered, This 1st day of June 1960, that the following shall govern the further course of this proceeding:

(1) The direct cases of the applicants shall be presented by written, sworn exhibits.

(2) An informal engineering conference among the parties shall be held on June 1, 1960;

(3) The proposed engineering exhibits of the applicants shall be exchanged by July 1, 1960. (Copies of such exhibits are to be supplied also to the Hearing Examiner and Broadcast Bureau counsel.)

(4) Notification as to witnesses, if any, desired to be present at the hearing for cross-examination shall be given by the parties concerned by July 8, 1960.

It is further ordered, That the hearing heretofore scheduled to commence on June 13, 1960, is continued to Thursday, July 14, 1960, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5189; Filed, June 7, 1960; 8:50 a.m.]

[Docket No. 13547; FCC 60-639]

BUNKIE BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Charles T. Hook tr/as Bunkie Broadcasting Co., Bunkie, Louisiana, Docket No. 13547, File No. BP-11214; Requests: 1540kc, 250w, Day; for construction permit.

At a session of the Federal Communications Commission held at its

offices in Washington, D.C., on the 1st day of June 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 5, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the Commission's above-referenced letter of April 5, 1960, advised the applicant that his estimated cost of equipment, $3,745, did not appear to be realistic and that no showing was made that the equipment could be purchased at the prices specified; that the applicant amended to show his estimated cost of equipment as $4,610; but that the revised estimate does not appear realistic and no showing has been submitted to indicate that the equipment could be purchased at the nominal prices specified; and that, if the $4,610 figure is inadequate, the applicant does not appear to have sufficient funds available to construct and operate the proposed station; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the applicant's estimated cost of equipment is realistic, and, if not, whether the applicant is financially qualified to construct and operate his proposed station.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5190; Filed, June 7, 1960; 8:50 a.m.]

[Docket No. 13501; FCC 60M-955]

CONCORD KANNAPOLIS BROADCASTING CO.

Order Rescheduling Hearing

In re application of Concord Kannapolis Broadcasting Company, Concord, North Carolina, Docket No. 13501, File No. BPH-2826; for construction permit (FM).

It is ordered, This 2d day of June 1960, with the consent of all interested parties, that formal hearing in the above-entitled proceeding which by order released May 12, 1960 (FCC 60M-827) was scheduled for July 11, 1960, is hereby rescheduled and will be held June 7, 1960, in the Offices of the Commission, Washington, D.C., commencing at 9:00 a.m.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5191; Filed, June 7, 1960; 8:50 a.m.]

[Docket No. 13481; FCC 60M-954]

NATHAN FRANK (WNBE-TV)

Order Continuing Hearing

In re proposal filed by Nathan Frank (WNBE-TV), New Bern, North Carolina, Docket No. 13481; for specification of transmitter and antenna site.

The Hearing Examiner having under consideration the matters discussed at the prehearing conference in the above-entitled proceeding which was held on June 1, 1960; and

It appearing that it is desirable to formalize by an order the rulings made on the record and the deadlines established;

It is ordered, This 2d day of June 1960, that the outline of procedures to be followed which was distributed to the parties by the Hearing Examiner and made a part of the record of the prehearing conference is hereby adopted in its entirety, as clarified orally on the record;

It is ordered further, That the transcript of the prehearing conference insofar as it contains pertinent rulings and comments by the Hearing Examiner, the reasons and explanations thereof, and the comments and objections of the parties with regard thereto, is hereby deemed incorporated herein to the same force and effect as if it were set out herein verbatim;

It is ordered further, (1) That the exhibits delineated in items 1, 2 and 3 in the outline of procedures adopted by the Hearing Examiner are to be exchanged by the parties (with a copy of each furnished to the Examiner) not later than August 8, 1960; (2) that exhibits in rebuttal thereof are to be similarly exchanged on or before September 15, 1960; (3) that a further prehearing conference for the purposes delineated on the record is scheduled for 10:00 a.m., Monday,[1] September 26, 1960, at the Commission's offices, Washington, D.C.; and (4) that the hearing itself is continued to Monday, October 3, 1960, at the same time and place.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5192; Filed, June 7, 1960; 8:50 a.m.]

[Docket No. 13090; FCC 60-635]

FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, et al., Docket No. 13090, File No. BP-11550, et al.; for construction permits.

1. The Commission has before it for consideration a petition for reconsideration, filed March 10, 1960, by William C. Forrest and WBOW, Incorporated, and oppositions thereto filed by the Commission's Broadcast Bureau and Bloomington Broadcasting Corporation on April 11, 1960, and March 23, 1960, respectively.

2. In Mid-America Broadcasting System, Inc., 19 RR 889, released February 9, 1960 (FCC 60-94), the Commission denied a request for programming issues because the interference to an existing station was less than 10 percent of the population within the existing station's normally-protected service area and because no threshold showing was made that programming evidence would be of decisional significance. In that same opinion, it was also stated that where there is an engineering showing that the interference would affect more than 10 percent of the population within the normally-protected service area of the existing station, a petition for programming issues would be granted. The Commission went on to say, however, that even in such situations a request for programming issues would be denied

[1] It is recognized that the date established at the prehearing conference for the second prehearing conference was September 22, 1960. However, the Examiner discovered subsequently that that date and the day following, coincides with the Jewish High Holiday. Accordingly, the second prehearing conference will be held on Monday, September 26, 1960 instead.

if those opposing the request allege factual circumstances showing that programming evidence would not be of decisional significance and such allegations are not controverted by the petitioner in its reply.

3. In accordance with the views thus enunciated in Mid-America, the Commission, in Fredericksburg Broadcasting Corporation, 19 RR 895, released February 9, 1960 (FCC 60-99), added programming issues as to the proposals of WSBC Broadcasting Co. and Bloomington Broadcasting Corporation because their applications showed that the operations proposed by them would cause interference affecting in excess of 10 percent of the populations within the normally-protected contours of petitioner William C. Forrest's Station WIBU and of Station WBOW (licensed to petitioner WBOW, Incorporated), respectively. The added issues read as follows:

6. To determine the type and character of program service rendered by Stations WIBU and WBOW, respectively; whether such program service of each of them meets the requirements of the population and area which would lose such service as a result of the grant of the modification applications of WSBC Broadcasting Co. (File No. BP-12503), and Bloomington Broadcasting Corporation (File No. BP-12835), respectively; and the extent to which the programming of other existing standard broadcast stations meets the requirements of these interference areas.

7. To determine the type and character of the program service to be rendered by WSBC Broadcasting Co. and by Bloomington Broadcasting Corporation, respectively; whether the program service of each of them would meet the requirements of the populations and areas which would gain service upon grant of their respective modification applications; and the extent to which the programming of other existing standard broadcast stations meets the requirements of the areas thus gained.

The Opinion and Order in Fredericksburg also provided:

It is further ordered, That WBOW, Incorporated, and William C. Forrest, respectively, shall have the burden of proof and the burden of proceeding with the introduction of evidence under Issue 6; and that WSBC Broadcasting Co. and Bloomington Broadcasting Corporation, respectively, shall have the burden of proof and the burden of proceeding with the introduction of evidence under Issue 7.

In explanation of the division of burdens between the petitioners and the applicants, the Commission in Fredericksburg stated:

The first of the two added issues relates to the programming of the petitioners and of existing stations now serving the proposed interference areas. The second of the two added issues relates to the programming proposed by the applicants and to the programming of existing stations now serving the proposed new service areas. Since the matters encompassed by the first of the added issues are of primary concern to the petitioners, the burden of proof and burden of proceeding with the introduction of evidence under that issue will be placed upon the petitioners. These burdens under the second of the added issues will be placed upon the applicants, since they are primarily concerned with the matters encompassed by that issue.

4. Petitioners William C. Forrest and WBOW, Incorporated, submit that the Commission was in error in placing upon them the burden of proceeding with the introduction of evidence and the burden of proof under the first of the two added programming issues. In support of their view, they quote that portion of section 309(b) of the Act which provides that these burdens shall be upon the applicant. If, however, this is not regarded as a proceeding under section 309(b), petitioners maintain that it is a proceeding under section 316 of the Act, citing Democrat Printing Co. v. FCC, 202 F. 2d 298, 7 RR 2138 (C.A.D.C., 1952), and FCC v. National Broadcasting Company (KOA), 319 U.S. 239 (1943) as authority for the view that interference to an existing station constitutes an indirect modification of the latter's license within the meaning of section 316 of the Act. Since, according to petitioners, it is clear that under the only two provisions of the Act which may be applicable to this proceeding the burden of proceeding with the introduction of evidence and the burden of proof must be placed either upon the applicant (section 309(b)) or upon the Commission (section 316(b)), the Commission acted unlawfully in placing these burdens upon the petitioners. Moreover, argue petitioners, they have no more knowledge than the applicants concerning the program service of existing stations serving the areas which would lose petitioners' service.

5. In opposition, Bloomington contends that the net effect of petitioners' position is that a respondent would be relieved of the necessity of adducing any evidence which it feels desirable or necessary to protect its own interests, and would impose upon applicants the insuperable burden of proceeding with the introduction of evidence which, by definition, is within the possession and peculiar knowledge of the respondent. Bloomington contends that section 309(b) relates only to issues "specified by the Commission". While Bloomington concedes that it has the burden of proving the ultimate issue, viz., that the grant of its application would be in the public interest, it maintains that section 309(b) does not require that it assume the burden of proceeding with the introduction of evidence and the burden of proof as to issues which were requested by the petitioner and which only the petitioner is in a position to prove. Bloomington points out that evidence as to WBOW's programming is not available to it, and that only if Bloomington were given access to WBOW's files could Bloomington produce such evidence.

6. The Broadcast Bureau also opposes the petition, maintaining that the burden provisions of section 309(b) are applicable only to issues "specified by the Commission". As to issues not "specified by the Commission", whether included in the designation order or subsequent thereto, the burden provisions of section 309(b), the Bureau maintains, do not apply. In support of its view, the Bureau cites § 1.140(b) of the rules, which provides that these burdens shall be upon the applicant "except as otherwise provided in the order of designation." The Bureau submits that issues added after a 309(b) designation may be analogized to issues added pursuant to a protest under section 309(c) of the Act, and it notes that section 309(c) grants the Commission a measure of discretion as to where the burdens shall be placed. The Bureau also urges that the programming issues do not pose a question under § 3.24[1] of the Commission's rules but merely seek information from the respective parties, who would appear to have the best knowledge thereof, for the purpose of assisting the Commission should it determine that programming evidence is material to the disposition of the proceeding in making a § 3.24 determination. The Bureau contends, as does Bloomington, that the petitioners are in a better position than the applicant to present evidence as to their own programming, and in just as good a position to introduce such evidence as to the programming of existing stations serving the interference area.

7. At the time Issues 6 and 7 were added, it was thought that the WSBC proposal would cause interference to Station WIBU affecting substantially more than ten percent of the population within Station WIBU's normally protected service contour. It now appears that the engineering exhibits which have been exchanged and not objected to by the petitioners show that any objectionable interference which would be caused to Station WIBU by the WSBC proposal falls in an area presently under objectionable interference caused by other existing stations. It is therefore clear that the programing issues which we previously adopted with respect to the WSBC proposal will serve no useful purpose. Accordingly, Issues 6 and 7, and the ordering clause dealing with the burden of proceeding with the introduction of evidence and the burden of proof, will be amended by deleting all reference to William C. Forrest and Station WIBU, and to WSBC Broadcasting Company and its proposal, and the instant petition will be dismissed as moot insofar as it requests reconsideration on behalf of William C. Forrest.

8. Section 316(b) of the Act provides that the Commission shall have the burden of proceeding with the introduction of evidence and the burden of proof in "any case where a hearing is conducted pursuant to the provisions of this section." We do not agree with the petitioner's contention that section 316(b) requires that these burdens be placed upon the Commission under Issue 6. To be sure, the interference which would be received by the petitioner's station were Bloomington's application granted would, under the KOA decision, constitute an indirect modification of William C. For-

[1] Section 3.24 provides in pertinent part as follows: "An authorization for a new standard broadcast station or increase in facilities of an existing station will be issued only after a satisfactory showing has been made in regard to the following among others: • • • (b) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference • • •."

rest's license entitling him, under section 316(a) of the Act, to a hearing. The Supreme Court in KOA did not, however, hold that the hearing to which the interfered-with station is entitled must be conducted pursuant to section 316(a). On the contrary, the proceeding in that case was not conducted pursuant to section 316(a), which was then section 312(b), but was rather a proceeding on an application by an existing station proposing an increase in power, and the Court concluded that section 316(a) requires that the station which would receive interference from the modification proposal is entitled to intervene in the proceeding on that proposal. It is thus evident, under the facts of KOA, that the hearing which under section 316(a) is to be accorded the station which would receive interference from a proposed operation need not be a hearing pursuant to that section. It is likewise evident that the instant proceeding, like that involved in KOA, is not one which is held pursuant to section 316(a), but is rather a proceeding on applications for construction permits. It is clear, therefore, that the provisions of section 316(b) are inapplicable to Issue 6 in this proceeding.

9. Nor are we persuaded that section 309(b) of the Act requires that the applicant assume the burden of proceeding with the introduction of evidence and the burden of proof under Issue 6. The petitioner's arguments to that effect presuppose the applicability of section 309(b) to issues added after issuance of the designation order. The context of section 309(b) clearly suggests that the words "in which the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues" has reference to a preceding provision in the same section that if the Commission "shall be unable to make the finding specified in subsection (a), it shall formally designate the application for hearing on the grounds or reasons then obtaining and shall notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor, specifying with particularity the matters and things in issue * * *." This latter provision, in view of the context of section 309(b) as a whole, is limited to the period ending with the issuance of the designation order.[2] The burden provisions of section 309(b), therefore, do not have reference to issues adopted subsequent to the issuance of the designation order.

10. It is apparent, of course, that the provisions of section 309(c) of the Act relating to the burden of proceeding with the introduction of evidence and the burden of proof are not applicable to this proceeding. Since none of the burden provisions of sections 316(b), 309 (b) and (c) is applicable to issues added subsequent to the issuance of a section 309(b) designation order, it is incumbent upon the Commission to exercise its discretion, in the light of the circumstances presented, as to where to place the burden of proceeding with the introduction of evidence and burden of proof.

11. In placing these burdens under Issue 6 upon the petitioner, the Commission did not, of course, relieve the applicant of the ultimate burden of satisfying the Commission that a grant of its application would be in the public interest, nor did it relieve the applicant of its burden of making a satisfactory showing that the need for its proposed service outweighs the need for the service which would be lost by reason of the interference, as required by § 3.24(b) of the Commission's rules. The narrow question presented by the instant petition is whether, under the circumstances here presented, the Commission was in error in placing these burdens upon the petitioner insofar as a showing favorable to its view is concerned. The interference which would be caused to the petitioner's station is co-channel in nature; thus, while the petitioner's service would be eliminated in the interference area, the applicant's service would not be substituted therefor. Issue 6 calls for a determination of the petitioner's programing, whether its service meets the programing needs of the interference area, and whether other existing stations serving the interference area meet such programing needs. While the petitioner, at the time it requested programing issues, made no factual allegations that the needs of the interference area require a continuance of its service to such area, we did not assume that its request was frivolous or that it was made without regard to any facts; had we made such an assumption, the original request for programing issues would have been denied. Thus, implicit in the petitioner's request was a representation that the programing needs of the interference area would not be met were the area to be deprived of the petitioner's service. Having made this implicit representation, the petitioner cannot persuasively contend that it should now be relieved of the responsibility of demonstrating the validity of such representation. To relieve it of this responsibility would pave the way to requests for programing issues which petitioners therefor know are patently frivolous and the only purpose of which is to obstruct and delay the institution of a new broadcast service. In placing upon the petitioner the burden of proceeding with the introduction of evidence and burden of proof under Issue 6, the Commission is thus requiring no more of the petitioner than was implicit in its request for programing issues in the first instance; for if, under the circumstances here presented, the petitioner is unable to show that the programing needs of the interference area would not be met without his service, the underlying basis of its request for a programing issue has been dissipated.

12. As between the applicant and the petitioner, it is clear that the latter is in the better position to prove the programing needs of the interference area and the need of that area for the petitioner's service. As has been indicated, the interference is co-channel in nature, and hence the applicant will not serve that area and its programing needs are not of primary concern to it. The petitioner, on the other hand, has been serving the area, it presumably has some knowledge of its needs, and, in view of its assertion that the programing needs of that area will not be met without its service, the petitioner presumably also has knowledge of the programing of other stations serving the interference area and the extent to which such stations meet the programing needs of that area. Both from the standpoint of primary concern for the needs of the interference area and from the standpoint of knowledge as to the manner in which the programing needs of the interference area are now met, the petitioner is in a better position than the applicant to assume the burden of proceeding with the introduction of evidence and the burden of proof under Issue 6.

13. In placing the burden of proceeding with the introduction of evidence and burden of proof under Issue 6 upon the petitioner, we are not unmindful of the statement in Democrat Printing, supra, that § 3.24 of our rules "appears" to place these burdens upon the applicant as to "the comparative need in the interference area" for the programming of the applicant and of the interfered-with station. The interference involved in Democrat Printing was adajcent channel in nature; thus, the applicant's service would be substituted for that of the existing station in the interference area. In such a situation, a direct comparision could be made of the respective needs of the interference area for the proposed programs of the applicant as compared to the programs of the existing station. Since the instant situation involves co-channel interference, there would be no substitution of service, and a comparison such as that called for by Democrat Printing is therefore not possible. In Democrat Printing, the Court regarded a determination of the programming needs of the interference area as dispositive of the determination called for by § 3.24(b) of the rules, and, if so regarded,[3] it follows that the burden of showing and proving the programming needs of the interference area is, under § 3.24(b), upon the applicant. In the present situation, however, the comparison is to be made between the need for

[2] In this connection, it may be noted that in Plains Television Corporation v. FCC, Court of Appeals for the District of Columbia Circuit, Case No. 15,204 decided April 28, 1960, the Court indicated its approval of the Commission's interpretation of the notice provisions of section 309(b) as "designed, by calling early attention to deficiencies in an application, to give the applicant the opportunity to cure those deficiencies and perhaps avoid a hearing." See also Robert A. Mensel, 14 RR 1189 (1957), Port Huron Broadcasting Co., 11 RR 936 (1954), Greenwich Broadcasting Corporation, 11 RR 621 (1954), and Theodore Feinstein, 14 RR 759 (1956), as instances in which the Commission placed upon the interfered-with station the burden of proceeding with the introduction of evidence and/or the burden of proof under programming issues adopted subsequent to the issuance of the designation order.

[3] A comparison, in an adjacent channel interference situation, only of the need of the interference area for the service which will be lost as against the need of that area for the service which will be gained, overlooks the need of the proposed service area (outside the interference area) for the new service.

the applicant's programming in the proposed service area as against the need for the interfered-with station's programming in the interference area. In this comparison, the burden, under § 3.24(b) of the rules, is upon the applicant to show that the need for its proposed programming outweighs the need for the programming of the interfered-with station; in placing upon the petitioner the burden of proceeding with the introduction of evidence and the burden of proof under Issue 6, which relates to the programming needs of the interference area, we did not, as indicated above, relieve Bloomington of its burden under § 3.24(b) of the rules of showing that the need for its proposed service outweighs the need for the service which will be lost by reason of the interference it would cause to Station WBOW.

Accordingly, it is ordered, That the petition for reconsideration, filed March 10, 1960, by William C. Forrest and WBOW, Incorporated, is dismissed as moot to the extent indicated herein, and in all other respects, is denied;

It is further ordered, On the Commission's own motion, That Issues 6 and 7 in the above-captioned proceeding, and the final ordering clause in our Memorandum Opinion and Order released February 9, 1960 (FCC 60-99), are amended to read as follows:

6. To determine the type and character of program service rendered by Station WBOW; whether such program service meets the requirements of the population and area which would lose such service as a result of the grant of the modification application of Bloomington Broadcasting Corporation (File No. BP-12835); and the extent to which the programing of other existing standard broadcast stations meets the requirements of the interference area.

7. To determine the type and character of the program service to be rendered by Bloomington Broadcasting Corporation; whether such program service would meet the requirements of the populations and areas which would gain service upon grant of its modification application; and the extent to which the programing of other existing standard broadcast stations meets the requirements of the areas thus gained.

It is further ordered, That WBOW, Incorporated, shall have the burden of proceeding with the introduction of evidence and the burden of proof under Issue 6; and Bloomington Broadcasting Corporation shall have the burden of proceeding with the introduction of evidence and the burden of proof under Issue 7.

Adopted: June 1, 1960.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5193; Filed, June 7, 1960; 8:50 a.m.]

[Docket No. 13179; FCC 60M-950]

MARTIN KARIG

Order Scheduling Hearing

In re application of Martin Karig, Johnstown, New York, Docket No. 13179, File No. BP-11926; for construction permit.

It is ordered, This 1st day of June that the hearing in this proceeding will be held on Monday, July 11, at 10:00 a.m.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5195; Filed, June 7, 1960; 8:51 a.m.]

[Docket No. 13537]

MAYNARD M. HASKALL

Order To Show Cause

In the matter of Maynard M. Haskall, P.O. Box 814, Ft. Pierce, Florida, Docket No. 13537; order to show cause why there should not be revoked the license for radio station WA-2168 aboard the vessel "Alert."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the licensee on February 1, 1960 alleging that on January 29, 1960 the subject ship radio station was not provided with Part 8 of the Commission's rules in violation of § 8.367(a)(2) of said rules;

It further appearing that the above-named licensee received said official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated March 9, 1960, and sent by Certified Mail—Return Receipt Requested (No. 877830), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, Maynard M. Haskall, on March 10, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 27th day of May 1960, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5194; Filed, June 7, 1960; 8:50 a.m.]

[Docket No. 13337; FCC 60M-951]

HARRY C. OTIS

Order Rescheduling Hearing

In the matter of Harry C. Otis, 1941 Myer Place, Costa Mesa, California, Docket No. 13337; order to show cause why there should not be revoked the license for radio station, WJ-4389 aboard the vessel "Flyer."

It appearing that by an order released March 10, 1960, the Hearing Examiner continued indefinitely the hearing in this proceeding previously scheduled for March 16, 1960; and

It further appearing that the indefinite continuance had been requested by the Commission's Safety and Special Radio Services Bureau following unsuccessful efforts to serve the above-named licensee with copies of the Commission's show cause order released January 8, 1960, and the Chief Hearing Examiner's order released January 13, 1960, designating time and place of hearing in this matter; and

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

issuance of the designation order.

graming issues in the first instance; for service.

It further appearing that service of the aforementioned show cause order on the subject licensee was accomplished on April 4, 1960, and that on April 8, 1960, he wrote to the Commission's San Pedro, California field office apparently in reference to said order but failed to state whether he would appear at a hearing or desired to waive a hearing and submit a written statement in justification or mitigation for consideration by the Hearing Examiner; and

It further appearing that said licensee has failed to respond to a Commission communication sent him on May 4, 1960, requesting a statement as to whether he will appear at a hearing or waive a hearing and submit a written statement in mitigation or justification of the violations charged in the show cause order; and

It further appearing that in view of the events described above and of applicable provisions of § 1.62 of the Commission's rules, it is appropriate at this time to schedule a new hearing date so as to afford the licensee the opportunity to file with the Commission a written statement that he will appear at the specified time and place and present evidence;

Accordingly, on the Hearing Examiner's own motion: *It is ordered*, This 1st day of June 1960, that the hearing on the show cause order in this proceeding is hereby rescheduled for July 19, 1960, at 10:00 o'clock a.m., in the offices of the Commission, at Washington, D.C.

The attention of the licensee is again directed to the provisions of § 1.62 of the Commission's rules noted below[1] concerning the filing of a written appearance, or waiver of hearing and submission of a statement in justification or mitigation to the Commission in Washington, D.C. Such written appearance or other statement of the licensee may be filed within 30 days from the date of service of the instant order.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5196; Filed, June 7, 1960; 8:51 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

FEDERAL POWER COMMISSION

[Docket No. CP60-56]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application and Date of Hearing

JUNE 2, 1960.

Take notice that on March 11, 1960, as supplemented on April 18, 1960, Montana-Dakota Utilities Company (Applicant), filed in Docket No. CP60-56 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of certain natural gas facilities and the abandonment and salvage of certain other natural gas facilities, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought are:

(1) Approximately 22.7 miles of 16-inch O.D. transmission pipeline to replace in the same location a 22.7 mile 12¾ inch segment of the Cabin Creek to Bismarck line, beginning at the Cabin Creek compressor station in Fallon County, Montana, and terminating at a point near Golva in Golden Valley County, North Dakota;

(2) Approximately 7.0 miles of 10¾ inch O.D. and 5.6 miles of 12¾ inch O.D. transmission pipeline to loop 12.6 miles of existing 12¾ inch line on the Cabin Creek to Bismarck line just west of Mandan in Morton County, North Dakota;

(3) Approximately 15.9 miles of 12¾ inch O.D. transmission pipeline to loop 15.9 miles of existing 12¾ inch line on the Elk Basin to Billings line, all in Carbon County, Montana; and

(4) An additional 880 horsepower compressor unit and related facilities at the Cabin Creek compressor station in Fallon County, Montana.

The facilities to be abandoned consist of the 22.7 mile, 12¾ inch line which is to be replaced as indicated in Item (1) above, because of deterioration, and which is to be salvaged, reconditioned and re-utilized.

The purpose of the instant application is to provide increased capacity to serve estimated increasing future requirements on Applicant's system and to assure continuity of service on deteriorated sections of line which are to be looped.

The estimated cost of construction of the proposed facilities is $1,732,000, to be defrayed from working capital, and the cost of retiring the facilities to be replaced is estimated at $62,000, with a salvage value of $156,000.

No new markets are proposed to be served.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before June 21, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-5155; Filed, June 7, 1960; 8:45 a.m.]

[Docket Nos. G-20570 etc.]

NORTHERN NATURAL GAS CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Applications, Consolidation and Date of Hearing

JUNE 1, 1960.

Northern Natural Gas Co., Docket Nos. G-20570, G-20571 and G-18756; Michigan Wisconsin Pipe Line Co., Docket No. G-20572.

Take notice that: Northern Natural Gas Company (Northern), a Delaware corporation with principal place of business at 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. G-20570 on December 30, 1959, as supplemented on February 12, 1960, March 3, 1960 and April 29, 1960, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act), authorizing Northern to construct and operate pipeline and storage facilities and sell and deliver additional gas to its existing customers to meet their increased requirements for the 1960-61 heating season; additionally, Northern filed in Docket No. G-20571 on December 30, 1959, as supplemented on February 2, 1960, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Act, authorizing Northern to construct and operate facilities and sell and deliver an initial volume of gas to a new pipeline customer, Michigan Wisconsin Pipe Line Company; Northern also filed in Docket No. G-18756 on June 9, 1959, as supplemented on July 31, 1959 and September 16, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Act, authorizing Northern to construct and operate pipeline and storage facilities and sell and deliver additional gas to its existing customers to meet their increased requirements for the 1959-60 heating season; Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), a Delaware corporation with principal place of business at 500 Griswold Street, Detroit 26, Michigan, filed in Docket No. G-20572, as supplemented on January 27, 1960, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Act, authorizing Michigan Wisconsin to construct and operate facilities and sell and deliver gas, proposed to be purchased from Northern, to its existing customers; all as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the above-mentioned applications which are on file with the Commission and open for public inspection.

In Docket No. G-20570, Northern proposes to construct and operate, as an integral part of its existing natural-gas system, certain facilities, hereinafter described, and to sell for resale[1] in interstate commerce an additional contract demand volume totaling 78,552 Mcf[2] of gas per day to its existing customers to satisfy increased requirements anticipated and nominated by such customers for the 1960-61 heating season. Of the 73,792 Mcf of additional contract demand desired by Northern's customers, an increased volume of 40,000 Mcf per day has been requested by Northern Illinois Gas Company. Northern seeks authorization to construct and operate the following facilities in order to transport and deliver the additional 73,792 Mcf of gas:

103 miles of 24-inch and 30-inch main-line loops in Oklahoma, Kansas, Nebraska, and Iowa	$10,081,900
17,360 horsepower of compressor additions at seven existing stations	5,390,800
20.8 miles of branch-line loops in Iowa and Minnesota	473,400
Additional measuring station for Rochester, Minn	29,100
Interest and overheads	639,000
Total estimated cost (G-20570)	16,614,200

In Docket No. G-20571, Northern proposes to construct and operate certain natural-gas facilities, hereinafter described, to sell for resale in interstate commerce a contract demand volume of 75,000 Mcf per day to Michigan Wisconsin, a proposed new pipeline customer. To deliver the proposed $75,000 Mcf per day to Michigan Wisconsin at a point near Janesville, Wisconsin, on Michigan Wisconsin's existing pipeline system, Northern proposes to construct and operate the facilities described below:

154 miles of 26 and 30-inch main-line loops in Kansas, Nebraska, and Iowa	$15,057,600
82.5 miles of 20-inch main-line extension from East Dubuque, Ill., to Janesville, Wis., to connect Northern's system with that of Michigan Wisconsin	4,967,400
14,050 horsepower of compressor additions at Waterloo and Ogden, Iowa, Palmyra and Beatrice, Nebr., and Mullinville, Kans	3,881,600
Sales measuring facilities at Janesville, Wis	57,300
Interest and overheads	958,600
Total estimated cost (G-20571)	24,922,500

In Docket No. G-18756, Northern proposes to construct and operate certain facilities, hereinafter described, and to sell for resale in interstate commerce an additional contract demand volume totaling 29,423 Mcf[3] of gas per day to its existing customers to satisfy increased requirements anticipated and nominated by such customers for the 1959-60 heating season.

On July 31, 1959, the Commission issued Opinion No. 324 in Northern Natural Gas Co., et al., Docket Nos. G-17485, et al., 22 F.P.C. 164. This opinion was issued between the time Northern filed its original application in Docket No. G-18756 and the time Northern filed its application for temporary authority in that docket. Among the main-line facilities authorized by the order accompanying Opinion No. 324 were those for which Northern had sought Commission approval in Docket No. G-18756. Consequently, in its application for temporary authority, Northern indicated that the only facilities then needed to deliver the additional contract demand requested by its existing customers for the 1959-60 heating season were those not theretofore authorized by the order accompanying Opinion No. 324:

19.9 miles of 10-inch pipeline (2d branch to Marshalltown, Iowa)	$575,500
2.5 miles of 2-inch branch-line loop to Griswold, Iowa	29,600
Second measuring station for Marshalltown, Iowa	42,100
Interest and overheads	25,900
Total estimated cost (G-18756)	673,100

Paragraph (I) of the order accompanying Opinion No. 316 issued October 31, 1958, in American Louisiana Pipe Line Co., et al., Docket Nos. G-2306, et al., 20 F.P.C. 575, provided: "Northern's application in Docket No. G-2460, pertaining to Redfield Storage, is hereby denied * * *". However, at page 598 of that opinion the Commission stated, "In accordance with the procedure we intend to follow in this case outlined previously, Northern may file a new application for Redfield Storage and seek to sustain this facility further on the basis of new and incorporated evidence. * * *" [Emphasis supplied.] In its applications in Docket Nos. G-18756 and G-20570, as supplemented, Northern has indicated that the 24,923 Mcf per day needed by its existing customers for the 1959-60 heating season and the 33,792 Mcf nominated by its existing customers (except Northern Illinois) for the 1960-61 heating season will be supplied during peak periods by utilizing the St. Peter-Elgin system of its Redfield underground storage field near Redfield, Iowa; Northern relies only upon its existing gas reserves and additional pipeline capacity to provide the 40,000 Mcf per day desired by Northern Illinois and the 75,000 Mcf per day requested by Michigan Wisconsin, as shown in the following tabulation:

Docket No.	Additional contract demand requested by—	Utilization of Redfield storage	Additional pipeline capacity
		Mcf	*Mcf*
G-18756	Existing customers	24,923	----------
G-20570	Existing customers (except Northern Illinois)	33,792	----------
G-20570	Northern Illinois	None	40,000
G-20571	Michigan Wisconsin	None	75,000
Total		58,715	115,000

Northern states that the facilities for which authorization is sought in Docket No. G-18756 "* * * will be financed out of funds on hand"; that the facilities required in Docket No. G-20570 will be financed "* * * by the issuance of $6,000,000 of debentures and $10,000,000 of preferred stock"; and that the facilities required in Docket No. G-20571 will be financed "* * * by the issuance of $18,000,000 of debentures and $6,000,000 of preferred stock".

In Docket No. G-20572, Michigan Wisconsin proposes to construct and operate certain facilities, hereinafter described, and to sell for resale in interstate commerce an additional 75,000 Mcf of gas per day to its existing customers. Michigan Wisconsin states in its application

[1] Except a volume of 2,383 Mcf per day desired by Northern's own distributing arm, Peoples Natural Gas Division, and gas required for the "Argus System"; the same kind of exception applies to the total additional contract demand specified in Northern's application in Docket No. G-18756.

[2] Now 73,792 Mcf per day because of "* * * cutbacks of 4,340 Mcf by present customers of previous contract demand nominations for the 1960-61 heating season and an adjustment of 420 Mcf for equivalent contract demand applicable to the Argus System * * *", according to page 1 of third supplement filed April 29, 1960, in Docket No. G-20570.

[3] In its third supplement, filed April 29, 1960, to its application in Docket No. G-20570, Northern stated that the total increase in contract demand needed by its existing customers for the 1959-60 heating season had been reduced to 26,643 Mcf. Northern received temporary authorization on October 21, 1959, in Docket No. G-18756 to supply an increase in contract demand of 24,923 Mcf, i.e., the original increase requested of 29,423 Mcf less a volume of 4,500 Mcf no longer desired by Metropolitan Utilities District of Omaha.

that it will "• • • make a pro rata allocation, in accordance with Section 8 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1 of the proposed additional • • •" volumes of gas to be purchased from Northern pursuant to a letter agreement between Michigan Wisconsin and Northern dated November 16, 1959.

In order to deliver the additional gas to its existing customers, Michigan Wisconsin proposes to construct facilities, costing an estimated $4,363,000, consisting of 29.2 miles of 30-inch main-line loop between its Compressor Station No. 10, located in northern Illinois, and its leased storage facilities in west central Michigan, and 3,000 horsepower of compression for installation at a new compressor station to be located at the terminus of Northern's proposed facilities near Janesville, Wisconsin, to be designated as Michigan Wisconsin's "Wisconsin D Station".

Michigan Wisconsin states in its application that the necessary facilities "• • • will be financed initially with funds on hand. In 1961 it is contemplated that additional ten-year promissory notes in the amount of $4,000,000 will be issued to permanently finance the proposed facilities".

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, July 6, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5156; Filed, June 7, 1960; 8:45 a.m.]

[Docket No. RI60-366 etc.]

TEXACO INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Terminating Proceeding[2]

JUNE 1, 1960.

Texaco Inc., Docket No. RI60-366; Phillips Petroleum Company, Docket No. RI60-367; C. V. Lyman, Docket No. RI60-368; Lab Oil Company (Operator), et al., Docket No. RI60-369; Sun Oil Company, Docket No. RI60-370; Forest Oil Corporation, Docket No. RI60-371; General Crude Oil Company, Docket No. RI60-372; Willard E. Ferrell, Agent, Brushy Fork Development Company, Docket No. RI60-373; The Bradley Producing Corporation, Docket No. RI60-374; Skelly Oil Company, Docket No. RI60-375; Cosden Petroleum Corporation, Docket Nos. RI60-376, G-15408; Shell Oil Company, Docket No. RI60-377.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are as follows:

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date[1] unless suspended	Date suspended until—	¢ per Mcf: Rate in effect[3]	¢ per Mcf: Proposed increased rate[3]	Rate in effect subject to refund in docket Nos.
RI60-366	Texaco Inc.	130	2	Tennessee Gas Transmission Co. (Magnolia City Field, Jim Wells County, Tex.).	Undated	5-2-60	6-2-60	11-2-60	12.12288	17.24347	----------
RI60-367	Phillips Petroleum Co.	2A	16	Texas Eastern Transmission Corp. (N. Port Neches Field, Orange County, Tex.).	4-29-60	5-2-60	6-2-60	11-2-60	14.6	14.8	G-20265
RI60-368	C. V. Lyman	2	8	Tennessee Gas Transmission Co. (various fields, Jim Wells and Nueces Counties, Tex.).	Undated	5-2-60	6-2-60	11-2-60	11.90337	17.02416	----------
RI60-369	Lab Oil Co. (Operator), et al.	1	2	Orange Grove Gas Gathering Co. (N.W. Orange Grove Field, Jim Wells County, Tex.).	4-30-60	5-5-60	6-5-60	6-6-60	11.0	12.0	----------
RI60-370	Sun Oil Co.	84	15	Northern Natural Gas Co. (West Perryton Field, Ochiltree County Tex.).	[4] 4-12-60	5-5-60	6-5-60	11-5-60	15.5	16.5	----------
		84	6		4-26-60	5-5-60	6-5-60	11-5-60	15.5	16.5	----------
RI60-371	Forest Oil Corp.	4	3	Tennessee Gas Transmission Co. (Brayton and Agua Dulce Fields, Nueces County, Tex.).	5-2-60	5-5-60	6-5-60	11-5-60	14.57860	17.02416	G-19880
RI60-372	General Crude Oil Co.	8	3	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.).	5-5-60	5-9-60	6-22-60	[6] 6-24-60	6.9918	8.5	G-20554
RI60-373	Willard E. Ferrell, Agent, Brushy Fork Development Co.	5	1	Equitable Gas Co. (Union District, Richie County, W. Va.).	5-6-60	5-9-60	6-9-60	11-9-60	23.0	28.0	----------
RI60-374	The Bradley Producing Corp.	1	4	Natural Gas Pipe Line Co. of America (Camrick Southeast Field, Beaver County, Okla.).	5-5-60	5-9-60	6-9-60	11-9-60	16.6	16.8	G-20677
RI60-375	Skelly Oil Co.	39	10	Cities Service Gas Co. (Hugoton Field, Texas County, Okla.).	5-4-60	5-9-60	6-9-60	11-9-60	[5] 9.7262	[5] 11.0	----------
									[5] 10.8535	[5] 12.0278	----------
RI60-376	Cosden Petroleum Corp.	3	6	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	5-3-60	5-9-60	6-9-60	11-9-60	16.0	17.0	----------
		11	14		5-3-60	5-9-60	6-9-60	11-9-60	16.0	17.0	----------
RI60-377	Shell Oil Co.	178	3	West Lake Natural Gasoline Co. (West Lake Transmed Field, Nolan County, Tex.).	5-5-60	5-10-60	6-22-60	[6] 6-24-60	6.9918	8.5	G-20554

[1] The stated effective dates are those requested by Respondents or the first day after the expiration of statutory notice, whichever is later.
[2] The rate of Willard E. Ferrell, Agent, Brushy Fork Development Co., is at a pressure base of 14.65 psia. All the other rates are at a pressure base of 14.65 psia.
[3] Supplement No. 1-5 on contributory agreement dated Apr. 12, 1960.
[4] Or until one day after the rate suspended in the proceeding in Docket No. RI60-59 is made effective, if later.
[5] Unadhered gas.
[6] Gathered gas.

In support of its proposed favored-nation increased rate, Texaco Inc. cites a comparable increased price and states that [illegible] Phillips also states its proposed rate is less than the highest approved rate being collected in the area; in this connection, Phillips cites a rate which was accepted

(Operator), et al. (Lab) cites an increase in the resale rate[3] of its purchaser and states that Lab's proposed increased rate is necessary to recover costs and over-

In support of its proposed renegotiated increased rate, Sun Oil Company submits an amendatory agreement and states that the proposed rate provided therein was negotiated at arm's length and does not exceed the value of gas in the area.

In support of its proposed favored-nation increased rate, Forest Oil Corporation (Forest) cites a triggering price and states that the favored-nation clause in its contract was an essential element of contractual consideration and was negotiated at arm's length. Forest also states that the proposed rate is in line with the going price of gas in the area.

In support of its proposed revenue-sharing increased rate, General Crude Oil Company (General) cites its contract, a renegotiated resale rate of its purchaser, and the purchaser's agreement to share its increase. The purchaser's resale rate was suspended in the proceeding in Docket No. RI60-30 until June 23, 1960 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

In support of his proposed renegotiated increased rate, Willard E. Ferrell, Agent, Brushy Fork Development Company, submits an amendatory agreement to his contract and states that the increased rate is necessary to meet increased expenses, as is recognized by the purchaser in the amendatory agreement.

In support of its proposed periodic increased rate, The Bradley Producing Corporation (Bradley) states that each contractual provision is part of one integral pricing arrangement previously submitted under the initial rate filing. Bradley also states that such pricing arrangements are common in long term contracts and are economically desirable to the buyer, seller, and public.

In support of its proposed renegotiated increased rates Skelly Oil Company (Skelly) cites a renegotiation agreement and states that the proposed rates were negotiated at arm's length. Skelly cites 11-cent rates being charged in the area. Skelly also states that on September 10, 1958, it agreed to the elimination of the favored-nation clause from its contract, depriving it of other opportunities for increased rates.

In support of its proposed renegotiated increased rates, Cosden Petroleum Corporation submits contract amendments, states that the favored-nation clauses were thereby eliminated from its contracts, states that the proposed rates are the offered price for gas in the area, and further states that the proposed rates are needed to compensate for increasing costs. Cosden previously proposed increased rates under its rate schedules involved herein. The rates were suspended in the proceeding in Docket No. G-15408 but have never been made effective.

chaser's agreement to share its increase. The purchaser's resale rate was suspended in the proceeding Docket No. RI60-30 until June 23, 1960 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) The proceeding in Docket No. G-15408 should be terminated.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) The proceeding in Docket No. G-15408 is hereby terminated.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 15, 1960.

By the Commission (Commissioner Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-5157; Filed, June 7, 1960; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

Company Act of 1956, Eastern Trust and Banking Company, Bangor, Maine, a bank holding company, has applied for the Board's prior approval of the acquisition of up to 70 percent of the 2,000 outstanding voting shares of Guilford Trust Company, Guilford, Maine. Information relied upon by the Board in making its tentative decision is summarized in the Board's Tentative Statement[1] of this date, which is attached hereto and made a part hereof, and which is available for inspection at the Office of the Board's Secretary, at all Federal Reserve Banks, and at the Office of the Federal Register.

The record in this proceeding to date consists of the application, the Board's letter to the Bank Commissioner for the State of Maine inviting his views and recommendations on the application, the Commissioner's reply, this Notice of Tentative Decision, and the Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments upon or objections to the Board's proposed action. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board.

Dated at Washington, D.C., this 1st day of June 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-5158; Filed, June 7, 1960; 8:45 a.m.]

FOREIGN-TRADE ZONES BOARD

SEATTLE, WASHINGTON

Extension of Time for Permanent Relocation of Foreign-Trade Zone No. 5

Mr. H. M. Burke, General Manager, Port of Seattle, Seattle, Washington, as representative of the zone grantee, on April 28, 1960 advised the Foreign-Trade Zones Board of their inability to accomplish the permanent relocation of Foreign-Trade Zone No. 5 by the date established in Order No. 46, and requested an extension of time to Decem-

It further appearing that service of the aforementioned show cause order on the subject licensee was accomplished on April 4, 1960, and that on April 8, 1960, he wrote to the Commission's San Pedro, California field office apparently in reference to said order but failed to state whether he would appear at a hearing or desired to waive a hearing and submit a written statement in justification or mitigation for consideration by the Hearing Examiner; and

It further appearing that said licensee has failed to respond to a Commission communication sent him on May 4, 1960, requesting a statement as to whether he will appear at a hearing or waive a hearing and submit a written statement in mitigation or justification of the violations charged in the show cause order; and

It further appearing that in view of the events described above and of applicable provisions of § 1.62 of the Commission's rules, it is appropriate at this time to schedule a new hearing date so as to afford the licensee the opportunity to file with the Commission a written statement that he will appear at the specified time and place and present evidence;

Accordingly, on the Hearing Examiner's own motion: *It is ordered*, This 1st day of June 1960, that the hearing on the show cause order in this proceeding is hereby rescheduled for July 19, 1960, at 10:00 o'clock a.m., in the offices of the Commission, at Washington, D.C.

The attention of the licensee is again directed to the provisions of § 1.62 of the Commission's rules noted below[1] concerning the filing of a written appearance, or waiver of hearing and submission of a statement in justification or mitigation to the Commission in Washington, D.C. Such written appearance or other statement of the licensee may be filed within 30 days from the date of service of the instant order.

Released: June 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5196; Filed, June 7, 1960; 8:51 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

FEDERAL POWER COMMISSION

[Docket No. CP60-56]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application and Date of Hearing

JUNE 2, 1960.

Take notice that on March 11, 1960, as supplemented on April 18, 1960, Montana-Dakota Utilities Company (Applicant), filed in Docket No. CP60-56 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of certain natural gas facilities and the abandonment and salvage of certain other natural gas facilities, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The facilities for which authorization is sought are:

(1) Approximately 22.7 miles of 16-inch O.D. transmission pipeline to replace in the same location a 22.7 mile 12¾ inch segment of the Cabin Creek to Bismarck line, beginning at the Cabin Creek compressor station in Fallon County, Montana, and terminating at a point near Golva in Golden Valley County, North Dakota;

(2) Approximately 7.0 miles of 10¾ inch O.D. and 5.6 miles of 12¾ inch O.D. transmission pipeline to loop 12.6 miles of existing 12¾ inch line on the Cabin Creek to Bismarck line just west of Mandan in Morton County, North Dakota;

(3) Approximately 15.9 miles of 12¾ inch O.D. transmission pipeline to loop 15.9 miles of existing 12¾ inch line on the Elk Basin to Billings line, all in Carbon County, Montana; and

(4) An additional 880 horsepower compressor unit and related facilities at the Cabin Creek compressor station in Fallon County, Montana.

The facilities to be abandoned consist of the 22.7 mile, 12¾ inch line which is to be replaced as indicated in Item (1) above, because of deterioration, and which is to be salvaged, reconditioned and re-utilized.

The purpose of the instant application is to provide increased capacity to serve estimated increasing future requirements on Applicant's system and to assure continuity of service on deteriorated sections of line which are to be looped.

The estimated cost of construction of the proposed facilities is $1,732,000, to be defrayed from working capital, and the cost of retiring the facilities to be replaced is estimated at $62,000, with a salvage value of $156,000.

No new markets are proposed to be served.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before June 21, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-5155; Filed, June 7, 1960; 8:45 a.m.]

[Docket Nos. G-20570 etc.]

NORTHERN NATURAL GAS CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Applications, Consolidation and Date of Hearing

JUNE 1, 1960.

Northern Natural Gas Co., Docket Nos. G-20570, G-20571 and G-18756; Michigan Wisconsin Pipe Line Co., Docket No. G-20572.

Take notice that: Northern Natural Gas Company (Northern), a Delaware corporation with principal place of business at 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. G-20570 on December 30, 1959, as supplemented on February 12, 1960, March 3, 1960 and April 29, 1960, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act), authorizing Northern to construct and operate pipeline and storage facilities and sell and deliver additional gas to its existing customers to meet their increased requirements for the 1960-61 heating season; additionally, Northern filed in Docket No. G-20571 on December 30, 1959, as supplemented on February 2, 1960, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Act, authorizing Northern to construct and operate facilities and sell and deliver an initial volume of gas to a new pipeline customer, Michigan Wisconsin Pipe Line Company; Northern also filed in Docket No. G-18756 on June 9, 1959, as supplemented on July 31, 1959 and September 16, 1959, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Act, authorizing Northern to construct and operate pipeline and storage facilities and sell and deliver additional gas to its existing customers to meet their increased requirements for the 1959-60 heating season; Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), a Delaware corporation with principal place of business at 500 Griswold Street, Detroit 26, Michigan, filed in Docket No. G-20572, as supplemented on January 27, 1960, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Act, authorizing Michigan Wisconsin to construct and operate facilities and sell and deliver gas, proposed to be purchased from Northern, to its existing customers; all as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the above-mentioned applications which are on file with the Commission and open for public inspection.

In Docket No. G-20570, Northern proposes to construct and operate, as an integral part of its existing natural-gas system, certain facilities, hereinafter described, and to sell for resale [1] in interstate commerce an additional contract demand volume totaling 78,552 Mcf [2] of gas per day to its existing customers to satisfy increased requirements anticipated and nominated by such customers for the 1960-61 heating season. Of the 73,792 Mcf of additional contract demand desired by Northern's customers, an increased volume of 40,000 Mcf per day has been requested by Northern Illinois Gas Company. Northern seeks authorization to construct and operate the following facilities in order to transport and deliver the additional 73,792 Mcf of gas:

103 miles of 24-inch and 30-inch main-line loops in Oklahoma, Kansas, Nebraska, and Iowa	$10,081,900
17,360 horsepower of compressor additions at seven existing stations	5,390,800
20.8 miles of branch-line loops in Iowa and Minnesota	473,400
Additional measuring station for Rochester, Minn	29,100
Interest and overheads	639,000
Total estimated cost (G-20570)	16,614,200

In Docket No. G-20571, Northern proposes to construct and operate certain natural-gas facilities, hereinafter described, to sell for resale in interstate commerce a contract demand volume of 75,000 Mcf per day to Michigan Wisconsin, a proposed new pipeline customer. To deliver the proposed $75,000 Mcf per day to Michigan Wisconsin at a point near Janesville, Wisconsin, on Michigan Wisconsin's existing pipeline system, Northern proposes to construct and operate the facilities described below:

154 miles of 26 and 30-inch main-line loops in Kansas, Nebraska, and Iowa	$15,057,600
82.5 miles of 20-inch main-line extension from East Dubuque, Ill., to Janesville, Wis., to connect Northern's system with that of Michigan Wisconsin	4,967,400
14,050 horsepower of compressor additions at Waterloo and Ogden, Iowa, Palmyra and Beatrice, Nebr., and Mullinville, Kans	3,881,600
Sales measuring facilities at Janesville, Wis	57,300
Interest and overheads	958,600
Total estimated cost (G-20571)	24,922,500

In Docket No. G-18756, Northern proposes to construct and operate certain facilities, hereinafter described, and to sell for resale in interstate commerce an additional contract demand volume totaling 29,423 Mcf [3] of gas per day to its existing customers to satisfy increased requirements anticipated and nominated by such customers for the 1959-60 heating season.

On July 31, 1959, the Commission issued Opinion No. 324 in Northern Natural Gas Co., et al., Docket Nos. G-17485, et al., 22 F.P.C. 164. This opinion was issued between the time Northern filed its original application in Docket No. G-18756 and the time Northern filed its application for temporary authority in that docket. Among the main-line facilities authorized by the order accompanying Opinion No. 324 were those for which Northern had sought Commission approval in Docket No. G-18756. Consequently, in its application for temporary authority, Northern indicated that the only facilities then needed to deliver the additional contract demand requested by its existing customers for the 1959-60 heating season were those not theretofore authorized by the order accompanying Opinion No. 324:

19.9 miles of 10-inch pipeline (2d branch to Marshalltown, Iowa)	$575,500
2.5 miles of 3-inch branch-line loop to Griswold, Iowa	29,600
Second measuring station for Marshalltown, Iowa	42,100
Interest and overheads	25,900
Total estimated cost (G-18756)	673,100

Paragraph (I) of the order accompanying Opinion No. 316 issued October 31, 1958, in American Louisiana Pipe Line Co., et al., Docket Nos. G-2306, et al., 20 F.P.C. 575, provided: "Northern's application in Docket No. G-2460, pertaining to Redfield Storage, is hereby denied * * *". However, at page 598 of that opinion the Commission stated, "In accordance with the procedure we intend to follow in this case outlined previously, Northern may file a new application for Redfield Storage and seek to sustain this facility further on the basis of new and incorporated evidence. * * *" [Emphasis supplied.] In its applications in Docket Nos. G-18756 and G-20570, as supplemented, Northern has indicated that the 24,923 Mcf per day needed by its existing customers for the 1959-60 heating season and the 33,792 Mcf nominated by its existing customers (except Northern Illinois) for the 1960-61 heating season will be supplied during peak periods by utilizing the St. Peter-Elgin system of its Redfield underground storage field near Redfield, Iowa; Northern relies only upon its existing gas reserves and additional pipeline capacity to provide the 40,000 Mcf per day desired by Northern Illinois and the 75,000 Mcf per day requested by Michigan Wisconsin, as shown in the following tabulation:

Docket No.	Additional contract demand requested by—	Utilization of Redfield storage	Additional pipeline capacity
		Mcf	*Mcf*
G-18756	Existing customers	24,923	----------
G-20570	Existing customers (except Northern Illinois).	33,792	----------
G-20570	Northern Illinois	None	40,000
G-20571	Michigan Wisconsin	None	75,000
Total		58,715	115,000

Northern states that the facilities for which authorization is sought in Docket No. G-18756 "* * * will be financed out of funds on hand"; that the facilities required in Docket No. G-20570 will be financed "* * * by the issuance of $6,000,000 of debentures and $10,000,000 of preferred stock"; and that the facilities required in Docket No. G-20571 will be financed "* * * by the issuance of $18,000,000 of debentures and $6,000,000 of preferred stock".

In Docket No. G-20572, Michigan Wisconsin proposes to construct and operate certain facilities, hereinafter described, and to sell for resale in interstate commerce an additional 75,000 Mcf of gas per day to its existing customers. Michigan Wisconsin states in its application

[1] Except a volume of 2,383 Mcf per day desired by Northern's own distributing arm, Peoples National Gas Division, and gas required for the "Argus System"; the same kind of exception applies to the total additional contract demand specified in Northern's application in Docket No. G-18756.

[2] Now 73,792 Mcf per day because of "* * * cutbacks of 4,340 Mcf by present customers of previous contract demand nominations for the 1960-61 heating season and an adjustment of 420 Mcf for equivalent contract demand applicable to the Argus System * * *", according to page 1 of third supplement filed April 29, 1960, in Docket No. G-20570.

[3] In its third supplement, filed April 29, 1960, to its application in Docket No. G-20570, Northern stated that the total increase in contract demand needed by its existing customers for the 1959-60 heating season had been reduced to 26,643 Mcf. Northern received temporary authorization on October 21, 1959, in Docket No. G-18756 to supply an increase in contract demand of 24,923 Mcf, i.e., the original increase requested of 29,423 Mcf less a volume of 4,500 Mcf no longer desired by Metropolitan Utilities District of Omaha.

that it will "• • • make a pro rata allocation, in accordance with Section 8 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1 of the proposed additional • • •" volumes of gas to be purchased from Northern pursuant to a letter agreement between Michigan Wisconsin and Northern dated November 16, 1959.

In order to deliver the additional gas to its existing customers, Michigan Wisconsin proposes to construct facilities, costing an estimated $4,363,000, consisting of 29.2 miles of 30-inch main-line loop between its Compressor Station No. 10, located in northern Illinois, and its leased storage facilities in west central Michigan, and 3,000 horsepower of compression for installation at a new compressor station to be located at the terminus of Northern's proposed facilities near Janesville, Wisconsin, to be designated as Michigan Wisconsin's "Wisconsin D Station".

Michigan Wisconsin states in its application that the necessary facilities "• • • will be financed initially with funds on hand. In 1961 it is contemplated that additional ten-year promissory notes in the amount of $4,000,000 will be issued to permanently finance the proposed facilities".

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, July 6, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5156; Filed, June 7, 1960; 8:45 a.m.]

[Docket No. RI60-366 etc.]

TEXACO INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Terminating Proceeding[1]

JUNE 1, 1960.

Texaco Inc., Docket No. RI60-366; Phillips Petroleum Company, Docket No. RI60-367; C. V. Lyman, Docket No. RI60-368; Lab Oil Company (Operator), et al., Docket No. RI60-369; Sun Oil Company, Docket No. RI60-370; Forest Oil Corporation, Docket No. RI60-371; General Crude Oil Company, Docket No. RI60-372; Willard E. Ferrell, Agent, Brushy Fork Development Company, Docket No. RI60-373; The Bradley Producing Corporation, Docket No. RI60-374; Skelly Oil Company, Docket No. RI60-375; Cosden Petroleum Corporation, Docket Nos. RI60-376, G-15408; Shell Oil Company, Docket No. RI60-377.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date[1] unless suspended	Date suspended until—	¢ per Mcf: Rate in effect[2]	¢ per Mcf: Proposed increased rate[3]	Rate in effect subject to refund in docket Nos.
RI60-366	Texaco Inc.	130	2	Tennessee Gas Transmission Co. (Magnolia City Field, Jim Wells County, Tex.).	Undated	5-2-60	6-2-60	11-2-60	12.12268	17.24347	----------
RI60-367	Phillips Petroleum Co.	2A	16	Texas Eastern Transmission Corp. (N. Port Neches Field, Orange County, Tex.).	4-29-60	5-2-60	6-2-60	11-2-60	14.6	14.8	G-20255
RI60-368	C. V. Lyman	2	8	Tennessee Gas Transmission Co. (various fields, Jim Wells and Nueces Counties, Tex.).	Undated	5-2-60	6-2-60	11-2-60	11.90337	17.02416	----------
RI60-369	Lab Oil Co. (Operator), et al.	1	2	Orange Grove Gas Gathering Co. (N.W. Orange Grove Field, Jim Wells County, Tex.).	4-30-60	5-5-60	6-5-60	6-6-60	11.0	12.0	----------
RI60-370	Sun Oil Co.	84 84	[5] 5 6	Northern Natural Gas Co. (West Perryton Field, Ochiltree County Tex.).	[4] 4-12-60 4-26-60	5-5-60 5-5-60	6-5-60 6-5-60	11-5-60 11-5-60	15.5 15.5	16.5 16.5	---------- ----------
RI60-371	Forest Oil Corp.	4	8	Tennessee Gas Transmission Co. (Brayton and Agua Dulce Fields, Nueces County, Tex.).	5-2-60	5-5-60	6-5-60	11-5-60	14.87589	17.02416	G-19800
RI60-372	General Crude Oil Co.	8	3	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.).	5-5-60	5-9-60	6-23-60	[6] 6-24-60	6.9918	8.5	G-20554
RI60-373	Willard E. Ferrell, Agent, Brushy Fork Development Co.	5	1	Equitable Gas Co. (Union District, Richie County, W. Va.).	5-6-60	5-9-60	6-9-60	11-9-60	23.0	28.0	----------
RI60-374	The Bradley Producing Corp.	1	4	Natural Gas Pipe Line Co. of America (Carmick Southeast Field, Beaver County, Okla.).	5-5-60	5-9-60	6-9-60	11-9-60	16.6	16.8	G-20077
RI60-375	Skelly Oil Co.	50	10	Cities Service Gas Co. (Hugston Field, Texas County, Okla.).	5-4-60	5-9-60	6-9-60	11-9-60	[5] 9.8262 [6] 10.8535	[5] 11.0 [6] 12.0273	---------- ----------
RI60-376	Cosden Petroleum Corp.	3 11	6 14	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	5-3-60 5-3-60	5-9-60 5-9-60	6-9-60 6-9-60	11-9-60 11-9-60	10.0 10.0	17.0 17.0	---------- ----------
RI60-377	Shell Oil Co.	173	3	West Lake Natural Gasoline Co. (West Lake Trammel Field, Nolan County, Tex.).	5-9-60	5-10-60	6-23-60	[6] 6-24-60	6.9918	8.5	G-20296

[1] The stated effective dates are those requested by Respondents or the first day after the exptration of statutory notice, whichever is later.
[2] The rate of Willard E. Ferrell, Agent, Brushy Fork Development Co., is at a pressure base of 15.325 psia. All the other rates are at a pressure base of 14.65 psia.
[3] Supplement No. 5 is an amendatory agreement dated Apr. 12, 1960.
[4] Or until one day after the rate suspended in the proceeding in Docket No. RI60-30 is made effective, if later.
[5] Ungathered gas.
[6] Gathered gas.

In support of its proposed favored-nation increased rate, Texaco Inc. cites a triggering increased price and states that the favored-nation provision of its contract is part of the integral pricing arrangement in its contract, which is designed partially to compensate for increasing costs. Texaco Inc. also cites a higher price being paid in the area.

In support of its proposed periodic increased rate, Phillips Petroleum Company (Phillips) cites its contract and states it was negotiated at arm's length. Phillips also states its proposed rate is less than the highest approved rate being collected in the area; in this connection, Phillips cites a rate which was accepted on the basis of submitted cost evidence.

In support of his proposed favored-nation increased rate, C. V. Lyman cites several sales certificated at higher rates and cites one of the cost of service exhibits in the proceeding in Docket No. G-9289.

In support of its proposed revenue-sharing increased rate, Lab Oil Company (Operator), et al. (Lab) cites an increase in the resale rate[2] of its purchaser and states that Lab's proposed increased rate is necessary to recover costs and overcome the reductions in allowable production. Lab also states that higher prices are being received in the area.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.
[2] Rate effective subject to refund in the proceeding in Docket No. G-19936.

In support of its proposed renegotiated increased rate, Sun Oil Company submits an amendatory agreement and states that the proposed rate provided therein was negotiated at arm's length and does not exceed the value of gas in the area.

In support of its proposed favored-nation increased rate, Forest Oil Corporation (Forest) cites a triggering price and states that the favored-nation clause in its contract was an essential element of contractual consideration and was negotiated at arm's length. Forest also states that the proposed rate is in line with the going price of gas in the area.

In support of its proposed revenue-sharing increased rate, General Crude Oil Company (General) cites its contract, a renegotiated resale rate of its purchaser, and the purchaser's agreement to share its increase. The purchaser's resale rate was suspended in the proceeding in Docket No. RI60-30 until June 23, 1960 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

In support of his proposed renegotiated increased rate, Willard E. Ferrell, Agent, Brushy Fork Development Company, submits an amendatory agreement to his contract and states that the increased rate is necessary to meet increased expenses, as is recognized by the purchaser in the amendatory agreement.

In support of its proposed periodic increased rate, The Bradley Producing Corporation (Bradley) states that each contractual provision is part of one integral pricing arrangement previously submitted under the initial rate filing. Bradley also states that such pricing arrangements are common in long term contracts and are economically desirable to the buyer, seller, and public.

In support of its proposed renegotiated increased rates Skelly Oil Company (Skelly) cites a renegotiation agreement and states that the proposed rates were negotiated at arm's length. Skelly cites 11-cent rates being charged in the area. Skelly also states that on September 10, 1958, it agreed to the elimination of the favored-nation clause from its contract, depriving it of other opportunities for increased rates.

In support of its proposed renegotiated increased rates, Cosden Petroleum Corporation submits contract amendments, states that the favored-nation clauses were thereby eliminated from its contracts, states that the proposed rates are the offered price for gas in the area, and further states that the proposed rates are needed to compensate for increasing costs. Cosden previously proposed increased rates under its rate schedules involved herein. The rates were suspended in the proceeding in Docket No. G-15408 but have never been made effective. Cosden's recent amendatory agreements and filings render the ineffective rate proposals moot, the proceeding in Docket No. G-15408 should therefore be terminated.

In support of its proposed revenue-sharing increased rate, Shell Oil Company cites its contract, a renegotiated resale rate of its purchaser, and the purchaser's agreement to share its increase. The purchaser's resale rate was suspended in the proceeding Docket No. RI60-30 until June 23, 1960 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) The proceeding in Docket No. G-15408 should be terminated.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) The proceeding in Docket No. G-15408 is hereby terminated.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 15, 1960.

By the Commission (Commissioner Kline dissenting).

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-5157; Filed, June 7, 1960; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

EASTERN TRUST AND BANKING CO.

Notice of Tentative Decision on Application for Prior Approval of Acquisition by a Bank Holding Company of Voting Shares of a Bank

Notice is hereby given that, pursuant to section 3(a) of the Bank Holding Company Act of 1956, Eastern Trust and Banking Company, Bangor, Maine, a bank holding company, has applied for the Board's prior approval of the acquisition of up to 70 percent of the 2,000 outstanding voting shares of Guilford Trust Company, Guilford, Maine. Information relied upon by the Board in making its tentative decision is summarized in the Board's Tentative Statement[1] of this date, which is attached hereto and made a part hereof, and which is available for inspection at the Office of the Board's Secretary, at all Federal Reserve Banks, and at the Office of the Federal Register.

The record in this proceeding to date consists of the application, the Board's letter to the Bank Commissioner for the State of Maine inviting his views and recommendations on the application, the Commissioner's reply, this Notice of Tentative Decision, and the Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments upon or objections to the Board's proposed action. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Following expiration of the said 15-day period, the Board's Tentative Decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board.

Dated at Washington, D.C., this 1st day of June 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-5158; Filed, June 7, 1960; 8:45 a.m.]

FOREIGN-TRADE ZONES BOARD

SEATTLE, WASHINGTON

Extension of Time for Permanent Relocation of Foreign-Trade Zone No. 5

Mr. H. M. Burke, General Manager, Port of Seattle, Seattle, Washington, as representative of the zone grantee, on April 26, 1960 advised the Foreign-Trade Zones Board of their inability to accomplish the permanent relocation of Foreign-Trade Zone No. 5 by the date established in Order No. 48, and requested an extension of time to December 31, 1961.

The Committee of Alternates has reviewed the circumstances in this case and unanimously recommend that the request for an extension of time from September 6, 1960 to December 31, 1961 be granted.

[1] Filed as part of the original document.

Upon consideration the Board concurs in the Committee's recommendation and hereby adopts the following resolution:

The Foreign-Trade Zones Board, after consideration of the request from the Port of Seattle Commission, Grantee, Foreign-Trade Zone No. 5 for an extension of time from September 6, 1960 to December 31, 1961 to permanently relocate the zone, approves the request.

The Executive Secretary of the Foreign-Trade Zones Boards is directed to incorporate this Memorandum, the letters from the Assistant Secretary of the Treasury, dated May 25, 1960, and Col. Carl H. Bronn, Army Member, Committee of Alternates, dated May 9, 1960, approving the foregoing Resolution in the official records of the Foreign-Trade Zones Board. The Executive Secretary will publish the foregoing Resolution in the FEDERAL REGISTER.

Dated: June 2, 1960.

[SEAL] FREDERICK H. MUELLER,
Secretary of Commerce, Chairman and Executive Officer Foreign-Trade Zones Board.

[F.R. Doc. 60-5197; Filed, June 7, 1960; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562, Taylor's I.C.C. Order 118]

ANN ARBOR RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, The Ann Arbor Railroad Company, account work stoppage affecting its car ferry service is unable to transport traffic offered it for movement via its car ferries.

It is ordered, That:

(a) Rerouting traffic: The Ann Arbor Railroad Company, being unable to transport traffic offered for movement by its car ferries account work stoppage affecting its car ferry service is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p.m., June 1, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., June 10, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 1, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-5179; Filed, June 7, 1960; 8:49 a.m.]

[Notice 125]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 3, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 104004 (Deviation Notice No. 4), filed April 25, 1960. Applicant: ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over Inter-state Highway 190 to Niagara Falls, N.Y., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the deviation points over New York Highways 384, 265, and 266, and U.S. Highway 62.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5176; Filed, June 7, 1960; 8:48 a.m.]

[Notice 325]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63160. By order of May 31, 1960, the Transfer Board approved the transfer to Homer H. Jackson, doing business as Jackson Trucking Company, Otsego, Mich., of Permits in Nos. MC 55885 and MC 55885 Sub 3, issued July 6, 1945, and February 16, 1949, respectively, to Edmund B. Arehart and Ann C. Arehart, a partnership, doing business as Arehart Trucking Company, Otsego, Mich., authorizing the transportation of: Paper and paper products, empty steel drums, supplies used by paper mills in the manufacture of paper, corn meal, animal or poultry feeds, rolled oats, fertilizer, farm products, scrap or waste paper, paper mill rolls, skids, covers for skids, and fresh and dried fruits and vegetables and empty containers, from, to, or between specified points in Michigan, Ohio, Indiana, Missouri, Kentucky, and Illinois. L. F. Richardson, 608 Michigan National Tower, Lansing, Mich., for applicants.

No. MC-FC 63286. By order of May 31, 1960, the Transfer Board approved the transfer to D. W. Ramsay Motor Freight, Inc., Aberdeen, Washington, of Certificate in No. MC 4906, issued November 18, 1940, to D. W. Ramsay, doing business as D. W. Ramsay Motor Freight, Aberdeen, Wash., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Hoquiam, Wash., and Seattle, Wash. Ernest M. Ingram, Attorney at Law, 216 Becker Building, Aberdeen, Wash., for applicants.

No. MC-FC 63287. By order of May 31, 1960, the Transfer Board approved the transfer to Holwick, Inc., 645 Vesper Street, Topeka, Kans., of Permit in No. MC 50348, issued February 26, 1959, to Roy Holwick, doing business as Holwick Heavy Hauling, 645 Vesper St., Topeka, Kansas, authorizing the transportation of: Building stone and heavy construction machinery and equipment between points in Kansas and Nebraska, and between Kansas City and St. Joseph, Mo., on the one hand, and, on the other, points in Kansas and Nebraska.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5178; Filed, June 7, 1960; 8:48 a.m.]

[Notice 326]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 3, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 38317 (Sub-No. 2), filed May 11, 1960. Applicant: EDGAR P. HARRISON, doing business as CONLON WAREHOUSE, 134 Sterry Street, Pawtucket, R.I. Applicant's Practitioner: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, with or without boat parts, *equipment* and *accessories* thereof, on boat trailers, between points in Rhode Island, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, South Carolina, Virginia, and Vermont.

HEARING: July 12, 1960, in Room 306, Main Post Office Building, Providence, R.I., before Examiner Richard H. Roberts.

No. MC 47158 (Sub No. 4), filed March 28, 1960. Applicant: MERCHANTS SERVICE TRUCKING, INC, P.O. Box 25, New London, Conn. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (a) between Groton, Conn., and the junction of Rhode Island Highway 3 and Interstate Highway 95 at or near Hopkinton, R.I.: from Groton over Interstate Highway 95 to junction Rhode Island Highway 3 at or near Hopkinton, R.I., and return over the same route, serving no intermediate points, and (b) between Providence, R.I., and Boston, Mass.: from Providence over U.S. Highway 1 to Boston, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's authorized regular route operations.

HEARING: July 13, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 134, or, if the Joint Board waives its right to participate before Examiner Richard H. Roberts.

No. MC 52652 (Sub No. 3) (SECOND AMENDMENT), filed March 14, 1960, published in the FEDERAL REGISTER, issue of April 13, 1960, and republished issue of June 2, 1960. Applicant: LAWRENCE MOTOR LINES, INC., 21 South Mill Street, Haverhill, Mass. Applicant's attorney: Stanley J. Polak, 111 State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products*, and *equipment, materials*, and *supplies* used in the manufacture of pulpboard, except commodities in bulk, in tank or hopper vehicles, between Hampton, N.H., on the one hand, and, on the other, New York, N.Y., and points in New York and New Jersey within 30 miles of New York and points in New Hampshire, Maine, Massachusetts, Rhode Island, and Connecticut. Applicant states the proposed operations will be under continuing contracts with J. D. Cahill Co., Haverhill, Mass., and Continental Can Company, Inc., New York, N.Y.

NOTE: The purpose of this second republication is to reflect the addition of the above-named shipper, Continental Can Company, Inc.

HEARING: Remains as assigned, June 21, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Isadore Freidson.

No. MC 52869 (Sub No. 58) (SECOND AMENDMENT), filed March 3, 1960, published in the FEDERAL REGISTER, issues of May 11, 1960, and June 2, 1960. Applicant: NORTHERN TANK LINE, a Corporation, 8 South Seventh Street, Miles City, Mont. Applicant's attorney: Robert W. Burchmore, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Ward County, N. Dak. (including the city of Minot, N. Dak.), to points in South Dakota and Montana, and *contaminated or refused products* on return.

HEARING: Remains as assigned, July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 143, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 68715 (Sub No. 12), filed May 23, 1960. Applicant: SUMMIT FAST FREIGHT, INC., 1142 Newton Street, Akron, Ohio. Applicant's attorney: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the B.F. Goodrich Tire Company plant, located in Milan Township, Allen County, Ind., approximately eleven (11) to thirteen (13) air line miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicants' authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 68908 (Sub No. 5), filed April 11, 1960. Applicant: MULLEN BROS., INC., OF NORTH ADAMS, P.O. Box 586, 71 Grove Street, Adams, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used school furniture*, uncrated, between North Adams, Mass. on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

HEARING: July 14, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Richard H. Roberts.

No. MC 76032 (Sub No. 155), filed May 9, 1960. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platt River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A, B, and C explosives*, and *shipper-owned gas trailers*, loaded with compressed or liquefied gas (other than liquefied petroleum gas), or empty, and excepting commodities in bulk, commodities of unusual value, those requiring special equipment, and household goods as defined by the Commission, (1) between Carlsbad, N. Mex., and Jal, N. Mex.: from Carlsbad over U.S. Highway 285 to junction New Mexico Highway 128, and thence over New Mexico Highway 128 to Jal, and return over the same route, serving all intermediate points; (2) between Carlsbad, N. Mex., and Hobbs, N. Mex.: from Carlsbad over U.S. Highway 180 to Hobbs, and return over the same route, serving

all intermediate points; and (3) between Clines Corners, N. Mex., and Roswell, N. Mex.: from Clines Corners over U.S. Highway 285 to Roswell, and return over the same route, serving all intermediate points.

HEARING: July 25, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 102799 (Sub No. 4) (CORRECTION), filed April 26, 1960, published in the FEDERAL REGISTER, issue of May 25, 1960. Applicant: PACKAGE MESSENGERS, INC., 2939 West Page Street, Philadelphia 21, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. The above docket number is the correct number assigned to the application. The previous issue of the FEDERAL REGISTER incorrectly designated the docket number as MC 10279 (Sub No. 4).

HEARING: Remains as assigned, July 15, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 107107 (Sub No. 142) (REPUBLICATION), filed February 4, 1960, published in the FEDERAL REGISTER, issue of February 25, 1960. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington, D.C. By application filed February 4, 1960, carrier sought a Certificate of Public Convenience and Necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, of fresh and processed nuts, and peanut butter, from Boykins, Va., to points in Florida, over irregular routes. At the hearing evidence adduced revealed that applicant would transport peanut bars. It is questionable whether the peanut bars come within the commodity description set forth in the application as filed and published in the FEDERAL REGISTER. Accordingly, it is concluded that the authority actually desired, and for which a need was found as set forth in the findings of Examiner William P. Sullivan, served May 5, 1960, should be set forth in this republication, and the issuance of a Certificate of Public Convenience and Necessity withheld for a period of at least 30 days from the date of this republication in the FEDERAL REGISTER, during which time any person or persons who might have been prejudiced by the failure of the first published notice to specifically set forth the transportation of peanut bars to file an appropriate pleading. The operations authorized in the Report and Order dated May 5, 1960, on compliance with certain conditions, are as follows: *Fresh and processed nuts, peanut butter*, and *peanut bars*, over irregular routes, from Boykins, Va., to points in Florida.

No. MC 107515 (Sub No. 350) (AMENDED), filed April 1, 1960, published FEDERAL REGISTER issue of May 11, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, prepared dough, meats, meat products, and meat by-products*, and *dairy products*, as defined by the Commission, from points in Texas to points in Mississippi, Louisiana, and Tennessee. RESTRICTION: Service to points in Mississippi, Louisiana, and Memphis, Tenn., restricted to partial delivery in instances where there is a subsequent partial delivery in either the States of Alabama, Georgia, Florida, North Carolina, South Carolina, or Tennessee.

NOTE: Dual operations under section 210 may be involved. The purpose of this republication is to reflect authority as sought to all points in Tennessee, except as restricted above.

HEARING: Remains as assigned: July 13, 1960, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

No. 112963 (Sub No. 5), filed May 5, 1960. Applicant: ROY BROS., INC., Boston Road, Pinehurst, Mass. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, in tank vehicles, between Lowell, Mass., and Endicott, N.Y.

HEARING: July 19, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Richard H. Roberts.

No. MC 113388 (Sub No. 28), filed May 16, 1960. Applicant: LESTER C. NEWTON TRUCKING COMPANY, a corporation, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *Meat By-Products* from Wilmington, Del., to points in Maryland, Delaware, Virginia, and North Carolina.

HEARING: July 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 115691 (Sub No. 11) (Correction), filed April 11, 1960, published in the FEDERAL REGISTER issue of May 25, 1960. Applicant: R. J. COKER, doing business as COKER TRUCKING COMPANY, P.O. Box 398, Demopolis, Ala. Applicant's attorney: H. A. Lloyd, Lloyd and Dinning Building, Demopolis, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* and *pipe*, in flat bed trailers, and *fittings* and *attachments* for such conduit and pipe, from Glen Dale, Marshall County, W. Va., to points in Georgia, Florida, Alabama, Arkansas, Louisiana, and Mississippi, and *damaged or defective shipments* of the above-described commodities, on return.

NOTE: The subject application is assigned for hearing July FIRST, as shown below. Previous publication indicated July 11th in error.

HEARING: July 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 117562 (Sub No. 5), filed April 22, 1960. Applicant: RAYMOND MERCHANT, GERALDINE AUDREY MERCHANT, ADMINISTRATRIX, Chamcook, Charlotte County, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating equipment and accessories*, moving in connection therewith, from Pompton Plains, N.J., to the port of entry on the International Boundary line between the United States and Canada, at or near Calais, Maine.

HEARING: July 27, 1960, at the Federal Building, Portland, Maine, before Examiner Richard H. Roberts.

No. MC 117562 (Sub No. 6), filed April 22, 1960. Applicant: RAYMOND MERCHANT, GERALDINE AUDREY MERCHANT, ADMINISTRATRIX, Chamcook, Charlotte County, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodes building materials*, from Boston, North Wilmington, Waltham and Worcester, Mass., Portsmouth, R.I., and Albany, N.Y., to the port of entry on the International Boundary between the United States and Canada at or near Calais, Maine.

HEARING: July 28, 1960, at the Federal Building, Portland, Maine, before Examiner Richard H. Roberts.

No. MC 118169 (Sub No. 1), filed April 15, 1960. Applicant: SEPTIMUS J. MacPHEE, doing business as MacPHEE'S TRANSFER, Souris, Prince Edward Island, Canada. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fish cartons* and *waxed fish paper* (overwraps), from Boston and Gloucester, Mass., to the International boundary between the United States and Canada at or near Calais, Maine.

HEARING: July 27, 1960, at the Federal Building, Portland, Maine, before Joint Board No. 69, or, if the Joint Board waives its right to participate before Examiner Richard H. Robert.

No. MC 118438 (Sub No. 3), filed April 18, 1960. Applicant: MANUEL O. CORDEIRO, doing business as PORTSMOUTH TRANSPORTATION, HOMING AND RACING PIGEONS, 2372 East Main Road, Portsmouth, R.I. Applicant's attorney: Vernon A. Harvey 185 Thames Street, Newport, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Homing and racing pigeons*, from points in Massachusetts on the east of U.S. Highway 1 extending from Boston to the Massachusetts-Rhode Island State line in Attleboro, Mass., and those in Rhode Island, to Huntington, Pittsfield, Southbridge, and Westfield, Mass., Albany, Auburn, Depew, East Buffalo, Herkimer, Little Falls, Lyons, and Syracuse, N.Y., Ashtabula and Sandusky, Ohio, Putnam, Conn., and points in Rhode Island, and *empty containers or other such incidental facilities* used in transporting the above-commodities, on return.

HEARING: July 11, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Examiner Richard H. Roberts.

No. MC 118912 (Sub No. 4), filed April 20, 1960. Applicant: BURNHAM TRUCKING CO., INC., 52 Fletcher Street, Ayer, Mass. Applicant's attorney: Raymond E. Bernard, 53 State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pin setter machines*, bowling alley, automatic (set up loose) from Littleton, Maynard, Westford, Hudson, Ayer, and Everett, Mass. to points in New York, New Jersey, Delaware, Ohio, Michigan, West Virginia, South Carolina, and Georgia, and *automatic bowling machines*, used and disassembled, from the above-specified destination points, to the above-specified origin points.

NOTE: Applicant states the proposed operations will be for the account of Bowl-Mor Company, Inc.

HEARING: July 18, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Richard H. Roberts.

No. MC 119552, filed March 1, 1960. Applicant: RICHARD J. SNOW & SONS, INC., Putnam Pike, Harmony, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Attleboro, Mass., East Providence, Pawtucket and Providence, R.I., and Greenville, Ohio, and (2) from points in Illinois, Michigan, Ohio, Pennsylvania, Indiana to Attleboro, Mass., Pawtucket, East Providence, and Providence, R.I.

NOTE: Applicant states that the proposed operations will serve only the Fram Corporation, 105 Pawtucket Avenue, East Providence, R.I., under the proposed contract carrier permit.

HEARING: July 11, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Examiner Richard H. Roberts.

No. MC 119637, filed March 30, 1960. Applicant: SILVER BROS. CO., INC., 177 Granite Street, Manchester, N.H. Applicant's attorney: G. Marshall Abbey, Forty Stark Street, Manchester, N.H. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Syrups*, and *carbonated non-alcoholic beverages*, in bottles and cans, and *supplies* and *materials* used in their manufacture, between Manchester, N.H., and (1) points in the New York, N.Y., Commercial Zone and Troy, N.Y., (2) Perth Amboy, Newark, Passaic and Guttenburg, N.J., (3) points in the Boston, Mass., Commercial Zone and Springfield and Marlboro, Mass., (4) Portland and Lewiston, Maine, (5) Providence, R.I., and (6) New Haven and Hartford, Conn.

HEARING: July 25, 1960, at the New Hampshire Public Service Commission, Concord, N.H., before Examiner Richard H. Roberts.

No. MC 119653, filed April 7, 1960. Applicant: WILLIAM WEEMER, 1111 Washington Street, Walpole, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper, rags* and *related commodities* for salvage, between points in Massachusetts, on the one hand, and, on the other, points in Connecticut, Rhode Island, and New York.

NOTE: Applicant states the proposed transportation is for the Graham Corporation and P. Shaffer & Co., Inc.

HEARING: July 19, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Richard H. Roberts.

No. MC 119807, filed May 23, 1960. Applicant: THOMAS J. RODRIQUES, doing business as TOM'S SERVICE STATION, 753 East Main Road, Middletown, R.I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *wrecked or disabled motor vehicles*, other than trailers designed to be drawn by passenger automobiles, by the truckaway method using only wrecker equipment, and (2) *repossessed motor vehicles*, by the truckaway or driveaway methods, using only wrecker equipment to render the truckaway service, between points in Rhode Island, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

HEARING: July 12, 1960, in Room 308, Main Post Office Building, Providence, R.I., before Examiner Richard H. Roberts.

MOTOR CARRIERS OF PASSENGERS

No. MC 119429 (Sub No. 1), filed April 12, 1960. Applicant: TRANSIT BUS LINE, INC., 17 Bowker Street, Walpole, Mass. Applicant's attorney: Francis X. Dalton, 713–716 Barristers Hall, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, and *express, mail, newspapers* and *baggage* in the same vehicle with passengers, between Boston, Mass. (the MTA Elevated-Surface Station in Forest Hills, Boston Suffolk County), and Woonsocket, R.I.: from Forest Hills over Washington Street, known as the Truck Route, through that part of Boston called Roslindale and the Town of Dedham, Norfolk County, to join Route 1A at Dedham, thence through the Towns of Westwood (Islington Section), Norwood and Walpole on Route 1A, all in Norfolk County, Mass., thence from Walpole over West Street to the Walpole-Norfolk Town Line (Norfolk County, Mass.), and thence via Main Street and past the Massachusetts Correctional Institution to the Norfolk Franklin Town Line (Norfolk County, Mass.), thence over divers streets in Franklin, including Payne Street, and continuing to the Bellingham, Mass.-Woonsocket, R.I., State line, to Vermette's Corner, located on Route 11 in the State of Rhode Island and thence continuing along Route 11 to the Walnut Hill (Commercial and Shopping Center Plaza), situated in Woonsocket, R.I., and terminating at that point namely, Walnut Hill (Commercial and Shopping Center) Plaza, Woonsocket, R.I., and return over the same route, serving all intermediate points.

HEARING: July 14, 1960, at the New Post Office and Court House Buildings, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 119644, filed April 4, 1960. Applicant: GORDON S. MUNROE, doing business as MUNROE BUS SERVICE, Main Street, Hempstead, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, Between Danville, Hampstead, Atkinson, and Plaistow, N.H., and North Andover, Mass., as follows: (1) From Danville over New Hampshire Highway 111 to the intersection of Central Street and Emerson Avenue in Hampstead; (2) From junction New Hampshire Highways 121A and 111 in Hampstead over New Hampshire Highway 111 to junction New Hampshire Highway 121; (3) From junction New Hampshire Highways 121A and 125 over New Hampshire Highway 121A to junction New Hampshire Highway 111; (4) From Hampstead over New Hampshire Highway 121 to Atkinson; (5) From Academy Avenue and East Road in Plaistow to junction Emerson Avenue; and (6) From Plaistow over New Hampshire Highway 125 to North Andover, and return over the above routes, serving all intermediate points.

HEARING: July 26, 1960, at the New Hampshire Public Service Commission, Concord, N.H., before Joint Board No. 20, or, if the Joint Board waives its right to participate before Examiner Richard H. Roberts.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12733, filed May 9, 1960. Applicant: BESSIE BORKOWICZ, doing business as CHEER CLUB, 2806 South Ninth Place, Milwaukee 15, Wis. Authority sought to operate as a *BROKER (BMC 5)*, at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers*, from Milwaukee, Wis., to points in Illinois, and return.

HEARING: July 22, 1960, at the Hotel Schroeder, Milwaukee, Wis., before Joint Board No. 96, or, if the Joint Board

waives its right to participate, before Examiner Paul R. Joyce.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3083 (Sub No. 34), filed May 26, 1960. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 277 Monroe Avenue, P.O. Box 66, Memphis 3, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and negotiable securities*, in armored vehicles, escorted by armed guards, between Charlotte, N.C., on the one hand, and, on the other, points in Florence, Marion, Dillon, Lee, Darlington, Marlboro, Williamsburg, Sumter, Clarendon, Kershaw, Chesterfield, Oconee, Pickens, Greenville, Spartanburg, Cherokee, York, Lancaster, Chester, Union, Laurens, Anderson, Abbeville, Greenwood, Newberry, Fairfield, Richland, Lexington, Saluda, McCormick, Edgefield, and Aiken Counties, S.C.

NOTE: Applicant states in the event this application is granted it will relinquish its present authority in Permit No. MC 3083 (Sub No. 29) as no duplication of authority is sought.

No. MC 30319 (Sub No. 116), filed May 16, 1960. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street (P.O. Box 4054), Houston, Tex. Applicant's attorney: Edwin N. Bell, Baker, Botts, Andrews, and Shepherd, 1600 Esperson Building, Houston 2, Tex. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Falls City, Tex., and the new uranium plant site, located approximately ten (10) miles southwest of Falls City, Tex., over Texas Farm Road 791 and unnumbered road, serving no intermediate or off-route points between the termini.

NOTE: Common control may be involved.

No. MC 66562 (Sub No. 1677), filed May 14, 1960. Applicant RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 1004 Farnam Street, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Classes A and B explosives*, moving in express service, between Cedar Rapids, Iowa and Waucoma, Iowa, from Cedar Rapids northeast approximately 14 miles over U.S. Highway 151 to Springville, Iowa, thence continue over U.S. Highway 151 via Anamosa, Iowa to Monticello, Iowa, thence north and west over Iowa Highway 38 via Hopkinton, Iowa to junction U.S. Highway 20, thence west over U.S. Highway 20, approximately 6 miles, to Manchester, Iowa, thence north over Iowa Highway 13, approximately 11 miles, to junction Iowa Highway 3, thence east over Iowa Highway 3, approximately 3 miles, to Edgewood, Iowa, thence return over Iowa Highway 3 approximately 3 miles, and continue over Iowa Highway 3 approximately 6 miles, to Strawberry Point, Iowa, thence continue over Iowa Highway 3 approximately 6 miles, to junction Iowa Highway 154, thence northwest over Iowa Highway 154 to junction Iowa Highway 150, thence north over Iowa Highway 150 to Fayette, Iowa, thence continue over Iowa Highway 150, approximately 9 miles, to junction U.S. Highway 18, thence west over U.S. Highway 18, approximately 7 miles, to junction Iowa Highway 102, thence south, approximately 2 miles, over U.S. Highway 102 to Hawkeye, Iowa, thence return over Iowa Highway 102, approximately 2 miles, to junction U.S. Highway 18, thence west over U.S. Highway 18, approximately 5 miles, to junction Iowa Highway 193, thence north over Iowa Highway 193, approximately 6 miles, to Waucoma, and return over the same route, serving the intermediate points of Springville, Anamosa, Monticello, Hopkinton, Manchester, Edgewood, Strawberry Point, Arlington, Fayette, and Hawkeye, Iowa. *RESTRICTION:* (1) The service to be performed by the applicant for which authority is being applied, will be limited to such as is auxiliary to or supplemental of rail or air express service; and (2) Shipments transported under this authorization will, in addition to a motor carrier movement, be subject to a prior or subsequent movement by rail or air.

NOTE: Applicant requests authority to tack the above authority to Docket No. MC 66562 (Sub No. 1622) at Cedar Rapids, Iowa, to enable it to transfer traffic between the proposed route and the Clinton, Iowa to Omaha, Nebr., route in either direction from either route. Applicant states that shipments to be transported shall be limited to those moving on a through bill of lading or express receipt, covering in addition to a motor carrier movement by it a prior or subsequent movement by air or rail.

No. MC 66562 (Sub No. 1681), filed May 19, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 275 East Fourth Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Mankato, Minn., and Elmore, Minn., from Mankato west and south over Minnesota Highway 60, a distance of approximately 12 miles, to junction Blue Earth County Road 9, thence south and east over Blue Earth County Road 9, a distance of approximately 9 miles, to junction U.S. Highway 169, thence south over U.S. Highway 169, a distance of approximately 39 miles, to Elmore, and return over the same route, serving the intermediate point of Amboy, Minn.

No. MC 66562 (Sub No. 1682), filed May 27, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Mehaffy, Smith, and Williams, Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Little Rock, Ark., and Clarksville, Ark.: from Little Rock, over U.S. Highway 65 to the intersection of U.S. Highway 64 thence over U.S. Highway 64 to Clarksville, a distance of 104 miles and return over the same route, serving the intermediate points of Conway, Morrilton, Atkins, and Russellville, Ark. RESTRICTIONS: The service to be performed will be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by air or rail.

No. MC 66562 (Sub No. 1684), filed May 31, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between La Crosse, Wis., and Austin, Minn.: from La Crosse, west on U.S. Highway 16 to Austin, thence return over the same highway to junction with U.S. Highway 52, thence south on U.S. Highway 52 to junction with Minnesota Highway 44, thence east and northerly on Minnesota Highway 44 to junction with U.S. Highway 16, thence east to La Crosse, Wis., and return over the same route serving the intermediate points of La Crescent, Hokah, Houston, Rushford, Peterson, Lanesboro, Preston, Wykoff, Spring Valley, Grand Meadow, Dexter, Harmony, Canton, Mabel, Spring Grove and Caledonia, Minn. RESTRICTIONS: The service to be performed by applicant under the authorization sought herein will be limited to such as is auxiliary to or supplemental of rail or air express service. Shipments to be transported shall be limited to those moving on a through bill of lading or express receipt.

No. MC 72442 (Sub-No. 12), filed May 26, 1960. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 79, New Hope Road, Gastonia, N.C. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Gastonia, N.C., and points within 25 miles thereof, on the one hand, and, on the other, points in South Carolina.

NOTE: Applicant presently has regular route authority to serve off-route points in North Carolina within 25 miles of Gastonia.

No. MC 108080 (Sub No. 2) filed May 25, 1960. Applicant: CLAUDE S. REED (Md. Route No. 30), RFD No. 1, Manchester, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silos and parts and accessories* thereof, from White Marsh, Md., to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

NOTE: Applicant states that the proposed operations will be under continuing contract or contracts with American-Marietta Company, White Marsh, Md., and Michigan Silo Company, White Marsh, Md.

No. MC 109451 (Sub No. 115), filed May 26, 1960. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Portville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Denatured alcohol*, in bulk, in tank vehicles, from Ficklin, Ill., to Bridgeville, Pa., and *damaged* or *rejected shipments*, on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 109451 (Sub No. 82).

No. MC 111227 (Sub No. 2) filed May 25, 1960. Applicant: LESTER EVERSOLE, doing business as LESTER EVERSOLE TRUCKING CO., 320 Laurel Avenue, Hazard, Ky. Applicant's attorney: Ollie L. Merchant, 715 Louisville Trust Building, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Films, advertising matter* and *supplies* for motion picture theaters, between Cincinnati, Ohio, and points in Powell and Wolfe Counties, Ky.

No. MC 119812, filed May 25, 1960. Applicant: CAPITOL DELIVERY SERVICE, INC., 202 North 19th Street, Omaha, Nebr. Applicant's attorney: Jack W. Marer, Omaha National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Omaha, Nebr., and points in Harrison, Pottawattamie, Mills, Montgomery, Shelby, and Fremont Counties, Iowa.

NOTE: Applicant states the proposed operation will be for Sears, Roebuck and Co.

PETITIONS

Nos. MC–83539, Subs 7, 9, 12, 13, 14, 17, 30 and MC–109770, now leased under authority issued in MC–F–7115, (PETITION FOR INTERPRETATION OF CERTIFICATES), dated May 23, 1960. Petitioner: C & H TRANSPORTATION CO., INC., Dallas, Tex. Petitioner's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. The Certificates which are the subject of this petition are as follows: (1) *MC–83539, Sub 7, Commodities*, the transportation of which because of their size or weight require the use of special equipment, from Beloit, Milwaukee, Racine, Waukesha, and West Allis, Wisconsin, TO points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized. FROM Houston, Texas, New Orleans, Louisiana, and Oklahoma TO Beloit, Manitowoc, Milwaukee, Racine, and Two Rivers, Wisconsin, with no transportation on return except as otherwise authorized. (2) *MC–83539 Sub 9, Commodities* other than those described above, the transportation of which, by reason of size or weight, requires the use of special equipment, BETWEEN points in Texas and Oklahoma, on the one hand, and, on the other, points in North Dakota, South Dakota, and Wisconsin, except from Beloit, Milwaukee, Racine, Waukesha, and West Allis, Wisconsin, to points in Texas and Oklahoma, AND FROM Houston, Texas, and Oklahoma City, Oklahoma, TO Beloit, Manitowoc, Racine, and Two Rivers, Wisconsin. (3) *MC–83539 Sub 13, Commodities*, which because of their size or weight require the use of special equipment, and *parts* thereof when moved in connection with such commodities, BETWEEN points in that part of Texas on and north of U.S. Highway 80 from the Texas-Louisiana State line through Marshall, Dallas, and Fort Worth to Mineral Wells, Texas, and, on and east of U.S. Highway 281 from Mineral Wells through Wichita Falls to the Texas-Oklahoma State Line, on the one hand, and, on the other, points in Colorado, Nebraska and Missouri. (4) *MC–83539 Sub 14, Heavy Machinery, heavy machinery parts*, and *commodities other than heavy machinery*, the transportation of which because of size or weight require the use of special equipment, and *parts* of such commodities when moving in connection therewith, BETWEEN points in Kansas, New Mexico, Texas, Oklahoma and Louisiana. BETWEEN points in New Mexico, Texas, and Oklahoma, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas. BETWEEN points in Illinois, Indiana, Kentucky, Mississippi and Arkansas. RESTRICTION: The service authorized hereinabove is subject to the following restrictions: Heavy machinery parts which are not transported with the machinery of which they are a part or on which they are to be installed, shall not be transported between points in Illinois, on the one hand, and, on the other, points in Mississippi and Louisiana and those in Arkansas on U.S. Highway 61. (5) *MC–83539 Sub 17, Commodities*, other than those described above, the transportation of which, because of their size or weight, require the use of special equipment, and *parts thereof*, when moving in connection with such commodities, FROM points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Oklahoma, and Texas TO Oil City and Braddock, Pennsylvania, with no transportation for compensation on return except as otherwise authorized. (6) *MC–83539 Sub 30*, (c) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except the stringing and picking up of pipe in connection with main or trunk pipelines); and, (d) *Parts* of commodities described in (c) above when moving with such commodities, BETWEEN points in Texas, on the one hand, and, on the other, points in Oregon and Washington. Restrictions: The authority granted herein is restricted against tacking of the authority to transport the items specified in (c) and (d) above, and of which have an origin or destination at points in Illinois, Indiana, and Ohio, with any other authority now held by carrier for the purpose of providing a through service. (7) MC109770, MC–F–7115, LEASE—PARTIAL; SECTION 210a(b), *Heavy or cumbersome commodities*, which, because of size or weight, require the use of special equipment, BETWEEN Seagraves, Texas, and points in Texas within 250 miles of Seagraves and those in that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75 beyond such 250 mile radius, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona. Petitioner prays (1) that the Commission enter an order interpreting the above Certificates so as to authorize the transportation of *conduit or pipe*, in pallets, and *attachments, parts and fittings for conduit or pipe*, when moving in connection therewith from Denison, Texas, to points in the authorized territory, or, in the alternative (2) that if the above relief cannot be immediately granted, that the Commission enter a formal or informal order directing its agents, officers, servants and employees to refrain from interfering with the continued transportation by petitioner, or pending formal hearing of this petition and issuance of a final order. Any person or persons desiring to oppose the relief sought may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 114529 (SUPPLEMENTAL PETITION FOR DEFINITION OF TRUCKLOADS AND PETITION FOR REOPENING AND ELIMINATION OF TRUCKLOAD RESTRICTION, AND ENTRY OF AN ORDER AUTHORIZING THROUGH SERVICE, ANY QUANTITY, LESS-THAN-TRUCKLOAD, AND TRUCKLOADS, AND ELIMINATION OF GATEWAYS), filed October 7, 1958. Petitioner: TRAVELERS MOTOR FREIGHT, INC., Wheeling, W. Va. Petitioner's attorney: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Certificate No. MC 114529, dated March 13, 1958, authorizes the transportation, among other things, which is here pertinent, of: General commodities, with exceptions, in truckloads only, between points in Marshall County, W. Va., on the one hand, and, on the other, Philadelphia, Pa., points in Ohio, and specified points in Pennsylvania. The subject petition prays the Commission (1) to reopen and reconsider this proceeding and an underlying "Grandfather" proceeding, and if necessary, assign them for further hearing, (2) to define just what was contemplated by "Truckloads only" as incorporated in the instant Certificate, (3) to eliminate that restriction,

and (4) to determine the scope and extent of petitioner's predecessor's operations prior to, on, and since June 1, 1935, with respect to (a) less-than-truckload shipments and (b) so-called base points or gateways, if any, which were observed prior to April 26, 1939. By order of May 11, 1960, division 1 assigned the petition filed October 7, 1958, for oral hearing at a time and place to be hereafter fixed, and directed that the substance of said petition, together with notice of such assignment, be published in the FEDERAL REGISTER.

HEARING: July 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D Moran.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7199, PENBROOK HAULING CO., INC.—PURCHASE (PORTION)—HOWARD M. MESHARER AND GEORGE P. COOPER (LEONA E. COOPER, EXECUTRIX), published in the May 27, 1959, issue of the FEDERAL REGISTER on page 4285. Amendment to the application filed May 26, 1960, by John M. Musselman, Rhoads, Sinon & Reader, State Street Building, Harrisburg, Pa., to substitute DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa., as vendee in lieu of PENBROOK HAULING COMPANY, INC., to purchase a portion of the operating rights of HOWARD M. MESHARER AND GEORGE P. COOPER (LEONA E. COOPER, EXECUTRIX), doing business as STATE TRANSFER COMPANY, 473 Horton Street, Wilkes-Barre, Pa., and for acquisition by D. E. LUTZ, 330 Washington Lane, Carlisle, Pa., U. D. LUTZ and H. B. LUTZ, both of 217 North Hanover Street, Carlisle, Pa., of control of such rights through the purchase. DAILY MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in 48 States and the District of Columbia.

No. MC–F 7551. Authority sought for purchase by PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N.Y., of the operating rights and property of CLIFFORD JACKSON, 60 Wilkie Avenue, Kingston, N.Y., and for acquisition by FREDERICK J. PROVAN, also of Newburgh, of control of such rights and property through the purchase. Applicants' attorneys: John J. Brady, Jr., 75 State Street, Albany, N.Y., and Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Cement and lime*, in bags, as a *common carrier*, over irregular routes, from the Village of Rosendale, N.Y., and points within two miles of Rosendale to points in Connecticut, New Jersey, New York, and Massachusetts within 150 miles of Rosendale, N.Y.; *lumber*, from Claryville, N.Y., to Edgewater, N.J., and New York, N.Y., and from Kerhonkson, N.Y., to Boston, Ipswich, and New Bedford, Mass., Old Bridge, N.J., and New York, N.Y. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Pennsylvania, Massachusetts, Rhode Island, Delaware, and South Carolina. Application has been filed for temporary authority under section 210 a(b).

No. MC–F 7552. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul 13, Minn., of a portion of the operating rights and property of McCOY TRUCK LINES, INC., 1524 Grandview Avenue, Waterloo, Iowa, and for acquisition by GEORGE BRIGGS, 910 Broadway, Eau Claire, Wis., of control of such rights and property through the purchase. Applicants' attorneys: Glenn Stephens, 121 West Doty Street, Madison 3, Wis., Rex Fowler, 510 Central National Building, Des Moines 9, Iowa, and Winston W. Hurd, 2360 West County Road C, St. Paul 13, Minn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, Ill., and Cedar Falls, Iowa, between Cedar Falls, Iowa, and Fort Dodge, Iowa, between Waterloo, Iowa, and Fort Dodge, Iowa, between Waterloo, Iowa, and Tama, Iowa, between Mason City, Iowa, and St. Paul, Minn., and between Des Moines, Iowa, and the site of John Deere Des Moines Works plant (former site of ordnance plant located within one mile of Ankeny, Iowa), serving certain intermediate and off-route points; alternate route for operating convenience only between Owatonna, Minn., and Austin, Minn.; *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between Omaha, Nebr., and Chicago, Ill., between Tama, Iowa, and junction U.S. Highways 6 and 63, between Tama, Iowa, and junction U.S. Highways 30 and 218, between Stanwood, Iowa, and Davenport, Iowa, between Hampton, Iowa, and Mason City, Iowa, and between Elgin, Ill., and Joliet, Ill., serving certain intermediate points; several alternate routes for operating convenience only; *general commodities*, except livestock and commodities requiring special equipment, between Waterloo, Iowa, and Floyd, Iowa, between Mason City, Iowa, and New Hampton, Iowa, between Mason City, Iowa, and Elma, Iowa, between Floyd, Iowa, and Austin, Minn., and between Waterloo, Iowa, and Cedar Rapids, Iowa, serving all intermediate points; *general commodities*, except those of unusual value, Class A and B explosives, and commodities in bulk, over irregular routes, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, limited to service in connection with traffic handled by carrier in its line-haul operations extending outside the said commercial zone; *butter, eggs*, and *dressed poultry*, from certain points in Iowa to Manchester, Dubuque, and Fort Dodge, Iowa, and Chicago, Ill.; *canned goods*, from Charles City, Iowa, to Granger, Le Roy, Lyle, and Johnsburg, Minn.; *chemicals*, from Elgin and Chicago, Ill., to Charles City, Iowa; *farm machinery and parts*, from Charles City, Iowa, to Alexis, Quincy, and Springfield, Ill., South Bend, Ind., points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission and Chemolite (formerly Scotchlite), Minn.; *household goods*, between Charles City, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois, Minnesota, and Nebraska; *malt beverages*, from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and Chemolite (formerly Scotchlite), Minn., to Charles City, Iowa; *nails, fencing, fencing supplies*, and *posts*, from Sterling, Ill., to Manchester, Iowa; *wheels*, from Quincy, Ill., to Charles City, Iowa. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7553. Authority sought for control by INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn., of MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Street, St. Paul 13, Minn., and for acquisition by LESTER A. WILSEY, also of St. Paul, of control of MOORE MOTOR FREIGHT LINES, INC., through the acquisition by INDIANHEAD TRUCK LINE, INC. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, as a *common carrier* over a regular route between Minneapolis, Minn., and Chicago, Ill., serving Milwaukee, Wis., as an intermediate point, restricted to the transportation of (a) *General Commodities*, with the above-specified exceptions, moving from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and (b) *Canned or preserved foodstuffs, cocoa*, and *chocolate coating*, and *used empty containers and skids*, moving to points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission; three alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, from certain points in Minnesota to points in Iowa and Wisconsin (except Milwaukee), and between certain points in Minnesota, on the one hand, and, on the other, certain points in Illinois, and between St. Paul and Minneapolis, Minn., on the one hand, and, on the other, the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn.; *iron and steel articles, canned or preserved foodstuffs, canned goods, soap, soap chips, cleaning, bleaching, scouring, or washing compounds, sugar, empty metal containers, used empty containers and skids*, and *scrap or waste paper*, from, to or between points and areas, varying with the commodity transported, in Illinois, Minnesota, Iowa, Wisconsin, Nebraska, South Dakota, and North Dakota; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958, which amended section 203(b)(6) of the Act, viz *frozen vegetables*, from Fairmont and Winnebago, Minn., to Chicago, Ill., and *frozen fruits* from Sturgeon Bay, Wis., to Minneapolis, Minn. INDIANHEAD TRUCK LINE, INC., is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Illinois, Michigan, Iowa, South Dakota, North Dakota, Montana, Wyoming, Nebraska, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7554. Authority sought for purchase by GORDONS TRANSPORTS, INC., 185 West McLemore, Memphis, Tenn., of a portion of the operating rights and certain property of HAYES FREIGHT LINES, INC., 617 Waughton Street, Winston-Salem, N.C., and for acquisition by A. W. GORDON, SR., and M. M. GORDON, both of Memphis, of control of such rights and property through the purchase. Applicants' attorneys: James W. Wrape, Sterick Building, Memphis, Tenn., and David Macdonald, Commonwealth Building, Washington, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes between New Orleans, La., and Meridian, Miss., and between Meridian, Miss., and the site of the U.S. Navy Jet Air Base, approximately 15 miles from Meridian, Miss. (restricted to traffic which originates at, or is destined to, the said air base), serving certain intermediate and off-route points; *agricultural commodities*, over irregular routes, from points in Alabama and Louisiana within 150 miles of Hattiesburg, Miss., to Hattiesburg. Vendee is authorized to operate as a *common carrier* in Mississippi, Tennessee, Louisiana, Alabama, Illinois, Missouri, Arkansas, Indiana, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7555. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of a portion of the operating rights of WALTER ZANES, SR., WALTER ZANES, JR., AND GLOVER FUNDERBURK, doing business as ZANES FREIGHT AGENCY, 1500 South Central Expressway, Dallas, Tex., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., also of Menlo Park, of control of such rights through the purchase. Applicants' attorneys: Carl L. Phinney and Leroy Hallman, both of 617 First National Bank Building, Dallas, Tex. Operating rights sought to be transferred: *General commodities*, except liquid commodities in bulk, and except household goods, as defined by the Commission, and commodities requiring special equipment, as a *common carrier* over irregular routes, between points within five miles of Dallas, Tex., including Dallas. RESTRICTION: Service to points beyond two miles of Dallas, other than University Park and Highland Park, Tex., is restricted against transportation of livestock. Vendee is authorized to operate as a *common carrier* in Utah, Alaska, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Washington, Kentucky, Michigan, Minnesota, Montana, Nebraska, Nevada, Wisconsin, Missouri, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, West Virginia, Wisconsin, Wyoming, Alabama, Hawaii, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7556. Authority sought for control by YELLOW TRANSIT FREIGHT LINES, INC., 92d Street at State Line Road, Kansas City, 14, Mo., of YELLOW BULK TRANSPORT, INC., 92d Street at State Line Road, Kansas City 14, Mo., upon the latter's institution of operations in interstate or foreign commerce as a *common carrier* by motor vehicle, for which application has been made as described below, and for acquisition by GEORGE E. POWELL and GEORGE E. POWELL, JR., both of Kansas City, of control of YELLOW BULK TRANSPORT, INC., through the acquisition by YELLOW TRANSIT FREIGHT LINES, INC. Applicant's attorneys: Homer S. Carpenter, 1111 E. Street NW., Washington 4, D.C., and Kenneth E. Midgley, 906 Commerce Building, Kansas City 6, Mo. YELLOW BULK TRANSPORT, INC., has concurrently filed an application on Form BMC 78 (Docket No. MC 119823) for a certificate of public convenience and necessity to transport *flour*, in bulk, over irregular routes, between all points in Arizona, New Mexico, Colorado, Wyoming, Montana, Texas, Oklahoma, Kansas Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, New Jersey, New York, Maryland, Delaware, and the District of Columbia. YELLOW TRANSIT FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7557. Authority sought for control and merger by ATLANTA-NEW ORLEANS MOTOR FREIGHT COMPANY, 260 University Avenue SW., Atlanta, Ga., of the operating rights and property of ATLANTA-ASHEVILLE MOTOR EXPRESS, INC., 1010 North Avenue NW., Atlanta, Ga., and for acquisition by H. BEALE ROLLINS and MRS. MARY E. ROLLINS, both of 629 Title Building, Baltimore, Md., and T. S. JOHNSON, 260 University Avenue, Atlanta, Ga., of control of such rights and property through the transaction. Applicants' attorneys: Allan Watkins and Paul M. Daniell, both of 214 Grant Building, Atlanta 3, Ga. Operating rights sought to be transferred: *General commodities*, except dangerous explosives, and except household goods as defined by the Commission, as a *common carrier* over regular routes, between Atlanta, Ga., and Asheville, N. C., between Lawrenceville, Ga., and Athens, Ga., and between Atlanta, Ga., and Buford, Ga., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Commerce, Ga., and Lavonia, Ga., serving all intermediate and certain off-route points; *general commodities*, except Class A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk, in tank vehicles, between Hollywood, Ga., and Toccoa, Ga., serving all intermediate points and restricted against the transportation of shipments moving between Toccoa and Atlanta, Ga., or points beyond Atlanta; *carpets, carpeting, rugs, yarn, latex, latex compounds, textile machinery and textile machinery parts, scoured wool, rayon and synthetic fibre*, and *shipping containers*, between Dahlonega and Rabun Gap, Ga., and Robbinsville, N.C. ATLANTA-NEW ORLEANS MOTOR FREIGHT COMPANY is authorized to operate as a *common carrier* in Georgia, Alabama, Florida, Louisiana and Mississippi. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–5177; Filed, June 7, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1306]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than Public Offering Price in Exchange for Assets of Private Investment Company

JUNE 1, 1960.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Hugest Company, Inc. ("Hugest").

Shares of Broad Street, a Maryland Corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. Hugest, a New York corporation, is an investment company with nine stockholders which engages in the business of investing and reinvesting its funds. Hugest is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement be-

tween Broad Street and Hugest, substantially all of the cash and securities owned by Hugest, with a value of approximately $6,233,000 as of May 3, 1960, will be transferred to Broad Street in exchange for shares of its capital stock. It is the present intention of Broad Street, subject to changes in investment conditions and considerations, to hold the securities acquired, which consist principally of significant blocks of securities of six companies. The shares acquired by Hugest are to be distributed immediately to its shareholders who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Broad Street to be delivered to Hugest will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the value of the Hugest assets to be exchanged.

The value of the assets of Hugest will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Broad Street's shares. Since the exchange will be tax free for Hugest and its shareholders, Broad Street's cost basis for tax purposes on the assets acquired from Hugest will be the same as for Hugest, rather than the price actually paid by Broad Street for the assets. The unrealized appreciation on the assets acquired from Hugest exceeds proportionately the unrealized appreciation on Broad Street's present assets. Thus, Broad Street will acquire securities from Hugest at a tax-cost basis less than the price actually paid therefor, and if any of the acquired assets are sold in the future, artificial capital gains may be realized and Broad Street's present shareholders will be subject to tax liability thereon.

To provide against the possible unfavorable tax consequence of a future sale of the assets acquired from Hugest, Broad Street proposes to adjust the aggregate market value of the acquired assets by deducting from such value an amount to be determined by the parties at the closing date, which amount is not to exceed $95,900 and would have been $82,338 at May 3, 1960. This adjustment shall consist first of $25,900 representing an amount equivalent to 12½ percent of unrealized taxable long-term capital gain of $207,200 on a serial note to be acquired by Broad Street from Hugest. The balance, not to exceed $70,000, shall represent an amount equal to 12½ percent of the increase in the amount of unrealized appreciation allocable to the present shareholders of Broad Street, giving effect to the acquisition of Hugest on a pro forma basis and making allowance for the amount of Broad Street's realized undistributed gains allocable to Hugest, which amount shall be reduced by the estimated savings in costs resulting from the acquisition from Hugest of investment grade securities in significant blocks at fixed market prices and the savings in operating costs to the shareholders of Broad Street anticipated to result over a reasonable period from this transaction. In the opinion of the Board of Directors of Broad Street, allowance for the capital and operating cost savings is appropriate only in consideration of the unusual nature of the securities portfolio of Hugest and of certain other aspects of the transaction. Broad Street is furnished investment research and administrative facilities and services at cost under its arrangement with three other investment companies for the joint ownership and operation of Union Service Corporation. The total operating expenses of the company in 1959, including investment research and administrative services, amounted only to .29 of 1 percent of the average value of assets.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and Hugest. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors, and stockholders of Hugest.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Broad Street are to be issued to Hugest at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2.22 percent for sales of $250,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 13, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5165; Filed, June 7, 1960; 8:46 a.m.]

[File No. 70–3883]

CONSOLIDATED NATURAL GAS CO. ET AL.

Notice of Filing Regarding Issuance and Sale by Holding Company of Short-Term Promissory Notes to Banks and Intrasystem Issuances, Sales, and Acquisitions of Capital Stocks, Short-Term and Long-Term Promissory Notes

JUNE 1, 1960.

In the matter of Consolidated Natural Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, Lake Shore Pipe Line Co., New York State Natural Gas Corporation, The Peoples Natural Gas Company, The River Gas Company; File No. 70–3883.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), Lake Shore Pipe Line Co. ("Lake Shore"), New York State Natural Gas Corporation ("New York State"), The Peoples Natural Gas Company ("Peoples"), and The River Gas Company ("River"), have filed a joint application-declaration and amendments thereto with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules promulgated thereunder. The companies have designated sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43, 45, 50(a) (2) and (3), and 70(a)(4) (D) thereunder as applicable to the proposed transactions which are summarized as follows:

According to this filing the above named subsidiaries contemplate spending in 1960 an aggregate of $64,500,000 for construction purposes and other plant requirements. Internal sources of the Consolidated system are expected to provide $20,850,000 of such cash requirements and the $43,650,000 balance will be provided (a) by the sale by Consolidated to banks of $25,000,000 of short-term construction notes; (b) by the use of $15,000,000 of the proceeds derived from Consolidated's February 1960 sale of $25,000,000 of debentures ($10,000,000 having been used to pay off then outstanding short-term notes, (see Holding Company Act Release No. 14153)); and (c) by the use of $3,650,000 of treasury cash of Consolidated. In addition, Consolidated will provide the cash needed to meet the 1960 gas storage inventory requirements of East Ohio, Hope, New York State, and Peoples by means of issuing and selling to banks $35,000,000 of short-term promissory notes and will renew for one year $30,000,000 of outstanding 4 percent construction notes. The $43,650,000 of cash will be made available to the subsidiaries by means of intrasystem issuances, sales, and acquisitions of common stocks and short-term and long-term notes. Subject to market conditions and other circumstances, Consolidated, through long-term debt financing, intends to refund the $25,000,000 of short-term construction notes prior to their maturity and possibly in part to refund $30,000,000 of 4 percent 1960 and the $30,000,000 of 4 percent construction notes before July 1, 1961.

To carry out the 1960 financing program summarized above Consolidated proposes herein:

(a) to issue and sell, from time to time during 1960 to the banks hereinafter named, $25,000,000 of unsecured construction notes and $35,000,000 of unsecured gas storage notes. Each note will mature not more than twelve months from the issue date of the first note of its category to be issued and bear interest at the prime rate of interest in effect at The Chase Manhattan Bank on such first issue date. All of the notes are to be issued without a commitment fee and may be prepared without premium, in whole or in part from time to time, upon ten days prior written notice.

(b) to renew until July 1, 1961 its $30,000,000 of unsecured construction 4 percent notes which are outstanding with the banks hereinafter named, having been authorized by the Commission by order dated May 20, 1957.

To further carry out the 1960 financing program of Consolidated and its subsidiaries it is proposed herein that:

(a) $35,000,000 aggregate amount of long-term unsecured notes be issued and sold to Consolidated by East Ohio, Hope, New York State, and Peoples, $20,000,000 of which are for refunding as indicated in Table I below:

TABLE I

Company	For refunding purposes	To raise new money	Totals
East Ohio	$8,000,000	$7,000,000	$15,000,000
Hope	2,500,000	2,500,000	5,000,000
New York State	4,500,000	3,500,000	8,000,000
Peoples	4,000,000	3,000,000	7,000,000
Totals	20,000,000	15,000,000	35,000,000

Such notes will bear interest at the rate of 5 percent per annum which rate is predicated on and substantially equal to the effective cost of money secured through the issuance by Consolidated in February 1960 of its 5 percent Debentures due February 1, 1955. Such notes will mature semi-annually in differing amounts with the last note of each subsidiary maturing on January 31, 1965.

(b) $20,600,000 aggregate amount of short-term unsecured notes be issued and sold, from time to time during 1960, to Consolidated by East Ohio, Hope, New York State, Peoples, and River as set forth in Table II below:

TABLE II

Company	To raise new money	For gas storage purposes	To refund outstanding 4 percent notes	Totals
East Ohio	$10,500,000	$8,500,000	$10,000,000	$29,000,000
Hope	4,500,000	5,500,000	4,000,000	14,000,000
New York State	5,500,000	19,500,000	11,000,000	36,000,000
Peoples	4,500,000	1,500,000	4,500,000	10,500,000
River			100,000	100,000
Totals	25,000,000	35,000,000	29,600,000	89,600,000

The $25,000,000 of construction notes will be prepared without premium, in whole or in part from time to time, upon ten days prior written notice. The $29,600,000 of 4 percent notes, as renewed, will mature June 28, 1961.

(c) $3,650,000 of common capital stock be issued and sold to Consolidated in 1960, at the aggregate par value thereof, as follows: $3,000,000 by Hope (30,000 shares of $100 par value), $400,000 by Lake Shore (40,000 shares of $10 par value), and $250,000 by River (2,500 shares of $100 par value). Such stock will be issued to finance, in part, the 1960 construction programs of these subsidiaries. The number of authorized shares of capital stock of Lake Shore and River will be increased by 40,000 and 3,000 shares, respectively, to effectuate the proposed issues and sales.

The banks from which Consolidated proposes to borrow and the amounts to be borrowed from each bank are indicated in Table III below:

TABLE III

Banks	$25,000,000 construction notes	$30,000,000 4 percent construction notes	$35,000,000 gas storage notes	Totals
New York City:				
The Chase Manhattan Bank	$9,800,000	$11,800,000	$12,000,000	
The First National City Bank of N.Y.	2,800,000	3,600,000	2,750,000	
Morgan Guaranty Trust Co. of N.Y.	1,400,000	2,200,000	2,600,000	
Bankers Trust Co.	1,000,000		1,600,000	
Chemical Bank New York Trust Co.	1,000,000	1,600,000	1,600,000	
The Chase Bank	1,000,000	1,600,000	1,600,000	
Irving Trust Co.	1,000,000	1,600,000	1,600,000	
Manufacturers Trust Co.	1,000,000	1,600,000	1,600,000	
OHIO				
Cleveland:				
The National City Bank of Cleveland	1,650,000	2,000,000	2,200,000	
The Commerce Bank	600,000	1,000,000	1,100,000	
Central National Bank of Cleveland	450,000		450,000	
Society National Bank of Cleveland	150,000		200,000	
Akron:				
First National Bank of Akron	150,000	200,000	225,000	
The Union Bank Co.	100,000	200,000	150,000	
The Firestone Bank	50,000	150,000	50,000	
Ashtabula: The Farmers National Bank & Trust Co.				
Canton:	150,000		175,000	
The Harter Bank & Trust Co.	100,000	100,000	150,000	
First National Bank of Canton, Ohio		20,000	75,000	
The Canton Commercial Trust Co.			75,000	
The Canton Merchants Trust Co.			50,000	
Painesville: Lake County National Bank of Painesville				
Warren:				
The Second National Bank			80,000	
The Union Savings & Trust Co.			60,000	
Youngstown:				
The Mahoning National Bank	150,000	100,000	350,000	
The Union National Bank of Youngstown, Ohio	100,000	100,000	150,000	
PENNSYLVANIA				
Pittsburgh:				
Pittsburgh National Bank	1,000,000	1,100,000	1,400,000	
Mellon National Bank and Trust Co.	900,000	1,200,000	1,200,000	
The Union National Bank of Pittsburgh	400,000	400,000	400,000	
Altoona: Altoona Central Bank & Trust Co.	100,000	100,000	100,000	
Johnstown:				
Johnstown Bank and Trust Co.	50,000	50,000	80,000	
United States National Bank Johnstown	50,000		80,000	
NEW YORK				
Elmira: Marine Midland Trust Co. of Southern N.Y.	300,000		400,000	
Syracuse: Marine Midland Trust Co. of Central N.Y.	300,000		400,000	
WEST VIRGINIA				
Clarksburg:				
The Empire National Bank of Clarksburg			75,000	
The Union National Bank of Clarksburg			75,000	
Morgantown: The First National Bank of Morgantown	50,000			
Parkersburg: The Parkersburg National Bank				
Totals	$25,000,000	$30,000,000	$35,000,000	

Copies of the several applications of East Ohio, Hope, Lake Shore, Peoples and River to the appropriate State Commissions of Ohio, West Virginia, and Pennsylvania for requisite authorization of certain of the proposed transactions have been filed herein. Orders approving the issuances and sales of capital stock have been issued by the Public Utilities Commission of Ohio with respect to Lake Shore and River and by the Public Service Commission of West Virginia with respect to Hope. Orders have been issued by the Public Utilities Commission of Ohio authorizing the issuances and sales of $10,000,000 of short-term 4 percent promissory notes and an aggregate of $15,000,000 of long-term 5 percent promissory notes by East Ohio; and the issuances and sale of $100,000 of short-term 4 percent promissory notes by River. An order has been issued by the Public Service Commission of West Virginia approving, subject to certain conditions, the issuances and sales by Hope of an aggregate of $5,000,000 long-term 5 percent promissory notes, of an aggregate of $10,000,000 of short-term promissory notes, and $4,000,000 of short-term 4 percent promissory notes. An order has been issued by the Pennsylvania Public Utility Commission authorizing the issuances and sales by Peoples of an aggregate amount of $7,000,000 of long-term 5 percent promissory notes. It is represented that no other State commission and no Federal commission, other than this commission, has jurisdiction over the proposed transactions.

The estimated fees and expenses to be incurred in connection with the proposed transactions are as follows:

Federal original issue tax on additional capital stock to be issued by Hope, Lake Shore, and River	$3,650
State taxes and filing fees in connection with charter amendments increasing authorized capital stock of Lake Shore and River	1,000
Miscellaneous	500
Total	5,150

Notice is further given that any interested person, not later than June 14, 1960, may request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may grant and permit to become effective the joint application-declaration, as filed or as it may be further amended, as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5166; Filed, June 7, 1960; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JUNE 1, 1960.

1. Plat of the extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10:00 a.m. June 15, 1960.

SEWARD MERIDIAN

T. 11 N., R. 3 W.,
Section 11: All;
Section 12: All;
Section 13: All;
Section 14: All;
Section 24: All.

Containing 3,200 acres.

2. The land is located approximately fourteen miles southeast of Anchorage, Alaska. Most of the land to the east of the highway is mountainous, rolling ground with an elevation extending from 1,000 feet to a high of 3,000 feet.

The northern half of Sections 13, 14 and the southern half of Section 11 are drained by Potters Creek flowing southerly into Turnagain Arm. The soil is sandy loam, covered by brush and a stand of spruce trees.

3. a. Public Land Order 1654 dated June 13, 1958 partially revokes Public Land Order 576 dated March 29, 1949 as to the following described portion of lands concerned, subject to valid existing rights:

SEWARD MERIDIAN

T. 11 N., R. 3 W.,
Section 14: SW¼;
Section 24: S½.

b. The following described lands remain withdrawn under Public Land Order 576, dated March 29, 1949; for scenic purposes:

SEWARD MERIDIAN

T. 11 N., R. 3 W.,
Section 11: W½NW¼SW¼, SW¼SW¼, SW¼SE¼SW¼, SW¼SW¼NW¼;
Section 14: W½NW¼, SE¼NW¼, W½NE¼NW¼, SE¼NE¼NW¼, W½SE¼, SE¼SE¼, S½NE¼SE¼, NW¼NE¼SE¼, S½SW¼NE¼.

4. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph one of this order and not withdrawn by paragraph three, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws, other than those mentioned under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on September 14, 1960, will be considered simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10.00 a.m. on September 14, 1960.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager,
Anchorage Land Office.

[F.R. Doc. 60-5180; Filed, June 7, 1960; 8:49 a.m.]

[Group 329]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

MAY 31, 1960.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plats of survey accepted February 3, 1960, of T. 35 N., R. 5 W. and T. 36 N., R. 5 W., G&SRM, Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a.m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 35 N., R. 5 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;

Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, All;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.

T. 36 N., R. 5 W.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6, 7, SW¼NE¼, S½NW¼, W½SE¼, SW¼;
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 12, Lots 1, 2, 3, 4, W½E½, W½;
Sec. 13, Lots 1, 2, 3, 4, W½E½, W½;
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 24, Lots 1, 2, 3, 4, W½E½, W½;
Sec. 25, Lots 1, 2, 3, 4, W½E½, W½;
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 36, Lots 1, 2, 3, 4, W½E½, W½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, All;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All.

Within the above-described areas are 45,123.65 acres.

2. Available data indicate that the lands in T. 35 N., R. 5 W., are composed of high table-land of the Kanab Plateau and are rolling in character. The soil is mostly sandy loam. T. 36 N., R. 5 W., is composed of a high rolling mountain top. In the southeast part the slopes are gentle. The soil is heavy, sandy clay and there is considerable exposed sandstone bedrock.

3. Executive Order No. 5339 of April 25, 1930, withdrew Sections 25 to 36 inclusive, T. 35 N., R. 5 W., for a National Monument. By Proclamation of the President dated December 22, 1932, Sections 25 to 36 inclusive, T. 35 N., R. 5 W., were withdrawn for the Grand Canyon National Monument.

4. The following described lands are open to application, location, selection and petition as outlined below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 35 N., R. 5 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, Lots 1, 2, 3, 4, W½E½, W½;
Sec. 25, Lots 1, 2, 3, 4, W½E½, W½;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 32, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All;
Sec. 36, Lots 1, 2, 3, 4, W½E½, W½.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 6, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 60-5161; Filed, June 7, 1960; 8:46 a.m.]

Office of the Secretary

[Order 2508, Amdt. 41]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

Section 13 of Order No. 2508, as amended (14 F.R. 258; 16 F.R. 11974; 17 F.R. 6418; 19 F.R. 34, 4585; 20 F.R. 167, 552; 21 F.R. 7655; 22 F.R. 2017, 3474; 23 F.R. 90, 1938; 24 F.R. 3703, 9514; 25 F.R. 2602), is further amended by addition of a new paragraph to read as follows:

SEC. 13. *Lands and minerals.* • • •

(ee) The approval of conveyances, including oil and gas leases, executed by Indian devisees of the Five Civilized Tribes under wills providing for such approval, involving interests in land which are subject to the provisions of the Act of August 4, 1947 (61 Stat. 731), and which have been approved by a county court of Oklahoma pursuant to that Act.

FRED A. SEATON,
Secretary of the Interior.

JUNE 1, 1960.

[F.R. Doc. 60-5164; Filed, June 7, 1960; 8:46 a.m.]

[F.R. Doc. 60-5166; Filed, June 7, 1960; 8:47 a.m.]

laws, or equitable claims subject to

Sec. 7, Lots 1, 2, 3, 4, E½ W½, E½;

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VOLUME 25 NUMBER 112

Washington, Thursday, June 9, 1960

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33 CFR
401 5151

41 CFR
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47 CFR
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50 CFR
PROPOSED RULES:
130 5153

FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10880

PERMITTING CERTAIN EMPLOYEES TO BE GIVEN CAREER OR CAREER-CONDITIONAL APPOINTMENTS

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes of the United States (5 U.S.C. 631), and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) Except as provided by subsection (b) of this section and by section 4 hereof, any employee of the United States Government or of the District of Columbia Government who on the date of this order is serving in a position in the competitive service under an indefinite appointment or a temporary appointment without a definite time limitation may have his appointment converted to a career or career-conditional appointment: *Provided*, that such employee—

(i) shall have completed two years of continuous service immediately preceding the date of this order in a competitive position or positions;

(ii) shall be recommended for the benefits of this order by his agency within one year after the date of this order;

(iii) shall have completed, prior to the date of recommendation by his agency, a total of continuous or intermittent satisfactory service aggregating not less than three years in a competitive position or positions;

(iv) during the period beginning January 23, 1955, and ending on the date of this order, shall have passed a qualifying examination for a position in the competitive service in which he served during such period, or shall meet such non-competitive examination standards as the Civil Service Commission shall prescribe with respect to the position held at the time of the agency recommendation for conversion of his appointment; and

(v) shall meet the requirements prescribed by the Civil Service Commission under section 5 of this order.

(b) The requirements of paragraphs (i) and (iii) of subsection (a) of this section shall not apply to substitute employees of the Postal Field Service. In lieu of such requirements, any such employee, during each year of the three-year period ending on the date that conversion of his appointment is recommended, shall have been paid for at least 700 hours of satisfactory work in a competitive position or positions for which the salary is fixed by the Postal Field Service Compensation Act of 1955, as amended (39 U.S.C. 951–1038). The conversion of the appointment of a substitute employee shall be effected only as career substitute vacancies are available, under applicable law, in the Postal Field Service.

SEC. 2. For the purposes of section 1 hereof, (a) "status-quo" employees shall be considered as serving under indefinite appointments, and (b) "service" shall include military service if the employee shall have left a competitive position to enter the armed forces of the United States and shall have been re-employed in a competitive position within 120 days after discharge under honorable conditions.

SEC. 3. Any person who left a competitive position to enter the armed forces of the United States who would meet the requirements of section 1 except for absence in the armed forces on the date of this order and who is re-employed by an agency in a competitive position within 120 days after discharge from the armed forces under honorable conditions may have his appointment converted if he is recommended by such agency within ninety days after his re-employment and qualifies in such examination as the Civil Service Commission may prescribe.

SEC. 4. This order shall not apply to postmasters or rural carriers, or to employees serving under overseas limited appointments of indefinite or fixed duration.

SEC. 5. The Civil Service Commission may prescribe such regulations as may be necessary for carrying out the provisions of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 7, 1960.

[F.R. Doc. 60-5292; Filed, June 7, 1960; 5:01 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Grain Sorghums Loan and Purchase Agreement Program

The C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 was supplemented by 1960 C.C.C. Grain Price Support Bulletin 1, Grain Sorghums (25 F.R. 3920), containing specific requirements applicable to price support operations on the 1960 grain sorghums crop. These regulations are further supplemented as follows:

§ 421.5237 Support rates.

(a) *Basic support rates at designated terminal markets.* Basic support rates per 100 pounds for grain sorghums of the Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per hundredweight
Sioux City, Iowa	$1.74
Omaha, Nebr	1.78
Council Bluffs, Iowa	1.76
Atchison, Kans	1.87
Kansas City, Kans	1.87
Kansas City, Mo	1.87
St. Joseph, Mo	1.87
Cairo, Ill	1.96
St. Louis, Mo	1.96
Memphis, Tenn	2.00
Corpus Christi, Tex	2.02
Galveston, Tex	2.02
Houston, Tex	2.02
Port Arthur, Tex	2.02
Baton Rouge, La	2.02
New Orleans, La	2.02
Los Angeles, Calif	2.18
Oakland, Calif	2.18
San Francisco, Calif	2.18
Stockton, Calif	2.18
Astoria, Oreg	2.18
Portland, Oreg	2.18
Longview, Wash	2.18
Seattle, Wash	2.18
Tacoma, Wash	2.18
Vancouver, Wash	2.18

(b) *Basic county support rates.* (1) The following basic county support rates are established per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 13 percent moisture. Both farm-storage and county warehouse-storage loans, except as otherwise provided in § 421.5233(b), will be based on the support rate established for the county in which the grain sorghums are stored.

(2) If two or more warehouses are located in the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per hundredweight
All counties	$1.59

ARIZONA

County	Rate per hundredweight	County	Rate per hundredweight
Apache	$1.33	Mohave	$1.32
Cochise	1.66	Navajo	1.33
Coconino	1.33	Pima	1.78
Gila	1.28	Pinal	1.83
Graham	1.58	Santa Cruz	1.68
Greenlee	1.26	Yavapai	1.33
Maricopa	1.83	Yuma	1.86

ARKANSAS

Arkansas	$1.73	Lee	$1.73
Ashley	1.56	Lincoln	1.65
Baxter	1.55	Little River	1.51
Benton	1.47	Logan	1.51
Boone	1.52	Lonoke	1.73
Bradley	1.55	Madison	1.47
Calhoun	1.56	Marion	1.52
Carroll	1.50	Miller	1.51
Chicot	1.56	Mississippi	1.73
Clark	1.56	Monroe	1.73
Clay	1.73	Montgomery	1.51
Cleburne	1.73	Nevada	1.52
Cleveland	1.61	Newton	1.52
Columbia	1.52	Ouachita	1.55
Conway	1.69	Perry	1.56
Craighead	1.73	Phillips	1.73
Crawford	1.50	Pike	1.52
Crittenden	1.73	Poinsett	1.73
Cross	1.73	Polk	1.47
Dallas	1.57	Pope	1.55
Desha	1.72	Prairie	1.73
Drew	1.60	Pulaski	1.72
Faulkner	1.70	Randolph	1.73
Franklin	1.52	St. Francis	1.73
Fulton	1.61	Saline	1.61
Garland	1.56	Scott	1.47
Grant	1.57	Searcy	1.52
Greene	1.73	Sebastian	1.50
Hempstead	1.52	Sevier	1.49
Hot Spring	1.57	Sharp	1.61
Howard	1.51	Stone	1.59
Independence	1.63	Union	1.52
Izard	1.57	Van Buren	1.62
Jackson	1.73	Washington	1.47
Jefferson	1.70	White	1.73
Johnson	1.52	Woodruff	1.73
Lafayette	1.52	Yell	1.55
Lawrence	1.73		

CALIFORNIA

County	Rate per hundredweight	County	Rate per hundredweight
Alameda	$1.96	Sacramento	$1.96
Amador	1.96	San Benito	1.89
Butte	1.87	San Bernardino	1.92
Calaveras	1.96	San Diego	1.84
Colusa	1.89	San Francisco	1.99
Contra Costa	1.96	San Joaquin	1.99
El Dorado	1.91	San Luis Obispo	1.81
Fresno	1.84	San Mateo	1.97
Glenn	1.89	Santa Barbara	1.84
Imperial	1.64	Santa Clara	1.95
Inyo	1.83	Santa Cruz	1.91
Kern	1.88	Shasta	1.75
Kings	1.86	Sierra	1.64
Lake	1.66	Siskiyou	1.75
Lassen	1.94	Solano	1.94
Los Angeles	1.91	Sonoma	1.94
Madera	1.96	Stanislaus	1.97
Marin	1.94	Sutter	1.90
Merced	1.73	Tehama	1.80
Modoc	1.59	Tulare	1.87
Mono	1.87	Tuolumne	1.97
Monterey	1.95	Ventura	1.93
Napa	1.91	Yolo	1.92
Orange	1.93	Yuba	1.91
Placer	1.78		
Plumas	1.87		
Riverside			

COLORADO

Baca	$1.38
All other counties	1.34

FLORIDA

All counties	$1.59

GEORGIA

All counties	$1.64

IDAHO

All counties	$1.34

ILLINOIS

All counties	$1.46

INDIANA

All counties	$1.49

IOWA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.52	Marion	$1.49
Adams	1.55	Mills	1.56
Appanoose	1.54	Monona	1.55
Audubon	1.54	Monroe	1.51
Boone	1.49	Montgomery	1.56
Buena Vista	1.49	O'Brien	1.52
Calhoun	1.50	Osceola	1.51
Carroll	1.54	Page	1.57
Cass	1.53	Plymouth	1.52
Cherokee	1.52	Pocahontas	1.47
Clarke	1.53	Polk	1.49
Clay	1.49	Pottawattamie	1.56
Crawford	1.56	Ringgold	1.56
Dallas	1.49	Sac	1.51
Davis	1.51	Shelby	1.56
Decatur	1.55	Sioux	1.52
Fremont	1.56	Story	1.47
Greene	1.50	Taylor	1.58
Guthrie	1.52	Union	1.56
Harrison	1.56	Van Buren	1.48
Ida	1.51	Wapello	1.50
Jasper	1.47	Warren	1.51
Jefferson	1.48	Wayne	1.56
Lee	1.48	Webster	1.48
Lucas	1.53	Woodbury	1.52
Lyon	1.51	All other counties	1.46
Madison	1.50		
Mahaska	1.48		

KANSAS

County	Rate per hundredweight	County	Rate per hundredweight
Allen	$1.51	Lyon	$1.50
Anderson	1.53	McPherson	1.42
Atchison	1.57	Marion	1.43
Barber	1.39	Marshall	1.50
Barton	1.39	Meade	1.39
Bourbon	1.53	Miami	1.57
Brown	1.58	Mitchell	1.42
Butler	1.43	Montgomery	1.50
Chase	1.47	Morris	1.46
Chautauqua	1.47	Morton	1.44
Cherokee	1.50	Nemaha	1.51
Clay	1.45	Neosho	1.51
Cloud	1.44	Ness	1.38
Coffey	1.51	Norton	1.39
Comanche	1.36	Osage	1.52
Cowley	1.43	Osborne	1.41
Crawford	1.51	Ottawa	1.43
Decatur	1.35	Pawnee	1.39
Dickinson	1.43	Phillips	1.29
Doniphan	1.52	Pottawatomie	1.51
Douglas	1.56	Pratt	1.39
Edwards	1.39	Reno	1.41
Elk	1.47	Republic	1.44
Ellis	1.39	Rice	1.42
Ellsworth	1.42	Riley	1.50
Ford	1.37	Rooks	1.40
Franklin	1.56	Rush	1.39
Geary	1.47	Russell	1.40
Gove	1.35	Saline	1.43
Graham	1.39	Sedgwick	1.43
Grant	1.38	Seward	1.44
Greenwood	1.48	Shawnee	1.53
Harper	1.41	Sheridan	1.35
Harvey	1.43	Smith	1.42
Hodgeman	1.38	Stafford	1.39
Jackson	1.53	Stanton	1.38
Jefferson	1.56	Stevens	1.41
Jewell	1.43	Sumner	1.43
Johnson	1.59	Trego	1.39
Kingman	1.42	Wabaunsee	1.50
Kiowa	1.39	Washington	1.46
Labette	1.50	Wilson	1.50
Lane	1.35	Woodson	1.51
Leavenworth	1.59	Wyandotte	1.60
Lincoln	1.42	All other counties	1.34
Linn	1.53		

KENTUCKY

All counties	$1.59

LOUISIANA

All counties	$1.59

MICHIGAN

All counties	$1.44

MINNESOTA

All counties	$1.39

MISSISSIPPI

All counties	$1.59

MISSOURI

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.53	Christian	$1.51
Andrew	1.64	Clark	1.52
Atchison	1.59	Clay	1.65
Audrain	1.54	Clinton	1.65
Barry	1.49	Cole	1.52
Barton	1.54	Cooper	1.58
Bates	1.57	Crawford	1.52
Benton	1.60	Dade	1.50
Bollinger	1.69	Dallas	1.47
Boone	1.55	Daviess	1.62
Buchanan	1.61	De Kalb	1.64
Butler	1.72	Dent	1.49
Caldwell	1.65	Douglas	1.52
Callaway	1.52	Dunklin	1.73
Camden	1.47	Franklin	1.56
Cape Girardeau	1.70	Gasconade	1.52
Carroll	1.65	Gentry	1.60
Carter	1.52	Greene	1.51
Cass	1.62	Grundy	1.61
Cedar	1.53	Harrison	1.58
Charlton	1.62	Henry	1.56
		Hickory	1.51

MISSOURI—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Holt	$1.61	Pettis	$1.60
Howard	1.59	Phelps	1.50
Howell	1.57	Pike	1.50
Iron	1.67	Platte	1.65
Jackson	1.65	Polk	1.50
Jasper	1.50	Pulaski	1.48
Jefferson	1.64	Putnam	1.57
Johnson	1.62	Ralls	1.53
Knox	1.52	Randolph	1.59
Laclede	1.46	Ray	1.65
Lafayette	1.65	Reynolds	1.49
Lawrence	1.49	Ripley	1.72
Lewis	1.52	St. Charles	1.56
Lincoln	1.49	St. Clair	1.54
Linn	1.61	St. Francois	1.67
Livingston	1.63	St. Louis	1.57
McDonald	1.49	Ste. Genevieve	1.65
Macon	1.58	Saline	1.63
Madison	1.67	Schuyler	1.53
Maries	1.51	Scotland	1.51
Marion	1.52	Scott	1.71
Mercer	1.59	Shannon	1.52
Miller	1.47	Shelby	1.56
Mississippi	1.71	Stoddard	1.71
Moniteau	1.55	Stone	1.51
Monroe	1.55	Sullivan	1.59
Montgomery	1.53	Taney	1.51
Morgan	1.51	Texas	1.52
New Madrid	1.73	Vernon	1.53
Newton	1.49	Warren	1.55
Nodaway	1.61	Washington	1.65
Oregon	1.61	Wayne	1.71
Osage	1.50	Webster	1.50
Ozark	1.55	Worth	1.60
Pemiscot	1.73	Wright	1.52
Perry	1.65		

NEBRASKA

Adams	$1.43	Knox	$1.49
Antelope	1.47	Lancaster	1.52
Boone	1.49	Loup	1.35
Boyd	1.43	Madison	1.50
Buffalo	1.37	Merrick	1.46
Burt	1.56	Nance	1.50
Butler	1.54	Nemaha	1.51
Cass	1.54	Nuckolls	1.44
Cedar	1.52	Otoe	1.51
Clay	1.45	Pawnee	1.50
Colfax	1.54	Phelps	1.40
Cuming	1.55	Pierce	1.49
Dakota	1.52	Platte	1.52
Dawson	1.36	Polk	1.50
Dixon	1.52	Red Willow	1.36
Dodge	1.56	Richardson	1.51
Douglas	1.56	Saline	1.50
Fillmore	1.47	Sarpy	1.56
Franklin	1.40	Saunders	1.56
Frontier	1.35	Seward	1.53
Furnas	1.38	Sherman	1.37
Gage	1.50	Stanton	1.52
Garfield	1.36	Thayer	1.46
Gosper	1.39	Thurston	1.53
Greeley	1.43	Valley	1.36
Hall	1.39	Washington	1.56
Hamilton	1.44	Wayne	1.52
Harlan	1.40	Webster	1.42
Holt	1.40	Wheeler	1.48
Howard	1.40	York	1.49
Jefferson	1.47	All other counties	1.34
Johnson	1.51		
Kearney	1.41		

NEVADA

All counties	$1.44

NEW MEXICO

Hidalgo	$1.49
Luna	1.49
All other counties	1.48

NORTH CAROLINA

All counties	$1.64

NORTH DAKOTA

All counties	$1.34

OHIO

All counties	$1.49

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.40	Major	$1.45
Alfalfa	1.40	Mayes	1.45
Beaver	1.39	Noble	1.44
Bryan	1.49	Nowata	1.49
Cherokee	1.45	Osage	1.42
Delaware	1.47	Pawnee	1.46
Dewey	1.45	Pushmataha	1.41
Ellis	1.40	Roger Mills	1.47
Garfield	1.46	Rogers	1.45
Grant	1.40	Sequoyah	1.40
Harper	1.38	Tulsa	1.44
Haskell	1.40	Wagoner	1.43
Kay	1.40	Woods	1.38
Latimer	1.40	Woodward	1.39
Le Flore	1.40	All other counties	1.48
Love	1.50		
McCurtain	1.40		

OREGON

All counties	$1.49

SOUTH CAROLINA

All counties	$1.64

SOUTH DAKOTA

County	Rate per hundredweight	County	Rate per hundredweight
Aurora	$1.43	Jerauld	$1.41
Beadle	1.38	Kingsbury	1.42
Bon Homme	1.49	Lake	1.45
Brule	1.40	Lincoln	1.51
Buffalo	1.40	Lyman	1.35
Charles Mix	1.46	McCook	1.47
Clark	1.38	Miner	1.44
Clay	1.52	Minnehaha	1.49
Codington	1.38	Moody	1.46
Davison	1.44	Sanborn	1.42
Deuel	1.40	Spink	1.36
Douglas	1.46	Tripp	1.36
Grant	1.35	Turner	1.49
Gregory	1.39	Union	1.52
Hamlin	1.41	Yankton	1.51
Hand	1.36	All other counties	1.34
Hanson	1.45		
Hutchinson	1.47		

TENNESSEE

All counties	$1.59

TEXAS

County	Rate per hundredweight	County	Rate per hundredweight
Anderson	$1.71	Colorado	$1.78
Angelina	1.76	Comal	1.75
Aransas	1.85	Comanche	1.59
Archer	1.49	Concho	1.55
Atascosa	1.77	Cooke	1.56
Austin	1.81	Coryell	1.67
Bandera	1.73	Dallas	1.63
Bastrop	1.74	Delta	1.56
Bee	1.84	Denton	1.58
Bell	1.70	De Witt	1.77
Bexar	1.75	Dimmit	1.65
Blanco	1.69	Duval	1.80
Bosque	1.65	Eastland	1.56
Bowie	1.56	Edwards	1.53
Brazoria	1.82	Ellis	1.67
Brazos	1.77	Erath	1.58
Brooks	1.77	Falls	1.72
Brooks	1.77	Fannin	1.57
Brown	1.59	Fayette	1.76
Burleson	1.76	Fort Bend	1.82
Burnet	1.66	Franklin	1.61
Caldwell	1.72	Freestone	1.70
Calhoun	1.78	Frio	1.71
Callahan	1.58	Galveston	1.82
Cameron	1.70	Gillespie	1.73
Camp	1.61	Goliad	1.80
Cass	1.58	Gonzales	1.73
Chambers	1.76	Grayson	1.57
Cherokee	1.71	Gregg	1.63
Clay	1.53	Grimes	1.78
Coke	1.48	Guadalupe	1.75
Coleman	1.55	Hamilton	1.61
Collin	1.61	Hardin	1.76

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Harris	$1.82	Nueces	$1.86
Harrison	1.62	Orange	1.76
Hays	1.72	Palo Pinto	1.56
Henderson	1.67	Panola	1.67
Hidalgo	1.70	Parker	1.60
Hill	1.66	Polk	1.78
Hood	1.59	Rains	1.63
Hopkins	1.57	Real	1.70
Houston	1.76	Red River	1.53
Hunt	1.58	Refugio	1.81
Jack	1.55	Robertson	1.73
Jackson	1.77	Rockwall	1.59
Jasper	1.75	Runnels	1.53
Jefferson	1.78	Rusk	1.66
Jim Hogg	1.77	Sabine	1.70
Jim Wells	1.85	San Augustine	1.70
Johnson	1.63	San Jacinto	1.81
Jones	1.49	San Patricio	1.86
Karnes	1.78	San Saba	1.59
Kaufman	1.62	Shackelford	1.51
Kendall	1.74	Shelby	1.70
Kenedy	1.81	Smith	1.66
Kerr	1.73	Somervell	1.60
Kimble	1.56	Starr	1.69
Kinney	1.65	Stephens	1.55
Kleberg	1.84	Tarrant	1.63
Lamar	1.55	Taylor	1.50
Lampasas	1.65	Throck'ton	1.51
La Salle	1.69	Titus	1.61
Lavaca	1.76	Travis	1.71
Lee	1.76	Trinity	1.78
Leon	1.74	Tyler	1.75
Liberty	1.81	Upshur	1.63
Limestone	1.72	Uvalde	1.70
Live Oak	1.82	Val Verde	1.61
Llano	1.65	Van Zandt	1.63
McCulloch	1.57	Victoria	1.79
McLennan	1.70	Walker	1.79
McMullen	1.78	Waller	1.82
Madison	1.77	Washington	1.78
Marion	1.61	Webb	1.73
Mason	1.59	Wharton	1.80
Matagorda	1.78	Wichita	1.50
Maverick	1.64	Willacy	1.71
Medina	1.74	Williamson	1.71
Menard	1.55	Wilson	1.76
Milam	1.73	Wise	1.57
Mills	1.67	Wood	1.62
Montague	1.54	Young	1.55
Montgomery	1.81	Zapata	1.69
Morris	1.61	Zavala	1.65
Nacogdoches	1.71	All other counties	1.48
Navarro	1.68		
Newton	1.75		

UTAH

All counties	$1.34

VIRGINIA

All counties	$1.64

WASHINGTON

All counties	$1.49

WISCONSIN

All counties	$1.39

WYOMING

All counties	$1.34

(c) *Discounts.* (1) The discount for grain sorghums which grade No. 3 and contain not in excess of 13 percent moisture shall be 5 cents per 100 pounds; and for grain sorghums which grade No. 4 and contain not in excess of 13 percent moisture, 10 cents per 100 pounds.

(2) Grain sorghums which grade "Smutty" shall be discounted 5 cents per 100 pounds.

(3) Grain sorghums which grade "Discolored" shall be discounted 7 cents per 100 pounds.

(4) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the Classes I to IV inclusive.

(5) The discounts in this paragraph shall be cumulative.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 3d day of June 1960.

ANDREW J. MAIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5248; Filed, June 8, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart A—Regulations

SUPPLEMENTAL INSTRUCTIONS AND PROCEDURES FOR INSPECTION OF CARGO WHEAT FOR PROTEIN CONTENT; FEES AND CHARGES FOR INSPECTION SERVICE

Correction

In F.R. Doc. 60-4106, appearing in the issue of Friday, May 6, 1960, at page 3926, the reference in § 68.42a(c)(4)(v) reading "(see paragraph (a)(2)(v) of this section)" should be changed to read "(see § 68.4a(a)(2)(v))".

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops

Basis and purpose. The provisions of §§ 722.1 to 722.51 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of cotton.

Notice of proposed formulation of marketing quota regulations for upland cotton of the 1960 and succeeding crops when marketing quotas are in effect for upland cotton was published in the FEDERAL REGISTER on April 22, 1960 (25 F.R. 3529) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

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AUTHORITY: §§ 722.1 to 722.51 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 362, 363, 365-368, 372-374, 388, 52 Stat. 38, 62, 63-65, as amended, 68, secs. 344-347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U.S.C. 1301, 1362, 1363, 1365-1368, 1372-1374, 1388, 1344-1347; sec. 102, 72 Stat. 988; 7 U.S.C. 1443.

GENERAL

§ 722.1 Applicability.

The provisions of §§ 722.1 to 722.51 apply to cotton produced in 1960 and succeeding years when marketing quotas are in effect and to carry-over cotton which is marketed by producers in the 1960-61 and succeeding marketing years. The regulations pertaining to marketing quotas for upland cotton of the 1958 and succeeding crops (23 F.R. 3231), as amended, apply to the 1958 and 1959 crops of upland cotton.

§ 722.2 Definitions.

As used in §§ 722.1 to 722.51 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *General terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) The terms "Secretary", "Deputy Administrator", "State committee", "county committee", "community committee", "State administrative officer", "county office manager", "operator", and "person" as defined in Part 718 of this chapter (24 F.R. 4223), as amended, shall apply to the regulations in §§ 722.1 to 722.51.

(3) "Director" means the Director, or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(5) "Treasurer" means the county office manager or the person designated by him to act as county committee treasurer.

(6) "Upland cotton" (referred to in §§ 722.1 to 722.51 as "cotton") means any cotton other than extra long staple cotton.

(7) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, as provided under section 347(a) of the act.

(8) "Carry-over cotton" for any year means the unmarketed cotton from any previous crop which the producer thereof has on hand as of August 1 of such year.

(9) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(10) "Penalty" for any year means the amount payable with respect to the farm marketing excess for such year as determined under section 346 of the act and § 722.26.

(11) "Crop year" means the calendar year in which the cotton is planted.

(12) The terms "county", "farm" and "farm serial number" as defined in Part 719 of this chapter (23 F.R. 6731), as amended, shall apply to the regulations in §§ 722.1 to 722.51.

(13) "Seed cotton" means the harvested fruit of the cotton plant before ginning.

(14) "Lint cotton" means the fiber taken from seed cotton by ginning.

(15) "Normal yield for any county" for a crop year means the average yield per harvested acre of lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director, with the approval of the Administrator of Commodity Stabilization Service. If for any year of such five-year period actual yield data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(16) "Expiration of time limitations" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 722.1 to 722.51.

(b) *Terms relating to farms.* (1) "Farm allotment" means a cotton acreage allotment established for a farm under the applicable acreage allotment regulations.

(2) "New cotton farm" means a farm on which cotton is to be planted in a crop year but such farm is not eligible for an allotment as an old cotton farm for such crop year.

(3) "Acreage planted to cotton on the farm" for a crop year, for purposes of §§ 722.1 to 722.51 shall be the acreage seeded to cotton on the farm in such year and the acreage devoted to the production of cotton on the farm in such year but seeded prior to such year, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to expiration of the period established under applicable regulations for disposing of excess cotton acreage or (ii) is disposed of in accordance with applicable regulations pertaining to the disposal of excess cotton acreage.

(4) "Normal yield" for any year means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(5) "Normal production" of any number of acres for a crop year means the normal yield of lint cotton per acre for the farm for such year multiplied by such number of acres.

(6) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in the crop year. Cotton will be considered to have been produced in the crop year in which the acreage from which it was produced was planted.

(7) "Actual yield" per acre for a crop year means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm in such year by the acreage planted to cotton on the farm in such year.

(8) "Farm marketing quota" for a crop year means a cotton marketing quota established for the farm for such year under § 722.9.

(9) "Farm marketing excess" for a crop year means the amount of cotton determined for the farm for such year under § 722.10 or § 722.12, whichever is applicable.

(10) "Farm with no farm marketing excess" for a crop year means a farm on which the acreage planted to cotton in

such year is not in excess of the farm allotment for such year.

(11) "Farm with a farm marketing excess" for a crop year means a farm on which the acreage planted to cotton in such year is in excess of the farm allotment for such year.

(12) "Producer" means a person on a farm who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the cotton produced thereon during the year in which the cotton is planted (or cotton on hand from a prior crop) or the proceeds thereof.

(13) "Owner or landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(14) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of cotton to be paid as rent.

(15) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the cotton or of the proceeds thereof.

(16) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the cotton or of the proceeds thereof.

(c) *Terms relating to harvesting and marketing.* (1) "Harvest" means the act of extracting seed cotton from the cotton plant by manual or mechanical means or grazing by livestock.

(2) "Harvested" and "harvesting" shall have corresponding meanings to the term "harvest" in the connection in which they are used. Salvage operations shall be considered as harvesting.

(3) "Available for harvest" means the stage of maturity when bolls are sufficiently open to permit harvest.

(4) "Market" means to dispose of cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in exchange for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(5) "Marketing year" means the period beginning August 1 of a crop year and ending July 31 of the following year, both dates inclusive.

(6) "Buyer" means a person who acquires cotton from a producer by purchase, including transferees and all persons who acquire title to cotton from producers. A person acting as a purchasing agency pursuant to a Cotton Purchasing Agency Agreement with Commodity Credit Corporation shall be deemed to be a "buyer" with respect to any cotton acquired by such purchasing agency which is subject to marketing quotas as provided in § 722.8. Also, an agricultural cooperative association which makes purchase and sale agreements with producers, or marketing agreements under which the title to cotton passes upon delivery of cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.8.

(7) "Transferee" means a person who receives cotton from a producer by barter or exchange, or by gift inter vivos.

(8) "Ginner" means a person engaged in the business of ginning cotton.

(9) "Ginning" means the process by which lint cotton is removed from the cotton seed.

(10) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(11) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of cotton.

§ 722.3 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.1 to 722.51 shall be prepared under the direction of the director and shall be issued by the deputy administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the director.

§ 722.4 Extent of calculations and rule of fractions.

In making any computation in connection with §§ 722.1 to 722.51, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped.

Identification and Measurement of Farms

§ 722.5 Identification of farms.

Each farm as operated for a crop year shall be identified by a farm serial number and all records pertaining to marketing quotas for such crop year and farm shall be identified by the farm serial number.

§ 722.6 Measurement of farms.

The county committee shall provide for measurement each crop year of the acreage planted to cotton on farms in accordance with Part 718 of this chapter (24 F.R. 4223), as amended.

§ 722.7 Reports and records of farm measurements.

The county committee shall keep a record for each crop year of the measurements made on all farms. It shall file with the State office a written report for each crop year on Form MQ-94—Cotton (Upland) setting forth for each farm with a farm marketing excess the following: (a) Farm serial number, (b) name of operator, (c) farm allotment, (d) acreage planted to cotton, and (e) total cropland.

Farm Marketing Quota and Farm Marketing Excess

§ 722.8 Cotton subject to marketing quota provisions.

Marketing quotas for each crop of cotton shall be applicable to any cotton of that crop notwithstanding that the cotton may be available for marketing prior to or subsequent to the marketing year which begins in the year when the cotton is planted. Carryover cotton marketed during any marketing year shall be subject to §§ 722.1 to 722.51 to the extent applicable.

§ 722.9 Farm marketing quotas.

The farm marketing quota for each crop year for any farm shall be that number of pounds of lint cotton produced on the farm less the amount of the farm marketing excess for such crop year. In addition, lint cotton which producers have on hand from any previous crop (except cotton on which a penalty was incurred and has not been paid) may also, when properly identified, be marketed penalty free.

§ 722.10 Amount of farm marketing excess.

The farm marketing excess for each crop year shall be the normal production of the acreage planted to cotton on the farm in excess of the farm allotment for such crop year. For a farm having a zero allotment or no allotment, the entire acreage planted to cotton shall be used in determining the farm marketing excess for such crop year. Where it is established to the satisfaction of the county committee, by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.12 that the actual production of cotton on the farm in a crop year is less than the normal production of the acreage planted to cotton on the farm in such crop year, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm allotment.

§ 722.11 Notice of farm marketing quota and farm marketing excess.

Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm for any crop year shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the cotton produced or to be produced on the farm in such crop year. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.12 Farm marketing excess adjustment.

(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the cotton produced in any crop year on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest of such cotton crop is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15 of the year following the year in which the cotton was planted. If the harvesting of cotton on the farm has not been completed by March 15 of the year following the year in which the cotton was planted but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested cotton on the farm in order that a final determination of the actual production on the farm for such crop year may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.10 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no cotton has been or will be produced on a farm with a farm marketing excess for the year for which such farm marketing excess is determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. Official measurement of the cotton acreage on the farm for the crop year in question must have been made before the county committee approves a determination of the actual production of cotton on the farm. The actual production of cotton in such crop year on any farm shall be determined in view of the relevant facts, including the measured acreage planted to cotton in such crop year on the farm, the past production on the farm, the actual yields per acre in such crop year for other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, ginning, and sales of the cotton produced on the farm in such crop year; and weather conditions and other factors in such crop year affecting the production of cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. The determination made by the county committee under this paragraph shall be subject to approval by a representative of the State committee. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator any time after a date which is thirty days prior to the expiration date for filing application for the crop year under paragraph (a) of this section, any producer having an interest in the cotton produced on the farm in such crop year may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.10 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

§ 722.13 Publication of the farm allotment, normal yield, marketing quota, and marketing excess.

A record of the farm allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be kept readily available in the office of the county committee for public inspection for a period of not less than 30 calendar days. At the end of such period, the records shall be filed in the office of the county committee and remain readily available for further public inspection. Copies of notices, or other compilations upon which the pertinent data are shown may be used for this purpose.

§ 722.14 Marketing quotas not transferable.

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to

any other farm except as specifically provided in the applicable acreage allotment regulations for release and reapportionment pursuant to section 344 of the act and transfer of allotments pursuant to section 378 of the act. Under sections 345 and 347 of the act, farm marketing quotas are established for each crop year for both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.8 to 722.16 for a crop of upland cotton may not be used in whole or in part in connection with the marketing of extra long staple cotton.

§ 722.15 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in a cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, including a farm on which cotton was planted in a crop year but for which a farm cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of cotton and to the restrictions on the marketing of cotton.

§ 722.16 Review of quotas.

(a) *Review committee.* Any producer who is dissatisfied with the farm marketing quota and farm marketing excess determined for his farm may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.11 or § 722.12, have such farm marketing quota and farm marketing excess reviewed by a review committee pursuant to section 363 of the act. Unless such application is made within such 15 days, the determination of the county committee shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee. If a determination of the county committee for the crop year, as for example, the farm allotment, has previously been reviewed by a review committee, and such determination as approved by the review committee has become final under the Marketing Quota Review Regulations, it may not be reconsidered in a subsequent review proceeding concerning the farm marketing quota and farm marketing excess. In all cases, the review committee shall consider only such matters as, under the applicable provisions of the act and the applicable regulations in this part, are required or permitted to be considered by the county committee in determining the farm marketing quota or farm marketing excess.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.17 Eligibility for and issuance of marketing cards.

(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any producer on a farm, or an official of a publicly owned agricultural experiment station, shall be eligible to receive a marketing card for each crop of cotton if for such crop (1) no farm marketing excess is determined for the farm or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer for the county in which the farm is located, except that a marketing card shall not be issued under item (1) or (2) of this paragraph if any producer on the farm has on hand any cotton produced in previous crop years on which the penalty was incurred and has not been paid. For the 1960 crop year an eligible producer interested in the cotton production on a Choice (A) allotment farm shall be eligible to receive a marketing card, identified as Form MQ–76–A Upland Cotton, for such farm and an eligible producer interested in the cotton production on a Choice (B) allotment farm shall be eligible to receive a marketing card, identified as Form MQ–76–B Upland Cotton, for such farm: *Provided, however,* That an eligible producer interested in the cotton production on either a Choice (A) allotment farm or a Choice (B) allotment farm who is not eligible for price support or who is eligible for price support only upon approval of the price support documents by the county committee shall be eligible to receive only a marketing card identified as Form MQ–76–R Upland Cotton.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is a cotton producer on more than one farm in a county in a crop year shall not be eligible to receive a marketing card for any such farm in the county for such crop year until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, if the county office manager determines that such issuance will serve a useful purpose. Any producer may be denied a marketing card if the county committee determines that, in order to enforce the provisions of the act, such producers should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of cotton in more than one county in the same year (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed in such year with respect to all such farms, wherever situated, to the extent deemed necessary by the respective county committees to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year.

(d) *Preparation and issuance of marketing cards to producers.* A marketing card shall be issued to the operator of the farm for any year if he is eligible to receive it under the foregoing provisions of this section unless the operator is not a producer, in such case the card will be issued only on the request of the operator and, if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards for such year shall also be issued to other eligible producers on the farm. Each serially numbered marketing card when completed shall show: (1) The State and county code and farm serial number; (2) the name and address of the farm operator or other eligible producer; (3) the name and address of the county office; and (4) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, a record shall be kept in the county office of the name of the person who so affixed the signature.

(e) *Designation of agent to use marketing card.* If a producer designates a person who is not a producer on the farm as agent to use his marketing card, he shall submit and file with the county committee a power of attorney covering such designation. It shall be the duty of the buyer to ascertain that such a power of attorney is on file before acquiring cotton from any purported agent of the producer.

(f) *Preparation and issuance of marketing cards to experiment station officials.* The county office manager shall, upon the written application of a responsible official of any publicly owned agricultural experiment station having cotton exempt from the penalty as provided in the applicable acreage allotment regulations, issue a marketing card for such experiment station.

§ 722.18 Marketing certificates and loan documents.

(a) *Use of marketing certificates.* A marketing certificate (Form MQ–91—Cotton (Upland)) shall be issued to a producer upon his request to permit the marketing of cotton (1) by any such producer (i) who has an unexpired marketing card for use in identifying the cotton to be marketed or is eligible to receive such a marketing card and who desires to market such cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who desires to market cotton which he has on hand from any prior crop, except cotton from a previous crop on which the penalty was incurred and has not been paid; (iii) who desires to market cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.17(b) because he or another producer on such farm is also a cotton producer on a farm with a farm marketing excess and the penalty has not been paid; or (iv) who desires to market his share of the cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.24. In instances where the acreage planted to cotton on the farm has not been determined through no fault of the operator, and he, in applying for marketing certificates, certifies that he has cotton produced in that crop year available for marketing and that to the best of his knowledge and belief the acreage planted to cotton on the farm does not exceed the farm allotment, the county committee or the county office manager may issue marketing certificates for his farm in a total amount not exceeding the product of the farm allotment for that crop year multiplied by the smaller of the county normal yield per acre for that crop year or the estimated actual yield per acre for such crop year on the farm. Also, certificates shall be issued in any case where a person has loose cotton such as field scrap cotton, sample trimmings, floor sweepings, and cotton picked up from the roadside provided that such person establishes to the satisfaction of the county committee that such cotton was acquired through normal off-farm handling or trade customs, was field scrap cotton, was waste cotton picked up on the roadside or similar location, or was acquired in some other similar manner.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the county and State and the farm serial number, (3) the serial number of the marketing card issued for the farm, where applicable, and the crop year in which the cotton was produced, (4) the description and amount of the cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, a record shall be kept in the county office of the name of the person who so affixed the signature. The county committee shall, for each crop year, estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued in an amount in excess of such production as estimated or otherwise determined by the county committee. The "buyer's copy", "producer's copy", and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the cotton described in the marketing certificate shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carry-over CCC loan cotton.* Any producer who desires to sell his equity in carry-over cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carry-over cotton on which such a loan has been repaid may, as provided in § 722.24, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.19 Lost, destroyed, or stolen marketing cards or marketing certificates.

(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings by county office manager and county committee.* If the county office manager finds that an unexpired marketing card or certificate issued to a producer has been lost, destroyed, or stolen, he shall investigate to determine whether there has been any collusion or connivance on the part of the producer to or for whom the marketing card or certificate was issued to fraudulently obtain a second marketing card or certificate. If investigation discloses no evidence of collusion or connivance, a replacement marketing card or certificate may be issued to the producer by the county office manager and a notice in writing canceling the lost, destroyed, or stolen marketing card or certificate shall be signed by the county office manager and mailed to the last known address of such producer. Where circumstances appear to warrant investigation by the county committee before a replacement marketing card or certificate is issued, the case should be referred to the county committee for a determination as to the action to be taken. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case the lost, destroyed, or stolen marketing card or certificate is not recovered promptly, the county office manager shall notify the ginner-buyers, buyers, Commodity Credit Corporation loan clerks, and Commodity Credit Corporation purchasing agencies in the county or in the immediate market area that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county office manager and of any action by the county committee shall be kept among the county office records. Any person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.20 Cancellation of marketing cards and marketing certificates.

(a) *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled". Without awaiting its return, the county office manager shall notify the producer in writing at his last known address that it is void and of no effect. The county office manager shall notify the ginner-buyers, buyers, Commodity Credit Corporation loan clerks, and Commodity Credit Corporation purchasing agencies in the county, or in the immediate market area that the marketing card or certificate has been canceled. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office.

(b) *Cancellation of marketing cards which may be misused.* In the event the county committee determines that a marketing card has been, or will be, misused such marketing card shall be canceled and the producer to whom it was issued shall be so notified and requested to return it to the county office. Without awaiting its return, the county office manager shall notify the ginner-buyers, buyers, Commodity Credit Corporation loan clerks, and Commodity Credit Corporation purchasing agencies in the county, or in the immediate market area that the marketing card has been canceled. A copy of the notice of cancellation, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. Any producer whose marketing card is canceled under this provision shall, upon his request, be issued marketing certificates in accordance with § 722.18(a).

IDENTIFICATION OF COTTON

§ 722.21 Time and manner of identification.

Each producer of cotton may, at the time he markets any cotton, identify the cotton to the buyer or transferee, in the manner hereinafter provided, as not subject to the penalty provided in § 722.26 and the lien for the penalty as provided in § 722.27 and any such cotton not so identified shall be taken as being subject to the penalty and the lien for the penalty as provided in § 722.25.

§ 722.22 Identification by marketing card.

A marketing card (Form MQ–76–A Upland Cotton, Form MQ–76–B Upland Cotton, or Form MQ–76–R Upland Cotton) shall, when presented to the buyer or transferee by the producer to whom issued, or any other eligible producer on the farm, be evidence to the buyer or transferee that the cotton produced on the farm in the crop year for which the marketing card was issued may be purchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.23 Identification by marketing certificate.

A marketing certificate (Form MQ–91—Cotton (Upland)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.24 Identification by loan document.

A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carryover cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

§ 722.25 Cotton not identified by a marketing card, marketing certificate or loan document.

All cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in § 722.22, § 722.23, or § 722.24 shall be presumed to be subject to penalty and lien for the penalty and shall be taken by the buyer or transferee thereof as subject to penalty at the rate prescribed in § 722.26 and to the lien for the penalty. All cotton purchased or acquired by a person which is not identified by a marketing card, marketing certificate, or loan document shall be presumed to have been marketed by a producer unless it is established that such cotton was purchased or acquired from a person other than the producer thereof. The buyer or transferee shall report the purchase of all such unidentified cotton on Form MQ–82—Cotton (Upland) and shall remit to the county committee treasurer the penalty collected, or deducted from the purchase price of the cotton.

PENALTY

§ 722.26 Rate of penalty.

The rate of penalty for lint cotton is 50 percent of the parity price for cotton as of June 15 of the year in which the cotton is planted, as provided in section 346(a) of the act. Section 722.51 will be amended annually to set forth the exact rate of the penalty for each crop year.

§ 722.27 Lien for the penalty.

Until the penalty on the farm marketing excess for any crop year is paid, all cotton produced on the farm in such crop year and marketed shall be subject to the penalty at the rate prescribed in § 722.26 and a lien on such entire crop of cotton produced on the farm shall be in effect in favor of the United States.

§ 722.28 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.29 (b), (d), or § 722.30(c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.29 Payment of penalty by producers.

(a) *Producer liable for payment of penalty.* Each producer having an interest in the crop of cotton on any farm produced in a crop year for which a farm marketing excess has been determined shall be liable for the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any cotton produced on the farm is harvested or is available for harvest. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15 of the year following the year in which the cotton was planted, even though the cotton is not harvested: *Provided, however,* That the penalty on any bale or lot of cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.22, § 722.23 or § 722.24, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the cotton produced on the farm in the crop year bears to the total amount of cotton produced on the farm in such crop year. When the producer pays his proportionate share of the penalty, he shall be entitled to receive marketing certificates issued in accordance with § 722.18 for his share of the cotton crop produced on the farm in such crop year: *Provided, however,* That the producer shall remain liable for the remainder of the penalty on the farm marketing excess, notwithstanding any apportionment under this paragraph.

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator any time after a date which is thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

§ 722.30 Payment of penalty by buyers and transferees.

(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States who buys or acquires from the producer any cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Cotton shall be presumed to be subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ–76–A Upland Cotton, Form MQ–76–B Upland Cotton, or Form MQ–76–R Upland Cotton), a marketing certificate (Form MQ–91—Cotton (Upland)), or a loan document as provided in §§ 722.22, 722.23, and 722.24.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States who buys or acquires cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed. Cotton shall be deemed to be sold when either title to or actual or constructive possession of the cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the cotton is being bartered or exchanged. Cotton shall be deemed to have been marketed by gift inter vivos when there is actual or constructive delivery of the cotton to the transferee during the lifetime of the producer. Cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts cotton into an article of trade and thereby causes the cotton to lose its identity as lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82—Cotton (Upland).

§ 722.31 Remittance of penalty to the county committee treasurer.

The county committee treasurer for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty as required by established fiscal procedure. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of Commodity Stabilization Service, U.S.D.A. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the county committee treasurer subject to collection and payment at par.

§ 722.32 Deposit of funds.

All funds received by the county committee treasurer in connection with penalties for cotton shall be scheduled and transmitted by him on the day received or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the county committee treasurer shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to Commodity Stabilization Service, U.S.D.A., and transmit such check to the State committee. The county committee treasurer shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the cotton in connection with which the funds were remitted.

§ 722.33 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee and the county committee treasurer, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the cotton or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the county committee treasurer shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.34 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever a claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to cotton is duly filed in accordance with section 372 of the act and the regulations pertaining to Refunds of Penalties Erroneously, Illegally, or Wrongfully Collected with Respect to Marketing in Excess of Marketing Quotas (§§ 714.21 to 714.28 of this chapter; 13 F.R. 6210, Oct. 22, 1948; 19 F.R. 395, Jan. 22, 1954), as amended, and a determination is duly made that a part or all of the penalty was erroneously, illegally, or wrongfully collected, a refund of such penalty or part thereof shall be made as provided in the regulations pertaining to refunds of penalties (§§ 714.21 to 714.28 of this chapter).

§ 722.35 Report of violations and court proceedings to collect penalty.

The county office manager shall report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.1 to 722.51 to the county committee treasurer when collected. The State administrative officer shall report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

RECORD AND REPORTS

§ 722.36 Records to be kept and reports to be made by ginners.

(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373(a) of the act, keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Ginner's record of cotton ginned.* Each ginner shall keep, for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the cotton was produced; (3) the name of the producer of the cotton; (4) the name and address of the person who delivered the cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the cotton as furnished; (5) the county and State in which the farm on which the cotton was produced is located; (6) the gin bale number or mark or other identification; (7) the serial number of the gin ticket or receipt prepared or issued by the ginner; and (8) the gross weight of

each bale of cotton and the net weight of each lot of lint cotton less than a bale ginned by the ginner.

(c) *Requests for reports.* Each ginner, upon written request of the State committee, State administrative officer, or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee, State administrative officer, or county committee in the written request for such report.

(d) *Manner of submitting reports.* The county committee treasurer designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

§ 722.37 Records to be kept and reports to be made by buyers.

(a) *Necessity for records and reports.* Each person who buys or acquires seed cotton or lint cotton from the producer thereof, in conformity with section 373 (a) of the act, shall keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature of records.* Each buyer shall keep for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) the name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and in the case of seed cotton purchased, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and each lot of lint cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.1 to 722.51 and the amount of penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the cotton was not identified in the manner provided in §§ 722.1 to 722.51 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records as required by this paragraph. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100—Cotton (Upland) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with marketing of cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of cotton which is not identified by a marketing card, marketing certificate or loan document, as provided in §§ 722.22, 722.23 and 722.24 when marketed by a producer shall, with respect to each such purchase, make a written report on Form MQ–82—Cotton (Upland) of the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the cotton purchased. The report shall be prepared and executed in triplicate; the "Producer's Copy" shall be delivered to the producer, the "Buyer's Copy" shall be retained by the buyer and the buyer shall mail or deliver the "County Office Copy" to the county committee treasurer for the county in which such cotton was produced.

(d) *Reports in connection with cotton identified by marketing certificates.* The buyer of cotton which is identified, when marketed, by a marketing certificate, Form MQ–91—Cotton (Upland), as provided in § 722.23, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "County Office Copy" to the county committee treasurer for the county in which such certificate was issued. The "Buyer's Copy" shall be retained by the buyer and the "Producer's Copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provided for in § 722.42(b).

(e) *Receipts to producers for penalties.* Where the cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing, the "Producer's Copy" of the executed Form MQ–82—Cotton (Upland) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "County Office Copy" of Form MQ–82—Cotton (Upland) to the county committee treasurer for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, the State committee, or State administrative officer has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.1 to 722.51, the buyer shall, within fifteen days after a written request therefor by either the county committee, State committee, or State administrative officer is sent to him by certified mail at his last known address, make a report verified as true and correct on Form MQ–100—Cotton (Upland) to the designated county committee treasurer with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of cotton, and each lot of cotton less than a bale, purchased by such buyer: (1) the name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of cotton purchased in the seed, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.1 to 722.51 and the amount of any penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if the cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The county committee treasurer for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ–82—Cotton (Upland) in connection with the purchase of cotton marketed without the use of the means of identification provided by §§ 722.1 to 722.51 may be mailed or delivered directly to the county committee treasurer from whom the blank copy of the form was obtained.

§ 722.38 Records to be kept and reports to be made by transferees.

Each transferee who acquires seed cotton or lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.37. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.39 Records to be kept by warehousemen, processors, and others.

Each warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act, who stores, processes (including compressing), transports as a common carrier or otherwise deals with cotton from, for, or on behalf of the producer thereof shall for each crop year keep the records relating to such cotton which are normally kept by persons engaged in the same or similar business. The Secretary hereby finds such records to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

§ 722.40 Availability of records kept by ginners, buyers, transferees, warehousemen, and others.

Each ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person as defined in section 373(a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1 to 722.51 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1 to 722.51 but not so furnished. The records to be kept pursuant to the provisions of §§ 722.36, 722.37, 722.38 and 722.39 shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31 of the second year following the year in which the cotton is planted, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1 to 722.51 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1 to 722.51 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or by the director.

§ 722.41 Penalty for failure or refusal to keep records or make reports.

Any ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act who gins, buys, acquires, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof who fails to keep the records, make the reports as required by § 722.36, § 722.37, § 722.38, or § 722.39 or who makes any false report or false record shall, as provided for in section 373(a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 722.42 Records to be kept and reports to be made by producers.

(a) *Necessity for records and reports.* Each person who produces or who has produced in any crop year, cotton which is subject to the provisions of §§ 722.1 to 722.51 shall, in conformity with section 373(b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which the cotton is planted, or for such longer period of time as may be requested in writing by the State administrative officer or by the director.

(b) *Cotton marketed to persons not within the United States.* In each case where cotton for which a marketing certificate has been issued pursuant to § 722.18 is marketed to any person not within the United States the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States. The producer shall retain the "Producer's Copy" of the certificate. Not later than 15 calendar days next succeeding the day on which the cotton was marketed the "County Office Copy" and the "Buyer's Copy" shall be mailed or delivered by such producer to the county committee treasurer for the county in which the certificate was issued.

(c) *Farm operator's report.* The operator of the farm shall file with the county committee treasurer for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (Upland) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.12 except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established but the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.1 to 722.51 and requests such report in writing. Upon written request by the county committee or by the State committee for a farm operator's report on Form MQ–98—Cotton (Upland), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ–98—Cotton (Upland) shall show for the farm the following information or any part thereof as specified in such request for a specified crop year: (i) The date harvesting of the crop of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm, and the acreage planted to cotton on the farm; (ii) the total number of pounds of lint cotton ginned from the crop of cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of seed cotton of the crop marketed; (v) the total amount of lint cotton of the crop marketed; (vi) the amount of unmarketed cotton of the crop on hand; (vii) the total number of pounds of lint cotton produced from such crop; (viii) the name and address of each buyer or transferee of such crop lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The county committee treasurer for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.43 Data to be kept confidential.

Except as provided in § 722.48 all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.36 to 722.40, inclusive, and § 722.42 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.44 Enforcement.

The county office manager shall report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.1 to 722.51 and so to report each case of making any false report or record. The State administrative officer shall report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the

appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.45 Cotton produced by publicly owned agricultural experiment stations.

The conditions under which cotton produced by publicly owned agricultural experiment stations shall be exempted from penalty shall be determined pursuant to applicable acreage allotment regulations.

§ 722.46 Revision of county committee determinations and erroneous notices.

(a) *Revision of determinations.* In any case where a determination of the county committee under §§ 722.1 to 722.51 is found to be in error, the county committee on its own motion or upon request of a representative of the State office, shall revise such determinations.

(b) *Erroneous notice of cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State administrative officer. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.47.

(c) *Erroneous notice of planted acreage.* In any case where it is discovered after all the cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the cotton acreage for upland cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State administrative officer concurs upon review of the county committee determination, the acreage planted to cotton on the farm will be considered as an acreage equal to the farm allotment.

§ 722.47 No credit for overplanting the farm allotment.

Any acreage planted to cotton in any crop year in excess of the farm allotment for such crop of cotton shall not be taken into account in establishing State, county, and farm allotments for subsequent crops of cotton.

§ 722.48 Availability of records.

The State and county committee shall make available for inspection by owners or operators of farms receiving cotton allotments all records pertaining to cotton allotments and marketing quotas.

§ 722.49 Designation of representatives of the Secretary to examine records.

(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.36 to 722.40, relating to the examination of records, the deputy administrator is hereby authorized and directed to designate in writing with the counter signature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions. In addition, investigators and accountants (special agents), Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U.S.C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act or §§ 722.1 to 722.51.

§ 722.50 County normal yields for each crop year.

This section will be amended annually to establish county normal yields for each crop year pursuant to § 722.2(d)(8).

§ 722.51 Penalty rate for each crop year.

This section will be amended annually to establish the penalty rate for each crop year pursuant to § 722.26.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 3d day of June 1960.

ANDREW J. MAIR,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5249; Filed, June 8, 1960; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Elberta Peach Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.641 Elberta Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CRF Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 13, 1960. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 20, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 20, 1960, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such peaches are expected to begin on or about June 13, 1960, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 13, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship:

(i) Any package or container of Elberta peaches unless such peaches meet the requirements of the U.S. No. 1 grade: *Provided,* That with respect to ripe Elberta peaches, a tolerance of 10 percent, by count, for bruises not causing serious damage is allowed in addition to the tolerances provided for such U.S. No. 1 grade;

(ii) Any package or container of Elberta peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any package or container of Elberta peaches containing more than one peach which is immature: *Provided,* That no lot of packages or containers of Elberta peaches may be shipped if more than one-half of one percent, by count, of the peaches in the lot are immature; or

(iv) Any package or container of Elberta peaches unless at least 85 percent of the Elberta peaches contained in such package or container measured not less than 2⅜ inches in diameter: *Provided,* That, Elberta peaches (*a*) when packed in a 12B California peach box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in said box, or (*b*) when packed in either a No. 26 standard lug box or a No. 27 standard lug box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, not more than 80 peaches in the respective lug box, shall be deemed to meet the said minimum diameter requirement: *And provided, further,* That for the purpose of determining whether ripe Elberta peaches meet the said standard pack requirements, such peaches may be fairly tightly packed rather than tightly packed.

(2) Peaches which are "well matured" means peaches which, at the time of picking, (i) are not hard; (ii) have shoulders and sutures well filled out; (iii) when ring cut, have flesh that separates from the pit readily and cleanly, and is red colored next to the pit; and (iv) have skin and flesh yellowish green to yellow in color. "Peaches which are not hard" yield to moderate pressure at least slightly at the suture and tip and at least very slightly elsewhere.

(3) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of Elberta peaches. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," and "fairly tightly packed" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5228; Filed, June 8, 1960; 8:49 a.m.]

[Nectarine Order 5]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 937.321 Nectarine Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 19, 1960. Such committee meeting was held on May 19, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 13, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no handler shall handle any package or container of Early Le Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to

51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 6, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5246; Filed, June 8, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 418; Reg. SR–440]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Occupancy of Forward Observer's Seat During En Route Inspection

Sections 40.22, 41.5 and 42.8 of the Civil Air Regulations contain provisions which make it mandatory to permit an authorized representative of the Federal Aviation Agency at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Federal Aviation Act of 1958, and the Civil Air Regulations. Similar inspection provisions have existed without interruption since the regulation of civil aviation by the former Aeronautics Branch, U.S. Department of Commerce, which provided in its regulations that the "owner, operating agency, or pilot" was required to give Federal inspectors "free and uninterrupted access to the aircraft" while conducting government inspections.

Historically, the required government inspections of air carrier operations known as en route inspections have been conducted from a seat or station on the flight deck of the aircraft which permits the inspector to observe the operation of the aircraft by the flight crew members at their respective stations. This was done for the obvious reason that an inspection conducted from a location which would not permit observation of the operation would be essentially futile. As a result of this well established and accepted practice, it has been unnecessary for the Federal Aviation Agency or its predecessor agencies to further prescribe by regulatory action the authority of the inspector to occupy such seat in the conduct of his required en route inspections.

With the introduction into service of new type turbo jet airplanes two observers' seats were made available for use on the flight deck of such airplanes, in addition to those required for the minimum flight crew. In some of these airplanes one of these seats, the forward observer's seat, is located directly behind that occupied by the pilot-in-command and permits FAA inspectors while occupying such seat to observe the operation of the airplane by the flight crew members. The location of the second observer's seat, however, does not permit such observation.

By agreement entered into between the Air Line Pilots Association and certain air carriers, an additional pilot flight crew member has been assigned to assist the pilot-in-command in the operation of turbo jet airplanes. This agreement was entered into notwithstanding the fact that such airplanes were certificated for safe operation by the FAA with a minimum flight crew of two pilots and a flight engineer. Moreover, these airplanes are still being operated safely with such a flight crew complement by all of the other air carriers not parties to such an agreement. The Air Line Pilots Association has now advised the FAA that under the provisions of this agreement it has decided that the forward observer's seat must be occupied by the additional pilot flight crew member or the airplane will not be operated by its members—even during en route inspections. In support of this decision, resolutions have been entered into by the Master Executive Council of the pilots of the air carriers which are parties to such agreements directing its members not to operate turbo jet airplanes for en route inspections, when the forward observer's seat is occupied by the FAA inspector instead of the additional third pilot.

Pursuant to such agreements and resolutions, the pilots of one of the air carriers have now refused to operate turbo jet airplanes which were scheduled for en route inspections by authorized representatives of the Administrator occupying the forward observers' seats. Such overt acts by the pilots involved have created a situation which requires immediate corrective action. The statutory safety responsibilities of the Federal Aviation Agency can not be derogated by the provisions of agreements between the pilots and the air carriers, or by unilateral resolutions of the pilots and their associations purporting to implement such agreements. In the exercise and performance of their statutory responsibilities, FAA inspectors conducting en route inspections must be provided with a seat in the cockpit from which they are able properly to discharge such responsibilities. This requirement is both obvious and fundamental for the conduct of inspections which will assure the highest degree of safety in the fast growing system of air transportation.

Because of the emergency nature of the situation, I find that compliance with the notice, procedures and effective date provisions of the Administrative Procedure Act would be impracticable and impede the due and timely execution of the functions of the Federal Aviation Agency.

In consideration of the foregoing this emergency Special Civil Air Regulation is adopted to make clear that the authorized representatives of the Administrator must be given full and uninterrupted access to the aircraft, including a suitable seat on the flight deck, as determined by the Administrator, for the proper performance and discharge of their en route inspection duties. This regulation is declaratory of a long standing practice and makes explicit, with respect to certain aircraft, the location of such seat.

The following Special Civil Air Regulation is hereby adopted to become effective immediately.

Each air carrier shall make available a seat on the flight deck of each aircraft used by it in air transportation for occupancy by an authorized representative of the Administrator while conducting en route inspections. The location and equipment of such seat, in respect to its suitability for use in conducting en route inspections, shall be as required by the Administrator or his representative. In all Boeing 707's, Douglas DC–8's, and other types of aircraft having more than one observer's seat in excess of that required for the crew complement for which the aircraft was certificated, the forward observer's seat shall be made available to such representative.

(Secs. 313(a), 601, 604 and 609; 72 Stat. 752, 775, 778, 779; 49 U.S.C. 1354(a), 1421, 1424, 1429)

Issued in Washington, D.C., on June 7, 1960.

ARVIN O. BASNIGHT,
Acting Administrator.

[F.R. Doc. 60–5209; Filed, June 8, 1960; 9:56 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–KC–54]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1801) stating that the Federal Aviation Agency was proposing to modify the segments of VOR Federal airway No. 38 and VOR Federal airway No. 1510 from Moline, Ill., to Joliet, Ill.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6038 (24 F.R. 10510; 25 F.R. 3576), "INT of the Moline VOR 081° and the Joliet VOR 265° radials;" is deleted.

2. In the text of § 600.6610 (24 F.R. 10528), "INT of the Moline VOR 081° and the Joliet VOR 265° radials;" is deleted.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5203; Filed, June 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60–NY–18]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1961) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 102 in its entirety, together with its associated control areas and designated reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended as follows:

1. Section 600.302 *Red Federal airway No. 102 (Lexington, Ky., to Huntington, W. Va.)* is revoked.

2. Section 601.302 *Red Federal airway No. 102 control areas (Lexington, Ky., to Huntington, W. Va.)* is revoked.

3. Section 601.4302 *Red Federal airway No. 102 (Lexington, Ky., to Huntington, W. Va.)* is revoked.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5204; Filed, June 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60–NY–21]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2109) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 18 in its entirety, together with its associated control areas and designated reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended as follows:

1. Section 600.218 *Red Federal airway No. 18 (Indianapolis, Ind., to Washington, D.C.)* is revoked.

2. Section 601.218 *Red Federal airway No. 18 control areas (Indianapolis, Ind., to Washington, D.C.)* is revoked.

3. Section 601.4218 *Red Federal airway No. 18 (Indianapolis, Ind., to Washington, D.C.)* is revoked.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5205; Filed, June 8, 1960; 8:46 a.m.]

[Airspace Docket No. 59–WA–229]

PART 608—RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

On November 13, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9242) stating that the Federal Aviation Agency was considering an amendment to § 608.28 of the regulations of the Administrator which would modify the upper altitude limits of the Camp Springs (Andrews AFB), Md., Restricted Area/Military Climb Corridor (R–542).

As stated in the notice, the present Andrews AFB climb corridor extends from a point 5 statute miles northeast of the airbase on the 053° True radial of the Andrews AFB TVOR to a point 32 statute miles northeast of the airbase. The lower altitude limits extend in graduated steps from 2,280 feet MSL to 19,280 feet MSL. The upper altitude limits extend from 10,280 feet MSL to 27,000 feet MSL. The upper altitude limits of the present Andrews AFB Restricted Area/Military Climb Corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speeds and a high rate of climb in a short time after takeoff. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, the Federal Aviation Agency is raising the upper altitude limits of the Restricted Area/Military Climb Corridor. This action will result in the upper altitude limits of the Andrews AFB climb corridor extending from 15,280 feet MSL to 27,000 feet MSL.

No adverse comments were received regarding the proposed amendment. However, the Aircraft Owners and Pilots Association/National Aviation Trades Association Airspace Representative requested that consideration be given to raising the floor of the corridor in the steps from 6 to 7 and from 7 to 10 statute miles from the airbase. The Federal Aviation Agency has coordinated this recommendation with the Department of the Air Force. The Air Force has indicated a requirement to maintain the present configuration of the climb corridors due to aircraft operating characteristics.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.28 *Maryland*, Camp Springs, Md. (Andrews AFB) Restricted Area/Military Climb Corridor (R–542) (Washington Chart) (23 F.R. 9134) is amended to read:

Description. That area based on the 053° True radial of the Andrews AFB TVOR, beginning 5 statute miles NE of the airbase and extending 32 statute miles NE of the airbase, having a width of 1 statute mile SE and 2.3 statute miles NW of the 053° True radial at the beginning and a width of 2.3 statute miles on each side of the 053° True radial at the outer extremity.

Designated altitudes. 2,280' MSL to 15,280' MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase. 2,280' MSL to 24,280' MSL from 6 to 7 statute miles NE of the airbase. 2,280' MSL to 27,000' MSL from 7 to 10 statute miles NE of the airbase. 6,280' MSL to 27,000' MSL from 10 to 15 statute miles NE of the airbase. 10,280' MSL

to 27,000' MSL from 15 to 20 statute miles NE of the airbase. 15,200' MSL to 27,000' MSL from 20 to 25 statute miles NE of the airbase. 19,200' MSL to 27,000' MSL from 25 to 32 statute miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Andrews AFB Approach Control.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 2, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5206; Filed, June 8, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7530]

PART 13—PROHIBITED TRADE PRACTICES

Kitty Lefin and Kitty Lefin Fur House

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30–30 *Fur Products Labeling Act.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(a) *Maker or seller;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Kitty Lefin Fur House, Schenectady, N.Y., Docket 7530, April 2, 1960]

The complaint in this case charged a retail furrier in Schenectady, N.Y., with violating the Fur Products Labeling Act by removing required labels after sale of fur products but before delivery to customers; by failing to name the animal producing certain furs or the country of origin, on labels, invoices, and in advertising; to use the designation "secondhand used", and to identify the manufacturer, etc., on tags; by failing additionally in advertisements to disclose that some fur products were secondhand and that others were dyed; and by failing in other respects to comply with requirements of the Act.

After trial of the issues, the hearing examiner made his initial decision, including findings, conclusions and order to cease and desist, which became on April 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Kitty Lefin, an individual trading as Kitty Lefin Fur House, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, transportation or distribution, in commerce, of fur products; or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products, which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Removing, or causing the removal or participating in the removal of labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products.

2. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with nonrequired information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

3. Falsely and deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to furnish invoices to purchasers of fur products showing the item number or mark assigned to a fur product.

4. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product is composed of used fur when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

B. Fails to disclose that fur products contain or are composed of "secondhand used fur" when such is the fact.

C. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5219; Filed, June 8, 1960; 8:47 a.m.]

[Docket 7642 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Michaelian & Kohlberg, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–40 in general.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Michaelian & Kohlberg, Inc., et al., New York, N.Y., Docket 7642, April 19, 1960]

In the Matter of Michaelian & Kohlberg, Inc., a Corporation, Trading as Spinning Wheel Rugs, and Frank M. Michaelian, L. P. Michaelian, M. A. Michaelian, and P. G. Evraets, Individually and as Officers of Said Corporation

The complaint in this case charged New York City distributors of rugs and floor coverings, some of them imported, with representing falsely on attached labels, invoices, price lists and other sales literature, that the pile or wearing surface of their imported "Manor House" and "Heritage" rugs was "All Wool" when it actually contained a substantial quantity of other fibers.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Michaelian & Kohlberg, Inc., a corporation, trading and doing business under its own name or under the name of Spinning Wheel Rugs or under any other name and its officers, and Frank M. Michaelian, L. P. Michaelian, M. A. Michaelian and P. G. Evraets, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution, of rugs and floor coverings or any other textile product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the terms "wool" or "all wool" or any other word or term indicative of wool to designate or describe any product or portion thereof which is not composed wholly of wool, the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat, or hair of the camel, alpaca, llama, or vicuna, which has never been reclaimed from any woven or felted product: *Provided,* That in the case of products or portions thereof which are composed in substantial part of wool and in part of other fibers or materials, the term "wool" may be used as descriptive of the wool content of the product or portion thereof if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully designating each constituent fiber or material thereof in the order of its predominance by weight: *Provided, further,* That if any fiber or material so designated is not present in a substantial quantity, the percentage thereof shall be stated. Nothing herein shall prohibit the use of the terms "reprocessed wool" or "reused wool" when the products or those portions thereof referred to are composed of such fibers.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 19, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5220; Filed, June 8, 1960; 8:48 a.m.]

[Docket 7623 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

S. Perlo & Sons et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–90 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1134; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, S. Perlo & Sons, New York, N.Y., Docket 7623, April 14, 1960]

In the Matter of Hindra R. Perlo, Now Deceased, and Dismissed From These Proceedings; Eli Perlo, and Leon Perlo, Co-Partners Trading as S. Perlo & Sons

The complaint in this case charged New York City distributors with violating the Wool Products Labeling Act by labeling and invoicing as "100% Reprocessed Wool * * *" interlining materials which contained substantially less than 100 percent wool.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Eli Perlo and Leon Perlo, individually and as copartners trading as S. Perlo & Sons, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen interlining materials or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That Eli Perlo and Leon Perlo, individually and as copartners trading as S. Perlo & Sons, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool interlining materials, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the complaint herein, insofar as it relates to individual respondent, Hinda R. Perlo, be and the same hereby is dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Eli Perlo and Leon Perlo, individuals and co-partners trading as S. Perlo & Sons shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5221; Filed, June 8, 1960; 8:48 a.m.]

[Docket 7654 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Robert Ottemberg and F. H. Leather Products

Subpart—Misbranding or mislabeling: § 13.1185 *Composition.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Robert Ottemberg t/a F. H. Leather Products, New York, N.Y., Docket 7654, April 1, 1960]

The complaint in this proceeding charged a New York City manufacturer with stamping the words "top grain cowhide" on certain of his wallets and billfolds which were made of split leather and consisted substantially of nonleather materials simulating leather.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Robert Ottemberg, an individual trading as F. H. Leather Products, or under any other name or names, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wallets or billfolds, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "top grain cowhide" or any other words of similar import in connection with leather goods made or split leather or misrepresenting in any manner the kind or quality of the materials of which his leather goods are composed.

2. Offering for sale or selling leather goods made in whole or in part of split leather without affirmatively disclosing such fact on or in immediate connection with such product in a clear and conspicuous manner.

3. Offering for sale or selling leather goods which, to any substantial exent,

consist of parts made of materials other than leather and which simulate or imitate leather unless such parts and the materials of which they are composed are clearly and conspicuously set forth on or in immediate connection with such goods.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5222; Filed, June 8, 1960; 8:48 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER G—REGULATIONS UNDER TAX CONVENTIONS

[T.D. 6469]

PART 504—BELGIUM

Subpart—Belgian Congo and Ruanda-Urundi

On December 31, 1959, Treasury Decision 6438 containing the withholding regulations applicable with respect to the extension of the income tax convention between the United States and Belgium of October 28, 1948, as amended, to Belgian Congo and Ruanda-Urundi was published in the FEDERAL REGISTER (24 F.R. 11084). In order to correct the text of certain provisions of the convention as contained in § 504.301(a) of that Treasury decision, that section is amended effective with respect to taxable years beginning on or after January 1, 1959, as follows:

(A) By striking out paragraphs (1) and (2) of Article VIII and inserting in lieu thereof the following:

(1) The rate of United States tax on dividends derived from sources within the United States by a resident or corporation or other entity of Belgium not having a permanent establishment within the United States shall not exceed 15 percent.

(2) Belgium shall not impose on dividends derived from sources within Belgium by a resident or corporation or other entity of the United States not having a permanent establishment within Belgium any tax in the nature of a personal complementary tax or surtax thereon, or any tax similar to that withheld at the source on dividends under United States law in the case of nonresident aliens and foreign corporations.

(B) By striking out Article XVII and inserting in lieu thereof the following article:

ARTICLE XVII

Each of the Contracting States shall collect taxes, which are the subject of this Convention, imposed by the other Contracting State (as though such tax were a tax imposed by the former State) as will ensure that the exemption, or reduced rate of tax, as the case may be, granted under the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

(C) By striking from paragraph (1) of Article XXIII the word "Washington" and inserting in lieu thereof "Brussels".

(D) By striking out paragraph (2) of Article XXIII and inserting in lieu thereof the following:

(2) The present Convention shall become effective with respect to income derived in taxable years beginning on or after the first day of January of the calendar year in which the exchange of the instruments of ratification takes place, except that if such exchange takes place after the thirtieth day of September of such calendar year, Articles VIII and VIIIA and Article IX (2) shall become effective only with respect to payments made after the thirty-first day of December of such calendar year. It shall continue effective for a period of five years beginning with the first day of January of the calendar year in which such exchange takes place and indefinitely after that period, but may be terminated by either of the Contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

Because this Treasury decision merely corrects the text of certain provisions of law cited in existing regulations, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DANA LATHAM, *Commissioner of Internal Revenue.*

Approved: June 3, 1960.

FRED C. SCRIBNER, JR., *Acting Secretary of the Treasury.*

[F.R. Doc. 60-5229; Filed, June 8, 1960; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Reimbursement to Owners and Tenants of Land Acquired by the Department of the Air Force Pursuant to Public Law 534, 82d Congress

1. In § 836.121, the second sentence is revised to read as follows:

§ 836.121 Statutory provisions.

* * * * *

No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Secretary of the Air Force within one year following the date of such acquisition or within one year following the date that the property is vacated by the applicant, whichever date is later.

2. In § 836.122, paragraph (g) is redesignated paragraph (h) and a new paragraph (g) is added as follows:

§ 836.122 Definitions of terms as used in §§ 836.121 to 836.128.

* * * * *

(g) *Date of vacating.* The date on which an owner or tenant moves himself, his family, and his possessions subsequent to January 1, 1958 from land acquired on or subsequent to July 14, 1952.

3. Section 836.125 is revised to read as follows:

§ 836.125 Filing of application.

All applications for reimbursement must be delivered to or mailed to the appropriate Division or District Engineer, Corps of Engineers, Department of the Army within one year from the date of acquisition or within one year from the date that the property is vacated by the applicant, whichever date is later. Applications must be supported by an itemized statement of the expenses, losses, and damages incurred for which reimbursement is requested.

(Sec. 401(b), 66 Stat. 624, as amended) [Approval of the Assistant Secretary of the Air Force and the Deputy Secretary of Defense]

[SEAL] J. L. TARR, *Colonel, U.S. Air Force, Director of Administrative Services.*

[F.R. Doc. 60-5201; Filed, June 8, 1960; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55148]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Requirements for Additional Information on Invoices for Certain Articles Subject to Internal Revenue Taxes

In order to conform to certain changes in the numbering of sections made by the Internal Revenue Code of 1954, § 8.13(h) of the Customs Regulations is amended by changing the section numbers of the affected classes of merchandise to read as follows:

Copper bearing ores and concentrates and other articles taxable under IRC, sec. 4541.
Oils, or products of such oils, upon which an import tax is imposed by IRC, sec. 4561, 4571, or 4581.
Sugar, manufactured, articles containing 10 percent or more by weight of, as defined in IRC, sec. 4502(3).

Section 8.13(h), Customs Regulations, is further amended by adding the number of this Treasury Decision to the column entitled, "Treasury Decisions or sections of regulations" opposite each of the foregoing classes of merchandise.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1481, 1624)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: June 2, 1960.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 60-5232; Filed, June 8, 1960; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Fenders; Correction

Section 401.103-13, appearing in the Amendment to the St. Lawrence Seaway Regulations and Rules published in the FEDERAL REGISTER on Thursday, May 26, 1960 (25 F.R. 4647), should have been designated § 401.103-11.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,

[SEAL] MARTIN W. OETTERSHAGEN, *Acting Administrator.*

[F.R. Doc. 60-5226; Filed, June 8, 1960; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter II—Federal Aviation Agency

PART 2-60—CONTRACT APPEAL PROCEDURES

Establishing Procedures Governing Contract Appeals

On March 17, 1959, the Administrator of General Services published the Federal Procurement Regulations (Title 41, Chapter I) in the FEDERAL REGISTER. These regulations apply to all Federal agencies to the extent specified in the Federal Property and Administrative Service Act of 1949 or other applicable statutes and laws. This Federal procurement regulation system for the codification and publication of uniform policies and procedures applicable to the procurement of personal property and nonpersonal services (including construction) by executive agencies contemplates that succeeding chapters of Title 41 would be devoted to implementing and supplementing materials developed and issued by particular Federal agencies to govern their procurement activities, as well as to regulations of general application to agencies having procurement functions issued by other Federal regulatory agencies. These rules constitute the Federal Aviation Agency's detailed procedures governing the conduct of contract appeals.

In essence, these procedural rules merely codify and formalize the procedures presently followed by the Agency in handling its contract appeals. New Part 2-60 contains provisions prescribing the method whereby an authorized appeal may be taken; internal agency procedures for processing such appeals either upon the basis of written submission or after oral hearing; the scope and nature of such oral hearings and their conduct and the method of arriving at findings and decisions. Since this rule relates to public property and contracts, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective immediately upon the date of its publication in the FEDERAL REGISTER.

In consideration of the foregoing, I hereby adopt new Part 2-60 of Title 41 of the Code of Federal Regulations:

Sec.
2-60.1 Scope of part.
2-60.2 Establishment of Panel.
2-60.3 Exercise of authority.
2-60.4 Delegation.
2-60.5 Appeal.
2-60.6 Form of appeal.
2-60.7 Transmittal of notice of appeal.
2-60.8 Notification to contractor.
2-60.9 Consideration without oral hearing.
2-60.10 Notice of hearing.
2-60.11 Absence of contractor.
2-60.12 Scope and nature of hearing.
2-60.13 Evidence.
2-60.14 Examination of witnesses.
2-60.15 Briefs.
2-60.16 Copies of papers.
2-60.17 Withdrawal of exhibits.
2-60.18 Representation.
2-60.19 Findings and decisions.
2-60.20 Motions for rehearing.
2-60.21 Modification of rules.

AUTHORITY: §§ 2-60.1 to 2-60.21 issued under secs. 303, 313, 1001, 72 Stat. 747, 752, 788; 49 U.S.C. 1344, 1354, 1481.

§ 2-60.1 Scope of part.

This part relates to the establishment and functions of a Contract Appeals Panel, authorizes the members of such panel to act, and delegates to the General Counsel authority to designate the Chairman of such panel and its members.

§ 2-60.2 Establishment of Panel.

The Contract Appeals Panel heretofore established in the Office of the General Counsel is hereby continued.

§ 2-60.3 Exercise of authority.

Members of the Contract Appeals Panel are hereby authorized to act for the Administrator of the Federal Aviation Agency in hearing and considering appeals by contractors from findings of fact or from decisions of contracting officers of the Agency, where permitted by the terms of the contract, or as directed by the Administrator. Members of the Panel are also authorized to recommend to the Administrator action to be taken upon such appeals.

§ 2-60.4 Delegation.

The General Counsel is hereby delegated authority to appoint the members of the Contract Appeals Panel from personnel of his Office who are members of the Bar of any State, territory, or possession of the United States, and to designate one of such members as Chairman of the Panel.

§ 2-60.5 Appeal.

When and to the extent that an appeal from a decision of a contracting officer of the Agency is authorized, such an appeal may be taken by filing a written appeal with the contracting officer from whose decision it is taken.

§ 2-60.6 Form of appeal.

The appeal must be in writing but need not follow any prescribed form and may be in the form of a letter addressed to the Administrator, except that it must identify the decision appealed from and it must state that the contractor appeals from that decision. Letters of complaint or general letters objecting to some action taken will not be considered appeals. It should be in triplicate, and should indicate the decision from which the appeal is taken, the date thereof, and the number of the contract involved. It should also specify the portion or portions of the decision from which the appeal is taken and the reasons why those portions are deemed to be erroneous. The appeal should be dated and signed by the contractor and, if he desires to appear or be represented at a hearing, it must contain a request that such a hearing be held. The appeal must be mailed to or otherwise filed with the contracting officer within the time specified in the contract or, if no time is specified, within 30 days from the date of receipt of the contracting officer's decision.

§ 2-60.7 Transmittal of notice of appeal.

When the appeal has been received by a contracting officer, he will endorse the date of its receipt on the original and promptly forward the original and one copy thereof, together with one copy of the contract, including specifications, modifications and change orders, his decision, findings of fact and supporting data, and all pertinent correspondence and other data in his possession relevant to the dispute, to the Chairman, Contract Appeals Panel, Federal Aviation Agency, Washington 25, D.C.

§ 2-60.8 Notification to contractor.

After receipt by him of the material referred to in § 2-60.7, the Chairman will designate one of the members of the Contract Appeals Panel to consider the appeal, notify the contractor of such designation, and supply to him copies of such relevant factual material in the possession of the Government as the Chairman may deem to be desirable in order to assist the contractor to develop his case. In cases of unusual complexity, more than one member may be designated.

§ 2-60.9 Consideration without oral hearing.

If an oral hearing has not been requested in the appeal the member designated by the Chairman will consider the appeal upon the basis of written material, together with such brief as the

contractor may desire to submit. The member will instruct the contractor with respect to the time within which such brief may be submitted.

§ 2–60.10 Notice of hearing.

If an oral hearing has been requested, the member to whom the appeal has been assigned will fix the time when and the place where such hearing will be conducted and will give the contractor at least 15 days' notice thereof in writing. In fixing a time and place for such hearing, the convenience of the parties will be considered. Ordinarily, hearings will be held at the headquarters of the Agency, in Washington, but they may be held at such other place as may be determined by the member conducting the hearing.

§ 2–60.11 Absence of contractor.

In the event of the unexcused absence of the contractor or his representative at the time and place set for an oral hearing, the appeal will be deemed to have been submitted without oral testimony or argument on behalf of the contractor, and will be considered by the member conducting the hearing without further proceedings.

§ 2–60.12 Scope and nature of hearing.

At an oral hearing the member presiding will receive evidence and arguments presented by or on behalf of the contractor. Evidence will not be presented on behalf of the Government. The questions raised by the appeal will be considered de novo, and the Administrator will not be bound by the findings of fact of the contracting officer, although he may adopt them in whole or in part. Hearings will be as informal as may be reasonably permitted under the circumstances. The contractor, or his representatives, may offer at a hearing such evidence or argument as they deem appropriate, subject to the exercise of reasonable discretion by the presiding officer as to the extent and manner of presenting such argument. In the event that the contractor desires to submit additional evidence or argument subsequent to an oral hearing, he will be permitted to do so within a time limit fixed by the presiding officer. In some instances, the evidence presented may be insufficient to permit the formulating of a recommendation. In such cases, the member conducting the hearing may require additional information to be submitted.

§ 2–60.13 Evidence.

The contractor may present to the member conducting the hearing sworn statements setting forth the factual material upon which he relies, or he may present witnesses who will testify to such facts. He will be expected to state and establish the grounds upon which his appeal is founded. Testimony and evidence may be submitted without regard to the formal rules of evidence, but shall, nevertheless, be subject to a determination by the member presiding with respect to propriety or relevance.

§ 2–60.14 Examination of witnesses.

Witnesses will not be required to testify under oath; however, if the circumstances so warrant, the member presiding at the hearing may warn the witness that his statements may be subject to the provisions of Title 18, U.S.C., sec. 287, 1001; and any other provisions of law imposing penalties for knowingly making false representations in connection with matters under consideration by Federal agencies. All witnesses will be subject to examination by the member conducting the hearing. Witnesses may then be re-examined by the contractor, or his counselor or other authorized representative.

§ 2–60.15 Briefs.

Briefs may be submitted in accordance with instructions by the member conducting the hearing, who may request preliminary briefs or statements describing the basis for the appeal and the questions involved in advance of a hearing.

§ 2–60.16 Copies of papers.

Copies of papers, books, records or documents will be accepted as evidence in lieu of the submission of the original documents where such submission is not practicable.

§ 2–60.17 Withdrawal of exhibits.

After the Administrator's decision has been rendered, upon request, original exhibits will be returned to the persons entitled to them.

§ 2–60.18 Representation.

A contractor may appear in person or may be represented by counsel, or by any other duly authorized person.

§ 2–60.19 Findings and decisions.

After consideration of the appeal, the member assigned thereto will advise the Administrator with respect to the case, and the Administrator will make such decision as he deems appropriate. The contractor will be notified of the Administrator's decision by the Chairman and will be furnished a copy thereof.

§ 2–60.20 Motions for rehearing.

In most instances, the decision of the Administrator as to questions of fact, by the terms of the contract involved, are final and conclusive and binding on the parties thereto. Motions for rehearing or reconsideration will not be considered unless based upon evidence not previously available to the contractor or considered by the member to whom the appeal was assigned, in making his recommendation to the Administrator. Such motions must be filed within a reasonable period of time from the date of receipt of the Administrator's decision and shall set forth specifically the grounds relied upon.

§ 2–60.21 Modification of rules.

The rules contained in this part are intended to render the contract appeals procedure just and simple and to prevent unjustifiable expense and delay. They may be relaxed or modified by the member conducting the hearing in the interests of justice and the expeditious settlement of disputes.

This part shall become effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 2, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–5202; Filed, June 8, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 60–617]

PART 1—PRACTICE AND PROCEDURE

Revision of FCC Form 316

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having before it for consideration its revised FCC Form 316 (Assignment of License or Transfer of Control Application, Short Form), adopted and approved July 6, 1949; and

It appearing that changes in the "General Instructions" on the face of the form are solely of a clarifying nature and include the present texts of §§ 1.303, 1.329 and 1.330 of the rules, as revised when Part 1 was recodified in February 1958; and

It further appearing that certain other changes in the numbering, punctuating and wording of the instructions in the various paragraphs of the form are editorial in nature and designed to clarify the instructions; and

It further appearing that a need exists for an additional paragraph on the face of the form calling for Articles of Incorporation and Bylaws, properly certified, if the applicant is a corporation, or, the agreement creating the partnership, if that be the case; and

It further appearing that additional paragraphs on the back of the form calling for detailed financial statements, other broadcast interests, and the citizenship of the applicants, are needed; and

It further appearing that the revisions are procedural and editorial in nature and therefore the provisions of section 4 of the Administrative Procedure Act with respect to proposed rule making are not applicable;

It is ordered, That, effective May 25, 1960, pursuant to authority under sections 4(i) and 303(r) of the Communications Act of 1934, as amended, FCC Form 316 (adopted July 6, 1949), Assignment of License or Transfer of Control Application, Short Form,[1] is revised to conform with the above changes. Copies of the revised form will be available upon request to the Commission in the near future.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5245; Filed, June 8, 1960; 8:51 a.m.]

[1] Filed as part of original.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 130]

NORTH PACIFIC AREA

Definition; Salmon Fishery Prohibition

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 12 of the act of August 12, 1954 (68 Stat. 700; 16 U.S.C. 1031), it is proposed to amend 50 CFR Part 130 as set forth below. The purpose of the amendment is to extend the boundaries of the area where it is prohibited to fish for or take salmon with any net and to define the term North Pacific area.

Such fishing has been prohibited by Federal regulations since 1957 under authority of the North Pacific Fisheries Act as far west as longitude 175 degrees west.

In order to provide identical coverage with that provided the Pacific Coast States, it is now proposed to extend the prohibition against such fishing throughout the North Pacific area.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Commercial Fisheries, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 1, 68 Stat. 698, as amended; 16 U.S.C. 1021 et seq.)

ROSS LEFFLER,
Assistant Secretary of the Interior.

JUNE 3, 1960.

Part 130—North Pacific Area, would be revised as follows:

§ 130.1 Definition.

For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48 degrees 30 minutes north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

SALMON FISHERY

§ 130.10 Salmon fishing prohibited, exception.

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: *Provided*, That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

[F.R. Doc. 60–5223; Filed, June 8, 1960; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

SERVICES AND EXPENSES OF EMPLOYEES

Reimbursement of Charges

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority of R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, sec. 624, 46 Stat. 759 (5 U.S.C. 22, 140; 19 U.S.C. 66, 1624), it is proposed to amend § 24.17(a)(11) of the Customs Regulations.

Sections 15.2, 15.3(b), and 15.10 of the Customs Regulations permit the performance of certain operations on imported merchandise under customs supervision for the benefit or convenience and at the expense of the importer. The compensation of the customs employee assigned to supervise such operations is not included in the charges for expenses incurred. When, however, the examination or other processing of merchandise before entry for consumption or warehouse is permitted under § 8.5 of the Customs Regulations at the request of an importer, the compensation of the customs employee supervising the operation, as well as any other expenses incurred, are required to be reimbursed to the Government.

It is believed that services rendered by the Government under §§ 15.2, 15.3(b) and 15.10, like those under § 8.5(b) should, in accordance with section 501 of the Act of August 31, 1951 (5 U.S.C. 140), be "self-sustaining to the full extent possible." Accordingly, it is proposed to amend § 24.17(a)(11) of the Customs Regulations as tentatively set forth below:

(11) When a customs officer or employee is assigned to supervise examination, sampling, weighing, repacking, segregation, or other operation on merchandise in accordance with §§ 8.5(b), 15.2, 15.3(b) and 15.10 of the regulations of this part, the compensation and other expenses of such officer or employee shall be reimbursed to the Government by the party-in-interest except when a warehouse proprietor is liable therefor.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: May 19, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60–5231; Filed, June 8, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1028]

[Docket No. AO–314]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Findings and Determinations on Results of Referendum on Proposed Marketing Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Peoria and Bloomington, Illinois, on August 25 through September 4, 1959, pursuant to notice thereof issued on July 20, 1959 (24 F.R. 5908) and notice of postponement of hearing issued July 28, 1959 (24 F.R. 6165) upon a proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area.

The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued on February 15, 1960 (25 F.R. 1448) and the final decision of the Assistant Secretary was issued on May 4, 1960 (25 F.R. 4093) setting forth a proposed marketing agreement and a proposed order as the appropriate and determined means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937 as amended. Annexed to, and made a part of, the final decision of the Assistant Secretary of Agriculture issued May 4, 1960 (25 F.R. 4093, F.R. Doc. 60–4157) was an order directing that a referendum be conducted among producers to determine whether the required percentage of producers favored the issuance of the proposed order.

It is hereby found and determined on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order that the issuance of the proposed order regulating the handling of milk in the Central Illinois marketing area as set forth in the aforesaid decision is not favored by the re-

quired percentage of producers who voted in the aforesaid referendum.

It is hereby found and determined that the proposed order set forth in the decision of the Assistant Secretary of May 4, 1960 (25 F.R. 4093) will not be issued or made effective because of the failure of the required percentage of producers voting in the referendum to approve or favor its issuance.

Issued at Washington, D.C., this 6th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5247; Filed, June 8, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-91]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (Section 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6051, 600.6243, 601.6051, 601.6243, 601.1126 and 601.7001 of the regulations of the administrator, the substance of which is stated below.

VOR Federal airway No. 51 extends, in part, from Jacksonville, Fla., to Crossville, Tenn. VOR Federal airway No. 243 extends, in part, from Chattanooga, Tenn., to Bowling Green, Ky. The Federal Aviation Agency is considering redesignating the McDonough, Ga., to Crossville segment of Victor 51; revoking Victor 51W from Alma, Ga., to Chattanooga; designating east and west alternates from McDonough to Crossville, and designating an east alternate from Alma to Macon, Ga. It is also proposed to extend VOR Federal airway No. 243 from Jacksonville to Chattanooga via the Jacksonville VOR 319° and the Alma VOR 148° True radials; Alma VOR; Alma VOR 305° and the Vienna VOR 135° True radials; Vienna VOR; Atlanta VOR, including a west alternate via the Vienna VOR 286° and Atlanta VOR 164° True radials; the Atlanta VOR 009° and the Chattanooga VOR 152° True radials to Chattanooga.

The McDonough to Crossville segment of Victor 51 would be realigned from the McDonough VOR to the Crossville VOR direct station to station. An east alternate to Victor 51 would be designated from Alma to Macon via the intersection of the Alma VOR 335° True radial and the 137° True radial of a VOR to be installed approximately October 20, 1960, near Dublin, Ga., at latitude 32°30'54" N., longitude 83°07'56" W.; Dublin VOR direct to Macon. An east alternate to Victor 51 would be designated from the intersection of the McDonough VOR 345° and the Atlanta VOR 009° True radials to the Crossville VOR via the intersection of the Atlanta VOR 009° and the Crossville VOR 142° True radials. A west alternate to Victor 51 would be designated from the McDonough VOR to the Crossville VOR via the Chattanooga VOR. Victor 243 would be extended from Jacksonville to Chattanooga via the intersection of the Jacksonville VOR 319° and the Alma 148° True radials; Alma VOR; intersection of the Alma VOR 305° and the Vienna VOR 135° True radials; Vienna VOR; Atlanta VOR, including a west alternate from the Vienna VOR to the Atlanta VOR via the Vienna VOR 286° and the Atlanta VOR 164° True radials to the Atlanta VOR; intersection of the Atlanta VOR 009° and the Chattanooga VOR 152° True radials to Chattanooga VOR. These modifications are part of a plan to revise and increase the air traffic flow capabilities into and from the Atlanta terminal area by providing a direct route between the Atlanta terminal area and Crossville, and a bypass route around the Chattanooga terminal area. In addition, the east alternate to Victor 51 would provide a route for separating climbing and descending aircraft from aircraft operating on the main airway between Atlanta and Crossville. The extension of Victor 243 from Jacksonville to Chattanooga and the revocation of Victor 51 west alternate from Alma to Chattanooga would improve air traffic management by providing a single airway designation from Jacksonville to Scotland, Ind. The west alternate to Victor 243 from the Vienna VOR to the Atlanta VOR would provide a route for separating climbing and descending aircraft from aircraft operating on the main airway between Atlanta and Vienna. In addition, the Knoxville, Tenn., control area extension would be modified by deleting reference to the Chattanooga, Tenn., control area extension. The realignment of Victor 51 as proposed herein would serve as the western boundary and it would no longer be necessary to refer to the Chattanooga control area extension in the Knoxville control area extension description. This would be a change in the description of the Knoxville control area extension only, and would not increase the amount of controlled airspace.

Concurrently with this action, it is proposed to designate the following VOR reporting points:

Bobby Jones Intersection: The intersection of the Atlanta VOR 034° and the McDonough 333° True radials.

Benton Intersection: The intersection of the Chattanooga VOR 088° and the Crossville VOR 164° True radials.

Lithania Intersection: The intersection of the McDonough VOR 345° and the Atlanta VOR 054° True radials.

The Murphy, N. C., intersection (the intersection of the Chattanooga, Tenn., VOR 088° and the Knoxville, Tenn., VOR 191° True radials), and the Atlanta VOR and the McDonough VOR; would be revoked as Domestic VOR reporting points.

If these actions are taken, VOR Federal airway No. 51 and its associated control areas would be modified by redesignating the segment of Victor 51 from McDonough, Ga., to Crossville, Tenn., direct station to station, including an east alternate from the intersection of the McDonough VOR 345° and the Atlanta, Ga., VOR 009° True radials to the Crossville VOR via the intersection of the Atlanta VOR 009° and the Crossville VOR 142° True radials; including a west alternate from McDonough to Crossville via the Chattanooga, Tenn., VOR. An east alternate to Victor 51 would be designated from Alma, Ga., to Macon, Ga., via the intersection of the Alma VOR 335° and the Dublin, Ga., VOR 137° True radials; and the Dublin VOR. The present Victor 51 west alternate from Alma to Chattanooga would be revoked. VOR Federal airway No. 243 and its associated control areas would be extended from Jacksonville, Fla., to Chattanooga via the intersection of the Jacksonville VOR 319° and the Alma VOR 148° True radials; Alma VOR; intersection of the Alma VOR 305° and the Vienna, Ga., VOR 135° True radials; Vienna VOR; Atlanta VOR, including a west alternate from the Vienna VOR to the Atlanta VOR via the Vienna VOR 286° and the Atlanta VOR 164° True radials; and the intersection of the Atlanta VOR 009° and the Chattanooga VOR 152° True radials to Chattanooga.

Concurrently Bobby Jones, Ga., Benton, Tenn., and the Lithonia, Ga., intersections would be designated as Domestic VOR reporting points. The Murphy, N.C., Intersection and the Atlanta, Ga., VOR and the McDonough, Ga., VOR would be revoked as Domestic VOR reporting points. The Knoxville, Tenn., control area extension (§ 601.1126) would be modified by deleting in the description "on the southwest by the Chattanooga control area extension (§ 601.1373)".

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5207; Filed, June 8, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-92]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6005, 601.6005 and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 5 extends, in part, from Jacksonville, Fla., to Chattanooga, Tenn. The Federal Aviation Agency is considering modifying the present Victor 5 east alternate between Jacksonville and Macon, Ga., by realigning it via a VOR to be installed approximately October 20, 1960, near Dublin, Ga., at latitude 32°30'54" N., longitude 83°07'56" W., and extending it to McDonough, Ga. Victor 5 east would then be designated from the Jacksonville VOR via the intersection of the Jacksonville VOR 334° and the Dublin VOR 137° True radials; Dublin VOR; the intersection of the Dublin VOR 330° and the McDonough VOR 122° True radials to the McDonough VOR. It is also proposed to designate an east alternate to Victor 5 from McDonough to Chattanooga via the intersection of the McDonough VOR 345° and the Chattanooga VOR 118° True radials. Concurrently, Victor 5 west alternate from Alma to Chattanooga would be revoked. The Federal Aviation Agency proposes to extend VOR Federal airway No. 243 between Alma and Chattanooga via the present alignment of Victor 5 west.

This is a part of a plan to revise and increase the air traffic flow capabilities into and from the Atlanta terminal area. Victor 5 and its east alternate from McDonough to Chattanooga would provide a dual airway system between the Atlanta and Chattanooga terminals. Victor 5 east alternate from Jacksonville to McDonough would provide a dual airway system between Jacksonville and Atlanta terminals.. Concurrently with these actions, it is proposed to designate Baxley, Ga., Intersection (intersection of the Jacksonville VOR 334° and the Alma, Ga., VOR 035° True radials) and to revoke Coffee, Ga., Intersection (intersection of the Jacksonville VOR 334° and the Alma VOR 009° True radials) as Domestic VOR reporting points.

If these actions are taken, VOR Federal airway No. 5 and its associated control areas would be modified by designating an east alternate from Jacksonville, Fla., to McDonough, Ga., via the intersection of the Jacksonville VOR 334° and the Dublin, Ga., VOR 137° True radials; Dublin VOR; intersection of the Dublin VOR 330° and the McDonough VOR 122° True radials. Victor 5 east alternate from McDonough to Chattanooga, Tenn., would be designated via the intersection of the McDonough VOR 345° and the Chattanooga VOR 118° True radials. Victor 5 west alternate from Alma, Ga., to Chattanooga would be revoked. The Baxley, Ga., Intersection would be designated and the Coffee, Ga., Intersection would be revoked as Domestic VOR reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5209; Filed, June 8, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-106]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6267, 601.6267 and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 267 presently extends from Miami, Fla., to Jacksonville, Fla. The Federal Aviation Agency is considering the modification of Victor 267 by extending it from the Jacksonville VOR to the Norcross, Ga., VOR via the intersection of the Jacksonville VOR 334° and the Dublin, Ga., VOR 137° True radials, and the Dublin VOR. The Dublin VOR is scheduled to be installed approximately October 20, 1960 near Dublin, Ga., at latitude 32°30'54" N., longitude 83°07'56" W.

This extension would facilitate air traffic management and flight planning by providing a bypass route northeast of the Macon, Ga., and Atlanta, Ga., terminal areas for air traffic proceeding to northern and northwestern terminals. In addition, § 601.7001, Domestic VOR reporting points, would be modified by adding the following reporting points:

1. Dublin, Ga., VOR.

2. Smart, Ga., Intersection: The intersection of the Macon, Ga., VOR 056° and the Dublin, Ga., 330° True radials.

3. Porterdale, Ga., Intersection: The intersection of the McDonough, Ga., VOR 063° and the Norcross, Ga., VOR 150° True radials.

If this action is taken, VOR Federal airway No. 267 and its associated control areas would be modified by extending it from Jacksonville, Fla., to Norcross, Ga., via the intersection of the Jacksonville VOR 334° and the Dublin, Ga., VOR 137° True radials; and the Dublin, Ga., VOR. In addition, the following Domestic VOR reporting points would be designated; Dublin, Ga., VOR; Smart, Ga., Intersection; and the Porterdale, Ga., Intersection.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5208; Filed, June 8, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-134]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 and §§ 600.6066, 600.6454, 601.6066 and 601.6454 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 454 presently extends in part from Evergreen, Ala., to McDonough, Ga., and from Atlanta, Ga., to Fort Mill, S.C. VOR Federal Airway No. 66 presently extends from San Diego, Calif., to Sulphur Springs, Tex. VOR Federal airway No. 476 presently extends from McDonough to Fort Mill. The Federal Aviation Agency has under consideration redesignation of the portion of Victor 454 between Evergreen, Ala., and Fort Mill as follows: From the Evergreen VOR via the intersection of the Evergreen VOR 075° and the Columbus, Ga., VOR 219° True radials; Columbus VOR; McDonough VOR; Greenwood, S.C., VOR; intersection of the Greenwood VOR 060° and the Fort Mill VOR 227° True radials, to the Fort Mill VOR. If Victor 454 is redesignated as proposed herein, it would coincide with Victor 476 from McDonough to Fort Mill. Therefore, to simplify the airway numbering system it is proposed to revoke Victor 476 concurrently with the redesignation of Victor 454. It is also proposed to designate an additional segment of Victor 66 from McDonough to Fort Mill via the intersection of the McDonough VOR 036° and the Athens, Ga., VOR 241° True radials; Athens VOR; intersection of the Athens VOR 062° and the Fort Mill VOR 242° True radials. These modifications are part of a plan to revise and increase the air traffic flow capabilities into and from the Atlanta terminal area by providing airway continuity and bypass routes around the Atlanta terminal area.

If these actions are taken, VOR Federal airway No. 454 and its associated control areas would be redesignated from Evergreen, Ala., to Fort Mill, S.C., via the intersection of the Evergreen VOR 075° and the Columbus, Ga., VOR 219° True radials; Columbus VOR; McDonough, Ga., VOR; Greenwood, S.C., VOR; intersection of the Greenwood VOR 060° and the Fort Mill VOR 227° True radials. A segment of VOR Federal airway No. 66 and its associated control areas would be designated from the McDonough, Ga., VOR to the Fort Mill, S.C., VOR via the intersection of the McDonough VOR 036° and the Athens, Ga., VOR 241° True radials; Athens VOR; intersection of the Athens VOR 062° and the Fort Mill VOR 242° True radials. VOR Federal airway No. 476 and its associated control areas would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5210; Filed, June 8, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 1, 1960.

The Bureau of Reclamation has filed an application, Serial No. MONTANA-037750, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws.

The applicant desires the land for use as a portion of the Deerfield Reservoir, Rapid Valley Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 1 N., R. 3 E.,
Sec. 30, Lot 4.

Total area—40.88 acres.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 60-5224; Filed, June 8, 1960; 8:48 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application, Serial No. Washington 03125, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws. The applicant desires the land for six recreation areas and a campsite, and to provide access to several lakes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 660 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

Bead Lake Recreation Area

T. 32 N., R. 45 E.,
Sec. 3, lot 1, W½ lot 2, lot 3, lot 4, lot 5, lot 6, lot 7, lot 8;
Sec. 4, lot 1, lot 2, and lot 6;
Sec. 9, NE¼NE¼NW¼;
Sec. 10, lot 3, except north 20 acres, lot 4, lot 5, lot 6, lot 7, except south 20 acres, and lot 8, except south 20 acres.

T. 33 N., R. 45 E.,
Sec. 34, lot 1, except north 20 acres, lot 2, except west 20 acres, lot 3, except east 20 acres, lot 4, except east 20 acres, lot 5, lot 6, and SW¼SW¼NE¼.
Totaling 575.53 acres.

Browns Lake Recreation Area

T. 34 N., R. 44 E.,
Sec. 14, S½SE¼SE¼;
Sec. 23, NE¼NE¼, N½SE¼NE¼;
Sec. 24, N½NW¼, N½S½NW¼, NW¼NE¼, N½SW¼NE¼.
Totaling 240 acres.

Calispell Creek Recreation Area No. 4

T. 32 N., R. 43 E.,
Sec. 19, S½S½SW¼NE¼.
Totaling 10 acres.

Pyramid Pass Recreation Area

T. 35 N., R. 45 E.,
Sec. 21, W½W½SW¼SE¼.
Totaling 10 acres.

No Name Lake Recreation Area

T. 32 N., R. 45 E.,
Sec. 8, lot 1, NE¼ lot 2.
Totaling 35.74 acres.

Half Moon Lake Recreation Area

T. 34 N., R. 44 E.,
Sec. 26, E½W½SW¼SW¼, E½SW¼SW¼.
Totaling 30 acres.

Tacoma Camp

T. 34 N., R. 43 E.,
Sec. 22, W½SW¼.
Totaling 80 acres.

The aggregate area of these lands is 981.27 acres.

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 60-5225; Filed, June 8, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Issuance of Amended Facility License

Please take notice that the Atomic Energy Commission by an order of the Presiding Officer dated May 16, 1960, has amended License No. DPR-2 issued to Commonwealth Edison Company, Chicago, Illinois. The amended license, which is effective as of the date given below, authorizes Commonwealth Edison to operate its Dresden reactor to a power level of 630 megawatts (thermal) but provides that Commonwealth Edison shall not operate the reactor in excess of or at a steady-state power level of 630 megawatts (thermal) without further order of the Commission.

The license provides for a further public hearing after completion of the rated power tests to consider the issuance of a license for the full term of years requested by Commonwealth Edison. Such hearing will be held upon 15 days notice to the public.

Dated at Germantown, Md., this 2d day of June 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60-5196; Filed, June 8, 1960; 8:45 a.m.]

LAND BURIAL OF PACKAGED LOW-LEVEL RADIOACTIVE WASTES

AEC Charges

1. This notice sets forth U.S. Atomic Energy Commission (AEC) charges for land burial of packaged solid waste substances consisting of or contaminated with source, special nuclear or byproduct material and having a low level of radioactivity (packaged low-level radioactive wastes), generated by AEC-licensed users of such materials.

2. Land burial of packaged low-level radioactive wastes will be permitted at AEC sites located near Oak Ridge, Tennessee and Idaho Falls, Idaho (the sites). Land burials of packaged low-level radioactive wastes have been carried on at the sites for AEC and others for a number of years. The sites have been established as interim land burial sites pending designation of permanent land burial sites.

3. The charges for land burial at the sites are established as $.70 per cubic foot for packaged low-level radioactive wastes, with a minimum charge of $21.00 for batches consisting of 30 cubic feet or less. All charges are f.o.b. the sites. Although these charges are subject to adjustment, the AEC intends to maintain them as stable as possible. Arrangements for land burial of packaged low-level radioactive wastes should be made with the AEC's Oak Ridge Operations Office, for land burial at Oak Ridge, and with the Idaho Operations Office, for land burial at Idaho Falls. Requests for information concerning terms and conditions of such arrangements should be directed to:

Manager of Operations, P.O. Box E, Oak Ridge, Tenn.

Manager of Operations, P.O. Box 1221, Idaho Falls, Idaho.

4. The types of packaged low-level radioactive wastes to which this notice applies include such items as broken glassware, paper wipes, rags, ashes, animal carcasses, laboratory paraphernalia, etc.

5. Shipments of packaged low-level radioactive wastes to the sites must be made in accordance with the regulations and requirements of transportation regulatory agencies, and the AEC where applicable.

Dated at Germantown, Md., this 31st day of May 1960.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 60-5199; Filed, June 8, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13586, 13587; FCC 60-646]

JAMES C. FIELDS AND ALL-FLORIDA COMMUNICATIONS CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James C. Fields, Tampa, Florida, Docket No. 13586, File No. 1964-C2-R-60, for a renewal of the license for station KIK578 in the Domestic Public Land Mobile Radio Service at Tampa, Florida; Alan H. Rosenson, d/b as, All-Florida Communications Company, Tampa, Florida, Docket No. 13587, File Nos. 2335-C2-MP-60, for a modification of the construction permit for Station KIQ516 in the Domestic Public Land Mobile Radio Service at Tampa, Florida.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of June 1960;

The Commission having under consideration the above-entitled applications for authorizations in the Domestic Public Land Mobile Radio Service at Tampa, Florida; and

It appearing that the application of James C. Fields to renew the license for station KIK578 on 35.22 Mc and the application of Alan H. Rosenson to modify his existing construction permit for station KIQ516 to change from 43.22 Mc to 35.22 Mc would result in harmful mutual interference between them; and

It further appearing that satisfactory one-way signaling service requires a minimum radio signal field strength ratio of 5 to 1 (14 decibels) between desired and undesired co-channel stations; and

It further appearing that § 21.504 of our rules prescribes a median field strength contour of 43 decibels above one microvolt per meter as the limit of reliable service area for stations engaged in one-way signaling service; and

It further appearing that the 43 dbu median field strength set forth in § 21.504 of the rules is based upon the Commission's report T.R.R. 3.3.1. entitled "Service Field Intensity Required for Radio Paging Service at 40 Mc/s"; and

It further appearing that the procedure set forth in a Commission Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band", and use of the F(50,50) and F(50,10) radio wave propagation charts for TV channel 2 (contained in Part 3 of the Commission's rules and the Commission's Sixth Report and Order in Docket No. 8736, et al.) adjusted downward in field strength by 6 decibels, to compensate for the change in receiving antenna height to 6 feet above ground in lieu of the 30 foot height for which the charts were drawn, are proper for the evaluation of the service contours and interference potential of the stations proposed in this proceeding; and

It further appearing that in accordance with § 21.100 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally required to be assigned exclusively to a single applicant in any service area in order to permit the rendition of service on an interference-free basis; and

It further appearing that Charles P. B. Pinson, Inc. (hereinafter called Pinson) may have assumed the full operational control of station KIK578, which station is licensed to James C. Fields, without having first obtained the Commission's consent therefor, as required by section 310(b) of our Act and § 21.29(b) of our rules, and despite actual notice not to do so; and

It further appearing that the obtaining of the license for station KIK578 in the name of Fields may have been in furtherance of a scheme by Pinson and Fields to mislead the Commission into believing that such facility would be operated by Fields rather than Pinson; and

It further appearing that the operation of station KIK578 may not have been in accordance with the sworn statements of Pinson and Fields executed March 17, 1958, relative thereto; and

It further appearing that Pinson and Fields may have willfully and deliberately made false representations to the Commission and its representatives for the purpose of misleading or misinforming the Commission relative to matters material to the grant of radio authorizations to such persons and relative to the use and operation of station KIK578; and

It further appearing that we are unable to find, at this time, that Fields possesses the necessary technical and other (character and moral) qualifications to be a licensee in this service; and

It further appearing that the Commission has advised each of the above entitled applicants and Charles P. B. Pinson, Inc., by various letters transmitted pursuant to section 309(b) of the Communications Act of 1934, as amended, as to the reasons why the subject applications cannot be granted without hearing, and that replies have been received from each of the applicants and from Charles P. B. Pinson, Inc., and that such replies have been considered; and

It further appearing that though there has been a challenge of Rosenson's technical and other qualifications to be a licensee in this service, there have been offered no facts to support such beliefs and we have no independent knowledge of facts reflecting adversely on Rosenson's qualifications; and

It further appearing that Fields is financially qualified to be a licensee in this service and that Rosenson is legally, financially and technically qualified to be a licensee in this service.

It is ordered, That pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding, which proceeding is to be further consolidated, in view of the matters mentioned above, with a hearing ordered this date in the matter of certain applications of Charles P. B. Pinson, Inc., (File Nos. 683-C2-P-59, 684-C2-P-59, 785-C2-P-59, 263-C2-MP-60, 1380-C2-R-60, 207-C2-R-60 and 1069-C2-R-60), at the Commission's offices in Washington, D.C., and at such places in Tampa and St. Petersburg, Florida, as may be designated by the Presiding Examiner, on a date or dates to be hereafter specified, upon the following issues:

(a) To determine James C. Fields' technical and character qualifications to be a licensee in this service.

(b) To determine whether the statement made to the Commission, under oath, on March 17, 1958 by Charles P. B. Pinson, President of Charles P. B. Pinson, Inc., relative to the operation of station KIK578, was true and correct when made and whether Fields was cognizant of such statement.

(c) To determine, in the event the statement mentioned in issue (b) above is found to be untrue in any respect, whether such untrue statement was made with intent to mislead and misinform the Commission, and whether Fields was cognizant thereof.

(d) To determine whether Charles P. B. Pinson, Inc. or Charles P. B. Pinson have made false and misleading representations to the Commission and its representatives relevant and material to the grant of radio authorizations for station KIK578 and material and relevant to the use and operation of such station, and whether Fields was cognizant thereof.

(e) To determine whether the statement made to the Commission, under oath, on March 17, 1958 by James C. Fields, relative to the operation of station KIK578, was true and correct when made.

(f) To determine, in the event the statement mentioned in issue (e) above is found to be untrue in any respect, whether such untrue statement was made with intent to mislead and misinform the Commission.

(g) To determine whether James C. Fields has made false and misleading representations to the Commission and its representatives relevant and material to the grant of radio authorizations for station KIK578 and material and relevant to the use and operation of such station.

(h) To determine the basis for, and the extent of, the participation of Charles P. B. Pinson, Inc. or Charles P. B. Pinson in the control and operation of station KIK578 and to determine the legal, financial and other relationships heretofore and presently existing between Charles P. B. Pinson, Inc. or Charles P. B. Pinson, on the one hand, and James C. Fields, licensee of record of station KIK578 at Tampa, Florida, on the other hand.

(i) To determine whether James C. Fields has violated the provisions of section 310(b) of the Communications Act of 1934, as amended, and § 21.29(h) of our rules in relation to station KIK578.

(j) To determine, on the basis of the evidence adduced on all of the above issues, whether James C. Fields should be disqualified for reasons, other than technical qualifications, from being a licensee in this service.

(k) To determine, on a comparative basis, the nature and extent of service now provided by station KIK578 in Tampa, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto.

(l) To determine, on a comparative basis, the nature and extent of service proposed by Alan H. Rosenson in Tampa, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(m) To determine the area and population presently covered by station KIK578 in Tampa.

(n) To determine the area and population to be covered by Rosenson's proposed station in Tampa.

(o) To determine the nature and extent of the need of the public for service of the kind proposed by Rosenson and Fields, respectively.

(p) To determine, on the basis of the engineering standards relative to the 43 dbu contour, as set forth above, whether any harmful interference would result from the simultaneous cochannel operations on the frequency 35.22 Mc by stations KIK578 and KIQ516 at Tampa, and, if so, in view of the nature of the service proposed, whether such service would be undesirable or intolerable.

(q) To determine the reasons for which Alan H. Rosenson seeks to modify the construction permit for station KIQ516 to change the authorized frequency of his proposed station from 43.22 Mc to 35.22 Mc.

(r) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be better served by (1) a grant or a denial of the renewal of license application for station KIK578; (2) a grant or a denial of the application to modify the construction permit for station KIQ516.

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5236; Filed, June 8, 1960; 8:50 a.m.]

[Docket No. 12615 etc.; FCC 60M-956]

COOKEVILLE BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Hamilton Parks, tr/as, Cookeville Broadcasting Company, Cookeville, Tennessee, et al. Docket No. 12615, File No. BP-11518; Docket Nos. 12960, 12962, 12964, 12965, 12966, 12968, 12970, 12971, 12972, 12973, 12974, 12978, 12979, 12981, 12982; for construction permits.

Pursuant to agreements reached by counsel for all parties at the further hearing held on this day,

It is ordered, This 1st day of June 1960, that the further hearing upon the applications in Group 3 is continued to a date to be fixed by subsequent order.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5235; Filed, June 8, 1960; 8:50 a.m.]

[Docket No. 13276-13279; FCC 60M-961]

LARAMIE BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of Grady Franklin Maples, Edna Hill Maples, George G. Entz and William R. Vogel, d/b as Laramie Broadcasters, Laramie, Wyoming, Docket No. 13276, File No. BP-12166; Garden of the Gods Broadcasting Company (KCMS), Manitou Springs, Colorado, Docket No. 13277, File No. BP-12339; Boulder Radio KBOL, Inc. (KBOL), Boulder, Colorado, Docket No. 13278, File No. BP-12572; T. I. Moseley, Denver, Colorado, Docket No. 13279, File No. BP-13147; for construction permits.

The Hearing Examiner having under consideration a petition filed by Boulder Radio KBOL, Inc., on May 26, 1960, requesting an extension of date for exchange of engineering exhibits;

It appearing that a conference was held on June 1 at which time the entire time schedule for this proceeding was reviewed in the light of certain events which have taken place and are expected to take place within the coming month; and

It further appearing that the date for exchange of engineering exhibits was previously set at June 3 and the date for commencement of hearing was set at June 30, both of which dates, it was agreed by all parties, should be extended;

It is ordered, This 2d day of June 1960, that the foregoing petition of Boulder Radio KBOL, Inc. is granted; that the date for the exchange of engineering exhibits is continued to July 14 and the date for commencement of hearing is continued from June 30 to July 25, 1960.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5237; Filed, June 8, 1960; 8:50 a.m.]

[Docket Nos. 13469-13471; FCC 60M-962]

WILMER E. HUFFMAN ET AL.

Order Continuing Hearing

In re applications of Wilmer E. Huffman, Pratt, Kansas, Docket No. 13469, File No. BP-12021; Francis C. Morgan, Jr., Larned, Kansas, Docket No. 13470, File No. BP-12749; Pier San, Inc., Larned, Kansas, Docket No. 13471, File No. BP-12750; for construction permits.

The Hearing Examiner having under consideration a motion, filed by counsel for applicant Pier San, Inc., on June 1, 1960, for rescheduling of dates previously set, to enable movant's engineer to prepare and submit his material;

It appearing that counsel for the other parties have no objection to the immediate consideration and grant of the motion;

It is ordered, This 2d day of June 1960, that the motion is granted, and the dates are rescheduled as follows:

	From—	To—
Informal exchange of engineering exhibits	June 7	June 21, 1960
Final exchange of engineering and lay exhibits	June 22	July 6, 1960
Notification of witnesses	June 30	July 14, 1960
Hearing	July 7 [1]	July 21, 1960

[1] At 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5238; Filed, June 8, 1960; 8:50 a.m.]

[Docket Nos. 13540-13546; FCC 60-637]

MACON BROADCASTING CO. (WNEX) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Macon Broadcasting Company (WNEX), Macon, Georgia, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13540, File No. BP-12261; Johnston Broadcasting Company (WJLD) (George Johnston, Jr., and Rose Hood Johnston, Partners), Homewood, Alabama, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13541, File No. BP-12559; E. H. Eiland, Jr., Union Springs, Ala-

bama, Requests: 1410 kc, 500 w, Day, Docket No. 13542, File No. BP-12776; Yetta G. Samford, C. S. Shealy, and Aileen M. Samford, Executrix of the Estate of Thomas D. Samford, Jr., Deceased, Miles H. Ferguson and John E. Smollon, d/b as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13543, File No. BP-12911; John F. Pidcock and Roy F. Zess d/b as Radio Station WMGA (WMGA), Moultrie, Georgia, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13544, File No. BP-12998; Newnan Broadcasting Company (WCOH), Newnan, Georgia, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13545, File No. BP-13133; Elberton, Broadcasting Company (WSGC), Elberton, Georgia, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13546, File No. BP-13405; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 1st day of June 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 21, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues as hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that by letter dated February 9, 1960, Tennessee Valley Radio and Television Corporation, licensee of Station WMSL, Decatur, Alabama, agreed to accept any interference from the proposal of Station WJLD (BP-12559) in the event that the application of Station WJLD to increase its daytime power to one kilowatt is granted; and

It further appearing that in reply to the Commission's letter of January 21, 1960, E. H. Eiland requests (1) a grant of his application without hearing; (2) a grant of his application on condition that, "if interference to WRBL [Columbus, Georgia] should exceed the limits in operation", the applicant would (a) change frequency, (b) install a directional antenna to protect WRBL, or (c) cease operation; or (3) consideration of his application in accordance with the waiver provisions provided by § 1.391 of the Commission rules; [1] and

It further appearing that in support of Eiland's requests, he states that he will accept the interference from Station WRBL, Columbus, Georgia; that the interference his proposal would cause to WRBL is less than WRBL would cause to his proposal and that the interference would fall in a sparsely populated area in Alabama; that Columbus is served by five other standard broadcast stations in Columbus and a sixth station in nearby Phenix City, Alabama; that WRBL is part of a wealthy chain and that the need for Eiland's proposed station "far outweighs the improbable loss to WRBL"; that the WJHO proposal herein, with which Eiland's proposal is in conflict, is in conflict with four existing stations and four proposed operations; that the proposed "primary service" of WJHO might possibly encompass Lanett, Alabama, the location of Station WRLD; [2] that Miles H. Ferguson has interests in both WRLD and WJHO and would, in effect, have two stations in the same town; that the proposed WJHO power increase would not render any new service in the area common to both WRLD and WJHO but would only duplicate WRLD service in the area served thereby; and that Eiland accepts the interference from the WJHO proposal; and

It further appearing that by letter of February 10, 1960, counsel for Station WRBL requested that Eiland's application be designated for hearing and that the licensee of Station WRBL be made a party to the proceeding and, therefore, a hearing is necessary; and

It further appearing that the Commission is of the opinion that the present situation is not one which would warrant a conditional grant of the Eiland application and that the questions presented require resolution in the hearing ordered below; and

It further appearing that with respect to Eiland's request for consideration of his application in accordance with the special waiver procedure provided by § 1.364 of the Commission rules must be denied because the application had not been designated for hearing at the time the request was made, Eiland did not indicate that copies of his request were served on the other parties involved and no other party to this proceeding has requested consideration of its application in accordance with the waiver procedure; and

It further appearing that with respect to Eiland's allegations concerning the interests of Miles H. Ferguson, the Commission considered the overlap of the service areas of Stations WJHO and WRLD in granting an application for Commission consent to the acquisition of positive control of Station WRLD by Ferguson on December 16, 1959, after finding that the overlap of the service areas of WJHO and WRLD was not substantial within the meaning of § 3.35 of the Commission rules on multiple ownership; that WRLD does not provide an adequate signal for service to Opelika; that WJHO does not provide an adequate signal for service to Lanett, Alabama, or West Point, Georgia, and would not provide an adequate signal if authorized to increase daytime power; and that, therefore, Ferguson's interest in WRLD is not significant in this proceeding; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of E. H. Eiland, Jr., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the other applicants and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Station WNEX would involve objectionable interference with Stations WCOH, Newnan, Georgia; WCQS, Alma, Georgia; WJHO, Opelika, Alabama; WMGA, Moultrie, Georgia; and WSGC, Elberton, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Station WJLD would involve objectionable interference with Stations WFPA, Fort Payne, Alabama; WJHO, Opelika, Alabama; WMSL, Decatur, Alabama; and WXAL, Demopolis, Alabama, or any other existing standard broadcast stations, and if so, the nature and extent thereof; the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of E. H. Eiland, Jr., would involve objectionable interference with Station WRBL, Columbus, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the instant proposal of Station WJHO would involve objectionable interference with Stations WCOH, Newnan, Georgia; WJLD, Homewood, Alabama; WNEX, Macon, Georgia; and WRBL, Columbus, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine whether the instant proposal of Station WMGA would involve objectionable interference with Stations WCQS, Alma, Georgia; WNEX, Macon, Georgia; and WPRY, Perry, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

9. To determine whether the instant proposal of Station WCOH would involve objectionable interference with Stations WJHO, Opelika, Alabama; and WNEX, Macon, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

10. To determine whether the instant proposal of Station WSGC would involve objectionable interference with Stations WHPB, Belton, South Carolina; WTHE, Spartanburg, South Carolina; and WNEX, Macon, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

11. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

12. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Opelika-Auburn Broadcasting Company (WJHO) and Station WRBL, Columbus, Georgia in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

13. To determine whether the transmitter site proposed by Newman Broadcasting Company (WCOH) is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

14. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

15. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, Queen City Broadcasting System, Incorporated, George A. Gothberg, Jr., Demopolis Broadcasting Company, Inc., Columbus Broadcasting Company, Inc., Taylor County Broadcasting Company, Community Broadcasting Company, Inc., and Spartanburg Broadcasting Company, licensees of stations WCQS, WFPA, WXAL, WRBL, WPRY, WHPB and WTHE, respectively, are made parties to the proceeding.

It is further ordered, That each of the applicants herein except E. H. Eiland, Jr., be made parties to the proceeding with respect to their existing operations.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the instant applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5239; Filed, June 8, 1960; 8:50 a.m.]

[Docket Nos. 12095, 12096; FCC 60M-965]

WAYNE M. NELSON AND FRED H. WHITLEY

Order Scheduling Hearing

In re applications of Wayne M. Nelson, Concord, North Carolina, Docket No. 12095, File No. BP-10936; Fred H. Whitley, Dallas, North Carolina, Docket No. 12096, File No. BP-10987; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-entitled proceeding held on this date: *It is ordered*, This 2d day of June 1960, that the following schedule of dates shall govern:

Exchange of exhibits, September 20, 1960.
Notification as to witnesses desired, October 3, 1960.

It is further ordered, That the hearing in this proceeding will commence on October 11, 1960, at 10 a.m., in Washington, D.C.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5240; Filed, June 8, 1960; 8:50 a.m.]

[Docket Nos. 13579-13585; FCC 60-645]

CHARLES P. B. PINSON, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles P. B. Pinson, Inc., for a construction permit to change location and change antenna at existing licensed two-way station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13579, File No. 683-C2-P-59; for a construction permit to change location and change antenna at existing licensed one-way station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13580, File No. 684-C2-P-59; for a construction permit to establish a new one-way signaling facility in the Domestic Public Land Mobile Radio Service at Clearwater, Florida, Docket No. 13581, File No. 785-C2-P-59; for a modification of construction permit to extend date of required completion of construction and change control point for station KIN652 in the Domestic Public Land Mobile Radio Service at Jacksonville, Florida, Docket No. 13582, File No. 263-C2-MP-60; for renewal of the license for station KIB386 in the Domestic Public Land Mobile Radio Service at Tampa, Florida, Docket No. 13583, File No. 207-C2-R-60; for renewal of the license for station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13584, File No. 1069-C2-R-60; for renewal of the license for station KIG-843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13585, File No. 1380-C2-R-60.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of June, 1960;

The Commission having under consideration the above-entitled applications for authorizations in the Domestic Public Land Mobile Radio Service;

It appearing that Charles P. B. Pinson, Inc. (Pinson) may have assumed the full operational control of station KIK578, a one-way signaling station at Tampa, Florida, licensed to James C. Fields (Fields), without having first obtained the Commission's consent therefor, as required by section 310(b) of our Act and § 21.29(b) of our rules and despite actual notice not to so do; and

[1] Apparently Eiland refers to the procedure now provided by new § 1.364 which supersedes former § 1.391.

[2] WRLD is licensed to serve Lanett, Alabama-West Point, Georgia.

It further appearing that the obtaining of the license for station KIK578 in the name of Fields may have been in furtherance of a scheme by Pinson and Fields to mislead the Commission into believing that such facility would be operated by Fields rather than Pinson; and

It further appearing that the operation of station KIK578 may not have been in accordance with the sworn statements of Fields and Pinson executed on March 17, 1958, relative thereto; and

It further appearing that Pinson and Fields may have willfully and deliberately made false representations to the Commission and its representatives for the purpose of misleading or misinforming the Commission relative to matters material to the grant of radio authorizations to such persons and relative to the use and operation of station KIK578; and

It further appearing that Pinson may have violated other Federal statutes, particularly those pertaining to income tax and those pertaining to wages and hours of employees; and

It further appearing that we are unable to find, at this time, that Pinson possesses the necessary technical and other (character and moral) qualifications to be a licensee in this service; and

It further appearing that the Commission has advised the applicant and all known parties in interest by various letters transmitted pursuant to section 309(b) of the Communications Act of 1934, as amended, as to the reasons why the captioned applications cannot be granted without a hearing and that replies have been received from the applicant, and from other parties in interest, and that such replies have been considered; and

It further appearing that Pinson, in his individual capacity, though not an attorney-at-law, has requested a waiver of § 1.23(a) of the Commission's rules so as to permit him, individually, to represent the licensee and applicant corporation as attorney; and

It further appearing that pursuant to the provisions of § 1.23(a) of our rules and well established and sound precedents set forth in our decisions (see 4 FCC 281; 4 FCC 293; 13 RR 1) this request must be denied;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing in a proceeding which is consolidated, in view of the matters mentioned above, with a hearing ordered this date in the matter of certain applications of James C. Fields and Alan H. Rosenson, File Nos. 1964–C2–R–60 and 2335–C2–MP–60, respectively, at the Commission's offices in Washington, D.C. and at such places in Tampa and St. Petersburg, Florida, as may be designated by the Presiding Examiner, on a date or dates to be hereinafter specified, upon the following issues:

(1) To determine Charles P. B. Pinson, Inc.'s technical and character qualifications to be a licensee in this service.

(2) To determine whether the statement made to the Commission under oath on March 17, 1958 by Charles P. B. Pinson, President of Charles P. B. Pinson, Inc., relative to the operation of station KIK578 was true and correct when made.

(3) To determine, in the event the statement mentioned in issue 2 above is found to be untrue in any respect, whether such untrue statement was made with intent to mislead and misinform the Commission.

(4) To determine whether Charles P. B. Pinson, Inc. or Charles P. B. Pinson have made false and misleading representations to the Commission and its representatives relevant and material to the grant of radio authorizations for station KIK578 and material and relevant to the use and operation of such station.

(5) To determine the basis for, and the extent of, the participation of Charles P. B. Pinson, Inc. or Charles P. B. Pinson in the control and operation of station KIK578 and to determine the legal, financial and other relationships heretofore and presently existing between Charles P. B. Pinson, Inc., or Charles P. B. Pinson, on the one hand, and James C. Fields, licensee of record of station KIK578 at Tampa, Florida, on the other hand.

(6) To determine whether Charles P. B. Pinson, Inc. or Charles P. B. Pinson have violated the provisions of section 310(b) of the Communications Act and Section 21.19(h) of our rules in relation to station KIK578.

(7) To determine whether Charles P. B. Pinson, Inc. or Charles P. B. Pinson have been found, by competent authority, to have violated any Federal statute relating to income tax or pertaining to wages and hours of their employees.

(8) To determine, on the basis of the evidence adduced on all of the above issues, whether Charles P. B. Pinson, Inc. should be disqualified for reasons, other than technical qualifications, from being a licensee in this service.

(9) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of the captioned applications.

It is further ordered, That Pinson's request for waiver of § 1.23(a) of the Commission's rules is denied; and

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5241; Filed, June 8, 1960; 8:51 a.m.]

[Docket Nos. 13504, 13505; FCC 60M–963]

LAWRENCE SHUSHAN AND UNITED BROADCASTING CO. (KEEN–FM)

Order Scheduling Prehearing Conference

In re applications of Lawrence Shushan, Albany, California, Docket No. 13504, File No. BPM–2799; United Broadcasting Company (KEEN–FM), San Jose, California, Docket No. 13505, File No. BMPH–6068; for construction permits (FM).

It appearing that this matter is currently scheduled for hearing on July 25, 1960, but that a prehearing conference is desirable beforehand; and

It further appearing that the date of July 25 is not available to the Hearing Examiner because of a conflict;

It is ordered, This 2d day of June 1960, that a prehearing conference will convene on June 30, 1960, in Washington, D.C., at 10:00 a.m. and the currently scheduled hearing date of July 25, 1960, is cancelled.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5242; Filed, June 8, 1960; 8:51 a.m.]

[Docket No. 12651 etc.; FCC 60M–971]

JAMES E. WALLEY ET AL.

Order Scheduling Prehearing Conference

In re applications of James E. Walley, Oroville, California, et al., Docket No. 12651, File No. BP–11655; Docket Nos. 12819, 12820, 12821, 13281, 13282, 13283, 13284, 13482; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference for Group 1 in the above-entitled proceeding held on this date: *It is ordered*, This 3d day of June 1960, that the following schedule of dates shall govern:

Exchange of exhibits:
Oroville applicants (engineering), August 22, 1960.
KCRA, Inc., August 29, 1960.

It is further ordered, That the hearing for Group 1 in this proceeding will commence on September 6, 1960, at 10 a.m., in Washington, D.C.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5243; Filed, June 8, 1960; 8:51 a.m.]

[Docket Nos. 13448–13452; FCC 60M–958]

WTTT, INC. (WTTT) ET AL.

Order Following First Prehearing Conference

In re applications of WTTT, Inc. (WTTT), Arlington, Florida, Docket No. 13448, File No. BP–12059; Onslow Broadcasting Corporation (WJNC), Jacksonville, North Carolina, Docket No. 13449, File No. BP–12309; Ponce De Leon Broadcasting Company (WFOY), St. Augustine, Florida, Docket No. 13450, File No. BP–12322; Indian River Radio, Inc. (WMMB), Melbourne, Florida, Docket No. 13451, File No. BP–12479; Capitol Broadcasting Company, Incorporated (WRAL), Raleigh, North Carolina, Docket No. 13452, File No. BP–13130; for standard broadcast construction permits.

The Hearing Examiner having under consideration further proceedings in the above-entitled matter following a prehearing conference held on May 25, 1960;

It appearing that the issues in the above-entitled matter may be divided into three areas of testimony involving: (1) the Florida applications; (2) the North Carolina applications; and (3) a very limited area of evidence involving WJNC at Jacksonville, North Carolina and the Florida group; and

It further appearing that the hearing in this matter, by agreement of the parties, may be divided into two groups; namely, the first group composed of the Florida applicants and the second group composed of the North Carolina applicants; and

It further appearing that the two North Carolina stations, WJNC and WRAL, are preparing to file petitions with the Commission for severance and grant of their applications from this hearing; and

It further appearing that the other parties to this proceeding desire to proceed with their applications without awaiting Commission action upon the said petitions for severance and grant, and that such a procedure is agreeable to all the parties, and good cause exists for such action;

It is ordered, This 1st day of June 1960, that the parties in the above-entitled proceeding shall be divided into two groups; namely, Group I, composed of the Florida stations, and Group II, composed of WJNC, Jacksonville, North Carolina and WRAL, Raleigh, North Carolina; and

It is further ordered, That Group I shall be governed by the following dates with respect to the future conduct of the proceedings:

July 29, 1960—an informal exchange of all engineering information;
August 31, 1960—the formal exchange of all engineering exhibits based upon the exchanged information, as well as all exhibits with respect to the 307(b) issue set forth in the Commission's Order of Designation;
September 7, 1960—the notification of witnesses whose presence is desired at the hearing by the parties;
September 13, 1960—the evidentiary hearing with respect to Group I; and

It is further ordered, That future dates concerning Group II, the North Carolina stations, are to await the action of the Commission upon their respective petitions for severance and grant.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5244; Filed, June 8, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. DA–989, DA–994]

LANDS WITHDRAWN IN POWER SITE RESERVES NOS. 87 AND 261, AND PROJECT NO. 284

Finding of the Commission and Partial Vacation of Withdrawal Under Section 24 of the Federal Water Power Act

JUNE 2, 1960.

Lands withdrawn in Power Site Reserves Nos. 87 and 261 and Project No. 284, Docket No. DA–989–California, Mrs. Alfred G. Porteous; Docket No. DA–994–California, George M. Downing.

An application, designated Docket No. DA–989–California, was filed by Mrs. Alfred G. Porteous, of Glencoe, California, for restoration to entry, requiring a determination under section 24 of the Federal Power Act with respect to the following-described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 6 N., R. 13 E.,
Sec. 20, lots 4 and 5.

and an application, designated Docket No. DA–994–California, was filed by George M. Downing, of San Jose, California, for restoration to entry, requiring a determination under section 24 of the Federal Power Act with respect to the following-described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 6 N., R. 14 E.,
Sec. 7, E½NE¼ and NE¼SE¼;
Sec. 8, W½NW¼.

The above-described lands in sec. 20 lie almost a mile south of the South Fork Mokelumne River and the Middle Fork of the Mokelumne and its tributary, Forest Creek, flow through the southern portions of the above-described lands in secs. 7 and 8.

The lands in sec. 20 are withdrawn in Power Site Reserve No. 261; dated April 19, 1912, and the lands in secs. 7 and 8 are withdrawn in Power Site Reserve No. 87, dated July 2, 1910, based on Temporary Power Site Withdrawal of December 20, 1909. The land in the NE¼SE¼ of sec. 7, among other lands, was also reserved pursuant to the filing on July 31, 1922, of an application for a preliminary permit for proposed Project No. 284. The preliminary permit expired March 5, 1924.

A determination under section 24 of the Federal Power Act for highway purposes was made by the Commission on September 9, 1941 (Docket No. DA–599–California) with respect to a portion of the land in the SE¼NW¼ of sec. 20, which included above-described lot 5.

The development of the water resources of the Mokelumne River basin has been and is continuing to be the subject of considerable review. The above-described lands in sec. 20, ranging in elevation from 2,480 feet to almost 2,800 feet, are located a short distance downstream from one of the several developments contemplated under proposed Project No. 2128, a comprehensive development to be located on the Mokelumne River and the South Fork of Mokelumne River, for which an application for a license is pending before this Commission. The lands will not be affected by the proposed project and, since it does not appear likely that any greater development would affect the lands, their power value is negligible.

As to the development of the Middle Fork, the existing Middle Fork dam and reservoir project, located just upstream from the lands in secs. 7 and 8, is operated for irrigation and municipal water supply. The enlargement of the project has been suggested but the development of power has not been mentioned.

Proposed Project No. 284 contemplated the development of several small dams on the Middle Fork for diversion to the South Fork and thence to a storage reservoir on the North Fork Calaveras River, primarily for irrigation with an accompanying generation of a small amount of power. Such diversion dams probably could be constructed at numerous points along this particular reach of river, making the power value of any specific portion of the lands conjectural.

Moreover, since it appears that future development of the water resources of the Middle Fork, limited by a comparative small drainage area, will be for domestic water supply and irrigation, the power value of the lands is negligible.

The Commission finds:

(1) Inasmuch as the above-described lands have negligible value for purposes of power development, the existing power withdrawals pertaining thereto serve no useful purpose.

(2) It has no objection to the revocation by the Secretary of the Interior of Power Site Reserves Nos. 87 and 261 insofar as they pertain to the above-described lands.

(3) Vacation of the existing power withdrawal pertaining to the above-described land in the NE¼SE¼ of sec. 7, T. 6 N., R. 14 E., Mount Diablo meridian, California, under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 284 is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described land in the NE¼SE¼ of sec. 7, T. 6 N., R. 14 E., Mount Diablo meridian, California, under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 284 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5211; Filed, June 8, 1960; 8:46 a.m.]

[Docket No. G–17849 etc.]

EL PASO NATURAL GAS CO. ET AL.

Postponement of Hearing

JUNE 3, 1960.

El Paso Natural Gas Company, Docket No. G–17849; Northern Natural Gas

Company, Docket No. G–18110; The Atlantic Refining Company, Docket No. G–17571; Phillips Petroleum Company, Operator, Docket No. G–17747; Socony Mobil Oil Company, Inc., Docket No. G–17842; Shell Oil Company, Operator, Docket No. G–17888; Pioneer Production Corporation, Operator, Docket No. G–18553; Riddell Petroleum Corporation, Docket No. G–18609; Pan American Petroleum Corporation, Operator, Docket No. G–18660; Sinclair Oil & Gas Company, Operator, Docket No. G–18748.

Take notice that the hearing in the above-designated matters now scheduled for June 13, 1960, is hereby postponed to June 27, 1960, at 10:00 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5212; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. RI60–347 etc.]

JAMES G. BROWN & ASSOCIATES ET AL.

Correction

JUNE 2, 1960.

James G. Brown & Associates (Operator), et al., Docket Nos. RI60–347 etc.; Phillips Petroleum Company, Docket No. RI60–349.

In the order providing for hearings on and suspension of proposed changes in rates, issued May 20, 1960 and published in the FEDERAL REGISTER on May 27, 1960 (25 F.R. 4692): Correct footnote 3 to read "or such subsequent date as Michigan-Wisconsin's rate in Docket No. RP60–9 may become effective" instead of "or such subsequent date as Michigan Wisconsin's rate in Docket No. RP60–9 may be submitted."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5213; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. G–12399 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Postponement of Oral Argument

JUNE 3, 1960.

Natural Gas Pipeline Company of American, Docket No. G–12399; Champlin Oil & Refining Company, Docket No. G–14830; Amerada Petroleum Corporation, Docket No. G–16029; Cities Service Gas Company, Docket No. G–16217; Phillips Petroleum Company, Docket Nos. G–16280 and G–16439; Carter-Jones Drilling Company, Inc., Docket No. G–16288; Magnolia Petroleum Company (now Socony Mobil Oil Company, Inc.), Docket Nos. G–16295, G–16296, G–16393, G–16366; Johntom Oil Company, Inc., Docket No. G–16375; McCommons Oil Company, Docket No. G–16376; Anson L. Clark, Docket No. G–16382; Cornell Oil Company, Docket No. G–16383; Bond Oil Corporation, et al., Docket No. G–16392; Hudson Oil & Metals Company, Docket No. G–16436; The Pure Oil Company, Docket No. G–17493; Gulf Oil Corporation, Docket No. G–16761; Riddell Petroleum Corporation, Docket No. G–17828; Fain-Porter Drilling Corporation, Docket No. G–17831.

Take notice that the oral argument in the above-designated matters now scheduled for June 16, 1960, is hereby postponed to July 8, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5214; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. G–19086 etc.]

PEOPLES GULF COAST NATURAL GAS PIPELINE CO. ET AL.

Advancement of Date of Oral Argument

JUNE 3, 1960.

Peoples Gulf Coast Natural Gas Pipeline Company and Natural Gas Pipeline Company of America, Docket No. G–19086; Hassie Hunt Trust, Operator, et al., Docket No. G–19115; H. L. Hunt, Operator, et al., Docket No. G–19116; Hunt Oil Company, Docket No. G–19117; William Herbert Hunt Trust Estate, Operator, Docket No. G–19118; Lamar Hunt Trust Estate, Docket No. G–19119; George W. Graham, Inc., Operator, et al., Docket No. G–19123; Placid Oil Company, Operator, et al., Docket Nos. G–19124 and G–19125; Natural Gas Pipeline Company of America, Docket No. G–20202; Iowa Southern Utilities Company, Docket No. G–20313; Missouri Utilities Company, Docket No. G–20335; City of Corning, Iowa, Docket No. G–20591; Iowa-Illinois Gas and Electric Company, Docket No. G–20593; Lateral Gas Pipeline Company, Docket No. CP60–42; Iowa Electric Light and Power Company, Docket No. CP60–43; Iowa Power and Light Company, Docket No. CP60–48.

Take notice that the oral argument in the above-designated matters now scheduled for July 8, 1960, will be had before the Commission on June 16, 1960, at 10:00 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. All parties intending to participate in the oral argument shall notify the Secretary of the Commission in writing on or before June 10, 1960, of such intention and of the length of time requested for presentation of their arguments. Parties having common interests should present their arguments by one representative.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5215; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. RI60–336]

PHILLIPS PETROLEUM CO.

Postponement of Hearing

JUNE 2, 1960.

Upon consideration of the motion filed May 25, 1960, by Phillips Petroleum Company for postponement of the hearing now scheduled for June 21, 1960, in the above-designated matter;

The hearing now scheduled for June 21, 1960, is hereby postponed to June 30, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5216; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. 9716 etc.]

SINCLAIR OIL & GAS CO.

Correction

MAY 25, 1960.

Sinclair Oil & Gas Company, Docket Nos. G–9716, G–9717, G–9718, G–10011, G–10293, G–12117.

In the order permitting increased rates to remain in effect and severing and terminating proceedings, issued April 14, 1960 and published in the FEDERAL REGISTER on April 20, 1960 (25 F.R. 3438): In paragraph (1) in the findings and paragraph (A) of the ordering clause the docket number "G–12117" should be corrected to read "G–10293".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5217; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. RI60–352]

JOHN D. TODD

Correction

JUNE 2, 1960.

In the order providing for hearing on and suspension of proposed increased rate, issued May 20, 1960, and published in the FEDERAL REGISTER on May 27, 1960 (25 F.R. 4693): After the heading "Proposed increased rate:" change "20.0 cents per Mcf" to read "23.0 cents per Mcf."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5218; Filed, June 8, 1960; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 381]

SECRETARY OF DEFENSE

Delegation of Authority

1. Pursuant to the provisions of sections 210(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Application of Clinton County Water Company for authority to Increase Water Rates, before the City of Wilmington, Ohio, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective April 29, 1960.

Dated: June 2, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60–5233; Filed, June 8, 1960; 8:50 a.m.]

WATERFOWL FEATHERS AND DOWN HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,930,000 pounds (clean basis) of waterfowl feathers and down now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these 1,930,000 pounds of feathers and down. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said 1,930,000 pounds of feathers and down are obsolescent for use in time of war.

General Services Administration proposes to transfer to Federal agencies such quantities of feathers and down as may be required by such agencies. In order to provide for further disposal, General Services Administration may sell said feathers and down, on a competitive basis. The quantity sold at any one time will not exceed 60,000 pounds (clean basis) and there will be an interval of at least 60 days between sales. Said feathers and down will become available for transfer or sale beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Prior to the beginning of disposal pursuant to this plan, it is contemplated that waterfowl feathers and down will be disposed of in accordance with statutory authority for sale, without replacement, of excess perishable stockpile materials to avoid deterioration. The quantity of feathers and down covered by this notice shall be reduced by the quantity of feathers and down so disposed of.

Dated: June 2, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60–5234; Filed, June 8, 1960; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

CONVENTIONAL ARTILLERY AND MORTAR SHELL

Notice of Amendment of Plan and Regulations of the Ordnance Corps Governing the Integration Committee

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herewith the request to participate in the Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Conventional Artillery and Mortar Shell to put the committee mechanism for meeting defense requirements in a standby status until such time as a national emergency in this field should be found to require reactivation. This amendment was made after consultation between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Civil and Defense Mobilization. This amended voluntary plan was approved by the Director of the Office of Civil and Defense Mobilization and was found to be in the public interest as contributing to the national defense.

Contents of request. The Department of the Army has recommended that the Plan and Regulations of the Ordnance Corps covering the activities of the Ordnance Integration Committee on Conventional Artillery and Mortar Shell be amended to place the Committee in a standby status pending a national defense need for reactivation. You are requested to participate in the Plan as amended (amendment attached).

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C.

If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended. The earlier request for your participation in the activities of this Committee is superseded and withdrawn.

Your cooperation in this matter will be appreciated.

Sincerely,

LEO A. HOEGH,
Director.

The following companies have agreed to participate in the amended plan and this list supersedes previous publications in the FEDERAL REGISTER of membership in the Voluntary Plan governing the activities of the Integration Committee on Conventional Artillery and Mortar Shell.

ACCEPTANCES

ACF Industries, Inc., New York, N.Y.
American Radiator and Standard Sanitary Corp., Salem, Ohio.
Bryant Manufacturing Co., Division of Carrier Corp., Indianapolis, Ind.
Carboloy Department of General Electric Co., Detroit, Mich.
Chamberlain Corp., Waterloo, Iowa.
Cleveland Welding Division, American Machine and Foundry Company, Cleveland, Ohio.
Cobusco Steel Products (Colorado Builders Supply Co.), Denver, Colo.
Cribben and Sexton Co., Chicago, Ill.
Deere Manufacturing Co., Moline, Ill.
Delta Tank Manufacturing Co., Baton Rouge, La.
Donovan, Inc., St. Paul, Minn.
Fasco Industries, Inc., Rochester, N.Y.
Firth Sterling, Inc., Pittsburgh, Pa.
Guide Lamp Division, General Motors Corp., Anderson, Ind.
Hardwicke Etter Co., Sherman, Tex.
Harris Foundry & Machine Co., Cordele, Ga.
Haynes Stellite Co., Union Carbide & Carbon Corp., Kokomo, Ind.
Kelsey-Hayes Wheel Co., Detroit, Mich.
Kennametal, Inc., Latrobe, Pa.
Kennedy-Van Saun Manufacturing and Engineering Corp., Danville, Pa.
Kohler Co., Kohler, Wis.
Kordite Corp., Jacksonville, Ill.
Lehigh Foundries, Inc., Easton, Pa.
Lempco Products, Inc., Bedford, Ohio.
Murray Manufacturing Co., Brooklyn, N.Y.
National Presto Industries, Inc., Eau Claire, Wis.
New Bedford Defense Products, Division of Firestone Tire and Rubber Co., New Bedford, Mass.
Norris-Thermador Corp., Norris Division, Los Angeles, Calif.
Pace Corp., Memphis, Tenn.
Redco Tool Division, Red Lion Cabinet Co., Red Lion, Pa.
J. W. Rex Co., Lansdale, Pa.
Rheem Manufacturing Co., Washington, D.C.
Roper Industries, Inc., Rockford, Ill.
Rudisill Foundry Co., Shell Plant Division, Sylacauga, Ala.
Temco, Inc., Nashville, Tenn.
The Central Foundry Co., Holt, Ala.
The Clark Grave Vault Co., Columbus, Ohio.
The Englander Co., Inc., Birmingham, Ala.
The Murray Co. of Texas, Inc., Dallas, Tex.
The National Supply Co., Pittsburgh, Pa.
The Oliver Corp., Chicago, Ill.
U.S. Hoffman Machinery Corp., New York, N.Y.
Universal Match Co., Ferguson, Mo.
L. A. Young Spring & Wire Corp., Detroit, Mich.

(Sec. 708, 64 Stat. 818, as amended, 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 10773, July 1, 1958, 23 F.R.

5061; Executive Order 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: June 1, 1960.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 60-5200; Filed, June 8, 1960; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ERNST HODLER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernst Hodler, Kilchberg bei Zurich, Switzerland; $1,952.30 in the Treasury of the United States.

Vesting Order No. 15466; Claim No. 61193.

Executed at Washington, D.C., on June 1, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-5170; Filed, June 7, 1960; 8:47 a.m.]

UNIVERSAL EDITION A.G.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Universal Edition A.G., Vienna, Austria; to Universal Edition A.G.: $188,172.99 in the Treasury of the United States, and

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue relating to the compositions vested by Vesting Order No. 2096 to the extent owned by Universal Edition A.G., Vienna, Austria, immediately prior to the vesting thereof; and

All right, title, interest and claim of whatsoever kind or nature in and to the copyright of the work entitled "Die Dreigroschenoper" by Kurt Weill, vested by Vesting Order No. 500A-203, and the works entitled "Orchesterstudien; Aus Richard Strauss, Symphonischen Werken, Gewahlte, Violine arr. von Carl Prill, Heft 2", Carl Prill, Editor and "Orchesterstudien, op. 12, Aus Symphonischen Werken von Richard Strauss, Op. 12; Aus Gewahlt und Bezeichnet von Carl Prill, Fur violine, Heft 1.", vested by Vesting Order No. 500A-40, to the extent owned by Universal Edition A.G., of Vienna, Austria, immediately prior to the vesting thereof.

Vesting Orders Nos. 2096, 500A-40 and 500A-203; Claim No. 42926.

To Universal Edition A. G. for the benefit of the persons and companies named below, in the amounts set forth opposite each name:

1. Walter Andress	$1.82
2. Kurt Atterberg	239.40
3. Henk Badings	95.90
4. Helene Berg	5,353.31
5. Emil Berte	18.60
6. Franz Burkhart	49.24
7. Gaspar Cassado	154.83
8. Susette Enthoven	38.79
9. Maria Frischauf-Pappenheim	33.68
10. Karl Geiringer	314.90
11. Joseph M. Hauer	84.21
12. Viktor Hruby	25.22
13. Edwin Kallstenius	29.91
14. Poul Knudsen	5.41
15. Zoltan Fekete	.15
16. Luis Krasner	110.46
17. Francesco Malipiero	872.68
18. Frank Martin	176.52
19. Joseph Marx	826.01
20. Darius Milhaud	5,868.61
21. Nathan Milstein	246.30
22. Marcel Poot	64.38
23. Ennio Porrino	39.67
24. Hans F. Redlich	95.79
25. Elsa Respighi	419.13
26. Franz Schmidt—heir Margareta Schmidt 5/8ths only	832.81
27. Max Schonherr	482.58
28. Josefine Stein—heirs Gabriele & Alois Bucher	8.77
29. Anton Webern—heirs Maria Halbich & Amalie Waller 2/3ds & 1/3d respectively	832.34
30. Kurt Weill—heir Lotte L. Davis	1,799.28
31. Felix Weingartner—heir Carmen Studer-Weingartner	316.71
32. Alfredo Casella—heirs Yvonne Casella & Fulvia Casella-Nicolodi, ½ each	2,267.91
33. Frederick Delius Estate	1,181.46
34. Jerzy Fitelberg—heir Tamara Fitelberg	143.32
35. Hamilton Harty—heir Olive E. Baguley	220.51
36. Georges Bizet Estate	7,118.46
37. Ernst Krenek	953.86
38. Franz Werfel—heir Maria Mahler-Werfel	2,033.99
39. Eduard Poldini	29.18
40. Puccini—heir Rita dell'Anna Puccini	218.85
41. Alfred Willner	148.17
42. Franz Mittler	15.28
43. Marianne Kuranda	158.22
44. Robert Stolz	14.12
45. Heins Reichert—heir Ellen Reichert	54.54
46. Eugene Zador	37.01
47. Eric Zeisl	27.88
48. Vittoria Rieti	214.50
49. Daniel G. Mason	83.20
A. Boosey & Hawkes	60.01
B. Columbia Gramophon	73.89
C. Universal Edition A.G., Zurich	61.42
D. Casa Musicale Sonzogno	148.77

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue relating to the compositions vested by Vesting Order No. 2096 to the extent owned by the persons and companies named above, or their predecessors in interest, to the extent owned by them or their predecessors in interest immediately prior to the vesting thereof.

There is reserved to the Attorney General all right, title and interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue relating to the compositions or any interest therein, vested by Vesting Order No. 2096, other than those mentioned above.

Executed at Washington, D.C., on June 1, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-5171; Filed, June 7, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JUNE 3, 1960.

In the matter of trading on the American Stock Exchange In the Common Stock, Par Value 10 cents per share of Skiatron Electronics and Television Corporation, File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 5, 1960 to June 14, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5227; Filed, June 8, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36294: *Paper and paper articles—Golden, Colo., to southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7816), for interested rail carriers. Rates on paper and related articles in carloads from Golden, Colo., to points in southwestern territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 14 to Southwestern Freight Bureau tariff I.C.C. 4340.

FSA No. 36295: *Cast iron pipe—Lone Star, Tex., to southern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7818), for interested rail carriers. Rates on cast iron pipe and fittings, and related articles, as described in the application, in carloads from Lone Star, Tex., to points in southern territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 51 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 36296: *Cement—Pennsylvania to Adams and Husted, Colo.* Filed by Traffic Executive Association—Eastern Railroads, Agent (ER No. 2543), for interested rail carriers. Rates on cement and related articles, as described in the application, in carloads from York, Navarro and Northampton, Pa., to Adams and Husted (U.S. Air Force Academy), Colo.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 57 to Traffic Executive Association—Eastern Railroads tariff I.C.C. C-14.

FSA No. 36297: *Scrap iron or steel—Michigan points to Hamilton, Ont.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. ER 2545), for interested rail carriers. Rates on scrap iron or steel (not copper clad) carloads, as described in the application from Holland and Muskegon, Mich., to Hamilton, Ont., Canada.

Grounds for relief: Water competition.

Tariffs: Supplement 52 to Grand Trunk Western Railroad Company tariff I.C.C. A-100. Supplement 92 to Chesapeake and Ohio Railway Company tariff I.C.C. 13487.

FSA No. 36298: *Tin or Terne Plate—Ala., Ill., and Mo., to Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7819), for interested rail carriers. Rates on tin or terne plate, in carloads, as described in the application from specified points in Alabama, Chicago and East St. Louis, Ill., and St. Louis, Mo., to Garland and Great Southwest, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 109 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5230; Filed, June 8, 1960; 8:49 a.m.]

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

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VOLUME 25 NUMBER 113

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3352

GENERAL OF THE ARMIES JOHN J. PERSHING CENTENNIAL DAY

By the President of the United States of America

A Proclamation

WHEREAS September 13, 1960, will mark the one hundredth anniversary of the birth of General of the Armies John J. Pershing; and

WHEREAS General Pershing was a great and patriotic military leader whose long and distinguished life was dedicated solely to his country; and

WHEREAS our Nation will be forever grateful to General Pershing for his leadership in bringing victory to the Allied cause in World War I; and

WHEREAS, by joint resolution approved June 1, 1960, the Congress has requested the President to proclaim September 13, 1960, as a day upon which all Americans should pay honor and respect to General of the Armies John J. Pershing and the men who served under him:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim September 13, 1960, as General of the Armies John J. Pershing Centennial Day; and I invite the people of this Nation to observe that day with appropriate ceremonies designed to commemorate the life and accomplishments of General Pershing and of those who served with him.

As provided in the aforesaid joint resolution, the Secretary of Defense will be responsible for coordination between civic and patriotic organizations and the departments and agencies of the Government in ceremonies commemorating the birth of General Pershing.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this third day of June in the year of our Lord nineteen hundred and sixty, and [SEAL] of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-5333; Filed, June 8, 1960; 1:49 p.m.]

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DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-5333; Filed, June 8, 1960; 1:48 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

Regulations are hereby revised and reissued, effective July 1, 1960, for the operation of a Special Milk Program for Children, pursuant to Public Law 85-478, as amended.

Sec.
502.200 General purpose and scope.
502.201 Definitions.
502.202 Administration.
502.203 Reserve of funds for State Agencies.
502.204 Payments to State Agencies.
502.205 Use of funds.
502.206 Requirements for participation.
502.207 Reimbursement payments.
502.208 Effective date for reimbursement.
502.209 Reimbursement procedure.
502.210 Special responsibilities of State Agencies.
502.211 Claims against schools and child-care institutions.
502.212 Administrative analyses and audits.
502.213 Miscellaneous provisions.
502.214 Program information.

AUTHORITY: §§ 502.200 to 502.214 issued under sec. 4, 62 Stat. 1070; 15 U.S.C. 714b. Interpret or apply 72 Stat. 276; 73 Stat. 363; 74 Stat. 84; 7 U.S.C. 1446 note.

§ 502.200 General purpose and scope.

This part announces the policies and prescribes the general regulations with respect to the Special Milk Program for Children, under Public Law 85-478, as amended, and sets forth the general requirements for participation in the Program. The Act reads in pertinent part as follows:

• • • for the fiscal year beginning July 1, 1960, not to exceed $95,000,000, of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children (1) in nonprofit schools of high school grade and under; and (2) in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

§ 502.201 Definitions.

For the purpose of this part, the term:

(a) "Adults" means all staff members and employees of participating schools and child-care institutions including administrative and supervisory personnel, and high school graduates and persons 21 years of age and over enrolled in combination high schools and junior colleges, vocational training schools and child-care institutions. Exception: Camp Counselors under 21 years of age shall not be regarded as adults.

(b) "AMS" means the Agricultural Marketing Service of the United States Department of Agriculture.

(c) "CCC" means the Commodity Credit Corporation.

(d) "Child-care institution" means any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp or similar nonprofit institution, devoted to the care and training of children. "Child-care institution" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under the Program for a child-care institution.

(e) "Cost of milk" means the net purchase price paid by the school or child-care institution to the milk supplier for milk delivered to the school or child-care institution. This shall not include any amount paid to the milk supplier for servicing, rental of or installment purchase of milk service equipment.

(f) "Department" means the United States Department of Agriculture.

(g) "Distribution costs" means direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

(h) "FDD" means the Food Distribution Division of the Agricultural Marketing Service of the United States Department of Agriculture.

(i) "Fiscal year" means a period of twelve calendar months, beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(j) "Milk" means unflavored milk which meets State and local butterfat and sanitation standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards.

(k) "Nonpricing program" means a program which does not sell milk to children. This shall include any such program in a school or child-care institution, in which milk is normally provided children, along with food and other services, for a tuition or boarding charge or other fee. This shall also include any such program in a school or child-care institution, where the entire operation of the school or child-care institution is completely financed from tax sources or by private donations or endowments.

(l) "Nonprofit food service" or "nonprofit milk service" means food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(m) "Nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(n) "Pricing program" means a program which sells milk to children, but shall also include any program in a school or child-care institution in which the portion of the cost of milk which would otherwise have been charged to the children is paid by some individual or civic organization, or absorbed by the school or child-care institution (i.e., the price of milk is reduced to "zero").

(o) "Program" means the Special Milk Program for Children.

(p) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as defined in the statutes of the State. The term also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit milk service.

(q) "State" means any of the 50 States, and the District of Columbia.

(r) "State Agency" means the educational agency or other agency of a State.

§ 502.202 Administration.

(a) Within the Department, AMS shall act on behalf of CCC in the administration of the Program. Within AMS, FDD shall be responsible for Program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of this Program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however,* That another State agency, upon request by an appropriate State official, may be approved by FDD to administer the Program in child-care institutions.

(c) FDD shall administer the Program in any nonprofit private schools and in child-care institutions in which the Program is not administered by the State.

(d) Each State Agency desiring to take part in the Program shall enter into a written agreement with CCC for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall show the class or classes of schools and child-care institutions in which the State Agency will administer the Program. Such agreement shall cover a fiscal year and may be extended at the option of CCC.

(e) References in this part to "FDD where applicable" are to FDD as the agency administering the Program in nonprofit private schools and child-care institutions in which the Program is not administered by the State.

§ 502.203 Reserve of funds for State Agencies.

As soon as possible after the beginning of each fiscal year for which funds are made available by the Congress, FDD will announce the amount of funds which it will reserve for that fiscal year for each State Agency. In establishing each reserve, FDD will take into account the total amount of reimbursement payments made during the preceding fiscal year to the class or classes of schools and child-care institutions in which the State Agency will administer the Program during the then current year.

§ 502.204 Payments to State Agencies.

(a) The funds reserved for any State Agency for any fiscal year shall be made available in not less than nine monthly payments. The first payment shall be scheduled to arrive in the State on or about September 1, and shall include payments for July, August and September. Payments for succeeding months shall be scheduled to arrive on or about the first of each month: *Provided, however,* That the payment for May shall cover operations for May and June.

(b) FDD reserves the right to request any State Agency to justify its need for the full amount of any scheduled payment prior to its advance. If FDD determines that a State Agency has not justified the need for the full amount of this payment, FDD shall withhold from such payment the amount determined to be in excess of the State's needs.

(c) In the event that a State Agency justifies the need for funds in excess of the amount of its reserve, additional funds will be provided to such State Agency to the extent funds are available for such purpose.

(d) The State Agency shall return to AMS any Federal funds paid to it under the Program which are unobligated at the end of the fiscal year. Such return shall be made as soon as practicable but in any event not later than 30 days following demand made by FDD. The State Agency shall also pay to AMS any interest paid or credited to it with respect to Federal funds paid to it under the Program.

§ 502.205 Use of funds.

Funds made available under this Program shall be used to increase the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.206 Requirements for participation.

(a) Any school or child-care institution not participating in the Program in the previous fiscal year shall make written application for participation to the State Agency, or FDD where applicable.

(b) As a minimum, applications shall provide information on each of the items listed below, except that State Agencies may obtain some of the required information from other program forms or special inquiries or other sources prior to approval of a school or child-care institution for participation. Further exceptions may be made with respect to any of the items which FDD determines are not pertinent or necessary in the proper administration of the Program in the specific types of schools or child-care institutions for which a State Agency is responsible under its agreement with CCC.

(1) The name, location, and mailing address of the school or child-care institution;

(2) The type of nonprofit school or child-care institution;

(3) Whether the school or child-care institution is public or private;

(4) The average daily number of children in attendance;

(5) The average daily number of enrolled adults;

(6) Whether children and enrolled adults attend during the morning, afternoon, all day or on a 24-hour basis;

(7) If the application is for a school, whether the school is participating in the National School Lunch Program and, if not, whether the school is planning to apply for participation in the National School Lunch Program;

(8) Whether the school or child-care institution operates its food or milk service under a fee, concession or contract arrangement and, if so, a description of such arrangement;

(9) The opening date and closing date of operation, if the school or child-care institution does not operate year-round;

(10) The number of days of operation per week;

(11) A description of the milk service in sufficient detail to enable a determination of whether the school or child-care institution operates a pricing or nonpricing program;

(12) The net delivered cost of milk per half pint (after discount);

(13) The daily, weekly or other periodic price per half pint at which the school or child-care institution offers children milk separately priced; and

(14) A description of specific service practices planned for encouraging increased milk consumption by children, if the school or child-care institution offers children milk not separately priced.

(c) Any school which operates its food or milk service under a fee, concession, or contract arrangement shall not be approved for participation, even though the school itself obtains no profit from the operation of the food or milk service: *Provided, however,* That this does not exclude from participation, any school:

(1) That contracts with a dairy or other milk supplier for the rental of milk service equipment and related services as a means of increasing the availability of milk;

(2) Whose food of milk service is operated by a private nonprofit organization, such as a parent-teacher association, under delegation of authority from school officials; or

(3) That maintains food or milk service, such as a snack bar, operated by students for the benefit of student activities, if (i) supplemental to regular nonprofit food or milk service or as the only food or milk service maintained, the school uses the student-operated facilities as a means of increasing the availability of milk rather than to employ labor for that purpose, (ii) the milk served through the student-operated facilities is purchased and sold for the account of nonprofit food or milk service, and (iii) any payments made by the school to the student-operated facility, for labor and other costs in connection with the service of milk to children, bears a direct relationship to the amount of services rendered.

(d) A child-care institution that is a summer camp, in which the only opportunity to make milk available, additional to milk regularly served with meals, is through canteens or trading posts operated for attending children, may be approved for participation in the Program, subject to the same conditions on the use of canteens or trading posts as are established by paragraph (c) (3) of this section for the use of student-operated facilities.

(e) A child-care institution which operates its food or milk service under a contractual arrangement with a food service management company may be approved for participation in the Program, after FDD has approved the contractual arrangement. To be approved by FDD the contract must provide for:

(1) A specific fee for the management service, with the child-care institution procuring the food or reimbursing the service company for food expenditures made on behalf of the child-care institution;

(2) The service of milk in accordance with the plan for increasing milk consumption outlined in the application executed by the child-care institution;

(3) The maintenance of milk-purchase and other records necessary to the purposes of the child-care institution in claiming Program reimbursement; and

(4) The retention of the records for a period of three years after the end of the fiscal year to which they pertain, for audit and review at a reasonable time and place by the State Agency or AMS.

(f) Any school or child-care institution approved for participation in the Program shall enter into written agreement with the State Agency, or, where FDD is responsible for program administration, with CCC. The agreement shall be on a form which provides that the school or child-care institution shall:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of §§ 502.207 and 502.209;

(3) Submit claims for reimbursement in accordance with procedure established by the State Agency, or FDD where applicable;

(4) Maintain full and accurate records of its milk program, and retain such records for a period of three years after the end of the fiscal year to which they pertain; and

(5) Upon request, make all records pertaining to its milk program available to the State Agency and to AMS, for audit and administrative review, at a reasonable time and place.

§ 502.207 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A lunch by schools participating in the National School Lunch Program.

(b) In pricing programs, the maximum rate of reimbursement shall be four

cents per half pint in schools that serve Type A lunches under the National School Lunch Program. For other schools and for child-care institutions having pricing programs, the maximum rate of reimbursement shall be three cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted by the State Agency, or FDD where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above one cent per half pint, but in no case shall distribution costs be allowed above one and one-half cents per half pint.

(c) Less-than-maximum rates of reimbursement may be assigned to pricing programs, or rates assigned to such programs may be adjusted, in order that the State Agency, or FDD where applicable, may properly relate rates of reimbursement to: (1) The price of milk to children, (2) the cost of milk, and (3) the distribution costs approved by the State Agency, or FDD where applicable, pursuant to paragraph (b) of this section.

(d) Schools and child-care institutions having nonpricing programs shall, at the time they apply for participation, submit for approval the specific service practices by which they plan to encourage increased milk consumption by children. Reimbursement payments to such schools and child-care institutions shall be made at the rate of two cents per half pint, provided the specific service practices for increasing milk consumption as outlined in the approved application have been placed into effect.

§ 502.208 Effective date for reimbursement.

(a) A State Agency, or FDD where applicable, may grant written approval to begin operations under the Program prior to the receipt of the application from the school or child-care institution. Such written approval shall be attached to the subsequently filed application, and the agreement executed by the school or child-care institution shall be effective from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That such effective date shall not be earlier than the calendar month preceding the calendar month in which the agreement is executed by the State Agency or by CCC.

(b) Reimbursement payments pursuant to § 502.207 shall be made on milk purchased for service to children at any time during the effective period of an agreement between a school or child-care institution and the State Agency or CCC.

§ 502.209 Reimbursement procedure.

(a) Each State Agency, or FDD where applicable, shall require schools and child-care institutions to submit a "Claim for Reimbursement" on a calendar month basis: *Provided, however,* That not more than 5 days of the beginning or ending month of Program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. Any Claim for Reimbursement combining the ending month of one fiscal year and the beginning month of the next fiscal year shall not be permitted. Any Claim for Reimbursement for any fiscal year, not received by the State Agency, or FDD where applicable, within 90 days after the closing date of the fiscal year, shall be disqualified from payment, except where the State Agency, or FDD where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the school or child-care institution.

(b) Each Claim for Reimbursement shall include:

(1) The name, location, and mailing address of the school or child-care institution;

(2) The month and year for which claim is made;

(3) The total number of half pints of milk purchased for service to children;

(4) For any school that participates in the National School Lunch Program, the number of half pints served to children in Type A lunches not eligible for reimbursement;

(5) The number of half pints served to adults as a beverage not eligible for reimbursement, as determined by the school or child-care institution pursuant to paragraph (d) of this section;

(6) The number of half pints claimed for Program reimbursement;

(7) The rate of reimbursement per half pint, as assigned in the agreement between the school or child-care institution and the State Agency or CCC;

(8) The total amount of Program reimbursement claimed;

(9) The net cost of milk per half pint paid by the school or child-care institution to the milk supplier; and

(10) Where milk separately priced has been offered the price per half pint at which such milk was made available to children.

(c) In submitting a Claim for Reimbursement, each school or child-care institution shall certify that the claim is true and correct; that records are available to support the claim; that the claim is in accordance with the existing agreement; and that payment therefor has not been received. Any school or child-care institution that does not offer children milk separately priced shall also certify that the specific service practices for encouraging increased milk consumption by children as described in its application for participation are in operation.

(d) Milk consumed as a beverage by adults is not eligible for reimbursement. The number of half pints of such milk to be reported by a school or child-care institution in a Claim for Reimbursement shall be determined by actual count, or as a percentage of the milk purchased. In the absence of an actual count:

(1) The quantity of milk consumed by adults, other than adults enrolled in the school or child-care institution, shall be reported as 5 percent of total milk purchases in the case of schools and 10 percent of total milk purchases in the case of child-care institutions;

(2) Schools or child-care institutions that have adult enrollees shall be assigned a percentage adjustment factor which represents the percentage of adults in the total enrollment of the school or child-care institution. This adjustment factor shall be used to determine what portion of the milk (other than that consumed by adults other than enrollees) is to be reported as the quantity of milk consumed by adult enrollees. The percentage adjustment factor shall be assigned at the time the school or child-care institution enters the Program and annually thereafter.

(e) Any school or child-care institution having both pricing and nonpricing programs may claim reimbursement, either: (1) for the milk separately priced, or (2) for the milk not separately priced, or (3) for the milk in both types of service. When reimbursement is claimed for milk in both types of service, the school or child-care institution shall be reimbursed at a rate of 2 cents per half pint for all milk purchased for service to children under the Program, and to the extent feasible shall use Program reimbursement to reduce the price of milk to children.

(f) Claims for Reimbursement covering milk separately priced shall be reviewed by the State Agency, or FDD where applicable, to assure the proper relationship exists between the cost of milk, the allowable distribution cost, the price of milk to children and the assigned rate of reimbursement. Adjustments shall be made in rates of reimbursement, where necessary, in accordance with the provisions of this part.

(g) Schools in the National School Lunch Program may not be reimbursed at a rate in excess of three cents per half pint for milk separately priced to children participating in summer activities operated by the school after the expiration of the regular school term, unless (1) the summer program is regarded by the school authorities as a regular part of school activities, (2) the program sponsor who signed the agreement covering the regular school term will be responsible for the operation of the summer program, and (3) the children who attend and participate in such activities are under the care and jurisdiction of the school officials.

(h) Schools in the National School Lunch Program experiencing late delivery of school lunch equipment or fire or other situation beyond school control, forcing delay or suspension of the service of Type A lunches for more than 30 days during the course of the school year, may not be reimbursed at a rate in excess of three cents per half pint for milk separately priced to children during the period of delay or suspension, unless an acceptable explanation is made in writing to the State Agency, or FDD where applicable.

(i) Schools offering milk separately priced in more than one school attendance unit may be regarded by the State Agency, or FDD where applicable, as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of three cents per half pint for any unit unless all units participate in the National School Lunch Program. If the units are regarded as individual schools, the State Agency, or FDD where applicable, may assign reimbursement at a rate not in excess of four cents per half pint to those units that are participating in the National School Lunch Program, and distribution costs may be approved pursuant to paragraph (b) of § 502.207: (1) On an individual unit basis, or (2) on a schoolwide basis.

§ 502.210 Special responsibilities of State Agencies.

(a) *Program administration.* Each State Agency shall provide or cause to be provided, adequate personnel for Program administration.

(b) *State conducted audit programs.* A State Agency may submit for approval by AMS a plan whereby it will conduct audits in schools and child-care institutions in which it administers the Program. Any State Agency satisfactorily conducting such an audit program as of the effective date of this part may be deemed to have an approved plan or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by AMS and shall be reviewed by AMS to the extent necessary to determine compliance therewith, such review to be made not less than once each year. AMS shall have the right to perform test audits of schools and child-care institutions, and to make audits on a State-wide basis if it determines that the State audit program is not functioning satisfactorily or if the State terminates its audit program.

(c) *Accounting for Program funds.* Each State Agency shall maintain a separate account of all Federal funds advanced to it under the Program each fiscal year and shall maintain a current record of payments made to schools and child-care institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(d) *Records and reports.* Each State Agency shall maintain current records on the Program operations in schools and child-care institutions, and submit monthly reports to FDD on such operations, on a form provided by FDD. Such records shall be maintained for a period of three years after the end of the fiscal year to which they pertain.

(e) *Investigations.* Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. AMS shall make investigations at the request of the State Agency or where AMS determines investigations by AMS are appropriate.

§ 502.211 Claims against schools or child-care institutions.

(a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school or child-care institution is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school or child-care institution of the reasons for nonpayment or disallowance. The school or child-care institution may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school or child-care institution was not proper under this part, it shall advise the school or child-care institution of the amount and basis of the alleged overpayments and may request a refund or advise the school or child-care institution that the amount overpaid is being deducted from subsequent claims. The school or child-care institution shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient, the State Agency shall collect the amount of the overpayment from the school or child-care institution, by refund or by deduction from subsequent claims for reimbursement made by the school or child-care institution. If new evidence becomes available to the school or child-care institution it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer any matter in connection with this section to FDD for determination of the action to be taken.

(d) The State Agency shall retain for AMS audit and review all records pertaining to action taken under this section.

(e) If FDD does not concur with the State Agency action in paying a claim or a reclaim, or in failing to collect an overpayment, FDD shall assert a claim against the State Agency for the amount of such claim, reclaim or overpayment. In all such cases the State Agency shall have full opportunity to submit to FDD evidence or information concerning the action taken. If in the determination of FDD, the State Agency's action was unwarranted, the State Agency shall promptly pay to AMS the amount of the claim, reclaim or overpayment.

(f) The amounts recovered by the State Agency from schools or child-care institutions shall be available to make reimbursement payments during the fiscal year for which the funds were initially available.

(g) With respect to schools or child-care institutions in which FDD administers the Program, when FDD disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools or child-care institutions of the reasons for such disallowance or demand and the schools or child-care institutions shall have full opportunity to submit evidence or to file reclaim for any amount disallowed or demanded in the same manner afforded in this section to schools or child-care institutions administered by State Agencies.

§ 502.212 Administrative analyses and audits.

Each State Agency shall provide AMS with full opportunity to conduct administrative analyses (including visits to schools and child-care institutions) and audits of all operations of the State Agency under the Program. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under the Program, upon a reasonable request by AMS. AMS shall also have the right to make audits of the records and operations of any school or child-care institution.

§ 502.213 Miscellaneous provisions.

(a) *Disqualification and non-compliance.* Any State Agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the CCC or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency or by any private school or child-care institution in which FDD administers the Program, by any improper or negligent action, is diminished, lost, misapplied or diverted from the Program by the State Agency, or by the school or child-care institution to which such funds are disbursed, FDD may order such money to be replaced. Until the money is replaced, no subsequent payment shall be made to the State Agency or to the school or child-care institution causing the loss. The State Agency or the school or child-care institution shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before

a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be withdrawn or amended at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies or to nonprofit private schools or child-care institutions in which the Program is administered by FDD.

(c) *State requirements.* Nothing contained in this part shall prevent a State Agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

§ 502.214 Program information.

Schools and child-care institutions desiring information concerning the Program should write to their State Educational Agency or to the appropriate Area Office of FDD as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 139 Centre Street, Room 501, New York 13, N.Y.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE., Room 252, Atlanta 23, Ga.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Food Distribution Division, AMS, United States Department of Agriculture; 536 South Clark Street, Chicago 5, Ill.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Food Distribution Division, AMS, United States Department of Agriculture, 500 South Ervay Street, Room 9–127, Dallas 1, Tex.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming:

Food Distribution Division, AMS, United States Department of Agriculture, Room 344, Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.

NOTE: The recordkeeping and reporting requirements herein specified have been approved by, and any further such requirements that may be established will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part shall become effective July 1, 1960.

Dated: June 7, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–5289; Filed, June 9, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.642 Plum Order 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960, and necessary supplemental data for consideration in connection with the specification of the provisions of this regulation were not available until June 6, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 16, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of El Dorado plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-three (23) pounds: *Provided,* That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 7, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5287; Filed, June 9, 1960; 8:50 a.m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.643 Plum Order 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960, and necessary supplemental data for consideration in connection with the specification of the provisions of this regulation were not available until June 6, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 16, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Wickson plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack and will have a net weight of not less than twenty-nine (29) pounds: *Provided,* That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 7, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5288; Filed, June 9, 1960; 8:51 a.m.]

PART 962—FRESH PEACHES GROWN IN GEORGIA

Expenses and Fixing of the Rate of Assessment for 1960–61 Fiscal Period

Notice was published in the May 20, 1960, issue of the FEDERAL REGISTER (25 F.R. 4472) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1960–61 fiscal period under the marketing agreement, as amended and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 962.213 Expenses and rate of assessment for the 1960–61 fiscal period.

(a) *Expenses.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the said amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1960, will amount to $16,408.80.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforementioned expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at eight-tenths cent ($0.008) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 7, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5286; Filed, June 9, 1960; 8:50 a.m.]

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

§ 962.318 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the

act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 12, 1960. Shipments of the early varieties of the current crop of peaches are expected to begin on or about June 12, 1960, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., June 12, 1960, and ending at 12:01 a.m., e.s.t., September 1, 1960, no handler shall ship peaches in any bulk lot or any lot of packages (except peaches in bulk to destinations in the adjacent markets), unless (i) at least 85 percent, by count, of such peaches are U.S. No. 1 quality; and (ii) at least 90 percent, by count, of such peaches are mature: *Provided,* That peaches with split pits and well healed hail marks may be shipped if they otherwise meet the requirements of this paragraph.

(c) The inspection requirement contained in § 962.64 is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets during the period specified in paragraph (b) (1) of this section.

(d) The maturity regulations contained in § 962.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (b) (1) of this section.

(e) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1," "split pits," and "well healed hail marks" shall have the same meaning as when used in the revised United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 7, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5255; Filed, June 9, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 416; Supp. 6]

PART 35—FLIGHT ENGINEER CERTIFICATES

Deletion of Manual Material

Effective November 15, 1958, Part 35 of the Civil Air Regulations (23 F.R. 6548) was revised to make it conform more closely to the format and terminology of the newer airman parts, as well as to clarify certain regulatory policy. The Civil Aeronautics Manual material has not yet been revised. As presently written, this manual material is not numerically related to currently effective Part 35 and consists of interpretive and policy material which is not in accord with the provisions of that part.

In view of the extensive revisions which would be necessary to update the manual material, and since the Federal Aviation Agency is in the process of reviewing, with the industry, the need for further major revisions to the substantive rules of Part 35, it is considered more appropriate to delete all of the manual material than to attempt to formulate interim regulatory policy which at best would be incomplete if not inadequate.

Since this supplement deletes interpretive and policy material and imposes no additional burden on any person, it may be made effective immediately.

In consideration of the foregoing, the following sections which comprise the manual material of Part 35 of the Civil Air Regulations are hereby deleted, effective June 3, 1960: §§ 35.6–1, 35.6–2, 35.6–3, 35.6–4, 35.7–1, 35.8–1, 35.8–2, 35.9–1, 35.10–1, 35.10–2, 35.12–1, 35.14–1, and 35.14–2.

(Secs. 313(a), 601, 602, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on June 3, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5253; Filed, June 9, 1960; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-36]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On December 23, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 10456) stating that the Federal Aviation Agency was considering an amendment to § 600.6020 of the regulations of the Administrator which would modify VOR Federal airway No. 20 by designating a north alternate to the segment between Montgomery, Ala., and Atlanta, Ga., via the Montgomery VORTAC 028° True and the Atlanta VORTAC 248° True radials and by realigning the segment from Atlanta to Royston, Ga., via direct station-to-station radials.

As stated in the notice, Victor 20 extends in part, from Montgomery to Royston. This modification is part of a plan to revise and increase the air traffic flow capabilities into and from the Atlanta terminal area. The designation of a north alternate to Victor 20 from Montgomery to Atlanta will provide an airway for separating climbing and descending aircraft from aircraft operating on the main airway. A Federal Aviation Agency peak day survey for the first half of 1959 showed the following over flights on Victor 20: Montgomery to Kent, Ala., intersection, 71; Kent to La Grange, Ga., 67; La Grange to Raymond, Ga., intersection, 52; Raymond to Atlanta, 64. The realignment of the Atlanta-Royston segment of Victor 20 will provide more precise navigational guidance. The Department of the Air Force objected to the designation of Victor 20 north because it would traverse an area between Central, Ga., intersection and Atlanta VORTAC that is used by Maxwell AFB, Montgomery, Ala., for a local flying area. This area is used by 91 T–33's, 45 C–47's, 2 W–29's and 4 U–3A's for transition and aerobatic flights. The Air Force further stated that they did not believe that Victor 20 north was justifiable. As far as can be determined, aerobatics in T–33 aircraft is the only activity that additional airways in the area would affect. Since the remaining activity is proficiency flying only—no student pilot training—it appears that the aerobatic flying can be relocated to avoid the alternate airway. In view of the existing amount of traffic on the main airway, the Federal Aviation Agency is of the opinion that a north alternate will not only expedite the flow of traffic from the Atlanta, Ga., terminal area, but will also improve the air traffic handling capabilities in the Montgomery, Ala., area. Therefore, the Federal Aviation Agency is modifying the segment of Victor 20 between Montgomery and Atlanta by designating a north alternate via the Montgomery VORTAC 028° True and Atlanta VORTAC 248° True radials and realigning the segment from Atlanta to Royston via direct station-to-station radials. The control areas associated with Victor 20 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

No other adverse comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 600.6020 (24 F.R. 10508) is amended as follows:

In the text of § 600.6020 *VOR Federal airway No. 20 (Laredo, Tex., to Richmond, Va.),* delete "Montgomery, Ala., VOR; La Grange, Ga., omnirange station; Atlanta, Ga., omnirange station; intersection of the Atlanta omnirange 048° True and the Royston omnirange 236° True radials; Royston, Ga., omnirange station;" and substitute therefor "Montgomery, Ala., VORTAC; La Grange, Ga., VOR; Atlanta, Ga., VORTAC, including a N alternate from the Montgomery VORTAC to the Atlanta VORTAC via the Montgomery VORTAC 028° True and the Atlanta VORTAC 248° True radials; Royston, Ga., VOR;".

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5254; Filed, June 9, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-120]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10915) stating that the Federal Aviation Agency was considering an amendment to § 600.6187 of the regulations of the Administrator which would extend VOR Federal airway No. 187 northward from Rock Springs, Wyo., to Boysen Reservoir, Wyo.

As stated in the notice, Victor 187 presently extends from Albuquerque, N. Mex., to Rock Springs, and from Boysen Reservoir to Billings, Mont. The Federal Aviation Agency is extending this airway northward from the Rock Springs VORTAC to the Boysen Reservoir VORTAC via the intersection of the Rock Springs VORTAC 026° True and the Boysen Reservoir VORTAC 186° True radials. This will provide an interconnecting VOR airway between the Rock Springs VORTAC and the Boysen Reservoir VORTAC, thereby, improving air traffic management and flight planning by providing a single numbered VOR airway from Albuquerque to Billings. It will also provide a more direct airway for VHF equipped aircraft operating between Albuquerque and Billings and between other southern and northern terminals. The control areas associated with Victor 187 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

The Department of the Air Force submitted the only comment regarding the proposed amendment stating that it did not object to the extension of Victor 187, but was concerned with the relative position of the Victor 187 extension to the Strategic Air Command's low altitude refueling area "Brick Bat," since multiengine jet aircraft and conventional tanker aircraft will frequently maneuver into and out of this refueling area between the altitudes of 14,000 feet and 20,000 feet, MSL, along the extended portion of Victor 187. The Federal Aviation Agency recognizes that this extension of Victor 187 will penetrate the southeast corner of the "Brick Bat" refueling area. However, any air traffic problem that may exist between refueling operations and en route IFR traffic on Victor 187 will be resolved procedurally by the appropriate air route traffic control center.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6187 (24 F.R. 10520) is amended to read:

§ 600.6187 VOR Federal airway No. 187 (Albuquerque, N. Mex., to Billings, Mont.).

From the Albuquerque, N. Mex., VORTAC via the Farmington, N. Mex., VOR; Grand Junction, Colo., VOR, including a west alternate from the Farmington VOR to the Grand Junction VOR via the Dove Creek, Colo., VOR; Rock Springs, Wyo., VORTAC; INT of the Rock Springs VORTAC 026° True and the Boysen Reservoir VORTAC 186° True radials; Boysen Reservoir, Wyo., VORTAC; to the Billings, Mont., VOR.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5257; Filed, June 9, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-297]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On December 10, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9993) stating that the Federal Aviation Agency proposed the following actions based on the relocation of the Terre Haute, Ind., VOR: Realignment of VOR Federal airway No. 7 from Lewis, Ind., via Terre Haute to Westpoint, Ind.; realignment of the west alternate of Victor 7 from Evansville, Ind., to Terre Haute; revocation of the west alternate of Victor 7 from Terre Haute to Westpoint; and realignment of VOR Federal airway No. 124 between Terre Haute and Shelbyville, Ind., via the Terre Haute VOR 095° True and the Shelbyville VOR 253° True radials.

The notice stated that the Terre Haute VOR would be relocated at latitude 39°29'20" N., longitude 87°14'57" W., approximately March 1, 1960. Subsequent to the publication of the notice, the relocation of this facility to the new site was rescheduled and will now be accomplished approximately October 20, 1960.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.6007 (24 F.R. 10504, 25 F.R. 630) and 600.6124 (24 F.R. 10516) are amended as follows:

§ 600.6007 [Amendment]

1. In the text of § 600.6007 *VOR Federal airway No. 7 (Miami, Fla., to Green Bay, Wis.),* delete "Lewis, Ind., VOR; Terre Haute, Ind., VOR, including a west alternate from the Evansville VOR to the Terre Haute VOR via the INT of the Evansville VOR 001° T and the Terre Haute VOR 211° T radials; Westpoint, Ind., VOR, including a west alternate via the INT of the Terre Haute VOR 348° T radial with the Westpoint VOR direct radial to the Vandalia, Ill., VOR;" and substitute therefor "Lewis, Ind., VOR; Terre Haute, Ind., VOR, including a W alternate via the INT of the Evansville VOR 001° T and the Terre Haute VOR 215° T radials; Westpoint, Ind., VOR;".

2. Section 600.6124 is amended to read:

§ 600.6124 VOR Federal airway No. 124 (Terre Haute, Ind., to Shelbyville, Ind.).

From the Terre Haute, Ind., VOR via the INT of the Terre Haute VOR 095° T and the Shelbyville 253° T radials; to the Shelbyville, Ind., VOR.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5258; Filed, June 9, 1960; 8:45 a.m.]

[Airspace Docket No. 59-NY-26]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Area Extension

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2592) stating that the Federal Aviation Agency pro-

posed to designate a control area extension at Toledo, Ohio.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (24 F.R. 10530) is hereby amended by adding the following section:

§ 601.1178 Control area extension (Toledo, Ohio).

That airspace NE and SW of the Toledo Express Airport, bounded on the SW by VOR Federal airway No. 422, on the NW by VOR Federal airway No. 98, on the NE and E by a line extending from the INT of the SE boundary of VOR Federal airway No. 98, with the W boundary of VOR Federal airway No. 275, thence to latitude 41°45'30" N., longitude 83°19'45" W.; thence to latitude 41°39'39" N., longitude 83°15'15" W.; thence to the N boundary of VOR Federal airway No. 6 at latitude 41°39'09" N., longitude 83°15'15" W.; on the S by VOR Federal airway No. 6, and on the E, S of Toledo, by VOR Federal airway No. 275.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5255; Filed, June 9, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-60]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1198 of the regulations of the Administrator is to modify the Idaho Falls, Idaho, control area extension.

The Idaho Falls control area extension was modified in Airspace Docket No. 59-LA-36 (25 F.R. 1399) by the substitution of VOR Federal airway No. 269 for Blue Federal airway No. 51 in the control area description. In Airspace Docket No. 60-WA-271 (24 F.R. 8544), Victor 269, between Pocatello, Idaho, and Dubois, Idaho, was renumbered as VOR Federal airway No. 257. It is, therefore, appropriate to substitute Victor 257 for Victor 269 in the control area description.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1198 (24 F.R. 10557, 25 F.R. 1399) is amended as follows:

In the text of § 601.1198 *Control area extension (Idaho Falls, Idaho)*, delete "VOR Federal airway No. 269," and substitute therefor "VOR Federal airway No. 257,"

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5256; Filed, June 9, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-1]

PART 608—RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor

On November 11, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9211) stating that the Federal Aviation Agency was considering an amendment to § 608.30 of the regulations of the Administrator which would designate a Restricted Area/Military Climb Corridor at Selfridge AFB, Mt. Clemens, Mich.

As stated in the notice, the Restricted Area/Military Climb Corridor will confine the high-speed, high rate-of-climb Century series aircraft, departing from Selfridge AFB on active air defense missions, within a relatively small area. It will also provide protection for the high-speed air defense aircraft and other users of the airspace during the takeoff phase of such missions. Such action will result in the designation of a Restricted Area/Military Climb Corridor extending along the Selfridge AFB TVOR 336° True radial from 5 statute miles northwest of the airbase to 32 statute miles northwest, having a width of 1 statute mile west and 3 statute miles east of the 336° True radial at the entry point to the corridor, and a width of 2.3 statute miles either side of the TVOR 336° True radial at the outer extremity. The lower limits in graduated steps will extend from 2,600 feet MSL to 19,600 feet MSL. The upper limits will extend from 15,600 feet MSL to 27,000 feet MSL. Selfridge AFB approach control will be the controlling agency and the time of use will be continuous. Other aircraft will be authorized by the controlling agency to operate in and through the climb corridor at any time it is not occupied by an air defense mission.

Only one comment was received regarding the proposed amendment, from the Air Transport Association. This comment stated that the designation of this corridor at Selfridge in a northwesterly direction was the least objectionable considering the Detroit, Mich., terminal area, and discussed the effect of the corridor on VOR Federal airway No. 84. However, in Airspace Docket No. 59-WA-116 (25 F.R. 173) which was effective February 11, 1960, the segment of Victor 84 from the Lansing, Mich., VOR to the London, Ont., VOR, was redesignated via the Flint, Mich., VOR and the Peck, Mich., VOR, and no longer conflicts with the proposed Selfridge RA/MCC.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.30 *Michigan*, (23 F.R. 8582) add the following:

Mount Clemens, Mich., (Selfridge AFB) Restricted Area/Military Climb Corridor (R-579) (Detroit Chart).

Description. That area based on the 336° True radial of the Selfridge AFB TVOR beginning 5 statute miles NW of the airbase and extending 32 statute miles NW of the airbase, having a width of 1 statute mile W and 3 statute miles E of the 336° True radial at the beginning and a width of 2.3 statute miles on each side of the 336° True radial at the outer extremity.

Designated altitudes. 2,600' MSL to 15,600' MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase. 2,600' MSL to 24,600' MSL from 6 to 7 statute miles NW of the airbase. 2,600' MSL to 27,000' MSL from 7 to 10 statute miles NW of the airbase. 6,600' MSL to 27,000' MSL from 10 to 15 statute miles NW of the airbase. 10,600' MSL to 27,000' MSL from 15 to 20 statute miles NW of the airbase. 15,600' MSL to 27,000' MSL from 20 to 25 statute miles NW of the airbase. 19,600' MSL to 27,000' MSL from 25 to 32 statute miles NW of the airbase.

Time of designation. Continuous.

Controlling agency. Selfridge AFB Approach Control.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 3, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5259; Filed, June 9, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-384]

PART 608—RESTRICTED AREAS

Modification

On November 11, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9211) stating that the Federal Aviation Agency proposed to revoke the Fort Leonard Wood, Mo., Restricted Area (R-199) (Tulsa Chart).

The U.S. Army, as controlling agency for the Fort Leonard Wood Restricted Area, submitted comments substantially as hereinafter noted. Fort Leonard Wood is the largest Army training center in the Continental United States. Its central location minimizes the distance and travel costs imposed on the U.S. Army. Fort Leonard Wood trains enlisted replacement trainees for the Active Army and Army Reserve components, qualifying personnel in individual and crew-served weapons firing including small arms, machine gun, mortar, as well as recoilless weapons up to 106 mm and 105 mm howitzers. Revocation of R-199 would necessitate discontinuance of all weapons firing and render the base inoperable as training center, thereby imposing an adverse effect on the National Defense. However, the Army indicated that the ceiling could be reduced to 6,000 feet MSL.

In the light of comments received, the Federal Aviation Agency has determined that a requirement exists for the retention of Restricted Area (R-199). Accordingly, the area will be retained as now designated with the exception of the designated altitude which is changed from "surface to 50,000 feet MSL" to "surface to 6,000 feet MSL."

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter received.

In consideration of the foregoing, the following action is taken:

In § 608.33, the Fort Leonard Wood, Mo., Restricted Area (R-199) (Tulsa Chart) (23 F.R. 8583) is amended by deleting "surface to 50,000 feet MSL." and substituting therefor "Surface to 6,000 feet MSL."

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Sec. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 3, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5260; Filed, June 9, 1960; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950-)

Procedures, Payment of Benefits, and Representation of Parties; Definitions

Regulations No. 4, as amended (20 CFR 404.1 et seq.) are further amended to read as follows:

1. Section 404.942 is amended to read as follows:

§ 404.942 Appeals Council proceedings on certification and review. Procedure before Appeals Council on certification by the hearing examiner.

When a case has been certified to the Appeals Council by a hearing examiner without decision (see § 404.939), the Appeals Council shall mail notice of such action to the parties at their last known addresses. Copies or a statement of the contents of the documents or other written evidence received in evidence in the hearing record, and a copy of the transcript of oral evidence adduced at the hearing, if any, or a condensed statement thereof, shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived. When a case has been certified to the Appeals Council by a hearing examiner for decision, the parties shall be given, upon their request, a reasonable opportunity to appear before the Appeals Council for the purpose of presenting oral argument. The parties shall also be given, upon their request, a reasonable opportunity to file briefs or other written statements of their allegations as to applicable fact and law. Where there is more than one party, copies of such brief or written statements shall be filed in sufficient number that they may be made available to any party requesting a copy or any other party designated by the Appeals Council.

2. Section 404.943 is amended to read as follows:

§ 404.943 Evidence in proceeding before Appeals Council.

Evidence in addition to that admitted into the hearing record by the hearing examiner may not be received as evidence except where it appears to the Appeals Council that such additional evidence may affect its decision. If no additional material is presented but such evidence is available and may affect its decision, the Appeals Council shall receive such evidence or designate a hearing examiner or member of the Appeals Council before whom the evidence shall be introduced. Before such additional evidence is received, notice that evidence will be received with respect to certain matters shall be mailed to the parties, unless such notice is waived, at their last known addresses, and the parties shall be given a reasonable opportunity to present evidence which is relevant and material to such matters. When the additional evidence is presented to a hearing examiner or a member of the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived.

3. Section 404.948 is amended to read as follows:

§ 404.948 Procedure before Appeals Council on review.

Whenever the Appeals Council determines to review a hearing examiner's decision (except when the case is remanded to a hearing examiner in accordance with § 404.950), the Appeals Council shall make available to any party upon request, copies or a statement of the contents of the documents or other written evidence upon which the hearing examiner's decision was based, and a copy of the transcript of oral evidence, if any, or a condensed statement thereof, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless for good cause shown, such payment is waived. The parties shall be given, upon request, a reasonable opportunity to file briefs or other written statements of allegations as to fact and law. Copies of such brief or other written statements, where there is more than one party, shall be filed in sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

4. Section 404.949 is amended to read as follows:

§ 404.949 Evidence admissible on review.

Evidence in addition to that introduced at the hearing before the hearing examiner, or the documents before the hearing examiner where such hearing was waived (see § 404.934), may not be admitted except where it appears to the Appeals Council that such evidence is relevant and material to an issue before it and thus may affect its decision. Where no such evidence is presented, and it appears to the Appeals Council that additional material evidence is available which may affect its decision, the Appeals Council shall receive such evidence and designate a hearing examiner, or member of the Appeals Council before whom the evidence shall be introduced. Before additional evidence is admitted into the record, as provided in this section, notice that evidence will be received with respect to certain issues shall be mailed to the parties, unless such notice is waived, at their last known addresses, and the parties shall be given a reasonable opportunity to comment thereon and to present evidence which is relevant and material to such issues. When the additional evidence is presented to a hearing examiner or a member of the Appeals Council, a transcript or a condensed statement of such evidence shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable the estimated amount thereof, unless, for good cause shown, such payment is waived.

5. Section 404.956(b) is amended to read as follows:

§ 404.956 Revision for error or other reason; time limitations generally.

* * * * * *

(b) *By a hearing examiner or the Appeals Council.* Either upon the motion of the hearing examiner or the Appeals Council, as the case may be, or upon the petition of any party to a hearing, except as otherwise provided in §§ 404.960 and 404.960a, any decision of a hearing examiner provided for in § 404.939, may be revised by such hearing examiner or by another hearing examiner, if the hearing examiner who issued the decision is unavailable, for a reason and within the time period prescribed in § 404.957. Such decision may also be revised by the Appeals Council, and any

decision of the Appeals Council provided for in § 404.960, may be revised by the Appeals Council, for a reason and within the time period prescribed in § 404.967. For purposes of this paragraph (b), nonavailability shall include death, termination of employment, illness, leave of absence or transfer of official station.

6. Section 404.961 is amended to read as follows:

§ 404.961 Notice of revision.

(a) When any determination or decision is revised, as provided in § 404.956, § 404.960, or § 404.960a, notice of such revision shall be mailed to the parties to such determination or decision at their last known addresses. The notice of revision which is mailed to the parties shall state the basis for the revised decision.

(b) Where a determination of the Bureau is revised under paragraph (a) of this § 404.961, the notice of revision shall inform the parties of their right to a hearing as provided in § 404.963.

(c) (1) Where a hearing examiner or the Appeals Council proposes to revise a decision under paragraph (a) of this § 404.961 and the revision would be based on evidence theretofore not included in the record on which the decision proposed to be revised was based, the parties shall be given notice of the proposal of the hearing examiner or the Appeals Council, as the case may be, to revise such decision, and unless hearing is waived, a hearing with respect to such proposed revision shall be granted as provided in this Subpart J.

(2) If a revised decision is appropriate, such decision shall be rendered by the hearing examiner or the Appeals Council, as the case may be, on the basis of the entire record, including the additional evidence. If the decision is revised by a hearing examiner, any party thereto may request review by the Appeals Council (§§ 404.945 and 404.946) or the Appeals Council may review the decision on its own motion (§ 404.947).

7. Section 404.962 is amended to read as follows:

§ 404.962 Effect of revised determination.

Except as provided in § 404.612, the revision of a determination or decision shall be final and binding upon all parties thereto unless a party authorized to do so (see § 404.961) files a written request for a hearing with respect to a revised determination in accordance with § 404.963 or a revised decision is reviewed by the Appeals Council as provided in this Subpart J.

8. Section 404.1001(a) is amended to read as follows:

§ 404.1001 General definitions and use of terms.

As used in the regulations in this part—

* * * * * *

(a) "Appeals Council" means the Appeals Council of the Office of Hearings and Appeals in the Social Security Administration or such member or members thereof as may be designated by the Chairman.

(Sec. 205(a), 53 Stat. 1368, as amended; sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Applies secs. 205 (a), (b), (c), (g) and 221(d), 53 Stat. 1368 as amended, 68 Stat. 1052; 42 U.S.C. 405 (a), (b), (c), (g) and 421(d))

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: May 25, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

JUNE 6, 1960.

[F.R. Doc. 60-5277; Filed, June 9, 1960; 8:48 a.m.]

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

Miscellaneous Amendments

Regulations No. 4, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. The heading of Subpart O of Part 404 is amended to read as follows: "Interrelationship Of Old-Age, Survivors And Disability Insurance Program With The Railroad Retirement Program."

2. Section 404.1401 is amended to read as follows:

§ 404.1401 General relationship of Railroad Retirement Act with the old-age, survivors and disability insurance program of the act.

The Railroad Retirement Act sets up a system of benefits for railroad employees, their dependents and survivors, and has in many respects been integrated with the Social Security Act to provide a coordinated system of retirement, survivor, dependent and disability benefits payable on the basis of an individual's work in the railroad industry and in employment and self-employment covered by the Social Security Act. With respect to the coordination of the two programs the Railroad Retirement Act distinguishes between "career" railroaders and those individuals who may be considered "casual" railroad workers, the line of demarcation being 10 years of service in the railroad industry, including service prior to 1937. It transfers to the old-age, survivors and disability insurance system individuals who at the time of retirement, onset of disability or death have less than 10 years of service in the railroad industry and meet certain other requirements. Any compensation paid to such individuals for such service becomes wages under the Social Security Act so that whatever benefits are payable to them, their dependents, or their survivors come from the old-age and survivors and disability insurance trust funds under the conditions set forth in title II of the Social Security Act. Those with 10 or more years of railroad service remain under the Railroad Retirement Act, except that under certain circumstances survivors of such workers may be shifted to the old-age, survivors and disability insurance system.

3. Section 404.1402 is amended to read as follows:

§ 404.1402 When services in the railroad industry are covered.

Services performed by an individual in the railroad industry which would, but for the provisions of this section, be excepted from "employment" by reason of § 404.1017 shall be considered to be in "employment" as defined in section 210 of the act in the following situations:

(a) For the purpose of determining entitlement to or the amount of any monthly benefits or lump-sum death payment on the basis of the wages and self-employment income of an individual whose years of service in the railroad industry are less than 10;

(b) For the purpose of determining entitlement to or the amount of any survivor monthly benefit or any lump-sum death payment on the basis of the wages and self-employment income of an individual whose years of service in the railroad industry at the time of death were 10 or more (see § 404.1406 for circumstances under which no payment may be made even though services are in "employment");

(c) For the purpose of determining entitlement to the establishment of a period of disability (see Subpart B of this Part 404) on the basis of the wages and self-employment income of an individual;

(d) For the purpose of applying the provisions of section 203 of the act (see Subpart E of this part).

4. Section 404.1404 is amended to read as follows:

§ 404.1404 Effective date of coverage of railroad services under the act.

Coverage under the act of services performed after 1936 by an individual in the railroad industry is effective as follows:

(a) The provisions of paragraphs (a) and (b) of § 404.1402 insofar as they relate to survivor monthly benefits are effective for months after December 1946 and insofar as they relate to lump-sum death payments are effective with respect to deaths after 1946;

(b) The provisions of paragraph (a) of § 404.1402 insofar as they relate to old-age insurance benefits or monthly benefits of dependents of old-age insurance beneficiaries are effective November 1, 1951; insofar as they relate to disability insurance benefits are effective for months after June 1957; and insofar as they relate to monthly benefits for dependents of disability insurance beneficiaries are effective for months after August 1958;

(c) The provisions of paragraph (c) of § 404.1402 are effective for benefits for months after June 1955; and

(d) The provisions of paragraph (d) of § 404.1402 are effective November 1, 1951.

5. Paragraph (b) of § 404.1407 is amended to read as follows:

§ 404.1407 When railroad benefits do not bar payment of social security benefits.

The provisions of § 404.1406 shall not operate if:

* * * * *

(b) The residual lump-sum payment provided by section 5(f)(2) of the Railroad Retirement Act with respect to the death of an insured individual is paid by the Railroad Retirement Board in accordance with the provisions of said section 5(f)(2) and pursuant to an irrevocable election filed with the Board by the widow, widower or parent of such individual to waive all future annuities or benefits based on the combined records of earnings and compensation to which such widow, widower or parent might otherwise become entitled, but only to the extent that widow's, widower's or parent's benefits may be payable under the regulation of this part to such widow, widower or parent, as the case may be, solely on the basis of the wages and self-employment income of such deceased individual and without regard to any compensation which may be treated as wages pursuant to § 404.1408.

6. Section 404.1409 is amended to read as follows:

§ 404.1409 Purposes of using compensation.

Compensation which is treated as wages under § 404.1408 shall be used, together with wages (see Subpart K of this part) and self-employment income (see Subpart K of this part), for purposes of:

(a) Determining an individual's insured status for monthly benefits or the lump-sum death payment (see Subpart B of this part);

(b) Computing such individual's primary insurance amount (see Subpart C of this part);

(c) Determining an individual's entitlement to the establishment of a period of disability (see Subpart B of this part for disability insured status requirements); and

(d) Applying the deduction provisions of section 203 of the act (see Subpart E of this part).

7. Section 404.1410 is amended to read as follows:

§ 404.1410 Presumption on basis of certified compensation record.

Where the Railroad Retirement Board certifies to the Administration a report of record of compensation, which is treated as wages under § 404.1408, and periods of service which does not identify the months or quarters in which such compensation was paid, the sum of the compensation quarters of coverage (see § 404.1412) will be presumed, in the absence of evidence to the contrary, to represent an equivalent number of quarters of coverage (see §§ 404.103 and 404.104). No more than four quarters of coverage shall be credited to an individual in a single calendar year. However, if such individual also had self-employment income for a taxable year and the sum of such income and wages (including compensation which is treated as wages under § 404.1408) paid to him during such taxable year equals $3,600 in any taxable year beginning after 1950 and ending before 1955, or equals $4,200 in any taxable year ending after 1954 and before 1959 or equals $4,800 in any taxable year ending after 1958, each calendar quarter any part of which falls in such taxable year shall be a quarter of coverage.

(Sec. 205(a), 53 Stat. 1368, as amended, sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Interprets sec. 302 as amended, 72 Stat. 1021, 1022, 1023, sec. 216(i) as amended, 68 Stat. 1080, 1081, 72 Stat. 1020, 1021, and sec. 223, as amended, 70 Stat. 815, 816, 72 Stat. 1030, 1031; 42 U.S.C. 402, 416(i) and 423.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: May 27, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

JUNE 6, 1960.

[F.R. Doc. 60-5278; Filed, June 9, 1960; 8:49 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6470]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for Taxable Year 1959

Section 819(b) of the Internal Revenue Code of 1954, as added by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 136), provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign life insurance company described in section 819(a). Where this minimum figure exceeds the foreign life insurance company's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819(b)), and the amount of the "required interest" (determined under section 809(a) without regard to section 819(b)), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1959 income tax by foreign life insurance companies a percentage of 12.5 shall be used in determining the "minimum figure" under section 819(b).

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1958, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

[SEAL] DAVID A. LENDAY,
Acting Secretary of the Treasury.

JUNE 8, 1960.

[F.R. Doc. 60-5334; Filed, June 9, 1960; 8:53 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Mona Passage, Puerto Rico; St. Petersburg Harbor and Tampa Bay, Fla.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.225 establishing and governing the use and navigation of a danger zone in Mona Passage in the vicinity of Monito Island, Puerto Rico, is hereby revoked, as follows:

§ 204.225 Mona Passage in vicinity of Monito Island, Puerto Rico; aerial bombing range, United States Air Force, Ramey Air Force Base, Puerto Rico. [Revoked]

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.175 establishing and governing the use and navigation of seaplane restricted and operating areas in St. Petersburg Harbor and Tampa Bay, Florida, is hereby amended revising paragraph (a)(1) to change the boundary of the seaplane restricted area, as follows:

§ 207.175 St. Petersburg Harbor and Tampa Bay, Fla.; seaplane restricted and operating areas.

(a) *The areas*—(1) *The seaplane restricted area.* The waters of St. Petersburg Harbor and Tampa Bay in the vicinity of the United States Coast Guard Air Station within an area described as follows: Beginning at the intersection of the easterly end of the concrete bulkhead along the northerly side of the Port of St. Petersburg with the northerly end of the steel bulkhead along the easterly side of the port; thence 242°30', 450 feet; thence 152°30', 600 feet; thence 180°00', about 460 feet to the south edge of the entrance channel; thence 90°30', 6300 feet; thence 360°00', 280 feet to the north edge of the entrance channel; thence 270°30', 5,775 feet; thence 360°00', 250

feet to the steel bulkhead along the easterly side of the port; thence along the steel bulkhead to the point of beginning.

NOTE: All bearings are referred to true meridian.

[Regs., May 24, 1960, 285/91-ENGCW-0] (Sec. 7, 49 Stat. 396; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-5282; Filed, June 9, 1960; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

Passing Through Locks

Pursuant to the authority vested in the Governor of the Canal Zone by 35 CFR 4.11 as adopted by Canal Zone Order 30, January 6, 1953 (18 F.R. 280), § 4.43a of such title is amended as follows:

§ 4.43a Passing through locks.

Vessels passing through the locks shall normally be handled by electric towing locomotives. After cables from the towing locomotives have been placed aboard, main engines may be used if considered necessary by the pilot. Small vessels may be permitted to pass through the locks under their own power. When a vessel has a pilot aboard, the use of engines shall be under the direction of the pilot. A small vessel passing through the locks without a pilot aboard shall be under the direction of the lockmaster, who may authorize the use of engines in the locks.

Issued at Balboa Heights, Canal Zone, May 31, 1960.

[SEAL] JOHN D. McELHENY,
Acting Governor.

[F.R. Doc. 60-5271; Filed, June 9, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 46—RURAL SERVICE

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 46.5 *Rural boxes*, subparagraph (4) of paragraph (a) is amended by inserting "Lee Silver Service, Inc., 13561 Helen Avenue, Detroit 12, Michigan" in the proper alphabetical order of approved manufacturers of rural mail boxes.

NOTE: The corresponding Postal Manual section is 156.5.

(R.S. 161, as amended, 396, as amended, sec. 1, 39 Stat. 423; 5 U.S.C. 22, 369, 39 U.S.C. 191, 192)

II. In § 168.5 *Individual country regulations*, the country "Algeria", as amended by Federal Register document 60-1649, 25 F.R. 1617-1618, is further amended by making the following changes for the purpose of clarification:

A. Under "Postal Union mail," amend the item *Prohibitions and import restrictions*, to read as follows:

Prohibitions and import restrictions. Same as France.

B. Under "Parcel Post", amend the item *Prohibitions and import restrictions* to read as follows:

Prohibitions and import restrictions. Same as France, except that tobacco and its products up to 10 kilograms (22 pounds) per person per year are admitted subject to import permit from the Algerian Tobacco Monopoly. Military clothing is prohibited. Antibiotics, serums and vaccines may not be sent in gift parcels without authorization from the Algerian Government.

Import licenses must be obtained for all commercial shipments and for gift parcels weighing 10 kilograms (22 pounds) or more, or valued at 30,000 francs ($61) or more. Gift parcels under that weight and value and for the personal use of the addressees and their families are exempt from import licensing, provided they are sent infrequently. They are free of customs duty if the value is under 5,000 francs ($10.20).

As import licenses must be obtained before the parcels arrive, senders should notify the addressees in advance of mailing any parcels likely to require licenses.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-5283; Filed, June 9, 1960; 8:50 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

Miscellaneous Amendments

1. Subpart C is amended by redesignating §§ 21.28, 21.29, 21.30, 21.31 and 21.32 as §§ 21.29, 21.31, 21.32, 21.33, and 21.34, respectively; by changing accordingly all references in Part 21 to the redesignated sections; and by adding to Subpart C the following new §§ 21.28 and 21.30:

§ 21.28 Age requirements, Regular Corps, senior assistant grade and below.

No candidate for appointment to the Regular Corps, except in the nurse category, shall be appointed (a) after age 31 to the permanent junior assistant grade, (b) after age 34 to the permanent assistant grade, or (c) after age 37 to the permanent senior assistant grade. The age limitations for candidates who have had prior active service in the Commissioned Corps of the Public Health Service shall be increased by the period of such service.

§ 21.30 Determination of creditable years of educational and professional training and experience.

The level of academic attainment, the number of calendar years and the quality of educational and professional training and experience shall be considered in determining the number of years of such training and experience with which each candidate for appointment may be credited.

2. Section 21.72 is amended as follows:

§ 21.72 Special circumstances.

An officer on active duty whose permanent post of duty is in Alaska or Hawaii, a possession or trust territory of the United States, or a foreign area, or who is performing temporary duty in, or temporary duty travel to or from these localities, may be permitted to allot, in addition to allotments for the purposes as indicated in § 21.71, a part or all of his monthly pay and allowances for the support of his family or dependents, except that no officer, without the approval of the Surgeon General, may have in force more than two such allotments at one time.

3. Subpart F is amended by adding at the end thereof the following new section:

§ 21.98 Maternity leave.

(a) An officer, when pregnant, shall be relieved from her assigned duties at such time as may be determined to be in the interest of her health, and shall at that time be placed on annual leave. Upon the expiration of all annual leave with which she is credited she shall be granted such sick leave (not to exceed 90 days) as is determined to be necessary under the circumstances. Such sick leave shall be granted only if (1) the officer has been on continuous active duty for not less than one year at the time her annual leave expires, (2) she states in writing that she intends to remain on extended active duty with the Service after the birth of the child, and (3) the maximum authorized sick leave will extend through the 30th day following the anticipated birth date of the child. Any sick leave taken in connection with the officer's pregnancy before the date she is placed on annual leave will reduce the maximum period of sick leave which she may be granted under this subsection, and no sick leave shall be granted during the period of such annual leave.

(b) If upon the termination of the sick leave authorized under paragraph (a) of this section the officer is not physically qualified to return to her assigned duties and it is determined that under normal circumstances she should be so qualified before the 90th day following the birth of the child, she may be granted such additional sick leave as may be necessary, but the sick leave so

authorized shall not extend beyond the 90th day following the birth of the child.

4. Section 21.152 is amended as follows:

§ 21.152 Separation of officers because of pregnancy.

If an officer who is pregnant is not eligible for sick leave pursuant to § 21.98, she shall, (a) if an officer of the Regular Corps, have her commission terminated, or (b) if an officer of the Reserve Corps, be placed on inactive status, on the day following the expiration of her annual leave. If an officer who is granted sick leave pursuant to § 21.98(a), and, if applicable, § 21.98(b), is found to be physically unqualified for duty at the expiration of such sick leave, she shall, (1) if an officer of the Regular Corps, have her commission terminated, or (2) if an officer of the Reserve Corps, be placed on inactive status, on the day following the expiration of her sick leave. If an officer who is granted sick leave pursuant to § 21.98 at any time thereafter officially advises the Service that she does not intend to return to duty, her commission shall be immediately terminated. This section shall not be applicable to any officer eligible for retirement.

§ 21.171 [Amendment]

5. Section 21.171 is amended by deleting the word "Secretary" and inserting in lieu thereof the words "Surgeon General".

6. Section 21.176 is amended as follows:

§ 21.176 Prescription of standards to be utilized by category retirement boards.

The Surgeon General may from time to time prescribe standards to effectuate the current and expected program requirements of the Service to be utilized by each category retirement board in determining the qualifications for continued active service of officers whose names may thereafter be referred to the board pursuant to § 21.173 or § 21.175.

7. Section 21.177 is amended as follows:

§ 21.177 Action by the Surgeon General.

If a retirement board finds in accordance with standards prescribed under § 21.176 that an officer should be retired, and if such finding is approved by the Surgeon General, the officer concerned shall be retired.

8. Section 21.192 is amended as follows:

§ 21.192 Procedures; full and fair hearings.

(a) If the report of the medical review board, which has reviewed the case of an officer for retirement where the officer did not specifically apply for such retirement, contains a finding that such officer is physically fit to perform the duties of his office, the report shall be transmitted to the Surgeon General for appropriate action pursuant to paragraph (d) of this section.

(b) If the report of the medical review board, which has reviewed the case of an officer for retirement, recommends that such officer be retired or separated, or finds that an officer who has specifically applied for disability retirement is physically fit to perform the duties of his office, a copy of the report shall be forwarded to the officer concerned who shall be informed that if he feels aggrieved by any of the board's findings or recommendations, he shall have the right, within 30 days of his receipt of the report, to request a hearing. If the officer's request for a hearing is received within 30 days of his receipt of the board's report, he shall be granted a full and fair hearing. Upon completion of such hearing, the findings and recommendations of the hearing board, together with the medical review board's report, shall be transmitted to the Surgeon General for appropriate action pursuant to paragraph (d) of this section.

(c) If an officer, upon notification of his right to request a hearing, states in writing that he does not desire a hearing, or if a request for a hearing is not received within 30 days from the officer's receipt of the board's report, the report shall be forwarded to the Surgeon General for appropriate action pursuant to paragraph (d) of this section.

(d) Upon receipt by the Surgeon General of the material transmitted to him, the officer concerned shall be retired, separated, or continued on active duty as the Surgeon General shall determine.

9. *Effective date:* These amendments shall be effective on the date of their publication in the FEDERAL REGISTER: *Provided*, That no candidate for appointment to the senior assistant grade or below in the Regular Corps whose name has been placed on a merit roll before such effective date shall be subject to the age limitations imposed by the new § 21.28 so long as his name continues on that or succeeding merit rolls as a result of an examination taken before such effective date.

Dated: June 6, 1960.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-5276; Filed, June 9, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2110]

MONTANA AND NEW MEXICO

Additions to Montana Grazing Districts Nos. 1, 2, 3, and 6 and New Mexico Grazing Districts Nos. 1 and 6

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with Executive Order 10787, dated November 6, 1958 (23 F.R. 8717), and Departmental Order No. 2843, dated November 17, 1959, it is ordered as follows:

1. The following-described lands are added to and made a part of Montana Grazing District No. 1, as heretofore established and modified:

(a) Those lands within the area known as Milk River Land Project (MT-LU-2) in Blaine, Phillips and Valley Counties, containing approximately 945,052 acres, but excluding those lands in Phillips and Valley Counties described as follows:

MONTANA PRINCIPAL MERIDIAN

T. 32 N., R. 32 E.,
Sec. 18, S½.
T. 34 N., R. 40 E.,
Sec. 4, lot 1, SE¼NE¼, and S½SW¼;
Sec. 9, NW¼, and N½SW¼;
Sec. 11, S½.
T. 35 N., R. 40 E.,
Sec. 27, W½E½, E½SW¼, NE¼SE¼;
Sec. 34, NE¼NW¼.
T. 36 N., R. 40 E.,
Sec. 6, lots 3 and 4;
Sec. 7, lot 4;
Sec. 18, lots 1, 2, 3, and 4, E½W½;
Sec. 19, lots 1 and 2, E½NW¼.
T. 37 N., R. 40 E.,
Sec. 4, SE¼SW¼;
Sec. 9, SW¼, E½NW¼, NW¼NE¼, S½NE¼.
T. 36 N., R. 41 E.,
Sec. 7, N½SE¼;
Sec. 10, SW¼, and W½SE¼;
Sec. 15, N½NW¼.
T. 37 N., R. 41 E.,
Sec. 5, SW¼;
Sec. 28, N½.
T. 35 N., R. 42 E.,
Sec. 8, W½SE¼, and NE¼SE¼;
Sec. 9, S½NW¼, SW¼NE¼, W½SW¼.
T. 36 N., R. 42 E.,
Sec. 2, lot 4, and SW¼NW¼;
Sec. 3, lot 1, and SE¼NE¼;
Sec. 8, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 9, S½NW¼, and S½;
Sec. 23, E½SE¼;
Sec. 24, SW¼NW¼, E½NW¼, SW¼.
T. 37 N., R. 42 E.,
Sec. 2, SE¼, and SE¼SW¼;
Sec. 3, W½SE¼, and SE¼SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, N½NE¼;
Sec. 12, NW¼NW¼;
Sec. 21, NW¼, S½NE¼, E½SE¼;
Sec. 22, E½SE¼;
Sec. 23, W½SW¼;
Sec. 26, NW¼;
Sec. 35, E½SW¼, and W½SE¼.
T. 34 N., R. 43 E.,
Sec. 25, S½NE¼, and N½SE¼.

2. The following-described lands are added to and made a part of Montana Grazing District No. 2, as heretofore established and modified:

(a) Those lands within the area known as the Kinsey Land Use Project (MT-LU-24) in Custer County, containing approximately 15,674 acres.

(b) Those lands within the area known as Lower Yellowstone Project (MT-LU-4) in Prairie County lying north of the Yellowstone River, containing approximately 225,532 acres.

feet to the steel bulkhead along the easterly side of the port; thence along the steel bulkhead to the point of beginning.

NOTE: All bearings are referred to true meridian.

[Regs., May 24, 1960, 285/91-ENGCW-0] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-5262; Filed, June 9, 1960; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

Passing Through Locks

Pursuant to the authority vested in the Governor of the Canal Zone by 35 CFR 4.11 as adopted by Canal Zone Order 30, January 6, 1953 (18 F.R. 280), § 4.43a of such title is amended as follows:

§ 4.43a Passing through locks.

Vessels passing through the locks shall normally be handled by electric towing locomotives. After cables from the towing locomotives have been placed aboard, main engines may be used if considered necessary by the pilot. Small vessels may be permitted to pass through the locks under their own power. When a vessel has a pilot aboard, the use of engines shall be under the direction of the pilot. A small vessel passing through the locks without a pilot aboard shall be under the direction of the lockmaster, who may authorize the use of engines in the locks.

Issued at Balboa Heights, Canal Zone, May 31, 1960.

[SEAL] JOHN D. MCELHENY,
Acting Governor.

[F.R. Doc. 60-5271; Filed, June 9, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 46—RURAL SERVICE

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 46.5 *Rural boxes*, subparagraph (4) of paragraph (a) is amended by inserting "Lee Silver Service, Inc., 13561 Helen Avenue, Detroit 12, Michigan" in the proper alphabetical order of approved manufacturers of rural mail boxes.

NOTE: The corresponding Postal Manual section is 156.5.

(R.S. 161, as amended, 396, as amended, sec. 1, 39 Stat. 423; 5 U.S.C. 22, 369, 39 U.S.C. 191, 192)

II. In § 168.5 *Individual country regulations*, the country "Algeria", as amended by Federal Register document 60-1649, 25 F.R. 1617-1618, is further amended by making the following changes for the purpose of clarification:

A. Under "Postal Union mail," amend the item *Prohibitions and import restrictions*, to read as follows:

Prohibitions and import restrictions. Same as France.

B. Under "Parcel Post", amend the item *Prohibitions and import restrictions* to read as follows:

Prohibitions and import restrictions. Same as France, except that tobacco and its products up to 10 kilograms (22 pounds) per person per year are admitted subject to import permit from the Algerian Tobacco Monopoly. Military clothing is prohibited. Antibiotics, serums and vaccines may not be sent in gift parcels without authorization from the Algerian Government.

Import licenses must be obtained for all commercial shipments and for gift parcels weighing 10 kilograms (22 pounds) or more, or valued at 30,000 francs ($61) or more. Gift parcels under that weight and value and for the personal use of the addressees and their families are exempt from import licensing, provided they are sent infrequently. They are free of customs duty if the value is under 5,000 francs ($10.20).

As import licenses must be obtained before the parcels arrive, senders should notify the addressees in advance of mailing any parcels likely to require licenses.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-5283; Filed, June 9, 1960; 8:50 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

Miscellaneous Amendments

1. Subpart C is amended by redesignating §§ 21.28, 21.29, 21.30, 21.31 and 21.32 as §§ 21.29, 21.31, 21.32, 21.33, and 21.34, respectively; by changing accordingly all references in Part 21 to the redesignated sections; and by adding to Subpart C the following new §§ 21.28 and 21.30:

§ 21.28 Age requirements, Regular Corps, senior assistant grade and below.

No candidate for appointment to the Regular Corps, except in the nurse category, shall be appointed (a) after age 31 to the permanent junior assistant grade, (b) after age 34 to the permanent assistant grade, or (c) after age 37 to the permanent senior assistant grade. The age limitations for candidates who have had prior active service in the Commissioned Corps of the Public Health Service shall be increased by the period of such service.

§ 21.30 Determination of creditable years of educational and professional training and experience.

The level of academic attainment, the number of calendar years and the quality of educational and professional training and experience shall be considered in determining the number of years of such training and experience with which each candidate for appointment may be credited.

2. Section 21.72 is amended as follows:

§ 21.72 Special circumstances.

An officer on active duty whose permanent post of duty is in Alaska or Hawaii, a possession or trust territory of the United States, or a foreign area, or who is performing temporary duty in, or temporary duty travel to or from these localities, may be permitted to allot, in addition to allotments for the purposes as indicated in § 21.71, a part or all of his monthly pay and allowances for the support of his family or dependents, except that no officer, without the approval of the Surgeon General, may have in force more than two such allotments at one time.

3. Subpart F is amended by adding at the end thereof the following new section:

§ 21.98 Maternity leave.

(a) An officer, when pregnant, shall be relieved from her assigned duties at such time as may be determined to be in the interest of her health, and shall at that time be placed on annual leave. Upon the expiration of all annual leave with which she is credited she shall be granted such sick leave (not to exceed 90 days) as is determined to be necessary under the circumstances. Such sick leave shall be granted only if (1) the officer has been on continuous active duty for not less than one year at the time her annual leave expires, (2) she states in writing that she intends to remain on extended active duty with the Service after the birth of the child, and (3) the maximum authorized sick leave will extend through the 30th day following the anticipated birth date of the child. Any sick leave taken in connection with the officer's pregnancy before the date she is placed on annual leave will reduce the maximum period of sick leave which she may be granted under this subsection, and no sick leave shall be granted during the period of such annual leave.

(b) If upon the termination of the sick leave authorized under paragraph (a) of this section the officer is not physically qualified to return to her assigned duties and it is determined that under normal circumstances she should be so qualified before the 90th day following the birth of the child, she may be granted such additional sick leave as may be necessary, but the sick leave so authorized shall not extend beyond the 90th day following the birth of the child.

4. Section 21.152 is amended as follows:

§ 21.152 Separation of officers because of pregnancy.

If an officer who is pregnant is not eligible for sick leave pursuant to § 21.98, she shall, (a) if an officer of the Regular Corps, have her commission terminated, or (b) if an officer of the Reserve Corps, be placed on inactive status, on the day following the expiration of her annual leave. If an officer who is granted sick leave pursuant to § 21.98(a), and, if applicable, § 21.98(b), is found to be physically unqualified for duty at the expiration of such sick leave, she shall, (1) if an officer of the Regular Corps, have her commission terminated, or (2) if an officer of the Reserve Corps, be placed on inactive status, on the day following the expiration of her sick leave. If an officer who is granted sick leave pursuant to § 21.98 at any time thereafter officially advises the Service that she does not intend to return to duty, her commission shall be immediately terminated. This section shall not be applicable to any officer eligible for retirement.

§ 21.171 [Amendment]

5. Section 21.171 is amended by deleting the word "Secretary" and inserting in lieu thereof the words "Surgeon General".

6. Section 21.176 is amended as follows:

§ 21.176 Prescription of standards to be utilized by category retirement boards.

The Surgeon General may from time to time prescribe standards to effectuate the current and expected program requirements of the Service to be utilized by each category retirement board in determining the qualifications for continued active service of officers whose names may thereafter be referred to the board pursuant to § 21.173 or § 21.175.

7. Section 21.177 is amended as follows:

§ 21.177 Action by the Surgeon General.

If a retirement board finds in accordance with standards prescribed under § 21.176 that an officer should be retired, and if such finding is approved by the Surgeon General, the officer concerned shall be retired.

8. Section 21.192 is amended as follows:

§ 21.192 Procedures; full and fair hearings.

(a) If the report of the medical review board, which has reviewed the case of an officer for retirement where the officer did not specifically apply for such retirement, contains a finding that such officer is physically fit to perform the duties of his office, the report shall be transmitted to the Surgeon General for appropriate action pursuant to paragraph (d) of this section.

(b) If the report of the medical review board, which has reviewed the case of an officer for retirement, recommends that such officer be retired or separated, or finds that an officer who has specifically applied for disability retirement is physically fit to perform the duties of his office, a copy of the report shall be forwarded to the officer concerned who shall be informed that if he feels aggrieved by any of the board's findings or recommendations, he shall have the right, within 30 days of his receipt of the report, to request a hearing. If the officer's request for a hearing is received within 30 days of his receipt of the board's report, he shall be granted a full and fair hearing. Upon completion of such hearing, the findings and recommendations of the hearing board, together with the medical review board's report, shall be transmitted to the Surgeon General for appropriate action pursuant to paragraph (d) of this section.

(c) If an officer, upon notification of his right to request a hearing, states in writing that he does not desire a hearing, or if a request for a hearing is not received within 30 days from the officer's receipt of the board's report, the report shall be forwarded to the Surgeon General for appropriate action pursuant to paragraph (d) of this section.

(d) Upon receipt by the Surgeon General of the material transmitted to him, the officer concerned shall be retired, separated, or continued on active duty as the Surgeon General shall determine.

9. *Effective date:* These amendments shall be effective on the date of their publication in the FEDERAL REGISTER: *Provided*, That no candidate for appointment to the senior assistant grade or below in the Regular Corps whose name has been placed on a merit roll before such effective date shall be subject to the age limitations imposed by the new § 21.28 so long as his name continues on that or succeeding merit rolls as a result of an examination taken before such effective date.

Dated: June 6, 1960.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-5276; Filed, June 9, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2110]

MONTANA AND NEW MEXICO

Additions to Montana Grazing Districts Nos. 1, 2, 3, and 6 and New Mexico Grazing Districts Nos. 1 and 6

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with Executive Order 10787, dated November 6, 1958 (23 F.R. 8717), and Departmental Order No. 2843, dated November 17, 1959, it is ordered as follows:

1. The following-described lands are added to and made a part of Montana Grazing District No. 1, as heretofore established and modified:

(a) Those lands within the area known as Milk River Land Project (MT-LU-2) in Blaine, Phillips and Valley Counties, containing approximately 945,052 acres, but excluding those lands in Phillips and Valley Counties described as follows:

MONTANA PRINCIPAL MERIDIAN

T. 32 N., R. 32 E.,
Sec. 18, S½.
T. 34 N., R. 40 E.,
Sec. 4, lot 1, SE¼NE¼, and S½SW¼;
Sec. 9, NW¼, and N½SW¼;
Sec. 11, S½.
T. 35 N., R. 40 E.,
Sec. 27, W½E½, E½SW¼, NE¼SE¼;
Sec. 34, NE¼NW¼.
T. 36 N., R. 40 E.,
Sec. 6, lots 3 and 4;
Sec. 7, lot 4;
Sec. 18, lots 1, 2, 3, and 4, E½W½;
Sec. 19, lots 1 and 2, E½NW¼.
T. 37 N., R. 40 E.,
Sec. 4, SE¼SW¼;
Sec. 9, SW¼, E½NW¼, NW¼NE¼, S½NE¼.
T. 36 N., R. 41 E.,
Sec. 7, N½SE¼;
Sec. 10, SW¼, and W½SE¼;
Sec. 15, N½NW¼.
T. 37 N., R. 41 E.,
Sec. 5, SW¼;
Sec. 28, N½.
T. 35 N., R. 42 E.,
Sec. 8, W½SE¼, and NE¼SE¼;
Sec. 9, S½NW¼, SW¼NE¼, W½SW¼.
T. 36 N., R. 42 E.,
Sec. 2, lot 4, and SW¼NW¼;
Sec. 3, lot 1, and SE¼NE¼;
Sec. 8, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 9, S½NW¼, and S½;
Sec. 23, E½SE¼;
Sec. 24, SW¼NW¼, E½NW¼, SW¼.
T. 37 N., R. 42 E.,
Sec. 2, SE¼, and SE¼SW¼;
Sec. 3, W½SE¼, and SE¼SE¼;
Sec. 10, NE¼NE¼;
Sec. 11, N½NE¼;
Sec. 12, NW¼NW¼;
Sec. 21, NW¼, S½NE¼, E½SE¼;
Sec. 22, E½SE¼;
Sec. 23, W½SW¼;
Sec. 26, NW¼;
Sec. 35, E½SW¼, and W½SE¼.
T. 34 N., R. 43 E.,
Sec. 25, S½NE¼, and N½SE¼.

2. The following-described lands are added to and made a part of Montana Grazing District No. 2, as heretofore established and modified:

(a) Those lands within the area known as the Kinsey Land Use Project (MT-LU-24) in Custer County, containing approximately 15,674 acres.

(b) Those lands within the area known as Lower Yellowstone Project (MT-LU-4) in Prairie County lying north of the Yellowstone River, containing approximately 225,532 acres.

3. The following-described lands are added to and made a part of Montana Grazing District No. 3, as heretofore established and modified:

(a) Those lands within the area known as the Lower Yellowstone Project (MT–LU–4) in Prairie County lying south of the Yellowstone River, containing approximately 166,401 acres.

(b) Those lands within the area known as Southeast Montana Project (MT–LU–21) in Custer and Fallon Counties, containing approximately 129,765 acres.

4. The following-described lands are added to and made a part of Montana Grazing District No. 6, as heretofore established and modified:

(a) Those lands within the area known as Central Montana Project (MT–LU–22) in Fergus County, containing approximately 103,108 acres.

(b) Those lands within the area known as Musselshell Project (MT–LU–3) in Musselshell and Petroleum Counties, containing approximately 237,058 acres, but excluding the lands described below:

MONTANA PRINCIPAL MERIDIAN

T. 11, N., R. 23 E.,
Sec. 1, NE¼SE¼;
Sec. 11, SW¼NE¼, SE¼NE¼, NE¼NW¼ (tract 5705);
Sec. 12, W½NE¼, NW¼, NE¼SW¼;
Sec. 13, NW¼NE¼, S½NE¼, NE¼NW¼, E½SE¼;
Sec. 25, E½NE¼, and SE¼.
T. 11 N., R. 29 E.,
Sec. 1;
Sec. 2, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 3, E½NE¼, N½S½, S½SW¼, SW¼SE¼;
Sec. 4, SE¼;
Sec. 5, NW¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 6, E½NE¼, SW¼NE¼, E½NW¼, N½SW¼, SE¼SW¼, SW¼SW¼, SE¼;
Sec. 7, N½NE¼, E½SW¼, SW¼SE¼;
Sec. 8, NW¼NE¼, N½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 9, SW¼NE¼, SE¼NW¼, S½;
Sec. 10, E½NE¼, NW¼NE¼, NE¼NW¼, SW¼, SW¼SE¼;
Sec. 11, N½, and SW¼;
Sec. 12, NE¼, N½NW¼, SW¼NW¼, W½SW¼;
Sec. 14, W½SE¼, and SE¼SE¼;
Sec. 15, W½NE¼, SE¼NE¼, NW¼, N½SE¼;
Sec. 17, NW¼NE¼, and NE¼NW¼;
Sec. 18, NW¼NE¼, NE¼NW¼, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 19, S½NW¼, SW¼, W½SE¼;
Sec. 23, E½NE¼;
Sec. 24, N½;
Sec. 29, W½SW¼;
Sec. 30;
Sec. 31;
Sec. 33, NW¼, N½SW¼, NW¼SE¼.
T. 9 N., R. 24 E.,
Sec. 9, S½;
Sec. 10, SW¼;
Sec. 15, N½;
Sec. 17, NE¼;
Sec. 21, NE¼, and S½;
Sec. 22, NW¼;
Sec. 24, SE¼;
Sec. 25, NE¼;
Sec. 26, E½NE¼, E½SW¼, SE¼;
Sec. 27,
T. 10 N., R. 24 E.,
Sec. 20, E½SE¼;
Sec. 27, NW¼SE¼, N½SW¼, SW¼SW¼;
Sec. 32, S½;
Sec. 33.
T. 13 N., R. 25 E.,
Sec. 11, SE¼NE¼;
Sec. 12, NE¼NW¼, S½NW¼, S½NE¼, SE¼;
Sec. 13, NE¼, SE¼NW¼, SW¼, SE¼.
T. 16 N., R. 25 E.,
Sec. 9, NW¼NW¼, and S½NW¼;
Sec. 10, N½;
Sec. 21, SE¼SW¼, and S½SE¼;
Sec. 26, S½SW¼;
Sec. 27, SE¼SE¼;
Sec. 28, NE¼NW¼, S½SW¼, SW¼SE¼;
Sec. 32, NE¼NE¼, and S½N½;
Sec. 33, NW¼, W½NE¼, NW¼SE¼;
Sec. 34, S½N½;
Sec. 35, W½NW¼.
T. 13 N., R. 26 E.,
Sec. 5, NW¼, and SW¼;
Sec. 6, N½N½, and S½SE¼;
Sec. 7, N½NE¼;
Sec. 18, W½SW¼.

5. The following-described lands are added to and made a part of New Mexico Grazing District No. 1, as heretofore established and modified:

(a) Those lands within the area known as Northern New Mexico Grant Lands Project (NM–LU–25) in Rio Arriba and Taos Counties, containing approximately 32,880 acres, described as follows:

(1) The westerly two-thirds of the Sebastian Martin Grant, the east boundary being a line that would be a northerly extension of the westerly boundary of that portion of the Carson National Forest as it exists immediately to the south of the Grant; and

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 N., R. 7 E.,
Sec. 15, S½;
Sec. 29, N½SW¼;
Sec. 30, S½;
Sec. 32, NW¼.

(b) Those lands within the area known as Cuba-Rio Puerco Project (NM–LU–22), Sandoval and McKinley Counties, except the following described lands:

T. 21 N., R. 1 W.,
Sec. 19, NE¼NE¼;
Sec. 20, NW¼ and NW¼NE¼.

and that portion of the Espiritu Santo Grant covered by the Act of August 2, 1956 (70 Stat. 941), containing approximately 193,350 acres.

6. The following-described lands are added to and made a part of New Mexico Grazing District No. 6, as heretofore established and modified:

(a) Those lands within the area known as Hope Land Project (NM–LU–4), Eddy County, containing approximately 12,773 acres.

FRED A. SEATON,
Secretary of the Interior.

JUNE 1, 1960.

[F.R. Doc. 60-5161; Filed, June 9, 1960; 8:45 a.m.]

[Public Land Order 2111]
[Anchorage 047373]

ALASKA

Withdrawing Public Lands for Recreational Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved under the jurisdiction of the Secretary of the Interior, for administration and maintenance as public recreation areas:

TEBAY LAKES AREA

SITE NO. 1

A parcel of unsurveyed land located near outlet of North Tebay Lake, described as follows:

Beginning at Corner No. 1, Latitude 61°13'36" N., Longitude 144°12'50" W., thence
N. 45°00' W., 5 chains to corner No. 2;
S. 45°00' W., 20 chains to corner No. 3;
S. 45°00' E., 5 chains approximately to corner No. 4 located on shore of lake;
Northeasterly, 20 chains approximately along shore line to point of beginning.
Containing approximately 20 acres.

SITE NO. 2

A parcel of unsurveyed land located near inlet on SE side of North Tebay Lake, described as follows:

Beginning at corner No. 1, Latitude 61°12'00" N., Longitude 144°15'50" W., located at mean high water on shore of N. Tebay Lake; thence
S. 45°00' E., 5 chains to corner No. 2;
S. 45°00' W., 10 chains to corner No. 3;
N. 45°00' W., 5 chains approximately to corner No. 4 on shore of lake;
Northeasterly, 10 chains, approximately along shore line to point of beginning.
Containing approximately 5 acres.

COPPER LAKE AREA

A parcel of unsurveyed land located on south shore of Copper Lake, headwaters drainage of Copper River, described as follows:

Beginning at corner No. 1, Latitude 62°25'00" N., Longitude 143°34'00" W., located at high water mark on Copper Lake; thence
South, 5 chains to corner No. 2;
East, 10 chains to corner No. 3;
North, 5 chains to corner No. 4;
Westerly, 10 chains approximately, along shore line to point of beginning.
Containing approximately 5 acres.

The tracts described total in the aggregate approximately 30 acres.

Nothing in this order shall preclude selection by the State of Alaska of the lands or parts thereof under applicable law.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 6, 1960.

[F.R. Doc. 60-5270; Filed, June 9, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Intangible Drilling and Development Costs; Notice of Hearing

Proposed § 1.612–4 of the Income Tax Regulations, relating to intangible drilling and development costs, was published in the FEDERAL REGISTER for April 29, 1960.

A public hearing on these proposed regulations will be held on Thursday, June 23, 1960, at 10:00 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue, Northwest, Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by June 20, 1960.

[SEAL] E. H. HATFIELD,
Acting Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 60-5230; Filed, June 9, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60–WA–149]

CONTROL ZONES

Designation and Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and §§ 601.2180 and 601.2187 of the regulations of the Administrator, the substance of which is stated below.

The Oakland, Calif., control zone is presently designated within a 5-mile radius of Metropolitan Oakland International Airport including an extension to the southeast which includes Hayward Airport and an extension to the northwest which includes NAS Alameda. The Federal Aviation Agency has under consideration redesignation of the Oakland control zone to include the area within a 5-mile radius of Metropolitan Oakland International Airport and to designate 5-mile radius control zones around both Hayward Airport and NAS Alameda. At present, the official weather observation for the entire control zone is made at Oakland International Airport; however, separate weather observations are made at each airport. Weather conditions in the bay area are such that one airport could be conducting operations in accordance with instrument flight rules while another airport within the control zone could conduct operations in accordance with visual flight rules. The proposal under consideration would facilitate air traffic management by permitting each airport to conduct operations consistent with the existing weather observed at the individual airports.

The San Francisco, Calif., control zone is presently designated within a 5-mile radius of San Francisco International Airport including extensions to the northwest, east and southeast. The Federal Aviation Agency has under consideration redesignation of this control zone within a 7-mile radius of the San Francisco International Airport and the area bounded by the 7-mile radius of San Francisco control zone and the proposed 5-mile radius Oakland and Alameda control zones. The 7-mile radius zone at San Francisco would provide protection for trans-bay air activity, for departing aircraft and for aircraft executing instrument approaches to the San Francisco International Airport. It would also release airspace no longer required for the control of air traffic at San Francisco International Airport.

The Oakland and San Francisco High Density Air Traffic Zones are so designated that they would automatically conform to the modified San Francisco and Oakland control zones. Accordingly, no amendment relating to high density air traffic zones would be necessary.

If these actions are taken, the San Francisco, Calif., control zone, the Oakland, Calif., control zone, the Hayward, Calif., control zone and the NAS Alameda, Calif., control zone would be designated as follows:

San Francisco, California, Control Zone. Within a 7-mile radius of the San Francisco International Airport (latitude 37°37'07" N., longitude 122°22'35" W.), including the airspace bounded by the San Francisco 7-mile radius zone and on the northeast by the Oakland and NAS Alameda control zones, excluding that portion which would coincide with the Oakland control zone.

Oakland, California, Control Zone. Within a 5-mile radius of the Oakland International Airport (latitude 37°43'25" N., longitude 122°12'56" W.), excluding the portion subtended by a chord drawn between the points of intersection of this radius with the radius of the Alameda control zone.

Hayward, California, Control Zone. Within a 5-mile radius of the Hayward Airport (latitude 37°39'30" N., longitude 122°06'45" W.), excluding that portion which would coincide with the Oakland control zone.

NAS Alameda, California, Control Zone. Within a 5-mile radius of NAS Alameda (latitude 37°47'10" N., longitude 122°19'00" W.), excluding the portion subtended by a chord drawn between the points of intersection of this radius with the radius of the Oakland control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5261; Filed, June 9, 1960; 8:48 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–EC–21]

CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at the University of Illinois Airport, Champaign, Ill. This control

zone would be designated within a 5-mile radius of the University of Illinois Airport, within two miles either side of the 129° True radial of the Champaign VOR extending from the 5-mile radius zone to 12 miles southeast of the VOR, and within two miles either side of the 233° True radial of the Champaign VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR. The designation of this control zone would provide protection for aircraft conducting instrument approaches which are to be prescribed for the University of Illinois Airport.

If this action is taken, the Champaign, Ill., control zone would be designated within a 5-mile radius of the University of Illinois Airport (latitude 40°02'24" N., longitude 88°16'36" W.), within 2 miles either side of the 129° True radial of the Champaign VOR extending from the 5-mile radius zone to 12 miles southeast of the VOR, and within two miles either side of the 233° True radial of the Champaign VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5263; Filed, June 9, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-147]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2024 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering modifying the Amarillo, Tex., control zone. The Amarillo control zone is presently designated within a five-mile radius of the Amarillo Air Force Base/Municipal Airport and within 2 miles either side of the west course of the Amarillo radio range extending from the radio range station to a point 5 miles west, and within 2 miles either side of the east course of the radio range extending from the radio range station to a point 18 miles east. The instrument approaches based on the radio range have have been revised. In order to provide adequate protection for aircraft executing VOR, ADF and radio range approaches to the Amarillo AFB/Municipal Airport, it is proposed to revoke the present extensions and designate an extension within 2 miles either side of a line bearing 046° True from the Tradewind radio beacon, extending from the 5-mile radius zone to the Tradewind radio beacon and within 2 miles either side of the north course of the radio range extending from the radio range to 12 miles north.

If this action is taken, the Amarillo, Tex., control zone would be designated as follows: Within a 5-mile radius of the Amarillo, Tex., AFB/Municipal Airport (latitude 35°13'11" N., longitude 101°42'42" W.), within 2 miles either side of a line, bearing 046° True, from the Tradewind radio beacon, extending from the 5-mile radius zone to the Tradewind RBN and within 2 miles either side of the north course of the Amarillo, Tex., radio range from the radio range to 12 miles north.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5264; Filed, June 9, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-68]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2123 of the regulations of the Administrator, the substances of which is stated below.

The South Bend, Ind., control zone is presently designated within a 5-mile radius of St. Joseph County Airport extending two miles either side of the west course of the South Bend radio range to the New Carlisle fan marker, extending two miles either side of the South Bend ILS localizer course from the St. Joseph County Airport control zone to a point 10 miles east of the outer marker, and extending two miles either side of the 359° True radial of the South Bend VOR to a point 10 miles north of the VOR. The Federal Aviation Agency has under consideration the modification of the South Bend control zone by lengthening the present west extension based on the west course of the South Bend radio range to 12 miles west of the radio range, to provide protection for aircraft conducting prescribed standard radio range instrument approaches to St. Joseph County Airport. In addition, prescribed instrument approach procedures are being revised for the VOR approach and ADF approach to this airport which will eliminate the requirement for the control zone extensions presently provided for these approaches. Accordingly, the north extension based on the 359° True radial of the South Bend VOR and the east extension based on the South Bend ILS localizer course would be revoked.

If these actions are taken, the South Bend, Ind., control zone would be designated within a 5-mile radius of St. Joseph County Airport (latitude 41°42'15" N., longitude 86°18'50" W.), and within two miles either side of the west course of the South Bend radio range extending from the 5-mile radius zone to a point 12 miles west of the radio range.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5265; Filed, June 9, 1960; 8:46 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 60-WA-114]

RESTRICTED AREAS AND CONTROL AREAS

Modification of Restricted Area and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1386, 601.1464 and 608.18 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a modification of the Banana River, Fla., and Orlando, Fla., control area extensions and the Banana River Restricted Area R-162. The present Banana River control area extension includes the airspace south of latitude 28°22'00" N., bounded on the east by Warning Area W-497A, on the south by the 5-mile radius control zone at Patrick AFB, Fla. (§ 601.2153), on the west by Amber Federal airway No. 7. It is proposed to enlarge the Banana River control area extension to include the airspace designated as the Banana River, Fla., Restricted Area R-162 and the airspace within 5 miles either side of the 071° True radial of the Orlando VOR extending from the VOR to VOR Federal airway No. 3. Concurrently with this action, it is proposed to delete reference to Amber Federal airway No. 7 in the description of the Banana River control area extension and to substitute therefor VOR Federal airway No. 3, because of the diminishing requirements for and gradual phasing out of L/MF airways.

The Orlando, Fla., control area extension (§ 601.1386) presently includes the airspace within 5 miles either side of the 071° True radial of the Orlando VOR extending from the Orlando VOR to the Wilmington, N.C., control area extension (§ 601.1150), excluding the airspace below 14,000 feet MSL lying between the eastern edge of VOR Federal airway No. 3 and the western edge of the Wilmington control area extension. It is proposed to redesignate the Orlando control area extension to include the airspace within 5 miles either side of the Orlando VOR 071° True radial extending from the eastern edge of the Banana River control area extension, as proposed for revision herein, to the Wilmington, N.C., control area extension, excluding the airspace below 14,000 feet MSL. Redesignation of the Orlando control area extension, as proposed herein, would not affect that portion of this control area extension which is presently designated outside the United States.

The Banana River, Fla., Restricted Area R-162 is presently used for missile operations by the Department of Army, Navy, and Patrick AFB, Cocoa, Fla., and includes 372 square miles beginning at latitude 28°50'00" N., longitude 80°50'00" W., thence due east to a point 3 nautical miles from the shoreline at longitude 80°41'35" W., southerly paralleling the shoreline at a distance of 3 nautical miles to latitude 28°22'00" N., longitude 80°33'00" W., due west to latitude 28°22'00" N., longitude 80°38'00" W., north-northwest to latitude 28°50'00" N., longitude 80°50'00" W., point of beginning. Designated altitudes are unlimited, excluding the portion which overlaps the Orlando control area above 13,000 feet MSL. Time of use is continuous. Controlling agency is the Department of Air Force, Army, Navy and Patrick AFB. It is proposed to change the Banana River Restricted Area R-162 to a joint use restricted area; designate the Federal Aviation Agency, Miami Air Route Traffic Control Center, as the controlling agency and revoke the altitude restriction in the portion of R-162 which coincides with the Orlando Control area extension.

Enlarging the Banana River control area extension and modifying the Banana River Restricted Area (R-162), would facilitate air traffic management by providing additional controlled airspace within R-162 for holding aircraft at the Titusville, Fla., intersection (intersection of the Orlando VOR 071° and the Daytona Beach, Fla., VOR 141° True radials). It would also provide controlled airspace for radar vectoring aircraft departing and arriving Patrick AFB, Fla. If the Banana River control area extension is modified as proposed herein, it would coincide with the western portion of the Orlando control area extension. The proposed modifications to the Orlando control area extension would eliminate this duplication and would simplify the description of the Orlando control area extension.

If these actions are taken, the Banana River, Fla., control area extension would be redesignated to include the airspace bounded on the north by latitude 28°50'00" N., on the east by a line 3 nautical miles east of and parallel to the shoreline, on the south by the Patrick AFB, Fla., 5-mile radius control zone, on the west by VOR Federal airway No. 3, including the airspace 5 miles either side of the Orlando, Fla., VOR 071° True radial extending from the Orlando VOR to VOR Federal airway No. 3. The Orlando, Fla., control area extension would be redesignated to include the airspace within 5 miles either side of the 071° True radial of the Orlando, Fla., VOR extending from the Banana River, Fla., control area extension to the Wilmington, N.C., control area extension (§ 601.1150), excluding the airspace below 14,000 feet MSL. The Banana River Restricted Area (R-162), would be redesignated to include the area beginning at latitude 28°50'00" N., longitude 80°50'00" W., thence due east to a point three nautical miles from the shoreline at longitude 80°41'35" W., southerly paralleling the shoreline at a distance of 3 nautical miles to latitude 28°22'00" N., longitude 80°33'00" W., due west to latitude 28°22'00" N., longitude 80°38'00" W., north-northwest to latitude 28°50'00" N., longitude 80°50'00" W., the point of beginning. Designated altitudes would be unlimited. Time of designation would be continuous. The controlling agency would be Miami Air Route Traffic Control Center.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record

for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5266; Filed, June 9, 1960; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-135]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3469), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.516 of the regulations of the Administrator, the substance of which is stated below.

In an amendment to § 602.516 of the Regulations of the Administrator, published in the FEDERAL REGISTER on March 22, 1960 (25 F.R. 2368), as Airspace Docket No. 59-WA-173, VOR/VORTAC jet route No. 16 was modified by redesignating it to extend from Portland, Oreg., to Pullman, Mich., and from Buffalo, N.Y., to Boston, Mass., effective April 28, 1960. As stated in Airspace Docket No. 59-WA-173, the amendment represented a change from the published Notice of Proposed Rule Making (24 F.R. 8657), which had proposed designation of the first portion of Jet Route 16-V to terminate at Peck, Mich. The designation of the segment of this jet route from Pullman to Peck was deferred. To provide continuity of Jet Route 16-V within the United States, the Federal Aviation Agency is now proposing its extension from the Pullman VOR via the Peck VOR and the Peck VOR 100° True radial to the United States-Canadian Border; and from the United States-Canadian Border via the Buffalo VOR 274° True radial to the Buffalo VOR.

If this action is taken, VOR/VORTAC jet route No. 16 would be modified by extending it from Pullman, Mich., via Peck, Mich., and the Peck VOR 100° True radial to the United States-Canadian Border; and from the United States-Canadian Border via the Buffalo, N.Y., VOR 274° True radial to Buffalo.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5264; Filed, June 9, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PRODUCERS LIVESTOCK MARKETING ASSN. ET AL.

Proposed Posting of Stockyards

The Chief of the Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Producers Livestock Marketing Association, Artesia, Calif.
Los Angeles Livestock Market, City of Industry, Calif.
Cunningham Stock Yards, Abington, Conn.
Galesburg Livestock Auction, Galesburg, Ill.
Rayville Livestock Auction, Inc., Rayville, La.
Austin Livestock Sales Barn Co., Austin, Minn.
Bethany Livestock Auction, Inc., Bethany, Mo.
Midwest Livestock Commission Co., Fallon, Nev.
Livestock Cooperative Auction Market Association of North Jersey, Inc., Hackettstown, N.J.
New Mexico Livestock, Inc., Artesia, N. Mex.
Miller's Livestock Market, Argyle, N.Y.
Rusyniak Sales, Camillus, N.Y.
Dupont's Commission Auctions, Fort Plain, N.Y.
Dupont's Commission Auctions, Little Falls, N.Y.
Norwich Commission Sale, Norwich, N.Y.
Owego Livestock Sales, Owego, N.Y.
Pavilion Livestock Market, Pavilion, N.Y.
Sennett Sales Co., Sennett, N.Y.
Raymond Gentner Commission Market, Springville, N.Y.
Rugby Livestock Sales, Rugby, N. Dak.
Farmers & Ranchers Livestock Commission, Wister, Okla.
Cen-Tex Livestock Commission Co., Giddings, Tex.
Bosque County Commission Co., Meridian, Tex.
Holmes Live Stock Commission, Weatherford, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of June 1960.

DONALD L. BOWMAN,
Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 60-5290; Filed, June 9, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets F-44, 50-56]

AEROJET-GENERAL NUCLEONICS AND AEROJET-GENERAL CORP.

Notice of Termination of Licenses

Please take notice that the Atomic Energy Commission has terminated (1) License R-14 which authorized Aerojet-General Nucleonics (AGN) to possess and operate nuclear reactor Model AGN-201, Serial No. 108 and to transfer said reactor to any person licensed to acquire it and (2) License R-16 which authorized Aerojet-General Corporation (AGC) to acquire the title to nuclear reactor Model AGN-201, Serial No. 108 from Aerojet-General Nucleonics and to transfer said title to any person licensed by the AEC to acquire it. The licenses were terminated in accordance with requests from AGN dated May 2, 1960, and AGC dated May 10, 1960, since the reactor has been sold by AGN to Argonne National Laboratory.

Dated at Germantown, Md., this 3d day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-5250; Filed, June 9, 1960; 8:45 a.m.]

[Docket No. 50-157]

CORNELL UNIVERSITY

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to Cornell University, a construction permit substantially as set forth below for a TRIGA reactor facility to be constructed on the University's campus in Ithaca, New York, unless within fifteen (15) days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by Cornell University (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 6th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

Proposed Construction Permit

1. By application dated February 24, 1960, (hereinafter referred to as "the application") Cornell University requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities" Title 10, Chapter I, CFR, authorizing construction and operation on the Cornell University campus in Ithaca, New York, of a 10 kilowatt (thermal) TRIGA reactor facility (hereinafter referred to as "the facility").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act").

C. Cornell University is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Cornell University and its contractors Vitro Engineering Company, a Division of Vitro Corporation of America, and General Atomic Division of General Dynamics Corporation, are technically qualified to design, construct and operate the facility.

E. Cornell University has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Cornell University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Cor-

nell University to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is March 1, 1961. The latest date for completion of the facility is September 30, 1961. The term "completion date" as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located at the location on the campus of Cornell University in Ithaca, New York, specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless Cornell University has submitted to the Commission (by amendment of the application) additional data required to complete the hazards evaluation and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

5. Upon completion (as defined in paragraph "3A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Cornell University pursuant to Section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-5279; Filed, June 8, 1960; 8:49 a.m.]

[Docket No. 50-94]

NORTH AMERICAN AVIATION, INC.

Notice of Proposed Issuance of Construction Permit and Amended Facility License

Please take notice that the Atomic Energy Commission proposes to issue to North American Aviation, Inc., a construction permit substantially as set forth in Appendix "A" below for a 10 watt nuclear research reactor to be installed at the DeSoto facility of Atomics International Division, North American Aviation, Inc., in Canoga Park, California, unless within fifteen (15) days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission by the applicant or an intervener as provided by the Commission's rules of practice (10 CFR Part 2). Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

This reactor has operated since May 17, 1958 at the Vanowen facility of Atomics International Division, North American Aviation, Inc., in Canoga Park, California. The construction permit and the amended facility license described below would authorize the movement, subsequent possession and operation of the reactor from the Vanowen facility to its new location at the DeSoto facility. This license will also incorporate as part of the operating requirements, the loading and unloading procedures specified in Amendment No. 3 to the application dated February 8, 1960. Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license substantially as set forth in Appendix "B" below authorizing operation of the facility by North American Aviation, Inc., if it is found that construction of the facility has been completed in compliance with the terms and conditions contained in the construction permit and that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the Act. Upon conversion of the construction permit to a Class 104 license, notice of the issuance of the Class 104 license will be published in the FEDERAL REGISTER and a period of thirty days will be provided within which requests for a formal hearing with respect to the issuance of said license may be filed with the Commission.

For further details see (1) the application submitted by North American Aviation, Inc., and amendments thereto, and (2) the hazards analyses of the loading and unloading procedures and of the construction and operation at the proposed site prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation (Appendices "C" and "D" below), all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 3d day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

APPENDIX "A"

[Construction Permit No. CPRR-54]

1. By application dated January 20, 1958, and amendments thereto dated March 26, 1958, April 15, 1958, September 25, 1959, February 8, 1960, and March 29, 1960 (hereinafter collectively referred to as "the application"), North American Aviation, Inc. requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities," Title 10, Chapter I, CFR, authorizing construction and operation at the DeSoto facility of Atomics International Division, North American Aviation, Inc. in Canoga Park, California, of a 10 watt solution-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. North American Aviation, Inc. is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. North American Aviation, Inc. is technically qualified to construct and operate the reactor.

E. North American Aviation, Inc. had submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to North American Aviation, Inc. will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to North American Aviation, Inc. to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is June 23, 1960. The latest date for completion of the recator is July 10, 1960. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the DeSoto facility of Atomics International Division, North American Aviation, Inc. in Canoga Park, California, specified in the application.

4. Upon completion (as defined in paragraph "3A" above) of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to North American Aviation, Inc. pursuant to section 104c of the Act, which license shall expire at midnight May 16, 1978.

Date of issuance:

For the Atomic Energy Commission.

APPENDIX "B"

[License No. R-40; Amdt. 1]

License No. R-40 is revised in its entirety to read as follows:

1. The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The solution-type 10 watt nuclear research reactor authorized for construction by Construction Permit CPRR-54 issued to North American Aviation, Inc., has been constructed in accordance with the specifications contained in the application.

B. There is reasonable assurance that the reactor can be operated without endangering the health and safety of the public;

C. North American Aviation, Inc., is technically and financially qualified to operate the reactor;

D. Issuance of a license to possess and operate the reactor will not be inimical to the common defense and security or to the health and safety of the public;

E. North American Aviation, Inc., has submitted proof of financial protection which satisfies the requirements of Commission regulations which are currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses North American Aviation, Inc.:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess and operate as a utilization facility the nuclear research reactor designated below:

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to possess and use 1.5 kilograms of contained uranium-235 as fuel for operation of the reactor;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material" to possess but not to separate, such byproduct material as may be produced in the operation of the reactor.

3. This license applies to the reactor which is owned by North American Aviation, Inc., and located at Canoga Park, California, and described in North American Aviation, Inc.'s application dated January 20, 1958, and amendments thereto dated March 26, 1958, April 15, 1958, September 25, 1959, February 8, 1960, and March 29, 1960, (herein referred to as "the application"). The reactor is of the solution-type, is moderated by light water and uses as fuel a solution of uranyl sulfate containing uranium enriched to 20 percent or more in the isotope uranium-235. It is designed to operate at a thermal power level of ten (10) watts and is designated by North American Aviation, Inc., as the "L-77" reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

a. *Operating restrictions.* (1) North American Aviation, Inc., shall operate the facility in accordance with the application.

(2) North American Aviation, Inc., shall not operate the reactor at a power level in excess of 10 watts (thermal).

(3) Materials having a reactivity value in excess of 0.5 percent may not be inserted into the exposure tubes.

b. *Records.* In addition to those otherwise required under this license and applicable regulations, North American Aviation, Inc., shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of North American Aviation, Inc., as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

c. *Reports.* North American Aviation, Inc., shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight May 16, 1978.

Date of issuance:

For the Atomic Energy Commission.

APPENDIX "C"

HAZARDS ANALYSIS OF L-77 AMENDMENT NO. 3, DATED FEBRUARY 8, 1960

General: This amendment describes in detail the latest loading and unloading procedures for this reactor, as a result of our previous requests for additional information on the subject.

Hazards analysis. The procedures in this amendment are complete, and provide a clear step-by-step method for loading or unloading the liquid fuel for this reactor. The loading increments are specified, and represent the customary limits to provide adequate safety during the loading procedure. Emergency procedures are specified which are acceptable for the situations one could credibly expect to encounter.

Conclusions. The procedures described in this amendment provide an adequate degree of assurance that this reactor can be loaded and unloaded without any undue hazard to the public or to the operating personnel.

Dated:

Chief, Hazards Evaluation Branch, Division of Licensing and Regulation.

APPENDIX "D"

HAZARDS ANALYSIS OF L-77 AMENDMENT NO. 4 DATED MARCH 29, 1960

Hazards associated with the operation of this ten watt research reactor at the Vanowen site, Canoga, Park, California, have been reviewed previously. The present amendment proposes no changes in the design, construction or operation of the reactor (which will be moved intact), so these will not be dealt with further at this time.

However, a new site is proposed, and has been analyzed. Since only insignificant amounts of activity are released from this reactor under normal operation, or even in the maximum credible accident, the nature of the site beyond the company property line is not very important. The new location, which will be at the Company's DeSoto site, also in Canoga Park, is no more densely populated than the previous one, and the distance to the nearest residence is approximately 700 feet, which is quite adequate for such a small reactor.

A separate room is provided for the reactor, with an adjacent control room and viewing window. Access to both rooms is controlled by the reactor operator. Fire protection and emergency exits are provided. Air monitors and exhaust filters are installed in the new reactor room.

We believe that operation of this reactor at the proposed new site will not constitute an undue hazard to the health and safety of the public.

Dated:

EMORY G. CASE,
Acting Chief, Hazards Evaluation Branch, Division of Licensing and Regulation.

[F.R. Doc. 60-5281; Filed, June 9, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9034]

WHEELING-NEW YORK NONSTOP

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the oral argument in the above-entitled proceeding now assigned for June 15 is postponed to a date to be later assigned.

Dated at Washington, D.C., June 7, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5284; Filed, June 9, 1960; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13501; FCC 60M-973]

CONCORD KANNAPOLIS BROADCASTING CO.

Order Continuing Hearing

In re application of Concord Kannapolis Broadcasting Company, Concord, North Carolina, Docket No. 13501, File No. BPH-2826; for construction permit (FM).

It is ordered, This 6th day of June 1960, that hearing in the above-entitled proceeding, which is presently scheduled for June 7, 1960, is continued to June 9, 1960, and will be held in the offices of the Commission, Washington, D.C., commencing at 8:45 a.m.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5267; Filed, June 9, 1960; 8:46 a.m.]

[Docket Nos. 13548-13578; FCC 60-642]

CLEVELAND BROADCASTING, INC. (WERE-TV) ET AL.

Order Designating Applications for Oral Argument

In re applications of Cleveland Broadcasting, Incorporated (WERE-TV), Cleveland, Ohio, Docket No. 13548, File No. BMPCT-4210; Northwestern Television Broadcasting Corp. (WTLE), Evanston, Illinois, Docket No. 13549; File No. BMPCT-4211; The Thames Broadcasting Corporation (WNLC-TV), New London, Connecticut, Docket No. 13550, File No. BMPCT-4217; Star Broadcasting Co., Inc. (WCBF-TV), Rochester, New York, Docket No. 13551, File No. BMPCT-4228; Herbert Mayer tr/as Ajax Enterprises (WPHD), Philadelphia, Pennsylvania, Docket No. 13552, File No. BMPCT-4246; David E. Mackey (WOCN), Atlantic City, New Jersey, Docket No. 13553, File No. BMPCT-4247;

Herbert Mayer tr/as Ajax Enterprises (WXEL), Boston, Massachusetts, Docket No. 13554, File No. BMPCT-4250; Connecticut Radio Foundation, Incorporated (WELI-TV), New Haven, Connecticut, Docket No. 13555, File No. BMPCT-4252; Hazelton Television Corporation (WAZL-TV), Hazelton, Pennsylvania, Docket No. 13556, File No. BMPCT-4253; Robert W. Rounsaville (WCIN-TV), Cincinnati, Ohio, Docket No. 13557, File No. BMPCT-4256; WHFC, Inc. (WEHS-TV), Chicago, Illinois, Docket No. 13558, File No. BMPCT-4258; Air-Pix Corporation (WTVX), Gastonia, North Carolina, Docket No. 13559, File No. BMPCT-4260; Business Management, Inc. (WFOX-TV), Milwaukee, Wisconsin, Docket No. 13560; File No. BMPCT-4261; J. D. Wrather, Jr. (WJDW), Boston, Massachusetts, Docket No. 13561, File No. BMPCT-4274.

WKAP, Inc. (WQCY), Allentown, Pennsylvania, Docket No. 13562, File No. BMPCT-4279; Cornell University (WHCU-TV), Ithaca, New York, Docket No. 13563, File No. BMPCT-4297; Woodward Broadcasting Company (WBID-TV), Detroit, Michigan, Docket No. 13564, File No. BMPCT-4310; Woodward Broadcasting Company (WTOH-TV), Toledo, Ohio, Docket No. 13565, File No. BMPCT-4311; Tri-Cities Telecasting, Inc. (WTLC), Canton, Ohio, Docket No. 13566, File No. BMPCT-4552; Philadelphia Broadcasting Co., Inc. (WSES), Philadelphia, Pennsylvania, Docket No. 13567, File No. BMPCT-4709; Harman LeRoy Stevens and John F. Wismer d/b as Stevens-Wismer Broadcasting Company (WHLS-TV), Port Huron, Michigan, Docket No. 13568, File No. BMPCT-4743; Peninsular Broadcasting Company (WMCN), Grand Rapids, Michigan, Docket No. 13569, File No. BMPCT-4761; Birmingham Television Corporation (WBMG), Birmingham, Alabama, Docket No. 13570, File No. BMPCT-4765; Peoples Broadcasting Company (WLAN-TV), Lancaster, Pennsylvania, Docket No. 13571, File No. BMPCT-5125; WGAL, Inc. (WRAK-TV), Williamsport, Pennsylvania, Docket No. 13572, File No. BMPCT-5150; Malco Theatres, Inc. (WAMT), Memphis, Tennessee, Docket No. 13573, File No. BMPCT-5193; Malco Theatres, Inc. (WTMV), Utica, New York, Docket No. 13574, File No. BMPCT-5194; Malco Theatres, Inc. (KMPT-TV), Oklahoma City, Oklahoma, Docket No. 13575, File No. BMPCT-5222; Sherrill C. Corwin (KMYR), Los Angeles, California, Docket No. 13576, File No. BMPCT-5412; construction permits for extension of completion date.

O'Neill Broadcasting Company (KTRB-TV), Modesto, California, Docket No. 13577, File No. BPCT-2484; Sherrill C. Corwin (KFMX-TV), San Diego, California, Docket No. 13578, File No. BPCT-2657; for replacement of expired construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of June 1960;

The Commission having under consideration the above-captioned applications for additional time within which to complete construction; and

It appearing that the above-named applicants are the permittees of UHF television broadcast stations on which no construction has been commenced; and

It further appearing that the Commission advised the applicants by letter dated February 24, 1960, that it could not determine that a grant of the requests for additional time within which to complete construction would be warranted, since it had been unable to find that the applicants had been diligent in proceeding with construction or that applicants were prevented from completing construction by causes beyond their control; and

It further appearing that the above-named applicants were also advised that unless they informed the Commission that they desired to prosecute their applications further, their construction permits would be cancelled and their call letters deleted; that their reasons for not proceeding with construction entitled them at most to oral argument on the question of whether failure to complete was due to causes not under their control or that the reasons stated are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended; that the above-named applicants were further advised that if they were of the opinion that they were entitled to an evidentiary hearing, they would have to specify with particularity the issues and facts in support thereof; and

It further appearing that Malco Theatres, Inc. (KMPT-TV, WAMT, WTMV), Herbert Mayer tr/as Ajax Enterprises (WXEL, WPHD), WHFC, Inc., Connecticut Radio Foundation, Inc., Cleveland Broadcasting, Inc., Cornell University, Stevens-Wismer Broadcasting Company, J. D. Wrather, Jr., David E. Mackey, Philadelphia Broadcasting Co., Inc., Northwestern Television Broadcasting Corp., and Tri-Cities Telecasting, Inc., have replied to the Commission's letter and have requested oral argument; and

It further appearing that Sherrill C. Corwin (KFMX-TV, KMYR-TV), WGAL, Inc., The Thames Broadcasting Corporation, Air-Pix Corporation, and Peoples Broadcasting Company in their replies to the Commission's letter have indicated their desire to prosecute further their applications, but have failed to request either oral argument or evidentiary hearing; that the Commission believes that their requests for further extension should be treated as requests for oral argument; and

It further appearing that Tri-Cities Telecasting, Inc., Hazleton Television Corporation, WKAP, Inc., Robert W. Rounsaville, Woodward Broadcasting Company (WTOH-TV, WBID-TV), Star Broadcasting Co., Inc., Peninsular Broadcasting Company, Business Management, Inc., and Birmingham Television Corporation, have each requested evidentiary hearing; that Tri-Cities, Hazleton, WKAP, Inc., and Rounsaville have not specified issues; that Woodward, Star, Peninsular, and Birmingham have specified issues; that the Commission upon due consideration finds that none of the matters and facts specified by the applicants in support of the requests for evidentiary hearing is sufficient to warrant such a hearing; and that, therefore, the Commission is of the view that they are only entitled to oral argument.

It is ordered, That the requests of Tri-Cities Telecasting, Inc., Hazleton Television Corporation, WKAP, Inc., Robert W. Rounsaville, Woodward Broadcasting Company, Star Broadcasting Co., Inc., Peninsular Broadcasting Company, Business Management, Inc., and Birmingham Television Corporation for evidentiary hearing, are denied.

It is further ordered, That the above-captioned applications are designated for oral argument before the Commission en banc in Washington, D.C. at a time to be specified in a subsequent order on the following issue: To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.323(a) of the Commission's rules.

It is further ordered, That to avail themselves of the opportunity to be heard each of the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until 10 days prior to oral argument to file briefs or memoranda of law.

Released: June 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5293; Filed, June 9, 1960; 8:51 a.m.]

[Docket No. 13527; FCC 60M-977]

BABYLON-BAY SHORE BROADCASTING CORP. (WBAB)

Order Scheduling Prehearing Conference

In re application of Babylon-Bay Shore Broadcasting Corp. (WBAB), Babylon, New York, Docket No. 13527, File No. BP-12538, for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 6th day of June 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 9:00 a.m., June 27, 1960.

Released: June 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5294; Filed, June 9, 1960; 8:51 a.m.]

[Docket Nos. 13586, 13587; FCC 60M-981]

JAMES C. FIELDS AND ALL-FLORIDA COMMUNICATIONS CO.

Order Scheduling Hearing

In re applications of James C. Fields, Tampa, Florida, Docket No. 13586, File No. 1964-C2-R-60; for a renewal of the license for Station KIK578 in the Domestic Public Land Mobile Radio Service at Tampa, Florida; Alan H. Rosenson, d/b as All-Florida Communications Company, Tampa, Florida, Docket No. 13587, File Nos. 2335-C2-MP-60; for a modification of the construction permit for Station KIQ516 in the Domestic Public Land Mobile Radio Service at Tampa, Florida.

It is ordered, This 7th day of June 1960, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence September 12, 1960; and that, in accordance with the Commission's order of hearing designation in the proceeding (FCC 60-646; Mimeo No. 88811), hearings will be held in the Offices of the Commission, Washington, D.C., and at such places in Tampa and St. Petersburg, Florida, as may be designated by the presiding officer.

Released: June 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5295; Filed, June 9, 1960; 8:51 a.m.]

CHARLES P. B. PINSON, INC.

Order Scheduling Hearing

In re applications of Charles P. B. Pinson, Inc.: for a construction permit to change location and change antenna at existing licensed two-way station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13579, File No. 683-C2-P-59; for a construction permit to change location and change antenna at existing licensed one-way station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13580, File No. 684-C2-P-59; for a construction permit to establish a new one-way signaling facility in the Domestic Public Land Mobile Radio Service at Clearwater, Florida, Docket No. 13581, File No. 785-C2-P-59; for a modification of construction permit to extend date of required completion of construction and change control point for station KIN652 in the Domestic Public Land Mobile Radio Service at Jacksonville, Florida, Docket No. 13582, File No. 263-C2-MP-60; for renewal of the license for station KIB296 in the Domestic Public Land Mobile Radio Service at Tampa, Florida, Docket No. 13583, File No. 207-C2-R-60; for renewal of the license for station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13584, File No. 1069-C2-R-60; for renewal of the license for station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13585, File No. 1380-C2-R-60.

It is ordered, This 7th day of June 1960, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence September 12, 1960; and that, in accordance with the Commission's order of hearing designation in the proceeding (FCC 60-645; Mimeo No. 88810), hearings will be held in the Offices of the Commission, Washington, D.C., and at such places in Tampa and St. Petersburg, Florida, as may be designated by the presiding officer.

Released: June 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5297; Filed, June 9, 1960; 8:51 a.m.]

[Docket No. 13589; FCC 60M-979]

DON GULOVSEN

Order Continuing Hearing

In the matter of Don Gulovsen, c/o The Warden, United States Penitentiary, Alcatraz, California, Docket No. 13539, suspension of restricted radiotelephone operator permit.

It is ordered, This 7th day of June 1960, on the Hearing Examiner's own motion, that hearing in the above-entitled proceeding, which by order released May 27, 1960, was scheduled to be held June 30, 1960, is continued to a date to be specified by subsequent order:

And it is further ordered, That the motion for postponement of hearing, filed June 6, 1960, by the Chief of the Commission's Field Engineering and Monitoring Bureau, is dismissed as moot.

Released: June 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5296; Filed, June 9, 1960; 8:51 a.m.]

[Docket No. 13513; FCC 60M-978]

NATIONAL AMBULANCE & OXYGEN SERVICE, INC.

Order Scheduling Prehearing Conference and Continuing Hearing

In the matter of National Ambulance & Oxygen Service, Inc., Rochester, New York, Docket No. 13513; order to show cause why the license for Special Emergency Radio Station KED-879 should not be revoked or, in the alternative, why a cease and desist order should not be issued.

The Hearing Examiner having under consideration a statement of appearance filed in behalf of the above-named respondent in this proceeding on May 25, 1960, by the law firm of Fitzgerald and Fitzgerald, Rochester, New York, wherein respondent requests a field hearing and "a statement specifying the acts, dates, methods used, etc., complained of" in the show cause order instituting this proceeding; and an "Opposition" filed June 6, 1960, by the Chief of the Commission's Safety and Special Radio Services Bureau, the only other party to the proceeding, opposing the request for "a statement" etc. but requesting the scheduling of a prehearing conference in Washington, D.C. on June 27, 1960, and the adjournment of the presently scheduled hearing date until a date to be determined at the prehearing conference;

It appearing that insofar as the respondent's statement of appearance may be construed as a motion for the production of certain information (it merely expresses appreciation "by the undersigned if we could receive a statement") this is a matter properly open for discussion at the prehearing conference to be scheduled herein;

It appearing further that the request for a field hearing is not before the Hearing Examiner at this time inasmuch as this is a matter to be considered by the Chief Hearing Examiner under the Commission's rules;

It appearing further that a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, should be held in this proceeding for a discussion of the questions of fact and of law involved and the establishment of procedures which will protect the rights of the parties and at the same time promote the orderly and expeditious development of a record to the end that the case will be ripe for initial decision at the earliest date practicable;

It is ordered, This 7th day of June, 1960, that, except for the request for a field hearing, the respondent's motion is denied, but that a prehearing conference for a discussion of the questions raised by the respondent, as well as the other matters specified in § 1.111 of the Commission's rules, is hereby scheduled for 10:00 a.m., Monday June 27, 1960, at the Commission's offices, Washington, D.C.;

It is ordered further, That the parties are to be prepared fully at said prehearing conference to discuss the practicability and advisability of reducing as much as possible of their respective presentations to written form;

It is ordered further, That the hearing, which is presently scheduled to commence on July 14, 1960, at the Commission's offices, Washington, D.C., is hereby continued until a date to be determined by further order after an opportunity is afforded to discuss

the matter at the said prehearing conference.[1]

Released: June 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5206; Filed, June 9, 1960; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6942]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

JUNE 6, 1960.

Take notice that on May 27, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Community Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of short-term unsecured promissory notes in the maximum principal amount of $3,000,000. According to the application, the aforesaid notes will be issued prior to June 30, 1961, when and as additional funds are required for Applicant's construction program; the notes will be issued to evidence loans from Fort Worth banking institutions, and the maturity of each note will not exceed 120 days from its date. The Applicant represents that it always received the prime rate for such loans in the Fort Worth area, currently 5 percent per annum, and expects that it will continue to do so with respect to said unsecured short-term promissory notes. The notes will be issued and dated at such time or times as other short-term bank loans are made or renewed on or before June 30, 1961. Applicant states that the purpose of the issuance and sale of the short-term promissory notes is reimbursement of its treasury for expenditures for the construction, completion, extension or improvement of its facilities.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 27th day of June 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5268; Filed, June 9, 1960; 8:47 a.m.]

[1] In order to conserve time at the prehearing conference the Hearing Examiner requests, to the extent it may be feasible to do so considering the distance involved, that counsel discuss informally and among themselves, with a view to arriving at advance agreement thereon, both the routine matter of a hearing date and as many of the other matters to be considered at the prehearing conference as possible.

[Docket No. G-17849, etc.]

EL PASO NATURAL GAS CO. ET AL.

Notice of Applications, Consolidation and Date of Hearing

JUNE 6, 1960.

El Paso Natural Gas Company, Docket No. G-17849; Northern Natural Gas Company, Docket No. G-18110; The Atlantic Refining Company, Docket No. G-17571; Phillips Petroleum Company, Operator, Docket No. G-17747; Socony Mobil Oil Company, Inc., Docket No. G-17842; Shell Oil Company, Operator, Docket No. G-17888; Pioneer Production Corporation, Operator, Docket No. G-18553; Riddell Petroleum Corporation, Docket No. G-18609; Pan American Petroleum Corporation, Operator, Docket No. G-18660; Sinclair Oil & Gas Company, Operator, Docket No. G-18748; H. H. Davis, Docket No. G-19672; The Superior Oil Company, Docket No. CI60-328; United Producing Company, Inc., Docket No. CI60-350.

Take notice that H. H. Davis, an individual with his principal place of business in the Bass Building, Enid, Oklahoma; The Superior Oil Company, a California corporation with its principal place of business at 400 Oil & Gas Building, Houston 2, Texas; and United Producing Company, Inc., a Maryland corporation, with its principal place of business at First City National Bank Building, Houston, Texas, each filed an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing each of them to render service as hereinafter described, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

The respective applicants propose to produce and sell to El Paso Natural Gas Company (El Paso) natural gas for transportation in interstate commerce for resale pursuant to their contracts with El Paso as summarized in the tabulation below:

Docket No.	Name of applicant	Date application was filed	Date of contract	Name and location of field	Initial price per Mcf @ 14.65 psia
					Cents
G-19672	H. H. Davis	10- 5-59	12-31-58	Highland Field, Beaver County, Okla.	21
CI60-328	The Superior Oil Co	3-15-60	2- 1-60	Beaver County, Okla.	21
CI60-350	United Producing Co	3-21-60	[1] 7-18-58	Clear Lake Field, Beaver County, Okla.	21

[1] Amended 12-17-58; 6-5-59; 12-23-59.

Notice of El Paso's application filed on February 16, 1959, in Docket No. G-17849 and Northern Natural Gas Company's (Northern) application filed on March 19, 1959, in Docket No. G-18110 was given in the Commission's order issued March 26, 1959, in the consolidated proceeding In the Matters of Northern Natural Gas Company, et al., Docket Nos. G-17485, et al., and published in the FEDERAL REGISTER on April 4, 1959 (24 F.R. 2628). By order issued April 16, 1959, in the proceeding in Docket Nos. G-17485, et al., and published in the FEDERAL REGISTER on April 23, 1959 (24 F.R. 3168), the Commission granted El Paso's petition to sever its application in Docket No. G-17849 and Northern's petition to sever its application in Docket No. G-18110 from the consolidated proceedings in Docket Nos. G-17485, et al., upon El Paso's assurances that it could provide a total of up to 475,000 Mcf of transportation-exchange gas for Northern's expansion proposals in Docket Nos. G-17485 and G-17486 without relying upon gas which El Paso proposes to purchase from the producers involved herein.

On June 2, 1960, El Paso filed its Second Supplement to Original Application in Docket No. G-17849 in which it proposes to construct and operate facilities, estimated to cost about $4,140,000, to transport and deliver into Northern's main line gas in quantities of up to 50,000 Mcf per day, such facilities to be financed by the use of current working funds or by making short-term bank loans as may be required. Northern proposes in Docket No. G-18110 to construct and operate an interconnection in Beaver County, Oklahoma, between its main system and the above mentioned El Paso Facilities.

By notice of the Commission dated December 28, 1959, published in the FEDERAL REGISTER on January 1, 1960 (25 F.R. 23), the above-mentioned pipeline applications were consolidated with eight independent producer applications, in which each producer proposes to produce and sell to El Paso natural gas for transportation in interstate commerce for resale.[1]

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 27, 1960 at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications:

Protests or petitions to intervene in Docket Nos. G-19672, CI60-328 and CI60-350 may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5281; Filed, June 9, 1960; 8:49 a.m.]

[1] The eight independent producer applications are listed in the heading of this notice.

[Docket No. G-18137]

TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

JUNE 3, 1960.

Take notice that the hearing in the above designated matter now scheduled to commence on June 13, 1960, is hereby postponed to July 12, 1960, at 10:00 a.m., e.d.s.t., in a Hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5269; Filed, June 9, 1960; 8:47 a.m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

CORRECTIONS TO LIST OF ARTICLES IMPORTED INTO UNITED STATES PROPOSED FOR CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS UNDER GENERAL AGREEMENT ON TARIFFS AND TRADE

In the FEDERAL REGISTER of May 28, 1960, there was published a notice of the Interdepartmental Committee on Trade Agreements of intention to conduct trade-agreement negotiations under the General Agreement on Tariffs and Trade with various foreign governments, to which notice was annexed a list of articles imported into the United States to be considered for possible modification of duties and other import restrictions (25 F.R. 4764-79). Certain errors and omissions have appeared which require correction. The list is accordingly corrected as follows:

Paragraph 28(a) [fourth]: The dash following "niacinamide" is changed to a semicolon.

Paragraph 59: The following is inserted between Paragraph 58 and Paragraph 60:

Paragraph 59. Opium.

Paragraph 60: "Ambergris;" is changed to read "Ambergris and civet;".

Paragraph 355: A comma is inserted after "butchers'".

The word "planters'" is changed to "painters'".

Paragraph 372: The language "for manufacturing or processing vegetable fibers (other than cotton) prior to making of fabrics or crocheted, knit, woven, or felt articles not made from fabrics;" is changed to read "for manufacturing or processing cotton prior to making of fabrics or crocheted, knit, woven, or felt articles not made from fabrics);".

Paragraph 397 [second]: A closing parenthesis is inserted before the period at the end of this paragraph.

Paragraph 710: The word "grading" (in two places) is changed to "grating".

Paragraph 1002: The word "or" before "flax" is changed to "of".

Paragraph 1504(b): The word "carludovia" is changed to "carludovica".

The language "and not bleached, dyed, colored, or stained" in the first clause is changed to read "and not bleached, dyed, colored, stained, or sewed".

Paragraph 1513: In the first clause, the word "and" before "of the laces" is changed to "any".

Paragraph 1530(c): In the third clause of the exceptions, the language "goat, kid, pig, and shark" is changed to read "goat, kid, and pig".

Paragraph 1541(a) [second]: The word "strings" is substituted for "srings".

By direction of the Interdepartmental Committee on Trade Agreements this 8th day of June 1960.

JOHN A. BIRCH,
Chairman, Interdepartmental Committee on Trade Agreements.

[F.R. Doc. 60-5329; Filed, June 9, 1960; 8:52 a.m.]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

Veterans Administration organization material is amended in its entirety to read as follows:

Sec.
1. General.
2. Central Office.
3. Field stations.
4. Addresses of Veterans Administration installations and jurisdictional areas of district offices.

SECTION 1. *General*—(a) *Authority and functions.* (1) The Veterans Administration administers laws authorizing benefits for former members of the Armed Forces and for the dependents and other beneficiaries of deceased former members of such forces. The Veterans Administration benefits available under various acts of Congress include: Compensation for service-connected disability or death; pension for non-service-connected disability or death; dependency and indemnity compensation; vocational rehabilitation for service-connected disability; education and training; war orphans' educational assistance; guaranty or insurance of home, farm, and business loans, and, under certain conditions, direct home loans; United States Government and National Service Life Insurance; insurance indemnity; hospitalization; domiciliary care; outpatient medical and dental care for service-connected disability; prosthetic and other appliances; special housing for certain seriously disabled veterans; automobiles or other conveyances for certain disabled veterans; World War I adjusted service certificates, a guardianship program for the protection of estates derived from Veterans Administration benefits paid to incompetent or minor beneficiaries; burial allowances; and burial flags. In addition the Veterans Administration administers the insurance section of the Soldiers' and Sailors' Civil Relief Act for persons in the active military service.

(2) The Veterans Administration was established as an independent agency under the President by Executive Order 5398, of July 21, 1930, in accordance with the act of July 3, 1930 (46 Stat. 1016). This act authorized the President to consolidate and coordinate Federal agencies especially created for or concerned in the administration of laws providing benefits for veterans.

(b) *General description of organization.* (1) The Veterans Administration is under the charge of the Administrator of Veterans Affairs, who is responsible for the administration of all laws governing the Veterans Administration.

(2) The Veterans Administration is organizationally divided as follows: Central Office, District Offices, Regional Offices, Veterans Benefits Office (D.C.), Hospitals, Centers, Outpatient Clinics, Domiciliaries, VA Offices, Supply Depots, Forms and Publications Depot, and a Data Processing Center.

SEC. 2. *Central office*—(a) *The Administrator.* The Administrator is responsible to the President for the administration of veterans' affairs and the laws which govern them. In him is vested the authority to operate Veterans Administration. He is directly responsible for the establishment of the basic policies governing agency operation; the development and maintenance of its basic organization structure; the interpretation of laws pertaining to veterans' affairs, and the establishment of supplementary regulations; the stimulation and approval of long-range plans; and the development and maintenance of favorable relations with important organizations, groups, and individuals interested in veterans' affairs. As head of an independent agency of the executive branch of the Government, the Administrator is the adviser to the President on veterans' affairs.

(b) *The Deputy Administrator.* The Deputy Administrator is the principal assistant to the Administrator in the overall administration of the Veterans Administration. He takes independent action for the Administrator on all problems affecting the Veterans Administration which do not require the Administrator's personal attention and acts for the Administrator in the latter's absence.

(c) *Associate Deputy Administrator.* (1) The Associate Deputy Administrator assists the Administrator and the Deputy Administrator in the overall administration of the Veterans Administration. He takes independent action for the Administrator on all problems affecting the Veterans Administration in the areas of office methods and administration, supply management, budget, construction, fiscal, personnel, management audits, and investigation and security, which do not require the personal attention of the Administrator or the Deputy Administrator.

(2) He acts for the Deputy Administrator in the latter's absence and for the Administrator in the absence of both the Administrator and the Deputy Administrator.

(3) The Assistant Administrators for Management Services, Appraisal, Construction, Personnel, and the VA Controller report to the Administrator and the Deputy Administrator through the Associate Deputy Administrator.

other matters to be considered at the pre-hearing conference as possible.

Beaver County, Oklahoma, between its

tions are listed in the heading of this notice.

(d) *Assistant Deputy Administrator.* The Assistant Deputy Administrator, as full operating assistant to the Administrator and the Deputy Administrator, participates in high-level policy discussions and contributes recommendations regarding solutions of problems and decisions to be made on all programs administered by Veterans Administration. As directed, he represents the Administrator with the Congress, other Federal agencies, and the Bureau of the Budget. He also acts for the Associate Deputy Administrator in the latter's absence and for the Deputy Administrator in the absence of both the Deputy Administrator and the Associate Deputy Administrator.

(e) *Policy and Evaluation Staff.* The Policy and Evaluation Staff is an integral part of the Office of the Administrator. Under the Chairman, this staff:

(1) Assists and advises the Administrator on basic policies, the basic organization of the agency, and in the development of the courses of action required to meet near and long-term problems.

(2) Stimulates research so that the Administrator has the information he needs to advise the President on veterans' affairs.

(3) Stimulates the development of standards of performance and evaluates agency performance through the top management reporting system.

(4) Provides staff support to the Administrator, Deputy Administrator, and the Associate and Assistant Deputy Administrators as required.

(f) *Construction Contract Appeals Board.* The Construction Contract Appeals Board is an integral part of the Office of the Administrator. Under the chairman, this board, by delegation of authority from the Administrator, acts as his authorized representative:

(1) To ascertain the facts and circumstances attending appeals by contractors from decisions of Veterans Administration contracting officers under construction and architect-engineer contracts.

(2) To render final decisions on such appeals in accordance with contract provisions.

(g) *Central office organization.* The central office of the Veterans Administration consists of the following staff offices and departments, the heads of which are directly responsible to the Administrator of Veterans Affairs for the proper performance of all the functions assigned to them:

STAFF OFFICES

Office of the Chairman, Board of Veterans Appeals.
Office of the General Counsel.
Office of the Controller.
Office of the Director, Information Service.
Office of the Assistant Administrator for Management Services.
Office of the Assistant Administrator for Appraisal.
Office of the Assistant Administrator for Construction.
Office of the Assistant Administrator for Personnel.

DEPARTMENTS

Department of Medicine and Surgery.
Department of Insurance.
Department of Veterans Benefits.

(h) *Staff offices—(1) Office of the Chairman, Board of Veterans' Appeals.* (i) The Chairman, pursuant to statute, has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities of the Board of Veterans Appeals in the consideration and determination of appeals for benefits under all laws administered by the Veterans Administration. Studies and identifies matters of policy and practice relating to administration of benefits and makes indicated recommendations to the Administrator.

(ii) The Vice Chairman serves as full assistant to the Chairman, Board of Veterans Appeals, in the discharge of his responsibilities, acts for him in his absence, and participates fully in the direction of all activities of the Board of Veterans Appeals.

(2) *Office of the General Counsel.* (i) The General Counsel: (*a*) Serves as chief officer of the Veterans Administration in all matters of law and legislation.

(*b*) As the chief law officer of the Veterans Administration, is responsible to the Administrator for the interpretation of all laws administered by or pertaining to the Veterans Administration, and for establishing precedents thereon through Administrator's decisions, binding upon all officers and employees of the Veterans Administration and upon all claimants and other persons concerned.

(*c*) Renders legal advice (formal and informal) and other legal services upon request to all department heads and top staff officers. Is the attorney for the Administrator in all civil actions in State courts and in independent actions in the Federal courts, and represents the Administrator in all actions in the Federal courts in cooperation with the Department of Justice, and keeps all interested Veterans Administration officials informed. Makes final disposition of tort claims with the limitations of the Federal Tort Claims Act, and renders cooperative assistance to the Department of Justice on all actions arising therefrom involving the Veterans Administration or any official thereof.

(*d*) Cooperates informally with all department heads and top staff officers in the formulation of governing regulations and amendments thereto and reviews for legal correctness all such regulations or directives.

(*e*) Serves as the point of contact with all governmental offices on legal and legislative matters, including, in addition to the Department of Justice, the Office of the Comptroller General, and the Judge Advocate General of the Armed Forces. Reports to the Department of Justice all matters arising in the Veterans Administration involving probable violation of Federal penal statutes and cooperates with the Department of Justice as requested in the disposition thereof.

(*f*) Is legal officer in security proceedings.

(*g*) Supervises and coordinates all matters pertaining to proposed legislation, Executive orders, and proclamations affecting the Veterans Administration, including the preparation of proposed legislation, Executive orders, and proclamations, and the preparation of all reports concerning such matters to committees of Congress, the President, the Bureau of the Budget, and other executive agencies.

(*h*) Develops and coordinates Veterans Administration policy pertaining to proposed legislation, Executive orders, and proclamations; and records such policy upon approval by the Administrator.

(*i*) Serves as a member of the Administrator's Policy Committee.

(*j*) Represents the Administrator in congressional committee and other hearings and in interdepartmental conferences on legislative matters.

(*k*) Receives and as directed by the Administrator disposes of all requests from congressional committees and subcommittees (other than appropriations) or their staffs, except oral requests for purely routine administrative data, and clears all letters and other communications to such committees initiated in the Veterans Administration.

(*l*) Collaborates and coordinates with the Controller legislative language in drafts of appropriation bills, amendments thereto, and related communications.

(*m*) Receives and as directed by the Administrator disposes of all requests on the Veterans Administration for preparation of drafts of bills or comment, formally or informally, on proposed legislation or to furnish information concerning pending legislation.

(*n*) Arranges for attendance of Veterans Administration personnel as witnesses or observers at meetings of congressional committees (other than appropriations). Receives and disposes of all requests for detail or assignment of personnel to work with congressional committees or their staffs.

(*o*) Prepares compilations of Federal laws pertaining to veterans, annotated, indexed, and cross-referenced, in accordance with 38 U.S.C. 215, or as otherwise authorized; and pamphlets, resumes, releases, and documents pertaining to veterans legislation, as required.

(*p*) Maintains liaison with the Senate and House Committees and contact activities in both Houses of Congress.

(*q*) Maintains legislative historical records and service therefrom.

NOTE: By agreement with the Chief Benefits Director and in the interests of economy, the services of Chief Attorneys will be utilized by the General Counsel in connection with litigation, claims under the Federal Tort Claims Act, legal questions or services concerning Veterans Administration components other than the Department of Veterans Benefits, and other legal matters within the jurisdiction of the General Counsel. In connection with these matters, direct communication between the General Counsel and the respective Chief Attorney is authorized.

(ii) The Deputy General Counsel acts as full assistant to the General Counsel in the discharge of his responsibilities and acts for the General Counsel in the latter's absence.

(3) *Office of the Controller.* The Controller: (i) Serves as the top fiscal officer of the Veterans Administration.

(ii) Formulates and recommends to the Administrator policies and plans pertaining to the following activities:

(*a*) Fiscal, accounting, performance standards, statistics, reports, budget, and financial audit.

(*b*) Basic report structure for top management use.

(*c*) Financial organization of the Veterans Administration.

(iii) Advises and assists the heads of the program departments and other top officials in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(iv) Interprets, for the Administrator, heads of departments, and other top officials, laws, regulations, decisions, and directives of other governmental bodies concerned with budgetary, statistical, accounting, and other controller matters.

(v) Serves as the principal representative of the Veterans Administration with the Bureau of the Budget, the Congress, the Treasury Department, the General Accounting Office, and other Government agencies on budget, appropriation, accounting, statistical, and all other controller matters, and provides for Veterans Administration participation with other Government agencies, international groups, and nongovernmental activities in controller matters in which the Veterans Administration has an interest, collaborating with the heads of operating departments as necessary.

(vi) Recommends to the Administrator initiation of new or revised legislation, as required, to improve areas of controller activities. Collaborates with the General Counsel in drafting legislative communications pertaining to controller matters.

(vii) Conducts special studies of statistical, fiscal, accounting, and budgetary matters, including costs and financial results of operations; appraises for the Administrator the cost or savings from changes in Veterans Administration plans.

(viii) Plans, formulates, recommends, and coordinates financial, budget, and statistical programs of the Veterans Administration internally and with other Government agencies.

(ix) Consolidates financial and statistical reports of the program departments to the extent required by the Administrator or required by other agencies, congressional committees, Members of Congress, and individuals.

(x) Conducts budgetary review and evaluation of capital improvement programs and construction plans for consistency with agency policies and objectives.

(xi) Promotes and coordinates career and personnel development in controller fields, including areas of specialized education and training.

(xii) Conducts research leading towards more effective financial management and takes necessary action to correct deficiencies; develops patterns for the establishment of pilot installations, and follows up on performance to assure continuing improvement in economy and effectiveness.

(xiii) Reviews and analyzes budget estimates of staff offices and departments and prepares apportionment and reapportionment requests and consolidated budgets of the Veterans Administration; maintains the general financial books of the Veterans Administration and establishes agency level controls over the expenditure and collection of funds.

(xiv) Controls the allocation, apportionment, and transfer of available funds to and among operating departments and staff services, maintains financial agencywide control accounts, and controls cash balances and funding transactions with Treasury Department.

(xv) Develops the official veteran population estimates for use throughout Veterans Administration and by other Government agencies and conducts research to develop basic demographic data on the veteran population.

(xvi) Evaluates antideficiency violations and takes indicated action in preparing and processing necessary reports to the President and the Congress.

(4) *Information Service.* The Director, Information Service: (i) Formulates and recommends to the Administrator basic policies governing Veterans Administration public information programs.

(ii) Counsels and advises the Administrator and other levels of management where public interest is involved in the determination of Veterans Administration policy.

(iii) Reviews and coordinates programs for informing the public of Veterans Administration's activities in areas of special interest to operating departments.

(iv) Keeps informed of and appraises for the Administrator the results of public information programs.

(v) Develops and maintains relationships with national information outlets and contacts.

(vi) Obtains, assembles, prepares, and coordinates information for release through press, radio, and other media to advise veterans and dependents on benefits administered by the Veterans Administration and to provide information concerning the offices where applications for benefits may be made.

(vii) Obtains, assembles, prepares, and coordinates information for release through press, radio, and other media concerning operations of the Veterans Administration.

(viii) Reviews for possible policy conflicts and renders technical advice on the preparation of speeches, articles, pamphlets, posters, transcriptions, films, and other material for public distribution.

(5) *Office of the Assistant Administrator for Management Services.* The Assistant Administrator for Management Services: (i) Formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities: purchasing and supply, data processing systems and services, electronic communications, paperwork management, work analysis and improvement, mechanization of operations, visual aids, printing and reproduction, and civil defense and disaster relief.

(ii) Directs special studies and research in programs, practices, and techniques relating to the above activities to evaluate their possible application within Veterans Administration.

(iii) Advises and assists the Administrator, departments and staff offices in connection with these activities; and appraises for the Administrator the effectiveness and economy of these activities.

(iv) Serves as principal representative of the Veterans Administration with other government agencies and organizations, public and private, on matters pertaining to the above activities.

(v) Manages the office services support for Central Office.

(6) *Office of Assistant Administrator for Appraisal.* The Assistant Administrator for Appraisal: (i) Directs the conduct of investigations, surveys, inspections, and special studies authorized by the Administrator, Deputy Administrator, or Associate Deputy Administrator of Veterans Affairs.

(ii) Directs the conduct of internal audits of all activities and elements of Veterans Administration as a basis for protective and constructive service to management.

(iii) Directs the security program of the Veterans Administration. Designates sensitive positions and grants emergency interim security clearances authorized by the Administrator pending the completion of a full field investigation.

(iv) Advises and assists the Administrator on all matters involving:

(*a*) The establishment and continuation of appraisal programs agencywide.

(*b*) The appraisal of all activities of Veterans Administration through internal audit or investigation.

(*c*) The operation of the security program VA-wide.

(v) Furnishes advice, guidance and assistance to department heads and top staff officials in connection with their appraisal program.

(vi) Submits appraisals for the use of the Administrator, Deputy Administrator, or Associate Deputy Administrator of Veterans Affairs; disseminates information from these reports to the heads of departments and other top officials; and maintains controls to assure that corrective action is accomplished by the responsible officials in accordance with instructions of the Administrator.

(vii) As Employment Policy Officer for the Veterans Administration represents and acts for the Administrator in all matters coming within the purview of Executive Order 10590.

(viii) Maintains liaison and acts in cooperation with the officials of other departments and agencies of the Government on these matters.

(7) *Office of the Assistant Administrator for Construction.* (i) The Assistant Administrator for Construction: (*a*) As chief engineer of the Veterans Administration, formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(*1*) Design, construction, maintenance, and operation of buildings, structures, and utilities.

education, and training of disabled and

(2) Real property management, including acquisition, economical utilization protection, and disposal of real property and interests therein.

(3) Accident and fire prevention, fire protection, and disaster relief planning.

(b) Advises and assists the staff and the heads of the departments in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(c) Interprets administratively, for the Administrator and staff and the Chief Medical Director, the Chief Insurance Director, and the Chief Benefits Director, regulations, decisions, and directives of other governmental bodies concerned with these activities.

(d) Upon consultation with heads of operating departments concerned, develops and takes action to obtain necessary approvals of fiscal year construction programs to provide, convert, and preserve facilities (except operational maintenance and repair), meeting requirements of the operating departments, and consistent with current legislative and executive policy and Veterans Administration responsibility for preservation of real property assets.

(e) Formulates, for inclusion in the consolidated Veterans Administration budget, annual estimates for Veterans Administration construction programs, and participates, with the Controller and department heads concerned, in presentation of the budget for construction programs before the Bureau of the Budget and the Congress.

(f) Directs and controls design and construction of hospital, domiciliary, and other facilities, major alterations, improvements, and repairs (exclusive of operational maintenance and repair), in conformation with professional standards and operating requirements as defined in collaboration with the operating departments concerned, and within established program and appropriation limitations.

NOTE: In the interest of economy, station services will be made available to the Assistant Administrator for Construction in furtherance of construction operations under his direction. In accordance with approved policy and upon request by the Assistant Administrator, the Chief Medical Director or the Chief Benefits Director or the Chief Insurance Director may direct a station Manager to provide administrative and/or supervisory services, as specified, and as authorized by the Assistant Administrator, in connection with construction projects to be accomplished, by contract or by purchase and hire, at or in the vicinity of the station. Such services will be provided under technical guidance of the Assistant Administrator for Construction, including required project reports to him or his designee, and project costs will be charged to indicated allotments or accounts under his control.

(g) Takes action for the Veterans Administration to acquire real property and property interests in fee, in accordance with approved program requirements, and to dispose of such real property and interests where excess to the needs of the Veterans Administration (not including transactions within the veterans' loan guaranty program).

(h) Acts as duly authorized representative of the Administrator under provisions of contracts related to assigned activities except hearing and decision appeals from the decisions of Veterans Administration contracting officers.

(ii) The Executive Assistant serves as full assistant to the Assistant Administrator in the discharge of his responsibilities and in the administering of all his functions and acts for the Assistant Administrator in the latter's absence; functions as engineering assistant and consultant on all phases of planning and construction; acts as coordinator of matters involving separate elements of the organization; and represents the Assistant Administrator in consultations with technical organizations, other government agencies, committees, etc.

(8) *Office of the Assistant Administrator for Personnel.* The Assistant Administrator for Personnel: (i) Serves as the top Personnel Officer of the Veterans Administration.

(ii) Advises and assists the Administrator on all matters involving personnel administration and personnel management.

(iii) Plans, formulates, and recommends agencywide personnel policies, programs, concepts, and approaches.

(iv) Develops agencywide objectives which will enable the Veterans Administration to obtain, develop, and maintain a contented and effective work force.

(v) Furnishes advice, guidance, and assistance to department heads and other program officials in connection with these activities.

(vi) Provides agency leadership in the establishment of positive and aggressive programs including career development, management-employee relations, and awards activities.

(vii) Conducts and coordinates research leading towards more effective selection, utilization, and training of Veterans Administration personnel.

(viii) Serves as the principal representative of the Veterans Administration with the Civil Service Commission, employee organizations, and other groups on all matters relating to personnel management.

(i) *Departments*—(1) *Department of Medicine and Surgery.* The Chief Medical Director has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities of the Department of Medicine and Surgery; insures complete medical and hospital service for the medical care and treatment of veterans as prescribed by the Administrator of Veterans Affairs pursuant to title 38, United States Code, and other statutory authority and regulations.

The Deputy Chief Medical Director serves as principal assistant to the Chief Medical Director in the discharge of his responsibilities, and acts for the Chief Medical Director in the latter's absence.

(i) *Office of the Assistant Chief Medical Director for Professional Services.* (a) Formulates and recommends to the Chief Medical Director policies and plans of departmentwide application pertaining to professional services in hospitals, domiciliaries and clinics. Coordinates the activities of the professional services and collaborates with the Assistant Chief Medical Directors for Operations, Dentistry, and Research and Education in Medicine, to achieve unified planning.

(b) Develops and recommends to the Chief Medical Director standards governing the kinds and quality of staff, facilities, equipment and supplies needed for an integrated program of medical and domiciliary care. Studies and recommends the geographic distribution of beds, by type.

(c) Advises and assists the Assistant Chief Medical Director for Operations on professional matters related to the operation of hospitals, domiciliaries and clinics.

(d) Appraises for the Chief Medical Director the effectiveness of policies and plans pertaining to professional services, and the validity of professional standards.

(e) Collects and disseminates information of a purely professional, nondirective nature, dealing with clinical and scientific matters, to professional staffs of hospitals, domiciliaries and clinics, and area medical offices.

(f) Formulates and recommends policies and plans pertaining to the General Post Fund.

(ii) *Office of the Assistant Chief Medical Director for Operations.* Responsible to the Chief Medical Director for the operation of hospitals, domiciliaries, clinics and canteens. Directs and coordinates, systemwide, the field operations of the Department of Medicine and Surgery.

(iii) *Office of the Controller, Department of Medicine and Surgery.* (a) Formulates and recommends to the Chief Medical Director general policies, plans and standards, of departmentwide application, pertaining to the following activities:

(1) Budgetary activities.
(2) Fiscal and cost accounting.
(3) Statistics.
(4) Fiscal auditing.
(5) Finance management.

(b) Advises and assists the Assistant Chief Medical Directors in connection with these activities.

(c) Appraises for the Chief Medical Director the effectiveness of general policies and plans and the validity of standards pertaining to these activities.

(d) Assists the Chief Medical Director in the presentation of the Department of Medicine and Surgery budget before the Bureau of the Budget and the Congress.

(e) Audits fiscal records, departmentwide, to determine legality and propriety of transactions.

(f) Maintains the consolidated financial, budgetary and cost accounting records of the Department.

(iv) *Office of the Assistant Chief Medical Director for Research and Education in Medicine.* (a) Formulates and recommends to the Chief Medical Director policies and plans of departmentwide application pertaining to programs of research and education in medicine.

(b) Develops and administers a coordinated research program.

(c) Develops and coordinates programs of graduate and postgraduate education and inservice training in medicine.

(d) Advises and assists the Assistant Chief Medical Director for Operations in connection with the professional, scientific and technical aspects of research and education activities.

(e) Appraises for the Chief Medical Director the effectiveness of policies and plans pertaining to research and education in medicine activities.

(f) Collects and disseminates information of a purely professional, scientific or technical, nondirective nature to research and education staffs in hospitals, domiciliaries and clinics, and area medical offices.

(v) *Office of the Assistant Chief Medical Director for Dentistry.* (a) Formulates and recommends to the Chief Medical Director policies, plans and professional standards, of departmentwide application, pertaining to a program of dental care.

(b) Develops and recommends to the Chief Medical Director standards governing kinds and quality of staff, facilities, equipment and supplies needed for an integrated program of dental care.

(c) Advises and assists the Assistant Chief Medical Director for Operations on dental activities related to the operation of hospitals, domiciliaries and clinics.

(d) Appraises for the Chief Medical Director the effectiveness of policies and plans pertaining to the dental service, and the validity of professional standards.

(e) Collects and disseminates information of a purely professional, nondirective nature, dealing with clinical and scientific matters, to professional staffs of hospitals, domiciliaries and clinics, and area medical offices.

(f) Maintains liaison with dental activities in other Federal agencies and dental organizations.

(vi) *Area Medical Office.* These offices are responsible to the Assistant Chief Medical Director for Operations for the operation of hospitals, clinics and domiciliaries within assigned geographic areas. Area medical offices are located in the following cities: Atlanta, Ga.; Boston, Mass.; Columbus, Ohio; San Francisco, Calif.; St. Louis, Mo.; St. Paul, Minn.; and Trenton, N.J.

(2) *Department of Veterans Benefits.* The Chief Benefits Director has jurisdiction over, directs, and is responsible to the Administrator for the conduct of the activities of the Department of Veterans Benefits. Insures the effective execution of an integrated program of veterans benefits consisting of compensation and pension, vocational rehabilitation and education, loan guaranty, guardianship, and contact activities of the Veterans Administration.

The Deputy Chief Benefits Director serves as the full assistant to the Chief Benefits Director in the discharge of his responsibilities, acts for him in his absence, participates fully in the direction of all activities of the Department of Veterans Benefits and is responsible to the Chief Benefits Director for the department's operations.

Each Area Field Director for assigned geographic area is responsible to the Deputy Chief Benefits Director for: Effective, efficient and economical operation of the complete departmental program of benefits and services; continuing control and evaluation of field station management and operations; and providing assistance and guidance to field station Managers.

(i) *Office of the Director, Compensation and Pension Service.* (a) Formulates and recommends to the Chief Benefits Director plans, regulations, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) Disability compensation and pension claims.
(2) The schedule for rating disabilities.
(3) Claims for automobiles or other conveyances.
(4) Special housing claims.
(5) Emergency officers' retirement claims and Reserve officers' retirement pay under laws administered by the Veterans Administration.
(6) Eligibility determinations for other services or Government agencies.
(7) Death compensation and pension claims.
(8) Claims for dependency and indemnity compensation.
(9) Claims for reimbursement for burial, funeral, and transportation expenses of deceased veterans.
(10) Claims for accrued compensation, pension, retirement pay, subsistence and training allowances, and readjustment allowances.
(11) Waivers of overpayments (except loan guaranty).
(12) Forfeiture of rights and benefits.
(13) Claims for Government insurance by beneficiaries of deceased veterans.
(14) Claims for servicemen's indemnity.
(15) Claims for adjusted compensation in death cases.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives and the significant effect of the compensation and pension program nationally.

(c) Reviews proposed legislation and Executive orders to determine the specific effect upon the program and comments and recommends with respect thereto.

(d) Maintains liaison with agencies and organizations interested in compensation and pension.

(e) Develops long-range plans, policies, and objectives for the compensation and pension program.

(ii) *Office of the Director, Vocational Rehabilitation and Education Service.* (a) Formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following programs whereby the Veterans Administration effectuates the provisions of 38 U.S.C. chs. 31, 33, and 35 and section 12(a), Public Law 85–857 and other related directives relating to the vocational rehabilitation, education, and training of disabled and nondisabled veterans, and war orphans.

(1) A program for (i) the determination of eligibility for and extent of entitlement to education or training benefits and basic eligibility for vocational rehabilitation, (ii) the authorization of benefit payments to veterans and war orphans under those laws, and (iii) the application of the statutory provisions and limitations which govern the pursuit of courses or programs of education and training.

(2) A program for (i) securing from the appropriate agency of each State a list of approved education and training institutions, (ii) conducting business relationships with institutions to establish bases for payment of tuition fees and other allowable charges for the training of veterans, (iii) reimbursing states and local agencies for services rendered in connection with the inspection, approval, and supervision of establishments and institutions, maintaining cooperative relationships with such agencies, (iv) maintaining liaison between the various agencies of the Federal Government the services of which are used in connection with the education and training of veterans and war orphans under 38 U.S.C. chs. 33 and 35.

(3) A program for providing counseling services to veterans including (i) determining need for vocational rehabilitation to restore employability lost by reason of service-connected disability; determining feasibility of training or employment; and providing counseling services to assist disabled veterans in selecting suitable employment objectives; (ii) providing counseling services for eligible veterans who desire such services in connection with education and training and for those for whom counseling is required by Veterans Administration regulations; (iii) providing counseling services for eligible war orphans to assist in selecting and developing a program of education; (iv) the operation of Veterans Administration guidance centers in educational institutions or other establishments.

(4) A program for prescribing and providing for disabled veterans courses of vocational rehabilitation to restore employability lost by reason of service-incurred disabilities; preparing individual training programs to provide such courses including special courses to overcome the handicaps of severe disabilities; locating and negotiating agreements with suitable training facilities to furnish the training indicated by the individual training program; supervising disabled veterans throughout training; declaring disabled veterans rehabilitated when employability has been restored, referring the veteran to the appropriate State and/or Federal employment agency for assistance in obtaining employment and assisting in the placement of seriously disabled veterans in employment.

(5) A program to assure that the conditions under which veterans and war orphans pursued education or training are in accord with the provisions of the appropriate law.

(6) Program analysis to evaluate the results of the Vocational Rehabilitation

and Education program in terms of its objectives and the actual benefits accruing to veterans and war orphans as a result of the training provided.

(b) In accordance with specific delegation of authority, acts with respect to the following matters:

(1) Approval of educational institutions and training establishments under 38 U.S.C. ch. 31 and section 12(a), Public Law 85-857, and programs of education and training under 38 U.S.C. ch. 33, where approval by the Administrator is required under the law, including courses and programs given by educational institutions in foreign countries and courses of training given by agencies of the Federal Government.

(2) Conflict of interest waivers under 38 U.S.C. 1664, and 1764.

(3) Final administrative determination on requests for review of decisions of Regional Office Committees on Educational Allowances.

(4) Negotiation and execution of contracts or agreements with State agencies to reimburse such agencies for reasonable and necessary expenses of salaries and travel incurred by employees of such agencies in rendering necessary services in ascertaining the qualification of educational institutions and training establishments for furnishing courses of education and training to eligible veterans.

(c) Reviews proposed legislation and Executive orders pertaining to the vocational rehabilitation and education programs and recommends to the Chief Benefits Director thereon.

(d) Formulates and recommends to the Chief Benefits Director for publication historical and program analysis data pertaining to the vocational rehabilitation and education program.

(e) Maintains cooperative working relations with national agencies, organizations, and associations which deal with or have a bearing on vocational rehabilitation and education of veterans and war orphans.

(f) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives and the significant effect of the vocational rehabilitation and education program nationally.

(iii) *Office of the Director, Loan Guaranty Service.* (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures and standards of departmentwide application within the limitations of VA-wide policies and plans, pertaining to programs whereby Veterans Administration effectuates the provisions of 38 U.S.C. Ch. 37 and other statutes and implementing Executive orders and comparable directives relating to direct and indirect Government financial assistance for the purchase or construction of homes, and the acquisition, management, and operation of business and farming enterprises by veterans, and related activities consequent upon the default, sale, or other disposition of the veterans' contractual obligations and properties.

(b) Advises the Chief Benefits Director as to approved precedent interpretations of laws and regulations and the application of policies and procedures on loan guaranty programs, and prepares decisions in relation thereto for release through appropriate channels to industry groups, trade associations, and program participants as well as for Members of Congress and field officials of Veterans Administration.

(c) Directs a program of financial research to evaluate the effect of Government and private housing, lending, fiscal and underwriting policies and programs on loan guaranty activities, the adequacy of the interest rate on veterans' loans, the levels and capacity of the housing market, and the significance of proposed related legislation.

(d) Directs the continuous analysis and evaluation of economic data and trends affecting residential, business and farm financing, including availability of mortgage funds, residential construction, money market, interest rates, and factors bearing on the default and foreclosure rate on mortgage loans.

(e) Subject to established precedents (opinions of the Solicitor, General Counsel, etc.) furnishes legal advice to all elements of the department pertaining to activities incident to or consequent upon the guaranty, insurance and making of loans.

(f) Directs action on all appeals received from lenders and builders suspended from the program; arranges and schedules hearings; reviews the transcripts thereof and the recommendations of hearing boards; and formulates appropriate action and recommends disposition.

(g) Reviews proposed legislation and Executive orders pertaining to loan guaranty programs and recommends thereon. Recommends proposals for consideration of changes in existing laws relating to loan guaranty programs.

(h) Maintain top level liaison with other components of Federal Government and other organizations and associations interested in the loan guaranty program.

(i) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures and standards in implementing public laws and attaining program objectives.

(iv) *Office of the Director, Guardianship Service.* (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) The Veterans Administration guardianship program under 38 U.S.C. 3202, an act to safeguard the estates of minors and incompetents entitled to benefits under acts administered by the Veterans Administration, including courts in which the Administrator of Veterans Affairs is represented by his duly authorized attorney.

(2) Field examination program, including field examinations in guardianship cases; compensation, pension, retirement, insurance, and indemnity cases; vocational rehabilitation and education cases, loan guaranty cases, and other matters.

(b) Furnishes legal advice and assistance to the Chief Benefits Director with respect to the application of the Federal and State laws, and Veterans Administration regulations and instructions pertaining to guardianship and field examination activities.

(c) Advices the Chief Benefits Director on matters involving State legislation affecting the guardianship program and commitment of mentally ill veterans.

(d) Maintains liaison with agencies and organizations interested in these activities.

(e) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, plans, procedures, and standards in implementing public laws and attaining program objectives, and the significant effect thereof on the guardianship activities nationally.

(f) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work measurement reporting system for all activities of the Office of the Chief Attorney; conducts studies to assure continued validity of the standards and reliability of the work measurement system.

(v) *Office of the Director, Administrative Service.* (a) Formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to:

(1) Correspondence improvement, publications control, forms and form letter control and standardization, work simplification, and control and use of office machines and equipment (excepting automatic data processing equipment).

(2) Real and personal property management, including such divergent functions as a program to achieve optimum use of funds available for supplies, equipment, and services; the issuance of directives for safety and fire corrections and improvements at regional offices; the regional office space management program; and the issuance of memorial flags.

(3) Records management, general office practices for mail handling, identification and initial development of claims for benefits, procurement of service data, transportation of persons, telecommunications, and preservation of essential records.

(b) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work measurement systems for the field station activities for which the service is responsible; conducts periodic studies to assure continued validity of the standards and reliability of the work measurement system.

(c) Maintains departmental liaison with the Department of Medicine and Surgery on supply operations in regional offices.

(d) Maintains liaison with Veterans Administration officials, other agencies, and organizations on matters of mutual interest.

(e) Advises and assists the Chief Benefits Director in connection with the foregoing activities and appraises for him the effectiveness, efficiency, and economy of policies, plans, and procedures for these activities.

(vi) *Office of the Controller, Department of Veterans Benefits.* (a) Formulates, upon consultation where appropriate with staff officials, and recommends to the Chief Benefits Director policies, plans, and procedures within the limitations of VA-wide policies and plans pertaining to the following activities of the Department of Veterans Benefits: the budgetary programs; the accounting, budgetary, and fiscal systems; an integrated system of financial and statistical reporting; and the departmentwide establishment and maintenance of work measurement (work-rate) standards.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures, and standards in implementing public laws and attaining program objectives.

(c) Recommends to the Chief Benefits Director with respect to allotments to be made from funds under control of department and allots funds within overall approved budgetary programs of the department.

(d) Maintains departmentwide accounting and budgetary control records.

(e) Is responsible for the development of cost consciousness on the part of all executives of the department and promotion of better management through a program of improved accounting.

(f) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work-measurement reporting systems for finance activities; conducts periodic studies to assure continued validity of the standards and reliability of the work-measurement system.

(g) Serves as the principal point of contact with Office of the Controller (Veterans Administration) and in conjunction with the latter, with the General Accounting Office, Bureau of the Budget, and other Government agencies on these activities.

(vii) *Office of the Director, Personnel Service.* (a) Serves as technical advisor on personnel matters in the Department of Veterans Benefits and formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of department-wide application within the limitations of VA-wide policies and plans pertaining to personnel management, including administration of the incentive awards program.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, plans, procedures, and standards in implementing public laws and attaining program objectives.

(c) Exercises technical personnel authorities within limitations imposed by current delegations and restrictions.

(d) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work-measurement reporting systems for personnel functions; conducts periodic studies to assure continued validity of the standards and reliability of the work-measurement system.

(viii) *Office of the Director, Contact and Foreign Affairs Service.* (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures, and standards of department-wide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) Providing information, advice, and assistance to veterans, their dependents and beneficiaries, their representatives, and others in preparing, developing, and presenting applications and claims under laws administered by the Veterans Administration.

(2) Establishing and the continuance, relocation, or inactivation of Veterans Administration Offices and the provision of away-from-the-office contact service.

(3) Determining, in collaboration with officials of the Defense Establishment, centers or points under Armed Forces jurisdiction to which contact personnel should be assigned.

(4) Providing veterans' services in all foreign countries and in those U.S. possessions not having Veterans Administration regional office activity.

(5) Providing Veterans Administration services in the Isthmus of Panama and adjoining territories by personnel of the Office of the Director stationed at Balboa, Canal Zone.

(6) Administering the Grants to the Philippines program pursuant to 38 U.S.C. section 631, and the negotiation of reciprocal agreements for veterans' services pursuant to 38 U.S.C. section 109.

(7) Providing assistance on veterans' programs conducted by American embassies and legations.

(b) Advises and assists the Chief Benefits Director in connection with these activities and appraises for him the effectiveness, efficiency, and economy of the policies, plans, procedures, and standards in implementing public laws and attaining program objectives.

(c) Maintains liaison and consults with officials of all Veterans Administration departments on benefits and related matters bearing upon contact and foreign affairs activities and coordinates matters relating to the administration of the Manila Regional Office.

(d) Provides information, advice, and assistance to veterans, their dependents and beneficiaries, their representatives, and others who contact the Central Office concerning benefits provided by laws and regulations administered by the Veterans Administration.

(e) Formulates and recommends to the Chief Benefits Director, work-rate and quality performance standards and related work-measurement reporting systems for contact activities; conducts studies to assure continued validity of the standards and reliability of the work-measurement systems.

(ix) *Office of the Director, Systems and Standards Service.* Performs the following within the limitations of VA-wide policies and plans:

(a) Systems: (1) Formulates and recommends to the Chief Benefits Director policies and plans pertaining to mechanical and electronic systems.

(2) Conducts departmentwide systems studies of the application potential of automatic data processing.

(3) Develops automatic data processing systems in collaboration with services concerned; coordinates the installation of these systems.

(4) Provides technical and advisory services to line and staff officials within the department responsible for applying automatic data processing systems.

(5) Coordinates orientation and training of staff officials and employees throughout the department in the application of automatic data processing systems.

(6) Evaluates on a continuing basis the results of automatic data processing systems.

(b) Methods and procedures: (1) Formulates and recommends to the Chief Benefits Director plans and policies relating to development and maintenance of all procedural administrative issues of the department.

(2) Develops and recommends for publication all procedural administrative issues related to the department's implementation and application of automatic data processing for all programs and activities.

(3) Reviews and coordinates all new or revised systems, procedures and methods including related administrative issues, forms and reports.

(4) Reviews all existing procedural issues and effects changes necessitated by automatic data processing.

(5) Formulates and recommends policies and plans of departmentwide application pertaining to machine records and accounting activities.

(6) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work-measurement systems for field station machine records and accounting activities.

(c) Management and standards: (1) Coordinates the development of the department's long-range plans.

(2) Maintains in a current status integrated long-range plans for all the department's functional responsibilities.

(3) Conducts continuing organizational studies of the department; coordinates and develops long-range organization plans.

(4) Maintains in a current status the long-range organization plans for the department.

(5) Conducts studies and research in the field of management and systems.

(6) Develops and maintains management control, measurement and evaluation techniques for application to the department's field stations and Central Office services.

(7) Formulates and recommends to the Chief Benefits Director policies and plans pertaining to the establishment and use of quality standards and measurements of services and end products.

(8) Coordinates analysis of deviations from standards, errors and management deficiencies for the purpose of furnishing timely and useful feed-back information for the promotion of preventive management techniques.

(d) Works with the several staff elements in the technical development of new or revised methods and procedures.

(3) *Department of Insurance.* The Chief Insurance Director has jurisdiction over, directs, and is responsible to the Administrator for the management, operation, organization, and conduct of the nationwide Veterans Administration insurance program; directs the development and execution of the department-wide policies and plans covering all functions of the integrated insurance programs; appraises the effectiveness and economy of all insurance activities.

The Deputy Chief Insurance Director serves as the full assistant to the Chief Insurance Director in the discharge of his responsibilities, acts for him in his absence, and participates fully in the direction of all activities of the Department of Insurance.

(i) *Office of the Insurance Counsel.* (a) Formulates and recommends to the Chief Insurance Director, policies and plans of departmentwide application relating to insurance laws and regulations; serves as legal counsel for the department; renders legal opinions; reviews and recommends courses of action on all proposed legislation affecting the insurance program.

(b) Serves as a member of the Policy Board, Department of Insurance.

(ii) *Office of the Chief Actuary.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to insurance actuarial activities.

(b) Serves as a member of the Policy Board, Department of Insurance.

(c) Conducts mortality and disability studies and analyses of experience, establishes and calculates policy rates and values, determines surplus and apportionment of dividends, and compiles actuarial statements.

(d) Determines the status of the United States Government Life Insurance Fund, the National Service Life Insurance Fund, and the revolving funds established under Public Law 23, 82d Congress.

(e) Performs special studies relating to actuarial matters as requested by the Chief or Deputy Chief Insurance Director.

(f) Works with Actuarial Advisory Committee in developing solutions to technical actuarial problems.

(iii) *Office of the Director, Accounts and Underwriting Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to insurance accounting and underwriting.

(b) Advises the Chief Insurance Director and other staff officials in connection with the insurance accounting and underwriting functions, and appraises the technical effectiveness of these activities.

(c) Serves as a member of the Policy Board, Department of Insurance.

(d) Reviews evidence, determines the facts, and prepares and recommends decisions on protest and unusually complicated insurance accounting and underwriting cases.

(iv) *Office of the Director, Insurance Claims Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitations of VA-wide policies and plans pertaining to insurance claims.

(b) Advises the Chief Insurance Director and other staff officials in connection with insurance claims, and appraises the technical effectiveness of that activity.

(c) Serves as a member of the Policy Board, Department of Insurance.

(d) Directs the activities of the Administrative Review Board, reviews, develops evidence, makes determination of fact, and prepares and recommends decisions, involving questions of legal and medical nature on protest, litigated, and highly complicated disability insurance claims cases.

(v) *Office of the Controller, Department of Insurance.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wise application within the limitations of VA-wide policies and plans pertaining to the following activities of the Department of Insurance:

(1) The budgetary and work measurement programs.

(2) The accounting, funding, and fiscal systems.

(3) An integrated system of financial and management reporting.

(4) A continuing program of fiscal audit.

(b) Advises the Chief Insurance Director and other staff officials in connection with these activities and appraises the technical effectiveness of these activities.

(c) Serves as a member of the Policy Board, Department of Insurance.

(d) Recommends with respect to budget formulation and the control of departmental funds within overall approved budgetary programs.

(e) Participates in the justification of the budget estimates of the Department of Insurance before the Bureau of the Budget representatives and congressional committees.

(vi) *Office of the Director, Methods and Procedures Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to the following activities: The development of new or revised methods and systems including the exploration and application of mechanical and electronic techniques; the development of procedural manuals and guides; the conduct of research into commercial and other mangement practices for possible adaptation to the insurance program.

(b) Advises the Chief Insurance Director and other staff officials in connection with these activities and appraises the technical effectiveness of these operations.

(c) Serves as a member of the Policy Board, Department of Insurance.

(d) Works with the several staff elements in the technical development of new or revised methods and procedures.

(vii) *Office of the Director, Administrative Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of department-wide application within the limitation of VA-wide policies and plans pertaining to the following activities: correspondence management, office operations and administration, work simplification, office machines management, records management, incentive awards, publication and forms control, and supply liaison.

(b) Advises the Chief Insurance Director and other staff officials in connection with these activities and appraises the technical effectiveness of these operations.

(c) Serves as a member of the Policy Board, Department of Insurance.

(d) Serves as liaison with the service departments on insurance program matters.

(viii) *Office of the Director, Personnel Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to all personnel management activities such as: position classification, recruitment, placement, management development, training, employee relations, and personnel research.

(b) Advises the Chief Insurance Director and other staff officials in connection with these activities and appraises the technical effectiveness of these operations.

(c) Serves as a member of the Policy Board, Department of Insurance.

SEC. 3. *Field Stations.* This term applies to Veterans Administration installations located in the field, and includes the following:

(a) *District Office and Centers.* The Veterans Administration, Department of Insurance, operates insurance field activities through one District Office at Philadelphia and two Centers at Denver and St. Paul. They provide policy, underwriting and disability insurance claims service to veterans with Government life insurance within assigned geographical areas (see sec. 4b). The offices implement established plans, policies and operating procedures. They are responsible for the auxiliary services essential to the insurance office operations including finance, personnel, administrative and supply activities. All United States Government Life Insurance policyholders and those National Service Life Insurance policyholders paying premiums by allotment from service department pay and by deduction from benefit payments, also those living in foreign countries, are serviced by the Philadelphia District Office.

(b) *Regional Office.* A Veterans Administration regional office is a field station which under properly constituted authority grants benefits and services provided by law for veterans, their dependents, and beneficiaries within an assigned territory; furnishes information as to all Veterans Administration benefits and services; procures data regarding applications and claims; rates and adjudicates claims and makes awards for disability compensation and pension; conducts physical and mental examinations for claims purposes; establishes eligibility and need for hospitalization in other Government and private institutions and State-home care; renders outpatient treatment and social service; handles guardianship and fiduciary matters and authorized legal proceedings; aids, guides, and prescribes vocational rehabilitation training and administers educational benefits, guarantees loans for purchase or construction of homes, farms, or business property and, under certain conditions, makes direct home loans; processes death claims in those regional offices located within the continental United States; aids and otherwise assists the veteran in exercising his rights to benefits and services; conducts administrative, finance, files, and records activities; and supervises Veterans Administration offices under its jurisdiction.

(c) *Veterans Benefits Office, District of Columbia.* The Veterans Benefits Office, District of Columbia, is a field station which grants benefits and services provided by law for veterans and their dependents and beneficiaries. This office performs the functions of a regional office for an assigned territory and in addition adjudicates claims for death compensation and pension, all types of Government insurance and indemnity benefits filed by beneficiaries of deceased veterans, and reimbursement for burial, funeral, and transportation expenses of deceased veterans not assigned to the Veterans Administration regional offices.

(d) *Hospital.* A Veterans Administration hospital is an organizational element established to provide all eligible beneficiaries with medical care at a level comparable with the best civilian institutions treating similar types of illnesses. Hospitals are generally classified as GM&S (General Medical and Surgical), NP (Neuropsychiatric), and TB (Tuberculosis) indicating the major type of treatment. Usually, however, hospitals are equipped to render more than one type of treatment and some hospitals have facilities for highly specialized services such as those for tumors, chest surgery, neurosurgery, paraplegia, etc.

(e) *Center.* A Veterans Administration center is an organizational element consisting of a combination of activities of two or more of the following Veterans Administration field stations under jurisdiction of one manager: district office, regional office, hospital, or domiciliary.

(f) *Domiciliary.* A Veterans Administration domiciliary is a field station having domiciliary activities. By domiciliary activities is meant the providing of a program of planned living in a sheltered environment and necessary ambulatory medical treatment to veterans who are unable because of their disabilities to earn a living but who are not in need of nursing service, constant medical supervision, or hospitalization.

(g) *Outpatient Clinic.* A Veterans Administration Outpatient Clinic is an organizational element established to provide all eligible beneficiaries with outpatient care.

(h) *VA Office.* A VA office is an organizational element under an officer-in-charge established to provide contact service and such other services as cannot be conveniently provided to veterans, their dependents and beneficiaries, and others in a given locality by the parent regional office or center.

(i) *Other field installations.* In addition to the installations referred to in the above paragraphs, there are 3 supply depots, a forms and publications depot, and a Data Processing Center.

SEC. 4. *Addresses of Veterans Administration installations and jurisdictional areas of district offices.*—(a) *Addresses of Veterans Administration installations.* This is a guide to the location of Veterans Administration field stations in each State (also Canal Zone, Philippines, and Puerto Rico) where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices, and centers having regional office activities, are listed with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having medical activities are preceded by an asterisk.

ALABAMA

Type of Activity, Location, and Address

Regional Office, Montgomery 4, 400 Lee Street.
VA Office, Birmingham 3, 1710 First Avenue, North.
VA Office, Decatur, 201 Gordon Drive.
VA Office, Gadsden, King Building, 524 Chestaut Street.
VA Office, Mobile 10, U.S. Court House and Customs House.
Hospital, Birmingham 3, Veterans Administration Hospital.
Hospital, Montgomery 10, Perry Hill Road.
Hospital, Tuscaloosa, Veterans Administration Hospital.
Hospital, Tuskegee, Veterans Administration Hospital.

ALASKA

Regional Office, Juneau, Goldstein Building.
VA Office, Anchorage, P.O. Box 1399, Federal Building.
VA Office, Fairbanks, P.O. Box 960, Federal Building.
VA Office, Ketchikan, P.O. Box 2607, Federal Building.

ARIZONA

Regional Office, Phoenix, Ellis Building, 137 North Second Avenue.
VA Office, Yuma, Post Office Building.
Hospital, Phoenix, Seventh Street and Indian School Road.
Hospital, Tucson, Veterans Administration Hospital.
Center (Hospital and Domiciliary), Whipple, Veterans Administration Center.

ARKANSAS

Regional Office, Little Rock, 555 Building, 211 Broadway.
VA Office, Batesville, Post Office Building.
VA Office, El Dorado, P.O. Box 965, Federal Building.
VA Office, Fort Smith, P.O. Box 675, Federal Building.
VA Office, Jonesboro, Jonesboro Clinic Building.
VA Office, Pine Bluff, 203½ West Fifth Street.
VA Office, Texarkana, Post Office Building, Fifth and State Line.
Hospital, Fayetteville, Veterans Administration Hospital.
Hospital, Little Rock, 300 East Roosevelt Road.
Little Rock Division, Mail: Little Rock.
North Little Rock Division, Mail: Little Rock.

CALIFORNIA

Regional Office, Los Angeles 25, 1360 South Sepulveda Boulevard.
VA Office, Bakersfield, 1100 Golden State State Highway.
VA Office, Las Vegas, Nev., 120 South Third Street.
VA Office, Long Beach, Post Office Building, Third and Long Beach Boulevard.
VA Office, Pasadena, 187 North Marengo Avenue.
VA Office, San Bernardino, 1120 North E Street.
VA Office, *San Diego 1, 2181 Third Avenue.
VA Office, San Luis Obispo, 864 Santa Rosa Street, (P.O. Box 207).
Regional Office, San Francisco 3, 49 Fourth Street.
VA Office, *Oakland 12, 1305 Franklin Street.
VA Office, Sacramento 14, 921 10th Street.
VA Office, San Jose 10, 192 St. Augustine Street.
Outpatient Clinic, Los Angeles, 1031 South Broadway.
Hospital, Fresno, 2615 Clinton Avenue.
Hospital, Livermore, Veterans Administration Hospital.
Hospital, Long Beach, 5901 Seventh Street.
Center (Hospital and Domiciliary), Los Angeles 25, Sawtelle and Wilshire Boulevards.
Hospital, Oakland 12, 13th and Harrison Streets.
Hospital, Palo Alto, Veterans Administration Hospital.
Hospital, San Fernando, Veterans Administration Hospital.
Hospital, San Francisco 21, 42d Avenue and Clement Street.
Hospital, Sepulveda, Veterans Administration Hospital.

CANAL ZONE

Veterans Administration Office, Balboa, Balboa Clubhouse, Mail: P.O. Box 3672.

COLORADO

Center (Regional Office and District Office), Denver 25, Denver Federal Center.
VA Office, Colorado Springs, 121 East Pikes Peak Avenue.
VA Office, Pueblo, Federal Building.
Hospital, Denver 20, 1055 Clermont Street.
Hospital, Fort Lyon, Veterans Administration Hospital.
Hospital, Grand Junction, Veterans Administration Hospital.

CONNECTICUT

Regional Office, Hartford 3, 95 Pearl Street.
VA Office, *Bridgeport 3, 355 Fairfield Avenue.
VA Office, New Haven 11, Room 326, 155 Whitney Avenue.
VA Office, Waterbury, 111 Grand Street.
Hospital, Newington 11, Veterans Administration Hospital.
Hospital, West Haven 16, West Spring Street.

DELAWARE

Regional Office, Wilmington, Dravo Building. (No VA Office.)
Hospital, Wilmington, Veterans Administration Hospital.

DISTRICT OF COLUMBIA

Hospital, Washington 7, 2660 Wisconsin Avenue NW.
Veterans Benefits Office, Washington 25, Munitions Building.

FLORIDA

Regional Office, St. Petersburg, P.O. Box 1437.
VA Office, Fort Lauderdale, 315 Northeast Third Street.
VA Office, Gainesville, 409 Southwest Second Avenue.
VA Office, *Jacksonville, Post Office and Court House Building, 311 West Monroe Street, Mail: P.O. Box 505.
VA Office, Key West, P.O. Box 609, Post Office Building.
VA Office, Marianna, 111 West Lafayette Street.
VA Office, Miami, 964 West Flagler Street.
VA Office, Orlando, Federal Office Building, 42 East Central Avenue.
VA Office, Pensacola, 25 East Wright Street.
VA Office, Tallahassee, Daffin Building, 115 South Adams Street.
VA Office, Tampa, 106 East Cass Street.
VA Office, West Palm Beach, 712 Comeau Building.
Center (Hospital and Domiciliary), Bay Pines, Veterans Administration Center.
Hospital, Coral Gables, Veterans Administration Hospital.
Hospital, Lake City, Veterans Administration Hospital.

GEORGIA

Regional Office, Atlanta 8, 441–449 West Peachtree Street NE.
VA Office, Albany, 509 Citizens and Southern Bank Building, 100 North Washington Street.
VA Office, Athens 4, New Post Office Building.
VA Office, Brunswick, 800 Gloucester Street, Room 346, Federal Building.
VA Office, Columbus, 413 Flowers Building, 1204 First Avenue.
VA Office, Macon, 220 Southern United Building, 407 Cherry Street.
VA Office, Rome, 2 East Second Avenue.
VA Office, *Savannah, Kay Building, 300 Drayton Street.
VA Office, Valdosta, 601 North Toombs Street.
Hospital, Atlanta 19, 4158 Peachtree Road NE.
Hospital, Augusta, Veterans Administration Hospital.
Center (Hospital and Domiciliary), Dublin, Veterans Administration Center.
Domiciliary, Thomasville, Veterans Administration Domiciliary.

HAWAII

Regional Office, Honolulu 1, P.O. Box 3198.
VA Office, Hilo, Hawaii, P.O. Box 1779 (Post Office Building).

IDAHO

Center (Hospital and Regional Office) Boise, Fifth and Fort Streets.
VA Office, Couer d'Alene, 214 North Third Street.
VA Office, Idaho Falls, Post Office Building.
VA Office, Moscow, 125 West Third Street.
VA Office, Pocatello, 424 West Center Street.
VA Office, Twin Falls, 240 Main Avenue East.

ILLINOIS

Regional Office, Chicago 12, 2030 West Taylor Street.
VA Office, Champaign, 607 South Neil Street.
VA Office, East St. Louis, 435 Missouri Avenue.
VA Office, Gary, Ind., Gerometta Building, 301 East Fifth Avenue.
VA Office, Moline, 1630 Fifth Avenue.
VA Office, Peoria, Central National Bank Building, Main and Adams.
VA Office, Rockford, 312 South Main Street.
VA Office, Springfield, U.S. Post Office Building.
Hospital, Chicago 11, 333 East Huron Street. (Veterans Administration Research Hospital).
Hospital, Chicago 12, 820 South Damen Avenue (Veterans Administration (West Side) Hospital).
Hospital, Danville, Veterans Administration Hospital.
Hospital, Downey, Veterans Administration Hospital.
Hospital, Dwight, Veterans Administration Hospital.
Hospital, Hines, Veterans Administration Hospital (Edward Hines, Jr., Hospital).
Hospital, Marion, Veterans Administration Hospital.

INDIANA

Regional Office, Indianapolis 9, 36 South Pennsylvania Street.
VA Office, Evansville, Room 302, Post Office Building.
VA Office, Fort Wayne 2, Post Office Building.
VA Office, Muncie, 105 West Main Street.
VA Office, South Bend, Room 152, Post Office Building.
VA Office, Terre Haute, Post Office Building.
VA Office, Gary, (Under Chicago, Ill. R.O.).
Hospital, Fort Wayne 3, 1600 Randalia Drive.
Hospital, Indianapolis 7, 1481 West 10th Street.
Tenth Street Hospital Division, Mail: 1481 West 10th Street, Indianapolis 7.
Cold Spring Road Hospital Division, Mail: 1481 West 10th Street, Indianapolis 7.
Hospital, Marion, Veterans Administration Hospital.

IOWA

Center (Regional Office and Hospital), Des Moines 8, Veterans Administration Center.
VA Office, Cedar Rapids, Room 309, Federal Building.
VA Office, Sioux City, Room 226, Federal Building.
VA Office, Waterloo, Room 322, Post Office Building.
Hospital, Iowa City, Veterans Administration Hospital.
Hospital, Knoxville, Veterans Administration Hospital.
Domiciliary, Clinton, Veterans Administration Domiciliary.

KANSAS

Center (Regional Office and Hospital), Wichita 18, 5500 East Kellogg.
VA Office, Hutchinson, Post Office Building.
Center (Hospital and Domiciliary), Wadsworth, Veterans Administration Center.
NOTE: VA Center, Wadsworth and VA Hospital, Excelsior, Mo., (Mail to Wadsworth).
Hospital, Topeka, 2200 Gage Boulevard.

KENTUCKY

Regional Office, Louisville 3, 1405 West Broadway.
VA Office, Ashland, 1617 Greenup Avenue.
VA Office, Bowling Green, Room 8, Post Office Building.
VA Office, Harlan, Post Office Building.
VA Office, Lexington, Room 7, Federal Building, Barr and Limestone Streets.
Hospital, Fort Thomas (see Hospital, Cincinnati 20, Ohio).
Hospital, Lexington, Veterans Administration Hospital.
Hospital, Louisville 2, Mellwood and Zorn Avenues.
Hospital, Outwood, Mail: Outwood Station, Dawson Springs, Ky.

LOUISIANA

Regional Office, New Orleans 13, 2026 St. Charles Avenue.
VA Office, Baton Rouge, Room 560, Commerce Building, Third and Laurel Streets.
VA Office, Hammond, 112 South Holly Street.
VA Office, Lafayette, 515 South Buchanan Street.
VA Office, Lake Charles, 921½ Ryan Street.
Center (Regional Office and Hospital), Shreveport 12, 510 East Stoner Avenue.
Hospital, Alexandria, Veterans Administration Hospital.
Hospital, New Orleans 12, 1601 Perdodo Street.

MAINE

Center(Regional Office and Hospital), Togus, Veterans Administration Center.
VA Office, Bangor, 96 Harlow Street.
VA Office, *Portland, 171 Middle Street.

MARYLAND

Regional Office, Baltimore 2, St. Paul and Fayette Streets.
VA Office, Cumberland, Post Office Building, Pershing Street.
Hospital, Baltimore 18, 3900 Loch Raven Boulevard.
(Baltimore Division), Mail: 3900 Loch Raven Boulevard.
(Fort Howard Division), Mail: 3900 Loch Raven Boulevard.
Hospital, Perry Point, Veterans Administration Hospital.

MASSACHUSETTS

Regional Office, Boston 8, 1 Beacon Street.
VA Office, Fall River, (See Providence, R.I., Regional Office).
VA Office, Fitchburg, 280 Main Street.
VA Office, Greenfield, Colonade Building, 278 Main Street.
VA Office, Lawrence, 477 Essex Street.
VA Office, *Lowell, Old Post Office Building.
VA Office, *New Bedford, (See Providence, R.I., Regional Office).
VA Office, Pittsfield, 246 North Street.
VA Office, Salem, 126 Washington Street.
VA Office, *Springfield, 1200 Main Street.
VA Office, *Worcester 8, 9 Walnut Street.
Hospital, Bedford, Veterans Administration Hospital.
Hospital, Boston 30, 150 South Huntington Avenue.
Hospital, Brockton, Veterans Administration Hospital.
Hospital, Northampton, Veterans Administration Hospital.
Hospital, Rutland Heights, Veterans Administration Hospital.
Hospital, West Roxbury 32, Veterans of Foreign Wars Parkway.
Outpatient Clinic, Boston 8, 17 Court Street.

MICHIGAN

Regional Office, Detroit 31, 310 East Jefferson Avenue.
VA Office, Flint 3, 432 North Saginaw Street, Metropolitan Building.
VA Office, Grand Rapids, Helmer Building, 21 Ottawa Avenue, NW.
VA Office, Lansing, 300 East Michigan Avenue.
Hospital, Ann Arbor, 2215 Fuller Road.
Hospital, Battle Creek, Veterans Administration Hospital.
Hospital, Dearborn, Veterans Administration Hospital.
Hospital, Iron Mountain, Veterans Administration Hospital.
Hospital, Saginaw, 1500 Weiss Street.

MINNESOTA

Center (Regional Office and District Office), St. Paul 11, Fort Snelling.
VA Office, Duluth 2, Post Office Building.
Hospital, Minneapolis 17, 54th Street and 48th Avenue, South.
Hospital, St. Cloud, Veterans Administration Hospital.

MISSISSIPPI

Center (Regional Office and Hospital), Jackson, Veterans Administration Center.
VA Office, Meridian, P.O. Box 207, Post Office Building.

Center (Hospital and Domiciliary), Biloxi, Veterans Administration Center.
Biloxi Hospital and Domiciliary Division, Mail: Biloxi.
Gulfport Hospital Division, Mail: Biloxi.

MISSOURI

Regional Office, Kansas City 9, 911 East Linwood Boulevard.
VA Office, Joplin, McKinley Bldg., 505 Joplin Avenue.
VA Office, Sedalia, 206 South Lamine Street.
VA Office, Springfield, Wilhoit Bldg., Pershing and Jefferson Streets.
Regional Office, St. Louis 2, 415 Pine Street. (No VA Office.)
Hospital, Excelsior Springs, (See Veterans Administration Center, Wadsworth, Kans.).
Hospital, Jefferson Barracks, St. Louis 25, Veterans Administration Hospital.
Hospital, Kansas City 28, 4801 Linwood Boulevard.
Hospital, Poplar Bluff, Veterans Administration Hospital.
Hospital, St. Louis 6, 915 North Grand Boulevard (John J. Cochran Veterans Hospital.

MONTANA

Center (Regional Office and Hospital), Fort Harrison, Veterans Administration Center.
VA Office, Billings, Room 219, U.S. Post Office and Court House, 26th Street and First Avenue. Mail: P.O. Box 1718.
VA Office, Butte, Room 308, Medical Arts Building, Park and Main Streets.
VA Office, Great Falls, Room 304, Federal Building, First Avenue North and Third Street North. Mail: P.O. Box 1788.
VA Office, Missoula, Room 513, Saving Center Building, Broadway and Higgins.
Hospital, Miles City, Veterans Administration Hospital.

NEBRASKA

Regional Office, Lincoln 8, 220 South 17th Street.
VA Office, Omaha 2, 1612 Harney Street.
Hospital, Grand Island, Veterans Administration Hospital.
Hospital, Lincoln 1, Veterans Administration Hospital.
Hospital, Omaha 5, 4101 Woolworth Avenue.

NEVADA

Center (Regional Office and Hospital), Reno, Veterans Administration Center.
VA Office, Las Vegas, (See Los Angeles, Calif., Regional Office).

NEW HAMPSHIRE

Regional Office, Manchester, 497 Silver Street.
VA Office, Dover, 90 Washington Street.
VA Office, Laconia, Room 208, Forrestry Building, 719 Main Street.
Hospital, Manchester, Smyth Road.

NEW JERSEY

Regional Office, Newark 2, 20 Washington Place.
VA Office, Atlantic City, Old Post Office Building, Pacific and Pennsylvania Avenues.
VA Office, Camden, Broadway Stevens Building, 300 Broadway.
VA Office, Jersey City, 880 Bergen Avenue.
VA Office, Paterson, Room 201, Post Office Building.
VA Office, Trenton, Post Office Building, 402 East State Street.
Hospital, East Orange, Veterans Administration Hospital.
Hospital, Lyons, Veterans Administration Hospital.

NEW MEXICO

Regional Office, Albuquerque, 517 Gold Avenue SW.
VA Office, Las Vegas, Post Office Building, P.O. Box 638.
VA Office, Roswell, City Hall.
VA Office, Santa Fe, Room 217, Post Office Building.
Hospital, Albuquerque, Veterans Administration Hospital.
Hospital, Fort Bayard, Veterans Administration Hospital.

NEW YORK

Regional Office, Albany 1, Watervliet Arsenal.
VA Office, Kingston, Rooms 201–203, Main Post Office.
VA Office, Plattsburg, City Hall Building.
VA Office, Poughkeepsie, 15 Washington Street.
Regional Office, Brooklyn 1, 250 Livingston Street. (No VA Office.)
Regional Office, Buffalo 3, 1021 Main Street.
VA Office, Niagara Falls, 1506 United Office Building, 220 First Street.
VA Office, *Rochester, 39 State Street.
Regional Office, New York City 1, 252 Seventh Avenue.
VA Office, Jamaica, Long Island, 89–09 Sutphin Boulevard.
VA Office, Middletown, 16 King Street.
VA Office, Mineola, Long Island, 320 Old County Road.
Regional Office, Syracuse 2, Chimes Building, 500 South Salina Street.
VA Office, Binghamton, Room 312, Post Office Building.
VA Office, Utica 2, 110 Genesee Street.
Outpatient Clinic, Brooklyn 1, 35 Ryerson Street, Mail: 250 Livingston Street.
Hospital, Albany, Veterans Administration Hospital.
Hospital, Batavia, Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bath, Veterans Administration Center.
Hospital, Bronx 68, 130 West Kingsbridge Road.
Hospital, Brooklyn 9, 800 Poly Place.
Hospital, Buffalo 15, 3495 Bailey Avenue.
Hospital, Canandaigua, Veterans Administration Hospital.
Hospital, Castle Point, Veterans Administration Hospital.
Hospital, Montrose, Veterans Administration Hospital (Franklin Delano Roosevelt Hospital).
Hospital, New York 10, First Avenue at East 24th Street.
Hospital, Northport, Long Island, Veterans Administration Hospital.
Hospital, Sunmount, Mail: Tupper Lake, N.Y.
Hospital, Syracuse 10, Irving Avenue and University Place.

NORTH CAROLINA

Regional Office, Winston-Salem, 310 West Fourth Street.
VA Office, Charlotte 2, Room 205, Liberty Life Building.
VA Office, Goldsboro, Rooms 806–807, Wachovia Bank Building.
VA Office, New Bern, Post Office Building, P.O. Box 352.
VA Office, Raleigh, 1212–13 Capital Club Building.
VA Office, Wilmington, Room 200, Customs House.
Hospital, Durham, Fulton Street and Erwin Road.
Hospital, Fayetteville, Veterans Administration Hospital.
Hospital, Oteen (includes Division at Swannanoa), Veterans Administration Hospital.
Hospital, Salisbury, Veterans Administration Hospital.

NORTH DAKOTA

Center (Regional Office and Hospital), Fargo, Veterans Administration Center.
VA Office, Bismarck, Federal Building.
VA Office, Grand Forks, 102 North Fourth Street.

OHIO

Regional Office, Cincinnati 2, 200 East Sixth Street.
VA Office, Cambridge, 118½ North Ninth Street.
VA Office, *Columbus 22, 48 Starling Street.
VA Office, Dayton 2, 15 East Fourth Street.
VA Office, Hamilton, 152 High Street.
VA Office, Marietta, Room 523, First National Bank Building, 200 Putnam Street.
VA Office, Portsmouth, Post Office Building, 610 Gay Street.
VA Office, Springfield, McAdams Building, 31 East High Street.
VA Office, Zanesville, 406 Market Street.
Regional Office, Cleveland 14, Cuyahoga Building.
VA Office, Akron, 72–76 South High Street.
VA Office, Canton 2, 117 Walnut Avenue NE.
VA Office, Steubenville, 227 North Fifth Street.
VA Office, *Toledo 4, 604 Jackson Street.
VA Office, Warren, Post Office Building.
VA Office, Youngstown 1, 217 Main Post Office Building, Market and Front Streets.
Hospital, Broadview Heights, Mail: Brecksville, Ohio.
Hospital, Chillicothe, Veterans Administration Hospital.
Hospital, Cincinnati 20, 3200 Vine Street.
Cincinnati Hospital Division, Mail: 3200 Vine Street, Cincinnati 20.
Fort Thomas (Ky.) Hospital Division, Mail: 3200 Vine Street, Cincinnati 20.
Hospital, Cleveland 30, 7300 York Road.
Center (Hospital and Domiciliary), Dayton, Veterans Administration Center.

OKLAHOMA

Regional Office, Muskogee, Second and Court Streets.
VA Office, Ardmore, Federal Building.
VA Office, Bartlesville, Rooms 220–223, Post Office Building.
VA Office, Enid, Federal Building, 105 West Broadway.
VA Office, Hugo, Room 6, Post Office Building.
VA Office, Lawton, Federal Building, P.O. Box 1185.
VA Office, McAlester, Rooms 205–207, Post Office Building.
VA Office, Oklahoma City 3, 1100 North Broadway.
VA Office, Ponca City, 213 Federal Building.
VA Office, Tulsa, Room 602, Petroleum Building, 420 South Boulder Street.
Hospital, Muskogee, Memorial Station, Honor Heigths Drive.
Hospital, Oklahoma City 4, 921 Northeast 13th Street.

OREGON

Regional Office, Portland 4, 208 Southwest Fifth Avenue.
VA Office, Eugene, Veterans Memorial Building, 1626 West Williamette Street.
Domiciliary, White City, Veterans Administration Domiciliary.
Hospital, Portland 7, Sam Jackson Park.
Hospital, Roseburg, Veterans Administration Hospital.

PENNSYLVANIA

Regional Office, Philadelphia 2, 128 North Broad Street.
VA Office, Allentown, 1122 Hamilton Street.
VA Office, Reading, U.S. Post Office Building.
Regional Office, Pittsburgh 22, 107 Sixth Street.
VA Office, Erie, U.S. Court Building, State Street and South Park Row.
VA Office, Johnstown, Old Post Office Building, Market and Locust Streets.
VA Office, Uniontown, Union Trust Building, 37 Main Street.
VA Office, *Wheeling, W. Va., 11th and Chapline Streets.

Regional Office, Wilkes-Barre, 19–27 North Main Street.
VA Office, *Harrisburg, 100 North Cameron Street.
VA Office, Pottsville, Thompson Building, 23–27 North Centre Street.
VA Office, Scranton 3, Select Building, 116–118 North Washington Avenue.
VA Office, Shamokin, 24 South Market Street.
VA Office, Williamsport, 153 West Fourth Street.
VA Office, York, 60 South Beaver Street.
District Office, Philadelphia 1, 5000 Wissahickon Avenue. Mail: P.O. Box 8079. Remittance: P.O. Box 7787.
Hospital, Altoona, Veterans Administration Hospital.
Hospital, Butler, Veterans Administration Hospital.
Hospital, Coatesville, Veterans Administration Hospital.
Hospital, Erie 5, 135 East 38th Street Boulevard.
Hospital, Lebanon, Veterans Administration Hospital.
Hospital, Philadelphia 4, University and Woodland Avenues.
Hospital, Pittsburgh 6, Leech Farm Road.
Hospital, Pittsburgh 40, University Drive.
Aspinwall Hospital Division, Mail: University Drive, Pittsburgh 40.
Pittsburgh Hospital Division, Mail: University Drive, Pittsburgh 40.
Hospital, Wilkes-Barre, East End Boulevard.

PHILIPPINES

Regional Office, Manila, APO 928, San Francisco, Calif.
VA Office, Cebu City, Philippines, City Hall.

PUERTO RICO

(Including the Virgin Islands)

Center (Regional Office and Hospital), San Juan, 520 Ponce de Leon Avenue.
VA Office, Arecibo, 28 De Diego Street.
VA Office, Cayey, 11 Barbosa and Baldorioty Streets.
VA Office, Ponce, Post Office Building, Atocha Street.
VA Office, Mayagues, Post Office Building.

RHODE ISLAND

Regional Office, Providence 3, 100 Fountain Street.
VA Office, Fall River, Mass., 144 North Main Street.
VA Office, *New Bedford, Mass., 757 Pleasant Street.
Hospital, Providence 8, Davis Park.

SOUTH CAROLINA

Regional Office, Columbia, 1801 Assembly Street.
VA Office, Charleston 10, 54 Wentworth Street.
VA Office, Greenville, Catherine Building, 210 East Coffee Street.
VA Office, Spartanburg, Montgomery Building.
Hospital, Columbia, Veterans Administration Hospital.

SOUTH DAKOTA

Center (Regional Office and Hospital), Sioux Falls, Veterans Administration Center. (Royal C. Johnson Veterans Memorial Hospital).
VA Office, Rapid City, 414 Seventh Street.
Hospital, Fort Meade, Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs, Veterans Administration Center.

TENNESSEE

Regional Office, Nashville 3, U.S. Court House, 801 Broadway.
VA Office, Chattanooga 2, 738 Georgia Avenue, Dome Building.
VA Office, *Knoxville, 618 West Church Avenue.
VA Office, Memphis 3, 526 Dermon Office Building, 46 North Third Street.
Hospital, Memphis 15, Park Avenue and Getwell Street.
Hospital, Murfreesboro, Veterans Administration Hospital.
Center (Hospital and Domiciliary), Mountain Home, Veterans Administration Center.
Hospital, Nashville 5, 90 White Bridge Road.

TEXAS

Regional Office, Dallas 1, 511 North Akard Street.
VA Office, Fort Worth, 300 West Vickery Street.
VA Office, Wichita Falls, Federal Building, Lamar at 10th Street.
Regional Office, Houston 4, 2320 LaBranch Street.
VA Office, Beaumont, Post Office Building, P.O. Box 751.
VA Office, Galveston, Post Office Building.
Regional Office, Lubbock, 1612–20 19th Street.
VA Office, Abilene, Room 303, New Post Office Building.
VA Office, Amarillo, Room 306, New Post Office Building.
VA Office, El Paso, 102 South El Paso Street.
VA Office, Odessa, 1202 East 10th Street.
VA Office, San Angelo, Rooms 400–401, McBurnett Building.
Regional Office, San Antonio 5, 307 Dwyer Avenue.
VA Office, Brownsville, 10 East Elizabeth Street.
VA Office, Corpus Christi, Rooms 114–115, Federal Building.
VA Office, Laredo, Post Office Building.
VA Office, Victoria, 104–A North William Street.
Regional Office, Waco, 121 South Sixth Street.
VA Office, Austin, 314 West 11th Street. Mail: P.O. Box 42.
VA Office, Brownwood, 207 Brown Street.
VA Office, Corsicana, State National Bank Building, 101 North Beaton Street.
Hospital, Amarillo, Veterans Administration Hospital.
Hospital, Big Spring, Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bonham, Veterans Administration Center.
Hospital, Dallas 2, Veterans Administration Hospital.
Hospital, Houston 31, 2002 Holcombe Boulevard.
Hospital, Kerrville, Veterans Administration Hospital.
Hospital, Marlin, Veterans Administration Hospital.
Hospital, McKinney, Veterans Administration Hospital.
Center (Hospital and Domiciliary), Temple, Veterans Administration Center.
Hospital, Waco, Memorial Drive.

UTAH

Regional Office, Salt Lake City 4, 1750 South Redwood Road.
VA Office, Ogden, Post Office Building, 24th Street and Grant Avenue.
Hospital, Salt Lake City 1, Fort Douglas Station.
Fort Douglas Hospital Division, Mail: Fort Douglas Station, Salt Lake City 1.
Twelfth Avenue Hospital Division, Mail: Fort Douglas Station, Salt Lake City 1.

VERMONT

Center (Regional Office and Hospital), White River Junction, Veterans Administration Center.
VA Office, Burlington, 86 St. Paul Street.

VIRGINIA

Regional Office, Roanoke 11, 211 West Campbell Avenue.
VA Office, Danville, Room 306, Post Office Building.
VA Office, Lynchburg, Room 317, Post Office Building.
VA Office, Norfolk, Room 217, Post Office Building.
VA Office, Richmond 20, 900 North Lombardy Street.
Center (Hospital and Domiciliary), Kecoughtan, Veterans Administration Center.
Hospital, Richmond 19, Broad Rock Road and Belt Boulevard.
Hospital, Roanoke, Mail: Roanoke Veterans Administration Hospital, Salem, Va.

WASHINGTON

Regional Office, Seattle 1, Tower Building, Seventh Avenue and Olive Way.
VA Office, Bellingham, 229 Kulshan Building, Magnolia and Cornwall.
VA Office, Richland, 1329 George Washington Way.
VA Office, Tacoma, Room 232, Security Building, 915½ Pacific Avenue.
VA Office, Wenatchee, Chelan County Courthouse.
VA Office, Yakima, Room 424, Liberty Building.
Hospital, American Lake, Veterans Administration Hospital.
Hospital, Seattle 8, 4435 Beacon Avenue.
Hospital, Spokane 15, North 4815 Assembly Street.
Hospital, Vancouver, Veterans Administration Hospital.
Hospital, Walla Walla, Veterans Administration Hospital.

WEST VIRGINIA

Regional Office, Huntington 1, 502 Eighth Street.
VA Office, Bluefield, 318 Federal Street.
VA Office, Charleston 1, U.S. Courthouse.
VA Office, Martinsburg, Boyd Building, 302 South Queen Street.
VA Office, Morgantown, 223 Fayette Street.
VA Office, Parkersburg, 221 Fourth Street.
VA Office, *Wheeling (See Regional Office, Pittsburgh 22, Pa.)
Hospital, Beckley, Veterans Administration Hospital.
Hospital, Clarksburg, Veterans Administration Hospital.
Hospital, Huntington 1, 1540 Spring Valley Drive.
Center (Hospital and Domiciliary), Martinsburg, Veterans Administration Center.

WISCONSIN

Regional Office, Milwaukee 2, 342 North Water Street.
VA Office, Eau Claire, 319 South Farwell Street.
VA Office, Green Bay, Room 217, Federal Office Building, 325 East Walnut Street.
VA Office, La Crosse, Sixth and Vine Streets.
VA Office, Superior, Post Office Building.
VA Office, Wausau, Courthouse Annex, Fourth and Scott Streets.
Hospital, Madison, Veterans Administration Hospital.
Hospital, Tomah, Veterans Administration Hospital.
Center (Hospital and Domiciliary), Wood, Veterans Administration Center.

WYOMING

Center (Regional Office and Hospital), Cheyenne, 2360 East Pershing Boulevard.
VA Office, Casper, 140–150 East Midwest Avenue.
Hospital, Sheridan, Veterans Administration Hospital.

(b) Jurisdictional areas of district office and centers (with district office activities); see sec 3(a) for functions:

LOCATION AND AREA

Denver, Colo. (center):

Arizona.	Nevada.
Arkansas.	New Mexico.
California.	Oklahoma.
Colorado.	Hawaii.
Kansas.	Texas.
Louisiana.	Utah.
Mississippi.	Wyoming.
Missouri.	

Philadelphia, Pa. (district office):

Alabama.	New York.
Connecticut.	North Carolina.
Delaware.	Ohio.
District of Columbia.	Pennsylvania.
Florida.	Puerto Rico (including Virgin Islands).
Georgia.	Rhode Island.
Kentucky.	South Carolina.
Maine.	Tennessee.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	West Virginia.
New Hampshire.	
New Jersey.	

NOTE: Records of National Service Life Insurance paid by allotment, and records of persons residing in foreign countries, including the Republic of the Philippines, and all records of United States Government Life Insurance are located in the Philadelphia District Office.

St. Paul, Minn. (center):

Alaska.	Nebraska.
Idaho.	North Dakota.
Illinois.	Oregon.
Indiana.	South Dakota.
Iowa.	Washington.
Minnesota.	Wisconsin.
Montana.	

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 60–5282; Filed, June 9, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 7, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36299: *Denatured alcohol or solvents—New Orleans, La., to St. Louis, Mo.* Filed by O. W. South, Jr., Agent (SFA No. A3964), for interested rail carriers. Rates on denatured alcohol or denatured alcohol solvents, in tank-car loads from New Orleans, La., to St. Louis, Mo.

Grounds for relief: Barge competition.

Tariff: Supplement 248 to Southern Freight Association tariff I.C.C. 400.

FSA No. 36300: *Alcohols—New Orleans, La., to Willow Springs, Ill.* Filed by O. W. South, Jr., Agent (SFA No. A3963), for interested rail carriers. Rates on alcohol, denatured, denatured alcohol solvents and alcohol (other than denatured or wood alcohol), in bond (free of internal revenue tax), in tank-car loads from New Orleans, La., to Willow Springs, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 248 to Southern Freight Association tariff I.C.C. 400.

FSA No. 36301: *Substituted service—C&O and BRR for McLean Trucking Co., et al.* Filed by Middle Atlantic Conference, Agent (No. 26), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Charleston and Huntington, W. Va., on the one hand, and Kearny, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Middle Atlantic Conference, Agent, tariff I.C.C. 13, MF–I.C.C. A–1102.

FSA No. 36302: *Substituted service—C&O and PRR for Smith's Transfer Corporation of Staunton, Va.* Filed by Middle Atlantic Conference, Agent (No. 27), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars (1) between Staunton, Va., on the one hand, and Kearny, N.J., and Philadelphia, Pa., on the other, and (2) between Charleston and Huntington, W. Va., on the one hand and Baltimore, Md., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Middle Atlantic Conference, Agent, tariff I.C.C. 13, MF–I.C.C.A–1102.

FSA No. 36303: *Substituted service—PRR for Boss-Linco Lines, Inc., et al.* Filed by Middle Atlantic Conference, Agent (No. 23), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Buffalo, N.Y., on the one hand, and Baltimore, Md., Kearney, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Middle Atlantic Conference, Agent, tariff I.C.C. 13, MF–I.C.C. A–1102.

FSA No. 36304: *Substituted service—PRR for Hall's Motor Transit Company, et al.* Filed by Middle Atlantic Conference, Agent (No. 24), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Buffalo, N.Y., and Harrisburg, Pa., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Middle Atlantic Conference, Agent, tariff I.C.C. 13, MF–I.C.C. A–1102.

FSA No. 36305: *Substituted service—N&W for Mundy Motor Lines, et al.* Filed by Middle Atlantic Conference, Agent (No. 25), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Bristol-Va.-Tenn., and Roanoke, Va., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Middle Atlantic Conference, Agent, tariff I.C.C. 13, MF–I.C.C. A–1102.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–5272; Filed, June 9, 1960; 8:47 a.m.]

[Notice 326]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 7, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63135. By order of June 3, 1960, the Transfer Board, approved the transfer to Christina Augusta Jurgensen, Beverly Anne Jurgensen, and Christian Adolph Jurgensen, a partnership, doing business as Jurgensen Motor Transfer, Wilmington, N.C., of the operating rights set forth in Certificate No. MC 64856, issued by the Commission December 11, 1956, to Christian A. Jurgensen, doing business as Jurgensen Motor Transfer, Wilmington, N.C., authorizing the transportation, over irregular routes, of food products, packing house products, and concrete products, from Wilmington, N.C., to points in North Carolina and South Carolina within 150 miles of Wilmington, and machinery, from Wilmington, N.C., to points in South Carolina. Royce S. McClelland, 4–5 I.O.O.F. Building, Wilmington, N.C., for applicants.

No. MC–FC 63172. By order of June 6, 1960, the Transfer Board approved the transfer to Springfield-Mountain Home Bus Line, Inc., Springfield, Mo., of a portion of Certificate No. MC 52282, issued February 11, 1958, to H. B. Smith, doing business as Smitty's Bus Line, acquired by Smitty's Bus Line, Inc. pursuant to No. MC–FC 61561, and by J. C. Berry and C. J. DeLapp, doing business as Springfield-Mountain Home Bus Line, Springfield, Mo., pursuant to No. MC–FC 61893, authorizing the transportation of: passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Springfield, Mo., and Ozark, Mo., serving all the intermediate points on the designated route, and between Ozark, Mo., and Mountain Home, Ark., serving all intermediate points on the designated routes. Louis W. Cowan, 512 Woodruff Building, Springfield, Mo., for applicants.

No. MC–FC 63196. By order of June 6, 1960, the Transfer Board approved the transfer to Clair E. Bowser, doing business as Armstrong Moving and Storage, North Water and Ewing Sts., Kittanning, Pa., of Certificate No. MC 35708, issued February 24, 1955, to William F. Grafton and Clair E. Bowser, doing business as Armstrong Moving & Storage Co., North Water and Ewing Sts., Kittanning, Pa., authorizing the transportation of: household goods, between points in Armstrong County, Pa., on the one hand, and, on the other, points in Maryland, New Jersey, New York, Ohio, Rhode Island, West Virginia, and the District of Columbia.

No. MC–FC 63296. By order of June 3, 1960, the Transfer Board, approved the transfer to Richland Transfer and Storage, Inc., 11 East Kennewick Avenue, Kennewick, Washington, of the operating rights set forth in Certificates Nos. MC 43045 and MC 43045 Sub 3, issued by the Commission January 30, 1956, and March 29, 1957, respectively, to Edward H. Weber, doing business as Richland Transfer and Storage, 11 East Kennewick Avenue, Kennewick, Washington, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Kennewick, Wash., and Richland, Wash., and between Richland, Wash., and Hanford, Wash., of household goods, over irregular routes, between Kennewick, Wash., and Pasco, Wash., on the one hand, and, on the other, points in a described portion of Idaho and Oregon, and over regular routes, between Kennewick, Wash., and Richland, Wash., and between Richland, Wash., and Hanford, Wash., and of machinery and sawdust over irregular routes, between Kennewick and Pasco, Wash., on the one hand, and, on the other, points in Benton County, Wash., and those in Umatilla County, Oreg.

No. MC–FC 63305. By order of June 6, 1960, the Transfer Board approved the transfer to Bernard Heyer, New York, N.Y., of Permit No. MC 107589 Sub 1 issued August 4, 1947, in the name of Louis Wellikoff, doing business as L. W. Motor Hire, New York, N.Y., authorizing the transportation over irregular routes of bakery products and materials used in the manufacture of bakery products, from New York, N.Y., to points in Connecticut; and empty containers and rejects on return. Lee Feltman, 347 Madison Avenue, Room 404, New York 17, N.Y., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–5273; Filed, June 9, 1960; 8:47 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 118–A]

ANN ARBOR RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 118 (The Ann Arbor Railroad Company) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 118, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 9:00 a.m., June 6, 1960.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 6, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60–5274; Filed, June 9, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 16, Revised $6.50
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Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (22) is added to § 6.342(b) as set out below.

§ 6.342 Housing and Home Finance Agency.

* * * * *

(b) *Federal Housing Administration.* * * *

(22) One Confidential Administrative Assistant to the Deputy Commission for Operations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60–5338; Filed, June 10, 1960; 8:48 a.m.]

PART 29—RETIREMENT

Exclusions From Retirement Coverage

Paragraph (b) of § 29.2 is amended as set out below.

§ 29.2 Exclusions from retirement coverage.

* * * * *

(b) The exclusions in paragraph (a) of this section do not operate to deny retirement coverage in any case in which (1) employment in an excluded category follows employment subject to the act without a break in service or after a separation from service of three days or less, (2) the employee is granted competitive civil servie status under legislation, Executive order, or the Civil Service rules and regulations, while he is serving in a position in the competitive service, (3) the employee previously had a competitive civil service status and such status is restored to him by action of reinstatement, or (4) the employee is granted merit status under Chapter II of this title, "Employment and Compensation in the Canal Zone."

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60–5339; Filed, June 10, 1960; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Grain Sorghum Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 25 F.R. 3920 and 4894 and containing the specific requirements for the 1960-crop grain sorghums price support program are hereby amended as follows:

Section 421.5233(a)(3)(i) is amended to provide that in determining the support rate for grain sorghums shipped by rail or water to any designated terminal market listed in this subdivision, a deduction shall be made for the transportation cost, if any, for moving the grain sorghums to a tidewater loading facility located within the same switching limits, so that the amended subdivision reads as follows:

§ 421.5233 Determination of support rates.

(a) * * *

(3) (i) Notwithstanding the foregoing provisions of this paragraph, the support rate for grain sorghums shipped by rail or water and stored at any of the following terminal markets, shall be equal to the rate for the applicable terminal market minus the transportation cost, if any, as determined by the appropriate CSS commodity office, for moving the grain sorghums to a tidewater loading facility located within the same switching limits.

Los Angeles, Calif.; San Francisco, Calif.; Stockton, Calif.; Oakland, Calif.; Astoria, Oreg.; Portland, Oreg.; Corpus Christi, Tex.; Galveston, Tex.; Houston, Tex.; Port Arthur, Tex.; Longview, Wash.; Seattle, Wash.; Tacoma, Wash.; Vancouver, Wash.; Baton Rouge, La.; and New Orleans, La.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 78 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 8th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–5354; Filed, June 10, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 201]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.501 Valencia Orange Regulation 201.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act,

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to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 9, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 12, 1960, and ending at 12:01 a.m., P.s.t., June 19, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5434; Filed, June 10, 1960; 11:30 a.m.]

[Lemon Reg. 850]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.957 Lemon Regulation 850.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 7, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 12, 1960, and ending at 12:01 a.m., P.s.t., June 19, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 9, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5396; Filed, June 10, 1960; 9:25 a.m.]

[Peach Order 2]

PART 962—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

§ 962.319 Peach Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 12, 1960. Shipments of the early varieties of the current crop of peaches are now being made and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., June 12, 1960, and ending at 12:01 a.m., e.s.t., September 1, 1960, no handler shall ship peaches in any bulk lot or any lot of packages (except peaches in bulk to destinations in the adjacent markets) which are of a size smaller than 1¾ inches in diameter, except that not more than ten (10) percent, by count, of such peaches in any bulk lot or any lot of packages may be of a size smaller than 1¾ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1¾ inches in diameter.

(c) When used in this section, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the term "diameter" shall have the same meaning as when used in the revised United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5435; Filed, June 10, 1960; 11:30 a.m.]

PART 1021—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Order 121 (7 CFR Part 1021, 24 F.R. 2425), regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), was published in the FEDERAL REGISTER May 24, 1960, (25 F.R. 4557). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

This notice afforded interested persons an opportunity to file data, views and arguments pertaining thereto not less than five days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, which was recommended by the Texas Valley Tomato Committee established pursuant to the aforesaid marketing order, it is hereby found and determined that:

§ 1021.202 Expenses and rate of assessments.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Committee established pursuant to Marketing Order No. 121, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing order, during the fiscal period ending February 28, 1961, will amount to $20,000.

(b) The rate of assessment to be paid by each handler pursuant to this part shall be one cent ($0.01) per 60-pound crate of tomatoes, or the equivalent quantity thereof in other containers handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Order No. 121 (7 CFR Part 1021).

It is hereby found that good cause exists for not postponing the effective date of this document beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the rate of assessment set forth herein applies to handling of tomatoes grown in the production area and the handling of the 1960 spring crop of tomatoes has begun, (2) it is necessary that such rate of assessment be established at the earliest possible date in order to facilitate operations under the marketing order and (3) notice hereof has been given by publication in the FEDERAL REGISTER of May 24, 1960, 25 F.R. 4557.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 8, 1960, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5383; Filed, June 10, 1960; 8:50 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 616—BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY IN PUERTO RICO

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 531 (25 F.R. 3178), appointed and convened Industry Committee No. 47–A and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the button, jewelry, and lapidary work industry in Puerto Rico as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce. There was not referred to the committee the wage rate fixed for the gem stone classification of the industry (23 F.R. 4993), which had reached the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending 29 CFR Part 616, effective June 27, 1960, to read as follows:

Sec.
616.1 Definition.
616.2 Wage rates.
616.3 Notices.

AUTHORITY: §§ 616.1 to 616.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 8, 52 Stat. 1062, as amended; 29 U.S.C. 208.

§ 616.1 Definition.

The button, jewelry, and lapidary work industry in Puerto Rico, to which this part shall apply, is defined as the manufacture from any material of buttons, buckles, jewelry (including rosaries), jewelry findings (including beads), and hair ornaments and accessories; and the processing of natural or synthetic stones for jewelry or industrial use.

§ 616.2 Wage rates.

(a) Wages at a rate of not less than 47 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the rosary and native jewelry classification of that industry, which is defined as the assembling of rosaries and the manufacture of novelty jewelry from materials wholly or in major part of local origin such as seeds, shells, natural fibers, and similar materials.

(b) Wages at a rate of not less than 76 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the hair ornaments classification of that industry which is defined as the manufacture of hair ornaments such as combs, clips, or barrettes decorated or ornamented with precious metals or with natural or imitation stones or pearls.

(c) Wages at a rate of not less than 72 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the hair accessories classification of that industry, which is defined as the manufacture from any material of bobby pins, hair clips, hair curlers, hair wavers, and other hair accessories, and the manufacture of hair ornaments other than those decorated or ornamented with precious metals or with natural or imitation stones or pearls.

(d) Wages at a rate of not less than 63 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the button and buckle and plastic costume jewelry classification of that industry, which is defined as the manufacture from any material of buttons and buckles; and the manufacture or assembly of all types of costume jewelry and jewelry findings made wholly or in major part from plastic materials, and including the pearlizing of buttons, beads, and costume jewelry and the stringing of pearlized beads.

(e) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the industrial jewel and precious jewelry classification of that industry, which is defined as the sawing, cutting, grinding, polishing, and other processing of natural or synthetic jewels for industrial use, including, but without limitation, jewel bearings, industrial diamonds, and the processing of precious and synthetic stones as components of phonograph needles and the attachment of such jewels to metal phonograph needle components, but not including the production of such metal

components; and the manufacture of jewelry and other personal ornaments from precious metals with or without precious stones.

(f) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the gem stone classification of that industry, which is defined as the sawing, cutting, grinding, polishing, and other processing of gem diamonds, other precious and semi-precious stones, and synthetic stones used for decorative purposes.

(g) Wages at a rate of not less than 87 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the metal expansion watch band classification of that industry, which is defined as the fabrication or partial fabrication of metal expansion bands or expansion bracelets for watches or other uses.

(h) Wages at a rate of not less than 67 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the button, jewelry, and lapidary work industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification of that industry, which is defined as the manufacture of all products included in the button, jewelry, and lapidary work industry in Puerto Rico, as defined in § 616.1, except those products and activities included in the rosary and native jewelry classification, the hair ornaments classification, the hair accessories classification, the button and buckle and plastic costume jewelry classification, the industrial jewel and precious jewelry classification, the gem stone classification, and the metal expansion watch band classification, as those classifications are defined in this section.

§ 616.3 Notices.

Every employer subject to the provisions of § 616.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 616.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 7th day of June 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-5352; Filed, June 10, 1960; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7399]

PART 13—PROHIBITED TRADE PRACTICES

Allied Merchandising, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15-265 *Service;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.185 *Refunds, repairs, and replacements;* § 13.225 *Services.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 *Earnings and profits;* § 13.1995 *Job guarantee and employment;* § 13.2040 *Returns and reimbursements;* § 13.2045 *Sales assistance.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Allied Merchandising, Inc., et al., University City, Mo., Docket 7399, April 18, 1960]

In the Matter of Allied Merchandising, Inc., a Corporation, and Peter A. Krane, William Dardick, and Vern F. Hawkins, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging cigarette vending machine distributors in University City, Mo., with making in advertising deceptive employment offers, exaggerated earnings claims, false assurances of assistance and other misleading representations.

After trial of the issues, the hearing examiner made his initial decision, including findings, conclusions and order to cease and desist, which, with slight modification, became on April 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Allied Merchandising, Inc., a corporation, and its officers, Peter A. Krane, individually and as an officer of said corporation, and William Dardick and Vern F. Hawkins, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of machines and other devices used for the purpose of vending merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That any offer is an offer of employment when, in fact, the real purpose is to obtain purchasers of their machines, or other devices.

2. That an established route of operating machines or other devices is offered for sale.

3. That the only investment required of a purchaser is that needed to purchase an inventory.

4. That the earnings or profits derived from the operation of their machines or other devices are any amounts in excess of those which have been, in fact, customarily earned by operators of their machines or other devices.

5. That surveys have been or will be made by respondents to determine locations which would prove profitable for the installation of such machines or other devices.

6. That profitable locations will be secured for a purchaser's machines or other devices.

7. That, should a location of a purchaser's machines or other devices prove to be unprofitable, said machines or other devices will be relocated by respondents.

8. That no selling or soliciting is required of the purchaser in the operation of such machines or other devices.

9. That respondents will resell or repurchase the machines or other devices sold by them in the event the purchaser becomes dissatisfied with the profit derived therefrom and requests them to do so; or will resell or repurchase said machines or other devices for any other reason, unless such is the fact.

10. That respondents make arrangements whereby the purchasers of their machines or other devices may buy merchandise at wholesale prices.

It is further ordered, That the complaint be and it is hereby dismissed as to William Dardick and Vern F. Hawkins in their capacity as officers of respondent Allied Merchandising, Inc.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5308; Filed, June 10, 1960; 8:46 a.m.]

[Docket 7651 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bercut-Richards Packing Co., Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d); § 13.824 Advertising expenses.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Bercut-Richards Packing Co., Inc., Sacramento, Calif., Docket 7651, April 27, 1960]

In the Matter of Carroll F. Chatham, an Individual, Trading as Chatham Research Laboratories; Anglomex, Inc., a Corporation, and Dan E. Mayers, Individually and as an Officer of Said Corporation; Ipekdjian, Inc., a Corporation, and Adom Ipekdjian, and Georges Ipekdjian, Individually and as Officers of Said Corporation; Cultured Gem Stones, Inc., a Corporation, and Adom Ipekdjian, and Georges Ipekdjian, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a San Francisco manufacturer of synthetic stones having the appearance of emeralds, along with the New York City wholesaler-distributors thereof, with representing falsely in advertising that said "Chatham Emeralds" were cultured, natural stones and identical to natural stones, and to cease using the word "emerald" to describe such stones unless it was immediately preceded by "synthetic" or a similar word.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 4 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Carroll F. Chatham, an individual, trading as Chatham Research Laboratories, or under any other name; Anglomex, Inc., a corporation, and its officers, and Dan E. Mayers, individually and as an officer of said corporation; Ipekdjian, Inc., a corporation, and its officers, and Cultured Gem Stones, Inc., a corporation, and its officers, and Adom Ipekdjian and Georges Ipekdjian, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for sale, offering for sale, sale and distribution of stones now known as Chatham Emeralds or Chatham Cultured Emeralds, or any other manufactured stone having essentially the same optical, physical and chemical properties, or any other manufactured stone having essentially the same optical, physical and chemical properties as a natural stone, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that such stones have been cultured, are natural stones, or are identical to natural stones;

2. Using the word "emerald" or the name of any other precious or semi-precious stone as descriptive of such stones unless such word or name is immediately preceded, with equal conspicuity, by the word "synthetic" or by some other word or phrase of such meaning as clearly to disclose the nature of such product and the fact that it is not a natural stone; provided, however, that this prohibition shall not be construed as requiring respondents or any of them to disclose the method or process, or any part thereof, used by respondent Chatham in the manufacture of his stones.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5309; Filed, June 10, 1960; 8:46 a.m.]

[Docket 7609 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Chatham Research Laboratories, et al.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature.* Subpart—Using misleading name, § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chatham Research Laboratories, et al., San Francisco, Calif., Docket 7609, April 4, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Sacramento, Calif., canner of fruits, vegetables and juices—with annual sales exceeding $12,000,000—with violating Sec. 2(d) of the Clayton Act by paying favored purchasers advertising allowances which were not made available on proportionally equal terms to all their competitors.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Bercut-Richards Packing Company, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of canned food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making, or contracting to make, to, or for the benefit of, any customer, any payment of anything of value as compensation or in consideration for any advertising or other service or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale, of products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available to all competing customers on proportionally equal terms.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5310; Filed, June 10, 1960; 8:46 a.m.]

[Docket 7632 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Edward J. Kasnicka and Master Designer

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities;* § 13.170 *Qualities or properties of product or service;* § 13.170-35 *Educational, informative, training.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Edward J. Kasnicka t/a Master Designer, Chicago, Ill., Docket 7632, April 27, 1960]

The complaint in this proceeding charged a Chicago seller of home study books on clothes designing and tailoring with misrepresenting that employment opportunities, increased earnings and other benefits would be afforded purchasers of his books, that he had authority to award the diplomas he sold for a consideration, and that they would assure holders of better-paying positions, etc.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 27, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Edward J. Kasnicka, individually and doing business under the name of Master Designers, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of home study books designated as "Modern Garment Design and Grading Clothing for Men & Boys", "Modern Method of Women & Children's Garment Design" and "Modern Custom Tailoring

for Men", or any other books of whatever names containing substantially the same subject matter, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondent has the authority to award diplomas.

2. Respondent's diplomas are recognized by employers, tailors or any other members of the public.

3. The possession of one of respondent's diplomas will be useful or helpful in finding employment or influence the public to patronize the holder's business establishment.

4. Respondent's diplomas will assure persons of better paid positions or jobs or increase their incomes or prestige.

5. Respondent's books are the equivalent to a classroom study course on the same subjects.

6. Persons, after studying respondent's books, will thereby be competent or able to perform the functions, acts, and duties of skilled craftsmen in drafting, grading, cutting or tailoring, or will be so recognized as such craftsmen by the trade.

7. Persons who study respondent's books will for this reason be employed by the garment industry or tailors as drafters, graders, cutters or tailors.

8. Persons who study respondent's books are assured of success or better pay in the garment industry or tailoring business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Edward J. Kasnicka, an individual trading as Master Designer shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5311; Filed, June 10, 1960; 8:46 a.m.]

[Docket 7408]

PART 13—PROHIBITED TRADE PRACTICES

Lasky Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-45 *Fictitious marking.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Lasky Enterprises, Inc., et al., St. Louis, Mo., Docket 7408, April 27, 1960]

In the Matter of Lasky Enterprises, Inc., a Corporation, and M. B. Lasky, S. H. Jacobson, Ben Schapiro, and Harry Lasky, Individually and as Officers of Said Corporation

The complaint in this proceeding charged furniture and electrical appliance dealers in St. Louis, Mo., with representing falsely in advertising in newspapers, etc.—through use of such statements as "Telephone Lounger—Reg. 39.59; 34.88 $219.95—Refrigerator $158"—that the first figure, often following "Reg.", was the usual price for the merchandise concerned and that the difference between the two prices represented savings therefrom.

After the usual trial proceedings, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Lasky Enterprises Inc., a corporation, and its officers, and M. B. Lasky, S. H. Jacobson, Ben Schapiro and Harry Lasky, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of furniture and electrical appliances, or any other merchandise, do forthwith cease and desist from representing, directly or by implication:

1. That any amount is the regular and usual price of respondents' merchandise, when such amount is in excess of the amount at which such merchandise is usually and customarily sold by respondents in the trade area where the representation is made.

2. That any savings are afforded through the purchase of respondents' merchandise, unless the price at which such merchandise is offered constitutes a reduction from the price at which such merchandise has been regularly and customarily sold by respondents in the recent normal course of their business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5312; Filed, June 10, 1960; 8:46 a.m.]

[Docket 7740 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Miller Laboratories et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or properties of product or service;* § 13.170-22 *Corrective, orthopedic, etc.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Miller Laboratories (Fred B. Miller et al. t/a), Hagerstown, Md., Docket 7740, April 14, 1960]

In the Matter of Fred B. Miller and Robert H. Miller, Individuals and Partners, Trading as Miller Laboratories and as Fred B. Miller

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in Hagerstown, Md., with representing falsely in advertisments in newspapers and magazines and otherwise that their "Miller Truss" would bring permanent relief from ruptures, was custom fitted, was more effective than competitive products, was guaranteed to control ruptures 100 percent, etc.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Fred B. Miller and Robert H. Miller, individually or as partners trading as Miller Laboratories or Fred B. Miller, or under any other trade name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of devices designated as Miller Truss, or any other product or device of substantially similar construction or design, whether sold under the same name or any other name or names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of respondents' devices gives lasting relief unless limited to the period of time in which the device is actually worn;

(b) That the use of respondents' devices gives permanent relief or ends suffering;

(c) That respondents' devices are custom fitted or in all cases are the correct truss;

(d) That respondents' devices will afford results that are different from those afforded by all other trusses;

(e) That respondents' devices are nature's way of closing or decreasing the size of hernial openings, or are nature's way of holding hernias;

(f) That respondents' devices will heal, cure or decrease the size of hernial openings;

(g) That the use of respondents' devices will aid blood circulation or strengthen the muscle;

(h) That respondents' devices will retain or hold all ruptures or hernias, or control ruptures 100 percent;

(i) That respondents' devices are guaranteed, unless the nature and extent of the guarantee and the manner of performance thereunder are clearly and conspicuously disclosed in connection with the representation of the guarantee;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said devices, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Fred B. Miller and Robert H. Miller, individuals and partners, trading as Miller Laboratories and as Fred B. Miller, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5313; Filed, June 10, 1960; 8:46 a.m.]

[Docket 7680 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Morrison Knitwear Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-30 *Durability.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Morrison Knitwear Co., Inc., et al., New York, N.Y., Docket 7680, April 14, 1960]

In the Matter of Morrison Knitwear Company, Inc., a Corporation, and Morris Rosen, Max Jaffe, Harold Rosen, and Hannah Rosen Individually and as Officers of Said Corporation

The complaint in this proceeding charged New York City distributors with representing falsely—by advertisements in magazines, display cards supplied to sellers, attached tags or labels and otherwise—that their orlon sweaters would not "pill" (fuzz up in balls).

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Morrison Knitwear Company, Inc., a corporation, and its officers, and Morris Rosen, Max Jaffe, Harold Rosen and Hannah Rosen, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of women's orlon sweaters (or any other product made of orlon) in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication, that said products will not pill.

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5314; Filed, June 10, 1960; 8:46 a.m.]

[Docket 7450 c.o.-o.]

PART 13—PROHIBITED TRADE PRACTICES

J. R. Prentice et al.

Subpart—Cutting off access to customers: § 13.537[1] Contracts restricting employees' rights to work for self or competitor.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 3, 38 Stat. 731; 15 U.S.C. 14) [Cease and desist order, J. R. Prentice d/b/a American Breeders Service, et al., Chicago, Ill., Docket 7450, April 18, 1960]

In the Matter of J. R. Prentice, Individually and Doing Business as American Breeders Service, Ozark Proved Sire Service Company, a Corporation, and Don L. Hoyt, Individually and as President of Ozark Proved Sire Service Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a major supplier of bull semen used in artificially inseminating dairy cows with requiring that technicians employed by him refrain from working for themselves or a competitor in a bull semen business for a period of two years after termination of their contract.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 18 the decision of the Commission.

The order to cease and desist including order requiring compliance is as follows:

It is ordered, That respondent J. R. Prentice, directly or indirectly, in the course and conduct of a bull semen business conducted under the American Breeders Service, or any other name, do forthwith cease and desist from providing by contract, agreement, or understanding that technicians employed by him shall refrain from working for themselves or a competitor in a bull semen business for a period longer than permitted by the law of the State involved and in no event for a period in excess of one year after termination of their employment with him.

It is further ordered, That the complaint herein is dismissed as to respondents Don L. Hoyt and Ozark Proved Sire Service Company.

It is further ordered, That Count I of the complaint herein is dismissed.

It is further ordered, That Count II of the complaint herein is dismissed as to J. R. Prentice except for that portion thereof concerning the employment of technicians which is provided for in this order.

It is further ordered, That respondent J. R. Prentice shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 18, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5315; Filed, June 10, 1960; 8:47 a.m.]

[Docket 7664 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Wellesley Dress Shop, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-15 *Comparative.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur Products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1785 *Comparative.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and

[1] New.

dated order, Wellesley Dress Shop, Inc., et al., Niagara Falls, N.Y., Docket 7694, April 27, 1960]

In the Matter of Wellesley Dress Shop, Inc., a Corporation, and Harold Kirts and Donald King, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Niagara Falls, N.Y., with violating the Fur Products Labeling Act by mutilating labels on fur products prior to ultimate delivery; by setting forth on labels the name of an animal other than that producing certain fur, and failing to set forth such terms as "Dyed Broadtail-processed Lamb"; by advertising comparative prices as "were" prices without designating the time when they were in effect and failing to keep adequate records as a basis therefor; and by failing in other respects to comply with labeling and invoicing requirements.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Wellesley Dress Shop, Inc., a corporation, and its officers and Harold Kirts and Donald King, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on labels affixed to fur products the name or names of any animal or animals other than the name or names provided for in section 4(2)(A) of the Fur Products Labeling Act.

3. Setting forth on labels affixed to fur products:

(a) Information required under section 4 of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(b) Information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder mingled with non-required information.

(c) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required by Rule 10 of said rules and regulations.

5. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

6. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Mutilating, or causing or participating in the mutilation of, prior to the time any fur product is sold and delivered to the ultimate consumer, any label required by the Fur Products Labeling Act to be affixed to such fur product.

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products information required under section 5(b)(1) of the Fur Products Labeling Act, and the rules and regulations promulgated thereunder in abbreviated form.

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Sets forth "were" prices or former prices without designating the time of such "were" prices or former prices.

2. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

E. Making claims or representations in advertisements respecting prices or values of fur products unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5316; Filed June 10, 1960; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55149]

PART 16—LIQUIDATION OF DUTIES

Conversion of Currency

The Philippine Islands, designated in T.D. 54338, effective commencing April 1, 1957, as a country whose currency shall be subject to conversion for customs purposes in accordance with applicable law and regulations at the rate first certified by the Federal Reserve Bank of New York for a day within each calendar quarter, is hereby removed from the list of such countries, pursuant to section 522(c)(1)(B) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)(1)(B)).

The list of quarterly-rate countries set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations (19 CFR 16.4(d)) therefore is amended by deleting Philippine Islands, effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Publication of notice and public procedure under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is found to be impracticable because it is imperative in the proper administration of the above-mentioned provision of the Tariff Act of 1930, as amended, that this Treasury decision be put into effect without delay. This urgency is also found to be good cause for not deferring the effective date pursuant to section 4(c) of the Administrative Procedure Act.

(R.S. 251, secs. 522, 624, 46 Stat. 378, as amended, 759; 19 U.S.C. 66, 1624, 31 U.S.C. 372)

The Federal Reserve Bank of New York suspended certification of rates for the Philippine Islands peso effective April 25, 1960. The Bank has decided not to resume certification on a daily basis. The Bank, should circumstances permit, intends to comply with such specific requests as become necessary for the Customs Information Exchange to make for certification of the appropriate rate or rates of exchange for the specific dates requested.

Instructions will be issued as soon as practicable with respect to the rate or rates applicable for customs purposes as to exportations occurring on dates on and after April 25, 1960, and prior to the effective date of this Treasury decision.

[SEAL] J. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: June 6, 1960.

A. GILMORE FLUES, *Acting Secretary of the Treasury.*

[F.R. Doc. 60-5341; Filed, June 10, 1960; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 1 of Title 41 is amended as set forth below:

PART 1–1—GENERAL

1. A new Subpart 1–1.10 is added, as follows:

Subpart 1–1.10—Publicizing Procurement Actions

Sec.
1–1.1001 General policy.
1–1.1002 Availability of invitations for bids and requests for proposals.
1–1.1003 Synopses of proposed procurements.
1–1.1003–1 Department of Commerce Synopsis.
1–1.1003–2 General requirements.
1–1.1003–3 Research and development.
1–1.1003–4 Synopses of subcontract opportunities.
1–1.1003–5 Pre-invitation notices.
1–1.1003–6 Time of publicizing.
1–1.1003–7 Preparation and transmittal.
1–1.1004 Synopses of contract awards.
1–1.1004–1 Preparation and transmittal.

AUTHORITY: §§ 1–1.1001 to 1–1.1004–1 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 1–1.10—Publicizing Procurement Actions

§ 1–1.1001 General policy.

Proposed procurements which offer competitive opportunities for prospective prime contractors or subcontractors shall be publicized as prescribed in this Subpart 1–1.10, to increase competition, thus assisting small business and labor surplus area concerns and broadening industry participation in Government procurement programs.

§ 1–1.1002 Availability of invitations for bids and requests for proposals.

A reasonable number of copies of each invitation for bids and requests for proposals publicized in the Department of Commerce Synopsis, including specifications and other pertinent information, shall be maintained by the issuing office. To the extent such unclassified invitations for bids and requests for proposals are available, they shall be provided to manufacturers, construction contractors, and regular dealers and to others having a legitimate interest therein, such as publishers, trade associations, procurement information services and others who disseminate information concerning invitations for bids and requests for proposals; otherwise the procuring activity may limit the availability of invitations for bids and requests for proposals to perusal at the issuing office.

§ 1–1.1003 Synopses of proposed procurements.

§ 1–1.1003–1 Department of Commerce Synopsis.

(a) The publication "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards" is published daily, except Saturdays, Sundays, and holidays, by the U.S. Department of Commerce, Chicago, Illinois. The primary purpose of the Synopsis is to provide industry with information concerning current Government contracting and subcontracting opportunities, including information as to the identity and location of Government contracting offices and prime contractors having current or potential need for certain types of products or services. This publication is available on an annual subscription basis, and subscriptions can be entered at the publishing office or at any Department of Commerce office. Complimentary subscriptions are available to participating Government activities upon request.

(b) Each executive agency shall participate, to the maximum practicable extent, in providing current information concerning proposed procurements to the Department of Commerce for publication in the Synopsis. Procurement agencies shall develop procedures for assuring that proposed procurements are publicized in the Synopsis as required by this section 1–1.1003.

§ 1–1.1003–2 General requirements.

(a) Every proposed advertised or negotiated procurement made in the United States, except Hawaii and Alaska, which may result in an award or awards in excess of $10,000 shall be publicized promptly in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards," except that the following need not be publicized in the Synopsis.

(1) Procurements where there is an absence of potential competition or where it has been predetermined that the procurement will be awarded to a specific concern (e.g., procurements of utility services and procurements for which specific background knowledge or unusual scientific and technical equipment is a prerequisite to performance).

(2) Procurements where circumstances necessitate establishing less than 15 calendar days for submission of bids, proposals, or quotations.

(3) Procurements of a classified nature.

(4) Procurements of perishable subsistence.

(5) Procurements where only foreign sources are to be solicited.

(b) The dollar amount specified in section 1–1.1003–2(a) shall not be construed as a prohibition against publicizing procurements below that amount in any case where the procuring activity determines that such publication would be advantageous to industry or to the Government.

(c) The requirements in section 1–1.1003–2(a) shall not be construed to mean publicizing delivery orders issued under existing contracts (such as Federal Supply Schedules) or orders from mandatory sources of supply (such as National Industries for the Blind).

§ 1–1.1003–3 Research and development.

In order that potential sources may learn of research and development programs, advance notices of the Government's interest in a specific research and development field shall be published in the Department of Commerce Synopsis in accordance with section 1–1.1003–7(b)(9) so as to give such sources adequate opportunity to submit information for evaluation of their research and development capabilities, except where security considerations prohibit such publication.

§ 1–1.1003–4 Synopses of subcontract opportunities.

Prime contractors and subcontractors should be encouraged to use the Department of Commerce Synopsis to publicize opportunities in the field of subcontracting stemming from Government business. Prime contractors and their subcontractors should be advised to mail subcontract information directly to the Department of Commerce.

§ 1–1.1003–5 Pre-invitation notices.

Where pre-invitation notices (see section 1–2.205–4) are used, the pre-invitation information shall be included in the Synopsis. The information need not be re-published in the Synopsis when the invitation for bids concerned is subsequently issued.

§ 1–1.1003–6 Time of publicizing.

To allow concerns which are not on current bidders lists ample time to prepare bids, proposals or quotations, procuring activities should, when feasible, publicize proposed procurements before issuance of invitations for bids and requests for proposals. Prompt reporting is particularly important where a short time for submitting bids or proposals is involved.

§ 1–1.1003–7 Preparation and transmittal.

(a) Procuring activities shall transmit a synopsis of proposed procurements as follows:

(1) When use of teletypewriter service is feasible, information shall be transmitted via teletypewriter at the end of each day to the following address: Synopsis, Commerce Department, Field Services, Chicago, Illinois.

(2) When use of teletypewriter service is not feasible, information shall be sent by airmail or ordinary mail, whichever is considered most expeditious, addressed as follows: Administrative Service Office, U.S. Department of Commerce, 433 West Van Buren Street, Chicago 7, Illinois.

(b) Each Synopsis message shall be prepared as described below:

(1) *Spacing.* Lines of the text shall be double spaced, not exceeding 69 typewritten spaces in length.

(2) *Numbering.* The first line of the message text should include a message number for ready identification and reference purposes. Messages normally will be numbered consecutively by the reporting activity, beginning a new series each calendar year.

(3) *Contracting office address.* Beginning with the second line of the text, state the name and location of the contracting office. Abbreviations should not be used except for the name of the State. The address may include an attention phrase directed to an official by name or title.

(4) *Description of supplies or services being procured.* Item descriptions

will begin in narrative paragraph form, double spaced, with each line commencing at the left-hand margin. The description should be concise, but sufficiently detailed to permit understanding by interested parties. Commonly used names of the procurement items, basic materials from which fabricated, general sizes or dimensions, citations of specification or drawing numbers, Federal stock numbers, quantities, units of measure, invitation for bid or request for proposal numbers, opening dates, place of delivery, and other pertinent data shall be included. Only standard, commonly understood, abbreviations may be used. For purposes of clarity, two hyphens should be used instead of commas to separate quantities, purchase reference numbers, opening dates, etc.

(5) *Several items on one invitation for bids or request for proposals.* Where several items having the same procurement reference number and the same time for receipt of bids or proposals are reported, the description should be preceded by a blanket statement such as "The following described items are to be procured under Invitation for Bids (or Request for Proposals) No. ——, Opening Date ——————."

(6) *Qualified products.* If the procurement item is covered by one or more specifications requiring qualification testing and approval, and such requirement has not been waived, the notation "QPL" shall be inserted immediately following the specification number.

(7) *Term contracts or indefinite quantities.* If the quantity is indefinite, the description should so state and, where applicable, include information as to the duration of the contract period.

(8) *Procurements involving set-asides.* If the proposed procurement involves a small business set-aside, or labor surplus area set-aside, the Synopsis message should—

(i) Where there is a 100 percent small business set-aside, state that "The proposed procurement(s) listed herein is (are) totally set aside for small business." Separate messages should be sent covering those proposed procurements which involve 100 percent small business set-asides to facilitate publication in the Notice to Small Firms Section of the Synopsis.

(ii) Where there is a partial small business or labor surplus area set-aside, state that "An additional quantity of ——————————
(Insert number of units and description)
is being reserved for ——————————
—————————— under
(Insert "small business" or "labor surplus area" as appropriate)
a partial set-aside determination."

(9) *Research and development item.* Notices which invite the submission of information as to research and development capabilities in specific fields of interest shall be headed "RESEARCH AND DEVELOPMENT SOURCES SOUGHT." This shall be followed by a statement similar to the following: "Firms having research and development capabilities in the field of —————————— and
(be specific)
whose facilities and personnel include ——————————
(Describe in substantial detail minimum facilities and personnel required)
are invited to submit complete information to the procuring office listed above. Information furnished should include the total number of employees and professional qualifications of scientists, engineers, and technical personnel; a description of general and special facilities; an outline of previous projects; a statement regarding industrial security clearance, if previously granted; and other available descriptive literature. This is not a request for a proposal."

§ 1–1.1004 Synopses of contract awards.

Awards of all unclassified contracts to be performed in whole or in part within the United States, exceeding $25,000 in amount, shall be published in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards." This dollar amount shall not be construed as a prohibition against publicizing smaller awards where the procuring activity determines that such publication would be advantageous to industry or to the Government.

§ 1–1.1004–1 Preparation and transmittal.

(a) Procuring activities shall prepare information concerning contract awards in the same format, and forward single copies thereof to the same mailing address, as prescribed in section 1–1.1003–7(a) for synopses of proposed procurements. The information shall be sent by airmail or ordinary mail, whichever is considered most expeditious, before the close of business at the end of each week.

(b) The synopsis of contract awards shall contain the following information:

(1) Name and address of the procuring office.

(2) A clear and concise description of the property or services being procured, such description to be followed by the contract number and, in parentheses, by the applicable number of the invitation for bids or request for proposals.

(3) Quantity and dollar amount of each item.

(4) Name and full address of the contractor.

(5) When requested by the prime contractor, a statement of the industries, crafts, processes, or component items in or for which subcontracts are available and subcontractors are desired, together with the general area, if any, indicated by the prime contractor, such as Southeast States, West Coast, New England.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.2—Solicitation of Bids

2. Section 1–2.203–4 is revised as follows:

§ 1–2.203–4 Synopses of invitations for bids.

Synopses of invitations for bids shall be prepared and publicized in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards," in accordance with section 1–1.1003.

3. The Table of Contents is amended to add section 1–2.409 to read as follows:

Sec.
1–2.409 Synopses of contract awards.

4. Section 1–2.409 is added to read as follows:

§ 1–2.409 Synopses of contract awards.

See section 1–1.1014.

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.1—Use of Negotiation

5. Section 1–3.103(a) is revised as follows:

§ 1–3.103 Dissemination of procurement information.

(a) Synopses of proposed procurements and contract awards shall be prepared and publicized in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards," in accordance with the requirements of sections 1–1.1003 and 1–1.1004.

Effective date: These regulations are effective September 1, 1960, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: June 3, 1960.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 60–5275; Filed, June 10, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–KC–36]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On October 21, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8506) stating that the Federal Aviation Agency proposed to modify the Indianapolis, Ind., control zone.

As stated in the notice, the Indianapolis, control zone presently includes the airspace within a 5-mile radius of the Weir Cook County Airport, with extensions to the west, based on the Indianapolis radio range; southwest, based on the ILS localizer course; and northwest, based on the Indianapolis VORTAC. The control zone extension to the west, designated to provide protection for aircraft executing low frequency radio range standard instrument approaches, presently extends to the Clayton fan marker, 9.8 nautical miles from the radio range station. The prescribed low frequency range standard instrument approach at Weir Cook County Airport, permits descent below 1,000 feet above the terrain to be made on the west course within 10 nautical miles of the radio range. The Federal Aviation Agency is extending this portion of the west control zone extension to a point 12 statute miles (approximately 10 nautical miles) west of the radio range to assure adequate protection for aircraft executing low frequency radio range instrument approaches. The Indianapolis control zone extension to the southwest, provided for protection for aircraft executing ILS and ADF instrument approaches, and the extension to the northwest, provided for protection for aircraft executing VOR instrument approaches, presently extend ten miles southwest of the outer marker and ten miles northwest of the VORTAC, respectively. Prescribed ILS, ADF, and VOR instrument approach procedures, at Weir Cook County Airport, require that the portion of the approach southwest of the ILS outer marker and northwest of the VORTAC be made at altitudes above 1,000 feet above the ground. Since the procedure turns associated with these instrument approach procedures are made within the control areas associated with airways, the control zone extension to the southwest, based on the Indianapolis ILS localizer course, and the portion of the control zone extension to the northwest of the Indianapolis VORTAC are not required for the protection of aircraft executing these standard instrument approaches. Therefore, it was proposed to revoke the control zone extension to the southwest and the portion of the northwest extension to the northwest of the VORTAC.

On March 24, 1960, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2497) extending the time for comment to April 15, 1960, and stated: "It has been determined that there is a continued requirement for the control zone extension to the southwest based on the Indianapolis Weir Cook Municipal Airport ILS localizer southwest course because of terrain features. Accordingly, the portion of the proposal concerned with the revocation of the southwest control zone extension based on the localizer southwest course is hereby withdrawn. In lieu thereof, it is proposed to extend the existing southwest control zone extension to a point 12 miles southwest of the ILS outer marker. This would provide protection for aircraft executing the procedure turn portion of the ADF instrument approach procedure. The prescribed ADF instrument approach authorizes procedure turn within 10 nautical miles (approximately 12 statute miles) of the outer marker. If this action is taken, the Indianapolis, Ind., control zone would be designated within a 5-mile radius of the geographical center of Indianapolis Weir Cook Municipal Airport (latitude 39°43'42" N., longitude 86°17'04" W.); within 2 miles either side of the Indianapolis Weir Cook ILS localizer southwest course extending from the 5-mile radius zone to a point 12 miles southwest of the outer marker; within 2 miles either side of the west course of the Indianapolis radio range, extending from the 5-mile radius zone to a point 12 miles west of the radio range; and within 2 miles either side of the 143° True radial of the Indianapolis VORTAC extending from the 5-mile radius zone to the VORTAC."

In response to the notice, the Aircraft Owners and Pilots Association concurred with the modification of the northwest extension and the revocation of the southwest extension. However, with respect to the west extension, the following comment was submitted:

We do not concur in the increased length of the western extension for low frequency radio range instrument approaches.

It is believed that instrument approaches permitting flight below 1,000 feet for such distances are unnecessary and are hazardous to aircraft which operate at such low altitudes. This view would appear to be supported by the finding that no need exists to continue the other control zone extensions presently designated.

The Aircraft Owners and Pilots Association (AOPA) accordingly, must object to that portion of the proposal relating to increase in length of the western control zone extension.

The Aircraft Owners and Pilots Association submitted the following comments, quoted in part, in response to the supplemental notice:

The modified proposal should have stated that the current ADF approach on the ILS outer marker was to be protected to the ground. The entire approach is within controlled airspace since it is at all times more than 700 feet above the ground until reaching the 5-mile radius control zone.

If for some reason of policy or otherwise, it is considered that instrument flight below 1,000 feet should be protected to the ground, then it is strongly recommended that the ADF approach be modified to follow the flight levels specified for the ILS approach. Safety in flight will certainly be served by eliminating the need for aircraft to make unnecessary long flights close to the ground.

With respect to the proposed increased length of the western extension for instrument approaches using the low frequency radio range, the same situation obtains in that the entire approach to the radio range requires flight more than 700 feet above the ground. If as indicated, this is not adequate separation, then again it is recommended that the approach altitude beyond the range be raised to 1,800 feet.

The Aircraft Owners and Pilots Association must object to the modified proposal to redesignate the southwestern control zone extension. We continue our opposition to the western control zone extension.

The Federal Aviation Agency has reviewed the published instrument approaches for the Weir Cook Municipal Airport and has determined that the approach altitude over the ILS outer marker for the ADF instrument approach can be raised to coincide with the ILS approach altitude which is 1,000 feet above the terrain. Accordingly, the Federal Aviation Agency concurs in the AOPA's recommendation to revoke the southwest control zone extension based on the ILS outer marker. This concurrence is based on the Administrator's stated policy that flights conducted under instrument flight rules, where they are required to maneuver below 1,000 feet above the terrain, will be protected by control zones or control zone extension. However, in regard to the west extension, this is considered necessary because in accordance with the prescribed radio range instrument approach procedure, the procedure turn is completed at 2,000 feet MSL within 10 nautical miles of the radio range and then descent is made to cross the facility at 1,500 feet MSL which is 703 feet above the surface of the airport. In this instance, the facility is only 2.9 nautical miles from the airport, and by raising the altitude to 1,800 feet MSL, as recommended by AOPA, would require an excessive rate of descent from the facility to the airport thereby compromising safety. Therefore, the Federal Aviation Agency is modifying the Indianapolis control zone by designating it within a 5-mile radius of the geographical center of the Indianapolis Weir Cook Airport (latitude 39°43'42" N., longitude 86°17'04" W.); within 2 miles either side of the west course of the Indianapolis radio range, extending from the 5-mile radius zone to a point 12 miles west of the radio range; and within 2 miles either side of the 143° True radial of the Indianapolis VORTAC extending from the 5-mile radius zone to the VORTAC.

No other adverse comments were received. The Department of the Air Force and the Air Transport Association concurred in the notice and supplemental notice. Mr. G. Edwin Petro, Director of Aviation, American Association of Airport Executives, concurred in the Notice and advised that the name Weir Cook County Airport has been changed to the Indianapolis Weir Cook Municipal Airport. This name change is reflected herein.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2105 (24 F.R. 10576) is amended to read:

§ 601.2105 Indianapolis, Ind., control zone.

Within a 5-mile radius of the geographical center of the Weir Cook Municipal Airport (latitude 39°43'42" N., longitude 86°17'04" W.); within 2 miles either side of the W course of the Indianapolis RR extending from the 5-mile radius zone to a point 12 miles W of the RR; and within 2 miles either side of the 143° True radial of the Indianapolis VORTAC extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5304; Filed, June 10, 1960; 8:45 a.m.]

RULES AND REGULATIONS

SUBCHAPTER C—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 392; Amdt. 168]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bethel LFR	BEA RBn	Direct	1200	T-dn C-dn A-dn	300-1 400-1 800-2	300-1 500-1 800-2	200-½ 800-1½ 800-2

Procedure turn West side of crs, 004° Outbnd, 184° Inbnd, 1200′ within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 184°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile, turn left and climb to 2300′ to BET LFR, then on NE crs BET LFR within 20 miles or, when directed by ATC, climb to 2300′ on crs 184° from BEA RBn within 20 miles.

City, Bethel; State, Alaska; Airport Name, Bethel Municipal; Elev., 135′; Fac. Class., MHW; Ident., BEA; Procedure No. 1, Amdt. 1; Eff. Date, 11 June 60; Sup. Amdt. No. Orig.; Dated, 14 May 60

Honolulu LFR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
Honolulu VOR	LOM	Direct	3000	C-dn	500-1	500-1	800-1½
Int W crs HNL LFR and 016° brng to PFI RBn.	Int 016° brng to PFI RBn and 079° brng to LOM.	Direct	3000	S-dn-S A-dn	800-1 800-2	800-1 800-2	800-2
Int VORTAC R-269 and 080° brng to PFI RBn.	Int 080° brng to PFI RBn and 079° brng to LOM.	Direct	3000				
Int 016° brng to PFI RBn and 079° brng to LOM.	LOM (Final)	Direct	2000				
Int 080° brng to PFI RBn and 079° brng to LOM.	LOM (Final)	Direct	2000				
HNL VOR R-269 and DMET 10 mi fix	079° brg to LOM and DMET 10 mi fix	Direct	2000				
W crs HNL LFR and DMET 10 mi fix	079° brg to LOM and DMET 10 mi fix	Direct	2000				
Southgate Int	079° brg to LOM and DMET 10 mi fix	Direct	2000				
079° brg to LOM and DMET 10 mi fix	LOM (Final)	Direct	2000				

Procedure turn South side of crs, 299° Outbnd, 079° Inbnd, 3600′ within 10 miles. Procedure turn not required with radar transitions to final approach course from Pineapple and Southgate Int. Radar transitions from these intersections authorized at 2000′.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 079°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 mi of LOM, make right turn, climbing to 2000′ and proceed to Southgate LF Int.
CAUTION: (1) Rwy 8 at HNL airport equipped with hi-intensity lights. Do not confuse with closed Rwy 7 at Hickam. (2) Circling North of airport not authorized because of terrain 250′, 1.5 mi North and 500′, 2 mi NE of airport. (3) Terrain rises sharply on North side of final approach course; within 2.0 miles—1000′, within 3.6 miles—2000′, within 5.9 miles—3000′.

City, Honolulu; State, Hawaii; Airport Name, International; Elev., 10′; Fac. Class., LOM; Ident., HN; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 June 60

SPA-LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
SPA-VOR	LOM	Direct	2200	C-dn	400-1	500-1	800-1½
Buffalo Int	LOM	Direct	2000	S-dn-4	400-1	400-1	400-1
Mauldin Int	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Woodruff Int	LOM	Direct	2000				

Procedure turn East side SW crs, 228° Outbnd, 043° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 043°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2300′ on crs 043° within 20 miles or, when directed by ATC, climb to 2300′ on crs 043°, then turn left and proceed direct to SPA VOR.
CAUTION: Tower 1336′ 3 mi NW of airport and tower 1070′ 3 mi NE.

City, Spartanburg; State, S.C.; Airport Name, Municipal; Fac. Class., LOM; Ident., SP; Procedure No. 1, Amdt. Orig.; Eff. Date, 11 June 60

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ANC-LFR Delta Island Int	ANC-VOR ANC-VOR	Direct Direct	1500 1500	T-dn C-dn S-dn-6 A-dn	300-1 700-1 700-1 800-2	300-1 700-1 700-1 800-2	200-½ 700-1½ 700-1 800-2

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 053°—6.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 mi turn right climbing to 1800′ on SW crs (183°) ANC LFR within 20 miles or, when directed by ATC, (1) Turn right climbing to 1500′ on W crs ANC ILS (244°) ADF within 20 miles of LOM–AN, (2) Turn left climbing to 1500′ on NW crs ANC LFR (305°) to hold at Susitna Int, (3) Right turn climbing to 1500′ on R-234 within 20 miles of ANC VOR.
CAUTION: Terrain 384′ m.s.l. 1.6 mi SW of airport and 1.4 mi S of Approach to Rnwy 06.

City, Anchorage; State, Alaska; Airport Name, Anchorage Int'l; Elev., 114′; Fac. Class., VOR; Ident., ANC; Procedure No. 1, Amdt. 1; Eff. Date, 11 June 60; Sup. Amdt. No. Orig.; Dated, 8 Feb. 58

IOW-VOR Belle Plaine Int Watkins Int*	CID-VOR Watkins Int* CID VOR (Final)	Direct Direct Direct	2100 2000 1500	T-dn C-dn S-dn-8 A-dn	300-1 400-1 400-1 800-2	300-1 400-1 400-1 800-2	200-½ 800-1½ 400-1 800-2

Procedure turn South side of crs, 260° Outbnd, 080° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 087°—3.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, climb to 2200′ on R-087 CID within 20 mi.
NOTE: No lower.
*Int IOW-VOR R-320 and CID VOR R-260.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., CID; Procedure No. 1, Amdt. 1; Eff. Date, 11 June 60; Sup. Amdt. No. Orig.; Dated, 5 July 58

				T-dn* C-d C-n* A-dn*	300-1 1000-1½ 1000-2 1000-2		

Procedure turn W side of crs. 356° Outbnd, 176° Inbnd, 3100′ within 10 mi.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 176°—0.7.
CAUTION: Sod field, except N–S runway paved.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 mi, execute climbing right turn to 3000′, return to RSL VOR and hold on R–079.
*Night operations on N–S runway only.

City, Russell; State, Kans.; Airport Name, Russell; Elev., 1863′; Fac. Class., BVOR; Ident., RSL; Procedure No. 1, Amdt. 7; Eff. Date, 11 June 60; Sup. Amdt. No. 6; Dated, 26 May 60

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MCN-LFR Robins Int	MCN-VOR MCN-VOR	Direct Direct	1600 1600	T-dn C-dn S-dn-180 A-dn	300-1 500-1 800-1 800-2	300-1 500-1 800-1 800-2	200-½ 800-1½ 800-1 800-2

Procedure turn West side of crs, 324° Outbnd, 144° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, breakoff point to approach end of Runway 12, 120°—0.22 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, turn right and climb to 1700′ on R-324 within 15 miles.
#Maintain 1100′ MSL inbound until after passing MCN–LFR. If MCN–LFR not received, ceiling minima become 700′ and descent below 1100′ MSL not authorized.

City, Macon; State, Ga.; Airport Name, Cochran; Elev., 354′; Fac. Class., BVORTAC; Ident., MCN; Procedure No. TerVOR-13, Amdt. Orig.; Eff. Date, 11 June 60

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fort Smith VOR	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Int E crs ILS and 309° brng to Fort Smith RBn.	LOM (Final)	Direct	2700	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
Fort Smith VOR	LOM	Direct	2700	S-dn-25#	300-¾	300-¾	300-¾
Int E crs ILS and R 060 FSM VOR	LOM	Direct	2700	A-dn##	600-2	600-2	600-2
Int E crs ILS and 343° brng to Fort Smith RBn.							
Fort Smith RBn	LOM	Direct	2700				

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2700 within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int Inbnd, 2700'.
Altitude of G.S. and distance to appr end of rny at OM 2658—6.9, at MM 664—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800' on localizer crs (253°) within 15 miles or, when directed by ATC, climb to 1800' on FSM-VOR R-235 within 15 miles or climb to 2500' direct to FSM RBn.
NOTE: No approach lights.
AIR CARRIER NOTE: 300-1 required for T.O. runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in take-off or landing minima authorized for cargo and ferry flights.
CAUTION: Water tower 611' one mile West of West end of Runway 7.
#300-¾ when G.S. not utilized.
##All installed components of the ILS must be operating otherwise alternate minima of 800-2 apply.

City, Fort Smith; State, Ark.; Airport Name, Municipal; Elev., 468'; Fac. Class., ILS; Ident., I-FSM; Procedure No. ILS-25, Amdt. 2; Eff. Date, 11 June 60; Sup. Amdt. No. 1; Dated, 27 June 59

PROCEDURE CANCELLED, EFFECTIVE UPON COMMISSIONING AND IMPLEMENTATION OF ILS-22L.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., ILS; Ident., IWY; Procedure No. ILS-22, Amdt. 4; Eff. Date, 24 Oct. 59; Sup. Amdt. No. 3; Dated, 1 Aug. 59

Honolulu LFR	LOM	Direct	3600	T-dn	300-1	300-1	200-½
Honolulu VOR	LOM	Direct	3500	C-dn	500-1	500-1	500-1½
Pineapple Int (via 031° crs toward PFI RBn).	Int W crs ILS and 031° brg to PFI-RBn.	Direct	2000	S-dn-8	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
Int W crs ILS and 031° brg to PFI RBn	LOM (Final)	Direct	2000				
Southgate Int (via 10 mi DMET clockwise Arc).	W crs ILS	Direct	2000				
W crs ILS and 10 mi DMET fix	LOM (Final)	Direct	2000				
W crs ILS and LIH VOR R-115	W crs ILS and 10 mi DMET Fix (or 031 brg to PFI RBn).	Direct	3000				
Barbers Point FM and W crs ILS	LOM (Final)	Direct	2000				

Procedure turn South side crs, 259° Outbnd, 079° Inbnd, 3600' within 10 mi. Procedure turn not required with Radar transitions to final approach course from Pineapple and Southgate Int. Radar transitions from these intersections authorized at 2000'.
Minimum altitude at glide slope interception inbnd, 2000'.
Altitude at glide slope and distance to appr end of Rny at OM, 1961'—5.9 mi; at MM, 247'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climbing to 2000', proceed to Southgate VHF Int.
CAUTION: (1) Rnwy 8 at HNL airport equipped with bi-intensity lights. Do not confuse with closed Rnwy 7 at Hickam. (2) Circling North of airport not authorized because of terrain 385', 1.5 mi North and 509', 2 mi NE of airport. (3) Terrain rises sharply on North side of final approach course; within 2.0 miles 1000', 3.6 mi.—2566', 5.2 mi.—3566'.

City, Honolulu; State, Hawaii; Airport Name, International; Elev., 10'; Fac. Class, ILS; Ident., I-HNL; Procedure No. ILS-8, Amdt. Orig.; Eff. Date, 11 June 60

These procedures shall become effective on the dates indicated on the procedures.
(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on May 12, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-4453; Filed, June 10, 1960; 8:45 a.m.]

[Reg. Docket No. 403; Amdt. 169]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.
Part 609 (14 CFR, Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 18 JUNE 60 OR UPON DECOMMISSIONING OF FACILITY.

City, Alexandria; State, Minn.; Airport Name, Municipal Airport; Elev., 1425'; Fac. Class., BMLZ; Ident., AXN; Procedure No. 1, Amdt. 7; Eff. Date, 6 Apr. 57; Sup. Amdt. No. 6; Dated, 27 Aug. 55

PROCEDURE CANCELLED, EFFECTIVE UPON PUBLICATION IN THE FEDERAL REGISTER.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981'; Fac. Class., SBRAZ; Ident., CHW; Procedure No. 1, Amdt 6; Eff. Date, 25 May 57; Sup. Amdt. No. 5; Dated, 27 Apr. 57

Florence VOR	FLO-LFR	207—3.6	1800	T-dn	800-1	800-1	800-1½
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side SE crs, 112° Outbnd, 292° Inbnd, 1400' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 307°—1.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 1600' on NW crs within 20 miles.

City, Florence; State, S.C.; Airport Name, Florence Airport; Elev., 146'; Fac. Class., SBMRLZ; Ident., FLO; Procedure No. 1, Amdt. 6; Eff. Date, 18 June 60; Sup. Amdt. No. 5; Dated, 7 June 54

Palacios VOR	PSX-LFR	Direct	1200	T-dn	800-1	800-1	800-1½
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 298° Outbnd, 118° Inbnd, 1400' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport 111°—1.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, climb to 1200' on SE crs within 20 miles.

City, Palacios; State, Tex.; Airport Name, Municipal; Elev., 13'; Fac. Class., BMRLZ; Ident., PSX; Procedure No. 1, Amdt. 4; Eff. Date, 18 June 60; Sup. Amdt. No. 3; Dated, 30 May 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Akron LFR	LOM	Direct	2500	T-dn	800-1	800-1	800-1½
Navarre VOR	LOM	Direct Final	3000	C-dn	800-1	800-1	800-1½
		Direct	2500	S-dn-1	400-1	400-1	400-1
Int. of Navarre R-321° and 090° brng to LOM.	LOM			A-dn	800-2	800-2	800-2
		Direct	2500				
Int. of Navarre R-281° and 061° brng to LOM.	LOM						

Procedure turn E side of crs 196° Outbnd, 006° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach, 2300'.
Course and distance, facility to airport 3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM climb to 2600' on heading of 045° to E crs of Akron LFR.
Alternate Missed Approach: When directed by ATO, make a right climbing turn and return to LOM at 2500'.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1226'; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amdt. 11; Eff. Date, 18 June 60; Sup. Amdt. No. 10; Dated, 11 Apr. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Charlotte LFR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
Int N crs Charlotte LFR and SW crs ILS	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Union Int	Clover Int*	Direct	2300	S-dn-5	400-1	400-1	400-1
Ft. Mill VOR	Clover Int*	Direct	2300	A-dn	800-2	800-2	800-2
Clover Int*	LOM (Final)	Direct	1500				
York Int	Clover Int*	Direct	2200				
Bradley Int	LOM	Direct	2900				
Mt. Holly Int	LOM	Direct	2300				
Weddington Int	LOM	Direct	2100				
Waco Int	LOM	Direct	2900				

Procedure turn N side of SW crs, 229° Outbnd, 049° Inbnd, 2300' within 10 miles.
Minimum altitude over LOM inbnd final, 1800'.
Crs and distance, facility to airport, 049°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi of LOM, climb to 2200' on crs of 049° from LOM within 20 miles or, when directed by ATC, turn left, climb to 3000' on FML-VOR R-006 to Mt. Holly Int or turn right, climb to 2100' on R-006 to FML-VOR.
*Clover Int: Int R-238 FML-VOR and CLT-ILS SW crs. (To be shown on AL chart only.)

City, Charlotte; State, N.C.; Airport Name, Douglas; Elev., 748'; Fac. Class., LOM; Ident., CI; Procedure No. 1, Amdt. 15; Eff. Date, 18 June 60; Sup. Amdt. No. 14; Dated, 16 Apr. 60

CHS LFR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
CHS VOR	LOM	Direct	1200	C-dn	400-1	500-1	500-1½
Tucker Int	LOM (Final)	Direct	1200	S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 329° Outbnd, 149° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 149°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on crs 149° within 15 miles or, when directed by ATC, turn left, climb to 1200' and return to LOM.
CAUTION: Tower 1049' MSL 10 mi SE.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class., LOM; Ident., CH; Procedure No. 1, Amdt 4; Eff. Date, 18 June 60; Sup Amdt. No. 3; Dated, 3 Jan. 59

Columbia LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Columbia VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Steedman Int	LOM	Direct	1500	S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side SW crs, 226° Outbnd, 046° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 046°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2000' on crs of 046°, intercept and proceed outbound on NW crs of LFR or R-006 of VOR within 20 miles or, when directed by ATC, climb to 2000' on West then East crs of LFR or R-060 of VOR within 20 miles.

City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244'; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amdt. 4; Eff. Date, 18 June 60; Sup. Amdt. No. 3; Dated, 20 June 59

CVG VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Baltimore Int	LOM	Direct	2300	C-dn	400-1	500-1	500-1½
LUK LFR	LOM	Direct	2400	S-dn-36°	400-1	400-1	400-1
Bridgetown Int	LOM	Direct	2400	A-dn	800-2	800-2	800-2
Dry Ridge	Union Int	Direct	2000				
Grant Lick	Union Int	Direct	2000				
Union Int	LOM (Final)	Direct	1500				

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise. 022° to 106°—2500' within 30 mi. 106° to 022°—3000' within 15 mi. 106° to 022°—2500' within 30 mi.
Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1120' obstruction 12 miles NW of airport.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 360°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, climb to 2300' on bearing 269° from LOM to New Baltimore Int or, when directed by ATC, make a left climbing turn, climb to 2300' on crs of 285° from LMM within 15 mi.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., LOM; Ident., CV; Procedure No. 1, Amdt. 12; Eff. Date, 4 June 60; Sup. Amdt. No. 11; Dated, 4 June 60

Huntington RBn	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Int R-18 Airway and 180° brg to Huntington LOM.	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
				S-dn-11	500-1	500-1	500-1
Int V-129 Airway and 180° brg to Huntington LOM.	LOM	Direct	2500	A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 294° Outbnd, 114° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 114°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, make a right climbing turn and return to the LOM at 3600'.
Major Change: Redesignates procedure as No. 1.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 828'; Fac. Class., LOM; Ident., HT; Procedure No. 1, Amdt. 1; Eff. Date, 18 June 60; Sup. Amdt. No. Proc. No. 2, Orig.; Dated, 26 July 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	400-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 197° Inbnd, 017° Outbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 197°—2.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi, climb to 2600' on a crs 19° within 10 mi, return to HTW BH.
Major Change: Redesignates procedure as No. 2.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 827'; Fac. Class., BH; Ident., HTW; Procedure No. 2, Amdt. 1; Eff. Date, 3 Dec. 58; Sup. Amdt. No. Proc. No. 1, Orig.; Dated, 3 Dec. 58

PROCEDURE CANCELLED, EFFECTIVE 18 JUNE 60 OR UPON DECOMMISSIONING OF FACILITY.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220'; Fac. Class., MHZ; Ident., NSU; Procedure No. 1, Amdt. 18; Eff. Date, 18 Jan. 60; Sup. Amdt. No. 14; Dated, 10 Jan. 59

PROCEDURE CANCELLED, EFFECTIVE 18 JUNE 60 OR UPON DECOMMISSIONING OF FACILITY.

City, Orange; State, Mass.; Airport Name, Municipal; Elev., 555'; Fac. Class., MHW; Ident., ORE.; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Jan. 60

City, Orange; State, Mass.; Airport Name, Municipal; Elev., 555'; Fac. Class., MHW; Ident., ORE.; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Jan. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Columbia LFR	CAE-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-34	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 147° Outbnd, 327° Inbnd, 1700' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 327°—5.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 mi, climb to 1600' on R-327 within 20 mi.

City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244'; Fac. Class., BVOR; Ident., CAE; Procedure No. 1, Amdt. 5; Eff. Date, 18 June 60; Sup. Amdt. No. 4; Dated, 26 May 60

Florence LFR	FLO-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 054° Outbnd, 234° Inbnd, 1400' within 10 mi.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 234°—3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi, climb to 1200' on R-234 within 20 mi.

City, Florence; State, S.C.; Airport Name, Florence; Elev., 140'; Fac. Class., BVOR; Ident., FLO; Procedure No. 1, Amdt. 2; Eff. Date, 18 June 60; Sup. Amdt. No. 1; Dated, 6 June 54

Palacios LFR	PSX-VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 293° Outbnd, 113° Inbnd, 1400' within 10 miles. Beyond 10 mi not authorized.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 113°—3.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accompanied within 3.4 miles, climb to 1200' on R-119 within 20 miles.

City, Palacios; State, Tex.; Airport Name, Municipal; Elev., 13'; Fac. Class., BVOR; Ident., PSX; Procedure No. 1, Amdt. 3; Eff. Date, 18 June 60; Sup. Amdt. No. 2; Dated, 30 May 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Sauvie RBN	PDX-VOR	Direct	3000	T-dn	300-1	300-1	**200-½
PDX LFR	PDX-VOR	Direct	3000	C-d	600-1	600-1	600-1½
Stevenson FM	PDX-VOR	Direct	6000	C-n	600-1	600-1	700-1½
Washougal Int	PDX-VOR	Direct	5400	A-dn	800-2	800-2	800-2
Woodland FM	PDX-VOR	Direct	4000				
La Center FM or Int	PDX-VOR (Final)	Direct	2500				

All fixes within 25 mi of Portland Radar may be determined by surveillance radar.
Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 3000′ within 8 miles. NA beyond 8 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 161°—9.1°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1° miles, turn right, climbing to 3000′ on R-175 within 15 miles.
CAUTION: VOR reception not available over the airport below 450′ MSL.
*Descent below 1600′ MSL NA until past PDX-LFR inbnd. If PDX-LFR not received, maintain 1000′ MSL.
**200-1 required on runways 7-25, 11, 3-20.

City, Portland; State, Oreg.; Airport Name, Portland Int.; Elev., 23′; Fac. Class., BUORTAC; Ident., PDX; Procedure No. 1, Amdt. 2; Eff. Date, 18 June 60; Sup. Amdt. No. 1; Dated, 22 Mar. 57

Int R-291 Pittsburgh VOR and R-049 Wheeling VOR.	HLG-VOR (Final)	Direct	2500	T-dn	300-1	300-1	300-1½
				C-dn	600-1	700-1	700-1½
				S-dn-21	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 049° Outbnd, 230° Inbnd, 3000′ within 10 miles. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 230°—5.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles, climb to 2600′ on crs of 222° direct to Bellaire VOR.
AIR CARRIER NOTE: Night operations on runway 9-27 and take-offs on runway 9 not authorized for aircraft over 12,500 LBS gross weight.

City, Wheeling; State, W. Va.; Airport Name, Ohio County; Elev., 1196′; Fac. Class., BVOR; Ident., HLG; Procedure No. 1, Amdt. 2; Eff. Date, 18 June 60; Sup. Amdt. No. 1; Dated, 15 May 54

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 1500′ within 10 miles.
Minimum altitude on final approach crs until passing MAI R-317, 1200′*.
Crs and distance, MAI R-317 to Rny 5, 050°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1600′ on R-017 within 20 miles.
*If MAI R-317 is not received, descent below 1200′ NA.

City, Dothan; State, Ala.; Airport Name, Municipal; Elev., 330′; Fac. Class., BVOR; Ident, DHN; Procedure No. TerVOR-5, Amdt. 2; Eff. Date, 18 June 60; Sup. Amdt. No. 1; Dated, 29 Aug. 59

Radar Vectoring Position	Carpenter Int (Final) *	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—2000′ within 20 miles; 3000′ within 25 miles.
Radar control will provide 1000′ vertical clearance within a 3-mile radius, or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1822′ TV tower 17 miles SE of Raleigh-Durham Airport. Radar may be used to position aircraft for a final approach within 5 miles of Carpenter Int with the elimination of a procedure turn.
Procedure turn **W est side of crs, 240° Outbnd, 060° Inbnd, 2000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over *Carpenter Int on final approach crs, 1500′; over RDU-VOR, #800′.
Crs and distance, *Carpenter Int to Rny 5, 060°—3.7 mi.
Crs and distance, breakoff point to Rny 5, 049°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RDU-VOR, climb to 1800′ on R-060 or, when directed by ATC, (1) turn left, climb to 1800′ on R-041, or (2) turn left, climb to 2000′ on R-300. All within 20 miles.
*Carpenter Int: Int RDU-VOR R-240 and 148° brg to RDU LOM.
**Procedure turn nonstandard due to ATC requirement.
#Descent to 800′ not authorized unless Carpenter Int is identified on final.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., BVOR; Idsnt., RDU; Procedure No. TerVOR-5, Amdt. Orig.; Eff Date, 18 June 60

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Radar Vectoring Position	Sawdust* Int (Final)	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes—2000′ within 20 miles; 3000′ within 25 miles.
Radar control will provide 1000′ vertical clearance within a 3-mile radius, or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1822′ TV tower 17 miles SE of Raleigh-Durham Airport. Radar may be used to position aircraft for a final approach within 5 miles of Sawdust Int with the elimination of a procedure turn.
Procedure turn W side of crs, 038° Outbnd, 218° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over Sawdust* Int on final approach crs, 1500′; over RDU-VOR, 800′#.
Crs and distance, Sawdust* Int to Rny 23, 218°—4.2 mi.
Crs and distance, breakoff point to Rny 23, 229°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RDU-VOR, climb to 2000′ on R-218 or, when directed by ATC, turn right, climb to 2000′ on R-309 within 20 mi.
*Sawdust Int: Int RDU-VOR R-038 and 170° brg to RDU LFR.
#Descent to 800′ msl not authorized unless Sawdust Int is identified on final.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435′; Fac. Class., BVOR; Ident., RDU; Procedure No. TerVOR-23, Amdt. Orig.; Eff. Date, 18 June 60

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA-VOR	LOM	Direct	5000	T-dn	300-1	300-1	200-½
AMA-LFR	LOM	Direct	5000	C-dn	500-1	500-1	500-1½
Borger Int	LOM	Direct	5000	S-dn-03	200-½	200-½	200-½
Bivins Int	LOM	Direct	5300	A-dn	600-2	600-2	600-2
Canyon Int	LOM	Direct	4900				
Claude Int	LOM	Direct	5000				
Finley Int	LOM	Direct	5000				
Palo Duro Int	LOM	Direct	4900				
Plant Int	LOM	Direct	5300				
Sam Int	LOM	Direct	5300				
Tower Int	LOM	Direct	5300				
W Side Int	LOM	Direct	5000				

Procedure turn S side of crs, 214° Outbnd, 034° Inbnd, 5000′ within 10 mi.
Altitude of glide slope and distance to approach end of Rnwy at OM, 5000′—5.0 mi; at MM, 3615′—0.6 mi.
Minimum altitude at G.S. interception inbnd on final, 5000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4900′ on NE crs ILS within 20 miles.
CAUTION: Towers 3994′ MSL 5 mi SW; 3886′ MSL 4 mi SW; 3885′ MSL 5 mi SW of airport.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Mun.; Elev., 3604′; Fac. Class, ILS; Ident., I-AMA; Procedure No. ILS-3, Amdt. 1; Eff. Date, 18 June 60; Sup. Amdt. No. Orig.; Dated 21 May 60

Spur Int	Vincent Int	Direct	10000	T-dn*	300-1	300-1	300-1
Vincent Int	Black Forest# Int	Direct	9000	C-d	800-1	800-1	800-1½
Black Forest# Int	Fannin% Int (Final)	Direct	7500	C-n	800-2	800-2	800-2
COS VOR	Black Forest# Int	Direct	9000	A-dn	1000-2	1000-2	1000-2
Elliott RBn	COS VOR	Direct	9000				
COS MHW (LOM)	Black Forest# Int	Direct	9000				

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise. 225° to 030°—9000′ within 5 mi; 9000′ within 25 mi; 031° to 100°—7900′ within 10 mi; 8000′ within 20 mi; 9000′ within 25 mi. 101° to 170°—7200′ within 10 mi; 8000′ within 15 mi; 9000′ within 25 mi. 171° to 224°—Unusable sector.
Procedure turn East side of crs, 346° outbnd, 166° inbnd, 9000′ within 10 mi of Black Forest Int. Nonstandard due to terrain.
No glide slope. Minimum altitude over Fannin% Int on final approach crs, 7500′.
Crs and distance, Fannin% Int to airport, 166°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 mi after passing Fannin% Int, climb to 7200′ on S crs ILS to LOM or, when directed by ATC, make a left (east) climbing turn to 060°. Proceed direct to Elliott RBn at 8000′.
*Takeoffs below 300-¾ NA. 400-1 required for takeoff Rny 30. After takeoff, immediate left turn required for Rny 30 and right turn for Rny 34 with takeoff minimums less than 700-2.
AIR CARRIER NOTE: Provisions for reduced visibility not applicable.
CAUTION: Sharply rising terrain west of Amber Airway No. 3. 7196′ msl tower 8 mi N of airport; 7920′ msl tower 14 mi N of airport.
#Black Forest Int: Int N crs ILS and COS R-370.
%Fannin Int: Int N crs ILS and COS R-211.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., ILS; Ident., I-COS; Procedure No. ILS-17, Amdt. Orig.; Eff. Date, 18 June 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Columbia LFR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
Columbia VOR	LOM	Direct	1500	C–dn	400–1	500–1	500–1½
Steedman Int	LOM	Direct	1500	S–dn–5°	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn S side SW crs, 226° Outbnd, 046° Inbnd, 1700′ within 10 mi.
Minimum altitude at G.S. int inbnd, 1600′.
Altitude of G.S. and distances to appr end of rny at OM 1440—3.9, MM 402—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on crs of 046°, intercept and proceed outbound on NW crs of LFR or R–005 of VOR within 20 mi or, when directed by ATC, climb to 2000′ on West then East crs of LFR or R–080 of VOR within 20 miles.
*400–¾ required when glide slope not utilized.

City, Columbia; State, S.C.; Airport Name, Columbia; Elev., 244′; Fac. Class., ILS; Ident., I–CAE; Procedure No. ILS–5, Amdt. 4; Eff. Date, 18 June 60; Sup. Amdt. No. 3; Dated, 20 June 59

Huntington RBn	LOM	Direct	2500	T–dn	300–1	300–1	200–½
Int R–18 Airway and 188° brg to Huntington LOM.	LOM	Direct	2500	C–dn	500–1	500–1	500–1½
				S–dn–11	400–1	400–1	400–1
Int V–126 Airway and 180° brg to Huntington LOM.	LOM	Direct	2500	A–dn	800–2	800–2	800–2

Procedure turn South side of crs, 294° Outbnd, 114° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′ over LOM.
Crs and distance, facility to airport, 114°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, make a right climbing turn and return to the LOM at 2500′.
NOTE: No glide slope. Procedure based on localizer—LOM and LMM.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 828′; Fac. Class., ILS; Ident., HTS; Procedure No. ILS–11, Amdt. 1; Eff. Date, 18 June 60; Sup. Amdt. No. Orig.; Dated 26 July 58

Little Rock LFR	LOM	Direct	1800	T–dn	300–1	300–1	200–½
Little Rock VOR	LOM	Direct	1800	C–dn	500–1	500–1	500–1½
Lakeside Int	LOM	Direct	1800	S–dn–4	200–½	200–½	200–½
Otty Int	LOM	Direct	1900	A–dn	600–2	600–2	600–2
Malvern Int	LOM	Direct	1800				
Mabelvale Int	LOM (Final)	Direct	1800				
Bauxite Int	SW crs ILS	010—2.3	1800				

Procedure turn N side SW crs, 220° Outbnd, 040° Inbnd, 1800′ within 10 mi. (nonstandard due to traffic).
Minimum altitude at G.S. int inbnd, 1800′.
Altitude of G.S. and distance to approach end of rny at OM 1800—4.6, at MM 500—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1800′ on NE crs ILS (040) within 20 miles or, when directed by ATC, (1) turn right, climb to 1500′ and proceed to VOR or LFR, or (2) turn right, climb to 1600′ on R–055 within 20 mi.
NOTES: 200–1 required for takeoff Runways 17, 35, 22. 400–1 required when G.S. not used.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257′; Fac. Class., ILS; Ident., I–LIT; Procedure No. ILS–4, Amdt. 5; Eff. Date, 18 June 60; Sup. Amdt. No. 4; Dated, 26 Sept. 59

Salinas VOR	LMM	Direct	4000	T–dn	300–1	300–1	300–1
Davenport Int	LOM	Direct	2000	S–dn–10°	300–¾	300–¾	300–¾
NSU–RBn	LOM	Direct	1800	C–d	700–2	700–2	700–2
				C–n	700–2	700–2	700–2
				A–d	700–2	700–2	780–2
				A–n	700–2	700–2	700–2

Procedure turn South side of W crs, 276° Outbnd, 096° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 1700′.
Altitude of G.S. and distance to approach end of rny at LOM, 1630′—4.1 mi; at MM, 370′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LMM make immediate left climbing turn and climb to 1200′ to LOM.
CAUTION: Circling minimums do not provide standard clearance over terrain south of airport. All maneuvering for circling approaches must be accomplished north of localizer course.
NOTE: Provisions for use with inoperative components not applicable.
AIR CARRIER NOTE: No reductions in visibility minimums authorized, except for takeoff on Rnwy 28.
#700–1½ required without glide slope.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., ILS; Ident., I–MRY; Procedure No. ILS–10, Amdt. 5; Eff. Date, 18 June 60; Sup. Amdt. No. 4; Dated, 16 Jan. 60

PROCEDURE CANCELLED, EFFECTIVE UPON PUBLICATION IN THE FEDERAL REGISTER.

City, Philadelphia; State, Pa.; Airport Name, International; Elev., 10′; Fac. Class., ILS; Ident., PHL; Procedure No. 2, Amdt. Orig.; Eff. Date, 16 Sept. 55

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the visual contact is established on final approach at or before descent to the authorized landing minimums, a missed approach shall be executed as provided below when (A) communication on final approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
325	030	5	8000							25	9000						
030	100			10	7800			20	8000	25	9000			T–dn*	300–1	300–1	300–¾
100	170			10	7300	15	8000			25	9000			C–d	600–1	600–1	600–1½
170	325	Unusable												C–n	600–2	600–2	600–2
														S–dn–21, 30, and 35.	500–1	500–1	500–1
														A–dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 21: Make left climbing turn to 080°, climb to 8000′, proceed to Ellicott MHW.
Runway 30, 35: Make right climbing turn to 080°, climb to 8000′, proceed to Ellicott MHW or, when directed by ATC, make right climbing turn, climb to 7800′, proceed to COS MHW.
CAUTION: Sharply rising terrain west of Amber Airway No. 3. 7190′ m.s.l. tower 8 mi N of airport; 7923′ m.s.l. tower 14 mi N of airport.
#AIR CARRIER NOTE: Takeoffs below 300–¾ not authorized; 400–1 required for takeoff Rnwy 30; after takeoff, immediate left turn required for Rnwy 30 and right turn for Rnwy 35 with minimums less than 700–2.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., Colorado Springs; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 18 June 60; Sup. Amdt. No. 1; Dated, 12 Sept. 59

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the visual contact is established on final approach at or before descent to the authorized landing minimums, a missed approach shall be executed as provided below when (A) communication on final approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Precision approach			
060°–194°	Radar site	15 mi	6000	T–dn–2, 20	300–1	300–1	300–1
196°–273°	Radar site	25 mi	6000	S–dn–2, 20	300–1	300–1	300–1
274°–049°	Radar site	25 mi	6000	A–dn–2, 20	800–3	800–3	800–3
				Surveillance approach			
				T–dn–2, 20	300–1	300–1	300–1
				C–d–2, 20	700–1	700–1	700–1
				C–n–2, 20	700–2	700–2	700–2
				S–dn–2, 20	500–1	500–1	500–1
				A–dn	800–3	800–3	800–3

Radar terminal area transition altitudes—All bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 02: Make left turn, climb 240° crs to 6000′ within 20 mi. or, when directed by ATC, make right turn, climb outbound 030° crs to 7000′ within 20 mi.
Runway 20: Make left turn, climb outbound 140° crs to 6000′ within 18 mi. or, when directed by ATC, climb outbound 200° crs to 7000′ within 20 mi.
Precision approach to be conducted in accordance with USAF GOA Standard Instrument Approach.

City, Great Falls; State, Mont.; Airport Name, Malmstrom AFB; Elev., 3525′; Fac. Class., Malmstrom AFB; Ident., Radar; Procedure No. 1; Amdt. 1; Eff. Date, 18 June 60; Sup. Amdt. No. Orig.; Dated, 10 Oct. 59

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on May 19, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–4721; Filed, June 10, 1960; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

[CGFR 60-33]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments Respecting Dangerous Cargoes

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on February 18, 1960 (25 F.R. 1440–1448), and Merchant Marine Council Public Hearing Agenda dated April 4, 1960 (CG–249), the Merchant Marine Council held a Public Hearing on April 4, 1960, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I through XII, inclusive, and Item XI contained proposed requirements regarding dangerous cargoes.

This document is the fourth of a series covering the regulations and actions considered at the April 4, 1960 Public Hearing and annual session of the Merchant Marine Council. The first document, CGFR 60–30, contains the requirements based on Item I regarding radar observers required on radar equipped vessels. The second document, CGFR 60–31, contains the requirements based on Item XII regarding commitment of employment and stability standards for passenger vessels of unusual designs. The third document, CGFR 60–32, contains the requirements based on Item X regarding storage of bulk ore cargoes. These documents were published in the FEDERAL REGISTERS dated May 6 and 12, 1960.

This document contains the final actions taken with respect to the proposed changes in Item XI regarding the transportation or stowage of dangerous cargoes. On the basis of information received changes were made in 46 CFR 146.22–1 and 146.22–100.

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous cargo articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02–18 and 146.02–19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Orders Nos. 41, 41A, and 42 has made changes in the ICC regulations with respect to the definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Part 146, which involved changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council Public Hearing held on April 4, 1960.

The amendments to 46 CFR Part 146, which were not described in the FEDERAL REGISTER of February 18, 1960 (25 F.R. 1447, 1448), are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or relaxations of previous requirements, or editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), and CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on July 1, 1960:

Subpart—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

§ 146.04–5 [Amendment]

Section 146.04–5 *List of explosives and other dangerous articles and combustible liquids*, is amended by adding and changing certain items as follows:

Article	Classed as—	Label required [1]
Items added		
Chlorine dioxide hydrate, frozen	Not permitted	
Decaborane	Inf. S	Yellow.
Di iso octyl acid phosphate	Cor. L	White.
Dispersant gas, N.O.S	Inf. G	Red gas.
Explosive power device, Class B	Expl. B	
Fuse, mild detonating metal clad (see: Mild detonating fuse, metal clad).	Expl. C	
Hexafluoropropylene	Noninf. G	Green gas.
Methyl bromide and nonflammable, nonliquefied compressed gas mixture, liquid.	Pois. B	Poison.
Monoethylamine (ethylamine)	Inf. L	Red.
*Organic phosphates, N.O.S. mixed with compressed gas	Pois. A	Poison gas.
Refrigerant gas, N.O.S.	Inf. G	Red gas.
Items changed		
Explosive power device, Class C (see: Explosive cable cutters)	Expl. C	
Lead cyanide (see: Cyanide of Lead)	No restrictions	
Nitro carbo nitrate	Oxy. M	Yellow.
*Resin solution (resin compound, liquid)	Comb. L	
*Resin solution (resin compound, liquid)	Inf. L	Red.
Zinc cyanide (see: Cyanide of Zinc)	No restrictions	
Zinc nitrate (see: Nitrates, N.O.S.)	Oxy. M	Yellow.
Zirconium nitrate (see: Nitrates, N.O.S.)	Oxy. M	Yellow.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Subpart—Shippers' Requirements Re: Packing, Marking, Labeling, and Shipping Papers

Section 146.05–5 is amended by adding a new paragraph (h) to read as follows:

§ 146.05–5 I.C.C. specification containers.

(h) Where the regulations limit the gross weight of I.C.C. specification portable tanks to 8,000 pounds, these portable tanks of gross weight not over 20,000 pounds may be used provided the lifting gear used to load and discharge the tank is of sufficient capacity to safely handle the weight. In addition to other markings required, the portable tanks shall be marked with the gross weight and the legend "Use heavy lift."

Subpart—Detailed Regulations Governing Explosives

1. Section 146.20–3 is amended by changing paragraph (q) to read as follows:

§ 146.20–3 Prohibited or not permitted explosives.

(q) New explosives except samples for laboratory examination and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Naval Weapons, Department of the Navy; or Commander, Air Material Command, Department of the Air Force. All other new explosives must be approved for transportation by the Interstate Commerce Commission.

2. Section 146.20–9 is amended by adding a new paragraph (f) as follows:

§ 146.20–9 Class B explosives.

(f) Explosive power devices, class B, are devices designed to operate ejecting apparatus or other mechanisms by means of a propellant explosive, class B, and differ from explosive power devices, class C, in that they contain larger or more powerful propellants. The devices must not rupture on functioning and must be of a type approved by the Interstate Commerce Commission. Explosive power devices, class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government.

3. Section 146.20–11 is amended by revising paragraph (a), but not the subparagraphs (1) to (3), inclusive, and paragraph (aa) to read as follows:

§ 146.20–11 Class C explosives.

(a) Small-arms ammunition is fixed ammunition consisting of a metallic, plastic composition, or paper cartridge case, a primer, and a propelling charge, with or without bullet, shot, tear gas material, tracer components, or incendiary compositions or mixtures, but not including bullets loaded with high explosives, and is further limited to the following:

(aa) Explosive power devices, class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib and shall contain not more than 400 grams of explosive composition. The devices must be of a design approved by the Interstate Commerce Commission.

4. Section 146.20–23 is amended by changing paragraph (g) to read as follows:

§ 146.20–23 Stowage of explosives with other dangerous articles.

(g) Dynamite, commercial boosters and/or other non-priming non-initiating types of explosives which are compatible with dynamite may be stowed in a magazine located in the same hold or compartment with nitro carbo nitrate or in holds or compartments adjacent to nitro carbo nitrate provided the nitro carbo nitrate is packaged in strong metal cans, metal or fiber drums, barrels, kegs, or wooden or fiberboard boxes with noncombustible inside containers.

§ 146.20–100 [Amendment]

5. Section 146.20–100 *Table A—Classification: Class A; dangerous explosives* is amended by revising "Black powder, etc." as follows:

In column 4, change "Fiberboard boxes: (ICC–12H, 23F, 23H) etc." to read:

Fiberboard boxes: (ICC–12H, 23F, 23H) WIC, not over 50 lb. net wt.

§ 146.20–200 [Amendment]

6. Section 146.20–200 *Table B—Classification: Class B; less dangerous explosives* is amended by inserting after "*Ammunition for cannon with nonexplosive projectile, etc.*" as follows:

a. In column 1, insert:

Explosive power devices, class B.

b. In column 2, insert:

Explosive power devices, class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy and Air Force of the United States Government or unless of a type approved by the Interstate Commerce Commission. Each outside container must be plainly marked "EXPLOSIVE POWER DEVICES, CLASS B" and "HANDLE CAREFULLY—KEEP FIRE AWAY."

c. In column 3, insert:

No label required.

d. In column 4, insert:

Stowage:
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes, or wooden boxes, fiberboard lined (ICC–14, 15A, 15E, 16A) not over 200 lb. gr. wt.
Authorized only for U.S. Government shipments: Strong wooden or metal boxes or containers.

e. In columns 5, 6, and 7, insert:

Not permitted.

§ 146.20–300 [Amendment]

7. Section 146.20–300 *Table C—Classification: Class C; relatively safe explosives* is amended by revising certain items as follows: Under "Explosive cable cutters," amend "Explosive power devices" as follows:

a. In column 1, change the item to read:

Explosive power devices, class C.

b. In column 2, amend paragraph 1 to read:

Explosive power devices, class C • • •.

c. In column 2, amend paragraph 5 to read:

Each outside container must be plainly marked "EXPLOSIVE CABLE CUTTERS," "EXPLOSIVE POWER DEVICES, CLASS C," OR "EXPLOSIVE RELEASE DEVICES" and "HANDLE CAREFULLY—KEEP FIRE AWAY."

d. In columns 4, 5, 6, and 7 under "Outside containers," change "Strong wooden boxes, etc." to read:

Strong wooden or metal boxes, not over 150 lb. gr. wt.

Subpart—Detailed Regulations Governing Inflammable Liquids

1. Section 146.21–30 is amended by changing paragraph (j) to read as follows:

§ 146.21–30 Stowage of inflammable liquids with explosives and other dangerous articles.

(j) Inflammable liquids shall not be stowed in the same hold or compartment with cotton, nor in the hold above or below one containing cotton.

§ 146.21–100 [Amendment]

2. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended by revising certain items as follows:

a. Amend "Alcohol, N.O.S." as follows: In columns 4, 5, 6, and 7 under "Outside containers: Fiberboard boxes, etc." add:

(ICC–12B) WIC ICC–2U polyethylene, not over 65 lb. gr. wt.

b. Amend "Carbon bisulfide (disulfide)" as follows: In column 4, change "Fiberboard boxes, WIC (ICC–12B) etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

c. After "Methyl methacrylate monomer," insert the following:

In column 1, insert:

Monoethylamine (ethylamine).

In column 2, insert:

A colorless liquid having a strong ammoniacal odor.
Flashpoint below 0° F.
Can react vigorously with oxidizing materials.
Keep cool.
Keep away from heat and open flame.

In column 3, insert:

Red.

In column 4, insert:

Stowage:
"On deck protected".
"On deck under cover".
Outside containers:
Metal barrels or drums: (ICC–5, 5A) not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Tank cars complying with ICC Regulations.

In columns 5, 6, and 7, insert:

Not permitted.

Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

1. Section 146.22–1 is amended by changing the definition to read as follows:

§ 146.22–1 Definition of inflammable solids and oxidizing materials.

An inflammable solid is defined by the I.C.C. regulations as any solid material, other than one classified as an explosive, which, under conditions incident to transportation, is liable to cause fires through friction, absorption of moisture, spontaneous chemical changes, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation hazard. Examples: certain metallic hydrides, metallic sodium and potassium, and certain oily fabrics, processed meals, and nitrocellulose products. An oxidizing material is defined by the I.C.C. regulations as a substance such as a chlorate,

permanganate, peroxide, nitro carbo nitrate, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter. Such definitions are binding upon all shippers making shipments of inflammable solids and oxidizing materials by common carrier vessels engaged in interstate or foreign commerce by water. These definitions are accepted and adopted and form part of the regulations in this subchapter applying to all shippers making shipment of inflammable solids and oxidizing materials by any vessel, and shall apply to the owners, charterers, agents, master, or other person in charge of a vessel and to other persons, transporting, carrying, conveying, storing, stowing or using inflammable solids or oxidizing materials on board any vessel subject to R.S. 4472, as amended (46 U.S.C. 170), and the regulations in this subchapter.

2. Section 146.22–10 is amended by changing paragraphs (e) and (g) to read as follows:

§ 146.22–10 Stowage of inflammable solids with explosives and other dangerous articles.

* * * * *

(e) Inflammable solids shall not be stowed in the same hold or compartment over cylinders of non-inflammable compressed gases.

* * * * *

(g) Inflammable solids shall not be stowed in the same hold or compartment with cotton, nor in the hold or compartment above or below one containing cotton.

3. Section 146.22–15 is amended by changing paragraphs (b), (h), and (j) to read as follows:

§ 146.22–15 Stowage of oxidizing materials with explosives and other dangerous articles.

* * * * *

(b) Nitro carbo nitrate may be stowed in the same hold or compartment with magazines containing dynamite, commercial boosters and/or other non-priming, non-initiating types of explosives compatible with dynamite provided the nitro carbo nitrate is packaged in strong metal cans, metal or fiber drums, barrels, kegs, or wooden or fiberboard boxes with non-combustible inside containers.

* * * * *

(h) Oxidizing materials shall not be stowed in the same hold or compartment over cylinders of non-inflammable compressed gases.

* * * * *

(j) Oxidizing materials shall not be stowed in the same hold or compartment with cotton, nor in the hold or compartment above or below one containing cotton.

4. Section 146.22–25 is amended by revising paragraph (b) and adding entries to paragraph (d) to read as follows:

§ 146.22–25 Exemptions for inflammable solids and oxidizing materials.

(b) Liquid or solid organic peroxides, except acetyl benzoyl peroxide, solid, and benzoyl peroxide, are, unless otherwise provided, exempt from specification packaging, marking other than name of contents, and labeling requirements, when packed in:

(1) Strong outside containers having not over 1 pint or 1 pound net weight of the material in any one outside package with inside containers securely packed and cushioned with incombustible cushioning material.

(2) Strong outside containers having not more than 24 inside fiberboard containers each containing not more than 70 chemically resistant closed plastic tubes having fluid capacity not over one-sixth ounce each and securely packed in incombustible cushioning material. No one inside fiberboard container shall have more than 1 pint of liquid.

* * * * *

(d) * * *

Chlorine dioxide hydrate, frozen.

* * * * *

Decaborane.

5. Section 146.22–30 is amended by revising paragraphs (a) and (e) to read as follows:

§ 146.22–30 Authorization to load or discharge ammonium nitrate and ammonium nitrate fertilizers.

(a) Ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures packaged in paper bags or other combustible containers, except those types exempt by this section, in amounts exceeding the 1,000 pound test sample required by paragraph (e) of this section shall not be laden on or discharged from any vessel at any point or place in the United States, its territories or possessions not including the Panama Canal Zone, until a permit authorizing such loading or discharging has been obtained by the owner, agent, charterer, master or person in charge of the vessel from the Coast Guard District Commander or other officer designated by the Commandant of the United States Coast Guard for such purpose. The Coast Guard officer issuing the permit shall satisfy himself that no local regulations or rules will be violated by the issuance of such permit. This permit requirement shall not apply to ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures loaded in railroad or highway vehicles offered for transportation on board vessels under the provisions of §§ 146.08–1 through 146.08–55.

* * * * *

(e) A person desiring to import or export ammonium nitrate materials and formulations not conforming to any of the classes listed in this section, or described in § 146.22–100, shall make application for a permit to the U.S. Coast Guard. A sample of 1,000 lbs. of the material in bags as prepared for shipment shall be furnished at least 60 days prior to intended date of shipment. Import shipments of this sample shall be made as required for 'Nitrates, N.O.S.' This sample shall be tested by a competent laboratory designated by the Coast Guard to determine whether the characteristics of the material require its classification as a dangerous article for purposes of transportation. After such tests, conditions of loading, discharging and transportation shall be prescribed by the Commandant of the Coast Guard. Costs of such tests shall be borne by the shipper.

6. A new § 146.22–40 is added to read as follows:

§ 146.22–40 Nitro carbo nitrate.

(a) Nitro carbo nitrate packaged in strong metal cans, metal or fiber drums, barrels or kegs, and wooden or fiberboard boxes with non-combustible inside containers, may be loaded or discharged at any designated waterfront facility.

(b) Nitro carbo nitrate packaged in burlap bags, multi-wall paper bags or other non-rigid combustible containers shall be loaded or discharged at facilities so remotely situated from populous and congested areas and/or high value or high hazard industrial facilities, that in the event of fire or explosion, loss of lives and property may be minimized.

(1) This facility shall conform with port security and local regulations and shall provide an abundance of water for fire fighting.

(2) This facility shall be so located as to permit unrestricted passage to open water. The vessel shall be moored bow to seaward, and shall be maintained in a mobile status either by presence of tugs or readiness of engines. The vessel shall provide at the bow and stern a wire towing hawser having an eye splice and lowered to the water's edge.

§ 146.22–100 [Amendment]

7. Section 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended by revising various items as follows:

a. Amend the following items as indicated:

1. Ammonium bichromate (ammonium dichromate).
2. Calcium, metallic.
3. Compounds, tree or weed killing, solid.
4. Drugs, chemicals, medicines or cosmetics, n.o.s.
5. Inflammable solids, n.o.s.
6. Lithium peroxide.
7. Magnesium, metallic, powdered.
8. Magnesium peroxide, solid.
9. Oxidizing material, n.o.s.
10. *Perchlorates, etc.*
11. *Permanganates, etc.*
12. Potassium bromate.
13. Potassium nitrite.
14. Potassium peroxide.
15. Sodium bromate.
16. Sodium methylate, dry.
17. Sodium nitrite.
18. Strontium peroxide.
19. Zinc peroxide.

In columns, 4, 5, 6 and 7, where applicable, change "Fiberboard boxes (ICC–12B) WIC, etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

b. Amend the following items as indicated:

Caprylyl peroxide solution,
Peroxides, organic, liquids, n.o.s., etc.

in column 4, under "Authorized only for material which will not react dangerously, etc.", add:

Fiberboard box (ICC–12B) WIC ICC–2U or polyethylene bottles, not over 5 gal. cap. each.

c. Amend "Chlorate and borate mixtures, etc." as follows:

In column 4, under "Mixtures containing more than 28% chlorate, etc." delete "Fiberboard boxes, WIC, etc." and insert:

Strong fiberboard boxes, WIC not over 4 lb. net wt. each, or ICC–2D bags not over 10 lb. net wt. each; gr. wt. of box not over 65 lb.

d. After "Chlorate and borate mixtures, etc." add the following:

In column 1, insert:

Chlorine dioxide hydrate, frozen.

In columns 4, 5, 6, and 7 insert:

Not permitted.

e. Amend "Chromic acid, etc." as follows:

In columns 4, 5, 6, and 7 under "Outside containers," add:

Fiberboard box (ICC–12A), WIC, not over 20 lb. net wt.

f. Amend "*Chlorates*, etc." as follows:

In column 4, change "Fiberboard boxes (ICC–12B), etc." to read:

Fiberboard boxes (ICC–12A, 12B), WIC, not over 25 lb. net wt.

g. After "Cumene hydroperoxide, etc" insert the following:

In column 1, insert:

Decaborane.

In column 2, insert:

Colorless needles.
When heated to decomposition, it may emit toxic fumes and may explode.
Keep cool.

In column 3, insert:

Yellow.

In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Metal barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–17C, 17E, 17H, 37A, 37B) STC not over 55 gal. cap.
Fiberboard box:
(ICC–12B) WIC, not over 65 lb. gr. wt.

In columns 5, 6, and 7 insert:

Not permitted.

h. Amend the following items as indicated:

1. Lithium aluminum hydride.
2. Lithium hydride.
3. Potassium, metallic.
4. Sodium amide.
5. Sodium, metallic.
6. Sodium potassium alloys.

In column 4, under "Outside containers," insert after "Wooden boxes, etc.":

Fiberboard box (ICC–12B) WIMC, not over 90 lb. gr. wt.

i. Amend "Matches, book" as follows:

In columns 4, 5, 6, and 7 add a second paragraph to read as follows:

Book matches in a quantity not exceeding 25 books of 30 matches each, packaged as required by the Postal Regulations, are also exempt from the marking requirement.

j. Amend "*Nitrates*—Aluminum nitrate, etc." as follows:

(i) Delete "nitro carbo nitrate", "zinc nitrate" and "zirconium nitrate" and all wording pertaining thereto in columns 2 and 3.

(ii) In column 3, opposite aluminum nitrate, Barium nitrate, Guanidine nitrate, Lead nitrate, Magnesium nitrate and Nitrates, N.O.S., change "No label required" to read:

Yellow.

(iii) In column 4, delete the present wording and insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Strong metal cans.
Metal or fiber drums.
Barrels or kegs.
Wooden or fiberboard boxes, WIC.

NOTE 1: It is not required that the above containers be ICC specification containers although ICC specification containers are acceptable, but the ship's officer in charge of loading shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.

NOTE 2: Aluminum nitrate, Barium nitrate, Calcium nitrate, Guanidine nitrate, Nitrate of soda and potash, Potassium nitrate, Sodium nitrate, and Strontium nitrate may in addition be packed as follows:

Bulk.
Bulk in sift-proof, closed R.R. freight cars or highway vehicles.
Burlap bags, not over 200 lb. net wt., moisture-proof, made tight against sifting and of not less than 7½ oz. burlap.
Multi-wall paper bags, not over 110 lb. net wt., at least 4 ply construction, moisture-proof and made tight against sifting.

In column 5, delete the present wording and insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Strong metal cans.
Metal or fiber drums.
Barrels or kegs.
Wooden or fiberboard boxes, WIC.

NOTE 1: It is not required that the above containers be ICC specification containers although ICC specification containers are acceptable, but the ship's officer in charge of loading shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.

In column 6, delete the present wording and insert:

Ferry stowage (AA).
Outside containers:
Strong metal cans.
Metal or fiber drums.
Barrels or kegs.
Wooden or fiberboard boxes, WIC.

NOTE 1: It is not required that the above containers be ICC specification containers although ICC specification containers are acceptable, but the ship's officer in charge of loading shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.

In column 7, delete the present wording and insert:

Ferry stowage (BB).
Outside containers:
Strong metal cans.
Metal or fiber drums.
Barrels or kegs.
Wooden or fiberboard boxes, WIC.

NOTE 1: It is not required that the above containers be ICC specification containers although ICC specification containers are acceptable, but the ship's officer in charge of loading shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.

k. After "Strontium nitrate" insert the following:

In column 1, insert:

Nitro carbo nitrate.
For loading and discharging requirements see § 146.22–40.

In column 2, insert:

Composed principally of ammonium nitrate. Involved in a fire will greatly intensify the burning of many combustible materials and under conditions of exposure to high temperatures (above 400° F.) rapid decomposition and ignition may occur.
Will burn with explosive violence.
Soluble in water.
Do not stow in the same hold or compartment with combustible cargo, explosives (except that nitro carbo nitrate packaged in strong metal cans, metal or fiber drums, barrels, kegs, or wooden or fiberboard boxes with non-combustible inside containers may be stowed in a hold or compartment with a magazine containing dynamite, commercial boosters and/or other non-priming, non-initiating types of explosives which are compatible with dynamite) or acids and away from chlorates.

In column 3, insert:

Yellow.

In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Strong metal cans.
Metal or fiber drums.
Barrels or kegs.
Wooden or fiberboard boxes, WIC.

NOTE 1: Nitro carbo nitrate packaged in strong metal cans, metal or fiber drums, barrels or kegs or wooden or fiberboard boxes WIC is exempt from the labeling requirements.

Multi-wall paper bags, not over 100 lb. net wt., at least 4 ply construction, moisture-proof and made tight against sifting.

Burlap bags, not over 100 lb. net wt., moisture-proof, made tight against sifting, and of not less than 7½ oz. burlap.

NOTE 2: It is not required that the above containers be ICC specification containers although ICC specification containers are acceptable, but the ship's officer in charge of loading shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.

In column 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck."

Outside containers:
Strong metal cans.
Metal or fiber drums.
Barrels or kegs.
Wooden or fiberboard boxes, WIC.

NOTE 1: Nitro carbo nitrate packaged in strong metal cans, metal or fiber drums, barrels or kegs or wooden or fiberboard boxes WIC is exempt from the labeling requirements.

NOTE 2: It is not required that the above containers be ICC specification containers although ICC specification containers are acceptable, but the ship's officer in charge of loading shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.

In column 6, insert:

Ferry stowage (AA).
Outside containers:
Strong metal cans.
Metal or fiber drums.
Barrels or kegs.
Wooden or fiberboard boxes, WIC.

NOTE 1: Nitro carbo nitrate packaged in strong metal cans, metal or fiber drums, barrels or kegs or wooden or fiberboard boxes WIC is exempt from the labeling requirements.

Burlap bags, not over 100 lb. net wt., moisture-proof, made tight against sifting, and of not less than 7½ oz. burlap.

Multi-wall paper bags, not over 100 lb. net wt., at least 4 ply construction, moisture-proof and made tight against sifting.

NOTE 2: It is not required that the above containers be ICC specification containers although ICC specification containers are acceptable, but the ship's officer in charge of loading shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.

In column 7, insert:

Ferry stowage (BB).
Outside containers:
Strong metal cans.
Metal or fiber drums.
Barrels or kegs.
Wooden or fiberboard boxes, WIC.

NOTE 1: Nitro carbo nitrate packaged in strong metal cans, metal or fiber drums, barrels or kegs or wooden or fiberboard boxes WIC is exempt from the labeling requirements.

Burlap bags, not over 100 lb. net wt., moisture-proof, made tight against sifting, and of not less than 7½ oz. burlap.

Multi-wall paper bags, not over 100 lb. net wt., at least 4 ply construction, moisture-proof and made tight against sifting.

NOTE 2: It is not required that the above containers be ICC specification containers although ICC specification containers are acceptable, but the ship's officer in charge of loading shall satisfy himself that they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.

1. Amend "Phosphoric anhydride" as follows:

In column 4, under "Outside containers," add:

Fiberboard box (ICC–12A) WIC, not over 12 lb. net wt.

m. Amend the following items as indicated:

1. Potassium nitrite
2. Potassium peroxide.

In columns 4, 5, 6, and 7 under "Steel barrels or drums" change (ICC–17E, etc.) to read:

(ICC–17C, 17E, 17H, 37A, 37B) STC, not over 55 gal. cap.

n. Amend "Potassium sulfide (fused or concentrated, but not ground, etc.)" as follows:

In column 1, change paragraph 4 to read:

Sodium sulfide containing 35% or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked or broken) when packed in steel barrels or drums that are equipped with moisture-tight closures, or in strong, tight fiber drums having a moisture barrier incorporated in the walls and equipped with moisture-tight closure is not subject to the regulations in this subchapter.

In columns 4, 5, 6, and 7 add the following:

Fiberboard box (ICC–12B) WIC plastic bag, not more than 25 lb. net wt.

Subpart—Detailed Regulations Governing Corrosive Liquids

1. Section 146.23–25 is amended by changing paragraph (i) to read as follows:

§ 146.23–25 Stowage of corrosive liquids with explosives or other dangerous articles.

* * * * *

(i) Corrosive liquids shall not be stowed in the hold or compartment over one in which cotton is stowed unless the deck is of steel and the hatch is fitted with a tight coaming and the deck itself is tight against leakage. Corrosive liquids shall not be stowed over the square of the hatch.

§ 146.23–100 [Amendment]

2. Section 146.23–100 *Table F—Classification; Corrosive liquids* is amended as follows:

a. Amend the following items as indicated:

1. Acids, liquid, n.o.s.
2. Alkaline battery fluid, etc.
3. Antimony pentachloride.
4. Boiler compound, liquid.
5. Caustic potash, liquid, etc.
6. Chromic acid solution.
7. Compounds, cleaning, liquid, etc.
8. Corrosive liquid, n.o.s.
9. Cupriethylene-diamine solution.
10. Drugs, chemicals, medicines, or cosmetics, n.o.s.
11. Formic acid, etc.
12. Hexamethylene diamine solution.
13. Hydriodic acid.
14. Sodium aluminate, liquid.
15. Water treatment compound, liquid.

(i) In columns 4, 5, 6, and 7 if permitted, after "Wooden boxes, etc." insert:

Wooden box (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

(ii) In columns 4, 5, 6 and 7, if permitted, after "Fiberboard boxes, etc.," insert:

Fiberboard box (ICC–12B) WIC polyethylene 2U, not over 5 gal. cap. each.

b. Amend "Batteries, electric storage, wet" as follows:

In columns 4 and 5 under "Outside containers" delete the present wording and insert:

Special wooden boxes (ICC–15D, 16B) not over 500 lb. gr. wt.
Special fiberboard box (ICC–12B) not over 190 lb. gr. wt.
Wooden or metal trays (non-specification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without outside container shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries.
Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic) or wooden battery box type, protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation are exempt from specification packaging if such completed unit meets the requirement of the ICC regulations. Battery terminals must not be relied upon to support any part of the superimposed weight.

In columns 6 and 7 under "Outside containers", delete the present wording and insert the following:

Special wooden boxes (ICC–15D, 16B) not over 500 lb. gross wt.
Special fiberboard box (ICC–12B) not over 190 lb. gross wt.
Electric storage batteries with case of asphaltum composition, impregnated rubber, steel case type, synthetic resin (plastic) or wooden battery box type, protected against short circuits and firmly secured to skids or pallets capable of withstanding the shocks normally incident to transportation are exempt from specification packaging if such completed unit meets the requirement of the ICC regulations. Battery terminals must not be relied upon to support any part of the superimposed weight.
Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking other than name of contents, and labeling requirements: *Provided*, That such shipments constitute the only commodity being transported in the railroad car or motor vehicle body.

c. Amend "Compounds, cleaning, liquid (containing hydrofluoric acid)" as follows:

In column 4, after "Wooden boxes, etc.," insert:

Wooden box (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

d. After "Difluorophosphoric acid, anhydrous," insert the following:

In column 1, insert:

Di iso octyl acid phosphate.

In column 2, insert:

Toxic and corrosive.

In column 3, insert:

White.

In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Metal drums (ICC–17E) STC, not over 55 gal. cap.
Tank cars complying with ICC regulations.

In columns 5, 6, and 7 insert:

Not permitted.

e. Amend "Hydrogen peroxide, etc." as follows:

In columns 4, 5, 6, and 7 under "Solutions not over 37%, etc.," change "Fiberboard boxes (ICC–12B) etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC of glass, polyethylene or aluminum, not over 65 lb. gr. wt.

f. Amend "Hydrochloric (muriatic) acid, etc." as follows:

(i) In columns 4, 5, 6, and 7 delete "Authorized only for hydrochloric acid not over 30% strength: etc."

(ii) In columns 4, 5, 6, and 7 add the following under "Outside containers: Fiberboard boxes, etc.":

Fiberboard boxes (ICC–12B) WIC polyethylene 2U, not over 5 gal. cap.
Fiber drums (ICC–21B) WIC polyethylene (ICC–2T–2S) not over 225 lb. gr. wt.

(iii) In columns 4, 5, 6, and 7 change "Wooden box (ICC–16A), etc." to read:

Wooden box (ICC–16A) WIC polyethylene (ICC–2T, 2U) not over 200 lb. gr. wt.

g. Amend "Hydrofluoric acid" as follows:

In column 4, insert after "Hydrofluoric acid not over 62% strength: Metal barrels or drums, etc.":

Hydrofluoric acid, not over 55% strength.
Fiberboard box (ICC–12A) WIC polyethylene 1 gallon bottles, not over 65 lb. gr. wt.

h. Amend "Hydrofluosilicic acid, etc." as follows:

In column 4, after "Wooden boxes, etc." add:

Wooden box (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

i. Amend "Hypochlorite solutions, etc." as follows:

After "Fiberboard boxes (ICC–12B) etc." add:

Fiberboard box (ICC–12B) WIC polyethylene 2U, not over 5 gal. cap.

j. Amend "Sulfuric acid (oil of vitriol), etc." as follows:

In columns 4, 5, and 7 under "For sulfuric acid of concentrations not to exceed 95% etc.":

(i) Change "Wooden box (ICC–16A) etc." to read:

Wooden box (ICC–16A) WIC polyethylene (ICC–2T, 2U), not over 200 lb. gr. wt.

(ii) Add:

Fiberboard box (ICC–12B) WIC polyethylene 2U, not over 5 gal. cap.

Subpart—Detailed Regulations Governing Compressed Gases

§ 146.24–100 [Amendment]

1. Section 146.24–100 *Table G—Classification; Compressed Gases* is amended as follows:

a. After "Dimethyl ether" insert the following:

In column 1, insert:

Dispersant gas, N.O.S.

In column 2 insert:

Inflammable gas.
An inflammable gas or mixtures of gases which are used as propellants.

In column 3 insert:

Red gas.

In column 4 insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Containers:
Cylinders complying with ICC regulations, with valve protection cap, dished heads, or boxed.
Tank cars complying with ICC regulations.

In columns 5, 6, and 7 insert:

Not permitted.

b. After "Helium-oxygen mixture", add the following:

In column 1 insert:

Hexafluoropropylene.

In column 2 insert:

Noninflammable gas.

In column 3 insert:

Green gas.

In column 4 insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)
Tank cars complying with ICC regulations.

In column 5 insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

In column 6 insert:

Ferry stowage (AA)
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

In column 7 insert:

Ferry stowage (BB)
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

c. After "Oxygen, pressurized liquid" insert the following:

In column 1 insert:

Refrigerant gas, N.O.S.

In column 2 insert:

Inflammable gas.
An inflammable gas or mixture of gases which are used as refrigerants.

In column 3 insert:

Red gas.

In column 4 insert:

Stowage:
"On deck protected."
"On deck under cover."
Containers:
Cylinders complying with ICC regulations, with valve protection cap, dished heads, or boxed.
Tank cars complying with ICC regulations.

In columns 5, 6, and 7 insert:

Not permitted.

Subpart—Detailed Regulations Governing Poisonous Articles

§ 146.25–100 [Amendment]

1. Section 146.25–100 *Table H—Classification; Class A; extremely dangerous poisons* is amended as follows:

a. After "Nitrogen dioxide, liquid, etc." insert the following:

In column 1 insert:

Organic phosphates, N.O.S. mixed with compressed gas (must contain not more than 10 percent by weight of organic phosphate).

In column 2 insert:

Mixtures of organic phosphates with expellant gas.
Avoid breathing fumes and contact with body.
Stow away from living quarters, food products and in space not easily accessible to any persons.
Protect from direct rays of sun and artificial heat.
Keep cool.

In column 3 insert:

Poison gas.

In column 4 insert:

Stowage:
"On deck under cover."
Outside containers:
Cylinders, boxed (ICC–3AA300, 3AA300, 3B300, 4A300, 4B240, 4BA240) charged with not more than 5 lbs. of the mixture and to a maximum filling density of 80 percent of the water capacity. Not more than 12 cylinders in one outside wooden box, nor more than 4 cylinders in 1 outside fiberboard box.

In columns 5, 6, and 7 insert:

Not permitted.

§ 146.25–200 [Amendment]

2. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

a. Amend "Acetone cyanhydrin" as follows:

(1) In column 4, under "Outside containers", make the following changes:

(1) Change "(ICC–6J) WIC, etc." to read:

(ICC–6J, 5B) WIC (ICC–2S polyethylene) not over 55 gal. cap.

(2) After "Steel barrels or drums, etc." insert:

Aluminum drums:
(ICC–42B, 42C, 42D, 42E, 42G) not over 55 gal. cap.

(3) After "Wooden boxes (ICC–15A), etc." insert:

Wooden box (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

(4) After "Fiberboard boxes (ICC–12A), etc." insert:

Fiberboard box (ICC–12B) WIC polyethylene 2U, not over 5 gal. cap. each, not over 65 lb. gr. wt.

b. Amend "Alcohol, allyl" as follows:
(1) In column 4, under "Outside containers" make the following changes:
(1) Under "Steel barrels or drums", change "(ICC–6J), etc." to read:

(ICC–6J, 5B) WIC (ICC–2S polyethylene) not over 55 gal. cap.

(2) Under "Aluminum drums", change "(ICC–42B, etc.)" to read:

(ICC–42B, 42C, 42D, 42E, 42G) not over 55 gal. cap.

(3) After "Wooden boxes (ICC–15A), etc." insert:

Wooden box (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

(4) After "Fiberboard boxes (ICC–12A, etc.)," insert:

Fiberboard box (ICC–12B) WIC polyethylene 2U, not over 5 gal. cap. each, not over 65 lb. gr. wt.

c. Amend "Aldrin mixture liquid, with more than 60% aldrin, etc." as follows:
(1) In columns 4, 5, 6, and 7 under "Outside containers," make the following changes:
(1) After "(ICC–37P) etc." insert:

(ICC–6J, 5B) WIC (ICC–2S polyethylene) not over 55 gal. cap.
Aluminum drums:
(ICC–42B, 42C, 42D, 42E, 42G) not over 55 gal. cap.

(2) After "Wooden boxes (ICC–15A, etc.)," insert:

Wooden box (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

(3) Change "Fiberboard boxes (ICC–12B), etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

(4) Insert:

Fiberboard boxes (ICC–12B) WIC polyethylene 2U, not over 5 gal. cap. each, not over 65 lb. gr. wt.

(5) Insert:

Mailing tubes (ICC–29) WIC polyethylene, not over 2 qt. cap. each.

d. Amend "Aniline oil, liquid" as follows:
In column 4 under "Fiberboard boxes, etc." change "(ICC–12B), etc." to read:

(ICC–12A, 12B) WIC not over 1 gal. cap. each, not over 65 lb. gr. wt.

e. Amend "Arsenic acid, liquid" as follows:
(1) In columns 4, 5, 6, and 7 under "Outside containers," make the following changes:
(1) Delete: "Carboys in kegs, glass (ICC–1C), etc."
(2) Insert:

Carboys in wooden boxes or plywood drums, glass (ICC–1E) not over 13 gal. cap.

(3) Change "(ICC–5, 5A, 5B), etc." to read:

(ICC–5, 5A, 5B, 5C) not over 55 gal. cap.

(4) After "(ICC–37P) etc." insert:

(ICC–6J, 5B) WIC (ICC–2S polyethylene) not over 55 gal. cap.
Aluminum drums (ICC–42B, 42C, 42D, 42E, 42G) not over 55 gal. cap.

(5) After "Wooden boxes (ICC–15A, etc.)", insert:

Wooden box (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

(6) Change "Fiberboard boxes (ICC–12B), etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

(7) Insert:

Fiberboard box (ICC–12B) WIC polyethylene 2U not over 5 gal. cap. each, not over 65 lb. gr. wt.

(8) Insert:

Mailing tubes (ICC–29) WIC polyethylene, not over 2 qt. cap each.

(9) Insert:

Fiber drums (ICC–21B) WIC not over 200 lb. net wt.

f. Amend the following items as indicated:

1. Arsenic chloride (arsenous) liquid, etc.
2. Arsenical compounds or mixtures, n.o.s., liquid, etc.
3. Compounds, tree or weed killing, liquid.
4. Dinitrobenzol, liquid.
5. Drugs, chemicals, medicines or cosmetics, n.o.s. (liquid).
6. Insecticide, liquids.
7. Nicotine hydrochloride, etc.
8. Nitrobenzol, liquid (oil of mirbane), etc.
9. Poisonous liquids n.o.s.
10. Sodium arsenite (solution) liquid.

i. In columns 4, 5, 6, and 7 if permitted, make the following changes:
(1) Under "Steel barrels or drums", change "(ICC–6J) etc." to read:

(ICC–6J, 5B) WIC (ICC–2S polyethylene) not over 55 gal. cap.

(2) Under "Aluminum drums", change "(ICC–42B, etc.)" to read:

(ICC–42B, 42C, 42D, 42E, 42G) not over 55 gal. cap.

(3) After "Wooden Boxes (ICC–15A, etc.)", insert:

Wooden boxes (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

(4) After "Fiberboard boxes (ICC–12A, 12B) etc." insert:

Fiberboard box (ICC–12B) WIC polyethylene 2U not over 5 gal. cap. each, not over 65 lb. gr. wt.

(5) Insert:

Fiberboard box (ICC–12B) WIC polyethylene 2U not over 5 gal. cap. each, not over 65 lb. gr. wt.

(6) Insert:

Mailing tube (ICC–29) WIC polyethylene, not over 2 qt. cap. each.

(7) Insert:

Fiber drums (ICC–21B) WIC, not over 200 lb. net wt.

h. Amend "Cyanides or cyanide mixtures, dry" as follows:
In columns 4, 5, 6, and 7 under "Outside containers," change "Fiberboard boxes (ICC–12B, 12C) etc." to read:

Fiberboard boxes (ICC–12B, 12C) WIC, not over 25 lb. net wt.

i. Amend the item "Mercuric iodide, solution" as follows: In columns 4, 5, 6, and 7 under "Outside containers," make the following changes:
(1) Under "Steel barrels or drums" change "(ICC–6J) etc." to read:
(ICC–6J–5B)

WIC (ICC–2S polyethylene) not over 55 gal. cap.

(2) Insert:

Aluminum drums (ICC–42B, 42C, 42D, 42E, 42G) not over 55 gal. cap.

(3) After "Wooden boxes (ICC–15A, etc.)", insert:

Wooden boxes (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

(4) After "Fiberboard boxes (ICC–12A, 12B) etc." insert:

Fiberboard boxes (ICC–12B) WIC polyethylene 2U not over 5 gal. cap. each, not over 65 lb. gr. wt.

j. Amend "Methyl bromide, liquid (bromomethane)" by inserting after "Methyl bromide and ethylene dibromide mixtures, liquid" the following:
In column 1 insert:

Methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

In column 2 insert:

See: Methyl bromide, liquid.

In column 3 insert:

Poison.

In column 4, under "Outside containers" delete the paragraph "Specification wooden or fiberboard boxes, etc." and insert in lieu thereof the following after "NOTE: cylinders, etc.":

Specification wooden or fiberboard boxes with inside metal cans not over 1 lb. net wt. and permitted cylinders (must have valve protection caps in place and boxed when so required) may be stowed "Under deck" in a mechanically ventilated hold or compartment provided the ventilation ducts discharge directly to the atmosphere.

k. Amend "Motor fuel anti-knock compound" as follows:
In columns 4, 5, 6, and 7 after "Wooden boxes, etc." insert:

Fiberboard boxes (ICC–12B) WIMC not over 5 lb. cap. each, gr. wt. not over 90 lb.

l. Amend "Nitroxyiol" as follows:
i. In columns 4, 5, 6, and 7 under "Outside containers," make the following changes:

(1) Under "Steel barrels or drums" insert:

(ICC–6J, 5B) WIC (ICC–2S polyethylene) not over 55 gal. cap.

(2) Amend "Aluminum drums (ICC–42B etc.)" to read:

(ICC–42B, 42C, 42D, 42E, 42G) not over 55 gal. cap.

(3) After "Wooden boxes (ICC–15A, etc.)", insert:

Wooden box (ICC–16A) WIC polyethylene 2U, not over 200 lb. gr. wt.

(4) Amend "Fiberboard boxes (ICC–12B) etc." to read:

Fiberboard boxes (ICC–12A, 12B) WIC, not over 65 lb. gr. wt.

(5) Insert:

Fiberboard box (ICC–12B) WIC polyethylene 2U not over 5 gal. cap. each, not over 65 lb. gr. wt.

Subpart—Detailed Regulations Governing Hazardous Articles

1. Section 146.27–25 is amended by changing subparagraph (d)(2) to read as follows:

§ 146.27–25 Requirements and conditions for loading, stowing and transporting baled cotton.

• • • • • •

(d) • • •

(2) Inflammable liquids, inflammable compressed gases, inflammable solids or oxidizing materials. These substances shall not be stowed in the same hold with cotton, nor in the hold above or a hold below one containing cotton. When possible these substances should not be stowed in a hold adjacent to a hold containing cotton. When it is impossible to provide such separation, these substances may be stowed in holds adjacent to one containing cotton: *Provided*, That the holds are separated by a tight steel bulkhead: *And provided further*, That the inflammable liquids, inflammable compressed gases, inflammable solids or oxidizing materials are packed in metal containers.

§ 146.27–100 [Amendment]

2. Section 146.27–100 *Table K—Classification: Hazardous articles* is amended as follows:

a. Amend "Cotton batting, etc." as follows: In columns 4, 5, 6, and 7 change the note to read as follows:

Shall not be accepted for transportation unless securely baled, bagged or in tight containers. Reject wet or oil-stained bales or bags. Bales and bags shall be afforded the requirements and conditions for loading, stowing, and transporting as detailed in § 146.27–25 for baled cotton.

b. Amend "Cotton waste, etc." as follows: In columns 4 and 5 amend the note and in columns 6 and 7 add a note to read as follows:

Shall not be accepted for transportation unless securely baled or bagged. Reject wet or oil-stained bales or bags. Bales and bags shall be afforded the requirements and conditions for loading, stowing, and transporting as detailed in § 146.27–25 for baled cotton.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 63 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: June 6, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 60–5340; Filed, June 10, 1960; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2112]

[54152]

SOUTH DAKOTA

Reserving Lands for Wildlife Conservation Revoking Certain Military Withdrawals in Part (Fort Meade Military Reservation)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and in furtherance of the purposes and objectives of the Fish and Wildlife Coordination Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 661–666c) as amended, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 601) as amended, and reserved under jurisdiction of the Secretary of the Interior for conservation of natural resources, including recreational and wildlife resources, and the protection and improvement of wildlife habitat thereon:

BLACK HILLS MERIDIAN

T. 5 N., R. 5 E.,
Sec. 10, lots 5, 6 and 9;
Sec. 11, lots 2 and 3, SW¼;
Sec. 13, lots 9 and 10, S½NW¼, and SW¼;
Sec. 14, lot 1, W½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 15, lots 5, 8, 9, 10;
Sec. 22, lots 5, 6, 7, and 8;
Sec. 23, all;
Sec. 24, W½;
Sec. 25, lots 5, 6, and N½NW¼;
Sec. 26, lots 5, 6, 7 and 8, N½N½.
T. 6 N., R. 5 E.,
Sec. 25, lots 7, 8, 9, 10 and 11, SW¼.

The described lands aggregate 3,340.16 acres.

2. The surface and mineral resources of the lands other than wildlife resources, shall be administered by the Bureau of Land Management under applicable law and regulations. Issuance of oil and gas leases shall be governed by the regulations in 43 CFR 192.9.

3. The lands may be made available for use by the State of South Dakota by cooperative agreement between the State, the Bureau of Sport Fisheries and Wildlife, and the Bureau of Land Management in furtherance of the purposes and objectives of section 9 of the Act of June 28, 1934 (48 Stat. 1273; 43 U.S.C. 315h) as amended; the Act of September 2, 1937 (50 Stat. 917; 16 U.S.C. 669–669l) or the Fish and Wildlife Coordination Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 661–666c) as amended. Such use by the State, however, shall be subordinate to the primary jurisdiction of the United States in the lands and shall be subject to modification or termination by the Secretary of the Interior whenever he shall deem such action to be in the public interest, after due notice and an opportunity to be heard.

4. Costs for the suppresion of fires occurring on lands administered by the Bureau of Land Management will be reimbursed to the agency taking fire suppression action on such lands.

5. The Executive order of December 17, 1878, as modified by the Executive order of May 27, 1885, reserving lands at the Fort Meade Military Reservation, is hereby revoked so far as it affects the lands described in paragraph 1 of this order and the following-described lands.

BLACK HILLS MERIDIAN

T. 5 N., R. 5 E.,
Sec. 27, lots 8 and 9.

6. The areas described in paragraph 5 of this order, containing 90 acres, were added to the Black Hills National Forest by the Proclamation of February 15, 1909. At 10:00 a.m. on July 12, 1960, they shall be open to such forms of appropriation as may by law be made of national forest lands.

7. There is excepted from the reservation made by this order, an area of approximately 105.9 acres in lots 7 and 8 and the N½NE¼ of section 26, T. 5 N., R. 5 E., which was reserved by Public Land Order No. 461 of April 1, 1948, for use of the Department of the Army as a national cemetery.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 6, 1960.

[F.R. Doc. 60–5317; Filed, June 10, 1960; 8:47 a.m.]

[Public Land Order 2113]

[1628568]

[New Mexico 039886]

NEW MEXICO

Revoking Executive Order No. 8923 of October 24, 1941, as Amended

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order No. 8923 of October 24, 1941, as amended by Executive Order No. 9526 of February 28, 1945, and as further amended by Public Land Order No. 675 of October 3, 1950, which withdrew the following-described lands for use of the War Department as a National Guard rifle range, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 2 E.,
Sec. 6, that part exclusive of the Atrisco Grant.
T. 11 N., R. 2 E.,
Secs. 28 and 33.

The areas described aggregate 1,527.60 acres.

2. Applications and selections under the nonmineral public land laws and the regulations in 43 CFR will be received at once by the Manager named below. Priorities in the consideration of such applications will be recognized as follows:

a. Until 10:00 a.m. on December 5, 1960, the State of New Mexico shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

b. All valid applications under the nonmineral public land laws other than those coming under subparagraph (a) above, presented prior to 10:00 a.m. on December 5, 1960, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

c. All applications under subparagraphs (a) and (b) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

3. Persons claiming preferential consideration must submit evidence of their entitlement.

4. The lands will be open to applications and offers under the mineral leasing laws, and to locations under the United States mining laws beginning at 10:00 a.m. on December 5, 1960. Locations made prior thereto shall be invalid.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ROGER ERNST,
Assistant Secretary of the Interior,

JUNE 6, 1960.

[F.R. Doc. 60-5318; Filed, June 10, 1960; 8:47 a.m.]

[Public Land Order 2114]

[Colorado 015325]

COLORADO

Opening Lands Under Section 24 of the Federal Power Act (Power Site. Reserve No. 244)

1. In DA-413-Colorado, issued February 17, 1959, the Federal Power Commission determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 85 W.,
Sec. 7, E½SW¼.
Containing 80 acres.

2. The lands are located along the Colorado River approximately 14 miles upstream from Dotsero, Colorado. The topography is very rough, with shallow rocky soil supporting scrub pinion and juniper trees, with a small amount of shrubs and grasses.

3. Until 10:00 a.m. on December 5, 1960, the State of Colorado shall have a preferred right of application to select the lands, in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period the State may also apply under any statute or regulation applicable thereto, for the reservation to the State or to any of its political subdivisions of any of the lands required as a right-of-way, or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act, supra.

4. Beginning at 10:00 a.m. on December 5, 1960, the lands shall be open to application, petition, location, and selection by the public generally, subject to valid existing rights, to equitable claims and the requirements of applicable law.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the Act of August 11, 1955 (69 Stat 682; 30 U.S.C. 621).

6. The lands are occupied in whole or in part by claimants under the public land laws who have built valuable improvements on the lands and who claim an equitable interest therein.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 6, 1960.

[F.R. Doc. 60-5319; Filed, June 10, 1960; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 60-WA-74]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 92 between Oakland, Calif., and Tuscon, Ariz. This route would be established from the Oakland VOR via the Stockton, Calif., VOR; intersection of the Stockton VOR 085°, the Tonopah, Nev., VOR 268° and the Beatty, Nev., VOR 326° True radials; Beatty VOR; intersection of the Beatty VOR 142° and the Las Vegas, Nev., VOR 266° True radials; Las Vegas VOR; Prescott, Ariz., VOR; Phoenix, Ariz., VOR; to the Tuscon VOR. The establishment of this jet route would provide a route for jet aircraft service between the San Francisco-Oakland terminal area and Tuscon which will begin in the near future.

If this action is taken, VOR/VORTAC jet route No. 92 would be established from Oakland, Calif., to Tuscon, Ariz., via the Stockton, Calif., VOR; intersection of the Stockton VOR 085°, the Tonopah, Nev., VOR 268° and the Beatty, Nev., VOR 326° True radials; Beatty VOR; intersection of the Beatty VOR 142° and the Las Vegas, Nev., VOR 266° True radials; Las Vegas VOR; Prescott, Ariz., VOR; Phoenix, Ariz., VOR; to the Tuscon, Ariz., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5305; Filed, June 10, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-102]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 104 from the Tuscon, Ariz., VOR to the Grants, N. Mex., VOR. The establishment of this jet route would provide a portion of a route, to be used in conjunction with existing jet routes, for jet aircraft service between Tuscon and Chicago, Ill., which will begin in the near future.

If this action is taken, VOR/VORTAC jet route No. 104 would be established from Tuscon, Ariz., to Grants, N. Mex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5306; Filed, June 10, 1960; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 60-WA-121]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.57 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). According to the data available, it appears that the following restricted area does not have sufficient justification to warrant continued designation, and revocation thereof would be in the public interest:

Sheboygan, Wis., Restricted Area (R-83-A). This is an area of approximately 636 square miles over the central part of Lake Michigan, northwest of Muskegon, Mich. It is controlled by the Commanding officer, Naval Air Station, Glenview, Ill. It was designated for air-to-air gunnery, air-to-surface gunnery, rocket firing, tactics, antiaircraft firing, bombing and strafing for use at altitudes to 65,000 feet MSL and daily 0730 to 1700.

If this action is taken, Sheboygan, Wis., Restricted Area (R-83-A), would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for

consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 6, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5307; Filed, June 10, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 17]

[Docket No. 13384]

CONSIDERATION OF ANTENNA STRUCTURES WITH RESPECT TO POSSIBLE HAZARD TO AIR NAVIGATION

Order Extending Time for Filing Comments

In the matter of amendment of § 17.4 (a), (b), (c) and (d), Part 17—Construction, Marking and Lighting of Antenna Structures.

1. The Commission has before it for consideration a telegraphic request of the Association of Federal Communications Consulting Engineers to extend the time for comments in the above-entitled proceeding to June 17, 1960.

2. In support of its request, the Association states that the Chairman of the Committee of the Association has been concerned with a protest hearing in Tucson and because of the priority of this hearing the Association requests a ten day extension.

3. In addition, other factors have come to the attention of the Commission which leads to the conclusion that an extension of time in which to file comments would not militate against orderly administration.

4. In view of the foregoing: *It is ordered*, That the date for filing comments in the above-entitled matter is extended to June 22, 1960, and the date for filing replies to such comments is extended to July 5, 1960.

Adopted: June 7, 1960.

Released: June 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5351; Filed, June 10, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 136]

[Ex Parte 171]

INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SYSTEMS, DEVICES, AND APPLIANCES

Locking, Hand-Operated Switch

Rules, standards and instructions for installation, inspection, maintenance, and repair of automatic block signal systems, interlocking, traffic control systems, automatic train stop, train control, and cab signal systems, and other similar appliances, methods and systems.

At a session of the Interstate Commerce Commission, division 3, held at its office in Washington, D.C. on the 2d day of June A.D. 1960.

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) that the Commission has under consideration revision of § 136.410 of the above rules, Standards and Instructions prescribed by the order of June 29, 1950, as amended, by revising said section to read as follows:

§ 136.410 **Locking, hand-operated switch.**

(a) Each hand-operated switch in main track shall be locked either electrically or mechanically in normal position, except where:

(1) Train speeds over switch do not exceed 20 miles per hour; or

(2) Trains are not permitted to clear the main track at such switch; or

(3) Both switch and traffic-control system were installed prior to October 1, 1950.

(b) Approach or time locking shall be provided and locking may be released either automatically, or by the control operator, but only after the control circuits of signals governing movement in either direction over the switch and which display aspects with indications more favorable than "proceed at restricted speed" have been opened directly or by shunting of track circuit.

Any interested person may on or before July 11, 1960, file with the Commission's Secretary written views, arguments or suggestions to be considered in this connection and may request oral argument thereon. Unless otherwise ordered, after consideration of representations so received and with such changes as may seem warranted because of them, an order will be entered making the revised Rule, Standard and Instruction effective after due notice to all carriers which will be subject thereto.

The proposed revised section is to be issued under authority contained in section 25(c) of the Interstate Commerce Act, as amended (54 Stat. 919; 49 U.S.C. 26).

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-5332; Filed, June 10, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1960 Department Circular No. 1043]

3¾ PERCENT TREASURY NOTES OF SERIES D-1964

Offering of Notes

JUNE 8, 1960.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 3¾ percent Treasury Notes of Series D-1964, in exchange for 2½ percent Treasury Bonds of 1961, dated February 15, 1954, due November 15, 1961. Subscriptions to the offering under this circular are invited up to an amount not to exceed $3,500,000,000. If subscriptions exceed this amount by more than 10 percent, they will be subject to allotment. The books will be open only on June 8 to June 13, 1960, inclusive, for the receipt of subscriptions for this issue.

2. In addition to the exchange offering under this circular, holders of the eligible bonds are also offered the privilege of exchanging them for 3⅞ percent Treasury Bonds of 1968, which offering is set forth in Department Circular No. 1044, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal Income tax purposes: Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86-346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the 2½ percent Treasury Bonds of 1961, due November 15, 1961, solely for the 3¾ percent Treasury Notes of Series D-1964. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of notes.* 1. The notes will be dated June 23, 1960, and will bear interest from that date at the rate of 3¾ percent per annum, payable on a semiannual basis on November 15, 1960, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1964, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers. Subscriptions from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Government Investment Accounts, and the Federal Reserve System will be received without deposit. Subscriptions from all others must be accompanied by the deposit of 2½ percent Treasury Bonds of 1961, due November 15, 1961, in the amount of not less than 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered bonds submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in Section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before June 23, 1960, or on later allotment, and may be made only in 2½ percent Treasury Bonds of 1961, due November 15, 1961, which will be accepted at par. Coupons dated November 15, 1960, and all subsequent coupons, must be attached to the bonds in coupon form when surrendered and accrued interest from May 15, 1960, to June 23, 1960 ($2.64946 per $1,000) will be paid subscribers, in the case of bearer bonds following their acceptance, and in the case of registered bonds following discharge of registration. In the case of registered bonds, the accrued interest will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. After allotment 2½ percent Treasury Bonds of 1961 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be presented and surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new notes are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series D-1964." If the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series D-1964, in the name of _____." If new notes in bearer form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series D-1964 in coupon form to be delivered to _____." Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 60-5342; Filed, June 10, 1960; 8:49 a.m.]

[1960 Department Circular No. 1044]

3⅞ PERCENT TREASURY BONDS OF 1968

Offering of Bonds

JUNE 8, 1960.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1968, in exchange for 2½ percent Treasury Bonds of 1961, dated February 15, 1954, due November 15, 1961. Subscriptions to the offering under this circular are invited up to an amount not to exceed $1,500,000,000. If subscriptions exceed this amount by more than 10 percent, they will be subject to allotment. The books will be open only on June 8 to June 13, 1960, inclusive, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible bonds are offered the privilege of exchanging them for 3⅝ percent Treasury Notes of Series D–1964, which offering is set forth in Department Circular No. 1043, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes: Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the 2½ percent Treasury Bonds of 1961, due November 15, 1961, solely for the 3⅞ percent Treasury Bonds of 1968. Gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds will be dated June 23, 1960, and will bear interest from that date at the rate of 3⅞ percent per annum, payable on a semiannual basis on November 15, 1960, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers. Subscriptions from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Government Investment Accounts, and the Federal Reserve System will be received without deposit. Subscriptions from all others must be accompanied by the deposit of 2½ percent Treasury Bonds of 1961, due November 15, 1961. In the amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered bonds submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in section V hereof.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before June 23, 1960, or on later allotment, and may be made only in 2½ percent Treasury Bonds of 1961, due November 15, 1961, which will be accepted at par. Coupons dated November 15, 1960, and all subsequent coupons, must be attached to the bonds in coupon form when surrendered and accrued interest from May 15, 1960, to June 23, 1960 ($2.64946 per $1,000) will be paid subscribers, in the case of bearer bonds following their acceptance, and in the case of registered bonds following discharge of registration. In the case of registered bonds, the accrued interest will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. After allotment 2½ percent Treasury Bonds of 1961 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be presented and surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. If the new bonds are desired registered in the same name as the bonds surrendered in exchange, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968, in the name of ----------" If new bonds in bearer form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968 in coupon form to be delivered to ----------" Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 60–5343; Filed, June 10, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Arkansas, California, Colorado, Montana, New Mexico, North Dakota, Utah, Wyoming

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulation (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

Name of Field, Effective Date, and Acreage	
(01) ARKANSAS	
Cecil—Mar. 5, 1958	33,014
(1) CALIFORNIA	
Dominion (Revision)—Dec. 2, 1957	1,962
Dorsey (Revision)—May 4, 1957	920
North Dome Kettleman Hills (Rev.)—May 9, 1958	21,447
(2) COLORADO	
Piceance Creek (Rev. & Consolidation)—Oct. 21, 1959	37,570
South Canyon—Oct. 31, 1959	7,018
(4) MONTANA	
Bredette—July 6, 1956	600
Line Coulee—Aug. 27, 1958	302
North Bredette—Sept. 8, 1958	843
Outlook—Sept. 25, 1958	2,335
Redstone—Nov. 1, 1958	350
South Outlook—Apr. 28, 1960	841
(5) NEW MEXICO	
Artesia-Maljamar (Rev. & Consol.)—Mar. 9, 1960	203,343
Coyote Queen—Mar. 11, 1960	3,000
El Mar—July 13, 1959	2,088
High Lonesome-West Henshaw (Rev. & Consolidation)—Feb. 1, 1960	9,531
Horseshoe Canyon-Verde (Revision)—Mar. 25, 1960	47,666
Lynch (Revision)—Oct. 23, 1959	3,061
North Mason (Revision)—Feb. 7, 1959	2,531
Pearl (Revision)—Mar. 2, 1960	6,958
Reeves-South Vacuum—Feb. 27, 1960	3,760
San Juan (Revision)—Mar. 15, 1960	1,812,618
(6) NORTH DAKOTA	
Sherwood—July 19, 1959	1,273
(8) UTAH	
Bar-X (Revision)—Oct. 18, 1958	18,935
San Arroyo (Revision)—Oct. 4, 1959	6,640
(9) WYOMING	
Alkali Butte (Revision)—Sept. 10, 1957	2,833
Big Muddy (Revision)—Dec. 18, 1959	11,201
Big Piney-La Barge (Revision)—Mar. 5, 1960	141,799
Boone Dome (Revision)—Aug. 8, 1959	2,640
Cole Creek (Revision)—Apr. 27, 1953	3,360
Coyote Creek (Revision)—Dec. 20, 1959	2,645
East Salt Creek (Revision)—Aug. 4, 1958	1,400
East Teapot (Revision)—Sept. 17, 1958	2,401
Lonetree Creek—Dec. 20, 1959	5,482
Middle Baxter Basin (Revision)—June 13, 1959	8,084
Rock River (Revision)—Feb. 13, 1959	2,613
South Baxter Basin (Rev. & Consolidation)—June 13, 1959	17,269
South Glenrock (Revision)—Sept. 1, 1959	12,996
Sussex-Meadow Creek (Revision)—Nov. 11, 1959	15,099

THOMAS B. NOLAN,
Director.

[F.R. Doc. 60–5336; Filed, June 10, 1960; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 5–19–60 to 5–18–61 (men's and boys' dress shirts).

Carwood Manufacturing Co., No. 3, 107 Chattahooche Street, Cornelia, Ga.; effective 5–17–60 to 5–16–61 (work, sport and western shirts).

Carwood Manufacturing Co., No. 2, 119 Ivie Street, Cornelia, Ga.; effective 5–17–60 to 5–16–61 (men's cotton work pants).

Freeland Sportswear Co., Inc., 246–250 Centre Street, Freeland, Pa.; effective 5–18–60 to 5–17–61 (men's outerwear).

La Crosse Sportswear Corp., La Crosse, Va.; effective 5–18–60 to 5–17–61 (knitted sport shirts).

Lyons Manufacturing Co., Lyons, Ga.; effective 5–18–60 to 5–17–61 (men's and ladies' shirts).

Monticello Manufacturing Co., Inc., Monticello, Ky.; effective 5–20–60 to 5–19–61 (ladies' blouses, men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Gross Galesburg Co., Clinton, Ind.; effective 5–18–60 to 5–17–61; 10 learners (boys' cotton pants, jackets, dungarees).

Trent-Green Corp., Ruckersville, Va.; effective 5–20–60 to 5–19–61; 10 learners (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 5–19–60 to 11–18–60; 75 learners (men's and boys' dress shirts).

Ringer Staples Co., Staples, Minn.; effective 5–19–60 to 11–18–60; 20 learners (supplemental certificate) (sportswear and other outerwear).

Trent-Green Corp., Ruckersville, Va.; effective 5–20–60 to 11–19–60; 20 learners (men's sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Fairfield Glove Co., Bonaparte, Iowa; effective 5–18–60 to 5–17–61; 10 learners for normal labor turnover purposes (gloves and mittens).

Wainwright Corp., New London, Iowa; effective 5–20–60 to 5–19–61; five learners for normal labor turnover purposes (leather work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The Batesville Co., Batesville, Miss.; effective 5–23–60 to 11–20–60; 20 learners for plant expansion purposes (seamless).

Green Cove Springs Hosiery Co., Green Cove Springs, Fla.; effective 5–17–60 to 5–16–61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Grey Hosiery Mills, Inc., 305 Fourth Avenue East, Hendersonville, N.C.; effective 5–18–60 to 5–17–61; five learners for normal labor turnover purposes (full-fashioned, seamless).

Grey Hosiery Mills, Inc., 305 Fourth Avenue East, Hendersonville, N.C.; effective 5–18–60 to 11–17–60; 10 learners for plant expansion purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Warrenton Manufacturing Co., Elsberry, Mo.; effective 5–18–60 to 5–17–61; five learners for normal labor turnover purposes (women's slips, half-slips).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 26th day of May 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60–5320; Filed, June 10, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

June 1960 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Principal changes in the list for June are the addition of broken rice and small red beans. Pea beans have been dropped from the list in accordance with the April 12 announcement (press release USDA 1048-60) that any pea beans not sold by June 1 would be donated through domestic outlets.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities (except oats) currently offered for sale by CCC, plus tobacco from CCC loan stocks are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, cotton, tobacco, rice (milled), wheat, corn, barley, rye, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for June 1960 are 4¾ percent for periods up to six months, 4⅞ percent for periods from over six and up to 18 months, and 5¾ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS office and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	Sales are in cariots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Nonfat dry milk (bags and drums as available).	Domestic, unrestricted use; announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound.
	Export: Competitive bid under LD-33 pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices (may be applied to arrangements for barter or approved credit sales).
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-C-12 (sale of 1958 and prior crop cotton for unrestricted use), and Announcement NO-C-13 (sale of 1959-crop Choice (A) cotton for unrestricted use). Under NO-C-12 and NO-C-13, cotton in CCC's catalogs to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC or (2) 110 percent of the applicable Choice (B) support price plus carrying charges.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-6 as amended and NO-C-10 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wheat, bulk	Domestic, unrestricted use; commercial wheat-producing area: Market price basis in store but not less than the 1959 applicable loan rate plus (1) 25 cents per bushel if received by truck or (2) 20 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW $2.23; Minneapolis, No. 1 DNS 2.23; Kansas City, No. 1 HW 2.23; Portland, No. 1 SW 2.23. Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export: (1) As wheat under Announcement GR-261 revised, as amended, or as flour under Announcement GR-262 revised, as amended, for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily (2) under Announcement GR-212 revised, amended, for specific offerings as announced and (3) under Announcement GR-345 for redemption of certificates under Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1959 applicable loan rate plus (1) a markup of 18 cents per bushel for corn in storage at point of production or (2) a markup of 20 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production.

See footnote at end of table.

Commodity	Sales price or method of sale
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent 1959 loan rate for rough rice by varieties and grades plus 8 percent, adjusted for milling yield, plus 45 cents per hundredweight basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas CSS Commodity Office. Example of the minimum prices of milled rice per hundredweight at mills:

	U.S. No. 3	U.S. No. 4
Blue Bonnet	$9.47	$8.76
Century Patna	8.73	8.10

Export:
Under GR-270 for application to arrangements for barter and approved credit sales and grades may be obtained from Dallas CSS Commodity Office.
Domestic or export, unrestricted use:
Competitive bid but not less than 94.75 per hundredweight in bags (94.63 bulk), basis U.S. No. 4 brewers f.o.b. mills and warehouses.
Available Dallas CSS Commodity Office. Market price but not less than 1959 loan rate plus
Domestic, unrestricted use: 45 cents per hundredweight, basis in store.
Export: Under Announcement GR-270, Rice Export Program
As milled or brown under Announcement GR-269, credit sales, Payment-in-Kind, and under GR-270 for approved credit sales.
Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.

Commodity	Sales price or method of sale
Rice, broken (as available)	Domestic export: Market price basis in store but not less than the 1959 basic loan rate for No. 2 grade, basis point of storage, plus 20 cents per hundredweight. Market price will be applied by the Commodity Office. Market billing, if any, as determined by the Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual price. Available Dallas, Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Rice, rough (as available)	Domestic, unrestricted use: Under CCC Peanut Announcement 2, market price but not less than the following minimum prices: *Cents per lb.* No. 1's: Virginia 16.00; 1 S.E. Runners 16.00; 1 S.E. Runners 16.00. Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended. Domestic for crushing or export: Competitive bid under Announcement 1, as amended. Available Dallas CSS Commodity Office.
Soybeans, bulk 1957 and 1958 crop (as available)	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rate plus (1) a markup of 15 cents per bushel if received by truck or (2) 10 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better $1.18
Peanuts, shelled (as available), all types	Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit sales and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Barley, bulk	Domestic, unrestricted use: Market price basis in store but not less than 1959 applicable loan rate plus (1) 15 cents per bushel if received by truck or (2) 10 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 3 or better $1.15
	Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit sales and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Oats, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rate plus (1) 15 cents per bushel if received by truck or (2) 10 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better $1.20
	Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit sales and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Portland, Dallas, and Kansas City CSS Commodity Offices.
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rate plus (1) 15 cents per bushel if received by truck or (2) 10 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better $1.20
	Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit sales and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Portland, Dallas, and Kansas City CSS Commodity Offices.
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rate plus (1) 25 cents per hundredweight if received by truck or (2) 20 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better $2.15
	Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit sales and under Announcement GR-345 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.

[1] In those counties in which grain is stored in CCC bin sites delivery will be made f.a.b. buyer's conveyance at bin sites at the above basis, or CCC sales will be made in store approved purchasers in such county and adjacent counties at the same price, provided the buyer assumes transportation.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1058; 7 U.S.C. 1427, sec. 209, 63 Stat. 901)

Issued: June 7, 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5291; Filed, June 10, 1960; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-94]

GENERAL ELECTRIC CO.

Issuance of Amendment to Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. CX-4, set forth below. The amendment revises and broadens the authorization under the present license No. CX-4 and amendment thereto issued to General Electric Company, covering the operation of the licensee's critical experiment facility located at its Vallecitos Atomic Laboratory, California.

The Commission has found that issuance of the amendment to License No. CX-4 will not result in undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the critical experiment facility as proposed does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously authorized operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment upon receipt of a request therefore from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street, Washington, D.C. For further details, see (1) the applications for license amendment submitted by General Electric Company and (2) a hazards analysis of the proposed operation of the critical experiments facility prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 3d day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. CX-4; Amdt. 2]

Effective as of the date of issuance specified below, License No. CX-4 is amended to read as follows:

1. This license applies to the reactor designated by General Electric Company as the Critical Experiment Facility (hereinafter referred to as "the reactor") which is owned by the Company and located at its Vallecitos Atomic Laboratory in Alameda County, California, and described in applications for license amendment No. 10 dated December 30, 1959, and No. 11 dated March 2, 1960, (hereinafter together referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor authorized for construction by Construction Permit No. CPCX-4, issued to General Electric Company, has been constructed and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated without endangering the health and safety of the public;

C. General Electric Company is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. General Electric Company has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Electric Company:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to use up to 800 kilograms of Uranium-235 contained in uranium of various enrichments in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 40.54 of Part 50 and § 70.32 of Part 70 and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect and the additional conditions specified below:

A. As used in this license, "Summary Safeguards Report" shall be deemed to mean "GEAP 3306, Summary Safeguards Report for the Critical Experiment Facility Vallecitos Atomic Laboratory, Pleasanton, California", dated December, 1959, as amended by application for license amendment No. 11.

B. Unless otherwise authorized by the Commission in writing, General Electric Company shall not operate the reactor:

(1) At power levels in excess of 200 watts (thermal); or

(2) With any core for which the calculated Doppler coefficient is less than -1.28×10^{-4}/°C.; or

(3) When a graphite central test region is used, with more than 20 percent of the total fuel loading located in the graphite test region; or

(4) With other than uranium oxide or thorium oxide fuels.

C. Unless otherwise authorized by the Commission in writing, General Electric Company shall:

(1) Observe all limits and requirements specified in paragraph 4.B. of this license.

(2) Observe all limits and requirements and all maximum and minimum values specified in sections 1.3 "General Description of Reactor" and 1.4 "Operations" of the Summary Safeguards Report.

(3) Make no change in the basic design concept or use of the reactor.

(4) Make no change with respect to any design value, limit or procedure, and conduct no experiments as to which the application states will not be made or conducted without the prior approval of the Commission.

D. General Electric Company may make other changes in the reactor design, core design or in the limits or procedures specified in the application, and may conduct tests or experiments, in the reactor only in accordance with the following procedures:

(1) Prior to making any such changes or conducting any such test or experiment the Manager-Experimental Reactor Physics shall evaluate the hazards involved in the proposed change, test, or experiment and the effect of such change, test or experiment on each of the accidents analyzed in section 5 of the Summary Safeguards Report.

(2) a. If the Manager-Experimental Reactor Physics determines that the proposed change, test, or experiment involves hazards less than, and not different from, those analyzed in section 5 of the Summary Safeguards Report, or does not involve nuclear safety considerations, no further approval shall be required.

b. If the Manager-Experimental Reactor Physics does not make the determination described in subparagraph a. above, the General Electric Company Laboratory Safeguards Group shall evaluate the effect of the proposed change, test, or experiment on each of the accidents analyzed in section 5 of the Summary Safeguards Report. If the Laboratory Safeguards Group determines that the hazards involved in the proposed change, test, or experiment are not greater than, and not different from, those analyzed in section 5 of the Summary Safeguards Report, no further approval shall be required for the proposed change, test, or experiment.

c. If the Laboratory Safeguards Group determines that the hazards involved are or may be different from, or greater than, those analyzed in section 5 of the Summary Safeguards Report, General Electric Company shall provide the Commission with a report describing the proposed change, test, or experiment and including a hazards evaluation of such proposed change, test, or experiment.

d. If, within 15 days after receiving such report, the Commission does not issue any notice to the contrary to General Electric Company, the Company may make or conduct such change, test or experiment without further approval.

e. If, within 15 days after receipt by the Commission of such report, the Commission notifies General Electric Company that, in the Commission's opinion, the hazards involved may be greater than or materially different from those analyzed in section 5 of the Summary Safeguards Report, the change, test, or experiment shall not be made or conducted until after such change, test, or experiment has been authorized in writing by the Commission. The report submitted by General Electric Company shall constitute an application for a license amendment.

For purposes of paragraph 4.D., a proposed change, test or experiment shall be deemed to involve "hazards less than, and not different from, those analyzed in section 5" if (1) the probability of the types of accident analyzed in section 5 would be decreased; and (2) the consequences of the types of accidents analyzed in section 5 would be decreased; and (3) such change, test, or experiment would not create a credible probability of an accident of a different type than any analyzed in section 5. A proposed change, test, or experiment shall be deemed to involve hazards "not greater than, and not different from, those analyzed in section 5", if (1) the probability of the types of accidents analyzed in section 5 of the Summary Safeguards Report would not be increased; and (2) the consequences of the types of accidents analyzed in section 5 of the report would not be increased; and (3) such change, test, or experiment would not create a credible probability of an accident of a different type than any analyzed in section 5. A proposed change, test, or experiment shall be deemed to involve hazards "greater than or materially different from those analyzed in section 5" if (1) the probability of a type of accident analyzed in section 5 would be increased; or (2) if the consequences of any type of accident analyzed in section 5 would be increased; or (3) if such change, test, or experiment might create a credible probability of an accident of a materially different type than any analyzed in section 5.

E. In addition to those otherwise required under this license and applicable regulations, General Electric Company shall keep the following records:

(1) Reactor operating records, including power levels;

(2) Records containing a description, procedures, and results for each critical experiment performed;

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of General Electric Company as measured at the point of such release or discharge;

(4) Records of emergency scrams, including reasons for emergency shutdowns; and

(5) Records containing a description of each change in the limitations and procedures described in sections 2 through 4 of the Summary Safeguards Report, and each test or experiment authorized by the Manager-Experimental Reactor Physics or by the Laboratory Safeguards Group and a summary statement of the bases for the conclusions reached by the Manager or the Group; and containing a description of the evaluation made by the Manager or the Group of the hazards involved in the change, test, or experiment and the effect of such change, test or experiment on each of the accidents analyzed in section 5 of the Summary Safeguards Report.

F. General Electric Company shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

G. General Electric Company shall submit to the Commission an annual report of operating experience pertinent to safety. This report shall describe, among other things, the changes, tests, or experiments authorized by the Manager-Experimental Reactor Physics or the Laboratory Safeguards Group. The first such report shall be filed in June, 1961.

5. This license amendment is effective as of the date of issuance and shall expire at midnight May 14, 1968.

Date of issuance: June 3, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-5300; Filed, June 10, 1960; 8:45 a.m.]

[Docket No. 50-156]

REGENTS OF THE UNIVERSITY OF WISCONSIN

Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on May 10, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-55 authorizing The Regents of the University of Wisconsin to construct a 10 kilowatt (thermal) pool-type nuclear reactor on the University's campus in Madison, Wisconsin. Notice of the proposed action was published in the FEDERAL REGISTER on May 11, 1960, 25 F.R. 4206.

Dated at Germantown, Md., this 7th day of June 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60-5301; Filed, June 10, 1960; 8:45 a.m.]

[Docket No. 50-166]

UNIVERSITY OF MARYLAND

Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue a construction permit, substantially as set forth below, authorizing The University of Maryland to construct a 10 kilowatt pool-type nuclear reactor on the University's campus in College Park, Maryland, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission by the applicant or an intervener as provided by the Commission's rules of practice (10 CFR Part 2). Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see (1) the application submitted by The University of Maryland and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 3d day of June 1960.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

1. By application dated April 8, 1960 (hereinafter referred to as "the application"), The University of Maryland requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter 1, CFR, authorizing construction and operation on the University's campus in College Park, Maryland, of a 10 kilowatt pool-type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. The University of Maryland is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter 1, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. The University of Maryland and its contractor, Allis-Chalmers Manufacturing Company, are technically qualified to design and construct the reactor;

E. The University of Maryland has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to The University of Maryland will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to The University of Maryland to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date for the reactor is June 30, 1960. The latest completion date for the reactor is October 31, 1960. The term "completion date", as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material; and

B. The reactor shall be constructed and located on The University of Maryland's campus in College Park, Maryland, as described in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless The University of Maryland has submitted to the Commission, by amendment of the application, additional data to complete the hazards analysis of operating the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3.A. above) of the construction of the reactor in accordance with the terms and

conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The University of Maryland pursuant to section 104c of the Act, which license shall expire twenty years after the date of this construction permit.

6. Pursuant to Section 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to The University of Maryland for use in connection with the operation of the reactor, 4.5 kilograms of uranium-235 contained in fully enriched uranium and 80 grams of plutonium contained in encapsulated plutonium-beryllium sources.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-5302; Filed, June 10, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 8106 etc.]

GREENSBORO-HIGH POINT ADEQUACY OF SERVICE CASE

Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding heretofore scheduled to begin on June 21, 1960, is postponed to be held at a date to be assigned later before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., June 7, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-5344; Filed, June 10, 1960; 8:49 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN PHARMACOLOGY POSITIONS THROUGHOUT THE UNITED STATES

Changes in Minimum Rates of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (63 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for pharmacology positions in all specializations as follows:

GS-405-7	$6,280 (top step).
GS-405-9	$6,985 (top step).
GS-405-11	$8,230 (top step).
GS-405-12	$9,580 (top step).
GS-405-13	$11,090 (top step).
GS-405-14	$12,585 (top step).
GS-405-15	$13,670 (4th step).

The increases will be effective on the first day of the second pay period which begins after June 10, 1960.

The former geographic coverage is changed to a nationwide basis (including Alaska and Hawaii).

As of the effective date indicated above, section 803 hiring rates are discontinued for pharmacology positions, Series GS-405-0, at grades GS-6, GS-8, and GS-10.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL, *Executive Assistant.*

[F.R. Doc. 60-5337; Filed, June 10, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13524; FCC 60M-984]

ANIMAL CLINIC

Order Scheduling Hearing

In the matter of Dr. J. R. Connell, d/b as Animal Clinic, Route No. 1, Sheridan, Wyoming, Docket No. 13524; order to show cause why there should not be revoked the license for Special Emergency Station KOI-958.

It is ordered, This 7th day of June 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 9, 1960, in Washington, D.C.

Released: June 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5345; Filed, June 10, 1960; 8:49 a.m.]

[Docket No. 13536; FCC 60M-985]

PHILIP D. BOOTHROYD

Order Scheduling Hearing

In the matter of Philip D. Bootkroyd, RD #1, Box 142G, Sparta, New Jersey, Docket No. 13536; application for renewal of Radiotelephone First Class Operator License No. P1-2-7801.

It is ordered, This 7th day of June 1960, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 29, 1960, in Washington, D.C.

Released: June 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5346; Filed, June 10, 1960; 8:49 a.m.]

[Docket No. 13538; FCC 60M-986]

R. O'BRIEN & CO., INC.

Order Scheduling Hearing

In the matter of R. O'Brien & Co., Inc., 34 Fish Pier, South Boston, Mass., Docket No. 13538; order to show cause why there should not be revoked the license for Radio Station WB-5666 aboard the vessel "Thomas Whalen."

It is ordered, This 7th day of June 1960, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 29, 1960, in Washington, D.C.

Released: June 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5347; Filed, June 10, 1960; 8:49 a.m.]

[Docket No. 13547; FCC 60M-989]

BUNKIE BROADCASTING CO.

Order Scheduling Hearing

In re application of Charles T. Hook, tr/as Bunkie Broadcasting Co., Bunkie, Louisiana, Docket No. 13547, File No. BP-11214; for construction permit.

It is ordered, This 7th day of June 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 29, 1960, in Washington, D.C.

Released: June 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5348; Filed, June 10, 1960; 8:50 a.m.]

[Docket Nos. 13540-13546; FCC 60M-988]

MACON BROADCASTING CO. (WNEX) ET AL.

Order Scheduling Hearing

In re applications of Macon Broadcasting Company (WNEX), Macon, Georgia, Docket No. 13540, File No. BP-12261; Johnston Broadcasting Company (WJLD) (George Johnston, Jr. and Rose Hood Johnston, Partners), Homewood, Alabama, Docket No. 13541, File No. BP-12559; E. H. Eiland, Jr., Union Springs, Alabama, Docket No. 13542, File No. BP-12776; Yetta G. Samford, C. S. Shealy and Aileen M. Samford, Executrix of the Estate of Thomas D. Samford, Jr., Deceased, Miles H. Ferguson and John E. Smollon, d/b as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, Docket No. 13543, File No. BP-12911; John F. Pidcock and Roy F. Zess, d/b as Radio Station WMGA (WMGA), Moultrie, Georgia, Docket No. 13544, File No. BP-12998; Newnan Broadcasting Company (WCOH), Newnan, Georgia, Docket No. 13545, File No. BP-13133; Elberton Broadcasting Company (WSGC), Elberton, Georgia, Docket No. 13546, File No. BP-13405; for construction permits.

It is ordered, This 7th day of June 1960, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1960, in Washington, D.C.

Released: June 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5349; Filed, June 10, 1960; 8:50 a.m.]

[Docket Nos. 13155-13159; FCC 60M-969]

WACO RADIO CO. ET AL.

Order Continuing Hearing

In re applications of Jacob A. Newborn, Jr., Trustee for Nancy and Nena Newborn, tr/as Waco Radio Company, Waco, Texas, Docket No. 13155, File No. BP-9763; Hugh M. McBeath, Waco, Texas, Docket No. 13156, File No. BP-10001; Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Radio Broadcasters, Inc., Waco, Texas, Docket No. 13158, File No. BP-12465; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; for construction permits.

The Hearing Examiner having under consideration a petition filed June 1, 1960, on behalf of Belton Broadcasters, Inc., requesting that the dates for certain procedural steps be changed as hereinafter ordered; and

It appearing from the pleading that counsel for all parties have consented to a waiver of § 1.43 of the Commission's rules to permit immediate consideration and grant of the petition, and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

Now therefore, it is ordered, This 3d day of June 1960, that the aforesaid petition is granted, and that the dates for certain procedural steps are changed as follows: (1) Exchange of exhibits on non-engineering issues from June 3 to June 13, 1960; (2) requests for additional information and notification of witnesses desired for cross-examination from June 17 to June 27, 1960; and (3) commencement of hearing upon engineering and non-engineering matters from July 25 to July 6, 1960.

Released: June 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5350; Filed, June 10, 1960; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2068—7-2072]

ABC VENDING CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 7, 1960.

In the matter of applications of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
ABC Vending Corporation	7-2068
General Instrument Corporation	7-2069
NAFI Corporation	7-2070
Siegler Corporation	7-2071
Universal Match Corporation	7-2072

Upon receipt of a request, on or before June 24, 1960, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commision pertaining thereto.

By the Commision.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5321; Filed, June 10, 1960; 8:47 a.m.]

[File No. 812-1270]

ASSOCIATED MOTION PICTURE INDUSTRIES, INC.

Notice of Filing of Application for Order Retroactively Exempting Transaction Between Affiliates

JUNE 6, 1960.

Notice is hereby given that Associated Motion Picture Industries, Inc. ("Associated"), a registered closed-end, non-diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order retroactively exempting from the provisions of section 17(a) of the Act the purchase from Associated by Victor M. Carter on July 1, 1959, of shares of the common stock of Republic Pictures Corporation ("Republic") in connection with the transactions mentioned below.

The request of Associated is based upon the following representations and information contained in its application:

On and prior to July 1, 1959, Associated, a corporation organized in 1943 under the laws of Delaware, owned 216,349 shares of Republic common stock with a par value of 50 cents a share, which represented 5 percent or more of the outstanding voting securities of Republic. Carter has been a director of Republic since November 5, 1958.

Pursuant to an agreement dated April 29, 1959, as amended July 1, 1959, Associated and seventeen other corporations and persons agreed to sell all of their Republic common stock holdings, amounting to 549,383 shares to Carter and six other purchasers at a price of $10 per share payable in cash.

The purchase and sale of the common stock was consummated on July 1, 1959. Of the 549,383 shares of Republic common stock which were the subject of this transaction, 216,249 shares were sold by Associated and 249,383 shares were acquired by Carter. Of the 216,249 shares of Republic common stock sold by Associated, 121,349 were transferred to Carter and the balance was transferred to purchasers other than Carter.

Republic is engaged, through its subsidiaries and divisions, in the business of film processing, graphic arts, distributing its library of films to the television industry and theaters, leasing its studio property and in the manufacture and sale of plastic products.

Pursuant to the definition contained in section 2(a)(3) of the Act, Carter is an affiliated person of Republic and Republic, in turn, on and prior to July 1, 1959, was an affiliated person of Associated. Generally speaking, section 17(a) of the Act prohibits an affiliated person (Carter) of an affiliated person (Republic) of a registered investment company (Associated) from purchasing from such registered investment company (Associated) any security of which the seller is not the issuer (stock of Republic), unless the Commission by order upon application pursuant to section 17(b) of the Act grants an exemption from section 17(a) of the Act upon a finding that the terms of the proposed transaction, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the investment company concerned, and consistent with the general purposes of the Act.

An application pursuant to section 17(b) of the Act for an order exempting a transaction from the provisions of section 17(a) of the Act is limited to only a proposed transaction. Since the transaction referred to above has already been consummated, Associated requests an order pursuant to section 6(c) of the Act retroactively exempting such transaction from the provisions of section 17(a) of the Act.

Section 6(c) of the Act authorizes the Commission by order upon application conditionally or unconditionally to exempt any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that the book value of Republic's common stock at the end of Republic's fiscal years 1957–1959, inclusive, was equal to $2.226, $2.766 and $2.858 a share, respectively. For the fiscal year 1957, Republic had a deficit in net income of 67 cents a share of common stock before preferred dividend requirements. Net income applicable to Republic's common stock for the fiscal years 1958 and 1959 was equal to 54 cents and 24 cents a share, respectively. The sales price of $10 per share of Republic's common stock is equal to 12.5 times per share earnings for the fiscal year 1958; and 41.66 times per share earnings for the fiscal year 1959. The only cash dividend paid by Republic on its common stock during the period 1957–1959, inclusive, was 15 cents a share paid in 1959.

The application also states that the closing prices of Republic's common stock on the New York Stock Exchange on April 20, 1959, the day following the execution of the instant purchase—sale agreement was 9½; and the closing price of such stock on said exchange on June 30, 1959, the date preceding the closing, was 10¾.

The application further states that the agreement for the sale of Republic's common stock was ratified by Associated's board of directors on May 13, 1959 and that neither Carter nor any of the other purchasers of Republic stocks had any connection with Associated or any of its directors except that Carter was the owner of record of 501 shares of a total of 187,926.4 shares of Associated's outstanding capital stock.

The application also states that until after the consummation of the transaction neither Associated nor any of the other parties or their attorneys was aware of Carter's status as an affiliated person of Republic under the Act or of the possible application of section 17 of the Act to the transaction.

The application further states that the terms of the transaction are reasonable and fair and do not involve overreaching; that the transaction is consistent with the policy of Associated; and that exemption from the provisions of section 17(a) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 21, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5322; Filed, June 10, 1960; 8:47 a.m.]

[File No. 812–1279]

BANK FIDUCIARY FUND OF MAINE

Notice of Application by Investment Company for Exemption From Certain Sections of the Act

JUNE 3, 1960.

Notice is hereby given that Bank Fiduciary Fund of Maine, a registered open-end diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for exemption from the following sections of the Act: Sections 16(a), 22(d), 22(e), 24(d), 20(a) and Rule 20a–1, of the general rules and regulations promulgated thereunder.

The application contains the following representations:

Applicant was organized in October 1959 under the Mutual Trust Investment Company Act of Maine as a mutual trust investment company to serve as a medium for the common investment of trust funds held in a fiduciary capacity by banks and trust companies in Maine whose trust assets are not large enough to permit them to form common trust funds of their own. Applicant is subject to regulation and supervision by the Bank Commissioner of the State of Maine, and its investment powers are limited by statute so that, except for obligations of the United States, it may not invest more than 10 percent of its assets in the securities of any one issuer, it may not purchase more than 10 percent of the outstanding stock of any one issuer, and it may not invest in obligations of individuals or in the notes or bonds of any corporation if the total issue of such notes or bonds is less than $500,000. The selection of investments is also limited by the "prudent man" rule which governs investments by fiduciaries in the State of Maine.

Applicant will not employ underwriters or sales personnel, or undertake any active sales campaign, and its shares may be purchased by eligible banks and trust companies at the initial offering price of $100 per share without any sales load. A charge of 25 cents per share will be made to the participating banks for the purpose of defraying organizational expenses, estimated to amount to about $2,500. When such expenses have been recovered, this charge will be discontinued and subsequent purchases will be made at net asset value as determined on designated valuation dates without any further charges.

Applicant contends that compliance with the provisions of the Act described below would be unduly burdensome and expensive since the statutory limitations on its investment activities and the supervision of the Bank Commissioner of the State of Maine make such compliance unnecessary in the protection of the investing banks.

Section 16(a) prohibits a person from serving as a director of a registered investment company unless elected by the holders of the outstanding voting securities at an annual or special meeting called for that purpose. Applicant has not issued any of its shares and accordingly its present board which was selected at its organizational meeting on October 21, 1959, not having been elected by shareholders, does not comply with section 16(a). In order to avoid the expense of a special meeting of shareholders prior to the date of its regular annual meeting, Applicant requests an exemption from section 16(a) so as to permit the present board of directors to serve until the next annual meeting of shareholders.

Applicant represents that compliance with the proxy rules promulgated under the Securities Exchange Act of 1934 as required by section 20(a) of the Investment Company Act and Rule 20a–1 thereunder would constitute an undertaking of substantial expense to Applicant without providing a comparable benefit to its investors. In this connection, it is represented that the board of directors will always be comprised of officers of the banks and trust companies which are eligible to invest in Applicant's shares. The certificate of incorporation provides that each bank which owns stock of Applicant shall be entitled to be represented on the board of directors by one director. Annual meetings of stockholders are required to be held.

Applicant requests exemption from that portion of section 24(d) which provides that no security issued by a registered investment company shall be entitled to the exemption from registration under the Securities Act of 1933 that is provided by section 3(a)(11) of that Act. Section 3(a)(11) of the Securities Act of 1933 grants an exemption for securities sold only to persons resident within a single state by a corporation incorporated in and doing business within such state. In support of its request, Applicant represents that it intends to distribute to each trust company and bank eligible to invest in its shares a copy of the registration statement filed under the Investment Company Act, and that such statement contains the information which Applicant would be required to furnish were it to register under the Securities Act.

Section 22(d) of the Act would require Applicant to sell its securities at a public offering price described in a prospectus. Applicant states that the same reasons urged for the exemption from section 24(d) have equal application to this request.

Applicant also requests certain relief from section 22(e) of the Act, which provides, with certain exceptions not pertinent here, that no registered investment company shall suspend the right of redemption or postpone payment for shares redeemed for more than seven days after tender. Applicant requests exemption from these requirements to the extent necessary to permit it to follow a procedure under which notice of redemption must be given fourteen days in advance of quarterly asset valuation dates and payment be made within ten days following such valuation dates. Applicant represents that such procedure is consistent with the practice followed by common trust funds operated by banks and trust companies in Maine and is appropriate in the special circumstances under which Applicant proposes to operate, since it is intended to offer participation to banking fiduciaries for funds held on a long-term basis.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any persons from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file at the office of the Commission in Washington, D.C.

Notice is further given that any interested person may, not later than June 20, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5323; Filed, June 10, 1960; 8:47 a.m.]

[File No. 24SF–2734]

GREAT BASIN CONSOLIDATED MINES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

I. Great Basin Consolidated Mines, Inc. (issuer), a Nevada corporation, 5906 Evergreen, Las Vegas, Nevada, filed with the Commission on May 5, 1960, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Marko Mining & Milling Co., Inc., a Nevada corporation, is an affiliate of the issuer.

B. An exemption under Regulation A is not available to the issuer in that Marko Mining & Milling Co., Inc., which became an affiliate of the issuer within the past two years, is presently offering its securities under Regulation A (24SF–2680) for an aggregate offering price of $300,000.

C. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Marko Mining & Milling Co., Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

D. The offering would be made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall became permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5324; Filed, June 10, 1960; 8:47 a.m.]

[File No. 24D–1718]

MONARCH OIL & URANIUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 6, 1960.

I. Monarch Oil & Uranium Corporation, an Oklahoma corporation, 2840 West 24th Ave., Denver, Colorado, filed with the Commission on May 5, 1955, a notification and offering circular relating to an offering of 600,000 shares of its 1 cent par value common stock at 8 cents per share for an aggregate of $48,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Monarch Oil & Uranium Corporation has:

1. Offered and sold its securities without the use of the offering circular required by the regulation;

2. Offered and sold its securities by the use of sales material not filed with the Commission as required by the regulation.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose information concerning a lease of some of the company's unpatented mining claims;

2. The failure to disclose an interest in certain property owned by the corporation;

3. The failure to reflect the contingent liability due to sales of securities in violation of the Securities Act of 1933, as amended;

4. The statement that the entire proceeds of the offering would be used primarily to repay prior purchasers of preorganization certificates sold in violation of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person have any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be va-

cated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5327; Filed, June 10, 1960; 8:47 a.m.]

[File No. 31-641]

UNION TEXAS NATURAL GAS CORP.

Notice of Filing of Amendment to Application

JUNE 6, 1960.

Notice is hereby given that Union Texas Natural Gas Corporation ("Union Texas"), successor by merger to Texas Natural Gasoline Corporation ("Texas Natural") and Union Oil and Gas Corporation of Louisiana ("Union Oil"), has filed an amendment to the application filed by Texas Natural, requesting that the exemption heretofore granted (Holding Company Act Release No. 13648, January 3, 1958) to Texas Natural and its subsidiaries, pursuant to section 3(a)(3) of the Public Utility Holding Company Act of 1935 ("Act"), be modified or amended so as to grant a like exemption to Union Texas, as a holding company, and to all of its subsidiaries, as such.

All interested persons are referred to the amended application for a statement of the facts submitted as a basis for the requested exemption, which facts are summarized as follows:

Union Texas, a Delaware corporation, is the surviving company resulting from a merger, effective March 3, 1960, of Texas Natural into Union Oil, which thereupon changed its name to Union Texas Natural Gas Corporation. Prior to said merger Union Oil and its subsidiaries were engaged in exploring for and producing crude oil, condensate and natural gas. Union Oil owned producing oil and gas properties in Louisiana, Texas, the Provinces of Alberta and Saskatchewan, Canada, and in Venezuela and Argentina. As at December 31, 1959 the consolidated assets of Union Oil and subsidiaries totaled $77,562,911 and for the year 1959 consolidated revenues and net income were $45,210,583 and $14,623,805, respectively.

Texas Natural and its subsidiaries, prior to the merger, were engaged principally in the manufacture and sale of liquefied petroleum gas and natural gasoline. Texas Natural also owned all the outstanding common stock of Florida Keys Gas Company, Inc. ("Florida Keys"), a Florida corporation, which is a gas utility company operating in Key West, Florida and environs. Florida Keys purchased its liquefied petroleum gas requirements from Texas Natural and now obtains these requirements from the surviving corporation. As at August 31, 1959 the consolidated assets of Texas Natural and subsidiaries totaled $52,333,214 and, for the 12 months then ended, consolidated revenues and net income were $33,234,510 and $4,526,227, respectively. Florida Keys, as at August 31, 1959, had total assets of $585,317 and for the 12 months then ended had revenues and net income of $382,361 and $17,022, respectively.

Union Texas and its subsidiaries are now engaged in the businesses formerly conducted by Union Oil and its subsidiaries and Texas Natural and its subsidiaries. The only subsidiary of Union Texas which is a public-utility company is Florida Keys, formerly a subsidiary of Texas Natural. Union Texas asserts that it is entitled to exemption under the provisions of section 3(a)(3) of the Act on the ground that "it is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company."

Notice is further given that any interested person may, not later than June 27, 1960, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest, the reasons for such request, and the issues of law or fact he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may grant the exemption requested, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5328; Filed, June 10, 1960; 8:48 a.m.]

[File No. 1-1331]

G. KRUEGER BREWING CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JUNE 7, 1960.

In the matter of G. Krueger Brewing Company, Common Stock, File No. 1-1331.

The American Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The number of shares which remain outstanding and unacquired by United Industrial Syndicate Inc., and the number of holders of such unacquired shares, have become so reduced as to make inadvisable further dealings therein on the Exchange.

Upon receipt of a request, on or before June 24, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5325; Filed, June 10, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 327]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 8, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63288. By Order of June 7, 1960, the Transfer Board approved the transfer to Lawrence Menning, doing business as Menning Transfer, Edgerton, Minn., of the operating rights set forth in Certificates Nos. MC 79899 and MC 79899 Sub 2, issued by the Commission September 11, 1942, and September 25, 1945, respectively, to John Menning and Lawrence Menning, a partnership, doing business as Menning & Son, Edgerton, Minn., authorizing the transportation of general commodities, exoluding household goods and commodities in bulk, and other specified commodities, over regular routes, between Edgerton, Minn., and Sioux Falls, S. Dak., and between Edgerton, Minn., and Pipestone, Minn. M. Tedd Evans, First National Bank Building, Pipestone, Minn., for applicants.

No. MC-FC 63292. By order of June 7, 1960, the Transfer Board approved the transfer to Pacelli Brothers, Incorporated, Bridgeport, Conn., of the operating rights of Simpson Motor Express, Inc., Fairfield, Conn., set forth in Certificate No. MC 61007, issued by the Commission November 15, 1940, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, over a regular route, between Bridgeport, Conn., and New York, N.Y. Seth O. L. Brody, 285 Congress Street, Bridgeport 4, Conn., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5331; Filed, June 10, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 8, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36306: *Scoria or Slage-Twin Mountain, N. Mex., to WTL Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7823), for interested rail carriers. Rates on volcanic scoria or slag, in carloads from Twin Mountain, N. Mex., to stations on C&NW, CMSTP&P, EJ&E, GB&W and KGB&W railroads.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 51 to Southwestern Freight Bureau tariff I.C.C. 4330.

FSA No. 36307: *Paper and Paper Articles—Lawrence, Kans., to the South.* Filed by Western Trunk Line Committee, Agent (No. A-2134), for interested rail carriers. Rates on paper and paper articles, in carloads, as described in the application from Lawrence, Kans., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Western Trunk Line Committee tariff I.C.C. A-4268.

FSA No. 36308: *Coarse Grains—Kansas City, Mo., to Texas Gulf ports.* Filed by Southwestern Freight Bureau, Agent (No. B-7820), for interested rail carriers. Rates on coarse grains, in carloads, as described in the application from Kansas City, Mo., on traffic originating at AT&SF stations in Missouri to Texas Gulf ports (for export).

Grounds for relief: Port equalization and carrier competition.

Tariffs: Supplement 18 to Kansas City Southern tariff I.C.C. 5364. Supplement 26 to Missouri-Kansas-Texas tariff I.C.C. 1731.

FSA No. 36309: *Caustic soda—Alabama and Louisiana points to Danville, Va.* Filed by O. W. South, Jr., Agent (SFA No. A-3966), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Baton Rouge, North Baton Rouge, Geismar, La., Huntsville, Redstone Arsenal and Evans City, Ala., to Danville, Va.

Grounds for relief: Market competition.

Tariffs: Supplement 131 to Southern Freight Association tariff I.C.C. 1536. Supplement 5 to Southern Freight Association tariff I.C.C. S-89.

FSA No. 36310: *Class rates—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 12), for interested carriers. Rates on various commodities moving on class rates loaded in trailers and transported over joint motor-water, water-motor, and motor-water-motor routes of the applicant motor carrier and the Seatrain Lines, Inc., between specified points, in Connecticut, Massachusetts, New York and Rhode Island, on the one hand, and specified points in Louisiana and Texas, on the other.

Grounds for relief: Rail-water, water-rail and rail-water-rail competition.

Tariff: Supplement 24 to Seatrain Lines, Inc., tariff I.C.C. 175.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5330; Filed, June 10, 1960; 8:48 a.m.]

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Washington, Tuesday, June 14, 1960

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JUN 15 1960
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Title 6—AGRICULTURAL CREDIT

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SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Barley Loan and Purchase Agreement Program

STORAGE DEDUCTIONS; CORRECTION

In Federal Register Document 60–5057 published at page 4894 in the issue for Friday, June 3, 1960, the following change should be made:

In the table of storage deductions contained in § 421.5084(a)(1) under the heading of "For States having a maturity date not later than February 28, 1961—Date the storage charges start (all dates inclusive)" the first entry which now reads "Prior to May 30, 1961" should be corrected to read "Prior to May 30, 1960."

Issued this 9th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–5502; Filed, June 13, 1960; 11:37 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 27th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed in paragraphs (a) and (b) of this section. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

(a)

ARIZONA

Baxter Dees Farm, Route 3, Box 297, Yuma.
Boker Dairy, Route 1, Box 735, Scottsdale.
Howard Daniels Feed Lot, located north side of Highway 95, 5⅞ miles east of Fourth Avenue, P.O. Box 667, Yuma.
Indian Farm, Route 3, Box 394B, Yuma.
Bruce Landsaw Farm, Route 3, Box 378C, Yuma.
Monico Rico Farm, 1704 Maple Avenue, Yuma.
S & W Feed Lot, located 1 mile east of Gila Center Store and ⅛ mile north of Highway 95, P.O. Box 1590, Yuma.
S & W Labor Camp, located 1⅜ miles east of Gila Center Store and ⅛ mile south of Highway 95, Box 1590, Yuma.
Skousen and Hastings Farm, located on Cloud Road and Crismon Road, 1½ miles south and 1 mile east of Queen Creek, Route 1, Box 44, Queen Creek.
Arthur Smart Hog Farm, located ½ mile south of 13th on Avenue F ½, Route 1, Box 642, Yuma.
Wayne Stedman Farm, Route 3, Box 394–B, Yuma.
W. M. Ward Farm, located ⅛ mile east of Gila Center Store on north side of Highway 95, Route 3, Box 382, Yuma.
James Watts Farm, Route 3, Box 380–A, Yuma.
Whitman & Shattuck Dump Area, located 1 mile east of Gila Center Store and 1 mile north of Highway 95 (½ mile north of mill), P.O. Box 1590, Yuma.

CALIFORNIA

Arita Brothers (H. Arita) property, located ½ mile west of Highway 99, Avenue 81, Route 2, Box 160, Thermal.
F. O. Rosenbaum property, located ¾ mile north of You and I Club, West Highway 80, Route 2, Box 29, El Centro.

TEXAS

Beaver Egg Farm, Route 1, Box 44, Yaleta.
Kay's Drive-In Grocery, 6220 Dyer, El Paso.
Kay's Drive-In Grocery, 9130 Dyer, El Paso.
Speedmart Grocery, 5600 Dyer, El Paso.
Sunrise Acre Grocery, 6015 Dyer, El Paso.

(b) The portion of each of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

ARIZONA

Advance Seed & Grain Co. (Grain Division) property, 310 South 24th Avenue, Phoenix.
Hi-Jolly Date Farm, 4509 East Main Street, Mesa.

NEW MEXICO

Jim Akers Dairy Farm, Highway 85, located 2 miles south of Hatch, P.O. Box 12, Hatch.
Frank Erdell dairy, located 2 miles west and 1 mile north of the junction of Highways 70–80 and 85, Route 2, Box 85, Las Cruces.

TEXAS

Clint Grocery Store, Clint.
A. H. Dean property, 6211 Carpenter Drive, El Paso.
El Paso Union Stock Yards, 1800 East 11th Street, El Paso.
Emmett's Poultry and Egg Company property, 150 North Piedras Street, El Paso.
Furr's Super Market, 7690 North Loop Road, El Paso.
H & M Grocery Store, Fort Hancock.
Heid Brothers Feed and Seed Store, 1705 Texas Avenue, El Paso.
L. M. Hamilton property, 4036 Emery Way, El Paso.
The Penn Dairy Farm, Mesa Road, El Paso.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 163. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

Subsequent to the twenty-sixth revision, effective March 26, 1960, infestations of the khapra beetle were discovered on the premises of the J. M. Martinez Chicken Yard, located at the corner of Third and Randall Streets, General Delivery, Winkelman, Arizona; and the R. E. Nelson Farm (Feed barn), Route 1, Box 162, Yaleta, Texas. Movement of regulated articles from these properties was immediately stopped. Within a few days the infested premises had been fumigated in their entirety and declared free of khapra beetle infestation. Accordingly, these properties are not being included in this revision.

This revision has the effect of revoking the designation as regulated areas of certain premises in Arizona, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds certain premises in Arizona, California, and Texas to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the revision segregates certain regulated premises in Arizona, New Mexico, and Texas where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

These administrative instructions shall become effective June 14, 1960,

when they shall supersede P.P.C. 612, Twenty-sixth Revision, effective March 26, 1960 (25 F.R. 2571).

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of June 1960.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 60-5397; Filed, June 13, 1960; 8:51 a.m.]

[P.P.C. 627, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.80–2 of the regulations supplemental to the witchweed quarantine (7 CFR 301.80–2), under section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee) and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions appearing as 7 CFR 301.80–2a are hereby revised to read as follows:

§ 301.80–2a Administrative instructions designating regulated areas under the witchweed quarantine.

Infestations of the witchweed have been determined to exist, in the quarantined States, in the civil divisions and premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and premises, and parts thereof, and all highways and roadways abutting thereon, are hereby designated as witchweed regulated areas within the meaning of the provisions in this subpart:

NORTH CAROLINA

Bladen County. All of Bladen County.

Brunswick County. The B. Coda Smith farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

The John R. Russ farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.

Columbus County. That portion of the county lying north and west of a line beginning at a point where State Highway 211 intersects the Columbus-Bladen County Line and extending south along said highway to its junction with State Secondary Road 1740, thence southwest along said road to its intersection with U.S. Highways 74 and 76, thence west along said highways to their intersection with State Secondary Road 1001, thence south along said road to its junction with State Secondary Road 1924, thence west along said road to its junction with State Highway 130, thence west along said highway to its junction with State Secondary Road 1166, thence west along said road to its junction with State Secondary Road 1167, thence west along said road to its junction with U.S. Highway 701, thence south along said highway to its intersection with Beaverdam Swamp, thence west along said swamp to its intersection with State Secondary Road 1317, thence south along said road to its junction with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State Line.

The A. J. Norris farm located on both sides of State Secondary Road 1134 and 1 mile south of its junction with State Secondary Road 1005.

The J. Carl Prince farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

Cumberland County. That portion of the county lying south and east of a line beginning at the intersection of the Cumberland-Hoke County Line and U.S. Highway 401 and extending east along said highway to its junction with U.S. Highway 301, thence northeast along said highway to its junction with State Secondary Road 1005, thence northeast along said road to its junction with the Cumberland-Bladen County Line, excluding the corporate limits of the city of Fayetteville.

The T. G. Green farm located on the west side of U.S. Highway 401 and 0.3 mile southwest of the intersection of said highway with State Secondary Road 1609.

The E. V. Nixon farm located on both sides of State Secondary Road 1706 and 1 mile south of the junction of said road with State Secondary Road 1609.

The J. T. Piner farm located on the west side of U.S. Highway 401 and 0.3 mile north of the junction of said highway with State Secondary Road 1600.

Duplin County. That area bounded by a line beginning at a point where State Highway 24 intersects the Duplin-Sampson County Line, thence north along said county line to its intersection with State Highway 403, thence northeast along said highway to its intersection with State Secondary Road 1004, thence southeast along said road to its junction with State Highway 11, thence southwest along said highway to its junction with State Highway 24, thence northwest along said highway to the point of beginning, excluding the corporate limits of the towns of Faison, Kenansville, and Warsaw.

The Paisly Bonham farm located on the north side of State Secondary Road 1977 and 1 mile west of Pin Hook.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County Line and State Secondary Road 1214 intersect and extending east along said road to its junction with State Secondary Road 1208, thence southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its junction with the Harnett-Cumberland County Line, thence west along said county line to its junction with the Harnett-Moore County Line, thence northwest and northeast along said county line to its junction with the Harnett-Lee County Line, thence northeast along said county line to the point of beginning.

That area bounded by a line beginning at a point where State Highway 55 and State Secondary Road 1500 join and extending east along said road to the Harnett-Johnston County Line, thence south along said county line to its junction with State Secondary Road 1552, thence south along said road to its junction with State Highway 27, thence west along said highway to its intersection with State Secondary Road 1519, thence north along said road to its junction with State Secondary Road 1542, thence north along said road to its junction with State Highway 55, thence north along said highway to the point of beginning, excluding the corporate limits of the towns of Angier, Buies Creek, and Coats.

Hoke County. That portion of the county lying south and west of the southern and southwestern boundaries of Fort Bragg Military Reservation.

Johnson County. The D. C. Williams farm located on the south side of State Secondary Road 1128 and 0.2 mile east of the junction of said road and State Secondary Road 1124.

Lenoir County. That area bounded by a line beginning at a point where U.S. Highway 70 and State Secondary Road 1324 join and extending southwest and west along said road to its junction with State Secondary Road 1308, thence southwest along said road to its junction with State Secondary Road 1152, thence south along said road to its intersection with the Neuse River, thence west along said river to its intersection with the Lenoir-Wayne County Line, thence north along said county line to its intersection with U.S. Highway 70, thence east and southeast along said highway to the point of beginning, excluding the corporate limits of the town of LaGrange.

The Roland Carter farm located on the east side of State Highway 11 and 0.2 mile south of the junction of said highway and State Secondary Road 1113.

Pender County. That area bounded by a line beginning at a point where State Highway 53 intersects the Pender-Bladen County Line, thence northeast and east along said highway to its intersection with U.S. Highway 421, thence south along said highway to its intersection with State Secondary Highway 1120 at Malpass Corner, thence southwest along said highway to its junction with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the Pender-Bladen County Line, thence northeast and northwest along said county line to the point of beginning, excluding the corporate limits of the towns of Atkinson and Currie.

That area bounded by a line beginning at a point where State Secondary Road 1517 joins with U.S. Highway 117, thence northwest along said highway to its intersection with State Secondary Highway 1412, thence east along said highway to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The Katy Shaw farm located on the east side of State Secondary Road 1520 and 3.6 miles north of the junction of said road and State Highway 210, said junction being 1.1 miles northeast of the point where State Highway 210 crosses the Northeast Cape Fear River.

The John H. Williams and Heirs farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210, said junction being 1.1 miles northeast of the point where State Highway 210 crosses the Northeast Cape Fear River.

Richmond County. The Mrs. A. W. Porter farm (formerly the A. M. Wadell farm) located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1, said intersection being 1.2 miles southwest of Diggs.

Robeson County. All of Robeson County.

Sampson County. That area bounded by a line beginning at a point where State Highway 102 crosses the Sampson-Cumberland County Line and east along said highway to its intersection with State Secondary Road 1002, thence south along said road to its intersection with State Secondary Road 1006, thence southeast along said road to its junction with U.S. Highway 421, thence southeast along said highway to its intersection with State Highway 24, thence east along said highway to its intersection with the Sampson-Duplin County Line, thence south along said county line to its intersection with State Secondary Road 1003, thence west along said road to its junction with State Secondary Road 1134, thence south along said road to its junction with State Highway 411, thence west along said highway to its intersection with U.S. Highway 701, thence southwest along said highway to its intersection with the Sampson-Bladen County Line, thence northwest along said county line to the point of beginning, excluding the corporate limits of the town of Clinton, but including the corporate limits of the town of Garland.

The W. R. Balkcum farm located on the south side of State Secondary Road 1003 and 0.5 mile west of its junction with State Secondary Road 1129, said junction being 3 miles west of Delway.

The Kenneth Chambers farm located on the west side of State Secondary Road 1908 and 0.2 mile south of its intersection with the Sampson-Duplin County Line.

The George P. Cooper farm located on the west side of the Atlantic Coast Line Railroad and 1.2 miles southeast of the town of Garland.

The H. B. Jackson farm located on the west side of State Secondary Road 1607 and at its junction with State Secondary Road 1606.

The David Kenan farm located on the south side of State Secondary Road 1128 and 0.5 mile west of its junction with State Secondary Road 1127.

The Reigel Paper Company farm (formerly the Regal Paper Company farm) located on the west side of State Secondary Road 1908 and 50 yards south of its junction with the Sampson-Duplin County Line.

The Jasper Strickland farm located on the west side of State Secondary Road 1717 and 0.4 mile north of its junction with State Secondary Road 1722.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 401 crosses the North Carolina-South Carolina State Line and extending northeast along said highway to its junction with U.S. Highway 401A, thence north along said highway to its intersection with U.S. Highway 74, thence west along said highway to its intersection with State Secondary Road 1116, thence north along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northeast along said road to its junction with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 501, thence north along said highway to its intersection with the Scotland-Hoke County Line, thence southeast along said county line to the Scotland-Robeson County Line, thence south and southwest along said county line to the North Carolina-South Carolina State Line, thence northwest along said state line to the point of beginning, excluding the corporate limits of the town of Laurinburg.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County Line intersect and extending south along said county line to its intersection with State Highway 55, thence northwest and southwest along said highway to its junction with State Secondary Road 1744, thence west along said road to its intersection with State Secondary Road 1941, thence west along said road to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to its intersection with State Secondary Road 1120, thence east along said road to its junction with State Secondary Road 1915, thence east along a line projected from a point beginning at the junction of State Secondary Roads 1120 and 1915 and extending east to the junction of said line with the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning, excluding the corporate limits of the towns of Dudley and Seven Springs.

The Mrs. Robert Barwick farm (C. S. Pennington Estate) located on both sides of State Secondary Road 1109 and 0.6 mile east of its junction with State Secondary Road 1105, said junction being 1 mile north of the town of Dobbersville.

SOUTH CAROLINA

Darlington County. That area bounded by a line beginning at a point where the Great Pee Dee River and the Darlington-Florence County Line join and extending southwest along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to its intersection with State Secondary Highway 29, thence east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence along the west and south boundary of Byrds Island to its junction with the Great Pee Dee River, thence south along said river to the point of beginning.

Dillon County. All of Dillon County.

Florence County. That area bounded by a line beginning at a point where the Great Pee Dee River and Jeffries Creek join and extending northwest along said creek to its junction with Clausen Creek, thence west along said creek to its intersection with State Secondary Highway 57, thence northwest along said highway to its junction with State Secondary Highway 89, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to its junction with State Secondary Highway 24, thence east and southeast along said highway to its junction with U.S. Highway 76, thence east along said highway to its intersection with the Great Pee Dee River, thence south along said river to the point of beginning.

That area bounded by a line beginning at a point where the Atlantic Coast Line Railroad and State Secondary Highway 57 intersect and extending eastward along said highway to its intersection with the Seaboard Air Line Railroad, thence southeast along said railroad to its intersection with State Secondary Highway 149, thence west along said highway to its intersection with State Primary Highway 327, thence west along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and State Primary Highway 51 intersect and extending south along State Primary Highway 51 to the corporate limits of the town of Salem, thence around the western perimeter of said corporate limits to its intersection with a dirt road, said intersection being 0.2 mile south-southeast of the junction of said dirt road with U.S. Highway 378 and State Primary Highway 51, thence southeast along said dirt road to its intersection with Deep Creek, thence south along said creek to its junction with Lynches River, thence west along said river to its intersection with State Secondary Highway 49, thence north along said highway to its junction with State Secondary Highway 66, thence north and northeast along said highway to the point of beginning.

The R. Muldrow Matthews farm located on the east side of a dirt road and 0.9 mile northeast of the junction of said dirt road with State Secondary Highway 46, said junction being 0.6 mile southeast of Coward.

The Mrs. E. H. Miles farm located on the west side of a dirt road and 0.9 mile northeast of the junction of said dirt road and State Secondary Highway 46, said junction being 0.6 mile southeast of Coward.

The S. L. Yarborough farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Horry County. That area bounded by a line beginning at a point where U.S. Highway 701 crosses the South Carolina-North Carolina State Line and extending south along said highway to its intersection with State Primary Highway 9, thence east and southeast along said highway to its junction with State Primary Highway 905, thence west along said highway to its junction with State Secondary Highway 31, thence south along said highway to its intersection with the Waccamaw River, thence westward along said river to its intersection with U.S. Highway 501, thence northwest along said highway to its intersection with the Little Pee Dee River, thence northeast along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State Line, thence southeast along said state line to the point of beginning, excluding the corporate limits of the towns of Aynor, Conway, and Loris.

The Canal Wood Corporation farm located on the west side of a dirt road and 0.75 mile south of its junction with State Pri-

mary Highway 90, said junction being 1.25 miles west of the junction of said highway and State Secondary Highway 57.

The Ben Edge farm located on the south side of State Primary Highway 90 and at the junction of said highway and State Secondary Highway 31.

Marion County. That area bounded by a line beginning at a point where the Marion-Dillon County Line and the Lumber River join and extending southwest along said river to its intersection with U.S. Highway 76, thence northwest and southwest along said highway to its junction with State Secondary Highway 31, thence southwest along said highway to its junction with State Primary Highway 41, thence southwest along said highway to its junction with State Secondary Highway 33, thence west along said highway to its junction with State Primary Highway 41A, thence north along said highway to its junction with State Highway 389, thence north along said highway to its junction with U.S. Highway 501, thence northwest and north along said highway to its intersection with State Secondary Highway 368, thence west along said highway to its intersection with Catfish Canal, thence north along said canal to the Marion-Dillon County Line, thence eastward along said county line to the point of beginning, excluding all the corporate limits of the towns of Marion and Mullins, except the W. P. Clark farm located on Marion Street in the town of Mullins and one block south of the Mullins Armory.

That area bounded by a line beginning at a point where U.S. Highway 301 crosses the Marion-Florence County Line and extending north along said county line to its junction with the Marion-Dillon County Line, thence north and east along said county line to its junction with the first dirt road, thence east along said dirt road to its junction with U.S. Highway 301, thence south along said highway to its junction with State Secondary Highway 64, thence southeast along said highway to its junction with the first dirt road on the east side of said highway, thence east, southeast, and southwest along said dirt road to its junction with State Secondary Highway 64, thence southeast along said highway to its junction with State Secondary Highway 38, thence east along said highway 1.2 miles to a point, thence south along a line projected from said point to the head of the left fork of Pot Swamp, thence south along said swamp to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 64, thence due southwest along a line projected from said intersection to the Marion-Florence County Line, thence northwest and north along said county line to the point of beginning.

That area bounded by a line beginning at a point where State Primary Highway 9 and State Secondary Highway 40 join and extending southeast along State Secondary Highway 40 to its junction with State Secondary Highway 47, thence southwest along said highway to its junction with State Primary Highway 9, thence south along said highway to its junction with U.S. Highway 378, thence southwest along said highway to its intersection with the Great Pee Dee River, thence northwest along said river to its junction with Catfish Creek, thence north along said creek to its junction with Collins Creek, thence east, and southeast along said creek to its junction with State Primary Highway 9, thence southwest along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 378 and State Secondary Highway 86 join and extending north along State Secondary Highway 86 for 0.4 mile to its intersection with a stream, thence east along said stream to its junction with the Little Pee Dee River, thence southward along said river to its junction with the Sampson Landing Road, thence west along said road to its junction with State Secondary Road 49, thence northwest along said road to its junction with U.S. Highway 378, thence southeast along said highway to the point of beginning.

The William Davis farm located on the southwest side of a dirt road and 1.5 miles northwest of its junction with State Secondary Highway 9, said junction being 0.5 mile northeast of the junction of said highway and State Secondary Highway 40.

The James Ford farm located on the southeast side of U.S. Highway 76 and 1.1 miles northeast of its junction with State Secondary Highway 309.

The Paul Richardson farm located on the southeast side of State Secondary Highway 207 and 1.35 miles southwest of its junction with State Primary Highway 908.

The Alma F. Rowell farm located on the southeast side of State Primary Highway 41 and 1.75 miles northeast of its junction with State Primary Highway 41A.

The Harry Sellers farm located on the west side of U.S. Highway 301 in the town of Sellers.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Marvin Strong farm located on the south side of the South Carolina-North Carolina State Line and 1.3 miles east of its junction with State Primary Highway 77.

Williamsburg County. The S. Wayne Gamble farm located on both sides of State Primary Highway 375 and 2 miles southeast of its intersection with U.S. Highway 52.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 1506e; 19 F.R. 74, as amended; 7 CFR 301.80–2. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161)

These revised administrative instructions shall become effective June 14, 1960, when they shall supersede P.P.C. 627, 2d Revision, May 28, 1959 (7 CFR 301.80–2a).

One of the purposes of this revision is to extend the regulated areas to include for the first time parts of Brunswick, Johnston, and Lenoir Counties, North Carolina; and part of Williamsburg County, South Carolina. Also, additions have been made to the areas now regulated in Bladen, Columbus, Cumberland, Duplin, Harnett, Hoke, Pender, Sampson, and Scotland Counties, North Carolina; and Darlington, Florence, Horry, Marion, and Marlboro Counties, South Carolina.

These instructions should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of witchweed infestations. Accordingly, it is found upon good cause that notice and other public procedure under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) are impracticable and unnecessary, and good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of June 1960.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 60–5396; Filed, June 12, 1960; 8:51 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR RICE CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published May 18, 1960, which were designated for rice crop insurance for the 1961 crop year.

TEXAS

Fort Bend.
Wharton.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 60–5368; Filed, June 13, 1960; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published May 18, 1960, which were designated for soybean crop insurance for the 1961 crop year.

ARKANSAS

St. Francis.

ILLINOIS

Grundy.
Winnebago.

MISSISSIPPI

Quitman.

MISSOURI

Daviess.
De Kalb.
Monroe.

TENNESSEE

Lake.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 60–5369; Filed, June 13, 1960; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties

are hereby added to the lists of counties published December 29, 1959, and May 18, 1960, which were designated for wheat crop insurance for the 1961 crop year.

CALIFORNIA

Colusa.

IDAHO

Gooding.
Jerome.

MISSOURI

De Kalb.
Monroe.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 60–5370; Filed, June 13, 1960; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published December 29, 1959, and May 18, 1960, which were designated for barley crop insurance for the 1961 crop year.

IDAHO

Gooding.
Jerome.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. MCCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 60–5367; Filed, June 13, 1960; 8:46 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1958 and Subsequent Crop Years

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730.954 Measurement of farms.
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FARM MARKETING QUOTA AND FARM MARKETING EXCESS

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AUTHORITY: §§ 730.950 to 730.995 issued under secs. 301, 351–356, 362–368, 372–376, 52 Stat. 38, as amended, 60, as amended, 61, as amended, 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended; sec. 106, 70 Stat. 191; 7 U.S.C. 1301, 1351–1356, 1362–1368, 1372–1376, 1624.

GENERAL

§ 730.950 Basis and purpose.

(a) *Subject Matter.* The regulations contained in §§ 730.950 to 730.995, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the following provisions for the 1958 and subsequent crops of rice: The establishment of farm normal yields; the measurement of farms and the final dates for the disposal of excess acreage; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of rice as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess rice by storage, by underplanting the allotment or producing a less than normal crop in a subsequent year, or by delivery to the Secretary of Agriculture; the records and reports required to be made by rice producers and handlers; and special provisions and exemptions applicable to farms on which the acreage of nonirrigated rice is three acres or less, rice produced by publicly-owned experiment stations, and rice planted for wildlife feed.

(b) *Public notice.* Prior to issuing the regulations contained in §§ 730.950 to 730.995, public notice (25 F.R. 3530) of the Department's intention to formulate and issue amendments to these rice marketing quota regulations was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). These amendments cover (1) a change in the provision permitting a producer to pay a proportionate part of the penalty or to store or deliver a proportionate part of the excess to avoid or postpone the penalty so as to continue the liability of such producer for the remainder of the penalty on the farm marketing excess notwithstanding the apportionment; (2) deletion of certain provisions with respect to the measurement of farms and definitions of certain terms, since such provisions are now included in Part 718 of this chapter—Determination of Acreage and Performance (22 F.R. 3747), and Part 719 of this chapter—Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages (23 F.R. 6731), and amendments thereto; (3) delegation of certain administrative functions to the county office manager that were previously assigned to the county committee; (4) assignment of specific functions relating to the handling of marketing quota penalties to the county office manager instead of to the treasurer of the county committee; (5) deletion of certain language with respect to the sale of rice obtained by redemption of soil bank delivery orders (CCC Form 382 or CCC Form 103); and (6) miscellaneous changes in language for the purpose of clarification and to obtain uniformity between the rice marketing quota regulations and marketing quota regulations applicable to other basic commodities. No data, views or recommendations pertaining to these changes were received pursuant to such notice. In view of the fact that the changes in language and other changes were rather general and would have required innumerable

amendments to the regulations, the regulations have been completely revised and reissued to include all such changes.

(c) *Effective date.* The revised regulations herein shall become effective beginning with the 1960 crop of rice. The regulations approved April 25, 1958, and published in the FEDERAL REGISTER on May 1, 1958 (23 F.R. 2897; §§ 730.950 to 730.996), as amended, shall remain in effect and apply to the 1958 and 1959 crops of rice.

§ 730.951 Definitions.

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires. The following words or phrases are defined in Part 719 of this chapter, Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages (23 F.R. 6731) and any amendments thereto, and shall have the meaning assigned to them by such regulations: community committee, county committee, county office manager, Department, farm, operator, person, producer, Secretary, State administrative officer and State committee. The phrase, expiration of time limitations, is defined in Part 720 of this chapter, General Policy and Interpretations (24 F.R. 4233) and shall have the meaning assigned to it therein.

(a) "Act" means the Agricultural Adjustment Act of 1938, and any amendments or supplements thereto.

(b) "Actual production" of any number of acres of rice on a farm means the actual average yield per acre for the farm times such number of acres.

(c) "Actual yield" means the number of pounds of rice determined by dividing the number of pounds of rice produced on the farm by the rice acreage on the farm.

(d) "Administrator" means the Administrator, Commodity Stabilization Service, United States Department of Agriculture, who is responsible to the Assistant Secretary in charge of agricultural stabilization for the general direction and supervision of programs assigned to the Commodity Stabilization Service.

(e) "Attorney-in-Charge" means the person in charge of the field office or branch office of the Office of the General Counsel, United States Department of Agriculture, serving the area in which the Agricultural Stabilization and Conservation State office is located.

(f) "Buyer" means a person who buys rice.

(g) "County office" means the office of the Agricultural Stabilization and Conservation county committee.

(h) "Crop year" means the calendar year in which the rice crop is produced.

(i) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(j) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

(k) "Farm acreage allotment" means the rice acreage allotment established for the farm in accordance with applicable regulations.

(l) "Farm marketing excess" means the amount of rice determined for any farm under § 730.959 or § 730.962, whichever is applicable.

(m) "Farm marketing quota" means the rice marketing quota established for the farm under § 730.958.

(n) "Intermediate buyer" means any buyer or transferee who purchases or acquires any rice prior to the time the rice so purchased or acquired has been marketed either (1) to a warehouseman, mill operator, or processor, or (2) to any other grain dealer who conducts his business in a manner substantially the same as a warehouseman or mill operator.

(o) "Market" means to dispose of rice in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift.

(1) The terms "marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(2) The term "sale" means any transfer of title to rice by a producer by any means other than barter, exchange or gift. The penalty on excess rice is due regardless of what use is made of the excess rice.

(3) The terms "barter" and "exchange" mean transfer of title to rice by a producer in return for rice or any other commodity, service, or property, in cases where the value of the rice or such other commodity, service, or property is not considered in terms of money, or the transfer of title to rice by a produeer in payment of a fixed rental or other charge for land, or the payment of an amount of rice in lieu of a cash charge for harvesting or milling rice (commonly called "toll rice").

(4) The term "gift" means any transfer of title to rice accompanied by delivery of the rice by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(p) "Marketing year" means the period beginning August 1 and ending July 31 of the following year, both dates inclusive.

(q) "Normal production" of any number of acres of rice on a farm means the normal yield of rice for the farm times such number of acres.

(r) "Normal yield" means the number of pounds per acre of rice established as the normal yield per acre for the farm under § 730.953.

(s) "Penalty" means the penalty referred to in § 730.972.

(t) "Regional attorney" means the person in charge of the regional office of the General Counsel, United States Department of Agriculture, serving the area in which the Agricultural Stabilization and Conservation State office is located.

(u) "Representative of the State committee" means a member of the State committee or any employee of the State committee.

(v) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(w) "Rice" as used in the regulations of this subpart means rough rice with a maximum moisture content of 14 percent. Rice with a moisture content in excess of 14 percent will be adjusted to the equivalent of 14 percent moisture content.

(x) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of nonirrigated rice produced on any farm on which such acreage is three acres or less, (2) any acreage of sweet, glutenous, or candy rice, commonly known as Mochi Gomi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station, (4) any acreage of rice in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land: *Provided*, That such acreage is not harvested, but is left on the land for wildlife feed, (5) any acreage planted to rice in excess of the farm rice acreage allotment, or, when applicable, the permitted acreage of rice under a conservation reserve contract under the soil bank program, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for the disposal of excess acreage as provided in § 730.955(b) of the rice marketing quota regulations for 1958 and subsequent crop years (23 F.R. 2897), and any amendments thereto, so that rice cannot be harvested therefrom, and (6) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such area by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechanical means: *Provided*, That the seeding operations have been performed with an end gate seeder or by airplane.

(y) "State office" means the office of the Agricultural Stabilization and Conservation State committee.

(z) "Transferee" means a person who acquires rice from a producer or any other person by barter, exchange, or gift.

§ 730.952 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 730.953 Normal yields.

(a) *Farms for which normal yields will be determined.* The county committee shall determine a normal yield for each farm for which a farm marketing excess is required to be determined for any crop year, for each farm for which a request is made to the county committee by the operator, either prior to or after seeding, and for each farm as required for the purposes of the provisions of § 730.980 (h) and (i). Determination of farm normal yields shall be documented and such determination, subject to review and revision, shall be approved by the State committee, or by the State administrative officer, program specialist, or farmer fieldman. No notice of a farm normal yield shall be mailed to a producer until the yield has been approved as provided in this paragraph.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per harvested acre for all of the five calendar years immediately preceding the calendar year for which the yield is determined are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields adjusted for abnormal weather conditions and for trends in yields.

(c) *Appraised yields.* If for any year of such 5-year period data are not available or there was no actual yield, then the normal yield (per harvested acre of rice) for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions during such 5-year period, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year and the yield in years for which data are available. If on the account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If, on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

MEASUREMENT OF FARMS AND FINAL DATES FOR DISPOSAL OF EXCESS ACREAGE

§ 730.954 Measurement of farms.

(a) *Farms which are to be measured.* Provisions shall be made for the measurement of all farms in the county having a rice acreage allotment and any other farm in the county on which the county committee has reason to believe there is rice which could be available for harvest, regardless of its intended use, for the purpose of ascertaining with respect to each of such farms the acreage of rice and whether such acreage is in excess of the farm acreage allotment. Measurement shall be made under the general supervision of the county committee in accordance with Part 718 of this chapter, Determination of Acreage and Performance (22 F.R. 3747), and any amendments thereto.

(b) *Water company measurements.* Notwithstanding other provisions of this section, acreage measurements made by employees of water or irrigation companies to determine water charges may be used in lieu of or in connection with measurements by a reporter, where available and authorized by the State committee: *Provided*, That (1) substantially all of the rice acreage will be determined by the water or irrigation company; (2) the county committee is willing to accept such measurements; (3) a random spot check of a sufficient number of the company determinations is made to establish acceptability of such acreage determinations; (4) a conservation reserve contract is not in effect on the farm; and (5) the water or irrigation company does not share in the rice crop on the farm.

§ 730.955 Notice of excess acreage and final dates for disposal of excess acreage.

(a) *Notice of excess acreage.* The provisions of Part 718 of this chapter, Determination of Acreage and Performance (22 F.R. 3747), and any amendments thereto, relating to notices to farm operators, shall be applied when notifying farm operators of excess acreage.

(b) *Final date for the disposal of excess acreage.* The final dates determined by the Administrator, for the disposal of excess rice acreage are considered to be not later than 30 days prior to the date rice harvest normally begins in the county or State. The dates for each crop year in each county or area of a county by which excess rice must be destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) so that rice cannot be harvested therefrom, unless extended as provided in Part 718 of this chapter, Determination of Acreage and Performance (22 F.R. 3747), and any amendments thereto, are as follows:

Arkansas: August 1.
California: September 1.
Florida: October 15.
Illinois: September 15.
Louisiana: August 1.
Mississippi: August 15.
Missouri: August 15.
North Carolina: August 31.
Oklahoma: August 15.
South Carolina:
All counties for rice planted on or about March 15: August 1.
All counties for rice planted on or about May 15: September 15.
All counties for rice planted on or about June 15: October 15.
Tennessee: August 31.
Texas:
All counties except Bowie: July 15.
Bowie County: September 1.

§ 730.956 Reports and records of farm measurements.

A record shall be kept in the county office of the measurements made on all farms. There shall be filed with the State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) name of each producer, (d) the total acreage in cultivation, (e) the farm acreage allotment, (f) the rice acreage, (g) the farm normal yield, and (h) the farm marketing excess in pounds.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 730.957 Marketing quotas in effect.

Marketing quotas when effective with respect to a particular crop of rice shall be applicable in the continental United States. Such quotas shall be applicable to any rice of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 730.958 Farm marketing quota.

The farm marketing quota for any farm for any crop of rice shall be that number of pounds of rice produced less the amount of the farm marketing excess for the farm.

§ 730.959 Farm marketing excess.

The farm marketing excess for any crop of rice for any farm shall be the normal production of the rice acreage on the farm in excess of the farm acreage allotment therefor: *Provided*, That the farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of rice on the farm exceeds the normal production of the farm rice acreage allotment if the producer establishes such actual production as provided in § 730.962.

§ 730.960 Notice of farm marketing excess.

Written notice of the farm marketing quota and farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the rice crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same day to each other rice producer on the farm as shown on county office records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the rice produced on the farm for which the notice is given. Each notice shall be on a Form MQ-93-Rice and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof and shall be signed by a member of the county committee on behalf of the county committee.

§ 730.961 Farms for which proper notice of the farm marketing quota and farm marketing excess of rice was not issued.

Where, for any reason, proper notice of the farm marketing quota and farm

marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of rice established for the farm, was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 730.960, 730.962, 730.980, and 730.981, the producer shall be so notified by the county committee on Form MQ–93—Rice and the producer may, within 30 days from the date such notice is mailed to him, apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed, store or deliver to the Secretary the farm marketing excess as provided in §§ 730.962, 730.980, and 730.981. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ–93—Rice with a copy of the determination of the county committee as provided in § 730.962(b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 730.962 Farm marketing excess adjustment.

(a) *Adjustment in the amount of the farm marketing excess.* (1) Any producer having an interest in the rice produced on any farm for which there is an excess may (i) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed, as provided in § 730.961, apply in writing to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of rice produced on the farm in the applicable crop year, or (ii) apply in writing to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production of rice on the farm was not in excess of the normal production of the acreage allotment.

(2) The date on which the harvesting of rice is normally substantially completed in the county or area in the county shall be determined by the Administrator. Unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 730.961 or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess rice acreage for the farm shall be final as to the producers on the farm. A record of each application so made and the date thereof shall be maintained in the county office. The county committee shall establish a time and a place at which each application will be considered and the applicant shall be notified of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(3) The established date on which rice harvest is normally substantially completed has been determined as aforesaid in rice-producing counties to be as follows:

Arkansas: November 15.
California: November 30.
Florida: November 30.
Illinois: October 15.
Louisiana: November 1.
Mississippi: October 31.
Missouri: October 1.
North Carolina: November 1.
Oklahoma: November 15.
South Carolina; November 1.
Tennessee: November 1.
Texas: October 20.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* (1) The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant.

(2) The actual production of any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, sales, and storage of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of rice on the farm and in the locality in which the farm is situated. In determining actual production, the county committee shall include, in addition to the actual production of the harvested acreage, the estimated production of any unharvested acreage which has been classified as rice acreage, unless the county committee determines that no rice could be harvested in any manner from the unharvested excess acreage after approval of the downward adjustment.

(3) In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence, or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which are available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public.

(4) The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration was concluded. The determination of the county committee shall be in writing and shall contain (i) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (ii) a concise statement of the findings of the county committee upon the questions of fact, and (iii) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A revised notice on Form MQ–93–Rice with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

(5) All county committee determinations made in connection with applications for adjustment in the farm marketing excess, subject to review and revision, shall be approved by the State committee or by the State administrative officer, program specialist, or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved as provided in this subparagraph.

(c) *Adjustment where no rice is produced.* Notwithstanding the foregoing provisions of this section, whenever the county committee determines that no rice has been or will be produced in a particular crop year on a farm for which a farm marketing excess has been determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment as provided in paragraph (b) of this section, without the necessity of an application by the producer.

§ 730.963 Publication of the farm acreage allotments, marketing quotas, and marketing excesses.

A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the county office.

§ 730.964 Marketing quotas not transferable.

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 730.965 Successors in interest.

Any person who succeeds to the interest of a producer in a farm or in a rice crop produced on a farm for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of rice. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the rice. If a successor in interest should acquire from a deceased producer rice subject to lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor in interest to market the rice penalty free until the penalty has been satisfied.

§ 730.966 Review of quotas.

(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas, may, within 15 calendar days after the notice thereof was mailed to him, apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided*, That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with Part 711 of this chapter, Marketing Quota Review Regulations (21 F.R. 9365), and any amendments thereto.

(b) *Action by county committee prior to review hearing.* Action shall be taken by the county committee prior to the review hearing in accordance with Part 711 of this chapter, Marketing Quota Review Regulations (21 F.R. 9365), and any amendments thereto, relating to examination by county committee.

(c) *Court review.* If the producer is dissatisfied with the determination of the review committee he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 730.967 Issuance of marketing cards.

(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Rice) for the applicable year if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 730.975 or § 730.976, (3) the farm marketing excess is stored, as provided in § 730.980, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 730.981. A marketing card shall not be issued until the performance report (CSS–578) has been signed by the operator or his representative. Marketing cards will be delivered to producers at the county office, except that if the county office manager determines that it would facilitate the administration of the act, and he has reason to believe that the marketing card will be used, marketing cards may be mailed to the producers entitled thereto. Each marketing card shall be serially numbered and shall show the serial number of the farm, the name and address of the producer to whom issued, the name and address of the county office and the actual or facsimile signature of the county office manager. The facsimile signature provided for herein may be affixed by a county office employee.

(b) *Producers ineligible to receive marketing cards.* The producers on a farm shall be ineligible to receive marketing cards: (1) If any producer on the farm owes any penalty for excess rice in any preceding crop year, (2) if determination of the rice acreage has not been made and has been prevented by any producer on the farm, and (3) if the farm marketing excess determined under § 730.959 is adjusted under § 730.962. A producer shall not be considered to owe any penalty under subparagraph (1) of this paragraph if he has avoided or postponed payment of the penalty through storage of excess rice in accordance with applicable regulations.

(c) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a rice producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraphs (a) and (b) of this section, he is eligible to receive a marketing card for each of such farms. However, only one rice marketing card need be issued to a producer who has an interest in the rice crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the rice crop, and (3) the producer has not received a marketing certificate pursuant to the provisions of § 730.975(c) on any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall be eligible to receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer to receive a marketing card. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties or the State committee determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of rice, together with any other information deemed necessary to enforce the act.

(d) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify rice produced on any farm the serial number of which is not entered on the card. A marketing card shall not be used to market any rice which was not produced on a farm the serial number of which appears on the marketing card.

(e) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act. A marketing certificate may be issued in such cases for any proved production.

§ 730.968 Issuance of marketing certificates.

(a) *Producers to whom marketing certificates may be issued.* The county office manager shall upon request issue a marketing certificate. Form MQ–94—Rice, to any producer (1) who is eligible to receive a marketing card and who desires to market rice by telegraph, telephone, mail or by any means or method other than directly to and in the presence of the buyer or transferee; (2) who has availed himself of the provisions of § 730.975(c); (3) who is ineligible to receive a marketing card solely because of penalties owed by him or by any producer on the farm for excess rice for any preceding crop year; (4) who is ineligible to receive a marketing card solely because of excess rice produced on another farm as provided in § 730.967(c); (5) who is ineligible to receive a marketing card because the farm marketing excess determined under § 730.959 was adjusted under § 730.962; (6) who has eligible rice produced in a prior year but who is ineligible to receive a marketing card for the current crop year; (7) who is ineligible to receive a marketing card under § 730.967(e); or (8) who is a responsible executive officer of an agricultural experiment station entitled to market experimental rice only produced in excess of the allotment on an experimental farm.

(b) *Completion of marketing certificate.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county, and the serial number of the farm, (3) the number of pounds of rice eligible to be sold, (4) the

serial number of the marketing card assigned to the producer for the farm if applicable, or the word "none" if no card has been assigned, and (5) the actual or facsimile signature of the county office manager and the date of issuance. Such facsimile signature provided for herein may be affixed by a county office employee. The original and first copy of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the triplicate copy shall be retained in the county office. A marketing certificate shall not be used to identify rice produced on any farm the serial number of which is not entered on the certificate. When the rice is marketed the buyer or transferee shall enter both on the original and copy of the marketing certificate (i) the number of pounds of rice marketed, (ii) the date marketed and (iii) the name and address of the buyer or transferee. Both the buyer or transferee and the producer shall sign the original and copy of the marketing certificate. The original shall be retained by the buyer or transferee and the copy shall be returned to the producer. If all of the rice eligible to be marketed was not marketed in one transaction, or if the producer desires to market part of the eligible rice to another buyer or transferee, he shall request the county office manager to issue a marketing certificate for the balance of the unmarketed eligible rice. Such request shall be accompanied by the completed producer's copy of the marketing certificate showing the amount of rice previously marketed. The completed producer's copy of the marketing certificate shall be retained in the county office and a marketing certificate for the balance of the unmarketed eligible rice shall be issued to the producer. Notwithstanding the foregoing, the producer may request, and the county office manager shall issue, more than one marketing certificate at one time, provided the total number of pounds of rice shown on all the marketing certificates as eligible to be marketed does not exceed the number of pounds eligible to be marketed for the farm.

§ 730.969 Lost, destroyed or stolen marketing cards or marketing certificates.

(a) *Report of loss, destruction or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof should insofar as he is able, immediately notify the county office of the following: (1) The name of the operator of the farm for which such marketing card or marketing certificate was issued; (2) the name of the producer to whom the marketing card or marketing certificate was issued, if somebne other than the oprator; (3) the serial number of the marketing card or marketing certificate; and (4) whether in his knowledge or judgment it was lost, destroyed or stolen.

(b) *Investigation and replacement.* Each person desiring a marketing card or marketing certificate to replace one lost, destroyed or stolen, shall file a written application therefor with the county office. Each such application shall be on Form MQ–117, and shall contain the information necessary to identify the missing item, the circumstances concerning the loss, destruction or theft of the missing item, a report of marketings identified by the missing item and the date and signature of the applicant. If, based on information furnished by the applicant, the county office manager is satisfied that there has been no collusion or fraudulent action on the part of the producer, he shall issue a marketing card or marketing certificate to replace the one lost, destroyed or stolen. If the county office manager has reason to believe that collusion or fraudulent action may be involved, he shall issue the producer a marketing certificate and undertake an immediate investigation of the circumstances of such loss, destruction or theft. Each marketing card or marketing certificate lost, destroyed or stolen shall be cancelled and each replacement marketing card or marketing certificate issued under this section shall bear across its face in bold letters the word "Duplicate." The producer to whom the marketing card or marketing certificate was issued and later cancelled shall be notified that such item is void and of no effect. In each case where a marketing card or marketing certificate is reported stolen and is later cancelled, notice of such theft and cancellation shall be given to rice buyers, mill operators and warehousemen who serve the county or the immediate vicinity of the farm, and county office managers in adjoining counties. In case a marketing card or marketing certificate is reported lost or destroyed and is later cancelled, notice of such loss or destruction and cancellation shall be given to rice buyers, mill operators and warehousemen who serve the county or the immediate vicinity of the farm, and county office managers of adjoining counties, unless the county office manager determines that sending such notice will serve no useful purpose. Any person coming into possession of a cancelled marketing card or marketing certificate should immediately return it to the county office in which it was issued.

§ 730.970 Cancellation of marketing cards and marketing certificates issued in error.

Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of error, be canceled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 730.969(b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "Canceled." In the event that such marketing card or marketing certificate is not returned immediately, notice of cancellation shall be given to rice buyers, mill operators and warehousemen who serve the county or the immediate vicinity of the farm, and county office managers in adjoining counties, unless the county office manager determines that sending such notice will serve no useful purpose.

IDENTIFICATION OF RICE

§ 730.971 Time and manner of identification.

Each producer of rice and each intermediate buyer shall, at the time he markets any rice, identify the rice to the buyer or transferee in the manner hereinafter provided as being subject to or not subject to the penalty or the lien for the penalty, as follows:

(a) *Identification by marketing card.* A marketing card (MQ–76—Rice) for the applicable crop year shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the rice for which the marketing card was issued may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for the penalty.

(b) *Identification by marketing certificate.* A marketing certificate (MQ–94—Rice) properly executed shall, when delivered to the buyer by the producer, be evidence that the amount of rice shown thereon may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for penalty.

(c) *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Rice), properly executed by the first intermediate buyer and the producer of the rice and any subsequent buyer in the manner outlined in § 730.984(d) or § 730.985, shall be evidence to any buyer that the rice covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (1) the MQ–95—Rice shows the serial number of the marketing card or marketing certificate by which the rice was identified and the signatures of the producer and intermediate buyer, or (2) the original MQ–95—Rice bears the endorsement "Penalty Satisfied" and the signature and title of the county office manager and the date thereof.

(d) *Rice sweepings, spillage, or accumulation of samples.* A person other than a producer or intermediate buyer offering rice sweepings or spillage for sale shall obtain a certification from the elevator operator, warehouseman or processor, or other grain dealer, who conducts his business in a manner substantially the same as an elevator operator or warehouseman, stating that the rice had previously been marketed to the person executing the certificate, if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage. Any person other than a producer or intermediate buyer offering rice accumulated from samples taken for grading and testing purposes shall obtain a certification from the grader or tester certifying that the rice was an accumulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples.

(e) *Rice identified as subject to the penalty and lien for the penalty.* All rice marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in this section shall be taken by the buyer thereof as rice subject to penalty and the lien for the penalty and the buyer of such rice shall pay the penalty thereon at the rate prescribed in § 730.972.

PENALTY

§ 730.972 Rate of penalty.

The rate of penalty on rice shall be 65 per centum of the parity price per pound of rice as of June 15 of the calendar year in which the crop is produced. The rate of penalty applicable to the 1958 crop of rice shall be 3.88 cents per pound, which is 65 per centum of the parity price per pound of rice as of June 15, 1958, which is determined to be 5.98 cents per pound. The rate of penalty applicable to the 1959 crop of rice shall be 3.81 cents per pound, which is 65 per centum of the parity price per pound for rice as of June 15, 1959, which is determined to be 5.86 cents per pound.

§ 730.973 Lien for penalty.

The entire amount of rice produced in any year on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the penalty is paid in accordance with § 730.975 or § 730.976, or the farm marketing excess is stored in accordance with § 730.980, or delivered to the Secretary in accordance with § 730.981.

§ 730.974 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 730.975(b) or § 730.976(c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 730.975 Payment of penalties by producers.

(a) *Producers liable for payment of penalties.* Each producer having an interest in the rice produced on any farm for which a farm marketing excess is determined shall be liable to pay the amount of penalty on the farm marketing excess as provided in this section. The amount of the penalty for which any producer is liable shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of rice produced on the farm.

(b) *Time when penalties become due.* To the extent collection has not been made prior thereto, the amount of the penalty with respect to the farm marketing excess for any farm shall be remitted by the producer not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 730.962(a)(3), or not later than 30 calendar days after notice of farm marketing quota and farm marketing excess is mailed as provided for in § 730.961: *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 730.981 or § 730.961 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 730.980 or § 730.961 shall not be remitted until the time, and to the extent, of any depletion in the amount of rice so stored not authorized as provided in § 730.980(g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made (1) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated (as established in accordance with § 730.962), or (2) in the case of a delayed notice of the farm marketing excess within 30 days from the date such notice is mailed to him, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the fact that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 730.980 or § 730.981, that his share of the rice crop produced on the farm is marketed or disposed of by him separately, and that he exercises no control over the marketing or disposition of the shares of the other producers in the rice crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the rice produced on the farm bears to the total amount of rice produced on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 730.980 or § 730.981, stores or delivers to the Secretary the number of pounds required to postpone or avoid the payment of the penalty on his proportionate share, he shall be entitled to receive marketing certificates issued in accordance with § 730.968 to be used by him only in the marketing of his proportionate share of the rice crop produced on the farm: *Provided,* That the producer shall remain liable for the remainder of the penalty on the farm marketing excess notwithstanding any apportionment under this paragraph.

§ 730.976 Payment of penalties by buyers or transferees.

(a) *Buyers or transferees liable for payment of penalties.* Each person within the United States who buys or acquires from the producer any rice subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Rice shall be taken as subject to the lien for the penalty unless the producer presents to the person who buys or acquires such rice a marketing card (MQ–76—Rice) or marketing certificate (MQ–94—Rice) as prescribed in § 730.971 (a) or (b).

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys or acquires rice which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon. Rice purchased or acquired from any intermediate buyer shall be taken as subject to the lien for the penalty, unless, at the time of sale or transfer, the intermediate buyer delivers to the purchaser or transferee the original and a copy of an intermediate buyer's record and report, MQ–95—Rice, properly executed by the producer of the rice and the first intermediate buyer, which show (1) the serial number of the marketing card or marketing certificate, by which the rice covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty Satisfied" and the signature and title of the county office manager and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any person who buys or acquires rice pursuant to paragraph (a) or (b) of this section shall be due at the time the rice is purchased or acquired and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The person who buys or acquires rice may deduct from the price paid for any rice an amount equivalent to the amount of the penalty to be paid by the person who buys or acquires rice pursuant to paragraph (a) or (b) of this section. Any person who buys or acquires rice who deducts an amount equivalent to the penalty shall issue to the person from whom the rice was purchased or acquired a receipt for the amount so deducted which shall be in the case of rice purchased or acquired from the producer by an intermediate buyer, on MQ–95—Rice, and in all other cases, on MQ–81—Rice.

(e) *Collection by buyer at a sale which depleted stored excess rice.* Any buyer within the United States who purchases rice at a sale which has the effect of depleting stored excess rice, including a sale for storage charges, shall collect the penalty due from the producer under § 730.980(g) and remit the amount of the penalty to the county office within 15 days after such purchase in the manner provided in § 730.977. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

§ 730.977 Remittance of penalties to the county office.

The penalty shall be delivered or mailed to the county office only in legal tender, or by check, draft or money order drawn payable to the order of the Commodity Stabilization Service, USDA. All checks, drafts, and money orders tendered in payment of the penalty shall be received in the county office subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, it shall be accompanied by the original and first copy of MQ–95—Rice, and the county office manager shall show that the penalty is paid by entering on the reverse side of both copies the statement "Penalty Satisfied" and his signa-

ture and title and the date thereof before returning the first copy to the intermediate buyer.

§ 730.978 Deposit of funds.

All funds received in the county office in connection with penalties for rice shall be scheduled and transmitted on the day received or not later than the next succeeding business day, to the State office, where such funds shall be deposited to the credit of a deposit fund account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (referred to in this subpart as "deposit fund account") to be held in escrow. In the event the funds so received are in the form of cash, such funds shall be deposited in the county committee bank account and a check shall be issued in the amount thereof, payable to the order of the Commodity Stabilization Service, USDA. A record shall be maintained of each amount received in the county office, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the rice in connection with which the funds were remitted.

§ 730.979 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee, upon its own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess rice or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess rice and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the rice or for which he was liable.

(b) *Certification of refunds.* The county office manager shall notify the State administrative officer of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State administrative officer shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by him. No refund of money shall be certified under this section unless the money has been received in the county office and transmitted to the State office.

§ 730.980 Stored farm marketing excess.

(a) *Amount of rice to be stored.* The number of pounds of rice in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary or on which the penalty has not been paid. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined at the time of storage under § 730.959 or § 730.962, whichever is applicable.

(b) *Kinds of storage; commingling and substitution.* Excess rice shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage," or in any other place adapted to the storage of rice, hereinafter referred to as "non-licensed storage." Commingling and substitution of rice shall be permissible in case of licensed storage, but this shall not be construed to permit the substitution of warehouse or elevator receipts deposited in escrow to postpone or avoid payment of penalty under paragraph (c) of this section. In the case of non-licensed storage, excess rice may, with the prior written approval of the county committee, be commingled with stored excess rice from any other year, and any or all stored excess rice may be replaced by rice from any other year produced by the same producer on the same or any other farm, if (1) the county committee gives prior written approval of such replacement; (2) the rice to be used for substitution is in storage; (3) the county committee determines that the rice to be used for substitution is of a quality equal to or better than the excess rice in storage and for which substitution is to be made; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess rice from storage without compliance with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in paragraph (g) of this section. Rice in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess rice in which the same producer has an interest, provided the rice so stored is determined by the county committee to be of a quality equal to or better than the rice produced on the farm with the excess. The storage of rice in non-licensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored rice by quarter section or other comparable descriptive location in areas where description is not by quarter section. Excess rice for any year which was properly stored in non-licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the rice, a written request to do so is filed in the county office and approval of the county committee is granted in writing, and if the rice is moved and stored in licensed storage in accordance with paragraph (c) of this section within 15 days after approval is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions, the bond or escrow funds held in connection with the non-licensed storage may be released. The penalty on any stored excess rice removed from non-licensed storage without the prior written authorization from the county committee shall be due on such removal. Rice produced on a farm by any producer may be placed in non-licensed storage and substituted for excess rice for any year which was properly stored in licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty if a written request to do so is filed in the county office and approval of the county committee is granted in writing upon the determination of such committee that the rice to be stored in non-licensed storage is of a quality equal to or better than the rice in licensed storage, and the rice in an amount equal to the amount in licensed storage for which substitution is desired is stored in non-licensed storage in accordance with paragraphs (b) and (d) of this section and is secured by a good and sufficient bond of indemnity or the deposit of funds in escrow, as provided in paragraph (d) of this section. When all requirements for non-licensed storage have been met in accordance with this section, the warehouse receipt covering the rice in licensed storage shall be returned to the person who deposited it. Rice stored in non-licensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess rice in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of rice so stored is deposited with the county office manager to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a non-negotiable receipt. In the case of a non-negotiable receipt, the warehouseman or elevator operator shall be notified in writing by the owner of the receipt and the county office manager that it has been deposited in escrow and that delivery of the rice covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the rice is stored shall be and shall remain liable for all charges incident to the storage of the rice and that the county committee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to rice covered by the warehouse receipt(s) is paid or otherwise satisfied in accordance with law, the warehouse receipt(s) shall be returned to the person who deposited it.

(d) *Non-licensed storage bonds.* The storage of excess rice in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the county office manager in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the rice and either by two persons as sureties who are not producers on the farm and who own real property with an unencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of the depletion of any amount stored which is not authorized under this subpart, and that if at any time any producer on the farm prevents the inspection of rice so stored, the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the county office manager shall furnish the principal and the sureties with a written statement to that effect. Unless the bond in effect permits the commingling or substitution of rice in storage, a new bond covering all excess rice of the producer stored in non-licensed storage and not covered by funds in escrow shall be required as a condition for commingling rice or permitting substitution of any other year stored excess rice. In such case, upon approval and acceptance of the new bond, the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided*, That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of this subpart with respect to stored farm marketing excess.

(e) *Non-licensed storage; deposit of funds in escrow.* The storage of excess rice in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance with the regulations contained in this subpart shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. All checks, drafts and money orders shall be received in the county office subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that, if at any time any producer on the farm prevents inspection of any rice so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval is granted to commingle rice or to substitute rice of any crop for excess rice in storage, there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess rice for any year stored by the producer in non-licensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to rice covered by funds in escrow is paid or otherwise satisfied in accordance with law, the amount of funds covering such rice shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of rice in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d), or (e), of this section are complied with prior to the expiration of the period allowed in accordance with § 730.975(b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess rice.* The penalty on the amount of excess rice stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of rice stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess rice exceeds the farm marketing excess for the farm as determined in accordance with § 730.959 or § 730.962, (2) the amount by which the stored excess rice exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any rice destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any rice delivered to the Secretary under the provisions of § 730.981. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate applicable to the marketing year in which the stored excess rice was produced, except that if the storage amounts of two or more crops are commingled or if the storage amount of one crop is replaced by rice of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each such crop is satisfied.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the rice acreage on any farm for any subsequent crop of rice is less than the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any rice so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to rice is less than the farm acreage allotment. Such application shall be made in writing not later than December 31 of the crop year in which the underplanted crop is harvested. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to rice or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove rice from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the end of the rice seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the rice crop which was or could have been planted on the farm. For the purpose of this paragraph the acreage, if any, under a conservation reserve contract will be considered rice acreage and such acreage shall be added to the rice acreage determined for the farm. The acreage considered as rice acreage under a conservation reserve contract shall be the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the rice acreage allotment (after release and before reapportionment) for the farm exceeds the rice acreage determined for such farm:

Provided, That in the event the farm also has one or more other commodity allotments and the acreage placed in the conservation reserve at the regular rate is less than the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each allotment commodity. If the acreage placed in the conservation reserve at the regular rate is equal to or is in excess of the sum of the amount by which the respective allotment (after release and before reapportionment) exceeds the acreage planted to each allotment crop on the farm, no excess penalty rice may be removed from storage. A producer shall not be entitled to remove excess rice from storage under this paragraph by underplanting the allotment on government-owned land under a lease restricting the production of rice.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever in any subsequent year the rice acreage does not exceed the farm acreage allotment and the actual production of rice on the farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county office, be entitled to remove from storage, without penalty, any rice so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of rice produced on the farm in that year. Such application shall be made in writing not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated as determined in accordance with § 730.962. The actual production of rice on the farm shall include, in addition to the rice actually produced on the farm, the production of rice attributed to the soil bank acreage reserve for the farm on the basis of the yield that would be indicated from the productivity index used for determining the rate of payment per acre for the acreage reserve program. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice, to the extent of their need therefore in accordance with their proportionate shares in the rice crop planted on the farm, or in accordance with their agreement as to the apportionment to be made. The determination of the amount of rice produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove rice from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the rice crop planted on the farm. For the purpose of this paragraph, any acreage which is considered to be rice acreage under a conservation reserve contract under § 730.980(h) will be deemed to have produced the normal production of rice when determining the actual production for the farm.

§ 730.981 Delivery of the farm marketing excess to the Secretary.

(a) *Amount of the rice to be delivered.* The amount of rice delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined at the time of delivery, in accordance with § 730.959 or § 730.962, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the county office manager for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any rice tendered to avoid the payment of the penalty. The delivery of the rice for this purpose shall be effective only when the producers having an interest in the rice to be so delivered convey to the Secretary all right, title, and interest in and to the rice by executing a form provided for this purpose and (1) deliver the rice to an elevator or warehouse and tender to the county office manager the elevator or warehouse receipt for the amount of the rice, or (2) show to the satisfaction of the county committee that it is impracticable to deliver the rice to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the rice at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the rice so delivered shall be returned to the producer. Insofar as practicable, the rice so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any rice which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for shipment for relief overseas.

(c) *Time of delivery.* Excess rice may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as determined in accordance with § 730.962(a) or pursuant to § 730.961. Excess rice may be delivered to the Secretary after such period only if the excess rice was stored in accordance with the provisions of § 730.980 (a) to (f), and the rice has not gone out of condition through any fault of the producer.

(d) *Rice to be unencumbered.* Any rice delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess for any farm shall be free and clear of all encumbrances and particularly no rice shall be accepted for such purpose if it is subject to storage charges or liens of any kind. Conveyance of the rice to the Secretary shall be made by the execution and delivery of Form MQ–99—Rice.

§ 730.982 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 730.983 Report of violations and court proceedings to collect penalty.

It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 730.975 to 730.977. It shall be the duty of the State administrative officer to report each such case in writing to the office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district under the direction of the Attorney General of the United States to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 730.984 Records to be kept and reports to be made by warehousemen, mill or elevator operators, other processors, or transferees and buyers other than intermediate buyers.

(a) *Necessity for records and reports.* Each warehouseman, mill or elevator operator, processor, or transferee and each buyer other than an intermediate buyer, who buys, acquires, or receives rice from the producer or intermediate buyer, who buys, acquires, or receives

section 373(a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice, the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, mail or elevator operator, processor, or transferee, and each buyer other than an intermediate buyer, shall keep as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the rice purchased, acquired or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the rice, (2) the date of the transaction, (3) the amount of the rice, (4) the serial number of the marketing card (MQ–76—Rice), or marketing certificate (MQ–94—Rice), or intermediate buyer's record and report (MQ–95—Rice), by which the rice was identified, or the report and penalty receipt for rice not identified (MQ–81—Rice), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the rice purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any representative of the State committee or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, U.S. Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends, or longer if requested by the State administrative officer. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart or of obtaining the information required to be furnished in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of (MQ–97—Rice) which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with rice subject to penalty.* Each warehouseman, mill or elevator operator, processor, or transferee, and each buyer other than an intermediate buyer, who purchases any rice from the producer or intermediate buyer which is not identified at the time the rice is purchased in the manner provided in § 730.971 (a), (b), and (c), shall, with respect to each such transaction, execute the report and penalty receipt for rice not identified on MQ–81—Rice and report to the county office manager the following information: (1) The name and address of the producer or intermediate buyer from whom the rice was purchased or acquired, (2) the names of the county and State, and the address of the county office of the county in which the rice was produced, (3) the date of the transaction, (4) the amount of the rice, (5) the year harvested, (6) the amount of the penalty incurred in connection with the transaction, and (7) whether an amount equivalent to the penalty was deducted from the price or consideration paid for the rice. Each record and report on MQ–81—Rice shall be executed in triplicate. The person who executes MQ–81—Rice shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with rice, and mail or deliver the remaining copy to the county office manager. It shall be presumed that rice was not identified by MQ–76—Rice, as provided in § 730.971 (a), or MQ–94—Rice, as provided in § 730.971(b), or MQ–95—Rice, as provided in § 730.971(c), if the serial number of the marketing card, marketing certificate or intermediate buyer's record and report, does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with rice identified by intermediate buyer's records and reports.* Whenever rice is identified by the intermediate buyer's record and report (MQ–95—Rice) executed in accordance with § 730.985, the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, who purchases or acquires the rice covered thereby shall retain the first copy as a record of the transaction and forward the original to the county office manager as a report on the transaction in every case where he purchases or acquires all or the remainder of the rice covered by the record and report. In all other cases, where the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the rice covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of rice purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the rice.

(e) *Records in connection with rice identified by marketing certificates.* Whenever rice is identified by a marketing certificate (MQ–94—Rice), the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, who purchases the rice so identified shall retain the original of the marketing certificate as a record of the transaction completed as provided in § 730.968(b).

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted not later than 15 calendar days next succeeding the day on which the rice was marketed to a warehouseman, mill or elevator operator, processor, or transferee, or a buyer other than an intermediate buyer, to the county office manager for the county in which the rice was produced.

§ 730.985 Records to be kept and reports to be made by intermediate buyers.

(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373(a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act.

(b) *Form of record and report in connection with rice purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any rice from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95—Rice) of the following information: (1) The name and address of the producer from whom the rice was purchased or acquired, (2) the names of the county and State and the address of the county office of the county in which the rice was produced, (3) the date of the transaction, (4) the number of pounds of rice, (5) the serial number of the marketing card or marketing certificate by which the producer identified the rice at the time it was marketed, or if the rice is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the rice, and (6) the year in which the rice was harvested. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Rice so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the rice. One copy of MQ–95—Rice so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever rice is identified by a marketing certificate (MQ–94—Rice), the intermediate buyer and the producer shall complete the original and copy of the marketing certificate in accordance with the provisions of § 730.968(b). The copy shall be retained by the producer and the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Rice to be delivered to the warehouseman, mill or elevator operator, processor, or transferee or buyer other than an intermediate buyer, who finally acquires the rice covered by MQ–95—Rice, and marketing certificate (MQ–94—Rice). Whenever the intermediate buyer markets or delivers a portion of the rice covered by a single MQ–95—Rice to another and retains a portion of the rice, the intermediate buyer shall obtain from the person to whom the portion of the rice is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ–95—Rice showing the name and signature of the person, the number of pounds of rice marketed or

delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report MQ–95—Rice to the warehouseman, mill or elevator operator, processor, or transferee, or the buyer other than an intermediate buyer, to whom all or the remainder of the rice covered thereby is marketed. When rice is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ–95—Rice shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, mill or elevator operator, processor, or transferee, or buyer other than an intermediate buyer. If all or the remainder of the rice is not marketed or delivered to a warehouseman, mill or elevator operator, processor, or transferee, or buyer other than an intermediate buyer, the last intermediate buyer shall, within 15 days after purchase of such rice, mail or deliver the original and first copy of the intermediate buyer's record and report to the county office manager.

(d) *Reports to the county office manager.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Rice contained in a book have been executed, or by February 28 of each calendar year, whichever is the earlier, mail or deliver to the county office from which the book was obtained the executed copies and unexecuted sets of Form MQ–95—Rice which were retained by him. Books of Form MQ–95—Rice shall be reissued to any intermediate buyer upon request. In the event that the county committee or State administrative officer has reason to do so, any or all intermediate buyers to whom books of Form MQ–95—Rice were issued or reissued after the end of the calendar year may be requested to mail or deliver on or before the end of the marketing year to the county office from which the book was obtained, the executed copies and unexecuted sets of Form MQ–95—Rice. In the event that the county committee or State administrative officer has reason to believe that any intermediate buyer has failed or refused to comply with the regulations in this subpart, the county office manager or State administrative officer shall notify the intermediate buyer in writing that he is considered to be an intermediate buyer under the provisions of the rice marketing quota regulations and that he is requested to furnish a report within 15 days to the county office manager on Form(s) MQ–95—Rice of all rice purchased or acquired by him during the period of time specified in the request. The notice shall advise the intermediate buyer that the information required to be reported on Form MQ–95—Rice is in accordance with the rice marketing quota regulations and he shall be advised of the penalty for failure or refusal to keep the records and make the reports as provided in § 730.986. The intermediate buyer shall make the report for the period specified as requested by the county office manager or State administrative officer.

§ 730.986 Buyer's special reports.

In the event that the county committee or State administrative officer has reason to believe that any buyer has failed or refused to comply with the regulations in this subpart, the buyer shall, within 15 days after a written request therefor made by the county office manager or State administrative officer and deposited in the United States mails, addressed to him at his last known address, make a report, certified as true and correct on MQ–97—Rice to such person with respect to all rice purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of rice purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the rice, (b) the date of the transaction, (c) the amount of the rice, (d) the serial number of the marketing card (MQ–76—Rice), marketing certificate (MQ–94—Rice), intermediate buyer's record and report (MQ–95—Rice), or the report and penalty receipt for rice not identified (MQ–81—Rice), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the rice purchased or acquired.

§ 730.987 Penalty for failure or refusal to keep records and make reports.

Any person required to keep the records or make the reports specified in § 730.984, § 730.985, or § 730.986, who fails to keep any such record or make any such report, or who makes any false report or keeps any false record shall, as provided in section 373(a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 730.988 Records to be kept and reports to be made by producers.

Each producer with respect to any rice crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act. Upon written request of the county committee or county office manager, any producer shall, within 15 days from the date the request was mailed to him, file with the county office manager for the county in which the farm is situated, a farm operator's report on MQ–98—Rice showing for the farm the following information: (a) The total number of pounds of rice produced thereon in the applicable crop year, (b) the name and address of each buyer or transferee of any rice, (c) the amount of rice sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the rice, (e) the amount of unmarketed rice of the applicable crop on hand, (f) the disposition of any rice not otherwise accounted for, and (g) the rice acreage for the applicable crop year.

§ 730.989 Data to be kept confidential.

Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any rice, farm or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 730.990 Enforcement.

It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 730.984 to 730.988, inclusive, and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing in quintuplicate to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 730.991 Farms on which the only acreage of rice is nonirrigated rice not in excess of three acres.

(a) *Conditions of exception.* The farm marketing quota of rice for any crop shall not be applicable to any nonirrigated (dry land) farm on which the rice acreage for such crop is not in excess of three acres.

(b) *Issuing marketing cards or marketing certificates.* The county office manager shall, for each farm to which the provisions of this section are applicable, issue marketing cards or marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 730.967 to 730.970.

§ 730.992 Experimental rice farms.

(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any rice of any crop grown for experimental purposes only on land owned or leased by any publicly-owned agricultural experiment station, and which is produced at public expense by employees of the experiment station, or to rice produced for experimental purposes only by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the rice and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the planting of the rice crop on the farm. The production of foundation, registered, or certified seed rice will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards or marketing certificates.* The county office manager shall, upon written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card or a marketing certificate for the experiment station in the manner and subject to the conditions specified in §§ 730.967 to 730.970.

§ 730.993 Rice produced on a wildlife refuge farm.

The penalty shall not apply to any rice produced in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land: *Provided*, That such acreage is not harvested, but is left on the land for wildlife feed. The exemption from penalty shall be granted by the county office manager upon the written application of the farm operator or responsible executive officer on any such farm, stating that none of the excess rice produced on the farm will be harvested and that such excess will be left on the farm for wildlife feed. For the purpose of marketing within quota rice produced on such farm, a marketing card or marketing certificate may be issued in the same manner and subject to the conditions specified in §§ 730.967 to 730.970.

§ 730.994 Erroneous notices.

(a) *Erroneous notice of acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a rice acreage allotment for a crop year which was larger than the finally-approved acreage allotment and the county committee and the State administrative officer find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to rice in excess of the finally-approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage as provided in § 730.955(b), the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of rice acreage allotment for the farm, such determination shall be subject to review and approval by the State administrative officer before the erroneous allotment is used by the county committee to determine the marketing quota and marketing excess for the farm.

(b) *Erroneous notice of measured acreage.* The provisions of Part 718 of this chapter, Determination of Acreage and Performance (22 F.R. 3747), and any amendments thereto, relating to notices to farm operators shall be applied when determining whether an erroneous notice of measured acreage is applicable to a particular case.

§ 730.995 Approval of reporting and record-keeping requirements.

The reporting and record-keeping requirements contained herein have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Issued this 8th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–5374; Filed, June 13, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–41]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Oral Argument Before the Board

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of June 1960.

Section 302.32(b) of Part 302 of the Procedural Regulations currently includes a requirement that pamphlets, charts, and other written data which will be presented to the Board at oral argument shall be served on all parties and eight copies transmitted to the Docket Section at least five days before the argument. However, this section at present excludes from the requirement "maps and enlargements of exhibits, or charts included in briefs."

Proper procedure appears to require that all parties should be aware of all materials that are to be presented at oral argument. Consequently, the Board is promulgating this regulation which will require parties who intend to present materials to the Board at oral argument to file and serve all such materials in advance of the argument. This requirement will extend to maps, and charts included in briefs, which are currently excepted from the filing and service requirement. The only exception that will be continued relates to enlargements of exhibits intended to be placed on an easel and used for demonstration at the oral argument. However, the item which has been enlarged will in its original form be subject to the filing and service requirement.

Therefore, under this new regulation, the Board and all parties will be cognizant of all materials which are proposed for submission to the Board at oral argument and will have sufficient time for their review. If a party chooses to present such materials to the Board at oral argument for the information and assistance of the Members in following the argument, it appears to the Board that the other parties to the proceeding should be accorded like treatment. It frequently occurs that parties, who do not have a particular map before them, are unable to follow oral argument based on reference to that map. The rule will require the timely service of such an item to insure knowledge thereof by the parties.

Under the proposed rule, the transcript of the oral argument will become much more intelligible to the reader. At the present time it is extremely difficult for a reader to fully comprehend a transcript in which reference is made to oral argument materials since he is unable to refer to them readily in the course of his reading.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 302.32 of Part 302 of the Procedural Regulations (14 CFR Part 302), effective July 13, 1960, by deleting the present paragraph (b) and inserting in lieu thereof a new paragraph (b) to read as follows:

§ 302.32 Oral argument before the Board.

* * * * *

(b) Pamphlets, charts, and other written data may be presented to the Board at oral argument only in accordance with the following rules: All such material shall be limited to facts in the record of the case being argued. All such material shall be served on all parties to the proceeding and eight copies transmitted to the Docket Section of the Board at least five (5) days in advance of the argument. As used herein, "material" includes, but is not limited to, maps, charts included in briefs, and exhibits which are enlarged and used for demonstration purposes at the argument, but does not include the enlargements of such exhibits.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 60–5394; Filed, June 13, 1960; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7499 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Heckethorn Manufacturing & Supply Co.

Subpart—Discriminating in price under sec. 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Heckethorn Mfg. & Supply Co., Dyersburg, Tenn., Docket 7499, April 14, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Dyersburg, Tenn., with discriminating in price in violation of section 2(a) of the Clayton Act, by selling its automotive shock absorbers, seat cushions and other products to some purchasers at lower prices than to their competitors.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Heckethorn Manufacturing & Supply Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in, or in connection with, the sale of automotive shock absorbers, seat cushions and other automotive parts and accessories in commerce, as commerce is defined in the Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any one purchaser at net prices lower than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the lower price in the resale or distribution of respondent's products.

It is further ordered, That the allegation of a substantial lessening of competition or tendency toward monopoly in the line of commerce in which the respondent is engaged be dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5378; Filed, June 13, 1960; 8:48 a.m.]

[Docket 7516 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Marlun Manufacturing Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.155–60 *List or catalog as regular selling.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719 as amended; sec. 2, 49 Stat. 1527; 15 U.S.C. 45, 13). [Cease and desist order, Marlun Manufacturing Company, Inc., et al., Woodside, Long Island, N.Y., Docket 7516, April 14, 1960]

In the Matter of Marlun Manufacturing Company, Inc., a Corporation, and Emanuel Sado and Maurice Sado, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of its "Black Angus" electric broiler rotisseries in Woodside, Long Island, N.Y., with discriminating in price by making promotional payments to certain wholesalers but not to all their competitors on proportionally equal terms; and with representing falsely in brochures, price lists and catalogue sheets distributed to dealer customers and in newspaper and magazine advertising, that the excessive prices set forth were their customary retail prices.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Marlun Manufacturing Company, Inc., a corporation, and its officers, and Emanuel Sado, individually and as an officer of said corporation, and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale or the sale of rotisseries in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying, or contracting for the payment of, anything of value to or for the benefit of any customer of respondents as compensation or in consideration for advertising, display, wages of clerks, or any other services or facilities furnished by or through such customer in connection with the handling, processing, sale, offering for sale, or distribution of respondents' products, unless such payment or consideration is affirmatively offered on proportionally equal terms to all other customers competing in the resale of such products with the favored customer.

2. Representing, directly or by implication, that any price is the retail price of their rotisseries which is in excess of the price at which the rotisseries are regularly and customarily sold at retail in the trade area or areas where the representations are made, or that the prices at which such rotisseries are being offered for sale constitute reductions from the prices at which they are regularly or customarily sold in the trade area or areas where the representations are made, or that the amount of such reductions constitutes savings to purchasers.

3. Providing distributors and retailers of their rotisseries with materials by or through which they may mislead and deceive the purchasing public as to the regular and customary retail prices of their products.

It is further ordered, That the complaint in its entirety be and hereby is dismissed as to Maurice Sado, individually and as an officer of the respondent corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Marlun Manufacturing Company, Inc., a corporation, and Emanuel Sado, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5379; Filed, June 13, 1960; 8:48 a.m.]

[Docket 7550 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Stern Brothers

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–85 *Sales below cost.* § 13.285 *Value;* § 13.235 *Source or origin:* § 13.235–60 *Place;* § 13.235–60–(e) *Imported products or parts as domestic.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and Goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1822 *Sales below cost.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Stern Brothers, New York, N.Y., Docket 7550, April 14, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City department store with violating the Fur Products Labeling Act by labeling certain fur products falsely as to the animal producing the furs; by setting forth the name "United States" on invoices of furs of foreign origin; by advertising in newspapers which falsely represented fur products to be "prices below wholesale" and "nationally advertised from" certain prices which were not the usual prices in the trade area concerned, and made claims as to prices and values without maintaining adequate records as a basis therefor; and by failing in other respects to comply with requirements of the Act; and to cease such unfair trade practices as in advertising designating as "reg.", "regularly" and "usually", amounts in excess of its current selling prices.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Allied Stores Corporation, a corporation, trading as Stern Brothers, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce, of fur products; or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

(a) Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

(b) Falsely or deceptively labeling or otherwise identifying any such products as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

(c) Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

(d) Failing to affix labels to fur products showing the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

(a) Failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

(b) Setting forth on invoices pertaining to fur products the name "United States" as the country of origin of the furs contained in fur products when such is not the fact.

(c) Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(d) Failing to furnish to purchasers of fur products an invoice showing the item number or mark assigned to a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisements, representation, public announcement, or notice which is intended to aid, promote, or assist directly or indirectly, in the sale, or offering for sale of fur products, and which:

(a) Represents, directly or by implication, that the prices of fur products are "priced below wholesale" or words of similar import, when such is not the fact.

(b) Represents, directly or by implication, that certain amounts are nationally advertised prices or words of similar import, when such is not the fact.

(c) Misrepresents in any manner the savings available to purchasers of respondent's fur products.

4. Making price claims and representations in advertisements respecting prices and values of fur products unless respondent maintains full and adequate records disclosing the facts upon which such claims or representations are based.

It is further ordered, That respondent Allied Stores Corporation, a corporation, trading as Stern Brothers, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any amount is respondent's usual and regular price of merchandise when it is in excess of the price at which said merchandise has been usually and regularly sold by respondent in the recent regular course of its business.

(b) That any saving is afforded from respondent's price in the purchase of merchandise unless the price at which it is offered constitutes a reduction from the price at which the merchandise has been usually and customarily sold by respondent in the recent regular course of its business.

2. Misrepresenting in any manner the amount of savings available to purchasers of respondent's merchandise, or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondent in the normal course of its business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Allied Stores Corporation, a corporation, trading as Stern Brothers, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5380; Filed, June 13, 1960; 8:48 a.m.]

[Docket 7591 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Television and Appliance Credit Corp., et al.

Subpart—Acquiring confidential information unfairly: § 13.1 *Acquiring confidential information unfairly.* Subpart—Advertising falsely or misleadingly: §13.15 *Business status, advantages, or connections:* § 13.15–195 *Nature;* §13.110 *Indorsements, approval and testimonials;* § 13.115 *Jobs and employment service.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly;* § 13.330–90 *United States Government;* § 13.330–(h) *Federal Trade Commission.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Using misleading name-Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Television and Appliance Credit Corp., et al., Hollywood, Cal., Docket 7591, April 7, 1960]

In the Matter of Television and Appliance Credit Corporation, a Corporation, and Sidney Morey, Aaron Shaw, and Frank Chesler, Individually and as Officers of Said Corporation

The complaint in this proceeding charged Hollywood, Cal., sellers of questionnaire forms to be used to obtain information concerning delinquent debtors, with representing falsely that their company was a casting service and offered employment in motion pictures to recipients who answered their questionnaires, and that their skiptracer forms had been cleared and approved by the postal authorities and the Federal Trade Commission.

After acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Television and Appliance Credit Corporation, a corporation, and its officers, and Sidney Moray, Aaron Shaw and Frank Chesler, individually and as officers of

said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms or other material for use in obtaining information concerning delinquent debtors or in the collection of, or attempting to collect accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, or placing in the hands of others for use, any forms, letters, questionnaires, or other materials, printed or written, which do not clearly reveal that the purpose for which information is requested is that of obtaining information concerning delinquent debtors.

2. Representing in any manner that respondents are in the business of a casting service for the motion picture or television industry.

3. Representing in any manner that respondents offer employment to the persons to whom respondents' forms are sent to appear in motion pictures.

4. Representing in any manner that respondents' skip-tracer forms have been cleared or approved by the Postal Authorities, the Federal Trade Commission, or by any other government agency, or representing that said forms, or the use thereof, are not in violation of the Federal Trade Commission Act, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 7, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5381; Filed, June 13, 1960; 8:49 a.m.]

[Docket 7649 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Velox Service, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.125 *Limited offers or supply;* § 13.155 *Prices:* § 13.155–5 *Additional charges unmentioned;* § 13.175 *Quality of product or service;* § 13.235 *Source or origin:* § 13.235–60 *Place;* § 13.235–60(c) *Foreign, in general;* § 13.285 *Value.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Velox Service, Inc., et al., New York, N.Y., Docket 7649, April 27, 1960]

In the Matter of Velox Service, Inc., a Corporation, Thoresen, Inc., a Corporation, and Nelson Torelli and Caesar Torelli, Individually and as Officers of Each of Said Corporations

The complaint in this case charged two affiliated New York City mail order distributors of general merchandise with such false advertising as misrepresenting the country of origin of Japanese knives and their availability and price, guarantees of watches, performance, quality and value of razor blades, etc.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Velox Service, Inc., a corporation, and its officers, and Thoresen, Inc., a corporation, and its officers, and Nelson Torelli and Caesar Torelli, individually and as officers of each of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hunting knives, watches, razor blades and other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the expression "Black Forest Hunting Knife" as descriptive of knives without conspicuously revealing in immediate connection therewith the name of the country other than Germany in which said knives are manufactured; or using any other words or pictures which represent, directly or indirectly, that any of the aforesaid articles of merchandise were manufactured in a country other than the true country of origin without conspicuously revealing in immediate connection therewith, the true country of origin of said articles of merchandise;

2. Representing, directly or indirectly, that the number or quantity of said articles of merchandise available to the purchaser is limited or restricted unless such is the fact;

3. Representing, directly or indirectly, that any price not the total price of an article or combination of articles of merchandise is the total price;

4. Representing directly or indirectly, that said articles of merchandise are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

5. Representing, directly or indirectly, that razor blades give a specified number of shaves or perform or have a quality or value equal to higher priced razor blades unless such is the fact.

By "Decision of the Commission", etc. report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5382; Filed, June 13, 1960; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Part 204 is amended by adding a new § 204.4a as follows:

§ 204.4a Voluntary termination of insurance.

Any contract of insurance meeting the requirements of this part may be voluntarily terminated in accordance with the provisions of section 229 of the Act. Voluntary terminations of insurance contracts shall be subject to the applicable provisions of Part 222 of this chapter.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interprets or applies sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1706c)

PART 222—MUTUAL MORTGAGE INSURANCE, RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

In § 222.3 paragraph (d) is amended to read as follows:

§ 222.3 Adjusted insurance premiums and termination charge.

* * * * *

(d) *Voluntary terminations.* (1) Upon request by the mortgagor and mortgagee and submission of the mortgage note for cancellation of the insurance endorsement, the Commissioner may terminate the insurance contract on any insured mortgage. In the event of such voluntary termination, the mortgagee shall pay a termination charge of 1 percent of the original principal amount of the mortgage.

(2) In no event shall the termination charge exceed the aggregate amount of premiums which would have been payable if the mortgage had continued to be insured until maturity.

(3) The insurance contract may be voluntarily terminated in accordance with this paragraph without payment of a termination charge if:

(i) The mortgage is delinquent and termination of insurance is for the purpose of avoiding foreclosure provided the transaction is approved by the Commissioner; or

(ii) Foreclosure proceedings have been instituted.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER H—WAR HOUSING INSURANCE

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Part 277 is amended by adding a new § 277.3b as follows:

§ 277.3b Voluntary termination of insurance.

Any contract of insurance meeting the requirements of this part may be voluntarily terminated in accordance with the provisions of section 229 of the Act. Voluntary terminations of insurance contracts shall be subject to the applicable provisions of Part 222 of this chapter.

(Sec. 607, 55 Stat. 61, as amended; 12 U.S.C. 1742. Interprets or applies sec. 603, 55 Stat. 56, as amended; 12 U.S.C. 1738)

SUBCHAPTER N—NATIONAL DEFENSE HOUSING INSURANCE

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Part 295 is amended by adding a new § 295.4a as follows:

§ 295.4a Voluntary termination of insurance.

Any contract of insurance meeting the requirements of this part may be voluntarily terminated in accordance with the provisions of section 229 of the Act. Voluntary terminations of insurance contracts shall be subject to the applicable provisions of Part 222 of this chapter.

(Sec. 907, 65 Stat. 301; 12 U.S.C. 1750f. Interprets or applies sec. 903, 65 Stat. 298, as amended; 12 U.S.C. 1750b)

Issued at Washington, D.C., June 8, 1960.

JULIAN H. ZIMMERMAN, *Federal Housing Commissioner.*

[F.R. Doc. 60-5385; Filed, June 13, 1960; 8:50 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 688—ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 531 (25 F.R. 3178), as amended by Administrative Order No. 533 (25 F.R. 4330), appointed and convened Industry Committee No. 47–C and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the artificial flower, decoration, and party favor industry in Puerto Rico as defined in Administrative Order No. 531, who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR 1950 Supp., p. 165), General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending 29 CFR Part 688, effective June 30, 1960, to read as follows:

Sec.
688.1 Definition.
688.2 Wage rate.
688.3 Notices.

AUTHORITY: §§ 688.1 to 688.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 688.1 Definition.

The artificial flower, decoration, and party favor industry in Puerto Rico, to which this part shall apply, is defined as the manufacture of flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches which are commonly or commercially known as artificial; and the manufacture of party favors and ornaments and decorations for holidays, except those made of molded plastic or metal other than metallic chenille, foil or tinsel.

§ 688.2 Wage rate.

Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the artificial flower, decoration, and party favor industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 688.3 Notices.

Every employer subject to the provisions of § 688.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 688.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 9th day of June 1960.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 60-5395; Filed, June 13, 1960; 8:51 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Civil and Defense Mobilization

[Defense Manpower Policy 4]

DMP 4—PLACEMENT OF PROCUREMENT AND FACILITIES IN AREAS OF PERSISTENT OR SUBSTANTIAL LABOR SURPLUS

Revision

1. *Introduction.* Success of the defense program depends upon efficient use of all our resources, including manpower and facilities, which are preserved through practice of the skills of both management and workers.

A primary aim of Federal manpower policy is to encourage full utilization of existing production facilities and workers in preference to creating new plants or moving workers, thus assisting in the maintenance of economic balance and employment stability. When large numbers of workers move to already tight areas, heavy burdens are placed on community facilities—schools, hospitals, housing, transportation, utilities, etc. On the other hand, when unemployment develops in certain areas, unemployment compensation costs increase and plants, tools, and workers' skills remain idle and unable to contribute to our defense program.

2. *Purpose.* It is the purpose of this Defense Manpower Policy No. 4 to direct attention to the potentialities of areas of persistent or substantial labor surplus, hereafter referred to as labor surplus areas, for the placement of procurement contracts or the location of new plants or facilities, and to assign responsibilities to specified departments and agencies of the Government to carry out the policy stated below.

2. *Policy.* It is the policy of the Federal Government to encourage the placing of contracts and facilities in areas of persistent or substantial labor surplus, with first preference being given in areas of persistent labor surplus, and to assist such areas in making the best use of their available resources in order to achieve the following objectives:

(a) To preserve management and employee skills necessary to the fulfillment of Government contracts and purchases;

(b) To maintain productive facilities;

(c) To improve utilization of the Nation's total manpower potential by making use of the manpower resources of each area;

(d) To help assure timely delivery of required goods and services and to promote readiness for expanded effort by locating procurement where the needed manpower and facilities are fully available.

4. *Implementation.* By virtue of the authority vested in me by Executive Order 10480 and Executive Order 10773, as amended, and to carry out the purposes and policy objectives set forth above, the following assignments of responsibilities are made to the specified departments and agencies of the Government:

(a) The Department of Labor shall:

(1) Classify areas having a persistent or substantial surplus of labor, under standards to be established by the Secretary of Labor.

(2) In cooperation with the States and labor surplus areas, provide labor market data and related economic information in efforts to assist in the initiation of industrial expansion programs in these areas.

(3) Identify skills which are in surplus supply within such areas and make this information available to firms requiring such skills and interested in establishing new plants and facilities.

(4) Identify occupations and skills for which labor will be needed by new or expanding industries; and, in collaboration with other governmental agencies, make assistance available to area institutions and manpower users in developing on-the-job apprentice or other training programs for developing skills of the workforce.

(b) All procurement agencies shall:

(1) Use their best efforts to award negotiated procurement contracts to contractors who will perform a substantial proportion of the production on those contracts within labor surplus areas, giving first preference to contractors performing in persistent labor surplus areas, to the extent that procurement objectives will permit: *Provided*, That in no case will price differentials be paid for the purpose of carrying out this policy.

(2) Where deemed appropriate, set-aside portions of procurements for negotiation at prices no higher than those paid on the balance of these procurements exclusively with firms which will perform or cause to be performed a substantial proportion of the production on these contracts within labor surplus areas, giving first preference to firms in persistent labor surplus areas: *Provided further* that firms which will perform in areas not meeting the minimum size qualifications for classification by the U.S. Department of Labor shall be eligible for participation in set-asides, if these firms submit a certificate issued by the U.S. Department of Labor that a persistent or substantial labor surplus exists in the area in accordance with standards and procedures prescribed by the U.S. Department of Labor.

(3) Assure that firms in labor surplus areas which are on appropriate bidders' lists will be given the opportunity to submit bids or proposals on all procurements for which they are qualified. Whenever the number of firms on a bidders' list is excessive, there will be included a representative number of firms from labor surplus areas.

(4) In the event of tie bids or offers on any procurement, award the contract to the firm which will perform in a labor surplus area, other things being equal, giving first preference to firms in persistent labor surplus areas.

(5) Encourage prime contractors to award subcontracts to firms which will perform a substantial proportion of the production on those subcontracts in labor surplus areas, particularly in areas of persistent labor surplus.

(6) The preferential actions described in this policy shall be in addition to other such actions to which firms may be entitled because of performance in substantial labor surplus areas, such as additional preference under the "Buy American Act."

(7) Cooperate with the other agencies listed herein in achieving the objectives of this policy.

(c) The Department of Commerce shall:

(1) In cooperation with State development agencies, the Department of Defense, the General Services Administration, and the Small Business Administration, assist manufacturers in areas of persistent labor surplus in obtaining Government procurement business by (a) providing such firms with timely information on proposed Government procurements; (b) maintaining current information on the manufacturing capabilities of labor surplus area firms with respect to Government procurement and disseminating such information to Federal procurement agencies.

(2) Urge firms planning new production facilities (where Federal assistance or interests are involved) to consider the industrial location advantages of labor surplus areas.

(3) Provide technical advice and counsel to groups and organizations in labor surplus areas on planned industrial parks, industrial development organizations, expanding tourist business, and available Federal aids.

(d) The Small Business Administration shall make available to small business concerns in labor surplus areas all of its services, endeavor to insure opportunity for maximum participation by such concerns in Government procurement, and give consideration to the needs of these concerns in the making of joint small business set-asides with Government procurement agencies.

(e) There is hereby created within the Office of Civil and Defense Mobilization a Surplus Manpower Committee:

(1) This Committee shall be chaired by the Deputy Assistant Director for Manpower of the Office of Civil and Defense Mobilization and shall include representation from the Department of Defense (including the three military departments), Department of Commerce, Department of Labor, General Services Administration, and Small Business Administration.

(2) The Committee shall advise the Director of the Office of Civil and Defense Mobilization and its member agencies on policies, procedures, and activities in existence or needed to carry out the purpose of this policy.

(3) When an entire industry, which sells a significant proportion of its production to the Government, is generally depressed or has a significant proportion of its production units located in areas of persistent or substantial labor surplus, the Committee may make appropriate recommendations relative to that industry in lieu of recommendations relative to specific geographical areas. In such cases, after notice to and hearing of interested parties, the Director of the Office of Civil and Defense Mobilization will give consideration to appropriate measures applicable to the entire industry.

(f) The Regional Directors of OCDM shall, with the advice and assistance of the Regional Civil and Defense Mobilization Boards, recommend actions considered desirable to carry out the purposes of this policy to the Chairman of the Office of Civil and Defense Mobilization Surplus Manpower Committee.

(g) All Federal departments and agencies shall give consideration to labor surplus areas, particularly to persistent labor surplus areas, in the selection of sites for Government-financed facilities expansion, to the extent that such consideration is not inconsistent with essential economic and strategic factors that must also be taken into account.

(h) All agencies assigned responsibilities under this policy shall submit such reports on their activities as may be requested in connection therewith to the Office of Civil and Defense Mobilization, and shall submit such additional information as may be necessary.

(i) All existing notifications of labor surplus areas issued by the U.S. Department of Labor pursuant to Defense Manpower Policy No. 4, dated November 4, 1953, as amended July 29, 1955, continue in force. Notifications No. 38, 39, 53, 57, and 58, dealing with the placement of procurement with the textile, shoe, apparel, shipbuilding, and petroleum and petroleum products industries, are continued in effect to the extent that they are not inconsistent with this revised policy.

Effective date. This revised policy shall take effect on July 6, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-5387; Filed, June 13, 1960; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 5—THE BOARD ON WAIVERS AND FORFEITURES AND COMMITTEES ON WAIVERS IN FIELD OFFICES

Instructions Relating to Forfeiture Laws

Part 5, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding § 5.50 as follows:

§ 5.50 Instructions relating to forfeiture laws.

(a) *Effects of the law.* Public Law 86-222 amends Title 38 of the United States Code by amending sections 3503 and 3504 pertaining to forfeitures and by adding a new section numbered 3505 relative to forfeiture for subversive activities. Purposes of the amendments are:

(1) To eliminate administrative forfeiture in any case of an individual who was residing in a State (as defined in 38 U.S.C. 101(20)) at the time the act or acts occurred on account of which benefits would be forfeited for fraud or treason except for this law, unless such individual ceases to be a resident of, or domiciled in, a State before the expiration of the period during which criminal prosecution could be instituted. Forfeitures which occurred before September 1, 1959, are not affected. Also excepted are past and future actions based on an act or acts which occurred in the Philippine Islands prior to July 4, 1946.

(2) To provide that there wil be no new apportionment awards to dependents after September 1, 1959, in cases forfeited for either fraud or treasonable acts regardless of when the forfeiture was declared. The law does not require discontinuance of apportionment awards on the rolls on that date.

(3) To provide in 38 U.S.C. 3505 for the automatic forfeiture of gratuitous benefits payable to any person when he is convicted of subversive activities.

NOTE: The term "foreign case" means one in which the individual who performed the act in question did not live in a State at the time the act occurred. It also includes one in which the individual ceased to be a resident of, or domiciled in, a State before the expiration of the period during which criminal prosecution could be instituted. Philippine cases are also "foreign cases".

(b) *Board on Waivers and Forfeitures; jurisdiction and procedures.* (1) The Board on Waivers and Forfeitures has exclusive jurisdiction to declare a forfeiture for fraud (38 U.S.C. 3503) and treasonable acts (38 U.S.C. 3504) in foreign cases. Cases submitted under 38 U.S.C. 3504 in which a forfeiture is declared will no longer require review and concurrence by the Director, Compensation and Pension Service or the General Counsel.

(2) Automatic forfeitures provided by 38 U.S.C. 3505 will be administratively effectuated by the Board on Waivers and Forfeitures. When first notice of an indictment, conviction, or acquittal under this section is received in Central Office the Board on Waivers and Forfeitures will inform the Chief Attorney of the apropriate field office in order that payment of any gratuitous benefits may be discontinued or resumed, as appropriate.

(3) All future decisions requiring action by an operating activity will be referred to the field office through the Chief Attorney.

(c) *Effective dates*—(1) *Public Law 86-222.* The provisions relative to forfeiture are effective September 1, 1959, date of enactment of the law.

(2) *Discontinuances.* (i) Upon receipt of notice that the Chief Attorney is submitting a foreign case to the Board of Waivers and Forfeitures for fraud or treasonable acts, or upon notice from the Chief Attorney of an indictment for subversive activities, payments will be discontinued date of last payment pending further disposition.

(ii) Upon receipt of notice from the Chief Attorney that the Board on Waivers and Forfeitures has declared or effectuated a forfeiture, payments will be discontinued the date of award or date preceding the commission of the act resulting in the forfeiture, whichever is later.

(3) *Resumptions.* (i) Upon return of a case from the Board on Waivers and Forfeitures and information from the Chief Attorney that no forfeiture was declared, or upon receipt of notice from him of acquittal (subversive activities), payments will be resumed promptly effective date of discontinuance if otherwise in order.

(ii) Where an individual who has forfeited benefits is pardoned by the President, the rights to benefits will be restored as of the date of pardon, if claim is filed within 1 year from that date; otherwise benefits will be restored from the date of filing claim. The award will note prior action and any overpayment in the case will be liquidated before payments are resumed by the finance activity.

(d) *Prior decisions and old cases*—(1) *Prior decisions.* All decisions invoking forfeiture of benefits made by the Board on Waivers and Forfeitures prior to September 1, 1959, remain in full force and effect, unless reversed on appeal.

(2) *Apportionment awards*—(i) *No running award.* The law provides that no apportionment award shall be made in any case after September 1, 1959. No new award, therefore, will be approved in any case after that date.

(ii) *Running award.* Apportionment awards on which payments were being made on September 1, 1959, may be continued. None will be increased above the amount being paid on September 1, 1959. Such awards may be reduced, discontinued and reinstated; Examples: an award may be resumed following discontinuance for failure of a fiduciary to render prompt accounting, or following failure of a payee to return an income questionnaire. If an award is reduced or discontinued because a child became 18 years of age, it may be reinstated subsequently if the child begins an approved course of instruction. Where a wife receiving an apportionment award for herself and a child or children dies, an apportionment award may be made for the child or children even though the wife died on or after September 1, 1959. (Instruction 1, 38 U.S.C. 3503, 3504, and 3505, Public Law 86-222.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective June 14, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-5444; Filed, June 13, 1960; 8:52 a.m.]

Title 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

REVISION

Notice of proposed rule making, public procedures thereon, and delay in effective date in the issuance of the following additions and revisions have been omitted because of the following findings and reasons:

Part 300—Definitions, is new. Chapter III is revised to take full advantage thereof by eliminating verbiage.

In addition, certain technical amendments are made to eliminate obsolete provisions, eliminate certain requirements, and to conform the rules and regulations to certain requirements of the Federal Credit Union Act, as amended. For example, in Part 301, § 301.5 (a) and (b), reference to the Division of Field Operations is omitted to reflect changes in the organization of the Bureau; and in §§ 301.12 and 301.13, the requirement for reports on Forms FCU-110 Rev. and FCU-109 Rev., respectively as of June 30 of each year has been eliminated. In Part 302, §§ 302.2 and 302.3 are amended to require the transfer of funds to the Regular Reserve and to the Special Reserve for Delinquent Loans, as the case may be and as may be required by statute and by rule and regulation, at the end of each dividend period before the declaration of any dividend. This latter amendment is necessitated by the provision of the Federal Credit Union Act, as amended, Public Law 86-354, approved September 22, 1959, 73 Stat. 628, et seq., 12 U.S.C. 1763, which authorizes either annual or semi-annual dividends after provision for the required reserves.

In view of the editorial and technical nature of these amendments and revisions, the Director finds that advance notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

Chapter III of Title 45 of the Code of Federal Regulations is revised to read as follows:

PART 300—DEFINITIONS

§ 300.1 Definitions.

As used in this chapter:

(a) The term, "Bureau," means the Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare.

(b) The term, "Director," means the Director of the Bureau of Federal Credit Unions.

(c) The term, "Regional Representative," means the representative of the Bureau in the designated geographical area in which the office of the Federal credit union is located.

(d) The term, "Regional Office," means the office of the Bureau located in the designated geographical area in which the office of the Federal credit union is located.

(e) The term, "Act," means the Federal Credit Union Act (73 Stat. 628, 12 U.S.C., 1751–1772).

(f) The term, "State," means a State of the United States, the District of Columbia, any of the several Territories and possessions of the United States, the Panama Canal Zone, and the Commonwealth of Puerto Rico.

(1088 Stat. 1221, as amended; 12 U.S.C. 1766)

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Sec.

301.1 Organization of Federal credit unions.
301.3 Standard form of bylaws.
301.4 Amendment of bylaws and charters.
301.5 Other applications.
301.6 Fee for supervision.
301.7 Fee for examination.
301.8 Fee for examination of Federal credit unions in liquidation.
301.9 Loans by Federal credit unions to other credit unions.
301.10 Establishment of cash funds for making change.
301.11 Election report.
301.12 Supervisory committee audit report.
301.13 Financial and statistical and other Reports.
301.14 Accounting Manual for Federal Credit Unions.
301.15 Credit Manual.
301.16 Supervisory Committee Manual for Federal Credit Unions.
301.17 Federal Credit Union Handbook.
301.18 Petitions.
301.19 Retirement benefits for employees of federal credit unions.
301.20 Surety bond coverage for Federal credit unions.
301.21 Payment or amortization of loans.
301.22 Selling checks and money orders.
301.23 Cashing checks and money orders.

AUTHORITY: §§ 301.1 to 301.20 issued under sec. 21, 73 Stat. 635, 12 U.S.C. 1766; § 301.21 issued under sec. 8(5), 73 Stat. 630; 12 U.S.C. 1757 8(5); §§ 301.22 and 301.23 under sec. 8 (12, 73 Stat. 631; 12 U.S.C. 1757 8(12)).

§ 301.1 Organization of Federal credit unions.

(a) Persons desiring to form a Federal credit union shall submit, in duplicate, on forms prescribed by the Bureau, a proposed organization certificate (Form FCU 103B). The certificate shall be subscribed to before an officer competent to administer oaths by not less than 7 natural persons who have a common bond of occupation, or association, or are within a well-defined neighborhood, community, or rural district, and shall specifically state:

(1) The proposed name of the association.

(2) The location of the proposed Federal credit union and the territory in which it will operate.

(3) The names and addresses of the subscribers to the certificate and the number of shares subscribed by each.

(4) The par value of the shares, which shall be $5 each.

(5) The proposed field of membership, specified in detail.

(6) The term of the existence of the corporation, which may be perpetual.

(7) The fact that the certificate is made to enable such persons to avail themselves of the advantages of the Federal Credit Union Act, as amended.

Copies of the form of organization certificate may be obtained from the Washington Office of the Bureau or from any Regional Office.

(b) The proposed organization certificates shall be submitted to the Regional Representative together with a check or money order payable to the Bureau of Federal Credit Unions in the amount of $25.00 in payment of the investigation fee of $20.00 and charter fee of $5.00. The Regional Representative will investigate and make recommendations as to whether the proposed organization certificate conforms to the Act; as to the general character and fitness of the subscribers thereto; and as to the economic advisability of establishing the proposed Federal credit union. The report and recommendation of the Regional Representative shall be forwarded to the Bureau in Washington, D.C. The Director shall consider the proposed organization certificate and the recommendations of the Regional Representative and shall approve or disapprove the proposed organization certificate. The organization certificate, if approved, shall be the charter of the Federal credit union. If the organization certificate is disapproved, the incorporators shall be notified of the basis for such action and the charter fee of $5.00 shall be returned to them. Under no circumstances shall the investigation fee of $20.00 be returned.

§ 301.3 Standard form of bylaws.

(a) Proposed bylaws, in form and content approved by the Director, shall be submitted by the incorporators to the Director for his approval at the time of submitting an organization certificate to the Regional Representative.

(b) Specimen copies of the standard form of bylaws (FCU 503–C) may be obtained from the Regional or Washington Offices of the Bureau.

§ 301.4 Amendment of bylaws and charters.

Amendments to the bylaws of a Federal credit union may be adopted and amendments to the charter requested as provided in the bylaws. No amendment of the bylaws or of the charter shall become effective, however, until approved in writing by the Director.

§ 301.5 Other applications.

(a) Except as otherwise provided by rule or regulation of the Bureau all applications, requests, and submittals regarding Federal credit unions, for which no form of application has been prescribed by the Bureau, shall be in writing, signed by the applicant or his duly authorized agent, and shall contain a statement of the action requested, the reasons and facts relied upon as the basis for such requested action, and the applicant's interest in the matter. The application, request, or submittal shall be addressed to the Regional Representative or to the Bureau of Federal Credit Unions in Washington, D.C. The applicant shall furnish such other pertinent information as may be required by the Director.

(b) Unless otherwise provided in these regulations, all applications regarding Federal credit union matters shall be investigated and reviewed by the Regional Representative. The report and recommendations of the Regional Representative as to the application shall be transmitted to the Bureau in Washington, D.C. Notice of the action of the Director shall be promptly transmitted to the applicant together with a statement as to the basis for the action.

§ 301.6 Fee for supervision.

(a) *Extent of fee.* (1) Not later than January 31 of each calendar year, each Federal credit union shall pay to the Bureau, for the preceding calendar year, a supervision fee in accordance with the graduated scale set forth in subparagraph (2) of this paragraph on the basis of assets as of December 31 of such preceding year, but such fee shall in no event be less than $10.00: *Provided, however*, That no such annual fee shall be payable by such an organization with respect to the year in which its charter is issued or the year in which final distribution is made in liquidation of the credit union or the charter is otherwise canceled.

(2) Scale of supervision fees:

Total assets	*Maximum fee*
$500,000 or less	20 cents per $1,000.
Over $500,000 and not over $1,000,000	$150, plus 25 cents per $1,000 in excess of $500,000.
Over $1,000,000 and not over $2,000,000	$275, plus 20 cents per $1,000 in excess of $1,000,000.
Over $2,000,000 and not over $5,000,000	$475, plus 15 cents per $1,000 in excess of $2,000,000.
Over $5,000,000	$925, plus 10 cents per $1,000 in excess of $5,000,000.

Provided, however, That no fee shall be payable with respect to the last fractional part of $1,000 of total assets.

(3) Definition of assets:

(i) The term, "assets," as used in this section shall mean all items properly coming within the classification of asset accounts as stated in the Accounting Manual for Federal Credit Unions, FCU–544, as revised.

(ii) The term, "total assets," as used in this section shall mean the sum of all assets.

(b) *Supervision fee certificate.* The treasurer of each Federal credit union shall certify as to the correctness of the Supervision Fee Certificate, Form FCU–511 Rev. He shall send, not later than January 31 of each year, the original Supervision Fee Certificate and as many copies as the Bureau may request, together with a check in payment of the supervision fee stated on the Supervision Fee Certificate to be due, to the Bureau of Federal Credit Unions in Washington, D.C. Copies of the Supervision Fee Certificate form may be obtained from any Regional Office.

(c) *Checks in payment of supervision fees.* All checks in payment of supervision fees shall be made payable to the Bureau of Federal Credit Unions.

(d) *Audit of supervision fee computation and payment.* Whenever the Bureau makes a regular or special examination of a Federal credit union, the employee of the Bureau making the examination will audit the computation and payment of annual supervision fee(s) for the years which have elapsed since the last previous audit. Such employee shall adjust any errors in computation and the Federal credit union shall deliver to such employee a check payable to the Bureau of Federal Credit Unions to cover the amount of any underpayment of the supervision fee(s). The decision of the employee of the Bureau as to the amount due shall be final and conclusive: *Provided*, That the Federal credit union may make the supplementary payment subject to the results of an appeal from the employee's decision to the Regional Representative: *Provided further*, That the Federal credit union shall file such appeal within 30 days from the date of the employee's decision. If the audit discloses that an overpayment has been made, the employee of the Bureau is authorized to advise and assist the Federal credit union to prepare and file a request for a refund of the amount of overpayment. Such request should be addressed to the Regional Representative.

§ 301.7 Fee for examination.

(a) Each Federal credit union shall pay the Bureau a fee for each examination in accordance with the schedule of fees fixed from time to time by the Director.

(b) In establishing such fees, the Director shall consider the anticipated aggregate cost of the examination program including supervision, salaries, travel and all other items which affect the cost of the examination program.

(c) The fee for examinations of Federal credit unions with assets of less than $25,000 shall not exceed 50 cents per hundred dollars of assets as of the effective date of the examination. The Director may establish a minimum fee for examination which shall not exceed $25.00. The Director may waive the fee for an examination within twelve months after the date a charter is approved if the payment would, in the opinion of the Director, cause a hardship.

(d) Each Federal credit union shall be notified at least 30 days prior to the effective date of any schedule of fees fixed pursuant to this section. Upon receipt of such notification interested persons may submit written data, views, or arguments for consideration by the Director, and the Director may, after consideration, make such revisions in the proposed schedule or such change in the effective date as he deems appropriate. Each Federal credit union shall be notified of such revision or change not less than 15 days prior to the final effective date.

§ 301.8 Fee for examination of Federal credit unions in liquidation.

Federal credit unions in liquidation may be examined prior to or following completion of liquidation. A fee assessed in accordance with the most recent schedule of examination fees prescribed by the Director as provided in § 301.7 shall be paid for each such examination.

§ 301.9 Loans by Federal credit unions to other credit unions.

On authorization of its board of directors, or a duly appointed executive committee, a Federal credit union may invest its funds in loans to other Federal credit unions or to State chartered credit unions in the total amount not exceeding 25 percent of its paid-in and unimpaired capital and surplus. The terms of such loans shall not exceed one year and the rate of interest shall not exceed 6 percent per annum. Prior to making the loan, the Federal credit union shall require the borrowing credit union to furnish the following:

(a) A current financial and statistical report;

(b) A copy of the latest supervisory committee audit report;

(c) A certified copy of the resolution of the board of directors or the executive committee authorizing such borrowing; and

(d) A certificate from the secretary of the credit union that the persons negotiating the loan and executing the note are officers of the credit union and are authorized to act in its behalf, and that such borrowing does not exceed the maximum borrowing power of the borrowing credit union.

§ 301.10 Establishment of cash funds for making change.

The board of directors of a Federal credit union may establish a permanent cash fund in an amount not to exceed $500 for the purpose of making change and cashing checks. On all cash funds established in excess of $500, except temporary funds which shall not be retained longer than 3 banking days, the board of directors shall obtain prior written permission of the Regional Representative.

§ 301.11 Election report.

Each operating Federal credit union shall file annually with the Regional Representative, within 10 days after the election or appointment of officials, a report setting forth the names and addresses of its officials. Copies of the standard form of report prescribed by the Bureau (Form FCU–2) may be obtained from the Regional Representative or from the Bureau in Washington, D.C.

§ 301.12 Supervisory committee audit report.

The supervisory committee of every Federal credit union shall audit the affairs of its credit union at least quarterly and shall promptly make a report of each audit to the board of directors of the Federal credit union. This report shall be on Form FCU–110 prescribed by the Bureau in the Supervisory Committee Manual for Federal Credit Unions. A copy of this report for the period ending December 31 of each year shall be filed by the supervisory committee with the Regional Representative, not later than the following January 31.

§ 301.13 Financial and statistical and other reports.

(a) Each operating Federal credit union shall file in the Regional Office on or before January 15 of each year an annual Financial and Statistical report on Form FCU–521 as of the previous December 31. Form FCU–521 is furnished to all Federal credit unions by the Bureau, and copies may be obtained from any Regional Office.

(b) When it is deemed necessary or desirable and upon written notice from the Director, Federal credit unions shall file, in accordance with instructions contained in such notice as to time and place, such Financial and Statistical or other reports as of such date or dates as shall be prescribed in such notice.

(c) When it is deemed necessary because of the condition of the Federal credit union and upon written notice from the Director or Regional Representative, the Federal credit union shall file, in accordance with the instructions contained in such notice as to time and place, Financial and Statistical reports including reports on Form FCU–109, as of such date or dates as shall be prescribed in such notice.

§ 301.14 Accounting Manual for Federal Credit Unions.

(a) The Bureau has promulgated for use by Federal credit unions the Accounting Manual for Federal Credit Unions (Form FCU–544). A copy of this manual is furnished to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau. This manual specifies the type of records to be maintained and the accounting forms to be used by each Federal credit union. Variations in prescribed accounting records may be approved by the Bureau on presentation of convincing evidence of convenience or advantage. The Federal credit union shall obtain such approval prior to adopting a revision of any prescribed accounting form. On receipt of a request in writing from a Federal credit

union for approval of a variation in prescribed accounting forms, the Regional Representative shall furnish information and instructions concerning the proposed variation in the prescribed accounting forms and records.

(b) The following standard accounting records are prescribed for use by Federal credit unions:

Bank Reconcilement (Form FCU–106).
Cash Received Voucher (Form FCU–105).
Dividend Record (Form FCU–112).
Financial and Statistical Report (Form FCU–109).
General Ledger (Form FCU–102).
Individual Share and Loan Ledger (Form FCU–103).
Individual Share and Loan Ledger (Optional Forms FCU–103A, 103D, and 103G).
Journal and Cash Record (Form FCU–101).
Journal and Cash Record (continuation sheet) (Form FCU–101A).
Member's Passbook (Form FCU–107).
Member's Statement of Account (Form FCU–107G).
Trial Balance of General Ledger Accounts (Form FCU–116).

§ 301.15 Credit Manual.

The Bureau has promulgated a manual of instructions for credit committees, loan officers, and other officials and employees of Federal credit unions (Form FCU–545). A copy of this manual is furnished to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau.

§ 301.16 Supervisory Committee Manual for Federal Credit Unions.

The Bureau has promulgated a manual of procedure for supervisory committees of Federal credit unions (Form FCU–545). A copy of this manual is furnished to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau.

§ 301.17 Federal Credit Union Handbook.

The Bureau has promulgated a manual of instructions for directors and officers of Federal credit unions (Form FCU–543). A copy of this handbook is furnished to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau.

§ 301.18 Petitions.

Any interested person may petition the Director for the issuance, amendment, or repeal of any regulation by submitting such petition in writing together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted. Such petition shall be submitted to the Bureau in Washington, D.C.

§ 301.19 Retirement benefits for employees of Federal credit unions.

Federal credit unions may make provision for reasonable retirement benefits for employees and for officers who are compensated in conformance with the Act and the bylaws, but no Federal credit union shall undertake to administer its own retirement plan.

§ 301.20 Surety bond coverage for Federal credit unions.

(a) The board of directors of each Federal credit union shall, at least semi-annually, carefully review the bond coverage in force in order to ascertain its adequacy in relation to the exposure and to the minimum requirements fixed from time to time by the Director.

(b) All surety bonds must provide for faithful-performance-of-duty coverage for any officer or employee while performing any of the duties of the treasurer as prescribed in the Act, the bylaws, or rules and regulations of the Bureau.

(c) No form of surety bond shall be used except as is approved by the Director. Credit Union Blanket Bond, Standard Form No. 23 of the Surety Association of America (revised to May 1950), plus Faithful Performance Rider (for use with this form to broaden Insuring Clause (A), Revised to May 1950) shall be considered as the minimum coverage required and is hereby approved. Credit Union Blanket Bond—BFCU Optional Form No. 576 plus Faithful Performance of Duty Rider—Form BFCU 576F is also approved. No other bond form may be used unless specifically approved in writing by the Director. No form of surety bond is approved for use by a Federal credit union having its office outside of the continental United States unless by the terms of the bond or by an appropriate rider attached thereto the provisions of the bond are made applicable within the jurisdiction in which the office of such Federal credit union is located.

(d) All sureties writing Federal credit union bonds must hold a certificate of authority from the Secretary of the Treasury under the act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned.

(e) The schedule of coverage set forth in paragraph (f) of this section shall not be deemed to cover cash funds of $1,000 or more. In cases where the cash fund (either temporary or permanent) is $1,000 or more, additional coverage to the full extent of the change fund shall be required.

(f) The following schedule shall be deemed as the minimum requirements only:

Assets:	Minimum coverage
$0,000 to $5,000	$1,000
$5,001 to $10,000	2,000
$10,001 to $20,000	4,000
$20,001 to $30,000	6,000
$30,001 to $40,000	8,000
$40,001 to $50,000	10,000
$50,001 to $75,000	15,000
$75,001 to $100,000	20,000
$100,001 to $150,000	30,000
$150,001 to $200,000	40,000
$200,001 to $300,000	50,000
$300,001 to $400,000	60,000
$400,001 to $500,000	70,000
$500,001 to $750,000	85,000
$750,001 to $1,000,000	100,000
Over $1,000,000	(1)

[1] $100,000 plus $50,000 for each additional million or fraction thereof of assets.

It shall be the duty of the board of directors of each Federal credit union to provide proper protection to meet any circumstance by obtaining adequate bond (and insurance) coverage in excess of the above minimum schedule.

(g) The Director may require additional coverage for any Federal credit union when, in his opinion, the surety bonds in force are insufficient to provide adequate surety coverage and it shall be the duty of the board of directors of the Federal credit union to obtain such additional coverage within thirty days after the date of written notice.

§ 301.21 Payment or amortization of loans.

(a) Within the limits of the Act and such further limits as may be imposed by the board of directors pursuant to the Act and the bylaws, the credit committee, or a duly appointed and authorized loan officer, of a Federal credit union, in arriving at the terms of payment or amortization of an approved loan to a member, shall take into account, among other factors deemed relevant, the source of funds and the regularity and frequency of receipt of funds which the borrower proposes to utilize for the purpose, the borrower's other commitments and anticipated needs over the loan period, and the best interests of the credit union.

(b) Pursuant to the bylaws, the board of directors of a Federal credit union by resolution may require that all loans approved by the credit committee, or by a duly appointed and authorized loan officer, or that certain classes of such loans, shall provide for payment or amortization by periodic, substantially equal, payments of principal which are to be made at intervals shorter than 12 months and which are sufficient to retire the loan at its maturity.

(c) Subject to any limitations imposed by the board of directors as provided for by paragraphs (a) and (b) of this section, the credit committee, or a duly appointed and authorized loan officer, may approve loans with maturities of one year or less which provide for retirement thereof by a single payment of the principal at maturity.

(d) (1) Subject to any limitations imposed by the board of directors as provided for in paragraphs (a) and (b) of this section, loans with maturities in excess of one year approved by the credit committee, or a duly appointed and authorized loan officer, shall provide for payment or amortization by periodic, substantially equal, payments of principal which are to be made at intervals of not greater than 12 months and which are sufficient in amount to retire such loans at maturity.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, and subject to any limitations imposed by the board of directors as provided for by paragraphs (a) and (b) of this section, loans with maturities in excess of one year but not in excess of thirty months, may provide for retirement by a single payment of principal at maturity or by payments at intervals greater than 12 months where the credit committee finds that such terms are justified by the needs and condition of the borrower after taking into account, among other factors deemed relevant, his current commitments, the source or sources of the funds from which he plans and proposes to make such payment or payments, the regularity, frequency and reasonably predictable nature of the receipt of such funds, and the best interests of the credit union: *Provided*, That the payment or payments so provided for shall be scheduled to coincide with the anticipated receipt of the funds intended to be used therefor: *And provided*, That the findings of the credit committee shall be in writing signed by the chairman of the committee and retained in the borrower's loan file.

(e) All loans shall provide for the payment of interest with each payment of principal: *Provided however*, That no loan shall provide for the payment of interest less frequently than at intervals of twelve months.

§ 301.22 Selling checks and money orders.

(a) A Federal credit union may undertake to sell negotiable checks (including travelers checks) and money orders to its members only, for a fee which does not exceed the direct and indirect costs incident to providing such service, when it is determined by the board of directors that the provision of such service will not have any adverse effect upon the accomplishment by the credit union of its basic purpose of promoting thrift among its members and of providing to them a source of credit for provident and productive purposes.

(b) A Federal credit union which undertakes to provide this service shall:

(1) Have adequate physical facilities to handle and safeguard the cash funds to be used in connection therewith;

(2) Establish and maintain effective internal controls for the handling of and accounting for the cash funds and fees to be received and charged in connection therewith;

(3) Establish and enforce reasonable rules covering the kinds of negotiable checks (including travelers checks) and money orders, and the maximum amounts thereof, that it will sell to members;

(4) Establish and enforce reasonable rules and procedures to assure that the service will be provided to members of the Federal credit union only, including the identification of any member who requests the service;

(5) Obtain, and maintain in force and effect, any additional surety bond and insurance coverage required thereby;

(6) Determine that the fee charged does not exceed the direct and indirect costs incident thereto.

(c) The board of directors of a Federal credit union which has undertaken to provide this service shall review its operation from time to time to make certain that it is not having any adverse affect upon the accomplishment by the credit union of its basic purpose, and that the requirements of paragraph (b) of this section are being fulfilled on a current basis. Controls, rules and procedures established pursuant to paragraph (b) of this section may be amended by the board of directors from time to time to provide new or increased safeguards against loss, and to meet the best interests of the credit union and its members.

(d) The fees or commissions which a Federal credit union may receive pursuant to a contract with a third party providing for the sale of negotiable checks (including travelers checks) and money orders furnished by the third party, shall be deemed to be not in excess of the direct and indirect costs incident to providing this service.

(e) No fee shall be charged by a Federal credit union to a member for a check drawn by it on its own bank account in connection with the withdrawal by the member from a share account, or in connection with the disbursement of the proceeds of a loan.

§ 301.23 Cashing checks and money orders.

(a) A Federal credit union may undertake to cash checks and money orders for its members only, for a fee which does not exceed the direct and indirect costs incident to providing such service, when it is determined by the board of directors that the provision of such service will not have any adverse effect upon the accomplishment by the credit union of its basic purpose of promoting thrift among its members and of providing to them a source of credit for provident and productive purposes.

(b) A Federal credit union which undertakes to provide this service shall:

(1) Have adequate physical facilities to handle and safeguard the cash funds to be used in connection therewith;

(2) Establish and maintain effective internal controls for the handling of and accounting for the cash funds to be used and the fees to be charged in connection therewith;

(3) Establish and enforce rules covering the kinds of checks and money orders, and the maximum amounts thereof, that will be cashed;

(4) Establish and enforce rules and procedures to assure that the service will be provided to members of the Federal credit union only, including the identification of any member who requests the service;

(5) Obtain, and maintain in force and effect, any additional surety bond and insurance coverage required thereby;

(6) Determine that the fee charged does not exceed the direct and indirect costs incident thereto.

(c) The board of directors of a Federal credit union which has undertaken to provide this service shall review its operation from time to time to make certain that it is not having any adverse effect upon the accomplishment by the credit union of its basic purpose, and that the requirements of paragraph (b) of this section are being fulfilled on a current basis. Controls, rules and procedures established pursuant to paragraph (b) of this section may be amended by the board of directors from time to time to provide new or increased safeguards against loss, and to meet the best interests of the credit union and its members.

(d) No fee shall be charged by a Federal credit union to a member as for the cashing of a check or money order when such check or money order is used in whole or in part for payment of a loan, payment of interest, payment of any obligation to the credit union, or the purchase of shares. Nor shall any fee be charged to the member for the cashing of a check or money order drawn by the Federal credit union on its own bank account and issued to the member in connection with a withdrawal by the member from a share account or in connection with the disbursement of a loan.

PART 302—RESERVES

Sec.
302.1 Reserves in general.
302.2 Regular Reserve.
302.3 Special Reserve for Delinquent Loans.

AUTHORITY: §§ 302.1 to 302.3 issued under sec. 21, 73 Stat. 635; 12 U.S.C. 1766.

§ 302.1 Reserves in general.

Federal credit unions shall establish and maintain such reserves as may be required by the Act, or by regulation, or in special cases by the Director on his finding that the reserves of the Federal credit union concerned are insufficient.

§ 302.2 Regular Reserve.

(a) The treasurer shall transfer to a reserve to be known as the Regular Reserve (1) as of the close of business each month all entrance fees, transfer fees and late charges collected during the month; (2) as of the end of each dividend period 20 percent of the net earnings for that period before the declaration of any dividend: *Provided, however*, That when the Regular Reserve thus established shall equal 10 percent of the total amount of members' shareholdings, transfers of net earnings to the Regular Reserve may be limited to the amount necessary to maintain the Regular Reserve equal to 10 percent of the total amount of members' shareholdings; and (3) recoveries on items previously charged to the Regular Reserve.

(b) A Federal credit union may charge to its Regular Reserve losses on uncollectible loans to members and to other credit unions (including unrecovered collectible costs).

(c) (1) A Federal credit union may charge to its Regular Reserve losses other than those resulting from uncollectible loans to members or to other credit unions provided that each such charge has been approved in advance by the Director. In determining whether such charges shall be approved, the Director will be guided by the nature of the loss and the financial condition of the Federal credit union concerned as indicated by: The amount of loan delinquency and estimated losses on outstanding loans, current and prospective net earnings, and similar facts which may affect its operations and development.

(2) Applications for approval to charge such losses to the Regular Reserve shall be made in writing to the Regional Representative. The application shall: (i) Be authorized by the

board of directors of the Federal credit union; (ii) state the amount and nature of the loss; and (iii) describe fully the causes of the loss; and (iv) be accompanied by a copy of the Federal credit union's current financial and statistical report (Form FCU–109) and a copy of the current schedule of delinquent loans. The Regional Representative may request such additional information concerning the financial condition, operating practices, and management of the Federal credit union as he may deem necessary in a particular case.

(3) The Regional Representative will investigate each such application and will make a recommendation as to whether it should be approved or disapproved. The application and recommendation of the Regional Representative shall be forwarded to the Bureau in Washington, D.C. The Director shall approve or disapprove the application. The Regional Representative will be informed of the Director's action on the application and will notify promptly the Federal credit union concerned.

§ 302.3 Special Reserve for Delinquent Loans.

(a) The Regular Reserve of each Federal credit union shall be supplemented by a special reserve to be known as the Special Reserve for Delinquent Loans, which shall be equal to the excess of the sum of 10 percent of the unpaid balances of loans delinquent more than two months and less than six months, plus 25 percent of the unpaid balances of loans delinquent from 6 months to less than 12 months, and plus 80 percent of the unpaid balances of loans delinquent 12 months or more over the balance in the Regular Reserve. In the event it is necessary to supplement the Regular Reserve by a Special Reserve for Delinquent Loans, the transfer to the Special Reserve for Delinquent Loans shall be made as of December 31 of each year, and as of June 30 of each year if dividends are to be paid semiannually, from Undivided Earnings before any distribution of dividends. The maintenance of a Special Reserve for Delinquent Loans shall not eliminate the necessity for transferring net earnings as of the end of each dividend period to the Regular Reserve as required by paragraph (a) of § 302.2. In the event the required transfer exceeds the balance of Undivided Earnings, only the balance of Undivided Earnings shall be transferred to the Special Reserve for Delinquent Loans.

(b) When, as of the end of any dividend period, the amount in the Special Reserve for Delinquent Loans exceeds the amount required by the regulations in this part, the board of directors of the Federal credit union may authorize the transfer of the excess to Undivided Earnings.

(c) Upon written application by the board of directors of a Federal credit union, the Director may waive, in whole or in part, the requirement for the maintenance of the Special Reserve for Delinquent Loans contained in paragraph (a) of this section. Such applications shall be addressed to the Regional Representative.

PART 310—VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

Sec.

310.1 Approval of liquidation.
310.2 Notice of liquidation to Bureau of Federal Credit Unions.
310.3 Transaction of business during liquidation.
310.4 Notice of liquidation to members.
310.5 Notice of liquidation to creditors.
310.6 Report at commencement of liquidation.
310.7 Reports during periods of liquidation.
310.8 Examinations of Federal credit unions in voluntary liquidation.
310.9 Responsibility for conduct of voluntary liquidations.
310.9a Partial distribution.
310.10 Completion of liquidation.
310.11 Distribution of assets.
310.12 Final report.
310.13 Retention of records.
310.14 Cancellation of charter.
310.15 Further instructions and information.

AUTHORITY: §§ 310.1 to 310.15 issued under sec. 21, 73 Stat. 635; 12 U.S.C. 1766.

§ 310.1 Approval of liquidation.

A Federal credit union may go into voluntary liquidation on approval of a majority of its members in writing or by a vote in favor of such liquidation by a majority of the members of the credit union at a regular meeting of the members or at a special meeting called for that purpose. Where authorization for liquidation is to be obtained at a meeting of members, notice in writing shall be given to each member at least 7 days before such meeting and the minutes of the meeting shall show the number of members present and the number that voted for and against liquidation. If approval by a majority of all members is not obtained at the meeting of members, authorization for voluntary liquidation may be obtained by having a majority of members sign a statement in substantially the following form:

We the undersigned members of the ---------- Federal Credit Union, Charter No. ------, hereby request the dissolution of our credit union.

§ 310.2 Notice of liquidation to Bureau of Federal Credit Unions.

Within 10 days after the decision of the board of directors to submit the question of liquidation to the members, the president shall notify the Regional Representative thereof in writing, setting forth in detail the reasons for the proposed action. Within 10 days after the action of the members on the question of liquidation, the president shall notify the Regional Representative in writing as to whether or not a majority of the members approved the proposed liquidation.

§ 310.3 Transaction of business during liquidation.

Immediately on decision by the board of directors of a Federal credit union to seek approval of the members for liquidation, payments on shares, withdrawal of shares (including any transfer of shares to loans and interest), making investments of any kind, and granting of loans shall be suspended pending action by members on the proposal to liquidate, and on approval by a majority of the members of such proposal, payments on shares, withdrawal of shares (including any transfer of shares to loans and interest), making investments of any kind, and the making of loans shall be permanently discontinued. Necessary expenses of operation shall, however, continue to be paid on authorization by the board of directors or liquidating agent during the period of the liquidation.

§ 310.4 Notice of liquidation to members.

Immediately on decision by the board of directors, a notice of such decision shall be handed to each member or mailed to his last known address together with a request that the member furnish his passbook or confirm in writing the shares held by him in the Federal credit union and the loans owed by him to the Federal credit union.

§ 310.5 Notice of liquidation to creditors.

On approval of a majority of the members of a Federal credit union of a proposal to liquidate, the board of directors of the Federal credit union shall immediately have prepared and mailed to all creditors a notice of liquidation containing instructions to them to present their claims to the Federal credit union within 90 days for payment.

§ 310.6 Report at commencement of liquidation.

At the commencement of voluntary liquidation of a Federal credit union, the treasurer or agent conducting the liquidation shall file with the Regional Representative a financial and statistical report on form FCU–109, and a schedule showing the name, book number, share balance, and loan balance of each member.

§ 310.7 Reports during period of liquidation.

Federal credit unions in the process of voluntary liquidation shall file with the Regional Representative a financial and statistical report on form FCU–109 as of December 31 within 10 days after such date. Additional reports, as determined by the Regional Representative to be necessary, shall be furnished promptly on written request.

§ 310.8 Examinations of Federal credit unions in voluntary liquidation.

When deemed advisable by the Regional Representative, an examination of the books and records of a Federal credit union may be made prior to, during, or following completion of voluntary liquidation. A fee for each such examination shall be assessed at the rate currently in effect for examinations of operating Federal credit unions as provided in §§ 301.7 and 301.8 of this chapter.

§ 310.9 Responsibility for conduct of voluntary liquidations.

The board of directors of a Federal credit union in voluntary liquidation shall be responsible for conserving the assets, for expediting the liquidation, and for equitably distributing the assets

to members. The board of directors shall determine that all persons handling or having access to funds of the Federal credit union are adequately covered by surety bond. The board of directors shall appoint a custodian for the Federal credit union's records that are to be retained for 5 years after the charter is canceled. The board of directors may appoint a liquidating agent and delegate part or all of these responsibilities to him and may authorize reasonable compensation for his services; any such liquidating agent shall be bonded for faithful performance of his duties. The supervisory committee shall be responsible for making periodic audits of the credit union's records, at least quarterly, during the period of liquidation.

§ 310.9a Partial distribution.

With the written approval of the Regional Representative, a partial distribution of the credit union's assets may be made to its members from cash funds available on authorization by its board of directors, or by a duly authorized liquidating agent whose appointment specifically includes such authority.

§ 310.10 Completion of liquidation.

When all assets of the Federal credit union have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible and all obligations of the Federal credit union have been paid, with the exception of amounts due its members, the books shall be closed and the pro rata distribution to members computed. The amount of gain or loss shall be entered in each member's share account and should be entered in his passbook or statement of account.

§ 310.11 Distribution of assets.

Promptly after the pro rata distribution to members has been computed, checks shall be drawn for the amounts to be distributed to each member who has surrendered his passbook or has given a written confirmation of his balance. The checks shall be mailed to such members at their last known address or handed to them in person. The passbooks or written confirmations submitted by members to verify balances shall be retained with the credit union records. The Regional Representative shall be notified promptly of the date final distribution of assets to the members is started.

§ 310.12 Final report.

Within 120 days after the final distribution to members is started, the Federal credit union shall furnish to the regional office the following:

(a) A schedule of unpaid claims, if any, due members who failed to surrender their passbooks or confirm their balances in writing during liquidation or due members or creditors who failed to cash final distribution checks within the said 120 days, shall be prepared on Form FCU–61d or its equivalent; this schedule shall be accompanied by a certified check or money order payable to the Bureau of Federal Credit Unions in the exact amount of the total of these unpaid claims. The Bureau will deposit said funds in a special account with the Chief Disbursing Office of the Treasury of the United States where they will be held for the account of the individuals named on said schedule. Each such individual, or any authorized person on his behalf, may submit to the Bureau a written claim for the amount of such funds held for him.

(b) A copy of a schedule showing the name, book number, share balance at the commencement of liquidation, pro rata share of gain or loss, and the amount distributed to each member on Form FCU–61d.

(c) A summary report on liquidation in duplicate on Form FCU–61f.

(d) The Certificate of Dissolution and Liquidation on Form FCU–61e signed under oath by the board of directors or agent who conducted the liquidation and made the final distribution of assets to the members.

(e) The name and address of the custodian of the Federal credit union's records.

(f) The charter of the Federal credit union.

§ 310.13 Retention of records.

All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by the board of directors of said Federal credit union for a period of 5 years following the date of cancellation of the charter.

§ 310.14 Cancellation of charter.

On proof that distribution of assets has been made to members and within one year after receipt of the Certificate of Dissolution and Liquidation (form FCU–61e), the Director shall cancel the charter of the Federal credit union concerned.

§ 310.15 Further instructions and information.

Further detailed instructions and information pertaining to voluntary liquidations may be obtained from the Washington or Regional Offices of the Bureau.

PART 315—INVOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

Sec.

315.1 Basis for involuntary liquidation.
315.2 Suspension or revocation of charter.
315.3 Order directing involuntary liquidation.
315.4 Immediate suspension or liquidation.
315.5 Involuntary liquidation and appointment of liquidating agent.
315.6 Cancellation of charter.

AUTHORITY: §§ 315.1 to 315.6 issued under sec. 21, 73 Stat. 635, 12 U.S.C. 1766.

§ 315.1 Basis for involuntary liquidation.

The charter of any Federal credit union may be suspended or revoked, the Federal credit union placed in involuntary liquidation and a liquidating agent therefor appointed upon the finding by the Director that the organization is bankrupt, or insolvent, or has violated any provisions of its charter, its bylaws, the Act, or any regulation issued by the Bureau, or that such suspension or revocation and liquidation is in the best interests of the membership of the Federal credit union concerned.

§ 315.2 Suspension or revocation of charter.

Except as otherwise provided for by the regulations in this part, the Director before suspending or revoking the charter of a Federal credit union and placing the Federal credit union in liquidation, may cause to be served on the Federal credit union concerned a notice of intention to suspend or revoke the charter, a statement of the reasons for such proposed action and an order directing the Federal credit union concerned to show cause why its charter should not be suspended or revoked. Service of the order to show cause shall be either by mail addressed to the Federal credit union concerned at the last address of its office as shown by the records of the Bureau or by delivery to any officer or member of the board of directors of the Federal credit union. The order shall be returned to the Regional Representative. No oral hearing shall be held on such order to show cause, but the Federal credit union concerned may file with the Regional Representative, within the period of time specified in the order to show cause, a statement in writing setting forth the grounds and reasons why its charter should not be suspended or revoked. This statement shall be accompanied by a certified copy of a resolution of the board of directors of the Federal credit union concerned authorizing the filing of the statement. If no statement is received within the period of time specified in the order, or if the proffered reasons why the charter should not be suspended or revoked are found to be insufficient by the Director, he may order that the charter be suspended or revoked and may order the Federal credit union placed in involuntary liquidation. If the Federal credit union is ordered to be liquidated, the Director shall designate the liquidating agent in the order directing the liquidation. A copy of the order directing the suspension or revocation and, where proper, of the order directing the involuntary liquidation and of the appointment of a liquidating agent and a statement of the findings on which the order is based shall be served on the Federal credit union concerned. Such service shall be either by mail addressed to the Federal credit union concerned at the last address of its office as shown by the records of the Bureau or by delivery to any officer or member of the board of directors of the Federal credit union concerned.

§ 315.3 Order directing involuntary liquidation.

In the event that the Director does not order the Federal credit union placed in involuntary liquidation at the time he orders its charter suspended or revoked (see § 315.2), the Director may, at any time prior to the cancellation of the suspension or the annulment of the revo-

cation, order the Federal credit union concerned to show cause why it should not be placed in involuntary liquidation. Service of the order to show cause shall be either by mail addressed to the Federal credit union concerned at the last address of its office as shown by the records of the Bureau or by delivery to any officer or member of the board of directors of the Federal credit union concerned. The order shall be returned to the Regional Representative. No oral hearing shall be held on such order to show cause, but the Federal credit union concerned may file with the Regional Representative within the period of time specified in the order to show cause, a statement in writing setting forth the grounds and reasons why it should not be placed in involuntary liquidation. This statement shall be accompanied by a certified copy of a resolution of the board of directors of the Federal credit union concerned authorizing the filing of the statement. If no statement is received within the period of time specified in the order, or if the proffered reasons why the Federal credit union should not be placed in involuntary liquidation are found to be insufficient by the Director, he may order that the Federal credit union be placed in involuntary liquidation and may appoint a liquidating agent. A copy of the order directing the involuntary liquidation and appointment of a liquidating agent and a statement of the findings on which the order is based shall be served on the Federal credit union concerned. Such service shall be either by mail addressed to the Federal credit union concerned at the last address of its office as shown by the records of the Bureau or by delivery to any officer or member of the board of directors of the Federal credit union.

§ 315.4 Immediate suspension or liquidation.

In any case where the Director shall find that a Federal credit union is insolvent or that the interests of its members require immediate action or that the issuance of the order to show cause provided for in §§ 315.2 and 315.3 will not serve any purpose, the Director may order the suspension or revocation of the charter and the involuntary liquidation of the Federal credit union and the appointment of a liquidating agent therefor without prior notice to the Federal credit union of such action and without prior issuance of the order to show cause provided for in § 315.2 or § 315.3.

§ 315.5 Involuntary liquidation and appointment of liquidating agent.

On receipt of a copy of the order placing the Federal credit union in involuntary liquidation, the officers and directors of the Federal credit union concerned shall deliver to the liquidating agent possession and control of all books, records, assets, and property of every description of the Federal credit union, and the liquidating agent shall proceed to convert said assets to cash, collect all debts due to said Federal credit union and to wind up its affairs in accordance with the provisions of section 21 of the Act (12 U.S.C. 1766) and the instructions and procedures issued to said liquidating agent by the Regional Representative.

§ 315.6 Cancellation of charter.

On the completion of the liquidation and certification by the liquidating agent that the distribution of the assets of the Federal credit union has been completed, the Director shall cancel the charter of the Federal credit union concerned.

PART 320—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Sec.
320.1 Definitions.
320.2 Inspection of final opinions, orders, and rules.
320.3 Availability of official records and information.
320.4 Information which may be disclosed and to whom.
320.5 Place to apply for disclosure.
320.6 Authority for refusal to disclose.

AUTHORITY: §§ 320.1 to 320.6 issued under sec. 21, 73 Stat. 635; 12 U.S.C. 1766.

§ 320.1 Definitions.

As used in the regulations in this part, the term "person" includes a natural person, guardian, trust or estate, partnership, corporation, or joint stock company. The terms "records" and "information" include all files, documents, reports, books, accounts, opinions, orders, and records, and all information obtained at any time by the Bureau or by any officer or employee of the Department of Health, Education, and Welfare, in the course of discharging the official duties of the Bureau.

§ 320.2 Inspection of final opinions, orders and rules.

All final opinions or orders in the adjudication of cases and all rules issued by the Bureau in the administration of the Act, as amended (12 U.S.C. 1751 et seq.), not relating to matters of internal management, are available for public inspection at the offices of the Bureau of Federal Credit Unions, Washington 25, D.C., or at the appropriate Regional Office of the Bureau, except, those opinions and orders or parts thereof, which the Director may, for good cause, declare to be confidential, in which event such opinion or order or part thereof, will not be cited as a precedent. The provisions of §§ 320.4, 320.5, and 320.6 shall govern the disclosure of any opinion or order, or part thereof, declared confidential by the Director.

§ 320.3 Availability of official records and information.

All records and information of the Bureau, except rules issued in the administration of the Act, as amended, and opinions and orders in the adjudication of cases, are hereby declared to be confidential and no disclosure of any such records or information shall be made directly or indirectly except as hereinafter authorized by the regulations in this part.

§ 320.4 Information which may be disclosed and to whom.

Disclosure of any records or information of the Bureau declared to be confidential is hereby authorized only in the following cases and for the following purposes:

(a) To any Department, Agency or instrumentality of the United States Government where the records or information are required by such Department, Agency or instrumentality in the course of discharging its official duties: *Provided*, That the Director finds that such disclosure is not contrary to the public interest or to any applicable Federal law, or to any rule, regulation, or directive of the Executive branch of the Federal Government.

(b) To the proper Federal law enforcement and prosecuting authorities: *Provided*, That (1) such records or information relate to a violation of a Federal criminal law, and (2) such disclosure is not contrary to any Federal law or to any rule, regulation or directive of the Executive branch of the Federal Government. Neither the Bureau nor any employee of the Bureau may disclose any records or information to any State law enforcement or prosecuting authority unless specifically authorized to make such disclosure by the Director. The Director may authorize the Bureau or an employee of the Bureau to disclose records or information relating to the violation of a State criminal law to appropriate State law enforcement and prosecuting authorities, provided that such disclosure is not contrary to any Federal law or to any rule, regulation or directive of the Executive branch of the Federal Government if the Director determines that such disclosure (i) is not contrary to the public interest and (ii) will neither interfere with nor adversely affect either the performance of the functions, duties, or responsibilities of the Bureau or any investigation or prosecution which may be conducted or contemplated either by the Bureau or by any other Federal department, agency or instrumentality.

(c) To any person properly and directly concerned upon a verified written application by such person showing substantial interest in the said record or information: *Provided*, That the Director finds that such disclosure is not contrary to the public interest or to any Federal law, rule, regulation or directive of the Executive branch of the Federal Government.

(d) To any Federal credit union: *Provided*, That (1) such records or information pertain solely to the affairs of the said Federal credit union, and (2) the records or information are not classified "restricted" by the Bureau.

§ 320.5 Place to apply for disclosure.

Applications for disclosure of records or information shall be addressed to the Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare, Washington 25, D.C.

§ 320.6 Authority for refusal to disclose.

Any request or demand for records or information, the disclosure of which is forbidden by the regulations in this part, shall be declined upon authority of the regulations in this part. If any officer or employee of the Bureau or of the Social Security Administration or of the Department of Health, Education, and Welfare, is sought to be required, by subpoena or other compulsory process, to produce such record or give such information, he shall respectfully decline to present such record or to divulge such information, basing his refusal on the regulations in this part.

PART 350—CREDIT UNIONS CHARTERED BY THE DISTRICT OF COLUMBIA

Sec.
350.1 Reserves in general.
350.2 Special reserve for delinquent loans.

AUTHORITY: §§ 350.1 and 350.2 issued under 47 Stat. 330, as amended by 67 Stat. 260, 68 Stat. 662, D.C. Code 26–512.

§ 350.1 Reserves in general.

Credit unions organized under the provisions of the District of Columbia Credit Unions Act (D.C. Code 26–501 to 26–518), shall establish and maintain such reserves as may be required by the regulations in this part, or in special cases by the Director on his finding that the reserves of a credit union chartered by the District of Columbia are insufficient.

§ 350.2 Special reserve for delinquent loans.

(a) Each credit union chartered by the District of Columbia shall establish a special reserve to be known as the Special Reserve for Delinquent Loans.

(b) For purposes of this section, the provisions of § 302.3 of this chapter with respect to Federal credit unions shall be deemed to be applicable to credit unions chartered by the District of Columbia, except that wherever reference is made in said § 302.3 to the term, "the Regular Reserve," such term shall be deemed to refer to the regular reserve provided by section 26–512 of the District of Columbia Code.

Effective date. These regulations shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: May 23, 1960.

[SEAL] J. DEANE GANNON,
Director, Bureau of Federal Credit Unions.

Approved: May 26, 1960.

W. L. MITCHELL,
Commissioner of Social Security.

Approved: June 7, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60–5383; Filed, June 13, 1960; 8:49 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 89]

PART 355—REQUIREMENTS FOR ESTABLISHING UNITED STATES CITIZENSHIP

Evidence of United States Citizenship of Corporate Applicants for Benefits Under the Merchant Marine Act, 1936, as Amended

A new part, incorporating the text formerly known as Memoranda "A" and "B", and Supplement thereto, together with changes pursuant to Public Law 86–327, September 21, 1959 (73 Stat. 597), is hereby added to Subchapter J of this chapter, reading as follows:

Sec.
355.1 General.
355.2 Requirements regarding evidence of United States citizenship.
355.3 Form of affidavit.

AUTHORITY: §§ 355.1 to 355.3 issued under sec. 204 (49 Stat. 1987, as amended; 46 U.S.C. 1114); Pub. Law 86–327 (73 Stat. 597; 46 U.S.C. 11).

§ 355.1 General.

(a) Under section 2, Shipping Act, 1916, as amended, and section 905(c), Merchant Marine Act, 1936, as amended, no corporation is deemed a citizen of the United States unless it is organized under the laws of the United States or of a State, Territory, District, or possession thereof; its president or other chief executive officer and the chairman of its board of directors are citizens of the United States and no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens (except that in case of corporations under Title VI, of the Merchant Marine Act, 1936, as amended, all directors must be citizens of the United States) and the controlling interest therein is owned by citizens of the United States (or, in the case of a corporation operating any vessel in the coastwise trade, on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States, 75 percent of the interest in such corporation is owned by citizens of the United States).

(b) To satisfy the statutory requirements, an Affidavit of Citizenship of a corporate applicant, by one of its officers duly authorized to execute such affidavit, should be submitted. This affidavit should contain facts from which the corporation's citizenship can be determined. The mere allegations that the corporation is a citizen of the United States, and that the required percentage is owned by citizens of the United States, without the submission of appropriate documentary evidence to substantiate and corroborate such allegations, are not sufficient.

§ 355.2 Requirements regarding evidence of United States citizenship.

The information for inclusion in the affidavits and the documentary evidence in substantiation thereof are as follows:

(a) *Proof of domestic incorporation.* The affidavit, among other things, should contain the following:

(1) The exact name of the company;

(2) Its principal place of business; and

(3) The laws under which the corporation was organized and the date of organization.

A copy of the articles or certificate of incorporation and all amendments thereto, certified by the Secretary of the State where corporation was organized is required as proof of place of incorporation; the By-Laws of the corporation, certified by the Secretary of such corporation is required to be filed along with the aforementioned articles or certificate and the affidavit of citizenship; later amendments to the articles or certificates of incorporation and By-Laws should be filed promptly.

(b) *Proof that the president or other chief executive officer, vice presidents or other individuals who are authorized to act in the absence or disability of the president or other chief executive officer, the chairman of the board of directors, and the required number of directors are citizens of the United States.* Evidence should be submitted in proof of the United States citizenship of persons in the capacities enumerated. In the case of corporations receiving operating-differential subsidy, under Title VI of the Act, all directors thereof must be United States citizens. In case of other corporate applicants, it must be shown that no more than a minority of the number of directors necessary to constitute a quorum are non-citizens. (See Public Law 86–327, Sept. 21, 1959.) Such evidence should include name, address, date and place of birth, nationality, and if citizens of the United States, whether by birth, naturalization, or other basis.

(1) *Birth in the United States.* Evidence of birth in the United States, in the order of its conclusiveness, may be given as follows:

(i) Authenticated birth certificate; or

(ii) Authenticated baptismal certificate, showing baptism shortly after birth; or

(iii) Two affidavits of persons having personal knowledge of the time and place of birth, stating clearly facts from which affiants acquired such knowledge. Affiants may include father, mother, attending physician or midwife, uncle, aunt, older brother, older sister, or close family friend; or

(iv) Photostatic copy of entry in "Family Bible" with certification that it is taken from the "Family Bible"; or

(v) Affidavit of person whose citizenship is involved, stating the date and place of his birth, the source of his knowledge, the nonavailability of proof mentioned in subdivisions (i) to (iv) of this subparagraph, together with reference as to source where proof of his birth may be of record; i.e., Army or Navy

records, Civil Service employment records, census records, etc.

(2) *Naturalisation.* Evidence of naturalization is obtainable from the Department of Justice, Immigration and Naturalization Service. This evidence is available to the Administration, provided the person whose citizenship is involved submits the date, place and the name of the court before which he was naturalized. Such person should also execute an affidavit showing dates and places of residence since naturalization.

(3) *Citizenship by naturalization while a minor.* Any person alleging United States citizenship by virtue of the naturalization of a parent during his or her minority should obtain a certificate of citizenship from the Immigration and Naturalization Service, Department of Justice, which is available at any of its offices, by application therefor on Form N-600 (8 CFR Part 341). This certificate may be presented to the Office of General Counsel, Maritime Administration, Washington, D.C., for sighting and record, or in lieu thereof, the number and date of the certificate together with the place of issue thereof by the Immigration and Naturalization Service should be submitted, which data shall be subject to verification by said Service through inquiry by the Maritime Administration.

(4) *Birth abroad of American parents.* Any person alleging United States citizenship by virtue of being born outside of the United States of American parents, should obtain a certificate of citizenship from the Immigration and Naturalization Service, Department of Justice, which is available at any of its offices, by application therefor on Form N-600 (8 CFR Part 341). This certificate may be presented to the Office of General Counsel, Maritime Administration, Washington, D.C., for sighting and record, or in lieu thereof, the number and date of the certificate together with the place of issue thereof by the Immigration and Naturalization Service should be submitted, which data shall be subject to verification by said Service through inquiry by the Maritime Administration.

(5) *Married women.* If United States citizenship on behalf of a married woman is alleged by virtue of marriage to an American citizen prior to September 22, 1922, there should be submitted:

(i) An authenticated copy of the marriage certificate, and

(ii) Proof of the United States citizenship of the husband. An affidavit should be submitted setting forth what changes, if any, have occurred in the marital status since marriage.

In all other cases, the United States citizenship of a married woman must be established as hereinbefore indicated.

(6) In the event that satisfactory documentary evidence to establish the United States citizenship of individuals named has been filed with the Department of State in connection with the issuance of an American passport, a reference thereto will be sufficient. The individual's full name, date and place of birth, and the date, place of issuance, and the number of the passport should be given.

(c) *Proof that required interest in corporation is owned by citizens of the United States.* The affidavit of citizenship should include a statement of the total number of issued and outstanding shares of all classes of stock, together with a showing as to the voting rights of each class. The required ownership percentage may be shown by one of two methods; namely:

(1) *Individual stockholders.* In the case of a corporation relying on individual stockholders, including natural persons, associations, partnerships, and corporations, the citizenship of natural persons involved should be established in the same manner and as fully as that of the aforementioned officers and directors; the citizenship of associations, partnerships, and corporations involved should be established in the same manner and as fully as that of an applicant association, partnership or corporation.

(2) *Fair inference from residence of stockholders.* In the case of a corporation having to rely on more than thirty (30) stockholders, a fair inference can be made that the required ownership and voting interest is vested in citizens of the United States, if it is established by the stock ledger of the corporation or the records of the registrar or transfer agent that 65 percent or more, in the case of a corporation operating any vessel in the foreign trade (or in the case of a corporation operating any vessel in the coastwise trade, on the Great Lakes, or on bays, sounds, rivers, harbors or inland lakes of the United States, 95 percent or more), of the stock is owned by persons whose addresses are within the United States. The statement should include the number of shareholders who have given addresses in the United States, the number of shares of stock they own and the exact percentage that these shares are of the total issued and outstanding shares of stock. The same statement should be made for each class of stock, showing the voting rights thereof. The submission of these data to the Administration furnishes a basis from which a fair inference can be made (in the discretion of the Maritime Administrator) that since a very large proportion of the total stock and voting stock is in the hands of stockholders residing within the United States, the required percentage of ownership is in citizens of the United States. (See Collier Advertising Service, Inc. v. Hudson River Day Line, 14 Fed. Supp. 335.) If the fair inference rule is applied, the name of any stockholder owning five per centum (5 percent) or more of the total number of shares of stock of each class, if more than one, should be given and proof of United States citizenship submitted therefor. The statement should also set forth that of the shares of stock relied upon to establish that the required ownership and voting interest is vested in citizens of the United States, none is:

(i) The subject of any trust or fiduciary obligation in favor of any person not a citizen of the United States; or

(ii) Subject to a contract or understanding or other arrangement whereby the voting powers may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or

(iii) By any other means whatsoever, subject to control by any person who is not a citizen of the United States.

(3) If it is not possible to comply with the foregoing the facts should be fully disclosed and special instructions obtained.

(4) Annual filing of data to evidence continuing United States citizenship status is required.

(5) Lenders and/or mortgagees as participants in Title XI (1936 Act) transactions are required, under the mortgage documents executed, to file evidence of continuing United States citizenship.

(6) Nominee stockholders (partnership or corporate) and said lenders and/or mortgagees may obtain form of proof to be submitted from the Office of General Counsel, Maritime Administration.

§ 355.3 Form of affidavit.

The following form of affidavit is prescribed for execution in establishing the United States citizenship of corporations applying for benefits under the Merchant Marine Act, 1936, as amended:

AFFIDAVIT OF UNITED STATES CITIZENSHIP

State of ----------:
County of ----------:

I, ----------, being duly sworn, depose and say:

That I am the (Title of office or offices held) of (Name of corporation), a corporation organized and existing under and by virtue of the laws of the State (or Commonwealth) of ----------, and that I am authorized to execute this affidavit concerning the United States citizenship of said (Name of corporation), an applicant for (Type of benefit applied for), pursuant to the provisions of section or sections (Designate by number) of the Merchant Marine Act, 1936, as amended;

That the information hereinafter set forth in this affidavit is given for the purpose of establishing the United States citizenship of said (Name of corporation) and is made and submitted as a part of the application for (Type of benefit applied for) as aforesaid;

That (Name of corporation) is a corporation organized and existing under and by virtue of the laws of the State (or Commonwealth) of ----------, with its principal executive office and place of business located at (Number, Street, City, and State), and that, as proof of its incorporation under the laws of the State (or Commonwealth) of ----------, there are attached hereto a certified copy of the Certificate or Articles of Incorporation, together with certified copy of corporate By-Laws, and amendments, if any;

That the following persons are the President or other Chief Executive Officer, Vice Presidents or other individuals who are authorized to act in the absence or disability of the President or other Chief Executive Officer, Chairman of the Board of Directors and Directors of said (Name of corporation), the applicant:

Name; Office; Place and Date of Birth

John Doe, President-Director, New York, N.Y., 1-18-1897.

Richard Roe, Secretary-Treasurer—Director, London, England, 3-12-1901.

(The foregoing list should include the officers, whether or not they are also directors, and all directors, whether or not they are also officers. In the case of corporations, other than those under Title VI of the Act, any alien directors should be named and followed by a statement that under the corporate By-laws-------directors are necessary to constitute a quorum and that no more than a minority of the number of directors necessary to constitute a quorum are non-citizens.)

That John Doe is a citizen of the United States by virtue of his birth in the United States as shown in certified copy of birth certificate herewith (if a birth certificate is not available, give other acceptable proof as set forth in § 355.1(b); if passport data are given state the individual's full name and the number, date and place of issue of the passport; passports may be presented to the Office of General Counsel for sighting);

That Richard Roe is a citizen of the United States by virtue of his naturalization; give the Certificate of Naturalization number, date of issue and name and location of the court issuing said Certificate; naturalization certificates may be presented to the Office of General Counsel for sighting; the naturalized citizen should furnish an affidavit setting forth the places and dates of his residence since becoming a naturalized citizen;

That affiant has access to the stock books and records of said corporation; that the said stock books and records have been examined and disclose that, as of ----------, 19--, said (Name of corporation) had issued and outstanding ------ shares of stock of all classes, held by ------ stockholders, said number of stockholders representing the ownership of the entire issued capital stock of said corporation;

(If different classes of stock exist, give the same data for each class issued and outstanding, showing the voting rights for each class.)

Explanatory note. To prove that the required interest (controlling interest for foreign trade, or, in the case of a corporation operating any vessel in the coastwise trade, on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States, 75% thereof) in applicant corporation is owned by citizens of the United States, applicant may select one of two methods. It may (a) establish the United States citizenship of individual owners of such required interest; or (b) if it must rely on more than 30 shareholders, show that, for majority interest, 65% or more (or for 75% interest, 95% or more) of the stock is owned by persons whose addresses are within the United States. Such a showing furnishes a basis from which a fair inference can be made (in the discretion of the Maritime Administrator) that the required ownership is in citizens of the United States.

If the applicant is relying on the citizenship of individual owners (natural persons, associations, partnerships, and corporations) of the required interest, the following statement should be included:

That, in order to establish that the controlling interest (or 75% or more) of the stock in said corporation is owned by citizens of the United States, the applicant selects and relies upon the following owners:

(Here list the stockholders upon which applicant intends to rely, together with the number and class of shares of stock owned by each. A statement should be made at this point setting forth the facts upon which the citizenship of each owner is based; if an individual, attach to the affidavit the appropriate documentary evidence in the same manner as for the above-mentioned officers and directors; if a corporation, the same evidence is required to be furnished as that required for the applicant.)

If the applicant is relying on fair inference from residence within the United States of owners of 65% (or 95%) or more of its stock, the following should be included:

That the registered addresses of ------- holders of ------ shares of stock are shown as being within the United States, said ------ shares of (class) being ------% of the total of ------ shares of issued and outstanding stock (the same statement should be made as to each class of stock, if there is more than one class). Give name of and submit proof of United States citizenship for any holder of 5% or more of the total number of shares issued and outstanding of each class, if more than one; proof of citizenship beyond the second tier of ownership (in the discretion of the Maritime Administrator) is not required unless such ownership is in a parent or major stockholder.

The following statement should conclude each affidavit of citizenship:

That the controlling interest (or 75% of the interest) [1] in said corporation, as established by the data hereinbefore set forth, is owned by citizens of the United States; that the title to a majority (or 75%) [1] of the stock in said corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; that such proportion of the voting power of said corporation is vested in citizens of the United States; that through no contract or understanding, is it so arranged that the majority (or more than 25%) [1] of the voting power of said corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; and that, by no means whatsoever, is control of said corporation (or of any interest in said corporation in excess of 25%) [1] conferred upon or permitted to be exercised by any person who is not a citizen of the United States; and

That affiant has carefully examined this affidavit and asserts that all of the statements and representations contained therein are true to the best of his knowledge, information, and belief.

Subscribed and sworn to before me, a Notary Public in and for the State and County aforesaid, this ------ day of ----------, 19---.

NOTE: The reporting requirements of this part have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Dated: June 8, 1960.

By order of the Acting Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5384; Filed, June 13, 1960; 8:49 a.m.]

[1] Strike inappropriate language.

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 608, 609, 610, 611, and 612]

[Administrative Order 834]

VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 48–A for the Needlework and Fabricated Textile Products Industry in Puerto Rico; Industry Committee No. 48–B for the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico; Industry Committee No. 48–C for the Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico; Industry Committee No. 48–D for the Children's Dress and Related Products Industry in Puerto Rico; and Industry Committee No. 48–E for the Sweater and Knit Swimwear Industry in Puerto Rico.

Industry Committe No. 48–A is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; George J. Mintzer, New York, N.Y.; David M. Helfeld, Rio Piedras, P.R.

For the employees: Harry Frumerman, New York, N.Y.; Osiris R. Sanchez-Vasquez, San Juan, P.R.; Henry Schwartz, New York, N.Y.

For the employers: Joseph L. Dubow, New York, N.Y.; Stanley B. Siegel, Bayamon, P.R.; Gus B. Gellmann, Corosal, P.R.

For the purpose of this order, the Needlework and Fabricated Textile Products Industry in Puerto Rico is defined as follows:

The manufacture from any material of all apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the Artificial Flower, Decoration, and Party Favor Industry (29 CFR Part 688), the Button, Jewelry, and Lapidary Work Industry (29 CFR Part 616), the Corsets, Brassieres, and Allied Garments Industry (29 CFR Part 614), the Fabric and Leather Glove Industry (29 CFR Part 603), the Hosiery Industry (29 CFR Part 687), the Men's and Boys' Clothing and Related Products Industry (29 CFR Part 615), the Shoe and Related Products Industry (29 CFR Part 601), the Straw, Hair, and Related Products Industry (29 CFR Part 613), or the Textile and Textile Products Industry (29 CFR Part 699), as defined in the wage orders for these industries in Puerto Rico; or in the Handkerchief, Square Scarf, and Art Linen Industry, the Women's and Children's Underwear and Women's Blouse and Neckwear Industry, the Children's Dress and Related Products Industry, and the Sweater and Knit Swimwear Industry, as defined in this Administrative Order appointing Industry Committees Nos. 48–B, 48–C, 48–D, and 48–E, respectively, for these industries in Puerto Rico.

Industry Committee No. 48–B is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; George J. Mintzer, New York, N.Y.; David M. Helfeld, Rio Piedras, P.R.

For the employees: Harry Frumerman, New York, N.Y.; Osiris R. Sanchez-Vazquez, San Juan, P.R.; Henry Schwartz, New York, N.Y.

For the employers: Joseph L. Dubow, New York, N.Y.; Maria Luisa Arcelay, Mayaguez, P.R.; Donald J. Garcia, Sabana Grande, P.R.

For the purpose of this order the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico is defined as follows:

The manufacture of plain, scalloped, or ornamented handkerchiefs and square scarves; the manufacture of art linens, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Industry Committee No. 48–C is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; George J. Mintzer, New York, N.Y.; David M. Helfeld, Rio Piedras, P.R.

For the employees: Henry Schwartz, New York, N.Y.; Alberto E. Sanchez, Santurce, P.R.; Jacob S. Sheinkman, New York, N.Y.

For the employers: Joseph L. Dubow, New York, N.Y.; Ruben D. Nazario-Fournier, Yauco, P.R.; Herbert L. Rose, Santurce, P.R.

For the purpose of this order the Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico in defined as follows:

The knitting, or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6X and under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, neckwear (including collar and cuff sets), and scarves (except square scarves): *Provided, however,* That the industry shall not include any product or activity included in the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico (29 CFR Part 614); or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Industry Committee No. 48–D is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; George J. Mintzer, New York, N.Y.; David M. Helfeld, Rio Piedras, P.R.

For the employees: Alberto E. Sanches, Santurce, P.R.; Jacob S. Sheinkman, New York, N.Y.; Joseph Schwartz, Philadelphia, Pa.

For the employers: Joseph L. Dubow, New York, N.Y.; Leonard M. Tuttman, Bayamon, P.R.; Maxwell Feller, Manati, P.R.

For the purpose of this order the Children's Dress and Related Products Industry in Puerto Rico is defined as follows:

The manufacture from woven or knit fabric or from waterproof materials of the following garments: Dresses, blouses, shirts, and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, creepers, rompers, waterproof pants, diaper covers, bibs, sportswear, and play apparel for infants three years of age or under; and clothing and accessories for dolls: *Provided, however,* That the industry shall not include products manufactured by heat sealing, cementing, vulcanizing, or any operation similar thereto; or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

Industry Committee No. 48–E is composed of the following representatives:

For the public: Paul H. Sanders, Chairman, Nashville, Tenn.; George J. Mintzer, New York, N.Y.; David M. Helfeld, Rio Piedras, P.R.

For the employees: Alberto E. Sanches, Santurce, P.R.; Jacob S. Sheinkman, New York, N.Y.; Joseph Schwartz, Philadelphia, Pa.

For the employers: Joseph L. Dubow, New York, N.Y.; George Vargish, Toa Alta, P.R.; Oscar Castro-Rivera, San Juan, P.R.

For the purpose of this order the Sweater and Knit Swimwear Industry in Puerto Rico is defined as follows:

The manufacture of men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

I hereby refer to each of the above named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6(c) of the Act in the particular industry with which it is concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 48–A shall convene at 10:00 a.m. on July 11, 1960, in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearings at 2:00 p.m. on the same date at the same place. Following this hearing, Industry Committees Nos. 48–B, 48–C, 48–D, and 48–E shall convene consecutively in the same place in that order at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for such committees containing such data as he is able to assemble pertinent to the matters referred to those committees. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file pre-hearing statements containing certain specified data, not later than July 1, 1960.

Signed at Washington, D.C., this 9th day of June 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60–5400; Filed, June 13, 1960; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

MIXED GRAIN

Official U.S. Standards

Pursuant to Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) notice is hereby given that the United States Department of Agriculture has under consideration proposed changes in the Official Grain Standards of the United States for Mixed Grain (7 CFR 26.451–26.453) promulgated under the authority of the United States Grain Standards Act (39 Stat. 482), as amended (7 U.S.C. 71 et seq.).

On June 1, 1959, the Official Standards for Feed Oats and Mixed Feed Oats were canceled, and on August 1, 1959, the Official Grain Standards for Mixed Grain were revised. The revised Mixed Grain Standards provided that wild oats and certain mixtures of cultivated and wild oats should be graded as Mixed Grain.

The Minneapolis Grain Exchange has found that for trading purposes there is still a need for the grade designation "Mixed Feed Oats" to apply to grain which consists of wild oats and certain mixtures of cultivated and wild oats, and they have requested that consideration be given to establishing such grades under the Mixed Grain Standards. It is therefore proposed to revise the Mixed Grain Standards to provide grades for No. 1 Mixed Feed Oats and No. 2 Mixed Feed Oats.

It is proposed that consideration be given to revising the Official Grain Standards of the United States for Mixed Grain to read essentially as follows:

§ 26.451 Terms defined.

For the purposes of the Official Grain Standards of the United States for Mixed Grain:

(a) *Mixed grain.* Mixed grain shall be any mixture of grains for which standards have been established under the United States Grain Standards Act, or any mixture of such grains and wild oats, or wild oats, providing that any of the mixtures do not come within the requirements of any of the standards for such grains, and that any of the mixtures or wild oats do not contain more than 50 percent of foreign material.

(b) *Grades.* Grades shall be "Mixed Grain," "No. 1 Mixed Feed Oats," "No. 2 Mixed Feed Oats," "Sample grade Mixed grain," and special grades provided for in § 26.453.

(c) *Wild oats.* Wild oats shall be the seeds of Avena Fatua and A. sterilis.

(d) *Cultivated oats.* Cultivated oats shall be the seeds of Avena sativa and A. byzantina.

(e) *Mixed feed oats.* Mixed feed oats shall be any Mixed Grain which contains not less than 75 percent of wild oats, or not less than 75 percent of wild oats and cultivated oats in combination, which combination shall include more than 25 percent of wild oats; and which contains not more than 7.0 percent of foreign material, not more than 15.0 percent of damaged kernels, and not more than 3.0 percent of heat-damaged kernels; and which has a test weight per bushel of not less than 29 pounds.

(f) *Foreign material.* Foreign material shall be all matter except wild oats and grains for which standards have been established under the United States Grain Standards Act.

(g) *Damaged kernels.* Damaged kernels shall be all kernels and pieces of kernels of wild oats and grains for which standards have been established under the United State Grain Standards Act, which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(h) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of wild oats and grains for which standards have been established under the United States Grain Standards Act, which have been materially discolored and damaged by heat.

(i) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

§ 26.452 Principles governing application of standards.

The following principles shall apply in the determination of the grades for mixed grain:

(a) *Basis of determination.* All determinations shall be on the basis of the grain as a whole.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. The percentage of each kind of grain, including wild oats, and foreign material shall be stated in terms of whole percents.

(c) *Moisture.* Moisture shall be determined by the air-oven method prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 revision) issued by the Agricultural Marketing Service for the kind of grain which predominates in the mix-

ture or determined by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture as described in Circular No. 921, issued June 1953, or as determined by any method which gives equivalent results.

§ 26.453 Grades, grade requirements, and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for Mixed Grain.* (See also paragraph (c) of this section.)

(1) *Mixed Grain (Grade).* The grade "Mixed Grain" shall be mixed grain with not more than 15.0 percent of damaged kernels, and not more than 3.0 percent of heat-damaged kernels, and which otherwise does not come within the specifications for No. 1 Mixed Feed Oats, No. 2 Mixed Feed Oats, or Sample grade Mixed Grain.

(2) *No. 1 Mixed Feed Oats.* The grade No. 1 Mixed Feed Oats shall be mixed grain which meets the requirements for mixed feed oats; which contains not more than 5.0 percent of foreign material, not more than 10.0 percent of damaged kernels, and not more than 2.0 percent of heat-damaged kernels; which has a test weight per bushel of not less than 32 pounds; and which otherwise does not come within the specifications for "Sample grade Mixed Grain," or "No. 2 Mixed Feed Oats."

(3) *No. 2 Mixed Feed Oats.* The grade No. 2 Mixed Feed Oats shall be mixed grain which meets the requirements for mixed feed oats; which contains not more than 7.0 percent of foreign material, not more than 15.0 percent of damaged kernels, and not more than 3.0 percent of heat-damaged kernels; which has a test weight per bushel of not less than 29 pounds; and which otherwise does not come within the specifications for "No. 1 Mixed Feed Oats" or "Sample grade Mixed Grain."

(4) *Sample grade Mixed Grain.* The grade "Sample grade Mixed Grain" shall be mixed grain which does not meet the requirements for the grades Mixed Grain, No. 1 Mixed Feed Oats, or No. 2 Mixed Feed Oats; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which is otherwise of distinctly low quality.

(b) *Grade designations for Mixed Grain.* The grade designation for mixed grain shall include the words "Mixed Grain," "No. 1 Mixed Feed Oats," "No. 2 Mixed Feed Oats," or "Sample grade Mixed Grain," as the case may be, and the name of each applicable special grade. In the case of "Mixed Grain (Grade)" and "Sample grade Mixed Grain" the grade designation shall also include the name and approximate percentage of each kind of grain, including wild oats, which constitutes 10 percent or more of the mixture, in the order of predominance and, when applicable, the words "other grains" followed by a statement of the percentage of the combined quantity of those kinds of grains, including wild oats, each of which is present in a quantity less than 10 percent; and the words "Foreign Material" together with a statement of the percentage thereof.

(c) *Special grades, special grade requirements and special grade designations for mixed grain.*—(1) *Tough mixed grain.*—(i) *Requirements.* Tough mixed grain shall be mixed grain which contains more than 14.0 percent but not more than 16.0 percent of moisture.

(ii) *Grade designation.* Tough mixed grain shall be graded according to the grade requirements of the standards applicable to such mixed grain if it were not tough, and there shall be added to and made a part of the grade designation the word "Tough."

(2) *Smutty mixed grain.*—(i) *Requirements.* Smutty mixed grain shall be (*a*) mixed grain in which wheat or rye predominates, and which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 14 balls of average size in 250 grams of mixed grain, or (*b*) any other mixed grain which has the kernels covered with smut spores, or which contains smut masses and/or smut balls in excess of 0.2 percent.

(ii) *Grade designation.* Smutty mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not smutty, and there shall be added to and made a part of the grade designation, the word "Smutty."

(3) *Ergoty mixed grain.*—(i) *Requirements.* Ergoty mixed grain shall be mixed grain which contains ergot in excess of 0.3 percent.

(ii) *Grade designation.* Ergoty mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not ergoty, and there shall be added to and made a part of the grade designation, the word "Ergoty."

(4) *Garlicky mixed grain.*—(i) *Requirements.* Garlicky mixed grain shall be (*a*) mixed grain in which wheat or rye predominates, and which contains 2 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of mixed grain; or (*b*) mixed grain in which grains other than wheat and rye predominate, and which contains 4 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of mixed grain.

(ii) *Grade designation.* Garlicky mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not garlicky, and there shall be added to and made a part of the grade designation, the word "Garlicky."

(5) *Weevily mixed grain.*—(i) *Requirements.* Weevily mixed grain shall be mixed grain which is infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not weavily, and there shall be added to and made a part of the grade designation, the word "Weevily."

(6) *Blighted mixed grain.*—(i) *Requirements.* Blighted mixed grain shall be mixed grain in which barley predominates and which, as a whole, contains more than 4 percent of barley damaged or materially discolored by blight and/or mold.

(ii) *Grade designation.* Blighted mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not blighted, and there shall be added to and made a part of the grade designation, the word "Blighted."

(7) *Treated mixed grain.*—(i) *Requirements.* Treated mixed grain shall be mixed grain which has been scoured, limed, washed, sulfured, or treated in such a manner that its true quality is not reflected by the grade "Mixed Grain," "No. 1 Mixed Feed Oats," "No. 2 Mixed Feed Oats," or "Sample grade Mixed Grain."

(ii) *Grade designation.* Treated mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not treated, and there shall be added to and made a part of the grade designation, a statement indicating the kind of treatment.

Public hearings will not be held on this proposal to revise the Official Grain Standards of the United States for Mixed Grain under the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), but all persons who desire may submit written data, views, or arguments in connection with the aforesaid proposal to the Director, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., to be received by him not later than July 15, 1960. All documents should be filed in duplicate. Consideration will be given to the written data, views, and arguments received by the Director and to other information available in the United States Department of Agriculture before a decision is made as to whether the proposed revision shall be promulgated.

Done at Washington, D.C., this 8th day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-5371; Filed, June 13, 1960; 8:47 a.m.]

[7 CFR Part 973]

[Docket No. AO-178-A11]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minnesota, on March 3, 1960, pursuant to notice thereof issued on January 11, 1960 (25 F.R. 311) and an amended notice of hearing issued February 16, 1960 (25 F.R. 1491).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 17, 1960 (25 F.R. 4473) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Minneapolis, Minnesota, on March 3, 1960, pursuant to notice thereof which was issued January 11, 1960 (25 F.R. 311) and an amended notice of hearing issued February 16, 1960 (25 F.R. 1491).

The material issues on the record of the hearing relate to:

(1) Revision of pool plant delivery performance requirements;

(2) Modification of the stated differentials and "supply-demand" adjuster in the Class I price formula;

(3) Revision of the basic price formula and price formula for Class II milk;

(4) Revision of the price for "excess milk" under the base-excess payment plan;

(5) An increase in the maximum rate of assessment for marketing services to producers who are not members of a cooperative association;

(6) The classification of skim milk and butterfat in sour cream and similar products with various brand designations;

(7) Diversion of certain milk at the Class I price;

(8) Inclusion of a "Louisville plan" of adjusting producer payments seasonally;

(9) An increase in the maximum rate of administrative assessment; and

(10) Several changes of language for the purpose of clarification and improved workability of order provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The pool plant delivery performance requirements should be modified under certain conditions.

Significant changes have taken place in recent years in this market which have caused the Minneapolis-located plant of the largest cooperative in the market to become a supply "balancing," or reservoir, plant with a resulting decrease in function as a regular supply plant. Because of changes in consumer buying habits, five- and six-day bottling by handlers, and bulk tank delivery to the city from nearly all farms of producers, the maintenance of pool status for the cooperative's balance plant on a continuing basis has been made extremely difficult, although the need for such an operation as a means of servicing the market and for the economic handling of milk actually has increased.

At the present time only 29 percent of the bottled milk sold is delivered to homes. The remainder is purchased by consumers at various stores, dairy stores and supermarkets. As the result of the purchasing pattern which has developed, there are wide day-to-day variations in amounts bottled and delivered by handlers which have caused even wider variations to develop in the daily volumes of milk they require from the cooperative's city plant. For example, in a sample week of June 1955, a daily low of 865,000 pounds was delivered to other handlers from this plant, while on the high day for the same week the amount was 1,073,942 pounds, a variation from low to high day of 24 percent. In a week occurring in June 1959 the low day of deliveries to other plants indicated 594,337 pounds and the high day 1,386,495 pounds, or a variation from low to high day of 133 percent. The September 1955 low to high variation was 49 percent compared with a September 1959 variation of 190 percent. In this connection it may be noted that members of this cooperative furnish 75–80 percent of the total market supply of milk for fluid use.

Stated in another way, day-to-day variations in deliveries to other plants from this city plant result in a high-day delivery as much as 30 percent above the daily average quantity for the week, while the low-day delivery may be as much as 40 percent below such daily average. In 1955 the range of the high and low days were each within 10–12 percent of the daily average for the week.

When the bottling handler requires less direct-shipped milk it backs up into this plant for disposal as Class II milk, becoming a receipt of milk at such plant and increases the difficulty of pool plant qualification. The deliveries from such plant to bottling plants count toward pool plant delivery performance, but the plant receives no delivery performance credit for the portion of milk frequently handled at the plant which is direct-shipped from farm to bottling plants on other days of the week or month. Daily variations in receipts at the plant at times have exceeded 900 percent within the month. Without continuing pool status for this plant a large proportion of regular producers would be alternately in and out of the pool on individual days of the month.

Provision should be made, therefore, to enable this plant to receive delivery performance credit with respect to milk direct-shipped to various bottling plants in the city for which this type of plant performs a service operation. It is concluded that the provision proposed will tend to promote the efficient and orderly handling of milk.

(2) The Class I price formula should be revised.

Proposals were submitted which would modify both the supply-demand adjuster contained in the Class I price formula and the stated differentials.

The monthly ratios of supply to demand reflected in the standard, or "normal", percentages of the current supply-demand formula have prevailed in the order since early 1956, except for minor seasonal revisions made effective in September 1957. Such standard percentages were designed to encourage an adequate, but not burdensome, supply of milk, including a working reserve.

In the months of August, September, October and November 1959 Class I milk sales were 74.3, 86.0, 83.4, and 79.1 percent of producer receipts in each month, respectively. Although it was testified that in these months supplemental milk amounting to about 5 percent of total receipts was necessary to fulfill requirements on certain days of the week, only small quantities thereof were actually allocated to Class I milk on a monthly basis. (Official notice is taken of the published Statistical Summary of the market administrator for August–November 1959 which show the allocation of other source milk.)

The receipts and sales data indicate a reasonably good balance between the quantities of milk being supplied by producers and the Class I requirements of the market. Even though slightly higher percentages of producer milk receipts were utilized in Class I milk in the August–November 1959 period than in the same months of 1958, it may not be concluded that this market experienced a shortage of supply in the most recent low production season.

The present Class I formula provides for automatic price changes as shortages may develop and there is no indication in the record that such formula will not meet adequately and promptly any marked change in the supply situation. It is pertinent, perhaps, to point out in this connection that the statute requires the establishment of minimum prices at levels which will tend to equate supplies and sales. On both annual and monthly bases supplies are adequate to the need. It is reasonable to believe that adequate monthly supplies, particularly in a market where there is strong market organization of supplies, may be managed in a manner to fulfill the daily requirements of the market.

It is concluded, therefore, that the supply-demand adjuster should not be revised so as to increase the level of Class I price on the basis of the current supply-demand relationship. It was pointed out in the exceptions that the percentage norm (86) shown for the month of October in § 973.53 of the order contained in the recommended decision was inadvertently misstated. A correction has been made.

It is concluded elsewhere herein that the Class II price should be increased 10.2 cents. Since the Class II price is an alternate basic formula price, the basic formula price level could be affected by such modification and, in turn, affect the Class I price level unless the basic formula price provision is modified also. For the months of January, February, and March 1960 there would have been no impact on the level of the basic formula price resulting from the change in the Class II price formula, although in 1959 the revised formula would have

been the effective basic price formula in seven months. In view of the prior finding that the Class I price should not be increased on the basis of the current supply-demand relationship, the basic formula price provision has been revised to retain the alternative formulas currently in effect.

Another price proposal considered would narrow the seasonal variation in the stated Class I price differentials from 40 cents to 20 cents per hundredweight, but without effecting a significant change in their annual average. In the presence of the base-excess plan the degree of seasonal variation in Class I price differentials becomes less significant as a means of encouraging in improved seasonal pattern of deliveries. Certainly three changes in levels of differentials during the year are not necessary in conjunction with the base-excess plan. There was considerable support in the hearing for two changes in differentials per year, and we see no reason why such price pattern would not work satisfactorily in conjunction with other provisions. The provisions to implement such proposal are adopted to take effect December 1, 1960. In the exceptions it was contended that, on the record evidence, November should be included among the higher differential months. A revision to this effect has been made, with an offsetting adjustment in other months.

(3) The Class II price formula should be revised.

A producer organization proposed an increase of 10.2 cents in the Class II price by means of a reduction in the "make" allowance included in the so-called butter-nonfat dry milk solids formula.

Although cost rates for labor and some other items used in the manufacture of butter and nonfat dry milk solids have increased during recent years, larger-scale operations and increased efficiency of equipment have tended to reduce costs per hundredweight of milk processed. The change in type of container from barrels and drums to bags which has taken place in recent years has effected a cost reduction in packaging of about 7 cents per hundredweight. Individual unregulated plants in the milkshed engaged primarily in butter-nonfat dry milk solids operations paid prices for milk in 1959 up to 29 cents per hundredweight higher than the annual average Class II price. The prices at eight such plants averaged about 16 cents higher in such period. Even though a somewhat lower rate of efficiency may be expected in connection with the disposition of the reserve supplies of a fluid milk market through this type of outlet, the proposed reduction of 10.2 cents in make allowance (or increase in price of like amount) is reasonable and should be adopted.

(4) The level of price for "excess milk" should be reduced.

Under the present order the price for excess milk under the base-excess plan is computed by the addition of 8 cents to the price per hundredweight for Class II milk.

Since practically all milk produced in excess of base in the base-operating months must be disposed of in manufacturing uses, it is concluded that the revised Class II price is an appropriate price for excess milk. Because of the Class II price revision which increases such price, as discussed earlier in this decision, there would be no decrease in actual return to the producer for excess milk as compared with present pricing. In fact, the actual price for excess milk would be slightly higher than under the present basis of pricing.

(5) The maximum rate of assessment for marketing services to producers who are not members of a cooperative association should be increased.

The present maximum rate of assessment for marketing services applicable to non-member milk is 2 cents per hundredweight. Income accruing on the basis of such rate has been insufficient to meet costs of check-weighing and check-testing and the dissemination of market information. A deficit in the marketing services fund was incurred in 1959 and based on latest available costs of testing, a significantly higher maximum rate will be required if such services are to be provided on any reasonable basis. At December 31, 1959, the balance in the fund amounted to only $48.87. Obviously, however, there are practical limitations which are involved, as well as service cost, in setting a maximum rate of assessment.

In the circumstances, it is concluded that the maximum rate of assessment should be increased from 2 to 6 cents per hundredweight of milk.

(6) Sour cream products, such as "Smetana", should be classified as Class I milk.

Sour cream is classified as Class I milk under the present order. Another product similar in form and consistency which is distributed under the name "Smetana" is classified as Class II milk on the basis of an order interpretation. The latter product, however, is so similar as to form, texture, composition, packaging, grade of milk required for processing, and purpose that no practical distinction in pricing under the regulation should be made. This or any similar product required to be made from Grade A milk to be sold in the marketing area should be included in Class I milk, together with sour cream, in order that producers will receive a price commensurate with the costs involved in producing the Grade A milk so used. It was argued in the exceptions that the findings of this paragraph might apply inadvertently to the classification of cottage cheese. There is no intention here to reclassify cottage cheese, which remains a Class II milk product.

(7) Provision should be made to include as pooled milk certain milk disposed of to nonpool plants for fluid disposition.

As previously indicated, the largest cooperative in the market furnishes producer milk to a number of handlers. It also supplies, at the Class I price f.o.b. marketing area, milk for bottling at five relatively small nonpool fluid milk distribution plants located in communities adjacent to the present marketing area. Operators of such nonpool plants do not distribute significant quantities of milk within the marketing area. They rely, however, on pool plants as outlets for the reserve supplies associated with their fluid milk operations. It is customary for the cooperative to deliver milk to such plants from the farm in bulk tanks, but assignment of specific producers to such plants is complicated by the fact that the milk involved is commingled in bulk tanks with other milk customarily delivered directly from farms to pool plants. On any given day of the month the milk of a particular dairy farmer may be received at one of these nearby nonpool fluid milk plants and on another day at a pool plant for disposition in manufacturing uses. The milk of 20–30 dairy farmers is subject to handling in this manner.

In the interest of orderly marketing and to simplify pricing and payment with respect to member milk, the cooperative marketing the milk has proposed that the order provide for the continuous pooling of milk assigned to the nonpool fluid milk plants which, in fact, may be "in and out" of a pool plant on more than one occasion during the month. It is pertinent that such milk would be subject to compensatory payment if not eligible for pooling but yet allocated to Class I in a pool plant.

Provision for the inclusion of such milk in the pool would place the dairy farmers involved, who obviously are intimately associated with the market, on the same uniform price basis as other producers and thus tend to promote orderly marketing. The pooled value of milk would be enhanced since the bulk of the milk concerned is utilized as Class I milk. It is concluded that the proposal should be adopted.

(8) A "Louisville plan" for distributing proceeds to producers should not be adopted.

A proposal was made to adjust producer prices seasonally by deducting a portion of monies accruing from Class I sales in the spring months and adding back such monies in four installments in the fall months.

The net effect of the proposal in terms of dollars payable to producers for Class I milk is a seasonality of Class I returns not substantially different from that which results from the present Class I price differentials. The proposal would provide a somewhat higher return from Class I milk in December, January and February and a somewhat lower return in November. In other months there would be no substantial change from the present order. However, in view of the findings previously made in this decision in connection with the Class I price differentials (which, it may be noted, would increase the differential by 10 cents in December, January and February), the supply-demand adjuster and the base-excess plan, it is concluded that adoption of the proposed Louisville plan would serve no purpose additional to the objectives of the other provisions working in combination and might be adverse to the proposed changes in such other provisions. Therefore, such plan should not be adopted at this time.

(9) The maximum rate of administrative assessment should be revised.

The maximum rate of administrative assessment is 1.5 cents per hundredweight of milk. The monies accruing to cover the administrative expense of order operation will not be sufficient, at such assessment rate, to meet monthly requirements and to maintain a reasonable reserve for contingencies over any substantial period of time. To provide sufficient funds for full enforcement of the order and to meet possible cost increases in order operations, it is concluded that the maximum assessment rate should be increased to 3.0 cents per hundredweight of milk. It is not expected, however, that more than a partial increase from the present rate will be required for administrative expenses in the immediate future.

(10) Certain changes in order language should be made for administrative purposes.

Several of the proposals heard were designed to clarify order language or to facilitate order administration. Among these were proposals to revise the dates on which handler reports are filed, the uniform prices are announced and producer payments are made. It was complained that the time periods allowed for compliance with such order requirements are not sufficient and that compliance therefore is made difficult from a purely mechanical standpoint. The producer organization marketing the bulk of the milk offered the proposals and there was no controversy. It is concluded that they should be adopted to ease this compliance problem.

Another producer proposal would revise the provision for computing on a skim milk equivalent basis the volume of nonfat dry milk solids or condensed skim milk used for fortification and reconstitution in fluid form to those instances when the resulting product is disposed of by a handler. This change thus would permit the disposition of nonfat solids to nonpool plants on an actual weight basis, facilitating such sales of dry solids from producer milk. Since the classification and pricing of milk disposed of in the marketing area is adequately protected through other order provisions, it is feasible to change the regulation in this respect. It is concluded that the proposal should be adopted.

Other minor changes of language of a self-explanatory nature have been made solely for clarification of certain provisions of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Minneapolis-St. Paul marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 9th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul Marketing Area

§ 973.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to producer milk (including such han-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

dler's own farm production) and to other source milk which is classified as Class I milk.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 973.9 [Amendment]

1. Delete § 973.9(b) in its entirety and substitute therefor the following:

(b) (1) Except as provided in subparagraph (2) of this paragraph, any plant from which during any month 50 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (i) a plant(s) which has qualified pursuant to paragraph (a) of this section, (ii) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (iii) a governmentally-owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of July, August, September and October 50 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following June: *And provided further*, That if not less than 30 percent of the total member producer milk of a cooperative association is delivered during each of the months of July, August, September and October as direct-shipped milk to a plant(s) described in paragraph (a) of this section located within the city limits of either Minneapolis or St. Paul, then any deliveries of milk by such cooperative association directly to such plant(s) may be considered, for the purposes of this paragraph, as having been received first at a plant of such cooperative association also located within the city limits of Minneapolis or St. Paul.

(2) Producer milk which was received on more than 45 days during the months of April, May and June at a pool plant qualified under this paragraph, which milk is caused to be delivered from farms to a pool plant(s) described in paragraph (a) of this section during any of the months of July, August, September and October shall be considered for the purposes of this paragraph as having been shipped from thence to the plant(s) described in paragraph (a) of this section: *Provided*, That the producers of such milk are listed on the payroll reports (of the respective plants) submitted pursuant to § 973.32 and appropriately noted on the reports of receipts and utilization submitted pursuant to § 973.30.

2. Delete § 973.11 in its entirety and substitute therefor the following:

§ 973.11 Producer.

"Producer" means any person, except a producer-handler, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant, or (b) moved in accordance with the conditions of § 973.44(c) (2) but allotted to a pool plant by listing on the payroll report of such plant pursuant to § 973.32, which milk shall be deemed to be received at such pool plant: *Provided*, That any such person whose milk is received from the farm at a pool plant during any portion of the period July through October, inclusive, but subsequently in such four-month period is received at a nonpool plant (except as provided above in this paragraph) shall not regain status as a producer prior to the next July 1.

§ 973.22 [Amendment]

3. In § 973.22(h) delete "13th" and substitute therefor "15th".

§ 973.30 [Amendment]

4. In § 973.30(a) delete "8th" and substitute therefor "10th".

5. In § 973.30(b) delete "8th" and substitute therefor "10th".

§ 973.41 [Amendment]

6. In the third parenthetical phrase in § 973.41(a) insert after the words "sweet or sour, including" the words "'Smetana' and similar sour cream products and".

§ 973.44 [Amendment]

7. Delete from that portion of § 973.44 preceding paragraph (a) therein the word "transferred" and substitute therefor the word "moved".

8. Delete from § 973.44(b) the cross-reference "paragraph (c) (2) and (3) of this section" and substitute therefor the cross-reference "paragraph (c) (2), (3) and (4) of this section."

9. Delete § 973.44(c) and substitute therefor the following:

(c) As Class I milk if moved to a nonpool plant under any of the following circumstances: (1) by transfer in consumer packages; (2) by a cooperative association directly from the farm of the producer, and the noonpool plant is one from which milk is disposed of in fluid form on routes; (3) by transfer in bulk as any item of § 973.41(a), except cream, and the nonpool plant is located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota; or (4) by transfer in bulk as cream and the nonpool plant is located as described in subparagraph (3) of this paragraph and is a plant from which milk is disposed of in fluid form on routes: *Provided*, That this subparagraph shall not apply in the case of cream transferred in bulk to any plant subject to another marketing agreement or order issued pursuant to the act, if such cream is allocated thereunder in the transferee-plant to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

§ 973.45 [Amendment]

10. Add in the proviso of § 973.45 after the word "disposition" the words "by a handler".

11a. Delete that portion of § 973.51 preceding paragraph (a) therein and sustitute therefor the following:

§ 973.51 Basic formula price.

The basic formula price per hundredweight to be used in determining the Class I price shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section:

b. Add the words "per hundredweight" after the phrase "(or field) prices" in § 973.51(a).

c. Add the following as § 973.51(c):

(c) (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the preceding month; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk, for human consumption f.o.b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

12. Delete § 973.53 in its entirety and substitute therefor the following:

§ 973.53 Class I price.

Subject to the differentials provided in §§ 973.55 and 973.56(a), the price per hundredweight for Class I milk each month shall be the basic formula price computed pursuant to § 973.51 plus an amount as follows: $1.00 for July, August, September, October, and November; and $.76 for other months: *Provided*, That prior to December 1, 1960, the following shall be added to the basic formula price in lieu of the above amounts: 70 cents for each month until July; $1.10 for July, August, September, and October; and $1.00 for November: *And provided further*, That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	88	October–November.
February	83	November–December.
March	78	December–January.
April	73	January–February.
May	71	February–March.
June	70	March–April.
July	68	April–May.
August	66	May–June.
September	70	June–July.
October	83	July–August.
November	88	August–September.
December	88	September–October.

§ 973.54 [Amendment]

13. In § 973.54 delete the phrase "price for Class II milk" and substitute therefor the phrase "price per hundredweight for Class II milk."

14. Delete from § 973.54 the figure "75.2" and substitute therefor the figure "65".

§ 973.72 [Amendment]

15. Delete from § 973.72(b) the phrase "plus 8 cents".

§ 973.73 [Amendment]

16. In § 973.73 delete "13th" and substitute therefor "15th".

§ 973.77 [Amendment]

17. In § 973.77(d) delete the words "producer" and "producer's" and substitute therefor the words "person" and "person's", respectively.

18. In § 973.77(e) delete the word "producer" wherever it appears and substitute therefor the word "person".

§ 973.80 [Amendment]

19. In § 973.80(a) delete "10th" and substitute therefor "11th".

§ 973.90 [Amendment]

20. In § 973.90 delete the figure "1.5" wherever it appears and substitute therefor the figure "3".

§ 973.91 [Amendment]

21. In § 973.91(a) delete the figure "2" and substitute therefor the figure "6".

[F.R. Doc. 60-5372; Filed, June 13, 1960; 8:47 a.m.]

[7 CFR Part 1011]

[Docket No. AO-299-A1]

MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Marinette, Wisconsin, on March 7-9, 1960, pursuant to notice thereof issued on February 17, 1960 (25 F.R. 1521).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 20, 1960 (25 F.R. 4590), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

At this hearing, evidence was received with respect to proposed amendments to the order regulating the handling of milk in the Northeastern Wisconsin marketing area as well as the Michigan Upper Peninsula marketing area. This decision will be restricted to issues relating to amendments proposed to the order for the Michigan Upper Peninsula marketing area. Issues relating to amendments proposed to the order for the Northeastern Wisconsin marketing area will be considered in a separate decision.

With respect to the Michigan Upper Peninsula order the issues on the record of hearing relate to:

1. Expansion of the marketing area;
2. The Class I milk price;
3. Pooling; and
4. Allocation of receipts of milk in packaged form priced under another order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* Menominee County, Michigan, and the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin, should be added to the Michigan Upper Peninsula marketing area.

The Michigan Upper Peninsula marketing area presently includes all territory in the upper peninsula of Michigan except Menominee County together with certain territory in Marinette, Florence and Iron Counties, Wisconsin. The city of Menominee, in Menominee County, is the only area in Michigan included in the marketing area of the Northeastern Wisconsin order. The nearby cities of Menominee and Peshtigo and the town (township) of Peshtigo in Marinette County, Wisconsin, likewise are included in the Northeastern Wisconsin marketing area.

The notice of hearing contained proposals to (1) delete the city of Menominee from the Northeastern Wisconsin marketing area and to add all of Menominee County to the Michigan Upper Peninsula marketing area, and (2) to include all of Menominee County, Michigan, and Marinette County, Wisconsin, in the Northeastern Wisconsin marketing area.

At the hearing the proponent of the proposal to expand the Northeastern Wisconsin marketing area to include all of Menominee and Marinette Counties offered no evidence in support of this proposal. It is clear that the cities of Menominee, Marinette and Peshtigo should be included in the same marketing area. Two plants in Menominee and one in Marinette each sell throughout these cities. Another plant that previously processed milk in Marinette has discontinued receiving and processing milk, but distributes milk regulated under the Northeastern Wisconsin order that is received and processed at a plant in Algoma, Wisconsin. Milk is also distributed in Menominee, Marinette and Peshtigo by at least two other handlers regulated under the Northeastern Wisconsin order and by one Milwaukee handler. The Menominee plants each have sales in the present Upper Peninsula marketing area. One small handler presently confines his distribution to portions of Menominee County outside the city limits of Menominee and would be brought under regulation by the proposal to include the entire county in a regulated area.

The three plants located in Menominee and Marinette are the only plants whose regulation would be changed from the Northeastern Wisconsin order to the Michigan Upper Peninsula order if these cities were transferred from one marketing area to another. Forty-two producers supply these plants, thirty-one with farms located in Michigan supply the two Menominee plants and eleven whose farms are in Wisconsin deliver to the Marinette plant. A producer organization representing a number of these Michigan producers supported the proposed transfer of area from Order No. 116 to Order No. 111 on the basis that the economic interests of these producers are more nearly allied with other producers in Michigan than those in Wisconsin and that under the handler pooling provisions of Order No. 111 they would receive better blend prices. Producers supplying one Menominee handler and the Marinette handler would have averaged higher prices on the basis of such handlers' utilizations but the producers supplying the third handler would have averaged lower prices. Substantially all the producers who are members of the cooperative association deliver to this third handler.

Despite the lack of specific proposals that any Wisconsin territory be changed to Order No. 111, affected parties appeared and offered testimony. The position of Menominee and Marinette dealers was that the local area should be considered a single unit regardless of the order to be effective for such area. No objection on the basis of lack of notice was offered to testimony that the cities of Marinette and Peshtigo should be included in the marketing area of Order No. 111 together with Menominee County, Michigan. While the average Class I utilization of the plants presently regulated under Order No. 116 is slightly higher than the average of that market, the volume is such that the resulting effect on the average blend price of the order is not significant. Northeastern Wisconsin producers offered no opposition to the proposed change in the regulation effective for the Menominee-Marinette area.

If present price alignments are maintained there appears to be no substantial economic reason why regulation under Order No. 111 should not apply to all this territory. In view of the expressed desire of the producers involved it is concluded that the area in Marinette and Menominee Counties now in the Order No. 116 marketing area should be included in the Order No. 111 marketing area and that the remaining portion of Menominee County should likewise be included in the Order No. 111 marketing area. In a companion decision it is concluded that the Order No. 116 marketing area should be revised to permit this change.

It was proposed that the territory added be included in Zone I of the marketing area for pricing purposes, which would have increased the Class I price at plants in the area affected. In view of geographic location the present alignment of prices with competing plants under both orders should be maintained. This can be achieved by providing a sub-Zone I(a) at a price ten cents less than that in the present Zone I of Order No.

111 to be applicable in the area presently in the Order No. 116 area and three nearby townships in Menominee County.

2. *Class I price.* The present Class I pricing provisions should be continued for another 18-month period, with provision for a sub-Zone I(a) price ten cents less than that for the present Zone I.

Since the effective date of the order Class I price differentials added to a basic formula price have been at an annual average of 96.7 cents for Zone I comprising five Michigan counties and the Wisconsin portion of the marketing area. For the remainder of the area the Class I price differentials have been 20 cents higher or an average of $1.167. These average differentials have resulted from monthly differentials of $0.75 (Zone I) and $0.95 (Zone II) for March through June; $1.15 and $1.35 July through November; and $0.95 and $1.15 December through February. The effectiveness of this pricing method was limited to the first 18 months of order operation to provide opportunity for review in the light of experience.

Producers proposed that these differentials each be increased 20 cents in all months. In support thereof they cited rising costs of production and emergency feed conditions that have prevailed during the past winter. They also claimed that premiums equal to or in excess of the increase requested have been in effect throughout major portions of the market without oversupplying the market.

Handlers proposed that the Class I price provisions for the entire area be those which have been in effect for Zone I, and that some means be provided to make the area price effective on sales by outside plants whether regulated by another order or not.

The order became effective for pricing purposes December 1, 1958. The record showed data with respect to receipts, sales and prices through January 1960. In order that comparisons with a year ago may be made for a three month period, official notice is taken of similar data released by the market administrator for February 1960. Producers receipts in the period December 1959 through February 1960 were 100.2 percent of those in the same months a year earlier. Class I sales of regulated plants in these months were 99.7 percent of those in the first three months of order operation. While monthly comparisons show somewhat greater variation, it is evident that there has been no substantial change in production or Class I sales during this period.

There is no substantial basis for reducing or eliminating the 20-cent price differential between zones. Producer receipts and Class I sales allocated to such receipts at Zone II plants have increased slightly in the past year while receipts and utilization of Zone I plants have decreased slightly. The price differential is needed to allocate supplies to the areas where needed for Class I use.

In a companion decision on this record it is concluded that no substantial change should be made at this time in the Class I pricing provisions of the order for the Northeastern Wisconsin area on the basis of this record. Substantial volumes of milk are distributed throughout the Michigan Upper Peninsula marketing area by handlers subject to that order. While the limited data available indicate that Class I sales of Order No. 111 handlers have been maintained during the past year at a time when premiums were being paid by many such handlers, this is not sufficient basis to increase at this time the difference between the required minimum prices of the two orders. There is no evidence that these differences are not appropriate to reflect costs of transporting milk in this area. Neither is there any basis to eliminate the difference with respect to Northeastern Wisconsin or other order milk disposed of in the Upper Peninsula area, as requested by handlers.

It is therefore concluded that price alignment between the orders should be maintained at present levels for an additional 18-month period by extension of the present pricing provisions with modification for a Zone I(a) price to apply in the town of Peshtigo and the cities of Peshtigo and Marinette in Marinette County, Wisconsin and the city of Menominee and townships of Menominee, Mellen and Ingallston in Menominee County, Michigan, at ten cents per hundredweight less than the Zone I price. The Zone I price will apply in the remainder of Menominee County.

3. *Pooling.* The type of pooling under the order should not be changed from the present handler pools to a marketwide pool. Neither should provision be made to permit allocation of Class I utilization from distribution plants to supply plants without movement of milk.

The operator of a plant which in several months has been regulated as a supply plant proposed that marketwide pooling be adopted. It was urged that the milk of the 27 producers supplying this plant is required for short season needs of the market but that handler pooling provides no Class I utilization to the plant in summer months.

The geographic distribution of production and population in the Upper Peninsula marketing area makes handler pooling more practicable and equitable than a marketwide pool. The bargaining-type cooperative association supplying the principal distribution plants of the area assures cooperating dealers a supply of milk. This association has four separate producer locals each of which supplies handlers in Sault Ste. Marie, Marquette, Ironwood and Menominee-Iron Mountain, respectively, and operates local association pools in three of these areas, but does not combine the local pools into an association pool. Other cooperative associations process and distribute milk of their members. Milk supplies cannot be readily moved from all producers' farms to plants in all parts of the marketing area. Packaged milk is, however, sold over wide areas by a number of plants.

No producer or cooperative associations supported the proposal for marketwide pooling, and opposition was expressed by the dominant bargaining cooperative and two plant-operating cooperatives. The proposal should not be adopted on the basis of this record.

The same handler also proposed, as an alternative to marketwide pooling, that the order provide that Class I utilization of a distribution plant could be allocated to a supply plant in the months of February through July in amounts commensurate with shipments received from such plant in the preceding months of August through November. Such a proposal might have applicability to a condition where a supply plant had been depended upon regularly to supply substantial short season volumes to a given plant or plants under long term arrangements. No such situation was shown here however. The shipments shown appear to be in the nature of spot shipments. This record does not justify inclusion of the "pass back" or "associate plant" provision proposed.

While the notice of hearing contained a proposal to define "associate producer" and provide means whereby persons so defined might share in Class I utilization of handlers who had discontinued receiving their milk, no evidence was offered in support of this proposal. Its adoption is therefore denied.

4. Provision should be made to deduct from a handler's Class I utilization receipts of fluid milk products processed and packaged in consumer packages priced under another Federal order if the handler does not process and package the item in his fluid milk plant during the month.

Some small handlers without paper packaging facilities in their plants distribute milk processed and packaged in paper cartons in a plant regulated under the Northeastern Wisconsin order. At the same time these Upper Peninsula handlers continue to process and package milk in glass containers. Under present provisions of the order producers delivering to the handler receive credit for all his Class I sales up to the volume of their deliveries. This results in the possibility that both Order No. 111 producers and Order No. 116 producers are paid the Class I price for the same sales.

In view of the extensive distribution of Order No. 116 milk through vendors who receive no milk from producers, there does not appear to be any equitable basis to require that under the circumstances described Class I sales be allocated to local producers if the product or package be one not produced in the regulated plant. Provision should be made to deduct from Class I disposition to be allocated to producers such receipts of fluid milk products disposed of in the original package.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Michigan Upper Peninsula marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of April 1960 is hereby determined to be the representative period for the conduct of such referendum.

C. T. McCleery is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 9th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Michigan Upper Peninsula Marketing Area

§ 1011.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (i) all receipts within the month of milk from producers including milk of such handler's own production, and (ii) any other source milk allocated to Class I pursuant to § 1011.46(b) and the corresponding step of § 1011.47.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 1011.5 to read as follows:

§ 1011.5 **Michigan Upper Peninsula marketing area.**

(a) "Michigan Upper Peninsula marketing area" (hereinafter referred to as the "marketing area") means all the territory including all municipal corporations within the zones described below in this section.

(b) "Zone 1(a)": The city of Menominee and the townships of Menominee, Mellen and Ingallston, in Menominee, County, Michigan; the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin;

(c) "Zone 1": Counties of Delta, Dickinson, Gogebic, Iron, Ontonagon and all territory in Menominee County not included in Zone 1(a), all in the State of Michigan; the town of Niagara and the village of Niagara, in Marinette County; the towns of Aurora and Florence, in Florence County, and the towns of Carey, Kimball, Oma, Pence, Saxon and the cities of Hurley and Montreal in Iron County, all in the State of Wisconsin;

(d) "Zone 2": Counties of Alger, Baraga, Chippewa, Houghton, Keweenaw, Luce, Mackinac, Marquette and Schoolcraft, all in the State of Michigan.

§ 1011.46 [Amendment]

2. Amend § 1011.46(c) to read as follows:

(c) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat in other source milk received during the month in the form of fluid milk products from a plant subject to another marketing agreement or order issued pursuant to the Act as follows:

(1) From Class I, the pounds of such butterfat received in a consumer-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

packaged form not so packaged in the plant during the month, and disposed of without further processing or packaging; and

(2) In series beginning with the lowest priced utilization, the remaining pounds of such butterfat;

3. Amend § 1011.51 to read as follows:

§ 1011.51 Class I milk price.

Through November 1961, subject to the provisions of § 1011.54, the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class I milk shall be the basic formula price for the preceding month, plus the applicable amounts specified below for the marketing area zone in which such plant is located. For plants located outside the marketing area and west of Lake Michigan the price (subject to § 1011.55) shall be that specified for Zone 1. For plants located outside the marketing area and east of Lake Michigan the price (subject to § 1011.55) shall be that specified for Zone 2.

Zone	Months of May through June	Months of Jan., Feb., and Dec.	Months of July through Nov.
1(a)	$0.65	$0.85	$1.05
1	.75	.95	1.15
2	.95	1.15	1.35

[F.R. Doc. 60-5373; Filed, June 13, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-AN-10]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The present Iliamna, Alaska, control zone is designated within a 5-mile radius of the Iliamna Airport. The Federal Aviation Agency has under consideration the modification of this control zone by designating a control zone extension 2 miles either side of the south course of the Iliamna radio range extending from the 5-mile radius zone to a point 12 miles south of the radio range. This modification would provide protection for aircraft conducting prescribed instrument approaches to the Iliamna Airport during instrument flight rule conditions.

If this action is taken, the Iliamna, Alaska, control zone would be designated within a 5-mile radius of the Iliamna Airport (latitude 59°45'08" N., longitude 154°54'38" W.), and within 2 miles either side of the south course of the Iliamna radio range extending from the 5-mile radius zone to a point 12 miles south of the radio range. The Iliamna, Alaska, control zone would then be designated in a new section in Part 601, and deleted from § 601.1984, *Five mile radius zones*.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 7, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5355; Filed, June 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-20]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2031 of the regulations of the Administrator, the substance of which is stated below.

The Houston, Tex., control zone is presently designated within a 10-mile radius of the Houston International Airport and within a 5-mile radius of Ellington Air Force Base. The Federal Aviation Agency is considering reducing the size of the Houston control zone by redesignating it within a 5-mile radius of Houston International Airport; within a 5-mile radius of Ellington AFB; within 2 miles either side of the southeast course of the Houston, Tex., radio range extending from the radio range to a point 12 miles southeast; within 2 miles either side of the 043° True bearing from the Pearland nondirectional radio beacon extending from the Ellington AFB 5-mile radius zone to the radio beacon. The modified control zone would provide adequate protection for aircraft conducting currently prescribed instrument approaches to the Houston International Airport and Ellington AFB during instrument flight rule condition.

If this action is taken, the Houston, Tex., control zone would be redesignated within a 5-mile radius of the Houston, Tex., International Airport (latitude 29°38'40" N., longitude 95°16'30" W.), within a 5-mile radius of the Ellington, Air Force Base, Tex. (latitude 29°36'25" N., longitude 95°09'20" W.), within 2 miles either side of the southeast course of the Houston, Tex., radio range extending from the Houston International Airport 5 mile radius zone to a point 12 miles southeast of the radio range station, and within 2 miles either side of the 043° True bearing from the Pearland nondirectional radio beacon extending from the Ellington AFB 5-mile radius zone to the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 7, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5356; Filed, June 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-24]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2438 of the regulations of the Administrator, the substance of which is stated below.

The Greenville, Miss., control zone is designated within a 5-mile radius of Greenville AFB and within 2 miles either side of a direct line extending from the AFB to the ILS outer marker. The Federal Aviation Agency has under consideration a request by the Department of Air Force to modify the Greenville control zone by revoking the present extension and designating a new extension within 2 miles either side of the 183° True radial of the Greenville AFB TVOR extending from the 5-mile radius zone to the TVOR. This modification would correct the persent description of the control zone by eliminating the reference to a Greenville AFB ILS which was never installed. In addition, the modification would provide protection for aircraft conducting prescribed TVOR instrument approaches to Greenville AFB under instrument flight rule conditions.

If this action is taken, the Greenville, Miss., control zone would be redesignated within a 5-mile radius of the Greenville Air Force Base (latitude 33°29'00" N., longitude 90°59'00" W.), and within 2 miles either side of the Greenville AFB TVOR 183° True radial extending from the 5-mile radius zone to the TVOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5357; Filed, June 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-LA-9]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1357 of the regulations of the Administrator, the substance of which is stated below.

The Fallon, Nev., control area extension is designated within a 10-mile radius of the Fallon radio range station and within 5 miles either side of the north course of the Fallon radio range extending from the radio range station to a point 25 miles north, excluding the portion which lies within the geographical limits of, and between the designated altitudes of Restricted Area R-268, during the restricted area's time of use.

The Federal Aviation Agency has under consideration a proposal by the Department of Navy to redesignate the control area extension to include only that airspace within 5 miles either side of the 146° True radial of the NAAS Fallon TACAN (latitude 39°25'05" N., longitude 118°42'15" W.) extending from the TACAN to 20 miles southeast; within 6 miles southwest and 10 miles northeast of the 146° True radial of the NAAS Fallon TACAN, extending from 20 miles southeast of the TACAN to 54 miles southeast; and that airspace within 5 miles either side of the 037° True radial of the NAAS Fallon TACAN extending from the TACAN to 29 miles northeast, excluding those portions which would coincide with Restricted Areas R-268 and R-270.

The modified control area extension would provide protection for aircraft executing the approved TACAN approach and missed approach procedure at NAAS Fallon and for aircraft holding on the 146° True radial of the NAAS Fallon TACAN between 10,000 feet MSL and 24,000 feet MSL. The holding fix is a point 25 nautical miles from the TACAN on the 146° True radial.

If this action is taken, the Fallon, Nev., control area extension would be redesignated within 5 miles either side of the 146° True radial of the NAAS Fallon TACAN, extending from the TACAN to 20 miles southeast; within 6 miles southwest and 10 miles northeast of the 146° True radial of the NAAS Fallon TACAN, extending from 20 miles southeast of the TACAN to 54 miles southeast; and the airspace within 5 miles either side of the 037° True radial of the NAAS Fallon TACAN, extending from the TACAN to 29 miles northeast, excluding those portions which coincide with Restricted Areas R-268 and R-270.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 7, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5359; Filed, June 13, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13374; FCC 60-669]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Grand Rapids, Cadillac,

Traverse City and Alpena, Michigan), Docket No. 13374.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of June 1960;

In an order adopted on March 30, 1960, and released April 4, 1960, the Commission extended time for filing comments in the instant proceeding. That extension was deemed desirable inasmuch as the instant proceeding involves proposals to assign a VHF channel at substandard separations under conditions set out in the Notice of Proposed Rule Making adopted January 4, 1960, in Docket 13340 (Interim Policy on VHF Television Channel Assignments and Amendment of Part 3 of the rules concerning Television Engineering Standards), and the Commission had on the same day also extended time for filing comments in that proceeding.

The Commission today adopted a Notice announcing that the field strength curves issued May 5, 1960, in Docket 13340 will be modified and reissued as soon as they can be prepared and printed, and extended the time for filing comments in that proceeding. The curves for Channels 2–6 will be the same as the May 5th curves which were intended for use on all VHF channels, but the revised curves for Channels 7–13 will not be the same as the May 5th curves. Among the alternative proposals in the instant proceedings are proposals to assign channels in the upper VHF band and comments filed may require reference to the revised upper VHF curves.

Accordingly, it is ordered, That the last dates for filing comments and reply comments in this proceeding are extended to September 1, 1960, and September 16, 1960, respectively.

Released: June 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5391; Filed, June 13, 1960; 8:50 a.m.]

PROPOSED RULE MAKING

[47 CFR Part 3]

[Docket No. 13340; FCC 60-668]

VHF TELEVISION CHANNEL ASSIGNMENTS AND ENGINEERING STANDARDS

Notice of Extension of Time for Filing Comments

In the matter of Interim policy on VHF Television Channel Assignments and amendment of Part 3 of the rules concerning Television Engineering Standards, Docket No. 13340.

On January 4, 1960, the Commission adopted a notice of proposed rule making in the above entitled matter which among other things, proposed to revise the Field Strength Charts of the rules on the basis of additional data and measurements obtained since the original charts were adopted. The revised charts were shown in that document.

On May 5, 1960, the Commission issued a further notice of proposed rule making proposing a single set of Field Strength Charts for both the upper and lower VHF television bands, in lieu of the two sets of charts originally proposed. This latter proposal was based on a recommendation by the Radio Propagation Advisory Committee (RPAC) composed of industry and Government engineers. Preliminary examination of the available data supported this proposal.

The data have been meanwhile reviewed by RPAC and there is general agreement that the measurements and data obtained on tropospheric signals show rather conclusively that these signals are not significantly frequency sensitive in the VHF television broadcast bands and a single set of curves may be drawn for all VHF television channels. The data and measurements with respect to groundwave signals are not so conclusive. Further study and analysis is needed to establish definitely the relation of frequency to groundwave propagation.

The single set of curves proposed in the May 5th, 1960, notice were derived by merging the groundwave curves based on close-in measurements, with the tropospheric measurements made at greater distances. The resulting curves are substantially the same as would be developed if the new tropospheric data curves were merged with the low VHF curves (Ad Hoc curves) of our present rules. Consequently, the revised curves issued with our May 5th, 1960, notice are still valid for the low VHF channels. In view of the fact that the further study of the available data for the high VHF channels may take considerable time and perhaps require additional measurements, we believe that consistent treatment should be given the high VHF curves. Therefore, revised curves derived by merging the present high VHF Ad Hoc groundwave curves with the new and accepted tropospheric curves, will be prepared and issued in a Further Notice of Proposed Rule Making in Docket No. 13340. At the same time, the May 5th curves will be reissued and limited to use for the low VHF channels. These curves will be issued as soon as they can be prepared and printed.

Since this will go beyond the present expiration date for filing comments in Docket No. 13340, the Commission is extending the dates for filing comments and replies to comments in order to allow computation of pertinent data based upon the revised curves. Data prepared for low VHF channels and based upon the May 5th curves will still be valid. Data and comments for high VHF stations should be held in abeyance until the revised high VHF curves are issued.

Accordingly, it is ordered, This 8th day of June 1960, that the time for filing comments herein is extended from June 20, 1960, until September 1, 1960; and that the time for filing reply comments is extended from July 5, 1960 until September 16, 1960.

Released: June 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5392; Filed, June 13, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DIRECTOR, BUREAU OF COMMERCIAL FISHERIES

Negotiation of Professional Engineering and Architectural Contracts

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

241.2.1 *Delegation.* The Director, Bureau of Commercial Fisheries is authorized, subject to the provisions of 241 DM 2.2, to exercise the authority delegated by the Administrator of General Services on March 10, 1959 (24 F.R. 1921, 2096), to the Secretary of the Interior to negotiate, without advertising, under section 302(c)(4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252 *et seq.*), contracts for services of engineering and architectural firms in connection with construction programs of the Bureau of Commercial Fisheries.

241.2.2 *Limitations; Exercise of Authority.* The authority granted by 241 DM 2.1 shall be exercised in accordance with all provisions of Title III of the act with respect to negotiation of contracts, all other provisions of law, and applicable regulations of the Department and the General Services Administration.

FRED A. SEATON,
Secretary of the Interior.

JUNE 7, 1960.

[F.R. Doc. 60-5363; Filed, June 13, 1960; 8:46 a.m.]

[Order 2823, Amdt. 1]

LAND DISTRICTS AND LAND OFFICES IN ALASKA

Reestablishment of Boundaries

Section 3 of Order No. 2823 (22 F. R. 6366) is amended to adjust the boundary between the Anchorage and Fairbanks Land Districts to conform with township lines rather than boundaries generally following judiciary divisions of the District Court for Alaska. The amended section reads as follows and shall become effective July 1, 1960.

SEC. 3. *Anchorage and Fairbanks land district boundaries reestablished.* (a) The boundary line between the Anchorage and Fairbanks Land Districts is hereby established as follows:

Beginning at the intersection of the 1st Standard Parallel South, Copper River Meridian and the Alaska-Canada Boundary, in latitude 61°28'16.295" N., longitude 141°00' W., thence West approximately 35 miles along the 1st Standard Parallel South, Copper River Meridian, to the Standard Corner of T. 4 S., Rs. 18 and 19 E., Copper River Meridian; in longitude 142°02'56.404" W., thence North approximately 24 miles to the Copper River Meridian Base Line, in latitude 61°49'-04.004" N., thence West approximately 17 miles to the Standard Corner of T. 1 N., Rs. 15 and 16 E., Copper River Meridian, in longitude 142°33'44.669" W., thence North approximately 24 miles to the 1st Standard Parallel North, Copper River Meridian, in latitude 62°09'51.649" N.; thence East approximately 1 mile to the Standard Corner of T. 5 N., Rs. 15 and 16 E., Copper River Meridian, in longitude 142°31'51.708" W.; thence North approximately 24 miles to the 2nd Standard Parallel North, Copper River Meridian, in latitude 62°30'39.231" N.; thence West approximately 5 miles to the Standard Corner of T. 9 N., Rs. 14 and 15 E., Copper River Meridian, in longitude 142°41'10.480" W.; thence North approximately 6 miles to the Corner of Ts. 9 and 10 N., Rs. 14 and 15 E., Copper River Meridian, in latitude 62°35'-51.116" N.; thence West approximately 12 miles to the Corner of Ts. 9 and 10 N., Rs. 12 and 13 E., Copper River Meridian, in longitude 143°03'39.912" W.; thence North approximately 6 miles to the Corner of Ts. 10 and 11 N., Rs. 12 and 13 E., Copper River Meridian, in latitude 62°41'02.998" N.; thence West approximately 12 miles to the Corner of Ts. 10 and 11 N., Rs. 10 and 11 E., Copper River Meridian, in longitude 143°26'-09.344" W.; thence North approximately 12 miles to the 3rd Standard Parallel North, Copper River Meridian, in latitude 62°51'-26.749" N., thence West approximately 60 miles to the Copper River Meridian in longitude 145°18'36.503" W.; thence South along the Copper River Meridian approximately 24 miles to the 2nd Standard Parallel North, in latitude 62°30'39.231 N.; thence West approximately 12 miles to the Standard Corner of T. 9 N., Rs. 2 and 3 W., Copper River Meridian, in longitude 145°41'05.925" W.; thence North, approximately 6 miles to the Corner of Ts. 9 and 10 N., Rs. 2 and 3 W., in latitude 62°35'51.116" N.; thence West approximately 18 miles to the Corner of Ts. 9 and 10 N., Rs. 5 and 6 W., Copper River Meridian, in longitude 146°14'50.083" W.; thence North approximately 6 miles to the corner of Ts. 10 and 11 N., Rs. 5 and 6 W., Copper River Meridian, in latitude 62°41'02.998" N.; then West approximately 30 miles to the closing corner of Ts. 10 and 11 N., Copper River Meridian on the 3rd Guide Meridian East, Seward Meridian, in longitude 147°06'17.941" W.; thence North approximately 15 miles to the 8th Standard Parallel North, Seward Meridian, in latitude 62°53'58.830" N.; then West approximately 5 miles to the Standard Corner of T. 33 N., Rs. 11 and 12 E., Seward Meridian, in longitude 147°16'06.034" W.; thence North approximately 4 miles to the closing corner of T. 33 N., Rs. 11 and 12 E., Seward Meridian, in latitude 62°57'29.836" N., identical with the South Boundary of T. 22 S., of the Fairbanks Meridian; thence West approximately 5½ miles along the South boundary of T. 22 S., R. 2 E. of the Fairbanks Meridian to the Corner of T. 22 S., Rs. 1 and 2 E., Fairbanks Meridian; in longitude 147°26'56.806" W.; thence North approximately 6 miles to the Corner of Ts. 21 and 22 S., Rs. 1 and 2 E., Fairbanks Meridian, in latitude 63°02'41.751" N.; thence West approximately 18 miles to the Corner of Ts. 21 and 22 S., Rs. 2 and 3 W., Fairbanks Meridian, in longitude 148°01'24.052" W.; thence North approximately 6 miles to the Corner of Ts. 20 and 21 S., Rs. 2 and 3 W., Fairbanks Meridian, in latitude 63°07'58.612 N.; thence West approximately 24 miles to the Corner of Ts. 20 and 21 S., Rs. 6 and 7 W., Fairbanks Meridian, in longitude 148°47'-20.379" W.; thence North approximately 12 miles to the corner of Ts. 18 and 19 S., Rs. 6 and 7 W., Fairbanks Meridian, in latitude 63°18'17.323" N.; thence West approximately 18 miles to the Corner of Ts. 18 and 19 S., Rs. 9 and 10 W., Fairbanks Meridian, in longitude 149°21'47.624" W.; thence North approximately 4 miles to the Closing Corner of T. 18 S., Rs. 9 and 10 W., Fairbanks Meridian, at intersection with the Southerly boundary of U.S. Survey No. 2177 (Mt. McKinley National Park); thence approximately South 63°54' W. approximately 93 miles on a right line along the Southerly boundary of U.S. Survey No. 2177 to Corner No. 5 of U.S. Survey No. 2177, identical with the summit of Mt. Russell, in latitude 62°47'-55.984" N., longitude 151°52'55.927" W., from which forward azimuth to Corner No. 6 is N. 62°38'13.252" E., (back azimuth S. 65°11'43.474" W.); thence N. 17°52'02" W. on the forward azimuth to Corner No. 4, approximately 1¼ miles along the Westerly boundary of U.S. Survey No. 2177 to the Closing Corner of Ts. 31 and 32 N., R. 14 W., Seward Meridian, in latitude 62°49'-46.958" N.; thence West approximately 9 miles between Ts. 31 and 32 N., Seward Meridian, to the Corner of Ts. 31 and 32 N., Rs. 15 and 16 W., Seward Meridian, in longitude 152°10'21.091" W.; thence South approximately 12 miles to the Corner of Ts. 29 and 30 N., Rs. 15 and 16 W., Seward Meridian, in latitude 62°38'23.208" N.; thence West approximately 18 miles to the corner of Ts. 29 and 30 N., Rs. 18 and 19 W., Seward Meridian, in longitude 152°44'08.108" W.; thence South approximately 6 miles to the 7th Standard Parallel North, Seward Meridian, in latitude 62°33'11.310" N.; thence West approximately 5 miles to the Closing Corner of T. 28 N., Rs. 19 and 20 W., Seward Meridian, in longitude 152°52'56.447" W.; thence South approximately 24 miles to the 6th Standard Parallel North, Seward Meridian, in latitude 62°12'23.745" N.; thence West approximately 5 miles to the Closing Corner of T. 24 N., Rs. 20 and 21 W., Seward Meridian, in longitude 153°01'33.274" W.; thence South approximately 24 miles to the 5th Standard Parallel North, Seward Meridian, in latitude 61°51'36.108" N.; thence East approximately 1¼ miles to the Closing Corner of T. 30 N., Rs. 20 and 21 W., Seward Meridian, in longitude 152°59'06.094 W.; thence South approximately 24 miles to the 4th Standard Parallel North, Seward Meridian in latitude 61°30'48.407" N.; thence West approximately 11 miles to the Closing Corner of T. 16 N., Rs. 22 and 23 W., Seward Meridian, in longitude 153°18'14.157" W.; thence South approximately 24 miles to the 3rd Standard Parallel North, Seward Meridian in latitude 61°10'00.641" N.; thence West approximately 5 miles to the Closing Corner of T. 12 N., Rs. 23 and 24 W., Seward Meridian, in longitude 153°26'19.047" W.; thence South approximately 24 miles to the 2nd Standard Parallel North, Seward Meridian, in latitude 60°49'12.809" N.; thence West approximately 18 miles to the Standard Corner of T. 9 N., Rs. 26 and 27 W., Seward Meridian, in longitude 153°58'15.530" W.; thence North approximately 6 miles to the Corner of Ts. 9 and 10 N., Rs. 26 and 27 W., Seward Meridian, in latitude 60°54'24.773" N.; thence West approximately 36 miles to the Corner of Ts. 9 and 10 North, Rs. 32 and 33 W., Seward Meridian, in longitude 155°02'06.497" W.; thence South approximately 6 miles to the 2nd Standard Parallel North, Seward Meridian, in latitude 60°49'12.809" N.; thence

West approximately 10 miles to the Closing Corner of T. 8 N., Rs. 34 and 35 W., Seward Meridian, in longitude 155°19'34.124" W.; thence South approximately 12 miles to the Corner of Ts. 6 and 7 N., Rs. 34 and 35 W., Seward Meridian, in latitude 60°38'48.869" N., thence West approximately 60 miles to the Corner of Ts. 6 and 7 N., Rs. 44 and 45 W., Seward Meridian, in longitude 157°04'-54.186" W.; thence North approximately 6 miles to the corner of Ts. 7 and 8 N., Rs. 44 and 45 W., Seward Meridian, in latitude 60°44'00.941" N.; thence West approximately 18 miles to the Corner of Ts. 7 and 8 N., Rs. 47 and 48 W., Seward Meridian, in longitude 157°36'30.169" W.; thence South approximately 18 miles to the 1st Standard Parallel North, Seward Meridian, in latitude 60°28'-24.913" N.; thence West approximately 56 miles to the Closing Corner of T. 4 N., Rs. 57 and 58 W., Seward Meridian, in longitude 159°15'30.726" W.; thence South approximately 24 miles to the Seward Base line in latitude 60°07'36.950" N.; thence West approximately 26 miles to the Closing Corner of T. 1 S., Rs. 62 and 63 W., Seward Meridian, in longitude 160°00'54.682" W.; thence South approximately 24 miles to the 1st Standard Parallel South, Seward Meridian, in latitude 59°48'48.921" N.; thence West approximately 14 miles to the Closing Corner of T. 5 S., Rs. 65 and 66 W., Seward Meridian in longitude 160°24'59.092" W.; thence South approximately 24 miles to the 2nd Standard Parallel South, Seward Meridian, in latitude 59°26'00.824" N.; thence West approximately 1½ miles to the Closing Corner of T. 9 S., Rs. 66 and 67 W., Seward Meridian, in longitude 160°26'23.061" W.; thence South approximately 12 miles to the Corner of Ts. 10 and 11 S., Rs. 66 and 67 W., Seward Meridian, in latitude 59°15'36.751" N.; thence West approximately 12 miles to the Corner of Ts. 10 and 11 S., Rs. 68 and 69 W., Seward Meridian, in longitude 160°48'35.699" W.; thence South approximately 12 miles to the 3rd Standard Parallel South, Seward Meridian, in latitude 59°05'12.661" N.; thence West approximately 19½ miles to the Closing Corner of T. 12 S., Rs. 72 and 73 W., Seward Meridian, in longitude 161°21'45.776" W.; thence South approximately 24 miles to the 4th Standard Parallel South, Seward Meridian, in latitude 58°44'24.429" N.; thence West approximately 16 miles along the 4th Standard Parallel South, Seward Meridian, to the line of mean high tide, Kuskokwim Bay.

(b) The Land Offices at Anchorage and Fairbanks are continued; however, the business and necessary archives pertaining to the boundary changes shall be transferred to the respective Land Offices.

FRED A. SEATON,
Secretary of the Interior.

JUNE 7, 1960.

[F.R. Doc. 60-5386; Filed, June 13, 1960; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ROBERT GEOFFREY PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of May 22, 1960.

Dated: May 31, 1960.

R. G. PETERSEN.

[F.R. Doc. 60-5358; Filed, June 13, 1960; 8:45 a.m.]

G. CORYDON WAGNER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: Chicago Aerial Industries Raytherm Co.
B. Additions: Simpson Lee.

This statement is made as of June 1, 1960.

Dated: June 1, 1960.

G. CORYDON WAGNER, JR.

[F.R. Doc. 60-5366; Filed, June 13, 1960; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9214 etc.]

REOPENED NEW YORK-SAN FRANCISCO NONSTOP SERVICE CASE

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 6, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola for the limited purposes of ascertaining the relevant facts and determining (a) whether any party to the Board's proceeding violated the Board's Principles of Practice, and, if so, (b) whether the Board's rules were so violated as to require a setting aside of the order of certification. See Order E-15342.

Dated at Washington, D.C., June 9, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5393; Filed, June 13, 1960; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-38]

MARTIN CO.

Notice of Issuance of Amendment to Utilization Facility License

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on May 20, 1960, the Atomic Energy Commission has issued amendment No. 7 to Facility License No. CX-7. The amendment authorizes The Martin Company, as requested in its application for license amendment dated May 5, 1960, to conduct experiments which involve the use of components consisting of homogeneous dispersions in plastic of uranium, stainless steel, and boron, in Test Cell No. 2 of its Critical Experiments Facility located near Middle River, Maryland. Notice of the proposed action was published in the FEDERAL REGISTER on May 21, 1960, 25 F.R. 4523.

Dated at Germantown, Md., this 7th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-5377; Filed, June 13, 1960; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

NEW HAMPSHIRE BANKSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of New Hampshire Bankshares, Inc. for prior approval of acquisition of voting shares of The Peoples National Bank of Claremont, Claremont, New Hampshire.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Banking Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of New Hampshire Bankshares, Inc., Nashua, New Hampshire, for the Board's prior approval of the acquisition of up to 60 percent of the 2,000 outstanding voting shares of The Peoples National Bank of Claremont, Claremont, New Hampshire; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FEDERAL REGISTER on May 18, 1960 (25 F.R. 4403); the said notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and comments having expired and no such objections or comments having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, and the acquisition by New Hampshire Bankshares, Inc. of up to 60 percent of the 2,000 outstanding voting shares of The Peoples National Bank of Claremont, Claremont, New Hampshire, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 6th day of June 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-5362; Filed, June 13, 1960; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

FEDERAL POWER COMMISSION

[Docket No. E-6994]

CENTRAL HUDSON GAS & ELECTRIC CO.

Order To Show Cause

JUNE 7, 1960.

The 1958 and 1959 Annual Reports (FPC Form No. 1) of Central Hudson Gas & Electric Company (Company), a New York Corporation with its principal place of business at Poughkeepsie, New York, together with Company's books of account, indicate that Company is currently accounting and reporting certain charges and credits arising from accounting procedures for deferred taxes on income in a manner contrary to the requirements of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees. Company's 1958 and 1959 Annual Reports were filed with this Commission on May 1, 1959, and May 2, 1960, respectively. Company's books and records were examined by this Commission's staff during a field study conducted in February 1960.

Company is a public utility within the meaning of that term under the Federal Power Act.

In Company's Annual Report to the Commission for 1958 p. 13, Comparative Balance Sheet, there is included the credit amount of $1,263,541 in Account 271, Earned Surplus. That amount represents Company's accumulated annual provision, as of December 31, 1958, for Federal income taxes deferred pursuant to section 167 of the Internal Revenue Code of 1954.

In reporting[2] this credit amount of $1,263,541 which relates to both electric and gas utility facilities as of December 31, 1958, Company's Annual Report at pp. 14 and 14-A, Notes to Balance Sheet, and p. 23 of Company's annual report to stockholders (which annual report is required to be appended as a part of the Commission's FPC Form No. 1), indicate that at various times prior to April 1, 1959, this credit amount was transferred from Account 271, Earned Surplus to Account 266, Accumulated Deferred Taxes on Income—Liberalized Depreciation, and then retransferred from Account 266 to Account 271. Both the transfer and retransfer are reported to have been "effective" January 1, 1959. Company's 1959 Annual Report to this Commission shows the credit balance of $1,263,541 as a part of Company's Account 271, Earned Surplus as of December 31, 1959.

During this same period, 1958-1959, Company's books of account, as contradistinguished from Company's Annual Reports to this Commission show the credit of $1,263,541 to be included in an account principally numbered and titled Account 242.21, Other Deferred Credits—Accumulated Deferred Taxes Liberalized Depreciation.[1] Company's adjusting journal entries effecting the afore-mentioned transfer and retransfer upon its books of account show those transfers as involving only Account 271 and Account 242.21, with mention of Account 266 entirely omitted.

Also, effective January 1, 1959, Company discontinued its prior action in following deferred tax accounting for liberalized depreciation practices of Company pursuant to section 167 of the Internal Revenue Code of 1954. The Company's action in this regard was reported to the Commission by letter dated April 20, 1959 and at p. 14-A of the Company's 1958 Annual Report to this Commission. Company had elected to follow liberalized depreciation practices commencing in 1954. Its annual charges to income for the above federal income taxes thus deferred, as shown per Company books of account, have been made to an account principally numbered and titled Account 539.12 Provision For Deferred Taxes—Liberalized Depreciation.[3] Company's monthly provisions for deferred federal income taxes during the year 1958 included in the afore-mentioned $1,263,541, total $473,631.

In addition to Company's liberalized depreciation practices, Company currently accounts and reports certain charges and credits arising from accounting procedures for accelerated amortization practices of Company pursuant to Section 168 of the Internal Revenue Code of 1954.[4]

Company's Annual Report for 1958, substitute p. 13,[4] shows the credit balance of $1,742,265 in Account 266, Accumulated Deferred Taxes on Income—Accelerated Amortization. That amount is reported as representing Company's accumulated annual provision, to December 31, 1958, for Federal income taxes deferred pursuant to Section 168 of the Internal Revenue Code of 1954. However, as in the case of Company's accumulated annual provision for deferred income taxes pursuant to Section 167 of the 1954 Internal Revenue Code. Company's books of account show this credit balance to be included in a balance sheet account other than Account 266; namely, an account principally numbered and titled Account 242.21, Other Deferred Credits—Accumulated Deferred Taxes Accelerated Amortization.[5] Company's adjusting journal entries establishing this credit balance of $1,742,265 show the transfer of that amount to Account 242.21 from Company's Account 271 with mention of Account 266 entirely omitted.

As of December 31, 1959 the corresponding credit balance of Company's accumulated annual provision for deferred income taxes pursuant to Section 168 of the Internal Revenue Code of 1954 is $2,032,104. In Company's 1959 Annual Report (FPC Form No. 1), this amount is included in Account 266. On Company's books of account it appears in the previously described "Account 242.21 Other Deferred Credits—Accumulated Deferred Taxes Accelerated Amortization."

Company's annual charge to income for the above Federal income taxes thus deferred, as shown per Company books of account, have been to an account principally numbered and titled Account 538.30 Provision for Deferred Income Taxes—Accelerated Amortization.[6] For the years 1958 and 1959 Company's monthly charges total $414,980 and $289,839, respectively.

Together Accounts 507 A and B and 266 constitute the income and balance sheet accounts, respectively, prescribed by this Commission's Order No. 204 (19 F.P.C. 837) as the appropriate accounting classification for Federal and State income taxes deferred by reason of liberalized depreciation and accelerated amortization practices under sections 167 and 168 of the Internal Revenue Code of 1954 and appropriate State authorization. Among other things, that order finds that surplus, even though restricted, is not an appropriate balance sheet classification for accumulated annual provision for deferred income taxes; and provides, specifically with respect to Account 266.1 Accumulated Deferred Taxes on Income—Accelerated Amortization, and Account 266.2, Accumulated Deferred Taxes on Income—Liberalized Depreciation, that:

Account 266.1:

A. This account shall be credited and Account 507-A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code of 1954 (section 124A of previous Internal Revenue Code), as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and Account 507-B, Taxes on Income De-

[1] A memorandum notation "Account 266, Accumulated Deferred Taxes on Income—Liberalized Depreciation" further appears on the ledger account of Company as titled and referred to above.

[2] A memorandum notation "Account 507-A Provisions for Deferred Taxes on Income" further appears on the ledger account of Company as titled and referred to above.

[3] Formerly section 124-A of the Federal Internal Revenue Act of 1950.

[4] Transmitted by letter of Company dated March 16, 1960 in response to a Commission staff "letter request" dated March 10, 1960.

[5] A memorandum notation "Account 266, Accumulated Deferred Taxes on Income—Accelerated Amortization" further appears on the ledger account of Company as titled and referred to above.

[6] A memorandum notation "Account 507-A Provisions for Deferred Taxes on Income" further appears on the ledger account of Company as titled and referred to above.

ferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified defense facilities instead of non-accelerated or non-liberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to Account 507–B shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

D. • • • If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. • • •

Account 266.2:

A. This account shall be credited and Account 507–A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and Account 507–B, Taxes on Income Deferred in Prior years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to Account 507–B, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

• • • • •

D. • • • If however, deferred tax accounting is initiated with respect to any property such accounting shall not be discontinued on that property, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission • • •.[1]

Correspondence between Company representatives and this Commission's staff has failed to show any justification for Company's departure from the requirements of this Commission's Uniform System of Accounts as indicated above. Moreover, Company representatives have indicated that Company proposes to continue the afore-mentioned accounting practices.

In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act (particularly sections 301(a), 304, 309 and 311 thereof), that Company show cause, if there be any, for its past and continuing departure from the requirements of this Commissions Uniform System of Accounts; all in the manner hereinafter provided.

The Commission orders: Company shall show cause, if there be any, under oath and in writing within 60 days from the issuance of this order, why the Commission should not find and determine:

(1) That Company is accounting for and reporting financial data relative to deferred taxes on income otherwise than by the use of the Commission's Prescribed Accounts 507 and 266, all as indicated above; and therefore that it has and continues to violate the accounting and reporting requirements prescribed by the Commission through its Uniform System of Accounts;

(2) That this action by Company constitutes a willful and knowing violation of the Federal Power Act;

(3) That the Company be required to make, keep, preserve and report its accounts in the manner prescribed by this Commission in its Uniform System of Accounts Prescribed for Public Utilities and Licensees; and

(4) That the Company be ordered to file such substitute pages of its Annual Reports for 1958 and 1959 (FPC Form No. 1) to make the accounting and reporting of accumulated deferred taxes on income therein consistent, and in compliance with the requirements therefor as prescribed by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5360; Filed, June 13, 1960; 8:45 a.m.]

[1] 19 F.P.C. 837, 843–844.

[Docket No. RI60–360 etc.]

SOUTHWESTERN EXPLORATION CONSULTANTS, INC., ET AL.

Change in Docket Number

JUNE 2, 1960.

Southwestern Exploration Consultants, Inc., (Operator), et al., Docket No. RI60–360; Humble Oil and Refining Company, Docket No. RI60–361; Jal Oil Company, Inc., Docket No. RI60–362; Ambassador Oil Corporation, Docket No. RI60–363; Nova Company, et al., Docket No. RI60–364; Austral Oil Company, Inc., Agent for Oil Participations, Inc., Docket No. RI60–365; Virginia Ramsey, et al., Docket No. RI60–378.

This is to advise that in the "Order Providing For Hearing on and Suspension of Proposed Changes in Rates" issued May 25, 1960, in the above-designated matters, the docket number assigned to Virginia Ramsey, et al., has been redesignated RI60–378 in lieu of RI60–366.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5361; Filed, June 13, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2648]

AUTOMATION-ENGINEERING CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 8, 1960.

I. Automation-Engineering Corporation (issuer), a Delaware corporation, filed with the Commission on October 7, 1959 a notification on Form 1–A and an offering circular relating to an offering of 150,000 shares of its $1.50 par value capital stock at $2 per share for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that S & M Lamp Co., advanced Manufacturing, Inc. and Flasher Electronics Corp. are each affiliates of the issuer.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose adequately the relationship and interest of the issuer and its officers and directors in S & M Lamp Co., Northwest Land & Timber, Inc., Flasher Electronics Corp. and Advanced Manufacturing, Inc.;

2. The failure to set forth profit and loss statements for S & M Lamp Co., Electronics Corp. and Advanced Manufacturing, Inc.;

3. The failure to set forth consolidated financial statements of the issuer and its wholly owned subsidiary, Northwest Land & Timber, Inc.;

4. The failure to disclose the cash investment of the issuer's president in Northwest Land & Timber, Inc.;

5. Statements concerning the valuation of assets of Northwest Land & Timber, Inc.

C. The offer would be made in violation of Section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5364; Filed, June 13, 1960; 8:46 a.m.]

[File No. 70–3886]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

Notice of Filing of Declaration Regarding Proposed Issuance of Short-Term Notes to Banks

JUNE 7, 1960.

Notice is hereby given that Blackstone Valley Gas and Electric Company ("Blackstone"), an exempt holding company and a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding its proposal to issue and sell short-term notes to banks; and has designated sections 6(a) and 7 of the Act and Rules 50(a)(2) and 42(b)(2) as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Blackstone estimates that at July 1, 1960 it will have outstanding an aggregate of $1,700,000 face amount of short-term notes held by banks, and that to meet its construction requirements through December 31, 1960 it will need an estimated additional $1,000,000.

During the period July 1, 1960 to December 31, 1960, Blackstone proposes to issue notes, from time to time, in the aggregate maximum face amounts, to the following banks:

Industrial National Bank of Providence, Providence, R.I.	$1,350,000
Rhode Island Hospital Trust Co., Providence, R.I.	1,350,000
Total	2,700,000

The proposed borrowings are to be evidenced by unsecured notes, maturing in less than nine months from date of issuance, bearing interest at not in excess of the prime rate effective at the date of the borrowing, and prepayable in whole or in part without penalty. It is contemplated that the first borrowings under the authorization here requested will be made on July 1, 1960.

The proceeds from the notes will be used to pay, from time to time, outstanding short-term notes at or prior to maturity, and to pay for construction expenditures. If any permanent financing is done before the maturity of said notes the proceeds are to be applied to the partial or total prepayment of declarants short-term indebtedness then outstanding, and the short-term notes which may be outstanding at any one time hereunder shall, thereafter, be reduced by the amount of the proceeds so applied; except that such reduction shall not limit the amount of short-term indebtedness permitted by the provisions of section 6(b) of the Act.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions; and that no commissions, fees, expenses, remuneration, other than legal fees and disbursements of counsel, are to be paid, and that the fees and expenses of counsel are to be supplied by amendment to the declaration.

Notice is further given that any interested person may not later than June 23, 1960, request in writing that a hearing be held in respect of the declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may permit the declaration, as filed or as it may be amended, to become effective, as provided in Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules and regulations under the Act, as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5365; Filed, June 13, 1960; 8:46 a.m.]

[File No. 24SF–2680]

MARKO MINING & MILLING CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 7, 1960.

I. Marko Mining & Milling Co., Inc. (issuer), a Nevada corporation, 116 South Fourth Street, Las Vegas, Nevada, filed with the Commission on December 15, 1959, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Great Basin Consolidated Mines, Inc., a Nevada corporation, is an affiliate of the issuer.

B. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Great Basin Consolidated Mines, Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

C. The offering is being and will be made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration

[File No. 24SF–2681]

MINERAL MOUNTAIN MINING & MILLING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 7, 1960.

I. Mineral Mountain Mining & Milling Co. (issuer), a Nevada corporation, 116 South Fourth Street, Las Vegas, Nevada, filed with the Commission on December 15, 1959, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Great Basin Consolidated Mines, Inc., a Nevada corporation, is an affiliate of the issuer.

B. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Great Basin Consolidated Mines, Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

C. The offering is being and will be made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5366; Filed, June 13, 1960; 8:46 a.m.]

[File No. 24SF–2682]

MINERAL MOUNTAIN MINING & MILLING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 7, 1960.

I. Mineral Mountain Mining & Milling Co. (issuer), a Nevada corporation, 116 South Fourth Street, Las Vegas, Nevada, filed with the Commission on December 15, 1959, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Great Basin Consolidated Mines, Inc., a Nevada corporation, is an affiliate of the issuer.

B. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Great Basin Consolidated Mines, Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

C. The offering is being and will be made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5367; Filed, June 13, 1960; 8:46 a.m.]

[File No. 24SF–2683]

MINERAL MOUNTAIN MINING & MILLING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 7, 1960.

I. Mineral Mountain Mining & Milling Co. (issuer), a Nevada corporation, 116 South Fourth Street, Las Vegas, Nevada, filed with the Commission on December 15, 1959, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Great Basin Consolidated Mines, Inc., a Nevada corporation, is an affiliate of the issuer.

B. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Great Basin Consolidated Mines, Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

C. The offering is being and will be made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5368; Filed, June 13, 1960; 8:46 a.m.]

[File No. 24SF–2684]

MINERAL MOUNTAIN MINING & MILLING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 7, 1960.

I. Mineral Mountain Mining & Milling Co. (issuer), a Nevada corporation, 116 South Fourth Street, Las Vegas, Nevada, filed with the Commission on December 15, 1959, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Great Basin Consolidated Mines, Inc., a Nevada corporation, is an affiliate of the issuer.

B. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Great Basin Consolidated Mines, Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

C. The offering is being and will be made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–5369; Filed, June 13, 1960; 8:46 a.m.]

and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5326; Filed, June 10, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13513; FCC 60M-991]

NATIONAL AMBULANCE & OXYGEN SERVICE, INC.

Order Changing Place of Hearing

In the matter of National Ambulance & Oxygen Service, Inc., Rochester, New York, Docket No. 13513; order to show cause why the license for Special Emergency Radio Station KED-379 should not be revoked, or, in the alternative, why a cease and desist order should not be issued.

The Chief Hearing Examiner having under consideration a request by respondent, filed May 25, 1960, for a change in place of hearing in the above-entitled proceeding;

It appearing that by order released May 25, 1960, hearing in this proceeding was scheduled to be held in Washington, D.C.;

It appearing further according to allegations herein, that the cost of producing witnesses at a hearing held in Washington, D.C., would be prohibitive to respondent;

It appearing further that the Commission's Safety and Special Radio Services Bureau, by pleading filed June 6, 1960, states that it does not oppose respondent's request;

It appearing further that the instant request is supported by a showing of good and sufficient cause;

It is ordered, This 7th day of June 1960, that the request is granted and that the place of hearing in the above-entitled proceeding is changed from Washington, D.C., to Rochester, N.Y.

Released: June 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5390; Filed, June 13, 1960; 8:50 a.m.]

[Canadian List 147]

CANADIAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

MAY 24, 1960.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of commencement of operation
		1500 kilocycles				
CJME	Regina, Saskatchewan	1 kw	DA-1	U	III	Now in operation.
		1450 kilocycles				
CKFH (PO: 1450 kc 5 kw DA-2 III).	Toronto, Ontario	10 kw D/5 kw N	DA-2	U	III	EIO 5-15-61.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5388; Filed, June 13, 1960; 8:50 a.m.]

[Docket No. 13537; FCC 60M-967]

MAYNARD M. HASKALL

Order Scheduling Hearing

In the matter of Maynard M. Haskall, P.O. Box 814, Ft. Pierce, Florida, Docket No. 13537; order to show cause why there should not be revoked the license for Radio Station WA-2168 aboard the vessel "Alert."

It is ordered, This 7th day of June 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 28, 1960, in Washington, D.C.

Released: June 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-5389; Filed, June 13, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 328]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 9, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63027. By order of June 6, 1960, the Transfer Board approved the transfer to Ardevco, Inc., doing business as Harry's Transfer and Storage Co., American National Van & Storage Co., Bunnell Transfer Co., Southside Transfer Co., and Arcadia Van Lines, 4641 Huntington Drive, North, Los Angeles, Calif., of the operating rights set forth in Certificate No. MC 111471, issued by the Commission February 21, 1950, to Wendell H. Brown, doing business as American National Van & Storage Company, 4641 Huntington Drive, North, Los Angeles, Calif., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between Altadena and Pasadena, Calif., on the one hand, and, on the other Los Angeles and Los Angeles Harbor, Calif.

No. MC-FC 63301. By order of June 8, 1960, the Transfer Board approved the transfer to Ellingwood Trucking Company, a corporation, Littleton, N.H., of Certificate No. MC 55417 issued May 21, 1943 to Ismond David Ellingwood, doing business as I. D. Ellingwood General Trucking, Groveton, N.H., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between Groveton, N.H., and points in New Hampshire and Vermont within 50 miles of Groveton, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey; and machinery, forest products, livestock, building materials, groceries, agricultural commodities and supplies for farms, between St. Johnsbury, Vt., and points in Coos County, N.H., and Essex County, Vt. Horace F. Kinne, Sr., 2 Green Street, Littleton, N.H., for transferee, and Ismond David Ellingwood, Dba I. D. Ellingwood General Trucking, 8 Rich Street, Groveton, N.H., for Transferor.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5376; Filed, June 13, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 9, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36311: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 386), for interested rail carriers. Rates on bags or bagging, urea, softeners, aluminum cable and paper scrap in carloads between points in Texas over interstate routes through adjoining states.

Grounds for relief: Intrastate competition and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 103 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

FSA No. 36313: *Cement—Ward Spur, Tex., to southern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7812), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application from Ward Spur, Tex., to points in southern territory, also Mississippi River crossings, Memphis, Tenn., and South and to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Southwestern Freight Bureau tariff I.C.C. 4360.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36312: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 387), for interested rail carriers. Rates on pipe or tubing, bags or bagging, urea, softeners, aluminum cable and paper scrap, in carloads from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 103 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5375; Filed, June 13, 1960; 8:48 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 16, Revised — $6.50
Title 17 — $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.45); Title 15 ($1.25); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—General Provisions 1960-Crop Price Support Programs for Grains and Related Commodities

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (25 F.R. 2380) and containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1960 are amended as follows:

1. Section 421.5003 is amended to provide that recourse loans may be made to a person only after such person has received $50,000 in nonrecourse loans on the commodity so that the amended section reads as follows:

§ 421.5003 Method of price support.

Nonrecourse price support will be made available through nonrecourse farm storage and nonrecourse warehouse storage loans and through purchase agreements. Recourse price support will be available only through recourse loans. Price support in excess of $50,000 on the 1960 crop of any grain commodity, except dry edible beans, for which a person has not made the reduction in production required in the "Regulations Relating to the $50,000 Limitation", shall be made only through recourse price support loans. Recourse loans may be made to a person only after such person has received $50,000 in nonrecourse price support on the commodity.

§ 421.5008 [Amendment]

2. Section 421.5008 is amended to add a new paragraph (g) to read as follows:

(g) *Application for nonrecourse price support.* An Application for Nonrecourse Price Support–1960 Grain Commodities (Form CCC–114) shall be filed by (i) each producer approved for price support on a grain commodity (except dry edible beans) who has not been approved for an exemption from the limitation on nonrecourse price support for the commodity and who has an interest in the 1960 production of the commodity on more than one farm and (ii) by any other producer who may be requested by the county office.

3. Section 421.5012 is amended by deleting the last sentence thereof so that the amended section reads as follows:

§ 421.5012 Interest rate.

Loans shall bear interest from the date of disbursement of the loan at the rate announced in a separate notice published in the FEDERAL REGISTER.

4. Section 421.5019 (a) is amended by deleting the entire paragraph and substituting in place thereof the following:

§ 421.5019 Liquidation of loans and delivery under purchase agreements.

(a) *General.* (1) The total settlement value of any grain commodity, except dry edible beans, delivered under nonrecourse loans and purchase agreements, by a person who has not qualified for unlimited nonrecourse price support on such commodity, when added to the amount of nonrecourse price support on the commodity extended to such person which has been satisfied other than by deliveries, shall not exceed $50,000. (The rules provided in the "Regulations Relating to the $50,000 Limitation" shall be applied to determine whether certain individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying this $50,000 limitation.) Settlement shall be made on the basis provided in subparagraph 2 of this paragraph (except in the case of dry edible beans) if, in the absence of fraud,

(i) There is delivered under a farm-storage loan or purchase agreement a quantity of the commodity which, if accepted by CCC as a delivery under nonrecourse price support, would result in a person receiving nonrecourse price support on the commodity in excess of $50,000, or

(ii) There is under pledge, in connection with a warehouse storage loan, a quantity of a commodity, which if the Corporation were to accept title thereto in settlement under nonrecourse price support, would result in a person receiving nonrecourse price support on the commodity in excess of $50,000, or

(iii) The loan or purchase agreement has resulted in a person receiving nonrecourse price support on the commodity in excess of $50,000 and in the case of subdivision (i), (ii) or (iii) of this subparagraph such person has not qualified for unlimited nonrecourse price support on the commodity. Such settlement shall be made basis point of delivery to CCC in case of a farm-storage loan or a purchase agreement, or basis point of storage while under pledge in the case of a warehouse storage loan.

(2) In such event, CCC shall: (i) Make available to the producer to whom the loan or purchase agreement has been made a quantity of the Commodity which has a settlement value equal to the excess above $50,000; (ii) sell the quantity of excess commodity at market price for the producer's account and settle with him on the basis of the net proceeds, or (iii) when it is not practicable to effect full settlement as provided in subdivisions (i) and (ii) of this subparagraph, the Corporation may accept the quantity of excess commodity at the market value, as determined by the Corporation, on the date of delivery (or on the maturity date in the case of warehouse storage loans), or the price support value, whichever is lower. The Corporation, however, shall not accept the delivery of any excess commodity from a producer, or accept a pledge of an excess commodity where it is practicable to determine at the time of delivery or pledge the quantity of the commodity which would cause nonrecourse price support extended to a person on the commodity to exceed $50,000. In the absence of fraud, the producer shall refund to the Corporation, promptly upon demand, the total amount of any nonrecourse price support received by a person in excess of $50,000 on the commodity as a result of a loan or purchase agreement to the producer, plus all costs incurred by the Corporation on the excess commodity, together with interest thereon, less the amount due the producer under this paragraph. The rate of interest payable by the producer on such amounts shall be 6 per centum per annum from the date of disbursement, except that if any of such amounts are repaid on or before the maturity date for nonrecourse warehouse storage loans on the commodity, the rate of interest thereon shall be 3½ per centum per annum from the date of disbursement. In the case of joint loans, the term "producer" as used in this subparagraph (2) shall refer to the producer whose share of the joint loan has resulted or would result in a person receiving nonrecourse price support in excess of $50,000.

§ 521.5019 [Amendment]

5. Section 421.5019(b)(1) is amended by deleting the entire subparagraph and substituting in place thereof the following:

(b) *Nonrecourse farm-storage loans.* (1) The producer is required to pay off his nonrecourse loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county office; he may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If the producer desires to deliver the commodity, he should, prior to maturity, give the county office notice in writing of his intention to do so. If the producer does not repay his loan or deliver the commodity as provided above, CCC shall have the right to sell or acquire title to the commodity in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and

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§ 421.5020(a). If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office, and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy, the producer dies or the commodity is threatened with damage by flood, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the grade, quality and quantity delivered by the producer, as determined by the county committee, in accordance with the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered.

6. Section 421.5022 is amended to correct the address of the Minneapolis CSS Commodity Office so that amended section reads as follows:

§ 421.5022 CSS Commodity Offices.

The CSS Commodity offices and the area served by them are shown below:

Evanston, Illinois, 2201 Howard Street: Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis, 10, Minnesota, 6400 France Avenue, So.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin,

Portland 8, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072 secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended, 73 Stat. 178; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Issued at Washington, D.C., this 10th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5465; Filed, June 14, 1960; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Miscellaneous Amendments

Notice of the proposed issuance of amendments to the Regulations Governing the Grading and Inspection of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs was published in the FEDERAL REGISTER of April 27, 1960 (25 F.R. 3652). The regulations hereinafter promulgated are issued pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

The amendments provide for billing for the relief grader rendering resident service, on the basis of salary of the grader regularly stationed at the plant. The relief grader's added salary cost will be recovered by increasing the charge for fringe benefits. The fringe benefit factor is also increased to cover the cost to the Government due to the enactment of the Federal Employees' Health Benefits Act of 1959. The amendments also provide that a grader may apply official identification stamps to shipping containers if they do not bear any statement that is false or misleading, and also include a listing of Fresh Fancy Quality Grade under the heading U.S. Consumer Grades and Weight Classes to conform with earlier amendments with respect to the Fresh Fancy Quality program. The amendments hereinafter set forth are essentially the same as were published in the aforesaid notice.

Good cause is hereby found for making the amendments effective July 1, 1960, for the reasons that: (1) Publication of a notice and public participation in rule-making procedure with respect to the foregoing amendments were given; (2) the costs of performing the service are increased due to the enactment of the Federal Employees' Health Benefits Act of 1959; the costs of such benefits will commence as of July 1, 1960, and the Agricultural Marketing Act of 1946 requires that fees charged for performing the service shall, as nearly as may be, cover the costs thereof; and (3) additional time is not required to comply with these amendments.

The amendments hereinafter set forth are hereby promulgated to become effective July 1, 1960.

The amendments are as follows:

1. Change § 56.36 to read:

§ 56.36 Approval of official identification.

Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator, except that a grader may apply official identification stamps to shipping containers if they do not bear any statement that is false or misleading. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label bearing any official identification shall be used until finished copies or samples of such label have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading. If the label is printed or otherwise applied directly to the container, the principal display panels of such container shall for this purpose be considered as the label. The label shall contain the name and address of the packer or distributor of the product, the name of the product and a statement of the net contents of the container.

§ 56.37 [Amendment]

2. Change the last sentence of § 56.37 to read: "When eggs have been graded pursuant to this part and are packaged, the grade mark affixed to each such package shall have stamped thereon either the date of grading or an expiration date not to exceed 10 days from the date of grading, including the day of grading unless the grade mark is printed on the carton, in which case the date shall be legibly applied to the carton in a manner satisfactory to the Administrator."

§ 56.46 [Amendment]

3. Change § 56.46(c) to read:

(c) If an applicant requires that any grading service be performed on a holiday, Saturday, Sunday, or between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, he shall be charged for such service at the rate of $6.00 per hour.

§ 56.52 [Amendment]

4. Change § 56.52(a) to read:

(a) *Charges.* The charges for grading of shell eggs shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of $5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to initial surveys;

(2) A charge of $100 for the final survey and the inauguration of the grading service including the assignment of one grader;

(3) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: *Provided,* no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture;

(4) A charge for the relief grader at the rate of the regular grader's salary and the actual travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(5) A charge for the actual cost to AMS of any travel or per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(6) A charge to cover the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred (other than for the convenience of AMS) from an official station to the designated plant;

(7) A charge equal to 20 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, Federal Employees' Health Benefits Act of 1959, sick leave, annual leave, and related servicing costs;

(8) A charge equal to 7 percent of: (i) The overtime salary, (ii) the salary paid to each grader exclusive of one regular grader, and (iii) all charges made to the applicant for transportation and per diem which are paid by AMS to graders assigned to the applicant;

(9) An administrative service charge based upon the aggregate number of thirty dozen cases of shell eggs handled in the plant per month and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where application is in effect and no product is handled	$25.00
1 to 1,000 cases	35.00
For each additional 1,000 cases, or fraction thereof, in excess of 1,000 cases	[1] 5.00

[1] The maximum charge shall not exceed $150.00.

§ 56.215 [Amendment]

5. In § 56.215, insert a new paragraph (e) to read:

(e) The percentage requirements for grades as set forth in §§ 56.216 and 56.217 are applicable except that interior quality factors shall be determined in accordance with the requirements of § 56.44 or § 56.44a when the lot is labelled "Produced and Marketed under Federal-State Quality Control Program."

§ 56.216 [Amendment]

6a. In § 56.216, redesignate paragraphs (a), (b), (c), (d), (e) and (f) as paragraphs (b), (c), (d), (e), (f) and (g).

b. In § 56.216, insert a new paragraph (a) to read:

(a) Fresh Fancy Quality shall consist of eggs meeting the requirements set forth in § 56.44.

c. In § 56.216, change the redesignated paragraphs (b) and (c) to read:

(b) "U.S. Consumer Grade AA" shall consist of eggs of which at least 80 percent are AA Quality. Within the maximum tolerance of 20 percent, which may be below AA Quality, not more than 5 percent may be of the qualities below A, in any combination, but not including Dirties and Leakers. This grade name is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.44.

(c) "U.S. Consumer Grade A" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum tolerance of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B, in any combination but not including Dirties and Leakers. This grade name is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.44a.

7. Change § 56.217 to read:

§ 56.217 Summary of grades.

The summary of U.S. Consumer Grades for Shell Eggs follows as Table I of this section:

TABLE 1—SUMMARY OF U.S. CONSUMER GRADES FOR SHELL EGGS

U.S. consumer grade	At least 80 percent (lot average)[1] must be—	Tolerance permitted[2]	
		Percent	Quality
Grade AA or Fresh Fancy Quality.	AA Quality.	15 to 20 Not over 5[3]	A. B, C, or Check.
Grade A	A Quality or better.	15 to 20 Not over 5[3]	B. C or Check.
Grade B	B Quality or better.	10 to 20 Not over 10[3]	C. Dirty or Check.
Grade C	C Quality or better.	Not over 30	Dirty or Check.

[1] In lots of two or more cases, no individual case may fall below 70 percent of the specified quality and no individual case may contain more than double the tolerance specified for the respective grade (i.e., in lots of Grade A, not more than 10 percent of the qualities in individual cases within the sample may be C or Check, provided the average is not over 5 percent).

[2] Within tolerance permitted, an allowance will be made at receiving points or shipping destination for ½ percent leakers in Grades AA, A, and B and 1 percent in Grade C.

[3] Substitution of higher qualities for the lower qualities specified is permitted.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624; 19 F.R. 74 as amended)

Issued at Washington, D.C., this 10th day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-5463; Filed, June 14, 1960; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 849, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must

become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.956 (Lemon Regulation 849, 25 F.R. 4953) are hereby amended to read as follows:

(ii) District 2: 441,750 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 9, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5436; Filed, June 14, 1960; 8:48 a.m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Findings and Determinations Relative to Expenses and Fixing of Rate of Assessment for 1960–61 Fiscal Year

Notice was published in the May 24, 1960, issue of the FEDERAL REGISTER (25 F.R. 4555) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal year (April 1, 1960, through March 31, 1961) under the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 969.206 Expenses and rate of assessment for the 1960–61 fiscal year.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the said fiscal year beginning April 1, 1960, and ending March 31, 1961, will amount to $6,900.00.

(b) Rate of assessment: The rate of assessment which each handler who first handles avocados shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at three cents ($0.03) per bushel, or equivalent quantity of avocados handled by such handler during the 1960–61 fiscal year.

(c) Terms used in said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5462; Filed, June 14, 1960; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-305]

PART 295—TRANSATLANTIC CHARTER TRIPS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of June 1960.

This part contains the general requirements governing applications for, and operations under, individual exemption orders authorizing the performance of transatlantic passenger charter flights by United States air carriers other than carriers certificated to provide unlimited passenger service over designated routes.

Part 295 first became effective on June 26, 1959. Since then the Board has processed a substantial number of charter authorizations under this part and has recently had occasion to review a number of charter rules and public comment thereon in connection with its approval, subject to certain conditions, of IATA Charter Resolution 045, (Order E–15047, dated March 28, 1960).

In light of the above action, and consonant with its ultimate objective of promulgating, insofar as appropriate, uniform standards for charter operations by all carriers subject to its jurisdiction, the Board hereby reissues Part 295, amended as hereinafter described. The amendments are generally of a liberalizing or clarifying nature, will permit charter organization on a less restrictive basis and facilitate the administration of such operations.

The more significant amendments consist of permitting up to five percent of the passengers on round-trip charters to be carried one-way; permitting the participation of the immediate families of bona fide members of chartering organizations even if they are not accompanied on the flight by such members; increasing the permissible size of nationwide and statewide charter organizations from which participants may be drawn to 15,000 members; and permitting the carrier, with the consent of the charterer, to utilize any unused space for the transportation of the carrier's own personnel and property. Other provisions of this part have been clarified to expressly permit participants to be given customary advertising and good-will items, and to better define permissible activities of travel agents, without substantive change in such provisions.

In addition to changes in the application form and information requirements incidental to the aforestated relaxation of standards, this regulation also dispenses with the former requirement that carriers forward expense vouchers to the Board and provides instead that such vouchers be retained by the carriers for a period of two years. The pre-existing requirement that the charterer supply a prospective passenger list to the carrier is amended to provide that the charterer provide a certified copy of the list of such passengers to be forwarded also to the Board. Apart from the aforementioned changes, the substantive provisions of Part 295 remain the same. As before, the rule contains restrictions on the transatlantic charter business which guard against the entry into the field of indirect air carriers and which prevent solicitation for charter flights of the public or segments of the public. In addition, there are protective provisions guarding participants in charter trips from inequitable burdens and charges.

With regard to the prohibition against obtaining participants for a charter group by soliciting the general public, the rule prevents the forming of a group by (1) general advertising or (2) unlimited soliciting of charter participants from an organization easy to join, and of uncertain or large and scattered membership. The rule thus provides the general framework within which to judge the charterworthiness of the cases on their own facts. For example, in accordance with the provisions of § 295.30 of this part which the Board has adopted pursuant to announcement in its Order E–15047 (dated March 28, 1960), prospective charter participants solicited without limit from organizations or other entities with a total membership of more than (1) 20,000 in a local area (except colleges or universities) or (2) 15,000 located in a larger area would be considered as solicited from the general public which would preclude their charter trip. However, if the solicitation of charter participants should be limited to a group of selected delegates who are members of a large association with scattered membership, the size and geographic scope of the association would not appear to bar the charter.[1]

Further, in the case of a corporation whose total employment and whose geographic area would apparently render it ineligible for approval, a valid charter might be solicited from the employees of two or more plants of such corporation, provided the total number of employees in such plants and the geographic area in which they work would be sufficiently

[1] Thus, if the organization is participating in a scientific convention abroad, the individuals selected to read papers at the convention may be organized into a charter group. Or if an international organization is to hold a meeting, delegates elected by various chapters might properly be organized into a charter group.

limited as to meet the tests applied by the Board in the case of a single organization. Also, the decision to limit the charter solicitation to the plants involved would necessarily have to be made prior to solicitation for the charter, and each such charter (if there were more than one) would have to be locally administered, independently of the others. It would be inappropriate to make a general solicitation of the employees of the entire corporation and subsequently limit the charter group in an attempt to conform with the criteria of the regulation.

In those cases, furthermore, where federations of groups are the organizations from which charter groups are sought to be derived, several issues under the solicitation criteria set forth herein would necessarily arise: for instance, whether the federation provides services directly to employees of several separate organizations in a given locality, or is merely a superstructure tying several individual associations together. Factors to be weighed would include the relationship of employees represented by such federation to the total population of the area covered by the federation, past history of joint activities sponsored by the federation, and whether the federation exists only nominally as a means of exchanging information, with participation limited to meetings of representatives of each member group and individual membership therein being merely a matter of record or form at the most.

To facilitate advising a prospective charterer of (1) charter prerequisites and (2) the opportunity to obtain advisory opinions on charterworthiness, it is provided that a copy of this regulation shall always be sent each prospect directly by the carrier concerned. The carrier, where known, will, of course, receive a copy of any advisory opinion requested by a charterer.

This regulation reflects the Board's policy of authorizing within the scope of its exemption power under section 416(b) additional transatlantic charter operations to the extent consistent with the development of, and sound economic conditions in, the regularly scheduled transatlantic operations. It has been the Board's experience that supplementation of the charter capacity of the regularly scheduled transatlantic carriers by other air carriers is necessary and desirable in the public interest. Over the years supplemental and cargo carriers have furnished much charter transportation but the identities of the carriers providing the bulk of such supplemental charter services have changed. The amount of charter business each such carrier may obtain in any given season depends on numerous competitive factors and is quite unpredictable. Many charter arrangements consist only of one round-trip flight for which arrangements must be perfected by the charterers within a limited period, usually between early spring and summer, an unusual circumstance not characteristic for air transportation in general. The certification process therefore is not suitable for authorizing these charter trips because it is too time-consuming to be instituted and completed within the available period, and too expensive in relation to the limited extent of the operation to be authorized. These passenger charter trips of supplemental or cargo carriers may therefore be authorized by the Board in proper cases under its exemption power on the ground that enforcement of the certification requirement of section 401 would be an undue burden on the carriers by reason of both the limited extent of and unusual circumstances affecting their operations, and would not be in the public interest.

In order to facilitate the use of this regulation by charterers, the Board has decided to reissue the regulation with all amendments incorporated therein rather than to promulgate an amendment to the regulation as a separate document. In consideration of the facts that the more significant amendments herein constitute relaxations of heretofore existing restrictions and adaptations of the regulation to the provisions of an agreement (IATA Charter Resolution Q45) to which the certificated air carriers rendering transatlantic scheduled passenger services are parties; that the amendments relate only to operations to be authorized in the future; that waivers of the provisions of the regulation may be granted where justified in the public interest and warranted by special or unusual circumstances; and that time is of the essence since the transatlantic charter season is at hand, the Board finds that notice and public procedure hereon would be impracticable and contrary to the public interest, and that there is good cause for making this regulation effective upon less than 30 days following publication.

This regulation shall apply to flights to be actually performed on or after the effective date of this part even though such flights be approved prior to such date. Attention is called to the provisions of §§ 295.17 and 295.35 respecting the filing of certified passenger lists which thus apply to such flights.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Chapter II, Subchapter A), effective June 29, 1960, by substituting for Part 295 thereof an amended Part 295 to read as follows:

Sec.
295.1 Applicability.
295.2 Definitions.
295.3 Waiver.
295.4 Separability.

Subpart A—Provisions Relating to Pro Rata Charters Requirements Relating to Air Carrier Applicants

295.11 Solicitation and formation of a chartering group.
295.12 Pre-trip notification.
295.13 Application for exemption authority.
295.14 Tariffs to be on file.
295.15 Terms of service.
295.16 Agent's commission.
295.17 Post flight reporting.
295.18 Prohibition against payments or gratuities.

REQUIREMENTS RELATING TO TRAVEL AGENTS

295.20 Limited activities.
295.21 Permissible solicitation, sale or ticketing of individual participants for land tours.
295.22 Agents who are members of the chartering organization.
295.23 Prohibition against double compensation.
295.24 Prohibition against incurring obligations.
295.25 Prohibition against payments or gratuities.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

295.30 Solicitation of charter participants.
295.31 Passengers on charter flights.
295.32 Participation of immediate families in charter flights.
295.33 Charter costs.
295.34 Statements of charges.
295.35 Passenger manifests.

Subpart B—Provisions Relating to Single Entity Charters

295.40 Application.
295.41 Tariff to be on file.
295.42 Terms of service.
295.43 Commissions paid to travel agents.

Subpart C—Provisions Relating to Mixed Charters

295.50 Applicable rules.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

295.60 Advisory opinion.

AUTHORITY: §§ 295.1 to 295.60 issued under sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 416(b), 72 Stat. 771, 49 U.S.C. 1386.

§ 295.1 Applicability.

This part establishes the requirements governing applications for, and operations under, individual exemption orders authorizing the performance of charter flights for transatlantic passengers by United States air carriers other than carriers certificated to provide unlimited passenger service over designated routes. Each application will be considered and passed upon by the Board in accordance with the statutory standards of section 416(b) of the Act. No such application shall be processed unless filed and submitted in compliance with the applicable provisions of this part or unless good cause is shown in the application for any divergence from such provisions. Operations under any such individual exemption authorizing the performance of any transatlantic passenger charter flight(s) shall be conducted in conformity with the pertinent requirements of this part unless otherwise specifically authorized by the Board. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board.

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Charter flight" means transatlantic air transportation performed by a direct air carrier where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage, on a time, mileage or trip basis:

(1) By a person for his own use (including a direct air carrier or surface carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or

(2) By a representative (or representatives acting jointly) of a group for the

use of such group (provided no such representative is professionally engaged in the formation of groups for transportation or in the solicitation or sale of transportation services).

With the consent of the charterer, the direct air carrier may utilise any unused space for the transportation of the carrier's own personnel and property.

(b) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(c) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(d) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(e) "Person" means any individual, firm, association, partnership, or corporation.

(f) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(g) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(h) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(i) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(j) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of a solicitation directed to the general public. Presumptively, persons are not bona fide members of a charter organization who are not members at the time an application for exemption authority is filed and will not actually have been members for a minimum period of six months prior to the starting flight date. Rebuttal to this presumption may be offered for the Board's consideration in connection with the charter application by the carrier involved.

(k) "Solicitation of the general public" means (1) a solicitation going beyond the bona fide members of an organization (and their immediate families), such as advertising directed to the general public by radio, television, newspaper, or magazine, or (2) the solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, nature of membership, area of residence of members, and size of membership, as to be in substance more in the nature of a segment of the public than a private entity.

§ 295.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the submission by an air carrier of a written request therefor to be submitted in conjunction with its charter application or subsequent thereto upon good cause shown for the delay, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 295.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

Subpart A—Provisions Relating to Pro Rata Charters Requirements Relating to Air Carrier Applicants

§ 295.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight.

§ 295.12 Pre-trip notification.

(a) When a charter flight date is tentatively reserved, the carrier or its agent shall inform the prospective charterer that the latter may obtain an advisory opinion from the Board's staff as to its eligibility for charter service in accordance with § 295.60.

(b) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 295.[1]

(c) In conjunction with its application for exemption authority, the carrier shall submit a copy of the executed charter contract to the Board. Such contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this regulation and that the charterer shall within due time submit to the carrier such information as specified in §§ 295.34 and 295.35 hereof and submit to each charter participant the information identified in § 295.34.

§ 295.13 Application for exemption authority.

Every proceeding on an application filed by an air carrier for exemption authority (pursuant to section 416(b) of the Act) to conduct a charter flight shall be governed by Rules 400–409 of Part 302, of the Board's rules of practice subject, however, to the following additional or different provisions: The application for exemption authority shall be filed with the Board at least 60 days before the date of the first flight under the charter contract. The application shall include an attachment which shall be in the form of, and which shall set forth the information prescribed by, the "Statement of Supporting Information"[2] annexed hereto and made a part of this part. Notwithstanding the provisions of Rule 403(b), a copy of the application need be served only on each direct air carrier certificated to provide unlimited passenger service to any point to which the charter is proposed to be flown.

§ 295.14 Tariffs to be on file.

At the time an exemption application is submitted the carrier shall have on file with the Board a tariff showing all its rates, fares, and charges for the use of the entire capacity of one or more aircraft in air transportation and all its rules, regulations, practices and services in connection with the transatlantic pro rata charter transportation which it offers to perform. Tariffs filed pursuant hereto shall expressly recite that the transportation may not be furnished unless the Civil Aeronautics Board specifically exempts the air carrier from the requirements of section 401 of the Federal Aviation Act of 1958.

§ 295.15 Terms of service.

(a) The total charter price and other terms of service set forth in the application shall conform to those set forth in the applicable tariff on file with the Board at the time the exemption application is filed and the contract must be for the entire capacity of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage, which is not in fact flown in the performance of the charter provided that the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(c) In the case of a round-trip charter, one-way passengers shall not be carried except that up to five percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round-trip is chartered separately in order to avoid the five percent limitation aforesaid. In the case of a charter contract calling for two or more round-trips, there shall be no intermingling of passengers and each plane-load group shall move as a unit in both directions unless special or unusual circumstances are shown in the application for exemption authority and the Board approves thereof.

§ 295.16 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of five percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater. Proof of the commission paid by such a carrier shall be submitted by the carrier applicant in conjunction with its application for exemption in the event such measure governs the commission which it will pay. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 295.17 Post flight reporting.

(a) Within 30 days after the completion of each one-way or round-trip flight, whichever is authorized, a manifest shall be filed by the carrier with the Board showing the names and addresses of the persons actually transported in accord with the carrier's records and the relationship of each such person to the charterer as reported to the carrier pursuant to § 295.35. In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be identified on the manifest. Any deviation from the Board's order of authorization with respect to any one-way or round-trip flight shall also be explained on this manifest. However, the making of such explanation shall not of itself operate as authority for or excuse of any deviation from the Board's order of authorization. The carrier shall also file within 30 days after flight the certified manifest which it must receive from the charterer (§ 295.35) before conducting any charter.

(b) Within 30 days after completion of each one-way or round-trip flight, whichever is authorized, a report completed by the charterer pursuant to § 295.34 shall be filed by the carrier with the Board showing the charge per passenger transported, and the charterer's total receipts and expenditures. This report shall be submitted in the form of and contain the above information as more fully specified by, the "Transatlantic Charter—Post Flight Report,"[2] annexed hereto and made a part of this part.

(c) The carrier shall retain for two years, subject to inspection by properly authorized Board personnel, all vouchers submitted to it by the charterer with the "Transatlantic Charter Post Flight Report" in accordance with the provisions of §§ 295.33 and 295.34.

(d) The carrier shall promptly notify the Board regarding any flights authorized by the Board that are later canceled.

§ 295.18 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall restrict a carrier from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

Requirements Relating to Travel Agents

§ 295.20 Limited activities.

A travel agent may not assist in the organization or assembly of a charter group, handle the sale of the air transportation to any individual members of a group, or otherwise engage in the administration of the charter flight (including signing the charter agreement for the charterer or collecting or disbursing pro rata shares of participants). The agent may arrange land tours for a charter group provided he deals with the group as a whole. He may deal with individual members of a group regarding land tours only under the circumstances indicated in § 295.21. While his services may be utilized to prepare brochures or other literature describing all aspects of the charter trip, the distribution of such material to individual participants must be confined to the hands of the charterer. Nothing in this section, however, shall prohibit the carrier from having a travel agent make distribution to the charter flight participants of boarding passes pursuant to Warsaw Convention practices.

§ 295.21 Permissible solicitation, sale or ticketing of individual participants for land tours.

A travel agent may deal with individuals for land tours (including ticketing and receipt of individual deposits for such tours) if such persons, on an individual basis after arranging for charter participation, initiate a contact with him to request of him land tour arrangements different from those which have been made available to the charter group as a whole through the organizer of the group. A travel agent (or person controlled by, controlling, or under common control with such travel agent) who does not assist in the engaging of aircraft for the charter[3] and does not receive remuneration from the carrier in connection with the charter may, in addition, solicit (i.e., initiate the approach to) individual members of the charter group (i.e., persons who have already arranged for charter participation) for land tours, and with respect to such tours receive deposits and conduct ticketing of such individual members.

§ 295.22 Agents who are members of the chartering organization.

If a travel agent, or officer, director, or employee of such an agent, is a member of the chartering organization, such agent, or officer, director, or employee, may not receive, directly or indirectly, any commission or other compensation with respect either to the charter flight or the land tour. Subject to this prohibition, he may participate in those activities, and only those, permitted to other travel agents.

§ 295.23 Prohibition against, double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service, nor may he receive directly or indirectly any part of the administrative labor cost referred to in § 295.33(c).

§ 295.24 Prohibition against incurring obligations.

A travel agent shall not incur any obligation on behalf of a chartering organization relating to the expenses of solicitation or organization of the individual participants in the chartering organization, whether or not it is intended for the organization to assume ultimately the obligation incurred.

§ 295.25 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually-ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

Requirements Relating to the Chartering Organization

§ 295.30 Solicitation of charter participants.

As the following terms are defined in § 295.2, members of the charter group may be solicited only from among the bona fide members of an organization, club or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. Charter participants solicited without limit from organizations or other entities with a total membership of more than (1) 20,000 located in a local area (except colleges or universities), or (2) 15,000 located in a larger area, shall be considered as solicited from the general public.

§ 295.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight. Where the charterer is engaging round trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 295.15 (c). When more than one round trip is contracted for, intermingling between flights or reforming of plane-load groups shall not be permitted and each plane-load group must move as a unit in both directions except as provided in § 295.15 (c).

§ 295.32 Participation of immediate families in charter flights.

The immediate family of any bona fide members of a charter organization

[1] Copies of this regulation are available by purchase from the Superintendent of Documents, Washington 25, D.C. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

[2] Filed as part of original document.

[3] This would include assistance in any form which would place the carrier under even an implicit obligation to the agent for having procured the charter. However, it would not include mere discussion between agent and charterer about the several airlines which the charterer might wish to contact.

may participate in a charter flight. The immediate family of such member shall be construed to include only the following persons who are living in his household, namely, the spouse, dependent children, and parents of such member.

§ 295.33 Charter costs.

(a) The cost of each charter flight shall be prorated equally among all charter passengers, except to the extent that the charter application may indicate a lesser charge for children under twelve years old. In the event there is any other unequal division of charges, the application for exemption must contain a statement justifying the unequal division and Board approval thereof must be obtained.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually-ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers to be given to the carrier with the "Post Flight Report" required pursuant to § 295.34.

§ 295.34 Statements of charges.

(a) Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charterer.

(b) Within 15 days after completion of each one-way or round-trip flight, whichever is authorized, the charterer shall complete and supply to each charter participant and the air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. This report shall be submitted in the form of, and contain such information including the above as more fully specified by, the "Transatlantic Charter—Post Flight Report"[2] annexed hereto and make a part of this part.

§ 295.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight, whichever is authorized, a manifest shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the application for charter authority was filed and will have been a bona fide member of the chartering organization for at least six months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) A person whose proposed participation in the charter flight has been justified in a statement filed with the Board and not disapproved by the Board (including bona fide members of an entity which has been shown in the application to encompass only persons from a study group, from a college campus, or employed by a single government agency, industrial plant or mercantile company). Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group or from a government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading "The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the application for charter authority was filed and will have been a bona fide member of the chartering organization for at least six months prior to the starting flight date, or (2) is the spouse, dependent child or parent of a bona fide member and lives in such member's household, or (3) is a person whose proposed participation in the charter flight has been justified in a statement filed with the Board prior hereto and not disapproved by the Board. ---------- (signature)"

[2] Filed as part of original document.

Subpart B—Provisions Relating to Single Entity Charters

§ 295.40 Application.

An application by a direct air carrier to conduct a single entity charter shall be filed with the Board at least 30 days prior to commencement of the charter flight, unless good cause for a later filing is shown in the application. The application shall be submitted pursuant to § 302.3 of the Board's rules of practice in economic proceedings (Procedural Regulations, Part 302). The application, furthermore, shall incorporate an attachment in the form of, and which sets forth the information specified by, the Statement of Supporting Information[2] annexed hereto and made a part of this part.

§ 295.41 Tariff to be on file.

The direct air carrier shall have a currently effective tariff on file with the Board prior to flight which discloses all the rates, fares and charges for the use of the entire capacity of one or more aircraft in air transportation and all its rules, regulations, practices and services in connection with the transatlantic single entity charter transportation which it offers to perform.

§ 295.42 Terms of service.

The total charter price and other terms of service set forth in the application shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity of one or more aircraft.

§ 295.43 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of five percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater. Proof of the commission paid by such a carrier shall be submitted by the carrier applicant in conjunction with its application for exemption in the event such measure governs the commission which it will pay.

Subpart C—Provisions Relating to Mixed Charters

§ 295.50 Applicable rules.

The rules set forth in Subpart A shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 295.60 Advisory opinion.

At any time prior to the filing of an application pursuant to this part, an air carrier or prospective charterer may request an advisory opinion from the Bureau of Air Operations, Civil Aeronautics Board, Washington 25, D.C., regarding the eligibility of the prospective charterer to obtain charter service in accordance with this regulation. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board. Such representations should include as much of the information specified by Section B, Part II, of the Statement of Supporting Information[2] annexed to this part as is available to the person requesting the advisory opinion.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 60-5460; Filed, June 14, 1960; 8:51 a.m.]

[2] Filed as part of original document.

SUBCHAPTER E—POLICY STATEMENTS

[Reg. Policy Statement 11]

PART 399—STATEMENTS OF GENERAL POLICY

Processing of Applications of Foreign Air Carriers for Authorization To Conduct Off-Route Charter Trips

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of June 1960.

On August 12, 1958, the Board adopted Regulation Policy Statement No. 5 comprising a new § 399.30 of Subpart B of Part 399, Statements of Policy. Policy Statement 5 set forth the general standards to be used by the Board in processing applications filed by foreign air carriers pursuant to Part 212 of the Economic Regulations for a Statement of Authorization to conduct off-route charter trips.[1]

Since 1958 the Board's experience has resulted in promulgation of Part 295 governing transatlantic passenger charter trips by United States carriers under special exemptions. More recently the Board approved the IATA Charter Resolution 045 subject to certain conditions (Order E-15047, dated March 28, 1960). In essence, as compared to Policy Statement 5, these rules represent a clarification and modification of charter prerequisites facilitating administration of such operations.

In view of the above and of the Board's announced objective of ultimately achieving uniformity in respect of charter standards which should be applied to the operations of various carriers subject to its jurisdiction, the Board hereby issues a new Policy Statement for off-route charters by foreign air carriers.

This Statement incorporates by reference the applicable and appropriate provisions of Part 295 reissued concurrently herewith and amended to conform with the provisions applied by the Board in approving IATA Resolution 045 (Order E-15047).

Significant additions to the Board's policy in this area of foreign-flag off-route charters, apart from changes prompted by Order E-15047, include provisions with respect to permissible charges to charter participants, and opportunity for advisory opinions. In the Board's opinion, the policy of section 403(b) of the Act requires that participants in pro rata charters pay no more than their proper share of the tariff charter rate plus necessary expenses. Therefore, it is the Board's policy that passengers be protected from hidden profits to persons concerned with the charter, however unlikely this might be in the usual case. Again, inclusion of charitable donations as part of a charter charge is not permissible. Further, charter organization is not to be considered employment for profit and the ceiling for permissible compensation for charter administration (set forth in Part 295 in terms of dollars and applicable to this Policy sometimes in terms of the equivalent rate of foreign exchange) is intended to show that no more than recompense for administrative work is permissible. The recitation in this Policy of the availability of advisory opinions, as to the eligibility of a prospective charterer, has been included to expressly advise all parties who may be concerned of the Board's interest in seeing that charters are consummated in accordance with proper concepts and the expectation of participants.

In addition, there are changes incorporated herein, from reissued Part 295, to achieve appropriate conformity with the provisions set forth by the Board in Order E-15047. These include permitting the immediate family of a bona fide member of the chartering organization to go on the charter trip even though the member himself does not participate, permitting up to five percent of the passengers on round-trip charters to travel one-way without any requirement of a showing of special or unusual circumstances, permitting charter participants to be drawn from organizations with up to 15,000 members scattered through an area encompassing more than one locality, and expressly allowing participants to receive customary advertising and good-will items from travel agents or carriers. Further this Policy also incorporates clarified provisions with respect to permissible activities of travel agents in respect of the solicitation, sale or ticketing of individual charter participants for land tours. All these provisions represent a relaxation or clarification of charter rules hitherto in force.

Since this rule constitutes a Statement of Policy, notice and public procedures hereon are unnecessary and the rule may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Subpart B of Part 399 of its Regulations (14 CFR Part 399), by repealing the provisions of § 399.30 thereof, identified as Policy Statement No. 5, and substituting therefor following Policy Statement No. 11, § 399.35, effective June 29, 1960:

§ 399.35 Processing of applications filed by Foreign Air Carriers pursuant to Part 212 of this chapter for a statement of authorization to conduct off-route charter trips.

(a) *General.* This policy prescribes the general standards which will be used by the Board in processing applications for Statements of Authority.[2] Since a determination of public interest requires consideration of all of the standards set forth in the Federal Aviation Act, as amended, this policy does not purport to cover every matter that may be taken into account by the Board in passing upon applications by foreign air carriers to conduct off-route charter trips. For similar reasons, the Board reserves the right to depart from the provisions of this policy when there is a showing of exceptional circumstances and the Board finds that strict adherence to the detailed standards of the policy in a particular situation would not be in the public interest. However, in the absence of such a showing any practice by a foreign air carrier, travel agent, or chartering group in conflict with the standards of this policy will constitute sufficient basis for denying an application for a Statement of Authorization. With respect to those standards applicable to chartering organizations and to travel agents, the foreign air carrier should reasonably assure itself before conducting any charter that such standards have been observed by the chartering organization and any travel agent involved (e.g., require suitable written information and assurance in connection with its own agreements with the charterer and any travel agent). If any practice in conflict with the standards of this policy of which the carrier is, or should be aware, is discovered after the particular charter flight has been per-

[1] In an opinion and order issued concurrently with Policy Statement 5 the Board amended the foreign air carrier permits of certain designated foreign air carriers so as to authorize them to conduct off-route charter trips in foreign air transportation under regulations prescribed by the Board (Order E-12945, dated August 12, 1958). In the same decision the Board adopted Part 212 of the Economic Regulations (Regulation ER-236, dated August 12, 1958) governing the operation of off-route charter trips by the foreign air carriers whose permits were amended. The regulation provides that in order to conduct an off-route charter trip a foreign air carrier must file an application with the Board and must receive authority in the form of a Statement of Authorization granted by the Board. Before such a Statement of Authorization will be issued the Board must find that the proposed flight comes within the definition of "off-route charter trip" set forth in the regulation and that the operation of the trip will be in the public interest.

[2] Filed as part of original document.

[2] However, approval of an application for off-route charter authority in accordance with this Statement of Policy may not properly be construed as implying an exemption from any standard self-imposed by members of IATA under Charter Resolution 045, notwithstanding the Board's reserved right to waive any of the conditions imposed by it in approving IATA Charter Resolution 045 (see Order E-15047, dated March 28, 1960).

formed, the practice will justify denial of future applications by the same foreign air carrier. Further, in deciding whether an application is in the public interest under the standards set forth in Part 212 of this chapter the Board will assume that any flight previously authorized was actually operated unless apprised otherwise.

(b) *Provisions relating to foreign air carrier applicants, travel agents, and chartering organizations.* In supplementation of the provisions of Part 212 of this chapter, all of which are here controlling, the following provisions of Part 295 of this chapter, as reissued effective June 29, 1960 and as hereafter amended from time to time, shall apply to passenger charters in foreign air transportation.

(1) To such extent as the context will permit the following provisions of Part 295 of this chapter shall fully apply respecting foreign air carrier applicants, that is: §§ 295.2(b) to (k) (definitions), 295.3 (waiver), 295.11 (solicitation and formation of a chartering group), 295.15 (a) (one-way passengers and plane-load groups), 295.18 (prohibited gratuities or payments), 295.50 (provisions for mixed charters), and 295.60 (advisory opinions).

(2) To such extent as the context will permit the following provisions of Part 295 of this chapter shall fully apply respecting travel agents, that is: §§ 295.2 (b) to (k) (definitions), 295.20 (limited activities), 295.21 (permissible solicitation, sale or ticketing of individual participants for land tours), 295.22 (prohibited compensation to agents who are members of chartering organizations), 295.23 (prohibition against double compensation), 295.24 (prohibition against incurring obligations), 295.25 (prohibition against making payments or gratuities), and 295.50 (provisions for mixed charters).

(3) To such extent as the context will permit the following provisions of Part 295 of this chapter shall fully apply respecting chartering organizations, that is: §§ 295.2 (b) to (k) (definitions), 295.30 (solicitation of charter participants), 295.31 (passengers on charter flights), 295.32 (participation of immediate families of chartering organization members), 295.33 (a) to (c) (charter costs), 295.34(a) (statements of charges), 295.50 (provisions for mixed charters), and 295.60 (advisory opinions).

NOTE: Statements of General Policy, Policy Statements, Part 399, issued May 25, 1955 (Regulations Policy Statement No. 1), amended April 4, 1957, No. 2; January 7, 1958, No. 3; May 8, 1958, No. 4; November 5, 1958, No. 5; October 3, 1958, No. 6; December 3, 1958, No. 7; August 5, 1959, No. 8; October 29, 1959, No. 9; November 24, 1959, No. 10.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Administrative Procedure Act, sec. 3, 60 Stat. 238, 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 60-5461; Filed, June 14, 1960; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-AN-1]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On January 21, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 516) stating that the Federal Aviation Agency proposed to realign the south course of the Annette Island, Alaska, radio range, and to redesignate a segment of Blue Federal airway No. 79.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 600.679 (24 F.R. 10503) is amended to read:

§ 600.679 Blue Federal airway No. 79 (Annette Island, Alaska to United States-Canadian Border).

From the United States-Canadian border to the Annette Island, Alaska, RR via a direct bearing from the Sandspit, British Columbia, RR to the Annette Island RR; Petersburg, Alaska, RR; Haines, Alaska, RBN; to the United States-Canadian Border via a direct bearing from Haines RBN to the Pon Lake, Yukon Territory, RBN.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY, *Acting Director, Bureau of Air Traffic Management.*

[F.R. Doc. 60-5408; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-166]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On October 10, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8270) which stated that the Federal Aviation Agency was considering an amendment to § 600.6014 of the regulations of the Administrator which would modify the segment of VOR Federal airway No. 14 between Albany, N.Y., and Gardner, Mass.

As stated in the notice, Victor 14 presently extends from Roswell, N. Mex., to Boston, Mass. The Federal Aviation Agency is modifying the segment of Victor 14 between Albany and Gardner by aligning this segment via the intersection of the Albany VORTAC 094° True and the Gardner VORTAC 284° True radials to provide lateral separation between Victor 14 and a proposed jet aircraft en route penetration from the Albany VORTAC to the Westover AFB, Chicopee Falls, Mass.

Although not mentioned in the notice, the Federal Aviation Agency is also amending § 600.6002 by modifying the segment of VOR Federal airway No. 2 between Albany and Gardner via the Albany VORTAC 094° True and the Gardner VORTAC 284° True radials. This modification is necessary so that this segment of Victor 2, which presently coincides with Victor 14, will continue to overlie Victor 14 between Albany and Gardner and provide the same separation between Victor 2 and the proposed jet aircraft en route penetration to Westover AFB. The dog-legging of this segment of Victor 2 will move the center line approximately 3 miles north of a direct line between the Albany VORTAC and the Gardner VORTAC, but will involve no additional airspace.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6002 (24 F.R. 10503, 25 F.R. 4376) "Albany, N.Y., VOR, including a south alternate via the INT of the Syracuse VOR 117° and the Albany VOR 269° radials; Gardner, Mass., VOR;" is deleted and "Albany, N.Y., VORTAC, including a S alternate via the INT of the Syracuse VORTAC 117° True and the Albany VORTAC 269° True radials; INT of the Albany VORTAC 094° True and the Gardner, Mass., VORTAC 284° True radials; Gardner VORTAC;" is substituted therefor.

2. In the text of § 600.6014 (24 F.R. 10506; 25 F.R. 3576), "Albany, N.Y., VOR; Gardner, Mass., VOR;" is deleted and "Albany, N.Y., VORTAC; INT of the Albany VORTAC 094° True and the Gardner, Mass., VORTAC 284° True radials; Gardner VORTAC;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY, *Acting Director, Bureau of Air Traffic Management.*

[F.R. Doc. 60-5402; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-329]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Change of Effective Date

On February 2, 1960, there was published in the FEDERAL REGISTER (25 F.R. 857) an amendment to § 600.6088 of the regulations of the Administrator. This amendment, to be effective July 28, 1960, modified VOR Federal airway No. 88 between the Vichy, Mo., VOR and the Crystal City, Mo., intersection, concurrently with the commissioning of a VOR near Richwoods, Mo.

The commissioning date of the Richwoods VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-329 is hereby modified as follows: "effective 0001 e.s.t. July 28, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor.

(Secs. 307(a), and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY, *Acting Director, Bureau of Air Traffic Management.*

[F.R. Doc. 60-5416; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-9]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Designated Reporting Points

The purpose of these amendments to §§ 600.6004, 600.6063, 600.6175, 600.6210, 600.6614, 601.6063, 601.6175 and 601.7001 of the regulations of the Administrator is to change the name of the Columbia, Mo., VOR to the Hallsville, Mo., VOR. This action is being taken to eliminate confusion with the Columbia TVOR which is being installed on the Columbia Airport. Additionally, the captions of §§ 600.6063 and 601.6063 are being changed to more accurately reflect the terminals of the airway.

Since this action imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 600.6004 (24 F.R. 10504, 10142, 25 F.R. 2009, 2883), 600.6063 (24 F.R. 10512), 600.6175 (24 F.R. 10520), 600.6210 (24 F.R. 10522, 25 F.R. 172, 430), 600.6614 (24 F.R. 10529, 25 F.R. 635), 601.6063 (24 F.R. 10599), 601.6175 (24 F.R. 10602) and 601.7001 (24 F.R. 10606) are amended as follows:

§ 600.6004 [Amendment]

1. In the text of § 600.6004 *VOR Federal airway No. 4 (Seattle, Wash., to Herndon, Va.)*, "Columbia, Mo., omnirange station, including a north alternate from the Kansas City omnirange station to the Columbia omnirange station via the intersection of the Kansas City omnirange 076° and the Columbia omnirange 292° radials;" is deleted and "Hallsville, Mo., VOR, including a north alternate from the Kansas City VOR to the Hallsville VOR via the INT of the Kansas City VOR 076° True and the Hallsville VOR 292° True radials;" is substituted therefor.

§ 600.6063 [Amendment]

2. (a) In § 600.6063 *VOR Federal airway No. 63 (Waco, Tex., to Milwaukee, Wis.)*, the caption "(Waco, Tex., to Milwaukee, Wis.)" is deleted and "(Waco, Tex., to Sulphur Springs, Tex., and McAlester, Okla., to Milwaukee, Wis.)" is substituted therefor.

(b) In the text "Columbia, Mo., omnirange station;" is deleted and "Hallsville, Mo., VOR;" is substituted therefor.

§ 600.6175 [Amendment]

3. (a) In § 600.6175 *VOR Federal airway No. 175 (Vichy, Mo., to Columbia, Mo.)*, the caption "Columbia, Mo." is deleted and "Hallsville, Mo." is substituted therefor.

(b) In the text "the Columbia omnirange 209° True radials; to Columbia, Mo., omnirange stations." is deleted and "the Hallsville VOR 209° True radials; to the Hallsville, Mo., VOR." is substituted therefor.

§ 600.6210 [Amendment]

4. In the text of § 600.6210 *VOR Federal airway No. 210 (Los Angeles, Calif., to Imperial, Pa.)*, "Columbia, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 076° and the Columbia omnirange 292° radials;" is deleted and "Hallsville, Mo., VOR, including a north alternate via the INT of the Kansas City VOR 076° True and the Hallsville VOR 292° True radials;" is substituted therefor.

§ 600.6614 [Amendment]

5. In the text of § 600.6614 *VOR Federal airway No. 1514 (Half Moon Bay, Calif., to New York, N.Y.)*, "Columbia, Mo., VOR;" is deleted and "Hallsville, Mo., VOR;" is substituted therefor.

6. Section 601.6063 is amended to read:

§ 601.6063 VOR Federal airway No. 63 control areas (Waco, Tex., to Sulphur Springs, Tex., and McAlester, Okla., to Milwaukee, Wis.).

All of VOR Federal airway No. 63.

7. Section 601.6175 is amended to read:

§ 601.6175 VOR Federal airway No. 175 control areas (Vichy, Mo., to Hallsville, Mo.).

All of VOR Federal airway No. 175.

§ 601.7001 [Amendment]

8. In the text of § 601.7001 *Domestic VOR reporting points*, "Columbia, Mo., omnirange station." is deleted and "Hallsville, Mo., VOR." is substituted therefor.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY, *Acting Director, Bureau of Air Traffic Management.*

[F.R. Doc. 60-5412; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-37]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extensions

The purpose of these amendments to §§ 601.1064 and 601.1081 of the regulations of the Administrator is to modify the Chicopee Falls, Mass., and the Windsor Locks, Conn., control area extensions.

The Chicopee Falls control area extension is partially described on the south, and the Windsor Locks control area extension is partially described on the north, by the use of "a line extending from a point at latitude 42°08'50" N., longitude 72°28'00" W., to a point at latitude 42°04'30" N., longitude 72°11'30" W." This line, however, does not fully enclose the southern portion of the Chicopee Falls area or the northern portion of the Windsor Locks area. Therefore, "a line extending from a point at latitude 42°08'20" N., longitude 72°37'-00" W., to a point at latitude 42°03'45" N., longitude 72°09'00" W." is being substituted for "a line extending from a point at latitude 42°08'50" N., longitude 72°28'00" W., to a point at latitude 42°04'30" N., longitude 72°11'30" W." in the descriptions of these two control area extensions. The airspace encompassed by this modification is essentially the same as that presently designated.

Since these amendments impose no additional burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 601.1064 (24 F.R. 10550) and 601.1081 (24 F.R. 10551) are amended as follows:

1. In the text of § 601.1064 *Control area extension (Chicopee Falls, Mass.)*, delete "on the south by a line extending from a point at latitude 42°08'50", longitude 72°28'00" to a point at latitude 42°04'-30", longitude 72°11'30"," and substitute

therefor "on the S by a line extending from a point at latitude 42°08'20" N., longitude 72°37'00" W., to a point at latitude 42°03'45" N., longitude 72°09'-00" W.,".

2. In the text of § 601.1081 *Control area extension (Windsor Locks, Conn.)*, delete "That airspace bounded on the north by a line extending from a point at latitude 42°08'50", longitude 72°28'00" to a point at latitude 42°04'30", longitude 72°11'30"," and substitute therefor "That airspace bounded on the N by a line extending from a point at latitude 42°08'20" N., longitude 72°37'00" W., to a point at latitude 42°03'45" N., longitude 72°09'00" W.,".

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5406; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-33]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1268 of the regulations of the Administrator is to modify the Sioux Falls, S. Dak., control area extension.

In Airspace Docket No. 59-WA-402 (24 F.R. 10440), the Sioux Falls control area extension was redescribed by the substitution of VOR Federal airway No. 148 for VOR Federal airway No. 80. The inadvertent omission of the phrase "northeast of Sioux Falls" in this redescription of the control area extension makes the designation incorrect since Victor 148 extends both southwest and northeast of Sioux Falls. Therefore, it is necessary to add the phrase "northeast of Sioux Falls" at the end of the text in § 601.1268 to more accurately describe the area.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.1268 (24 F.R. 10561, 10440) is amended to read:

§ 601.1268 Control area extension (Sioux Falls, S. Dak.).

That airspace SE of Sioux Falls within a 15-mile radius of the Sioux Falls VORTAC extending clockwise from the southern boundary of VOR Federal airway No. 148 to the eastern boundary of VOR Federal airway No. 15; that airspace within a 23-mile radius of the Sioux Falls VORTAC extending from the western boundary of VOR Federal airway No. 15, S of Sioux Falls thence clockwise to the northern boundary of VOR Federal airway No. 148 NE of Sioux Falls.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5405; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-178]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On November 6, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9062) stating that the Federal Aviation Agency was proposing to modify the Albany, N.Y., control area extension.

The geographical coordinates of the Windsor, Mass., VOR were incorrectly described in the preamble of the notice and are revised to read: Latitude 42°30'-24" N., longitude 73°03'35" W. This change is minor in nature in that it represents a correction of only 24 seconds of latitude, and 35 seconds of longitude. Subsquent to publication of the Notice, the Department of the Air Force changed the name of the facility from the Windsor VOR to the Savoy VOR. These changes will not effect the assignment of airspace and will necessitate no change in the amendment as proposed in the notice.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, the proposed amendment is hereby adopted without change and set forth below:

Section 601.1303 (24 F.R. 10563) is amended to read:

§ 601.1303 Control area extension (Albany, N.Y.).

Within a 15-mile radius of the Albany VORTAC from the 134° True radial clockwise to the 094° True radial and within a 40-mile radius of the VORTAC from the 094° True radial clockwise to the 134° True radial.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5403; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-26]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Control Area Extension and Control Zone

The purpose of these amendments to Part 601 of the regulations of the Administrator is to revoke the Malden, Mo., control area extension and control zone.

The Federal Aviation Agency has been advised by the Department of the Air Force that Malden Air Base, Malden, Mo., will be deactivated on or about June 30, 1960, and that the requirement for the control area extension and control zone will not exist except for the ferrying of aircraft and cargo flights which will be completed by September 1, 1960. Therefore, the retention of the control zone and control area extension will no longer be justified as an assignment of airspace and the revocation thereof is in the public interest. Such action is being taken herein.

Since these amendments eliminate a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, for the reasons stated above, this action will not be effective until September 1, 1960.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) is amended as follows:

Section 601.1329 *Control area extension (Malden, Mo.)* is revoked.

Section 601.2319 *Malden, Mo., control zone* is revoked.

These amendments shall become effective 0001 e.s.t. September 1, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5413; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-58]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1436 of the regulations of the Administrator is to modify the San Bernardino, Calif., control area extension.

The San Bernardino control area extension is designated with reference to VOR Federal airway No. 264 as the northwest boundary and Blue Federal airway No. 14 as the western boundary. Victor 264 has been realigned to the extent that it no longer forms a boundary of the control area extension. It is, therefore, necessary to delete Victor 264 from the control area extension description and substitute therefor VOR Federal airway No. 8. The alignment of Victor 8 in this area, is the same as the former alignment of Victor 264. Victor 8 will also be substituted for Blue Federal airway No. 14, as Blue 14 is under consideration for revocation. There will be no increase in the amount of controlled airspace.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.1436 (24 F.R. 10569) is amended to read:

§ 601.1436 Control area extension (San Bernardino, Calif.).

The airspace bounded on the NW by VOR Federal airway No. 8, on the NE by VOR Federal airway No. 137, and on the S by VOR Federal airway No. 16.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5407; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-78]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On January 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 222) stating that the Federal Aviation Agency proposed to modify the Muskegon, Mich., control zone and control area extension.

The Aircraft Owners and Pilots Association concurred in the designation of the east extension to the Muskegon control zone, but objected to the existing control zone extension to the southeast. The Federal Aviation Agency has reviewed the existing extension to the southeast and has determined that it is required in order to provide protection for aircraft conducting instrument approaches.

Subsequent to publication of the notice, the Federal Aviation Agency determined that the Muskegon control area extension modification as proposed in the Notice was not required. Therefore, no modification is being made at this time to the control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2117 (24 F.R. 10577) is amended to read:

§ 601.2117 Muskegon, Mich., control zone.

Within a 5-mile radius of the geographical center of Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.) and within 2 miles either side of the SE course of the Muskegon RR extending from the 5-mile radius zone to a point 12 miles SE of the RR and within 2 miles either side of the Muskegon VORTAC 270° True radial extending from the 5-mile radius zone to the Muskegon VORTAC.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5414; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-9]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2110) stating that the Federal Aviation Agency proposed to modify the New York, N.Y., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, § 601.2206 (24 F.R. 10581) is amended to read:

§ 601.2206 New York, N.Y., control zone (La Guardia Field).

Within a 5-mile radius of the geographical center of La Guardia Field (latitude 40°46'29" N., longitude 73°-52'20" W.) and within 2 miles either side of the New York (La Guardia Field) RR NE course extending from the 5-mile radius zone to the New Rochelle, N.Y., RBN.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354))

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5409; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-318]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Change of Effective Date

On February 17, 1960, there were published in the FEDERAL REGISTER (25 F.R. 1400) amendments to §§ 601.2125 and 601.1244 of the regulations of the Administrator. These amendments, to be effective August 25, 1960, modified the Terre Haute, Ind., control zone and control area extension, concurrently with the commissioning of the Terre Haute VOR at a new location.

The commissioning date of the relocated Terre Haute VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until October 20, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-318 is hereby modified as follows: "effective 0001 e.s.t. August 25, 1960." is deleted and "effective 0001 e.s.t. October 20, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5415; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-126]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Routes

On January 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 123) stating that the Federal Aviation Agency was considering an amendment to §§ 602.506, 602.509 and 602.528 of the regulations of the Administrator which would modify VOR/VORTAC jet routes Nos. 6, 9 and 28.

As stated in the Notice, VOR/VORTAC jet route No. 6 extends, in part, from Palmdale, Calif., to Prescott, Ariz.; VOR/VORTAC jet route No. 9 extends, in part, from Los Angeles, Calif., to Las Vegas, Nev.; and VOR/VORTAC jet route No. 28 extends, in part, from Daggett, Calif., to Peach Springs, Ariz. These routes are presently aligned via the Daggett, Calif., VOR. The Federal Aviation Agency is realigning these jet route segments as follows: Jet Route 6–V, from the Palmdale VOR to the Prescott VOR via the Hector, Calif., VOR; Jet Route 9–V, from the Los Angeles VOR to the Las Vegas VOR, via the Hector VOR; and Jet Route 28–V, from the Hector VOR to the Peach Springs VOR. These modifications will realign the jet route structure to the south, thus avoiding the highly concentrated supersonic military aircraft operations in the vicinity of Edwards Air Force Base, Calif.

The Department of the Air Force offered no objection to the proposed realignment of Jet Routes 9–V and 28–V, however, they did not agree with the concept that realignment of Jet Route 6–V, to the south, as proposed, would avoid the highly concentrated supersonic military aircraft operations in the vicinity of Edwards AFB, because these operations are conducted in the Edwards supersonic corridor, which is within Restricted Area R–279, and are already avoided by the route. They objected to the realignment of the jet route to the south, as proposed, because this would place the route closer to the George AFB, Calif., terminal area, which has a high concentration of high-speed jet tactical and interceptor operations. They have requested that realignment of the route be deferred until a simulation study can be made of the traffic control problems associated with George AFB, Edwards AFB and the Palmdale Air Force Plant.

Jet Route 6–V, in its present alignment, is only 2.5 miles from Restricted Area R–279, at the closest point. The proposed alignment will place the jet route 6 miles from the restricted area, at the closest point. This will provide greater separation between enroute jet traffic and the Edwards AFB operations within the restricted area. In reference to the objection to realign the jet route closer to the George AFB terminal area, initial jet penetrations to George AFB are conducted within Restricted Area R–279/484 with final approaches to the airbase from north to south. Aircraft on final approach are at 7,000 feet MSL or below and well below the en route traffic on Jet Route 6–V in its present alignment. Realignment of the jet route to the south and closer to the airbase will increase the vertical separation.

In view of the increased separation, both lateral and vertical, of enroute traffic from local operations at both George AFB and Edwards AFB, provided by the action proposed in this amendment, it is in the public interest to realign Jet Route 6–V as proposed. If the results of a traffic control simulation study should disclose a more practical realignment of the jet route, this can be accomplished at a later date.

The Air Transport Association of America offered no objection to the proposed amendment, however, they recommended revocation of Jet Route 9–V between Los Angeles, Calif., and Las Vegas, Nev., and revocation of Jet Route 28–V between Hector and Farmington, N. Mex., to avoid duplication of routes. Jet Route 9–V, as presently established, facilitates air traffic management and flight planning by providing a single numbered jet route between Los Angeles and Salt Lake City thence to points north. The Federal Aviation Agency will consider revocation of Jet Route 28–V at a later date.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 602.506 (24 F.R. 2649), 602.509 (14 CFR, 1958 Supp., 602.509) and 602.528 (24 F.R. 2649) are amended as follows:

1. In the text of § 602.506 *VOR/VORTAC jet route No. 6 (Palmdale, Calif., to New York, N.Y.)*, delete "From the Palmdale, Calif., VOR via the Daggett, Calif., VOR;" and substitute therefor "From the Palmdale, Calif., VOR via the Hector, Calif., VOR;"

2. In the text of § 602.509 *VOR/VORTAC jet route No. 9 (Los Angeles, Calif., to Great Falls, Mont.)*, delete "From the Los Angeles, Calif., VOR via the Daggett, Calif., VOR;" and substitute therefor "From the Los Angeles, Calif., VOR via the Hector, Calif., VOR;"

3. In the text of § 602.528 *VOR/VORTAC jet route No. 28 (Daggett, Calif., to Wichita, Kans.)*, delete "From the Daggett, Calif., VOR" and substitute therefor "From the Hector, Calif., VOR"

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5401; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-86]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Revocation of Coded Jet Route

On April 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3127) stating that the Federal Aviation Agency proposed to revoke L/MF jet route No. 22 in its entirety.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 602 (14 CFR, 1958 Supp., Part 602) is amended as follows:

Section 602.122 *L/MF jet route No. 22 (Laredo, Tex., to Washington, D.C.)* is revoked.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5411; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-81]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On April 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3087) stating that the Federal Aviation Agency proposed to revoke the segment of VOR/VORTAC jet route No. 49 from Miami, Fla., to Spartanburg, S.C.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 602.549 (25 F.R. 3816) is amended to read:

§ 602.549 VOR/VORTAC jet route No. 49 (Pittsburgh, Pa., to Presque Isle, Maine).

From the Pittsburgh, Pa., VOR, via the Philipsburg, Pa., VORTAC; Albany, N.Y., VORTAC; Bangor, Maine, VOR; to the Presque Isle, Maine, VOR.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5410; Filed, June 14, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-228]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Extension of Coded Jet Route

On February 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1054) stating that the Federal Aviation Agency was considering an amendment to § 602.580 of the regulations of the Administrator which would extend VOR/VORTAC jet route No. 80 from Denver, Colo., to Oakland, Calif.

As stated in the notice, J–80–V presently extends from Denver to New York, N.Y. The Federal Aviation Agency is extending J–80–V from the Denver VORTAC via the Grand Junction, Colo., VOR, the Milford, Utah, VORTAC, the Wilson Creek, Nev., VOR, the Tonopah, Nev., VOR, and the Stockton, Calif., VOR to the Oakland VORTAC. The extension of this route will simplify flight planning and improve air traffic management by providing a single numbered jet route between Oakland and New York. The operation of civil jet aircraft between these terminals is presently conducted via several separately numbered route segments.

The Air Transport Association of America concurred in the proposed extension of J–80–V. The ATA, however, stated that it did not consider it necessary to include the Wilson Creek VOR in the definition of this route since the inclusion of this VOR would require one more frequency adjustment and, undoubtedly, one more position report. The Department of the Air Force objected to the segment of J–80–V which is being designated from the Grand Junction VOR direct to the Milford VOR. The Air Force stated that this segment of J–80–V will not overlie an existing jet route and will, therefore, curtail Air Force training capability by creating more designated airspace. The Air Force recommended that the portion of J–80–V between Grand Junction and Milford be aligned via the Hanksville, Colo., VOR, thereby, having it coincide with the existing VOR/VORTAC jet routes Nos. 58 and 60.

In view of the above comments, the Federal Aviation Agency discussed the proposed extension of J–80–V with representatives of ATA and the Air Force. As a result of these discussions, both the ATA and the Air Force withdrew their objections to the proposed amendment and it was agreed that J–80–V will be extended as proposed with the exception that it will be aligned direct between the Tonopah and Milford VOR's, thereby, excluding the Wilson Creek VOR from the route.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 602.580 (24 F.R. 2650) is amended to read:

§ 602.580 VOR/VORTAC jet route No. 80 (Oakland, Calif., to New York, N.Y.).

From the Oakland, Calif., VORTAC via the Stockton, Calif., VOR; Tonopah, Nev., VOR; Milford, Utah, VORTAC; Grand Junction, Colo., VOR; Denver, Colo., VORTAC, Hill City, Kans., VOR; Salina, Kans., VORTAC; Kansas City, Mo., VOR; St. Louis, Mo., VORTAC; Indianapolis, Ind., VORTAC; INT of the Indianapolis VORTAC 073° True and the Appleton, Ohio, VORTAC 273° True radials; Appleton VORTAC; Pittsburgh, Pa., VOR; Philipsburg, Pa., VORTAC; Allentown, Pa., VORTAC, to the Idlewild, N.Y., VORTAC.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5404; Filed, June 14, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7755 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Equitable Coat Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30–100 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Equitable Coat Co., Inc., et al., New York City, New York, Docket 7755, April 27, 1960]

In the Matter of Equitable Coat Co., Inc., a Corporation, and Melvin Gelfand and Irving Gelfand, Individually and as Officers of Said Corporation and as Co-Partners Trading as Little Maid Coat Company

The complaint in this case charged New York City manufacturers with violating the Wool Products Labeling Act by failing to label girls' and teenage coats as required, and by representing said coats falsely in circulars to be "100% Wool Luxury Fabric" when they actually contained substantially less than 100 percent woolen fibers.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Equitable Coat Co., Inc., a corporation, and its officers, and Melvin Gelfand and Irving Gelfand, individually and as officers of said corporation, and as co-partners trading as Little Maid Coat Company, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 of girls' and teenage coats or other wool products, as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Equitable Coat Co., Inc., a corporation, and its officers, and Melvin Gelfand and Irving Gelfand, individually and as officers of said corporation, and as co-partners trading as Little Maid Coat Company, or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of girls' and teenage coats or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in said product in advertising, or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with

the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5423; Filed, June 14, 1960; 8:46 a.m.]

[Docket 7528 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Fieldcrest Mills, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses; Furnishing services or facilities for processing, handling, etc. under 2(e):* § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Fieldcrest Mills, Inc., Spray, N.C., Docket 7528, April 27, 1960]

This case was heard by a hearing examiner on the complaint of the Commission charging a large manufacturer of rugs, carpets and "domestics" in Spray, N.C.—with sales in 1958 of over $62,000,000—with violating sections 2 (d) and (e) of the Clayton Act by granting advertising allowances to favored customers on more generous terms than it offered their competitors, making payments in varying amounts up to 100 percent; and by furnishing only favored customers with a "Fieldcrest Shop" and providing for training their sales personnel.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Fieldcrest Mills, Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of any of its products sold under any of its trademarks, trade names, or labels in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying or contracting for the payment of anything of value to, or for the benefit of, any customer or respondent as compensation or in consideration for any advertising, or promotional activities, or other services or facilities furnished by or through such customer in connection with the handling, offering for sale, or sale or distribution of any product or products of respondent, unless such payment or consideration is offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or sale of such product or products.

2. Furnishing, contracting to furnish, or contributing to the furnishing of any fixtures, display facilities, training programs or other services or facilities in connection with the handling, processing, sale or offering for sale of any product or products of respondent to any purchaser from respondent of such product or products bought for resale, unless such fixtures, display facilities, training programs, or other services or facilities are offered or otherwise made available on proportionally equal terms to all other purchasers from respondent who resell such product or products in competition with such purchasers who receive such fixtures, display facilities, training programs, or other services or facilities.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5424; Filed, June 14, 1960; 8:47 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 221; Docket No. R-188]

PART 157—APPLICATIONS FOR CERTICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

Other Information

JUNE 9, 1960.

In this proceeding the Commission has under consideration the amendment of Part 157, entitled "Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act as Amended" of Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, by revising § 157.27 *Other information.*

Present § 157.27 provides that a producer applicant for a certificate "may be required to furnish such additional information as the Commission may deem pertinent." The amendment herein adopted makes no change in that requirement but merely revises the text of the section to conform it more nearly to the parallel section of the regulations relating to pipeline companies (18 CFR 157.14(c)).

The Commission finds:

(1) The proposed amendment involves a matter of practice and procedure which does not require notice of hearing under section 4(a) of the Administrative Procedure Act.

(2) Adoption and promulgation of the proposed amendment is necessary and appropriate for the purposes of administration of the Natural Gas Act.

(3) Good cause exists that this amendment become effective as hereinafter ordered.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 15 U.S.C. 717f and 717o), orders:

(A) Part 157—Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act, as amended, Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended by deleting the existing text of § 157.27 and inserting in lieu thereof the following:

§ 157.27 Other information.

Upon request by the Secretary, applicant shall submit such additional data, information, exhibits, or other detail as may be specified.

(B) The amendment prescribed herein shall become effective upon the issuance of this order.

(C) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-5422; Filed, June 14, 1960; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6471]

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

Miscellaneous Amendments

On March 19, 1960, a notice of proposed rule making to amend 26 CFR Part 175, with respect to traffic in containers of distilled spirits, was published in the FEDERAL REGISTER (25 F.R. 2367).

After consideration of all relevant matter as was presented by interested parties regarding the rules proposed, the regulations as so published are hereby adopted.

This Treasury decision shall become effective on July 1, 1960.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] CHARLES J. FOX, *Acting Commissioner of Internal Revenue.*

Approved: June 9, 1960.

FRED C. SCRIBNER, Jr., *Acting Secretary of the Treasury.*

Conforming Part 175 to provisions of the Internal Revenue Code of 1954, as amended by Public Law 85-859, relating to the refilling and reuse of liquor bottles.

In order to implement provisions of the Internal Revenue Code of 1954, as amended by Public Law 85-859, relating to the refilling and reuse of liquor bottles, 26 CFR Part 175 is amended as follows:

1. Section 175.9 is amended to read as follows:

§ 175.9 Bottler.

A proprietor of a distilled spirits plant authorized to bottle spirits, a proprietor of a class 8 bonded warehouse qualified under the customs laws, or an agency of the United States or any State or political subdivision thereof.

2. Section 175.13 is amended to read as follows:

§ 175.13 Distilled spirits or spirits.

That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka, and products of rectification not classified as wine.

3. Section 175.21 is amended to read as follows:

§ 175.21 United States.

The several States and the District of Columbia.

4. Subpart I is amended to read as follows:

Subpart I—Purchase, Sale, Reuse, and Possession of Used Liquor Bottles

§ 175.120 Purchase or sale of used liquor bottles.

Except as provided in this part, no person shall purchase or sell used liquor bottles.

§ 175.121 Reuse or refilling of liquor bottles.

Except as authorized by the provisions of Chapter 51, I.R.C., and regulations thereunder, including the regulations in this part, and in accordance with the conditions, limitations, and requirements set forth therein, including those in respect to the stamping of containers, no person who sells, or offers for sale, distilled spirits, or any agent or employee of such person, shall (a) place in any liquor bottle any distilled spirits whatsoever other than the distilled spirits contained in such bottle at the time such bottle was filled and stamped under the provisions of Chapter 51, I.R.C., or (b) by the addition of any substance whatsoever to any liquor bottle, in any manner alter or increase the original contents or any portion of the original contents contained in such bottle at the time such bottle was filled and stamped under the provisions of Chapter 51, I.R.C.

§ 175.122 Possession of refilled liquor bottles.

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall (a) possess any liquor bottle in which any distilled spirits have been placed in violation of section 5301 (c) of the Internal Revenue Code or § 175.121 or (b) possess any liquor bottle, any portion of the contents of which has been altered or increased in violation of section 5301(c) of the Internal Revenue Code or § 175.121.

§ 175.123 Possession of used liquor bottles.

The possession of used liquor bottles by any person other than the person who empties the original contents thereof, or the bottler or the importer as authorized by this part, is prohibited, except that this shall not prevent the owner or occupant of any premises on which such bottles have been lawfully emptied from assembling the same on such premises (a) for the purpose of destruction or (b) for delivery to a bottler or importer who maintains a storage place for used liquor bottles as authorized by this part.

[F.R. Doc. 60-5445; Filed, June 14, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Toxaphene

A petition was filed with the Food and Drug Administration by Hercules Powder Company, Wilmington 99, Delaware, requesting the establishment of a tolerance for residues of toxaphene at 5 parts per million in or on sorghum grain.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After a consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1959 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1959 Supp., 120.138) are amended by changing § 120.138(b) to read as follows:

§ 120.138 Tolerances for residues of toxaphene.

* * * * *

(b) 5 parts per million in or on barley, oats, rice, rye, sorghum grain, wheat.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 9, 1960.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 60-5442; Filed, June 14, 1960; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Dodine

A petition was filed with the Food and Drug Administration by the American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, requesting the establishment of tolerances for residues of dodine at 5 parts per million in or on apples and at zero part per million in meat and milk.

The data before the Commissioner does not show that this pesticide chemical, when included in the feed of animals, would not result in residues in meat and milk. Residues of dodine in pomace from treated apples would make such pomace unsuitable for livestock feed, and the proposed usage does not contemplate that it will be used for that purpose. There is no basis for fixing a tolerance for the pesticide in milk or meat at a level higher than zero.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the

public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1959 Supp. 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1959 Supp. 120.172) are amended by changing § 120.172 to read as follows:

§ 120.172 Tolerances for residues of dodine.

Tolerances for residues of dodine (*n*-dodecylguanidine acetate) in or on raw agricultural commodities are established as follows:

(a) 5 parts per million in or on apples, pears, sour cherries.

(b) Zero part per million in meat and milk.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum of brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 8, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-5441; Filed, June 14, 1960; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Pub. Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.86 (25 F.R. 343, 404, 1074, 1727, 1944, 2203, 2837, 3525) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to foods.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act, whichever occurs first:

* * * * *

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

Common name	*Botanical or zoological name of source*
Agaric, white	Polyporus officinalis fries.
Alkanet root	Alkanna tinctoria Tausch.
Aloe	Aloe perryi Baker, A. barbadensis Mill., A. ferox Mill., and hybrids of this species with A. africana Mill. and A. spicata Baker.
Aloe extract	Do.
Aloe, cape	Aloe ferox Mill. and its hybrids with A. africana Mill. and A. spicata Baker.
Aloe, cape, extract	Do.
Aloin	Aloe perryi Baker, A. barbadensis Mill., A. ferox Mill., and hybrids of this species with A. africana Mill. and A. spicata Baker.
Althea flowers (marshmallow)	Althea officinalis L.
Althea root (marshmallow root)	Do.
Amyris (West Indian sandalwood) oil	Amyris balsamifera L.
Angola weed	Roccella fuciformis Ach.
"Araucaria" oil	Callitropsis araucarioides Compt.
Artemisia (wormwood) (thujone free)	Artemisia spp.
Balsam fir oil	Abies balsames (L.) Mill.
Balsam fir, oleoresin	Do.
Beechwood creosote	Fagus spp.
Benzoin gum (resin)	Styrax benzoin Dryand., S. paralleloneurus Perkins, S. tonkinensis (Pierre) Craib ex Hartwich, or other spp. of the Section Authostyrax of the genus Styrax.
Birch tar oil, refined (rectified)	Betula pendula Roth and related Betula spp.
Blessed thistle (holly thistle) herb	Cnicus benedictus L.
Blessed thistle (holly thistle) herb extract, solid.	Do.
Blessed thistle (holly thistle) herb extract.	Do.
Blessed thistle (holly thistle) herb oil	Do.
Blackberry bark extract	Rubus, Sec. Eubatus.
Borage	Borago officinalis L.
Boronia, absolute	Boronia megastigma Nees.
Buchu leaves oil	Barosma betulina Bartl., B. crenulata (L.) Hook, and B. serratifolia Willd.
Buckbean leaves extract	Menyanthes trifoliata L.
Bugleweed, yellow (groundpine bugle)	Ajuga chamaepitys (L.) Schreb.
Bugleweed, yellow (groundpine bugle), extract.	Do.
Bugleweed, yellow (groundpine bugle), extract, solid.	Do.
Cabreuva oil	Myrocarpus frondosus Fr. Allen and M. fastigiatus Fr. Allen.
Cade oil (juniper tar, empyreumatic wood oil).	Juniperus oxycedrus L.
Cajeput (cajuput) oil	Melaleuca leucadendron L. and other Melaleuca spp.
Calamus (sweetflag)	Acorus calamus L.
Calamus oil	Do.
California laurel leaves extract	Umbrellularia californica Nutt.
California laurel oil	Do.
Calumba	Jateorhiza palmata (Lam.) Miers.
Calumba extract	Do.
Carmine	Coccus cacti L.
Cascara, bitterless extract	Rhamnus purshiana DC.
Cassie absolute	Acacia farnesiana Willd.
Cassia fistula (goldenshower senna)	Cassia fistula L.
Castor oil	Ricinus communis L.
Catechu, black, extract	Acacia catechu Willd.
Catechu, black, powder	Do.
Cedar leaf oil	Thuja occidentalis L.
Cedarwood, American, white, oil	Juniperus virginiana L.
Centaury (centaurium) herb	Centaurium umbellatum Gilib.
Cherry-laurel water (laurocerasus water).	Prunus laurocerasus L.

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS—Con.

Common name	*Botanical or zoological name of source*
Hart's-tongue	Phyllitis scolopendrium (L.) Newm.
Haw bark, black, extract	Viburnum prunifolium L.
Ho (ho-abo) oil	Cinnamomum camphora Sieb.
Iceland moss	Cetraria islandica Ach.
Imperatoria (masterwort)	Imperatoria ostruthium L.
Iva (musk yarrow)	Achillea moschata Jacq.
Labdanum absolute	Cistus spp.
Labdanum oil	Do.
Labdanum oleoresin	Do.
Lemon-verbena	Lippia citriodora H. B. and K.
Lettuce, wild	Lactuca scariola L., L. virosa L., or other Lactuca spp.
Linaloe wood oil	Bursera delpechiana Poiss. and related Bursera spp.
Linden flowers and leaves	Tilia spp.
Logwood chips extract	Haematoxylon campechianum L.
Lovage	Levisticum officinale Koch.
Lovage extract	Do.
Lovage oil	Do.
Lungmoss (lungwort)	Sticta pulmonacea Ach.
Manna	Fraxinus ornus L.
Maple, mountain, bark	Acer spicatum Lam.
Maple, mountain, bark, extract, solid	Do.
Maple, mountain, extract, solid	Do.
Meadowsweet, European (spiraea ulmaria).	Filipendula ulmaria (L.) Maxim.
Melilot herb (yellow melilot)	Melilotus officinalis (L.) Lam.
Mimosa absolute	Acacia decurrens Willd. var. dealbata.
Motherwort	Leonurus cardiaca L.
Mullein flowers	Verbascum phlomoides L. or V. thapsiforme Schrad.
Myrrh gum and oil	Commiphora molmol Engl., C. abyssinica (Berg) Engl., and other Commiphora spp.
Oak moss absolute (mousse de chene) and extract.	Evernia prunastri (L.) Ach. (true oak moss), E. furfuracea (L.) Mann, and other lichens.
Olibanum oil (frankincense)	Boswellia carteri Birdw. and other Boswellia spp.
Opopanax (bisabol-myrrh) gum and oil.	Opopanax chironium Koch (true opopanax), or Commiphora erythraea Engl. var. glabrescens.
Passion flower herb extract	Passiflora incarnata L.
Patchouly oil	Pogostemon cablin Benth. and P. heyneanus Benth.
Peach leaves	Prunus persica Sieb. et Zucc.
Pennyroyal (American falsepennyroyal)	Hedeoma pulegioides (L.) Pers.
Pennyroyal (American falsepennyroyal) oil	Do.
Pennyroyal (European pennyroyal mint).	Mentha pulegium L.
Pennyroyal (European pennyroyal mint) oil.	Do.
Pimpinella (pimpernel) root	Pimpinella saxifraga L. or P. magna L.
Pine, Scotch, oil	Pinus sylvestris L.
Pine, white, bark	Pinus strobus L.
Pine, white, bark oil	Do.
Pine, white, bark extract, solid	Do.
Poplar buds	Populus candicans Ait. or P. tacamahaca Mill. (P. balsamifera L.)
Quassia	Picrasma excelsa (Sw.) Planch. or Quassia amara L.
Quassia chips	Do.
Quassia root	Do.
Quassia extract	Do.
Quebracho bark extract	Aspidosperma quebracho-blanco Schlecht.
Quillaia extract (soapbark extract, China bark extract).	Quillaja saponaria Molina.

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS—Con.

Common name	*Botanical or zoological name of source*
Chestnut leaves	Castanea dentata (March.) Borkh.
Chestnut leaves extract	Do.
Chestnut leaves extract, solid	Do.
Chiraita (chiretta, East Indian balmony)	Swertia chirayita (Roxb.) Lyons.
Chiraita (chiretta, East Indian balmony) herb extract.	Do.
Cinchonidine	Cinchona spp. (a-quinidine).
Cire d'abeille, absolute	Apis mellifera L.
Cochineal	Coccus cacti L.
Cocillana bark	Guarea rusbyi (Britt.) Rusby.
Copaiba (balsam copaiba)	Copaifera spp.
Copaiba (balsam copaiba) oil	Do.
Cork, oak	Quercus suber L. and Q. occidentalis F. Gay.
"Costus root" extract	Saussurea lappa Clarke.
"Costus root" oil	Do.
Cramp bark extract	Viburnum trilobum Marsh.
Cubeb	Piper cubeba L. f.
Cubeb oil	Do.
Cudbear	Rocella spp., Lecanora spp., or other lichens.
Cudbear extract	Do.
Currant, black, buds, absolute	Ribes nigrum L.
Currant, black, buds, extract	Do.
Currant, black, buds, extract, solid	Do.
Currant, black, leaves	Do.
Damar gum	Shorea spp.
Davana oil	Artemisia pallens Wall.
Deer's-tongue (vanilla trilisa) extract	Trilisa odoratissima (Walt.) Cass.
Dittany (fraxinella)	Dictamnus albus L.
Dittany of Crete	Origanum dictamnus L.
Dittany of Crete, extract	Do.
Dittany of Crete extract, solid	Origanum dictamnus L.
Dittany of Crete oil	Do.
Dock, yellow, root	Rumex crispus L. or R. obtusifolius L.
Dock, yellow, root extract	Do.
Dock, yellow, root extract, solid	Do.
Dragon's blood	Dracaena spp.
Elder flowers, with stems	Sambucus canadensis L. or S. nigra L.
Elder tree leaves	Sambucus nigra L.
Elecampane root	Inula helenium L.
Elecampane root extract	Do.
Elecampane root oil	Do.
Elemi gum	Canarium luzonicum (Miq.) A. Gray.
Elemi oil	Do.
Erigeron	Erigeron canadensis L.
Eucalyptus oil	Eucalyptus globulus Labill. or other Eucalyptus spp.
Eucalyptus leaves	Do.
Eucalyptus oil	Do.
Forget-me-not	Myosotis spp.
Galbanum oil	Ferula galbaniflua Boiss. et Buhse and other Ferula spp.
Galbanum resin	Do.
Gambir (catechu, pale)	Uncaria gambir (Hunter) Roxb.
Genet absolute	Spartium junceum L.
Genet extract	Do.
Gentian	Gentiana lutea L.
Gentian root extract	Do.
Germander, chamaedrys	Teucrium chamaedrys L.
Germander, chamaedrys, extract	Do.
Germander, chamaedrys, extract, solid	Do.
Guaiac wood oil	Guaiacum officinale L. and G. sanctum L.
Guaiac gum extract	Do.
Guaiac wood extract	Do.
Guarana	Paullinia cupana Kunth.

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS—Con.

Common name	Botanical or zoological name of source
Vervain, blue	Verbena hastata L.
Vetiver	Vetiveria zizanioides Stapf.
Vetiver extract	Do.
Vetiver oil	Do.
Violet flowers	Viola odorata L.
Wintergreen bark	Drimys winteri Forst.
Witch-hazel	Hamamelis virginiana L.
Woodruff, sweet, herb	Asperula odorata L.
Wormseed oil	Chenopodium ambrosioides L. var. anthelminticum (L.) Gray.
Yarrow herb	Achillea millefolium L.
Yerbasanta	Eriodictyon californicum (Hook. et Arn.) Torr.
Yerbasanta, fluidextract	Do.
Yucca brevifolia extract	Yucca brevifolia Engelm.
Yucca mohavensis root extract	Yucca mohavensis Sarg.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order shall be effective as of the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1088; 21 U.S.C., note under sec. 342)

Dated: June 9, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-5439; Filed, June 14, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929; 72 Stat. 1788; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby authorizes the use in foods of certain additives for which tolerances have not yet been established or petitions therefor denied:

1. Section 121.86 (25 F.R. 343, 404, 1074, 1727, 2203, 2536, 2837, 3525) is amended by adding thereto the following items:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in food, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirement of tolerances, in accordance with section 409 of the act; whichever occurs first:

Product	Limits	Specified uses or restrictions
• • •		
Bithionol and methiotriazamine mixture	500 parts per million bithional; 100 parts per million methiotriazamine.	In poultry feed as a coccidiostat. Discontinue feed 3 days before marketing the birds to allow for elimination of the drug from edible tissue.
Ethylene oxide	50 parts per million	In dehydrated or freeze-dried mushrooms as residue from use as fumigant.
		In edible gums, as a residue from use as a fumigant.
Lactic acid esters of mono- and diglycerides derived by glycerolysis of edible vegetable and animal fat.		As emulsifiers in foods in accordance with good manufacturing practice.
Piperonyl butoxide and pyrethrins mixture	30 parts per million piperonyl butoxide; 3 parts per million pyrethrins.	As residues in dried citrus pulp for animal feed from treating the stored pulp in burlap bags for insect control. Data demonstrates no residues in milk from feeding lactating dairy animals citrus pulp with these additives at or below the amounts listed.
Polyethylene glycols having molecular weights from 200 through 6,000.		As components of coatings or binders for tableted foods, in accordance with good manufacturing practice.

2. Section 121.87 *Extension of effective date of statute for certain specified food additives as indirect additives to food* (25 F.R. 1727, 1772, 2203, 3526) is amended in the following respects:

a. Paragraph (a) (25 F.R. 1727, 2203) is amended by changing the item "Maleic acid • • •" to read:

Product	Limits	Specified uses or restrictions
Maleic acid		Not to exceed 0.8 percent in nitrocellulose-coated, heat-sealing cellophane for packaging foods.

b. Paragraph (a) *General list* is further amended by adding thereto the following items:

§ 121.87 Extension of effective date of statute for certain specified food additives as indirect additives to food.

On the basis of data supplied in accordance with § 121.85 and findings that no undue risk to the public health is involved and that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or denials of tolerances or for granting exemptions from tolerances, the following additives may be used in connection with the production, packaging, and storage of food products, under certain specified conditions, for a period of 1 year from March 6, 1960, or until regulations shall have been issued in accordance with section 409 of the act, whichever occurs first. The extensions are granted under the condition that a minimum quantity of the additive will be incorporated in the food, consistent with good manufacturing practice. While preliminary data show that many of the substances included in the list may not migrate to foods, these are being included pending the completion of additional scientific work involving them.

(a) *General list.*

Product	Limits	Specified uses or restrictions
• • •	• •	• • •
Amine, secondary (hexadecyl, octadecyl) of hard tallow.		As constituent of defoaming agent used in manufacture of food-packaging materials.
Copolymers of styrene and divinyl benzene with added groups: quaternary ammonium, methyl, ethanol (from varying ratios).		
Copolymers of divinyl benzene and methacrylic or acrylic acid (from varying ratios).		
Copolymers of styrene and divinyl benzene with sulfonic acid groups (from varying ratios).		As ion-exchange resins used in food processing.
Copolymers of divinyl benzene and styrene (from varying ratios) with following added groups: Polyalkylamine, copolymers of divinyl-benzene and acrylic or methacrylic acid with added amine groups.		
Starch ether from reacting cornstarch with propylene oxide.		As a migrant from cotton fabrics used in dry food packaging.
Monoethanol amine		As a constituent of defoaming agent used in manufacture of food-packaging materials and adhesives.
Polyoxyalkylene glycols having molecular weights from 900 through 4,000.		As a constituent of defoaming agent used in boiler water treatment, glue manufacture, and bottle-washing detergent for food processing and packaging purposes, and lubricant for food-processing and packaging machinery.
Polyethylene glycols having molecular weights from 200 through 6,000.		As a component of release agents, coatings, adhesives, inks, and plasticizers used in food-packaging materials.
Polyoxyethylene glycol ester of mixed fatty acids from tall oil (average 16 oxyethylene groups).		
Polyoxyethylene sorbitol hexaoleate (average 40 oxyethylene groups).		As constituent of defoaming agent used in manufacture of food-packaging materials.
Polypropylene glycol having a molecular weight of 1,200.		

c. In paragraph (d) *Substances migrating from linings of containers used in food packaging,* subparagraph (5) is amended to read as follows:

(5) Rosin derivatives, including modification by polymerization, isomerization, decarboxylation, hydrogenation, and methyl ester of hydrogenated rosin:

(i) Rosin esters formed by reaction with:

Bisphenol-epichlorohydrin (epoxy).
Diethylene glycol.
Ethylene glycol.
Glycerol.
Methanol.
Pentaerythritol.

(ii) Rosin esters modified by reaction with maleic anhydride; ortho-, meta-, and para-substituted phenol-formaldehydes listed in subparagraph (6) of this paragraph; phenol-formaldehyde.

(iii) Calcium rosinate (limed rosin); zinc rosinate.

d. Paragraph (d)(7) is amended to read as follows:

(7) Polyester resins (including alkyd type) formed as ester of acids in subdivisions (i) and (ii) of this subparagraph, by reaction with polyhydric alcohols in subdivision (iii) of this subparagraph:

(i) Polybasic acids:

Adipic.
Dimerized fatty acids derived from oils listed in subparagraph (1) of this paragraph.
Fumaric.
Isophthalic.
Maleic.
Orthophthalic.
Rosin-maleic acid adduct (petrex acid).
Sebacic.
Terephthalic.
Trimellitic.

(ii) Monobasic acids:

Benzoic.
Fatty acids derived from oils listed in subparagraph (1) of this paragraph.
Rosins and rosin acids (see subparagraph (5) of this paragraph).
Tertiary butyl benzoic.

(iii) Polyhydric alcohols:

Diethylene glycol.
Ethylene glycol.
Glycerol.
Mannitol.
α-Methyl glucoside.
Pentaerythritol.
Propylene glycol.
Sorbitol.
Trimethylol ethane.
Trimethylol propane.

e. Paragraph (d)(8) is amended by adding thereto the following item:

Allyl ether of mono-, di-, or trimethyl phenol.

f. Paragraph (d)(14) is amended by adding thereto the following item:

Methyl-ethyl-butyl or octyl esters of acrylic acid copolymerized with acrylonitrile.

g. Paragraph (d)(25) is amended by adding thereto the following item:

18, 19, and 20 carbon alkyl amides.

h. Paragraph (d) is further amended by adding thereto the following new subparagraph (29):

(29) Dimethylpolysiloxane.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order becomes effective on the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1068; 21 U.S.C., note under sec. 342)

Dated: June 8, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-5440; Filed, June 14, 1960; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Changes in Expiration Dates

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR and 21 CFR 1958 Supp., 146c.220, 146e.417) are amended as indicated below:

1. In § 146c.220 *Tetracycline,* paragraph (c) (3) is amended by changing the words "24 months" to read "36 months".

2. In § 146e.417 *Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary,* paragraph (c) (1) (iii) is amended by changing the period after the word "certified" to a comma and inserting the following clause: ", except that the blank may be filled in with the date that is 36 months, 48 months, or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 9, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-5443; Filed, June 14, 1960; 8:49 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Miscellaneous Amendments

By notice of proposed rule making published on April 8, 1960 (25 F.R. 3037), as corrected on April 15, 1960 (25 F.R. 3262), notification was given that the Director, Bureau of Sport Fisheries and Wildlife, proposed to recommend the adoption by the Secretary of the Interior of certain changes in Part 6, Title 50, Code of Federal Regulations, which would specify open seasons, certain closed seasons, hunting methods, shooting hours, possession, transportation and importation controls and the bag and possession limits for migratory game birds. In this connection the public was notified of certain specific changes to Part 6 that were under immediate consideration. These were (1) to develop closer conformity with State regulations with respect to legal hunting devices, (2) to allow the use of additional suitable materials for the plugging of repeating shotguns, (3) to clarify the conditions under which migratory game birds may be possessed in the field, (4) to remove the weekly limitation on export of migratory game birds from a State, (5) to clarify the marking requirements for migratory game birds held in storage, (6) to clarify the authority of persons authorized to enforce these regulations, and (7) to prevent the taking of live migratory game birds under the hunting rules. The sections of Part 6 to be changed were set forth in detail.

Interested persons were invited to submit in writing their views on the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife.

Consideration having been given to all relevant matters presented, the proposed amendments are adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following date of this publication in the FEDERAL REGISTER.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR, 1949–1953 Comp., p. 757)

FRED A. SEATON,
Secretary of the Interior.

JUNE 8, 1960.

1. Section 6.3 (a) (1) and (b) (1) and (2) is amended to read as follows:

§ 6.3 Hunting methods.

* * * * *

(a) *Permitted methods.* Migratory game birds may be taken;

(1) By the aid of a dog, with longbow and arrow or with a shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder.

* * * * *

(b) *Prohibited methods.* Migratory game birds may not be taken;

(1) With a trap, snare, net, crossbow and arrow, rifle, swivel gun or machine gun;

(2) With a shotgun of any description originally capable of holding more than three shells, the magazine of which has not been cut off, altered, or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the said gun to not more than three shells in the magazine and chamber combined.

2. Section 6.6 is revised by changing the wording of paragraph (a), revoking paragraph (b), and redesignating paragraphs (c), (d), and (e) as (b), (c), and (d), respectively, to read:

§ 6.6 Transportation into, within, or out of any State.

Any person, without a permit, may transport lawfully killed migratory game birds into, within, or out of any State during and after the open seasons in the State where taken, subject to the conditions and restrictions specified in this section.

(a) If such birds, except mourning and white-winged doves, are dressed, the head, head plumage, and feet must remain attached in such manner as to permit identification of their species while being transported between the place where taken and the personal abode of the possessor or between the place where taken and a commercial preservation facility.

(b) Any such birds transported from any State not later than 48 hours following the close of the open season therein may continue in transit for such additional time immediately after shipment, not to exceed 5 days, as is necessary to deliver them to their destination.

(c) Any package or container in which such birds are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof.

(d) Nothing in this section shall be deemed to permit the importation of such birds from a foreign country.

3. Section 6.9 is revised to read:

§ 6.9 Possession for purposes of processing, transportation or storage.

No person, other than the person who has lawfully taken such birds, shall receive, possess, or have in custody migratory game birds for picking, cleaning, processing, shipping, or for transportation or storage (including temporary storage) unless such birds have a tag attached signed by the hunter stating his address, the total number and kinds of birds, and the date killed. Any commercial picking establishment, cold-storage or locker plant receiving, possessing, or having in custody migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds are received and to whom such birds are delivered. Any person authorized to enforce this part may enter such establishments or plants at all reasonable hours and inspect the premises and records where operations are being carried on. The records so required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for one year following the close of the open season on migratory game birds prescribed for the State in which such picking establishment, cold-storage or locker plant is located.

4. Section 6.11 is revised by changing the headnote and text to read:

§ 6.11 Wounded, live migratory game birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit.

[F.R. Doc. 60-5425; Filed, June 14, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO–318]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN THE STATE OF IDAHO AND IN MALHEUR COUNTY, OREGON

Decision With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on March 9–10, 1960, after notice thereof published in the FEDERAL REGISTER (25 F.R. 1132), on a proposed marketing agreement and order regulating the handling of fresh prunes grown in designated counties in the States of Idaho and Oregon, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Marketing Services, Agricultural Marketing Service, on May 6, 1960, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 60–4222; 25 F.R. 4184).

Within the time prescribed for the filing of exceptions to the recommended decision an exception was filed by Robert McBirney, McBirney Fruit Company, Route 4, Box 110, Boise, Idaho, objecting to a purported provision in the proposed order authorizing prohibition of shipments during a specified time limitation, generally called a "shipping holiday." Such a provision was proposed in the order set forth in the notice of hearing upon which the public hearing was held and though there was some evidence received at the public hearing held at Fruitland, Idaho, on March 9–10, 1960, in support of a "shipping holiday," it was concluded in the recommended decision that the evidence was insufficient to justify the inclusion of this provision in the order. Since the proposed order contains no provision for a prohibition of shipments, generally referred to as a "shipping holiday," this exception is not relevant or material.

This exception also contends that the time involved in modifying, suspending, or terminating any regulation due to a changed condition might result in crop loss due to the extremely perishable nature of fresh prunes. Insofar as this contention is related to a "shipping holiday" it is not relevant or material for the reasons stated above. If this contention relates generally to a potential loss by reason of the time element involved in the issuance of regulations or the modification, suspension, or termination of regulations, it is conjectural and unsupported by the evidence of record.

This exception to the recommended decision was carefully and fully considered, in conjunction with the evidence of record, in arriving at the findings and conclusions set forth herein. For the reasons stated, to the extent that the exception including all contentions made therein, is at variance with the findings and conclusions set forth in this decision, such exception is denied.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 60–4222; 25 F.R. 4184) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Idaho and in Malheur County, Oregon," and "Order Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Idaho and in Malheur County, Oregon," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: June 10, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order [1] Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Idaho and in Malheur County, Oregon

Sec.
1030.0 Findings and determinations.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

DEFINITIONS

Sec.
1030.1 Secretary.
1030.2 Act.
1030.3 Person.
1030.4 Production area.
1030.5 Prunes.
1030.6 Varieties.
1030.7 Fiscal period.
1030.8 Committee.
1030.9 Grade.
1030.10 Size
1030.11 Grower.
1030.12 Handler.
1030.13 Handle.
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ADMINISTRATIVE BODY

1030.20 Establishment and membership.
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EXPENSES AND ASSESSMENTS

1030.40 Expenses.
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RESEARCH

1030.45 Marketing research and development.

REGULATIONS

1030.50 Marketing policy.
1030.51 Recommendations for regulation.
1030.52 Issuance of regulations.
1030.53 Modification, suspension, or termination of regulations.
1030.54 Special purpose shipments.
1030.55 Inspection and certification.

REPORTS

1030.60 Reports.

MISCELLANEOUS PROVISIONS

1030.61 Compliance.
1030.62 Right of Secretary.
1030.63 Effective time.
1030.64 Termination.
1030.65 Proceedings after termination.
1030.66 Effect of termination or amendment.
1030.67 Duration of immunities.
1030.68 Agents.
1030.69 Derogation.
1030.70 Personal liability.
1030.71 Separability.

AUTHORITY: §§ 1030.0 to 1030.71, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1030.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on March 9–10, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of fresh prunes grown in designated counties in the State of Idaho and in Malheur County, Oregon. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of prunes grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of prunes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of prunes grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, the handling of prunes grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1030.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1030.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1030.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1030.4 Production area.

"Production area" means and includes Washington, Payette, Gem, Canyon, Ada, and Owyhee Counties in the State of Idaho and Malheur County in the State of Oregon.

§ 1030.5 Prunes.

"Prunes" means all varieties of plums, classified botanically as Prunus domestica, grown in the production area, except those of the President variety.

§ 1030.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of prunes.

§ 1030.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on May 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 1030.8 Committee.

"Committee" means the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee established pursuant to § 1030.20.

§ 1030.9 Grade.

"Grade" means any one of the officially established grades of prunes as defined and set forth in the United States Standards for Fresh Plums and Prunes (§§ 51.1520 to 51.1537 of this title) or amendments thereto, or modifications thereof, or variations based thereon.

§ 1030.10 Size.

"Size" means the shortest dimension, measured through the center of the prune, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 1030.11 Grower.

"Grower" is synonymous with producer and means any person who produces prunes for market and who has a proprietary interest therein.

§ 1030.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting prunes owned by another person) who handles prunes.

§ 1030.13 Handle or ship.

"Handle" or "ship" means to sell, consign, deliver, or transport prunes within the production area or between the production area and any point outside thereof: *Provided,* That the term "handle" shall not include the transportation within the production area of prunes from the orchard where grown to a packing facility located within such area for preparation for market.

§ 1030.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1030.31(m):

(a) "District No. 1" shall include Washington and Payette Counties in the State of Idaho and Malheur County in the State of Oregon.

(b) "District No. 2" shall include Gem and Ada Counties in the State of Idaho.

(c) "District No. 3" shall include Canyon and Owyhee Counties in the State of Idaho.

§ 1030.15 Export.

"Export" means to ship prunes to any destination which is not within the 48 contiguous states, or the District of Columbia, of the United States.

§ 1030.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of prunes in a particular type and size of container, or any combination thereof.

§ 1030.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of prunes.

ADMINISTRATIVE BODY

§ 1030.20 Establishment and membership.

There is hereby established an Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee consisting of 10 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Six of the members and their respective alternates shall be growers or officers or employees of corporate growers. Four of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 6 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 4 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Each district shall be represented on the committee by 2 grower members and their respective alternates. Each district shall be represented on the committee by 1 handler member and his alternate. One handler member and his alternate shall be selected from the production area at large.

§ 1030.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning June 1 and ending May 31: *Provided,* That the term of office of one-half of the initial grower members and alternates from each district and the handler member and his alternate from District 2 and the handler member and his alternate selected from the production area at large shall end May 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 1030.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of a meeting of handlers, and group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary

no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1030.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than May 1 of each year, a meeting or meetings of growers in each district, and a meeting of handlers, for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the results of the balloting for each member or alternate member position and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings, may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces prunes. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

§ 1030.23 Selection.

From the nominations made pursuant to § 1030.22, or from other qualified persons, the Secretary shall select the 8 grower members of the committee, the 4 handler members of the committee, and an alternate for each such member.

§ 1030.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 1030.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1030.20.

§ 1030.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1030.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1030.22 and 1030.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1030.20.

§ 1030.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a grower member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate the other grower alternate member from the same district to serve in such member's place and stead. In the event both a handler member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other handler alternate member who is not acting as a member to serve in such member's place and stead.

§ 1030.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1030.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to prunes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in prune production within the districts and the production area.

§ 1030.32 Procedure.

(a) Seven members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least seven members.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 1030.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 1030.34 Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall

contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the prune industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1030.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 1030.41.

§ 1030.41 Assessments.

(a) Each person who first handles prunes shall, with respect to the prunes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of prunes handled by him as the first handler thereof during the applicable fiscal period and the total quantity of prunes so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all prunes handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 1030.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 1030.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 1030.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects shall be paid from funds collected pursuant to § 1030.41.

REGULATIONS

§ 1030.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 1030.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of prunes within the production area;

(2) The expected general quality and size of prunes in the production area and in other areas;

(3) The expected demand conditions for prunes in different market outlets;

(4) The expected shipments of prunes produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of prunes; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for prunes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 1030.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of prunes in the manner provided in § 1030.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for prunes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 1030.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of prunes whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the Act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of prunes grown in the production area.

(2) Limit the shipment of prunes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of prunes.

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of prunes which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 1030.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1030.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of prunes in order to effectuate the declared policy of the Act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the Act, he shall suspend or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such suspension.

§ 1030.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1030.41, 1030.52, 1030.53, and 1030.55, and the regulations issued thereunder, handle prunes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 1030.41, 1030.52, 1030.53, or 1030.55, the handling of prunes in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1030.45) as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent prunes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle prunes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the prunes will not be used for any purpose not authorized by this section.

§ 1030.55 Inspection and certification.

Whenever the handling of any variety of prunes is regulated pursuant to § 1030.52 or § 1030.53, each handler who handles prunes shall, prior thereto, cause such prunes to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for prunes which previously have been so inspected and certified only if such prunes have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such prunes.

REPORTS

§ 1030.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of prunes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such prunes, and (4) the destination of each shipment of such prunes.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the prunes received, and of prunes disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1030.61 Compliance.

Except as provided in this part, no person shall handle prunes the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle prunes except in conformity with the provisions and the regulations issued under this part.

§ 1030.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1030.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 1030.64.

§ 1030.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of prunes for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of prunes produced for fresh market in the production area; but such termination shall be effective only if announced on or before May 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1030.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1030.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1030.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 1030.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1030.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1030.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1030.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Order Directing That Referendum Be Conducted; Designation of Agents To Conduct Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period June 1, 1959, through May 31, 1960 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the counties of Washington, Payette, Gem, Canyon, Ada, and Owyhee in the State of Idaho and Malheur County in the State of Oregon, in the production of fresh prunes for market to ascertain whether such producers favor the issuance of an order regulating the handling of fresh prunes grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Robert H. Eaton and Allan Henry, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 10, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5464; Filed, June 14, 1960; 8:52 a.m.]

Commodity Stabilization Service

[7 CFR Part 813]

ALLOTMENT OF 1960 SUGAR QUOTA FOR CONSUMPTION WITHIN CONTINENTAL UNITED STATES

Recommended Decision and Opportunity To File Written Exceptions

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter referred to as the "Act"), and the applicable rules of practice and procedure (7 CFR 801.1 et seq.) notice is hereby given of the filing with the Hearing Clerk of the Recommended Decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1960 sugar quota for the Domestic Beet Sugar Area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

Preliminary statement. Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on February 27, 1960 (25 F.R. 1734) of a public hearing to be held in Washington, D.C., room 3304, South Building, U.S. Department of Agriculture, on March 9, 1960, beginning at 10:00 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary findings of necessity for allotments, (2) to establish a fair, efficient and equitable allotment of the 1960 quota for the Domestic Beet Sugar Area for the calendar year 1960, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota; (b) prorating any deficit in the allotment for any allottee, and (c) substituting revised estimates or final actual data for estimates of such data and, (4) to provide how certain marketings shall apply to allotments.

The hearing was held at the time and place specified in the notice and testimony was given with respect to all issues referred to in the hearing notice.

In arriving at the findings, conclusions and regulatory provisions of this proposed order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions recommended herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts recommended to be found and the conclusions recommended to be reached as set forth herein.

The following portions of the Administrator's recommended decision consisting of the basis for his proposed findings and conclusions, and proposed determination are set forth in form and language appropriate for issuance if adopted by the Secretary as his findings and conclusions and final determination.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, deter-

mined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such persons to market or import that portion of such quota or proration thereof allotted to him * * *

The record of the hearing indicates that the prospective supply of domestic beet sugar available for marketing in 1960 exceeds the quota for that area to an extent that allotment of the quota is necessary to prevent disorderly marketing and provide all processors of beet sugar equitable marketing opportunities within the limitations of the quota (R. 9).

The allotment method set forth in this order follows the proposal made by the Government witness. Such method of allotting the quota provides that consideration be given to all of the factors cited in section 205(a) of the Act (R. 21). The allotment method recognizes the "hardship" provision in section 205 (a) of the Act (R. 22).

The allotment method adopted herein differs in only one minor respect from the allotment method recommended by the Beet Sugar Industry Task Force in their letter of February 23, 1960, which was accepted in evidence at the hearing as Exhibit 6 (R. 19). The Task Force recommended that in computing the adjustments to base allotments, the January 1, 1960, effective inventories of individual processors be reduced by the quantity of sugar they processed from the 1959-crop non-proportionate share beets and marketed within the 1959 quota (R. 19, 20). At the hearing an industry representative testified that all allottees except three concurred in the recommendation of the Task Force with respect to the reduction of effective inventories, and, in a brief, The Amalgamated Sugar Company supported this and other recommendations of the Task Force. The allotment method adopted herein does not provide for such an adjustment in January 1, 1960, effective inventories. Before the end of 1959, the rescission of allotments permitted all allottees to market sugar without quantitative restrictions and gave them the opportunity to reduce inventories to the desired level (R. 20). Under these circumstances the proposed adjustment in inventories is not considered necessary to achieve fair, efficient, and equitable distribution of the 1960 quota. The order as herein set forth excludes from January 1, 1960, effective inventories the non-proportionate share sugar produced specifically for livestock feed which was not marketed in 1959 and any non-proportionate share sugar produced in 1960 from the 1959-crop beets (R. 21).

Production of sugar from 1959-crop sugar beets, exclusive of known quantities to which proportionate share did not pertain, is the most up-to-date measure of the "processings" factor available to represent the operations for a full year for each processor. In order to permit adequate time for processors to plan for orderly marketing within allotments it is necessary to establish August 31, 1960 as the final termination date for 1959-crop processings to be used in determining allotments (R. 17). A weighting of 75 percent to the "processings" factor in determining base allotments appears consistent with the importance of this factor considering that sugar produced from the 1959 crop will represent approximately 75 percent of the sugar to be marketed within the 1960 quota (R. 21).

The factor "past marketings" when measured by the 1955–59 average annual marketings within allotments and weighted 25 percent in determining base allotments and when considered in conjunction with other provisions of the allotment method herein adopted, which are applicable to 1960, contributes to an orderly rate of change in marketings of each processor relative to the marketings of others (R. 21, 22). The base period is long enough to incorporate a variety of experiences representative of the sharing of marketings during the immediate past.

In the allotment method adopted herein the "ability to market" factor is partially reflected in the measures of the other two factors. Additional consideration is appropriately given this factor by adjusting base allotments for January 1, 1960, inventory imbalances as set forth in detail in the findings (R. 22).

No testimony, proposal, or argument, other than that outlined above appears in the hearing record.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1960 Domestic Beet Sugar processors will have available for marketing from 1959-crop sugar beets about 1,720,000 short tons, raw value, of sugar. This quantity of sugar together with production of sugar from 1960-crop beets, will result in a supply of sugar available for marketing in 1960 sufficiently in excess of the anticipated 1960 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1960 Domestic Beet Sugar Area quota for consumption within the continental United States is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) To assure a fair, efficient and equitable distribution of the 1960 Domestic Beet Sugar Area quota for consumption within the continental United States, the three factors specified in section 205(a) of the Act shall be given consideration and allotments determined as follows.

(a) Base allotments shall first be determined by giving consideration to the processing and past marketing factors as follows:

(i) The factor processings from proportionate shares shall be measured by each processor's production of sugar from 1959-crop sugar beets through August 31, 1960, exclusive of known quantities of sugar produced from non-proportionate share beets, or the alternative measure provided for herein, expressed as a percentage of the total of such actual or alternative processings for all processors, and weighted by 75 percent: *Provided*, That in recognition of the "hardship" provision in section 205(a) of the Act, an alternative measure derived as follows shall be used for any processor when the quantity so derived exceeds such processor's actual 1959-crop processings: (Processor's 1959-crop processings) × (Industry total 1959-crop processings÷Industry total 1959-crop processings) × 85 percent, except that such alternative measure shall not exceed 125 percent of such processor's actual 1959-crop processings.

(ii) The factor past marketings shall be measured by each processor's average annual marketings within the quota for the years 1955 through 1959, expressed as a percentage of the total of the measure for all processors, and weighted by 25 percent.

(iii) The total of the percentages resulting from (i) and (ii), above, for each processor shall be multiplied by the Domestic Beet Sugar Area quota, in short tons, raw value, to determine his base allotment, in short tons, raw value.

(b) The factor "ability to market" shall be given consideration, in addition to that which is inherent in the consideration given to the other factors, by adjusting the base allotments, as determined in (a)(iii), above, for January 1, 1960, inventory imbalances to the extent and by the method stated below: *Provided, however*, That in such determination the January 1, 1960, effective inventory to be used for individual processors shall include the January 1, 1960, physical inventory of sugar exclusive of quantities to be marketed as quota-exempt sugar, the sugar processed in 1960 prior to August 31, 1960, from 1958 and 1959-crop proportionate share sugar beets, and for any processor subject to the "hardship" provision of (a)(i), above, the quantity by which his alternative measure of processings exceeds his actual 1959 processings.

(i) Compute the "plus" or "minus" January 1, 1960, inventory imbalance for each processor, by algebraically subtracting from his January 1, 1960, effective inventory his January 1, 1955–59 average effective inventory adjusted proportionately so that the total of such adjusted average inventories of all processors is equal to the total January 1, 1960, effective inventories of all processors.

(ii) The "plus" adjustment applicable to the base allotment for each processor having a "plus" inventory imbalance, as determined in (b)(i) shall be the quantity that such imbalance exceeds 10 percent of his adjusted January 1, 1955–59 average effective inventory and such excess multiplied by 25 percent. Such adjustment for any processor shall not exceed 10 percent of his base allotment.

(iii) The "minus" adjustments applicable to the base allotments for processors having "minus" inventory imbalances shall be computed by prorating the total of the "plus" adjustments, as determined in (b)(ii), among such processors on the basis of their "minus" inventory imbalances. Such adjustment for any processor shall not exceed

10 percent of this base allotment and, if, as a result of this limitation, the sum of the maximum "minus" adjustments is less than the sum of the "plus" adjustments, as determined in (b)(ii), such "plus" adjustments shall be reduced proportionately to a total equal to the total "minus" adjustments.

(iv) The adjustments computed pursuant to (b)(ii) and (b)(iii) from data expressed in hundredweight of refined sugar shall be multiplied by the factor 0.0535 to express such adjustment in short tons, raw value.

(c) Allotments for individual processors, in short tons, raw value, shall be the base allotment quantity as determined in (a)(iii) adjusted upward or downward, respectively, on the basis of "plus" or "minus" adjustments as determined in (b)(iv). Such quantities when divided by 0.0535 express allotments in the equivalent hundredweight of refined sugar.

(4) The quantities of sugar and the percentages referred to in paragraph (3), above, are set forth in the following table. They are based on data as provided for in the hearing record, including estimates for 1959 processings, 1959 marketings, and January 1, 1960, inventories which shall be used pending the availability and substitution of final data for such estimates, and as applied to the Domestic Beet Sugar Area quota of 2,043,480 short tons, raw value.

Processor	Processings from 1959-crop to which proportionate shares pertained		Average marketings within the quota 1955–59		Base allotments		January 1 effective inventories hundredweight, refined			Adjustments to base allotments		Processor allotments, short tons, raw value, (col. 6+ or −col. 11)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2× 0.75+ col. 4× 0.25)	Short tons raw value (col. 5× quota)	1960	1955–59 average adjusted to col. 7 total	1960 inventory imbalances (col. 7− col. 8)	Hundredweight [1]	Short tons, raw value (col. 10× 0.0535)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The	5,903,783	13.6702	5,101,529	13.2501	13.5652	277,202	4,619,074	4,192,648	+426,426	+1,790	+96	277,298
American Crystal Sugar Co	4,843,570	11.2152	5,287,774	13.7338	11.8448	242,046	3,666,141	4,772,299	−1,076,158	−77,358	−4,130	237,907
Buckeye Sugars, Inc	188,194	.4358	195,665	.5082	.4539	9,275	112,910	159,592	−46,682	−3,356	−179	9,096
Franklin County Sugar Co	247,659	.5735	194,467	.5051	.5564	11,370	148,693	114,765	+33,928	+5,613	+300	11,670
Great Western Sugar Co., The	9,961,996	23.1132	8,982,071	23.3289	23.1671	473,415	3,012,316	7,563,423	+448,893	0	0	473,415
Holly Sugar Corp	6,841,402	15.8412	6,231,135	16.1839	15.9269	325,463	4,935,387	5,363,076	−427,689	−30,744	−1,645	323,818
Layton Sugar Co	225,958	.5232	203,251	.5279	.5244	10,716	191,297	187,486	+3,811	0	0	10,716
Menominee Sugar Co	[2] 280,470	.6494	235,300	.6111	.6398	13,074	[2] 173,116	106,220	+66,896	+14,068	+753	13,827
Michigan Sugar Co	1,580,702	3.6601	1,400,111	3.6365	3.6542	74,673	1,081,737	1,072,953	+8,784	0	0	74,673
Monitor Sugar Division of Robert Gage Coal Co	708,416	1.6403	630,011	1.6363	1.6393	33,499	458,274	471,138	−12,864	−925	−49	33,450
National Sugar Manufacturing Co., The	201,692	.4670	99,579	.2586	.4149	8,478	158,283	70,974	+87,309	+16,193	+866	9,344
Northern Ohio Sugar Co	[2] 583,397	1.3508	507,427	1.3179	1.3426	27,436	[2] 306,941	288,693	+18,248	0	0	27,436
Spreckels Sugar Co	5,796,763	13.4224	4,199,527	10.9073	12.7936	261,435	3,759,415	3,092,212	+667,203	+89,496	+4,788	266,223
Union Sugar Division, Consolidated Foods Corp	1,734,263	4.0157	1,469,095	3.8156	3.9657	81,038	1,295,313	1,287,853	+7,460	0	0	81,038
Utah-Idaho Sugar Co	4,069,100	9.4220	3,765,038	9.7788	9.5112	194,360	2,969,164	3,174,729	−205,565	−14,777	−791	193,569
Total	43,187,365	100.0000	38,501,980	100.0000	100.0000	2,043,480	31,918,061	31,918,061	±1,768,958	±127,160	±6,803	2,043,480

[1] Determined as follows: Plus (+) adjustments = (Extent (+) quantity in Col. 9 exceeds 10 percent of Col. 8) × (25 percent); minus (−) adjustments = the total of (+) adjustments in Col. 10, amounting to 127,160 hundredweight, prorated to processors on the basis of (−) quantities in Col. 9.

[2] Prior to the application of the "hardship" provision, the 1959-crop processings totaled 224,376 hundredweight for Menominee Sugar Co. and 573,049 hundredweight for Northern Ohio Sugar Co.; and the Jan. 1, 1960, effective inventories were 117,022 hundredweight and 296,593 hundredweight respectively.

(5) The order shall be revised without further notice or hearing for the purpose of (a) substituting revised estimates or final data for estimated data on 1959-crop processings, 1959 marketings and January 1, 1960, inventories used in measuring the factors when such data become part of the official records of the Department, (b) allotting any quantity of an allotment which may be released by an allottee to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees when the written notification to the Director of the Sugar Division of such release becomes a part of the official records of the Department, and (c) revising allotments to give effect to any change in the quota for the area resulting from a change in United States sugar requirements pursuant to sections 201 and 202 of the Act or from the proration of a deficit in the quota of any area pursuant to section 204 of the Act. In making revisions to give effect to a change in the quota for the area, allotments shall be made by the full application of the allotment procedure adopted herein.

(6) Official notice will be taken of (a) final or revised estimated data for 1959-crop processings, 1959 marketings and January 1, 1960, inventories submitted by processors on Forms SU–70 or other written form when such data becomes a part of the official records of the Department, (b) any written notice to the Sugar Division by an allottee that he is unable to fill part of his allotment when the notification becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the 1960 Domestic Beet Sugar Area quota.

(7) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(8) Allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of any 1960 Domestic Beet Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205 (a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered:

§ 813.1 Allotment of the 1960 sugar quota for the Domestic Beet Sugar Area.

(a) *Allotments.* The 1960 Domestic Beet Sugar Area quota for consumption within the continental United States of 2,043,480 short tons, raw value, is hereby allotted to the following processors in the amounts which appear opposite their respective names:

Processor	Allotments	
	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	277,298	5,183,140
American Crystal Sugar Co	237,907	4,446,800
Buckeye Sugars, Inc	9,096	170,019
Franklin County Sugar Co	11,670	218,131
Great Western Sugar Co., The	473,415	8,848,879
Holly Sugar Corp	323,818	6,052,673
Layton Sugar Co	10,716	200,299
Menominee Sugar Co	13,827	258,448
Michigan Sugar Co	74,673	1,395,757
Monitor Sugar Division of Robert Gage Coal Co	33,450	625,234
National Sugar Manufacturing Co., The	9,344	174,654
Northern Ohio Sugar Co	27,436	512,822
Spreckels Sugar Co	266,223	4,976,131
Union Sugar Division, Consolidated Foods Corp	81,038	1,514,729
Utah-Idaho Sugar Co	193,569	3,618,112
Total	2,043,480	38,195,868

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, such delivery at the time it occurs shall constitute a marketing which shall be effective for filling the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 to 816.9 of this chapter (Sugar Regulation 816, Rev. 1; 23 F.R. 1943).

(d) *Delegation.* The Director of the Sugar Division, Commodity Stabilization Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with the findings and conclusions heretofore made, to give effect to (1) the substitution of revised data or final data for estimates, (2) the reallocation of any quantity of an allotment released by an allottee and (3) any change in the Domestic Beet Sugar Area quota.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Done at Washington, D.C., this 9th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5437; Filed, June 14, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

FISH BLOCKS FROM ICELAND

Determination of No Sales at Less Than Fair Value

JUNE 9, 1960.

A complaint was received that fish blocks from Iceland were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that fish blocks from Iceland are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The fish blocks in question were imported by a subsidiary of the foreign seller and were not resold in the United States in their imported condition, being further processed by the importer into fish portions, fish sticks, and similar products. Under these circumstances, exporter's sales price, which is the applicable basis of comparison, does not exist and the Antidumping Act has no application.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-5446; Filed, June 14, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 61]

FUNCTIONS RELATING TO TRIBAL PROGRAMS

Redelegation of Authority

Order 551, as amended, is further amended by addition of a new section under the heading Functions Relating to Tribal Programs, to read as follows:

SEC. 335 *Standing Rock Sioux Tribe; rehabilitation.* The authority contained in section 5 of the Act of September 2, 1958 (Pub. Law 85-915; 72 Stat. 1762), which relates to the approval of plans and programs designed for the rehabilitation of recognized members of the Standing Rock Sioux Tribe.

GLENN L. EMMONS,
Commissioner.

JUNE 9, 1960.

[F.R. Doc. 60-5427; Filed, June 14, 1960; 8:47 a.m.]

[Aberdeen Area Office Redelegation Order 2, Amdt. 9]

FUNCTIONS RELATING TO TRIBAL PROGRAMS

Redelegation of Authority

Order No. 2 (19 F.R. 8756), as amended, is further amended by the addition of the following new section under the heading Functions Relating to Tribal Programs.

SEC. 335 *Standing Rock Sioux Tribe; rehabilitation.* The authority contained in section 5 of the Act of September 2, 1958 (Pub. Law 85-915; 72 Stat. 1762), which relates to the approval of plans and programs designed for the rehabilitation of recognized members of the Standing Rock Sioux Tribe.

GLENN L. EMMONS,
Commissioner.

JUNE 9, 1960.

[F.R. Doc. 60-5426; Filed, June 14, 1960; 8:47 a.m.]

Bureau of Land Management

[Notice 18]

ALASKA

Filing of Protraction Diagram, Anchorage Land District

JUNE 7, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4) (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

COPPER RIVER MERIDIAN

CR 10-1, Ts. 17 to 20 S., Rs. 14 to 17 E.,
CR 10-2, Ts. 17 to 20 S., Rs. 12 to 13 E.,
CR 10-3, Ts. 17 to 20 S., Rs. 9 to 11½ E.,
CR 10-4, Ts. 17 to 20 S., Rs. 5 to 8 E.,
CR 10-5, Ts. 17 to 20 S., Rs. 1 to 4 E.,
CR 10-6, Ts. 21 to 24 S., Rs. 5 to 8 E.,
CR 10-7, Ts. 21 to 22 S., Rs. 9 to 11½ E.,
CR 10-8, T. 21 S., Rs. 12 to 13 E.,
CR 10-9, T. 21 S., Rs. 14 to 17 E.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager.

[F.R. Doc. 60-5428; Filed, June 14, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IDAHO

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Idaho a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Canyon.
Gem.
Payette.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of June 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-5466; Filed, June 14, 1960; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 900]

MONODON PAPER CORP. ET AL.

Classification of Paper Products; Notice of Amended Order

Classification of paper products by Monodon Paper Corporation, Mohegan Pad and Paper Converters, Inc., and Inter-Americas Shipping Company.

On May 12, 1960, the Federal Maritime Board entered the following order amending its previous order dated March 14, 1960, appearing in the FEDERAL REGISTER of April 1, 1960 (25 F.R. 2780):

It appearing from information before the Board that Monodon Corporation, Mohegan Pad and Paper Converters, Inc. and Inter-Americas Shipping Company, have shipped or caused to be shipped, during 1958 and 1959, certain paper products including marble covered composition books, press board books, bond, duplicator mimeograph, writing, and offset paper; and

It further appearing that by reason of such acts Monodon Corporation, Mohegan Pad and Paper Converters, Inc. and Inter-Americas Shipping Company knowingly and willfully, directly or in-

directly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means, obtained or attempted to obtain transportation by water from the United States to Puerto Rico, Cuba, and/or Venezuela, for paper products during 1958 and 1959, at less than the rate or charge otherwise applicable, in violation of section 16 of the Shipping Act, 1916, as amended (46 U.S.C. 815):

Now therefore, it is ordered, That:

1. An investigation be and it is hereby instituted upon the Board's own motion, pursuant to section 22 of said Act, to determine whether Monodon Corporation, Mohegan Pad and Paper Converters, Inc., and Inter-Americas Shipping Company or any of them have violated section 16 of said Act;

2. Monodon Corporation, Mohegan Pad and Paper Converters, Inc., and Inter-Americas Shipping Company, be and they are hereby made respondents in the proceeding; and

3. A copy of this order be published in the FEDERAL REGISTER, that copies of this order be served upon each of said respondents, and that this proceeding be assigned for hearing before an Examiner of the Board at a date and place to be fixed by the Chief Examiner.

Dated: June 8, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5467; Filed, June 14, 1960; 8:53 a.m.]

[Docket No. 905]

UNITED STATES LINES AND GONDRAND BROTHERS

Notice of Investigation and of Hearing

United States Lines and Gondrand Brothers, violation of section 16.

On May 18, 1960, the Federal Maritime Board entered the following order:

It appearing that there is information before the Board that Gondrand Brothers, Zurich, Switzerland, in connection with the shipment of certain logs during the period 1954 through 1959 inclusive from New York to Rotterdam, knowingly and willfully, directly or indirectly, by means of false billing, false classification, or by any other unjust or unfair device or means obtained or attempted to obtain transportation by water for property at less than the rates which would otherwise be applicable; and

It further appearing that United States Lines, a common carrier by water in foreign commerce, directly or indirectly, allowed said Gondrand Brothers to so obtain transportation at less than the regular rates or charges then established and enforced on said United States Lines;

It is ordered, That an investigation is hereby instituted to determine whether any or all of the persons named above have acted in violation of section 16 of the Shipping Act, 1916 (46 U.S.C. 815); and

It is further ordered, That all persons named above are made respondents in this proceeding which is to be set for hearing before an Examiner from the Hearing Examiners' Office at a time and place to be announced; and

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: June 8, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5468; Filed, June 14, 1960; 8:53 a.m.]

[Docket No. 906]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Agreements, Charges, Commissions, and Practices; Notice of Investigation and of Hearing

On May 12, 1960, the Federal Maritime Board entered the following order:

It appearing, from information before the Board that agreements within the contemplation of section 15, Shipping Act, 1916 (46 U.S.C. 814), controlling or regulating competition and/or providing for cooperative working arrangements respecting the fixing and/or payment of commissions and the fixing and/or charging of forwarding fees, have been made since 1945 affecting the trade from Great Britain and Northern Ireland and Eire to United States Atlantic Coast ports by the North Atlantic Westbound Freight Association and/or its member lines, including:

Anchor Line, Limited.
The Bristol City Line of Steamships, Ltd.
Cunard Steam-Ship Co., Ltd.
Ellerman's Wilson Line Limited.
Fjell Line—joint service of:
  Aktieselskapet Luksefjell.
  Aktieselskapet Dovrefjell.
  Aktieselskapet Falkefjell.
  Aktieselskapet Rudolf.
Furness, Withy & Co., Ltd.
Irish Shipping Ltd.
Manchester Liners Limited.
South Atlantic Steamship Line, Inc.
Ulster Steamship Company, Ltd. (Head Line and Lord Line).
United States Lines Company.

and

It further appearing that the purported agreements are not within the scope of authority provided by the basic agreement No. 5850, as amended, of the North Atlantic Westbound Freight Association, approved pursuant to the aforesaid section 15; and

It further appearing that the purported agreements have not been filed for approval or approved under the aforesaid section 15, and have been carried out; and

It further appearing that the aforesaid carriers have been engaged in the practice of paying commissions on shipments to ports south of New York and Boston such as Philadelphia, Baltimore, and Hampton Roads, to the exclusion of New York and Boston and that such practice may subject the ports of New York and Boston to undue or unreasonable prejudice or disadvantage or may give ports south thereof undue or unreasonable preference in violation of section 16, Shipping Act, 1916, as amended (46 U.S.C. 815); and

It further appearing that such practice may be unfair with respect to the receipt and delivery of property in violation of section 17, Shipping Act, 1916 (46 U.S.C. 816);

Now therefore, it is ordered, That an investigation is hereby instituted to determine whether the foregoing activities have been carried out in violation of the aforesaid sections 15, 16, and 17, and

It is further ordered, That all persons named above are hereby named respondents in this proceeding which is to be set for hearing before an examiner from the Hearing Examiners' Office, at a time and place to be announced; and

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: June 8, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5469; Filed, June 14, 1960; 8:53 a.m.]

Office of the Secretary

FREDERICK A. WEISS, JR.

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Frederick A. Weiss, Jr.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 7, 1960.
4. Title of position: Assistant Director for Mobilization Planning.
5. Name of private employer: Western Electric Company, Inc., 2500 Broening Highway, Baltimore, Maryland.

CARLTON HAYWARD,
Director of Personnel.

MAY 10, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Western Electric Co., Inc.
American Telephone & Telegraph Co., Inc.
American Tobacco Co.
Alabama Gas Co.
Southern Natural Gas Co.
Bank Deposits.

FREDERICK A. WEISS, JR.

JUNE 7, 1960.

[F.R. Doc. 60-5438; Filed, June 14, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11141]

HARRY AND MARTIN SHULMAN AND SHULMAN, INC.; INTERLOCKING RELATIONSHIPS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 16, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., June 10, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5458; Filed, June 14, 1960; 8:51 a.m.]

[Docket No. SA-356]

ACCIDENT OCCURRING NEAR WOONSOCKET, R.I.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 37500, which occurred on December 15, 1958, near Woonsocket, Rhode Island.

Notice is hereby given that an accident investigation hearing on the above styled matter will be held commencing 9:30 a.m., local time, on Wednesday June 29, 1960, in the Sheraton Biltmore Hotel, Providence, Rhode Island.

Dated this 8th day of June 1960.

[SEAL] JOHN L. MCWHORTER,
Hearing Officer.

[F.R. Doc. 60-5459; Filed, June 14, 1960; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13489 etc.; FCC 60M-998]

ALEXANDRIA BROADCASTING CORP. (KXRA) ET AL.

Order Continuing Hearing

In re applications of Alexandria Broadcasting Corporation (KXRA), Alexandria, Minnesota, Docket No. 13489, File No. BP-12287; Clifford L. Hedberg, tr/as Western Minnesota Broadcasting Co. (KMRS), Morris, Minnesota, Docket No. 13499, File No. BP-12347; KISD, Inc. (KISD), Sioux Falls, South Dakota, Docket No. 13500, File No. BP-13366; for construction permits.

Pursuant to agreements reached at the prehearing conference held June 3, 1960, the evidentiary hearing in the above-entitled proceeding is continued from Thursday, July 7, 1960 to a date to be announced after the July 19, 1960 hearing conference.

It is so ordered, This the 8th day of June 1960.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5447; Filed, June 14, 1960; 8:49 a.m.]

[Dockets Nos. 13491-13498; FCC 60M-996]

BOOTH BROADCASTING CO. (WIOU) ET AL.

Order Scheduling Prehearing Conference and Continuing Hearing

In re applications of Booth Broadcasting Company (WIOU), Kokomo, Indiana, Docket No. 13491, File No. BP-12036; Clinton Broadcasting Corporation (KROS), Clinton, Iowa, Docket No. 13492, File No. BP-12665; Truth Radio Corporation (WTRC), Elkhart, Indiana, Docket No. 13493, File No. BP-12842; Illinois Broadcasting Company (WSOY), Decatur, Illinois, Docket No. 13494, File No. BP-12916; WJOL, Inc. (WJOL), Joliet, Illinois, Docket No. 13495, File No. BP-13054; Tri-City Radio Corporation (WLBC), Muncie, Indiana, Docket No. 13496, File No. BP-13102; Radio Milwaukee, Inc. (WRIT) Milwaukee, Wisconsin, Docket No. 13497, File No. BP-13158; Stevens-Wismer Broadcasting Inc. (WLAV), Grand Rapids, Michigan, Docket No. 13498, File No. BMP-8430; for construction permits.

The Hearing Examiner having under consideration the proceedings at the prehearing conference herein held on June 8, 1960; and the desirability of formalizing the procedural agreements attained, and the ground rules established, for the future conduct of the hearing, with which the Examiner specifically approves and which are recited in detail on the record;

It is ordered, This 9th day of June 1960, that a further prehearing conference in this proceeding, after the exchange of exhibits in final form, is scheduled for 10:00 a.m., Tuesday October 11, 1960, at the Commission's Office, Washington, D.C., and that the hearing is continued to Tuesday, October 18, 1960, at the same time and place;

It is ordered further, That other deadline dates governing the exchange of exhibits and the scheduling of an engineering conference are fixed as recited in the record, subject to such minor accommodation as may be required by circumstances without the necessity of the issuance of further orders thereon by the Hearing Examiner; and that the transcript of the prehearing conference is hereby incorporated by reference and shall guide the parties upon all matters considered therein to the same extent as if it were summarized here *in extenso*.

Released: June 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5448; Filed, June 14, 1960; 8:49 a.m.]

[Docket Nos. 12433-12435; FCC 60M-999]

E. ANTHONY & SONS, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corp., New Bedford, Massachusetts, Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Massachusetts, Docket No. 12435, File No. BPCT-2425; for construction permits for new television broadcast stations (Channel 6).

The Hearing Examiner having under consideration a request filed June 7, 1960, on behalf of E. Anthony & Sons, Inc. that a prehearing conference be held on June 13, 1960, and a telephone request on June 7, 1960, that the June 13 date be changed to 2:00 p.m. on June 23, 1960; and

It appearing from the pleading and the telephone request that counsel for all parties have informally consented to the

requests and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

Now therefore, it is ordered, This 9th day of June 1960, that the aforesaid requests are granted, and that a further prehearing conference in this proceeding shall be held at 2:00 p.m. on June 23, 1960.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5450; Filed, June 14, 1960; 8:50 a.m.]

[Docket Nos. 13466-13468; FCC 60M-997]

BRANDYWINE BROADCASTING CORP. ET AL.

Order Continuing Hearing Conference

In re applications of Brandywine Broadcasting Corporation, Media, Pennsylvania, Docket No. 13466, File No. BP-11856; David G. Hendricks and Lester Grenewalt, d/b as Boyertown Broadcasting Company, Boyertown, Pennsylvania, Docket No. 13467, File No. BP-12548; Dinkson Corporation, Hammonton, New Jersey, Docket No. 13468, File No. BP-12955; for construction permits.

Pursuant to agreements reached at the prehearing conference held May 26, 1960, the evidentiary hearing in the above-entitled proceeding is continued from Monday, June 13, 1960, to Wednesday, July 20, 1960.

It is so ordered, This the 8th day of June 1960.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5449; Filed, June 14, 1960; 8:50 a.m.]

[Docket Nos. 13090 etc.; FCC 60M-1004]

FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.

Order Scheduling Hearing

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, Docket No. 13090, File No. BP-11550; et al., Docket Nos. 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13114, 13115, 13116, 13118, 13120, 13121, 13122, 13123, 13125, 13126, 13127, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13143, 13144, 13145, 13146, 13147; for construction permits.

The Hearing Examiner having under consideration a "Motion for Further Hearing" filed June 6, 1960, in the above-entitled matter by LaSalle County Broadcasting Corporation, an applicant, and

It appearing that the Motion requests further hearing in Group 2 of this proceeding (presently postponed without date) to be scheduled for June 16, 1960, and

It further appearing that the parties directly concerned with the offering into evidence by LaSalle County Broadcasting Corporation of certain rebuttal engineering testimony have indicated that the date requested is acceptable to them,

It is ordered, This 9th day of June 1960, that the aforesaid Motion is granted and that further hearing in Group 2 of this proceeding shall commence at 10:00 a.m., June 16, 1960, in the Commission's offices in Washington, D.C., and

It is further ordered, That the hearing shall not be restricted to offering into evidence the aforesaid engineering testimony but shall be concerned with any matter which may pertain to the parties in or linked to Group 2.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5451; Filed, June 14, 1960; 8:50 a.m.]

[Docket No. 12636; FCC 60M-1000]

FRANK JAMES

Order Reopening Record and Scheduling Hearing

In re application of Frank James, Redwood City, California, Docket No. 12636 File No. BPH-2344; for construction permit.

The Hearing Examiner having under consideration a petition to reopen record pursuant to § 1.363 of the Commission's rules;

It appearing that the above-named applicant was previously joined in this proceeding with the competing application of Grant R. Wrathall, tr/as San Mateo Broadcasting Company (Docket No. 12637); and

It further appearing that a petition filed by Wrathall on May 11, 1960, requesting dismissal of his application was granted by the Chief Hearing Examiner on June 3, 1960, so that the character of the present proceeding is now entirely changed; and

It further appearing that, although the comparative proceeding was completed up to the stage of the filing of proposed findings, no purpose would be served by requiring findings on issues which have now become moot and that the record should be reopened in order to entertain new evidence required by § 1.363 of the rules;

It is ordered, This 9th day of June 1960, that the petition of Frank James to reopen record is granted, the record is reopened, and a further hearing session will be held on June 20, 1960, at 4:00 p.m.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5452; Filed, June 14, 1960; 8:50 a.m.]

[Docket Nos. 13540-13546; FCC 60M-995]

MACON BROADCASTING CO. (WNEX) ET AL.

Order Scheduling Prehearing Conference

In re applications of Macon Broadcasting Compnay (WNEX), Macon, Georgia, Docket No. 13540, File No. BP-12261; Johnston Broadcasting Company (WJLD), (George Johnston, Jr. and Rose Hood Johnston, Partners), Homewood, Alabama, Docket No. 13541, File No. BP-12559; E. H. Siland, Jr., Union Springs, Alabama, Docket No. 13542, File No. BP-12776; Yetta G. Samford, C. S. Shealy and Aileen M. Samford, Executrix of the Estate of Thomas D. Samford, Jr., Deceased, Miles H. Ferguson and John E. Smollon, d/b as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, Docket No. 13543, File No. BP-12911; John F. Pidcock and Roy F. Zess, d/b as Radio Station WMGA (WMGA), Moultrie, Georgia, Docket No. 13544, File No. BP-12998; Newnan Broadcasting Company (WCOH), Newnan, Georgia, Docket No. 13545, File No. BP-13133; Elberton Broadcasting Company (WSGC), Elberton, Georgia, Docket No. 13546, File No. BP-13405; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 8th day of June 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., July 13th, 1960.

Released: June 9, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5453; Filed, June 14, 1960; 8:50 a.m.]

[Docket No. 13590; FCC 60-665]

REX O. STEVENSON

Order Designating Application for Hearing on Stated Issues

In re application of Rex O. Stevenson, Ojai, California, Docket No. 13590, File No. BP-12418; requests 1320 kc, 500 w, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of June 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 3, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that in the above-referenced letter, the applicant was notified that he did not show sufficient cash or liquid assets to construct the instant proposal and finance his other commitments; that he amended his application to include therein a new balance sheet which indicates his principal assets to be $200,000 in unlisted stocks and a warehouse valued at $225,000 which was in the process of sale, but that the applicant failed to support such assets with a showing of the ready marketability of such stocks, an existing sale agreement for said warehouse or any other showing of sufficient cash available to construct and operate the instant proposal and finance his other commitments; and

It further appearing that in the said letter the applicant was notified also that he had failed to indicate the number and length of announcements he proposed to broadcast in each 14½ minute time period; that he amended his application to show that he would broadcast four minutes of announcements in each 14½ minute time period, but failed to indicate the number of announcements he proposed to broadcast in such period; and that, therefore, it cannot be determined upon the basis of information submitted whether the frequency of the announcements would be such that the proposed program service would meet the needs of the city sought to be served; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of the applicant would involve objectionable interference with Station KFAC, Los Angeles, California, and Station KUDE, Oceanside, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Stations KFAC and KUDE would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of the applicant in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the instant applicant is financially qualified to construct and operate his proposed station.

5. To determine the number of announcements which the applicant would broadcast in each 14½ minute period and whether the frequency of the announcements would be such that the proposed program service would meet the needs of the city sought to be served.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the Dolph-Pettey Broadcasting Co. and E. L. Cord, trading as the Los Angeles Broadcasting Co., licensees of Stations KUDE and KFAC, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, applicant and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5455; Filed, June 14, 1960; 8:50 a.m.]

[Docket Nos. 13483, 13484; FCC 60M-1006]

RADIO STATION WESB AND CANANDAIGUA BROADCASTING CO., INC.

Order Advancing Hearing

In re applications of Thomas R. Bromeley, Mary Ann Satterwhite, Charlotte E. Anderson and Joyce L. Edwards, d/b as Radio Station WESB, Canandaigua, New York, Docket No. 13483, File No. BP-12400; Canandaigua Broadcasting Company, Inc., Canandaigua, New York, Docket No. 13484, File No. BP-13031; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and agreements reached by the parties at the prehearing conference held herein on June 9, 1960;

It is ordered, This 9th day of June 1960, that the hearing, now scheduled for July 8, 1960 at 10:00 a.m., is advanced to 9:00 a.m. on the same day (July 8, 1960).

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5454; Filed, June 14, 1960; 8:50 a.m.]

[Docket No. 13325; FCC 60M-1003]

SUNBURY BROADCASTING CORP. (WKOK)

Order Following Further Prehearing Conference

In re application of Sunbury Broadcasting Corporation (WKOK), Sunbury, Pennsylvania, Docket No. 13325, File No. BP-12008; for construction permit.

Pursuant to agreements reached by counsel for all parties at the further prehearing conference held on June 2, 1960:

It is ordered, This 9th day of June, 1960, as follows:

(1) The direct case of the applicant and the reply of National Broadcasting Company, Inc. and the Broadcast Bureau, shall be presented by written exhibits sponsored by the witnesses concerned with their preparation, and the reply case of the remaining party (Lycoming Broadcasting Company) shall be presented by written, sworn exhibits.

(2) The proposed exhibits of the applicant shall be exchanged with the other parties by July 1, 1960 (with copies thereof to be supplied to the Hearing Examiner by July 13, 1960).

(3) The hearing in this matter, which was postponed indefinitely by order of the Hearing Examiner released March 10, 1960 (FCC 60M-465), is scheduled for Wednesday, July 20, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.[1]

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5456; Filed, June 14, 1960; 8:50 a.m.]

[Docket No. 13187; FCC 60M-1002]

WESTERN UNION TELEGRAPH CO.

Order Continuing Hearing Conference

In the matter of the formula for the distribution by the Western Union Telegraph Company of telegraph traffic destined to points in Canada, Docket No. 13187.

At the prehearing conference held April 26, 1960, it was agreed that if prior to May 27, 1960, the carriers could advise

[1] Agreements reached at the initial prehearing conference on January 28, 1960, for (1) a joint informal engineering conference and (2) for notification as to witnesses of the applicant desired for cross-examination, have been rescinded by subsequent consent of all parties expressed at the further prehearing conference.

the Commission that further discussions and negotiations had been conducted between the interested carriers which would lead one to believe that the matters in issue may be resolved to the mutual satisfaction of the carriers involved, the further hearing conference would be continued from June 22, 1960, to July 27, 1960; and

It appearing that by letter dated May 25, 1960, the carriers have advised the Commission that further conferences have been held and progress has been made;

It is ordered, This the 9th day of June 1960, that the further hearing conference in this proceeding be continued from June 22, 1960 to July 27, 1960, beginning at 10:00 a.m. in the offices of the Commission in Washington, D. C.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5457; Filed, June 14, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI60-391]

SOCONY MOBIL OIL COMPANY, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JUNE 8, 1960.

On May 9, 1960, Socony Mobil Oil Company, Inc. (Socony) tendered for filing contract dated March 1, 1960, proposing to cancel and supersede Cities Service Oil Company's FPC Gas Rate Schedule No. 73 insofar as it pertained to Socony's 50 percent interest in jurisdictional gas sold to Colorado Interstate Gas Company (Colorado Interstate) from the Adams "F" Unit in the Hugoton Field, Haskell County, Kansas. Such contract, designated Socony's FPC Gas Rate Schedule No. 233, was conditionally accepted for filing with an effective date of June 9, 1960.

Concurrently with the tender of its superseding contract, Socony tendered a Notice of Change dated May 5, 1960, to such contract, designated Supplement No. 1 to Socony's FPC Gas Rate Schedule No. 233, proposing an increased rate and charge to Colorado Interstate from 11 cents to 12.5 cents per Mcf at 14.65 psia and requesting a waiver of notice requirements to permit the proposed increased rate to be effective as of May 1, 1960, the date it was contractually due, or June 9, 1960, which is 30 days from the date of filing, or 24 hours from time of granting temporary authorization.

In support of the proposed increased rate, Socony states that the contract was negotiated at arm's length, that it would not have committed the gas for such long term without the pricing provisions and that the increased price does not exceed the market value of the gas and is necessary to offset increasing costs and provide incentive for further exploration.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission's suspension of said Supplement No. 1 and provision for hearing thereon as hereinafter provided, rather than the rejection of Supplement No. 1 as a proposed increased rate to a concurrently tendered rate which was not effective, should not be considered as a precedent.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 1 to Socony's FPC Gas Rate Schedule No. 233 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Socony's FPC Gas Rate Schedule No. 233.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until November 9, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 25, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5418; Filed, June 14, 1960; 8:46 a.m.]

[Docket No. RI60-380 etc.]

SOUTHWESTERN OIL AND REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rate and Allowing Rate Changes To Become Effective Upon Filing of Motions and Undertaking and Agreements To Assure Refund of Excess Charges [1]

JUNE 8, 1960.

Southwestern Oil and Refining Company (Operator), et al., Docket No. RI60-380; Lamar Hunt Trust Estate, Docket No. RI60-382; N. B. Hunt, Docket No. RI60-384.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until [3]—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60-380	Southwestern Oil and Refining Co (Operator) et al.	6	1	Orange Grove Gas Gathering Co. (Orange Grove Field, Jim Wells County, Tex.).	Undated.	5- 9-60	[1] 6- 9-60	6-10-60	10.5	12.5	----------
RI60-382	Lamar Hunt Trust Estate.	7	8	West Lake Natural Gasoline Co. (Vena Madre Field, Nolan County, Tex.).	---do----	5-11-60	[2] 6-23-60	6-24-60	6.9018	8.5	G-20539
RI60-384	N. B. Hunt.	11	2	West Lake Natural Gasoline Co. (Nolan County, Tex.).	---do----	5-11-60	[2] 6-23-60	6-24-60	6.9018	8.5	RI60-312

[1] The stated effective date is that requested by respondent.
[2] The stated effective date is thirty days after expiration of the required statutory notice.
[3] Or such later date as the resale rate of West Lake Natural Gasoline Company is made effective in Docket No. RI60-80.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

In support of its revenue-sharing increase, Southwestern states that the increase is based on Orange Grove's rate of 14.5 cents per Mcf for resale of gas to Peoples Gulf Coast Natural Gas Pipeline Company [2] which is subject to refund in Docket No. G-19936. Also submitted were copies of a letter from Orange Grove Gas Gathering Company advising of the increased price pursuant to the contract which provides that Southwestern shall receive the full benefit of any increase received by Orange Grove. Southwestern requests that this change in rate be made effective as of the date upon which the increased resale rate contained in Supplement No. 6 to Orange Grove Gas Gathering Company FPC Gas Rate Schedule No. 1 became effective, which is May 14, 1960.

In support of their increased rates N. B. Hunt and Lamar Trust Estate cite the revenue-sharing provisions of the contracts and West Lake's rate, now suspended, and state that the proposed increase fulfills the contractual obligation agreed to by both parties.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that the above-designated proposed rate schedules be made effective as hereinafter provided and that the above respondents be required to file undertakings as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Chapter I), public hearings be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in the above-designated supplements.

(B) Pending such hearings and decisions thereon the above-designated supplements are hereby suspended, and use deferred until the respective date indicated in the above "Date Suspended Until" column and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, and services set forth in the above-designated filings shall be effective as of the date indicated in the above "Date Suspended Until" column: *Provided, however*, That, within 20 days from the date of this order, the respondents shall each file a motion as required by section 4(e) of the Natural Gas Act and shall each concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) The respondents shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to respondents until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of the date specified, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order becomes effective, and under the rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, respondents shall concurrently execute and file (original and three (3) copies) with the Secretary of the Commission their motions to make rates effective and their written agreements and undertakings to comply with the terms of paragraph (D) hereof, signed by a responsible officer of each corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of ---------- To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order for Hearing, Suspending Proposed Change in Rate and Allowing Rate Change To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

In conformity with the requirements of the order issued (Date), in Docket ------, ---------- hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ----------, 1960.

By ----------

Attest:

----------,
(Secretary)

Unless a respondent is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If respondents shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertakings shall be discharged, otherwise they shall remain in full force and effect.

(G) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(H) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before July 25, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5419; Filed, June 14, 1960; 8:46 a.m.]

[Docket No. RI60-379 etc.]

G. H. VAUGHN, JR., AND JACK C. VAUGHN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 8, 1960.

G. H. Vaughn Jr. and Jack C. Vaughn (Operator), et al., Docket No. RI60-379; Midwest Oil Corporation, Docket No. RI60-381; J. Ray McDermott & Company, Inc., et al., Docket No. RI60-383.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia. The proposed changes are designated as follows:

[2] Formerly Texas Illinois Natural Gas Pipe Line Company.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [1]	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60-379	G. H. Vaughn and Jack C. Vaughn (Operator), et al.	1	9	Tennessee Gas Transmission Co. (Spartan Field, San Patricio County, Tex.).	5-4-60	5- 9-60	6- 9-60	11- 9-60	15.0982	17.24347	G-13994
RI60-381	Midwest Oil Corp.	16	2	Tennessee Gas Transmission Co. (San Salvador Field, Hidalgo County, Tex.).	5-5-60	5- 9-60	6- 9-60	11- 9-60	14.87589	17.02416	G-13979
RI60-383	J. Ray McDermott & Co., Inc., et al.	8	8	United Gas Pipe Line Co. (Mustang and Red Fish Bay Fields, Nueces and San Patricio Counties, Tex.).	5-9-60	5-12-60	6-12-60	11-12-60	12.66	14.8	----------

[1] The stated effective dates are thirty days after expiration of the required statutory notice.

In support of its favored-nation increase, Vaughn cites the favored-nation provisions of the contract and submits copies of Tennessee's letter advising of the increased price. Vaughn states that due to the pricing provisions of the contract, buyer was able to obtain a long-term dedication of gas reserves, and that since entering into such contract, the cost of producing gas has increased, making the pricing provisions discriminatory to the seller and the seller's royalty owners. Vaughn also states that the increased rate resulted from arm's-length bargaining and that the price is just and reasonable for the sale of gas in this area.

In support of its favored-nation increase, Midwest cites the favored-nation provisions of the contract and submits copies of Tennessee's letter advising of the increased price. Midwest states that the increase resulted from arm's-length bargaining and that it is necessary in order to provide for additional exploration and development of natural gas resources. Midwest also states that the increased rate does not exceed the fair field price paid for gas in this area.

In support of its increase, McDermott cites the redetermination clause of the contract and submits copies of United's letter advising of the increased price. McDermott states that the contract providing for the increased rate was entered into as a result of arm's-length bargaining.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 25, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5420; Filed, June 14, 1960; 8:46 a.m.]

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Application for License (Major)

JUNE 9, 1960.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Western Colorado Power Company, of Durango, Colorado, for a license (major) for a constructed hydroelectric development located on the Uncompahgre River designated as Project No. 733, affecting lands of the United States within the Uncompahgre National Forest. The Applicant requests that license be issued for a period of ten years.

The project, known as the Ouray power plant, consists of a rubble masonry dam 73 feet high, 14 feet wide and 71 feet 6 inches long; flow and pressure lines total length about 6,131 feet of a woodstave pipe 40 inches and 36 inches in diameter and steel pipe 24 and 22 inches in diameter; a powerhouse of frame and corrugated iron 43 feet 9 inches long, 37 feet wide and 8 to 14 feet 6 inches high with concrete foundation; a 540 kva generator driven by one double runner water wheel; a 180 kva unit used as a synchronous condenser; an 11 kv transmission line T–10, about 5 miles long, connecting to the system at Camp Bird Mill; an 11 kv transmission line T–10–B, 11 miles long, connecting to the town of Ridgway.

All of the above-described facilities, except for the transmission line sections, were presently licensed as minor-part Project No. 733, and the lines are included under the license for transmission line Project No. 734.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is July 14, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5421; Filed, June 14, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 126]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 10, 1960.

The following letter-notices of proposals to operate over deviation route for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(c)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 879 (Deviation No. 1), filed May 23, 1960. Applicant: SERVICE LINES, INC., 514 South Fourth Street, St. Louis, Mo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: From Morganfield, Ky., over Kentucky Highway 60 to Sturgis, Ky., thence over Kentucky Highway 85 to Providence, Ky., thence over Kentucky Highway 109 to Hopkinsville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Morganfield over Kentucky Highway 56 to junction U.S. Highway 41–A, thence over U.S. Highway 41–A to Madisonville, Ky., thence over U.S. Highway 41 to Hopkinsville, and return over the same route.

No. MC 2542 (Deviation No. 5), filed May 9, 1960. Applicant: ADLEY EXPRESS CO., 216 Crown Street, New Haven, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From junction of U.S. Highway 130 and Alternate U.S. Highway 130, approximately 2 miles east of Bridgeport, N.J., over U.S. Highway 130 to junction Alternate U.S. Highway 130, approximately 1 mile northeast of Thorofare, N.J., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Washington, D.C., over U.S. Highway 50 to junction Maryland Highway 2, thence over Maryland Highway 2 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction unnumbered highway (formerly U.S. Highway 130), thence over unnumbered highway via Gibbstown, Paulsboro, and Thorofare, N.J., to junction U.S. Highway 130, thence over U.S. Highway 1 to New York, and return over the same route.

No. MC 2542 (Deviation No. 6), filed May 9, 1960. Applicant: ADLEY EXPRESS CO., 216 Crown Street, New Haven, Conn. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From the eastern terminus of the New Jersey Turnpike at Palisades Park, N.J., over the New Jersey Turnpike to its western terminus at the Delaware Memorial Bridge, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Boston and Philadelphia over U.S. Highway 1 and numerous other routes.

No. MC 30204 (Deviation No. 4), filed May 4, 1960. Applicant: HEMINGWAY BROS. INTERSTATE TRUCKING CO., 418 Dartmouth Street, New Bedford, Mass. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From the Eastern Terminus of the Trenton Freeway in Trenton, N.J., to the Western Terminus of the Trenton Freeway in Morrisville, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Camden, N.J., across the Delaware River to Philadelphia, Pa., thence over U.S. Highway 1 to New York; from Camden, N.J., across the Delaware River to Philadelphia, Pa., thence over U.S. Highway 13 to Morrisville, Pa., and thence over U.S. Highway 1 to New York, and return over the same route.

No. MC 41601 (Deviation No. 1), filed May 10, 1960. Applicant: CONVERSE TRUCKING SERVICE, 1026 Murray Street, Berkeley, Calif. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities* over a deviation route as follows: From the junction of unnumbered highway and U.S. Highway 40 approximately 3 miles northeast of Vacaville, Calif., over unnumbered highway to junction U.S. Highway 99W, about 3 miles south of Dunnigan, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From a point approximately 3 miles northeast of Vacaville, over U.S. Highway 40 to Davis, Calif., thence over U.S. Highway 99–W to junction unnumbered road approximately 3 miles south of Dunnigan, and return over the same route.

No. MC 42487 (Deviation No. 7), filed May 12, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over U.S. Highway 6 to Mojave, Calif., thence over U.S. Highway 466 to Barstow, Calif., thence over U.S. Highway 66 to junction U.S. Highway 95, thence over U.S. Highway 95 to Las Vegas, Nev., thence over U.S. Highway 93 to Ely, Nev., thence over Alternate U.S. Highway 50 to Wendover, Utah, thence over U.S. Highway 40 to Salt Lake City, Utah, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 395 to junction U.S. Highway 70, thence over U.S. Highway 70 to Wickenburg, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 189 near Bitter Springs, Ariz., thence over Arizona Highway 189, and Utah Highway 259 via Page, Ariz., to junction U.S. Highway 89 at Kanab, Utah, thence over U.S. Highway 89 to Gunnison, Utah, thence over Utah Highway 28 to Levan, Utah, thence over U.S. Highway 91 to junction Alternate U.S. Highway 50, 3 miles south of Salt Lake City, Utah, and return over the same routes.

No. MC 52709 (Deviation No. 4), filed May 9, 1960. Applicant: RINGSBY TRUCKLINES, INC., 3201 Ringsby Court, Denver 5, Colo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 6 and Colorado Highway 72 in Denver, Colo., over Colorado Highway 72 to junction U.S. Highway 40 and Interstate Highway 70, thence over U.S. Highway 40 or Interstate Highway 70 to Limon, Colo., thence over U.S. Highway 24 or Interstate Highway 70 to Goodland, Kans., thence over U.S. Highway 24 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 71 in Kansas City, Mo., and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver over U.S. Highway 6 to junction Nebraska Highway 3, thence over Nebraska Highway 3 to Beatrice, Nebr., thence over U.S. Highway 77 to Marysville, Kans., thence over U.S. Highway 36 to St. Joseph, Mo., thence over U.S. Highway 71 to Kansas City, and return over the same route.

No. MC 52709 (Deviation No. 5), filed May 18, 1960. Applicant: RINGSBY TRUCKLINE, INC., 3201 Ringsby Court, Denver 5, Colo. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Colton, Calif., over U.S. Highway 70 to Aguila, Ariz., thence over Arizona Highway 71 to Congress, Ariz., thence over U.S. Highway 89 to junction U.S. Highway 66 at or near Ash Fork, Ariz., thence over U.S. Highway 66 to Tucumcari, N. Mex., thence over U.S. Highway 54 to Pratt, Kans., thence over Kansas Highway 61 to McPherson, Kans., thence over U.S. Highway 81 to Hebron, Nebr., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Colton over U.S. Highway 91 to junction U.S. Highway 30 at or near Springville, Utah, thence over U.S. Highway 50 to Grand Junction, Colo., thence over U.S. Highway 6 to junction Nebraska Highway 3 east of Arapahoe, Nebr., thence over Nebraska Highway 3 to Hebron, and return over the same route.

No. MC 104004 (Deviation No. 9), filed May 2, 1960. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Knoxville, Tenn., over U.S. Highway 11 to Cleveland, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same com-

modities over a pertinent service route as follows: From Knoxville over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction unnumbered highway, formerly Tennessee Highway 60, thence over unnumbered highway to Cleveland, and thence over U.S. Highway 11 to Chattanooga and return over the same route.

No. MC 107500 (Deviation No. 6), filed May 13, 1960. Applicant: BURLINGTON TRUCK LINES INC., 796 South Pearl Street, Galesburg, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Chicago, Ill., over U.S. Highway 66 to junction U.S. Highways 36 and 54 at Springfield, Ill., thence over U.S. Highways 36 and 54 to Jacksonville, Ill., and (B) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highways 36–54 at Springfield, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 (also from junction U.S. Highway 34 and Illinois Highway 65, over U.S. Highway 34 to junction Illinois Highway 31), thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375; thence over Iowa Highway 375 to Council Bluffs, Iowa, and thence over U.S. Highway 6 to Omaha, Nebr.; from St. Louis over U.S. Highway 67 to junction Illinois Highway 101; from Davenport, Iowa, over U.S. Highway 67 to junction Illinois Highway 92, thence over Illinois Highway 92 to Taylor Ridge, Ill., thence over Illinois Highway 94 to junction Illinois Highway 135, thence over Illinois Highway 135 to junction Illinois Highway 164, thence over Illinois Highway 164 to Monmouth, Ill., thence over U.S. Highway 67 to junction Illinois Highway 101, and thence over Illinois Highway 101 to Augusta, Ill., from Davenport over U.S. Highway 6 to Moline, Ill., thence over U.S. Highway 150 to Galesburg, Ill., thence over Illinois Highway 41 to junction Illinois Highway 10, thence over Illinois Highway 10 to junction Illinois Highway 61, thence over Illinois Highway 61 to Ursa, Ill., thence over Illinois Highway 96 to junction U.S. Highway 24, and thence over U.S. Highway 24 to Quincy, Ill., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 61016 (Deviation No. 2), filed May 2, 1960. Applicant: PETER PAN BUS LINES INC., 144 Bridge Street, Springfield 3, Mass. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers and their baggage*, over deviation routes between Springfield, Mass., and Rockingham Park, Salem, N.H., as follows: (A) From Springfield, Mass., (1) over U.S. Highway 5 to Massachusetts Turnpike Interchange No. 4 in West Springfield, Mass., (2) over city streets to Massachusetts Turnpike Interchange No. 6 near Springfield; (3) over U.S. Highway 20 to junction Massachusetts Highway 21; thence over Massachusetts Highway 21 to Massachusetts Turnpike Interchange No. 7 in Ludlow, Mass., (4) over U.S. Highway 20 to junction Massachusetts Highway 32, thence over Massachusetts Highway 32 to Massachusetts Turnpike Interchange No. 8 in Palmer, Mass.; (5) over U.S. Highway 20 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to Massachusetts Turnpike Interchange No. 9 in Sturbridge, Mass.; and (6) over U.S. Highway 20 to junction Massachusetts Highway 12, thence over Massachusetts Highway 12 to Massachusetts Turnpike Interchange No. 10 in Auburn, Mass.; (B) From Auburn over (1) Massachusetts Turnpike to its eastern terminus in Weston, Mass., Interchange No. 14, thence over Massachusetts Highway 128 to junction U.S. Highway 3, thence over U.S. Highway 3, to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to junction Massachusetts Highway 38, thence over Massachusetts Highway 38 to the Massachusetts-New Hampshire State line thence over New Hampshire Highway 38 to Rockingham Park, and (2) over Massachusetts Turnpike to its eastern terminus in Weston, Mass., Interchange No. 14, thence over Massachusetts Highway 128 to junction Interstate Highway 93, thence over Interstate Highway 93 to junction Massachusetts Highway 110 in Metheun, Mass., thence over Massachusetts Highway 110 to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line; thence over New Hampshire Highway 28 to Rockingham Park, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield over U.S. Highway 20 to junction Massachusetts Highway 12, thence over Massachusets Highway 12 to Worcester, Mass., thence over Massachusetts Highway 110 via Littleton Common, Mass., to Lawrence, Mass., thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Rockingham Park, and return over the same route.

No. MC 109736 (Deviation No. 1), filed April 14, 1960. Applicant: CAPITAL BUS COMPANY, 4th and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers*, over a deviation route as follows: From Lowman, N.Y., over New York Highway 17 to Elmira, N.Y., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Lowman over New York Highway 367 to Wellsburg, N.Y., thence over New York Highway 427 to Elmira and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5430; Filed, June 14, 1960; 8:47 a.m.]

[Notice 327]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 10, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 286 (Sub-No. 5), filed May 27, 1960. Applicant: THE E. W. LANCASTER COMPANY, LIMITED, 955 Huron Line, Windsor, Ontario, Canada. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between the United State-Canada International Boundary Line at or near Detroit, Mich., on the one hand, and, on the other, the site of the Kelsey-Hayes Company plant located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 2989 (Sub No. 27), filed May 27, 1960. Applicant: DAYS TRANSFER, INC., 730 East Beardsly, Elkhart, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey-Hayes Company Plant located at the intersection of Northline Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with carrier's authorized operations between Detroit, Mich., and various points in Michigan, Illinois, and Indiana.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Michigan, before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 3341 (Sub No. 21), filed May 27, 1960. Applicant: LAKE MOTOR FREIGHT LINES, INC., 2222 West Ample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Kelsey Hayes Company, located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized route operations to and from Detroit, Mich.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 30504 (Sub-No. 10), filed June 1, 1960. Applicant: TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey Hayes Company Plant, located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 56082 (Sub-No. 34), filed May 17, 1960. Applicant: DAVIS & RANDALL, INC. Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and empty malt beverage containers and advertising materials*, from points in Wayne County, Mich., to points in West Virginia, and *only empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

HEARING: July 12, 1960, at the Federal Building, Detroit, Mich., before Examiner Garland E. Taylor.

No. MC 72140 (Sub-No. 41), filed May 27, 1960. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Kelsey Hayes Company plant, located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 92983 (Sub No. 379), filed May 12, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin.

HEARING: July 11, 1960, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 101075 (Sub No. 61), filed May 27, 1960. Applicant: TRANSPORT, INC., 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Val M. Higgins, Mackall, Crounse, Moore & Helmey, First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles from points in Ward, McHenry, Renville, and Bottineau Counties, N. Dak., to points in South Dakota, North Dakota, Montana, and Minnesota.

HEARING: July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 103378 (Sub No. 181), filed May 31, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil* and *tall oil products*, in bulk, in tank vehicles, from Clyattville, Ga., to Port St. Joe, Fla.

HEARING: July 26, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 107515 (Sub No. 350), (AMENDED), filed April 1, 1960, published FEDERAL REGISTER issue of May 11, 1960, and republished in the issue of June 8, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, prepared dough, meats, meat products, and meat by-products*, and *dairy products*, as defined by the Commission, *frozen poultry, frozen seafoods, shelled nuts, frozen and powdered eggs*, from points in Texas to points in Mississippi, Louisiana, and Tennessee. RESTRICTION: Service to points in Mississippi, Louisiana, and Memphis, Tenn., restricted to partial delivery in either the States of Alabama, Georgia, Florida, North Carolina, South Carolina, or Tennessee.

NOTE: Dual operations under section 210 may be involved.

HEARING: Remains as assigned July 13, 1960, at the Baker Hotel, Dallas, Texas, before Examiner James H. Gaffney.

No. MC 108380 (Sub No. 52), filed April 25, 1960. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 112, Newcastle, Wyo. Applicant's attorneys: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and petroleum products, in bulk, in either shipper or carrier-owned tanks, from Minot, N. Dak., and points within ten (10) miles thereof, to points in Montana, North Dakota, South Dakota, and Wyoming.

HEARING: July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 109435 (Sub No. 10) (CORRECTION), filed March 25, 1960, pub-

lished FEDERAL REGISTER issue of June 2, 1960. Applicant: ELLSWORTH BROS., TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, or packages, from Pryor, Okla., and points within a 10 mile radius thereof to points within a 200 mile radius of origin.

NOTE: Previous publication incorrectly assigned the application before Joint Board No. 88, or in the alternative, before the Examiner. The 200 mile radius includes points in the States of Oklahoma, Kansas, Arkansas, and Missouri.

HEARING: Remains as assigned on July 19, 1960, at the Federal Building, Oklahoma City, Oklahoma, but is reassigned before Examiner Alton R. Smith.

No. MC 112520 (Sub No. 44) (CORRECTION), filed May 9, 1960, published in May 25, 1960 issue of the FEDERAL REGISTER. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude tall oil*, and *tall oil products*, in bulk, in tank vehicles, from Clyattville, Ga., to Port St. Joe, Fla.

NOTE: The purpose of this republication is to correct the spelling of the origin point.

HEARING: Remains as assigned, July 26, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner J. Thomas Schneider.

No. MC 116300 (Sub No. 3), filed May 12, 1960. Applicant: NANCE AND COLLUMS, INC., P.O. Box 211, East Monticello Street, Brookhaven, Miss. Applicant's attorney: Phineas Stevens, 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in mixed truckloads with salt, from points in Louisiana (except New Orleans, Gretna, and Destrehan), to points in Alabama and Mississippi.

HEARING: July 14, 1960, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Jerry F. Laughlin.

No. MC 116810 (Sub No. 4) (CORRECTION), filed April 29, 1960, published in the June 2, 1960 issue of the FEDERAL REGISTER. Applicant: BAIR TRANSPORT, INC., P.O. Box 216, Riverside, N.J. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other Providence, R.I., points in Massachusetts on and east of U.S. Highway 5, and those in Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn.

NOTE: Applicant states the proposed service embraces only a change of gateway, as it is authorized in Certificate No. MC 116810 to perform the entire proposed service by combination of its existing general commodities authorities via Fort Lee, N.J. as a gateway point. The purpose of this republication is to reflect the correct name of applicant.

HEARING: Remains as assigned, July 6, 1960, at 346 Broadway, New York, N.Y., before Examiner Abraham J. Essrick.

No. MC 119399 (Sub No. 4), filed June 2, 1960. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea*, dry, in bags or in bulk, from El Dorado, Ark., to points in Kansas, Missouri, Nebraska, and Oklahoma, and (2) *urea*, dry, in bags, from El Dorado, Ark., to points in Illinois, Iowa, and Tennessee, and *damaged, refused* or *rejected shipments*, of the above-specified commodity, on return movement.

HEARING: July 21, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Isadore Freidson.

No. MC 119763 (Sub No. 1), filed June 6, 1960. Applicant: BRITTAN, INC., 155 Broad Street, Bridgewater, Mass. Applicant's representative: Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (portland, hydraulic and masonry) in bulk, in tank trucks and in bags, and *rejected shipments of cement*, between Fall River, Mass., and Providence, R.I., and points in that part of Massachusetts on and east of U.S. Highway 5 extending from the Massachusetts-Vermont State line to West Springfield, Mass., and on and east of Alternate U.S. Highway 5 extending from West Springfield to the Massachusetts-Connecticut State line, and points in that part of Connecticut on and east of Alternate U.S. Highway 5 extending from the Massachusetts-Connecticut State line to Hartford, Conn., and on and east of U.S. Highway 5 extending from Hartford to New Haven, Conn., and points in Rhode Island.

NOTE: Applicant states shipments originating at Fall River, Mass., destined to points in Massachusetts, where the shortest route from origin to destination is through the State of Rhode Island, applicant seeks authority to use Rhode Island highways for operating convenience only.

HEARING: July 20, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 286) (REPUBLICATION), filed April 7, 1960, published in the FEDERAL REGISTER, issue of May 31, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, seasonal during racing seasons, beginning and ending at Trenton, N.J., and extending to (1) Delaware Park Race Track, Stanton, Del., (2) race track Brandywine, Hundred, New Castle County, Del., (3) Pimlico Race Track, Baltimore, Md., (4) Bowie Race Track, Bowie, Md., (5) Laurel Race Track, Laurel, Md., (6) Belmont Park Race Track, Elmont, N.Y., (7) Aqueduct Race Track, New York, N.Y., (8) Roosevelt Raceway, Westbury, N.Y., (9) Yonkers Raceway, Yonkers, N.Y., and (10) Charles Town Race Tracks, Charles Town, W. Va.

HEARING: July 26, 1960, at the U.S. Court Rooms, Trenton, N.J., before Examiner Leo A. Riegel.

No. MC 111504 (Sub No. 3), filed March 11, 1960. Applicant: STARR TRANSIT CO., INC., 50 North Johnston Avenue, Trenton, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, beginning and ending at Trenton, N.J., and extending to Brandywine Raceway, Brandywine Hundred, New Castle County, Del., Delaware Park Race Track, Stanton, Del., Pimlico Race Track, Baltimore, Md., Bowie Race Track, Bowie, Md., Laurel Race Track, Laurel, Md., Belmont Park Race Track, Elmont, N.Y., Aqueduct Race Track, New York, N.Y., Jamaica Race Track, New York, N.Y. Saratoga Race Track, Saratoga Springs, N.Y., Roosevelt Raceway, Westbury, N.Y., Yonkers Raceway, Yonkers, N.Y., Lincoln Downs Race Track, Lincoln, R.I., and Charles Town Race Track, Charles Town, W. Va.

NOTE: Common control may be involved.

HEARING: July 26, 1960, at the U.S. Court Rooms, Trenton, N.J., before Examiner Leo A. Riegel.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1685), filed June 1, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Dept., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between North Hoosick, N.Y., and Burlington, Vt.: from North Hoosick over New York Highway 67 to junction Vermont Highway 67, thence over Vermont Highway 67 to junction U.S. Highway 7, thence over U.S. Highway 7 to junction U.S. Highway 4 at Rutland, Vt., thence west over U.S. Highway 4 to junction Vermont Highway 3, thence over Vermont Highway 3 to junction U.S. Highway 7, and thence over U.S. Highway 7 to Burlington, and return over the same route; from junction U.S. Highway 7 and Vermont Highway 103 over Vermont Highway 103 to Chester, Vt., and return over the same route; serving the intermediate points of North Bennington, Arlington, Manchester, Danby, Rutland, Proctor, Brandon, Middlebury, Ludlow, and Chester, Va. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

thence over New York Highway 22 to Armonk, thence over New York Highway 128 to Mt. Kisco, thence over New York Highway 117 to Katonah, and thence over New York Highway 22 to Brewster, and return over the same route; also, from White Plains over New York Highway 119 to junction U.S. Highway 9, thence over U.S. Highway 9 to Tarrytown, and return over the same route, serving the intermediate points of Mt. Vernon, Yonkers, White Plains, Mt. Kisco, and Tarrytown, N.Y. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1686), filed June 1, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Buffalo, N.Y., and Jamestown, N.Y.: from Buffalo south over U.S. Highway 62 to junction New York Highway 17, and thence west over New York Highway 17 to Jamestown; also, from junction U.S. Highway 62 and New York Highway 322, west over New York Highway 322 to junction New York Highway 83, thence south over New York Highway 83 to junction U.S. Highway 62, and return over the same route to Buffalo, serving the intermediate points of Blasdell, Hamburg, Eden Center, North Collins, Collins, Gowanda, South Dayton, Cherry Creek and Conewango, N.Y. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1687), filed June 6, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Buffalo, N.Y., and Jamestown, N.Y.: from Buffalo south over U.S. Highway 62 to junction New York Highway 17, and thence west over New York Highway 17 to Jamestown; also, from junction U.S. Highway 62 and New York Highway 322, west over New York Highway 322 to junction New York Highway 83, thence south over New York Highway 83 to junction U.S. Highway 62, and return over the same route to Buffalo, serving the intermediate points of Blasdell, Hamburg, Eden Center, North Collins, Collins, Gowanda, South Dayton, Cherry Creek and Conewango, N.Y. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1688), filed June 6, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Dept., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Paterson, N.J., and Sussex, N.J.: from Paterson over unnumbered streets to West Paterson, thence over U.S. Highway 46 to junction New Jersey Highway 23, and thence over New Jersey Highway 23 to Sussex, and return over the same route, serving the intermediate point of Newfoundland, N.J., and the off-route points of Pompton Plains, Pompton, Riverdale, Pompton Lakes, Wanaque-Midvale, Butler, and Ogdensburg, N.J. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states the proposed service is an extension of its authorized route between Albany and Hoosick Falls, N.Y., (MC 66562 Sub 1399), and between Hoosick Falls, N.Y., and North Adams, Mass (MC 66562 Sub 1431).

No. MC 66562 (Sub No. 1688), filed June 6, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Dept., 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Paterson, N.J., and Sussex, N.J.: from Paterson over unnumbered streets to West Paterson, thence over U.S. Highway 46 to junction New Jersey Highway 23, and thence over New Jersey Highway 23 to Sussex, and return over the same route, serving the intermediate point of Newfoundland, N.J., and the off-route points of Pompton Plains, Pompton, Riverdale, Pompton Lakes, Wanaque-Midvale, Butler, and Ogdensburg, N.J. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 75320 (Sub No. 93), filed May 31, 1960. Applicant: CAMPBELL SIXTY SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Grenada, Miss., and Greenwood, Miss., over Mississippi Highway 7, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 78786 (Sub-No. 224), filed May 31, 1960. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a Corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: Mr. Thormund A. Miller, 205 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage, express, newspapers, milk and cream*, between Sacramento, Calif., and Reno, Nev., over U.S. Highway 40, serving all intermediate and off-route points which are stations on the rail lines of Southern Pacific Company between said termini.

NOTE: Subject to the following conditions, the service to be performed shall be (1) limited to that which is auxiliary to or supplemental of railroad or railroad express service, and shall not (2) serve any point not a station on the rail lines of the Southern Pacific Company.

No. MC 107403 (Sub No. 309), filed June 3, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles from Huntington, Ind., to Findlay, Ohio.

NOTE: Applicant holds contract carrier authority in Permit No. MC 117637 and Subs thereunder. Dual operations under section 210 may be involved.

No. MC 114897 (Sub No. 25), filed May 31, 1960. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador Street, Las Cruces, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent acid*, in bulk, in tank vehicles, from the plant site of Standard Oil Co. of Texas, El Paso, Tex., to the Zuniga Mine, located at Fierro, N. Mex., and *refused or rejected shipments* of spent acid, on return.

No. MC 117615 (Sub No. 3), filed June 6, 1960. Applicant: BOYER VALLEY COMPANY, a Corporation, Federal Savings and Loan Building, Denison, Iowa. Applicant's attorney: E. A. Norelius, Federal Savings and Loan Building, Denison, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal grease*, in bulk, in tank trucks and trailers, from Denison, Iowa to Kansas City, Mo., Kansas City, Kans., Enid, Okla., Fremont, Nebr., and Cheraw, Colo.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 193), filed May 31, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street., Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, Western Greyhound Lines (Division of The Greyhound Corporation), Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over relocated highways as follows: (1) between Singley Road Junction and Fortuna, Calif., by changing the authorized route of operation between the Oregon-California State line and San Francisco from former U.S. Highway 101 to relocated U.S. Highway 101 between Singley Road Junction and Fortuna; (2) between Madison Junction

and Winters Junction, Calif., by changing the authorized route of operation between Dunnigan Junction and Vacaville Junction from former California Highway 21 (presently shown as unnumbered highway) to relocated California Highway 21 between Madison junction and Winters Junction; (3) between Walnut Creek Junction and Oak Park Junction, Calif., by changing the authorized route of operation between Oakland and Willow Pass Junction from former California Highway 24 to relocated California Highway 24 between Walnut Creek Junction and Oak Park Junction; reauthorize present route between Walnut Creek Junction and Oak Park Junction as follows: from junction California Highway 24 and unnumbered highway (Walnut Creek Junction), over unnumbered highway to junction California Highway 24 (Oak Park Junction); and (4) between Calabasas Junction and Vineland Avenue Junction, Calif., by changing the authorized route of operation between San Luis Obispo and Los Angeles from former U.S. Highway 101 and relocated U.S. Highway 101 between Calabasas Junction and Vineland Avenue Junction; reauthorize present route between Calabasas Junction and Vineland Avenue Junction: from junction U.S. Highway 101 and unnumbered highway (Calabasas Junction), over unnumbered highway via Tarzana to junction U.S. Highway 101 (Vineland Avenue Junction); all as more specifically set forth in the application, all entirely within the State of California between the points and in both directions over the routes set forth, serving all intermediate points.

No. MC 1501 (Sub No. 194), filed June 3, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: George W. Rauch, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, between junction Ohio Highway 18 and U.S. Highway 25, and Dayton, Ohio: from junction Ohio Highway 18 and U.S. Highway 25, over Interstate Highway 75 to Dayton, and return over the same route.

NOTE: Applicant states it proposes to join or tack this authority, if granted, (a) to its authority at junction Ohio Highway 18 and U.S. Highway 25, (b) to its regular routes serving the intermediate points of Van Buren, Sidney, Piqua, and Troy, Ohio, and (c) to its authority to serve Dayton, Ohio. Applicant further states it is authorized to conduct operations over U.S. Highway 25 to serve all of the communities listed above, and the following: Findlay, Ohio, from Findlay Interchange to Findlay over Ohio Highway 12 and return; Bluffton, Ohio, from Bluffton Interchange over Ohio Highway 103 and return; Lima, Ohio, from Lima Interchange over U.S. Highway 305 and return; Cridersville, Ohio, from Cridersville Interchange over unnumbered County highway and return; Wapakoneta, Ohio, from Wapakoneta Interchange over Ohio Highway 67 and return; and the intermediate tacking points of Van Buren, Sidney, Piqua, and Troy, Ohio.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 33641 (Sub No. 43), filed May 31, 1960. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities in bulk, between points in California, as follows: 1. San Francisco and Soledad, via U.S. Highways 101 and 101 By-Pass, serving off-route points of Natividad, Spreckels, Permanente, Alviso, and Agnew. 2. San Francisco and Carmel, via State Highway 1, serving off-route points of San Gregorio, Pescadero, Camp McQuaide, Seabright, Capitola, Sea Cliff, and Del Mar. 3. Half Moon Bay and San Mateo, via unnumbered highways and State Highway 5. 4. San Gregorio and Redwood City, via La Honda and Woodside, over unnumbered highways. 5. Santa Cruz and Boulder Creek, via State Highway 9, and via unnumbered highway through Mt. Hermon. 6. San Jose and Santa Cruz, via State Highway 17. 7. Gilroy and Watsonville, via State Highway 152. 8. Watsonville and San Juan, via unnumbered highway known as Chittenden Pass Road, serving the off-route point of Aromas. 9. Watsonville and U.S. Highway 101 north of Prunedale, via unnumbered highway. 10. Salinas and Castroville, via unnumbered highway. 11. Salinas-Monterey unnumbered highway and State Highway 1, via unnumbered highway south of Salinas through Blanco to State Highway 1 north of Neponset. 12. Salinas-Monterey unnumbered highway and Marina, via unnumbered highway. 13. Salinas and Pacific Grove, via unnumbered highway. 14. Carmel and Robles Del Rio via unnumbered highway through Carmel Valley. 15. Robles Del Rio and Salinas-Monterey unnumbered highway, via unnumbered highway. 16. Gilroy and Hollister, via U.S. Highway 101 and State Highway 25. 17. Hollister to U.S. Highway 101, via State Highway 156 and San Juan. 18. Richmond and San Jose, via U.S. Highways 40 and 50, State Highways 17 and 9, serving off-route points of Alameda, Newark, Alviso, Mulford Gardens, Russell, Arden, and Santa Rita. 19. Oakland and Livermore, via U.S. Highway 50, serving off-route point of Pleasanton. 20. Livermore and San Jose, via unnumbered highway, State Highways 21 and 17, serving off-route points of Santa Rita Prison Farm and Hearst Ranch. 21. San Francisco and Tulare, via U.S. Highways 40, 50, and 99, serving the off-route points of Visalia and Hanford. 22. Gilroy and Tulare, via State Highway 152 and U.S. Highway 99. 23. San Francisco and Oakland East Bay Area, via the San Francisco-Oakland Bay Bridge. 24. Oakland and Port Costa, Crockett and Martinez, via U.S. Highway 40 and unnumbered highway. 25. Oakland, on the one hand, and San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey, and Selby, on the other hand; and between Albany, El Cerrito, Stege Junction, San Pablo, Pinole, Hercules, Rodeo, Oleum, Tormey, Selby, Port Costa, Crockett, and Martinez, via U.S. Highway 40 and unnumbered highways. 26. San Francisco, Oakland, Berkeley, Alameda, Piedmont, Emeryville, Fruitvale, Melrose, San Pablo, Albany, and El Cerrito, on the one hand, and, on the other hand, Richmond, Giant, San Leandro, San Lorenzo, Mount Eden, Hayward, Castro Valley, Daly City, Colma, and South San Francisco, via U.S. Highways 40, 50, 101, 101 By-Pass, State Highways 24, 17, 9, and unnumbered highways. 27. Oakland and Antioch, via State Highway 24, serving all off-route points within three miles laterally of such routes. 28. Lafayette and Moraga, via unnumbered highway. 29. Walnut Creek and Dublin, via State Highway 21. 30. Concord and Byron, via the Marsh Creek Road. 31. Antioch and Byron, via State Highway 4. 32. Oakland and Vallejo, via U.S. Highway 40, serving the off-route point of Mare Island. 33. Alamo and U.S. Highway 50, via Diablo, over unnumbered highways, serving all off-route points within three miles laterally of such routes. 34. Sacramento, on the one hand, and on the other hand, all points and places located on and within three miles laterally of the following described highways: (a) Highway U.S. 40 between Sacramento and Loomis and Dixon, including Loomis and Dixon; (b) Highway U.S. 99–E between Lincoln and Roseville, including Lincoln and Roseville; (c) Highway U.S. 50 between Sacramento and Clarksville, including Clarksville; (d) State Highway Route 16 between Sacramento and Michigan Bar, including Michigan Bar; (e) Highway U.S. 50–99 between Sacramento and Stockton, including Stockton; (f) State Highway Route 24 between Sacramento and Ryde, including Ryde; (g) State Highway Route 16 between Sacramento and Madison, including Madison; (h) Highway U.S. 99–W between Zamora and junction Highway U.S. 99–W and State Highway Route 16, including Zamora; (i) State Highway Route 24 between Woodland and Robbins, including Woodland and Robbins; (j) County Road between Sacramento and Rio Oso, including Rio Oso, via Verona and Nicolaus; (k) State Highway Route 28 between Winters and Davis, including Winters and Davis; (l) Highway U.S. 99–W between Woodland and Davis, including Woodland and Davis; (m) Including off-route service at Lathrop and Lyoth. 35. All points and places on Route No. 34, on the one hand, and, on the other hand, Oakland and San Francisco, via U.S. Highways 99, 99–E, 99–W, 40 and 50 and State Highways 4, 12, 24, 16, 21, and 17. 36. All points located on and laterally within three miles of the highways described on Route No. 34, on the one hand, and, on the other hand, points and places located in San Francisco and Oakland. RESTRICTION: No service

is authorized between San Francisco and Cordelia on and laterally from U.S. Highway 40, except as otherwise authorized. 37. San Francisco and Vallejo, via U.S. Highway 101, unnumbered highway known as Athertor. Avenue, State Highways 37 and 48, serving the off-route points of Mill Valley, Corte Madera, Larkspur, Kentfield, Ross, San Anselmo, Fairfax, Sausalito, Belvedere, Tiburon, California City, McNear Beach, China Camp, Santa Venetia, Rafael Village, St. Vincents, and Hamilton Field. 38. San Rafael and Richmond, via Richmond-San Rafael Bridge, serving the off-route point of San Quentin. 39. San Rafael and Napa, via U.S. Highway 101 and State Highways 37 and 12. 40. Napa and Vallejo, via State Highway 29. Serving all intermediate points, and all off-route points within three miles laterally of such routes.

NOTE: This application is directly related to MC–F 7529, Interstate Motor Lines, Inc.-Purchase-Highway Transport, Inc.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7558. Authority sought for control and merger by WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 786, Thomasville, Ga., of the operating rights and property of REFRIGERATED TRANSIT, INC., 813 North Ninth Street, St. Louis, Mo., and for acquisition by BILL WATKINS, also of Thomasville, of control of such rights and property through the transaction. Applicants' representatives: Bill Watkins, Cassidy Road, Thomasville, Ga., W. M. Johnson, 813 North Ninth Street, St. Louis, Mo., and Joseph H. Blackshear, Attorney, Gainesville, Ga. Operating rights sought to be controlled and merged: *Eggs*, dried or frozen, as a *common carrier* over irregular routes, from Terre Haute, Ind., to Portland, Maine, Manchester, N.H., Boston and New Bedford, Mass., Providence, R.I., Albany and New York, N.Y., Asbury Park, Atlantic City, Belleville, and Newark, N.J., Scranton and Philadelphia, Pa., Baltimore, Md., and Washington, D.C., and from National Stockyards, Ill., to Boston, Mass., New York, N.Y., Newark, N.J., Scranton and Philadelphia, Pa., Baltimore, Md., and Washington, D.C.; *meats, meat products, and meat byproducts, dairy products*, and *articles distributed by meat packing houses*, as defined in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., to Portland, Maine, Boston and Lawrence, Mass., Providence, R.I., New York, N.Y., Newark, Jersey City, and Camden, N.J., Philadelphia, Pa., Baltimore, Md., and Washington, D.C., restricted to the transportation of the commodities described when moving to or from the warehouses, plants, or other facilities of meat packing houses; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958, which amended section 203(b)(6) of the Act, viz *coffee beans* and *tea*, in mixed and in straight loads with spices and herbs, unground, and ground but not further processed, from New York, N.Y., and Jersey City, N.J., to St. Louis, Mo., WATKINS MOTOR LINES, INC., is authorized to operate as a *common carrier* in Georgia, Missouri, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, District of Columbia, Ohio, Tennessee, Alabama, Florida, South Carolina, Arkansas, Mississippi, Louisiana, Oklahoma, Kansas, Nebraska, Iowa, Texas, Missouri, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7559. Authority sought for purchase by BUCKINGHAM FREIGHT LINES, 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak., of a portion of the operating rights of RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights through the purchase. Applicants' attorneys: Jones, Meiklejohn & Kilroy, 526 Denham Building, Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Douglas, Wyo., and Gillette, Wyo., serving all intermediate points and the off-route points of Devils Tower and Sundance, Wyo.; *general commodities*, excepting, among others, household goods and commodities in bulk, between Scottsbluff, Nebr., and Gordon, Nebr., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, North Dakota, Montana, Illinois, Wisconsin, Utah, Oregon, Washington, Missouri, Idaho, Kansas, and California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7560. Authority sought for purchase by TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., of a portion of the operating rights of WILLIAM S. CLARK, 506 North Street, Mifflintown, Pennsylvania, and for acquisition by ROBERT B. GOTFREDSON and CHARLOTTE B. GOTFREDSON, both of 1700 North Waterman Avenue, Detroit 9, Mich., of control of such rights through the purchase. Applicants' attorney: Howell Ellis, 1210–12 Fidelity Bldg., Indianapolis 4, Indiana. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the Borough of Mifflin, Juniata County, Pa., on the one hand, and, on the other, points in the Borough of Mifflintown, Juniata County, Pa., and between points in the Boroughs of Mifflin and Mifflintown, Juniata County, Pa., on the one hand, and, on the other, points in Pennsylvania within 100 miles of Mifflin and Mifflintown Boroughs, Pa. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, New York, Connecticut, Iowa, Minnesota, Nebraska, Massachusetts, Rhode Island, Kansas, Maryland, West Virginia, Virginia, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7561. Authority sought for control by HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY, 438 Dartmouth Street, New Bedford, Mass., of HUCKABEE TRANSPORT CORP., Box 479, Columbia, S.C., and for acquisition by PHILIP HEMINGWAY, also of New Bedford, of control of HUCKABEE TRANSPORT CORP. through the acquisition by HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY. Applicant's attorney: David G. Macdonald, 1625 K Street, NW., Washington 6, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Charleston, S.C., and Greenville, S.C., between Charleston, S.C., and Kings Mountain, N.C., between Columbia, S.C., and Pineville, N.C., between Columbia, S.C., and Augusta, Ga., and between Augusta, Ga., and Atlanta, Ga., serving certain intermediate and off-route points and restricted against traffic moving between Sumter, S.C., and Charlotte, N.C.; *compressed inflammable gases*, in bulk, in Government-owned tube trailers, and *empty tube trailers*, and *classified and secret materials*, between the Savannah River Plant of the Atomic Energy Commission, at Dunbarton, S.C., and the site of the Atomic Energy Plant at Oak Ridge, Tenn., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Augusta, Ga., on the one hand, and, on the other, points in Georgia within 100 miles of Augusta, between points in Georgia, on the one hand, and, on the other, points in South Carolina, and between Charlotte, N.C., on the one hand, and, on the other, certain points in South Carolina; *textile machinery* and *textile products*, between Winnsboro, S.C., on the one hand, and, on the other, Kannapolis, Gastonia, and Concord, N.C.; *the commodities* classified (a) as meats, meat products, and meat by-products, and (b) as dairy products, in the appendix to the report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, between Columbia, S.C., and points within ten miles thereof, on the one hand, and, on the other, Fort Bragg, N.C., and points within ten miles thereof; *cotton*, from Winnsboro, S.C., to Gastonia, N.C.; *hay*, from Beech Island, S.C., to Harlem, Ga., and from Augusta, Ga., to Walhalla, S.C.; *fertilizer*, from Augusta, Ga., to points in South Carolina; *flour*, from Augusta and Savannah, Ga., and Charleston, S.C., to points in South Carolina; *cotton seed*,

from Beech Island, S.C., to Augusta, Ga.; *canned goods, meat,* and *sugar,* from Savannah, Ga., to Augusta, Ga.; *canned goods* and *agricultural commodities,* from Charleston, S.C., to Augusta, Ga. Vendee is authorized to operate as a *common carrier* in Maine, Connecticut, Rhode Island, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5431; Filed, June 14, 1960; 8:48 a.m.]

[Notice 329]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 15, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62923. By order of June 9, 1960, the Transfer Board approved the transfer to Automobile Transport, Inc., a Michigan corporation, Wayne, Michigan, of Certificates in Nos. MC 87928, and MC 87928 Sub 1, MC 87928 Sub 3, MC 87928 Sub 5, MC 87928 Sub 9, MC 87928 Sub 11, MC 87928 Sub 12, MC 87928 Sub 14, MC 87928 Sub 15, MC 87928 Sub 18, MC 87928 Sub 19, MC 87928 Sub 20, MC 87928 Sub 21, MC 87928 Sub 22, MC 87928 Sub 23, MC 87928 Sub 25, MC 87928 Sub 26, MC 87928 Sub 29, MC 87928 Sub 30, MC 87928 Sub 31, MC 87928 Sub 32, MC 87928 Sub 33, MC 87928 Sub 34, MC 87928 Sub 38, and MC 87928 Sub 39, issued August 20, 1943, May 1, 1947, September 10, 1947, October 26, 1948, February 4, 1949, February 4, 1949, June 24, 1949, November 21, 1950, February 14, 1951, February 5, 1951, January 18, 1951, January 16, 1951, December 12, 1950, April 13, 1951, May 21, 1951, February 1, 1952, March 3, 1953, February 26, 1953, January 20, 1955, January 11, 1955, October 27, 1954, July 12, 1955, July 23, 1957, May 16, 1958, and August 20, 1958, respectively, to Automobile Transport, Inc., of Delaware, Wayne, Mich., authorizing the transportation of: automobiles and related commodities to, from and between specified points in the 48 States and the District of Columbia. Walter N. Bieneman, Attorney, Matheson, Dixon & Brady, 2150 Guardian Building, Detroit, Mich., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5432; Filed, June 14, 1960; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 119]

WRIGHTSVILLE AND TENNILLE RAILROAD CO. AND CENTRAL OF GEORGIA RAILWAY CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Wrightsville and Tennille Railroad Company, account bridge burned out between Donovan and Harrison, Georgia, is unable to transport traffic routed over its line.

It is ordered, That:

(a) Rerouting traffic: The Wrightsville and Tennille Railroad Company and the Central of Georgia Railway Company are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p.m., June 8, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., July 8, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 8, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-5433; Filed, June 14, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 10, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36314: *Sugar—Chaska, Minn., to Chicago, Ill.* Filed by Western Trunk Line Committee, Agent (No. A-2135), for interested rail carriers. Rates on sugar, beet or cane, in carloads from Chaska, Minn., to Chicago, Ill.

Grounds for relief: Route operating through higher-rated intermediate origins.

FSA No. 36315: *Livestock from South to Ohio River Crossings.* Filed by O. W. South, Jr., Agent (SFA No. A-3967), for interested rail carriers. Rates on stocker livestock, in carloads, as described in the application from specified origins in southern territory to Ohio River crossings and St. Louis, Mo. (for movement beyond).

Grounds for relief: Short-line distance formula.

Tariff: Supplement 21 to Southern Freight Association tariff I.C.C. 1602.

FSA No. 36316: *Asphalt and related articles from the southwest to western trunk line territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7824), for interested rail carriers. Rates on asphalt, petroleum road oil, and petroleum wax tailings, in tank-car loads from points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas to points in western trunk line territory.

Grounds for relief: Maintain routes through higher-rates intermediate origins and destinations.

Tariff: Supplement 141 to Southwestern Freight Bureau tariff I.C.C. 4279.

FSA No. 36317: *T.O.F.C. Service—Between Indianapolis, Ind., and southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7825), for interested rail carriers. Rates on property of various kinds moving on class rates loaded in trailers and transported on railroad flat cars between Indianapolis, Ind., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Southwestern Freight Bureau tariff I.C.C. 4352.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5429; Filed, June 14, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., 709 19th Avenue, North, Nashville, Tenn.; effective 5-29-60 to 5-28-61 (men's and boys' sport shirts).

Blue Bell, Inc., Homer, Ga.; effective 5-31-60 to 5-30-61 (mens', boys', misses', and girls' outerwear, coats).

Choctaw Manufacturing Co., Inc., Silas, Ala.; effective 5-26-60 to 5-25-61 (men's trousers).

Charles W. Henson Garment Manufacturing Co., Inc., Monroe, Ga.; effective 5-31-60 to 5-30-61 (men's and boys' work and dress pants).

Mode O'Day Corp., 146 South West Temple, Salt Lake City, Utah; effective 6-30-60 to 6-2-61 (women's dresses).

The Roswell Co., Roswell, Ga.; effective 5-25-60 to 5-24-61 (men's work pants).

Shults Manufacturing Co., Inc., Henderson Tenn.; effective 5-25-60 to 5-24-61 (men's work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Delta Shirt Manufacturing Co., Inc., 550 9th Street, Douglas, Ariz.; effective 5-27-60 to 5-26-61; five learners (men's and boys' sport shirts).

Jean's Sportswear, Inc., Leonardtown, Md.; effective 6-1-60 to 5-31-61; 10 learners (infants' wear).

Martin Dress Co., Oak and Ballet Streets, Frackville, Pa.; effective 5-23-60 to 5-22-61; 10 learners (dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Alabama Textile Products Corp., Troy, Ala.; effective 5-31-60 to 11-30-60; 50 learners (men's dress shirts).

Gattman Sportswear, Inc., Gattman, Miss.; effective 5-27-60 to 11-26-60; 100 learners (men's dress slacks).

Ringer Park Rapids Co., Park Rapids, Minn.; effective 5-23-60 to 11-22-60; 45 learners (men's and boys' winter jackets, parkas and car coats).

Tennessee Textile Corp., Maryville, Tenn.; effective 5-31-60 to 11-30-60; 40 learners (men's and boys' work shirts and pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Boss Manufacturing Co., Oneida, Tenn.; effective 5-23-60 to 5-22-61 (work gloves).

Riegel Textile Corp., Greenville, Ala.; effective 6-8-60 to 6-7-61 (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; effective 5-26-60 to 5-25-61 (canton flannel and jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Slane Hosiery Mills, Inc., Mangum Avenue, High Point, N.C.; effective 5-23-60 to 5-22-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Junior Form Lingerie, Inc., 428 Morris Avenue, Boswell, Pa.; effective 6-3-60 to 6-2-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Superior Mills, Div. of B.V.D. Co., Inc., Carrboro, N.C.; effective 5-25-60 to 11-29-60; 15 learners for plant expansion purposes (knitted cotton cloth for underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Boehm-Sheldon, Inc., North Elm Street, Antigo, Wis.; effective 5-30-60 to 11-29-60; 5 learners for normal labor turnover purposes in the occupation of fly tier for a learning period of 320 hours at the rates of at least 85 cents an hour for the first 240 hours and not less than 90 cents an hour for the remaining 80 hours (fishing flies).

Monarch-Comer Co., Comer, Ga.; effective 5-25-60 to 11-24-60; 5 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing each for a learning period of 480 hours at the rates of not less than 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (sport coats, dress coats, jackets).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 2d day of June 1960.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 60-5399; Filed, June 13, 1960; 8:51 a.m.]

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 16, Revised — $6.50
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Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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FEDERAL REGISTER

VOLUME 25 NUMBER 117

Washington, Thursday, June 16, 1960

UNIVERSITY OF MICHIGAN
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MAIN READING ROOM

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3353

COPYRIGHT EXTENSION: AUSTRIA

By the President of the United States of America

A Proclamation

WHEREAS the President is authorized, in accordance with the conditions prescribed in section 9 of title 17 of the United States Code, which includes the provisions of the act of Congress, approved March 4, 1909, 35 Stat. 1075, as amended by the act of September 25, 1941, 55 Stat. 732, to grant an extension of time for fulfillment of the conditions and formalities prescribed by the copyright laws of the United States of America, with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS satisfactory official assurances have been received that since December 14, 1907, citizens of the United States have been entitled to obtain copyright protection for their works in Austria on substantially the same basis as citizens of Austria without the need of complying with any formalities, provided such works secured protection in the United States; and

WHEREAS, by virtue of a proclamation by the President of the United States of America, dated April 9, 1910, 36 Stat. 2685, citizens of Austria are, and since July 1, 1909, have been, entitled to the benefits of the aforementioned act of March 4, 1909, other than the benefits of section 1(e) of that act; and

WHEREAS, by virtue of a proclamation by the President of the United States of America, dated March 11, 1925, 44 Stat. 2571, the citizens of Austria are, and since August 1, 1920, have been, entitled to the benefits of section 1(e) of the aforementioned act of March 4, 1909:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid title 17, do declare and proclaim:

That with respect to (1) works of citizens of Austria which were first produced or published outside the United States of America on or after March 13, 1938 and prior to July 27, 1956, and subject to copyright under the laws of the United States of America, and (2) works of citizens of Austria subject to renewal of copyright under the laws of the United States of America on or after March 13, 1938 and prior to July 27, 1956, there has existed during several years of the aforementioned period such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid title 17, and that, accordingly, the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works for one year after the date of this proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation, and that, as provided by the aforesaid title 17, no liability shall attach under that title for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or with respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully entered into prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of June in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-5633; Filed, June 15, 1960; 11:23 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 26—EMPLOYMENT WITH PUBLIC INTERNATIONAL ORGANIZATIONS

Retirement, Group Health Benefits and Insurance

Section 26.110 is amended as set out below.

§ 26.110 Retirement, group health benefits, and insurance.

(a) *Group health benefits.* An employee who transfers or has transferred under the Act and these regulations is entitled to enroll or to continue his enrollment in a health benefits plan provided by the Federal Employees Health Benefits Act of 1959 and Part 89 of the regulations in this chapter. This entitlement shall continue throughout the period provided by section 4(d) of the Act, including the reemployment period described in that section, and shall be subject to the provisions of Part 89 of the regulations in this chapter. For purposes of exercising this entitlement, a transferring employee shall be considered an employee of the United States. Provisions of the Act that relate to retirement and insurance shall also be applied to group health benefits so as to assure transferring employees of the benefits provided by the Federal Employees Health Benefits Act of 1959.

(b) *Agency and employee action.* At the time of consent to an employee's transfer, the agency shall notify the employee in writing that he will retain coverage with resulting rights and benefits under the retirement, group health benefits, and insurance systems only if (1) employee payments made by him and (2) agency contributions made by him, by the agency, or by the international organization are currently deposited in the respective funds. The written notice shall state whether the agency contributions will be paid by the agency. The employee shall in writing acknowledge receipt of notice and state whether he wishes to retain his Federal retirement, group health benefits, and/or life insurance by continuing all required payments.

(c) *Agency responsibility.* Except that it shall not be mandatory that the agency continue to use its appropriations to make agency retirement, group health benefits, and insurance contributions for the employee during his absence, each transferred employee shall, for retirement, group health benefits, and insurance purposes, be considered to remain an employee of the agency from which transferred. Accordingly, the agency shall be responsible for determining the applicable rate of compensation in accordance with the provisions of section 4(c) of the Act, for acting as employing office under Part 89 of the regulations in this chapter, and for collecting, accounting for, and depositing in the respective funds all retirement, group health benefits, and insurance employee payments and agency contributions required to be made for the purpose of protecting the rights of the employee so transferred. This responsibility includes furnishing the employee and/or the international organization, when appropriate, with specific information as to how, when, and where such payments and contributions should be submitted.

(d) *Coverage.* Employee payments and agency contributions shall be considered as currently deposited if received by the agency prior to, during, or within one month after the end of the pay period covered thereby. Failure to currently deposit such payments and contributions shall terminate a transferred employee's retirement, group health benefits, and insurance coverage on the last day of the pay period for which payments and contributions were currently deposited, subject to a 31-day extension of life insurance and group health benefits coverage (as provided in §§ 37.5(c) and 89.8 of this chapter) and to the conversion benefits provided in §§ 37.5(g) and 89.11 of this chapter. Coverage so terminated may not attach again before the employee actually enters on duty on his first day in a pay status in an agency. However, terminated Civil Service Retirement Act, Federal Employees Health Benefits Act of 1959, and Life Insurance Act coverage will be reinstated retroactively when, in the judgment of the Commission, the failure to make the required current deposit was due to circumstances beyond the control of the employee and the required payments and contributions were deposited at the first opportunity; and coverage under any other retirement system shall be reinstated retroactively if the agency which administers the retirement system determines that the failure to make the required current deposit was due to circumstances beyond the control of the employee and the required payments and contributions were deposited at the first opportunity.

(Sec. 5, 72 Stat. 961, E.O. 10804, 24 F.R. 1147)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-5511; Filed, June 15, 1960; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

There was published in the FEDERAL REGISTER on February 20, 1960 (25 F.R. 1528) a proposal to amend § 107.302–1, relating to initial capital and surplus of small business investment companies; § 107.303–3, relating to SBA operating loans to Licensees by restricting the use of proceeds derived from the sale of subordinated debentures and loans made under section 303(b) of the Act, to the financing of enterprises other than alcoholic enterprises; § 107.308–7, by adding thereto a new paragraph (d), relating to investment advisers and management contracts; § 107.308–9, qualifying paragraph (d) thereof relating to the use outside the States of funds provided by Licensees to a small business concern, and adding a new paragraph (e) prohibiting Licensees from providing small business concerns with funds to be used for the financing of land speculations. A notice of extension of time within which comments would be received was published in the FEDERAL REGISTER on April 5, 1960 (25 F.R. 2860).

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto, to the Investment Division, Small Business Administration, Washington 25, D.C., within 60 days after the date of publication of the notice in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by the interested persons regarding the proposed amendment, the amendment of regulations as so proposed, with changes resulting from such consideration, with the exception noted below, is hereby adopted as set forth below.

Included in the Notice of Proposed Rule Making dated February 20, 1960, there was a proposal to amend § 107.302–2 which would permit small business investment companies to issue stock for considerations other than cash and to grant stock options. This section was subject to considerable comment and since it is intended to change the proposal materially it will be republished for further comment in the FEDERAL REGISTER under a Notice of Proposed Rule Making.

Because of the necessity for promptly applying the proposed procedures to the program authorized under the Small Business Investment Act of 1958, the subject amendment of regulation shall become effective upon publication thereof in the FEDERAL REGISTER.

The Small Business Investment Companies Regulation (23 F.R. 9383) as amended (25 F.R. 1397, 2354, 3316) is hereby further amended by:

1. Adding at the end of § 107.302–1 the following new § 107.302–1(g) which reads as follows:

§ 107.302–1 Initial capital and surplus of licensee.

* * * * *

(g) The proceeds derived from the sale of any such subordinated debentures of a Licensee under section 302(a) of the Act may be used to provide equity capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages and accordingly within 30 days after the disbursement of any funds to Licensee under authority of section 302(a) of the Act, and thereafter during period in which any such subordinated debentures remain unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their gross income from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such subordinated debentures were disbursed), equal in face value to no less than the unpaid principal of such subordinated debentures.

2. Designating the present text of § 107.303–3 as paragraph (a) and adding at the end thereof the following new paragraph (b) which reads as follows:

§ 107.303–3 Purpose and loan requirements.

* * * * *

(b) The proceeds of any loan obtained by Licensee under the provisions of section 303(b) of the Act may be used to provide equity capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages and accordingly within 30 days after the disbursement of any loan funds to Licensee under authority of section 303(b) of the Act, and thereafter during period in which any such loan, or any part thereof remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their gross income from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loan.

3. Adding at the end of § 107.308–7 the following new paragraph (d) which reads as follows:

§ 107.308–7 Activities of Licensee.

* * * * *

(d) Every Licensee which obtains investment advisory services or management services on a continuing basis, performed for, or supplied to such Licensee by any person or other entity other than the directors, officers or employees in their capacities as such, shall contract in writing for such services and such written contract shall specifically:

(1) Describe such services;

(2) Describe all compensation to be paid thereunder;

(3) State the duration of the contract;

(4) Provide for its termination by the Licensee, without penalty, on not more than 60 days' written notice;

(5) Provide for its automatic termination in the event of its assignment by the person performing the service;

(6) Provide for full disclosure to all interested parties whenever the person performing such services performs services for small business concerns doing business with the Licensee;

(7) Be approved by a vote of a majority of the outstanding voting securities of the Licensee prior to such contract becoming effective; and

(8) Be approved annually by a vote of a majority of the outstanding voting securities of the Licensee or by the vote of a majority of its Board of Directors, including the approval vote of a majority of those members of the Board of Directors who are not parties to, or do not have a pecuniary interest, direct or indirect, in such contract.

Every Licensee shall furnish SBA, for informational and record purposes, with a copy of each contract to which the foregoing applies, on or before the effective date thereof. Contracts for appraisal, custodial, collection, bookkeeping, accounting and legal services shall not be considered advisory or management services for purposes of this part.

4. Deleting the period at the end of paragraph (d) of § 107.308–9, substituting a colon therefor, and adding the following: *"Provided, however,* That a Licensee may provide funds to a small business concern which is subject to State or Federal jurisdiction, (1) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (2) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the United States."

As amended, § 107.308–9(d) reads as follows:

§ 107.308–9 Prohibited uses.

* * * * *

(d) Use outside the States herein defined: *Provided, however,* That a Licensee may provide funds to a small business concern which is subject to State or Federal jurisdiction, (1) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (2) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the United States.

5. Adding at the end of § 107.308–9 the following new paragraph (e), which reads as follows:

§ 107.308–9 Prohibited uses.

* * * * *

(e) Financing land speculations of small business concerns: *Provided, however,* That small business concerns may use funds for the acquisition and prompt development of land.

Dated: June 9, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5498; Filed, June 15, 1960; 8:48 a.m.]

[Amdt. 2]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Section 501 Loans

The Loans to State and Local Development Companies Regulation (23 F.R. 10511) as amended (25 F.R. 1398) is hereby further amended by deleting § 108.501–1 in its entirety and substituting the following new § 108.501–1 in lieu thereof:

§ 108.501–1 Section 501 loans.

(a) *Participation.* To insure participation of private financing sources, the State development company shall agree, unless otherwise modified by SBA, that within 30 days after disbursement of the loan and thereafter during the period in which the loan, or any part thereof, remains unpaid, it will maintain portfolio investments or loans, or both, meeting the requirements of paragraph (c) of this section, having a stated outstanding principal value equal to no less than 133⅓ percent of the unpaid principal of the loan. Deviation from this ratio will be permitted during intervals between repayment or other disposal of such investments or loans and the prompt reinvestment of funds resulting from such repayment or disposal.

(b) *Loan amount.* Subject to the limitation contained in section 501(b) of the Small Business Investment Act of 1958, a loan authorized under this au-

thority shall be in such amount as determined by SBA to be consistent with sound business practice.

(c) *Repayment of loan.* A section 501 loan shall not be made for a term longer than 20 years. Payment of all or any part of a loan may be anticipated without penalty on any interest payment date. Except when the rate of repayment is waived by SBA, such rate shall be adjusted by SBA so that a section 501 loan shall be repaid at no lesser rate than the other debts of the development company which first become due: *Provided, however,* That at no time will the outstanding amount of a section 501 loan to a development company exceed the limitation set forth in section 501(b) of the Small Business Investment Act of 1958.

(d) *Security.* Except where this requirement is waived by SBA, funds advanced to a development company under a section 501 loan shall be secured on an equal basis with those funds borrowed by such company after August 21, 1958, regardless of source. Equal basis does not require that all SBA funds be secured in the highest degree that any other development company funds are secured; however, SBA funds shall be secured on a ratable basis.

(e) *Use of proceeds.* (1) The proceeds of loans to State development companies shall be used within 30 days after disbursement only to provide equity capital or make long-term loans, or both, to small business concerns. For the purposes of this section a long-term loan or any debt instrument through which equity may be acquired shall have a final maturity of not less than five years. State development companies may use section 501 loan proceeds to acquire capital stock or other equity instruments from, or to relend to, small business concerns in need of assistance to finance their operations, growth, expansion or modernization: *Provided, however,* That the authority to acquire with such proceeds an equity or other proprietary interest in a borrower shall extend only to State development companies which are wholly owned and controlled by private interests.

(2) The proceeds of loans to State development companies may not be used for:

(i) Investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages;

(ii) Relending or reinvestment by the small business concern;

(iii) Purposes contrary to the public interest, including but not limited to gambling enterprises and activities;

(iv) Any purpose which would encourage monopoly or be inconsistent with accepted standards of free enterprise;

(v) Use outside the United States: *Provided, however,* That a State development company may provide funds to a small business concern which is subject to State or Federal jurisdiction, (*a*) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (*b*) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the United States.

(f) *Interest rate.* Interest on section 501 loans shall be five per centum per annum.

(g) *Firm commitment.* A firm commitment may be given by SBA for a period of one year subject to the payment of a commitment fee computed on the basis of one per centum per annum, beginning with the first day after the first 30 days following the date of the Note.

The foregoing amendment is effective upon publication in the FEDERAL REGISTER.

Dated: June 9, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5497; Filed, June 15, 1960; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Columbia and Willamette Rivers, Washington and Oregon

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.670 governing navigation on the Columbia and Willamette River, Washington and Oregon is hereby amended in its entirety, as follows:

§ 207.670 Columbia and Willamette Rivers, Washington and Oregon; administration and navigation.

(a) *Supervision.* The District Engineer, U.S. Army Engineer District, Portland, Oregon, has certain administrative supervision over the Columbia and Willamette Rivers, and is charged with the enforcement under his direction of emergency regulations to govern navigation of these streams.

(b) *Speed.* During very high water stages (usually 25 feet or more on the Vancouver, Washington, gage) when lives, floating plant or major shore installations are endangered, the District Engineer shall have authority to prescribe such temporary speed regulations as he may deem necessary for the public safety. During critical periods of freshets under 25 feet on the Vancouver, Washington, gage when construction is in progress, rehabilitation, or other unusual emergency makes a major shore installation susceptible to loss or major damage from wave action, the District Engineer shall have authority to prescribe for a particular limited reach of the river as appropriate such temporary speed regulations as he may deem necessary to protect the integrity of such structure. All speed regulations prescribed by the District Engineer shall be obeyed for the duration of the emergency and shall be terminated at the earliest practicable time that improved stream conditions permit.

[Regs., June 6, 1960, 285/91 (Columbia River)—ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-5472; Filed, June 15, 1960; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Invalid Lifts

In Part 17, § 17.117 is added to read as follows:

§ 17.117 Invalid lifts.

Upon request, an invalid lift of approved type may be furnished or loaned to outpatients, hospital patients at time of discharge from hospitalization, or domiciliary members at time of discharge from domiciliation, when determined feasible and medically held needed for:

(a) A service-connected disability which results in the loss or loss of use of both lower extremities, combined with the loss or loss of use of at least one upper extremity to the extent that the patient is medically determined incapable of moving himself from bed to wheelchair, or vice versa, without being lifted bodily by an attendant.

(b) An associated condition, not attributed to military service, but held to be aggravating the disability from a service-connected disease or injury (adjunct treatment), subject to the same conditions as in paragraph (a) of this section.

(c) Effective on and after July 1, 1960, a non-service-connected disability subject to the same conditions as in paragraph (a) of this section, with the additional provision that the patient must be in receipt of pension based upon the need for regular aid and attendance.

(d) Persons defined in § 17.60(a)(5) are subject to the same conditions as in paragraph (a) of this section.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective June 16, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-5507; Filed, June 15, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1001—LIMES GROWN IN FLORIDA

Expenses and Fixing of Rate of Assessment for 1960-61 Fiscal Year

Notice was published in the May 24, 1960, issue of the FEDERAL REGISTER (25 F.R. 4557), that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1960-61 fiscal year under the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee, established pursuant to the aforesaid amended marketing agreement and order, it is hereby found and determined that:

§ 1001.207 Expenses and rate of assessment for the 1960-61 fiscal year.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning April 1, 1960, and ending March 31, 1961, will amount to $6,900.00.

(b) Rate of assessment: The rate of assessment which each handler who first handles limes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at four cents ($0.04) per bushel, or equivalent quantity of limes handled by such handler during the 1960-61 fiscal year.

(c) Terms used in the said amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 13, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5526; Filed, June 15, 1960; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-103]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1959) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 154 between Macon, Ga., and Savannah, Ga.

Although not mentioned in the notice, the foregoing requires a modification to the south segment of the west alternate to VOR Federal airway No. 37 between Savannah and Allendale, S.C., so as to conform to the realignment of Victor 154. This change is minor in nature, since it realigns Victor 37 west 2° counter clockwise of its present location. Additionally, a correction is required to § 600.6154 to eliminate the reference to the Fort Benning Restricted Area (R-129). Since the relocation of the Columbus, Ga., VOR on December 19, 1956, there is no longer an overlap of Victor 154 and the Fort Benning Restricted Area. Such action is taken herein.

The notice stated that the Dublin, Ga., VOR would be installed approximately August 7, 1960. However, the commissioning date of this facility has been rescheduled to October 20, 1960.

No adverse comments were received regarding the proposed amendment. The Aircraft Owners and Pilots Association, however, recommended that a review of the location of the Dublin VOR be made to determine if a more appropriate location would be nearer the Dublin intersection, thereby increasing its usefulness as a navigational aid by serving two airways and as a landing aid to the Dublin airports. The Federal Aviation Agency has made an extensive study on the siting of the Dublin VOR. It has been determined that the presently proposed location will provide the most effective and efficient navigational service to a planned rearrangement of the airway structure in this area.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6154 (24 F.R. 10518) is amended to read:

§ 600.6154 VOR Federal airway No. 154 (Meridian, Miss., to Savannah, Ga.).

From the Meridian, Miss, VORTAC via the INT of the Meridian VORTAC 089° True and the Montgomery, Ala., VORTAC 282° True radials; Montgomery VORTAC; Tuskegee, Ala., VOR; INT of the Tuskegee VOR 078° True and the Columbus, Ga., VOR 255° True radials; Columbus VOR, including a south alternate from the Montgomery VORTAC to the Columbus VOR via the INT of the Montgomery VORTAC 088° True radial and the Columbus VOR direct radial to the Eufaula, Ala., VOR; Macon, Ga., VORTAC; Dublin, Ga., VOR; to the Savannah, Ga., VOR, including a north alternate from the INT of the Savannah VOR 282° True and the Allendale, S.C., VOR 216° True radials to the Savannah VOR via the INT of the Allendale VOR 216° True and the Savannah VOR 305° True radials.

§ 600.6037 [Amendment]

2. In the text of § 600.6037 (24 F.R. 10510, 9928) "From the Savannah, Ga., omnirange station via the Allendale, S.C., omnirange station, including a west alternate via the Savannah omnirange 284° and the Allendale omnirange 194° radials;" is deleted and "From the Savannah, Ga., VOR via the Allendale, S.C., VOR, including a west alternate via the Savannah VOR 282° True and the Allendale VOR 194° True radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. December 15, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 9, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5475; Filed, June 15, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-5]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On December 12, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10061) stating that the Federal Aviation Agency was considering an amendment to § 601.2332 of the Regulations of the Administrator which would modify the Beaumont, Tex., control zone.

As stated in the notice, the Beaumont control zone is presently designated within a 5-mile radius of the Jefferson County Airport with a 10-mile extension to the north based on the radio range; a 10-mile extension to the northwest based on the ILS localizer course; and a 10-mile extension to the southwest based on the VOR. The Beaumont radio range is scheduled to be decommissioned in the near future and the instrument approach procedure based thereon will be cancelled. Accordingly, the retention of the

control zone extension to the north based on the radio range is unjustified as an assignment of airspace and the revocation thereof is in the public interest. Concurrent with this action, an extension to the southeast is being designated to provide protection for aircraft conducting IFR approaches using the Beaumont ILS localizer southeast course.

The Aircraft Owners and Pilots Association concurred with the revocation of the northern extension. They also stated that they objected to the proposed extensions to the northwest and southwest because: "the foregoing proposals are typical cases of excessive amounts of airspace being designated, which are not needed and in the interest of safety should not be used." These control zone extensions presently exist for the protection of aircraft executing prescribed instrument approaches to the Jefferson County Airport, Beaumont, Tex., utilizing the Beaumont VOR and the low frequency outer marker locator of the instrument landing system. Aircraft utilizing these two navigational aids descend below 1,000 feet above the terrain prior to entering the existing 5-mile radius zone. However, the Federal Aviation Agency is modifying the VOR and ADF approaches to Jefferson County Airport by changing the approach altitude over the LOM and VOR to at least 1,000 feet above the terrain, negating the requirement for the existing control zone extensions to the northwest and southwest beyond the LOM and the VOR. This will result in the revocation of approximately 20 square miles of control zone beyond the LOM and approximately 40 square miles of control zone beyond the VOR. The present ILS southeast course instrument approach procedure authorizes the procedure turn to be completed at 1,400 feet MSL within 10 nautical miles and then descent to 900 feet MSL which is 885 feet above the surface of the airport. Therefore, the Federal Aviation Agency is designating a control zone within a 5-mile radius of the Jefferson County Airport with an extension to the southeast within 2 miles either side of the Beaumont ILS localizer southeast course, extending from the 5-mile radius zone to a point 12 miles southeast of the airport; an extension to the northwest within 2 miles either side of the Beaumont ILS localizer northwest course, extending from the 5-mile radius control zone to the LOM; and an extension to the southwest within 2 miles either side of the Beaumont VOR 064° True radial extending from the 5-mile radius control zone to the Beaumont VOR. This control zone and the control zone extensions are considered necessary to provide full protection for authorized instrument approaches to Jefferson County Airport, Beaumont, Tex.

The Air Transport Association of America commented stating that they had no objection to the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2332 (24 F.R. 10587) is amended to read:

§ 601.2332 Beaumont, Tex., control zone.

Within a 5-mile radius of the geographical center of the Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), within 2 miles either side of the 064° True radial of the Beaumont VOR extending from the 5-mile radius zone to the Beaumont VOR, within 2 miles either side of the Beaumont ILS localizer NW course extending from the 5-mile radius zone to the LOM, and within 2 miles either side of the Beaumont ILS localizer SE course extending from the 5-mile radius zone to a point 10 miles SE of the airport.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 9, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5473; Filed, June 15, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-83]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10918) stating that the Federal Aviation Agency was considering an amendment to § 601.2340 of the regulations of the Administrator which would modify the Sanford, Fla., control zone.

As stated in the notice, the Sanford control zone is presently designated within a 5-mile radius of the Naval Auxiliary Air Station, Sanford, Fla., within 2 miles either side of a 270° bearing extending from the Sanford Navy nondirectional radio beacon to a point 10 miles west, and within 2 miles either side of a 190° bearing extending from the Sanford Navy nondirectional radio beacon to the Orlando, Fla., control zone. The control zone extension to the south was formerly used for instrument approaches to the Sanford NAAS, based on the Orlando low frequency radio range. The Orlando radio range has been decommissioned, and it is no longer necessary to retain the extension to the south. The present ADF instrument approach procedure is based on the 270° bearing from the Sanford Navy nondirectional radio beacon. The control zone is being modified by revoking the south extension, and redesignating the Sanford control zone within a 5-mile radius of the geographical center of the Naval Auxiliary Air Station and within 2 miles either side of a 270° bearing extending from the Sanford Navy radio beacon to a point 12 miles west. This extension will protect aircraft making authorized instrument approaches in their descent below 1000 feet above the airport surface. Although in the notice, the extension was described as 10 miles beyond the radio beacon, it is necessary to extend it to 12 miles to provide full protection to the instrument approach procedure.

The Aircraft Owners and Pilots Association concurred in the revocation of the south extension. However, the extension to the west was questioned as to the requirement for such an extension. The current criteria for establishing control zones state that the basic circular area for control zones, normally 5 miles, is then modified by extending the control zone two miles on either side of the authorized low approach path out to a point where aircraft are authorized to descend below 1,000 feet above the terrain and that such extensions are necessary for each authorized low approach procedure established for the airport concerned. At Sanford, aircraft are authorized to descend to an altitude of 600 feet above the terrain after completion of procedure turn which is within 12 statute miles of the radio beacon. Therefore, the Federal Aviation Agency is redesignating the Sanford control zone within a 5-mile radius of the geographical center of the Naval Air Station (latitude 28°46'25" N., longitude 81°14'20" W.); and within 2 miles either side of a 270° bearing extending from the Sanford Navy radio beacon to a point 12 miles west.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, § 601.2340 (24 F.R. 10587) is amended to read:

§ 601.2340 Sanford, Fla., control zone.

Within a 5-mile radius of the geographical center of the Naval Air Station, Sanford, Fla. (latitude 28°46'25" N., longitude 81°14'20" W.) and within 2 miles either side of a 270° bearing extending from the Sanford Navy RBN to a point 12 miles W.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 9, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5474; Filed, June 15, 1960; 8:45 a.m.]

[Reg. Docket No. 417; Amdt. 170]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Elyria FM	CLE-LFR (Final)	Direct	1400	T-dn C-dn A-dn	200-1 400-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2

Radar transitions and vectoring authorized in accordance with approved RADAR patterns.
Procedure turn S side W crs, 276° Outbnd, 096° Inbnd, 1900' within 10 mi.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 070°—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mi, climb to 3000' on N side of E crs of Cleveland LFR to Parkman Int.
CAUTION: 1971' television towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789'; Fac. Class, SBRAZ; Ident., CLE; Procedure No. 1, Amdt. 10; Eff. Date, 30 June 60; Sup. Amdt. No. 9; Dated, 2 June 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn* C-dn* A-dn	300-1 700-1½ 800-2	300-1 700-2 800-2	200-½ 700-2 800-2

Procedure turn W side of South crs, 141° Outbnd, 321° Inbnd, 1500' within 10 mi. Nonstandard.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 123°—1.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing Annette LFR, turn left, climb to 2000' on 141° crs of Annette LFR within 20 mi.
CAUTION: Mountainous terrain 3610' 5 mi ENE and 1000' terrain within 2 mi of airport N through E.
*Runway 2-20 unlighted. T-n NA; C-n NA. Runway 2, T-d 600-1, make immediate left turn after takeoff.

City, Annette; State, Alaska; Airport Name, Annette; Elev., 119'; Fac. Class., SBRAZ; Ident., ANN; Procedure No. 2, Amdt. Orig.; Eff. Date, 2 July 60

ADM VOR	ADM RBn	005°-5.5	2200	T-dn C-d C-n S-d-S S-n-S A-dn	300-1 500-1 600-1 500-1 600-1 *800-2	300-1 600-1 600-1 500-1 600-1 *800-2	200-½ 600-1½ 600-1½ 500-1 600-1 *800-2

Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 2500' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 076°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles, climb to 2700' on crs of 076° from ADM RBn within 20 mi.
NOTE: Weather not available to General Public.
*Alternate use for Air Carrier only.

City, Ardmore; State, Okla.; Airport Name, Ardmore AFB; Elev., 762'; Fac. Class., BMH; Ident., ADM; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 July 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cleveland LFR	LOM	Direct	2200	T–dn	300–1	300–1	200–½
Fairview Int	LOM	Direct	2200	C–dn	400–1	500–1	400–1½
Berea Int	LOM	Direct	2200	S–dn–5L	400–1	400–1	400–1
Cleveland VOR	Int 054° brg to LOM	R–102	2200	A–dn	800–2	800–2	800–2
Int CLE R–102 and 054° brg to LOM	LOM (Final)	Direct	1700				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 234° Outbnd, 054° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 054°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make a right climbing turn, climb to 3000′ on North side East crs of Cleveland LFR to Parkman Int.
CAUTION: 1970′ TV towers approximately 6 miles ESE of airport.
Major Change: Deletes transitions from Walter Int, Elyria FM, and Clark Int.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., LOM; Ident., CL; Procedure No. 1, Amdt. 1; Eff. Date, 30 June 60; Sup. Amdt. No. Orig.; Dated, 2 June 58

Cleveland LFR	Stadium RBn	Direct	2500	T–dn	300–1	300–1	200–½
Euclid Int	Stadium RBn	Direct	2500	C–d	700–1½	700–1½	700–1½
Fairview Int	Stadium RBn	Direct	2500	C–n	700–2	700–2	700–2
Berea Int	Stadium RBn	Direct	3000	A–dn	800–2	800–2	800–2
Ascot Int	Stadium RBn	Direct	3000				

Radar transitions and vectoring authorized in accordance with approved Radar patterns.
Procedure turn North side of crs, 054° Outbnd, 234° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 234°—6.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles, climb to 2200′ on 234° crs from Stadium RBn to Clark Int.
CAUTION: 1970′ TV towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., RBn; Ident., SUM; Procedure No. 2, Amdt. 2; Eff. Date, 30 June 60; Sup. Amdt. No. 1; Dated, 2 June 58

CVG VOR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
New Baltimore Int	LOM	Direct	2300	C–dn	400–1	800–1	800–1½
LUK LFR	LOM	Direct	2400	S–dn–36	400–1	400–1	400–1
Dry Ridge	Union Int	Direct	2000	A–dn	800–2	800–2	800–2
Grant Lick	Union Int	Direct	2000				
Union Int	LOM (Final)	Direct	1500				

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise. 022° to 106°—2500′ within 30 mi. 106° to 022°—2000′ within 15 mi. 106° to 022°—2600′ within 30 mi.
Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1120′ obstruction 12 miles NW of airport.
Procedure turn E side of crs, 126° Outbnd, 360° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 360°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, climb to 2300′ on bearing 360° from LOM to New Baltimore Int or, when directed by ATC, make a left climbing turn, climb to 2300′ on crs of 285° from LMM within 15 mi.
Major Changes: Deletes transition from Bridgetown Int. Deletes asterisk before S–dn.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890′; Fac. Class., LOM; Ident., CV; Procedure No. 1, Amdt. 13; Eff. Date, 2 July 60; Sup. Amdt. No. 12; Dated, 4 June 60

				T–dn	300–1	300–1	200–½
				C–dn	600–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 199°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi, climb to 2600′ on a crs 197 within 10 mi, return to HTW BH.

City, Huntington; State, W. Va.; Airport Name, Tri-State; Elev., 827′; Fac. Class., BH; Ident., HTW; Procedure No. 2, Amdt. 2; Eff. Date, 2 July 60; Sup. Amdt. No. 1; Dated, 3 Dec. 53

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ADM RBn	ADM VOR	Direct	3000	T–dn	300–1	300–1	200–½
				C–dn	*500–1	*600–1	*600–1½
				A–dn	**800–2	**800–2	**800–2

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′; over Autry Int‡, 1500′.*
Crs and distance, facility to airport, 044°—9.4 mi; fix to airport, 044°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 mi, climb to 2700′ on ADM–VOR R–044 within 5 mi.
NOTE: Aircraft not equipped with ADF restricted to landing ceiling minimum of 700′. Weather not available to general public.
*Maintain 1500′ until passing Autry Int. If Int not received, landing ceiling minimum is 700′.
**Alternate use for air carrier only.
‡Autry Int: Int ADM–VOR R–044 and brng 095° from ADM RBn.

City, Ardmore; State, Okla.; Airport Name, Ardmore AFB; Elev., 762′; Fac. Class., BVOR; Ident., ADM; Procedure No. 1, Amdt. Orig.; Eff. Date, 2 July 60

Spring Lake Int	OBK VOR	Direct	2200	T–dn	300–1	300–1	200–½
Morton Int	OBK VOR	Direct	2000	C–dn	500–1	500–1	500–1½
White Fish Int*	OBK VOR	Direct	2000	A–dn‡	800–2	800–2	800–2

Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn, on inbound final approach course 3 miles from OBK VOR.
Procedure turn North side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles. Nonstandard due to O'Hare approach area.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 158°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of OBK VOR, make immediate left turn, climb to 2600′ and proceed to Northbrook VOR via the OBK VOR R–140.
‡Alternate weather minimums dependent on O'Hare weather.
*Int OBK R–091 and CGT R–011.

City, Chicago; State, Ill.; Airport Name, Pal Waukee; Elev., 642′; Fac. Class., VOR; Ident., OBK; Procedure No. 1, Amdt. 1; Eff. Date, 2 July 60; Sup. Amdt. No. Orig.; Dated, 28 May 60

				T–dn*	300–1	300–1	200–½
				C–dn	600–1½	600–1½	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side crs, 048° Outbnd, 228° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 228—8.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make a left climbing turn and return to Plattsburgh VOR at 1600.
*300–1 required for take-off Runway 1.

City, Plattsburgh; State, N.Y.; Airport Name, Municipal; Elev., 371′; Fac. Class., BVOR; Ident., PLB; Procedure No. 1, Amdt. 5; Eff. Date, 2 July 60; Sup. Amdt. No. 4; Dated, 1 May 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 2 JULY 60, OR UPON DECOMMISSIONING OF SALISBURY OMNIRANGE.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52′; Fac. Class., BVOR-DME; Ident., SBY; Procedure No. TerVOR–4, Amdt. 2; Eff. Date, 23 Aug. 58; Sup. Amdt. No. 1; Dated, 19 Nov. 58

PROCEDURE CANCELLED, EFFECTIVE 2 JULY 60, OR UPON DECOMMISSIONING OF SALISBURY OMNIRANGE.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52′; Fac. Class., BVOR-DME; Ident., SBY; Procedure No. TerVOR–22, Amdt. 2; Eff. Date, 23 Aug 58; Sup. Amdt. No. 1; Dated, 19 Nov. 58

PROCEDURE CANCELLED, EFFECTIVE 2 JULY 60, OR UPON DECOMMISSIONING OF SALISBURY OMNIRANGE.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52′; Fac. Class., BVOR-DME; Ident., SBY; Procedure No. TerVOR–31, Amdt. 2; Eff. Date, 23 Aug 58; Sup. Amdt. No. 1; Dated, 19 Nov. 58

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	300-1
				C-dn	°500-1	°500-1	°500-1½
				S-d-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Ors and distance, breakoff point to appr end of Rny 4, 044°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ on crs of 035° within 10 miles of Salisbury VOR.
°Night operations—Runways 13-31 only.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52′; Fac. Class., BVOR-DME; Ident., SBY; Procedure No. TerVOR-4, Amdt. Orig.; Eff. Date, 2 July 60 or on commissioning of facility

				T-dn	300-1	300-1	300-1
				C-dn	°500-1	°500-1	°500-1½
				S-d-22	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 058° Outbnd, 238° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Ors and distance, breakoff point to appr end of Rny 22, 224°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1500′ on crs of 238° within 10 miles of Salisbury VOR.
°Night operations—Runways 13-31 only.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52′; Fac. Class., BVOR-DME; Ident., SBY; Procedure No. TerVOR-22, Amdt. Orig.; Eff. Date, 2 July 60 or on commissioning of facility

				T-dn	300-1	300-1	300-1
				C-dn	°500-1	°500-1	°500-1½
				S-dn-31	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 142° Outbnd, 322° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Ors and distance, breakoff point to appr end of Rny 31, 314°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 1700′ on crs of 322° within 10 miles of Salisbury VOR.
°Night operations—Runway 13-31 only.

City, Salisbury; State, Md.; Airport Name, Wicomico Co.; Elev., 52′; Fac. Class., BVOR; Ident., SBY; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 2 July 60 or on commissioning of facility

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10 mi fix R-281	0 mi fix R-281	Direct	3000	T-dn	300-1	300-1	300-1
				C-dn	400-1	500-1	500-1½
				C-d#	800-1	800-1	800-1½
				C-n#	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Procedure S side of crs, 281° Outbnd, 101° Inbnd, 3500′ within 10 mi. (Not required with DME.)
Minimum altitude over facility on final approach crs, 3000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 miles, climb to 3100 on R-101 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 10 mi at 3500′ orbiting altitude to position aircraft for a final approach.
Major Change: Deletes transitions from 0 mi fix R-101 to 8.8 mi fix R-101 and from 8.8 mi fix R-101 to 9.5 mi fix R-101 (Final Airport).
#Minimums without DME and procedure turn required.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class. and Ident., VOR-DME-ABI; Procedure No. VOR-DME-Arpt., Amdt. 2; Eff. Date, 2 July 60; Sup. Amdt. No. 2; Dated, 2 April 60

PROCEDURE CANCELLED, EFFECTIVE UPON PUBLICATION IN THE FEDERAL REGISTER.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class. and Ident., VOR-DME-ABI; Procedure No. VOR-DME-17, Amdt. Orig; Eff. Date, 26 May 60

PROCEDURE CANCELLED, EFFECTIVE UPON PUBLICATION IN THE FEDERAL REGISTER.

City, Abilene; State, Tex; Airport Name, Municipal; Elev., 1778′, Fac. Class. and Ident, VOR-DME-ABI; Procedure No. VOR-DME-35, Amdt. Orig; Eff. Date, 26 May 60

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Peabody Int	5.0 surveillance fix@	Direct	1300	T-dn%	300-1	300-1	300-1½
Peabody Int	5.0 surveillance fix (Final)@	Direct	800	C-dn*	500-1	500-1	500-1½
Radar terminal area transitions	Radar site	Within 25 mi	**1800	S-dn-22L	#400-1	#400-1	#400-1
				A-dn	800-2	800-2	800-2

All fixes may be determined and supplemented by surveillance radar.
Procedure turn W side N crs 035° Outbnd, 215° Inbnd, 1500′ within 15 mi of Boston LFR.
No glide slope or markers. 1000′ over 5 mi surveillance fix or E crs BED ILS. Dist to Rny 22L, 3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing surveillance fix, climb to 1800′ on SW crs Boston ILS within 10 mi of the airport.
CAUTION: Circling minimums do not provide standard clearance over 370′ stack SW of airport. 1349′ TV tower 10.5 mi W8W of airport.
@Or E crs Bedford ILS.
*400-1 required when circling W of airport.
**Except 2300′ when more than 6 mi from airport bet SW and NW courses of BOS LFR.
#Maintain 500′ until after passing the Boston LFR.
%Except where radar vectoring is used, and when weather is 1000–3 or below, departures from Rny 27 make left or right turn as soon as practicable, and departures from Rnys 22 and 33 climb straight ahead to at least 1000′ prior to turning toward 1349′ WBZ–TV tower.

City, Boston; State, Mass.; Airport Name, Logan Airport; Elev., 19′; Fac. Class., ILS; Ident., IBOS; Procedure No. ILS–22I, Amdt. 6; Eff. Date, 2 July 60; Sup. Amdt. No. 5; Dated, 23 Feb. 57

Cleveland LFR	Stadium RBn	Direct	2500	T-dn	300-1	300-1	300-1½
Euclid Int	Stadium RBn	Direct	2500	C-dn*	400-1	500-1	500-1½
Fairview Int	Stadium RBn	Direct	2500	S-dn-23R*	400-1	400-1	400-1
Berea Int	Stadium RBn	Direct	3000	A-dn	800-2	800-2	800-2
Avon Int	Stadium RBn	Direct	3000				

Radar transitions and vectoring authorized in accordance with approved Radar patterns.
Procedure turn N side NE crs, 054° outbnd, 234° inbnd, 2500′ within 10 miles of Stadium RBn.
No glide slope or markers. Minimum altitude over Stadium RBn Inbnd final—2000′. Minimum altitude over 4-mile radar fix inbnd final—1800′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 mi after passing radar fix or 6.9 mi after RBn, climb to 2200′ on SW crs ILS to Clark Int or, when directed by ATC, turn right, climb to 2000′ on NW crs CLE LFR within 10 miles.
NOTE: Four-mile radar fix not normally provided by ATC unless weather is 1000–1½ or below.
CAUTION: 1970′ TV towers approximately 6 mi ESE of airport.
Major Changes: Deletes transitions from Elyria FM, Walter Int and Clark Int.
*Descend to landing minimum after passing 4-mile radar fix.
#When radar fix not available, 1000–1½ minimums will apply.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., ILS; Ident., CLE; Procedure No. ILS–23R, Amdt. 9; Eff. Date, 30 June 60; Sup. Amdt. No. 8; Dated, 2 June 58

Cleveland LFR	LOM	Direct	2200	T-dn	300-1	300-1	300-1½
Fairview Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Berea Int	LOM	Direct	2200	S-dn-5L*	200-½	200-½	200-½
Cleveland VOR	Int SW crs ILS	R-102	2200	A-dn	600-2	600-2	600-2
Int CLE R-102 and SW crs ILS	LOM (Final)	Direct	2080				

Radar transitions and vectoring authorized in accordance with approved Radar patterns.
Procedure turn S side SW crs, 234° Outbnd, 054° Inbnd, 2200′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2200′.
Altitude of G.S. and distance to approach end of Rnwy at OM, 2080′—3.9 mi; at MM, 1020′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, make a right climbing turn, climb to 3000′ on N # side E crs Cleveland LFR to Parkman Int or, when requested by ATC: 1. Make right # climbing turn, proceed to LOM, at 2600′ or, 2. Climb to 2500′ on NE crs ILS within 15 mi.
Major Change: Delete transitions from Elyria FM, Clark Int and Walter Int.
*400-½ required with glide slope inoperative.
#Caution: 1970′ TV towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., ILS; Ident, I–CLE; Procedure No. ILS–5L, Amdt. 16; Eff. Date, 30 June 60; Sup. Amdt. No. 15; Dated, 2 June 58

LGB LFR	LOM	Direct	1800	T-dn*	300-1	300-1	300-½
Huntington Beach FM	LOM (Final)	Direct	1800	C-dn	500-1	600-1	600-2
San Pedro Int	LOM	Direct	1800	S-dn-30#	300-½	300-½	300-½
LGB VOR	LOM	Direct	1800	A-dn	600-2	600-2	600-2

Radar vectoring to final approach course authorized.
Procedure turn S side SE crs, 120° Outbnd, 300° Inbnd, 1500′ within 10 mi of LOM. Beyond 10 mi NA.
Minimum altitude at Glide slope Int Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1330′—4.2 mi; at MM, 230′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 800′ on NW crs LGB ILS; turn left, climb on 200° heading to interception of 160° crs from LAX RBn and proceed to San Pedro Int at 2500′ or, when directed by ATC, climb to 800′ on NW crs LGB–LFR, reverse crs to left and return to Long Beach LFR at 1500′.
CAUTION: Stantard clearance over obstructions not provided for circling minimums; 800′ hill with oil derricks one mi S of airport. All circling and maneuvering shall be accomplished North of field.
*300-1 required for takeoff runways 16L, 25L, 34R; 600–1½ required for takeoff Runway 16R.
#Straight-in landing minimums are 400-1 with glide slope inoperative.

City, Long Beach; State, Calif.; Airport Name, Municipal; Elev., 56′; Fac. Class, ILS; Ident., I–LGB; Procedure No. ILS–30, Amdt. 17; Eff. Date, 2 July 60; Sup. Amdt. No. 16; Dated, 28 May 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Glen Cove MHW	OM (Final)	Direct	1500	T–dn	300–1	300–1	300–1
Mitchel LFR	OM	Direct	1500	C–dn	400–1	500–1	400–1
Idlewild VOR	OM	Direct	1500	S–dn–22L*	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar terminal area transition altitudes: All directions—within 25 mi, 2600'; E of NE/SW crs LaGuardia LFR within 15 mi, 1500'.
Procedure turn East side of NE crs, 043° Outbnd, 223° Inbnd, 1500' within 10 mi of OM. (Nonstandard to avoid LGA traffic.)
Minimum altitude at glide slope int inbnd, 1500'.
Altitude of glide slope and distance to approach end of Runway at OM, 1516'—5.5 mi; at MM, 199'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000' on SW crs ILS and proceed to Scotland MHW (Int.). After Scotland, climb to 1500'. Hold SW of Scotland MHW (Int.) one minute, right turns. Contact IDL approach control for further instructions.
CAUTION: Climbing minimums do not provide standard clearance over the following obstructions: 278' stack 1.1 mi SE of Rwy 4; 185' control tower on airport; 230' tower 3.1 miles SE of the OM.
*600–½ required with glide slope inoperative.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., ILS; Ident., I–IWY; Procedure No. ILS–22L, Amdt. Orig.; Eff. Date, 2 July 60 or on commissioning of facility

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
200°	035°	Within: 10 mi	2000	*Precision approach*			
035°	200°	10 mi	3000	S–dn–5L	200–½	200–½	200–½
6°	200°	30 mi	3000	A–dn	600–2	600–2	600–2
				Surveillance approach			
				T–dn	300–1	300–1	300–1
				C/S–dn–all	400–1	500–1	400–1
				A–dn	800–2	800–2	800–2

All bearings are from the Radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: *Runway 27:* Climb to 2000' on W crs Cleveland LFR and proceed to Elyria FM. *Runway 9:* Climb to 3000' on N side of the E crs of Cleveland LFR to Parkman Int. *All runways except 9 and 27:* Make a climbing right turn and proceed on the N side of the E crs of the Cleveland LFR to the Parkman Int at 3000'.
CAUTION: TV towers approximately 1970' approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 780'; Fac. Class., Cleveland; Ident., Radar; Procedure No. 1, Amdt. 6; Eff. Date, 30 June 60; Sup. Amdt. No. 5; Dated 2 June 58

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 7, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–5303; Filed, June 15, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7427]

PART 13—PROHIBITED TRADE PRACTICES

Utica Cutlery Co. et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Utica Cutlery Co. et al., Utica, N.Y., Docket 7427, April 2, 1960]

In the Matter of Utica Cutlery Company, a Corporation, and Albert Edward Allen, Walter Joseph Matt, H. Robert Agne, and W. H. Van Vliet, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Utica, N.Y., manufacturer with distributing for retail sale stainless steel tableware imported from Japan with no marking on the packages to identify the contents as being of foreign origin. A charge of preticketing said merchandise with fictitious prices was settled by consent on November 17, 1959, 25 F.R. 240, at which time the complaint was dismissed as to three respondents individually.

Following hearings in due course, the hearing examiner made his initial decision, including findings, conclusions and order to cease and desist, which on April 2, became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Utica Cutlery Company, a corporation, and its officers, and Albert Edward Allen, individually and as an officer of said corporation, and Walter Joseph Matt, H. Robert Agne, and W. H. Van Vliet, as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cutlery, stainless steel tableware, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from offering for sale or selling packaged merchandise made in Japan, or in any other foreign country without (a) as to merchandise marked as to the country or countries of origin, indicating upon the package thereof that some of the contents originated in a stated foreign country or countries and that such items are marked as to the country or countries of origin, and (b) as to merchandise not marked as to the country or countries of origin, indicating upon the package thereof the country or countries of origin.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents, Utica Cutlery Company, a corporation, and Albert Edward Allen, individually and as an officer of said corporation, and Walter Joseph Matt, H. Robert Agne, and W. H. Van Vliet, as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60–5477; Filed, June 15, 1960; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 55153]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Charge for Monthly Supplement to "Merchant Vessels of the United States"

It has been determined that a charge should be imposed for the Monthly Supplement to the publication "Merchant Vessels of the United States" to meet the intent of the Congress expressed in section 501, Independent Offices Appropriation Act of 1952 (5 U.S.C. 140), that, among other things, any publication, report, document, or similar thing of value or utility, furnished, prepared, or issued by any Federal agency shall be self-sustaining to the full extent possible. Consequently, § 24.12(a), Customs Regulations, is hereby amended by the addition of a new subparagraph (4) reading as follows:

(4) A charge of $4.20 shall be made for an annual subscription to the Monthly Supplement to "Merchant Vessels of the United States." Subscriptions shall be addressed to the Bureau of Customs and shall be accompanied by a remittance in that amount.

(R.S. 161, sec. 501, 65 Stat. 290, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 22, 140, 46 U.S.C. 2)

Notice of the proposed issuance of the foregoing amendment was published in the FEDERAL REGISTER on April 26, 1960 (25 F.R. 3579). No data, views, or arguments pertaining to the proposed amendment were received.

The above amendment shall become effective with and shall be applicable to the publication of the Monthly Supplement dated July 1, 1960, issued on or about July 25, 1960.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 7, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60–5513; Filed, June 15, 1960; 8:51 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 671 — COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 531 (25 F.R. 3178), as amended by Administrative Order No. 532 (25 F.R. 4289), appointed and convened Industry Committee No. 47–B and referred to it and duly noticed a hearing on the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the communications, utilities, and transportation industry in Puerto Rico as defined in Administrative Order No. 531, who are engaged in commerce or in the production of goods for commerce. There was not referred to the committee the wage rate fixed for the general classification of the industry (23 F.R. 4995), which had reached the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending 29 CFR Part 671, effective July 2, 1960, to read as follows:

Sec.
671.1 Definition.
671.2 Wage rates.
671.3 Notices.

AUTHORITY: §§ 671.1 to 671.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 671.1 Definition.

The communications, utilities, and transportation industry in Puerto Rico, to which this part shall apply, is defined as the industry carried on by any wire or radio system of communication, or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam, the distribution of water, or the operation of sanitation facilities; and by any concern engaged in transportation for compensation by air, water, rail, motor vehicle, pipeline, or other means, or in related activities, including the operation of travel bureaus and ticket agencies, stevedoring, consolidating, forwarding, crating, and boxing: *Provided, however,* That the industry shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses, refined sugar, and incidental by-products (or by any firm owned or controlled by or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products, and any transportation activities by truck or other vehicle performed by a producer of these products in connection with the production or shipment of such products by such producer.

§ 671.2 Wage rates.

(a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the radio broadcasting classification of that industry, which is defined as consisting of the operations carried on by any firm engaged in radio broadcasting in Puerto Rico.

(b) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the drivers, mechanics, and clerical workers in motor carrier transport and express classification of that industry, which is defined as consisting of the work or operations performed by drivers or operators of all motor vehicles, including fork-lift trucks; mechanics, body repairmen, solderers,

and tinsmiths; and dispatchers and clerical workers, engaged in the transportation of property for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation and consolidating, forwarding, packing, crating, and boxing goods for shipment.

(c) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the other workers in motor carrier transport and express classification of that industry, which is defined as consisting of the work or operations performed by all workers other than those included in the drivers, mechanics, and clerical workers in motor carrier transport and express classification, engaged in the transportation of property for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation and consolidating, forwarding, packing, crating, and boxing goods for shipment.

(d) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification of that industry, which is defined as all activities included in the communications, utilities, and transportation industry in Puerto Rico as defined in § 671.1, except activities included in the radio broadcasting classification, the drivers, mechanics, and clerical workers in motor carrier transport and express classification and the other workers in motor carrier transport and express classification of that industry, as those classifications are defined in this section.

§ 671.3 Notices.

Every employer subject to the provisions of § 671.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 671.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 13th day of June 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-5462; Filed, June 15, 1960; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 562—RESERVE OFFICERS' TRAINING CORPS

Miscellaneous Amendments

1. The title "professor of military science and tactics," (PMST), is changed "professor of military science," (PMS), wherever it appears in this part.

2. Revise paragraphs (c) and (d) in § 562.18, and in § 562.21 revise paragraph (a), as follows:

§ 562.18 Ineligibles.

* * * * *

(c) A student who was convicted by civil court or any type of court-martial for offense(s) other than minor traffic violations (for which a fine or forfeiture of $50 or less was imposed), unless a waiver is granted. Waivers are not required for disciplinary actions in connection with the provisions of Article of War 104 or Article 15, Uniform Code of Military Justice. In requesting waivers, the student must list all convictions whether by military or civil courts. Each request must be accompanied by an affidavit setting forth the circumstances, including court actions, of the convictions reported.

(1) The major commanders may grant waivers for convictions of offenses under military or civil codes, *Provided:*

(i) The offense is not a felony;

(ii) The offense did not result in any type of confinement or sentence to hard labor;

(iii) The offense is not recurring;

(iv) The potential value of the individual as an officer is very high in the opinion of the PMS and major commander; and

(v) The current personal conduct and character of the student are above reproach, and the student's conduct since the offense has demonstrated his ability to meet the requirements for good citizenship.

(2) Requests for waiver of offenses listed in subdivisions (i) and (ii) of this subparagraph will be forwarded to The Adjutant General, Department of the Army, Washington 25, D.C., Attn: AGPB-O, for determination. Such requests will include the recommendation of the PMS and major commander. Each request will be carefully weighed, and approval will be recommended only when circumstances clearly warrant such action, bearing in mind that the applicant may be placed in an unfair competitive position as an officer. Appropriate comments as required in connection with subparagraph (1) (iii), (iv), and (v) of this paragraph will also be included.

(i) Felony under local, Federal, or military law.

(ii) An offense which resulted in sentence to confinement in prison stockade or detention area, or sentence to hard labor.

(3) Requests for waiver of unfavorable juvenile court decisions will be similarly submitted and processed depending upon the type of offense involved.

(d) A student who has been relieved from active duty or separated from service under one of the following conditions:

(1) Discharged from the Army with one of the following types of discharge certificates (or similar discharge certificate from another armed service).

(i) Dishonorable.

(ii) Bad conduct.

(iii) Undesirable.

(iv) General.

(2) Separated from any armed force as a security risk or for any reason other than security while undergoing investigation for security reasons.

§ 562.21 General requirements for enrollment.

Each student must meet the following requirements to be eligible for enrollment in any division of the ROTC:

(a) *Educational requirements.* Title 10, United States Code section 4382(d) limits enrollment to a student who is enrolled at an institution where an ROTC unit is established. The student must be a regularly enrolled student at the institution. For the purpose of the regulations in this part, a "regularly enrolled" student is defined as a student who is enrolled in and attending full time a regular course of instruction at a school. At class MC and CC institutions, the course of instruction must lead to a degree in a recognized academic field.

3. Revise §§ 562.25 and 562.26(d), as follows:

§ 562.25 Training of students ineligible for enrollment.

(a) When desired by institutional authorities, male students who are ineligible for enrollment may be permitted to pursue the course, except those prohibited by the provisions of § 562.24(c), and those excluded by the provisions of § 562.29a(b).

(b) In the case of noncitizens, the PMS may permit participation in the ROTC and permit disclosure of unclassified ROTC training materials to these students subject to subparagraphs (1) and (2) of this paragraph:

(1) A noncitizen who intends to become a citizen of the United States must present evidence of such intent to the PMS. DA Form 1624-R (fig. 1), which will be reproduced locally on 8- by 5¼-inch paper, will be used for this purpose.

(2) A national of a foreign country (who does not intend to become a citizen) with which the United States entertains friendly relations must present evidence of accreditation from his government. For this purpose each student will obtain a letter from the representative of his government in Washington, D.C., stating that the government has no objection to the student receiving ROTC training. The PMS will retain the original of the letter in the student's file and forward a copy for file to the Office of the Assistant Chief of Staff, G2, in the Army area in which the institution is located. If the PMS is in doubt regarding the maintenance of friendly relations between the United States and another country, he will forward all papers to next higher headquarters for decision.

(c) Any student authorized to pursue ROTC training in accordance with the provisions of this paragraph will be subject to the following conditions:

(1) The student will not be eligible to receive uniform allowances or to be furnished a Government issued uniform while training at the institution. This does not prohibit the student from wearing a uniform furnished by the institution or purchased with his own funds. Title 10, United States Code, section 773, as amended, authorizes students permitted to pursue the course (not enrolled) to wear the ROTC uniform. These provisions do not include students denied enrollment in the basic course because of refusal to sign the loyalty oath, nor authorize foreign nationals to purchase the Army Green uniform. Army Green uniforms which are worn by foreign nationals pursuing ROTC under the provisions of this paragraph must remain the property of the institution. The institution may issue the uniform to the student for wear during his participation in the ROTC, but the uniform must be returned to the institution at such time as the student completes the course or withdraws therefrom.

(2) The student will not be eligible for commutation of subsistence.

(3) The student will not be eligible for an ROTC deferment or to be exempt from registration under the provisions of section 6(a) of the Universal Military Training and Service Act, as amended.

(d) If the obstruction which prevented enrollment is removed, the student, if otherwise qualified, may be:

(1) Enrolled in the ROTC. When so enrolled, the student becomes eligible to receive a uniform or uniform allowance (as appropriate) and commutation of subsistence (if appropriate). Such benefits are authorized only while the individual is actually enrolled as an ROTC student. Upon enrollment the student will be reported on DA Form 130 as any other ROTC student;

(2) Granted credit for that portion of the course(s) successfully completed under the provisions of this paragraph;

(3) Selected for ROTC deferment; and

(4) Appointed as a commissioned officer upon graduation.

§ 562.26 Eligibility for membership of personnel of armed forces.

* * * * * *

(d) A warrant officer or enlisted member of the ARNG (Army National Guard) or USAR (United States Army Reserve) is eligible for enrollment in the ROTC provided he is otherwise qualified.

(1) If not credited with constructive attendance under ARNG regulations, an ROTC student who wishes to maintain membership in the ARNG will be required to participate in ARNG training in addition to ROTC training.

(2) An obligated member of the Army Reserve who is enrolled in the senior division (or MST -5 and -6 military schools division) is not required to participate in unit training in addition to ROTC training. Upon enrollment in the advanced course (or MST -5 or -6), members of a USAR unit will be transferred to a Control Group (Annual Training) upon application. Any ROTC student (obligated or non-obligated reservist) who volunteers for, and is authorized, USAR unit assignment will be required to participate in unit training, if he wishes to maintain membership in the USAR unit.

(3) The number of members of an ARNG or USAR unit who may be concurrently enrolled in the advanced course (or MST -5 or -6) is limited to 5 percent of the authorized pay drill strength of the unit. The PMS of such ROTC unit will notify the unit commander upon enrollment of a member of a Reserve component.

(4) An advanced course (or MST -5 or -6) student who is concurrently a member of a Reserve component will not attend reserve component annual ACDUTRA (Active duty for training) in lieu of ROTC training camp or be excused from ROTC training camp to attend annual ACDUTRA. This does not prohibit a student from attending both an ROTC training camp and annual ACDUTRA during the same year, provided the training is conducted at different periods.

(5) An advanced course (or MST -5 or -6) student who is also a member of a Reserve component is not to be called or ordered to active duty while pursuing the advanced course. All other ROTC students who are members of Reserve components are subject to call or order to active duty.

4. In § 562.29a, revise paragraphs (b) and (e) and add paragraph (f), and in § 562.30, add paragraph (e), as follows:

§ 562.29a Discharge or disenrollment.

* * * * * *

(b) The PMS will establish a board to consider the case of a student discharged under provisions of paragraph (a) (5), (6), (7), (8), or (9) of this section, or when deemed appropriate. A student disenrolled under provisions of paragraph (a) (5), (6), (7), (8), or (9) of this section, or for a similar reason, will not be reenrolled or authorized to pursue the course under the provisions of § 562.25.

* * * * * *

(e) A student under contract will not be discharged from the ROTC prior to graduation to accept a commission in the Army National Guard of the United States or the Army Reserve.

(f) Upon disenrollment of a student from the senior division, the PMS will notify the student in writing of the reasons for disenrollment. The PMS will make proper notation on DA Form 131 and retain copy of the letter. If the student is authorized to pursue the course under provisions of § 562.25, he will be fully informed of the provisions of that section, including his chances for appointment. Such information may be included in the letter of disenrollment or stated orally, as appropriate. This action is not required for students who complete the basic course but do not enroll in the advanced course.

§ 562.30 Contracts.

* * * * * *

(e) *Other contract.* Each student who is selected for ROTC flight training must sign DA Form 597-1 (Army ROTC Supplemental Agreement—Flight Training). In signing this agreement, the student agrees to:

(1) Participate in all ROTC flight training;

(2) Undergo all tests and examinations required in connection with flight training;

(3) Serve on active duty as a commissioned officer for not less than 3 consecutive years (unless sooner relieved or discharged under appropriate regulations), if so ordered subsequent to graduation and appointment; and

(4) Volunteer for Army flight training and assignment upon appointment.

§ 562.40 [Amendment]

5. In § 562.40, near the end of the tabulation in paragraph (e), change "55c training: [1]" to read "NDCC training: [1]"

[C 2, AR 145-350, Apr. 22, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 4381-4387, 70A Stat. 246-248; 10 U.S.C. 4381-4387)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-5471; Filed, June 15, 1960; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 3 (AGE-2, Amdt. 4)]

AGE-2—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

Amendment to Affidavit of Citizenship

Paragraph 3 of the form of Affidavit of United States Citizenship of Corporate Applicant appearing in section 6A8 is hereby amended to read as follows:

SEC. 6. *Form of application.*

* * * * * *

A. *As to the applicant: its citizenship and affiliations.*

8. * * *

3. That the names of the President or other Chief Executive Officer, Vice Presidents or other individuals who are authorized to act in the absence or disability of the President or other Chief Executive Officer, Chairman of the Board, and Directors of the corporation are as follows:

Name ---------- Title ----------

and that each of said individuals is a citizen of the United States by virtue of birth in the United States, birth abroad of United States citizen parents, by naturalization, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a United States citizen prior to September 22, 1922, or as otherwise authorized by law, except (give name and nation-

ality of alien directors, if any); however, the By-laws of the corporation provide that ------- of the directors are necessary to constitute a quorum; therefore, the alien directors named represent no more than a minority of the number necessary to constitute a quorum;

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Pub. Law 86-327, September 21, 1959 (73 Stat. 597))

Approved June 8, 1960, Director, National Shipping Authority.

WALTER C. FORD,
Deputy Maritime Administrator.

[F.R. Doc. 60-5510; Filed, June 15, 1960; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 6—VEHICLE, GUIDE, ADMISSION, AND MISCELLANEOUS FEES

Washington; Entry of Commercial Passenger-Carrying Motor Vehicles

On page 3213 of the FEDERAL REGISTER of April 14, 1960, there was published a notice and text of proposed amendments to §§ 1.35 and 1.36 of Part 1 and § 6.3 of Part 6 of Title 36, Code of Federal Regulations. The purpose of the amendments is to clarify the sections of the regulations dealing with the entry of commercial passenger-carrying motor vehicles to certain parks where concessioners provide transportation services under their contracts or permits with the Secretary of the Interior and to revise the schedule of fees that necessarily follows as a result of the changes to Part 1.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to these proposed amendments. Some inquiries were received concerning the intent and interpretation of the proposed changes. No suggestions of change or objections have been received and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall become effective at the beginning of the 30th calendar day following the date of publication of this notice in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

JUNE 10, 1960.

Section 1.35 *Automobiles operated for pleasure,* is amended to read as follows:

§ 1.35 Automobiles operated for pleasure.

The parks and monuments where common carrier service is established under authorization and supervision of the Government are open to automobiles operated for pleasure, including rental cars, provided the party using a rental car does not hire also the services of a driver. All permit fees under this section shall be in accordance with schedules contained in § 6.2 of this chapter, and shall be paid at the park entrance upon arrival.

Section 1.36 *Commercial passenger-carrying motor vehicles,* is amended to read as follows:

§ 1.36 Commercial passenger carrying motor vehicles.

(a) The commercial transportation of passengers by motor vehicle, except as authorized under a contract or permit from the Secretary or his authorized representative, is prohibited in Bryce Canyon, Crater Lake, Glacier (except that portion of the park road from the Sherburne entrance to the Many Glacier area), Grand Canyon (except the service road branch of the south entrance road serving park headquarters and Grand Canyon Village, including the portion of the south entrance road which lies between the park boundary and said service road), Grand Teton (except that portion of Highways Nos. 89 and 187, 287 and 26 commencing at the south boundary of the park and running in a northerly direction to the east boundary of the park), Lassen Volcanic (except those portions of Highway No. 89 and Highway No. 44 crossing the northwest corner of the park outside the Manzanita Lake checking station), Mount McKinley (except that portion of the Denali Highway between the Nenana River and the McKinley Park Hotel), Mount Rainier (except Highway No. 5, U.S. 410), Rocky Mountain, Sequoia-Kings Canyon, Yellowstone (except that portion of U.S. Highway 191 traversing the northwest corner of the park), Yosemite, and Zion National Parks, and Cedar Breaks National Monument. The following principles will govern the interpretation and enforcement of the section:

(1) Transportation is commercial if it is operated primarily as a business activity or for profit of the operator, or if any person or organization may receive a profit, commission, fee, brokerage or other compensation for organizing, advertising, promoting, soliciting, or selling the trip or tour of which such transportation is a part.

(2) Transportation is commercial if payment therefor is made directly or indirectly to the operator: *Provided,* That bona fide sharing of actual expenses will not be deemed a payment.

(3) Transportation by a motor vehicle licensed as a commercial vehicle, or of commercial type, will be presumed to be commercial unless otherwise established to the satisfaction of the superintendent or his authorized representative.

(4) Transportation will not be deemed commercial for the sole reason that the motor vehicle is chartered or rented in good faith to the operator, by the owner, for general use at a charge based upon time or mileage or both. Nothing in this section is intended to prohibit the operation of pleasure type automobiles rented without a driver on the normal terms from the owner.

(5) Subject to the provisions of subparagraph (1) of this paragraph, transportation is not commercial if it is a part of a trip or tour initiated, organized, and directed by an established bona fide school or college, institution, society or other organization, as a nonprofit activity of such organization, and if all passengers are students, faculty, members or employees of such organization, or otherwise connected therewith, provided that credentials are presented at the park entrance from the head of such institution or organization indicating the trip is in accordance with the provisions stipulated herein. Clubs or associations having as a principal purpose the arranging of tours, trips, or transportation for their members will not qualify for admission into the above named parks under the provision of this paragraph.

(6) As used herein, "owner" means the person or organization having legal title, or all the incidents of ownership other than legal title, of a motor vehicle by which passengers may be transported, and includes a registered owner or a purchaser under a conditional sales contract. "Operator" means the person, organization, or group that arranges for the transportation, assumes responsibility for financial risk and management, and determines who shall be transported upon what terms, conditions, or charges. The operator may be the owner, but need not be.

(b) Passenger-carrying motor vehicles, otherwise admissible, that are so large as to require motorcycle escort in order to proceed safely over park roads, or which in the judgment of the superintendent are beyond the carrying capacity or safety factor of the roads, will not be permitted in the parks, except that, where they may satisfactorily enter and travel to park headquarters, they may be parked there during the period of stay.

(c) All permit fees under this section shall be in accordance with schedules contained in § 6.3 of this chapter, and shall be paid at the park entrance upon arrival.

Section 6.3 *Commercial passenger-carrying vehicles,* is amended to read as follows:

§ 6.3 Commercial passenger-carrying motor vehicles.

(a) *Fees.* Fees for commercial passenger-carrying motor vehicles admissible to the respective parks under § 1.36 of this chapter will be charged as follows:

	Amount per trip
Bryce Canyon National Park	$1.00
Crater Lake National Park	1.00
Glacier National Park	2.00
Grand Canyon National Park	1.00
Grand Teton National Park	1.00
Lassen Volcanic National Park	1.00
Mesa Verde National Park	[1] $1.00

[1] Mesa Verde National Park is not included in the listing of parks under § 1.36 of this chapter. However, commercial passenger-carrying motor vehicles entering Mesa Verde National Park will be admissible after payment of the above fee at the park entrance upon arrival.

	Amount per trip
Mount McKinley National Park	None
Mount Rainier National Park	$1.00
Rocky Mountain National Park	1.00
Sequoia-Kings Canyon National Parks	2.00
Yellowstone National Park	3.00
Yosemite National Park	3.00
Zion National Park	1.00
Cedar Breaks National Monument	None

[F.R. Doc. 60-5489; Filed, June 15, 1960; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2115]

[1846286]

[Fairbanks 024672]

ALASKA

Partly Revoking Departmental Order of July 21, 1942; Air Navigation Site No. 183

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental order of July 21, 1942, establishing Air Navigation Site Withdrawal No. 183, is hereby revoked so far as it affects the following-described lands:

ANIAK AIRFIELD

Beginning at Corner No. 15 of United States Survey 2638, thence
N. 59°46' W., 9,868.98 feet to Corner No. 14;
North, 1,000 feet;
East, 2,360.17 feet;
North, 1,021.32 feet;
East, 3,790.35 feet;
S. 59°46' E., 3,200.00 feet;
S. 30°14' W., 2,700.00 feet;
S. 59°46' E., 3,281.18 feet to a point on line 15 and MC 16, United States Survey 2638;
S. 53°12' W., 2,327.90 feet along said line to the point of beginning.

The tract described contains approximately 890 acres.

2. The lands are situated at the Village of Aniak, on the middle reaches of the Kuskokwim River, approximately 165 airline miles southwest of McGrath, and 430 miles southwest of Fairbanks. The lands are flat lying, quite low, and boggy. Soils are silt, clay and gravel deposited by the River. Vegetation is a mixture of spruce, birch, and alder, with such species as blueberries, lowbush cranberries, various sedges, grasses, and the like.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to settlement and to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on September 7, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339; Public Law 85-508).

(3) All valid applications under the nonmineral public land laws, and applications and offers under the mineral leasing laws, other than any from the State, presented prior to 10:00 a.m. on September 7, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to settlement under the homestead and Alaska homesite laws, and location under the United States mining laws beginning at 10:00 a.m. on September 7, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 9, 1960.

[F.R. Doc. 60-5480; Filed, June 15, 1960; 8:46 a.m.]

[Public Land Order 2116]

[Fairbanks 024671]

ALASKA

Partially Revoking Air Navigation Site Withdrawal No. 268

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of May 2, 1951, which reserved lands for use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

BETTLES AIRFIELD AREA

From Corner No. 2 of Air Navigation Site Withdrawal Number 268, which is the point of beginning; thence
S. 32°12'15" W., 7,999.15 feet;
N. 57°49'00" W., 2, 238.80 feet;
N. 32°12'15" E., 900.00 feet;
S. 57°49'00" E., 500.00 feet;
N. 32°12'15" E., 7,099.15 feet;
S. 57°47'45" E., 1,738.80 feet to the point of beginning.

The tract described contains 331.87 acres.

2. The land is located on the south bank of the Koyukuk River, approximately four miles upriver from Bettles Village in north central Alaska. The soil consists of a thin covering of moss and silt over a bed of river gravel. The vegetation consists of birch, white spruce and aspen in the overstory with an understory of lowbush cranberry, blueberry, and various other bushes, forbs and grasses.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on September 8, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(3) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 15, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral-leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on September 8, 1960.

4. Subject to the applications and claims described in paragraphs 3(a)(1) and 3(a)(2), the lands shall be subject to settlement under the homestead and

Alaska Home Site Laws beginning at 10:00 a.m. on September 8, 1960.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 9, 1960.

[F.R. Doc. 60-5481; Filed, June 15, 1960; 8:46 a.m.]

[Public Land Order 2117]

[Colorado 031000]

COLORADO

Reserving Lands for Use of Forest Service for Experimental Purposes

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34-36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described national forest lands in Colorado are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as part of the Manitou Experimental Forest in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U.S.C. 581; 581a-581k), as amended:

SIXTH PRINCIPAL MERIDIAN

PIKE NATIONAL FOREST

Manitou Experimental Forest

T. 10 S., R. 69 W.,
Sec. 33, NE¼NE¼, W½.
T. 11 S., R. 69 W.,
Sec. 4, Lot 2, S½NE¼, and SE¼;
Sec. 9, E½, and E½SW¼;
Sec. 10, N½NW¼, and W½SW¼;
Sec. 11, W½SW¼;
Sec. 13, NW¼SW¼;
Sec. 14, NW¼NE¼; NE¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 15, W½NW¼; NW¼SW¼, and SE¼NE¼;
Sec. 16, NW¼, and E½E½;
Sec. 22, E½NE¼;
Sec. 23, NW¼NE¼NW¼, and SW¼.

The areas described aggregate 2,641.81 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 9, 1960.

[F.R. Doc. 60-5482; Filed, June 15, 1960; 8:46 a.m.]

[Public Land Order 2118]

UTAH

Partially Revoking Reclamation Withdrawals of May 2, 1914, October 18, 1918, and September 20, 1920 (Strawberry Valley and Castle Peak Projects)

By virtue of the authority vested in the Secretary of the Interior by Section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental orders of May 2, 1914, October 18, 1918, and September 20, 1920, which withdrew lands in Utah for reclamation purposes in the first form in connection with the Strawberry Valley and Castle Peak Projects, are hereby revoked so far as they affect the following-described lands:

[423667]

SALT LAKE MERIDIAN

T. 9 S., R. 1 W.,
Sec. 2, S½NW¼ and SW¼.

The areas described aggregate 240 acres.

[806099]

UINTAH SPECIAL MERIDIAN

T. 4 S., R. 5 W.,
Sec. 6, lot 4.
T. 4 S., R. 6 W.,
Sec. 2, Lot 4.
T. 3 S., R. 9 W.,
Sec. 26, NE¼.

The areas described aggregate 237.62 acres.

The lands are nonpublic lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 9, 1960.

[F.R. Doc. 60-5483; Filed, June 15, 1960; 8:46 a.m.]

[Public Land Order 2119]

[Fairbanks 024978]

ALASKA

Revoking Air Navigation Site Withdrawal No. 100

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of October 14, 1935, which reserved lands for use of the Alaska Road Commission in the maintenance of air navigation facilities, which heretofore has been revoked in part, is hereby revoked in its entirety. The following-described lands are affected by this order:

Donnelly Airstrip

Beginning at Corner No. 1, in approximate latitude 63°40' N., longitude 145°53'24" W., from which a point in the centerline of Richardson Highway 210 feet south of Mile Post No. 239 bears S. 45° E., 165 feet; thence from said Corner No. 1,
N. 45° W., 600 feet to Corner No. 2;
S. 45° W., 3,000 feet to Corner No. 3;
S. 45° E., 600 feet to Corner No. 4;
N. 45° E., 3,000 feet to Corner No. 1, the place of beginning.

The tract described contains 41.32 acres.

2. The land is located just south of the Donnelly Roadhouse on the western side of the Richardson Highway, approximately 30 miles south of Delta Junction. The soil consists of a partially sorted glacial till and contains much sand and gravel mixed in with many boulders. The vegetation of the area consists of black spruce, birch, labrador tea, and various other grasses and forbs.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on September 8, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(3) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 15, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on September 8, 1960.

4. Subject to the applications and claims described in paragraphs 3(a)(1) and 3(a)(2), the lands shall be subject to settlement under the homestead and Alaska Homesite Laws beginning at 10:00 a.m. on September 8, 1960.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 9, 1960.

[F.R. Doc. 60-5484; Filed, June 15, 1960; 8:47 a.m.]

[Public Land Order 2120]

[Idaho 010812]

IDAHO

Partially Revoking the Executive Order of November 27, 1922 (Public Water Reserve No. 85)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of November 27, 1922, which created Public Water Reserve No. 85, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 3 S., R. 42 E.,
Sec. 20, SE¼SE¼.

The tract described contains 40 acres.

2. The lands are located in a high mountainous area, approximately 35 miles southeast of Idaho Falls, Idaho. Soil is dark to fine sand. The cover is mainly sagebrush with a good understory of bunchgrass.

3. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on December 8, 1960, the State of Idaho shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on July 15, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. The lands have been open to applications and offers under the mineral leasing laws, and to location for metaliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m. on December 8, 1960.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 9, 1960.

[F.R. Doc. 60-5485; Filed, June 15, 1960; 8:47 a.m.]

[Public Land Order 2121]

[Sacramento 060243]

CALIFORNIA

Power Site Restoration No. 560; Partially Revoking Executive Order of May 27, 1913, Which Created Power Site Reserve No. 364

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of May 27, 1913, which created Power Site Reserve No. 364, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 1 E.,
Sec. 6, lots 1 and 2, and S½NE¼.

The areas described contain 161.51 acres, of which the S½NE¼ has been patented.

2. The lands are located about 32 miles east of Redding and two and a half miles north of Whitmore in Shasta County, California. The topography is rough and mountainous. The elevation is about 2,400 feet and the vegetation is a mixed pine type.

3. Subject to any valid existing rights and the requirements of applicable law, the public lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

b. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U.S.C. 621).

4. The State of California has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). It has also waived its preference rights under the act of May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior

JUNE 9, 1960.

[F.R. Doc. 60-5486; Filed, June 15, 1960; 8:47 a.m.]

[Public Land Order 2122]

[Washington 02850]

WASHINGTON

Withdrawing Lands for Use of Atomic Energy Commission

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under the jurisdiction of the Atomic Energy Commission in connection with its Hanford Operations:

WILLAMETTE MERIDIAN

T. 11 N., R. 29 E.,
Sec. 14, lot 5.

Containing 3.89 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 9, 1960.

[F.R. Doc. 60-5487; Filed, June 15, 1960; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER Q—SPECIFICATIONS

[CGFR 60-37]

PART 160—LIFESAVING EQUIPMENT

Subpart 160.047—Buoyant Vests, Kapok or Fibrous Glass, Adult and Child, for Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire

REVISED BUOYANT VEST SPECIFICATION AND TERMINATION OF MANUFACTURERS' APPROVALS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on February 18, 1960 (25 F.R. 1440–1448), and Merchant Marine Council Public Hearing Agenda dated April 4, 1960 (CG–249), the Merchant Marine Council held a Public Hearing on April 4, 1960, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I through XII, inclusive, and Item III contained proposals regarding life preservers and other lifesaving equipment.

This document contains only the actions taken with respect to the kapok or fibrous glass buoyant vest specification in 46 CFR Subpart 160.047 and the termination of manufacturers' approvals of present kapok or fibrous glass buoyant vests, Models AK, CKM, CKS, AF, CFM, and CFS for motorboats of Classes A, 1 or 2 not carrying passengers for hire, in Item III, and as revised are accepted. The other proposals in Item III will be in a separate document. This document is the seventh of a series covering the regulations and actions considered at the April 4, 1960, Public Hearing and annual session of the Merchant Marine Council.

In response to the comments received the following changes were made in the proposals as set forth in the Merchant Marine Council Public Hearing Agenda:

a. The text was revised in 46 CFR 160.047–1(b), regarding revisions in drawing number 160.047–1, 160.047–5(b) regarding the envelope or cover, and 160.047–5(f) regarding stitching.

b. Postponed the termination date for all outstanding approvals for Models AK, CKM, CKS, AF, CFM, and CFS buoyant vests from "July 1, 1960," to "July 1, 1961."

c. On and after the effective date of these amendments to 46 CFR Subpart 160.047, no further approvals will be granted to manufacturers for Models AK, CKM, CKS, AF, CFM, and CFS buoyant vests.

Effective July 1, 1961, all the outstanding approvals for Models AK, CKM, CKS, AF, CFM, and CFS buoyant vests are hereby terminated. Notwithstanding this termination of approvals because such vests will not comply with revised Coast Guard requirements, all such vests manufactured pursuant to approved plans and requirements prior to July 1, 1961, may be placed in service and/or continued in use so long as such vests are in good and serviceable condition.

With respect to buoyant vests manufactured pursuant to interim approvals based on the proposed specification pending formal adoption of the specification, such vests are accepted with the understanding that on and after the effective date of the revised specification all future buoyant vests manufactured will be in compliance with the revised specification set forth in this document.

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–32, dated September 23, 1958 (23 F.R. 7605), to promulgate regulations in accordance with the statutes cited with the regulations below, the title of Subpart 160.047 is amended to read as set forth above and the following amendments to §§ 160.047–1 to 160.047–9, inclusive, are prescribed and shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER:

Sec.

160.047–1 Applicable specifications and plans.
160.047–2 Types and models.
160.047–3 Materials—Type I vests.
160.047–4 Materials—Type II vests.
160.047–5 Construction—Type I vests.
160.047–6 Construction—Type II vests.
160.047–7 Inspections and tests—Types I and II vests.
160.047–8 Marking.
160.047–9 Procedure for approval—Types I and II vests.

AUTHORITY: §§ 160.047–1 to 160.047–9 issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U.S.C. 526e, 526p.

§ 160.047–1 Applicable specifications and plans.

(a) *Specifications.* The following specifications, of the issue in effect on the date buoyant vests are manufactured, form a part of this subpart:

(1) Federal specifications:

V–T–276—Thread, Cotton.
CCC–T–191b—Textile Test Methods.
DDD–S–751—Stitches; Seams; and Stitching.

(2) Military specifications:

MIL–W–530—Webbing, Textile, Cotton, General Purpose, Natural or in Colors.
MIL–B–2766—Batt, Fibrous Glass, Lifesaving Equipment.
MIL–F–10400—Film, Flexible, Vinyl.

(3) Coast Guard specification:

164.003—Kapok, Processed.

(b) *Plans.* The following plans, of the issue in effect on the date buoyant vests are manufactured, form a part of this subpart:

Dwg. No. 160.047–1:
Sheet 1, Rev. 2—Cutting Pattern and General Arrangement, Models AK–1 and AF–1.
Sheet 2, Rev. 2—Cutting Pattern and General Arrangement, Models CKM–1 and CFM–1.
Sheet 3, Rev. 2—Cutting Pattern and General Arrangement, Models CKS–1 and CFS–1.
Sheet 4, Rev. 1—Pad Patterns.

(c) *Copies on file.* Copies of the specifications and plans referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard plans and specification may be obtained upon request from the Commandant, United States Coast Guard, Washington 25, D.C. The Federal Specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D.C. The Military Specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D.C.

§ 160.047–2 Types and models.

(a) Buoyant vests specified by this subpart shall be of the following types and models:

Type I—Standard:
Model AK–1—Adult, kapok.
Model AF–1—Adult, fibrous glass.
Model CKM–1—Child, medium, kapok. (For children weighing approximately 45 to 90 pounds.)
Model CFM–1—Child, medium, fibrous glass. (For children weighing approximately 45 to 90 pounds.)
Model CKS–1—Child, small, kapok. (For children weighing less than approximately 50 pounds.)
Model CFS–1—Child, small, fibrous glass. (For children weighing less than approximately 50 pounds.)

Type II—Non-standard:
Model [1]—Adult, kapok.
Model [1]—Adult, fibrous glass.
Model [1]—Child, medium, kapok. (For children weighing approximately 45 to 90 pounds.)
Model [1]—Child, medium, fibrous glass. (For children weighing approximately 45 to 90 pounds.)
Model [1]—Child, small, kapok. (For children weighing less than approximately 50 pounds.)
Model [1]—Child, small, fibrous glass. (For children weighing less than approximately 50 pounds.)

§ 160.047–3 Materials—Type I vests.

(a) *General.* The requirements for materials specified in this section are minimum requirements, and consideration will be given to the use of alternate materials in lieu of those specified. Detailed technical data and samples of all proposed alternate materials shall be submitted for approval prior to being incorporated in the finished product.

(b) *Kapok.* The kapok shall be all new material complying with Subpart 164.003 of this subchapter and shall be properly processed.

(c) *Fibrous glass.* The fibrous glass shall comply with the requirements of specification MIL–B–2766.

(d) *Envelope.* The buoyant vest envelope, or cover, shall be made from 39", 2.85 cotton jeans cloth, with a thread count of approximately 96 x 64. The finished goods shall weigh not less than 4.2 ounces per square yard, shall have a thread count of not less than 94 x 60, and shall have a breaking strength of not less than 85 pounds in the warp and 50 pounds in the filling. Other cotton fabrics having a weight and breaking strength not less than the above will be acceptable. There are no restrictions as to color, but the fastness of the color to laundering, water, crocking and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191b, Methods 5610, 5630, 5650, and 5660.

(e) *Pad covering.* The covering for the buoyant pad inserts shall be flexible vinyl film not less than 0.006" in thickness meeting the requirements of specification MIL–F–10400 for Type I, Class 1, film.

(f) *Tie tapes, straps, and reinforcing tape.* The tie tapes and body strap loops for both adult and child sizes shall be ¾" cotton webbing meeting the requirements of Specification MIL–W–530 for Type I webbing. The body straps for adut size vests shall be 1" Type IIa webbing, and the body straps for child size vests shall be ¾" Type IIa webbing. The reinforcing tape around the neck shall be ¾" cotton tape weighing not less than 0.18 ounce per linear yard and having a minimum breaking strength of not less than 120 pounds.

(g) *Dee rings and snap hooks.* The dee rings and snap hooks shall be of a size consistent with the webbing on which they are used and shall be of corrosion-resistant material or protected against corrosion by a corrosion-resistant plating.

(h) *Thread.* The thread shall be Type IB, No. 20; 4-ply cotton thread conforming to the requirements of Federal Specification V–T–276.

§ 160.047–4 Materials—Type II vests.

(a) *General.* All materials used in non-standard Type II buoyant vests shall be at least equivalent to those specified in § 160.047–3 for standard Type I vests.

§ 160.047–5 Construction — Type I vests.

(a) *General.* This specification covers buoyant vests which essentially consist of a vest-cut envelope containing compartments in which are enclosed pads of buoyant material arranged and distributed so as to provide the proper flotation characteristics and buoyancy required to hold the wearer in an upright backward position with head and face out of water. The buoyant vests are also fitted with tapes, webbing, and hardware to provide for proper adjustment and close and comfortable fit to the bodies of various size wearers.

(b) *Envelope.* The envelope or cover shall be cut to the pattern shown on Dwg. No. 160.047–1, Sheet 1, for adult size, and Sheets 2 and 3, for child sizes, and sewed with seams and stitching as shown on the drawing. Three compartments shall be formed to hold the buoyant pad inserts, two front compartments and one back compartment, and reinforcing strips of the same material as the cover shall be stitched to the inside of the front compartments in way of the strap attachments as shown by the drawings. As alternate construction, the front and/or back cover panels may be made in two pieces, provided that the two pieces are joined by a double stitched seam from the top center of the neck hole to the top of the vest as shown in Section J–J of the drawings.

(c) *Pad inserts*—(1) *Forming and sealing.* The buoyant pad inserts shall each be formed from two pieces of film cut to the patterns shown by Dwg. No. 160.047–1, Sheet 4, which shall be heat-sealed tight. The heat-sealed pad seams shall show an adhesion of not less than 8 pounds when one inch strips cut across and perpendicular to the seams are pulled apart at a rate of separation of the clamping jaws of the test machine of 12 inches per minute.

(2) *Kapok-filled pads for Models AK–1, CKM–1, and CKS–1.* The buoyant pad inserts for Models AK–1, CKM–1, and CKS–1 buoyant vests shall be filled with kapok distributed as follows:

TABLE 160.047–5(c)(2)—DISTRIBUTION OF KAPOK IN BUOYANT PAD INSERTS

	Model AK–1 (minimum) ounces	Model CKM–1 (minimum) ounces	Model CKS–1 (minimum) ounces
Front pad (2) (each)	5.75	3.75	2.50
Back pad	4.00	2.50	2.00
Total	15.50	10.00	7.00

(3) *Fibrous glass filled pads for Models AF–1, CFM–1, and CFS–1.* The buoyant pad inserts for Models AF–1, CFM–1, and CFS–1 buoyant vests shall be filled with fibrous glass distributed as follows:

TABLE 160.047–5(c)(3)—DISTRIBUTION OF FIBROUS GLASS IN BUOYANT PAD INSERTS

	Model AF–1 (minimum) ounces	Model CFM–1 (minimum) ounces	Model CFS–1 (minimum) ounces
Front pad (2) (each)	10.25	6.75	4.50
Back pad	7.25	4.50	3.50
Total	27.75	18.00	12.50

(4) *Displacement of buoyant pad inserts.* The volume of the finished individual heat-sealed buoyant pad inserts shall be such as to provide buoyancy as set forth in the following table when tested in accordance with the method set forth in § 160.047–7(e)(1), except that the pad covers shall not be slit open and the period of submergence shall be only long enough to determine the displacement of the pads:

TABLE 160.047–5(c)(4)—VOLUME DISPLACEMENT OF SEALED PADS

	Models AK–1 and AF–1	Models CKM–1 and CFM–1	Models CKS–1 and CFS–1
	Each	*Each*	*Each*
Front pads	6¼ pounds±¼ pound	4½ pounds±¼ pound	2¾ pounds±¼ pound.
Back pads	4¼ pounds±¼ pound	3¼ pounds±¼ pound	2½ pounds±¼ pound.

(d) *Tie tapes.* The tie tapes at the neck shall finish not less than 12 inches in length for both adult and child size buoyant vests. They shall be arranged and attached to the envelope as shown by the drawings, and the free ends shall be doubled over and stitched in accordance with Section H–H.

(e) *Body strap, hardware, and reinforcing tape.* The body strap, hardware, and reinforcing tape shall be arranged as shown on the drawings and attached to the envelope with the seams and stitching indicated.

(f) *Stitching.* All stitching shall be a short lock stitch conforming to Stitch Type 301 of Federal Specification DDD–S–751, and there shall be not less than 7 nor more than 9 stitches to the inch. Both ends of the stitching forming the shoulder hinge seams and the top and bottom closing seams of the envelope shall be backstitched approximately ½ inch.

(g) *Pockets.* Pockets are not required on buoyant vests, but may be placed on the front compartments of the envelope if desired, provided they do not interfere with the adjustment or fit of the vest.

(h) *Workmanship.* Buoyant vests shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.047–6 Construction — Type II vests.

(a) *General.* Construction methods used in non-standard Type II buoyant vests shall be at least equivalent to those specified in § 160.047–5 for standard Type I vests. Type II vests shall also meet the additional requirements specified in this section.

(b) *Sizes.* Type II vests shall be constructed in sizes which correspond to those specified in § 160.047–5 for Type I vests, i.e., adult size, child's medium, and child's small.

[1] Model designations for Type II, non-standard vests to be assigned by individual manufacturers.

(c) *Amount of buoyant material.* Type II vests shall contain not less buoyant material than specified in § 160.047–5 for Type I vests.

(d) *Arrangement of buoyant material.* The buoyant material in a Type II vest shall be located and arranged so as to hold the wearer in an upright or backward position with head and face out of water, and the vests shall show no tendency to turn a wearer face downward in the water.

(e) *Adjustment, fit, and donning.* Type II vests shall be capable of being readily and easily adjusted to fit the range of wearers for which designed, and donning time shall compare favorably with that of standard Type I vests.

§ 160.047–7 Inspections and tests—Types I and II vests.

(a) *General.* Buoyant vests are not inspected at regularly scheduled factory inspections; however, the Commander of the Coast Guard District may detail a marine inspector at any time to visit any place where buoyant vests are manufactured to observe production methods and to conduct any inspections or tests which may be deemed advisable. The marine inspector shall be admitted to any place where work is done on buoyant vests or component materials and samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Manufacturer's inspections and tests.* Manufacturers of approved buoyant vests shall maintain quality control of the materials used, manufacturing methods, and the finished product so as to meet the requirements of this specification, and shall make full inspections and tests of representative samples from each lot to maintain the quality of their product. At least one sample vest from each lot shall be tested for buoyancy by the manufacturer in accordance with the procedure set forth in paragraph (e) of this section. The records of such buoyancy tests shall be kept on file by the manufacturer and shall be made available to the Coast Guard marine inspector upon demand.

(c) *Lot size.* A lot shall consist of not more than 500 buoyant vests of the same type and model. Lots shall be numbered serially by the manufacturer, and a new lot shall be started with any change or modification in materials or production methods.

(d) *Test facilities.* The manufacturer shall provide a suitable place and shall have on hand the necessary apparatus for conducting buoyancy tests in compliance with this specification and Specification Subpart 164.003 of this subchapter for Processed Kapok. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such a manner as to preclude disturbance of buoyant vests undergoing tests or change in water level.

(e) *Buoyancy*—(1) *Buoyancy test method.* Remove the buoyant pad inserts from the vest and cut three slits each not less than 2 inches in length and not less than 2 inches apart on both sides of each pad. Securely attach the spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket is weighed while it is completely under water. In order to measure the actual buoyancy provided by the pads, proceed as follows:

(i) Weigh the empty wire basket under water.

(ii) Place the pads inside the basket and submerge it so that the top of the basket is at least 2 inches below the surface of the water for 24 hours. The tank shall be locked or sealed during this 24-hour submergence period. It is important that after the pads have once been submerged they shall remain submerged for the duration of the test, and at no time during the course of the test shall they be removed from the tank or otherwise exposed to air.

(iii) After the 24-hour submergence period unlock or unseal the tank and weigh the weighted wire basket with the pads inside while both are still under water.

(iv) The buoyancy is computed as subdivision (i) of this subparagraph minus subdivision (iii) of this subparagraph.

(2) *Buoyancy required.* The pad inserts from adult buoyant vests shall provide not less than 16 pounds buoyancy; the pad inserts from child's medium vests shall provide not less than 11 pounds buoyancy; and the pad inserts from child's small vests shall provide not less than 7¼ pounds buoyancy.

(f) *Additional tests for Type II vests.* For Type II vests additional tests, such as tests to determine performance in the water, extended service tests to determine suitability of materials, tests to determine comparative donning time and ease of adjustment, and such other tests as may be necessary to determine equivalence to the standard Type I vests, may be required prior to approval.

§ 160.047–8 Marking.

(a) *General.* Each buoyant vest shall be marked with a rectangular cloth tag attached to the back of the envelope by stitching along all edges of the tag. The following information shall be plainly printed in waterproof ink on each tag:

TYPE (I OR II) BUOYANT VEST

MODEL ------

ADULT (OR CHILD)

Approved for use on motorboats of Class A, 1, or 2 not carrying passengers for hire.

U.S. Coast Guard Approval No. ------
Lot. No. ------

This vest is filled with (kapok or buoyant fibrous glass) sealed in plastic film pad covers. For maximum durability care should be taken to avoid puncturing or snagging inner plastic covers. When vest is wet, hang up and dry thoroughly. If pads become waterlogged, replace vest.

(Name and Address of Manufacturer)

(b) *Additional marking for child size vests.* For child's medium size buoyant vests, the following additional wording shall be included on the marking tag: "For Children Weighing Approximately 45 to 90 Pounds". For Child's small size buoyant vests, the following additional wording shall be included on the marking tag: "For Children Weighing less than Approximately 50 Pounds".

(c) *Waterproofness of marking tags.* Marking tags for buoyant vests shall be sufficiently waterproof so that after 48 hours submergence in water, they will withstand rubbing by hand with moderate pressure while wet without the printed matter becoming illegible.

§ 160.047–9 Procedure for approval—Types I and II vests.

(a) *General.* Buoyant vests for use on motorboats are approved only by the Commandant, U.S. Coast Guard, Washington, D.C. Each model vest is considered separately. Application for approval and correspondence pertaining to this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Approval of Type I vests.* Upon receipt of an application for approval of standard Type I vests, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select from not less than ten buoyant vests already manufactured not less than three of each model for examination and test for compliance with the requirements of this specification. A copy of the marine inspector's report, together with a fourth specimen vest and one set of buoyant inserts selected from those already manufactured, will be forwarded to the Commandant, and if satisfactory, an official approval number will be assigned to the manufacturer for the Type I vests submitted.

(c) *Approval of Type II vests.* Upon receipt of an application for approval of non-standard Type II vests, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select three sample vests of each model and one set of buoyant inserts for each model for which approval is desired. The sample vests and inserts will be forwarded to the Commandant, together with a copy of the marine inspector's report. At the time the pre-approval samples are selected, the manufacturer shall also submit to the marine inspector four prints each of fully-dimensioned, full scale drawings showing all details of construction of the sample vests submitted, and four copies of a bill of material showing all materials used in the construction of the vests. After examination of the samples, drawings, and other material submitted, the manufacturer will be advised of any changes or corrections considered necessary, and any additional samples or other material required. If the samples, drawings, and other material are found satisfactory, tests of the samples will be authorized. If the results of the tests are satisfactory, an official approval number will be assigned to the manufacturer for the Type II vests submitted.

Dated: June 10, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60–5500; Filed, June 15, 1960; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11331]

PART 1—PRACTICE AND PROCEDURE

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Operation of Co-channel Amplifying Transmitters in Conjunction With Main Transmitter; Correction

The Commission's Report and Order (FCC 60–615) adopted May 25, 1960, in this proceeding and published June 8, 1960 in the FEDERAL REGISTER, 25 F.R. 5096, is corrected in the following respects:

I. Instruction 2 is corrected to change "§ 1.325(a)" to "§ 1.325(b)"; as corrected, instruction 2 reads as follows:

2. Section 1.325(b) is amended by adding the following new subparagraph:

§ 1.325 Application for license to cover construction permit.

* * * * * * *

(b) * * *

(6) FCC Form 344 "Application for Television Broadcast Booster Station License."

II. Section 4.836(c) is corrected to read:

§ 4.836 Emissions and bandwidth.

* * * * * * *

(c) Radio frequency harmonics of the visual and aural carriers shall be attenuated no less than 60 decibels for transmitters operating with more than 1 kilowatt power output. For transmitters operating with power output of 1 kilowatt or less, the power in such radio frequency harmonics shall not exceed 1 milliwatt. Other spurious emissions on frequencies more than 3 megacycles outside the assigned channel, including intermodulation products, signals other than those received from the primary station, and radio frequency energy generated within the booster apparatus, shall be attenuated no less than 40 decibels below the peak visual carrier amplitude. Greater attenuation of all spurious emissions may be required if interference is caused to any radio service.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5525; Filed, June 15, 1960; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 146]

EXCHANGES OF PRIVATELY OWNED LANDS UNDER TAYLOR GRAZING ACT

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by subsections (b) and (d) of section 8 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315g), and section 2478 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR 146.2 and 146.8 as set forth below. The purpose of this amendment is to implement the Secretary's anti-speculation policies by requiring an applicant to make certain showings as to his ownership of the offered lands, his need for the selected lands, the value of both the offered and selected lands, and the merits of the exchange.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraphs (b), (c), and (d) of § 146.2 and the title to, and paragraphs (b) and (c) of § 146.8 are hereby amended and paragraphs (e) to (h) are hereby added to § 146.2, all to read as follows:

§ 146.2 Application.[1]

* * * * *

(b) The applicant must at all times during the pendency of his application be legally capable of consummating the exchange and the owner in fee simple of the offered lands. An option or executory contract to purchase the offered lands, or evidence that the exchange applicant will in due course receive title to the lands, as under a will or other proceedings, is not sufficient to meet the requirements of the regulations in this paragraph. The application must be accompanied by proof that the exchange applicant is the owner in fee simple of the offered lands. Such proof must consist of an abstract of title or a certificate of title prepared and certified by the local recorder of deeds, a title company, an abstracting company, or a duly qualified attorney authorized to practice in the State, showing that the exchange applicant is the record owner in fee simple of the offered lands, and that such finding of ownership is not based upon an executory option or contract to purchase the lands or other incomplete proceedings.

(c) The application must also include a statement relative to springs and waterholes on the selected lands, in accordance with §§ 292.1 and 292.9 of this chapter.

(d) Each application must be accompanied by a showing that the selected lands are a necessary and integral part of the economic unit which includes lands he already owns.

(e) Each exchange applicant must file with his application a notarized statement giving his opinion of the fair market value of both the offered and selected lands. He must also file with his application a notarized statement disclosing the substance of any personal arrangements he has made with third parties prior to the filing of his application which would have an influence upon the determination of the fair market value of the selected lands, such as agreements or understandings with third parties to dispose of any portion or all of the selected lands. If such personal arrangements are made on or after the filing of the application and prior to the issuance of the patent, a similar complete disclosure thereof must be promptly filed with the authorized officer. Failure to disclose any such facts as required by this paragraph will constitute cause for the rejection of the application or institution of proceedings looking to the cancellation of any patent which may have issued stemming from the exchange application.

(f) If the exchange application involves less than 1,000 acres of selected lands, or the exchange applicant stated, as required by paragraph (e) of this section, that the land has a fair market value of less than $10,000, the application must also be accompanied by the notarized statements of two qualified persons such as bankers or licensed realtors or licensed real estate salesmen active in that community or the authorized officers of the agency the program of which would be benefited by the exchange, showing their opinions as to the fair market value of both the offered and selected lands.

(g) Each exchange application involving 1,000 acres or more of selected lands or any acreage of selected lands, or which the applicant stated, as required in paragraph (e) of this section, to have a fair market value of $10,000 or more, must be accompanied by at least two appraisals by reputable competent appraisers of both the offered and selected lands. Each appraiser must certify that to the best of his knowledge the appraisals reflect the true fair market value of the lands and must submit with his appraisal a statement of his qualifications in appraisal work. Appraisals must conform to established and generally recognized practices and procedures in common use by professional appraisers. The appraisals must contain a comprehensive description of the lands covered thereby and of the appraisal processes leading to the opinions of value in such detail as to permit an informed judgment as to the soundness of the appraisals and the accuracy and reasonableness of the conclusions. Nothing in this paragraph shall be construed as preventing the agency, the program of which would be benefitted by the exchange, from providing, or contracting for, one of the required appraisals for both the offered and selected lands.

(h) No filing fees are required. However, the applicant must pay one-half of the advertising cost.

§ 146.8 Approvals and appeals.

* * * * *

(b) In the event a protest is filed against an exchange application, a copy of the protest shall be sent to the exchange applicant and the applicant must show by positive and substantial evidence to the satisfaction of the authorized officer that the protest is without real merit and that the exchange is in the public interest. The withdrawal of a protest will not relieve the exchange applicant of the requirement of making the showing specified in this paragraph.

(c) An appeal pursuant to rules of practice, Part 221 of this chapter, may be taken from any decision of the authorized officer of the Bureau of Land Management.

FRED A. SEATON,
Secretary of the Interior.

JUNE 10, 1960.

[F.R. Doc. 60-5488; Filed, June 15, 1960; 8:47 a.m.]

[1] 18 U.S.C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 912, 944]

[Docket Nos. AO-29-A11, AO-105-A13]

MILK IN DUBUQUE, IOWA, AND QUAD CITIES MARKETING AREAS

Notice of Extension of Time for Filing Briefs

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing briefs on the record of the public hearing held at Rock Island, Illinois, on May 5 and 6, 1960 with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Dubuque, Iowa and Quad Cities, Iowa-Illinois, marketing areas, pursuant to notices issued March 7, 1960 (25 F.R. 2057; F.R. Doc. 60-2185) and March 30, 1960 (25 F.R. 2842; F.R. Doc. 60-3062) is hereby extended to July 1, 1960.

Dated: June 10, 1960, Washington, D.C.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-5501; Filed, June 15, 1960; 8:49 a.m.]

[7 CFR Part 1016]

[Docket No. AO-299-A1]

MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Marinette, Wisconsin, on March 7-9, 1960, pursuant to notice thereof issued on February 17, 1960 (25 F.R. 1521).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 20, 1960 (25 F.R. 4593) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order were formulated, was conducted at Marinette, Wisconsin, on March 7-9, 1960, pursuant to notice thereof issued February 17, 1960 (25 F.R. 1521).

At this hearing, evidence was received with respect to proposed amendments to the order regulating the handling of milk in the Michigan Upper Peninsula as well as to the order for the Northeastern Wisconsin marketing area. This decision will be restricted to issues relating to amendments proposed to the order for the Northeastern Wisconsin marketing area. Issues relating to amendments proposed to the order for the Michigan Upper Peninsula marketing area will be considered in a separate decision.

The material issues in the record of the hearing which concern the Northeastern Wisconsin order relate to:

1. Revision of marketing area boundaries.
2. The level of, and method of computing, the price for Class I milk.
3. Revision of the Class III price formula.
4. Modification of the class butterfat differentials.
5. Conditions for the diversion of milk to nonpool plants.
6. Revision of the classification and allocation provisions of the order.
7. Changes in the basis for qualifying supply plants as pool plants.
8. Extension to supply plants of the "Wichita plan" as an alternative to compensatory payments on nonpool milk.
9. Modification of the base-excess plan.
10. Provision of more than one reporting and accounting period per month on election of the handler.

Several proposed amendments to the Northeastern Wisconsin order, including a proposal for "individual-handler pools", contained in the notice of hearing were not supported at the hearing by the respective proponents, and in each instance testimony in support of such proposals was not offered by any other interested party. Such proposed amendments therefore are denied.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The Northeastern Wisconsin marketing area should be expanded to include Forest County, and that part of Oconto County (exclusive of the Menominee Indian Reservation) not now included in the area.

Expansion of the marketing area to the named territory was proposed by a handler who operates a supply plant. One of the distributing pool plants to which milk is shipped from proponent's supply plant is located in Forest County and another is located in Oconto County. Both such distributing plants are furnished a full supply from this supply plant. A substantial proportion of the Class I sales made from such distributing plants is sold in areas presently unregulated although there is substantial competition with milk bottled at other regulated distributing plants. Either of these distributing plants could lose pool status, however, since the percentages of Class I sales therefrom to the marketing area are close to the minimum required for pool status. In such event the supply plant would lose pool status also, and shipments from the supply plant to pool distributing plants would fall in the category of other source milk. In the circumstances, the loss of pool status by the supply plant, resulting in the application of compensatory payments at distributing plants which obtain their full supplies from such plant would not tend to promote orderly marketing conditions. The marketing area should be expanded to insure uniformity of pricing among competing plant operators.

It may be noted further that expansion of the area to include Forest County and the remainder of Oconto County will not bring under regulation any plants which are not regulated currently. No testimony was presented in opposition to the proposed expansion. It is concluded that the marketing area should be so enlarged.

At the hearing testimony was offered on other proposals to modify the marketing area. These proposals related to a proposed shift of territory from the Northeastern Wisconsin marketing area to the Michigan Upper Peninsula marketing area. The conclusions reached with respect to such proposals are set forth in detail in companion decision on this record relating to proposed amendments to the Michigan Upper Peninsula order. To accommodate the conclusions therein that the city of Menominee in Menominee County, Michigan, and the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin, should be included in the Michigan Upper Peninsula marketing area, such territory should be deleted from the definition of the Northeastern Wisconsin marketing area. The effect of such change on the returns to Northeastern Wisconsin producers will not be significant. No objections to such a transfer of territory were raised by handlers or producers under the Northeastern Wisconsin order.

(2) The present Class I price differentials should be retained for another 18-month period.

Several proposed amendments to the Class I pricing provisions were offered for hearing. They related to the level and seasonality of price, the application of the basic price formula, and the location price specified for plants in Oneida County, Wisconsin.

During the first 15 months of the order, beginning with November 1, 1958, Northeastern Wisconsin producers supplied an adequate volume of milk to satisfy the Class I demands of the market. In this 15-month period the percentage relationship of Class I sales to receipts ranged from a low of about 64 percent in May 1959 to a high of approximately 89 percent in October 1959. For November and December 1958 and January 1959, Class I sales as a percentage of producer receipts were 80.9, 76.4, and 72.3 percent, respectively. During the corresponding months a year later, the percentages were 80.5, 75.5, and 68.9 percent, respectively. While Class I utilization in each of the latter three months was lower, as a percentage of producer receipts, than in the earlier period, the difference was so minor as to preclude any definite conclusion as to the effect of the present Class I price in changing the trend relationship between the supply of and demand for producer milk that has prevailed during the past year.

It is not apparent that the 36-cent higher price called for by certain of the price proposals offered is required to encourage an adequate supply of milk. It is quite possible that insufficient time has transpired since the effective date of the order for supply and demand to respond fully to the minimum Class I price level established by the order. In any case, there has been no indication of a deterioration of supply conditions. Therefore, the Class I price differentials now contained in the order should be retained for an additional 18-month period,

After a reasonable time has elapsed another hearing should be convened to consider any appropriate modification of the Class I price level on the basis of the additional supply and demand data then available.

The basic formula price is designed to reflect the farm price level of milk used by condenseries and that used in the manufacture of butter and nonfat dry milk solids, as a base for pricing milk for fluid use. A differential is added to the higher of the two prices for manufacturing milk to determine the appropriate Class I price. The higher of the condensery price or butter-nonfat dry milk solids price is also the Class II price for the month and the butter-nonfat dry milk solids price has been employed as the Class III price for the month.

Producer groups testified that the butter-nonfat dry milk solids formula no longer reflects the value of manufacturing grade milk produced in the milkshed for such uses. For reasons discussed below under issue number (3) 5.0 cents is added to this component of the basic price formula to improve the alignment of the Class III milk price with the current prices being paid at unregulated plants for ungraded milk in Class III uses.

The proposed change in the butter-nonfat dry milk solids component also would have affected the basic formula and Class I prices in two of the 15 months between November 1958 and January 1960, namely August and September 1959, and then to the extent of 1 and 7 cents, respectively. Although such a revision of the basic price formula would have only minor influence on the annual level of the Class I price, such effect would not be consistent with the finding that the Class I price formula should not be revised at this time. Therefore, the basic price formula has not been changed.

The order now provides Class I differentials which vary inversely with the seasonality of production. According to one proposal offered a uniform Class I differential would be applied in all months.

The seasonal variation of producer receipts is such that some price incentive to level production is warranted. For example, on a daily average basis, producer receipts during May 1959 were 148 percent of producer receipts during the preceding November. It is concluded that the seasonal Class I differentials should be retained as a continuing incentive to level production.

The minimum Class I price provided for plants located in Florence, Forest, Manitowoc and Oneida Counties, or in the county of Menominee, is 20 cents higher than [illegible]

cost involved in moving needed milk for Class I use from plants located in the more southerly portions of the milkshed. The principal economic circumstances that existed at the time of the promulgation and led to the adoption of a location price for Oneida County, have not changed so to warrant a reduction in the Class I price at plants in such county.

(3) The Class III price should be increased.

Under the order, the Class III price each month is the butter-nonfat dry milk price computed as one of the alternate parts of the basic price formula. It was proposed that the Class III price formula be modified to reflect more nearly the current value of milk used for butter and nonfat dry milk. During the past year the proposal would have increased the Class III price about 5 cents per hundredweight.

The butter-nonfat dry milk formula used for Class III pricing no longer reflects in a reasonable manner the value of producer milk for butter and nonfat dry milk manufacture within the Northeastern Wisconsin milkshed. The average price paid during 1959 for manufacturing grade milk containing 3.5 percent butterfat at 35 plants located in the Northeastern Wisconsin milkshed was $3.015. The average price paid for such milk received at several unregulated plants operated by a cooperative association operating as a handler under the order was $3.037, exclusive of any patronage dividend.

Producer milk used for butter and nonfat dry milk should be worth as much as ungraded milk for such uses, although in some cases it may not be possible to realize a net return from excess milk from the fluid market quite as great as from the manufacture of regular supplies of ungraded milk. When this condition prevails the price of Class III milk may reasonably be set at a slightly lower level than the pay prices for ungraded milk. In this instance, it is concluded that the Class III price should be increased somewhat at this time to improve the alignment of such class price with ungraded milk values. Proponents of a higher level of Class III prices alleged that an increase of 10–15 cents per hundredweight might be justified in present circumstances. However, they limited their request to an increase of about 5 cents per hundredweight. A 5.0 cent increase in the Class III price is considered reasonable at this time and is adopted with the limitation that the Class III price should not exceed the Class II price. If the Class III prices during 1960 had been determined pursuant to the amendment provided herein, the average price for the year would have been [illegible]

utilized in each class, i.e., product cost for items with less than 3.5 percent butterfat would be decreased and product cost for items with a higher than 3.5 percent butterfat content would be increased.

The butterfat test of producer milk delivered during 1959 averaged 3.69 percent. The butterfat test of Class I milk in the same period averaged 3.70 percent. This relationship reflects an excellent balance between the butterfat delivered by producers and that needed to satisfy Class I requirements. It is concluded, therefore, that the present butterfat differentials are working well and should not be changed at this time.

One cooperative association excepted vigorously to the failure of the recommended decision to adopt the hearing proposal for higher class butterfat differentials. The conclusion to continue present differentials in effect was reached in recognition of the relative values of skim milk and butterfat for their respective uses in each class. The substantially higher butterfat value called for by the proposal for Class II and Class III milk would exceed the level at which butterfat in producer milk is readily marketed for manufacture when not required for other class uses. On the other hand, skim milk in Class III would carry, under the proposal, a formula value less than that which may be obtained in the manufacturing milk market. The proposal also would result in a Class I skim milk value even less than that currently obtained from the Class III milk formula. In view of the relative importance of skim milk and butterfat to the total volume of Class I milk, it may not be concluded from this record that over a period of time producers as a whole would benefit from the proposal.

(5) The order should provide that milk to be diverted to a nonpool plant during each of the months of July through November should not exceed 10 days' production.

The order currently provides for the unlimited diversion of milk in any month. One producer group proposed that diversion be limited to 10 days during any month, and another proposed that unlimited diversion continue for the months of December through July but be limited to 50 percent of each producer's production during the months of August through November.

The privilege of unlimited diversion during the short production months tends to encourage handlers to add producers in excess of those needed to supply the Class I needs of the market and the necessary reserve. In this market, however, at least one handler operates his bottling plant on certain days of the [illegible]

ply for the purpose of pool riding. In view of daily variations in production, a 50 percent volume limitation would require more bookkeeping than a limitation based upon a specified number of days and therefore is not adopted.

No limitation should be placed upon diversion in other months. Because of the seasonal aspects of production and Class I sales, it may be expected that handlers with limited milk holding or processing facilities will find it necessary to divert milk to nonpool plants for manufacturing during the other months of the year. In many instances it would be more economical to divert the production of these farmers on all occasions when milk is not needed at the bottling plant.

(6) No change should be made in the classification of skim milk and butterfat used to produce "hard" cheese or with respect to milk received from a plant regulated under the terms of another Federal order. No change should be made in the "skim milk equivalent" method of classifying nonfat dry milk solids used in fortification. The provisions relating to the classification of transfers to nonpool plants should be clarified.

The order provides that skim milk and butterfat used to produce cheese, not including cottage cheese, shall be classified as Class III milk. It was proposed that skim milk and butterfat so used be reclassified to Class II milk. Proponent testified that milk of Northeastern Wisconsin producers is sold to cheese factories for prices higher than the present Class III price. It has been concluded previously that the Class III price should be increased in accordance with producers' proposal.

Producer receipts are allocated to Class I utilization before receipts from plants regulated under the terms of another Federal order. It was proposed that the Northeastern Wisconsin order be amended to provide that receipts of butterfat in cream from other Federal order plants receive prior allocation to Class I if priced under the terms of the other Federal order on a comparable basis with the Class I price for butterfat under the Northeastern Wisconsin order.

Northeastern Wisconsin producers have committed their facilities to produce a regular, dependable supply of milk for the Class I needs of the marketing area. Handlers import bulk cream from other markets only when there is insufficient milk available from producers. If the allocation provisions were amended as proposed, the net effect would be to give Class I to sources of cream which are not required or available on a regular basis rather than to

Another method was proposed, however, the effect of which would be not to include the water normally associated with such solids.

Nonfat solids may be obtained from producer milk as well as from nonfat dry milk or condensed skim milk. Neither the form in which, nor the source from which, such solids are obtained alter their value to the handler since those obtained from different sources may not be distinguished on the basis of cost of production, sanitary requirements or value to consumers. Since a lesser value cannot be ascribed to solids obtained from nonfat dry milk than to those obtained from producer milk, the order should not be amended to provide for pricing solids obtained from nonfat dry milk or condensed skim milk on a basis lower than the pricing of solids obtained from producer milk and similarly used. To compute volumes in the manner proposed for purposes of classification would have such result and therefore the proposal is denied.

The transfer provisions should be amended to clarify the basis for classifying transfers of skim milk and butterfat to nonpool plants. At least one handler operating a Northeastern Wisconsin pool plant also operates nonpool plants. During certain periods, when Northeastern Wisconsin producer milk is in excess of the needs of his pool plant, this operator has found it economical to transfer milk to a nonpool plant. In some cases the milk is separated and the cream or skim milk therefrom is transferred to a second or third nonpool plant for processing. It is possible to interpret the present transfer provisions so as to classify in Class I any transfers of skim milk or butterfat in fluid form made from the first to a subsequent nonpool plant, regardless of the ultimate utilization. In order to promote orderly marketing of temporary excess of producer milk, the order should specify that fluid skim milk and butterfat derived from producer milk which is received at the first nonpool plant and then transferred to a second or subsequent nonpool plant may be classified according to the use made at the last plant of receipt.

The order further provides that bulk transfers of milk to nonpool plants where milk is bottled shall be classified as Class I to the extent that fluid milk sales from the nonpool plant exceed receipts from those dairy farmers who constitute its regular source of Grade A milk supply. Such plants sometimes receive milk from plants under other Federal orders also. Classification as Class I of milk from Northeastern Wisconsin pool plants can result in duplication in the classification of milk received at the nonpool plant [illegible]

(7) The delivery requirements for pool plant status should be revised.

The order provides automatic pool status for certain supply-type plants during the months of December through July, i.e., a supply plant that is qualified under the minimum shipping requirements for each of the months of August through November may continue in status as a pool plant for each of the succeeding months of December through July. It was proposed that the order be amended to eliminate such automatic pool status for any supply plant. Pursuant to this proposal at least 50 percent of Grade A milk receipts from dairy farmers at the supply plant would have to be shipped to pool distributing plants each month of the year to insure pool status.

During those months of the year when the market is short of milk it is practical and expedient to provide a specific shipping requirement in order to determine whether supply plants are closely identified with the market and thus eligible to participate in the pool. In view of the varying seasonalities of production and demand, however, supply plants which have evidenced regular association with the market should not be required to ship large volumes of milk to distributing plants in order to maintain pool status throughout the year.

The months of August through November were selected originally as the months during which qualification for automatic status in other months of the year could be achieved. Such fall months were those for which it was expected that producer milk deliveries would be least in relation to Class I milk requirements. July also is a month in which milk supplies are relatively low in relation to Class I needs and such month should be included among those on which qualification for automatic status for December through June is based. This change, combined with the revised provisions for the diversion of milk and higher Class III price, should make it possible for the market to obtain sufficient supplies but at the same time mitigate opportunities for pool riding.

(8) The compensatory payment provisions applicable to milk received at a pool plant from nonpool supply plants and allocated to Class I should not be modified.

It was proposed that the handler have the option of paying to the pool either the compensatory payment rate specified in the order for each hundredweight of milk received from a nonpool supply plant and allocated to Class I, or the amount by which total payments to dairy farmers at the nonpool plant are less than the total value of the milk at such [illegible]

After a reasonable time has elapsed another hearing should be convened to consider any appropriate modification of the Class I price level on the basis of the additional supply and demand data then available.

The basic formula price is designed to reflect the farm price level of milk used by condenseries and that used in the manufacture of butter and nonfat dry milk solids, as a base for pricing milk for fluid use. A differential is added to the higher of the two prices for manufacturing milk to determine the appropriate Class I price. The higher of the condensery price or butter-nonfat dry milk solids price is also the Class II price for the month and the butter-nonfat dry milk solids price has been employed as the Class III price for the month.

Producer groups testified that the butter-nonfat dry milk solids formula no longer reflects the value of manufacturing grade milk produced in the milkshed for such uses. For reasons discussed below under issue number (3) 5.0 cents is added to this component of the basic price formula to improve the alignment of the Class III milk price with the current prices being paid at unregulated plants for ungraded milk in Class III uses.

The proposed change in the butter-nonfat dry milk solids component also would have affected the basic formula and Class I prices in two of the 15 months between November 1958 and January 1960, namely August and September 1959, and then to the extent of 1 and 7 cents, respectively. Although such a revision of the basic price formula would have only minor influence on the annual level of the Class I price, such effect would not be consistent with the finding that the Class I price formula should not be revised at this time. Therefore, the basic price formula has not been changed.

The order now provides Class I differentials which vary inversely with the seasonality of production. According to one proposal offered a uniform Class I differential would be applied in all months.

The seasonal variation of producer receipts is such that some price incentive to level production is warranted. For example, on a daily average basis, producer receipts during May 1959 were 148 percent of producer receipts during the preceding November. It is concluded that the seasonal Class I differentials should be retained as a continuing incentive to level production.

The minimum Class I price provided for plants located in Florence, Forest, Marinette and Oneida Counties, or in the State of Michigan, is 10 cents higher than at plants located elsewhere in the marketing area. It was proposed that the Class I price at plants in Oneida County be reduced 10 cents per hundredweight.

When the Northeastern Wisconsin order was promulgated, Oneida County was included in the higher Class I price zone in recognition of the less intensive milk production in that county as compared with most other counties to the south and, accordingly, to recognize the cost involved in moving needed milk for Class I use from plants located in the more southerly portions of the milkshed. The principal economic circumstances that existed at the time of the promulgation and led to the adoption of a location price for Oneida County, have not changed so to warrant a reduction in the Class I price at plants in such county.

(3) The Class III price should be increased.

Under the order, the Class III price each month is the butter-nonfat dry milk price computed as one of the alternate parts of the basic price formula. It was proposed that the Class III price formula be modified to reflect more nearly the current value of milk used for butter and nonfat dry milk. During the past year the proposal would have increased the Class III price about 5 cents per hundredweight.

The butter-nonfat dry milk formula used for Class III pricing no longer reflects in a reasonable manner the value of producer milk for butter and nonfat dry milk manufacture within the Northeastern Wisconsin milkshed. The average price paid during 1959 for manufacturing grade milk containing 3.5 percent butterfat at 35 plants located in the Northeastern Wisconsin milkshed was $3.015. The average price paid for such milk received at several unregulated plants operated by a cooperative association operating as a handler under the order was $3.037, exclusive of any patronage dividend.

Producer milk used for butter and nonfat dry milk should be worth as much as ungraded milk for such uses, although in some cases it may not be possible to realize a net return from excess milk from the fluid market quite as great as from the manufacture of regular supplies of ungraded milk. When this condition prevails the price of Class III milk may reasonably be set at a slightly lower level than the pay prices for ungraded milk. In this instance, it is concluded that the Class III price should be increased somewhat at this time to improve the alignment of such class price with ungraded milk values. Proponents of a higher level of Class III prices alleged that an increase of 10–15 cents per hundredweight might be justified in present circumstances. However, they limited their request to an increase of about 5 cents per hundredweight. A 5.0 cent increase in the Class III price is considered reasonable at this time and is adopted with the limitation that the Class III price should not exceed the Class II price. If the Class III prices during 1959 had been determined pursuant to the amendment provided herein, the average price for the year would have been approximately $2.93.

(4) No change should be made in the method of computing class butterfat differentials.

A producer association proposed that the multiplier used in computing the Class I butterfat differential be increased from 0.125 to 0.140, and that used in computing the Class II and Class III differentials from 0.115 to 0.122. The proposal would result in a reapportionment of the values of skim milk and butterfat utilized in each class, i.e., product cost for items with less than 3.5 percent butterfat would be decreased and product cost for items with a higher than 3.5 percent butterfat content would be increased.

The butterfat test of producer milk delivered during 1959 averaged 3.69 percent. The butterfat test of Class I milk in the same period averaged 3.70 percent. This relationship reflects an excellent balance between the butterfat delivered by producers and that needed to satisfy Class I requirements. It is concluded, therefore, that the present butterfat differentials are working well and should not be changed at this time.

One cooperative association excepted vigorously to the failure of the recommended decision to adopt the hearing proposal for higher class butterfat differentials. The conclusion to continue present differentials in effect was reached in recognition of the relative values of skim milk and butterfat for their respective uses in each class. The substantially higher butterfat value called for by the proposal for Class II and Class III milk would exceed the level at which butterfat in producer milk is readily marketed for manufacture when not required for other class uses. On the other hand, skim milk in Class III would carry, under the proposal, a formula value less than that which may be obtained in the manufacturing milk market. The proposal also would result in a Class I skim milk value even less than that currently obtained from the Class III milk formula. In view of the relative importance of skim milk and butterfat to the total volume of Class I milk, it may not be concluded from this record that over a period of time producers as a whole would benefit from the proposal.

(5) The order should provide that milk to be diverted to a nonpool plant during each of the months of July through November should not exceed 10 days' production.

The order currently provides for the unlimited diversion of milk in any month. One producer group proposed that diversion be limited to 10 days during any month, and another proposed that unlimited diversion continue for the months of December through July but be limited to 50 percent of each producer's production during the months of August through November.

The privilege of unlimited diversion during the short production months tends to encourage handlers to add producers in excess of those needed to supply the Class I needs of the market and the necessary reserve. In this market, however, at least one handler operates his bottling plant on certain days of the week only. Such handler, therefore, does not require the production of each producer on a daily basis. Some production not needed by bottling plants must be diverted to nonpool plants for manufacture in the August-November period as well as at other times of the year when milk is more plentiful seasonally. Under these circumstances a diversion limitation of 10 days' production in the fall months will accommodate the procurement practices of handlers and tend to prevent the addition of producers simply for the purpose of pool riding. In view of daily variations in production, a 50 percent volume limitation would require more bookkeeping than a limitation based upon a specified number of days and therefore is not adopted.

No limitation should be placed upon diversion in other months. Because of the seasonal aspects of production and Class I sales, it may be expected that handlers with limited milk holding or processing facilities will find it necessary to divert milk to nonpool plants for manufacturing during the other months of the year. In many instances it would be more economical to divert the production of these farmers on all occasions when milk is not needed at the bottling plant.

(6) No change should be made in the classification of skim milk and butterfat used to produce "hard" cheese or with respect to milk received from a plant regulated under the terms of another Federal order. No change should be made in the "skim milk equivalent" method of classifying nonfat dry milk solids used in fortification. The provisions relating to the classification of transfers to nonpool plants should be clarified.

The order provides that skim milk and butterfat used to produce cheese, not including cottage cheese, shall be classified as Class III milk. It was proposed that skim milk and butterfat so used be reclassified to Class II milk. Proponent testified that milk of Northeastern Wisconsin producers is sold to cheese factories for prices higher than the present Class III price. It has been concluded previously that the Class III price should be increased in accordance with producers' proposal.

Producer receipts are allocated to Class I utilization before receipts from plants regulated under the terms of another Federal order. It was proposed that the Northeastern Wisconsin order be amended to provide that receipts of butterfat in cream from other Federal order plants receive prior allocation to Class I if priced under the terms of the other Federal order on a comparable basis with the Class I price for butterfat under the Northeastern Wisconsin order.

Northeastern Wisconsin producers have committed their facilities to produce a regular, dependable supply of milk for the Class I needs of the marketing area. Handlers import bulk cream from other markets only when there is insufficient milk available from producers. If the allocation provisions were amended as proposed, the net effect would be to give Class I to sources of cream which are not required or available on a regular basis rather than to those producers who constitute the main source of milk for fluid milk as well as milk for fluid cream. The proposal would not tend to promote orderly marketing conditions for producers and therefore is denied.

The order provides that in the event nonfat dry milk solids are utilized by handlers in producing other products, the pounds computed for classification purposes shall be the "skim milk equivalent" of the nonfat dry milk solids. Another method was proposed, however, the effect of which would be not to include the water normally associated with such solids.

Nonfat solids may be obtained from producer milk as well as from nonfat dry milk or condensed skim milk. Neither the form in which, nor the source from which, such solids are obtained alter their value to the handler since those obtained from different sources may not be distinguished on the basis of cost of production, sanitary requirements or value to consumers. Since a lesser value cannot be ascribed to solids obtained from nonfat dry milk than to those obtained from producer milk, the order should not be amended to provide for pricing solids obtained from nonfat dry milk or condensed skim milk on a basis lower than the pricing of solids obtained from producer milk and similarly used. To compute volumes in the manner proposed for purposes of classification would have such result and therefore the proposal is denied.

The transfer provisions should be amended to clarify the basis for classifying transfers of skim milk and butterfat to nonpool plants. At least one handler operating a Northeastern Wisconsin pool plant also operates nonpool plants. During certain periods, when Northeastern Wisconsin producer milk is in excess of the needs of his pool plant, this operator has found it economical to transfer milk to a nonpool plant. In some cases the milk is separated and the cream or skim milk therefrom is transferred to a second or third nonpool plant for processing. It is possible to interpret the present transfer provisions so as to classify in Class I any transfers of skim milk or butterfat in fluid form made from the first to a subsequent nonpool plant, regardless of the ultimate utilization. In order to promote orderly marketing of temporary excess of producer milk, the order should specify that fluid skim milk and butterfat derived from producer milk which is received at the first nonpool plant and then transferred to a second or subsequent nonpool plant may be classified according to the use made at the last plant of receipt.

The order further provides that bulk transfers of milk to nonpool plants where milk is bottled shall be classified as Class I to the extent that fluid milk sales from the nonpool plant exceed receipts from those dairy farmers who constitute its regular source of Grade A milk supply. Such plants sometimes receive milk from plants under other Federal orders also. Classification as Class I of milk from Northeastern Wisconsin pool plants can result in duplication in the classification of milk received at the nonpool plant from plants regulated by more than one Federal order. Therefore, the amount of bulk milk moved to such plant and classified as Class I milk from this market should be the market's pro rata share of the available Class I sales remaining after assigning such sales first to Grade A receipts from regular dairy farmers. This will provide a reasonable basis for assigning Class I milk among regulated markets in the case of movements to a common nonpool plant.

(7) The delivery requirements for pool plant status should be revised.

The order provides automatic pool status for certain supply-type plants during the months of December through July, i.e., a supply plant that is qualified under the minimum shipping requirements for each of the months of August through November may continue in status as a pool plant for each of the succeeding months of December through July. It was proposed that the order be amended to eliminate such automatic pool status for any supply plant. Pursuant to this proposal at least 50 percent of Grade A milk receipts from dairy farmers at the supply plant would have to be shipped to pool distributing plants each month of the year to insure pool status.

During those months of the year when the market is short of milk it is practical and expedient to provide a specific shipping requirement in order to determine whether supply plants are closely identified with the market and thus eligible to participate in the pool. In view of the varying seasonalities of production and demand, however, supply plants which have evidenced regular association with the market should not be required to ship large volumes of milk to distributing plants in order to maintain pool status throughout the year.

The months of August through November were selected originally as the months during which qualification for automatic status in other months of the year could be achieved. Such fall months were those for which it was expected that producer milk deliveries would be least in relation to Class I milk requirements. July also is a month in which milk supplies are relatively low in relation to Class I needs and such month should be included among those on which qualification for automatic status for December through June is based. This change, combined with the revised provisions for the diversion of milk and higher Class III price, should make it possible for the market to obtain sufficient supplies but at the same time mitigate opportunities for pool riding.

(8) The compensatory payment provisions applicable to milk received at a pool plant from nonpool supply plants and allocated to Class I should not be modified.

It was proposed that the handler have the option of paying to the pool either the compensatory payment rate specified in the order for each hundredweight of milk received from a nonpool supply plant and allocated to Class I, or the amount by which total payments to dairy farmers at the nonpool plant are less than the total value of the milk at such plant computed on the basis of the classification and pricing provisions applicable at pool plants. The proponent handler operates a pool plant from which milk is supplied to several pool distributing plants. It was testified that should such plant fail to qualify under the 50 percent shipping requirement in the fall months, the proposed amendment would reduce the impact of subsequent nonpool status.

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The proponent handler undoubtedly can insure pool status for his supply plant during each of the months of July, August, September, October and November, i.e., he is in a position to rearrange his procurement practices whenever it appears that his receipts of Grade A milk from dairy farmers may be more than twice his monthly shipments to pool distributing plants. If adopted as proposed the amendment would encourage operators of supply plants to associate plants with the Northeastern Wisconsin market on an opportunity basis rather than as a regular, dependable source of supply. There was no other testimony in support of such a provision.

(9) The order should not provide a base-excess plan.

Three cooperative associations, together representing approximately 25 percent of the producers who deliver milk to Northeastern Wisconsin pool plants, proposed the adoption of base-excess provisions for making payment to producers. At present the producer members of the proponent associations are being paid pursuant to voluntary base-excess plans similar to the plan applicable to milk of other members whose milk is delivered to Chicago order plants. A fourth cooperative association, representing about 30 percent of producers delivering to Northeastern pool plants, opposed base-excess payment provisions.

Because the order has been in effect such a relatively short period, however, insufficient data are available to permit detailed analysis as to the reasons for the relatively favorable seasonality of deliveries to the Northeastern Wisconsin market. Since there is no unanimity of opinion or support among producers for the base-excess plan and because the seasonality of Class I price differentials provided will assist to promote a desirable seasonal production pattern and also tend to keep prices adjusted in relation to those of Chicago producers, it is concluded that a base-excess plan is not warranted at this time.

(10) The order should provide for only one reporting period a month.

A handler proposed that the order provide the option of more than one reporting and accounting period within a month. It was testified that the presence of such a provision would make less costly any change in method of procurement adopted by the handler during rather than at the beginning of a given month, since milk classification and allocation would be determined separately on milk received prior to the change in source of milk supply and on that received after the change.

The proponent handler was the only handler who had experienced any problem of this kind. He testified that he is not likely to encounter such difficulty in the future. No other interested party supported the proposal. The proposed amendment therefore is not considered necessary at this time as a means of promoting orderly marketing.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum Order, Determination of Representative Period, and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Northeastern Wisconsin marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of April 1960 is hereby determined to be the representative period for the conduct of such referendum.

John D. Nord is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 10th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Northeastern Wisconsin Marketing Area

§ 1016.0 Findings and determination.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe with respect to (a) all receipts within the month of milk from producers, including milk of such handler's own production; (b) any other source milk allocated to Class I pursuant to § 1016.46(b) and the corresponding step of § 1016.47, and (c) the applicable amount specified in § 1016.83 (a)(2) or (b)(2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended and the aforesaid order is hereby amended as follows:

1. Delete § 1016.5 (e), (f) and (h); delete the word "and" and replace the semicolon with a period, both at the end of § 1016.5(g); renumber such paragraph (g) as (f); and add immediately prior thereto a new paragraph (e) as follows:

(e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation), Wisconsin; and

2. Delete from § 1016.8(b) the word "August" and substitute "July"; delete from the same paragraph the word "July" and substitute "June".

3. Substitute a colon for the period at the end of the second sentence in § 1016.10(g) and add the following proviso: "*Provided,* That for each of the months of July through November diversion of the milk of any such person shall be limited to 10 days (5 days in the case of every-other-day delivery)."

4. Delete § 1016.43(c) and substitute therefor the following:

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization, unless the following conditions and the conditions of paragraph (d) of this section are met:

(1) Utilization in another class is claimed by the transferor-handler in his report submitted pursuant to § 1016.30 for the month;

(2) The operator of the nonpool plant has utilization of an equivalent amount of skim milk and butterfat remaining in the class of use claimed in subparagraph (1) of this paragraph after the prior deduction in sequence beginning with the lowest-priced available class of use of any receipts thereat during the month of skim milk or butterfat, respectively, from plants not regulated under the provisions of any Federal marketing agreement or order; and

(3) The operator of the nonpool plant maintains books and records which are adequate for the verification of such utilization and are made available if requested by the market administrator.

(d) The classification of any skim milk or butterfat for which a claim of use is made under paragraph (c)(1) of this section shall be subject to the following further conditions:

(1) If any skim milk or butterfat was disposed of from the nonpool plant in the form of bulk milk, skim milk, or cream to another nonpool plant(s), the market administrator shall determine the classification of such skim milk or butterfat at the nonpool plant where actually used or processed when necessary to support a claim made pursuant to paragraph (c)(1) of this section;

(2) If Class I utilization at any nonpool plant at which classification of the pooled milk is made exceeds the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity shall be Class I to the extent of such excess: *Provided,* That (i) when, during the month, transfers to such nonpool plant have been made from regulated plants under more than one Federal marketing agreement or order, the amount of skim milk or butterfat so classified as Class I milk shall be a pro rata quantity based on the proportion of receipts at the nonpool plant from each of such regulated plants, and (ii) any amount of pooled milk remaining after the computation in (i) of this proviso shall be assigned in sequence to the available uses in the class claimed and any balance to the remaining uses in the noonpool plant; and

(3) If Class I utilization at any nonpool plant at which classification of the pooled milk is made does not exceed the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity which is in excess of the available uses in the class claimed under paragraph (c)(1) of this section shall be classified in other classses in sequence beginning with the next lowest-priced available class of use.

5. Delete from the introductory portion of § 1016.51 the phrase "during the 18 month period following the effective date of this part shall be" and substitute therefor the phrase "shall be as follows during the period through November 1961".

6. In § 1016.50(b)(2) delete the words "delivery period" wherever they appear therein and substitute therefor the word "month".

7. Add the following after the cross-reference "§ 1016.50(b)" at the end of § 1016.53: "plus 5 cents: *Provided,* That the resulting price shall not be higher than the Class II price."

[F.R. Doc. 60-5527; Filed, June 15, 1960; 8:52 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 18]

[Docket No. 13511]

INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

Order Extending Time for Filing Comments

The Commission has before it for consideration requests from the Industrial Heating Equipment Association and the General Electric Company to extend the time for filing comments in the above proceeding to July 15, 1960.

It appearing that additional time is required to permit study and preparation of statements by member manufacturers of the Industrial Heating Equipment Association, and that additional time is required by the General Electric Company to evaluate the impact of the proposed rules on the Company as a supplier of industrial heating equipment and a user of such equipment in many of its 167 plants; and

It further appearing that the public interest will be served by providing additional time to enable interested parties to submit comments and reply comments;

It is ordered, This 10th day of June 1960, pursuant to section 0.322(b) of the Commission's Statement of Delegations of Authority, That the time for filing comments in this proceeding is extended to July 15, 1960, and the time for filing reply comments is extended to July 25, 1960.

Released: June 10, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5524; Filed, June 15, 1960; 8:52 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 308, Pub. Law 85-699, 72 Stat. 694, it is proposed to amend, as set forth below, §§ 107.301-1(b), 107.302-2, 107.304-1(b), 107.305-1(b), and 107.308-7 of Part 107

of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

Part 107, Subchapter B, Title 13 of the Code of Federal Regulations governing the establishment and operation of small business investment companies chartered or licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, and to carry out the provisions of said Act, was published in the FEDERAL REGISTER of December 4, 1958 (23 F.R. 9383), and became effective upon publication in the FEDERAL REGISTER.

Prior to final adoption of the amendments set forth below, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of 20 days from the date of publication of this notice in the FEDERAL REGISTER.

The amendments under consideration change the provisions of the present § 107.301–1(b) relating to the issue of stock by eliminating the cash limitation.

The proposed amendment of § 107.302–2 will permit small business investment companies to issue stock for considerations other than cash and to grant stock options. This subject was previously published for comment in the FEDERAL REGISTER on February 20, 1960, 25 F.R. 1928.

The proposed amendment of §§ 107.304–1(b) and 107.305–1(b) emphasizes the requirement of long-term debentures and loans.

The proposed amendment of § 107.308–7 emphasizes the requirement that the paid-in capital and paid-in surplus of a Licensee shall not be voluntarily reduced below that existing at the time of the issuance of its License.

It is proposed to amend the Small Business Investment Companies Regulation as follows:

The Small Business Investment Companies Regulation (23 F.R. 9383) as amended (25 F.R. 1397, 2384, 3316) is hereby further amended by:

§ 107.301–1 [Amendment]

1. Section 107.301–1(b) is amended to read as follows:

(b) To issue a maximum number of shares of one or more types of its stock.

2. Section 107.302–2 is amended to read as follows:

§ 107.302–2 Consideration for stock of Licensee.

(a) Shares of stock of any class in a Licensee which represent the initial minimum capital required by § 107.201–5(c) shall be issued by Licensee only in consideration for the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by, the United States. Shares of stock of any class in a Licensee which represent no part of the initial minimum capital required by § 107.201–5(c) may be issued in consideration for the simultaneous payment of cash; upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by, the United States; as stock dividends; in connection with the reclassification of the stock of the Licensee; for services previously rendered to the Licensee; or for physical assets to be employed currently in the operation of the Licensee.

(b) Options upon the stock of a Licensee may be granted to an individual only upon approval of at least a majority of such Licensee's stockholders and only in lieu of salary or in payment for services actually rendered such Licensee, and only if:

(1) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option;

(2) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(3) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of such Licensee. This subparagraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option by its terms is not exercisable after the expiration of five years from the date such option is granted. For purposes of this subparagraph—

(i) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(ii) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(4) Such option by its terms is not exercisable after the expiration of ten years from the date such option is granted.

§ 107.304–1 [Amendment]

3. Section 107.304–1(b) is amended to read as follows:

(b) All such convertible debentures shall have stated maturities of not less than five years and no Licensee shall purchase convertible debentures from a small business concern if the purpose of such purchase is to furnish the small business concern with financing of less than five years' duration. All such debentures shall be callable by the issuer on any interest payment date upon three months' notice, at the face value thereof plus accrued interest thereon, and shall contain an option for the original holder or any holder in due course thereof, to convert the same into stock of the small business concern, at any time up to and including the effective date of any call thereof by the small business concern.

§ 107.305–1 [Amendment]

4. Section 107.305–1(b) is amended to read as follows:

(b) Any such loan made by a Licensee to a small business concern shall provide for a maturity of not less than five years and no Licensee shall make a loan to any small business concern if the purpose of such loan is to furnish the small business concern with financing of less than five years' duration: *Provided, however*, That loans for terms of less than five years may be made to a borrower which has previously received a long-term loan or has outstanding convertible debentures to such Licensee, when necessary to protect the interests of a Licensee in such long-term loan or outstanding convertible debentures.

§ 107.308–7 [Amendment]

5. Section 107.308–7(c) is amended to read as follows:

(c) A Licensee shall not voluntarily reduce its paid-in capital and paid-in surplus as it existed at the time of the issuance of its License, without the prior written consent of SBA, and a Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans, previously submitted to SBA in its Proposal or otherwise, without the prior written consent of SBA. Any change in the officers, directors or owners of ten or more percent of its stock, as set forth in its Proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA; and such changes shall be subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latter shall be complied with by the Licensee.

Dated: June 9, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60–5499; Filed, June 15, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[412.1]

NATURAL CAROTENE CONCENTRATE

Tariff Classification

JUNE 9, 1960.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated April 29, 1960 (25 F.R. 3766), that the existing uniform and established practice of classifying natural carotene concentrate as a drug, natural and uncompounded, not edible, not specially provided for, but advanced in condition or value, under paragraph 34, Tariff Act of 1930, with duty at the reduced rate of 5 percent ad valorem under that paragraph, as modified, was under review.

The Bureau, in a letter of June 9, 1960, addressed to the collector of customs, New York, New York, ruled that such merchandise was classifiable as a chemical compound, not specially provided for, under paragraph 5 of the tariff act and dutiable at the reduced rate of 10½ percent ad valorem under that paragraph, as modified.

Insofar as this decision results in the assessment of a duty at a rate higher than that which has been heretofore assessed under a uniform and established practice, it shall apply only with respect to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60–5512; Filed, June 15, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–163]

GENERAL DYNAMICS CORP.

Notice of Proposed Issuance of Construction Permit and Facility License

Please take notice that the Atomic Energy Commission proposes to issue a construction permit, substantially as set forth below, authorizing General Dynamics Corporation to construct a TRIGA type nuclear reactor designated by the application as the FLAIR unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by General Dynamics Corporation if it is found that construction of the reactor has been completed in compliance with the terms and conditions contained in the construction permit and that the reactor authorized has been constructed and will operate in conformity with the application and the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the Act. Upon the conversion of the construction permit to a Class 104 license, notice of issuance of said license will be published in the FEDERAL REGISTER and a period of thirty days will be provided within which a request for a formal hearing may be filed with the Commission with respect to the issuance of said license. For further details see (1) the application submitted by General Dynamics Corporation and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 10th day of June, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 1, 1960, and amendments thereto dated April 5, 1960, and May 3, 1960 (hereinafter collectively referred to as "the application"), General Dynamics Corporation requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR (hereinafter referred to as "Part 50"), authorizing construction and operation on the applicant's site at Torrey Pines Mesa, California, of a TRIGA-type nuclear reactor designated by the applicant as the FLAIR (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Part 50;

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. General Dynamics Corporation is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. General Dynamics Corporation is technically qualified to design, construct and operate the reactor;

E. General Dynamics Corporation has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public; and,

F. The issuance of a construction permit to General Dynamics Corporation will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Part 50, the Commission hereby issues a construction permit to General Dynamics Corporation to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is June 30, 1960. The latest completion date of the facility is September 1, 1960. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location near Torrey Pines Mesa, California, specified in the application.

4. Upon completion (as defined in paragraph "3A" above) of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to General Dynamics Corporation pursuant to section 104c of the Act, which license shall expire ten years after the date of its issuance.

For the Atomic Energy Commission.

[F.R. Doc. 60–5470; Filed, June 15, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LYKES BROS. STEAMSHIP CO., INC., ET AL.

Notice of Agreements for Approval

Notice is hereby given that the following described agreements have been filed

with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8459, between Lykes Bros. Steamship Co., Inc., and Kvarnerska Pomoraka Plovidba, covers the establishment and maintenance of agreed rates, charges classifications and related tariff matters in the westbound trade from Mediterranean and Adriatic ports to U.S. South Atlantic and Gulf ports.

(2) Agreement No. 8461, between Lykes Bros. Steamship Co., Inc., and The Ben Line Steamers Ltd., covers a through billing arrangement on cargo from U.S. Gulf ports to Bangkok, Thailand, with transshipment at Singapore.

(3) Agreement No. 8485, between American Mail Line Ltd., American President Lines, Ltd., and Pacific Far East Line, Inc., provides for the appointment of a coordinating committee of representatives of each of these companies, to prepare a study and make recommendations for further cooperation between the companies in order to effect economies and more efficient operations in their Trans-Pacific services.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 13, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5508; Filed, June 15, 1960; 8:50 a.m.]

Maritime Administration

TRADE ROUTE 13

Notice of Conclusions and Determinations Regarding Modification of Essentiality and United States Flag Requirements

Notice is hereby given that on June 8, 1960, the Acting Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined that passenger service between United States South Atlantic ports (North Carolina-Atlantic Coast Florida, to but not including Key West) and ports in the Mediterranean on Trade Route No. 13 by passenger vessels operating on Trade Route No. 10, is essential to the promotion, development, expansion and maintenance of the foreign commerce of the United States.

Dated: June 13, 1960.

By order of the Acting Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5509; Filed, June 15, 1960; 8:50 a.m.]

Office of the Secretary

[Dept. Order 90 (Revised), Amdt. 2]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

The material appearing at 24 F.R. 1812-1813 of March 12, 1959 and 25 F.R. 2068 of March 10, 1960 is amended as follows:

The purpose of this amendment is to reflect necessary changes in program emphasis in the organizations of the Associate Director for Physics and the Associate Director for the Boulder Laboratories respectively.

Accordingly, Amednment No. 1 of February 26, 1960 to Department Order No. 90 (Revised) is hereby superseded; and section 2.02, subsections 2, 3 and 4, is amended to read as follows:

SEC. 2. *Organization.*

* * * * *

2. Scientific divisions in Washington, D.C.:

Electricity.
Metrology.
Heat.
Radiation Physics.
Chemistry.
Mechanics.
Organic and Fibrous Materials.
Metallurgy.
Mineral Products.
Building Technology.
Applied Mathematics.
Data Processing Systems.
Atomic Physics.
Instrumentations.

3. Divisions of Boulder Laboratories:

Cryogenic Engineering.
Ionosphere Research and Propagation.
Radio Propagation Engineering.
Radio Standards.
Radio Communication and Systems.
Upper Atmosphere and Space Physics.
Administrative.

4. Technical Staff Offices:

Office of Weights and Measures.
Office of Technical Information.
National Bureau of Standards Library.

Section 7.03, The Office of Basic Instrumentation is deleted.

Section 7.04, The Office of Technical Information, and section 7.05, The National Bureau of Standards Library, are renumbered 7.03 and 7.04 respectively.

Effective date: May 29, 1960.

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-5514; Filed, June 15, 1960; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13514; FCC 60M-1019]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 13514; regulations and charges for switching and selecting equipment (common user group and dual facility arrangements) for use with channels of telephone grade furnished for the remote operation of mobile radio-telephone systems.

It is ordered, This 10th day of June 1960, that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Tuesday, June 28, 1960, in the offices of the Commission, Washington, D.C.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5515; Filed, June 15, 1960; 8:51 a.m.]

[Docket No. 13490; FCC 60M-1009]

IONIA BROADCASTING CO. (WION)

Order Continuing Hearing

In re application of Monroe MacPherson, Ionia Broadcasting Company (WION), Ionia, Michigan, Docket No. 13490, File No. BP-12445; for construction permit.

Pursuant to a Prehearing Conference held this date: *It is ordered,* This 9th day of June 1960, that hearing herein, which is presently scheduled for July 7, 1960, be, and the same is hereby, rescheduled for July 26, 1960, at 9:00 a.m. in the Commission's offices, Washington, D.C.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5516; Filed, June 15, 1960; 8:51 a.m.]

[Docket Nos. 12680, 12681; FCC 60M-1015]

KANSAS BROADCASTERS, INC., AND SALINA RADIO, INC.

Order Continuing Hearing

In re applications of Kansas Broadcasters, Inc., Salina, Kansas, Docket No. 12680, File No. BP-11527; Salina Radio, Inc., Salina, Kansas, Docket No. 12681, File No. BP-11802; for construction permits.

The Hearing Examiner having under consideration a motion filed June 9, 1960, on behalf of Kansas Broadcasters, Inc. requesting that the further hearing in the above-entitled proceeding be continued from June 15, 1960 to June 27, 1960; and

It appearing that the reason for the requested continuance is the fact that counsel for the movant has other commitments which were made in the belief that further hearing was scheduled for June 27, 1960; and

It further appearing that counsel for Salina Radio, Inc. and the Broadcast Bureau have given their consent to the continuance and to immediate action on the motion, and good cause for the requested continuance having been shown;

It is ordered, This the 10th day of June 1960, that the motion for continuance is granted and the further hearing in this proceeding now scheduled for June 15, 1960, is continued to June 27, 1960.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5517; Filed, June 15, 1960; 8:51 a.m.]

[Docket No. 13589; FCC 60-664]

MERCURY BROADCASTING

Order Designating Application for Hearing on Stated Issues

In re application of Rex O. Stevenson, Jack E. Falvey, Harry Saxe, Jr., and Robert Pommer, d/b as Mercury Broadcasting (a joint venture), Colorado Springs, Colorado, requests: 790kc, 500w, DA, Day, Docket No. 13589, File No. BP-12449; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of June 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 31, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that by amendment dated April 23, 1959, the applicant stated that it would install a second harmonic filter in order to eliminate second harmonic interference to Station KPIK, Colorado Springs, Colorado, operating on 1580 kilocycles; and

It further appearing, that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would involve objectionable interference with Stations KBRN, Brighton, Colorado and KXXX, Colby, Kansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from Station KXXX, Colby, Kansas would affect more than ten percent of the population within the normally protected primary service area of the instant proposal, in contravention of section 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Western Plains Broadcasting Company, Inc., and The Mile High Broadcasting Co., Inc., licensees of Stations KXXX and KBRN, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Mercury Broadcasting, the construction permit shall contain a condition that the permittee shall take necessary precautions to prevent second harmonic interference to Station KPIK, Colorado Springs, Colorado.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence of the issues specified in this order.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5518; Filed, June 15, 1960; 8:51 a.m.]

[Docket No. 13592]

SCHULTE FORD SALES, INC.

Order To Show Cause

In the matter of Schulte Ford Sales, Inc., 917 Ritchie Highway North, Glen Burnie, Maryland, Docket No. 13592; order to show cause why there should not be revoked the license for business radio station KGG-507.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.81 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the licensee on February 16, 1960, alleging that on January 12, 1960, the above-captioned radio station was found to be in violation of § 11.154(c)(1) of the Commission's rules in that the said station's base transmitter was then being operated by a person who did not hold a Commission authorization as required by said section; further alleging that on said January 12 the said station was found to be in violation of § 11.702(a) of the rules in that a suitable means had not been provided for receiving CONELRAD alerts as required by said section; further alleging that on said January 12 the said station was found to be in violation of § 11.108(a)(3) of the rules in that there was no record of the transmitter measurements required to be made and kept by said section; further alleging that on said January 12 the said station was found to be in violation of § 11.160(c) of the rules in that there was no record of the names of persons responsible for the operation of the base station transmitting equipment required to be made and kept by said section; further alleging that on said January 12 the said station was found to be in violation of § 11.160(b) of the rules in that there was no record of service or maintenance duties performed as required to be made and kept by said section; and

It further appearing that the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated March 25, 1960, and sent by Certified Mail—Return Receipt Requested (No. 991664), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the Licensee's agent, Ann Mobley, on March 30, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 10th day of June 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5519; Filed, June 15, 1960; 8:51 a.m.]

[Docket Nos. 13525, 13526; FCC 60M-1014]

SIMON GELLER AND ASSOCIATED ENTERPRISES

Order Scheduling Prehearing Conference

In re application of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-11667; Alan C. Tindal, Kristian Solberg, Paul Monson, and John J. Sullivan d/b as Associated Enterprises, Brockton, Massachusetts, Docket No. 13526, File No. BP-11630; for construction permit.

It is ordered, This 10th day of June 1960 that a prehearing conference, in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Monday, June 27, 1960, in the offices of the Commission, Washington, D.C.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5520; Filed, June 15, 1960; 8:51 a.m.]

[Docket No. 13591; FCC 60-666]

STORER BROADCASTING CO. (WWVA-FM)

Order Designating Application for Hearing on Stated Issues

In re application of Storer Broadcasting Company (WWVA-FM), Wheeling, West Virginia, has: 98.7 Mc, #254; 7.4 kw; 470 ft., req.: 98.7 Mc, #254; 23.17 kw; 473.6 ft., Docket No. 13591, File No. BPH-2956; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of June 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that on the basis of information now before us, the instant applicant is legally, technically, financially and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, by letter dated April 21, 1960, and incorporated herein by reference, notified the instant applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant and requiring an evidentiary hearing on the particular issues as hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contour which may be expected to gain or lose service from the proposed operation of WWVA-FM and the availability of other such FM broadcast service to such area and population.

2. To determine whether the instant proposal of WWVA-FM would involve objectionable interference with Station WKBN-FM, Youngstown, Ohio, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service to such areas and populations.

3. To determine in the light of the evidence adduced, pursuant to the foregoing issues, whether the instant application should be granted.

It is further ordered, That the WKBN Broadcasting Corporation, licensee of Station WKBN-FM, Youngstown, Ohio, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5521; Filed, June 15, 1960; 8:51 a.m.]

[Docket No. 13070; FCC 60M-1012]

UNITED BROADCASTING CO., INC.

Order Scheduling Hearing

In re application of United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13070, File No. BP-13103; for construction permit.

The Hearing Examiner having under consideration agreement of parties with reference to the scheduling of hearing herein;

It is ordered, This 10th day of June 1960, that a hearing is scheduled for June 28, 1960, at 9:15 a.m.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5522; Filed, June 15, 1960; 8:52 a.m.]

[Docket No. 13503; FCC 60M-1011]

KENNETH F. WARREN

Order Advancing Hearing

In re application of Kenneth F. Warren, Monterey, California, Docket No. 13503, File No. BPH-2867; for construction permit (FM).

It is ordered, This 10th day of June 1960, with the consent of all interested parties, that hearing in the above-entitled proceeding which, by order released May 12, 1960 (FCC 60M-828; Mimeo. No. 88540), was scheduled for July 13, 1960, is hereby advanced to July 6, 1960.

Released: June 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5523; Filed, June 15, 1960; 8:52 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

FEDERAL POWER COMMISSION

[Docket No. CP60-78]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

JUNE 6, 1960.

Take notice that on April 5, 1960, Alabama-Tennessee Natural Gas Company (Applicant), filed an application, as supplemented on April 29, 1960, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate sales metering facilities on its 6⅝ inch pipeline near the Tennessee River Pulp and Paper plant in order to deliver up to an estimated 105 Mcf per day to Hardin County Gas Company (Hardin), a proposed new customer, for resale in the community of Counce, Tennessee.

The application recites that the 6⅝ inch pipeline is now under construction, pursuant to the authorization granted in Docket No. G-19974, which pipeline will be utilized to deliver up to 7,500 Mcf per day on an interruptible basis directly to the Tennessee River Pulp and Paper plant at Counce, Tennessee.

Hardin will construct and operate the connecting pipeline and a distribution system in the town which will cost approximately $16,000. Hardin is a subsidiary of Muscle Shoals Natural Gas Company, a customer of Applicant, serving a number of towns in Alabama.

Applicant estimates the total cost of its proposed construction at $840 to be defrayed from cash on hand.

The application shows that, based on Muscle Shoals' experience in nearby communities, the gas requirements for service in the community of Counce, Tennessee, for the first three years of operation are estimated as follows:

Year	Volumes in Mcf per day	Annual
First	50	4,300
Second	75	6,800
Third	105	8,600

Hardin will finance its project by the sale of 11,000 shares of its common stock to Muscle Shoals and from funds borrowed from Muscle Shoals as needed at an interest rate of 6 percent. The application indicates Muscle Shoals could provide the $16,000 required by Hardin.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 14, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5476; Filed, June 15, 1960; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Notice of Filing of Montana Protraction Diagrams

JUNE 7, 1960.

Notice is hereby given that, effective with this publication, the following protraction diagrams are officially filed of record in the Montana Land Office, 1245 North 29th Street, Billings, Montana. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) and amendments of Parts 188, 193, 195, 196, 198, 199 and 200 of Title 43, Code of Federal Regulations, as published in 25 F.R. 2797 (April 2, 1960) (Circular 2040), these protractions will become the basic record for the description of land in applications and offers for mineral leases and permits filed at and after 10:00 a.m. on the thirty-first day after publication of this notice. These protractions will also become the basic record for the description of lands in applications for all other authorized uses at the above-specified time.

PRINCIPAL MERIDIAN, MONTANA

Unsurveyed sections in:
T. 3 S., Rs. 10, 11 and 12 E.,
T. 4 S., R. 10 E.,
T. 5 S., Rs. 10, 15 and 16 E.,
T. 6 S., Rs. 3, 10, 25, 26, 27 and 30 E.,
T. 7 S., Rs. 2, 4, 8, 29 and 31 E.,
T. 8 S., Rs. 7, 14, 26, 29 and 32 E.,
T. 9 S., Rs. 2, 4, 5, 6, 7, 8, 9, 14, 20, 28 and 32 E.,
Ts. 11, 12, 13, 14 and 15 S., R. 5 E.

Unsurveyed townships:
T. 3 S., Rs. 14 and 15 E.,
T. 4 S., Rs. 11, 12, 13 and 14 E.,
T. 5 S., Rs. 3, 11, 12, 13 and 14 E.,
T. 6 S., Rs. 11, 12, 13, 14, 15 and 16 E.,
T. 7 S., Rs. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 26, 27 and 30 E.,
T. 8 S., Rs. 9, 10, 11, 12, 13, 15, 16, 17, 18, 27, 30 and 31 E.,
T. 9 S., Rs. 10, 11, 12, 13, 16, 17, 18, 19, 29, 30 and 31 E.,
T. 10 S., Rs. 2, 3, 4 and 5 E.

Copies of these diagrams are for sale at One Dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

GEORGE L. TURCOTT,
State Supervisor.

[F.R. Doc. 60-5503; Filed, June 15, 1960; 8:49 a.m.]

IDAHO

Redelegations of Authority to Specified Classes of Employees

JUNE 10, 1960.

Pursuant to authority of Departmental Order 2583, as amended, and Order No. 541, of the Director of the Bureau of Land Management, as amended, the following redelegations of authority are made, to become effective immediately upon publication of this notice in the FEDERAL REGISTER. The authority delegated herein, may not be redelegated.

PART I—GOVERNMENT CONTESTS

SECTION 1. The State Lands and Minerals Staff Officer may initiate Government Contests against claims asserted to public lands and take all necessary actions involving the prosecution of such contests except the presentation of the Government's case at the hearings.

PART II—CLASSIFICATION AND WITHDRAWALS

SECTION 1. The State Lands and Minerals Staff Officer may take all actions authorized by section 2.5 of Order 541 of the Director of Bureau of Land Management.

PART III—MINERALS

SECTION 1. The State Lands and Minerals Staff Officer may take all actions authorized by section 2.6 of Order 541 of the Director of Bureau of Land Management.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 60-5478; Filed, June 15, 1960; 8:46 a.m.]

NEVADA

Order Providing for Opening of Public Lands

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN

[Nevada 053332]

T. 26 N., R. 19 E.,
Sec. 4, W½;
Sec. 8, SE¼.
T. 28 N., R. 19 E.,
Sec. 12, NW¼NW¼;
Sec. 13, NE¼SW¼.
T. 44 N., R. 19 E.,
Sec. 20, S½NE¼, S½NW¼, NW¼NE¼, NE¼NW¼.

[Nevada 048171]

T. 43 N., R. 20 E.,
Sec. 25, SW¼SE¼;
Sec. 36, W½NE¼, NE¼NE¼.
T. 43 N., R. 21 E.,
Sec. 17, W½SE¼, E½SW¼, SE¼NW¼, SW¼NE¼;
Sec. 18, Lot 2;
Sec. 20, Lots 1, 2, 3, 4, 5, 6, W½NE¼, SE¼NE¼, E½NW¼, NW¼SW¼;
Sec. 21, Lot 4;
Sec. 26, S½SW¼;
Sec. 27, SE¼, E½SW¼, NW¼SW¼;
Sec. 28, SW¼ SW¼NW¼, N½SE¼, SE¼NE¼, Lots 1, 2, 3 and 4;
Sec. 29, Lot 1, SE¼NE¼;
Sec. 30, Lot 5;
Sec. 31, Lots 5 and 6, SE¼NW¼, SW¼NE¼;
Sec. 32, Lots 3 and 4, SW¼NE¼;
Sec. 34, W½NE¼.

[Nevada 053342, 054327]

T. 31 N., R. 31 E.,
Sec. 1;
Sec. 3;
Sec. 5, N½, N½NW¼SW¼.

[Nevada 053333, 053334, 053342]

T. 32 N., R. 32 E.,
Sec. 5, E½SW¼SE¼, SE¼SE¼;
Sec. 7;
Sec. 9;
Sec. 15, W½SE¼NE¼NE¼, W½NE¼NE¼SE¼, W½E½E½, W½E½, W½;
Sec. 17;
Sec. 19;
Sec. 21;
Sec. 25, NE¼, E½NW¼, NW¼NW¼, SE¼SW¼NW¼, N½SW¼NW¼, NE¼SW¼SW¼NW¼, NE¼NW¼SW¼, E½SE¼NW¼SW¼, NE¼SW¼, SE¼NW¼NW¼SW¼, NE¼SW¼NW¼SW¼, NE¼NE¼SE¼SW¼, N½N½SW¼SE¼, SW¼NW¼SW¼SE¼, SE¼SE¼SE¼SE¼, N½SE¼, N½SE¼SE¼SE¼, NE¼SE¼SE¼;
Sec. 27;
Sec. 29;
Sec. 31;
Sec. 33;
Sec. 35, NW¼SW¼NW¼NE¼, S½SW¼NW¼NE¼, W½SW¼NE¼, SW¼NE¼SW¼NE¼, W½SE¼SW¼NE¼, N½NW¼NE¼NW¼, SW¼NW¼NE¼NW¼, NW¼SW¼NE¼NW¼, NE¼SE¼NE¼NW¼, S½S½NE¼NW¼, W½NW¼, SE¼NW¼, S½N½NE¼SE¼, S½NE¼SE¼, SW¼, NW¼NE¼NW¼SE¼, S½NE¼NW¼SE¼, NW¼NW¼SE¼, S½NW¼SE¼, SW¼SE¼, W½NE¼SE¼SE¼, NW¼SE¼SE¼, S½SE¼SE¼.

[Nevada 053337]

T. 43 N., R. 37 E.,
Sec. 18, E½NW¼, E½SW¼, Lot 4;
Sec. 30, Lots 1, 2, 3 and 4.

[Nevada 054328]

T. 14 N., R. 70 E.,
Sec. 22, SW¼.

The above tracts aggregate 12,388.72 acres more or less.

2. The conveyances to the United States included the minerals in the following described lands only:

MOUNT DIABLO MERIDIAN

T. 26 N., R. 19 E.,
Sec. 4, W½;
Sec. 8, SE¼.
T. 28 N., R. 19 E.,
Sec. 12, NW¼NW¼;
Sec. 13, NE¼SW¼.
T. 44 N., R. 19 E.,
Sec. 20, S½NE¼, S½NW¼, NW¼NE¼, NE¼NW¼.
T. 43 N., R. 20 E.,
Sec. 25, SW¼SE¼;
Sec. 36, W½NE¼, NE¼NE¼.
T. 43 N., R. 21 E.,
Sec. 17, W½SE¼, E½SW¼, SE¼NW¼, SW¼NE¼;
Sec. 18, Lot 2;
Sec. 20, Lots 1, 2, 3, 4, 5, 6, W½NE¼, SE¼NE¼, E½NW¼, NW¼SW¼;
Sec. 21, Lot 4;
Sec. 26, S½SW¼;
Sec. 27, SE¼, E½SW¼, NW¼SW¼;
Sec. 28, SW¼ SW¼NW¼, N½SE¼, SE¼NE¼, Lots 1, 2, 3, and 4;
Sec. 29, Lot 1, SE¼NE¼;
Sec. 30, Lot 5;
Sec. 31, Lots 5 and 6, SE¼NW¼, SW¼NE¼;
Sec. 32, Lots 3 and 4, SW¼NE¼;
Sec. 34, W½NE¼.
T. 43 N., R. 37 E.,
Sec. 19, E½NW¼, E½SW¼, Lot 4;
Sec. 30, Lots 1, 2, 3 and 4.
T. 14 N., R. 70 E.,
Sec. 22, SW¼.

3. The land in T. 26 N., R. 19 E., is located a few miles south of Flanigan, Nevada, at an elevation of approximately 4,200 feet above sea level and is accessible by ranch roads. The climate is arid with an average annual precipitation of about 6 inches. The soil is impregnated with alkali and supports a sparse growth of greasewood, shadscale, sagebrush and annual weeds and grasses. The land does not appear to be of value for agricultural development.

4. The land in T. 28 N., R. 19 E., is approximately 10 miles northeast of Flanigan, Nevada, and is not accessible by vehicle. The land is level with sandy loam soil, alkaline in character, covered with dry native brush and cheatwood vegetation and has no potential value for agricultural development. Elevation is 4,500 feet above sea level.

5. The land in T. 44 N., R. 19 E., is approximately 22 miles northeast of Cedarville, California, and is accessible by a graveled county road. Topography is level to rolling with sandy loam soil covered with dry native vegetation. Elevation is approximately 5,900 feet above sea level. Agricultural development of the area does not appear feasible.

6. The lands in T. 43 N., R's. 20 and 21 E., are approximately 30 miles east of Cedarville, California, and are accessible by a dirt road branching from Nevada Highway 8A. The land is level to rolling with sandy loam soil covered with dry native sagebrush and has no apparent agricultural value.

7. The lands in T's. 31 and 32 N., R's. 31 and 32 E., lie west of Rye Patch Reservoir in Winnemucca Grazing District No. 2. Access to the area is gained over a graveled road which leaves Nevada State Highway 40, one mile southwest of Imlay, Nevada. The topography is level to rolling. The soil varies from stony and gravelly to sandy loam and supports greasewood, shadscale, hop sage, rabbitbrush, big sage and annual grasses and has no potential value for agricultural development. Elevation is approximately 4,500 feet above sea level.

8. The land in T. 43 N., R. 37 E., is situated west of Orovada, Nevada, and is accessible by an improved graded road. The topography is level to rolling. Vegetation consists of sagebrush and native grasses with no apparent agricultural value. Elevation is 4,500 feet above sea level.

9. The land in T. 14 N., R. 70 E., is located a few miles northeast of Baker, Nevada, approximately on the Utah, Nevada State Line. The area occupies a portion of the broad valley between the Snake Range on the west and the Confusion Range of Utah on the east. The vegetation consists mainly of shadscale, white sage, desert grasses and weeds.

10. No application for these restored lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

11. Pursuant to the authority delegated to me by Order No. 541, section 3.5 of the Director, Bureau of Land Management, of April 21, 1954, the lands described in paragraph 1, subject to valid existing rights and the requirements of applicable law, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections and locations in accordance with the following:

(1) Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(a) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(b) All valid applications and selections under the nonmineral public land laws for lands listed in paragraphs 1 and 2 and applications and offers under the mineral leasing laws for lands listed in paragraph 2 presented prior to 10:00 a.m. on July 14, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, selections and offers filed after that hour will be governed by the time of filing.

(2) The lands listed in paragraph 2 will be open to location under the United States mining laws, beginning at 10:00 a.m. on July 14, 1960.

12. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

13. Inquiries concerning the restored lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1551, Reno, Nevada.

JAMES E. KEOGH, JR.,
Manager, Land Office.

JUNE 8, 1960.

[F.R. Doc. 60-5479; Filed, June 15, 1960; 8:46 a.m.]

Office of the Secretary

RALPH F. BOVIER

Report of Appointment and Statement of Financial Interests

MAY 23, 1960.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Ralph F. Bovier.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Alternate Deputy Director, Defense Electric Power Area 3.

The name of the appointee's private employer or employers: Pennsylvania Electric Co., Johnstown, Pa.

The statement of financial interests for the above appointee is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporatons of which I am, or had been within 60 days preceding my appointment, on May 23, 1960, as Alternate Deputy Director, Defense Electric Power Area 3, Department of the Interior, an officer or director:

Pennsylvania Electric Co., Vice President.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

General Public Utilities Corp.
Investors Mutual Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

RALPH F. BOVIER.

JUNE 6, 1960.

[F.R. Doc. 60-5490; Filed, June 15, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1616]

ALUMINUM TOP SHINGLE CORP.

Notice and Order for Hearing

JUNE 10, 1960.

I. Aluminum Top Shingle Corporation (issuer), an Oregon corporation, 245 S.W. 133rd Avenue, Beaverton, Oregon, filed with the Commission on June 9, 1958, a notification on Form 1-A and an offering circular relating to an offering of 150,000 shares of common stock, par value $1, for an aggregate amount of $150,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on April 27, 1960, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing, pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

It is hereby ordered, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held in the Conference Room, First Floor, Washington Building, 1216 Southwest Washington Street, Portland, Oregon, at 10:00 a.m. on June 20, 1960, with respect to the following matters, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to file sales material with the Commission as required by Rule 258 of the general rules and regulations under the Securities Act of 1933;

2. An offering circular has not been delivered to all purchasers of the stock of the issuer as required by Rule 256(a);

3. An offering circular was used which was in violation of Rule 256(e), particularly with respect to the financial information contained therein and the failure to disclose the excessive costs incurred in selling the issuer's stock.

B. Whether the offering circular, as revised, and other material filed therewith contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. Inaccurate and unreliable financial statements;

2. The status of the issuer's pending patents;

3. The failure to disclose the excessive costs of selling the securities and the inclusion of inaccurate amounts for such costs on the cover page and in the use of proceeds.

C. Whether the sales literature used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The statement that the issuer has definitely "gone into the black" for 1959;

2. The statement that the issuer has had a large percentage of increase in sales;

3. The statement that the issuer has indisputably the best aluminum shingle on the market.

D. Whether the offering is being and would be made in violation of Section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, That James Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Aluminum Top Shingle Corporation; that notice of the entering of this order should be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before June 18, 1960 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5491; Filed, June 15, 1960; 8:47 a.m.]

[File No. 24NY-4828]

HERMETIC SEAL CORP.

Notice and Order for Hearing

JUNE 10, 1960.

I. Hermetic Seal Corporation (issuer), a New Jersey Corporation, South Sixth Street, Newark, New Jersey, filed with the Commission on March 9, 1960 a notification on Form 1-A and an offering circular relating to the proposed public offering

of 100,000 shares of its 10 cents par value common stock or $300,000 in the aggregate for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission on April 25, 1960 issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at the New York Office of the Commission, 23d Floor, 225 Broadway, New York 7, New York at 10:00 a.m., d.s.t., August 8, 1960 with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement that the offering price was $3 per share, when numerous shares which were part of the offering were sold at prices in excess thereof;

2. The failure to disclose that the distribution would be made in part through persons related to and associated with the underwriters, other members of the selling group, broker-dealers and management of the issuer;

3. The failure to disclose that Henry Sankuhl's shares were issued to him at a discount for services;

4. The failure to disclose material facts relating to the prospective acquisition of O.K. Electronics Corp. and Thermal Relay Corp.;

5. The failure to disclose accurately the proposed use of proceeds.

B. Whether the sales literature used by the issuer contains the untrue statement of material fact that there was a registration statement in effect with regard to the securities offered.

C. Whether no exemption is available under this regulation for the securities purported to be offered hereunder in that the aggregate amount at which such issue was offered to the public exceeded $300,000.

D. Whether the terms and conditions of Regulation A have not been complied with in that:

1. An offering circular was not furnished to certain purchasers pursuant to Rule 256 in connection with sales made pursuant to this offering;

2. Securities which were part of the offering were sold to persons in states which were not listed in Item 8 of Form 1–A as jurisdictions in which securities were proposed to be offered through underwriters, dealers or salesmen;

3. A written communication sent to more than ten (10) persons was not filed with the Commission pursuant to Rule 258;

4. The issuer filed a purported final report stating that the distribution was completed at a time when the distribution was not yet completed.

III. *It is further ordered*, That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Hermetic Seal Corporation; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before August 6, 1960 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5493; Filed, June 15, 1960; 8:47 a.m.]

[File No. 1–4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

JUNE 10, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 11, 1960, to June 20, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5492; Filed, June 15, 1960; 8:47 a.m.]

[File No. 812–1306]

NAESS & THOMAS SPECIAL FUND, INC.

Notice of Filing of Application for Exemption

JUNE 9, 1960.

Notice is hereby given that Naess & Thomas Special Fund, Inc. ("Fund"), a registered open-end nondiversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting the Fund from the provisions of sections 15(a), 16(a) and 32(a) of the Act.

The Fund was organized on December 21, 1959, under the laws of the State of Maryland. The Fund registered on February 19, 1960, under the Act and has filed a registration statement under the Securities Act of 1933 covering 1,000,000 shares of its Capital Stock, par value $1 per share, and proposes to make a public offering of such shares as soon as practicable after its registration statement under the Securities Act of 1933 becomes effective. Prior to beginning operation as an investment company, the Fund proposes to enter into an investment advisory contract with Naess & Thomas, investment counselors. The date of the first annual meeting of stockholders of the Fund is fixed by its by-laws as February 20, 1961, and it is proposed to take appropriate stockholder action at that time with respect to an investment advisory contract, the election of directors, and the selection of the Fund's independent public accountants.

The Fund requests an order of the Commission under section 6(c) of the Act exempting the Fund from the provisions of sections 15(a), 16(a) and 32(a) of the Act so that the Fund may operate for a limited period without stockholder approval of an investment advisory contract, without stockholder election of directors, and without stockholder approval of the selection of independent public accountants as required, respectively, by those sections of the Act, until stockholder approval can be obtained following the public offering of its capital stock.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 23, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5494; Filed, June 15, 1960; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 281]

OKLAHOMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County. Latimer (Flood occurring on or about May 18, 1960).

Offices. Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Bankers Service Life Building, Room 312, 114 North Broadway, Oklahoma City 2, Okla.

2. A temporary field office will be established at Wilburton, Oklahoma, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1960.

Dated: June 2, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60–5495; Filed, June 15, 1960; 8:48 a.m.]

PRODUCTION RESEARCH ENGINEERING POOL CORPORATION

Notice of Additional Small Business Concerns Accepting Requests To Participate in a Small Business Defense Production Pool

Pursuant to section 11 of the Small Business Act (P.L. 85–536), the names of the following small business concerns are herewith published. These small business concerns accepted the request to participate in the operations of the Production Research Engineering Pool Corporation. The original list of applicants was published in the FEDERAL REGISTER (24 F.R. 9251, November 13, 1959).

Elliott Engineering Co., Inc., Lynwood, Calif.

Lowe and Lowe, Sherman Oaks, Calif.

Dated: June 10, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60–5496; Filed, June 15, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 13, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36318: *Wheat—Between points in Arkansas and Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B–7827), for interested rail carriers. Rates on wheat, in carloads between points in Arkansas and Missouri, also between points in Arkansas and Missouri, on the one hand, and Memphis, Tenn., on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 79 and 34 to Southwestern Freight Bureau tariffs, I.C.C. 4241 and 4144, respectively. Supplement 14 to Western Trunk Line Tariff I.C.C. A–4235.

FSA No. 36319: *Cement—Tulsa, Okla., to Southwestern and WTL Territories.* Filed by Southwestern Freight Bureau, Agent (No. B–7826), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application from Tulsa, Okla., to points in southwestern territory, and western trunk-line territories.

Grounds for relief: Truck competition.

Tariff: Supplement 34 to Southwestern Freight Bureau tariff I.C.C. 4325.

FSA No. 36320: *Coal, Ky., Va., and W. Va., mines to North and South Carolina.* Filed by O. W. South, Jr., Agent (SFA No. A3965), for interested rail carriers. Rates on coal, in carloads from Kentucky, southwest Virginia and West Virginia mine groups, as described in the application to specified points in North and South Carolina.

Grounds for relief: Restore origin rate relationship.

Tariff: Supplement 17 to Chesapeake & Ohio Ry. tariff I.C.C. 13590.

FSA No. 36321: *Petroleum products—Oak Point, La., to official territory.* Filed by Southwestern Freight Bureau, Agent (No. B–7828), for interested rail carriers. Rates on petroleum and petroleum products, in carloads and tank-car loads from Oak Point, La., to points in official territory.

Grounds for relief: Grouping.

Tariff: Supplement 213 to Southwestern Freight Bureau tariff I.C.C. 4150.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–5505; Filed, June 15, 1960; 8:49 a.m.]

[Rev. S.O. 562, Amdt. 1 to Taylor's I.C.C. Order 116]

ARKANSAS & OZARKS RAILWAY CORP.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 116 (Arkansas & Ozarks Railway Corporation) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 116 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., July 15, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 13, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 9, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60–5506; Filed, June 15, 1960; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishments are licensed as of April 15, 1960, for the production of the biological products set forth under each establishment. Such licenses are effective until suspended or revoked in accordance with such Act and regulations.

This notice will be amended from time to time in the FEDERAL REGISTER to indicate any suspensions or revocations of licenses as well as the licensing of additional establishments and products.

Part I. Establishments Arranged by License Number Showing the Products for Which Each Establishment Is Licensed

LICENSED ESTABLISHMENTS

License No. 1—Parke, Davis & Co., Detroit, Mich.

1. Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Dysentery Antitoxin, Shiga.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Blood and Blood Derivatives

Histamine Azoprotein.
Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

3. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Phosphate Adsorbed.
Typhoid and Paratyphoid Vaccine.
Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency."

4. Bacterial Antigens

Six polyvalent bacterial antigens with "No U.S. Standard of Potency."

5. Modified Bacterial Antigens

Two polyvalent modified bacterial antigens with "No U.S. Standard of Potency."

6. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

7. Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

8. Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.

9. Diagnostic Substances for Dermal Tests

Blastomycin.
Diphtheria Toxin for Schick Test.
Histoplasmin.
Tuberculin, Old.
Tuberculin, Purified Protein Derivative.

10. Diagnostic Substances for Laboratory Tests

Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.
Influenza Virus Hemagglutinating Antigen.

11. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.

12. Trivalent Organic Arsenicals

Oxophenarsine Hydrochloride.

License No. 2—Merck Sharp & Dohme, Division of Merck & Co., Inc., Philadelphia, Pa.

1. Antitoxins

Tetanus Antitoxin.

2. Therapeutic Immune Serums

Antibrucella Serum.
Anti-Rocky Mountain Spotted Fever Serum.
Antitularemic Serum.

3. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Fibrinogen (Human).
Human Blood Cells.
Immune Serum Globulin (Human).
Normal Bovine Serum.
Normal Horse Serum.
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U.S. Standard of Potency".

5. Sensitized Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Six polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency".

6. Bacterial Antigens

Bacterial Antigen with Antihistaminic.
Three polyvalent bacterial antigens with "No U. S. Standard of Potency".

7. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Protamine Precipitated.
Staphylococcus Toxoid.
Tetanus Toxoid.

8. Multiple Antigen Preparations

Diptheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

9. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

10. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Purified Protein Derivative.

11. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

12. Allergenic Extracts

Poison Ivy Extract.
Poison Oak Extract.

13. Miscellaneous

Antivenin (*Latrodectus mactans*).
Bee Venom.
Blood Group Specific Substances A and B.

License No. 8—Cutter Laboratories, Berkeley, Calif.

1. Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.

Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Pertussis Immune Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).
Thrombin.

3. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Hydroxide Adsorbed.
Plague Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U. S. Standard of Potency."

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria Toxoid and Pertussis Vaccine Combined.
Tetanus Toxoid and Pertussis Vaccine Combined.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).

6. Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern).
Equine Encephalomyelitis Vaccine (Western).
Poliomyelitis Vaccine.
Smallpox Vaccine.

7. Diagnostic Substances for Dermal Tests

Coccidioidin.
Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

8. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

9. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.

License No. 11—Institut Pasteur, Paris, France

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Typhoid Vaccine.

3. Toxoids and Toxins for Immunization

Staphylococcus Toxoid.

License No. 14—New York City Department of Health, Bureau of Laboratories, New York, N.Y.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Blood and Blood Derivatives

Normal Horse Serum.

3. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.

5. Viral and Rickettsial Vaccines

Smallpox Vaccine.

6. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

7. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Human Serum.

License No. 17—Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y.

1. Antitoxins

B. histolyticus Antitoxin.
B. oedematiens Antitoxin.
B. sordellii Antitoxin.
Botulism Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Therapeutic Immune Serums

Antirabies Serum.

3. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid and Paratyphoid Vaccine.
Four polyvalent bacterial vaccines with "No U.S. Standard of Potency."

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.

7. Viral and Rickettsial Vaccines

Encephalitis Vaccine, Herpes "F" Strain.
Influenza Virus Vaccine.
Mumps Vaccine.
Q Fever Vaccine.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).

8. Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.
Scarlet Fever Streptococcus Toxin for Dick Test.
Tuberculin, Old.
Tuberculin, Patch Test.

9. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

10. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Trichinella Extract.

11. Miscellaneous

Streptokinase—Streptodornase.

License No. 30—Sherman Laboratories, Detroit, Mich.

1. Bacterial Vaccines

Pertussis Vaccine.
Eighteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

2. Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

3. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Poison Oak Extracts Combined.

License No. 43—Abbott Laboratories, North Chicago, Ill.

1. Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

2. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 51—The Upjohn Company, Kalamazoo, Mich.

1. Blood and Blood Derivatives

Thrombin.

License No. 52—E. R. Squibb & Sons, Division of Olin Mathieson Chemical Corp., Biological Laboratories, New Brunswick, N.J.

1. Blood and Blood Derivatives

Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).

2. Multiple Antigen Preparations

Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

3. Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.

License No. 56—Eli Lilly and Company, Indianapolis, Ind.

1. Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Bacterial Vaccine made from Partially Autolyzed Pneumococci.
Seven polyvalent bacterial vaccines with "No U.S. Standard of Potency".

3. Bacterial Antigens

Thirteen polyvalent bacterial antigens with "No U.S. Standard of Potency".

4. Toxoids and Toxins for Immunization

Tetanus Toxoid.

5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

6. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Mumps Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

7. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Mumps Skin Test Antigen.
Tuberculin, Old.

8. Allergenic Extracts

Allergenic Extracts.

License No. 64—Massachusetts Public Health Biologic Laboratories, Boston, Mass.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

3. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

4. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Tetanus Toxoid.

5. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alumigum Phosphate Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.

6. Viral and Rickettsial Vaccines

Smallpox Vaccine.

7. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 73—Connaught Medical Research Laboratories, University of Toronto, Toronto, Canada

1. Antitoxins

Diphtheria Antitoxin.
Staphylococcus Antitoxin.
Tetanus Antitoxin.

2. Blood and Blood Derivatives

Normal Serum Albumin.

3. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

License No. 84—Terrell's Laboratories, Fort Worth, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 91—Hollister-Stier Laboratories, Spokane, Wash.; Chicago, Ill.; Philadelphia, Pa.; Los Angeles, Calif.; and Atlanta, Ga.

1. Bacterial Vaccines

Two polyvalent bacterial vaccines with "No U.S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.

License No. 99—Division of Laboratories, Michigan Department of Health, Lansing, Mich.

1. Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

2. Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum.
Antipneumococcic Serum.

3. Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Citrated Whole Blood (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Horse Serum.
Normal Human Plasma.
Normal Rabbit Serum.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Resuspended Red Blood Cells (Human).

4. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

7. Viral and Rickettsial Vaccines

Rabies Vaccine.
Smallpox Vaccine.

8. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Schick Test Control.
Tuberculin, Old.

9. Diagnostic Substances for Laboratory Tests

Pneumococcus Typing Serum.

License No. 101—The National Drug Company, Philadelphia, Pa.

1. Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

2. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Fourteen polyvalent vaccines with "No U.S. Standard of Potency".

3. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Streptococcus Erythrogenic Toxin.
Tetanus Toxoid.

4. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Staphylococcus Toxoid—Bacterial Vaccine made from Staphylococcus (Aureus).
Staphylococcus Toxoid—Streptococcus Toxin—Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus Hemophilus Influenzae.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

5. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).
Yellow Fever Vaccine.

6. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.

7. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 102—Mulford Colloid Laboratories, Philadelphia, Pa.

1. Allergenic Extracts

Poison Ivy Extract.
Poison Oak Extract.
Tincture Poison Ivy.

License No. 103—Allergy Laboratories, Oklahoma City, Okla.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 105—C. F. Kirk Co., New York, N.Y.

1. Bacterial Vaccines

Typhoid Vaccine.
Five polyvalent bacterial vaccines with "No U.S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts.
Poison Ivy Extract Alum Precipitated.

License No. 107—Porro Biological Laboratories, Tacoma, Wash.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 108—Laboratoire du Bacteriophage, Paris, France

1. Bacterial Antigens

Fifteen bacterial antigens with "No U.S. Standard of Potency".

License No. 110—Pitman-Moore Company, Division Allied Laboratories, Inc., Zionsville, Ind.

1. Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

2. Therapeutic Immune Serums

Antierysipeloid Serum.

3. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

4. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Thirteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

5. Bacterial Antigens

Five bacterial antigens with "No U.S. Standard of Potency".

6. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

7. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

8. Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern)
Equine Encephalomyelitis Vaccine (Western).
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Typhus Vaccine.

9. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

10. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Ivy-Poison Oak Extract.
Poison Oak Extract.

License No. 111—William S. Merrell Co., Cincinnati, Ohio

1. Bacterial Vaccines

One polyvalent bacterial vaccine with "No U.S. Standard of Potency".

License No. 113—Michael Reese Research Foundation, Chicago, Ill.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum
Anti-Rh Typing Serums:
Anti Rh_o (Anti-D).
Anti-Rh_o' (Anti-CD).
Anti-Rh_o'' (Anti-DE).
Anti-Rh_o rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

4. Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.
Blood Group Specific Substances A and B.

License No. 119—Barry Laboratories, Inc., Detroit, Mich.

1. Bacterial Vaccines

Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency".

2. Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Ivy-Oak-Sumac Extracts Combined.
Poison Sumac Extract.

License No. 120—Bureau of Biologic Products, Illinois Department of Public Health, Division of Laboratories, Chicago, Ill.

1. Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

2. Toxoids and Toxins for Immunization

Diphtheria Toxoid.

3. Multiple Antigen Preparations

Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

4. Viral and Rickettsial Vaccines

Rabies Vaccine.

5. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 125—Hynson, Westcott & Dunning, Baltimore, Md.

1. Miscellaneous

Cobra Venom Solution.
Cobra Venom with Silicic and Formic Acids.

License No. 129—Wellcome Research Laboratories, Beckenham, Kent, England

1. Miscellaneous

Streptokinase-Streptodornase.
Russell Viper Venom.

License No. 135—Myers Laboratories, Inc., Warren, Pa.

1. Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency."

License No. 139—Philadelphia Serum Exchange, Philadelphia, Pa.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Serum.
Poliomyelitis Immune Globulin (Human).
Single Donor Plasma (Human).

3. Diagnostic Substances for Dermal Tests

Mumps Skin Test Antigen.

4. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-Rh$_o$'' (Anti-DE).
  Anti-Rh$_o$ rh' rh'' (Anti-CDE).
  Anti-rh' (Anti-C)
  Anti-rh'' (Anti-E).
  Anti-hr' (Anti-c).
  Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-Human Serum.

License No. 140—Hyland Laboratories, Los Angeles, Calif.

1. Therapeutic Immune Serums

Antimumps Serum.
Antipertussis Serum.

2. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Packed Red Blood Cells (Human).
Pertussis Immune Globulin (Human).
Poliomyelitis Immune Globulin (Human).
Resuspended Red Blood Cells (Human).

3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-Rh$_o$'' (Anti-DE).
  Anti-Rh$_o$ rh' rh'' (Anti-CDE).
  Anti-rh' (Anti-C).
  Anti-rh'' (Anti-E).
  Anti-hr' (Anti-c).
  Anti-hr'' (Anti-e).
  Anti-rh^v (Anti-C^v).
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.
Haemophilus influenzae Typing Serum.

License No. 144—Wyeth Laboratories, Inc., Marietta, Pa.

1. Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

2. Therapeutic Immune Serums

Antipertussis Serum.

3. Blood and Blood Derivatives

Normal Horse Serum.

4. Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

5. Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

6. Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

7. Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Poliomyelitis Vaccine.
Smallpox Vaccine.

8. Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Old.

9. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Oak-Sumac Extracts Combined.

10. Miscellaneous

Antivenin (Crotalidae) Polyvalent.

License No. 147—Endo Laboratories, Inc., Richmond Hill, N.Y.

1. Allergenic Extracts

Allergenic Extracts (including miscellaneous substances).

License No. 149—Armour Pharmaceutical Company, Division of Armour and Company of Chicago, Illinois, Kankakee, Ill.

1. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

License No. 152—Gotham Pharmaceutical Co., Brooklyn, N.Y.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 154—John Elliott Blood Bank of Dade County, Inc., Miami, Fla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 155—Wiener Serum Laboratory, Brooklyn, N.Y.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-Rh$_o$'' (Anti-DE).
  Anti-rh' (Anti-C).
  Anti-rh'' (Anti-E).
  Anti-hr' (Anti-c).
  Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-rh^v and Anti-K Serum (Anti-(C^v+Kell)).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 156—Ortho Pharmaceutical Corporation, Raritan, N.J.

1. Blood and Blood Derivatives

Fibrinogen (Human).
Fibrinolysin (Human).
Normal Serum Albumin (Human).
Profibrinolysin (Human).
Thrombin.

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-Rh$_o$'' (Anti-DE).
  Anti-Rh$_o$ rh' rh'' (Anti-CDE).
  Anti-rh' (Anti-C).
  Anti-rh'' (Anti-E).
  Anti-hr' (Anti-c).
  Anti-hr'' (Anti-e).
  Anti-rh^v (Anti-C^v).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 158—Washington Blood Laboratory, Washington, D.C.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Blood Grouping Serum.
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-Rh$_o$'' (Anti-DE).
  Anti-Rh$_o$ rh' rh'' (Anti-CDE).
  Anti-rh' (Anti-C).
  Anti-rh'' (Anti-E).
  Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 159—Blood Grouping Laboratory of Boston, Inc., Boston, Mass.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-rh' (Anti-C).
  Anti-rh'' (Anti-E).
  Anti-hr' (Anti-c).
  Anti-hr'' (Anti-e).
  Anti-rh^v (Anti-C^v).
  Anti-Rh$_o$+Rh$_o$ (Anti-D+D^u).
Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Kp^a Serum (Anti-Penney).
Anti-Le^a Serum (Anti-Lewis).
Anti-Le^b Serum.
Anti-M Serum.
Anti-M^s Serum.
Anti-Wr^a Serum (Anti-Wright).
Anti-Human Serum.

License No. 161—Blood Transfusion Association, New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-Rh$_o$rh'rh'' (Anti-CDE).
  Anti-rh' (Anti-C).
  Anti-rh'' (Anti-E).
Anti-Human Serum.

License No. 162—Blood and Plasma Bank, New York University, Bellevue Medical Center, New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 163—High Titer Serum Laboratory, New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-Rh$_o$'' (Anti-DE).
  Anti-rh' (Anti-C).
  Anti-rh'' (Anti-E).

License No. 164—Knickerbocker Blood Bank, Inc., New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
  Anti-Rh$_o$ (Anti-D).
  Anti-Rh$_o$' (Anti-CD).
  Anti-Rh$_o$'' (Anti-DE).
  Anti-Rh$_o$ rh' rh'' (Anti-CDE).
  Anti-rh' (Anti-C).
  Anti-rh'' (Anti-E).
  Anti-hr' (Anti-c).
  Anti-hr'' (Anti-e).
  Anti-hr^v (Anti-V).
  Anti-rh^v (Anti-C^v).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Jk^a Serum (Anti-Kidd).
Anti-Jk^b Serum.
Anti-K Serum (Anti-Kell).
Anti-Kp^b Serum (Anti-Rautenberg).
Anti-k Serum (Anti-Cellano).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.

3. Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.

License No. 165—Blood Bank Foundation, Nashville, Tenn.

1. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

Blood Bank Foundation, Atlanta Branch, Atlanta, Ga.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 166—Belle Bonfils Memorial Blood Bank, Denver, Colo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).

License No. 167—J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 168—Mount Sinai Medical Research Foundation, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

License No. 169—Chicago Blood Donor Service, Inc., Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 170—Jackson Medical Laboratory and Blood Bank, Jackson, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 171—Courtland Laboratories, Los Angeles, Calif.

1. Therapeutic Immune Serums

Chickenpox Immune Serum (Human).
Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Normal Human Plasma.
Poliomyelitis Immune Globulin (Human).

License No. 173—Interstate Blood Bank, Inc., Memphis, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 174—Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio

1. Allergenic Extracts

Tincture Poison Ivy.

License No. 175—Inter-County Blood Banks, Inc., Jamaica, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 176—Laboratorios Myn, Mexico D.F., Mexico

1. Miscellaneous

Antivenin, Scorpion.

License No. 178—California Transfusion Service, Los Angeles, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 179—Dade Reagents, Inc., Miami, Fla.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).

License No. 181—Jacksonville Blood Bank, Inc., Jacksonville, Fla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Human Serum.

License No. 182—Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 183—Southwest Blood Banks, Inc., Phoenix, Ariz.

This establishment license includes the following locations:
Southwest Blood Bank of Albuquerque, Albuquerque, N. Mex.
Southwest Blood Bank of Alexandria, Alexandria, La.
Southwest Blood Bank of Cheyenne, Cheyenne, Wyo.
Southwest Blood Bank of El Paso, El Paso, Tex.
Southwest Blood Bank of Fargo, Fargo, N. Dak.
Southwest Blood Bank of Harlingen, Harlingen, Tex.
Southwest Blood Bank of Houston, Houston, Tex.
Southwest Blood Bank of Little Rock, Little Rock, Ark.
Southwest Blood Bank of Lubbock, Lubbock, Tex.
Southwest Blood Bank of Meridian, Meridian, Miss.
Southwest Blood Bank of Minot, Minot, N. Dak.
Southwest Blood Bank of Phoenix, Phoenix, Ariz.
Southwest Blood Bank of Reno, Reno, Nev.
Southwest Blood Bank of San Antonio, San Antonio, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 184—Travenol Laboratories, Inc., Morton Grove, Ill., and Los Angeles, Calif.

1. Therapeutic Immune Serums

Antimumps Serum (Human).
Antipertussis Serum (Human).

2. Bacterial Antigens

Pseudomonas Polysaccharide.

3. Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

4. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 185—Minneapolis War Memorial Blood Bank, Minneapolis, Minn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).

License No. 187—Milwaukee Blood Center, Inc., Milwaukee, Wis.

1. Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

2. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Single Donor Plasma (Human).

3. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-Human Serum.

License No. 188—Research Foundation and University of Illinois, Chicago, Ill.

1. Bacterial Vaccines

BCG Vaccine.

License No. 190—The American National Red Cross, Washington, D.C.

This establishment license includes the following locations:

Appalachian Regional Blood Center, Roanoke, Va.
Asheville Regional Blood Center, Asheville, N.C.
Atlanta Regional Blood Center, Atlanta, Ga.
Badger Regional Blood Center, Madison, Wis.
Baltimore Regional Blood Center, Baltimore, Md.
Beaver County Regional Blood Center, New Brighton, Pa.
Birmingham Regional Blood Center, Birmingham, Ala.
Black Hawk County Regional Blood Center, Waterloo, Iowa.
Boise Regional Blood Center, Boise, Idaho.
Buffalo Regional Blood Center, Buffalo, N.Y.
Central Texas Regional Blood Center, Waco, Tex.
Cleveland Regional Blood Center, Cleveland, Ohio.
Columbia River Regional Blood Center, Yakima, Wash.
Columbus Regional Blood Center, Columbus, Ohio.
Connecticut Regional Blood Center, Hartford, Conn.
Detroit Regional Blood Center, Detroit, Mich.
Douglas County Regional Blood Center, Lawrence, Kans.
Fort Wayne Regional Blood Center, Fort Wayne, Ind.
Four County Regional Blood Center, San Jose, Calif.
Greater Toledo Regional Blood Center, Toledo, Ohio.
Huntington Regional Blood Center, Huntington, W. Va.
Intermountain Regional Blood Center, Salt Lake City, Utah.
Johnstown Regional Blood Center, Johnstown, Pa.
Knox County Regional Blood Center, Galesburg, Ill.
Lansing Regional Blood Center, Lansing, Mich.
Los Angeles-Orange Counties Regional Blood Center, Los Angeles, Calif.
Louisville Regional Blood Center, Louisville, Ky.
Massachusetts Regional Blood Center, Boston, Mass.
Mobile Regional Center, Mobile, Ala.
Montana Regional Blood Center, Great Falls, Mont.
Muskegon County Regional Blood Center, Muskegon, Mich.
Nashville Regional Blood Center, Nashville, Tenn.
Nebraska-Iowa Regional Blood Center, Omaha, Nebr.
New York Regional Blood Center, New York, N.Y.
Northeastern Pennsylvania Regional Blood Center, Wilkes-Barre, Pa.
Pacific Northwest Regional Blood Center, Portland, Oreg.
Peoria Regional Blood Center, Peoria, Ill.
Philadelphia Regional Blood Center, Philadelphia, Pa.
Piedmont Carolinas Regional Blood Center, Charlotte, N.C.
Rochester Regional Blood Center, Rochester, N.Y.
South Atlantic Regional Blood Center, Savannah, Ga.
South Carolina Regional Blood Center, Columbia, S.C.
Southern Arizona Regional Blood Center, Tucson, Ariz.
Springfield Regional Blood Center, Springfield, Mo.
St. Louis Regional Blood Center, St. Louis, Mo.
St. Paul Regional Blood Center, St. Paul, Minn.
Syracuse Regional Blood Center, Syracuse, N.Y.
Tidewater Regional Blood Center, Norfolk, Va.
Tulsa County Regional Blood Center, Tulsa, Okla.
Vermont-New Hampshire Regional Blood Center, Burlington, Vt.
Volusia Flagler Regional Blood Center, Daytona Beach, Fla.
Washington, D.C. Regional Blood Center, Washington, D.C.
Wichita County Regional Blood Center, Wichita Falls, Tex.
Wichita Regional Blood Center, Wichita, Kans.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 191—Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

License No. 192—King County Central Blood Bank, Inc., Seattle, Wash.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 193—Center Laboratories, Port Washington, N.Y.

1. Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 194—Sacramento Medical Foundation Blood Bank, Sacramento, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 195—Peninsula Memorial Blood Bank, Burlingame, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 197—Sonoma County Community Blood Bank, Santa Rosa, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 198—Tri-Counties Blood Bank, Santa Barbara, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 199—Blood Bank of Hawaii, Honolulu, Hawaii

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 201—San Diego Blood Bank, San Diego, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 202—Tacoma-Pierce County Blood Bank, Tacoma, Wash.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 203—Spokane & Inland Empire Blood Bank, Spokane, Wash.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 204—Virginia Blood Bank, Inc., Richmond, Va.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-B Blood Grouping Serum.

License No. 209—Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 212—District of Columbia General Hospital, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 213—Blood Bank of the Washington Hospital Center, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 214—Doctors Hospital Blood Bank, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 215—Blood Grouping Laboratory, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 218—Providence Hospital Blood Bank, Washington, D.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 220—Broome County Blood Center, Binghamton, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 221—Essex County Blood Bank, Inc., Newark, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 222—Aurora Blood Bank and Donors Society, Aurora, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 224—Community Blood and Plasma Service, Inc., Birmingham, Ala., and New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 226—Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 227—Central Florida Blood Bank, Incorporated, Orlando, Fla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 228—Southwest Florida Blood Bank, Inc., Tampa, Fla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 229—Bender Laboratory Blood Bank, Albany, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 231—Dubuque Blood Bank Association, Dubuque, Iowa

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 232—Holy Cross Hospital Research Foundation, Salt Lake City, Utah

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 233—Ochsner Foundation Hospital Blood Bank, New Orleans, La.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 234—Central Blood Bank of Pittsburgh, Pittsburgh, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-Human Globulin Reagent.

License No. 235—University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 236—Medical Center-State Health Department Blood Bank, Grand Forks, N. Dak.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 237—Shreveport Emergency Blood Bank, Inc., Shreveport, La.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 238—Istituto Sieroterapico Vaccinogeno Toscano Sclavo, Siena, Italy

1. Therapeutic Immune Serums

Antirabies Serum.

License No. 239—Houchin Community Blood Bank, Bakersfield, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 240—Memphis Blood Center, Inc., Memphis, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 241—Community Blood and Plasma Service, Inc. of Texas, Houston, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 243—Blood Plasma Corporation of Japan, Osaka, Japan

1. Blood and Blood Derivatives

Normal Human Plasma.

License No. 244—Travis County Medical Society Blood Bank, Austin, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 245—Nihon Seiyaku Co., Ltd., Tokyo, Japan

1. Blood and Blood Derivatives

Normal Human Plasma.

License No. 246—Potter County Memorial Blood Center, Inc., Amarillo, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 248—Central Blood Bank, Inc., South Bend, Ind.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 249—Northern Illinois Blood Bank, Inc., Rockford, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 250—St. Luke's Hospital Blood Bank, Aberdeen, S. Dak.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 251—Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 252—Detroit Blood Service, Inc., Detroit, Mich.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 254—Knoxville Blood Center, Inc., Knoxville, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 257—Chek-Lab. Inc., Chicago, Ill.

1. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$' (Anti-CD).
Anti-Human Serum.

License No. 258—Osterreichisches Institut fur Haemoderivate, Vienna, Austria

1. Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

License No. 259—Holston Valley Community Hospital Blood Bank, Kingsport, Tenn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 260—St. Francis Hospital Blood Bank, Trenton, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 261—Hospital Blood Service, Inc., Detroit, Mich.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 262—Service League Community Blood Bank, Inc., Pueblo, Colo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 263—The Community Blood Bank, Norton, Va.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 264—Mid-West Blood Bank and Plasma Service, Kansas City, Mo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 265—W. E. Stewart Blood Bank, Inc., Tyler, Tex.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 266—Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 267—Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 268—Community Blood Service, Inc., St. Louis, Mo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 269—Beverly Blood Center, Inc., Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 270—Marietta Memorial Hospital, Marietta, Ohio

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 271—St. Luke's Memorial Hospital Blood Bank, Racine, Wis.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 272—Southern Michigan Blood Center, Inc., Detroit, Mich.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 273—Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 274—Bergen Community Blood Bank, Paramus, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 276—Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 277—Community Memorial General Hospital, La Grange, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 278—Brooklyn Donor Center, Inc., Brooklyn, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 279—Menolasino Laboratories, Melrose Park, Ill.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 280—Ward Laboratories, Durham, N.C.

1. Diagnostic Substances for Laboratory Tests

Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 281—Nuclear Consultants Corporation, St. Louis, Mo.

1. Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

License No. 283—Hoffmann Laboratories, Inc., Paterson, N.J.

1. Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 284—Rhode Island Hospital Blood Bank, Providence, R.I.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 285—Marathon County Blood Bank, Inc., Wausau, Wis.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 286—Edgewater Hospital Blood Bank, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 288—Delta Blood Bank, Stockton, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 289—Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Human Serum.

License No. 290—Pineview General Hospital Blood Bank, Valdosta, Ga.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 291—Sci Lab, Derby, Colo.

1. Diagnostic Substances for Dermal Tests

Blastomycin, Pin Test.
Coccidioidin, Pin Test.
Histoplasmin, Pin Test.
Tuberculin, Pin Test.

License No. 292—Graham Laboratories, Inc., Dallas, Tex.

1. Allergenic Extracts

Allergenic Extracts.

License No. 293—Passaic Blood Bank, Inc., Passaic, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 295—Community Blood Bank and Serum Service, Hoboken, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

2. Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-Human Serum.

License No. 296—Midwest Blood Service, Inc., Detroit, Mich.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 297—Pfizer Laboratories, Div. Chas. Pfizer & Co., Inc., New York, N.Y., Terre Haute, Ind.

1. Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Poliomyelitis Vaccine.

License No. 298—Lewiston-Clarkston Blood Bank, Lewiston, Idaho

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 299—Delmont Laboratories, Inc., Swarthmore, Pa.

1. Bacterial Antigen.

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 300—Massachusetts General Hospital Blood Bank, Boston, Mass.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 301—Cleveland Biologicals, Inc., Cleveland, Ohio

1, Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 302—Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 303—Delta Biochemicals, Inc., San Antonio, Tex.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 304—Lane County Blood Bank, Eugene, Oreg.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 305—Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 306—Purex Laboratories, Inc., Staten Island, N.Y.

1. Allergenic Extracts

Allergenic Extracts.

License No. 307—Cappel Laboratories, Inc., West Chester, Pa.

1. Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 308—Greer Drug & Chemical Corporation, Lenoir, N.C.

1. Allergenic Extracts

Allergenic Extracts.

License No. 309—Suburban Hospital Blood Bank, Bethesda, Md.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 310—Arlington Hospital Blood Bank, Arlington, Va.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 311—Syntex Chemical Co., Inc., New York, N.Y.

1. Allergenic Extracts

Poison Ivy Extract Alum Precipitated.

License No. 312—World Blood Bank, Inc., Kansas City, Kans.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 313—Robeson County Memorial Hospital Blood Bank, Lumberton, N.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 314—Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 315—Central California Blood Bank, Fresno, Calif.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 316—Maine Medical Center Blood Bank, Portland, Maine

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 317—St. Vincent Hospital Blood Bank, Erie, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 318—Chicago Wesley Memorial Hospital Blood Bank, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 319—Institute for Applied Immunology, Chicago, Ill.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 320—Garden State Blood Bank, Newark, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 321—National Blood Bank, Inc., New York, N.Y.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 322—Reid Memorial Hospital Blood Bank, Richmond, Ind.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 323—Volk Radiochemical Company, Chicago, Ill.

1. Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

License No. 324—Knickerbocker Laboratories, Inc., Philadelphia, Pa.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 325—A/B Kabi, Stockholm, Sweden

1. Enzymes

Streptokinase.

License No. 326—James Walker Memorial Hospital Blood Bank, Wilmington, N.C.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 327—The Elizabeth General Hospital and Dispensary, Elizabeth, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 328—Physicians Blood Bank, Inc., Wichita, Kans.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 329—Paterson Blood Bank, Inc., Paterson, N.J.

1. Blood and Blood Derivatives

Citrated Whole Blood (Human).

Part II. List of Biologic Products With License Numbers of Establishments Licensed for Each Product

1. Antitoxins

B. *histolyticus* Antitoxin—17.
B. *oedematiens* Antitoxin—1, 8, 17.
B. *sordellii* Antitoxin—17.
Botulism Antitoxin—17.
Diphtheria Antitoxin—1, 8, 11, 14, 17, 56, 64, 73, 99, 101, 110, 144.
Dysentery Antitoxin, Shiga—1.
Gas Gangrene Polyvalent Antitoxin—8, 17, 101, 144.
Perfringens Antitoxin—1, 8, 17, 56, 110.
Staphylococcus Antitoxin—73.
Tetanus Antitoxin—1, 2, 8, 11, 14, 17, 56, 64, 73, 99, 101, 110, 144.
Tetanus and Gas Gangrene Polyvalent Antitoxin—1, 8, 17, 56, 101, 110, 144.
V. septique Antitoxin—1, 8, 17, 56, 110.

2. Therapeutic Immune Serums

Antibrucella Serum—2.
Antierysipeloid Serum—110.
Anti-Hemophilus Influenzae Type b Serum—99.
Antimumps Serum—140, 184.
Antipertussis Serum—140, 144, 184.
Antipneumococcic Serum—99.
Antirabies Serum—17, 238.
Anti-Rocky Mountain Spotted Fever Serum—2.
Antitularemic Serum—2.
Chicken Pox Immune Serum (Human)—171.
Measles Immune Serum (Human)—113, 139, 171, 187.
Mumps Immune Serum (Human)—113, 139, 171, 187.
Pertussis Immune Serum (Human)—139, 171, 187.
Poliomyelitis Immune Serum (Human)—113, 187.
Scarlet Fever Immune Serum (Human)—113, 139 171, 187.

3. Blood and Blood Derivatives

Antihemophilic Globulin (Human)—8, 99.
Antihemophilic Plasma (Human)—113, 140, 165, 184.
Citrated Whole Blood (Human)—2, 84, 99, 113, 139, 140, 154, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 175, 178, 181, 182, 183, 185, 187, 190, 191, 192, 194, 195, 197, 198, 199, 201, 202, 203, 204, 209, 212, 213, 214, 215, 218, 220, 221, 222, 224, 226, 227, 228, 229, 231, 233, 234, 235, 236, 237, 239, 240, 241, 244, 246, 248, 249, 250, 251, 252, 254, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 284, 285, 286, 288, 289, 290, 293, 295, 296, 298, 300, 301, 302, 304, 305, 309, 310, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 324, 326, 327, 328, 329.
Fibrinogen (Human)—2, 8, 52, 99, 156.
Fibrinolysin (Human)—156.
Histamine Azoprotein—1.
Human Blood Cells—2.
Immune Serum Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 149, 171, 184, 258.
Mumps Immune Globulin (Human)—8, 140.
Normal Bovine Serum—2.
Normal Horse Serum—2, 14, 99, 144.
Normal Human Plasma—2, 8, 99, 113, 140, 149, 162, 165, 171, 182, 184, 185, 187, 190, 192, 215, 231, 243, 245.
Normal Human Serum—113, 139, 187.
Normal Rabbit Serum—99.
Normal Serum Albumin (Human)—2, 8, 52, 64, 73, 99, 140, 149, 156, 171, 184.
Packed Red Blood Cells (Human)—113, 140, 161, 165, 166, 169, 175, 181, 182, 185, 190, 191, 194, 202, 215, 222, 235, 252, 302.
Pertussis Immune Globulin (Human)—8, 140.
Plasma Protein Fraction (Human)—8.
Poliomyelitis Immune Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 139, 140, 149, 171, 184, 258.
Profibrinolysin (Human)—156.
Radio-Iodinated (I^{131}) Serum Albumin (Human)—43, 52, 281, 323.
Resuspended Red Blood Cells (Human)—99, 113, 140, 165, 166, 182, 185, 191, 215, 235.
Single Donor Plasma (Human)—139, 161, 169, 181, 183, 185, 187, 190, 191, 194, 202, 203, 252, 272, 314, 328.
Tetanus Immune Globulin (Human)—8.
Thrombin—1, 2, 8, 51, 156.

4. Bacterial Vaccines

BCG Vaccine—188.
Cholera Vaccine—1, 2, 8, 11, 17, 56, 101, 144.
Bacterial Vaccine made from Partially Autolyzed Pneumococci—56.
Pertussis Vaccine—1, 2, 8, 14, 17, 30, 56, 64, 99, 101, 110, 120, 121, 144.
Pertussis Vaccine Aluminum Hydroxide Adsorbed—8.
Pertussis Vaccine Aluminum Phosphate Adsorbed—1.
Plague Vaccine—8.
Typhoid Vaccine—2, 8, 11, 14, 56, 64, 99, 101, 105, 110, 120, 121, 144.
Typhoid and Paratyphoid Vaccine—1, 2, 8, 14, 17, 56, 64, 99, 101, 110, 120, 144.
Polyvalent bacterial vaccines with "No U.S. Standard of Potency"—1, 2, 8, 17, 30, 56, 91, 101, 105, 110, 111, 119.

5. Sensitized Bacterial Vaccines

Cholera Vaccine—2.
Pertussis Vaccine—2.
Typhoid Vaccine—2.
Typhoid and Paratyphoid Vaccine—2.
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency"—2.

6. Bacterial Antigens

Bacterial Antigen with Antihistaminic—2.
Pseudomonas Polysaccharide—184.
Polyvalent bacterial antigens with "No U.S. Standard of Potency"—1, 2, 30, 56, 108, 110, 135, 283, 299.

7. Modified Bacterial Antigens

Polyvalent modified bacterial antigens with "No U.S. Standard of Potency"—1.

8. Toxoids and Toxins for Immunization

Diphtheria Toxoid—1, 2, 8, 14, 17, 64, 73, 99, 101, 110, 120, 121, 144.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed—8.
Diphtheria Toxoid Aluminum Hydroxide Precipitated—121.
Diphtheria Toxoid Aluminum Phosphate Adsorbed—1, 14, 17, 99, 144.
Diphtheria Toxoid Protamine Precipitated—2.
Scarlet Fever Streptococcus Toxin for Immunization—17, 101.
Staphylococcus Toxoid—1, 2, 11, 17, 73, 101, 110.
Streptococcus Erythrogenic Toxin—101.
Tetanus Toxoid—1, 2, 8, 14, 17, 56, 64, 73, 99, 101, 110, 121, 144.
Tetanus Toxoid Aluminum Hydroxide Adsorbed—8.
Tetanus Toxoid Aluminum Hydroxide Precipitated—121.
Tetanus Toxoid Aluminum Phosphate Adsorbed—1, 17, 99, 144.

9. Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed—1.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed—1.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine—2.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined—1, 2, 8, 56, 101.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated—2, 8, 56, 99.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined—17, 101, 110, 144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1, 17, 99, 144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated—64.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined—8.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated—121.
Diphtheria and Tetanus Toxoids Combined—1, 8, 17, 56.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated—2, 56, 99, 101, 110, 144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated—121.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed—1, 17, 99, 144.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated—64.
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CFR SUPPLEMENTS

(As of January 1, 1960)

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Title 16, Revised ... $6.50
Title 17 ... $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to § 6.111(i) as set out below.

§ 6.111 Department of Agriculture.

* * * * * *

(i) *Agricultural Research Service.* * * *

(3) Not to exceed 25 professional research associate positions, at GS–11 and above, in the pioneering research laboratories of the Agricultural Research Service to be filled on a temporary basis by scientists with a doctoral degree who possess specialized knowledges or abilities applicable to the basic research programs involved. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60–5557; Filed, June 16, 1960; 8:48 a.m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Recredit of Leave

Effective January 1, 1960, paragraph (d) of § 30.701 is amended as set out below.

§ 30.701 Annual leave.

* * * * * *

(d) When an employee transfers to a position (other than a position excepted from the Act under section 202(b)(1)(B), (C), (H), or (I)) to which he cannot transfer his annual leave because the position is not under an annual leave system, the untransferred leave shall be recredited to him if he returns to the leave system under which it was earned, without a break in service of more than 52 continuous calendar weeks.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60–5558; Filed, June 16, 1960; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Cotton Bulletin 2, Amdt. 1]

PART 427—COTTON

Subpart—1960 Choice (A) Cotton Price Support Program Regulations

SCHEDULE OF BASE PURCHASE RATES FOR CHOICE (A) UPLAND COTTON

The 1960 C.C.C. Cotton Bulletin 2 is hereby amended by adding § 427.1172 to read as follows:

§ 427.1172 Basic purchase rates by warehouse locations.

The base purchase rates, in cents per pound, gross weight, applicable to Middling white 1-inch Choice (A) upland cotton, under Commodity Credit Corporation's 1960 Choice (A) Cotton Price Support Program, are as follows:

ALABAMA

City and county	Basis Middling white 1-inch purchase rate
Abbeville, Henry	32.94
Akron, Hale	32.84
Albertville, Marshall	33.04
Alexander City, Tallapoosa	33.14
Aliceville, Pickens	32.74
Altoona, Etowah	33.14
Andalusia, Covington	32.84
Anniston, Calhoun	33.14
Arab, Marshall	33.04
Ardmore, Limestone	32.84
Ashford, Houston	32.94
Ashland, Clay	33.14
Athens, Limestone	32.84
Atmore, Escambia	32.74
Attalla, Etowah	33.14
Auburn, Lee	33.14
Banks, Pike	32.94
Bankston, Fayette	32.84
Belk, Fayette	32.84
Berry, Fayette	32.84
Bessemer, Jefferson	32.94
Birmingham, Jefferson	32.94
Blountsville, Blount	33.04
Boaz, Marshall	33.04
Boligee, Greene	32.74
Brantley, Crenshaw	32.84
Brantley, Dallas	32.84
Brent, Bibb	32.94
Brewton, Escambia	32.74
Bridgeport, Jackson	32.94
Browntown, Jackson	32.94
Brundidge, Pike	32.94
Butler, Choctaw	32.74
Camden, Wilcox	32.74
Camp Hill, Tallapoosa	33.14
Carbon Hill, Walker	32.84
Carrollton, Pickens	32.74
Centre, Cherokee	33.14
Centreville, Bibb	32.94
Chavies, De Kalb	33.04
Childersburg, Talladega	33.14
Clanton, Chilton	32.94
Clayton, Barbour	33.04

ALABAMA—Continued

City and county	Basis Middling white 1-inch purchase rate
Clio, Barbour	33.04
Collinsville, De Kalb	33.04
Columbia, Houston	32.94
Columbiana, Shelby	33.04
Cooper, Chilton	32.94
Cordova, Walker	32.84
Cottonwood, Houston	32.94
Courtland, Lawrence	32.84
Crossville, De Kalb	33.04
Cullman, Cullman	32.94
Dadeville, Tallapoosa	33.14
Dancy, Pickens	32.74
Deatsville, Elmore	33.04
Decatur, Morgan	32.94
Demopolis, Marengo	32.74
Detroit, Lamar	32.74
Dothan, Houston	32.94
Dozier, Crenshaw	32.84
Dutton, Jackson	32.94
Eclectic, Elmore	33.04
Elba, Coffee	32.94
Elkmont, Limestone	32.84
Enterprise, Coffee	32.94
Ethelsville, Pickens	32.74
Eufaula, Barbour	33.04
Eutaw, Greene	32.74
Evergreen, Conecuh	32.74
Fackler, Jackson	32.94
Fadette, Geneva	32.94
Faunsdale, Marengo	32.74
Fayette, Fayette	32.84
Flat Rock, Jackson	32.94
Florala, Covington	32.84
Florence, Lauderdale	32.74
Fort Deposit, Lowndes	32.84
Fort Payne, De Kalb	33.04
Frisco City, Monroe	32.74
Fyffe, De Kalb	33.04
Gadsden, Etowah	33.14
Gantt, Covington	32.84
Geneva, Geneva	32.94
Georgiana, Butler	32.84
Glen Allen, Fayette	32.84
Good Water, Coosa	33.04
Gordo, Pickens	32.74
Goshen, Pike	32.94
Greensboro, Hale	32.84
Greenville, Butler	32.84
Grove Hill, Clarke	32.74
Guin, Marion	32.74
Guntersville, Marshall	33.04
Hackleburg, Marion	32.74
Haleyville, Winston	32.84
Hamilton, Marion	32.74
Hanceville, Cullman	32.94
Hartford, Geneva	32.94
Hartselle, Morgan	32.94
Havana Junction, Hale	32.84
Headland, Henry	32.94
Heflin, Cleburne	33.14
Henagar, De Kalb	33.04
Hodges, Franklin	32.74
Hodgesville, Houston	32.94
Hollywood, Jackson	32.94
Huntsville, Madison	32.94
Hurtsboro, Russell	33.14
Ider, De Kalb	33.04
Jacksonville, Calhoun	33.14
Jasper, Walker	32.84
Jemison, Chilton	32.94
Kennedy, Lamar	32.74
Lafayette, Chambers	33.14
Larkinsville, Jackson	32.94
Leighton, Colbert	32.74
Lester, Limestone	32.84
Linden, Marengo	32.74
Lineville, Clay	33.14
Livingston, Sumter	32.74
Lockhart, Covington	32.84

ALABAMA—Continued

City and county	Basis Middling white 1-inch purchase rate
Louisville, Barbour	32.04
Luverne, Crenshaw	32.84
McOullough, Escambia	32.74
McKenzie, Butler	32.84
Madison, Madison	32.94
Malvern, Geneva	32.94
Maplesville, Chilton	32.94
Marion, Perry	32.84
Millers Ferry, Wilcox	32.74
Millport, Lamar	32.74
Mobile, Mobile	32.66
Monroeville, Monroe	32.74
Montevallo, Shelby	32.04
Montgomery, Montgomery	32.94
Moores Bridge, Tuscaloosa	32.84
Moores Valley, Wilcox	32.74
Moulton, Lawrence	32.84
Moundville, Hale	32.84
Newbern, Hale	32.84
New Brockton, Coffee	32.94
New Hope, Madison	32.94
Newville, Henry	32.94
Northport, Tuscaloosa	32.84
Notasulga, Macon	33.04
Oakman, Walker	32.84
Onaonta, Blount	33.04
Opelika, Lee	33.14
Opp, Covington	32.84
Ozark, Dale	32.94
Panola, Sumter	32.74
Pell City, St. Clair	33.04
Peterman, Monroe	32.74
Phil Campbell, Franklin	32.74
Pickensville, Pickens	32.74
Pinckard, Dale	32.94
Pine Hill, Wilcox	32.74
Pisgah, Jackson	32.94
Pollard, Escambia	32.74
Prattville, Autauga	32.94
Ralph, Tuscaloosa	32.84
Red Bay, Franklin	32.74
Red Level, Covington	32.84
Reform, Pickens	32.74
Repton, Conecuh	32.74
Roanoke, Randolph	33.14
Rogersville, Lauderdale	32.74
Russellville, Franklin	32.74
Samantha, Tuscaloosa	32.84
Samson, Geneva	32.94
Scottsboro, Jackson	32.94
Section, Jackson	32.94
Selma, Dallas	32.84
Sheffield, Colbert	32.74
Slocomb, Geneva	32.94
Stevenson, Jackson	32.94
Stewart, Hale	32.84
Sulligent, Lamar	32.74
Sweet Water, Marengo	32.74
Sylacauga, Talladega	33.14
Sylvania, De Kalb	33.04
Talladega, Talladega	33.14
Tallassee, Elmore	33.04
Thomasville, Clarke	32.74
Thorsby, Chilton	32.94
Troy, Pike	32.94
Tuscaloosa, Tuscaloosa	32.84
Tuscumbia, Colbert	32.74
Tuskegee, Macon	33.04
Union Springs, Bullock	33.04
Uniontown, Perry	32.84
Vernon, Lamar	32.74
Vina, Franklin	32.74
Wadley, Randolph	33.14
Warrior, Jefferson	32.94
Webb, Houston	32.94
Wetumpka, Elmore	33.04
Wilsonville, Shelby	33.04
Winfield, Marion	32.74
Woodville, Jackson	32.94
York, Sumter	32.74

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Buckeye, Maricopa	31.62
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City and county	Basis Middling white 1-inch purchase rate
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Eloy, Pinal	31.62
Gilbert, Maricopa	31.62
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Brinkley, Monroe	32.60
Camden, Ouachita	32.47
Clarendon, Monroe	32.60
Conway, Faulkner	32.55
Cotton Plant, Woodruff	32.60
Dardanelle, Yell	32.55
Dell, Mississippi	32.60
Dumas, Desha	32.58
Earle, Crittenden	32.60
England, Lonoke	32.58
Eudora, Chicot	32.57
Evadale, Mississippi	32.60
Fordyce, Dallas	32.55
Forrest City, St. Francis	32.60
Fort Smith, Sebastian	32.47
Gurdon, Clark	32.55
Harrisburg, Poinsett	32.60
Helena, Phillips	32.60
Hope, Hempstead	32.47
Hughes, St. Francis	32.60
Hulbert, Crittenden	32.63
Jacksonville, Pulaski	32.58
Jonesboro, Craighead	32.60
Junction City, Union	32.47
Leachville, Mississippi	32.60
Lepanto, Poinsett	32.60
Little Rock, Pulaski	32.58
Lonoke, Lonoke	32.60
McCrory, Woodruff	32.60
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Malvern, Hot Springs	32.55
Marianna, Lee	32.60
Marked Tree, Poinsett	32.60
Marvell, Phillips	32.60
Morrilton, Conway	32.55
Nashville, Howard	32.47
Newport, Jackson	32.58
North Little Rock, Pulaski	32.58
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Russellville, Pope	32.55
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Madera, Madera	31.62
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Reedley, Fresno	31.62
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San Diego, San Diego	31.62
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Tulare, Tulare	31.62
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Jay, Santa Rosa	32.66
Malone, Jackson	32.94
Pensacola, Escambia	32.66

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Culloden, Monroe	33.24
Cuthbert, Randolph	33.04
Dallas, Paulding	33.24
Dalton, Whitfield	33.24
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Dawson, Terrell	33.14
Dexter, Laurens	33.24
Doerun, Colquitt	33.04
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Edison, Calhoun	33.04
Elberton, Elbert	33.34
Ellaville, Schley	33.24
Fairburn, Fulton	33.24
Farrar, Jasper	33.24
Fayetteville, Fayette	33.24
Findlay, Dooly	33.14
Fitzgerald, Ben Hill	33.14
Forsyth, Monroe	33.24
Fort Gaines, Clay	33.04
Fort Valley, Peach	33.24
Franklinton, Bibb	33.24
Gainesville, Hall	33.34
Garfield, Emanuel	33.24
Gay, Meriwether	33.24
Glennville, Tattnall	33.14
Grantville, Coweta	33.24
Graymont, Emanuel	33.24
Greensboro, Greene	33.34
Greenville, Meriwether	33.24
Grooston, Dodge	33.24
Griffin, Spalding	33.24
Haralson, Coweta	33.24
Harrison, Washington	33.24
Hartsfield, Colquitt	33.04
Hartwell, Hart	33.34
Hawkinsville, Pulaski	33.24
Hogansville, Troup	33.24
Hollonville, Pike	33.24
Ideal, Macon	33.24
Jackson, Butts	33.24
Jefferson, Jackson	33.34
Jeffersonville, Twiggs	33.24
Jesup, Wayne	33.14
Jonesboro, Clayton	33.24
Kelly, Jasper	33.24
Kingston, Bartow	33.24
Kite, Johnson	33.24
Lafayette, Walker	33.24
La Grange, Troup	33.24
Lavonia, Franklin	33.34
Lawrenceville, Gwinnett	33.24
Leary, Calhoun	33.04
Leesburg, Lee	33.14
Lenox, Cook	33.04
Leslie, Sumter	33.14
Lilly, Dooly	33.14
Lincolnton, Lincoln	33.34
Locust Grove, Henry	33.24
Loganville, Walton	33.24
Louisville, Jefferson	33.24
Lumpkin, Stewart	33.14
Luthersville, Meriwether	33.24
Lyerly, Chattooga	33.24
Lyons, Toombs	33.14
McDonough, Henry	33.24
McRae, Telfair	33.14
Macon, Bibb	33.24
Madison, Morgan	33.24
Manchester, Meriwether	33.24
Mansfield, Newton	33.24

GEORGIA—Continued

City and county	Basis Middling white 1-inch purchase rate
Marietta, Cobb	33.24
Marshallville, Macon	33.24
Meansville, Pike	33.24
Meigs, Thomas	33.04
Metter, Candler	33.24
Midville, Burke	33.24
Milan, Telfair	33.14
Milledgeville, Baldwin	33.24
Millen, Jenkins	33.24
Monroe, Walton	33.24
Montezuma, Macon	33.24
Monticello, Jasper	33.24
Montrose, Laurens	33.24
Moreland, Coweta	33.24
Morven, Brooks	33.04
Moultrie, Colquitt	33.04
Newborn, Newton	33.24
Newnan, Coweta	33.24
Norman Park, Colquitt	33.04
Ochlochnee, Thomas	33.04
Ocilla, Irwin	33.14
Oglethorpe, Macon	33.24
Omega, Tift	33.14
Orchard Hill, Spalding	33.24
Palmetto, Fulton	33.24
Parrott, Terrell	33.14
Pelham, Mitchell	33.04
Perry, Houston	33.24
Pinehurst, Dooly	33.14
Pinelog, Bartow	33.24
Pine Mountain, Harris	33.24
Pineview, Wilcox	33.14
Pitts, Wilcox	33.14
Plains, Sumter	33.14
Portal, Bulloch	33.24
Pulaski, Candler	33.24
Quitman, Brooks	33.04
Rebecca, Turner	33.14
Red Oak, Fulton	33.24
Rents, Laurens	33.24
Reynolds, Taylor	33.24
Rhine, Dodge	33.14
Richland, Stewart	33.24
Roberta, Crawford	33.24
Rochelle, Wilcox	33.14
Rockmart, Polk	33.24
Rocky Ford, Screven	33.24
Rome, Floyd	33.24
Royston, Franklin	33.34
Rutledge, Morgan	33.24
Sandersville, Washington	33.24
Sasser, Terrell	33.14
Savannah, Chatham	33.24
Scotland, Telfair	33.14
Senoia, Coweta	33.24
Shady Dale, Jasper	33.24
Sharpsburg, Coweta	33.24
Shellman, Randolph	33.04
Shingler, Worth	33.14
Social Circle, Walton	33.24
Soperton, Treutlen	33.24
Sparta, Hancock	33.24
Statesboro, Bulloch	33.24
Summit, Emanuel	33.24
Swainsboro, Emanuel	33.14
Sycamore, Turner	33.24
Sylvania, Screven	33.14
Sylvester, Worth	33.24
Tallapoosa, Haralson	33.24
Taylorsville, Bartow	33.24
Temple, Carroll	33.24
Tenille, Washington	33.24
Thomaston, Upson	33.24
Thomson, McDuffie	33.14
Tifton, Tift	33.34
Tignall, Wilkes	33.34
Toccoa, Stephens	33.24
Turin, Coweta	33.24
Twin City, Emanuel	33.24
Tyrone, Fayette	33.14
Unadilla, Dooly	33.14
Uvalda, Montgomery	33.04
Valdosta, Lowndes	33.14
Vidalia, Toombs	33.14
Vienna, Dooly	33.24
Villa Rica, Carroll	33.24

GEORGIA—Continued

City and county	Basis Middling white 1-inch purchase rate
Wadley, Jefferson	33.24
Warrenton, Warren	33.34
Warwick, Worth	33.14
Washington, Wilkes	33.34
Watkinsville, Oconee	33.34
Waynesboro, Burke	33.24
West Point, Troup	33.24
Williamson, Pike	33.24
Winder, Barrow	33.34
Woodbury, Meriwether	33.24
Woodland, Talbot	33.24
Wrens, Jefferson	33.24
Wrightsville, Johnson	33.24
Yatesville, Upson	33.24
Zebulon, Pike	33.24

ILLINOIS

Cairo, Alexander	32.16

LOUISIANA

Alexandria, Rapides	32.47
Arcadia, Bienville	32.47
Bernice, Union	32.47
Bryceland, Bienville	32.47
Bunkie, Avoyelles	32.47
Chatham, Jackson	32.47
Choudrant, Lincoln	32.55
Coushatta, Red River	32.47
Delhi, Richland	32.56
Dubach, Lincoln	32.47
Eunice, St. Landry	32.47
Farmerville, Union	32.55
Ferriday, Concordia	32.57
Franklinton, Washington	32.61
Gibsland, Bienville	32.47
Gretna, Jefferson	32.61
Haynesville, Claiborne	32.47
Homer, Claiborne	32.47
Jonesboro, Jackson	32.47
Lake Charles, Calcasieu	32.47
Lake Providence, East Carroll	32.57
Leesville, Vernon	32.47
Logansport, De Soto	32.47
Mansfield, De Soto	32.47
Marion, Union	32.55
Minden, Webster	32.47
Monroe, Ouachita	32.55
Natchitoches, Natchitoches	32.47
Newellton, Tensas	32.57
New Orleans, Orleans	32.61
Oak Grove, West Carroll	32.56
Opelousas, St. Landry	32.47
Plain Dealing, Bossier	32.47
Port Allen, West Baton Rouge	32.48
Rayville, Richland	32.55
Ringgold, Bienville	32.47
Ruston, Lincoln	32.55
Shreveport, Caddo	32.47
Springhill, Webster	32.47
Tallulah, Madison	32.57
Westwego, Jefferson	32.61
Winnsboro, Franklin	32.55

MISSISSIPPI

Aberdeen, Monroe	32.66
Amory, Monroe	32.66
Batesville, Panola	32.66
Belmont, Tishomingo	32.66
Belzoni, Humphreys	32.61
Booneville, Prentiss	32.66
Brookhaven, Lincoln	32.63
Canton, Madison	32.66
Carthage, Leake	32.66
Clarksdale, Coahoma	32.61
Cleveland, Bolivar	32.61
Coffeeville, Yalobusha	32.66
Columbia, Marion	32.63
Columbus, Lowndes	32.66
Como, Panola	32.66
Corinth, Alcorn	32.66
Crystal Springs, Copiah	32.63
Drew, Sunflower	32.61
Durant, Holmes	32.66
Flora, Madison	32.61
Forest, Scott	32.63
Gloster, Amite	32.61

MISSISSIPPI—Continued

City and county	Basis Middling white 1-inch purchase rate
Goodman, Holmes	32.66
Greenville, Washington	32.61
Greenwood, Leflore	32.61
Grenada, Grenada	32.66
Gulfport, Harrison	32.61
Hattiesburg, Forrest	32.63
Hollandale, Washington	32.61
Holly Springs, Marshall	32.66
Houston, Chickasaw	32.66
Indianola, Sunflower	32.61
Inverness, Sunflower	32.61
Itta Bena, Leflore	32.61
Jackson, Hinds	32.63
Kosciusko, Attala	32.66
Laurel, Jones	32.63
Leland, Washington	32.61
Lexington, Holmes	32.61
Liberty, Amite	32.61
Louisville, Winston	32.66
McComb, Pike	32.63
Macon, Noxubee	32.66
Magee, Simpson	32.63
Magnolia, Pike	32.63
Marks, Quitman	32.61
Meridian, Lauderdale	32.66
Mount Olive, Covington	32.63
Natchez, Adams	32.61
New Albany, Union	32.66
Newton, Newton	32.63
Okolona, Chickasaw	32.66
Oxford, Lafayette	32.66
Philadelphia, Neshobe	32.66
Pontotoc, Pontotoc	32.66
Port Gibson, Claiborne	32.61
Prentiss, Jefferson Davis	32.63
Quitman, Clarke	32.63
Ripley, Tippah	32.66
Rolling Fork, Sharkey	32.61
Rosedale, Bolivar	32.61
Ruleville, Sunflower	32.61
Shaw, Bolivar	32.61
Shelby, Bolivar	32.61
Shuqualak, Noxubee	32.66
Sledge, Quitman	32.61
Summit, Pike	32.63
Tunica, Tunica	32.61
Tupelo, Lee	32.66
Tutwiler, Tallahatchie	32.61
Tylertown, Walthall	32.63
Union, Newton	32.66
Vicksburg, Warren	32.61
Water Valley, Yalobusha	32.66
Weson, Copiah	32.63
West Point, Clay	32.66
Yazoo City, Yazoo	32.61

MISSOURI

Arbyrd, Dunklin	32.60
Caruthersville, Pemiscot	32.60
Charleston, Mississippi	32.58
Gideon, New Madrid	32.58
Hayti, Pemiscot	32.60
Kennett, Dunklin	32.58
Lilbourn, New Madrid	32.58
Malden, Dunklin	32.58
Portageville, New Madrid	32.60
Sikeston, Scott	32.58

NEVADA

All points origins	31.62

NEW MEXICO

Animas, Hidalgo	32.04
Artesia, Eddy	32.19
Carlsbad, Eddy	32.19
Deming, Luna	32.12
Hobbs, Lea	32.27
Las Cruces, Dona Ana	32.18
Lordsburg, Hidalgo	32.04
Lovington, Lea	32.27
Roswell, Chaves	32.19
Socorro, Socorro	32.18

NORTH CAROLINA

Avondale, Rutherford	33.42
Battleboro, Nash	33.34

NORTH CAROLINA—Continued

City and county	Basis Middling white 1-inch purchase rate
Benson, Johnston	33.34
Bessemer City, Gaston	33.42
Bethel, Pitt	33.34
Bladenboro, Bladen	33.34
Bostic, Rutherford	33.42
Butner, Granville	33.34
Candor, Montgomery	33.42
Carthage, Moore	33.42
Charlotte, Mecklenburg	33.42
Cherryville, Gaston	33.42
Clayton, Johnston	33.34
Clinton, Sampson	33.34
Columbus, Polk	33.42
Concord, Cabarrus	33.42
Conway, Northampton	33.34
Dallas, Gaston	33.42
Dunn, Harnett	33.34
Durham, Durham	33.42
Edenton, Chowan	33.34
Elizabeth City, Pasquotank	33.34
Enfield, Halifax	33.34
Farmville, Pitt	33.34
Fayetteville, Cumberland	33.34
Forest City, Rutherford	33.42
Franklinton, Franklin	33.34
Gastonia, Gaston	33.42
Godwin, Cumberland	33.34
Goldsboro, Wayne	33.34
Greensboro, Guilford	33.42
Gumberry, Northampton	33.34
Harris, Rutherford	33.42
Henderson, Vance	33.34
Hickory, Catawba	33.42
High Point, Guilford	33.42
Hope Mills, Cumberland	33.34
Jackson, Northampton	33.34
Kings Mountain, Cleveland	33.42
Kinston, Lenoir	33.34
La Grange, Lenoir	33.34
Laurel Hill, Scotland	33.34
Laurinburg, Scotland	33.34
Lewiston, Bertie	33.34
Lilesville, Anson	33.42
Lincolnton, Lincoln	33.42
Littleton, Halifax	33.34
Louisburg, Franklin	33.34
Lumberton, Robeson	33.34
Marshville, Union	33.42
Matthews, Mecklenburg	33.42
Maxton, Robeson	33.34
Monroe, Union	33.42
Mooresville, Iredell	33.42
Morven, Anson	33.42
Mount Gilead, Montgomery	33.42
Mount Olive, Wayne	33.34
Murfreesboro, Hertford	33.34
Nashville, Nash	33.34
Newton, Catawba	33.42
Norlina, Warren	33.34
Parkton, Robeson	33.34
Pates, Robeson	33.34
Pembroke, Robeson	33.34
Pikeville, Wayne	33.34
Pinetops, Edgecombe	33.34
Raeford, Hoke	33.34
Raleigh, Wake	33.34
Ranlo, Gaston	33.42
Red Springs, Robeson	33.34
Reidsville, Rockingham	33.42
Rich Square, Northampton	33.34
Roanoke Rapids, Halifax	33.34
Rockingham, Richmond	33.42
Rocky Mount, Edgecombe	33.34
Rowland, Robeson	33.34
Rutherfordton, Rutherford	33.42
Saint Pauls, Robeson	33.34
Salisbury, Rowan	33.42
Sanford, Lee	33.42
Scotland Neck, Halifax	33.34
Seaboard, Northampton	33.34
Selma, Johnston	33.34
Shelby, Cleveland	33.42
Smithfield, Johnston	33.34
Southern Pines, Moore	33.42
Spring Hope, Nash	33.34
Stantonsburg, Wilson	33.34
Statesville, Iredell	33.42

NORTH CAROLINA—Continued

City and county	Basis Middling white 1-inch purchase rate
Tarboro, Edgecombe	33.34
Wadesboro, Anson	33.42
Wagram, Scotland	33.34
Wake Forest, Wake	33.34
Warrenton, Warren	33.34
Washington, Beaufort	33.34
Weldon, Halifax	33.34
Williamston, Martin	33.34
Wilmington, New Hanover	33.34
Wilson, Wilson	33.34
Wingate, Union	33.42
Woodland, Northampton	33.34

OKLAHOMA

Ada, Pontotoc	32.47
Altus, Jackson	32.39
Anadarko, Caddo	32.39
Ardmore, Carter	32.47
Carnegie, Caddo	32.39
Carter, Beckham	32.39
Chandler, Lincoln	32.39
Chickasha, Grady	32.39
Clinton, Custer	32.39
Cushing, Payne	32.47
Durant, Bryan	32.47
Eakly, Caddo	32.39
Elk City, Beckham	32.39
Enid, Garfield	32.39
Erick, Beckham	32.39
Foss, Washita	32.39
Frederick, Tillman	32.39
Guthrie, Logan	32.39
Hobart, Kiowa	32.39
Hugo, Choctaw	32.47
Idabel, McCurtain	32.47
Konawa, Seminole	32.47
Lawton, Comanche	32.39
Lone Wolf, Kiowa	32.39
McAlester, Pittsburg	32.47
Mangum, Greer	32.39
Marlow, Stephens	32.39
Mountain View, Kiowa	32.39
Muskogee, Muskogee	32.47
Oklahoma City, Oklahoma	32.39
Pauls Valley, Garvin	32.39
Purcell, McClain	32.39
Ryan, Jefferson	32.39
Sentinel, Washita	32.39
Shawnee, Pottawatomie	32.47
Snyder, Kiowa	32.39
Stroud, Lincoln	32.47
Tipton, Tillman	32.39
Waurika, Jefferson	32.39
Weleetka, Okfuskee	32.47
Wynne Wood, Garvin	32.39

SOUTH CAROLINA

Abbeville, Abbeville	33.42
Aiken, Aiken	33.42
Allendale, Allendale	33.34
Anderson, Anderson	33.42
Andrews, Georgetown	33.34
Angelus, Chesterfield	33.42
Ashwood, Lee	33.34
Atkins, Lee	33.34
Bamberg, Bamberg	33.34
Barnwell, Barnwell	33.34
Batesburg, Lexington	33.42
Belton, Anderson	33.42
Bennettsville, Marlboro	33.34
Bethune, Kershaw	33.42
Bishopville, Lee	33.34
Blacksburg, Cherokee	33.42
Blackstock, Fairfield	33.42
Blackville, Barnwell	33.34
Blair, Fairfield	33.42
Blaney, Kershaw	33.42
Blenheim, Marlboro	33.34
Bowman, Orangeburg	33.34
Boykin, Kershaw	33.42
Branchville, Orangeburg	33.34
Brunson, Hampton	33.34
Calhoun Falls, Abbeville	33.42
Camden, Kershaw	33.42
Cameron, Calhoun	33.34
Campobello, Spartanburg	33.42
Carlisle, Union	33.42

SOUTH CAROLINA—Continued

City and county	Basis Middling white 1-inch purchase rate
Catawba, York	33.42
Catechee, Pickens	33.42
Centenary, Marion	33.34
Central, Pickens	33.42
Chappells, Newberry	33.42
Charleston, Charleston	33.34
Cheraw, Chesterfield	33.42
Chesnee, Spartanburg	33.42
Chester, Chester	33.42
Chesterfield, Chesterfield	33.42
Clinton, Laurens	33.42
Clio, Marlboro	33.34
Clover, York	33.42
Columbia, Richland	33.42
Conestee, Greenville	33.42
Cope, Orangeburg	33.34
Cordova, Orangeburg	33.34
Cowpens, Spartanburg	33.42
Crockettville, Hampton	33.34
Cross Anchor, Spartanburg	33.42
Cross Hill, Laurens	33.42
Dalzell, Sumter	33.34
Darlington, Darlington	33.34
Davis Station, Clarendon	33.34
Denmark, Bamberg	33.34
Dillon, Dillon	33.34
Drake, Marlboro	33.34
Due West, Abbeville	33.42
Dumbarton, Barnwell	33.34
Dunbar, Marlboro	33.34
Duncan, Spartanburg	33.42
Easley, Pickens	33.42
Edgefield, Edgefield	33.42
Ehrhardt, Bamberg	33.34
Elko, Barnwell	33.34
Elienton, Aiken	33.42
Elliott, Lee	33.34
Elloree, Orangeburg	33.34
Encree, Spartanburg	33.42
Estill, Hampton	33.34
Eureka, Aiken	33.42
Eutawville, Orangeburg	33.34
Fairfax, Allendale	33.34
Fairforest, Spartanburg	33.42
Fairmont, Spartanburg	33.42
Filbert, York	33.42
Fingerville, Spartanburg	33.42
Florence, Florence	33.34
Fountain Inn, Greenville	33.42
Gaffney, Cherokee	33.42
Garnett, Hampton	33.34
Gray Court, Laurens	33.42
Greenville, Greenville	33.42
Greenwood, Greenwood	33.42
Greer, Greenville	33.42
Hamer, Dillon	33.34
Hampton, Hampton	33.34
Hartsville, Darlington	33.34
Heath Springs, Lancaster	33.42
Hemingway, Williamsburg	33.34
Hickory Grove, York	33.42
Holly Hill, Orangeburg	33.34
Hopea Path, Anderson	33.42
Inman, Spartanburg	33.42
Iva, Anderson	33.42
Jefferson, Chesterfield	33.42
Jenkinsville, Fairfield	33.42
Johnsonville, Florence	33.34
Johnston, Edgefield	33.42
Jonesville, Union	33.42
Kershaw, Kershaw	33.42
Kings Creek, Cherokee	33.42
Kingstree, Williamsburg	33.34
Kline, Barnwell	33.34
Kollock, Marlboro	33.34
Lake City, Florence	33.34
Lake View, Dillon	33.34
Lamar, Darlington	33.34
Lancaster, Lancaster	33.42
Landrum, Spartanburg	33.42
Lanford, Laurens	33.42
Latta, Dillon	33.34
Laurens, Laurens	33.42
Leesville, Lexington	33.42
Lester, Marlboro	33.34
Liberty, Pickens	33.42

SOUTH CAROLINA—Continued

City and county	Basis Middling white 1-inch purchase rate
Little Rock, Dillon	33.34
Lowrys, Chester	33.42
Lugoff, Kershaw	33.42
Luray, Hampton	33.34
Lynchburg, Lee	33.34
McBee, Chesterfield	33.42
McColl, Marlboro	33.34
McCormick, McCormick	33.42
Manning, Clarendon	33.34
Marion, Marion	33.42
Mauldin, Greenville	33.34
Mayesville, Sumter	33.42
Mount Carmel, McCormick	33.42
Mount Croghan, Chesterfield	33.42
Mountville, Laurens	33.34
Mullins, Marion	33.34
Neeses, Orangeburg	33.42
Newberry, Newberry	33.42
Newry, Oconee	33.34
New Zion, Clarendon	33.42
Ninety Six, Greenwood	33.42
Norris, Pickens	33.34
North, Orangeburg	33.34
Norway, Orangeburg	33.34
Olanta, Florence	33.34
Olar, Bemberg	33.34
Orangeburg, Orangeburg	33.34
Oswego, Sumter	33.42
Owings, Laurens	33.42
Pageland, Chesterfield	33.34
Pamplico, Florence	33.42
Parksville, McCormick	33.42
Pelzer, Anderson	33.42
Pendleton, Anderson	33.42
Pickens, Pickens	33.42
Piedmont, Greenville	33.34
Pinewood, Sumter	33.42
Plum Branch, McCormick	33.42
Pomaria, Newberry	33.42
Princeton, Laurens	33.42
Prosperity, Newberry	33.34
Remini, Clarendon	33.42
Richburg, Chester	33.42
Ridge Springs, Saluda	33.42
Ridgeway, Fairfield	33.42
Rock Hill, York	33.42
Roebuck, Spartanburg	33.42
Rowesville, Orangeburg	33.42
Salley, Aiken	33.42
Saluda, Saluda	33.42
Sandy Springs, Anderson	33.34
Sardinia, Clarendon	33.34
Scotia, Hampton	33.34
Seigling, Allendale	33.34
Sellers, Marion	33.42
Seneca, Oconee	33.42
Sharon, York	33.34
Silver, Clarendon	33.42
Simpsonville, Greenville	33.42
Six Mile, Pickens	33.34
Smoaks, Colleton	33.42
Smyrna, York	33.42
Spartanburg, Spartanburg	33.34
Springfield, Orangeburg	33.42
Starr, Anderson	33.34
St. Matthews, Calhoun	33.34
Summerton, Clarendon	33.34
Sumter, Sumter	33.42
Swansea, Lexington	33.34
Syracuse, Darlington	33.34
Tatum, Marlboro	33.34
Timmonsville, Florence	33.42
Trenton, Edgefield	33.34
Turbeville, Clarendon	33.42
Union, Union	33.34
Vance, Orangeburg	33.42
Van Wyck, Lancaster	33.42
Wagener, Aiken	33.42
Walhalla, Oconee	33.34
Wallace, Hampton	33.34
Walterboro, Colleton	33.42
Waterloo, Laurens	33.42
Wattsville, Laurens	33.34
Wedgefield, Sumter	33.42
Westminster, Oconee	33.42
West Union, Oconee	33.42
Whitmire, Newberry	33.42

SOUTH CAROLINA—Continued

City and county	Basis Middling white 1-inch purchase rate
Whitney, Spartanburg	33.42
Williamston, Anderson	33.42
Williston, Barnwell	33.34
Windsor, Aiken	33.42
Winnsboro, Fairfield	33.42
Wisacky, Lee	33.34
Wolfton, Orangeburg	33.34
Woodruff, Spartanburg	33.42
York, York	33.42

TENNESSEE

Brownsville, Haywood	32.65
Chattanooga, Hamilton	33.14
Covington, Tipton	32.65
Decherd, Franklin	32.94
Dyersburg, Dyer	32.65
Elora, Lincoln	32.84
Fayetteville, Lincoln	32.84
Five Points, Lawrence	32.74
Halls, Lauderdale	32.65
Henderson, Chester	32.66
Humboldt, Gibson	32.65
Jackson, Madison	32.66
Knoxville, Knox	33.14
Lawrenceburg, Lawrence	32.74
Loretto, Lawrence	32.74
Memphis, Shelby	32.66
Milan, Gibson	32.65
Murfreesboro, Rutherford	32.84
Ripley, Lauderdale	32.65
Shelbyville, Bedford	33.84
South Pittsburg, Marion	33.04
Tiptonville, Lake	32.65
Winchester, Franklin	32.94

TEXAS

Abernathy, Hale	32.31
Abilene, Taylor	32.37
Ackerly, Dawson	32.39
Afton, Dickens	32.37
Aiken, Floyd	32.31
Alba, Wood	32.47
Alvarado, Johnson	32.39
Amarillo, Potter	32.31
Amherst, Lamb	32.39
Anson, Jones	32.37
Anton, Hockley	32.29
Aspermont, Stonewall	32.37
Athens, Henderson	32.47
Atlanta, Cass	32.47
Austin, Travis	32.39
Austonio, Houston	32.39
Avery, Red River	32.47
Baileyboro, Bailey	32.29
Bakersfield, Pecos	32.37
Ballinger, Runnels	32.37
Balmorhea, Reeves	32.27
Barry, Navarro	32.39
Bartlett, Bell	32.39
Beaumont, Jefferson	32.47
Beckville, Panola	32.47
Belton, Bell	32.39
Bertram, Burnett	32.39
Big Spring, Howard	32.29
Bledsoe, Cochran	32.29
Bloomburg, Cass	32.47
Bogata, Red River	32.47
Bonham, Fannin	32.47
Bovina, Parmer	32.29
Brady, McCulloch	32.37
Breckenridge, Stephens	32.39
Brenham, Washington	32.39
Broadview, Lubbock	32.29
Brookshire, Waller	32.39
Brownfield, Terry	32.29
Brownsville, Cameron	32.31
Brownwood, Brown	32.39
Bryan, Brazos	32.39
Bula, Bailey	32.29
Burton, Washington	32.39
Bynum, Hill	32.39
Caldwell, Burleson	32.39
Calvert, Robertson	32.39
Cameron, Milam	32.39
Carthage, Panola	32.47
Celina, Collin	32.39
Center, Shelby	32.47

TEXAS—Continued

City and county	Basis Middling white 1-inch purchase rate
Chaison, Jefferson	32.47
Chapel Hill, Washington	32.39
Childress, Childress	32.37
Chilliecothe, Hardeman	32.39
Clarksville, Red River	32.47
Cleburne, Johnson	32.39
Cobbe, Hockley	32.39
Coleman, Coleman	32.37
Colorado City, Mitchell	32.37
Commerce, Hunt	32.47
Cooper, Delta	32.47
Corpus Christi, Nueces	32.35
Corsicana, Navarro	32.39
Crockett, Houston	32.39
Crosbyton, Crosby	32.29
Cuero, De Witt	32.39
Cumby, Hopkins	32.47
Daingerfield, Morris	32.47
Dallas, Dallas	33.39
Dean, Clay	32.39
Dean, Hockley	32.29
Dean, Leon	32.39
Decatur, Wise	32.39
Dell City, Hudspeth	32.19
Denison, Grayson	32.47
Denton, Denton	32.39
Denver City, Yoakum	32.29
Deport, Lamar	32.47
Dimmitt, Castro	32.31
Dublin, Erath	32.39
Dien, Concho	32.37
Edgewood, Van Zandt	32.47
El Campo, Wharton	32.39
Elgin, Bastrop	32.39
Elkhart, Anderson	32.39
El Paso, El Paso	32.18
Elysian Fields, Harrison	32.47
Emhouse, Navarro	32.39
Engleman Gardens, Hidalgo	32.31
Ennis, Ellis	32.47
Enochs, Bailey	32.39
Estelline, Hall	32.29
Fabens, El Paso	32.18
Fairfield, Freestone	32.39
Farwell, Parmer	32.29
Floydada, Floyd	32.37
Forney, Kaufman	32.47
Fort Stockton, Pecos	32.27
Fort Worth, Tarrant	32.39
Frisco, Collin	32.39
Gainesville, Cooke	32.47
Galveston, Galveston	32.47
Ganado, Jackson	32.39
Garland, Dallas	32.47
Gary, Panola	32.47
Gatesville, Coryell	32.39
Gilmer, Upshur	32.47
Gonzales, Gonzales	32.39
Grand Saline, Van Zandt	32.47
Grandview, Johnson	32.39
Granger, Williamson	32.39
Grapeland, Houston	32.39
Grassland, Lynn	32.29
Greenville, Hunt	32.47
Hale Center, Hale	32.31
Hamilton, Hamilton	32.39
Hamlin, Jones	32.37
Harlingen, Cameron	32.31
Hart, Castro	32.31
Haskell, Haskell	32.37
Hearne, Robertson	32.39
Hebron, Denton	32.39
Hedley, Donley	32.37
Henderson, Rusk	32.47
Hillsboro, Hill	32.39
Hoban, Reeves	32.27
Honey Grove, Fannin	32.47
Houston, Harris	32.47
Hubbard, Hill	32.39
Hughes Spring, Cass	32.47
Huntsville, Walker	32.39
Hutto, Williamson	32.39
Irene, Hill	32.39
Jacksonville, Cherokee	32.47
Jarrell, Williamson	32.39
Jayton, Kent	32.37
Jefferson, Marion	32.47

TEXAS—Continued

City and county	Basis Middling white 1-inch purchase rate
Jewett, Leon	32.39
Kaufman, Kaufman	32.47
Kenedy, Karnes	32.35
Kerens, Navarro	32.39
Killeen, Bell	32.39
Knox City, Knox	32.37
Krum, Denton	32.39
Ladonia, Fannin	32.47
La Grange, Fayette	32.39
Lamesa, Dawson	32.29
Levelland, Hockley	32.29
Lindale, Smith	32.47
Littlefield, Lamb	32.29
Lobo, Culberson	32.19
Lockhart, Caldwell	32.39
Lockney, Floyd	32.31
Longview, Gregg	32.47
Loraine, Mitchell	32.37
Lorenzo, Crosby	32.29
Lovelady, Houston	32.39
Lubbock, Lubbock	32.31
Luedera, Jones	32.37
McAdoo, Dickens	32.37
McCamey, Upton	32.27
McGregor, McLennan	32.39
McKinney, Collin	32.47
McLean, Gray	32.37
Madisonville, Madison	32.39
Marfa, Presidio	32.19
Marlin, Falls	32.39
Marshall, Harrison	32.47
Mart, McLennan	32.39
Maypearl, Ellis	32.39
Meadow, Terry	32.29
Memphis, Hall	32.37
Mercedes, Hidalgo	32.31
Mereta, Tom Green	32.37
Merkel, Taylor	32.37
Mexia, Limestone	32.39
Midland, Midland	32.29
Midlothian, Ellis	32.39
Mineola, Wood	32.47
Monahans, Ward	32.27
Mt. Pleasant, Titus	32.47
Muleshoe, Bailey	32.29
Munday, Knox	32.37
Nacogdoches, Nacogdoches	32.47
Naples, Morris	32.47
Navasota, Grimes	32.39
Needville, Fort Bend	32.47
New Boston, Bowie	32.47
New Braunfels, Comal	32.39
Nocona, Montague	32.39
Norton, Runnels	32.37
O'Brien, Haskell	32.37
O'Donnell, Lynn	32.29
Old Glory, Stonewall	32.37
Olton, Lamb	32.31
Omaha, Morris	32.47
Paducah, Cottle	32.37
Palestine, Anderson	32.39
Paris, Lamar	32.47
Patricia, Dawson	32.29
Peacock, Stonewall	32.37
Pecos, Reeves	32.27
Petersburg, Hale	32.31
Pettit, Hockley	32.29
Pilot Point, Denton	32.39
Pittsburg, Camp	32.47
Plains, Yoakum	32.29
Plainview, Hale	32.31
Plano, Collin	32.47
Port Arthur, Jefferson	32.47
Post, Garza	32.29
Presidio, Presidio	32.19
Princeton, Collin	32.47
Pyote, Ward	32.27
Quanah, Hardeman	32.39
Quitaque, Briscoe	32.31
Quitman, Wood	32.47
Ralls, Crosby	32.29
Raymondville, Willacy	32.31
Rice, Navarro	32.39
Roans Prairie, Grimes	32.39
Roaring Springs, Motley	32.37

TEXAS—Continued

City and county	Basis Middling white 1-inch purchase rate
Robstown, Nueces	32.35
Roby, Fisher	32.37
Rochelle, McCulloch	32.37
Rochester, Haskell	32.37
Rockwall, Rockwall	32.47
Roscoe, Nolan	32.37
Rosebud, Falls	32.39
Rosenberg, Fort Bend	32.47
Rotan, Fisher	32.37
Rowlett, Dallas	32.47
Royse City, Dockwall	32.47
Rule, Haskell	32.37
Salado, Bell	32.39
San Angelo, Tom Green	32.37
San Antonio, Bexar	32.35
San Augustine, San Augustine	32.47
San Marcos, Hays	32.39
Saragosa, Reeves	32.27
Schulenburg, Fayette	32.39
Seagraves, Gaines	32.29
Seguin, Guadalupe	32.39
Seymour, Baylor	32.39
Shallowater, Lubbock	32.29
Shamrock, Wheeler	32.37
Sherman, Grayson	32.47
Shiner, Lavaca	32.39
Shiro, Grimes	32.39
Silverton, Briscoe	32.31
Slaton, Lubbock	32.31
Snyder, Scurry	32.37
Southton, Bexar	32.35
Spade, Lamb	32.29
Spade, Mitchell	32.37
Spur, Dickens	32.37
Stamford, Jones	32.37
Stanton, Martin	32.29
Streetman, Freestone	32.39
Sudan, Lamb	32.29
Sugar Land, Fort Bend	32.47
Sulphur Springs, Hopkins	32.47
Sweetwater, Nolan	32.37
Swenson, Stonewall	32.37
Taft, San Patricio	32.35
Tahoka, Lynn	32.29
Tarzan, Martin	32.29
Tatum, Rusk	32.47
Taylor, Williamson	32.39
Teague, Freestone	32.39
Temple, Bell	32.39
Tenaha, Shelby	32.47
Terrell, Kaufman	32.47
Texarkana, Bowie	32.47
Texas City, Galveston	32.47
Timpson, Shelby	32.47
Troup, Smith	32.47
Tulia, Swisher	32.31
Turkey, Hall	32.31
Twitty, Wheeler	32.37
Tyler, Smith	32.47
Valley Mills, Bosque	32.39
Van Horn, Culberson	32.19
Venus, Johnson	32.39
Vernon, Wilbarger	32.39
Victoria, Victoria	32.39
Waco, McLennan	32.39
Wall, Tom Green	32.37
Waxahachie, Ellis	32.39
Wellington, Collingsworth	32.37
Weslaco, Hidalgo	32.31
West, McLennan	32.39
Whiteface, Cochran	32.29
Whitewright, Grayson	32.47
Wichita Falls, Wichita	32.39
Wills Point, Van Zandt	32.47
Wilson, Lynn	32.29
Winnsboro, Wood	32.47
Winters, Runnels	32.37
Wolfe City, Hunt	32.47
Wolfforth, Lubbock	32.29
Yoakum, Lavaca	32.39
Yorktown, De Witt	32.39

VIRGINIA

Brodnax, Brunswick	33.94
Kenbridge, Lunenburg	33.94
Norfolk, Norfolk	33.94

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178; 15 U.S.C. 714 b and c, 7 U.S.C. 1441, 1443, 1421)

Issued this 10th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-5528; Filed, June 16, 1960; 8:49 a.m.]

PART 446—PEANUTS

Subpart—1960 Crop Peanut Price Support Program

This bulletin (hereinafter called subpart) contains regulations applicable to the 1960 Crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

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446.1233 Quality and quantity of peanuts delivered to CCC.
446.1234 Purchase agreement settlement.

AUTHORITY: §§ 446.1201 to 446.1234 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 73 Stat. 178; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

GENERAL

§ 446.1201 Administration.

(a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. In the field, the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and the Dallas CSS Commodity Office (hereinafter called the commodity office). State and county committees and the commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(b) Associations operating under an Association Loan and Handling Agreement, CCC Peanut Form 27 (1960) with CCC (hereinafter referred to as an Agreement with CCC) may receive, arrange storage for and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

§ 446.1202 Availability.

(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through January 31, 1961. Nonrecourse loans will mature on May 31, 1961, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1961. Recourse loans will mature on January 31, 1962. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1961. Warehouse receipts for peanuts delivered to an association operating under an Agreement with CCC shall show that the peanuts were received in the warehouse not later than January 31, 1961, and shall have been issued within two business days (excluding Saturdays) after the peanuts were received in the warehouse. Purchase agreements will be available at the county office through January 31, 1961. A producer who desires to sell peanuts to CCC is required to file a Purchase Agreement, Form CP-1, with the county office on or before such date.

§ 446.1203 Methods of price support.

Within the limitations prescribed in the Regulations Relating to the $50,000 Limitation on Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply (hereinafter referred to as the "Regulations Relating to the $50,000 Limitation") 25 F.R. 1001, nonrecourse price support will be made available on 1960 crop peanuts through farm storage loans to eligible producers, warehouse storage loans to associations operating under Agreements with CCC, and through purchase agreements with eligible producers. The $50,000 limitation on nonrecourse price support is not applicable to the loan made available to an Association operating under an Agreement with CCC; but the limitation is applicable to the amount of nonrecourse price support obtained by an eligible producer through the Association and otherwise. Recourse price support will be made available only through recourse farm storage loans.

§ 446.1204 Definitions.

As used in this subpart and in instructions and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling agricultural products for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC, and meets the following requirements:

(1) The major portion of the peanuts handled by the association is delivered to the association by producer members;

(2) The members and non-members who deliver peanuts to the association and who authorize the association to handle and market their peanuts and to obtain price support on such peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The association has the legal right to pledge or mortgage the peanuts tendered as security for a loan;

(4) The manager of the association shall not be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as manager of the association or as a producer; and

(5) The association shall maintain such accounts and records as CCC may prescribe.

(b) *County office.* The office of the ASC county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the regulation entitled "Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages" including any amendments or supplements thereto or revision thereof (23 F.R. 6731, 7693, 9505, 10476, 24 F.R. 2642 and 25 F.R. 1065 and 1816) which in general defines a farm as all adjoining or nearby farmland which is operated as one farming unit.

(d) *Farm allotment.* The effective farm allotment for the 1960 crop of peanuts as defined in the marketing quota regulations.

(e) *Farmers stock peanuts.* Picked or threshed peanuts produced in the continental United States during the calendar year 1960, which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign

material and loose shelled kernels and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1960 farm peanut acreage determined in accordance with the marketing quota regulations which in general defines such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for peanuts of 1959 and Subsequent Crops issued by the Acting Secretary of Agriculture, including any amendments or supplements thereto or revisions thereof (23 F.R. 8515, 24 F.R. 2677, 6903, 9611 and 25 F.R. 897).

(i) *Net weight.* That weight of farmers stock peanuts obtained by multiplying the gross weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southeastern and Southwestern areas or 8 percent in the Virginia-Carolina area.

(j) *Person.* An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. The rules in the Regulations Relating to the $50,000 Limitation shall be applied to determine whether certain individuals or legal entities engaged in the production of 1960 crop peanuts are to be treated as one person or as separate persons for the purpose of applying the $50,000 limitation.

(k) *Producer advance value.* The support price of eligible farmers stock peanuts less an amount equivalent to $9.00 per net weight ton. The producer advance value of any lot of peanuts pledged to CCC as collateral for a loan to an association shall be determined (as provided in section II, item P of Form MQ–94 or item O of MQ–94—Peanuts V–C) on the basis of the weight, grade and type of peanuts in the lot. The $9.00 deduction is made to provide funds to pay inspection, storage, and part of the association's expenses in connection with the loan program.

(l) *Quota peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(m) *Type.* The generally known types of peanuts (i.e. Runner, Spanish, Valencia, and Virginia) as defined in 7 CFR 729.1104(a) of the "Determination with Respect to Supply of Valencia Type Peanuts for the 1960–61 Marketing Year," issued April 14, 1960 by the Acting Secretary of Agriculture (25 F.R. 3349).

(n) *Sound mature kernels.* Kernels which are free from damage and minor defects as defined in the U.S. Standards for shelled (1) Spanish type peanuts effective August 31, 1959, in the case of Spanish and Valencia peanuts, (2) Runner type peanuts, effective July 31, 1956, or (3) Virginia type peanuts, effective August 31, 1959; and which will not pass through a screen having:

(i) $\frac{15}{64}$ x $\frac{3}{4}$ inch perforations in the case of Spanish and Valencia peanuts,

(ii) $\frac{15}{64}$ x 1 inch perforations in the case of Virginia peanuts,

(iii) $\frac{15}{64}$ x $\frac{3}{4}$ inch perforations in the case of Runner peanuts.

(o) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having $\frac{25}{64}$ x 1 inch openings and which are "whole" and free from "minor defects" and "damage" as such terms are defined in the U.S. Standards for Shelled Virginia Type Peanuts (effective August 31, 1959).

(p) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts suitable for cleaning and roasting shall be those containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(q) *Within quota card.* Form MQ–76 (Peanuts) 1960, 1960 Peanut Within Quota Marketing Card, issued pursuant to the marketing quota regulations.

§ 446.1205 Support prices.

The national average support price and support prices and loan rates by types will be issued as an amendment to this subpart.

§ 446.1206 Eligible peanuts.

(a) *Eligible peanuts.* Peanuts eligible for price support are 1960 crop farmers stock peanuts, other than those produced in violation of a restrictive lease on federally owned land, which;

(1) Contain not more than 10 percent foreign material and, except as provided in subparagraph (6) of this paragraph, not more than 7 percent damaged kernels;

(2) Contain moisture not in excess of 10 percent, except that any such peanuts which have been mechanically dried shall contain at least 6 percent moisture.

(3) Are produced by an eligible producer on a farm (i) on which the 1960 farm peanut acreage does not exceed the effective farm allotment determined in accordance with the marketing quota regulations, (ii) on which the farm peanut acreage exceeds the effective farm allotment if the producer establishes to the satisfaction of CCC, as provided in paragraph (c) of this section, that he did not knowingly exceed such farm allotment, or (iii) for which a within quota marketing card is issued upon the execution of Form MQ–92—Peanuts (3–26–58), Agreement by Operator of Overplanted Peanut Farm: *Provided, however,* That the county committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of marketing penalty.

(4) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and

(5) In the Southwest area, if such peanuts are bagged, the bags are new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes, and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2-bushel capacity.

(6) In the case of bulk stored Virginia type peanuts at CCC bin sites in Southampton, Greensville, Surry and Sussex Counties in the State of Virginia, CCC may determine that the eligibility requirements with respect to moisture and damage have been met if, on the basis of a preliminary grade determined from a preliminary sample drawn by a Federal-State inspector, the percentage of damage does not exceed 7 percent and the percent of moisture does not exceed 10 percent. However, the official grade determined from the official sample drawn by the Federal-State inspector subsequent to the preliminary grade determination shall be used in determining the support price, and if the official grade shows the damage to be in excess of 7 percent the following discounts will be applied.

Peanuts containing damaged kernels of:	Discount per ton
8 percent	$46.00
9 percent	96.00
10 percent	96.00
11 percent and above	136.00

(b) *Agreement by operator of overplanted peanut farm.* By execution of Form MQ–92—Peanuts (3–26–58), Agreement by Operator of Overplanted Peanut Farm, the operator agrees that the farm peanut acreage will not exceed the larger of the farm allotment or one acre, and if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture. The liquidated damages provided for under such agreement will not be due CCC in a case where it is determined by CCC that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement. The State administrative officer, or in his absence, the acting administrative officer, is authorized to make such determination in a case where the farm peanut acreage does not exceed the acreage specified in the agreement by more than the larger one-tenth acre or two percent of the acreage specified in the agreement. The State committee is authorized to make such determination in a case where the farm peanut acreage exceeds the acreage specified in the agreement by more than the larger of one-tenth acre or two percent of the acreage specified in the agreement and the State committee also determines that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations.

(c) *Determination that producer unknowingly exceeded the effective farm allotment.* A producer on a farm on which the farm peanut acreage exceeds the effective farm allotment shall be deemed not to have knowingly exceeded such allotment within the meaning of paragraph (a)(3)(ii) of this section if (1) the excess acreage is determined in accordance with the marketing quota regulations, to be zero, (2) the liquidated damages provided for as the result of a breach of the terms of Form MQ–92—Peanuts are not due CCC under the provisions of paragraph (b) of this section, (3) an erroneous notice of measured acreage was issued to the producer and the farm peanut acreage is deemed to be equal to the effective farm allotment under the provisions of the peanut marketing quota program, or (4) the producer exceeded the effective farm allotment under circumstances which are not provided for under subparagraphs (1), (2), and (3) of this paragraph, and CCC determines that the producer unknowingly exceeded such allotment.

§ 446.1207 Eligible producer.

(a) An eligible producer shall be a person who is entitled to share as landowner, landlord, tenant, or sharecropper, in peanuts produced on the farm in 1960. An eligible producer may receive nonrecourse price support in excess of $50,000 on 1960 crop peanuts only in the event that he has made the required reduction in production and has qualified for an exemption from the $50,000 limitation in accordance with the regulations relating to the $50,000 limitation. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interest is in him and has always been in him, or in him and a former producer whom he succeeded before the peanuts were harvested: *Provided,* That, upon request by the county committee and within the time prescribed thereby, the producer files with the county committee a CCC Form 116 giving information as required thereon regarding his interest in peanuts produced in 1960 and peanut price support obtained or applied for on such peanuts. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the peanuts are produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. Any producer who is in doubt as to whether his interest in the peanuts complies with the requirements of this section should make all pertinent information available to the county office. The county committee shall determine whether the requirements have been met.

(b) Two or more eligible producers may obtain a joint farm storage loan on eligible peanuts produced by them if stored, separately from any other peanuts, in the same farm-storage facility. Except as provided in § 446.1211(f) in the case of joint loans, each person signing the note shall be held jointly and severally responsible for the obligations imposed by the loan. For purposes of applying the $50,000 nonrecourse price support limitation, in the case of joint loans each producer shall be deemed to have been extended price support to the extent of his interest in the joint loan, as shown on the Producer's Note and Supplemental Loan Agreement.

(c) Where the county office has experienced difficulty in settling a farm storage loan with a producer, the county committee may determine that he is not eligible for a 1960 crop nonrecourse farm storage loan. If such determination is made, the producer shall be able to obtain a 1960 crop nonrecourse loan through the association by delivering eligible peanuts to a warehouse under contract to receive peanuts for such association, or he shall be permitted to sign a purchase agreement.

§ 446.1208 Determination of type and grade of farmers stock peanuts.

(a) A Federal or Federal-State inspector, authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture, shall determine the type and grade of each lot of farmers stock peanuts:

(1) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made;

(2) When delivered in settlement of a farm storage loan;

(3) When delivered to CCC under a purchase agreement;

(4) When received in a warehouse under contract CCC Peanut Form 28 (1960) or CCC Peanut Form 28A (1960);

(5) When delivered to CCC from a warehouse under contract CCC Peanut Form 28 (1960) or CCC Peanut Form 28A (1960).

(b) The grade shall be expressed in terms of the percentages of sound mature kernels, damaged kernels, loose shelled kernels, other kernels, foreign material, moisture, fancy size, and extra large kernels in Virginia type peanuts.

§ 446.1209 Service charges and fees.

(a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. On the quantity of peanuts covered by a purchase agreement the producer shall pay, at the time the agreement is filed, a service charge of 15 cents per ton or fraction thereof, except that the minimum charge shall be $1.50. No refund of service charges will be made except where the amount collected exceeds the correct amount. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service charge when the loan is granted.

(b) The producer will pay the fee for inspecting peanuts placed under a farm storage or association loan or delivered to CCC under a purchase agreement. CCC will pay the fee for inspecting loan collateral peanuts acquired by CCC.

(c) The association will pay the warehouse charges on peanuts redeemed. CCC will pay warehouse charges with respect to loan collateral peanuts acquired by CCC, except that the producer will be required to defray storage charges accruing prior to the date on which CCC acquires title to such collateral.

(d) The service charges and fees specified in this section will be computed on net weights.

§ 446.1210 Interest rate.

(a) *Nonrecourse loans.* Nonrecourse loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

(b) *Recourse loans.* Recourse farm storage loans and charges shall bear interest at the rate of 6 percent per annum from the date of disbursement; except that, if any amounts are repaid on or before May 31, 1961, the rate of interest thereon shall be 3½ percent per annum from the date of disbursement. Notwithstanding the foregoing if the producer has made a wilful misrepresentation in obtaining the loan, the principal amount of the loan and any charges shall bear interest at the rate of 6 percent per annum from the date of disbursement thereof until the date of repayment.

§ 446.1211 Application of the $50,000 limitation to nonrecourse loans and purchase agreements.

(a) The amount of nonrecourse peanut price support which may be extended to a person who has not qualified for unlimited nonrecourse peanut price support in accordance with the regulations relating to the $50,000 limitation, shall not exceed $50,000. (The rules provided in the regulations relating to the $50,000 limitation shall be applied to determine whether certain individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying this $50,000 limitation.) For the purpose of determining the amount of nonrecourse peanut price support extended to a person who has not qualified for unlimited nonrecourse peanut price support, there shall be totalled (i) the amount of any nonrecourse farm storage loan and any additional amount paid at settlement; (ii) the amount of any advance with respect to peanuts delivered to an association operating under an agreement with CCC, plus any amount withheld for association loan expenses, inspection fees, and storage costs; and (iii) the settlement value of any peanuts delivered to CCC under a purchase agreement.

(b) Settlement with any producer who has not qualified for unlimited nonrecourse peanut price support, shall be made as provided in paragraph (c) of this section if, in the absence of fraud:

(1) There is delivered under a farm-storage loan or purchase agreement a quantity of peanuts which, if accepted by

CCC as a delivery under nonrecourse price support, would result in a person receiving nonrecourse peanut price support in excess of $50,000; or

(2) There is under pledge to CCC through an association, a quantity of peanuts which, if CCC were to accept title in settlement under nonrecourse price support, would result in a person receiving nonrecourse price support on peanuts in excess of $50,000; or

(3) The loan or purchase agreement has resulted in a person receiving nonrecourse peanut price support in excess of $50,000.

(c) Under the circumstances specified in paragraph (b) of this section, CCC shall:

(1) Make available to the producer to whom a farm storage loan or with whom a purchase agreement was made, or who obtained price support through an association, a quantity of peanuts which has a value under price support operations equal to the excess above $50,000 as determined by CCC (such quantity of peanuts is hereinafter referred to in this section as "excess peanuts"), or

(2) Sell the quantity of excess peanuts at the market price for the producer's account and settle with him on the basis of the net proceeds; or

(3) When it is not practical to effect full settlement as provided in subparagraphs (1) and (2) of this paragraph, accept the quantity of excess peanuts for which settlement has not been so effected, at the market value on the date of delivery, or on the maturity date in the case of an Association loan, or the price support value, whichever is lower, as determined by CCC. Settlement provided for in this paragraph (c) shall be made basis point of delivery to CCC in case of a farm storage loan or purchase agreement or basis point of storage while under pledge in the case of a loan to an Association. All costs incurred by CCC in connection with such excess peanuts shall be paid by the producer.

(d) In the absence of fraud, the producer shall refund to CCC, promptly upon demand, the total amount of any nonrecourse peanut price support in excess of $50,000 received by a person as a result of a loan to or on behalf of, or purchase agreement with, the producer, plus all costs incurred by CCC on the excess peanuts, together with interest thereon, less any amount due the producer under this section. The rate of interest payable by the producer on the amounts due CCC shall be 6 percent per annum from the date of disbursement, except that if any of such amounts are repaid on or before May 31, 1961, the rate of interest thereon shall be 3½ percent per annum from the date of disbursement.

(e) Notwithstanding anything contained in this section, CCC shall not accept the delivery of any excess peanuts from a producer, or accept a pledge of excess peanuts, where it is practicable to determine, at the time of delivery or pledge, the quantity of peanuts which would result in nonrecourse peanut price support being extended to a person in an amount exceeding $50,000.

(f) In the case of joint loans, the term "producer" as used in paragraphs (c), (d), and (e) of this section, shall refer to the producer whose share of the joint loan has resulted or would result in a person receiving nonrecourse price support in excess of $50,000.

§ 446.1212 Applicable forms and requirements.

(a) *Farm storage loans.* Applicable forms are the Producer's Note and Supplemental Loan Agreement, Commodity Chattel Mortgage, delivery instructions issued by the county office, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Purchase agreements.* Applicable forms are the Purchase Agreement, Purchase Agreement Settlement, the delivery instructions issued by the county office, and such other forms and documents as may be required by CCC.

(c) *Nonrecourse price support in excess of $50,000 based on reduction in production.* Applicable forms are the Application for Exemption from the Limitation on Nonrecourse Price Support, and such other forms or documents as may be required by CCC.

(d) *Other requirements.* Producer's Note and Supplemental Loan Agreements, and Commodity Chattel Mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(e) *Storage of peanuts under farm storage loans and purchase agreements.* Peanuts covered by a nonrecourse farm storage loan shall be stored separately from peanuts covered by a recourse farm storage loan so that the identity of the collateral for each type of loan is maintained at all times. Peanuts covered by a purchase agreement shall be stored separately from all other peanuts.

§ 446.1213 Personal liability of the borrower.

(a) The making of any fraudulent representation in obtaining a loan (whether nonrecourse or recourse) or the conversion or unlawful disposition of any portion of the peanuts by the producer or the association may render such producer or association subject to criminal prosecution under Federal law and shall render him or it personally liable for the amount of the loan made with respect to such peanuts and for any resulting expense incurred by the holder of the note, plus interest. Any such loan shall become payable upon demand. For the purpose of establishing any deficiency remaining due with respect to a nonrecourse farm storage loan in the event the producer has made any such fraudulent representation, wilful conversion or unlawful disposition, the value of the peanuts delivered to the holder of the note or removed by such holder shall be the market value on the date of delivery or removal as determined by such holder: *Provided, however,* That notwithstanding the provisions of the Producer's Note and Supplemental Loan Agreement, if the conversion of nonrecourse loan collateral is determined by CCC not to have been wilful, the value of the peanuts delivered to the holder of the note or removed by such holder shall be the settlement value determined pursuant to § 446.1229(e). For the purpose of establishing any deficiency remaining due with respect to a loan to an association in the event the producer has made any fraudulent representation, the value of any peanuts acquired by the holder of the note, whether by delivery or otherwise, in satisfaction of the warehouse receipts for the peanuts for which such fraudulent representation was made shall be the market value, as determined by the holder of the note, of such peanuts as of the date of such acquisition. For purposes of establishing any deficiency remaining due with respect to a loan to an association in the event of conversion or unlawful disposition by the association of any portion of the peanuts stored in a warehouse, the value of all peanuts acquired by the holder of the note in satisfaction of warehouse receipts issued for peanuts received for storage in such warehouse, shall be the market value, as determined by the holder of the note, as of the date of acquisition by such holder, whether by delivery or otherwise: *Provided, however,* That notwithstanding anything contained in this section, in the case of a nonrecourse loan, if the conversion is determined by CCC not to have been wilful, the value of the peanuts acquired by the holder of the note shall be the amount of the loan made with respect to such peanuts.

(b) In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized in this subpart, the producer or association, as the case may be, shall be liable for repayment of the amount of such excess.

§ 446.1214 Payments and collections; amounts not exceeding $3.

To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 446.1215 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's setoff regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Associations shall deduct from their advance payments to producers, and remit in accordance with procedure approved by CSS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 446.1216 Foreclosure.

(a) *Nonrecourse farm storage loans.* (1) If a nonrecourse loan (including charges and interest) is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts from storage and also to sell, assign, transfer, and deliver the peanuts or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, and the holder of the note may become the purchaser of the whole or any part of the peanuts. Any such disposition may similarly be effected without removing the peanuts from storage.

(2) If, upon maturity and nonpayment of the producer's note, CCC as the holder of the note, then at CCC's election title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e. the unpaid amount of the note plus charges and interest. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party:

(i) Any amount by which the settlement value of the mortgaged peanuts may exceed the principal amount of the loan; or

(ii) The amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral.

(b) *Recourse farm storage loans.* If a recourse loan is not repaid in full upon maturity, or upon an earlier date if the holder of the note determines that the peanuts can no longer be stored because of danger of deterioration or other reasons, the holder of the note is authorized to remove the peanuts from storage and also to sell, assign, transfer and deliver the peanuts or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder may determine, at public or private sale. Any such disposition may similarly be effected without removing the peanuts from storage. Any amount due the producer from the sale of the peanuts or from an insurance indemnity paid on the peanuts, after deducting the amount of the loan, charges and interest, shall be payable only to the producer without right of assignment by him. If the peanuts removed by the holder of the note from storage are sold at less than the amount due on the recourse loan, including charges and interest, the producer shall pay to the holder the difference between the amount due on the recourse loan and the sales proceeds. Such payment shall be made promptly upon demand, unless the peanuts are sold prior to the maturity date, in which event such payment shall be made to the holder on the maturity date. The amount of the deficiency may be set off against any payment which would otherwise be due the producer as provided in § 446.1229(c).

(c) *Association loans.* Upon maturity and nonpayment of an association loan as provided in § 446.1230, title to the unredeemed collateral peanuts shall, without sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, including charges and interest.

§ 446.1217 Financial institutions.

As used in this subpart a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities, or a production credit association.

§ 446.1218 Approved lending agency.

An approved lending agency shall be a bank or other financial institution with which CCC has entered into a lending agency agreement, CCC Peanut Form 50 (1960), authorizing the lending agency to make a loan to an association. Approved lending agencies will have the election of obtaining immediate reimbursement from CCC for all or part of the funds advanced under the association loan, or of investing in the CCC pool of price support loans by requesting issuance of a certificate of interest for all or part of the funds advanced under the association loan.

§ 446.1219 Servicing association loans.

Lending agencies shall act as agents for CCC in servicing the loan made to an association.

§ 446.1220 Compensation for hauling.

If the producer is directed by the county office to deliver, to a location other than his customary delivery point, peanuts under a nonrecourse farm storage loan or a purchase agreement, the producer shall be allowed compensation (as determined by CCC, but not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the peanuts any distance greater than the distance from the point where the peanuts are stored by the producer to the customary delivery point.

PRODUCER LOANS (FARM STORAGE LOANS)

§ 446.1221 Farm storage loans available at county office.

(a) Both nonrecourse and recourse loans will be available to eligible producers on eligible peanuts in approved farm storage. Producers who want to obtain such loans shall apply at the county office where the farm program records are kept, and that office will arrange for inspection, sampling, and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet requirements, the county office will determine whether the loan is to be a nonrecourse or a recourse loan, and the amount of the loan(a). The county office will also prepare and approve the loan documents. Copies of all such documents will be kept in the county office.

(b) A nonrecourse farm storage loan will be available to an eligible producer, who has not qualified for unlimited peanut price support in accordance with the Regulations Relating to the $50,000 Limitation, only in that amount which the county office determines will not cause the total amount of peanut price support on 1960 crop peanuts extended to a person, as specified in § 446.1211(a) to exceed the $50,000 limitation. A recourse farm storage loan will be available to an eligible producer who desires to obtain peanut price support in excess of the amount of nonrecourse peanut price support which may be extended to a person.

§ 446.1222 Approved farm storage.

Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage for peanuts. Such structures shall be dry and well-ventilated.

§ 446.1223 Quantity determinations.

(a) *Quantity on which a nonrecourse or recourse loan may be made.* Farm storage loans shall be made on the entire quantity of peanuts stored in a bin or crib, except where the county committee has determined that a nonrecourse loan on part of the peanuts stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan. However, approval of a loan on part of the peanuts stored in a bin or crib shall not be granted in the event the State committee has determined on a State-wide basis that such partial loans shall not be made, or in the event the other peanuts stored in such bin or crib are recourse loan collateral.

(b) *Weight of peanuts placed under loan.* The net weight of the peanuts placed under a nonrecourse or recourse farm storage loan will be calculated from an estimated gross weight determined as provided in this paragraph.

(1) Peanuts stored in bulk: The estimated gross weight of bulk peanuts may be determined either by actual weight or by measurement. When the quantity is determined by measurement, the gross

weight shall be computed on the number of pounds per cubic foot indicated below for the type of peanuts being placed under loan:

Type:	Weight per cubic foot (pounds)
Runner	16.9
Spanish	19.7
Valencia	17.5
Virginia	19.5

(2) Peanuts stored in bags: The estimated gross weight of bagged peanuts shall be determined by weighing a sufficient number of bags to estimate the gross weight of all the bags, or the gross weight may be determined by weighing all the bags.

(3) A minimum reduction of 5 percent in the estimated gross weight, determined as provided in subparagraph (1) or (2) of this paragraph is required with regard to both nonrecourse and recourse loan peanuts in an effort to avoid deficiencies at maturity in the event the loans are not repaid.

(c) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of a nonrecourse loan and the net weight of recourse loan collateral removed from storage pursuant to § 446.1216(b) shall be calculated from the gross weight determined by actual weight at the time of delivery.

§ 446.1224 Disbursement.

Disbursement of farm storage nonrecourse or recourse loans will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans of Certain Commodities, 23 F.R. 3913 as amended, or by sight drafts drawn on CCC by the county office. Disbursement shall not be made after February 15, 1961, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such draft, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence and not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 446.1225 Insurance.

(a) *Nonrecourse loans.* CCC will not require the borrower to insure the peanuts placed under a nonrecourse farm storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds shall be paid to CCC to the extent of its interest after first satisfying the borrower's equity in the peanuts involved in the loss.

(b) *Recourse loans.* The producer who obtains a recourse farm storage loan is required to insure at his expense, and at not less than the full market value, the total quantity of loan collateral. Insurance will be required against loss or damage due to no fewer than the following causes: Fire, lightning, inherent explosion, windstorm, cyclones and tornadoes. Any indemnity paid with respect to peanuts which are collateral for a recourse loan shall inure to the benefit of CCC to the extent of its interest, and the producer shall remain personally liable to CCC for any amount by which the recourse loan, including charges and interest, exceeds such indemnity. The producer shall not be relieved of liability if the peanuts are lost or damaged due to causes for which insurance is not provided.

§ 446.1226 Safeguarding the peanuts.

The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

§ 446.1227 Loss or damage to the peanuts under farm storage loan.

(a) *Nonrecourse loans.* (1) The producer is responsible for any loss in grade and for any loss in weight, except as provided in § 446.1229. Notwithstanding the foregoing, physical loss or damage occurring after disbursement of the nonrecourse loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of peanuts destroyed, or in an amount equivalent to the extent of the damage as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value of the peanuts, if the producer establishes to the satisfaction of CCC each of the following conditions:

(i) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure;

(ii) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood or other external cause;

(iii) The producer has given the county office immediate notice confirmed in writing of such loss or damage;

(iv) The producer has made no fraudulent representation in the loan documents or in obtaining the loan.

(2) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

(b) *Recourse loan.* CCC will not assume any loss in weight and grade of peanuts placed under a recourse farm storage loan.

§ 446.1228 Redemption of the peanuts under farm storage loan.

(a) *Nonrecourse loan.* (1) A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC, redeem the peanuts remaining under nonrecourse farm storage loan by paying to CCC the principal amount of the note, plus charges and accrued interest. The producer shall pay any charges incurred in collecting the amount due.

(2) After the appropriate amount has been paid, the county office manager shall arrange for the release of the chattel mortgage. The producer may arrange for partial release of the peanuts prior to maturity after making payment for the quantity of peanuts to be released plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment of the loan, but only upon prior approval of the county office. Partial redemption of nonrecourse farm storage loans and release of the peanuts will not be approved by the county committee in the event the State committee has determined on a Statewide basis that partial redemption of loans and releases of peanuts will not be permitted. A producer who wishes to contract for the sale of mortgaged peanuts and use the proceeds of the sale to repay all or any part of the loan shall obtain written prior approval of the county committee, on Commodity Loan Form 12, to remove the peanuts from storage. Any such approval shall be subject to the terms and conditions in the Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(b) *Recourse loan.* Partial repayments of recourse farm storage loans will be accepted; however, no portion of the recourse loan collateral may be released to the producer prior to the full repayment of the recourse loan, including charges and interest.

§ 446.1229 Settlement of farm storage loans.

(a) *Nonrecourse loan.* Settlement of all nonrecourse farm storage loans shall be subject to the provisions of this paragraph (a). In addition, if the person has not qualified for unlimited nonrecourse peanut price support in accordance with the regulations relating to the $50,000 limitation, settlement shall also be subject to the provisions of § 446.1211.

(1) If the producer does not redeem the peanuts as provided in § 446.1228, he shall deliver the nonrecourse loan collateral peanuts in accordance with instructions issued by the county office. If the producer fails to repay the loan or deliver the mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(2) (i) If, either before or after maturity, the peanuts are in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing.

(ii) If the county committee determines that the peanuts are in danger of going out of condition and that they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time the county office shall arrange for an inspection and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(3) In the event the farm is sold, the producer dies, or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(4) Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the peanuts in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of peanuts stored in bags, only the identical bags under loan shall be delivered.

(5) The settlement value of the peanuts delivered to and accepted by CCC shall be the amount, computed on the basis of the quantity and the support price for the type and grade (except as provided above for peanuts going out of condition) of such peanuts, plus an allowance for shrinkage during the storage period of four-tenths of a cent (0.004) per net weight pound delivered and an allowance for the actual shrinkage during the storage period of the extra large kernels in Virginia type peanuts: *Provided, however,* That the settlement value for the peanuts delivered to CCC which do not meet the requirements with respect to moisture, damage or foreign material in § 446.1206 shall be computed at a rate equal to the support price for the type and grade placed under loan, less any difference, at the time of delivery, between the market price for the type and grade placed under loan and the market price of the peanuts delivered, as determined by CCC: *Provided, further,* That if the value of the peanuts delivered (including the shrinkage allowance and allowance for loss in extra large kernels in Virginia type peanuts) is less than the amount of the loan with respect to such peanuts, and CCC determines that the deficiency resulted from abnormal climatic conditions which prevailed throughout the area or locality in which the peanuts were produced and which caused the development of progressive damage in the peanuts during storage, that such damage would not normally be detected or appraised accurately by a reasonably prudent person in control of the storage structure, and that the producer has complied with the other provisions of the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage, (i) if the net weight of all peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, equals or exceeds 97 percent of the net weight of the peanuts on which the loan was made CCC may relieve the producer from liability for the deficiency, or (ii) if the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for that part of the deficiency which exceeds an amount equal to the loan value per pound of the peanuts under loan multiplied by the number of pounds by which the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made.

(6) Subject to the provisions of § 446.1211, if the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(7) If the settlement value of the peanuts delivered to and accepted by CCC is less than the amount due on the loan (excluding interest) the producer shall pay CCC for the deficiency, plus interest thereon, unless the deficiency resulted from loss or damage assumed by CCC pursuant to § 446.1227.

(8) Notwithstanding the provisions of subparagraph (7) of this paragraph (a), if CCC removes peanuts from farm storage pursuant to § 446.1216 and sells such peanuts for an amount less than the amount due on the loan (excluding interest) and the grade or quantity of the peanuts removed is lower than the grade or quantity on which the loan was made, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the peanuts removed by CCC, plus interest. Such payment shall be in addition to that specified in subparagraph (1) of this paragraph (a). The settlement value of peanuts removed by CCC shall be determined in the manner specified in subparagraph (5) of this paragraph (a) for determining the settlement value of peanuts delivered to CCC.

(b) *Recourse loan.* The producer is required to repay his recourse farm storage loan on or before the maturity date. The amount to be repaid is the amount of the loan plus charges and interest. If, before maturity, the peanuts are in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the peanuts can no longer be stored because of danger of deterioration or for other reasons, they may be sold as provided in § 446.1216(b), unless the producer repays the loan, charges and interest, within the time prescribed. Any amount by which the net proceeds from the sale of the collateral peanuts exceeds the recourse indebtedness for any producer shall be paid to such producer. Any unliquidated balance due CCC shall be collected by appropriate means. The charges shall include all fees, costs and expenses incident to carrying, handling, storing, insuring, conditioning and marketing the peanuts and otherwise protecting the interest in the loan collateral of any holder of the note or the producer, including foreclosure costs.

(c) Any amount due CCC from the producer with respect to a nonrecourse or a recourse loan may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

ASSOCIATION LOANS (WAREHOUSE STORAGE LOANS)

§ 446.1230 Loans to associations.

(a) Nonrecourse loans on eligible peanuts handled on behalf of eligible producers, stored in approved warehouses, and represented by warehouse receipts in a form prescribed by CCC will be available to associations which receive, arrange storage for and handle peanuts for and on behalf of eligible producers and for and on behalf of eligible producers represented by bona fide producer marketing cooperatives which meet the criteria established for an association in § 446.1204(a), which are approved by CCC, and which are operating under an agreement with the association. Such loans will be made pursuant to the terms of the Association Loan and Handling Agreement, CCC Peanut Form 27 (1960), between the associations and CCC. The $50,000 limitation on nonrecourse peanut price support specified in § 446.1211 shall apply to the total amount of nonrecourse price support extended to a person including the amount made available through an association. The association may receive eligible peanuts from eligible producers who are not members of the association and use such peanuts as loan collateral. Approved storage for peanuts under loan to an association will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the association or with CCC. The names and locations of such warehouses may be obtained from the association or the county office. The association may obtain the loan from an approved lending agency or from CCC. Unless otherwise authorized by CCC, each producer from whom the association receives peanuts must present his within quota card at the time he delivers the peanuts for storage. For each lot of peanuts received, the association shall make an advance payment to the producer in the amount of the producer advance value for such peanuts. At any time prior to acquisition of peanuts by CCC the association may redeem peanuts for sale in accordance with policies established by CCC.

(b) The association shall distribute to the producers from whom it receives peanuts all proceeds from the handling of such peanuts under loan, less operating expenses, unless other disposition of such proceeds is approved by CCC.

PURCHASE AGREEMENTS

§ 446.1231 Purchase agreement provisions.

Purchase agreements will be available to eligible producers on eligible peanuts stored on the farm or stored off the farm on an identity preserved basis. Any peanuts stored off the farm on other than an identity preserved basis shall not be eligible for sale to CCC. The producer who signs a purchase agreement will not be obligated to sell any quantity of the

peanuts to CCC. However, subject to the provisions of § 446.1211, he may sell to CCC any quantity of eligible peanuts not in excess of the quantity stated in the purchase agreement. The producer may not assign his interest in a purchase agreement.

§ 446.1232 Delivery of peanuts under a purchase agreement.

If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1961, during which he must notify the county committee in writing of his intention to sell. The producer shall deliver the peanuts in accordance with delivery instructions issued by the county office, and shall complete delivery within a 15-day period immediately following the date of such instructions unless the county office determines that more time is needed for delivery. The producer may be required to retain the peanuts represented by a purchase agreement for a period of 60 days after May 31, 1961, without any cost to CCC.

§ 446.1233 Quality and quantity of peanuts delivered to CCC.

Peanuts delivered to CCC pursuant to a purchase agreement shall be of the type specified in the purchase agreement, and shall meet the grade requirements of § 446.1206 as determined by a Federal or Federal-State inspector on the basis of a sample taken at the time of delivery. The quantity of peanuts shall be determined by actual weight at the time of delivery. CCC will not assume any loss in quantity or quality of the peanuts covered by a purchase agreement occurring prior to delivery to CCC.

§ 446.1234 Purchase agreement settlement.

Settlement for eligible peanuts delivered to CCC under a purchase agreement shall be made, subject to the provisions of § 446.1211, at the applicable support price for the type, grade and quantity, net weight (calculated from actual gross weight), delivered and accepted by the county committee. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of proceeds shall be made.

Issued this 13th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5568; Filed, June 16, 1960; 8:49 a.m.]

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 42]

PART 485—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

Section 485.169(b)(1) of the regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, is hereby amended by adding to the end thereof the following: "Notwithstanding any other provision of this paragraph, (i) where a loss of control occurs as a result of the death of the original producer and the acreage is not continued in the program, the annual payment for the year in which the loss of control occurs shall be paid to the successor of the original producer as determined in accordance with paragraph (a) of this section if there is compliance with the contract for the full contract year; (ii) where a loss of control occurs as a result of the death of the original producer and the acreage is not continued in the program because the successor producer is ineligible to continue such acreage in the program or to continue such acreage in the program at the same annual payment, any cost-share payment paid or payable with respect to such acreage shall not be refunded or forfeited and the year in which the loss of control occurs shall be considered the last year of the contract period for purposes of applying the provisions of § 485.157(b)(1); and (iii) where a loss of control occurs as a result of eminent domain after the normal planting season of the principal crop normally grown on the farm and maturing in the year in which the loss of control occurs, the annual payment for such year shall be paid to the producer losing control if there is compliance with the contract for the full contract year except for the destruction of the conservation use by the agency acquiring control."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812.)

Issued at Washington, D.C., this 13th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5567; Filed, June 16, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Authorization to Licensed Grain Inspectors To Show Certain Additional Statements on Export Cargo Certificates of Grade for Wheat

On April 28, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3733) stating that the Agricultural Marketing Service was considering instructing inspectors licensed under the United States Grain Standards Act to include, upon the request of the applicant for inspection, certain additional statements on certificates of grade for wheat. The notice set forth the substance of the instruction.

After due consideration of all relevant matter presented, it has been decided to issue the proposed instruction, with certain changes therein, and to amend accordingly the regulations (7 CFR Part 26) under the United States Grain Standards Act (7 U.S.C. 71 et seq.). Therefore, pursuant to section 8 of said Act (7 U.S.C. 84), said regulations are hereby amended by adding thereto the following new section:

§ 26.30a Additional statements which may be included on certificates.

The following statements have been approved by the Director of the Grain Division, Agricultural Marketing Service, and may upon request of an applicant for inspection be included in accordance with this section and instructions issued by the Director on certificates of grade:

Dockage and foreign material combined do not exceed ------ percent
or
Dockage, foreign material, and shrunken and broken kernels combined do not exceed ------ percent
or
Dockage and foreign material combined do not exceed ------ percent
Shrunken and broken kernels do not exceed ------ percent

Any one of the three foregoing statements may be included on a certificate of grade for an export cargo shipment of wheat, other than as a part of the grade designation, provided the shipment is uniformly loaded as to the items covered by the requested statement. The percentage shown shall be the average percentage found during the inspection and grading of the wheat. When equal to one percent or more, the percentage shall be stated in terms of whole percent and tenths of a percent, and when less than one percent shall be stated in terms of tenths of a percent. Requests for the statements may be withdrawn by the applicants for inspection at any time prior to the issuance of the certificate of grade showing the statements.

Nothing in the amendment changes the present requirement with respect to showing dockage as a part of the grade designation, or the present provision with respect to showing foreign material and/or shrunken and broken kernels as individual factor determinations. Instructions are being issued to the licensed inspectors in accordance with the foregoing amendment.

The foregoing amendment provides for specified additional statements on certificates of grade for certain wheat upon the request of the applicants for inspection. Opportunity was afforded for interested persons to submit their data, views and arguments on the proposed instruction in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The foregoing amendment varies in some respects from the proposed instruction but the variations are due to changes made pursuant to comments received concerning the proposal and it is not believed that further public participation in the rule-making procedure for amendment of the regulations would make additional information available to this Department with respect to this matter. The amendment is not mandatory upon the applicants for inspection and should be made effective as soon as possible in order to be of maximum benefit to the applicants who wish to receive such services. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice and other public procedure on the amendment are unnecessary and impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The amendment shall become effective on June 20, 1960.

Done at Washington, D.C., this 14th day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-5565; Filed, June 16, 1960; 8:49 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 9]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENT, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Date of Displacement and Leasing Acquired Land

Basis and purpose. This amendment is issued pursuant to sections 375(b) and 378(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b), 1378(a)) and section 124 of the Soil Bank Act (7 U.S.C. 1812) for the purpose of rescinding the provision that land acquired by a Federal, State, or other agency having the right of eminent domain and subsequently leased to the former owner shall not be combined with any other land which he owns or operates.

Since this amendment is remedial in nature and farm reconstitutions are now being processed which would be affected thereby, it is hereby determined that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 719.12(d)(4) (25 F.R. 4129) is amended to read as follows:

§ 719.12 Pooling of farm acreage allotments where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.

* * * * *

(d) *Where agency will not continue production of allotment crops.*

* * * * *

(4) *Date of displacement and leasing acquired land.* The term "date of displacement" with respect to any commodity shall be the date the owner voluntarily relinquishes his right to produce another crop of the commodity on the acquired farm or the date he is legally displaced. Legal displacement occurs when the displaced owner no longer retains the right to possession of the land on the acquired farm as owner or under a lease with the acquiring agency which follows immediately after his possession as owner: *Provided*, That if a former owner has been displaced prior to April 9, 1960, and (i) such former owner enters into a lease with respect to all or part of the land formerly owned by him with the acquiring agency prior to April 9, 1962, (ii) none of the allotment pooled for the acquired farm has been transferred from the allotment pool, and (iii) the former owner files a copy of the lease with the county office of the county in which the acquired farm is located as soon as practicable after execution but in any event prior to April 9, 1962, displacement with respect to the formerly owned land covered by such lease shall be deemed not to have occurred. In cases covered by this proviso, the pooled allotment or portion thereof, as applicable, shall be retransferred from the allotment pool to the acquired farm. The term "lease" as used herein means written leases and other written operating agreements.

(Secs. 375, 378; 52 Stat. 66, as amended, 72 Stat. 995; sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1378, 1812)

Done at Washington this 13th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5570; Filed, June 16, 1960; 8:49 a.m.]

[Amdt. 7]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

1961 FARM BASE ACREAGE AND ALLOTMENT DETERMINATIONS

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is for the purpose of providing for the determination of a computed farm base acreage for 1961 which will reflect a new crop-rotation system for a farm which had previously been operating under an odd and even rotation.

In order that farmers may not secure larger base acreages and allotments for 1961 by changing their farm rotations, the amendment herein imposes a condition on the determination of base acreages based on a changed rotation. The computed base acreage approved for 1961 shall not exceed the base acreage which would have been computed under the old rotation.

County committees are preparing to compile data and determine 1961 base acreages preparatory to the establishment of 1961 wheat acreage allotments, and the amendment herein is an integral part of the regulations for determining base acreages and acreage allotments. Accordingly, it is hereby found and determined that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon its publication in the FEDERAL REGISTER.

§ 728.1017a [Amendment]

A new subparagraph (6) is added to § 728.1017a(b) to read as follows:

(6) For a farm with an established odd and even rotation for which a change in the crop-rotation practices will go into effect for 1961, the computed base acreage recommended by the county committee as applicable for 1961 for such farm under the new rotation: *Provided*, That such computed base acreage shall not exceed the base acreage which would have been computed, if the rotation in effect for 1960 had been continued.

(Secs. 334, 375, 377, 52 Stat. 53, as amended, 66, 71 Stat. 592, 72 Stat. 993; 7 U.S.C. 1334, 1375, 1377)

Issued at Washington, D.C., this 13th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5569; Filed, June 16, 1960; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1067—AVOCADOS

Prohibition of Imports

§ 1067.8 Avocado Regulation No. 8.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited except in accordance with the following terms and conditions:

(1) All avocados imported during the period beginning at 12:01 a.m., e.s.t., June 21, 1960 and ending at 12:01 a.m., e.s.t., April 30, 1961, shall grade at least U.S. Combination.

(2) No avocados of the Pollock variety shall be imported prior to 12:01 a.m., e.s.t., June 27, 1960; and during the period beginning at 12:01 a.m., e.s.t., June 27, 1960, and ending at 12:01 a.m., e.s.t., August 1, 1960, the individual fruit in each lot of such avocados shall weigh at least 16 ounces or measure at least 3 9/16 inches in diameter.

(3) No avocados of the Catalina variety shall be imported prior to 12:01 a.m., e.s.t., August 1, 1960; and during the period beginning at 12:01 a.m., e.s.t., August 1, 1960, and ending at 12:01 a.m., e.s.t., August 29, 1960, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(4) No avocados of the Trapp variety shall be imported prior to 12:01 a.m., e.s.t., August 1, 1960; and during the period beginning at 12:01 a.m., e.s.t., August 1, 1960, and ending at 12:01 a.m., e.s.t., August 29, 1960, the individual fruit in each lot of such avocados shall weigh

at least 12 ounces or measure at least 3 1/16 inches in diameter.

(5) No avocados of any variety other than Pollock, Catalina, and Trapp shall be imported (i) prior to 12:01 a.m., e.s.t., July 11, 1960, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; (ii) during the period beginning at 12:01 a.m., e.s.t., July 11, 1960, and ending at 12:01 a.m., e.s.t., August 29, 1960, unless the individual fruit in each lot of such avocados weighs at least 12 ounces; and (iii) during the period beginning at 12:01 a.m., e.s.t., August 29, 1960, and ending at 12:01 a.m., e.s.t., September 12, 1960, unless the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety prescribed in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permited for an individual container in a lot.

(7) Each importation of avocados shall be made in conformance with the general regulations (Part 1060 of this subchapter) applicable to the importation of listed commodities and the requirements of this regulation.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 *Eligible imports* of this subchapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;
(2) The name of the shipper, or applicant;
(3) The name of the importer (consignee);
(4) The commodity inspected;
(5) The quantity of the commodity covered by the certificate;
(6) The principal identifying marks on the containers;
(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
(8) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this regulation are comparable to the maturity and quality regulations that are being made applicable, prior to the effective time hereof, to shipments of avocados grown in south Florida.

(h) As used in this section, the term "diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. Combination" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050 to 51.3069 of this title).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) maturity and quality restrictions are being made applicable to shipments of avocados produced in south Florida and the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), makes such import regulation mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) notice that this action was being considered was published in the FEDERAL REGISTER issue of May 21, 1960 (25 F.R. 4514); (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated, June 16, 1960, to become effective at 12:01 a.m., e.s.t., June 21, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5668; Filed, June 16, 1960; 11:31 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Miscellaneous Amendments

On November 13, 1959, there was published in the FEDERAL REGISTER (24 F.R. 9238) a notice with respect to proposed amendments to Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 124–126), said Part 74 is amended in the following respects:

1. Section 74.1 is amended to read:

§ 74.1 Interstate movement of infected sheep prohibited.

No sheep infected with the contagious, infectious, and communicable disease commonly known as scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose.

2. A new § 74.2 is added to read:

§ 74.2 Designation of free and infected areas.

Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies and such States, Territories, District, or parts thereof, are hereby designated as free areas: Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, that portion of South Dakota west of the Missouri River, Texas, Utah, Vermont, Washington, and Wyoming. Notice is hereby given also that sheep scabies exist in all other States and Territories, and parts thereof, and they are hereby designated as infected areas.

3. A new § 74.3 is added to read:

§ 74.3 Designation of eradication and quarantine areas.

(a) Notice is hereby given that sheep in the following States, Territories, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep and such States, Territories, or parts thereof, are hereby designated as eradication areas:

That portion of South Dakota east of the Missouri River.

(b) No areas are quarantined under this part at this time.

4. A new § 74.4 is added to read:

§ 74.4 Certificates or other documents to be presented with animals at destination.

All certificates, waybills, statements, or other documents required under this part shall accompany the shipment en route and shall be presented to the person authorized to receive the shipment at destination.

5. A new section 74.5 is added to read:

§ 74.5 Director of Division may provide for movements, under certain conditions, not otherwise authorized under the regulations.

The Director of the Division in specific cases in which, in his opinion, no risk of the spread of scabies exists may provide for the movement, not otherwise authorized under this part, of sheep not known to be infected with scabies, under such conditions as he may prescribe to carry out the purposes of this part. The Director of the Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

§ 74.6 [Amendment]

6. Section 74.6 and the heading thereof are amended by deleting the word "affected" where used and substituting therefor the word "infected".

7. Section 74.7 is amended to read:

§ 74.7 Other movements prohibited except as provided.

No sheep shall be shipped, trailed, driven, or otherwise moved interstate from the areas quarantined because of scabies in sheep or from the areas designated as the infected or eradication areas because of said disease, except as provided in this part.

§ 74.8 [Amendment]

8. Section 74.8 and the heading thereof are amended by deleting the word "diseased" wherever it appears therein and substituting therefor the word "infected".

9. The Division heading immediately preceding § 74.9 is amended to read: "Shipment for Immediate Slaughter to Public Stockyards and Recognized Slaughtering Centers."

10. The introductory portion of § 74.9 immediately preceding paragraph (a), and paragraph (b) are amended, respectively, to read:

§ 74.9 Conditions under which permitted after one dipping.

Sheep which, just prior to shipment or movement interstate, were infected with scabies but have been dipped once in a permitted dip (other than lindane or toxaphene dips) under the supervision of a Division or State inspector within 10 days prior to the date of shipment and so certified by him may be shipped, trailed, driven, or otherwise moved interstate, for immediate slaughter, directly to a public stockyard or to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

* * * * *

(b) The trucks, cars, or boats containing the sheep shall be placarded and the billing shall be marked "Dipped Scabby Animals for Slaughter" in accordance with § 74.15.

§ 74.10 [Amendment]

11. Section 74.10 is amended by deleting the words "by the owner" and substituting therefor the words "under the supervision of a Division or State inspector".

§ 74.11 [Deletion]

12. Section 74.11 is deleted.

13. Section 74.12 is amended to read:

§ 74.12 Interstate movement of sheep not known to be infected or exposed from quarantined, infected or eradication areas; permitted for immediate slaughter on inspection and/or certification.

(a) Sheep not known to be infected with or exposed to scabies may be shipped, trailed, driven, or otherwise moved interstate from an eradication or infected area into a free or eradication area or a quarantined area within such area, or from a quarantined area into any other area, for immediate slaughter, directly to a public stockyard or to a recognized slaughtering center, provided they are not diverted en route, have been inspected by a Division or State inspector within 10 days prior to movement, found free from the disease and exposure thereto, and are accompanied by a certificate from said inspector to that effect; or if the sheep are inspected by an accredited veterinarian within 10 days prior to such movement, found free of scabies infection and exposure thereto, and if the shipment is accompanied by his certificate to that effect; or if the shipment is accompanied by a waybill or similar document, or a statement signed by the owner or shipper of the sheep, stating: (1) That the animals are not known to be infected with scabies or exposed thereto; (2) the destination of the animals and consignee; (3) the purpose for which they are to be moved; (4) the number of sheep; (5) the point from which the animals are moved interstate; (6) that the sheep shall not be diverted en route; and (7) the name and address of the owner or shipper of the sheep: *Provided, however*, That when such sheep are moved interstate for immediate slaughter from any quarantined area, inspection and certification are required and must be made by a Division or State inspector. No restrictions are imposed under these regulations on the interstate shipment or movement for immediate slaughter of uninfected and unexposed sheep from an infected or eradication area into an infected area or into a quarantined area within an infected area.

(b) Sheep moved interstate under the provisions of this section must be penned and handled separate and apart from sheep of other categories until they have been removed for slaughter purposes within 14 days of arrival, or dipped under Division supervision if not slaughtered or moved to an infected area within the same period.

14. Section 74.13 is amended to read:

§ 74.13 Interstate movement of scabies exposed, not infected, sheep from any area; conditions under which permitted.

Sheep which have been exposed to scabies but are not infected therewith may be shipped, trailed, driven, or otherwise moved interstate, for immediate slaughter, directly to a public stockyard or to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

(a) The sheep shall be inspected within 10 days prior to such shipment or movement by a Division or State inspector and certified to be free from scabies.

(b) The sheep shall not be diverted en route and, if consigned to a public stockyard, shall upon arrival be handled as provided in § 74.9(c).

(c) The trucks, cars, or boats containing the sheep shall be placarded and the billing shall be marked "Scabies Exposed Animals for Slaughter", in accordance with § 74.15.

§ 74.14 [Amendment]

15. Section 74.14 is amended by deleting from the heading the word "undiseased" and substituting therefor the word "uninfected"; and by inserting between the words "Division" and "inspection" in the heading, and between the words "Division" and "supervision" in the text, the words "or State".

16. Section 74.15 is amended to read:

§ 74.15 Placarding of vehicles and marking of documents.

The person, firm, or corporation moving sheep interstate for slaughter in accordance with § 74.9 or § 74.13, shall securely affix to and maintain upon both sides of each truck, car, or boat carrying such sheep a durable and conspicuous placard, not less than 5½ by 8 inches in size, on which shall be printed with permanent black ink in bold-face letters, not less than 1½ inches in height, the words "Dipped Scabby Animals for Slaughter" or "Scabies Exposed Animals for Slaughter", as the case may be. These placards shall also show (a) the name of the shipper; (b) the name of the place from which the sheep were moved; (c) the date of the shipment (which must correspond to the date of the waybills and other papers); (d) the name of the truck owner or transportation agency; and (e) the name of the place of destination. Such person, firm, or corporation shall plainly write or stamp upon the face of the waybills, conductors' manifests, memoranda, or bills of lading pertaining to such movements the words "Dipped Scabby Animals for Slaughter" or "Scabies Exposed Animals for Slaughter", as the case may be. If for any reason the placards required by this section have not been affixed to the vehicle as aforesaid, or the placards have been removed, destroyed, or rendered illegible, or the sheep are rebilled or are transferred to other trucks, cars, or boats, the placards shall be immediately affixed or replaced and the new waybills or other documents shall be marked as aforesaid, the inten-

tion being that the documents accompanying the sheep shall be marked and the trucks, cars, and boats containing the sheep shall be placarded "Dipped Scabby Animals for Slaughter" or "Scabies Exposed Animals for Slaughter", as the case may be, from the time of shipment until the sheep arrive at destination and the disposition of the vehicles is designated by a Division or State inspector.

17. Section 74.16 is amended to read:

§ 74.16 Infected sheep permitted movement for any purpose on two dippings.

Sheep which, just prior to shipment or movement interstate, were infected with scabies, may be shipped, trailed, driven, or otherwise moved interstate for any purpose after they have been dipped twice, 10 to 14 days apart, in a permitted dip under the supervision of a Division or State inspector, and are so certified by such inspector.

18. Section 74.17 is amended to read:

§ 74.17 Uninfected but exposed sheep permitted movement for any purpose on one dipping.

Sheep that are not infected with scabies but which have been exposed to the disease may be shipped, trailed, driven, or otherwise moved interstate for any purpose after they have been dipped once in a permitted dip, within 10 days prior to date of shipment, under the supervision of a Division or State inspector and are certified by such inspector to be free from the disease.

19. Section 74.18 is amended to read:

§ 74.18 Uninfected and unexposed sheep from eradication, infected, and quarantined areas.

Uninfected and unexposed sheep may be shipped, trailed, driven, or otherwise moved interstate from an eradication or infected area into a free or eradication area or a quarantined area within such area, or from a quarantined area into any other area, for any purpose, after they have been inspected by a Division or State inspector or an accredited veterinarian, found to be free from the disease and exposure thereto, have been dipped once in a permitted dip within 10 days prior to date of shipment and are accompanied by a certificate from said inspector or veterinarian stating that such requirements have been fulfilled:[1] *Provided however*, That when such sheep are moved interstate for any purpose from any quarantined area, inspection, treatment, and certification are required and must be made by a Division or State inspector. No restrictions are imposed under these regulations on the interstate shipment or movement of uninfected and unexposed sheep from an infected or eradication area into an infected area or a quarantined area within an infected area.

[1] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

§ 74.19 [Amendment]

20. The division heading immediately preceding § 74.19 is amended to read: "Movement from Eradication, Infected, or Quarantined Area to Free Area and Shipment Therefrom."

21. Section 74.19 is amended to read:

§ 74.19 Prohibited except in compliance with regulations regarding movement of sheep from eradication, infected, or quarantined areas.

No person, firm, or corporation shall deliver for transportation, transport, drive on foot, or otherwise move interstate from the free area of any State, Territory, or the District of Columbia any sheep which have been moved from the eradication, infected, or quarantined areas of the same State, Territory, or the District of Columbia into such free area: *Provided, however*, That such sheep may be shipped or moved interstate in strict compliance with the requirements of this part governing the interstate movement of sheep of the eradication, infected or quarantined areas, as the case may be: *And provided further*, That this section shall not apply to sheep from an eradication, infected or quarantined area which, before being moved into the free area, are inspected, dipped and certified as required for interstate movement by § 74.18.

§ 74.20 [Amendment]

22. Section 74.20 is amended by deleting in the heading the word "undiseased" and substituting therefor the word "uninfected".

23. Section 74.21 is amended to read:

§ 74.21 Sheep infected or exposed en route handled as infected or exposed.

Sheep shipped, trailed, driven, or otherwise moved interstate under a certificate from a Division or State inspector or an accredited veterinarian, or any other sheep, which are found en route to be infected with scabies or to have been exposed thereto, shall thereafter be handled in the same manner as infected or exposed sheep are required by this part to be handled, and the cars or other vehicles, and the chutes, alleys, and pens which have been occupied by infected sheep shall be cleaned and disinfected, as provided in §§ 71.4–71.11 of this subchapter or shall be cleaned and treated with a permitted dip.

24. The division heading immediately preceding § 74.22 is amended to read: "Shipment to Public Stockyards and Recognized Slaughtering Centers and From Public Stockyards."

25. Section 74.22 is amended to read:

§ 74.22 Interstate movement; conditions under which permitted.

(a) Sheep from an infected, eradication, or quarantined area which are not infected with or exposed to scabies may be shipped, trailed, driven, or otherwise moved interstate directly to a public stockyard; or to a recognized slaughtering center for immediate slaughter: *Provided*, That such movements conform to the requirements of § 74.12 of this part relating to inspection and certification or waybills or similar documents or statement by the owner or shipper of the sheep.

(b) Sheep which, just prior to shipment or movement interstate, were infected with or exposed to scabies, may be shipped, trailed, driven, or otherwise moved interstate to a public stockyard or a recognized slaughtering center for immediate slaughter subject to the restrictions detailed in this part.

(c) The movement of sheep, referred to in this section, from a public stockyard to any other point within the State or interstate must comply with the provisions of this part the same as if the sheep had been originally consigned direct from the point of origin to such destination.

(d) No sheep shall be shipped, trailed, driven, or otherwise moved interstate from a public stockyard without a certificate issued by a Division inspector showing that the sheep are free from scabies or have been dipped for scabies as required in this part: *Provided*, That this paragraph shall not require a new certificate to be issued when shipments of sheep which are unloaded in transit for feed, water, and rest, and not offered for sale, are reloaded.

26. Section 74.23 is amended to read:

§ 74.23 Interstate movement without dipping prohibited unless for slaughter.

No sheep shall be shipped, trailed, driven, or otherwise moved interstate from a public stockyard for purpose other than slaughter without being dipped under Division supervision: *Provided*, That sheep from the free areas which are not infected with or exposed to scabies may be shipped or moved interstate from a public stockyard for any purpose without dipping provided that their identity as uninfected and unexposed sheep of a free area is maintained at all times; they have not mingled with scabies infected or exposed animals, or sheep from other than the free areas in transit to or at the stockyard; they are placed in a portion of the stockyard reserved for the receipt of such sheep; and they are kept free from contagious, infectious, and communicable diseases: *And provided further*, That uninfected and unexposed sheep from an eradication or infected or quarantined area may be shipped or moved interstate from a public stockyard upon compliance with the provisions of this part which would apply if the sheep had been originally consigned direct from point of origin to final destination.

§ 74.24 [Amendment]

27. The introductory portion of paragraph (a) of § 74.24, subparagraphs (3) and (4) of § 74.24, and paragraph (b) of said section are amended, respectively, to read:

§ 74.24 Permitted dips; substances allowed.

(a) The dips at present permitted by the Department for use as required in this part are as follows:

* * * * *

(3) Dip made from wettable powders containing lindane (gamma isomer of benzene hexachloride) as the active ingredient, and maintained at a concentration of 0.06 percent. Animals treated with such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division or State inspector or accredited veterinarian who supervises the dipping with such dip.

(4) Toxaphene dip, specifically permitted proprietary brand emulsions, made and maintained at a concentration of 0.5 percent. Animals treated with such dip should not be slaughtered for food purposes until the expiration of such period as may be required under the Meat Inspection Act (21 U.S.C. 71 et seq.). The length of this required period shall be specified on each certificate issued by the Division or State inspector or accredited veterinarian who supervises the dipping with such dip.

(b) Proprietary brands of toxaphene, lime-sulphur, or nicotine dips may be used in official dipping only after specific permission therefor has been issued by the Division.[2]

§ 74.25 [Amendment]

28. Section 74.25 is amended by inserting the following words after the word "subchapter": "or shall be cleaned and treated with a permitted dip."

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

The foregoing amendments make certain changes in the proposed amendments published in the FEDERAL REGISTER on November 13, 1959, and also make certain changes in the regulations in addition to those proposed in such notice. Such changes have been made after thorough consideration of all relevant material submitted in connection with the notice. Most of such changes have been made for purposes of clarity and consistency. Certain changes make provisions of the regulations less restrictive and certain other changes have been made in order to afford additional protection to the livestock of the United States in certain respects. It does not appear that further public rule-making procedure would make additional information available to the Department in connection with amendments of the regulation. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and public procedure with respect to the foregoing amendments are impracticable and unnecessary.

Effective date. This amendment shall become effective 45 days after publication in the FEDERAL REGISTER.

[2] Names of such brands may be obtained from the Division or a Division inspector.

Done at Washington, D.C., this 13th day of June 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-5551; Filed, June 16, 1960; 8:47 a.m.]

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Amendments to Regulations Governing Interstate Movement

On December 12, 1959, there was published in the FEDERAL REGISTER (24 F.R. 10077), a notice with respect to proposed amendments of Part 78, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), the provisions in Part 78, Title 9, Code of Federal Regulations, are hereby amended as follows:

1. Paragraph (k) of § 78.1 is amended and a new paragraph (o) is added to § 78.1 to read, respectively, as follows:

§ 78.1 Definitions.

* * * * *

(k) *Public stockyard.* A stockyard designated in § 78.14 (a) where trading in livestock is carried on, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

* * * * *

(o) *Specifically approved stockyard.* A stockyard specifically approved for the purposes of the regulations in this part in accordance with § 78.16(b).

§§ 78.5, 78.12 [Amendment]

2. Wherever in the introductory paragraph of § 78.5 and in paragraphs (b) and (c) of § 78.12 the phrase "public stockyard" appears, the phrase "or specifically approved stockyard" is inserted immediately thereafter.

3. The heading of paragraph (c) of § 78.12 is amended to read:

(c) *Movement of cattle to public stockyards or specifically approved stockyards.*

4. Wherever in Part 78 the phrase "modified certified brucellosis-free area" appears it is deleted and the phrase "modified certified brucellosis area" is substituted therefor, and wherever in said Part 78 the phrase "modified certified brucellosis-free areas" or the phrase "modified brucellosis-free areas" appears it is deleted and the phrase "modified certified brucellosis areas" is substituted therefor, with like capitalization as now provided in Part 78.

5. Paragraph (c) of § 78.12 is amended by inserting between the word "section" and the following comma the words "except the provisions of paragraph (f) of this section".

6. Paragraph (d) of § 78.12 is amended by inserting the words "from herds" between the words "classes," and "not"; by deleting subparagraph (4); and by amending subparagraph (6) to read as follows:

(6) Bulls and female cattle of the beef type moved interstate, only for feeding or grazing purposes or for sale for such purposes, to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, and under a permit from the appropriate livestock sanitary official of such State of destination.

7. The introductory portion of paragraph (e) of § 78.12 is amended to read as follows:

(e) *Movement of cattle into modified certified brucellosis areas.* Cattle of the following classes, from herds not known to be affected with brucellosis, may be moved interstate under this subpart into the modified certified brucellosis areas specified in § 78.13, if the provisions of paragraph (f) of this section are complied with and such cattle are accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the name and address of the consignor and consignee, the identification tag, tattoo, or registration number of each animal or other proper identification, and the specific class in which the cattle fall:

8. Paragraph (e) of § 78.12 is further amended by deleting subparagraph (4); by inserting the words "nor more than 90 days" between the words "days" and "after" in subparagraph (5); and by amending subparagraph (7) by deleting the words "for feeding or grazing purposes only" and substituting the words "only for feeding or grazing purposes or for sale for such purposes".

9. Paragraph (f) of § 78.12 is redesignated as paragraph (g) and a new paragraph (f) is added to read as follows:

(f) *Handling of cattle in transit to modified certified brucellosis areas.* Cattle, not known to be affected with brucellosis, except those moved under paragraphs (a), (b), or (e)(7) of this section, shall be moved interstate into any modified certified brucellosis area only in clean vehicles and, if unloaded in the course of such movement, shall be handled only in clean pens at public stockyards of specifically approved stockyards, or in clean pens at feed, water, and rest stations.

10. In the heading of Subpart D, the phrase "specifically approved stockyards," is inserted immediately before the word "and".

11. The heading of § 78.14 is amended to read:

§ 78.14 Public stockyards and specifically approved stockyards.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended)

The amendments make certain changes which were not published in the FEDERAL REGISTER, in order to clarify provisions of the regulations relating to public stockyards where Federal inspection is maintained and stockyards specifically approved for the purposes of these regulations. Such changes are nonsubstantive. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to such changes are impracticable and unnecessary.

The amendments in part impose certain further restrictions necessary to prevent the spread of brucellosis in domestic animals and in part relieve restrictions on interstate shipments of certain beef cattle for feeding or grazing purposes. Certain nonsubstantive changes are made in nomenclature.

Effective dates. Except as provided below, the foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

The substitution in Part 76 of the phrase "modified certified brucellosis area" for "modified certified brucellosis-free area" and the phrase "modified certified brucellosis areas" for "modified certified brucellosis-free areas" and "modified brucellosis-free areas"; and the amendments of subparagraph (6) of paragraph (d) and subparagraph (7) of paragraph (e) of § 78.12, shall become effective upon publication in the FEDERAL REGISTER. Such amendments relieve certain restrictions and make changes in nomenclature for clarity and uniformity. Such amendments should be made effective promptly in order to accomplish their purposes in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making such amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of June 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-5566; Filed, June 16, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-LA-10]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2168) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 99 between Newport, Oreg., and Newberg, Oreg.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6099 (24 F.R. 10515, 25 F.R. 2041), "That airspace over United States territory from the Newport, Oreg., omnirange station via the intersection of the Newport omnirange 023° True and the Newberg omnirange 251° True radials; Newberg, Oreg., omnirange station;" is deleted and "From the Newport, Oreg., VOR via the Newberg, Oreg., VOR;" is substituted therefor.

This amendment shall be come effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5533; Filed, June 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-21]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6108 of the regulations of the Administrator is to modify VOR Federal airway No. 108 between Sausalito, Calif., and Linden, Calif.

Victor 108 was redesignated in part in Airspace Docket No. 59-WA-122 (25 F.R. 631) via the Sausalito VOR 052° True and the Linden VOR 270° True radials in order to have the intersection of these two radials coincide with the Crockett, Calif., intersection. However, the correct radial from the Linden VOR to the Crockett intersection is 269° True. Therefore, the Federal Aviation Agency is redesignating Victor 108 via the Linden VOR 269° True radial. The control areas associated with Victor 108 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

Since this amendment is minor in nature, notice and public procedures hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 600.6108 (25 F.R. 631) is amended as follows:

In the text of § 600.6108 *VOR Federal airway No. 108 (San Francisco, Calif., to Grand Junction, Colo., and Colorado Springs, Colo., to Salina, Kans.)*, delete "Linden VOR 270° radials;" and substitute therefor "Linden VOR 269° True radials;".

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5535; Filed, June 16, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-304]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On December 16, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10161) stating that the Federal Aviation Agency was considering amendments to §§ 600.6216 and 601.6216 of the regulations of the Administrator which would modify the segment of VOR Federal airway No. 216 from Hill City, Kans., to Pawnee City, Nebr.

As stated in the Notice, Victor 216 presently extends, in part, from Hill City to Pawnee City. The Federal Aviation Agency is modifying this segment of Victor 216 by designating a standard north alternate from the Hill City VOR to the Mankato, Kans., VOR, and by designating a standard south alternate from the Mankato VOR to the Pawnee City VOR. The designation of these alternates will provide bypass routing for separating climbing and descending traffic from aircraft operations on this heavily traveled main airway segment.

The Department of the Air Force submitted the only comment regarding the proposed amendments. The Air Force stated that, if the proposed Victor 216 south alternate between Mankato and Pawnee City should ultimately be designated as an intermediate airway, it would conflict with the Schilling Air Force Base Concordia departure procedure unless a route width reduction to ten statute miles or less was provided. The Federal Aviation Agency has not included the south alternate to Victor 216 between the Mankato VOR and the Pawnee City VOR in its proposed intermediate airway route structure.

This action will result in the designation of a standard north alternate to Victor 216, with associated control areas, from the Hill City VOR to the Mankato VOR, and a standard south alternate to Victor 216, with associated control areas, from the Mankato VOR to the Pawnee City VOR.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6216 (24 F.R. 10522, 25 F.R. 173) and 601.6216 (24 F.R. 10603, 25 F.R. 173) are amended as follows:

§ 600.6216 [Amendment]

1. In the text of § 600.6216 *VOR Federal airway No. 216 (Lamar, Colo., to Iowa City, Iowa, and Janesville, Wis., to Toronto, Ontario)*, delete "Mankato, Kans., VOR; Pawnee City, Nebr., VOR;" and substitute therefor "Mankato, Kans., VOR, including a north alternate; Pawnee City, Nebr., VOR, including a south alternate;".

2. Section 601.6216 is amended to read:

§ 601.6216 VOR Federal airway No. 216 control areas (Lamar, Colo., to Iowa City, Iowa, and Janesville, Wis., to Toronto, Ontario).

All of VOR Federal airway No. 216, including a north and a south alternate.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5531; Filed, June 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-16]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On April 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2806) stating that the Federal Aviation Agency proposed to designate the United States portion of a VOR Federal airway No. 470 and its associated control areas from Lakehead, Ontario, Canada, to Sault Ste. Marie, Mich., including a north alternate from Whitefish, Mich., to Sault Ste. Marie.

Two comments were received regarding the proposed amendments. The Air Transport Association of America concurred in the action taken herein. The Department of the Air Force stated that it had no objection to the proposed designation of Victor 470, provided the Federal Aviation Agency concurred in the requested alignment of a proposed restricted area/military climb corridor at the K. I. Sawyer AFB, Marquette, Mich., centered on the 009° True radial of the K. I. Sawyer AFB TVOR. The Air Force further stated that if the Federal Aviation Agency decided to designate Victor 470 as proposed without concurring in the designation of the restricted area/military climb corridor in the manner requested by the Air Force, the proposed airway would have to be reconsidered. In the event it is decided that the proposed restricted area/military climb corridor should be aligned along a radial of the K. I. Sawyer AFB TVOR other than its 009° True radial, the effect its designation may have on Victor 470 in the vicinity of Marquette will be given careful consideration, including any necessary modification to the airway.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended as follows:

1. Section 600.6470 is added to read:

§ 600.6470 VOR Federal airway No. 470 (Lakehead, Ontario, to Sault Ste. Marie, Mich.).

From the Lakehead, Ont., VOR via the Houghton, Mich., VOR; Marquette, Mich., VORTAC; INT of the Marquette VORTAC 067° True and the Whitefish, Mich., VOR 282° True Radials; Whitefish VOR; to the Sault Ste. Marie, Mich., VOR, including a north alternate via the INT of the Whitefish VOR 084° True and the Sault Ste. Marie VOR 328° True radials.

2. Section 601.6470 is added to read:

§ 601.6470 VOR Federal airway No. 470 control areas (Lakehead, Ontario, to Sault Ste. Marie, Mich.).

All of VOR Federal airway No. 470 including a north alternate.

These amendments shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C. on June 10, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5532; Filed, June 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-61]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1277 of the regulations of the Administrator is to modify the Denver, Colo., control area extension.

Aircraft desiring to utilize the Denver control area extension, as presently designated, require approval from the Federal Aviation Agency Air Traffic Control, prior to operating below 22,000 feet MSL in that portion of the control area extension which lies within the Parker, Colo., Restricted Area (R-195). This restricted area was revoked in Airspace Docket No. 59-LA-65 (24 F.R. 9420). Therefore, reference to this restriction may now be removed from the description of the Denver control area extension.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1277 (24 F.R. 10561) is amended as follows:

In the text of § 601.1277 *Control area extension (Denver, Colo.)*, delete "The portion of this control area below 22,000 feet MSL which lies within restricted area (R-195) (published in Section 608.15 of this chapter) shall be used only after obtaining prior approval from Federal Aviation Agency Air Traffic Control."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-5536; Filed, June 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-64]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1412 of the regulations of the Administrator is to modify the Marysville, Calif., control area extension.

The Marysville control area extension is presently designated, in part, as bounded on the south by VOR Federal airway No. 200 and on the east by lines connecting geographical coordinates. Victor 200 has been realigned to the south (24 F.R. 1284) and the eastern boundary, as presently described, does not extend southward to the realigned airway. The eastern boundary is, therefore, being extended to the south to correct this deficiency. No increase in control area will result from this action.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1412 (24 F.R. 10568) is amended as follows:

In the text of § 601.1412 *Control area extension (Marysville, Calif.)*, delete "latitude 39°21'00", longitude 121°33'-00" via a point" and substitute therefore "latitude 39°15'00" N., longitude 121°-39'00" W. via a point".

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5587; Filed, June 16, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-164]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On October 28, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8748) stating that the Federal Aviation Agency was considering an amendment to § 601.2120 of the regulations of the Administrator which would modify the Rochester, Minn., control zone by redesignating the southwest control zone extension on the Rochester VOR 027° True radial in place of the 042° and 222° True radials because the Rochester VOR was to be relocated. On February 19, 1960, a supplemental notice of proposed rule making was published (25 F.R. 1493) stating that a re-evaluation of the instrument approach procedures for approaches to Lobb Field, Rochester, Minn., disclosed there no longer existed a requirement for a VOR approach procedure based on the relocated Rochester VOR and that the southwest extension was to be revoked.

As stated in the notice, the Rochester control zone is presently designated within a 5-mile radius of Lobb Field (formerly Rochester Airport) with extensions to the south and southwest. The Rochester VOR has been relocated and the VOR instrument approach procedure has been cancelled, accordingly it appears that the southwest extension based on the VOR is unjustified as an assignment of airspace and that revocation thereof is in the public interest. Therefore, the Rochester control zone is being redesignated within a 5-mile radius of Lobb Field, Rochester, and within 2 miles either side of the south course of the radio range station extending from the 5-mile radius zone to a point 12 miles south of the radio range station.

The Aircraft Owners and Pilots Association concurred in the revocation of the southwest control zone extension. However, the AOPA objected to the modification of the south control zone extension because "the south instrument approach procedure does not involve flight outside of controlled airspace (control area) at a point to the south of the low frequency range. Accordingly, the need for a control zone extension has not been established." In accordance with the published low frequency range approach procedure for Lobb Field, the procedure turn is completed at 2,400 feet MSL within 10 nautical miles and then descent is made to cross the range station at 1,900 feet MSL which is 859 feet above the surface of the airport. Therefore, the Federal Aviation Agency considers that the control zone extension to the south based on the south leg of the Rochester radio range station is required for the full protection of the instrument approach.

No other adverse comments were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2120 (24 F.R. 10577) is amended to read:

§ 601.2120 Rochester, Minn., control zone.

Within a 5-mile radius of the geographical center of Lobb Field (latitude 44°00'00" N., longitude 92°27'00" W.) and within 2 miles either side of the S course of the RR extending from the 5-mile radius zone to a point 12 miles S of the RR.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5590; Filed, June 16, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-13]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1966) stating that the Federal Aviation Agency was considering an amendment to Part 602 of the Regulations of the Administrator which would designate VOR/VORTAC jet route No. 70 between Seattle, Wash., and New York, N.Y.

As stated in the Notice J-70-V would be designated from Seattle, Wash., VOR via the intersection of the Seattle VOR 091° True and the Mullan Pass, Idaho, VOR 269° True radials; Mullan Pass VOR; Lewiston, Mont., VOR; Dickinson, N. Dak., VORTAC; Aberdeen, S. Dak., VOR; Minneapolis, Minn., VOR; intersection of the Minneapolis VOR 109° True and the Milwaukee, Wis., VOR 312° True radials; Milwaukee VOR; Pullman, Mich., VOR; intersection of the Pullman VOR 091° True and the Windsor, Ont., VOR 278° True radials; via the Windsor VOR 278° True radial to the United States-Canadian border. From the United States-Canadian border at its point of intersection with the Erie, Pa., VORTAC 278° True radial via the Erie VORTAC; Allentown, Pa., VORTAC to the Idlewild, N.Y., VORTAC.

The Department of the Air Force objected to any portion of the proposed route not having adequate radar coverage, and in addition, submitted the following comments:

1. The segment of the proposed route between Minneapolis, Minn., and Milwaukee, Wis., would conflict with the proposed Truax Air Force Base, Madison, Wis., Military Climb Corridor.

2. The proposed route would result in increased traffic in the vicinity of Fairchild Air Force Base, Spokane, Wash., and thereby block heavy jet traffic arriving and departing this base.

3. The proposed route would conflict with high altitude refueling areas "Happy Home" and "Quick Time."

4. The proposed route would conflict with the proposed Malmstrom Air Force Base, Great Falls, Mont., Military Climb Corridor.

Adequate radar coverage does exist for the entire route. The segment of J-70-V between Minneapolis and Milwaukee will by-pass the proposed Truax AFB Military Climb Corridor approximately 7 miles northeast. The projection of a 5° error factor will clear the climb corridor but will necessitate a reduction to the normal route width of this segment.

The Federal Aviation Agency recognizes that the establishment of J-70-V will result in increased high altitude traffic in the vicinity of Fairchild AFB. However, the airspace encompassed by J-70-V, in the vicinity of Fairchild AFB, is the same as now designated by J-90-V. Any air traffic control problems that may exist between en route traffic and terminal operations at Fairchild AFB and en route traffic through the "Happy Home" and "Quick Time" high altitude refueling areas will be resolved by the appropriate air route traffic control centers to ensure efficient air traffic management. The confliction between J-70-V and the proposed Malmstrom AFB Military Climb Corridor will be resolved, on a procedural basis, at the time the climb corridor becomes effective.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 602 (14 CFR, 1958 Supp., Part 602) is amended by adding the following:

§ 602.570 VOR/VORTAC jet route No. 70 (Seattle, Wash., to New York, N.Y.).

From the Seattle, Wash., VOR via the INT of the Seattle VOR 091° True and the Mullan Pass, Idaho, VOR 269° True radials; Mullan Pass VOR; Lewiston, Mont., VOR; Dickinson, N. Dak., VORTAC; Aberdeen, S. Dak., VOR; Minneapolis, Minn., VOR; INT of the Minneapolis VOR 109° True and the Milwaukee, Wis., VOR 312° True radials; Milwaukee VOR; Pullman, Mich., VOR; INT of the Pullman VOR 091° True and the Windsor, Ont., VOR 278° True radials; via the Windsor VOR 278° True radial to the United States-Canadian Border. From the United States-Canadian border at its point of INT with the Erie, Pa., VORTAC 278° True radial via the Erie VORTAC; Allentown, Pa., VORTAC to the Idlewild, N.Y., VORTAC.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5584; Filed, June 16, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

PART 1—GENERAL PROCEDURES

Subpart M—Public and Confidential Information

AVAILABILITY OF RECORDS

The Commission announces the following change in Part 1 of Chapter I of Title 16. The change to be effective as of date of publication in the FEDERAL REGISTER.

Section 1.132(e) is amended to read as follows:

(e) The pleadings, transcript of testimony, exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings, petitions for the issuance, amendment or repeal of rules and regulations under the Wool, Fur, Textile, and Flammable Fabrics Acts, including petitions for exemptions, records of hearings in all rule-making proceedings, continuing guaranties filed under the Wool, Fur, Textile and Flammable Fabrics Acts and informal agreements to cease and desist after acceptance by the Commission are available at the principal office of the Commission for inspection and copying at reasonable times. Where copies of such materials are desired, § 1.131(b) applies.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: June 15, 1960.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5560; Filed, June 16, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 1-Naphthyl *N*-Methylcarbamate

A petition was filed with the Food and Drug Administration by Union Carbide Chemicals Company, 30 East Forty-second Street, New York 17, New York, requesting the establishment of tolerances for residues of 1-naphthyl *N*-methylcarbamate in or on raw agricultural commodities, as follows:

40 parts per million in or on corn fodder and forage.
5 parts per million in or on corn (kernels only and kernels plus cob with husk removed).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(22)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1959 Supp., 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1959 Supp., Part 120) are amended by adding to the list of raw agricultural commodities for which tolerances have been established in § 120.169 the items corn fodder and forage and corn (kernels and kernels plus cob, determined after removing husks present when marketed).

As amended § 120.169 reads as follows:

§ 120.169 Tolerances for residues of 1-naphthyl *N*-methylcarbamate.

Tolerances are established for residues of 1-naphthyl *N*-methylcarbamate, including its hydrolysis product 1-naphthol calculated as 1-naphthyl *N*-methylcarbamate, in or on raw agricultural commodities as follows:

(a) 25 parts per million in or on corn fodder and forage.

(b) 10 parts per million in or on apples, bananas, beans, cherries, cucumbers, eggplants, grapes, peaches, pears, peppers, plums (fresh prunes), strawberries, summer squash, tomatoes.

(c) 5 parts per million in or on corn (kernels and kernels plus cob, determined after removing husks present when marketed), cottonseed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 10, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-5550; Filed, June 16, 1960; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Lemon Creek, N.Y., and Shark River, N.J.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.215 is hereby amended by adding paragraph (j) to govern the operation of a bridge across Lemon Creek, New York and certain bridges across Shark River, New Jersey, effective on and after publication in the FEDERAL REGISTER, as follows:

§ 203.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

* * * * * *

(j) The general regulations contained in paragraphs (a) to (g), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in this paragraph.

(1) Lemon Creek, N.Y.; the City of New York highway bridge at Bayview Avenue, Borough of Richmond, Staten Island, New York. The draw need not be opened for the passage of vessels between the hours of 4:00 p.m. and 8:00 a.m. from November 1, to March 31, inclusive, and between the hours of 10:00 p.m. and 6:00 a.m. from April 1, to May 15, inclusive, and from October 16, to October 31, inclusive.

(2) Shark River, N.J. (i) For the purposes of the regulations in this paragraph, the Route 71, the New York and Long Branch Railroad Company and the Route 35 bridges, being less than 800 feet apart, shall be considered and operated as a unit. The owners thereof shall provide and install, for uninterrupted service, systems of electric signals on their respective bridges, so connected that the operator of any of the bridges may thereby simultaneously notify, by signal, the operators of all the other drawbridges of the desire of any vessel or other watercraft to pass through the draws. The operator of the first bridge to be passed by an approaching vessel or other watercraft shall be responsible for observing the approach of such vessel or other watercraft toward the bridge, for receiving and acknowledging the signal or notice for passing, and for communicating to the operators of the other bridges, the intention of such vessel or other watercraft to pass.

(ii) Except as otherwise provided in subdivisions (iii) and (iv) of this subparagraph, from May 15, to September 30, inclusive, on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day, between the hours of 9:00 a.m. and 9:00 p.m., and on weekdays, between the hours of 4:00 p.m. and 7:00 p.m., the lift span of the Ocean Avenue bridge shall not be required to open except at half-hourly intervals 15 minutes before and 15 minutes after the hour and the lift span of the Route 71, the New York and Long Branch Railroad Company and the Route 35 bridges shall not be required to open except at half-hourly intervals on the hour and half-hour, for those vessels or other watercraft waiting to pass through the draws, provided that when once opened for the passage of any vessel or craft, the said bridge or bridges shall remain open sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting themselves for passage.

(iii) The draws shall be opened promptly on signal for the passage of vessels in the event of emergencies.

(iv) The draws shall be opened promptly at any time for the passage of vessels owned, controlled or employed by the United States Government, the State government or municipal and local governments.

[Regs., June 8, 1960, 285/91-ENGOW-O] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 60-5582; Filed, June 16, 1960; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2123]

[Montana 037312]

SOUTH DAKOTA

Partially Revoking the Departmental Orders of July 18, 1903, March 3, 1909 and September 27, 1909 (Belle Fourche Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental orders of July 18, 1903, March 3, 1909, and September 27, 1909, which withdrew lands in South Dakota for reclamation purposes in connection with the Belle Fourche Project, are hereby revoked so far as they affect the following-described lands:

BLACK HILLS MERIDIAN

T. 9 N., R. 7 E.,
Sec. 31, lots 1, 2, and NE¼NW¼.

The areas described aggregate 120.60 acres.

The released lands are embraced in Homestead Entry application, Pierre 022481.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 10, 1960.

[F.R. Doc. 60-5548; Filed, June 16, 1960; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-AN-2]

CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Department of Navy to designate a control zone within a 5-mile radius of the Adak Naval Station, Alaska. The designation of this control zone would provide protection for aircraft conducting prescribed instrument approaches and departures to and from the Naval Station during instrument flight rule conditions.

If this action is taken, the Adak Island, Alaska, control zone would be designated within a 5-mile radius of the Adak Naval Station (latitude 51°53'00" N., longitude 176°39'00" W.).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5538; Filed, June 16, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-15]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2404 of the regulations of the Administrator, the substance of which is stated below.

The Harlingen, Tex., control zone is designated within a 5-mile radius of the Harlingen Air Force Base and within 2 miles either side of lines bearing 179° and 359° True from the Harlingen AFB radio beacon extending from the 5-mile radius zone to a point 5 miles north of the nondirectional radio beacon. The Federal Aviation Agency is considering modifying this control zone by designating an additional extension within 2 miles either side of the Harlingen VOR 117° True radial extending from the 5-mile radius zone to the VOR. Concurrently, the present control zone extension would be redesignated to terminate at the Harlingen radiobeacon, since it has been determined that the portion of the extension north of the Harlingen radiobeacon is not required for the protection of aircraft conducting instrument approaches to Harlingen AFB. The control zone extension from the 5-mile radius zone to the Harlingen VOR would provide protection for aircraft conducting instrument approaches to Harlingen AFB based on the VOR.

If this action is taken, the Harlingen, Tex., control zone would be designated within a 5-mile radius of Harlingen Air Force Base, Tex. (latitude 26°13'36" N., longitude 97°39'05" W.), within 2 miles either side of the 179° True bearing from the Harlingen radiobeacon extending from the 5-mile radius zone to the radiobeacon, and within 2 miles either side of the 117° True radial of the Harlingen VOR extending from the 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5539; Filed, June 16, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-7]

CONTROL AREAS

Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1306 of the regulations of the Administrator, the substance of which is stated below.

The Mountain Home, Idaho, control area extension (§ 601.1306) is designated to include the airspace within a 35-mile radius of the Mountain Home AFB, bounded on the northeast by Green Federal airway No. 10, within 5 miles either side of a direct line extending from the Mountain Home radio beacon to the Boise, Idaho, radio range, within 5 miles either side of the Mountain Home TVOR 178° and 298° True radials, extending from the TVOR to points 61 miles south and southwest and within 5 miles either side of the Twin Falls, Idaho, VOR 269° True radial, extending from the VOR to its intersection with the 178° True radial of the Mountain

Home TVOR, excluding the portion which lies within the geographic limits of and between the designated altitudes of the Sailor Creek Restricted Area R–254 during its time of designation.

The Federal Aviation Agency has under consideration combining the Mountain Home control area extension (§ 601.1095) and the Twin Falls control area extension (§ 601.1348) with the Mountain Home control area extension (§ 601.1306). Combining these three control area extensions and redesignating them as one extension would eliminate the present multiple designations and simplify the description. Concurrently, approximately 110 square miles of additional control area would be designated south of the present 35-mile radius of the Mountain Home (§ 601.1306) control area extension and between the 178° and 208° True radials of the Mountain Home TVOR. The additional control area to the south would provide protection to departing aircraft utilizing IFR departure procedures from Mountain Home AFB via the 163° True radial of the Boise VOR and the 208° True radial of the Mountain Home TVOR. These procedures were developed to alleviate conflict with jet penetrations to Runway 30 at Mountain Home AFB.

If this action is taken, the Mountain Home, Idaho, control area extension (§ 601.1306) would be redesignated as follows:

Within 5 miles either side of the 178° and 208° True radials of the Mountain Home TVOR extending from the TVOR to points 61 miles south and southwest, and that area south, southeast and west of Mountain Home bounded by a line beginning at the intersection of the southwest boundary of VOR Federal airway No. 253 and a line 5 miles south of and parallel to the Twin Falls, Idaho VOR 269° True radial, thence west along this line to its intersection with a line 5 miles northwest of and parallel to the Mountain Home TVOR 208° True radial, thence northeast along this line to its intersection with the arc of a circle with a 35-mile radius of Mountain Home AFB (Lat. 43°02'30" N., Long. 115°51'50" W.), thence clockwise along this arc to its intersection with the southwest boundary of VOR Federal airway No. 253, thence southeast along this boundary to the point of beginning, excluding that area bounded on the northeast by a line 5 miles southwest of and parallel to the Twin Falls VOR 298° True radial, on the south by a line 5 miles north of and parallel to the Twin Falls VOR 269° True radial, on the west by a line 5 miles east of and parallel to the Mountain Home TVOR 178° True radial and on the northwest by the arc of a circle with a 35-mile radius of Mountain Home AFB. The portions of this control area extension which lie within the geographical limits of, and between the designated altitudes of the Sailor Creek Restricted Area (R–254) will not be used by aircraft during the time of designation of this restricted area unless prior approval is obtained from Federal Aviation Agency Air Traffic Control. Concurrently, the Mountain Home, Idaho, control area extension (§ 601.1095) and the Twin Falls, Idaho, control area extension (§ 601.1348) would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5540; Filed, June 16, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–AN–14]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Northway, Alaska, control zone is presently designated within a 5-mile radius of the Northway Airport. The Federal Aviation Agency is considering designating a control zone extension northwest of the Northway Airport within 2 miles either side of the northwest course of the Northway radio range from the 5-mile radius zone to 12 miles northwest of the radio range. This modification would provide protection for aircraft conducting the prescribed instrument approach to the airport during IFR conditions.

If this action is taken, the Northway, Alaska, control zone would be designated within a 5-mile radius of the Northway Airport (latitude 62°57'43" N., longitude 141°55'27" W.), and within 2 miles either side of the northwest course of the Northway radio range extending from the 5-mile radius zone to 12 miles northwest of the radio range. The Northway, Alaska, control zone would then be designated in a new section in Part 601, and deleted from § 601.1984, *Five-mile radius zones.*

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5541; Filed, June 16, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–FW–3]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2139 of the regulations of the Administrator, the substance of which is stated below.

The Cross City, Fla., control zone is presently designated within a 5-mile radius of the Cross City Airport, within 2 miles either side of the southeast course of the Cross City radio range extending from the radio range station to a point

10 miles southeast, and within 2 miles either side of the 118° True radial of the Cross City VOR extending from the VOR to a point 10 miles southeast. The Federal Aviation Agency is considering the modification of the Cross City control zone by revoking the southeast control zone extension based on the radio range; and realigning the southeast control zone extension based on the VOR via the 121° True radial and extending it to a point 12 miles southeast of the VOR. The Cross City radio range is scheduled for decommissioning in the near future. Upon decommissioning of the radio range the control zone extension southeast of the Cross City Airport, based on the radio range, would no longer be required. Realignment and extension of the southeast extension based on the VOR would provide protection for aircraft executing VOR instrument approaches to the Cross City Airport.

If this action is taken, the Cross City, Fla., control zone would be designated within a 5-mile radius of the Cross City Airport (latitude 29°38'04.7" N., longitude 83°06'16.9" W.), and within 2 miles either side of the 121° True radial of the Cross City VOR extending from the 5-mile radius zone to a point 12 miles southeast of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5542; Filed, June 16, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59–LA–30]

CONTROL ZONES

Withdrawal of Proposal To Modify Control Zone

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59–LA–30 on September 5, 1959 (24 F.R. 7206), it was stated that the Federal Aviation Agency proposed to modify the Cannon Air Force Base, Clovis, N. Mex., control zone extension to include the airspace within 2 miles either side of the extended center line of runway 21 from the five mile radius zone to a point 62 statute miles beyond the Cannon radio beacon. Subsequent to publication of the notice, the instrument approach procedure at Cannon AFB was revised to the extent that modification of the control zone, as proposed, is no longer necessary.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 59–LA–30 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 10, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5543; Filed, June 16, 1960; 8:46 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket 10960]

CONSOLIDATED AIR FREIGHT, INC.

Notice of Hearing

In the matter of the application of Consolidated Air Freight, Inc. under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, for Board approval of certain common control and interlocking relationships.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 21, 1960, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C. before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., June 14, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5561; Filed, June 16, 1960; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 05286]

[NO. 60-6]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 9, 1960.

The Corps of Engineers, United States Army, has filed an amendment to their application, Serial No. Oregon 05286, for the withdrawal of additional lands as described below, subject to valid existing rights, from all forms of appropriation, including grazing leases or permits, mineral leases, and location of mining claims.

The original application for withdrawal and reservation of lands involving 6,020.44 acres of public land was published in the FEDERAL REGISTER as F.R. Doc. 58-5834 on July 31, 1958 (23 F.R. 5803).

The applicant desires the additional land for construction of a lock and dam to provide power, flood control, and navigational facilities on the Columbia River in the John Day Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 809 Northeast Sixth Avenue, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The additional lands involved in the amendment to the application are:

WILLAMETTE MERIDIAN, OREGON

T. 3 N., R. 17 E.,
Sec. 24: SW¼NW¼, NW¼SW¼, SE¼SW¼, S½SE¼.
T. 2 N., R. 18 E.,
Sec. 10: NE¼SE¼, N½NW¼SE¼, SE¼NW¼SE¼;
Sec. 11: S½SE¼NW¼, S½SW¼NE¼, NE¼SE¼, SW¼SE¼NE¼;
Sec. 12: S½ lot 12, N½ lot 13, lots 14 and 15.
T. 5 N., R. 26 E.,
Sec. 30: All.

Approximately 1,197.09 acres.

RUSSELL E. GETTY,
State Supervisor.

[F.R. Doc. 60-5547; Filed, June 16, 1960; 8:46 a.m.]

Bureau of Reclamation

[Public Announcement No. 32]

COLUMBIA BASIN PROJECT, WASHINGTON

Sale of Full-Time Farm Units

MAY 31, 1960.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications for certificates of qualification to purchase farm units may be submitted beginning at 2:00 p.m., June 17, 1960. In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the Act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned.* The farm units which are presently owned by the United States and hereby offered for sale are described as follows:

SOUTH COLUMBIA BASIN IRRIGATION DISTRICT

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Sales price
			Total	Class 1	Class 2	Class 3		
19	162	143.8	119.9	48.4	40.8	30.7	23.9	$6,720.00
201	1	222.8	156.3	----------	87.7	68.6	66.3	5,900.00
	3	171.0	157.2	----------	105.8	51.4	12.8	5,700.00
	5	235.2	112.1	17.1	86.9	8.1	123.1	3,821.00
	8	157.5	104.0	66.1	6.7	31.2	53.5	3,468.00
	12	165.0	126.9	64.6	32.3	30.0	38.1	3,994.00
	16	156.2	143.7	26.7	66.0	51.0	12.5	3,544.00
	18	167.7	149.4	31.4	88.7	29.3	18.3	3,242.00
	19	167.7	120.6	1.3	53.6	35.7	47.1	3,247.00
	20	161.0	119.2	----------	109.9	9.3	41.8	3,190.70

EAST COLUMBIA BASIN IRRIGATION DISTRICT

Irrigation block No.	Farm unit No.	Gross acres	Tentative irrigable acreage				Nonirrigable	Sales price
			Total	Class 1	Class 2	Class 3		
44	277	222.9	141.6	----------	126.0	15.6	81.3	$2,482.00
	279	123.1	108.8	----------	83.3	25.5	14.3	1,677.00
45	248	151.5	119.2	----------	84.5	34.7	32.3	2,015.00

b. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in the South and East Columbia Basin Irrigation Districts which are scheduled to receive water before the close of the 1960 irrigation season, such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho. The prices of the farm units are subject to minor changes which may result from adjustments in the irrigable acreages due to changes in rights of way or other causes.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that no application for a certificate of qualification shall be received from (1) anyone who then has outstanding a certificate of qualification to select a farm unit on the Columbia Basin Project, (2) anyone who owns another farm unit on that project, or (3) any person who, or a member of whose family, has theretofore purchased or entered into a contract to purchase a farm unit under the Columbia Basin Project Act, except those whose farm units have been acquired by the United States for exchange purposes. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the Act of August 13, 1953 (67 Stat. 566), who are hereinafter called "exchange applicants", preference right to purchase the farm units described above will be given to persons who submit applications during a 45-day period beginning at 2:00 p.m., June 17, 1960, and ending at 2:00 p.m., August 1, 1960.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 4. *Examining board.* An examining board of three members has been appointed by the Regional Director to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The Board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 5. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants, unless qualified exchange applicants, must, in the judgment of the examining board, meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. The credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which in the opinion of the Board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* To qualify for farms listed in section 1, applicants must either (1) possess assets amounting to at least $8,500 in excess of liabilities, of which at least $5,000 must be in cash; or (2) possess at least $7,500 in cash. In addition, at the time he moves to the Project to take possession of the farm unit selected and prior to execution of the land sale contract, the applicant must be prepared to re-establish to the satisfaction of the Project Manager that he possesses in cash or in cash and property useful in developing the farm the minimum net worth required under either of the above alternates. Assets must consist of cash and property readily convertible into cash or property such as livestock or farm machinery and equipment which, in the opinion of the Board and the Project Manager, will be useful in the development and operation of a new, irrigated farm. When considering farm machinery, the Board and the Project Manager will credit only that equipment which is adapted for use on the Columbia Basin Project. No value will be allowed for a passenger car or household goods. Property not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form. This conversion can be made before execution of the earnest money agreement or the land sale contract, whichever the Board believes appropriate.

Before executing a land sale contract and acquiring the right of possession of the farm unit, the purchaser must establish, to the satisfaction of the Project Manager, that he has moved to the Project to take possession of the farm unit selected and re-establish his net worth as required above, except that the amount paid as an earnest money deposit can be credited as part of the assets making up the applicant's net worth.

SEC. 6. *Other qualifications required.* Each applicant must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. In addition to the limitations in section 2, not own outright, or be acquiring under a contract to purchase, more than 10 acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. Not previously have purchased a farm unit from the United States under provisions of the Reclamation Law, excepting therefrom actions under the Act of August 13, 1953.

d. Not have outstanding a certificate of qualification for the purchase of a farm unit on the Columbia Basin Project.

e. Not own outright, or be acquiring under a contract to purchase, a farm unit on the Columbia Basin Project.

f. If a married woman or a person under 21 years of age who is not a veteran with acceptable service, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 7. *Filing application blanks.* Any person desiring to apply for a certificate of qualification to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Boise, Idaho; or Washington, D.C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 8. *Priority of applications.* All applications, except those received from qualified exchange applicants prior to 2:00 p.m., August 1, 1960, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First group.* All complete applications filed prior to 2:00 p.m., August 1, 1960. Such applications will be treated as simultaneously filed.

b. *Second group.* All complete applications filed after 2:00 p.m., August 1, 1960. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 9. *Public drawing.* After the priority classification, the Board will conduct a public drawing of the names of the applicants in the First Group as defined in subsection 8.a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units offered for sale) shall be drawn and numbered in the order drawn for the purpose of establishing the order in which the ap-

plications drawn will be examined by the Board to determine whether the applicants meet the minimum qualifications prescribed in this announcement and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board will notify each applicant of his respective standing as a result of the drawing.

SEC. 10. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification showing that they meet the qualifications set forth in Sections 5 and 6 of this announcement. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 11. *Examination and interview.* After the information outlined in Section 10 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications, together with the evidence of qualification submitted, to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement the applicant shall be disqualified and shall be notified by the Board, by certified mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Project Manager, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Project Manager will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purposes of: (1) Affording the Board any additional information it may desire relative to his qualifications; (2) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (3) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing. If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by certified mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the times specified in the notice.

SELECTION OF FARM UNITS

SEC. 12. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit and if additional applicants remain in the First Group, all said remaining applicants will be advised by the Board as to the number and nature of the unsold units. If any of the applicants so advised wish to be considered for the possible purchase of one of the remaining units, they must so advise the Board in writing within 20 days of the date of the notice. The Board will consider in the order of their selection priority as established by drawing, only those applicants who make affirmative reply within the period stipulated. Any farm units remaining unselected after all qualified applicants in the First Group have had an opportunity to select a farm unit will be offered to applicants in the Second Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 9 of this announcement.

SEC. 13. *Failure to select.* If any applicant, except a qualified exchange applicant, refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 14. *Execution of earnest money agreement and land sale contract.* When a farm unit is selected by an applicant as provided in section 12 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish an earnest money agreement together with instructions concerning its execution and return. In that notice, the Project Manager will inform the applicant of the amount of his down payment and the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the irrigation district.

The earnest money agreement will require the applicant to deposit $200 or 5 percent of the purchase price of the farm, whichever amount is greater, with the Project Manager. The amount deposited with the earnest money agreement will be applied to the down payment if the applicant (1) submits proof that he has moved to the Columbia Basin Project before February 1, 1961, or within six months of the earnest money agreement, whichever is later, and possesses the minimum capital assets required under Subsection 5.d., (2) pays the real or estimated amount of the irrigation charges which will be required by the irrigation district for the first year of the development period following the date of contract, (3) pays the remainder of the required down payment on the purchase price of the farm unit, and (4) executes a land sale contract in accordance with the Project Manager's instructions. If the applicant fails to comply with any of the four requirements described in this paragraph, he will forfeit his right to purchase the farm unit and the amount he has deposited as earnest money will be retained by the United States as liquidated damages.

When the applicant submits proof to the Project Manager or his representative that he has moved to the Project to take possession of the farm unit and that he possesses the minimum capital assets required under subsection 5.d., the Project Manager will promptly furnish the applicant the necessary land sale contract, together with instructions concerning its execution and return. Such

proof shall be in the form of an affidavit that he has actually moved to the Project area, a current financial statement, and, where appropriate, a personal inspection of farm equipment by a representative of the Project Manager.

If the purchase is made subsequent to July 1 of any year during the development period, a deposit may be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 15. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of $400 or 10 percent of the purchase price of the lands being purchased from the United States, whichever is larger, will be required. Larger proportions or the entire amount of the price may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years, and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below and to maintain in crops thereafter the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
31 to 40	75			
41 to 60	50	75		
61 to 80	50	65	75	
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract or by March 1 of the year water is first declared available to the irrigation block in which the farm unit is located, whichever is later, he must initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the land sale contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above.

e. *Speculation and landholding limitations.* Land sale contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the Project, whether as lessee or as owner or both.

f. *Possession.* The purchaser may take possession of the lands being purchased when he has complied with the requirements described in section 14 and the land sale contract has been executed by the Project Manager for the United States, except that if a farm unit is under lease when sold possession may not be taken until the end of the period for which the unit is leased. Such leases occur infrequently and are of not more than one year's duration.

g. *Sales, assignments, leases.* Each purchaser shall be required to agree that he, his heirs and assigns, will not, except with the approval of the Project Manager, sell, assign, lease, or otherwise dispose of, or contract to sell, assign, lease, or otherwise dispose of, his land during a period ending five years from the date of his purchase contract.

h. *Copies of contract form.* The terms listed above and all other standard contract provisions are contained in the land sale contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 16. *Water rental charges.* In irrigation Block 201 some construction activities will be continuing and the system will be tested during the irrigation season of 1960. However, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Project Manager before the beginning of the irrigation season.

SEC. 17. *Development period charges.* Pursuant to the provisions of the repayment contracts of October 9, 1945, between the United States and the South and East Columbia Basin Irrigation Districts, the Secretary of the Interior has announced a development period of ten years during which time payment of construction charge installments will not be required. The development period began in 1956 for Irrigation Block 44 and in 1957 for Irrigation Blocks 19 and 45.

During the development period, water rental charges, except as pointed out later in this section, will average an estimated $6 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Project Manager. The present plans are: (1) To vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (2) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (3) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water, to be specified by the Project Manager, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the irrigation districts will levy a charge to cover administrative costs and probable delinquencies in collections.

Under the terms of the existing repayment contract, drainage works costing not to exceed $8,176,000 for the entire Project will be built as a part of the irrigation system and charged as a part of the cost of construction of the system. The cost of any drainage works built, after this limitation has been reached will be charged as a part of the cost of operation and maintenance of the irrigation system.

It is now apparent that the $8,176,000 limitation will be reached in the calendar year 1960 and that additional funds will be needed to construct drainage works. It will, therefore, be necessary to charge these additional drainage construction costs to operation and main-

tenance and, as a result thereof, to increase the average irrigable acre estimated water rental charge mentioned above. However, if the repayment contract is amended in 1960 or some subsequent year to provide an increase in the amount which may be expended for drainage works and charged as a part of the cost of constructing the Project system, it will not be necessary in the years that follow to charge any portion of that increased amount to operation and maintenance.

SEC. 18. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the Project Irrigation system which will be uniform for the irrigation blocks throughout the Project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation district. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. Construction charges. The existing repayment contracts between the United States and the South and East Columbia Basin Irrigation Districts require the payment of construction charges for the project irrigation system during the forty years following the end of the development period. The average construction charge per irrigable acre for the entire Project will be $2.12 per year. Thus, under the existing contract, the total construction repayment obligation will average $85 per irrigable acre. However, that amount is predicated on an estimated total direct investment in irrigation works costing not to exceed $280,782,180, most of which has already been made. If the existing repayment contracts are amended to increase that amount, the construction repayment obligation of the Districts will be increased, as will the average construction charge per irrigable acre. The present contracts further provide the construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 31, 1960.

[F.R. Doc. 60-5559; Filed, June 16, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

EVALD SELART ET AL.

Order Revoking Export Licenses and Denying Export Privileges

In the matter of Evald Selart, Selart & Co., Nysaters Fabriker A/B Erik Dahlbergsgatan 4 Goteborg, Sweden and Adam A. Luttway, Toutimpex Tangier, 21 Rue de Madrid, Paris (8e), France, Respondents; Case No. 269.

Evald Selart, Selart & Co., and Nysaters Fabriker A/B, of Goteborg, Sweden, and Adam A. Luttway and Toutimpex Tangier, of Paris, France, the respondents herein, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, in that, as alleged, they caused and participated in transshipments and diversions of two U.S. exportations of borax to unauthorized destinations, contrary to notices and restrictions accompanying and relating to said commodities, and without prior authorization by the United States Government.

In their answers to the charging letter served upon them, the respondents denied the charges and conclusions therein. Neither respondent requested an oral hearing or an opportunity to submit any additional documents or evidence.

In accordance with the practice, the case was referred to a Compliance Commissioner who, after hearing on April 15, 1960, has reported that the evidence supports the charges and has recommended that the respondents be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answers in opposition, the transcript of the hearing, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact.

1. During the times herein involved, Evald Selart was a resident of Goteborg, Sweden. He was the sole owner of Selart & Co., a firm located in Goteborg and engaged in export-import and engineering business. He was the managing director of, and owned fifty per cent of the capital stock of, Nysaters Fabriker A/B, a corporation located in Goteborg and engaged in trade and manufacture of electro-chemical and chemical products.

2. During the times herein involved, Adam A. Luttway was a resident of Paris, France, engaged in financing and conducting export-import business. He was director of Comptoir General de Recuperation, located in Paris, which firm was also known as Toutimpex. The firm dealt in metallurgical products and industrial materials. Toutimpex Tangier appears not to have been a recognized firm but utilized by Luttway as a letter drop in Tangier.

3. During or about May 1957, Selart sought and obtained information on the conduct of trade with Eastern (Soviet) bloc countries from a businessman in West Berlin who was engaged in such trade. In the name of Selart & Co., Selart executed and transmitted to said West Berlin businessman powers of attorney authorizing him to represent Selart & Co.'s business interests vis-a-vis Eastern Germany and other Soviet bloc countries.

4. During or about May 1957, Selart conferred in Goteborg with the aforesaid West Berlin businessman and certain other businessmen from West Berlin. They conducted exploratory discussions concerning the possibilities of obtaining commodities, particularly borax, for delivery to the Soviet Zone of Germany (including the Soviet Sector of Berlin known as East Berlin). These men indicated to Selart that Luttway might be interested in financing such deals.

5. During August and/or early September 1957, Selart met with Luttway in Goteborg, in the presence of two of the aforesgid West Berlin businessmen. At that meeting Luttway agreed to finance borax transactions in the magnitude of 600 to 1,000 tons under arrangements whereby shipments would be handled on an individual basis, starting with a shipment of 100 tons. It was orally agreed that Luttway would open a letter of credit in favor of Selart & Co., with title to the borax to be transferred to Luttway when his letter of credit was honored upon presentation of the shipping documents. Selart was to order the borax from a Swedish distributor-importer firm in Goteborg. It was understood that Luttway was to finance the purchases of the borax, delivery Hamburg, and would resell it to an East German firm for delivery in the Soviet Zone of Germany.

6. On or about September 4, 1957, Selart ordered from the Swedish distributor-importer 100 metric tons of borax to be obtained from the United States. In this connection the Swedish distributor-importer sent to Selart & Co. a U.S. Department of Commerce, Bureau of Foreign Commerce (BFC) form, FC-843, entitled "Multiple Transactions Statement by Consignee and Purchaser." Included in the letter covering the transmittal of this form was the statement: "This formula, which means an assurance that the goods in no form will be sent forward to countries belonging to the Soviet-Bloc, is to be filled out and signed by you. After that we ask you to send it to us back."

7. On or about September 30, 1957, this form relating to the order for 100 metric tons of borax was signed, executed, and returned to the Swedish distributor-importer by Selart in his capacity as director of Nysaters Fabriker A/B.

The said form contained a certification that "all of the facts contained in this statement are true and correct to the best of our knowledge and belief and we do not know of any additional facts which are inconsistent with the above statement. We shall promptly send a supplemental statement to the person named in Item 2 (i.e., the Swedish distributor-importer), disclosing any change of facts or intentions set forth in this statement which occurs after the statement has been prepared and forwarded. With respect to any shipment covered by this statement which we propose to dispose of contrary to the representations made in this statement, or contrary to the list of countries approved on the export license and brought to our attention on the bill of lading, commercial invoice, or by any other means, we will notify the person named in Item 2 and will secure U.S. Government approval through him prior to such disposition."

Among the representations contained in the form so certified were:

> We certify that the commodity or commodities listed in Item 3 (i.e., 100 metric tons of borax) will not be sold for use outside the country named in Item 1 (i.e., Sweden).
>
> The specific use of the commodities listed in Item 3 will be: Production or manufacture by us of mixtures of glass compositions in Sweden and distribution in countries not belonging to the Soviet bloc.
>
> The writer undertakes not to export goods, neither finished articles nor semi-manufactured products, containing the borax in question, to countries belonging to the Soviet bloc.

The printed instructions on the form stated: "This form must be submitted by the importer (ultimate consignee shown in Item 1) and by the overseas buyer or purchaser, to the U.S. exporter or seller with whom the order for the commodities described in Item 3 is placed. This completed statement will be submitted in support of one or more export license applications to the U.S. Department of Commerce * * *."

Printed on the second page of the form was the following: "The making of any false statement or the concealment of any material fact in connection with this exportation, or failure to file required supplemental statements by the consignee and purchaser, is punishable by denial of participation in U.S. exports."

8. On or about September 23, 1957, Luttway opened a letter of credit with his bank in Zurich in favor of Selart & Co. On the basis of this, on or about September 30, 1957, Selart's bank in Goteborg opened a letter of credit for Selart & Co. in favor of the Swedish distributor-importer. Thereupon the latter's bank in Goteborg notified it that an irrevocable letter of credit had been opened for purchase of 100 metric tons of borax, 99.5 percent purity, industrially granulated, packed in multiple paper sacks, c.i.f. Hamburg.

9. On October 2, 1957, the Swedish distributor-importer wrote Selart that the former's commitments with his American suppliers allowed shipment only to Goteborg or another port in Sweden as the final port of destination.

10. On October 8, 1957, the Bureau of Foreign Commerce received an application for export license (BFC Case No. 140460) from an American producer-exporter for 220,460 pounds of technical granular borax for shipment to the Swedish distributor-importer in Gothenburg, Sweden, as ultimate consignee, for resale and consumption in Sweden as country of ultimate destination. This application was supported by BFC Form FC-843 (Multiple Transactions Statement by Consignee and Purchaser) which the Swedish distributor-importer had executed to the American producer-exporter on June 19, 1957. This form contained the statement that the commodities will not be sold for use outside Sweden.

11. On October 15, 1957, the Bureau of Foreign Commerce issued validated export license No. B71015-35751, authorizing shipment of the said borax by the American producer-exporter to the Swedish distributor-importer, with Sweden as the country of ultimate destination.

12. On October 21, 1957, the Bureau of Customs cleared the shipment at Los Angeles. On October 23, 1957, order bill of lading No. 6 of the M.S. Portland was issued to cover said shipment. The original and non-negotiable copies of this bill showed Gothenburg, Sweden, as the port of destination, and they had endorsed thereon a destination control notice to the effect that United States law prohibited the disposition of the commodities described therein to destinations within the Sino-Soviet bloc without authorization by the United States Government.

13. On November 14, 1957, Selart applied to the Swedish Government for an export license for shipment of the 100 tons of borax from Sweden to West Germany. In so doing, he represented that the borax would be used to produce a glass mixture in West Germany, that West Germany would be the place of consumption, and that Selart personally would control this consumption.

14. On the same date, Luttway wrote to F. H. Bertling Co., Hamburg freight forwarders (the same Bertling against which the Director, Office of Export Supply, Bureau of Foreign Commerce, issued an order on July 16, 1959 (FEDERAL REGISTER, Volume 24, page 5810, July 21, 1959) denying all export privileges during the existence of U.S. export controls on the basis of certain charges, findings, and conclusions involved in the instant transactions), advising that the shipment was en route to Hamburg for Luttway's disposition and must, upon arrival, be delivered to Luttway's East German purchaser by freight cars to Bolzenburg (a railroad frontier station between West and East Germany). Two days later, on November 16, 1957, Luttway wrote again to Bertling requesting him to confirm the arrangements to Luttway's East German purchaser. With this letter Luttway enclosed duplicate of the M.S. Portland bill of lading which contained the destination control notice to which reference is made in Finding 12 above, and thereby Luttway knew or should have known that United States law prohibited the transshipment of the said borax to East Germany.

15. On or about November 20, 1957, the borax shipment arrived at Goteborg and was laden aboard the vessel "Prins Bertil" for transport to Hamburg, under arrangements carried out by a Swedish forwarding agent upon instruction from Selart.

16. On or about November 25, 1957, Luttway's East German purchaser wrote to Bertling, instructing that the borax be shipped by freight cars in specified quantities to five Soviet bloc controlled plants located in East Germany.

17. On or about November 27, 1957, the borax was unladen from the "Prins Bertil" in Hamburg and put on six freight cars and forwarded to East Germany for delivery to Luttway's customer and its designated consignees. Luttway received payment from his East German purchaser in pounds sterling by a London bank and deposited to his account in his bank in Zurich.

18. On or about December 18, 1957, Selart placed another order with the Swedish distributor-importer in Goteborg for 215 metric tons of borax from the United States. As director of Nysaters Fabriker A/B, Goteborg, he signed, executed, and returned to the Swedish distributor-importer a BFC Form FC-842, entitled, "Single Transaction Statement by Consignee and Purchaser." The certification, statements, and representations therein were identical with those referred to in Finding 7 above. The typed statement on this form of 300,000 kg. of granulated borax appeared to have been superseded by a handwritten note thereunder as follows: "215,000 kg. per S/S Klaus Schoke."

19. On December 20, 1957, Selart's bank in Goteborg opened a letter of credit for Selart & Co. in favor of the Swedish distributor-importer to cover 215 metric tons of borax to be shipped on the M.S. Klaus Schoke to Swedish port via Hamburg in transit. This was based on a letter of credit opened by Luttway with his Zurich bank in favor of Selart & Co.

20. On December 23, 1957, the Bureau of Foreign Commerce received an application for export license (BFC Case No. 176187) from the American producer-exporter for 473,989 pounds of technical granular borax for shipment to the Swedish distributor-importer, Gothenburg, Sweden, as the ultimate consignee. The application was supported by the same BFC Form FC-843 as in the case of the first application referred to in Finding 10 above.

21. On December 24, 1957, the Bureau of Foreign Commerce issued validated export license No. C71224-60011, authorizing shipment of said borax by the American producer-exporter to the Swedish distributor-importer, with Sweden as the country of ultimate destination. On January 3, 1958, the Bureau of Foreign Commerce issued an amendment to this license permitting the borax to be shipped via Hamburg to Sweden.

22. On January 3, 1958, the Bureau of Customs cleared this shipment at Los Angeles. On January 6, 1958, order bill of lading H-2-L of M.S. Klaus Schoke was issued. The original and non-negotiable copies of this bill indicated unloading at Hamburg in transit to Gothenburg, Sweden, and they had endorsed thereon a destination control notice that the subject commodities were licensed by the United States Government for Swe-

den as the ultimate destination and that diversion contrary to U.S. law was prohibited.

23. During or about January 16 to 29, 1958, the Swedish distributor-importer communicated with various persons in Hamburg, including the Hamburg Free Port Authorities, seeking to assure the forwarding of the 215 tons of borax to Sweden as the ultimate destination.

24. On or about February 9, 1958, the borax arrived at Hamburg. Luttway instructed Bertling, his freight forwarding agent there, to on-ship the borax in thirteen railroad cars in specified quantities to five Soviet bloc controlled firms located in East Germany. However, the West German Customs authorities did not permit this shipment to go from Hamburg directly to East Germany.

25. Thereafter, Luttway endeavored without success to return the borax to Selart, to transship it to Austria from whence he intended to forward it to East Germany, and to resell it to another business firm for shipment to Austria. Eventually, Luttway disposed of the borax for delivery to a purchaser in Switzerland which was approved by the Bureau of Foreign Commerce, after the Bureau, on February 14, 1958, had revoked the export license for the 215 tons of borax.

26. Selart knew, when he ordered both borax shipments and submitted his consignee statements in both instances to the Swedish distributor-importer, that his representations were false, and that the unprocessed borax was intended for resale and ultimate delivery to a Soviet bloc destination. He knew that both borax shipments were licensed by the United States Government to Sweden as the ultimate destination and that resales or diversions, directly or indirectly, to the Soviet bloc without prior authorization from the United States Government were prohibited. Despite his representations and commitments, Selart did not notify the United States Government authorities, the Swedish distributor-importer, or the American producer-exporter of his true intentions and actions. At no time before or during either transaction was Selart authorized by the United States Government to divert, resell, or use the borax in the manner above explained.

27. Luttway knew, when he took title to both borax shipments and prior to his transshipment of the first borax shipment and attempted transshipment of the second borax shipment to East Germany, that both borax shipments were licensed by the United States Government to Sweden as the ultimate destination and that resales or diversions, directly or indirectly, to the Soviet bloc without prior authorization from the United States Government were prohibited. Despite this knowledge, he did not notify the United States Government authorities, the Swedish distributor-importer, or the American producer-exporter of his true intentions and actions; nor did he make inquiries of any of the aforesaid concerning his authority to carry out his true intentions and actions. Notwithstanding his further knowledge in the second transaction that the borax could not be shipped directly to East Germany from West Germany, Luttway continued his attempts to transship the borax to the Soviet bloc via Austria. At no time before or during either transaction was Luttway authorized by the United States Government to resell or divert, directly or indirectly, the borax to the Soviet bloc.

28. On March 30, 1960, the Goteborg Municipal Court sentenced Selart to one month in prison and a fine of 49,257 Swedish crowns ($9,506) after a criminal trial in which Selart was charged with submitting false documents and statements to the Swedish Government authorities on November 14, 1957, for the purpose of obtaining authorization for the transshipment of the 100 tons of borax from Sweden to West Germany. (See Finding 13 above.)

From the foregoing, I have reached the following conclusions.

The respondents Selart and Luttway:

a. Bought, sold, financed, disposed of, transported, and forwarded goods exported from the United States, knowing that with respect thereto violations of the Export Control Act of 1949, as amended, the regulations promulgated thereunder, and the export licenses issued in connection therewith, were about to, and were intended to, occur; and

b. Knowingly disposed of, diverted, transshipped, and re-exported United States-origin commodities to unauthorized persons, destinations, and uses, contrary to the terms, provisions, and conditions of export control documents, prior representations, forms of notification of prohibition against such actions, and other provisions of the Export Control Act of 1949, as amended, the regulations promulgated thereunder, and the export licenses issued in connection therewith; and

c. Used, caused, and permitted the use of, export control documents to facilitate and effect exportations and re-exportations of United States-origin commodities contrary to the terms, provisions, and conditions of such documents; and

d. Knowingly acted in concert to bring about, and to attempt to bring about, violations of the Export Control Act of 1949, as amended, the regulations promulated thereunder, and the export licenses issued in connection therewith.

The foregoing were in violation of §§ 381.2, 381.3, 381.4, 381.6, 381.8, and 379.10(d) of the Export Regulations.

In addition, respondent Selart knowingly made and caused to be made false representations, and knowingly falsified and concealed material facts, directly and indirectly through other persons, in connection with the preparation and use of export control documents in order to effectuate exportations from the United States and their re-exportation, transshipment, and diversion, in violation of §§ 381.2 and 381.5 of the Export Regulations.

In his report, the Compliance Commissioner in this case said:

> Neither respondent can avoid responsibility for failure to comply with the United States export control law, regulations, export licenses, orders, and destination control notices in bills of lading on the ground that he was not an American citizen. United States export controls have been in operation sufficiently long for European traders to know that they are bound by the destination control restrictions in United States export licenses, bills of lading, and commercial invoices, as well as in documents submitted in support of United States exports. These destination control notices and restrictions follow the goods which they cover. They are applicable to all persons related to the export transactions. Failure to comply with such notices and restrictions makes the violator liable to loss of his United States export privileges.
>
> Under Congressional mandate the Department of Commerce is required to effectuate the policies set forth in the Export Control Act, including the furtherance of the foreign policy of the United States and the exercise of the necessary vigilance over exports from the standpoint of their significance to the national security. Under these policies exportations are not allowed to Soviet bloc destinations except as specifically permitted by the regulations. It is the function of the Bureau of Foreign Commerce to determine to what consignees and destinations, and for what uses, goods exported from the United States may be sent. When its actions in the performance of this function are defeated by persons who disregard the conditions under which goods are exported, such persons may be excluded from participation in exportations from the United States. When it becomes necessary to take such an action in compliance cases, the action is taken in the United States and not extraterritorially. While such action necessarily inflicts a penalty, it is primarily intended to be remedial, and to provide corrective and deterrent values.
>
> Selart and Luttway have not presented reasons sufficient to justify their failures to give notification to, or seek authorization from, the United States Government in respect of their intentions and actions which were contrary to United States law, regulations, export licenses, written assurances and representations, and destination control notices in the bills of lading. Any person, who participates in a transaction involving a United States export and who receives on a bill of lading a notice restricting the disposition of the American-origin goods in such export, assumes at his own risk that another party in the transaction, earlier or later, has obtained or will obtain permission from the United States Government to divert the said goods to a prohibited destination. Before he disposes of the goods in a prohibited manner or to a prohibited destination, such person is responsible for ascertaining from United States Government Foreign Service posts abroad or directly from the United States Department of Commerce whether such disposition may be made by him contrary to the restriction notice accompanying the goods. In the absence of such notification and prior authorization, all parties to the transaction are obligated to comply with the restrictions contained in such notices.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondents, Evald Selart, Selart & Co., Nysaters Fabriker A/B, Adam A. Luttway, and Toutimpex Tangier, or any of them appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth and so long as export controls shall be in effect, the respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them or any of them, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. This denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, partnership or business organization with which any of them may be now or hereafter related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith. This denial of export privileges shall extend to Comptoir General de Recuperation, Paris, France, which is deemed to be related to Adam A. Luttway and Toutimpex Tangier, respondents herein, within the terms hereof.

IV. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of Foreign Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: June 10, 1960.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F.R. Doc. 60-5529; Filed, June 16, 1960; 8:45 a.m.]

Office of the Secretary

JAMES H. SANDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions:
(1) Murphy Corporation.
(2) Telecomputing Corp.
(3) Baker Oil Tools, Inc.

This statement is made as of May 19, 1960.

JAMES H. SANDS.

MAY 19, 1960.

[F.R. Doc. 60-5556; Filed, June 16, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13462-13465; FCC 60M-1025]

BROCKWAY CO. (WMSA) ET AL.

Order Continuing Hearing

In re applications of The Brockway Company (WMSA), Massena, New York, Docket No. 13462, File No. BP-12290; Twin State Broadcasters, Inc. (WTWN), St. Johnsbury, Vermont, Docket No. 13463, File No. BP-13040; Trustees of Dartmouth College (WDCR), Hanover, New Hampshire, Docket No. 13464, File No. BP-13112; WIRY, Inc. (WIRY), Plattsburg, New York, Docket No. 13465, File No. BP-13631; for construction permit.

The Hearing Examiner having under consideration a "Motion for Continuance" filed on June 7, 1960, by The Brockway Company (WMSA), requesting that the procedural dates heretofore scheduled[1] for: the exchange of exhibits (June 1); notification of witnesses for cross-examination (July 8); and commencement of the hearing (July 14) be continued indefinitely pending Commission action on a joint request of the applicants herein for reconsideration and grant without hearing of all four applications; and

It appearing that the applicants have in fact filed jointly on June 10, 1960 a "Request for Reconsideration and Grants" which requests, inter alia, that the Commission reconsider its action of April 13, 1960, designating their instant applications for hearing in a consolidated proceeding and grant all of said applications without an evidentiary hearing; and

It further appearing that all parties, including the Broadcast Bureau, have consented to the subject request for an indefinite continuance of procedural dates and to a waiver of the four-day rule so as to permit prompt consideration thereof; and

It further appearing that good cause has been shown for granting the motion of The Brockway Company for an indefinite continuance of procedural dates;

Accordingly, it is ordered, This 13th day of June 1960, that the "Motion for Continuance" of The Brockway Company, filed June 7, 1960, is granted, and the above-mentioned procedural dates heretofore scheduled in this matter, including the commencement of the hearing on July 14, 1960, are hereby continued indefinitely pending Commission action on the applicants' joint "Request for Reconsideration and Grants."

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5571; Filed, June 16, 1960; 8:50 a.m.]

[1] The pertinent dates were scheduled in the "Order Following Prehearing Conference" released by the Examiner on June 2, 1960.

[Docket Nos. 12919, 12920; FCC 60M-1022]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Scheduling Prehearing Conference

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10245; Mid-America Broadcasters, Inc. (KOBY), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

It is ordered, This 13th day of June 1960, that a further prehearing conference is scheduled for Thursday, July 7, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C., to discuss, among other things, the measurements recently taken to establish the 2 and 25 mv/m contours of the Mid-America proposal and Station KFBK, preliminary to a ruling on Mid-America's pending petition for leave to amend its application.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5573; Filed, June 16, 1960; 8:50 a.m.]

[Docket Nos. 13423, 13424; FCC 60M–1032]

INDEPENDENT BROADCASTING CO., INC., AND HIGH FIDELITY MUSIC CO.

Order Scheduling Prehearing Conference and Continuing Hearing

In re applications Independent Broadcasting Company, Inc., Darien, Connecticut, Docket No. 13423, File No. BPH–2588; John R. Rieger, Jr., tr/as High Fidelity Music Co., Port Jefferson, New York, Docket No. 13424, File No. BPH–2622; for construction permits.

The Hearing Examiner having under consideration the petition of the Broadcast Bureau for further prehearing conference filed in the above-entitled proceeding on June 10, 1960;

It appearing that on examination of the exhibits exchanged herein a further prehearing conference could serve to expedite the course of the proceeding;

It is ordered, This 13th day of June 1960 that the said petition is granted and a further prehearing conference herein is scheduled to commence at 1:00 p.m. on June 21, 1960, in the offices of the Commission at Washington, D.C.;

It is further ordered, On the Hearing Examiner's own motion, that the hearing herein presently scheduled for June 20, 1960, is continued to a date to be subsequently determined at the further prehearing conference.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5572; Filed, June 16, 1960; 8:50 a.m.]

[Docket No. 13513; FCC 60M–1026]

NATIONAL AMBULANCE AND OXYGEN SERVICE, INC.

Order Rescheduling Prehearing Conference

In the matter of National Ambulance and Oxygen Service, Inc., Rochester, New York, Docket No. 13513; order to show cause why the license for special emergency radio station KED–379 should not be revoked, or, in the alternative, why a cease and desist order should not be issued.

The Hearing Examiner having under consideration a letter dated June 10, 1960, to the Acting Secretary of the Commission from Daniel F. Fitzgerald, Jr., attorney for the respondent in the above-entitled proceeding, requesting a postponement of the prehearing conference scheduled for 10:00 a.m., June 27th, at the Commission's Offices, Washington, D.C., to 2:00 p.m. on the same day;

It appearing that good cause for granting the relief requested has been shown in that the writer of the letter states that plane connections on June 27th will make it impossible for him to arrive at Washington on the morning of June 27th in time for the scheduled conference;

It is ordered, This 14th day of June 1960, that the prehearing conference scheduled for 10:00 a.m., June 27, 1960, is rescheduled for 2:00 p.m. on the same date, at the Commission's Offices, Washington, D.C.[1]

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5575; Filed, June 16, 1960; 8:50 a.m.]

[Docket No. 13589; FCC 60M–1027]

MERCURY BROADCASTING

Order Scheduling Hearing

In re application of Rex O. Stevenson, Jack E. Falvey, Harry Saxe, Jr., and Robert Pommer, d/b as Mercury Broadcasting (a joint venture), Colorado Springs, Colorado, Docket No. 13589, File No. BP–12449; for construction permit.

It is ordered, This 13th day of June 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1960, in Washington, D.C.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5574; Filed, June 16, 1960; 8:50 a.m.]

[Docket No. 12870; FCC 60M–1021]

NORTHEAST RADIO, INC. (WCAP)

Order Scheduling Hearing

In re application of Northeast Radio, Inc. (WCAP), Lowell, Massachusetts, Docket No. 12870, File No. BP–12014; for construction permit.

Pursuant to agreements reached by counsel for all participants at the prehearing conference held on this day, and as fully explained on the record thus made,

It is ordered, This 13th day of June 1960, that the following dates for procedural steps shall govern in this proceeding:

Exchange of preliminary drafts of engineering exhibits: July 6, 1960.
Exchange of non-engineering exhibits in final form: July 13, 1960.
Exchange of engineering exhibits in final form: July 19, 1960.
Commencement of hearing: July 25, 1960.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5576; Filed, June 16, 1960; 8:50 a.m.]

[1] While the business to be considered may well be completed on June 27th, the Hearing Examiner nonetheless anticipates that the lawyers will remain available on the day following should this prove necessary in order to complete the business at hand.

[Docket No. 13592; FCC 60M–1030]

SCHULTE FORD SALES, INC.

Order Scheduling Hearing

In the matter of Schulte Ford Sales, Inc., 917 Ritchie Highway North, Glen Burnie, Maryland, Docket No. 13592; order to show cause why there should not be revoked the license for business radio station KGC–507.

It is ordered, This 13th day of June 1960, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 15, 1960, in Washington, D.C.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5577; Filed, June 16, 1960; 8:50 a.m.]

[Docket No. 13590; FCC 60M–1029]

REX O. STEVENSON

Order Scheduling Hearing

In re application of Rex O. Stevenson, Ojai, California, Docket No. 13590, File No. BP–12418; for construction permit.

It is ordered, This 13th day of June 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 1, 1960, in Washington, D.C.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5579; Filed, June 16, 1960; 8:50 a.m.]

[Docket Nos. 13377, 13378; FCC 60M–1034]

SHENANDOAH LIFE STATIONS, INC. (WSLS) AND EDWIN R. FISCHER

Order Continuing Hearing

In re applications of Shenandoah Life Stations, Incorporated (WSLS), Roanoke, Virginia, Docket No. 13377, File No. BP–12610; Edwin R. Fischer, Winchester, Virginia, Docket No. 13378, File No. BP–13139; for construction permits.

The Hearing Examiner having under consideration a motion filed June 9, 1960, on behalf of Edwin R. Fischer, requesting that the dates for certain procedural steps be extended as hereinafter ordered; and

It appearing from the pleading that counsel for Shenandoah Life Stations, Incorporated (WSLS) and for the Broadcast Bureau have consented to a grant of the motion and that a grant thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 13th day of June 1960, that the aforesaid motion is granted, and that the dates for certain procedural steps are extended as follows: (1) Exchange of tentative drafts of engineering exhibits from June 9 to August 3, 1960; (2) Exchange of all exhibits in final form from June 23 to August 16, 1960; (3) Notification of witnesses desired for cross-examination from July 6 to September 1, 1960; and (4) Commencement of hearing from July 12 to September 8, 1960.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5578; Filed, June 16, 1960; 8:50 a.m.]

[Docket No. 13591; FCC 60M–1029]

STORER BROADCASTING CO.

Order Scheduling Hearing

In re application of Storer Broadcasting Company, Wheeling, West Virginia, Docket No. 13591, File No. BPH–2956; for construction permit.

It is ordered, This 13th day of June 1960, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 1, 1960, in Washington, D.C.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5580; Filed, June 16, 1960; 8:50 a.m.]

[Docket Nos. 12814, 12488; FCC 60M–1033]

VOICE OF THE NEW SOUTH, INC. (WNSL) AND MID-AMERICA BROADCASTING CO., INC. (WGVM)

Order Continuing Hearing

In re applications of Voice of the New South, Inc. (WNSL), Laurel, Mississippi, Docket No. 12814, File No. BP–11916; Mid-America Broadcasting Company, Inc. (WGVM), Greenville, Mississippi, Docket No. 13488, File No. BP–13245; for construction permits.

A prehearing conference in the above-captioned matter having been held on June 7 1960, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an order;

It is ordered, This 14th day of June 1960, that

(1) Exchange of preliminary drafts of technical engineering exhibits of the applicants' direct cases among the parties shall be made on or before July 19, 1960;

(2) All exhibits to be submitted in the parties' affirmative presentations (sworn exhibits) shall be exchanged among the parties and copies thereof supplied the Hearing Examiner not later than August 16, 1960;

(3) Notification of witnesses desired for cross-examination shall be made not later than September 6, 1960.

It is further ordered, That the hearing presently scheduled herein to commence on July 8, 1960, is continued to September 12, 1960, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: June 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5581; Filed, June 16, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI60–314, etc.]

MENDOTA OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

JUNE 9, 1960.

Mendota Oil Company, et al., Docket Nos. RI60–314, etc.; Ashland Oil & Refining Company, Docket No. RI60–329.

In the Order Providing For Hearing On And Suspension Of Proposed Changes In Rates, issued May 6, 1960, and published in the FEDERAL REGISTER on May 13, 1960 (25 F.R.; p. 4306): On the chart under the column headed headed "Supp. No." in Ashland Oil & Refining Company change supplement "1" to read supplement "2".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5544; Filed, June 16, 1960; 8:46 a.m.]

[Docket No. G–15385 etc.]

OHIO OIL CO. ET AL.

Notice of Postponement of Hearing

JUNE 10, 1960.

The Ohio Oil Company, Operator, et al., Docket No. G–15385; Southwest Natural Production Company, Docket Nos. G–15460, G–19112; James R. Nowery and B. M. Nowery, Jr., Docket No. G–16190; Norman V. Kinsey, Jr., et al., Docket No. G–16278; L. L. Robinson, et al., Docket No. G–16457; Hunt Oil Company, Docket No. G–16737; Hassie Hunt Trust, Docket No. G–16763; Pan American Petroleum Corporation, Docket No. G–17028; Monsanto Chemical Company, Docket No. G–17519; The Atlantic Refining Company, Docket No. G–18572; T. L. James & Company, Inc., Docket No. G–19408; Jack W. Grigsby, Operator, et al., Docket No. G–19705; Robert F. Roberts, Docket No. G–19810.

Upon consideration of the motion filed June 3, 1960, by Counsel for Monsanto Chemical Company for postponement of the hearing now scheduled for June 21, 1960, in the above-designated matters;

The hearing now scheduled for June 21, 1960, is hereby postponed to September 6, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5545; Filed, June 16, 1960; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT COMMISSIONER FOR MANAGEMENT

Authority Delegation

Section II, Delegations of Final Authority, is amended as follows:

Paragraph C7 is added as follows:

7. To approve income limits: Assistant Commissioner for Management.

Approved: June 10, 1960.

[SEAL] BRUCE SAVAGE,
Commissioner.

[F.R. Doc. 60–5546; Filed, June 16, 1960; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 642.2]

STEEL PRODUCTS FROM JAPAN

Determination of No Sales at Less Than Fair Value

A complaint was received that steel products from Japan were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that steel products from Japan are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined on the basis of the information available that for fair value purposes the purchase price of the imported merchandise should be compared with the home market price at which such steel products were sold in Japan.

In making the comparison, due allowance was made for differences in administrative, selling and distribution costs, which are higher in the case of the steel products sold for home consumption than in the case of the same products sold for exportation to the United States. The home market price was adjusted upwards to compensate for the greater quantity of zinc in the galvanized steel sheet sold to the United States.

After making the required adjustments, it was found that purchase price was not lower than the home market price, except as to sporadic sales made during the period affected by the domestic steel strike at which time sales in both markets were marked by unusual fluctuations in price. Subsequently, the Japanese manufacturers took action to eliminate all dumping margins by changes in their pricing both in the home market and to the United States. Assurance was also given that every effort will be made to prevent any future sales to the United States at what may be considered to be potential dumping prices. The amount of possible dumping involved during the period in which

dumping margins appeared to exist is considered to be not more than insignificant, and there is deemed to be no likelihood of the recurrence of such margins.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-5564; Filed, June 16, 1960; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HARALD MIGUEL MAIER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Harald Miguel Maier, Buenos Aires, Argentina; $143.24 in the Treasury of the United States.

Vesting Order No. 8567; Claim No. 66547.

Executed at Washington, D.C., on June 10, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-5554; Filed, June 16, 1960; 8:47 a.m.]

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

The Statement of Organization and Delegations of Final Authority of the Office of Alien Property (25 F.R. 1916) are hereby amended as follows:

1. By deleting the words "the Administrative Officer) from the first paragraph of paragraph 5(a).

2. By deleting all of subparagraph 5(a)(5).

3. By adding a new paragraph 8 as follows:

8. *Authentication of records and documents.* The Records Officer is authorized to authenticate, certify and attest copies of books, records, papers, and documents in the official custody of the Office of Alien Property; to subscribe the name of the Director or the Deputy Director to such certificates, and to affix the seal of the Office of Alien Property.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U.S.C. App. and Sup. 1-40; 60 Stat. 418, 64 Stat. 1116, 22 U.S.C. and Sup. 1362; 69 Stat. 562; E.O. 8389, April 10, 1940, 5 F.R. 1400, as amended, 3 CFR, 1943 Cum. Supp., E.O. 9142, April 21, 1942, 7 F.R. 2985, 3 CFR, 1943 Cum. Supp.; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, 1943 Cum. Supp.; E.O. 9567, June 8, 1945, 10 F.R. 6917, 3 CFR, 1945 Supp.; E.O. 9725, May 16, 1946, 11 F.R. 5381, 3 CFR, 1946 Supp.; E.O. 9788, October 14, 1946, 11 F.R. 11981, 3 CFR, 1946 Supp.; E.O. 9818, January 1, 1947, 12 F.R. 133, 3 CFR, 1947 Supp.; E.O. 9921, January 10, 1948, 13 F.R. 171, 3 CFR, 1948 Supp.; E.O. 9989, August 20, 1948, 13 F.R. 4891, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F.R. 9029, 3 CFR, 1950 Supp.; E.O. 10244, May 17, 1951, 16 F.R. 4539, 3 CFR, 1951 Supp.; E.O. 10254, June 15, 1951, 16 F.R. 5829, 3 CFR, 1951 Supp.; E.O. 10348, April 26, 1952, 17 F.R. 3769, 3 CFR, 1952 Supp.; E.O. 10687, January 13, 1955, 20 F.R. 361; E.O. 10644, November 7, 1955, 20 F.R. 8363)

Executed at Washington, D.C., June 13, 1960.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 60-5555; Filed, June 16, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

Notice of Filing of Amendment to Plan Proposing Agreement With Former Subsidiary

JUNE 10, 1960.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company, has amended Step V of its plan which was filed under section 11(e) of the Public Utility Holding Company Act of 1935. The amendment provides, among other things, that Duquesne Light Company, a former subsidiary of Standard Gas, in consideration of $50,000, will assume any and all of the liabilities of Standard Gas relating to the claims asserted by Wisconsin Public Service Corporation, also a former subsidiary of Standard Gas, arising in connection with a 1952 tax agreement entered into between Wisconsin and Standard Gas and approved by this Commission.

Notice is further given that any participant in this proceeding or any other interested person may, not later than June 28, 1960, request in writing that the hearing be convened to consider the amendment or such other matters as may be appropriate. Any such person should state the nature of his interest, the reasons for such request, and the issues of fact or law raised by the amendment which he desires to controvert, and the nature of the evidence he proposes to adduce at the reopened hearing, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, Step V of said plan, as amended or as it may be further amended, may be approved or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5549; Filed, June 16, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 14, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36322: *Coal—Western Pennsylvania mines to Cleveland, Ohio.* Filed by The Pennsylvania Railroad Company (No. 5), for itself. Rates on coal, in multiple carload lots from specified mine groups in Pennsylvania to Cleveland, Ohio.

Grounds for relief: Truck competition.

Tariff: Supplement 41 to Pennsylvania Railroad Company tariff I.C.C. 3404.

FSA No. 36323: *Starch or dextrine—Corpus Christi, Tex., to Zee, La.* Filed by Southwestern Freight Bureau, Agent (No. B-7829), for interested rail carriers. Rates on corn or sorghum grain starch or dextrine, in straight or mixed carloads from Corpus Christi, Tex., to Zee, La.

Grounds for relief: Market competition.

Tariff: Supplement 20 to Southwestern Freight Bureau tariff I.C.C. 4342.

FSA No. 36324: *Potassium from Calvert, Ky., to Cincinnati and Fernald, Ohio.* Filed by O. W. South, Jr., Agent (SFA No. A3968), for interested rail carriers. Rates on potassium (potash), caustic, in tank-car loads from Calvert, Ky., to Cincinnati and Fernald, Ohio.

Grounds for relief: Market competition.

Tariffs: Supplements 195 and 76 to Southern Freight Association tariffs I.C.C. 1548 and 1612 (Spaninger series), respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5552; Filed, June 16, 1960; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 119-A]

WRIGHTSVILLE AND TENNILLE RAILROAD CO.

Rerouting and Diversion of Traffic; Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 119 (The Wrightsville and Tennille Railroad Company) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 119, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 10:00 a.m., June 13, 1960.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 13, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-5563; Filed, June 16, 1960; 8:48 a.m.]

[Notice 330]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 14, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63011. By order of June 10, 1960, the Transfer Board approved the transfer to John A. Seib and Cline Bailey, a partnership, doing business as Shippers Motor Express, Omaha, Nebr., of Certificate in No. MC 73381, issued October 31, 1956, to Harris Truck Line, Incorporated, Los Angeles, Calif., authorizing the transportation of: meats, meat products and meat by-products, dairy products, and articles distributed by meat packing-houses between Chicago, Ill., and Omaha, Nebr., between Omaha, Nebr., and Denver, Colo., and between Chicago, Ill., and Denver, Colo.; livestock, agricultural commodities, emigrant movables, and household goods between points in Nebraska, on the one hand, and, on the other, points in Colorado; livestock from Denison, Iowa, and points in Iowa within 15 miles of Denison, to Omaha, Nebr.; and livestock and building materials, from Omaha, Nebr., to the above-specified Iowa points; feed, seed, hay, and agricultural implements and parts from Omaha, Nebr., to Denison, Iowa; household goods as defined by the Commission, and emigrant movables, between Denison, Iowa, and points in Iowa within 15 miles of Denison, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska and South Dakota; general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Omaha, Nebr., and Council Bluffs, Iowa; salt from Kanapolis, Kans., to Cambridge, Nebr., and coal from points in Colorado to Cambridge, Nebr., and substitution in Docket No. MC 73381 Sub 7, under the "grandfather" clause of section 7 of the Transportation Act of 1958 as purchaser in lieu of transferor for the right to transport frozen fruits, frozen berries and frozen vegetables from points in California, Washington, Oregon, Idaho, Utah, Colorado, Missouri, Illinois, Michigan, and New York to points in Minnesota, Wisconsin, Nebraska, Iowa, Missouri, Baltimore, Md., Louisville, Ky., Michigan, Indiana, Ohio, Illinois, Kansas, Colorado, New York, N.Y., California, and Utah. J. Max Harding, Nelson, Harding & Acklie, Atty. 605 South 12th Street, Lincoln, Nebr. J. O. Goldsmith, Turcotte & Goldsmith, Attys., 656 South Los Angeles Street, Los Angeles, Calif., for applicants.

No. MC-FC 63164. By order of June 10, 1960, the Transfer Board approved the transfer to Gene Dagostini, doing business as Gene Dagostini Wholesale Produce, 4924 San Juan Ave., Fair Oaks, Calif., of Certificate No. MC 112740, issued February 28, 1952, to Frank W. Brown, Jr., 1300 57th Street, Sacramento, Calif., authorizing the transportation of: lumber, over irregular routes, from Glendale, Oreg., to points in that part of California on and north of a line extending due east and west through Fowler, Calif., and return with no transportation for compensation except as otherwise authorized.

No. MC-FC 63177. By order of June 10, 1960, the Transfer Board approved the transfer to General Transit, Inc., Cedar Rapids, Iowa, of Certificate No. MC 114273 Sub 2, issued September 13, 1956, in the name of Cedar Rapids Steel Transportation, Inc., Cedar Rapids, Iowa, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between points in Cedar Rapids, Iowa; and from Cedar Rapids, Iowa, to points in Iowa within 100 miles of Cedar Rapids, Iowa, with no transportation for compensation on return. William J. Armstrong, 2012 H Avenue NE., Cedar Rapids, Iowa, for transferee and Herald A. Smith, Jr., P.O. Box 1904, Cedar Rapids, Iowa, for transferor.

No. MC-FC 63186. By order of June 10, 1960, the Transfer Board approved the transfer to W. Howard Pinkett, Denton, Md., of Certificate No. MC 108083, issued April 20, 1946 to Harry C. Burton, Sr., Lewes, Del., authorizing the transportation of: passengers and their baggage in round-trip charter operations, beginning and ending at Lewes and Rehoboth Beach, Del., and points within 10 miles of each of these points and extending to points in Virginia, Maryland, Pennsylvania, and New Jersey. Francis W. McInerny, 1625 K Street NW., Washington, D.C. for applicants.

No. MC-FC 63219. By order of June 13, 1960, the Transfer Board approved the transfer to Harold D. Harris, Lloyd Harris, and John G. Harris, a partnership, doing business as Harris Brothers, R.F.D. No. 1, Sioux Falls, S. Dak., issued by the Commission November 9, 1953, to Albert B. Kerkhove, Valley Springs, S. Dak., authorizing the transportation, over irregular routes, of building materials, from Sioux Falls, S. Dak., and Valley Springs, S. Dak., to points, except municipalities, within 15 miles of Valley Springs in Iowa and Minnesota, livestock, between points, except municipalities, within 15 miles of Valley Springs, S. Dak., between Valley Springs, and points, except municipalities, within 15 miles thereof in Minnesota and South Dakota, on the one hand, and, on the other, Sioux City, Iowa, between Valley Springs, and points, except municipalities, within 15 miles thereof in South Dakota, on the one hand, and, on the other, Laverne, Minn., and between points, except municipalities, within 15 miles of Valley Springs in Iowa and Minnesota, on the one hand, and, on the other, Sioux Falls, S. Dak., and points within six miles thereof, feed, seed, and grain, between points except municipalities, within 15 miles of Valley Springs, S. Dak., between points, except municipalities, within 15 miles of Valley Springs, on the one hand, and, on the other, points including municipalities, within 15 miles of Valley Springs, and between Sioux Falls, S. Dak., and Valley Springs, S. Dak., on the one hand, and, on the other points, except municipalities, within 15 miles of Valley Springs in Iowa and Minnesota, and sand and gravel, between points within 15 miles of Valley Springs, S. Dak.

No. MC-FC 63280. By order of June 10, 1960, the Transfer Board approved the transfer to Raymond Lee Culler, doing business as Ray's Truck Line, Romeo, Colo., of portion of Certificate in No. MC 58166 Sub 3, and entire Certificate No. MC 58166 Sub 10, issued May 4, 1950, and April 29, 1955, respectively, to Fred T. Gibson, doing business as Gibson Truck Line, La Jara, Colorado, authorizing the transportation of: general commodities between Fort Garland, Colo., and Taos, N. Mex., and between Jaroso, Colo., and junction unnumbered highway and New Mexico Highway 3; general commodities, excluding household goods, commodities in bulk and other specified commodities between Alamosa, Colo., and Fort Garland, Colo.; and houses including fixtures and appurtenances therefor, requiring the use of special equipment, from Los Alamos and White Rock, N. Mex., to points in Alamosa, Rio Grande, Conejos, Costilla and Saguache Counties, Colo., and lumber from points in Alamosa, Costilla and Conejos Counties, Colo., to points in New Mexico. Richard E. Conour, Attorney for applicants, Box 156, Del Norte, Colo.

No. MC-FC 63289. By order of June 10, 1960, the Transfer Board approved the transfer to John Sherman and Charles Clark, a partnership, doing business as Sherman & Clark, Howard, South Dakota of Certificates Nos. MC 102542 and MC 102542 Sub 1 issued January 26, 1942 and March 31, 1949, to Leon Behm, Howard, South Dakota, authorizing the transportation of livestock, over irregular routes, between Howard, S. Dak., and

points, except municipalities, within 15 miles of Howard, on the one hand, and, on the other, Sioux City, Iowa; farm machinery, farm implements, and parts thereof, in quantities of not less than 6,000 pounds, from Sioux City, Iowa, Omaha, Nebr., and Sioux Falls, S. Dak., to Howard, S. Dak.; building materials and supplies, in quantities of not less than 6,000 pounds, from Sioux City, Des Moines, and Fort Dodge, Iowa to Howard, S. Dak.; beer in quantities of not less than 3,000 pounds, from Sioux City, Iowa to Winfred, S. Dak., and points within 3 miles thereof; live poultry and eggs, in quantities of not less than 7,000 pounds, from Howard, S. Dak., to Osage, Spencer, and Estherville, Iowa, and York, Nebr.; and containers and cases used in the transportation of the above specified commodities, on return.

No. MC-FC 63293. By order of June 10, 1960, the Transfer Board approved the transfer to Joseph J. Lynch and Anna E. Lynch, a partnership, doing business as Lynch Transportation Co., Roslyn Heights, N.Y., of Permit No. MC 106833 Sub 1 issued December 12, 1958, in the name of Thomas R. Gibney, doing business as Gibney Van & Storage Co., Bronx, N.Y., authorizing the transportation over irregular routes of die castings, from Stamford, Conn., to points in Hampden County, Mass., those in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic, and Union Counties, N.J., and those in Dutchess, Orange, Putnam, Rockland, Sullivan, and Westchester Counties, N.Y.; and returned shipments of die castings, empty containers, pallets and die casting pots, from the above-specified destination points to Stamford, Conn. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., for applicants.

No. MC-FC 63300. By order of June 13, 1960, the Transfer Board approved the transfer to Andy Wittenkeller, Benton Harbor, Mich., of Certificate No. MC 112867, issued May 28, 1952, to Andy Wittenkeller, Warren Wittenkeller, and Robert Wittenkeller, a partnership, doing business as A. Wittenkeller & Sons, Benton Harbor, Mich., authorizing the transportation of: fertilizer from points in Indiana to points in Michigan; lumber, from Decatur, Mich., to Blue Island, Ill., and North Manchester, Ind.; and animal feed from Battle Creek, Mich., to points in Indiana. J. T. Hammond, Attorney, 205-10 Gas Building, Benton Harbor, Mich., for applicants.

No. MC-FC 63314. By order of June 10, 1960, the Transfer Board approved the transfer to Herman B. Little, doing business as Holt Truck Line, Conway, Ark., of Certificates Nos. MC 67692 Sub 1 and MC 67692, Sub 2, both issued October 9, 1950 in the name of J. Silas Holt, doing business as Holt Truck Line, Conway, Ark., authorizing the transportation of general commodities excluding household goods, and various specified commodities, over regular routes, between North Little Rock, Ark., and Camp Joseph T. Robinson, Ark.; and between Little Rock, Ark., and Conway, Ark.; service is authorized to and from the intermediate point of North Little Rock, Ark. Louis Tarlowski, 601 Rector Building, Little Rock, Ark., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5553; Filed, June 16, 1960; 8:47 a.m.]

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CFR SUPPLEMENTS

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The following Supplements are now available:

Title 16, Revised $6.50
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Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 202]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.502 Valencia Orange Regulation 202.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 16, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 19, 1960, and ending at 12:01 a.m., P.s.t., June 26, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 575,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 17, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5719; Filed, June 17, 1960; 11:28 a.m.]

[Lemon Reg. 851]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.958 Lemon Regulation 851.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 14, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 19, 1960, and ending at 12:01 a.m., P.s.t., June 26, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5690; Filed, June 17, 1960; 8:51 a.m.]

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

[Avocado Order 20]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

§ 969.320 Avocado Order 20.

(a) *Findings.* (1) (i) Notice was published in the May 21, 1960, daily issue of the FEDERAL REGISTER (25 F.R. 4512) that consideration was being given to proposals regarding the establishment of grade and maturity regulations to be applicable to shipments of avocados pursuant to the provisions of the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

(ii) After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found that the regulation hereinafter set forth is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 20, 1960. This section establishes maturity and quality requirements designed to prevent the shipment of avocados which are immature and of undesirable quality; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., June 20, 1960, and ending at 12:01 a.m., e.s.t., April 30, 1961, no handler shall handle any avocados unless such avocados grade at least U.S. Combination.

(2) After the effective time of this section, no handler shall handle (i) any avocados of the Arue variety unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (ii) any of the varieties of avocados listed in Column 1 of the following Table I prior to the date listed for the respective variety in Column 2 of such table and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (8) of this paragraph:

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Fuchs	6–20–60	14 oz. 3 1/16 in.	6–27–60	12 oz. 3 1/16 in.	7–18–60		
Pollock	7–11–60	16 oz. 3 9/16 in.	8–15–60				
Hardee	7–4–60	16 oz. 3 5/16 in.	8–15–60				
Nadir	7–25–60	12 oz. 3 1/16 in.	8–22–60				
Trapp	8–15–60	12 oz. 3 1/16 in.	9–12–60				
Waldin	8–22–60	16 oz. 3 9/16 in.	9– 5–60	14 oz. 3 9/16 in.	9–26–60		
Petersen	8–22–60	12 oz. 3 9/16 in.	9–19–60				
Pinelli	8–29–60	16 oz.	9–19–60				
Simmonds	7–18–60	14 oz. 3 7/16 in.	8–15–60				
Tonnage	8–29–60	14 oz. 3 5/16 in.	9– 5–60	12 oz. 3 5/16 in.	9–12–60	10 oz. 2 15/16 in.	9–19–60
Booth 8	9–12–60	16 oz. 3 7/16 in.	10– 3–60	13 oz. 3 9/16 in.	10–24–60		
Simpson	10–10–60	16 oz.	10–31–60				
B. Prince	10– 3–60	16 oz.	10–24–60				
Lula	10– 3–60	18 oz. 3 13/16 in.	10–17–60	14 oz. 3 9/16 in.	11– 7–60		
Booth 7	10– 3–60	16 oz. 3 9/16 in.	10–24–60				
Vaca	10–10–60	16 oz. 3 9/16 in.	10–31–60				
Hickson	10–10–60	15 oz. 3 9/16 in.	10–31–60				
Collinson	10– 3–60	16 oz. 3 11/16 in.	10–31–60				
Avon	10–17–60	15 oz. 3 9/16 in.	11– 7–60				
Booth 5	10–10–60	16 oz. 3 11/16 in.	10–31–60				
Blair	10– 3–60	14 oz.	10–24–60				
Winslowson	10–17–60	18 oz. 3 15/16 in.	11– 7–60				
Monroe	10–24–60	24 oz.	11–21–60				
Hall	10–17–60	20 oz. 3 9/16 in.	10–31–60				
Herman	10–24–60	16 oz. 3 5/16 in.	11–21–60				
Booth 10	10– 3–60	16 oz. 3 9/16 in.	10–24–60				
Booth 11	10–17–60	16 oz.	11– 7–60				
Ajax (B. 7B)	10–31–60	18 oz. 3 13/16 in.	11–21–60				
Booth 3	10–31–60	16 oz. 3 9/16 in.	11–21–60				
Booth 1	10–31–60	16 oz. 3 11/16 in.	11–21–60				
Taylor	10–31–60	14 oz. 3 4/16 in.	11–21–60				
Choquette	10–24–60	24 oz.	11–21–60				
Linda	11–21–60	18 oz.	12–12–60				
Byars	11–21–60	16 oz.	12–12–60				
Nabal	11–21–60	14 oz.	12–12–60				
Wagner	12–12–60	12 oz.	1– 2–61				
Schmidt	1–23–61						
Itzamna	2–20–61						

(3) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) After the effective time of this section, the varieties of the West Indian type of avocados not listed in said Table I shall not be handled except in accordance with the following terms and conditions:

(i) During the period beginning at 12:01 a.m., e.s.t., June 20, 1960, and ending at 12:01 a.m., e.s.t., June 27, 1960, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(ii) During the period beginning at 12:01 a.m., e.s.t., June 27, 1960, and ending at 12:01 a.m., e.s.t., July 25, 1960, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., July 25, 1960, and ending at 12:01 a.m., e.s.t., September 12, 1960, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(iv) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph (6) if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(7) After the effective time of this section, the varieties of avocados not covered by subparagraphs (2) through (6) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., September 19, 1960.

(ii) During the period beginning at 12:01 a.m., e.s.t., September 19, 1960, and ending at 12:01 a.m., e.s.t., October 17, 1960, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., October 17, 1960, and ending at 12:01 a.m., e.s.t., December 19, 1960, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(iv) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph (7) if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(8) Notwithstanding the provisions of subparagraphs (2) through (7) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (2), (6), and (7). Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, the term "diameter" shall means the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit, and the term "U.S. Combination" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050 to 51.3069 of this title).

The provisions of this regulation shall become effective at 12:01 a.m., e.s.t., June 20, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5667; Filed, June 17, 1960; 8:50 a.m.]

[Milk Order 98]

PART 998—MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Order Amending Order; Correction

In F.R. Doc. 60–2952, filed March 30, 1960, and published on March 31, 1960, in column 1, 25 F.R. 2725, in the last sentence of § 998.44(a), the phrase "assigned to Class II milk" should be corrected to read "assigned to Class I milk".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 15th day of June 1960, to be effective on and after the 1st day of April 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–5652; Filed, June 17, 1960; 8:51 a.m.]

[Apricot Order 5]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 1020.305 Apricot Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 20, 1960. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until May 24, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the meeting of said committee on May 24, 1960, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 1, 1960; shipments of the current crop of such apricots will begin on or about June 20, 1960, and this section should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 20, 1960, and ending at 12:01 a.m., P.s.t., October 1, 1960, no handler shall handle any container of apricots unless:

(i) Such apricots grade not less than Washington No. 1: *Provided,* That such apricots are at least reasonably uniform in color;

(ii) Such apricots measure not less than 1⅝ inches in diameter: *Provided,* That apricots of the Blenheim variety and apricots of the Tilton variety when packed in unlidded wooden boxes may measure not less than 1¼ inches, and: *Provided further,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement; and

(iii) Such apricots when packed in lidded containers are row-faced: *Provided,* That this requirement shall not apply to apricots in experimental containers approved pursuant to § 1020.110.

(2) All apricots handled during the period specified in this regulation are subject also to all applicable container restrictions which are in effect pursuant to this part during such period.

(3) Notwithstanding any other provisions of this section, any individual shipment of apricots which, in the aggregate, does not exceed 150 pounds, net weight, may be handled without regard to the restrictions specified in this paragraph (b) or in § 1020.41 or § 1020.55.

(4) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Apricots (1953); and "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation

in color to materially affect the general appearance of the apricots.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 15, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5651; Filed, June 17, 1960; 8:51 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 6]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

Pursuant to authority contained in sections 304 and 308, Public Law 85–699, 72 Stat. 694, as amended by the Small Business Investment Act Amendments of 1960, Public Law 86–502, there are amended, as set forth below, §§ 107.102–1(a), 107.103, 107.103–1, 107.301, 107.301–1(d), 107.302, 107.304, 107.304–1(h), and 107.304–1(i) of Part 107, of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

Information and effective date. The Small Business Investment Act of 1958 was amended by the Small Business Investment Act Amendments of 1960. These statutory amendments require certain amendments to the regulations as published in the FEDERAL REGISTER on December 4, 1958 (23 F.R. 9383). Simultaneously with the publishing of these amendments there is to be published in the FEDERAL REGISTER a notice of certain proposed changes in § 107.304–1 (a) through (g) of the regulations.[1] Until these proposed changes become effective, the present § 107.304–1 (a) through (g) remain in effect. Since the amendments listed above are technical in nature to comply with the amendment to the Act and impose no additional controls on Licensees, these amendments and regulations shall become effective upon publication in the FEDERAL REGISTER.

The Small Business Investment Company Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 3316, 5374), is hereby further amended by:

1. Adding the following new sentence to § 107.102–1(a): "Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960." As amended § 107.102–1(a) reads as follows:

§ 107.102–1 Statement.

(a) The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960.

2. Deleting the paragraph numbered (4) in § 107.103 and inserting in lieu thereof a new paragraph (4). As amended § 107.103(4) reads as follows:

§ 107.103 Statutory provisions; definitions.

* * * * *

(4) The term "State" includes the several States, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia;

3. Adding the following to the first paragraph of § 107.103–1: ", as amended by the Small Business Investment Act Amendments of 1960." As amended § 107.103–1, first paragraph, reads as follows:

§ 107.103–1 Definitions.

Act. "Act" means the Small Business Investment Act of 1958, as amended by the Small Business Investment Act Amendments of 1960.

§ 107.103–1 [Amendment]

4. Deleting the last paragraph of § 107.103–1, defining "State."

§ 107.301 [Amendment]

5. Deleting the paragraph numbered (9) of § 107.301 and respectively redesignating the paragraphs thereof numbered (10) and (11) as (9) and (10).

6. Deleting the second paragraph of § 107.301–1 and inserting in lieu thereof a new paragraph. As amended § 107.301–1, second paragraph, reads as follows:

§ 107.301–1 Charter requirements.

The charter of a Licensee shall constitute a grant of being or continued existence as a corporate entity, by a State or SBA, in the form of a permit or certificate of incorporation or amendment or otherwise, with the specific and sole powers and authority recited below. In the case of a charter issued by a State, such powers and authority can be expressed and granted in any manner consistent with the laws of such State and requirements of the State officials charged with such responsibilities, provided that each such charter shall contain the following provision:

This corporation is organized and chartered expressly for the purpose of operating under the Small Business Investment Act of 1958, as amended by the Small Business Investment Act Amendments of 1960, and will operate in the manner and shall have the powers, responsibilities and be subject to the limitations provided by said act and the regulations issued by the Small Business Administration thereunder.

7. Deleting § 107.301–1(d) and inserting in lieu thereof a new paragraph (d). As amended § 107.301–1(d) reads as follows:

§ 107.301–1 Charter requirements.

* * * * *

(d) To provide equity capital to small-business concerns (as defined by SBA) under the conditions authorized by section 304 of the act and regulations, with the right to sell or dispose of securities so acquired in such manner and under such terms and conditions as the Licensee shall determine.

8. Deleting the first word of § 107.302 (b) and inserting in lieu thereof the following: "Notwithstanding the provisions of section 6(a)(1) of the Bank Holding Company Act of 1956, shares". As amended § 107.302(b) reads as follows:

§ 107.302 Statutory provisions; capital stock and subordinated debentures.

CAPITAL STOCK AND SUBORDINATED DEBENTURES

* * * * *

(b) Notwithstanding the provisions of section 6(a)(1) of the Bank Holding Company Act of 1956, shares of stock in small business investment companies shall be eligible for purchase by national banks, and shall be eligible for purchase by other member banks of the Federal Reserve System and nonmember insured banks to the extent permitted under applicable State law; except that in no event shall any such bank hold shares in small business investment companies in an amount aggregating more than 1 percent of its capital and surplus.

9. Deleting § 107.304 and inserting in lieu thereof the following:

§ 107.304 Statutory provisions; provision of equity capital for small-business concerns.

PROVISION OF EQUITY CAPITAL FOR SMALL-BUSINESS CONCERNS

SEC. 304. (a) It shall be a function of each small business investment company to provide a source of equity capital for incorporated small-business concerns, in such manner and under such terms as the small business investment company may fix in accordance with the regulations of the Administration.

(b) Before any capital is provided to a small-business concern under this section—

(1) the company may require such concern to refinance any or all of its outstanding indebtedness so that the company is the only holder of any evidence of indebtedness of such concern; and

(2) except as provided in regulations issued by the Administration, such concern shall agree that it will not thereafter incur any indebtedness without first securing the approval of the company and giving the company the first opportunity to finance such indebtedness.

(c) Whenever a company provides capital to a small-business concern under this section, such concern shall have the right, exercisable in whole or in such part as such concern may elect, to become a stockholder-proprietor by investing in the capital stock of the company 5 per centum of the amount of the capital so provided, in accordance with regulations prescribed by the Administrator.

§ 107.304–1 [Amendment]

10. Deleting § 107.304–1(h) in its entirety. This paragraph is reserved.

11. Deleting the first sentence of § 107.304–1(i) and inserting in lieu thereof the following: "Section 304(a) of the act states that Licensees provide a source of equity capital for incorporated small-business concerns in accordance with the regulations of SBA." As amended § 107.304–1(i) reads as follows:

§ 107.304–1 Sale and purchase of convertible debentures.

* * * * *

(i) Section 304(a) of the act states that Licensees provide a source of equity capital for incorporated small-business concerns in accordance with the regulations of SBA. This requirement of the act will be satisfied by the inclusion in the Proposal for the prior approval of SBA of the standard terms, provisions and conditions, including the initial pricing policy, intended to be imposed by a Licensee generally in connection with the purchase of convertible debentures from small-business concerns. However, under the free principles of the market place, a Licensee and small business concerns may negotiate the specific terms and conditions applicable to the financing of the particular small business concern without obtaining the participation in such negotiation or approval of SBA for each transaction, and may negotiate any special terms and conditions that are reasonably applicable to the situation without approval of SBA unless such special terms and conditions constitute a major variance from the policies of the Licensee stated in its Proposal and previously approved by SBA. The agreement on such special terms and conditions may be made conditional on approval from SBA. Requests for approval of any such special terms and conditions will receive prompt consideration and decision by SBA. (See also § 107.308–7(c).)

Dated: June 14, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60–5631; Filed, June 17, 1960; 8:49 a.m.]

[1] See F.R. Document 60–5632 in Proposed Rule Making Section, *infra*.

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–WA–150]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.294 of the regulations of the Administrator is to redescribe Red Federal airway No. 94.

Red 94 is described in part utilizing the Otis AFB, Falmouth, Mass., nondirectional radio beacon located at latitude 41°36'15" N., longitude 70°32'31" W. This radio beacon was relocated on September 15, 1955, to latitude 41°36'04" N., longitude 70°35'00" W. Section 600.294 is being amended accordingly, so as to correctly describe Red 94. The control areas associated with this airway are so designated that they will automatically conform to the redescribed airway. Therefore, no amendment relating to control areas is necessary.

Since this action does not involve the designation of additional airspace and imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In the text of § 600.294 "latitude 41° 36'15", longitude 70°32'31"," is deleted and "latitude 41°36'04" N., longitude 70°35'00" W.," is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5593; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 60–LA–6]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On April 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3003) stating that the Federal Aviation Agency was considering an amendment to § 600.6006 of the regulations of the Administrator which would modify the segment of VOR Federal airway No. 6 between Sacramento, Calif., and Lovelock, Nev.

As stated in the notice, Victor 6 presently extends in part from Sacramento, Calif., to Lovelock, Nev., including a north alternate between Sacramento and Reno, Nev. The Federal Aviation Agency is modifying Victor 6 by realigning it from the Sacramento VOR via a VOR to be installed approximately October 1, 1960, near Lake Tahoe, Calif., at latitude 39°10'50" N., longitude 120°16'07" W., to the Reno, Nev., VOR. In addition, the north alternate from Sacramento to Reno is being realigned via the Sacramento VOR 038° True and the Reno VOR 257° True radials, and a new south alternate is being designated between the Reno VOR and the Lovelock VOR via a VOR to be installed approximately May 4, 1960, near Fallon, Nev., at latitude 39°30'58" N., longitude 118°59'47" W., direct station to station. Subsequent to the publication of the notice, the Fallon and Lake Tahoe VORs were rescheduled for commissioning approximately November 1, 1960.

United Air Lines commented on the failure of the proposal to include a direct route between Lake Tahoe and Fallon, which would by-pass Reno and suggested immediate action be initiated to establish this route. The Aircraft Owners and Pilots Association recommended that the Fallon VOR be relocated nearer the Fallon civil and military airports, to be utilized as a landing aid.

The action suggested by United Air Lines was published in the FEDERAL REGISTER on April 2, 1960, as a notice of proposed rule making in Airspace Docket No. 60–WA–63 (25 F.R. 2807). The Fallon VOR will be usable as an approach aid to the Fallon airports at its present location. Establishment of this VOR south of its proposed site would result in an overlap of the airway into the Fallon Restricted Area (R–268).

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In the text of § 600.6006 (24 F.R. 10504; 25 F.R. 582) "intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; Reno, Nev., omnirange station, including a north alternate between the Sacramento, Calif., omnirange station via the Reno, Nev., omnirange station via the intersection of the Sacramento omnirange 040° True and the Reno VOR 257° radials; Lovelock, Nev., omnirange station;" is deleted and "Lake Tahoe, Calif., VOR; Reno, Nev., VOR, including a N alternate from the Sacramento VORTAC to the Reno VOR via the INT of the Sacramento VORTAC 038° True and the Reno VOR 257° True radials; Lovelock, Nev., VORTAC, including a S alternate from the Reno VOR to the Lovelock VORTAC via the Fallon, Nev., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–5594; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 60–NY–26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6016 of the regulations of the Administrator is to change the name of the Shadyside, Md., VOR to the Nottingham, Md., VOR.

The above action is being taken in order to eliminate misunderstanding and confusion resulting from the assignment of the same descriptive name to two navigational aid facilities in close approximation to each other; the Shadyside VOR and the Shadyside non-directional radio beacon. The name change, Shadyside, Md., to Nottingham, Md., VOR is being reflected in the description of VOR Federal airway No. 16. No amendment to the control areas associated with this airway is necessary.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure,

and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In § 600.6016 (24 F.R. 10507, 25 F.R. 171, 1819, 2385, 3022) "Shadyside, Md., VOR;" is deleted and "Nottingham, Md., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5596; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-2]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of a Segment of Federal Airway, Associated Control Areas and Reporting Point

On March 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2017) stating that the Federal Aviation Agency proposed to revoke the segment of Red Federal airway No. 13 between Providence, R.I., and Franklin, Mass., its associated control areas and reporting points.

Although the notice stated that the Franklin, Mass., Intersection (intersection of the north course of the Providence, R.I., radio range and the southwest course of the Boston, Mass., radio range) would be revoked as a designated reporting point, this action is unnecessary, as it has already been accomplished in Airspace Docket No. 60-WA-6 (25 F.R. 1240). However, the caption of § 601.4213, will require modification in order to correctly reflect the terminals of Red 13.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. Section 600.213 (24 F.R. 10496, 10874) is amended to read:

§ 600.213 Red Federal airway No. 13 (Crystal Lake, Pa., to Providence, R.I.).

From the Crystal Lake, Pa., RBN via the Stewart AFB, N.Y., RBN; Poughkeepsie, N.Y., RR; Hartford, Conn., RR to the Providence R.I., RR.

2. Section 601.213 (24 F.R. 10544, 10874) is amended to read:

§ 601.213 Red Federal airway No. 13 control areas (Crystal Lake, Pa., to Providence, R.I.)

All of Red Federal airway No. 13.

3. Section 601.4213 (24 F.R. 10594, 10874; 25 F.R. 1240) is amended to read:

§ 601.4213 Red Federal airway No. 13 (Crystal Lake, Pa., to Providence, R.I.).

Poughkeepsie, N.Y., RR.

These amendments shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5595; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 59-LA-31]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Domestic VOR Reporting Point

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2108) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 6 between Oakland, Calif., and Sacramento, Calif., and redesignate Bay Point, Calif., Domestic VOR reporting point.

The Notice mentioned the necessity of redesignating the Bay Point, Calif., Domestic VOR reporting point as the intersection of the Oakland VOR 039° True and the Modesto, Calif., VOR 292° True radials. However, the Modesto VOR has been decommissioned. Action is taken herein to designate Bay Point Domestic VOR reporting point as the intersection of the Oakland VOR 039° True and the Napa, Calif., VOR 117° True radials.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

In the text of § 600.6006 (24 F.R. 10504, 25 F.R. 582) "From the INT of the Oakland omnirange 221° and the Salinas VOR 319° radials via the Oakland VOR; Sacramento, Calif., VOR, including a south alternate via the INT of the Oakland VOR 077° and the Sacramento VOR 192° radials;" is deleted and "From the INT of the Oakland, Calif., VORTAC 221° True and the Salinas, Calif., VORTAC 319° True radials via the Oakland VORTAC; INT of the Oakland VORTAC 039° True and the Sacramento, Calif., VORTAC 212° True radials; Sacramento VORTAC, including a S alternate via the INT of the Oakland VORTAC 077° True and the Sacramento VORTAC 192° True radials;" is substituted therefor.

In the text of § 601.7001 (24 F.R. 10606) "Bay Point INT: The INT of the Oakland, Calif., VOR direct radial to the Sacramento, Calif., VOR with the Modesto, Calif., VOR 292° T radial." is deleted and "Bay Point INT: The INT of the Oakland, Calif., VORTAC 039° True and the Napa, Calif., VORTAC 117° True radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5598; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-88]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway and Associated Control Areas

On March 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1830) stating that the Federal Aviation Agency was proposing to revoke the segment of VOR Federal airway No. 89 and its east alternate from Chadron, Nebr., to Rapid City, S. Dak., together with its associated control areas. Although not mentioned in the notice, the segment of Victor 89 between Chadron and Rapid City penetrates the Scenic Restricted Area (R-190) and is excluded from R-190 in the airway's description. Since this action revokes the portion of Victor 89 which penetrates R-190, the reference to R-190 in the description of Victor 89 is no longer required and is deleted.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 600.6089 (24 F.R. 10514, 9986, 25 F.R. 2009) and § 601.6089 (24 F.R. 10600) are amended to read:

§ 600.6089 VOR Federal airway No. 89 (Denver, Colo., to Chadron, Nebr.).

From the Denver, Colo., VOR via the Cheyenne, Wyo., VORTAC, including an east alternate from the Denver VOR to the Cheyenne VORTAC via the Gill, Colo., VOR and the INT of the Gill VOR 003° True and the Cheyenne VORTAC 181° True radials; to the Chadron, Nebr., VOR, including an east alternate from the Cheyenne VORTAC to the Chadron VOR via the Scottsbluff, Nebr., VORTAC.

§ 601.6089 VOR Federal airway No. 89 control areas (Denver, Colo., to Chadron, Nebr.).

All of VOR Federal airway No. 89 including east alternates.

These amendments shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5599; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-82]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On January 30, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 815) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 479 and its associated control areas from Wind Lake, Wis., to Milwaukee, Wis.

The Air Transport Association objected to the designation of the airway because there seemed to be no necessity for the airway. The ATA later withdrew its objection after a more detailed explanation was given as to why the airway was required for the management of air traffic. The Aircraft Owners and Pilots Association offered no objections. However, they questioned why the airway was not designated direct between Northbrook, Ill., and Milwaukee. A Northbrook/Wind Lake airway segment is not required at this time nor would it be compatible with terminal traffic control procedures presently employed in the Chicago, Ill., terminal area.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following:

§ 600.6479 VOR Federal airway No. 479 (Wind Lake, Wis., to Milwaukee, Wis.).

From the INT of the Milwaukee, Wis., VOR 161° True and the Janesville, Wis., VOR 076° True radials to the Milwaukee VOR.

§ 601.6479 VOR Federal airway No. 479 control areas (Wind Lake, Wis., to Milwaukee, Wis.).

All of VOR Federal airway No. 479.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5600; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-42]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension and Modification of Federal Airways and Associated Control Areas

On October 2, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7966) stating that the Federal Aviation Agency was proposing to extend VOR Federal airway No. 120 and its associated control areas from Miles City, Mont., to Mason City, Iowa via Dupree, S. Dak., Pierre, S. Dak., and Sioux Falls, S. Dak.

Subsequent to publication of the notice, it was determined that the proposed alignment of Victor 120 between Pierre, and Sioux Falls, will not permit the required lateral separation with the western segment of the south alternate to VOR Federal airway No. 26, at the Pierre VOR, nor with the southern segment of the west alternate to VOR Federal airway No. 15, at the Sioux Falls VOR. Accordingly, these segments of alternate airways should be realigned to coincide with the enroute radials of Victor 120. Since these are minor changes of 004° and 003° respectively, they will be realigned herein concurrently with the designation of Victor 120.

Although not mentioned in the notice, the captions to §§ 600.6120 and 601.6120 are changed to reflect the correct location of the Mullan Pass VOR. The control areas associated with Victors 15 and 26 are so designated that they will automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary. However, the caption to § 600.6015, pertaining to control areas for Victor 15 is changed to reflect the actual terminals.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 600.6015 (24 F.R. 10507), 600.6026 (24 F.R. 10509), 600.6120 (24 F.R. 10516), 601.6015 (24 F.R. 10598), 601.6120 (24 F.R. 10601) and 601.7001 (24 F.R. 10606) are amended as follows:

1. Section 600.6015 *VOR Federal airway No. 15 (Galveston, Tex., to Minot, N. Dak.).*

a. In the caption, delete "*(Galveston, Tex., to Minot, N. Dak.).*" and substitute therefor "*(Galveston, Tex., to Neosho, Mo., and Kansas City, Mo., to Minot, N. Dak.).*"

b. In the text, delete "INT of the Sioux City VOR 340° and the Sioux Falls VOR 169° radials; Sioux Falls, S. Dak., VOR, including an east alternate; Huron, S. Dak., VOR, including a west alternate;" and substitute therefor "INT of the Sioux City VOR 340° True and the Sioux Falls, S. Dak., VORTAC 169° True radials; Sioux Falls VORTAC, including an east alternate; Huron, S. Dak., VOR, including a west alternate via the INT of the Sioux Falls VORTAC 288° True and the Huron VOR 140° True radials;".

2. In the text of § 600.6026 *VOR Federal airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio.)*, delete "Huron, S. Dak., VOR, including a south alternate;" and substitute therefor "Huron, S. Dak., VOR, including a south alternate via the Pierre VOR 106° True and the Huron, S. Dak., VOR 254° True radials;".

3. Section 600.6120 *VOR Federal airway No. 120 (Mullan Pass., Mont., to Miles City, Mont.).*

a. In the caption, delete "*(Mullan Pass, Mont., to Miles City, Mont.).*" and substitute therefor "*(Mullan Pass, Idaho, to Mason City, Iowa).*"

b. In the text, delete "to the Miles City, Mont., omnirange station." and substitute therefor "Miles City, Mont.,

VORTAC; Dupree, S. Dak., VOR; Pierre, S. Dak., VOR; Sioux Falls, S. Dak., VORTAC, to the Mason City, Iowa, VORTAC."

4. In the caption of § 601.6015 *VOR Federal airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.)*, delete "*(Galveston, Tex., to Minot, N. Dak.)*." and substitute therefor "*(Galveston, Tex., to Neosho, Mo., and Kansas City, Mo., to Minot, N. Dak.)*."

5. In the caption of § 601.6120 *VOR Federal airway No. 120 control areas (Mullan Pass, Mont., to Miles City, Mont.)*, delete "*(Mullan Pase, Mont., to Miles City, Mont.)*." and substitute therefor "*(Mullan Pass, Idaho, to Mason City, Iowa)*."

6. In the text of § 601.7001 *Domestic VOR reporting, points*, add "Dupree, S. Dak., VOR."

These amendments shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a) 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5587; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 59-NY-21]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On January 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 611) stating that the Federal Aviation Agency proposed to modify the Quonset Point, R.I., control area extension.

Although the Notice stated that restricted areas within the modified control area extension would be included as control area, this is not considered feasible at this time because negotiations are presently in progress between the Federal Aviation Agency and the controlling agency of the restricted areas to modify or revoke the restricted areas concerned. Therefore, the modified Quonset Point control area extension will exclude the airspace which lies within the geographical limits of, and between the designated altitudes of, Restricted Areas (R-18) and (R-62) during their times of designation.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons stated in the notice, § 601.1164 (24 F.R. 10555, 25 F.R. 109) is amended to read:

§ 601.1164 Control area extension (Quonset Point, R.I.).

The airspace bounded on the W by VOR Federal airway No. 139, on the N by the 102° True radial of the Providence, R.I., VOR, on the E by the Falmouth, Mass., control area extension (§ 601.1295), on the S by control area extension 1169, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Nashawena, Mass., Restricted Area (R-62) and the No Man's Land Island, Mass., Restricted Area (R-18) during these restricted areas' times of designation.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5589; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-51]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On January 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 62) stating that the Federal Aviation Agency was considering an amendment to § 601.2054 of the regulations of the Administrator which would modify the Hutchinson, Kans., control zone.

As stated in the notice, the Hutchinson control zone is presently designated in part within an 8-mile radius of the Hutchinson Air National Guard Field, with an extension to the south based on the south course of the Hutchinson radio range extending from the radio range to a point 23 miles south of the radio range; to the north based on the north course of the Hutchinson radio range extending from the radio range to a point 10 miles north of the radio range; and to the southwest based on the Hutchinson VOR 222° True radial extending from the Hutchinson Municipal Airport to a point 10 miles southwest of the VOR. The prescribed standard ADF instrument approach procedure for Hutchinson Air National Guard Field, based on the North Fork, Kans., radio beacon and the south course of the Hutchinson radio range is being revised to restrict descent to not less than 1,000 feet above the terrain until passing the North Fork radio beacon. Therefore, the retention of the control zone extension within 2 miles either side of the south course of the Hutchinson radio range extending from the radio range station to a point 23 miles south is not justified as an assignment of airspace, and the revocation thereof is in the public interest.

The Aircraft Owners and Pilots Association concurred in the revocation of the control zone extension based on the south course of the Hutchinson radio range. The AOPA, however, stated that it believed the control zone extension to the north based on the north course of the Hutchinson radio range extending from the radio range to a point 10 miles north of the range was not necessary as an assignment of controlled airspace for Hutchinson Air National Guard Field. The Federal Aviation Agency has this north control zone extension under review and, if it is determined that the retention of this extension is not justified as an assignment of airspace, will revoke it.

Although in the notice, the control zone extension to the southwest based on the Hutchinson VOR 222° True radial was described as ten miles beyond the VOR, it is necessary to extend it to twelve miles beyond the VOR to provide full protection to the instrument approach.

One other comment was received from the Department of the Air Force which concurred with the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2054 (24 F.R. 10573) is amended to read:

§ 601.2054 Hutchinson, Kans., control zone.

Within a 5-mile radius of the geographical center (latitude 38°04'00" N., longitude 97°51'35" W.) of the Hutchinson, Kans., Municipal Airport, within an 8-mile radius of the geographical center (latitude 37°55'35" N., longitude 97°54'20" W.) of the Hutchinson Air National Guard Field, within 2 miles either side of the 222° True radial of the Hutchinson VORTAC extending from the Hutchinson Municipal Airport to a point 12 miles southwest of the VORTAC, and within 2 miles either side of the north course of the Hutchinson RR extending from the RR to a point 10 miles north.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5590; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 59-AN-2]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone and Control Area Extension

On December 12, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10081) stating that the Federal Aviation Agency was considering amendments to Part 601 and §§ 601.1114 and 601.1984 of the regulations of the Administrator which would modify the Bettles, Alaska, control area extension and control zone.

As stated in the notice, the Bettles control zone is designated within a 5-mile radius of Bettles Airport. The present Bettles control area extension is designated within 5 miles either side of the southeast course of the Bettles radio range extending from the radio range to a point 25 miles southeast. The Federal Aviation Agency is modifying the Bettles control zone by designating extensions to the south and southeast, based on the Bettles radio range to provide protection for aircraft conducting radio range and ADF instrument approaches. The Federal Aviation Agency is also designating an additional control area extension at Bettles to the south to provide protection for aircraft executing missed approach procedures in connection with ADF approaches. In addition, § 601.1984, relating to 5-mile radius zone is amended by deleting "Bettles, Alaska: Bettles Airport.".

This action will result in the Bettles control zone being designated within a 5-mile radius of the Bettles Airport, within 2 miles either side of the southeast course of the Bettles radio range from the 5-mile radius zone to a point 12 miles southeast of the radio range, and within 2 miles either side of a line bearing 211° True from the Bettles radio range from the 5-mile radius zone to a point 12 miles south of the radio range; and the Bettles control area extension will be designated within 5 miles either side of a line bearing 211° True from the Bettles radio range to a point 25 miles south of the radio range, and within 5 miles either side of the southeast course of the Bettles radio range to a point 25 miles southeast of the radio range.

The Aircraft Owners and Pilots Association objected to the control zone extension which would extend to a distance of 12 miles from the radio range because "The need for flight of aircraft at an altitude below 1,000 feet above ground at a distance beyond 5 miles is not established in this proposal". However, in accordance with the prescribed radio range and ADF instrument approaches, the procedure turn on the radio range procedure is completed at 2,000 feet MSL within 10 nautical miles and then descent is made to cross the range at 1,500 feet MSL which is 860 feet above the surface of the airport, and the procedure turn on the ADF procedure is completed at 3,000 feet MSL within 10 nautical miles and then descent is made to cross the range at 1,200 feet MSL which is 560 feet above the surface of the airport. Therefore, the Federal Aviation Agency considers that the control zone extensions based on the 211° True bearing and the southeast course of the radio range are required for the full protection of the instrument approaches.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In Part 601 (24 F.R. 10530) add:

§ 601.2460 Bettles, Alaska, control zone.

Within a 5-mile radius of the geographical center of Bettles Airport, Bettles, Alaska (latitude 66°55'00" N., longitude 151°31'00" W.), within 2 miles either side of the SE course of the Bettles radio range extending from the 5-mile radius zone to a point 12 miles SE of the RR, and within 2 miles either side of a line bearing 211° from the Bettles RR extending from the 5-mile radius zone to a point 12 miles S of the RR.

§ 601.1984 [Amendment]

2. In § 601.1984 (24 F.R. 10570) delete "Bettles, Alaska: Bettles Airport."

3. Section 601.1114 is amended to read:

§ 601.1114 (24 F.R. 10552) Control area extension (Bettles, Alaska).

Within 5 miles either side of a line bearing 211° from the Bettles, Alaska, RR to a point 25 miles S of the RR, and within 5 miles either side of the SE course of the Bettles, Alaska, RR, extending from the RR to a point 25 miles SE.

These amendments shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5591; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-119]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

The purpose of this amendment to § 601.2358 of the regulations of the Administrator is to modify the Clovis, N. Mex., control zone.

The Clovis control zone presently includes the airspace within a 5-mile radius of Cannon AFB, N. Mex., and within 2 miles either side of a line bearing 222° True extending from the Air Force Base to a point 7½ miles southwest. The Department of the Air Force has been advised the Federal Aviation Agency that the radio beacon located southwest of Cannon AFB, and the center of Cannon AFB, are both incorrectly depicted on aeronautical charts. This results in aeronautical charts showing the extended center line of the instrument runway as not being lined up with the radio beacon. The Federal Aviation Agency is modifying the control zone, to correct this erroneous depiction on aeronautical charts, by designating the Clovis control zone within a 5-mile radius of the geographical center of Cannon AFB (latitude 34°23'01" N., longitude 103°18'58" W.) and within 2 miles either side of a line bearing 231° True from the AFB extending from the 5-mile radius zone to the Cannon radio beacon (latitude 34°18'48" N., longitude 103°25'12" W.).

Since this amendment is minor in nature, and does not involve the designation of additional airspace, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2358 (24 F.R. 10588) is amended to read:

§ 601.2358 Clovis, N. Mex., control zone.

Within a 5-mile radius of the geographical center of Cannon Air Force Base (latitude 34°23'01" N., longitude 103°18'58" W.) and within 2 miles either side of a line bearing 231° True from the AFB extending from the 5-mile radius zone to the Cannon RBN.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5592; Filed, June 17, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-8]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

The purpose of this amendment to § 602.110 of the regulations of the Administrator is to modify the segment of L/MF coded jet route No. 10 between Kansas City, Mo., and Effingham, Ill.

The segment of J–10–L between Kansas City and Effingham is presently designated via the Belleville, Ill. (Scott AFB) radio range. The Department of the Air Force has advised that the Scott AFB radio range will be decommissioned in the near future. Therefore, it is necessary to realign the segment of J–10–L between Kansas City and Effingham via the St. Louis, Mo., radio range. Such action is being taken herein.

Since this amendment will not involve the designation of additional airspace and will impose no additional burden on the public, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In the text of § 602.110 (25 F.R. 3708) "From Kansas City, Mo., RR via Belleville, Ill. (Scott AFB), RR; INT of Belleville (Scott AFB) RR NE course and Effingham RR W course;" is deleted and "From the Kansas City, Mo., RR via the St. Louis, Mo., RR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5588; Filed, June 17, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7663 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Albert Ehlers, Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Price Discrimination under 2(a): § 13.690 *Additional deliveries not charged for;* § 13.700 *Arbitrary or improper functional discounts;* § 13.710 *Cash discounts;* § 13.770 *Quantity rebates or discounts;* § 13.795 *Warehouse rental and service;* [Discriminating in price under Sec. 2, Clayton Act]—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order Albert Ehlers, Inc., Brooklyn, New York, Docket 7663, April 27, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Brooklyn, N.Y., distributor of coffee, tea, spices, extracts, and dried foods to wholesale jobbers, chain stores, restaurants, etc., with discriminating in price between competing customers in violation of section 2(a) of the Clayton Act by means of (1) three classifications of price lists with the lowest applied to customers taking warehouse deliveries, the next to those taking delivery by drop shipment, and the highest to other independent retail grocers, and with additional discounts for cash to the first two classes, but none at all to others; (2) 2 percent payable quarterly for warehousing in addition to aforesaid lower prices; (3) end of year quantity rebates; (4) advertising and promotional allowances; (5) a coordinating discount of 1 percent of total purchases to customers stocking a full line of respondent's products; and (6) granting substantial quantities of free goods upon the opening of new stores; and in violation of section 2(d) of the Clayton Act by paying sums of money as compensation for advertising furnished in connection with the sale of respondent's products—such as $20,000 paid to Food Fair Stores, Inc., Linden, N.J.; $14,500 paid to Grand Union Co., Paterson, N.J.; and $10,000 paid to Wakefern Food Corp., Elizabeth, N.J.—without making comparable allowances available to competitors of said favored customers.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Albert Ehlers, Inc., its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or distribution of food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from discriminating directly or indirectly in the price of such products of like grade and quality:

1. By selling such products to any purchaser at net prices higher than the net prices charged any other purchaser competing in the resale or distribution of such products.

2. By selling such products to any purchaser at a price which is lower than the price charged any other purchaser engaged in the same line of commerce, where such lower price undercuts the price at which the purchaser charged the lower price may purchase such products of like grade and quality from another seller.

It is further ordered, That respondent Albert Ehlers, Inc., its officers, employees, agents and representatives, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, resale or offering for resale of products manufactured, sold, or offered for sale by respondent, unless such payment or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the resale or distribution of such products.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5621; Filed, June 17, 1960; 8:47 a.m.]

[Docket 7774 c.o. etc.]

PART 13—PROHIBITED TRADE PRACTICES

Records, Inc., et al.

Records, Inc., et al., Docket 7774 c.o.; Time Records, Incorporated, et al., Docket 7765 c.o.; Edward S. Cohn trading as Lesco Distributors, Docket 7692 c.o.; Jamie Record Co., Docket 7724 c.o.; Volkwein Brothers, Inc., et al., Docket 7793 c.o.

Subpart—Bribing Customers' Employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist orders, Records, Inc., et al., Boston, Mass., Docket 7774, Apr. 14, 1960; Time Records, Incorporated, et al., New York, N.Y., Docket 7765, Apr. 21, 1960; Edward S. Cohn trading as Lesco Distributors, Philadelphia, Pa., Docket 7692, Apr. 26, 1960; Jamie Record Co., Philadelphia, Pa., Docket 7724, Apr. 26, 1960; and Volkwein Brothers, Inc., et al., Pittsburgh, Pa., Docket 7793, Apr. 26, 1960]

In the Matters of Records, Inc., a Corporation, and Cecil Stern, Individually, and as an Officer of Said Corporation; Time Records, Incorporated, a Corporation, Brent Music Corp., a Corporation, and Robert Shad, Individually, and as an Officer of Said Corporations; Edward S. Cohn, an Individual Trading as Lesco Distributors; Jamie Record Co., a Corporation; and Volkwein Brothers, Inc., a Corporation, and Carl R. Volkwein, and Walter E. Volkwein, Individually, and as Officers of Said Corporation

These cases were heard by hearing examiners on the complaints of the Commission charging record manufacturers and distributors with giving concealed "payola" to television and radio disc jockeys as inducement to play their records in order to increase sales.

Accepting consent agreements, the hearing examiners made their initial decisions and orders to cease and desist which became, in due time, the decisions of the Commission.

The orders to cease and desist, combining the respondents in these five cases, are as follows:

It is ordered, That respondents Records, Inc., a corporation, and its officers, and Cecil Steen, individually, and as an officer of said corporation; Time Records, Incorporated, a corporation, Brent Music Corp., a corporation, and their officers, and Robert Shad, individually and as an officer of said corporations; Edward D. Cohn, an individual trading as Lesco Distributors (erroneously designated in the complaint as Edward S. Cohn), or by any other name; Jamie Record Co., a corporation, and its officers; and Volkwein Brothers, Inc., a corporation, and its officers, and Carl R. Volkwein and Walter E. Volkwein, individually, and as officers of said corporation; and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature;

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or to any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly received by him or his employer.

By "Decision of the Commission", etc., in each case, reports of compliance were required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: April 15, 1960 (D. 7774); April 27, 1960 (D. 7793); April 28, 1960 (D. 7765, 7692, 7724).

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5622; Filed, June 17, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 590—GENERAL PROVISIONS

PART 596—CONTRACT CLAUSES

PART 598—PATENTS AND COPYRIGHTS

PART 602—GOVERNMENT PROPERTY

PART 606—SUPPLEMENTAL PROVISIONS

Miscellaneous Amendments

1. Sections 590.111, 590.150, and 590.601–4 are revised to read as follows:

§ 590.111 Reports of suspected criminal conduct and non-competitive practices.

Reports of possible violations of Federal criminal statutes in connection with procurement and related matters, including reports of possible fraud or violation of antitrust laws, will be made in accordance with Subpart F, Part 1 of this title and this part.

§ 590.150 Administration and interpretation.

The administration and interpretation of Subchapter A, Chapter 1 of this title and this subchapter are the responsibility of the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army (Chief, Contracts Branch).

§ 590.601–4 Protection of lists.

See § 1.601–4 of this title.

2. Revise § 590.603 and redesignate § 590.603–1 as § 590.603–50, as follows:

§ 590.603 Grounds for listing and treatment to be accorded listed concerns.

See § 1.603 of this title.

§ 590.603–50 Total restrictions.

* * * * * *

3. Revoke § 596.150–1, add new § 598.107–7, and revise paragraph (a)(1) in § 598.202–1, as follows:

§ 596.150–1 Progress payments clause. [Revoked]

§ 598.107–7 Contracts placed for NASA.

(a) Requests made by National Aeronautics and Space Administration (NASA), in accordance with § 9.107–7 (a)(1) of this title, requiring that the NASA "Property Rights in Inventions" clause be used in contracts for work which is funded only in part by NASA are predicated upon the basis that the project is a NASA project, or a project jointly planned by NASA and the Department of the Army to which the Department of the Army is contributing funds. Department of the Army contracts initiated prior to any proposed contribution of funds by NASA, without a request by NASA for change in specifications, shall contain the "Patent Rights" clause in § 9.107–2(b) or § 9.107–3 of this title, as appropriate; and the communication from NASA making funds available to the Department of the Army for such purpose will not be expected to require use of the NASA "Property Rights in Inventions" clause in such cases.

(b) Questions concerning whether a project is a NASA project or a Department of the Army project, or whether the work to be done under any particular contract is of the type which requires use of the NASA "Property Rights in Inventions" clause, may be coordinated directly with National Aeronautics and Space Administration, Office of the General Counsel for Patents.

§ 598.202–1 Acquisition of data.

(a) *General*—(1) *Data pricing requirements.* Where data is to be required under a contract, Invitations for Bids and Requests for Proposals shall include the following clause:

DATA PRICING

Where data is specified for delivery, bidders are requested to insert opposite the data items the price of such data. If the price of the data is included in the price of the end items the statement "data price included in the price of the end items" may be used. If the bidder does not insert the price as requested above, or inserts the words "No Charge for Data", or similar language, the Government will consider and the bidder agrees that the data price is included in the cost of the appropriate end items.

4. Add new Subpart H to Part 602, as follows:

Subpart H—Transfer of Title to Equipment to Nonprofit Education or Research Institutions

Sec.
602.800 Scope of subpart.
602.800–50 Policy.
602.801 Purpose of the legislation.
602.802 Transfer of title.
602.802–50 Administrative requirements.
602.802–51 Statistical data.

AUTHORITY: §§ 602.800 to 602.802–51 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 602.800 Scope of subpart.

The policies and procedures set forth in this subpart and Subpart H, Part 13 of this title, apply only to transfers of title under research contracts. Policies and procedures applicable to transfer of title under research grants are stated in AR 70–5 (Administrative Army Regulations).

§ 602.800–50 Policy.

Transfer of title to equipment may be effected at the time of acquisition, during the performance of the contract, or at the conclusion of the contract. Effort will be made to effect transfer of title to equipment at the time of acquisition in order to reduce administrative burden. The screening of equipment (exclusive of reportable production

equipment) as required in this part will be in relation to requirements, first, by the Department of Defense and, then, by other Government agencies for such equipment for use in research activities only.

§ 602.801 Purpose of the legislation.

See § 13.801 of this title.

§ 602.802 Transfer of title.

In addition to the policy contained in § 13.802 of this title, the following will apply:

(a) The contracting officer may transfer to the contractor title to any item of equipment categorized under the provisions of § 13.802(a)(1) (i) and (ii) of this title, without screening or referral to higher authority for approval.

(b) As to any item of equipment which, because of its nature, it would be impracticable or uneconomical to remove from the contractor's possession (§ 13.802(a)(2)(i) of this title):

(1) If the acquisition cost was $1,000 or less, the contracting officer may transfer title to the contractor without screening or referral to higher authority; and

(2) Regardless of the acquisition cost, the contracting officer may transfer title to the contractor upon approval by the Head of the Procuring Activity, his designee or designees, based upon a determination by the Head of the Procuring Activity, his designee or designees, that screening is not feasible.

(c) If the acquisition cost of any item of equipment was in excess of $1,000 but not in excess of $25,000 (exclusive of that equipment referred to in § 602.802 (b) of this chapter and § 13.802(a)(2)(i) of this title, the contracting officer may transfer title to the contractor only upon approval by the Head of the Procuring activity, his designee or designees, based upon a determination by the Head of the Procuring Activity, his designee or designees, that:

(1) The applicable criteria in § 13.802 (a) of this title have been met; and

(2) After such screening as he considers necessary, there is no research requirement within the Department of Defense which would preclude such a transfer of title.

The determination shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, capricious, or so grossly erroneous as necessarily to imply bad faith.

(d) If the acquisition cost of any item of equipment was in excess of $25,000 and the item is reportable under AR 755–6 (Administrative Army Regulations), it shall be reported to the Armed Forces Supply Support Center (AFSSC) for additional screening for research requirements with interested Government agencies (§ 13.802(a)(2)(ii) of this title). If any such item of equipment is not reportable under AR 755–6, the procedure will be followed as set forth in paragraph (c) of this section.

§ 602.802–50 Administrative requirements.

Contract files will contain the following data:

(a) Where any item of equipment has an acquisition cost of $1,000 or less.

(1) Written determination of the contracting officer that the applicable criteria in § 13.802(a) of this title have been met;

(2) Documentation justifying such determination; and

(3) A copy of the transfer of title instrument.

(b) Where any item of equipment has an acquisition cost in excess of $1,000 but not in excess of $25,000.

(1) Prior approval of the Head of the Procuring Activity or his designee, including a finding that after such "reasonable check" as he considers appropriate, that there is no Department of Defense research requirement which would preclude the proposed transfer, and that the applicable criteria of § 13.802(a) of this title have been met;

(2) Written determination of the contracting officer, based on the foregoing approval; and

(3) A copy of the transfer of title instrument.

(c) Where any item of equipment has an acquisition cost in excess of $25,000 (as defined in § 602.802(d)).

(1) Identical documentation as required in paragraph (b) of this section, and

(2) A finding that no research requirement by interested Government agencies exist which would preclude transfer of title to the contractor.

The office maintaining property accountability records will be advised of the transfer of title.

§ 602.802–51 Statistical data.

In order to meet Congressional requirements for annual reporting of the transfers effected, heads of procuring activities will be prepared to submit when requested the following data:

(a) Names and locations of institutions receiving title to equipment.

(b) Nomenclature of description of equipment transferred.

(c) Acquisition cost of equipment transferred.

5. Revise §§ 606.201(a), 606.202, 606.203–4(a)(4), and 606.208(c), as follows:

§ 606.201 Documentary evidence of purchases.

(a) *Requirement.* All purchase transactions made by a contracting officer shall be evidenced by written contracts (§ 1.201–6 of this title) on approved contract forms, as prescribed in Part 16 of this title and Part 605 of this chapter, and in applicable procuring activity instructions, except those in which payments are made simultaneously with receipt of the supplies or services.

§ 606.202 Execution of contracts; requirements.

(a) *Availability of funds.* Prior to the incurrence of an obligation, the contracting officer shall obtain a written statement from the individual (normally the finance and accounting officer) responsible for the underlying allotment. Such statement shall (1) contain a citation of the proper funds to be charged; (2) reflect that sufficient funds are available for payment of the contractual obligation to be incurred; and (3) be made a part of the contract file. (§ 590.–311 of this chapter.) All contracts, purchase orders, and delivery orders shall reflect the complete accounting classification citation chargeable. The signature of a contracting officer on a contract, purchase order, or delivery order constitutes assurance of the availability and sufficiency of the funds cited. The contracting officer shall be responsible for insuring that final delivery, acceptance and payment, under the terms of the contract, are completed prior to expiration of the period in which the funds cited in the contract are authorized for expenditure.

(b) *Contracting Officer's signature.* In the case of formal advertising, the personal signature of the contracting officer on the award consummates the contract. In the case of negotiated contracts, the contracting officer shall personally sign on behalf of the United States after the contractor has signed, except where otherwise required by the particular contract form. In addition, the contracting officer's rank or title shall be indicated. Proxy and facsimile signatures shall not be used.

(c) *Signature by agents of contractors.* Contracts executed on behalf of contractors by agents must be accompanied by evidence, satisfactory to the contracting officer, of the agent's authority to do so.

(d) *Contracts with corporations.* Contracts with a corporation shall be executed in the official corporate name of the contractor. The amount and type of evidence to be required to determine the authority of a particular corporate officer to bind a corporation is for administrative determination by the contracting officer, subject to the limitation that the interest of the Government shall be protected. The contracting officer need not require that corporations execute a certificate provided he obtains other evidence which satisfactorily shows that the agent is empowered to bind the corporation. However, where a corporate certificate is considered necessary or desirable, it may be executed on a separate sheet, identified by contract number, and placed in the contract file.

(e) *Contracts with partnerships.* Contracts entered into with partnerships shall be executed in the partnership name and shall enumerate the names of all the partners. The contract need be signed by only one partner provided the authority of the particular partner to effectively bind the partnership has been established. The amount and type of evidence to be required to determine the authority of a particular partner to bind a partnership is for administrative determination by the contracting officer, subject to the limitation that the interest of the Government shall be protected.

(f) *Presigned contracts subject to approval.* Contracts subject to the approval of higher authority as prescribed by this subchapter or by instructions of heads of procuring activities or both, are not binding on the Government until so approved, even though signed by both parties.

(g) *Contracts subject to approval of award.* Where approval of award of a contract is required either by § 606.204 or by instructions of heads of procuring activities or both, no contract shall be entered into or signed by a contracting officer until approval to award the contract has been obtained.

(h) *Date of signature.* Where contracts, agreements, orders requiring acceptance, amendments, and similar documents require one or more signatures in order to constitute a valid obligation of funds, the signatures shall be affixed prior to the expiration of the period for obligation of the appropriation or fund involved; and the actual date when each signature is affixed shall be placed adjacent to the signature. However, the date of execution of a notice of award or letter contract shall be the date of obligation of the funds covered thereby, notwithstanding that a definitive contract is issued thereafter and is effective on the date of execution of the notice of award or letter contract.

§ 606.203–4 System of numbering.

(a) *Contracts.* • • •

(4) The figure "1" relates directly to the station number assigned to the activity and represents the first contract made by the particular activity. Contracts will be numbered by each activity in numerical sequence beginning with number 1 and going through 99,999 without regard to the fiscal year, type of contract, or procuring activity. Contracts issued at each activity beyond 99,999 will be identified by a new series of numbers distinguished by the use of the capital letter "A" at the end thereof. Any additional series thereafter will use the capital letter "B," "C," "D," etc. This subparagraph, of itself, does not require that a new series of numbers beginning with No. 1 be instituted; however, a new series of numbers will be instituted simultaneously with the assignment of a new station to an activity.

§ 606.208 Contracts pertaining to the Army Industrial Fund.

• • • • • •

(c) *Distribution.* There will be retained at the site of operations the originals of all contracts and related documents supporting disbursements from, and collections for, the Army Industrial Fund at the installation or activity concerned, only when authorized by the Assistant Secretary of Defense (Comptroller) upon assignment of such activity for site audit by the General Accounting Office. Where a contract provides for payment from the Army Industrial Fund and other funds, an authenticated copy of the contract and related documents will be distributed as prescribed in § 606.206.

[C 22, APP, May 23, 1960] Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 60–5587; Filed, June 17, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2124]

[Wyoming 066609]

WYOMING

Partially Revoking Stock Driveway Withdrawals Nos. 63 and 128 (Wyoming Nos. 10 and 13)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

The departmental order of February 10, 1919, establishing Stock Driveway Withdrawal No. 128, Wyoming No. 13, and the departmental order of July 7, 1932, enlarging Stock Driveway Withdrawal No. 63, Wyoming No. 10, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

STOCK DRIVEWAY WITHDRAWAL NO. 128

T. 46 N., R. 93 W.,
Sec. 13, lot 7.

The area described contains 37.99 acres.

STOCK DRIVEWAY WITHDRAWAL NO. 63

T. 55 N., R. 101 W.,
Sec. 25, SE¼NE¼ and N½N½;
Sec. 26, N½N½;
Sec. 27, N½N½;
Sec. 28, N½N½;
Sec. 29, N½NE¼.

The areas described contain 680 acres.

The lands are included in withdrawals for reclamation purposes either of April 20, 1928, in connection with the Shoshone Project, or of September 12, 1958, in connection with the Hanover-Bluff Unit, Missouri River Basin Project.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 13, 1960.

[F.R. Doc. 60–5625; Filed, June 17, 1960; 8:49 a.m.]

[Public Land Order 2125]

[894072]

NEVADA

Partially Revoking the Executive Order of March 8, 1920 (Public Water Reserve No. 70)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of March 8, 1920, which established Public Water Reserve No. 70, is hereby revoked so far as it affects the following-described land in Nevada:

MOUNT DIABLO MERIDIAN

T. 44 N., R. 52 E.,
Sec. 8, SE¼NE¼.

The area described contains 40 acres.

2. The land is located within the boundaries of the Elko Grazing District in Elko County, Nevada, adjoining the Humboldt National Forest on the west slope of Bull Run Mountain. The elevation is between 6,000 and 7,000 feet, having an undulating type topography suitable chiefly for the grazing of livestock.

3. Subject to any existing valid rights and the requirements of applicable law, the land is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on July 19, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The land has been open to applications and offers under the mineral leasing laws and to locations under the mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10:00 a.m. on July 19, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 13, 1960.

[F.R. Doc. 60–5626; Filed, June 17, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 990, 996, 999, 1019]

[Docket Nos. AO–14–A30; AO–302–A2; AO–308–A12; AO–204–A11; AO–306–A1]

MILK IN GREATER BOSTON, MASS.; SOUTHEASTERN NEW ENGLAND; SPRINGFIELD, MASS., WORCESTER, MASS.; AND CONNECTICUT MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Greater Boston, Massachusetts; Southeastern New England; Springfield, Massachusetts; Worcester, Massachusetts; and Connecticut marketing areas. Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Boston, Massachusetts, Providence, Rhode Island, Hartford, Connecticut, and Worcester, Massachusetts, on September 9 to October 8, 1959, pursuant to notice thereof which was issued August 19, 1959 (24 F.R. 6847).

The material issues on the record of the hearing relate to:

1. Extension of the Boston, Southeastern New England and Worcester marketing areas.
2. Modification of the pooling provisions under the five orders.
3. Revisions in the definitions and treatment of producer-handlers.
4. Modification of the exempt milk provisions.
5. Revisions in the accounting, classification and assignment provisions.
6. Class I price under the Southeastern New England and Connecticut orders.
7. The level of Class II price.
8. Pricing of diverted milk under the Connecticut order.
9. Review of the need and basis for compensatory payments.
10. Modification of the "take-out payback" seasonal pricing plan under the Connecticut order.
11. Nearby farm location differentials.
12. Payment dates.
13. Marketing service program under the Boston order.
14. Administrative assessment.
15. Other miscellaneous issues.

Findings and Conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Extension of the Boston, Southeastern New England and Worcester marketing areas.* The Greater Boston marketing area should be extended to include the cities and towns of Ashland, Ayer, Burlington, Holliston, Hopkinton, Littleton, Marlborough, North Reading, Sherborn and Wilmington in Middlesex County, the town of Lynnfield in Essex County, the towns of Hingham and Hull in Plymouth County, the towns of Avon, Canton, Cohasset, Dover, Holbrook, Medfield, Norwood, Randolph, Sharon, Stoughton, Walpole and Westwood in Norfolk County and the town of Southborough in Worcester County.

Until July 1, 1959, the towns of Burlington, Lynnfield, North Reading and Wilmington constituted a narrow corridor separating the Boston and Merrimack Valley marketing areas. The area was served almost exclusively by Boston and/or Merrimack Valley regulated handlers. With the consolidation of the Boston and Merrimack Valley orders the four towns now constitute an unregulated corridor within the Boston marketing area.

Within the past year a Boston handler has established gallon jug stores supplied exclusively with unregulated milk in the towns of Burlington and North Reading. This milk is procured, for the most part, from unregulated sources in northern New England at prices closely reflecting the Boston blend price, and is processed in the handler's unregulated Woonsocket, Rhode Island, plant. It is estimated that such milk is obtained at a price advantage of approximately $1.00 to $1.20 per hundredweight below the Class I price regulated handlers are required to pay under the order.

The four-town area in 1950 had a population of approximately 19,000 and there has been a continued population growth since that time. Regulated handlers have lost about 10 percent of the sales in this area since the gallon stores have opened. In addition the stores draw considerable patronage from the surrounding regulated towns. Proponents testified that a random check made just prior to the hearing indicated that about 50 percent of the cars stopping at those gallon jug stores were registered in cities and towns presently included in the marketing area.

The four-town area in question, because of location, constitutes a natural extension of the marketing area. Regulated handlers, who are the principal suppliers, are at a disadvantage in competing for sales, and they have lost and are continuing to lose sales to unregulated milk. It is proper, therefore, that these towns be consolidated into the marketing area.

The towns of Ayer and Littleton, having a civilian population of 8,000 in 1950, include the military establishment of Fort Devens. The civilian population is presently served by seven Boston or Worcester regulated handlers and five unregulated dealers. Regulated handlers make about 60 percent of the civilian sales. At least one of the unregulated dealers will become fully regulated by virtue of extension of the Worcester marketing area hereinafter proposed. The civilian population obviously will depend primarily on regulated milk and these towns should be added to the Boston area on this basis.

The primary intent in requesting regulation of milk marketing in these two towns, however, was to bring within regulation milk supplied to the military installation. Fort Devens is served on the basis of contract bids and the total sales on the basis of current staffing approximate six million pounds annually. The installation was once served primarily by regulated handlers using regulated milk, but in recent years it has been served almost exclusively with unregulated milk. This unregulated milk in reality is usually a part of the New England regulated milk supply. But when a handler obtains the contract at the installation he removes the milk from regulation and when the contract is terminated the milk is returned to regulation. This has had an unstabilizing effect upon marketing channels and upon producer returns.

The towns of Hingham, Hull and Cohasset form a small unregulated pocket at the southeast corner of the Boston marketing area and the northeast corner of the Southeastern New England marketing area. According to the 1950 census the combined population of the three-town area was 17,731, exclusive of summer residents who move in from the nearby metropolitan area during the vacation months and increase Class I sales significantly. The area is preponderantly served by Boston handlers, though to some extent it is also served by Southeastern handlers. While there has been no significant competition from unregulated milk, nevertheless, by location and by virtue of its extensive coverage by Boston handlers' routes, it is an integral part of the Boston marketing area.

The towns of Hingham and Hull were initially excluded from the Southeastern New England marketing area because of their integral relationship to the Boston market. The town of Cohasset, not initially proposed for regulation under the Southeastern New England order, is also integrally related to the Boston market. The inclusion of these towns will not significantly affect the status of any person presently doing business there. Potentially, however, the area presents an opportunity for unregulated handlers to establish retail stores and create a situation similar to that which occurred in the towns of Burlington and North Reading, as previously discussed. It is appropriate, therefore, that Hingham and Hull be included in the marketing area at this time.

The cities and towns of Ashland, Holliston, Hopkinton, Marlborough, Sherborn and Southborough are contiguous to the western boundary of the existing marketing area and are preponderantly served by presently regulated handlers. Ten of the 19 handlers doing business there are Boston handlers and two are Worcester handlers. Approximately 70 percent of the business in these six towns is done by regulated handlers.

Approximately 50 percent of the total population of this six-town area resides within the city of Marlborough. While the remaining five towns are significantly less densely populated, nevertheless their location relative to Marlborough and the presently regulated area under the Boston and Worcester orders affords opportunity for exploiting unregulated milk and regulated handlers in recent years have met with increasing competition from such milk. Continuing technological improvements in the processing and distribution of milk have made the specialized milk store a practical and efficient method of retailing milk. A single, unregulated plant can supply a chain of stores widely scattered over southern New England, and in this way it has become practical for unregulated handlers to serve scattered concentrations of population. Several supply plants have been withdrawn from regulation to supply unregulated milk for such operations here and in other areas herein proposed for regulation. To preserve the integrity of regulation, it is necessary, therefore, to extend the marketing area to cover this territory in which regulated handlers are the primary distributors.

The situation in that part of Norfolk County which is not now regulated or hereinbefore recommended for regulation (Cohasset) is substantially similar to that in the six-town area previously discussed. The situation has been further accentuated by the fact that certain regulated handlers, in an effort to meet unregulated competition, have adjusted their operations, by use of the exempt milk provisions of the orders, to enable them to serve unregulated areas with unregulated milk. Changes in the exempt milk provisions hereinafter proposed would tend to deter these exempt milk operations. As previously pointed out, however, it is now desirable to extend the area of regulation to cover that territory in which regulated handlers are the primary handlers. The problem concerning the presently unregulated parts of Norfolk County is one of determining what segment should most appropriately be added to Boston and what segment should be added to Southeastern New England.

The Norfolk County towns hereinbefore set forth are served primarily by handlers regulated under the Boston or Southeastern New England orders and by one other substantial distributor who would be brought under full regulation by the revision in the exempt milk provisions hereinafter proposed. While it cannot be concluded definitely for each of these towns that Boston handlers, rather than Southeastern New England handlers, do the preponderance of the business, the area, by location, represents an appropriate extension of the Boston marketing area. The provisions of the two orders, as herein proposed to be amended, are so integrated that there should be no serious consequence if it develops that one or more of these towns is in fact served primarily by Southeastern rather than Boston handlers.

The towns of Pepperell and Dunstable in Middlesex County were also proposed for addition to the Boston marketing area. These towns are substantially rural in character. They had a combined population in 1950 of only 3200 and there is no evidence of significant population growth since that time. While the regulated handlers doing business here do meet substantial competition from unregulated handlers, it was not established that this competitive situation has resulted in market disorder of such a magnitude as to warrant regulation.

The Southeastern marketing area should be extended to include the towns of Bellingham, Foxborough, Franklin, Medway, Millis, Norfolk, Plainville and Wrentham in Norfolk County and the towns of Blackstone, Hopedale, Mendon, Milford and Millville in Worcester County. These towns are served primarily by handlers presently regulated under the Southeastern New England order and by handlers who would be brought under that regulation by the charges in the exempt milk provision hereinafter discussed. The situation relative to the use of unregulated milk is identical to that in the adjacent areas hereinbefore proposed for addition to the Boston area, and extension of regulation is necessary for the same reason. The question in the case of the Norfolk County towns and the town of Milford in Worcester County is whether regulation under Boston or Southeastern New England would be more appropriate. It is concluded that these towns are more closely associated with the Southeastern New England market and, therefore, should be included in that marketing area.

Regulation should not be extended to include the towns of Northbridge, Uxbridge, or Douglas. The town of Northbridge was at one time regulated under the Worcester order, but it was removed following an amendment hearing in which it was established that the preponderance of business in the town was done by a large number of producer-handlers located either in Northbridge or in Uxbridge. This situation continues to exist: Regulated handlers do little business in these two towns. Regulation was opposed by those producer-handlers who historically have held virtually an exclusive market.

The town of Douglas is largely taken up by a State park. It was proposed for regulation under the Southeastern order, but in fact there are no Southeastern handlers operating in the town.

The Worcester marketing area should be extended to add the cities of Fitchburg, Gardner, and Leominster and the towns of Charlton, Dudley, Lancaster, Lunenburg, Northborough, Oxford, Princeton, Southbridge, Sterling, Sutton, Upton, Webster, Westborough, and Westminster—all in Worcester County.

The cities of Fitchburg, Gardner, and Leominster, commonly referred to as the Tri-city area, are situated to the north of the present Worcester marketing area. In 1950 they had a combined population of more than 87,000, which was nearly 45 percent as large as that of the city of Worcester, which is the hub of the present marketing area. While about one-fourth of the business in these three towns is done by presently regulated dealers, 35 to 40 percent of the business is done by dealers who are using unregulated milk purchased from sources outside the State of Massachusetts but within the procurement area of the New England federally regulated markets. In recent years more and more handlers have been dropping local producers to use unregulated milk. There now is only one large dealer who still buys from local producers.

Unless the area is placed under regulation many of the remaining nearby Massachusetts producers will lose their local market and be forced to look to the adjacent Federal order markets as outlets for their milk.

As previously indicated, the cost advantage of using unregulated milk over federally regulated milk is approximately a dollar per hundredweight, and since the price established under the State order for this area is slightly in excess of the Federal order price the cost advantage of unregulated milk over State controlled milk is even greater. The cost advantage of unregulated milk therefore is a substantial inducement for handlers to increase their purchases of such milk and to develop unregulated Class I sales operations in the area. Regulated handlers using regulated milk obviously cannot compete effectively with such operations.

While regulation of Gardner, Fitchburg, and Leominster will greatly relieve the disorderly marketing situation in northern Worcester County, an even greater degree of market stability will be achieved by regulating also the immediately adjacent towns of Westminster, Lunenburg, Princeton, Sterling, and Lancaster. These towns are preponderantly served by presently regulated handlers and by handlers who will be brought under regulation by inclusion of the Tri-city area. For the most part,

they also are ideally situated for the extension of unregulated milk operations which would tend to draw sales from the present marketing area and/or the Tri-city area. The towns of Princeton and Sterling are served almost exclusively by presently regulated handlers.

The towns of Ashburnham, Ashby, Templeton, Hubbardston, and Townsend should not be added to the Worcester marketing area. They are substantially rural in character and they are less favorably situated for gallon jug store operations than the towns herein proposed for regulation. These towns are served largely by dealers who do the preponderance of their business in other unregulated areas.

The towns of Northborough, Westborough and Upton form a narrow corridor between the present Worcester marketing area and the marketing areas of Boston and Southeastern New England as hereinbefore proposed to be extended. Handlers regulated under these orders now have approximately 80 percent of the Class I sales here, and extension of the Worcester regulation will prevent repetition of the previously discussed store situation which has developed in other unregulated corridors.

The towns of Charlton, Oxford, Sutton, Southbridge, Dudley, and Webster are located adjacent to and between the present Connecticut and Worcester marketing areas. Worcester handlers have the preponderance of business in the towns of Charlton, Oxford, and Sutton and also have substantial sales in the remaining three towns. A substantial Connecticut handler operates a bottling plant in the town of Dudley and has general distribution in that town and in the adjacent towns of Webster and Southbridge. In addition, other Connecticut handlers also have distribution here. It is concluded that Worcester and Connecticut regulated handlers do the preponderance of business in these three towns, and that orderly marketing will be enhanced by their inclusion in the Worcester marketing area.

Extension of regulation to include the six-town area was proposed by several Worcester handlers who testified that they operated at a serious competitive disadvantage in competition with unregulated operations in the area. They further pointed out that the present disorderly marketing conditions created by the presence of unregulated milk could be increased by the establishment of store outlets in the area. The six-town area has a population in excess of 50,000 and is served by an excellent transportation network. It thus represents an excellent opportunity for unregulated milk operations similar to those which have sprung up in other unregulated corridors. It is appropriate, therefore, that this six-town area be added to the Worcester marketing area.

The towns of Sturbridge and Northbridge should not be included in such marketing area. The Northbridge situation was previously discussed under the extension of the Southeastern New England marketing area and its inclusion in the Worcester area at this time is inappropriate for the reason stated when its inclusion in the Southeastern area was denied. The town of Sturbridge presently is served by only one regulated handler in competition with five small unregulated dealers. There is no indication of market disorder which would require its regulation at this time.

The towns of Barre, Brookfield, East Brookfield, Hardwick, New Braintree, North Brookfield, Oakham, Ware, and West Brookfield are served extensively by presently regulated handlers. There is no indication that unregulated milk in any way has been a disruptive factor in these nine towns. Regulation was requested to eliminate the possibility of gallon jug stores being established on the perimeter of the marketing area from which unregulated milk sales would provide disadvantageous competition for regulated milk. The towns in question are primarily rural in character and there is no indication, other than in the town of Ware, that regulated Worcester handlers have had any competitive problems. The competition complained of in the town of Ware was from a fully regulated handler under the Springfield order, and it is not apparent how regulation of this town would in any way alter this competitive situation.

2. *Pool plant provisions.* The provisions of the several New England orders should be revised to provide generally for regulation of a plant under the order for that market in which it disposes of the greater proportion of its Class I milk on routes or, in the case of supply plants, that market to which the greater proportion of its shipments are made.

Virtually all the milk in the New England area is qualified for disposition as fluid milk in one or all of the Federal order markets in New England. While there are technical differences in the several health ordinances in effect and in their application, nevertheless, the markets draw milk from a generally common supply area. Producers and/or plant operators have a broad choice of markets and milk can be expected to associate with that market which, in the judgment of the individuals or companies concerned, offers the most attractive financial remuneration.

Prior to the advent of regulation in Southeastern New England and Connecticut, the Boston pool carried most of the reserve supplies for the entire New England area. In order to hold the Class I sales for which the pool carried the reserve supply, it was desirable to maintain low pooling requirements and to pool any plant meeting such requirements, even though such plant by performance might be more closely associated with one of the regulated secondary markets (Merrimack Valley, Springfield and Worcester).

The advent of regulation in the Southeastern New England and Connecticut markets has changed substantially the supply situation in the New England area. Most of the manufacturing plants which process milk in excess of Class I needs are now, and will undoubtedly continue to be, associated with the Boston pool. Nevertheless, it is expected that the two new orders will carry their own market reserves. In the interest of orderly marketing, the provisions of the respective orders must be drafted to facilitate the movement of milk as between markets and to promote alignment of blended prices as between markets. This can best be accomplished by providing more uniform basic plant definitions and pooling requirements. It is concluded, therefore, that the plant and receiving plant definitions under the Southeastern New England order should be revised to conform with such definitions under the three older New England orders, and that the plant definition under each of these four orders should be further modified in conformity with the provisions of the Connecticut order to make clear that the definition does not include separate facilities used to hold or store packaged fluid milk products or other milk products in finished form in transit on routes.

The present plant and receiving plant definitions under the Southeastern New England order are identical to those of the Boston order in effect prior to April 1, 1959. These provisions were modified effective April 1, 1959 to conform more closely to the conditions of bulk tank handling and to permit the pricing of milk at country transfer points, which are substantial facilities operated by bona fide handlers with financial responsibility. The present definitions of the three oldest orders are equally appropriate for the Southeastern New England order, for the identical reasons stated in the Assistant Secretary's decision of March 24, 1959 (24 F.R. 2441) in proposing their adoption in the Boston and secondary markets.

The plant and receiving plant definitions under the Connecticut order do not need to be modified with respect to the maintenance of holding facilities. No evidence was submitted to show that, in terms of the situation in this market, these definitions have not operated satisfactorily.

The three oldest New England orders presently use Class I disposition (both to plants and on routes) in the market area as one criterion for pooling distributing plants. The Connecticut and Southeastern New England orders use "route" disposition. It is concluded that route disposition in the marketing area should be used as a uniform standard for distributing plants under each of the several orders. It is appropriate that route sales include all disposition of fluid milk products classified as Class I, other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition. Bulk movements as between plants should be treated as plant transfers as should package movements to plants which are also packaging plants. Class I disposition from any such transferee plant properly should be considered as route disposition of such plant. Packaged sales to nonpackaging plants are no different than sales to other peddlers or vendors and sales from such plants, as in the case of sales by vendors, should be counted as route sales of the packaging plant.

In conjunction with this conclusion, it is proposed that the handler definition be extended to include peddlers, bobtailers and similar persons. As nonpool handlers, such persons will be required to file reports with the market administrator relative to their receipts and disposition of milk in order that he may ascertain where the milk is disposed of.

The plant definition, as hereinbefore provided, excludes buildings and facilities used primarily to store packaged fluid milk products in transit on routes. This is intended to make clear that routes emanating from distribution depots are to be considered as routes of the originating plant, whether such depots are operated by the same handler, or by bobtailers, vendors, peddlers or similar distributors. This treatment is presently prescribed under the existing Connecticut order language.

Under the present provisions of the Southeastern New England order, a receiving plant with route distribution must dispose of 10 percent of its producer receipts as Class I milk in the marketing area on routes, and at least 50 percent of such receipts as Class I, to qualify for pooling. Under the Connecticut order, such a plant must dispose of 10 percent of its producer receipts as Class I milk in the marketing area on routes and 50 percent of its total receipts as Class I to qualify for pooling. Under the three older orders such a plant must dispose of 10 percent of its overall receipts as Class I milk in the marketing area to qualify for pooling. A plant located in excess of a prescribed distance from the market is termed a country plant and must meet different requirements. These three latter orders also prevent pooling of a distributing plant during certain months of the year which did not operate as a pool plant during other prescribed months of the year. A distributing plant meeting the requirements of the Boston order and of any other order presently is regulated under the Boston order, even though it might do the greater proportion of its business in another market.

With virtually all the concentrated area of sales under regulation, it is appropriate and desirable that distributing plants be regulated in that market in which they do the greater proportion of their Class I business. This result can best be accomplished by providing identical pooling standards under each of the respective orders. The language of the Connecticut order is most appropriate for this purpose. Since all distributing plants presently pooled under the several orders are primarily Class I operations, it is not expected that any plant presently pooled will be denied pooling status because of these modifications. Nevertheless, should the adoption of this language result in nonpool status for any plant presently pooled, such result is concluded appropriate. A distributing plant which utilizes less than 50 percent of its fluid milk receipts in Class I obviously cannot be considered as primarily associated with a fluid market, and the pooling of such a plant would adversely affect returns to producers for the fluid market. A plant which has less than 10 percent of its producer receipts disposed of in any marketing area should not be considered as substantially associated with such local market. Full regulation of plants with only a minor part of their distribution in the local market is not necessary and might well have the result of placing such plants at a competitive disadvantage in supplying the market with which they are primarily associated.

With the requirement that a distributing plant must have at least a 50 percent Class I utilization to qualify for pooling, it is no longer necessary to retain the flush season exclusion for distributing plants, since a plant entering the market for the first time during the flush months should not have a detrimental effect on the pool. Hence, there need be no concern of pool riding.

It is recognized that because of the close geographical relationship of the several marketing areas some plants, as a result of losses or gains in sales as between markets, might occasionally shift from one pool to another. This situation most likely could occur in the case of some of the smaller handlers operating in areas where two or more of the marketing areas adjoin. While such a situation might be disconcerting to the plant operator, it would have no significant effect on him, his producers, or any supply plants shipping to such plant, since class prices are identical as between markets and blended prices will be closely aligned. The pooling requirements for distributing plants as herein proposed are identical under each of the orders, and provision is made whereby supply plants which meet the pooling requirements under any of the New England orders in each of the months of July through November have automatic pooling status under any such order during the flush production months.

It is desirable that the principle of regulating a distributing plant in that market in which it has the greater proportion of its route sales be preserved. Any modification of this principle would tend to enhance or deflate the Class I sales in one pool to the disadvantage or advantage of the other. It is unlikely that there will be any significant occurrence of plant shifts as a result of this conclusion. Nevertheless, should any plant exist which has approximately equal route sales in two markets, and such plant is shifted between pools on the basis of minor losses or gains in route sales in one market as compared to another, such result must be concluded to be appropriate.

The present "city" and "country" plant definitions in the three older orders, in conjunction with the pooling provisions, establish different pooling requirements for distributing plants solely on the basis of location. The continued application of this principle would tend to deter the intent to pool distributing plants in the market in which they do the greater proportion of their Class I business. Plants performing similar functions should be accorded similar treatment and distance should reflect only difference in prices as between plants. It is concluded, therefore, that distance from market should not be a factor in pooling requirement.

The pooling requirements for supply plants under each of the respective orders should be modified to provide, (1) more uniform shipping requirements, (2) greater flexibility for plants to move from one pool to another, and (3) assurance of pooling status under some order during the flush for any plant which was pooled under any of these orders in each of the short production months.

Under the existing provisions of the Boston order a supply plant must meet specified performance requirements in each month in the case of city plants, while country plants must ship 10 percent of their producer receipts in the month of August and make at least token shipments every other month thereafter. Any plant meeting the pooling requirements in any month is pooled in such month unless the operator thereof requests nonpool status. A plant operated as a nonpool plant in any month of July through March cannot hold pooling status in the months of April through June if operated by the same handler or an affiliate.

With respect to supply plants the Worcester and Springfield orders provide 50 and 30 percent shipping requirements, respectively, and a plant pooled in each of the months of October through February has automatic pooling status in the months of March through September. As in the case of the Boston order, any plant operated as a nonpool plant during any of the short production months cannot be pooled during the flush if operated by the same handler or an affiliate.

In the case of the Connecticut order a supply plant must qualify for pooling in each of the months of July through November to hold automatic pooling status in the following months of December through June, but any plant is qualified for pooling in any month in which it meets the 30 percent shipping requirement. The Southeastern New England order also provides a 30 percent shipping requirement for supply plants in the months of July through November but, similar to the three older orders, denies pooling status during the flush to a plant which held nonpool status in any of the short months and is operated by the same handler or an affiliate. The Connecticut and Southeastern New England orders exempt from pooling any plant which met the pooling requirements but was a pool plant under another Federal order. Such nonpool status in any month for any qualified supply plant does not deter automatic pooling during the flush months. Similarly, the Springfield and Worcester orders defer to each other and to the Boston order but do not recognize the Southeastern New England or Connecticut orders.

The varied requirements for supply plants presently contained in the several orders deter the orderly movement of plants from one order to another in response to market needs and resulting price incentives. Handlers' efforts to assure reasonable alignments of blends through movements of plants and/or milk within the limits provided in the orders have not necessarily accommodated the situation, and have provoked

considerable dissatisfaction on the part of affected producers.

It is concluded that with respect to supply plants the months of July through November should be adopted under each of the orders as the qualifying months for automatic pooling during the subsequent months of December through June. The months of July through November, presently used in the Southeastern New England and Connecticut orders, also generally represent the months of shortest production and/or greatest need in the New England area as a whole. It is appropriate, therefore, that such months be adopted as the qualifying months for automatic pooling in the remaining months to provide continuity of pooling provisions as among the several orders.

Pooling qualification for supply plants should be contingent on meeting specified shipping requirements to pool distributing plants, or to other plants not regulated under another Federal order which utilize at least 50 percent of their total receipts of fluid milk products in Class I and dispose of not less than 10 percent of such receipts as Class I milk in the marketing area on routes. This requirement is generally applicable under the Southeastern New England and Connecticut orders, but no distinction is made as to whether the transferee plant is regulated under another Federal order. As a result, certain handlers with distribution in both the Boston and Southeastern New England markets have pooled their bottling and distributing plants under the Boston order and their supply plants have been moved back and forth between the two pools. It is concluded that market stability in the area will be enhanced if, with only specified exceptions hereinafter discussed, supply plants are required to pool under that order regulating the distributing plant(s) to which qualifying shipments are made.

It is proposed that the shipping requirement under the Worcester order be reduced from 50 to 30 percent to conform with the provisions of the Springfield, Connecticut and Southeastern New England markets. Worcester is a small market and the bulk of the receipts are direct receipts from nearby producers. It is not expected that the lower shipping requirement will result in any additional plants being pooled under this order. Nevertheless, should such result obtain, it cannot be considered inappropriate. While it is not intended that shipping requirements be so low as to attract milk primarily associated with manufacturing outlets, too high a shipping requirement may tend to deter an appropriate sharing of market supply, particularly if lower requirements are provided in surrounding Federal orders.

The Boston market is substantially different in structure than the other four markets, in that here the great majority of the milk moves to market through supply plants. Handlers have generally concentrated their manufacturing operations in particular plants, and have maintained other plants primarily as reserve supplies. The multiplicity of ownerships involved and plant associations which have been made under the existing order provisions would be seriously disrupted, and pool supply plants of long standing might be denied pooling status, if the performance requirements were established at the same level provided in the other four markets. Nevertheless, some more stringent requirements are necessary and desirable to deter plants from associating with the Boston pool solely because of the ease of pooling. It is concluded, therefore, that a supply plant under the Boston order should be required to ship 15 per cent of its producer receipts in any month of July through November to hold pooling status in such month. However, provision should be made whereby, in the case of two or more supply plants operated by the same handler, such plants may be considered as a system and after the first month in which the 15 percent shipment from each individual plant therein is met, the performance of the system would then determine qualification of all of the plants therein.

Requirement that the individual plant meet the prescribed shipping percentage in the first month of pooling is necessary to demonstrate such plant's right to association with the pool and is consistent with the present pooling provisions. Since the multiple plant handler has considerable flexibility in his operations he could, if he continues to qualify his plants as a system, also qualify each plant therein individually. Provision for system pooling, however, will serve to minimize uneconomic and unnecessary transportation and/or receiving costs on the part of the handler to assure pooling status for each of his supply plants.

Notwithstanding the privilege of system pooling, it is intended that the actual shipping performance of each individual plant shall determine under which order such plant shall be regulated. Hence, any plant included in a system under the Boston order, which plant makes sufficient shipments to one of the other orders to qualify as a pool plant under such other order, would be regulated under that order in any month when such shipments exceeded its shipments to the Boston market.

Any plant which a handler might later wish to add to his system should be required to meet the 15 percent shipping requirement apart from the remainder of the system in the first month in which it is associated with the market. Such requirement is similar to that placed on other system plants in the pool and serves to establish a bona fide association with the market.

Most of the manufacturing plants in the New England area are now, and will continue to be, associated with the Boston pool. Milk in excess of fluid requirements in the other four markets, by and large, is disposed of through Boston pool plants. Under normal circumstances, for most economical handling such milk is moved to Boston bottling plants, and an equivalent amount of Boston pool milk is held upcountry for manufacture. A plant normally pooled under one of the other four orders might well ship a greater quantity of milk to a Boston distributing plant and, under a rigid rule of regulation in that market to which the greater shipments were made, would necessarily be regulated under the Boston order. This would force onto the Boston pool most of the surplus for the entire New England area. At the same time the utilization in the other markets would be held relatively high. Under such circumstances Boston handlers would likely be unwilling to handle such milk moving from other markets. It is appropriate therefore that the Boston pooling provisions be so drafted that a supply plant meeting the pooling requirements could, nevertheless, hold nonpool status during any of the months of July through November by notification to the market administrator that such plant is to be considered a nonpool plant if such nonpool status would result in full regulation under another of the New England orders and no milk received from such plant by a Boston pool plant were assigned to Class I under the provisions of the Boston order. This procedure will implement the orderly disposition of the reserve supply of the five-market area.

It is neither necessary nor appropriate to require plants which have had a bona fide association with a market during each of the short production months to make shipments during the flush season to retain pooling status. During the months of flush production, supplies of milk received at plants located in or near the marketing area may be sufficient to supply the market's fluid needs. In such case, it would be more economical to leave the more distant milk in the country for manufacturing and utilize the nearby milk for Class I use. It is provided therefore that each of the respective orders shall provide automatic pooling status during the flush production months for any supply plant which met the pooling requirements under such order in each of the short production months. Without specific direction from the operator thereof, any plant which met the applicable pooling requirements under two or more orders in each of the short production months would be pooled during the flush production months under that order under which the greatest proportion of its producer receipts was pooled during the short production months. However, such plant, would have, in fact, established a bona fide association with each of the markets for which it met the pooling requirements. It is deemed appropriate, therefore, that the operator thereof be permitted to choose pooling under any of the orders, for which the plant has qualified, on a month-to-month basis during the flush months by requesting nonpool status in his normal market.

A plant which continuously met the pooling requirements under the several orders in each of the short production months, but not continuously under any one order, should have automatic pooling status under some order during the flush months, since it would have demonstrated amply its association with the regulated markets of New England. Such automatic pooling status appropriately should be available under that order under which the greatest proportion of its producer receipts were pooled during the preceding short production months. Should the operator of such plant not wish to pool his plant in this manner it is desirable that he be permitted to request nonpool status for such plant. In that event the plant would be eligible to pool under one of the other orders by meeting the applicable shipping requirements in such month. Such plant would not have qualified for automatic pooling on the basis of shipments to any single market, and should the operator thereof later elect to return to that market in which he was initially provided automatic pooling status, the plant should appropriately be pooled only if it meets the current shipping requirements.

In any situation where a plant acquires automatic pooling status in a market in which it did not meet the pooling requirements in each of the short production months, but nevertheless met the pooling requirements in another market in each of the preceding short months, the operator thereof should be permitted to elect pooling status in such latter market by proper notification to the respective market administrators. As in the previous situation, the plant should be permitted to return to the market in which it was initially provided automatic pooling only by meeting the current shipping requirements.

Any plant which qualifies for automatic pooling status under one or more of the several orders, but nevertheless elects not to be pooled under any order during any flush production month, should be considered to have forfeited automatic pooling status, and such plant should be permitted to pool in any subsequent month of such period only by meeting the current shipping requirements. It is unlikely that any plant would elect nonpool status in any flush month unless the milk received there was intended for use in an outside Class I market. It would be inappropriate to permit a plant to withdraw from the pool to supply an outside market and to return to automatic pooling status when such outlets were no longer available. It is appropriate, therefore, that any plant withheld from pooling under all of the orders during any flush month shall forfeit its automatic pooling status and be permitted to pool during any remaining months of such period only by meeting the current shipping requirements.

Except as hereinbefore provided, any supply plant which was a nonpool plant under all of the New England Federal orders during any of the months of July through November should not be permitted pool plant status in any of the immediately following months of December through June in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler. It would be inappropriate to permit a plant to hold pooling status under any of these orders during the flush months of production if the milk regularly received there is withdrawn from regulation during the short production months (when such milk would be most needed by the local regulated markets) to supply outside Class I markets.

The pooling provisions of the three older orders condition pooling eligibility on plant licenses and individual producer permits issued pursuant to the Massachusetts General Laws. The pooling provisions herein recommended prescribe performance requirements which plants must meet. Any plant meeting such requirements has sufficiently demonstrated its association with the market and its right to participate in the equalization pool. Hence, it will not be necessary to rely upon health approvals under the recommended amendments.

Each of the orders other than Connecticut now make provision for the pooling of plants within specified locations which are operated by an association of producers. Such provision was adapted in recognition of the fact that only very limited manufacturing facilities were available near these markets, and that much of the burden of handling local milk in excess of fluid needs would likely fall upon the several cooperatives with membership among the nearby producers. Such cooperatives operate surplus handling facilities at plants within each of the respective marketing areas and except in the case of Connecticut, milk received at such plants otherwise would not be eligible for pooling since the plants involved have no route sales and could not under normal circumstances meet the shipping requirements for supply plants.

It is intended that any plant qualifying under this provision should be functioning solely as a balancing and surplus disposal plant. Nevertheless, the orders other than Boston are not specific in this regard, and in the case of Southeastern New England at least one plant qualified under this provision has received no milk from producers and has no processing facilities. It is concluded that, except for Connecticut, the respective orders should be modified to specifically provide pooling status for a receiving plant located in the marketing area and operated by a cooperative association if the quantity of Class I milk disposed of on routes from such plant does not exceed two percent of its total receipts of fluid milk products. The two-percent tolerance is necessary to protect a plant's pooling status in the event of minor route sales through error or accident. Without some tolerance, such accidental disposition would result in forfeiture of pooling status for the milk involved and if this situation occurred in any of the months of July through November, the plant would also be disqualified for pooling in the following months of December through June.

No change is proposed in the Connecticut order since the existing order provisions have accommodated the pooling of the cooperative's surplus manufacturing plant in that market.

One cooperative association with several supply plants presently pooled under the Connecticut order proposed that automatic pooling status be granted to their plant at Great Barrington, Massachusetts, on the grounds that such plant was a balancing plant for the Connecticut market. The plant in question has no manufacturing facilities and virtually all of the milk received there from producers is shipped to plants in the marketing area. There is no basis for distinguishing this plant from any other supply plant associated with the market and it should therefore be pooled only so long as it meets the regular pooling requirements of the order.

3. *Modification of producer-handler definition.* The producer-handler definition in the Boston, Springfield and Worcester orders should be modified more nearly to conform with the present definition in the Southeastern New England order. Small producer-handlers whose own-farm production or route sales of Class I milk (whichever is less) does not exceed an average of 1,000 quarts per day during the month should be permitted to purchase fluid milk products (packaged or bulk) from fully regulated plants under any of the New England Federal orders without restriction. A small tolerance should be provided whereby large producer-handlers can obtain minor quantities of specialty items or balancing supplies without affecting their status as producer-handlers.

The Boston order presently defines a producer-handler as a dairy farmer who operates a plant from which he disposes of Class I milk (from his own farms located within 80 miles of Boston) and who receives no milk from other dairy farmers, except other producer-handlers. The Springfield and Worcester definitions are essentially the same but with no mileage limitation on farm location.

Hence, under the three older orders a dairy farmer operating a processing plant, and who receives no milk from other dairy farmers, is exempted from pooling his own milk regardless of the extent to which he relies upon the pool for balancing supplies. This is a significant advantage to producer-handlers in that it allows them to realize a Class I return on virtually all of their own milk production. This advantage can be translated into unstabilized marketing conditions for all milk in the market. There has been considerable incentive for dairy farmers in close proximity to the market to develop producer-handler type operations.

Typically, a producer-handler conducts a small family-type operation, processing, bottling and distributing only his own farm production. Full regulation of such individuals provides considerable administrative difficulties. Normally, exemption from regulated status is made in a Federal order for such individuals on the grounds that such businesses are so small that they have little or no effect upon the pool. When such operations become substantial and rely upon the pool to carry their supplemental supplies and necessary surplus, the normal basis for exempting their own production from pricing and pooling no longer exists. It is provided therfore that the three older orders be amended to provide (except in the case of an individual whose receipts of milk of his own production, or his Class I milk

disposed of on his own routes, whichever is less, do not exceed 2,150 pounds on a daily average basis during the month) that producer-handler status may be maintained only so long as the individual involved relies only on own farm production as a source of supply. To provide some accommodation for the purchase of speciality items and for protection against unanticipated shortages, a small tolerance should be provided, whereby such a handler can in any month purchase milk, either packaged or bulk, from fully regulated plants under any of the New England Federal orders in an amount not to exceed two percent of the milk handled by him, without affecting his status. A two percent tolerance is presently provided to certain distributing plants to prevent inclusion or exclusion from the pool because of accidental or inadvertent sales in the market. A similar percentage tolerance is appropriate in the purchase of milk by producer-handlers.

Under existing circumstances it is unlikely that a small operator with no more than 2,150 pounds of own farm production or route sales on a daily basis could be a disruptive factor in these markets. Accordingly, it is proposed that such an individual be permitted to make unlimited purchases, either in packaged form or in bulk, from fully regulated plants under any of the New England Federal orders, without affecting his status as a producer-handler. This provision will serve to accommodate the small producer-handler and at the same time facilitate administration of the order.

In order to maintain producer-handler status, it is provided that the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk shall be the personal enterprise of and the personal risk of the person involved. These standards are intended to distinguish the family-type operation normally involved, and to bring under full regulation operations which attempt to masquerade as producer-handlers in their normal concept through leases, rental arrangements, and other devices designed to circumvent regulation by the order.

Large operations which receive milk from their own farm production, but no milk directly from dairy farmers, and which rely on other plants for substantial supplemental supplies either in bulk or packaged form, are not significantly different from the operations of regular handlers. In addition, such individuals do not assume the risk or cost of providing a full supply. If they are accorded producer-handler status, the pool does not receive the benefits of their Class I sales but acts as a supply balance and carries their necessary surplus. Such operators should not be considered as producer-handlers, but should be accorded status similar to that of any other handler receiving milk directly from farms. If they sell a sufficient proportion of their milk in the marketing area, they would attain pool status and participate in the equalization pool.

The receipt of milk by a handler from a person who is a producer-handler under any of the New England Federal orders should be regarded as a receipt of unregulated milk, since such milk will not be priced or pooled at the producer-handler's plant. Under the proposed amended definition of a producer-handler in the three oldest orders, it no longer would be possible for a person to retain such status if he received unregulated milk from another producer-handler.

The producer-handler definition under the Southeastern New England order appears to have accommodated the situation in that market. Nevertheless, because of the close interrelationship of the Southeastern New England, Boston and Worcester markets it is desirable that identical definition and treatment of producer-handlers be provided under each of these orders. In line with the conclusions previously reached in regard to producer-handlers under the three older orders it is appropriate that the size limitation on small producer-handlers be increased from 500 quarts to 1,000 quarts and such individual should be permitted to receive unlimited quantities of supplemental milk from fully regulated plants under any of the New England orders in either packaged or bulk form, rather than only in packaged form from Southeastern New England pool plants as presently provided. It is also appropriate that large producer-handlers be permitted a total two percent tolerance for purchasing milk from fully regulated plants under any of the New England orders in the same manner proposed for the three older orders. These changes will tend to permit producer-handlers under the Southeastern New England order greater flexibility of operation without significant effect to the pool, and will facilitate the operations of producer-handlers doing business in both the Southeastern New England and Boston (or Worcester) markets. Unless similar treatment is provided it is possible that a person doing business in any of the oldest markets and in the Southeastern New England market might meet the producer-handler definition in such older market but nevertheless be required to pool under the Southeastern order.

No change should be made in the definition or treatment of producer-handlers under the Connecticut order. This matter was carefully considered by the Assistant Secretary in his decision of February 9, 1959 (24 F.R. 1049) and, except for the fact that the gallon jug has since been legalized in Connecticut, there were no additional facts offered which were not previously considered. While it is possible that the institution of the gallon jug may have a substantial impact in the Connecticut market, particularly as it relates to producer-handler type operations, it cannot be concluded on the basis of this record that producer-handlers there should be more strictly regulated at this time.

Producer-handlers in Connecticut proposed that the order provision be liberalized to permit them to buy supplemental milk from each other as well as from pool sources. Such individuals already enjoy a preferential market in that they are not required to equalize their Class I sales through the pool. A producer-handler buying milk from another producer-handler is, in fact, buying from another dairy farmer. This is no different than any other handler buying milk from dairy farmers and hence no different treatment should be provided.

4. *Modification of the exempt milk provisions.* The exempt milk provisions of the Boston, Connecticut, Southeastern New England, Springfield and Worcester orders should be modified to restrict their application to the handling of milk during temporary periods when the plant in which the milk is normally processed and packaged cannot be used because of extraordinary circumstances beyond the plant operator's control. In addition, the exempt milk provision of each of the New England orders should be extended to include certified milk. However, no change should be made in this provision under the Connecticut order as it relates to the handling of milk between State institutions.

The exempt milk provisions, originally designed to accommodate customs of the local New England markets, have been subject to increasing abuse since early 1956. The three oldest orders were amended on May 1, 1957, to restrict to prescribed emergency situations the privilege of a regulated plant to package milk for an unregulated plant as exempt milk. This action was taken after certain handlers had used the exempt milk provision as a mechanism for influencing blended price relationships between regulated markets and for using unregulated milk for out-of-area Class I sales which otherwise would have accrued to the pool.

The three oldest orders now recognize three categories of milk movements under the exempt milk provisions. The first grants exemption to milk received at a regulated plant from a dairy farmer which is packaged and returned to the dairy farmer. The second permits milk to be received at a regulated plant from an unregulated plant for packaging and returned to the unregulated plant during periods when the unregulated plant cannot operate because of extraordinary circumstances beyond the handler's control. The third exemption covers milk received at a regulated plant from an unregulated plant as packaged fluid milk products in return for an equivalent quantity of bulk milk.

The Southeastern New England order recognizes only the latter two categories, as does the Connecticut order. However, the Connecticut order also exempts certain movements between State institutions.

While it is probable that certain regulated handlers have used the exempt milk provisions to meet unregulated competition in the surrounding unregulated areas, milk distributed by regulated handlers as exempt milk has been an important factor contributing to the unstable marketing conditions in the areas hereinbefore proposed to be brought under

regulation. While the privilege was originally granted to give regulated handlers greater flexibility in procuring special packaging, it has generally been used for an entirely different purpose and has resulted in substantial losses of Class I sales to the regulated markets.

It is recognized that damage caused by storm, fire, flood, and the like may render a plant temporarily unusable and a dealer may have to devise an emergency program for handling milk during such situation. While the orders should not deter the handling of milk under such circumstances, they also should not promote practices which lead to loss of Class I sales by the pool. It is concluded, therefore, that the application of the exempt milk provision as it applies to the processing of milk for regulated plants at unregulated plants should be placed on the same basis now applicable to the processing of milk for unregulated plants at regulated plants i.e., only when a plant is rendered nonoperative under extraordinary circumstances entirely beyond the handler's control. However, the provision should not be applicable in case of ordinary plant breakdown or work stoppages involving situations which are clearly the usual risk of any handler. These are readily distinguishable from extraordinary circumstances which are completely beyond the handler's control.

The exempt milk provisions of the three oldest orders, as they apply to the processing and packaging of milk and return thereof to the dairy farmer who produced it, have also tended to weaken the effectiveness of the Federal order program and should be eliminated. Many dairy farmers distributing their own milk have had complete freedom in utilizing the facilities of regulated plants for custom processing and packaging of their own milk which is then distributed both inside and outside the regulated areas in direct competition with regulated milk. Such transactions in earlier years were inconsequential, but in recent years they have clearly illustrated the inequality of this provision. In the past few years, for example, one dairy farmer has developed a chain of 15 dairy stores which are supplied largely by his own milk under the exempt milk provisions. He enjoys a preferential Class I market without carrying the burden of surplus associated therewith. When he needs supplemental milk he purchases it from the processing handler and his excess milk is delivered as pool milk. He thus enjoys a significant cost advantage over other regulated handlers without substantial investment in processing facilities of any kind. In May 1959 there were 62 dairy farmers, of varying size, utilizing the exempt milk provisions in this manner.

A dairy farmer-distributor should not be permitted to maintain a preferential Class I market outside the scope of regulation. The production resources which he maintains are the same as those of any other producer, and he has no additional investment in processing facilities which entitles him to a preferential return over other producers. His milk is received at pool plants in the same manner as that from other producers, and it should be priced and pooled in the same manner and under the same rules as other producer milk is priced and pooled.

The exempt milk provisions of each of the orders should be extended to include milk which is received, processed and disposed of as certified milk.

A proposal for such exemption was made by a handler now operating as a producer-handler who distributes both certified and regular milk. The milk which he disposes of as certified milk is produced on his own farm and processed in his own plant in accordance with requirements promulgated by the American Association of Medical Commissions. His production in excess of his certified milk requirements is supplemented by purchases from other handlers, and this milk is also processed through his plant after his certified milk is processed and is distributed on his own routes along with his certified milk.

Insofar as can be ascertained from the record, there are only two producers of certified milk in the federally regulated markets of New England, both being in the Boston market. The largest producer of such milk, a multiple plant handler, has been required to pool his certified milk operation since the inception of the Boston order. Notwithstanding this fact, certified milk is a very specialized product, the production requirements for which are far more rigid than for other fluid milk. Certified milk sells for a price substantially higher than that for other milk and it is sold under conditions not generally competitive with other milk. The circumstances under which certified milk is produced and marketed are such that an expansion in its production sufficient to be a disturbing factor in the market appears extremely remote. To the contrary, it has over the years become increasingly of lesser importance volumewise.

Since certified milk is clearly not a competitive product and because of its minor importance and high cost of production it is appropriate that milk produced and disposed of as packaged certified milk or packaged certified skim milk be exempted from pricing and pooling. If certified milk is to be considered as exempt milk under the Boston pool, it is equally appropriate that it have freedom of transfer between plants in the Boston market as well as to plants in other New England markets. The assignment provision of the several orders as presently constituted, and as hereinafter proposed to be modified, accommodate such movements. However, if Boston handlers are free to move certified milk into the other markets, it is also equally appropriate that handlers in outside markets, federally regulated or unregulated, be provided the same freedom. It is necessary, to implement this conclusion, that the assignment provision of the several orders be modified to permit receipts of packaged certified milk and skim milk to be deducted from Class I prior to the assignment of producer receipts.

Exemption from pooling and filing reports under the Southeastern New England order was requested for charitable and educational institutions which have own farm production and processing facilities. The proponent of this proposal offered no appropriate standards by which it could be determined what institutes or establishments might properly qualify as "charitable" or "educational", and had no specific knowledge of the number or type of institutions which might be involved. While certain exemptions are provided in the Connecticut order they are specifically applicable only to State owned and operated institutions or establishments. These exemptions would not appropriately cover the institution to which proponent's request was directed.

Since the specific institution in question is now operating in the status of a producer-handler and there was no indication of contemplated change in status, there is no apparent need for further exemption from pooling. Exemption from reporting could not appropriately be granted under any circumstances. The order now provides that each nonpool handler shall make reports at such time and in such manner as the market administrator may prescribe. The market administrator thus has discretion as to the type and extent of reports which proponent and handlers in similar status must make, but under any circumstances must require reports at such time and in such detail as is necessary to satisfy himself of the continuing status of the nonpool handler.

It was also proposed that the Southeastern New England order be amended to provide that any dairy farmer, pool handler, producer-handler, or producer with own farm production who used part of such milk, either raw or processed for his family, employees or livestock be exempted from reporting such milk up to a specified limit. A producer-handler is exempted from pricing and pooling under the present provision of the order and makes only such reports as the market administrator may require to determine his continuing status. In the case of a producer, only that milk which is actually delivered to a pool handler is regulated. Hence, the requested exemption would have no substantive value in the case of either producer-handlers or producers; it would have significance only to pool handlers.

The integrity of the Federal regulation is dependent on the requirement that each handler shall be required to make a full accounting of his receipts and utilization in the class in which the milk is utilized and at the specified prices. Milk disposed of for livestock feed is presently classified and priced in the lowest use classification. Milk which is used by the family or given or sold to employees is no different than any other disposition for fluid consumption and properly should be classified and priced in Class I. Producers should not be expected to take a lesser return for their milk simply because the handler wishes to consume it himself or give it to employees.

5. *Revision of the classification, assignment and accounting provisions.* The classification provisions of the Boston order should be revised to provide that bulk fluid milk products moved from a regulated plant of a pool handler or a

buyer-handler to fully regulated plants under the Connecticut, Southeastern New Engand, or New York-New Jersey orders shall be classified in the class in which assigned in the transferee market.

Under the present order provisions such transfers are Class I up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk in the transferee plant. This provision is generally applicable to transfers to any plant not regulated under the Boston order.

The existing transfer provisions were drafted to accommodate a situation when much of the New England area was not under Federal regulation and were necessary because the Boston pool carried the reserve supply for the entire New England area. It was appropriate therefore, that the pool obtain a Class I return on milk supplied to surrounding markets. With the advent of regulation in Connecticut and Southeastern New England, the situation has substantially changed. These markets are expected to generally carry their own reserve supplies and the respective orders for these markets are so constructed that, during the season when supplemental supplies would most likely be needed, for fluid uses, milk obtained from any other Federal order market would be assigned to Class I. The mandatory Class I classification under the Boston order tends to deter movements of Boston milk to the two newer markets because of the possible cost to the transferee handler resulting from incompatible classification as between orders. The Connecticut and Southeastern New England orders defer to Boston in the classification of milk moving to Boston and it is equally appropriate that Boston defer in the case of reverse movements. Occasionally, milk has been moved from Boston pool plants to manufacturing plants in the New York-New Jersey market, which carries its own reserve supplies. Such milk should be classified in Class I only to the extent it is assigned to Class I there. Milk normally does not move beyond New York-New Jersey and is not likely to so move unless required for Class I use. Milk moved to such distant markets should be classified as Class I milk.

No change should be made in the procedure for classification of fluid milk products moved from Boston plants to Springfield and Worcester or to unregulated markets. The Springfield and Worcester markets are small markets and carry only limited reserve supplies. They have historically relied upon the Boston pool for balancing supplies and there is no reason to expect that this situation will change. It is appropriate, therefore, that the Boston pool receive a Class I credit on transfers to these markets. This conclusion is equally applicable in the case of transfers to unregulated markets.

Any fluid milk products which a regulated handler transfers to the plant of a producer-handler should be classified as Class I and should not be subject to reclassification. In view of the fact that producer-handlers are accorded special status as to their own production it is only equitable that when such a handler obtains milk from the pool that it be assigned as Class I use. This is necessary to prevent the producer-handler from assigning his own surplus to the pool.

The classification provisions of the Springfield and Worcester orders also should be amended to provide, in the case of fluid milk products transferred to the Connecticut or Southeastern New England markets, that such transfers be classified in the class in which assigned in the transferee market. This procedure is followed in the case of transfers between the Worcester and Springfield markets and to the Boston or New York-New Jersey markets and it is appropriate to extend its application to movements to the two newer markets.

Packaged fluid milk products moved to any plant obviously are intended for Class I utilization and should be so classified on the basis of such movement.

The assignment provisions of the Boston order should be revised to provide general priority of assignment of producer receipts to Class I. Priority of assignment to Class II utilization should be given to receipts from unregulated sources and then to receipts from other Federal order sources. No change should be made, however, in the present procedure under which receipts of packaged fluid milk products from other Federal order plants and receipts of exempt milk are assigned to Class I.

Under the existing order provisions, receipts of outside milk which include Federal order bulk receipts (with specified exceptions for milk originating in the New York-New Jersey market), are assigned to Class II, regardless of the extent of actual Class II utilization in the receiving plant. Each handler accounts to the pool for the utilization value of his total disposition at the appropriate class prices and is credited at the Class II price for all receipts of outside milk. To the extent that Class I utilization exceeds pool receipts, the handler thus makes a compensatory payment on the volume of such excess Class I utilization regardless of the classification and pricing of such milk in the originating market in the case of receipts from other Federal order markets. While the adjacent New England orders defer to the Boston classification, thus precluding the possibility of a compensatory charge, this would not be true in the case of Federal order receipts from outside the New England and New York-New Jersey areas. While there is no indication that milk has been received at Boston pool plants from Federal order markets outside of New England or the New York-New Jersey area or that such milk, if received, was in fact subject to an improper compensatory charge, nevertheless the possibility does exist and should therefore be eliminated.

Under the existing order provisions, bulk receipts of Order 27 pool milk are assigned to Class I during the months of August through March and in the remaining months such receipts are assigned to Class II, in each case regardless of actual use. Under the revisions herein proposed, no differentiation is made between receipts of Order 27 milk and receipts of other Federal order milk. All other Federal order milk is assigned to the highest available use class in the transferee plant after the assignment of producer milk and receipts from regulated plants.

Where importations of other Federal order milk are needed for Class I use, opportunity should be provided whereby the originating market can retain the Class I value of such milk. Since the advent of regulation in Southeastern New England, substantial volumes of pool milk from that market have moved to Boston regulated plants, which milk has been processed there and distributed as Class I milk in both the Southeastern New England and Boston marketing areas. The Class I utilization value of such milk has in all cases accrued to the Boston pool. In some situations this Southeastern milk was actually needed for Class I use and in other cases the movements were made as the most efficient means of handling milk surplus to the Southeastern New England market. The latter milk displaced Boston producer milk which in turn was held at upcountry points for manufacturing uses.

Southeastern New England interests contend that the present assignment procedure is unfair and that Southeastern New England producers should share in the Class I utilization of any milk moved to Boston plants and utilized in Class I. However, it cannot be concluded that adoption of their views would tend to promote equities as between markets in all situations. It is appropriate in situations where the Boston handler's producer receipts are insufficient to cover his Class I utilization, that other Federal order receipts be credited with the residual Class I sales. Where the movement to Boston plants represents a surplus disposal and the milk involved, in reality, merely displaces available Boston producer receipts, however, the exporting Federal order market has no valid claim to Class I disposition. The modifications in the assignment procedure hereinafter set forth will implement these conclusions.

Situations may arise in which milk is received from several other Federal order markets and the problem becomes one of determining which milk shall be credited with the residual Class I use. In such cases a pro rata assignment provides equitable treatment. However, in cases where the transferee plant has route sales in the originating market, the transfers from such market should take priority of assignment to such residual Class I use up to the equivalent volume of route sales into such market from the transferee plant.

The existing assignment provisions of the Boston order are drafted to minimize the transportation costs borne by the pool. No change was proposed in this regard and no change is herein recommended. While the procedure for the computation of location adjustments has been separated from the assignment provisions, the general procedure for computing each pool handler's obligation for producer milk received is unchanged.

The assignment provisions of the Springfield and Worcester orders should also be revised to provide that bulk receipts from other Federal order plants except Boston shall be assigned to the highest remaining use class after the prior assignment of local pool receipts. Receipts of Boston pool milk should continue to be assigned to Class I for reasons previously stated. While under the existing assignment procedure receipts from Order 27 pool plants are assigned to Class I and receipts from Worcester regulated plants are assigned by agreement, it is appropriate that such receipts be treated in the same manner as receipts from other Federal order markets.

Under the modification of the compensatory payment provision hereinafter proposed, no payment would be applicable to other Federal order milk properly classified and priced in the originating market in accordance with its actual use. Accordingly, unless producer milk is first assigned to the highest use value, there can be no assurance that milk from outside markets would not be used to displace producer milk in Class I whenever it was advantageous to the purchasing handler. If the order permitted handlers to obtain such milk for Class I use when it was advantageous to do so while producer milk was utilized in Class II, the order would not be effective in carrying out the purposes of the Act and the market would be deprived of a dependable supply of milk.

The allocation provisions of the Southeastern New England and Connecticut orders should be revised to better implement the intent expressed in the respective decisions of the Secretary (23 F.R. 8205; 24 F.R. 1049) in providing for the assignment of a specified percentage of producer milk to Class II, prior to the assignment of bulk receipts from other Federal order plants. In addition, provision should be made for the clearing of inventories each month by specific assignment of opening inventory to final disposition in the current month.

The milk from producers who are the regular suppliers of milk for the regulated market should be given priority in the assignment of Class I utilization at pool plants. Milk which is received from other sources should be assigned to the lowest available use classification. Notwithstanding, it must be recognized that during the months of shortest production and greatest demand regulated handlers may find it necessary to procure supplemental supplies from adjacent Federal order markets in order to meet their full Class I needs, even though their total producer receipts equal or exceed their total Class I disposition during the month. This situation could exist as the result of day-to-day variations in receipts and sales. While it is not intended that milk from other markets shall displace local producer milk in Class I, nevertheless if producer milk is not available at the time when needed, local producers cannot expect to receive a Class I credit at such times.

The present allocation procedure was intended to implement the procurement of necessary supplemental milk from other Federal order markets without penalty to the handler procuring such supplies. In addition, the Southeastern New England order also provides for a five percent assignment of producer milk to Class II prior to the assignment of other Federal order receipts in other than the months of shortest production and greatest demand. This procedure was provided in recognition of the fact that many smaller handlers had long standing arrangements with Boston pool handlers for procuring certain specialty items or balancing supplies and similarly, this, as in other months, was intended to permit continuation of these relationships to the extent necessary, without penalty to the local handler.

Notwithstanding the intent of these allocation procedures, they have not fully accomplished the intended result. While specified percentages of producer milk are allocated to Class II in the current month, closing inventories have expanded Class II utilization so that significant quantities of necessary purchases from other Federal order markets, particularly Boston, have been classified in Class II. The procedure for reclassification of opening inventory assigned to Class I in the immediately succeeding month gives priority to producer milk in Class II in the preceding month, including the producer milk specifically assigned to Class II prior to the allocation of other Federal order milk. Accordingly, much of the necessary other Federal order purchases, classified as Class I in the originating market, have nevertheless been assigned to Class II in the transferee market.

Various proposals considered at the hearing would revise the allocation procedures. The intent of all such proposals was freer movement of milk as between markets and greater equities in the classification of other Federal order receipts.

The dissatisfaction with the present provisions stem, in part, from the fact that the three older orders generally provide a mandatory Class I classification on milk moving to either Connecticut or Southeastern New England. The classification of bulk milk moving between the several orders in the class in which assigned in the transferee market, as hereinbefore proposed, will relieve the burden which has resulted from incompatible classification of milk moving between orders. Nevertheless, handlers in other markets may be reluctant to sell milk for other than Class I use and it is therefore desirable that the present procedure of reserving specified percentages of producer milk in Class II prior to the assignment of other Federal order milk be preserved. The intent of this procedure, however, will be implemented, if wherever possible, other Federal order receipts are assigned to Class II only to the extent of remaining Class II use, exclusive of closing inventory. In addition, a similar procedure should be followed in the assignment of opening inventories. These changes will simplify the problem of inventory reclassification adjustments by generally permitting final classification of all other Federal order receipts and opening inventories in the current month.

It must be recognized, however, that under some circumstances purchases from other Federal order plants may be so extensive in relation to producer receipts that some Federal order milk is necessarily assigned to closing inventory. Should such inventory be reclassified in the following month a reclassification charge would be necessary on any such milk not classified and priced as Class I in the originating market.

The revisions hereinbefore proposed in the classification provisions of the several orders would provide that milk moving between the local markets be classified in accordance with its classification in the transferee market. Hence, under normal circumstances any other Federal order milk in opening inventory would have been classified in the originating market in Class II. Theoretically, any reclassification resulting from a Class I assignment of other Federal order milk in opening inventory should be returned as a credit to the originating market. However, administratively this would be a complicated procedure and the amounts involved would not appear to justify such procedure. It is concluded therefore that all inventory reclassification credits should accrue to the local pool.

Where inventories represent only unpriced other source or producer milk receipts in the immediately preceding month, the computation of each handler's obligations for inventory reclassification should provide for the payment of the difference between the previous month's applicable Class II price and the current month's applicable Class I price, at the nearest plant location from which an equivalent amount of Class II milk was received in the previous month. A similar procedure should apply on any other Federal order milk on which a reclassification charge is required.

These changes in the allocation procedure, and in the computation of each pool handler's obligation, will accommodate the intent of the various proposals for amendment of these provisions, and at the same time generally preserve the principle of priority of Class I assignment for local producer milk.

No change should be made in the method of accounting required under the Connecticut and Southeastern New England orders. Each of these orders presently provide that milk and milk products shall be accounted for on a skim milk and butterfat basis and priced in accordance with the form in which or the purpose for which such skim milk and butterfat is used or disposed of as either Class I milk or Class II milk. The reasons therefor were fully set forth in the decisions of the Secretary issued in connection with the promulgation of these two orders and there were no new facts presented not previously considered in reaching these decisions.

The classification provisions of the Connecticut and Southeastern New England orders should be amended to provide a specific Class II classification for skim milk and butterfat in the form of fluid milk products lost under circumstances completely beyond the control of the handler or any employee or agent who might be involved. Such classification should be applicable only in the case of plant or truck damage or destruction by fire, flood or other similar catastrophe

in which the milk involved was physically destroyed and such loss can be substantiated by records satisfactory to the market administrator. Loss in this manner is not presently provided for under these orders and accordingly, except insofar as covered by the shrinkage allowance, presently would be classified in Class I. The handler, under the circumstances, obviously would realize no return on milk so lost except as he might be covered by insurance. Nevertheless, producers should not be involved and must be remunerated for all the milk which the handler has received from them. A Class II value is concluded to be appropriate under these circumstances.

It is not intended that this provision shall be applicable to milk lost through faulty pipe connections, opened or leaking valves, broken hoses, contamination and similar accidents which must be considered normal business hazards. Milk lost in such manner is part of the normal shrinkage experience in any milk operation and such losses are adequately provided for under the shrinkage provisions.

Under the terms of these orders skim milk and butterfat processed into other than fluid milk products is accounted for as a Class II disposition when such products are made. Losses of such products would not affect the classification of the milk if the loss can be substantiated to the satisfaction of the market administrator.

The classification provisions of the Southeastern New England order should be amended to provide a Class II classification for both skim milk and butterfat contained in any fluid milk product dumped if prescribed conditions are met. The present requirement of six hours notice to the market administrator prior to dumping should be deleted and provision should be made for advance notice of intent to dump at the request of and in accordance with instructions of the market administrator. No change should be made in the requirement for filing reports following dumping under this order or under the Connecticut order.

The present provisions of the Southeastern New England order provide for a Class II classification only for skim milk dumped. Under normal circumstances the butterfat content of any fluid milk product is salvageable for use in ice cream and certain other nonfluid products, and it is unlikely that any handler would find it necessary to dump any significant quantity of butterfat. Nevertheless, should such dumping occur it is appropriate that a Class II classification be provided since cream is a Class II product under this order. Verification of actual quantities dumped is very difficult. Therefore, it is appropriate that the market administrator be given opportunity to witness any dumping operation. The present rigid six hours' notice requirement, however, may be excessive in some situations and may be insufficient in other situations. Accordingly, it is concluded that the manner and extent of advance notice should be left to the discretion of the market administrator. No change, however, should be made in the two-day reporting requirement on any dumping not witnessed by the market administrator or his agent. Verification of such dumping necessarily must be largely on the basis of records, and it would be a relatively simple matter for a handler to simulate dumping on the basis of constructed records intended to cover excess shrinkage experience or incomplete accounting. Such procedure would be greatly simplified if dumpage reports were not required until after summary reports were completed. It is therefore appropriate that unwitnessed dumping continue to be reported as it occurs.

No change should be made in the basis of allocating shrinkage under the Connecticut order. The order now provides a maximum allowance of two percent on producer milk and in cases involving transfer of bulk milk between plants one-half percent is alloted to the receiving plant and one and one-half percent to the transferee plant. Handlers proposed that the shrinkage provisions be changed to conform with those of the other New England orders which generally provide a two percent shrinkage allowance on the total milk handled.

Under normal circumstances it would not be expected that milk would pass through more than two plants in its movement from the farm where produced to its ultimate disposition as fluid milk on routes or in nonfluid products. Furthermore, a 2 percent total shrinkage allowance is a reasonable allowance on any particular volume of milk. This was established in the original hearing as indicated by the Secretary in his decision of February 9, 1959 and was reaffirmed on the record of this hearing. It is therefore unnecessary and would be inappropriate to permit a handler a greater percentage shrinkage allowance in Class II. The problem appears to rest in the distribution of this shrinkage allowance as between plants. The alternative would be to limit the shrinkage allowance to the original receiving plant or to permit agreement between handlers on each load of milk transferred as to who would take the shrinkage or how it should be prorated. This latter procedure would create unnecessary administrative problems and would accomplish no more than can be accomplished under the present provision. The allowance of one-half percent of shrinkage to the original receiving plant is concluded to be a reasonable allowance for receiving operations and gives assurance to the operator thereof that he will be able to account for his actual shrinkage experience, within this limit, as Class II milk. It also assures the transferee handler of a reasonable share of the total allowable shrinkage. Notwithstanding, should the parties involved be proprietary handlers and agree that a different proration would be more equitable between them, appropriate adjustments would be made in the price at which such milk is transferred. Should the transferor-handler be a cooperative, however, any such adjustment of the shrinkage allowance would not be permissible if it resulted in a price less than that provided by the order.

No change should be made in the Connecticut order in the classification of fluid milk products sold to bakeries or in the classification of and accounting for nonfat dry milk used to produce concentrated milk, half-and-half and reconstituted or fortified skim milk. It was proposed that sale of fluid milk products to bakeries be Class I rather than Class II and that nonfat dry milk used to produce or fortify such specified products be accounted for on a volume rather than skim milk equivalent basis. The reasons for the present procedure were fully set forth in the Secretary's decision of February 9, 1959 (24 F.R. 1049), and no new facts were presented not previously considered in adapting the present procedures.

No change should be made in the classification of ending inventory of fluid milk products under the Southeastern New England order. Such inventory is presently classified as Class II in the current month. A reclassification charge of the difference between the previous month's Class II price and the current month's Class I price is made on any opening inventory which is assigned to Class I in the current month. This procedure tends to assure equal product cost among handlers for milk disposed of in Class I. Since the Class I price may change substantially on a month-to-month basis, the classification of ending inventory as Class I would provide substantial opportunity for handlers to speculate by either building or depleting inventories from month-to-month for the purpose of gaining a cost advantage and producers would not receive the full use value for their milk.

6. *Class I price revisions.* The Class I price under the Southeastern New England order should be established at the identical level presently provided under the other four New England Federal orders in lieu of the seven-cent higher price presently provided. This present price level was established on the basis that Boston handlers dispose of substantial quantities of milk into the Southeastern area, both directly on routes and by bulk shipments to regulated plants, and the seven-cent differential was intended to reflect the transportation cost of moving milk between Boston and Providence. In addition, since the Southeastern New England market was a deficit market a higher price would encourage the association of additional milk supplies, and thus contribute to a general alignment of blended prices as between markets.

While blended prices have tended to equate, largely through the application of the pool plant, transfer, and classification provisions, the Southeastern pool has lost increasing volumes of Class I sales to the Boston pool. Many areas of the Southeastern market are as favorably located in relation to Boston as to Providence and accordingly the present seven-cent differential is not a true measurement of transportation costs. Multiple plant handlers, with plants in both the Boston and Southeastern pools, have tended to increase their Boston distribution in the Southeastern area because of the price differential. Other handlers have adjusted their business to assure regulation under the Boston rather than under the Southeastern order. Still other handlers have disposed of their local producers in favor of Boston pool purchases; and finally, handlers buying supplemental milk have increased their procurement of Boston pool milk.

The manner in which handlers have adjusted their business since the initiation of regulation in Southeastern New England clearly demonstrates that the higher price in this market has generally operated to the detriment of local producers. Recent shifts and projected shifts in distribution operation of the larger handlers point up the need for an identical Class I price level as between the New England markets. Further, the area extensions hereinbefore recommended will substantially increase the interrelationship of the two markets and unless identical price levels are established, the Southeastern pool will undoubtedly lose substantial Class I sales as fringe area handlers adjust their procurement programs to eliminate the advantage which their Boston competitors now enjoy.

No change should be made in the Class I pricing provision of the Connecticut order relative to packaged fluid milk products sold on routes in the Order 27 marketing area or to the Order 27 pool plants.

One Connecticut handler with route sales into the Order 27 marketing area contended that he operates at a competitive disadvantage with Order 27 handlers wherever the Order 27 Class I price is less than the Connecticut Class I price. He proposed that the possibility of this situation occurring be eliminated by requiring him to account for his Class I sales in the Order 27 area at the applicable Order 27 price.

The classified pricing plan in effect in the Connecticut order, and generally applicable in all orders issued by the Secretary, establishes one level of price for milk which is sold as fluid milk products for fluid consumption and another, lower price, or prices, for the necessary surplus of the market which is disposed of in lower valued manufactured products. It is intended that the price level effective under the Connecticut order shall bring forth an adequate supply to meet the fluid demand of the marketing area, but not necessarily a quantity to fulfill the requirements of outside markets at prices different from the price established for milk sold in the marketing area. Producer milk sold for fluid uses outside the Connecticut marketing area has the same characteristics of bulk and perishability, is produced under identical conditions and costs, and is subject to the same transportation costs of moving from the farm to the handlers' pool plant, as is milk disposed of inside the marketing area. Different health and sanitation requirements in the New York-New Jersey market might result in somewhat different costs of producing milk for this market only, but would have no effect on cost of producing milk sold to Connecticut handlers.

Class prices in the New York-New Jersey market may be either higher or lower than such prices in the Connecticut market. Under usual circumstances the variation in basic price for milk of similar quality and use in the various Federal order markets reflect differences in transportation costs only. These basic prices may be adjusted to reflect differences in seasonality of production and the local supply-demand situation. The New York-New Jersey and New England order Class I prices generally have been maintained at very nearly the same level over the longer term. While the New England prices have been somewhat higher than the Order 27 prices during the past year, this is a temporary situation, largely the result of new regulation in Southeastern New England and Connecticut.

7. *Class II price.* No change should be made in the level of the Class II price under the several orders. The Class II price under each of the orders is presently established by an identical formula and basically at the same level. The Class II location differentials reflect the cost of moving fluid cream from each zone to the market. In addition, the Boston order provides a butter-cheese adjustment applicable to milk disposed of in butter and hard cheeses during the months of April, May, June, and July under specified circumstances when the Class II price is computed on the basis of cream and nonfat dry milk quotations.

It was proposed that Class II price at plants in the marketing area be increased by an amount reflecting the cost of moving nonfat dry milk to the market from the 201–210 mile zone and that the location differentials be increased to reflect such transportation costs. It was also proposed that the Class II price under the Connecticut order be increased by 10 cents during the months of July and August, and that a butter-cheese adjustment be provided in that order to be effective during the flush production months.

As has been previously indicated in this decision, a large proportion of the surplus manufacturing facilities in the New England area are associated with the Boston pool and Boston pool milk not needed for fluid use is held upcountry for manufacture. Much of the surplus in the other markets is moved to Boston bottling plants where it replaces an equivalent amount of Boston pool milk for Class I use, which is in turn held upcountry for manufacturing uses. This procedure tends to minimize transportation charges for moving milk and results in maximum savings to the pools and to producers. The bulk of the Class II disposition in the marketing area represents milk of local producers processed through manufacturing facilities maintained by cooperative associations. In large measure, the milk processed at such plants represents the seasonal surplus and reserve supplies of smaller handlers, and, except for the existence of these facilities, some producers in the nearby areas would be left without a market for their milk.

The basic Class II price is directly related to values for milk utilized in manufactured products which compete in a national market. Cooperative associations operating plants in the marketing area would be placed at a competitive disadvantage with a higher marketing area Class II price, and it is likely that the milk of local producers in excess of Class I needs would be left without a regular market.

A higher marketing area Class II price would apply to only a small fraction of the total milk supply in the New Enland markets, and would not materially affect the cost of Class II milk for multiplant handlers. Handlers operating only country plants would not be affected at all by such increased Class II price. Accordingly, no change should be made in the marketing area Class II price or the Class II location differentials on the basis of this record.

An increase in the Connecticut Class II price during the months of July and August without a corresponding increase in the Class II price in the adjacent Federal order markets would tend to deter the association of milk with the Connecticut pool during these months. The months of July and August are the initial qualifying months for automatic flush season pooling in Connecticut and are proposed herein to be such under each of the New England orders. Under the revised pooling provisions herein recommended, plants could retain pooling status under one of the other New England orders during July and August to benefit from a lower Class II price and still qualify for automatic pooling status under the Connecticut order during the flush months. This procedure would tend to produce greater disparities in producer prices as between markets during July and August to the detriment of producers in adjacent markets. Such a situation would not tend to promote orderly marketing in the area.

Existing manufacturing facilities in the Connecticut market and available in the adjacent Federal order markets are sufficient to handle any prospective market surplus. No consequential volumes of milk have been processed into butter or cheese and it would be inappropriate to encourage such disposition when adequate facilities exist for processing milk into higher valued manufactured products.

8. *Pricing of diverted milk under the Connecticut order.* The Connecticut order should be revised to provide for the pricing of diverted milk at the location of the pool plant from which such milk was diverted. The number of days of diversion permitted should be revised to 8 days during the months of July through September and 12 days during the months of October through March, with unlimited diversion permitted during the months of April through June.

Under the existing order provisions, diverted milk is priced at the location of the plant to which diverted, and producers are paid for such milk on the basis of the same location. Twelve days of diversion are permitted in any of the months of July through November and unlimited diversion is permitted in the months of December through June.

Unlike the other New England orders, which deter handlers from withholding milk from the market during the short

months of production and then receiving it as producer milk during the flush production months when outside Class I markets may not be available, the Connecticut order was drafted so as to facilitate free entry of producers to the market at any time. Liberal diversion provisions were included to assure orderly disposition of milk in excess of fluid needs. It was recognized, however, that under such provisions, handlers might associate with plants in the marketing area milk which was not intended essentially for fluid milk consumption in the market, but rather for the purpose of drawing the marketing area blended price, notwithstanding the fact, that such milk was received on a regular basis at upcountry manufacturing plants. To deter this result, it was provided that diverted milk should be priced at the plant to which the diversion was made.

Producers contend that the present pricing provisions do not provide for equitable returns among all producers and that the varying prices returned to individual producers whose milk may be diverted part of the month creates confusion and dissatisfaction in the production area.

It is concluded that milk which has a bona fide association with the local market, but which is diverted when not needed for fluid uses, should be priced at the plant from which diverted. However, to protect the integrity of regulation more limited diversion privileges are needed to establish more clearly what milk is, in fact, sufficiently associated with the market to justify participation in the pool. During those months of greatest need and lowest production there is little need for diversions except to assure the orderly disposition of weekend and other short-run surplus. Diversions on 8 days (4 days in the case of every-other-day delivery) during the months of July through September and 12 days (6 days in the case of every-other-day delivery) during the months of October through March will accommodate this situation.

The months of April through June are the months of highest production and it is desirable that handlers be permitted liberal diversion privileges to nonpool plants to expedite disposition of the necessary seasonal surplus. These are also the months in which monies are withheld from the producers under the "take-out and pay-back" seasonal incentive plan, and it is unlikely that any substantial additional supplies would associate with the market unless there was a prospective outlet for such milk during the "pay-back" months. Accordingly, it is not necessary to invoke any restriction on diversion privileges during these months.

9. *Compensatory payments.* No change should be made in the application of the compensatory payment provisions under the Southeastern New England and Connecticut orders. The need for and basis of making such payments was clearly established in the respective decisions of the Secretary (23 F.R. 8205; 24 F.R. 1049) in the promulgation of these orders and no evidence was presented at this hearing which was not considered in reaching the conclusions set forth in those decisions.

The compensatory payment provisions of the Boston, Springfield and Worcester orders should be revised to eliminate such payments on receipts from other Federal order markets which were classified and priced as Class I in the originating market. The amount of compensatory payment on unregulated milk used in Class I, in all cases, should be the difference between the applicable Class I and Class II prices at the location of the originating plant. The compensatory payment on unregulated milk from the States of Connecticut, Massachusetts, Rhode Island, and Maine no longer should be computed on a different basis.

The minimum class prices established under each of these orders apply only on producer milk received at plants subject to full regulation under such order. However, milk may be disposed of for Class I utilization by and from plants not subject to full regulation. Such unregulated plants may sell milk in bulk form to fully regulated plants that in turn use it in supplying their Class I outlets or they may sell Class I milk directly on routes in the marketing area, including sales to government installations.

The role of the compulsory classification system and the minimum prices as set forth in a Federal order is to insure that the price competition from reserve and excess milk will not break the market price for Class I milk, thereby destroying the incentive necessary to encourage adequate production. Because the classified pricing plan of an order is applicable only to fully regulated plants, it is necessary, in order to provide continued stability in the market, to remove any advantage an unregulated plant may attain with respect to sales in the regulated market. Such plants have a real financial incentive to find a means to sell excess milk at prices somewhat less than current Class I levels so long as the price is higher than its value when used in manufactured dairy products. If unregulated plant operators were allowed to dispose of their surplus milk for Class I purposes in the regulated market without some compensatory or neutralizing provision in the order, the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the regulated market. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated market, would be defeated.

Provisions for compensatory payments are necessary in each of the respective orders to insure against the displacement of producer milk for the purpose of cost advantage and to thereby preserve the integrity of the classified pricing programs of such orders.

Provision for partial regulation through compensatory payments makes it possible for a handler operating outside the regulated market to use the facilities of fully regulated plants for disposing of surplus milk not needed for his outside market without imposing the financial burden of such surplus on producers of the regulated market. Compensatory payments also make it possible for a handler outside the regulated market to maintain small amounts of regular sales in the regulated market without subjecting his greater outside sales to full regulation.

Requiring such outside handler to be fully regulated would mean that he would be required to account to the pool at the full Class I price for all of the milk sold outside the regulated market which is in competition with milk not subject to regulation. Such a requirement for a dealer with little business within the regulated market could readily induce him to abandon his sales in the regulated market. Permitting a handler to continue to sell milk to customers in the regulated market without any form of price regulation would give such handler a competitive advantage as compared to the handler whose primary business is within the regulated market and who consequently is subject to full regulation.

There are a number of local dealers in the area immediately adjacent to the regulated markets who now have direct distribution in the several regulated markets, some of whom maintain unregulated status under the present orders. The area extensions, hereinbefore recommended, may change the status of some of these handlers. In addition, however, other local handlers, not presently doing business in any of the regulated markets, under the amended orders, will have sales in the regulated markets but will operate in unregulated status. Also, there are a number of substantial dealers in the adjacent unregulated areas, many of whom could readily extend their distribution routes into the regulated markets and by preserving their unregulated status could operate with a substantial price advantage over regulated handlers. The compensatory payment provisions prevent such unregulated milk from having a price advantage over regulated milk.

The compensatory payment applicable to unpriced other source milk disposed of in the regulated markets from distributing plants which do not acquire pool status should be the same as those applicable to other source milk distributed from pool plants. It would not be possible to maintain market stability in the New England regulated markets under the classified pricing programs in effect, and as herein proposed to be amended, if nonpool handlers were allowed to distribute unpriced milk in the marketing area without compensatory payments. Handlers distributing such unpriced milk in the regulated markets have the same opportunities to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. In addition, however, the operator of a nonpool plant would undoubtedly have surplus milk in his own plant which he would willingly dispose of on any basis that would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the regulated markets by bidding for large contracts such as hospitals, defense establishments and other types of institutions. With surplus outlets as the alternative, and no compensatory payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. Providing for some method of compensating for, or neutralizing the effect of, the advantage created by unregulated milk, therefore, is an essential and necessary provision of the order.

The rate of compensatory payment on outside milk should be the difference between the Class I price and the value of milk for manufacturing uses at the zone location of the originating plant. Class I milk under the New England orders is priced at the plant where the milk is received from producers. Hence, the compensatory payment on outside milk which is assigned to Class I milk should be computed at the same stage of marketing process to be directly comparable. No allowances are made under the orders for costs or profits of handlers in moving producer milk in subsequent stages of marketing. Neither should they be made for outside milk.

The Class II price established under the orders is considered a fair and economic measure of the value of milk in manufacturing uses in New England and hence represents an appropriate value for outside milk not sold in a Class I outlet.

No compensatory payment should be applicable on other source milk which has been classified and priced as Class I in the originating Federal order market.

The Secretary has, in fact, determined that the Class I price applicable on such milk at the originating plant was appropriate under similar price criteria, and it is intended that such milk shall be free to move into whatever market it finds an outlet, without further pricing. The Class I prices under Federal orders are established at levels which are intended to bring forth an adequate, but not excessive supply of milk for the regulated market and prices as between markets are generally aligned, reflecting only differences to compensate for transportation costs involved in moving milk between markets and the supply-demand situation in the local market. Normally, the price in any particular market will not be higher than the cost of purchasing alternative supplies. If a price does become misaligned the remedy is not to impose a compensatory payment but rather to adjust the price.

A unique situation exists in the opportunity available to handlers to move skim milk from the New York-New Jersey market (Order No. 27) into the New England markets at considerable cost advantage over skim milk priced under the New England orders. Under the butterfat accounting system used in Order No. 27 it is possible that skim milk received in producer milk under that order may not carry a Class I price. This situation provides an opportunity for handlers in the New England markets to purchase skim milk from Order No. 27 plants at its value for manufacturing purposes for disposition in Class I. This is not a problem of price alignment as previously discussed but a difference in classification. This situation can be dealt with best by the application of a compensatory payment. A compensatory payment is necessary therefore in the case of skim milk, as such, entering the New England markets for Class I use from Order No. 27 pool plants, to remove any cost advantage in the use of such skim milk. Such payment should be at the difference between the Class I price and the Class II price under the respective orders for the zone location of the originating plants.

10. *Take-out pay-back plan.* No change should be made in the seasonal incentive pricing plan presently provided under the Connecticut order. The seasonality of pricing in the Class I pricing formula under the Connecticut order is identical to that under the other New England orders. In addition, the order now provides for a deduction of 15 cents per hundredweight from the amounts otherwise payable to each producer during the months of April, May and June, and one-third of the aggregate amount of such deduction is paid to producers on a hundredweight basis in each of the months of July, August and September. Producers proposed that the amount of the "take-out" be increased to 25 cents while handlers proposed elimination of the plan.

A "take-out and pay-back" plan was operated under the State milk order in the Connecticut market for a number of years and such plan was effective in promoting a more even production pattern in the market. With the advent of Federal regulation in April 1959, the Secretary concluded that such a plan would complement the seasonality of pricing set forth in the pricing formula in encouraging a more even seasonal pattern of production.

The order has not been in effect a sufficient time to appraise the effectiveness of the present pricing mechanism in achieving its intended result. It cannot be concluded therefore that elimination of the take-out-pay-back plan is desirable or necessary. Neither is it apparent that a higher take-out is desirable. The Connecticut price generally has been favorable in relation to the prices paid in adjacent competing markets and the greatest differences have occurred in the pay-back months of July, August and September. The amount by which the Connecticut price has exceeded the price in adjacent markets during these months should be sufficient to attract an adequate milk supply. Therefore, no change should be made in the plan at this time.

11. *Nearby farm location differentials.* No change should be made in the nearby farm location differential provisions in the Connecticut order. The present provisions provide for the deduction from the pool of sufficient funds to return to producers in specified nearby areas 46 and 23 cents, respectively, in excess of the applicable uniform price. The present 46-cent nearby location differential area includes all of the State of Connecticut, that portion of New York State lying east of the Hudson River and south of the New York State Extension of the Massachusetts Turnpike, and that portion of Massachusetts lying south of the Massachusetts Turnpike. The present 23-cent nearby location differential area includes that portion of New York State east of the Hudson River, north of the New York State extension of the Massachusetts Turnpike, and south of the northern boundaries of North Greenbush, Sand Lake and Stephentown townships in Rensselaer County.

Various proposals considered at the hearing would eliminate the nearby location differential, extend the 46-cent area, and extend the 23-cent area.

As stated in the Secretary's decision of February 9, 1959 (24 F.R. 1049), the present provisions were established in recognition of the higher Class I utilization, and higher returns that nearby producers had customarily received over more distant producers. In addition, the use of a nearby differential was expected to implement price alignments with adjacent Federal order markets and thus assure Connecticut handlers of the ability to compete in the purchase of milk on reasonable terms with dealers in adjacent markets.

Notwithstanding the intent of the nearby location differentials nearby producers in the Connecticut market have, in fact, gained only slightly from such differentials. More than 90 percent of the total milk in the pool has been subject to these differentials and accordingly nearby producers in the 46-cent area have paid from 40 to 43 cents to gain 46 cents. Although the Connecticut blend prices have been substantially in excess of the NewYork-New Jersey price in competing areas, this situation would not have been changed appreciably in the absence of a nearby location differential provision. Perhaps a more restricted area might have implemented price alignment to a greater extent in Columbia County, New York. The record of this hearing, however, does not provide an adequate basis for revising the existing areas.

Proponents for extension of the nearby differential area contended that adoption of their proposals would make all the direct delivery milk eligible for the farm location differential and would eliminate price differences presently existing between neighboring farms delivering milk to the same plants. While this would result, it must be recognized that further extensions would merely increase the presently existing price disparities between Connecticut and New York-New Jersey in parts of Columbia and Rensselaer Counties. In addition, the territory of proposed extension is also a Boston supply area. Any increase in the Connecticut price at this point would create further procurement problems for Boston handlers operating here. Therefore that extension of the existing area would not accommodate the situation.

Complete elimination of the nearby farm location differential would improve slightly the price disparities existing in the Dutchess County and Columbia County areas now in the 46-cent area and would not significantly affect returns to producers in Connecticut. It would, however, increase the price to producers in the existing 23-cent area by

about 17 cents and the price to upcountry producers by about 42 cents, where Connecticut prices already exceed prices in competing markets. Hence, elimination of the nearby differential would merely extend the problem of disparate prices as between markets in a common supply area.

On the basis of this hearing record it is concluded, therefore, that no changes should be made in the nearby farm location differential provision of the Connecticut order.

The nearby differential area under the Worcester order should be extended to include the towns of New Ipswich, Greenville, Mason, Brookline, and Hollis, New Hampshire. These towns are presently in the location differential zone under the Boston order. Handlers who would be brought under regulation by the extension of the Worcester order as hereinbefore proposed buy milk from producers in the towns of New Ipswich, Greenville, and Mason. Unless these towns are included, it is likely that these producers will seek an outlet with Boston handlers to take advantage of the higher price paid producers in the nearby area. At least one Worcester producer is located in the town of Hollis and it is likely that additional supplies would be procured from this area if the Boston and Worcester prices were better aligned at this point. Brookline, which lies between Hollis and Mason, should be included in the same differential areas as these two towns.

Extension of the marketing areas as hereinbefore proposed would step-up competition for milk supplies in the immediately adjacent local areas. For competitive reasons it is desirable that producers qualifying for the nearby differential under the Boston order should likewise be in a position to qualify under the Worcester order.

No change should be made in the nearby location differentials presently provided under the Boston, Worcester, Springfield, and Southeastern New England orders. The existing rates have provided appropriate competitive price alignment between the nearby and upcountry areas and among Federal order markets.

12. *Revision of payment dates.* The Greater Boston, Springfield and Worcester orders should be revised to provide for final payment to producers by the 20th day of the succeeding month. No change should be made in dates of payment to producers under the Southeastern New England order. However, the date for making payments to the administrative and marketing service funds should be advanced from the 20th to the 16th day after the end of the month to correspond with the date for making payment to the producer-settlement fund.

The three oldest orders presently require final payment to producers by the 25th day of the succeeding month while the Southeastern New England order requires payment by the 20th day. Bargaining cooperatives with producer members under the three oldest orders proposed advancement of the payment date to the 20th while operating cooperatives generally opposed the proposal. Handlers under the Southeastern New England order proposed moving the payment date provided in that order to the 25th day.

It is desirable that producers be paid as promptly as possible after the end of each pooling period. Under the existing payment schedule of the three oldest orders handlers actually may retain monies due producers for 40 days in the case of deliveries made on the 1st and 16th of the month and a maximum of 25 days in the case of deliveries made on the 15th and the 30th of the month. This appears to be an unreasonably long time to require producers to extend credit to handlers. Since the uniform price is announced on the 12th day of the succeeding month requirement of payment by the 20th should provide adequate time in which to clear the pool, prepare producer payrolls, and issue individual producer checks. This can be accomplished by requiring payments to the pool on the 18th of the month and payments from the pool on the 20th of the month.

Payments to the administrative fund and the marketing service fund should be required on the 18th, when payments are due the producer-settlement fund.

With the advancement of final payment to the 20th, it is appropriate that the advance payment date for milk received during the first fifteen days of the preceding month be advanced to the 5th of the month. The existing provision which waives the advance payment if final payment is made by the 17th should be deleted. All other payment dates are being advanced five days. This date cannot be so advanced because handlers could not be required to make final payment on the day that the blended price is announced.

While handlers who have not previously made payment before the 25th will necessarily have to make adjustments in order to make payments by the 20th, the benefits to producers of earlier payments necessarily outweigh any additional cost to handlers. Some of the large handlers operating in the three markets customarily have paid by the 20th of each month and many Federal orders require final settlement by the 15th day after the end of the month. Requirement of final payment by the 20th is therefore reasonable and appropriate.

No change should be made in the date on which handlers are required to file reports with the market administrator. Sufficient time must be provided for processing individual handler reports preparatory to the announcement of the blended price, clearing of the pool, and payment of producers. No additional time can be provided if this schedule is to be met.

Under each of the five New England orders the date on which the interest charges on overdue accounts accrue should be changed to the day following the clearance date of the producer-settlement fund. The Greater Boston, Springfield and Worcester orders now specify the 11th day of the month following that in which payment is due for the addition of interest charges, while the Southeastern New England and Connecticut orders provide for computing such interst charges from the first day of the following month.

The effect of the interest charges on overdue accounts is to encourage timely payment of obligations. Prompt payment of obligations is important to effect clearance of the producer-settlement fund and to assure that sufficient funds are available to complete payment to creditor handlers.

Certain handlers under the three oldest markets have found that payments to the producer-settlement fund can be delayed under the present orders until the 10th day of the following month without penalty and they consistently delay payments until such date. If all handlers were to avail themselves of this opportunity, the pool would become bankrupt before clearance could be made each month unless a substantially larger cash reserve were to be retained by the market administrator.

When credit is extended it is only good business practice for the creditor to be remunerated with appropriate interest and such interest should begin to accrue promptly when any obligation becomes overdue.

13. *Marketing service provision in the Boston order.* Provision should be made in the Boston order for performing marketing services for producers, such as verifying the weights and tests of producer milk and dissemination of market information. The services should be provided by the market administrator and the cost should be borne by the producers receiving the services. Where a cooperative association is actually performing for its member producers the services which the market administrator would otherwise provide under this provision, such producers who are members of such an association would not be subject to the marketing service deduction.

While a market service provision has not been included in the Boston order in recent years, a similar provision is provided in each of the other New England orders. Necessarily, because of the importance of the Boston market in the New England area, the marketing information disseminated by the respective market administrators of the other New England orders has generally covered the highlights of the Boston market. Such information, compiled and disseminated at the cost of nonmember producers in the adjacent markets, has been generally available to Boston producers on direct request or through the medium of the State Universities, extension agencies, and local newspapers. Accordingly, Boston producers should stand their proportionate share of the cost of such work.

In addition, the States from which Boston draws its milk supply have in the past conducted extensive butterfat testing programs and have supervised adequately the checking of scales at country plants. With the advent of bulk tank handling, however, the situation has changed significantly. The samples for butterfat testing must be taken, and checking weights of producer milk must be done at the farm rather than at the plant in the case of producers with farm tanks. Hence the work previously done at less than a hundred country plants must now be carried out at hundreds of farms which have no cooperative affiliation. The respective States have neither the personnel nor the funds to carry out an adequate check testing and weight verification program. It is desirable, therefore, that funds be available to supplement the State work to the extent necessary.

Provision should be made for a maximum deduction of two cents per hundredweight on receipts of milk from all nonmember producers. This rate of deduction appears reasonable in view of the substantial number of producers involved, and should provide the necessary funds to support an adequate marketing service program. Should experience indicate that such service can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of calling a hearing to consider the matter.

No change should be made in the maximum rate of the marketing service deduction allowable under the Southeastern New England order. This is a maximum rate and provision is made whereby it can be reduced should it be determined that the services can be performed for a lesser rate.

Under usual circumstances the determination of a lesser rate than the maximum prescribed by an order is the responsibility of the Secretary. However, the Southeastern New England, Springfield, and Worcester orders each provide that this determination shall be made by the market administrator. It is desirable that this responsibility be retained by the Secretary since he has the responsibility of determining which cooperatives are qualified associations and which associations actually are performing adequate marketing services. Because of the general overlapping of the supply areas for the New England markets it is desirable that generally compatible marketing services be performed by each market administrator. This can best be accomplished if the decision is left to the Secretary as to the amount of funds necessary.

14. *Administrative assessment.* No change should be made in the maximum rate of the administrative assessment prescribed under the Southeastern New England order. The rate of 5 cents per hundredweight set forth in the order is a maximum rate and provision is made whereby such assessment may be reduced by the Secretary at any time he determines that a lesser amount would provide sufficient funds for the administration of the order. Official notice is taken of the fact that effective December 1, 1959 the rate of assessment was reduced from 5 to 4½ cents per hundredweight. The proposed change to 2 cents per hundredweight would not provide adequate administrative funds.

The administrative assessment should not be extended to cover producer-handlers. The order is intended to exempt producer-handlers except for the filing of reports as required by the market administrator to permit ascertainment of continuing status as producer-handlers. Except for intermittent verification of reports no substantial time or money would be involved in administration of the order as it applies to producer-handlers, and it is therefore neither necessary nor appropriate that they be required to contribute to the administrative assessment fund.

As has been previously indicated, it is intended that the orders shall permit free movement of milk as among regulated markets. In line with this conclusion, it is desirable that there be no administrative assessment on receipts from other Federal order markets. Such milk is subject to administrative assessment in the originating market, and the assessment rate may be more or less than the rate in the transferee market. Since primary responsibility for audit of the originating handler's books and records would rest with the market administrator in the originating market, the local market administrator would incur little expense in connection with such milk. Accordingly, the administrative assessment provisions of each of the New England orders, except Connecticut, should be revised to implement this conclusion.

15. *Miscellaneous.* The handler definitions under the Southeastern New England order should not be revised to include the operator of a plant located in the marketing area from which no fluid milk products are disposed of directly or indirectly in the marketing area.

The existing provision defines a handler as any person who operates a plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area. This definition is sufficiently broad to include any plant operator who could conceivably have any monetary obligation to the pool.

Proponents argued that their proposal would simplify the problem of order administration by requiring a report from any plant located in the marketing area, which plants could conceivably have disposition in the marketing area.

Any plant with marketing area Class I disposition must report under the existing provisions of the order. The proposed change would in no way alter such handler's obligations under the order. It would, however, place an additional burden on certain plants for which reports would serve no useful purpose.

The "dairy farmer for other markets" definition under each of the orders, other than Connecticut, should be modified to exclude a dairy farmer whose milk is delivered to a pool plant during the flush months of December through June but who was not a producer during each of the months of July through November because the plant to which he now delivers was a pool plant under another Federal order.

With the greater flexibility provided for plants to move between pools it is essential that the dairy farmer regularly delivering to a plant retain producer status in the same market in which such plant is currently pooled. Unless this is accomplished dairy farmers who have held producer status on a month-to-month basis throughout the short production months, but not necessarily in the same market, would be denied such status during the flush, notwithstanding the fact that the plant to which they have customarily shipped currently held pool plant status. This result would defeat the purpose of the liberalized pooling requirements since plants would be deterred from shifting from one market to another because of the prospective loss of producer status by their regular shippers during the flush months.

Subparagraph (1) of the "dairy farmer for other markets" definition in the three oldest orders, which deals with the dairy farmer whose milk is purchased by a dealer who does not operate a regulated plant but whose milk is moved to a regulated plant directly from the farm should be revised to exclude an individual who is a producer under another Federal order. The Secretary's decision of March 24, 1959 (24 F.R. 2441) clearly established that it was not intended that this definition should include a dairy farmer who was a producer under another Federal order but whose milk was diverted to a regulated plant. The amendatory language, while implementing this conclusion as it relates to a situation where only one handler is involved, did not cover the situation where the unregulated plant is operated by a different handler. While no situation has thus far arisen involving this sort of transaction, it was propdsed at this hearing that the revision be made to conform with the intent of the aforementioned decision.

The "dairy farmer for other markets" definition under the Southeastern New England order should also be further modified to exclude a dairy farmer who is a producer under another Federal order and whose milk is received at a fully regulated plant as diverted milk.

It is intended that handlers have the privilege of diverting producer milk in bulk under one order to a plant regulated under another order. Under many circumstances this represents the most efficient means of handling bulk tank milk and it is unnecessary to require physical receipt at the transferring handler's plant. Milk so diverted should be treated as an interorder transfer and classified and priced in the class assigned to the transferee market.

The "dairy farmer" definition under the Southeastern New England order should be clarified by changing the reference "bulk" milk to "milk delivered in other than packaged form". The term "bulk" milk, as now generally used refers to milk moved via bulk tank as contrasted to cans. In order that there can be no question of meaning, it is appropriate that the reference to bulk milk be deleted.

With the advent of bulk tank handling the dairy farmer under normal circumstances loses control of his milk when it is transferred at the farm from his farm bulk tank to the handler's pickup tanker. In some instances milk actually picked up by the handler at the farm may be lost through accident enroute to the plant. In such event the milk cannot be received at a plant and the present provision of the order would not require

the handler to account for it. In such situations the handler has, in fact, taken over responsibility for the milk and he should be held responsible for it. This can be accomplished by revising the producer milk definition in the Southeastern New England order to include milk actually picked up at the farm but not delivered to any plant, if milk was received at the handler's pool plant from such dairy farmer during the same month as producer milk.

The producer definition under the Southeastern New England order should be revised to permit diversion to another pool plant of the same handler provided that no location differential is involved.

Diversions are presently permitted to pool plants of other handlers or to the plant of buyer-handlers. At least one handler operates two pool bottling plants in the Southeastern New England marketing area. The present order language would appear to preclude diversions between such plants, whereas, in fact, such procedure could have no detrimental effect on the pool. This would not be true in the case of diversion between plants located in different zones. If such diversions were permitted a handler could associate milk with his marketing area plant and yet regularly receive it at his country plant. The net savings in transportation would more than compensate him for the higher price at which he would be required to account to the pool, and the producers involved would receive returns higher than justified based on the location of the plant of actual receipt, to the detriment of other producers in the market.

No change should be made in the procedure for computing the producer butterfat differential under the Connecticut order. The existing procedure is identical with that prescribed in the other New England orders except for rounding to the nearest full cent. A handler proposal would eliminate the rounding to provide for an identical differential in each of the several orders, while a producer proposal would revise the procedure of computation by elimination of the use of the cream quotation and providing for the use of current New York butter quotations.

As has been previously pointed out, the several New England markets draw from a generally common supply area. A different butterfat differential is a source of confusion to producers who have alternative markets. Ideally, the procedure of computation should be identical, and if simplification of the procedure is desirable, it should be accomplished in all of the orders at the same time. The present procedure has proven satisfactory in the three oldest New England orders over an extended period of time, and no change could be made in these orders or in the Southeastern New England order on the basis of this record.

While rounding to the nearest full cent, as provided under the Connecticut order, does result in a different differential than that used in the adjacent orders, Connecticut producers have been accustomed to payment on this basis and generally opposed change. It is concluded, therefore, that no change should be made on the basis of this record.

Provision should be made in the Connecticut order for written notice of butterfat tests to producers whose milk is purchased on the basis of composite tests, within 7 days of the end of each sampling period. The State laws require that handlers hold their composite samples for ten days after the end of the sampling period. Unless a producer has knowledge of his test before the samples are disposed of, he has no basis for further check even though he believes the test reported to be in error. Handlers now customarily advise producers of their test in the statement which accompanies their checks issued not later than the 22d day after the end of the month. Since ten-day composites are the practice in the market, the samples would have been disposed of before the producer has knowledge of his test. It is appropriate, therefore, that handlers who buy on the basis of composite tests be required to notify producers within 7 days after each test. Such a requirement is not necessary in the case of handlers buying on the basis of daily samples. The testing in such cases is done by the State and producers are notified of their tests by the State.

The area in which there are no plant location differentials under the Connecticut order should not be extended.

A cooperative association which operates a receiving plant at Great Barrington, Massachusetts, proposed that the plant location differential applicable there be eliminated so that no adjustment would apply to the Class I price for the cost of moving milk to the market.

The Connecticut order provides zoning adjustments which recognize the principle that milk similarly used and located should be similarly priced. Milk originating nearest the market should command a higher price than milk located at greater distances. This higher price ordinarily should be based on the difference in cost for moving such milk to the marketing area. The rates presently provided as adjustments for location in the Class I and uniform price are 33 cents per hundredweight for milk received at a plant located outside Connecticut or an adjacent town in Massachusetts and Rhode Island and 50 to 60 miles from Hartford. The Great Barrington plant is located in the 50–60 mile zone from Hartford, and the handler's obligations to the pool and the prices returned to his producers reflects the location differential applicable for this zone.

Although the Great Barrington plant is unique in that it performs in a nearby location a market supply function which is ordinarily performed by more distant plants, there is no valid basis for extension of the no-location-differential zone to include such plant. It performs as a supply plant for the Connecticut market, receiving and assembling milk, and at additional transportation cost moving it to handlers as required. The additional cost of transporting milk received at this plant to its final destination at the distributing plants must be recognized in the Class I and uniform price.

The provisions of the Connecticut order relating to "start" and "stop" notices should be revised to require prompt notices only for those producers whose milk is not directed to or from a handler's plant by a cooperative association.

The Connecticut order presently requires a handler to file with the market administrator a "start" notice on every producer from whom the handler receives milk within 20 days of the first delivery to the plant. A "stop" notice must be filed within 15 days after the fifth consecutive day of no delivery. The Southeastern New England order presently requires notification within five days after a producer first starts delivery and, in the case of cessation of deliveries for five consecutive days, prompt notification to the market administrator is required.

The primary purpose of "start" and "stop" notices is to assist the market administrator and cooperative associations in their marketing service programs. However, in many situations in the Connecticut market, the cooperative association moves its member's milk from plant to plant as needed on a day-to-day basis. In such cases the cooperative is fully aware of where its members' milk is being delivered and notice by the receiving handler serves no useful purpose.

Where the producer negotiates directly with the handler for a market or leaves a handler on his own initiative, his cooperative association may not have knowledge of where his milk is currently delivered. This information can be obtained from the market administrator if the handler is required to give notice thereof. Where the producer is not a member of a cooperative association, his location of current delivery is essential if the market administrator is to perform the marketing service for which such producer is paying. Prompt notice is therefore essential and accordingly the 20-day requirement presently provided in the Connecticut order should be reduced to 5 days to conform with similar requirements in the Southeastern New England order.

Certain of the information presently supplied to the market administrator in the "start" and "stop" notices is needed promptly following the close of each month to facilitate preaudit work in the market administrator's office. It is provided therefore that for those producers whose milk is directed to or from the handler's plant by a cooperative association, the handler shall, in lieu of the present start or stop notice, supply such of the information as the market administrator shall require on or before the 8th day after the end of the month.

The payment provisions of the Southeastern New England order should be revised to delete the present requirement that all deductions must be authorized in writing. However, it should be made clear that the burden for proving that any deduction is authorized shall rest with the handler.

Handlers contend that the present requirement is unreasonable and impractical particularly as it relates to supplies which producers customarily purchase through the handler by way of the trucker. It is concluded that written authorization need not be required to maintain the integrity of regulation. However, the handler must be held responsible to prove to the satisfaction of the market administrator that any deduction made was, in fact, authorized and was properly chargeable to the producer.

The date for adjusting errors in payments under both the Southeastern New England and Connecticut orders should be revised to provide that such adjustments shall be paid on the date for making payments for the month in which notification is given. The orders presently provide that such adjustments are due on the date for making payments for the month following that in which notification is given. It is intended that obligations incurred under the orders shall be paid promptly. There is no reason why adjustment billings issued by the market administrator following verification of a handler's reports, books, records or accounts should not be paid as promptly as the original billings. Under the present Connecticut order language, for example, adjustment payments due producers would not be due for as long as 73 days in the case of billing made on the 1st day of the month. The proposed revision would reduce this time by 30 days.

The Connecticut order should not be amended to provide specifically, in the case of bulk tank milk, that the handler shall be held accountable for the volume of milk which his agent picked up at the farm. Under normal circumstances it is expected that the market administrator would consider that the volume of milk which the handler or his agent picked up at the farm, as indicated on the slips left with the producers was, in fact, delivered to his plant and the burden of proof to the contrary necessarily rests with the handler. Since the producer has full opportunity to read the stick measurement prior to pickup or concurrently with the hauler at the time of pickup, stick readings are the final and only valid measurement of each producer's milk. Milk may, of course, be lost by accident in transit. In such a case the existing order language would not require the handler to account to the pool for such milk since it was not received at a plant. Nevertheless it is likely that the handler would necessarily have to pay the producer the blended market price or have to contend with an unhappy producer. Thus, the existing order language does not present any substantial administrative problem.

Since a very high proportion of the milk received by Connecticut handlers is milk of cooperative association members which is picked up at the farm by haulers contracted for or employed by the cooperative, the situation is somewhat different than in the other New England markets. It would be inappropriate to require the handler to pay for milk on the basis of stick measures for which he had no direct responsibility. While the cooperative takes the position that their driver is, in fact, the agent of the handler it is not clear that this is true. It would be desirable in situations where the cooperative is actually marketing its member milk, picking it up at the farm and delivering it to the handler's plant, that the cooperative be held as the responsible handler. Such position meets neither the approval of the cooperative nor of the proprietary handlers. Since no serious problem appears to have arisen to date, and any dissatisfaction in regard to weights and tests have thus far been satisfactorily adjusted between the cooperative and the handler, it is concluded that no change should be made on the basis of this record. If a change is desired the problem should be given more complete consideration at a future hearing.

Other changes in the order as hereinafter proposed involve elimination of obsolete language or are conforming changes to implement the intent of the proposed order revision hereinbefore discussed.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested persons in the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Greater Boston, Massachusetts; Southeastern New England; Springfield, Massachusetts; Worcester, Massachusetts; and Connecticut marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended.

Milk in Greater Boston Marketing Area

DEFINITIONS

§ 904.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Greater Boston, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Andover.	Merrimac.
Arlington.	Methuen.
Ashland.	Milton.
Avon.	Nahant.
Ayer.	Natick.
Bedford.	Needham.
Belmont.	Newton.
Beverly.	North Andover.
Billerica.	North Reading.
Boston.	Norwood.
Braintree.	Peabody.
Brookline.	Quincy.
Burlington.	Randolph.
Cambridge.	Reading.
Canton.	Revere.
Chelmsford.	Salem.
Chelsea.	Saugus.
Cohasset.	Sharon.
Dedham.	Sherborn.
Dover.	Somerville.
Dracut.	Southborough.
Everett.	Stoneham.
Framingham.	Stoughton.
Groveland.	Swampscott.
Haverhill.	Tewksbury.
Hingham.	Tyngsborough.
Holbrook.	Wakefield.
Holliston.	Walpole.
Hopkinton.	Waltham.
Hull.	Watertown.
Lawrence.	Wayland.
Lexington.	Wellesley.
Littleton.	Westford.
Lowell.	West Newbury.
Lynn.	Weston.
Lynnfield.	Westwood.
Malden.	Weymouth.
Marblehead.	Wilmington.
Marlborough.	Winchester.
Medfield.	Winthrop.
Medford.	Woburn.
Melrose.	

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 904.15(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered

as a continuation of the routes of the plant where such fluid milk products are packaged.

(d) "Emergency period" means the period of time for which the market administrator declares that an emergency exists in that the milk supply available to the marketing area from producers is insufficient to meet the demand for Class I milk in the marketing area.

§ 904.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraphs (1), (2) and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate a regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm; except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was considered as a receipt from a producer under another New England Federal order or of own production of a producer-handler under any New England Federal order.

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of and persons who control or are controlled by the handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, nor a dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person who during the month operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handled" means (1) any person who during the month operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any handler who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph, who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area: (1) Whose own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or (2) whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not to exceed two percent of his own farm production.

§ 904.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products: *Provided*, That this definition shall not include any separate building, premises, equipment and facilities used primarily to hold or store packaged fluid milk products in finished form in transit on routes.

(b) "City plant" means any plant which is located not more than 40 miles from the State House in Boston.

(c) "Country plant" means any plant which is located more than 40 miles from the State House in Boston.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 904.20 and 904.21, except a pool plant under another Federal order, the plant of a producer-handler under any Federal order, or a plant from which emergency milk is received.

(f) "Distributing plant" means any plant from which fluid milk products processed and packaged at the plant are distributed in the marketing area on routes.

(g) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipts of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater percentage of its Class I milk in another marketing area on routes.

(h) "Supply plant" means any receiving plant, other than a regulated distributing plant, from which fluid milk products are shipped in bulk to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this part but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 904.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk or emergency milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(2) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

(l) "Emergency milk" means fluid milk products received at a regulated plant during an emergency period from a plant which was an unregulated plant in the month immediately preceding the month in which the emergency period became effective.

MARKET ADMINISTRATOR

§ 904.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 904.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 904.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay out of the funds provided by § 904.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 904.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16 and 904.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk;

(2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 904.16 Classification of fluid milk products moved to other plants

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which assigned under §§ 904.25 and 904.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under the Connecticut, Southeastern New England, or New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under the Boston, Connecticut, Southeastern New England, or New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 904.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 904.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section.

(a) It is a distributing plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and Class I route disposition in the marketing area of not less than 10 percent of its receipts from dairy farmers, and such route disposition in the marketing area exceeds its Class I route disposition in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the Class I route disposition from the plant does not exceed 2 percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 15 percent of its total receipts of milk from dairy farmers is shipped as bulk fluid milk products to regulated distributing plants.

(d) For any month of August through November, it is one of a group of supply plants:

(1) From which the handler ships at least 15 percent of the combined total receipts of milk from dairy farmers as bulk fluid milk products to regulated distributing plants; and

(2) For which he requests continuation of pool plant status which such plants held under his operation in the preceding month.

(e) It is a supply plant which would otherwise fail to qualify as a pool plant under any Federal order and from which at least 15 percent of its total receipts of milk from dairy farmers is shipped as bulk fluid milk products to distributing plants each of which has total Class I disposition of at least 50 percent of its total receipts of fluid milk products and Class I route disposition in the marketing area of not less than 10 percent of such receipts.

§ 904.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if in each of the preceding months of July through November it was a pool plant or would have been a pool plant had it not been a pool plant under another New England Federal order, unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this part;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this part than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for such month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it meets the conditions and requirements for pool plant status under another New England Federal order and ships a greater quantity of bulk fluid milk products to regulated distributing plants under that order than it ships to regulated distributing plants under this part.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

(f) A supply plant shall be a nonpool plant in any of the months of July through November for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month, if:

(1) All of the fluid milk products received at regulated plants from such plant during the month are assigned to Class II milk pursuant to § 904.26; and

(2) The plant qualifies as a pool plant under the provisions of another New England Federal order in such month.

§ 904.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts of emergency milk eligible for assignment to Class I milk pursuant to § 904.27;

(c) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(d) Receipts from other handlers' regulated plants of packaged fluid milk products;

(e) Receipts from other handlers' regulated plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers;

(g) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraph (e) of this section;

(h) Receipts from other Federal order plants of bulk fluid milk products subject to classification and pricing as Class I milk under the other Federal order if assigned to Class I milk under this order. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has route disposition in an originating market, the receipts from such market shall take priority of assignment to any residual Class I use up to the total quantity of route disposition in such market by the handler;

(i) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (c) and (h) of this section;

(j) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Boston according to their zone locations; and

(k) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 904.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 904.25 shall be assigned to Class II milk.

§ 904.27 Emergency milk eligible for assignment to Class I milk.

Emergency milk received by a handler whose total use of Class II milk is in excess of 10 percent of the total volume of fluid milk products handled by him shall be assigned to Class II milk to the extent of such excess. For the purpose of this section, the handler's total Class II milk and total volume handled shall be the total of the respective quantities beginning on the first day on which emergency milk is received by the handler during the month and extending through the last such day in the month. If the quantity of emergency milk as to which specific Class II use is established is greater than the quantity otherwise assigned to Class II milk pursuant to this section, such greater quantity shall be assigned to Class II milk. Receipts of emergency milk not assigned to Class II milk shall be assigned to Class I milk.

REPORTS OF HANDLERS

§ 904.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products and cream at each plant from any other handler, assigned to classes pursuant to §§ 904.25 to 904.27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The respective quantities which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 904.15 to 904.17.

§ 904.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products and cream. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 904.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(c) Each handler who is not an association of producers shall, upon request from any such association, promptly furnish it with information with respect to each of its producer members who starts, resumes, or stops deliveries to any of the handler's pool plants. Such information shall include the date on which the change took place, the producer member's post office address and farm location, and, if known, the plant to which he previously delivered, or the reason for his failure to continue deliveries. In lieu of his providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 904.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 904.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 904.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 904.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 904.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 904.38 Outside cream purchases.

Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from nonpool handlers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

MINIMUM CLASS PRICES

§ 904.40 Class I price.

The Class I price per hundredweight at plants located in zone 21 shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.48.

§ 904.41 Class II price.

The Class II price per hundredweight at plants located in zone 21 shall be determined for each month pursuant to this section.

(a) Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream f.o.b. Boston, as reported by the United States Department of Agriculture for the month, divide the remainder by 33, multiply by 0.98, and multiply the result by 3.7.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk for human consumption, in carlots, f.o.b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month. Subject to paragraph (d) of this section, the result is the Class II price per hundredweight for milk received from producers at plants located in zone 21.

Month:	Amount (cents)
January and February	67
March and April	70
May and June	85
July	79
August and September	73
October, November, and December	67

(d) For each month in which no cream price, as described in paragraph (a) of this section, is reported, and for each month in which the amount determined pursuant to this paragraph is greater than the amount computed pursuant to paragraph (c) of this section, the amount determined pursuant to this paragraph shall be the Class II price per hundredweight of milk received from producers at plants located in zone 21.

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture.

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

Month:	Amount (cents)	Month:	Amount (cents)
January	+13	July	+08
February	+12	August	+17
March	−05	September	+14
April	−09	October	+16
May	−12	November	+17
June	−11	December	+17

§ 904.42 Zone price differentials.

The prices determined pursuant to §§ 904.40, 904.41, and 904.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) Each city plant shall be in the "City Plant" zone.

(b) The zone location of each country plant shall be based upon its highway mileage distance to Boston as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Boston and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table:

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Distance to Boston (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II Price differentials (cents per hundredweight)
Within 40	City plant	+54.0	+5.8
41 to 60	6	+37.0	+3.8
61 to 70	7	+16.8	+3.7
71 to 80	8	+15.6	+3.5
81 to 90	9	+14.4	+3.2
91 to 100	10	+13.2	+3.0
101 to 110	11	+12.0	+2.9
111 to 120	12	+10.8	+2.6
121 to 130	13	+9.6	+2.4
131 to 140	14	+8.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+0.6
181 to 190	19	+2.4	+0.4
191 to 200	20	+1.2	+0.1
201 to 210	21	(1)	(1)
211 to 220	22	−1.0	−0.6
221 to 230	23	−2.0	−0.7
231 to 240	24	−3.0	−0.9
241 to 250	25	−4.0	−0.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.3
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.5
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 to 410	41	−20.0	−3.5
411 to 420	42	−21.0	−3.5
421 to 430	43	−22.0	−3.5
431 to 440	44	−23.0	−3.5
441 to 450	45	−24.0	−3.5
451 and over	46 and over	(2)	−3.5

[1] No differential.
[2] Class I and blended price differentials applicable to plants located more than 450 miles from Boston shall be obtained by extending the table at the rate of one cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 904.43 Determination of zone locations of receipts from producers assigned to Class I milk.

For the purpose of determining the respective quantities of receipts from producers which are subject to the various zone price differentials, each pool handler's receipts from producers assigned to Class I milk pursuant to § 904.25(f) shall be considered to have originated at sources in the sequence and to the extent set forth in this section:

(a) Receipts from producers at the handler's city plant;

(b) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of:

(1) As route disposition in Maine, New Hampshire, and Vermont; and

(2) To unregulated plants from which no fluid milk products were disposed of as Class I milk, either directly or indirectly, outside the States of Maine, New Hampshire, and Vermont.

(c) Remaining receipts from producers at the handler's country pool plants, receipts of bulk fluid milk products from other Federal order plants, and receipts of outside milk in the form of fluid milk products not assigned to Class I milk pursuant to § 904.25(j), all in the order of the nearness of the originating plants to Boston according to their zone locations. The quantity determined for the zone location of any of the handler's country pool plants shall be the lesser of its receipts from producers or its shipments of fluid milk products reduced by its shipments of fluid milk products to plants located in the States of Maine, New Hampshire, Vermont, or New York for which utilization as Class II milk is established. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered.

§ 904.44 Butter and cheese adjustment.

During the months of April, May, June, and July, in which the Class II price is computed pursuant to § 904.41(c), the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Subtract from the price computed pursuant to § 904.41(c), the price computed pursuant to § 904.41(d) and divide by 3.7. The result is the butter and cheese differential.

(b) Determine the pounds of butterfat in Class II milk received from producers which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(c) Subtract such portion of the quantity determined in paragraph (b) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(d) Multiply the remaining pounds of butterfat determined pursuant to paragraph (c) of this section by the butter and cheese differential determined pursuant to paragraph (a) of this section.

§ 904.45 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 904.46 Announcement of class prices and differentials.

The market administrator shall make public announcements of class prices and differentials as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butter and cheese differential on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisors to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base Class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	56.7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.98
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the economic index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.99	$5.00	$4.97
5.00	5.20	5.19
5.20	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.26 or is $7.05 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

§ 904.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 904.25, at zone locations as determined pursuant to § 904.43, by the prices pursuant to §§ 904.40 and 904.42;

(b) Multiply the quantities of milk received from producers at plants in each zone, less the quantities priced in each zone pursuant to paragraph (a) of this section, by the prices pursuant to §§ 904.41 and 904.42;

(c) Add together the resulting value of each class; and

(d) Adjust the value determined in paragraph (c) of this section as provided in § 904.44.

§ 904.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective values of milk computed pursuant to § 904.50 and the payments required pursuant to § 904.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 904.61(b) and 904.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 904.61, 904.62, 904.65, and 904.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 904.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.61 and 904.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at plants located in zone 21, shall be known as the basic blended price.

§ 904.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the Act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 904.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 904.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall advance payment be at a rate less than the Class II price for such month.

§ 904.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 904.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 904.63 and 904.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 904.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 904.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 904.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 904.61(b) and 904.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 904.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 904.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Subtract 52.5 cents from the weighted average price per 40-quart can of 40 percent bottling quality cream, f.o.b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, and divide the remainder by 330. If the cream price described above is not reported as indicated the butterfat differential shall be determined by multiplying by 1.25 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture and dividing the result by 10.

§ 904.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 904.61(a) shall be subject to the differential set forth in Column C of the table in § 904.42 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located more than 40 miles from both the State House in Boston and the City Hall in Lawrence, but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(b) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston or not more than 40 miles from the City Hall in Lawrence, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 904.40 and 904.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

§ 904.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 904.25 (i) or (j), at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 904.25(k) at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the handler's regulated plant nearest to Boston.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant with route disposition in the marketing area shall make payment at the difference between the price pursuant to § 904.40 and the price pursuant to § 904.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset route disposition in this marketing area and in any other Federal marketing area.

§ 904.66 Deductions from payments to producers.

(a) In making payments to producers as required by §§ 904.60 and 904.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

(b) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer listed authorizing the claimed deduction. Such deductions shall be made by the handler in accordance with the association's claim, and shall be paid by the handler to the association on or before the 20th day after the end of each month with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made.

§ 904.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 904.61, 904.62, and 904.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 904.68 Statements to producers.

In making the payments to producers prescribed by § 904.61(a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 904.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 904.66 and 904.70 together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 904.70 Marketing service deductions.

In making payments to producers pursuant to § 904.61(a), each handler with respect to all milk received from each producer except himself and except any producer who is a member of an association of producers which the Secretary determines is performing the services set forth in this section, shall deduct 2 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

ADMINISTRATION EXPENSE

§ 904.72 Payments of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 3 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant.

OBLIGATIONS

§ 904.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month, during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 904.80 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 904.81.

§ 904.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 904.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 904.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Milk in Southeastern New England Area

1. Delete paragraph (b) of § 990.1 and substitute therefor the following:

(b) "Southeastern New England marketing area", hereinafter referred to as the "marketing area", means all of the territory included within the boundary lines of the State of Rhode Island (excluding Block Island), the Massachusetts counties of Barnstable, Bristol, Dukes County and Plymouth (excluding the towns of Hingham and Hull); the towns of Bellingham, Foxborough, Franklin, Medway, Millis, Norfolk, Plainville, and Wrentham in Norfolk County, and the towns of Blackstone, Hopedale, Mendon, Milford, and Millville in Worcester County, together with all piers, docks and wharves connected therewith and craft moored thereat and including all territory within such boundaries occupied by Government (municipal, state and Federal) installations, institutions; and other establishments.

2. Delete paragraph (c) of § 990.1 and substitute therefor the following:

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 990.21(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

3. Delete paragraph (c) of § 990.2 and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

4. Delete paragraph (d) of § 990.2 and substitute therefor the following:

(d) "Dairy farmer for other markets" means any person described in subparagraphs (1), (2), and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate a regulated plant during the month and which milk is moved to another handler's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order;

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as a receipt from a producer under the provisions of another Federal order;

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was considered as a receipt from a producer under another New England Federal order or of own production of a producer-handler under any New England Federal order;

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of, and persons who control or are controlled by, the handler or dealer.

5. Delete paragraph (e) of § 990.2 and substitute therefor the following:

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets, any person holding producer-handler status under any Federal order or a dairy farmer who is a producer under another Federal order with respect to milk diverted from a plant subject to such other order) whose milk is delivered from his farm to a pool plant or is diverted in accordance with subparagraphs (1) through (5) of this paragraph if the handler, in filing his monthly report pursuant to § 990.30 reports the milk as receipts from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month:

(1) To the regulated plant of another handler;

(2) To a regulated plant of the same handler in the same plant zone;

(3) To an unregulated plant during any month of July through September on not more than 8 days (4 days in the case of every-other-day delivery) during such month;

(4) To an unregulated plant during any month of October through March on not more than 12 days (6 days in the case of every-other-day delivery) during such month; or

(5) To an unregulated plant during any month of April through June.

6. Delete paragraph (g) of § 990.2 and substitute therefor the following:

(g) "Handler" means (1) any person who during the month operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

7. Delete paragraph (i) of § 990.2 and substitute therefor the following:

(i) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph, who is both a dairy farmer and a handler who processes milk from his own farm production, distributing all or a portion of such milk as Class I milk in the marketing area on routes: *Provided*, That the maintenance, care, and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a

greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area: (1) Whose own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or (2) whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not to exceed two percent of own farm production.

8. Delete paragraphs (j) and (k) of § 990.2 and substitute therefor a new paragraph (j) as follows:

(j) "Dealer" means any person who during the month operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

9. Delete paragraph (a) of § 990.3 and substitute therefor the following:

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products: *Provided*, That this definition shall not include any separate building, premises, equipment or facilities used primarily to hold or store packaged fluid milk products in transit on routes.

10. Delete paragraph (b) of § 990.3 and substitute therefor the following:

(b) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

11. Delete paragraph (c) of § 990.3 and substitute therefor the following:

(c) "Pool plant" means:

(1) Any receiving plant (except the plant of a producer-handler under any Federal order) from which at least 10 percent of its total receipts of milk directly from dairy farmers is disposed of during the month within the marketing area on routes and not less than 50 percent of its total receipts of fluid milk products is disposed of during the month as Class I milk, unless the market administrator determines that such plant disposed of a greater proportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area.

(2) Any receiving plant located in the marketing area and operated by an association of producers in any month in which the quantity of Class I milk disposed of on routes from such plant does not exceed two percent of its total receipts of fluid milk products, or

(3) Except as provided in subdivisions (i) to (iv) of this subparagraph any receiving plant from which not less than 30 percent of its receipts of milk directly from dairy farmers is shipped during the month as fluid milk products to a pool plant qualified pursuant to subparagraph (1) of this paragraph or to a regulated plant other than a pool plant.

(i) During any of the months of July through November any plant qualified as a pool plant pursuant to this subparagraph and also meeting the shipping requirements for pooling under another Federal order shall be exempt from the provisions of this part (except as provided in §§ 990.30(b), 990.31(a) and (e), 990.32 and 990.33, if the market administrator determines that a greater proportion of fluid milk products was shipped during such month to regulated plants under such other order, unless such greater shipments were made to Boston regulated plants and the plant operator elects nonpool status under the Boston order during such month,

(ii) Any plant which was a pool plant pursuant to this subparagraph in each of the months of July through November or which held pooling status under one or another of the New England Federal orders in each month of such period but had the greater proportion of its producer receipts pooled under this part during such period shall be a pool plant in the immediately succeeding months of December through June, unless the operator thereof gives written notice to the market administrator on or before the 16th day of any such month that the plant is a nonpool plant for such month: *Provided*, That any such plant which was a nonpool plant in any of the months of July through November and for which nonpool status is requested for any month of December through June or any plant which was a pool plant in each of such months of July through November but which is operated as a nonpool plant under all of the New England Federal orders in any of the months of December through June shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph.

(iii) Any plant which was not a pool plant under this part during each of the months of July through November but which met the pooling requirements pursuant to this subparagraph in each of such months shall be a pool plant in any of the months of December through June, if written request for pooling status is made to the market administrator on or before the 16th day of such month and such plant is not a pool plant under another Federal order in such month, except that if such plant was a nonpool plant under all of the New England orders in any of the months of December through June, it shall be a pool plant in any subsequent months of such period only if it meets the shipping requirements pursuant to this subparagraph.

(iv) Any plant which was a nonpool plant under all of the New England orders during any of the months of July through November shall not be a pool plant in any of the months of December through June in which it is operated by the same handler, an affiliate or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler plant.

12. Add a new paragraph (d) at the end of § 990.3 to read as follows:

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipts of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater proportion of its Class I milk in another marketing area on routes.

13. Delete from paragraph (a) of § 990.4 the phrase "at a plant".

14. Delete paragraph (f) of § 990.4 and substitute therefor the following:

(f) "Producer milk" means only skim milk and butterfat contained in milk (1) received at a pool plant directly from producers, or (2) diverted from a pool plant in accordance with the conditions set forth in § 990.2(e): *Provided*, That in instances where it can be established to the satisfaction of the market administrator that milk was transferred, by a handler or his agent, from the producer's farm tank into a tank truck during the month, and such milk was not delivered to any plant because of loss or destruction by accident or faulty equipment en route to the plant, such milk shall be accounted for as a receipt of producer milk at the pool plant of the handler where milk from the same farm was received as producer milk during the month.

15. Delete the language of § 990.4(g) following the semicolon at the end of subparagraph (1) and substitute therefor the following:

(2) Received at a pool plant in the form of packaged fluid milk products from a nonpool plant in return for which an equivalent quantity of skim milk and butterfat in the form of bulk milk is moved from a pool plant for processing and packaging during the same month, if such receipt and return occurs during an interval in which the facilities of the pool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(3) In milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

16. Add a new paragraph (i) at the end of § 990.4 to read as follows:

(l) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

17. Delete subparagraph (3) of § 990.21 (b) and substitute therefor the following:

(3) Contained in fluid milk products dumped if the conditions of § 990.31(e) are met by the handler;

18. Delete the word "and" and immediately preceding subparagraph (5) of § 990.21(b) and add a new subparagraph (6) immediately after subparagraph (5) of § 990.21(b) as follows: "and (6) contained in fluid milk products lost under extraordinary circumstances completely beyond the control of the handler, if such loss is substantiated by records satisfactory to the market administrator."

19. Delete § 990.22(b) and substitute therefor the following:

(b) As Class I milk if moved to the plant of a producer-handler under this or any other Federal order.

20. Delete § 990.24 and substitute therefor the following:

§ 990.24 Assignment of skim milk and butterfat classified.

(a) For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 990.30 and shall compute the total pounds of skim milk and butterfat in each class for such handler: *Provided*, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

(b) Skim milk shall be assigned in the following manner:

(1) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk received during the month in packaged fluid milk products from fully regulated plants under the provisions of another Federal order.

(3) Subtract from the pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk received during the month in other source milk in the form of fluid milk products other than from fully regulated plants under the provisions of another Federal order.

(5) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(6) (i) During the months of July through September, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or to 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(ii) During the months of October through June, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or to 5 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(7) Subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(8) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month.

(9) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (5) of this paragraph.

(10) Subtract from the remaining pounds of skim milk in each class, beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (7) of this paragraph.

(11) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(12) Assign to the remaining pounds of skim milk in each class, beginning with Class I milk, the pounds of skim milk in:

(i) Receipts of fluid milk products from pool plants of other handlers not subject to a zone price differential;

(ii) Receipts of producer milk at the handler's pool plants not subject to a zone price differential;

(iii) Receipts of producer milk at the handler's pool plants to which a zone price differential is applicable equal to the pounds of skim milk disposed of in fluid milk products directly from these plants as Class I milk outside the marketing area;

(iv) Receipts of fluid milk products from pool plants of other handlers not assigned pursuant to subdivision (i) of this subparagraph, in the order of the nearness of the plants to Providence according to their zone locations; and

(v) Receipts of producer milk at the handler's pool plants, not assigned pursuant to subdivisions (ii) and (iii) of this subparagraph, in the order of the nearness of the plants to Providence according to their zone locations.

(13) Any remaining pounds of skim milk in each class not assigned shall be known as "overage".

(c) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add the pounds of skim milk and butterfat in each class, pursuant to paragraphs (b) and (c) of this section.

21. Delete the proviso in § 990.30.

22. Delete paragraph (e) of § 990.31 and substitute therefor the following:

(e) Each regulated handler dumping pursuant to § 990.21(b)(3) shall give the market administrator such advance notice of intention to dump as the market administrator may require. For each dumping not witnessed by the market administrator or his agent each handler shall mail or deliver to the market administrator within 48 hours following such dumping a report in writing as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the product and the person authorized to sign reports for the handler made pursuant to § 990.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or superintendent shall be made on the report).

23. Delete paragraph (a) of § 990.40 and substitute therefor the following:

(a) *Class I price.* The Class I price shall be the New England basic Class I price per hundredweight determined pursuant to § 990.41 plus 54 cents.

24. In § 990.45 change the reference "§ 990.20" to "§ 990.22".

25. In paragraph (a) of § 990.46 change the reference "§ 990.24(b)(1)" to "§ 990.24 (b)(3) or (c)".

26. Delete paragraph (b) of § 990.46 and substitute therefor the following:

(b) Each pool handler who received other source milk which is allocated to Class I pursuant to § 990.24(b)(4) or (c) shall make payment on the quantity so allocated at the difference between the Class I and Class II price computed pursuant to § 990.40 for the zone location of the nonpool plant from which such milk was received: *Provided*, That for the purposes of this paragraph, other source milk received from dairy farmers for other markets shall be considered as received from the nonpool plant to which they ordinarily delivered.

27. In paragraph (c) of § 990.46 change the reference "§ 990.24(b)(4)" to "§ 990.24(b)(10)".

28. Delete in paragraph (d) of § 990.46 the parenthetical phrase "(except a buyer-handler)" and substitute therefor the phrase "operating an unregulated plant".

29. Delete the period at the end of paragraph (d) of § 990.46 and add the following: ": *Provided*, That the same receipts of priced milk shall not be used to offset Class I sales in both this market and any other Federal order market."

30. Delete in paragraph (e) of § 990.46 the word "buyer-handler" and substitute therefor the words "handler operating a regulated plant other than a pool plant".

31. In paragraph (c) of § 990.50 change the reference "§ 990.24(b)(10)" to "§990.24(b)(13)."

32. Delete paragraph (d) of § 990.50 and substitute therefor the following:

(d) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat, respectively, was allocated to Class II in the preceding month by the hundredweight of skim milk and butterfat, respectively, subtracted from Class I milk pursuant to § 990.24 (b)(8) and (c) for the month which is in excess of the hundredweight of skim milk and butterfat, respectively, allocated to Class II milk pursuant to § 990.24 (b)(10) and (c) during the preceding month and classified and priced as Class I under the provisions of another Federal order.

33. Delete the proviso as it appears in subparagraph (1) of § 990.60(a).

34. Delete subparagraph (2) of § 990.60 (a) and substitute therefor the following:

(2) On or before the 20th day after the end of each month, for the quantity of milk received during the month, at not less than the basic blended price per hundredweight computed pursuant to § 990.51 subject to the differentials provided in §§ 990.61, 990.62, and 990.63 less payments made to such producer pursuant to subparagraph (1) of this paragraph: *Provided*, That with respect to each deduction for hauling or for any other purpose made from such payment, the burden shall rest upon the handler making the deduction to prove that each deduction is authorized and properly chargeable to the producer: *And provided further*, That if by such date such handler has not received full payment from the market administrator pursuant to § 990.66 for such milk, he may reduce pro rata his payment to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date next following for making payment pursuant to this paragraph after receipt of the balance due from the market administrator.

35. In § 990.64 insert after the phrase "all payments made by handlers" the words "of monies due producers".

36. Delete the words "following that" as they appear near the end of paragraph (c) of § 990.67.

37. Delete § 990.68 and substitute therefor the following:

§ 990.68 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to § 990.46; and § 990.65 to § 990.70 shall be increased one-half of one percent on the 19th day of the month and on the same day of each month thereafter until such obligation is paid.

38. Delete the words "market administrator" as they first appear in paragraph (a) of § 990.69 and substitute therefor the word "Secretary".

39. Delete the word "20th" as it appears in paragraph (a) of § 990.69 and substitute therefor the word "16th".

40. Delete the phrase "as determined by the Secretary, which" as it appears in paragraph (b) of § 990.69 and substitute therefor the phrase "which the Secretary determines".

41. Delete the word "20th" as it appears in paragraph (b) of § 990.69 and substitute therefor the word "16th".

42. Delete the word "20th" as it appears in § 990.70 and substitute therefor the word "16th".

43. Delete paragraphs (a), (b) and (c) of § 990.70 and substitute therefor the following:

(a) Each pool handler shall make such payment with respect to all: (1) Receipts of producer milk including such handler's own production; (2) receipts of exempt milk; and (3) receipts of other source milk classified as Class I except receipts from fully regulated plants under another Federal order.

(b) Each handler operating a regulated plant other than a pool plant shall make such payment with respect to receipts of other source milk in his plant which are classified as Class I except receipts from fully regulated plants under another Federal order.

(c) Except as provided in paragraph (b) of this section each nonpool handler shall make such payment with respect to any disposition of Class I milk in the marketing area on routes in excess of his receipts of pool milk or milk from fully regulated plants under another Federal order and classified and priced as Class I.

Milk in Springfield Marketing Area

DEFINITIONS

§ 996.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Springfield, Massachusetts, marketing area," also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Agawam.	Northampton.
Chicopee.	South Hadley.
Easthampton.	Springfield.
East Longmeadow.	Westfield.
Holyoke.	West Springfield.
Longmeadow.	Wilbraham.
Ludlow.	

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I pursuant to § 996.15(a) other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

§ 996.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraphs (1), (2) and (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was considered as receipts from a producer under another New England Federal order or of own production of a producer-handler under any New England Federal order.

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of, and persons who control or are controlled by the handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person who during the month operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handler" means: (1) Any person who, during the month, operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any person who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph who is both a dairy farmer and a handler, processing milk from his own production and distributing all or a portion of such milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a greater proportion of fluid milk products are distributed in this marketing area on routes than in any other Federal order marketing area.

(1) Whose own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month, and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or

(2) Whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not in excess of two percent of own farm production.

§ 996.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products, except that this definition shall not include any separate building, premise, equipment or facility used primarily to hold or store packaged fluid milk products in transit on routes.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 996.20 and 996.21, except a pool plant under another Federal order or the plant of a producer-handler under any Federal order.

(f) "Distributing plant" means any plant from which fluid milk products processed and packaged at the plant are distributed in the marketing area or routes.

(g) "Regulated plant" means: (1) Any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipt of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater percentage of its Class I milk in another Federal order marketing area or routes.

(h) "Supply plant" means any receiving plant, other than a regulated distributing plant, from which fluid milk products are shipped in bulk to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this part but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 996.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's form tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(2) Packaged fluid milk products received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month, if such movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the regulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as produced milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

MARKET ADMINISTRATOR

§ 996.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 996.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 996.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 996.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

§ 996.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 996.16 and 996.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk;

(2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 996.16 Classification of fluid milk products moved to other plants.

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which it is assigned under §§ 996.25 and 996.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under another New England Federal order or the New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which it utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 996.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

§ 996.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section.

(a) It is a distributing plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and Class I route disposition in the marketing area of not less than 10 percent of its receipts from dairy farmers, and such route disposition in the marketing area exceeds its Class I route disposition in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the Class I route disposition from the plant does not exceed 2 percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 30 percent of its total receipts of milk from dairy farmers is shipped as bulk fluid milk products to regulated distributing plants.

§ 996.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if in each of the preceding months of July through November it was a pool plant or would have been a pool plant had it not been a pool plant under another New England Federal order, unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this part;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this part than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for such month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it meets the conditions and requirements for pool plant status under another New England Federal order and ships a greater quantity of bulk fluid milk products to regulated distributing plants under that order than it ships to regulated distributing plants under this part. However, no plant shall be barred from pool plant status under this paragraph for any month in which the greater quantity of such shipments is made to regulated distributing plants under the Boston order but the plant is designated as a nonpool plant under that order at the handler's request.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 10th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

ASSIGNMENT OF RECEIPTS TO CLASSES

§ 996.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(c) Receipts from other handlers' regulated plants of packaged fluid milk products;

(d) Receipts from regulated plants under the Boston order of bulk fluid milk products classified as Class I milk under the Boston order;

(e) Receipts from other handlers' regulated city plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of outside the marketing area without being received at a city plant;

(g) Receipts from producers at the handler's city plant;

(h) Receipts from other handlers; regulated country plants of bulk fluid milk products for which classification as Class II milk has not been requested by both handlers, in the order of the nearness of the originating plants to Springfield according to their zone locations;

(i) Receipts from producers at the handler's country plants not assigned pursuant to paragraph (f) of this section, in the order of the nearness of the plants to Springfield according to their zone locations;

(j) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraphs (e) and (h) of this section, in the order of the nearness of the originating plants to Springfield according to their zone locations;

(k) Receipts from other Federal order plants of bulk fluid milk products not assigned to Class I milk under paragraph (d) of this section but subject to classification and pricing as Class I milk under the other Federal order if assigned to Class I milk under this part. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has route disposition in an originating market, the receipts from such market shall take priority of assignment to any residual Class I use up to the total quantity of route disposition in such market by the handler;

(l) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (b), (d), and (k) of this section;

(m) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Springfield according to their zone locations; and

(n) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 996.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 996.25 shall be assigned to Class II milk.

REPORTS OF HANDLERS

§ 996.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to § 996.25 and 996.26;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 996.15 through 996.17.

§ 996.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 996.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 996.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 996.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 996.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this part;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 996.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 996.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

MINIMUM CLASS PRICES

§ 996.40 Class I price at city plants.

The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 996.48 plus 54 cents.

§ 996.41 Class II price at city plants.

The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 996.42 Country plant zone price differentials.

In the case of receipts at country plants, the prices determined pursuant to §§ 996.40, 996.41, and 996.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Springfield as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Springfield and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Springfield, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differential for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Springfield (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−24.8	−2.0
51 to 60	6	−26.0	−3.0
61 to 70	7	−27.2	−3.0
71 to 80	8	−28.4	−3.0
81 to 90	9	−29.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−5.0
161 to 170	17	−49.2	−5.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Springfield shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 996.44 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 996.45 Announcement of class prices.

The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

§ 996.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonable adjustment factor which entered into the computation thereof, and then add $.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	56.7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.06

(e) Multiply the Economic Index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.86	$5.08	$4.97
5.08	5.30	5.19
5.30	5.52	5.41
5.52	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

Blended Prices to Producers

§ 996.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 996.25 by the applicable prices pursuant to §§ 996.40 and 996.42;

(b) Multiply the quantities of milk received from producers assigned to Class II milk pursuant to § 996.26 by the applicable prices pursuant to §§ 996.41 and 996.42; and

(c) Add together the resulting value of each class.

§ 996.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to § 996.50 and the payments required pursuant to § 996.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 996.61(b) and 996.65 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 996.61, 996.62, 996.65, and 996.67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to § 996.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 996.61 and 996.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 996.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the Act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to § 996.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

Payments for Milk

§ 996.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month.

§ 996.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 996.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§996.63 and 996.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 996.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 996.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 996.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 996.61(b) and 996.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 996.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 996.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of this chapter.

§ 996.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 996.61(a) shall be subject to the differentials set forth in Column C of the table in § 996.42 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in any of the following cities or towns, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

Massachusetts	
Becket.	Sandisfield.
Florida.	Savoy.
Hinsdale.	Washington.
Otis.	Windsor.
Peru.	
New Hampshire	
Chesterfield.	Westmoreland.
Vermont	
Brattleboro.	Newfane.
Dover.	Putney.
Dummerston.	Wilmington.
Marlboro.	

(b) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, or Worcester Counties in Massachusetts, or in any of the following cities or towns, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 996.40 and 996.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price:

Connecticut	
Ellington.	Somers.
Enfield.	Stafford.
Granby.	Suffield.
New Hampshire	
Hinsdale.	Winchester.
Vermont	
Guilford.	Vernon.
Halifax.	Whittingham.
Readsboro.	

§ 996.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 996.25 (l) or (m), at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 996.25(n) at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the handler's regulated plant nearest to Springfield.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant with route disposition in the marketing area shall make payment at the difference between the price pursuant to § 996.40 and the price pursuant to § 996.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset route disposition in this marketing area and in any other Federal marketing area.

§ 996.66 Deductions from payments to producers.

In making payments to producers as required by §§ 996.60 and 996.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 996.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 996.61, 996.62, and 996.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 996.68 Statements to producers.

In making the payments to producers prescribed by § 996.61(a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 996.61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 996.66, 996.70, and 996.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 996.70 Marketing service deduction; nonmembers of an association of producers.

In making payments to producers pursuant to § 996.61(a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 996.71, deduct 3 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 996.71 Marketing service deduction; members of an association of producers.

In the case of producers who are members of an association of producers which the Secretary determines is actually performing the services set forth in § 996.70, each handler shall, in lieu of the deductions specified in § 996.70, make such deductions from payments made pursuant to § 996.61(a) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 996.72 Payment of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant.

OBLIGATIONS

§ 996.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two year after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 996.80 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 996.81.

§ 996.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 996.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 996.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected, pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 996.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Milk in Worcester, Mass., Marketing Area

DEFINITIONS

§ 999.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Worcester, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Auburn.	Oxford.
Boylston.	Paxton.
Charlton.	Princeton.
Clinton.	Rutland.
Dudley.	Worcester.
Fitchburg.	Shrewsbury.
Gardner.	Southbridge.
Grafton.	Spencer.
Holden.	Sterling.
Lancaster.	Sutton.
Leicester.	Upton.
Leominster.	Webster.
Lunenburg.	Westborough.
Millbury.	West Boylston.
Northborough.	Westminster.

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I pursuant to § 999.15(a) other than in bulk to a plant or in packaged form to a plant

which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

§ 999.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or any other business unit;

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and perform the duties of the Secretary of Agriculture;

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk;

(d) "Dairy farmer for other markets" means any person described in subparagraph (1), (2) or (3) of this paragraph:

(1) Any dairy farmer with respect to milk which is purchased from him by a dealer who does not operate any regulated plant during the month and which milk is moved to another dealer's regulated plant directly from the dairy farmer's farm, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(3) Any dairy farmer whose milk is received by a handler at a regulated plant during any of the months of December through June from a farm from which the handler received nonpool milk during any of the preceding months of July through November, except that the term shall not apply if all such nonpool milk was considered as receipts from a producer under another New England Federal order or of own production of a producer-handler under any New England Federal order.

(4) As used in this paragraph, the terms "handler" and "dealer" include affiliates of, and persons who control or are controlled by, the handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include any person who is a producer-handler under this or any other Federal order, a dairy farmer for other markets, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Dealer" means any person, who during the month operates a plant at which he engages in the business of receiving fluid milk products for resale or manufacture into milk products, whether or not he disposes of any fluid milk products in the marketing area.

(h) "Handler" means: (1) Any person who, during the month, operates a pool plant or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area, or (2) any person in his capacity as a subdealer, vendor, or peddler selling fluid milk products on routes from such plants.

(i) "Pool handler" means any handler who operates a pool plant.

(j) "Producer-handler" means any person meeting the conditions of subparagraph (1) or (2) of this paragraph who is both a dairy farmer and a handler, processing milk from his own production and distributing all or a portion of such milk in the marketing area on routes: *Provided*, That the maintenance, care and management of the dairy herd and other resources and facilities necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and risk of such person and a greater proportion of fluid milk products are distributed in this marketing area or routes than in any other Federal order marketing area:

(1) Whose own farm production or Class I sales, whichever is less, does not exceed 2,150 pounds on a daily average during the month and whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders, or

(2) Whose only source of supply for fluid milk products is milk of his own farm production and fluid milk products from regulated plants under any of the New England Federal orders in an amount not in excess of two percent of own farm production.

§ 999.3 Definitions of plants.

(a) "Plant" means the land and buildings, together with their surroundings, facilities and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products, except that this definition shall not include any separate building, premise, equipment or facility used primarily to hold or store packaged fluid milk products in transit on routes.

(b) "City plant" means any plant which is located within 10 miles of the marketing area.

(c) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) "Receiving plant" means any plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled; or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment in the building or to other vehicles.

(e) "Pool plant" means any receiving plant which meets the applicable conditions and requirements for pool plant status contained in §§ 999.20 and 999.21, except a pool plant under another Federal order, or the plant of a producer-handler under any Federal order.

(f) "Distributing plant" means any plant from which fluid milk products processed and packaged at the plant are distributed in the marketing area on routes.

(g) "Regulated plant" means: (1) Any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipts of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater percentage of its Class I milk in another Federal order marketing area on routes.

(h) "Supply plant" means any receiving plant, other than a regulated distributing plant, from which fluid milk products are shipped in bulk to a distributing plant.

(i) "Other Federal order plant" means a pool plant under another Federal order, or any plant which is not a regulated plant under the provisions of this order but at which all fluid milk products handled become subject to the classification and pricing provisions of a Federal milk order.

§ 999.4 Definitions of milk and milk products.

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity by weight of "half and half".

(b) "Fluid milk products" means milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(c) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(f) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to retail or wholesale outlets in fluid form for human consumption.

(g) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(h) "Producer milk" means milk which a handler has received as milk from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

(i) "Outside milk" means:

(1) All receipts of fluid milk products from sources other than producers, regulated plants, and other Federal order plants, but not including receipts of exempt milk.

(2) All other receipts of milk products, whether or not originally derived from producer milk, which are not fluid milk products but are combined with or converted into fluid milk products, and including cream or other such milk products received or produced at the handler's plant during a prior month.

(j) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(2) Packaged fluid milk products received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month, if such movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the regulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstance completely beyond the handler's control, or

(3) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

(k) "Diverted milk" means milk which a pool handler reports as having been moved from a dairy farmer's farm to one of his pool plants, but which he caused to be moved from that farm to another plant, provided such movement is specifically reported and the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted.

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm, as producer milk or caused milk to be moved as producer milk from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

Market Administrator

§ 999.10 Designation of market administrator.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 999.11 Powers of market administrator.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 999.12 Duties of market administrator.

The market administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by § 999.72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Confirm of the producers delivering to a plant as reported by the handler prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

Classification

§ 999.15 Classes of utilization.

All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 999.16 and 999.17, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All milk and milk products sold, distributed, or disposed of as or in milk;

(2) All milk and milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the milk and milk products used to produce concentrated milk; and

(4) All milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume of fluid milk products and cream handled.

§ 999.16 Classification of fluid milk products moved to other plants.

Any fluid milk products moved from a regulated plant to any other plant shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved to the plant of a producer-handler under any Federal order;

(c) In the class to which it is assigned under §§ 999.25 and 999.26 if moved as bulk fluid milk products to any other handler's regulated plant;

(d) In the class to which assigned under the other order, if moved as bulk fluid milk products to a regulated plant under another New England Federal order or the New York-New Jersey order;

(e) As Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the transferee plant, if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order or the plant of a producer-handler under any Federal order; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a regulated plant under any New England Federal order or the New York-New Jersey order and thence to another plant located outside the New England States and New York State.

§ 999.17 Responsibility of handlers in establishing the classification of milk.

The burden rests upon the handler who operates a plant to account for any milk and milk products received or available at the plant, and to prove that they should not be classified as Class I milk.

Determination of Pool Plant Status

§ 999.20 Basic pooling requirements.

Each receiving plant shall be considered to have met the basic pooling requirements in any month in which it meets the applicable conditions of this section.

(a) It is a distributing plant with total Class I disposition of at least 50 percent of its total receipts of fluid milk products and Class I route disposition in the marketing area of not less than 10 percent of its receipts from dairy farmers, and such route disposition in the marketing area exceeds its Class I route disposition in any other New England Federal marketing area.

(b) It is a plant located in the marketing area which is operated by an association of producers and the Class I route disposition from the plant does not exceed 2 percent of the total receipts of fluid milk products at the plant.

(c) It is a supply plant from which at least 30 percent of its total receipts of milk from dairy farmers is shipped as bulk fluid milk products to regulated distributing plants.

§ 999.21 Supplementary pooling provisions for supply plants.

(a) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if in each of the preceding months of July through November it was a pool plant or would have been a pool plant had it not been a pool plant under another New England Federal order, unless:

(1) The plant has automatic pool plant status for such month under another New England Federal order and a greater quantity of the receipts from dairy farmers at the plant during the preceding July through November period was pooled under the other order than was pooled under this part;

(2) The plant is designated as a nonpool plant pursuant to paragraph (e) of this section; or

(3) The plant was a nonpool plant under all of the New England Federal orders in a prior month of the current December through June period.

(b) Any supply plant shall have automatic pool plant status in any of the months of December through June, regardless of whether any fluid milk products are shipped to distributing plants during the month, if it was a pool plant under one or another of the New England Federal orders during each of the preceding months of July through November and a greater quantity of its receipts from dairy farmers during the July through November period was pooled under this order than under any other New England Federal order. However, no plant shall have automatic pool plant status under this paragraph for any month of such December through June period subsequent to a month for which the plant is designated as a nonpool plant pursuant to paragraph (e) of this section.

(c) Any supply plant, except a plant which has automatic pool plant status for such month under paragraph (a) or (b) of this section, shall be a nonpool plant in any month in which it meets the conditions and requirements for pool plant status under another New England Federal order and ships a greater quantity of bulk fluid milk products to regulated distributing plants under that order than it ships to regulated distributing plants under this part. However, no plant shall be barred from pool plant status under this paragraph for any month in which the greater quantity of such shipments is made to regulated distributing plants under the Boston order but the plant is designated as a nonpool plant under that order at the handler's request.

(d) Any supply plant shall be a nonpool plant in each of the months of December through June if it was a nonpool receiving plant under each of the New England Federal orders during any of the preceding months of July through November in which it was operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler's plant under any New England Federal order.

(e) A supply plant shall be a nonpool plant in any of the months of December through June for which the market administrator has received, on or before the 16th day of the month, the handler's written request that the plant be designated as a nonpool plant for that month.

Assignment of Receipts to Classes

§ 999.25 Assignment of receipts at regulated plants to Class I milk.

Receipts at regulated plants shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk;

(b) Receipts from other Federal order plants of packaged fluid milk products classified and priced as Class I milk under the other Federal order;

(c) Receipts from other handlers' regulated plants of packaged fluid milk products;

(d) Receipts from regulated plants under the Boston order of bulk fluid milk products classified as Class I milk under the Boston order;

(e) Receipts from other handlers' regulated city plants of bulk fluid milk products, for which classification as Class II milk has not been requested by both handlers;

(f) Receipts from producers at each of the handler's country pool plants to the extent of the quantity of Class I milk disposed of outside the marketing area without being received at a city plant;

(g) Receipts from producers at the handler's city plant;

(h) Receipts from other handlers' regulated country plants of bulk fluid milk products, for which classification as Class II milk has not been requested by both handlers, in the order of the nearness of the originating plants to Worcester according to their zone locations;

(i) Receipts from producers at the handler's country plants not assigned pursuant to paragraph (f) of this section, in the order of the nearness of the plants to Worcester according to their zone locations;

(j) Receipts from other handlers' regulated plants of bulk fluid milk products not assigned to Class I milk under paragraphs (e) and (h) of this section, in the order of the nearness of the originating plants to Worcester according to their zone locations;

(k) Receipts from other Federal order plants of bulk fluid milk products not assigned to Class I milk under paragraph (d) of this section but subject to classification and pricing as Class I milk under the other Federal order if assigned to Class I milk under this part. If there are receipts from more than one other Federal order market, the remaining Class I milk shall be prorated between the originating markets, except that if the handler has Class I route disposition in an originating market, the receipts from such market shall take priority of assignment to any residual Class I use up to the total quantity of Class I route disposition in such market by the handler;

(l) Receipts from other Federal order plants of fluid milk products not assigned to Class I milk under paragraphs (b), (d), and (k) of this section;

(m) Receipts of outside milk in the form of fluid milk products, in the order of the nearness of the unregulated plants to Worcester according to their zone locations; and

(n) All other receipts, or available quantities of fluid milk products, from whatever source derived.

§ 999.26 Assignment of receipts at regulated plants to Class II milk.

Receipts at regulated plants of milk and milk products which are not assigned to Class I milk pursuant to § 999.25 shall be assigned to Class II milk.

Reports of Handlers

§ 999.30 Pool handlers' reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to §§ 999.25 and 999.26;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to §§ 999.15 through 999.17.

§ 999.31 Reports of nonpool handlers.

Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

§ 999.32 Reports regarding individual producers.

(a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to, starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

§ 999.33 Reports of payments to producers.

Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 999.34 Maintenance of records.

Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

§ 999.35 Verification of reports.

For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

§ 999.36 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 999.37 Notices to producers.

Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

Minimum Class Prices

§ 999.40 Class I price at city plants.

The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 999.48 plus 54 cents.

§ 999.41 Class II price at city plants.

The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

§ 999.42 Country plant zone price differentials.

In the case of receipts at country plants, the prices determined pursuant to §§ 999.40, 999.41 and 999.51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Worcester as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The distance shall be the lowest highway mileage between Worcester and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Worcester, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

Country Plant Zone Price Differentials

A	B	C	D
Distance to Worcester (miles)	Zone	Class I and blended price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
40 or less	4	−17.0	−2.0
41 to 50	5	−34.8	−2.0
51 to 60	6	−36.0	−3.0
61 to 70	7	−37.2	−3.0
71 to 80	8	−38.4	−3.0
81 to 90	9	−39.6	−3.0
91 to 100	10	−40.8	−3.0
101 to 110	11	−42.0	−4.5
111 to 120	12	−43.2	−4.5
121 to 130	13	−44.4	−4.5
131 to 140	14	−45.6	−4.5
141 to 150	15	−46.8	−4.5
151 to 160	16	−48.0	−6.0
161 to 170	17	−49.2	−6.0
171 to 180	18	−50.4	−6.0
181 to 190	19	−51.6	−6.0
191 to 200	20	−52.8	−6.0
201 to 210	21	−54.0	−7.0
211 to 220	22	−55.0	−7.0
221 to 230	23	−56.0	−7.0
231 to 240	24	−57.0	−7.0
241 to 250	25	−58.0	−7.0
251 to 260	26	−59.0	−8.0
261 to 270	27	−60.0	−8.0
271 to 280	28	−61.0	−8.0
281 to 290	29	−62.0	−8.0
291 to 300	30	−63.0	−8.0
301 and over	31 and over	(1)	−8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Worcester shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

§ 999.44 Use of equivalent factors in formulas.

If for any reason a price, index, or wage rate specified by this part for use in computing class prices for any other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 999.45 Announcement of class prices.

The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

New England Basic Price Formula

§ 999.48 Computation of New England basic Class I price.

The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by .8062 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9633 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210 mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $0.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

Month:	Base Class I percentage
January	71.6
February	69.8
March	65.1
April	61.1
May	55.5
June	56.7
July	69.3
August	74.7
September	75.8
October	76.5
November	77.9
December	73.0

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (4) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

Month:	Seasonal adjustment factor
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(e) Multiply the Economic Index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

Range		New England basic Class I price
At least—	But less than—	
[1] $4.88	$5.08	$4.97
5.08	5.20	5.19
5.20	5.32	5.41
5.32	5.74	5.63
5.74	5.96	5.85
5.96	6.18	6.07
6.18	6.40	6.29
6.40	6.62	6.51
6.62	6.84	6.73
6.84	[1] 7.06	6.95

[1] If the result of the computation specified in this paragraph is less than $4.88 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

§ 999.50 Computation of value of milk received from producers.

For each month, the market administrator shall compute the value of milk received from producers by each pool handler in the following manner:

(a) Multiply the quantities of milk received from producers assigned to Class I milk pursuant to § 999.25 by the applicable prices pursuant to §§ 999.40 and 999.42;

(b) Multiply the quantities of milk received from producers assigned to Class II milk pursuant to § 999.26 by the applicable prices pursuant to §§ 999.41 and 999.42; and

(c) Add together the resulting value of each class.

§ 999.51 Computation of the basic blended price.

The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to §§ 999.50 and the payments required pursuant to § 999.65 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to §§ 999.61(b) and 999.65, for the preceding month;

(b) Add the amount of reserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to §§ 999.61, 999.62, 999.65 and 999.67;

(c) Deduct the amount of the plus differentials, and add the amount to the minus differentials, which are applicable pursuant to § 999.64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 999.61 and 999.62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

§ 999.52 Announcement of blended prices.

On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended prices by the differentials pursuant to § 999.64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this part.

PAYMENTS FOR MILK

§ 999.60 Advance payments.

On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month.

§ 999.61 Final payments.

Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to § 999.50, as follows:

(a) On or before the 20th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in §§ 999.63 and 999.64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to the market administrator on or before the 18th day after the end of each month, or receiving from the market administrator on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in § 999.64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to § 999.50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

§ 999.62 Adjustments of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to §§ 999.61(b) and 999.65, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 11th day of the prior month through the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by § 999.61(a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

§ 999.63 Butterfat differential.

Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of this chapter.

§ 999.64 Location differentials.

The payments to be made to producers by handlers pursuant to § 999.61(a) shall be subject to the differentials set forth in Column C of the table in § 999.42, and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in Franklin, Hampshire, Hampden, Worcester, Middlesex, or Norfolk Counties in Massachusetts, or in the towns of Brookline, Greenville, Hinsdale, Hollis, Mason, and New Ipswich in New Hampshire, or Vernon, Vermont, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to §§ 999.40 and 999.42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give, as a result, such price.

§ 999.65 Payments on outside milk and receipts from other Federal order plants.

Within 18 days after the end of each month, handlers shall make payments to producers, through the market administrator as follows:

(a) Each handler operating a regulated plant at which there are assigned to Class I milk receipts of outside milk, or receipts from other Federal order plants which are not classified and priced as Class I milk under the other Federal order, shall make payment as follows:

(1) On such receipts assigned pursuant to § 999.25 (l) or (m), at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the zone location of the unregulated plant. Receipts from each dairy farmer for other markets shall be considered as receipts from the unregulated plant to which he ordinarily delivered; and

(2) On quantities assigned pursuant to § 999.25(h) at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the handler's regulated plant nearest to Worcester.

(b) Each handler, except a producer-handler under any Federal order, who operates an unregulated plant from which there is Class I route disposition in the marketing area shall make payment at the difference between the price pursuant to § 999.40 and the price pursuant to § 999.41 applicable at the zone location of the handler's plant on the quantity of such disposition which is in excess of the receipts at the plant of fluid milk products classified and priced as Class I milk under any Federal order, except that the same receipts of priced milk shall not be used to offset Class I route disposition in this marketing area and in any other Federal marketing area.

§ 999.66 Deductions from payments to producers.

In making payments to producers as required by §§ 999.60 and 999.61(a), the burden shall rest upon the handler making deductions from such payments to prove that each deduction is properly authorized, and properly chargeable to the producer.

§ 999.67 Adjustment of overdue accounts.

Any balance due, pursuant to §§ 999.61, 999.62 and 999.65, to or from the market administrator on the 20th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of one percent effective the 21st day of such month: *Provided*, That any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of such month, shall be considered under this section to have been received by the 20th of the month.

§ 999.68 Statements to producers.

In making the payments to producers prescribed in § 999.61(a), each pool handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of § 999.61(a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 999.66, 999.70 and 999.71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

§ 999.70 Marketing service deduction—nonmembers of an association of producers.

In making payments to producers pursuant to § 999.61(a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in § 999.71, deduct 3 cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

§ 999.71 Marketing service deduction—members of an association of producers.

In the case of producers who are members of an association of producers which the Secretary determines is performing the services set forth in § 999.70, each handler shall, in lieu of the deductions specified in § 999.70, make such deductions from payments made pursuant to § 999.61(a) as may be authorized by such producers and pay, on or before the 20th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

§ 999.72 Payment of administration expense.

Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may from time to time prescribe, and shall apply to all of the handler's receipts, during the month, of milk from producers, of outside milk, and of exempt milk processed at a regulated plant.

OBLIGATIONS

§ 999.73 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 999.80 Effective time.

The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 999.81.

§ 999.81 Suspension or termination.

The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 999.82 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such

further acts shall be performed notwithstanding such suspension or termination.

§ 999.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 999.84 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Milk in Connecticut Marketing Area

1. Delete paragraph (c) of § 1019.1 and substitute therefor the following:

(c) "Route" means any delivery to retail or wholesale outlets (including any disposition by a vendor, from a plant store, or to a vending machine) of fluid milk products classified as Class I milk pursuant to § 1019.21(a), other than in bulk to a plant or in packaged form to a plant which packages fluid milk products for Class I disposition: *Provided*, That disposition of packaged fluid milk products from a plant which does no packaging of fluid milk products, or disposition from any building or facility other than a plant, shall be considered as a continuation of the route(s) of the plant where such fluid milk products are packaged.

2. Delete paragraph (e) of § 1019.2 and substitute therefor the following:

(e) "Producer" means any dairy farmer (except a producer-handler under any Federal order or a dairy farmer who is a producer under another Federal order) who produces milk which is received during the month at a pool plant, or is diverted by a pool handler from a pool plant to a nonpool plant in accordance with subparagraph (1), (2) or (3) of this paragraph, if such pool handler, in filing the report required pursuant to § 1019.30, reports such milk as received from a producer at such pool plant: *Provided*, That any dairy farmer whose milk is diverted during any month of July through November, inclusive, on more than the number of days specified shall not be considered to qualify under this paragraph with respect to any of his deliveries of milk during such month.

(1) To a nonpool plant during any month of July through September on not more than 8 days (4 days in the case of every-other-day delivery) during such month.

(2) To a nonpool plant during any month of October through March on not more than 12 days (6 days in the case of every-other-day delivery) during such month.

(3) To a nonpool plant during any month of April through June.

3. Delete paragraph (g) of § 1019.2 and substitute therefor the following:

(g) "Handler" means (1) any person who during the month operates a pool plant or any other plant from which fluid milk products are disposed of directly or indirectly in the marketing area, (2) any person in his capacity as a subdealer, vendor or peddler selling fluid milk products on routes from such plants, or (3) any association of producers with respect to the milk of any producer which it causes to be diverted to a nonpool plant for the account of such association under the conditions of § 1019.2(e).

4. Insert the word "separate" immediately before the word "building" in the proviso of § 1019.3(a) and delete the words "or other milk products in finished form" as they appear in subparagraph (1) of such proviso.

5. Delete § 1019.3(e) and substitute therefor the following:

(e) "Pool plant" means (1) any receiving plant (except the plant of a producer-handler under any Federal order) from which at least 10 percent of its total receipts of milk directly from dairy farmers is disposed of during the month within the marketing area on routes and not less than 50 percent of its total receipts of fluid milk products is disposed of during the month as Class I milk, unless the market administrator determines that such plant disposed of a greater porportion of its Class I milk in another Federal order marketing area on routes than was so disposed of in this marketing area;

(2) Except as provided in subdivision (i) through (iv) of this subparagraph any receiving plant from which not less than 30 percent of its receipts of milk directly from dairy farmers is shipped during the month as fluid milk products to a pool plant qualified pursuant to subparagraph (1) of this paragraph or to a regulated plant other than a pool plant:

(i) During any of the months of July through November, any plant qualified as a pool plant pursuant to this subparagraph and also meeting the shipping requirements for pooling under another Federal order shall be exempt from the provisions of this order, except as provided in §§ 1019.30(b), 1019.31(b), 1019.33, and 1019.34, if the market administrator determines that a greater proportion of fluid milk products was shipped during such month to regulated plants under such other order unless such greater shipments were made to Boston regulated plants and the plant operator elects nonpool status under the Boston order during such month;

(ii) Any plant which was a pool plant pursuant to this subparagraph in each of the months of July through November or which held pooling status under one or another of the New England Federal orders in each month of such period but had the greater proportion of its producer receipts pooled under this order during such period shall be a pool plant in the immediately succeeding months of December through June, unless the operator thereof gives written notice to the market administrator on or before the 16th day of any such month that the plant is a nonpool plant for such month: *Provided*, That any such plant which was a nonpool plant in any of the months of July through November and for which nonpool status is requested for any month of December through June, or any plant which was a pool plant in each of such months of July through November, but which is operated as a nonpool plant under all of the New England Federal orders in any of the months of December through June shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph;

(iii) Any plant which was not a pool plant under this order during each of the months of July through November but which met the pooling requirements pursuant to this subparagraph in each of such months shall be a pool plant in any of the months of December through June, if written request for pooling status is made to the market administrator on or before the 16th day of such month and such plant is not a pool plant under another Federal order in such month, except that if such plant was a nonpool plant under all of the New England orders in any of the months of December through June it shall be a pool plant in any subsequent month of such period only if it meets the shipping requirements pursuant to this subparagraph;

(iv) Any plant which was a nonpool plant under all of the New England orders during any of the month of July through November shall not be a pool plant in any of the month of December through June in which it is operated by the same handler, an affiliate of the handler or any person who controls or is controlled by the handler, except as it was then operated as a producer-handler plant.

6. Add a new paragraph (d) at the end of § 1019.3 to read as follows:

(d) "Regulated plant" means (1) any pool plant, or (2) any other plant (except the plant of a producer-handler under any Federal order) in any month in which at least 50 percent of its total receipts of fluid milk products is disposed of as Class I milk and not less than 10 percent of such receipts is disposed of in the marketing area on routes, unless the market administrator determines that such plant disposes of a greater percentage of its Class I milk in another marketing area on routes.

7. Delete paragraph (g) (2) of § 1019.4 and substitute therefor the following:

(2) Received at a pool plant in the form of packaged fluid milk products from a nonpool plant in return for which an equivalent quantity of skim milk and butterfat in the form of bulk milk is moved from a pool plant for processing and packaging during the same month, if such receipt and return occurs during an interval in which the facilities of the pool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control.

8. Delete the word "or" immediately preceding subparagraph (3) of § 1019.4 (g) and add the word "or" immediately following subparagraph (3) together with a new subparagraph (4) as follows:

(4) Milk produced and processed in accordance with the standards of purity and quality for certified milk established by the American Association of Medical Milk Commissions and disposed of as packaged certified milk or packaged certified skim milk.

9. Delete paragraph (l) of § 1019.4 and substitute therefor the following:

(l) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to retail or wholesale outlets.

10. Delete the word "and" immediately preceding subparagraph (b) (6) of § 1019.21 and add a new subparagraph (b) (7) immediately after subparagraph (b) (6) of § 1019.21 as follows: "and (7) contained in fluid milk products lost under extraordinary circumstances completely beyond the control of the handler, if such loss is substantiated by records satisfactory to the market administrator."

11. Insert at the end of § 1019.22(b) the words "under this or any other Federal order".

12. Delete § 1019.24(b) and substitute therefor the following:

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received during the month as exempt milk.

(2) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received during the month:

(i) From fully regulated plants under another Federal order, and

(ii) From any pool plant or any plant which receives its entire supply from a pool plant.

(3) Subtract from the total pounds of skim milk in Class II milk, the pounds of skim milk shrinkage allocated pursuant to § 1019.21(b)(5).

(4) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk the pounds of skim milk received during the month in other source milk in a form other than fluid milk products.

(5) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in other source milk in the form of fluid milk products received during the month from other than fully regulated plants under the provisions of another Federal order.

(6) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in inventory of fluid milk products on hand at the end of the month.

(7) During the months of July through November, subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or 15 percent of the pounds of skim milk in receipts of producer milk, whichever is less.

(8) Subtract from the remaining pounds of skim milk in Class II milk a quantity equal to such remainder or the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order, whichever is less.

(9) Subtract from the remaining pounds of skim milk in each class, beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month.

(10) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph.

(11) Subtract from the remaining pounds of skim milk in each class beginning with Class I milk, the pounds of skim milk in bulk fluid milk products received during the month from fully regulated plants under the provisions of another Federal order and not assigned pursuant to subparagraph (8) of this paragraph.

(12) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (7) of this paragraph.

(13) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received in bulk from other pool plants and assigned to such class.

(14) Add to the pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph.

(15) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in the producer milk of such handler subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in sequence beginning with Class II milk.

13. Delete subparagraphs (1) and (2) of § 1019.31(a), renumber subparagraph (3) as subparagraph (4), and substitute therefor the following:

(1) Within 5 days after a producer moves from one farm to another, starts or resumes delivery to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, in the case of a producer whose milk was directed to such pool plant by other than an association of producers, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries;

(2) Promptly after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, in the case of a producer whose milk was directed to such pool plant by other than an association of producers, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries;

(3) On or before the 8th day after the end of each month, with respect to other producers from whom milk was received during the month, such of the information specified in subparagraphs (1) and (2) of this paragraph as the market administrator shall request;

14. Delete § 1019.32 and substitute therefor the following:

§ 1019.32 Notices to producers.

(a) Within 7 days after the end of each sampling period for which a composite butterfat test of a producer's milk was determined, each pool handler shall give the producer written notice of such composite test.

(b) In making payments to producers prescribed in § 1019.60(a) each pool handler shall furnish each producer with a supporting statement of the information set forth in subparagraph (1) through (6) of this paragraph in such form that it may be retained by the producer: *Provided*, That in the case of producers for whom the handler makes payment to a cooperative association pursuant to § 1019.60(b), the information specified in subparagraphs (1), (2), and (5) of this paragraph shall be furnished by the handler to such cooperative association on or before the 14th day after the end of the month for which such payment is due:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of § 1019.60 (a);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

15. In § 1019.42(b) change the reference "§ 1019.24(b)(1) to (8)" to "§ 1019.24(b)(1) to (12)".

16. In § 1019.46(a) change the reference "§ 1019.24(b)(2)" to "§ 1019.24(b)(4)".

17. In § 1019.46(b) change the reference "§ 1019.24(b)(3)" to "§ 1019.24(b)(5)".

18. In § 1019.46(c)(1) change the reference "§ 1019.24(b)(5)" to "§ 1019.24(b)(11)".

19. In § 1019.46(c)(2) change the reference "§ 1019.24(b)(5)" to "§ 1019.24(b)(11)".

19a. In § 1019.46(d) insert immediately after the words "Each handler" the phrase "(except a producer-handler under this or any other Federal order)" and immediately after the word "payment" insert the words "by the 19th day of the following month".

20. Delete § 1019.47.

21. In § 1019.50(c) change the reference "§ 1019.24(b)(12)" to "§ 1019.24(b)(15)".

22. Delete paragraph (d) of § 1019.50 and substitute therefor the following:

(d) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat respectively, was allocated to Class II in the preceding month, by the hundredweight of skim milk and butterfat respectively, subtracted from Class I milk pursuant to § 1019.24 (b)(9) and (c) for the month which is in excess of the hundredweight of skim milk and butterfat respectively, allocated to Class II milk pursuant to § 1019.24 (b)(11) and (c) during the preceding month and classified and priced as Class I under the provisions of another Federal order.

23. Delete the words "following that" as they appear near the end of § 1019.67.

24. Delete § 1019.68 and substitute therefor the following:

§ 1019.68 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1019.46, 1019.65, 1019.69, and 1019.70 shall be increased one-half of one percent effective the 21st day of such month and on the 21st day of each month thereafter until such obligation is paid.

Issued at Washington, D.C., this 15th day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-5634; Filed, June 17, 1960; 8:45 a.m.]

Agricultural Research Service

[9 CFR Part 84]

PULLORUM DISEASE AND FOWL TYPHOID

Proposed Restrictions on Interstate Movement of Poultry

Notice is hereby given that it is proposed to amend Subchapter C, Chapter I, Title 9, Code of Federal Regulations, pursuant to sections 4–7 of the Act of May 29, 1884, as amended, and sections 1 and 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111–113, 115, 117, 120, 121), by adding a new Part 84—Pullorum Disease and Fowl Typhoid of Poultry, to read:

§ 84.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Poultry.* Live chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and peafowl, of all ages.

(b) *Hatching eggs.* Eggs of poultry for hatching.

(c) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person for the hatching of poultry.

(d) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(e) *State.* Any State, Territory, or the District of Columbia.

(f) *Interstate.* From any State into or through any other State.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the function involved.

(h) *State inspector.* An inspector regularly employed in livestock or poultry sanitary work of a State or a political subdivision thereof, who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian specifically approved by the United States Department of Agriculture to perform the function involved.

(j) *National Poultry Improvement Plan.* The voluntary poultry improvement plan as set forth in Part 145 of this chapter.

(k) *National Turkey Improvement Plan.* The voluntary turkey improvement plan as set forth in Part 146 of this chapter.

(l) *Moved.* Shipped, transported or otherwise moved or delivered or received for movement, by any person.

(m) *Pullorum disease.* The contagious, infectious, and communicable disease of poultry known as pullorum disease.

(n) *Fowl typhoid.* The contagious, infectious, and communicable disease of poultry known as fowl typhoid.

§ 84.2 Notice relating to existence of pullorum disease and fowl typhoid.

Notice is hereby given that both pullorum disease and fowl typhoid exist in each State. There is evidence that both diseases are communicable and can be transmitted from infected parent stock through the egg to offspring as well as from bird-to-bird and through contamination of hatcheries.

§ 84.3 Notice of regulation.

Notice is hereby given that in order to preserve the gains already made toward the eradication of pullorum disease and fowl typhoid, to prevent the interstate spread thereof, and to protect the poultry of the United States, it is necessary to regulate the interstate movement of poultry and hatching eggs as provided in this part.

§ 84.4 Interstate movement of affected poultry.

Poultry and hatching eggs affected with pullorum disease or fowl typhoid, shall not be moved interstate for any purpose.

§ 84.5 General restriction.

Poultry and hatching eggs, not affected with pullorum disease or fowl typhoid, shall not be moved interstate except as provided in this part.

§ 84.6 Permitted movement of poultry and hatching eggs.

(a) Poultry and hatching eggs, not known to be affected with pullorum disease or fowl typhoid, may be moved interstate under this part if accompanied by a certificate signed by the owner or shipper of such poultry or hatching eggs stating: (1) Name and address of consignor; (2) date of shipment; (3) name and address of the consignee; (4) name and location of the flock of origin, or the hatchery of origin if such movement is from a hatchery; (5) number of birds or eggs contained in the shipment; (6) breed, strain, cross or trade-name identification of the birds or eggs contained in the shipment; (7) that the flock of origin has been tested as prescribed in paragraph (c) of this section by either the standard pullorum-typhoid tube agglutination test, the rapid serum plate test, or the rapid whole-blood test using polyvalent antigen, for pullorum and fowl typhoid, and that no reactors have been found, and (8) that the poultry or hatching eggs contained in the shipment have not been exposed to equipment contaminated with pullorum or fowl typhoid nor to poultry or hatching eggs from flocks which have not qualified as described in subparagraph (7) of this paragraph. If the consignor is a qualified participant in the National Poultry Improvement Plan or the National Turkey Improvement Plan, and if the poultry or hatching eggs qualify under either § 145.10 (f) or (g) of this chapter or § 146.10 (e) or (f) of this chapter, they may be moved interstate under this part provided that the shipment is accompanied by a certificate signed by the participant giving the information specified in this paragraph (a) and indicating the official pullorum-typhoid classification of the poultry or hatching eggs.

(b) One copy of each certificate shall be immediately forwarded by the consignor direct to the Veterinarian in Charge for the Division in the State of origin of such shipment; one copy shall be retained by the shipper; and one copy shall be delivered to the carrier and accompany the shipment to destination.

(c) The test specified in paragraph (a)(7) of this section must be conducted at least 21 days subsequent to the last test upon which any reactors were found. All testing for purposes of paragraph (a) of this section must have been done within 12 months preceding interstate movement, by either a Federal or State inspector, an accredited veterinarian, or an agent properly authorized by the appropriate State official.

(d) Records showing the test results upon which each certificate is based shall be maintained by the signer of the certificate for a period of 12 months following the date the certificate was issued and shall be available for inspection by Federal and State inspectors upon request during said period.

§ 84.7 Containers for shipping poultry and hatching eggs.

Shipments of poultry and hatching eggs shall be made in new, clean containers, except that poultry may be shipped in used wood or metal crates if the crates have been thoroughly cleaned and disinfected in "Cresylic disinfectant" in accordance with §§ 71.10 (a)(1) and 71.11 of this chapter prior to each use thereof.

§ 84.8 Poultry for immediate slaughter.

Poultry not known to be affected with pullorum disease or fowl typhoid may be moved interstate to a processing plant for immediate slaughter without complying with the provisions of § 84.6.

§ 84.9 Other movements.

The Director of Division may provide for the movement, not otherwise provided for in this part, of poultry, not known to be affected with pullorum disease or fowl typhoid, under such conditions as he may prescribe to prevent the spread of these diseases. The Director of Division will promptly notify the appropriate livestock sanitary official of the States involved of any such action.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed regulations may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 90 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of June, 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-5653; Filed, June 17, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601, 608]

[Airspace Docket No. 60-NY-24]

FEDERAL AIRWAYS, CONTROL AREAS, REPORTING POINTS AND RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor; Modification of Federal Airways and Associated Control Areas and Reporting Points and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.277, 600.6029, 600.6213, 601.277, 601.1341, 601.4277, 601.6213 and 608.17 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force to designate a Restricted Area/Military Climb Corridor at Dover Air Force Base, Dover, Del. The Military Climb Corridor, designated as a Restricted Area would be used by the high-speed, high-rate-of-climb Century Series Air Defense aircraft while departing from the airbase on active air defense missions. The Restricted Area would provide protection for high-speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. The proposed Restricted Area/Military Climb Corridor would be designated on radials from the Dover AFB TVOR and TACAN, thereby permitting use of the climb corridor by either VOR or TACAN equipped air defense aircraft. It would extend along the Dover AFB TVOR and TACAN 184° True radials from 5 statute miles south to 32 statute miles south of the airbase, having a width at the beginning from 1 statute mile west of the TACAN 184° True radial to 2.3 statute miles east of the TVOR 184° True radial, and expanding uniformly to a width at the outer extremity from 2.3 statute miles west of the TACAN 184° True radial to 2.3 statute miles east of the TVOR 184° True radial. The lower altitude limits in graduated steps would extend from 2,000 feet MSL to 19,000 feet MSL. The upper altitude limits would extend from 15,000 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft. The controlling agency would be Dover AFB Approach Control.

Concurrently with the proposed designation of the Restricted Area/Military Climb Corridor at Dover AFB, the Federal Aviation Agency is considering modification of the segment of VOR Federal airway No. 29 between Salisbury, Md., and Kenton, Del., by realigning it from the Salisbury VOR via the intersection of the Salisbury VOR 340° and the Kenton VOR 242° True radials, to the Kenton VOR. This modification would align this segment of Victor 29 west of the proposed Climb Corridor and would permit optimum use of altitudes on the airway segment while the Climb Corridor is in use. It is also proposed to revoke the segment of Red Federal airway No. 77 and its associated control areas from the point of intersection with the southeast course of the Andrews, Md., radio range, to the Dover, Del., radio beacon. The designation of the proposed Restricted Area/Military Climb Corridor would preclude the effective use of airspace on this airway segment. Concurrently with the revocation of this segment of Red 77, the Federal Aviation Agency is considering modification of VOR Federal airway No. 213 which presently extends, in part, from Hopewell, Va., to Tappahannock, Va. (the point of intersection of the Hopewell VOR 019° True radial and the Brooke, Va., VOR direct radial to the Cape Charles, Va., VOR), at which point it terminates. It is proposed to extend Victor 213 and its associated control areas northeastward from Tappahannock via the Patuxent River, Md. (Navy) VOR to the Kenton VOR, excluding the portion which coincides with the Patuxent, Md., Restricted Area (R-71). This extension of Victor 213 would provide a substitute airway for the segment of Red 77 proposed for revocation. In addition, the Federal Aviation Agency is considering modification of the Dover control area extension (§ 601.1341) to include the airspace within the proposed Restricted Area/Military Climb Corridor and substitute in its description VOR Federal airways No. 16 and No. 239 for Red Federal airway No. 77 and Blue Federal airway No. 49. This modification would provide control area within the Restricted Area/Military Climb Corridor for use by air traffic management when the climb corridor is not in active use by air defense aircraft.

The control areas associated with VOR Federal airway No. 29 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

If these actions are taken:

(1) The Dover, Del., (Dover AFB) Restricted Area/Military Climb Corridor (R–595) (Washington Chart) would be designated as follows:

Description. That area based on the 184° True radials of the Dover AFB TVOR (latitude 39°07'40" N., longitude 75°27'38" W.) and Dover AFB TACAN (latitude 39°07'56" N., longitude 75°28'04" W.) beginning 5 statute miles south of the airbase and extending 32 statute miles south of the airbase, having a width at the beginning from 1 statute mile west of the TACAN 184° True radial to 2.3 statute miles east of the TVOR 184° True radial and expanding uniformly to a width at the outer extremity from 2.3 statute miles west of the TACAN 184° True radial to 2.3 statute miles east of the TVOR 184° True radial.

Designated altitudes.
2,000' MSL to 15,000' MSL from 5 statute miles south of the airbase to 6 statute miles south of the airbase. 2,000' MSL to 24,000' MSL from 6 to 7 statute miles south of the airbase. 2,000' MSL to 27,000 MSL from 7 to 10 statute miles south of the airbase. 6,000' MSL to 27,000' MSL from 10 to 15 statute miles south of the airbase. 10,000' MSL to 27,000' MSL from 15 to 20 statute miles south of the airbase. 15,000' MSL to 27,000' MSL from 20 to 25 statute miles south of the airbase. 19,000' MSL to 27,000' MSL from 25 to 32 statute miles south of the airbase.

Time of use. Continuous.

Controlling agency. Dover AFB, Del., Approach Control.

(2) VOR Federal airway No. 29 segment from Salisbury, Md., to Kenton, Del., would be redesignated from the Salisbury VOR via the intersection of the Salisbury VOR 340° and the Kenton VOR 242° True radials, to the Kenton VOR.

(3) Red Federal airway No. 77 and its associated control areas from the point of intersection with the southeast course of the Andrews, Md., radio range to Dover, Del., radio beacon would be revoked. The caption to § 601.4277 relating to reporting points on Red Federal airway No. 77 would be amended to coincide with the modified airway.

(4) VOR Federal airway No. 213 and its associated control areas would be extended from its present terminating point at Tappahannock, Va., via the 227° True radial of the Patuxent, Md. (Navy), VOR via the Patuxent (Navy) VOR to the Kenton, Del., VOR excluding the

portion which coincides with the Patuxent, Md., Restricted Area (R-71).

(5) The Dover, Del., control area extension would be redescribed as that airspace south of the Kenton, Del., VOR, bounded on the north by VOR Federal airway No. 16, on the east by VOR Federal airway No. 239, on the southeast by VOR Federal airway No. 1, on the southwest by VOR Federal airway No. 29, excluding the portion which coincides with the Milford, Del., Restricted Area (R-12) during its time of designation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 14, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5616; Filed, June 17, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-LA-5]

CONTROL AREAS

Withdrawal of a Proposal To Designate a Control Area Extension

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59-LA-5 on November 10, 1959 (24 F.R. 9169), it was stated that the Federal Aviation Agency proposed to designate a control area extension northwest of Alamosa, Colo. Other airspace actions now under consideration, including the designation of a VOR Federal airway between Alamosa and Gunnison, Colo., would eliminate the requirement for designation of the control area extension as proposed in Airspace Docket No. 59-LA-5.

In consideration of the foregoing, the Notice of Proposed Rule Making contained in Airspace Docket No. 59-LA-5 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D. C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5604; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-39]

CONTROL AREAS

Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a control area extension at Rutland, Vt., to include the area bounded on the north, east and south by a line extending from the point of intersection on the eastern boundary of VOR Federal airway No. 91 at latitude 43°50'55" N., longitude 73°-10'45" W., to latitude 43°52'30" N., longitude 72°58'00" W.; thence to latitude 43°27'30" N., longitude 72°49'30" W.; thence to the eastern boundary of VOR Federal airway No. 91 at latitude 43°21'-40" N., longitude 73°28'45" W.; bounded on the west by the eastern boundary of VOR Federal airway No. 91. This control area extension would provide protection to aircraft operating under instrument flight rule conditions when conducting arrival and departure procedures to and from the Rutland, Vt., airport. It would also provide protection to aircraft departing Westover Air Force Base using standard departure tracks.

If this action is taken, the Rutland, Vt., control area extension would be designated as that airspace bounded on the north, east and south by a line extending from a point at the eastern boundary of VOR Federal airway No. 91 at latitude 43°50'55" N., longitude 73°10'45" W., to latitude 43°52'30" N., longitude 72°58'-00" W.; thence to latitude 43°27'30" N., longitude 72°49'30" W.; thence to the eastern boundary of VOR Federal airway No. 91 at latitude 43°21'40" N., longitude 73°28'45" W.; bounded on the west by the eastern boundary of VOR Federal airway No. 91.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 14, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5601; Filed, June 17, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-22]

CONTROL AREAS

Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a control area extension at Cut Bank, Mont., within a 35-mile radius of the Cut Bank VOR in the east quadrant, and within a 30-mile radius of the Cut bank VOR in the west quadrant. This would protect aircraft executing prescribed holding procedures and standard instrument approach procedures at Cut Bank Airport.

If this action is taken, the Cut Bank, Mont., control area extension would be designated within a 35-mile radius of the Cut Bank VOR clockwise from the Cut Bank VOR 059° True radial to the 136° True radial; and within a 30-mile radius of the Cut Bank VOR clockwise from the Cut Bank VOR 216° True radial to the 347° True radial.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5603; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-30]

CONTROL AREAS

Designation of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration designation of a control area extension at Helena, Mont., to include the area east of Helena within a 35-mile radius of the Helena VOR extending clockwise from VOR Federal airway No. 2, north alternate, to VOR Federal airway No. 127; the area within 6 miles to the north and 10 miles to the south of the 089° and 269° True radials of the Helena VOR extending from 8 miles east to 30 miles west of the VOR, and the area northwest of Helena bounded on the east by VOR Federal airway No. 21, on the south by Victor 2 and on the northwest by VOR Federal airway No. 257. This would protect aircraft executing high altitude holding procedures and jet penetrations at the Helena County-City Airport, based on the Helena VOR.

If these actions are taken, the Helena, Mont., control area extension would be designated as that area east of Helena within a 35-mile radius of the Helena VOR extending clockwise from VOR Federal airway No. 2 North, to VOR Federal airway No. 127; the area within 6 miles north and 10 miles south of the 089° and 269° True radials of the Helena VOR extending from 8 miles east to 30 miles west of the VOR; and the area northwest of Helena bounded on the east by VOR Federal airway No. 21, on the south by VOR Federal airway No. 2 and on the northwest by VOR Federal airway No. 257.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5605; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-17]

CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Sitka, Alaska, within a 5-mile radius of the Sitka Harbor Seaplane Base and within 2 miles either side of the northeast and the southwest courses of the Sitka radio range extending from the 5-mile radius zone to 2 miles southwest of the radio range. The designation of this control zone would provide protection for aircraft executing the prescribed instrument approach procedure based on the radio range for approaches to the Sitka Harbor Seaplane Base.

If this action is taken, the Sitka, Alaska, control zone would be designated within a 5-mile radius of the Sitka Harbor Seaplane Base (latitude 57°03'30"N., longitude 135°21'30" W.), and within 2 miles either side of the northeast and southwest courses of the Sitka radio range extending from the 5-mile radius zone to two miles southwest of the radio range.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5611; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-84]

CONTROL AREAS

Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1006 of the regulations of the Administrator, the substance of which is stated below.

The present Lake Charles, La., control area extension is designated within a 40-mile radius of the Lake Charles, La., VOR; within 5 miles either side of the 334° True radial of the Lake Charles VOR extending from the 40-mile radius area to a point 58 miles northwest of the VOR; within 5 miles either side of the 058° True radial of the VOR extending from the VOR to a point 42 miles northeast; and 5 miles either side of the 113° True radial of the Lufkin, Tex., VOR extending from the VOR to the Lake Charles 40-mile radius control area extension. The Federal Aviation Agency has under consideration the modification of this control area extension by adding an extension to the northwest bounded by a line beginning at a point on the arc of the Lake Charles 40-mile radius control area at latitude 30°24'00" N., longitude 93°42'00" W., thence north northwest to a point at latitude 31°08'00" N., longitude 94°02'00" W., thence northeast to latitude 31°23'00" N., longitude 93°28'00" W., thence southeast to latitude 30°43'00" N., longitude 93°04'00" W., thence along the arc of the Lake Charles 40-mile radius control area to the point of beginning. This modification would provide protection for aircraft arriving and departing Chennault Air Force Base, La., and also provide protection for aircraft holding on the Chennault AFB TACAN prior to approaching the Air Force Base for landing. The Federal Aviation Agency is also considering revoking the portion of the control area extension 5 miles either side of the Lufkin VOR 113° True radial. Aircraft movement statistics indicate that insufficient use is made of this segment of the Lake Charles control area extension to warrant its continued designation.

If this action is taken, the Lake Charles, La., control area extension would be redesignated within a 40-mile radius of the Lake Charles VOR, within 5 miles either side of the Lake Charles VOR 058° True radial from the 40-mile radius area to a point 42 miles northeast of the VOR, and the adjacent area to the northwest bounded by a line beginning on the 40-mile arc at latitude 30°24'00" N., longitude 93°42'00" W.; extending to latitude 31°08'00" N., longitude 94°02'00" W.; thence to latitude 31°23'00" N., longitude 93°28'00" W.; thence to the 40-mile arc at latitude 30°43'00" N., longitude 93°04'00" W.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5608; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-25]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1105 of the regulations of the Administrator, the substance of which is stated below.

The Muskegon, Mich., control area extension is presently designated within a 15-mile radius of the Muskegon County Airport. The Federal Aviation Agency has under consideration the modification of the Muskegon control area extension by adding the area southeast of Muskegon bounded on the northeast by VOR Federal airway No. 2 South, on the southeast by VOR Federal airway No. 193, and on the west by VOR Federal airway No. 55. This expansion of the Muskegon control area extension would provide protection for aircraft while being radar vectored to and from the Kent County Airport, Grand Rapids, Mich., and for aircraft holding at the Hudsonville, Mich., intersection. In addition, the description of the Muskegon control area extension presently excludes the portion which coincides with the Little Sable Point Restricted Area (R-437). This restricted area was revoked on May 7, 1959 (24 F.R. 2234). Therefore, references to this restricted area would be deleted from the description of the Muskegon control area extension.

If this action is taken, the Muskegon, Mich., control area extension would be designated within a 15-mile radius of the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W), and within the area southeast of Muskegon bounded on the northeast by VOR Federal airway No. 2 South, on the southeast by VOR Federal airway No. 193, and on the west by VOR Federal airway No. 55.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5606; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-10]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1187 of the regulations of the Administrator, the substance of which is stated below.

The Jackson, Mich., control area extension is presently designated within five miles either side of a 313° True bearing extending from the Jackson nondirectional radio beacon to a point 25 miles northwest. The Federal Aviation Agency has under consideration the modification of the Jackson control area extension by revoking the present control area extension and designating that area east of Jackson bounded on the west by VOR Federal airway No. 45, on the northeast by VOR Federal airway No. 2, on the southeast by VOR Federal airway No. 11, and on the south by VOR Federal airway No. 90 as the Jackson control area extension. The present Jackson control area extension is encompassed within a portion of the Lansing, Mich., control area extension (Section 601.1261) and the control areas associated with Victor 45 and VOR Federal airway No. 100. Revocation of the present Jackson control area extension would eliminate this unnecessary duplication of control areas. Redesignation of the Jackson control area extension within the proposed area east of Jackson would provide protection for aircraft while being radar vectored to and departing from airports in the Detroit, Mich., terminal area.

If these actions are taken, the Jackson, Mich., control area extension would be modified by revoking the present control area extension and by designating a new control area extension within the area bounded on the west by VOR Federal airway No. 45, on the northeast by VOR Federal airway No. 2, on the southeast by VOR Federal airway No. 11, and on the south by VOR Federal airway No. 90.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5607; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-3]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1247 of the regulations of the Administrator, the substance of which is stated below.

The Las Vegas, Nev., control area extension is designated to include the airspace south of Las Vegas bounded on the northeast by VOR Federal airway No. 135, on the southeast by VOR Federal airway No. 245, on the south by VOR Federal airway No. 210, and on the northwest by VOR Federal airway No. 21; the airspace east of Las Vegas lying within 5 miles either side of a line extending from the intersection of the Mormon Mesa, Nev., VOR 185° True radial and the Las Vegas VOR 086° True radial to the intersection of the southeast course of the Las Vegas radio range and the north course of the Needles, Calif., radio range.

The Federal Aviation Agency has under consideration modification of this control area by the addition of an extension to the southwest of Las Vegas, bounded on the north by VOR Federal airway No. 105, on the southeast by VOR Federal airway No. 8 north alternate and on the southwest by the Goffs, Calif., VOR 323° True radial. This would provide protection for aircraft utilizing an additional jet approach procedure predicated on the Las Vegas VOR and permit recovery of military jet aircraft in an area off-airways and separated from the large volume of transcontinental en route traffic on VOR Federal airways No. 8 north alternate, 21, 1508, 1510 and 1529. Also, the Federal Aviation Agency is proposing to revoke that portion of the Las Vegas control area extension east of Las Vegas based on the Mormon Mesa VOR 185° and the Las Vegas VOR 086° True radials. It has been determined that this portion of the Las Vegas control area extension is no longer required for air traffic management purposes and it appears that the revocation thereof would be in the public interest.

If this action is taken, the Las Vegas, Nev., control area extension would be redesignated as follows:

The area south of Las Vegas, Nev., bounded on the northeast by VOR Federal airway No. 135, on the southeast by VOR Federal airway No. 245, on the south by VOR Federal airway No. 210 and on the northwest by VOR Federal airway No. 21; the area southwest of Las Vegas bounded on the north by VOR Federal airway No. 105, on the southeast by VOR Federal airway No. 8 north alternate and on the southwest by the Goffs, Calif., VOR 323° True radial.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5602; Filed, June 17, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-19]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1335 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering enlarging the Lafayette, La., control area extension. The present Lafayette control area extension is designated within 5 miles either side of the 352° True radial of the Lafayette VOR, extending from the VOR to 15 miles north, and within 5 miles either side of a line bearing 007° True from the Lafayette non-directional radio beacon extending from the beacon to 15 miles north, and the airspace east of Lafayette bounded on the northwest by VOR Federal airway No. 70, on the northeast by VOR Federal airway No. 114 and on the

south by VOR Federal airway No. 20. It is proposed to expand the control area to the south within 5 miles either side of the Lafayette VOR 172° True radial extending from the VOR to 15 miles south, and to the northwest of Lafayette within a 20-mile radius of the Lafayette VOR extending clockwise from VOR Federal airway No. 20 north alternate to VOR Federal airway No. 70 north alternate. The present holding pattern airspace areas for aircraft holding at the Lafayette VOR and at the Lafayette radio beacon are not entirely within control area. This modification would provide the additional control area required for the protection of aircraft arriving and departing the Lafayette terminal area and aircraft holding at Lafayette.

If this action is taken, the Lafayette, La., control area extension would be designated northwest of Lafayette, La., within a 20-mile radius of the Lafayette VOR extending clockwise from VOR Federal airway No. 20 north alternate to VOR Federal airway No. 70 north alternate; northeast of Lafayette within the area bounded on the west and north by Victor 70 north alternate, on the northeast by VOR Federal airway No. 114, and on the south by VOR Federal airway No. 20; and within 5 miles either side of the Lafayette VOR 172° True radial extending from the VOR to 15 miles south.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5609; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-9]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The present Kotzebue, Alaska, control zone is designated within a 5-mile radius of the Wien Memorial Airport. The Federal Aviation Agency is considering modifying the control zone by designating an extension northeast of the Wien Memorial Airport within 2 miles either side of the 048° True bearing from the Kotzebue radio beacon, extending from the 5-mile radius zone to a point 12 miles northeast of the radio beacon. This modification would provide protection for aircraft conducting instrument approaches to the Wien Memorial Airport during instrument flight rule conditions.

If this action is taken, the Kotzebue, Alaska, control zone would be designated within a 5-mile radius of the Wien Memorial Airport (latitude 66°53'02" N., longitude 162°37'33" W.), and within 2 miles either side of the 048° True bearing from the Kotzebue radio beacon extending from the 5-mile radius zone to a point 12 miles northeast of the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5612; Filed, June 17, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-29]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2039 of the regulations of the Administrator, the substance of which is stated below.

The Tulsa, Okla., control zone is presently designated within a 5-mile radius of the Tulsa Municipal Airport; within 2 miles either side of the northeast course of the Tulsa radio range extending to a point 12 miles northeast of the radio range; within 2 miles either side of the north course of the Tulsa ILS localizer extending to a point 12 miles north of the Owasso, Okla., radiobeacon; and within 2 miles either side of the 088° and 268° True radials of the Tulsa VORTAC extending to a point 12 miles east of the VORTAC. The Federal Aviation Agency is considering modifying this control zone by reducing the length of the north extension based on the Owasso radiobeacon and reducing the length of the east extension based on the Tulsa VORTAC. The prescribed instrument approach procedure based on the Owasso radiobeacon and the Tulsa VORTAC have been revised so that the extension north of the Owasso radiobeacon and east of the Tulsa VORTAC are no longer required. In addition, it is proposed to designate a control zone extension within two miles either side of the ILS localizer south course extending from the 5-mile radius zone to the ILS outer marker (latitude 36°05'50" N., longitude 95°53'18.8" W.). This modification would provide protection for aircraft conducting prescribed instrument approaches to the Tulsa Municipal Airport.

If these actions are taken, the Tulsa, Okla., control zone would be designated within a 5-mile radius of the Tulsa Municipal Airport (latitude 36°12'01.3" N., longitude 95°53'14.8" W.); within 2 miles either side of the ILS localizer north course extending from the 5-mile radius zone to the Owasso, Okla., radiobeacon; within 2 miles either side of the northeast course of the Tulsa radio range, extending from the 5-mile radius zone to 12 miles northeast of the radio range; within two miles either side of the Tulsa VORTAC 268° True radial, extending from the 5-mile radius zone to the VORTAC; and within two miles either side of the ILS localizer south course, extending from the 5-mile radius zone to the ILS outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5614; Filed, June 17, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-152]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2111 of the regulations of the Administrator, the substance of which is stated below.

The Louisville, Ky., control zone is presently designated within a 5-mile radius of Standiford Field and within a 5-mile radius of Bowman Field extending 2 miles either side of the Standiford Field ILS localizer course from the localizer to the limits of the Fort Knox, Ky., restricted area, extending 2 miles either side of the 122° and 302° True radials of the Louisville VOR from the Standiford Field control zone to a point 10 miles southeast of the VOR and extending 2 miles either side of the 154° and 334° True radials of the Louisville VOR from the Bowman Field control zone to a point 10 miles southeast of the VOR. The Federal Aviation Agency has under consideration modification of the Louisville control zone by redesignating the extensions to the southeast and southwest, and designating an extension to the northeast. A review of the published instrument approach procedures to Standiford and Bowman Fields indicate that the present designated southwest extension based on the Standiford Field ILS southwest course and the extensions southeast based on the 122°/302° and the 154°/334° True radials of the Louisville VOR exceed the control zone requirements necessary to provide protection for aircraft conducting instrument approaches based on the Standiford ILS southwest course and the Louisville VOR. Therefore, it is proposed to reduce the size of the Louisville control zone extensions to the southwest and southeast by redesignating them to include only the airspace within 2 miles either side of the Standiford Field ILS southwest course extending from the Standiford 5-mile radius zone to the ILS outer marker, within 2 miles either side of the 301° True radial of the Louisville VOR extending from the Standiford 5-mile radius zone to the VOR, and within 2 miles either side of the 331° True radial of the Louisville VOR extending from the Bowman Field 5-mile radius zone to the VOR. It is also proposed to designate an extension within 2 miles either side of the Standiford Field ILS localizer northeast course extending from the Standiford 5-mile radius zone to the intersection of the localizer northeast course and the Louisville VOR 328° True radial. This extension would provide protection for aircraft conducting instrument approaches to Standiford Field utilizing the Standiford ILS northeast course.

If this action is taken, the Louisville, Ky., control zone would be designated within a 5-mile radius of Standiford Field (latitude 38°10'33" N., longitude 85°44'12" W.), within a 5-mile radius of Bowman Field (latitude 38°13'40" N., longitude 85°39'45" W.), within 2 miles either side of the Standiford Field ILS localizer northeast course extending from the Standiford 5-mile radius zone to the intersection of the localizer northeast course and the Louisville VOR 328° True radial, within 2 miles either side of the Standiford Field ILS localizer southwest course extending from the Standiford 5-mile radius zone to the ILS outer marker, within 2 miles either side of the 301° True radial of the Louisville VOR extending from the Standiford 5-mile radius zone to the VOR, and within 2 miles either side of the 331° True radial of the Louisville VOR extending from the Bowman Field 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5616; Filed, June 17, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-37]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2250 of the regulations of the Administrator, the substance of which is stated below.

The Tyler, Tex., control zone is presently designated within a 5-mile radius of Pounds Field, Tyler, Tex., and within 2 miles either side of the 283° True bearing of the Tyler radio beacon extending from the radio beacon to a point 5 miles northwest. The Federal Aviation Agency is considering modifying the Tyler control zone by revoking the control zone extension to the northwest based on the 283° True bearing from the Tyler radio beacon. The instrument approach procedure based on the Tyler radio beacon has been cancelled. Therefore, there is no longer a requirement for an extension based on the Tyler radio beacon. Concurrently, it is proposed to designate an extension to the northwest, based on the northwest course of the Pounds Field ILS localizer extending from the 5-mile radius zone to the outer marker, and an extension to the southeast based on the southeast course of the Pounds Field ILS localizer extending from the 5-mile radius zone to the Lake Tyler intersection (intersection of the southeast course of the Pounds Field ILS localizer and the 256° True radial of the Gregg County, Tex., VOR). This would provide protection for aircraft conducting prescribed ADF and ILS approaches to Pounds Field.

If this action is taken, the Tyler, Tex., control zone would be designated within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'17" N., longitude 95°23'55" W.); within 2 miles either side

of the northwest course of the Pounds Field ILS localizer extending from the 5-mile radius zone to the ILS outer marker; and within 2 miles either side of the southeast course of the Pounds Field ILS localizer extending from the 5-mile radius zone to the Lake Tyler intersection.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5615; Filed, June 17, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-10]

CONTROL ZONES

Designation and Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2286 of the regulations of the Administrator, the substance of which is stated below.

The Columbus, Ga., control zone is presently designated within a 5-mile radius of Muscogee County Airport including the airspace within 2 miles either side of the northeast course of the Columbus radio range extending southward to include a 5-mile radius of the Lawson Army Airfield, within 2 miles either side of the southwest course of the Columbus radio range extending from the radio range station to a point 10 miles southwest, and within 2 miles either side of the 150° and 330° True radials of the Columbus VOR extending from the Muscogee County Airport to a point 3 miles northwest of the VOR excluding the portion of the control zone which coincides with Restricted Area R-129. The Federal Aviation Agency has under consideration modification of the Columbus, Ga., control zone and the designation of a separate control zone for Lawson Army Airfield, Ga. A review of the published instrument approach procedures to Muscogee County Airport and Lawson Army Airfield shows that there are no published instrument approach procedures which require the presently designated control zone extension connecting Muscogee County Airport and Lawson Army Airfield. It is, therefore, proposed to revoke this extension. The instrument approach procedure based on the Columbus, Ga., VOR is being revised. This would permit the control zone extension to the northwest to be redesignated to extend from the 5-mile radius zone to the Columbus VOR. Because of the variance in weather at these airports, it is proposed to provide a separate control zone designation at Lawson Army Airfield to include the airspace within a 5-mile radius of Lawson Army Airfield and within 2 miles either side of the southwest course of the Columbus radio range extending from the radio range station, to 12 miles southwest.

If these actions are taken, the Columbus, Ga., control zone would be redesignated within a 5-mile radius of the Muscogee County Airport (latitude 32° 30'55" N., longitude 84°56'25" W.), within 2 miles either side of the 149° True radial of the Columbus VOR extending from the 5-mile radius zone to the VOR and within 2 miles either side of the 054° True bearing from the Columbus outer marker extending from the 5-mile radius zone to the outer marker, excluding that portion of the Columbus control zone which would coincide with the Fort Benning, Ga., Restricted Area (R-129). The Lawson Army Airfield, Ga., control zone would be designated within a 5-mile radius of Lawson Army Airfield (latitude 32°20'20" N., longitude 84°59'35" W.), and within 2 miles either side of the southwest course of the Columbus radio range extending from the radio range station to 12 miles southwest, excluding the portion of the Lawson control zone which would coincide with the Fort Benning, Ga., Restricted Area (R-129).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5613; Filed, June 17, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-16]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2445 of the Regulations of the Administrator, the substance of which is stated below.

The Beale, Calif., control zone is designated within a 5-mile radius of a point centered at latitude 39°07'55" N., longitude 121°26'06" W., on Beale Air Force Base, Calif. The Federal Aviation Agency has under consideration redesignation of this control zone within a 5-mile radius of Beale AFB and within 2 miles west of and 3 miles east of the 162° True radial of the Beale AFB terminal VOR, extending from the 5-mile radius zone to the Beale terminal VOR. This would protect aircraft executing standard instrument approaches utilizing the 162° True radial of the Beale AFB terminal VOR and the 347° True radial of the Beale AFB TACAN.

If this action is taken, the Beale, Calif., control zone would be designated within a 5-mile radius of Beale Air Force Base (latitude 39°08'10" N., longitude 121°26'05" W.), and within 2 miles west of and 3 miles east of the 162° True radial of the Beale AFB terminal VOR extending from the 5-mile radius zone to the terminal VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5617; Filed, June 17, 1960; 8:47 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 60-WA-156]

CONTROL AREAS, CONTROL ZONES AND RESTRICTED AREAS

Modification of Control Area Extension, Control Zone and Restricted Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1270, 601.2010, and 608.46 of the regulations of the Administrator, the substance of which is stated below.

The Harrisburg, Pa., control area extension is presently designated within a 15-mile radius of the Harrisburg VOR. The Harrisburg control zone is presently designated within a 5-mile radius of Harrisburg-York State Airport and within 2 miles either side of the east and west courses of the Harrisburg radio range extending 10 miles east and west of the radio range station. The Indiantown Gap, Pa., Restricted Area (R-69) (New York Chart), is presently designated for artillery firing from the surface to 18,000 feet MSL on a continuous basis. The controlling agency for Restricted Area R-69 is the U.S. Second Army Headquarters at Fort Meade, Md. The Federal Aviation Agency has under consideration modification of the Harrisburg control area extension to include the airspace within and adjacent to the Indiantown Gap Restricted Area (R-69) and northeast of the Tower City, Pa., VOR, bounded on the north by VOR Federal airway No. 30, on the east by the New York control area extension, on the south and southeast by VOR Federal airway No. 162 and on the west by VOR Federal airway No. 31. This modification would provide additional control area for air traffic management of aircraft arriving and departing the Harrisburg terminal area from the northeast when the Restricted Area is not in use by the Second Army, and for holding jet aircraft destined to land at Olmsted AFB.

The Federal Aviation Agency is also considering modification of the Harrisburg control zone by revoking the extensions based on the east and west courses of the Harrisburg radio range; designating an extension to the southwest within 2 miles either side of the Harrisburg-York State Airport ILS localizer southwest course, extending from the Harrisburg-York State Airport 5-mile radius zone to the ILS outer marker; designating a 5-mile radius zone around Olmsted AFB; designating an extension to the west of the Harrisburg-York State Airport within 2 miles either side of the 098° True radial of the Harrisburg VOR, extending from the Harrisburg-York State Airport 5-mile radius zone to the VOR. These modifications would provide protection for aircraft conducting instrument approaches into the Harrisburg-York State Airport and Olmsted AFB during instrument flight rules weather conditions.

Concurrently, the Federal Aviation Agency is considering modification of the Indiantown Gap, Restricted Area (R-69) by redesignating its time of use from March 1 through May 31, and September 1 through November 30, annually on Saturdays and Sundays only, from 0800 to 1800 e.s.t.; and annually from June 1 to August 31, on a continuous basis. The Federal Aviation Agency, New York Air Route Traffic Control Center would be designated as the controlling agency.

If these actions are taken, the Harrisburg, Pa., control area extension would be redesignated within a 15-mile radius of the Harrisburg VOR including the airspace northeast of the Harrisburg VOR, bounded on the north by VOR Federal airway No. 30, on the east by the New York control area extension, on the south and southeast by VOR Federal airway No. 162 and on the west by VOR Federal airway No. 31. The Harrisburg control zone would be redesignated to include the airspace within a 5-mile radius of the Harrisburg-York State Airport (latitude 40°12'59" N., longitude 76°51'03" W.), within a 5-mile radius of the Olmsted AFB (latitude 40°11'39" N., longitude 76°45'39" W.), within 2 miles either side of the 098° True radial of the Harrisburg VOR extending from the Harrisburg-York State Airport 5-mile radius zone to the VOR and within 2 miles either side of the Harrisburg-York State Airport ILS localizer southwest course extending from the 5-mile radius zone to the ILS outer marker. The Indiantown Gap, Pa., Restricted Area (R-69) (New York Chart) time of designation would be redesignated as March 1 through May 31, and September 1 through November 30, on Saturdays and Sundays only from 0800 to 1800 EST, annually; and annually from June 1 through August 31, on a continuous basis. The Federal Aviation Agency, New York Air Route Traffic Control Center would be designated as the controlling agency.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued at Washington, D.C. on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5610; Filed, June 17, 1960; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 60-WA-155]

RESTRICTED AREAS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.55 of the regulations of the Administrator, the substance of which is stated below.

The Fort Lewis, Wash., Restricted Area (R-503), is presently described as the area bounded by a line beginning at a point on Highway U.S. 99 at latitude 47°06'35" N., longitude 122°34'05" W.; extending southeasterly along the road to the Northern Pacific Railroad at latitude 47°05'22" N., longitude 122°30'15"

W.; thence extending southerly along the railroad to latitude 47°09'10" N., longitude 122°31'25" W.; thence extending northwesterly to the western edge of VOR Federal airway No. 23 at latitude 47°04'28" N., longitude 122°35'15" W.; thence extending northerly along the western edge of VOR Federal airway No. 23 to the point of beginning at latitude 47°06'35" N., longitude 122°34'05" W. The designated altitudes are surface to 1,500 feet MSL. The time of designation is continuous. The controlling agency is the Commanding General, Fort Lewis, Wash.

The Federal Aviation Agency has under consideration the revocation of this restricted area. In response to Special Airspace Regulation No. 1 report and other supplementary data, the Department of Army indicated that the maximum ordinate of the small arms and rocket firing activity conducted in Restricted Area R-503 does not exceed 90 feet above ground. In addition, it appears that the ordnance demolition activity conducted in Restricted Area R-503 could be conducted in adjacent restricted areas. Therefore, it appears that retention of this restricted area is unjustified as an assignment of airspace, and that revocation thereof would be in the public interest.

If this action is taken, Fort Lewis, Wash., Restricted Area (R-503) would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on June 14, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5619; Filed, June 17, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in sections 304 and 308, Pub. Law 85-699, 72 Stat. 694, as amended by the Small Business Investment Act Amendments of 1960, it is proposed to amend, as set forth below §§ 107.102-1(d)(2); 107.103-1, paragraph 6, definition of operating territory; 107.201-5(c); 107.304-1; 107.305-1(b) and 107.306-1 (a), (b), and (c) of Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations. Part 107, Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations governing the establishment and operation of small business investment companies chartered or licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, and to carry out the provisions of said Act, was published in the FEDERAL REGISTER on December 4, 1958 (23 F.R. 9383), and became effective on publication in the FEDERAL REGISTER. Prior to final adoption of such amendment of regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Information. The amendments under consideration change the provisions of the sections referred to above so as to provide regulations in compliance with statutory changes contained in section 6 of the Small Business Investment Act Amendments of 1960. This section requires that companies shall provide a source of equity capital for incorporated small business concerns in accordance with the regulations of the Small Business Administration.

It is proposed to amend the Small Business Investment Company Regulations as follows:

The Small Business Investment Company Regulations (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 3316, 5374) is hereby further amended by:

Section 107.102-1(d)(2), 107.103-1, paragraph six, definition of operating territory, 107.201-5(c), 107.305-1(b), and 107.306-1 (a), (b), (c) are amended as follows:

Wherever the words "convertible debentures", "convertible debenture bond" or "debenture bond" appear in said sections such words shall be deleted and there shall be inserted, in lieu thereof, the words "Equity Securities".

Section 107.304-1 is amended to read as follows:

§ 107.304-1 Equity Capital for incorporated small business concerns.

(a) Each Licensee shall constitute a source of Equity Capital for incorporated small business concerns; which capital shall be supplied in a manner and under terms consistent with regulations of the Administration.

(b) "Equity Capital" means funds received by an incorporated small business concern from a Licensee as the consideration for the issuance of Equity Securities by such concern to such Licensee.

(c) "Equity Securities" means:

(1) Certificates of stock of any class, granting such rights and containing such limitations as may be negotiated between the Licensee and small business concern, provided, however, that whenever any such stock provides a right to convert to another class of stock, stock purchase warrants or options shall not be issued by the small business concern in connection with the purchase of such securities, and

(2) Instruments which evidence a debt and which provide either an option to convert all or any portion of the outstanding principal amount of such debt into stock of the small business concern, or provide nondetachable or detachable stock purchase warrants or options.

The purchase price per share of shares available under warrants or options acquired in connection with the purchase of Equity Securities, shall be at no less than the sound book value of such shares, as defined herein, at the time the warrant or option is issued, and the total cost of such shares shall not exceed the amount of equity capital provided by the securities with which the warrant or option was issued, except as the warrant or option may provide for successive increases in the price per share of optioned shares.

(d) Collateral may secure Equity Securities which evidence a debt.

(e) Equity Securities which evidence a debt shall have stated maturities of not less than five years. Further, Equity Securities which evidence a debt shall not be amortized during the first five years thereof at a rate greater than the equivalent of five years' straight-line amortization.

(f) A Licensee shall not purchase any type Equity Securities if the purpose of such purchase or acquisition is to furnish the small business concern with financing for a period of less than five years' duration.

(g) Equity Securities which evidence a debt shall be callable at par or at negotiated premiums, in whole or in part, by the issuer on any interest payment date, upon three months' notice; provided that any right to convert the debt may be exercised prior to the effective date of such call.

(h) Equity Securities which are convertible into stock shall be convertible at a price or prices per share not less than the sound book value of such stock as determined at the time of the issuance of said securities. "Sound book value" for the purposes hereof shall be determined through consideration of all pertinent factors including the actual value of the assets of the small business concern and the relationship of the earnings of such concern to its invested capital.

(i) Stock purchase warrants or options shall expire not later than five years from the date of the issuance of the Equity Securities in connection with which such warrant or option is obtained.

(j) Two or more Licensees may participate in the purchase of Equity Securities, provided that a single Licensee does not exceed the limitations imposed by § 107.306-1.

(k) Wherever Equity Securities involve debt any Licensee may require small business concerns to refinance any or all of its outstanding indebtedness so that the Licensee is the only holder of any evidence of indebtedness of such concern.

(l) Wherever Equity Securities involve debt any Licensee may require such concern to agree not to incur any additional indebtedness without first securing the approval of the Licensee and giving the Licensee the first opportunity to finance such additional indebtedness: *Provided, however,* That the Licensee shall allow appropriate exceptions for open account or other short-term credit.

(m) Whenever a Licensee purchases Equity Securities of a small business concern under this section, such concern shall have the right, exercisable in whole or in such part as such concern may elect, to become a stockholder-proprietor by investing in the capital stock of the company 5 per centum of the amount of capital so provided. The price of such stock sold by the Licensee to the small business concern under this section shall not be greater than (1) the book value determined in conformity with generally accepted accounting principles, or (2) the fair market value, whichever is the higher. Factors which may be taken into consideration in determining fair market value may include, among others, market quotations, recent public or private sales, and the liquidating value, earnings, and dividend record of the Licensee's stock.

Dated: June 14, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5632; Filed, June 17, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 659.3]

SHOEBOARD FROM CANADA

Determination of No Sales at Less Than Fair Value

JUNE 13, 1960.

A complaint was received that shoeboard from Canada was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that shoeboard from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Shoeboard identical or similar to that sold for exportation to the United States is sold for home consumption in Canada in the case of most items. Comparison was, accordingly, made between purchase price and home market price. In the few instances where neither such nor similar merchandise was sold in the home market, comparison was made with third country price or constructed value.

The comparison disclosed no sales to the United States at less than home market price, third country price, or constructed value, with the exception of several items of shoeboard sold by two manufacturers prior to October 1959 and November 23, 1959, respectively. None of the sales made since the above dates have been at less than the comparable fair value, due to revisions in the manufacturers' pricing. The evidence available indicates that there is no likelihood of future sales at less than fair value. The volume of sales at a dumping price was deemed to be not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-5646; Filed, June 17, 1960; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 26-434]

MAIRECO EXPORT-IMPORT G.m.b.H. AND EMMERICH KURUC

Order Denying Export Privileges for an Indefinite Period

In the matter of Maireco Export-Import G.m.b.H., Emmerich Kuruc, 166 Waehringer Guertel, Vienna IX, Austria, Respondents; File 26-434.

The Director, Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to Maireco Export-Import G.m.b.H. and Emmerich Kuruc all export privileges for an indefinite period because of their failure to furnish responsive answers to written interrogatories served upon the said firm in connection with an investigation being conducted under authority of the Export Control Act.

This application was made pursuant to § 382.15 of the Export Regulations, and in accordance with the practice thereunder, was referred to a Compliance Commissioner of the Bureau of Foreign Commerce who, after reviewing the evidence in support thereof, has recommended that it be granted.

After reviewing and considering the Compliance Commissioner's report, the application, and the evidence submitted in support of the application, the following are my findings of fact: (1) The Maireco firm and Emmerich Kuruc, its apparent manager, were and are engaged in business and located in Vienna, Austria, where service of a subpoena upon them was impracticable; (2) a proper investigation was and is being conducted by the Investigation Staff of the Bureau of Foreign Commerce to determine whether there may have been what appeared to be unauthorized uses of general licenses and unauthorized diversions of transistors, photomultiplier tubes, and other electronic equipment exported from the United States to Maireco, the respondent herein, and to Allround Establishment, Inc., Vaduz, Liechtenstein, with whom the Maireco firm and its manager appeared to be associated; (3) written interrogatories were duly served upon the Maireco firm; and (4) Maireco did not answer the interrogatories within ten days after service as required by written and oral notification in the letter of interrogatories and at the time of service; and Maireco's answers which were subsequently furnished were not full, direct, and responsive, and did not contain satisfactory reasons for not furnishing adequate and responsive answers.

In consequence, it is concluded that the Maireco firm and its manager, Emmerich Kuruc, without reasonable cause or adequate explanation, have failed and refused to furnish responsive answers to the interrogatories duly served upon the Maireco firm as required by Section 382.15 of the Export Regulations.

Now, therefore, in view of the foregoing, and being of the opinion that the following order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and regulations, licenses and orders pursuant thereto: *It is hereby ordered.*

I. All outstanding validated export licenses in which the respondents, Maireco Export-Import G.m.b.H. and Emmerich Kuruc, or any of them, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth and so long as export controls shall be in effect, the respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them or any of them, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. This denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, partnership or business organization with which any of them may be now or hereafter related by affiliation, ownership, control, position of responsibility or other connection in the conduct of trade which may involve exports from the United States or services connected therewith. This denial of export privileges shall extend to Allround Establishment, Inc., Vaduz, Liechtenstein, which is deemed to be related to Maireco Export-Import G.m.b.H. and Emmerich Kuruc, the respondents herein, within the terms hereof.

IV. This order shall remain in effect until the respondents provide satisfactory answers, written information and documents in response to the interrogatories heretofore served upon Maireco Export-Import G.m.b.H., or give adequate reasons for their failure so to do, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of Foreign Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with a Compliance Commissioner, and they may request an oral hearing thereon, which, if requested, will be held before a Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: June 10, 1960.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F.R. Doc. 60-5586; Filed, June 17, 1960; 8:45 a.m.]

Federal Maritime Board

FREE TIME AND DEMURRAGE CHARGES

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 6015-4, modifies the basic agreement of the parties which provides for free time and demurrage charges to be assessed cargo loaded at the Malayan Union and Colony of Singapore, Indonesia, Siam, Philippine Islands, Japan and the East Coast of Asia North of Singapore, and discharged at New York Harbor. The purpose of the modification is to (1) revise the precedure for the resolution of questions arising in regard to the determination of the free time period and the assessment of pier demurrage charges pursuant to the terminal tariff of the parties and (2) to authorize the adoption of terminal tariff rules and regulations which permit the parties to deliver import cargo prior to the payment of charges incurred thereby pursuant to the terminal tariff and, in like manner to establish reasonable conditions under which the privilege of delivery of cargo prior to payment of such charges may be withheld.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 15, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5650; Filed, June 17, 1960; 8:51 a.m.]

Office of the Secretary

LAWRENCE H. ZAHN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No deletions.
B. Additions: No additions.

This statement is made as of June 8, 1960.

Dated: June 8, 1960.

LAWRENCE H. ZAHN.

[F.R. Doc. 60-5639; Filed, June 17, 1960; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Areas To Be Governed by the Several Principal Meridians

JUNE 13, 1960.

This notice defines the areas in Alaska to be governed by the several principal meridians previously established for the survey of the public lands in that State.

1. *Fairbanks Meridian.* The Fairbanks Meridian shall govern the survey of the public lands in the area south of that governed by the Umiat Principal Meridian; east of that governed by the Kateel River Principal Meridian; north of that governed by the Seward Meridian and the Copper River Meridian; and west of the boundary between the United States and Canada. That area is bounded as follows:

On the North by the parallel of 68° North latitude (which is the south boundary of the area governed by the Umiat Principal Meridian as defined in the notice of December 31, 1956, 22 F.R. 152).

On the West by the meridian of 153° West longitude (which is the east boundary of the area governed by the Kateel River Principal Meridian as defined in the notice of October 17, 1956, 21 F.R. 8123).

On the South (west of the 4th Guide Meridian East) by the south boundary of Township 22 South; the 4th Guide Meridian East, with theoretical offsets at the 4th and 3d Standard Parallels South; and (east of the 4th Guide Meridian East) the 2d Standard Parallel South, all under the Fairbanks Meridian.

On the East by the boundary between the United States and Canada.

2. *Seward Meridian.* The Seward Meridian shall govern the survey of the public lands in southwestern Alaska, including the Aleutian Islands, in the area south of that governed by the Kateel River Principal Meridian and the Fairbanks Meridian, and west of the area governed by the Copper River Meridian. That area is bounded as follows:

On the North (east of the 153d Meridian) by the south boundary of Township 22 South, Fairbanks Meridian; the 153d Meridian; and (west of the 153d Meridian) the parallel of 63° North latitude (which is the south boundary of the area governed by the Kateel River Principal Meridian as defined in the Notice of October 17, 1956, 21 F.R. 8123), except that all public land surveys on St. Lawrence Island in the Bering Sea shall be governed by the Kateel River Principal Meridian.

On the East (between the south boundary of Township 22 South, Fairbanks Meridian, and Prince William Sound) by the 3d Guide Meridian East, Seward Meridian, with theoretical offsets at the 8th, 7th, 6th, 5th, 4th, and 3d Standard Parallels North; all public land surveys on Glacier Island and Montague Island Groups in Prince William Sound shall be governed by the Seward Meridian.

3. *Copper River Meridian.* The Copper River Meridian shall govern the survey of the public lands in southeastern Alaska, south and east of the areas governed by the Fairbanks and Seward Meridians. That area is bounded as follows:

On the North (east of the 4th Guide Meridian East, Fairbanks Meridian) by the 2d Standard Parallel South, Fairbanks Meridian; the 4th Guide Meridian East, Fairbanks Meridian, with theoretical offsets at the 3d and 4th Standard Parallels South; and (west of the 4th Guide Meridian East, Fairbanks Meridian) the south boundary of Township 22 South, Fairbanks Meridian.

On the West (between the south boundary of Township 22 South, Fairbanks Meridian, and Prince William Sound) by the 3d Guide Meridian East, Seward Meridian, with theoretical offsets at the 8th, 7th, 6th, 5th, 4th, and 3d Standard Parallels North, Seward Meridian; all public land surveys on Glacier Island and Montague Island Groups in Prince William Sound shall be governed by the Seward Meridian.

On the South and East by the boundary between the United States and Canada.

4. *Kateel River Principal Meridian.* The Kateel River Principal Meridian shall govern the survey of the public lands in northwestern Alaska south of the area governed by the Umiat Principal Meridian, west of the area governed by the Fairbanks Meridian, and north of the area governed by the Seward Meridian. The area governed by the Kateel River Principal Meridian is defined in the Notice of October 17, 1956, 21 F.R. 8123, as lying west of 153° West longitude between 63° and 68°22' North latitude. In addition, all public land surveys on St. Lawrence Island in the Bering Sea shall be governed by this meridian.

5. *Umiat Principal Meridian.* The Umiat Principal Meridian shall govern the survey of the public lands in northern Alaska, in the area north of that governed by the Fairbanks Meridian and the Kateel River Principal Meridian. The area governed by the Umiat Principal Meridian is defined in the Notice of December 31, 1956, 22 F.R. 152, as lying east of 153° West longitude, north of 68° North latitude; and west of 153° West longitude, north of 68°22' North latitude.

6. Minor variations in the boundaries described herein will be permitted when the survey of the public lands will be expedited, or the administration of the lands and resources promoted thereby.

EARL J. THOMAS,
Acting Director.

[F.R. Doc. 60-5634; Filed, June 17, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6517; FCC 60-690]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH, INC.

Order Scheduling Oral Argument

In the matter of the application for merger of The Western Union Telegraph Company and Postal Telegraph, Inc., Docket No. 6517.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of June 1960;

The Commission having under consideration:

(a) The Order herein released March 3, 1960, wherein the Commission set for hearing the Petition filed jointly February 1, 1960, by The Western Union Telegraph Company (Western Union), and Barnes Investing Corporation (Barnes) for appropriate action to make possible the consummation of an attached agreement for the sale of the Western Union cable operations to Barnes;

(b) Its Memorandum Opinion and Order herein released April 22, 1960, wherein the problems resulting from the fact that Barnes had not yet obtained the funds necessary to consummate the proposed purchase of the Western Union International Telegraph Facilities were considered; wherein the Commission set forth its position that the proposal as it then stood did not constitute a plan as required by the Commission's Order; and wherein it was made clear that further postponements in this matter to secure funds cannot be permitted;

(c) Its Memorandum Opinion and Order herein released on May 27, 1960, wherein the view was expressed that, absent the financial ability of an entity seeking to acquire the cables, there can be no divestment so that the holding of hearings on the complex issues involved in the instant plan would be "futile"; and

(d) The record herein certified to the Commission by the Hearing Examiner on June 10, 1960.

It appearing, that, at the time Barnes entered into the agreement with Western Union to acquire the cable system, it did not have the financial means to do so, nor had arrangements for such finances been made at that time;

It further appearing that since that date Barnes has made efforts to secure the financing;

It further appearing that according to the Barnes proposal, total financing in the sum of approximately $34,000,000 is necessary;

It further appearing that according to the record, as of June 8, 1960, Barnes did not have an unqualified commitment for any part of this sum;

It further appearing that evidence was presented that one entity had made a qualified commitment to make available $5 million on condition that another entity enter into an agreement which would require the second entity to obligate itself to acquire a total of $3 million of the securities covered in the aforementioned $5 million commitment;

It further appearing that counsel for Barnes offered an authorized representative of the second entity as a witness in the course of the hearing on June 8;

It further appearing that such witness testified that he, the general attorney of the second entity, had not personally seen the agreement which his company would have to sign before the commitment of the first entity became unconditional, that he did not of his own knowledge know whether such agreement had in fact been submitted to his company, that, while his company would act as promptly as possible, consistent with obtaining full information, he could not indicate when its studies would be completed, when the matter would be submitted to its Board of Directors, when the Board of Directors would act, or what action they would take;

It further appearing that another witness called by counsel for Barnes at the aforementioned June 8 hearing, who has been given the right to place the various securities and debentures for Barnes, felt that a further period of approximately four months would be necessary for Barnes to complete its financing;

It further appearing that almost six months have elapsed since Western Union advised the Commission that it was accepting the Barnes offer and almost five months have elapsed since the joint petition for approval of such agreement was filed;

It further appearing that Barnes has not, as required in our Memorandum Opinion and Order herein released April 22, 1960, presented satisfactory evidence that funds are available and committed for a term sufficiently long to permit consummation of the plan for divestment presently before the Commission, and, that there is no unconditional commitment of any funds whatever; and

It further appearing that it would be helpful to the Commission to have the parties herein present their views and arguments as to the disposition that should be made of this proceeding at this time, in view of the evidence of record, particularly the present status of, and future expectations with respect to, Barnes financial arrangement to enable it to consummate the proposed divestment plan embodied in the Agreement presently before the Commission;

It is ordered, That, oral argument herein on the disposition to be made by the Commission of the pending joint petition in light of the record now before it shall be held before the Commission, en banc, at its office in Washington, D.C., beginning at 3 p.m., on the 22d day of June 1960.

It is further ordered, That counsel for Barnes shall be permitted thirty minutes to present such argument; that counsel for Western Union shall be permitted thirty minutes; that counsel for any other party which has participated in the proceedings herein shall be permitted ten minutes provided that each of the foregoing shall on or before June 20, 1960, file a Notice of Intention to Participate at such oral argument.

It is further ordered, That, any party which has participated in the proceeding herein may file no later than June 20, 1960, a written brief presenting its views and arguments as to the disposition that should be made of the proceeding.

Released: June 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5655; Filed, June 17, 1960; 8:51 a.m.]

[Docket No. 12856; FCC 60M-1034]

WSAZ, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing Conference

In the matter of WSAZ, Incorporated, Complainant, v. American Telephone and Telegraph Company, Defendant; Docket No. 12856.

As counsel for all parties are still attempting to reach a stipulation on their joint oral request: *It is ordered,* This 14th day of June 1960, that the further prehearing conference now scheduled for June 21, 1960, is further continued to Wednesday, July 20, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C. The Hearing Examiner expects this to be the final prehearing conference, and that the hearing will be seasonably scheduled.

Released: June 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5654; Filed, June 17, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-160]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on May 26, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-57 authorizing Georgia Institute of Technology to construct a one megawatt (thermal) tank-type nuclear reactor on the Institute's campus in Atlanta, Georgia. Notice of the proposed action was published in the FEDERAL REGISTER on May 27, 1960, 25 F.R. 4700

Dated at Germantown, Md., this 13th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation

[F.R. Doc. 60-5633; Filed, June 17, 1960; 8:45 a.m.]

[Docket No. 50-167]

LOCKHEED AIRCRAFT CORP.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on May 26, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-56 authorizing the Lockheed Aircraft Corporation to construct a 10 watt (thermal) pool-type nuclear reactor at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia. Notice of the proposed action was published in the FEDERAL REGISTER May 27, 1960, 25 F.R. 4701.

Dated at Germantown, Md., this 13th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-5634; Filed, June 17, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5961]

LUZ Y FUERZA SAN PEDRO, S.A., AND CENTRAL POWER AND LIGHT CO.

Notice of Application

JUNE 15, 1960.

Take notice that on May 31, 1960, Luz y Fuerza San Pedro, S.A. (Mexican Company), incorporated under the laws of the Republic of Mexico, with its principal place of business at Miguel Aleman, Tamaulipas, Mexico, and Central Power and Light Company (Central), incorporated under the laws of the State of Texas, with its principal place of business at Corpus Christi, Texas, filed a joint application for authorization, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Mexico, Docket No. IT-5961.

The above-mentioned application indicates that Mexican Company has succeeded Jose Barrera Gonzalez with respect to ownership and operation of an electric system, which includes certain electric facilities at the international border between the United States and Mexico covered by a Presidential Permit released to Mr. Gonzalez on March 6, 1946, Docket No. IT-5960, and that Mexican Company proposes to transmit electric energy from the United States to Mexico over such facilities.

By order issued September 1, 1955, Docket No. IT-5961 (14 FPC 943), the Commission authorized Mr. Gonzalez and Central to transmit electric energy from the United States to Mexico in an amount not in excess of 1,000,000 kwh. per year at a rate of transmission not to exceed 400 kw. over the facilities referred to above for use in and around San Pedro Roma, Tamaulipas, Mexico. The order recited that Mr. Gonzalez would purchase the energy to be exported from Central.

Mexican Company, as successor to Mr. Gonzalez, and Central seek to increase to 5,000,000 kwh. the maximum amount and to 1,000 kw. the maximum rate of electric energy which may be exported annually over the aforementioned facilities for use in and around Miguel Aleman (formerly San Pedro Roma), Tamaulipas, Mexico. Central will continue to be the supplier of the exported energy.

Any person desiring to be heard or to make any protest with reference to the application should, on or before July 6, 1960, file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5648; Filed, June 17, 1960; 8:51 a.m.]

[Docket Nos. G-9547, G-10692]

UNITED GAS PIPE LINE CO.

Order Fixing Date for Oral Argument

JUNE 15, 1960.

On April 5, 1960, the Presiding Examiner issued a decision in the above-captioned proceedings. Exceptions thereto were filed on May 25, 1960 by Mississippi River Fuel Corporation, and on May 27, 1960 jointly by Memphis Light, Gas and Water Division and the City of Memphis, Tennessee and Mississippi Valley Gas Company. On May 27 exceptions were also filed by Texas Gas Transmission Corporation, United Gas Improvement Company, United Gas Pipe Line Company and Commission staff. Wilmut Oil & Gas Company filed a "Memorandum in Nature of Exceptions" on May 31, 1960. United Gas Pipe Line also filed a motion for opportunity to present oral argument before the Commission in support of its exceptions.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission in these matters as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on July 12, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented by the above-mentioned exceptions to the Presiding Examiner's decision herein.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before June 28, 1960 of such intention and of the time required for presentation of their argument.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Dock 60-5649; Filed, June 17, 1960; 8:51 a.m.]

[Docket Nos. RI60-208—RI60-217]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Denying Reconsideration and Amending Previous Order

JUNE 14, 1960.

In the matter of Pan American Petroleum Corporation, Docket Nos. RI60-208, -209; Pan American Petroleum Corporation (Operator), et al., Docket No. RI60-210; E. J. Hudson, et al., Docket No. RI60-211; Elliott Production Company, Docket No. RI60-212; Western Natural Gas Company, Docket No. RI60-213; The British-American Oil Production Company, Docket No. RI60-214; Sinclair Oil & Gas Company, Docket No. RI60-215; Socony Mobil Oil Company, Inc., Docket No. RI60-216; The Shamrock Oil and

Gas Corporation (Operator), Docket No. RI60–217.

On May 20, 1960, Western Natural Gas Company (Western Natural) filed a motion[1] seeking reconsideration of the "Order Amending 'Order Permitting Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rate to Become Effective Subject to Refund'" issued in the above-entitled matter on April 22, 1960. This order amends an order issued March 25, 1960, which listed certain information under the heading "Rate in Effect." The order of April 22, 1960, provided for a footnote to the heading "Rate in Effect," which reads as follows:

The rates listed in this column are those claimed by the respondents to be the presently effective rates. The reflection of these rates in this manner is not a Commission determination that these are the presently effective legal rates.

Western Natural contends that the Commission has erred by disclaiming a determination as to the presently effective rate provided by Western Natural's FPC Gas Rate Schedule No. 17, which involves a sale to Cities Service Gas Company and which is the rate schedule involved in the filing in Docket No. RI–60–213. Western Natural states that the failure to determine the presently effective rate "prevents" it from attaching a "satisfactory" undertaking to a motion to put the proposed increased rate into effect because the amount of potential obligation under the undertaking is unknown. There is no merit in this contention. There is a pending controversy involving the question of presently effective and past rates between Western Natural and Cities Service Gas Company as seller and buyer of natural gas. It would be improper to allow a suspension order to have an effect upon that controversy.

Western Natural also contends that the order of March 25, 1960, is in error in stating that Western Natural claimed that the presently effective rate for the sale in question is 11.0 cents per Mcf, and should read 11.055 cents per Mcf. An appropriate amendment is hereafter provided.

The Commission orders:

(A) The figure of "11.0" appearing on page 2 of the order herein issued March 25, 1960, under the heading "Rate in Effect" and opposite the name "Western Natural Gas Co.," is hereby amended to read "11.055."

(B) In all other respects the Motion for Reconsideration, filed May 20, 1960, by Western Natural Gas Company, is hereby denied.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5641; Filed, June 17, 1960; 8:51 a.m.]

[1] Western Natural submitted a document entitled "Petition for Rehearing" which has been accepted for filing as a motion for reconsideration pursuant to § 1.12 of the Commission's rules of practice and procedure. A "petition for rehearing" of an interlocutory order such as is here involved, may not properly be filed (§ 1.30(e) of rules).

[Docket No. G–20106]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Notice of Application and Date of Hearing

JUNE 14, 1960.

Take notice that on November 10, 1959, as supplemented on December 14, 1959, February 16, 1960, and April 18, 1960, Kansas-Nebraska Natural Gas Company, Inc. (Applicant) filed in Docket No. G–20106 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a 1,000-horsepower compressor unit addition to its existing main line compressor station at Palco, Kansas, and for permission and approval to abandon approximately 2.2 miles of 8-inch lateral pipeline and measuring facilities near Grand Island, Nebraska, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

Applicant states that the proposed 1,000-horsepower compressor unit addition is the most suitable and economical means of increasing existing natural gas service to Central Kansas Power Company's electric generating plant at Hill City, Kansas, necessitated by a 22,000 KW addition to that plant now under construction, and at the same time providing a facility available for emergency service to compress Kansas gas for further transmission into Nebraska. Applicant does not request authorization for the subject compressor unit for its operation to increase delivery to Central Kansas Power Company's Hill City plant on the grounds that said operation is entirely an intrastate service. Authorization is sought only for the emergency interstate operation of the proposed compressor unit.

The estimated cost of the proposed construction is $236,000 which it is stated will be paid from current working capital. Proposed additional deliveries to the Hill City plant are estimated at 1,250,000 Mcf per year.

The facilities for which permission and approval to abandon are sought are stated to have been used solely for service to the Riverside Power Plant of the Nebraska Public Power System, which service was abandoned September 1, 1959, following abandonment of the plant and cancellation on July 30, 1959, of the contract between Applicant and Nebraska Public Power System for said service. Applicant states that no other customers or communities are affected and that the abandonment of the Riverside Power Plant, which had been using 50,000 Mcf of natural gas per year, has resulted in complete idleness of the 8-inch line and measuring facilities to be abandoned. Applicant estimates the total cost of removing the facilities at $6,100 and their salvage value at $12,100.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 12, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 1, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5642; Filed, June 17, 1960; 8:51 a.m.]

[Docket No. RP60–13]

NORTHERN NATURAL GAS CO.

Order To Show Cause

JUNE 14, 1960

Northern Natural Gas Company (Northern) a Delaware corporation with its principal place of business at Omaha, Nebraska, is a "natural-gas company" within the meaning of section 2(6) of the Natural Gas Act (Act) and as such is subject to the provisions thereof, and the Rules and Regulations of this Commission promulgated thereunder, Northern Natural Gas Co., Docket No. G–280, 3 FPC 967.

On November 3, 1939, this Commission issued an order, pursuant to authority granted by the Act, particularly sections 8(a), 10(a) and 16 thereof, prescribing a uniform System of Accounts for Natural Gas Companies under the Act. One of the accounts maintained under said system is Account 507, Taxes. Account 507 A provides: This account shall include the amount of Federal, State, county, municipal, and other taxes, which are properly chargeable to gas operations.

Northern is required by § 260.1 of our Regulations, to file an annual report (Form No. 2) setting forth, inter alia, the taxes it was charged during the year and which it has included in Account 507. The annual reports filed by Northern for the years 1957 and 1958 show that Northern included in Account 507 amounts of $11,515,707 and $9,708,000 purportedly reported as Federal Income Taxes paid during those two years.

Investigation by the staff of this Commission of Northern's books and records reveals that Northern filed, for 1957 and 1958, consolidated Federal Income Tax returns for itself and its subsidiaries: Northern Natural Gas Producing Company (Producing Company), Northern Plains Natural Gas Company and Permian Basin Pipeline Company. Said investigation also revealed that Producing Company had substantial tax losses for both the years 1957 and 1958, and as a result thereof there were reductions in the consolidated tax payable for those years in the amounts of $1,020,000 and $1,842,400, respectively. Northern paid Producing Company for said reductions in the consolidated taxes caused by Producing Company's tax losses, and charged said payments to Account 507.

The aforesaid charges by Northern to Account 507 are contrary to the provisions of the Uniform System of Accounts in that Account 507 should include only actual taxes, and not the assignment of negative or credit amounts for income taxes to departments or, in the case of a consolidated return, to a subsidiary.

Northern was advised, in accordance with § 158.1 of our regulations, of its failure to keep its accounts as required by the Commission. Subsequent correspondence and conferences between Northern's representatives and this Commission's staff have failed to show any justification for Northern's departure from the provisions and requirements of the Uniform System of Accounts. Additionally, Northern has not agreed to the disposition of the matter under the shortened procedure provided for by § 158.3 of the regulations.

In view of the foregoing, it is necessary and appropriate for the purposes of administering the Natural Gas Act that Northern show cause, if any there be, for its past and continuing departure from the provisions and requirements of the Commission's Uniform System of Accounts; all in the manner hereinafter provided.

The Commission orders:

Northern Natural Gas Company shall show cause, if any there be, under oath and in writing, within thirty days from the issuance of this order, why the Commission should not find and determine:

(A) That Northern is accounting for and reporting financial data relative to taxes paid by it otherwise than by the use of the Commission's prescribed Account 507, and the provisions and requirements therefor, all as set forth above; and therefore, that as a result it has violated and is continuing to violate the accounting and reporting requirements prescribed by the Commission through its Uniform System of Accounts;

(B) That this action by Northern constitutes a willful and knowing violation of the Natural Gas Act;

(C) That Northern be required to make, keep, preserve and report its accounts in the manner prescribed by this Commission in its Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Act; and

(D) That Northern be ordered to file such substitute pages of its Annual Reports (FPC Form No. 2) for the years 1957 and 1958, to make the accounting and reporting of Federal Income Taxes paid during such years consistent and in compliance with the reporting requirements therefor as prescribed by the Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5643; Filed, June 17, 1960; 8:51 a.m.]

[Docket No. RI60–392 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject To Refund[1]

JUNE 10, 1960.

In the matter of Gulf Oil Corporation, Docket No. RI60–392; Virginia Ramsey, et al., Docket No. RI60–378; H. T. Shalett and David Crow, Docket No. RI60–393; Phillips Petroleum Company (Operator), Docket No. RI60–394; F. A. Callery, Inc., et al., Docket No. RI60–395.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with exceptions of Gulf Oil Corporation and H. T. Shalett and David Crow, which is sold at 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [1]	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased Rate	Rate in effect subject to refund in Docket Nos.
RI60–392	Gulf Oil Corp.	84	7	Texas Gas Trans. Corp. (Welsh Field, Jefferson Davis Parish, La.).	Undated	5–16–60	6–16–60	11–16–60	10.747	16.25	G–17885
RI60–378	Virginia Ramsey, et al.	2	34	Tennessee Gas Trans. Co. (Seeligson Field, Jim Wells County, Tex.).	4–20–60	5–16–60	6–16–60	11–9–60	13.125	17.24347	----------
		2	35		4–20–60	5–17–60	6–17–60	11–9–60	13.125	17.24347	----------
RI60–393	H. T. Shallet and David Crow.	1	3	Southern Natural Gas Co. (Bear Creek Field, Bienville Parish, La.).	5–10–60	5–13–60	6–13–60	6–14–60	11.4	[2] 9.9	G–16244
		1	4		[3] 5–10–60	[3] 5–13–60	6–13–60	6–14–60	11.4	[2] 11.4 11.65	G–16244
RI60–394	Phillips Petroleum Co. (Operator).	19	17	Consolidated Gas Utilities Corp. (Lefors Gas Plt., Panhandle Field, Gray County, Tex.).	5–12–60	[4] 5–16–60	6–16–60	11–16–60	14.1792	16.9644	G–18273
RI60–395	F. A. Callery, Inc., et al.	8	3	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.).	5–16–60	5–16–60	6–16–60	11–16–60	[2] 13.24802	[2] 15.6488	G–19645

[1] The stated effective dates are those requested by respondents on the first day after expiration of the required thirty days' notice.
[2] Rate decrease due to reduction of Louisiana Gathering Tax effective Dec. 1, 1958.
[3] Rate increase due to increase of Louisiana Severance Tax effective Dec. 1, 1958.
[4] Request waiver of notice.
[5] Subject to 0.5 cent per Mcf for compression (where applicable) deducted by buyer.

Gulf Oil Corporation (Gulf), in support of its proposed redetermined increased rate, states that its contract was negotiated at arm's-length. Gulf also incorporates by reference certain exhibits presented by Gulf in the section 5(a) proceedings in Docket Nos. G–9520, et al., which purport to show a cost of service of 28.92¢ per Mcf for Gulf's jurisdictional sales in 1957, higher exploration and development costs, and declining production on a "per foot drilled" basis.

Virginia Ramsey, et al (Ramsey), in support of the proposed favored-nation increased rate, submit copies of Tennessee Gas Transmission Company's letter establishing the increased rates. Ramsey also states that the contract of sale was negotiated at arm's-length and the proposed rate does not exceed the going price of gas in the area.

Phillips Petroleum Company (Operator) (Phillips), in support of its proposed renegotiated increased rate, states that had there not been agreement between the parties for the increased rate, buyer would have been obligated to pay a higher price, or else the contract would have terminated by its own terms. In addition Phillips estimates that by May 1962 it will no longer have surplus gas for delivery to buyer. In recognition of the contingency, the letter agreement of April 18, 1960, allows buyer, at its option, upon two weeks' written notice, to reduce its maximum, minimum and daily average purchases by as much as 6,000 Mcf per day. As a result, Phillips argues that it may suffer a substantial loss in total revenue from this sale during such period.

F. A. Callery, Inc., et al. (Callery), in support of the proposed renegotiated increased rate, states that the proposed rate represents consideration for seller's agreement to eliminate the favored-nation clause and such rate is supported by the cost of service study submitted by Callery with a pending motion to terminate the suspension proceedings in Docket Nos. G–16330, et al.

H. T. Shalett and David Crow (Shalett and Crow) in support of the proposed tax change, interpret the tax provisions of their rate schedule to the effect that tax reimbursement for the Louisiana severance tax will be at the same reimbursement level that they received for the Louisiana gathering tax. Southern Natural Gas Company, the purchaser, has taken the position that the tax reimbursement clause does not require reimbursement of the increased Louisiana severance tax. Shalett and Crow also proposed a periodic increased rate, which includes the questionable tax reimbursement. In view of the controversy over the proper interpretation of the tax reimbursement provision of

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

the contract, and in order to assure refund in the event Southern Natural's interpretation thereof is correct, it is deemed advisable to suspend the tax change and the proposed increased rate and charge for one day until June 14, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act, with only the tax reimbursement portion of the increased rate to be made effective subject to refund.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Supplement Nos. 3 and 4 to Shalett and Crow's FPC Gas Rate Schedule No. 1 be allowed to take effect subject to refund of the tax reimbursement portion only of the increased rates upon the timely filing of their agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement Nos. 3 and 4 to Shalett and Crow's FPC Gas Rate Schedule No. 1 shall be effective as of June 14, 1960: *Provided, however,* That within 20 days from the date of the issuance of this order, Shalett and Crow shall execute and file under Docket No. RI60–393 with the Secretary of the Commission their agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and No. 215A). The agreement and undertaking shall be signed by Respondent, or if Respondent is a corporation, signed by a responsible officer thereof accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchases under the rate schedule involved. Unless Respondents (Shalett and Crow) are advised to the contrary within 15 days after the filing of such agreement and undertaking, their agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 25, 1960.

By the Commission.[2]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5635; Filed, June 17, 1960; 8:50 a.m.]

[Docket Nos. RI60–385—RI60–390]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [2]

JUNE 10, 1960.

In the matter of Sun Oil Company, Docket No, RI60–385; Jal Oil Co., Inc. (Operator), et al., Docket No. RI60–386; Ross Walker, et al., Docket No. RI60–387; M. B. Armer, Docket No. RI60–388; Frank C. Roper, Docket No. RI60–389; Phillips Petroleum Co., Docket No. RI60–390.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [1]	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased Rate	Rate in effect subject to refund in Docket Nos.
RI60–385	Sun Oil Co	100	4	West Lake Natural Gasoline Co., South Lake Trammell and Nena Lucia Fields, Nolan County, Tex.	5–10–60	5–12–60	6–23–60	[4] 6–24–60	6.9918	[3] 8.5	RI60–56
RI60–386	Jal Oil Co., Inc., (Operator), et al.	7	4	El Paso Natural Gas Co., Langlie-Mattix and Crosby Devonian Fields, Lea County, N. Mex.	5–10–60	5–13–60	6–13–60	11–13–60	[5] 10.5	[3] [5] 15.55986	G–14005
RI60–387	Ross Walker, et al	1	1	United Gas Pipe Line Co., Maxie and Pistol Ridge Fields, Forrest County, Miss.	5–10–60	5–13–60	6–13–60	11–13–60	20.0	[3] 23.0	----------
RI60–388	M. B. Armer	1	1	Zenith Gas System, Inc., Barber County, Kans.	Undated	5–13–60	6–13–60	11–13–60	10.0	[3] 12.0	----------
RI60–389	Frank C. Roper	1	2	United Gas Pipe Line Co., Maxie and Pistol Ridge Fields, Forrest, Lamar, and Pearl River Counties, Miss.	5–9–60	5–13–60	6–13–60	11–13–60	20.0	[3] 23.0	----------
RI60–390	Phillips Petroleum Co	315	3	West Lake Natural Gasoline Co., Nolan County, Tex.	5–11–60	5–13–60	6–23–60	[4] 6–24–60	6.9918	[3] 8.5	G–20349

[1] The stated effective dates are those requested by respondents, or the first day after the expiration of statutory notice, whichever is later.
[2] Pressure base is 14.65 psia.
[3] Pressure base is 15.025 psia.
[4] Or from such later date as the suspended resale rate of West Lake Natural Gasoline Co. is made effective in Docket No. RI60–30 in the manner prescribed by the Natural Gas Act.
[5] Includes 0.4467 cent per Mcf for compression deducted by buyer.

Sun Oil Company (Sun) and Phillips Petroleum Company (Phillips) propose revenue-sharing type increased rates for gas sold to West Lake Natural Gasoline Company (West Lake) in Nolan County, Texas. West Lake resells the subject gas, after treating, to El Paso Natural Gas Company (El Paso) and pays Sun and Phillips (and other producers) 50 percent of the resale rate it receives from from El Paso for the residue gas with guaranteed floor prices in cents per Mcf provided for in the producers' contract. The subject increases are based upon West Lake's favored-nation increased rate which has been suspended in Docket No. RI60–30 until June 23, 1960.

Sun and Phillips, in support of their proposed increased rates, cite the contract provisions and West Lake's suspended increased rate. Sun states that its contract resulted from arm's-length bargaining and that the increased price does not exceed the value of the gas. Phillips states that the increased price is just and reasonable.

Jal Oil Company, Inc. (Operator), et al., propose a renegotiated rate increase for gas sold to El Paso Natural Gas Company (El Paso) in the Langlie-Mattix and Crosby Devonian Fields, Lea County, New Mexico. The subject renegotiated increased rate results from an October 26, 1959, contract amendment entered into pursuant to El Paso's contract renegotiation program for purchases of gas in the Permian Basin area.

In support of the proposed renegotiated increased rate, Jal submits copies of the renegotiated agreement and cites provisions thereof and states that the amendment resulted from arm's-length bargaining. Jal states that the proposed increased rate is not in excess of other rates paid for gas by El Paso in this area and is just and reasonable. Jal also states that the increased rate is needed to meet increased costs and to provide incentive for further exploration.

M. B. Amer (Amer) in support of its proposed redetermined increased rate, cites its contract provisions and states that the proposed price is just and reasonable in relation to the price paid for similar gas in the area and is a fair price for the gas. Amer also states that operating costs have increased.

Ross Walker, et al. (Walker) and Frank C. Roper (Roper) propose redetermined increased rates for gas sold to United Gas Pipe Line Company (United Gas).

In support of his proposed increased rate, Roper merely cites the contract provisions and a letter from United Gas informing him of the redetermined price. Walker, in support of his proposed increased rate, submits copies of the letter of agreement wherein Walker and United Gas agree to the increased price, and states that prices in the general area are in excess of the total price here proposed.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 25, 1960.

By the Commission.[2]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5636; Filed, June 17, 1960; 8:50 a.m.]

[1] Dissenting opinion of Commissioner Kline filed as part of the original document.
[2] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket No. E–6946]

NORTHERN STATES POWER CO.

Notice of Application

JUNE 14, 1960.

Take notice that on June 9, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northern States Power Company ("Applicant"), a corporation organized under the laws of the State of Wisconsin and doing business in the State of Minnesota, with its principal business office at Eau Claire, Wisconsin, seeking an order authorizing the issuance of not to exceed $9,000,000 in aggregate principal amount of Promissory Notes. Applicant proposes to issue the aforesaid Notes to commercial banks in varying amounts beginning June 1960 and ending December 1960. Each note will be issued for various periods of time but no note will mature more than 12 months after date of issue and no note will mature after December 31, 1961. Each note will bear interest at the particular prime rate at the time and place of making. The funds received from the issuance of the aforesaid notes will be used by Applicant to refund outstanding notes. In addition to this refunding borrowing, the proceeds from the proposed $9,000,000 of Notes, or such portion as may be borrowed from time to time, will be applied by Applicant as interim financing to the payment of the costs of additions, betterments and improvements to Applicant's properties.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of July 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5644; Filed, June 17, 1960; 8:51 a.m.]

[Docket No. E–6945]

ROCKLAND ELECTRIC CO.

Notice of Application

JUNE 14, 1960.

Take notice that on June 8, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Rockland Electric Company (Applicant), a corporation organized under the laws of the State of New Jersey and doing business and domesticated in the State of New Jersey, with its principal business office at Nyack, New York, seeking an order authorizing the issuance of $2,700,000, principal amount outstanding at any one time (including as a part of that principal amount $250,000 presently outstanding) of short-term unsecured Promissory Notes. The Notes are to be issued to commercial banks or similar institutions from time to time and are to mature not later than one year from the date of issue thereof and in no event later than December 31, 1961. The proposed Notes will bear interest at a maximum rate of not over ¼ of 1 percent in excess of the prime rate at the time and place of borrowing. Applicant states that the proceeds from the issuance of the Promissory Notes will be used for the construction, completion, extension, or improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of July 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5645; Filed, June 17, 1960; 8:51 a.m.]

[Docket No. E–6943]

DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

JUNE 10, 1960.

Notice is hereby given that the United States Department of the Interior, on behalf of the Southwestern Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887), the schedule of rates and charges set forth below for the sale of the total output of the Narrows Dam Project to the Tex-La Electric Cooperative, Inc. Approval is requested for the period from September 30, 1960 through June 30, 1965.

Any person desiring to make comments or suggestions for Commission consideration with respect to the attached schedule of rates and charges, should submit the same in writing on or before July 5, 1960, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

the contract, and in order to assure refund in the event Southern Natural's interpretation thereof is correct, it is deemed advisable to suspend the tax change and the proposed increased rate and charge for one day until June 14, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act, with only the tax reimbursement portion of the increased rate to be made effective subject to refund.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Supplement Nos. 3 and 4 to Shalett and Crow's FPC Gas Rate Schedule No. 1 be allowed to take effect subject to refund of the tax reimbursement portion only of the increased rates upon the timely filing of their agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement Nos. 3 and 4 to Shalett and Crow's FPC Gas Rate Schedule No. 1 shall be effective as of June 14, 1960: *Provided, however,* That within 20 days from the date of the issuance of this order, Shalett and Crow shall execute and file under Docket No. RI60–393 with the Secretary of the Commission their agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and No. 215A). The agreement and undertaking shall be signed by Respondent, or if Respondent is a corporation, signed by a responsible officer thereof accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchases under the rate schedule involved. Unless Respondents (Shalett and Crow) are advised to the contrary within 15 days after the filing of such agreement and undertaking, their agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 25, 1960.

By the Commission.[2]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5635; Filed, June 17, 1960; 8:50 a.m.]

[Docket Nos. RI60–385—RI60–390]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [2]

JUNE 10, 1960.

In the matter of Sun Oil Company, Docket No. RI60–385; Jal Oil Co., Inc. (Operator), et al., Docket No. RI60–386; Ross Walker, et al., Docket No. RI60–387; M. B. Armer, Docket No. RI60–388; Frank C. Roper, Docket No. RI60–389; Phillips Petroleum Co., Docket No. RI60–390.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [1]	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased Rate	Rate in effect subject to refund in Docket Nos.
RI60–385	Sun Oil Co	100	4	West Lake Natural Gasoline Co., South Lake Trammell and Nena Lucia Fields, Nolan County, Tex.	5–10–60	5–12–60	6–23–60	[4] 6–24–60	6.9918	[3] 8.5	RI60–56
RI60–386	Jal Oil Co., Inc., (Operator), et al.	7	4	El Paso Natural Gas Co., Langlie-Mattix and Crosby Devonian Fields, Lea County, N. Mex.	5–10–60	5–13–60	6–13–60	11–13–60	[5] 10.5	[3] [5] 15.55986	G–14005
RI60–387	Ross Walker, et al	1	1	United Gas Pipe Line Co., Maxie and Pistol Ridge Fields, Forrest County, Miss.	5–10–60	5–13–60	6–13–60	11–13–60	20.0	[3] 23.0	----------
RI60–388	M. B. Armer	1	1	Zenith Gas System, Inc., Barber County, Kans.	Undated	5–13–60	6–13–60	11–13–60	10.0	[3] 12.0	----------
RI60–389	Frank C. Roper	1	2	United Gas Pipe Line Co., Maxie and Pistol Ridge Fields, Forrest, Lamar, and Pearl River Counties, Miss.	5–9–60	5–13–60	6–13–60	11–13–60	20.0	[3] 23.0	----------
RI60–390	Phillips Petroleum Co	316	3	West Lake Natural Gasoline Co., Nolan County, Tex.	5–11–60	5–13–60	6–23–60	[4] 6–24–60	6.9918	[3] 8.5	G–20349

[1] The stated effective dates are those requested by respondents, or the first day after the expiration of statutory notice, whichever is later.
[2] Pressure base is 14.65 psia.
[3] Pressure base is 15.025 psia.
[4] Or from such later date as the suspended resale rate of West Lake Natural Gasoline Co. is made effective in Docket No. RI60–30 in the manner prescribed by the Natural Gas Act.
[5] Includes 0.4467 cent per Mcf for compression deducted by buyer.

Sun Oil Company (Sun) and Phillips Petroleum Company (Phillips) propose revenue-sharing type increased rates for gas sold to West Lake Natural Gasoline Company (West Lake) in Nolan County, Texas. West Lake resells the subject gas, after treating, to El Paso Natural Gas Company (El Paso) and pays Sun and Phillips (and other producers) 50 percent of the resale rate it receives from from El Paso for the residue gas with guaranteed floor prices in cents per Mcf provided for in the producers' contract. The subject increases are based upon West Lake's favored-nation increased rate which has been suspended in Docket No. RI60–30 until June 23, 1960.

Sun and Phillips, in support of their proposed increased rates, cite the contract provisions and West Lake's suspended increased rate. Sun states that its contract resulted from arm's-length bargaining and that the increased price does not exceed the value of the gas. Phillips states that the increased price is just and reasonable.

Jal Oil Company, Inc. (Operator), et al., propose a renegotiated rate increase for gas sold to El Paso Natural Gas Company (El Paso) in the Langlie-Mattix and Crosby Devonian Fields, Lea County, New Mexico. The subject renegotiated increased rate results from an October 26, 1959, contract amendment entered into pursuant to El Paso's contract renegotiation program for purchases of gas in the Permian Basin area.

In support of the proposed renegotiated increased rate, Jal submits copies of the renegotiated agreement and cites provisions thereof and states that the amendment resulted from arm's-length bargaining. Jal states that the proposed increased rate is not in excess of other rates paid for gas by El Paso in this area and is just and reasonable. Jal also states that the increased rate is needed to meet increased costs and to provide incentive for further exploration.

M. B. Amer (Amer) in support of its proposed redetermined increased rate, cites its contract provisions and states that the proposed price is just and reasonable in relation to the price paid for similar gas in the area and is a fair price for the gas. Amer also states that operating costs have increased.

Ross Walker, et al. (Walker) and Frank C. Roper (Roper) propose redetermined increased rates for gas sold to United Gas Pipe Line Company (United Gas).

In support of his proposed increased rate, Roper merely cites the contract provisions and a letter from United Gas informing him of the redetermined price. Walker, in support of his proposed increased rate, submits copies of the letter of agreement wherein Walker and United Gas agree to the increased price, and states that prices in the general area are in excess of the total price here proposed.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 25, 1960.

By the Commission.[1]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5636; Filed, June 17, 1960; 8:50 a.m.]

[1] Dissenting opinion of Commissioner Kline filed as part of the original document.
[2] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket No. E–6946]

NORTHERN STATES POWER CO.

Notice of Application

JUNE 14, 1960.

Take notice that on June 9, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northern States Power Company ("Applicant"), a corporation organized under the laws of the State of Wisconsin and doing business in the State of Minnesota, with its principal business office at Eau Claire, Wisconsin, seeking an order authorizing the issuance of not to exceed $9,000,000 in aggregate principal amount of Promissory Notes. Applicant proposes to issue the aforesaid Notes to commercial banks in varying amounts beginning June 1960 and ending December 1960. Each note will be issued for various periods of time but no note will mature more than 12 months after date of issue and no note will mature after December 31, 1961. Each note will bear interest at the particular prime rate at the time and place of making. The funds received from the issuance of the aforesaid notes will be used by Applicant to refund outstanding notes. In addition to this refunding borrowing, the proceeds from the proposed $9,000,000 of Notes, or such portion as may be borrowed from time to time, will be applied by Applicant as interim financing to the payment of the costs of additions, betterments and improvements to Applicant's properties.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of July 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5644; Filed, June 17, 1960; 8:51 a.m.]

[Docket No. E–6945]

ROCKLAND ELECTRIC CO.

Notice of Application

JUNE 14, 1960.

Take notice that on June 8, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Rockland Electric Company (Applicant), a corporation organized under the laws of the State of New Jersey and doing business and domesticated in the State of New Jersey, with its principal business office at Nyack, New York, seeking an order authorizing the issuance of $2,700,000, principal amount outstanding at any one time (including as a part of that principal amount $250,000 presently outstanding) of short-term unsecured Promissory Notes. The Notes are to be issued to commercial banks or similar institutions from time to time and are to mature not later than one year from the date of issue thereof and in no event later than December 31, 1961. The proposed Notes will bear interest at a maximum rate of not over ¼ of 1 percent in excess of the prime rate at the time and place of borrowing. Applicant states that the proceeds from the issuance of the Promissory Notes will be used for the construction, completion, extension, or improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of July 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5645; Filed, June 17, 1960; 8:51 a.m.]

[Docket No. E–6943]

DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

JUNE 10, 1960.

Notice is hereby given that the United States Department of the Interior, on behalf of the Southwestern Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887), the schedule of rates and charges set forth below for the sale of the total output of the Narrows Dam Project to the Tex-La Electric Cooperative, Inc. Approval is requested for the period from September 30, 1960 through June 30, 1965.

Any person desiring to make comments or suggestions for Commission consideration with respect to the attached schedule of rates and charges, should submit the same in writing on or before July 5, 1960, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[1] Commissioner Kline dissenting as to the suspension of the filing in Docket No. RI60–388.

NARROWS DAM PROJECT

SOUTHWESTERN POWER ADMINISTRATION

Article I, Section 3 of the Agreement between the United States of America and the Tex-La Electric Cooperative, Inc. (Contract No. 14-02-0001-921) for the sale of power and energy from Narrows Dam Project pertaining to rates and charges submitted for Federal Power Commission confirmation and approval is as follows:

ARTICLE I

SALE OF NARROWS DAM POWER AND ENERGY BY SPA

SEC. 3. *Compensation to SPA for Narrows Dam Power and Energy.* (a) It is recognized by the parties hereto that the total and most efficient utilization of the Narrows Dam Power and Energy is dependent upon the installation of a third 8,500 kilowatt hydroelectric generating unit at the Narrows Dam, and that such third generating unit will be installed as soon as necessary funds are made available by the Congress. Accordingly, during the term of this Agreement after a third 8,500 kilowatt hydroelectric generating unit is installed and ready for commercial operation at the Narrows Dam, Tex-La shall pay to SPA the sum of $367,992 per year, payable at the rate of $30,666 per month, as compensation for the Narrows Dam Power and Energy purchased under Section 1 of this Article I.

(b) During the term of this Agreement until a third 8,500 kilowatt hydroelectric generating unit is installed and ready for commercial operation at the Narrows Dam, Tex-La shall pay to SPA the sum of $25,000 per month as compensation for the Narrows Dam Power and Energy purchased under Section 1 of this Article I.

(c) If by reason of an Uncontrollable Force (as defined in Section 3 of Article VI), for a period of thirty consecutive days or longer, SPA is unable to deliver Narrows Dam Power and Energy as scheduled by Tex-La or its authorized representative, the compensation owed by Tex-La for such period under Subsection (a), above, shall be reduced by an amount computed under the formula.

$$R=\frac{C}{M}\times\frac{U}{G}\times D,$$

with the factors defined as follows:

R=The amount of the reduction in compensation owed by Tex-La.
C=The total compensation due SPA each month.
M=30.4 (the average number of days in each month of a calendar year).
U=The number of generating units inoperable by reason of an Uncontrollable Force during the period of inability.
G=The number of generating units installed and ready for commercial operation.
D=The number of days during which SPA was unable to deliver Narrows Dam Power and Energy as scheduled.

It is recognized, however, that the amount of water available for the generation of Narrows Dam Power and Energy at any particular time is and will be dependent upon the manner in which the delivery of power and energy has previously been scheduled, and it is agreed that if such inability of SPA to deliver power and energy as scheduled is caused by a failure of water supply which is the result of improvident scheduling by Tex-La or its authorized representative, then, and in that event, Tex-La shall not be entitled to any credit for the period or periods of such inability as provided in this Subsection (c).

Sections Referred to in Article I, Section 3 above, are as follows:

ARTICLE I

SALE OF NARROWS DAM POWER AND ENERGY BY SPA

SECTION 1. *Sale of Narrows Dam Power and Energy to Tex-La.* (a) SPA shall sell and deliver to Tex-La, and Tex-La shall purchase and receive, all the electric power and energy generated at the Narrows Dam Reservoir Project in the State of Arkansas (hereinafter referred to as "Narrows Dam Power and Energy") which is delivered by the Secretary of the Army to the Secretary of the Interior pursuant to Section 5 of the Flood Control Act of 1944.

ARTICLE VI

GENERAL PROVISIONS

SEC. 3. *Definition of Uncontrollable Force.* For the purpose of this Agreement, the term "Uncontrollable Force" shall mean any force which is not within the control of the parties hereto, and which by exercise of due diligence and foresight could not reasonably have been avoided, including, but not limited to, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, war, riot, civil disturbance, labor disturbance, sabotage, collision, or restraint by court or public authority having jurisdiction. Neither party hereto shall be considered to be in default or breach with respect to any obligation under this Agreement if prevented from fulfilling such obligation by reason of an Uncontrollable Force.

[F.R. Doc. 60-5620; Filed, June 17, 1960; 8:47 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order 49]

BOARD OF COMMISSIONERS OF PORT OF NEW ORLEANS

Application To Expand Boundaries of Foreign Trade Zone

In the matter of the application of the Board of Commissioners of the Port of New Orleans, grantee, to expand the boundaries of Foreign-Trade Zone No. 2.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Board of Commissioners of the Port of New Orleans, as Grantee of Foreign-Trade Zone No. 2, filed an application dated May 2, 1960 for permission to extend the boundaries of Foreign-Trade Zone No. 2 to include Runway #1 within zone limits, so that fewer gates will be needed for normal business operation. The runway is west of and adjoins the downstairs limit of the zone.

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the proposal is in the public interest, hereby orders:

That the boundaries of Foreign-Trade Zone No. 2 be, and they are hereby reestablished, to include within the zone, Runway #1, which is west of and adjoins the downstairs limit of Foreign-Trade Zone No. 2, New Orleans, Louisiana, in conformity with Exhibits Nos. 1, 8, and 10(b), dated May 2, 1960.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this Order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. The effective date of this Order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 14th day of June 1960.

FOREIGN-TRADE ZONES BOARD,
[SEAL] FREDERICK H. MUELLER,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[F.R. Doc. 60-5640; Filed, June 17, 1960; 8:50 a.m.]

APPLICATION FOR A FOREIGN-TRADE ZONE IN TOLEDO, OHIO

Notice of Hearing

An application has been made to the Foreign-Trade Zones Board by the Toledo-Lucas County Port Authority, a public corporation and an instrumentality of the State of Ohio, for the privilege of establishing, operating, and maintaining a foreign-trade zone at the Port of Toledo, Toledo, Ohio, pursuant to the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u).

The Executive Secretary of the Foreign-Trade Zones Board (pursuant to the Board's Regulations) [1] has designated E. E. Schnellbacher, Director, Office of Trade Promotion, Bureau of Foreign Commerce, Department of Commerce, as examiner to investigate the application and accompanying exhibits for compliance with said Regulations; and said application of the Toledo-Lucas County Port Authority having been found to be in order, the Executive Secretary has designated as an Examiners' Committee, said E. E. Schnellbacher, Chairman; Miss Albina R. Cermak, Collector of Customs, Cleveland, Ohio; and Col. Woodrow W. Wilson, U.S. Army Engineer, Army Engineer District, Detroit, Michigan, in whose jurisdiction the proposed zone is to be located, to make an investigation of the application and report thereon to the Board for final action.

Notice is hereby given, pursuant to the Foreign-Trade Zones Act, and the Board's Regulations,[1] that a public hearing on the application of the Toledo-Lucas County Port Authority will be held by the Examiners' Committee beginning at 10:00 a.m. Eastern Daylight Savings Time, on July 20, 1960, in the Toledo Area Chamber of Commerce Auditorium, 218 Huron Street, Toledo, Ohio.

[1] See Title 15 Code of Federal Regulations, Part 400, Article 13, Rules of Procedure and Practice.

General plans showing the location of the proposed foreign-trade zone may be examined at the Office of the Toledo-Lucas County Port Authority, Toledo, Ohio, the Office of the Collector of Customs at Cleveland, Ohio, the Department of Commerce Field Office, Federal Reserve Bank Building, Cleveland 1, Ohio, or at the Office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3414, Main Commerce Building, Washington, D.C.

In brief, these plans propose that: the Toledo foreign-trade zone will be located on a part of the 65 acre tract of the Port Authority Facility No. 1 on the east bank of the Maumee River. The proposed zone area is located 500 feet back from the river front and all cargo handled by water will be deposited on the wharf currently operated by Toledo Overseas Terminals, Inc., a stevedoring company which is also a tenant of the Port Authority. Cargo destined for the Foreign-Trade Zone will be transported in bond from the wharf to the zone area. Port Authority Facility No. 1 has road connections with the street system of the City of Toledo, and is also served by a side track from the mainline of the Chesapeake and Ohio Railway Company. The proposed zone will have its own rail spur, and connections to all major rail lines in the Toledo area can be made switching.

This public hearing is for the purpose of informing interested parties concerning the application and affording them an opportunity to express their views, and obtaining other data useful to the Foreign-Trade Zones Board. The immediate concern of the Examiners' Committee is to determine whether or not the facilities and appurtenances which are proposed to be provided are sufficient. Particular attention is called to the fact that the instant application is the only one to be considered at this time. The question of its suitability is up for discussion, not the suitability of some other zone site.

All interested parties are invited to be present or represented at the hearing; particularly those who may be affected by the proposed grant. An opportunity to be heard (either in person or by duly appointed representatives; either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who have manifested their interest in this application, by complying with the following requirements:

1. A written or telegraphic request for an opportunity to be heard shall be filed before noon on July 13, 1960 at the Office of the Executive Secretary of the Foreign-Trade Zones Board, Room 3414, Main Commerce Department Building, and shall indicate the number of witnesses, the general character of evidence and the approximate amount of time required.

2. Such request shall include (a) the name of any person seeking to speak at the hearing, and (b) the persons or groups he represents.

In the discretion of the Examiners' Committee, persons who have not complied with the foregoing may be permitted, at any time prior to the closing of the hearing, to file written statements in quadruplicate regarding the application under consideration. Such written statements should be condensed as much as possible.

For accuracy of record, and for file with the report and recommendations of the Examiners' Committee, all important facts and arguments should be submitted in writing, as these together with the record, will be forwarded for consideration by the Foreign-Trade Zones Board in Washington.

You are requested to communicate the foregoing to any persons known by you to be interested in the matter who, not being known to the Committee, do not receive a copy of this notice.

Dated: June 16, 1960.

JOSEPH M. MARRONE,
Executive Secretary.

[F.R. Doc. 60-5696; Filed, June 17, 1960; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-626, 59-40]

CENTRAL PUBLIC UTILITY CORP. ET AL.

Notice of Filing of Applications for Fees and Expenses and Notice of and Order for Hearing on One Such Application

JUNE 13, 1960.

In the matters of Central Public Utility Corporation, File No. 31-626; Central Public Utility Corporation et al., File No. 59-40.

The Commission having on April 3, 1959, entered an order modifying an outstanding order issued pursuant to section 11(b)(2) of the Public Utility Holding Company Act of 1935 ("Act") and exempting Central Public Utility Corporation ("Cenpuc") as a holding company and every subsidiary company thereof as such from the provisions of the Act (Holding Company Act Release No. 13970), and having in said order imposed certain conditions and reserved jurisdiction with respect to the fees and expenses of Cenpuc, of the common stockholders committee, and of their respective agents and attorneys;

The conditions of said order of April 3, 1959, having been satisfied; and

The Commission having notified all participants in the proceedings that applications for final allowances of fees and expenses should be filed on or before January 1, 1960, and applications having been filed pursuant to such notice:

Notice is hereby given that applications for the allowance of fees and reimbursement of expenses have been filed by the following persons in the indicated amounts:

Claimant and capacity	*Fees*	*Expenses*
Duka and Landis, counsel for Cenpuc	$24,000.00	$2,869.50
Kenneth W. Moroney, Cenpuc's tax counsel	2,500.00	----------
Middle West Service Co., financial analysts employed by Cenpuc	12,500.00	1,403.87
Public Common Stock Committee: Percival E. Jackson and Theodore N. Tarlau, counsel	25,000.00	1,194.67
C. Perry King, accountant	1,500.00	----------
Harold F. Scattergood, member and security analyst	1,200.00	310.00
C. Perry King, member and secretary	1,000.00	----------

Notice is further given that any interested person may, not later than June 28, 1960, request in writing that a hearing be held with respect to any or all of the above-listed claims, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the applications which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the aforesaid claims may be approved and jurisdiction thereover released pursuant to the applicable provisions of the Act, or the Commission may take such other action as it may deem appropriate.

Notice is further given that Reis & Chandler, Inc., a firm of financial analysts employed by Cenpuc, has filed an application requesting $13,815.00 for services and $660.42 for disbursements.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application:

It is ordered, That a hearing be held with respect to said application of Reis & Chandler, Inc., which hearing shall commence on July 7, 1960, at 10:00 a.m., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. Any person who is not already a party, or who has not been granted leave to participate in the above-entitled proceedings, and who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of this Commission on or before July 1, 1960, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated are hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of said application and that on the basis thereof the following matters and questions are presented, without prejudice, however, to the presentation of additional matters and questions for examination:

1. Whether the services and disbursements for which remuneration is sought are compensable and whether it is lawful or appropriate to grant any allowances for fees and expenses to the person making such claims;

2. Whether the requested amounts for fees and for expenses were incurred in rendering services which were necessary and whether the requested amounts are reasonable; and

3. Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered which would make the request for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Consolidated Electronics Industries Corp., the successor corporation, by merger, to Cenpuc, and on Reis & Chandler, Inc.; and that notice of the entry of this order shall be given to all other persons by a general release of the Commission, which shall be distributed to the press, mailed to the persons on the mailing list for releases issued under the Act, and published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5628; Filed, June 17, 1960; 8:49 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JUNE 14, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fradulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 15, 1960, to June 24, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5629; Filed, June 17, 1960; 8:49 a.m.]

[File No. 70-3885]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of Principal Amount of Bonds

JUNE 13, 1960.

Notice is hereby given that New Jersey Power & Light Company ("New Jersey"), a public-utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application on file in the offices of the Commission for a statement of the proposed transactions which are summarized as follows:

New Jersey proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, $5,000,000 principal amount of First Mortgage Bonds ("New Bonds"), -- percent Series, to be dated as of July 1, 1960 and to mature July 1, 1990. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid by New Jersey (which shall not be less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding.

The New Bonds are proposed to be issued under the Mortgage and Deed of Trust, dated as of March 1, 1944 of New Jersey to the Morgan Guaranty Trust Company of New York (formerly Guaranty Company of New York), Trustee, as heretofore supplemented and amended and as proposed to be supplemented and amended by the Seventh Supplemental Indenture.

The proceeds from the sale of the New Bonds will be applied to the cost of New Jersey's post-1959 construction program estimated at $7,750,000 or to reimburse its treasury for expenditures for that purpose.

New Jersey proposes to issue the $5,000,000 principal amount of 1990 Series Bonds against a like amount of cash, which is to be deposited with and held by the Trustee pending withdrawal, from time to time, against bondable value of property additions. As of March 31, 1960, New Jersey had available for the purpose approximately $4,400,000 of bondable value of property additions, on the basis of which it could withdraw approximately $2,640,000 of the funds thus to be deposited with the Trustee.

It is stated that the Board of Public Utility Commissioners of the State of New Jersey, the State in which New Jersey is organized and doing business, has jurisdiction over the proposed transaction and that an order of that Commission approving the proposed issuance and sale of the new bonds will be filed by amendment. The application further states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The expenses to be incurred by New Jersey in connection with the proposed transactions are estimated to aggregate $50,000, including registration fees of $2,704, Federal issue tax of $5,500, printing expenses of $22,000, accounting fees of $3,200, fees to indenture trustee of $3,000, legal fees and expenses of company counsel, Alfred A. Rochester of $2,800 and Berlack, Israels & Liberman of $5,000, and miscellaneous cost of $5,796. The estimated fees of Naylon, Foster, Dean & Aronson, counsel for the underwriters, which are to be paid by the underwriters, is estimated at $6,500.

Notice is further given that any interested person may, not later than July 5, 1960, request this Commission in writing that a hearing be held in respect of the application, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5630; Filed, June 17, 1960; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

MISSOURI

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated April 20, 1960, reading in part as follows:

I hereby determine the damage in the various areas of the State of Missouri, adversely affected by recent and current floods, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Missouri to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 20, 1960:

The counties of:

Adair.	Johnson.
Andrew.	Lafayette.
Atchison.	Lewis.
Boone.	Lincoln.
Buchanan.	Linn.
Butler.	Livingston.
Caldwell.	Marion.
Callaway.	Mercer.
Cape Girardeau.	Mississippi.
Carroll.	Moniteau.
Cass.	Montgomery.
Charlton.	New Madrid.
Clark.	Nodaway.
Clay.	Osage.
Clinton.	Pemiscot.
Cole.	Perry.
Cooper.	Pike.
Daviess.	Platte.
De Kalb.	Ralls.
Dunklin.	Randolph.
Franklin.	Ray.
Gasconade.	St. Charles.
Gentry.	Ste. Genevieve.
Grundy.	Saline.
Harrison.	Scott.
Holt.	Stoddard.
Howard.	Warren.
Jackson.	Wayne.
Jefferson.	Worth.

Dated: June 8, 1960.

LEO A. HOEGH, *Director.*

[F.R. Doc. 60-5585; Filed, June 17, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36325: *Substituted service—C&O for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc., (No. 26), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Detroit, Mich., and Buffalo, N.Y., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Midwest Haulers, Inc., MF-I.C.C. 22.

FSA No. 36326: *Substituted service—Wabash for Midwest Hauling Inc.* Filed by Midwest Haulers, Inc. (No. 28), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Toledo, Ohio and East St. Louis, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Tariff: Supplement 6 to Midwest Haulers, Inc., MF-I.C.C. 22.

FSA No. 36327: *Substituted service—Wabash for Commercial Freight Lines, Inc.* Filed by Commercial Freight Lines, Inc. (No. 2), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Kansas City, Mo., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Midwest Haulers, Inc., MF-I.C.C. 22.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5637; Filed, June 17, 1960; 8:50 a.m.]

[Notice 331]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 15, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62956. By order of June 13, 1960, Division 4, Acting as an Appellate Division, approved the transfer to George L. Cammann, doing business as Calvert Transfer, Kearney, Nebr., of the operating rights in Certificate No. MC 75922, issued June 14, 1941, to Halver Edwin Ray, doing business as H. E. Ray, Elm Creek, Nebr., authorizing the transportation, over irregular routes, of coal, truck bodies, salt, livestock, agricultural commodities, feed, and household goods, from, to, and between specified points in Colorado, Nebraska, Iowa, and Kansas. John C. Mitchell, 2415 Central Avenue, Kearney, Nebr., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5638; Filed, June 17, 1960; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

C & D Sportswear Corp., Adel, Ga.; effective 6-6-60 to 6-5-61 (men's sport shirts).

Don Juan Manufacturing Corp., 113 Grubb Street, Hertford, N.C.; effective 6-6-60 to 6-5-61 (men's and boys' shirts).

Greenwood Shirt Co., Montague Street, Extension, Greenwood, S.C.; effective 6-2-60 to 6-1-61 (women's garments).

Grifton Manufacturing Co., Grifton, N.C.; effective 6-1-60 to 5-31-61 (boys' zippered jackets).

Moulton Manufacturing Corp., Moulton-Decatur Highway, Moulton, Ala.; effective 6-3-60 to 6-2-61 (men's and boys' sport shirts).

Phillips-Van Heusen Corp., Patton, Pa.; effective 6-2-60 to 6-1-61 (dress shirts).

Vandalia Garment Co., Bowling Green, Mo.; effective 6-3-60 to 6-2-61 (ladies' dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Winfield, Mo.; effective 6-5-60 to 6-4-61; 10 learners (men's washable cotton service uniform coats).

Apparel, Inc., Center Street, Mebane, N.C.; effective 6-1-60 to 5-31-61; five learners (children's dresses).

Dan Dee Manufacturing Co., Main and Locust Streets, Gallitzin, Pa.; effective 6-6-60 to 6-5-61; 10 learners (children's garments).

Hunter Brothers Co., Inc., Statesville, N.C.; effective 6-4-60 to 6-3-61; 10 learners (men's sport shirts).

Old Hickory Co., Inc., 39 Second Street Place, SW., Hickory, N.C.; effective 6-1-60 to 5-31-61; 10 learners (overalls, dungarees, coveralls, work pants and slacks; ladies' dungarees and pedal pushers, etc.).

Ruth Originals Corp., 3029 Asheville Highway, Hendersonville, N.C.; effective 6-6-60 to 6-5-61; 10 learners (children's dresses).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa.; effective 6-12-60 to 6-11-61; 10 learners (ladies' underwear).

Stanro Dress Co., Inc., 810 George Street, Throop, Pa.; effective 5-31-60 to 5-30-61; five learners (ladies' and children's dresses).

Theresa Dress Co., Inc., 219 Pine Street, Old Forge, Pa.; effective 6-6-60 to 6-5-61; five learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Arab, Ala.; effective 6-1-60 to 11-30-60; 50 learners (boys' and men's cotton denim dungarees).

C & D Sportswear Corp., Adel, Ga.; effective 6-6-60 to 12-5-60; five learners (men's sport shirts).

Delta Shirt Manufacturing Co., Inc., 550 Ninth Street, Douglas, Ariz.; effective 6-2-60 to 12-1-60; 20 learners (men's and boys' sport shirts).

Grifton Manufacturing Co., Grifton, N.C.; effective 6-1-60 to 11-30-60; 30 learners (boys' zippered jackets).

Lake Butler Apparel Co., Lake Butler, Fla.; effective 6-10-60 to 12-9-60; 25 learners (men's cotton and rayon walking shorts).

Shadowline, Inc., Boone, N.C.; effective 6-6-60 to 12-5-60; 15 learners (women's woven fabric gowns).

Vandalia Garment Co., Bowling Green, Mo.; effective 6-3-60 to 12-2-60; 15 learners (ladies' dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Lambert Manufacturing Co., Inc., Plant No. 1, 501 Jackson Street, Chillicothe, Mo.; effective 6-6-60 to 6-5-61; 10 learners for normal labor turnover purposes (cotton work gloves).

North Star Glove Co., Inc., 2317 Pacific Avenue, Tacoma, Wash.; effective 5-31-60 to 5-30-61; six learners for normal labor turnover purposes (canton and leather-faced work gloves).

Riegel Textile Corp., Brundidge, Ala.; effective 6-6-60 to 6-5-61; 10 percent of the total number of factory production workers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The Batesville Co., Batesville, Miss.; effective 6-18-60 to 6-17-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Betterwear Hosiery Mill, Inc., Central Avenue and East Third Street, Catawba, N.C.; effective 6-1-60 to 11-30-60; 10 learners for plant expansion purposes (seamless).

Betterwear Hosiery Mill, Inc., Central Avenue and East Third Street, Catawba, N.C.; effective 6-1-60 to 5-31-61; five leafners for normal labor turnover purposes (seamless).

Selma Hosiery Co., Dillon, S.C.; effective 6-2-60 to 6-1-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Selma Hosiery Co., Dillon, S.C.; effective 6-2-60 to 12-1-60; 50 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Chadbourn Textiles, Inc., Chadbourn, N.C.; effective 6-1-60 to 11-30-60; 20 learners for plant expansion purposes (men's and boys' knit tee shirts and sport shirts).

Hunter Brothers Co., Inc., Statesville, N.C.; effective 6-4-60 to 6-3-61; five learners for normal labor turnover purposes in the production of woven undershorts only.

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 6-3-60 to 6-2-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Mode O'Day Corp., 840 12th Street NW., Mason City, Iowa; effective 6-6-60 to 6-5-61; five learners for normal labor turnover purposes (ladies' lingerie).

William Caplin Plant, Seamprufe, Inc., Holdenville, Okla.; effective 5-31-60 to 5-30-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Darwood Manufacturing Co., Inc., 18 Pocasset Street, Fall River, Mass.; effective 5-31-60 to 11-30-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (boys' clothing—outerwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Alfredo Manfuacturing Corp., Rio Grande, P.R.; effective 5-16-60 to 9-21-60; 10 learners for normal labor turnover purposes in the occupations of sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (replacement certificate) (men's cotton pajamas).

Antilles Leatherwear, Inc., Caguas, P.R.; effective 5-16-60 to 1-19-61; 5 learners for normal labor turnover purposes in the occupation of machine sewers on leather for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (replacement certificate) (leather jackets).

The Bravada Corp., Arecibo, P.R.; effective 5-16-60 to 2-28-61; 25 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 57 cents an hour (replacement certificate) (tee shirts and briefs).

Coral Mfg. Corp., 56 Cristy Street, Mayaguez, P.R.; effective 5-16-60 to 7-17-60; 25 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) pressing other than final pressing, trimming machine operators, each for a learning period of 160 hours at the rate of 60 cents an hour (replacement certificate) (men's work pants).

Ocean Knitwear Corp., Caguas, P.R.; effective 5-16-60 to 7-10-60; 60 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments, and snap press operators, each for a learning period of 160 hours at the rate of 57 cents an hour (replacement certificate) (polo and knitted fabric sport shirts).

Porto Corp., Division "A", Road to Lares, Utuado, P.R.; effective 5-16-60 to 10-3-60; 80 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 57 cents an hour (replacement certificate) (men's and boys' T-shirts).

Porto Corp., Division "B", Road to Lares, Arecibo, P.R.; effective 5-16-60 to 8-31-60; 30 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 57 cents an hour (replacement certificate) (men's athletic shorts).

Puerto Rico Industrial Manufacturing Corp., Manati, P.R.; effective 5-16-60 to 3-31-61; 10 learners for normal labor turnover purposes in the occupations of sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (replacement certificate) (work pants and shirts).

Puerto Rico Industrial Manufacturing Corp., Manati, P.R.; effective 5-16-60 to 9-30-60; 40 learners for plant expansion purposes in the occupations of sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (replacement certificate) (men's work pants and shirts).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; effective 5-16-60 to 5-6-61; 12 learners for normal labor turnover purposes in the occupations of sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (replacement certificate) (men's shorts).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; effective 5-7-60 to 5-6-61; 12 learners for normal labor turnover purposes in the occupations of sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (men's shorts).

Sportee Corp. of America, Ponce, P.R.; effective 5-16-60 to 1-31-61; 5 learners for normal labor turnover purposes in the occupations of sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (replacement certificate) (boys', girls', and ladies' polo shirts).

Trouser Corp. of Puerto Rico, Fajardo, P.R.; effective 5-16-60 to 12-10-60; 15 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators, final pressing, hand sewing, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments, machine operations other than sewing machine, and pressing other than final pressing, each for a learning period of 160 hours at the rate of 60 cents an hour (replacement certificate) (men's and boys' semi-dress trousers).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 9th day of June 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60-5627; Filed, June 17, 1960; 8:49 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following is now available:

Title 32, Parts 1000–1099, Revised ... $6.50

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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VOLUME 25 NUMBER 120

Washington, Tuesday, June 21, 1960

THE UNIVERSITY OF MICHIGAN
JUN 22 1960
MAIN READING ROOM

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Announcement

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

In Federal Register Document 60-5338, filed June 10, 1960, paragraph (b) (22) which was added to § 6.342, should have read as follows:

§ 6.342 Housing and Home Finance Agency.

* * * * * * *

(b) *Federal Housing Administration.*

* * * * * * *

(22) One Confidential Administrative Assistant to the Deputy Commissioner for Operations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-5680; Filed, June 20, 1960; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Corn Loan and Purchase Agreement Program

A price support program has been announced for the 1960 crop of corn. The C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 is supplemented as follows.

Sec.
421.5136 Purpose.
421.5137 Availability of price support.
421.5138 Eligible corn.
421.5139 Warehouse receipts.
421.5140 Determination of quantity.
421.5141 Determination of quality.
421.5142 Maturity of loans.
421.5143 Determination of support rates.
421.5144 Warehouse charges.
421.5145 Inspection of corn under purchase agreements.
421.5146 Settlement.

AUTHORITY: §§ 421.5136 to 421.5146 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, 1054, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 421.5136 Purpose.

Sections 421.5136 to 421.5146 state additional specific requirements which, together with the general regulations contained in the 1960 C.C.C. Grain Price Support Bulletin 1 (§§ 421.5001 to 421.5022), apply to loans and purchase agreements under the 1960-Crop Corn Price Support Program.

§ 421.5137 Availability of price support.

(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever corn is grown in the United States, except that farm-storage loans will not be available in areas where the State committee determines that corn cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1961: *Provided,* That in areas where it is determined by the State committee that producers may not be, or are not, in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability for loans and purchase agreements shall be such earlier date as may be determined by the State committee. The State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability for loans and purchase agreements in the area. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

§ 421.5138 Eligible corn.

The corn, when placed under loan or delivered under a purchase agreement, must meet the following requirements.

(a) The corn must be of the classes Yellow Corn (Class I), White Corn (Class II), or Mixed Corn (Class III) and must have been produced in the United States in 1960 by an eligible producer.

(b) The corn must not contain mercurial compounds or other substances poisonous to man or animals.

(c) The corn must be ear or shelled corn: *Provided,* That the corn must be shelled before placed under a warehouse-storage loan or before delivery is made in liquidation of a loan or under a purchase agreement. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer.

(d) (1) The beneficial interest in the corn must be in the eligible producer tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(e) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better and must meet the following additional requirements:

(1) For ear corn placed under a farm-storage loan, the moisture content must not exceed 21.0 percent if the corn is tested for loan from time of harvest through February 1961; 19.5 percent if tested for loan during March 1961; 18.0 percent if tested for loan during April 1961, and 16.0 percent if tested for loan during May 1961.

(2) For shelled corn placed under a farm-storage loan, the moisture content must not exceed 14.0 percent irrespective of when the corn is tested for loan.

(3) Corn placed under loan must not grade "Weevily."

(f) Corn delivered to CCC under a purchase agreement must meet the following additional requirements:

(1) Corn delivered to CCC from other than approved warehouse storage must grade No. 5 or better, except that such corn may bear the special grade "Weevily" in addition to the numerical grade.

(2) Corn placed in approved warehouse storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 14.0 percent moisture and must not grade "Weevily."

(g) Corn shall not be eligible for a warehouse-storage loan or delivery from approved warehouse storage under a purchase agreement if it contains in excess of 14.0 percent moisture, except that corn represented by warehouse receipts which indicate that the corn is ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that corn of 14.0 percent moisture or less of an eligible grade and quality which meets the requirements of § 421.5138 will be delivered. The certification shall be substantially as follows:

On corn containing in excess of 14.0 percent moisture, delivery will be made of corn which grades No. ------ which contains not in excess of 14.0 percent moisture, which is otherwise of the same quality or better as the corn described on warehouse receipt No. ------, and which is the actual quantity obtained after drying the corn described in such receipt to not in excess of 14.0 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(h) If offered as security for a farm-storage loan, shelled corn must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling and sealing unless otherwise approved by the State committee.

§ 421.5139 Warehouse receipts.

Warehouse receipts representing corn in approved warehouse storage to be placed under a warehouse-storage loan or delivered in satisfaction of a farm-storage loan or acquired under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. The receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes, or must be receipts which are issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) broken corn and foreign material, and (7) any other grading factor(s) when such factor(s) and not test weight or moisture determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) A separate warehouse receipt must be submitted for each grade and class of corn.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.5144.

(e) If the warehouseman has furnished a statement as provided in § 421.5138(g), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the corn to be delivered. Where the grade, grading factors and the quantity of the corn shown on the supplemental certificate do not agree with the warehouse receipt, the grade, grading factors and quantity shown on the supplemental certificate shall take precedence.

(f) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own corn is not valid under State law and the warehouseman elects to deliver corn to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(g) Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the corn is insured, in accordance with such Agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing corn to be placed under loan shall indicate that the corn is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.5140 Determination of quantity.

(a) The quantity of corn placed under farm-storage loan may be determined either by weight or by measurement. The quantity of corn delivered under a farm-storage loan, or under a purchase agreement shall be determined by weight. The quantity of corn on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight of the corn represented by the warehouse receipt or on the supplemental certificate, if applicable.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 16.0 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 16.0 percent in accordance with the following schedule:

Moisture content (percent)	*Adjustment factor (percent)*
16.1 to 17.0, both inclusive	98
17.1 to 18.0, both inclusive	96
18.1 to 19.0, both inclusive	94
19.1 to 20.0, both inclusive	92
20.1 to 21.0, both inclusive	90

Above 21.0—No loan.

(c) When the quantity of shelled corn is determined by measurement, a bushel shall be 1.25 cubic feet of shelled corn testing 56 pounds per bushel. The quantity determined by measurement of shelled corn having a test weight of other than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For shelled corn testing:	*Percent*
60 pounds or over	107
59 pounds or over, but less than 60 pounds	105
58 pounds or over, but less than 59 pounds	104
57 pounds or over, but less than 58 pounds	102
56 pounds or over, but less than 57 pounds	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	88

(d) When the quantity is determined by weight, a bushel of shelled corn shall be 56 pounds. In determining the quantity of sacked corn by weight, a deduction of three-fourths of a pound for each sack will be made.

(e) Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 421.5141 Determination of quality.

The class, grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Corn whether or not such determinations are made on the basis of an official inspection.

§ 421.5142 Maturity of loans.

(a) Nonrecourse loans mature on demand but not later than July 31, 1961. Recourse loans mature on May 31, 1962.

(b) Corn may be delivered in satisfaction of nonrecourse farm-storage loans after maturity in accordance with § 421.5019(b)(1). Corn may be delivered under purchase agreement after maturity in accordance with § 421.5019(e)(1).

(c) In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.5137(d)), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is held in farm storage under nonrecourse loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1961. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(d) If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (for reasons set forth in § 421.5137(d)), all nonrecourse farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm storage under purchase agreements shall be required to do so during the delivery period for loans; except that for individual cases and upon the approval by the State committee a producer may be permitted to keep his corn in farm storage until the regular loan maturity date provided (1) such corn is shelled, and (2) the producer has satisfactory storage facilities and is adequately equipped to properly care for the corn. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1961.

§ 421.5143 Determination of support rates.

(a) Basic county support rates, and the schedule of premiums and discounts, for corn will be set forth in 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. Both warehouse-storage and farm-storage loans and purchases under purchase agreements will be made on the basis of the rate established for the county in which the corn is produced.

(b) Where the State committee determines that State, district, or county weed control laws, as administered, affect the corn crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the corn complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the corn is stored determines that State, district or county weed control laws, as administered, affect corn stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the corn complies with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

§ 421.5144 Warehouse charges.

(a) (1) Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing corn stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the nonrecourse loan maturity date.

For States having a maturity date not later than July 31, 1961—Date the storage charges start (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to Sept. 25, 1960	12
Sept. 25, 1960–Oct. 21, 1960	11
Oct. 22, 1960–Nov. 17, 1960	10
Nov. 18, 1960–Dec. 14, 1960	9
Dec. 15, 1960–Jan. 10, 1961	8
Jan. 11, 1961–Feb. 6, 1961	7
Feb. 7, 1961–Mar. 5, 1961	6
Mar. 6, 1961–Apr. 1, 1961	5
Apr. 2, 1961–Apr. 28, 1961	4
Apr. 29, 1961–May 25, 1961	3
May 26, 1961–June 21, 1961	2
June 22, 1961–July 31, 1961	1

In the case of recourse loans, there shall be deducted the storage charges per day from the date the storage charges start against the holders of the warehouse receipt to the recourse loan maturity date of May 31, 1962, plus receiving and loading out charges as provided in the Schedule of Rates of the Uniform Grain Storage Agreement in effect when the services are performed, unless written evidence has been submitted with the warehouse receipt that such charges have been prepaid.

(2) Notwithstanding the foregoing provisions of this paragraph, if the date the storage charges start against the holders of the warehouse receipt is shown on the warehouse receipt or supplemental certificate and such date is prior to the maturity date of loans for the commodity but subsequent to the date of deposit of the commodity in the warehouse, the deduction for storage in computing the amount of loan or purchase price shall be for the period from the date storage charges start against holders of the warehouse receipt through the applicable maturity date to be determined in accordance with § 421.5142.

(b) Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate for storage (not including elevation) which will accumulate from the date of deposit through the applicable maturity date to be determined in accordance with § 421.5142 and in the case of recourse loans the approved tariff rate for elevation charges, unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted in the case of nonrecourse price support shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.5145 Inspection of corn under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the nonrecourse loan maturity date of his intent to sell his corn stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the corn prior to delivery of the corn. The primary importance of this inspection is to discuss with the producer the condition of his corn and the method for making settlement for corn delivered. This predelivery inspection shall not be used for settlement. If the corn, on the basis of predelivery inspection, is determined to be eligible for delivery to CCC in accordance with § 421.5138 or if the corn appears to be ineligible for delivery and the producer insists upon making delivery, the county office shall issue delivery instructions. The producer must then

complete delivery within a 15-day period immediately following the date the county office issues delivery instructions, unless the county office determines that more time is needed for delivery. A predelivery inspection shall not be made on corn stored commingled in warehouses not approved for storage or on corn in an unapproved warehouse which is stored so that the identity of the producer's corn is maintained but a predelivery inspection is not possible.

(b) *Inspection of corn stored by producer, after maturity date.* The producer may be required, without any cost to CCC, to retain corn under purchase agreement which is stored in other than approved warehouse storage for a period of 60 days after the nonrecourse loan maturity date. CCC will not assume any loss in quantity or quality of the corn covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for corn which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the corn is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the corn is going out of condition or is in danger of going out of condition and that the corn cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.5146 Settlement.

(a) *Settlement value.* Subject to the provisions of § 421.5019, the following shall apply:

(1) *Nonrecourse farm-storage loans.* In the case of corn delivered to CCC under nonrecourse farm-storage loans grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, settlement shall be made at the applicable support rate for the county in which the corn was produced. The support rate so determined shall be for the total quantity of corn eligible for delivery subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. The settlement value of corn which upon delivery grades below No. 3 (except for corn which grades No. 4 on test weight only, but otherwise No. 3 or better) shall be the applicable basic county support rate without reference to any premiums or discounts less the difference, if any, at the time of delivery, between the market price of corn grading No. 3 (without any premiums or discounts for the factor of moisture) and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price, except that if upon delivery the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Nonrecourse warehouse-storage loans.* Settlement for eligible corn under nonrecourse warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the corn was produced.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for corn delivered to CCC from farm storage and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade, and other quality factors determined by a reinspection at the time of delivery. Settlement for eligible corn grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate for the county where produced and the "Schedule of Premiums and Discounts" contained in the 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. Settlement for eligible corn grading No. 4 on the basis of factors other than test weight, for eligible corn grading No. 5 and for eligible corn of such grades bearing the special grade "Weevily" in addition to the numerical grade, shall be computed at the applicable basic county support rate without reference to any premiums or discounts, less the difference, if any, at the time of delivery, between the market price for No. 3 corn (without any premiums or discounts for the factor of moisture) and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if, upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, if any, as determined by CCC as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible corn stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of corn the producer elects to sell to CCC. Settlement for eligible corn delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the corn was produced.

(iii) *Delivery from unapproved warehouse storage.* Settlement for corn delivered to CCC which is stored in an unapproved warehouse, regardless of whether a predelivery inspection is performed, shall be the same as for corn delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Corn ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of corn ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Corn of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement and (*b*) corn in other than approved warehouse storage which, at the time of delivery, does not meet the eligibility requirements of § 421.5138. The settlement value shall be the market price for the grade, quality, and quantity of such ineligible corn delivered as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *Provided further,* That if upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals, the corn shall be sold for seed (in accordance with applicable State seed laws and requirements), fuel or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery. If corn delivered is of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such corn is inadvertently accepted by CCC, the settlement value shall be the sales price if the corn is immediately sold. If the corn is not immediately sold, the settlement value shall be the applicable support rate if such rate has been established or the market price as determined by CCC, whichever is lower.

(4) Nothwithstanding the foregoing, if a warehouseman has made a certification on the warehouse receipt or supplemental certificate as specified in § 421.5138(g), settlement for corn delivered to or acquired by CCC in an approved warehouse under a nonrecourse farm-storage loan or purchase agreement shall be based on the quality specified in such certification.

(5) *Recourse farm-storage and warehouse-storage loans.* Settlement of recourse farm-storage and warehouse-storage loans shall be effected in accordance with the applicable provisions of 1960 C.C.C. Grain Price Support Bulletin 1.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-storage corn under nonrecourse loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date or such earlier delivery date as may be established by the State committee in accordance with § 421.5142(d) except where it is necessary to call the loan by reason of fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves early delivery and determines such early delivery is solely for the convenience of the producer. In such cases storage charges shall be deducted for the period beginning on the date delivery was completed and ending on July 31, 1961, in accordance with the schedule of deductions for warehouse charges in § 421.5144. Where an earlier delivery date is established by the State committee in accordance with § 421.5142(d), storage charges shall be deducted for the period beginning on the date delivery was completed and ending on such earlier date established by the State committee in accordance with the schedule of charges provided in § 421.5144 adjusted to such earlier delivery date.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on eligible corn under nonrecourse loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the storage agreement provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid. In case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on eligible corn under nonrecourse loan or purchase agreement, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid and CCC has not previously given the producer credit for such charges as provided in § 421.5144(c) hereof.

(d) *Storage payment where CCC is unable to take delivery of corn stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain corn under nonrecourse loan or purchase agreement which is stored in other than an approved warehouse for a period of 60 days after the nonrecourse maturity date without any cost to CCC. The producer shall be paid a storage payment upon delivery of the corn to CCC if CCC is unable to take delivery of such corn within the 60-day period after the nonrecourse maturity and in the case of corn under purchase agreement if the producer has properly given notice of his intention to sell the corn to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of .037 cents per bushel per day for the corn accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on nonrecourse price support corn delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his nonrecourse price support corn to a point other than his customary shipping point, he shall be allowed compensation (as determined by CCC at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the corn any distance greater than the distance from the point where the corn is stored by the producer to the customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When delivery of corn under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Issued this 16th day of June 1960.

FOREST W. BEALL,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5695; Filed, June 20, 1960; 8:52 a.m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

[Amdt. 1]

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 517—FRUITS AND BERRIES, FRESH

Subpart—Cranberry Payment Program AMM 181a

GROWERS APPLICATION AND CERTIFICATION; CHANGE OF FINAL DATE FOR FILING

Sections 517.478(a), 517.479 (a) and (b), and 517.482(a) are hereby amended as follows:

To change the final date for filing Grower's Application and Certification, Form FV-3, Growers' Representative's Application and Certification, Form FV-4 (including Form FV-4-1), and Invoice for Advance Payment, Form FV-5, from June 20, 1960, to July 30, 1960.

Effective date. This amendment shall become effective June 20, 1960.

Dated this 16th day of June 1960.

FLOYD F. HEDLUND,
Authorized Representative of
the Secretary of Agriculture.

[F.R. Doc. 60-5691; Filed, June 20, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 425; Amdt. 29-3]

PART 29—PHYSICAL STANDARDS FOR AIRMEN; MEDICAL CERTIFICATES

Medical Standards

Existing vision standards and vision testing procedures applicable to civil airmen have been carefully reviewed by the Bureau of Aviation Medicine It was found that present tests for depth perception, diplopia prism convergence and prism divergence do not satisfactorily provide the information needed in assessing the visual proficiency of airmen. Limiting values for these tests have, in fact, seldom served as the basis for disqualification despite their existence in the Civil Air Regulations as standards to be met by airman applicants. Vision standards which more accurately limit disqualification to those rare applicants who would have significant alterations of eye muscle balance have been proposed in a separate action.

In consideration of present medical knowledge pertaining to this area, as more fully discussed in the preamble of the proposed amendment [1] issued concurrently, this amendment rescinds existing standards for diplopia, depth perception, abduction and adduction.

Since this amendment grants relief by eliminating various eye standards, imposes no additional burden on any person, and is purely technical in nature, the Administrator finds that notice and public procedure hereon are not necessary and that this amendement may be made effective immediately.

In consideration of the foregoing, Part 29 of the Civil Air Regulations (14 CFR 29) is amended as follows, effective June 15, 1960:

1. In § 29.2(a) by deleting subparagraphs (2), (3), (7), and (8), and by redesignating subparagraphs (4), (5), (6), (9), (10), (11), and (12) as (2), (3), (4), (5), (6), (7), and (8) respectively.

2. In § 29.3(a) by deleting subparagraphs (2), (3), and (5) and by redesignating subparagraphs (4), (6), (7), (8), and (9) as (2), (3), (4), (5), and (6) respectively.

[1] See F.R. Doc. 60-5726 *infra.*

(Secs. 313(a), 601, 602, 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on June 16, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5725; Filed, June 20, 1960; 8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-190]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On December 10, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9994) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 2 between Lone Rock, Wis., and Milwaukee, Wis., and the north alternate to Victor 2 between Lansing, Mich., and Salem, Mich. In addition, it was proposed that the north alternates and associated control areas to Victor 2 between Nodine, Minn., and Lone Rock and between Lone Rock and Milwaukee be revoked.

The action to revoke the north alternates of Victor 2 between Nodine, and Lone Rock and between Lone Rock and Milwaukee is deferred until the Dells, Wis., VOR is commissioned approximately December 7, 1960, and VOR Federal airway No. 170 is extended from the Milwaukee VOR via the Dells VOR to the Nodine VOR. The designation of this extension is contained in Airspace Docket No. 59-KC-3 (25 F.R. 2387) and shall become effective December 15, 1960. Accordingly, the action revoking the north alternates to Victor 2 shall be effective December 15, 1960.

The notice stated that Victor 2 N would be realigned via the Lansing VOR 090° True and the Salem, Mich., VOR 308° True radials to overlie a portion of VOR Federal airway No. 218 east of Lansing. However, in Airspace Docket No. 59-KC-12 (25 F.R. 2662), Victor 218 has been realigned via the Lansing 091° True radial to overlie the proposed location of the Pontiac, Mich., VOR. Therefore, Victor 2 N will be redesignated via the Lansing VOR 091° True radial to coincide with Victor 218 east of the Lansing VOR. This change is minor in nature in that it represents a correction of only one degree and will be reflected in the amendment.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 600.6002 (24 F.R. 10503, 25 F.R. 4376) is amended, with separate effective dates, as follows:

1. In the text of § 600.6002 "intersection of the Lone Rock omnirange 103° True and the Milwaukee omnirange 273° True radials;" and "including a north alternate via the Lansing VOR 085° and the Salem VOR 307° radials." are deleted and "INT of the Lone Rock VOR 106° True and the Milwaukee VOR 270° True radials;" and "including a north alternate via the Lansing VOR 091° True and the Salem VOR 308° True radials." are substituted therefor, respectively.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

2. In the text of § 600.6002 "Lone Rock, Wis., including a north alternate; INT of the Lone Rock VOR 106° True and the Milwaukee VOR 270° True radials; Milwaukee, Wis., omnirange station, including a north alternate from the Lone Rock omnirange station to the Milwaukee omnirange station via the intersection of the Lone Rock omnirange 088° True and the Milwaukee omnirange 288° True radials;" is deleted and "Lone Rock, Wis., VOR; INT of the Lone Rock VOR 106° True and the Milwaukee VOR 270° True radials; Milwaukee, Wis., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. December 15, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5659; Filed, June 20, 1960; 8:45 a.m.]

[Airspace Docket No. 59-LA-81]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On February 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 880) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 1528 and its associated control areas from Newberg, Oreg., to Cherokee, Wyo.

As stated in the notice, the Federal Aviation Agency proposed to designate Victor 1528 from the Newberg, Oreg., VOR via a VOR to be installed approximately September 1, 1960, near John Day, Oreg., at latitude 44°38'53" N., longitude 119°42'37" W.; Boise, Idaho, VORTAC; Pocatello, Idaho, VOR; Big Piney, Wyo., VOR; to the Cherokee, Wyo., VOR. This airway would be utilized for the movement of air traffic operating between the Portland, Oreg., and the Cheyenne/Denver, Colo., terminal areas. Subsequent to the publication of the notice, the commissioning date of the John Day VOR was rescheduled to November 1, 1960.

The Air Transport Association of America concurred in the proposed designation of Victor 1528. Moreover, the ATA recommended that, in order to provide a complete airway that would facilitate flight planning, Victor 1528 should be extended from Cherokee to Denver, Colo., over the existing VOR Federal airway No. 4 and from Newberg to Portland, Oregon, over the existing west alternate to VOR Federal airway No. 23. The Federal Aviation Agency agrees that the extension of the proposed Victor 1528 from Newberg to Portland over Victor 23W, and from Cherokee to Denver over Victor 4, would provide a complete airway between the Portland and Denver terminal areas resulting in simplified flight planning. Therefore, since no additional airspace is involved, the proposed airway will be designated from the Portland VORTAC via the Newberg VOR, the John Day VOR, the Boise VORTAC, the Pocatello VOR, the Big Piney VOR, the Cherokee VOR, the Laramie, Wyo., VOR to the Denver VORTAC.

The Department of the Air Force objected to the portion of the proposed airway between the John Day VOR and the Boise VOR. The Air Force stated that this airway portion would conflict with Air Defense Command activities since the ADC uses the area northwest of Boise for scramble and recovery of Air National Guard aircraft. The Federal Aviation Agency has analyzed the departure and arrival procedures used by ADC at Boise, and anticipates no difficulty in the control of ADC aircraft in this area with respect to the proposed airway segment between John Day and Boise. The existing departure track based on the 275° magnetic radial of the Mountain Home, Idaho, TVOR routes the aircraft away from the proposed airway to the south of the Boise VOR and no interference will result between this departure and the airway. The instrument approach recovery procedures for Air National Guard aircraft will create routine air traffic management situations which will be handled procedurally by the appropriate air route traffic control center. In view of the foregoing, the Federal Aviation Agency is designating this airway segment and its associated control areas between John Day and Boise as proposed in the notice.

Subsequent to the publication of the notice, the Federal Aviation Agency determined that this airway should not be included in the Victor 1500 series and is therefore renumbering this airway VOR Federal airway No. 500.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following sections:

§ 600.6500 VOR Federal airway No. 500 (Portland, Oreg., to Denver, Colo.).

From the Portland, Oreg., VORTAC via the Newberg, Oreg., VOR; John Day, Oreg., VOR; Boise, Idaho, VORTAC; Pocatello, Idaho, VOR; Big Piney, Wyo., VOR; Cherokee, Wyo., VOR; Laramie, Wyo., VOR; to the Denver, Colo., VORTAC.

§ 601.6500 VOR Federal airway No. 500 control areas (Portland, Oreg., to Denver, Colo.).

All of VOR Federal airway No. 500.

These amendments shall become effective 0001, e.s.t., December 15, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5657; Filed, June 20, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-11]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Segments of Federal Airway, Associated Control Areas and Reporting Points

On December 23, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10459) stating that the Federal Aviation Agency was considering amendments to §§ 600.216, 601.216 and 601.4216 of the regulations of the Administrator which would revoke the segments of Red Federal airway No. 16 and their associated control areas from Tallahassee, Fla., to Albany, Ga., and from Augusta, Ga., to Florence, S.C. Concurrent with this action, reporting points which are based on radio ranges at the following locations would be revoked: Albany, Ga., Macon, Ga., Augusta, Ga., and Columbia, S.C.

As stated in the notice, Red 16 extends in part from Tallahassee to Albany and from Augusta to Florence. The Federal Aviation Agency IFR peak day airway traffic survey for the period July 1, 1958, to June 30, 1959, showed less than 8 aircraft movements on the Tallahassee-Albany segment and less than 12 aircraft movements on the Augusta-Florence segment. On the basis of this survey, the retention of these airway segments and their associated control areas are unjustified as assignments of airspace and the revocation thereof is in the public interest.

The Department of the Army objected to the revocation of the segment of Red 16 between Augusta and Columbia. However, this objection was subsequently withdrawn. The Central American Airways Instrument Flight Training School, who operates the Army Instrument School under contract to the Department of the Army objected to revoking the segment of Red 16 between Augusta and Columbia for the following reasons:

(a) Central American Airways makes extensive use of Red 16, and the Augusta Low Frequency Range in the advance instrument flight training of Army aviators.

(b) The Augusta Low Frequency Range is considered essential to the safety of all present approaches to Bush Field.

(c) Red 16 helps to reduce the traffic congestion in the Augusta area.

The notice did not propose to decommission the Augusta radio range. Revocation of this segment of Red 16 will not prohibit the Army Instrument School from utilizing the radio range for training. The simulation of a low frequency airway between range stations can be used for training purposes.

In view of the foregoing, the Federal Aviation Agency is revoking the segments of Red 16 and their associated control areas from Tallahassee to Albany and from Augusta to Florence and the following reporting points: Albany, Ga., Augusta, Ga., and Columbia, S.C., radio range stations. The reporting point based on Macon radio range was revoked in Airspace Docket No. 59-WA-409 (25 F.R. 1400).

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 600.216 (24 F.R. 10496), 601.216 (24 F.R. 10544) and 601.4216 (24 F.R. 10594, 25 F.R. 1400) are amended to read:

§ 600.216 Red Federal airway No. 16 (Florence, S.C., to Raleigh, N.C.).

From the Florence, S.C., RR via the Lumberton, N.C., RBN; the INT of a line bearing 021° True from the Lumberton RBN and a line bearing 191° True from the Raleigh, N.C., RR; to the Raleigh RR.

§ 601.216 Red Federal airway No. 16 control areas (Florence, S.C., to Raleigh, N.C.).

All of Red Federal airway No. 16.

§ 601.4216 Red Federal airway No. 16 (Florence, S.C., to Raleigh, N.C.).

Lumberton, N.C., RBN.

This amendment shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5658; Filed, June 20, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-133]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10918) stating that the Federal Aviation Agency was considering an amendment to § 601.2324 of the regulations of the Administrator which would modify the New Bern, N.C., control zone.

As stated in the notice, the New Bern control zone is presently designated within a 6-mile radius of the Simmons-Nott airport and within 2 miles either side of a line bearing 265° True extending from the New Bern non-directional radio beacon to a point 10 miles west of the radio beacon, excluding the portion which overlaps Cherry Point Restricted Area (R-123), and excluding the airspace above 5,500 feet MSL daily from sunset to sunrise. The instrument approach procedure based on the 265° True bearing has been revoked. The present ADF and VOR instrument approach procedures are based on the 221° True radial of the VOR and the 221° True bearing from the New Bern radio beacon. The control zone radius is being reduced to a 5-mile radius of the airport, the extension to the west is being revoked, and an extension to the southwest is being designated from the VOR to a point 12 miles southwest, 2 miles either side of the 221° radial of the New Bern VOR. The extension to the southwest will protect aircraft making authorized instrument approaches in their descent below 1,000 feet above the airport surface. Additionally, although the notice stated the portion of this control zone which overlaps Restricted Area R-123 should be excluded, a 5-mile radius control zone of Simmons-Nott airport will not overlap Restricted Area R-123.

The Aircraft Owners and Pilots Association objected to the proposal because the need for flight of aircraft at an altitude below 1,000 feet above ground at a distance beyond 5 miles from the field is not established in the proposal and that a control zone of such size is not in accordance with the Administrator's circular letter of October 10, 1956. However, the Administrator's letter of October 10 states that the basic circular area for control zones, normally 5 miles, is then modified by extending the control zone 2 miles on either side of the authorized low approach path out to a point where aircraft are authorized to descend below 1,000 feet above the terrain and that such extensions are necessary for each authorized low approach procedure established for the airport. At Simmons-Nott airport aircraft are authorized to descend to an altitude of 482 feet above the terrain after completion of the procedure turn which is more than 5 miles from the VOR and radio beacon. Therefore, the Federal Aviation Agency is re-

designating the New Bern control zone within 5 miles radius of the geographical center of the airport (latitude 35°04'20" N., longitude 77°02'35" W.), and within 2 miles either side of the 221° True radial of the New Bern VOR, extending from the VOR to a point 12 miles southwest, excluding the airspace that lies within the Cherry Point, N.C., Restricted Area R-125 during the Restricted Area's time of designation and between the designated altitudes.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, § 601.2324 (24 F.R. 10587) is amended to read:

§ 601.2324 New Bern, N.C., control zone.

Within a 5-mile radius of the geographical center of the Simmons-Nott airport (latitude 35°04'20" N., longitude 77°02'35" W.) and within 2 miles either side of the 221° T radial of the New Bern, N.C., VOR extending from the VOR to a point 12 miles southwest. The portion of the control zone which lies within the geographic limits of, and between the designated altitudes of, the Cherry Point Restricted Area (R-125) is excluded during the Restricted Area's time of designation.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5656; Filed, June 20, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7701 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Anchor Chemical Co., Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Anchor Chemical Company, Inc., Brooklyn, N.Y., Docket 7701, April 28, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer of chemical specialties for the graphic arts industry, with principal office in Brooklyn, N.Y., with discriminating in price in violation of section 2(d) of the Clayton Act by making payments as compensation for services or facilities furnished by some of its customers without making comparable payments to their competitors, such as $2,800 paid for advertising to Foster Type and Equipment Co. of Philadelphia.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 28 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Anchor Chemical Company, Inc., its officers, employees, agents and representatives, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, resale or offering for resale of products manufactured, sold, or offered for sale by respondent, unless such payment or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the resale or distribution of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 28, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5660; Filed, June 20, 1960; 8:45 a.m.]

[Docket 7776 c.o., et al.]

PART 13—PROHIBITED TRADE PRACTICES

Dumont Record Distributing Corp. et al.

Dumont Record Distributing Corp. et al. (Docket 7776 c.o.); Cosnat Distributing Corp. et al. (Docket 7703 c.o.); Atlantic Recording Corporation et al. (Docket 7711 c.o); All South Distributing Corporation et al. (Docket 7760 c.o.); Superior Record Sales Co., Inc., et al. (Docket 7761 c.o.); Fury Records, Inc., et al. (Docket 7694 c.o.).

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist orders, Dumont Record Distributing Corp. et al., Boston, Mass., Docket 7776, Apr. 26, 1960; Cosnat Distributing Corp. (New York, N.Y.) et al., Docket 7703, Apr. 28, 1960; Atlantic Recording Corporation et al., New York, N.Y., Docket 7711, Apr. 28, 1960; All South Distributing Corporation et al., New Orleans, La., Docket 7760, Apr. 28, 1960; Superior Record Sales Co., Inc., et al., New York, N.Y., Docket 7761, Apr. 28, 1960; and Fury Records, Inc., et al., New York, N.Y., Docket 7694, Apr. 30, 1960]

In the Matters of Dumont Record Distributing Corp., a Coporation, and Donald E. Dumont, Individually, and as Officer of Said Corporation; Cosnat Distributing Corp., a Corporation; Cosnat Distributing Corp. of Cleveland, a Corporation; Cosnat Distributing Detroit Corp., a Corporation; Jay-Gee Record Company, Inc., a Corporation; and Jerry Blaine, Elliot Blaine, Bennett Blaine, and Charles Gray, Individually, and as Officers of Said Coroprations; Atlantic Recording Corporation, a Corporation, and Ahmet M. Ertegun, Miriam Bienstock, Gerald Wexler, Nesuhi Ertegun, and Vahdi Sabit, Individually and as Officers of Said Corporation; All South Distributing Corporation, a Corporation, and Henry J. Hildebrand, Jr., Evelyn K. Hildebrand, and Henry J. Hildebrand, Sr., Individually, and as Officers of Said Corporation; Superior Record Sales Co., Inc., a Corporation, and Sam Weiss, Individually, and as an Officer of Said Corporation; and Fury Records, Inc., a Corporation, and Morgan Robinson, and Clarence L. Lewis, Individually and as Officers of Said Corporation

These cases were heard by hearing examiners on complaints of the Commission charging manufacturers and distributors of phonograph records with giving concealed "payola" to television and radio disc jockeys to induce playing their records in order to increase sales.

Accepting consent agreements, the hearing examiners made their initial decisions and orders to cease and desist which became in due course the decisions of the Commission.

The orders to cease and desist, combining the respondents in these six cases, are as follows:

It is ordered, That respondents Dumont Record Distributing Corp., a corporation, and its officers, and Donald E. Dumont, individually, and as an officer of said corporation; Cosnat Distributing Corp., a corporation, Cosnat Distributing Corp. of Cleveland, a corporation, Cosnat Distributing Detroit Corp., a corporation, and Jay-Gee Record Company, Inc., a corporation, and their officers, and Jerry Blaine, Elliot Blaine, Bennett Blaine, and Charles Gray, individually and as officers of said corporations; Atlantic Recording Corporation and its officers, and Ahmet M. Ertegun, Miriam Bienstock, Gerald Wexler, Nesuhi Ertegun and Vahdi Sabit, individually and as officers of said corporation; All South Distributing Corporation, a corporation, and its officers, and respondents Henry J. Hildebrand, Jr., Evelyn K. Hildebrand, and Henry J. Hildebrand, Sr., individually, and as officers of said corporation; Superior Record Sales Co., Inc., a corporation, and its officers, and Sam Weiss, individually, and as an officer of said corporation; and Fury Records, Inc., a corporation, and its officers, and Morgan Robinson and Clarence L. Lewis, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed, in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature;

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any mannner, to select or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public, at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly, received by him or his employer.

By "Decision of the Commission," etc., in each case, reports of compliance were required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing, setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: April 27, 1960 (D. 7776); April 28, 1960 (D. 7711); April 29, 1960 (D. 7694, 7703, 7760, 7761).

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5661; Filed, June 20, 1960; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

Title 41 is amended by the addition of Chapter 5, General Services Administration, reading as follows:

Part
5-1 General.
5-2 Procurement by formal advertising.
5-3 Procurement by negotiation.
5-12 Labor.
5-50 Bonds and insurance.
5-51 Contract financing.

PART 5-1—GENERAL

Sec.
5-1.000 Scope of part.

Subpart 5-1.1—Introduction

5-1.100 Scope of subpart.
5-1.101 Establishment of GSA-wide procurement policies and procedures.
5-1.102 Relationship of Chapter 5 to the FPR and other procurement instructions.
5-1.103 Applicability.
5-1.104 Method of issuance.
5-1.105 Exclusions.
5-1.106 Arrangement.
5-1.106-1 General plan.
5-1.106-2 Numbering.
5-1.106-3 Cross references.

Subpart 5-1.6—Debarred and Ineligible Bidders

5-1.601 Purpose.
5-1.602 Establishment and maintenance of a list of firms or individuals debarred or ineligible.
5-1.603 Bases for debarment and ineligible list entry.
5-1.604 Treatment to be accorded firms or individuals in debarred or ineligible status.
5-1.606 Agency procedure.

Subpart 5-1.7—Small Business Concerns

5-1.709 SBA Certificates of Competency.

AUTHORITY: §§ 5-1.000 to 5-1.709 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5-1.000 Scope of part.

This part describes the method by which the General Services Administration implements and supplements the Federal Procurement Regulations, and contains procedures which implement and supplement Part 1-1 of the Federal Procurement Regulations.

Subpart 5-1.1—Introduction

§ 5-1.100 Scope of subpart.

This subpart establishes Chapter 5 of the Federal Procurement Regulations System, and states its relationship to the Federal Procurement Regulations (FPR), and to other procurement instructions governing GSA operations.

§ 5-1.101 Establishment of GSA-wide procurement policies and procedures.

GSA-wide procurement policies and procedures (Chapter 5) are prescribed by the Administrator of General Services and are established to provide, for all General Services Administration (GSA) activities, uniform policies and procedures applicable to procurement of personal property and nonpersonal services (including construction).

§ 5-1.102 Relationship of Chapter 5 to the FPR and other procurement instructions.

(a) Chapter 5 implements and supplements the FPR. Material published in the FPR, which has Government-wide applicability, becomes effective throughout GSA upon the effective date of the particular FPR material. Such material generally will not be repeated, paraphrased, or otherwise restated in Chapter 5.

(b) Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(c) Material in Chapter 5 may supersede the FPR, as when a deviation is authorized, but only when the deviation is explicitly referenced to the FPR. Where Chapter 5 contains no material implementing the FPR, the FPR will govern.

(d) Procurement instructions necessary to implement or supplement the FPR and Chapter 5 will be issued by the heads of the services and staff offices of GSA and their counterparts in the regional offices in appropriate chapters. These, together with the FPR and Chapter 5, constitute the General Services Administration Procurement Regulations (GSPR).

§ 5-1.103 Applicability.

Chapter 5 applies to all purchases and contracts made by the General Services Administration for the procurement of personal property and nonpersonal services (including construction). Unless otherwise specified, Chapter 5 applies to purchases and contracts within and outside the United States.

§ 5-1.104 Method of issuance.

(a) All Chapter 5 material deemed necessary for business concerns and others interested to understand basic and significant GSA procurement policies and procedures will be published in the FEDERAL REGISTER. Other related material also may be published in the FEDERAL REGISTER when its inclusion will provide a logical, comprehensive statement of GSA procurement policies and procedures.

(b) The Chapter 5 material published in the FEDERAL REGISTER will be published in cumulative form in Chapter 5 of Title 41 of the Code of Federal Regulations. The FEDERAL REGISTER and Title 41 of the Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

§ 5-1.105 Exclusions.

(a) Certain GSA procurement policies and procedures which come within the scope of this Chapter 5 nevertheless may be excluded therefrom when there is a justification therefor. These exclusions may include the following categories:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than six months.

(3) Policies or procedures which are effective on an experimental basis for a reasonable period.

(4) Policies and procedures pertaining to other functions of GSA as well as to procurement functions and there is need to make the issuance available simultaneously to all GSA employees concerned.

(5) Speed of issuance is essential, numerous changes are required in Chapter 5, and all necessary changes cannot be made promptly.

(b) Procurement procedures and instructions issued in other than the FPR System format under (a) (4) and (5), above, will be codified into Chapter 5 at the earliest practicable date, but in any event not later than six months from date of issuance.

§ 5–1.106 Arrangement.

§ 5–1.106–1 General plan.

Chapter 5 is divided into parts, subparts, sections, subsections, and further subdivisions as necessary.

§ 5–1.106–2 Numbering.

(a) Generally, the numbering system used in Chapter 5 conforms to that of the FPR (see § 1–1.007–2). Thus, a particular procurement policy or procedure is identified by the same number in both the FPR and Chapter 5 except that the first digit of the number is either 1 (FPR) or 5.

(b) Where Chapter 5 implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section or subsection of Chapter 5 will be numbered (and captioned) to correspond to the FPR part, subpart, section, or subsection.

(c) Where Chapter 5 supplements the FPR and thus deals with subject matter not contained in the FPR, the numbers in the group 50 through 69 will be assigned to the respective supplementing parts, subparts, or sections.

(d) Where the subject matter contained in the part, subpart, section, or subsection of the FPR requires no implementation, Chapter 5 will contain no corresponding part, subpart, section, or subsection. Thus, there may be gaps in the Chapter 5 series of part, subpart, section, or subsection numbers; in such cases, reference must be made to the FPR for policy and procedure applicable throughout GSA.

§ 5–1.106–3 Cross references.

(a) Within Chapter 5, cross references to the FPR will be made in the same manner as used within the FPR. Illustrations of cross references to the FPR are:

(1) Part 1–3.
(2) Subpart 1–3.1.
(3) § 1–3.413–5.

(b) Within Chapter 5, cross references to parts, subparts, and sections of Chapter 5 will be made in a manner generally similar to that used in making cross references to the FPR. For example, this paragraph would be referenced as "§ 5–1.106–3(b)."

Subpart 5–1.6—Debarred and Ineligible Bidders

§ 5–1.601 Purpose.

This subpart prescribes the establishment, use, and maintenance of the GSA Debarred Bidders List.

§ 5–1.602 Establishment and maintenance of a list of firms or individuals debarred or ineligible.

(a) GSA shall establish and maintain a GSA Debarred Bidders List of firms or individuals (hereafter referred to in this subpart as "persons") debarred or ineligible.

§ 5–1.603 Bases for debarment and ineligible list entry.

Persons included in any of the categories listed in § 1–1.603 and those included within the purview of § 1–1.608 shall be named on the GSA Debarred Bidders List.

§ 5–1.604 Treatment to be accorded firms or individuals in debarred or ineligible status.

(a) *Total restrictions.* Determination regarding public interest may be made by the appropriate Commissioner.

(b) *Ineligibility restrictions of the Walsh-Healey Act.* In addition to the restriction on awarding contracts, bids shall not be solicited from a person in any amount estimated to exceed $10,000 for those materials, supplies, articles, or equipment with respect to which such person has been found by the Secretary of Labor to be ineligible to be awarded a contract as provided in § 1–1.603(f).

§ 5–1.606 Agency procedure.

The GSA procedure for debarment is as follows:

(a) *Statutory debarment and ineligibility.* All persons within the categories specified in § 1–1.603 (a), (b), (c), (e), and (f), shall be placed on the GSA Debarred Bidders List.

(b) *Administrative debarment.* Persons may be debarred, in accordance with the procedures prescribed in this § 5–1.606(b), for the causes and under the conditions specified in §§ 1–1.605 and 1–1.608.

(1) *Determination to debar.* The Commissioner of the service primarily concerned, after consultation with the Office of General Counsel and the Compliance Division, shall determine whether the facts are sufficient to warrant debarment action.

(2) *Institution of debarment proceedings.* If the Commissioner determines to institute debarment proceedings, he shall send a letter of intent to debar by registered mail or certified mail (return receipt requested) to the person concerned summarizing the facts on which the debarment action is predicated, specifying a reasonable and definite period for the proposed debarment, and advising that unless a request for a hearing is received within 15 days from the date of receipt of the letter of intent to debar, the debarment will become effective when the 15-day period has elapsed. The heads of GSA services and staff offices and the Board of Review shall be notified of the intent to debar.

(3) *Hearings.* Hearings shall be conducted by the Board of Review. An opportunity shall be afforded to the person to appear, with witnesses and counsel, to present facts or circumstances showing cause why such person should not be debarred. If the person elects not to appear, he must so advise the Board of Review which, thereafter, will make its decision based on the facts on record and such additional evidence as is furnished by the parties involved.

(i) The Board of Review shall give notice of the date of the hearing to the appropriate Commissioner and to the Office of General Counsel.

(ii) All hearings requested hereunder shall be held by the Board of Review within 30 days from the receipt of the request for a hearing, unless the Board of Review considers that additional time should be granted the person against whom the proceedings have been instituted.

(iii) If a person who requested a hearing is determined by the Board of Review to be responsible for any unreasonable delay in disposing of the matter, the Board shall authorize the Commissioner instituting the proceedings to place such person on the GSA Debarred Bidders List pending final action by the Board.

(iv) After consideration of the facts, the Chairman, Board of Review shall notify the person concerned of the decision of the Board of Review.

(4) *Debarment action.* A debarment action over the signature of a GSA Commissioner or the Chairman of the Board of Review shall constitute a debarment by GSA.

(5) *Debarment by other agencies.* The Compliance Division shall review the basis for administrative debarments made by other Federal agencies and, if warranted, recommend debarment action to the appropriate Commissioner. If such recommendation is accepted by the Commissioner after consultation with the Office of General Counsel, action to debar will be initiated. Notice of GSA debarment or intent to debar shall be sent by the Commissioner to the person concerned. A notice of intent to debar is not required if an opportunity to be heard previously has been furnished the debarred person by the Federal agency which took the original debarment action.

(6) *Reconsideration.* A person who has been debarred in accordance with the procedure prescribed in this § 5–1.606(b) may request reconsideration at any time subsequent to 90 days after the date of debarment. Reconsideration may be permitted only upon allegations that substantial new evidence has been discovered which was not previously presented, a corporate reorganization has been completed whereby control has been placed in the hands of officials not involved in the action resulting in the debarment, or similar cogent reasons.

Subpart 5–1.7—Small Business Concerns

§ 5–1.709 SBA Certificates of Competency.

(a) In accordance with § 1–1.310–8, the Small Business Administration (SBA) shall be notified and given an opportunity to certify the competency, as to capacity and credit, of a small business concern which has submitted an otherwise acceptable bid but which has been determined by the contracting officer not to be responsible as to capacity and credit. "Otherwise acceptable bid" means a bid that is responsive to the invitation for bids or request for offers in all respects, including, for example, the submission of samples that have been evaluated and found to meet the stated requirements. "Capacity" means the overall ability of a prospective small business contractor to meet quality, quantity, and time requirements of a proposed contract and includes ability to perform, organization, experience, technical knowledge, skills, "know-how", technical equipment, and facilities.

(b) The procedure in (1), above, is not mandatory under the circumstances stated in § 1–1.709(c). It does not apply where the contracting officer has found that a small business concern is not a responsible bidder for a reason other than lack of capacity or credit. Thus, it does not apply where a concern does not satisfy the standards of responsibility in § 1–1.310–5(a) (1), (5), (6), and (7). Where the contracting officer determines that a concern does not meet the requirements of § 1–1.310–5(a)(5) as to a satisfactory record of performance, the above procedure is mandatory only if the unsatisfactory record of performance was due solely to inadequate capacity or credit. It is not mandatory where it is clearly established that the unsatisfactory record of performance was not due to lack of capacity, as defined in (1), above, but as a result of the contractor's willful failure, arising out of sharp practices, lack of business ethics and integrity and the like, to exercise the resources available to him for the performance of prior contracts. Advice of counsel shall be obtained in such cases.

(c) Contracting officers shall accept SBA certificates of competency as conclusive as to a prospective contractor's responsibility as to capacity and credit. However, if the contracting officer has substantial doubts as to the firm's ability to perform, he shall, prior to award, refer the matter to higher authority in accordance with the procedures of the Service concerned. In such cases SBA may be requested to consider withdrawal of the certificate.

PART 5–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5–2.2—Solicitation of Bids

Sec.
5–2.202 Miscellaneous rules for solicitation of bids.
5–2.202–50 Postponement of bid openings.

Subpart 5–2.3—Submission of Bids

5–2.303 Late bids.
5–2.303–1 General.
5–2.303–2 Consideration for award.
5–2.303–7 Disposition of late bids.

Subpart 5–2.4—Opening of Bids and Award of Contract

5–2.406 Mistakes in bids.
5–2.406–3 Other mistakes disclosed before award.
5–2.406–4 Disclosure of mistakes after award.

AUTHORITY: §§ 5–2.202 to 5–2.406–4 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–2.2—Solicitation of Bids

§ 5–2.202 Miscellaneous rules for solicitation of bids.

§ 5–2.202–50 Postponement of bid openings.

(a) Whenever such action is determined by the contracting officer to be in the best interest of the Government, bid openings may be postponed by issuance and distribution to all prospective bidders of an amendment (see § 1–2.207) to the invitation for bids. Notices of postponement shall be issued by mail or telegraph as early as possible, but in any event prior to the time specified for the opening of bids.

(b) Bid openings shall be postponed when an important segment of prospective bidders requests additional time for filing their bids, or the contracting officer is on notice, or has reason to believe, that the specified opening date is not appropriate or is not conducive to the maximum practicable competition.

(c) Bid openings may be postponed, if determined by the contracting officer to be practicable and in the best interests of the Government, when the contracting officer has reason to believe that the bids of an important segment of bidders have been delayed in the mails for causes beyond their control, and without fault or negligence of the bidders concerned, such as, but not limited to, flood, fire, accident, heavy snow, or strikes.

Subpart 5–2.3—Submission of Bids

§ 5–2.303 Late bids.

§ 5–2.303–1 General.

(a) Envelopes, or other outer covering, containing identified bids shall be timestamped (indicating the place, date, and time of receipt) upon receipt, either in a mail room or other receiving point at the address specified in the invitation.

(b) If a late bid is opened accidentally, or to ascertain the name of the bidder or other identifying information, it shall be resealed immediately and no bid information contained therein shall be disclosed.

§ 5–2.303–2 Consideration for award.

When properly addressed bids are received on time but, through error on the part of the Government, are not opened with other bids in response to the same invitation, such mishandled bids shall be considered, provided an irrevocable award has not been made. If award has been made prior to locating the mishandled bids, and the maker of one such bid otherwise would be entitled to award, every effort shall be made to secure consent for cancellation of the award by presenting a full explanation to the bidder who received the award. If the bidder who received the award refuses to consent to cancellation, a full explanation of the circumstances must be furnished all those bidders whose mishandled bids would have been more advantageous to the Government than the accepted bids. Complete details of each such case shall be furnished to the Central Office, and copy thereof retained in the related contract file.

§ 5–2.303–7 Disposition of late bids.

A late bid received after award shall be returned unopened to the bidder. A late bid returned to the bidder shall be accompanied by a statement from the contracting officer that the bid was not considered because of the time of its receipt. If a late bid was opened accidentally, or to ascertain the name of the bidder or other identifying information, an appropriate explanation shall be included in the statement to the bidder.

Subpart 5–2.4—Opening of Bids and Award of Contract

§ 5–2.406 Mistakes in bids.

§ 5–2.406–3 Other mistakes disclosed before award.

(a) *Procedures.* (1) Upon receipt from a bidder of evidence in support of an alleged or suspected mistake in bid, the contracting officer shall prepare in writing an appropriate findings of fact concerning the occurrence and cause of the alleged mistake, a determination of the validity of the supporting evidence of the mistake, and a recommendation that:

(i) The bid be considered for award in the form submitted.

(ii) The bidder be authorized to withdraw the bid.

(iii) The bidder be authorized to modify the bid.

(2) The findings and recommendation shall be reviewed and approved or disapproved by either the General Counsel or an Associate or Assistant General Counsel.

§ 5–2.406–4 Disclosure of mistakes after award.

(a) *Authority for administrative action.* (1) By Decision No. B–130238, dated February 28, 1957, the Comptroller General of the United States authorized GSA to take the following administrative action with respect to mistakes in bid alleged after an award of contract:

(i) Contracts not in excess of $500 may be rescinded.

(ii) Contracts, irrespective of amount, may be reformed when a resultant increase in price does not exceed $500 and the reformed contract price does not exceed that of the next lowest acceptable bid or proposal under the original invitation for bids or solicitation of offers.

(2) Administrative action under the above authority does not deprive the Comptroller General of his statutory right to question the correctness of any such administrative determination or action in the audit of accounts, nor does it deprive any contractor of his right to have the matter determined by the Comptroller General, should the contractor so request.

(b) *Procedures.* (1) In each case where rescission or reformation of a contract is proposed under the authority of this § 5–2.406–4, the contracting officer shall first prepare in writing an appropriate findings of fact and determination regarding the alleged mistake and the relief to be granted, if any. The findings must state that the relief action recommended is either based on a mutual mistake of the contractor and the contract-

ing officer, or that the unilateral mistake made by the contractor in its bid was so apparent as to have charged the contracting officer with notice of the probability of the mistake. The determination should contain a recommendation that either the contract price be increased in an amount determined to be appropriate by the contracting officer (but not to exceed the price offered by the next lowest responsible bidder) or that the contract be rescinded.

(2) The findings and recommendation shall be reviewed and approved or disapproved by either the General Counsel or an Associate or Assistant General Counsel.

PART 5–3—PROCUREMENT BY NEGOTIATION

Subpart 5–3.4—Types of Contracts

Sec.

5–3.450 Oral commitments—Defense Materials Service.

Subpart 5–3.6—Small Purchases

5–3.602 Policy.
5–3.603 Competition.
5–3.603–1 Solicitation.
5–3.603–2 Data to support small purchases.
5–3.604 Imprest funds (petty cash) method.
5–3.604–1 General.
5–3.604–6 Procurement and payment.
5–3.605 Order-Invoice-Voucher.
5–3.605–1 Standard Form 44.
5–3.606 Blanket purchase arrangements.
5–3.606–1 General.
5–3.606–3 Establishment of account.
5–3.606–4 Documentation.
5–3.650 Local term contracts.

AUTHORITY: §§ 5–3.450 to 5–3.650 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–3.4—Types of Contracts

§ 5.3.450 Oral commitments—Defense Materials Service.

The Defense Materials Service may make oral commitments for the procurement of rubber and cordage fibers and such commitments must be confirmed on the approved GSA forms for the procurement of these commodities.

Subpart 5–3.6—Small Purchases

§ 5–3.602 Policy.

Where it is found that small purchases of special items not stocked by the Federal Supply Service or the GSA stockroom can be handled more economically at points of use, authority to make such purchases should be delegated to responsible employees of the requisitioning service or staff office. The requirements for procurement from mandatory sources of supply shall be complied with.

§ 5–3.603 Competition.

§ 5–3.603–1 Solicitation.

(a) Quotations may be solicited by use of written requests for quotations, telegram, telephone, or personal contact, whichever is considered the most appropriate for the particular transaction. It is the responsibility of the purchasing officer to determine in each instance the type of solicitation and quotation that is in the best interests of the Government.

(b) When written quotations are solicited for small purchases ($2500 or less), Standard Form 18 shall be used (see Subpart 1–16.2). It is not necessary to furnish prospective suppliers a copy to be retained unless requested by a supplier or it is known that a copy is desired. When Standard Form 18 is used by a purchasing activity, it constitutes merely a request for price quotations and is not an offer to purchase. Therefore, issuance by the Government of a purchase order pursuant to price quotations received on Standard Form 18 does not constitute acceptance but, instead, is a new offer to be accepted or rejected by the one quoting.

(c) When it is desirable to request quotations from outside the local trade area and time does not permit the use of written solicitations, telegraphic solicitation may be used. Telegraphic solicitation shall not be used to solicit prices from local suppliers nor shall it be used if written requests for quotations will suffice.

(d) While there are instances where quotations should be solicited from additional sources, soliciting quotations from 2 to 4 suppliers ordinarily is sufficient although even this requirement may be reduced on full consideration of the factors set forth in § 1–3.603–1(c). Care should be taken to prevent administrative costs from being disproportionate to the amount of the purchase. The number of quotations obtained and considered or the number of sources of supply utilized when making small purchases will depend to a large extent on what knowledge the purchasing officer has of the current availability and price of the desired item in commercial markets. Such information may be available from past experience with the item or may require development.

§ 5–3.603–2 Data to support small purchases.

When other than the lowest quotation is used as the basis for the purchase, the reason(s) for rejecting the lower quotation shall be entered on the quotation form concerned.

§ 5–3.604 Imprest funds (petty cash) method.

§ 5–3.604–1 General.

(a) Imprest funds shall be utilized to the fullest extent for all authorized small purchases when this method results in savings to the General Services Administration. It is essential that authority to make small purchases be at the lowest practicable operating level.

(b) Purchases made from imprest funds shall follow the generally accepted policy of purchasing satisfactory merchandise at fair prices without favoritism to any vendor. The cost of the item to be purchased, the commodity, and the quantity involved will generally govern the action to be taken. If a special item costing only a few dollars is required, a minimum amount of time and expense should be devoted to consummating the transaction. However, as a general rule purchases should be made from firms offering the best prices.

§ 5–3.604–6 Procurement and payment.

Purchases through use of imprest funds shall be accomplished by whichever of the following methods is determined to be most practical:

(a) *Purchases by imprest fund cashiers.* Imprest fund cashiers will make small purchases when so requested by an authorized ordering employee. In such cases the authorized ordering employee, or his designated agent, shall furnish the cashier with necessary information, such as unit, quantity, description, and delivery requirements. The cashier will make all necessary arrangements to consummate the purchase, including the arrangements for delivery.

(b) *Purchases by ordering employees.* Purchases by authorized ordering employees may be made either with advances of cash or with their own funds.

(c) *Payment when Standard Form 44 is used.* When small purchases are made locally on Standard Form 44, arrangement should be made where feasible to have an imprest fund cashier make payments therefor from his fund, within established limitations. It is more economical for the Government to pay by cash than to schedule the standard form to the disbursing officer and to issue a Government check, as well as being generally more acceptable to the vendors.

(d) *Receipts.* Authorized ordering employees, or their designated agents, shall comply with the receipt requirements on imprest fund transactions as prescribed herein. Each purchase made should be supported by an original bill, sales slip, cash register ticket, invoice, et cetera, of the dealer or by Standard Form 1165, or equivalent receipt form, itemizing the articles or services purchased and amount thereof.

§ 5–3.605 Order-Invoice-Voucher.

§ 5–3.605–1 Standard Form 44.

(a) *Authorization for use of form.* All responsible employees of the services and staff offices who have need therefor shall be authorized to make small purchases through the use of Standard Form 44 in accordance with this § 5–3.605–1, and subject to such limitations as may be determined necessary. It is essential that such authority be delegated to the lowest practicable operating level and that this method of purchase be used whenever it will accomplish the purchase of small requirements in the simplest and least expensive manner.

§ 5–3.606 Blanket purchase arrangements.

§ 5–3.606–1 General.

(a) Blanket purchase orders are a means of establishing "charge accounts" with qualified sources of supply to cover anticipated small requirements of readily available supplies or services of the same general category. Substantial savings can be realized by reducing or eliminating instances where numerous individual purchase orders are issued to the same local suppliers for similar small requirements during relatively short periods of time. Related arrangements for periodic billing also reduces the cost of processing payments.

§ 5–3.606–3 Establishment of account.

(a) Blanket purchase orders shall be established for a specific period of time (usually one month) during which individual purchases may be made against them. The using office should be requested to make specific arrangements with the purchasing activity concerning renewal orders. Blanket purchase orders shall not exceed $2,500 and, as a general rule, individual purchases made against such orders should not exceed $100. Users of blanket purchase orders shall also be subject to all applicable administrative instructions issued by the services and staff offices, such as restrictions on the dollar amounts for single purchases, or otherwise.

(b) The advantages both to the supplier and to the Government should be explained to the supplier. The supplier should be advised that the arrangement does not obligate the Government to buy.

(c) To the extent practicable, blanket purchase orders for like items shall be equitably distributed over a period of time among different suppliers.

§ 5–3.606–4 Documentation.

(a) After negotiations have been completed, blanket purchase orders normally shall be documented on GSA Form 300, Purchase Order. Each blanket purchase order shall contain appropriate provisions relating to the following:

(1) Authorization to the supplier to furnish the supplies or services described in general terms in the order when called for by authorized person(s) listed therein during the period specified. Blanket purchase orders may be limited to specified items, commodity groups or classes, or the scope of the blanket purchase order may be unlimited for all items that the supplier is in a position to furnish.

(2) The aggregate amount authorized in any single blanket purchase order shall not exceed $2,500. As a general rule individual calls against such orders shall not exceed $100.

(3) The Government will be obligated only to the extent of the call orders actually made against the blanket purchase order by authorized persons.

(4) Suppliers shall be required to submit an invoice, no more frequently than monthly. The original of each delivery ticket shall accompany the invoice.

(5) When feasible, the blanket purchase order should specify the place(s) to which deliveries are to be made. (Usually the order will provide for delivery to the requiring activity.)

(6) The order should state, insofar as practicable, the discount terms which will apply to orders placed against the blanket purchase order.

(b) Only the persons whose names are listed in the blanket purchase order shall be permitted to request deliveries. Delivery (call) orders normally shall be made orally, either by telephone or in person. Procurement under blanket purchase orders may not be effected if the requirements are available from regular supply channels. Therefore, prior to placing calls against the blanket purchase order, each requirement shall be screened for availability from mandatory sources of supply. Necessary controls shall be maintained by the person placing call orders under the blanket purchase order to insure that the monetary limitation stated thereon is not exceeded. After the necessary screening of the requirements has been accomplished, the authorized person will place the call. The person placing the call will identify himself to the vendor and, after determining that the required supplies or services can be furnished, will establish agreement with the vendor as to the unit price and total amount and the time of delivery. The blanket purchase order number and requisition number, if any, should be specified each time a delivery is requested.

§ 5–3.650 Local term contracts.

(a) Local term contracts should be established whenever practical in order to eliminate the need for obtaining and considering individual price quotations for each small requirement purchased repetitively from the same source.

(b) The establishment of local term contracts usually will be found advantageous under the following circumstances:

(1) When day-to-day requirements are continuing and recurring.

(2) When total requirements can only be estimated and it is expedient and economical to have a source of supply and price determined in advance of the individual instances of actual need.

(3) When this method best meets the needs for providing using offices with a ready means of supply which eliminates the delay and administrative expense involved incident to making separate contracts.

(c) Examples of items which can often be advantageously covered by local term contracts are repair parts for specific equipment or items of plumbing, hardware, or electrical supplies recurrently needed but not available from GSA stores. A logical price basis for such a contract would be the contractor's price lists with established discounts. Provisions shall be made in the term contracts for consolidated billing whenever practicable.

PART 5–12—LABOR

Subpart 5–12.50—Nondiscrimination in Employment

Sec.

5–12.5001 General.
5–12.5002 Text of nondiscrimination provision.
5–12.5003 Exceptions to required use of nondiscrimination provision.
5–12.5004 Use and text of modified form of nondiscrimination provision.
5–12.5005 Exemption from requirement to post nondiscrimination notice.
5–12.5006 Action by contracting officer.
5–12.5006–1 Award of contracts.
5–12.5006–2 Award in exceptional cases.
5–12.5006–3 Letter to contractors receiving awards.
5–12.5006–4 Notification of award determinations.
5–12.5006–5 Contract cancellation and debarment.

AUTHORITY: §§ 5–12.5001 to 5–12.5006–5 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); E.O. 10479, 18 F.R. 4899, 3 CFR; E.O. 10557, 19 F.R. 5655, 3 CFR 1954 Supp.

Subpart 5–12.50—Nondiscrimination In Employment

§ 5–12.5001 General.

(a) Executive Order 10479, August 13, 1953 (3 CFR), established a program to strengthen the practices and procedures of contracting agencies relating to the nondiscrimination provision in Government contracts. It directed that the head of each contracting agency shall be primarily responsible for obtaining compliance by any contractor or subcontractor with the nondiscrimination provision.

§ 5–12.5002 Text of nondiscrimination provision.

The nondiscrimination provision, recommended by the President's Committee on Government Contracts and approved by the President in Executive Order 10557, September 3, 1954, is set forth in §§ 1–7.101–18 and 1–16.404–1(b).

§ 5–12.5003 Exceptions to required use of nondiscrimination provision.

The requirement for the use of the provision does not apply to the following:

(a) Contracts and subcontracts which do not involve the employment of persons in the performance of work;

(b) Contracts and subcontracts to be performed outside the United States where no recruitment of workers within the limits of the United States is involved;

(c) Orders issued on Standard Form 44, Purchase Order-Invoice-Voucher; and

(d) Contracts and subcontracts to meet other special requirements or emergencies, if recommended by the President's Committee on Government Contracts.

§ 5–12.5004 Use and text of modified form of nondiscrimination provision.

A modified form of the nondiscrimination provision authorized by the Committee (20 F.R. 352), in which the requirement to post the nondiscrimination notice and reference to subcontractors are eliminated, shall be used in all purchase orders which do not exceed $5,000, except those on Standard Form 44, Purchase Order-Invoice-Voucher, as follows:

NONDISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

§ 5–12.5005 Exemption from requirement to post nondiscrimination notice.

By terms of "Exemptions Authorized for Purchase Orders and Contracts Pursuant to Executive Orders Nos. 10479 and 10557" issued by the Committee (20 F.R. 352), the Administrator is authorized to exempt contracts which do not exceed $5,000 from the requirement for posting

the notice, if he determines that it would be impracticable to require such posting.

§ 5–12.5006 Action by contracting officer.

§ 5–12.5006–1 Award of contracts.

In determining the responsibility of a prospective contractor, the contracting officer shall consider whether the prospective contractor will be able to, and will, conform to the requirements of the standard nondiscrimination provision. The contracting officer shall make appropriate inquiry concerning the prospective contractor's employment policy and practices and shall request an investigation of any adverse information regarding such policy and practices coming to his knowledge as a result of Government contracts previously or currently held by the prospective contractor, or from other sources. The contracting officer shall, in doubtful cases, endeavor by education, conciliation, mediation, or persuasion to induce the prospective contractor to undertake full compliance, but shall deny an award of the contract on the ground that the prospective contractor is not a responsible bidder or offeror if he is satisfied that the prospective contractor cannot or will not comply with the standard nondiscrimination provision. Contracts may thereafter be awarded to a prospective contractor denied an award hereunder upon receipt of satisfactory evidence that corrective action has been taken.

§ 5–12.5006–2 Award in exceptional cases.

When it is determined by the Administrator of General Services to be in the best interest of the Government, an exception may be made with respect to a particular procurement action which would otherwise fall within the prohibitions of § 5–12.5006–1.

§ 5–12.5006–3 Letter to contractors receiving awards.

With each notice of award of contract containing the standard nondiscrimination provision, the contracting officer shall transmit to the contractor a letter calling attention to the contractor's obligations under the nondiscrimination provision and the informational material available to the contractor. GSA Form 1572 is prescribed for this purpose. The provisions of this § 5–12.5006–3 do not apply in connection with the issuance of Government Bills of Lading.

§ 5–12.5006–4 Notification of award determinations.

Contracting officers shall immediately notify the Nondiscrimination Compliance Officer, who shall in turn inform the President's Committee on Government Contracts, of the denial of an award based on discriminatory employment practices or the determination to make or resume awards to a contractor who was previously denied an award because of discriminatory employment practices and who has taken acceptable corrective action.

§ 5–12.5006–5 Contract cancellation and debarment.

When there is clear and convincing evidence of noncompliance by a contractor with the standard nondiscrimination provision and efforts to secure compliance through education, persuasion, mediation, and conciliation fail to accomplish acceptable results, any contract so breeched by the contractor may be canceled and debarment action may be invoked against the contractor for unsatisfactory performance of the contract. (See Subpart 1–1.6.) Debarment for violation of the nondiscrimination provision shall be removed by the Administrator of General Services upon receipt of satisfactory evidence that corrective action has been taken.

PART 5–50—BONDS AND INSURANCE

Sec.
5–50.000 Scope of part.

Subpart 5–50.1—Approval of Bonds and Corporate Sureties

5–50.100 Scope of subpart.
5–50.101 Treasury listing of acceptable sureties.
5–50.102 Availability of listing of acceptable sureties.

AUTHORITY: §§ 5–50.000 to 5–50.102 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–50.000 Scope of part.

This part prescribes policy and procedure with respect to the use of bonds and insurance requirements in connection with the procurement of property and nonpersonal services (including construction).

Subpart 5–50.1—Approval of Bonds and Corporate Sureties

§ 5–50.100 Scope of subpart.

This subpart prescribes procedure for determining the acceptability of corporate sureties and bonds furnished in connection with bids received and contracts entered into by General Services Administration.

§ 5–50.101 Treasury listing of acceptable sureties.

(a) Any corporate surety on the current Treasury list of acceptable sureties is acceptable to the General Services Administration within the limits of such approval, and no other standard will be used as to the qualification of such surety.

§ 5–50.102 Availability of listing of acceptable sureties.

The Treasury Department listing of acceptable sureties is to be prominently displayed in bid opening rooms, in GSA Business Service Centers, and in all places where bid forms and information are regularly available.

PART 5–51—CONTRACT FINANCING

Subpart 5–51.1—Partial Payments

Sec.
5–51.101 Definition.
5–51.102 Policy.
5–51.103 Use of partial payments.

Subpart 5–51.2—Progress Payments

5–51.200 Scope of subpart.
5–51.201 Definition.
5–51.202 Policy.
5–51.203 Applicability.
5–51.204 Requirement for use of progress payments.
5–51.205 Provision for invitations for bids or requests for proposals.
5–51.206 Progress payment clause for use in contracts.

AUTHORITY: §§ 5–51.101 to 5–51.206 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–51.1—Partial Payments

§ 5–51.101 Definition.

"Partial payment" means a payment made for invoiced supplies delivered and accepted, or services rendered and approved, where such supplies or services are only a part of the total contract requirement.

§ 5–51.102 Policy.

It shall be the policy of General Services Administration to make maximum practical use of partial payments as a financial aid to business concerns in participating in Government procurement.

§ 5–51.103 Use of partial payments.

Partial payments shall be made as provided in § 1–7.101–7 and applicable General Services Administration procedures and forms. A liberal policy shall be adopted in making partial payments. This should minimize the need for contractors to request progress payments.

Subpart 5–51.2—Progress Payments

§ 5–51.200 Scope of subpart.

This subpart prescribes basic policies and procedures in providing contract financing in the form of progress payments.

§ 5–51.201 Definition.

"Progress payment" means a payment made from time to time during the performance of a contract on the basis of costs to the contractor, or percentage of completion, or particular stage of completion, in connection with which the Government takes title to property acquired and work performed under the contract.

§ 5–51.202 Policy.

To the maximum practicable extent, the need for progress payments shall not be treated as a handicap in awarding contracts to concerns which qualify as responsible suppliers. A prospective contractor deemed reliable, competent, and otherwise responsible will not be regarded as any less responsible because of the need for progress payments. Accordingly, for the purpose of determining financial ability to carry out a contract, the availability of progress payments will be considered.

§ 5–51.203 Applicability.

The policies and procedures of this subpart are applicable only to fixed-price contracts for domestically produced supplies and nonpersonal services. They do not apply to construction contracts, or to contracts for engineering, architectural, or similar services related to construction. Progress payments in construction contracts are provided for in clauses of the standard forms prescribed in Subpart 1–16.4.

§ 5–51.204 Requirement for use of progress payments.

(a) The contracting officer shall include in the invitation for bids or request for proposals the provision set forth in § 5–51.206, unless he determines that progress payments would be impractical or not reasonably necessary. Ordinarily, it shall be considered practical or reasonably necessary to make progress payments unless one or more of the following factors are present:

(1) The procurement is not expected to result in a contract of $10,000 or more.

(2) The contracting officer determines that the time between starting performance (usually immediately following the date of award) and delivery of the first end items is of such short duration (90 days or less) as to obviate the need for progress payments.

(3) The contract provides for the placing of orders and the making of payments by more than one office.

(b) In unusual conditions, progress payments may be considered practical or reasonably necessary even though one or more of the exceptions of (a) (1), (2), or (3), above, may be applicable.

§ 5–51.205 Provision for invitations for bids or requests for proposals.

The following provision shall be included in the invitation for bids or request for proposals under the circumstances set forth in § 5–51.204:

AVAILABILITY OF PROGRESS PAYMENTS

The Government will make provision for progress payments in any contract resulting from this invitation for bids (or request for proposals) by including an appropriate clause in the contract if:

(a) The period of time between starting performance and delivery of the first end items will exceed 6 months; or

Contract performance is likely to involve expenditures prior to delivery of the first end items, having a material impact on the contractor's working funds, or, in the case of progress payments first requested subsequent to award, involves expenditures having such impact; and

(b) The bidder (offeror) or contractor makes a written request for progress payments and is found eligible for such payments under applicable regulations.

The need for progress payments on the foregoing basis will not be considered a handicap or an adverse factor in awarding contracts.

If a bidder (offeror) desires progress payments, and accompanies his bid (offer) with a written request therefor, the bidder (offeror) shall also check the appropriate box below:

☐ Progress payments are desired but bid (offer) is not conditioned on receiving progress payments.

☐ Bid (offer) is conditioned on receiving progress payments.

(NOTES: 1. If bid (offer) is conditioned on the availability of progress payments and bidder (offeror) is found ineligible for progress payments, the bid (offer) will be rejected. 2. Submission of a bid (offer) without requesting progress payments does not preclude the bidder (offeror) from later requesting progress payments in accordance with applicable regulations, prior to or after award of contract.)

§ 5–51.206 Progress payment clause for use in contracts.

When progress payments are to be authorized, an appropriate clause shall be included in the contract in accordance with GSA Personal Property Management Regulation No. 33, December 31, 1956, and this Subpart 5–51.2.

Effective date. These regulations are effective immediately.

Dated: June 14, 1960.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 60–5662; Filed, June 20, 1960; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER G—EXCHANGES

[Circular No. 2047]

PART 147—EXCHANGES BY STATES UNDER TAYLOR GRAZING ACT

Application for Exchange

On page 8078 of the FEDERAL REGISTER of October 6, 1959, there was published a notice and text of a proposed amendment of § 147.4 of Title 43, Code of Federal Regulations. The purpose of this amendment is, consistent with the objectives of section 8 of the Taylor Grazing Act, to facilitate the processing of applications for exchange of lands filed by States.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

JUNE 14, 1960.

The title to § 147.4 is amended and a new paragraph (c) is added to that section, reading as follows:

§ 147.4 * Application for exchange; evidence required; segregative effect of application.

* * * * *

(c) The filing of a valid application for exchange under the regulations of this part will segregate the selected public lands to the extent that any subsequently tendered application, allowance of which is discretionary, will not be accepted, will not be considered as filed, and will be returned to the applicant. Where an application is withdrawn or finally rejected in whole or in part, the segregative effect of the application on the lands covered by the recall or rejection will terminate at 10:00 a.m. on the 30th day from and after the date a notice of the withdrawal or rejection is first posted in the land office having jurisdiction over said lands.

[F.R. Doc. 60–5664; Filed, June 20, 1960; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2126]

[Utah 035987]

UTAH

Withdrawing Lands for Reclamation Purposes (Emery County Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Reclamation, Department of the Interior, in connection with the Emery County Project:

SALT LAKE MERIDIAN

T. 17 S., R. 6 E.,
Sec. 32, W½SE¼SW¼.
T. 18 S., R. 6 E.,
Sec. 5, W½W½SE¼.

The areas described aggregate 60 acres.

2. The withdrawal made by this order shall attach to the following-described nonpublic lands upon acquisition by the United States of title thereto or any interest therein:

SALT LAKE MERIDIAN

T. 17 S., R. 6 E.,
Sec. 32, W½W½.

The area described contains 160 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60–5665; Filed, June 20, 1960; 8:46 a.m.]

[Public Land Order 2127]

[Anchorage 080395]

ALASKA

Partly Revoking Executive Order No. 3406 of February 13, 1921, Which Withdrew Lands for Lighthouse Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 3406 of February 13, 1921, reserving lands in Alaska for lighthouse purposes, is hereby revoked so far as it affects the following-described lands:

133. *Susitna River Entrance-Cook Inlet*

Chart C & GS No. 8553—Sheet No. 95

All of the small island in the mouth of the Susitna River called Delta Island. Approximate longitude 150°34' W., latitude 61°16' N.

Containing 60 acres.

146. *Protection Point, Nushagak Bay*

Chart C & GS No. 9050 Sheet No. 104

On West side of entrance to Nushagak Bay. All that portion of the Point lying on east side of a true north and south line drawn across the same at a distance of 3,040 feet west true from the high water line at the easternmost extremity of the Point. (Approximate longitude 158°40' W., latitude 58°30' N.)

Containing approximately 100 acres.

164. *Castle Rock, Shumagin Islands*

Chart C & GS No. 8802 Sheet No. 118

Island off north end of Big Koniuji Island. Approximate longitude 159°29' W., latitude 55°16½' N.

Containing approximately 1.0 acres.

The tracts described total approximately 161 acres.

2. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of applications, selections, and locations, as are allowable on unsurveyed lands, in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on September 14, 1960, the State of Alaska shall have a preferred right of application to select the lands at Protection Point and "Susitna River" Entrance, in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339). The State has disclaimed any interest in Castle Rock.

(3) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands shall be open to location under the United States mining laws beginning at 10:00 a.m. on September 14, 1960.

3. Subject to the applications and claims described in Paragraphs 2(a)(1) and 2(a)(2), the lands shall be subject to settlement under the homestead and Alaska homesite laws beginning at 10:00 a.m. on September 14, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60-5666; Filed, June 20, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 60-700]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Puerto Rico and Virgin Islands

In the matter of amendment of § 4.402 of the Commission rules and regulations concerning frequencies available to remote pickup broadcast stations in Puerto Rico and the Virgin Islands.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of June 1960:

On June 18, 1958, the Commission adopted a Third Memorandum Report and Order in Docket No. 11959, amending the Table of Frequency Allocations in § 2.104 of Commission rules. This order became effective August 1, 1958, and was published in the FEDERAL REGISTER of June 28, 1958 (23 F.R. 4782).

One of the amendments adopted changed the frequency band available for assignment to remote pickup broadcast stations from 159.48–160.02 Mc to 160.86–161.40 Mc. The frequencies affected are available only to remote pickup broadcast stations operating in Puerto Rico and the Virgin Islands of the United States. This amendment as well as other changes consummated in the Third Memorandum Report and Order were made pursuant to prior Notice of Proposed Rule Making in which interested parties were invited to comment. No objection was made to the change in remote pickup availability since it merely moved the band slightly with no loss of spectrum availability.

Through oversight a companion order was not issued at that time to bring § 4.402 into conformance with the new allocation in § 2.104. This omission has just recently come to the attention of the Commission.

Accordingly, it is ordered, That paragraph (b) of § 4.402 is amended, effective June 15, 1960, to read as follows:

(b) The following frequencies are allocated for assignment to remote pickup base and mobile stations in Puerto Rico and the Virgin Islands only:

Mc	*Mc*	*Mc*
160.89	161.07	161.25
160.95	161.13	161.31
161.01	161.19	161.37

NOTE 1: These frequencies are shared with the Land Transportation Radio Service.

NOTE 2: Remote pickup stations assigned frequencies in the band 159.48–160.02 Mc prior to June 1, 1960, may continue to use such frequencies until February 1, 1961, subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations in § 2.104 of this chapter.

Because the amendment adopted herein is for the purpose of bringing § 4.402 into conformity with § 2.104 of the rules previously adopted after rule making, it is unnecessary to issue a Notice of Proposed Rule Making or to await comments before taking this action.

Authority for the adoption of the amendment herein is contained in sections 4(i) and 303(c) of the Communications Act of 1934.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5685; Filed, June 20, 1960; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)[1]

United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering a revision of United States Standards for Table Grapes (European or Vinifera Type) (§§ 51.880 to 51.911) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed revision in the standards is designed to aid efforts by the grape industry to improve the quality of Tokay grapes destined for fresh market. One of the proposed changes would extend to table grapes of the Tokay variety the color requirements applicable to the other red varieties. Another such change would reduce the size requirements for Tokays grading U.S. Fancy Table Grapes or U.S. Extra No. 1 Table Grapes by lowering the current minimum diameter of the berries from 11/16 of an inch to 10/16 of an inch.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed revision should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, South Building, Washington 25, D.C., not later than July 15, 1960.

The standards, as proposed to be revised, are as follows:

GRADES

Sec.
51.880 U.S. Fancy Table Grapes.
51.881 U.S. Extra No. 1 Table Grapes.
51.882 U.S. No. 1 Table Grapes.

UNCLASSIFIED

51.883 Unclassified.

APPLICATION OF TOLERANCES

51.884 Application of tolerances.

DEFINITIONS

51.885 Well developed grapes.
51.886 One variety.
51.887 Well matured.
51.888 Fairly uniform in appearance.
51.889 Well colored.
51.890 Firm.
51.891 Weak.
51.892 Shriveled at capstems.
51.893 Shattered.
51.894 Wet.
51.895 Decay.
51.896 Waterberry.
51.897 Sunburn.
51.898 Damage.
51.899 Fairly well filled.
51.900 Excessively tight.
51.901 Injury to the bunch.
51.902 Shot berries.
51.903 Dried berries.
51.904 Well developed and strong.
51.905 Diameter.
51.906 Serious damage.
51.907 Mature.
51.908 Fairly well colored.
51.909 Reasonably well colored.
51.910 Materially shriveled at capstem.
51.911 Straggly.

AUTHORITY: §§ 51.880 to 51.911 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.880 U. S. Fancy Table Grapes.

"U.S. Fancy Table Grapes" consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems, and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and shall be free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries, and each bunch shall weigh not less than one-half pound.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have stems which are mature. The Emperor variety shall have stems which are mature and distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal	12/16 of an inch.
Almeria	9/16 of an inch.
Thompson Seedless and Black Monukka	7/16 of an inch.
Other varieties	10/16 of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

5 percent for bunches which fail to meet the requirement for minimum diameter of berries;

5 percent for bunches which weigh less than one-half pound;

10 percent for bunches which fail to meet the color requirements;

5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems; and,

5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(1) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.881 U.S. Extra No. 1 Table Grapes.

"U.S. Extra No. 1 Table Grapes" consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, fairly uniform in appearance and fairly well colored, except that grapes of the red varieties shall be reasonably well colored. The berries shall be firm, firmly attached to capstems, and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and each bunch shall weigh not less than one-fourth pound.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have not less than 50 percent of the bunches with stems which are mature. The Emperor variety shall have not less than 50 percent of the bunches with stems which are mature and distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal	12/16 of an inch.
Almeria	9/16 of an inch.
Thompson Seedless and Black Monukka	7/16 of an inch.
Other varieties	10/16 of an inch.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

5 percent for bunches which fail to meet the requirement for minimum diameter of berries;

10 percent for bunches which fail to meet the color requirements;

For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided,* That the entire lot averages within the required percentage; and,

8 percent for bunches which weigh less than one-fourth pound, and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(1) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.882 U.S. No. 1 Table Grapes.

"U.S. No. 1 Table Grapes" consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, materially shriveled, at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry and sunburn, and free from damage caused by scarring, discoloration, heat, Almeria Spot, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and each bunch shall weigh not less than one-fourth pound.

(b) *Stems.* The stems shall not be weak or dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(c) *Tolerances.* In order to allow for varitaions incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

10 percent for bunches which fail to meet the color requirements; and,

10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided,* That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(1) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

UNCLASSIFIED

§ 51.883 Unclassified.

"Unclassified" consists of grapes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.884 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That averages for the entire lot are within the tolerances specified for the grade.

(a) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(b) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

DEFINITIONS

§ 51.885 Well developed grapes.

"Well developed grapes" means grapes which are not abnormally small for the variety.

§ 51.886 One variety.

"One variety" means that the grapes show similar varietal characteristics. However, grapes in special packs of two or more varieties, when designated as "assorted varieties", need not meet this requirement.

§ 51.887 Well matured.

"Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent and the Malaga and Muscat varieties shall test not less than 20 percent.

§ 51.888 Fairly uniform in appearance.

"Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

§ 51.889 Well colored.

"Well colored" means:

(a) *For black varieties.* Each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple; and,

(b) *For red varieties.* Each bunch shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color: *Provided,* That the appearance of the bunch shall not be appreciably injured by very dark berries. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety.

(c) There are no color requirements for the white varieties.

§ 51.890 Firm.

"Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

§ 51.891 Weak.

"Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

§ 51.892 Shriveled at capstem.

"Shriveled at capstem" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

§ 51.893 Shattered.

"Shattered" means that the berry is separated from the bunch and may or may not have the capstem attached.

§ 51.894 Wet.

"Wet" means that the grapes are wet from moisture from crushed, leaking or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

§ 51.895 Decay.

"Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

§ 51.896 Waterberry.

"Waterberry" means a watery, soft or flabby condition of the berry. Affected berries are low in sugar content, have tender skins and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak".

§ 51.897 Sunburn.

"Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn", occurring as a sunken and usually discolored and dried area on the exposed surface.

§ 51.898 Damage.

"Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage to the individual berry:

(a) Scarring such as that caused by thrip, mildew, rubs and similar injuries when materially affecting the appearance of the berry;

(b) Discoloration when any light brown, tan or darker discoloration of the skin materially affects the appearance of the berry: *Provided,* That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration;

(c) Heat, when the flesh of the berry is affected;

(d) Almeria Spot when any spot is distinctly sunken or dark in color;

(e) Mildew when active powdery mildew is present;

(f) Freezing when the berry is frozen or when the flesh of the berry is affected by freezing;

(g) Insects when any insect is present or there is visible evidence of insect injury; when mealybug residue or aphis honeydew are present; or when the appearance is materially affected by the presence of leafhopper residue;

The following shall be considered as damage to stems:

(h) Mildew when active powdery mildew is present on the stems or when scars caused by this disease constrict or weaken any part of the main or lateral stems; and,

(i) Freezing when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are water-soaked and limp, or dried, as a result of freezing.

§ 51.899 Fairly well filled.

"Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

§ 51.900 Excessively tight.

"Excessively tight" means that the berries are so closely wedged together that when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

§ 51.901 Injury to the bunch.

"Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

§ 51.902 Shot berries.

"Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries". They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries".

§ 51.903 Dried berries.

"Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

§ 51.904 Well developed and strong.

"Well developed and strong" means that the main and lateral stems are firm, fibrous and pliable; not distinctly immature or spindly or threadlike at time of packing.

§ 51.905 Diameter.

"Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

§ 51.906 Serious damage.

"Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end shall not be considered as seriously damaged.

§ 51.907 Mature.

"Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red-Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

§ 51.908 Fairly well colored.

"Fairly well colored" means:

(a) *For black varieties.* Each bunch shall have not less than 85 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg and Black Monukka each bunch shall have not less than 75 percent by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple; and,

(b) *For red varieties.* Each bunch shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Sultanina Rose.)

(c) There are no color requirements for the white varieties.

§ 51.909 Reasonably well colored.

"Reasonably well colored" applies to the red varieties and means that each bunch shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface light pink, red or dark red, but not very dark or purplish-red: *Provided,* That the appearance of the bunch shall not be appreciably injured by very dark berries, except that any color ranging from light pink through purple shall be permitted for the Cardinal variety.

§ 51.910 Materially shriveled at capstem.

"Materially shriveled at capstem" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

§ 51.911 Straggly.

"Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

Dated: June 16, 1960.

S. T. WARRINGTON,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-5692; Filed, June 20, 1960; 8:51 a.m.]

[7 CFR Part 102]

GRAIN WAREHOUSES LICENSED UNDER U.S. WAREHOUSE ACT

Notice of Proposed Rule Making

Notice is hereby given in accordance with Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Agricultural Marketing Service, U.S. Department of Agriculture, under the authority of the U.S. Warehouse Act (7 U.S.C. 241 et seq.) is considering amendments of the regulations (7 CFR Part 102) relating to grain warehouses licensed under the Act as follows:

§ 102.18 [Amendment].

1. It is proposed to amend § 102.18(b) to read:

(b) Every receipt, whether negotiable or nonnegotiable, issued for grain stored in a warehouse shall specify a period, not exceeding one year, for which the grain is accepted for storage under the Act and the regulations in this part. Upon demand for issuance of a new receipt, surrender of the old receipt by the lawful holder thereof at or before the expiration of the period specified therein and an offer to satisfy the warehouseman's lien, the warehouseman, upon such lawful terms and conditions as may be granted by him to other depositors of grain in his warehouse, shall, in the absence of some lawful excuse, issue a new

receipt for a further specified period, not exceeding one year.

2. It is proposed to amend § 102.51 to read:

§ 102.51 Stocks to be in balance by grades.

Warehousemen must keep stocks of grain in storage by grades in balance with the grades of grain represented by outstanding storage obligations for which receipts have been or are to be issued, except when the grain has unavoidably improved or deteriorated through natural causes. In case the grades of stored grain should get out of balance with grades represented by outstanding storage obligations for which receipts have been or are to be issued, the warehouseman shall effect proper adjustment.

The proposed amendment to § 102.18 (b) is directed to the subject of reissuance of warehouse receipts at or prior to expiration of the period specified in the receipt. The present regulation provides for reissuance on a permissive basis, provided it is actually determined by a licensed inspector that the grain has not deteriorated and that it is in proper condition for storage for another year. Since almost all grain is stored in bulk on a commingled, fungible basis, rather than identity preserved, the provision for determining that "the grain" represented by a particular receipt is in proper condition for continued storage and has not deteriorated, is virtually impossible to observe. Regulations in another part require warehousemen to keep stocks of grain in storage by grade in balance with grades represented by outstanding receipts. This overall responsibility is not changed. The new requirements for reissue provide that the depositor must offer to satisfy the warehouseman's lien when demanding issuance of a new receipt, and that the warehouseman, in the absence of some lawful excuse, shall, upon demand, issue a new receipt for a further specified period not exceeding one year.

Present § 102.51 provides that warehousemen must keep stocks of grain in storage by grades in balance with the grades of grain represented by outstanding receipts. At times, particularly during the harvest period, warehousemen have outstanding storage obligations for which receipts are to be, but for cogent reasons have not been issued. The proposed amendment is intended to clarify the meaning of this section and remove any doubt that such storage obligations are covered thereby.

Any interested person who wishes to submit data, views, or arguments on the proposals may do so by filing them in writing with the Director, Special Services Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of June 1960.

GEORGE A. DICE,
Director, Special Services Division.

[F.R. Doc. 60-5693; Filed, June 20, 1960; 8:52 a.m.]

Agricultural Research Service

[9 CFR Part 27]

IMPORTED PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture is considering amending § 27.2 of the Federal Meat Inspection Regulations (9 CFR 27.2 as amended) issued under section 306 of the Tariff Act of 1930 (19 U.S.C. 1306) by adding Austria to the list of countries specified therein from which certain product (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of June 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-5694; Filed June 20, 1960; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

COLOR CERTIFICATION

Findings of Fact and Tentative Order on Proposed Amendment of Color-Certification Regulations

In the matter of deleting D&C Orange No. 5, D&C Orange No. 6, D&C Orange No. 7, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 10, D&C Red No. 19, D&C Red No. 20, D&C Red No. 33, D&C Red No. 37, D&C Yellow No. 7, D&C Yellow No. 8, and D&C Yellow No. 9 from the list of coal-tar colors subject to certification and adding to the list of colors certifiable for external use only all the colors named except D&C Orange No. 6, D&C Orange No. 7, D&C Red No. 20, and D&C Yellow No. 9:

In the FEDERAL REGISTER of October 6, 1959 (25 F.R. 8065), there was published a final order ruling in the above-identified matter. Exceptions were taken to this order and a public hearing was held beginning February 17, 1960.

The hearing in this matter having been concluded, on the basis of substantial evidence submitted thereat and after consideration of written arguments and suggested findings which are adopted in part and rejected in part as is apparent from the detailed findings made herein, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 504, 604, 701; 52 Stat. 1052, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 354, 364, 371) and delegated to the Commissioner of Food and Drugs (22 F.R. 1045, 23 F.R. 9500), it is proposed that the following findings of fact and order be issued:

Findings of fact.[1] 1. After public hearings in 1939, the coal-tar colors now listed as D&C Orange No. 5 (4,5-dibromo-3,6-fluorandiol), D&C Orange No. 6 (disodium salt of 4,5-dibromo-9-o-carboxyphenyl-6-hydroxy-3-isoxanthone), D&C Orange No. 7 (dipotassium salt of 4,5-dibromo-9-o-carboxyphenyl-6-hydroxy-3-isoxanthone), D&C Orange No. 17 (1-(2,4-dinitrophenylazo)-2-naphthol), D&C Red No. 8 (monosodium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol), D&C Red No. 9 (barium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol), D&C Red No. 10 (monosodium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid), D&C Red No. 19 (3-ethochloride of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene), D&C Red No. 20 (3-ethoacetate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene), D&C Red No. 33 (disodium salt of 8-amino-2-phenylazo-1-naphthol-3, 6-disulfonic acid), D&C Red No. 37 (3-ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene), D&C Yellow No. 7 (3,6-fluorandiol), D&C Yellow No. 8 (disodium salt of 9-o-carboxyphenyl-6-hydroxy-3-isoxanthone), and D&C Yellow No. 9 (dipotassium salt of 9-o-carboxyphenyl-6-hydroxy-3-isoxanthone), were found to be harmless and suitable for use in drugs and cosmetics. Accordingly, these colors, among others, were listed with appropriate specifications of identity and quality in the coal-tar color regulations (21 CFR, 1939 Supp., Part 135) as certifiable for use in drugs and cosmetics. (4 F.R. 3635, May 9, 1939; 4 F.R. 4309, September 16, 1939)

2. Since the hearings in 1939, the Food and Drug Administration has completed additional pharmacological studies to explore more fully the toxicity of the certifiable coal-tar colors. On February 5, 1959, all interested persons attended a meeting in Washington, at which the Food and Drug Administration announced the results of the new studies. The Administration provided a statement of what work had been completed and what results had been obtained up to that time, using D&C Orange Nos. 5 and 17; D&C Red Nos. 9, 10, 19, and 33; and D&C Yellow No. 7 (R. 353–360; 535–536; 846–848; 1038–1040). The Certified Color Industry Committee, the Toilet Goods Association, and Revlon, Inc., were represented at the meeting. Food and Drug Administration invited the submission of any data bearing on the toxicity of the colors, but no such data were submitted.

3. On April 15, 1959, the Commissioner of Food and Drugs, on his own initiative, published in the FEDERAL REGISTER (24 F.R. 2875) a proposal to amend the color-certification regulations (21 CFR Part 9) by removing D&C Orange Nos. 5, 6, 7, and 17; D&C Red Nos. 8, 9, 10, 11, 12, 13, 19, 20, 33, and 37; and D&C Yellow Nos. 7, 8, and 9 from the list of colors certifiable for the use in drugs and cosmetics, and relisting some of them for certification for use in externally applied drugs and cosmetics. All interested persons were invited to present their views in writing regarding this proposal. (24 F.R. 2873; Ex. 1)

4. After a review of the written comments received in response to the notice of proposed rule-making, there was published in the FEDERAL REGISTER an order, pursuant to statutory authority, amending the color-certification regulations (24 F.R. 3851), by deleting from Part 9 the 17 D&C coal-tar colors specified in the proposal (finding 3), on the ground that these colors are not harmless as required by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 504, 604). This order set out in brief summary form the results of 90-day subacute feeding tests on rats, employing the following seven coal-tar colors: D&C Orange Nos. 5 and 17; D&C Red Nos. 9, 10, 19, and 33; and D&C Yellow No. 7. The 10 additional coal-tar colors D&C Orange Nos. 6 and 7; D&C Red Nos. 8, 11, 12, 13, 20, and 37; and D&C Yellow Nos. 8 and 9 were found to be not harmless and consequently not eligible for use in drugs and cosmetics, based on their chemical relationship to the seven tested coal-tar colors. This order provided that any person who would be adversely affected by it might, within 30 days from the date of its publication in the FEDERAL REGISTER (October 6, 1959), file written objections thereto. This order was to have become effective 90 days from the date of its publication, except as to any provisions that might be stayed by the filing of objections. (24 F.R. 8065; Ex. 2)

5. Objections to the proposed final order referred to in finding 4 were filed by The Toilet Goods Association, Inc.; Revlon; Smith, Kline & French Laboratories; Pharmaceutical Manufacturers Association; Ansbacher-Siegle Corporation; Richard Hudnut; and the Certified Color Industry Committee. A public hearing was requested. (Ex. 3, 4, 4a, 5, 6, 7, 8, 9, 10)

6. By notices published in the FEDERAL REGISTER of January 7 and 23, 1960, the effective date of the proposed final order referred to in finding 4 was postponed to give the Commissioner of Food and Drugs additional time to study the objections referred to in finding 5. (25 F.R. 110, 594; Ex. 2a and 2b)

7. The Commissioner of Food and Drugs, by a notice published in the FEDERAL REGISTER of February 3, 1960 (25 F.R. 903), concluded that the objections referred to in finding 5 stated reasonable grounds for and a public hearing was granted on two issues:

a. Whether the subacute toxicity studies conducted in the laboratories of the Food and Drug Administration and reported to all interested persons in February 1959 were properly planned and executed to establish that the seven colors tested (D&C Orange Nos. 5 and 17, D&C Red Nos. 9, 10, 19, and 33, and D&C Yellow No. 7) are not harmless colors.

b. Whether it is scientifically sound to delete seven colors not tested, because of their chemical relationship to the tested colors D&C Orange Nos. 6 and 7 (related to D&C Orange No. 5), D&C Red No. 8 (related to D&C Red No. 9), D&C Red Nos. 20 and 37 (related to D&C Red No. 19), and D&C Yellow Nos. 8 and 9 (related to D&C Yellow No. 7).

The Commissioner also concluded that the chemical relationship of D&C Red Nos. 11, 12, and 13 to D&C Red No. 10 was not adequate to warrant the application of the subacute toxicity study on D&C Red No. 10 to the other three colors and consequently the delisting of D&C Red Nos. 11, 12, and 13 was revoked, and these colors were restored to the D&C list pending further scientific studies of them. (25 F.R. 903; Ex. 11)

8. The evidence at the hearing shows that toxicity tests on two D&C colors, D&C Red Nos. 8 and 37, originally proposed to be delisted because of their chemical relationship to tested colors, were conducted subsequent to February 1959. The results of these tests were submitted. (R. 137, 157, 158, 451, 464–465; Ex. 26, 31)

9. The following tests have been completed:

Color tested	Test period	Dosage levels
		Percent
D&C Orange No. 5[1] (R. 115, 448; Ex. 23)	Mar. 21, 1957, to Aug. 7, 1957	2, 1, 0.5, and 0.25.
D&C Orange No. 5[1] (R. 120, 448; Ex. 24)	Mar. 7, 1957, to Aug. 1, 1957	Do.
D&C Orange No. 17 (R. 132, 450; Ex. 25, page 1).	Mar. 18, 1957, to Aug. 6, 1957	Do.
D&C Orange No. 17 (R. 134, 450–451; Ex. 25, p. 2).	Feb. 12, 1959, to Apr. 29, 1959	2 and 5.
D&C Red No. 8 (R. 137, 451; Ex. 26)	Apr. 8, 1959, to July 9, 1959	2, 1, 0.5, and 0.25.
D&C Red No. 9 (R. 140–142, 453; Ex. 27)	Mar. 7, 1957, to Aug. 2, 1957	Do.
D&C Red No. 10 (R. 150–151, 453; Ex. 28)	Mar. 11, 1957, to Aug. 2, 1957	Do.
D&C Red No. 19 (R. 153, 454; Ex. 29)	Mar. 14, 1957, to Aug. 6, 1957	2, 1, 0.5, and 0.25, with 0.10 percent level added to the test on Apr. 1, 1957.
D&C Red No. 33 (R. 155–156, 462; Ex. 30, p. 1).	Sept. 25, 1958, to Dec. 30, 1958	2, 1, and 0.25.
D&C Red No. 33 (R. 155–156, 462–463; Ex. 30, p. 2).	Jan. 26, 1959, to Apr. 28, 1959	5.
D&C Red No. 37 (R. 157–158, 464–465; Ex. 31).	May 14, 1959, to Aug. 14, 1959	2, 1, 0.5, and 0.25.
D&C Yellow No. 7 (R. 159–160, 465; Ex. 32, p. 2).	Sept. 18, 1958, to Dec. 19, 1958	Do.
D&C Yellow No. 7 (R. 159–160, 465; Ex. 32, p. 2).	Jan. 26, 1959, to Apr. 21, 1959	5.
D&C Yellow No. 7 (R. 159–161, 465–467; Ex. 32, p. 2).	Feb. 12, 1959, to Apr. 29, 1959	2.

[1] Two different samples of D&C Orange No. 5 were tested, designated 5-A and 5-W, respectively.

10. The following general test conditions were followed in all the toxicity tests referred to in finding 9:

a. All the D&C colors tested were from previously certified batches, obtained from the manufacturers, conforming to the specifications set out in the appropriate certification regulations. (R. 111, 197, 199, 200, 201, 202)

b. The animals used in all tests of these D&C colors were albino rats of the Osborne-Mendel strain, taken from a colony bred in the Food and Drug Administration's laboratories for at least 25 years specifically for testing purposes. (R. 112)

c. Each D&C color tested was mixed with a recognized and generally used commercially prepared animal diet and fed to the test animals at the dosage levels indicated in finding 9. For each test of each color, 10 animals (5 males and 5 females) were placed on each dosage level, and in each test 10 animals (5 males and 5 females) were fed the same diet as the test animals but with no coal-tar color added to the diet. These animals constituted the controls. All animals were individually caged, each animal was inspected daily, and each was weighed every week. (R. 112, 115, 120, 133, 135, 137, 143, 151, 154, 156, 158, 160, 171, 449–468, 498)

d. At the conclusion of each test period the animals were sacrificed by exsanguination, and each animal was autopsied. All the internal organs were examined visually, and selected vital organs—the livers, kidneys, spleens, and hearts and the testes of males—were removed and weighed. Significant abnormalities, which are set out in subsequent findings, were noted as a result of these gross pathological examinations. (R. 118, 119, 130, 133, 136–138, 143, 151, 155, 157, 158, 160, 161, 539, 544–546, 864)

e. The route of administering the coal-tar colors tested, orally in the diet, was chosen by the experimenter on the basis that the colors tested were certifiable for use in drugs and cosmetics, whereby the colors would be ingested by man in unknown amounts. (R. 482, 485)

f. The tests were designed to show whether or not the colors tested were harmless. They were not designed to establish a safe level of feeding or "no-effect level" of use of these colors. (R. 442–443, 544–546)

11a. The tests designated in finding 9 were planned, directed, and supervised by the Chief of the Toxicity Branch of the Division of Pharmacology of the Food and Drug Administration, a highly qualified practicing pharmacologist who has been in the employ of the Food and Drug Administration for over 20 years. (R. 100–101, 104–105; Ex. 50)

b. This individual has either planned, organized, directed, or participated in at least a thousand toxicity studies involving no less than 500 varied substances such as antioxidants, insecticides, fungicides, pesticides, organic phosphates, organic acids, surface-active ingredients, drugs, etc. In his position as Chief of the Toxicity Branch he has conducted at least 200 toxicological studies dealing with coal-tar colors. (R. 102, 104)

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and exhibits received in evidence at the hearing.

c. The physical execution of the toxicity tests set out in finding 9 was supervised by a graduate biologist also employed in the Toxicity Branch of the Food and Drug Administration, with nearly 10 years' experience in conducting hundreds of animal studies. (R. 109, 110)

12a. The tests of D&C Orange No. 5, as set out in finding 9, showed that when taken internally at the various dosage levels fed, this color caused definite damage to the kidneys of the test animals, significant stunting of growth, premature death at the higher dosage levels of some test animals, and abnormal blood reactions. (R. 117, 118; Ex. 23, 24)

b. This color caused the premature death of from 40 percent to 50 percent of the animals at the 2 percent dosage level within the first 12 weeks of the experiments. Twenty percent of the animals on the 1 percent dosage level in one test died prematurely between the tenth and twentieth week of the experiment. One premature death was noted among the animals on the 0.5 percent level. (R. 118, 129)

c. This color caused the stunting of growth, in one study, of the test animals at the 2 percent, 1 percent, and 0.5 percent dosage levels. In the second study, growth of the male animals at all dosage levels was stunted, and the female growth was stunted at the 1 percent and 2 percent dosage levels. (R. 118, 130)

d. Hematology studies revealed significant abnormal blood conditions. The blood of the animals fed this color, when compared to the control animals receiving no color, showed lowered hemoglobin and volume pack cells at the 1 percent and 2 percent dosage levels in both studies. In one of these studies the hemoglobin and volume pack cells were depressed at the 0.5 percent dosage level, and normoblasts were present at the 2 percent dosage level. (R. 117, 128, 129)

e. Upon autopsy, the gross pathological examination revealed the following significant abnormal conditions: In one study the kidneys of the animals fed this color were enlarged at all levels as compared to the control animals, and in the second study the kidneys of the animals were enlarged except for the female animals at the 0.25 percent dosage level. (R. 119, 130)

13a. D&C Orange No. 17 was subjected to two subacute toxicity tests, as set out in finding 9, the first test running for approximately a 5-month period, the second test for approximately a 2½-month period. In all, 80 rats were utilized in these two studies. (R. 132–134; Ex. 25, pages 1 and 2)

b. The tests of D&C Orange No. 17 showed that when taken internally at the various dosage levels fed, this color caused definite damage to various vital organs of the test animals, significant stunting of growth, and abnormal blood reaction.

c. This color caused the stunting of growth in the first study of the animals at the 2 percent and 0.5 percent dosage levels. In the second study, the growth of the male animals was stunted at both the 5 percent and 2 percent dosage levels. (R. 133)

d. Hematology studies revealed significant abnormal blood conditions. The blood of the animals fed D&C Orange No. 17, when compared to the control animals receiving no colors, showed lowered hemoglobin and volume pack cells at the 5 percent and 2 percent dosage levels. (R. 136)

e. Upon autopsy, the gross pathological examination revealed the following significant abnormal conditions:

i. In the first and longest study, the livers of the animals at the 2 percent and 0.5 percent dosage levels were enlarged; the spleens of the animals at the 2 percent dosage level were enlarged; the kidneys of the male animals were enlarged at the 2 percent dosage level. (R. 133)

ii. In the second study, the livers of the female animals at the 2 percent dosage levels were found to be enlarged.

14a. The test of D&C Red No. 8 as set out in finding 9, showed that when taken internally at the various dosage levels fed, this color caused definite damage to various vital organs of the test animals and significant abnormal blood reactions. (R. 137; Ex. 26)

b. Hematology studies revealed severe abnormal blood conditions. The blood of the animals fed D&C Red No. 8, when compared to the control animals receiving no color, showed lowered hemoglobin and volume pack cell values at all four dosage levels. Additionally, normoblasts were present at the 2 percent, 1 percent, and 0.5 percent dosage levels. (R. 137)

c. Upon autopsy, the gross pathological examination revealed that this color caused the following significant abnormal conditions:

i. The spleens of the animals on all the dosage levels were enlarged.

ii. The livers of the test animals were enlarged at the 1 percent and 0.5 percent dosage levels and the livers of the males were enlarged at the 2 percent dosage level.

15a. The test of D&C Red No. 9, as set out in finding 9, showed that when taken internally at the various dosage levels fed, this color caused definite damage to various vital organs of the test animals and significant abnormal blood reactions. (R. 142–146; Ex. 27)

b. Hematology studies showed lowered hemoglobin and volume pack cell values at all four dosage levels. Normoblasts were present also in the test animals at all dosage levels.

c. Upon autopsy, the gross pathological examination revealed the following abnormal conditions:

i. The spleens of the animals on all four dosage levels were significantly enlarged.

ii. The livers of the animals on the 1 percent and 0.5 percent dosage levels were also significantly enlarged. (R. 143, 146)

d. The form of D&C Red No. 9 tested was the barium lake extended on a substratum of barium sulfate. The damage observed in the test animals cannot be attributed to the barium sulfate moiety of the substance tested, as it is generally recognized by competent authorities that barium sulfate could not produce the abnormal effects noted. It is therefore concluded that the color D&C Red No. 9 produced the abnormal effects noted. (R. 147, 202, 215, 583)

16. D&C Red No. 9 is being subjected to a long-term, chronic study which began in August of 1958, and is to continue for the lifetime of the test animals, Osborne-Mendel rats. The test consists of feeding this color to the rats in their diets at four dosage levels: 1 percent, 0.25 percent, 0.05 percent, and 0.01 percent. Fifty rats are being fed at each dosage level, with 50 rats receiving no color, as controls. The only results thus far obtained from this study, two hematology studies, show serious abnormal blood conditions in the test animals at all dosage levels when compared with the controls. Normoblasts and other abnormal red blood cells have been found. This observed blood damage demonstrates that at relatively lower dosage levels than utilized in the subacute tests set out in finding 9, greater injury is produced the longer the color is ingested. (R. 549–573)

17a. The test of D&C Red No. 10, as set out in finding 9, showed that when taken internally at the various dosage levels fed, this color caused definite damage to the spleens of the test animals and significant abnormal blood reactions. (R. 150–152; Ex. 28)

b. Hematology studies show a tendency toward lowered hemoglobin and volume pack cell values throughout the four dosage levels. Additionally, normoblasts were present in the blood of the animals at the 2 percent and 0.25 percent dosage levels. (R. 151)

c. Upon autopsy gross pathological examination revealed the following significant abnormal conditions: The spleens of the test animals on all four dosage levels were significantly enlarged. (R. 151)

d. The form of D&C Red No. 10 tested was the sodium lake extended on a substratum of alumina, containing approximately 90 percent pure dye. This form of D&C Red No. 10 was tested because it was representative of batches of D&C Red No. 10 that have been certified over the past few years, and D&C Red No. 10 itself has never been submitted for certification in the pure dye form. The damage observed in this test cannot be attributed to the alumina moiety of the substance tested, as it is generally recognized by competent authorities that alumina cannot produce the abnormal effects noted. Furthermore, the addition of the alumina substratum to the straight color would, because of dilution, result in a compound that would be less toxic than the straight color. It is therefore concluded that the chemical substance known as D&C Red No. 10 (monosodium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalensulfonic acid), produced the abnormal effects noted. (R. 198, 216, 584–585)

18. D&C Red No. 10 is also being subjected to a long-term, chronic study which began in September of 1958 and is to continue for the lifetime of the Osborne-Mendel rats, the test animals. The same number of rats and dosage levels as used in the chronic study of D&C Red No. 9, set out in finding 16, are being used in this study. Similarly, the only results thus far obtained from this study, the hematology examinations, also show serious abnormal blood conditions in the test animals at all dosage levels when compared with the controls. Normoblasts have been found, with other abnormal red blood cells. This observed blood damage also demonstrates that at relatively lower dosage levels than utilized in the subacute tests, set out in finding 9, greater injury is produced the longer the color is ingested. (R. 551–573)

19a. The test of D&C Red No. 19, as set out in finding 9, initially utilized 50 rats, 10 rats on each dosage level: 2 percent, 1 percent, 0.5 percent, 0.25 percent, and using 10 rats as controls. An additional dosage level of 0.10 percent was added approximately 2 weeks after the study began, because 70 percent of the rats on the 2 percent dosage level had died within the first 2 weeks.

b. This test of D&C Red No. 19 showed that when taken internally at the various dosage levels fed, this color caused definite damage to various vital organs of the test animals, significant stunting of growth, and premature death. (R. 154–155; Ex. 29)

c. This color caused the premature death of 70 percent of the animals at the 2 percent dosage level within the first 2 weeks of the test period, and the premature death of 100 percent of the animals at this dosage level within the first five weeks of the test period. Additionally, this color caused the premature death of 10 percent of the animals on the 1 percent dosage level and the premature death of 10 percent of the animals on the 0.5 percent dosage level. Liver damage was noted in 60 percent of the animals that died prematurely at the 2 percent dosage level. (R. 154)

d. This color caused stunting of growth in the test animals on the 1 percent, 0.5 percent, and 0.25 percent dosage levels. (R. 154)

e. Upon autopsy, the gross pathological examination revealed the following significant abnormal conditions:

i. The livers of the test animals on all dosage levels were enlarged.

ii. The kidneys of the test animals at the 1 percent, 0.5 percent, and 0.25 percent dosage levels also were enlarged.

iii. The testes of the male test animals at the 1 percent dosage level were atrophied. (R. 155)

20a. The tests of D&C Red No. 33, as set out in finding 9, showed that when taken internally at the various dosage levels fed, this color caused definite damage to various vital organs of the test animals, significant stunting of growth, and abnormal blood reactions. (R. 155–157; Ex. 30)

b. This color caused the stunting of growth of the test animals fed at the 2 percent, 1 percent, 0.5 percent, and 0.25 percent dosage levels. (R. 156)

c. Hematology studies revealed significant abnormal blood conditions. The blood of the animals fed this color, when compared to the blood of the control animals receiving no color, showed lowered hemoglobin and volume pack cell values of the animals on the 5 percent dosage level. Additionally, normoblasts were present in the blood of the animals being fed at the 5 percent, 2 percent, and 0.5 percent dosage levels. (R. 156)

d. Upon autopsy, the gross pathological examination revealed the following significant abnormal conditions:

i. The spleens of the test animals on all five dosage levels were enlarged.

ii. The livers of the test animals on the 1 percent and 2 percent dosage levels were enlarged and the livers of the females at the 5 percent dosage level were enlarged.

iii. The kidneys of the test animals at the 1 percent, 2 percent, and 5 percent dosage levels were also significantly enlarged. (R. 157)

21a. The test of D&C Red No. 37, as set out in finding 9, showed when taken internally at the various dosage levels fed, this color caused significant damage to various vital organs of the test animals and significant abnormal blood reactions. (R. 157–159; Ex. 31)

b. Hematology studies showed that the blood of the animals fed this color, when compared to the control animals receiving no color, had normoblasts at all dosage levels. (R. 158)

c. Upon autopsy, the gross pathology examination revealed the following significant abnormal conditions:

i. The livers of the test animals at all four dosage levels were enlarged.

ii. The kidneys of the test animals at the 2 percent, 0.5 percent, and 0.25 percent dosage levels were also enlarged.

iii. The testes of the male test animals at the 2 percent dosage level were atrophied. (R. 158)

22a. The tests of D&C Yellow No. 7, as set out in finding 9, showed that when taken internally at the various dosage levels fed, this color caused significant damage to the test animals' kidneys and abnormal blood reaction. (R. 159–162; Ex. 32)

b. Hematology studies showed the presence of normoblasts in the blood of the test animals fed at the 5 percent dosage level. (R. 161)

c. Upon autopsy, the gross pathological examination revealed the following significant abnormal conditions: The kidneys of the test animals at the 5 percent and 2 percent dosage levels were granulated and several animals at the 1 percent dosage level had granulated kidneys. (R. 160, 161, 162)

23. The numerical values concerning relative organ weights and growth inhibition in the test animals (reflected on the summary sheets in exhibits 23–32, inclusive) in part formed the basis for the conclusion that the gross pathological abnormalities were significant ones (this is also set out in these exhibits). These values were subjected to a widely used and appropriate statistical evaluation by statisticians of the Food and Drug Administration. This evaluation confirmed statistically that the abnormal effects noted in the test animals as compared to the control animals were caused by the D&C coal-tar colors tested and not by any other factor. This statistical evaluation also confirmed that the abnormal effects noted were real rather than apparent abnormalities. (R. 607–635; Ex. 23–32)

In addition, although microscopic examination of the damaged organs of the test animals did not form a part of these subacute toxicity studies, the experimenters having concluded that such studies were unnecessary in view of the extensive damage observed visually and by gross examination, one scientist—a doctor of veterinary medicine employed in the Division of Pharmacology of the Food and Drug Administration as a veterinary pathologist—as a matter of personal interest did examine microscopically a few specimens of bone and organ tissues taken from three rats being fed one of the tested colors, D&C Red No. 10. This examination revealed that these animals had suffered decided bone and splenic damage together with slight thyroid damage. This microscopic examination confirmed that the spleens and blood of the test animals being fed this color had been damaged. (R. 489–503, 636–643, 703–715)

24. The Government's toxicity studies, as set out in finding 9, were criticized by industry witnesses in the following respects:

A. The gross pathological observation of increased organ weights in the test animals, as set out in findings 12–22, inclusive, was said to be a conclusion based on the use of a mathematical ratio of the organ weight to body weight of the test animals as compared to the control animals, a manner of computation that was held to be invalid. The evidence of record, however, establishes that this method of computing organ weight is a generally accepted one customarily used by pharmacologists, and the most appropriate method under the circumstances of these tests. Additionally, it was brought out that this method of computation has been used in the past, in their own toxicity studies, by witnesses appearing on behalf of the industry. (R. 607–635, 872–873, 933–959; Ex. 23–32)

B. The levels of feeding the D&C coal-tar colors to the test animals were claimed to be too high and not directly related to a level of ingestion by humans. Likewise, the route of administration, that is, orally, was said to be inappropriate:

I. The evidence of record establishes that some D&C coal-tar colors are ingested when used in some cosmetics, specifically lipsticks (R. 483, 787, 853; Ex. 47, 57, 58). This evidence also shows that there are now in use drugs, one of which is a special protein hydrolysate mixture used by patients having unbalanced metabolism, which may form a substantial part of a patient's diet for the lifetime of the patient. These drugs, among all others, together with all cosmetics may be colored with the D&C coal-tar colors at issue, if from a certified batch. There is presently no limit on the number of drugs or cosmetics in which these colors may be used, nor is there any limit to the amount of a certified color that may be used in any given drug or cosmetic (R. 517, 585, 586). There is no substantial evidence avail-

able that accurately reflects the amounts of D&C coal-tar colors that may be ingested through the legitimate use of drugs and cosmetics tinted with certifiable D&C coal-tar colors (R. 224, 229, 231, 707, 736, 755, 787, 823, 853, 888, 895). One pharmacologist appearing on behalf of industry, although critical of the Government's toxicity tests relating to dosage levels, admitted his participation in toxicity experiments in the past in which the tested substance was fed at dosage levels unrelated to the actual levels of human ingestion, which levels were unknown to him at the time of the experiment. This same witness additionally admitted to having conducted toxicity tests on a D&C coal-tar color in the past (D&C Violet No. 1) in which he fed this color at dosage levels of from 0.25 percent to 5 percent of the diet. He also admitted conducting toxicity feeding tests on other substances at dosage levels of up to 3 percent of the diet. (R. 916, 917, 998, 1009, 1050)

II. The evidence of record establishes the following facts concerning the reasonableness of the dosage level utilized in the Government's toxicity tests:

i. Similar dosage levels have been routinely used in the past in tests to determine whether or not other coal-tar colors were or were not toxic. (R. 162, 183, 442, 544–546)

ii. The dosage levels utilized were not so excessively high as to produce either high mortality rates or to cause the animals to refuse to eat their diets because of a taste caused by the color mixed with the diet; nor were the dosage levels so high as to interfere with the adequate caloric intake of the test animals. (R. 502, 503)

iii. The dosage levels used were sufficiently high so that positive harmful effects were clearly demonstrated. (R. 162–163, 236–237, 264, 268)

iv. Similar dosage levels have been extensively used in the past, by both Food and Drug scientists as well as nongovernmental scientists, as reported in the scientific literature, in testing the toxicity of a wide variety of substances, other than coal-tar colors, which tests have yielded very similar results. Some of these substances are :

a. Antioxidants, known toxic substances fed at levels of from 0.1 percent to 5 percent.

b. Nordihydroguairetic acid, fed at levels of from 0.1 percent to 1 percent.

c. Propylgallate, fed at levels of from 0.1 percent to 5 percent.

d. Thiodipropionic acid, fed at levels of from 0.5 percent to 3 percent.

e. Dilauryl dithiopropionate, fed at levels of from 0.5 percent to 3 percent.

f. Distearyl thiodipropionate, fed at levels of from 0.5 percent to 3 percent.

g. *l*-Ascorbyl palmitate, fed at levels of from 0.5 percent to 5 percent.

h. D-Isoascorbic acid, fed at a level of 1 percent.

i. Catechol, fed at levels of from 0.625 percent to 1 percent.

j. Hydroquinone, fed at levels from 0.125 percent to 2 percent.

k. Phenol, fed at levels up to 1 percent. (R.163–165, 308, 446)

v. Similar dosage levels have been utilized by both Government and private scientists, as reported in the scientific literature, in testing known poisons, which tests yield results similar to those observed in the D&C coal-tar colors that are the subject of this order. Some of the poisons are:

a. Diethylene Glycol, a recognized poison that has been responsible for human deaths: This poison has been fed to rats in toxicity tests at levels of from 1 percent to 4 percent with results strikingly similar to those observed in these coal-tar color tests.

b. Methyl salicylate, a recognized poison, also responsible for accidental human deaths, has been fed at levels of from 0.1 percent to 2 percent, with results comparable to those observed in these coal-tar color tests.

c. Carbolic acid, also known as phenol, a recognized poison, which has also caused human deaths, has been fed, at levels of 1 percent and 2 percent, with only slight effects on the growth of the test animals.

d. Piperonyl butoxide, a pesticide economic poison, has been fed at levels of from 0.001 percent to 4 percent, producing results in the test animals comparable to those observed in these coal-tar color tests.

e. Butoxypolypropylene glycol, also a pesticide economic poison, has been fed by a nongovernmental scientist to 10 rats per each dosage level, the levels being 4 percent, 1 percent, 0.25 percent, and controls. Enlargement of the livers of the test animals was observed at the two higher dosage levels.

f. Maleic acid, also a recognized toxic substance, has been fed at levels of from 0.5 percent to 1.5 percent with results comparable to those observed in the tests of these coal-tar colors. (R. 174–180, 535)

Based on the foregoing, the dosage levels used by the Government were reasonable and appropriate and not excessively large to determine whether or not the D&C coal-tar colors tested are or are not harmless. (R. 578)

The route of administering these colors, namely, orally, through feeding tests, was the proper and appropriate method to administer them in these tests because these colors when certified may be used in drugs and cosmetics and therefore may be ingested orally by man in unknown amounts for unknown periods of time. (R. 483–485)

C. The test periods utilized by the Government in the various tests as set out in finding 9 were claimed to be too brief. The evidence establishes general agreement by both the Government and industry that the length of these test periods would not be sufficient to establish a safe level of ingestion of these colors or to detect more subtle toxic effects. In fact, these toxicity tests were not designed to demonstrate a safe or "no-effect" level of ingestion. (R. 182–183, 442, 544–546)

The lengths of these tests were sufficiently long, however, to demonstrate positive damage to the test animals. If no damage to the animals had been detected, the length of the test period would be open to question. However, when damage was found as detailed in findings 12–22, inclusive, the only valid conclusion to be drawn is that the length of the test period was adequate. (R. 580; Ex. 23–32; findings 12–22)

The adequacy of the test period, generally 90 days, to detect the damaging effects caused by these colors is confirmed by the results thus far observed in the long-term chronic toxicity studies presently being conducted on two of the subject coal-tar colors, D&C Red Nos. 9 and 10, as set out in findings 16 and 18. These results establish that both colors have produced serious blood abnormalities in the test animals at all dosage levels being fed, 1 percent, 0.25 percent, 0.05 percent, and 0.01 percent. (R. 549–573)

The evidence also shows that industry witnesses who were critical of the length of the Government studies have in the past themselves conducted or participated in toxicity tests and similar tests that ran for approximately 90 days, and that they accepted these tests as valid studies to establish either the presence or absence of toxicity. (R. 918–932, 1010)

The damage produced by the tested colors in the test animals, particularly the abnormal blood conditions noted in the rats, a genus which is resistant to blood changes, conclusively shows the toxic nature of these colors and the adequacy of the test period. (R. 183, 365)

D. The number of animals utilized in the Government's toxicity studies was claimed to be insufficient. However, industry witnesses admitted to having conducted toxicity tests on generally the same number of animals as used by the Government, in tests from which they drew valid conclusions. (R. 1010, 1011, 1233, 1234) It was also the opinion of industry witnesses that, if human beings are to be exposed to a substance, this substance should be tested on a species of animal as closely related to the human species as possible. It is generally recognized that a rodent species is a proper experimental animal because of its physiological relationship to man. (R. 660)

The number of animals used in each of the Government's tests, generally 10 at each dosage level, was adequate to conclusively demonstrate substantial harmful effects to the test animals. There were enough animals utilized to provide a sound basis for the statistical evaluation of the test results referred to in finding 23. The detection of positive harm in the test animals in itself confirms the adequacy of the number of animals used. (R. 180, 181, 579, 607–635; Ex. 23–32)

E. The conclusions drawn from the Government's tests were also criticized by industry on the ground that there may have been some refusal of food by the test animals in the early weeks of the experiments. Although there was no evidence to substantiate this allegation, even if it were so it would have resulted in the test animals' receiving less color. On the other hand, the testimony of the Government scientists who conducted these tests and who had the test animals under constant observation establishes that there was no caloric deficiency in the animal colony and that up to 5 percent dilution of the test animals' diet with test color would not be sufficient to cause malnutrition in the test animals. In addition, the abnormalities detected in the test animals' organs and blood could not have been caused by decreased food intake. (R. 498–503, 1050–1053)

25. The expert witnesses produced by industry disagreed whether the gross pathological observations noted in exhibits 23–32, inclusive, reveal harmful effects to the test animals. (R. 671–673, 768–769, 879–880, 1196–1213)

26. Although interested parties, including industry representatives, were notified of the results of the Government's toxicity studies on the subject coal-tar colors in February 1959, no toxicity studies on these colors have been conducted by anyone other than the Government. (R. 846–848, 1040, 1041, 1167, 1328)

27. The second issue, as set out in the notice of hearing (Ex. 11), raised the question of whether it is scientifically sound to delete seven D&C colors not tested, because of their chemical relationship to the seven tested colors: D&C Orange Nos. 6 and 7, related to D&C Orange No. 5; D&C Red No. 8, related to D&C Red No. 9; D&C Red Nos. 20 and 37, related to D&C Red No. 19; and D&C Yellow Nos. 8 and 9, related to D&C Yellow No. 7. D&C Red Nos. 11, 12, and 13 were withdrawn from the order and the hearing. (Finding 7; Ex. 11)

D&C Orange No. 6 is the sodium salt of the acid constituting D&C Orange No. 5. D&C Orange No. 7 is the potassium salt of the acid constituting D&C Orange No. 5. The evidence establishes that if either the sodium salt or potassium salt (D&C Orange No. 6 or D&C Orange No. 7) is ingested, their reaction with the hydrochloric acid in the stomach of man would yield a mixture identical biochemically with that produced by the ingestion of D&C Orange No. 5. Consequently, D&C Orange Nos. 6 and 7 would be of the same order of toxicity as D&C Orange No. 5. (R. 206, 581–582; Ex. 33–35)

D&C Yellow No. 8 is the sodium salt of the acid designated as D&C Yellow No. 7. D&C Yellow No. 9 is the potassium salt of the same acid. If either the sodium salt or the potassium salt is placed in the acid medium present in the stomach of man, the biochemical product would be the same as if D&C Yellow No. 7 were ingested. Consequently, D&C Yellow Nos. 8 and 9 would have the same order of toxicity as D&C Yellow No. 7. (R. 208–209, 586–587; Ex. 44–46)

D&C Red No. 20 is the acetic acid salt of the substance known as rhodamine base. D&C Red No. 19 is the hydrochloric acid salt of the same substance, namely, rhodamine base. Both salt forms are highly soluble in water and dilute acid. Consequently, the biochemical mixture produced by the ingestion of either D&C Red No. 19 or D&C Red No. 20 would be the same in the acid condition found in man's stomach. (R. 210–212, 582; Ex. 40, 41)

Subsequent to February 1959, when results of the subacute toxicity studies then completed by the Government were reported to all interested persons, the Food and Drug Administration conducted additional subacute toxicity tests on D&C Red Nos. 8 and 37. The results of these two tests, as set out in findings 14 and 21, establish that these two colors are not harmless. This confirmed the Food and Drug Administration's original position that they should be deleted on the basis of their chemical relationship to tested colors. (R. 137–139, 157–159; Ex. 26, 31, 37, 38)

The only evidence of record confirms the position of the Food and Drug Administration that it is scientifically sound to delete the five D&C colors not tested because of their chemical relationship to the nine D&C colors which were tested. (R. 195–216, 581–583)

Conclusions. On the basis of the foregoing findings of fact and a fair evaluation of the entire record, it is concluded:

1. That the periods of time utilized in the Food and Drug Administration's toxicity experiments were sufficient to draw pharmacologically significant conclusions as to the toxic character of the D&C coal-tar colors tested.

2. That the dosage levels at which the D&C coal-tar colors were fed to the test animals in the Government's toxicity experiments were reasonable and appropriate, and not excessively large, to draw pharmacologically significant conclusions relative to the toxic nature of the tested substances.

3. That the number of animals utilized by the Government in its toxicity experiments was adequate to draw pharmacologically significant conclusions concerning the toxic nature of the tested substances.

4. That the mathematical method of computing increased organ weights in the test animals as compared to the control animals, as set out in findings 12–29, inclusive, was the most appropriate method to be used under the circumstances of these tests and accurately reflects the effect of the D&C colors tested on the various organ sizes.

5. That the route of administering these D&C colors to the test animals, by mixing the colors with the animals' diets, was the proper and appropriate way in which to administer them in the Government's toxicity experiments.

6. That the subacute toxicity studies conducted in the laboratories of the Food and Drug Administration were properly planned and executed to establish that the nine coal-tar colors tested, as set out in finding 9, are not harmless colors.

7. That it is scientifically sound to delete the five untested coal-tar colors as set out in finding 27, because of their chemical relationship to the nine tested coal-tar colors as set out in finding 9.

8. That the Government's toxicity tests do not establish the precise toxicity, and additional long-term tests on at least two classes of warm-blooded animals, such as the rat and the dog, will be required to delineate fully the entire toxic potential of these coal-tar colors.

9. That, based upon the clearly demonstrated capabilities of the following coal-tar colors to produce harmful effects in the test animals these colors are not harmless and suitable for use in the coloring of drugs or cosmetics intended for other than external application:

D&C Orange No. 5 (4,5-dibromo-3,6-fluorandiol).

D&C Orange No. 6 (disodium salt of 4,5-dibromo-9-o-carboxyphenyl-6-hydroxy-3-isoxanthone).

D&C Orange No. 7 (dipotassium salt of 4,5-dibromo-9-o-carboxyphenyl-6-hydroxy-3-isoxanthone).

D&C Orange No. 17 (1-(2,4-dinitrophenylazo)-2-naphthol).

D&C Red No. 8 (monosodium salt of 1-(4-chloro-o-sulfo-5-tolylazo-2-naphthol).

D&C Red No. 9 (barium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol).

D&C Red No. 10 (monosodium salt of 2-(2-hydroxy-1-naphthylazo-1-naphthalenesulfonic acid).

D&C Red No. 19 (3-ethochloride of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene).

D&C Red No. 20 (3-ethoacetate of 9-o-carboxyphenyl-6-diethylamino-3-3-ethylimino-3-isoxanthene).

D&C Red No. 33 (disodium salt of 8-amino-2-phenylazo-1-naphthol-3,6-disulfonic acid).

D&C Red No. 37 (3-ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene).

D&C Yellow No. 7 (3,6-fluorandiol).

D&C Yellow No. 8 (disodium salt of 9-o-carboxyphenyl-6-hydroxy-3-isoxanthone).

D&C Yellow No. 9 (dipotassium salt of 9-o-carboxyphenyl-6-hydroxy-3-isoxanthone).

10. That since sections 504 and 604 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1052, 1055; 21 U.S.C. 354, 364) provide only for the listing of coal-tar colors that are harmless and suitable for use in drugs and cosmetics and since the act does not provide for listing toxic colors for specific drug or cosmetic uses so as to limit their total use to such small amounts that the toxicity may be disregarded, a toxic color cannot be classified as a harmless color.

11. That coal-tar colors named in conclusion 9 are not harmless and suitable for use within the meaning of sections 504 and 604 of the Federal Food, Drug, and Cosmetic Act in coloring drugs and cosmetics intended for other than external application.

Therefore, it is ordered, That the color-certification regulations (21 CFR, 1959 Supp., Part 9) be amended as set forth below:

1. That Part 9 be amended by deleting therefrom the following sections:

Sections 9.130 *D&C Yellow No. 7,* 9.131 *D&C Yellow No. 8,* 9.132 *D&C Yellow No. 9,* 9.153 *D&C Red No. 8,* 9.154 *D&C Red No. 9,* 9.155 *D&C Red No. 10,* 9.164 *D&C Red No. 19,* 9.165 *D&C Red No. 20,* 9.178 *D&C Red No. 33,* 9.182 *D&C Red No. 37,* 9.202 *D&C Orange No. 5,* 9.203 *D&C Orange No. 6,* 9.204 *D&C Orange No. 7,* 9.214 *D&C Orange No. 17.*

2. That Part 9 be further amended by adding thereto the following new sections:

§ 9.311 Ext D&C Yellow No. 11.

3,6-Fluorandiol.

Volatile matter (at 135° C.), not more than 2.0 percent.

Insoluble matter (alkaline solution), not more than 1.0 percent.

Ether extracts (from alkaline solution), not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

§ 9.312 Ext D&C Yellow No. 12.

Disodium salt of 9-o-carboxyphenyl-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water-insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

§ 9.354 Ext D&C Red No. 15.

Monosodium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 10.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Lake Red C Amine, not more than 0.2 percent.
β-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

§ 9.355 Ext D&C Red No. 16.

Barium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Lake Red C Amine, not more than 0.2 percent.
β-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 87.0 percent.

§ 9.356 Ext D&C Red No. 17.

Monosodium salt of 2-(2-hydroxy-1-naphthylaso)-1-naphthalene-sulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
β-Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

§ 9.360 Ext D&C Red No. 21.

3-Ethochloride of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.
Volatile matter (at 135° C.), not more than 5.0 percent.
Water-insoluble matter, not more than 1.0 percent.
Ether extracts (from acid solution), not more than 0.5 percent.
Diethyl-*m*-aminophenol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 92.0 percent.

§ 9.361 Ext D&C Red No. 22.

3-Ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.
Volatile matter (at 80° C.), not more than 2.0 percent.
Sulfated ash, not more than 3.0 percent.
Matter, insoluble in benzene, not more than 0.5 percent.
Diethyl-*m*-aminophenol, not more than 0.2 percent.
Stearic acid (not part of the dye), not more than 50.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 50.0 percent.

§ 9.362 Ext D&C Red No. 23.

Disodium salt of 8-amino-2-phenylazo-1-naphthol-3,6-disulfonic acid.
Volatile matter (at 135° C.), not more than 6.0 percent.
Water-insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Aniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

§ 9.424 Ext D&C Orange No. 5.

4,5-Dibromo-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 31.0–35.0 percent.
Pure dye (as determined gravimetrically), not less than 90.0 percent.

§ 9.425 Ext D&C Orange No. 6.

1-(2,4-Dinitrophenylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Sulfated ash, not more than 1.0 percent.
Matter insoluble in toluene, not more than 1.5 percent.
2,4-Dinitroaniline, not more than 0.2 percent.
β-Naphthol, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the tentative order and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompany briefs should be submitted in quintuplicate.

Dated: June 13, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-5623; Filed, June 20, 1960; 8:45 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Withdrawal of Petition

In re: Notice of withdrawal of petition for establishment of tolerances for residues of sodium 2,2-dichloropropionate.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, as amended 52 Stat. 1784; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice*, of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), the Dow Chemical Company, Midland, Michigan, has withdrawn its petition for establishment of a tolerance of 2 parts per million for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, in or on coffee, notice of which was published in the FEDERAL REGISTER of March 5, 1960 (25 F.R. 1956).

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 14, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-5683; Filed, June 20, 1960; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Lever Brothers Company, 390 Park Avenue, New York 22, New York, proposing the issuance of a regulation to provide for the use of sorbitan monostearate and/or polyoxyethylene (20) sorbitan monostearate as emulsifiers in whipped vegetable oil toppings, the total weight of the solids of such emulsifiers, used singly or in combination, not to exceed 4,000 parts per million (0.4 percent) of the whipped topping.

Dated: June 14, 1960.

[SEAL] WINTON B. RANKIN,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-5682; Filed, June 20, 1960; 8:50 a.m.]

Public Health Service

[42 CFR Part 36]

INDIAN HEALTH

Contagious and Infectious Diseases

Notice is hereby given that the Surgeon General of the Public Health Service with the approval of the Secretary of Health, Education, and Welfare proposes to amend this part by adding a new subpart as set out below which would establish procedures for the compulsory hospitalization of Indians affected with tuberculosis. These provisions would be restricted in their application only to reservations where effective procedures are not available under the laws of the State.

Interested persons may submit written data, views, or arguments in duplicate in regard to the proposed amendments to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered.

Subpart D—Contagious and Infectious Diseases

TUBERCULOSIS

§ 36.30 Applicability.

The regulations in this subpart relative to the commitment of Indians afflicted with tuberculosis apply only to Indian reservations where effective procedures for the commitment of persons afflicted with tuberculosis are not available under the laws of the State.

§ 36.31 Commitment of Indians afflicted with tuberculosis.

(a) Upon a determination by a tribal court or other Indian court of competent jurisdiction that an Indian within its jurisdiction has tuberculosis in a communicable form and that under applicable tribal law such Indian may be committed to a hospital or other place for medical treatment, the Area Medical Officer in Charge may, upon request of such court, certify that facilities and services of the Public Health Service are available to provide necessary medical treatment for the Indian if he determines in accordance with applicable instructions of the Division of Indian Health that the health of the afflicted Indian or that of other persons requires the isolation or quarantine of the Indian in a hospital or other place of treatment.

(b) If, after such certification the court commits the afflicted Indian to the custody of the Public Health Service, the Medical Officer in Charge may accept such commitment and transport and admit the Indian to any hospital or institution operated by the Public Health Service for the medical care and treatment of tuberculous patients whether within or without the jurisdiction of the court.

(c) An Indian admitted to a facility of the Public Health Service pursuant to this subpart shall be subject to the rules and regulations of the Public Health Service applicable to patients and to the facility.

§ 36.32 Retention of custody; utilization of law enforcement authorities.

(a) The Medical Officer in Charge having custody of a patient whose commitment has been accepted under this subpart is authorized to employ such means as may be necessary for the retention of custody of, and the provision of necessary treatment to, the afflicted Indian including the provision of attendants during periods of transportation, until such time as the patient is discharged.

(b) When necessary to retain custody of the patient the Medical Officer in Charge is authorized to call upon the police force of the Bureau of Indian Affairs, of the tribe, or of the State, as may be appropriate.

§ 36.33 Discharge of patients.

When the Medical Officer in Charge of a medical facility to which an afflicted Indian has been admitted is satisfied that the disease has been arrested he shall discharge the patient: *Provided*, That he may discharge the patient or release him on parole under such conditions as he deems appropriate if he is satisfied that such action would not endanger the health of the patient or the health of other persons.

§ 36.34 Transfer of patients.

(a) A patient admitted to a facility of the Service, pursuant to this subpart, may be transferred to any other facility of the Service within or without the jurisdiction of the committing court for necessary care and treatment.

(b) A patient admitted to a facility of the Service under this subpart may be transferred to a hospital operated by a State or local government which is authorized to receive him within or without the jurisdiction of the committing court. The chief officer of the facility to which the patient is transferred under this paragraph shall be vested with the same authority as the Medical Officer in Charge of a facility of the Public Health Service with respect to the retention of custody, transfer, or discharge of such person.

(c) The transfer of a patient authorized in this section shall be made only if such transfer is in the judgment of the Medical Officer in Charge in the best interest of the health of the patient.

(Sec. 3, 68 Stat. 674, 42 Stat. 208; 42 U.S.C. 2003, 25 U.S.C. 13. Interpret or apply sec. 1, 38 Stat. 584; 25 U.S.C. 198)

Dated: May 31, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: June 14, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-5684; Filed, June 20, 1960; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 29]

[Reg. Docket No. 424; Draft Release 60-11]

PHYSICAL STANDARDS FOR AIRMEN; MEDICAL CERTIFICATES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Civil Air Regulations, Part 29, §§ 29.2 and 29.3, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 15, 1960, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for the return of comments has expired. Because of the large number of comments anticipated in reply to this notice, we will be unable to acknowledge receipt of each reply.

Existing vision standards and vision testing procedures applicable to civil air-

men have been carefully reviewed by the Bureau of Aviation Medicine. Vision standards now applicable to civil airmen were developed over the years since the passage of the Air Commerce Act of 1926. Some of the existing standards are still essentially those established by the Aeronautics Branch of the Department of Commerce in 1926. In 1926 a transport pilot was required, among other things, to have "normal judgment of distance; and only slight defects of ocular muscle balance." By 1928, depth perception requirement was first given a specific value, namely 30 mm. without correcting glasses on the average of three trials on the Howard-Dolman depth perception apparatus. The presence of diplopia and a finding of 8 diopters of adduction when the value for abduction was less than 4 diopters were at that time regarded as disqualifying for all classes of pilots. Hyperphoria of more than 1 diopter barred the medical certification of limited commercial and transport pilots.

The present numerical values for esophoria and exophoria are the same as those established in 1939 for application to the Civilian Pilot Training Program in selecting potential military aviators. The standards were made with consideration of the needs of mobilizing for defense at that time and of necessity, were made to coincide with the then military standard. These were later formally incorporated, without change, into Civil Air Regulations, Part 29 (May 22, 1942).

Despite the longstanding existence of rules pertaining to tests for depth perception and eye muscle balance, they have, for some time, not served as standards for disqualification. Except in the case of very gross eye muscle imbalance, applicants with values in excess of those published have been given an opportunity to accomplish a flight test to demonstrate ability to fly safely despite disqualifying values for depth perception, esophoria, exophoria, hyperphoria, prism divergence, or prism convergence.

Such applicants, who did not in addition have other major disturbances in visual function, were uniformly able to demonstrate that failure to meet such standards did not significantly affect their ability to perform safely the applicable airman duties. Pilots in this category have been issued medical certificates attesting to their physical fitness to exercise those rights and privileges for which their ratings are held. Accordingly, the finding of disqualifying values for these tests in pilot applicants has not been predictive of lack of ability to perform, except in rare instances where major eye muscle imbalance or other major visual deficiency was present.

The Agency's experience in the application of these standards is consistent with that of others whose reports in the medical literature fail to establish that performance of airman duties deteriorates as a consequence of excessive values for these test items.

On the basis of these considerations, which raise doubt concerning the need to continue tests which appear to have little relationship to ability to perform, the assistance of medical scientists with expert knowledge in this field was sought. Five highly qualified ophthalmologists were appointed as consultants to the Civil Air Surgeon. They were given the existing eye standards, together with a detailed description of the manner in which they are administered and the policies which govern their application. After the individual consultants had had an opportunity to study these matters and exchange views with their colleagues, a meeting was arranged between the consultants, the medical staff of the Agency and military medical observers. This provided an interchange of views on the technical and administrative considerations of existing eye standards prescribed in the Civil Air Regulations and the testing procedures applied in examining airman applicants.

The recommendations which resulted from this analysis confirmed the previous observations that heterophoria, depth perception, and duction testing, per se, could be expected to give little indication of the visual proficiency necessary for safe performance of airman duties. In the course of developing these recommendations, it became evident that medical knowledge gained since standards for these items were adopted would justify their elimination without sacrificing air safety.

It was determined that the prescribed test for depth perception ability, in testing binocular parallax, gave little additional information beyond that which could be obtained by adequate tests for visual acuity. It was also found that a test for binocular parallax provides a measure of only one of the several factors determining depth perception ability. This factor is of very little assistance to the pilot in carrying out those tasks which require an appreciation of depth and distance relationships. This lack of value stems from the fact that binocular parallax provides usable depth judgment information to a distance probably not greater than 30 inches. The tasks which require an appreciation of depth in flying are those involving objects at much greater distances, where several other factors of depth perception ability are operative. It was determined that there are no existing tests, which could be reasonably applied in a medical examination, for the assessment of those components of depth judgment of importance to pilots. It was the consensus of the consultants that observation of pilot proficiency in the actual operation of aircraft would provide sufficient assurance of ability to perform those tasks dependent on an appreciation of depth.

It was determined that values for heterophoria (esophoria, exophoria, hyperphoria), prism divergence and prism convergence were not, of themselves, predictive of visual proficiency, especially that required of airmen. The visual functions dependent upon proper eye muscle balance, which these tests were originally intended to measure, are complex in nature and are not directly related to the magnitude of values in the individual tests. In conference with the consultant ophthalmologists, it was concluded that visual proficiency in this respect could be established by assuring the presence of two basic attributes. These are (1) the ability to focus the image of viewed objects on the acutely sensitive fovea of both eyes simultaneously (bifoveal fixation) and (2) the presence of an adequate balance between the latent tendency of eyes to deviate from parallel alignment and the ability to overcome this tendency (vergence-phoria relationship).

The determination of the presence of these important attributes (bifoveal fixation and adequate vergence-phoria relationship) would require the skills and examination techniques ordinarily possessed only by eye specialists. The absence of these attributes in persons who do not have other gross and easily observable eye defects is quite rare. It has been estimated that less than one person in 1,000 would be found who did not possess these attributes. This rate is considerably lower than that of persons who have what are now considered, by the existing standards, to be disqualifying values for esophoria, exophoria, hyperphoria, prism divergence, and prism convergence.

Since only qualified eye specialists could adequately determine the values in these rare instances, the general eye examination, performed by persons other than eye specialists as a part of the general medical examination, should be designed to separate out that group of applicants most likely to lack these attributes. After consideration of the several screening methods which could be applied, it was determined that tests for esophoria, exophoria and hyperphoria, with the establishment of maximum values for each, would achieve such separation.

The values which are considered determinative for this separation are 1 prism diopter of hyperphoria, 6 prism diopters of esophoria and 6 prism diopters of exophoria. These values are established as limits for screening and not as disqualifying limits. The screening limit for hyperphoria is the same as the present standard for disqualification, 1 prism diopter. The screening limit for exophoria is 1 prism diopter higher, and therefore more liberal, than the present standard for disqualification. The screening limit for esophoria is lower by 4 prism diopters, and therefore more restrictive, than the present standard for disqualification.

The adverse effect on ability to perform airman duties safely is cause for concern only in those few who lack bifoveal fixation or who have inadequate vergence-phoria relationship. Identification of these persons will form the basis for disqualification. This proposal would amend the Civil Air Regulations for the purpose of limiting disqualification to those rare individuals who lack bifoveal fixation or have inadequate vergence-phoria relationship, and thus grants considerable relief to airman applicants in terms of numbers of persons whose qualification would otherwise be in question.

Studies of the medical literature provided reasonably precise information concerning the numbers of persons who would be expected to fail by the existing standards when tests are carefully conducted. For depth perception, some 6 percent or more would fail. For prism divergence, approximately 10 percent would fail. For prism convergence, from 12 to 14 percent would be expected to fail. Data are not available for diplopia or as to the number of individuals in which more than one of the disqualifying defects would be found. The standard prescribed in this proposal would reduce disqualifications for these factors to not more than one person in 1,000 applicants, and would probably require special testing only in approximately 3 percent. This low rate is expected despite the fact that the screening limit for esophoria is somewhat lower than the present disqualification limit.

In consideration of the foregoing, the standards contained in §§ 29.2(a), (2), (3), (7), and (8) and 29.3(a) (2), (3), and (5) are being rescinded in a separate action [1] being issued concurrently with this proposal.

The amendment proposed herein would, in summary, establish a screening procedure in place of the rescinded standards noted above. The proposed amendment clearly provides that medical certificates will not be withheld from those few applicants who might fail the screening test. They might be required, however, to be examined further to determine if they possess the degree of eye muscle balance deemed necessary for proper visual function.

[1] See F.R. Doc. 60-5725, *supra*.

In consideration of the foregoing, it is hereby proposed to rescind those standards for hyperphoria, esophoria, and exophoria presently contained in § 29.2 and the standard for hyperphoria in § 29.3 and simultaneously to amend Part 29 of the Civil Air Regulations (14 CFR Part 29), as follows:

1. By amending § 29.2(a) by adding a new paragraph to read as follows:

§ 29.2 First Class.

(a) Eye. Applicant shall have:

* * * * *

(9) Bifoveal fixation and a vergence-phoria relationship sufficient to prevent a break in fusion under conditions which may reasonably occur in the performance of airman duties. Tests for these factors will not be required except in those applicants who are found to have more than one prism diopter of hyperphoria, six prism diopters of esophoria, or six prism diopters of exophoria. When the above values are exceeded, the Civil Air Surgeon may require the applicant to undergo examination by a qualified eye specialist to determine if bifoveal fixation and adequate vergence-phoria relationship exist. A medical certificate will be issued pending the results of such examination.

2. By amending § 29.3(a) by adding a new paragraph to read as follows:

§ 29.3 Second Class.

(a) Eye. Applicant shall have:

* * * * *

(7) Bifoveal fixation and a vergence-phoria relationship sufficient to prevent a break in fusion under conditions which may reasonably occur in the performance of airman duties. Tests for these factors will not be required except in those applicants who are found to have more than one prism diopter of hyperphoria, six prism diopters of esophoria, or six prism diopters of exophoria. When the above values are exceeded, the Civil Air Surgeon may require the applicant to undergo examination by a qualified eye specialist to determine if bifoveal fixation and adequate vergence-phoria relationship exist. A medical certificate will be issued pending the results of such examination.

These amendments are proposed under the authority of sections 313(a), 601, 602 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1422).

Issued in Washington, D.C., on June 16, 1960.

JAMES L. GODDARD, M.D.,
Civil Air Surgeon.

[F.R. Doc. 60-5726; Filed, June 20, 1960; 8:53 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 60-41]

EQUIPMENT, INSTALLATIONS, OR MATERIALS AND CHANGE IN NAME AND ADDRESS OF MANUFACTURERS

Approval and Termination of Approval and Amendment of Prior Document

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and termination of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials specifications have been also prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), and R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 481, 489, 367, 526p, 1333, 390b), and section 3(c) of 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I:

It is ordered, That:

a. All the approvals listed in Part I of this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of 5 years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

b. All the other approvals listed in Part I of this document (which are not covered by paragraph a above) are prescribed and shall be in effect for a period of 5 years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

c. All the approvals listed in Part II of this document are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in Part II of this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

d. The change in names and/or addresses of manufacturers shall be made as indicated in Part III of this document.

e. The corrections to the Coast Guard document CGFR 59-48 regarding approval and termination of approval, equipment, installation or materials and changes in names of products and changes in names and addresses of manufacturers published in the FEDERAL REGISTER of December 17, 1959 (24 F.R. 10224-10231), shall be made as indicated in Part IV of this document.

PART I—APPROVALS OF EQUIPMENT INSTALLATIONS OR MATERIALS

LIFE PRESERVERS, CORK, ADULT AND CHILD (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/9/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.003/10/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.003/11/0, Model 32, adult cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Crotty Corporation, Quincy, Mich. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.003/12/0, Model 36, child cork life preserver, U.S.C.G. Specification Subpart 160.003, manufactured by Crotty Corporation, Quincy, Mich. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

BUOYANT APPARATUS

Approval No. 160.010/58/0, 6.0' x 4.0' x 0.75' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 20-person capacity, dwg. No. 20-1, dated March 28, 1960, and specification dated March 24, 1960, manufactured by Portland Industrial Plastics Co., 6536 Southwest Macadam Avenue, Portland 1, Oreg.

HATCHETS (LIFEBOAT AND LIFE RAFT)

Approval No. 160.013/3/1, No. 425-C Bridgeport Belt Axe, dwg. No. D-791, dated December 15, 1959, manufactured by The Bridgeport Hardware Mfg. Corp., Bridgeport 5, Conn. (Supersedes Approval No. 160.013/3/0 published in FEDERAL REGISTER October 4, 1957.)

WINCHES, LIFEBOAT

Approval No. 160.015/81/0, Type B135-B-M lifeboat winch, approved for a maximum working load of 13,500 pounds pull at the drums (6,750 pounds per fall), identified by general arrangement dwg. Nos. 80271 dated September 21, 1959, revised October 30, 1959, and 80274 dated September 21, 1959, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N.J.

LIFE RAFTS

Approval No. 160.018/13/2, Type "B" life raft, for other than ocean and coastwise service, 9.67' x 8.38' x 2.92', 18-person capacity, identified by general arrangement dwg. No. M-99-10 dated April 4, 1951, and revised January 13, 1960, manufactured by Marine Safety Equipment Corporation, Point Pleasant, N.J. (Supersedes Approval No. 160.018/13/1 published in FEDERAL REGISTER December 4, 1956.)

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND

Approval No. 160.023/2/0, Kilgore hand combination flare and smoke distress signal, Bill of Material No. 337 D dated September 3, 1959, manufactured by Kilgore, Inc., Westerville, Ohio.

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/32/0, Container for emergency provisions, dwg. No. RF-2, dated February 26, 1960, manufactured by H & M Packing Corp., 915 Ruberta Avenue, Glendale 1, Calif.

DAVITS

Approval No. 160.032/161/0, Gravity davit, Type LO-90-8, approved for a maximum working load of 19,000 pounds per set (9,500 pounds per arm), using 2-part falls, identified by arrangement dwg. No. 3737-R dated December 23, 1958, and revised October 8, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/39/3, Rottmer Type S-1 releasing gear, approved for a maximum working load of 21,300 pounds per set (10,650 pounds per hook), identified by hoist gear assembly dwg. No. M-115-1, Rev. B, dated November 30, 1959, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Supersedes Approval No. 160.033/39/2 published in FEDERAL REGISTER January 22, 1958.)

HAND-PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/12/1, Type B, Size 1, hand-propelling gear identified by general arrangement dwg. No. G-1502, dated January 1954, and revised June 26, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N.Y. (Supersedes Approval No. 160.034/12/0 published in FEDERAL REGISTER April 1, 1955.)

LIFEBOATS

Approval No. 160.035/38/3, 24.0' x 7.75' x 3.33' steel, motor-propelled lifeboat without radio cabin (Class B), 35-person capacity, identified by construction and arrangement dwg. No. 3558, Rev. B, dated February 4, 1960, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Supersedes Approval No. 160.035/38/2 published in FEDERAL REGISTER April 1, 1955.)

Approval No. 160.035/173/2, 30.0' x 10.0' x 4.13' steel, hand-propelled lifeboat, 72-person capacity, identified by construction and arrangement dwg. No. 1820, Rev. D, dated March 30, 1960, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Reinstates and supersedes Approval No. 160.035/173/1 terminated in FEDERAL REGISTER September 27, 1958.)

Approval No. 160.035/221/2, 24.0' x 7.63' x 3.21' steel, oar-propelled lifeboat, 35-person capacity, identified by construction and arrangement dwg. No. 24-4 dated April 19, 1948 and revised January 19, 1960, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Reinstates and supersedes Approval No. 160.035/221/1 terminated in FEDERAL REGISTER May 15, 1956.)

Approval No. 160.035/229/0, 28.0' x 9.0' x 3.96' steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement dwg. No. 28-1B dated July 7, 1948 and revised December 3, 1954, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.035/261/2, 24.0' x 7.75' x 3.33' aluminum, oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 3300 dated December 31, 1957, and revised December 15, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Reinstates and supersedes Approval No. 160.035/261/1 terminated in FEDERAL REGISTER December 17, 1959.)

Approval No. 160.035/326/0, 28.0' x 9.0' x 3.96' steel, motor-propelled lifeboat without radio cabin (Class B), 59-person capacity, identified by construction and arrangement dwg. No. 28-1D dated July 20, 1954, and revised December 3, 1954, manufactured by Marine Safety Equipment Corp., Point Pleasant, N.J. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.035/411/0, 24.0' x 8.0' x 3.58' steel, hand-propelled lifeboat, 40-person capacity, with removable interior, identified by construction and arrangement dwg. No. 80275, Rev. A, dated February 3, 1960, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J.

Approval No. 160.035/412/0, 24.0' x 8.0' x 3.58' steel, motor-propelled lifeboat, with removable interior and without radio cabin (Class B), 37-person capacity, identified by construction and arrangement dwg. No. 80276, Rev. A dated February 17, 1960, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries Inc., Perth Amboy, N.J.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/14/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.047/15/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.047/16/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.047/18/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.047/19/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.047/20/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.047/21/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.047/22/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 160.047/274/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, a Division of Fairyland Toy Company, 1900 Central Avenue NE., Minneapolis 18, Minn.

Approval No. 160.047/275/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, a Division of Fairyland Toy Company, 1900 Central Avenue NE., Minneapolis 18, Minn.

Approval No. 160.047/276/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, a Division of Fairyland Toy Company, 1900 Central Avenue, NE., Minneapolis 18, Minn.

Approval No. 160.047/277/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock., Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/278/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/279/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/280/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Associated Merchandising Corp., 1440 Broadway, New York 18, N.Y.

Approval No. 160.047/281/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago, 41, Ill., for Associated Merchandising Corp., 1440 Broadway, New York 18, N.Y.

Approval No. 160.047/282/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Associated Merchandising Corp., 1440 Broadway, New York 18, N.Y.

Approval No. 160.047/283/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/284/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central

Avenue NE., Minneapolis 18, Minn., for Herter's Inc., Waseca, Minn.

Approval No. 160.047/285/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manutured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minn., for Herter's Inc., Waseca, Minn.

Approval No. 160.047/312/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio.

Approxal No. 160.047/313/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio.

Approval No. 160.047/314/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio.

Approval No. 160.047/315/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/316/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/317/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, 511 North Solomon Street, New Orleans 19, La., and Fairfield, Calif., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/318/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill.

Approval No. 160.047/319/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill.

Approval No. 160.047/320/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill.

Approval No. 160.047/321/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill.

Approval No. 160.047/322/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill.

Approval No. 160.047/323/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill.

Approval No. 160.047/324/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y.

Approval No. 160.047/325/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y.

Approval No. 160.047/326/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y.

Approval No. 160.047/327/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C.

Approval No. 160.047/328/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C.

Approval No. 160.047/329/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C.

Approval No. 160.047/330/0, Type I, Model AK–1 adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans.

Approval No. 160.047/331/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans.

Approval No. 160.047/332/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans.

Approval No. 160.047/333/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/334/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/335/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/336/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.047/337/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.047/338/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Burlington Mills, Inc., Burlington, Wis.

Approval No. 160.047/339/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ben-Sun Products Corp., Eighth and Spring Garden Streets, Philadelphia, Pa.

Approval No. 160.047/340/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ben-Sun Products Corp., Eighth and Spring Garden Streets, Philadelphia, Pa.

Approval No. 160.047/341/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Ben-Sun Products Corp., Eighth and Spring Garden Streets, Philadelphia, Pa.

Approval No. 160.047/342/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 2637 West Polk Street, Chicago, Ill., and Hazlehurst, Ga.

Approval No. 160.047/343/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 2637 West Polk Street, Chicago, Ill., and Hazlehurst, Ga.

Approval No. 160.047/344/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Protection Products Co., Division of Ero Manufacturing Co., 2637 West Polk Street, Chicago, Ill., and Hazlehurst, Ga.

Approval No. 160.047/345/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.047/346/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.047/347/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minn.

Approval No. 160.047/348/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by S. E. Hyman Co., Fremont, Ohio.

Approval No. 160.047/349/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by S. E. Hyman Co., Fremont, Ohio.

Approval No. 160.047/350/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by S. E. Hyman Co., Fremont, Ohio.

Approval No. 160.047/351/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn.

Approval No. 160.047/352/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn.

Approval No. 160.047/353/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn.

Approval No. 160.047/354/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 1, Mass.

Approval No. 160.047/355/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 1, Mass.

Approval No. 160.047/356/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 1, Mass.

Approval No. 160.047/357/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich.

Approval No. 160.047/358/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich.

Approval No. 160.047/359/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich.

Approval No. 160.047/360/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Badgley Manufacturing Co., 2637 Northeast Union Avenue, Portland 12, Oreg.

Approval No. 160.047/361/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Badgley Manufacturing Co., 2637 Northeast Union Avenue, Portland 12, Oreg.

Approval No. 160.047/362/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Badgley Manufacturing Co., 2637 Northeast Union Avenue, Portland 12, Oreg.

Approval No. 160.047/363/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.047/364/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.047/365/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.047/366/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J.

Approval No. 160.047/367/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J.

Approval No. 160.047/368/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J.

Approval No. 160.047/369/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minn.

Approval No. 160.047/370/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minn.

Approval No. 160.047/371/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minn.

Approval No. 160.047/372/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, Calif.

Approval No. 160.047/373/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, Calif.

Approval No. 160.047/374/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Canvas Specialty Manufacturing Co., 7344 East Bandini Boulevard, Los Angeles 22, Calif.

Approval No. 160.047/375/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Associated Merchandising Corp., 1440 Broadway, New York 18, N.Y.

Approval No. 160.047/376/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Associated Merchandising Corp., 1440 Broadway, New York 18, N.Y.

Approval No. 160.047/377/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Associated Merchandising Corp., 1440 Broadway, New York 18, N.Y.

Approval No. 160.047/378/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pa.

Approval No. 160.047/379/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pa.

Approval No. 160.047/380/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pa.

Approval No. 160.047/381/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City 2, Iowa.

Approval No. 160.047/382/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City 2, Iowa.

Approval No. 160.047/383/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City 2, Iowa.

Approval No. 160.047/384/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Peoples Company, 712 Buffington Street, Huntington, W. Va.

Approval No. 160.047/385/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Peoples Company, 712 Buffington Street, Huntington, W. Va.

Approval No. 160.047/386/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Peoples Company, 712 Buffington Street, Huntington, W. Va.

Approval No. 160.047/387/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/388/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/389/0, Type I, Model CKS–1, child kapok buoyant vest,

U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/390/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn 5, N.Y.

Approval No. 160.047/391/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn 5, N.Y.

Approval No. 160.047/392/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn 5, N.Y.

Approval No. 160.047/393/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N.Y.

Approval No. 160.047/394/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N.Y.

Approval No. 160.047/395/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens 13, N.Y.

Approval No. 160.047/396/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for EBSCO Industries, Inc., First Avenue North at 13th Street, Birmingham 3, Ala.

Approval No. 160.047/397/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for EBSCO Industries, Inc., First Avenue North at 13th Street, Birmingham 3, Ala.

Approval No. 160.047/398/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., for EBSCO Industries, Inc., First Avenue, North at 13th Street, Birmingham 3, Ala.

Approval No. 160.047/399/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue, NE., Minneapolis 18, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/400/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue, NE., Minneapolis 18, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/401/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue, NE., Minneapolis 18, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.047/402/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minn.

Approval No. 160.047/403/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minn.

Approval No. 160.047/404/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Coast-to-Coast Stores, 7500 Excelsior Boulevard, Minneapolis 26, Minn.

Approval No. 160.047/405/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for The S and M Company, Arthur and Kennedy Streets NE., Minneapolis, Minn.

Approval No. 160.047/406/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for The S and M Company, Arthur and Kennedy Streets NE., Minneapolis, Minn.

Approval No. 160.047/407/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for The S and M Company, Arthur and Kennedy Streets NE., Minneapolis, Minn.

Approval No. 160.047/408/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Gunn Co., 652 Turner Avenue NW., Grand Rapids 4, Mich.

Approval No. 160.047/409/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Gunn Co., 652 Turner Avenue NW., Grand Rapids 4, Mich.

Approval No. 160.047/410/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Gunn Co., 652 Turner Avenue NW., Grand Rapids 4, Mich.

Approval No. 160.047/411/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Robey Manufacturing Co., Newaygo, Mich.

Approval No. 160.047/412/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Robey Manufacturing Co., Newaygo, Mich.

Approval No. 160.047/413/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Robey Manufacturing Co., Newaygo, Mich.

Approval No. 160.047/417/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by International Cushion Company, 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla.

Approval No. 160.047/418/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by International Cushion Company, 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla.

Approval No. 160.047/419/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by International Cushion Company, 1110 Northeast Eighth Avenue, Fort Lauderdale, Fla.

Approval No. 160.047/420/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark.

Approval No. 160.047/421/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark.

Approval No. 160.047/422/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark.

Approval No. 160.047/429/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.047/430/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.047/431/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.047/432/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

Approval No. 160.047/433/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

Approval No. 160.047/434/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/1/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N.Y. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Aproval No. 160.048/148/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20 oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing Street, Dallas 7, Texas.

Approval No. 160.048/176/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Jay Marine Products, a Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minn.

Approval No. 160.048/177/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.048/178/0, special approval for 14" x 17" x 2" rectangular, ribbed-type, four-compartment kapok buoyant cushion, 21 oz. kapok, dwg. and bill of material dated September 30, 1959, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.048/179/0, special approval for 14" x 19" x 2" rectangular, ribbed-type, four-compartment kapok buoyant cushion, 24 oz. kapok, dwg. and bill of material dated September 30, 1959, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.048/180/0, group approval for rectangular or trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4(c)(1)(ii), manufactured by Molded Fiber Glass Boat Co., Box 71, Celoron, N.Y., for The Laurel Corp., P.O. Box 171, Shippenville, Pa.

Approval No. 160.048/181/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill., for Associated Merchandising Corp., 1440 Broadway, New York 18, N.Y.

Approval No. 160.048/182/0, special group approval for 15" x 2" x various lengths rectangular kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Molded Fiber Glass Boat Co., Box 71, Celoron, N.Y.

Approval No. 160.048/183/0, special group approval for 15" x 2" x various lengths rectangular kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Molded Fiber Glass Boat Co., Box 71, Celoron, N.Y., for The Laurel Corp., P.O. Box 171, Shippenville, Pa.

Approval No. 160.048/184/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Crawford Manufacturing Co., Third and Decatur Streets, Richmond 12, Va., for EBSCO Industries, Inc., First Avenue North at 13th Street, Birmingham 3, Ala.

Approval No. 160.048/185/0, group approval for rectangular or trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Jay Marine Products, Division of Fairyland Toy Co., 1900 Central Avenue NE., Minneapolis 18, Minn., for Herter's, Inc., Waseca, Minn.

Approval No. 160.048/186/0, special group approval for rectangular kapok buoyant cushions, 2½" thick, sizes and weights of kapok filling to be as per Briddell Upholstering Co. dwgs. A through M, dated February 2, 1956, manufactured by Dellson Products, Inc., Clemwood and Upshur Streets, Salisbury, Md.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/1/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/1/2, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, dwg. Nos. 12874, Rev. 2, dated July 15, 1959, and 12988, Rev. 3, dated January 13, 1960, manufactured by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. (Supersedes Approval No. 160.050/1/1 published in FEDERAL REGISTER December 17, 1959.)

Approval No. 160.050/2/2, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, dwg. Nos. 12874, Rev. 2, dated July 15, 1959, and 12988, Rev. 3, dated January 13, 1960, manufactured by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. (Supersedes Approval No. 160.050/2/1 published in FEDERAL REGISTER December 17, 1959.)

Approval No. 160.050/3/2, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, dwg. Nos. 12874, Rev. 2, dated July 15, 1959, and 12988, Rev. 3, dated January 13, 1960, manufactured by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. (Supersedes Approval No. 160.050/3/1, published in FEDERAL REGISTER December 17, 1959.)

Approval No. 160.050/7/2, 20-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4, manufactured by The Plastic-Kraft Corp., Oldsmar, Fla. (Supersedes Approval No. 160.050/7/1 published in FEDERAL REGISTER July 4, 1958.)

Approval No. 160.050/10/1, 24-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4, manufactured by The Plastic-Kraft Corp., Oldsmar, Fla. (Supersedes Approval No. 160.050/10/0 published in FEDERAL REGISTER July 4, 1958.)

Approval No. 160.050/11/1, 30-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4, manufactured by The Plastic-Kraft Corp., Oldsmar, Fla. (Supersedes Approval No. 160.050/11/0 published in FEDERAL REGISTER July 4, 1958.)

Approval No. 160.050/23/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C.

Approval No. 160.050/24/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C.

Approval No. 160.050/25/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S.C.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/95/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.052/96/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.052/97/0, Type I, Model CPS, child unicellular plastic form buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Ark., for Herter's, Inc., Waseca, Minn.

Approval No. 160.052/98/0, Type I, Model AP, adult unicellular plastic foam

buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.052/99/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.052/100/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

KITS, FIRST AID (FOR INFLATABLE LIFE RAFTS)

Approval No. 160.054/2/0, Model No. H–12 first-aid kit for inflatable life rafts, dwg. No. H–12 dated January 7, 1960, manufactured by A. E. Halperin Co., Inc., 75–87 Northampton Street, Boston 18, Mass.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/11/1, Sound powered telephone station, selective ringing, common talking, 11 stations maximum, bulkhead mounting, waterproof, with separately mounted 6" or 8" hand generator bell, dwg. No. 11, Alt. 3, dated November 1949, Type A, Model WT–1, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N.Y. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

FIRE EXTINGUISHER, PORTABLE, HAND, WATER, CARTRIDGE OPERATED OR STORED PRESSURE TYPE

Approval No. 162.009/40/0, American La France Model PAF, 2½-gal. loaded stream stored pressure type hand portable fire extinguisher, assembly dwg. No. 5X–1241 dated April 18, 1958, name plate dwg. No. 5X–428, Rev. E, dated October 27, 1959 (Coast Guard classification: Type A, Size II), manufactured by American La France, Division of Sterling Precision Corp., Elmira, N.Y.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY CHEMICAL TYPE

Approval No. 162.010/162/0, IH Model 244044R91 (Symbol GE, GEC, GEN, or GEP), 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP–5–6950 dated November 3, 1959, name plate dwg. No. 6939 dated July 2, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Fire Extinguisher Corp., 6801 Rising Sun Avenue, Philadelphia 11, Pa., and 8740 Washington Boulevard, Culver City, Calif., for International Harvester Company, 180 North Michigan Avenue, Chicago 1, Ill.

Approval No. 162.010/163/0, Elkhart Model 2½DC (Symbol AM), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 33X–1498 dated December 14, 1959, name plate dwg. 33X–725 dated December 14, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by American La France, Division of Sterling Precision Corp., Elmira, N.Y., for Elkhart Brass Mfg. Co., Inc., 1302 West Beardsley Avenue, Elkhart, Ind.

Approval No. 162.010/165/0, Seco Model P–2½ (Symbol GEN), dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP 2½–12970 dated March 11, 1960, name plate dwg. No. CP2½–12699, Rev. A dated November 17, 1959 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road, Northbrook, Ill., for Seco Manufacturing, Inc., 4461 West Jefferson, Detroit 9, Mich.

VALVES, SAFETY (STEAM HEATING BOILERS)

Approval No. 162.012/20/0, Model ODP safety valve for steam heating boilers and unfired steam generators, dwg. No. B–2264–S, dated April 31, 1950, approved for a maximum pressure of 30 p.s.i. in the following sizes and relieving capacities:

Size (inches):	Capacity (pound per hour) at 30 p.s.i.
¾	230
1	343
1¼	673
1½	954
2	1,230

Manufactured by J. E. Lonergan Company, Second and Race Streets, Philadelphia 6, Pa. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

FLAME ARRESTORS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/38/0, Model No. 9300508 backfire flame arrester for carburetors, dwg. No. 9300508, flame arrester assembly, dated November 11, 1958, and dwg. No. SK–9300811–1, flame arrester assembly, dated January 28, 1959, manufactured by PurOlator Products, Inc., 3927 Fourth Street, Wayne, Mich.

Approval No. 162.015/42/0, Model No. 9302556 backfire flame arrester for carburetors, dwg. No. SK–9302556–1, flame arrester assembly dated November 20, 1959, manufactured by PurOlator Products, Inc., 3927 Fourth Street, Wayne, Mich.

Approval No. 162.015/43/0, Model No. 9302481 backfire flame arrester for carburetors, dwg. No. SK–9302481–1, flame arrester assembly, dated November 20, 1959, manufactured by PurOlator Products, Inc., 3927 Fourth Street, Wayne, Mich.

Approval No. 162.015/44/0, Model No. 9300811 backfire flame arrester for carburetors, dwg. No. 9300811, flame arrester assembly, dated June 28, 1959, manufactured by PurOlator Products, Inc., 3927 Fourth Street, Wayne, Mich.

Approval No. 162.015/45/0, Model No. A6050–B16, backfire flame arrester for carburetors, dwg. No. 886315, assembly, dated March 7, 1960, dwg. No. 803036, arrester assembly, dated September 19, 1956, manufactured by Volvo Import, Inc., 452 Hudson Terrace, Englewood Cliffs, N.J.

Approval No. 162.015/46/0, Type No. R–82SSA, Unimaze backfire flame arrester for carburetors, dwg. No. A–122715, dated March 14, 1960, manufactured by Air-maze Corp., 25000 Miles Road, Cleveland 28, Ohio.

VALVES, PRESSURE VACUUM RELIEF

Approval No. 162.017/75/1, Fig. No. 735 pressure vacuum relief valve, atmospheric pattern, flanged inlet, weight-loaded poppets, all bronze construction, dwg. No. C–1810, dated April 3, 1952, approved for 2½", 3" and 4" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Reinstates and supersedes Approval No. 162.017/75/0 terminated in the FEDERAL REGISTER September 27, 1958.)

Approval No. 162.017/76/1, Fig. 735A pressure vacuum relief valve, atmospheric pattern, screwed inlet, weight-loaded poppets, all bronze construction, dwg. No. C–1810, dated April 3, 1952, approved for 2½", 3" and 4" pipe sizes, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif. (Supersedes Approval No. 162.017/76/0 published in the FEDERAL REGISTER September 27, 1958.)

Approval No. 162.017/85/0, Fig. No. 720 pressure vacuum relief valve, enclosed pattern, without pressure or vacuum unloader, weight loaded poppets, bronze parts except monel screen, 6" inlet, 6" outlet, dwg. No. C–3136, dated April 7, 1958, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street., Compton, Calif.

Approval No. 162.017/86/0, Fig. No. 720B pressure vacuum relief valve, enclosed pattern, with pressure but not vacuum unloader, weight loaded poppets, bronze parts except monel screen, 6" inlet, 6" outlet, dwg. No. C–3138, dated April 7, 1958, manufactured by The Vapor Recovery Systems Co., 2820 North Alameda Street, Compton, Calif.

Approval No. 162.017/87/0, Type PH pressure vacuum relief valve, enclosed pattern, weight loaded poppets, bronze material, dwg. No. 1500/PH, dated December 29, 1959, approved for 6" pipe size, manufactured by Pres-Vac, Hovedgaden 70, Lyngby, Denmark.

FIRE EXTINGUISHING SYSTEMS, FIXED

Randolph carbon dioxide marine fire extinguishing systems, typical systems dwg. No. 2695, Rev. 10 dated April 11, 1960 (4 sheets), multiple hazards dwg. No. 5257, Rev. 3 dated April 11, 1960, and parts list dwg. No. 5390,, Rev. 1 dated April 11, 1960, manufactured by Randolph Laboratories, Inc., 1450 Frontage Road, Northbrook, Ill.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/75/0, Model 1 Truscale boiler water level indicator, remote reading, fitted with high and low water level alarms, dwg. Nos. T–46, dated March 11, 1953, and T–60, Rev. A dated January 18, 1955, 900 p.s.i. maximum pressure, manufactured by Jerguson Gage & Valve Company, 87 Fellsway, Somerville 45, Mass. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 162.025/76/0, Model 2 Truscale boiler water level indicator, remote reading, fitted with high and low water level alarms, dwg. Nos. T–45, Rev. B, dated February 10, 1954, and T–60, Rev. A, dated January 18, 1955, 900 p.s.i. maximum pressure, manufactured by Jerguson Gage & Valve Co., 87 Fellsway, Somerville 45, Mass. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

EXTINGUISHERS, SEMIPORTABLE, DRY-CHEMICAL TYPE

Approval No. 162.032/1/0, Model S–150–A, 150-lb. dry chemical nitrogen-cylinder operated type semiportable fire extinguisher, assembly dwg. No. 969, Rev. 25 dated August 27, 1959, name plate dwg. No. 1334, Rev. 7 dated August 27, 1959 (Coast Guard classification: Type B, Size V; and Type C, Size V), manufactured by Ansul Chemical Co., Marinette, Wis. (Supersedes unnumbered approval published in FEDERAL REGISTER July 17, 1956.)

Approval No. 162.032/2/0, Model S–350–A, 300-lb. dry chemical nitrogen-cylinder operated type semiportable fire extinguisher, assembly dwg. No. 2804, Rev. 8 dated August 27, 1959, name plate dwg. No. 1335, Rev. 7 dated August 27, 1959 (Coast Guard classification: Type B, Size V; and Type C, Size V), manufactured by Ansul Chemical Co., Marinette, Wis. (Supersedes unnumbered approval published in FEDERAL REGISTER 17 July, 1956.)

DECK COVERINGS

Approval No. 164.006/44/0, "Schundler's Coralux Underlayment," perlite aggregate oxychloride cement deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1946: FP3307 dated December 28, 1954, approved for use without other insulating material as meeting Class A–60 requirements in a 1-inch thickness, manufactured by F. E. Schundler & Co., 504 Railroad Street, Joliet, Ill. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/23/0, "No. 75 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1656: FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 0.75 pound per cubic foot, manufactured by Gustin-Bacon Manufacturing Co., Kansas City 5, Mo. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective February 8, 1960.)

Approval No. 164.009/24/0, "No. 150 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1656: FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 1.48 pounds per cubic foot, manufactured by Gustin-Bacon Manufacturing Co., Kansas City 5, Mo. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective February 8, 1960.)

Approval No. 164.009/26/0, "J–M 32-lb. Commercial Grade Asbestos Paper," asbestos paper type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1660: FP2861, dated December 21, 1949, approved in a weight of 32 pounds per 100 square feet, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective February 8, 1960.)

Approval No. 164.009/32/0, "Thermoflex Felt RF 400", mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1944: FP3305 dated December 13, 1954, approved in a 4 pound per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 164.009/33/0, "Linabestos," asbestos-cement board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1945:FP3306, dated December 20, 1954, manufactured by Keasbey & Mattison Co., Ambler, Pa. (Extension of the approval published in FEDERAL REGISTER April 1, 1955, effective April 1, 1960.)

Approval No. 164.009/59/0, "Fiberglas TWF" and "Fiberglas TWL", glass fibrous insulation type incombustible materials identical to those described in National Bureau of Standards Test Reports Nos. TG10210:FP3542, dated January 27, 1960, and TF10210–210:FP3548, dated March 10, 1960, approved in a density of 2 to 6 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio.

PART II—TERMINATION OF APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

WINCHES, LIFEBOAT

Termination of Approval No. 160.015/26/2, Type B172 lifeboat winch, approval is limited to mechanical components and for a maximum working load of 18,000 pounds pull at the drums (9,000 pounds per fall), identified by general arrangement dwg. No. 2114 dated December 1, 1941, and revised December 4, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Approved FEDERAL REGISTER April 1, 1955. Termination of approval effective April 1, 1960.)

LIFEBOATS

Termination of Approval No 160.035/325/0, 30.67' x 10.17' x 4.25' aluminum, hand-propelled lifeboat, 78-person capacity, identified by construction and arrangement dwg. No. 3546 dated April 22, 1954, revised November 1, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J. (Approved FEDERAL REGISTER April 1, 1955. Termination of approval effective April 1, 1960.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

Termination of Approval No. 160.047/156/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER January 22, 1958.)

Termination of Approval No. 160.047/157/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER January 22, 1958.)

Termination of Approval No 160.047/158/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER January 22, 1958.)

Termination of Approval No, 160.047/199/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn., for Herter's, Inc., Waseca, Minn. (Approved FEDERAL REGISTER July 4, 1958.)

Termination of Approval No. 160.047/200/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., Broadway at Central, Minneapolis 13, Minn., for Herter's, Inc., Waseca, Minn. (Approved FEDERAL REGISTER July 4, 1958.)

Termination of Approval No. 160.047/201/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., Broadway at Central, Minneapolis 13 Minn., for Herter's, Inc., Waseca, Minn. (Approved FEDERAL REGISTER July 4, 1958.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

Termination of Approval No. 160.048/107/0, group approval for rectangular or trapezoidal kapok buoyant cushion, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER January 22, 1958.)

Termination of Approval No. 160.048/108/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, dwg. No. 1, dated October 3, 1957, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER January 22, 1958.)

Termination of Approval No. 160.048/126/0, group approval for rectangular or trapezoidal kapok buoyant cushion, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn., for Herter's, Inc., Waseca, Minn. (Approved FEDERAL REGISTER July 4, 1958.)

Termination of Approval No. 160.048/127/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, Sav-A-Life Industries, Inc., dwg. No. 1 dated October 3, 1957, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn., for Herter's, Inc., Waseca, Minn. (Approved FEDERAL REGISTER July 4, 1958.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

Termination of Approval No. 160.049/23/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER December 31, 1958.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

Termination of Approval No. 160.052/25/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Sav-A-Life Industries, Inc., Division of the Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER March 14, 1959.)

Termination of Approval No. 160.052/26/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER March 14, 1959.)

Termination of Approval No. 160.052/27/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Sav-A-Life Industries, Inc., Division of Land-O-Nod Co., 925 Northeast Broadway, Minneapolis 13, Minn. (Approved FEDERAL REGISTER March 14, 1959.)

BOILERS, HEATING

Termination of Approval No. 162.003/79/1, Model "Arcoliner" cast iron sectional steam or hot water heating boiler, dwg. No. 100, dated January 14, 1955, maximum pressure 15 p.s.i., approved limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P.O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER April 1, 1955. Termination of approval effective April 1, 1960.)

Termination of Approval No. 162.003/80/1, Model "Severn" cast iron sectional steam or hot water heating boiler, dwg. No. 100, dated January 14, 1955, maximum pressure 15 p.s.i., approved limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P.O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER April 1, 1955. Termination of approval effective April 1, 1960.)

Termination of Approval No. 162.003/81/1, Model "Oakmont" cast iron sectional steam or hot water heating boiler, dwg. No. 300, dated January 14, 1955, maximum pressure 15 p.s.i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P.O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER April 1, 1955. Termination of approval effective April 1, 1960.)

Termination of Approval No. 162.003/82/1, Model "Exbrook" cast iron sectional steam or hot water heating boiler, dwg. No. 400, dated January 14, 1955, maximum pressure 15 p.s.i., approval limited to bare boiler, manufactured by American Radiator & Standard Corp., P.O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER April 1, 1955. Termination of approval effective April 1, 1960.)

Termination of Approval No. 162.003/83/1, Model "Redflash" cast iron sectional steam or hot water heating boiler, dwg. No. 500, dated January 14, 1955, and dwg. No. 600, dated January 14, 1955, maximum pressure 15 p.s.i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P.O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER April 1, 1955. Termination of approval effective April 1, 1960.)

Termination of Approval No. 162.003/84/1, Model "Water Tube" cast iron sectional steam or hot water heating boiler, dwg. No. 700, dated January 14, 1955, maximum pressure 15 p.s.i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P.O. Box 1226, Pittsburgh 30, Pa. (Approved FEDERAL REGISTER April 1, 1955. Termination of approval effective April 1, 1955.)

PART III—CHANGE IN NAME AND ADDRESS OF MANUFACTURERS

CHANGE IN ADDRESS

The address of The Plasti-Kraft Corp., 140 Walker Street, SW., Atlanta 3, Ga., (Plant: Oldsmar, Fla.), has been changed to Oldsmar, Fla., for Approval Nos. 160.010/30/0 and 160.010/31/0 for buoyant apparatus; and 160.027/40/0 and 160.027/41/0 for life floats published in the FEDERAL REGISTER of September 27, 1958.

The address of The S and M Co., 13th and Hennepin Avenue, Minneapolis 3, Minn., has been changed to Arthur and Kennedy Streets NE., Minneapolis, Minn., for Approval Nos. 160.047/262/0, 160.047/263/0, and 160.047/264/0 for kapok buoyant cushions published in the FEDERAL REGISTER of March 16, 1960.

CHANGE IN NAME

The name of Samuel Jackson's Sons, Inc., Bristol, Pa., has been changed to Bristol Flare Corp., State Road, Bristol, Pa., for Approval No. 160.021/4/2 for hand red flare distress signals, published in the FEDERAL REGISTER of September 27, 1958, and Approval No. 160.037/4/0 for hand orange smoke distress signals published in the FEDERAL REGISTER of December 31, 1958.

CHANGE IN NAME AND ADDRESS

The name and address of Briddell Upholstering Co., 106 West Vine Street, Salisbury, Md., has been changed to Dellson Products, Inc., Clemwood and Upshur Streets, Salisbury, Md., for Approval No. 160.048/69/0 for kapok buoyant cushions published in the FEDERAL REGISTER of May 15, 1956.

PART IV—AMENDMENT OF PRIOR DOCUMENT

The Coast Guard Document CGFR 59–48 and Federal Register Document 59–10690 published in the FEDERAL REGISTER of December 17, 1959, is corrected by making the following change:

1. Insert the words "and type 1910Ft" after "1910Fc" in the second line of Approval No. 162.001/220/0 (24 F.R. 10227, 1st column).

Dated: June 14, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60–5675; Filed, June 20, 1960; 8:49 a.m.]

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA)

Available Certifications by Government of Republic of China

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Oyster Sauce.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 60–5674; Filed, June 20, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 62]

NEGOTIATED CONTRACTS FOR ON-THE-JOB TRAINING OF ADULT INDIANS

Redelegation of Authority

Order 551, as amended, is further amended by the addition of a new section under the heading "Functions Relating to Procurement Matters" to read as follows:

SEC. 324. *Negotiated contracts for on-the-job training of adult Indians.* The negotiation, without advertising, under section 302(c)(10) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, of contracts with private industry for on-the-job training of adult Indians required to carry out the vocational program responsibilities of the Bureau of Indian Affairs under the Act of August 3, 1956 (70 Stat. 986; 25 U.S.C. 309), subject to the conditions imposed by the Administrator of General Services in the delegation of authority to the Secretary of the Interior (23 F.R. 6312), and in accordance with applicable regulations of the Department.

GLENN L. EMMONS,
Commissioner.

JUNE 16, 1960.

[F.R. Doc. 60–5669; Filed, June 20, 1960; 8:47 a.m.]

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JUNE 14, 1960.

1. A plat of survey of the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on July 19, 1960:

T. 17 N., R. 12 E., of the Copper River Meridian, Alaska. Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36.

T. 18 N., R. 11 E., of Copper River Meridian, Alaska. Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35 and 36.

These lands lie south and west of Tok Junction along the Alaska Highway and the Slana-Tok Highway. The terrain is flat to gently rolling with a thin layer of topsoil overlying gravel. Spruce, aspen, cottonwood and indigenous softwoods form the major portion of the cover. A part of the lands described is suitable for agricultural use.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite and Small Tract Laws by qualified veterans of World War II or of the Korean conflict and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284 as amended), presented prior to 10:00 a.m. on July 19, 1960, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on September 13, 1960, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under Paragraphs (1) and (2) above presented prior to 10:00 a.m. on September 13, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veteran's preference right under Paragraph (2) above must submit with their applications proper evidence of military or naval service preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that Title.

6. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 60–5663; Filed June 20, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13536; FCC 60–625]

PHILIP D. BOOTHROYD

Order Designating Application for Hearing on Stated Issues

In the matter of Philip D. Boothroyd, RD No. 1, Box 142G, Sparta, New Jersey, Docket No. 13536; application for renewal of Radiotelephone First Class Operator License No. P1–2–7801.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having under consideration the application of Philip D. Boothroyd, RD No. 1, Box 142G, Sparta, New Jersey, for renewal of his radiotelephone first class operator license No. P1–2–7801; and

It appearing that the Commission, in pursuance of its authority under section 303(1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified and pursuant to § 1.71 of the Commission's rules directed Philip D. Boothroyd to supplement his application for renewal of his radiotelephone first class operator license by furnishing answers to certain specified questions, under oath; and

It further appearing, that Philip D. Boothroyd, by letter dated April 28, 1960, refused to answer any of the questions he had been directed to answer; and

It further appearing that in the light of his refusal to answer the questions, the Commission is unable to determine that Philip D. Boothroyd possesses the requisite qualifications to be the holder of a radio operator license.

It is ordered, Pursuant to section 303(1) of the Communications Act of 1934, as amended, and § 1.71 of the Commission's rules that the above-entitled application is hereby designated for hearing at the Commission offices in Washington, D.C., at a time and before an Examiner to be specified by subsequent order,[1] upon the following issues to which such hearing shall be confined:

(1) To determine whether Philip D. Boothroyd failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Philip D. Boothroyd possesses the necessary qualifications to hold a radio operator license.

Released: May 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5686; Filed, June 20, 1960; 8:51 a.m.]

[Docket Nos. 12865, 12866; FCC 60M–1039]

CHRONICLE PUBLISHING CO. (KRON–TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Memorandum Opinion and Order Scheduling Prehearing Conference

In re applications of Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits to increase antenna heights.

1. On June 10, 1960, there was an informal classified conference held in the office of the Army Judge Advocate General which was attended by counsel and representatives of the various parties herein to the proceeding.

2. In order to determine the posture of this proceeding and to determine a pattern for the hearing, it is deemed de-

[1] See FCC Order (FCC 60M–985), scheduling hearing for July 29, 1960, published June 11, 1960, 25 F.R. 5254.

sirable to have a further prehearing conference therein.

3. *Accordingly it is ordered*, This 15th day of June 1960, that a further prehearing conference will be held June 29, 1960, 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: June 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5687; Filed, June 20, 1960; 8:51 a.m.]

[Docket Nos. 13485-13487; FCC 60M-1044]

CLARKE BROADCASTING CORP. (WGAU) ET AL.

Order Scheduling Prehearing Conference

In re applications of Clarke Broadcasting Corporation (WGAU), Athens, Georgia, Docket No. 13485, File No. BP-12186; Wake Broadcasters, Inc. (WAKE), Atlanta, Georgia, Docket No. 13486, File No. BP-12477; Savannah Valley Broadcasting Company (WBBQ), Augusta, Georgia, Docket No. 13487, File No. BP-13455; for construction permits.

On the Examiner's own motion: *It is ordered*, This 15th day of June 1960, that a prehearing conference in the above-entitled matter will be held in the offices of the Commission, Washington, D.C., on June 22, 1960, at 2:00 p.m.

Released: June 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5688; Filed, June 20, 1960; 8:51 a.m.]

[Docket No. 13222 etc.; FCC 60M-1043]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Order Scheduling Hearing

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP-11439; et al., Docket Nos. 13223, 13224, 13225, 13226, 13227, 13228, 13229, 13230, 13231, 13232, 13233, 13235, 13237, 13239, 13241, 13242, 13243, 13245, 13246, 13247, 13248, 13249, 13250, 13251; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference for Group 3 in the above-entitled proceeding held on this date: *It is ordered*, This 14th day of June 1960, that the following schedule of dates shall govern:

Exchange of exhibits

Seven Locks Broadcasting Co., Docket No. 13227, and Tenth District Broadcasting Co., Docket No. 13251; July 11, 1960.

The Tidewater Broadcasting Co., Inc., Docket No. 13243, and Edwin R. Fischer, Docket No. 13248; July 18, 1960.

CABA Broadcasting Corp., Docket No. 13245; Catonsville Broadcasting Co., Docket No. 13250, and Rossmoyne Corp., Docket No. 13247; July 20, 1960.

It is further ordered, That the hearing now scheduled for July 25, 1960 for Group 3 is cancelled.

It is further ordered, That the further hearing for Group 3 is set for July 18, 1960.

Released: June 16, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5689; Filed, June 20, 1960; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 332]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 16, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63266. By order of June 13, 1960, the Transfer Board approved the transfer to Frank A. Baraclough, Inc., Truxton, N.Y., of Certificate No. MC 43707 issued July 3, 1941, in the name of Atkinson Motor Freight Company, Inc., amended November 9, 1959, to read Lance Motor Express, Inc., Jersey City, N.J., authorizing the transportation of general commodities excluding household goods, commodities in bulk, and various specified commodities, between Philadelphia, Pa., and New York, N.Y., serving the intermediate and off-route points of Newark, Jersey City, Trenton, New Brunswick, Elizabeth, Linden, Weehawken, Hoboken, Rahway, Paterson, Passaic, Maurer, Somerville, Freehold, Belleville, North Bergen, and Kearny, N.J., Yonkers, N.Y., and Conshohocken, West Conshohocken, Miquon, Bridgeport, Morristown, and Manayunk, Pa. David Brodsky, 1776 Broadway, New York 19, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5670; Filed, June 20, 1960; 8:47 a.m.]

DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION

MAY 15, 1960.

The following revised current description of the central and field organization of the Interstate Commerce Commission is supplemental to the "Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Boards and Assignment of Work" (24 F.R. 2506, 4070, 5667, 9230, and 25 F.R. 96) and is published pursuant to the provisions of section 3(a) of the Administrative Procedure Act (60 Stat. 237). For prior statements see 23 F.R. 2654, 23 F.R. 7027, 23 F.R. 8167, and 24 F.R. 1819.

1. *The Commission.* The Interstate Commerce Commission is a Federal independent regulatory agency existing under the Interstate Commerce Act (49 U.S.C. 11, 24).

(a) *Offices.* The central and principal office of the Commission is located at 12th Street and Constitution Avenue NW., Washington 25, D.C. In the field, there are 13 Regional Offices and 76 detached offices, located in the more important transportation centers throughout the United States. A listing of these offices is included in an appendix attached hereto.

(b) *Hours.* Office hours in Washington, D.C. are from 8:30 a.m. to 5:00 p.m. Office hours of field offices are also from 8:30 a.m. to 5:00 p.m., local time of the place where located, except where local conditions require otherwise.

(c) *Sessions.* General sessions of the Commission are held at Washington, D.C., but special sessions may be held at any place in the United States. Hearings or investigations may be conducted by one or more Commissioners, by one or more hearing examiners, by boards authorized by sections 17 and 205 of the Interstate Commerce Act, or by other authorized personnel, at any place in the United States or its territories (sections 17, 19, and 205; 49 U.S.C. 17, 19, 305).

(d) *Definitions*—(1) *Act.* The words "Act" or "the Act" used in this part shall be construed to mean the Interstate Commerce Act and other acts administered by the Commission, unless the context indicates that a different meaning is intended.

(2) *Commission.* Where reference is made to the exercise of any authority or the determination of any matter by the "Commission," the term shall be construed to mean the entire Commission, a division thereof, an individual Commissioner, a board of employees, a joint board, or an examiner to whom, according to the assignment of duties, that authority or the determination of such matters has been assigned, unless the context indicates that a different meaning was intended.

(3) *Carrier.* Where reference is made to a carrier, in this part, the term will include railroads, express companies and sleeping car companies, common and contract motor carriers and brokers of motor transportation, private and exempt motor carriers, pipelines (other than those for water or gas), freight forwarders and certain domestic water carriers.

2. *Public information*—(a) *Releases by the Commission.* All releases to the public and press are issued through the Office of the Secretary, which is the first point of contact for information relating

to any matter or proceeding pending before the Commission.

(b) *Requests for information.* Requests for information or advice concerning any matter within the jurisdiction of the Commission may be addressed to the Secretary, the Director of the Bureau or Office which handles the particular subject matter, or to field offices of various bureaus to the extent stated in the description of bureau organization.

(c) *Reports and orders.* The reports and orders of the Commission are initially prepared for service upon the parties to the proceedings in duplicated form. Copies of all such reports and orders are made available for public inspection at the time of issuance through the Secretary's Office and, to the extent that copies are available, are furnished to interested persons without charge.

The more important reports of the Commission are printed and sold in advance sheet form and in bound volumes by the Superintendent of Documents, Government Printing Office, Washington 25, D.C. The less important cases are summarized in the bound volumes. Reports concerning other than valuation and motor carrier application matters are published in volumes entitled "Interstate Commerce Commission Reports," commonly cited "____ I.C.C. ____." Reports concerning motor carrier application matters are published in a separate series of reports entitled, "Interstate Commerce Commission Reports, Motor Carrier Cases," commonly cited "____ MCC ____." The first 21 volumes of reports relating to valuation matters are included in the "ICC" series of reports, but beginning with Volume 22, these reports are published in a separate series entitled, "Interstate Commerce Commission Valuation Reports," commonly cited "____ Val Rep ____."

Copies of reports and orders, including those printed as described above may be examined at the Washington office of the Commission.

(d) *Inspection of records.* (1) The following specific files and records in the custody of the Secretary are available to the public (sections 16, 204, 316, and 417 of the Act (49 U.S.C. 16, 304, 916, and 1017)), and may be inspected at the Commission's office in Washington, upon reasonable request:

(i) Copies of tariffs, rate schedules, Section 22 quotations or tenders, classifications, powers of attorney, concurrences and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 405, and 409 of the Act, (49 U.S.C. 6, 22, 317, 318, 906, 1005, and 1009).

(ii) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412, of the act (49 U.S.C. 20, 320, 913, and 1012).

(iii) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(iv) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceeding.

(v) File of instruments or documents recorded pursuant to section 20c and index thereto.

(vi) Other files and records, depending on their nature, may be available for public inspection where the disclosure would be consistent with the public interest and the duties of the Commission.

(2) *Requests to inspect records.* Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms, in the Commission's Washington office. Copies of certain rate schedules, tariffs, and reports filed by motor carriers are available for inspection at field offices where personnel of the Bureau of Motor Carriers are located.

(3) *Certified copies of records, etc.* Copies of and extracts from public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether they shall be certified. A charge will be made for certification and for the preparation of copies.

3. *Bureau and Office Organization*—(a) *Central Organization.* The Commission's staff is organized into 10 bureaus, and 3 offices, the duties of each of which will be hereafter described. Each bureau is headed by a director, and the bureaus are divided into sections headed by section chiefs. Each bureau and office reports to the Commission or an appropriate division thereof through the Chairman of the Commission or a designated Commissioner, except with respect to matters within the jurisdiction of the Managing Director hereafter described.

(b) *Field Organization.* The regional and other field offices are staffed with employees who perform certain investigative and other duties more specifically outlined as part of the functional descriptions of the individual bureaus to which they are attached and to which they are generally responsible. The Regional Offices are headed by Regional Managers who are responsible to the Managing Director for certain administrative and managerial matters.

(c) *Office of the Managing Director.* The Managing Director under the supervision of the Commission acting through its Chairman and in cooperation with the Reporting Commissioners and Bureau Directors executes, manages and coordinates the management affairs of the Commission with respect to its staff organization. He counsels with the Commission with respect to any matter which may affect or be affected by management action, to the end that the policies, purposes and objectives of the Commission under authority of the Interstate Commerce Act, and other related acts, including amendments, shall be carried out efficiently and economically.

(1) *Budget and Fiscal Office.* Responsible for the preparation and execution of the Commission's budget; assessment of manpower requirements; fiscal accounting and auditing; payroll and leave administration; and for review of operations to determine the applicability of automatic data processing facilities.

(2) *Personnel Office.* Is responsible for planning, organizing, directing, and accomplishing the overall personnel program and providing organizational and functional management studies in the Commission.

(3) *Section of Administrative Services.* Responsible for all property, supply, maintenance, space and facilities functions within the Commission; for providing central stenographic and typing services for the Commission; for paperwork management and the preparation of administrative and other issuances; and for the operation of the Commission's Class "A" printing plant.

(d) *Office of the Secretary.* The Secretary is the official through whom the Commission, its divisions, individual Commissioners, boards of employees, joint boards, and examiners issue their orders and decisions; he is custodian of the seal and records of the Commission and is responsible for the proper documentation of Commission decisions, procedures, and other transactions; pursuant to the Rules of Practice, he is responsible for processing the official documents pending before the Commission and for service on parties to formal proceedings; and he supervises the Sections of Dockets, References Services, and Mails and Files. The Secretary's Office is the medium through which information and releases are made available to the press and the public.

(1) *Section of Dockets.* Is responsible for maintaining all docket files of the Commission proceedings; serving all reports, orders, notices, etc.; scheduling or arranging for the use of hearing rooms and oral argument in Washington and the field; preparing and maintaining records of motor carrier applications for authority to operate and the Commission disposition thereof; the progressive status of all proceedings; the recording of documents evidencing the lease, mortgage, etc., of railroad equipment; and processing applications for admission to practice and maintenance of the roster of practitioners.

(2) *Section of Mails and Files.* Processes all incoming and outgoing mail in the Commission; provides messenger services in the Washington office; and maintains the Commission's central files.

(3) *Section of Reference Services.* For the use of Commission personnel, other government agencies, practitioners and the public, compiles and maintains the following publications and reference facilities: (1) Index-digests and tables for publication to the Commission's bound report volumes; (2) a consolidated looseleaf digest and consolidated tables, covering reports 1887 to date; and (3) the Interstate Commerce Acts annotated, a 17 volume set. In addition, maintains a special library of transportation materials and provides a coordinated reference service.

(e) *Office of the General Counsel.* This Office, under the direction of the General Counsel, furnishes general legal advisory service to the Commission in all matters involving its functions and activities under the Act and other statutes administered by it and concerning other laws or statutes applicable to or

affecting the Commission; and defends, on behalf of the Commission, in all court proceedings to set aside, enjoin, cancel, or annul orders of the Commission. This office does not participate as public counsel in Commission proceedings nor does it act as investigator or prosecutor in proceedings to enforce the requirements of the Act or to exact penalties for violations.

(f) *Bureau of Accounts.* Performs the accounting, cost finding and valuation functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes participation in the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, and other related regulations for all transportation companies subject to the Act; examining the accounts, records and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; development of equitable and reasonable depreciation rates and reserves for carrier property; preparing studies and analyses of the costs and revenues of transportation services of carriers subject to the Act; maintaining inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commission; and the analysis of accounting matters in finance proceedings and cost evidence presented by other parties in rate proceedings.

(1) *Section of Accounting.* Is charged with the development of uniform systems of accounts, regulations governing the destruction of carrier records, and regulations governing forms and recording of passes; the development of equitable and reasonable depreciation rates and reserves for carrier property; and the review of accounting and related matters in finance proceedings before the Commission.

(2) *Section of Cost Finding.* Is engaged in the development of cost formulas and principles followed in making cost studies; the preparation of cost studies and analyses for use in rate-making proceedings and for release to the public; and the analysis of cost evidence presented by other parties in proceedings before the Commission.

(3) *Section of Valuation.* Performs work necessary to ascertain the value of railroad and pipeline properties pursuant to section 19a of the Act. This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land; development of elements of value and other pertinent material for consideration by the Commission in rate and reorganization proceedings and finding final property values.

(4) *Section of Field Service.* Supervises the accounting inspection work performed in the field for all types of carriers and makes accounting reviews of annual reports filed by Class I and II motor carriers of property and Class I motor carriers of passengers.

(5) *Field Staff.* Conducts regular and special examinations of carriers' records for the purpose of ascertaining compliance with the Commission's accounting rules and discovering violations of other regulations of the Commission. Also serves as witnesses in prosecution cases and other proceedings respecting these matters.

(g) *Bureau of Finance.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to: Authority to construct, acquire, or abandon lines of a railroad or the operation thereof, proposed discontinuances or changes in the operation by railroads of trains or ferries; approval for motor carriers or water carriers to enter into contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers, and when directly related to such authority the granting of certificates or permits to motor carriers in connection therewith; authority to issue securities or to assume obligation and liability with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; authority to hold position of officer or director of more than one railroad; the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property; and formal investigations concerning possible violations of the act relating to the foregoing subjects; and, under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings.

(1) *Section of Convenience and Necessity.* Handles the proceedings described above relating to rail carriers, water carriers, and freight forwarders, except those arising under the Uniform Bankruptcy Act, those relating to the guaranty of loans, and those involving authority to issue, sell, modify, or assume obligation respecting securities.

(2) Section of Loans and Financial *Analysis.* Handles the proceedings described above relating to the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property. Also, prepares financial analyses in connection with the other proceedings described above.

(3) *Section of Securities and Reorganizations.* Handles the proceedings arising under the Uniform Bankruptcy Act and those involving authority to issue, sell, modify, or assume obligation respecting securities.

(4) *Section of Motor Carrier Finance.* Handles the proceedings described above relating to motor carriers except those involving transfer of certificates and permits under section 212(b) of the Act which have not involved the taking of testimony at a public hearing, and those involving the issue of securities or assumption of obligation with respect to securities.

(5) *Section of Hearings.* Schedules hearings in all finance proceedings requiring a hearing. Conducts hearings, prepares initial decisions on the proceedings of the Bureau, and releases for service all recommended reports and orders. Reviews procedures and makes recommendations for changes designed to promote efficiency and to expedite the processing of proceedings.

(6) *The Transfer Board.* Pursuant to authority delegated under section 17 of the Act, makes determination, when the matter at issue is not reserved for action by the Commission, of applications filed under sections 204(a)(4) and 212(b) of the Act relating to transfer of licenses, certificates or permits, which have not involved the taking of testimony at a public hearing.

(h) *Bureau of Inquiry and Compliance.* Investigates violations, prosecutes in court and assists the Department of Justice in prosecuting civil and criminal proceedings arising under all parts of the Act (except violations of the Safety Acts which are under the jurisdiction of the Section of Railroad Safety, Bureau of Safety and Service) and related Acts such as the Elkins Act, the Clayton Anti-Trust Act and the Transportation of Explosives Act. When specifically authorized by the Commission or a division thereof in any particular case or class of cases, participates in Commission proceedings, for the purpose of developing the facts and issues. Reponsible for all functions of the Bureau including assignment of cases to attorneys and special agents, reviewing investigation reports and issuing instructions to attorneys, contacts with shippers and carriers. Prepares and presents the Bureau's budget estimates and proposals. Devises and installs administrative systems. Provides central stenographic service to the Bureau. Coordinates general management activities with the Office of the Managing Director.

(1) *Section of Motor Carriers Enforcement.* Supervises and handles the legal activities involved in the enforcement of Part II of the Act, the Clayton Anti-Trust Act and related acts involving motor vehicle transportation.

(2) *Section of Rail, Water and Forwarder Enforcement.* Supervises and handles the legal activities involved in the enforcement of Part I, III, and IV of the Act (except violations of the Safety Acts which are under the jurisdiction of the Section of Railroad Safety), the Elkins Act, the Clayton Anti-Trust Act and related statutes.

(3) *Section of Investigations.* Plans, programs and directs conduct of investigations made by field staff of special agents; initiates and prepares procedures, instructions and manuals to facilitate investigative work; coordinates investigative activities so as to obtain a balanced program of enforcement; provides interchangeable utilization of special agents' services between the Sections of Rail, Water and Freight Forwarder Enforcement and Motor Carrier Enforcement.

(4) *Field Staff Regional Trial Attorneys.* Reviews evidence of violations and makes recommendations with respect to enforcement action to be taken; prosecutes or assists United States Attorneys in the prosecution of civil and criminal proceedings in Federal Courts; and participates in Commission proceedings as counsel.

(5) *Field Staff Regional Special Agents.* Conducts investigations of carriers and shippers to obtain evidence of violations. Appear as witneses in court cases and Commission proceedings.

(i) *Bureau of Motor Carriers.* Administers the Commission's programs involving the regulation of motor carriers under Part II of the Act insofar as they involve: initiating and administering the rules and regulations governing the filing and approval of security or insurance for the protection of the public; initiating and administering safety regulations concerning qualifications and maximum hours of service of employees and safety of operation and equipment of all for-hire and private carriers in interstate or foreign commerce; investigating and reporting on serious accidents and the transportation of explosives and other dangerous articles; initiating and administering regulations relating to the safe transportation of migratory workers; inspecting the operations of the carriers in the field to inform them of the requirements of the Act and regulations and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, insurance, annual reports, extensions of credit or unsafe operating practices; and issuing informal interpretations of Commission's certificates, permits and regulations affecting motor carrier operation.

(1) *Interpretations Staff.* Advises the Director and others regarding legal interpretations and other information concerning the motor carrier provisions of the Act and the regulations and operating authorities issued thereunder; advises and assists in the development of recommendations and proposals pertaining to motor carrier regulations; and assembles, prepares and maintains reference materials on these matters.

(2) *Section of Insurance.* Performs work in connection with the administration of section 215 of the Act pertaining to the furnishing of insurance or other security by motor carriers and brokers for the protection of shippers and the public, including the preparation of recommendations for submission to the Commission for determination of applications to self-insure, the approval or disapproval of certificates of insurance, and passing upon the qualifications of insurance and bonding companies. In addition, performs work similar to that described above, in connection with the administration of section 403(c) of the Act applicable to freight forwarders. Also, performs work in connection with the administration of section 221(c) of the Act pertaining to the designations of agents to receive service of judicial process.

(3) *Section of Motor Carrier Safety.* Performs work in connection with the promulgation of regulations pertaining to safety, hours of service of employees, and standards of equipment; compiles and publishes statistical and other information pertaining to these matters; presents evidence in Commission procedings where the matter of carriers' safety records is involved; prepares accident reports for Commission approval; and provides guidance to the field staff respecting the administration of the motor carrier safety regulations and procedures.

(4) *Section of Field Service.* Plans, programs and supervises the work of the field staff; initiates and prepares procedures and instructions to facilitate execution of field work in coordination with the work of other sections of the Bureau, as well as other bureaus, to the extent that the field staff provides services for them; and reviews the effectiveness of the field work performed to insure that the Commission's policies in this area are properly accomplished.

(5) *Field Staff.* Conducts inspections and investigations of the activities of motor carriers to ascertain their compliance with the law and regulations under Part II of the Act, including: safety of operations and equipment, hours of service, posting and adherence to rate and tariff schedules, filing of insurance, operating in accordance with authority and like matters; provides reports on applications for temporary operating authority; prepares investigation reports; recommends prosecutions and serves as witnesses in prosecutions and other proceedings respecting these matters.

(j) *Bureau of Operating Rights.* Performs duties in connection with the Commission's proceedings involving motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders, under the various sections of the Act, relative to operating authority matters, provisions, and exemptions, including investigations looking to the prescription of rules and regulations governing operations of such carriers; formal complaints and investigations concerning failure of carriers to comply with the Act or any requirement established thereunder, with respect to operating practices under the jurisdiction of Division 1; the suspension, change or revocation of certificates, permits, and license; and the granting of temporary authorities for motor carrier service. Operations are conducted on functional bases through the Director's Office, the sections, and the Temporary Authorities Board.

(1) *Temporary Authorities Board.* Pursuant to authority delegated under section 17 of the Act enters show-cause orders under section 204(c) and 212(a) relating to the failure of motor carriers to file annual reports; makes determinations respecting applications for motor carrier temporary authority under section 210a(a) of the Act when the matter at issue is not reserved for action by the Commission; and makes determinations in uncontested revocation proceedings under section 212(a).

(2) *Section of Hearings.* Schedules hearings in all proceedings requiring a hearing. Conducts hearings, prepares initial reports on the proceedings of the Bureau, and releases for service all recommended reports and orders. Reviews procedures and makes recommendations for changes designed to promote efficiency and to expedite the processing of proceedings.

(3) *Section of Proceedings.* After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral arguments, if any, independently prepares and reviews drafts of final reports and orders for all cases handled by the Bureau for circulation to the Commission or to Division 1 for consideration.

(4) *Section of Appeals.* Independently prepares and reviews memoranda recommending the action the Commission, a Division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief.

(5) *Section of Certificates and Captions.* Examines applications for operating rights, prepares correspondence to applicants concerning sufficiency of such applications, prepares summaries of such applications for publication in the FEDERAL REGISTER as notice to the public. Prepares certificates, permits, and licenses specifying permanent grants of authorities approved by the Commission or a Division of the Commission; processes orders reissuing such authorities upon approval of transfer in finance proceedings, and orders vacating or amending such operating authorities after action by the Commission; and processes uncontested revocation proceedings.

(k) *Bureau of Rates and Practices.* Performs duties in connection with the Commission's proceedings involving rail carriers, motor carriers, water carriers, and freight forwarders, under the various sections of the Act, relative to rates, fares, charges and practices and relief from anti-trust laws relative to collective rate-making agreements; and conducts proceedings arising under a number of miscellaneous provisions of the Act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations.

(1) *Section of Administration.* Performs the Bureau's administrative work pertaining to cases processed which includes maintaining records, handling procedural matters, preparing notices and orders, and conducting correspondence with parties to the cases.

(2) *Section of Hearings.* Schedules hearings in all proceedings requiring a hearing. Conducts hearings, prepares initial reports on the proceedings of the Bureau, and releases for service all recommended reports and orders. Reviews procedures and makes recommendations for changes designed to pro-

mote efficiency and to expedite the processing of proceedings.

(3) *Sections of Final Reports No. 1 and No. 2.* Prepare draft-final reports for circulation to the Commission for decision and analyze petitions for reconsideration, rehearing, and other relief and prepare memorandums for the consideration of the Commission containing recommendations for action thereon.

(4) *Section of Review.* Reviews all draft-final reports prepared in the Bureau prior to their circulation for consideration by the Commission giving particular attention to the consistency of the proposed decisions in relation to established policies and precedents.

(5) *Section of Appeals.* Prepares, expedites, and presents memoranda and petitions to the Commission or a Division thereof. Recommends disposition of petitions in conformance with the Commission's minutes of April 30, 1959.

(l) *Bureau of Safety and Service.* Administers the Commission's programs respecting: (1) Car service provisions of the Act which include preparing proposed regulations and emergency orders regarding the use, control, supply, movement, distribution, interchange and return of locomotives, cars and other vehicles used in the transportation of property; (2) the Locomotive Inspection Act, to promote safety of employees and travelers on railroads, making the inspections to determine that locomotives are in proper condition, safe to operate and comply with the rules and regulations, and to determine that the required inspections of locomotives are made by the carriers and the defects are repaired before the locomotive is returned to service; (3) the Safety Appliance Acts, the Ashpan Act, the Hours of Service Act, Accident Reports, Block Signal Resolution, Power Brake Law of 1958, etc., relating to investigation of safety appliances or systems intended to promote safety of railway operation ;and (4) the transportation of explosives and other dangerous articles by rail, highway and water.

(1) *Section of Car Service.* Performs necessary duties relating to the administration of the car service provisions of the Act, pertaining to use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars and other vehicles used in the transportation of property, including special types of equipment, and supervises the field staff engaged in inspecting for compliance with respect to these items.

(2) *Section of Locomotive Inspection.* Performs necessary duties relating to the administration of the Locomotive Inspection Act, 45 U.S.C. 22–34, as amended, which requires compliance by carriers engaged in interstate commerce upon whose line any locomotive is used; makes inspections to determine if locomotives are equipped and maintained by carriers in accordance with the Commission's regulations and are in safe condition to operate; takes corrective action in connection with locomotives not conforming to requirements; makes investigations of accidents caused by failure of any part of a locomotive; and prepares reports for Commission approval on such investigations when such action is in the public interest. Supervises the field staff of district inspectors engaged in inspection and investigation to assure compliance with respect to these items.

(3) *Section of Railroad Safety.* Performs necessary duties respecting the administration of various Safety Appliance Acts (45 U.S.C. 1–16, 17–21, 36), the Accident Reports Act (15 U.S.C. 38–43), the Hours of Service Act (45 U.S.C. 61–64), the Block Signal Resolution (45 U.S.C. 35), and section 25 of the Act (49 U.S.C. 25), as related to railways, other than those pertaining particularly to locomotives and the transportation of explosives and other dangerous articles by rail, highway and water; supervises the field staff engaged in making inspections of carrier operations as prescribed and recommends reporting of violations to the proper United States District Attorneys for prosecution; investigates applications for approval of material modifications of block signal systems and interlocking devices; and investigates train accidents and makes recommendations as to corrective measures to be taken by the carriers.

(4) *Field Staff.* Conducts investigations and performs other field work in connection with the duties of the sections described above.

(m) *Bureau of Traffic.* Performs duties relative to the filing of schedules or tariffs of rates, fares and charges, and of transportation and protective service contracts, of carriers subject to the Act; the suspension of tariff provisions pending investigation of their lawfulness, and the administration of the long-and-short-haul and aggregates-of-intermediate-rates provisions of the Act; confers and corresponds with carriers, shippers and other interested parties, expressing its views, concerning the application of rates and other tariff provisions, as a possible means of settling controversies; processes applications of carriers requesting authority to make reparation on past shipments; and advises with, and acts as consultant to, the Commission and its staff with respect to tariff policies, rate adjustments, general rate investigations, tariff interpretations, and rate-making principles.

(1) *Board of Suspension.* Analyzes petitions and protests seeking suspension of proposed tariffs or rate schedules, and replies thereto, and pursuant to authority delegated under section 17 of the Act (1) makes initial disposition thereof, except when the matter is otherwise reserved for action by, or is certified to, the Commission, (2) institutes investigations into rates, fares, charges and practices of carriers as ancillary to the suspension of tariffs or schedules, and (3) discontinues investigation and suspension proceedings when, prior to hearing, the suspended schedules have been cancelled pursuant to special permission authority; makes recommendations as to the disposition of matters which are reserved for action by, or certified to, the Commission; processes and makes recommendations to the Commission with respect to requests for appellate action.

(2) *Fourth Section Board.* Receives and considers applications made by carriers subject to section 4 of the Act for authority to establish rates and fares without observing the long-and-short haul or aggregate-of-intermediate-rates provisions thereof, gives consideration to statements of interested parties, and when the matter is not reserved for action, by, or is not certified to, the Commission, pursuant to authority delegated under section 17 of the Act, makes initial disposition thereof by granting or denying the application, or denying relief pending a formal proceeding; makes recommendations as to the disposition of matters which are reserved for action by, or certified to, the Commission; and processes and makes recommendations to the Commission with respect to requests for appellate action.

(3) *Section of Tariffs.* Receives, examines and maintains the official files of all tariff publications, except passenger and express publications; processes applications for special permission to establish rates and charges or other tariff provisions on less than statutory notice or for waiver of tariff circular rules, including those of motor carriers when such carriers have been granted temporary operating authority by the Commission; receives, examines and files powers of attorney, concurrences, also quotations filed under section 22 of the Act; makes recommendations to the Commission as to changes in tariff circular rules; and maintains a complete file of tariffs of all carriers, section 22 quotations and contracts between freight forwarders and motor carriers filed under section 409 of the Act, for use of the public.

(4) *Section of Rates and Informal Cases.* Provides rate information and interpretations of published tariffs and schedules for the Commision and its staff; assists in the settlement of informal negotiations as between shippers and carriers of controversies involving the proper interpretation of tariffs; processes reparation applications; performs the administrative work in connection with contracts covering protective service filed by railroads and by express companies; receives, examines and maintains the official files of tariff publications for passenger and express transportation; and ascertains and computes short-line distances and first-class rates for waybill study purposes.

(5) *Released Rates Committee.* Makes recommendations to the Commission as to the action to be taken on carriers' applications to limit their liability for loss or damage to property transported, such limitation being prohibited unless carriers are authorized by the Commission to maintain rates dependent upon and varying with the value declared in writing by the shipper or agreed upon in writing as the released value of the property.

(n) *Bureau of Transport Economics and Statistics.* Performs economic, statistical and related analytical work, concerning transportation, necessary to the Commission in the performance of its functions to foster sound economic conditions consistent with the National Transportation Policy. In performing this work, the Bureau advises the Commission on economic matters and develops data concerning such matters as finances, physical characteristics, operations and traffic consist of the various carriers, as well as statistical and economic evaluations of the effects of the Commission's regulatory policies on carriers, shippers, consumers and the National economy.

(1) *Section of Traffic Statistics.* Provides traffic statistics based primarily on a 1 percent sample of carload shipments terminated by Class I railroads; compiles and makes studies of these data to determine the effect of Commission decisions on rate structures; prepares data based on the sample for release and provides advice on the use of the published data for exhibits on Commission proceedings.

(2) *Section of Reports.* Examines and verifies reports of carriers to determine their accuracy, conducts correspondence in connection therewith and makes authorized corrections in the reports; compiles and prepares for publication data and statistics based on annual and other reports submitted by carriers covering such matters as finances, operations and railroad accidents.

(3) *Section of Research.* Performs research and provides analyses and reports concerning developments relating to transportation by rail, motor, water and air which directly or indirectly relate to the duties and functions of the Commission.

(o) *Bureau of Water Carriers and Freight Forwarders.* Administers the Commission's programs involving the regulation of water carriers, freight forwarders and rate bureaus under Parts III and IV, and Section 5a of the Act. Processes the applications (1) of water carriers for temporary authorities and exemptions, and (2) of common carriers for approval of collective rate-making agreements. Inspects the operations of water carriers, freight forwarders and rate bureaus to inform them of the requirements of the Act and Commission regulations, and to discover unauthorized operations or violations with regard to tariffs, rebates, accounts, annual reports, extensions of credit, or procedures for collective rate-making under approved agreements.

(1) *Field Staff.* Conducts the investigations and performs the other field work included in the functional statement for the Bureau.

[SEAL] HAROLD D. McCOY,
Secretary.

INTERSTATE COMMERCE COMMISSION FIELD OFFICES

ICC Regions, Location of Offices; and Bureaus Represented [1]

One; Boston, Mass.; Regional, Headquarters 14–17 Court Square; A, I&C, MC, S&S.
Lebanon, N.H., 6 Campbell Street; MC.
Portland, Maine, 305 Post Office and Court House; MC.
Providence, R.I., 203 Custom House Building; MC.
Springfield, Mass., 420 Federal Building; MC.
Two; New York, N.Y.; Regional Headquarters Room 1111, 346 Broadway; A, I&C, MC, S&S, WC.
Albany, N.Y., 311 Federal Building; MC, S&S.
Binghamton, N.Y., 907 Press Building; MC.
Buffalo, N.Y., 324 Post Office Building; MC, S&S.
Hartford, Conn., 223 Federal Building; MC.
Newark, N.J., 1060 Broad Street; MC, S&S.
Syracuse, N.Y., 286 Federal Building; MC, S&S.
Trenton, N.J., 410 Post Office Building; MC.
Three; Philadelphia, Pa.; Regional Headquarters, 800 U.S. Custom House Building; A, I&C, MC, S&S.
Baltimore, Md., 204 Appraisers' Stores Building; MC, S&S.
Harrisburg, Pa., 218 Central Industrial Building; MC.
Norfolk, Va., 203 U.S. Customs House; S&S.
Richmond, Va., 608 Parcel Post Building; MC.
Roanoke, Va., 215 Campbell Avenue SW.; MC, S&S.
Salisbury, Md., 206–B Post Office Building; MC.
Scranton, Pa., Select Building, Second Floor, 116 North Washington Avenue; MC.
Washington, D.C., Interstate Commerce Commission Building, 12th and Constitution Avenue NW.; A, I&C, MC, S&S.
Four; Columbus, Ohio; Regional Headquarters 236 New Post Office Building; I&C, MC, S&S.
Charleston, W. Va., Room 205, Embleton Building; MC.
Cincinnati, Ohio, 413 U.S. Post Office and Court House; MC, S&S.
Cleveland, Ohio, 519 Federal Building; A, MC, S&S.
Pittsburgh, Pa., 402 Victory Building; MC, S&S.
Toledo, Ohio, 17 Old Federal Building; MC, S&S.
Wheeling, W. Va., 531 Hawley Building; MC, S&S.
Youngstown, Ohio, 610 Schweenwagner Building; S&S.
Six; Atlanta, Ga.; Regional Headquarters, 680 West Peachtree Street NE.; A, I&C, MC, S&S.
Birmingham, Ala., 316 U.S. Post Office and Court House; MC, S&S.
Charleston, S.C., South Carolina State Port Authority Office Building No. 1 Vendue Range Street; S&S.
Charlotte, N.C., 248 Post Office Building; A, MC, S&S.
Columbia, S.C., 206 Federal Court House Building; MC.
Jacksonville, Fla., 227 Post Office Building; MC, S&S.
Mobile, Ala., 234 U.S. Court and Custom House; S&S.
Raleigh, N.C., 315 Post Office Building; MC.
Tampa, Fla., 2701 Mississippi Avenue; S&S.
Seven; Nashville, Tenn.; Regional Headquarters, Room 706 U.S. Court House; A, I&C, MC, S&S.
Jackson, Miss., Room 208, 145 East Amite Street; MC, S&S.
Lexington, Ky., 409 Post Office Building; MC.
Louisville, Ky., 426 Post Office Building; MC, S&S.
Memphis, Tenn., Room 1121 Falls Building; MC, S&S.
Eight; Chicago, Ill.; Regional Headquarters 852 U.S. Custom House Building; A, I&C, MC, S&S, WC.
Detroit, Mich., 400 U.S. Custom Building; MC, S&S.
Fort Wayne, Ind., 306 Federal Building; MC.
Indianapolis, Ind., Room 510 Illinois Postal Building; A, MC, S&S.
Lansing, Mich., 314 Federal Building; MC.
Springfield, Ill., Room 203 Federal Building; MC.
Nine; Minneapolis, Minn.; Regional Headquarters 626 Metropolitan Building; I&C, MC, S&S, A.
Duluth, Minn., 825 East 13th Street; S&S.
Fargo, N. Dak., 210 U.S. Post Office Building; MC, S&S.
Madison, Wis., Room 332 U.S. Post Office Building; MC.
Milwaukee, Wis., 511 Cawker Building; MC, S&S.
Pierre, S. Dak., 210 Post Office Building; MC.
Ten; Kansas City, Mo.; Regional Headquarters, 110 Federal Office Building; A, I&C, MC, S&S.
Davenport, Iowa, 235 U.S. Post Office Building; MC.
Des Moines, Iowa, 227 Federal Office Building; MC, S&S.
Lincoln, Nebr., 318 U.S. Post Office and Court House; MC.
Omaha, Nebr., 429 Federal Office Building; MC, S&S.
Sioux City, Iowa, 319 Post Office Building; MC.
St. Louis, Mo., 912 U.S. Court and Custom House; A, MC, S&S.
Topeka, Kans., 309 Federal Building; MC.
Wichita, Kans., 906 Schweiter Building; MC, S&S.
Twelve; Fort Worth, Tex.; Regional Headquarters, 816 Texas and Pacific Building; A, I&C, MC, S&S.
Amarillo, Tex., 443 Amarillo Petroleum Building; MC, S&S.
Dallas, Tex., 1112 Fidelity Building; A, MC, S&S.
El Paso, Tex., Room 12, U.S. Court House; S&S.
Houston, Tex., 614 Federal Office Building; A, MC, S&S.
Little Rock, Ark., 137 Post Office and Court House Building; MC, S&S.
New Orleans, La., 709 Masonic Temple Building; MC, S&S, WC.
Oklahoma City, Okla., 521 Bankers Service Life Building; MC, S&S.
San Antonio, Tex., 567 U.S. Post Office and Court House; MC, S&S.
Shreveport, La., 427 Post Office Building; S&S.
Thirteen; Denver, Colo.; Regional Headquarters, 502 Denham Building; I&C, MC, S&S.
Albuquerque, N. Mex., 209 U.S. Post Office Building; MC, S&S.
Billings, Mont., 413 Electric Building; MC, S&S.
Butte, Mont., Room 212, Medical Arts Building; S&S.
Great Falls, Mont., 105 Civic Center Building; S&S.
Salt Lake City, Utah, 114 Atlas Building; MC, S&S.
Fifteen; Portland, Oreg.; Regional Headquarters, 538 Pittock Block; A, I&C, MC, S&S, WC.
Boise, Idaho, 410 Federal Building; MC.
Seattle, Wash., 3132 Arcade Building; MC, S&S.
Spokane, Wash., 418 U.S. Post Office Building; MC, S&S.
Sixteen; San Francisco, Calif.; Regional Headquarters, 602 Sheldon Building; A, I&C, MC, S&S.
Carson City, Nev., 11 West Telegraph Street; MC.
Los Angeles, Calif., 833 Western Pacific Building; A, I&C, MC, S&S.
Phoenix, Ariz., 247a U.S. Post Office Building; MC, S&S.
Supervisory Office under supervision of Washington, D.C.
Anchorage, Alaska, M & S Building, 424 Fifth Avenue; MC.

[1] A—Accounts. I&C—Inquiry and Compliance. MC—Motor Carriers. S&S—Safety and Service. WC—Water Carriers and Freight Forwarders.

TERRITORIAL COVERAGE OF THE FIELD OFFICES OF THE BUREAU OF MOTOR CARRIERS

District No.; Headquarters Office; States

1; Boston, Mass.; Massachusetts, Maine, New Hampshire, Vermont, Rhode Island.
2; New York, N.Y.; New York, New Jersey, Connecticut.
3; Philadelphia, Pa.; Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia.
4; Columbus, Ohio; Ohio, Western Pennsylvania, West Virginia.
5; Atlanta, Ga.; Georgia, Florida, Alabama, North Carolina, South Carolina.
7; Nashville, Tenn.; Tennessee, Kentucky, Mississippi.
8; Chicago, Ill.; Illinois, Indiana, Michigan.
9; Minneapolis, Minn.; Minnesota, Wisconsin, North Dakota, South Dakota.
10; Kansas City, Mo.; Missouri, Iowa, Nebraska, Kansas.
12; Forth Worth, Tex.; Texas, Oklahoma, Arkansas, Louisiana.
13; Denver, Colo.; Colorado, Wyoming, New Mexico, Utah, Montana.
15; Portland, Oreg.; Oregon, Washington, Idaho.
16; San Francisco, Calif.; California, Arizona, Nevada.
Supervisory Office under supervision of Washington, D.C.; Anchorage, Alaska; Alaska.

[F.R. Doc. 60-5671; Filed, June 20, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3887]

GULF POWER CO.

Notice of Proposed Issuance and Sale at Competitive Bidding of Principal Amount of First Mortgage Bonds and Shares of Preferred Stock

JUNE 14, 1960.

Notice is hereby given that Gulf Power Company ("Gulf"), a public-utility subsidiary of The Southern Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Gulf proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $5,000,000 principal amount of First Mortgage Bonds, ____ percent Series due 1990. The interest rate (to be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to Gulf (to be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of September 1, 1941, between Gulf and The Chase Manhattan Bank and The Citizens & Peoples National Bank of Pensacola as Trustees, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated July 1, 1960.

Gulf also proposes to increase the number of shares of its authorized preferred stock from 51,026 to 101,026 shares; and to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, 50,000 shares of $100 par value per share cumulative preferred stock. The dividend rate (which shall be a multiple of 4 cents) and the price, exclusive of accrued dividends, to be paid to Gulf (which shall not be less than $100 per share, nor more than $102.75 per share), will be determined by the competitive bidding.

The fees and expenses to be incurred in connection with the proposed issuance and sale of the bonds and preferred stock are estimated as follows:

	Bonds	*Preferred stock*
Florida intangible personal property tax	$1,466	----
Federal original issue tax	5,500	$5,000
Filing fee—Securities and Exchange Commission	515	515
Charges of trustee (including counsel)	3,350	----
Charges of registrar	----	200
Cost of definitive bonds and stock certificates	1,950	650
Printing and preparation of registration statement, prospectus, competitive bidding papers, supplemental indenture, etc	6,000	6,000
Recording supplemental indenture	500	----
Services of Southern Services, Inc	5,000	5,000
Fee of company counsel, Winthrop, Stimson, Putnam & Roberts	5,000	5,000
Fees of accountants, Arthur Andersen & Co	4,000	3,500
Miscellaneous	2,000	2,000
Total	35,281	27,865

The proceeds from the sale of bonds and preferred stock are to be applied toward the construction or acquisition of permanent improvements, extensions and additions to Gulf's utility plant and to the payment of short-term bank loans incurred for such purposes. It is stated in the filing that Gulf's total expenditures for property additions in 1960 are estimated at $17,113,931 and that, except for additional short-term bank loans of $500,000 toward the end of 1960, it will not be necessary for Gulf to issue and sell additional securities in 1960 to finance its construction program.

The fees of Reid & Priest, counsel for the purchasers of the bonds and preferred stock are estimated at $3,000 in connection with the sale of the bonds and $3,000 in connection with the sale of the preferred stock and will be paid by the underwriters.

Gulf has applied to the Florida Railroad and Public Utilities Commission for approval of the proposed transactions and a copy of the order entered in respect thereof is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 28, 1960, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may exempt such transactions as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5676; Filed, June 20, 1960; 8:49 a.m.]

[File No. 70-3809]

COLUMBIA GAS SYSTEM, INC., ET AL.

Notice of Proposed Intrasystem Issuances, Sales and Acquisitions of Securities, and Sale and Acquisition of Properties; Sale by Registered Holding Company of Utility Assets to a Non-Affiliate

JUNE 14, 1960.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company and two of its subsidiaries, Atlantic Seaboard Corporation ("Seaboard") and Cumberland and Allegheny Gas Company ("Cumberland"), and Consolidated Natural Gas Company ("Consolidated"), a non-affiliated registered holding company, have filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, 12 (d) and (f) of the Act and Rules 43 and 44 thereunder as applicable to the proposed transactions. All interested persons are referred to said joint application-declaration, as amended, on file in the office of the Commission for a statement of the proposals which are summarized below:

Seaboard, a wholly-owned non-utility pipeline subsidiary of Columbia, is engaged in the purchase, storage, transmission and sale, at wholesale only, of natural gas to affiliated and non-affiliated companies. In furtherance of this business Seaboard has entered into agreements, with Cumberland, an affiliated gas utility company, and with Hope Natural Gas Company ("Hope"), a non-affiliated gas utility subsidiary of Consolidated, for the purchase of certain oil and gas leases and leasehold rights, gas wells, pipelines, well equipment, rights-of-way, meters, and other property and facilities, located in the Terra Alta field in Portland and Union Districts of Preston County, West Virginia. Such rights, facilities and properties are to be utilized by Seaboard in connection with the activation and operation of an additional underground storage pool estimated to have an ultimate maximum reservoir capacity of 45,800,000 mcf of natural gas. The initial activation of the storage project is scheduled for 1960–1961 but the development of its maximum capacity is expected to extend over a period of about four years and involve aggregate expenditures of about $25,000,000. Among the asserted benefits of the project are that it will (1) improve the load factor at which Seaboard will be able to purchase gas from its principal supplier, United Fuel Gas Company ("United"), an affiliate in the Columbia System, and thus enable Seaboard to obtain gas from United at a lower average rate to the benefit of its wholesale customers, including Cumberland (2) allow Seaboard to economically offset a continuing deterioration in the load factor of its sales (3) remove or reduce the requirement that United provide additional facilities and obtain uneconomical peaking gas from its suppliers to meet Seaboard's peak requirements and (4) permit United to use its facilities and gas supply more efficiently during the entire year in meeting the requirements of its customers.

To effectuate the purchase of the properties of Cumberland, which at July 31, 1957 had a depreciated original cost of $3,429,619, Seaboard proposes to issue and sell, and Cumberland proposes to acquire, not in excess of $3,429,000 face amount of Installment Promissory Notes, the balance of $619 to be paid in cash. Thereupon Cumberland proposes to sell, and Columbia proposes to acquire, the notes of Seaboard in prepayment of an equal face amount of Cumberland's Installment Promissory Notes owing to Columbia. The proposed notes of Seaboard are to be dated as of the date of issue and, to the extent practicable, are to have the same terms and bear the same interest rate as the notes of Cumberland which are to be prepaid.

To effectuate the purchase of the properties of Hope, referred to above, Seaboard proposes to pay, and Hope has agreed to accept, a cash consideration of $2,640,000, which is equivalent to the depreciated original cost as of May 31, 1957, of the properties being acquired ($388,094) plus the estimated value of the gas reserves underlying certain of the properties being acquired ($2,251,906). Adjustments to the date of closing will be made to reflect changes in book costs of the properties being acquired from both companies.

To finance the purchase from Hope and to obtain funds to defray a major portion of the cost of activating the Terra Alta storage project during 1960, estimated at $11,579,400, Seaboard proposes to issue and sell, and Columbia proposes to acquire, $10,540,000 face amount of unsecured long-term Installment Notes. Such notes are to be dated as of the date of their issuance, are to mature in twenty-five installments and are to bear interest at the rate of 5.4 percent which is approximately the actual cost of money to Columbia on its last sale of Debentures on October 8, 1959.

The estimated fees and expenses to be incurred in connection with the proposed transactions by the Columbia system companies aggregate $4,600 and have been allocated as follows: Columbia $250, Cumberland $250, and Seaboard $4,100. Consolidated and Hope do not expect to incur or pay any material fees or expenses.

The proposed sale of properties by Cumberland and by Hope have been authorized by the Public Service Commission of West Virginia, in which State both companies are organized and doing business. The Federal Power Commission has authorized Seaboard to acquire, construct and operate facilities for the activation of the Terra Alta storage project, upon the condition that consummation of the proposed acquisition and commencement of construction occur on or before July 1, 1960. It is represented that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 27, 1960, request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said joint application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, said amended joint application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5677; Filed, June 20, 1960; 8:49 a.m.]

[File No. 811-890]

RAMO INVESTMENT CO.

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

JUNE 14, 1960.

Notice is hereby given that Ramo Investment Company ("Ramo") has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order declaring that Ramo has ceased to be an investment company.

Ramo, a Delaware corporation, engaged in the baking business from its organization in 1925 until November 29, 1958 when it sold its assets. Following the sale of its assets, consideration was given by the applicant to engaging in business as an investment company within the meaning of section 3 of the Act. In June 1959, it was determined that consideration be given to investing a portion of the applicant's assets in securities other than government securities, and accordingly on June 25, 1959, Ramo registered under the Act as a closed-end management investment company. On July 23, 1959, Ramo purchased 100 shares of the common stock of Continental Baking Company at a cost of $4,993 and 500 shares of the preferred stock of Pacific Lighting at a cost of $44,000. These two investments, constitute the only non-government securities ever held by the applicant. As of August 31, 1959, applicant had total assets of $2,710,069 with an investment portfolio of government securities valued at $2,075,000. As a result of the loss incurred in the sale of its assets applicant claims to have a tax loss carryover of $1,938,000.

Section 3(a)(3) of the Act, in pertinent part, defines an investment company as any issuer which is engaged in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Investment securities include all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

The application states that Ramo's present portfolio of securities consists entirely of government securities. Therefore Ramo no longer comes within the provisions of section 3(a)(3) of the Act, since it does not have investment securities which represent 40 percent or more of its total assets.

The application states that pursuant to section 13(a)(4) of the Act, the holders of a majority of Ramo's outstanding voting securities voted on June 8, 1960 to approve the action of the officers of the company in filing an application on behalf of the company seeking termination of its registration under the Act.

It is represented that as a condition to the issuance of an order under section 8(f) declaring that it has ceased to be an investment company, Ramo will maintain an investment portfolio restricted to government securities until such time as its board of directors decides to enter some other field of business.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such an order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 24, 1960 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said appli-

cation shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5676; Filed, June 20, 1960; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

KURT O. W. WAHLE ET AL.

Supplemental Order Revoking Export Privileges

In the matter of application of the Director, Investigation Staff, Bureau of Foreign Commerce, for an Order Revoking the Probation Provision in Part IV of the Order of February 3, 1959 (24 F.R. 910, February 6, 1959) against Kurt O. W. Wahle Europaische Verkaufs GmbH (European Sales Company of American Market Stores) Frankfurt/Main-Westhafen, Germany, Respondents; Case No. 253.

The respondents, Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores), hereinafter referred to as Wahle, of Frankfurt/Main-Westhafen, West Germany, were denied all export privileges for so long as export controls shall remain in effect by order dated February 3, 1959, published in the FEDERAL REGISTER, volume 24, page 910, on February 6, 1959. However, Part IV of said order curtailed the denial of export privileges to nine (9) months from the date of the order, after which the export privileges of the respondents should be restored to them on condition that, during the nine months following the date of said order, the respondents should comply in all respects with said order, and thereafter with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder. Part V of said order further provided that the conditional restoration of export privileges may be revoked summarily and without notice upon finding by the Director of the Office of Export Supply that any such respondent has knowingly failed to comply with the aforesaid conditions, in which event the original denial order shall then be and become effective as to them.

The Director, Investigation Staff, Bureau of Foreign Commerce, has applied for a revocation of said conditional restoration of export privileges to, or probation of, the respondents, alleging that the respondents have breached said condition in the order by knowingly continuing to order commodities from the United States for export to Europe by and through another West German firm, during the nine months following the date of said order.

The case was referred to a Compliance Commissioner who held an informal hearing on this application. Respondents were not notified of this hearing or the application since notice was not required under the outstanding order.

The Compliance Commissioner who heard and considered the evidence and arguments in support of said revocation application, has transmitted to me his written report, including findings of fact, conclusion that respondents knowingly violated and failed to comply with the outstanding order, and recommendation that respondents' probation and conditional restoration of export privileges should be revoked and they should be denied all privileges of participating in U.S. exports so long as export controls remain in effect. With this report, he transmitted the record in this case.

After receiving and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. On February 3, 1959 an order was issued by the Director, Office of Export Supply, Bureau of Foreign Commerce (published in the FEDERAL REGISTER, volume 24, page 910, on February 6, 1959) against respondents Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores), containing, inter alia, the following provisions:

II(b). The respondents Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores) are hereby denied so long as export controls shall remain in effect, all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada.

II(c). Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation, to the extent specified, by any such respondent, directly or indirectly, in any manner or capacity, * * * (4) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (5) in financing, forwarding, transporting, or other servicing of such exports from the United States.

IV. Nine months after the date hereof, without further order of the Bureau of Foreign Commerce, Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores) shall have their export privileges restored to them conditionally, the condition for such restoration being that during the said nine months following the date hereof, the said respondents shall comply in all respects with this order, and thereafter they shall comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. The privileges so conditionally permitted to the respondents Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores) under Part IV hereof may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any respondent has knowingly failed to comply with the conditions applicable to him or it as set forth in Part IV hereof, in which event Part II hereof, insofar as it shall apply to such respondents, shall then be and become effective as to them, without thereby precluding the Bureau of Foreign Commerce from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, such respondents and related parties as are involved therein shall have a right to review thereof, as provided in the Export Regulations.

2. During March to October 1959, Wahle placed or caused to be placed orders with American firms for the purchase of commodities to be exported from the United States to Europe, by, through and in the name of a West German firm.

3. Said orders were placed and these dealings were conducted without disclosing, and in a manner designed to conceal, Wahle's knowledge thereof, and his involvement and participation therein.

4. During the nine months following February 3, 1959, Wahle sought and obtained bids and quotations from American firms on commodities for exportation from the United States to foreign destinations.

5. Wahle knew, or should have known, that the foregoing actions were contrary to and violated the terms, conditions and provisions of the order referred to in Finding 1.

6. Neither Wahle nor anyone on his behalf sought or received permission or authorization from the United States Department of Commerce for any of the foregoing actions.

From the foregoing, the following is my conclusion.

Respondents, Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores), while subject to denial of export privileges under order of February 3, 1959, knowingly violated and failed to comply with the terms, conditions and provisions thereof.

Now, having carefully reviewed and considered the above application of the Director of the Investigation Staff, the entire record including the evidence submitted in support thereof, and being satisfied that the recommendation of the Compliance Commissioner in this case is reasonable, fair and just, and that the following order is necessary to achieve effective enforcement of the Export Control Act of 1949, as amended, and regulations and orders pursuant thereto: *It is hereby ordered*

I. Part IV of denial order of February 3, 1959 against respondents, Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores), is hereby revoked.

II. All outstanding validated export licenses in which either of the respondents has any interest, direct or indirect, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

III. Henceforth and so long as export controls shall remain in effect, the respondents, Kurt O. W. Wahle and Europaische Verkaufs G.m.b.H. (European Sales Company of American Market Stores), their successors or assigns, officers, partners, representatives, agents and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by them or any of them, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

IV. This denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, partnership or business organization with which any of them may be now or hereafter related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

V. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of this order, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of Foreign Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. In accordance with § 382.16 the respondents shall have the right, at any time, to object to this order, request that it be set aside, and request that a hearing be held thereon.

Dated: June 13, 1960.

FRANK W. SHEAFFER, *Acting Director, Office of Export Supply.*

[F.R. Doc. 60-5679; Filed, June 20, 1960; 8:50 a.m.]

Federal Maritime Board

[Docket No. S-73 (Sub. No. 2)]

WATERMAN STEAMSHIP CORP.

Notice of Hearing

Notice is hereby given that a public hearing will be held on an application filed by Waterman Steamship Corporation for a waiver, to the extent required by the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit the continuance of the below-described foreign-flag activities, by wholly-owned subsidiaries, in the event the Federal Maritime Board awards an operating-differential subsidy to Waterman Steamship Corporation under section 601 of said Act:

(1) *By Waterman Steamship Corporation of Puerto Rico.* Performance of general agency services in Puerto Rico for Hamburg-Amerika Linie, a German-flag line between Continental Europe and Puerto Rico and other island and Central American ports in the Caribbean.

(2) *By Waterman Lines (Antwerp) S.A., a Belgium Corporation.* Performance of husbandry services at Antwerp, Belgium for British-flag tramp vessels operated by Moor Line Ltd., and for chartered British-flag vessels operated by Geo. H. Scales, Ltd., carrying wool, and occasionally zinc concentrates from New Zealand to ports in the U.K./Dunkirk/Bremen range.

(3) *By Waterman Lijnen (Rotterdam) N.V., a Netherlands Corporation.* Performance of agency services in connection with the transshipment at Antwerp, for Rotterdam, of cargoes carried on vessels described in (2) above.

The purposes of the hearing is to receive evidence relevant to, and whether and to what extent, the provisions of Section 804 apply to the above-described activities and if so, whether special circumstances and good cause exist so as to justify a waiver of the provisions of this section.

A hearing in the matter will be held before Examiner Edward C. Johnson on July 6, 1960, at 10 a.m., e.d.t., Room 4519, New General Accounting Office Building, 441 G Street NW., Washington, D.C., and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding, must file notification thereof with the Secretary, Federal Maritime Board, Washington 25, D.C., in writing in triplicate by the close of business on June 29, 1960.

Dated: June 15, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 60-5673; Filed, June 20, 1960; 8:48 a.m.]

Office of the Secretary

EDMUND W. DUGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950 as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of June 1, 1960.

EDMUND W. DUGAN.

JUNE 13, 1960.

[F.R. Doc. 60-5647; Filed, June 20, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATION OF AUTHORITY

Amendments Affecting Food and Drug Administration

Part 10 of the Department of Health, Education, and Welfare Statement of Organization and Delegation of Authority (22 F.R. 1051; 24 F.R. 9500) is hereby amended in the following respects:

a. Sec. 10.20(a) is amended to read as follows:

(a) Except as provided in § 2.50, but without regard to § 2.50(a)(3) thereof, the Commissioner of Food and Drugs shall exercise the:

b. Section 10.30 is deleted.

Dated: June 15, 1960.

[SEAL] ARTHUR S. FLEMMING, *Secretary.*

[F.R. Doc. 60-5672; Filed, June 20, 1960; 8:47 a.m.]

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- 5 — 5285
- 17 — 5376

39 CFR

- 4 — 4991
- 36 — 4991
- 46 — 5184
- 61 — 4991
- 63 — 4991
- 168 — 5184

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- 43 — 4994

41 CFR

- 1–1 — 5223
- 1–2 — 5224
- 1–3 — 5224
- 2–60 — 5151
- 5–1 — 5571
- 5–2 — 5573
- 5–3 — 5574
- 5–12 — 5575
- 5–50 — 5576
- 5–51 — 5576

42 CFR

- 21 — 5184
- 71 — 4960

PROPOSED RULE::
- 36 — 5589

43 CFR

- 147 — 5577
- 160 — 5084
- 161 — 5084, 5085
- 192 — 4808

PROPOSED RULES:
- 146 — 5396

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- 2048 — 4813
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- 2102 — 4811
- 2103 — 4811
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- 2125 — 5487
- 2126 — 5577
- 2127 — 5577

45 CFR

- 300—350 — 5285

46 CFR

- 146 — 5236
- 160 — 5302
- 355 — 5293

47 CFR

- 1 — 5086, 5152, 5395
- 2 — 4910
- 4 — 5086, 5395, 5578
- 21 — 4910
- 31 — 4910
- 63 — 4992

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- 7 — 5000
- 8 — 5000
- 17 — 5246
- 18 — 5401
- 21 — 4922

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- 142 — 4911
- 181 — 4866
- 182 — 4866
- 192 — 4961
- 193 — 4961

PROPOSED RULES:
- 136 — 5246

50 CFR

- 6 — 5340

PROPOSED RULES:
- 130 — 5153

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PART II

FEDERAL REGISTER

VOLUME 25 NUMBER 120

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Uniform System of Accounts for Natural Gas Companies

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

SUBCHAPTER F—ACCOUNTS, NATURAL GAS ACT

[Order No. 219; Docket No. R-174]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

This Commission has had under consideration in this proceeding the revision of its Uniform System of Accounts Prescribed for Class A and Class B Natural Gas Companies, Part 201, Chapter I, Title 18, Code of Federal Regulations (CFR). That System of Accounts, as revised, is prescribed hereinafter to become effective January 1, 1961.

Part 201, §§ 201.01–1—201.906, corresponds to, and appears at pp. 3–159 of the Commission's pamphlet publication of its Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, effective January 1, 1940, revised to January 1, 1954,[1] as amended by Order No. 203 issued May 29, 1958 (23 F.R. 4164, June 12, 1958). The System of Accounts, as revised and prescribed hereinafter, follows the numbering system (accounts, instructions, definitions, etc.) used in the Commission's pamphlet edition referred to above.

Important developments in the natural gas industry since the adoption of the Uniform System of Accounts effective January 1, 1940, and the Commission's experience over the intervening 20 years, indicated the need for a revision of the System of Accounts. Accordingly, this proceeding was commenced by Notice of Proposed Rulemaking served upon interested parties, including State and Federal regulatory agencies, and by publication in the FEDERAL REGISTER on May 30, 1959 (24 F.R. 4391). Copies of a proposed revised System of Accounts were served and published as a part of that general notice, and an Amended Notice of Proposed Rulemaking was issued on June 23, 1959 (24 F.R. 5312, June 30, 1959).

Generally speaking, the revisions of the Commission's System of Accounts, as then proposed, are prescribed hereinafter as a part of the Commission's System of Accounts to become effective January 1, 1961. Additional revisions and modifications of those previously proposed, are detailed hereinafter.

Overall, the more significant changes and improvements to be found in the revised System of Accounts prescribed herein are as follows:

(a) Redefinition of the size classification of natural gas companies to permit more simplified accounting requirements for smaller companies;

(b) Provisions of certain needed new accounts; i.e., inclusion in transmission function of plant and expense accounts for transmission communications facilities; addition to products extraction function of account for gas processed by others; inclusion in other gas supply expenses of account for exchange gas; addition to storage expenses of accounts for purification expenses, gas losses and exploration and development expense; inclusion of accounts for load dispatching in the transmission and distribution functions; supplanting plant and expense accounts for city gate and main line measuring stations by new provisions permitting alternative use of transmission or distribution functional classifications in appropriate circumstances; relocation of inventory account for noncurrent gas in storage from detailed plant classifications to separate account in balance sheet plant section;

(c) Rearrangement of certain accounts, inclusion of items lists and improvement of account texts;

(d) Rearrangement of balance sheet and certain other accounts to make them more informative;

(e) Reduction in number of expense account classifications, mainly but not entirely, by the discontinuance of segregations of numerous functional accounts as to labor and other expenses;

(f) Expansion of items lists of account texts and clearer description of such items according to their functional nature, to facilitate use and consistency of respective account classifications;

(g) Restatements of the accounting aspects of certain accounting interpretations issued in the past;

(h) Condensation of plant and expense classifications for manufactured gas operations;

(i) Rearrangement and improvement in accounts for inventories of natural gas in storage.

None of these changes affect, adversely, the basic principles, generally, of the Commission's existing System of Accounts. They remain undisturbed.

In recommending the form of revised System of Accounts accompanying the Notice of Proposed Rulemaking in this proceeding, the staff of the Commission correlated its activities with the activities of the National Association of Railroad and Utility Commissioners (NARUC) which has recently prepared a revised form of the NARUC's Uniform System of Accounts for Class A and Class B Gas Utilities. This was done to promote continued consistency and uniformity of approach to the common problems with which the two accounting systems are concerned; and to assure a minimum amount of deviation where the two accounting systems do differ. The staff's activities in this regard were undertaken mainly with the Committee on Statistics and Accounts of the NARUC.

Subsequent to the general public notice of proposed rulemaking in this proceeding on May 30, 1959 [2] comments and suggestions were filed by the following respondents:

State Public Service Commission (Missouri)	1
Natural Gas Companies	19
Public Accounting Firms	2
Legal Firm	1
Total	23

These comments, criticisms, and suggestions covered a wide spectrum. Some respondents objected to any general revision of the effective System of Accounts as unnecessary, expensive, and time-consuming. Also, issue was taken with some definitions of basic terms. Other respondents urged basic changes in the accounting requirements for income taxes and other matters contrary to settled Commission policy and decisions. Objections were made to the specificity of the records requirements for depreciation and certain other accounts. Some respondents further suggested that this Commission completely abandon its cost accounting policies in favor of a fair value concept of depreciation.

In reviewing all of the responses, the staff of this Commission again correlated its activities with those of the NARUC Committee on Statistics and Accounts at a conference held December 8, 9, and 10, 1959. Thereafter, the staff presented its recommendations in this matter to the Commission. The staff recommends Commission adoption of the revised System of Accounts as proposed in the Notice of Proposed Rulemaking initiating this proceeding as amended by the Amended Notice of Proposed Rulemaking issued June 23, 1959 (24 F.R. 5312, June 30, 1959), with the following further revisions or modifications (page citations are to Volume 24 of the FEDERAL REGISTER, issue of May 30, 1959):

Page 4393: *Definition 25, "Retirement Units":* Change word "utility" in the next to last line of text to "gas"

Page 4393: *General Instruction 3, Numbering System:* Delete present paragraph C. Substitute the following revision:

C. The numbers prefixed to account titles are to be considered as part of the titles. Each utility, however, may adopt for its own purposes a different system of account numbers (see also General Instruction 2D) provided that the numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and in the various sources of original entry; however, if a utility uses a different group of account numbers and it is not practicable to show the prescribed account numbers in the various sources of original entry, such reference to the prescribed account numbers may be omitted from the various sources of original entry. Moreover, each utility using different account numbers for its own purposes shall keep readily available a list of such account numbers which it uses and a reconciliation of such account numbers with the account numbers provided herein. It is intended that the utility's records shall be so kept as to permit ready analysis by prescribed accounts (by direct reference to sources of original entry to the extent practicable) and to permit preparation of financial and operating statements directly from such records at the end of each accounting period according to the prescribed accounts.

Pages 4394–4395: *Gas Plant Instruction 1, Classification of Gas Plant at Effective Date of System of Accounts:* In paragraph C, third sentence, add word "if" after phrase "contributions in aid of construction". Sentence will then read "• • • provisions for depreciation and amortization and contributions in aid of construction if recorded by the accounting utility • • •."

Page 4396: *Gas Plant Instruction 5. Gas Plant Purchased or Sold:* Delete present paragraph B(4). Substitute the following revision:

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Gas Plant Purchased or Sold, and concurrently credited to account 271, Contributions in Aid of Construction, unless otherwise authorized by the Commission.

Page 4398: *Gas Plant Instruction 9. Equipment:* Paragraph B, fourth line, change ($50 or less) to read "(for example, $50 or less)".

Page 4399: *Gas Plant Instruction 11. Work Order and Property Record System Required:* Change paragraph C to read:

C. Each utility shall maintain records in which, for each plant account, the amounts of the annual additions and retirements, subsequent to the effective date of this system of accounts, are classified so as to show the number and cost of the various record units or retirement units.

Page 4400: *Operating Expense Instruction 3. Rents:* Delete the Note following paragraph D.

Page 4401: *Balance Sheet Accounts:* Change title of *Account 151* to *"Fuel Stock"*.

Change title of *Account 152* to *"Fuel Stock Expenses Undistributed"*.

Change title of *Account 163* to *"Stores Expense Undistributed"*.

Change title of *Account 173* to *"Accrued Utility Revenues"*.

Change title of reference *11* to *"Accumulated Deferred Income Taxes"*.

Change title of *Account 281* to *"Accumulated Deferred Income Taxes—Accelerated Amortization"*.

Change title of *Account 282* to *"Accumulated Deferred Income Taxes—Liberalized Depreciation"*.

Change title of *Account 283* to *"Accumulated Deferred Income Taxes—Other."*

Page 4402: *Account 108, Accumulated Provisions for Depreciation of Gas Plant in Service:* Delete the following in paragraph A(1): "or account 915, Cost and Expenses of Merchandising, Jobbing, and Contract Work,".

Pages 4403–4404: *Account 117, Gas Stored Underground-Noncurrent:* At the end of the text material of Account 117 add the following note: "NOTE: If with respect to any storage reservoir, the utility determines that a portion of the stored gas included in this account will not eventually be fully recovered, it may submit for consideration of the Commission, a plan to create a reserve to provide for such anticipated gas losses."

Page 4404: *Account 124, Other Investments:* Change reference sentence at end of paragraph B to read: "(see also account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, and account 217, Reacquired Capital Stock)".

Page 4405: *Account 142, Customer Accounts Receivable:* Change paragraph B to read, "This account shall be maintained so as to permit ready segregation of the amounts due for merchandising, jobbing, and contract work."

Page 4406: *Account 151, Fuel:* Change title of *Account 151* to *"Fuel Stock."*

Page 4406: *Account 152, Fuel Stock Expenses:* Change title of *Account 152* to *"Fuel Stock Expenses Undistributed."*

Page 4406: *Account 154, Plant Materials and Operating Supplies:* Change first sentence of paragraph A to read: "A. This account shall include the cost of materials purchased primarily for use in the utility business for construction, operation and maintenance purposes."

Page 4406: *Account 154, Plant Materials and Operating Supplies:* Change title reference in last line of note to "account 163, Stores Expense Undistributed."

Page 4406: *Account 163, Stores Expense:* Change title of *Account 163* to *"Stores Expense Undistributed"*. Change reference to Account 152 in last line of paragraph B to "account 152, Fuel Stock Expenses Undistributed."

Page 4407: *Account 181, Unamortized Debt Discount and Expense:* In paragraph E, twelfth line, place a period after the word "redemption" and delete the following: "after reducing the aggregate of such amounts by an amount equal to the saving in income taxes from the refunding transactions, as to which a special charge of similar amount shall be entered in account 428, Amortization of Debt Discount and Expense."

Page 4409: *Account 213, Discount on Capital Stock; Account 214, Capital Stock Expense:* In paragraph B, line 10 of the above accounts, place a period after "account 210" and delete the following: ", and provided, further, that in no event shall debits in excess of accumulated credits from the retirement of stock be charged to account 210."

Page 4409: *Account 217, Reacquired Capital Stock:* In paragraph B, line 15, of the above account, place a period after "account 210" and delete the following: ", and provided, further, that in no event shall debits in excess of accumulated credits from the retirement of stock be charged to account 210."

Page 4411: *Account 281, Accumulated Deferred Taxes on Income—Accelerated Amortization:* Change title of *Account 281* to *"Accumulated Deferred Income Taxes—Accelerated Amortization"* and change first sentence of paragraph A to read: "A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be • • •".

Change first sentence of paragraph B to read: "B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be • • •".

Change fourth and third lines from end of paragraph E to read: "• • • account 411, Income Taxes Deferred in Prior Years—Credit • • •."

Page 4411: *Account 282, Accumulated Deferred Taxes on Income—Liberalized Depreciation:* Change title of *Account 282* to *"Accumulated Deferred Income Taxes—Liberalized Depreciation"* and change first sentence of paragraph A to read: "A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be • • •"

Change first sentence of paragraph B to read: "B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be • • •"

Change fourth and third lines from end of paragraph E to read: "• • • account 411, Income Taxes Deferred in Prior Years—Credit • • •".

Pages 4411–4412: *Account 283, Accumulated Deferred Taxes on Income—Other:* Change title of *Account 283* to *"Accumulated Deferred Income Taxes—Other."*

Change fourth and fifth lines of paragraph A to read: "• • • and account 410, Provision for Deferred Income Taxes • • •".

Change third and fourth lines of paragraph B to read: "• • • debited and account 411, Income Taxes Deferred in Prior Years—Credit".

Change fourth and third lines from end of paragraph D to read: "• • • Income Taxes Deferred in Prior Years—Credit • • •".

Page 4419: *Account 376, Mains:* Change item 23 of Account 376 to read: "Valves not associated with pumping or regulating equipment."

Page 4421: *Income Accounts:* Change title of *Account 410* to: *"Provision for Deferred Income Taxes."*

Change title of *Account 411* to: *"Income Taxes Deferred in Prior Years—Credit."*

Page 4423: *Account 410, Provision for Deferred Taxes on Income:* Change title of Account to *"Provision for Deferred Income Taxes."*

Change reference to Account 411 in third to last line of text of account to read: "account 411, Income Taxes Deferred in Prior Years—Credit."

Page 4423: *Account 411, Taxes on Income Deferred in Prior Years—Credit:* Change title of *Account 411* to *"Income Taxes Deferred in Prior Years—Credit."*

Change reference to Account 410 in last line of text of account to read: "Provision for Deferred Income Taxes."

Page 4424: Following the text of *Account 426, Other Income Deductions* add the following note: "NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude

[1] The Uniform System of Accounts effective January 1, 1940 was prescribed by Commission Order No. 69 dated November 3, 1939 (4 F.R. 4764, December 5, 1939); and was contained in the codification and reissuance of the Commission's general rules promulgated by Commission Order No. 141, December 11, 1947, effective January 1, 1948 (12 F.R. 8461).

[2] All parties were given to and including July 1, 1959, later extended to and including September 30, 1959 (24 F.R. 5312, June 30, 1959), to submit data, views, and comments in writing concerning the aforesaid proposed revision in the Commission's then effective Uniform System of Accounts.

Commission consideration of proof to the contrary for ratemaking or other purposes."

Page 4424: *Account 434, Miscellaneous Credits to Surplus:* After the first full sentence of Account 434, add the following sentence: "If an amount otherwise required by the Uniform System of Accounts to be credited to this account is not significant with respect to net income determination for the year, it may be credited to the appropriate nonoperating income account. (See also General Instruction 7, Delayed Items.)".

Page 4424: *Account 435, Miscellaneous Debits to Surplus:* After the first full sentence of Account 435, add the following sentence: "If an amount otherwise required by the Uniform System of Accounts to be charged to this account is not significant with respect to income determination for the year, it may be charged to the appropriate nonoperating income deduction account. (See also General Instruction 7, Delayed Items.)".

Page 4425: *Account 483, Sales for Resale:* Add the following note after paragraph B: "Note: Revenues from gas supplied to other public utilities for use by them and not for distribution, shall be included in account 481, Commercial and Industrial Sales, unless supplied under the same contract as and not readily separable from revenues includible in this account".

Page 4427: *Account 702, Boiler Fuel;* Page 4429: *Account 720, Producer Gas Fuel;* Page 4429: *Account 721, Water Gas Generator Fuel;* Page 4429: *Account 725, Coal Carbonized in Coke Ovens;* Page 4429; *Account 726, Oil for Water Gas;* Page 4429: *Account 727, Oil for Oil Gas;* Page 4429: *Account 728, Liquefied Petroleum Gas;* Page 4429: *Account 729, Raw Materials for Other Gas Processes;* Page 4431: *Account 755, Field Compressor Station Fuel and Power;* Page 4435: *Account 819, Compressor Station Fuel and Power;* Page 4436: *Account 855, Other Fuel and Power for Compressor Stations;* Page 4439: *Account 873, Compressor Station Fuel and Power:* At the end of paragraph B of the above accounts, add the following sentence: "Respective amounts of fuel stock and fuel stock expenses shall be readily available."

Starting with the fourth line of the note, included in the text of the above accounts, change the reference to Account 151, Fuel, to "account 151, Fuel Stock" and the reference to account 152, Fuel Stock Expenses to "account 152, Fuel Stock Expenses Undistributed."

Page 4434: *Account 800, Natural Gas Well Head Purchases; Account 801, Natural Gas Field Line Purchases:* After paragraph B of the above accounts, add the following note:

Note: If gas purchases are made under one contract covering both well head and field line purchases and such amounts are not readily separable, the utility may classify such purchases according to predominant source or according to a reasonable estimate.

Page 4434: *Account 807, Purchased Gas Expenses:* In paragraph D of Account 807, delete the sub-accounts as shown and substitute the following revisions:

807.1 Wells expenses—purchased gas.
807.2 Operation of purchased gas measuring stations.
807.3 Maintenance of purchased gas measuring stations.
807.4 Purchased gas calculations expenses.
807.5 Other purchased gas expenses.

Page 4437: *Account 854, Gas for Compressor Station Fuel:* In the third line of paragraph B, delete the following phrase: "the average Btu content".

Page 4431: *Account 755, Field Compressor Station Fuel and Power;* Page 4435: *Account 819, Compressor Station Fuel and Power;* Page 4438: *Account 855, Other Fuel and Power for Compressor Stations;* Page 4439: *Account 873, Compressor Station Fuel and Power:* In the fourth and fifth lines of paragraph B of the above accounts, delete the following phrase: "the average Btu content per fuel unit".

Page 4442: *Account 913, Advertising Expense:* Change the last three lines of note B to read: "accounts 416 or 915, as appropriate, on the basis of space, time or other proportional factors."

Page 4443: *Account 924, Property Insurance:* In note B(1) change reference to Account 163 to: "account 163, Stores Expense Undistributed".

The Commission recognizes that some burden and expense will have to be borne by the accounting and reporting parties affected in connection with the transition from the present to the revised System of Accounts. However, the Commission is of the opinion that the physical burden and monetary cost of the changeover is of minor importance when viewed in relation to the immediate and future benefits to be derived from the revised System of Accounts, as prescribed herein.

For the convenience of all parties concerned, attached Appendix A set forth below correlates the account titles of the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, effective January 1, 1940 with the revised System of Accounts prescribed herein effective January 1, 1961. Being a schematic presentation only, and of a very general nature, nothing contained therein shall be construed as in any way modifying the general or specific account titles, texts, and instructions of either of the Systems of Accounts.

Also, it should be noted that for the period of time required for the preparation and publication of the revised System of Accounts prescribed herein in pamphlet form, the revised System of Accounts (18 CFR §§ 201.01–1—201.906) will be available in the printed form set forth below as Appendix B.

The Commission finds:

(1) In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of the Natural Gas Act that the proposed revised System of Accounts as set forth in the Notice of Proposed Rulemaking (24 F.R. 4391–4445), as amended by the Amended Notice of Proposed Rulemaking (24 F.R. 5312), and as modified by the changes set forth above, be adopted and promulgated as this Commission's revised Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, effective January 1, 1961, all in the manner as hereinafter provided.

(2) Good cause exists for the adoption of the revised System of Accounts set forth herein to be effective as of January 1, 1961.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 8(a), 10, and 16 (15 U.S.C. 717g, 717i, and 717o), orders:

(A) Effective January 1, 1961, §§ 201.01–1 through 201.906, Part 201 of Subchapter F—Accounts, Natural Gas Act (18 CFR 201.01–1 through 201.906) are amended to read as provided by Appendix B set forth below.

(B) Effective January 1, 1961, all Class A and Class B Natural Gas Companies under the Natural Gas Act shall keep their accounts in the manner set forth in the revised System of Accounts appearing in Appendix B annexed hereto.

(C) The Secretary of the Commission shall cause prompt publication of this order.

Issued: June 21, 1960.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS			BALANCE SHEET ACCOUNTS
ASSETS AND OTHER DEBITS			ASSETS AND OTHER DEBITS
1. Utility Plant			*1. Utility Plant*
Gas plant in service	100. 1	101	Gas plant in service.
Gas plant leased to others	100. 2	104	Gas plant leased to others.
Construction work in progress	100. 3	106	Completed construction not classified—gas.
		107	Construction work in progress—gas.
Gas plant held for future use	100. 4	105	Gas plant held for future use.
Gas plant acquisition adjustments	100. 5	114	Gas plant acquisition adjustments.
Gas plant in process of reclassification	100. 6	103	Gas plant in process of reclassification.
Gas plant adjustments	107	116	Other gas plant adjustments.
Other utility plant	108	118	Other utility plant.
2. Investment and Fund Accounts			*2. Other Property and Investment*
Other physical property	110	121	Nonutility property.
Investment in securities of associated companies	111. 1	123	Investment in associated companies.
Advances to associated companies	111. 2		
Other investments	112	124	Other investments.
Sinking funds	113	125	Sinking funds.
Depreciation fund	114. 1	126	Depreciation fund.
Other special funds	114. 2	128	Other special funds.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS			BALANCE SHEET ACCOUNTS
ASSETS AND OTHER DEBITS			ASSETS AND OTHER DEBITS
1. Utility Plant			*1. Utility Plant*
Gas plant:			
Gas plant in service	101	100. 1	Gas plant in service.
Gas plant purchased or sold	102	391	Gas plant purchased.
		392	Gas plant sold.
Gas plant in process of reclassification	103	100. 6	Gas plant in process of reclassification.
Gas plant leased to others	104	100. 2	Gas plant leased to others.
Gas plant held for future use	105	100. 4	Gas plant held for future use.
Completed construction not classified—gas	106	100. 3	Construction work in progress.
Construction work in progress—gas	107		
Accumulated provision for depreciation and amortization:			
Accumulated provision for depreciation of gas plant in service	108	250. 11	Reserve for depreciation of gas plant in service.
Accumulated provision for depreciation of gas plant leased to others	109	250. 12	Reserve for depreciation of gas plant leased to others.
Accumulated provision for depreciation of gas plant held for future use	110	250. 13	Reserve for depreciation of gas plant held for future use.
Accumulated provision for amortization and depletion of producing natural gas lands and land rights	111. 1	250. 21	Reserve for amortization and depletion of producing natural gas land and land rights—gas plant in service.
Accumulated provision for amortization of underground storage land and land rights	111. 2	-------	(New account).
Accumulated provision for amortization of other gas plant in service	111. 3	251. 1	Reserve for amortization of other limited term gas investment—gas plant in service.
		250. 22	Reserve for amortization and depletion of producing natural gas land and land rights—utility plant leased to others.
Accumulated provision for amortization and depletion of gas plant leased to others	112	251. 2	Reserve for amortization of other limited term gas investment—gas plant leased to others.
Accumulated provision for abandonment of leases	113. 1	250. 3	Reserve for abandoned leases.
Accumulated provision for amortization of other gas plant held for future use	113. 2	251. 3	Reserve for amortization of other limited term gas investments—gas plant held for future use.
Gas plant acquisition adjustments	114	100. 5	Gas plant acquisition adjustments.
Accumulated provision for amortization of gas plant acquisition adjustments	115	252	Reserve for amortization of gas plant acquisition adjustments.
Other gas plant adjustments	116	107	Gas plant adjustments.
Gas stored underground—noncurrent	117	344	Gas in underground storage—noncurrent.
Other utility plant	118	108	Other utility plant.
Accumulated provision for depreciation and amortization of other utility plant	119	253	Reserve for depreciation and amortization of other property.
2. Other Property and Investments			*2. Investment and Fund Accounts*
Nonutility property	121	110	Other physical property.
Accumulated provision for depreciation and amortization of nonutility property	122	253	Reserve for depreciation and amortization of other property.
Investment in associated companies	123	111. 1	Investment in securities of associated companies.
		111. 2	Advances to associated companies.
Other investments	124	112	Other investments.
Sinking funds	125	113	Sinking funds.
Depreciation fund	126	114. 1	Depreciation fund.
Other special funds	128	114. 2	Other special funds.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
ASSETS AND OTHER DEBITS—continued			ASSETS AND OTHER DEBITS—continued
3. Current and Accrued Assets			*3. Current and Accrued Assets*
Cash	120	131	Cash.
Interest special deposits	121.1	132	Interest special deposits.
Dividend special deposits	121.2	133	Dividend special deposits.
Miscellaneous special deposits	121.3	134	Other special deposits.
Working funds	122	135	Working funds.
Temporary cash investments	123	136	Temporary cash investments.
Notes receivable	124	141	Notes receivable.
Accounts receivable—customers	125.1	142	Customer accounts receivable.
Other accounts receivable	125.2	143	Other accounts receivable.
Notes receivable from associated companies	126.1	145	Notes receivable from associated companies.
Accounts receivable from associated companies	126.2	146	Accounts receivable from associated companies.
Subscriptions to capital stock	127	----	(Eliminated—charges to be made to account 143).
Interest and dividends receivable	128	171	Interest and dividends receivable.
Rents receivable	129	172	Rents receivable.
Accrued utility revenues	130	173	Accrued utility revenues.
Materials and supplies—gas	131.1	151	Fuel stock.
		152	Fuel stock expenses undistributed.
		153	Residuals and extracted products.
		154	Plant materials and operating supplies.
Materials and supplies—other	131.2	155	Merchandise.
		156	Other material and supplies.
Prepayments	132	165	Prepayments.
Other current and accrued assets	133	174	Miscellaneous current and accrued assets.
Gas stored underground	134	164	Gas stored underground—current.
4. Deferred Debits			*4. Deferred Debits*
Unamortized debt discount and expense	140	181	Unamortized debt discount and expense.
Extraordinary property losses	141	182	Extraordinary property losses.
Preliminary natural gas survey and investigation charges.	142.1	183.1	Preliminary natural gas survey and investigation charges.
Other preliminary survey and investigation charges.	142.2	183.2	Other preliminary survey and investigation charges.
Clearing accounts	143	184	Clearing accounts.
Retirement work in progress	144	----	(Eliminated—charges to be made to account 108).
Other work-in-progress	145	----	(Eliminated—charges to be made to account 186).
Other deferred debits	146	186	Miscellaneous deferred debits.
5. Capital Stock Discount and Expense			
Discount on capital stock	150	213	Discount on capital stock.
Capital stock expense	151	214	Capital stock expense.
6. Reacquired Securities			
Reacquired capital stock	152	217	Reacquired capital stock.
Reacquired long-term debt	153	222	Reacquired bonds.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
ASSETS AND OTHER DEBITS—continued			ASSETS AND OTHER DEBITS—continued
3. Current and Accrued Assets			*3. Current and Accrued Assets*
Cash	131	120	Cash.
Interest special deposits	132	121.1	Interest special deposits.
Dividend special deposits	133	121.2	Dividend special deposits.
Other special deposits	134	121.3	Miscellaneous special deposits.
Working funds	135	122	Working funds.
Temporary cash investments	136	123	Temporary cash investments.
Notes receivable	141	124	Notes receivable.
		221	Notes receivable discounted.
Customer accounts receivable	142	125.1	Accounts receivable—customer.
Other accounts receivable	143	125.2	Other accounts receivable.
		127	Subscriptions to capital stock.
Accumulated provision for uncollectible accounts—credit.	144	254	Reserve for uncollectible accounts.
Notes receivable from associated companies	145	126.1	Notes receivable from associated companies.
Accounts receivable from associated companies	146	126.2	Accounts receivable from associated companies.
Fuel stock	151	131.1	Materials and supplies—gas.
Fuel stock expenses undistributed	152		
Residuals and extracted products	153		
Plant materials and operating supplies	154		
Merchandise	155	131.2	Materials and supplies—other.
Other materials and supplies	156		
Stores expense undistributed	163	902	Stores expense—clearing.
Gas stored underground—current	164	134	Gas stored underground.
Prepayments	165	132	Prepayments.
Interest and dividends receivable	171	128	Interest and dividends receivable.
Rents receivable	172	129	Rents receivable.
Accrued utility revenues	173	130	Accrued utility revenues.
Miscellaneous current and accrued assets	174	133	Other current and accrued assets.
4. Deferred Debits			*4. Deferred Debits*
Unamortized debt discount and expense	181	140	Unamortized debt discount and expense.
Extraordinary property losses	182	141	Extraordinary property losses.
Preliminary natural gas survey and investigation charges.	183.1	142.1	Preliminary natural gas survey and investigation charges.
Other preliminary survey and investigation charges.	183.2	142.2	Other preliminary survey and investigation charges.
Clearing accounts	184	143	Clearing accounts.
Temporary facilities	185	----	New account.
Miscellaneous deferred debits	186	146	Other deferred debits.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
LIABILITIES AND OTHER CREDITS			LIABILITIES AND OTHER CREDITS
7. Capital Stock			*5. Proprietary Capital*
Common capital stock	200	201	Common stock issued.
Preferred capital stock	201	204	Preferred stock issued.
Stock liability for conversion	202	203	Common stock liability for conversion.
		206	Preferred stock liability for conversion.
Premiums and assessments on capital stock	203	207	Premiums on capital stock.
Capital stock subscribed	204	202	Common stock subscribed.
		205	Preferred stock subscribed.
Installments received on capital stock	205	212	Installments received on capital stock.
8. Long-Term Debt			*6. Long-Term Debt*
Bonds	210	221	Bonds.
Receivers certificates	211	224	Other long-term debt.
Advances from associated companies—notes	212.1	223	Advances from associated companies.
Advances from associated companies—open accounts.	212.2		
Miscellaneous long-term debt	213	224	Other long-term debt.
9. Current and Accrued Liabilities			*7. Current and Accrued Liabilities*
Notes payable	220	231	Notes payable.
Notes receivable discounted	221	141	Notes receivable.
Accounts payable	222	232	Accounts payable.
Notes payable to associated companies	223.1	233	Notes payable to associated companies.
Accounts payable to associated companies	223.2	234	Accounts payable to associated companies.
Dividends declared	224	238	Dividends declared.
Matured long-term debt	225	239	Matured long-term debt.
Matured interest	226	240	Matured interest.
Customers deposits	227	235	Customer deposits.
Taxes accrued	228	236	Taxes accrued.
Interest accrued on long-term debt	229.1	237	Interest accrued.
Interest accrued on other liabilities	229.2		
Other current and accrued liabilities	230	242	Miscellaneous current and accrued liabilities.
10. Deferred Credits			*8. Deferred Credits*
Unamortized premium on debt	240	251	Unamortized premium on debt.
Customers advances for construction	241	252	Customers advances for construction.
Other deferred credits	242	253	Other deferred credits.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
LIABILITIES AND OTHER CREDITS			LIABILITIES AND OTHER CREDITS
5. Proprietary Capital			*7. Capital Stock*
			14. Surplus
Common stock issued	201	200	Common capital stock.
Common stock subscribed	202	204	Capital stock subscribed.
Common stock liability for conversion	203	202	Stock liability for conversion.
Preferred stock issued	204	201	Preferred capital stock.
Preferred stock subscribed	205	204	Capital stock subscribed.
Preferred stock liability for conversion	206	202	Stock liability for conversion.
Premium on capital stock	207	203	Premiums and assessments on capital stock.
Donations received from stockholders	208	----	New account (included in account 270, capital surplus).
Reduction in par or stated value of capital stock	209	----	New account (included in account 270, capital surplus).
Gain on resale or cancellation of reacquired capital stock.	210	----	New account (included in account 270, capital surplus).
Miscellaneous paid-in-capital	211	----	New account (included in account 270, capital surplus).
Installment received on capital stock	212	205	Installments received on capital stock.
Discount on capital stock	213	150	Discount on capital stock.
Capital stock expense	214	151	Capital stock expense.
Appropriated earned surplus	215	413	Miscellaneous reservations of surplus.
Unappropriated earned surplus	216	271	Earned surplus.
Reacquired capital stock	217	153	Reacquired capital stock.
6. Long-Term Debt			*8. Long-Term Debt*
Bonds	221	210	Bonds.
Reacquired bonds	222	153	Reacquired long-term debt.
Advances from associated companies	223	212.1	Advances from associated companies—notes.
		212.2	Advances from associated companies—open accounts.
Other long-term debt	224	211	Receiver's certificates.
		213	Miscellaneous long-term debt.
7. Current and Accrued Liabilities			*9. Current and Accrued Liabilities*
Notes payable	231	220	Notes payable.
Accounts payable	232	222	Accounts payable.
Notes payable to associated companies	233	223.1	Notes payable to associated companies.
Accounts payable to associated companies	234	223.2	Accounts payable to associated companies.
Customer deposits	235	227	Customers deposits.
Taxes accrued	236	228	Taxes accrued.
Interest accrued	237	229.1	Interest accrued on long-term debt.
		229.2	Interest accrued on other liabilities.
Dividends declared	238	224	Dividends declared.
Matured long-term debt	239	225	Matured long-term debt.
Matured interest	240	226	Matured interest.
Tax collections payable	241	----	New account.
Miscellaneous current and accrued liabilities	242	230	Other current and accrued liabilities.
8. Deferred Credits			*10. Deferred Credits*
Unamortized premium on debt	251	240	Unamortized premium on debt.
Customers advances for construction	252	241	Customers advances for construction.
Other deferred credits	253	242	Other deferred credits.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
LIABILITIES AND OTHER CREDITS—continued			LIABILITIES AND OTHER CREDITS—continued
11. Reserves			*9. Operating Reserves*
Reserve for depreciation of gas plant in service	250.11	108	Accumulated provision for depreciation of gas plant in service.
Reserve for depreciation of gas plant leased to others.	250.12	109	Accumulated provision for depreciation of gas plant leased to others.
Reserve for depreciation of gas plant held for future use.	250.13	110	Accumulated provision for depreciation of gas plant held for future use.
Reserve for amortization and depletion of producing natural gas land and land rights—gas plant in service.	250.21	111.1	Accumulated provision for amortization and depletion of producing natural gas lands and land rights.
Reserve for amortization and depletion of producing natural gas land and land rights—gas plant leased to others.	250.22	112	Accumulated provision for amortization and depletion of gas plant leased to others.
Reserve for abandoned leases	250.3	113.1	Accumulated provision for abandonment of leases.
Reserve for amortization of other limited-term gas investments—gas plant in service.	251.1	111.3	Accumulated provision for amortization of other gas plant in service.
Reserve for amortization of other limited-term gas investments—gas plant leased to others.	251.2	112	Accumulated provision for amortization and depletion of gas plant leased to others.
Reserve for amortization of other limited-term gas investments—gas plant held for future use.	251.3	113.2	Accumulated provision for amortization of other gas plant held for future use.
Reserve for amortization of gas plant acquisition adjustments.	252	115	Accumulated provision for amortization of gas plant acquisition adjustments.
Reserve for depreciation and amortization of other property.	253	119	Accumulated provision for depreciation and amortization of other utility plant.
Reserve for uncollectible accounts	254	144	Accumulated provision for uncollectible accounts—credit.
Insurance reserve	255	261	Property insurance reserve.
Injuries and damages reserve	256	262	Injuries and damages reserve.
Employee's provident reserve	257	263	Pension and benefits reserve.
Other reserves	258	265	Miscellaneous operating reserve.
12. Contributions in Aid of Construction			*10. Contributions in Aid of Construction*
Contributions in aid of construction	265	271	Contributions in aid of construction.
13. Accumulated Deferred Taxes on Income			*11. Accumulated Deferred Income Taxes*
Accumulated deferred taxes on income—accelerated amortization.	266.1	281	Accumulated deferred income taxes—accelerated amortization.
Accumulated deferred taxes on income—liberalized depreciation.	266.2	282	Accumulated deferred income taxes—liberalized depreciation.
Accumulated deferred taxes on income—other	266.3	283	Accumulated deferred income taxes—other.
14. Surplus			
		208	Donations received from stockholders.
		209	Reduction in par or stated value of capital stock.
Capital surplus	270	210	Gain on resale or cancellation of reacquired capital stock.
		211	Miscellaneous paid in capital.
		215	Appropriated earned surplus.
Earned surplus	271	216	Unappropriated earned surplus.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
BALANCE SHEET ACCOUNTS—Continued			BALANCE SHEET ACCOUNTS—Continued
LIABILITIES AND OTHER CREDITS—continued			LIABILITIES AND OTHER CREDITS—continued
9. Operating Reserves			*11. Reserves*
Property insurance reserve	261	255	Insurance reserve.
Injuries and damages reserve	262	256	Injuries and damages reserves.
Pensions and benefits reserve	263	257	Employees' provident reserve.
Miscellaneous operating reserve	265	258	Other reserves.
10. Contributions in Aid of Construction			*12. Contributions in Aid of Construction*
Contributions in aid of construction	271	265	Contributions in aid of construction.
11. Accumulated Deferred Income Taxes			*13. Accumulated Deferred Taxes on Income*
Accumulated deferred income taxes—accelerated amortization.	281	266.1	Accumulated deferred taxes on income—accelerated amortization.
Accumulated deferred income taxes—liberalized depreciation.	282	266.2	Accumulated deferred taxes on income—liberalized depreciation.
Accumulated deferred income taxes—other	283	266.3	Accumulated deferred taxes on income—other.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
GAS PLANT ACCOUNTS			GAS PLANT ACCOUNTS
1. Intangible Plant			*1. Intangible Plant*
Organization	301	301	Organization.
Franchises and consents	302	302	Franchises and consents.
Miscellaneous intangible plant	303	303	Miscellaneous intangible plant.
2. Production Plant			*2. Production Plant*
A. Manufactured Gas Production Plant			*A. Manufactured Gas Production Plant*
Land	311:1	304	Land and land rights.
Land rights	311.2		
Structures and improvements	312	305	Structures and improvements.
Boiler plant equipment	313	306	Boiler plant equipment.
Other power equipment	314	307	Other power equipment.
Benches and retorts	315	313	Generating equipment—other processes.
Coke ovens	316	308	Coke ovens.
Producer gas equipment	317	309	Producer gas equipment.
Water gas generating equipment	318	310	Water gas generating equipment.
Liquefied petroleum gas equipment	319	311	Liquefied petroleum gas equipment.
Other gas generating equipment	320	312	Oil gas generating equipment.
Coal, coke, and ash handling equipment	321	314	Coal, coke, and ash handling equipment.
Gas reforming equipment	322	316	Other reforming equipment.
Purification equipment	323	317	Purification equipment.
Residual refining equipment	324	318	Residual refining equipment.
Gas mixing equipment	325	319	Gas mixing equipment.
Other production equipment	326	320	Other equipment.
B.1 Natural Gas Production and Gathering Plant			*B.1 Natural Gas Production and Gathering Plant*
Natural gas producing lands	330.1	325.1	Producing lands.
Natural gas producing leaseholds	330.2	325.2	Producing leaseholds.
Natural gas rights	330.3	325.3	Gas rights.
Rights-of-way	330.4	325.4	Rights-of-way.
Other land and land rights	330.5	325.5	Other land and land rights.
Gas well structures	331.1	326	Gas well structures.
Field compressor station structures	331.2	327	Field compressor station structures.
Field measuring and regulating station structures.	331.3	328	Field measuring and regulating station structures.
Other production and gathering system structures.	331.4	329	Other structures.
Producing gas wells—well construction	332.1	330	Producing gas wells—well construction.
Producing gas wells—well equipment	332.2	331	Producing gas wells—well equipment.
Field lines	333.1	332	Field lines.
Field compressor station equipment	333.2	333	Field compressor station equipment.
Field measuring and regulating station equipment.	333.3	334	Field measuring and regulating station equipment.
Drilling and cleaning equipment	334	335	Drilling and cleaning equipment.
Purification equipment	335	336	Purification equipment.
Other production and gathering equipment	336	337	Other equipment.
B.2 Products Extraction Plant			*B.2 Products Extraction Plant*
Land	337.11	340	Land and land rights.
Land rights	337.12		
Structures and improvements	337.2	341	Structures and improvements.
Extraction and refining equipment	337.3	342	Extraction and refining equipment.
Pipelines	337.4	343	Pipelines.
Extracted products storage equipment	337.5	344	Extracted products storage equipment.
Compressor equipment	337.6	345	Compressor equipment.
Gas measuring and regulating equipment	337.7	346	Gas measuring and regulating equipment.
Other equipment	337.8	347	Other equipment.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
GAS PLANT ACCOUNTS			GAS PLANT ACCOUNTS
1. Intangible Plant			*1. Intangible Plant*
Organization	301	301	Organization.
Franchises and consents	302	302	Franchises and consents.
Miscellaneous intangible plant	303	303	Miscellaneous intangible plant.
2. Production Plant			*2. Production Plant*
A. Manufactured Gas Production Plant			*A. Manufactured Gas Production Plant*
Land and land rights	304	311.1	Land.
		311.2	Land rights.
Structures and improvements	305	312	Structures and improvements.
Boiler plant equipment	306	313	Boiler plant equipment.
Other power equipment	307	314	Other power equipment.
Coke ovens	308	316	Coke ovens.
Producer gas equipment	309	317	Producer gas equipment.
Water gas generating equipment	310	318	Water gas generating equipment.
Liquefied petroleum gas equipment	311	319	Liquefied petroleum gas equipment.
Oil gas generating equipment	312	320	Other gas generating equipment.
Generating equipment—other processes	313	315	Benches and retorts.
		320	Other gas generating equipment.
Coal, coke, and ash handling equipment	314	321	Coal, coke, and ash handling equipment.
Catalytic cracking equipment	315		New account.
Other reforming equipment	316	322	Gas reforming equipment.
Purification equipment	317	323	Purification equipment.
Residual refining equipment	318	324	Residual refining equipment.
Gas mixing equipment	319	325	Gas mixing equipment.
Other equipment	320	326	Other production equipment.
B.1 Natural Gas Production and Gathering Plant			*B.1 Natural Gas Production and Gathering Plant*
Producing lands	325.1	330.1	Natural gas producing lands.
Producing leaseholds	325.2	330.2	Natural gas producing leaseholds.
Gas rights	325.3	330.3	Natural gas rights.
Rights-of-way	325.4	330.4	Rights-of-way.
Other land and land rights	325.5	330.5	Other land and land rights.
Gas well structures	326	331.1	Gas well structures.
Field compressor station structures	327	331.2	Field compressor station structures.
Field measuring and regulating station structures.	328	331.3	Field measuring and regulating station structures.
Other structures	329	331.4	Other production and gathering system structures.
Producing gas wells—well construction	330	332.1	Producing gas wells—well construction.
Producing gas wells—well equipment	331	332.2	Producing gas wells—well equipment.
Field lines	332	333.1	Field lines.
Field compressor station equipment	333	333.2	Field compressor station equipment.
Field measuring and regulating station equipment.	334	333.3	Field measuring and regulating station equipment.
Drilling and cleaning equipment	335	334	Drilling and cleaning equipment.
Purification equipment	336	335	Purification equipment.
Other equipment	337	336	Other production and gathering equipment.
B.2 Products Extraction Plant			*B.2 Products Extraction Plant*
Land and land rights	340	337.11	Land.
		337.12	Land rights.
Structures and improvements	341	337.2	Structures and improvements.
Extraction and refining equipment	342	337.3	Extraction and refining equipment.
Pipelines	343	337.4	Pipelines.
Extracted products storage equipment	344	337.5	Extracted products storage equipment.
Compressor equipment	345	337.6	Compressor equipment.
Gas measuring and regulating equipment	346	337.7	Gas measuring and regulating equipment.
Other equipment	347	337.8	Other equipment.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
GAS PLANT ACCOUNTS—Continued			GAS PLANT ACCOUNTS—Continued
3. Storage Plant			*3. Storage Plant*
A. Underground Storage Plant			*A. Underground Storage Plant*
Underground storage land	341.1	350.1	Land.
Underground storage leaseholds	341.2	350.2	Leaseholds.
Underground storage rights	341.3	350.3	Storage rights.
Underground storage rights-of-way	341.4	350.4	Rights-of-way.
Structures and improvements	342	351	Structures and improvements.
Underground storage well construction	343.1	352	Wells.
Underground storage well equipment	343.2		
Underground storage lines	343.3	353	Lines.
Underground storage compressor station equipment.	343.4	354	Compressor station equipment.
Underground storage measuring and regulating equipment.	343.5	355	Measuring and regulating equipment.
Underground storage purification equipment	343.6	356	Purification equipment.
Other underground storage equipment	343.7	357	Other equipment.
Gas in underground storage—noncurrent	344	117	Gas stored underground—noncurrent.
B. Local Storage Plant			*B. Local Storage Plant*
Land	345.1	360	Land and land rights.
Land rights	345.2		
Structures and improvements	346	361	Structures and improvements.
Gas holders	347	362	Gas holders.
Liquefaction and regasification equipment	348	363	Other equipment.
Other local gas storage equipment	349		
4. Transmission Plant			*4. Transmission Plant*
Land	351.1	365.1	Land and land rights.
Land rights	351.2		
Structures and improvements	352	366	Structures and improvements.
Mains	353	367	Mains.
Compressor station equipment	354.1	368	Compressor station equipment.
Measuring and regulating station equipment	354.2	369	Measuring and regulating equipment.
Other transmission system equipment	355	371	Other equipment.
5. Distribution Plant			*5. Distribution Plant*
A. City Gate and Main Line Industrial Measuring and Regulating Stations			
Land	356.11	374	Land and land rights.
Land rights	356.12		
Structures and improvements	356.2	375	Structures and improvements.
Measuring and regulating station equipment	356.3	379	Measuring and regulating station equipment—City gate check stations.
B. General Distribution System Plant			
Land	357.1	374	Land and land rights.
Land rights	357.2		
Structures and improvements	358	375	Structures and improvements.
Mains	359	376	Mains.
Distribution system compressor station equipment.	360.1	377	Compressor station equipment.
Distribution system measuring and regulating station equipment.	360.2	378	Measuring and regulating station equipment—General.
Services	361	380	Services.
Meters	362	381	Meters.
Meter installations	363	382	Meter installations.
House regulators	364	383	House regulators.
House regulator installations	365	384	House regulator installations.
Industrial measuring and regulating station equipment.	366.1	385	Industrial measuring and regulation station equipment.
Other property on customers' premises	366.2	386	Other property on customers' premises.
Other distribution system equipment	367	387	Other equipment.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
GAS PLANT ACCOUNTS—Continued			GAS PLANT ACCOUNTS—Continued
3. Storage Plant			*3. Storage Plant*
A. Underground Storage Plant			*A. Underground Storage Plant*
Land	350.1	341.1	Underground storage land.
Leaseholds	350.2	341.2	Underground storage leaseholds.
Storage rights	350.3	341.3	Underground storage rights.
Rights-of-way	350.4	341.4	Underground storage rights-of-way.
Gas rights	350.5	----	New account.
Structures and improvements	351	342	Structures and improvements.
Wells	352	343.1	Underground storage well construction.
		343.2	Underground storage well equipment.
Lines	353	343.3	Underground storage lines.
Compressor station equipment	354	343.4	Underground storage compressor station equipment.
Measuring and regulating equipment	355	343.5	Underground storage measuring and regulating equipment.
Purification equipment	356	343.6	Underground storage purification equipment.
Other equipment	357	343.7	Other undergound storage equipment.
B. Local Storage Plant			*B. Local Storage Plant*
Land and land rights	360	345.1	Land.
		345.2	Land rights.
Structures and improvements	361	346	Structures and improvements.
Gas holders	362	347	Gas holders.
Other equipment	363	348	Liquefaction and regasification equipment.
		349	Other local gas storage equipment.
4. Transmission Plant			*4. Transmission Plant*
Land and land rights	365.1	351.1	Land.
		351.2	Land rights.
Rights-of-way	365.2	----	New account.
Structures and improvements	366	352	Structures and improvements.
Mains	367	353	Mains.
Compressor station equipment	368	354.1	Compressor station equipment.
Measuring and regulating station equipment	369	354.2	Measuring and regulating station equipment.
Communication equipment	370	----	New account.
Other equipment	371	355	Other transmission system equipment.
5. Distribution Plant			*5. Distribution Plant*
Land and land rights	374	356.11	Land.
		357.1	Land.
		356.12	Land rights.
		357.2	Land rights.
Structures and improvements	375	356.2	Structures and improvements.
		358	
Mains	376	359	Mains.
Compressor station equipment	377	360.1	Distribution system compressor station equipment.
Measuring and regulating station equipment—General.	378	360.2	Distribution system measuring and regulating station equipment.
Measuring and regulating station equipment—City gate check stations.	379	356.3	Measuring and regulating station equipment.
Services	380	361	Services.
Meters	381	362	Meters.
Meter installations	382	363	Meter installations.
House regulators	383	364	House regulators.
House regulator installations	384	365	House regulator installations.
Industrial measuring and regulating station equipment.	385	366.1	Industrial measuring and regulating station equipment.
Other property on customers' premises	386	366.2	Other property on customers' premises.
Other equipment	387	367	Other distribution system equipment.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
GAS PLANT ACCOUNTS—Continued			GAS PLANT ACCOUNTS—Continued
6. General Plant			*6. General Plant*
Land and land rights	370	389	Land and land rights.
Structures and improvements	371	390	Structures and improvements.
Office furniture and equipment	372	391	Office furniture and equipment.
Transportation equipment	373	392	Transportation equipment.
Stores equipment	374	393	Stores equipment.
Shop equipment	375	394	Tools, shop and garage equipment.
Laboratory equipment	376	395	Laboratory equipment.
Tools and work equipment	377	394	Tools, shop and garage equipment.
Communication equipment	378	397	Communication equipment.
Miscellaneous equipment	379	398	Miscellaneous equipment.
Other tangible property	390	399	Other tangible property.
Gas plant purchased	391	102	Gas plant purchased or sold.
Gas plant sold	392		
EARNED SURPLUS ACCOUNTS			
Credits:			Credits:
Earned surplus (at beginning of period)	271	216	Unappropriated earned surplus (at beginning of period).
Credit balance transferred from income account.	400	433	Balance transferred from income.
Miscellaneous credits to surplus	401	434	Miscellaneous credits to surplus.
Debits:			Debits:
Debit balance transferred from income account.	410	432	Balance transferred from income.
Dividend appropriations—preferred stock	411	437	Dividends declared—preferred stock.
Dividend appropriations—common stock	412	438	Dividends declared—common stock.
Miscellaneous reservations of surplus	413	436	Appropriations of surplus.
Miscellaneous debits to surplus	414	435	Miscellaneous debits to surplus.
Earned surplus (at end of period)	271	216	Unappropriated earned surplus (at end of period).
INCOME ACCOUNTS			INCOME ACCOUNTS
1. Utility Income			*1. Utility Operating Income*
Operating revenues	501	400	Operating revenues.
Operating revenue deductions:			Operating expenses:
Operating expenses	502	401	Operation expense.
		402	Maintenance expense.
Depreciation	503.1	403	Depreciation expense.
Amortization and depletion of producing natural gas land and land rights.	503.2	404.1	Amortization and depletion of producing natural gas land and land rights.
Amortization of other limited-term gas investments.	504	404.3	Amortization of other limited-term gas plant.
Amortization of gas plant acquisition adjustments.	505	406	Amortization of gas plant acquisition adjustments.
Property losses chargeable to operations	506	407.1	Amortization of property losses.
Taxes	507	408	Taxes other than income taxes.
		409	Income taxes.
Provision for deferred taxes on income	507A	410	Provision for deferred income taxes.
Taxes on income deferred in prior years—credit.	507B	411	Income taxes deferred in prior years—credit.
Income from gas plant leased to others	508	412	Income from gas plant leased to others.
		413	
Other utility operating income	509	414	Other utility operating income.
2. Other Income			*2. Other Income*
Income from merchandising, jobbing, and contract work.	520	415–416	Income from merchandising, jobbing, and contract work.
Income from nonutility operations	521	417	Income from nonutility operations.
Revenues from lease of other physical property	522	418	Nonoperating rental income.
Dividend revenues	523	419	Interest and dividend income.
Interest revenues	524		
Revenues from sinking and other funds	525		
Miscellaneous nonoperating revenues	526	421	Miscellaneous nonoperating income.
Nonoperating revenue deductions	527	----	Deleted.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
GAS PLANT ACCOUNTS—Continued			GAS PLANT ACCOUNTS—Continued
6. General Plant			*6. General Plant*
Land and land rights	389	370	Land and land rights.
Structures and improvements	390	371	Structures and improvements.
Office furniture and equipment	391	372	Office furniture and equipment.
Transportation equipment	392	373	Transportation equipment.
Stores equipment	393	374	Stores equipment.
Tools, shop and garage equipment	394	375	Shop equipment.
		377	Tools and work equipment.
Laboratory equipment	395	376	Laboratory equipment.
Power operated equipment	396	----	New account.
Communication equipment	397	378	Communication equipment.
Miscellaneous equipment	398	379	Miscellaneous equipment.
Other tangible property	399	390	Other tangible property.
(In the system of accounts effective Jan. 1, 1961, the earned surplus accounts are included with the income accounts. See below.)			
INCOME ACCOUNTS			INCOME ACCOUNTS
1. Utility Operating Income			*1. Utility Income*
Operating revenues	400	501	Operating revenues.
Operating expenses:			Operating revenue deductions:
Operation expense	401	502	Operating expenses.
Maintenance expense	402		
Depreciation expense	403	503.1	Depreciation.
Amortization and depletion of producing natural gas land and land rights.	404.1	503.2	Amortization and depletion of producing natural gas land and land rights.
Amortization of underground storage land and land rights.	404.2	----	New account.
Amortization of other limited-term gas plant	404.3	504	Amortization of other limited-term gas investments.
Amortization of other gas plant	405	----	New account.
Amortization of gas plant acquisition adjustments.	406	505	Amortization of gas plant acquisition adjustments.
Amortization of property losses	407.1	506	Property losses chargeable to operations.
Amortization of conversion expenses	407.2	----	New account.
Taxes other than income taxes	408	507	Taxes.
Income taxes	409		
Provision for deferred income taxes	410	507A	Provision for deferred taxes on income.
Income taxes deferred in prior years—credit	411	507B	Taxes on income deferred in prior years—credit.
Income from gas plant leased to others	412	508	Income from gas plant leased to others.
	413		
Other utility operating income	414	509	Other utility operating income.
2. Other Income			*2. Other Income*
Income from merchandising, jobbing, and contract work.	415–416	520	Income from merchandising, jobbing, and contract work.
Income from nonutility operations	417	521	Income from nonutility operations.
Nonoperating rental income	418	522	Revenues from lease of other physical property.
Interest and dividend income	419	523	Dividend revenues.
		524	Interest revenues.
		525	Revenues from sinking and other funds.
Miscellaneous nonoperating income	421	526	Miscellaneous nonoperating revenues.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
INCOME ACCOUNTS—Continued			INCOME ACCOUNTS—Continued
3. Income Deductions			*3. Miscellaneous Income Deductions*
			4. Interest Charges
Interest on long-term debt	530	427	Interest on long-term debt.
Amortization of debt discount and expense	531	428	Amortization of debt discount and expense.
Amortization of premium on debt—credit	532	429	Amortization of premium on debt—credit.
Taxes assumed on interest	533	431	Other interest expense.
Interest on debt to associated companies	534	430	Interest on debt to associated companies.
Other interest charges	535	431	Other interest charges.
Interest charged to construction—credit	536	432	Interest charged to construction—credit.
Miscellaneous amortization	557	425	Miscellaneous amortization.
Miscellaneous income deductions	538	426	Other income deductions.
4. Disposition of Net Income			
Miscellaneous reservations of net income	540	-------	Deleted.
OPERATING REVENUE ACCOUNTS			OPERATING REVENUE ACCOUNTS
1. Gas Service Revenues			*1. Sales of Gas*
Residential sales	600	480	Residential sales.
Commercial and industrial sales	602	481	Commercial and industrial sales.
Public street and highway lighting	603	482	Other sales to public authorities.
Other sales to public authorities	604		
Sales to other gas utilities	605	483	Sales for resale.
Interdepartmental sales	607	484	Interdepartmental sales.
Other sales	608	-------	Deleted.
2. Other Gas Revenues			*2. Other Operating Revenues*
Rent from gas property	610	493	Rent from gas property.
Interdepartmental rents	611	494	Interdepartmental rents.
Customers' forfeited discounts and penalties	612	487	Forfeited discounts.
Servicing of customers' installations	614	488	Miscellaneous service revenues.
Revenue from transportation of gas of others	615	489	Revenues from transportation of gas of others.
Gasoline sales	616.1	490	Sales of products extracted from natural gas.
Butane sales	616.2		
Propane sales	616.3		
Other extracted products sales	616.4		
Revenues from natural gas processed by others	617	491	Revenues from natural gas processed by others.
Incidental gasoline sales	618.1	492	Incidental gasoline and oil sales.
Incidental oil sales	618.2		
Miscellaneous gas revenues	619	495	Other gas revenues.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
INCOME ACCOUNTS—Continued			INCOME ACCOUNTS—Continued
3. Miscellaneous Income Deductions			*3. Income Deductions*
Miscellaneous amortization	425	557	Miscellaneous amortization.
Other income deductions	426	538	Miscellaneous income deductions.
4. Interest Charges			
Interest on long-term debt	427	530	Interest on long-term debt.
Amortization of debt discount and expense	428	531	Amortization of debt discount and expense.
Amortization of premium on debt—credit	429	532	Amortization of premium on debt—credit.
Interest on debt to associated companies	430	534	Interest on debt to associated companies.
Other interest expense	431	533	Taxes assumed on interest.
		535	Other interest charges.
Interest charged to construction—credit	432	536	Interest charged to construction—credit.
5. Earned Surplus			
Unappropriated earned surplus (at beginning of period)	216	271	Earned surplus (at beginning of period).
Balance transferred from income	433	400	Credit balance transferred from income account.
		410	Debit balance transferred from income account
Miscellaneous credits to surplus	434	401	Miscellaneous credits to surplus.
Miscellaneous debits to surplus	435	414	Miscellaneous debits to surplus.
Appropriations of surplus	436	413	Miscellaneous reservations of surplus.
Dividends declared—preferred stock	437	411	Dividend appropriations—preferred stock.
Dividends declared—common stock	438	412	Dividend appropriations—common stock.
Unappropriated earned surplus (at end of period)	216	271	Earned surplus (at end of period).
OPERATING REVENUE ACCOUNTS			OPERATING REVENUE ACCOUNTS
1. Sales of Gas			*1. Gas Service Revenues*
Residential sales	480	600	Residential sales.
Commercial and industrial sales	481	602	Commercial and industrial sales.
Other sales to public authorities	482	603	Public street and highway lighting.
		604	Other sales to public authorities.
Sales for resale	483	605	Sales to other gas utilities.
Interdepartmental sales	484	607	Interdepartmental sales.
2. Other Operating Revenues			*2. Other Gas Revenues*
Forfeited discounts	487	612	Customers' forfeited discounts and penalties.
Miscellaneous service revenues	488	614	Servicing of customers' installations.
Revenues from transportation of gas of others	489	615	Revenue from transportation of gas of others.
Sales of products extracted from natural gas	490	616.1	Gasoline sales.
		616.2	Butane sales.
		616.3	Propane sales.
		616.4	Other extracted products sales.
Revenues from natural gas processed by others	491	617	Revenues from natural gas processed by others.
Incidental gasoline and oil sales	492	618.1	Incidental gasoline sales.
		618.2	Incidental oil sales.
Rent from gas property	493	610	Rent from gas property.
Interdepartmental rents	494	611	Interdepartmental rents.
Other gas revenues	495	619	Miscellaneous gas revenues.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS
1. Production Expenses			*1. Production Expenses*
A. Manufactured Gas Production			*A. Manufactured Gas Production Expenses*
Operation supervision and engineering	701	700	Operation supervision and engineering.
		710	Operation supervision and engineering.
Boiler and other power labor	702	701	Operation labor.
Retort labor	703.1	718	Other process production expenses.
Coke oven labor	703.2	713	Coke oven expenses.
Producer gas labor	703.3	714	Producer gas expenses.
Water gas generating labor	704.1	715	Water gas generating expenses.
Liquefied petroleum gas regasifying labor	704.2	717	Liquefied petroleum gas expenses.
Other gas generating labor	704.3	716	Oil gas generating expenses.
Gas reforming labor	704.4	718	Other process production expenses.
Purification labor	705	732	Purification expenses.
Gas mixing labor	706	733	Gas mixing expenses.
Miscellaneous production labor	707	735	Miscellaneous production expenses.
Boiler fuel	708	702	Boiler fuel.
Water	709	703	Miscellaneous steam expenses.
Fuel under retorts	710	724	Other gas fuels.
Fuel under coke ovens	711	719	Fuel under coke ovens.
Producer gas fuel	712	720	Producer gas fuel.
Fuel for liquefied petroleum gas processes	713	723	Fuel for liquefied petroleum gas process.
Coal carbonized in retorts	714.1	729	Raw materials for other gas processes.
Coal carbonized in coke ovens	714.2	725	Coal carbonized in coke ovens.
Water gas generator fuel	715	721	Water gas generator fuel.
Oil for water gas	716	726	Oil for water gas.
Gas enricher	717	729	Raw materials for other gas processes.
Liquefied petroleum gas	718	728	Liquefied petroleum gas.
Oil for oil gas	719	727	Oil for oil gas.
Raw materials for other gas processes	720	729	Raw materials for other gas processes.
Purification supplies	721	732	Purification expenses.
Miscellaneous works expenses	722	-------	(Various, see accounts effective January 1, 1961).
Maintenance:			Maintenance:
Maintenance supervision and engineering	723	705	Maintenance supervision and engineering.
		740	Maintenance supervision and engineering.
		706	Maintenance of structures and improvements.
Maintenance of structures and improvements	724	741	Maintenance of structures and improvements.
Maintenance of boiler plant equipment	725.1	707	Maintenance of boiler plant equipment.
Maintenance of other power equipment	725.2	742	Maintenance of production equipment.
Maintenance of benches and retorts	726.1		
Maintenance of coke ovens	726.2		
Maintenance of producer gas equipment	726.3		
Maintenance of water gas generating equipment	726.4		
Maintenance of liquefied petroleum gas equipment	726.5		
Maintenance of other gas generating equipment	726.6		
Maintenance of coal, coke and ash handling equipment	726.7	708	Maintenance of other steam production plant.
Maintenance of gas reforming equipment	727.1	742	Maintenance of production equipment.
Maintenance of purification equipment	727.2		
Maintenance of other gas equipment	727.3		
Miscellaneous:			
Power from other sources	728	711	Steam expenses.
Rents	729	736	Rents.
Residuals produced—credit	730.1	731	Residuals produced—Credit.
Residuals operation expenses	730.2	730	Residuals expenses.
Residuals maintenance expenses	730.3		
Joint expenses—debit	731.1	712	Other power expenses.
Joint expenses—credit	731.2	704	Steam transferred—credit.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS			OPERATING EXPENSE ACCOUNTS
1. Production Expenses			*1. Production Expenses*
A. Manufactured Gas Production Expenses:			*A. Manufactured Gas Production*
A-1 Steam production			
Operation:			Operation:
Operation supervision and engineering	700	701	Operation supervision and engineering.
Operation labor	701	702	Boiler and other power labor.
		707	Miscellaneous production labor.
Boiler fuel	702	708	Boiler fuel.
Miscellaneous steam expenses	703	709	Water.
Steam transferred—credit	704	731.2	Joint expenses—credit.
Maintenance:			Maintenance:
Maintenance supervision and engineering	705	723	Maintenance supervision and engineering.
Maintenance of structures and improvements	706	724	Maintenance of structures and improvements
Maintenance of boiler plant equipment	707	725.1	Maintenance of boiler plant equipment.
Maintenance of other steam production plant	708	726.7	Maintenance of coal, coke, and ash handling equipment.
A-2 Manufactured Gas Production			
Operation:			Operation:
Operation supervision and engineering	710	701	Operation supervision and engineering.
Steam expenses	711	728	Power from other sources.
Other power expenses	712	728	Power from other sources.
		731.1	Joint expenses—debit.
Coke oven expenses	713	703.2	Coke oven labor.
		722	Miscellaneous works expenses.
Producer gas expenses	714	703.3	Producer gas labor.
		722	Miscellaneous works expenses.
Water gas generating expenses	715	704.1	Water gas generating labor.
		722	Miscellaneous works expenses.
Oil gas generating expenses	716	704.3	Other gas generating labor.
		722	Miscellaneous works expenses.
Liquefied petroleum gas expenses	717	704.2	Liquefied petroleum gas regasifying labor.
		722	Miscellaneous works expenses.
Other process production expenses	718	708.1	Retort labor.
		704.3	Other gas generating labor.
		704.4	Gas reforming labor.
		722	Miscellaneous works expenses.
Gas fuels:			Gas fuels:
Fuel under coke ovens	719	711	Fuel under coke ovens.
Producer gas fuel	720	712	Producer gas fuel.
Water gas generator fuel	721	715	Water gas generator fuel.
Fuel for oil gas	722	-------	New account.
Fuel for liquefied petroleum gas process	723	713	Fuel for liquefied petroleum gas processes.
Other gas fuels	724	710	Fuel under retorts.
Gas raw materials:			Gas raw materials:
Coal carbonized in coke ovens	725	714.2	Coal carbonized in coke ovens.
Oil for water gas	726	716	Oil for water gas.
Oil for oil gas	727	719	Oil for oil gas.
Liquefied petroleum gas	728	718	Liquefied petroleum gas.
Raw materials for other gas processes	729	714.1	Coal carbonized in retorts.
		717	Gas enricher.
		720	Raw materials for other gas processes.
Residuals expenses	730	730.2	Residuals operation expenses.
		730.3	Residuals maintenance expenses.
Residuals produced—credit	731	730.1	Residuals produced—credit.
Purification expenses	732	705	Purification labor.
		721	Purification supplies.
Gas mixing expenses	733	706	Gas mixing labor.
Duplicate charges—credit	734	-------	New account.
Miscellaneous production expenses	735	707	Miscellaneous production labor.
		722	Miscellaneous works expenses.
Rents	736	729	Rents.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
1. Production Expenses—Continued			*1. Production Expenses*—Continued
B. Natural Gas Production			*B. Natura. Gas Production*
B.1 Natural Gas Production and Gathering Operation:			*B.1 Natural Gas Production and Gathering Operation:*
Operation supervision and engineering	733.1	750	Operation supervision and engineering.
Gas well labor	733.21	752	Gas wells expenses.
Field line labor	733.22	753	Field lines expenses.
Field compressor station labor	733.23	754	Field compressor station expenses.
Field measuring and regulating station labor	733.24	756	Field measuring and regulating station expenses.
Purification labor	733.25	757	Purification expenses.
Other production and gathering labor	733.26	759	Other expenses.
Gas well supplies and expenses	733.31	752	Gas wells expenses.
Field line supplies and expenses	733.32	753	Field lines expenses.
Field compressor station supplies and expenses	733.33	754	Field compressor station expenses.
Field measuring and regulating station supplies and expenses	733.34	756	Field measuring and regulating station expenses.
Purification supplies and expenses	733.35	757	Purification expenses.
Other operating supplies and expenses	733.36	759	Other expenses.
Production maps and records	733.4	751	Production maps and records.
Maintenance:			Maintenance:
Maintenance supervision and engineering	734.1	761	Maintenance supervision and engineering.
Maintenance of gas well structures	734.21	762	Maintenance of structures and improvements.
Maintenance of Field compressor station structures.	734.22	762	Maintenance of structures and improvements.
Maintenance of field measuring and regulating station structures.	734.23	762	Maintenance of structures and improvements.
Maintenance of other production and gathering system structures.	734.24	762	Maintenance of structures and improvements.
Maintenance of producing gas well equipment.	734.3	763	Maintenance of producing gas wells.
Maintenance of field lines	734.41	764	Maintenance of field lines.
Maintenance of field compressor station equipment.	734.42	765	Maintenance of field compressor station equipment.
Maintenance of field measuring and regulating station equipment.	734.43	766	Maintenance of field measuring and regulating station equipment.
Maintenance of drilling and cleaning equipment.	734.5	768	Maintenance of drilling and cleaning equipment.
Maintenance of purification equipment	734.6	767	Maintenance of purification equipment.
Maintenance of other production	734.7	769	Maintenance of other equipment.
Miscellaneous:			
Gas well royalties	735.1	758	Gas well royalties
Natural gas rents	735.2	760	Rents.
Joint expenses—debit	735.3	------	Deleted.
Joint expenses—credit	735.4	------	

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
1. Production Expenses—Continued			*1. Production Expenses*—Continued
A. Manufactured Gas Production Expenses—Con.			*A. Manufactured Gas Production*—Con.
A-2 Manufactured Gas Production Operation—Continued			
Maintenance:			Maintenance:
Maintenance supervision and engineering	740	723	Maintenance supervision and engineering.
Maintenance of structures and improvements.	741	724	Maintenance of structures and improvements.
		725.2	Maintenance of other power equipment.
		726.1	Maintenance of benches and retorts.
		726.2	Maintenance of coke ovens.
		726.3	Maintenance of producer gas equipment.
		726.4	Maintenance of water gas generating equipment.
Maintenance of production equipment	742	726.5	Maintenance of liquefied petroleum gas equipment.
		726.6	Maintenance of other gas generating equipment.
		727.1	Maintenance of gas reforming equipment.
		727.2	Maintenance of purification equipment.
		727.3	Maintenance of other gas equipment.
B. Natural Gas Production			*B. Natural Gas Production*
B.1 Natural Gas Production and Gathering Operation:			*B.1 Natural Gas Production and Gathering Operation.*
Operation supervision and engineering	750	733.1	Operation supervision and engineering.
Production maps and records	751	733.4	Production maps and records.
Gas wells expenses	752	733.21	Gas well labor.
		733.31	Gas well supplies and expenses.
Field lines expenses	753	733.22	Field line labor.
		733.32	Field line supplies and expenses.
Field compressor station expenses	754	733.23	Field compressor station labor.
		733.33	Field compressor station supplies and expenses.
Field compressor station fuel and power	755		New account.
Field measuring and regulating station expenses.	756	733.24	Field measuring and regulating station labor.
		733.34	Field measuring and regulating station supplies and expenses.
Purification expenses	757	733.25	Purification labor.
		733.35	Purification supplies and expenses.
Gas well royalties	758	735.1	Gas well royalties.
Other expenses	759	733.26	Other production and gathering labor.
		733.36	Other operating supplies and expenses.
Rents	760	735.2	Natural gas rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	761	734.1	Maintenance supervision and engineering.
Maintenance of structures and improvements.	762	734.21	Maintenance of gas well structures.
		734.22	Maintenance of field compressor station structures.
		734.23	Maintenance of field measuring and regulating station structures
		734.24	Maintenance of other production and gathering system structures.
Maintenance of producing gas wells	763	734.3	Maintenance of producing gas well equipment.
Maintenance of field lines	764	734.41	Maintenance of field lines.
Maintenance of field compressor station equipment.	765	734.42	Maintenance of field compressor station equipment.
Maintenance of field measuring and regulating station equipment.	766	734.43	Maintenance of field measuring and regulating station equipment.
Maintenance of purification equipment	767	734.6	Maintenance of purification equipment.
Maintenance of drilling and cleaning equipment.	768	734.5	Maintenance of drilling and cleaning equipment.
Maintenance of other equipment	769	734.7	Maintenance of other production and gathering equipment.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
1. Production Expenses—Continued			*1. Production Expenses*—Continued
B. Natural Gas Production			*B. Natural Gas Production*
B.2 Products Extraction			*B.2 Products Extraction*
Operation:			Operation:
Operation supervision and engineering	736.1	770	Operation supervision and engineering.
Operation labor	736.2	771	Operation labor.
Gas shrinkage	736.3	772	Gas shrinkage.
Fuel	736.4	773	Fuel.
Power	736.5	774	Power.
Production materials and supplies	736.6	775	Materials.
Other supplies and expenses	736.7	776	Operation supplies and expenses.
Maintenance :			Maintenance:
Maintenance supervision and engineering	737.1	784	Maintenance supervision and engineering.
Maintenance of structure and improvements	737.2	785	Maintenance of structures and improvements.
		786	Maintenance of extraction and refining equipment.
		787	Maintenance of pipe lines.
Maintenance of equipment	737.3	788	Maintenance of extracted products storage equipment.
		789	Maintenance of compressor equipment.
		790	Maintenance of gas measuring and regulating equipment.
		791	Maintenance of other equipment.
Miscellaneous:			
Products purchased for resale	738.1	780	Products purchased for resale.
Variation in products inventory—debit or credit.	738.2	781	Variation in products inventory.
Royalties on products extracted	738.3	778	Royalties on products extracted.
Selling expenses	738.4	779	Marketing expenses.
Rents	738.5	783	Rents.
Extracted products used by the utility—credit.	738.6	782	Extracted products used by the utility—credit.
Joint expenses—debit	738.7	------	Deleted.
Joint expenses—credit	738.8	------	
B.3 Exploration and Development			*C. Exploration and Development*
Delay rentals	739.1	795	Delay rentals.
Nonproductive well drilling	739.2	796	Nonproductive well drilling.
Abandoned leases	739.3	797	Abandoned leases.
Other exploration costs	739.4	798	Other exploration.
C. Other Gas Supply Expenses			*D. Other Gas Supply Expenses*
Operation:			Operation:
Field purchases	745.11	800	Natural gas well head purchases.
		801	Natural gas field line purchases.
Gasoline plant outlet purchases	745.12	802	Natural gas gasoline plant outlet purchases.
Pipeline purchases—transmission lines	745.13	803	Natural gas transmission line purchases.
City gate purchases	745.14	804	Natural gas city gate purchases.
Purchased gas—other gas	745.2	805	Other gas purchases.
Well expenses—purchased gas	746.1	807.1	Wells expenses—purchase gas.
Operation and maintenance of purchased gas measuring stations.	746.2	807.2	Operation of purchased gas measuring stations.
		807.3	Maintenance of purchased gas measuring stations.
Purchased gas calculations expenses	746.3	807.4	Purchased gas calculations expenses.
Other purchased gas expenses	746.4	807.5	Other purchased gas expenses.
Gas withdrawn from underground storage—debit.	747.1	808	Gas withdrawn from underground storage—debit.
Gas delivered to underground storage—credit.	747.2	809	Gas delivered to underground storage—credit.
Gas used for transmission compressor fuel—credit.	748.1	810	Gas used for compressor station fuel—credit.
Gas used in products extraction process—credit	748.2	811	Gas used for products extraction—credit.
Gas for other utility uses—credit	748.3	812	Gas used for other utility operations—credit.
Other gas supply expenses	749	813	Other gas supply expenses.
Joint expenses—debit	750	------	Deleted.
Joint expenses—credit	751	------	Deleted.

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
1. Production Expenses—Continued			*1. Production Expenses*—Continued
B. Natural Gas Production			*B. Natural Gas Production*
B.2 Products Extraction			*B.2 Products Extraction*
Operation:			Operation:
Operation supervision and engineering	770	736.1	Operation supervision and engineering.
Operation labor	771	736.2	Operation labor.
Gas shrinkage	772	736.3	Gas shrinkage.
Fuel	773	736.4	Fuel.
Power	774	736.5	Power.
Materials	775	736.6	Production materials and supplies.
Operation supplies and expenses	776	736.7	Other supplies and expenses.
Gas processed by others	777	------	New account.
Royalties on products extracted	778	738.3	Royalties on products extracted.
Marketing expenses	779	738.4	Selling expenses.
Products purchased for resale	780	738.1	Products purchased for resale.
Variation in products inventory	781	738.2	Variation in products inventory—debit or credit.
Extracted products used by the utility—credit.	782	738.6	Extracted products used by the utility—credit.
Rents	783	738.5	Rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	784	737.1	Maintenance supervision and engineering.
Maintenance of structures and improvements.	785	737.2	Maintenance of structures and improvements.
Maintenance of extraction and refining equipment.	786		
Maintenance of pipe lines	787		
Maintenance of extracted products storage equipment.	788	737.3	Maintenance of equipment.
Maintenance of compressor equipment	789		
Maintenance of gas measuring and regulating equipment.	790		
Maintenance of other equipment	791		
C. Exploration and Development			*B.3 Exploration and Development*
Delay rentals	795	739.1	Delay rentals.
Nonproductive well drilling	796	739.2	Nonproductive well drilling.
Abandoned leases	797	739.3	Abandoned leases.
Other exploration	798	739.4	Other exploration costs.
D. Other Gas Supply Expenses			*C. Other Gas Supply Expenses*
Operation:			Operation:
Natural gas well head purchases	800	745.11	Field purchases.
Natural gas field line purchases	801		
Natural gas gasoline plant outlet purchases	802	745.12	Gasoline plant outlet purchases.
Natural gas transmission line purchases	803	745.13	Pipe line purchases—transmission lines.
Natural gas city gate purchases	804	745.14	City gate purchases.
Other gas purchases	805	745.2	Purchased gas—other gas.
Exchange gas	806		(New account).
Wells expenses—purchased gas	807.1	746.1	Well expenses—purchased gas.
Operation of purchased gas measuring stations.	807.2	746.2	Operation and maintenance of purchased gas measuring stations.
Maintenance of purchased gas measuring stations.	807.3		
Purchased gas calculations expenses	807.4	746.3	Purchased gas calculations expenses.
Other purchased gas expenses	807.5	746.4	Other purchased gas expenses.
Gas withdrawn from underground storage—debit.	808	747.1	Gas withdrawn from underground storage—debit.
Gas delivered to underground storage—credit.	809	747.2	Gas delivered to underground storage—credit
Gas used for compressor station fuel—credit.	810	748.1	Gas used for transmission compressor fuel—credit.
Gas used for products extraction—credit.	811	748.2	Gas used in products extraction process—credit.
Gas used for other utility operations—credit.	812	748.3	Gas for other utility uses—credit.
Other gas supply expenses	813	749	Other gas supply expenses.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
2. Storage Expenses			*2. Underground Storage Expenses*
A. Underground Storage Expenses			
Operation:			Operation:
Operation supervision and engineering	755.1	814	Operation supervision and engineering.
Storage well labor	755.21	816	Wells expenses.
Storage lines labor	755.22	817	Lines expenses.
Storage compressor station labor	755.23	818	Compressor station expenses.
Storage measuring and regulating station	755.24	820	Measuring and regulating station expenses.
Other storage labor	755.25	824	Other expenses.
Storage well supplies and expenses	755.31	816	Wells expenses.
Storage lines supplies and expenses	755.32	817	Lines expenses.
Storage compressor station supplies and expenses.	755.33	818	Compressor station expenses.
Storage measuring and regulating station supplies and expenses.	755.34	820	Measuring and regulating station expenses.
Other storage operation supplies and expenses	755.35	824	Other expenses.
Nonoperative storage well drilling	755.4	822	Exploration and development.
Storage maps and records	755.5	815	Maps and records.
Maintenance:			Maintenance:
Maintenance supervision and engineering	756.1	830	Maintenance supervision and engineering.
Maintenance of storage well structures	756.21	831	Maintenance of structures and improvements.
Maintenance of storage compressor station structures.	756.22		
Maintenance of storage measuring and regulating station structures.	756.23		
Maintenance of other storage structures	756.24		
Maintenance of storage well equipment	756.3	832	Maintenance of wells.
Maintenance of storage lines	756.41	833	Maintenance of lines.
Maintenance of storage compressor station equipment.	756.42	834	Maintenance of compressor station equipment.
Maintenance of storage measuring and regulating equipment.	756.43	835	Maintenance of measuring and regulating station equipment.
Maintenance of other storage equipment	756.44	837	Maintenance of other equipment.
Miscellaneous:			
Storage well royalties	757.11	825	Storage well royalties.
Storage lease rentals	757.12		
Other storage rents	757.13	826	Rents.
Joint expenses—debit	757.2	-------	Deleted.
Joint expenses—credit	757.3		
B. Local Storage Expenses			*3. Local Storage Expenses*
Operation:			Operation:
Operation supervision and engineering	758.1	840	Operation supervision and engineering.
Operation labor	758.2	841	Operation labor and expenses.
Operation supplies and expenses	758.3		
Maintenance:			Maintenance:
Maintenance supervision and engineering	758.4	843	Maintenance supervision and engineering.
Maintenance of structures and improvements	758.5	844	Maintenance of structures and improvements.
Maintenance of gas holder	758.6	845	Maintenance of gas holders.
Maintenance of liquefaction and regasification equipment.	758.7	846	Maintenance of other equipment.
Maintenance of other local gas storage equipment.	758.8		
Miscellaneous:			
Local storage rents	758.9	842	Rents.
Joint expenses—debit	758.10	-------	Deleted.
Joint expenses—credit	758.11		

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
2. Underground Storage Expenses			*2. Storage Expenses*
			A. Underground Storage Expenses
Operation:			Operation:
Operation supervision and engineering	814	755.1	Operation supervision and engineering.
Maps and records	815	755.5	Maps and records.
Wells expenses	816	755.21	Storage well labor.
		755.31	Storage well supplies and expenses.
Lines expenses	817	755.22	Storage lines labor.
		755.32	Storage lines supplies and expenses.
Compressor station expenses	818	755.23	Storage compressor station labor.
		755.33	Storage compressor station supplies and expenses.
Compressor station fuel and power	819	755.33	Storage compressor station supplies and expenses.
Measuring and regulating station expenses	820	755.24	Storage measuring and regulating station labor.
		755.34	Storage measuring and regulating station supplies and expenses.
Purification expenses	821		New account.
Exploration and development	822	755.4	Nonoperative storage well drilling.
Gas losses	823		New account.
Other expenses	824	755.25	Other storage labor.
		755.35	Other storage operation supplies and expenses.
Storage well royalties	825	757.11	Storage well royalties.
		757.12	Storage lease rentals.
Rents	826	757.13	Other storage rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	830	756.1	Maintenance supervision and engineering.
Maintenance of structures and improvements	831	756.21	Maintenance of storage well structures.
		756.22	Maintenance of storage compressor station structures.
		756.23	Maintenance of storage measuring and regulating station structures.
		756.24	Maintenance of other storage structures.
Maintenance of wells	832	756.3	Maintenance of storage well equipment.
Maintenance of lines	833	756.41	Maintenance of storage lines.
Maintenance of compressor station equipment.	834	756.42	Maintenance of storage compressor station equipment.
Maintenance of measuring and regulating station equipment.	835	756.43	Maintenance of storage measuring and regulating equipment.
Maintenance of purification equipment	836	-------	New account.
Maintenance of other equipment	837	756.44	Maintenance of other storage equipment.
3. Local Storage Expenses			*B. Local Storage Expenses*
Operation:			Operation:
Operation supervision and engineering	840	758.1	Operation supervision and engineering.
Operation labor and expenses	841	758.2	Operation labor.
		758.3	Operation supplies and expenses.
Rents	842	758.9	Local storage rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	843	758.4	Maintenance supervision and engineering.
Maintenance of structures and improvements	844	758.5	Maintenance of structures and improvements.
Maintenance of gas holders	845	758.6	Maintenance of gas holders.
Maintenance of other equipment	846	758.7	Maintenance of liquefaction and regasification equipment.
		758.8	Maintenance of other local gas storage equipment.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
3. Transmission Expenses			*4. Transmission Expenses*
Operation:			Operation:
Operation supervision and engineering	759.1	850	Operation supervision and engineering.
Mains operation labor	759.21	856	Mains expenses.
Compressor station labor	759.22	853	Compressor station labor and expenses.
Measuring and regulating station labor	759.23	857	Measuring and regulating station expenses.
Other operation labor	759.24	859	Other expenses.
Mains operation supplies and expenses	759.31	856	Mains expenses.
Compressor station supplies and expenses	759.32	853	Compressor station labor and expenses.
		854	Gas for compressor station fuel.
		855	Other fuel and power for compressor stations.
Measuring and regulating station supplies and expenses.	759.33	857	Measuring and regulating station expenses.
Other operation supplies and expenses	759.34	859	Other expenses.
Transmission maps and records	759.4	-------	Deleted.
Maintenance:			Maintenance:
Maintenance supervision and engineering	760.1	861	Maintenance supervision and engineering.
Maintenance of compressor station structures	760.21	862	Maintenance of structures and improvements
Maintenance of measuring and regulating station structures.	760.22		
Maintenance of other structures	760.23		
Maintenance of transmission mains	760.3	863	Maintenance of mains.
Maintenance of compressor station equipment.	760.4	864	Maintenance of compressor station equipment.
Maintenance of measuring and regulating station equipment.	760.5	865	Maintenance of measuring and regulating station equipment.
Maintenance of other transmission system equipment.	760.6	867	Maintenance of other equipment.
Miscellaneous:			
Rents	761.1	860	Rents.
Transmission and compression of gas by others	761.2	858	Transmission and compression of gas by others.
Joint expenses—debit	761.3	-------	Deleted.
Joint expenses—credit	761.4		

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
4. Transmission Expenses			*3. Transmission Expenses*
Operation:			Operation:
Operation supervision and engineering	850	759.1	Operation supervision and engineering.
System control and load dispatching	851	-------	New account.
Communication system expenses	852	-------	New account.
Compressor station labor and expenses	853	759.22	Compressor station labor.
Gas for compressor station fuel	854	759.32	Compressor station supplies and expenses.
Other fuel and power for compressor stations	855		
Mains expenses	856	759.21	Mains operation labor.
		759.31	Mains operation supplies and expenses.
Measuring and regulating station expenses	857	759.23	Measuring and regulating station labor.
		759.33	Measuring and regulating station supplies and expenses.
Transmission and compression of gas by others	858	761.2	Transmission and compression of gas by others.
Other expenses	859	759.24	Other operation labor.
		759.34	Other operation supplies and expenses.
Rents	860	761.1	Rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	861	760.1	Maintenance supervision and engineering.
Maintenance of structures and improvements	862	760.21	Maintenance of compressor station structures
		760.22	Maintenance of measuring and regulating station structures.
		760.23	Maintenance of other structures.
Maintenance of mains	863	760.3	Maintenance of transmission mains.
Maintenance of compressor station equipment.	864	760.4	Maintenance of compressor station equipment.
Maintenance of measuring and regulating station equipment.	865	760.5	Maintenance of measuring and regulating station equipment.
Maintenance of communications equipment	866	-------	New account.
Maintenance of other equipment	867	760.6	Maintenance of other transmission system equipment.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
4. Distribution Expenses			*5. Distribution Expenses*
A. City Gate and Main Line Industrial Measuring and Regulating Expenses			
Operation:			Operation:
Operation supervision and engineering	764.1	870	Operation supervision and engineering.
Operation labor	764.2	877	Measuring and regulating station expenses—city gate check stations.
Operation supplies and expenses	764.3		
Maintenance:			Maintenance:
Maintenance supervision and engineering	764.4	885	Maintenance supervision and engineering.
Maintenance of structures and improvements	764.5	886	Maintenance of structures and improvements.
Maintenance of measuring and regulating station equipment	764.6	891	Maintenance of measuring and regulating station equipment—city gate check stations.
Miscellaneous:			
Rents	764.7	881	Rents.
Joint expenses—debit	764.8	-------	Deleted.
Joint expenses—credit	764.9		
B. General Distribution Expenses			
Operation:			Operation:
Operation supervision and engineering	765	870	Operation supervision and engineering.
Distribution maps and records	766.1	871	Distribution load dispatching.
Other distribution office expenses	766.2		
Operation of distribution mains	767.1	874	Mains and services expenses.
Operation of distribution compressor stations	767.2	872	Compressor station labor and expenses.
		873	Compressor station fuel and power.
Operation of distribution measuring and regulating station equipment	767.3	875	Measuring and regulating station expenses—general.
Removing and resetting meters	768.1	878	Meter and house regulator expenses.
Miscellaneous meter expenses	768.2		
Operation of industrial measuring and regulating stations	769.1	876	Measuring and regulating station expenses—industrial.
Services on customers' premises	769.2	879	Customer installations expenses.
Operation of other distribution equipment	770	880	Other expenses.
Maintenance:			Maintenance:
Maintenance supervision and engineering	771	885	Maintenance supervision and engineering.
Maintenance of structures and improvements	772	886	Maintenance of structures and improvements.
Maintenance of mains	773.1	887	Maintenance of mains.
Maintenance of compressor station equipment	773.2	888	Maintenance of compressor station equipment.
Maintenance of measuring and regulating station equipment	773.3	889	Maintenance of measuring and regulating station equipment—general.
Maintenance of services	773.4	892	Maintenance of services.
Maintenance of meters	773.5	893	Maintenance of meters and house regulators.
Maintenance of house regulators	773.6		
Maintenance of industrial measuring and regulating station equipment	773.7	890	Maintenance of measuring and regulating station equipment—industrial.
Maintenance of other property on customers' premises	773.8	-------	Deleted.
Maintenance of other distribution equipment	774	894	Maintenance of other equipment.
Miscellaneous:			
Rents	776	881	Rents.
Joint expenses—debit	771.1	-------	Deleted.
Joint expenses—credit	777.2		

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
5. Distribution Expenses			*4. Distribution Expenses*
Operation:			Operation:
Operation supervision and engineering	870	764.1	Operation supervision and engineering.
		765	Operation supervision and engineering.
Distribution load dispatching	871	766.2	Other distribution office expenses.
Compressor station labor and expenses	872	767.2	Operation of distribution compressor stations.
Compressor station fuel and power	873		
Mains and services expenses	874	767.1	Operation of distribution mains.
Measuring and regulating station expenses—general	875	767.3	Operation of distribution measuring and regulating station equipment.
Measuring and regulating station expenses—industrial	876	769.1	Operation of industrial measuring and regulating stations.
Measuring and regulating station expenses—city gate check stations	877	764.2	Operation labor.
		764.3	Operation supplies and expenses.
Meter and house regulator expenses	878	768.1	Removing and resetting meters.
		768.2	Miscellaneous meter expenses.
Customer installations expenses	879	769.2	Services on customers' premises.
Other expenses	880	770	Operation of other distribution equipment.
Rents	881	776	Rents.
Maintenance:			Maintenance:
Maintenance supervision and engineering	885	771	Maintenance supervision and engineering.
Maintenance of structures and improvements	886	772	Maintenance of structures and improvements.
		764.5	Maintenance of structures and improvements.
Maintenance of mains	887	773.1	Maintenance of mains.
Maintenance of compressor station equipment	888	773.2	Maintenance of compressor station equipment.
Maintenance of measuring and regulating station equipment—general	889	773.3	Maintenance of measuring and regulating station equipment.
Maintenance of measuring and regulating station equipment—industrial	890	773.7	Maintenance of industrial measuring and regulating station equipment.
Maintenance of measuring and regulating station equipment—city gate check stations	891	764.6	Maintenance of measuring and regulating station equipment.
Maintenance of services	892	773.4	Maintenance of services.
Maintenance of meters and house regulators	893	773.5	Maintenance of meters.
		773.6	Maintenance of house regulators.
Maintenance of other equipment	894	774	Maintenance of other distribution equipment.

APPENDIX A—*Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961*—Continued

From the system of accounts effective Jan. 1, 1940, to the system of accounts effective Jan. 1, 1961

System of accounts effective Jan. 1, 1940		System of accounts effective Jan. 1, 1961	
Account title	No.	No.	Account title
OPERATING EXPENSE ACCOUNTS—Continued			OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued
5. Customers' Accounting and Collecting Expenses			*6. Customer Accounts Expenses*
Supervision	779	901	Supervision.
Customers' contracts and orders	780.1	903	Customer records and collection expenses.
Credit investigations and records	780.2		
Meter reading	780.3	902	Meter reading expenses.
Collecting	780.4	903	Customer records and collection expenses.
Customers' billing and accounting	781	903	Customer records and collection expenses.
Miscellaneous expenses	782	905	Miscellaneous customer accounts expenses.
Uncollectible accounts	783	904	Uncollectible accounts.
Rents	784		Deleted.
6. Sales Promotion Expense			*7. Sales Expense*
Supervision	795	911	Supervision.
Salaries and commissions	786	912	Demonstrating and selling expenses.
Demonstration	787.1		
Advertising	787.2	913	Advertising expenses.
Miscellaneous sales expenses	787.3	916	Miscellaneous sales expenses.
Rents	788		Deleted.
Revenues from merchandising, jobbing, and contract work.	789.1	914	Revenues from merchandising, jobbing, and contract work.
Costs and expenses of merchandising, jobbing, and contract work.	789.2	915	Costs and expenses of merchandising, jobbing, and contract work.
7. Administrative and General Expenses			*8. Administrative and General Expenses*
Operation:			Operation:
Salaries of general officers and executives	790	920	Administrative and general salaries.
Other general office salaries	791		
Expenses of general officers	792.1	921	Office supplies and expenses.
Expenses of general office employees	792.2		
General office supplies and expenses	793		
Management and supervision fees and expenses	794	923	Outside services employed.
Special services	795		
Special legal services	796		
Regulatory commission expenses	797	928	Regulatory commission expenses.
Insurance	798	924	Property insurance.
Injuries and damages	799	925	Injuries and damages.
Employees' welfare expenses	800.1	926	Employee pensions and benefits.
Maintenance of office furniture and equipment	800.2		
Miscellaneous general expenses	801	930	Miscellaneous general expenses.
Maintenance of structures and improvements	802.1	932	Maintenance of general plant.
Maintenance of office furniture and equipment	802.2		
Maintenance of communication equipment	802.3		
Maintenance of miscellaneous property	802.4		
Rents	803	931	Rents.
Commissions paid under agency sales contracts	804		Deleted.
Cash outlays	805.1	927	Franchise requirements.
Gas supplies without charge—debit	805.2		
Other items furnished without charge—debit	805.3		
Duplicate miscellaneous charges—credit	806	929	Duplicate charges—credit. (See text of account 922.)
Administrative and general expenses transferred—credit	807	-------	
Joint expenses—debit	808	-------	Deleted.
Joint expenses—credit	809		
Clearing accounts:			
Charges by associated companies—clearing	901	-------	Deleted (see account 184).
Stores expenses—clearing	902		
Transportation expenses—clearing	903		
Laboratory expenses—clearing	904		
Shop expenses—clearing	905		
Tools and work equipment expenses—clearing	906		

From the system of accounts effective Jan. 1, 1961, to the system of accounts effective Jan. 1, 1940

System of accounts effective Jan. 1, 1961		System of accounts effective Jan. 1, 1940	
Account title	No.	No.	Account title
OPERATION AND MAINTENANCE EXPENSE ACCOUNTS—Continued			OPERATING EXPENSE ACCOUNTS—Continued
6. Customer Accounts Expenses			*5. Customers' Accounting and Collecting Expenses*
Supervision	901	779	Supervision.
Meter reading expenses	902	780.3	Meter reading.
Customer records and collection expenses	903	780.1	Customers' contracts and orders.
		780.2	Credit investigations and records.
		780.4	Collecting.
		781	Customers' billing and accounting.
Uncollectible accounts	904	783	Uncollectible accounts.
Miscellaneous customer accounts expenses	905	782	Miscellaneous expenses.
7. Sales Expense			*6. Sales Promotion Expenses*
Supervision	911	795	Supervision.
Demonstrating and selling expenses	912	786	Salaries and commissions.
		787.1	Demonstration.
Advertising expenses	913	787.2	Advertising.
Revenues from merchandising, jobbing, and contract work.	914	789.1	Revenues from merchandising, jobbing, and contract work.
Costs and expenses of merchandising, jobbing, and contract work.	915	789.2	Costs and expenses of merchandising, jobbing, and contract work.
Miscellaneous sales expenses	916	787.3	Miscellaneous sales expenses.
7. Administrative and General Expenses			*8. Administrative and General Expenses*
Operation:			Operation:
Administrative and general salaries	920	790	Salaries of general officers and executives.
		791	Other general office salaries.
Office supplies and expenses	921	792.1	Expenses of general officers.
		792.2	Expenses of general office employees.
		793	General office supplies and expenses.
Administrative expenses transferred—credit	922	807	Administrative and general expenses transferred—credit. (NOTE.—Accounts 922 to be credited with amounts transferred from accounts 920 and 921.)
		794	Management and supervision fees and expenses.
Outside services employed	923	795	Special services.
		796	Special legal services.
Property insurance	924	798	Insurance.
Injuries and damages	925	799	Injuries and damages.
Employee pensions and benefits	926	800.1	Employees' welfare expenses.
		800.2	Pensions.
		805.1	Cash outlays.
Franchise requirements	927	805.2	Gas supplied without charge—debit.
		805.3	Other items furnished without charge—debit.
Regulatory commission expenses	928	797	Regulatory commission expenses.
Duplicate charges—credit	929	806	Duplicate miscellaneous charges—credit.
Miscellaneous general expenses	930	801	Miscellaneous general expenses.
Rents	931	803	Rents, including rents applicable to customers' accounts and sales.
			Maintenance:
Maintenance of general plant	932	802.1	Maintenance of structures and improvements.
		802.2	Maintenance of office furniture and equipment.
		802.3	Maintenance of communication equipment.
		802.4	Maintenance of miscellaneous property.

APPENDIX B

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT

Definitions

When used in this system of accounts:

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued," as applied to securities issued or assumed by the utility, means those which have been sold to bona fide purchasers for a valuable consideration, those issued as dividends on stock, and those which have been issued in accordance with contractual requirements direct to trustees of sinking funds.

3. "Actually outstanding," as applied to securities issued or assumed by the utility, means those which have been actually issued and are neither retired nor held by or for the utility; provided, however, that securities held by trustees shall be considered as actually outstanding.

4. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

5. A. "Associated companies" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting company.

B. "Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

6. "Book cost" means the amount at which property is recorded in these accounts without deduction of related provisions for accrued depreciation, depletion, amortization, or for other purposes.

7. "Commission," means the Federal Power Commission.

8. "Cost" means the amount of money actually paid for property or services. When the consideration given is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of common stock in a merger or a pooling of interest, the value of such consideration shall be determined on a cash basis.

9. "Cost of removal" means the cost of demolishing, dismantling, tearing down or otherwise removing gas plant, including the cost of transportation and handling incidental thereto.

10. "Debt expense" means all expenses in connection with the issuance and initial sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

11. (a) "Depletion," as applied to natural gas producing land and land rights, means the loss in service value incurred in connection with the exhaustion of the natural resource in the course of service.

(b) "Depreciation," as applied to depreciable gas plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of gas plant in the course of service from causes which are known to be in current operation and against which the utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand and requirements of public authorities, and, in the case of natural gas companies, the exhaustion of natural resources.

12. "Discount", as applied to the securities issued or assumed by the utility, means the excess of the par (stated value of no-par stocks) or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

13. "Investment advances" means advances, represented by notes or by book accounts only, with respect to which it is mutually agreed or intended between the creditor and debtor that they shall be settled by the issuance of securities or shall not be subject to current settlement.

14. "Minor items of property" means the associated parts or items of which retirement units are composed.

15. "Natural gas" means either natural gas unmixed, or any mixture of natural and artificial gas.

16. "Natural gas company" means a person engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale.

17. "Net salvage value" means the salvage value of property retired less the cost of removal.

18. "Nominally issued," as applied to securities issued or assumed by the utility, means those which have been signed, certified, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the utility, but which have not been sold, or issued direct to trustees of sinking funds in accordance with contractual requirements.

19. "Nominally outstanding," as applied to securities issued or assumed by the utility, means those which, after being actually issued, have been reacquired by or for the utility under circumstances which require them to be considered as held alive and not retired, provided, however, that securities held by trustees shall be considered as actually outstanding.

20. "Original cost," as applied to gas plant, means the cost of such property to the person first devoting it to public service.

21. "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or any organized group of persons, whether incorporated or not, or any receiver or trustee.

22. "Premium," as applied to securities issued or assumed by the utility, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no-par stocks) or face value and interest or dividends accrued at the date of sale.

23. "Property retired," as applied to gas plant, means property which has been removed, sold, abandoned, destroyed, or which for any cause has been withdrawn from service.

24. "Replacing" or "replacement," when not otherwise indicated in the context, means the construction or installation of gas plant in place of property retired, together with the removal of the property retired.

25. "Retirement units" means those items of gas plant which, when retired, with or without replacement, are accounted for by crediting the book cost thereof to the gas plant account in which included.

26. "Salvage value" means the amount received for property retired, less any expenses incurred in connection with the sale or in preparing the property for sale; or, if retained, the amount at which the material recoverable is chargeable to Materials and Supplies, or other appropriate account.

27. "Service life" means the time between the date gas plant is includible in gas plant in service, or gas plant leased to others, and the date of its retirement. If depreciation is accounted for on a production basis rather than on a time basis, then service life should be measured in terms of the appropriate unit of production.

28. "Service value" means the difference between original cost and net salvage value of gas plant.

29. "Utility," as used herein and when not otherwise indicated in the context, means any natural gas company to which this system of accounts is applicable.

General Instructions

1. *Classification of Utilities.*

A. For the purpose of applying systems of accounts prescribed by the Commission, natural gas companies are divided into four classes, as follows:

Class A. Natural Gas Companies having annual gas operating revenues of $2,500,000 or more.

Class B. Natural Gas Companies having annual gas operating revenues of $1,000,000 or more but less than $2,500,000.

Class C. Natural Gas Companies having annual gas operating revenues of $150,000 or more but less than $1,000,000.

Class D. Natural Gas Companies having annual gas operating revenues of $25,000 or more but less than $150,000.

B. This system of accounts applies to Class A and Class B utilities. Those applicable to Class C and Class D utilities are issued separately.

C. The class to which any utility belongs shall originally be determined by the average of its annual gas operating revenues for the last three consecutive years. Subsequent changes in classification shall be made when the annual gas operating revenues for each of the three immediately preceding years shall exceed the upper limit, or be less than the lower limit, of the annual gas operating revenues of the classification previously applicable to the utility.

D. Any utility may, at its option, adopt the system of accounts prescribed by the Commission for any larger class of utilities.

2. *Records.* A. Each utility shall keep its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

B. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, stock books, reports, correspondence, memoranda, etc., which may be useful in developing the history of or facts regarding any transaction.

C. No utility shall destroy any such books or records unless the destruction thereof is permitted by rules and regulations of the Commission.

D. In addition to prescribed accounts, clearing accounts, temporary or experimental accounts, and subdivisions of any accounts, may be kept, provided the integrity of the prescribed accounts is not impaired.

E. All amounts included in the accounts prescribed herein for gas plant and operating expenses shall be just and reasonable and any payments or accruals by the utility in excess of just and reasonable charges shall be included in account 426, Other Income Deductions.

F. The arrangement or sequence of the accounts prescribed herein shall not be controlling as to the arrangement or sequence in report forms which may be prescribed by the Commission.

3. *Numbering system.* A. The account numbering plan used herein consists of a system of three-digit whole numbers as follows:

100–199	Assets and Other Debits.
200–299	Liabilities and Other Credits.
300–399	Plant Accounts.
400–439	Income Accounts.
480–499	Revenue Accounts.
700–899	Production, Transmission and Distribution Expenses.
900–949	Customer Accounts, Sales and General and Administrative Expenses.

B. In certain instances, numbers have been skipped in order to allow for possible later expansion or to permit better coordination with the numbering system for other utility departments.

C. The numbers prefixed to account titles are to be considered as part of the titles. Each utility, however, may adopt for its own purposes a different system of account numbers (See also general instruction 2D) provided that the numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and in the various sources of original entry; however, if a utility uses a different group of account numbers and it is not practicable to show the prescribed account numbers in the various sources of original entry, such reference to the prescribed account numbers may be omitted from the various sources of original entry. Moreover, each utility using different account numbers for its own purposes shall keep readily available a list of such account numbers which it uses and a reconciliation of such account numbers with the account numbers provided herein. It is intended that the utility's records shall be so kept as to permit ready analysis by prescribed accounts (by direct reference to sources of original entry to the extent practicable) and to permit preparation of financial and operating statements directly from such records at the end of each accounting period according to the prescribed accounts.

4. *Accounting period.* Each utility shall keep its books on a monthly basis so that for each month all transactions applicable thereto, as nearly as may be ascertained, shall be entered in the books of the utility. Amounts applicable or assignable to specific utility departments shall be so segregated monthly. Each utility shall close its books at the end of each calendar year unless otherwise authorized by the Commission.

5. *Submittal of questions.* To maintain uniformity of accounting, utilities shall submit questions of doubtful interpretation to the Commision for consideration and decision.

6. *Item lists.* Lists of "items" appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The lists are intended to be representative, but not exhaustive. The appearance of an item in a list warrants the inclusion of the item in the account mentioned only when the text of the account also indicates inclusion inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

7. *Delayed items.* Items relating to transactions which occurred prior to the current calendar year but which were not recorded in the books of account shall be included in the same accounts which would have been charged or credited if the items had not been delayed; provided, that when the amount of a delayed item is relatively so large that its inclusion in the accounts for a single month would seriously distort the accounts, it may be distributed in equal amounts to the accounts for the current and remaining months of the calendar year; and provided further, that, if the amount of any delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort the accounts, the amount shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, unless the Commission shall prescribe otherwise in specific instances.

8. *Unaudited items.* Whenever a financial statement is required by the Commission, if it is known that a transaction has occurred which affects the accounts but the amount involved in the transaction and its effect upon the accounts cannot be determined with absolute accuracy, the amount shall be estimated and such estimated amount included in the proper accounts. The utility is not required to anticipate minor items which would not appreciably affect the accounts.

9. *Distribution of pay and expenses of employees.* The charges to gas plant, operating expense and other accounts for services and expenses of employees engaged in activities chargeable to various accounts, such as construction, maintenance, and operations, shall be based upon the actual time engaged in the respective classes of work, or in case that method is impracticable, upon the basis of a study of the time actually engaged during a representative period.

10. *Payroll distribution.* Underlying accounting data shall be maintained so that the distribution of the cost of labor charged direct to the various accounts will be readily available. Such underlying data shall permit a reasonably accurate distribution to be made of the cost of labor charged initially to clearing accounts so that the total labor cost may be classified among construction, cost of removal, gas operating functions (manufactured gas production, natural gas production and gathering, products extraction, underground storage, transmission, distribution, etc.), and nonutility operations.

11. *Operating reserves.* Accretions to operating reserve accounts made by charges to operating expenses shall not exceed a reasonable provision for the expense. Material balances in such reserve accounts shall not be diverted from the purpose for which provided unless the permission of the Commission is first obtained.

12. *Records for each plant.* A. Separate records shall be maintained by gas plant accounts of the book cost of each plant owned, including additions by the utility to plant leased from others, and of the cost of operating and maintaining each plant owned or operated. The term "plant," as here used, means each manufactured gas production plant, the wells and gathering lines of each distinct production area, each system of interconnected transmission mains, each system of wells and lines of an underground storage project, each large purification or dehydration plant, each compressor

The difference between the original cost, as above, and the cost to the utility of gas plant after giving effect to any accumulated provision for depreciation, depletion, or amortization, and contributions in aid of construction applicable to the property acquired if recorded by the accounting utility at the time of acquisition, shall be recorded in account 114, Gas Plant Acquisition Adjustments. The original cost of gas plant shall be determined by analysis of the utility's records or those of predecessor or vendor companies with respect to gas plant previously acquired as operating units or systems and the difference between the original cost so determined, less accumulated provisions for depreciation, depletion, and amortization and contributions in aid of construction if recorded by the accounting utility, and the cost to the utility, with necessary adjustments for retirements from date of acquisition, shall be entered in account 114, Gas Plant Acquisition Adjustments. Any difference between the cost of gas plant and its book cost, when not properly includible in other accounts, shall be recorded in account 116, Other Gas Plant Adjustments.

2. *Gas plant to be recorded at cost.* A. All amounts included in the accounts for gas plant acquired as an operating unit or system, except as otherwise provided in the texts of the intangible plant accounts, shall be stated at the cost incurred by the person who first devoted the property to utility service. All other gas plant shall be included in the accounts at the cost incurred by the utility. Where the term "cost" is used in the detailed plant accounts, it shall have the meaning stated in this paragraph.

B. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis. (See, however, definition 8.) In the entry recording such transaction, the actual consideration shall be described with sufficient particularity to identify it. The utility shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than cash.

C. When property is purchased under a plan involving deferred payments, no charge shall be made to the gas plant accounts for interest, insurance, or other expenditures occasioned solely by such form of payment.

D. Gas plant contributed to the utility or constructed by it from contributions to it of cash or its equivalent shall be charged to the gas plant accounts at cost of construction, estimated if not known. There shall be credited to the accounts for accumulated depreciation, depletion, and amortization the estimated amount of depreciation, depletion, and amortization applicable to the property at the time of its contribution to the utility. The difference between the amounts included in the gas plant accounts and the accumulated depreciation, depletion, and amortization shall be credited to account 271, Contributions in Aid of Construction.

3. *Components of construction cost.* The cost of construction property included in the gas plant accounts shall include, where applicable, the direct and overhead costs as listed and defined hereunder:

(1) "Contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals, costs incident to the award of such contracts, and the inspection of such work.

(2) "Labor" includes the pay and expenses of employees of the utility engaged on construction work, and related workmen's compensation insurance, payroll taxes and similar items of expense. It does not include the pay and expenses of employees which are distributed to construction through clearing accounts nor the pay and expenses included in other items hereunder.

(3) "Materials and supplies" includes the purchase price at the point of free delivery plus customs duties, excise taxes, the cost of inspection, loading and transportation, the related stores expenses, and the cost of fabricated materials from the utility's shop. In determining the cost of materials and supplies used for construction, proper allowance shall be made for unused materials and supplies, for materials recovered from temporary structures used in performing the work involved, and for discounts allowed and realized in the purchase of materials and supplies.

NOTE: The cost of individual items of equipment of small value (for example, $50 or less) or of short life, including small portable tools and implements, shall not be charged to utility plant accounts unless the correctness of the accounting therefor is verified by current inventories. The cost shall be charged to the appropriate operating expense or clearing accounts, according to the use of such items, or, if such items are consumed directly in construction work, the cost shall be included as part of the cost of the construction.

(4) "Transportation" includes the cost of transporting employees, materials and supplies, tools, purchased equipment, and other work equipment (when not under own power) to and from points of construction. It includes amounts paid to others as well as the cost of operating the utility's own transportation equipment. (See item 5 following.)

(5) "Special machine service" includes the cost of labor (optional), materials and supplies, depreciation, and other expenses incurred in the maintenance, operation and use of special machines, such as steam shovels, pile drivers, derricks, ditchers, scrapers, material unloaders, and other labor saving machines; also expenditures for rental, maintenance and operation of machines of others. It does not include the cost of small tools and other individual items of small value or short life which are included in the cost of materials and supplies. (See item 3, above.) When a particular construction job requires the use for an extended period of time of special machines, transportation or other equipment, the net book cost thereof, less the appraised or salvage value at time of release from the job, shall be included in the cost of construction.

(6) "Shop service" includes the proportion of the expense of the utility's shop department assignable to construction work except that the cost of fabricated materials from the utility's shop shall be included in "materials and supplies."

(7) "Protection" includes the cost of protecting the utility's property from fire or other casualties and the cost of preventing damages to others, or to the property of others, including payments for discovery or extinguishment of fires, cost of apprehending and prosecuting incendiaries, witness fees in relation thereto, amounts paid to municipalities and others for fire protection, and other analogous items of expenditures in connection with construction work.

(8) "Injuries and damages" includes expenditures or losses in connection with the construction work on account of injuries to persons and damages to the property of others; also the cost of investigation of and defense against actions for such injuries and damages. Insurance recovered or recoverable on account of compensation paid for injuries to persons incident to construction shall be credited to the account or accounts to which such compensation is charged. Insurance recovered or recoverable on account of property damages incident to construction shall be credited to the account or accounts charged with the cost of the damages.

(9) "Privileges and permits" includes payments for and expenses incurred in securing temporary privileges, permits or rights in connection with construction work, such as for the use of private or public property, streets, or highways, but it does not include rents, or amounts chargeable as franchises and consents and Consents.

(10) "Rents" includes amounts paid for the use of construction quarters and office space occupied by construction forces and amounts properly includible in construction costs for such facilities jointly used.

(11) "Engineering and supervision" includes the portion of the pay and expenses of engineers, surveyors, draftsmen, inspectors, superintendents and their assistants applicable to construction work.

(12) "General administration capitalized" includes the portion of the pay and expenses of the general officers and administrative and general expenses applicable to construction work.

(13) "Engineering services" includes amounts paid to other companies, firms, or individuals engaged by the utility to plan, design, prepare estimates, supervise, inspect, or give general advice and assistance in connection with construction work.

(14) "Insurance" includes premiums paid or amounts provided or reserved as self-insurance for the protection against loss and damages in connection with construction, by fire or other casualty, injury to or death of persons other than employees, damages to property of others, defalcation of employees and agents, and the nonperformance of contractual obligations of others. It does not include workmen's compensation or similar insurance on employees included as "labor" in item 2, above.

(15) "Law expenditures" includes the general law expenditures incurred in connection with construction and the court and legal costs directly related thereto, other than law expenses included in protection, item 7, and in injuries and damages, item 8.

(16) "Taxes" includes taxes on physical property (including land) during the period of construction and other taxes properly includible in construction costs before the facilities become available for service.

(17) "Interest during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used. No interest charges shall be included in these accounts upon expenditures for construction projects which have been abandoned.

NOTE: When a part only of a plant or project is placed in operation or is completed and ready for service but the construction work as a whole is incomplete, that part of the cost of the property placed in operation, or ready for service, shall be treated as "Gas Plant in Service" and interest thereon as a charge to construction shall cease. Interest on that part of the cost of the plant which is incomplete may be continued as a charge to construction until such time as it is placed in operation or is ready for service, except as limited in item 17 above.

(18) "Earnings and expenses during construction" includes (a) all revenues derived during the construction period from property which is included in the cost of a project under construction and (b) all expenses which are attributable to the revenues received.

4. *Overhead construction costs.* A. All overhead construction costs, such as engineering, supervision, general office salaries and expenses, construction engineering and supervision by others than the accounting utility, law expenses, insurance, injuries and damages, relief and pensions, taxes and interest, shall be charged to particular jobs or units on the basis of the amounts of such overheads reasonably applicable thereto, to the end that each job or unit shall bear its equitable proportion of such costs and that the entire cost of the unit, both direct and overhead, shall be defrosted from the plant accounts at the time the property is retired.

B. As far as practicable, the determination of pay roll charges includible in construction overheads shall be based on time card distributions thereof. Where this procedure is impractical, special studies shall be made periodically of the time of supervisory employees devoted to construction activities to the end that only such overhead costs as have a definite relation to construction shall be capitalized. The addition to direct construction costs of arbitrary percentages or amounts to cover assumed overhead costs is not permitted.

C. The records supporting the entries for overhead construction costs shall be so kept as to show the total amount of each overhead for each year, the nature and amount of each overhead expenditure charged to each construction work order and to each utility plant account, and the bases of distribution of such costs.

5. *Gas plant purchased or sold.* A. When gas plant constituting an operating unit or system is acquired by purchase, merger, consolidation, liquidation, or otherwise, after the effective date of this system of accounts, the costs of acquisition, including expenses incidental thereto properly includible in gas plant, shall be charged to account 102, Gas Plant Purchased or Sold.

B. The accounting for the acquisition shall then be completed as follows:

(1) The original cost of plant, estimated if not known, shall be credited to account 102, Gas Plant Purchased or Sold, and concurrently charged to the appropriate gas plant in service accounts and to account 104, Gas Plant Leased to Others, account 105, Gas Plant Held for Future Use, and account 107, Construction Work in Progress—Gas, as appropriate.

(2) The depreciation, depletion, and amortization applicable to the original cost of the properties purchased, shall be charged to account 102, Gas Plant Purchased or Sold, and concurrently credited to the appropriate account for accumulated provision for depreciation, depletion or amortization.

(3) The cost to the utility of any property includible in account 121, Nonutility Property, shall be transferred thereto.

(4) The amount of contributions in aid of construction applicable to the property acquired, shall be charged to account 102, Gas Plant Purchased or

shall be carried in an appropriate liability account. Interest on unpaid balances shall be charged to the appropriate interest account. If any part of the cost of public improvement is included in the general tax levy, the amount thereof shall be charged to the appropriate tax account.

C. The net profit from the sale of timber, cord wood, or other property acquired with rights-of-way or other lands shall be credited to the appropriate land and land rights or clearing land account. Where land is held for a considerable period of time and purchase increases in value, the net profit (after giving effect to the cost of the timber) from the sales of timber or its products shall be credited to account 421, Miscellaneous Nonoperating Income.

D. Separate entries shall be made for the acquisition, transfer, or retirement of each parcel of land, and each land right, or gas right (except rights-of-way for distribution mains), having a life of more than one year. A record shall be maintained showing the nature of ownership, full legal description, area, map reference, purpose for which used, city, county, and tax district in which situated, from whom purchased or to whom sold, payment given or received, other costs, contract date and number, date of recording of deed, and book and page of record. Entries transferring or retiring land or land rights shall refer to the original entry recording its acquisition. A parcel of land acquired and carried on the books as a unit is not required to be subdivided with transfers to other land accounts merely because of the erection thereon of an incidental structure to be used in gas operations but for a purpose differing from that for which the land is chiefly employed; for example, a small storehouse on production plant land.

E. Any difference between the amount received from the sale of land or land rights, less agents' commissions and other costs incident to the sale, and the book cost of such land or right, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate, unless a reserve therefor has been authorized and provided. Appropriate adjustments of the accounts shall be made with respect to any structures or improvements located on land sold.

F. The cost of buildings and other improvements (other than public improvements) shall not be included in the land accounts. If at the time of acquisition of an interest in land such interest extends to buildings or other improvements (other than public improvements), which are then devoted to utility operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

G. When the purchase of land for gas operations requires the purchase of more land than needed for such purposes, the charge to the specific land account shall be based upon the cost of the land purchased, less the fair market value of that portion of the land which is not to be used in utility operations. The portion of the cost measured by the fair market value of the land not to be used shall be included in account 105, Gas Plant Held for Future Use, or account 121, Nonutility Property, as appropriate. Regarding land and land rights held for the production of natural gas, account 101, Gas Plant in Service, shall include (1) the cost of lands owned in fee upon which producing natural gas wells are located or lands owned in fee which are being drained through the operation by the utility of wells on the other land, and (2) the first cost of lands held under lease upon which the utility pays royalties for the natural gas obtained therefrom. The cost of all other land and land rights held for the production of natural gas under a definite plan for such use shall be included in account 105, Gas Plant Held for Future Use.

NOTE: In addition to the accounting records prescribed herein, supplemental records of land and land rights held for future use shall be kept in such manner as to permit the segregation within a reasonable time of the land and land rights constituting (1) productive but nonproducing fields, (2) unproven or undeveloped fields, and (3) storage fields, and to show the following data with respect to each natural gas lease, regardless of the accounting treatment accorded the lease costs: (a) name of lessor, (b) location of leasehold and number or other identification assigned thereto, (c) date and period of lease agreement, (d) first cost of lease including details of the elements of such cost, (e) annual rental provisions, (f) date and cost of drilling, (g) date gas determined to exist, (h) date of completion of first well drilled by the utility in each pool of gas, (i) royalty provisions, (j) amortization and depletion provisions, and (k) date of abandonment of lease.

H. Provision shall be made for amortizing amounts carried in the accounts for limited-term interests in land, so as to apportion equitably the cost of each interest over the life thereof. For the purposes of amortization of natural gas rights, separate interests in land which comprise an interest in a production area may be grouped to form a depletion unit. (See account 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, account 113.1, Accumulated Provision for Abandonment of Leases, and account 111.3, Accumulated Provision for Amortization of Other Gas Plant in Service; also account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 797, Abandoned Leases.)

I. The items of cost to be included in the accounts for land and land rights are as follows:

1. Bulkheads, buried, not requiring maintenance or replacement.
2. Cost, first, of acquisition including mortgages and other liens assumed (but not subsequent interest thereon).
3. Clearing (first cost) the land of brush, trees, and debris.
4. Condemnation proceedings, including court and counsel costs.
5. Consents, and abutting damages, payment for.
6. Conveyancers' and notaries' fees.
7. Fees, commissions, and salaries to brokers, agents, and others in connection with the acquisition of the land or land rights.
8. Grading the land, except when directly occasioned by the building of a structure.
9. Leases, cost of voiding upon purchase to secure possession of land.
10. Removing, relocating, or reconstructing property of others, such as buildings, highways, railroads, cemeteries, churches, telephone and power lines, etc., in order to acquire quiet possession.
11. Retaining walls unless identified with structures.
12. Special assessments levied by public authorities for public improvements on the basis of benefits for new roads, new bridges, new sewers, new curbing, new pavements, and other public improvements, but not taxes levied to provide for the maintenance of such improvements.
13. Surveys in connection with the acquisition, but not amounts paid for topographical surveys and maps where such costs are attributable to structures or plant equipment erected or to be erected or installed on such land.
14. Taxes assumed, accrued to date of transfer of title.
15. Title, examining, clearing, insuring, and registering in connection with the acquisition and defending against claims relating to the period prior to the acquisition.
16. Appraisals prior to closing title.
17. Cost of dealing with distributees or legatees residing outside of the state or without the jurisdiction of the probate court, such as recording fees, revenue stamps, and commission or will, recording satisfaction of state tax.
18. Filing satisfaction of mortgage.
19. Documentary stamps.
20. Photographs of property at acquisition.
21. Fees and expenses incurred in the acquisition of water rights, and grants.
22. Cost of fill to extend bulkhead line over land under water, where riparian rights are held, which is not occasioned by the erection of a structure.
23. Sidewalks and curbs constructed by the utility on public property.
24. Labor and expenses in connection with securing rights of way, where performed by company employees and company agents.

D. Where furnaces and boilers are used primarily for furnishing steam for some particular department and only incidentally for furnishing steam for heating a building and operating the equipment therein, the entire cost of such furnaces and boilers shall be charged to the appropriate plant account, and no part to the building account.

E. The cost of disposing of materials excavated in connection with construction of structures shall be considered as a part of the cost of such work, except as follows: (a) When such material is used for filling, the cost of loading, hauling, and dumping shall be equitably apportioned between the work in connection with which the material is used; (b) when such material is sold, the net amount realized from such sales shall be credited to the work in connection with which the removal occurs. If the amount realized from the sale of excavated materials exceeds the removal costs and the costs in connection with the sale, the excess shall be credited to the land account in which the site is carried.

F. Lighting or other fixtures temporarily attached to buildings for purposes of display or demonstration shall not be included in the cost of the building but in the appropriate equipment account.

G. The items of cost to be included in the accounts for structures and improvements are as follows:

1. Architects' plans and specifications including supervision.
2. Ash pits (when located within the building).
3. Athletic field structures and improvements.
4. Boilers, furnaces, piping, wiring, fixtures, and machinery for heating, lighting, signaling, ventilating, and air conditioning systems, plumbing, vacuum cleaning systems, incinerator and smoke pipe, flues, etc.
5. Bulkheads, including dredging, riprap fill, piling, decking, concrete, fenders, etc., when exposed and subject to maintenance and replacement.
6. Chimneys.
7. Coal bins and bunkers.
8. Commissions and fees to brokers, agents, architects and others.
9. Conduit (not to be removed) with its contents.
10. Damages to abutting property during construction.
11. Docks.
12. Door checks and door stops.
13. Drainage and sewerage systems.
14. Elevators, cranes, hoists, etc., and the machinery for operating them.
15. Excavation, including shoring, bracing, bridging, refill, and disposal of excess excavated material, cofferdams around foundation, pumping water from cofferdam during construction, and test borings.
16. Fences and fence curbs (not including protective fences insolating items of equipment, which shall be charged to the appropriate equipment account).
17. Fire protection systems when forming a part of a structure.
18. Flagpole.
19. Floor covering (permanently attached).
20. Foundations and piers for machinery, constructed as a permanent part of a building or other items listed herein.
21. Grading and clearing when directly occasioned by the building of a structure.
22. Holders—Relief.
23. Intrasite communication system, poles, pole fixtures, wires and cables.
24. Landscaping, lawns, shrubbery, etc.
25. Leases, voiding upon purchase to secure possession of structures.
26. Leased property, expenditures on.
27. Lighting fixtures and outside lighting system.
28. Mailchutes when part of a building.
29. Marquee, permanently attached to building.
30. Painting, first cost.
31. Permanent paving, concrete, brick, flagstone, asphalt, etc. within the property lines.
32. Partitions, including movable.
33. Permits and privileges.
34. Platforms, railings and gratings when constructed as a part of a structure.
35. Power boards for service to a building.
36. Refrigerating systems for general use.
37. Retaining walls except when identified with land.
38. Roadways, railroads, bridges, and trestles, intrasite, except railroads provided for in equipment accounts.
39. Roofs.
40. Scales, connected to and forming a part of a structure.
41. Screens.
42. Sewer systems, for general use.
43. Sidewalks, culverts, curbs and streets constructed by the utility on its property.
44. Sprinkling systems.
45. Sump pumps and pits.
46. Stacks—brick, steel, or concrete, when set on foundation forming part of general foundation and steelwork of a building.
47. Steel inspection during construction.
48. Storage facilities constituting a part of a building.
49. Storm doors and windows.
50. Subways, areaways, and tunnels, directly connected to and forming part of a structure.
51. Tanks, constructed as part of a building or as a distinct structural unit.

Sold, and concurrently credited to account 271, Contributions in Aid of Construction, unless otherwise authorized by the Commission.

(f) The amount remaining in account 102, Gas Plant Purchased or Sold, shall then be closed to account 114, Gas Plant Acquisition Adjustments.

C. If property acquired in the purchase of an operating unit or system is in such physical condition when acquired that it is necessary substantially to rehabilitate it in order to bring the property up to the standards of the utility, the cost of such work, except replacements, shall be accounted for as a part of the purchase price of the property.

D. When any property acquired as an operating unit or system includes duplicate or other plant which will be retired by the accounting utility in the reconstruction of the acquired property or its consolidation with previously owned property, the proposed accounting for such property shall be presented to the Commission.

E. In connection with the acquisition of gas plant constituting an operating unit or system, the utility shall procure, if possible, all existing records relating to the property acquired, or certified copies thereof, and shall preserve such records in conformity with regulations or practices governing the preservation of records of its own construction.

F. When gas plant constituting an operating unit or system is sold, conveyed, or transferred to another by sale, merger, consolidation or otherwise, the book cost of the property sold or transferred to another shall be credited to the appropriate utility plant accounts, including amounts carried in account 114, Gas Plant Acquisition Adjustments, and the amounts (estimated if not known) carried with respect thereto in the accounts for accumulated provisions for depreciation, depletion, and amortization and in account 252, Customer Advances for Construction, and account 271, Contributions in Aid of Construction, shall be charged to such accounts and the contra entries made to account 102 Gas Plant Purchased or Sold. Unless otherwise ordered by the Commission, the difference, if any, between (a) the net amount of debits and credits and (b) the consideration received for the property (less commissions and other expenses of making the sale) shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus. (See account 102, Gas Plant Purchased or Sold.)

NOTE: In cases where existing utilities merge or consolidate because of financial or operating reasons or statutory requirements rather than as a means of transferring title of purchased properties to a new owner, the accounts of the constituent utilities, with the approval of the Commission, may be combined. In the event original cost has not been determined, the resulting utility shall proceed to determine such cost as outlined herein.

6. *Expenditures on leased property.*

A. The cost of substantial initial improvements (including repairs, rearrangements, additions, and betterments) made in the course of preparing for a utility service property leased for a period of more than one year, and the cost of subsequent substantial additions, replacements, or betterments to such property, shall be charged to the gas plant account appropriate for the class of property leased. If the service life of the improvements is terminable by action of the lease, the cost, less net salvage, of the improvements shall be spread over the life of the lease by charges to account 404.3, Amortization of Other Limited-Term Gas Plant. However, if the service life is not terminated by action of the lease but by depreciation proper, the cost of the improvements, less net salvage, shall be accounted for as depreciable plant.

B. If improvements made to property leased for a period of more than one year are of relatively minor cost, or if the lease is for a period of not more than one year, the cost of the improvements shall be charged to the account in which the rent is included, either directly or by amortization thereof.

7. *Land and land rights.* A. The accounts for land and land rights shall include the cost of land owned in fee by the utility and rights, interests, and privileges held by the utility in land owned by others, such as leaseholds, easements, rights of way, natural gas rights, and other like interests in land.

B. Where special assessments for public improvements provide for deferred payments, the full amount of the assessments shall be charged to the appropriate land account and the unpaid balance included in account 105, Gas Plant Held for Future Use.

NOTE: In addition to the accounting records prescribed herein, supplemental records of land and land rights held for future use shall be kept in such manner as to permit the segregation within a reasonable time of the land and land rights constituting (1) productive but nonproducing fields, (2) unproven or undeveloped fields, and (3) storage fields, and to show the following data with respect to each natural gas lease, regardless of the accounting treatment accorded the lease costs: (a) name of lessor, (b) location of leasehold and number or other identification assigned thereto, (c) date and period of lease agreement, (d) first cost of lease including details of the elements of such cost, (e) annual rental provisions, (f) date and cost of drilling, (g) date gas determined to exist, (h) date of completion of first well drilled by the utility in each pool of gas, (i) royalty provisions, (j) amortization and depletion provisions, and (k) date of abandonment of lease.

H. Provision shall be made for amortizing amounts carried in the accounts for limited-term interests in land, so as to apportion equitably the cost of each interest over the life thereof. For the purposes of amortization of natural gas rights, separate interests in land which comprise an interest in a production area may be grouped to form a depletion unit. (See account 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights, account 113.1, Accumulated Provision for Abandonment of Leases, and account 111.3, Accumulated Provision for Amortization of Other Gas Plant in Service; also account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 797, Abandoned Leases.)

I. The items of cost to be included in the accounts for land and land rights are as follows:

1. Bulkheads, buried, not requiring maintenance or replacement.
2. Cost, first, of acquisition including mortgages and other liens assumed (but not subsequent interest thereon).
3. Clearing (first cost) the land of brush, trees, and debris.
4. Condemnation proceedings, including court and counsel costs.
5. Consents, and abutting damages, payment for.
6. Conveyancers' and notaries' fees.
7. Fees, commissions, and salaries to brokers, agents, and others in connection with the acquisition of the land or land rights.
8. Grading the land, except when directly occasioned by the building of a structure.
9. Leases, cost of voiding upon purchase to secure possession of land.
10. Removing, relocating, or reconstructing property of others, such as buildings, highways, railroads, cemeteries, churches, telephone and power lines, etc., in order to acquire quiet possession.
11. Retaining walls unless identified with structures.
12. Special assessments levied by public authorities for public improvements on the basis of benefits for new roads, new bridges, new sewers, new curbing, new pavements, and other public improvements, but not taxes levied to provide for the maintenance of such improvements.
13. Surveys in connection with the acquisition, but not amounts paid for topographical surveys and maps where such costs are attributable to structures or plant equipment erected or to be erected or installed on such land.
14. Taxes assumed, accrued to date of transfer of title.
15. Title, examining, clearing, insuring, and registering in connection with the acquisition and defending against claims relating to the period prior to the acquisition.
16. Appraisals prior to closing title.
17. Cost of dealing with distributees or legatees residing outside of the state or without the jurisdiction of the probate court, such as recording fees, revenue stamps, and commission or will, recording satisfaction of state tax.
18. Filing satisfaction of mortgage.
19. Documentary stamps.
20. Photographs of property at acquisition.
21. Fees and expenses incurred in the acquisition of water rights, and grants.
22. Cost of fill to extend bulkhead line over land under water, where riparian rights are held, which is not occasioned by the erection of a structure.
23. Sidewalks and curbs constructed by the utility on public property.
24. Labor and expenses in connection with securing rights of way, where performed by company employees and company agents.

D. Where furnaces and boilers are used primarily for furnishing steam for some particular department and only incidentally for furnishing steam for heating a building and operating the equipment therein, the entire cost of such furnaces and boilers shall be charged to the appropriate plant account, and no part to the building account.

E. The cost of disposing of materials excavated in connection with construction of structures shall be considered as a part of the cost of such work, except as follows: (a) When such material is used for filling, the cost of loading, hauling, and dumping shall be equitably apportioned between the work in connection with which the material is used; (b) when such material is sold, the net amount realized from such sales shall be credited to the work in connection with which the removal occurs. If the amount realized from the sale of excavated materials exceeds the removal costs and the costs in connection with the sale, the excess shall be credited to the land account in which the site is carried.

F. Lighting or other fixtures temporarily attached to buildings for purposes of display or demonstration shall not be included in the cost of the building but in the appropriate equipment account.

G. The items of cost to be included in the accounts for structures and improvements are as follows:

1. Architects' plans and specifications including supervision.
2. Ash pits (when located within the building).
3. Athletic field structures and improvements.
4. Boilers, furnaces, piping, wiring, fixtures, and machinery for heating, lighting, signaling, ventilating, and air conditioning systems, plumbing, vacuum cleaning systems, incinerator and smoke pipe, flues, etc.
5. Bulkheads, including dredging, riprap fill, piling, decking, concrete, fenders, etc., when exposed and subject to maintenance and replacement.
6. Chimneys.
7. Coal bins and bunkers.
8. Commissions and fees to brokers, agents, architects and others.
9. Conduit (not to be removed) with its contents.
10. Damages to abutting property during construction.
11. Docks.
12. Door checks and door stops.
13. Drainage and sewerage systems.
14. Elevators, cranes, hoists, etc., and the machinery for operating them.
15. Excavation, including shoring, bracing, bridging, refill, and disposal of excess excavated material, cofferdams around foundation, pumping water from cofferdam during construction, and test borings.
16. Fences and fence curbs (not including protective fences insolating items of equipment, which shall be charged to the appropriate equipment account).
17. Fire protection systems when forming a part of a structure.
18. Flagpole.
19. Floor covering (permanently attached).
20. Foundations and piers for machinery, constructed as a permanent part of a building or other items listed herein.
21. Grading and clearing when directly occasioned by the building of a structure.
22. Holders—Relief.
23. Intrasite communication system, poles, pole fixtures, wires and cables.
24. Landscaping, lawns, shrubbery, etc.
25. Leases, voiding upon purchase to secure possession of structures.
26. Leased property, expenditures on.
27. Lighting fixtures and outside lighting system.
28. Mailchutes when part of a building.
29. Marquee, permanently attached to building.
30. Painting, first cost.
31. Permanent paving, concrete, brick, flagstone, asphalt, etc. within the property lines.
32. Partitions, including movable.
33. Permits and privileges.
34. Platforms, railings and gratings when constructed as a part of a structure.
35. Power boards for service to a building.
36. Refrigerating systems for general use.
37. Retaining walls except when identified with land.
38. Roadways, railroads, bridges, and trestles, intrasite, except railroads provided for in equipment accounts.
39. Roofs.
40. Scales, connected to and forming a part of a structure.
41. Screens.
42. Sewer systems, for general use.
43. Sidewalks, culverts, curbs and streets constructed by the utility on its property.
44. Sprinkling systems.
45. Sump pumps and pits.
46. Stacks—brick, steel, or concrete, when set on foundation forming part of general foundation and steelwork of a building.
47. Steel inspection during construction.
48. Storage facilities constituting a part of a building.
49. Storm doors and windows.
50. Subways, areaways, and tunnels, directly connected to and forming part of a structure.
51. Tanks, constructed as part of a building or as a distinct structural unit.

52. Temporary heating during construction (net cost).
53. Temporary water connection during construction (net cost).
54. Temporary shanties and other facilities used during construction (net cost).
55. Topographical maps.
56. Tunnels, intake and discharge, when constructed as part of a structure, including sluice gates, and those constructed to house mains.
57. Vaults constructed as part of a building.
58. Watchmen's sheds and clock systems (net cost when used during construction only).
59. Water basins or reservoirs.
60. Water front improvements.
61. Water meters and supply system for a building or for general company purposes.
62. Water supply piping, hydrants and wells.
63. Wharves.
64. Window shades and ventilators.
65. Yard drainage system.
66. Yard lighting system.
67. Yard surfacing, gravel, concrete, or oil. (First cost only.)

NOTE: Structures and Improvements accounts shall be credited with the cost of coal bunkers, stacks, foundations, subways, tunnels, etc., the use of which has terminated with the removal of the equipment with which they are associated even though they have not been physically removed.

9. *Equipment.* A. The cost of equipment chargeable to the gas plant accounts, unless otherwise indicated in the text of an equipment account, includes the net purchase price thereof, sales taxes, investigation and inspection expenses necessary to such purchase, expenses of transportation when borne by the utility, labor employed, materials and supplies consumed, and expenses incurred by the utility in unloading and placing the equipment in readiness to operate.

B. Exclude from equipment accounts hand and other portable tools which are likely to be lost or stolen or which have relatively small value (for example, $50 or less) or short life, unless the correctness of the accounting therefor as gas plant is verified by current inventories. Special tools acquired and included in the purchase price of equipment shall be included in the appropriate plant account. Portable drills and similar tool equipment when used in connection with the operation and maintenance of a particular plant or department, such as production, transmission, distribution, etc., or in "stores," shall be charged to the plant account appropriate for their use.

C. The equipment accounts shall include angle irons and similar items which are installed at the base of an item of equipment, but piers and foundations which are designed to be as permanent as the buildings which house the equipment, or which are constructed as a part of the building and which cannot be removed without cutting into the walls, ceilings or floors or without in some way impairing the building, shall be included in the building accounts.

D. The equipment accounts shall include the necessary costs of testing or running a plant or part thereof during an experimental or test period prior to becoming available for service. The utility shall furnish the Commission with full particulars of and justification for any test or experimental run extending beyond a period of thirty days.

E. The cost of efficiency or other tests made subsequent to the date equipment becomes available for service shall be charged to the appropriate expense accounts, except that tests to determine whether equipment meets the specifications and requirements as to efficiency, performance, etc., guaranteed by manufacturers, made after operations have commenced and within the period specified in the agreement or contract of purchase, may be charged to the appropriate gas plant account.

10. *Additions and retirements of gas plant.* A. For the purpose of avoiding undue refinement in accounting for additions to and retirements and replacements of gas plant, all property shall be considered as consisting of (1) retirement units and (2) minor items of property. Each utility shall use such list of retirement units as is in use by it at the effective date hereof or as may be prescribed by the Commission, with the option, however, of using smaller units, provided the utility's practice in this respect is consistent.

B. The addition and retirement of retirement units shall be accounted for as follows:

(1) When a retirement unit is added to gas plant, the cost thereof shall be added to the appropriate gas plant account, except that when units are acquired in the acquisition of any gas plant constituting an operating system, they shall be accounted for as provided in gas plant instruction 5.

(2) When a retirement unit is retired from gas plant, with or without replacement, the book cost thereof shall be credited to the gas plant account in which it is included, determined in the manner set forth in paragraph D, below. If the retirement unit is of a depreciable class, the book cost of the unit retired and credited to gas plant shall be charged to the accumulated provision for depreciation applicable to such property. The cost of removal and the salvage shall be charged or credited, as appropriate, to such depreciation account.

C. The addition and retirement of minor items of property shall be accounted for as follows:

(1) When a minor item of property which did not previously exist is added to plant, the cost thereof shall be accounted for in the same manner as for the addition of a retirement unit, as set forth in paragraph B(1), above, if a substantial addition results, otherwise the charge shall be to the appropriate maintenance expense account.

(2) When a minor item of property is retired and not replaced, the book cost thereof shall be credited to the gas plant account in which it is included; and, in the event the minor item is a part of depreciable plant, the account for accumulated provision for depreciation shall be charged with the book cost and cost of removal and credited with the salvage. If, however, the book cost of the minor item retired and not replaced has been or will be accounted for by its inclusion in the retirement unit of which it is a part when such unit is retired, no separate credit to the property account is required when such minor item is retired.

(3) When a minor item of depreciable property is replaced independently of the retirement unit of which it is a part, the cost of replacement shall be charged to the maintenance account appropriate for the item, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, more efficient, or of greater durability, or of greater capacity), the excess cost of the replacement over the estimated cost at current prices of replacing without betterment shall be charged to the appropriate gas plant account.

D. The book cost of gas plant retired shall be the amount at which such property is included in the gas plant accounts, including all components of construction costs. The book cost shall be determined from the utility's records and if this cannot be done, it shall be estimated. When it is impracticable to determine the book cost of each unit, due to the relatively large number or small cost thereof, an appropriate average book cost of the units, with due allowance for any differences in size and character, shall be used as the book cost of the units retired.

E. The book cost of land retired shall be credited to the appropriate land account. If the land is sold, the difference between the book cost (less any accumulated provision for depreciation, depletion, or amortization therefor which has been authorized and provided) and the sale price of the land (less commissions and other expenses of making the sale) shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate. If the land is not used in utility service but is retained by the utility, the book cost shall be charged to account 105, Gas Plant Held for Future Use, or account 121, Nonutility Property, as appropriate.

F. The book cost less net salvage of depreciable gas plant retired shall be charged in its entirety to account 108, Accumulated Provision for Depreciation of Gas Plant in Service. Any amounts which, by approval or order of the Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 108.

G. The accounting for the retirement of amounts included in account 302, Franchises and Consents, and account 303, Miscellaneous Intangible Plant, and the items of limited-term interest in land included in the accounts for land and land rights, shall be as provided for in the text of account 111.3, Accumulated Provision for Amortization of Other Gas Plant in Service, account 404.3, Amortization of Other Limited-Term Gas Plant, and account 405, Amortization of Other Gas Plant.

11. *Work order and property record system required.* A. Each utility shall record all construction and retirements of gas plant by means of work orders or job orders. Separate work orders may be opened for additions to and retirements of gas plant or the retirements may be included with the construction work order, provided, however, that all items relating to the retirements shall be kept separate from those relating to construction and provided, further, that any maintenance costs involved in the work shall likewise be segregated.

B. Each utility shall keep its work order system so as to show the nature of each addition to or retirement of gas plant, the total cost thereof, the source or sources of costs, and the gas plant account or accounts to which charged or credited. Work orders covering jobs of short duration may be cleared monthly.

C. Each utility shall maintain records in which, for each plant account, the amounts of the annual additions and retirements, subsequent to the effective date of this system of accounts, are classified so as to show the number and cost of the various record units or retirement units.

12. *Transfers of property.* When property is transferred from one gas plant account to another, from one utility department to another, such as from gas to electric, from one operating division or area to another, to or from accounts 101, Gas Plant in Service, 104, Gas Plant Leased to Others, 105, Gas Plant Held for Future Use, and 121, Nonutility Property, the transfer shall be recorded by transferring the original cost thereof from the one account, department, or location to the other. Any related amounts carried in the accounts for accumulated provisions for depreciation, depletion, or amortization shall be transferred in accordance with the segregation of such accounts.

NOTE: Amounts included in account 113.1, Accumulated Provision for Abandonment of Leases, shall not be related to a particular lease, and, therefore, shall not be transferred under the provisions of this instruction.

13. *Common utility plant.*

A. If the utility is engaged in more than one utility service such as gas, electric, and water, and any of its utility plant is used in common for several utility services or for other purposes to such an extent and in such manner that it is impracticable to segregate it by utility services currently in the accounts, such property, with the approval of the Commission, may be designated and classified as "common utility plant."

B. The book amount of utility plant designated as common plant shall be included in account 118, Other Utility Plant, and if applicable in part to gas department, shall be segregated and accounted for in subaccounts as gas plant is accounted for in accounts 101 to 107, inclusive, and gas plant adjustments in account 116; any amounts classifiable as common plant acquisition adjustments or common plant adjustments shall be subject to disposition as provided in paragraph C and B of accounts 114 and 116, respectively, for amounts classified in those accounts. The original cost of common utility plant in service shall be classified according to detailed utility plant accounts appropriate for the property.

C. The utility shall be prepared to show at any time and to report to the Commission annually, or more frequently, if required, and by utility plant accounts (301 to 399) the following: (1) the book cost of common utility plant, (2) the allocation of such cost to the respective departments using the common utility plant, and (3) the basis of the allocation.

D. The accumulated provision for depreciation and amortization of the utility shall be segregated so as to show the amount applicable to the property classified as common utility plant.

E. The expenses of operation, maintenance, rents, depreciation and amortization of common utility plant shall be recorded in the accounts prescribed herein, but designated as common expenses, and the allocation of such expenses to the departments using the common utility plant shall be supported in such manner as to reflect readily the basis of allocation used.

14. *Transmission and distribution plant.* For the purposes of this system of accounts:

A. "Transmission System" means the land, structures, mains, valves, meters, boosters, regulators, tanks, compressors and their driving units and appurtenances, and other equipment used primarily for transmitting gas from a production plant, delivery point of purchased gas, gathering system, storage area, or other wholesale source of gas, to one or more distribution areas. The transmission system begins at the outlet side of the valve at the connection to the last equipment in a manufactured gas plant, the connection to gathering lines or delivery point of purchased gas, and includes the equipment at such connection that is used to bring the gas to transmission pressure, and ends at the inlet side of the equipment which meters or regulates the entry of gas into the distribution system or into a storage area. It does not include storage land, structures or equipment. Pipeline companies, however, shall include city gate and main line industrial measuring and regulating stations in the transmission function, except that where pipeline companies measure deliveries of gas to their own distribution systems they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for the purposes of this system of accounts.

B. "Distribution System" means the mains which are provided primarily for distributing gas within a distribution area, together with land, structures, valves, regulators, services and measuring devices, including the mains for transportation of gas from production plants or points of receipt located within such distribution area to other points therein. The distribution system begins at the inlet side of the equipment which meters or regulates the entry of gas into the distribution system and ends with and includes property on the customer's premises. It does not include storage land, structures, or equipment.

C. "Distribution Area" as used herein means a metropolitan area or other urban area comprising one or more adjacent or nearby cities, villages or unincorporated areas, including developed areas contiguous to main highways.

15. *Employee villages and living quarters.* Where employee villages or living quarters are provided for operators and attendants of a functional installation such as a compressor station or gasoline plant, the structures and improvements shall be classified in the related functional structures and improvements account. The furnishings of such residential and recreational facilities shall be classified in the equipment account of the related function.

Operating Expense Instructions

1. *Supervision and engineering.* The supervision and engineering includible in the operating expense accounts shall consist of the pay and expenses of superintendents, engineers, clerks, other employees and consultants engaged in supervising and directing the operation and maintenance of each utility function. Wherever allocations are necessary in order to arrive at the amount to be included in any account the method and basis of allocation shall be reflected by underlying records.

ITEMS

Labor:
1. Special tests to determine efficiency of equipment operation.
2. Preparing or reviewing budgets, estimates, and drawings relating to operation or maintenance for departmental approval.
3. Preparing instructions for operations and maintenance activities.
4. Reviewing and analyzing operating results.
5. Establishing organizational setup of departments and executing changes therein.
6. Formulating and reviewing routines of departments and executing changes therein.
7. General training and instruction of employees by supervisors whose pay is chargeable hereto. Specific instruction and training in a particular type of work is chargeable to the appropriate functional account.
8. Secretarial work for supervisory personnel, but not general clerical and stenographic work chargeable to other accounts.

Expenses:
9. Consultants' fees and expenses.
10. Meals, traveling and incidental expenses.

2. *Maintenance.* A. The cost of maintenance chargeable to the various operating expense and clearing accounts includes labor, materials, overheads and other expenses incurred in maintenance work. A list of work operations applicable generally to utility plant is included hereunder. Other work operations applicable to specific classes of plant are listed in functional maintenance expense accounts.

B. Materials recovered in connection with the maintenance of property shall be credited to the same account to which the maintenance cost was charged.

C. If the book cost of any property is carried in account 102, Gas Plant Purchased or Sold, the cost of maintaining such property shall be charged to the accounts for maintenance of property of the same class and use, the book cost of which is carried in other gas plant in service accounts. Maintenance of property leased from others shall be treated as provided in operating expense instruction 3.

ITEMS

1. Direct field supervision of maintenance.
2. Inspecting, testing, and reporting on condition of plant specifically to determine the need for repairs, replacements, rearrangements and changes and inspecting and testing the adequacy of repairs which have been made.
3. Work performed specifically for the purpose of preventing failure, restoring serviceability or maintaining life of plant.
4. Rearranging and changing the location of plant not retired.
5. Repairing for reuse materials recovered from plant.
6. Testing for, locating and clearing trouble.
7. Net cost of installing, maintaining, and removing temporary facilities to prevent interruptions in service.
8. Replacing or adding minor items of plant which do not constitute a retirement unit. (See gas plant instruction 10.)

3. *Rents.* A. The rent expense accounts provided under the several functional groups of expense accounts shall include all rents, including taxes paid by the lessee on leased property, for property used in utility operations, except (1) minor amounts paid for occasional or infrequent use of any property or equipment and all amounts paid for use of equipment that, if owned, would be includible in plant accounts 391 to 398, inclusive, which shall be treated as an expense item and included in the appropriate functional account and (2) rents which are chargeable to clearing accounts, and distributed therefrom to the appropriate account. If rents cover property used for more than one function, such as production and transmission, or by more than one department, the rents shall be apportioned to the appropriate rent expense or clearing accounts of each department on an actual, or, if necessary, an estimated basis.

B. When a portion of property or equipment rented from others for use in connection with utility operations is subleased, the revenue derived from such subleasing shall be credited to the rent revenue account in operating revenues: *Provided, however,* That in case the rent was charged to a clearing account, amounts received from subleasing the property shall be credited to such clearing account.

C. The cost, when incurred by the lessee, of operating and maintaining leased property, shall be charged to the accounts appropriate for the expense if the property were owned.

D. The cost incurred by the lessee of additions and replacements to gas plant leased from others shall be accounted for as provided in gas plant instruction 6.

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

UTILITY PLANT

Gas plant.

101 Gas plant in service.
102 Gas plant purchased or sold.
103 Gas plant in process of reclassification.
104 Gas plant leased to others.
105 Gas plant held for future use.
106 Completed construction not classified—Gas.
107 Construction work in progress—Gas.

Accumulated provision for depreciation and amortization.

108 Accumulated provision for depreciation of gas plant in service.
109 Accumulated provision for depreciation of gas plant leased to others.
110 Accumulated provision for depreciation of gas plant held for future use.
111.1 Accumulated provision for amortization and depletion of producing natural gas lands and land rights.
111.2 Accumulated provision for amortization of underground storage land and land rights.
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Balance Sheet Accounts

1. UTILITY PLANT

101 Gas plant in service.

A. This account shall include the original cost of gas plant, included in accounts 301 to 399 prescribed herein, owned and used by the utility in its gas operations, and having an expectation of life in service of more than one year from date of installation. Including such property owned by the utility but held by nominees. (See also account 106 for unclassified construction costs of completed plant actually in service.)

B. The cost of additions to and betterments of property leased from others, which are includible in this account, shall be recorded in subdivisions separate and distinct from those relating to owned property. (See gas plant instruction 6.)

102 Gas plant purchased or sold.

A. This account shall be charged with the cost of gas plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and shall be credited with the selling price of like property transferred to others pending the distribution to appropriate accounts in accordance with gas plant instruction 5.

B. Within six months from the date of acquisition or sale of property recorded herein, the utility shall file with the Commission the proposed journal entries to clear from this account the amounts recorded herein.

103 Gas plant in process of reclassification.

A. This account shall include temporarily the balance of gas plant as of the effective date of the prior system of accounts, which has not yet been reclassified as of the effective date of this system of accounts. The detailed or primary accounts in support of this account employed prior to such date shall be continued pending reclassification into the gas plant accounts herein prescribed (301–399), but shall not be used for additions, betterments, or new construction.

B. No charges other than as provided in paragraph A above, shall be made to this account, but retirements of such unclassified gas plant shall be credited hereto and to the supporting (old) fixed capital accounts until the reclassification shall have been accomplished.

104 Gas plant leased to others.

A. This account shall include the original cost of gas plant owned by the utility, but leased to others as operating units or systems, where the lessee has exclusive possession.

B. The property included in this account shall be classified according to the detailed accounts (301 to 399) prescribed for gas plant in service and this account shall be maintained in such detail as though the property were used by the owner in its utility operations.

105 Gas plant held for future use.

A. This account shall include the original cost of gas plant owned and held for future use in gas service under a definite plan for such use. There shall be included herein property acquired but never used by the utility in gas service, but held for such service in the future under a definite plan, and property previously used by the utility in gas service, but retired from such service and held pending its reuse in the future, under a definite plan, in gas service. This includes land and land rights held to insure a future supply of natural gas.

B. The property included in this account shall be classified according to the detailed accounts (301 to 399) prescribed for gas plant in service and the account shall be maintained in such detail as though the property were in service.

NOTE A. Materials and supplies, meters and house regulators held in reserve, and normal spare capacity of plant in service shall not be included in this account.

NOTE B. Include in this account natural gas wells shut in after construction which have not been connected with the line; also, natural gas wells which have been connected with the line but which are shut in for any reason excepting seasonal excess capacity or governmental proration requirements or for repairs.

106 Completed construction not classified—Gas.

At the end of the year or such other date as a balance sheet may be required by the Commission, this account shall include the total of the balances of work orders for gas plant which has been completed and placed in service but which work orders have not been classified for transfer to the detailed gas plant accounts.

NOTE. For the purpose of reporting to the Commission the classification of gas plant in service by accounts is required, the utility shall also report the balance in this account tentatively classified as accurately as practicable according to prescribed account classifications. The purpose of this provision is to avoid any significant omissions in reported amounts of gas plant in service.

107 Construction work in progress—Gas.

A. This account shall include the total of the balances of work orders for gas plant in process of construction.

B. Work orders shall be cleared from this account as soon as practicable after completion of the job. Further, if a project, such as a gas production plant, a compressor station, or a transmission line, is designed to consist of two or more units which may be placed in service at different dates, any expenditures which are common to and which will be used in the operation of the project as a whole shall be included in gas plant in service upon the completion and the readiness for service of the first unit. Any expenditures which are identified exclusively with units of property not yet in service shall be included in this account.

108 Accumulated provisions for depreciation of gas plant in service.

A. This account shall be credited with the following:

(1) Amounts charged to account 403, Depreciation Expense, to account 416, Cost and Expenses of Merchandising, Jobbing, and Contract Work or to clearing accounts for current depreciation expense.

(2) Amounts charged to account 435, Miscellaneous Debits to Surplus, for past accrued depreciation.

(3) Amounts of depreciation applicable to gas properties acquired as operating units or systems. (See gas plant instruction 5.)

(4) Amounts charged to account 182, Extraordinary Property Losses, when authorized by the Commission.

(5) Amounts of depreciation applicable to gas plant donated to the utility.

B. At the time of retirement of depreciable gas plant in service, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance. When retirements, cost of removal and salvage are entered originally in retirement work orders, the net total of such work orders may be included in a separate subaccount hereunder. Upon completion of the work order, the proper distribution to subdivisions of this account shall be made as provided in the following paragraph.

C. For general ledger and balance sheet purposes, this account shall be regarded and treated as a single composite provision for depreciation. For purposes of analysis, however, each utility shall maintain subsidiary records in which this account is segregated according to the following functional classification for gas plant: (1) Production—manufactured gas, (2) Production and gathering—natural gas, (3) Products extraction—natural gas, (4) Underground gas storage, (5) Local storage, (6) Transmission, (7) Distribution, and (8) General. These subsidiary records shall reflect the current credits and debits to this account in sufficient detail to show separately for each such functional classification (a) the amount of provision for depreciation, (b) the book cost of property retired, (c) cost of removal, (d) salvage, and (e) other items, including recoveries from insurance.

D. When transfers of plant are made from one gas plant account to another, or from or to another utility department, or from or to nonutility property accounts, the accounting for the related accumulated provision for depreciation shall be as provided in gas plant instruction 12.

E. The utility is restricted in its use of the provision for depreciation to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

109 Accumulated provision for depreciation of gas plant leased to others.

A. This account shall be credited with amounts charged to account 413, Expenses of Gas Plant Leased to Others, for current depreciation expense or to account 435, Miscellaneous Debits to Surplus, for past accrued depreciation of property included in account 104, Gas Plant Leased to Others. Include, also, credits for depreciation applicable to plant acquired as operating units or systems, to plant donated to the utility or

for losses transferred to account 182, Extraordinary Property Losses.

B. The requirements of account 108, Accumulated Provision for Depreciation of Gas Plant in Service, regarding retirements chargeable thereto and of subsidiary data to be maintained shall be applicable likewise to this account.

C. The utility is restricted in its use of the accumulated provision for depreciation to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

110 Accumulated provision for depreciation of gas plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for depreciation expense on property included in account 105, Gas Plant Held for Future Use. Include also the balance of accumulated provision for depreciation on property which may be transferred to account 105, Gas Plant Held for Future Use, from other property accounts.

B. The utility is restricted in its use of the accumulated provision for depreciation to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

NOTE: Normally, this account will not be used for current depreciation provisions because, as provided herein, the service life during which depreciation is computed commences with the date property is includible in gas plant in service. However, if special circumstances indicate the propriety of current accruals for depreciation, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

111.1 Accumulated provision for amortization and depletion of producing natural gas land and land rights.

A. This account shall be credited with amounts charged to account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights, to provide for the current amortization and depletion of land and land rights from which natural gas is obtained. (See gas plant instruction 7–H).

B. This account shall also be credited with such amounts as are necessary to reflect, as of the effective date of this system of accounts, the portion of the cost of land and land rights which have been exhausted through the extraction of natural gas. To the extent that provision has not been made for amortization and depletion of such land and land rights, amounts credited to this account shall be concurrently debited to account 435, Miscellaneous Debits to Surplus.

C. When any property to which this account applies is sold, relinquished, or otherwise retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 435, Miscellaneous Debits to Surplus, or account 434, Miscellaneous Credits to Surplus, as appropriate.

D. Records shall be maintained so as to show separately the balance applicable to each item of land and land rights which is being amortized or depleted, except that natural gas land and land rights which comprise an interest in a production area may be grouped to form a unit for amortization and depletion and the accumulated provision applicable thereto need not be segregated to show the amount related to each gas right included therein.

E. The utility is restricted in its use of the accumulated provision for amortization and depletion to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

111.2 Accumulated provision for amortization of underground storage land and land rights.

A. This account shall be credited with amounts charged to account 404.2, Amortization of Underground Storage Land and Land Rights, to provide for current amortization of land and land rights utilized in connection with underground gas storage operations.

B. This account also shall include all amounts of accumulated past provisions for amortization and depletion of natural gas lands and land rights converted to underground gas storage purposes. These amounts shall be transferred to this account from other accounts in which included on conversion of such property to underground storage use.

C. When any property to which this account applies is sold, relinquished, or otherwise retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 435, Miscellaneous Debits to Surplus, or account 434, Miscellaneous Credits to Surplus, as appropriate.

D. Records shall be maintained so as to show separately the balance applicable to each underground gas storage project.

E. The utility is restricted in its use of the provision to the purposes set forth above. It shall not transfer any portion of the account to surplus or make any other use thereof without authorization by the Commission.

111.3 Accumulated provision for amortization of other gas plant in service.

A. This account shall be credited with amounts charged to account 404.3, Amortization of Other Limited-Term Gas Plant for the current amortization of limited-term gas investments, or to account 435, Miscellaneous Debits to Surplus, for past accrued amortization. It shall be credited also with amounts which may be charged to account 405, Amortization of Other Gas Plant, to account 425, Miscellaneous Amortization, or to account 435, Miscellaneous Debits to Surplus, to amortize intangible or other gas plant which is not subject to charges for depreciation expense and for which the accumulated amortization is not includible in either of the preceding accounts.

B. When any property to which this account applies is sold, relinquished, or otherwise retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 435, Miscellaneous Debits to Surplus, or account 434, Miscellaneous Credits to Surplus, as appropriate.

C. Records shall be maintained so as to show separately the balance applicable to each class of property which is being amortized.

D. The utility is restricted in its use of the accumulated provision for amortization to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

112 Accumulated provision for amortization and depletion of gas plant leased to others.

A. This account shall be credited with amounts charged to account 413, Expenses of Gas Plant Leased to Others, for the current amortization and depletion of producing gas lands, limited-term, or other investments subject to amortization included in account 104, Gas Plant Leased to Others, or to account 435, Miscellaneous Debits to Surplus, for past accrued amortization and depletion, including such amounts as may be applicable to underground gas storage property leased to others.

B. When any property to which this account applies is sold, relinquished, or otherwise retired from service, this account shall be charged with the amount previously credited in respect to such property. The book cost of the property so retired less the amount chargeable to this account and less the net proceeds realized at retirement shall be included in account 435, Miscellaneous Debits to Surplus, or account 434, Miscellaneous Credits to Surplus, as appropriate.

C. Records shall be maintained so as to show separately the balance applicable to each class of property which is being amortized. Amounts applicable to producing natural gas lands shall be shown in a separate account.

D. The utility is restricted in its use of the accumulated provision for amortization and depletion to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

113.1 Accumulated provision for abandonment of leases.

A. This account shall be credited with amounts concurrently charged to account 797, Abandoned Leases, for the purpose of providing for the costs of natural gas leases which may be abandoned and which have never been productive.

B. When such natural gas leases are abandoned, the cost thereof, including expenses incidental to abandonment, shall be charged to this account; provided, however, that any deficiency in this account at the time of abandonment of the lease shall be charged to account 797, Abandoned Leases.

C. Records supporting this account shall be so kept as to show for each abandoned lease the date and period thereof, location, date abandoned, and the nature and amounts of the cost.

D. The utility is restricted in its use of the accumulated provision for amortization to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

NOTE: No provision shall be made in this account for the abandonment of producing natural gas leases, and the provisions of gas plant instruction 12, Transfers of Property, shall not apply to amounts included herein. (See account 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights.)

113.2 Accumulated provision for amortization of other gas plant held for future use.

A. This account shall be credited with amounts charged to account 421, Miscellaneous Nonoperating Income, for amortization expense on property included in account 105, Gas Plant Held for Future Use, not including, however, provisions for abandoned natural gas leases. Include, also, the balance of accumulated provision for amortization on property which may be transferred to account 105, Gas Plant Held for Future Use, from other property accounts.

B. The utility is restricted in its use of the accumulated provision for amortization to the purposes set forth above. It shall not transfer any portion of this account to surplus or make any other use thereof without authorization by the Commission.

NOTE: Normally, this account will not be used for current amortization provisions because, as provided herein, the service life during which amortization is computed commences with the date property is includible in utility plant in service. However, if special circumstances indicate the propriety of current accruals for depreciation or amortization, such charges shall be made to account 421, Miscellaneous Nonoperating Income.

114 Gas plant acquisition adjustments.

A. This account shall include the difference between (a) the cost to the accounting utility of gas plant acquired as an operating unit or system by purchase, merger, consolidation, liquidation, or otherwise, and (b) the original cost, estimated, if not known, of such property, less the amount or amounts credited by the accounting utility at the time of acquisition to accumulated provisions for depreciation, depletion, and amortization and contributions in aid of construction with respect to such property.

B. With respect to acquisitions after the effective date of this system of accounts, this account shall be subdivided so as to show the amounts included herein for each property acquisition and to gas plant in service, gas plant held for future use and gas plant leased to others. (See gas plant instruction 5.)

C. The amounts recorded in this account with respect to each property acquisition shall be amortized, or otherwise disposed of, as the Commission may approve or direct.

115 Accumulated provision for amortization of gas plant acquisition adjustments.

This account shall be credited or debited with amounts which are includible in account 406, Amortization of Gas Plant Acquisition Adjustments, account 425, Miscellaneous Amortization, or account 435, Miscellaneous Debits to Surplus, for the purpose of providing for the extinguishment of amounts in account 114, Gas Plant Acquisition Adjustments, in instances where the amortization of account 114 is not being made by direct write-off of the account.

116 Other gas plant adjustments.

A. This account shall include the difference between the original cost, estimated if not known, and the book cost of gas plant to the extent that such difference is not properly includible in account 114, Gas Plant Acquisition Adjustments.

B. Amounts included in this account shall be classified in such manner as to show the origin of each amount and shall be disposed of as the Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of gas plant.

117 Gas stored underground—Noncurrent.

A. This account shall include the cost of gas purchased or produced by the utility which is stored in depleted or partially depleted gas or oil fields, or other underground reservoirs, and held for use in meeting service requirements of the utility's customers.

B. Gas stored during the year shall be priced at cost according to generally accepted methods of cost determination consistently applied from year to year. Transmission expenses for facilities of the utility used in moving the gas to the storage area and expenses of storage facilities shall not be included in the inventory of gas except as may be authorized or directed by the Commission.

NOTE B–1: In general, gas stored from the supply in an integrated system shall be priced at the average cost of the gas constituting the common supply of the system, although this general rule may be departed from where conditions of system operation of gas supply and utilization permit a valid presumption that the gas stored may be considered to be from specified sources, as indicated below.

NOTE B–2: When in harmony with the over-all system operation of gas supply and utilization, and the presumption is consistently observed from year to year, gas stored during the year may be presumed to be from total gas purchases, or from purchases from specified sources. When either of these presumptions is proper, the cost of gas stored shall be priced at the weighted average cost of all gas purchased, or at the weighted average cost of purchases from the specified sources, as appropriate. The weighted average cost may be the average for the preceding twelve months, except where a significant change occurs in the cost of gas, the full effect of such change shall be reflected for the period after the change is effective.

NOTE B–3: When in harmony with the over-all system operation of gas supply and utilization, and the presumptions are consistently observed from year to year, gas stored during the year may be presumed to be from identified sources of the utility's own production. Such stored gas shall be priced at the weighted average cost of gas produced from the specified production areas. Where this presumption is made, or where the stored gas is identified as a matter of fact under circumstances which do not permit a proper application of the theory of displacement, the utility shall maintain separate records of the cost of gas produced from such areas and the derivation of the cost used for stored gas from such sources.

NOTE B–4: Where gas is purchased specifically for storage, or a price concession received because of the storing of purchased gas, such gas shall be priced at the net contract price of the gas so purchased and stored.

NOTE B–5: The provisions of this instruction and the related footnotes shall not be construed as permitting or authorizing a restatement of the amounts at which stored gas inventories are stated on the utility's books at the effective date of this instruction, except as may be authorized by the Commission.

C. Withdrawals of gas may be priced according to the first-in-first-out, last-in-first-out, or weighted average cost method, in connection with which a "base stock" may be employed provided the method adopted by the utility is used consistently from year to year and the inventory records are maintained in accordance therewith. Approval of the Commission must be obtained for any other pricing method, or change in the pricing method adopted by the utility.

D. If the gas of any storage project is withdrawn below the amount established as "base stock" or encroaches upon native gas of a storage reservoir, and such gas is to be replaced within 12 months, it shall be permissible to price such gas at the estimated cost of replacement with purchased gas and to record a deferred credit therefor. For the purpose of this instruction, account 808, Gas Withdrawn from Underground Storage—Debit, shall be charged with the estimated cost of such replacement gas and account 253, Other Deferred Credits, credited. When replacement of the gas is made the amount in account 253 shall be cleared and this account credited. This accounting will not affect normal accounting for inputs and withdrawals from storage.

E. Separate records shall be maintained for each storage project of the Mcf of gas delivered to storage, withdrawn from storage, and remaining in storage. The projects shall be grouped, however, for the purpose of maintaining inventory cost records of the cost of gas in storage. Exceptions to this general rule are permitted in any of the following circumstances:

(a) Projects at the supply end of long transmission lines,

(b) Projects located on separate noninterconnected pipeline systems, and

(c) Projects which by contractual arrangements approved by the Commission are devoted exclusively to the service of specified customers, and no portion of the gas withdrawals from any such project becomes part of the common system gas supply by displacement or otherwise.

Where the utility establishes specified volumes of gas as "base stock," separate inventory cost records by projects shall be maintained therefor.

F. Amounts debited to this account for gas placed in storage shall be credited to account 809, Gas Delivered to Underground Storage—Credit. Amounts credited to this account for gas withdrawn from storage shall be debited to account 808, Gas Withdrawn from Underground Storage—Debit.

G. Adjustments for inventory losses due to cumulative inaccuracies of gas measurements, or from other causes, shall be charged to account 823, Gas Losses. (See, however, general instruction 7, Delayed Items, for any loss so large as to cause distortion of the accounts.) In the operation of storage projects the utility shall maintain such procedures of verification as will disclose and result in prompt accounting recognition of significant losses.

This account shall be credited with an amount equal to that debited to account 164, Gas Stored Underground—Current, to classify for balance sheet purposes such portion of the total inventory of gas stored underground as constitutes a current asset according to conventional rules for classification of current assets. (See account 164.)

NOTE: If with respect to any storage reservoir, the utility determines that a portion of the stored gas included in this account will not eventually be fully recovered, it may submit for consideration of the Commission, a plan to create a reserve to provide for such anticipated gas losses.

118 Other utility plant.

This account shall include the balance in accounts for utility plant, other than gas plant, such as electric, railway, etc.

119 Accumulated provision for depreciation and amortization of other utility plant.

This account shall include the accumulated provision for depreciation and amortization applicable to utility property other than gas plant.

2. OTHER PROPERTY AND INVESTMENTS

121 Nonutility property.

A. This account shall include the book cost of land, structures, equipment or other tangible or intangible property owned by the utility, but not used in utility service and not properly includible in account 105, Gas Plant Held for Future Use.

B. This account shall be subdivided so as to show the amount of property used in operations which are nonutility in character but nevertheless constitute a distinct operating activity of the company (such as operation of an ice department where such activity is not classed as a utility) and the amount of miscellaneous property not used in operations. The records in support of each subaccount shall be maintained so as to show an appropriate classification of the property.

122 Accumulated provision for depreciation and amortization of nonutility property.

This account shall include the accumulated provision for depreciation and amortization applicable to nonutility property.

123 Investment in associated companies.

A. This account shall include the book cost of investments in securities issued or assumed by associated companies and investment advances to such companies, including interest accrued thereon when such interest is not subject to current settlement. Include also the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. The account shall be maintained in such manner as to show the investment in securities of, and advances to, each associated company together with full particulars regarding any of such investments that are pledged.

NOTE A: Securities and advances of associated companies owned and pledged shall be included in this account, but such securities, if held in special deposits or in special funds, shall be included in the appropriate deposit or fund account. A complete record of securities pledged shall be maintained.

NOTE B: Securities of associated companies held as temporary cash investments are includible in account 136, Temporary Cash Investments.

NOTE C: Balances in open accounts with associated companies, which are subject to current settlement, are includible in account 146, Accounts Receivable from Associated Companies.

NOTE D: The utility may write down the cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded but a permanent impairment in the value of securities shall be recognized in the accounts. When securities are written off or written down, the amount of the adjustment shall be charged to account 435, Miscellaneous Debits to Surplus, or to an appropriate account for accumulated provisions for loss in value established as a separate subdivision of this account.

124 Other investments.

A. This account shall include the book cost of investments in securities issued or assumed by nonassociated companies, investment advances to such companies, and any investments not accounted for elsewhere. Include also the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. The cost of capital stock of the utility reacquired by it under a definite plan for resale pursuant to authorization by the Board of Directors may, if permitted by statutes, be included in a separate subdivision of this account. (See also account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, and account 217, Reacquired Capital Stock.

C. The records shall be maintained in such manner as to show the amount of each investment and the investment advances to each person.

NOTE A: Securities owned and pledged shall be included in this account, but securities held in special deposits or in special funds shall be included in appropriate deposit or fund accounts. A complete record of securities pledged shall be maintained.

NOTE B: Securities held as temporary cash investments shall not be included in this account.

NOTE C: See Note D of account 123.

125 Sinking funds.

This account shall include the amount of cash and book cost of investments held in sinking funds. A separate account, with appropriate title, shall be kept for each sinking fund. Transfers from this account to special deposit accounts, may be made as necessary for the purpose of paying matured sinking-fund obligations, or obligations called for redemption but not presented, or the interest thereon.

126 Depreciation fund.

This account shall include the amount of cash and the book cost of investments which have been segregated in a special fund for the purpose of identifying such assets with the accumulated provisions for depreciation.

128 Other special funds.

This account shall include the amount of cash and book cost of investments which have been segregated in special funds for insurance, employee pensions, savings, relief, hospital, and other purposes not provided for elsewhere. A separate account, with appropriate title, shall be kept for each fund.

NOTE: Amounts deposited with a trustee under the terms of an irrevocable trust agreement for pensions or other employee benefits shall not be included in this account.

3. CURRENT AND ACCRUED ASSETS

Current and accrued assets are cash, those assets which are readily convertible into cash or are held for current use in operations or construction, current claims against others, payment of which is reasonably assured, and amounts accruing to the utility which are subject to current settlement, except such items for which accounts other than those designated as current and accrued assets are provided. There shall not be included in the group of accounts designated as current and accrued assets any item, the amount or collectibility of which is not reasonably assured, unless an adequate provision for possible loss has been made therefor. Items of current character but of doubtful value may be written down and for record purposes carried in these accounts at nominal value.

131 Cash.

This account shall include the amount of current cash funds except working funds.

132 Interest special deposits.

This account shall include special deposits with fiscal agents or others for the payment of interest.

133 Dividend special deposits.

This account shall include special deposits with fiscal agents or others for the payment of dividends.

134 Other special deposits.

This account shall include deposits with fiscal agents or others for special purposes other than the payment of interest and dividends. Such special deposits may include cash deposited with federal, state, or municipal authorities as a guaranty for the fulfillment of obligations; cash deposited with trustees to be held until mortgaged property sold, destroyed, or otherwise disposed of is replaced; cash realized from the sale of the accounting utility's securities and deposited with trustees to be held until invested in property of the utility, etc. Entries to this account shall specify the purpose for which the deposit is made.

NOTE: Assets available for general corporate purposes shall not be included in this account. Further, deposits for more than one year, which are not offset by current liabilities, shall not be charged to this account but to account 128, Other Special Funds.

135 Working funds.

This account shall include cash advanced to officers, agents, employees, and others as petty cash or working funds.

136 Temporary cash investments.

A. This account shall include the book cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury certificates, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

B. This account shall be so maintained as to show separately temporary cash investments in securities of associated companies and of others. Records shall be kept of any pledged investments.

141 Notes receivable.

This account shall include the book cost, not includible elsewhere, of all collectible obligations in the form of notes receivable and similar evidences (except interest coupons) of money due on demand or within one year from the date of issue, except, however, notes receivable from associated companies. (See account 136, Temporary Cash Investments, and account 145, Notes Receivable from Associated Companies.)

NOTE: The face amount of notes receivable discounted, sold, or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

142 Customer accounts receivable.

A. This account shall include amounts due from customers for utility service, and for merchandising, jobbing, and contract work. This account shall not include amounts due from associated companies.

B. This account shall be maintained so as to permit ready segregation of the amounts due for merchandising, jobbing, and contract work.

143 Other accounts receivable.

A. This account shall include amounts due the utility upon open accounts, other than amounts due from associated companies and from customers for utility services and merchandising, jobbing, and contract work.

B. This account shall be maintained so as to show separately amounts due on subscriptions to capital stock and from officers and employees, but the account shall not include amounts advanced to officers or others as working funds. (See account 135, Working Funds.)

144 Accumulated provision for uncollectible accounts—Cr.

A. This account shall be credited with amounts provided for losses on accounts receivable which may become uncollectible, and also with collections on accounts previously charged hereto. Concurrent charges shall be made to account 904, Uncollectible Accounts, for amounts applicable to utility operations, and to corresponding accounts for other operations. Records shall be maintained so as to show the write-offs of accounts receivable for each utility department.

B. This account shall be subdivided to show the provision applicable to the following classes of accounts receivable:

Utility Customers.
Merchandising, Jobbing and Contract Work.
Officers and Employees.
Others.

NOTE A: Accretions to this account shall not be made in excess of a reasonable provision against losses of the character provided for.

NOTE B: If provisions for uncollectible notes receivable or for uncollectible receivables from associated companies are necessary, separate subaccounts therefor shall be established under the account in which the receivable is carried.

145 Notes receivable from associated companies.

146 Accounts receivable from associated companies.

These accounts shall include notes and drafts upon which associated companies are liable, and which mature and are expected to be paid in full not later than one year from date of issue, together with any interest thereon, and debit balances subject to current settlement in open accounts with associated companies. Items which do not bear a specified due date but which have been carried for more than twelve months and items which are not paid within twelve months from due date shall be transferred to account 123, Investment in Associated Companies.

NOTE A: On the balance sheet, accounts receivable from an associated company may be set off against accounts payable to the same company.

NOTE B: The face amount of notes receivable discounted, sold or transferred without releasing the utility from liability as endorser thereon, shall be credited to a separate subdivision of this account and appropriate disclosure shall be made in financial statements of any contingent liability arising from such transactions.

151 Fuel stock.

This account shall include the book cost of fuel on hand.

ITEMS

1. Invoice price of fuel less any cash or other discounts.
2. Freight, switching, demurrage and other transportation charges, not including, however, any charges for unloading from the shipping medium.
3. Excise taxes, purchasing agents' commissions, insurance and other expenses directly assignable to cost of fuel.

152 Fuel stock expenses undistributed.

A. This account may include the cost of labor and of supplies used and expenses incurred in unloading fuel from the shipping medium and in the handling thereof prior to its use, if such expenses are sufficiently significant in amount to warrant being treated as a part of the cost of fuel inventory rather than being charged direct to expense as incurred.

B. Amounts included herein shall be charged to expense as the fuel is used to the end that the balance herein shall not exceed the expenses attributable to the inventory of fuel on hand.

ITEMS

Labor:
1. Procuring and handling of fuel.
2. All routine fuel analyses.
3. Unloading from shipping facility and putting in storage.
4. Moving of fuel in storage and transferring from one station to another.
5. Handling from storage or shipping facility to first bunker, hopper, bucket, tank or holder of boiler house structure.
6. Operation of mechanical equipment, such as locomotives, trucks, cars, boats, barges, cranes, etc.

Supplies and Expenses:
7. Tools, lubricants and other supplies.
8. Operating supplies for mechanical equipment.
9. Transportation and other expenses in moving fuel.
10. Stores expenses applicable to fuel.

153 Residuals and extracted products.

This account shall include the book cost of residuals or extracted products produced in the manufacture of gas or in natural gas products extraction operations including like products purchased for resale.

154 Plant materials and operating supplies.

A. This account shall include the cost of materials purchased primarily for use in the utility business for construction, operation and maintenance purposes. It shall include also the book cost of materials recovered in connection with construction, maintenance or the retirement of property, such materials being credited to construction, maintenance or accumulated depreciation provision, respectively, and included herein as follows:

(1) Reusable materials consisting of large individual items shall be included in this account at original cost, estimated if not known. The cost of repairing such items shall be charged to the maintenance account appropriate for the previous use.

(2) Reusable materials consisting of relatively small items, the identity of which (from the date of original installation to the final abandonment or sale thereof) cannot be ascertained without undue refinement in accounting, shall be included in this account at current prices new for such items. The cost of repairing such items shall be charged to the

appropriate expense account as indicated by previous use.

(3) Scrap and nonusable materials included in this account shall be carried at the estimated net amount realizable therefrom. The difference between the amounts realized for scrap and nonusable materials sold and the net amount at which the materials were carried in this account, as far as practicable, shall be adjusted to the accounts credited when the materials were charged to this account.

B. Materials and supplies issued shall be credited hereto and charged to the appropriate construction, operating expense, or other account on the basis of a unit price determined by the use of cumulative average, first-in-first out, or such other method of inventory accounting as conforms with accepted accounting standards consistently applied.

ITEMS

1. Invoice price of materials less cash or other discounts.
2. Freight, switching or other transportation charges when practicable to include as part of the cost of particular materials to which they relate.
3. Customs duties and excise taxes.
4. Costs of inspection and special tests prior to acceptance.
5. Insurance and other directly assignable charges.

NOTE: Where expenses applicable to materials purchased cannot be directly assigned to particular purchases, they shall be charged to account 163, Stores Expenses Undistributed.

155 Merchandise.

This account shall include the book cost of materials and supplies, and appliances and equipment held primarily for merchandising, jobbing, and contract work. The principles prescribed in accounting for utility materials and supplies shall be observed in respect to items carried in this account.

156 Other materials and supplies.

This account shall include the book cost of materials and supplies held primarily for nonutility purposes. The principles prescribed in accounting for utility materials and supplies shall be observed in respect to items carried in this account.

163 Stores expense undistributed.

A. This account shall include the cost of supervision, labor and expenses incurred in the operation of general storerooms, including purchasing, storage, handling and distribution of materials and supplies.

B. This account shall be cleared by adding to the cost of materials and supplies issued a suitable loading charge which will distribute the expense equitably over stores issues. The balance in the account at the close of the year shall not exceed the amount of stores expenses reasonably attributable to the inventory of materials and supplies exclusive of fuel, as any amount applicable to fuel cost should be included in account 152, Fuel Stock Expenses Undistributed.

ITEMS

Labor:
1. Inspecting and testing materials and supplies when not assignable to specific items.
2. Unloading from shipping facility and putting in storage.
3. Supervision of purchasing and stores department to extent assignable to materials handled through stores.
4. Getting materials from stock and in readiness to go out.
5. Inventorying stock received or stock on hand by stores employees but not including inventories by general department employees as part of internal or general audits.
6. Purchasing department activities in checking material needs, investigating sources of supply, analyzing prices, preparing and placing orders, and related activities to extent applicable to materials handled through stores. (Optional. Purchasing department expenses may be included in administrative and general expenses.)
7. Maintaining stores equipment.
8. Cleaning and tidying storerooms and stores offices.
9. Keeping stock records, including recording and posting of material receipts and issues and maintaining inventory record of stock.
10. Collecting and handling scrap materials in stores.

Supplies and Expenses:
11. Adjustments of inventories of materials and supplies but not including large differences which can readily be assigned to important classes of materials and equitably distributed among the accounts to which such classes of materials have been charged since the previous inventory.
12. Cash and other discounts not practically assignable to specific materials.
13. Freight, express, etc., when not assignable to specific items.
14. Heat, light and power for storerooms and store offices.
15. Brooms, brushes, sweeping compounds and other supplies used in cleaning and tidying storerooms and stores offices.
16. Injuries and damages.
17. Insurance on materials and supplies and on stores equipment.
18. Losses due to breakage, leakage, evaporation, fire or other causes, less credits for amounts received from insurance, transportation companies or others in compensation of such losses.
19. Postage, printing, stationery and office supplies.
20. Rent of storage space and facilities.
21. Communication service.
22. Excise and other similar taxes not assignable to specific materials.
23. Transportation expense on inward movement of stores and on transfer between storerooms but not including charges on materials recovered from retirements which shall be accounted for as part of cost of removal.

NOTE: A physical inventory of each class of materials and supplies shall be made at least every two years.

164 Gas stored underground—Current.

This account shall be debited with such amounts as are credited to account 117, Gas Stored Underground—Noncurrent, to reflect classification for balance sheet purposes of such portion of the inventory of gas stored underground as represents a current asset according to conventional rules for classification of current assets.

NOTE: It shall not be considered conformity to conventional rules of current asset classification if the amount included in this account exceeds an amount equal to the cost of estimated withdrawals of gas from storage for purposes of sale within the 24-month period from date of the balance sheet, or if the amount represents a volume of gas which, in fact, could not be withdrawn from storage without impairing the pressure level of any project for normal operating purposes.

165 Prepayments.

This account shall include amounts representing prepayments of insurance, rents, taxes, interest and miscellaneous items, and shall be kept or supported in such manner as to disclose the amount of each class of prepayment.

171 Interest and dividends receivable.

This account shall include the amount of interest on bonds, mortgages, notes, commercial paper, loans, open accounts, deposits, etc., the payment of which is reasonably assured, and the amount of dividends declared or guaranteed on stocks owned.

NOTE A: Interest which is not subject to current settlement shall not be included herein but in the account in which is carried the principal on which the interest is accrued.

NOTE B: Interest and dividends receivable from associated companies shall be included in account 146, Accounts Receivable from Associated Companies.

172 Rents receivable.

This account shall include rents receivable or accrued on property rented or leased by the utility to others.

NOTE: Rents receivable from associated companies shall be included in account 146, Accounts Receivable From Associated Companies.

173 Accrued utility revenues.

At the option of the utility, the estimated amount accrued for service rendered, but not billed at the end of any accounting period, may be included herein. In case accruals are made for unbilled revenues, they shall be made likewise for unbilled expenses, such as for the purchase of gas.

174 Miscellaneous current and accrued assets.

This account shall include the book cost of all other current and accrued assets, appropriately designated and supported so as to show the nature of each asset included herein.

4. DEFERRED DEBITS

181 Unamortized debt discount and expense.

A. This account shall include the total of the debit balances in the discount, expense, and premium accounts for all classes of long-term debt, determined as provided in the following paragraphs of this account.

B. A discount, expense, and premium account shall be maintained for each class and series of long-term debt (including receivers' certificates) issued or assumed by the utility, in which shall be recorded the discount, expense, and premium associated with the issuance and sale of each such class and series of debt. In stating the balance sheet, the total of the debit balances remaining in those accounts having debit balances shall be reported under this account and the total of credit balances remaining in those accounts having credit balances shall be reported under account 251, Unamortized Premium on Debt. Accounts with debit balances shall not be set off against accounts with credit balances.

C. The discount, expense, and premium shall be amortized over the life of the respective issues under a plan which will distribute the amounts equitably over the life of the securities. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 428, Amortization of Debt Discount and Expense, or credited to account 429, Amortization of Premium on Debt.—Cr., as may be appropriate. The utility may, however, accelerate the writing off of discount and expense where the amounts are insignificant.

D. When any long-term debt is reacquired or redeemed without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquirement and the face value plus the unamortized premium or less the unamortized discount and expense, as the case may be, applicable to the debt redeemed, retired and canceled, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

E. When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the maturity date of the first issue, account 434, Miscellaneous Credits to Surplus or account 435, Miscellaneous Debits to Surplus, shall be credited or debited, as appropriate, with any unamortized discount, expense, or premium on the first issue and any premium paid or discount earned on the redemption. If the utility desires to amortize any of the discount, expense, or premium associated with the issuance or redemption of the first issue over a period subsequent to the date of redemption, the permission of the Commission must be obtained; provided, however, that special permission of the Commission shall not be necessary, if the utility proceeds with a plan of disposition of the discount, expense, and redemption premiums associated with the refunded bonds, as follows:

(1) A special charge is recorded in the year of refunding in account 428, Amortization of Debt Discount and Expense, equal to the saving in income taxes arising from the refunding transactions;

(2) There is charged to account 435, Miscellaneous Debits to Surplus, in the year of refunding, any amounts of unamortized discount and expenses or redemption premiums relating to bonds or other long-term obligations previously refunded by the refunded bonds under immediate consideration, such amounts sometimes being referred to as "grandfather items"; and,

(3) The utility proceeds to amortize by equal monthly charges, from the date of refunding, the remainder of the charges associated with the refunded bonds, over a period not longer than that in which the saving in net annual interest and amortization charges equals the remainder of charges to be amortized, after taking into consideration the estimated additional taxes on income attributable to the saving in net annual interest and amortization charges.

F. Discount, expense, or premium on debt shall not be included as part of the cost of constructing or acquiring any property, tangible or intangible, except under the provisions of account 432, Interest Charged to Construction—Cr.

182 Extraordinary property losses.

A. When authorized or directed by the Commission, this account shall include extraordinary losses on property abandoned or otherwise retired from service which are not provided for by the accumulated provisions for depreciation or amortization and which could not reasonably have been foreseen and provided for, and extraordinary losses, such as unforeseen damages to property, which could not reasonably have been anticipated and which are not covered by insurance or other provisions.

B. The entire cost, less net salvage, of depreciable property retired shall be charged to accumulated provision for depreciation. If all, or a portion, of the loss is to be included in this account, the accumulated provision for depreciation shall then be credited and this account charged with the amount properly chargeable hereto.

C. Application to the Commission for permission to use this account shall be accompanied by a statement giving a complete explanation with respect to the items which it is proposed to include herein, the period over which, and the accounts to which it is proposed to write off the charges, and other pertinent information.

183.1 Preliminary natural gas survey and investigation charges.

A. This account shall be charged with all expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of acquiring land and land rights to provide a future supply of natural gas. If such land or land rights are acquired, this account shall be credited and the appropriate gas plant account (see gas plant instruction 7–G) charged with the amount of the expenditures related to such acquisition. If the project is abandoned, the expenditures related thereto shall be charged to account 798, Other Exploration.

B. The records supporting the entries to this account shall be so kept that the utility can furnish, for each investigation, complete information as to the identification and location of territory investigated, the number or other identification assigned to the land tract or leasehold acquired, and the nature and respective amounts of the charges.

NOTE: The amount of preliminary survey and investigation charges transferred to gas plant shall not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to gas plant.

183.2 Other preliminary survey and investigation charges.

A. This account shall be charged with all expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of utility projects under contemplation, other than the acquisition of land and land rights to provide a future supply of natural gas. If construction results, this account shall be credited and the appropriate utility plant account charged. If the work is abandoned, the charge shall be made to account 435, Miscellaneous Debits to Surplus, or the appropriate operating expense account.

B. The records supporting the entries to this account shall be so kept that the utility can furnish complete information as to the nature and the purpose of the survey, plans, or investigations and the nature and amounts of the several charges.

NOTE: The amount of preliminary survey and investigation charges transferred to utility plant shall not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to utility plant.

184 Clearing accounts.

This caption shall include undistributed balances in clearing accounts at the date of the balance sheet. Balances in clearing accounts shall be substantially cleared not later than the end of the calendar year unless items held therein relate to a future period.

185 Temporary facilities.

This account shall include amounts shown by work orders for plant installed for temporary use in utility service for periods of less than one year. Such work orders shall be charged with the cost of temporary facilities and credited with payments received from customers and net salvage realized on removal of the temporary facilities. Any net credit or debit resulting shall be cleared to account 488, Miscellaneous Service Revenues.

186 Miscellaneous deferred debits.

A. This account shall include all debits not elsewhere provided for, such as miscellaneous work in progress, and unusual or extraordinary expenses, not included in other accounts, which are in process of amortization and items the proper final disposition of which is uncertain.

B. The records supporting the entries to this account shall be so kept that the utility can furnish full information as to each deferred debit.

5. PROPRIETARY CAPITAL

201 Common stock issued.

204 Preferred stock issued.

A. These accounts shall include the par value or the stated value of stock without par value if such stock has a stated value, and, if not, the cash value of the consideration received for such nonpar stock, of each class of capital stock actually issued, including the par or stated value of such capital stock in account 124, Other Investments and account 217, Reacquired Capital Stock.

B. When the actual cash value of the consideration received is more or less than the par or stated value of any stock having a par or stated value, the difference shall be credited or debited, as the case may be, to the premium or discount account for the particular class and series.

C. When capital stock is retired, these accounts shall be charged with the amount at which such stock is carried herein.

D. A separate ledger account, with a descriptive title, shall be maintained for each class and series of stock. The supporting records shall show the shares nominally issued, actually issued, and nominally outstanding.

NOTE: When a levy or assessment, except a call for payment on subscriptions, is made against holders of capital stock, the amount collected upon such levy or assessment shall be credited to account 207, Premium on Capital Stock; provided, however, that the credit shall be made to account 213, Discount on Capital Stock, to the extent of any remaining balance of discount on the issue of stock.

202 Common stock subscribed.

205 Preferred stock subscribed.

A. These accounts shall include the amount of legally enforceable subscriptions to capital stock of the utility. They shall be credited with the par or stated value of the stock subscribed, exclusive of accrued dividends, if any. Concurrently, a debit shall be made to subscriptions to capital stock, included as a separate subdivision of account 143, Other Accounts Receivable, for the agreed price and any discount or premium shall be debited or credited to the appropriate discount or premium account. When properly executed stock certificates have been issued representing the shares subscribed, this account shall be debited, and the appropriate capital stock account credited, with the par or stated value of such stock.

B. The records shall be kept in such manner as to show the amount of subscriptions to each class and series of stock.

203 Common stock liability for conversion.

206 Preferred stock liability for conversion.

A. These accounts shall include the par value or stated value, as appropriate, of capital stock which the utility has agreed to exchange for outstanding securities of other companies in connection with the acquisition of properties of such companies under terms which allow the holders of the securities of the other companies to surrender such securities and receive in return therefor capital stock of the accounting utility.

B. When the securities of the other companies have been surrendered and capital stock issued in accordance with the terms of the exchange, these accounts shall be charged and accounts 201, Common Stock Issued, or 204, Preferred Stock Issued, as the case may be, shall be credited.

C. The records shall be kept so as to show separately the stocks of each class and series for which a conversion liability exists.

207 Premium on Capital Stock.

A. This account shall include, in a separate subdivision for each class and series of stock, the excess of the actual cash value of the consideration received on original issues of capital stock over the par or stated value and accrued dividends of such stock, together with assessments against stockholders representing payments required in excess of par or stated values.

B. Premium on capital stock shall not be set off against expenses. Further, a premium received on an issue of a certain class or series of stock shall not be set off against expenses of another issue of the same class or series.

C. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be transferred to account 210, Gain on Resale or Cancellation of Reacquired Capital Stock.

208 Donations received from stockholders.

This account shall include the balance of credits for donations received from stockholders consisting of capital stock of the utility, cancellation or reduction of debt of the utility, and the cash value of other assets received as a donation.

209 Reduction in par or stated value of capital stock.

This account shall include the balance of credits arising from a reduction in the par or stated value of capital stock.

210 Gain on resale or cancellation of reacquired capital stock.

This account shall include the balance of credits arising from the resale or cancellation of reacquired capital stock. (See account 217, Reacquired Capital Stock.)

211 Miscellaneous paid-in capital.

This account shall include the balance of all other credits for paid-in capital which are not properly includible in the foregoing accounts.

NOTE: Amounts included in capital surplus at the effective date of this system of accounts which cannot be classified as to the source thereof shall be included in this account.

212 Installments received on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock the amount of installments received on capital stock on a partial or installment payment plan from subscribers who are not bound by legally enforceable subscription contracts.

B. As subscriptions are paid in full and certificates issued, this account shall be charged and the appropriate capital stock account credited with the par or stated value of such stock. Any discount or premium on an original issue shall be included in the appropriate discount or premium account.

213 Discount on capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock all discount on the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues.

B. When capital stock which has been actually issued is retired, the amount in this account applicable to the shares retired shall be written off to account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, provided, however, that the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 210.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock discount in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

214 Capital stock expense.

A. This account shall include in a separate subdivision for each class and series of stock all commissions and expenses incurred in connection with the original issuance and sale of capital stock, including additional capital stock of a particular class or series as well as first issues. Expenses applicable to capital stock shall not be deducted from premium on capital stock.

B. When capital stock which has been actually issued by the utility is retired, the amount in this account applicable to the shares retired shall be written off to account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, provided, however, that the amount shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that it exceeds the balance in account 210.

C. The utility may amortize the balance in this account by systematic charges to account 425, Miscellaneous Amortization, or it may write off capital stock expense in whole or in part by charges to account 435, Miscellaneous Debits to Surplus.

NOTE: Expenses in connection with the reacquisition or resale of the utility's capital stock shall not be included herein.

215 Appropriated earned surplus.

This account shall include the amount of earned surplus which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

216 Unappropriated earned surplus.

This account shall include the balance, either debit or credit, of unappropriated surplus arising from earnings. It shall not include items includible in any of the accounts for paid-in capital.

217 Reacquired capital stock.

A. This account shall include in a separate subdivision for each class and series of capital stock, the cost of capital stock actually issued by the utility and reacquired by it and not retired or canceled, except, however, stock which is held by trustees in sinking or other funds.

B. When reacquired capital stock is retired or canceled, the difference between its cost, including commissions and expenses paid in connection with the reacquisition, and its par or stated value plus any premium and less any discount and expenses applicable to the shares retired, shall be debited or credited, as appropriate, to account 210, Gain on Resale or Cancellation of Reacquired Capital Stock, provided, however, that debits shall be charged to account 435, Miscellaneous Debits to Surplus, to the extent that they exceed the balance in account 210.

C. When reacquired capital stock is resold by the utility, the difference between the amount received on the resale of the stock, less expenses incurred in the resale, and the cost of the stock included in this account shall be accounted for as outlined in paragraph B.

NOTE A: See account 124, Other Investments, for permissive accounting treatment of stock reacquired under a definite plan for resale.

NOTE B: The accounting for reacquired stock shall be as prescribed herein unless otherwise specifically required by statute.

6. LONG-TERM DEBT

221 Bonds.

This account shall include in a separate subdivision for each class and series of bonds the face value of the actually issued and unmatured bonds which have not been retired or canceled; also the face value of such bonds issued by others the payment of which has been assumed by the utility.

222 Reacquired bonds.

A. This account shall include the face value of bonds actually issued or assumed by the utility and reacquired by it and not retired, or canceled. The account for reacquired debt shall not include securities which are held by trustee in sinking or other funds.

B. When bonds are reacquired, the difference between face value, adjusted for unamortized discount, expense or premium and the amount paid upon reacquisition, shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate. (See, however, account 181, paragraph E, as to refunding operations.)

223 Advances from associated companies.

A. This account shall include the face value of notes payable to associated companies and the amount of open book accounts representing advances from associated companies. It does not include notes and open accounts representing indebtedness subject to current settlement which are includible in account 233, Notes Payable to Associated Companies, or account 234, Accounts Payable to Associated Companies.

B. The records supporting the entries to this account shall be so kept that the utility can furnish complete information concerning each note and open account.

224 Other long-term debt.

A. This account shall include, until maturity, all long-term debt not otherwise provided for. This covers such items as receivers' certificates, real estate mortgages executed or assumed, assessments for public improvements, notes and unsecured certificates of indebtedness not owned by associated companies, receipts outstanding for long-term debt, and other obligations maturing more than one year from date of issue or assumption.

B. Separate accounts shall be maintained for each class of obligation, and records shall be maintained to show for each class all details as to date of obligation, date of maturity, interest dates and rates, security for the obligation, etc.

NOTE: Miscellaneous long-term debt reacquired shall be accounted for in accordance with the procedure set forth in account 222, Reacquired Bonds.

7. CURRENT AND ACCRUED LIABILITIES

Current and accrued liabilities are those obligations which have either matured or which become due within one year from the date thereof; except, however, bonds, receivers' certificates and similar obligations which shall be classified as long-term debt until date of maturity; accrued taxes, such as income taxes, which shall be classified as accrued liabilities even though payable more than one year from date; compensation awards, which shall be classified as current liabilities regardless of date due; and minor amounts payable in installments which may be classified as current liabilities. If a liability is due more than one year from date of issuance or assumption by the utility, it shall be credited to a long-term debt account appropriate for the transaction, except, however, the current liabilities previously mentioned.

231 Notes payable.

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue, to other than associated companies.

232 Accounts payable.

This account shall include all amounts payable by the utility within one year, which are not provided for in other accounts.

233 Notes payable to associated companies.

234 Accounts payable to associated companies.

These accounts shall include amounts owing to associated companies on notes, drafts, acceptances, or other similar evidences of indebtedness, and open accounts payable on demand or not more than one year from date of issue or creation.

NOTE: Exclude from these accounts notes and accounts which are includible in account 223, Advances from Associated Companies.

235 Customer deposits.

This account shall include all amounts deposited with the utility by customers as security for the payment of bills.

236 Taxes accrued.

A. This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known, the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet, shall be shown under account 165, Prepayments.

B. If accruals for taxes are found to be insufficient or excessive, correction therefor shall be made through current tax accruals. However, if such corrections are so large as to seriously distort current expenses, they shall be included in account 434, Miscellaneous Credits to Surplus, or account 435, Miscellaneous Debits to Surplus, as appropriate.

C. Accruals for taxes shall be based upon the net amounts payable after credit for any discounts, and shall not include any amounts for interest on tax deficiencies or refunds. Interest received on refunds shall be credited to account 419, Interest and Dividend Income, and interest paid on deficiencies shall be charged to account 431, Other Interest Expense.

D. The records supporting the entries to this account shall be kept so as to show for each class of taxes, the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

237 Interest accrued.

This account shall include the amount of interest accrued but not matured on all liabilities of the utility not including, however, interest which is added to the principal of the debt on which incurred. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

238 Dividends declared.

This account shall include the amount of dividends which have been declared but not paid. Dividends shall be credited to this account when they become a liability.

239 Matured long-term debt.

This account shall include the amount of long-term debt (including any obligation for premiums) matured and unpaid, without specific agreement for extension of the time of payment and bonds called for redemption but not presented.

240 Matured interest.

This account shall include the amount of matured interest on long-term debt or other obligations of the utility at the date of the balance sheet unless such interest is added to the principal of the debt on which incurred.

241 Tax collections payable.

This account shall include the amount of taxes collected by the utility through payroll deductions or otherwise pending transmittal of such taxes to the proper taxing authority.

NOTE: Do not include liability for taxes assessed directly against the utility which are accounted for as part of the utility's own tax expense.

242 Miscellaneous current and accrued liabilities.

This account shall include the amount of all other current and accrued liabil-

ities not provided for elsewhere appropriately designated and supported so as to show the nature of each liability.

8. Deferred Credits

251 Unamortized premium on debt.

This account shall include the total of the credit balances in the discount, expense and premium accounts, for all classes of long-term debt, including receivers' certificates. (See account 181, Unamortized Debt Discount and Expense.)

252. Customer advances for construction.

This account shall include advances by customers for construction which are to be refunded either wholly or in part. When a customer is refunded the entire amount to which he is entitled according to the agreement or rule under which the advance was made, the balance, if any, remaining in this account shall be credited to account 271, Contributions in Aid of Construction.

253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received.

9. Operating Reserves

261 Property insurance reserve.

A. This account shall include amounts reserved by the utility for self-insurance against losses through accident, fire, flood, or other hazards to its own property or property leased from others. The amounts charged to account 924, Property Insurance, or other appropriate accounts to cover such risks shall be credited to this account. A schedule of risks covered by this reserve shall be maintained, giving a description of the property involved, the character of the risks covered and the rates used.

B. Charges shall be made to this account for losses covered by self-insurance. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

262 Injuries and damages reserve.

A. This account shall be credited with amounts charged to account 925, Injuries and Damages, or other appropriate accounts, to meet the probable liability, not covered by insurance, for deaths or injuries to employees and others, and for damages to property neither owned nor held under lease by the utility.

B. When liability for any injury or damage is admitted by the utility either voluntarily or because of the decision of a court or other lawful authority, such as a workmen's compensation board, the admitted liability shall be charged to this account and credited to the appropriate liability account. Details of these charges shall be maintained according to the year the casualty occurred which gave rise to the loss.

NOTE: Recoveries or reimbursements for losses charged to this account shall be credited hereto; the cost of repairs to property of others if provided for herein, shall be charged to this account.

263 Pensions and benefits reserve.

A. This account shall include provisions made by the utility and amounts contributed by employees for pensions, accident and death benefits, savings, relief, hospital and other provident purposes, where the funds represented by the reserve are included in the assets of the utility either in general or in segregated fund accounts.

B. Amounts paid by the utility for the purposes for which this reserve is established shall be charged hereto.

C. A separate account shall be kept for each kind of reserve included herein.

NOTE: If employee pension or benefit plan funds are not included among the assets of the utility but are held by outside trustees, payments into such funds, or accruals therefor, shall not be included in this account.

265 Miscellaneous operating reserves.

A. This account shall include all operating reserves maintained by the utility which are not provided for elsewhere.

B. This account shall be maintained in such manner as to show the amount of each separate reserve and the nature and amounts of the debits and credits thereto.

NOTE: This account includes only such reserves as may be created for operating purposes and does not include any reservations of income the credits of which should be carried in account 215, Appropriated Earned Surplus.

10. Contributions in Aid of Construction

271 Contributions in aid of construction.

A. This account shall include donations or contributions in cash, services, or property from States, municipalities or other governmental agencies, individuals, and others for construction purposes.

B. The credits to this account shall not be transferred to earned surplus or to any other account without approval of the Commission.

C. The records supporting the entries to this account shall be so kept that the utility can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made, the amount of donations from (a) States, (b) municipalities, (c) customers, and (d) others, and the amount applicable to each utility department.

NOTE. There shall not be included in this account advances for construction which are ultimately to be repaid wholly or in part. (See account 252, Customer Advances for Construction.)

11. Accumulated Deferred Income Taxes

NOTE A: The text of accounts below are designed primarily to cover deferrals of Federal income taxes arising under provisions of the Internal Revenue Code of 1954 but the accounts are also applicable to deferrals of State taxes on income.

NOTE B: Natural Gas Companies which, in addition to a gas utility department, have another utility department, electric, water, etc., and which have deferred taxes on income with respect thereto shall classify such deferrals in the accounts provided below under subdivisions for each utility department.

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes, as permitted by Section 168 of the Internal Revenue Code of 1954 (Section 124A of previous Internal Revenue Code), as compared to the depreciation (deduction) otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior year of accelerated (5-year) amortization of certified defense facilities instead of nonaccelerated depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction otherwise available and appropriate for such property, considering its estimated useful life, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization of accelerated amortization for tax purposes.

D. The use of this account and the accounting described above are not mandatory for any utility which, in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facility, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in this account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining balance of accumulated deferred taxes with respect to any certified defense facility for which deferred tax accounting has been followed shall, upon expiration of the estimated useful life of the facility on which deferred tax calculations were based, or upon retirement from service of such facility or predominant part thereof, be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise be applied as the Commission may authorize or direct.

282 Accumulated deferred income taxes—Liberalized depreciation.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by Section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same estimated useful life according to the straight line or other nonliberalized method of depreciation.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph A above. Such debit to this account and credit to account 411, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same estimated useful life according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

C. Records with respect to entries to this account, as described above, and account balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant additions of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and estimated useful lives have been used. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

D. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property, such accounting shall not be discontinued on that property without approval of the Commission.

E. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the account or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed or, upon retirement from service of such property or predominant portion thereof, or upon expiration of the estimated useful life on which the depreciation calculations for tax purposes are based, shall be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise applied as the Commission may authorize or direct.

283 Accumulated deferred income taxes—Other.

A. This account, when its use has been authorized by the Commission for specific types of tax deferrals, shall be credited and account 410, Provision for Deferred Income Taxes, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use of deductions other than accelerated amortization or liberalized depreciation in the computation of income taxes, which deductions for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years.

B. This account when its use has been authorized by the Commission, shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph A, above, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 411 shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized by the Commission.

C. Records with respect to entries to this account, as described above, and the account balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized by the Commission.

D. The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the balance in the accounts or any portion thereof to surplus or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax account balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be credited to account 411, Income Taxes Deferred in Prior Years—Credit, or otherwise disposed of as the Commission may authorize or direct.

NOTE: In determining appropriate use of this account as a basis of request to the Commission for authorization of its use, consideration shall be given to the relative importance of the amount involved, and to other items in the utility's accounts where "prepaid tax accounting" may be appropriate, such as situations (a) where the time of taking a deduction in computing taxes on income is such that the tax deduction must be delayed or applied to a series of future years as opposed to earlier recognition of such item in determination of income in the general accounts of the utility, or (b) where inclusion of an income item is required for tax purposes but is to be recognized in whole or in part in the utility's income accounts of a subsequent year or years.

Gas Plant Accounts

1. Intangible Plant

301 Organization.
302 Franchises and consents.
303 Miscellaneous intangible plant.

2. Production Plant

A. Manufactured Gas Production Plant

304 Land and land rights.
305 Structures and improvements.
306 Boiler plant equipment.
307 Other power equipment.
308 Coke ovens.
309 Producer gas equipment.
310 Water gas generating equipment.
311 Liquefied petroleum gas equipment.
312 Oil gas generating equipment.
313 Generating equipment—Other processes.
314 Coal, coke, and ash handling equipment.
315 Catalytic cracking equipment.
316 Other reforming equipment.
317 Purification equipment.
318 Residual refining equipment.
319 Gas mixing equipment.
320 Other equipment.

B. Natural Gas Production Plant

B. 1. Natural Gas Production and Gathering Plant

325.1 Producing lands.
325.2 Producing leaseholds.
325.3 Gas rights.
325.4 Rights-of-way.
325.5 Other land and land rights.
326 Gas well structures.
327 Field compressor station structures.
328 Field measuring and regulating station structures.
329 Other structures.
330 Producing gas wells—Well construction.
331 Producing gas wells—Well equipment.
332 Field lines.
333 Field compressor station equipment.
334 Field measuring and regulating station equipment.
335 Drilling and cleaning equipment.
336 Purification equipment.
337 Other equipment.

B 2. Products Extraction Plant

340 Land and land rights.
341 Structures and improvements.
342 Extraction and refining equipment.

343 Pipe lines.
344 Extracted products storage equipment.
345 Compressor equipment.
346 Gas measuring and regulating equipment.
347 Other equipment.

3. STORAGE PLANT

A. UNDERGROUND STORAGE PLANT

350.1 Land.
350.2 Leaseholds.
350.3 Storage rights.
350.4 Rights-of-way.
350.5 Gas rights.
351 Structures and improvements.
352 Wells.
353 Lines.
354 Compressor station equipment.
355 Measuring and regulating equipment.
356 Purification equipment.
357 Other equipment.

B. LOCAL STORAGE PLANT

360 Land and land rights.
361 Structures and improvements.
362 Gas holders.
363 Other equipment.

4. TRANSMISSION PLANT

365.1 Land and land rights.
365.2 Rights-of-way.
366 Structures and improvements.
367 Mains.
368 Compressor station equipment.
369 Measuring and regulating station equipment.
370 Communication equipment.
371 Other equipment.

5. DISTRIBUTION PLANT

374 Land and land rights.
375 Structures and improvements.
376 Mains.
377 Compressor station equipment.
378 Measuring and regulating station equipment—General.
379 Measuring and regulating station equipment—City gate check stations.
380 Services.
381 Meters.
382 Meter installations.
383 House regulators.
384 House regulator installations.
385 Industrial measuring and regulating station equipment.
386 Other property on customers' premises.
387 Other equipment.

6. GENERAL PLANT

389 Land and land rights.
390 Structures and improvements.
391 Office furniture and equipment.
392 Transportation equipment.
393 Stores equipment.
394 Tools, shop and garage equipment.
395 Laboratory equipment.
396 Power operated equipment.
397 Communication equipment.
398 Miscellaneous equipment.
399 Other tangible property.

Gas Plant Accounts

1. INTANGIBLE PLANT

301 Organization.

This account shall include all fees paid to Federal or State governments for the privilege of incorporation and expenditures incident to organizing the corporation, partnership, or other enterprises and putting it into readiness to do business.

ITEMS

1. Cost of obtaining certificates authorizing an enterprise to engage in the public utility business.
2. Fees and expenses for incorporation.
3. Fees and expenses for mergers or consolidations.
4. Office expenses incident to organizing the utility.
5. Stock and minute books and corporate seal.

NOTE A: This account shall not include any discounts upon securities issued or assumed; nor shall it include any costs incident to negotiating loans, selling bonds or other evidences of debt, or expenses in connection with the authorization, issuance, or sale of capital stock.

NOTE B: Exclude from this account and include in the appropriate expense account the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off. When charges are made to this account for expenses incurred in mergers, consolidations, or reorganizations, amounts previously included herein or in similar accounts in the books of the companies concerned shall be excluded from this account.

302 Franchises and consents.

A. This account shall include amounts paid to the Federal Government, to a State or to a political subdivision thereof in consideration for franchises, consents, or certificates, running in perpetuity or for a specified term of more than 1 year, together with necessary and reasonable expenses incident to procuring such franchises, consents, or certificates of permission and approval, including expenses of organizing and merging separate corporations, where statutes require, solely for the purpose of acquiring franchises.

B. If a franchise, consent, or certificate is acquired by assignment, the charge to this account in respect thereof shall not exceed the amount paid therefor, or by the utility to the assignor, nor shall it exceed the amount paid by the original grantee, plus the expense of acquisition to such grantee. Any excess of the amount actually paid by the utility over the amount above specified shall be charged to account 435, Miscellaneous Debits to Surplus.

C. When any franchise has expired, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or to account 111.3, Accumulated Provision for Amortization of Other Gas Plant in Service, as appropriate.

D. Records supporting this account shall be kept so as to show separately the book cost of each franchise or consent.

NOTE: Annual or other periodic payments under franchises shall not be included herein but in the appropriate operating expense account.

303 Miscellaneous intangible plant.

A. This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of the utility's gas operations and not specifically chargeable to any other account.

B. When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 435, Miscellaneous Debits to Surplus, or account 111.3, Accumulated Provision for Amortization of Other Gas Plant in Service, as appropriate.

C. This account shall be maintained in such a manner that the utility can furnish full information with respect to the amounts included herein.

2. PRODUCTION PLANT

A. MANUFACTURED GAS PRODUCTION PLANT

304 Land and land rights.

This account shall include the cost of land and land rights used in connection with manufactured gas production. (See gas plant instruction 7.)

305 Structures and improvements.

This account shall include the cost of structures and improvements used in connection with manufactured gas production. (See gas plant instruction 8.)

NOTE: Include relief holders in this account.

306 Boiler plant equipment.

This account shall include the cost installed of furnaces, boilers, steam and feed water piping, boiler apparatus, and accessories used in the production of steam at gas production plants.

ITEMS

1. Accumulators.
2. Air preheaters, including fans and drives, and ducts not part of building.
3. Ash disposal equipment, including sluiceways not part of a building, pumps and piping, crane, ash bucket conveyor and drives, ash cars, etc.
4. Belt conveyors, including drives.
5. Blast gate valves.
6. Blow-down tanks and piping.
7. Boilers, including valves attached thereto, casings, safety valves, soot blowers, soot hoppers, superheaters, and feed water regulators.
8. Cinder and dust catcher system, including mechanical and electric types.
9. Coal and coke handling equipment, including hoppers, lorries, etc., used wholly for boilers.
10. Combustion control system, including all apparatus installed for the regulation and control of the supply of fuel or air to boilers.
11. Control apparatus.
12. Cranes, hoists, etc., wholly identified with apparatus listed herein.
13. Desuperheaters and reducing valves.
14. Draft apparatus, including forced, induced, and other draft systems, with blowers, fans, and ducts not part of building.
15. Economizers.
16. Emergency lighting systems, not part of building, keep-a-lite systems, etc.
17. Emergency signal systems, in connection with boiler operation.
18. Feed water heaters, including primary and stage.
19. Flues, uptakes, and breeching, whether or not stacks are included in this account.
20. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
21. Furnaces.
22. Gas firing system, including gas lines, burners, etc., for gas fired boilers.
23. Injectors.
24. Mechanical stoker and feeding systems, clinker grinders, including drives.
25. Meters, gauges, recording instruments, etc.
26. Oil burning equipment, including tanks, heaters, pumps with drives, burner equipment, piping, and conditioning apparatus.
27. Painting, first cost.

28. Panels, control (for operating apparatus listed herein).
29. Piping system, steam header and exhaust header, including accessory pipe hangers, steam traps, etc., make-up water, feed water, drip, blow-off, water pipe lines used for steam plant, and valve control system.
30. Platforms, railings, steps, gratings, etc., appurtenant to apparatus listed herein.
31. Pulverizing equipment.
32. Pumps and driving units, for feed water, heater condensate, condenser water, and drip.
33. Stacks—brick, steel, and concrete, when set on separate foundations independent of substructure or superstructure of building.
34. Steam reheaters.
35. Steelwork, especially constructed for apparatus listed herein.
36. Tanks, including surge, weighing, return, blow-off, feed water storage.
37. Tar burning equipment for utilization of tar as boiler fuel, including tanks, pumps, burner equipment, piping, etc.
38. Waste heat boilers and accessories—stack valve and stack irrespective of location.
39. Water treatment system, including purifiers, settling tanks, filters, chemical mixing and dosing apparatus, etc.

NOTE A: This account shall not include boilers or steam pipes whose primary purpose is the heating of buildings.

NOTE B: When the system for supplying boiler or condenser water is elaborate, as when it includes a dam, reservoir, canal, or pipe line, the cost shall not be charged to this account but to a special subdivision of account 305, Structures and Improvements—Manufactured Gas.

307 Other power equipment.

A. This account shall include the cost installed of electric generating and accessory equipment used for supplying electricity in gas production plants.

B. This account shall also include the cost installed of miscellaneous power equipment at gas production plants which is not included in any other account.

ITEMS

1. Acid proofing of battery rooms.
2. Air duct runs in battery rooms.
3. Air pump, streamjet.
4. Batteries for control and general station use.
5. Belts, pulleys, hangers, shafts, and countershafts.
6. Cables between generators and switchboards.
7. Cabinets, control.
8. Compartments, including buses, connections, and items permanently attached.
9. Enclosure equipment not an integral part of building.
10. Engines, including steam rotary or reciprocating, steam turbines, and internal combustion engines.
11. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
12. Generators, a.c. or d.c., including excitation system.
13. Ground connections, for main station ground.
14. Lightning arresters.
15. Motor generators, frequency changers and converters.
16. Overhead power lines, including poles, crossarms, insulators, conductors, etc.
17. Panels, control, including supports and instruments.
18. Piping applicable to apparatus listed herein.
19. Reactors.
20. Rectifiers.
21. Safety equipment, including rubber mats, remote closing devices, glove cabinets.
22. Switchboards, including frames, panels, meters, and instruments.
23. Switching equipment, including oil circuit breakers, disconnecting switches, and connections.
24. Synchronous converters.
25. Transformers, including transformer platforms.
26. Underground conduit system, including manholes and conductors.

NOTE: When any unit of equipment listed herein is wholly used to furnish power to equipment included in another single account, its cost shall be included in such account.

308 Coke ovens.

This account shall include the cost installed of coke ovens used for the production of gas.

ITEMS

1. Apparatus for placing coal in ovens.
2. Bins, if not part of a building.
3. Cabinets, control.
4. Calorimeters.
5. Cars, quenching.
6. Charging lorry.
7. Clay mixers.
8. Coke guide.
9. Coke and pusher benches.
10. Collecting mains.
11. Control apparatus.
12. Conveyor, flight.
13. Cover lifting machinery.
14. Door handling machine.
15. Door luting machine.
16. Driving units for coke oven machinery.
17. Enclosures for machinery.
18. Engines, when not an integral part of the driven equipment.
19. Firing equipment.
20. Flues, uptakes, and breeching.
21. Foundations.
22. Fuel handling equipment used exclusively for coal to be carbonized in ovens.
23. Fuel systems under ovens.
24. Hot coke wharves.
25. Hot coke cars.
26. Instruments or meters, electrical.
27. Locomotives.
28. Mud mill.
29. Motor control equipment.
30. Ovens.
31. Panel, control.
32. Piping, including ascension pipes, hydraulic main, liquor flushing decanter tank, liquor pump, and return line to hydraulic main.
33. Pushers, including tracks and driving equipment.
34. Quenching station including structure, tank, well, piping, etc.
35. Quenching towers, piping, etc.
36. Regenerator, from bottom of oven floor tile to battery foundation.
37. Reversing machine, with enclosure.
38. Scale, platform.
39. Signal system.
40. Skip hoist.
41. Stacks.
42. Steel and iron work supports, platforms, stairways, etc.
43. Switches and switchboards.

309 Producer gas equipment.

This account shall include the cost installed of equipment used for the production of producer gas.

ITEMS

1. Ash handling equipment, used exclusively for producers.
2. Blast apparatus, including blowers, driving units, and blast mains.
3. Control apparatus.
4. Coolers and scrubbers.
5. Driving apparatus for producers.
6. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
7. Fuel handling equipment, used exclusively for producers.
8. Humidifiers.
9. Piping—air, steam (commencing at steam header), water (inside of building), and producer gas (up to outlet of final piece of apparatus in building).
10. Producer boosters, including driving units.
11. Producers.
12. Water separators.

310 Water gas generating equipment.

This account shall include the cost installed of equipment used in the generation of water gas.

ITEMS

1. Automatic operation equipment.
2. Back-run installations.
3. Blast equipment, including blowers and driving units, piping and supports.
4. Bridge, coal shed to generator house.
5. Carburetors.
6. Charging equipment, fuel.
7. Circulating water pumps.
8. Concrete or brick pits, including cover, not part of building.
9. Control apparatus.
10. Conveyors.
11. Dust collectors.
12. Enclosures for equipment (barriers, fire walls, guards, housings, screens, etc.).
13. Flow meters.
14. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
15. Fuel handling equipment used exclusively for fuel for this account.
16. Gauges, indicating and recording.
17. Generators.
18. Hot valves.
19. Hydraulic operation equipment.
20. Instruments and meters, electrical.
21. Oil handling and storage apparatus used solely for water gas apparatus (tanks, pumps and oil lines, oil heaters, manholes, valve pits, regulators, strainers, etc.).
22. Oil spray.
23. Operating floors and supports, stairways, etc.
24. Piling under foundations.
25. Piping and valves—steam (commencing at steam header), tar (to decanter), water (inside of building), and gas (up to outlet of final pieces of apparatus in building).
26. Pressure regulators.
27. Scales, when used in connection with items in this account.
28. Seal pots.
29. Superheaters and superheater stacks.
30. Tanks, hydraulic pressure.
31. Valve operating mechanisms.
32. Wash boxes.

311 Liquefied petroleum gas equipment.

A. This account shall include the cost installed of equipment used for the production of gas from petroleum derivatives, such as propane, butane, or gasoline.

B. Subdivisions of this account shall be maintained for each producing process for which this account is provided. A separate subaccount shall be maintained also for bottling equipment included herein.

ITEMS

1. Blowers.
2. Boilers.
3. Calorimixer.
4. Carbureting equipment.
5. Compression equipment.
6. Controller.
7. Control apparatus.
8. Enclosures and protective fences.

9. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
10. Heat exchanger.
11. Gauges and instruments.
12. Mixing or proportioning equipment.
13. Motors, not an integral part of driven equipment.
14. Odorizing equipment.
15. Oil separator.
16. Piping—steam (commencing at steam header), water (inside of building), oil (from supply tank), and gas (up to outlet of final piece of apparatus in building).
17. Pits.
18. Prime movers.
19. Pumps, including driving units.
20. Regulator.
21. Stairs, platforms, and ladders.
22. Storage equipment, tanks, etc.
23. Superheater.
24. Traps.
25. Valves—regulating and check.
26. Vaporizing equipment.

312 Oil gas generating equipment.

This account shall include the cost installed of equipment used for generating oil gas.

ITEMS

1. Air blast equipment, including blowers and driving units, piping and supports.
2. Air inlet louvres and filters.
3. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
4. Generating equipment, including automatic cycle controls, generators, operating floor, superheaters and wash boxes.
5. Instruments and instrument boards, complete with signal lights and thermocouples and including gauge board, pressure gauges, and pyrometers.
6. Meters and regulators, such as, air flow meter, generator oil meter, steam flow meter, and steam regulator.
7. Piping and valves, air, steam (commencing at steam header), water (inside building), and oil gas (up to outlet of final piece of apparatus in building).
8. Pumps, hydraulic and oil.
9. Tanks, hydraulic accumulator, hydraulic return, oil and steam accumulator.

313 Generating equipment—Other processes.

This account shall include, with subdivisions for each type of gas produced, the cost installed of generating equipment which is not included in any of the foregoing accounts, such as benches and retorts for the production of coal gas, equipment used for generating acetylene gas, etc.

ITEMS

As to coal gas production equipment:
1. Benches.
2. Charging and drawing machines.
3. Control apparatus.
4. Equipment for steaming retorts.
5. Flues, uptakes and breeching, whether or not stacks are included in this account.
6. Foundations.
7. Fuel handling equipment used exclusively for retorts, including weight lorries, tracks, etc., and grinders, breakers, and screens located in retort house.
8. Fuel system under retorts, including built-in producers.
9. Piping, including ascension pipes, hydraulic main, liquor flushing decanter tank, liquor pump, and return line to hydraulic main.
10. Primary atmospheric condensers.
11. Retorts.
12. Stacks—brick, steel, and concrete when set on separate foundations independent of substructure or superstructure of buildings, including lightning arresters.

314 Coal, coke, and ash handling equipment.

This account shall include the cost installed of structures or equipment used for the transportation, storage, washing, and treatment of coal, coke, and ashes, when used for general gas plant operations.

ITEMS

1. Bins—mixing, refuse, storage, etc.
2. Boom operating mechanism.
3. Breaker equipment.
4. Bridges, bridge track, and machinery.
5. Bucket conveyors and supports.
6. Capstan.
7. Cars.
8. Chutes.
9. Circuit breakers.
10. Coal loaders.
11. Coal preparation machinery, including washing and drying equipment.
12. Conduit, electrical.
13. Conveyors and supports.
14. Crane, caterpillar.
15. Driving apparatus for equipment listed herein.
16. Elevators.
17. Enclosure equipment.
18. Engines, not an integral part of driven equipment.
19. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
20. Gravity swing unloader.
21. Hoppers.
22. Instruments or meters, electrical.
23. Ladders, fixed.
24. Loading towers and equipment.
25. Locomotives.
26. Motor generators used only for equipment in this account.
27. Panel, control.
28. Pits.
29. Pulverizing equipment.
30. Railroad sidings and yard tracks.
31. Sampling equipment.
32. Scales.
33. Screens.
34. Sheds and fencing.
35. Shuttle boom.
36. Signal system equipment.
37. Silo.
38. Skip hoist.
39. Stairs, railings, etc.
40. Transfer cars and trucks.
41. Trestles.
42. Turntable.
43. Unloaders.
44. Weighometer.

315 Catalytic cracking equipment.

This account shall include the cost installed of equipment used for producing gas by the catalytic cracking process.

ITEMS

1. Caloric meters.
2. Catalytic furnace, including catalyst and foundation.
3. Combustion air blowers.
4. Compressors, air.
5. Control equipment.
6. Cooling coils, including foundations.
7. Cooling towers, including foundations.
8. Enclosures.
9. Fractionalising units.
10. Piping and valves.
11. Preheaters.
12. Pressure regulators.
13. Proportioning controls.
14. Tanks.
15. Vaporizers.

316 Other reforming equipment.

This account shall include the cost installed of equipment, other than catalytic cracking equipment, used primarily for reforming gas with resultant changes in its chemical composition and calorific value.

ITEMS

1. Blast equipment, including blowers and driving units, piping, and supports.
2. Control apparatus.
3. Foundations and settings, specially constructed for and not intended to outlast the apparatus for which provided.
4. Fuel and ash handling equipment, used wholly in reforming gas.
5. Oil gas apparatus, used for reforming gas.
6. Piping—steam (commencing at steam header), water (inside of building), and gas (up to outlet of final piece of apparatus in building).
7. Pumps and driving units.
8. Purifiers for gas to be reformed.
9. Regulators.
10. Water gas generators, used primarily for reforming gas.

317 Purification equipment.

This account shall include the cost installed of apparatus used for the removal of impurities from gas and apparatus for conditioning gas, including pumps, wells, and other accessory apparatus.

ITEMS

1. Blowers for revivifying.
2. Blowers for activators.
3. Condensers and washer coolers.
4. Control apparatus—conduit, cable, cabinets, switchboards, etc.
5. Crane or cover lifting equipment, not part of the structure.
6. Dehydrators.
7. Engines, not an integral part of driven equipment.
8. Foundations and settings, specially constructed for and not intended to outlast the equipment for which provided.
9. Instruments and meters, electric.
10. Lubricators.
11. Napthalene and light oil scrubbers.
12. Other accessory equipment such as coolers, spray ponds, pumps, platforms, railings, stairs.
13. Oxide elevators and pits, platforms, tables, and trenches.
14. Piping—air, steam, water, gas, condensate, liquor, tar, etc., from inlet valve of first piece of apparatus to outlet valve of final piece of apparatus (or, in building, from entrance to building to exit from building).
15. Precipitators.
16. Purifiers—iron oxide or liquid, including first filling.
17. Recording gauges and thermometers.
18. Revivifying air ducts.
19. Saturator with auxiliary equipment.
20. Scrubbers.
21. Seal and drip pots.
22. Signal system identified with equipment herein.
23. Sulphur removal apparatus.
24. Tar extractors and Cottrell precipitators.
25. Tar pumps and tanks.
26. Track runs for cranes and hoists.
27. Wash boxes.
28. Water meters, for cooling water.

318 Residual refining equipment.

This account shall include the cost installed of apparatus used in refining and handling of residuals except where the apparatus is necessary for the operation of property included in account 317, Purification Equipment.

ITEMS

1. Ammonia stills, condensers, saturators, etc.
2. Apparatus for removal of residuals from purifier liquids.
3. Coke filter.
4. Coke handling and storage facilities, used solely for coke held for sale.
5. Condensers.
6. Control apparatus.
7. Coolers.
8. Decanters.
9. Foundations specially constructed for and not intended to outlast the apparatus for which provided.
10. Gauges.
11. Heating equipment for apparatus included in this account.
12. Instruments.
13. Light oil stills, washers, etc.
14. Piping and pumps.
15. Platforms, stairs, and ladders.
16. Separators.
17. Storage tanks.
18. Supports.
19. Tar dehydrators, stills, etc.

319 Gas mixing equipment.

This account shall include the cost installed of equipment used for mixing manufactured and natural gas, or the mixing of other gases incident to delivery of such mixed gases to the distribution system.

ITEMS

1. Alcohol units.
2. Automatic mixing controls.
3. Btu adjustor.
4. Calorimeter.
5. Calorimixer.
6. Compressor.
7. Gas heater.
8. Gas scrubber (air filter, dust cleaner).
9. Gauges and instruments.
10. Meters.
11. Mixing chambers.
12. Odorizing equipment.
13. Oil pump units.
14. Panel and control equipment.
15. Piping and valves.
16. Regulators, pressure and ratio.
17. Safety alarm equipment.

320 Other equipment.

This account shall include the cost installed of equipment used in the production of gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Cabinet, control.
2. Compressed air system.
3. Fire hose carts.
4. First aid room equipment.
5. Foamite system.
6. Foundations and settings specially constructed for and not intended to outlast the apparatus for which provided.
7. Gasoline pumps.
8. Hand pumps.
9. Machine shop equipment, such as lathes, pipe cutting and threading machines, vise grinders, power saw, shop motors, shafting and belting, drill press, shapers, milling machines, planes, etc.
10. Odorizing equipment.
11. Office furniture and equipment.
12. Oil foggers.
13. Panel, control.
14. Piping—yard, when not includible in other accounts.
15. Pits.
16. Platforms.
17. Portable scaffolds, ladders, etc.
18. Power shovels.
19. Production laboratory equipment.
20. Scales, not associated with other equipment.
21. Special signal equipment.
22. Tractors for general plant use.
23. Works exhauster including driving unit and governor.
24. Works station meters, including gauges, piping and accessories.

B. NATURAL GAS PRODUCTION PLANT

B. 1. Natural Gas Production and Gathering Plant

325.1 Producing lands.

This account shall include the cost of lands held in fee on which producing natural gas wells are located, and lands held in fee which are being drained of natural gas through the operation by the utility of wells on other land. (See gas plant instruction 7–G.)

325.2 Producing leaseholds.

A. This account shall include the cost of acquiring leaseholds on which the utility pays royalties for natural gas obtained therefrom. (See gas plant instruction 7–G.)

B. Exclude from this account rents paid periodically for rights obtained under leases. Exclude also from this account the cost of leaseholds which terminate in one year or less after they become effective.

325.3 Gas rights.

This account shall include the cost of natural gas rights used in producing natural gas, whereby the utility obtains ownership in gas underlying land not owned or leased by the utility. It does not provide for gas rights which are leased and which are properly chargeable to account 325.2, Producing Leaseholds.

325.4 Rights-of-way.

This account shall include the cost of all interests in land which terminate more than one year after they become effective and on which are located gathering pipe lines, telephone pole lines, and like property used in connection with the production of natural gas.

325.5 Other land and land rights.

This account shall include the cost of land and land rights used in connection with the production of natural gas, when not properly assignable to any of the foregoing accounts.

326 Gas well structures.

This account shall include the cost of well structures and improvements used in connection with the housing of permanent bailers and other equipment necessary to keep the wells in operation. (See gas plant instruction 8.)

327 Field compressor station structures.

This account shall include the cost of structures and improvements used in connection with the housing of compressor station equipment used to raise the pressure of natural gas before it is conveyed to the terminus of the field lines. (See gas plant instruction 8.)

328 Field measuring and regulating station structures.

This account shall include the cost of structures and improvements used in connection with the housing of meters, regulators, and appurtenant appliances for measuring and regulating natural gas before the point where it enters the transmission or distribution system. (See gas plant instruction 8.)

329 Other structures.

This account shall include the cost of structures and improvements used in connection with natural gas production and gathering not provided for elsewhere. (See gas plant instruction 8.)

330 Producing gas wells—Well construction.

This account shall include the cost of drilling producing gas wells.

ITEMS

1. Clearing well site.
2. Hauling, erecting, dismantling, and removing boilers, portable engines, derricks, rigs, and other equipment and tools used in drilling.
3. Drilling contractors' charges.
4. Drive pipe.
5. Fuel or power.
6. Labor.
7. Rent of drilling equipment.
8. Water used in drilling, obtained either by driving wells, piping from springs or streams, or by purchase.
9. Hauling well equipment.
10. Shooting, fracturing, acidizing.

331 Producing gas wells—Well equipment.

This account shall include the cost of equipment in producing gas wells.

ITEMS

1. Bailing equipment.
2. Boilers and drives permanently connected.
3. Casing.
4. Derrick.
5. Fence, when solely an enclosure for equipment.
6. Fittings, including shut-in valves, bradenheads and casing heads.
7. Packing.
8. Tank, oil or water, etc.
9. Tubing.

332 Field lines.

This account shall include the cost installed of field lines used in conveying natural gas from the wells to the point where it enters the transmission or distribution system.

ITEMS

1. Gathering lines, including pipe, valves, fittings, and supports.
2. Cathodic protection equipment.
3. Creek crossings, suspension bridges and other special construction.
4. Line drips and separators.

333 Field compressor station equipment.

This account shall include the cost installed of compressor station equipment and associated appliances used to raise the pressure of natural gas before it is conveyed to the terminus of the field lines.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam powered compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guard rails and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units, power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.

6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipe bends and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system, including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as heating boilers, steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence, and water treatment equipment, etc., but not including water system equipment solely for domestic and general use.

334 Field measuring and regulating station equipment.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring and regulating natural gas collected in field lines before the point where it enters the transmission or distribution system.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

335 Drilling and cleaning equipment.

This account shall include the cost of implements and equipment used in drilling and cleaning natural gas wells.

ITEMS

1. Bailers.
2. Bits and other drilling tools.
3. Boilers.
4. Derricks.
5. Drilling cables.
6. Drilling machines.
7. Engines.
8. Motors.
9. Pulling machines.
10. Pumps.
11. Rigs.
12. Tanks.

336 Purification equipment.

This account shall include the cost installed of apparatus used for the removal of impurities from gas and apparatus for conditioning gas.

ITEMS

1. Condensers and washer coolers.
2. Dehydrators.
3. Foundations and settings, specially constructed for and not intended to outlast the equipment for which provided.
4. Other accessory equipment, such as coolers, spray ponds, pumps, platforms, railings, stairs.
5. Piping, from inlet valve of first piece of apparatus to outlet valve of final piece of apparatus (or, in building, from entrance to building to exit from building).
6. Scrubbers.
7. Sulphur removal apparatus.
8. Water supply system.

NOTE: In general this account shall include all dehydrators located in or adjacent to production areas which are used to remove water and other stray liquids from gas produced by the utility or purchased in or adjacent to production areas. In some instances such dehydrators may be located some distance from the production sources of the gas. Where, however, the utility has no production and gathering facilities with respect to any of the gas passing through the dehydrators, such as at the purchase point at the head of a transmission pipe line company, the dehydrators may be included in account 368, Compressor Station Equipment, or account 367, Mains, whichever is the most practicable and reasonable under the circumstances. Dehydrators which are an adjunct to products extraction operations shall be included in account 342, Extraction and Refining Equipment. Dehydrators used in connection with underground gas storage operations shall be included in account 356, Purification Equipment.

337 Other equipment.

This account shall include the cost installed of equipment used in the production and gathering of natural gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Calorimeter.
2. Control installation.
3. Crane.
4. Laboratory equipment.
5. Odorizing unit.
6. Office furniture and equipment.
7. Oil fogger.

B 2. Products Extraction Plant

340 Land and land rights.

This account shall include the cost of land and land rights used in connection with the processing of natural gas for removal of gasoline, butane, propane, or other salable products. (See gas plant instruction 7.)

341 Structures and improvements.

This account shall include the cost of structures and improvements used in connection with the processing of natural gas for removal of gasoline, butane, propane, or other salable products. (See gas plant instruction 8.)

342 Extraction and refining equipment.

This account shall include the cost installed of equipment used for the extraction from natural gas of gasoline, butane, propane, or other salable products and for the refining of such products.

ITEMS

1. Boiler plant equipment, including boiler, boiler setting, heat exchangers, etc.
2. Compressed air system, including air compressor, air storage tank, etc.
3. Cooling equipment such as coolers, cooling tower and accessories for gas, extracted products, etc.
4. Cranes, trolleys, and hoists.
5. Electrical system, including generator and driving unit, power lines, transformers, switchboard, yard lighting system, etc.
6. Extraction and refining equipment, such as absorbers, reabsorbers, stills, dephlegmators, fractionating towers, stabilizing columns, control apparatus.
7. Foundations and structural supports for equipment items not intended to outlast the equipment for which provided.
8. Fuel regulating and measuring equipment.
9. Gasoline blending equipment including dye pot, educator pumps, lead storage tanks, weighing device, etc.
10. Gauges and instruments.
11. Loading racks and associated other equipment.
12. Lubricating oil system.
13. Pumps of various types, such as boiler feed water pumps, loading and transfer pumps, drip still pumps, oil pumps, skimmer basin pumps, etc.
14. Tanks of various types such as accumulator and dewatering tanks, separator tanks, gasoline feed tanks, compressed air tanks, oil surge tanks, etc., except tanks classifiable as storage equipment, account 344.
15. Water supply system including water well, water tank and supports, water softener or purification apparatus, traveling water screen and drive.
16. Yard piping, gas, water, steam, compressed air, fuel, vapor, extracted products, including headers, valves, etc., but not including off-site lines includible in account 343, Pipe Lines.

343 Pipe lines.

This account shall include the cost installed of gas and liquids pipe lines used in connection with the processing of natural gas for the removal of gasoline, butane, propane, or other salable products, exclusive of runs of pipe appropriately includible in other equipment accounts, embracing principally off-site gas, gasoline gathering, and loading lines not includible as yard piping in account 342, Extraction and Refining Equipment.

ITEMS

1. Gas lines, off-site, relating solely to extraction operations.
2. Gasoline gathering lines connecting with off-site sources.
3. Gathering line drips.
4. Instruments, indicating and recording.
5. Loading lines connecting with remote off-site loading racks or storage facilities.
6. Pumps and driving units.

344 Extracted products storage equipment.

This account shall include the cost installed of storage tanks and associated equipment used in the storing, prior to sale, of gasoline, butane, propane, and other salable products extracted from natural gas.

ITEMS

1. Foundations.
2. Instruments.
3. Regulators.
4. Storage tanks for partially or fully processed products.
5. Valves.

345 Compressor equipment.

This account shall include the cost installed of compressor equipment and associated appliances used in connection with the receipt, processing, and return of natural gas processed for removal of gasoline, butane, propane, or other salable products.

ITEMS

(See account 333 for items.)

346 Gas measuring and regulating equipment.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring or regulating natural gas received and/or returned from processing for removal of gasoline, butane, propane, or other salable products.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

347 Other equipment.

This account shall include the cost installed of equipment used in processing natural gas and refining gasoline, butane, propane, and other salable products extracted from natural gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Fire fighting equipment.
2. Laboratory and testing equipment.
3. Miscellaneous equipment, such as first-aid cabinet, gasoline dispensing pump, heating boiler, incinerator, lawn mower, warehouse truck.
4. Office furniture and equipment.
5. Shop tools and equipment.

3. STORAGE PLANT

A. UNDERGROUND STORAGE PLANT

350.1 Land.

This account shall include the cost of lands held in fee on which underground storage wells are located, and other lands held in fee within an area utilized for the underground storage of gas. (See gas plant instruction 7–G.)

350.2 Leaseholds.

A. This account shall include the cost of acquiring leaseholds on lands within an area of underground gas storage operations. (See gas plant instruction 7–G.)

B. Exclude from this account rents paid periodically for rights obtained under leases.

350.3 Storage rights.

A. This account shall include the cost of rights obtained from others for use of lands for the underground storage of gas.

B. Exclude from this account rents or other charges paid periodically for use of lands for underground gas storage purposes.

350.4 Rights-of-way.

This account shall include the cost of all interests in land which do not terminate until more than one year after they become effective and on which are located underground storage lines, telephone pole lines, and like property used in connection with underground gas storage operations.

350.5 Gas rights.

This account shall include the cost of natural gas rights whereby the utility obtains ownership in gas underlying land within an underground gas storage area but not owned or leased by the utility. It does not provide for gas rights which are leased and which are properly chargeable to account 350.2, Leaseholds.

351 Structures and improvements.

A. This account shall include the cost in place of structures and improvements used wholly or predominantly in connection with underground storage of natural gas. (See gas plant instruction 8.)

B. This account shall be subdivided as follows:

351.1 Well structures.
351.2 Compressor station structures.
351.3 Measuring and regulating station structures.
351.4 Other structures.

352 Wells.

This account shall include the drilling cost of wells used for injection and withdrawal of gas from underground storage projects, including wells kept open and used for observation.

ITEMS

Drilling:
1. Clearing well site.
2. Hauling, erecting, dismantling, and removing boilers, portable engines, derricks, rigs, and other equipment and tools used in drilling.
3. Drilling contractors' charges.
4. Drive pipe.
5. Fuel or power.
6. Labor.
7. Rent of drilling equipment.
8. Water used in drilling, obtained either by driving wells, piping from springs or streams, or by purchase.
9. Hauling well equipment.
10. Shooting, fracturing, acidizing.

Equipment:
11. Bailing equipment.
12. Boilers and drives permanently connected.
13. Casing.
14. Derrick.
15. Fence, when solely an enclosure for equipment.
16. Fittings, including shut-in valves, bradenheads and casing heads.
17. Packing.
18. Tank, oil or water, etc.
19. Tubing.

353 Lines.

This account shall include the cost installed of gas pipe lines used wholly or predominantly for conveying gas from point of connection with transmission or field lines to underground storage wells and from underground storage wells to the point where the gas enters the transmission or distribution system.

ITEMS

1. Cathodic protection equipment.
2. Creek crossings, suspension bridges and other special construction.
3. Lines, including pipe, valves, fittings, and supports.
4. Line drips and separators.

354 Compressor station equipment.

This account shall include the cost installed of compressor station equipment used wholly or predominantly for the purpose of raising the pressure of gas for delivery to underground storage or to raise the pressure of gas withdrawn from underground storage for delivery to the transmission or distribution system.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam powered compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guard rails and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units, power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.
6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipe bends and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system, including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence, and water treatment equipment, etc., but not including water system equipment solely for domestic and general use.

355 Measuring and regulating equipment.

This account shall include the cost installed of equipment used wholly or predominantly for the purpose of measuring and regulating deliveries of gas to underground storage and withdrawals of gas from underground storage.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

356 Purification equipment.

This account shall include the cost installed of apparatus used wholly or predominantly for the removal of impurities from and the conditioning of, gas delivered to or removed from underground storage fields.

ITEMS

1. Condensers and washer coolers.
2. Dehydrators.
3. Foundations and settings, specially constructed for and not intended to outlast the equipment for which provided.
4. Other accessory equipment, such as coolers, spray ponds, pumps, platforms, railings, stairs.
5. Piping, from inlet valve of first piece of apparatus to outlet valve of final piece of apparatus (or, in building, from entrance to building to exit from building).
6. Scrubbers.
7. Sulphur removal apparatus.
8. Water supply system.

357 Other equipment.

This account shall include the cost installed of equipment used wholly or predominantly in connection with underground storage of gas, when not assignable to any of the foregoing accounts.

ITEMS

1. Calorimeter.
2. Control installation.
3. Crane.
4. Odorizing unit.
5. Office furniture and equipment.
6. Oil fogger.

B. LOCAL STORAGE PLANT

360 Land and land rights.

This account shall include the cost of land and land rights used in connection with local storage of gas in holders within or adjacent to distribution areas. (See gas plant instruction 7.)

361 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with local storage of gas within or adjacent to distribution areas (See gas plant instruction 8.)

362 Gas holders.

This account shall include the cost installed of holders and associated appliances used in the storage of gas above ground, or in underground receptables installed for local storage purposes.

ITEMS

1. Alarm systems.
2. Buried piping, tanks or other underground construction for gas storage.
3. Flood and fire control equipment.
4. Foundations.
5. Holder pistons.
6. Holders-waterless, including elevators, tar apparatus, and inlet and outlet connections.
7. Holders-waterseal, including oil skimmer, heating equipment, drips, and inlet and outlet connections.
8. Hortonspheres and high pressure tanks, including inlet and outlet connections, access equipment, etc.
9. Lighting.
10. Pumps.
11. Ventilating equipment.
12. Walkways.

NOTE A: If the utility stores gas by the liquefaction process the holders for such liquids, whether above or below ground, shall be included in a separate subaccount hereunder.

NOTE B: Relief holders used in connection with manufactured gas operations shall be included in account 305, Structures and Improvements.

363 Other equipment.

This account shall include the cost installed of other equipment used in connection with the storage of gas within or adjacent to distribution areas.

ITEMS

1. Complete inlet and outlet connections.
2. Compressor.
3. Foundation.
4. Gauges and instruments.
5. Regulating apparatus.

4. TRANSMISSION PLANT

365.1 Land and land rights.

This account shall include the cost of land and land rights except rights-of-way used in connection with transmission operations. (See gas plant instruction 7.)

365.2 Rights-of-way.

This account shall include the cost of rights-of-way used in connection with transmission operations. (See gas plant instruction 7.)

366 Structures and improvements.

A. This account shall include the cost in place of structures and improvements used in connection with transmission operations. (See gas plant instruction 8.)

B. This account shall be subdivided as follows:

366.1 *Compressor Station Structures.*
366.2 *Measuring and Regulating Station Structures.*
366.3 *Other Structures.*

367 Mains.

A. This account shall include the cost installed of transmission system mains.

B. The records supporting this account shall be so kept as to show separately the cost of mains of different sizes and types and of each tunnel, bridge, or river crossing.

ITEMS

1. Anti-freeze lubricating equipment.
2. Automatic valve operating mechanisms, including pressure tanks, etc.
3. By-pass assembly.
4. Caissons, tunnels, trestles, etc., for submarine mains.
5. Cathodic protection equipment.
6. Drip lines and pots.
7. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
8. Foundations.
9. Gas cleaners, scrubbers, etc. when not part of compressor station or measuring and regulating equipment.
10. Leak clamps. (See gas plant instruction 10–C (1).)
11. Linewalkers' bridges.
12. Manholes.
13. Municipal inspection.
14. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
15. Permits.
16. Pipe coating.
17. Pipe and fittings.
18. Pipe laying.
19. Pipe supports.
20. Protection of street openings.
21. River, highway, and railroad crossings, including revetments, pipe anchors, etc.
22. Valves.
23. Welding.

368 Compressor station equipment.

This account shall include the cost installed of compressor station equipment and associated appliances used in connection with transmission system operations.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam powered compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guard rails and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units, power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.
6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipe bends and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system, including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence, and water treatment equipment, etc., but not including water system equipment solely for domestic and general use.

369 Measuring and regulating station equipment.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring or regulating gas in connection with transmission system operations.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundations, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc., and panel boards.
6. Headers.
7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor nature or portable type.

NOTE: Pipe lines companies shall include in the transmission functional classification city gate and main line industrial measuring and regulating stations, except that where pipe line companies measure deliveries of gas at entry points to their own distribution systems, they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for the purposes of this system of accounts.

370 Communication equipment.

This account shall include the cost installed of radio, telephone, microwave, and other equipment used wholly or predominantly in connection with the operation and maintenance of the gas transmission system. (See also account 397, Communication Equipment.)

ITEMS

1. Carrier terminal equipment including repeaters, power supply equipment, transmitting and receiving sets.
2. Microwave equipment, including power supply equipment, transmitters, amplifiers, paraboloids, towers, reflectors, receiving equipment, etc.
3. Radio equipment, fixed and mobile, including antenna, power equipment, transmitters and receivers, and portable receiver-transmitter units.
4. Telephone equipment including switchboards, power and testing equipment, conductors, pole lines, etc.

371 Other equipment.

This account shall include the cost installed of equipment used in transmission system operations, when not assignable to any of the foregoing accounts.

5. DISTRIBUTION PLANT

374 Land and land rights.

This account shall include the cost of land and land rights used in connection with distribution operations. (See gas plant instruction 7.)

375 Structures and improvements.

This account shall include the cost in place of structures and improvements used in connection with distribution operations. (See gas plant instruction 8.)

376 Mains.

A. This account shall include the cost installed of distribution system mains.

B. The records supporting this account shall be so kept as to show separately the cost of mains of different sizes and types and of each tunnel, bridge, or river crossing.

ITEMS

1. Caissons, tunnels, trestles, etc. for submarine mains.
2. Clamps, leak (bell and spigot) when installed at time of construction; when clamps are installed subsequent to construction, the accounting shall be in accordance with gas plant instruction 10, paragraph (C) 1.
3. Drip lines and pots.
4. Electrolysis tests, in connection with new construction.
5. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
6. Hauling, unloading, and stringing pipe.
7. Lamping and watching new construction.
8. Municipal inspection.
9. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
10. Permits.
11. Pipe coating.
12. Pipe and fittings.
13. Pipe laying.
14. Pipe supports.
15. Protection of street openings.
16. Relocating city storm and sanitary sewers, catch basins, etc., or protecting same in connection with new construction.
17. Replacement of municipal drains and culverts in connection with new construction.
18. Roadway boxes.
19. Shifting excavated material due to traffic conditions in connection with new construction.
20. Sleeves and couplings.
21. Special crossovers, bridges and foundations for special construction.
22. Surveying and staking lines.
23. Valves not associated with pumping or regulating equipment.
24. Welding.
25. Wood blocking.

377 Compressor station equipment.

This account shall include the cost installed of compressor station equipment and associated appliances used in connection with distribution system operations.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam powered compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guard rails and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units, power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.
6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipe bends and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system, including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence and water treatment equipment, etc., but not including water system equipment solely for domestic and general use.

378 Measuring and regulating station equipment—General.

This account shall include the cost installed of meters, gauges and other equipment used in measuring and regulating gas in connection with distribution system operations other than the measurement of gas deliveries to customers.

ITEM

1. Automatic control equipment.
2. Foundations.
3. Gauges and instruments.
4. Governors or regulators.
5. Meters.
6. Odorizing equipment.
7. Oil fogging equipment.
8. Piping.
9. Pressure relief equipment.
10. Vaults or pits, including valves contained therein.

NOTE: By-passes outside governor pits are includible in account 376, Mains.

379 Measuring and regulating station equipment—City gate check stations.

This account shall include the cost installed of meters, gauges, and other equipment used in measuring and regulating the receipt of gas at entry points to distribution systems.

NOTE: Pipe line companies shall include in the transmission functional classification city gate and main line industrial measuring and regulating stations, except that where pipe line companies measure deliveries of gas at entry points to their own distribution systems, they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for the purposes of this system of accounts.

ITEMS

(See account 378 for items.)

380 Services.

A. This account shall include the cost installed of service pipes and accessories leading to the customers' premises.

B. A complete service begins with the connection on the main and extends to but does not include the connection with the customer's meter. A stub service extends from the main to the property line, or the curb stop.

C. Services which have been used but have become inactive shall be retired from utility plant in service immediately if there is no prospect for reuse, and, in any event, shall be retired by the end of the second year following that during which the service became inactive unless reused in the interim.

ITEMS

1. Curb valves and curb boxes.
2. Excavation, including shoring, bracing, bridging, pumping, backfill, and disposal of excess excavated material.
3. Landscaping, including lawns, and shrubbery.
4. Municipal inspection.
5. Pavement disturbed, including cutting and replacing pavement, pavement base, and sidewalks.
6. Permits.
7. Pipe and fittings, including saddle, T, or other fitting on street main.
8. Pipe coating.
9. Pipe laying.
10. Protection of street openings.
11. Service drips.
12. Service valves, at head of service, when installed or furnished by the utility.

NOTE: When a customer pays all or a part of the cost of the service and such cost is properly includible in this account, the amount borne or contributed by the customer shall be credited to account 271, Contributions in Aid of Construction.

381 Meters.

A. This account shall include the cost installed of meters or devices and appurtenances thereto, for use in measuring gas delivered to users, whether actually in service or held in reserve.

B. When a meter is permanently retired from service, the installed cost included herein shall be credited to this account.

C. The records of meters shall be so kept that the utility can furnish information as to the number of meters of each type and capacity in service and in reserve as well as the location of each meter.

ITEMS

1. Meters, including badging and initial testing.

Meter installations:

2. Cocks.
3. Labor.
4. Locks.
5. Meter bars.
6. Pipe and fittings.
7. Seals.
8. Shelves.
9. Swivels and bushings.
10. Transportation.

NOTE A: At the option of the utility, costs of meter installations may be accounted for separately from the cost of meters in accordance with the provisions of account 382, Meter Installations. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

NOTE B: The cost of removing and resetting meters shall be charged to account 878, Meter and House Regulator Expenses.

382 Meter installations.

A. This account shall include the cost of labor and materials used, and expenses incurred in connection with the original installation of customer meters.

B. When a meter installation is permanently retired from service, the cost thereof shall be credited to this account.

ITEMS

1. Cocks.
2. Locks.
3. Labor.
4. Meter bars.
5. Pipe and fittings.

6. Seals.
7. Shelves.
8. Swivels and bushings.
9. Transportation.

NOTE: At the option of the utility, meter installations may be accounted for as part of the cost installed of meters, in accordance with the provisions of account 381, Meters. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

383 House regulators.

A. This account shall include the cost installed of house regulators whether actually in service or held in reserve.

B. When a house regulator is permanently retired from service, the installed cost thereof shall be credited to this account.

ITEMS

1. House regulator.
House regulator installations:
2. Cocks.
3. Labor.
4. Locks.
5. Pipe and fittings.
6. Regulator vents.
7. Swivels and bushings.
8. Transportation.

NOTE: At the option of the utility, costs of house regulator installations may be accounted for separately from the cost of house regulators in accordance with the provisions of account 384, House Regulator Installations. The practice of the utility, however, shall be consistent from year to year and throughout the utility's system.

384 House regulator installations.

A. This account shall include the cost of labor and materials used and expenses incurred in connection with the original installation of house regulators.

B. When a house regulator installation is permanently retired from service, the cost thereof shall be credited to this account.

ITEMS

1. Cocks.
2. Labor.
3. Locks.
4. Pipe and fittings.
5. Regulator vents.
6. Swivels and bushings.
7. Transportation.

NOTE. At the option of the utility, house regulator installations may be accounted for as part of the cost installed of house regulators in accordance with the provisions of account 383, House Regulators. The practice, however, shall be consistent from year to year and throughout the utility's system.

385 Industrial measuring and regulating station equipment.

This account shall include the cost of special and expensive installations of measuring and regulating station equipment, located on the distribution system, serving large industrial customers.

ITEMS

(See account 378 for items.)

NOTE. A: Do not include in this account measuring and regulating station equipment serving main line industrial customers. (See account 369).

NOTE. B: By-passes outside of governor pits are includible in account 376, Mains.

386 Other property on customers' premises.

This account shall include the cost, including first setting and connecting, of equipment owned by the utility installed on customer premises which is not includible in other accounts.

387 Other equipment.

This account shall include the cost installed of all other distribution system equipment not provided for in the foregoing accounts, including street lighting equipment.

ITEMS

1. Carbon monoxide tester and indicator.
2. Explosimeters.
3. Fire extinguisher.
4. Gas masks.
5. Lockers.
6. Portable pump.
7. Recording gauges.
8. Street lighting equipment.
9. Test meters.
10. Watchmen's clocks.

6. GENERAL PLANT

389 Land and land rights.

This account shall include the cost of land and land rights used for utility purposes, the cost of which is not properly includible in other land and land rights accounts. (See gas plant instruction 7.)

390 Structures and improvements.

This account shall include the cost in place of structures and improvements used for utility purposes, the cost of which is not properly includible in other structures and improvements accounts. (See gas plant instruction 8.)

391 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the utility and devoted to utility service, and not permanently attached to buildings, except the cost of such furniture and equipment which the utility elects to assign to other plant accounts on a functional basis.

ITEMS

1. Book cases and shelves.
2. Desks, chairs, and desk equipment.
3. Drafting-room equipment.
4. Filing, storage and other cabinets.
5. Floor covering.
6. Library and library equipment.
7. Mechanical office equipment such as accounting machines, typewriters, etc.
8. Safes.
9. Tables.

392 Transportation equipment.

This account shall include the cost of transportation vehicles used for utility purposes.

ITEMS

1. Airplanes.
2. Automobiles.
3. Bicycles.
4. Electrical vehicles.
5. Motor trucks.
6. Motorcyles.
7. Repair cars or trucks.
8. Tractors and trailers.
9. Other transportation vehicles.

393 Stores equipment.

This account shall include the cost of equipment used for the receiving, shipping, handling and storage of materials and supplies.

ITEMS

1. Chain falls.
2. Counters.
3. Cranes (portable).
4. Elevating and stacking equipment (portable).
5. Hoists.
6. Lockers.
7. Scales.
8. Shelving.
9. Storage bins.
10. Trucks, hand and power driven.
11. Wheelbarrows.

394 Tools, shop and garage equipment.

This account shall include the cost of tools, implements, and equipment used in construction, repair work, general shops and garages and not specifically provided for or includible in other accounts.

ITEMS

1. Air compressors.
2. Anvils.
3. Automobile repair shop equipment.
4. Battery charging equipment.
5. Belts, shafts and countershafts.
6. Boilers.
7. Cable pulling equipment.
8. Concrete mixers.
9. Derricks.
10. Drill presses.
11. Electric equipment.
12. Engines.
13. Forges.
14. Foundations and settings specially constructed for equipment in this account and not expected to outlast the equipment for which provided.
15. Furnaces.
16. Gas producers.
17. Gasoline pumps, oil pumps, and storage tanks.
18. Greasing tools and equipment.
19. Hoists.
20. Ladders.
21. Lathes.
22. Machine tools.
23. Motor driven tools.
24. Motors.
25. Pipe threading and cutting tools.
26. Pneumatic tools.
27. Pumps.
28. Riveters.
29. Smithing equipment.
30. Tool racks.
31. Vises.
32. Welding apparatus.
33. Work benches.

395 Laboratory equipment.

This account shall include the cost installed of laboratory equipment used for general laboratory purposes and not specially provided for or includible in other departmental or functional plant accounts.

ITEMS

1. Balances and scales.
2. Barometers.
3. Calorimeters-bomb, flow, recording types, etc.
4. Electric furnaces.
5. Gas burning equipment.
6. Gauges.
7. Glassware, beakers, burettes, etc.
8. Humidity testing apparatus.
9. Laboratory hoods.
10. Laboratory tables and cabinets.
11. Muffles.
12. Oil analysis apparatus.
13. Piping.
14. Specific gravity apparatus.
15. Standard bottles for meter prover testing.
16. Stills.
17. Sulphur and ammonia apparatus.
18. Tar analysis apparatus.
19. Thermometers—indicating and recording.
20. Any other item of equipment for testing gas, fuel, flue gas, water, residuals, etc.

396 Power operated equipment.

This account shall include the cost of power operated equipment used in construction or repair work exclusive of equipment includible in other accounts. Include, also, the tools and accessories acquired for use with such equipment and the vehicle on which such equipment is mounted.

ITEMS

1. Air compressors, including driving unit and vehicle.
2. Back filling machines.
3. Boring machines.
4. Bulldozers.
5. Cranes and hoists.
6. Diggers.
7. Engines.
8. Pile drivers.
9. Pipe cleaning machines.
10. Pipe coating or wrapping machines.
11. Tractors—Crawler type.
12. Trenchers.
13. Other power operated equipment.

NOTE: It is intended that this account include only such large units as are generally self-propelled or mounted on movable equipment.

397 Communication equipment.

This account shall include the cost installed of telephone, telegraph and wireless equipment for general use in connection with the utility's gas operations. (See account 370 for communication equipment used wholly or predominantly in connection with operation and maintenance of the transmission system.)

ITEMS

1. Carrier terminal equipment including repeaters, power supply equipment, transmitting and receiving sets.
2. Microwave equipment, including power supply equipment, transmitters, amplifiers, paraboloids, towers, reflectors, receiving equipment, etc.
3. Radio equipment, fixed and mobile, including antenna, power equipment, transmitters and receivers, and portable receiver-transmitter units.
4. Telephone equipment including switchboards, power and testing equipment, conductors, pole lines, etc.

398 Miscellaneous equipment.

This account shall include the cost of equipment, apparatus, etc., used and useful in gas operations, which is not includible in any other account.

ITEMS

1. Hospital and infirmary equipment.
2. Kitchen equipment.
3. Operator's cottage furnishings.
4. Radios.
5. Recreation equipment.
6. Restaurant equipment.
7. Soda fountains.
8. Other miscellaneous equipment.

NOTE: Miscellaneous equipment of the nature indicated above wherever practicable shall be assigned to the utility plant accounts on a functional basis.

399 Other tangible property.

This account shall include the cost of tangible utility plant not provided for elsewhere.

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.

Operating expenses.

401 Operation expense.
402 Maintenance expense.
403 Depreciation expense.
404.1 Amortization and depletion of producing natural gas land and land rights.
404.2 Amortization of underground storage land and land rights.
404.3 Amortization of other limited-term gas plant.
405 Amortization of other gas plant.
406 Amortization of gas plant acquisition adjustments.
407.1 Amortization of property losses.
407.2 Amortization of conversion expenses.
408 Taxes other than income taxes.
409 Income taxes.
410 Provision for deferred income taxes.
411 Income taxes deferred in prior years—Cr.

TOTAL OPERATING EXPENSES

Operating income.

412–413 Income from gas plant leased to others.
414 Other utility operating income.

TOTAL OPERATING INCOME

2. OTHER INCOME

415–416 Income from merchandising, jobbing, and contract work.
417 Income from nonutility operations.
418 Nonoperating rental income.
419 Interest and dividend income.
421 Miscellaneous nonoperating income.

TOTAL OTHER INCOME

TOTAL INCOME

3. MISCELLANEOUS INCOME DEDUCTIONS

425 Miscellaneous amortization.
426 Other income deductions.

Total income deductions.

INCOME BEFORE INTEREST CHARGES

4. INTEREST CHARGES

427 Interest on long-term debt.
428 Amortization of debt discount and expense.
429 Amortization of premium on debt—Cr.
430 Interest on debt to associated companies.
431 Other interest expense.
432 Interest charged to construction—Cr.

Total interest charges.

NET INCOME

5. EARNED SURPLUS

216 Unappropriated earned surplus (at beginning of period).
433 Balance transferred from income.
434 Miscellaneous credits to surplus.
435 Miscellaneous debits to surplus.
436 Appropriations of surplus.

NET ADDITION TO EARNED SURPLUS

437 Dividends declared—Preferred stock.
438 Dividends declared—Common stock.
216 Unappropriated earned surplus (at end of period).

Income Accounts

1. UTILITY OPERATING INCOME

400 Operating revenues.

There shall be shown under this caption the total amount included in the gas operating revenue accounts provided herein.

401 Operation expense.

There shall be shown under this caption the total amount included in the gas operation expense accounts provided herein. (See note to operating expense instruction 3.)

402 Maintenance expense.

There shall be shown under this caption the total amount included in the gas maintenance expense accounts provided herein.

403 Depreciation expense.

A. This account shall include the amount of depreciation expense for all classes of depreciable gas plant in service except such depreciation expense as is chargeable to clearing accounts or to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

B. The utility shall keep such records of property and property retirements as will reflect the service life of property which has been retired and aid in estimating probable service life by mortality, turnover, or other appropriate methods; and also such records as will reflect the percentage of salvage and cost of removal for property retired from each account, or subdivision thereof, for depreciable gas plant.

NOTE A: Depreciation expense applicable to property included in account 104, Gas Plant Leased to Others, shall be charged to account 413, Expenses of Gas Plant Leased to Others.

NOTE B: Depreciation expense applicable to transportation equipment, shop equipment, tools, work equipment, power operated equipment and other general equipment may be charged to clearing accounts as necessary in order to obtain a proper distribution of expenses between construction and operation.

404.1 Amortization and depletion of producing natural gas land and land rights.

A. This account shall include charges for amortization and depletion of producing natural gas land and land rights. (See account 111.1, Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights.)

B. The charges to this account shall be made in such manner as to distribute the cost of producing natural gas land and land rights over the period of their benefit to the utility, based upon the exhaustion of the natural gas deposits recoverable from such land and land rights.

404.2 Amortization of underground storage land and land rights.

A. This account shall include charges for amortization of land and land rights of underground storage projects for natural gas. (See account 111.2, Accumulated Provision for Amortization of Underground Storage Land and Land Rights.)

B. The charges to this account shall be made in such manner as to distribute the cost of amortizable land and land rights over the period of their benefit to the utility, and with respect to any land or land rights which include native gas in the storage reservoir, such amounts shall be amortized or depleted on the basis of production of such native gas after the volume of stored gas has been withdrawn from the reservoir.

404.3 Amortization of other limited-term gas plant.

This account shall include amortization charges applicable to amounts included in the gas plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, and expenditures on leased property where the service life of the improvements is terminable by action of the lease. The charges to this account shall be such as to distribute the book cost of each investment as evenly as may be over the period of its benefit to the utility. (See account 111.3, Accumulated Provision for Amortization of Other Gas Plant in Service.)

405 Amortization of other gas plant.

A. When authorized by the Commission, this account shall include charges for amortization of intangible or other gas plant in service which does not have a definite or terminable life and which is not subject to charges for depreciation expense.

B. This account shall be supported in such detail as to show the amortization applicable to each investment being amortized, together with the book cost of the investment and the period over which it is being written off.

406 Amortization of gas plant acquisition adjustments.

This account shall be debited or credited, as the case may be, with amounts includible in operating expenses, pursuant to approval or order of the Commission, for the purpose of providing for the extinguishment of the amount in account 114, Gas Plant Acquisition Adjustments.

407.1 Amortization of property losses.

This account shall be charged with amounts credited to account 182, Extraordinary Property Losses, when the Commission has authorized the amount in the latter account to be amortized by charges to gas operating expenses.

407.2 Amortization of conversion expenses.

This account shall be charged with amortization of amounts authorized by the Commission to be included in Account 186, Miscellaneous Deferred Debits, for expenses incurred in the conversion of distribution plant from manufactured gas service to natural gas service.

408 Taxes other than income taxes.

A. This account shall include the amount of ad valorem, gross revenue or gross receipts taxes, state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by federal, state, county, municipal, or other local governmental authorities, which are properly chargeable to gas operations, except income taxes.

B. This account shall be charged in each accounting period with the amount of taxes which is applicable thereto, with concurrent credits to account 236, Taxes Accrued, or account 165, Prepayments, as appropriate. When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

C. The charges to this account shall be made or supported so as to show the amount of each tax and the basis upon which each charge is made. In the case of a utility rendering more than one utility service, taxes of the kind includible in this account shall be assigned directly to the utility department the operation of which gave rise to the tax in so far as practicable. Where the tax is not attributable to a specific utility department, it shall be distributed among the utility departments or nonutility operations on an equitable basis.

NOTE A: Taxes applicable to nonutility property or investments shall be charged to the account in which the income from the property or investments is included.

NOTE B: Special assessments for street and similar improvements shall be included in the appropriate utility plant or nonutility property account.

NOTE C: Taxes specifically applicable to construction shall be included in the cost of construction.

NOTE D: Taxes assumed by the utility on property leased from others for use in utility operations shall be charged to the appropriate rent expense or clearing account.

NOTE E: Gasoline and other sales taxes shall be charged as far as practicable to the same account as the materials on which the tax is levied.

NOTE F: Social Security and other forms of so-called pay roll taxes shall be distributed to utility departments and to nonutility functions on a basis related to pay roll. Amounts applicable to construction shall be charged to the appropriate plant account.

409 Income taxes.

A. This account shall include the amount of state and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. Concurrent credits for the tax accruals shall be made to account 236, Taxes Accrued, and as the exact amount of taxes becomes known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to utility operations.

B. The accruals for income taxes shall be apportioned among utility departments and nonutility operations so that, as nearly as practicable, each tax shall be included in the expenses of the utility department or nonutility operation, the income from which gave rise to the tax.

NOTE A: Taxes assumed by the utility on interest shall be charged to account 431, Other Interest Expense.

NOTE B: Income taxes on income from utility plant leased to others shall be charged to account 413, Expenses of Gas Plant Leased to Others.

NOTE C: Where statutes or regulatory practices require that the profits or losses of merchandising, jobbing, and contract work shall not be considered in arriving at rates to be charged for utility service, income taxes on income from merchandising, jobbing and contract work shall be charged to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work.

NOTE D: Income taxes on nonutility income shall be charged to the account in which the income is included. If the amount of nonutility income is relatively small, the allocation of income taxes thereto may be made annually.

NOTE E: Interest on tax refunds or deficiencies shall not be included in this account but in account 419, Interest and Dividend Income, or account 431, Other Interest Expense, as appropriate.

410 Provision for deferred income taxes.

This account shall be debited, and Accumulated Deferred Income Taxes, shall be credited with an amount equal to any deferral of taxes on income as provided by the texts of accounts 281, 282, and 283. There shall not be netted against entries required to be made to this account any credit amounts appropriately includible in account 411, Income Taxes Deferred in Prior Years-Credit.

411 Income taxes deferred in prior years—Credit.

This account shall be credited and Accumulated Deferred Income Taxes, debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the texts of accounts 281, 282, and 283. There shall not be netted against entries required to be made to this account any debit amounts appropriately includible in account 410, Provision for Deferred Income Taxes.

412 Revenues from gas plant leased to others.

413 Expenses of gas plant leased to others.

A. These accounts shall include, respectively, revenues from gas property constituting a distinct operating unit or system leased by the utility to others, and which property is properly includible in account 104, Gas Plant Leased to Others, and the expenses attributable to such property.

B. The detail of expenses shall be kept or supported so as to show separately the following:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes other than income taxes.
Income taxes.

414 Other utility operating income.

A. This account shall include the revenues received and expenses incurred in connection with the operations of utility plant, the book cost of which is included in account 118, Other Utility Plant.

B. The expenses shall include every element of cost incurred in such operations, including depreciation, rents, taxes, and insurance.

2. Other Income

415 Revenues from merchandising, jobbing and contract work.

416 Costs and expenses of merchandising, jobbing and contract work.

A. These accounts shall include, respectively, all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission, and all expenses incurred in such activities.

B. Records in support of these accounts shall be so kept as to permit ready summarization of revenues, costs and expenses by such major items as are feasible.

NOTE: Revenues and expenses of merchandising, jobbing and contract work shall be reported in these accounts, if a State regulatory body having jurisdiction over the utility requires the net income therefrom to be reported as other income; but the revenues and expenses shall be reported in accounts 914, Revenues from Merchandising, Jobbing and Contract Work, and 915, Costs and Expenses of Merchandising, Jobbing and Contract Work, if such regulatory body requires the net income to be reported as an operating income or expense item. In the absence of a requirement by a State regulatory body, the utility may use these accounts or accounts 914 and 915 at its option, in which case the practice of the utility must be consistent.

Items

Account 415:
1. Revenues from sale of merchandise and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 416:
Labor:
1. Canvassing and demonstrating appliances in homes and other places for the purpose of selling appliances.
2. Demonstrating and selling activities in sales rooms.
3. Installing appliances on customer premises where such work is done only for purchasers of appliances from the utility.
4. Installing piping or other property work on a jobbing or contract basis.
5. Preparing advertising materials for appliance sales purposes.
6. Receiving and handling customer orders for merchandise or for jobbing services.
7. Cleaning and tidying sales rooms.
8. Maintaining display counters and other equipment used in merchandising.
9. Arranging merchandise in sales rooms and decorating display windows.
10. Reconditioning repossessed appliances.
11. Bookkeeping and other clerical work in connection with merchandise and jobbing activities.
12. Supervising merchandise and jobbing operations.

Materials and expenses:
13. Advertising in newspapers, periodicals, radio, television, etc.
14. Cost of merchandise sold and of materials used in jobbing work.
15. Stores expenses on merchandise and jobbing stocks.
16. Fees and expenses of advertising and commercial artists' agencies.
17. Printing booklets, dodgers, and other advertising data.
18. Premiums given as inducement to buy appliances.
19. Light, heat, and power.
20. Depreciation on equipment used primarily for merchandise and jobbing operations.
21. Rent of sales rooms or of equipment.
22. Transportation expense in delivery and pick-up of appliances by utility's facilities or by others.
23. Stationery and office supplies and expenses.
24. Taxes directly assignable to merchandise and jobbing operations including income taxes on net income derived therefrom.
25. Losses from uncollectible merchandise and jobbing accounts.

417 Income from nonutility operations.

A. This account shall include revenues and expenses applicable to operations which are nonutility in character but nevertheless constitute a distinct operating activity of the enterprise as a whole, such as the operation of an ice department where applicable statutes do not define such operation as a utility, or the operation of a servicing organization for furnishing supervision, management, engineering, and similar services to others.

B. The expenses shall include all elements of costs incurred in such operations, and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes other than income taxes.
Income taxes.

418 Nonoperating rental income.

A. This account shall include all rent revenues and related expenses of land, buildings, or other property included in account 121, Nonutility Property, which is not used in operations covered by account 417.

B. The expenses shall include all elements of costs incurred in the ownership and rental of property and the accounts shall be maintained so as to permit ready summarization as follows:

Operation.
Maintenance.
Rents.
Depreciation.
Amortization.
Taxes other than income taxes.
Income taxes.

419 Interest and dividend income.

A. This account shall include interest revenues on securities, loans, notes, advances, special deposits, tax refunds and all other interest-bearing assets, and dividends on stocks of other companies, whether the securities on which the interest and dividends are received are carried as investments or included in sinking or other special fund accounts.

B. If any interest or dividends are required to be retained in a special fund and the fund is represented by a reserve, the amount of such accretion to the fund shall concurrently be credited to the appropriate reserve account and charged to account 436, Appropriations of Surplus.

C. This account may include the pro rata amount necessary to extinguish (during the interval between the date of acquisition and the date of maturity) the difference between the cost to the utility and the face value of interest-bearing securities. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried.

D. Where significant in amount, expenses, including operating taxes and income taxes, applicable to security investments and to interest and dividend revenues thereon shall be charged hereto.

NOTE: Interest accrued, the payment of which is not reasonably assured, dividends receivable which have not been declared or guaranteed, and interest or dividends upon reacquired securities issued or assumed by the utility shall not be credited to this account.

421 Miscellaneous nonoperating income.

This account shall include all revenue and expense items properly includible in the income account and not provided for elsewhere.

Items

1. Profit on sale of timber. (See gas plant instruction 7C.)
2. Profits from operations of others realized by the utility under contracts.

3. Miscellaneous Income Deductions

425 Miscellaneous amortization.

This account shall include amortization charges not includible in other accounts which are properly deductible in determining the income of the utility before interest charges. Charges includible herein, if significant in amount, must be in accordance with an orderly and systematic amortization program. Similar charges made irregularly without a definite program, or which are dependent upon the amount of net income shall be charged to account 435, Miscellaneous Debits to Surplus.

Items

1. Amortization of utility plant acquisition adjustments, or of intangibles included in utility plant in service when not authorized to be included in utility operating expenses by the Commission.
2. Amortization of amounts in account 182, Extraordinary Property Losses, when not authorized to be included in utility operating expenses by the Commission.
3. Amortization of capital stock discount or expenses when in accordance with a systematic amortization program.

426 Other income deductions.

This account shall include miscellaneous expense items which are nonoperating in nature but which are properly deductible before determining total income before interest charges.

Items

1. Donations for charitable, social or community welfare purposes.
2. Life insurance of officers and employees where utility is beneficiary (net premiums less increase in cash surrender value of policies).
3. Penalties or fines for violation of statutes pertaining to regulation.

NOTE: The classification of expenses as nonoperating and their inclusion in this account is for accounting purposes. It does not preclude Commission consideration of proof to the contrary for ratemaking or other purposes.

4. Interest Charges

427 Interest on long-term debt.

A. This account shall include the amount of interest on outstanding long-term debt issued or assumed by the utility, the liability for which is included in account 221, Bonds, or account 224, Other Long-Term Debt.

B. This account shall be so kept or supported as to show the interest accruals on each class and series of long-term debt.

NOTE: This account shall not include interest on nominally issued or nominally outstanding long-term debt, including securities assumed.

428 Amortization of debt discount and expense.

A. This account shall include the amortization of unamortized debt discount and expense on outstanding long-term debt. Amounts charged to this account shall be credited concurrently to account 181, Unamortized Debt Discount and Expense.

B. This account shall be so kept or supported as to show the debt discount and expense on each class and series of long-term debt.

429 Amortization of premium on debt—Credit.

A. This account shall include the amortization of unamortized net premium on outstanding long-term debt. Amounts credited to this account shall be charged concurrently to account 251, Unamortized Premium on Debt.

B. This account shall be so kept or supported as to show the premium on each class and series of long-term debt.

430 Interest on debt to associated companies.

A. This account shall include interest accrued on amounts included in account 223, Advances from Associated Companies, and on all other obligations to associated companies.

B. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued.

431 Other interest expense.

This account shall include all interest charges not provided for elsewhere.

ITEMS

1. Interest on notes payable on demand or maturing one year or less from date and on open accounts, except notes and accounts with associated companies.
2. Interest on customers' deposits.
3. Interest on claims and judgments, tax assessments, and assessments for public improvements past due.
4. Income and other taxes levied upon bondholders of utility and assumed by it.

432 Interest charged to construction—Credit.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. (See gas plant instruction 3 (17).)

5. EARNED SURPLUS

433 Balance transferred from income.

This account shall include the net credit or debit transferred from income for the year.

434 Miscellaneous credits to surplus.

This account shall include credits affecting earned surplus not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be credited to this account is not significant with respect to net income determination for the year, it may be credited to the appropriate nonoperating income account. (See also general instruction 7, Delayed Items). All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Delayed credits as provided in general instruction 7.
2. Profit on reacquisition and resale or retirement of utility's debt securities.
3. Profit on sale of property or investments.

435 Miscellaneous debits to surplus.

This account shall include amounts chargeable to earned surplus but not provided for elsewhere. If an amount otherwise required by the uniform system of accounts to be charged to this account is not significant with respect to net income determination for the year, it may be charged to the appropriate nonoperating income deduction account. (See also general instruction 7, Delayed Items.) All items included in this account shall be sufficiently described in the entries relating thereto as to permit ready analysis.

ITEMS

1. Decline in value of investments.
2. Delayed debits as provided in general instruction 7.
3. Loss on reacquisition and resale or retirement of utility's debt securities.
4. Provision for past accrued depreciation not provided for.
5. Long-term debt discount or expense written off.
6. Loss on sale of property or investments.
7. Write off of utility plant acquisition adjustments or of intangibles when not done under an orderly systematic program indicating the propriety of inclusion of the annual charges in account 425, Miscellaneous Amortization.
8. Preliminary survey and investigation expenses on abandoned projects.
9. Income taxes, both State and Federal, occasioned by items included in account 434, Miscellaneous Credits to Surplus.
10. Charges from retirement or resale of reacquired capital stock.

436 Appropriations of surplus.

This account shall include appropriations of earned surplus for purposes not provided for elsewhere.

ITEMS

1. Appropriations of income required under terms of mortgages, orders of courts, contracts or other agreements.
2. Appropriations of income required by action of regulatory authorities.
3. Miscellaneous appropriations of income made at option of utility for specified purposes.

437 Dividends declared—Preferred stock.

A. This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding preferred or prior lien capital stock issued by the utility.

B. Dividends shall be segregated for each class and series of preferred stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

438 Dividends declared—Common stock.

A. This account shall include amounts declared payable out of earned surplus as dividends on actually outstanding common capital stock issued by the utility.

B. Dividends shall be segregated for each class of common stock as to those payable in cash, stock and other forms. If not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.

Operating Revenue Accounts

1. SALES OF GAS

480 Residential sales.
481 Commercial and industrial sales.
482 Other sales to public authorities.
483 Sales for resale.
484 Interdepartmental sales.

2. OTHER OPERATING REVENUES

487 Forfeited discounts.
488 Miscellaneous service revenues.
489 Revenues from transportation of gas of others.
490 Sales of products extracted from natural gas.
491 Revenues from natural gas processed by others.
492 Incidental gasolin. and oil sales.
493 Rent from gas property.
494 Interdepartmental rents.
495 Other gas revenues.

Operating Revenue Accounts

1. SALES OF GAS

480 Residential sales.

A. This account shall include the net billing for gas supplied for residential or domestic purposes.

B. Records shall be maintained so that the quantity of gas sold and the revenues received under each rate schedule shall be readily available.

NOTE: When gas supplied through a single meter is used for both residential and commercial purposes, the total revenue shall be included in this account or account 481, Commercial and Industrial Sales, according to the rate schedule which is applied. If the same rate schedules are applicable to both residential and commercial service, classification shall be according to principal use.

481 Commercial and industrial sales.

A. This account shall include the net billing for gas supplied to commercial and industrial customers.

B. Records shall be maintained so that the quantity of gas sold and revenue received under each rate schedule shall be readily available.

C. Records shall be maintained so as to show separately the revenues from commercial and industrial customers, as follows:

Large commercial and industrial sales (wherein shall be included the revenues from customers which use large volumes of gas, generally in excess of 200,000 Mcf per year or approximately 800 Mcf per day of normal requirements. Reasonable deviations are permissible in order that transfers of customers between the large and small classifications may be minimized).

Small commercial and industrial sales (wherein shall be included the revenues from customers which use volumes of gas generally less than 200,000 Mcf per year or less than approximately 800 Mcf per day of normal requirements).

NOTE: When gas supplied through a single meter is used for both commercial and residential purposes, the total revenue shall be included in this account or in account 480, Residential Sales, according to the rate schedule which is applied. If the same rate schedules are applicable to both residential and commercial service, classification shall be according to principal use.

482 Other sales to public authorities.

A. This account shall include the net billing for gas supplied to municipalities or divisions or agencies of Federal or State Governments, under special contracts or agreements or service classifications, applicable only to public authorities, for general governmental and institutional purposes, except any revenues under rate schedules the revenues from which are includible in account 481 or 483, and except any revenues from gas used for purposes such as powerplant fuel for publicly owned electric systems, manufacturing processes of arsenals, etc., and other major uses of gas which appropriately may be classified in account 481, Commercial and Industrial Sales.

B. Records shall be maintained so that the quantity of gas sold and the revenue received from each customer and from each major special contract shall be readily available.

483 Sales for resale.

A. This account shall include the net billing for gas supplied to other gas utilities or to public authorities for resale purposes.

B. Records shall be maintained so that there shall be readily available the revenues for each customer under each revenue schedule and the billing determinants, as applicable, i.e., volume of gas (actual and billing), contract demand, maximum actual demand, billing demand, and Btu adjustment factor.

NOTE: Revenues from gas supplied to other public utilities for use by them and not for distribution, shall be included in account 481, Commercial and Industrial Sales, unless supplied under the same contract as and not readily separable from revenues includible in this account.

484 Interdepartmental sales.

A. This account shall include amounts charged by the gas department at tariff or other specified rates for gas supplied by it to other utility departments.

B. Records shall be maintained so that the quantity of gas supplied each other department and the charge made therefor shall be readily available.

2. OTHER OPERATING REVENUES

487 Forfeited discounts.

This account shall include the amount of discounts forfeited or additional charges imposed because of the failure of customers to pay gas bills on or before a specified date.

488 Miscellaneous service revenues.

This account shall include revenues from all miscellaneous services and charges billed to customers which are not specifically provided for in other accounts.

ITEMS

1. Fees for changing, connecting, or disconnecting service.
2. Profit on maintenance of appliances, piping, gas firing, and other utilization facilities, or other installations on customers' premises.
3. Net credit or debit (cost less net salvage and less payment from customers) on closing work orders for plant installed for temporary service of less than 1 year. (See account 185, Temporary Facilities.)
4. Recovery of expenses in connection with gas diversion cases. (Billing for the gas consumed shall be included in the appropriate gas revenue account.)
5. Services performed for other gas companies for testing and adjusting meters, changing charts, etc.

489 Revenues from transportation of gas of others.

This account shall include revenues from transporting gas for other companies through the production, transmission, and distribution lines, or compressor stations of the utility.

490 Sales of products extracted from natural gas.

A. This account shall include revenues from sales of gasoline, butane, propane, and other products extracted from natural gas, net of allowances, adjustments, and discounts, including sales of similar products purchased for resale.

B. Records shall be maintained so that the quantity, sales price, and revenues for each type of product sold to each purchaser shall be readily available.

491 Revenues from natural gas processed by others.

A. This account shall include revenues from royalties and permits, or other bases of settlement, for permission granted others to remove products from natural gas of the utility.

B. The records supporting this account shall be so maintained that full information concerning determination of the revenues will be readily available concerning each processor of gas of the utility, including as applicable (a) the Mcf of gas and approximate average Btu content thereof per cubic foot delivered to such other party for processing, (b) the Mcf of gas and approximate average Btu content thereof per cubic foot of gas received back from the processor, (c) the field, general production area, or other source of the gas processed, (d) Mcf of gas used for processing fuel, etc., which is chargeable to the utility, (e) total gallons of each product recovered by the processor and the utility's share thereof, (f) the revenues accruing to the utility, and (g) the basis of determination of the revenues accruing to the utility. Such records shall be maintained even though no revenues are derived from the processor.

492 Incidental gasoline and oil sales.

This account shall include revenues from natural gas gasoline produced direct from gas wells or recovered from drips or obtained in connection with purification or dehydration processes, and revenues from oil obtained from wells which produce oil and gas, the investment in which is carried in accounts 330, Producing Gas Wells—Well Construction, and 331, Producing Gas Wells—Well Equipment.

493 Rent from gas property.

A. This account shall include rents received for the use by others of land, buildings, and other property devoted to gas operations by the utility.

B. When property owned by the utility is operated jointly with others under a definite arrangement for sharing the actual expenses among the parties to the arrangement, any amount received by the utility for interest or return or in reimbursement of taxes or depreciation on the property shall be credited to this account.

NOTE: Do not include rent from property constituting an operating unit or system in this account. (See account 412, Revenues From Gas Plant Leased to Others.)

494 Interdepartmental rents.

This account shall include credits for rental charges made against other departments of the utility. In the case of property operated under a definite arrangement to allocate actual costs among the departments using the property, any allowance to the gas department for interest or return and depreciation and taxes shall be credited to this account.

495 Other gas revenues.

This account shall include revenues derived from gas operations not includible in any of the foregoing accounts.

ITEMS

1. Commission on sale or distribution of gas of others when sold under rates filed by such others.
2. Compensation for minor or incidental services provided for others such as customer billing, engineering, etc.
3. Profit or loss on sale of material and supplies not ordinarily purchased for resale and not handled through merchandising and jobbing accounts.
4. Sales of steam, water, or electricity, including sales or transfers to other departments of the utility.
5. Service charges for storing gas of others.
6. Miscellaneous royalties received.
7. Revenues from dehydration and other processing of gas of others, except products extraction where products are received as compensation and sales of such are includible in account 490, Sales of Products Extracted From Natural Gas, and except compression of gas of others, revenues from which are includible in account 489, Revenues from Transportation of Gas of Others.

Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

A. MANUFACTURED GAS PRODUCTION EXPENSES

A 1. Steam Production

Operation

700 Operation supervision and engineering.
701 Operation labor.
702 Boiler fuel.
703 Miscellaneous steam expenses.
704 Steam transferred—Credit.

Maintenance

706 Operation supervision and engineering.
706 Maintenance of structures and improvements.
707 Maintenance of boiler plant equipment.
708 Maintenance of other steam production plant.

A 2. Manufactured Gas Production

Operation

710 Operation supervision and engineering.

PRODUCTION LABOR AND EXPENSES

711 Steam expenses.
712 Other power expenses.
713 Coke oven expenses.
714 Producer gas expenses.
715 Water gas generating expenses.
716 Oil gas generating expenses.
717 Liquefied petroleum gas expenses.
718 Other process production expenses.

GAS FUELS

719 Fuel under coke ovens.
720 Producer gas fuel.
721 Water gas generator fuel.
722 Fuel for oil gas.
723 Fuel for liquefied petroleum gas process.
724 Other gas fuels.

GAS RAW MATERIALS

725 Coal carbonized in coke ovens.
726 Oil for water gas.
727 Oil for oil gas.
728 Liquefied petroleum gas.
729 Raw materials for other gas processes.
730 Residuals expenses.
731 Residuals produced—Credit.
732 Purification expenses.
733 Gas mixing expenses.
734 Duplicate charges—Credit.
735 Miscellaneous production expenses.
736 Rents.

Maintenance

740 Maintenance supervision and engineering.
741 Maintenance of structures and improvements.
742 Maintenance of production equipment.

B. NATURAL GAS PRODUCTION EXPENSES

B 1. Natural Gas Production and Gathering

Operation

750 Operation supervision and engineering.
751 Production maps and records.
752 Gas wells expenses.
753 Field lines expenses.
754 Field compressor station expenses.
755 Field compressor station fuel and power.
756 Field measuring and regulating station expenses.
757, Purification expenses.
758 Gas well royalties.
759 Other expenses.
760 Rents.

Maintenance

761 Maintenance supervision and engineering.
762 Maintenance of structures and improvements.
763 Maintenance of producing gas wells.
764 Maintenance of field lines.
765 Maintenance of field compressor station equipment.
766 Maintenance of field measuring and regulating station equipment.
767 Maintenance of purification equipment.
768 Maintenance of drilling and cleaning equipment.
769 Maintenance of other equipment.

B 2. Products Extraction

Operation

770 Operation supervision and engineering.
771 Operation labor.
772 Gas shrinkage.
773 Fuel.
774 Power.
775 Materials.
776 Operation supplies and expenses.
777 Gas processed by others.
778 Royalties on products extracted.
779 Marketing expenses.
780 Products purchased for resale.
781 Variation in products inventory.
782 Extracted products used by the utility—Credit.
783 Rents.

Maintenance

784 Maintenance supervision and engineering.
785 Maintenance of structures and improvements.
786 Maintenance of extraction and refining equipment.
787 Maintenance of pipe lines.
788 Maintenance of extracted products storage equipment.
789 Maintenance of compressor equipment.
790 Maintenance of gas measuring and regulating equipment.
791 Maintenance of other equipment.

C. EXPLORATION AND DEVELOPMENT EXPENSES

Operation

795 Delay rentals.
796 Nonproductive well drilling.
797 Abandoned leases.
798 Other exploration.

D. OTHER GAS SUPPLY EXPENSES

Operation

800 Natural gas well head purchases.
801 Natural gas field line purchases.
802 Natural gas gasoline plant outlet purchases.
803 Natural gas transmission line purchases.
804 Natural gas city gate purchases.
805 Other gas purchases.
806 Exchange gas.
807 Purchased gas expenses.
808 Gas withdrawn from underground storage—Credit.
809 Gas delivered to underground storage—Credit.
810 Gas used for compressor station fuel—Credit.
811 Gas used for products extraction—Credit.
812 Gas used for other utility operations—Credit.
813 Other gas supply expenses.

2. UNDERGROUND STORAGE EXPENSES

Operation

814 Operation supervision and engineering.
815 Maps and records.
816 Wells expenses.
817 Lines expenses.
818 Compressor station expenses.
819 Compressor station fuel and power.
820 Measuring and regulating station expenses.
821 Purification expenses.
822 Exploration and development.
823 Gas losses.
824 Other expenses.
825 Storage well royalties.
826 Rents.

Maintenance

830 Maintenance supervision and engineering.
831 Maintenance of structures and improvements.
832 Maintenance of wells.
833 Maintenance of lines.
834 Maintenance of compressor station equipment.
835 Maintenance of measuring and regulating station equipment.
836 Maintenance of purification equipment.
837 Maintenance of other equipment.

3. LOCAL STORAGE EXPENSES

Operation

840 Operation supervision and engineering.
841 Operation labor and expenses.
842 Rents.

Maintenance

843 Maintenance supervision and engineering.
844 Maintenance of structures and improvements.
845 Maintenance of gas holders.
846 Maintenance of other equipment.

4. TRANSMISSION EXPENSES

Operation

850 Operation supervision and engineering.
851 System control and load dispatching.
852 Communication system expenses.
853 Compressor station labor and expenses.
854 Gas for compressor station fuel.
855 Other fuel and power for compressor stations.
856 Mains expenses.
857 Measuring and regulating station expenses.
858 Transmission and compression of gas by others.
859 Other expenses.
860 Rents.

Maintenance

861 Maintenance supervision and engineering.
862 Maintenance of structures and improvements.
863 Maintenance of mains.
864 Maintenance of compressor station equipment.
865 Maintenance of measuring and regulating station equipment.
866 Maintenance of communication equipment.
867 Maintenance of other equipment.

5. DISTRIBUTION EXPENSES

Operation

870 Operation supervision and engineering.
871 Distribution load dispatching.
872 Compressor station labor and expenses.
873 Compressor station fuel and power.
874 Mains and services expenses.
875 Measuring and regulating station expenses—General.
876 Measuring and regulating station expenses—Industrial.
877 Measuring and regulating station expenses—City gate check stations.
878 Meter and house regulator expenses.
879 Customer installations expenses.
880 Other expenses.
881 Rents.

Maintenance

885 Maintenance supervision and engineering.
886 Maintenance of structures and improvements.
887 Maintenance of mains.
888 Maintenance of compressor station equipment.
889 Maintenance of measuring and regulating station equipment—General.
890 Maintenance of measuring and regulating station equipment—Industrial.
891 Maintenance of measuring and regulating station equipment—City gate check stations.
892 Maintenance of services.
893 Maintenance of meters and house regulators.
894 Maintenance of other equipment.

6. CUSTOMER ACCOUNTS EXPENSES

Operation

901 Supervision.
902 Meter reading expenses.
903 Customer records and collection expenses.
904 Uncollectible accounts.
905 Miscellaneous customer accounts expenses.

7. SALES EXPENSES

Operation

911 Supervision.
912 Demonstrating and selling expenses.
913 Advertising expenses.
914 Revenues from merchandising, jobbing, and contract work.
915 Costs and expenses of merchandising, jobbing, and contract work.
916 Miscellaneous sales expenses.

8. ADMINISTRATIVE AND GENERAL EXPENSES

Operation

920 Administrative and general salaries.
921 Office supplies and expenses.
922 Administrative expenses transferred—Credit.
923 Outside services employed.
924 Property insurance.
925 Injuries and damages.
926 Employee pensions and benefits.
927 Franchise requirements.
928 Regulatory commission expenses.
929 Duplicate charges—Credit.
930 Miscellaneous general expenses.
931 Rents.

Maintenance

932 Maintenance of general plant.

Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

A. MANUFACTURED GAS PRODUCTION

A. 1. Steam Production

Operation

700 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of steam production. (See operating expense instruction 1.)

701 Operation labor.

This account shall include the cost of labor used in boiler rooms and elsewhere about the premises engaged in the production of steam or assignable to the production of steam.

ITEMS

1. Blowing flues.
2. Cleaning boilers.
3. Handling coal, coke, and breeze from place of storage to boilers.
4. Janitorial, messenger, watchmen, and similar services.
5. Operating boilers.
6. Operating elevators.
7. Pulverizing coal.
8. Pumping tar from storage tank to boilers.
9. Removing ashes.
10. Testing steam meters, gauges, and other instruments.

702 Boiler fuel.

A. This account shall include the cost of coal, oil, gas, or other fuel used in the production of steam, including applicable amounts of fuel stock expenses. It shall also include the net cost of, or the net amount realized from, the disposal of ashes.

B. Records shall be maintained to show the quantity and cost of each type of fuel used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of fuel, except gas, and related fuel stock expenses, shall be charged initially to appropriate fuel accounts carried under accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of fuel used. See accounts 151 and 152 for basis of fuel costs and includible items of fuel stock expenses.

703 Miscellaneous steam expenses.

This account shall include the cost of materials used and expenses incurred in the production of steam, not includible in the foregoing accounts.

ITEMS

1. Boiler compounds.
2. Building service expenses.
3. Chemicals.
4. Communication service.
5. Lubricants.
6. Miscellaneous supplies.
7. Pumping supplies and expenses.
8. Purification supplies and expenses.
9. Tools, hand.
10. Waste.
11. Water purchased.

704 Steam transferred—Credit.

A. This account shall include such portion of the cost of producing steam as is charged to other gas operating expense accounts, or to others or to a coordinate department under a joint facility arrangement.

B. The records supporting the entries to this account shall be so kept that the utility can furnish readily an explanation of the bases of the credits to this account and the amounts charged to (1) other gas accounts, (2) other utility departments, and (3) outside parties under a joint facility arrangement. The records shall show, likewise, the amounts of steam production operation and steam production maintenance expenses, respectively, chargeable to each of the foregoing.

NOTE A: If the utility produces gas by a single process at only one plant, credits need not be made to this account for the cost of steam used in such gas production facility.

NOTE B: Where steam is produced by producer gas equipment or waste heat boilers, and such steam becomes part of the general plant supply, this account should be charged and the steam expense account in the appropriate functional group of accounts (coal gas production, water gas production, etc.) credited with the value of such steam. However, if the steam so produced is used in the same functional operation as that through which derived, such entries need not be made.

Maintenance

705 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of steam production facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance accounts. (See operating expense instruction 1.)

706 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures and improvements used in steam production operations, the book cost of which is includible in account 305, Structures and Improvements. (See operating expense instruction 2.)

707 Maintenance of boiler plant equipment.

This account shall indicate the cost of labor, materials used and expenses incurred in the maintenance of equipment used in steam production the book cost of which is includible in account 306, Boiler Plant Equipment. (See operating expense instruction 2.)

708 Maintenance of other steam production plant.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment used in steam production operations, the book cost of which is includible in account 314, Coal, Coke, and Ash Handling Equipment, or account 320, Other Equipment. (See operating expense instruction 2.)

A 2 Manufactured Gas Production

Operation

710 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of manufactured gas stations. Direct supervision of specific activities such as steam production and power operations, coke oven operations, water gas generation, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

711 Steam expenses.

A. This account shall include the cost of steam used in manufactured gas production. This includes the cost of steam transferred from the gas department's own supply and charges for steam transferred from others or from coordinate departments under joint facility arrangements. (See account 704, Steam Transferred—Credit.)

B. This account shall be so kept as to show separately for each source of steam the point of delivery, the quantity, the charges therefor, and the bases of such charges.

712 Other power expenses.

This account shall include the cost of electricity or other power, except steam, used in manufactured gas operation. This includes the cost of power purchased, the operation cost of electricity or other power such as compressed air produced by the gas department and charges from others or from coordinate departments for power produced under joint facility arrangements.

713 Coke oven expenses.

This account shall include the cost of labor used and expenses incurred in the operation of coke ovens for the production of coal gas, exclusive of the cost of fuel for the coke ovens and coal carbonized.

ITEMS

Labor:
1. Supervising.

2. Work of the following character in operation of coke ovens:
a. Charging and leveling coal.
b. Heating ovens to produce coke.
c. Pushing, transporting, quenching, and dumping coke on wharf.
d. Reclaiming coke spillage, removing, replacing, and luting oven doors and lids.
e. Handling and mixing luting mud.
f. Controlling oven heats and gas heating value with dilution gas.
g. Controlling flue temperature, stack drafts, collecting main pressure and the flow of flushing liquor and drains.
h. Operating, cleaning, and lubricating equipment not incidental to maintenance work, such as: charger, pusher, door operating and luting, mud mixing, gas reversal, transportation machinery and equipment, quenching pumps and tower, together with valves, instruments, meters, controls, gauges, and records connected with their operation.
i. Tar chasing (spooning tar in hot drains.)
j. Cleaning doors, jambs, and stand pipes.
3. Handling and transporting coal from storage or boats to battery bins.
4. Operating, cleaning and lubricating mechanical equipment, such as: hoist machines, conveyors and their housing, hammermills and breakers, mixing and battery bins, together with their control valves, instruments, etc.
5. Wetting and handling coke to the coke wharf or storage including cleaning and lubricating of equipment not incident to maintenance.
6. Pumping gas from ovens and maintaining the proper pressures on the collecting main and throughout the apparatus train, including cleaning and lubricating the oven gas exhausters and revivifying blowers, not incident to maintenance.
7. Removing and disposing of carbon, fines, sediment, and waste material.
8. Cleaning ovens and exhauster house, including janitor service in the employees' locker and wash room within this operating area.

Materials and expenses:
9. Packing, waste, lubricants, etc.
10. Small hand tools.
11. Building service, communication service, transportation.

714 Producer gas expenses.

This account shall include the cost of labor used and expenses incurred in making producer gas exclusive of the cost of fuel for producer gas.

ITEMS

Labor:
1. Supervising.
2. Work of the following character in connection with operation of producer gas sets (excepting the waste heat boiler and auxiliaries):
a. Inspecting, testing, clinkering, lighting and starting set.
b. Controlling fire and heats with fuel charges.
c. Barring, measuring, and rodding fires.
d. Observing pyrometers, pressures and CO_2 in stack gases.
e. Regulating input materials, such as coke, steam and air and making required flow rate and operating cycle changes.
f. Cleaning and removal of ash, dust, sediment and materials from the set and connections, seal pots, duct pockets, bootlegs, collectors and pumps.
g. Cleaning and reluting producer set doors.
h. Operating, cleaning and lubricating fuel charging lorries, grates, jackets and auxiliaries, ash removal apparatus, and associated instruments, meters, gauges, controls, etc.
3. Handling fuel from storage into bins with conveyors.
4. Operating, cleaning and lubricating auxiliary equipment, not incident to maintenance work, such as coolers, pumps, blowers, exhausters or boosters, fuel handling equipment, etc.
5. Removing and disposing of ashes, sediment and other waste material.
6. Cleaning the producer and booster houses including janitorial and similar services.

Materials and expenses:
7. Packing, waste, lubricants, etc.
8. Small hand tools.
9. Building service, communication service, transportation.

715 Water gas generating expenses.

This account shall include the cost of labor used and expenses incurred in the operation of water gas sets exclusive of the cost of fuel and oil for water gas production.

ITEMS

Labor:
1. Supervising.
2. Work of the following character in connection with the operation of water gas sets (excepting the waste heat boiler and auxiliaries):
a. Inspecting, testing, clinkering, lighting and starting up.
b. Controlling fire and heats with fuel charges, barring and rodding fires, operating grates and jackets, taking stains, observing pyrometers, pressures, seal pot water flow and stack gases, regulating input materials such as coke, oil, natural gas, steam and air.
c. Making required flow rate and operating cycle changes.
d. Cleaning and removing ashes, carbon, and sediment from the set and connections, the wash box, seal pot, oil spray, duct pockets, bootlegs, and collectors, and cleaning and reluting producer set doors.
e. Operating, cleaning and lubricating fuel charging lorries, blowers, valves, automatic operators, and grates, together with their instruments, gauges, and controls, also the ash belts.
3. Operating, cleaning and lubricating auxiliary equipment, such as hydraulic pumps, circulating water pumps, oil pumps from storage to sets, steam accumulators and regulators and reducers on natural gas for reforming, exhausters, revivifying air blowers, and purifier exhausters.
4. Handling fuel from storage into bins with conveyors.
5. Removing and disposing of ashes, carbon, sediment, and other waste material.
6. Cleaning of generator and exhauster houses, including janitorial and similar services.

Materials and expenses:
7. Packing, waste, lubricants, etc.
8. Small hand tools.
9. Building service, communication service, transportation.

716 Oil gas generating expenses.

This account shall include the cost of labor used and expenses incurred in the operation of equipment for the production of oil gas exclusive of cost of the oil.

ITEMS

Labor:
1. Supervising.
2. Cleaning, firing and operating oil gas machines.
3. Handling oil from place of storage to oil gas sets.
4. Measuring oil.
5. Removing and disposing of carbon deposits, and other cleaning and incidental labor.

Materials and expenses:
6. Packing, waste, lubricants, etc.
7. Small hand tools.
8. Building service, communication service, transportation.

717 Liquefied petroleum gas expenses.

This account shall include the cost of labor used and expenses incurred in the operation of equipment used for vaporizing petroleum derivatives such as propane, butane or gasoline exclusive of cost of the materials vaporized or used for fuel in the vaporizing process.

ITEMS

Labor:
1. Supervising.
2. Operating, cleaning and lubricating liquid petroleum vaporizers and injectors.
3. Taking pressures and temperatures, and reading gauges on storage tanks.
4. Inspecting and testing equipment and setting and adjusting controls and regulators.
5. Watching pressure gauges, maintaining pressures and relieving excess pressures through lines.
6. Repressuring storage tanks.

Materials and expenses:
7. Packing, waste, lubricants, etc.
8. Small hand tools.
9. Building service, communication service, transportation.

718 Other process production expenses.

This account shall include the cost of labor used and expenses incurred in operating equipment used for the production of gas by processes not provided for in the foregoing accounts.

719 Fuel under coke ovens.

A. This account shall include the cost of gas, other than coke oven gas or producer gas, or other fuel used under coke ovens for making coal gas. Concurrent credits shall be made to account 734, Duplicate Charges—Credit, for gas made by the utility and so used, or account 812, Gas Used for Other Utility Operations—Credit, for other gas used under coke ovens.

B. Records shall be kept to show the quantity and cost of each type of fuel used and fuel handling expenses.

ITEMS

1. Gas made by the utility and used under coke ovens.
2. Natural and other purchased gas used under coke ovens.

720 Producer gas fuel.

A. This account shall include the cost of fuel used in making producer gas including applicable amounts of fuel stock expenses. It shall also include the net cost of, or the net amount realized from, the disposal of ashes.

B. Records shall be kept to show the quantity and the cost of each type of fuel used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of fuel and related fuel stock expenses shall be charged initially to the appropriate fuel account carried under accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of fuel used. See accounts 151 and 152 for basis of fuel costs and includible items of fuel stock expenses.

721 Water gas generator fuel.

A. This account shall include the cost of fuel used in making water gas, including applicable amounts of fuel stock expenses. It shall also include the net

cost of, or net proceeds from, the disposal of ashes.

B. Records shall be kept to show the quantity and cost of each type of fuel used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of fuel and related fuel stock expenses shall be charged initially to the appropriate fuel account carried under accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of fuel used. See accounts 151 and 152 for basis of fuel costs and includible items of fuel stock expenses.

722 Fuel for oil gas.

This account shall include the cost of fuel for the manufacture of gas by the oil gas process.

723 Fuel for liquefied petroleum gas process.

This account shall include the cost of fuel for vaporization of liquefied petroleum gas and for the compression of air in liquefied petroleum gas process.

724 Other gas fuels.

This account shall include the cost of fuel for the manufacture of gas by processes not provided for in the above fuel accounts.

725 Coal carbonized in coke ovens.

A. This account shall include the cost of coal used in coke ovens for making coal gas, including applicable amounts of fuel stock expenses.

B. Records shall be kept to show the type, quantity, and cost of coal used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of coal carbonized and related fuel stock expenses shall be charged initially to the appropriate account carried under accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of coal used. See accounts 151 and 152 for basis of costs and includible items of fuel stock expenses.

726 Oil for water gas.

A. This account shall include the cost of oil used in carbureting water gas, including applicable amounts of fuel stock expenses.

B. Records shall be kept to show the type, quantity, and cost of oil used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of oil and related fuel stock expenses shall be charged initially to the appropriate accounts carried under accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of oil used. See accounts 151 and 152 for basis of costs and includible items of fuel stock expenses.

727 Oil for oil gas.

A. This account shall include the cost of oil used in making oil gas, including applicable amounts of fuel stock expenses.

B. Records shall be kept to show the type, quantity, and cost of oil used. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of oil and related fuel stock expenses shall be charged initially to the appropriate raw materials account carried under accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of oil used. See accounts 151 and 152 for basis of costs and includible items of fuel stock expenses.

728 Liquefied petroleum gas.

A. This account shall include the cost of liquefied petroleum gas, such as propane, butane, or gasoline, vaporized for mixing with other gases or for sale unmixed, including applicable amounts of fuel stock expenses.

B. Records shall be kept to show the type, quantity, and cost of liquefied petroleum gas. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of liquefied petroleum gas and related fuel stock expenses shall be charged initially to the appropriate accounts under accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of liquefied petroleum gas used. See accounts 151 and 152 for basis of costs and includible items of fuel stock expenses.

729 Raw materials for other gas processes.

A. This account shall include the cost of raw materials used in the production of manufactured gas by any process not provided for by the foregoing accounts including the production of coal gas by use of retorts, including applicable amounts of fuel stock expenses.

B. Records shall be kept to show the type, quantity, and cost of each raw material used, comparable to the accounting specified in the foregoing accounts for specified types of gas processes. Respective amount of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of raw materials and fuel stock expenses shall be charged initially to the appropriate accounts carried under accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of raw materials used. See accounts 151 and 152 for basis of raw materials costs and includible items of raw materials stock expenses.

730 Residuals expenses.

A. This account shall include the cost of labor, materials used and expenses incurred including uncollectible accounts in obtaining, handling, preparing, refining, and marketing residuals produced in manufactured gas production processes.

B. Divisions of this account shall be maintained for each of the principal types of expenses chargeable hereto and for each residual or by-product carried in account 731, Residuals Produced—Credit.

731 Residuals produced—Credit.

A. This account shall be credited and the appropriate subdivision of account 153, Residuals and Extracted Products, debited monthly with the estimated value of residuals and other by-products obtained in connection with the production of manufactured gas, whether intended for sale or for use in operations.

B. If the net amount realized from the sale of residuals is greater or less than the amount at which they were originally credited hereto, an adjusting entry shall be made crediting or debiting this account and charging or crediting the appropriate subdivision of account 153, Residuals and Extracted Products, with the difference.

732 Purification expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating purification equipment and apparatus used for conditioning manufactured gas.

ITEMS

Labor:
1. Supervising.
2. Operating conveyors, condensers, coolers, tar extractors and precipitators, shaving scrubbers and naphthalene and light oil scrubbers.
3. Emptying, rearranging, shifting, cleaning, purging, and refilling purifier boxes.
4. Removing spent oxide to refuse pile.
5. Revivifying oxide.
6. Oiling dip sheets of purifier boxes.
7. Inspecting, testing, controlling adjustments, and taking stains.
8. Cleaning and lubricating purification equipment.

Materials and expenses:
9. Iron oxide.
10. Unslacked lime.
11. Shavings.
12. Soda ash for liquid purifiers.
13. Wash oil for naphthalene scrubber.
14. Sulphuric acid.

733 Gas mixing expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating equipment for mixing natural and manufactured gas, or vaporized liquefied petroleum gases for delivery to the distribution system.

ITEMS

Labor:
1. Supervising.
2. Mixing enrichment gas and other gases or air, including mixing of liquid petroleum gas with air in a liquid petroleum air gas plant, and operation of air jetting equipment and controls.
3. Operating, cleaning and lubricating of cleaners, reducers, calorimeters, calorimixers, appliances and mixing apparatus with their related recorders, gauges, valves and controls, and gravitometers.
4. Inspecting, testing and adjusting mixing equipment.
5. Reading instruments and gauges, changing charts, and recording instrument and gauge readings.

Materials and expenses:
6. Packing, waste, lubricants, etc.
7. Small hand tools.
8. Building service, communication service, transportation.

734 Duplicate charges—Credit.

This account shall include concurrent credits for charges which are made to manufactured gas production operating expenses for manufactured gas not entering common system supply, steam or electricity used for which there is no direct money outlay.

NOTE: For manufactured gas used from the common system supply, concurrent credits shall be made to account 812, Gas Used for Other Utility Operations—Credit.

735 Miscellaneous production expenses.

This account shall include the cost of labor, materials used and expenses in-

curred in manufacturing gas production operations not includible in any of the foregoing accounts.

ITEMS

Labor:
1. Supervising.
2. Cleaning gas works yard of coke dust and other waste materials.
3. Humidifying gas or oil fogging gas at the production plant.
4. Cutting grass and care of the grounds around the gas works.
5. Clearing gas works yard of snow.
6. Janitor service and messenger service.
7. Operating elevators and other conveyances for general use at the gas works.
8. General clerical and stenographic work at gas works.
9. Guarding and patrolling plant and yard.
10. Testing plant instruments not elsewhere provided for.
11. Laboratory labor, except that chargeable to other accounts.
12. Reading manufactured gas meters, and calculating and recording hourly volumes produced.
13. Pumping drips (water) at plant (not provided for elsewhere).
14. Odorizing manufactured gas.
15. Operating, cleaning, and lubricating of air compressors with their tanks, instruments, meters, gauges, and controls when used to supply compressed air into the plant's air system.
16. Operating effluent water treatment systems, including chemical treatment ozonation, filter, and related equipment, including treatment of carbon and residual sludge, and removing spent oxide, and spent filtering materials.
17. Pumping water for cooling and condensing.
18. Cleaning filters and other operating duties of water system.

Materials and expenses:
19. Producer gas transferred from coke oven plant to water gas plant for dilution purposes.
20. Building service, communication service, transportation.
21. First aid supplies and safety equipment.
22. Office supplies, printing and stationery.
23. Meals, travelling and incidental expenses.
24. Fuel for heating plant, water for fire protection or general use, and similar items.
25. Lubricants, packing, waste, etc.
26. Odorizing chemicals.
27. Hand tools, drills, saw blades, files, etc.
28. Fire protection supplies.
29. Fogging oils, alcohol, etc.
30. Chemicals, filter materials, etc., and payments to others for disposal of plant effluents and waste.
31. Chemicals for water treatment.

736 Rents.

This account shall include rents for property of others used, occupied or operated in connection with manufactured gas production operations. (See operating expense instruction 3.)

Maintenance

740 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of manufactured gas production facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance accounts. (See operating expense instruction 1.)

741 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 305, Structures and Improvements. (See operating expense instruction 2.)

742 Maintenance of production equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment for the production of manufactured gas, the book cost of which is included in accounts 306 to 320, inclusive, except such equipment as is used for the production of steam the maintenance of which is includible in accounts 707, Maintenance of Boiler Plant Equipment, and 708, Maintenance of Other Steam Production Plant. (See operating expense instruction 2.)

B. NATURAL GAS PRODUCTION

B.1. Natural Gas Production and Gathering

Operation

750 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of production and gathering systems. Direct supervision of specific activities such as turning on and shutting off wells, operating measuring and regulating stations, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

ITEMS

1. Supervision. (See operating expense instruction 1.)
2. Gas depletion and gas reserve activities.
3. Geological activities in connection with gas production.
4. Rights-of-way office activities and supervision, not in connection with construction or retirement work, or storage.

751 Production maps and records.

This account shall include the cost of labor, materials used and expenses incurred in the preparation and maintenance of production maps and records.

ITEMS

Labor:
With respect to production maps:
1. Supervising.
2. Preparing farm maps, field inventory maps, well location plats, and other maps used in connection with natural gas production and gathering operations.
3. Posting changes and making corrections of maps.
4. Maintaining files of maps and tracings.
5. Surveying deeds, leases, rights-of-way, well locations, etc., for map revisions.
6. Reproducing maps (blueprints, photostats, etc.).

With respect to land records:
7. Supervising.
8. Abstracting titles to date for extension and renewal of leases.
9. Adjusting land and well rentals.
10. Checking free gas rights.
11. Maintaining land and lease records.
12. Delivering rental and royalty checks.
13. Assigning, pooling, merging, renewing, and extending leases.
14. Patrolling land.
15. Preparing expiration calendars.
16. Replacing leases (not involving additional consideration).
17. Transferring payees.

Materials and expenses:
18. Blueprints, photostats, etc.
19. Drafting materials and supplies.
20. Surveying materials and supplies.
21. Employee transportation and travel expenses.
22. Freight, express, parcel post, trucking, and other transportation.
23. Janitor and washroom supplies, etc.
24. Office supplies, stationery and printed forms.
25. Utility services: light, water, and telephone.

752 Gas wells expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating producing gas wells.

ITEMS

Labor:
1. Supervising.
2. Testing, bailing, swabbing, blowing and gauging producing gas wells.
3. Cleaning off old well locations.
4. Painting signs, etc.
5. Minor upkeep of well roads and fences, etc.
6. Turning wells off and on.
7. Pumping wells.

Materials and expenses:
8. Gas, gasoline, and oil used in pumping, bailing, heating, and swabbing.
9. Lumber, nails, and other materials used for upkeep of fences, making signs, etc.
10. Materials for upkeep of well roads, etc.
11. Well swabs.
12. Employees' transportation and travel expenses.
13. Freight, express, parcel post, trucking and other transportation.
14. Transportation: company and rented vehicles.

753 Field lines expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating field lines.

ITEMS

Labor:
1. Supervising.
2. Walking or patrolling lines.
3. Attending valves, lubricating valves and other equipment, blowing and cleaning lines and drips, draining water from lines, operating and cleaning scrubbers, thawing freezes.
4. Taking line pressures, changing pressure charts, operating alarm gauges.
5. Building and repairing gate boxes, foot bridges, stiles, tool boxes, etc., used in line operations, erecting line markers and warning signs, repairing old line roads.
6. Cleaning debris, cutting grass and weeds on rights-of-way.
7. Inspecting and testing not specifically to determine necessity for repairs.
8. Protecting utility property during work by others.
9. Standby time of emergency crews, responding to fire calls, etc.
10. Locating valve boxes or drip riser boxes.
11. Cleaning and repairing tools used in mains operations, making tool boxes, etc.
12. Cleaning structures and equipment.
13. Driving trucks.

Materials and expenses:
14. Line markers and warning signs.
15. Lumber, nails, etc., used in building and repairing gate boxes, foot bridges, stiles, tool boxes, etc.
16. Charts.
17. Scrubber oil.
18. Hand tools.
19. Lubricants, wiping rags, waste, etc.

20. Freight, express, parcel post, trucking and other transportation charges.
21. Employees' transportation and travel expenses.
22. Janitor and washroom supplies.
23. Utility services: light, water, telephone.
24. Gas used in field line operations.

754 Field compressor station expenses.

This account shall include the cost of labor, materials used, except fuel, and expenses incurred in operating field compressor stations.

ITEMS

Labor:
1. Supervising.
2. Operating and checking engines, equipment valves, machinery, gauges, and other instruments, including cleaning, wiping, polishing, and lubricating.
3. Operating boilers and boiler accessory equipment, including fuel handling and ash disposal, recording fuel used, and unloading and storing coal and oil.
4. Repacking valves and replacing gauge glasses, etc.
5. Recording pressures, replacing charts, keeping logs, and preparing reports of station operations.
6. Inspecting and testing equipment when not specifically to determine necessity for repairs or replacement of parts.
7. Pumping drips at the station.
8. Taking dew point readings.
9. Testing water.
10. Cleaning structures, cutting grass and weeds, and minor grading around station.
11. Cleaning and repairing hand tools used in operations.
12. Driving trucks.
13. Watching during shut downs.
14. Clerical work at station.

Materials and expenses:
15. Scrubber oil.
16. Lubricants, wiping rags, and waste.
17. Charts and printed forms, etc.
18. Gauge glasses.
19. Chemicals to test waters.
20. Water tests and treatment by other than employees.
21. Janitor and washroom supplies, first aid supplies, landscaping supplies, etc.
22. Employees' transportation and travel expenses.
23. Freight, express, parcel post, trucking, and other transportation.
24. Utility services: light, water, telephone.

755 Field compressor station fuel and power.

A. This account shall include the cost of gas, coal, oil, or other fuel, or electricity, used for the operation of field compressor stations, including applicable amounts of fuel stock expenses.

B. Records shall be maintained to show the quantity of each type of fuel consumed or electricity used at each compressor station, and the cost of such fuel or power. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE. The cost of fuel, except gas, and related fuel stock expenses shall be charged initially to appropriate fuel accounts carried in accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of fuel used. See accounts 151 and 152 for the basis of fuel costs and includible fuel stock expenses.

756 Field measuring and regulating station expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating field measuring and regulating stations.

ITEMS

Labor:
1. Supervising.
2. Recording pressures and changing charts, reading meters, etc.
3. Estimating lost meter registrations, etc., except gas purchases and sales.
4. Calculating gas volumes from meter charts, except for gas purchases and sales.
5. Adjusting and calibrating measuring equipment, changing meters, orifice plates, gauges, clocks, etc., not in connection with maintenance or construction.
6. Testing gas samples, inspecting and testing gas sample tanks and other meter engineer's equipment, determining specific gravity and Btu content of gas.
7. Inspecting and testing equipment not specifically to determine necessity for repairs including pulsation tests.
8. Cleaning and lubricating equipment.
9. Keeping log and other operating records, preparing reports of operations, etc.
10. Attending boilers and operating other accessory equipment.
11. Installing and removing district gauges for pressure survey.
12. Thawing freeze in gauge pipes.
13. Inspecting and pumping drips, dewatering manholes and pits, inspecting sumps, cleaning pits, etc., blowing meter drips.
14. Moving equipment, minor structures, etc., not in connection with construction, retirement, or maintenance work.

Materials and expenses:
15. Charts and printed forms, stationery and office supplies, etc.
16. Lubricants, wiping rags, waste.
17. Employees' transportation and travel expense.
18. Freight, express, parcel post, trucking and other transportation.
19. Utility services: light, water, telephone.

757 Purification expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating equipment used for purifying, dehydrating, and conditioning of natural gas.

ITEMS

Labor:
1. Supervising.
2. Changing charts on fuel meters.
3. Emptying, cleaning and refilling purifier boxes.
4. Oiling dip sheets of purifier covers.
5. Removing spent oxide to refuse piles.
6. Revivifying oxide.
7. Taking readings of inlet and outlet pressures and temperature.
8. Unloading and storing glycol.
9. Watching station and equipment.
10. Cutting grass and weeds, and minor grading around equipment and stations.
11. Hauling operating employees, materials, supplies and tools, etc.
12. Inspecting and testing equipment, not specifically to determine necessity for repairs or replacement of parts.
13. Lubricating equipment, valves, etc.
14. Operating and checking equipment, valves, instruments, etc.

Materials and expenses:
15. Liquid purifying supplies.
16. Iron oxide.
17. Odorizing materials.
18. Charts, printed forms, etc.
19. Employees' transportation and travel expenses.
20. Freight, express, parcel post, trucking, and other transportation.
21. Gas used in operations.
22. Janitor, washroom, and landscaping supplies.
23. Lubricants, wiping rags, waste, etc.
24. Utility services: light, water, telephone.

NOTE: Inclusion of dehydration expenses in this account shall be consistent with the functional classification of dehydration plant as to which, see the note to account 336, Purification Plant, relating to cases where dehydrators may be located some distance from the production sources of gas.

758 Gas well royalties.

A. This account shall include royalties paid for natural gas produced by the utility from wells on land owned by others.

B. Records supporting the entries to this account shall be so kept that the utility can furnish the name of the parties to each contract involving royalties, the terms of each contract, the location of the property involved, the method of determining the royalties, and the amounts payable.

759 Other expenses.

This account shall include the cost of labor, materials used and expenses incurred in producing and gathering natural gas and not includible in any of the foregoing accounts.

ITEMS

Labor:
1. Moving cleaning tools between locations.
2. Operating communications system.
3. Reading limited and unlimited free gas meters.

Materials and expenses:
4. Miscellaneous small tools, etc.

760 Rents.

This account shall include rents for property of others used, occupied or operated in connection with the production and gathering of natural gas, other than rentals on land and land rights held for the supply of natural gas. (See operating expense instruction 3.)

NOTE: See account 795, Delay Rentals, for rentals paid on lands held for the purpose of obtaining a supply of gas in the future.

Maintenance

761 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of the production and gathering facilities as a whole. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

762 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures and improvements, the book cost of which is includible in accounts 326, Gas Well Structures, 327, Field Compressor Station Structures, 328, Field Measuring and Regulating Station Structures, and 329, Other Structures. (See operating expense instruction 2.)

763 Maintenance of producing gas wells.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of gas wells and equipment includible in accounts 330, Producing Gas Wells—Well Construc-

tion, and 331, Producing Gas Wells—Well Equipment. (See operating expense instruction 2.)

764 Maintenance of field lines.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of field lines the book cost of which is includible in account 332, Field Lines. (See operating expense instruction 2.)

ITEMS

1. Electrolysis and leak inspections (not routine).
2. Installing and removing temporary lines, when necessitated by maintenance.
3. Lamping and watching while making repairs.
4. Lowering and changing location of portion of lines, when the same pipe is used.
5. Protecting lines from fires, floods, land slides, etc.
6. Rocking creek crossings.

765 Maintenance of field compressor station equipment.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of field compressor station equipment includible in account 333, Field Compressor Station Equipment. (See operating expense instruction 2.)

766 Maintenance of field measuring and regulating station equipment.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of field measuring and regulating station equipment includible in account 334, Field Measuring and Regulating Station Equipment. (See operating expense instruction 2.)

767 Maintenance of purification equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of purification equipment includible in account 336, Purification Equipment. (See operating expense instruction 2.)

NOTE: Inclusion of dehydration maintenance expenses in this account shall be consistent with the functional classification of dehydration plant as to which see the note to account 336, Purification Equipment, relating to cases where dehydrators may be located some distance from the production sources of gas.

768 Maintenance of drilling and cleaning equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of drilling and cleaning equipment includible in account 335, Drilling and Cleaning Equipment, except such costs of maintaining drilling tools or other equipment which are assignable to the cost of drilling wells. (See operating expense instruction 2.)

769 Maintenance of other equipment.

This account shall include the cost of labor, materials used and expenses incurred in maintenance of other production and gathering equipment includible in account 337, Other Equipment. (See operating expense instruction 2.)

B.2. Products Extraction

Operation

770 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of products extraction and refining operations, except supervision of marketing and selling operations which shall be charged to account 779, Marketing Expenses. Direct supervision of specific extraction and refining activities shall be charged to the appropriate account. (See operating expense instruction 1.)

771 Operation labor.

This account shall include the cost of labor used in the operation of facilities for the extraction of gasoline, butane, propane, or other salable products from natural gas and for refining such products.

ITEMS

Labor:
1. Supervising.
2. Operating, checking, lubricating, wiping, polishing, and cleaning engines, equipment, valves, machinery, gauges, and other instruments, etc.
3. Inspecting and testing equipment and instruments, not specifically to determine necessity for repairs or replacement of parts.
4. Reading meters, gauges, and other instruments, changing charts, preparing operating reports, etc.
5. Testing gasoline samples, water, etc.
6. Cleaning structures housing equipment, cutting grass and weeds and doing minor grading work around equipment and structures, etc.
7. Driving trucks used in products extraction operations.
8. Cleaning and repairing hand tools used in operations, etc.
9. Watching plant during shut-down periods.
10. Making electricity or steam.

772 Gas shrinkage.

A. This account shall include the cost of gas lost or absorbed in the process of extraction of salable products from natural gas, exclusive of gas used as fuel, the cost of which shall be included in account 773, Fuel.

B. Concurrent credits offsetting charges to this account shall be made to account 811, Gas Used for Products Extraction—Credit.

773 Fuel.

A. This account shall include the cost of natural gas or other fuel used in extracting gasoline, butane, propane and other salable products from natural gas, including fuel used for generation of electricity or making steam.

B. Concurrent Credits offsetting charges to this account shall be made to account 811, Gas Used for Products Extraction—Credit.

774 Power.

This account shall include the cost of electricity purchased for operation of facilities used in the extraction of gasoline, butane, propane, or other salable products from natural gas.

775 Materials.

This account shall include the cost of materials used in extracting salable products from natural gas and blending and refining such products.

ITEMS

1. Absorption oil.
2. Charcoal.
3. Water (payments to others for water).
4. Steam (payments to others for steam).
5. Blending agents.
6. Natural gasoline removed from inventory for blending and refining purposes.
7. Tetraethyl lead.

776 Operation supplies and expenses.

This account shall include supplies used and expenses incurred in the operation of facilities for recovering salable products from natural gas and blending and refining such products, not provided for elsewhere.

ITEMS

1. Employee transportation and travel expenses.
2. Freight, express, parcel post, trucking and other transportation.
3. Utility services: light, water, telephone.
4. Charts, gas measurement, etc.
5. Janitor, washroom and landscaping supplies.
6. Lubricants: oil and grease, wiping rags and waste, etc.
7. Testing equipment, hand tools, etc., of a portable nature and relatively minor cost or of short life.

777 Gas processed by others.

A. This account shall include the cost of gas shrinkage, gas consumed for fuel, royalties, and other expenses in connection with the processing of gas of the utility by others for extraction of salable products, for which the related revenues are includible in account 491, Revenues from Natural Gas Processed by Others.

B. Concurrent credits offsetting charges to this account for the difference between gas delivered to others for processing and gas returned after processing, such as shrinkage in the processing operations and gas of the utility used for fuel, shall be made to account 811, Gas Used for Products Extraction—Credit.

C. Records supporting this account shall be so maintained that full information will be readily available concerning gas shrinkage, gas used for fuel, royalties, and other expenses assumed or paid by the utility with regard to each processor of gas of the utility. (See paragraph B of account 491, Revenues from Natural Gas Processed by Others.)

ITEMS

1. Gas shrinkage, being cost of the reduction in gas from products extraction operations of gas of the utility processed by others.
2. Gas for fuel, being cost of gas of the utility used for fuel in connection with the products extraction processing of the utility's gas by others.
3. Royalties, being payments of fractional interests of royalty holders in products extracted by others from gas of the utility.

778 Royalties on products extracted.

This account shall include royalties paid by the utility to others for the right to extract salable products from natural gas.

779 Marketing expenses.

A. This account shall include the cost of labor, materials used and expenses incurred in the marketing of products extracted from natural gas and of similar products purchased for resale.

B. The records supporting this account shall be so maintained that summaries of the various types of expenses shall be readily available.

ITEMS

Labor:
1. Salaries of persons directly engaged in marketing operations.

Materials and expenses:
2. Employee transportation and travel expenses.
3. Tank car rentals.
4. Freight and hauling charges for products shipped.
5. Miscellaneous marketing expenses.
6. Building service charges for space occupied by marketing personnel.
7. Uncollectible accounts for extracted products sold.

780 Products purchased for resale.

A. This account shall include the cost of gasoline, butane, propane, or other salable products purchased from others for resale.

B. The records supporting this account shall be so maintained that the kind, quantity, and cost of products purchased from each vendor are readily available.

781 Variation in products inventory.

This account shall include credits for increases, and debits for decreases in the inventories of salable products extracted from natural gas or purchased for resale. The net debit or credit in this account shall equal the difference between the inventory at the beginning of the accounting year and the end of the accounting month.

782 Extracted products used by the utility—Credit.

This account shall include concurrent credits for charges which are made to operating expenses or other accounts of the gas department for gasoline or other extracted products which are used from stocks recovered in the natural gas extraction process or purchased for resale, and for such products used for blending and refining processes, the contra debit for which is account 775, Materials.

783 Rents.

This account shall include all rents for the property of others used, occupied, or operated in connection with the extraction of salable products from natural gas, exclusive of tank car rentals and other similar rentals includible in account 779, Marketing Expenses. (See operating expense instruction 3.)

Maintenance

784 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of facilities used in the extraction and refining of salable products from natural gas. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

785 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 341, Structures and Improvements. (See operating expense instruction 2.)

786 Maintenance of extraction and refining equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 342, Extraction and Refining Equipment. (See operating expense instruction 2.)

787 Maintenance of pipe lines.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 343, Pipe Lines. (See operating expense instruction 2.)

788 Maintenance of extracted products storage equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 344, Extracted Products Storage Equipment. (See operating expense instruction 2.)

789 Maintenance of compressor equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 345, Compressor Equipment. (See operating expense instruction 2.)

790 Maintenance of gas measuring and regulating equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 346, Gas Measuring and Regulating Equipment. (See operating expense instruction 2.)

791 Maintenance of other equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 347, Other Equipment. (See operating expense instruction 2.)

C. EXPLORATION AND DEVELOPMENT EXPENSES

795 Delay rentals.

A. This account shall be charged with the amount of rents paid periodically on natural gas lands in order to hold natural gas land and land rights for the purpose of obtaining a supply of gas in the future.

B. Include also in this account the cost of obtaining natural gas leases for a period of one year or less.

C. Records supporting this account shall be so kept that the utility can furnish complete details of the charges made for each natural gas leasehold. (See note to gas plant instruction 7G.)

796 Nonproductive well drilling.

This account shall include the net cost of drilling nonproductive wells.

NOTE: Records in support of the charges to this account shall conform, as appropriate, to note B of general instruction 12, Records for Each Plant.

797 Abandoned leases.

A. This account shall be charged with amounts credited to account 113.1, Accumulated Provision for Abandonment of Leases, to cover the probable loss on abandonment of natural gas leases included in account 105, Gas Plant Held for Future Use, which have never been productive.

B. When natural gas leaseholds which have never been productive are abandoned, and the amounts provided in account 113.1, Accumulated Provision for Abandonment of Leases, are not sufficient to cover the cost thereof, the deficiency shall be charged to this account, unless otherwise authorized or directed by the Commission. (See account 182.)

798 Other exploration.

This account shall be charged with the cost of abandoned projects on which preliminary expenditures were made for the purpose of determining the feasibility of acquiring acreage to provide a future supply of natural gas. (See account 183.1, Preliminary Natural Gas Survey and Investigation Charges.)

D. OTHER GAS SUPPLY EXPENSES

Operation

800 Natural gas well head purchases.

A. This account shall include the cost at well head of natural gas purchased from producers in gas fields or production areas where only the utility's facilities are used in bringing the gas from the well head into the utility's natural gas system.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and well head the quantity of gas, basis of charges, and amount paid for the gas.

NOTE: If gas purchases are made under one contract covering both well head and field line purchases and such amounts are not readily separable, the utility may classify such purchases according to predominant source or according to a reasonable estimate.

801 Natural gas field line purchases.

A. This account shall include the cost, at point of receipt by the utility, of natural gas purchased in gas fields or production areas at points along gathering lines, and at points along the utility's transmission lines within field or production areas, exclusive of purchases at outlets of gasoline plants includible in account 802, where facilities of the vendor or others are used in bringing the gas from the well head to the point of entry into the utility's natural gas system.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and each point of receipt, the quantity of gas, basis of charges, and amount paid for the gas.

NOTE: If gas purchases are made under one contract covering both well head and field line purchases and such amounts are not readily separable, the utility may classify such purchases according to predominant source or according to a reasonable estimate.

802 Natural gas gasoline plant outlet purchases.

A. This account shall include the cost, at point of receipt by the utility, of natural gas purchased at the outlet side of vendor's natural gas products extraction plants.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and for each products extraction plant, the quantity of gas, basis of the charges, and the amount paid for the gas.

803 Natural gas transmission line purchases.

A. This account shall include the cost, at point of receipt by the utility, of natural gas purchased at points along the utility's transmission lines not within gas fields or production areas, excluding purchases at the outlets of products extraction plants includible in account 802.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and each point of receipt, the quantity of gas, basis of charges, and the amount paid for the gas.

804 Natural gas city gate purchases.

A. This account shall include the cost, at point of receipt by the utility, of natural gas purchased which is received at the entrance to the distribution system of the utility.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and each point of receipt, the quantity of gas, basis of the charges, and the amount paid for the gas.

NOTE. Do not credit this account for gas used in reforming for which the cost is charged to manufactured gas production expenses. Credits for such gas should be made to account 812, Gas Used for Other Utility Operations—Credit.

805 Other gas purchases.

A. This account shall include the cost, at point of receipt by the utility, of manufactured gas, refinery gas, or any gas other than natural gas, or other than any mixed gas in which the natural gas is an important proportion of the mixture.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and each point of receipt, the kind and quantity of gas, Btu content, basis of the charges, and the amount paid for the gas.

806 Exchange gas.

A. This account shall include debits or credits for the cost of gas in unbalanced exchange transactions whereby gas is received from another party in exchange for delivery of gas to such other party and receipt and delivery of such gas is not completed during the accounting period. Contra entries to those in this account shall be made to account 174, Miscellaneous Current and Accrued Assets, for exchange gas receivable and to account 242, Miscellaneous Current and Accrued Liabilities, for exchange gas deliverable. Such entries shall be reversed and appropriate contra entries made to this account when gas is received or delivered in satisfaction of the amounts receivable or deliverable. This accounting is not required for minor transactions.

B. If revenue is earned or amounts are payable in consideration of the performance of exchange services, such revenue or expense should be recorded in account 495, Other Gas Revenues, or account 813, Other Gas Supply Expenses, as appropriate. See, however, accounts 489, Revenues from Transportation of Gas of Others, and 858, Transmission and Compression of Gas by Others, for transactions which, in fact, are for transportation of gas rather than exchange of gas.

C. Records shall be maintained so that there is readily available for each gas exchange the volume of gas received and delivered whether or not entries of dollar amounts to this account are required.

807 Purchased gas expenses.

A. This account shall include expenses incurred directly in connection with the purchase of gas for resale.

B. The utility shall not include as purchased gas expense, segregated or apportioned expenses of operating and maintaining gathering system plant whether such plant is devoted solely or partially to purchases of gas, except that the utility shall include the cost of turning on and off purchase gas wells and operating measuring stations devoted exclusively to measuring purchased gas.

C. In general, it is intended that this account include only the expenses directly related to purchased gas, including the expenses of computing volumes of gas purchased, and special items directly related to gas purchases which are not includible in other accounts.

D. This account shall be subdivided as follows:

807.1 Well expenses—Purchased gas.
807.2 Operation of purchased gas measuring stations.
807.3 Maintenance of purchased gas measuring stations.
807.4 Purchased gas calculations expenses.
807.5 Other purchased gas expenses.

808 Gas withdrawn from underground storage—Debit.

A. This account shall include debits for the cost of gas withdrawn from underground storage during the year. Contra credits for entries to this account shall be made to account 117, Gas Stored Underground—Noncurrent.

B. Withdrawal of gas from storage shall not be netted against deliveries to storage. (See account 809.)

NOTE: Adjustments for gas inventory losses due to cumulative inaccuracies in gas measurement, or from other causes, shall be entered in account 823, Gas Losses. If, however, any adjustment is substantial and related predominantly to prior years, it shall be charged to account 435, Miscellaneous Debits to Surplus. (See general instruction 7, Delayed Items.)

809 Gas delivered to underground storage—Credit.

A. This account shall include credits for the cost of gas delivered to underground storage during the year. Contra debits for entries to this account shall be made to account 117, Gas Stored Underground—Noncurrent.

B. Deliveries of gas to storage shall not be netted against withdrawals from storage. (See account 808.)

810 Gas used for compressor station fuel—Credit.

This account shall include concurrent credits for charges which are made to operating expenses for gas consumed for compressor station fuel from the common system gas supply.

811 Gas used for products extraction—Credit.

This account shall include concurrent credits for charges which are made to products extraction expenses for gas shrinkage and gas used for fuel in products extraction operations of the utility and for similar uses of gas of the utility by others processing gas of the utility for extraction of salable products.

812 Gas used for other utility operations—Credit.

This account shall include concurrent credits for charges which are made to operating expenses or other accounts of the gas department for gas consumed from the common system supply for operating and utility purposes other than uses for which credits are includible in any of the foregoing accounts. (See account 484, Interdepartmental Sales, for gas supplied to departments other than the gas utility department.)

813 Other gas supply expenses.

This account shall include the cost of labor and materials used and expenses incurred in connection with gas supply functions not provided for in any of the above accounts.

2. UNDERGROUND STORAGE EXPENSES

Operation

814 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of underground storage operations. Direct supervision of specific activities such as turning on and shutting off storage wells, compressor station operations, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

815 Maps and records.

This account shall include the cost of labor, materials used and expenses incurred in the preparation and maintenance of storage maps and land records.

ITEMS

Labor:
With respect to land records:
1. Supervising.
2. Abstracting titles to date for extension and renewal of leases.
3. Adjusting land and well rentals.
4. Renewing and extending leases or replacing leases not involving additional consideration.
5. Transferring, assigning, pooling, and merging leases.
6. Delivering rental checks.
7. Clerical work in maintaining storage land and lease records.
8. Preparing and maintaining lease expiration calendars.

With respect to maps:
9. Supervising.
10. Preparing maps, well location plats, etc.
11. Reproducing maps (blueprints or photostats).
12. Posting and revising maps.
13. Surveying deeds, leases, rights-of-way, well locations, etc., for map revisions.
14. Maintaining files of maps and tracings.
15. Field checking boundaries, markers, etc. in connection with preparation of maps.

Materials and expenses (general):
16. Reproduction of land and lease records and maps (blueprints, photostats, etc.).
17. Drafting materials and supplies.
18. Surveying materials and supplies.
19. Employees' transportation and travel expenses.

816 Wells expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating storage gas wells.

ITEMS

Labor:
1. Supervising.
2. Testing, bailing, swabbing, blowing, and gauging storage wells.
3. Painting signs, etc.
4. Minor upkeep of well roads, fences, etc.
5. Turning storage wells on and off.
6. Moving cleaning out tools between locations.
7. Driving trucks.

Materials and expenses:
8. Gas, gasoline, and oil used in pumping, bailing, heating, and swabbing.
9. Lumber, nails, and other materials used for repairing old well roads and fences.
10. Well swabs.
11. Employees' transportation and travel expenses.
12. Freight, express, parcel post, trucking, and other transportation.

817 Lines expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating underground storage lines.

ITEMS

Labor:
1. Supervising.
2. Walking or patrolling lines.
3. Attending valves, lubricating valves and other equipment, blowing and cleaning lines and drips, draining water from lines, operating and cleaning scrubbers, thawing freezes.
4. Taking line pressures, changing pressure charts, operating alarm gauges.
5. Building and repairing gate boxes, foot bridges, stiles, tool boxes, etc., used in line operations, erecting line markers and warning signs, repairing old line roads.
6. Cleaning debris, cutting grass and weeds on rights-of-way.
7. Inspecting and testing not specifically to determine necessity for repairs.
8. Protecting utility property during work by others.
9. Standby time of emergency crews, responding to fire calls, etc.
10. Locating valve boxes or drip riser boxes.
11. Cleaning and repairing tools used in storage lines operations.
12. Cleaning structures and equipment.
13. Driving trucks.

Materials and expenses:
14. Line markers and warning signs.
15. Lumber, nails, etc., used in building and repairing gate boxes, foot bridges, stiles, etc.
16. Charts.
17. Scrubber oil.
18. Hand tools.
19. Lubricants, wiping rags, waste, etc.
20. Freight, express, parcel post, trucking and other transportation.
21. Employees' transportation and travel expenses.
22. Janitor and washroom supplies.
23. Utility services: light, water, telephone.
24. Gas used in operations.

818 Compressor station expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating underground storage compressor stations.

ITEMS

Labor:
1. Supervising.
2. Operating and checking engines, equipment, valves, machinery, gauges, and other instruments, including cleaning, wiping, polishing, and lubricating.
3. Operating boilers and boiler accessory equipment, including fuel handling and ash disposal, recording fuel used, and unloading and storing coal and oil.
4. Repacking valves and replacing gauge glasses, etc.
5. Recording pressures, replacing charts, keeping logs, and preparing reports of station operations.
6. Inspecting and testing equipment when not specifically to determine necessity for repairs or replacement of parts.
7. Pumping drips at the station.
8. Taking dew point readings.
9. Testing water.
10. Cleaning structures housing equipment, cutting grass and weeds, and minor grading around station.
11. Cleaning and repairing hand tools used in operations.
12. Driving trucks.
13. Watching during shut downs.
14. Clerical work at station.

Materials and expenses:
15. Scrubber oil.
16. Lubricants, wiping rags, and waste.
17. Charts and printed forms, etc.
18. Gauge glasses.
19. Chemicals to test water.
20. Water tests and treatment by other than employees.
21. Janitor and washroom supplies, first aid supplies, landscaping supplies, etc.
22. Employees' transportation and travel expenses.
23. Freight, express, parcel post, trucking, and other transportation.
24. Utility services: light, water, telephone.

819 Compressor station fuel and power.

A. This account shall include the cost of gas, coal, oil, or other fuel, or electricity, used for the operation of underground storage compressor stations, including applicable amounts of fuel stock expenses.

B. Records shall be maintained to show the quantity of each type of fuel consumed or electricity used at each compressor station, and the cost of such fuel or power. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE. The cost of fuel, except gas, and related fuel stock expenses shall be charged initially to appropriate fuel accounts carried in accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of fuel used. See accounts 151 and 152 for the basis of fuel costs and includible fuel stock expenses.

820 Measuring and regulating station expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating underground storage measuring and regulating stations.

ITEMS

Labor:
1. Supervising.
2. Recording pressures and changing charts, reading meters, etc.
3. Estimating lost meter registrations, etc. except gas purchases and sales.
4. Calculating gas volumes from meter charts except gas purchases and sales.
5. Adjusting and calibrating measuring equipment, changing meters, orifice plates, gauges, clocks, etc., not in connection with construction or maintenance.
6. Testing gas samples, inspecting and testing gas sample tanks and other meter engineers equipment, determining specific gravity and Btu content of gas.
7. Inspecting and testing equipment not specifically to determine necessity for repairs, including pulsation tests.
8. Cleaning and lubricating equipment.
9. Keeping log and other operating records, preparing reports of operations, etc.
10. Attending boilers and operating other accessory equipment.
11. Installing and removing district gauges for pressure survey.
12. Thawing freeze in gauge pipe.
13. Inspecting and pumping drips, dewatering manholes and pits, inspecting sumps, cleaning pits, etc., blowing meter drips.
14. Moving equipment, minor structures, etc., not in connection with maintenance or construction.

Materials and expenses:
15. Charts and printed forms, stationery and office supplies, etc.
16. Lubricants, wiping rags, waste.
17. Employees' transportation and travel expense.
18. Freight, express, parcel post, trucking and other transportation.
19. Utility services: light, water, telephone.

821 Purification expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating equipment used for purifying, dehydrating, and conditioning of natural gas in connection with underground storage operations.

ITEMS

Labor:
1. Supervising.
2. Changing charts on fuel meters.
3. Emptying, cleaning and refilling purifier boxes.
4. Oiling dip sheets of purifier covers.
5. Removing spent oxide to refuse piles.
6. Revivifying oxide.
7. Taking readings of inlet and outlet pressures and temperature.
8. Unloading and storing glycol.
9. Watching station and equipment.
10. Cutting grass and weeds, and minor grading around equipment and stations.
11. Hauling operating employees, materials, supplies and tools, etc.
12. Inspecting and testing equipment, not specifically to determine necessity for repairs or replacement of parts.
13. Lubricating equipment, valves, etc.
14. Operating and checking equipment, valves, instruments, etc.

Materials and expenses:
15. Liquid purifying supplies.

16. Iron oxide.
17. Odorizing materials.
18. Charts, printed forms, etc.
19. Employees' transportation and travel expenses in connection with purification and dehydration operations.
20. Freight, express, parcel post, trucking and other transportation.
21. Gas used in operations.
22. Janitor, washroom and landscaping supplies.
23. Lubricants, wiping rags, waste, etc.
24. Utility services: light, water, telephone.

822 Exploration and development.

This account shall include expenses of investigation, exploration, and development of underground storage projects under consideration which prove not feasible. There also shall be included in this account the net cost of drilling nonoperative wells within an existing storage project. (See account 183.2, Other Preliminary Survey and Investigation Charges.)

NOTE. Include in account 352, Wells, the cost of wells which may be drilled within a storage project for purposes of pressure observation rather than for injection or withdrawal of gas.

823 Gas losses.

This account shall include the amounts of inventory adjustments representing the cost of gas lost or unaccounted for in underground storage operations due to cumulative inaccuracies of gas measurements or other causes. (See paragraph G of account 117, Gas Stored Underground—Noncurrent.) If, however, any adjustment is substantial and relates predominantly to prior years, it shall be charged to account 435, Miscellaneous Debits to Surplus. (See general instruction 7, Delayed Items.)

824 Other expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating underground storage plant, and other underground storage operating expenses, not includible in any of the foregoing accounts.

825 Storage well royalties.

A. This account shall include royalties, rents, and other payments includible in operating expenses for gas wells and gas land acreage located within and comprising underground storage projects of the utility. (See operating expense instruction 3.)

B. The records supporting this account shall be so maintained that information will be readily available for each storage project, of the parties to each contract, basis of the charges, and location of wells to which the royalties or rents of each contract relate.

826 Rents.

This account shall include rents for property of others used in connection with the storage of gas underground, other than rents and royalties paid with respect to storage wells and gas lands utilized for the holding of gas in underground storage. (See operating expense instruction 3.)

Maintenance

830 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of underground storage facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

831 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 351, Structures and Improvements. (See operating expense instruction 2.)

832 Maintenance of wells.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of storage wells, the book cost of which is included in account 352, Wells. (See operating expense instruction 2.)

833 Maintenance of lines.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of underground storage lines, the book cost of which is includible in account 353, Lines. (See operating expense instruction 2.)

834 Maintenance of compressor station equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 354, Compressor Station Equipment. (See operating expense instruction 2.)

835 Maintenance of measuring and regulating station equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 355, Measuring and Regulating Equipment. (See operating expense instruction 2.)

836 Maintenance of purification equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of purification equipment, the book cost of which is includible in account 356, Purification Equipment. (See operating expense instruction 2.)

837 Maintenance of other equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 357, Other Equipment. (See operating expense instruction 2.)

3. LOCAL STORAGE EXPENSES

Operation

840 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of local storage facilities. Direct supervision of specific activities such as operation of gas holders shall be charged to the appropriate account. (See operating expense instruction 1.)

841 Operation labor and expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating storage holders and other local storage equipment.

ITEMS

Labor:
1. Supervising.
2. Operating, checking, lubricating, cleaning, and polishing equipment, machinery, valves, instruments, and other local storage equipment.
3. Reading meters, gauges and other instruments, changing charts, preparing operating reports, etc.
4. Pumping inlet and outlet holder drips.
5. Inspecting and testing equipment when not specifically for repairs or replacement of parts.
6. Cleaning structures and housing equipment, cutting grass and weeds, and doing minor grading work around structures and equipment.
7. Cleaning and repairing hand tools used for operations, etc.
8. Operating steam lines for heating storage facilities.

Materials and expenses:
9. Charts for pressure gauges and meters, printed forms, etc.
10. Lubricants, wiping rags, waste, etc.
11. Janitor and washroom supplies, landscaping supplies, etc.
12. Employee travel and transportation expenses.
13. Freight, express, parcel post, trucking, and other transportation.
14. Utility services: light, water, and telephone.
15. Steam for holder caps, including fuel to produce such steam.
16. Variation of gas in holders.

842 Rents.

This account shall include rents for property of others used or operated in connection with local storage operations. (See operating expense instruction 3.)

Maintenance

843 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of local storage facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance account. (See operating expense instruction 1.)

844 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 361, Structures and Improvements. (See operating expense instruction 2.)

845 Maintenance of gas holders.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of gas holders, the book cost of which is includible in account 362, Gas Holders. (See operating expense instruction 2.)

846 Maintenance of other equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 363, Other Equipment. (See operating expense instruction 2.)

4. TRANSMISSION EXPENSES

Operation

850 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of the operation of transmission facilities. Direct supervision of specific activities such as operation of transmission lines, compressor stations, etc. shall be charged to the appropriate account. (See operating expense instruction 1.)

851 System control and load dispatching.

This account shall include the cost of labor and expenses incurred in dispatching and controlling the supply and flow of gas through the system.

ITEMS

Labor:
1. Supervising.
2. Analyses of pressures for irregularities, as received.
3. Collecting pressures by telephone and radio.
4. Controlling mixture of various gases to maintain proper Btu content.
5. Correspondence and records, typing and maintaining files.
6. Controlling production and storage inputs and withdrawals.
7. Instructing field men to increase or decrease pressures at regulators.
8. Maintaining pressures at compressor stations, key line junctions and regulating stations to divide the available gas during heavy demand periods.
9. Maintaining pressure log sheets.
10. Maintaining proper compression ratios at compressor stations, consistent with economical operations.
11. Maintaining lowest necessary line pressures consistent with satisfactory service.
12. Maintaining well operation record by well classification.
13. Requesting pressure changes at compressor stations, regulating stations, and key line junctions.
14. Rerouting gas during emergencies and planned shut downs.

Materials and expenses:
15. Consultants' fees and expenses.
16. Meals, traveling, and incidental expenses in connection with system load dispatching.
17. Office supplies, stationery and printed forms.
18. Transportation: company and rental vehicles.
19. Utility services: light, water, telephone.

852 Communication system expenses.

A. This account shall include the cost of labor, materials used and expenses incurred in connection with the operation of transmission communications facilities, such as radio and telephone communications systems, including payments to others for communications services for transmission and load dispatching operations.

B. Credits shall be made to this account and charges made to production, distribution and other gas utility functions and to other utility departments for equitable portions of transmission communications expenses attributable to use of transmission communications facilities other than in connection with gas transmission and load dispatching operation.

ITEMS

Labor:
1. Supervising.
2. Operating switchboards, radio equipment, power generators, microwave equipment, etc. (except general office switchboards.)
3. Tagging telephone poles.
4. Testing and replacing telephone batteries, radio tubes, etc.
5. Cutting weeds and grass along telephone rights-of-way and around structures and equipment.
6. Changing radio frequencies.
7. Securing FCC authorization to change frequencies.
8. Taking FCC radio operator tests.
9. Transferring mobile radios between vehicles.
10. Changing locations of telephones and other communications equipment not in connection with maintenance or construction.
11. Inspecting and testing not specifically to determine necessity for repairs.
12. Cleaning and lubricating equipment.
13. Cleaning structures housing equipment.

Materials and expenses:
14. Payments to others for communications services.
15. Telephone batteries, radio tubes, etc.
16. Radio crystals and other materials used in changing radio frequencies.
17. Lubricants, wiping rags, and waste.
18. Employees' transportation and travel expenses.
19. Freight, expense, parcel post, trucking, and other transportation.

853 Compressor station labor and expenses.

This account shall include the cost of labor, materials used and expenses incurred (other than fuel and power) in operating transmission compressor stations.

ITEMS

Labor:
1. Supervising.
2. Operating and checking engines, equipment valves, machinery, gauges, and other instruments, including cleaning, wiping, polishing, and lubricating.
3. Operating boilers and boiler accessory equipment, including fuel handling and ash disposal, recording fuel used, and unloading and storing coal and oil.
4. Repacking valves and replacing gauge glasses, etc.
5. Recording pressures, replacing charts, keeping logs, and preparing reports of station operations.
6. Inspecting and testing equipment not specifically to determine necessity for repairs.
7. Pumping drips at the station.
8. Taking dew point readings.
9. Testing water.
10. Cleaning structures housing equipment, cutting grass and weeds, and minor grading around station.
11. Cleaning and repairing hand tools used in operations.
12. Driving trucks.
13. Watching during shut downs.
14. Clerical work at station.

Materials and expenses:
15. Scrubber oil.
16. Lubricants, wiping rags, and waste.
17. Charts and printed forms, etc.
18. Gauge glasses.
19. Chemicals to treat water.
20. Water tests and treatment by other than employees.
21. Janitor and washroom supplies, first aid supplies, landscaping supplies, etc.
22. Employees' transportation and travel expenses.
23. Freight, express, parcel post, trucking, and other transportation.
24. Utility services: light, water, telephone.

854 Gas for compressor station fuel.

A. This account shall include the cost of gas used for the operation of transmission compressor stations.

B. Records shall be maintained to show the Mcf of gas consumed at each compressor station, and the cost of such gas.

855 Other fuel and power for compressor stations.

A. This account shall include the cost of coal, oil, and other fuel, or electricity, used for the operation of transmission compressor stations, including applicable amounts of fuel stock expenses.

B. Records shall be maintained to show the quantity of each type of fuel consumed or electricity used at each compressor station, and the cost of such fuel or power. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of fuel, includible in this account, and related fuel stock expenses shall be charged initially to appropriate fuel accounts carried in accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of fuel used. See accounts 151 and 152 for the basis of fuel costs and includible fuel stock expenses.

856 Mains expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating transmission mains.

ITEMS

Labor:
1. Supervising.
2. Walking or patroling lines.
3. Attending valves, lubricating valves and other equipment, blowing and cleaning lines and drips, draining water from lines, operating and cleaning scrubbers, thawing freezes.
4. Taking line pressures, changing pressure charts, operating alarm gauges.
5. Building and repairing gate boxes, foot bridges, stiles, etc., used in line operations, erecting line markers and warning signs, repairing old line roads.
6. Cleaning debris, cutting grass and weeds on rights-of-way.
7. Inspecting and testing not specifically to determine necessity for repairs.
8. Protecting utility property during work by others.
9. Standby time of emergency crews, responding to fire calls, etc.
10. Locating valve boxes or drip riser boxes.
11. Cleaning and repairing tools used in mains operations, making tool chests, etc.
12. Cleaning structures and equipment.
13. Driving trucks.

Materials and expenses:
14. Line markers and warning signs.
15. Lumber, nails, etc., used in building and repairing gate boxes, foot bridges, stiles, etc.
16. Charts.
17. Scrubber oil.
18. Hand tools.

19. Lubricants, wiping rags, waste, etc.
20. Freight, express, parcel post, trucking and other transportation.
21. Employees' transportation and travel expenses.
22. Janitor and washroom supplies.
23. Utility services: light, water, telephone.
24. Gas used in mains operations.

857 Measuring and regulating station expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating transmission measuring and regulating stations.

ITEMS

Labor:
1. Supervising.
2. Recording pressures and changing charts, reading meters, etc.
3. Estimating lost meter registrations, etc., except gas purchases and sales.
4. Calculating gas volumes from meter charts, except gas purchases and sales.
5. Adjusting and calibrating measuring equipment, changing meters, orifice plates, gauges, clocks, etc. not in connection with construction or maintenance.
6. Testing gas samples, inspecting and testing gas sample tanks and other meter engineers' equipment, determining specific gravity and Btu content of gas.
7. Inspecting and testing equipment not specifically to determine necessity for repairs including pulsation tests.
8. Cleaning and lubricating equipment.
9. Keeping log and other operating records, preparing reports of operations, etc.
10. Attending boilers and operating other accessory equipment.
11. Installing and removing district gauges for pressure survey.
12. Thawing freeze in gauge pipe.
13. Inspecting and pumping drips, dewatering manholes and pits, inspecting sumps, cleaning pits, etc., blowing meter drips.
14. Moving equipment, minor structures, etc., not in connection with maintenance or construction.

Materials and expenses:
15. Charts and printed forms.
16. Lubricants, wiping rags, waste.
17. Employees' transportation and travel expense.
18. Freight, express, parcel post, trucking and other transportation.
19. Utility services: light, water, telephone.

858 Transmission and compression of gas by others.

A. This account shall include amounts paid to others for the transmission and compression of gas of the utility.

B. Records supporting this account shall be so maintained that there shall be readily available for each agreement, name of other party, Mcf of gas delivered to the other party for transmission or compression and the Mcf of gas received back by the utility after transmission or compression, points of delivery to and receipt of gas from other party, amount and basis of charges for the transmission or compression service.

NOTE: If in connection with any gas delivered to another for transmission or compression such other party also processes the gas for extraction of gasoline or other salable products, credits attributable to the products so extracted shall be made to account 491, Revenues from Natural Gas Processed by Others, to the end that amounts recorded in this account shall only be charges for transportation or compression service.

859 Other expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating transmission system equipment and other transmission system expenses not includible in any of the foregoing accounts.

860 Rents.

This account shall include rents for property of others used, occupied or operated in connection with the operation of the transmission system. Include herein rentals paid for regulator sites, railroad crossings, rights-of-way, annual payments to governmental bodies and others for use of public or private lands, and reservations for rights-of-way. (See operating expense instruction 3.)

Maintenance

861. Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of transmission system facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance accounts. (See operating expense instruction 1.)

862 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 366, Structures and Improvements. (See operating expense instruction 2.)

863 Maintenance of mains.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of mains, the book cost of which is includible in account 367, Mains. (See operating expense instruction 2.)

ITEMS

1. Supervising.
2. Electrolysis and leak inspection.
3. Installing and removing temporary lines, when necessitated by maintenance.
4. Lamping and watching while making repairs.
5. Lowering and changing location of lines, when the same pipe is used.
6. Protecting lines from fires, floods, landslides, etc.
7. Rocking creek crossings.

864 Maintenance of compressor station equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 368, Compressor Station Equipment. (See operating expense instruction 2.)

865 Maintenance of measuring and regulating station equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 369, Measuring and Regulating Station Equipment. (See operating expense instruction 2.)

866 Maintenance of communication equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 370, Communication Equipment. (See operating expense instruction 2.)

867 Maintenance of other equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 371, Other Equipment. (See operating expense instruction 2.)

5. DISTRIBUTION EXPENSES

Operation

870 Operation supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of distribution system operations. Direct supervision of specific activities such as load dispatching, mains operation, removing and resetting meters, etc., shall be charged to the appropriate account. (See operating expense instruction 1.)

871 Distribution load dispatching.

This account shall include the cost of labor, materials used and expenses incurred in dispatching and controlling the supply and flow of gas through the distribution system.

ITEMS

Labor.
1. Supervising.
2. Analyzing pressures for irregularities.
3. Collecting pressures by telephone and radio.
4. Controlling mixture of various gases to maintain proper Btu content.
5. Correspondence and records, typing and maintaining files.
6. Controlling gas-make and inputs to distribution system.
7. Maintaining pressures at key points to divide the available gas during heavy demand periods.
8. Maintaining pressure log sheets.
9. Maintaining lowest necessary line pressures consistent with satisfactory service.
10. Rerouting gas during emergencies and planned shut downs.

Materials and expenses:
11. Consultants' fees and expenses.
12. Meals, traveling, and incidental expenses.
13. Office supplies, stationery and printed forms.
14. Transportation: company and rented vehicles.
15. Utility services: light, water, telephone.

872 Compressor station labor and expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating distribution compressor stations.

ITEMS

Labor:
1. Supervising.
2. Operating and checking engines, equipment valves, machinery, gauges, and other instruments, including cleaning, wiping, polishing, and lubricating.
3. Operating boilers and boiler accessory equipment, including fuel handling and ash disposal, recording fuel used, and unloading and storing coal and oil.
4. Repacking valves and replacing gauge glasses, etc.
5. Recording pressures, replacing charts, keeping logs, and preparing reports of station operations.
6. Inspecting and testing equipment and instruments when not specifically to determine necessity for repairs or replacement of parts.
7. Pumping drips at the station.
8. Taking dew point readings.
9. Testing water.
10. Cleaning structures housing equipment, cutting grass and weeds, and doing minor grading around station.
11. Cleaning and repairing hand tools used in operations.
12. Driving trucks.
13. Watching during shut downs.
14. Clerical work at station.

Materials and expenses:
15. Scrubber oil.
16. Lubricants, wiping rags, and waste.
17. Charts and printed forms, etc.
18. Gauge glasses.
19. Chemicals to test water.
20. Water tests and treatment by other than employees.
21. Janitor and washroom supplies, first aid supplies, landscaping supplies, etc.
22. Employees' transportation and travel expenses.
23. Freight, express, parcel post, trucking, and other transportation.
24. Utility services: light, water, telephone.

873 Compressor station fuel and power.

A. This account shall include the cost of gas, coal, oil, or other fuel, or electricity, used for the operation of distribution compressor stations, including applicable amounts of fuel stock expenses.

B. Records shall be maintained to show the quantity of each type of fuel consumed or electricity used at each compressor station, and the cost of such fuel or power. Respective amounts of fuel stock and fuel stock expenses shall be readily available.

NOTE: The cost of fuel, except gas, and related fuel stock expenses shall be charged initially to appropriate fuel accounts carried in accounts 151, Fuel Stock, and 152, Fuel Stock Expenses Undistributed, and cleared to this account on the basis of fuel used. See accounts 151 and 152 for the basis of fuel costs and includible fuel stock expenses.

874 Mains and services expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating distribution system mains and services.

ITEMS

Labor:
1. Supervising.
2. Walking or patrolling lines.
3. Attending valves, lubricating valves and other equipment, blowing and cleaning lines and drips, draining water from lines, thawing freezes.
4. Taking line pressures, changing pressure charts, operating alarm gauges.
5. Building and repairing gate boxes, foot bridges, stiles, etc. used in distribution mains operations, erecting line markers and warning signs, etc.
6. Cleaning debris, cutting grass and weeds on rights-of-way.
7. Inspecting and testing equipment not specifically to determine necessity for repairs.
8. Protecting utility property during work by others.
9. Standby time of emergency crews, responding to fire calls, etc.
10. Locating and inspecting valve boxes or drip riser boxes, service lines, mains, etc.
11. Cleaning and repairing tools used in mains operations, making tool boxes, etc.
12. Cleaning structures and equipment.
13. Driving trucks used in mains and service operations.
14. Making routine leak survey.
15. Oil fogging.

Materials and expenses:
16. Line markers and warning signs.
17. Lumber, nails, etc., used in building and repairing gate boxes, foot bridges, stiles, tool boxes, etc.
18. Charts.
19. Scrubber oils.
20. Hand tools.
21. Lubricants, wiping rags, waste, etc.
22. Freight, express, parcel post, trucking and other transportation.
23. Uniforms.
24. Employee transportation and travel expenses.
25. Janitor and washroom supplies.
26. Utility services: light, water, telephone.
27. Gas used in mains operations.
28. Oil for fogging.

875 Measuring and regulating station expenses—General.

This account shall include the cost of labor, materials used and expenses incurred in operating general distribution measuring and regulating stations.

ITEMS

Labor:
1. Supervising.
2. Recording pressures and changing charts, reading meters, etc.
3. Estimating lost meter registrations, etc. except purchases and sales.
4. Calculating gas volumes from meter charts, except gas purchases and sales.
5. Adjusting and calibrating measuring equipment, changing meters, orifice plates, gauges, clocks, etc.
6. Taking and testing gas samples, inspecting and testing valves, regulators, gas sample tanks and other meter engineers' equipment, determining specific gravity and Btu content of gas.
7. Inspecting and testing equipment and instruments not specially to determine necessity for repairs, including pulsation tests.
8. Cleaning and lubricating equipment.
9. Keeping log and other operating records.
10. Attending boilers and operating other accessory equipment.
11. Installing and removing district gauges for pressure survey.
12. Thawing freeze in gauge pipe.
13. Inspecting and pumping drips, dewatering manholes and pits, inspecting sumps, cleaning pits, blowing meter drips, etc.
14. Moving equipment, minor structures, etc., not in connection with maintenance or construction.

Materials and expenses:
15. Charts and printed forms, stationery and office supplies, etc.
16. Lubricants, wiping rags, waste.
17. Uniforms.
18. Employee transportation and travel expenses.
19. Freight, express, parcel post, trucking and other transportation.
20. Utility services: light, water, telephone.

876 Measuring and regulating station expenses—Industrial.

This account shall include the cost of labor, materials used and expenses incurred in operating large measuring and regulating stations located on local distribution systems to serve specific commercial and industrial customers.

ITEMS

(See account 875 for items.)

877 Measuring and regulating station expenses—City gate check stations.

This account shall include the cost of labor, materials used and expenses incurred in operating measuring and regulating stations used to measure and regulate the receipt of gas at entry points to distribution systems.

NOTE: Pipe line companies shall include in the transmission functional classification city gate and main line industrial measuring and regulating stations, except that where pipe line companies measure deliveries of gas at entry points to their own distribution systems, they shall have the option, if consistently observed, of including such stations either in the transmission or distribution function for accounting purposes.

ITEMS

(See account 875 for items.)

878 Meter and house regulator expenses.

This account shall include the cost of labor, materials used and expenses incurred in connection with removing, resetting, changing, testing, and servicing customer meters and house regulators.

ITEMS

Labor:
(a) Removing, reinstalling, and changing or exchanging customer meters and house regulators:
1. Initiating or terminating service, including incidental meter reading.
2. Periodic replacement of meters and house regulators because of age.
3. Changing or exchanging meters and house regulators because of complaints or removal for inspection.
4. Resetting meters on existing connections.
5. Handling meters and house regulators to and from customer premises and meter shop.
6. Listing, tagging, and placing meter labels, etc., for removed and reset meters.
7. Changing position of meters or house regulators on the same premises.
8. Installing or removing blank linings.
9. Unproductive calls, etc.
(b) Turning on and turning off meters, except for failures of customers to pay bills:
10. Turning on meters, including necessary time to insure that gas lines are proper to use and that appliances are in usable condition.
11. Turning off meters including time to make safety precautions.
(c) Other:
12. Supervising.
13. Clerical work on meter history and associated equipment record cards, test cards, and reports.
14. Handling and recording meters for stock.
15. Inspecting and testing meters and house regulators.
16. Inspecting and adjusting meter testing equipment.
17. Driving trucks used in meter operations.

Materials and expenses:
18. Meter locks and seals.
19. Lubricants, wiping rags, waste, etc.
20. Uniforms.

21. Freight, express, parcel post, trucking, and other transportation.
22. Utility services: light, water, telephone, heating.
23. Office supplies, stationery and printing.
24. Employees' transportation expenses.
25. Janitor, washroom, first aid supplies, etc.

NOTE: The cost of the first setting of a meter or house regulator shall be charged to account 382, Meter Installations, or account 384, House Regulator Installations, as appropriate.

879 Customer installations expenses.

A. This account shall include the cost of labor, materials used and expenses incurred in work on customer premises other than expenses includible in account 878, Meter and House Regulator Expenses, including the cost of servicing customer-owned appliances when the cost of such work is borne by the utility.

B. Damage to customer equipment by employees of the utility whether incidental to the work or the result of negligence, shall be charged to the job on which the employee was engaged at the time of damage.

ITEMS

Labor:
1. Supervising.
2. Altering customer-owned service extensions or meter connections.
3. Investigating and correcting pressure difficulties or stoppages in customer-owned piping.
4. Adjusting and repairing burner pilots because of impurities in the gas or failure of the distribution system.
5. Oiling or spraying noisy customer meters.
6. Investigating and stopping gas leaks on customers' premises caused by defective meter, customer-owned piping, or customer appliances.
7. Inspecting new installations to determine that the customers' equipment and piping are properly installed and connected.
8. Consolidating meter installations, without change of size, due to elimination of separate meters for different service classifications.
9. Investigating and adjusting complaints of service on customers' premises.
10. Gas load surveys including the incidental preparations and replacement of meters.
11. Unproductive calls.
12. Stenographic and clerical work.
13. Janitorial services, etc.
14. Installing demand or test meters.
15. Inspecting, cleaning, repairing and adjusting customer-owned appliances for domestic, industrial, or commercial use, including house heating furnaces and other space heating appliances, hotel and restaurant appliances.
16. Replacing defective parts in customer-owned appliances and salvaging reusable appliance parts.

Materials and expenses:
17. Lubricants, wiping rags, waste, etc.
18. Uniforms.
19. Replacement parts for appliances.
20. Office supplies, printing and stationery.
21. Janitor, washroom, first aid supplies, etc.
22. Employees' transportation and travel expenses.
23. Utility services: light, water, telephone.

NOTE: Amounts billed customers for any work, the cost of which is charged to this account, shall be credited to this account. Any excess over costs resulting therefrom shall be transferred to account 488, Miscellaneous Service Revenues.

880 Other expenses.

This account shall include the cost of distribution maps and records, distribution office expenses, and the cost of labor and materials used and expenses incurred in distribution system operations not provided for elsewhere, including the expenses of operating street lighting systems.

881 Rents.

This account shall include rents for property of others used, occupied or operated in connection with the operation of the distribution system. Include herein rentals paid for regulator sites, railroad crossings, rights-of-way, annual payments to governmental bodies and others for use of public or private lands, and reservations for rights-of-way. (See operating expense instruction 3.)

MAINTENANCE

885 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of distribution system facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance accounts. (See operating expense instruction 1.)

886 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures, the book cost of which is includible in account 375, Structures and Improvements. (See operating expense instruction 2.)

887 Maintenance of mains.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of distribution mains, the book cost of which is includible in account 376, Mains. (See operating expense instruction 2.)

ITEMS

1. Supervising.
2. Trenching, backfilling, and breaking and restoring pavement in connection with the installation of leak or reinforcing clamps.
3. Work performed as the result of municipal improvements, such as street widening, sewers, etc., where the gas mains are not retired.
4. Municipal inspections relating to maintenance work.
5. Other work of the following character:
a. Locating leaks incident to maintenance.
b. Cutting off mains without replacement. (Minor cuts not retired.)
c. Repairing leaking joints.
d. Repairing broken mains.
e. Repairing leaks on main drip riser or valve test pipe.
f. Bringing main valve box, main drip riser box, valve test pipe box, or pressure pipe roadway box up to grade.
g. Cleaning, repainting, coating, and wrapping exposed mains.
h. Repacking main valves.
i. Locating and clearing gas main faults.
j. Lowering and changing location of mains.
k. Trenching, backfilling, cutting-in or removal of pipe not retired in connection with the installation of leak clamps, valves, or drips.
l. Watching and lamping open cuts associated with maintenance.
m. Restoration of permanent pavement in connection with work chargeable to maintenance.
n. Emergency stand-by time associated with maintenance.
o. Repairing sewers, drains, walls, etc., when damaged by maintenance work.
p. Making electrolysis tests to maintain life of plant.
q. Repairing property of others damaged by maintenance work.

888 Maintenance of compressor station equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 377, Compressor Station Equipment. (See operating expense instruction 2.)

889 Maintenance of measuring and regulating station equipment—General.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 378, Measuring and Regulating Station Equipment—General. (See operating expense instruction 2.)

890 Maintenance of measuring and regulating station equipment—Industrial.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 385, Industrial Measuring and Regulating Station Equipment. (See operating expense instruction 2.)

891 Maintenance of measuring and regulating station equipment—City gate check stations.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is includible in account 379, Measuring and Regulating Station Equipment—City Gate Check Stations. (See operating expense instruction 2.)

892 Maintenance of services.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of services, the book cost of which is includible in account 380, Services. (See operating expense instruction 2.)

ITEMS

1. Supervising.
2. Testing pipe for leaks and condition of wrapping.
3. Testing for, locating, and clearing trouble on company maintained services.
4. Inspecting and testing after repairs have been made.
5. Reporting on the condition of gas services to determine the need for repairs.
6. Making minor repairs and changes.
7. Rearranging and changing the location of services not retired.
8. Repairing service valves for reuse.
9. Stopping leaks on service pipes and drip risers.
10. Lowering and raising curb boxes to grade.
11. Replacing less than a complete service, when not retired.

12. Installing fittings, valves, drips, frost protection devices, or replacing similar items on existing services.
13. Cutting and replacing pavement, pavement base and sidewalks in connection with maintenance work.
14. Restoring condition of services damaged by fire, storm, leakage, flood, accident or other casualties.
15. Repairing property of others damaged by maintenance work.
16. Transferring services in connection with the installation of new mains.
17. Installing, maintaining, and removing temporary facilities to prevent the interruption of service.
18. Converting low pressure gas distribution service to medium or high pressure service.
19. Relocating and rerouting gas service temporarily during alterations of buildings.
20. Performing work resulting from municipal improvements, such as street widening, sewers, etc.
21. Replacing service valve box or drip riser box.
22. Installing, removing or replacing service valve, drip pot, or drip riser.
23. Repacking service valve.

893 Maintenance of meters and house regulators.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of meters and house regulators, the book cost of which is includible in accounts 381, Meters, and 383, House Regulators. (See operating expense instruction 2.)

ITEMS

1. Inspecting and testing meters and house regulators on customers' premises or in shops in connection with repairs.
2. Cleaning, repairing, and painting meters, house regulators, and accessories and equipment.
3. Repairing testing equipment.
4. Rebuilding and overhauling meters without changing their rated capacities.
5. Resealing house regulators with mercury, replacing diaphragms, springs and other defective or worn parts.
6. Replacing or adding any item not constituting a retirement unit.

894 Maintenance of other equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of street lighting equipment and all other distribution system equipment not provided for elsewhere, the book cost of which is includible in accounts 386, Other Property on Customers' Premises, and 387, Other Equipment. (See operating expense instruction 2.)

6. CUSTOMER ACCOUNTS EXPENSES

Operation

901 Supervision.

This account shall include the cost of labor and expenses incurred in the general direction and supervision of customer accounting and collecting activities. Direct supervision of a specific activity shall be charged to account 902, Meter Reading Expenses, or account 903, Customer Records and Collection Expenses, as appropriate. (See operating expense instruction 1.)

902 Meter reading expenses.

This account shall include the cost of labor, materials used and expenses incurred in reading customer meters, and determining consumption when performed by employees engaged in reading meters.

ITEMS

Labor:
1. Addressing forms for obtaining meter readings by mail.
2. Changing and collecting meter charts used for billing purposes.
3. Inspecting time clocks, checking seals, etc., when performed by meter readers and the work represents a minor activity incidental to regular meter reading routine.
4. Meter reading—small consumption, and obtaining load information for billing purposes. (Exclude and charge to account 878, Meter and House Regulator Expenses, or to account 903, Customer Records and Collection Expenses, as applicable, the cost of obtaining meter readings, first and final, if incidental to the operation of removing or resetting, sealing or locking, and disconnecting, or reconnecting meters.)
5. Measuring gas—large consumption, including reading meters, changing charts, calculating charts, estimating lost meter registrations, determining specific gravity, etc., for billing purposes.
6. Computing consumption from meter reader's book or from reports by mail when done by employees engaged in reading meters.
7. Collecting from prepayment meters when incidental to meter reading.
8. Maintaining record of customers' keys.
9. Computing estimated or average consumption when performed by employees engaged in reading meters.

Materials and expenses:
10. Badges, lamps, and uniforms.
11. Demand charts, meter books and binders and forms for recording readings, but not the cost of preparation.
12. Postage and supplies used in obtaining meter readings by mail.
13. Transportation, meals, and incidental expenses.

903 Customer records and collection expenses.

This account shall include the cost of labor, materials used and expenses incurred in work on customer applications, contracts, orders, credit investigations, billing and accounting, collections and complaints.

ITEMS

Labor:
1. Receiving, preparing, recording and handling routine orders for service, disconnections, transfers or meter tests initiated by the customer, excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
2. Investigations of customers' credit and keeping of records pertaining thereto, including records of uncollectible accounts written off.
3. Receiving, refunding or applying customer deposits and maintaining customer deposit, line extension, and other miscellaneous records.
4. Checking consumption shown by meter readers' reports where incidental to preparation of billing data.
5. Preparing address plates and addressing bills and delinquent notices.
6. Preparing billing data.
7. Operating billing and bookkeeping machines.
8. Verifying billing records with contracts or rate schedules.
9. Preparing bills for delivery, and mailing or delivering bills.
10. Collecting revenues, including collection from prepayment meters unless incidental to meter reading operations.
11. Balancing collections, preparing collections for deposit, and preparing cash reports.
12. Posting collections and other credits or charges to customer accounts and extending unpaid balances.
13. Balancing customer accounts and controls.
14. Preparing, mailing, or delivering delinquent notices and preparing reports of delinquent accounts.
15. Final meter reading of delinquent accounts when done by collectors incidental to regular activities.
16. Disconnecting and reconnecting services because of nonpayment of bills.
17. Receiving, recording, and handling of inquiries, complaints, and requests for investigations from customers, including preparation of necessary orders, but excluding the cost of carrying out such orders, which is chargeable to the account appropriate for the work called for by such orders.
18. Statistical and tabulating work on customer accounts and revenues, but not including special analyses for sales department, rate department, or other general purposes, unless incidental to regular customer accounting routines.
19. Preparing and periodically rewriting meter reading sheets.
20. Determining consumption and computing estimated or average consumption when performed by employees other than those engaged in reading meters.

Materials and expenses:
21. Address plates and supplies.
22. Cash overages and shortages.
23. Commissions or fees to others for collecting.
24. Payments to credit organizations for investigations and reports.
25. Postage.
26. Transportation expenses, including transportation of customer bills and meter books under centralized billing procedure.
27. Transportation, meals, and incidental expenses.
28. Bank charges, exchange, and other fees for cashing and depositing customers' checks.
29. Forms for recording orders for services, removals, etc.
30. Rent of mechanical equipment.

NOTE: The cost of work on meter history and meter location records is chargeable to account 878, Meter and House Regulator Expenses.

904 Uncollectible accounts.

This account shall be charged with amounts sufficient to provide for losses from uncollectible utility revenues. Concurrent credits shall be made to account 144, Accumulated Provision for Uncollectible Accounts—Credit. Losses from uncollectible accounts shall be charged to account 144.

905 Miscellaneous customer accounts expenses.

This account shall include the cost of labor, materials used and expenses incurred not provided for in other accounts.

ITEMS

Labor:
1. General clerical and stenographic work.
2. Miscellaneous labor.

Materials and expenses:
3. Communication service.
4. Miscellaneous office supplies and expenses and stationery and printing other than those specifically provided for in accounts 902 and 903.

7. Sales Expenses

Operation

911 Supervision.

This account shall include the cost of labor and expenses incurred in the general direction and supervision of sales activities, except merchandising. Direct supervision of a specific activity, such as demonstrating, selling, or advertising shall be charged to the account wherein the costs of such activity are included. (See operating expense instruction 1.)

912 Demonstrating and selling expenses.

This account shall include the cost of labor, materials used and expenses incurred in promotional, demonstrating, and selling activities, except by merchandising, the object of which is to promote or retain the use of utility services by present and prospective customers.

Items

Labor:

1. Demonstrating uses of utility services.
2. Conducting cooking schools, preparing recipes, and related home service activities.
3. Exhibitions, displays, lectures, and other programs designed to promote use of utility services.
4. Experimental and development work in connection with new and improved appliances and equipment, prior to general public acceptance.
5. Solicitation of new customers or of additional business from old customers, including commissions paid employees.
6. Engineering and technical advice to present or prospective customers in connection with promoting or retaining the use of utility services.
7. Special customer canvasses when their primary purpose is the retention of business or the promotion of new business.

Materials and expenses:

8. Supplies and expenses pertaining to demonstration, and experimental and development activities.
9. Booth and temporary space rental.
10. Loss in value on equipment and appliances used for demonstration purposes.
11. Transportation, meals, and incidental expenses.

913 Advertising expenses.

This account shall include the cost of labor, materials used and expenses incurred in advertising designed to promote or retain the use of utility service, except advertising the sale of merchandise by the utility.

Items

Labor:

1. Direct supervision of department.
2. Preparing advertising material for newspapers, periodicals, billboards, etc., and preparing and conducting motion pictures, radio and television programs.
3. Preparing booklets, bulletins, etc., used in direct mail advertising.
4. Preparing window and other displays.
5. Clerical and stenographic work.
6. Investigating advertising agencies and media and conducting negotiations in connection with the placement and subject matter of sales advertising.

Materials and expenses:

7. Advertising in newspapers, periodicals, billboards, radio, etc., for sales promotion purposes, but not including institutional or goodwill advertising includible in account 930, Miscellaneous General Expenses.
8. Materials and services given as prizes or otherwise in connection with canning, or cooking contests, bazaars, etc., in order to publicize and promote the use of utility services.
9. Fees and expenses of advertising agencies and commercial artists.
10. Novelties for general distribtuion.
11. Postage on direct mail advertising.
12. Premiums distributed generally, such as recipe books, etc., when not offered as inducement to purchase appliances.
13. Printing booklets, dodgers, bulletins, etc.
14. Supplies and expenses in preparing advertising material.
15. Office supplies and expenses.

Note A: The cost of advertisements which set forth the value or advantages of utility service without reference to specific appliances, or, if reference is made to appliances, invites the reader to purchase appliances from his dealer, or refer to appliances not carried for sale by the utility, shall be considered sales promotion advertising and charged to this account. However, advertisements which are limited to specific makes of appliances sold by the utility and prices, terms, etc., thereof, without referring to the value or advantages of utility service, shall be considered as merchandise advertising and the cost shall be charged to Costs and Expenses of Merchandising, Jobbing and Contract Work, accounts 416 or 915, as appropriate.

Note B: Advertisements which substantially mention or refer to the value or advantages of utility service, together with specific reference to makes of appliances sold by the utility and the price, terms, etc., thereof, and designed for the joint purpose of increasing the use of utility service and the sales of appliances, shall be considered as a combination advertisement and the costs shall be distributed between this account and accounts 416 or 915, as appropriate, on the basis of space, time, or other proportional factors.

Note C: Exclude from this account and charge to account 930, Miscellaneous General Expenses, the cost of publication of stockholder reports, dividend notices, bond redemption notices, financial statements, and other notices of a general corporate character. Exclude also all institutional or good will advertising. (See account 930, Miscellaneous General Expenses.)

914 Revenues from merchandising, jobbing, and contract work.

915 Costs and expenses of merchandising, jobbing, and contract work.

A. These accounts shall include respectively all revenues derived from the sale of merchandise and jobbing or contract work, including any profit or commission accruing to the utility on jobbing work performed by it as agent under contracts whereby it does jobbing work for another for a stipulated profit or commission and all expenses incurred in such activities.

B. Records in support of these accounts shall be so kept as to permit ready summarization of revenues, costs and expenses by such major items as are feasible.

Note: Revenues and expenses of merchandising, jobbing, and contract work shall be reported in this account, if a state regulatory body having jurisdiction over the utility requires such income to be reported as an operating expense item; but the revenues and expenses shall be reported in accounts 415 and 416, if such regulatory body requires the net income to be reported as nonoperating income. In the absence of a requirement by a state regulatory body, the utility may use these accounts or accounts 415 and 416 at its option in which case the practice of the utility must be consistent.

Items

Account 914

1. Revenues from sale of merchandise and from jobbing and contract work.
2. Discounts and allowances made in settlement of bills for merchandise and jobbing work.

Account 915

Labor:

1. Canvassing and demonstrating appliances in homes and other places for the purpose of selling appliances.
2. Demonstrating and selling activities in sales rooms.
3. Installing appliances on customer premises where such work is done only for purchasers of appliances from the utility.
4. Installing pipe, or other property work on a jobbing or contract basis.
5. Preparing advertising materials for appliance sales purposes.
6. Receiving and handling customer orders for merchandise or for jobbing services.
7. Cleaning and tidying sales rooms.
8. Maintaining display counters and other equipment used in merchandising.
9. Arranging merchandise in sales rooms and decorating display windows.
10. Reconditioning repossessed appliances.
11. Bookkeeping and other clerical work in connection with merchandise and jobbing activities.
12. Supervising merchandise and jobbing operations.

Materials and expenses:

13. Advertising in newspapers, periodicals, radio, television, etc.
14. Cost of merchandise sold and of materials used in jobbing work.
15. Stores expenses on merchandise and jobbing stocks.
16. Fees and expenses of advertising and commercial artists' agencies.
17. Printing booklets, dodgers, and other advertising data.
18. Premiums given as inducement to buy appliances.
19. Light, heat, and power.
20. Rent of sales rooms or of equipment.
21. Transportation expense in delivery and pick-up of appliances by utility's facilities or by others.
22. Stationery and office supplies and expenses.
23. Taxes directly assignable to merchandise and jobbing operations.
24. Losses from uncollectible merchandise and jobbing accounts.

916 Miscellaneous sales expenses.

This account shall include the cost of labor, materials used and expenses incurred in connection with sales activities, except merchandising, which are not includible in other sales expense accounts.

Items

Labor:

1. General clerical and stenographic work not assigned to specific functions.
2. Special analysis of customer accounts and other statistical work for sales purposes not a part of the regular customer accounting and billing routine.
3. Miscellaneous labor.

Materials and expenses:

4. Communication service.
5. Printing, postage, and office supplies and expenses applicable to sales activities, except those chargeable to account 913, Advertising Expenses.

8. Administrative and General Expenses

Operation

920 Administrative and general salaries.

A. This account shall include the compensation (salaries, bonuses, and other consideration for services, but not including directors' fees) of officers, executives, and other employees of the utility properly chargeable to utility operations and not chargeable directly to a particular operating function.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

921 Office supplies and expenses.

A. This account shall include office supplies and expenses incurred in connection with the general administration of the utility's operations which are assignable to specific administrative or general departments and are not specifically provided for in other accounts. This includes the expenses of the various administrative and general departments, the salaries and wages of which are includible in account 920.

B. This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the utility.

Note. Office expenses which are clearly applicable to any group of operating expenses other than the administrative and general group shall be included in the appropriate account in such group. Further, general expenses which apply to the utility as a whole rather than to a particular administrative function shall be included in account 930, Miscellaneous General Expenses.

Items

1. Automobile service, including charges through clearing account.
2. Bank messenger and service charges.
3. Books, periodicals, bulletins and subscriptions to newspapers, newsletters, tax services, etc.
4. Building service expenses for customer accounts, sales, and administrative and general purposes.
5. Communication service expenses.
6. Cost of individual items of office equipment used by general departments which are of small value or short life.
7. Membership fees and dues in trade, technical, and professional associations paid by utility for employees. (Company memberships are includible in account 930.)
8. Office supplies and expenses.
9. Payment of court costs, witness fees, and other expenses of legal department.
10. Postage, printing and stationery.
11. Meals, traveling and incidental expenses.

922 Administrative expenses transferred—Credit.

This account shall be credited with administrative expenses recorded in accounts 920 and 921 which are transferred to construction costs or to nonutility accounts. (See gas plant instruction 4.)

923 Outside services employed.

A. This account shall include the fees and expenses of professional consultants and others for general services which are not applicable to a particular operating function or to other accounts. It shall include also the pay and expenses of persons engaged for a special or temporary administrative or general purpose in circumstances where the person so engaged is not considered as an employee of the utility.

B. This account shall be so maintained as to permit ready summarization according to the nature of service and the person furnishing the same.

Items

1. Fees, pay and expenses of accountants and auditors, actuaries, appraisers, attorneys, engineering consultants, management consultants, negotiators, public relations counsel, tax consultants, etc.
2. Supervision fees and expenses paid under contracts for general management services.

Note: Do not include inspection and brokerage fees and commissions chargeable to other accounts or fees and expenses in connection with security issues which are includible in the expenses of issuing securities.

924 Property insurance.

A. This account shall include the cost of insurance or reserve accruals to protect the utility against losses and damages to owned or leased property used in its utility operations. It shall include also the cost of labor and related supplies and expenses incurred in property insurance activities.

B. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

C. Records shall be kept so as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums. Any dividends distributed by mutual insurance companies shall be credited to the accounts to which the insurance premiums were charged.

Items

1. Premiums payable to insurance companies for fire, storm, burglary, boiler explosion, lightning, fidelity, riot, and similar insurance.
2. Amounts credited to account 261, Property Insurance Reserve, for similar protection.
3. Special costs incurred in procuring insurance.
4. Insurance inspection service.
5. Insurance counsel, brokerage fees, and expenses.

Note A: The cost of insurance or reserve accruals capitalized shall be charged to construction either directly or by transfer to construction work orders from this account.

Note B: The cost of insurance or reserve accruals for the following classes of property shall be charged as indicated.

(1) Materials and supplies and stores equipment, to account 163, Stores Expense Undistributed or appropriate materials account.

(2) Transportation and other general equipment to appropriate clearing accounts that may be maintained.

(3) Gas plant leased to others, to account 413, Expenses of Gas Plant Leased to Others.

(4) Nonutility property, to the appropriate nonutility income account.

(5) Merchandise and jobbing property, to account 416, Costs and Expenses of Merchandising, Jobbing and Contract Work, or account 915, as appropriate.

Note C: The cost of labor and related supplies and expenses of administrative and general employees, who are only incidentally engaged in property insurance work, may be included in accounts 920 and 921, as appropriate.

925 Injuries and damages.

A. This account shall include the cost of insurance or reserve accruals to protect the utility against injuries and damages claims of employees or others, losses of such character not covered by insurance, and expenses incurred in settlement of injuries and damages claims. It shall also include the cost of labor and related supplies and expenses incurred in injuries and damages activities.

B. Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

Items

1. Premiums payable to insurance companies for protection against claims from injuries and damages by employees or others, such as public liability, property damages, casualty, employee liability, etc., and amounts credited to account 262, Injuries and Damages Reserve, for similar protection.
2. Losses not covered by insurance or reserve accruals on account of injuries or deaths to employees or others and damages to the property of others.
3. Fees and expenses of claim investigators.
4. Payment of awards to claimants for court costs and attorneys' services.
5. Medical and hospital service and expenses for employees as the result of occupational injuries, or resulting from claims of others.
6. Compensation payments under workmen's compensation laws.
7. Compensation paid while incapacitated as the result of occupational injuries. (See Note A.)
8. Cost of safety, accident prevention and similar educational activities.

Note A: Payments to or in behalf of employees for accident or death benefits, hospital expenses, medical supplies or for salaries while incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of ocupational injuries, shall be charged to account 926, Employee Pensions and Benefits. (See also Note B of account 926.)

Note B: The cost of injuries and damages or reserve accruals capitalized shall be charged to construction directly or by transfer to construction work orders from this account.

Note C: Exclude herefrom the time and expenses of employees (except those engaged in injuries and damages activities) spent in attendance at safety and accident prevention educational meetings, if occurring during the regular work period.

Note D: The cost of labor and related supplies and expenses of administrative and general employees, who are only incidentally engaged in injuries and damages activities, may be included in accounts 920 and 921, as appropriate.

926 Employee pensions and benefits.

A. This account shall include pensions paid to or on behalf of retired employees, or accruals to provide for pensions, or payments for the purchase of annuities for this purpose, when the utility has definitely, by contract, committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes, and payments for em-

engineers, clerks, attendants, witnesses, and others engaged in the prosecution of, or defense against petitions or complaints presented to regulatory bodies, or in the valuation of property owned or used by the utility in connection with such cases.

2. Office supplies and expenses, payments to public service or other regulatory commissions, stationery and printing, traveling expenses, and other expenses incurred directly in connection with formal cases before regulatory commissions.

Note A: Exclude from this account and include in other appropriate operating expense accounts, expenses incurred in the improvement of service, additional inspection, or rendering reports, which are made necessary by the rules and regulations, or orders, of regulatory bodies.

Note B: Do not include in this account amounts includible in account 302, Franchises and Consents, account 181, Unamortized Debt Discount and Expense, or account 214, Capital Stock Expense.

929 Duplicate charges—Credit.

This account shall include concurrent credits for charges which may be made to operating expenses or to other accounts for the use of utility service from its own supply. Include, also, offsetting credits for any other charges made to operating expenses for which there is no direct money outlay.

930 Miscellaneous general expenses.

This account shall include the cost of labor and expenses incurred in connection with the general management of the utility not provided for elsewhere.

ITEMS

Labor:

1. Miscellaneous labor not elsewhere provided for:

Expenses:

2. Industry Association dues for company memberships.

3. Contributions for conventions and meetings of the industry.

4. Experimental and general research work for the industry.

5. Communication service not chargeable to other accounts.

6. Trustee, registrar, and transfer agent fees and expenses.

7. Stockholders meeting expenses.

8. Dividend and other financial notices.

9. Printing and mailing dividend checks.

10. Directors' fees and expenses.

11. Publishing and distributing annual reports to stockholders.

12. Institutional or good will advertising.

13. Public notices of financial, operating, and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.

931 Rents.

This account shall include rents properly includible in utility operating expenses for the property of others used, occupied, or operated in connection with the customer accounts, sales, and general and administrative functions of the utility. (See operating expense instruction 3.)

Maintenance

932 Maintenance of general plant.

A. This account shall include the cost assignable to customer accounts, sales and administrative and general functions of labor, materials used and expenses incurred in the maintenance of property, the book cost of which is includible in account 390, Structures and Improvements, account 391, Office Furniture and Equipment, account 397, Communication Equipment, and account 398, Miscellaneous Equipment. (See operating expense instruction 2.)

B. Maintenance expenses on office furniture and equipment used elsewhere than in general, commercial and sales offices shall be charged to the following accounts:

Manufactured Gas Production, account 708.742.
Natural Gas Production and Gathering, account 769.
Natural Gas Products Extraction, account 791.
Underground Storage, account 837.
Local Storage, account 846.
Transmission Expenses, account 867.
Distribution Expenses, account 894.
Merchandise and Jobbing, account 416 or account 915.
Garages, Shops, etc., appropriate clearing account, if used.

NOTE. Maintenance of plant included in other general equipment accounts shall be included herein unless charged to clearing accounts or to the particular functional maintenance expense account indicated by the use of the equipment.

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ployee accident, sickness, hospital, and death benefits, or insurance therefor. Include, also, expenses incurred in medical, educational or recreational activities for the benefit of employees, and administrative expenses in connection with employee pensions and benefits.

B. The utility shall maintain a complete record of accruals or payments for pensions and be prepared to furnish full information to the Commission of the plan under which it has created or proposes to create a pension fund and a copy of the declaration of trust or resolution under which the pension plan is established.

C. There shall be credited to this account the portion of pensions and benefits expenses which is applicable to nonutility operations or which is charged to construction unless such amounts are distributed directly to the accounts involved and are not included herein in the first instance.

D. Records in support of this account shall be so kept that the total pensions expense, the total benefits expense, the administrative expenses included herein, and the amounts of pensions and benefits expenses transferred to construction or other accounts will be readily available.

ITEMS

1. Payment of pensions under a nonaccrual or nonfunded basis.

2. Accruals for or payments to pension funds or to insurance companies for pension purposes.

3. Group and life insurance premiums (credit dividends received).

4. Payments for medical and hospital services and expenses of employees when not the result of occupational injuries.

5. Payments for accident, sickness, hospital, and death benefits or insurance.

6. Payments to employees incapacitated for service or on leave of absence beyond periods normally allowed, when not the result of occupational injuries, or in excess of statutory awards.

7. Expenses in connection with educational and recreational activities for the benefit of employees.

NOTE A: The cost of labor and related supplies and expenses of administrative and general employees who are only incidentally engaged in employee pension and benefit activities, may be included in accounts 920 and 921, as appropriate.

NOTE B: Salaries paid to employees during periods of nonoccupational sickness may be charged to the appropriate labor account rather than to employee benefits.

927 Franchise requirements.

A. This account shall include payments to municipal or other governmental authorities, and the cost of materials, supplies and services furnished such authorities without reimbursement in compliance with franchise, ordinance, or similar requirements; provided, however, that the utility may charge to this account at regular tariff rates, instead of cost, utility service furnished without charge under provisions of franchises.

B. When no direct outlay is involved, concurrent credit for such charges shall be made to account 929, Duplicate Charges—Cr.

C. The account shall be maintained so as to readily reflect the amounts of cash outlays, utility service supplied without charge, and other items furnished without charge.

NOTE A: Franchise taxes shall not be charged to this account but to account 408, Taxes Other Than Income Taxes.

NOTE B: Any amount paid as initial consideration for a franchise running for more than one year shall be charged to account 302, Franchises and Consents.

928 Regulatory commission expenses.

A. This account shall include all expenses (except pay of regular employees only incidentally engaged in such work) properly includible in utility operating expenses, incurred by the utility in connection with formal cases before regulatory commissions, or other regulatory bodies, or cases in which such a body is a party, including payments made to a regulatory commission for fees assessed against the utility for pay and expenses of such commission, its officers, agents, and employees.

B. Amounts of regulatory commission expenses which by approval or direction of the Commission are to be spread over future periods shall be charged to account 186, Miscellaneous Deferred Debits, and amortized by charges to this account.

C. The utility shall be prepared to show the cost of each formal case.

ITEMS

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following is now available:

Title 32, Parts 1000–1099, Revised $6.50

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, paragraph (e)(1) of § 6.113 is amended as set out below.

§ 6.113 Department of Labor.

* * * * * * *

(e) *Bureau of Labor-Management Reports.* (1) The Chief of the Division of National Investigations and the 11 top supervisory-investigator positions in the Division of National Investigations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60–5730; Filed, June 21, 1960; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Cotton Bulletin 2, Amdt. 1]

PART 427—COTTON

Subpart—1960 Choice (A) Cotton Price Support Program Regulations

SCHEDULE OF BASE PURCHASE RATES FOR CHOICE (A) UPLAND COTTON

Correction

In F.R. Doc. 60–5528, appearing at page 5431 of the issue for Friday, June 17, 1960, the rate for "Cairo, Alexander", under Illinois, should read "32.61" instead of "32.16".

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amdt. 2]

PART 517—FRUITS AND BERRIES, FRESH

Subpart—Cranberry Payment Program AMM 181a

The following interpretations and amendments are issued for the purpose of effecting clarification and revision of, and additions to, the program terms and conditions:

Sec.
517.489 Sales on or before November 9, 1959.
517.490 Other sales.
517.491 Cranberries consigned.
517.492 Disposition of both screened and unscreened berries.
517.493 Shrinkage.
517.494 Marketing and operating costs.

AUTHORITY: §§ 517.489 to 517.494 issued under sec. 32, 49 Stat. 774, as amended; 7 U.S.C. 612c.

§ 517.489 Sales on or before November 9, 1950.

Notwithstand any other provision of this subpart, any grower who, on or before November 9, 1959, sold all of his 1959-crop cranberries at a fixed price shall not be eligible for any payment under this program, even though he may not have received all or part of the sales price therefor.

§ 517.490 Other sales.

In cases in which a grower, or an association of growers operating under a pooling arrangement (hereinafter in this section included with the term "grower"), did not sell the grower's entire crop on or before November 9, 1959, the following provisions shall apply:

(a) *Sales for a fixed price where title has passed.* If a grower has sold his cranberries for a fixed price to a handler or processor and title to the cranberries has passed, this transaction has been completed. It is immaterial whether or not the handler or processor has disposed of the cranberries. If the grower received total payments of $10.34 or more a barrel for screened berries or $9.74 or more a barrel for unscreened berries, he is not eligible for payment under cranberry program. If he received total payments amounting to less than $10.34 per barrel for screened berries or $9.74 per barrel for unscreened berries, he may apply for payment under the program. If he received only a part payment in cash and has an account receivable for the balance of the sales price, he is not eligible to apply for payment under the program, unless the total of the cash payment received and the account receivable is less than $10.34 per barrel for screened berries and $9.74 for unscreened berries.

(b) *Deliveries where title has not passed.* If any cranberries have been delivered by the grower to a handler or processor under arrangements whereby title to such berries has not passed to the handler or processor, and whereby the grower has received no payment or only an advance payment of a portion of an anticipated ultimate sales price for such berries, and further payment is dependent upon disposition of such berries by the handler or processor, the grower may take back such quantity of such fresh or frozen cranberries which the handler or processor still has on hand as is necessary to effect a complete or partial settlement of the transaction, without refund of any advance payment. The berries must be taken back either physically or by obtaining a warehouse receipt therefor. If the grower does this, he is eligible to apply for payment on such cranberries under the program.

(c) *Sales on an adjustable price basis.* If berries have been sold to a handler or processor on an adjustable price basis, and the berries have been canned or disposed of in commercial channels of trade, the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, will recognize an adjustment in accounts receivable, if (1) provision for such adjustment in the price of cranberries was included as a term of the sales agreement, (2) the grower furnishes satisfactory evidence of such provision, and (3) the adjustment is made in accordance therewith.

(d) *Indefinite or borderline cases.* In indefinite or borderline cases, growers should make individual application and give a full recitation of facts.

§ 517.491 Cranberries consigned.

If a grower has consigned cranberries to an agent for disposition other than under a pooling arrangement, the grower's signature, and not that of the agent, must appear on the application and on the invoices, although the grower's agent may fill out the forms. This must be handled on an individual grower basis and not under a pooling arrangement.

§ 517.492 Disposition of both screened and unscreened berries.

The grower or the grower's representative who disposes of part of the crop as screened berries and part of the crop as unscreened berries is entitled to an advance payment of not more than $4.00 per barrel and total payments of not more than $8.02 per barrel when the net proceeds of all sales of screened and unscreened berries are less than the sum obtained by adding the products of (a) the total number of barrels of screened berries harvested multiplied by $10.34, and (b) the total number of barrels of unscreened berries harvested multiplied by $9.74. This sum will be the amount shown in item 3 of the Invoice for Advance Payment.

§ 517.493 Shrinkage.

Shrinkage is the loss of weight after harvest caused by dehydration and spoilage. Shrinkage may occur prior to screening, or on screened cranberries held in fresh form, or on frozen cranberries in storage. The weight of such shrinkage may be listed, on an equivalent screened basis, as "shrinkage" under item 4(b) on Invoice for Advance Payment if the records of the grower or his representative show actual shrinkage. On the Invoice for Final Payment, how-

ever, any shrinkage shown under item 4(b) shall be only the shrinkage on the quantity of cranberries disposed of and shall not include shrinkage on cranberries on hand as of time of preparation of the invoice or at close of business October 31, 1960, whichever is earlier.

§ 517.494 Marketing and operating costs.

Marketing and operating costs shown in item 4(c) on invoices for payment with respect to screened berries shown in item 1a of the application shall not include the cost of screening. The 60-cent differential between screened and unscreened berries, as provided in the terms and conditions of the program, covers the cost of screening; therefore, marketing and operating costs on screened berries begin after screening.

Effective date. This amendment shall become effective June 21, 1960.

Dated this 17th day of June 1960.

FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 60-5736; Filed, June 21, 1960; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Application

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The first sentence of § 245.1 *Application* is amended to read as follows: "An alien whose deportability has not been established in proceedings under Part 242 of this chapter subsequent to January 1, 1960, may if he believes he meets the eligibility requirement of section 245 of the Act, file an application Form I-485 with the district director in whose district he resides."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits upon the persons affected thereby.

Dated: June 17, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 60-5733; Filed June 21, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-365]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1956) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 1 and the west alternate to Victor 1 between Wilmington, N.C., and Cofield, N.C., via a VOR to be installed near Kinston, N.C.

Although not mentioned in the Notice, this action will eliminate the requirement for the Kinston intersection as a designated reporting point. In lieu thereof, the Kinston VOR is being designated as a reporting point. Therefore § 601.7001 of the regulations of the Administrator, relating to domestic VOR reporting points, is being amended herein.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

In the text of § 600.6001 (24 F.R. 10503), "Wilmington, N.C., VOR; INT of the Wilmington VOR 014° and the Cofield VOR 209° radials; Cofield, N.C., VOR, including a west alternate from the Wilmington VOR to the Cofield VOR via the point of INT of the Wilmington VOR 352° with the Myrtle Beach, S.C., VOR 033° radials and the INT of the Wilmington VOR 014° and the Cofield VOR 209° radials; Norfolk, Va., VOR; Cape Charles, Va., VOR; INT of the Cape Charles VOR 008° and the Salisbury VOR 206° radials;" is deleted and "Wilmington, N.C., VORTAC; Kinston, N.C., VOR, including a west alternate from the Wilmington VORTAC to the Kinston VOR via the INT of the Wilmington VORTAC 352° True and the Kinston VOR 214° True radials; Cofield, N.C., VOR; Norfolk, Va., VORTAC; Cape Charles, Va., VORTAC; INT of the Cape Charles VORTAC 008° True and the Salisbury VOR 206° True radials;" is substituted therefor.

In the text of § 601.7001 (24 F.R. 10606), "Kinson INT: The INT of the New Bern, N.C., VOR 305° T and the Rocky Mount, N.C., VOR 169° T radials." is deleted and "Kinston, N.C., VOR." is substituted therefor.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5707; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-106]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1963) stating that the Federal Aviation Agency proposed to modify the east alternate to VOR Federal airway No. 51 and associated control areas between Jacksonville, Fla., and Macon, Ga.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

§ 600.6051 [Amendment]

1. In the text of § 600.6051 (24 F.R. 10511, 10876, 25 F.R. 629, 2011), "Alma, Ga., VOR, including a west alternate; Macon, Ga., VOR, including an east alternate from the Jacksonville VOR to the Macon VOR via the INT of the Jacksonville VOR 334° and the Macon VOR 125° radials;" is deleted and "Alma, Ga., VOR, including an E alternate via the INT of the Jacksonville VORTAC 334° True and the Alma VOR 133° True radials and also a W alternate; Macon, Ga., VORTAC;" is substituted therefor.

2. Section 601.6051 (24 F.R. 10599) is amended to read:

§ 601.6051 VOR Federal airway No. 51 control areas (Key West, Fla., to Chicago, Ill.).

All of VOR Federal airway No. 51 including E and W alternates, but excluding the airspace between the main airway and its W alternate from the Alma, Ga., VOR to the Chattanooga, Tenn., VOR.

These amendments shall become effective 0001 e.s.t., December 15, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5706; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-428]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas

On February 18, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1468) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 3 from the Rancho, Fla., intersection to West Palm Beach, Fla., and the east alternate between Biscayne Bay, Fla., and West Palm Beach, Fla. Additionally, a west alternate to VOR Federal airway No. 293 was proposed between West Palm Beach, Fla., and La Belle, Fla.

The notice stated that if this action was taken, a west alternate to VOR Federal airway No. 298 between West Palm Beach and La Belle would be designated. This is in error and should have read: a west alternate to VOR Federal airway No. 293 between West Palm Beach and La Belle would be designated. This change, minor in nature, will be reflected in the appropriate amendment.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6003 [Amendment]

1. In the text of § 600.6003 (24 F.R. 10503, 25 F.R. 2011, 25 F.R. 2662) "Intersection of the Miami omnirange 205° radial and the Miami International Airport ILS localizer west course; Miami, Fla., International Airport ILS localizer; intersection of the Miami International Airport ILS localizer east course and the West Palm Beach omnirange 183° radial; West Palm Beach, Fla., omnirange station, including an east alternate from the intersection of the Miami International Airport ILS localizer east course and the West Palm Beach omnirange 183° radial to the West Palm Beach omnirange station via the intersection of the Miami International Airport ILS localizer east course with the Biscayne Bay, Fla., omnirange 021° radial, and the intersection of the Biscayne Bay omnirange 021° with the West Palm Beach omnirange 168° radial;" is deleted and "INT of the Miami VORTAC 205° True and the Biscayne Bay, Fla., VOR 262° True radials; Biscayne Bay VOR; West Palm Beach, Fla., VORTAC, including an east alternate via the INT of the Biscayne Bay VOR 021° True and the West Palm Beach VORTAC 166° True radials;" is substituted therefor.

2. Section 600.6293 (24 F.R. 10525) is amended to read:

§ 600.6293 VOR Federal airway No. 293 (West Palm Beach, Fla., to St. Petersburg, Fla.).

From the West Palm Beach, Fla., VORTAC via the Pahokee, Fla., VOR; La Belle, Fla., VOR including a west alternate from the West Palm Beach VORTAC to the La Belle VOR via the INT of the West Palm Beach VORTAC 266° True and the La Belle VOR 112° True radials; to the St. Petersburg, Fla., VOR.

3. Section 601.6293 (24 F.R. 10605) is amended to read:

§ 601.6293 VOR Federal airway No. 293 control areas (West Palm Beach, Fla., to St. Petersburg, Fla.).

All of VOR Federal airway No. 293 including a west alternate.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5703; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-17]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On April 16, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3340) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 17 by designating an east alternate and its associated control areas between San Antonio, Tex., and Austin, Tex.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6017 [Amendment]

1. In the text of § 600.6017 (24 F.R. 10507, 10391) "Austin, Tex., VOR, including a west alternate via the INT of the San Antonio VOR 002° and the Austin VOR 237° radials;" is deleted and "Austin, Tex., VORTAC, including a W alternate via the INT of the San Antonio VORTAC 002° True and the Austin VORTAC 237° True radials and also an E alternate via the INT of the San Antonio VORTAC 057° True and the Austin VORTAC 198° True radials;" is substituted therefor.

2. Section 601.6017 (24 F.R. 10598) is amended to read:

§ 601.6017 VOR Federal airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).

All of VOR Federal airway No. 17 including east and west alternates.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5705; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-11]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On April 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3179) stating that the Federal Aviation Agency proposed to designate a control zone at New Iberia, La.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (24 F.R. 10530) is amended as follows:

§ 601.2469 New Iberia, La., control zone.

Within a five-mile radius of the geographical center of the New Iberia, La., NAAS (latitude 30°02'15" N., longitude 91°53'02" W.), within two miles either side of the 158° True radial of the New Iberia TACAN, extending from the 5-mile radius zone to a point 10 miles SE of the TACAN, and excluding the por-

tion which coincides with the Lafayette, La., control zone (§ 601.2263).

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5702; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-314]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10916) stating that the Federal Aviation Agency was considering amendments to Part 601 and § 601.1964 of the regulations of the Administrator which would modify the King Salmon, Alaska, control zone.

As stated in the notice, the present King Salmon control zone is designated as a 5-mile radius zone centered on the King Salmon Airport. The Federal Aviation Agency proposed modifying the King Salmon control zone to include an extension within 2 miles either side of the 123° True and 303° True radials of a VORTAC to be installed approximately June 15, 1960, near King Salmon at latitude 58°43'31" N., longitude 156°45'00" W., extending from the 5-mile radius zone to a point 10 miles northwest of the VORTAC. This modification would provide additional controlled airspace for protection of aircraft conducting instrument approaches to and departing from the King Salmon Airport.

On March 24, 1960, a modified notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2497) stating that the Federal Aviation Agency was amending its original proposal. This amended proposal would modify the King Salmon control zone to include an extension within 2 miles either side of the 132° True and 312° True radials of the VORTAC extending from the 5-mile radius zone to a point 12 miles northwest of the VORTAC, instead of within 2 miles either side of the 123° True and 303° True radials extending from the 5-mile radius zone to a point 10 miles northwest of the VORTAC. It was further proposed to designate an extension within 2 miles either side of the existing King Salmon TACAN 301° True radial from the 5-mile radius zone to a point 11 miles northwest of the TACAN. The 12-mile control zone extension based on the 132° True and 312° True radials will provide protection for aircraft conducting VORTAC instrument approaches to the King Salmon Airport, since the VORTAC instrument procedures are based on these radials. The 11-mile control zone extension based on the TACAN will provide protection for aircraft conducting TACAN instrument approaches to King Salmon Airport. The period for submitting written data, views or arguments was extended to April 15, 1960.

This action will result in the King Salmon, Alaska, control zone being redesignated within a 5-mile radius of the geographical center (latitude 58°40'40" N., longitude 156°38'55" W.), of the King Salmon Airport; within 2 miles either side of the 132° True and 312° True radials of the King Salmon VORTAC extending from the 5-mile radius zone to a point 12 miles northwest of the VORTAC; and within 2 miles either side of the King Salmon TACAN 301° True radial from the 5-mile radius zone to a point 11 miles northwest of the TACAN.

The Aircraft Owners and Pilots Association objected to the two control zone extensions stating that in regard to the proposed extension based on the King Salmon VORTAC the need for flight of aircraft below 1000 feet above ground at a distance beyond 5 miles from the field was not established in the proposal; that a control zone extension to include that airspace around the VORTAC outside of the 5-mile radius zone would seem proper, but an extension to a point 10 miles beyond the VORTAC (15 miles from the airport) did not appear to be necessary or reasonable. The AOPA further stated that no information was contained in the modified proposal that justified either the extension based on the King Salmon VORTAC or the second extension based on the King Salmon TACAN.

The prescribed instrument approach procedures for the King Salmon radio range permit aircraft to descend to 700 feet MSL (637 feet above the elevation of the King Salmon Airport) after completion of the procedure turn when inbound to the radio range. The present instrument approach procedure for the King Salmon TACAN permits aircraft to descend to this same altitude when inbound to the TACAN. Under these circumstances, it is possible for aircraft to be outside of controlled airspace while conducting an authorized instrument approach procedure to the King Salmon Airport. Therefore, the extensions to the control zone based on the VORTAC and the TACAN are required to provided the additional protection necessary for aircraft conducting authorized instrument approaches to the King Salmon Airport.

Subsequent to the publication of the notice and modified notice, the commissioning date of the VOR portion of the King Salmon VORTAC was rescheduled to August 15, 1960. The TACAN portion of the VORTAC will not be commissioned until late 1961, therefore, reference to the TACAN portion is deleted from this rule.

No other adverse comments were received. The Department of the Air Force concurred in the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) and § 601.1984 (24 F.R. 10570) are amended as follows:

1. Section 601.2453 is added to read:

§ 601.2453 King Salmon, Alaska, control zone.

Within a 5-mile radius of the geographical center (latitude 58°40'40" N., longitude 156°38'55" W.) of the King Salmon Airport; within 2 miles either side of the 132° True and 312° True radials of the King Salmon VORTAC extending from the 5-mile radius zone to a point 12 miles NW of the VOR and within 2 miles either side of the 301° True radial of the King Salmon TACAN from the 5-mile radius zone to a point 11 miles NW of the TACAN.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 *Five-mile radius zones,* "King Salmon, Alaska: King Salmon Airport." is deleted.

These amendments shall become effective 0001 e.s.t., November 17, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5704; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-169]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Revocation of Segments of Coded Jet Routes

On January 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 124) stating that the Federal Aviation Agency was considering an amendment to §§ 602.512 and 602.112 of the regulations of the Administrator which would revoke the segment of VOR/VORTAC jet route No. 12 from Provo, Utah, to Pittsburgh, Pa., and the segment of L/MF jet route No. 12 from Denver, Colo., to Pittsburgh.

As stated in the notice, VOR/VORTAC jet route No. 12 presently extends from Provo, Utah, to Baltimore, Md. L/MF jet route No. 12 presently extends from Denver, Colo., to Baltimore, Md. The Provo to Pittsburgh route is adequately served by combinations of other VOR/VORTAC jet routes. The Denver to Pittsburgh route is adequately served by combinations of other L/MF jet routes. Revocation of the segment of Jet Route 12–V from Provo to Pittsburgh, which is closely paralleled by combinations of Jet Routes 56–V, 60–V, 14–V and 80–V; and revocation of the segment of Jet Route 12–L from Denver to Pittsburgh, which is closely paralleled by combinations of Jet Routes 30–L, 14–L and 10–L, will simplify the route structure. The actions taken herein will revoke the segment of

VOR/VORTAC jet route No. 12, from Provo to Pittsburgh, and the segment of L/MF jet route No. 12, from Denver to Pittsburgh.

The Air Transport Association did not object to the revocation of the segments of Jet Routes 12–V and 12–L from Denver to Pittsburgh. The ATA, however, recommended that the segment of Jet Route 12–V from Provo to Denver be retained in order to provide a dual jet route between Provo and Salt Lake City, Utah, with radar flight advisory service, at a later date, and to permit flexibility in operations with regard to air traffic and meteorological conditions. Jet Route 56–V, which is being proposed for extension from Kremmling, Colo., to Denver in Airspace Docket No. 60–WA–23 (25 F.R. 1993), will provide for air carrier service between Denver and Salt Lake City. Furthermore, sufficient traffic is not anticipated to warrant the establishment of a dual jet route structure between these two points.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 602.512 (14 CFR, 1958 Supp., 602.512, 24 F.R. 2649) and § 602.112 (14 CFR, 1958, Supp., 602.112) are amended to read:

§ 602.512 VOR/VORTAC jet route No. 12 (Pittsburgh, Pa., to Baltimore, Md.).

From the Pittsburgh, Pa., VOR to the Baltimore, Md., VORTAC.

§ 602.112 L/MF jet route No. 12 (Pittsburgh, Pa., to Baltimore, Md.).

From the Pittsburgh, Pa., RR to the Baltimore, Md., RR.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5701; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-420]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On January 29, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 766) stating that the Federal Aviation Agency was considering an amendment to § 602.558 of the regulations of the Administrator which would modify the segment of VOR/VORTAC jet route No. 58 between Tonopah, Nev., and Amarillo, Tex.

As stated in the notice, J–58–V presently extends in part from Tonopah via Wilson Creek, Nev. (formerly Pioche, Nev.), Milford, Utah, Hanksville, Utah, and Alamosa, Colo., to Amarillo, Tex. The Federal Aviation Agency proposed to realign this segment of J–58–V from the Tonopah VOR via the Bryce Canyon, Utah, VOR, the Farmington, N. Mex., VOR, the intersection of the Farmington VOR 109° True and the Las Vegas 300° True radials, the Las Vegas, N. Mex., VOR to the Amarillo VORTAC. This action will realign approximately 400 miles of the jet route which is not presently served by radar into areas where more radar coverage is available and will reduce the over-all length of the route by approximately 20 miles.

The Department of the Air Force objected to realigning J–58–V from the Tonopah VOR direct to the Bryce Canyon VOR. The Air Force stated that this realignment would drastically reduce the Caliente jet training area of the Nellis Air Force Base, Las Vegas, Nev., and would adversely affect the activities conducted within the Tonopah, Nev., Restricted Area R–271, thereby, imposing a potential flight hazard and a serious adverse effect on present and future operations from Nellis AFB. The activities conducted within the Caliente jet training area and Restricted Area R–271 include pilot training and special weapons bombing sorties.

In view of the comments received regarding the proposed realignment of J–58–V between the Tonopah VOR and the Bryce Canyon VOR, this realignment was discussed by representatives of the Federal Aviation Agency, the Department of the Air Force and the Air Transport Association of America. As a result of these discussions, it was agreed that this segment of J–58–V should be realigned via the intersection of the Tonopah VOR 083° True and the Bryce Canyon VOR 289° True radials. The intersection of these two radials will be over the Wilson Creek VOR which will not be required as a part of the route. The Federal Aviation Agency recognizes that the realignment of J–58–V to overlie the Wilson Creek VOR will increase the over-all length of the modified segment of J–58–V by six miles. This alignment will, however, provide more separation between J–58–V and the activities conducted within the Tonopah Restricted Area R–271 and the Caliente jet training area thereby eliminating the probability of conflict between aircraft operating along J–58–V and aircraft maneuvering within the Caliente area and R–271 south of the Wilson Creek VOR.

No other comments were received regarding the proposed amendment.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 602.558 (24 F.R. 2650, 7608; 25 F.R. 635) is amended to read:

§ 602.558 VOR/VORTAC jet route No. 58 (Oakland, Calif., to New Orleans, La.).

From the Oakland, Calif., VORTAC via the Stockton, Calif., VOR; Tonopah, Nev., VOR; INT of the Tonopah VOR 083° True and the Bryce Canyon, Utah, VOR 289° True radials; Bryce Canyon VOR; Farmington, N. Mex., VORTAC; INT of the Farmington VORTAC 109° True and the Las Vegas, N. Mex., VOR 300° True radials; Las Vegas VOR; Amarillo, Tex., VORTAC; Dallas, Tex., VORTAC; Alexandria, La., VOR; to the New Orleans, La., VOR.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5700; Filed, June 21, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-431]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On December 30, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10986) stating that the Federal Aviation Agency was considering an amendment to Part 602 of the regulations of the Administrator which would establish VOR/VORTAC jet route No. 97 from Boston, Mass., to the United States/Canadian Border via Plattsburgh, N.Y.

As stated in the notice, the Federal Aviation Agency proposed to establish jet route J–97–V from the Boston VOR via the intersection of the Boston VOR 307° True and the Plattsburgh VOR 161° True radials, the Plattsburgh VOR, thence via the Plattsburgh VOR 341° True radial to the United States/Canadian Border. This route will provide a portion of a route for jet aircraft service between Boston and Anchorage, Alaska. The dog-leg between Boston and Plattsburgh was to avoid the Burlington, Vt., Restricted Area/Military Climb Corridor. However, subsequent to the issuance of the notice, the Department of the Air Force advised that there is no requirement for this climb corridor after May 30, 1960, and action has been initiated to revoke it. Therefore, the Federal Aviation Agency is establishing jet route J–97–V via the direct radials between Boston and Plattsburgh, thence via the Plattsburgh VOR 341° True radial to the United States/Canadian Border. The Department of the Air Force also recommended that J–97–V be established direct between Boston and Plattsburgh.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the

making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 602 (14 CFR, 1958 Supp., Part 602) is amended by adding the following:

§ 602.597 VOR/VORTAC jet route No. 97 (Boston, Mass., to United States/Canadian Border).

From the Boston, Mass., VOR via the Plattsburgh, N.Y., VOR; thence via the Plattsburgh VOR 341° True radial to the United States/Canadian Border.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 15, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5699; Filed, June 21, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7610 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Charles Chester Shoe Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-12 *Auxiliary, improving, or supplementary;* § 13.170-22 *Corrective, orthopedic, etc.;* § 13-170-70 *Preventive or protective.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles A. Eaton Co., trading as Charles Chester Shoe Co. et al., Brockton, Mass., Docket 7610, May 1, 1960]

In the Matter of Charles A. Eaton Co., a Corporation Trading as Charles Chester Shoe Co., and Charles C. Eaton, Jr., Robert A. Eaton, Louis F. Eaton, Carl F. Bauer and Edward B. Hutton, Individually and as Officers of Charles A. Eaton Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging shoe manufacturers at Brockton, Mass., with representing falsely, in catalogs and sales aids furnished to their commission salesmen, that their "Charles Chester Air Cushion" stock shoes, produced by usual quantity production methods, would assure better body balance, furnish support of the feet where found to be individually indicated, and eliminate bunion pressure and fatigue, aid circulation and improve foot health.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Charles A. Eaton Co., a corporation, trading as Charles Chester Shoe Co., or under any other name or names, and its officers, and Charles C. Eaton, Jr., Robert A. Eaton, Louis F. Eaton and Edward B. Hutton, individually and as officers of Charles A. Eaton Co., a corporation, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of shoes, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by any means, that the wearing of their shoes:

1. Will assure better body balance;

2. Will furnish support of the feet in those cases where support is found to be individually indicated;

3. Will eliminate bunion pressure, eliminate fatigue, aid circulation or improve the health of the feet.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent Carl F. Bauer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents named in the preamble of the order to cease and desist shall, on or before June 30, 1960, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 2, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5711; Filed, June 21, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 574—UNITED STATES SOLDIERS' HOME

Miscellaneous Amendments

Sections 574.3 and 574.5 are revised to read as follows:

§ 574.3 Persons eligible for admission to the home.

(a) The following personnel are eligible for admission to the Home, except as indicated in § 574.4:

(1) *Over 20 years' service.* Every soldier, airman, or warrant officer of the Army or Air Force of the United States, who has had some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force, who has served, or who may serve, honestly and faithfully 20 years or more; *Provided,* That in computing the necessary 20 years' time, all active service in the Army or Air Force, whether or not in the Regular components thereof, shall be credited. Service in the Navy or Marine Corps, or as a commissioned officer, cannot be counted.

(2) *Service-connected disability.* Every soldier, airman, or warrant officer of the Army or Air Force of the United States, whether or not in the Regular components thereof, who has had some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force, rendered incapable of earning his own livelihood by reason of disease or wounds incurred in the military service of the United States and in line of duty and not the result of his own misconduct.

(3) *Nonservice-connected disability.* Every soldier, airman, or warrant officer of the Army or Air Force of the United States, whether or not in the Regular components thereof, who has served on active duty as an enlisted man or warrant officer in the Army or Air Force during any war, who has had some service as an enlisted man or warrant officer in the Regular Army or Regular Air Force, and who is, by reason of wounds, sickness, old age, or other disability, unable to earn a livelihood.

(b) Any service with an organization of the Regular Army during World War I is sufficient to meet the requirements of some service as an enlisted man or warrant officer in the Regular components of the United States Army or United States Air Force, required by paragraph (a) (1), (2), and (3) of this section.

(c) Admission to the United States Soldiers' Home is granted by the authority of the Board of Commissioners, and those so admitted to membership will be officially designated as members. Whenever the Home's facilities become limited to the extent that it appears that all eligible applicants cannot be accommodated, a system of priorities as authorized by the Board of Commissioners will be administered by the Governor of the Home, with the objective of granting admission to the most deserving.

§ 574.5 Applications for admission.

Personnel may obtain applications for admission to the United States Soldiers' Home and information concerning eligibility requirements by writing direct to the Board of Commissioners, United States Soldiers' Home, Washington 25, D.C. Letters authorizing admission are issued by the Board of Commissioners to those whose applications are approved.

[AR 905-10, May 31, 1960] (R.S. 4815, as amended; 24 U.S.C. 41)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 60-5697; Filed, June 21, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Choctawhatchee Bay, Florida

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.130 governing the use and navigation of danger zones in the Gulf of Mexico and Choctawhatchee Bay, Florida is hereby amended revising the title of the section, revoking paragraphs (a) (1), (2), (5), (6), and (b) (2), and revising paragraphs (b) (1) and (3) as follows:

§ 204.130 Choctawhatchee Bay, Aerial Gunnery Ranges, Air Proving Ground Center, Air Research and Development Command, Eglin Air Force Base, Fla.

(a) *The danger zones.*

(1) [Revoked]

(2) [Revoked]

* * * * *

(5) [Revoked]

(6) [Revoked]

(b) *The regulations*—(1) *Aerial gunnery ranges.* (i) The aerial gunnery range in the west part of Choctawhatchee Bay (described in paragraph (a) (3) of this section) may be used by watercraft except during periods when firing is conducted. During these periods, firing will be controlled by observation posts, and watercraft will be warned by patrol boats. During periods of firing, traverse of this area shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the area, the officer in charge of gunnery operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and shall not delay its progress.

(ii) No vessel or other craft shall enter or remain within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in paragraph (a) (4) of this section) at any time.

(2) [Revoked]

(3) *Enforcing Agency.* The regulations in this section shall be enforced by the Commander, Air Proving Ground Center, Eglin AFB, and such agencies as he may designate.

[Regs., June 7, 1960, 285/91 (Choctawhatchee Bay, Fla.)—ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

BRUCE EASLEY,
Major General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 60-5698; Filed, June 21, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2128]

[Sacramento 058170]

CALIFORNIA

Partially Revoking Departmental Order of September 14, 1942 (American River Investigations)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of September 14, 1942, which withdrew lands in California for reclamation purposes in the first form in connection with the American River Investigations, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 9 E.,
Sec. 14, NW¼SE¼ and NE¼SW¼SE¼.

The areas described contain 50 acres.

2. The described lands shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and subject to prior existing valid settlement rights, preference rights conferred by existing law, or equitable claims subject to allowance and confirmation.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60-5713; Filed, June 21, 1960; 8:47 a.m.]

[Public Land Order 2129]

[Nevada 045117]

NEVADA

Partially Revoking Departmental Order of May 12, 1938, Which Established Air Navigation Site Withdrawal No. 120

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of May 12, 1938, which withdrew lands in Nevada for use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities, as Air Navigation Site Withdrawal No. 120, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 10 S., R. 70 E., unsurveyed,
Sec. 12, E½.
T. 10 S., R. 71 E., unsurveyed,
Sec. 7, S½.

The areas described contain approximately 640 acres.

2. The land is within the Las Vegas Grazing District immediately northwest of the Nevada-Utah-Arizona corner and some 20 miles north of the community of Mesquite. The land is extremely rough and the site inaccessible.

3. Subject to any valid existing rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning at 10:00 a.m. on July 21, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60-5714; Filed, June 21, 1960; 8:47 a.m.]

[Public Land Order 2130]

[Fairbanks 032815]

ALASKA

Partially Revoking Air Navigation Site Withdrawal No. 180 and Public Land Order No. 1519 of September 30, 1957

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), and as Secretary of the Interior, it is ordered as follows:

1. The departmental order of June 8, 1942, establishing Air Navigation Site Withdrawal No. 180, is hereby revoked so far as it affects the following-described lands:

FAIRBANKS MERIDIAN

T. 18 S., R. 8 W. (unsurveyed),
Sec. 19, SE¼SE¼;
Sec. 20, NW¼SW¼;
Sec. 30, N½NW¼NE¼, N½SE¼NW¼, and W½SW¼.
T. 18 S., R. 9 W.,
Sec. 25, S½SE¼ and SW¼SW¼ (unsurveyed);
Sec. 26, S½SE¼ (unsurveyed);
Sec. 35, N½SE¼.

The areas described aggregate approximately 480 acres.

2. Public Land Order No. 1519 of September 30, 1957, adding lands to Air Navigation Site No. 180 is hereby revoked, so far as it affects the following described lands:

T. 18 S., R. 9 W.,
Sec. 36, S½N½.

The area described contains 160 acres. The lands are State-owned.

3. The lands are located at Summit, Alaska, at approximately Mile 312 of the Alaska Railroad. Topography is flat with a slight slope to the southeast. Soils consist of sand and gravel deposited by retreating glaciers, with a granite bed rock.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1, are hereby opened to settlement and to filing of applications, selections and locations, in accordance with the following, the unsurveyed lands being opened to such forms of applications, selection, and location as may by law be made of unsurveyed lands:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on September 13, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339; Public Law 85–508).

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, and selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to settlement under the Homestead and Alaska Homesite Laws, to applications and offers under the mineral leasing laws, and to location under the United States mining laws beginning at 10:00 a.m. on September 13, 1960.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60–5715; Filed, June 21, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 115]

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) it is proposed to amend 43 CFR §§ 115.21 (a), 115.28(b)(1), and 115.174(a)(3) as set forth below. The purpose of these amendments is to eliminate the annual two-sale limitation on negotiated timber sales, provide a new schedule for payments and installments for timber sales, and clarify the provisions for fire suppression under rights-of-way permits.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

SALE OF TIMBER

1. Paragraph (a) of § 115.21 is amended to read as follows:

§ 115.21 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, timber not exceeding an estimated volume of 100 M board feet, or if the timber is not measured in board feet, a quantity not exceeding $2,000 in appraised value, to or for the benefit of any one person, partnership, association or corporation in any period of twelve consecutive months.

2. Subparagraph (1) of paragraph (b) of § 115.28 is amended to read as follows:

§ 115.28 Payments.

* * * * * * *

(b) * * *

(1) Installment payments shall be determined by the authorized officer. For sales up to $100,000 installment payments shall be not less than 10 percent. For sales over $100,000 installment payments shall be not less than $10,000. For cruise sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of cutting operations; *Provided, however,* That prior to paying the second installment the authorized officer may permit the purchaser to cut and remove timber on the location over which a road must be constructed under this contract if the purchaser pays for such timber in advance. Each subsequent installment shall be due and payable without notice when the value of the timber cut, equals the sum of all the payments minus the first installment. The total amount of the purchase price must be paid prior to 60 days before the expiration of the contract. The purchaser shall not be entitled to a refund on a cruise sale even though the amount of timber cut, removed or designated for cutting may be less than the estimated total volume shown in the contract.

PERMITS FOR RIGHTS-OF-WAY FOR LOGGING ROADS

3. Subparagraph (3) of paragraph (a) of § 115.174 is amended to read as follows:

§ 115.174 Terms and conditions of permit.

(a) * * *

(3) To take adequate precaution to prevent forest, brush, and grass fires; to endeavor with all available personnel to suppress any fire originating on or threatening the right-of-way on which a road is being used or constructed by the permittee or any fire caused by the permittee; to do no burning on or near the right-of-way without State permit during the seasons that permits are required and in no event to set fire on or near the right-of-way that will result in damage to any natural resource or improvement.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60–5716; Filed, June 21, 1960; 8:48 a.m.]

Bureau of Reclamation

[43 CFR Part 415]

DETERMINATION OF LOT LINES AND LEASING OF LOTS IN LAKEVIEW ADDITION, BOULDER CITY, NEVADA

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Boulder City Act of 1958 (72 Stat. 1726), it is proposed to add a new part to Title 43 of the Code of Federal Regulations. The purpose of this new part is to establish procedures for the determination of lot lines and the leasing of lots, the designation of streets, and initial construction or improvement of, or additions to, street, water, electric, and sewerage systems in that part of Boulder City, Nevada, known as Lakeview Addition. In addition, this new part contemplates the transfer of Lakeview Addition by the United States to Boulder City, Nevada.

This proposed new part relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed new part to the Bureau of Reclamation, Washington 25, D.C., within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

ELMER F. BENNETT,
Under Secretary of the Interior.

JUNE 16, 1960.

A new Part 415 is added to Title 43, Chapter II, reading as follows:

Sec.
415.1 Purpose.
415.2 Definitions.
415.3 Determinations by and duties of Regional Director.
415.4 Discretionary functions of the Regional Director.
415.5 Notices and offers to lease and selection of lieu lots.
415.6 Terms and conditions of leases.
415.7 Disposal of nonhabitable structures.
415.8 Treatment of costs of accomplishing functions prescribed by Act.

AUTHORITY: §§ 415.1 to 415.8 issued under sec. 15, 72 Stat. 1726.

§ 415.1 Purpose.

The purpose of this part is to supplement the Boulder City Act of 1958 (72 Stat. 1726), and to assist in carrying out the provisions of that Act relating to Lakeview Addition, Boulder City, Nevada. It establishes procedures relating to the determination of lot lines and the leasing of lots, the designation of streets, the determination of ownership of privately owned structures, the acquisition or relocation of privately owned structures required in order to accomplish the subdivision. It further refers to the expenditure of the amount authorized by section 6(b)(2) of said Act to be appropriated for the initial construction or improvement of, or additions to, street, water, electric, and sewerage systems for Lakeview Addition. It also provides for the transfer of Lakeview Addition by the United States to Boulder City, Nevada.

§ 415.2 Definitions.

As used in this part, the term:

(a) "Regional Director" means the Regional Director, Region 3, Bureau of Reclamation, or person designated by him to act in his behalf.

(b) "Act" means the Boulder City Act of 1958 (72 Stat. 1726).

(e) "Boulder City municipal area" means the area in the State of Nevada as that area is defined in section 2(c) of the Act.

(d) "Municipality" means Boulder City, Nevada, a municipal corporation, organized and existing under the laws of the State of Nevada.

(e) "Lakeview Addition" means that portion of the Boulder City municipal area delineated on Map No. X-300-475, dated December 3, 1959, attached as Exhibit B to the Quitclaim Deed from the United States to Boulder City, Nevada, dated January 4, 1960, recorded on January 12, 1960, as Instrument No. 185058, in Official Records Book No. 228, Clark County, Nevada, where federally owned lands not under lease from the United States are occupied by privately owned structures.

(f) "Privately owned structure" means a nonfederally owned dwelling inhabited as of January 4, 1960, by the owner or with the permission of the owner thereof or, if not so inhabited, which, in the Regional Director's opinion was habitable, as of January 4, 1960, including, in either case, any nonresidential structure appurtenant to such dwelling. For the purpose of qualifying for a lease under these regulations, the meaning of "privately owned structure" does not include a nonresidential structure or improvement which is not appurtenant to a habitable dwelling or which is not located on the same lot as said dwelling.

(g) "Lieu lot" means a lot in Lakeview Addition other than a lot or area occupied in whole or part by a privately owned structure, which is determined by the Regional Director to be available for leasing.

(h) "Interim occupancy agreement" means a document tendered by the United States and executed by the owner of a privately owned structure, the removal of which was determined necessary by the Regional Director, recognizing the occupancy of the lieu lot as selected, and will be of a duration extending from conclusion of selection of lieu lots until earliest practicable date when lease may be tendered.

§ 415.3 Determinations by and duties of the Regional Director.

(a) The Regional Director shall:

(1) Determine what initial construction or improvement of, or additions to, street, water, electric, and sewerage systems within Lakeview Addition are, in his opinion, necessary toward conformance with general standards for such utilities and facilities prevailing in the community and possible of accomplishment by the expenditure of such funds as may have been appropriated for such purposes pursuant to section 6(b)(2) of the Act;

(2) Determine what are privately owned structures in Lakeview Addition, as hereinbefore defined;

(3) Determine by such methods as he deems reasonable and feasible, who are the owners of the structures referred to in subparagraph (2) of this paragraph;

(4) Determine and designate lot lines and streets in Lakeview Addition to conform as nearly as is reasonable and feasible, in his judgment, to the existing pattern of land occupancy in Lakeview Addition, including the designation, to the extent practicable, of lieu lots, as hereinbefore defined, and described the same on a map of Lakeview Addition;

(5) Cause each lot, as above designated to be appraised in accordance with section 3(d) of the Act;

(6) As soon as practicable, after completion of the work referred to in subparagraph (5) of this paragraph, offer in writing to lease each lot, as above designated, to the owner of the privately owned structure, located thereon and not requiring removal in order to accomplish the subdivision contemplated by section 4(b) of the Act;

(7) List and designate on a map those lieu lots in Lakeview Addition which are found by him to be available for leasing and, by a notice to that effect, offer in writing to each owner of a privately owned structure in Lakeview Addition which, in the Regional Director's opinion, must be removed in order to accomplish the subdivision contemplated by section 4(b) of the Act, an opportunity to choose a lot from said list and subsequently occupy, and lease same, all in the manner provided under § 415.5(c).

(8) Notify the owner of a privately owned structure or structures in Lakeview Addition who, pursuant to § 415.5 is offered either a lease of a lot occupied by said structure, or a lieu lot in Lakeview Addition and who fails to execute and return said lease or interim occupancy agreement and subsequently tendered lease, to the Regional Director within the allotted time, or who fails to accept an offer of an opportunity to choose a lieu lot, that said owner has lost his right to lease any lot in Lakeview Addition and must remove said structure or structures within thirty (30) days after such notification and that failure to comply with said notice will result in action by the Regional Director to take possession of the area and the structure or structures situated thereon;

(9) Evict all persons occupying any area or structure in Lakeview Addition, the right to possession of which has vested in the United States pursuant to subparagraph (8) of this paragraph;

(10) Transfer Lakeview Addition to Boulder City after completion of the work contemplated by subparagraph (1) of this paragraph, the leasing of lots, and other determinations and duties necessary to accomplish the subdivision at Lakeview Addition to the extent contemplated by the Act and these regulations;

(11) Perform such work and take such other actions not inconsistent herewith, as in his opinion is necessary and desirable to accomplish the determinations and fulfill the duties herein established.

(b) The Regional Director's determination hereunder shall be final and conclusive.

§ 415.4 Discretionary functions of the Regional Director.

(a) The Regional Director, in his discretion, may:

(1) Enter into an interim occupancy agreement, a lease, or both, with the owner of a privately owned structure in Lakeview Addition for a lot in Lakeview Addition determined by him to be available for leasing in lieu of a lease for the premises not designed as a lot but occupied by the structure in question;

(2) Relocate a privately owned structure on the lieu lot selected by the owner of said structure, by means of Government forces or by contract with an independent contractor or by contract with the owner of the privately owned structure, when, in the Regional Director's opinion, the removal of the structure is necessary in order to accomplish the subdivision of Lakeview Addition contemplated by section 4(b) of the Act and such structure is so built that it may be relocated without an expenditure disproportionate, in the Regional Director's opinion, to the value of the structure, as determined pursuant to an appraisal made either by Federal Housing Administration or by independent appraisers designated by the Regional Director;

(3) Acquire a privately owned structure, at its appraised value determined by the Regional Director pursuant to an appraisal of said structure made either by the Federal Housing Administration or by independent appraisers designated by the Regional Director, when in the Regional Director's opinion, the removal of the structure is necessary in order to accomplish the subdivision of Lakeview Addition contemplated by section 4(b) of the Act and such structure is, in the opinion of the Regional Director, not physically capable of being relocated or the cost of such relocation to the United States would be disproportionate to the value of the structure;

(4) Sell, destroy, or otherwise dispose of property acquired by the United States pursuant to subparagraph (3) of this paragraph or which comes into the possession of the United States pursuant to § 415.3(a)(8) by such means or upon such terms and conditions as he deems proper.

(b) The Regional Director's determinations hereunder shall be final and conclusive.

§ 415.5 Notices and offers to lease, including selection, occupancy, and lease of lieu lots.

(a) *How notice or offer shall be given.* (1) Any notice or offer required or otherwise deemed necessary and desirable for the accomplishment of determinations or fulfillment of duties hereunder shall be in writing and shall be deemed to have been given to the owner or occupant of the structure or premises in question when either personally delivered to said individual, or mailed by, or on behalf of, the Regional Director to said owner or occupant to the last-known address of such person or persons as it may appear in the Boulder City Post Office or the tax records of Clark County, Nevada, all as evidenced by copy thereof deposited in the official files maintained by the Regional Director. A copy of any such notice may, in the Regional Director's discretion, be posted on said privately owned structure.

(2) The offer of any lease shall be accompanied by the tender of a lease, which shall conform to the requirements of § 415.6.

(b) *Acceptance of lease.* (1) The offer to lease a lot in Lakeview Addition other than a lieu lot may be accepted by the owner of the qualifying privately owned structure signing and returning the tendered lease to be received in the office of the Regional Director within thirty (30) days of the date said offer was given under paragraph (a)(1) of this section.

(2) The offer to lease a lieu lot in Lakeview Addition may be accepted by the owner of the qualifying privately owned structure signing and returning the tendered lease, to be received in the office of the Regional Director within fifteen (15) days of the date said offer was given under paragraph (a)(1) of this section.

(3) Failure by the owner of a privately owned structure, or qualified holder of a lieu lot whose status has been established pursuant to paragraph (c) of this section, to return the tendered lease as required under subparagraph (1) or (2) of this paragraph shall constitute a rejection of the offer and a waiver of all claim of said owner or occupant to lease a lot in Lakeview Addition.

(c) *Selection, occupancy, and lease of lieu lots.* (1) All persons who are offered an opportunity to choose a lieu lot, and to subsequently occupy and lease same, in accordance with the notice provided for in § 415.3(a)(7), and who desire to be placed in order of opportunity to so choose, shall sign an application therefore which shall be enclosed with said notice and return the signed application to be received in the office of the Regional Director within fifteen (15) days of the date of the mailing of the notice, which is given in accordance with the provisions of paragraph (a)(1) of this section.

(2) Failure of said person to return said application as required by subparagraph (1) of this paragraph shall constitute a rejection of such opportunity, and a waiver of any subsequent claim to occupy and lease a lot in Lakeview Addition.

(3) Persons who sign and return the required application to choose a lieu lot shall be placed in order of opportunity to so choose pursuant to a drawing to be held at a time and a place specified in the notice.

(4) At the drawing, the names of all applicants who have qualified shall be placed in a single container and withdrawn one at a time at random. A list designating order of preference shall be prepared showing each name in the order in which it is drawn. The persons whose names have been drawn or their representatives who, in the opinion of the Regional Director, are duly authorized to attend and act in their behalf, shall meet at a time and place designated by the Regional Director on a day not less than five (5) nor more than fifteen (15) days after the date of the drawing to exercise their preference to select such lieu lot pursuant to the drawing.

(5) At 10 a.m., local time, on the date of which selections are to be made, those persons eligible to select shall meet at the designated place and make the selections in order of preference. Any preference right not exercised on the prescribed day shall be forfeited except that persons who, in the Regional Director's opinion, have not been given an opportunity to make a selection on the prescribed day because of the inability of an applicant who precedes them in the order in which the names were drawn to make a selection, may exercise their right on the day or days immediately following, all as determined by the Regional Director.

(6) After selections of lieu lots have been made, the Regional Director will, provided the work referred to in § 415.3(a)(5) has been completed, tender a lease which conforms to the requirements of § 415.6, acceptance of which shall be in accord with paragraph (b)(2) of this section.

(7) In the event work referred to in § 415.3(a)(5) has not been completed when the selection of lieu lots has been completed, the Regional Director will tender an interim occupancy agreement to each individual who has made a selection. Failure to execute and return such interim occupancy agreement, to be received in the office of the Regional Director within ten (10) days after such interim occupancy agreement is tendered, shall be deemed to be a rejection of the offer to select or to occupy said lot and a waiver of all claim to subsequently lease any lot in the Lakeview Addition.

(8) The continued validity of said interim occupancy agreement shall be conditioned upon the selectee making suitable arrangements for vacating the premises occupied by the structure, to be relocated or acquired, within fifteen (15) days of the date of notice of the Regional Director's determination made pursuant to § 415.4(a)(2) or (3).

§ 415.6 Terms and conditions of leases.

(a) The term of the lease will be ten (10) years.

(b) The rental per annum shall be five percent (5%) of the appraised value of each lot as established pursuant to § 415.3(a)(5).

(c) The lease shall include an option to purchase the lot in accordance with the provisions of the Act, upon terms of payment specified by the municipality.

(d) The continuing validity of the lease shall be conditioned upon the lessee making proper connections to water, electric, and sewerage systems; disposing of all rubbish and debris on the lot; and maintaining the premises in a manner satisfactory to lessor; and may be conditioned on the lessee's rehabilitation, replacement, or relocation of any or all structures occupying the land in order to bring about, in the Regional Director's opinion, closer conformance with general standards prevailing in the community.

(e) Where the Regional Director acquires a privately owned structure from the owner thereof, pursuant to § 415.4(a)(3), and leases a lieu lot to said owner, the lease of a lieu lot will require lessee to complete the construction of a habitable dwelling thereon, in accordance with standards of construction reasonably adequate in the opinion of the lessor, within one year of execution of the lease, unless the lessee exercises his option, pursuant to paragraph (c) of this section prior thereto.

(f) All leases may include such other terms and conditions as may be deemed necessary by the Regional Director in the interests of the United States and Boulder City and for the effectuation of the Act.

(g) The forms of the interim occupancy agreement and the lease will be available for examination in the Regional Director's office.

(h) If the purchaser desires to record his lease at his expense in the official records of Clark County, Nevada, he should have his signature acknowledged before a notary public prior to returning the lease to the office of the Regional Director.

§ 415.7 Disposal of nonhabitable structures.

Where the Regional Director determines that federally owned land in Lakeview Addition is occupied by (a) a nonresidential structure or remnant thereof which is not appurtenant to a habitable residence, or (b) an unoccupied residential structure or remnant thereof which was not habitable as of January 4, 1960, he shall endeavor to ascertain the owner thereof and shall require said owner to remove the aforesaid structure or remnant within thirty (30) days from the date a written notice to that effect is mailed by or on behalf of the Regional Director to said owner at his last-known address as it may appear in the Boulder City Post Office or the tax records of Clark County, Nevada. A copy of said notice shall also be posted on said structure or remnant. If said owner fails to remove said structure or remnant thereof, as required by said notice, or if the Regional Director is unable to ascertain who the owner of said structure or remnant therof is, the Regional Director shall, after making a record of the condition of said structure or remnant, take action to remove said structure or remnant thereof from the federally owned property in Lakeview Addition in any manner he deems to be satisfactory.

§ 415.8 Treatment of costs of accomplishing functions prescribed by Act.

The Regional Director may direct the expenditure out of the Boulder City Municipal Fund of moneys necessary to meet the costs of carrying out the functions and responsibilities of the United States, the Secretary of the Interior, or the Regional Director under the Act and the regulations promulgated thereunder, except that if the amount referred to under § 415.3(a)(1) is appropriated from general funds, the Regional Director shall direct the expenditure of such sum for the purposes appropriated.

[F.R. Doc. 60-5717; Filed, June 21, 1960; 8:47 a.m.]

Office of Minerals Exploration

[30 CFR Part 301]

REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES

Eligible Minerals or Mineral Products and Disposition of Property Belonging to the Operator and the Government Jointly

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Public Law 85–701 (72 Stat. 700) it is proposed to amend 30 CFR Part 301. The purpose of this amendment is to make additional types of asbestos and beryllium ores eligible for exploration assistance offered under these regulations and to clarify the provisions for filing applications and the provisions for disposition of property belonging to the operator and the Government jointly.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Office of Minerals Exploration, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JUNE 16, 1960.

§ 301.3 [Amendment]

1. In § 301.3 the word "(strategic)" following asbestos, second in the list of minerals, is deleted, and the word "Beryl", fourth in the list of minerals, is changed to "Beryllium".

2. In § 301.5 the word "by" is changed to "with" to make the introductory sentence read:

§ 301.5 Form and filing.

An application for Federal financial assistance must be submitted in triplicate on forms which may be obtained from and filed with either:

3. Section 301.15 is amended to read as follows:

§ 301.15 Title to and disposition of property.

Facilities, buildings, fixtures, equipment, or other items or groups of items (such as pipe, rail, steel, etc.), costing more than $50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contributions to the extent set forth in the contract. The exploration contract shall make suitable provisions also for their disposal for the joint account of the operator and the Government.

[F.R. Doc. 60–5716; Filed, June 21, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO–293–A2]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Washington, D.C., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Washington, D.C., on February 8, 1960, pursuant to notice thereof which was issued January 27, 1960 (25 F.R. 805).

The material issues on the record of the hearing relate to:

1. The definition of "dairy farmer for other markets".

2. Location differential adjustments to handlers.

3. Accounting for milk received from farmers in bulk tank trucks.

4. Date of announcement of uniform price and dates on which payments to and from the producer settlement fund are made.

Findings and conclusions. The findings and conclusions relative to issue No. 1 were dealt with in a separate decision issued by the Assistant Secretary on March 15, 1960 (25 F.R. 2261). The following findings and conclusions on issues 2, 3, and 4 are based on evidence presented at the hearing and the record thereof:

2. The provisions of the order relative to location differential adjustments on Class I milk should not be changed.

The particular provision of the order at issue concerns the allowance for transportation cost which applies at pool plants 75 miles or more from the milestone in Washington, D.C. Such allowance is expressed as a differential to be subtracted from the Class I price and thus tends to equalize at the marketing area the minimum prices for Class I milk originating from nearby and more distant sources. In the case of milk transferred between plants, the location allowance applies only to that part of the transferred milk which is needed for Class I use in the transferee plant. Accordingly, the provision calls for a computation which assigns transferred milk to available Class II disposition in the transferee plant before assigning any to Class I disposition. Further, in any case where a pool plant receives milk from more than one other plant, the computation of location differential allowance for the transferring plants requires that the Class II milk in the transferee plant be assigned first to the transferor plant having the largest differential, and so on in sequence to that plant having the smallest differential.

The system of order pricing thus recognizes the cost of transportation for moving milk from outlying plants to the marketing area. Other movements of milk directly from producers' farms to plants in the marketing area are subject to hauling charges which are paid by each producer. These hauling charges are allowable under the order, but the rate is not specified. Under these circumstances, all milk moving to the market whether directly from farms or through plants, is subject to transportation charges which are borne by producers.

A proposal of the Queen City Cooperative Dairy would provide that, for the purpose of computing location differential credit to a handler transferring milk from his pool plant to another pool plant, the transferred milk should be considered to be Class I and Class II milk in the same proportion as all milk in the transferee plant.

The Queen City Cooperative operates plants at South Cumberland, Maryland, and Meyersdale, Pennsylvania, 146 and 169 miles, respectively, from the milestone in Washington, D.C. Location differentials of 24 and 27 cents per hundredweight, respectively, are applicable at these plants. These plants qualify for pool status on the basis of shipments to a pool plant from which fluid milk is distributed in the marketing area. In addition to receipts of milk from the two plants operated by the Queen City Cooperative, the pool distributing plant receives milk directly from nearby sources.

Utilization at the plant to which the proponent ships milk is largely for fluid distribution, but the plant also manufactures cottage cheese and sour cream. Cream in excess of plant requirements is disposed of to other plants for manufacturing purposes.

For the purpose of illustrating the effect of the proposal, it may be assumed that all of the Class II milk at the pool distributing plant is assigned to the milk from the Queen City plants. The Class II utilization at the distributing plant was said to be usually about 5 percent of total receipts from all sources. This would be equal to about 5.5 percent of the milk from the Queen City plants, which supply about 90 percent of the

milk received. On the basis of these figures, 5.5 percent of the shipped-in milk would be assigned, under the existing order provisions, to Class II milk for purposes of computing the location allowance. Under the proposed revision, the percentage of shipped-in milk assigned to Class II milk should be 5 percent.

The possible effects of the proposal are not confined to the particular situation of the proponent, however, and should be examined in light of its implications for the entire market.

The proponent witness pointed out that some other Federal orders provide different methods of computing transportation allowance, including one similar to that proposed here. The question must be raised in this connection, however, whether the particular circumstances in this market justify such broader application of the transportation allowance. Under the Washington order the entire value of all producer milk is pooled under a marketwide pool. Accordingly, any increase in the transportation allowance on the milk shipments from any one plant would be an additional cost borne by all producers in the market. It was not shown, however, that such additional cost to the pool resulting from this proposal would be justified on the basis of needs of the Class I market. On the contrary, the circumstance that the operations at the distributing plant include the regular manufacture of cottage cheese and sour cream raises the question of whether the milk shipped is partly for the purpose of supplying such Class II business.

The need to limit the application of the transportation allowance must be considered in the light of possible supply arrangements which, under the proposal, would result in a greater cost to the market pool than under the present order provision. For instance, if a distributing plant receives just enough milk directly from farmers to cover its Class I milk distribution, and also carries on a Class II milk manufacturing operation which uses an equal, additional volume of milk, then any milk shipped to such plant from a plant where a location differential applies would not be eligible for transportation allowance under the present order. Under the proposal, however, there would be a deduction from the value of the market pool of the amount of the location differential on half of such shipped-in milk. This cost to producers would be in addition to the hauling charges paid by those producers whose milk moved directly from their farms to the first plant. Under this situation, it is clear that producers for the market would be bearing part of the cost of moving milk going into manufacturing uses. This result is not within the purpose of the Class I milk transportation allowance previously stated herein.

3. Payment for bulk tank milk should be based upon the quantity measured at each farm.

A proposal made by a handler would provide that for producers who have farm tanks, payment would be on the basis of the quantity of milk measured by scales (or other device) at the handler's plant, rather than on the quantity of milk in each farm tank as determined by dip-stick readings made at the farm. Any difference between the plant weight and the stick readings would be prorated to the producers whose milk deliveries are included in the same tank truck, using the amounts resulting from the respective stick readings and their sum as the basis for such proration.

Most of the milk of producers for this market is picked up at farms by tank trucks. Ordinarily the milk of several farmers is combined in one truck load before delivery to the plant. It is customary that the quantity of milk picked up at each farm is measured by use of a dip-stick or other device for measuring the level of the milk in the farm tank. This measurement is converted to pounds of milk on the basis of a chart or table which shows quantities corresponding to each such measurement. The producer of the milk is furnished a receipt for such quantity of milk drawn from the tank. Such method of accounting for milk to the producer has become accepted practice not only in this market but generally in markets where farm tanks have been put in use.

It was contended by proponent that the quantities of milk delivered to his plant in tank trucks as measured by his plant scale are consistently less than the total of the quantities measured by the hauler at the farms from which the milk on the truck is obtained. Various reasons cited as to why differences could occur included inaccurate calibration of the farm tank, failure of the milk hauler to pump all of the milk out of the farm tank, errors in reading the level of milk in the tank, errors in recording the quantities, and losses of milk after being pumped into the tank truck but prior to being placed in a holding tank at the plant. It was contended further that regardless of how perfectly the calibration may be made for any farm tank, the measurement of milk quantities based thereon can be only an approximation of the actual quantity.

As to the amounts of differences which actually have occurred, however, the proponent handler did not present specific data showing actual experience. The only data presented on the record from actual experience were given by a cooperative association engaged in picking up milk at farms in its own tank trucks and delivering such milk to handlers' plants. It found the indicated loss between farm measurements and plant weights in one month to be 19,070 pounds in the handling of approximately 60 million pounds of milk. This amounted to a difference of farm tank measurements over plant scale readings of about $^{3}/_{100}$ of one percent of the milk involved. In another month the total of the plant scale readings exceeded the total of quantities shown by farm tank measurements, in this case also by a very small percentage. A handler other than proponent testified that scale weights at his plant have been both above and below the farm stick measurements on the same milk.

On the basis of the only statistical data submitted on the record, it must be concluded that the normal differences have been relatively small. It is not unreasonable with present-day facilities for measuring, to consider some variation in results between these two methods as normal, even in situations where the farm tank calibrations and the plant scale have been checked by public authorities. In other words, there are practical limits of accuracy in either method of measuring the quantities of milk deliveries by the producer.

As previously stated, the proposal of the handler would base his obligation to producers upon the quantity of milk as determined by his plant scale rather than on the individual quantities measured at producer farms. In such weighing of the truck load as delivered to the plant, the individual quantities from each producer, of course, are obscured. The Act, on the other hand, requires that each order issued thereunder shall establish uniform, minimum prices to all handlers based upon use classification of the milk and provide for the payment of uniform prices to all producers. To fulfill these requirements, preserving equity among handlers and in the distribution of returns among individual producers, there must be a uniform method by which the milk from each producer may be known before it is combined with other milk.

The proposed method of arriving at the quantity of milk for which an individual producer would be paid would be subject, however, to aberrations not strictly related to the measurement of such producer's milk. For example, if under the proposed method, an error occurred in the measurement of milk at any farm, the error would be reflected in the returns to all producers whose milk was picked up in the same truck load.

From a practical standpoint the only available method of measurement which, in the bulk of cases, may be applied to the milk of each producer individually is that taken at the farm. In the unusual case where a single producer's milk constitutes the entire load for one tank truck, the same basis of measurement should be used in order to maintain equity among producers and a uniform method of accounting for milk by handlers. There is in this case, however, an opportunity to compare the two kinds of measurements on the same producer's milk, and if, in any particular instance an unusual difference occurs, the proper resolution should depend on available evidence as to the cause. The proposed method of plant scale reading should not be adopted as the basis of accounting for deliveries to handlers by individual producers.

4. The date on which the uniform price must be announced should be changed from the 10th to the 11th of each month.

Handlers' reports of receipts and utilization must be submitted to the market administrator no later than the 8th day of each month. Such reports are used by the market administrator to compute and announce the uniform price on or before the 10th day of each month. When a weekend or holiday falls in the period between the date on which reports are due and on which the uniform price must be announced, an unnecessary burden is placed on the market admin-

istrator in announcing the uniform price by the date specified. The proposed change would not affect the date on which payments to producers are made for their milk. The change was unopposed at the hearing.

To be consistent with the announcement of the uniform price on the 11th day of each month, the dates on which payments to and from the producer settlement fund are made should be changed from the 11th and 12th day of each month, respectively, to the 12th and 13th day of each month, respectively.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Washington, D.C., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 902.22, delete the word "10th" in paragraph (j)(2) and substitute therefor "11th".

2. In § 902.84, delete the word "11th" and substitute therefor "12th".

3. In § 902.85, delete the word "12th" and substitute therefor "13th".

Issued at Washington, D.C., this 17th day of June 1960.

ORIS V. WELLS,
Administrator.

[F.R. Doc. 60-5737; Filed, June 21, 1960; 8:50 a.m.]

[7 CFR Part 928]

[Docket No. AO-227-A10]

MILK IN NEOSHO VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pittsburg, Kansas, on January 14-15, 1960, pursuant to notice thereof issued on December 23, 1959 (24 F.R. 10913).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 11, 1960 (25 F.R. 4327) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The level of the Class II price;
2. Expansion of the marketing area;
3. Revision of the Class I price and provisions regarding handlers subject to other orders;
4. Providing a separate subclassification and lower price for concentrated milk products;
5. Providing a separate classification and lower price for milk used to produce specified manufactured dairy products;
6. Changing the scope of regulation by raising the pool plant requirements and limiting the diversion privilege;
7. Providing for individual-handler pools;
8. Changing the base-setting months;
9. Substituting a modified take-out and pay-back plan for the base rating plan; and
10. Administrative changes.

Issue number 1 was dealt with separately and an order amending the order was issued March 28, 1960 (25 F.R. 2722).

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. *Marketing area.* The marketing area should be expanded to include Chautauqua County, Kansas.

At the time of the hearing all of the milk being sold in this county was priced under the Neosho Valley and Wichita milk marketing orders. While there is, therefore, no immediate change in milk marketing conditions to be provided by the extension of regulation in this county, such extension will provide assurance to the present handlers that effective minimum prices will apply to all handlers who may enter the sales territory. The major portion of sales are by handlers regulated under the Neosho Valley order and it is, therefore, appropriate that the county be included in this marketing area. No opposition to the proposed expansion was expressed at the hearing or in the briefs filed by interested parties.

The marketing area should not be expanded to include the three Oklahoma counties of Washington, Nowata, and Craig. Such expansion would bring under regulation two handlers who are not now subject to any orders. One of these is operating as a producer dealer and distributing only in Nowata County. The other purchases milk from eight dairy farmers and distributes in Craig County and also in Ottawa County, which was not proposed to be regulated.

The major portion of Class I sales in each of the three Oklahoma counties is made by handlers regulated under the Neosho Valley and Oklahoma Metropolitan orders. There was no evidence that producers supplying the unregulated plants are facing any milk marketing problems which would prompt them to request extension of regulation. Neither was it shown that any regulated handlers in either of the adjacent regulated markets faced any competitive problems with the unregulated handlers which were based on prices paid for milk.

In the circumstances, the three Oklahoma counties should not be included in the Neosho Valley marketing area.

3. *Class I price.* There should be no change in the Class I price provisions of the order nor in the provisions regarding milk marketed by handlers operating plants subject to other Federal orders.

The essential elements of the Class I price problem include the ability and willingness of local shippers to continue to furnish an adequate supply of milk to the local handlers and the relationship of the Neosho Valley Class I price to that prevailing in the other directly competitive markets.

In recent years, the fully regulated Neosho Valley handlers have obtained their entire supplies of Class I milk from regular producers. However, there has been a significant shift in the origin of such producers. In August 1958, a substantial number of new shippers were shifted from the Ozarks market to the Neosho Valley market and an additional number were similarly transferred in August 1959. On the other hand, there has been a loss of shippers from the Neosho Valley market into northeastern Oklahoma. In addition, the handler

drawing milk from the northeastern Oklahoma territory has paid significant premiums in order to hold his remaining shippers.

Handlers regulated under other Federal orders have substantial route sales in the Neosho Valley marketing area. At the time of the hearing this competition included handlers regulated under the Ozarks, Kansas City and Wichita orders. Neosho Valley handlers also compete for sales outside the marketing area with handlers regulated under the Oklahoma Metropolitan and Ozarks orders. Such competition is most extensive with respect to handlers regulated under the Oklahoma Metropolitan order located at Tulsa and Ponca City which are in the minus 10-cent zone. The major Neosho Valley handlers distribute fluid milk throughout the Neosho Valley market.

The Neosho Valley Class I price is determined by a basic formula plus a Class I differential which averages $1.34. This price is further subject to limits of the Ozarks Class I price plus 15 cents and the Oklahoma Metropolitan Class I price less 33 cents. Effective April 1, 1960, the Ozarks Class I price is in fixed relationship to the St. Louis Class I price inclusive of a supply-demand adjustment based on St. Louis utilization data, and St. Louis, in turn is tied to the Chicago Class I price. Official notice is hereby taken of the Assistant Secretary's decision of March 24, 1960, regarding proposed amendments to the Ozarks milk marketing order (25 F.R. 2626). The Kansas City Class I price averages $1.35 over a basic formula price and is subject to a supply-demand adjustment; the Wichita Class I price is $1.65 over a basic formula price and is subject to a supply-demand adjustment and the Oklahoma Metropolitan Class I price averages $1.85 over a basic formula price and is subject to a supply-demand adjustment.

In 1957 the Neosho Valley Class I price for 4.0 percent milk averaged $4.83, in 1958 it was $4.78, and in 1959 it was $4.77. For the same years the Class I prices for 4.0 percent milk in the Ozarks (at Springfield, Mo.) averaged $4.40, $4.40 and $4.40, in Kansas City $4.85, $4.81 and $4.75, in Wichita $5.19, $5.06 and $4.98, and in Oklahoma, at Tulsa and Ponca City, $5.10, $5.09 and $5.07.

Since the Neosho Valley milk market is affected by competition in procurement from handlers in these other markets some of which operate on higher and some on lower price levels, it is impossible to establish a uniform Class I price for the Neosho Valley market which is in close alignment with each of these other markets.

The possibility of establishing price zones within the Neosho Valley market was extensively explored at the hearing. Such consideration was in terms of a lower priced zone at Joplin, Missouri, where the competition from Ozarks handlers is most extensive and where Neosho Valley producer prices appear most attractive to Ozarks shippers, and to a higher priced zone in the western part of the market, including Coffeyville, Kansas, where procurement and sales competition with the Oklahoma handlers is most extensive. However, zoning does not appear from this record to be an adequate solution to the price alignment problem because handlers located in the western part of the market at points such as Coffeyville and Parsons sell milk throughout the marketing area and beyond it, while the Joplin handlers also cover the entire market. Therefore, zone pricing would create lack of uniformity in prices paid by handlers competing within the Neosho marketing area.

Under the Neosho Valley order, there is a charge on milk distributed in the area from plants subject to any other Federal order under which the Class I price is less than under the Neosho Valley order. It was proposed at the hearing that this charge be eliminated. The payment, at a rate based on the difference in Class I prices at the location of the plant at which the milk is received from farmers, is paid into the producer settlement fund of the order under which such farmer's milk is pooled and priced.

In practice, the payment applies only to milk received at plants regulated under the Ozarks order. This payment is designed to assure the Neosho Valley handlers that Ozarks handlers will not have a competitive price advantage in distributing milk within the Neosho market at a lower Class I price than that prevailing under this order.

It is concluded that no change should be made in the pricing provisions relative to Class I sales in the Neosho Valley market by handlers regulated under other Federal orders.

4. *Concentrated milk products.* The proposal for separate classification and a 30-cent lower price on "concentrated milk products marketed in competition with fluid Grade A milk" should not be adopted.

This proposal referred to concentrated milk products other than evaporated milk. Such products are still in the preliminary stages of development and market acceptance. They include various frozen and hermetically sealed concentrates which are designed to provide longer keeping quality than fresh fluid milk but are not considered evaporated milk.

No such products are currently being sold in the Neosho Valley marketing area. At this time, it is not possible to develop an accurate definition of the product involved or to determine the manner in which plants which might produce a given concentrated milk product might be regulated. There is, therefore, no basis at this time for developing appropriate amendments to the order to deal with concentrated milk products.

5. *Proposed Class III.* It was proposed that milk used to produce butter, nonfat dry milk, hard cheese, and evaporated milk be classified separately in a new Class III and be priced at the level of prices paid by local manufacturing plants. This was advanced as a counterproposal to the proposals for increasing the Class II price.

The Class II price issue was considered in the decision of the Assistant Secretary, issued March 22, 1960 (25 F.R. 2535). The amendments described in the decision became effective April 1, 1960. The decision dealt with all manufacturing uses of pooled milk in this market and the proposals for a separate Class III is, therefore, denied on the basis of the findings in that decision.

6. *Pool plants and diversion.* The notice of hearing contained two proposals for raising the pool plant standards and two for limiting the diversion privilege. One of the pool plant proposals was not supported by its proponent at the hearing.

The principal bargaining association of producers contended that an unduly low Class II price was in fact the principal factor in the rather large portion of Class II milk carried by some handlers in this market. Moreover, the conversion from the handling of milk in 10-gallon cans to farm bulk tanks is taking place in this market. The association desires a maximum degree of flexibility in the movement of milk from farm to market during the transition period. It also expects to be able to reassign milk between handlers, thereby reducing the need for amendment of the pool plant requirements.

Official notice is taken that the order was amended effective April 1, 1960, to raise the Class II price. It is concluded that the effects of this action and of further conversion to bulk tank pickup should be studied before any further consideration is given to amendment of the pool plant standards or the diversion provisions.

7. *Individual-handler pools.* The proposal to substitute individual-handler pools for the marketwide pool was made by the handler who procures a portion of his supply from producers located in Oklahoma. With respect to this supply, he is in direct competition with Oklahoma handlers at higher blend prices and has paid premiums in order to hold these shippers.

This handler has also had a higher annual average utilization than the marketwide average. Individual-handler pools would, therefore, enable him to pay more to his shippers at any given level of class prices and would correspondingly reduce his premium payments. Some aspects of his procurement problem were considered in the findings and conclusions regarding Class I prices.

Since the inception of the Neosho Valley order, several handlers have undertaken substantial specialization in the handling of Class II milk while other handlers have concentrated on Class I operations and have diverted or transferred their reserve milk to manufacturing plants. It follows that individual-handler pools would cause far-reaching changes in the marketing of milk. It is concluded that the order should not be amended to provide for individual-handler pools.

8. *Base-rating.* The base forming months should be September through December.

The K.M.O. Milk Producers Association proposed that the base forming months should be September through December rather than August through November. The proposal was endorsed at the hearing by the Neosho Valley Cooperative Creamery Association. This proposal was supported primarily on the grounds that the percentage of producer

milk in Class I had decreased during August and had increased in December 1958 and 1959 as compared to the percentage recorded for the same months of previous years.

The recommended decision proposed no change in the base forming months. The proponent producers, in their exceptions, pointed out that there has been a substantial change in the average daily production per producer during the fall and winter months, as well as an increase in the regular Class I sales of regulated handlers in the months of September through December as compared to the months of August through November.

In the past two years the seasonal pattern of the milk supply relative to Class I sales has changed. In 1958 the month of August was the month with the second largest supply in relation to Class I sales while in 1959 August was the month of largest supply. On the other hand, the supply of milk has become less in relation to Class I sales in December. During December 1958 and 1959 the utilization of producer milk in Class I was 81.92 and 67.69 percent, respectively, whereas the average utilization during the present base forming months of August through November 1958 and 1959 was 78.52 and 65.07 percent, respectively. These changes in the utilization of producer milk in Class I are largely the result of a change in the seasonal pattern of the average daily production per producer.

In view of the above facts and the support by the two cooperative associations representing producers in the market for the change in the base plan, the base forming months should be September through December.

9. *Modified seasonal incentive plan.* A new type of seasonal incentive plan was also considered at the hearing. It involved establishing rates of payback ranging from zero in the case of producers whose daily deliveries in the payback months were below 70 percent of their deliveries in the takeout months, to a maximum payback to those producers whose payback deliveries were equal to or above their takeout deliveries. Determination of an individual producer's fall incentive payment under this method requires classifying of producers and other determinations prior to payment.

One deficiency in the proposal is that not all producers would receive the same reward for making some improvement in the seasonality of their productions. For example, those who brought their fall production up from 50 percent of the flush season average to 69 percent would still be in the category which receives no portion of the fall payback.

The success of any fall incentive plan is related to the degree of producer knowledge and acceptance of its operation. Since the proposed new plan was not supported by two cooperatives representing the great majority of shippers serving the market, it is concluded that such an incentive payment plan should not be adopted at this time.

10. *Administrative change.* A necessary administrative change involves deducting from payments to any handlers out of the producer settlement fund any unpaid balances due the market administrator from such handler for the producer settlement, administrative, or marketing service accounts. This provision is required to avoid unnecessary administrative inconvenience.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area", and "Order amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Neosho Valley marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 17th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area

§ 928.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) milk from producers including such handler's own production and (b) other source milk which is classified as Class I.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 928.6 [Amendment]

1. In § 928.6 after "Bourbon" insert the word "Chautauqua,".

§ 928.94 [Amendment]

2. In § 928.94 change the period at the end of the section to a colon and add the following: "*And provided further,* That any payments hereunder shall be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 928.93, 928.95, 928.96 or 928.97."

3. Delete § 928.80 and substitute therefor the following:

§ 928.80 Determination of daily base for each producer.

For each of the delivery periods of February through July the daily base of for each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding delivery periods of September through December by the total number of days for which such producer made deliveries of milk in such period, or by 90, whichever is greater: *Provided,* That, with respect to any producer on "every-other-day" delivery the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 928.81: *And provided further,* That in the case of producers delivering milk to an approved plant which first qualifies as such during any month other than September, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his verifiable deliveries of milk to such plant during the September through December immediately preceding.

4. Delete § 928.83 and substitute therefor the following:

§ 928.83 Announcement of daily bases.

On or before February 15 of each year, the market administrator shall notify each producer of his daily base.

[F.R. Doc. 60-5720; Filed, June 21, 1960; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1016]

MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Notice of Intention To Terminate Order

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), hereinafter referred to as the "act," and of the order regulating the handling of milk in the Northeastern Wisconsin, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) A public hearing was held on certain proposed amendments to the order on March 7–9, 1960, pursuant to notice thereof issued February 17, 1960 (25 F.R. 1521);

(2) The recommended decision of the Deputy Administrator, Agricultural Marketing Service, with respect to the issues in the record of said hearing was filed with the Hearing Clerk, United States Department of Agriculture on May 20, 1960, and published in the FEDERAL REGISTER on May 25, 1960 (25 F.R. 4593);

(3) The decision of the Assistant Secretary was issued on June 13, 1960 (25 F.R. 5397); it adopted the material issues, findings and conclusions of the recommended decision; it included a finding that the incorporation of the amendments in the order would tend to effectuate the declared policy of the act; and it contained an order directing that a referendum be conducted to determine whether producers favored the issuance of the amending order which was a part of said decision;

(4) Less than two-thirds of the producers who participated in said referendum favor the issuance of the said amending order.

Notice is hereby given of intention to terminate Order No. 116, as now in effect, regulating the handling of milk in the Northeastern Wisconsin, marketing area, effective July 1, 1960. Interested parties may submit written data, views, and arguments as to why the said order should not be so terminated. Such written data, views, and arguments should be addressed to the Hearing Clerk, United States Department of Agriculture, and be postmarked on or before June 25, 1960.

Done at Washington, D.C., this 20th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5789; Filed, June 21, 1960; 10:24 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13375]

TELEVISION BROADCAST STATIONS, TABLE OF ASSIGNMENTS; NEW BEDFORD, MASS.-PROVIDENCE, R.I.

Order Extending Time for Filing Comments

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (New Bedford, Mass.-Province, Rhode Island).

In a notice adopted June 8, 1960, the Commission extended the time for filing comments in Docket No. 13340 (Interim Policy on VHF Television Channel Assignments and Amendment of Part 3 of the Rules concerning Television Engineering Standards) in contemplation of the issuance of revised engineering curves for the present high VHF band. At the same time, by separate order, the Commission extended time for filing comments in Docket No. 13374, a proceeding involving a proposed shortspaced high VHF assignment under conditions dependent on the proposed new curves. Inasmuch as the instant proceeding involves assignment of Channel 6, and there will be no revision of the engineering curves for this or any of the other low VHF channels, the Commission did not at the same time extend the time for filing comments in this proceeding.

The Commission now has before it for consideration a Request for Extension of the Time for Filing Comments, filed June 15, 1960, by E. Anthony & Sons, in which it is suggested that the assignment of Channel 6 in the instant proceeding may depend in part on findings as to the coverage of Channels 10 and 12 in Providence, Rhode Island, and Channel 7 in Boston (all high VHF channels) and that therefore the instant proceeding will involve use of the revised curves to be issued in Docket No. 13340. It is therefore urged that we extend the time for filing comments in this proceeding so that it will coincide with that of Docket No. 13340.

We find that this argument has merit.

Accordingly, it is ordered, That the request of E. Anthony & Sons for additional time to file comments is granted, and that the time for filing comments in the above-entitled proceeding is extended from June 20, 1960, to September 1, 1960, and the filing of reply comments is extended from July 5, 1960, to September 16, 1960.

Adopted: June 17, 1960.

Released: June 17, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5785; Filed, June 21, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 637]

CALIFORNIA

Small Tract Classification

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described land, totaling 80 acres in Kern County, California, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 11 N., R. 8 W.,
Sec. 26, S½NE¼.

Containing 80 acres, subdivided into 32 small tracts, none of which are covered by applications from persons entitled to preference under 43 CFR 257.5.

2. Classification of the above-described land by this order segregates it from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The land classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the land to bid.

RAY G. BROWN,
Acting Officer-in-Charge, Southern Field Group, Los Angeles, California.

JUNE 14, 1960.

[F.R. Doc. 60-5712; Filed, June 21, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP60-14]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order for Hearing, Suspending Proposed Tariff Sheet and Accepting Tariff Sheets for Filing

JUNE 15, 1960.

Kansas-Nebraska Natural Gas Company, Inc. (KNCO), on May 16, 1960,[1] tendered for filing Original Sheet No. 35, First Revised Sheets Nos. 9, 31, 32, and Second Revised Sheets Nos. 19, 33 and 34 to its FPC Gas Tariff, Original Volume No. 3. This tariff volume comprises an agreement between KNCO and Northern Natural Gas Company (Northern) dated May 25, 1956, as amended, providing for the sale and delivery to Northern, at a point near Liberal, Kansas, of all gas produced in certain formations under certain leases in Camrick Field, Texas County, Oklahoma. The said Second Revised Sheet No. 19 reflects an increase in rate from 16 cents to 17 cents per Mcf and amounting to an annual increase to Northern of $117,300 or 6.25 percent based upon a test year ended December 31, 1959. The remainder of the tendered tariff sheets reflect the dedication of approximately 12,255 additional acres to the sale.

KNCO proposes that the aforementioned tariff sheets be permitted to become effective on July 1, 1960.

In support of the proposed increased rate, KNCO, among other things, submitted a study including a number of claimed allowances which give rise to questions that can be determined only after a hearing has been held thereon. Among such questionable allowances is included an expense item of $485,020, representing an accrual for future dry gas payments to Gulf Oil Corporation (Gulf) under a certain gas development contract and an additional allowance of over $500,000 for Federal income taxes based upon the claimed dry gas accrual expense. Additionally, KNCO's cost study includes an allowance for return on investment computed at 6.7 percent, the rate which the company seeks in its previous rate increase proceeding in Docket No. G-12391. The propriety of that rate of return is an issue pending before the Presiding Examiner in that proceeding.

The proposed changes in rates, charges, classifications, and services provided for in Second Revised Sheet No. 19 to KNCO's FPC Gas Tariff Original Volume No. 3, tendered by KNCO on May 16, 1960, as modified on May 26, 1960, may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in KNCO's FPC Gas Tariff, Original Volume No. 3, as proposed to be amended by the tariff sheets tendered on May 16 and 26, 1960, and that proposed Second Revised Sheet No. 19 thereof and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest, and to aid in the enforcement of the Natural Gas Act, that the proposed Original Sheet No. 35, First Revised Sheets Nos. 9, 31, 32 and Second Revised Sheets Nos. 33 and 34 to KNCO's FPC Gas Tariff, Original Volume No. 3, be accepted for filing as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natuarl Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in KNCO's FPC Gas Tariff, Original Volume No. 3, as proposed to be amended by the aforementioned tariff sheets tendered on May 16 and 26, 1960.

(B) Pending such hearing and decision thereon the said Second Revised Sheet No. 19 to KNCO's FPC Gas Tariff, Original Volume No. 3, be and it is hereby suspended and the use thereof deferred until August 1, 1960, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) KNCO's Original Sheet No. 35, First Revised Sheets Nos. 9, 31, and 32, Second Revised Sheets Nos. 33 and 34 to its FPC Gas Tariff, Original Volume No. 3, are hereby accepted for filing effective July 1, 1960, subject, however, to the hearing hereinabove provided.

(D) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 of the Natural Gas Act, as amended; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract or practice affecting such service or rate provided for in the above described tariff sheets, nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending, or hereafter instituted, by or against Kansas-Nebraska Natural Gas Company, Inc.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)), on or before August 1, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5709; Filed, June 21, 1960; 8:46 a.m.]

[1] On May 26, 1960, KNCO retendered Second Revised Sheets Nos. 19, 33, and 34 to said tariff in replacement of some of the sheets tendered on May 16, 1960, for the sole purpose of correcting designations and a clerical omission.

[Docket No. G-19510]

TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

JUNE 15, 1960.

Take notice that on September 21, 1959, Texas Gas Transmission Corporation (Applicant), filed an application and supplements thereto on January 29, 1960, March 30, 1960 and April 26, 1960, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and development of the West Greenville Field in Muhlenberg County, Kentucky, as an underground gas storage field, and the abandonment by sale of its existing Hickory School and Grandview Storage Fields in Daviess County, Kentucky, all as more fully set forth in the application and supplements on file with the Commission and open to public inspection.

Applicant has entered into a contract with Western Kentucky Gas Company (Western Kentucky), dated August 31, 1959, whereby Applicant has agreed to purchase all of the rights and interests of Western Kentucky in the West Greenville Gas Field. Applicant proposes to ultimately develop and operate the field as a gas storage reservoir with an estimated peak-day deliverability of 85,000 Mcf. In connection with the development of the storage to a capacity of 21,500 Mcf per day, Applicant requests the following authority:

(1) To construct and operate one 1,760 horsepower compressor station, one dehydration plant and one meter station in the West Greenville Field and approximately 29.5 miles of 12-inch pipeline connecting the West Greenville Field to the main line facilities of Applicant near Slaughters, Kentucky.

(2) To exchange gas with Western Kentucky during the initial development period of the Field; and

(3) Upon development of the West Greenville Field to a peak-day withdrawal capacity of 21,500 Mcf, to abandon by sale to Western Kentucky, in accordance with the aforementioned agreement, all rights and interests of Applicant in the Hickory School and Grandview Storage Fields, having a combined peak-day withdrawal capacity of 21,500 Mcf, together with all pipelines and equipment presently owned by Applicant connecting such fields to Western Kentucky's distribution system in and near Owensboro, Daviess County, Kentucky.

The facilities for which authority is requested are estimated to cost $2,506,000 and will be financed from funds on hand or short-term bank loans. Other costs involved in the acquisition of the West Greenville Storage, to be paid when a capacity of 21,500 Mcf per day is accomplished amount to a net of $1,055,527, resulting in a total cost for the project of $3,561,527.

Although Applicant anticipates an ultimate capacity of 85,000 Mcf per day, no increase in the presently certificated sales of Applicant is proposed at this time.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 18, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 8, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5710; Filed, June 21, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12787 etc.; FCC 60-682]

WALTER L. FOLLMER ET AL.

Memorandum Opinion and Order Severing Applications From Proceeding

In re applications of Walter L. Follmer, Hamilton, Ohio, Docket No. 12787, File No. BP-11323; Interstate Broadcasting Company, Inc. (WQXR), New York, New York, Docket No. 12790, File No. BP-11707; Booth Broadcasting Company (WTOD), Toledo, Ohio, Docket No. 12793, File No. BP-12035; for construction permits.

1. The Commission has before it for consideration (1) a petition for severance, filed on April 21, 1960, by Booth Broadcasting Company, and (2) the reply of the Commission's Broadcast Bureau, filed on May 4, 1960.

2. By Order released March 10, 1959 (FCC 59-194), the Commission designated for consolidated hearing twenty-three applications including those of Booth Broadcasting Company, Walter L. Follmer and Interstate Broadcasting Company, Inc. The latter applications were severed from the multi-party proceeding by Order released May 28, 1959 (FCC 59-508), and consolidated for a separate hearing to resolve issues pertaining solely to their applications. Coshocton Broadcasting Company (WTNS), Washita Valley Broadcasting Company (KWCO), and E. Weaks McKinney-Smith (WDXR), parties respondent in the original proceeding (FCC 59-194), were severed and made parties to this proceeding (FCC 59-508). Subsequently, Washita Valley defaulted as a party because of failure to file an appearance as required by § 1.170(e). (FCC 59-576).

3. The hearing issues applicable to the petitioner are an area and population issue, a standard interference issue, an interference issue between petitioner's proposed operation and WTNS, an issue as to whether petitioner's transmitter meets the requirements of § 3.188 of the Commission's rules, an issue as to whether the transmitter site is satisfactory in respect to obstructions to the proposed directional antenna radiation pattern, and a multiple ownership issue. Petitioner Booth now requests that its application to increase the power of Station WTOD from 1 kw to 5 kw, daytime only, be severed from the above-captioned proceeding and that Coshocton Broadcasting Company (WTNS) be made a party to the proceeding involving Booth's application.

4. In support of its request, Booth states that its proposal does not involve any interference problems with the other proposals in this proceeding except for the interference which its proposed operation would cause to that proposed by Follmer. This interference, according to Booth, would affect 6.6 percent of the population within Follmer's proposed 0.5 mv/m contour, and the area of interference presently receives a minimum of 9 and a maximum of 13 other services. Booth further alleges that the total daytime interference to Follmer by existing stations and pending proposals is less than 10 percent, and that the interference between Follmer and Interstate relates solely to nighttime operations. There is no issue between respondent Coshocton Broadcasting Company (WTNS) and either of the other applicants in this proceeding, and no issue exists between respondent E. Weaks McKinney-Smith and petitioner.

5. The Broadcast Bureau has no objection to petitioner's request, but points that 8.6 percent of the population within Follmer's 0.5 mv/m contour will receive interference from petitioner's proposal rather than 6.6 percent as petitioner has indicated. Follmer and Interstate have consented to the grant of the petition, and Follmer is willing to accept the interference to his proposal from petitioner's proposed operation.

6. It is the Commission's view that the instant petition should be granted. Booth's proposal is not involved in any interference problems with the proposal of Interstate, and the interference caused to Follmer's proposal is within the limits prescribed by § 3.28(c) of the rules, the interference area is presently served by numerous other stations, and Follmer has agreed to accept the interference. Hence, there is no reason for retaining Booth's application in the

above-captioned consolidated proceeding. Coshocton Broadcasting Company's Station WTNS would receive interference only from the Booth proposal, and Coshocton Broadcasting Company will therefore be made a party respondent to the severed proceeding.

Accordingly, it is ordered, This 15th day of June 1960, that the petition of Booth Broadcasting Company, filed April 21, 1960, is granted;

It is further ordered, That the application of Booth Broadcasting Company (BP–12035) is severed from the above-captioned proceeding;

It is further ordered, That the application so severed shall be retained in hearing to resolve the issues pertaining to it;

It is further ordered, That respondent Coshocton Broadcasting Company (WTNS) is also severed from the above-captioned proceeding and is hereby made a party to the proceeding on the severed application.

Released: June 17, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5734; Filed, June 21, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 333]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 17, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63237. By order of June 16, 1960, the Transfer Board approved the transfer to Herda Alaska Truck Lines, Inc., Minot, N. Dak., of Certificate in No. MC 113573, issued September 30, 1953, to Albert M. Herda, doing business as Herda Alaska Truck Lines, Minot, N. Dak., authorizing the transportation of: General commodities, except those of unusual value, Class A and B explosives, and commodities requiring special equipment, between Minneapolis, St. Paul, Duluth, and Fosston, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, ports of entry on the United States-Canadian boundary line at Sweetgrass, Mont., and Blaine, Wash. Herda Alaska Truck Lines, Inc., was also substituted as applicant in Nos. MC 113573 Sub 4 and MC 113573 Sub 5. Alan Foss, 502 First Nat'l Bank Building, Fargo, N. Dak., for applicants.

No. MC–FC 63265. By order of June 16, 1960, the Transfer Board approved the transfer to Kirk Trucking Service, Inc., Huntingdon Valley, Pa., of the operating rights set forth in Permits Nos. MC 55121 and MC 55121 Sub 1, issued by the Commission July 7, 1942, and February 27, 1948, respectively to Amos Kirk, doing business as Kirk's Trucking Service, Huntingdon Valley, Pa., authorizing the transportation, over irregular routes, of boilers, boiler parts, economizers, water walls, headers, stokers, powerhouse installation materials, steel and steel products, machinery, contractors' tools and equipment, office equipment, and architects' supplies, between Cornwells Heights, Pa., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia, and between Philadelphia, Pa., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia, and contractors' equipment and supplies, non-ferrous castings, bronze and bronze products, metal in bulk, machinery, lumber and lumber patterns, mill equipment, and building and construction materials, supplies and equipment, between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania and New Jersey, and the addition of transferee as a respondent in Docket No. MC 55121 Sub 2. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa.

No. MC–FC 63309. By order of June 16, 1960, the Transfer Board approved the transfer to Edgar W. Wolf, doing business as Reedsport Motor Freight, Reedsport, Oregon, of the operating rights set forth in Certificate No. MC 7183, issued by the Commission November 15, 1954, to Elmer Imus, doing business as Reedsport Motor Freight, Reedsport, Oregon, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Eugene, Oreg., and Winchester Bay Oreg. William Jayne, Medical Dental Building, Reedsport, Oreg. for applicant.

No. MC–FC 63313. By order of June 15, 1960, the Transfer Board approved the transfer to Rodney G. James, Pittsburgh, Pennsylvania, of the operating rights set forth in Certificate No. MC 34623, issued by the Commission May 27, 1941, to Andrew J. Amrhein, Frank J. Amrhein, and Jacob Amrhein, a partnership, doing business as Amrhein Motor & Transfer Company, Pittsburgh, Pa., authorizing the transportation, over irregular routes, of glassware, between Fairmont, W. Va., and Pittsburgh, Pa., elevator machinery and equipment used or useful in the installation or removal of elevator machinery, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland, and chemicals, between Pittsburgh and Natrona, Pa., on the one hand, and, on the other, points in Ohio and West Virginia. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., for applicants.

No. MC–FC 63322. By order of June 16, 1960, the Transfer Board approved the transfer to Vincent L. Gritsch, Los Altos, Calif., of Certificate No. MC 31437, issued June 19, 1957, in the name of Roy J. Christensen, doing business as Peavine Transfer & Warehouse Co., Reno, Nev., authorizing the transportation (1) over regular routes of general commodities, between Truckee, Calif., and Tahoe City, Calif., serving all intermediate points, all on-rail off-route points within 2 miles of the route as specified; and the off-route point of Squaw Valley, Calif. (excluding household goods); general commodities excluding household goods, and various specified commodities, between Tahoe City, Calif., and the California-Nevada State line, serving all intermediate points, the off-route point of Fallen Leaf, Calif., and off-route points in California on Lake Tahoe; general commodities, excluding household goods, commodities in bulk, and various specified commodities, between Reno, Nev., and Tahoe City, Calif., serving all intermediate points; and off-route points in Nevada and California within 5 miles of the shore of Lake Tahoe; (2) over irregular routes, livestock, wool, grain, and potatoes, between points in Nevada and California within 75 miles of Reno, Nev., including Reno. Edward M. Berol, 100 Bush Street, San Francisco 4, Calif., for applicants.

No. MC–FC 63330. By order of June 16, 1960, the Transfer Board approved the transfer to Olaf C. Braseth and Geraldine E. Braseth, a partnership, doing business as La Grande Transfer & Warehouse Co., La Grande, Oreg., of Certificate No. MC 108296 issued March 1, 1957, in the name of Olaf C. Braseth and Carl F. Kellenberger, a partnership, doing business as La Grande Transfer & Warehouse Co., La Grande, Oreg., authorizing the transportation of household goods, over irregular routes, between points in Union and Wallowa Counties, Oreg., on the one hand, and, on the other, points in Idaho; and between points in Union, Baker, and Wallowa Counties, Oreg., on the one hand, and on the other, points in Washington. Olaf C. Braseth, 1305 Jefferson, La Grande, Oreg., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–5724; Filed, June 21, 1960; 8:49 a.m.]

[Notice 127]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 17, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–2542 (Deviation No. 7) ADLEY EXPRESS CO., 216 Crown Street, New Haven, Conn., filed June 6, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) from the junction of Interstate Highway 95 and U.S. Highway 1 over Interstate Highway 95 to the Massachusetts-New Hampshire State line, (B) from the Massachusetts-New Hampshire State line over Interstate Highway 95 to the New Hampshire-Maine State line, and (C) from the southern terminus of the Maine turnpike at Kittery, Maine over the Maine turnpike to its northern terminus at Augusta, Maine, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to junction Maine Highway 201, thence over Maine Highway 201 to junction U.S. Highway 201, thence over U.S. Highway 201 to North Anson, Maine; from Boston over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to junction Maine Highway 201, then over Maine Highway 201 to junction U.S. Highway 201, thence over U.S. Highway 201 to Skowhegan, Maine, thence over Maine Highway 147 to junction Maine Highway 148, thence over Maine Highway 148 to junction U.S. Highway 201, thence over U.S. Highway 201 to North Anson; from Boston over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to junction Maine Highway 201, thence over Maine Highway 201 to junction U.S. Highway 201, thence over U.S. Highway 201 to Augusta, Maine, thence over Maine Highway 27 to Belgrade, Maine, thence over Maine Highway 11 to Oakland, Maine, thence over Maine Highway 137 to junction U.S. Highway 201, thence over U.S. Highway 201 to North Anson; from Boston over U.S. Highway 1 to Portland, Maine, thence over Maine Highway 26 to Gray, Maine, and thence over Maine Highway 4 to Farmington, Maine; from Boston over U.S. Highway 1 to Brunswick, Maine, thence over U.S. Highway 201 to Topsham, Maine, thence over Maine Highway 196 to Lewiston, Maine; from Boston over U.S. Highway 1 to Portland, Maine, thence over Maine Highway 25 to Gorham, Maine; and from Boston over U.S. Highway 1 to Portland, Maine, thence over Maine Highway 26 to Gray, Maine, thence over U.S. Highway 202 to Augusta, and return over the same routes.

No. MC–2894 (Deviation No. 2) RED STAR TRANSIT COMPANY, INC., 7950 Dix Avenue, Detroit 9, Mich., filed June 6, 1960. The carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highways 20 and 250 at or near Norwalk, Ohio, over U.S. Highway 250 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 8, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Norwalk over U.S. Highway 20 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 8 to junction U.S. Highway 224, and return over the same route.

No. MC–21170 (Deviation No. 1) BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa, filed June 6, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 12 to junction U.S. Highway 14, thence over U.S. Highway 14 to LaCrosse, Wis., thence over U.S. Highway 16 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to Minneapolis, Minn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City Kans., over city streets to Kansas City, Mo., thence over alternate U.S. Highway 69 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Ames, Iowa, thence over U.S. Highway 30 via Colo, Iowa, to junction Iowa Highway 330 (formerly U.S. Highway 30), thence over Iowa Highway 330 to Marshalltown, Iowa, thence over Iowa Highway 14 to junction Iowa Highway 57, thence over Iowa Highway 57 to junction U.S. Highway 65, thence over U.S. Highway 65, via Owatonna, Minn., to Minneapolis, Minn., and thence over city streets to St. Paul; from Kansas City, Kans., to Marshalltown, Iowa, as specified above, thence over unnumbered highway (formerly U.S. Highway 30) to junction U.S. Highway 30, thence over U.S. Highway 30 to Tama, Iowa, thence over U.S. Highway 63 to Waterloo, Iowa, thence over U.S. Highway 218 to Owatonna, Minn., thence to St. Paul as specified above; from Kansas City, Kans., to Tama, Iowa as specified above, thence over U.S. Highway 30 to junction U.S. Highway 218, thence over U.S. Highway 218 to Waterloo, Iowa, thence to St. Paul as specified above; from Chicago, Ill., over Illinois Highway 31 to Geneva, Ill., thence over alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 75 to Omaha, Nebr., thence over U.S. Highway 275 to junction U.S. Highway 30, thence over U.S. Highway 30 to Kearney, Nebr., and return over the same routes.

No. MC–67646 (Sub No. 2) (Deviation No. 9) HALL'S MOTOR TRANSIT COMPANY, P.O. Box 738, Sunbury, Pa., filed June 6, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Harrisburg, Pa., over U.S. Highway 11, to Pennsylvania turnpike interchange No. 16, thence over the Pennsylvania turnpike to Pennsylvania turnpike interchange No. 2 (Beaver Valley), thence over the Pennsylvania Highway 18 to junction Pennsylvania Highway 551, thence over Pennsylvania Highway 551 to junction Pennsylvania Highway 168, thence over Pennsylvania Highway 168 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to junction Ohio Highway 46 near Columbiana, Ohio, thence over Ohio Highways 14 and 46 to junction U.S. Highway 224 at Canfield, Ohio, thence over Ohio Highway 14 and U.S. Highway 224 to junction Ohio Highway 14, thence over Ohio Highway 14 to junction Ohio Highway 82 (near Twinsburg, Ohio), thence over Ohio Highway 82 to junction Ohio Highway 3 at North Royalton, Ohio, thence over Ohio Highway 3 to Cleveland, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Harrisburg over U.S. Highways 11 and 15 to Lewisburg, Pa.; from Lewisburg over Pennsylvania Highway 45 to Old Fort, Pa.; from Amity Hall, Pa., over U.S. Highway 322 to Potters Mills, Pa.; from Old Fort, Pa., over Pennsylvania Highway 53 to junction U.S. Highway 322, thence over U.S. Highway 322 to Franklin, Pa., thence over U.S. Highway 62 to Oil City, Pa.; from Oil City over U.S. Highway 62 via Franklin, Pa., to Sandy Lake, Pa., thence over alternate U.S. Highway 322 (formerly Pennsylvania Highway 358) to Greenville, Pa., thence over Ohio Highway 88 to Parkman, Ohio, thence over U.S. Highway 422 to Chagrin Falls, Ohio, thence over unnumbered highway to Cleveland, and return over the same routes.

No. MC–104004 (Deviation No. 10) ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed May 30, 1960. Carrier proposes to operate as a *common carrier*, by motor

vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Va., over U.S. Highway 11-W to Kingsport, Tenn., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kingsport over unnumbered highway to Bristol, and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC-61598 (Deviation No. 2) SMOKY MOUNTAIN STAGES, INC., P.O. Box 2387, Charlotte, N.C., filed June 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers* over a deviation route as follows: From Atlanta, Ga., over newly constructed expressway to junction Georgia Highway 120 to Lawrenceville, Ga., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 29 to Winder, Ga., thence over Georgia Highway 11 to Jefferson, Ga., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 60-5722; Filed, June 21, 1960; 8:48 a.m.]

[Notice 328]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 17, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 356), filed June 6, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, Semi-Trailers, Trailer Chassis and Semi-Trailer Chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway service, (2) *Motor vehicle bodies and cargo containers*, from Penn, Pa., to points in the United States, including Alaska, but excluding Hawaii.

HEARING: July 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 6380 (Sub No. 7), filed May 12, 1960. Applicant: R. F. TRUESDELL, INC., 1616 West 47th Street, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, fibreboard boxes* (plain or wood-cleated), and *paper and paper products* (except printing or fine paper), (a) from Baltimore, Md., to points in Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; and (b) from Philadelphia, Pa., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia; (2) *Refused or rejected shipments* of the above-specified commodities, from the above-specified destination points to their respective origin points; and (3) *Pulpboard*, from points in Georgia to Baltimore, Md., and Philadelphia, Pa. *RESTRICTION:* The authority sought herein is to be limited to transportation service to be performed under a continuing contract, or contracts, with Inland Container Corporation, Indianapolis, Ind.

HEARING: July 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 30837 (Sub No. 279), filed May 17, 1960. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sun Dial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, and *three-wheeled automotive vehicles*, restricted to the transportation of vehicles powered by electric storage batteries, in initial movements, in driveaway and truckaway service, from Cleveland, Ohio, to all points in the United States, including Alaska but excluding Hawaii.

HEARING: July 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 30837 (Sub No. 280), filed May 20, 1960. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Three-wheeled motor vehicles*, in initial movements, in truckaway service, from Kalamazoo, Mich., and Stockton, Calif., to all points in the United States, including Alaska, but excluding Hawaii, and (2) *Three-wheeled vehicles*, in secondary movements, from all points in the United States, including Alaska, to Kalamazoo, Mich., and Stockton, Calif.

HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 52869 (Sub No. 58) (SECOND AMENDMENT), filed March 3, 1960, published in the FEDERAL REGISTER, issues of May 11, 1960, June 2, 1960, and June 8, 1960. Applicant: NORTHERN TANK LINE, a corporation, 8 South Seventh Street, Miles City, Mont. Applicant's attorney: Robert W. Burchmore, 2106 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Ward County, N. Dak. (including the city of Minot, N. Dak.), to points in South Dakota, Minnesota, and Montana, and *contaminated or refused products* on return.

NOTE: The purpose of this republication is to add the destination State of Minnesota, inadvertently omitted.

HEARING: Remains assigned on July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer instead of Joint Board No. 143.

No. MC 75185 (Sub No. 225), filed May 25, 1960. Applicant: SERVICE TRUCKING CO., INC., Preston Road, P.O. Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boyertown, Downingtown, and Morgantown, Pa., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: July 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 76478 (Sub No. 4), filed June 6, 1960. Applicant: CHESTER CARRIERS, INC., East Petersburg, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone* and *gravel*, in bulk, between points in Cecil County, Md., on the one hand, and, on the other, points in Montgomery County, Pa.

HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 95540 (Sub No. 335), filed June 3, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in Atlantic, Camden, Cumberland, Gloucester, and Salem Counties, N.J.; Philadelphia and Doylestown, Pa.; Baltimore, Cambridge, Crisfield, Landover and Salisbury, Md.; and Clayton and Georgetown, Del., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, and Virginia. (2) From points in Atlantic, Camden, Cumberland, Gloucester, and Salem Counties, N.J.; Philadelphia and Doylestown, Pa.; Baltimore and Crisfield, Md., to points in Alabama, Arizona, Arkansas, California, Colorado, the District of Columbia, Florida, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, West Virginia, and Wisconsin.

HEARING: July 22, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 103993 (Sub No. 140), filed June 6, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas (except from Arkansas City, McPherson, Great Bend, Hutchinson, Coffeyville, Wichita, and Newton), to points in the United States, including Alaska, but excluding Hawaii.

HEARING: July 27, 1960, at the Hotel Lassen, Wichita, Kans., before Examiner Isadore Freidson.

No. MC 105461 (Sub No. 22), filed May 25, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop*, in rolls, *metal stove shovels*, and *building materials* made of metal, from the site of the plant or plants of Penn Supply and Metal Corporation, Philadelphia, Pa., to points in Delaware, and the District of Columbia, points in that part of Maryland east of U.S. Highway 220, points in that part of West Virginia south of U.S. Highway 33, and points in Virginia.

NOTE: Applicant has a pending contract carrier application in MC 66807 (Sub No. 29).

HEARING: July 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 105556 (Sub No. 32), filed June 6, 1960. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Oil Basin Pipeline Terminal at or near Minot, N. Dak., to points in South Dakota, Minnesota, and Montana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 105461 (Sub No. 23), filed May 25, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material*, made of metal, from the plant site of the Acme Manufacturing Company, Philadelphia, Pa. to points in New York, New Jersey, and Connecticut.

NOTE: Applicant has a pending contract carrier application in MC 66807 (Sub No. 29).

HEARING: July 29, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 108068 (Sub-No. 34), filed May 31, 1960. Applicant: U.S.A.C. TRANSPORT, INC., 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antennae, Masts, Towers, and Tracking Devices*, the transportation of which, because of size or weight, require special equipment or special handling; and (2) *Component Parts and related equipment*, materials and supplies moving in conjunction with the commodities described in (1) above, between all points in Massachusetts, on the one hand, and, on the other, points in the United States, except those in Hawaii.

HEARING: July 29, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heineman.

No. MC 111196 (Sub No. 18), filed March 23, 1960. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wollastonite*, from points in New York east and north of a line beginning at Oswego and extending along New York Highway 57 to junction New York Thruway, thence along the New York Thruway to junction New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line, to points in Ohio. A Petition to Dismiss accompanies the application on the ground that the authority sought herein is inclusive of the commodity "talc" in Certificate No. MC 111196 (Sub No. 12) which authorizes clay and talc in the above-specified territory.

HEARING: September 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 111812 (Sub No. 102), filed May 16, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak. Applicant's attorney: Mr. Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, other than in bulk, in tank vehicles, from points in Pennsylvania to points in Kansas and Denver, Colo.

HEARING: July 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 111981 (Sub No. 6), filed May 12, 1960. Applicant: ROBIDEAU'S EXPRESS, INC., 460 East Oregon Avenue, Philadelphia 48, Pa. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared vegetables, fish and seafood*, and *fish and seafood* prepared or in dinners with vegetables, all frozen, between Philadelphia, Doylestown, and Manyunk, Pa., and Camden, Braddock, and Seabrook, N.J., on the one hand, and, on the other, Alexandria, Va., points in Bergen, Essex, Hudson, Morris, Passaic, and Sussex Counties, N.J., and points in Delaware, Maryland, New York, and the District of Columbia.

HEARING: July 18, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Leo A. Riegel.

No. MC 112497 (Sub No. 166), filed June 13, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096, Istrouma Branch, Baton Rouge, La. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Port Neches, Tex., to points in Alabama, Mississippi, Georgia, North Carolina, and South Carolina when moving in mixed shipments of alcohol and alcohol products from Baton Rouge, La.

HEARING: July 22, 1960, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner James H. Gaffney.

No. MC 112750 (Sub-No. 47), filed May 31, 1960. Applicant: ARMORED CARRIER CORP., DeBovoise Building, 222-17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, Sundial House—1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion and negotiable securities) as are used in the business of banks and banking institutions, (1) between Baltimore, Md., on the one hand, and, on the other, points in Jefferson, Berkeley, Morgan,

Allegheny, Hampshire, Hardy, Pendleton, Randolph, Webster, Nicholas, Braxton, Roane, Calhoun, Jackson, Wirt, Word, Ritchie, Gilmer, Lewis, Upshur, Barbour, Grant, Tucker, Mineral, Preston, Marion, Monongalia, Harrison, Taylor, Pleasants, and Doddridge Counties, W. Va.; (2) between Richmond, Va., on the one hand, and, on the other, points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Pocahontas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., and points in Bladen, Craven, Cumberland, Durham, Edgecombe, Franklin, Granville, Greene, Halifax, Harnett, Hoke, Johnston, Lenoir, Martin, Nash, Northampton, Orange, Person, Pitt, Robeson, Sampson, Vance, Wake, Warren, Wayne, and Wilson Counties, N.C.; (3) between Richmond, Va., on the one hand, and, on the other, New York, N.Y. and (4) from Philadelphia, Pa., to points in Washington and Wicomico Counties, Md.

HEARING: September 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 114106 (Sub No. 24), filed May 20, 1960. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Hopewell, Va., to points in Georgia, North Carolina, and South Carolina.

NOTE: Applicant has contract carrier authority under No. MC 115176. Dual authority under section 210 may be involved.

HEARING: July 22, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 114569 (Sub No. 31), filed June 3, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, and *vinegar* in containers, from Martinsburg, W. Va., Timberland and Winchester, Va., to points in Mississippi.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 55813 (Sub No. 5).

HEARING: July 22, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 114569 (Sub No. 32), filed June 3, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, and *vinegar* in containers, from Inwood and Martinsburg, W. Va., Winchester and Timberville, Va., and points in Adams and Franklin Counties, Pa., to points in California, Idaho, Utah, and Nevada.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a common or contract carrier in No. MC 55813 (Sub No. 5).

HEARING: July 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 115809 (Sub No. 3), filed June 9, 1960. Applicant: OCO TRANSPORTATION COMPANY, a corporation, Industrial Street, Rittman, Ohio. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street, NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and byproducts thereof, fiberboard and byproducts thereof, and paperboard and byproducts thereof*, from Cuyahoga Falls, Youngstown, and Rittman, Ohio, to points in that part of Illinois on and north of U.S. Highway 24 extending from Quincy, Ill., through Peoria, to the Illinois-Indiana State line; Indianapolis, Ind. and points in that part of Indiana, except South Bend, Ind., on and north of U.S. Highway 24 extending from Effner, through Logansport and Fort Wayne to the Indiana-Ohio State line; Baltimore, Md., and points on U.S. Highway 40 between Baltimore and the Maryland-Pennsylvania State line and those on U.S. Highway 1 between Baltimore and the Maryland-Pennsylvania State line; points in Michigan except Plymouth; St. Louis, Mo.; Trenton, N.J., and points in New Jersey within 20 miles of New York, N.Y.; Philadelphia and Scranton, Pa. and points on U.S. Highway 22 between Hollidaysburg and Easton, Pa., and points in that part of Pennsylvania, except Pittsburgh, on and west of U.S. Highway 220 extending from the Pennsylvania-New York State line, through Williamsport and Altoona, to the Pennsylvania-Maryland State line; points in West Virginia, except Parkersburg, and in that part of West Virginia on and south of U.S. Highway 40 and points on and north of U.S. Highway 33 extending from Mason through Spencer and Elkins to the West Virginia-Virginia State line; Yonkers and New York, N.Y. and points in New York, except Lockport, on and west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line; and *skids, pallets*, and *empty containers* on or in which the above-described commodities are shipped, and *machinery, materials* and *supplies* (except waste paper), used in the manufacture of pulpboard and byproducts thereof, fiberboard and byproducts thereof, and paperboard and byproducts thereof, from the above-described destination points to the respective above-described origin points.

NOTE: Applicant states the operations herein shall be limited to a transportation service to be performed under a continuing contract or contracts with Packaging Corporation of America. Applicant further states that it is now serving Packaging Corporation of America, its parent corporation, to, from or between points involved in the application, and that the sole purpose thereof is to enable it to render a complete and uniform service for its parent shipper from all points or areas in the states where it is presently authorized to conduct operations.

HEARING: July 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 116127 (Sub No. 6), filed May 25, 1960. Applicant: GEORGE D. CYRUS, INC., P.O. Box 327, Iola, Kans. Applicant's attorney: Charles H. Apt, Allen County State Bank Building, Iola, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglas boats*, from the plant of Iola Molded Plastics, Inc., Iola, Kans., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Michigan, Montana, Nevada, Ohio, Oregon, Tennessee, Utah, Washington, Wisconsin, and Wyoming, and *damaged and refused boats*, on return.

HEARING: July 22, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 116339 (Sub No. 5), filed May 27, 1960. Applicant: J & M ENTERPRISES, INC., 1650 New Tampa Highway, P.O. Box 415, Lakeland, Fla. Applicant's attorney: M. Craig Massey, 208 South Tennessee Avenue, P.O. Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and pepper*, the pepper to be transported in mixed truck loads with salt products, in packages and in bulk, from Marysville and St. Clair, Mich., and Rittman and Akron, Ohio, to points in Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, and Florida.

HEARING: July 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 117574 (Sub No. 52), filed May 26, 1960. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, television sets, air conditioners, refrigeration, air conditioning and heating equipment, and parts and advertising material when moving in connection with the above items*, from points in Perry, York, and Cumberland Counties, Pa., to points in the United States, except Hawaii and Alaska.

HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 118800 (Sub No. 1), filed May 13, 1960. Applicant: U. GRANT ROBERTS, 617 West Sixth Street, Cameron, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–16 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour* and *Feed*, in bags, and in bulk, from Kansas City, Mo., to points in Missouri, Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma, and *refused, rejected or damaged shipments* on return.

HEARING: July 22, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Gerald F. Colfer.

No. MC 119314 (REPUBLICATION), filed November 20, 1959, published in the FEDERAL REGISTER, issue of December 16, 1959. Applicant: HAROLD FEINER, doing business as PLESS EXPRESS, 34 Brendon Hill Road, Scarsdale, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. By application filed November 20, 1959, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *metal stampings*, loose and in packages, from Yonkers, N.Y., to points in Passaic, Hudson, Essex, and Union Counties, N.J., and *empty containers, or other such incidental facilities* used in transporting metal stampings, on return. Division 1, in a report and order served June 13, 1960, provided that since the evidence adduced revealed that additional work is performed on some of the stampings, and they are then returned to shipper, that for the applicant to provide a complete service, it would be necessary for him to hold authority to return this commodity, and found that operation by applicant, in interstate or foreign commerce, over irregular routes, of *metal stampings*, between Yonkers, N.Y., on the one hand, and, on the other, points in Passaic, Hudson, Essex, and Union Counties, N.J., under a continuing contract or contracts with the Stewart Stamping Company of Yonkers, will be consistent with the public interest and the national transportation policy. Any person or persons who may have been prejudiced by the broadening of the authority sought, may, within 30 days, from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 119829, filed June 3, 1960. Applicant: F. J. EGNER & SON, INC., 812 Charles Street, Galion, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar* and *Creosote oil*, in bulk, in tank vehicles, between Cleveland, Ohio, on the one hand, and, on the other, East Liverpool and Wellsville, Ohio.

HEARING: June 29, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

MOTOR CARRIERS OF PASSENGERS

No. MC 68167 (Sub No. 36), filed May 25, 1960. Applicant: WASHINGTON, VIRGINIA, AND MARYLAND COACH COMPANY, INC., 707 North Randolph Street, Arlington, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, during respective racing seasons, beginning and ending at points in Arlington and Fairfax Counties, Va., including the Cities and Townships therein and extending to points in Maryland as follows: (1) The race track at Bel Air, Md., (2) The race track at Timonium, Md., (3) The race track at Hagerstown, Md., (4) The race track at Laurel, Md., (5) The Pimlico Race Course at Baltimore, Md., (6) The Laurel Raceway located at Laurel, Md., (7) The Baltimore Raceway located on U.S. Highway 40 just north of Baltimore, Md., (8) The race track at Marlboro, Md., (9) The race track at Bowie, Md., and (10) The raceway at Rosecroft, Md.

HEARING: September 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 109312 (Sub No. 32), filed April 27, 1960. Applicant: DE CAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) Between Clifton and Millburn, N.J. In Clifton, from the junction of New Jersey Highway 3 and Garden State Parkway Interchange Road 153 to the junction of Garden State Parkway, thence along Garden State Parkway to the junction of Garden State Parkway Interchange Route 145A in East Orange, N.J., thence along Garden State Parkway Interchange Road 145A to the junction of Oraton Parkway, thence along Oraton Parkway to the junction of Central Avenue, thence along Central Avenue to the junction of South Clinton Street, thence along South Clinton Street to the junction of South Orange Avenue, thence along South Orange Avenue to Newark, N.J., thence along South Orange Avenue to South Orange, N.J., thence along South Orange Avenue to the junction of Valley Street, thence along Valley Street to Maplewood, N.J., thence along Valley Street to the junction of Baker Street, thence along Baker Street to the junction of Ridgewood Road, thence along Ridgewood Road to Millburn, N.J., thence along Ridgewood Road to the junction of Glen Avenue, thence along Glen Avenue to the junction of Chestnut Street, thence along Chestnut Street to the junction of Wyoming Avenue, thence along Wyoming Avenue to the junction of Glen Avenue. Return from the junction of Wyoming Avenue and Glen Avenue along Glen Avenue and Ridgewood Road to Maplewood, N.J., thence along Ridgewood Road to the junction of Lenox Place, thence along Lenox Place to the junction of Maplewood Avenue, thence along Maplewood Avenue to the junction of Baker Street, thence along the same route to Newark, N.J., thence along South Orange Avenue to East Orange, N.J., thence along South Clinton Street and the same route to the junction of Garden State Parkway Interchange Road 153 and New Jersey Highway 3. Serving all intermediate points. (2) Between South Orange and Maplewood, N.J. In South Orange, from the junction of South Orange Avenue and Valley Street along South Orange Avenue to the junction of Ridgewood Road, thence along Ridgewood Road to Maplewood, N.J., thence along Ridgewood Road to the junction of Lenox Place, and return over the same route, serving all intermediate points. (3) in Maplewood, N.J., from the junction of Maplewood Avenue and Baker Street along Maplewood Avenue and Durand Road to the junction of Durand Road and Ridgewood Road, and return over the same route, serving all intermediate points. (4) Between East Orange and Newark, N.J. In East Orange from the junction of Central Avenue and South Munn Avenue along South Munn Avenue to Newark, N.J., thence along South Munn Avenue to the junction of South Orange Avenue, thence along South Orange Avenue to East Orange, N.J., thence along South Orange Avenue to the junction of South Clinton Street in East Orange. Returning in Newark, N.J., from the junction of South Orange and South Clinton Street along South Orange Avenue to the junction of South Munn Avenue, thence along South Munn Avenue to East Orange, N.J., thence along South Munn Avenue to the junction of South Munn Avenue and Central Avenue. Serving all intermediate points.

HEARING: July 18, 1960, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 48880 (Sub No. 7), filed June 10, 1960. Applicant: HARRY C. GOODWIN AND GENIO D. ARCIPRETE, a partnership, doing business as GOODWIN & COMPANY, Rear 60 Everett Street, Allston 34, Mass. Applicant's attorney: George C. O'Brien, The Eighth Floor, 33 Broad Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferrous and non-ferrous metal products*, from Hartford, Putnam, Wallingford and Willimantic, Conn., and Nashua, N.H., to the plant sites of the Joseph T. Ryerson & Son, Inc., at Allston and Cambridge, Mass. (2) *Ferrous and non-ferrous metal and scrap*, from Keene and Nashua, N.H., and Providence, R.I., to the plant sites of the Joseph T. Ryerson & Son, Inc., at Allston and Cambridge, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, from the respective destination points to the respective origin points.

NOTE: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts for the Joseph T. Ryerson & Son, Inc., of Allston, Mass.

No. MC 66562 (Sub No. 1690), filed June 13, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Seattle, Wash.,

and Auburn, Wash.: From Seattle over U.S. Highway 99 to junction with Washington Highway 5, thence over Washington Highway 5 to Auburn, and return over the same route, serving the intermediate point of Kent, Wash. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air.

No. MC 71096 (Sub No. 32), filed June 10, 1960. Applicant: NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's attorney: J. O. Ford, General Counsel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Flint, Mich., and the port of entry on the International Boundary line between the United States and Canada at or near Port Huron, Mich., over Michigan Highway 21, serving no intermediate points, and for the purpose of joinder only at the International Boundary line between the United States and Canada at or near Port Huron, Mich. RESTRICTION: No shipments shall be transported that originate at or are destined to points in Canada.

No. MC 71452 (Sub No. 3), filed June 13, 1960. Applicant: W. C. SMITH, doing business as INDIANA FILM TRANSIT COMPANY, 4320 West Morris Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Booklets, pamphlets, catalogues, calendars, printed paper articles, paper books* and *display racks*, between Indianapolis, Ind., and points in Indiana, Louisville, Ky., and Cincinnati, Ohio.

NOTE: Applicant is authorized to transport magazines by virtue of the authority now outstanding in No. MC 71452.

No. MC 105556 (Sub No. 31), filed June 6, 1960. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, and (2) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return, between Williston, N. Dak., and 10 miles thereof, to points in South Dakota on and north of U.S. Highway No. 212.

No. MC 110698 (Sub No. 139), filed June 14, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber accelerator*, in containers to be transported on the same tank vehicle as is used to transport liquid synthetic latex, in bulk, in tank vehicles, from Gastonia, N.C., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Applicant presently holds authority to transport liquid synthetic latex in bulk, in tank vehicles, within the territory covered in this application. Duplication with present authority to be eliminated.

MOTOR CARRIER OF PASSENGERS

No. MC 59237 (Sub No. 8), filed May 31, 1960. Applicant: MID-CONTINENT COACHES, INC., 1206 Exchange Avenue, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Hinton Junction, Okla., and Geary Junction, Okla.: From a point known as Hinton Junction, at the intersection of U.S. Highways 281 and 66, over U.S. Highways 281 and 66 to a point approximately six (6) miles south of Geary, known as Geary Junction, and return over the same route.

NOTE: Applicant states it will serve no intermediate points as most of the route involves crossing the South Canadian River, and that the length of the proposed route is two (2) miles. Applicant further states it is under common management with Oklahoma Transportation Company and Southwest Coaches, Inc.; therefore, common control may be involved.

PETITIONS

No. MC 14781 (PETITION FOR CLARIFICATION AND MODIFICATION OF CERTIFICATE PURSUANT TO RULE 102 OF THE COMMISSION'S GENERAL RULES OF PROCEDURE), dated May 20, 1960. Petitioner: SAM GOTTRY CARTING COMPANY, 47 Parkway, Rochester, N.Y. Petitioner's attorney: Robert V. Ginniny, 25 Exchange Street, Rochester 14, N.Y. Certificate No. MC 14781 authorizes, among other things, the transportation of: *Photostat machines* and *machinery requiring special equipment and handling*, from Rochester, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Return with no transportation for compensation except as otherwise authorized, to the above-specified origin point. Petitioner prays that the Commission find: (1) That the petitioner has continuously, prior and subsequent to June 1, 1935, been providing within its authorized territory a complete heavy hauling service, transporting all commodities which because of size and weight require the use of special equipment; (2) That the "machinery requiring special equipment and handling" portion of the commodity description contained in its present certificate has become ambiguous and subject to interpretation not comprehended at the time of issuance of this certificate; and (3) That because of the present ambiguity of petitioner's commodity description that the same should be modified to reflect accurately the specialized service of petitioner's operations before and after the critical date of June 1, 1935, and that said modification be in the following form: "*Commodities*, the transportation of which because of size or weight require the use of special equipment and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment;" and that the Commission issue such order or orders and take such other action as it deems just and proper. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 19201 (PETITION FOR REOPENING AND MODIFICATION OF CERTIFICATE), filed June 6, 1960. Petitioner: PENNSYLVANIA TRUCK LINES, INC., Pittsburgh, Pa. Petitioner's attorney: Robert H. Griswold, Commerce Building, Harrisburg, Pa. Among other rights granted in Certificate issued March 5, 1943, petitioner is authorized to transport General commodities, except dangerous explosives, over regular routes, in the State of Pennsylvania, as follows: "*Route 10*—Between Harrisburg and Elizabethtown via U.S. Highway 230. *Route 19*—Between Lancaster and Bainbridge via Pennsylvania Highway 340, unnumbered highway, U.S. Highway 30 and Pennsylvania Highway 441. *Route 20*—Between Lancaster and Elizabethtown via U.S. Highway 30 and also via Pennsylvania Highways 72, 853 and 241. *Route 20a*—Between junction Pennsylvania Highways 72 and 853 and Lebanon via Pennsylvania Highway 72. *Route 32*—Between York and Mt. Wolf via Pennsylvania Highways 24 and 921. *Route 34*—Between York and Wrightsville via U.S. Highway 30", serving all intermediate points which are stations on the rail lines of the Pennsylvania Railroad Company. The service is subject to the following conditions: "No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through, or to, or from more than one of said points: Philadelphia, Lancaster, York, Harrisburg, Erie, and Warren, Pa.", which were later modified as to condition No. 3, as follows: "provided, however, that this condition shall not apply in connection with the movement of express and baggage (1) between Spring Creek, Pa., and Belle Valley, Pa., and (2) between Garland, Pa., and Ludlow, Pa., over the routes above-described; and provided, further, that operation over these two routes shall be subject to the following condition, in lieu of the key-point restriction herein eliminated: Shipments transported shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, a prior or subsequent movement by rail". Petitioner prays that the proceeding MC 19201 be reopened solely and exclusively for the removal of the key-points of Lancaster and York, Pa., and a further modification of Condition No. 3 and that the Certificate MC 19201 be modified accordingly. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 117310 (SUBSTITUTION OF SHIPPER). Applicant: FRANK CICIONI, 117 West Washington Street, Shenandoah, Pa. Applicant's representative: Leonard G. Schumack, 100 South Main Street, Shenandoah, Pa. By letters dated March 16 and March 17, 1960, the above-named representative advised that Sorin, Inc., a shipper, was forced into bankruptcy and as a result of a creditor arrangement was permitted to reorganize. Part of the reorganization included a change of name to United Whiping Cloth Company. The above-referred-to letters have been accepted as a request for substitution of the United Whiping Cloth Company, as shipper, in lieu of Sorin, Inc. Any person or persons desiring to protest the substitution, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate protest.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7472 (HOUCK TRANSFER CO.—PURCHASE (PORTION)—JOHN H. COHEE), published in the March 16, 1960, issue of the FEDERAL REGISTER on page 2190. Petition filed June 10, 1960, to amend the applications under sections 5 and 210a(b), Interstate Commerce Act, covering operating rights by showing purchase of the entire operating rights of the vendor in lieu of a portion thereof. Additional operating rights sought to be transferred: *Livestock, wool, grain, lumber*, and *ties*, as a *common carrier* over irregular routes, from points in Crook County, Wyo., to rail heads in Crook County, and from points in Crook County, Wyo., to Rapid City and Belle Fourche, S. Dak.; *feed* and *farm machinery*, from Rapid City and Belle Fourche, S. Dak., to points in Crook County, Wyo.

No. MC–F 7490 (CITY TRANSFER CO.—PURCHASE—GLENDALE TRANSFER AND STORAGE CO., INC.), published in the April 6, 1960, issue of the FEDERAL REGISTER on page 2937. Supplement filed June 10, 1960, to show joinder of ANGELO COLLETTI and HELEN COLLETTI, both of 2045 Westward Boulevard, Phoenix, Ariz., as the persons controlling vendee.

No. MC–F 7491, FARRAGUT BAGGAGE AND TRANSFER CO., INC.—PURCHASE—GEORGE E. STOMBS, JR., AND ASTRID STOMBS, (JAMES B. REIDY, TRUSTEE), published in the April 6, 1960, issue of the FEDERAL REGISTER on page 2937. Supplement filed June 10, 1960, to show joinder of ANGELO COLLETTI and HELEN COLLETTI, both of 2045 Westward Boulevard, Phoenix, Ariz., as the persons controlling vendee.

No. MC–F 7543 (TEXAS BUS LINES—PURCHASE—COASTAL COACHES, INC.), published in the May 25, 1960, issue of the FEDERAL REGISTER on page 4623. Supplement filed June 9, 1960, to show joinder of GALVESTON-HOUSTON COMPANY, Milam Building, Houston, Tex., as the party controlling vendee.

No. MC–F 7562. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., of the operating rights of FRED W. SCHULTZ (MYRON H. BURNETT, RECEIVER), doing business as DENVER-PUEBLO TRUCK LINES, P.O. Box 1256, Pueblo, Colo., and for acquisition by LAURENCE COHEN, also of Denver, of control of such rights through the purchase. Applicants' attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, except dangerous explosives, liquids, in bulk, in tank-trucks, and articles of virtu, as a *common carrier*, over regular routes, between Denver, Trinidad, and Lamar, Colo., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in New Mexico, California, Arizona, Texas, Colorado, Illinois, Nebraska, Missouri, Iowa, Nevada, Oklahoma, Kansas, Indiana, and Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7563. Authority sought for merger into DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo., of the operating rights and property of THE DENVER CHICAGO TRUCKING COMPANY, INC. OF KENTUCKY, 421 East Second Street, Owensboro, Ky., and for acquisition by GEORGE J. KOLOWICH, JR., 45th Avenue at Jackson Street, Denver, Colo., RAYMUND F. KOLOWICH, 1204 Griswold Building, Detroit, Mich., DETROIT AND CLEVELAND NAVIGATION COMPANY, 1204 Griswold Building, Detroit, Mich. (in turn by JOHN C. FINAN, also of Detroit) and GRISWOLD BUILDING, INC., 1204 Griswold Building, Detroit, Mich. (in turn by RAYMUND F. KOLOWICH) of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Hatfield, Ind., and Owensboro, Ky., between Evansville, Ind., and Greenville, Ky., between Evansville, Ind., and St. Louis, Mo., between Vincennes, Ind., and Carriers Mills, Ill., between Louisville, Ky., and Owensboro, Ky. (restricted to the transportation of eastbound traffic originating at points in Kentucky and westbound traffic destined to points in Kentucky), between Louisville and Owensboro, Ky., on the one hand, and, on the other, the site of the Mathieson Hydrocarbon Chemical Corporation plant, near Doe Run, Ky., with no service between Louisville and Owensboro except as otherwise authorized, between Beaver, Dam, Ky., and Louisville, Ky. (with no service at Beaver Dam except as otherwise authorized and with service at Louisville restricted to traffic moving to or from Leitchfield and points between Leitchfield and Beaver Dam), between Central City, Ky., and Nashville, Tenn. (with service at Nashville restricted against the transportation of shipments originating at, destined to, or interchanged at, Louisville, Ky., Evansville, Ind., and St. Louis, Mo.), and between Louisville, Ky., and Evansville, Ind., serving certain intermediate and off-route points; alternate routes for operating convenience only between Louisville, Ky., and Owensboro, Ky., and between Louisville, Ky., and Central City, Ky. (restricted to the transportation of eastbound traffic originating at points in Kentucky and westbound traffic destined to points in Kentucky); *general commodities*, except household goods, as defined by the Commission, between Evansville, Ind., and Beaver Dam, Ky., serving all intermediate points; *general commodities*, except those of unusual value, Class A and B explosives, and household goods as defined by the Commission, between Vincennes, Ind., and Princeton, Ind.; *new furniture*, from Beaver Dam, Ky., to Louisville, Ky., serving no intermediate points, and restricted to traffic moving from Livermore, Ky.; *tile and clay products* and *materials* used in the manufacture and packaging of tile and clay products, from Cloverport and Lewisport, Ky., to Louisville, Ky., and from Cloverport and Lewisport, Ky., to Owensboro, Ky., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Colorado, Washington, Wyoming, Utah, Idaho, Oregon, Illinois, Missouri, Kansas, Arizona, Iowa, California, New Mexico, New York, Massachusetts, Indiana, Nebraska, Ohio, Connecticut, New Jersey Pennsylvania, Rhode Island, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7564. Authority sought for purchase by LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle 4, Wash., of a portion of the operating rights of WATER-LAND TRUCK LINES, 8919 Miner Street, Los Angeles 2, Calif., and for acquisition by NATIONAL CITY LINES, INC., Prudential Plaza, Suite 3500, Chicago, Ill., of control of such rights through the purchase. Applicants' attorneys: Berol and Geernaert, 100 Bush Street, San Francisco 4, Calif., and Glanz, Russell & Schureman, 639 South Spring Street, Los Angeles 14, Calif. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except Class A and B explosives, household

goods as defined by the Commission, liquids in bulk, and commodities requiring special equipment, as a *common carrier* over irregular routes, between points in the Los Angeles, Calif., Harbor Commercial Zone, as defined by the Commission, on the one hand, and, on the other, certain points in California. Vendee is authorized to operate as a *common carrier* in Washington, Oregon and California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7565. Authority sought for purchase by SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill., of a portion of the operating rights of CREGER FREIGHT LINES, INC., Union Landing Road, East Riverton, N.J., (mail address Box 69, Riverton, N.J.), and for acquisition by WILLIAM S. HARRINGTON and JOHN T. BOYKE, both of Chicago, of control of such rights through the purchase. Applicants' attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Holyoke, Mass., and New York, N.Y., between Hartford, Conn., and Meriden, Conn., between Hartford, Conn., and New Haven, Conn., between Bridgeport, Conn., and Winsted, Conn., between Norwalk, Conn., and Danbury, Conn., and between Hartford, Conn., and Thomaston, Conn., serving all intermediate points and the off-route points of Westfield, Ludlow, Indian Orchard, East Longmeadow, and Chicopee Falls, Mass., New Britain and Watertown, Conn. Vendee is authorized to operate as a *common carrier* in Kansas, Nebraska, Missouri, Iowa, Illinois, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Indiana, Colorado, Kentucky, Minnesota, Maryland, Delaware, Maine, Wisconsin, Arkansas, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7566. Authority sought for purchase by DANIEL H. McCOLLISTER, doing business as McCOLLISTER'S EXPRESS, Logan and Mitchell Avenues, Burlington, N.J., of the operating rights and property of WALTER SHETZLINE VILE, doing business as VILE'S MOTOR SERVICE, 340 West Broad Street, P.O. Box 254, Burlington, N.J. Applicants' attorney: Robert R. Hendon, Investment Building, Washington, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Burlington, N.J., and Philadelphia, Pa., serving all intermediate points and the off-route points of Bordentown, Roebling, and Florence, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7569. Authority sought for purchase by CASSENS TRANSPORT COMPANY, P.O. Box 473, Edwardsville, Ill., of a portion of the operating rights of SPEEDWAY TRANSPORTS, INC., 7933 Clayton Road, St. Louis 17, Mo., and for acquisition by ALBERT CASSENS, 302 Banner, Edwardsville, Ill., GEORGE CASSENS, P.O. Box 98, Hamel, Ill., and ARNOLD CASSENS, P.O. Box 67, Hamel, Ill., of control of such rights through the purchase. Applicants' attorney: Charles B. Myers, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be transferred: *New automobiles, new trucks, new bodies*, and *automobile parts*, in initial movements, in truckaway and driveaway service, as a *common carrier* over irregular routes, from places of manufacture and assembly in St. Louis, Mo., to points in Illinois and Indiana; *automobiles, trucks*, and *bodies*, and *automobile parts*, new, used, and unfinished, and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Illinois and Missouri. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Missouri, Indiana, Ohio, Iowa, Kentucky, Nebraska, Wisconsin, Kansas, Montana, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7570. Authority sought for control and merger by MAINE FREIGHTWAYS, 185 Washington Avenue, Portland, Maine, of the operating rights and property of W. J. FOLEY TRUCKING CO., 48 Commercial Street, Portland, Maine, and for acquisition by DEAD RIVER COMPANY, Six State Street, Bangor, Maine, and, in turn, by CURTIS M. HUTCHINS, 304 Kenduskeag Avenue, Bangor, Maine, of control of such rights and property through the transaction. Applicants' attorneys: John L. Easton, Six State Street, Bangor, Maine, Mary E. Kelly, 10 Tremont Street, Boston 8, Mass., and John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Portland, Maine, on the one hand, and, on the other, points in Maine. MAINE FREIGHTWAYS is authorized to operate as a *common carrier* in Massachusetts, Maine, Rhode Island, New Hampshire, Vermont, Connecticut, New York, New Jersey, Pennsylvania, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7571. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., of the operating rights and property of AIRTH EXPRESS, INC., 38 Stanton Street, Boston (Dorchester), Mass., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., also of Menlo Park, of control of such rights and property through the purchase. Applicants' attorney: William J. Hickey, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Boston, Cambridge, Brookline, Newton, and Watertown, Mass. Vendee is authorized to operate as a *common carrier* in Utah, Alaska, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Washington, Kentucky, Michigan, Minnesota, Montana, Nebraska, Nevada, Wisconsin, Missouri, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, West Virginia, Wisconsin, Wyoming, Alabama, Hawaii, and Maryland. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7568. Authority sought for control by SIDNEY KUCHIN, 460 Harrison Avenue, Highland Park, N.J., and LEE JACOBS, 62 Patton Drive, New Brunswick, N.J., of TIGER BUS LINE, INC., doing business as TIGER BUS LINE, 285 John Street, Princeton, N.J. Applicants' attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Operating rights sought to be controlled: *Passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter operations, as a *common carrier* over irregular routes, from Princeton, N.J., and points in New Jersey within 20 miles of Princeton, to Boston, Mass., Chicago, Ill., Arlington, Alexandria, and Mt. Vernon, Va., the District of Columbia, and points in Connecticut, Delaware, Maryland, New York, and Pennsylvania, and return. SIDNEY KUCHIN and LEE JACOBS hold no authority from this Commission. However, they are officers of SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J., which is authorized to operate as a *common carrier* in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

NOTE: A petition has been filed concurrently for dismissal of the application for lack of jurisdiction.

No. MC–F 7572. Authority sought for purchase by B. K. W. COACH LINE, Hummels Wharf, Pa., of the operating rights of EDWIN T. LEPLEY (EDWIN E. LEPLEY AND ROY F. LEPLEY, ADMINISTRATORS), AND ROY C. KLINE, doing business as LEPLEY & KLINE BUS LINE, Beaver Springs, Pa., and for acquisition by LESTER C. BUFFINGTON, 10th and Maple Streets, Shamokin Dam, Pa., C. W. WILHOUR, R.D., Selinsgrove, Pa., and GORDON SHIPE, Catawissa Avenue, Sunbury, Pa., of control of such rights through the purchase. Applicants' attorney: Leonard R. Apfelbaum, 503 Bittner Building, Sunbury, Pa. Operating rights sought to be transferred: *Passengers and their baggage*, in charter operations, as a *common carrier* over irregular routes, from points located on U.S. Highway 522 between Middleburg and McClure, Pa., including said points, to points in New York, New Jersey, Virginia, West Virginia, Ohio and Delaware, and return. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Virginia, Delaware, New Jersey, New York, Maryland, and the District of Columbia.

Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–5723; Filed, June 21, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36328: *Fertilizer and materials—Butte, Mont., to Western Points.* Filed by Trans-Continental Freight Bureau, Agent (No. 367), for interested rail carriers. Rates on phosphatic feed supplements, in carloads, as described in the application from Butte, Mont., to points in western-trunk-line and southwestern territories.

Grounds for relief: Market competition, modified short-line distance formula.

Tariff: Supplement 74 to Trans-Continental Freight Bureau tariff I.C.C. 1604.

FSA No. 36329: *Asphalt, oil, and tailings to New Mexico points.* Filed jointly by the Atchison, Topeka and Santa Fe Railway Company (No. 88–A), and the Chicago, Rock Island and Pacific Railroad Company (No. 888), for interested rail carriers. Rates on asphalt, petroleum road oil and wax tailings, in tank-car loads from Artesia, N. Mex., and points in southwestern and Mid-Continent territorial groups to stations in New Mexico, on the AT&SF, CRI&P and Sou. Pac. railroads.

Grounds for relief: Truck competition and short-line distance formula.

Tariffs: Supplement 50 to Atchison, Topeka and Santa Fe, tariff I.C.C. 14812. Supplement 18 to Chicago, Rock Island and Pacific tariff I.C.C. C–13494.

FSA No. 36330: *Liquid caustic soda—Saltville, Va., to Rome, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3972), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Saltville, Va., to Rome, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 140 to Southern Freight Association tariff I.C.C. 1538.

FSA No. 36331: *Substituted service—IC for Delta Motor Line, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 31), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Memphis, Tenn., on the one hand, and Jackson, Miss., and New Orleans, La., on the other, and between New Orleans, La., and Jackson, Miss., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 9 to Southern Motor Carriers Rate Conference tariff I.C.C. 33, MF–I.C.C. 1071.

FSA No. 36332: *Class rates—Erie & St. Lawrence Corporation.* Filed by Erie & St. Lawrence Corporation (No. 1), for interested carriers. Rates on various commodities moving on class rates loaded in trailers and transported over water, joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Erie & St. Lawrence Corporation between points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and Florida, on the other.

Grounds for relief: All-rail, joint rail-water, water-rail, and rail-water-rail competition.

Tariff: Erie & St. Lawrence Corporation tariff I.C.C. 13.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–5721; Filed, June 21, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Defense Air Transportation Administration

[Order No. 7]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1–8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal year 1961.

FISCAL 1961 FLEET

DC–4

1220 V	88884	88909	90434
1221 V	88886	88912	90436
1437 V	88888	88921	90440
45346	88891	88922	90444
49529	88893	88934	90448
54373	88897	88935	90902
57670	88898	88938	90905
67067	88901	90407	90906
75298	88903	90423	
79999	88907	90427	
88819	88908	90428	

DC–6A

401 US	6119 C	37590	90780
402 US	6258 C	37591	90783
566	6260 C	37592	90784
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630 NA	7822 C	37594	90808
640 NA	34955	37595	90809
650 NA	34956	37596	
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733 PA	736 PA	752 PA	
734 PA	737 PA	754 PA	

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704 PA	720 PA	729 PA	768 TW
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802 US	807 PA	8024 U	8030 U
803 PA	808 PA	8025 U	

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective July 1, 1960, and supersedes Aircraft Allocation Order No. 5, dated March 15, 1960, 25 F.R. 2602–2603, of March 26, 1960.

Dated: June 7, 1960.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air Transportation Administration.

[F.R. Doc. 60–5738; Filed, June 21, 1960; 8:52 a.m.]

[Order No. 8]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1–8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for fiscal year 1961 the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 7, dated June 7, 1960, to replace an aircraft in the Civil Reserve Air Fleet that is determined by the Department of Defense to be unavailable.

CONTINGENCY RESERVE FLEET—FISCAL YEAR 1961

L–1649A

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7325 C	8082 H		

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286	290	294	
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B–707 (100 series)

707 PA	709 PA	711 PA	712 PA
708 PA	710 PA		

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order shall become effective July 1, 1960, and supersedes Aircraft Allocation Order No. 6, dated March 15, 1960, 25 F.R. 2602–2603, of March 26, 1960.

Dated: June 7, 1960.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air Transportation Administration.

[F.R. Doc. 60–5739; Filed, June 21, 1960; 8:52 a.m.]

Office of the Secretary

JOHN ROBERT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made of June 14, 1960.

JOHN ROBERT JONES.

JUNE 14, 1960.

[F.R. Doc. 60–5731; Filed, June 21, 1960; 8:49 a.m.]

SAM NORRIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: Standard Oil Co. of N.J.
B. Additions: Siegler Corp., Avionics Inc.

This statement is made as of June 12, 1960.

SAM NORRIS.

JUNE 12, 1960.

[F.R. Doc. 60–5732; Filed, June 21, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 50–47]

ORDNANCE MATERIALS RESEARCH OFFICE

Notice of Issuance of Facility License

No requests for hearing having been received following filing of a notice of proposed action with the Office of the Federal Register on March 23, 1960, the Atomic Energy Commission has issued Facility License No. R–65 to Ordnance Materials Research Office authorizing possession and operation of a light water-moderated and -cooled, pool-type, nuclear reactor located at Watertown Arsenal, Watertown, Massachusetts. Notice of the proposed action was published in the FEDERAL REGISTER on March 24, 1960, 25 F.R. 2504–2505.

Dated at Germantown, Md., this 14th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60–5727; Filed, June 21, 1960; 8:49 a.m.]

[Docket 50–27]

WASHINGTON STATE UNIVERSITY

Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPRR–37 set forth below. The amendment extends the latest date for completion of construction of the reactor to be located in Pullman, Washington, to December 31, 1960, as requested by the applicant. The amendment also substitutes "Washington State University" for "State College of Washington" as the name of the holder of the permit to reflect the change in name of the University.

Dated at Germantown, Md., this 14th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60–5728; Filed, June 21, 1960; 8:49 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Title 14, Parts 40–399 ..... $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 6472]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

On March 23, 1960, notice of proposed rule making with respect to certain administrative regulations of special application to the employment taxes imposed by subtitle C of the Internal Revenue Code of 1954, and with respect to amendments of existing employment tax regulations under sections 6001, 6011(a), and 6051 of such Code, was published in the FEDERAL REGISTER (25 F.R. 57). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the administrative regulations and the amendments as so published are hereby adopted, subject to the change set forth below:

Example (2) of paragraph (a)(1)(ii) of § 31.6413(c)–1 is revised by substituting "1959" for "1955" in the fifth sentence of such example.

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: June 17, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

PARAGRAPH 1. The employment tax regulations adopted under selected provisisions of subtitle F of the Internal Revenue Code of 1954 read as follows:

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31.6011(b)–2 Employees' account numbers.
31.6051 Statutory provisions; receipts for employees.
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31.7805 Statutory provisions; rules and regulations.
31.7805–1 Promulgation of regulations.

AUTHORITY: §§ 31.6011(b) to 31.7805–1 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 31.6011(b) Statutory provisions; identification of taxpayer.

SEC. 6011. *General requirement of return, statement, or list.* * * *

(b) *Identification of taxpayer.* The Secretary or his delegate is authorized to require such information with respect to persons subject to the taxes imposed by chapter 21 or chapter 24 as is necessary or helpful in securing proper identification of such persons.

§ 31.6011(b)–1 Employers' identification numbers.

(a) *Requirement of application*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, every employer who on or after January 1, 1955, has in his employ one or more individuals in employment for wages subject to the taxes imposed by the Federal Insurance Contributions Act, but who prior to such date has neither secured an identification number nor made application therefor, shall make an application on Form SS–4 for an identification number. Each application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Copies of Form SS–4 may be obtained from any district director, or any district office of the Social Security Administration. The application shall be filed with the district director with whom the employer will file returns of the taxes imposed by the Federal Insurance Contributions Act, or with the nearest district office of the Social Security Administration. Each application shall be signed by (i) the individual, if the employer is an individual; (ii) the president, vice president, or other principal officer, if the employer is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (iv) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of information reported on the application required under this section.

(2) *Exception.* An employer, other than an employer who is required to file returns of the taxes imposed by the Federal Insurance Contributions Act with the office of the United States Internal Revenue Service in Puerto Rico, who has in his employ only employees who are engaged exclusively in the performance of domestic service in his private home not on a farm operated for profit (see § 31.3121(a)(7)–1) is not required to apply for an identification number.

(3) *Time for filing Form SS–4.* The application for an identification number shall be filed on or before the seventh day after the date on which the first payment of wages, as defined in the Federal Insurance Contributions Act, is made by the employer. For provisions relating to the time when wages are paid, see § 31.3121(a)–2 of Subpart B of the regulations in this part.

(b) *Employers who are assigned identification numbers without application.* An identification number will be assigned by a district director in the case of (1) an employer who is required to make returns of the taxes imposed by the Federal Insurance Contributions Act but who by reason of the provisions of paragraph (a)(2) of this section is not required to apply for an identification number, and (2) an employer who is required to make returns of income tax withheld from wages pursuant to section 3402 but who is not required to make returns of the taxes imposed by the Federal Insurance Contributions Act.

(c) *Crew leaders.* Any person who, as a crew leader within the meaning of section 3121(o), furnishes individuals to perform agricultural labor for another person shall, on or before the first date

on which he furnishes such individuals to perform such labor for such other person, advise such other person of his name; permanent mailing address, or if none, present address; and identification number, if any.

(d) *Use of identification number.* The identification number assigned to an employer (other than a household employer referred to in paragraph (a)(2) of this section) shall be shown in the employer's records, returns, statements for employees, depositary receipts, and claims to the extent required by the applicable forms, regulations, and instructions.

§ 31.6011(b)–2 Employees' account numbers.

(a) *Requirement of application*—(1) *In general.* Every employee who on or after January 1, 1955, is in employment for wages subject to the taxes imposed by the Federal Insurance Contributions Act, but who prior to such date has neither secured an account number nor made application therefor, shall make an application on Form SS–5 for an account number. Each application shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Such employee shall file the application with any district office of the Social Security Administration or, if the employee is not working within the United States, with the district office of the Social Security Administration at Baltimore, Maryland. Copies of Form SS–5 may be obtained from any district office of the Social Security Administration or from any district director. An account number will be assigned to the employee by the Social Security Administration in due course upon the basis of information reported on the application required under this section. A card showing the name and account number of an employee to whom an account number has been assigned will be furnished to the employee by the Social Security Administration.

(2) *Time for filing Form SS–5.* The application shall be filed on or before the seventh day after the date on which the employee first performs employment for wages, unless the employee leaves the employ of his employer before such seventh day, in which case the application shall be filed on or before the date on which the employee leaves the employ of his employer.

(3) *Changes and corrections.* Any employee may have his account number changed at any time by applying to a district office of the Social Security Administration and showing good reasons for a change. With that exception, only one account number will be assigned to an employee. Any employee whose name is changed by marriage or otherwise, or who has stated incorrect information on Form SS–5, should report such change or correction to a district office of the Social Security Administration. Copies of the form for making such reports may be obtained from any district office of the Administration.

(b) *Duties of employee with respect to his account number*—(1) *Information to be furnished to employer.* An employee shall, on the day on which he enters the employ of any employer for wages, comply with the provisions of subdivision (i), (ii), (iii), or (iv) of this subparagraph, except that, if the employee's services for the employer consist solely of agricultural labor, domestic service in a private home of the employer not on a farm operated for profit, or service not in the course of the employer's trade or business, the employee shall comply with such provisions on the first day on which wages are paid to him by such employer, within the meaning of § 31.3121(a)–2 of Subpart B of the regulations in this part:

(i) *Employee who has account number card.* If the employee has been issued an account number card by the Social Security Administration and has the card available, the employee shall show it to the employer.

(ii) *Employee who has number but card not available.* If the employee does not have available the account number card issued to him by the Social Security Administration but knows what his account number is, and what his name is, exactly as shown on such card, the employee shall advise the employer of such number and name. Care must be exercised that the employer is correctly advised of such number and name.

(iii) *Employee who has receipt acknowledging application.* If the employee does not have an account number card but has available a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received, the employee shall show such receipt to the employer.

(iv) *Employee who is unable to furnish number or receipt.* If an employee is unable to comply with the requirement of subdivision (i), (ii), or (iii) of this subparagraph, the employee shall furnish to the employer a statement in writing, signed by the employee, setting forth the date of the statement, the employee's full name, present address, date and place of birth, father's full name, mother's full name before marriage, and the employee's sex, including a statement as to whether the employee has previously filed an application on Form SS–5 and, if so, the date and place of such filing. The information required by this subdivision shall be furnished on Form SS–5, if a copy of Form SS–5 is available. The furnishing of such a Form SS–5 or other statement by the employee to the employer does not relieve the employee of his obligation to make an application on Form SS–5 and file it with a district office of the Social Security Administration as required by paragraph (a) of this section. The foregoing provisions of this subdivision are not applicable to an employee engaged exclusively in the performance of domestic service in a private home of his employer not on a farm operated for profit, or in the performance of agricultural labor, if the services are performed for an employer other than an employer required to file returns of the taxes imposed by the Federal Insurance Contributions Act with the office of the United States Internal Revenue Service in Puerto Rico. However, such employee shall advise the employer of his full name and present address.

For provisions relating to the duties of an employer when furnished the information required by subdivision (i), (ii), (iii), or (iv) of this subparagraph, see paragraph (c) of this section.

(2) *Additional information to be furnished by employee to employer.* Every employee who, on the day on which he is required to comply with subdivision (i), (ii), (iii), or (iv) of subparagraph (1) of this paragraph, has an account number card but for any reason does not show such card to the employer on such day shall promptly thereafter show the card to the employer. An employee who does not have an account number card on such day shall, upon receipt of an account number card from the Social Security Administration, promptly show such card to the employer, if he is still in the employ of that employer. If the employee has left the employ of the employer when the employee receives an account number card from the Social Security Administration, he shall promptly advise the employer of his account number and name exactly as shown on such card. The account number originally assigned to an employee (or the number as changed in accordance with paragraph (a)(3) of this section) shall be used by the employee as required by this paragraph even though he enters the employ of other employers.

(c) *Duties of employer with respect to employees' account numbers*—(1) *Employee who shows account number.* Upon being shown the account number card issued to an employee by the Social Security Administration, the employer shall enter the account number and name, exactly as shown on the card, in the employer's records, returns, statements for employees, and claims to the extent required by the applicable forms, regulations, and instructions.

(2) *Employee who does not show account number card.* With respect to an employee who, on the day on which he is required to comply with subdivision (i), (ii), (iii), or (iv) of paragraph (b)(1) of this section, does not show the employer an account number card issued to the employee by the Social Security Administration, the employer shall request such employee to show him such card. If the card is not shown, the employer shall comply with the applicable provisions of subdivision (i), (ii), (iii), (iv), or (v) of this subparagraph:

(i) *Employee who has not applied for account number.* If the employee has not been assigned an account number and has not made application therefor with a district office of the Social Security Administration, the employer shall inform the employee of his duties under this section.

(ii) *Employee who has account number.* If the employee advises the employer of his number and name as shown on his account number card, as provided in paragraph (b)(1)(ii) of this section, the employer shall enter such number and name in his records.

(iii) *Employee who has receipt for application.* If the employee shows the employer, as provided in paragraph (b)(1)(iii) of this section, a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received from the employee, the employer shall enter in his records with respect to such employee the name and address of the employee exactly as shown on the receipt, the expiration date of the receipt, and the address of the issuing office. The receipt shall be retained by the employee.

(iv) *Employee who furnishes Form SS–5 or statement.* If the employee furnishes information to the employer as provided in paragraph (b)(1)(iv) of this section, the employer shall retain such information for use as provided in subparagraph (3)(ii) of this paragraph.

(v) *Household or agricultural employees.* If the employee advises the employer of his full name and present address in accordance with those provisions of paragraph (b)(1)(iv) of this section which are applicable in the case of employees engaged exclusively in the performance of domestic service in a private home of the employer not on a farm operated for profit, or agricultural labor, the employer shall enter such name and address in his records.

(3) *Account number unknown when return is filed.* In any case in which the employee's account number is for any reason unknown to the employer at the time the employer's return is filed for any return period with respect to which the employer is required to report the wages paid to such employee—

(i) *If employee has shown receipt for application.* If the employee has shown to the employer, as provided in paragraph (b)(1)(iii) of this section, a receipt issued to him by an office of the Social Security Administration acknowledging that an application for an account number has been received from the employee, the employer shall enter on the return, with the entry with respect to the employee, the name and address of the employee exactly as shown on the receipt, the expiration date of the receipt, and the address of the issuing office.

(ii) *If employee furnished Form SS–5 or statement.* If the employee has furnished information to the employer as provided in paragraph (b)(1)(iv) of this section, the employer shall prepare a copy of the Form SS–5 or statement furnished by the employee and attach the copy to the return.

(iii) *If employee did not furnish receipt, Form SS–5, or statement.* If neither subdivision (i) nor (ii) of this subparagraph is applicable, the employer shall, except as provided in subparagraph (4) of this paragraph, attach to the return a Form SS–5 or statement, signed by the employer, setting forth as fully and clearly as practicable the employee's full name, his present or last known address, date and place of birth, father's full name, mother's full name before marriage, the employee's sex, and a statement as to whether an application for an account number has previously been filed by the employee and, if so, the date and place of such filing. The employer shall also insert in such Form SS–5 or statement an explanation of why he has not secured from the employee the information referred to in paragraph (b)(1)(iv) of this section, and shall insert the word "Employer" as part of his signature.

(4) *Household or agricultural employees.* The provisions of subparagraph (3)(iii) of this paragraph are not applicable with respect to an employee engaged exclusively in the performance of domestic service in a private home of his employer not on a farm operated for profit, or in the performance of agricultural labor, if the services are performed for an employer other than an employer required to file returns of the taxes imposed by the Federal Insurance Contributions Act with the office of the United States Internal Revenue Service in Puerto Rico. If any such employee has not furnished to the employer the information required by paragraph (b)(1)(i), (ii), or (iii) of this section prior to the time the employer's return is filed for any return period with respect to which the employer is required to report wages paid to such employee, the employer shall enter the word "Unknown" in the account number column of the return and (i) file with the return a statement showing the employee's full name and present or last known address, or (ii) enter such address on the return form immediately below the name of the employee.

(5) *Where to obtain Form SS–5.* Employers may obtain copies of Form SS–5 from any district office of the Social Security Administration or from any district director.

(6) *Prospective employees.* While not mandatory, it is suggested that the employer advise any prospective employee who does not have an account number of the requirements of paragraphs (a) and (b) of this section.

§ 31.6051–1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* (i) Every employer, as defined in section 3401(d), required to deduct and withhold from an employee a tax under section 3402, or who would have been required to deduct and withhold a tax under section 3402 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee, in respect of the remuneration paid by such employer to such employee during the calendar year, the tax return copy and the employee's copy of a statement on Form W–2. For example, if the wage bracket method of withholding provided in section 3402(c)(1) is used, a statement on Form W–2 must be furnished to each employee whose wages during any payroll period are equal to or in excess of the smallest wage from which tax must be withheld in the case of an employee claiming one exemption. If the percentage method is used, a statement on Form W–2 must be furnished to each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 3402(b)(1). Each statement on Form W–2 shall show the following:

(*a*) The name, address, and identification number of the employer,

(*b*) The name and address of the employee, and, if wages as defined in section 3121(a) have been paid, his social security account number,

(*c*) The total amount of wages as defined in section 3401(a),

(*d*) The total amount deducted and withheld as tax under section 3402,

(*e*) The total amount of wages as defined in section 3121(a), and

(*f*) The total amount of employee tax under section 3101 deducted and withheld (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year).

See paragraph (d) of this section for provisions relating to the time for furnishing the statement required by this subparagraph.

(ii) Payments made in 1955 under a wage continuation plan shall be reported on Form W–2 to the extent, and in the manner, provided in paragraph (b)(8)(i) of § 31.3401(a)–1 of Subpart E of the regulations in this part.

(iii) In the case of statements furnished by the employer for whom services are performed, with respect to wages paid after December 31, 1955, "the total amount of wages as defined in section 3401(a)", as used in section 6051(a)(3), shall include all payments made directly by such employer under a wage continuation plan which constitute wages in accordance with § 31.3401(a)–1(b)(8)(ii)(*a*), without regard to whether tax has been withheld on such amounts.

(iv) Form W–2 is not required in respect of any wage continuation payment made to an employee by or on behalf of a person who is not the employer for whom the employee performs services but who is regarded as an employer under section 3401(d)(1). See paragraph (b)(8) of § 31.3401(a)–1 of Subpart E of the regulations in this part.

(v) In the case of remuneration paid for service described in section 3121(m), relating to service in the uniformed services, performed after 1956, "wages as defined in section 3121(a)", as used in section 6051(a)(2) and (5), shall be determined in accordance with section 3121(i)(2) and section 3122.

(2) *Statements for members of the Armed Forces of the United States.* Section 6051(b) contains certain special provisions which are applicable in the case of members of the Armed Forces of the United States in active service. In such case, Form W–2 shall be furnished to each such member of the Armed Forces if any tax has been withheld under section 3402 during the calendar year from the remuneration of such member or if any of the remuneration paid during the calendar year for such active service is includible under chapter 1 in the gross income of such member. Form W–2, in the case of such member, shall show, as "the total amount of wages as defined in section 3401(a)", as used in section 6051(a)(3), the amount of the

remuneration paid during the calendar year which is not excluded under chapter 1 of the Internal Revenue Code of 1954 from the gross income of such member, whether or not such remuneration constitutes wages as defined in section 3401(a) and whether or not paid for such active service.

(3) *Undelivered Forms W–2.* The tax return copy and the employee's copy of each withholding statement on Form W–2 for the calendar year which the employer is required to furnish to the employee and which after reasonable effort he is unable to deliver to the employee shall be transmitted to the district director with the return on Form 941 filed by the employer for the return period ending June 30 in the next succeeding calendar year or with the employer's final return if filed for a period ending on an earlier date. Thus, the undelivered copies of Forms W–2 ordinarily will be transmitted to the district director on or before July 31 or August 10 of the year following that for which they were issued, depending upon when the return for such return period is required to be filed. In the case of an employer having branch offices, the undelivered copies of Forms W–2 held in such branch offices may be transmitted by the employer with such return or, at the option of the employer, may be transmitted by the branch office directly to the district director for the internal revenue district in which the branch office is located. Such direct transmittal by branch offices shall be made at the time prescribed for the filing of the employer's return for the return period ending June 30 in the calendar year following that for which the Forms W–2 were issued or at the time of the filing of the employer's final return if filed for a period ending on an earlier date. The provisions of this subparagraph are also applicable with respect to any undelivered corrected statements issued for a prior calendar year.

(b) *Requirement if wages are not subject to withholding of income tax*—(1) *General rule.* If during the calendar year an employer pays to an employee wages subject to the employee tax imposed by section 3101, and the employer is not required by paragraph (a) of this section to furnish to such employee a statement on Form W–2 for such calendar year, the employer shall, in accordance with the provisions of this paragraph, furnish a written statement to the employee with respect to such wages. Such statement shall be in a form suitable for retention by the employee and shall show, with respect to the wages paid by the employer to the employee during the calendar year for employment after 1936, the following:

(i) The name and address of the employer,

(ii) The name, address, and social security account number of the employee,

(iii) The total amount of wages as defined in section 3121(a), and

(iv) The total amount of employee tax deducted and withheld from such wages (increased by any adjustment in such year for overcollection, or decreased by any adjustment in such year for undercollection, of employee tax during any prior year).

See paragraph (d) of this section for provisions relating to the time for furnishing the statement required by this paragraph.

(2) *Uniformed services.* In the case of remuneration paid for service described in section 3121(m), relating to service in the uniformed services, performed after 1956, "wages as defined in section 3121(a)", as used in section 6051(a)(5), shall be determined in accordance with section 3121(i)(2) and section 3122.

(3) *Form of statement.* No particular form is prescribed for the statement required by this paragraph. For the convenience of employers in complying with the requirements of this paragraph, copies of a form of statement, Form SS–14, will be furnished by district directors upon request.

(c) *Correction of statements*—(1) *Federal Insurance Contributions Act.* If (i) the amount of employee tax under section 3101 deducted and withheld in the calendar year from the wages, as defined in section 3121(a), paid during such year was less or greater than the tax imposed by section 3101 on such wages by reason of the adjustment in such year of an overcollection or undercollection of the tax in any prior year, or (ii) regardless of the reason for the error or the method of its correction, the amount of wages as defined in section 3121(a), or tax under section 3101, entered on a statement furnished pursuant to this section to an employee for a prior year was incorrect, a corrected statement for such prior year reflecting the adjustment or the correct data shall be furnished to the employee. Such statement shall be marked "Corrected by Employer".

(2) *Income tax withholding.* A corrected statement on Form W–2 shall be furnished to the employee with respect to a prior calendar year (i) to show the correct amount of wages, as defined in section 3401(a), paid during the prior calendar year if the amount of such wages entered on a statement furnished to the employee for such prior year is incorrect, or (ii) to show the amount actually deducted and withheld as tax under section 3402 if such amount is less or greater than the amount entered as tax withheld on the statement furnished the employee for such prior year. Such statement shall be marked "Corrected by Employer".

(3) *Cross reference.* For provisions relating to the disposition of the district director's copy of a corrected Form W–2, see paragraph (b)(4) of § 31.6011(a)–4.

(d) *Time for furnishing statements*—(1) *In general.* Each statement required by this section for a calendar year and each corrected statement required for any prior year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made. For provisions relating to the filing of the district director's copies of Form W–2, see paragraph (b) of § 31.6011(a)–4.

(2) *Extensions of time.* (i) For good cause shown upon written application by an employer, the district director may grant an extension of time not exceeding 30 days in which to furnish to employees the statements required by this section. Each application for an extension of time under this subdivision shall be made in writing, properly signed by the employer or his duly authorized agent; shall be addressed to the district director with whom the employer files his returns; and shall contain a full recital of the reasons for requesting the extension, to aid the district director in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to the district director will suffice as an application. The application shall be filed on or before the date prescribed in subparagraph (1) of this paragraph for furnishing the statements required by this section. In any case in which an employer is unable, by reason of illness, absence, or other good cause, to sign a request for an extension, any person standing in close personal or business relationship to the employer may sign the request on his behalf, and shall be considered as a duly authorized agent for this purpose, provided the request sets forth a reason for a signature other than the employer's and the relationship existing between the employer and the signer. For provisions relating to extensions of time for filing the district director's copies of Form W–2, see paragraph (a)(3) of § 31.6081(a)–1.

(ii) An extension of time, not exceeding 30 days, within which to furnish any statement required by this section upon termination of employment is hereby granted to any employer with respect to any employee whose employment is terminated during the calendar year. In the case of intermittent or interrupted employment where there is reasonable expectation on the part of both employer and employee of further employment, there is no requirement that a written statement be immediately furnished the employee; but when such expectation ceases to exist, the statement must be furnished within 30 days from that time.

(3) *Cross references.* For provisions relating to the penalties provided for the willful furnishing of a false or fraudulent statement, or for the willful failure to furnish a statement, see § 31.6674–1 and section 7204.

§ 31.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* * * * any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 31.6061–1 Signing of returns.

Each return required under the regulations in this subpart shall, if signature is called for by the form or instructions relating to the return, be signed by (a) the individual, if the person required to make the return is an individual; (b) the president, vice president, or other principal officer, if the person required to make the return is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person required to make the return is a partnership or other unincorporated organization; or (d) the fiduciary, if the person required to make the return is a trust or estate. The return may be signed for the taxpayer by an agent who is duly authorized in accordance with § 31.6011(a)–7 to make such return.

§ 31.6065(a) Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

§ 31.6065(a)–1 Verification of returns or other documents.

If a return, statement, or other document made under the regulations in this part is required by the regulations contained in this part, or the form and instructions issued with respect to such return, statement, or other document, to contain or be verified by a written declaration that it is made under the penalties of perjury, such return, statement, or other document shall be so verified by the person signing it.

§ 31.6091 Statutory provisions; place for filing returns.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(2) *Corporations.* Returns of corporations shall be made to the Secretary or his delegate in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

* * * * *

(4) *Exceptional cases.* Notwithstanding paragraph (1), (2) * * * of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

§ 31.6091–1 Place for filing returns.

(a) *Persons other than corporations.* The return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland, except as provided in paragraph (c) of this section.

(b) *Corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation, except as provided in paragraph (c) of this section.

(c) *Return of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C., unless the principal place of business or legal residence of such person, or the principal place of business or principal office or agency of such corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Office of the Director, International Operations Division, United States Internal Revenue Service, Santurce, Puerto Rico.

(d) *Exceptional cases*—(1) *Permission to file in district other than required district.* The Commissioner may permit the filing of any return required to be made under the regulations in this subpart in any internal revenue district, notwithstanding the provisions of paragraphs (1) and (2) of section 6091(b) and paragraphs (a), (b), and (c) of this section.

(2) *Returns of officers and employees of the Internal Revenue Service.* The Commissioner may require any officer or employee of the Internal Revenue Service to file any return required of him under the regulations in this subpart in any internal revenue district selected by the Commissioner, notwithstanding the provisions of paragraphs (1) and (2) of section 6091(b) and paragraphs (a), (b), and (c) of this section.

§ 31.6101 Statutory provisions; period covered by returns or other documents.

SEC. 6101. *Period covered by returns or other documents.* When not otherwise provided for by this title, the Secretary or his delegate may by regulations prescribe the period for which, or the date as of which, any return, statement, or other document required by this title or by regulations, shall be made.

§ 31.6101–1 Period covered by returns.

The period covered by any return required under the regulations in this subpart shall be as provided in those provisions of the regulations under which the return is required to be made. See § 31.6011(a)–1, relating to returns of taxes under the Federal Insurance Contributions Act; § 31.6011(a)–2, relating to returns of taxes under the Railroad Retirement Tax Act; § 31.6011(a)–3, relating to returns of tax under the Federal Unemployment Tax Act; § 31.6011(a)–4, relating to returns of income tax withheld under section 3402; and § 31.6011(a)–5, relating to monthly returns of taxes under the Federal Insurance Contributions Act and of income tax withheld under section 3402.

§ 31.6161(a)(1) Statutory provisions; extension of time for paying tax.

SEC. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

§ 31.6161(a)(1)–1 Extensions of time for paying tax.

No extension of time will be granted for payment of any of the taxes to which the regulations in this part have application.

§ 31.6205 Statutory provisions; special rules applicable to certain employment taxes.

SEC. 6205. *Special rules applicable to certain employment taxes*—(a) *Adjustment of tax*—(1) *General rule.* If less than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid with respect to any payment of wages or compensation, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as the Secretary or his delegate may by regulations prescribe.

(2) *United States as employer.* For purposes of this subsection, in the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall be deemed a separate employer.

(b) *Underpayments.* If less than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid or deducted with respect to any payment of wages or compensation and the underpayment cannot be adjusted under subsection (a) of this section, the amount of the underpayment shall be assessed and collected in such manner and at such times (subject to the statute of limitations properly applicable thereto) as the Secretary or his delegate may by regulations prescribe.

§ 31.6205–1 Adjustments of underpayments.

(a) *In general.* (1) An employer who makes, or has made, an undercollection or underpayment of—

(i) Employee tax under section 3101, employer tax under section 3111, or the employee or employer tax under corresponding provisions of prior law,

(ii) Employee tax under section 3201, employer tax under section 3221, or the employee or employer tax under corresponding provisions of prior law, or

(iii) Income tax required under section 3402 to be withheld,

with respect to any payment of wages or compensation, shall correct such error as provided in this section. Such correction shall constitute an adjustment

without interest to the extent provided in paragraph (b) or (c) of this section.

(2) Every correction under this section of an underpayment of tax with respect to a payment of wages or compensation shall be made on the return form which is prescribed for use, at the time the correction is made, in reporting tax which corresponds to the tax underpaid.

(3) Every return or supplemental return on which an underpayment is corrected pursuant to this section must have securely attached as a part thereof a statement explaining the correction, designating the return period in which the error was ascertained and the return period to which the error relates, and setting forth such other information as may be required by the regulations in this subpart and by the instructions relating to the return.

(4) For purposes of this section, an error is ascertained when the employer has sufficient knowledge of the error to be able to correct it.

(5) If a correction is made under this section with respect to the erroneous reporting on a return, or omission from a return, under the Federal Insurance Contributions Act, as in effect prior to or on and after January 1, 1955, of an amount of wages required to be shown on the return as a separate item in respect of a particular employee, the statement referred to in subparagraph (3) of this paragraph shall include the following information:

(i) The name and account number of each employee whose wages were erroneously reported or omitted from such return,

(ii) The period for which such wages were required to be reported on such return,

(iii) The amount, if any, of wages actually reported on such return for each such employee, and

(iv) The amount of wages which should have been reported on such return for each such employee.

No particular form is prescribed for furnishing the information required by this subparagraph, but if printed forms are desired, the district director will supply Form 941c or Form 941c PR, whichever is appropriate, upon request.

(6) No underpayment shall be reported pursuant to this section after receipt from the district director of notice and demand for payment thereof based upon an assessment, but the amount shall be paid in accordance with such notice and demand.

(7) For provisions relating to correction of erroneous statements furnished to employees in respect of wages subject to withholding of income tax under section 3402, and of wages under the Federal Insurance Contributions Act, see paragraph (c) of § 31.6051–1.

(b) *Federal Insurance Contributions Act and Railroad Retirement Tax Act*—(1) *Undercollection ascertained before return is filed.* If no employee tax or less than the correct amount of employee tax is deducted from any payment to an employee of wages, as defined in the Federal Insurance Contributions Act, or compensation as defined in the Railroad Retirement Tax Act, and the error is ascertained before the filing of the return on which the employee tax with respect to such wages or compensation is required to be reported, the employer shall nevertheless report on such return and pay to the district director the correct amount of such employee tax. However, the reporting and payment by the employer of the correct amount of such tax in accordance with this subparagraph do not constitute an adjustment.

(2) *Underpayment ascertained after return is filed.* (i) If a return is filed, and if no employee tax, no employer tax, or less than the correct amount of either such tax with respect to any payment to an employee of wages as defined in the Federal Insurance Contributions Act or corresponding provisions of prior law, or compensation as defined in the Railroad Retirement Tax Act or corresponding provisions of prior law, is reported on such return and paid to the district director, the employer shall adjust the underpayment (*a*) by reporting the additional amount due by reason of the underpayment as an adjustment on a return filed on or before the last day on which the return is required to be filed for the return period in which the error is ascertained, or (*b*) by reporting such additional amount on a supplemental return for the return period in which such payment of wages or compensation is made. The reporting of such underpayment on a supplemental return constitutes an adjustment within the meaning of this section only when the supplemental return is filed on or before the last day on which the return is required to be filed for the return period in which the error is ascertained. The amount of each underpayment adjusted in accordance with this subdivision shall be paid to the district director, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subdivision, but the amount thereof is not paid when due, interest thereafter accrues (see section 6601).

(ii) If a return is filed, and if no employee tax, no employer tax, or less than the correct amount of either such tax with respect to a payment to an employee of wages or compensation is reported on such return and paid to the district director, and such underpayment is not reported as an adjustment within the time prescribed by subdivision (i) of this subparagraph, the amount of such underpayment shall be (*a*) reported on the employer's next return, or (*b*) reported immediately on a supplemental return. For interest accruing on amounts so reported, see section 6601 and corresponding provisions of prior law.

(3) *Deductions from employees.* If an employer collects no employee tax or less than the correct amount of employee tax from an employee with respect to a payment of wages as defined in the Federal Insurance Contributions Act or corresponding provisions of prior law, or compensation as defined in the Railroad Retirement Tax Act or corresponding provisions of prior law, the employer shall collect the amount of the undercollection by deducting such amount from remuneration of the employee, if any, under his control after he ascertains the error. Such deductions may be made even though the remuneration, for any reason, does not constitute wages or compensation. The amount of an undercollection of employee tax from an employee shall be reported and paid, as provided in subparagraph (1) or (2) of this paragraph, whether or not the undercollection is corrected by a deduction made as prescribed in the foregoing provisions of this subparagraph. If such a deduction is not made, the obligation of the employee to the employer with respect to the undercollection is a matter for settlement between the employee and the employer. If any employer makes an erroneous collection of employee tax from two or more of his employees, a separate settlement must be made with respect to each employee. Thus, an overcollection of employee tax from one employee may not be used to offset an undercollection of such tax from another employee.

(c) *Income tax required to be withheld from wages*—(1) *Undercollection ascertained before return is filed.* If no income tax, or less than the correct amount of income tax, required under section 3402 to be withheld from wages is deducted from wages paid to an employee in any return period, and if the error is ascertained before the return is filed for the period in which such wages are paid, the employer shall nevertheless report on such return the correct amount of the tax required to be withheld. However, the reporting and payment by an employer of tax in accordance with this subparagraph do not constitute an adjustment.

(2) *Underpayment ascertained after return is filed.* (i) If a return is filed for a return period, and if no income tax, or less than the correct amount of income tax, required under section 3402 to be withheld from wages paid to an employee in such period, is reported on a return and paid to the district director, the employer shall (*a*) report the additional amount due by reason of the underpayment on a return for any return period in the calendar year in which the wages were paid, or (*b*) report such additional amount on a supplemental return for the return period in which such wages were paid. Such reporting constitutes an adjustment within the meaning of this section only if the return or supplemental return on which the underpayment is reported is filed on or before the last day on which the return is required to be filed for the return period in which the error was ascertained.

(ii) If a return is filed for a return period, and if no income tax, or less than the correct amount of income tax, required under section 3402 to be withheld from wages paid to an employee in such period is reported on such return and paid to the district director, and such underpayment is not reported as an adjustment within the time prescribed by subdivision (i) of this subparagraph, the amount of such underpayment shall be (*a*) reported on the employer's next return, if such next return is for any return period in the calendar year in which the wages were paid, or (*b*) reported immediately on a supplemental return.

(3) *Payment of amounts reported as undercollections or underpayments.* (i) For provisions relating to the employer's liability for an underpayment of tax unless he can show that the income tax against which the tax under section 3402 may be credited has been paid, see § 31.3402(d)–1 of Subpart E of the regulations in this part.

(ii) Except as provided in § 31.3402(d)–1 of Subpart E of the regulations in this part, any amount reported as an adjustment within the meaning of this paragraph shall be paid to the district director, without interest, at the time fixed for reporting the adjustment.

(iii) For interest accruing on amounts which are not paid when due, see section 6601.

(4) *Deductions from employee.* If no income tax, or less than the correct amount of income tax, required under section 3402 to be withheld from wages is deducted from wages paid to an employee in a calendar year, the employer shall collect the amount of the undercollection on or before the last day of such year by deducting such amount from remuneration of the employee, if any, under his control. Such deductions may be made even though the remuneration, for any reason, does not constitute wages. Any undercollection in a calendar year not corrected by a deduction made pursuant to the foregoing provisions of this subparagraph is a matter for settlement between the employee and the employer within such calendar year. For provisions relating to the employer's liability for the tax, whether or not he collects it from the employee, see § 31.3403–1 of Subpart E of the regulations in this part.

§ 31.6302(b) Statutory provisions; mode or time of collection; discretionary method.

SEC. 6302. *Mode or time of collection.* • • •

(b) *Discretionary method.* Whether or not the method of collecting any tax imposed by chapters 21, 31, 32, 33, section 4481 of chapter 36, sections 4501(a) or 4511 of chapter 37, or sections 4701 or 4721 of chapter 39 is specifically provided for by this title, any such tax may, under regulations prescribed by the Secretary or his delegate, be collected by means of returns, stamps, coupons, tickets, books, or such other reasonable devices or methods as may be necessary or helpful in securing a complete and proper collection of the tax.

[Sec. 6302(b) as amended by sec. 206(b), Highway Revenue Act 1956 (70 Stat. 391)]

§ 31.6302(b)–1 Method of collection.

For provisions relating to collection by means of returns of the taxes imposed by chapter 21 (Federal Insurance Contributions Act), see §§ 31.6011(a)–1 and 31.6011(a)–5.

§ 31.6402(a) Statutory provisions; authority to make credits or refunds.

SEC. 6402. *Authority to make credits or refunds*—(a) *General rule.* In the case of any overpayment, the Secretary or his delegate, within the applicable period of limitations, may credit the amount of such overpayment, including any interest allowed thereon, against any liability in respect of an internal revenue tax on the part of the person who made the overpayment and shall refund any balance to such person.

§ 31.6402(a)–1 Credits or refunds.

(a) *In general.* For regulations under section 6402 of special application to credits or refunds of employment taxes, see §§ 31.6402(a)–2, 31.6402(a)–3, and 31.6414–1. For regulations under section 6402 of general application to credits or refunds, see §§ 301.6402–1 and 301.6402–2 of this chapter (Regulations on Procedure and Administration). For provisions relating to credits of employment taxes which constitute adjustments without interest, see §§ 31.6413(a)–1 and 31.6413(a)–2.

(b) *Period of limitation.* For the period of limitation upon credit or refund of taxes imposed by the Internal Revenue Code of 1954, see § 301.6511(a)–1 of this chapter (Regulations on Procedure and Administration). For the period of limitation upon credit or refund of any tax imposed by the Internal Revenue Code of 1939, see the regulations applicable with respect to such tax.

§ 31.6402(a)–2 Credit or refund of tax under Federal Insurance Contributions Act or Railroad Retirement Tax Act.

(a) *Claim by person who paid tax to district director*—(1) *In general.* Any person who pays to the district director more than the correct amount of—

(i) Employee tax under section 3101, or employer tax under section 3111, of the Federal Insurance Contributions Act,

(ii) Employee tax under section 3201, employee representative tax under section 3211, or employer tax under section 3221, of the Railroad Retirement Tax Act,

(iii) Any such tax under a corresponding provision of prior law, or

(iv) Interest, addition to the tax, additional amount, or penalty with respect to any such tax,

may file a claim for refund of the overpayment (except to the extent that the overpayment must be credited pursuant to § 31.3503–1 of Subpart F of the regulations in this part), or may claim credit for such overpayment, in the manner and subject to the conditions stated in this section and § 301.6402–2 of this chapter (Regulations on Procedure and Administration). If credit is claimed pursuant to this section, the amount thereof shall be claimed by entering such amount as a deduction on a return filed by the person making the claim. The return on which the credit is claimed must be on a form which is prescribed for use, at the time of the claim, in reporting tax which corresponds to the tax overpaid. If credit is taken pursuant to this section, a claim on Form 843 is not required, but the return on which the credit is claimed shall have attached as a part thereof a statement which shall constitute the claim for credit, setting forth in detail the grounds and facts relied upon in support of the credit, designating the return period in which the error was ascertained, and setting forth such other information as may be required by the regulations in this subpart and by the instructions relating to the return. No refund or credit of employee tax under the Federal Insurance Contributions Act shall be allowed if for any reason (for example, an overcollection of employee tax having been inadvertently included by the employee in computing a special refund—see § 31.6413(c)–1) the employee has taken the amount of such tax into account in claiming a credit against, or refund of, his income tax, or if so, such claim has been rejected.

(2) *Statements supporting employers' claims for employee tax.* (i) Every claim filed by an employer for refund or credit of employee tax under section 3101 or section 3201, or a corresponding provision of prior law, collected from an employee shall include a statement that the employer has repaid the tax to such employee or has secured the written consent of such employee to allowance of the refund or credit. The employer shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim.

(ii) Every claim filed by an employer for refund or credit of employee tax under section 3101, or a corresponding provision of prior law, collected from an employee in a calendar year prior to the year in which the credit or refund is claimed, also shall include a statement that the employer has obtained from the employee a written statement (*a*) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (*b*) that the employee will not claim refund or credit of such amount. The employer shall retain the employee's written statement as part of the employer's records.

(b) *Claim by employee*—(1) *In general.* If more than the correct amount of employee tax under section 3101 or section 3201, or a corresponding provision of prior law, is collected by an employer from an employee and paid to the district director, the employee may file a claim for refund of the overpayment if (i) the employee does not receive reimbursement in any manner from the employer and does not authorize the employer to file a claim and receive refund or credit, (ii) the overcollection cannot be corrected under § 31.3503–1 of Subpart F of the regulations in this part, and (iii) in the case of employee tax under section 3101 or a corresponding provision of prior law, the employee has not taken the overcollection into account in claiming a credit against, or refund of, his income tax, or if so, such claim has been rejected. See § 31.6413(c)–1.

(2) *Statements supporting employee's claim.* (i) Each employee who makes a claim under subparagraph (1) of this paragraph shall submit with such claim a statement setting forth (*a*) the extent, if any, to which the employer has reimbursed the employee in any manner for the overcollection, and (*b*) the amount, if any, of credit or refund of such overpayment claimed by the employer or authorized by the employee to be claimed by the employer. The employee shall obtain such statement, if possible, from the employer, who should include in such statement the fact that it is made in

support of a claim against the United States to be filed by the employee for refund of employee tax paid by such employer to the district director. If the employer's statement is not submitted with the claim, the employee shall make the statement to the best of his knowledge and belief, and shall include therein an explanation of his inability to obtain the statement from the employer.

(ii) Each individual who makes a claim under subparagraph (1) of this paragraph for refund of employee tax under section 3101, or a corresponding provision of prior law, also shall submit with such claim a statement setting forth whether the individual has taken the amount of the overcollection into account in claiming a credit against, or refund of, his income tax, and the amount, if any, so claimed (see § 31.6413(c)–1).

(c) *Statements to accompany employers' and employees' claims under the Federal Insurance Contributions Act.* Whenever a claim for credit or refund of employee tax under section 3101, employer tax under section 3111, or either such tax under a corresponding provision of prior law, is made with respect to remuneration which was erroneously reported on a return or schedule as wages paid to an employee, such claim shall include a statement showing (1) the identification number of the employer, if he was required to make application therefor, (2) the name and account number of such employee, (3) the period covered by such return or schedule, (4) the amount of remuneration actually reported as wages for such employee, and (5) the amount of wages which should have been reported for such employee. No particular form is prescribed for making such statement, but if printed forms are desired, the district director will supply copies of Form 941c or Form 941c PR, whichever is appropriate, upon request.

§ 31.6402(a)–3 Refund of Federal unemployment tax.

Any person who pays to the district director more than the correct amount of—

(a) Tax under section 3301 of the Federal Unemployment Tax Act or a corresponding provision of prior law, or

(b) Interest, addition to the tax, additional amount, or penalty with respect to such tax,

may file a claim for refund of the overpayment, in the manner and subject to the conditions stated in § 301.6402–2 of this chapter (Regulations on Procedure and Administration). See § 31.6413(d) and the corresponding section of prior law for provisions which bar the allowance or payment of interest on the amount of any refund based on credit allowable for contributions paid under the unemployment compensation law of a State.

§ 31.6404(a) Statutory provisions; abatements.

SEC. 6404. *Abatements*—(a) *General rule.* The Secretary or his delegate is authorized to abate the unpaid portion of the assessment of any tax or any liability in respect thereof, which—

(1) Is excessive in amount, or

(2) Is assessed after the expiration of the period of limitation properly applicable thereto, or

(3) Is erroneously or illegally assessed.

§ 31.6404(a)–1 Abatements.

For regulations under section 6404 of general application to the abatement of taxes, see § 301.6404–1 of this chapter (Regulations on Procedure and Administration). Every claim filed by an employer for abatement of employee tax under section 3101 or section 3201, or a corresponding provision of prior law, shall be made in the manner and subject to the conditions stated in paragraphs (a)(2) and (c) of § 31.6402(a)–2, as if the claim for abatement were a claim for refund.

§ 31.6413(a) Statutory provisions; special rules applicable to certain employment taxes; adjustment of tax.

SEC. 6413. *Special rules applicable to certain employment taxes*—(a) *Adjustment of tax*—(1) *General rule.* If more than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid with respect to any payment of remuneration, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as the Secretary or his delegate may by regulations prescribe.

(2) *United States as employer.* For purposes of this subsection, in the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall be deemed a separate employer.

§ 31.6413(a)–1 Repayment by employer of tax erroneously collected from employee.

(a) *Before employer files return*—(1) *Employee tax under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act.* (i) If an employer—

(a) During any return period collects from an employee more than the correct amount of tax under section 3101 or section 3201, or a corresponding provision of prior law,

(b) Repays the amount of the overcollection to the employee before the return for such period is filed with the district director, and

(c) Obtains and keeps as part of his records the written receipt of the employee showing the date and amount of the repayment,

the employer shall not report on any return or pay to the district director the amount of the overcollection.

(ii) Any overcollection not repaid to and receipted for by the employee as provided in subdivision (i) of this subparagraph shall be reported and paid to the district director with the return for the return period in which the overcollection was made. Such return shall be accompanied by a statement explaining the overcollection, setting forth the account number (if known) and name of the individual from whom the overcollection was made, and showing the total amount overcollected from and not repaid to the individual. If the employer is not required to make a return for such period, the employer nevertheless shall furnish to the district director a statement as described in the preceding sentence, on or before the date fixed for filing a return for such period, and shall pay the amount of the overcollection with such statement.

(2) *Income tax withheld from wages.* (i) If an employer—

(a) During any return period collects from an employee more than the correct amount of tax under section 3402,

(b) Repays the amount of the overcollection to the employee before the return for such period is filed with the district director and before the end of the calendar year in which the overcollection was made, and

(c) Obtains and keeps as part of his records the written receipt of the employee showing the date and amount of the repayment,

the employer shall not report on any return or pay to the district director the amount of the overcollection.

(ii) Any overcollection not repaid to and receipted for by the employee as provided in subdivision (i) of this subparagraph shall be reported and paid to the district director with the return for the return period in which the overcollection was made.

(b) *After employer files return*—(1) *Employee tax under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act.* (i) If an employer collects from any employee and pays to the district director more than the correct amount of employee tax under section 3101 or section 3201, or a corresponding provision of prior law, and if the error is ascertained within the applicable period of limitation on credit or refund, the employer shall repay or reimburse the employee in the amount thereof prior to the expiration of the return period following the return period in which the error is ascertained and prior to the expiration of such limitation period. This subparagraph has no application in any case in which an overcollection is made the subject of a claim by the employer for refund or credit, and the employer elects to secure the written consent of the employee to the allowance of the refund or credit under the procedure provided in paragraph (a)(2)(i) of § 31.6402(a)–2.

(ii) If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If, in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (*a*) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (*b*) that the employee will not claim refund or credit of such amount. See § 31.6413(c)–1.

(iii) If the employer does not repay the employee the amount overcollected, the employer shall reimburse the employee by applying the amount of the overcollection against the employee tax which attaches to wages or compensation paid to the employee prior to the expiration of the return period following the return period in which the error is ascertained and prior to the expiration of the applicable period of limitation on credit or refund. If the amount of the overcollection exceeds the amount so applied against such employee tax, the excess amount shall be repaid to the employee as required by this subparagraph.

(iv) For purposes of this subparagraph, an error is ascertained when the employer has sufficient knowledge of the error to be able to correct it.

(v) For the period of limitation upon credit or refund of taxes imposed by the Internal Revenue Code of 1954, see § 301.6511(a)–1 of this chapter (Regulations on Procedure and Administration). For the period of limitation upon credit or refund of any tax imposed by the Internal Revenue Code of 1939, see the regulations applicable with respect to such tax.

(2) *Income tax withheld from wages.* (i) If, in any return period in a calendar year, an employer collects from any employee more than the correct amount of tax under section 3402, and the employer pays the amount of such overcollection to the district director, the employer may repay or reimburse the employee in the amount thereof in any subsequent return period in such calendar year.

(ii) If the amount of the overcollection is repaid to the employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If the employer does not repay the amount of the overcollection, the employer may reimburse the employee by applying the amount of the overcollection against the tax under section 3402 which otherwise would be required to be withheld from wages paid by the employer to the employee in the calendar year in which the overcollection is made.

§ 31.6413(a)–2 Adjustment of overpayments.

(a) *Taxes under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act*—(1) *Employee tax.* After an employer repays or reimburses an employee in the amount of an overcollection, as provided in paragraph (b)(1) of § 31.6413(a)–1, the employer may claim credit for such amount in the manner, and subject to the conditions, stated in § 31.6402(a)–2. Such credit shall constitute an adjustment, without interest, if the amount thereof is entered on a return for a period ending on or before the last day of the return period following the return period in which the error was ascertained. No credit or adjustment in respect of an overpayment shall be entered on a return after the filing of a claim for refund of such overpayment.

(2) *Employer tax.* If an employer pays more than the correct amount of employer tax under section 3111 or section 3221, or a corresponding provision of prior law, the employer may claim credit for the amount of the overpayment in the manner, and subject to the conditions, stated in § 31.6402(a)–2. Such credit shall constitute an adjustment, without interest, if the amount thereof is entered on the same return on which the employer adjusts, pursuant to subparagraph (1) of this paragraph, a corresponding overpayment of employee tax.

(b) *Income tax withheld from wages.* If, pursuant to paragraph (b)(2) of § 31.6413(a)–1, an employer repays or reimburses an employee in the amount of an overcollection of tax under section 3402, the employer may adjust the overcollection, without interest, by entering the amount thereof as a deduction on a return of tax under section 3402, filed by the employer for any return period in the calendar year in which the employer repays or reimburses the employee. The return on which the adjustment is entered as a deduction shall have attached thereto a statement explaining the adjustment, designating the return period in which the error occurred, and setting forth such other information as is required by the regulations in this subpart and by the instructions relating to the return.

§ 31.6413(b) Statutory provisions; special rules applicable to certain employment taxes; overpayments of certain employment taxes.

SEC. 6413. *Special rules applicable to certain employment taxes.* • • •

(b) *Overpayments of certain employment taxes.* If more than the correct amount of tax imposed by section 3101, 3111, 3201, 3221, or 3402 is paid or deducted with respect to any payment of remuneration and the overpayment cannot be adjusted under subsection (a) of this section, the amount of the overpayment shall be refunded in such manner and at such times (subject to the statute of limitations properly applicable thereto) as the Secretary or his delegate may by regulations prescribe.

§ 31.6413(b)–1 Overpayments of certain employment taxes.

For provisions relating to the adjustment of overpayments of tax imposed by section 3101, 3111, 3201, 3221, or 3402, see § 31.6413(a)–2. For provisions relating to refunds of tax imposed by section 3101, 3111, 3201, or 3221, see §§ 31.6402(a)–1 and 31.6402(a)–2. For provisions relating to refunds of tax imposed by section 3402, see §§ 31.6402(a)–1 and 31.6414–1.

§ 31.6413(c) Statutory provisions; special rules applicable to certain employment taxes; special refunds.

SEC. 6413. *Special rules applicable to certain employment taxes.* • • •

(c) *Special refunds*—(1) *In general.* If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed $3,600, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer (A) during any calendar year after the calendar year 1954 and prior to the calendar year 1959, the wages received by him during such year exceed $4,200, or (B) during any calendar year after the calendar year 1958, the wages received by him during such year exceed $4,800, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $4,200 of such wages received in such calendar year after 1954 and before 1959, or which exceeds the tax with respect to the first $4,800 of such wages received in such calendar year after 1958.

(2) *Applicability in case of Federal and State employees and employees of certain foreign corporations*—(A) *Federal employees.* In the case of remuneration received from the United States or a wholly-owned instrumentality thereof during any calendar year, each head of a Federal agency or instrumentality who makes a return pursuant to section 3122 and each agent, designated by the head of a Federal agency or instrumentality, who makes a return pursuant to such section shall, for purposes of this subsection, be deemed a separate employer, and the term "wages" includes for purposes of this subsection the amount, not to exceed $3,600 for the calendar year 1951, 1952, 1953, or 1954, $4,200 for the calendar year 1955, 1956, 1957, or 1958, or $4,800 for any calendar year after 1958, determined by each such head or agent as constituting wages paid to an employee.

(B) *State employees.* For purposes of this subsection, in the case of remuneration received during any calendar year, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 218 of the Social Security Act as would be wages if such services constituted employment; the term "employer" includes a State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing; the term "tax" or "tax imposed by section 3101" includes, in the case of services covered by an agreement made pursuant to section 218 of the Social Security Act, an amount equivalent to the tax which would be imposed by section 3101, if such services constituted employment as defined in section 3121; and the provisions of this subsection shall apply whether or not any amount deducted from the employee's remuneration as a result of an agreement made pursuant to section 218 of the Social Security Act has been paid to the Secretary.

(C) *Employees of certain foreign corporations.* For purposes of paragraph (1) of this subsection, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 3121(l) as would be wages if such services constituted employment; the term "employer" includes any domestic corporation which has entered into an agreement pursuant to section 3121(l); the term "tax" or "tax imposed by section 3101", includes, in the case of services covered by an agreement entered into pursuant to section 3121(l), an amount equivalent to the tax which would be imposed by section 3101, if such services constituted employment as defined in section 3121; and the provisions of paragraph (1) of this subsection shall apply whether or not any amount deducted from the employee's remuneration as a result of the agreement entered into pursuant to section 3121(l) has been paid to the Secretary or his delegate.

[Sec. 6413(c) as amended by sec. 202(a)(1), Social Security Amendments 1954 (68 Stat. 1089); sec. 402(d), Social Security Amendments 1958 (72 Stat. 1043)]

§ 31.6413(c)–1 Special refunds.

(a) *Who may make claims*—(1) *In general.* (i) If, during any calendar year after 1954 and before 1960, an employee receives wages, as defined in section 3121(a), in excess of $4,200 from two or more employers, or if during any calendar year after 1958, an employee receives wages, as defined in section 3121(a), in excess of $4,800 from two or more employers, the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed by section 3101 with respect to such wages and deducted therefrom (whether or not paid to the district director) exceeds the employee tax with respect to the first $4,200 or $4,800, whichever is appropriate, of such wages. If the employee is required to file an income tax return for such calendar year (or for his last taxable year beginning in such calendar year) he may obtain the benefit of the special refund only by claiming credit as provided in § 1.31–2 of this chapter (Income Tax Regulations).

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). Employee A in the calendar year 1959 receives taxable wages in the amount of $3,000 from each of his employers, B, C, and D, for services performed during such year (or at any time after 1936), or a total of $9,000. Employee tax (computed at 2½ percent, the employee tax rate in effect in 1959) is deducted from A's wages in the amount of $75 by B and $75 by C, or a total of $150. Employer D pays employee tax in the amount of $75 to the district director without deducting such tax from A's wages. The employee tax with respect to the first $4,200 of such wages is $120. A is entitled to a special refund of $30 ($150 minus $120). The $3,000 of wages received from employer D and the $75 of employee tax paid with respect thereto have no bearing in computing A's special refund since such tax was not deducted from his wages.

Example (2). Employee E in the calendar year 1959 performs services for employers F and G, for which E is entitled to wages of $4,800 from each employer, or a total of $9,600. On account of such services, E in 1958 received an advance payment of $600 of wages from F; and in 1959, receives wages in the amount of $4,200 from F and $4,800 from G. Employee tax was deducted as follows: In 1958, $13.50 ($600×2¼%, the employee tax rate in effect in 1958) by employer F; and in 1959, $105 ($4,200×2½%, the employee tax rate in effect in 1959) by employer F, and $120 ($4,800×2½%) by employer G. Thus, E in the calendar year 1959 received $9,000 in wages, from which $225 of employee tax was deducted. The amount of employee tax with respect to the first $4,800 of such wages received in 1959 is $120. E is entitled to a special refund of $105 ($225 minus $120). The $600 advance of wages received in 1958 from F, and the $13.50 of employee tax with respect thereto, have no bearing in computing E's special refund for 1959, because the wages were not received in 1959. Such amounts could not form the basis for a special refund unless E during 1958 received from F and at least one more employer wages totaling more than $4,200.

(2) *Federal employees.* For purposes of special refunds of employee tax, each head of a Federal agency or of a wholly owned instrumentality of the United States who makes a return pursuant to section 3122 (and each agent designated by a head of a Federal agency or instrumentality who makes a return pursuant to such section) is considered a separate employer. For such purposes, the term "wages" includes the amount which each such head (or agent) determines to constitute wages paid an employee, but not in excess of $4,200 paid in any calendar year after 1954 and before 1959, or $4,800 paid in any calendar year after 1958. For example, if wages received by an employee during any calendar year after 1958 are reportable by two or more agents of one or more Federal agencies and the amount of such wages is in excess of $4,800, the employee shall be entitled to a special refund of the amount, if any, by which the employee tax imposed with respect to such wages and deducted therefrom exceeds the employee tax with respect to the first $4,800 of such wages. Moreover, if an employee receives wages during any calendar year from an agency or wholly-owned instrumentality of the United States and from one or more other employers, either private or governmental, the total amount of such wages shall be taken into account for purposes of the special refund provisions.

(3) *State employees.* For purposes of special refunds of employee tax, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 218 of the Social Security Act, relating to voluntary agreements for coverage of employees of State and local governments, as would be wages if such services constituted employment (see § 31.3121(a)–1 of Subpart B of the regulations in this part, relating to wages); the term "employer" includes a State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing; and the term "tax" or "tax imposed by section 3101" includes an amount equivalent to the employee tax which would be imposed by section 3101 if such services constituted employment. The provisions of subparagraph (1) of this paragraph are applicable whether or not any amount deducted from an employee's remuneration as a result of an agreement made pursuant to section 218 of the Social Security Act has been paid pursuant to such agreement. Thus, the special refund provisions are applicable to amounts equivalent to employee tax deducted from employees' remuneration by States, political subdivisions, or instrumentalities by reason of agreements made under section 218 of the Social Security Act. Moreover, if during any calendar year an employee receives remuneration for services covered by such an agreement and during the same calendar year receives wages from one or more other employers, either private or governmental, the total amount of such remuneration and wages shall be taken into account for purposes of the special refund provisions.

(4) *Employees of certain foreign corporations.* For purposes of special refunds of employee tax, the term "wages" includes such remuneration for services covered by an agreement made pursuant to section 3121(l), relating to agreements for coverage of employees of certain foreign corporations, as would be wages if such services constituted employment (see § 31.3121(a)–1 of Subpart B of the regulations in this part, relating to wages); the term "employer" includes any domestic corporation which has entered into an agreement pursuant to section 3121(l); and the term "tax" or "tax imposed by section 3101" includes, in the case of services covered by an agreement entered into pursuant to section 3121(l), an amount equivalent to the employee tax which would be imposed by section 3101 if such services constituted employment. The provisions of subparagraph (1) of this paragraph are applicable whether or not any amount deducted from the employee's remuneration by reason of such agreement has been paid to the district director. Thus, the special refund provisions are applicable to amounts equivalent to employee tax deducted from employees' remuneration by reason of agreements made under section 3121(l). A domestic corporation which enters into an agreement pursuant to section 3121(l) shall, for purposes of this paragraph, be considered an employer in its capacity as a party to such agreement separate and distinct from its identity as an employer employing individuals on its own account (see section 3121(l)(9)). If during any calendar year an employee receives remuneration for services covered by such an agreement and during the same calendar year receives wages for services in employment, the total amount of such remuneration and wages shall be taken into account for purposes of the special refund provisions. For provisions relating to agreements entered into under section 3121(l), see the regulations in Part 36 of this chapter (Regulations on Contract Coverage of Employees of Foreign Subsidiaries).

(b) *Claims for special refund*—(1) *In general.* An employee who is entitled to a special refund under section 6413(c) may claim such refund under the provisions of this section only if the employee is not entitled to claim the amount thereof as a credit against income tax as provided in § 1.31–2 of this chapter (Income Tax Regulations). Each claim under this section shall be made with respect to wages received within one calendar year (regardless of the year or years after 1936 during which the services were performed for which such wages are received), and shall be filed after the close of such year.

(2) *Form of claim.* Each claim for special refund under this section shall be made on Form 843, in accordance with the regulations in this subpart and the instructions relating to such form. The claim shall be filed with the district director for the internal revenue district in which the employee resides or, if the employee does not reside in any internal revenue district, with the District Director at Baltimore, Maryland. However, in the case of an employee who does not reside in any internal revenue district and who is outside the United States, the claim shall be filed with the Director, International Operations Division, United States Internal Revenue Service, Washington 25, D.C., unless the employee resides in Puerto Rico or the Virgin Islands, in which case the claim shall be filed with the office of the Director, International Operations Division, United States Internal Revenue Service, Santurce, Puerto Rico. The claim shall include the employee's account number and the following information with respect to each employer from whom he received wages during the calendar year: (i) The name and address of such employer, (ii) the amount of wages received during the calendar year to which the claim relates, and (iii) the amount of employee tax collected by the employer from the employee with respect to such wages. Other information may be required but should be submitted only upon request.

(3) *Period of limitation.* For the period of limitation upon special refund of employee tax imposed by section 3101, see § 301.6511(a)–1 of this chapter (Regulations on Procedure and Administration).

§ 31.6413(d) Statutory provisions; special rules applicable to certain employment taxes; refund or credit of Federal unemployment tax.

SEC. 6413. *Special rules applicable to certain employment taxes.* * * *

(d) *Refund or credit of Federal unemployment tax.* Any credit allowable under section 3302, to the extent not previously allowed, shall be considered an overpayment, but no interest shall be allowed or paid with respect to such overpayment.

§ 31.6414 Statutory provisions; income tax withheld.

SEC. 6414. *Income tax withheld.* In the case of an overpayment of tax imposed by chapter 24, * * * refund or credit shall be made to the employer * * * only to the extent that the amount of such overpayment was not deducted and withheld by the employer * * *.

§ 31.6414–1 Credit or refund of income tax withheld from wages.

(a) *In general.* Any employer who pays to the district director more than the correct amount of—

(1) Tax under section 3402 or a corresponding provision of prior law, or

(2) Interest, addition to the tax, additional amount, or penalty with respect to such tax,

may file a claim for refund of the overpayment or may claim credit for such overpayment, in the manner and subject to the conditions stated in this section and § 301.6402–2 of this chapter (Regulations on Procedure and Administration). If credit is claimed pursuant to this section, the amount thereof shall be claimed by entering such amount as a deduction on a return of tax under section 3402 filed by the employer. If credit is taken pursuant to this section, a claim on Form 843 is not required, but the return on which the credit is claimed shall have attached as a part thereof a statement, which shall constitute the claim for credit, setting forth in detail the grounds and facts relied upon in support of the credit, and showing such other information as is required by the regulations in this subpart and by the instructions relating to the return. No refund or credit to the employer shall be allowed under this section for the amount of any overpayment of tax which the employer deducted or withheld from an employee.

(b) *Period of limitation.* For the period of limitation upon credit or refund of taxes imposed by the Internal Revenue Code of 1954, see § 301.6511(a)–1 of this chapter (Regulations on Procedure and Administration). For the period of limitation upon credit or refund of any tax imposed by the Internal Revenue Code of 1939, see the regulations applicable with respect to such tax.

§ 31.6674 Statutory provisions; fraudulent statement or failure to furnish statement to employee.

SEC. 6674. *Fraudulent statement or failure to furnish statement to employee.* In addition to the criminal penalty provided by section 7204, any person required under the provisions of section 6051 to furnish a statement to an employee who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 6051, or regulations prescribed thereunder, shall for each such failure be subject to a penalty under this subchapter of $50, which shall be assessed and collected in the same manner as the tax on employers imposed by section 3111.

§ 31.6674–1 Penalties for fraudulent receipt or failure to furnish receipt.

Any person required to furnish a statement to an employee under the provisions of section 6051 is subject to a civil penalty for willful failure to furnish such statement in the manner, at the time, and showing the information required under such section or § 31.6051–1, or for willfully furnishing a false or fraudulent statement to an employee. The penalty for each such violation is $50, which shall be assessed and collected in the same manner as the tax imposed on employers under the Federal Insurance Contributions Act. See section 7204 for criminal penalty.

§ 31.7805 Statutory provisions; rules and regulations.

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

§ 31.7805–1 Promulgation of regulations.

In pursuance of section 7805 of the Internal Revenue Code of 1954, the foregoing regulations are hereby prescribed. (See § 31.0–3 of Subpart A of the regulations in this part relating to the scope of the regulations.)

PAR. 2. The Employment Tax Regulations (26 CFR Part 31) are amended by inserting the following immediately after § 31.6001–5:

§ 31.6001–6 Notice by district director requiring returns, statements, or the keeping of records.

The district director may require any person, by notice served upon him, to make such returns, render such statements, or keep such specific records as will enable the district director to determine whether or not such person is liable for any of the taxes to which the regulations in this part have application.

PAR. 3. Paragraph (c) of § 31.6011(a)–7 of the Employment Tax Regulations (26 CFR Part 31) is amended to read as follows:

§ 31.6011(a)–7 Execution of returns.

* * * * *

(c) *Signing and verification.* For provisions relating to the signing of returns, see § 31.6061–1. For provisions relating to the verifying of returns, see § 31.6065(a)–1.

PAR. 4. Section 31.6051 of the Employment Tax Regulations (26 CFR Part 31) is amended to read as follows:

§ 31.6051 Statutory provisions; receipts for employees.

SEC. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person,

(2) The name of the employee (and his social security account number if wages as defined in section 3121(a) have been paid),

(3) The total amount of wages as defined in section 3401(a),

(4) The total amount deducted and withheld as tax under section 3402,

(5) The total amount of wages as defined in section 3121(a), and

(6) The total amount deducted and withheld as tax under section 3101.

In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(l)(2).

(b) *Special rule as to compensation of members of Armed Forces.* In the case of compensation paid for service as a member of the Armed Forces, the statement required by subsection (a) shall be furnished if any tax was withheld during the calendar year under section 3402, or if any of the compensation paid during such year is includible in gross income under chapter 1, or if during the calendar year any amount was required to be withheld as tax under section 3101. In lieu of the amount required to be shown by paragraph (3) of subsection (a), such statement shall show as wages paid during the calendar year the amount of such compensation paid during the calendar year which is not excluded from gross income

under chapter 1 (whether or not such compensation constituted wages as defined in section 3402(a)).

(c) *Additional requirements.* The statements required to be furnished pursuant to this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Secretary or his delegate may by regulations prescribe.

(d) *Statements to constitute information returns.* A duplicate of any statement made pursuant to this section and in accordance with regulations prescribed by the Secretary or his delegate shall, when required by such regulations, be filed with the Secretary or his delegate.

[Sec. 6051 as amended by sec. 412, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 879)]

(Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 60-5785; Filed, June 22, 1960; 8:51 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 182—INDUSTRIAL ALCOHOL

PART 201—DISTILLED SPIRITS PLANTS

PART 216—DENATURATION OF RUM

PART 220—PRODUCTION OF DISTILLED SPIRITS

PART 221—PRODUCTION OF BRANDY

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 240—WINE

PART 245—BEER

PART 253—REMOVALS OF ALCOHOLIC LIQUORS, TOBACCO PRODUCTS, AND OTHER DOMESTIC ARTICLES TO FOREIGN-TRADE ZONES

Partial Supersedure of Parts

CROSS REFERENCE: For partial supersedure of regulations in these parts, see preamble to Part 252 of this chapter, *infra*.

PART 252—EXPORTATION OF LIQUORS

On April 7, 1960, a notice of proposed rule making proposing the revision and reissuance of regulations in 26 CFR Part 252, with respect to the exportation of liquors, was published in the FEDERAL REGISTER (25 F.R. 2973).

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below:

1. Section 252.99 is changed by striking, in the first sentence, the words "to not less than 90 degrees".

2. Section 252.103 is changed by striking "; and" at the end of paragraph (c), and by inserting in lieu thereof ": *Provided*, That the markings required by this paragraph need not be placed on containers removed for transfer to a contiguous manufacturing bonded warehouse, where the assistant regional commissioner finds that their omission will not constitute a jeopardy to the revenue; and".

3. Section 252.123 is changed by striking "; and" at the end of paragraph (c), and by inserting in lieu thereof ": *Provided*, That the markings required by this paragraph need not be placed on containers removed for transfer to a contiguous manufacturing bonded warehouse, where the assistant regional commissioner finds that their omission will not constitute a jeopardy to the revenue; and".

4. Paragraph (a) of § 252.250 is changed by striking, in subparagraph (4), "numbers of the packages or cases, and", and inserting in lieu thereof "number of the Form 206, 1582, or 1582–A, as the case may be, and".

Because these regulations are a part of an integrated recodification program under Chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, these regulations shall become effective on July 1, 1960.

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.
RALPH KELLY,
Commissioner of Customs.

Approved: June 17, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall, on and after July 1, 1960, supersede the 1955 edition of 26 CFR Part 252 (20 F.R. 4003), as amended, and the provisions of 26 CFR Part 253 (21 F.R. 3268), as amended, except as Part 253 relates to tobacco products and cigarette papers and tubes. These regulations also supersede all provisions of prior regulations in 26 CFR Parts 182 (19 F.R. 9438), 201 (24 F.R. 4791), 216 (20 F.R. 2366), 220 (19 F.R. 9685), 221 (19 F.R. 9577), 225 (19 F.R. 9737), 240 (19 F.R. 9631), and 245 (21 F.R. 8625), as amended, which pertain to the matters covered in this part.

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

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AUTHORITY: §§ 252.1 to 252.335 issued under section 7805, I.R.C., 68A Stat. 917; 26 U.S.C. 7805. Statutory provisions interpreted or implied are cited to text in parentheses.

Subpart A—Scope

§ 252.1 General.

The regulations in this part relate to exportation, lading for use on vessels and aircraft, and the transfer to a foreign-trade zone or a manufacturing bonded warehouse, class six, of distilled spirits (including specially denatured spirits), beer, and wine, whether without payment of tax, free of tax, or with benefit of drawback, and includes requirements with respect to removal, shipment, lading, deposit, evidence of exportation, losses, claims, and bonds.

§ 252.2 Forms prescribed.

The Director is authorized to prescribe all internal revenue forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 252.3 Related regulations.

Procedural and substantive instructions dealing with operations which are related to the regulations in this part will be found in the regulations listed below:

19 CFR Chapter I—Customs Regulations

26 CFR Part 175—Traffic in Containers of Distilled Spirits

26 CFR Part 186—Gauging Manual

26 CFR Part 194—Liquor Dealers

26 CFR Part 201—Distilled Spirits Plants

26 CFR Part 211—Distribution and Use of Denatured Alcohol and Rum

26 CFR Part 212—Formulas for Denatured Alcohol and Rum

26 CFR Part 231—Taxpaid Wine Bottling Houses

26 CFR Part 240—Wine

26 CFR Part 245—Beer

27 CFR Part 1—Basic Permit Requirements Under the Federal Alcohol Administration Act

27 CFR Part 4—Wine Labeling and Advertising

31 CFR Part 225—Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds

Subpart B—Definitions

§ 252.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

Bonded premises—distilled spirits plant. The premises of a distilled spirits plant, or part thereof, on which operations relating to the production, storage, denaturation, or bottling of spirits prior to payment or determination of tax are authorized to be conducted.

Bonded wine cellar. Premises established under Part 240 of this chapter for the production, blending, cellar treatment, storage, bottling, packaging, or repackaging of untaxpaid wine.

Brewer. A proprietor of a brewery.

Brewery. Premises established under Part 245 of this chapter for the production of beer.

CFR. The Code of Federal Regulations.

Collector of customs. The person having charge of a customs collection district, the assistant collector of customs, deputy collector of customs, and any person authorized by law or by regulations approved by the Secretary to perform the duties of a collector of customs.

Commissioner. The Commissioner of Internal Revenue.

Container. Any receptacle, vessel, or any form of package, bottle, can, tank, or pipeline used, or capable of being used, for holding, storing, transferring, or conveying liquors.

Customs officer. Any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or agent or other person authorized by law or by the Secretary, or appointed in writing by a collector of customs, to perform the duties of an officer of the Customs Service.

(19 U.S.C. 1401(i))

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Distilled spirits or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, and all dilutions and mixtures thereof, from whatever source or by whatever process produced, including whisky, brandy, rum, gin, vodka, and products of rectification (other than products classed as wine), but not denatured spirits.

Distilled spirits plant. An establishment qualified under the provisions of Part 201 of this chapter for the production, bonded storage, or bottling of spirits, or for rectification, or for any combination of such operations.

District director. A district director of internal revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration:

I declare under the penalties of perjury that this ---------- (insert type of document such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete.

Exportation. A severance of goods from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment shall be determined by the intention with which it is made, and it assumes an export character only when destined for use in a foreign country. For the purposes of this part, shipments to Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Panama Canal Zone shall be treated as exportations. Shipments to Kingman's Reef, the Midway Islands, or Wake Island are not exportations within the meaning of this part.

(68A Stat. 906; 26 U.S.C. 7653)

Foreign-trade zone or zone. A foreign-trade zone established and operated pursuant to the Act of June 18, 1934, as amended.

(48 Stat. 998–1003, as amended; 19 U.S.C. 81a–81u)

Gallon or wine gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this chapter.

I.R.C. The Internal Revenue Code of 1954, as amended.

Liquor. Distilled spirits, wines, and/or beer.

Manufacturing bonded warehouse. A manufacturing bonded warehouse, class six, established under the provisions of Customs Regulations (19 CFR Ch. I).

Package. Any cask, keg, barrel, drum, or similar portable container.

Person. An individual, a trust, an estate, a partnership, an association, a company, or a corporation.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. A gallon at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Proprietor. The person who operates the brewery, distilled spirits plant, bonded wine cellar, taxpaid wine bottling house, manufacturing bonded warehouse, or export storage, as the case may be, referred to in this part.

Rectifier. A proprietor of a distilled spirits plant qualified under Part 201 of this chapter to engage in the business of rectifying spirits or wines on which the tax has been paid or determined.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Secretary. The Secretary of the Treasury.

Specially denatured spirits. Alcohol or rum, as defined in Part 212 of this chapter, denatured pursuant to the formulas authorized in Part 212 for specially denatured alcohol or rum.

Tank truck. A tank-equipped semitrailer, trailer, or truck.

Tax. The distilled spirits tax, the rectification tax (including the taxes imposed by sections 5022 and 5023, I.R.C.), the beer tax, or the applicable wine tax, as the case may be, imposed by chapter 51, I.R.C.

Tax gallon. The unit of measure of spirits for the imposition of tax under section 5001, I.R.C. When spirits are 100 degrees of proof or more when withdrawn from bond, the tax is determined on a proof gallon basis. When spirits are less than 100 degrees of proof when withdrawn from bond, the tax is determined on a wine gallon basis.

U.S.C. The United States Code.

Wine. All kinds and types of wine having not in excess of 24 percent of alcohol by volume.

Zone operator. The person to which the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board created by the Act of June 18, 1934, as amended.

(48 Stat. 998–1003, as amended; 19 U.S.C. 81a–81u)

Subpart C—Miscellaneous Provisions

WITHDRAWAL OR LADING FOR USE ON CERTAIN VESSELS AND AIRCRAFT

§ 252.21 General.

Liquors may be withdrawn without payment of tax for lading, and liquors on which the tax has been paid or determined may be laden with benefit of drawback of tax, subject to this part, for use on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries as provided in § 252.22 or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries as provided in § 252.22 or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantially reciprocal privileges in respect to aircraft registered in the United States.

(48 Stat. 690, as amended; 72 Stat. 1334, 1335, 1336, 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.22 Vessels employed in the fisheries.

Liquors may be withdrawn or laden under the provisions of paragraphs (b) and (e) of § 252.21 relating to vessels employed in the fisheries, only for use on vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over if the collector of customs is satisfied by reason of the quantity requested in the light of (a) whether the vessel is employed in substantially continuous fishing activities, and (b) the vessel's complement, that none of the liquors to be withdrawn or laden are intended to be removed from the vessel in, or otherwise returned to, the United States. Such withdrawal or lading shall be conditioned upon compliance with the applicable provisions of this part. Lading of such liquors for use on such vessels shall be subject to approval by the collector of customs of a special written application by the withdrawer

NOTE: As used in this section, the word "withdrawer" shall mean the person executing the application or notice, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be.

or the vessel's master on customs Form 5125 (in duplicate) and a statement by the withdrawer in his application or notice on the required Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, that the liquors are to be laden for use as supplies on a vessel employed in the fisheries. The original application on customs Form 5125, after approval, shall be stamped with the serial number of the Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, and the date thereof, and shall be returned by the collector of customs to the withdrawer or vessel's master for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the withdrawer or the vessel's master to the collector of customs within 24 hours (excluding Saturday, Sunday, and holidays) after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the liquors until the collector or customs is satisfied that they have been consumed on board, or landed under customs supervision, and takes up the authorization. The approval of customs Form 5125 shall be subject to the further condition that any such liquors remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector of the port or place of arrival shall deem necessary. When such liquors have been accounted for to the satisfaction of the collector of customs, he shall execute his certificate of lading and use on both copies of the Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, and forward the original of the form to the assistant regional commissioner designated thereon. In the event of a failure on the part of the withdrawer or the master of the vessel to comply with the conditions of this section or upon receipt of evidence that the liquors were not lawfully used as supplies on the vessel, the collector of customs shall advise the assistant regional commissioner of all the facts in the case for determination of any liability incurred. In the case of liquors withdrawn without payment of tax, assessment of tax liability found to have been incurred shall be made against the principal on the bond. In the case of taxpaid or tax determined liquors, the assistant regional commissioner shall determine as to whether to make demand upon the principal and the surety on the bond or to disallow the claim as the case may be.

(48 Stat. 690, as amended, 72 Stat. 1334, 1335, 1336, 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5063, 5055, 5062, 5214, 5362)

§ 252.23 Reciprocating foreign countries.

Assistant regional commissioners may approve applications relating to the withdrawal or lading of liquors for use on aircraft of those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Where application is made to withdraw or lade liquors for use on aircraft of other countries, which it is claimed reciprocate similar privileges to aircraft of the United States, the applicant must first establish the right of such withdrawal or lading. In appropriate cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

(46 Stat. 690, as amended; 19 U.S.C. 1309)

MANUFACTURING BONDED WAREHOUSES

§ 252.25 General.

Any manufacturer who manufactures the products designated in section 5522, I.R.C., at a duly constituted manufacturing bonded warehouse, established in accordance with law and the regulations in 19 CFR Ch. I, may withdraw distilled spirits or wines from any distilled spirits plant or bonded wine cellar, as the case may be, without payment of tax, for use in the manufacture of such products for export, or for rectification and export, or shipment in bond to Puerto Rico. The proprietor of the manufacturing bonded warehouse shall furnish bond in accordance with the provisions of §§ 252.63 and 252.64.

(46 Stat. 691, as amended, 72 Stat. 1362, 1380, 1392, 1393, 1394; 19 U.S.C. 1311, 26 U.S.C. 5214, 5362, 5521, 5522, 5523)

FOREIGN-TRADE ZONES

§ 252.30 Export status.

Liquors may be transferred to a foreign-trade zone for the sole purpose of exportation, or storage pending exportation. Liquors of domestic manufacture deposited in a foreign-trade zone under this part shall be considered to be exported for the purpose of the statutes and bonds exacted for the payment of drawback, refund, or exemption from liability for internal revenue taxes and for the purposes of the internal revenue laws generally and the regulations thereunder. Export status is not acquired until application on Zone Form D for admission of the liquors into the zone has been approved by the collector of customs pursuant to the appropriate provisions of 19 CFR Chapter I, and the required certification of deposit of the liquors in the zone has been made on the Internal Revenue Service form prescribed in this part. For the purpose of section 309 of the Tariff Act of 1930, as amended by section 11 of the Customs Simplification Act of 1956 (Pub. Law 243, 83d Congress), liquors removed to foreign-trade zones under the provisions of this part may be removed, pursuant to the provisions of 19 CFR Ch. I, for use as supplies on vessels and aircraft.

(48 Stat. 999, as amended; 19 U.S.C. 81c)

VOLUNTARY DESTRUCTION OF LIQUORS AFTER RECEIPT IN A FOREIGN-TRADE ZONE

§ 252.35 General.

Liquors may not, under the law, be transferred to a foreign-trade zone for

the purpose of destruction. However, liquors transported to and deposited in a foreign-trade zone for exportation or for storage pending exportation may be destroyed under the supervision of the collector of customs, where it is shown to the satisfaction of the assistant regional commissioner of the region in which the zone is located that the liquors, after deposit in a zone, have become unmerchantable or unfit for export.

(48 Stat. 999, as amended; 19 U.S.C. 81c)

§ 252.36 Application.

Application, addressed to the assistant regional commissioner of the region in which the zone is located and filed as hereinafter provided, for authority to destroy domestic distilled spirits (including alcohol), wines, or beer on storage in a foreign-trade zone shall be made by the exporter on letter-size paper, in duplicate, showing the name and address of the claimant and setting forth the following information:

(a) The kind and quantity of the liquor, the serial numbers, if any, of the containers thereof, and identification of the zone in which the liquor is stored;

(b) The name and address of the producer of the liquor, and the name, registry number, if any, and location of the plant, warehouse or other establishment from which such liquors were withdrawn for transportation to and deposit in the foreign-trade zone;

(c) The date, form, and serial number of the Form 206, 1582, 1582–A, 1582–B, 1629, or 1689, as the case may be; and, in the case of liquors on which drawback of internal revenue tax has been allowed, the claim number assigned thereto by the assistant regional commissioner;

(d) Whether the liquor has become unmerchantable or unfit for export after deposit in the zone, together with all the known facts relating thereto; and

(e) Whether the unmerchantable or unfit liquor is covered by valid insurance in excess of the market value thereof, exclusive of tax. If the liquor is insured, the application shall show its market value, the amount and date of each and every policy of insurance, the name and location of the company by which each and every policy was issued, the name and address of the bona fide owner of the liquor, and to the best of the affiant's knowledge, whether any other person or party is indemnified against the loss of the liquor by reason of its spoilage or destruction.

Such application shall be signed by the exporter or his authorized agent and be executed under the penalties of perjury. The assistant regional commissioner may require any further evidence as is deemed necessary. The operator of the foreign-trade zone shall countersign the application or otherwise indicate thereon his knowledge of and concurrence in the application to destroy the liquor. The exporter shall file the application with the collector of customs in whose district the foreign-trade zone is located; at the same time the exporter shall likewise file Zone Form E in accordance with Customs Regulations (19 CFR Ch. I). On receipt of the application the collector of customs shall determine the completeness thereof and shall report any facts relating to the condition of the liquor of which he may have knowledge. The original application shall be forwarded to the assistant regional commissioner and the collector of customs shall retain the copy for his files.

§ 252.37 Action by assistant regional commissioner.

The assistant regional commissioner shall carefully examine the application to see that all the required information has been furnished and shall cause such investigation to be made or require such additional evidence, including samples, to be submitted as he may deem necessary. If the assistant regional commissioner finds that the domestic distilled spirits (including alcohol), wines, or beer were transported to and deposited in a foreign-trade zone in good faith for the purpose of exportation or storage pending exportation, and that such liquors, after deposit in the zone, have become unmerchantable or unfit for export, he may approve the application and authorize the destruction of the liquor described therein under the supervision of the collector of customs. On approval or disapproval of the application, the assistant regional commissioner shall advise the collector of customs of his action.

§ 252.38 Action by collector of customs.

On receipt of the assistant regional commissioner's authorization for destruction of the liquor, or his disapproval of the application for destruction, the collector of customs shall act upon the exporter's application on Zone Form E and dispose of it in accordance with the applicable provisions of Customs Regulations (19 CFR Ch. I). Where the assistant regional commissioner has authorized the destruction of the liquor, such destruction shall be accomplished under customs supervision.

EVIDENCE OF EXPORTATION AND USE

§ 252.40 Evidence of exportation.

The exportation of any shipment may be evidenced by:

(a) A copy of the export bill of lading (§ 252.250); or

(b) A copy of the railway express receipt (§ 252.251); or

(c) A copy of the air express receipt (§ 252.252); or

(d) A copy of the through bill of lading where exportation is to a contiguous foreign country (§ 252.250); or

(e) A certificate by the export carrier, as provided for in § 252.253.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.41 Evidence of lading for use on vessels or aircraft.

The lading of distilled spirits, wines, or beer for use on vessels or aircraft may be evidenced by submission of a receipt procured under the provisions of § 252.268.

(46 Stat. 690, as amended, 72 Stat. 1335, 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5055, 5214, 5362)

§ 252.42 Evidence of deposit.

The deposit of distilled spirits and wines in a foreign-trade zone with benefit of drawback may be evidenced by a copy of the transportation bill of lading obtained under the provisions of § 252.250.

(48 Stat. 999, as amended; 19 U.S.C. 81c)

RETENTION OF RECORDS

§ 252.45 Retention of records.

File copies of forms required by this part to be retained by any proprietor or claimant, and all records, documents, or copies of records and documents supporting such forms, shall be preserved by such proprietor or claimant for a period of not less than two years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue officers.

(72 Stat. 1342, 1361, 1381, 1390, 1395; 26 U.S.C. 5114, 5207, 5367, 5415, 5555)

PENALTIES OF PERJURY

§ 252.48 Execution under penalties of perjury.

When a return, form, or other document called for under this part is required by this part or in the instructions on or with the return, form, or other document to be executed under penalties of perjury, it shall be so executed, as defined in Subpart B of this part, and shall be signed by the proprietor, or other duly authorized person.

(68A Stat. 749; 26 U.S.C. 6065)

Subpart D—Bonds and Consents of Surety

§ 252.51 General.

Every person required by this part to file a bond or consent of surety shall prepare and execute it on the prescribed form and file it with the assistant regional commissioner of the region in which is located the premises from which the withdrawal or removal is made or, in the case of taxpaid or taxdetermined spirits in packages filled in internal revenue bond, with the assistant regional commissioner for the region in which the exporter is located, in accordance with the procedures of this part: *Provided*, That the procedures in Parts 201, 240, or 245 of this chapter shall govern bonds given on Forms 2601, 700, or 1566, respectively.

§ 252.52 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in Treasury Department Circular 570. Powers of attorney and other evidence of appointment of agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

(61 Stat. 648; 26 U.S.C. 6, 7)

§ 252.53 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the principal may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 252.54 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

§ 252.55 Authority to approve bonds and consents of surety.

Assistant regional commissioners are authorized to approve all bonds and consents of surety required by this part.

§ 252.56 Disapproval of bonds or consents of surety.

The assistant regional commissioner may disapprove any bond prescribed by this part, or any consent of surety submitted in respect thereto, if the principal or any person owning, controlling, or actively participating in the management of the business of the principal shall have been previously convicted, in a court of competent jurisdiction, of:

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of spirits, wines, or beer, or if such offense shall have been compromised with the person on payment of penalties or otherwise; or

(b) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of spirits, wine, beer, or other intoxicating liquor.

(72 Stat. 1336, 1352, 1353, 1393, 1394; 26 U.S.C. 5052, 5175, 5177, 5522, 5551)

§ 252.57 Appeal to Director.

Where a bond or consent of surety is disapproved by the assistant regional commissioner, the person giving the bond may appeal from such disapproval to the Director, who will hear such appeal. The decision of the Director shall be final.

(72 Stat. 1394; 26 U.S.C. 5551)

§ 252.58 Bond, Form 2601.

(a) *Spirits.* Where spirits are withdrawn without payment of tax, as authorized in § 252.91, from the bonded premises of a distilled spirits plant on application of the proprietor thereof, the bond, Form 2601, given by the proprietor and approved under the provisions of Part 201 of this chapter, shall cover such withdrawals.

(b) *Wine.* Where, under the provisions of Part 201 of this chapter, bond, Form 2601, has been given and approved to cover the operations of a distilled spirits plant and an adjacent bonded wine cellar, such bond shall cover the withdrawal of wine without payment of tax, as authorized in § 252.121, from such bonded wine cellar on application for such withdrawal by the proprietor.

(c) *Specially denatured spirits.* Where specially denatured spirits are withdrawn free of tax, as authorized in § 252.151, from the bonded premises of a distilled spirits plant on application of the proprietor thereof, the proprietor shall file consent of surety Form 1533, extending the terms of his bond, Form 2601, which consent shall be in the following form:

The obligors agree to extend the terms of said bond to cover all liability that may be incurred on all specially denatured spirits withdrawn by the principal for exportation or transfer to a foreign-trade zone, for which satisfactory evidence of exportation, or of deposit in a foreign-trade zone, as required by law and regulations, is not submitted to the assistant regional commissioner.

(72 Stat. 1349, 1352, 1362; 26 U.S.C. 5173, 5175, 5214)

§ 252.59 Bond, Form 700.

Where the operations of a bonded wine cellar are covered by bond, Form 700, as provided in Part 240 of this chapter, such bond shall cover the withdrawal of wine without payment of tax, as authorized in § 252.121, from such bonded wine cellar by the proprietor of the bonded wine cellar.

(72 Stat. 1379, 1380; 26 U.S.C. 5354, 5362)

§ 252.60 Brewer's bond, Form 1566.

Where beer is removed from a brewery without payment of tax for any of the purposes authorized in § 252.141, the brewer's bond, Form 1566, furnished under the provisions of Part 245 of this chapter shall cover such removals: *Provided*, That before any such removal is made for transfer to and deposit in a foreign-trade zone, a consent of the surety extending the terms of the bond to such removals shall be filed with the assistant regional commissioner unless such removals are specifically included in the terms of the bond.

(48 Stat. 999, as amended, 72 Stat. 1334, 1388; 19 U.S.C. 81c, 26 U.S.C. 5053, 5401)

§ 252.61 Bond, Form 2734.

If a specific lot of distilled spirits or wines is to be withdrawn without payment of tax, as authorized in §§ 252.91 (a), (b), or (c) or 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a specific bond on Form 2734 shall be filed by the exporter with the assistant regional commissioner as provided in § 252.51. The penal sum of such bond shall be not less than the tax prescribed by law on the quantity of spirits or wines to be withdrawn: *Provided*, That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000.

(72 Stat. 1352, 1362, 1380; 26 U.S.C. 5175, 5214, 5362)

§ 252.62 Bond, Form 2735.

(a) *General.* If distilled spirits and/or wines are to be withdrawn from time to time without payment of tax, as authorized in §§ 252.91 (a), (b), or (c) and 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a continuing bond on Form 2735 shall be filed by the exporter with the assistant regional commissioner as provided in § 252.51. The bond shall be executed in a penal sum sufficient to cover the tax at the rates prescribed by law on the maximum quantity of distilled spirits and wines that may remain unaccounted for at any one time: *Provided*, That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000. Distilled spirits and wines withdrawn for exportation, use on vessels or aircraft, or transfer to a foreign-trade zone, shall remain unaccounted for until the evidence of exportation, use, transfer, or loss in transit, as required by this part, has been filed with the assistant regional commissioner. The exporter shall, at the time of executing Form 2735, designate the premises from which the withdrawals are to be made, provided that, as to any one bond on Form 2735, such premises shall be located in the same internal revenue region.

(b) *Apportioning bonds.* Where a bond on Form 2735 is given in less than the maximum penal sum to cover withdrawals from more than one premise, the principal, at the time of execution of the bond, shall, if he intends to withdraw both distilled spirits and wine, apportion the coverage under the bond between distilled spirits and wine. Where distilled spirits are to be withdrawn from more than one premise, the principal shall also, as to distilled spirits withdrawals, at the time of execution, either (1) apportion the coverage under the bond among the several premises, or (2) designate one distilled spirits plant to which all applications for withdrawals of distilled spirits shall be submitted. If the distilled spirits bond coverage is apportioned at the time of execution, the amount designated by the principal for any distilled spirits plant becomes the maximum bond coverage for withdrawals from that plant. The principal may reapportion the bond coverage if changing conditions make such action necessary, provided that consent of surety, Form 1533, is filed with, and approved by, the assistant regional commissioner. Where the principal designates that all applications for withdrawals of distilled spirits under the bond shall be submitted to one plant, all such applications shall be submitted to the internal revenue officer at that plant for approval, who, after giving his approval, will then forward all copies of the application to the proprietor of the distilled spirits plant from which the distilled spirits are to be withdrawn.

(72 Stat. 1352, 1362, 1380; 26 U.S.C. 5175, 5214, 5362)

§ 252.63 Bond, Form 2736.

Where the proprietor of a manufacturing bonded warehouse desires to withdraw a specific lot of distilled spirits or wines without payment of tax, as authorized in § 252.25, he shall file with the assistant regional commissioner, as provided in § 252.51, a specific bond, on Form 2736, to cover the transportation of the distilled spirits or wines from the bonded premises from which withdrawn to the manufacturing bonded warehouse. The penal sum of such bond shall be not less than the tax prescribed by law on the quantity of distilled spirits or wines to be withdrawn: *Provided*, That the maximum penal sum of such bond shall

not exceed $200,000, but in no case shall the penal sum be less than $1,000.

(72 Stat. 1380, 1398; 26 U.S.C. 5362, 5522)

§ 252.64 Bond, Form 2737.

(a) *General.* Where the proprietor of a manufacturing bonded warehouse desires to withdraw distilled spirits and wines from time to time without payment of tax, as authorized in § 252.25, he shall file with the assistant regional commissioner, as provided in § 252.51, a continuing bond on Form 2737. The bond shall be executed in a penal sum sufficient to cover the tax at the rates prescribed by law on the maximum quantity of distilled spirits and wines which may remain unaccounted for at any one time: *Provided*, That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000. Distilled spirits and wines withdrawn for transfer to a manufacturing bonded warehouse shall remain unaccounted for until the evidence of deposit in such warehouse, as required by this part, has been filed with the assistant regional commissioner. The proprietor shall, at the time of executing Form 2737, designate the premises from which the withdrawals are to be made, provided that, as to any one bond on Form 2737, such premises shall be located in the same internal revenue region.

(b) *Apportioning bonds.* Where a bond on Form 2737 is given in less than the maximum penal sum, the procedures set forth in § 252.62(b) in respect of Form 2735, shall be followed in respect of Form 2737.

(72 Stat. 1380, 1398; 26 U.S.C. 5362, 5522)

§ 252.65 Bond, Form 2738.

Whenever, under the provisions of this part, the exporter desires drawback of tax on distilled spirits or wines to be exported, laden for use on vessels or aircraft, or transferred to and deposited in a foreign-trade zone, as authorized in §§ 252.171, 252.201, and 252.211, prior to the receipt by the assistant regional commissioner of the certified copy of Form 1582, 1629, or 1582–A, as the case may be, as prescribed by this part, he shall file bond on Form 2738 with the assistant regional commissioner as provided in § 252.51. The penal sum of the bond shall be sufficient to cover the amount of drawback which will at any time constitute a charge against the bond: *Provided*, That the maximum penal sum shall not exceed $200,000, but in no case shall the penal sum be less than $1,000.

(46 Stat. 690, 691, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 1311, 81c, 26 U.S.C. 5062)

§ 252.66 Strengthening bonds.

In all cases where the penal sum of any bond becomes insufficient, the principal shall either give a strengthening bond with the same surety to attain a sufficient penal sum, or give a new bond to cover the entire liability. Strengthening bonds will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the current date of execution and the effective date.

(72 Stat. 1352, 1394; 26 U.S.C. 5175, 5551)

§ 252.67 New or superseding bonds.

New bonds shall be required in case of insolvency or removal of any surety, and may, at the discretion of the assistant regional commissioner, be required in any other contingency affecting the validity or impairing the efficiency of such bond. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, shall execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. Where, under the provisions of § 252.72, the surety on any bond given under this subpart has filed an application to be relieved of liability under said bond and the principal desires or intends to continue the business or operations to which such bond relates, he shall file a valid superseding bond to be effective on or before the date specified in the surety's notice. If the principal does not file a new or superseding bond when required, he shall discontinue the operations intended to be covered by such bond forthwith. New or superseding bonds shall show the current date of execution and the effective date.

(72 Stat. 1336, 1362, 1393; 26 U.S.C. 5062, 5214, 5522)

TERMINATION OF BONDS

§ 252.70 Termination of bonds, Forms 2734 and 2736.

Bonds, Forms 2734 and 2736, covering a specific lot of distilled spirits or wines withdrawn without payment of tax under this part, will be canceled by the assistant regional commissioner on receipt by him of Form 206 properly executed by the appropriate customs official or armed services officer, as required by this part, evidencing that the distilled spirits or wines have been duly exported, laden for use on vessels or aircraft, deposited in a foreign-trade zone, or deposited in a manufacturing bonded warehouse, as the case may be, or of evidence satisfactory to him that the distilled spirits or wines have been otherwise lawfully disposed of or accounted for: *Provided*, That all liability under the bond to be canceled has been terminated.

(72 Stat. 1352, 1393; 26 U.S.C. 5175, 5522)

§ 252,71 Termination of bonds, Forms 2735, 2737, and 2738.

Continuing bonds, Forms 2735 and 2737, covering distilled spirits and/or wines withdrawn from time to time without payment of tax under this part and Form 2738 covering allowance of claims for drawback on distilled spirits and/or wines removed as authorized in §§ 252.171, 252.201, and 252.211, may be terminated as to liability for future withdrawals or claims (a) pursuant to application of surety as provided in § 252.72, (b) on approval of a superseding bond, or (c) on written notification to the assistant regional commissioner by the principal of his discontinuance of withdrawals or claims, as the case may be, under the bond. When no further withdrawals are to be made under a bond on Form 2735 or 2737, or no further claims for drawback are to be filed under bond Form 2738, the bond shall be canceled by the assistant regional commissioner in the manner and subject to the conditions provided in § 252.70.

(72 Stat. 1336, 1349, 1352, 1353, 1393; 26 U.S.C. 5062, 5173, 5175, 5176, 5522)

§ 252.72 Application of surety for relief from bond.

A surety on any bond given on Forms 2735, 2737, or 2738, may at any time in writing notify the principal and the assistant regional commissioner in whose office the bond is on file that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 90 days after the date the notice is received by the assistant regional commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a statement, executed under the penalties of perjury, that such power of attorney is on file with the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. The surtey shall also file with the assistant regional commissioner an acknowledgment or other proof of service on the principal. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 252.73(b).

(68A Stat. 749, 72 Stat. 1336, 1354, 1362, 1393; 26 U.S.C. 6065, 5062, 5175, 5214, 5522)

§ 252.73 Relief of surety from bond.

(a) *Bonds, Forms 2734 and 2736.* The surety on a bond given on Form 2734 or Form 2736 shall be relieved from his liability under the bond when the bond has been canceled as provided for in § 252.70.

(b) *Bonds, Forms 2735, 2737, and 2738.* Where the surety on a bond given on Form 2735, Form 2737, or on Form 2738 has filed application for relief from liability, as provided in § 252.72, the surety shall be relieved from liability for withdrawals or claims, as the case may be, made wholly subsequent to the date specified in the notice, or on the effective date of a superseding bond, if one is given. Notwithstanding such relief, the liability of the surety shall continue until the spirits and/or wines withdrawn without payment of tax or included in a claim for drawback of tax allowed under the bond have been properly accounted for.

(72 Stat. 1349, 1352, 1353, 1392; 26 U.S.C. 5173, 5175, 5176, 5521)

§ 252.74 Release of pledged securities.

Securities of the United States, pledged and deposited as provided in § 252.53, shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the assistant regional commissioner until liability under the bond for which they were pledged has been terminated. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

CHARGES AND CREDITS

§ 252.80 Charges and credits on bonds.

The withdrawal of liquors without payment of tax or of specially denatured spirits free of tax, under the provisions of this part shall constitute a charge against the bond under which the withdrawal is made of (1) the tax on the liquors withdrawn or (2) of an amount equal to the tax on specially denatured spirits withdrawn that will be due in the event of failure to account for the specially denatured spirits as provided in this part. The tax on liquors so withdrawn, or an amount equal to the tax on specially denatured spirits so withdrawn that would be due as set forth above, shall, on the required accounting for such liquors or specially denatured spirits, constitute a credit to the bond of such tax or amount equal to the tax, as the case may be. Provisions regarding charges and credits on drawback bonds are contained in Subpart P of this part.

Subpart E—Withdrawal of Distilled Spirits Without Payment of Tax for Exportation, Use on Vessels and Aircraft, Transfer to a Foreign-Trade Zone, or Transportation to a Manufacturing Bonded Warehouse

§ 252.91 General.

Distilled spirits on which the internal revenue tax has not been paid or determined may, subject to this part, be withdrawn from the bonded premises of a distilled spirits plant without payment of tax for:

(a) Exportation;

(b) Use on the vessels or aircraft described in § 252.21;

(c) Transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation; or

(d) Transportation to and deposit in a manufacturing bonded warehouse.

All such withdrawals shall be made under the applicable bond prescribed in Subpart D of this part.

(48 Stat. 999, as amended, 72 Stat. 1362, 1393; 19 U.S.C. 81c, 26 U.S.C. 5214, 5522)

§ 252.92 Application, Form 206.

(a) *Export, use on vessels and aircraft, and transfer to a foreign-trade zone.* Application for the withdrawal of distilled spirits without payment of tax for exportation from the United States, or for use on vessels and aircraft, or for transfer to a foreign-trade zone, shall be made by the exporter on Form 206, in quadruplicate, except that where the shipment is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Where the exporter is not the proprietor of the bonded premises of the distilled spirits plant from which the spirits are to be withdrawn, he shall forward all copies of the form to such proprietor, except that where the withdrawals are being made under the limitations set forth in § 252.62(b), all copies of Form 206 shall be submitted to the internal revenue officer at the designated distilled spirits plant as provided in that section.

(b) *Manufacturing bonded warehouse.* Application for the withdrawal of distilled spirits without payment of tax for transportation to and deposit in a manufacturing bonded warehouse shall be made by the proprietor of such warehouse on Form 206, in quadruplicate. The proprietor shall forward all copies of the application to the proprietor of the bonded premises of the distilled spirits plant from which the spirits are to be withdrawn, except that where the withdrawals are being made under the limitations set forth in § 252.64(b), all copies of Form 206 shall be submitted to the internal revenue officer at the designated distilled spirits plant as provided in that section and in applicable provisions of § 252.62(b).

(72 Stat. 1362, 1393; 26 U.S.C. 5214, 5522)

§ 252.93 Carrier to be designated.

The name of the carrier or carriers to be used in transporting the distilled spirits from the bonded premises of the distilled spirits plant to the port of export, or to the manufacturing bonded warehouse, or to the foreign-trade zone, as the case may be, shall be shown in the application. If the spirits are shipped on a through bill of lading and all carriers handling the spirits while in transit are not known, the name of the carrier to whom the distilled spirits are to be delivered at the shipping premises shall be shown.

(72 Stat. 1362, 1393; 26 U.S.C. 5214, 5522)

§ 252.94 Containers.

Distilled spirits authorized to be withdrawn without payment of tax from the bonded premises of a distilled spirits plant under the provisions of this subpart may be withdrawn from such establishment in such containers as may be authorized in Part 201 of this chapter. Except as otherwise provided in this part, the gauging, packaging, bottling, casing, marking, stamping, and reporting of distilled spirits prior to withdrawal shall be in accordance with the provisions of Part 201 of this chapter.

(46 Stat 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1360, 1362, 1366, 1369, 1374, 1393; 19 U.S.C. 1309, 81c, 26 U.S.C. 5206, 5214, 5233, 5235, 5301, 5522)

§ 252.95 Change of packages for exportation.

Whenever the exporter desires to transfer distilled spirits from packages filled in internal revenue bond to such other suitable packages as may be desired for exportation, such change of packages shall be made under the procedures of Part 201 of this chapter relating to consolidation of packages, and prior to the preparation of Form 206 covering the removal of the distilled spirits.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 252.96 Notice of intention to withdraw; approval of application.

(a) *Bond coverage previously approved.* Where Form 206 has been approved as to bond coverage by an internal revenue officer at another distilled spirits plant, as provided for in §§ 252.62 (b) and 252.64(b), the proprietor shall present all copies of the Form 206 to the internal revenue officer at his plant for his information, and notify him of his intention to withdraw distilled spirits without payment of tax pursuant to such Form 206. If the internal revenue officer is satisfied that the spirits described on the form are eligible for withdrawal, he shall return all copies of the form to the proprietor.

(b) *Bond coverage not approved.* Where prior approval of bond coverage has not been obtained, the proprietor shall submit all copies of Form 206 to the internal revenue officer at his plant for approval of the application. If the internal revenue officer is satisfied that the Form 206 has been properly executed, that the required bond has been filed in a sufficient amount, and that the described spirits are eligible for withdrawal, he shall indicate his approval on all copies of the form and return them to the proprietor.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 252.97 Exportation of spirits after expiration of bonded period not permitted.

Except as to spirits which were 8 years of age, or older, on July 26, 1936, and remained in bonded storage, internal revenue officers shall not permit the withdrawal for exportation of distilled spirits which have remained in bonded storage after the expiration of the 20-year bonded period prescribed by law. In such cases, the internal revenue officer shall note his disapproval across the face of all copies of Form 206 and return them to the proprietor. At the same time he shall (a) inform the proprietor of the distilled spirits plant in which the spirits are stored that the bonded period has expired, (b) determine the tax on the spirits, and (c) forward a report to the assistant regional commissioner in order that tax may be assessed.

(72 Stat. 1320; 26 U.S.C. 5006)

§ 252.98 Inspection and regauge.

The proprietor shall inspect all containers to be withdrawn pursuant to Form 206 and shall regauge all packages: *Provided*, That where distilled spirits are contained in bottles, or in tin, glass, or similar containers, or in sealed metal drums, or where they are to be withdrawn on the filling or original gauge (as authorized in Part 201 of this chapter), a regauge of such spirits need not be made. Any container bearing evidence of tampering, or of unusual loss that cannot be satisfactorily explained, shall be detained pending further investigation in accordance with the applicable provisions of Part 201 of this chapter. Where the withdrawal is to be made subject to regauge, the proprietor shall make such regauge under the direct supervision of the internal revenue of-

ficer and shall make his report of regauge on Form 2630, in quadruplicate. Such direct supervision shall be as defined in Part 201 of this chapter. He shall attach a copy of Form 2630 to each copy of Form 206 and shall enter his report of regauge on all copies of Form 206.

(46 Stat. 690, as amended, 72 Stat. 1358, 1362, 1366, 1369, 1393; 19 U.S.C. 1309, 26 U.S.C. 5204, 5214, 5233, 5235, 5522)

§ 252.99 Reduction in proof.

Distilled spirits contained in packages filled in internal revenue bond may be reduced in proof for exportation or for transfer to a foreign-trade zone, by the addition of pure water only after the packages have been regauged as provided in § 252.98. Only such addition of water may be made to the body of the spirits in any package as the natural wantage of the package will allow, and the transfer of spirits from one package to another for the purpose of reduction is not permitted. The spirits shall be reduced by the proprietor under the direct supervision of the internal revenue officer.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 252.100 Gauge after reduction.

Where spirits in packages have been reduced in proof under the provisions of § 252.99, the proprietor shall again gauge the packages under the direct supervision of the internal revenue officer and report the details thereof on another set of Forms 2630, in quadruplicate. Any unusual loss ascertained after reduction shall be satisfactorily explained by the proprietor and reported in accordance with the applicable provisions of Part 201 of this chapter. Each such report of gauge shall have noted thereon the statement "Gauge After Reduction", and a copy thereof shall be attached to each copy of Form 206, in addition to the copy of the Form 2630 covering the withdrawal gauge. After the spirits have been reduced and gauged, the proprietor shall also enter his report of such gauge on all copies of Form 206.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 252.101 Packages to be stamped.

Every package and authorized bulk conveyance of spirits (including tank cars and tank trucks but not pipelines) withdrawn without payment of tax under the provisions of this subpart shall have a distilled spirits stamp, overprinted with the word "Export", affixed thereto at the time of its removal from the bonded premises. Such stamps shall be issued by the internal revenue officer on receipt of the withdrawal form and after completion of any required gauge or regauge of the packages or bulk conveyances, and shall be overprinted, affixed, and canceled, in accordance with the provisions of Part 201 of this chapter.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 252.102 Bottles to be stamped.

Every bottle containing distilled spirits bottled in bond to be withdrawn under the provisions of this subpart shall bear an export strip stamp, procured and affixed in accordance with the provisions of Part 201 of this chapter. Every bottle of alcohol bottled for industrial use on the bonded premises of a distilled spirits plant to be withdrawn under the provisions of this subpart shall bear an alcohol strip stamp, procured and affixed in accordance with the provisions of Part 201 of this chapter, and such stamps shall be legibly and indelibly overprinted or stamped on the center of the stamp with the word "Export". Export stamps are not required on cases containing bottles of distilled spirits (including industrial alcohol) filled and stamped on bonded premises.

(72 Stat. 1358, 1369; 26 U.S.C. 5205, 5235)

§ 252.103 Marks and brands.

In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the proprietor shall place additional marks, as herein specified, on each such container before removal from the bonded premises:

(a) "Export—Without Payment of Tax"—where the spirits are to be withdrawn for export from the United States, or for shipment to the Armed Services for export;

(b) "Use on Vessels (or Aircraft)—Without Payment of Tax"—where the spirits are to be withdrawn for use on vessels or aircraft; or

(c) "Deposit in C.M.B.W.—Cl. 6" followed by the name and address (city or town and State) of the consignee proprietor—where the spirits are to be withdrawn for transportation to and deposit in a manufacturing bonded warehouse: *Provided*, That the markings required by this paragraph need not be placed on containers removed to a contiguous manufacturing bonded warehouse, where the assistant regional commissioner finds that their omission will not constitute a jeopardy to the revenue; and

(d) Where the spirits are withdrawn for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone.

All such markings shall be placed on the containers in the same area and in the same manner as is prescribed by the regulations in Part 201 of this chapter for the affixing of the original marks.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1362, 1393; 19 U.S.C. 1309, 81c, 26 U.S.C. 5214, 5522)

§ 252.104 Certificates of origin.

Since the entry of distilled spirits at ports in certain foreign countries is permitted only upon the filing by the importer of an official certificate showing the origin and age of such spirits, internal revenue officers in charge of distilled spirits plants from which such spirits are withdrawn, may, on request of the applicant, furnish him with a certificate showing the origin and age of the spirits described in the entry for withdrawal, so far as may be determined from the marks and brands on the packages or cases containing the spirits. Such certificates shall be furnished on Form 2177. Form 2177 may also be issued for distilled spirits removed to a foreign-trade zone, in which case the number and location of the foreign-trade zone shall be shown on the form in lieu of the name of the foreign country.

§ 252.105 Release of spirits.

When the spirits are ready for shipment, the proprietor shall execute his report of inspection and tax liability on all copies of Form 206 and submit all copies, with attachments (if any) to the internal revenue officer. If the internal revenue officer is satisfied that there has been compliance with all applicable requirements of the regulations, including the stamping and marking requirements, he shall execute his release of the spirits on all copies of Form 206.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 252.106 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of distilled spirits withdrawn without payment of tax under this subpart shall be made under the provisions of Subpart M.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 252.107 Disposition of forms.

When the distilled spirits have been removed, the internal revenue officer shall forward one copy of Form 206, with Form(s) 2630, if any, attached, to the assistant regional commissioner, and deliver the original and remaining copies with attachments (if any), to the proprietor of the distilled spirits plant. The proprietor shall retain one copy of each form, and deliver the original and one copy of each form to the officer to whom the shipment is consigned, or in whose care it is shipped, as required by Subpart M of this part. In the case of shipment by tank truck, the forms should be placed in a properly addressed sealed envelope and handed to the driver of the tank truck for delivery to the officer. Where the shipment is for delivery for use on aircraft, the copy marked "Consignee's Copy", provided for in § 252.92, shall be forwarded to the airline company at the airport.

(72 Stat. 1362; 26 U.S.C. 5214)

Losses

§ 252.110 Losses.

Where there has been a loss of distilled spirits while in transit from the bonded premises of a distilled spirits plant to a port of export, a manufacturing bonded warehouse, a vessel or aircraft, or a foreign-trade zone, the provisions of Subpart O of this part, with respect to losses of spirits after withdrawal without payment of tax and to claims for remission of the tax thereon, shall be applicable.

(72 Stat. 1323; 26 U.S.C. 5008)

Return of Spirits to Bonded Premises

§ 252.115 General.

On application of the proprietor of a distilled spirits plant, spirits which have been lawfully withdrawn without payment of tax under the provisions of this subpart for exportation, or for deposit in a foreign-trade zone, or for deposit in a manufacturing bonded warehouse, or for use on vessels and aircraft may, for good cause, be returned:

(a) To the bonded premises of any distilled spirits plant authorized to produce distilled spirits, for redistillation; or

(b) To the bonded premises from which withdrawn, for storage pending subsequent removal for lawful purposes: *Provided*, That such spirits are returned before they are exported, deposited in a foreign-trade zone, deposited in a manufacturing bonded warehouse, or laden as supplies upon or used on vessels or aircraft, as the case may be.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

§ 252.116 Application for return of spirits withdrawn without payment of tax.

Where a proprietor of a distilled spirits plant desires to return spirits to his plant as provided in § 252.115, he shall submit a written application, in quintuplicate, to the assistant regional commissioner for the region in which his plant is located, for approval of the return of the spirits. The application shall show:

(a) Name, address, and plant number of the distilled spirits plant to which the spirits are to be returned.

(b) Name, address, and plant number of the distilled spirits plant which packaged or bottled the spirits.

(c) Name, address, and plant number of the distilled spirits plant from which the spirits were withdrawn.

(d) Name and address of the principal on the bond under which the spirits were withdrawn.

(e) Serial number of the Form 206 and the date withdrawn.

(f) Present location of spirits to be returned.

(g) Kind of spirits to be returned.

(h) Number, kind, and serial numbers of the containers to be returned. In case of bottled spirits, the number and size of the bottles in each case.

(i) Total quantity in proof gallons of spirits to be returned.

(j) Reason for return of spirits.

(k) Disposition to be made of returned spirits, i.e., redistillation or return to bonded storage.

The application shall be executed under the penalties of perjury. On approval of the application the assistant regional commissioner shall forward the original and two copies to the internal revenue officer in charge of the plant, and return two copies to the proprietor, who, in turn, shall deliver them to the exporter.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

§ 252.117 Responsibility for return of spirits.

The principal on the bond under which the spirits were withdrawn without payment of tax shall be responsible for arranging the return of the spirits to the distilled spirits plant authorized to receive them. In case of emergency, the principal on the bond may arrange the return of spirits to bonded premises without an approved application, but such spirits shall be kept separate at the bonded premises and shall not be gauged (if required) or recorded in the records and reports of the proprietor until an approved application for such return has been obtained as provided in § 252.115. Such principal or his agent shall present to the appropriate customs official the two copies of the approved application authorizing the return unless the spirits are returned before the Form 206 has been filed with the customs official. The customs officer shall, if he finds that the spirits are eligible for return under § 252.115, accept the approved application as authority for the return of the spirits to the distilled spirits plant noted on the application and shall mark each copy of Form 206 "Canceled", note the date thereon, affix a copy of the approved application to each set of the canceled Forms 206, return both sets to such principal, and, where the spirits are in his custody, release them for return. The canceled sets of Form 206, with attachments, shall be delivered by such principal or his agent to the internal revenue officer at the distilled spirits plant. When spirits have been returned before the withdrawal forms were filed with customs officials, the two copies of the approved application shall be submitted, by the principal or his agent, to the internal revenue officer who shall cancel and date each copy of Form 206 and affix copies of the approved application thereto.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

252.118 Disposition of forms.

The receipt, gauge, and disposition of the distilled spirits at the distilled spirits plant shall be in accordance with the applicable provisions of Part 201 of this chapter. On receipt of the report of gauge, Form 2630, from the proprietor, the internal revenue officer shall endorse, on each copy of the approved application to return the spirits, the date received and the total amount in proof gallons, and affix his signature and title. He shall forward the original Form 206, with attachments, to the assistant regional commissioner designated on the form, the original of the endorsed application, with Form 2630 to the assistant regional commissioner of his region, a copy of the endorsed application to the proprietor of the distilled spirits plant from which the spirits were withdrawn, deliver the copy of Form 206 (with attachments) and a copy of Form 2630 to the proprietor of the distilled spirits plant receiving the returned spirits, and retain a copy of the endorsed application and Form 2630 for his files.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

Subpart F—Withdrawal of Wine Without Payment of Tax for Exportation, Use on Vessels and Aircraft, Transfer to a Foreign-Trade Zone, or Transportation to a Manufacturing Bonded Warehouse

§ 252.121 General.

Wine may, subject to this part, be withdrawn from a bonded wine cellar, without payment of tax, for:

(a) Exportation;

(b) Use on the vessels and aircraft described in § 252.21;

(c) Transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation; or

(d) Transportation to and deposit in a manufacturing bonded warehouse.

All such withdrawals shall be made under the applicable bond prescribed in Subpart D.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1380, 1393; 19 U.S.C. 1309, 81c, 26 U.S.C. 5362, 5522)

§ 252.122 Application or notice, Form 206.

(a) *Export, use on vessels and aircraft, and transfer to a foreign-trade zone.* The exporter shall, where he is not the proprietor of the bonded wine cellar from which the wine is to be withdrawn, make application on Form 206, in quadruplicate, to the assistant regional commissioner of the region in which the bonded wine cellar is located, for approval of the withdrawal. Where the exporter is the proprietor of the bonded wine cellar from which the wine is to be withdrawn he shall, at the time of withdrawal of the wine, file a notice of such withdrawal on Form 206, in quadruplicate, with the assistant regional commissioner of the region in which the bonded wine cellar is located. Prior approval by the assistant regional commissioner is not required where the withdrawal is by the proprietor of the bonded wine cellar. In any case, where the withdrawal is for shipment for use on aircraft, an extra copy of Form 206, marked "Consignee's Copy", shall be prepared.

(b) *Manufacturing bonded warehouse.* Application for the withdrawal of wine without payment of tax for transportation to and deposit in a manufacturing bonded warehouse, shall be made by the proprietor of such warehouse on Form 206, in quadruplicate. The proprietor shall forward all copies of the application to the assistant regional commissioner, of the region in which is located the bonded wine cellar from which the wine is to be withdrawn, for approval prior to withdrawal of the wine.

(c) *Action by assistant regional commissioner.* Where, under the provisions of paragraphs (a) and (b) of this section, a Form 206 is submitted to the assistant regional commissioner for approval, the assistant regional commissioner shall, if satisfied that the application is in order and that the applicant has on file a good and sufficient bond, approve all copies of the application and forward all copies to the proprietor of the premises from which the wines are to be withdrawn.

(d) *Restriction on shipment.* Where, under the provisions of paragraphs (a) and (b) of this section, prior approval of Form 206 by the assistant regional commissioner is required, the proprietor of the bonded wine cellar may not ship the wine until the approved Forms 206 have been received by him. In such cases, the proprietor of the bonded wine cellar shall, on removal of the wines, execute his certificate of removal on Form 206.

(72 Stat. 1380, 1393; 26 U.S.C. 5362, 5522)

§ 252.123 Marks and brands.

In addition to the marks and brands required to be placed on the containers at the time they are filled under the provisions of Part 240 of this chapter, the proprietor shall place additional marks,

as herein specified, on each container before removal from the bonded premises:

(a) "Export—Without Payment of Tax"—where the wine is to be withdrawn for export from the United States, or for shipment to the Armed Services for export;

(b) "Use on Vessels (or Aircraft)—Without Payment of Tax"—where the wine is to be withdrawn for use on vessels or aircraft; or

(c) "Deposit in C.M.B.W.—Cl. 6" followed by the name and address (city or town and State) of the consignee proprietor—where the wine is withdrawn for transportation to and deposit in a manufacturing bonded warehouse: *Provided*, That the markings required by this paragraph need not be placed on containers removed for transfer to a contiguous manufacturing bonded warehouse, where the assistant regional commissioner finds that their omission will not constitute a jeopardy to the revenue; and

(d) Where the wine is withdrawn for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a), the words "via F.T.Z. No." followed by the number of the zone.

All such markings shall be placed on the containers in the same area and in the same manner as is prescribed by the regulations in Part 240 of this chapter for the affixing of the original marks.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1380, 1393; 19 U.S.C. 1309, 81c, 26 U.S.C. 5362, 5522)

§ 252.124 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of wines withdrawn without payment of tax under this subpart shall be made under the provisions of Subpart M of this part.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 252.125 Disposition of forms.

On removal of the wines from the premises of the bonded wine cellar, the proprietor shall forward one copy of Form 206 to the assistant regional commissioner, retain one copy for his files, and deliver the original and remaining copy to the officer to whom the shipment is consigned, or in whose care it is shipped, as required by Subpart M. Where the shipment is for delivery for use on aircraft, the copy marked "Consignee's Copy", provided for in § 252.122, shall be forwarded to the airline company at the airport.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 252.126 Proprietor's report.

The records of the proprietor of the bonded wine cellar shall reflect the quantity of wine removed without payment of tax under this subpart, and he shall report the quantity of wine so removed on Form 702.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 252.127 Losses.

Where there has been a loss of wines while in transit from a bonded wine cellar to a port of export, a foreign-trade zone, a vessel or aircraft, or a manufacturing bonded warehouse, the provisions of Subpart O of this part, with respect to losses of wines after withdrawal without payment of tax and to claims for remission of the tax thereon, shall be applicable.

(72 Stat. 1381, 1382; 26 U.S.C. 5370, 5371)

RETURN OF WINES TO BONDED WINE CELLAR

§ 252.130 General.

On application of the proprietor of a bonded wine cellar, wines which have been lawfully withdrawn without payment of tax under the provisions of this subpart for exportation, or for use on vessels and aircraft, or for deposit in a foreign-trade zone, or for deposit in a manufacturing bonded warehouse may, for good cause, be returned to the bonded wine cellar from which withdrawn, for storage pending subsequent removal for lawful purposes: *Provided*, That such wines are returned before they are exported, laden as supplies upon or used on vessels or aircraft, deposited in a foreign-trade zone, or deposited in a manufacturing bonded warehouse, as the case may be.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 252.131 Application for return of wines withdrawn without payment of tax.

Where a proprietor of a bonded wine cellar desires to return wines to his bonded wine cellar as provided in § 252.130, he shall submit a written application, in duplicate, to the assistant regional commissioner for the region in which his premises are located, for approval of the return of the wines. The application shall show:

(a) Name, address, and registry number of the bonded wine cellar.

(b) Name and address of the principal on the bond under which the wines were withdrawn.

(c) Serial number of the Form 206 and the date withdrawn.

(d) Present location of wines to be returned.

(e) Kind of wines to be returned.

(f) Number, kind, and serial numbers of the containers to be returned. In the case of bottled wines, the number and size of the bottles in each case.

(g) Total quantity in wine gallons for each separate tax class of wines to be returned.

(h) Reason for return of the wines.

The application shall be executed under the penalties of perjury. On approval of the application the assistant regional commissioner shall return both copies to the proprietor, who, in turn, shall deliver them to the exporter.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 252.132 Responsibility for return of wine.

The principal on the bond under which the wines were withdrawn without payment of tax shall be responsible for arranging the return of the wines to the bonded wine cellar from which they were withdrawn. In case of emergency, the principal on the bond may arrange the return of wines to bonded premises without an approved application, but such wines shall be kept separate at the bonded premises and shall not be recorded in the records and reports of the proprietor until an approved application for such return has been obtained as provided in § 252.131. Such principal or his agent shall present to the appropriate customs official the two copies of the approved application authorizing the return unless the wines are returned before the Form 206 has been filed with the customs official. The customs officer shall, if he finds that the wines are eligible for return under § 252.130, accept the approved application as authority for the return of the wines to the bonded wine cellar noted on the application and shall mark each copy of Form 206 "Canceled", note the date thereon, affix a copy of the approved application to each of the canceled Forms 206, return both Forms 206 to the principal, and, where the wines are in his custody, release them for return. The canceled Forms 206, with attachments, shall be delivered by such principal or his agent to the proprietor of the bonded wine cellar. When wines have been returned before the Forms 206 were filed with customs officials, the two copies of the approved application shall be submitted, by the principal or his agent, to the proprietor of the bonded wine cellar who shall cancel and date each copy of Form 206 and affix copies of the approved application thereto.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 252.133 Disposition of forms.

On receipt of the wines at the bonded wine cellar, the proprietor shall endorse, on each copy of the approved application to return the wines, the date received, the total amount in wine gallons of each tax class of wine returned, and affix his signature. He shall forward the original Form 206, with attached application, to the assistant regional commissioner of the region in which his premises are located, and retain the remaining copy for his files. The storage, disposition, and records pertaining to such returned wines shall be in accordance with the applicable provisions of Part 240 of this chapter.

(72 Stat. 1380; 26 U.S.C. 5362)

Subpart G—Removal of Beer Without Payment of Tax for Exportation, Use as Supplies on Vessels and Aircraft, or Transfer to a Foreign-Trade Zone

§ 252.141 General.

Beer may, subject to this part, be removed from the brewery without payment of tax, for:

(a) Export to a foreign country;

(b) Use as supplies on the vessels and aircraft described in § 252.21; or

(c) Transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation.

All such removals shall be made under the brewer's bond, Form 1566, as prescribed in § 252.60.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1334; 19 U.S.C. 1309, 81c, 26 U.S.C. 5053)

§ 252.142 Notice, Form 1689.

Whenever a brewer intends to remove beer without payment of tax from the brewery for exportation from the United States or for use as supplies on vessels and aircraft or for transportation to and deposit in a foreign-trade zone, he shall prepare a notice for each such withdrawal on Form 1689, in quadruplicate, except that where the shipment is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1334; 19 U.S.C. 1309, 81c, 26 U.S.C. 5053)

§ 252.143 Marks and brands.

In addition to the marks and brands prescribed in Part 245 of this chapter, each keg, barrel, case, crate, or other package containing beer to be removed without payment of tax under this subpart, shall be marked as specified below:

(a) "Export—Without Payment of Tax"—where the beer is to be removed for export from the United States, or for shipment to the Armed Services for export;

(b) "Use on Vessels (or Aircraft)—Without Payment of Tax"—where the beer is to be removed for use as supplies on vessels or aircraft; and

(c) Where the beer is removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone.

All such markings shall be placed on the containers in the same manner as is prescribed by the regulations in Part 245 of this chapter for the affixing of the original marks.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1334; 19 U.S.C. 1309, 81c, 26 Stat. 5053)

§ 252.144 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of beer removed from a brewery without payment of tax under this subpart shall be in accordance with the applicable provisions of Subpart M.

(72 Stat. 1334; 26 U.S.C. 5053)

§ 252.145 Disposition of forms.

On removal of the beer withdrawn under the provisions of this subpart, the brewer shall forward one copy of Form 1689 to the assistant regional commissioner, retain one copy for his files, and deliver the original and remaining copy to the officer to whom the shipment is consigned, or in whose care it is shipped, as required by Subpart M of this part. Where the shipment is for delivery for use on aircraft, the copy marked "Consignee's Copy", provided for in § 252.142, shall be forwarded to the airline company at the airport.

(46 Stat. 690, as amended, 72 Stat. 1334; 19 U.S.C. 1309, 26 U.S.C. 5053)

§ 252.146 Return of beer.

Beer removed without payment of tax under the provisions of this subpart may be returned to the brewery from which removed if lading of the beer is delayed more than the period provided in § 252.262 or where the brewer has other good cause for such return. The brewer shall request the collector of customs to release the beer for return to the brewery and, on such release, the collector of customs shall endorse both copies of the appropriate Form 1689 to show his release of the beer, and return the forms to the brewer. On return of the beer to the brewery, the brewer shall record the quantity in his daily records, mark the two copies of Form 1689 returned by the collector of customs, "Canceled—returned to brewery", and forward one copy to the assistant regional commissioner. The total quantity of beer involved in all export shipments returned during any calendar month shall be reported as a special entry on Form 103.

(72 Stat. 1334, 1335; 26 U.S.C. 5053, 5056)

§ 252.147 Brewer's report.

The brewer's records shall reflect the quantity of beer removed without payment of tax under this subpart, and he shall report the quantity of beer so removed on Form 103.

(72 Stat. 1334; 26 U.S.C. 5053)

§ 252.148 Losses.

Where there has been a loss of beer while in transit from the brewery to a port for exportation, or for lading as supplies on a vessel or aircraft, or to a foreign-trade zone, the provisions of Subpart O of this part, with respect to losses of beer after removal without payment of tax, shall be applicable.

(72 Stat. 1333, 1334; 26 U.S.C. 5051, 5053)

Subpart H—Withdrawal of Specially Denatured Spirits, Free of Tax, for Exportation or Transfer to a Foreign-Trade Zone

§ 252.151 General.

Specially denatured spirits may, under this part, be withdrawn from the bonded premises of a distilled spirits plant, free of tax, for:

(a) Exportation; or

(b) Transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation.

All such withdrawals shall be made under a consent of surety on the proprietor's bond, Form 2601, as prescribed in § 252.58(c).

(48 Stat. 999, as amended, 72 Stat. 1362; 19 U.S.C. 81c, 26 U.S.C. 5214)

§ 252.152 Application, Form 206.

Application for withdrawal of specially denatured spirits, as authorized in § 252.151, shall be made on Form 206, in quadruplicate, by the proprietor of the distilled spirits plant from which the denatured spirits are to be withdrawn. All copies of the form shall be delivered to the internal revenue officer at the plant.

(48 Stat. 999, as amended, 72 Stat. 1362; 19 U.S.C. 81c, 26 U.S.C. 5214)

§ 252.153 Withdrawal procedure.

The provisions of §§ 252.93, 252.94, 252.98, 252.105, and 252.117 in respect of method of conveyance, authorized containers, gauging, inspection, approval and release, report of removal, and disposition of forms shall be applicable to specially denatured spirits to be withdrawn under the provisions of this subpart.

(48 Stat. 999, as amended, 72 Stat. 1362; 19 U.S.C. 81c, 26 U.S.C. 5214)

§ 252.154 Marking containers.

In addition to the marks and brands required to be placed on the containers at the time they are filled under the provisions of Part 201 of this chapter, the proprietor shall place additional marks, as herein specified, on each container before removal from the bonded premises:

(a) "Export—Tax-Free"—where the specially denatured spirits are to be withdrawn for export from the United States; and

(b) Where the specially denatured spirits are withdrawn for deposit in a foreign-trade zone, in addition to and immediately following the markings precribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone.

All such markings shall be placed on the containers in the same area and in the same manner as is prescribed by the regulations in Part 201 of this chapter for the affixing of the original marks.

(48 Stat. 999, as amended, 72 Stat. 1362; 19 U.S.C. 81c, 26 U.S.C. 5214)

§ 252.155 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of specially denatured spirits withdrawn free of tax under this subpart shall be made under the provisions of Subpart M of this part.

(48 Stat. 999, as amended, 72 Stat. 1362; 19 U.S.C. 81c, 26 U.S.C. 5214)

§ 252.156 Losses.

Where there has been a loss of specially denatured spirits while in transit from the bonded premises of a distilled spirits plant to a port of export or a foreign-trade zone, the exporter shall file claim for allowance of the loss in accordance with the provisions of Subpart O of this part.

RETURN OF SPECIALLY DENATURED SPIRITS TO BONDED PREMISES

§ 252.160 General.

On application of the proprietor of a distilled spirits plant, specially denatured spirits, which have been lawfully withdrawn free of tax under the provisions of this part for exportation, or for deposit in a foreign-trade zone, may be returned—

(a) To the bonded premises of any distilled spirits plant authorized to produce distilled spirits, for redistillation; or

(b) To the bonded premises of any distilled spirits plant for storage pending subsequent lawful withdrawal free of tax: *Provided*, That such specially denatured spirits are returned before they are exported, or deposited in a foreign-trade zone, as the case may be.

Where the specially denatured spirits are to be returned to bonded premises

for storage, without redistillation, the proprietor shall also execute a consent of surety on Form 1533 to extend the terms of his bond, Form 2601, to cover the return and storage of such specially denatured spirits.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

§ 252.161 Application for return of specially denatured spirits.

Where a proprietor of a distilled spirits plant desires to return specially denatured spirits to his plant as provided in § 252.160, he shall submit a written application, in quintuplicate, to the assistant regional commissioner for the region in which his plant is located, for approval of the return of the spirits. The application shall show:

(a) Name, address, and plant number of the distilled spirits plant to which the specially denatured spirits are to be returned.

(b) Name, address, and plant number of the distilled spirits plant from which the specially denatured spirits were withdrawn.

(c) Serial number of the Form 206 and the date withdrawn.

(d) Present location of specially denatured spirits to be returned.

(e) Description of the specially denatured spirits—kind, serial numbers of containers, and quantity in wine gallons.

(f) Reason for return of the specially denatured spirits.

(g) Disposition to be made of returned specially denatured spirits, i.e., redistillation or return to bonded premises for storage.

The application shall be executed under the penalties of perjury. On approval of the application, the assistant regional commissioner shall forward the original and two copies to the internal revenue officer in charge of the plant, and return two copies to the proprietor, who, in turn, shall deliver them to the exporter.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

§ 252.162 Responsibility for return of specially denatured spirits.

The principal on the bond under which the specially denatured spirits were withdrawn free of tax shall be responsible for arranging the return of such spirits to the distilled spirits plans authorized to receive them. In case of emergency, the principal on the bond may arrange the return of the specially denatured spirits to bonded premises without an approved application, but such spirits shall be kept separate at the bonded premises and shall not be gauged or recorded in the records and reports of the proprietor until an approved application for such return has been obtained. Such principal or his agent shall present to the appropriate customs official the two copies of the approved application authorizing the return unless the specially denatured spirits are returned before the Form 206 has been filed with the customs officials. The customs officer shall, if he finds that the specially denatured spirits are eligible for return under § 252.160, accept the approved application as authority for the return of the specially denatured spirits to the distilled spirits plant noted on the application and shall mark each copy of Form 206 "Canceled", note the date thereon, affix a copy of the approved application to each set of the canceled Forms 206, return both sets to the principal, and, where the spirits are in his custody, release them for return. The canceled sets of Form 206, with attachments, shall be delivered by the principal or his agent to the internal revenue officer at the distilled spirits plant. When specially denatured spirits have been returned before the Form 206 was filed with customs officials, the two copies of the approved application together with the two sets of Form 206 shall be submitted, by the principal or his agent, to the internal revenue officer who shall cancel and date each copy of Form 206 and affix copies of the approved application thereto.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

§ 252.163 Disposition of forms.

The receipt, gauge, and disposition of the specially denatured spirits at the distilled spirits plant shall be in accordance with the applicable provisions of Part 201 of this chapter. On receipt of the report of gauge from the proprietor, the internal revenue officer shall endorse, on each copy of the approved application to return the specially denatured spirits, the date received and the total amount in wine gallons, and affix his signature and title. He shall forward the original Form 206, with attachments, to the assistant regional commissioner designated on the form, the original of the endorsed application to the assistant regional commissioner of his region, a copy of the endorsed application to the proprietor of the distilled spirits plant from which the specially denatured spirits were withdrawn, deliver the copy of Form 206 (with attachments) to the proprietor of the distilled spirits plant receiving the returned specially denatured spirits, and retain a copy of the endorsed application and the report of gauge for his files.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

Subpart I—Exportation of Distilled Spirits Bottled or Packaged, or Restamped and Marked, Especially for Export With Benefit of Drawback

§ 252.171 General.

Distilled spirits manufactured or produced in the United States on which an internal revenue tax has been paid or determined, and which have been bottled or packaged (including stamping and labeling), or restamped and marked, under the applicable provisions of Part 201 of this chapter, especially for export with benefit of drawback may, subject to this part, be:

(a) Exported;

(b) Laden for use on the vessels or aircraft described in § 252.21; or

(c) Transferred to and deposited in a foreign-trade zone for exportation or for storage pending exportation.

On receipt by the assistant regional commissioner of required evidence of such exportation, lading for use, or transfer, there shall be allowed a drawback equal in amount to the tax found to have been paid or determined on such spirits.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

EVIDENCE OF TAXPAYMENT OF IMPORTED SPIRITS AND WINES

§ 252.175 Customs certification on Form 1583.

Where distilled spirits bottled or packaged, or restamped and marked, especially for export with benefit of drawback are manufactured (rectified) in the United States with the use of imported spirits or wines, the collector of customs at the port where the entry or withdrawal for consumption was made shall, on application in writing by the rectifier, execute a certificate on Form 1583, in triplicate, showing that the internal revenue tax has been collected on the imported spirits or wines described in the application. The collector will forward the original of Form 1583 to the assistant regional commissioner designated in the application, forward one copy to the rectifier, and retain one copy for his files.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.176 Application for certificate.

The rectifier shall set forth in his application for the issuance of the certificate, Form 1583, the address of the assistant regional commissioner to whom the form is to be sent, together with sufficient information to enable the collector of customs to identify the importation, such as:

(a) The port of entry,

(b) The entry number,

(c) The name of the importing vessel or other carrier,

(d) The date of importation,

(e) The name of the importer,

(f) The marks and numbers of packages, and

(g) A description of the spirits or wines.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.177 Action by assistant regional commissioner.

The assistant regional commissioner will not approve a claim for drawback, Form 1582, or establish a rate of drawback on Form 1656, when the distilled spirits covered thereby are manufactured (rectified) from imported spirits or wines, until the Form 1583 has been received.

(72 Stat. 1336; 26 U.S.C. 5062)

EXPORT STORAGE

§ 252.180 Export storage at distilled spirits plants.

If the proprietor of a distilled spirits plant intends to receive, store, and remove tax determined distilled spirits which have been bottled or packaged, or restamped and marked, especially for export with benefit of drawback, he shall, except as provided in § 252.181, provide for the storage of such articles on the unbonded premises of the distilled spirits plant or on wholesale liquor dealer premises located on the general premises of the distilled spirits plant or contiguous thereto. During the storage of such distilled spirits they shall be segregated from all articles intended for domestic use, and shall be subject to inspection by internal revenue officers during regular business hours. The records covering export storage transactions at premises provided under the provisions of this section shall be maintained and reports shall be rendered in accordance with the applicable provisions of Part 201 of this chapter.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.181 Noncontiguous off-premises export storage.

The proprietor of a distilled spirits plant may provide storage at any noncontiguous location for the receipt, storage, and removal of tax determined distilled spirits which have been bottled and stamped, or restamped and marked, especially for export with benefit of drawback. The provisions of Part 194 of this chapter shall be applicable to such operation. Records covering export storage transactions at premises established under the provisions of this section shall be kept at each such place of storage. The records shall be kept and reports shall be rendered in accordance with the applicable provisions of Part 194 of this chapter.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.182 Wholesale liquor dealers export storage.

The establishment and the maintenance of export storage by wholesale liquor dealers shall be in accordance with the applicable provisions of Part 194 of this chapter.

(72 Stat. 1336; 26 U.S.C. 5062)

TRANSFER AND STORAGE PENDING EXPORTATION

§ 252.185 Use of export storage.

Export storage established under the provisions of § 252.180, may be used for the storage, pending exportation or transfer to other premises for export storage, of tax determined distilled spirits which have been bottled or packaged, or restamped and marked, especially for export by the proprietor or other qualified persons. Export storage provided by a wholesale liquor dealer under the provisions of Part 194 of this chapter, or by the proprietor of a distilled spirits plant under the provisions of § 252.181, may be used for the storage, pending exportation or transfer to other premises for export storage, of tax determined distilled spirits which have been bottled and stamped, or restamped and marked, especially for export with benefit of drawback and are in immediate containers having a capacity not in excess of 1 wine gallon.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.186 Notice of transfer, Form 1656.

Distilled spirits bottled or packaged, or restamped and marked, especially for export with benefit of drawback may, pursuant to notice on Form 1656, and subject to the limitations set forth in § 252.185, be transferred from any export storage established under the provisions of §§ 252.180 and 252.181 and of Part 194 of this chapter, to any other export storage established thereunder for storage, pending transfer to other premises for export storage or removal for (a) direct exportation, or (b) for use as supplies on vessels or aircraft, or (c) for transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation. Form 1656 shall be executed in triplicate (or quadruplicate if the consignee is located in another region) by the consignor-proprietor of the export storage.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

§ 252.187 Transfer from export storage.

On shipment of the cases or packages described on Form 1656, the proprietor shall execute the report of removal on all copies of the form, retain one copy, and, in the case of intraregion shipments, forward the original and one copy to the assistant regional commissioner of the region in which the consignor's premises are located. In the case of interregion shipments, an additional copy shall be forwarded to such assistant regional commissioner.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.188 Establishment of drawback rate.

On receipt of Form 1656, the assistant regional commissioner shall establish the rate of drawback on the distilled spirits described on the application and make notation of such rate on the form. Where imported spirits or wines were used in the manufacture of the spirits bottled or packaged, or restamped and marked, especially for export with benefit of drawback, the assistant regional commissioner shall not establish the rate of drawback on Form 1656 prior to receipt from the collector of customs of Form 1583. The assistant regional commissioner shall, upon notation of the rate of drawback on Form 1656, retain the original when the consignee is located in the same region, and forward the remaining copy to the consignee. In the case of interregion shipments, the original shall be forwarded to the assistant regional commissioner of the consignee's region, a copy shall be retained, and the remaining copy shall be forwarded to the consignee.

(72 Stat. 1336; 26 U.S.C. 5062)

FILING OF NOTICE, AND REMOVAL

§ 252.190 Notice and claim, Form 1582.

Notice of intention to remove distilled spirits from export storage for export, for use as supplies on vessels or aircraft, or for deposit in a foreign-trade zone, shall be prepared by the exporter on Form 1582, in quadruplicate: *Provided*, That where the withdrawal is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Each Form 1582 shall be given, by the exporter, a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. The exporter shall also execute his claim and entry for drawback on all copies of the form and deliver all copies to the proprietor of the premises from which the distilled spirits are to be removed.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

§ 252.191 Claim and entry signed by agent.

Where a claim and entry on Form 1582 is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter shall be filed, on Form 1534, with the assistant regional commissioner with whom the claim is filed.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.192 Packages of distilled spirits to be gauged.

Where distilled spirits to be removed have been packaged especially for export with benefit of drawback, the proprietor of the export storage shall gauge the packages prior to preparation of his notice on Form 1582: *Provided*, That where inspection discloses no evidence of loss and removal is made within 30 days from the time of packaging the distilled spirits for export with benefit of drawback, the filling gauge shall be considered the gauge at the time of removal. The internal revenue officer at the distilled spirits plant shall supervise the gauging of the distilled spirits by such proprietor. Report of gauge shall be made by the proprietor on Form 2630, in quadruplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582 and considered a part thereof. The report of gauge shall be checked by the internal revenue officer by verifying the gauge of a representative number of packages, selected at random.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.193 Export marks.

In addition to the marks and brands required to be placed on the containers at the time they are filled under the provisions of Part 201 of this chapter, the proprietor of the export storage shall place additional marks, as herein specified, on each container before removal from export storage for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone:

(a) "Export—Drawback Claimed"—Where the spirits are to be removed for export from the United States; or

(b) "Use on Vessels (or Aircraft)—Drawback Claimed"—Where the spirits are to be removed for use on vessels or aircraft; and

(c) Where the spirits are removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in (a) above, the words, "via F.T.Z. No." followed by the number of the zone.

All such markings shall be placed on the containers in the same manner and in the same area as is prescribed in Part 201 of this chapter for the affixing of the original marks.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

§ 252.194 Removal from export storage.

Where distilled spirits which have been bottled or packaged, or restamped and marked, especially for export with benefit of drawback are to be removed from export storage for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the cases or packages shall be inspected by the proprietor and removed. When the spirits are shipped, the proprietor shall execute the certificate of removal on Form 1582.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

§ 252.195 Disposition of Form 1582.

The proprietor shall forward one copy of Form 1582 to the assistant regional commissioner, retain one copy for his files, and deliver the original and remaining copy (copies) to the exporter. On receipt of the Forms 1582 from the proprietor, the exporter shall immediately forward or deliver the original and one copy to the officer to whom the shipment is consigned, or in whose care it is shipped, as required by Subpart M of this part. Where the shipment is for delivery for use on aircraft, the copy marked "Consignee's Copy", provided for in § 252.190, shall be forwarded by the exporter to the airline company at the airport.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

§ 252.196 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of distilled spirits removed under this subpart for export, use on vessels or aircraft, or for transfer to a foreign-trade zone, shall be in accordance with the applicable provisions of Subpart M of this part.

(72 Stat. 1336; 26 U.S.C. 5062)

Subpart J—Exportation, With Benefit of Drawback, of Distilled Spirits in Casks or Packages Filled in Internal Revenue Bond

§ 252.201 General.

On the exportation, or deposit in a foreign-trade zone for exportation or for storage pending exportation, of distilled spirits in casks or packages filled in internal revenue bond and containing not less than 20 wine gallons each, on which all taxes have been paid or determined, drawback of the internal revenue tax paid or determined may be allowed, subject to compliance with the provisions of this subpart.

(48 Stat. 999, as amended, 72 Stat. 1327; 19 U.S.C. 81c, 26 U.S.C. 5009)

§ 252.202 Application, Form 1629.

Any person desiring to claim drawback under the provisions of § 252.201, shall make application on Form 1629, in triplicate. Where the spirits are to be exported, all copies of the form shall be presented to the collector of customs for the port from which the exportation is to be made in sufficient time for inspection, gauge, and supervision of lading to be made by customs officers. Where the spirits are to be deposited in a foreign-trade zone for exportation or for storage pending exportation, all copies of the form shall be presented to the customs officer in charge of the zone.

(48 Stat. 999, as amended, 72 Stat. 1327; 19 U.S.C. 81c, 26 U.S.C. 5009)

§ 252.203 Customs procedure.

(a) *At port of export.* On receipt of Form 1629, the collector of customs shall deliver all copies to a customs officer. The customs officer shall inspect and gauge the packages, prepare a gauge thereof on Form 696, in triplicate, and completely obliterate the stamps affixed thereto. He shall then cause each package to be marked "Export—Drawback Claimed," and permit the lading of the packages aboard the exporting conveyance. The customs officer shall then execute his certificate on all copies of Form 1629, forward one copy of Form 1629 and Form 696 to the exporter, and return the original and remaining copy of each form to the collector of customs. On clearance of the exporting conveyance, the collector of customs shall execute his certificate on both copies of Form 1629, forward the originals of Form 1629 and 696 to the assistant regional commissioner of the region in which the exporter is located and retain the remaining copy of each form for his files.

(b) *At foreign-trade zone.* On receipt of Form 1629, the customs officer in charge of the foreign-trade zone shall inspect and gauge the packages, prepare a gauge thereof on Form 696, in triplicate, and completely obliterate the stamps affixed thereto. He shall then cause each package to be marked "Export—Drawback Claimed—Via F.T.Z. No." followed by the number of the zone. The customs officer shall then execute his certificate on all copies of Form 1629, forward one copy of Form 1629 and Form 696 to the exporter, and forward the originals of Form 1629 and Form 696 to the assistant regional commissioner of the region in which the exporter is located, and shall retain one copy of each form for his own record.

(48 Stat. 999, as amended, 72 Stat. 1327; 19 U.S.C. 81c, 26 U.S.C. 5009)

§ 252.204 Claim.

The exporter, on receipt of the Forms 1629 and 696 from the customs officer, shall, on the basis of the rate of tax paid or determined, and the quantity, in proof gallons, of distilled spirits shown by the customs gauge on Form 696 to be contained in the packages, compute the amount of eligible drawback on the spirits, and execute his claim for drawback of such amount on the Form 1629. He shall then forward the claim, Form 1629, together with the copy of Form 696, to the assistant regional commissioner of the region in which he is located.

(48 Stat. 999, as amended, 72 Stat. 1327; 19 U.S.C. 81c, 26 U.S.C. 5009)

Subpart K—Exportation of Wine With Benefit of Drawback

§ 252.211 General.

Wines manufactured or produced in the United States on which an internal revenue tax has been paid or determined and contained in packages or unbroken cases, filled on premises qualified under this chapter to package or bottle wines, may, subject to this part, be:

(a) Exported;

(b) Laden for use on the vessels or aircraft described in § 252.21; or

(c) Transferred to and deposited in a foreign-trade zone for exportation or for storage pending exportation.

On receipt by the assistant regional commissioner of required evidence of such exportation, lading for use, or transfer, there shall be allowed a drawback equal in amount to the tax found to have been paid or determined on such wines.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

§ 252.212 Persons authorized.

Persons who have qualified under this chapter as proprietors of distilled spirits plants, bonded wine cellars, or taxpaid wine bottling houses, and persons who are wholesale liquor dealers as defined in section 5112, I.R.C., and have paid the required tax as a wholesale liquor dealer, are authorized to remove wines under the provisions of this subpart.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.213 Labeling of bottled wines.

Where bottled wines are to be exported with benefit of drawback under the provisions of this subpart, such bottles may be labeled with a label conforming to the provisions of 27 CFR Part 4: *Provided*, That the words "For Export" appear on such label or on a neck label affixed to each bottle. If such bottles are not so labeled, they shall be labeled as follows:

(a) Kind of wines;

(b) Name of bottler;

(c) City or town and State in which bottled;

(d) Alcohol content by volume, except that if not over 14 percent, either the type designations "table wine" or "light wine," or the alcoholic content, shall be stated;

(e) The words "For Export"; and

(f) The net contents of the bottle, unless legibly blown therein.

Such additional information not inconsistent with the foregoing requirements as may be desired by the exporter may also appear on the label.

§ 252.214 Notice and claim, Form 1582–A.

Claim for allowance of drawback of internal revenue taxes on wines removed under the provisions of § 252.211 and § 252.212, shall be prepared by the exporter on Form 1582–A, in quadruplicate: *Provided*, That where the withdrawal is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Each Form 1582–A shall be given, by the exporter, a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive.

(46 Stat. 690, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 26 U.S.C. 5062)

§ 252.215 Certificate of tax determination, Form 2605.

Every claim for drawback of tax on Form 1582–A shall be supported by a certificate, Form 2605, which shall be executed, in duplicate, (a) by the person who withdrew the wine from bond on tax determination, certifying that all taxes have been properly determined on such wine, or (b) where the wine was bottled or packaged after tax determination, by the person who did such bottling or packaging, certifying that the wines so bottled or packaged were received in tax-paid status and specifying from whom they were so received. The assistant regional commissioner may require other evidence of tax payment whenever he deems it necessary. It shall be the responsibility of the exporter to secure Form 2605, properly executed, and to submit the original of such form to the assistant regional commissioner with whom the claim, Form 1582–A, is filed. The exporter shall retain the copy of Form 2605 for his files.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.216 Marking of containers.

In addition to the marks and brands required to be placed on each container under the provisions of Parts 201, 231, or 240, of this chapter, each container removed under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information, as specified below:

(a) "Export—Drawback Claimed"—where the removal is for export from the United States, or for shipment to the armed services for export; or

(b) "Use on Vessels (or Aircraft)—Drawback Claimed"—where the removal is for use on vessels or aircraft; and

(c) Where the wine is removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

§ 252.217 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of wines removed under this subpart shall be made under the provisions of Subpart M of this part.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.218 Disposition of Forms 1582–A.

On removal of the wines from the premises, the exporter shall forward one copy of Form 1582–A to the assistant regional commissioner, retain one copy for his files, and deliver the original and remaining copy to the officer to whom the shipment is consigned, or in whose care it is shipped, as required by Subpart M of this part. Where the shipment is for delivery for use on aircraft, the copy marked "Consignee's Copy", provided for in § 252.214, shall be forwarded to the airline company at the airport.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 26 U.S.C. 5062)

Subpart L—Exportation of Beer With Benefit of Drawback

§ 252.221 General.

Beer brewed or produced in the United States and on which the internal revenue tax has been paid may, subject to this part, be:

(a) Exported;

(b) Delivered for use as supplies on the vessels and aircraft described in § 252.21; or

(c) Transferred to and deposited in a foreign-trade zone for exportation or for storage pending exportation.

Claim for drawback of taxes found to have been paid may be filed only by the producing brewer or his duly authorized agent. On receipt by the assistant regional commissioner of required evidence of such exportation, delivery for use, or transfer, there shall be allowed a drawback equal in amount to the tax found to have been paid on such beer.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1335; 19 U.S.C. 1309, 81c, 26 U.S.C. 5055)

§ 252.222 Claim, Form 1582–B.

Claim for allowance of drawback of internal revenue taxes on beer brewed or produced in the United States shall be prepared on Form 1582–B, in quadruplicate, as required by this part. Each Form 1582–B shall be given, by the person initiating the form, a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive.

(72 Stat. 1335; 26 U.S.C. 5055)

§ 252.223 Marking of containers.

In addition to the marks and brands required to be placed on each container under the provisions of Part 245 of this chapter, each container removed under the provisions of this subpart shall have stenciled or otherwise marked thereon, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information as specified below:

(a) "Export—Drawback Claimed"—where the removal is for export from the United States, or for shipment to the armed services for export; or

(b) "Use on Vessels (or Aircraft)—Drawback Claimed"—where the removal is for use as supplies on vessels or aircraft; and

(c) Where the beer is removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1335; 19 U.S.C. 1309, 81c, 26 U.S.C. 5055)

EXECUTION OF CLAIMS

§ 252.225 Removals of beer by brewer.

Where a brewer removes taxpaid beer from the brewery or from its place of storage elsewhere for exportation, for lading for use as supplies on vessels or aircraft, or for deposit in a foreign-trade zone, he shall execute the notice and claim on Form 1582–B. On removal of the beer for shipment the brewer shall file one copy of Form 1582–B with the assistant regional commissioner of his region, retain one copy for his files, and immediately forward the original and one copy of the form:

(a) In case of shipments for export or for use as supplies on vessels or aircraft, to the collector of customs at the port of export; or

(b) In the case of shipments to the armed services of the United States for export, to the commanding or supply officer to whom the shipment is consigned; or

(c) In the case of shipments to a foreign-trade zone, to the customs officer in charge of the zone.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1335; 19 U.S.C. 1309, 81c, 26 U.S.C. 5055)

§ 252.226 Removals of beer by agent on behalf of brewer.

Where proper power of attorney authorizing an agent to execute a claim on behalf of the brewer has been filed with the assistant regional commissioner, such agent may, for any of the purposes authorized in § 252.221, remove taxpaid beer from the brewery where produced or from its place of storage elsewhere, and execute the notice and claim on Form 1582–B on behalf of the brewer. On removal of the beer, such agent shall dispose of Form 1582–B in accordance with the applicable procedure set forth in § 252.225.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1335; 19 U.S.C. 1309, 81c, 26 U.S.C. 5055)

§ 252.227 Removals of beer by persons other than the brewer or agent of the brewer.

Where there is a removal of taxpaid beer by a person other than the brewer or the agent of the brewer for any of the purposes authorized in § 252.221, such person shall execute the notice, only, on Form 1582–B. Where the removal consists of the products of more than one brewer, separate Forms 1582–B shall be prepared for the products of each brewer. On removal of the beer for shipment such person shall forward two copies of Form 1582–B to the producing brewer, and immediately forward the original and one copy of the form as prescribed in § 252.225 (a), (b), or (c), as the case may be. On receipt of the two copies of Form 1582–B from the exporter, the brewer shall, if he wishes to claim drawback on the beer covered thereby, execute the claim for drawback on both copies of the form, file one copy of the claim with the assistant regional commissioner of his region, and retain the remaining copy for his files.

(46 Stat. 690, as amended, 49 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5055)

CONSIGNMENT, SHIPMENT, AND DELIVERY

§ 252.230 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of taxpaid beer removed under this subpart shall be made under the provisions of Subpart M of this part.

(72 Stat. 1336; 26 U.S.C. 5055)

Subpart M—Shipment or Delivery for Export

CONSIGNMENT

§ 252.241 Shipment for export, or for use on vessels.

All liquors and specially denatured spirits intended for export or liquors intended for use as supplies on vessels shall be consigned to the collector of customs at the port of exportation, or port of lading for supplies on vessels, except that when the shipment is for export to a contiguous foreign territory it shall be consigned to the foreign consignee at destination in care of the collector of customs or deputy collector of customs at the port of export.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.242 Shipment for use on aircraft.

(a) *Distilled spirits and wine.* All distilled spirits and wines intended for use on aircraft shall be consigned to the airline at the airport from which the aircraft will depart in international travel, in care of the collector of customs. On receipt of the distilled spirits or wines they shall be stored at the airport under customs custody until laden on aircraft.

(b) *Beer.* Beer intended for use on aircraft shall be consigned to the collector of customs at the port of lading.

(46 Stat. 999, as amended, 72 Stat. 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5214, 5362)

§ 252.243 Shipment to armed services.

On removal of distilled spirits, wines, or beer for export to the armed services of the United States, the shipment shall be consigned to the commanding officer or supply officer at the supply base or other place of delivery.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.244 Shipment to manufacturing bonded warehouse.

Distilled spirits and wines withdrawn for shipment to a manufacturing bonded warehouse shall be consigned to the proprietor of such warehouse in care of the customs officer in charge of the warehouse.

(72 Stat. 1362, 1380, 1393; 26 U.S.C. 5214, 5362, 5522)

§ 252.245 Shipment to foreign-trade zone.

Where distilled spirits (including specially denatured spirits), wines, or beer, are transferred to a foreign-trade zone for exportation or for storage pending exportation, the shipment shall be consigned to the Zone Operator in care of the customs officer in charge of the zone.

(46 Stat. 999, as amended, 72 Stat. 1362, 1380; 19 U.S.C. 81c, 26 U.S.C. 5214, 5362)

§ 252.246 Delivery for shipment.

The proprietor or exporter may deliver the shipment directly to the consignees designated in §§ 252.241 through 252.245, or he may deliver it to a carrier for transportation and delivery to such consignees, or, when the exportation is to a contiguous foreign country, to the foreign consignee. Where the shipment is delivered to a carrier for transportation and delivery to such consignee, the proprietor or exporter shall procure a copy of the bill of lading covering such transportation.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.247 Change in consignee.

Where a change of consignee is desired after the liquors (including specially denatured spirits) have been removed from the shipping premises, the exporter shall notify the appropriate officer to whom the shipment is required by §§ 252.241–252.245 to be consigned or in whose care it is required to be shipped, and forward a copy of such notification to the appropriate assistant regional commissioner. Such notice shall identify the withdrawal or claim form, as the case may be, covering the shipment.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

BILLS OF LADING

§ 252.250 Bills of lading required.

A copy of the export bill of lading covering transportation from the port of export to the foreign destination, or a copy of the through bill of lading to the foreign destination, if so shipped, covering the acceptance of the shipment by a carrier for such transportation, shall be obtained by the exporter and filed with the assistant regional commissioner. Where the shipment consists of distilled spirits or wines to be deposited in a foreign-trade zone with benefit of drawback, and the principal has filed bond, Form 2738, the exporter shall obtain a copy of the transportation bill of lading covering the shipment and file it with the assistant regional commissioner: *Provided*, That such transportation bill of lading will not be required when delivery is made directly to the foreign-trade zone by the shipper. Bills of lading shall be signed by the carrier or by an agent of the carrier and shall contain the following minimum information:

(a) As to spirits, specially denatured spirits, and wines:

(1) The name of the exporter (if different from the shipper),

(2) The name and address of the consignee (foreign consignee in case of export or through bill of lading),

(3) The number of packages or cases,

(4) The serial number of the Form 206, 1582, or 1582–A, as the case may be, and

(5) The total quantity in wine gallons.

(b) As to beer:

(1) The name of the shipper,

(2) The name and address of the consignee (foreign consignee in case of export or through bill of lading), and

(3) The number and size of containers.

Where a copy of an export bill of lading or a copy of the through bill of lading is required and is not obtainable, the exporter or his agent may procure a certificate given by an agent of such carrier, as prescribed in § 252.253, and transmit such certificate to the assistant regional commissioner.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.251 Railway express receipts.

Where the exportation is to a contiguous foreign country and the shipment is by railway express, a receipt issued by the railway express agency may be accepted in lieu of an export bill of lading if the receipt furnishes all of the information required in an export bill of lading.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.252 Air express or freight bills of lading.

Where the exportation is made by air express or air freight, a bill of lading issued by the conveying airline is considered for the purpose of this part to be an export bill of lading if it otherwise conforms to the requirements of § 252.250.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.253 Certificate by export carrier.

A certificate, executed under the penalties of perjury, by an agent or representative of the export carrier, showing actual exportation of the liquors (including specially denatured spirits) may be furnished by an exporter as evidence of exportation. The certificate shall contain a description of the shipment, including the serial number of the withdrawal form, or the claim and entry form, as the case may be, the name of the exporter, the name of the consignee, the date received, the place where received by such carrier, and the name of the carrier from which received.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

Subpart N—Proceedings at Ports of Export

§ 252.261 Notice to collector of customs.

On arrival at the port of exportation, of distilled spirits (including specially denatured spirits), wines, or beer, withdrawn or shipped for exportation or for use on vessels or aircraft, the exporter or his agent shall immediately notify the collector of the port. At the same time, or prior thereto, the exporter or his agent shall file with the collector two copies of the application, claim, or notice, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, covering the shipment: *Provided*, That where the shipment is for direct exportation, such forms shall be filed at least six hours prior to lading.

(46 Stat. 690, as amended, 72 Stat. 1334, 1335, 1336, 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.262 Delay in lading at port.

If, on arrival of a shipment withdrawn for export without payment of tax or free of tax, the exporting vessel is not prepared to receive the shipment, the collector of customs may permit such shipment to remain in possession of a carrier for a period not exceeding 30 days. Storage elsewhere for a like cause, and not exceeding the same period, may be approved by the collector of customs. In the event of further delay, the facts shall be reported to the assistant regional commissioner of the region from which the shipment was made, who shall issue appropriate instructions concerning the disposition of the shipment.

(72 Stat. 1334, 1362, 1380; 26 U.S.C. 5053, 5214, 5362)

§ 252.263 Duties of customs officer to be performed by an internal revenue officer.

Where authorized by the collector of customs at the interior port of entry in the case of paragraph (a) of this section, or at the port in which is located the manufacturing bonded warehouse in the case of paragraph (b) of this section, the internal revenue officer at a distilled spirits plant shall perform the duties required, by this subpart, to be performed by a customs officer, in the following instances only:

(a) Where distilled spirits withdrawn without payment of tax, or where distilled spirits bottled or packaged for export with benefit of drawback, are laden at an interior port for exportation through another port; and

(b) Where distilled spirits withdrawn without payment of tax are to be transferred for deposit in a manufacturing bonded warehouse which is contiguous to the distilled spirits plant.

(72 Stat. 1336, 1362, 1380; 26 U.S.C. 5062, 5214, 5362)

§ 252.264 Lading for exportation.

On receipt of the notification required in § 252.261, the collector of customs shall deliver both copies of the application, claim, or notice, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, covering the shipment, together with any forms which may be attached thereto, to a customs officer for inspection and supervision of lading. Such shipment shall be subject to the same requirements for inspection and supervision of lading at the port of exportation as may be required by Customs Regulations (19 CFR Ch. I) in the case of similar shipments of imported merchandise to be exported in customs bond. When an inspection of the shipment is made before it is laden on board the exporting carrier and such inspection discloses any discrepancy, the customs officer shall make note of the nature and extent of the discrepancy on each copy of the application, claim, or notice, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, and where the discrepancy involves one or more packages of distilled spirits, he shall make a gauge of each such package on Form 696.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.265 Evidence of fraud.

If the customs inspection discloses evidence of fraud, the customs officer shall detain the merchandise and notify the collector of customs who shall report the facts forthwith to the assistant regional commissioner within whose region the port of export is located. The assistant regional commissioner shall make investigation and take such action as the facts may warrant. Where the detained merchandise has been withdrawn for transfer and deposit in a manufacturing bonded warehouse, the merchandise shall be deemed not to have been deposited in said warehouse, and the designated officer shall hold in abeyance the processing of Form 206 until advised by the collector of customs that the detained merchandise may be entered for deposit. Where the detained merchandise has been withdrawn or entered for deposit in a foreign-trade zone, it shall be deemed to not have been deposited in the zone and the customs officer shall hold in abeyance the processing of the application, notice, or claim, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, and Zone Form D, until advised by the collector of customs that the detained merchandise may be entered for deposit.

(46 Stat. 999, as amended, 72 Stat. 1334, 1335, 1336, 1362, 1380, 1393; 19 U.S.C. 81c, 26 U.S.C. 5053, 5055, 5062, 5214, 5362, 5522)

§ 252.266 Release of detained merchandise.

When any merchandise has been detained under the provisions of § 252.265, the collector of customs shall not release such merchandise until he is advised so to do by the assistant regional commissioner.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.267 Exportation from interior port.

Where a shipment made under this part is to be exported to a contiguous foreign country through a frontier port, and it is desired to avoid the delay of customs inspection at such port, the shipment may be entered for exportation at an interior customs port. The inspection and supervision of lading, and the affixing of customs seals, shall be done by a customs officer in accordance with the provisions of Customs Regulations (19 CFR Ch. I): *Provided*, That where, under the provisions of § 252.263, an internal revenue officer has been authorized to perform such duties, the internal revenue officer shall perform the duties of the customs officer. On completion of the lading, the designated officer shall affix the seals, execute the certificate of lading on both copies of the application, notice, or claim, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, and forward them, with attachments (if any), to the collector of customs at the interior port of entry. The collector shall forward both copies of the form, with attachments (if any), to the customs officer at the frontier port. When the customs officer at the frontier port is satisfied that the shipment as described on the appropriate form has been exported, he shall execute his certificate on both copies of the form and return them with attachments (if any), to the collector of customs at the interior port of entry.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.268 Receipt for liquors for use on vessels or aircraft.

Where liquors are withdrawn or removed for use on vessels or aircraft, the exporter shall procure and forward to the asistant regional commissioner a receipt executed under the penalties of perjury by the master or other authorized officer of the vessel, steamship company, or airline, as the case may be. The receipt shall give the number of containers, the serial numbers of the containers (if any), and the quantity received, and shall show that the liquors are in customs custody and have been or will be laden on board the vessel or aircraft, that they will be lawfully used on board the vessel or aircraft, and that no portion of the shipment has been or will be unladen in the United States or any of its territories or possessions. A receipt is not required, in the case of any shipment for use on vessels, when the liquors are laden on vessels of war, or, in cases other than supplies for vessels employed in the fisheries, where the amount of the tax on the liquors does not exceed $200. In the case of supplies for vessels employed in the fisheries, compliance with the provisions of § 252.22 is also required.

(46 Stat. 690, as amended, 72 Stat. 1334, 1335, 1336, 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

§ 252.269 Certification by collector of customs.

(a) *Exportation.* When the collector of customs is satisfied that merchandise described on the application, notice, or claim, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, has been laden and cleared for export, he shall execute his certificate of lading and clearance on both copies of the form.

(b) *Distilled spirits and wines as supplies on vessels and aircraft.* When the collector of customs is satisfied that the distilled spirits and wines described on Form 206, 1582, or 1582–A, as the case may be, have been duly laden for use on vessels and aircraft, and that proper accounting for such spirits or wines has been submitted to him as required by this part, he shall execute his certificate of lading for use on both copies of the form.

(c) *Disposition of forms.* After executing his certificate, the collector of customs shall forward the original of Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, with attachments (if any), to the assistant regional commissioner designated on the form, and retain the remaining copy, with any attached forms, for his files.

(46 Stat. 690, as amended, 72 Stat. 1334, 1335, 1336, 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

RECEIPT BY ARMED SERVICES

§ 252.275 Receipt by armed services.

When liquors which have been withdrawn or removed for export to the armed services of the United States are received at the supply base or other designated place of delivery, the officer to whom consigned, or other authorized supply officer, at the supply base or other place of delivery shall enter the quantity of liquors received on both copies of the application, notice, or claim, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be. After signing the form, he shall forward the original with attachments, if any, to the assistant regional commissioner designated on the form, and retain the other copy for his records.

(72 Stat. 1334, 1335, 1336, 1362, 1380; 26 U.S.C. 5053, 5055, 5062, 5214, 5362)

LADING FOR USE ON AIRCRAFT

§ 252.280 Distilled spirits and wines.

When an airline desires to withdraw distilled spirits or wines from its stock being held at the airport under customs custody, for use on a particular aircraft, a requisition in triplicate shall be prepared for presentation to the customs officer. The requisition shall show the flight number, the registry number of the aircraft on which the distilled spirits or wines are to be laden, the country for which the aircraft is to be cleared, the date of departure of the aircraft, and the brand, kind, and quantity of distilled spirits or wines. Where the distilled spirits or wines are contained in kits which have been previously prepared while under customs custody, the kit number shall also be shown on the requisition. Where the kits are not prepared and the distilled spirits or wines are withdrawn for direct lading on aircraft, the requisition shall be serially numbered in lieu of the insertion of the kit number. When the distilled spirits or wines are withdrawn and laden aboard the aircraft, the lading shall be verified by the customs officer by an appropriate stamp or notation on the requisition. One copy of the requisition shall be retained by the customs officer who certifies to the lading for attachment to the outgoing manifest. The other two copies shall be delivered to the airline which shall retain both copies until the return of the flight. In case any of the distilled spirits or wines are removed from the aircraft on its return, they shall be returned to customs custody, appropriate notation made on both copies of the requisition retained by the airline and one copy shall be delivered to the customs officer for attachment to the incoming manifest. The remaining copy shall be retained by the airline.

(46 Stat. 690, as amended, 72 Stat. 1336, 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5062, 5214, 5362)

§ 252.281 Certificate of use for distilled spirits and wines.

When all of the distilled spirits or wines represented by a single application, notice, or claim, Form 206, 1582, or 1582–A, as the case may be, have been withdrawn from customs custody and laden and used on aircraft, the airline shall prepare a certificate of use on which are itemized all the requisitions pertaining to such distilled spirits or wines. The certificate shall be executed under the penalties of perjury by an officer of the airline and shall show the name of the exporter, the entry number, the brand and kind of distilled spirits or wines, and the number of bottles to be accounted for; and, as to each requisition, the requisition (or kit) number, the date laden, the registry number of the aircraft, the country for which the aircraft was cleared, and the number of bottles used. When completed, the certificate shall be presented to the customs officer at the airport who shall than execute his certificate on both copies of the appropriate application, notice, or claim, Form 206, 1582, or 1582–A, as the case may be, noting thereon any exception, such as shortages or breakage. The customs officer shall then attach the certificate of use to the copy of the appropriate form and forward both copies of the form to the collector of customs.

(46 Stat. 690, as amended, 72 Stat. 1336, 1362, 1380; 19 U.S.C. 1309, 26 U.S.C. 5062, 5214, 5362)

§ 252.282 Beer.

When beer has been laden on board the aircraft for use as supplies, the customs officer shall execute his certificate on both copies of the Form 1582–B or Form 1689, as the case may be, forward the original to the assistant regional commissioner designated on the form, and retain the copy for his files.

(46 Stat. 690, as amended, 72 Stat. 1334, 1335; 19 U.S.C. 1309, 26 U.S.C. 5053, 5055)

RECEIPT IN MANUFACTURING BONDED WAREHOUSE

§ 252.285 Receipt in manufacturing bonded warehouse.

On receipt of the distilled spirits or wines and the related Form 206 (and Form 2630, if any), the customs officer in charge of the manufacturing bonded warehouse shall make such inspection as is necessary to establish to his satisfaction that the shipment corresponds with the description thereof on Form 206 (and Form 2630, if any), and shall make a report of his gauge on Form 696, in duplicate: *Provided*, That where, under the provisions of § 252.263, an internal revenue officer has been authorized to perform the duties of the customs officer, the internal revenue officer shall perform such duties. Where his inspection and gauge discloses any discrepancy, the designated officer shall make note of such discrepancy on each copy of Form 206. Where the officer is satisfied that the shipment corresponds with the description on Form 206 (and Form 2630, if any), he shall execute his certificate of deposit on both copies of Form 206, and forward the original of Forms 206 and 696, and a copy of Form 2630 (if any), to the assistant regional commissioner. He shall retain the remaining copies for his files.

(72 Stat. 1362, 1380, 1393; 26 U.S.C. 5214, 5362, 5522)

RECEIPT IN FOREIGN-TRADE ZONE

§ 252.290 Receipt in foreign-trade zone.

On receipt at the zone, the shipment shall be inspected by the customs officer in charge of the zone who shall determine if the shipment agrees with the description thereof on the application, notice, or claim, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be. Where, with respect to distilled spirits or wines, the customs officer deems it necessary to make a regauge of such spirits or wines, he shall make such regauge on Form 696, in duplicate. The customs officer shall note on both copies of the Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, any deficiency in quantity or discrepancy between the merchandise inspected or gauged and that described in the form. Where the inspection or gauge discloses no loss, or where a loss is disclosed by such inspection or gauge and there is no evidence to indicate fraud, the officer shall execute his certificate on both copies of the form covering the deposit, and forward to the assistant regional commissioner the following:

(a) Original of the deposit form;
(b) Original of Form 696, if any; and
(c) Copy of Form 2630, if any.

The remaining copy of the deposit form, and of any other form, shall be retained by the customs officer for his files.

(46 Stat. 999, as amended, 72 Stat. 1336, 1362, 1380; 19 U.S.C. 81c, 26 U.S.C. 5062, 5214, 5362)

Subpart O—Losses

DISTILLED SPIRITS

§ 252.301 Loss of distilled spirits in transit.

The tax on distilled spirits withdrawn without payment of tax under this part and which are lost during transportation from the bonded premises of the distilled spirits plant from which withdrawn to (a) the port of export, (b) the manufacturing bonded warehouse, (c) the vessel or aircraft, or (d) the foreign-trade zone, as the case may be, may be remitted if evidence satisfactory to the assistant regional commissioner establishes that such distilled spirits have not been unlawfully diverted, or lost by theft with connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier or the employees or agents of any of them: *Provided*, That such remission in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed in respect of the tax for such loss.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 252.302 Notice to exporter.

If, on examination of the Form 206 (and attached gauge reports, if any) received from the officer required to certify the same under the provisions of Subpart N of this part, the assistant regional commissioner is of the opinion that the distilled spirits reported lost had been unlawfully diverted, or had been lost by theft, he will advise the exporter by letter:

(a) Of the identity of the containers;
(b) Of the amount of the loss;
(c) Of the circumstances indicating diversion or theft;
(d) That allowance of the loss will be subject to filing (1) proof that such loss is allowable under the provisions of section 5008 (a) and (f), I.R.C., and (2) claim for remission of the tax on the spirits so lost; and
(e) That action in respect of the loss will be withheld for a period of not more than 30 days to afford an opportunity to file such proof and claim.

In any case in which distilled spirits are lost during transportation, as described in § 252.301, whether by theft or otherwise, the assistant regional commissioner may require the exporter to file a claim for relief in accordance with § 252.303. When circumstances may warrant, extensions of additional time for submission of the proof and claim may be granted by the assistant regional commissioner. Where such proof and claim are not filed within the 30-day period, or such extensions as the assistant regional commissioner may grant, the tax on the distilled spirits diverted or lost will be assessed, or liability asserted against the bond covering the shipment, as the case may be.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 252.303 Filing of claims.

Claims, for remission of tax on the distilled spirits under § 252.301, shall be filed on Form 2635, in duplicate, with the assistant regional commissioner, and shall set forth the following:

(a) Name, address, and capacity of the claimant;
(b) Identification (including serial numbers, if any) and location of the container or containers from which the spirits were lost;
(c) Quantity of spirits lost from each container, and the total quantity of spirits covered by the claim;
(d) Total amount of tax for which the claim is filed;
(e) The date, penal sum, and form number of the bond under which withdrawal and shipment were made;
(f) Name, number, and address of the distilled spirits plant from which withdrawn without payment of tax;
(g) Date of the loss (or, if not known, date of discovery), the cause thereof, and all the facts relative thereto;
(h) Name of the carrier;
(i) If lost by theft, facts establishing that the loss did not occur as the result of any connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them;
(j) In the case of a loss by theft, whether the claimant is indemnified or recompensed in respect of the tax on the spirits lost, and, if so, the amount and nature of such indemnity or recompense and the actual value of the spirits, less the tax.

The claim shall be executed by the exporter or his authorized agent under the penalties of perjury, and shall be supported (whenever possible) by affidavits of persons having personal knowledge of the loss. The assistant regional commissioner may require such further evidence as he deems necessary.

(68A Stat. 749, 72 Stat. 1323; 26 U.S.C. 6065, 5008)

§ 252.304 Action on claim.

The assistant regional commissioner will allow or disallow claims filed under § 252.303 in accordance with existing law and regulations. If the assistant regional commissioner finds that there has been a diversion or theft of the distilled spirits as the result of any connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them, the tax on the distilled spirits diverted or lost by theft will be assessed, or liability asserted against the bond covering the shipment, as the case may be.

(68A Stat. 867, 72 Stat. 1323; 26 U.S.C. 7302, 5008)

SPECIALLY DENATURED SPIRITS

§ 252.310 Loss of specially denatured spirits in transit.

Losses of specially denatured spirits withdrawn free of tax under this part during transportation from the bonded premises of the distilled spirits plant from which withdrawn to (a) the port of export, or (b) the foreign-trade zone, as the case may be, may be allowed if evidence satisfactory to the assistant regional commissioner establishes that such specially denatured spirits have not been unlawfully diverted, or lost by theft as the result of any connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them. The giving of notice to the exporter, filing claims for allowance of loss, and action on the claims shall be, insofar as applicable, in accordance with the procedure prescribed in §§ 252.302 through 252.304.

WINE

§ 252.315 Loss of wine in transit.

The tax on wines withdrawn without payment of tax under this part and which are lost during transportation from the bonded wine cellar from which withdrawn to (a) the port of export, (b) the vessel or aircraft, (c) the foreign-trade zone, or (d) the manufacturing bonded warehouse, as the case may be, may be remitted if evidence satisfactory to the assistant regional commissioner establishes that such wines have not been unlawfully diverted, or lost by theft with connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier or the employees or agents of any of them: *Provided*, That the remission of tax on wine withdrawn without payment of tax under this part and which is lost while in transit may be allowed only to the extent that the claimant is not indemnified or recompensed for such tax.

(72 Stat. 1361, 1362; 26 U.S.C. 5370, 5371)

§ 252.316 Notice to exporter.

If, on examination of the Form 206 received from the officer required to certify the same under the provisions of Subpart N, the assistant regional commissioner is of the opinion that wine reported lost had been unlawfully diverted, or had been lost by theft, he will advise the exporter by letter:

(a) Of the identity of the containers;
(b) Of the amount of the loss;
(c) Of the circumstances indicating diversion or theft;
(d) That allowance of the loss will be subject to filing (1) proof that such loss is allowable under the provisions of section 5370, I.R.C., and (2) claim for remission of the tax on the wine so lost; and
(e) That action in respect of the loss will be withheld for a period of not more than 30 days to afford an opportunity to file such proof and claim.

In any case in which wines are lost during transportation, as described in § 252.315, whether by theft or otherwise, the assistant regional commissioner may require the exporter to file a claim for relief in accordance with § 252.317. Where circumstances may warrant, extensions of additional time for submission of the proof and claim may be granted by the assistant regional commissioner. Where such proof and claim are not filed within the 30-day period, or such extensions as the assistant regional commissioner may grant, the tax on the wine diverted or lost will be assessed, or liability asserted against the bond covering the shipment, as the case may be.

(72 Stat. 1361; 26 U.S.C. 5370)

§ 252.317 Filing of claims.

Claims, for remission of tax on the wine under § 252.315, shall be filed on Form 2635, in duplicate, with the assistant regional commissioner, and shall set forth the following:

(a) The name, address, and capacity of the claimant;
(b) The name, registry number, and location of the bonded wine cellar from which the wine was withdrawn;
(c) The date, penal sum, and form number of the bond under which withdrawal and shipment was made;
(d) Identification (including serial numbers, if any) and location of the container or containers from which the wine was lost;
(e) The quantity of wine lost from each container, and the total quantity of wine covered by the claim;
(f) The total amount of tax for which the claim is filed;
(g) The date of the loss (or, if not known, date of discovery), the cause thereof, and all the facts relative thereto;
(h) Name of the carrier;
(i) If lost by theft, the facts establishing that the loss did not occur as the result of any connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier, or the agents or employees of any of them; and

(j) Whether the claimant is indemnified or recompensed in respect of the tax on the wine lost, and, if so, the amount and nature of such indemnity or recompense and the actual value of the wine, less the tax.

The claim shall be signed by the exporter or his authorized agent under the penalties of perjury, and shall be supported (whenever possible) by affidavits of persons having personal knowledge of the loss. The assistant regional commissioner may require such further evidence as he deems necessary.

(68A Stat. 749, 72 Stat. 1381, 1382; 26 U.S.C. 6065, 5370, 5371)

§ 252.318 Action on claim.

Action on claims filed under § 252.317 shall be, insofar as applicable, in accordance with the procedure prescribed in § 252.304.

(72 Stat. 1381; 26 U.S.C. 5370)

BEER

§ 252.320 Loss of beer in transit.

When, on receipt by the assistant regional commissioner of Form 1689 from the officer required to certify it under the provisions of Subpart N, it is disclosed that there has been a loss of beer after removal from the brewery without payment of tax and while in transit to (a) the port of export, (b) the vessel or aircraft, or (c) the foreign-trade zone, as the case may be, and the report of the certifying officer shows that such loss was a normal one caused by casualty, leakage, or spillage, the assistant regional commissioner will allow the loss. Where it is disclosed that the loss is large or unusual, the assistant regional commissioner shall conduct an investigation of the loss. Where the investigation discloses that the loss in transit has occurred by reason of casualty, leakage, or spillage, credit for the loss will be allowed. Where the investigation discloses evidence indicating that the loss resulted from theft or from fraud, the assistant regional commissioner will afford the brewer opportunity to submit a written explanation with respect to the causes of such loss before taking further action.

(72 Stat. 1333, 1334, 1335; 26 U.S.C. 5051, 5053, 5056)

§ 252.321 Tax assessed on loss not accounted for.

Where a loss of beer in transit, as described in § 252.320, has not been explained to the satisfaction of the assistant regional commissioner, an assessment shall be made against the brewer in a sufficient amount to cover the tax on the quantity of beer not satisfactorily accounted for.

(72 Stat. 1333, 1334; 26 U.S.C. 5051, 5053)

Subpart P—Action on Claims

§ 252.331 Claims supported by bond, Form 2738.

On receipt from the proprietor or exporter of a claim for drawback of tax on distilled spirits or wines on which the tax has been determined, and of the evidence of exportation required by § 252.40, or of lading for use on vessels or aircraft required by § 252.41, or of deposit in a foreign-trade zone required by § 252.42, as the case may be, the assistant regional commissioner shall, if a good and sufficient bond has been filed as provided in § 252.65, and the notice of removal has been properly completed, allow the claim in accordance with the rate of drawback established in respect of the particular spirts or wines on which claim is based and charge the amount allowed against the bond. On receipt of the original of the claim properly executed by the appropriate customs official or armed services officer, as required by this part, and, in the case of claims on Form 1582–A, the certificate of tax determination, Form 2605, the assistant regional commissioner shall give appropriate credit to the bond.

(46 Stat. 690, 691, as amended, 48 Stat. 999, as amended, 72 Stat. 1336; 19 U.S.C. 1309, 1311, 81c, 26 U.S.C. 5062)

§ 252.332 Claim against bond.

Where any claim supported by a bond has been allowed and charged against the bond under the provisions of § 252.331, and the original of the claim properly executed by the appropriate customs official or armed services officer as required by this part, is not received by the assistant regional commissioner within three months of the date the claim was allowed, or where the distilled spirits or wines are not otherwise accounted for in accordance with this part, the assistant regional commissioner shall advise the claimant of the facts, and notify him that unless the original of the claim, properly executed as required by this part, is received by the assistant regional commissioner within 30 days of the date of such notice, a written demand will be made upon the principal and the surety for repayment to the United States of the full amount of such drawback, plus interest at the rate of 6 percent from the time the drawback is paid: *Provided*, That the assistant regional commissioner may, where in his opinion the circumstances warrant it, grant the claimant such additional extension of time beyond 30 days as may be necessary to accomplish the required filing.

(72 Stat. 1336; 26 U.S.C. 5062)

§ 252.333 Where no bond is filed.

Where a claim for drawback of tax on distilled spirits or wines on Form 1582, Form 1582–A, or Form 1629, is not supported by a bond on Form 2738, and in all cases where claim for drawback of tax on beer is made on Form 1582–B, the assistant regional commissioner shall, on receipt by him of the original of the claim properly executed by the appropriate customs official or armed services officer, as required by this part, examine the claim to determine that it has been properly completed. He shall then, on receipt of the evidence of exportation required by § 252.40, or of lading for use on vessels or aircraft required by § 252.41, or of deposit in a foreign-trade zone required by § 252.42, as the case may be, and, in the case of claims on Form 1582–A, the certificate of tax determination, Form 2605, allow the claim in the amount of the tax paid on the beer or the tax paid or determined on the distilled spirits or wines on which the claim is based and which were exported, laden as supplies on vessels or aircraft, or deposited in a foreign-trade zone, as the case may be.

(46 Stat. 690, 691, as amended, 48 Stat. 999, as amended, 72 Stat. 1327, 1335, 1336; 19 U.S.C. 1309, 1311, 81c, 26 U.S.C. 5009, 5055, 5062)

§ 252.334 Credit allowance.

Where the claimant has indicated that he desires the amount of drawback allowed to be credited against internal revenue taxes determined by him but not yet paid, the assistant regional commissioner shall prepare Form 2639, in triplicate, and forward the original to the claimant. Where the credit relates to tax determined distilled spirits, procedure for taking the credit shall be in accordance with the procedures set forth in Part 201 of this chapter. Where the credit relates to tax-determined wines, procedure for taking the credit shall be in accordance with the procedures set forth in Part 240 of this chapter. No credit may be given for drawback of the tax on beer nor may one class of tax be credited to another.

(72 Stat. 1327, 1336; 26 U.S.C. 5009, 5062)

§ 252.335 Disallowance of claim.

If a claim for drawback of tax is not allowed in full, the assistant regional commissioner shall notify the claimant in writing of the reasons for any disallowance.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1327, 1335, 1336; 19 U.S.C. 1309, 81c, 26 U.S.C. 5009, 5055, 5062)

[F.R. Doc. 60–5786; Filed, June 22, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

Methods of Measurement

On pages 3338 and 3339 of the FEDERAL REGISTER of April 16, 1960, there was published a notice of proposed rule making to issue an amendment to the regulations governing the determination of acreage and performance. Interested persons were given 15 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment of the regulations.

No objections have been received and comments submitted do not require a revision of the proposal.

The proposed amendment to the regulations is hereby adopted without change and shall become effective beginning with the determination of acreages for crops planted for harvest in 1961. No allotment or history acreage for any allotment crop or any soil bank base, which was established on the basis of acreages determined prior to the effectiveness of this amendment, would be adjusted because of the amendment.

Issued at Washington, D.C., this 17th day of June 1960.

ANDREW J. MAIR,
Acting Administrator,
Commodity Stabilization Service.

Section 718.5 (e) and (g)(1) is amended to read as follows:

§ 718.5 Methods of measurement.

* * * * *

(e) *Effect of planting pattern on determination of acreage*—(1) *General.* In determining the acreage of any row crop, measurements shall extend beyond the planted area to a point equal to one-half the distance between the rows. All acreage determinations made in accordance with this paragraph (e) are subject to the deductions and adjustment credit prescribed in paragraphs (g) and (h) of this § 718.5. When an allotment row crop other than tobacco and another allotment row crop or an allotment row crop and a competitive row crop are planted in alternate rows or in strips of two or more rows, the acreage shall be considered as intertilled. For the purpose of determining the acreage of tobacco, other intertilled crops shall not be considered competitive with tobacco and the intertilled provisions of this paragraph (e) shall not apply. When an allotment row crop is planted in alternate rows or strips with non-competitive crops or in alternate rows or strips with idle or fallow land, the acreage shall be considered as fallow-stripped. In the application of the provisions of this paragraph (e), deviations from prescribed row width requirements attributable to variations which are normal to the operation of mechanical equipment shall not serve to disqualify a planting pattern or a deductible strip.

(2) *Block or solid planted allotment row crops.* When an allotment row crop is planted in a continuous area and intertilled or fallow-stripped planting is not involved, the acreage of such crop shall be the area devoted to the crop.

(3) *Close-seeded allotment crops.* The acreage of close-seeded allotment crops shall be the acreage in the area devoted to the crop.

(4) *Non-allotment soil bank base crops and other land uses.* The acreage of non-allotment soil bank base crops or other land uses shall be the acreage in the area devoted to the crops or land use except that when non-allotment soil bank base crops are planted in alternate rows, alternate strips, or fallow strips with idle or fallow land or non-soil bank base crops, the entire area shall be considered as planted to the soil bank base crop(s) unless the area composed of idle or fallow land or non-soil bank base crops is as wide as four normal rows of the soil bank base crop(s). If the area composed of idle or fallow land or non-soil bank base crop(s) is as wide as four normal rows of the soil bank base crop(s), only the land actually occupied by the soil bank base crop(s) shall be considered as planted to soil bank base crop(s). Where allotment crops are intertilled or fallow-stripped with non-allotment soil bank base crops and the entire area is considered as planted to allotment crops, the acreage shall be counted only once in determining the acreage of soil bank base crops.

(5) *Intertilled allotment row crops other than tobacco*—(i) *Intertilled alternate rows.* Acreages of crops intertilled in alternate rows shall be determined as follows:

(*a*) *Normal rows.* If the distance between each row of the crops planted is not less than the normal row width for the allotment crop (the wider normal row if two allotment crops are involved), only the land actually occupied by the allotment crop shall be considered as planted to the allotment crop.

(*b*) *Less than normal rows.* If the distance between the rows of the crops planted is less than the normal row width for the allotment crop, the entire intertilled area shall be considered as planted to the allotment crop.

(ii) *Intertilled alternate strips.* Acreages of crops intertilled in alternate strips shall be determined as follows:

(*a*) *Less than one normal row.* If the distance between the strips of the allotment crop is less than one normal row width, the entire area shall be considered as planted to the allotment crop.

(*b*) *Less than four normal rows.* If the distance between the strips of the allotment crop is as wide as one but less than four normal rows of the allotment crop, the acreage of the allotment crop shall be the total acreage in the area less the acreage actually occupied by any competitive crop.

(*c*) *Four normal rows or more.* If the distance between the strips of the allotment crop is as wide as or wider than four normal rows of the allotment crop, only the area occupied by the allotment crop shall be considered as planted to the allotment crop.

(6) *Fallow-stripped allotment row crops including tobacco.* Acreages of fallow-stripped row crops, including tobacco, shall be determined as follows:

(i) *Less than four normal rows.* If the strips of idle land, fallow land, non-competitive crop(s), or a combination thereof are not as wide as four normal rows of the allotment crop, the entire area shall be considered as planted to the allotment crop.

(ii) *Four normal rows or more.* If the strips of idle land, fallow land, non-competitive crop(s), or a combination thereof are at least as wide as four normal rows of the allotment crop, only the land actually occupied by the allotment crop shall be considered as planted to the allotment crop, except that individual strips which are not as wide as four normal rows shall be considered as planted to the allotment crop.

* * * * *

(g) *Deductions*—(1) *General.* In determining the acreage of any field or subdivision, a deduction shall be made for any continuous area not devoted to the crop or land use being determined if it contains three-hundredths (0.03) acre or more and is not less than (i) the smaller of four links or one row in width in case of a deduction around the perimeter of the field or (ii) one row in width in case of a deduction within the planted area, except that a deduction shall not be made under this provision for intertilled plantings, fallow-strip arrangements, or unplanted strips, utilized for dusting, irrigating, harvesting, or similar cultural operations, which do not qualify under paragraph (e) of this section. The deductions specified herein are minimum deductions and are subject to the provisions of § 718.15.

[F.R. Doc. 60–5784; Filed, June 22, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 966—MILK IN NORTHERN LOUISIANA MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Northern Louisiana marketing area (7 CFR Part 966), it is hereby found and determined that:

(a) The following provision of § 966.51(a) of the order will not tend to effectuate the declared policy of the Act until the order can be amended on the basis of the evidence presented at a public hearing held April 19 and 20, 1960: "Through June 30, 1960".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order is necessary in view of the order provision which terminates the Class I price as of June 30, 1960. The Class I price was considered at a hearing held at Shreveport, Louisiana, on April 19 and 20, 1960. Evidence on the record indicates that the annual level of Class I prices provided in the order is appropriate in the immediate months ahead and should accordingly be maintained until amendment action can be taken.

(2) The time required for the performance of the several procedural steps which must be followed before an amendment can be issued, precludes the possibility of making an amendment to the order effective before the termination date of June 30, 1960.

(3) There would be no Class I price, and the pricing and pooling provisions of the order would become inoperative, unless this suspension order is made effective July 1, 1960.

(4) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date. Therefore, good cause exists for making this order effective July 1, 1960.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective July 1, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 20th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–5757; Filed, June 22, 1960; 8:47 a.m.]

[Milk Order 72]

PART 972—MILK IN TRI-STATE MARKETING AREA

Notice of Correction With Respect to Order Amending Order

In F.R. Doc. 60–3433, filed April 14, 1960, and published on April 15, 1960, there appears in § 972.41(c) (4) and (5) the phrase "pursuant to § 972.42(d)" which should be corrected to read "pursuant to § 972.42(b)".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 20th day of June 1960, to be effective upon publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–5756; Filed, June 22, 1960; 8:47 a.m.]

[Milk Order 118]

PART 1018—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 1018.0 to 1018.111 issued under secs. 1–19, 49 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1018.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1960.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 15, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 2, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 1018.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1018.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1018.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 1018.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1018.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 1018.6 Southeastern Florida marketing area.

"Southeastern Florida marketing area" hereinafter called the "marketing area" means all territory included within the counties of Dade, Broward, Monroe, and Palm Beach, all in the State of Florida. All government reservations and incorporated municipalities within this territory shall be considered part of the marketing area as herein defined.

§ 1018.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk (as described in § 1018.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the United States Government located in the marketing area for fluid consumption), which milk is received at pool plant(s) on eight or more days during the month, or a person who was a producer during the preceding month from whom milk was received at pool plant(s) on eight or more days: *Provided*, That after December 31, 1960 the definition of "producer" shall not mean any person who during the month produces milk on, in, or by the use of the same milking barns or premises from which milk is delivered to a nonpool plant except milk diverted to such nonpool plant by a handler pursuant to § 1018.13.

§ 1018.8 Producer-handler.

"Producer-handler" means any person who, during the month: (a) produces milk; (b) distributes Class I milk on routes in the marketing area; and (c) receives no milk except from his own dairy farm, and receives no products designated as Class I milk pursuant to § 1018.41(a) from pool plants or other sources.

§ 1018.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A producer-handler;

(c) Any person in his capacity as the operator of a nonpool plant from which Class I milk is disposed of in the marketing area on routes;

(d) Any person in his capacity as the operator of a plant from which milk in the form of products designated as Class I milk pursuant to § 1018.41(a) is shipped to pool plants, and

(e) A cooperative association with respect to milk diverted to a nonpool plant pursuant to § 1018.7.

§ 1018.10 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor, or a sale from or through a plant store, or by vending machine) of any product in a form designated as Class I milk pursuant to § 1018.41(a), but does not include delivery to a milk receiving or processing plant.

§ 1018.11 Pool plant.

"Pool plant" means a plant described under paragraphs (a) or (b) of this section which is not a plant operated by a dairy farmer in his capacity as a producer-handler, is not determined to be a nonpool plant pursuant to § 1018.61, and is not a facility described in paragraph (c) of this section:

(a) A plant at which the total Class I milk during the month is equal to not less than 50 percent of the receipts at the plant during the month of milk from dairy farmers who meet the inspection requirements pursuant to § 1018.7 and other receipts in the form of milk products designated as Class I milk pursuant to § 1018.41(a) and from which an amount of Class I milk equal to not less than 20 percent of such receipts is disposed of during the month in the marketing area on routes;

(b) A plant from which, during the month, a volume of milk and skim milk equal to at least the required percentage (specified herein) of the volume of milk received thereat from dairy farmers who meet the inspection requirements pursuant to § 1018.7 is shipped to plants which are pool plants pursuant to paragraph (a) of this section, such required percentages being 50 percent in each of the months of December through March, and 40 percent in other months; and

(c) Pool plant as defined in this section shall not be deemed to include any building, premises, facilities, the primary function of which is to hold or store bottled milk or milk products in finished form, nor shall it include any part of a plant in which the operations are entirely separated (by wall or other partition) from the handling of producer milk.

§ 1018.12 Nonpool plant.

"Nonpool plant" means any milk receiving or processing plant other than a pool plant.

§ 1018.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk received at pool plants directly from producers and milk from producers diverted by a handler to a nonpool plant for his account: *Provided*, That milk so diverted shall be deemed to be received by the diverting handler at the location (except in computing the days of receipt at pool plants pursuant to § 1018.7) of the pool plant from which diverted.

§ 1018.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in a form of products designated as Class I milk pursuant to § 1018.41(a) except (1) receipts from pool plants, (2) inventory at the beginning of the month or accounting period, or (3) producer milk; and

(b) Milk products in any form other than those designated as Class I milk pursuant to § 1018.41(a) received from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1018.15 Cream.

"Cream" means the product obtained by the separation of skim milk from whole milk such that the butterfat content of the remaining product exceeds 10 percent, and mixtures of such products with milk and skim milk such that the average butterfat content exceeds 10 percent.

§ 1018.16 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported by the Department for the month.

§ 1018.17 Chicago powder price.

"Chicago powder price" means the carlot price per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1018.18 Base milk.

"Base milk" means producer milk received by a handler from a producer which is not in excess of such producer's daily base determined pursuant to § 1018.90, multiplied by the number of

days of production for which such producer delivered milk during the month.

§ 1018.19 Excess milk.

"Excess milk" means producer milk received by a handler which is in excess of base milk.

MARKET ADMINISTRATOR

§ 1018.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 1018.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1018.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1018.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1018.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to §§ 1018.30 through 1018.32, or payments pursuant to §§ 1018.80 through 1018.86;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, a notice of each of the following:

(1) The 5th day of each month, the Class I price and the Class I butterfat differential, both for the current month, and the Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform prices computed pursuant to § 1018.72 and the producer butterfat differential, all for the preceding months; and

(k) On or before the 12th day after the end of each month, report to each cooperative association which so requests the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

REPORTS, RECORDS AND FACILITIES

§ 1018.30 Reports of sources and utilization.

On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for each of the plants with respect to which he is a handler for such month, and for each accounting period in each month, in the detail and on the forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in or represented by receipts of:

(1) Producer milk;

(2) Receipts from pool plants in the form of products designated as Class I pursuant to § 1018.41(a);

(3) Other source milk; and

(4) Inventories in the form of products designated as Class I milk pursuant to § 1018.41(a) on hand at the beginning and end of the month or accounting period.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area;

(c) Such other information with respect to receipts and utilization as the market administrator may request;

(d) The total quantity of base milk and the total quantity of excess milk received; and

(e) Each handler who submits reports on the basis of accounting periods of less than a month, as described in § 1018.45 (d), shall submit a summary report of the same information for the entire month.

§ 1018.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for that month, which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including, separately, the pounds of base milk and the pounds of excess milk, (iii) the days for which milk was received from such producer, (iv) the average butterfat content of such milk, and (v) the net amount of the handler's payment with respect to such milk to the producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk as defined pursuant to § 1018.14(a) is received at his pool plants, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 1018.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to requirements of this part, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1018.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1018.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported for pool plants pursuant to § 1018.30(a) shall be classified by the market administrator, pursuant to the provisions of §§ 1018.41 through 1018.45.

§ 1018.41 Classes of utilization.

Subject to the conditions set forth in §§ 1018.42 through 1018.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of milk, skim milk, frozen milk (whole or concentrated), concentrated milk, reconstituted milk, chocolate milk, fortified skim milk up to the weight of an equal volume of unmodified skim milk, and fortified milk up to the weight of an equal volume of unmodified milk of the same butterfat test, and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Contained in inventories in the form of milk products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of each month and accounting period;

(3) That portion of fortified milk or skim milk not classified as Class I milk pursuant to subparagraph (a)(1) of this section;

(4) In total shrinkage of skim milk and butterfat, respectively, such shrinkage to be prorated to producer milk and other source milk received in the form of fluid milk or skim milk: *Provided*, That Class II classification of shrinkage prorated to skim milk and butterfat, respectively, in producer milk shall not exceed 2 percent of skim milk and butterfat in producer milk; and

(5) Skim milk which is dumped at the plant after notification to the market administrator which provides adequate opportunity for him to observe the dumping operation and verify the amount of product dumped.

§ 1018.42 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who received such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1018.43 Transfers.

(a) Skim milk and butterfat transferred to a pool plant in the form of milk products designated as Class I milk pursuant to § 1018.41(a) shall be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk within the accounting period used by each handler, and skim milk and butterfat so transferred shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1018.30: *Provided*, That the skim milk or butterfat so assigned, to Class II milk shall be limited to the respective amounts thereof remaining in Class II milk at the pool plants of the receiving handler after the subtraction of other source milk and beginning inventory pursuant to § 1018.45;

(b) Skim milk and butterfat transferred in bulk form as milk or skim milk from a pool plant to a nonpool plant, or diverted from a producer's farm to a nonpool plant for the account of a handler shall be classified as Class I milk unless the conditions pursuant to subparagraphs (1) and (2) of this paragraph are met and classification pursuant to subparagraph (3) or (4) of this paragraph is claimed by the transferring or diverting handler;

(1) The nonpool plant is located less than 500 miles from the location of the main U.S. Post Office in Boca Raton, Florida, by the shortest hard-surfaced highway distance as determined by the market administrator or is a plant fully regulated under another order issued pursuant to the Act;

(2) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the milk transferred or diverted is classified as Class I milk in an amount not less than the pro rata assignment of such skim milk and butterfat and skim milk and butterfat received at the nonpool plant in milk classified and priced as Class I milk under another Federal order, such pro rata assignment to be to skim milk and butterfat in route disposition from the nonpool plant in forms designated as Class I milk in § 1018.41(a) after subtraction from such disposition of the quantities of skim milk and butterfat, respectively, in milk received at the nonpool plant from dairy farmers who the market administrator determines constitute the regular approved dairy-farmer supply for the nonpool plants, or

(4) If the nonpool plant to which milk is transferred or diverted is a plant fully regulated under another order issued pursuant to the Act, the milk transferred or diverted shall be classified as Class I milk in the same amount as it is classified in the highest price class under such other order, and the remainder shall be Class II milk.

(c) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified as Class I milk unless:

(1) The transferring handler claims classification in Class II milk;

(2) The handler gives the market administrator sufficient notice to allow him to verify the shipment;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk.

§ 1018.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1018.30(a) and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1018.45 Allocation of skim milk and butterfat classified.

(a) For each month or other accounting period as described in paragraph (d) of this section, the pounds of skim milk remaining in each class after making the following computations with respect to the pool plants of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1018.41(b)(4);

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk not priced as Class I milk under another Federal order and received from a plant or dairy farmers located outside the State of Florida: *Provided*, That if the pounds of skim milk to be subtracted

are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk not priced as Class I milk under another Federal order and received from a plant or dairy farmers located in the State of Florida: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which is priced and pooled as Class I milk under another order except any quantities from a nonpool plant equal to or less than the skim milk in milk or skim milk disposed of from such nonpool plant and not priced and pooled under such other order: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of milk products in the form of products designated as Class I milk pursuant to § 1018.41(a) on hand at the beginning of the month or other accounting period: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(6) Subtract the pounds of skim milk in milk products in the form of products designated as Class I milk pursuant to § 1018.41(a) received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 1018.43(a);

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in Class II milk, and then subtract any remaining excess from Class I. Any amount so subtracted shall be called "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

Minimum Prices

§ 1018.50 Class prices.

Subject to the provisions of § 1018.51, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be $7.00 per hundredweight, plus or minus a supply-demand adjustment as provided in paragraph (c) of this section: *Provided*, That the price shall not exceed by more than $4.00 the price calculated pursuant to paragraph (b) of this section nor be less than the price calculated pursuant to paragraph (b) of this section plus $2.75.

(b) Calculate the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the average of the basic field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Bellesville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the preceding month by 0.625; and

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price for the preceding month by 4.0, add 20 percent thereof, and add to such sum 7.5 times the amount by which the Chicago powder price for the preceding month exceeds 5 cents.

(c) The supply-demand adjustment shall be calculated as follows:

(1) The "supply-demand percentage" for a month means the quantity of producer milk during the second and third preceding months expressed as a percent of the gross Class I disposition of all pool plants during the same months, rounded to the nearest whole percent.

(2) The "standard utilization percentage" for each month means the percentage shown in the right-hand column of the following schedule in the same line with the month in the left-hand column:

Month for which price applies	Months for which utilization is computed	Standard utilization percentage
January	October–November	100
February	November–December	103
March	December–January	105
April	January–February	105
May	February–March	108
June	March–April	112
July	April–May	114
August	May–June	114
September	June–July	112
October	July–August	107
November	August–September	104
December	September–October	100

(3) The "deviation percentage" for a month means the difference between the supply-demand percentage for the month and the corresponding standard utilization percentage, the direction of such deviation to depend on whether it is above or below the standard utilization percentage.

(4) Compute the deviation percentages for the current and two preceding months, and after excluding any deviation percentage which is in the opposite direction from the deviation percentage of a more recent month, compute a sum from the remaining deviation percentages which excludes any amount by which any of such deviation percentages exceeds any of such deviation percentages for a more recent month.

(5) If the current month's supply-demand percentage is less than the corresponding standard utilization percentage, increase the Class I price by the number of cents which is 1½ times the sum computed pursuant to subparagraph (4) of this paragraph (rounding any fraction of a cent to a whole cent); and if the current month's supply-demand percentage is more than the corresponding standard utilization percentage, decrease the Class I price by the number of cents which is 1½ times the sum computed pursuant to subparagraph (4) of this paragraph (rounding any fraction of a cent to a whole cent).

(e) *Class II milk price.* The Class II price per hundredweight shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 1.25, add 4 cents and multiply the result by 4; and

(2) Add 2.5 cents to the Chicago powder price and multiply the result by 8.5.

§ 1018.51 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 60 miles or more from the location of the main U.S. Post Office in Boca Raton, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, when moved to another pool plant, or classified as Class I milk without such movement, the Class I price specified in § 1018.50 shall be reduced at the rate set forth in the following schedule:

	Rate per hundredweight (cents)
Distance (miles):	
60 but not more than 70	13.0
For each additional 10 miles or fraction thereof over 70 an additional	1.5

Provided, That for the purpose of calculating such locations differential, milk in the form of any milk product designated as Class I milk pursuant to § 1018.41(a) transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1018.45(a) (1) through (5), and the comparable steps in paragraph (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1018.52 Rate of compensatory payment.

(a) Except as provided in paragraph (b) of this section, the rate of compensatory payment per hundredweight to be paid by pool plants, or by nonpool plants pursuant to § 1018.62(a), shall be calculated as follows:

(1) If the milk is received at a pool plant from a nonpool plant located in the State of Florida, or if the nonpool plant described in § 1018.62(a) is located in the State of Florida, subtract the Class II price from the Class I price adjusted by the Class I location differential at the nonpool plant; or

(2) If the milk is received at a pool plant from a nonpool plant located outside the State of Florida, or if the nonpool plant described in § 1018.62(a) is located outside the State of Florida, subtract the price pursuant to § 1018.50(b) (2) from the Class I price adjusted by the Class I location differential at the nonpool plant.

(b) If other source milk is received at a pool plant in a form other than milk or skim milk, the rate of compensatory payment per hundredweight with respect to such receipts shall be computed by subtracting the Class II price from the Class I price at the plant where such other source milk is received.

§ 1018.53 Use of equivalent prices.

If, for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1018.60 Producer-handler.

Sections 1018.50 through 1018.53, 1018.61, 1018.62, 1018.70 through 1018.75, and 1018.80 through 1018.86 shall not apply to a producer-handler.

§ 1018.61 Plants where other Federal orders may apply.

Upon determination by the Secretary pursuant to this section, any plant specified in paragraphs (a), (b) and (c) of this section shall be a nonpool plant, except that the operator of such plant shall, with respect to the total receipts and disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant meeting the requirements of a pool plant pursuant to § 1018.11(b) but not pursuant to § 1018.11 (a) which, if it were not a pool plant under this part, would be fully subject to the classification and pooling provisions of another order issued pursuant to the Act;

(b) Any plant meeting the requirements of a pool plant pursuant to § 1018.11(b) but not pursuant to § 1018.11(a) at which all receipts of skim milk and butterfat during the month would be priced and pooled under the terms of another order(s) issued pursuant to the Act if such plant were not a pool plant under this order: *Provided*, That such pricing and pooling results in all skim milk and butterfat disposed of from the plant in the form of milk and skim milk during the month being Class I milk under the terms of another order(s) issued pursuant to the Act; and

(c) Any plant which does not dispose of a greater volume of Class I milk on routes in the southeastern Florida marketing area than in the marketing area regulated pursuant to such other order.

§ 1018.62 Handlers operating nonpool plants.

On or before the 25th day after the end of each month, each handler (except as provided in § 1018.60) operating a nonpool plant from which Class I milk is disposed of on routes in the marketing area shall pay to the market administrator for deposit into the producer-settlement fund the amount calculated pursuant to paragraph (a) of this section unless the handler elects to pay the amount computed pursuant to paragraph (b) of this section:

(a) Multiply the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month by the rate of compensatory payment pursuant to § 1018.52; or

(b) Any plus amount resulting from the following computation: from an amount equal to the value of milk which would be computed pursuant to § 1018.70 for such month if the plant were a pool plant, adjusted by the butterfat differential pursuant to § 1018.73, deduct the gross payments made by such handler to dairy farmers for milk approved by a duly constituted health authority as described in § 1018.7.

§ 1018.63 Person producing milk.

The person who produces milk shall be considered to be the person who is responsible for the milk production enterprise on a continuing basis as to management and risk.

Determination of Uniform Prices to Producers

§ 1018.70 Computation of the obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1018.45 by the applicable class price as adjusted by the location differentials pursuant to § 1018.51, and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 1018.45 (a)(8) and (b) by the applicable class price adjusted by the butterfat differential specified in § 1018.73;

(c) Add the amounts computed pursuant to subparagraph (1) and (2) of this paragraph:

(1) Multiply the difference between the Class II price for the preceding accounting period and the Class I price for the month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1018.45(a)(6) and the corresponding step of § 1018.45(b) for the preceding accounting period, or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45(a)(5) and the corresponding step of § 1018.45(b) for the current accounting period, whichever is less; and

(2) Amounts computed as follows:

(i) Multiply the rate of compensatory payment pursuant to § 1018.52(a)(1) by the quantity of skim milk and butterfat computed pursuant to subdivision (iii) of this subparagraph which does not exceed the quantity of skim milk and butterfat, respectively, subtracted from Class II milk pursuant to § 1018.45(a)(3) and the corresponding step of (b) for the preceding accounting period; (ii) multiply the rate of compensatory payment pursuant to § 1018.52(a)(2) by any remainder of the quantity computed pursuant to subdivision (iii) of this subparagraph which does not exceed the quantity of skim milk and butterfat respectively, subtracted from Class II milk pursuant to § 1018.45(a)(2) for the preceding accounting period; and (iii) calculate the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45(a)(5) and the corresponding step of (b), which are in excess of the sum of the quantity of skim milk and butterfat, respectively, on which a payment is applicable pursuant to subparagraph (1) of this paragraph and the quantity of skim milk and butterfat assigned in the preceding accounting period to Class II milk pursuant to § 1018.45(a)(4) and the corresponding step of (b); and

(d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1018.45(a)(2) and (3) by the applicable rate determined by § 1018.52: *Provided*, That this provision shall not apply in any month in which more than 95 percent of producer milk in all handlers' plants is classified as Class I milk.

§ 1018.71 Aggregate value used to determine producer prices.

For each month, the market administrator shall compute an aggregate value from which to determine the uniform prices for base milk and excess milk of 4.0 percent butterfat content, at the market, as follows:

(a) Combine into one total the values computed pursuant to § 1018.70 for the producer milk of all handlers who submitted reports prescribed in § 1018.30 and who are not in default of payments pursuant to § 1018.80 and § 1018.82;

(b) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1018.74; and

(c) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund.

§ 1018.72 Computation of uniform base and excess prices.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk, each of 4.0 percent butterfat content, at the market, as follows:

(a) Compute the total value, on a 4.0 percent butterfat basis, of excess milk for all handlers whose receipts are included in the computation pursuant to § 1018.71 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the applicable Class II price plus 4 cents, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content at the market;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of producer milk computed pursuant to § 1018.71;

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content at the market.

§ 1018.73 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased 7.5 cents for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively.

§ 1018.74 Location differential to producers.

The applicable uniform prices computed pursuant to § 1018.72 to be paid for base milk and excess milk received at a pool plant located 60 miles or more from the location of the main U.S. Post Office in Boca Raton by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received, at the rates set forth in § 1018.51.

§ 1018.75 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform prices for base and excess milk computed pursuant to § 1018.72, and the butterfat differentials;

(c) The amount and value of his base milk and excess milk, respectively, and the totals thereof; and

(d) The amounts to be paid by such handler pursuant to §§ 1018.82, 1018.85, and 1018.86, and the amount due such handler pursuant to § 1018.83.

PAYMENTS

§ 1018.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the base price for the preceding month less 20 percent, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 5th day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the base price for the preceding month less 20 percent, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform prices for base milk and excess milk pursuant to § 1018.72, adjusted by the butterfat and location differentials to producers, multiplied by the respective hundredweight of base milk and excess milk received from such producer, subject to the following adjustment: (i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph, (ii) less marketing service deductions made pursuant to § 1018.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1018.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall on or before the second day prior to each date on which payments are due individual producers, pay the cooperative association for milk received from the producer-members of such association as determined by the market administrator during the period for which payment is made, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day of the following month: (i) The total pounds of milk received during the month, (ii) the pounds of milk received each day, together with the butterfat content of such milk, (iii) the total pounds of base milk and excess milk, (iv) the amount or rate and nature of any authorized deductions to be made from payments, and (v) the amount and nature of payments due pursuant to § 1018.84.

§ 1018.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 1018.82 and out of which he shall make all payments pursuant to § 1018.83: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1018.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 1018.70 is greater than the amount owed by him for such milk at the uniform prices determined pursuant to § 1018.72, adjusted by the producer location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date.

§ 1018.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1018.70, is less than the amount owed by him for such milk at the uniform prices determined pursuant to § 1018.72, adjusted by the producer location differentials. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1018.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1018.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1018.80, shall deduct 4 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association pursuant to paragraph (b) of this section; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed for each producer.

§ 1018.86 Expense of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, and (b) other source milk allocated to Class I milk pursuant to § 1018.45(a) (2) and (3) and the corresponding step in § 1018.45(b), or

(c) Class I milk disposed of on routes in the marketing area from a nonpool plant for which the obligation to the producer-settlement fund is determined pursuant to § 1018.62(a);

(d) Receipts of milk from dairy farmers, or total Class I milk, whichever is greater, at a nonpool plant which elects to have its obligation computed pursuant to § 1018.62(b); and

(e) With respect to payments pursuant to paragraphs (a), (b), (c), and (d) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

§ 1018.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

BASE RATING

§ 1018.90 Computation of daily base for each producer.

Subject to the rules set forth in § 1018.91, a daily base, effective for 12 months beginning February 1 of each year, shall be computed for each producer by dividing the total pounds of milk received from such producer at all pool plants during the base earning months of August through December immediately preceding by the number of days beginning with the first day of delivery by such producer during such months through the last day of December, inclusive, or by 120, whichever is greater: *Provided*, That any producer who, during the preceding months of August through December, delivered his milk to a nonpool plant which subsequently became a pool plant shall be assigned a base in the same manner calculated from his deliveries during such August–December period to such plant: *And provided further*, That for the period beginning with March 1, 1960, and through January 31, 1961, the daily base for each producer shall be computed by dividing the total pounds of milk received from such producer at all pool plants during the base earning months of August 1959 through January 1960, inclusive, by the number of days from the first day of delivery during such months through the last day of January, or by 150, whichever is greater, subject also to the first proviso of this section applied to the August 1959 through January 1960 period instead of the August–December period.

§ 1018.91 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as

calculated pursuant to § 1018.90 to each person for whose account milk was delivered to plants as described in § 1018.90 during the months of August through December (August through January for bases effective March 1, 1960): *Provided*, That any producer who has not earned a base pursuant to § 1018.90 or any producer who elects to relinquish such base by giving written notice to the market administrator, shall be assigned a base each month equal to the percentage of his deliveries specified in the following schedule:

	Percentage
February	50
March	50
April	50
May	55
June	55
July	60
August	70
September	70
October	65
November	60
December	55
January	55

(b) Assignment and transfer of any base shall be subject to the following rules:

(1) An entire base (except one computed pursuant to the proviso of paragraph (a) of this section) may be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders, or their heirs, and by the person to whom such base is to be transferred.

(2) If milk received as producer milk under the name of more than one person is produced on, in, or by use of the same milking barns or premises, the base or bases assigned to such persons as producers shall not exceed the base assignable if such milk were produced by one person using the same facilities.

(3) A base may be divided among members of a partnership, among members of the immediate family of the baseholder, or among stockholders of a corporation at dissolution of the corporation, such division to be effective as of the end of any month during which an application for such division is received by the market administrator on forms approved by the market administrator and signed by persons making such division.

(4) A person who has transferred a base computed from milk deliveries to pool plants during a base earning period may not have a base assigned to him on a percentage of his deliveries pursuant to the proviso of paragraph (a) of this section until after the end of the period to which the transferred base applies.

(5) A producer who has made milk deliveries to pool plants during the immediately preceding base earning period may elect to have his base computed from his milk deliveries to pool plants in the second preceding base earning period, if he so notifies the market administrator prior to the month in which such election will apply.

§ 1018.92 Announcement of established bases.

On or before January 25th of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the producer's daily base to be effective for the 12-month period, beginning February 1 of such year: *Provided*, That for the period March 1960 through January 1961, each producer's base shall be announced on or before February 25, 1960.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1018.100 Effective time.

The provisions of the part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1018.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto.

§ 1018.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1018.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including account receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1018.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1018.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 20th day of June 1960, to be effective on and after the 1st day of July, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5758; Filed, June 22, 1960; 8:47 a.m.]

Title 20—EMPLOYEES BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

Current Connection With Railroad Industry

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), § 208.5 of Part 208 (20 C.F.R. 208.5) and § 237.102(c) of Part 237 (20 CFR 237.102(c)) of the Regulations under such act are amended by Board Order 60-99, dated June 8, 1960, to read as follows:

§ 208.5 Current connection with the railroad industry.

(a) An individual will have had a current connection with the railroad industry at the time an annuity begins to accrue to him if he will have had a period of 30 consecutive calendar months which meets the following requirements: First, that period must have ended before an annuity begins to accrue to him in accordance with Part 214 of this chapter. Second, during that period he must have been in service as an employee in at least 12 calendar months. Third, if there was any interval between the end of the 30-month period and the month in which an annuity begins to accrue to him, he must not, in that interval, have been engaged in any regular employment other than service for an employer. (For statutory provisions, see § 237.101 of this chapter.)

(b) For the purposes of this part and § 225.5 of this chapter, "regular employment" shall mean full- or part-time employment for remuneration by an individual for a person (as defined in § 201.1 (j) of this chapter) on a continuing or recurring basis. Self-employment shall not be considered "regular employment." An individual performing employment for remuneration, whether or not under a contract, shall be deemed to be in the employ of a person unless such employment is performed as a part of his independently established trade, business or occupation. An individual shall be deemed to have been engaged in "regular employment" in the interval between the end of the last 30-month period in which he had been in service as an employee in 12 calendar months and the month in which an annuity begins to accrue to him if he worked for one or more persons in any three consecutive calendar quarters wholly or partially within such interval and earned wages of at least $300 for work in each of any two consecutive calendar quarters wholly or partially within such interval even though such two quarters do not fall within a three-consecutive-calendar-quarter period of work.

(c) A determination as to whether or not an individual will have had a current connection with the railroad industry made on or after June 8, 1960, shall be made under the provisions of this section. In any case in which a disability annuity under § 208.7(a)(3), a minimum annuity under § 225.5 of this chapter, or a spouse's annuity under § 232.202(c) of this chapter has previously been denied because the individual did not have a current connection with the railroad industry under the provisions of this section as in effect prior to June 8, 1960, the decision denying the claim in whole or in part may be reopened and reconsidered under the provisions of this section: *Provided, however*, That any annuity or increase in annuity for which an individual may be found entitled shall not be retroactive more than 12 months before the date of such reopening.

§ 237.102 Completely insured status.

* * * * * *

(c) *Current connection with the railroad industry.*

(1) A deceased individual will have had a current connection with the railroad industry at the time of his death if he will have had a period of 30 consecutive calendar months which meets the following requirements: First, that period must have ended before an annuity had begun to accrue to him in accordance with Part 214 of this chapter, or before the month in which he died if that occurred first. Second, during that period he must have been in service as an employee in at least 12 calendar months. Third, if there was any interval between the end of the 30-month period and the month in which an annuity began to accrue to him, or the month in which he died if that occurred first, he must not, in that interval, have been engaged in any regular employment other than service for an employer. For the purposes of this paragraph, "regular employment" shall mean full- or part-time employment for remuneration by an individual for a person (as defined in § 201.1(j) of this chapter) on a continuing or recurring basis. Self-employment shall not be considered "regular employment." An individual performing employment for remuneration, whether or not under a contract, shall be deemed to be in the employ of a person unless such employment is performed as a part of his independently established trade, business or occupation. An individual shall be deemed to have been engaged in "regular employment" in the interval between the end of the last 30-month period in which he had been in service as an employee in 12 calendar months and the month in which an annuity had begun to accrue to him, or the month in which he died if that occurred first, if he worked for one or more persons in any three consecutive calendar quarters wholly or partially within such interval and earned wages of at least $300 for work in each of any two consecutive calendar quarters wholly or partially within such interval even though such two quarters do not fall within a three-consecutive-calendar-quarter period of work.

(2) A deceased individual will have also had a current connection with the railroad industry at the time of his death for the purposes of this part if:

(i) He was neither fully nor currently insured under the Social Security Act, but would otherwise have a completely or partially insured status under the Railroad Retirement Act; or

(ii) He had no wage quarters of coverage.

(3) A determination as to whether or not a deceased individual will have had a current connection with the railroad industry made on or after June 8, 1960 shall be made under the provisions of this paragraph.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228j)

Dated: June 17, 1960.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 60-5751; Filed, June 22, 1960; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2131]

[NM-032449]

NEW MEXICO

Withdrawing Lands for Use of Federal Aviation Agency in the Maintenance of Air Navigation Facilities

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Federal Aviation Agency in the maintenance of air navigation facilities:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 13 W.,
Sec. 27, SE¼SE¼.

The area described contains 40 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 17, 1960.

[F.R. Doc. 60-5767; Filed, June 22, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 16]

EXCESS PROFITS ON ARMY CONTRACTS FOR AIRCRAFT

Setoffs of Deficiencies in Profit Against Excess Profits

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate, of the Secretary of the Army or his delegate, and the Secretary of the Air Force or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code of 1939 (53 Stat. 467; 26 U.S.C. 3791).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

In order to conform the Excess Profits Regulations (26 CFR (1939) Part 16), relating to excess profits on Army contracts for aircraft, to the decision in Emerson Electric Manufacturing Company (1957) 28 T.C. 1090, and to make certain clarifying changes, such regulations are amended as follows:

PARAGRAPH 1. Section 16.5 is amended by revising paragraph (c) (2) and (3) to read as follows:

(2) The amount of any net loss allowable as a credit in determining the excess profit for the income-taxable year (see § 16.9); and

(3) The amount of any deficiency in profit allowable as a credit in determining the excess profit for the income-taxable year (see § 16.9). The amount remaining after such subtraction is the amount of excess profit for the income-taxable year.

PAR. 2. Section 16.6 is amended by revising the example to read as follows:

Example. On September 1, 1939, the B Corporation, which keeps its books and makes its Federal income tax returns on a calendar year basis, entered into a contract for the construction of Army aircraft coming within the scope of the act, the total contract price of which was $200,000. On March 10, 1940, the corporation entered into another such contract, the total contract price of which was $40,000. Both contracts were completed within the calendar year 1940, the first at a cost of $155,000 and the second at a cost of $45,000. During the year 1940, the B Corporation also completed at a deficiency in profit of $2,000 a contract entered into after April 3, 1939, for the construction of naval aircraft coming within the scope of 10 U.S.C. 2382 (formerly section 3 of the Act of March 27, 1934 (48 Stat. 505)). For the year 1939, the B Corporation sustained a net loss of $1,500 and a deficiency in profit of $1,000 on all contracts and subcontracts entered into after April 3, 1939, for Army aircraft coming within the scope of the act and completed within the calendar year 1939. For the year 1939, the B Corporation also sustained a net loss of $1,000 on a contract, entered into after April 3, 1939, and completed within the calendar year 1939, for naval aircraft coming within the scope of 10 U.S.C. 2382 (formerly section 3 of the Act of March 27, 1934 (48 Stat. 505)). For purposes of the Federal income tax, the net income of the B Corporation for the year 1940, on which the tax was paid, amounted to $96,000, which included the total net profit of $40,000 upon the two contracts entered into on September 1, 1939, and March 10, 1940. The excess profit liability is $4,332, computed as follows:

Total contract prices:		
Contract No. 1	$200,000	
Contract No. 2	40,000	
		$240,000
Less: Cost of performing contracts:		
Contract No. 1	$155,000	
Contract No. 2	45,000	
		200,000
Net profit on contracts		40,000
Less:		
12 percent of total contract prices (12 percent of $240,000)	$28,800	
Deficiency in profit (in naval aircraft contracts) in 1940	2,000	
Net loss (in Army aircraft contracts) from 1939	1,500	
Net loss (in naval aircraft contracts) from 1939	1,000	
Deficiency in profit (in Army aircraft contracts) from 1939	1,000	
		34,300
Excess profit for year 1940		5,700
Less: Credit for Federal income taxes (Federal income tax on $5,700 at rates for 1940)		1,368
Amount of excess profit payable to the United States		4,332

PAR. 3. Section 16.9 is amended:

(A) By revising paragraphs (a) and (b) to read as follows:

(a) The term "net loss" as used in the act and as applied to contracts and subcontracts for aircraft or portions thereof coming within the regulations prescribed under the act or under 10 U.S.C. 2382 (formerly section 3 of the Act of March 27, 1934 (48 Stat. 505)) means the amount by which the total cost of performing all such contracts and subcontracts for aircraft entered into after April 3, 1939, and completed by a particular contracting party within the income-taxable year exceeds the total contract prices of such contracts and subcontracts. As to the meaning of income-taxable year, see § 16.1.

(b) The term "deficiency in profit", as used in the act and as applied to contracts and subcontracts for aircraft or portions thereof coming within the regulations prescribed under the act or under 10 U.S.C. 2382 (formerly section 3 of the Act of March 27, 1934 (48 Stat. 505)), means the amount by which 12 percent of the total contract prices of all such contracts and subcontracts for aircraft entered into after April 3, 1939, and completed by a particular contracting party within the income-taxable year exceeds the net profit upon all such contracts and subcontracts.

(B) By revising the first sentence of paragraph (c) to read as follows:

(c) A net loss or a deficiency in profit sustained by a contracting party for an income-taxable year is allowable as a credit in computing the contracting party's excess profit on contracts and subcontracts for aircraft coming within the regulations prescribed under the act or under 10 U.S.C. 2382 (formerly section 3 of the Act of March 27, 1934 (48 Stat. 505)) and completed during the four next succeeding income-taxable years.

(C) By revising the example in paragraph (e) to read as follows:

Example. For the calendar year 1939, the A Corporation, which keeps its books and makes its Federal income tax returns on a calendar year basis, sustained a net loss of $30,000 on the contracts and subcontracts for Army aircraft and portions thereof coming within the scope of the act and completed within that year. During the year 1939, the A Corporation also completed contracts for naval aircraft coming within the scope of 10 U.S.C. 2382 (formerly section 3 of the Act of March 27, 1934 (48 Stat. 505)) at a deficiency in profit of $10,000. In 1940, the A Corporation completed similar contracts for Army aircraft totaling $175,000 at a cost of $155,000, whereby the A Corporation realized a net profit of $20,000 but sustained a deficiency in profit of $1,000 (i.e., 12 percent of $175,000, or $21,000, less $20,000). During the year 1940, the A Corporation also completed contracts for naval aircraft coming within the scope of 10 U.S.C. 2382 (formerly section 3 of the Act of March 27, 1934 (48 Stat. 505)) at a net loss of $2,000. In 1941, the A Corporation completed contracts for Army aircraft coming within the scope of the act totaling $400,000 at a cost of $300,000, or at a net profit of $100,000. After deducting from the net profit of $100,000 for the year 1941 the amount of $48,000 (i.e., 12 percent of the total contract price of $400,000), there remains $52,000 in excess profit on the contracts completed in the year 1941. The A Corporation may deduct from such $52,000, in determining the amount of excess profit it must pay for the year 1941 with respect to the contracts completed in such year, the net loss of $30,000 and the deficiency in profit of $10,000 sustained in 1939 on Army and naval aircraft contracts, respectively, and the net loss of $2,000 and the deficiency in profit of $1,000 sustained in 1940 on naval and Army aircraft contracts, respectively.

[F.R. Doc. 60-5788; Filed, June 22, 1960; 8:51 a.m.]

[26 CFR Part 17]

EXCESS PROFITS ON NAVY CONTRACTS

Setoffs of Deficiences in Profit Against Excess Profits

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate and of the Secretary of the Navy or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code of 1939 (53 Stat. 467; 26 U.S.C. 3791).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

In order to conform the Excess Profits Regulations (26 CFR (1939) Part 17), relating to excess profits on Navy contracts for vessels and aircraft, to the decision in Emerson Electric Manufacturing Company (1957) 28 T.C. 1090, and to make certain clarifying changes, such regulations are amended as follows:

PARAGRAPH 1. Section 17.7 is amended:

(A) By revising paragraph (c) (2) and (3) to read as follows:

(2) The amount of any net loss which was sustained in the same or a prior income-taxable year with respect to contracts or subcontracts for the construction or manufacture of any complete aircraft or any portion thereof, and which is allowable as a credit in determining the excess profit for the income-taxable year with respect to contracts and subcontracts entered into for the construction or manufacture of complete aircraft or any portion thereof (see § 17.10(b)); and

(3) The amount of any deficiency in profit which was sustained in the same or a prior income-taxable year with respect to contracts or subcontracts for the construction or manufacture of any complete aircraft or any portion thereof, and which is allowable as a credit in determining the excess profit for the income-taxable year with respect to contracts and subcontracts entered into for the construction or manufacture of complete aircraft or any portion thereof (see § 17.10(c)).

(B) By revising the example in paragraph (e) to read as follows:

Example. On September 1, 1939, the B Corporation, which keeps its books and makes its Federal income tax returns on a calendar year basis, entered into a contract with the Secretary of the Navy for the construction of naval aircraft coming within the scope of the act, the total contract price of which was $200,000. On March 10, 1940, the B Corporation entered into another such contract, the total contract price of which was $40,000. Both contracts were completed within the calendar year 1940, the first at a cost of $155,000 and the second at a cost of $45,000. During the year 1940, the B Corporation also completed at a deficiency in profit of $2,000 a contract entered into for the construction of Army aircraft coming within the scope of the act. During the year 1940, the B Corporation also completed at a loss of $10,000 two contracts entered into for the construction or manufacture of portions of a naval vessel coming within the scope of the act. For the year 1939, the B Corporation sustained a net loss of $2,500 and a deficiency in profit of $1,000 on all contracts and subcontracts for naval aircraft coming within the scope of the act and completed within the calendar year 1939. For the year 1939, the B Corporation also sustained a net loss of $1,800 on a contract for the construction of Army aircraft coming within the scope of the act which was completed within the calendar year 1939. For the purposes of the Federal income tax, the net income of the B Corporation for the year 1940, on which the tax was paid, amounted to $96,000, which included the net profit of $40,000 upon the contracts entered into on September 1, 1939, and March 10, 1940. The excess profit liability of the B Corporation for 1940 is payable with respect to the contracts for naval aircraft which were completed in 1940. The loss of $10,000 on the contracts for portions of a naval vessel completed in 1940 does not enter into the computation of such liability. Accordingly, the excess profit liability of the B Corporation for 1940 is $2,964 computed as follows:

Total contract prices:		
Contract No. 1	$200,000	
Contract No. 2	40,000	
		$240,000
Less: Cost of performing contracts:		
Contract No. 1	155,000	
Contract No. 2	45,000	
		200,000
Net profit on contracts		40,000
Less:		
12 percent of total contract prices (12 percent of $240,000)	$28,800	
Deficiency in profit (in Army aircraft contracts) in 1940	2,000	
Net loss (in naval aircraft contracts) from 1939	2,500	
Net loss (in Army aircraft contracts) from 1939	1,800	
Deficiency in profit (in naval aircraft contracts) from 1939	1,000	
		$36,100
Excess profit for year 1940		3,900
Less: Credit for Federal income taxes (Federal income tax on $3,900 at rates for 1940)		936
Amount of excess profit payable to the United States		2,964

PAR. 2. Section 17.10 is amended—

(A) By revising paragraphs (b) and (c) to read as follows:

(b) *Net loss on contracts and subcontracts for aircraft or portions thereof.* In the case of contracts or subcontracts for the construction or manufacture of any complete aircraft or any portion thereof coming within the scope of the act which are completed within an income-taxable year ending after April 3, 1939, the term "net loss" as used in the act and in these regulations means the amount by which the total costs of performing all such contracts and subcontracts completed within such income-taxable year exceeds the total contract prices of such contracts and subcontracts. Such net loss sustained by a contracting party for an income-taxable year ending after April 3, 1939, is allowable as a credit in computing the contracting party's excess profit on contracts and subcontracts for the construction or manufacture of any complete aircraft or any portion thereof which are completed within the four next succeeding income-taxable years.

(c) *Deficiency in profit.* The term "deficiency in profit" as used in the act and in this part relates to contracts and subcontracts coming within the scope of the act which are for the construction or manufacture of any complete aircraft or any portion thereof and are completed within an income-taxable year ending after April 3, 1939. As so used, the term "deficiency in profit" means the amount by which 12 percent of the total contract prices of such contracts and subcontracts which are completed by a particular contracting party within the income-taxable year exceeds the net profit upon such contracts and subcontracts. A deficiency in profit sustained by a contracting party with respect to such contracts and subcontracts for the construction or manufacture of complete aircraft or any portion thereof and completed within any income-taxable year ending after April 3, 1939, is allowable as a credit in computing the contracting party's excess profit on contracts and subcontracts for the construction or manufacture of complete aircraft or any portion thereof which are completed within the same or the four next succeeding income-taxable years.

(B) By revising example (2) in paragraph (e) to read as follows:

Example (2). For the calendar year 1939, the B Corporation, which keeps its books and makes its Federal income tax returns on a calendar year basis, sustained a net loss of $10,000 and a deficiency in profit of $35,000

upon all contracts and subcontracts for naval aircraft and portions thereof coming within the scope of the act and completed within that year. During the year 1939, the B Corporation also completed contracts for Army aircraft coming within the scope of the Act at a net profit which was $15,000 in excess of 12 percent of the total contract prices of such contracts. On all contracts and subcontracts for naval aircraft coming within the scope of the act and completed within the calendar year 1940, the B Corporation realized a net profit which was $25,000 in excess of 12 percent of the total contract prices of such contracts and subcontracts while sustaining a deficiency in profit of $10,000 on like contracts and subcontracts for Army aircraft. On all contracts and subcontracts for naval aircraft coming within the scope of the act and completed within the calendar year 1941, the B Corporation realized a net profit which was $20,000 in excess of 12 percent of the total contract prices of such contracts. The net loss of $10,000 and deficiency in profit of $35,000 (or a total of $45,000) sustained in 1939 with respect to contracts and subcontracts for naval aircraft completed within that year may be taken as a credit to the extent of $15,000 in computing the excess profit on the contracts and subcontracts for Army aircraft completed in 1939. The remainder of such net loss and such deficiency in profit ($45,000 minus $15,000, or $30,000) may be combined with the deficiency in profit of $10,000 sustained in 1940 on contracts for Army aircraft and taken as a credit to the extent of $25,000 in computing the excess profit on the contracts and subcontracts for aircraft completed during 1940. The sum of such net loss and such deficiency in profit then remaining ($40,000 minus $25,000, or $15,000) may be taken as a credit in computing the excess profit realized on the contracts and subcontracts for aircraft completed in the year 1941.

[F.R. Doc. 60-5787; Filed, June 22, 1960; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 968]

[Docket No. AO-173-A11]

MILK IN WICHITA, KANSAS, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita, Kansas, on October 6, 1959, pursuant to notice thereof issued on September 24, 1959 (24 F.R. 7876).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 4, 1960 (25 F.R. 4089; F.R. Doc. 60-4158) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Need for emergency suspension of a portion of the supply-demand adjustment to Class I price;
2. Revision of the supply-demand adjustment to the Class I price;
3. Cooperative standby plant definition;
4. Standards for qualifying a distributing plant as a pool plant;
5. Revising the method of accounting for the skim milk equivalent of dried or concentrated products;
6. Revision of the Class II (cottage cheese) definition;
7. Inventory accounting;
8. Provisions with respect to unpriced milk; and
9. Administrative provisions.

A proposal to review the level of the Class II (cottage cheese) price was not supported at the hearing and no further reference to it is made herein.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Suspension action.* In a decision signed October 22, 1959, it was determined that conditions were not so acute as to require the requested suspension of § 968.51(a)(3)(ii) pending the complete revision of the supply-demand adjustment to the Class I price. The suspension request was, therefore, denied.

SUPPLY-DEMAND FINDINGS—WICHITA

2. *Supply-demand adjustment.* Based on evidence of record presented at a hearing held October 6, 1959, the following action should be taken with respect to the supply-demand adjustment to the Class I price:

(1) The seasonality of the norms should be revised.

(2) The present supply-demand limits should be replaced by an upper and lower limit based on the Greater Kansas City Class I price.

(3) The third cumulative step of the rate of adjustment, suspended September 1, 1959, should be reinstated.

(4) The rate of adjustment should continue to be one cent per point of net deviation.

(5) The annual average reserve supply on which the norms are based should continue to be 135 percent of Class I sales.

(6) A ten-point path of zero adjustment should continue to be provided between the maximum and minimum standard utilization percentages in each month.

Seasonality of the standard utilization percentages should be revised to better accommodate changes in the seasonality of production which have occurred in recent years. The seasonal pattern of the norms proposed by the major cooperative serving the market appears to appropriately reflect the recent experience of the market and should therefore be adopted. The proposed standard utilization percentages were developed by graphic observation of the distribution of actual utilization percentages during the period January–February 1954 through July–August 1959. Adoption of the proposed seasonal pattern will provide less minus supply-demand adjustment during the fall months of September, October, November and December. A table comparing the present norms with those recommended herein is as follows:

Delivery period for which price applies	Delivery period used in computation	Recommended percentages		Present order percentages	
		Minimum	Maximum	Minimum	Maximum
January	October–November	125	135	126	136
February	November–December	124	134	130	140
March	December–January	125	135	128	138
April	January–February	125	135	126	136
May	February–March	132	142	130	140
June	March–April	136	146	135	145
July	April–May	143	153	141	151
August	May–June	137	147	138	148
September	June–July	131	141	130	140
October	July–August	131	141	130	140
November	August–September	130	140	128	138
December	September–October	126	136	123	133

Handlers proposed that the upper and lower limits of the supply-demand norms be established at plus and minus one standard deviation of the average of the actual utilization of a recent five-year period. This concept of determining norms should not be adopted. The plan would limit supply-demand price adjustments in many cases to periods when supplies relative to sales were further from the norms as now provided in the order and from those recommended herein. If the actual utilization of the five years of data were normally distributed about the average, norms based on plus and minus one standard deviation would result in zero supply-demand adjustment to the Class I price in 68 percent of the cases.

The present limits of plus and minus 45 cents should be replaced with a schedule of minimum and maximum differences from the Class I price established under the order regulating the handling of milk in the Greater Kansas City market. The change in the limits recommended herein is based on the extensive competition between the two markets in both the procurement and sale of milk. One cooperative association of producers operates a distributing plant under the Wichita order and a supply plant under the Greater Kansas City order. Another Greater Kansas City handler has extensive sales in the recently expanded Wichita market. There is also an extensive overlapping of the two milksheds. The stated Class I differential in the Wichita order is $1.65 in all 12 months of the year. The Kansas City Class I differential is $1.15 in the months of April, May, June, and July and $1.45 in the other 8 months of the year for an average of $1.35. Appropriate limits to the Wichita supply-demand, subject to further variation depending on the action of the Kansas City supply-demand adjustment, can be accomplished by setting the limits of the Wichita Class I price at the Kansas City Class I price plus 25 cents as a floor and plus 85 cents as a ceiling during the months of April, May, June, and July. During the months of August through March, the floor should be the Kansas City price minus 10 cents and the ceiling the Kansas City price plus 50 cents. Establishing this upper and lower limit on the Wichita supply-demand adjustment would have provided an average lower limit Class I price of $4.59 and an average upper limit Class I price of $5.19 during the year 1959 on a 3.8 percent butterfat basis. Official notice is hereby taken of the Wichita and Kansas City Class I prices for October, November, and December 1959.

Another issue considered at the hearing related to the average level of producer receipts which are needed to meet Class I sales and provide an adequate level of reserve supply. The standard utilization percentages in the present order reflect actual experience during the period December 1957 through November 1958. Testimony was received to the effect that the utilization percentages of 125, 125, and 135 for the months of September, October, and November, 1958, respectively were not an accurate indication of the supply-sales relationships in the market since out-of-area sales of bulk milk were substantial during this period. While it may be true that greater reserve supplies are now needed to meet the Class I requirements of local plants because of their 5- and 6-day bottling operations and that it is not therefore feasible to utilize week end surpluses for out-of-area sales, evidence shows that at the level of prices which prevailed during the period since 1958, supplies have been more than adequate to fill the Class I requirements of the market. In these circumstances, it appears appropriate to maintain the same annual average level of reserve supply as is presently provided for in the order. This can be achieved by adjusting the mid-points of the proposed norms to incorporate their seasonality at the same time keeping the annual average reserve equal to 135.4 percent of Class I sales.

Another variable in the supply-demand adjustment is the rate of adjustment per point of indicated oversupply or undersupply. The adjustment should continue to exert an active influence on the Class I price level. Only an active supply-demand adjustment will appropriately reflect changes in the supply and demand conditions in the market. The rate of adjustment should therefore continue at one cent per point of net deviation and be cumulative to the extent that adjustments in the same direction occur for a period not to exceed three months.

Consideration was also given at the hearing to the use of the ratio of producer receipts to Class I sales in the first and second months preceding the pricing month as an indicator of actual market utilization. The present order uses the second and third month preceding the pricing month as an indication of market over or under-supply in relation to the standards. Use of the second and third months experience as presently contained in the order appears more appropriate than the use of the first and second months experience since the supply-demand adjustment can be announced.[1] It is concluded that the utilization of the second and third month preceding the pricing month should continue to be used to indicate the current supply-demand situation.

The supply-demand adjustment to the Wichita Class I price became effective for the first time on May 1, 1959. Without the suspension of the third cumulative step of the rate of adjustment, the reduction would have averaged minus 18 cents per month for the 12-month period May 1959 through April 1960. With the suspension of the third step made effective September 1, 1959, the average per month for the 12-month period was minus 13 cents. With the modifications provided herein the supply-demand adjustment for the same 12 months would have averaged minus 17 cents per month. During this period the Greater Kansas City floor and ceiling would not have acted to limit the supply-demand adjustment as recommended. Official notice is hereby taken of the Wichita and Kansas City supply-demand adjustments and Class I prices as announced for October 1959 through April 1960.

3. *Cooperative standby plant.* The present Wichita order defines two different types of dairy plant operations which may become pooled. The first would be a fluid milk processing and distributing plant from which a requisite proportion of the total receipts from approved dairy farmers are distributed on routes. The second operation described is that of a country or supply plant. This operation may be designated as a pool plant through the shipment of a required percentage of total receipts to approved processing and distributing plants which serve the market.

It was proposed that a third pool plant provision be written in the order to allow a standby plant, operated by a cooperative association, to be pooled on the basis of the over-all performance of the association rather than on the basis of specific shipments from the plant.

Such a standby plant was being constructed by the Wichita Milk Producers Association at the time of the hearing. When completed, the plant will be operated as an auxiliary supply and surplus disposal operation which supplements the principal function of the cooperative in supplying the needs of other handlers serving the Wichita market.

It appears that special consideration should be given to an operation which functions to equalize the supply and demand for milk and therefore tends to promote the orderly marketing of milk in Wichita. It should be noted that the standby plant will be handling member producer milk already associated with the market. To the extent that the new cooperative facilities can also be used to develop Class I sales out of the Wichita area, all producers in the market will benefit therefrom.

To accommodate a standby plant as described above, the order should be amended to provide that a plant operated by a cooperative association be pooled during any month in which 60 percent or more of the milk delivered during the month by approved dairy farmers who are members of such an association is delivered directly or is transferred by the association to pooled distributing plants of other handlers.

4. *Pool plant standards.* Testimony was received regarding the need to modify present pooling requirements of the order with respect to distributing plants. It was proposed that the month of July be included as one of the flush production months in which a plant be pooled if 25 percent of the total receipts were disposed of as Class I and 10 percent of the total receipts were disposed of on routes in the marketing area. The present order specifies these minimum percentages of association with the market during the months of March through June inclusive. In the months of lower supply, presently specified as July through February, the requirements are that 35 percent of receipts be utilized as Class I and 15 percent be disposed of on routes in the marketing area.

It was pointed out that July is typically a month when Class I sales decline and production varies greatly from year to year. In July 1959, one plant failed to qualify because Class I sales were less than 35 percent of Grade A receipts. The producers delivering at such a plant were not pooled for that month.

A further proposal was received to change the percent of a plant's receipts which must be sold in the marketing area from 15 percent to 10 percent during the months of August through February. This change was deemed necessary to reduce the danger that the Arkansas City Cooperative Association should fail to be pooled. This cooperative has long established route sales outside the present market and could have difficulty meeting the 15 percent in-area requirement. This would be particularly true if the bulk tank receipts should continue to increase at the association plant. It should be noted that a plant would still be required to dispose of 35 percent of its total receipts from approved dairy farmers as Class I during the months of August through February in order to be pooled.

It is concluded that the order should be amended to include the month of July in the period when lower pooling requirements apply and to reduce the percent of in-area route sales from 15 to 10 percent during the months of August through February.

[1] Before the beginning of the pricing month, thereby furnishing advance notice to both producers and handlers.

Handlers proposed that if a plant met the pool requirements in any one month it should also be pooled in the next month following. This proposal should not be adopted for two reasons: Firstly, a plant not regularly associated with the market could be pooled for one additional month after the termination of a military contract or some other sales situation of short duration. Secondly, this proposal violates the concept that a plant should demonstrate current association with the market on an objective basis from month to month.

5. *Classification and accounting.* It was proposed that if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of, the pounds of skim milk used or disposed of in such a product should be an amount equivalent to the nonfat solids contained in such a product plus all of the water originally associated with such solids.

The present order provides for the skim milk equivalent of concentrated products used to produce cottage cheese. Skim equivalent accounting also occurs with reconstituted or recombined Class I products by virtue of water actually being added back to the solids. On the other hand, solids used in the fortification of any Class I fluid product are presently accounted for on the basis of the actual number of pounds of solids used.

These two methods of accounting result in different costs for identical solids which cannot be distinguished as to their ultimate use. The order should be amended to provide for the accounting of all receipts and disposition on the same basis. The skim milk equivalent provides the basis upon which uniform accounting may be accomplished and insure local producer milk the priority of Class I utilization.

6. *Cottage cheese.* Under present order provisions, cottage cheese is considered as Class II utilization only if it is made in plants from which distribution is made in those portions of the marketing area where cottage cheese is required to be made from Grade A milk. Such area presently includes the City of Wichita, where a city ordinance with respect to milk and milk products is now in effect, and the territory within three miles of the city limits, which is covered by a resolution of the Sedgwick County Board of County Commissioners. The Class II price is 80 cents per hundredweight above the Class III price.

It was proposed that Class II include only that milk used to produce cottage cheese actually sold within the territories requiring cottage cheese to be made from Grade A sources. This would involve a substantial reduction in Class II use since the handlers involved sell a sizeable proportion of the cottage cheese they make outside of Wichita and the 3-mile limit. The proposal was based on the fact that outside the 3-mile limit, the cottage cheese must be sold in competition with cottage cheese made from cheaper sources of milk. Such competition would include those plants regulated under the Wichita order which do not sell cottage cheese within the 3-mile limit, and handlers regulated under other Federal orders.

The original decision to provide a separate classification for milk used to produce cottage cheese was based in large part on the fact that Grade A milk was required for the production of cottage cheese sold in and around Wichita. In practice, the handlers made their cheese for sale in territories beyond the 3-mile limit in the same facilities and so required Grade A milk for that portion of their output as well as for the portion sold within the 3-mile limit.

Apparently this has continued to be the case even though it involves classification as Class II at a price 80 cents over the Class III price. Data of record show that Class II use in August 1959 (the latest data available at the time of the hearing) was 1,553,777 product pounds. This compares with 1,581,243 in August 1958 and 1,354,500 in August 1957. The latter figure reflects the production of cottage cheese by the same group of handlers prior to amendment of the order, effective June 1, 1958, to provide a separate class for cottage cheese.

In view of the continued reliance of this group of handlers upon Grade A milk for their entire output of cottage cheese, no changes should be made in the classification or pricing of milk so used. All the milk used to produce cottage cheese in facilities approved for the sale of cottage cheese in jurisdictions where it is required to be made from Grade A milk should continue to be Class II.

7. *Inventory accounting.* Provisions of the present Wichita order classify month-end inventories of fluid milk products (products which either usually become Class I upon disposition or are unprocessed milk, skim milk or cream) as Class III utilization subject to a further charge if allocated to a higher utilization the following month. The reclassification charge, however, is applicable to only that portion of inventory which was allocated as producer milk in Class III the month preceding. In these circumstances, some month-end inventory representing other source receipts can be used in a higher class the following month without incurring a reclassification charge.

In order to maintain uniformity of minimum prices to all handlers it is concluded that the order should be amended to equalize prices with those which apply to current receipts of producer milk or other source milk when opening inventory of other source milk is allocated to a higher class of utilization.

The reclassification charge, however, should apply only to other source inventories of fluid milk products which were not previously priced under another Federal order.

8. *Provisions with respect to unpriced milk.* Evidence presented at the hearing indicated the need for an objective basis to be used in determining the extent to which producer milk is available in the market. The present order requires that the market administrator determine the availability of producer milk and the conditions under which a handler should be charged for the use in Class I of other source milk not subject to the pricing provisions of another Federal order.

In view of the expanded market and the increased difficulty in determining the needs of the market, the market administrator should be relieved from making the decision with respect to the availability of producer milk.

The order should be amended to provide that no charge be made on unpriced, other source milk used in Class I in any month in which the supply of producer milk is less than 120 percent of the Class I utilization in the market.

9. *Administrative provisions.* Certain sections of the order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

The market administrator should be allowed to reduce any amount due a handler from the producer settlement fund by the amount of any unpaid balances due the market administrator from such a handler to avoid unnecessary administrative inconvenience.

The marketing service charge should be changed to provide a maximum of six cents per hundredweight. The present order provides for a maximum of four cents which is not adequate in view of the current cost of performing the sample testing and weight verification program in the expanded marketing area. Should the proposed rate exceed the actual cost of performing these services, the Secretary may provide for a lesser amount.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Wichita, Kansas Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Wichita, Kansas Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1960, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Wichita, Kansas, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 17th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area

§ 968.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 968.10 [Amendment]

1. Revise § 968.10(a) to read as follows:

(a) During any of the months of March, April, May, June or July within which such plant disposes of as Class I milk an amount equal to 25 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

2. Revise § 968.10(b) to read as follows:

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 35 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

3. Renumber present § 968.10(d) to § 968.10(e).

4. Insert a new § 968.10(d) to read as follows:

(d) Which is operated by a cooperative association and 60 percent or more of the milk delivered during the current month by approved dairy farmers who are members of such association, is delivered directly or is transferred by the association to pool plants as described in paragraphs (a) and (b) of this section.

§ 968.45 [Amendment]

4a. Change the period at the end of the first paragraph in § 968.45 to a colon and add the following proviso: "*Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids."

§ 968.51 [Amendment]

5. Revise § 968.51(a) to read as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year, plus or minus a supply-demand adjustment computed as follows: *Provided,* That the Class I price so computed shall be not less than the Class I price computed for the same period pursuant to Federal Order No. 13 (Greater Kansas City) minus ten cents during each month of the period August through March and plus twenty-five cents for each of the months of April through July nor more than the Kansas City Class I price plus fifty cents during each of the months of the period August through March and plus eighty-five cents for each of the months of April through July.

6. In § 968.51(a)(2)(iii), revise the tabulation to read as follows:

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October–November	125	135
February	November–December	124	134
March	December–January	126	135
April	January–February	125	135
May	February–March	123	142
June	March–April	126	146
July	April–May	142	153
August	May–June	137	147
September	June–July	131	141
October	July–August	131	141
November	August–September	129	140
December	September–October	129	136

7. Revise § 968.51(a)(3) to read as follows:

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage point of net deviation; plus

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(ii) One cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

§ 968.61 [Amendment]

8. Revise § 968.61(b) to read as follows:

(b) Any plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualifies as a pool plant pursuant to the provisions of § 968.10(c) or § 968.10(d).

9. Revise § 968.70 to read as follows:

§ 968.70 Net pool obligations of handlers.

The net pool obligation for milk received during each month by each handler shall be computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46(c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46(a)(7) and the corresponding step of § 968.46(b) by the applicable respective class prices;

(c) Add any amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b); or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month;

(d) Add an amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class II price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class II pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b); or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month less the hundredweight of milk subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b).

(e) During any month in which the total receipts of producer milk are more than 120 percent of the total Class I utilization at all pool plants, add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class I price and the Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 968.46(a)(2) and the corresponding step of § 968.46(b).

(2) Milk in inventory subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b) which is in excess of the sum of:

(i) The quantity of milk for which a payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity of milk subtracted from Class III pursuant to § 968.46(a)(3) and the corresponding step of § 968.46(b) for the month preceding.

(f) During any month in which the total receipts of producer milk are more than 120 percent of the total Class I utilization at all pool plants, add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class II price and the Class III price with respect to:

(1) Other source milk subtracted from Class II pursuant to § 968.46(a)(2) and the corresponding step of § 968.46(b).

(2) Milk in inventory subtracted from Class II pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b) which is in excess of the sum of:

(i) The quantity of milk for which a payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity of milk subtracted from Class III pursuant to § 968.46(a)(3) and the corresponding step of § 968.46(b) for the month preceding.

§ 968.82 [Amendment]

10. In § 968.82, substitute a period for the colon and delete the proviso which reads as follows: *"Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler."

§ 968.84 [Amendment]

11. Add new paragraph (c) to § 968.84 to read as follows:

(c) Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handlers pursuant to §§ 968.82, 968.83, 968.85, 968.86 or 968.87.

§ 968.86 [Amendment]

12. Revise § 968.86(a) to read as follows:

(a) Except as set forth in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80(a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

[F.R. Doc. 60-5762; Filed, June 22, 1960; 8:48 a.m.]

[7 CFR Part 975]

[Docket No. AO-179-A19]

MILK IN NORTHEASTERN OHIO MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Mansfield, Ohio, on March 29, 1960, pursuant to notice thereof issued on March 9, 1960 (25 F.R. 2106).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 20, 1960 (25 F.R. 4588), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issue on the record of the hearing related to the supply-demand adjustment of the Class I price.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The supply-demand adjustment of the Class I price.

The supply-sales relationship used as a basis for adjustment of the Class I price should be that of the combined receipts and sales of the North Central Ohio and Northeastern Ohio markets. The standard utilization percentages, deviations from which result in price adjustments, should be revised to reflect the changed seasonal patterns of utilization and the level of reserve supply required by present marketing practices.

The North Central Ohio Class I price is now maintained in a fixed alignment with that of Northeastern Ohio and it is concluded that such alignment should be maintained. North Central Ohio handlers make substantial route sales in the Northeastern Ohio marketing area.

While Northeastern Ohio handlers do not have any substantial amount of route sales in the North Central Ohio marketing area, they do supply supplemental milk in many months. The North Central Ohio procurement area lies entirely within the procurement area of the Northeastern Ohio market and producers can readily shift from one area to the other. Presently supplies of milk associated with the Northeastern Ohio pool and sales by handlers regulated under the Northeastern Ohio order determine the supply-demand adjustment of the Class I price for both orders. Intermarket competition for supplies or sales may readily affect the Class I price in both markets without any change in the overall supply or sales volumes merely by transfer of supply or sales from one market to the other. A number of handlers operating multiple plants have plants regulated under each order. The decision of such a handler to transfer sales from one of his plants to another can affect the Class I price in both markets. Since the competition is such as to require fixed alignment of Class I prices, it is appropriate that the ratio of total producer receipts to gross Class I sales should be the basis for adjustment of Class I prices to supply-demand conditions in both orders.

The inclusion of the receipts and sales of the North Central Ohio area in the computation of the supply-demand adjustment for the Northeastern Ohio order requires an adjustment in the annual level and the seasonal pattern of the standard utilization percentages. The addition of the North Central Ohio receipts and sales in the computation of the Northeastern Ohio supply-demand adjustor would have decreased the annual level of the ratio of supply to sales from 139 to 136 in both 1958 and 1959 which would have increased the Class I price in both markets. Milk supplies in the area have increased faster than Class I sales. The Northeastern Ohio supplies were 132 percent of sales in 1957, 139.2 in 1958 and 139.7 in 1959. The supplies of milk have also been ample for the North Central Ohio area. Under these circumstances an increase in the annual average of the Class I price is not appropriate under the standards of the Act. Therefore, the annual average of the standard utilization percentages should be reduced from 132 to 129. This reduction of the annual average will approximately reflect the change in the utilization percentages caused by the addition of the North Central Ohio receipts and sales. The seasonal pattern also has been slightly modified to reflect the pattern of utilization of the combined markets. The following table shows the present and revised standard utilization percentages:

	Present standard	Revised standard
January	128	125
February	126	125
March	128	126
April	129	127
May	130	128
June	140	137
July	148	145
August	141	138
September	127	124
October	126	122
November	128	124
December	130	126

It was proposed that the North Central Ohio Class I price be further adjusted by the average adjustment of the supply-demand adjustment of the Columbus, Ohio, and Dayton-Springfield, Ohio, markets or that the North Central Ohio order provide for an independent supply-demand adjustor. These proposals would disrupt the fixed alignment of the Class I prices between the Northeastern Ohio and North Central Ohio markets which is essential in maintaining orderly marketing conditions. Therefore, any adjustment to the North Central Ohio Class I price which would not maintain the fixed alignment between the markets is denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act.

(b) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commerical activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Northeastern Ohio Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be further amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, regulating the handling of milk in the Northeastern Ohio, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 20th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Northeastern Ohio Marketing Area

§ 975.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Northeastern Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

1. Delete § 975.51(a) (1) and (2) and substitute therefor the following:

(1) Divide the total quantity of milk received from producers defined in § 975.10 and in § 995.12 of the order regulating the handling of milk in the North Central Ohio marketing area during the first and second months preceding by the gross quantity of milk utilized as Class I (adjusted for intermarket and interhandler transfers) at pool plants defined in § 975.8 and in § 995.9 of the order regulating the handling of milk in the North Central Ohio marketing area, in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

Months for which the price is being computed:	*Standard utilization percentage*
January	125
February	125
March	126
April	127
May	128
June	137
July	145
August	138
September	124
October	122
November	124
December	126

[F.R. Doc. 60-5761; Filed, June 22, 1960; 8:48 a.m.]

[7 CFR Part 980]

[Docket No. AO-301-A1]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Western Colorado marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Grand Junction, Colorado, on May 16, 1960, pursuant to notice thereof which was issued April 15, 1960 (25 F.R. 3422).

The material issues on the record of the hearing relate to:

1. Class I price.

2. The classification and pricing of other milk.

On the basis of the record of this hearing a provision under which all class prices would have expired May 31, 1960, has been suspended, effective June 1, 1960, pending completion of amendment action on the record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The method of determining the Class I price should be continued unchanged at this time.

The Western Colorado Class I price is determined by adding $2.05 each month to the basic formula price for the preceding month. The order provided that this price be effective for the first 18 months of order operation (December 1958 through May 1960) in order to afford a review of the pricing provisions after the order had been in operation a full year.

Producers proposed that these Class I pricing provisions be continued. A handler witness supported their continuation and no testimony was offered in opposition to their continuation.

For an early three months of operation of the order, January, February and March 1959, from 86.5 to 91.7 percent of producer milk was used as Class I milk, the weighted three-month average being 89.2 percent. For the same months of 1960 Class I utilization ranged from 88.6 to 90.2 percent, with a weighted average of 89.3 percent. The ratio of milk supplies to fluid sales has thus maintained a very stable relationship.

Since promulgation of the Western Colorado order, Federal milk marketing orders have been issued for the Great Basin (Salt Lake City) and Colorado Springs-Pueblo areas. Substantially larger volumes of milk are priced under these orders than under the Western Colorado order. The 1959 average Class I price of the Western Colorado order was $5.077, as compared to the $5.25 initial Class I price of the Great Basin order. The Colorado Springs-Pueblo order adds a $2.20 Class I differential to a basic formula price identical with that in the Western Colorado order, so that the Class I price under that order exceeds the Western Colorado price by 15 cents per hundredweight. These orders have not been in effect sufficient time to evaluate their effect on the Western Colorado market.

The question of providing a new expiration date was raised at the hearing, but such action does not appear necessary. Should a significant change occur in the relationship of milk supplies to Class I sales in this market it is evident that there will be opportunity to reconsider pricing provisions at a future hearing. It is therefore concluded that the Class I pricing provisions may be continued without a fixed expiration date.

2. Class II milk should include all of the skim milk and butterfat heretofore defined as Class II milk and Class III milk. The Class II price should be the basic formula price for the current month.

Class II milk now includes all skim milk and butterfat used to produce ice cream, frozen desserts, ice cream mix, frozen dessert mix, yogurt, eggnog, aerated cream, skim condensed milk, whole condensed milk and cottage cheese. Class III is skim milk and butterfat: (1) Used to produce any product other than a fluid milk product or products designated as Class II; (2) in inventory of fluid milk products on hand at the end of the month; (3) accounted for as livestock feeds; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage not to exceed 2 percent of skim milk and butterfat received directly from producers; and (6) in shrinkage of other source milk.

The Class II price under the order is now the basic formula price plus 20 cents. The basic formula price is the higher of (1) the midwest condensery pay price for milk received from dairy farmers during the month, or (2) a butter-powder formula price. The Class III price is the butter-powder formula price minus 13 cents.

The Western Colorado Milk Producers Association proposed that Class II milk and Class III milk be combined into one use class to be designated as Class II and priced at the basic formula level. In support of this proposal producer and handler witnesses stated that it would encourage the use of more Grade A milk by local plants in the manufacturing of ice cream and cottage cheese.

There has been a very substantial reduction during the past year in the amount of milk utilized by pool plants in the manufacture of ice cream. Milk not utilized in fluid milk products, ice cream or cottage cheese must be transported substantial distances to be manufactured into those products now designated as Class III.

In the marketing area there are three nonpool plants making ice cream, two of which also make cottage cheese. The only manufacture of Class III products in the marketing area is butter. However, butter plants buy only cream. Consequently, there is no market for Class III milk as such in the marketing area. In view of the limited outlets for excess milk in this market it is important that handlers accept and utilize the maximum quantities of producer milk for cottage cheese and ice cream.

Health authorities in the marketing area do not require that milk utilized in other than Class I products be obtained from approved Grade A sources. Milk from any source may be used in the various dispositions heretofore contained in Class II or Class III. Grade A milk not needed for fluid disposition in the Western Colorado market must compete for sales with milk from ungraded sources. Lowering the price to the level herein provided will price producer milk at a competitive level for use in these products. It is concluded, therefore, that the price of milk in all such dispositions should be fixed at the same level and be classified as Class II at the basic formula price. Such pricing of milk for manufacturing uses approximates that in the nearby Federal order markets of Great Basin and Colorado Springs-Pueblo.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Western Colorado marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 980.22 [Amendment]

1. Amend § 980.22(1)(2) to read as follows:

(2) On or before the 6th day of each month the minimum price for Class II milk computed pursuant to § 980.51(b) and the Class II butterfat differential computed pursuant to § 980.52(b) each for the previous month; and

2. Amend § 980.41 to read as follows:

§ 980.41 Classes of utilization.

Subject to the conditions set forth in §§ 980.43 and 980.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b)(3) and (4) of this section, or (2) not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all the skim milk and butterfat: (1) used to produce any product other than a fluid milk product, (2) in inventory of fluid milk products on hand at the end of the month, (3) accounted for as livestock feed, (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator, (5) in shrinkage not to exceed 2 percent of skim milk and butterfat received directly from producers, and (6) in shrinkage of other source milk.

3. Amend § 980.43 to read as follows:

§ 980.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

4. Amend § 980.44(a) to read as follows:

§ 980.44 Transfers.

Skim milk and butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a fluid milk plant of another handler, except a producer-handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 980.30 subject in either event to the following conditions:

(1) The receiving plant has utilized in such class an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

5. Amend § 980.44(d) (1) and (3) to read as follows:

(1) The transferring-handler claims Class II utilization in a product specified in § 980.41(b);

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II in such transferor's plant;

6. Amend § 980.45 to read as follows:

§ 980.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product, plus all of the water originally associated with such solids.

7. Amend §980.46 to read as follows:

§ 980.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 980.45 the market administrator shall determine the classification of milk received from producers of fluid milk plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 980.41(b)(5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement and order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other fluid milk plants according to its classification as determined pursuant to § 980.44(a);

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of each class of milk computed pursuant to paragraphs (a) and (b) of this section.

8. Amend § 980.51 to read as follows:

§ 980.51 Class prices.

Subject to the provisions of §§ 980.52 and 980.53 the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.05.

(b) *Class II milk.* The basic formula price for the current month.

§ 980.52 [Amendment]

9. Amend § 980.52 to read as follows:

(b) *Class II milk.* Multiply such price for the current month by 0.120.

§ 980.70 [Amendment]

10. Amend § 980.70(c) to read as follows:

(c) Add a reclassification charge equal to the difference between the Class I price value for the current month and the price value applicable to closing inventory for the preceding month for the skim milk and butterfat subtracted from Class I pursuant to § 980.46(a)(5) and the corresponding step of § 980.46(b) which is not in excess of the skim milk and butterfat remaining in Class II in the previous month pursuant to § 980.46 (a)(5) and the corresponding step of § 980.46(b); and

Issued at Washington, D.C., this 20th day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-5783; Filed, June 22, 1960; 8:51 a.m.]

[7 CFR Part 995]

[Docket No. AO-197-A6]

MILK IN NORTH CENTRAL OHIO MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Mansfield, Ohio, on March 29, 1960, pursuant to notice thereof issued on March 9, 1960 (25 F.R. 2106).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 20, 1960 (25 F.R. 4588), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues on the record of the hearing related to:

1. The supply-demand adjustment of the Class I price;
2. The Class II milk price and the need for emergency action with respect thereto;
3. The rules for regulation of plants doing business in other marketing areas;
4. The quota forming months;
5. Expansion of the marketing area; and
6. The shrinkage allowance on bulk tank deliveries.

Issue number 2 was decided by the Assistant Secretary in his decision of April 12, 1960 (25 F.R. 3337), and this decision is restricted to the remaining issues.

Finding and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The supply-demand adjustment of the Class I price. The supply-sales relationship used as a basis for adjustment of the Class I price should be that of the combined receipts and sales of the North Central Ohio and Northeastern Ohio markets.

The North Central Ohio Class I price is now maintained in a fixed alignment with that of Northeastern Ohio and it is concluded that such alignment should be maintained. North Central Ohio handlers make substantial route sales in the Northeastern Ohio marketing area. While Northeastern Ohio handlers do not have any substantial amount of route sales in the North Central Ohio marketing area, they do supply the North Central Ohio handlers with supplemental milk in many months. The North Central Ohio procurement area lies entirely within the procurement area of the Northeastern Ohio market and producers can readily shift from one area to the other. Presently supplies of milk associated with the Northeastern Ohio pool and sales by handlers regulated under the Northeastern Ohio order determine the supply-demand adjustment of the Class I price for both orders. Intermarket competition for supplies or sales may readily affect the Class I price in both markets without any change in the overall supply or sales volumes merely by transfer of supply or sales from one market to the other. A number of handlers operating multiple plants have plants regulated under each order. The decision of such a handler to transfer sales from one of his plants to another can affect the Class I price in both markets. Since the competition is such as to require fixed alignment of Class I prices, it is appropriate that the ratio of total producer receipts to gross Class I sales should be the basis for adjustment of Class I prices to supply-demand conditions in both orders.

It was proposed that the North Central Ohio Class I price be further adjusted by the average adjustment of the supply-demand adjustment of the Columbus, Ohio, and Dayton-Springfield, Ohio, markets or that the North Central Ohio order provide for an independent supply-demand adjustor. These proposals would disrupt the fixed alignment of the Class I prices between the Northeastern Ohio and North Central Ohio markets which is essential in maintaining orderly marketing conditions. Therefore, any adjustment to the North Central Ohio Class I price which would not maintain the fixed alignment between the markets is denied.

3. Regulation of plants doing business in other marketing areas. Provision should be included that the Secretary, by a determination, may retain under regulation of the North Central Ohio order a plant disposing of a greater volume of fluid milk products in the marketing area of another order than in the North Central Ohio area.

The order presently requires that any plant which would be subject to regulation under another order be exempt (except for reporting) from the North Central Ohio order unless such plant has disposed of more fluid milk products in the North Central Ohio area than in the area of the other order in the current month and each of the three preceding months.

The North Central Ohio marketing area is comprised of five political subdivisions which are geographically separated. The marketing area includes only territory in which Grade A milk ordinances are in effect. As a consequence there is considerable intervening territory not included in the marketing area, but in which certain regulated handlers do a substantial proportion of their business.

One plant now regulated under the North Central Ohio order has substantial disposition of fluid milk products in the Northeastern Ohio marketing area. Prior to January 1959 this plant was regulated under Order 75 (then applicable to the Cleveland, Ohio, marketing area) as a supply plant. It was proposed that this plant be permitted to credit to its sales in the North Central Ohio area substantial dock sales to vendors who operate routes in the adjacent area not included in the marketing area so that its identity with the North Central Ohio area might be maintained.

A simple method of handling the matter is to provide that regulation of plants doing business in other marketing areas be as presently provided unless the Secretary determines that the applicable order should more appropriately be determined on some other basis. A provision to this effect is included in the Northeastern Ohio order. It provides greater opportunity for review of the circumstances in individual cases than would otherwise be provided. It is concluded that such a provision should be included in this order.

4. The quota forming months should be advanced one month to September through November.

Handlers proposed that the quota forming months should be August or September through November rather than October through December.

A review of the order data shows that in 1957 September was the second shortest month of production in relation to Class I sales (November was 95.1 percent and September was 94.1 percent). In 1958 and 1959 September has been the shortest in relationship to sales. The general upward trend in production during this period makes the shortest months appear somewhat earlier than seasonal influences alone would account for. However, it is plain that producers have responded to the incentive of the quota plan and that at least one month earlier quota forming period should be adopted in order to encourage larger production in September and less in December. August should not be included as a quota forming month because the relationship of producer receipts to Class I sales during this month have been adequate.

The importance of advance planning by producers in conforming to the seasonal incentives provided by the quota plan should be recognized. Accordingly, the use of September through November as quota forming months should be delayed until September 1, 1961.

5. Expansion of the marketing area. The marketing area should be expanded to include the Marion Correctional Institution at Marion, Ohio.

The present marketing area is defined to include all the territory in the counties of Allen and Richland and the cities of Findlay, Marion and Tiffin. It was proposed that the Marion Correctional Institute, located just outside the city limits of Marion, Ohio, be included in the marketing area.

This institution is under the direction of the Department of Mental Hygiene and Correction of the State of Ohio which requires that the fluid milk products that it purchases must be from Grade A sources. The present marketing area is covered by health regulations patterned after the U.S. Public Health Services Code for Grade A milk. The health requirements that cover the Marion Correctional Institute are the same as those that now apply throughout the marketing area.

The Marion Correctional Institute presently purchases its supply of milk on contracts awarded for a period of three months. In the past year North Central Ohio handlers have held the contract for six months. The other six months the contract was awarded to handlers regulated under the Columbus, Ohio, order. Prior to the past year North Central Ohio handlers served the institution in nearly all months.

In view of the health requirements of the Marion Correctional Institute, its location adjacent to a city of the marketing area, and the past history of sales by regulated handlers it is concluded that the North Central Ohio marketing area should be expanded to include the Marion Correctional Institute. Such action will prevent loss of sales historically associated with the market to handlers not subject to regulation of any order.

6. The shrinkage allowance on bulk tank deliveries. There should be no increase in the present shrinkage allowance for plants having all their milk supplies delivered in bulk tank trucks.

It was proposed that plants having their entire receipts of producer milk delivered by bulk tank trucks should have a shrinkage allowance of three percent. The present order provides for a two percent shrinkage allowance to all plants.

Handlers proposed the increase in the shrinkage allowance because there is sometimes a difference between the stick measurement at the farm and the actual weight of the milk taken in at the plant. However, the regulated plants under the North Central Ohio order receiving all their milk in bulk have not experienced more shrinkage on the average than plants receiving their milk in cans or in a combination of cans and bulk. In 1959 plants receiving their milk supplies in bulk experienced an average shrinkage of 1.42 percent of skim milk and 2.36 percent of butterfat; plants receiving their entire supply in cans had a shrinkage of 1.25 percent of skim milk and 2.41 percent of butterfat, and plants receiving both can and bulk milk experienced shrinkage of 1.41 percent of skim milk and 1.25 percent of butterfat. The market showed an average of a 1.37 percent loss on skim milk and 2.09 percent loss on butterfat during 1959. Past market experience has shown that the two percent allowance now provided in the order is appropriate. Therefore, it is concluded that the proposed increase in the shrinkage allowance should be denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome mil.., and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Central Ohio Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the North Central Ohio Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be further amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached

order amending the order, regulating the handling of milk in the North Central Ohio marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 20th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the North Central Ohio Marketing Area*

§ 995.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk (including milk of handlers own production), (b) other source milk allocated to Class I, and (c) Class I milk disposed of in the marketing area by a distributing plant not a pool plant.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the North Central Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

1. Delete § 995.5 and substitute therefor the following:

§ 995.5 North Central Ohio marketing area.

"North Central Ohio marketing area" hereinafter referred to as "marketing area" means all the territory within the corporate limits of the cities of Findlay, Marion and Tiffin, and territory within the boundaries of the counties of Allen and Richland and the Marion Correctional Institution, all in the State of Ohio.

§ 995.64 [Amendment]

2. In § 995.64 delete the pharse "October through December" and substitute therefor "September through November" (to be made effective on September 1, 1961).

3. Delete § 995.80 and substitute therefor the following:

§ 995.80 Plants subject to other Federal orders.

The provisions of this part except §§ 995.30, 995.31, 995.32, and 995.33 shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 995.9 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the North Central Ohio marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding, unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

[F.R. Doc. 60-5760; Filed, June 22, 1960; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1035]

[Docket No. AO-324]

MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Gardner Hotel, 26 Roberts Street, Fargo, North Dakota, beginning at 10:00 a.m., central daylight time, on July 12, 1960, and in the Clarence Parker Hotel, 100 First Avenue, S.E., Minot, North Dakota, beginning at 10:00 a.m., central standard time, on July 18, 1960, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Minnesota-North Dakota marketing area.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Cass-Clay Creamery, Inc., Central Minnesota Dairymen's Association, Jamestown Milk Producers Association, Minot Milk Producers Association, Red River Valley Milk Producers Association, Rolette County Dairymen's Association, Southern Valley Milk Producers Association, Thief River Falls Milk Producers Association, and Upper Missouri Milk Producers Association:

Proposal No. 1.

DEFINITIONS

§ 1035.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1035.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1035.3 Department.

"Department" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 1035.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1035.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 1035.6 Minnesota-North Dakota marketing area.

"The Minnesota-North Dakota marketing area", hereinafter called the "marketing area", means all the territory within the counties of Becker, Clay, Marshall, Norman, Pennington, Polk, and Wilkin, in the State of Minnesota; the counties of Barnes, Benson, Bottineau, Burleigh, Cass, Cavalier, Eddy, Foster, Grand Forks, Griggs, Kidder, La Moure, Logan, McHenry, Nelson, Pambina, Pierce, Ramsey, Ransom, Richland, Rolette, Sheridan, Steele, Stutsman, Towner, Traill, Walsh, Ward, and Wells, and the territory within the corporate limits of the cities of Mandan and Williston, all in the State of North Dakota.

§ 1035.7 Approved dairy farmer.

"Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received at an approved plant.

§ 1035.8 Producer.

"Producer" means an approved dairy farmer whose milk is received at a pool plant.

§ 1035.9 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1035.10 Supply plant.

"Supply plant" means a plant from which milk, skim milk or cream, which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 1035.12.

§ 1035.11 Approved plant.

"Approved plant" means a pool plant or a distributing plant which is not a pool plant.

§ 1035.12 Pool plant.

"Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authorities for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year: *And provided further*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

§ 1035.13 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1035.14 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants, or (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from an approved plant to a nonpool plant.

§ 1035.15 Producer-handler.

"Producer-handler" means any person who produces milk and who operates a distributing plant but who receives no milk from approved dairy farmers or from sources other than approved plants.

§ 1035.16 Approved milk.

"Approved milk" means the skim milk and butterfat contained in the milk received at an approved plant from an approved dairy farmer: *Provided*, That milk diverted from an approved plant to a nonpool plant for the account of either the operator of an approved plant or a cooperative association shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March milk diverted from the farm of an approved dairy farmer on more than the number of days that milk was delivered to an approved plant from such farm during the month shall not be deemed to have been received by the diverting handler at the plant from which diverted on such days.

§ 1035.17 Producer milk.

"Producer milk" means approved milk which is received at a pool plant.

§ 1035.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, sour cream, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 1035.19 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products and cottage cheese, ice cream and ice cream mix except (1) such products received from pool plants; or (2) approved milk; or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1035.20 Base milk.

"Base milk" means producer milk received by a pool plant during any of the months of January through June which is not in excess of such producer's daily average base computed pursuant to § 1035.95 multiplied by the number of days in such month for which such producer delivered milk to such pool plant.

§ 1035.21 Excess milk.

"Excess milk" means producer milk received by a pool plant during any of the months of January through June which is in excess of base milk received from such producer during such month.

§ 1035.22 Base zone.

"Base zone" means all the territory east of North Dakota State Highway No. 3.

§ 1035.23 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1035.25 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1035.26 Powers.

The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1035.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1035.88, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1035.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1035.30 and 1035.31 or payments pursuant to §§ 1035.80, 1035.81, 1035.82, 1035.84, 1035.86, 1035.87 and 1035.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, or by such investigation as the market administrator deems necessary, and

(j) Publicly announce and notify each handler in writing on or before: (1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1035.51(a) and the Class I butterfat differential pursuant to § 1035.52(a), both for the current month; and the minimum prices for Class II and Class III milk pursuant to § 1035.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 1035.52 (b) and (c) both for the preceding month; and (2) the 10th day after the end of each month, the uniform price pursuant to § 1035.72, the price for base milk pursuant to § 1035.72 and the butterfat differential to be paid pursuant to § 1035.81.

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests, the percentage of the milk caused to be delivered by the cooperative association or by its members to the pool plant of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 1035.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of approved milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1035.16;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1035.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer; (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days, if less than the entire month, for which milk was received from such producer, (iv) the average butterfat content of such milk and (v) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(2) On or before the first day other source milk is received in the form of any fluid milk product at his pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product;

(3) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(4) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1035.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to approved dairy farmers and cooperative associations including the amount and nature of any deductions authorized by producers, and the disbursement of money so deducted.

§ 1035.33 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1035.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1035.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1035.41 through 1035.46.

§ 1035.41 Classes of utilization.

Subject to the conditions set forth in § 1035.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of fluid milk products and (2) not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat used to produce cottage cheese, ice cream and ice cream mix.

(c) *Class III milk.* Class III milk shall be (1) skim milk and butterfat used to produce any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section; (2) skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month, and (3) skim milk and butterfat in shrinkage allocated to receipts of approved milk and other source milk (except milk diverted to a nonpool plant pursuant to § 1035.16) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 1035.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each approved plant; and,

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in approved milk and other source milk.

§ 1035.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1035.44 Transfers.

Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of fluid milk product to a pool plant of another handler, except a producer-handler, unless lower classification is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1035.30: *Provided*, That the receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat respectively: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant more than 150 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area;

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 150 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The transferring or diverting handler claims a lower classification in his report submitted to the market administrator pursuant to § 1035.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply from such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to the fluid milk products so transferred or diverted and classifies as Class I milk: *And provided further*, That if the total skim milk and butterfat in fluid milk products which were transferred by all handlers to such nonpool plant from plants subject to the classification and pricing provisions of this order and other orders issued pursuant to the Act, during the month is more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, assigned to Class I milk at an approved plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to this Act.

§ 1035.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each pool plant and shall compute the pounds of butterfat and skim milk in each class at such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids in the form of whole milk.

§ 1035.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1035.45, the market administrator shall determine the classification of producer milk at the pool plants of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk assigned to producer milk pursuant to § 1035.41(c)(2);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the Act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class III milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the Act;

(6) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 1035.44(a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class III milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining

pounds of skim milk in series beginning with Class III. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 1035.50 Basic formula price.

The higher of the prices computed pursuant to paragraphs (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

PRESENT OPERATOR AND LOCATION
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed pursuant to § 1035.51(c).

§ 1035.51 Class prices.

Subject to the provisions of § 1035.52 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40: *Provided*, That for milk received from dairy farmers to an approved plant outside the base zone the price shall be the basic formula for the preceding month, plus $1.90.

(b) *Class II milk price.* The Class II milk price shall be the Class III price for the month, plus 40 cents.

(c) *Class III milk.* The Class III price shall be determined by the market administrator as follows:

(1) Multiply the Chicago butter price by 4.24;

(2) Multiply by 8.2 the weighted average of carlot prices for nonfat dry milk solids for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month;

(3) Add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and

(4) Subtract 75.2 cents therefrom.

§ 1035.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1035.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the current month by 0.120.

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.115.

(c) *Class III milk.* Multiply the Chicago butter price for the current month by 0.110.

§ 1035.53 Location differentials to handlers.

For approved milk which is received at an approved plant located 60 miles or more from the Post Offices of Detroit Lakes and Thief River Falls, Minnesota, and Bismarck, Breckenridge, Grafton, Minot and Williston, North Dakota, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1035.51 shall be reduced by 10 cents for the first 75 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Detroit Lakes and Thief River Falls, Minnesota, and Bismarck, Breckenridge, Grafton, Minot and Williston, North Dakota: *Provided*, That for the purpose of calculating such location differential, fluid milk products which are transferred between approved plants shall be assigned to any remainder of Class III milk in the transferee-plant after making the calculations prescribed in § 1035.46(a)(4), and the comparable steps in § 1035.46(b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1035.54 Use of equivalent price.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISION

§ 1035.60 Producer-handlers.

Sections 1035.40 through 1035.46, 1035.50 through 1035.54, 1035.70 through 1035.73, and 1035.80 through 1035.89, shall not apply to a producer-handler.

§ 1035.61 Plants subject to other Federal orders.

The provisions of this order shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless: Such plant is qualified as a pool plant pursuant to § 1035.12(a) and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets (excluding pool plants) in the Minnesota-North Dakota marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1035.30) and allow verification of such reports by the market administrator.

§ 1035.62 Handler operating an approved plant which is not a pool plant.

Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to §§ 1035.80 to 1035.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computation of paragraph (a) of this section unless the handler elects the computation specified in paragraph (b) of this section.

(a) The product of the quantity of milk received by such handler which was (1) disposed of during the month in the marketing area on routes as Class I milk by the difference between the applicable Class I and the Class III prices or (2) used to produce cottage cheese, ice cream and ice cream mix so disposed of as Class II by the difference between the Class II and Class III prices.

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 1035.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

§ 1035.63 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk or Class II milk shall be any plus amount obtained by subtracting from the Class I price and the Class II price, adjusted by the Class I and Class II butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk;

(a) During the months of April, May and June the Class III price adjusted by the Class III butterfat differentials, and

(b) During the months of July through March, the uniform price adjusted by butterfat and location differentials.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1035.70 Computation of value of milk for each handler.

The value of approved milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1035.46(a)(9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount equal to the difference between the Class I and Class III prices or the Class II and Class III prices, respectively for the current month, for skim milk and butterfat in inventory which is subtracted from Class I or Class II pursuant to § 1035.46(a)(8) and the corresponding step of § 1035.46(b) which is not in excess of the skim milk and butterfat remaining in Class III milk in the previous month pursuant to § 1035.46 (a)(5) and the corresponding step of § 1035.46(b).

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1035.46(a) (2) and (3) and the corresponding step of (b), by the rate of payment on unpriced milk determined pursuant to § 1035.63 at the nearest nonpool plant from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any Class I products at a pool plant is not clearly established or if such skim milk is in the form of nonfat dry milk solids they shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 1035.71 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value from which to determine uniform prices per hundredweight for producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 1035.70 for all handlers who made the reports prescribed in § 1035.30 for such month, except those in default of payments required pursuant to § 1035.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result of the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1035.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 1035.72 Computation of uniform price.

For each of the months of July through December the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1035.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 1035.73 Computation of price for base milk.

For each of the months of January through June the market administrator shall compute a price per hundredweight for base milk received from producers as follows:

(a) From the aggregate value computed pursuant to § 1035.71 subtract an amount computed by multiplying the total pounds of excess milk included in these computations by the price for Class III milk of 3.5 percent butterfat content computed pursuant to § 1035.51(b);

(b) Divide the resulting sum by the total hundredweight of base milk included in these computations; and

(c) Subtract not less than 4 cents nor more than 5 cents per hundredweight from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "price for base milk" of 3.5 percent butterfat content.

PAYMENT FOR MILK

§ 1035.80 Time and method of payment.

On or before the 12th day after the end of each month, each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) For each of the months of July through December, both inclusive, to each producer for milk, for which payment is not made to a cooperative association pursuant to paragraph (c) of this section, at not less than the uniform price computed in accordance with § 1035.72 adjusted pursuant to §§ 1035.81, 1035.82, and 1035.87.

(b) For each of the months of January through June, both inclusive, to each producer for milk, for which payment is not made to a cooperative association pursuant to paragraph (c) of this section, at not less than the price for base milk computed in accordance with § 1035.73 with respect to base milk received from such producer, and at not less than the Class III price computed pursuant to § 1035.51(b) with respect to excess milk received from such producer, adjusted pursuant to §§ 1035.81, 1035.82 and 1035.87.

(c) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk, each handler shall pay to the cooperative association on or before the 13th and 26th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable for such producer milk. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(d) In making the payments to producers pursuant to paragraphs (a) and (b) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(3) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(4) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(5) The net amount of payment to such producer or cooperative association.

§ 1035.81 Butterfat differentials to producers.

The applicable uniform prices to be paid each producer pursuant to § 1035.80 shall be adjusted for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I, Class II, and Class III milk during the month pursuant to § 1035.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth of a cent.

§ 1035.82 Location differentials to producers.

(a) The uniform price for producer milk received at a pool plant located 60 miles or more from the Post Offices of Detroit Lakes and Thief River Falls, Minnesota, and Bismarck, Breckenridge, Grafton, Minot and Williston, North Dakota, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 10 cents for the first 75 miles or less and 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the Post Offices of Detroit Lakes and Thief River Falls, Minnesota, and Bismarck, Breckenridge, Grafton, Minot and Williston, North Dakota; and

(b) The uniform price for producer milk received at a pool plant outside the base zone shall be increased 40 cents.

§ 1035.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1035.84 and 1035.86 and out of which he shall make all payments to handlers pursuant to §§ 1035.85 and 1035.86: *Provided*, That the market administrator shall offset any

payment due any handler against payments due from such handler.

§ 1035.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1035.60 of such handler to producers for milk received at a pool plant is less than the value of such producer milk pursuant to § 1035.70: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

§ 1035.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation pursuant to § 1035.80 of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1035.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1035.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 1035.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days of such billing, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 1035.80, the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 1035.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payment to producers pursuant to § 1035.80 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received from producers and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and on or before the 15th day after the end of such month pay over such deductions to the cooperative association rendering such services.

§ 1035.88 Expenses of administration.

As his prorata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) producer milk, including such handler's own production, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1035.46, and (c) approved milk received at a nonpool plant: *Provided*, That if payment for such milk is not made pursuant to § 1035.80(b) the expense of administration payable pursuant to this section shall be applicable only to the Class I milk disposed of in the marketing area (except to a pool plant) from such plant.

§ 1035.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files pursuant to section 8c(15)(a) of the Act, a petition claiming such money.

Determination of Base

§ 1035.95 Daily base.

The daily base for each producer shall be the amount obtained by dividing the total pounds of producer milk received from such producer by all handlers during the months of August through November immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of November inclusive, less the number of days for which no deliveries are made, but not less than 100 days.

§ 1035.96 Base rules.

The following rules shall apply in connection with the establishment of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the months of August through November;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the first day of any month following receipt by the market administrator of an application for such transfer. Such application shall be on a form approved by the market administrator and shall be signed by the baseholder and by the person to whom such base is transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon receipt of such application signed by all joint holders.

(c) For each producer from whom milk was received by a handler on less than 100 days during the months of August to November, both inclusive, or who commences the delivery of milk to a handler during the months of January to June, the daily base shall be computed by multiplying his average daily deliveries during each of the months of January to June, both inclusive by the following percentages: January and February, 60 percent; March and April, 50 percent; and May and June, 40 percent.

(d) Any producer for whom a base has been established pursuant to paragraph (a) of this section, may relinquish such base for the following base period by notifying the market administrator prior to January 31 of each year. The daily base of such producers shall then be determined pursuant to paragraph (b) of this section.

§ 1035.97 Announcement of established bases.

On or before January 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer, of the daily base established by such producer.

Effective Time, Suspension or Termination

§ 1035.100 Effective time.

The provisions of this order or any amendment to this order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1035.101 Suspension or termination.

The Secretary may suspend or terminate this order or any provision of this order whenever he finds this order or any provision of this order obstructs or does not tend to effectuate the declared policy of the Act. This order shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1035.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 1035.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Miscellaneous Provisions

§ 1035.105 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

§ 1035.106 Separability of provisions.

If any provision of this order, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Proposed by the Land O'Lakes Creameries, Inc.:

Proposal No. 2. Amend § 1035.6 of the proposed order to read as follows:

§ 1035.6 Minnesota-North Dakota Marketing Area.

The Minnesota-North Dakota Marketing Area hereinafter called the "marketing area" means all territory within the counties of Becker, Clay, Kittson, Marshall, Norman, Otter Tail, Pennington, Red Lake, Wilkin, and Polk (except that portion of Polk county lying East of U.S. Highway #59), all in the State of Minnesota and Barnes, Benson, Bottineau, Burke, Burleigh, Cass, Cavalier, Dickey, Divide, Eddy, Foster, Grand Forks, Griggs, Kidder, La Moure, Logan, McHenry, McKenzie, McLean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Steele, Stutsman, Towner, Traill, Walsh, Ward, Williams, and Wells in North Dakota.

Proposal No. 3. Amend § 1035.22 of the proposed order to read as follows:

§ 1035.22 Price zones.

(a) Price zone A means all territory within an arc of 175 but less than 275 airline miles from the Courthouse, Duluth, Minnesota.

(b) Price zone B means all territory within an arc of 275 but less than 375 airline miles from the Courthouse, Duluth, Minnesota.

(c) Price zone C means all territory 375 or more airline miles from the Courthouse, Duluth, Minnesota.

Proposal No. 4. Add a new § 1035.24 to the proposed order to read as follows:

§ 1035.24 Plant.

"Plant" means the buildings, facilities, and equipment constituting a single operating unit or establishment whether owned or operated by one or more persons at which are maintained stationary holding tanks for milk, facilities and other equipment used during the month for the receiving, handling, or processing of milk or milk products provided that this definition shall not include any distribution point or any building, facilities, and equipment are used exclusively to transfer milk from one road vehicle to another.

Proposal No. 5. Amend § 1035.41 of the proposed order to read as follows:

§ 1035.41 Classes of utilization.

Subject to conditions set forth in § 1035.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products and

(2) Not accounted for as Class II milk.

(b) Class II milk shall be all:

(1) Skim milk (including skim milk equivalents of concentrated products) and butterfat used to produce cottage cheese, ice cream, ice cream mix and any other product other than those designated as Class I milk pursuant to paragraph (a) of this section.

(2) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month and;

(3) Skim milk and butterfat in shrinkage allocated to receipts of approved milk and other source milk (except milk diverted to a nonpool plant pursuant to § 1035.16 but not in excess of 2 percent such receipts of skim milk and butterfat respectively.

Proposal No. 6. Amend § 1035.50 of the proposed order to read as follows:

§ 1035.50 Class prices.

Subject to the provisions of § 1035.51, the class price per hundredweight shall be as follows for each respective price zone:

(a) *Class I milk prices.* (1) The price of Class I milk received f.o.b. plants in price zone A shall be the minimum announced price as determined for the month pursuant to Order #73 regulating the handling of milk in the Minneapolis, Minnesota, marketing area plus $_____ (amount to be developed at hearing).

(2) The price of Class I milk received f.o.b. plants in price zone B shall be the minimum announced price as determined for the month pursuant to Order #73 regulating the handling of milk in the Minneapolis, Minnesota, marketing area plus $_____ (amount to be developed at hearing).

(3) The price of Class I milk received f.o.b. plants in price zone C shall be the minimum announced price as determined for the month pursuant to Order #73 regulating the handling of milk in the Minneapolis, Minnesota, marketing area plus $_____ (amount to be developed at hearing).

(b) *Class II milk prices.* (1) The price for Class II milk received f.o.b. plants in price zone A shall be determined by the market administrator as follows:

(i) Multiply the Chicago butter price by 4.24.

(ii) Multiply by 8.2 the weighted average of car-lot price for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, by the Department; and

(iii) Add the amounts computed pursuant to sub-divisions (i) and (ii) of this subparagraph and

(iv) Subtract 78.2 cents therefrom, provided that the Class II price for milk received at plants in price zone B and C respectively, shall be determined by deducting 80.2 cents and 82.2 cents respectively, in lieu of 78.2 cents.

Proposal No. 7. Eliminate §§ 1035.51 and 1035.53 of the proposed order; and renumber §§ 1035.52 and 1035.54 as §§ 1035.51 and 1035.52 respectively.

Proposal No. 8. Amend paragraph (c) in § 1035.71 of the proposed order to read as follows:

(c) Subtract an amount equal to the sum obtained by multiplying the producer's milk received at plants in price zone C by $_____ (amount to be developed at hearing) and the sum obtained by multiplying the producer's milk received at plants in price zone B by $_____ (amount to be developed at hearing).

Proposal No. 9. Amend paragraph (b) in § 1035.72 of the proposed order to read as follows:

(b) Subtract not less than $0.04 nor more than $0.06 from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk received at plants in zone A. The uniform price for producer milk received at plant in zone B shall be such price plus $_____ (amount to be developed at hearing) and in zone C such price plus $_____ (amount to be developed at hearing).

Proposal No. 10. Eliminate § 1035.82 of the proposed order.

Proposed by the Lake Region Milk Producers Association:

Proposal No. 11. Amend § 1035.22 of the proposed order to read as follows:

§ 1035.22 Base zone.

"Base zone" means all the territory east of North Dakota State Highway No. 1.

Proposed by the Rugby Creamery Company:

Proposal No. 12. Include in the marketing area the North Dakota counties of Bottineau, Rolette, and Towner.

Proposed by the Fairmont Foods Company:

Proposal No. 13. Include in the marketing area Bottineau, Rolette, and Towner counties in North Dakota; and Mahnomen, Otter Tail, Red Lake, and Wadena counties in Minnesota.

Proposed by the Fergus Dairy:

Proposal No. 14. Include in the marketing area the counties of Otter Tail, Traverse, Big Stone, Grant, Stevens, Douglas, and Pope in Minnesota.

Proposed by Todd County Dairy Cooperative:

Proposal No. 15. Include Todd County, Minnesota, in the marketing area.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 20th day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-5759; Filed, June 22, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 426]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (sec. 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator by amending Amendment 132, 25 F.R. 3207. It has been determined that Amendment 132 should also be made applicable to Lockheed Model 1049E aircraft, the only Lockheed Model 1049 Series aircraft to which the amendment does not presently apply. The proposed amendment will accomplish this.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 25, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following:

NORTH AMERICAN. Applies to all T-28A aircraft certificated in the restricted category.

Compliance required as indicated.

In order to further safeguard against failure of crankshafts in flight, at the next engine overhaul but not later than July 1, 1961, steel torsional vibration damper crankshaft counterweights must be installed in all R-1300-1B engines and the crankshafts rebalanced in accordance with Wright Aeronautical Division Service Bulletin No. C7-75 (Change 63 of T.O. 2R-R1300-5).

Issued in Washington, D.C., on June 16, 1960.

B. PUTNAM,
Acting Director, Bureau of
Flight Standards.

[F.R. Doc. 60-5742; Filed, June 22, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 427]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring a crankshaft modification to North American T-28A aircraft R-1300-1B engines.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 25, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following:

Applies to all Lockheed 1049 Series and 1649A aircraft.

Issued in Washington, D.C., on June 16, 1960.

B. PUTNAM,
Acting Director, Bureau of
Flight Standards.

[F.R. Doc. 60-5741; Filed, June 22, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 428]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive covering requirements for inspection and balancing of Aeroproducts A6441FN-606 propeller blades installed on Lockheed 188 Series aircraft to minimize possible occurrence of propeller roughness or failure.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before July 25, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following:

AEROPRODUCTS. Applies to A6441FN-606 propellers installed on Lockheed 188 Series aircraft.

Compliance required as indicated.

As a result of investigations, it has been determined that the following must be accomplished to minimize the possible occurrence of propeller roughness and/or failures:

Not later than November 1, 1960, the thrust member thickness must be determined per Allison Propeller Bulletin 63-127. All blades that do not meet thrust member thickness as prescribed in Allison Propeller Bulletin 63-127 must be removed from service prior to further flight. Concurrently with this inspection all blades shall be classified aerodynamically per Allison Propeller Bulletin 63-125.

(Allison telegram to all operators dated May 19, 1960, and Allison Propeller Bulletins Nos. 63-125 and 63-127 cover this same subject.)

Issued in Washington, D.C., on June 17, 1960.

OSCAR BAKKE,
Director, Bureau of
Flight Standards.

[F.R. Doc. 60-5740; Filed, June 22, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13596; FCC 60-699]

STANDARD BROADCAST STATIONS

Notice of Inquiry

In the matter of inquiry into amendment of Part 3 of the Commission's rules and technical standards to permit standard broadcast stations to operate with full carrier and single sideband, Docket No. 13596 (RM-156).

1. On December 31, 1959, Kahn Research Laboratories, Inc., Freeport, Long Island, filed a petition for rule making (RM-156) requesting an amendment of Part 3 of the Commission's rules to permit standard broadcast stations to operate with a "compatible single-sideband system of modulation" known as CSSB.

2. In support of the request, petitioner urges that the adoption of its proposal would benefit both broadcasters and the public; that the single sideband transmission system will permit reception on existing receivers without any modification; that the resulting signal will be more listenable; and that the improvement over the present system has "been foreshadowed through voluminous data compiled by means of developmental broadcasting." Petitioner claims that the proposed mode of operation will result in improved high frequency response, increased signal to noise ratio, reduction in co-channel and adjacent channel interference, reduction in television receiver radiation interference, and reduction of certain types of fading distortion.

3. Several standard broadcast stations[1] have in the past been authorized to conduct experiments in order to test the CSSB system and to gather data regarding this type of operation in the standard broadcast band. This data and the information made available by the petitioner indicate that the proposal has sufficient merit to warrant further inquiry. However, they are not conclusive with regard to establishing the advantages claimed for the system and in some very important respects do not throw any light on the problems involved. For example, little information is available with respect to the advantage claimed in the reduction of selective fading. No information or data is available with respect to the potential of interference to other stations.

4. Before deciding upon the desirability of instituting rule making and in order to provide time in which parties may gather data and information necessary for such a proceeding, we believe that it would be appropriate and useful to afford all interested parties an opportunity to submit such data and views as they feel should be taken into account.

5. Written comments may be filed on or before September 30, 1960.

[1] KDKA, Pittsburgh, WSM, Nashville, WGBB, Freeport, L.I., WABC, New York, N.Y., and WMGM, New York, N.Y.

6. Authority for the institution of this proceeding is found in sections 303(c) and 403 of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

8. Data and views are desired, in particular, on the following issues:

(a) Is there a sufficient interest in single sideband operation in the broadcast band by the public and broadcasters to warrant the institution of rule making?

(b) What are the methods available for obtaining single sideband operation which are compatible with present operation, and what are the advantages and disadvantages of each?

(c) Are there any supporting data or measurements to support the claimed advantages and to evaluate the disadvantages of the methods?

(d) Is there a potential of greater interference to existing stations from such operation? If so, what means may be taken to reduce this interference to the level encountered by the present assignments and method of transmission, and with such reductions what are the advantages to these systems?

(e) What burdens are placed on existing receivers relative to tuning, bandwidth, quality, etc., in order to receive signals equal in quality to that possible under the present method of transmission?

(f) What parameters should be adopted in order to derive the maximum benefit of the proposed operation and to insure no greater level of interference to existing stations?

(g) What would be the effect on the coverage of a station operating under the proposed system and proposed standards?

(h) What co-channel and adjacent channel ratios of desired to undesired signals should be applied in the evaluation of proposals to utilize this system to insure that other stations will receive protection from interference equivalent to that afforded such stations by conventionally modulated stations under § 3.182(w) of the Commission's rules?

(i) In what respects is the proposed operation contrary to the terms of the North American Regional Broadcasting Agreement (NARBA)?

9. The comments should be in the form of technical data and measurements which in general may be obtained in a laboratory without the need for radiation through space. In the event radiation is necessary, consideration will be given to requests for experimentation for limited periods of time.

Adopted: June 15, 1960.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5782; Filed, June 22, 1960; 8:51 a.m.]

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[BDSA Delegation 1 as amended May 31, 1960]

DELEGATION OF AUTHORITY TO SECRETARY OF DEFENSE

1. *Authority.* This amended delegation of authority to the Secretary of Defense is issued pursuant to the Defense Production Act of 1950, as amended, Executive Order 10480 (18 F.R. 4939) as amended, Defense Mobilization Order I–7 (18 F.R. 5366) as amended, and Department of Commerce Order 152 (18 F.R. 6503) as amended.

2. *General.* The Secretary of Defense is delegated the authority to make allotments of controlled materials and to apply or assign to others the right to apply DO ratings and allotment numbers with respect to contracts and delivery orders to meet programs authorized by the Office of Civil and Defense Mobilization for or through the Department of Defense.

3. *Production and construction equipment.* (a) With respect to production equipment and construction equipment, the authority delegated to the Secretary of Defense to assign to others the right to apply DO ratings and allotment numbers is limited to: (1) Prime or subcontractors on orders for delivery of production equipment required to support authorized procurement programs of the Department of Defense or its delegate agencies, and (2) prime or subcontractors on orders for delivery of construction equipment for use on construction in Alaska and Hawaii and outside the other 48 States and the District of Columbia.

(b) The authority delegated by paragraph 3(a)(1) of this delegation for delivery of production equipment may be assigned to prime or subcontractors only where it is determined that they cannot otherwise obtain such equipment when needed to produce items to be delivered on rated orders.

(c) The authority delegated by paragraph 3(a)(2) of this delegation for delivery of construction equipment may be assigned to prime or subcontractors only where such equipment is to be used for construction projects and only if the following conditions are satisfied:

(1) Department of Defense reserve equipment is not available for the work;

(2) Construction by troops is not practical;

(3) The contractor is fully utilizing existing available equipment in the area;

(4) The equipment cannot be obtained in time without use of ratings; and

(5) Title to the equipment would vest in the United States, either at the time of purchase, at some time during the life of the contract, or upon completion of the contract.

(d) As used in this delegation, the term "construction equipment" means any item (exclusive of parts thereof) listed in List A of BDSA Order M–43A.

4. *Delivery scheduling.* The Secretary of Defense is also delegated the authority to reschedule deliveries of materials which are required in support of the following Department of Defense programs: Aircraft Program (A1), Missiles Program (A2), Ships Program (A3), Tank-Automotive Program (A4), Weapons Program (A5) and Ammunition Program (A6): *Provided,* That such authority shall be applicable (1) only to rescheduling of deliveries among rated orders or authorized controlled material orders bearing such program identifications, and (2) only to the extent that such rescheduling of deliveries requires no change in production schedules of the person making the deliveries.

5. *DX authority.* (a) The Secretary of Defense is also delegated the authority to apply or assign to others the right to apply DX ratings and DX allotment numbers to contracts and delivery orders to meet those programs designated as eligible for DX program rating by the Office of Civil and Defense Mobilization, including but not limited to research and development, construction and production under such programs.

(b) Subject to the following conditions, the Secretary of Defense is also delegated the authority to apply or assign to others the right to apply DX ratings and DX allotment numbers to contracts and delivery orders to meet programs other than those designated as eligible for DX program rating by the Office of Civil and Defense Mobilization:

(1) The Secretary of Defense will redelegate such authority to only the Assistant Secretary of Defense (Supply and Logistics) and the Assistant Secretary of Defense (Supply and Logistics) will redelegate such authority for use by only one other delegate within the Department of Defense.

(2) The use of DX ratings and DX allotment numbers will be limited to those cases in which the following determinations have been made: (i) The necessity for obtaining the materials or products is of such a compelling and urgent nature that failure to use a DX rating or a DX allotment number will result in serious dislocation of military programs; and (ii) the extreme urgency for materials or products does not permit utilization of coordinated authorization procedures for the issuance of DX ratings and DX allotment numbers established within BDSA; and (iii) the materials or products cannot be obtained when needed by the use of DO ratings and non-DX allotment numbers.

(3) The Department of Defense will furnish to the Office of Industrial Mobilization, BDSA, immediately after issuance, a copy of each action authorizing the use of a DX rating or a DX allotment number.

6. *Limitations of authority.* (a) This delegation shall not be used for (1) direct procurement or contractors' purchase of construction equipment for use on construction within the United States and the District of Columbia except in Alaska or Hawaii; (2) civilian type items for resale in Military Exchanges or packaging for such items other than packaging for export of such items; or (3) material purchased from exclusively retail establishments except in emergency situations to prevent imminent stoppage.

(b) This delegation shall be exercised within the limits (1) of such program determinations or other quantitative restrictions as may be established by the Office of Civil and Defense Mobilization, (2) in accordance with regulations and orders of BDSA, and (3) in accordance with such instructions (including instructions to forms), record-keeping and reporting requirements and directives as may be issued from time to time by BDSA or, subject to the approval of BDSA, by the Secretary of Defense or the Assistant Secretary of Defense (Supply and Logistics).

7. *Certifications.* In making allotments of controlled materials and in applying ratings and allotment numbers, as the case may be, the certification prescribed by the appropriate regulation or order of BDSA shall be used. In assigning to others the right to exercise this authority, the following certification shall be used:

> By authority of the Business and Defense Services Administration, the right is hereby assigned to (description of scope of assignment).

This certification shall be authenticated with the signature of an authorized official of the Department of Defense or its delegate agency.

8. *Redelegations.* Subject to the specific limitations provided in this delegation, the authority granted by this delegation may be redelegated (a) within the Department of Defense, and (b) to agencies of the United States administering programs authorized by the Office of Civil and Defense Mobilization for or through the Department of Defense. No other redelegations of such authority shall be made without the prior written approval of the Business and Defense Services Administration. Any redelegations of such authority outside of the Department of Defense shall be made in writing and a copy thereof furnished to the Business and Defense Services Administration.

9. *Revocation.* All published supplements and all unpublished policy memoranda which were issued by the National Production Authority under NPA Delegation 1 or by the Business and Defense Services Administration under BDSA Delegation 1 are hereby revoked and superseded by this amended delegation.

This amended delegation shall take effect May 31, 1960.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM A. WHITE, Sr.,
Administrator.

[F.R. Doc. 60–5763; Filed, June 22, 1960; 8:49 a.m.]

[BDSA Delegation 2 as amended May 31, 1960]

DELEGATION OF AUTHORITY TO ATOMIC ENERGY COMMISSION

1. *Authority.* This amended delegation of authority to the Atomic Energy Commission is issued pursuant to the Defense Production Act of 1950, as amended, Executive Order 10480 (18 F.R. 4939) as amended, Defense Mobilization Order I–7 (18 F.R. 5366) as amended, and Department of Commerce Order 152 (18 F.R. 6503) as amended.

2. *General.* The Atomic Energy Commission is delegated the authority to make allotments of controlled materials and to apply or assign to others the right to apply DO ratings and allotment numbers with respect to contracts and delivery orders to meet programs authorized by the Office of Civil and Defense Mobilization for or through the Atomic Energy Commission.

3. *Construction equipment and materials and capital equipment.* With respect to construction equipment, construction materials and capital equipment, the authority delegated to the Atomic Energy Commission to assign to others the right to apply DO ratings and allotment numbers is limited to:

(a) Prime or subcontractors on orders for delivery of construction equipment specifically required to support authorized programs of the Atomic Energy Commission (1) where such equipment will be the property of the Atomic Energy Commission, (2) when there has been a determination that the contractor is fully utilizing his existing construction equipment to meet rated orders for construction and (3) when there has been a determination that the construction equipment cannot be obtained from Atomic Energy Commission reserves and that the contractor has exhausted all reasonable efforts to obtain new or used construction equipment on an unrated basis;

(b) Prime or subcontractors (except suppliers of electric power service) on orders for delivery of construction materials and capital equipment, except construction equipment, required by the contractor (1) for use in the construction (including maintenance, repair and operating supplies required for on-site construction operations) of a plant or facility or addition thereto which, upon completion, will be operated exclusively or primarily for Atomic Energy Commission purposes, or (2) for use in the operation of a plant or facility which is operated exclusively for Atomic Energy Commission purposes;

(c) Persons other than prime or subcontractors (except suppliers of electric power service) on orders for delivery of construction materials and capital equipment, except construction equipment, where the Atomic Energy Commission has determined in each case that the delivery of such materials or equipment on schedule is necessary and provides the only reasonable and practical means to meet authorized programs of the Atomic Energy Commission, and that such persons are making maximum use of plants or facilities otherwise available to meet Atomic Energy Commission requirements.

(d) As used in this delegation, the term "construction equipment" means any item (exclusive of parts thereof) listed in List A of BDSA Order M–43A.

4. *DX authority.* (a) The Atomic Energy Commission is also delegated the authority to apply or assign to others the right to apply DX ratings and DX allotment numbers to contracts and delivery orders to meet those programs designated as eligible for DX program rating by the Office of Civil and Defense Mobilization, including but not limited to research and development, construction and production under such programs.

(b) Subject to the following conditions, the Atomic Energy Commission is also delegated the authority to apply or assign to others the right to apply DX ratings and DX allotment numbers to contracts and delivery orders to meet programs other than those designated as eligible for DX program rating by the Office of Civil and Defense Mobilization:

(1) The Atomic Energy Commission will redelegate such authority to only its General Manager who will redelegate such authority to only the Director, Division of Construction and Supply, Atomic Energy Commission, and the Director, Division of Construction and Supply, Atomic Energy Commission, will redelegate such authority for use by only one other delegate within the Atomic Energy Commission.

(2) The use of DX ratings and DX allotment numbers will be limited to those cases in which the following determinations have been made: (i) The necessity for obtaining the materials or products is of such a compelling or urgent nature that failure to use a DX rating or a DX allotment number will result in serious dislocation of construction or operating programs; and (ii) the extreme urgency for materials or products does not permit utilization of coordinated authorization procedures for the issuance of DX ratings and DX allotment numbers established within BDSA; and (iii) the materials or products cannot be obtained when needed by the use of DO ratings and non-DX allotment numbers.

(3) The Atomic Energy Commission will furnish to the Office of Industrial Mobilization, BDSA, immediately after issuance, a copy of each action authorizing the use of a DX rating or a DX allotment number.

5. *Limitations of authority.* (a) This delegation shall not be used for material purchased from exclusively retail establishments except in emergency situations to prevent imminent stoppage.

(b) This delegation shall be exercised within the limits of such program determinations or other quantitative restrictions as may be established by the Office of Civil and Defense Mobilization, in accordance with regulations and orders of BDSA, and in accordance with such instructions (including instructions to forms), record-keeping and reporting requirements, and directives as may be issued from time to time by BDSA.

6. *Certifications.* In making allotments of controlled materials and in applying ratings and allotment numbers, as the case may be, the certification prescribed by the appropriate regulation or order of BDSA shall be used. In assigning to others the right to exercise this authority, the following certification shall be used:

> By authority of the Business and Defense Services Administration, the right is hereby assigned to (description of scope of assignment).

This certification shall be authenticated with the signature of an authorized official of the Atomic Energy Commission or its delegate agency.

7. *Redelegations.* Subject to the specific limitations provided in this delegation, the authority granted by this delegation may be redelegated (a) within the Atomic Energy Commission, and (b) to agencies of the United States administering programs authorized by the Office of Civil and Defense Mobilization for or through the Atomic Energy Commission. No other redelegations of such authority shall be made without the prior written approval of the Business and Defense Services Administration. Any redelegations of such authority outside of the Atomic Energy Commission shall be made in writing and a copy thereof furnished to the Business and Defense Services Administration.

8. *Revocation.* All published supplements and all unpublished policy memoranda which were issued by the National Production Authority under NPA Delegation 1 or by the Business and Defense Services Administration under BDSA Delegation 1 are hereby revoked and superseded by this amended delegation.

This amended delegation shall take effect May 31, 1960.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM A. WHITE, Sr.,
Administrator.

[F.R. Doc. 60–5764; Filed, June 22, 1960; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–11495 etc.]

SOUTHWESTERN OIL & REFINING CO. ET AL.

Notice of Severance

JUNE 17, 1960.

Southwestern Oil & Refining Company, (Operator), et al., Docket No. G–11495, etc.; Western Natural Gas Company, et al., Docket No. G–16760; Reese E. Carter (Operator), et al., Docket No. G–17298; Arkansas Fuel Corporation (Operator),

et al., Docket No. G–17403; Argo Oil Corporation, Docket No. G–17411; The Superior Oil Company, Docket No. G–17412; Francis A. Callery, Docket No. G–17416; Union Oil Company of California, Docket No. G–17456; Trice Production Company (Operator), et al., Docket No. G–17467; Petroleum, Inc. (Operator), et al., Docket No. G–17468; Pan American Petroleum Corporation, Docket No. G–17511; Delta Drilling Company (Operator), et al., Docket No. G–18135; Robert B. Prentice, et al., Docket No. G–18710; Shell Oil Company, Docket No. G–19044; Kerr-McGee Oil Industries, Inc., Docket No. G–19307; Union Oil Company of California, Docket No. G–19333; Standard Oil Company of California, Docket No. CI60–333.

Notice is hereby given that the applications filed by the respective Applicants, as listed above, beginning with Western Natural Gas Company, et al., Docket No. G–16760 and ending with Standard Oil Company of California, Docket No. CI60–333, heretofore scheduled for hearing to be held on June 30, 1960, at 9:30 a.m., e.d.s.t., in the above-entitled consolidated proceedings, are severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5744; Filed, June 22, 1960; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 6]

ALASKA

Notice of Filing of Alaska Protraction Diagrams, Fairbanks Land District

JUNE 16, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

COPPER RIVER MERIDIAN—FOLIO NO. 4

Sheet No.	
4.	Ts. 9 through 12 N., Rs. 9 through 10 W.
5.	Ts. 9 through 12 N., Rs. 5 through 8 W.
6.	Ts. 9 through 12 N., Rs. 1 through 4 W.
7.	Ts. 5 through 8 N., Rs. 1 through 4 W.
8.	Ts. 5 through 8 N., Rs. 5 through 8 W.
9.	Ts. 5 through 8 N., Rs. 9 through 11 W.
10.	Ts. 1 through 4 N., Rs. 9 through 11 W.
11.	Ts. 1 through 4 N., Rs. 5 through 8 W.
12.	Ts. 1 through 4 N., Rs. 1 through 4 W.

Cover sheet showing location map and index.

FAIRBANKS MERIDIAN—FOLIO NO. 6

Sheet No.	
1.	Ts. 37 N., Rs. 17 through 20 W.
2.	Ts. 37 N., Rs. 21 through 24 W.
3.	Ts. 33 through 36 N., Rs. 21 through 24 W.
4.	Ts. 33 through 36 N., Rs. 17 through 20 W.
5.	Ts. 29 through 32 N., Rs. 17 through 20 W.
6.	Ts. 29 through 32 N., Rs. 21 through 24 W.
7.	Ts. 25 through 28 N., R. 25 W.
8.	Ts. 25 through 28 N., Rs. 21 through 24 W.
9.	Ts. 25 through 28 N., Rs. 17 through 20 W.
10.	Ts. 21 through 24 N., Rs. 17 through 20 W.
11.	Ts. 21 through 24 N., Rs. 21 through 24 W.
12.	Ts. 21 through 24 N., R. 25 W.
13.	Ts. 17 through 20 N., R. 25 W.
14.	Ts. 17 through 20 N., Rs. 21 through 24 W.
15.	Ts. 17 through 20 N., Rs. 17 through 20 W.

Cover sheet showing location map and index.

FAIRBANKS MERIDIAN—FOLIO NO. 8

Sheet No.	
1.	Ts. 13 through 16 N., Rs. 29 through 32 E.
2.	Ts. 13 through 16 N., Rs. 25 through 28 E.
3.	Ts. 13 through 16 N., Rs. 21 through 24 E.
4.	Ts. 13 through 16 N., Rs. 17 through 20 E.
5.	Ts. 9 through 12 N., Rs. 17 through 20 E.
6.	Ts. 9 through 12 N., Rs. 21 through 24 E.
7.	Ts. 9 through 12 N., Rs. 25 through 28 E.
8.	Ts. 9 through 12 N., Rs. 29 through 32 E.
9.	Ts. 5 through 8 N., R. 33 E.
10.	Ts. 5 through 8 N., Rs. 29 through 32 E.
11.	Ts. 5 through 8 N., Rs. 25 through 28 E.
12.	Ts. 5 through 8 N., Rs. 21 through 24 E.
13.	Ts. 5 through 8 N., Rs. 17 through 20 E.
14.	Ts. 1 through 4 N., Rs. 17 through 20 E.
15.	Ts. 1 through 4 N., Rs. 21 through 24 E.
16.	Ts. 1 through 4 N., Rs. 25 through 28 E.
17.	Ts. 1 through 4 N., Rs. 29 through 32 E.
18.	Ts. 1 through 4 N., R. 33 E.
19.	Ts. 1 through 4 S., R. 33 E.
20.	Ts. 1 through 4 S., Rs. 29 through 32 E.
21.	Ts. 1 through 4 S., Rs. 25 through 28 E.
22.	Ts. 1 through 4 S., Rs. 21 through 24 E.
23.	Ts. 1 through 4 S., Rs. 17 through 20 E.
24.	Ts. 5 through 8 S., Rs. 17 through 20 E.
25.	Ts. 5 through 8 S., Rs. 21 through 24 E.
26.	Ts. 5 through 8 S., Rs. 25 through 28 E.
27.	Ts. 5 through 8 S., Rs. 29 through 32 E.
28.	Ts. 5 through 8 S., Rs. 33 through 34 E.

Cover sheet showing location map and index.

FAIRBANKS MERIDIAN—FOLIO NO. 9

Sheet No.	
1.	Ts. 1 through 4 S., Rs. 13 through 16 E.
2.	Ts. 1 through 4 S., Rs. 9 through 12 E.
3.	Ts. 1 through 4 S., Rs. 5 through 8 E.
8.	Ts. 5 through 8 S., Rs. 13 through 16 E.
9.	Ts. 9 through 12 S., Rs. 13 through 16 E.
11.	Ts. 9 through 12 S., Rs. 5 through 8 E.
12.	Ts. 9 through 12 S., Rs. 1 through 4 E.
13.	Ts. 13 through 16 S., Rs. 1 through 4 E.
14.	Ts. 13 through 16 S., Rs. 5 through 8 E.
15.	Ts. 13 through 16 S., Rs. 9 through 12 E.
16.	Ts. 13 through 16 S., Rs. 13 through 16 E.
17.	Ts. 17 through 20 S., Rs. 13 through 16 E.
18.	Ts. 17 through 20 S., Rs. 9 through 12 E.
19.	Ts. 17 through 20 S., Rs. 5 through 8 E.
20.	Ts. 17 through 20 S., Rs. 1 through 4 E.
21.	Ts. 21 through 22 S., Rs. 1 through 4 E.
22.	Ts. 21 through 22 S., Rs. 5 through 8 E.
23.	Ts. 21 through 22 S., Rs. 9 through 12 E.
24.	Ts. 21 through 22 S., Rs. 13 through 16 E.

Cover sheet showing location map and index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager,
Fairbanks Land Office.

[F.R. Doc. 60–5765; Filed, June 22, 1960; 8:49 a.m.]

[Notice 8]

ALASKA

Notice of Filing of Alaska Protraction Diagrams, Fairbanks Land District

JUNE 1, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

FAIRBANKS MERIDIAN—FOLIO NO. 8

Sheet No.	
1.	Ts. 13 through 16 N., Rs. 29 through 32 E.
2.	Ts. 13 through 16 N., Rs. 25 through 28 E.
3.	Ts. 13 through 16 N., Rs. 21 through 24 E.
4.	Ts. 13 through 16 N., Rs. 17 through 20 E.
5.	Ts. 9 through 12 N., Rs. 17 through 20 E.
6.	Ts. 9 through 12 N., Rs. 21 through 24 E.
7.	Ts. 9 through 12 N., Rs. 25 through 28 E.
8.	Ts. 9 through 12 N., Rs. 29 through 32 E.
9.	Ts. 5 through 8 N., R. 33 E.
10.	Ts. 5 through 8 N., Rs. 29 through 32 E.
11.	Ts. 5 through 8 N., Rs. 25 through 28 E.
12.	Ts. 5 through 8 N., Rs. 21 through 24 E.
13.	Ts. 5 through 8 N., Rs. 17 through 20 E.
14.	Ts. 1 through 4 N., Rs. 17 through 20 E.
15.	Ts. 1 through 4 N., Rs. 21 through 24 E.
16.	Ts. 1 through 4 N., Rs. 25 through 28 E.
17.	Ts. 1 through 4 N., Rs. 29 through 32 E.
18.	Ts. 1 through 4 N., R. 33 E.
19.	Ts. 1 through 4 S., R. 33 E.
20.	Ts. 1 through 4 S., Rs. 29 through 32 E.
21.	Ts. 1 through 4 S., Rs. 25 through 28 E.
22.	Ts. 1 through 4 S., Rs. 21 through 24 E.
23.	Ts. 1 through 4 S., Rs. 17 through 20 E.
24.	Ts. 5 through 8 S., Rs. 17 through 20 E.
25.	Ts. 5 through 8 S., Rs. 21 through 24 E.
26.	Ts. 5 through 8 S., Rs. 25 through 28 E.
27.	Ts. 5 through 8 S., Rs. 29 through 32 E.
28.	Ts. 5 through 8 S., Rs. 33 through 34 E.

Cover sheet showing location map and index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager,
Fairbanks Land Office.

[F.R. Doc. 60–5746; Filed, June 22, 1960; 8:45 a.m.]

ALASKA

Notice of Filing of Plat of Survey for Administrative Needs in Future Disposition

JUNE 17, 1960.

1. Plat of extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m. July 1, 1960.

SEWARD MERIDIAN

T. 1 N., R. 1 W.,
Sec. 11: E½E½SE¼SE¼;
Sec. 28: E½.

Containing 330 acres.

2. The land is located in the Chugach National Forest near Seward, Alaska. The East ½ of Section 28 lies on the steep east slope of Iron Mountain, except a narrow portion along the east boundary, which is nearly level delta land. The Resurrection River crosses the northeastern portion of the section. The cover is spruce timber on the mountain slope, cottonwood and alder undergrowth on the low land. The soil varies from silt, sand and gravel to shale.

In section 11, the portion surveyed is the E½E½SE¼SE¼ which is patented land and crossed from northeast to southwest by Salmon Creek. The land is level to gently rolling, and is covered with spruce and hemlock, alder and berrybush undergrowth. The soil is brown loam.

3. This survey was made to serve certain administrative needs in connection with the future disposition of lands under public land laws.

IRVING W. ANDERSON,
Manager,
Anchorage Land Office.

[F.R. Doc. 60–5747; Filed, June 22, 1960; 8:45 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Army has filed an application, Serial Number A. 052010 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for the Department of the Army. The applicant desires the land for construction of a small-boat basin at Dillingham.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Cordova Building, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: The land is located in the Third Judicial Division, State of Alaska, and is bounded and described as follows:

Beginning at Corner No. 3 of U.S. Survey No. 2874; thence north along the boundary of said survey 379.50 feet, more or less, to Corner No. 4 of said Survey, being on the south right-of-way line of a public road; thence tracing said right-of-way line in a northwesterly direction 14 feet; thence S. 26°01' W., 110 feet; thence S. 82°36' W., 450 feet, more or less, to a point on the mean high water line of Scandinavian Slough; thence southeasterly tracing said mean high water line 278 feet, more or less, to M.C. No. 2 of U.S. Survey No. 2874; thence east along the boundary of U.S. Survey No. 2874 347.16 feet, more or less, to the Point of Beginning.

Containing 2.67 acres, more or less.

L. T. MAIN,
Operations Supervisor.

[F.R. Doc. 60–5748; Filed, June 22, 1960; 8:45 a.m.]

[Classification 106]

NEVADA

Small Tract Classification; Amendment

1. Effective June 16, 1960, Federal Register Document 55–2285 appearing on pages 1704 thru 1706 of the issue for March 11, 1955, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 23 S., R. 61 E.,
Sec. 6, S½NW¼NE¼.

Containing 20 acres.

2. The lands are located in the Las Vegas Valley approximately 12 miles due south of Las Vegas in Clark County, Nevada. Elevation of these lands approximates 2,500 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. Topography ranges from level to rolling with soils varying from sands to gravel.

3. The land has been determined to be appropriated under the United States mining laws.

E. J. PALMER,
State Supervisor.

JUNE 16, 1960.

[F.R. Doc. 60–5749; Filed, June 22, 1960; 8:46 a.m.]

[Washington 03920]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

JUNE 14, 1960.

In Federal Register Document 60–4948, June 2, 1960, at page 4889, the description of the land involved is corrected as follows:

The tract described as "T. 17 N., R. 10 E., W.M. Sec. 26, SE¼SW¼NE¼", is corrected to read "T. 17 N., R. 10 E., W.M. Sec. 26, SE¼SW¼SW¼NE¼".

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 60–5766; Filed, June 22, 1960; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 22]

CERTAIN CLASSES AND TYPES OF NAVAL VESSELS

Navigational Light Waivers

Certificate of the Secretary of the Navy under sections 143a and 360, Title 33 of United States Code.

All ships are warned that, if U.S. naval vessels are met on the high seas or on navigable waters of the United States during periods when navigational lights may be displayed, they may expect that certain navigational lights of some naval vessels may vary from the requirements of the Regulations for Preventing Collisions at Sea, 1948, 33 U.S. Code sections 144 to 147d, and rules applicable to the navigable waters of the United States, as to number, position, range of visibility or arc of visibility. These differences are necessitated by reasons of military function or special construction of the naval ships. An example is the aircraft carrier where the two white lights are in most instances on the island superstructure considerably displaced from the center or keel line of the vessel when viewed from ahead. Certain other naval vessels cannot comply with the horizontal separation requirements of the white lights, and the two white lights on even large naval vessels, such as some cruisers, will thus appear to be crowded together when viewed from a distance. Other naval vessels may also have unorthodox navigational light arrangements or characteristics when seen either underway or at anchor.

Naval vessels may also be expected to display certain other lights. These lights include, but are not limited to, different colored recognition light signals, landing lights on carriers, pulsating red lights to indicate speed to other naval ships, and green lights to indicate minesweeping operations. These lights may sometimes be shown in combination with navigational lights.

During peacetime naval maneuvers, naval ships, alone or in company, may also dispense with showing any lights, though efforts will be made to display lights on the approach of shipping.

33 U.S. Code, section 143a and 360, provides that the requirements of the Regulations for Preventing Collisons at Sea, 1948, the Inland Rules, the Great Lakes Rules, and the Western River Rules, as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels, shall not apply to any vessel or class of vessels of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction or purpose, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to lights.

This waiver certificate consolidates and supersedes all previously approved waivers and includes additional information on waivers. It has been determined that, because of their construction, it is not possible for the classes or types of naval vessels, as hereinafter listed in the attached tabulation, which is made a part hereof, to comply with all of the requirements of the statutes enumerated in sections 143a and 360, Title 33, United States Code.

Now, therefore, I, Fred A. Bantz, Acting Secretary of the Navy, do hereby find and certify that these classes or types of vessels are naval vessels of special construction and that with respect to

the position of those certain navigation lights listed on such classes or types of vessels, it is not possible to comply with the requirements of the statutes enumerated in sections 143a and 360, Title 33, United States Code.

Further, I do find and certify that the aforesaid navigation lights where listed conform as closely as feasible to the applicable statutory requirements.

I withdraw herewith all previous certifications issued by me prior to the effective date of this certificate.

I do specify that the effective date of this certificate is June 9, 1960.

Dated at Washington, D.C., this June 9, 1960.

[SEAL] F. A. BANTZ,
Acting Secretary of the Navy.

TABLE ONE

Vessel class or type	Distance in feet of the forward 20-point white light below minimum required height (based on requirements of International Rule 2(a)(iii))	Distance in feet below minimum required vertical separation between forward and after 20-point white lights (based on requirements of International Rule 2(a)(iii))	Ratio of horizontal to vertical separation of the two 20-point white lights (based on International Rule 2(a)(iii) which requires ratio of 3.0 to 1)	Minimum distance horizontally in feet between forward and after 20-point white lights
CRUISERS				
CA (Heavy Cruiser) CAG (Guided Missile Heavy Cruiser). CG(N) (Guided Missile Cruiser). CL (Light Cruiser) CLG (Guided Missile Light Cruiser).	None	None	0.9 or greater to 1	29 or greater.
AIRCRAFT CARRIERS				
T-AKV (MSTS Auxiliary Cargo Ship). LPH (Amphibious Assault Ship). CVA (Attack Aircraft Carrier) CVS (ASW Support Aircraft Carrier).	11 or less	2 or less	0.7 or greater to 1	20 or greater.
AUXILIARIES				
ADG (Degaussing Vessel) AG (Miscellaneous) AGB (Icebreaker) AGS (Surveying Ship) AKS (General Stores Issue Ship). AN (Net Laying Ship) APB (Self-Propelled Barracks Ship). ARSD (Salvage Lifting Vessel) AVB (Advanced Aviation Base Ship). AVM (Guided Missile Ship) AVP (Small Seaplane Tender)	40 or less	3 or less	0.9 or greater to 1	19 or greater.
DESTROYERS				
DD (Destroyer) DDE (Escort Destroyer) DDG (Guided Missile Destroyer). DDR (Radar Picket Destroyer). DL (Frigate) DLG (Guided Missile Frigate)	18 or less	3 or less	0.9 or greater to 1	17 or greater.
AMPHIBIOUS WARFARE VESSELS				
APD (High Speed Transport) IFS (Inshore Fire Support Ship). LSD (Dock Landing Ship) LST (Tank Landing Ship) LSM (Medium Landing Ship)	40 or less	5 or less	1.0 or greater to 1	21 or greater.
PATROL VESSELS				
DE (Escort Vessel) DER (Radar Picket Escort Vessel). PC (Submarine Chaser) PCE (Escort) PCER (Rescue Escort)	17 or less	5 or less	1.0 or greater to 1	19 or greater.
MINE VESSELS				
MHC (Minehunter Coastal) MSF (Minesweeper Fleet) MSO (Minesweeper Ocean)	16 or less	3 or less	0.6 or greater to 1	8 or greater.
SERVICE VESSELS				
YG (Garbage Lighter Self-Propelled). YV (Drone Aircraft Catapult Control Craft). Self-Propelled Crane (No hull classification).	16 or less	5 or less	0.6 or greater to 1	12 or greater.

TABLE TWO

SUBMARINES

(a) One, twenty-point white light is generally carried in the forward part of the vessel and will not be less than 15 feet above the hull. This light is visible over a maximum arc of 27 points, that is from right ahead to 5½ points (62 degrees) abaft the beam on either side.

(b) A second, twenty-point or other white light is not installed.

(c) Side lights may be visible simultaneously across the bow. The side lights may also be visible 30 degrees abaft the beam.

(d) Not-under-command lights are not installed.

(e) The white light showing to the stern will be visible over a maximum arc of 23 points of the compass, that is from right astern to 11½ points (approximately 126 degrees) to either side. This light is not installed at the stern but may be located from 20 to 190 feet forward of the stern.

(f) The forward anchor light is installed at a height not less than six feet above the hull, and the after anchor light is installed at a height of not less than five feet lower than the forward anchor light; however, it is not installed at the extreme stern of the ship.

NOTES

1. The after range light when carried by naval vessels is a 20-point white light as required by International Rule 2(a)(ii).

2. The arc of visibility of the after 20-point white light on certain heavy cruisers (CA) may be obstructed by as much as one point when viewed from ahead.

3. On aircraft carriers (CVA and CVS) and aircraft carrier types (LPH and T-AKV), the following additional variations exist:

a. The two 20-point white lights are located at a maximum distance of 89 feet to the left of the keel line when viewed from ahead. (This distance is measured perpendicularly from the keel line to the two white lights.)

b. The forward anchor lights are located at a maximum of 8 feet vertically below the uppermost continuous deck (two lights at the same level). These lights are located forward and on either side of the vessel.

c. The after anchor lights are located a maximum of 31 feet vertically below the uppermost continuous deck (two lights at the same level). These lights are located aft and on either side of the vessel.

4. On certain utility landing craft (LCU) only one 20-point white light is installed and is located in the afterpart of the ship. Also in certain of these ships, the 20-point white light is located 11 feet or less to the left of the keel line when viewed from ahead.

5. On 94-feet aircraft rescue boats (no hull classification) and motor-torpedo boats (PT), the 20-point white light is located at a maximum of 14 feet below the required height (based on International Rule 2(a)(iii)).

6. On motor-torpedo boats (PT) the lower towing light is located at a maximum of 4 feet below the required height (based on International Rule 3(a)).

7. 57-feet minesweeping boats (MSB), 50-feet minesweepers (MS) and 36-feet minesweeping launches (MSL) when engaged in mine operations will carry the required day signals and underwater task lights (based on International Rule 4 (a) and (c)). However, the underwater task lights will be carried at a 3-feet separation on 36-feet minesweeping launches (MSL). Day shapes will be carried as follows:

36' MSL—15" diameter shape—1 foot separation of shapes.

50' MS—15" diameter shape—1 foot separation of shapes.

57' MSB—18" diameter shape—4 feet separation of shapes.

8. On self-propelled crane (no hull classification) considerable reduction in the all around visibility of anchor lights exists. Two sets of "not under command" lights are installed, one set on either side of the superstructure (based on International Rule 4(a)).

9. Great Lakes—Naval vessels operating on the Great Lakes shall carry their navigational lights and shapes at the positions complying with the Regulations for Preventing Collisions at Sea, 1948, except as follows. For naval vessels under 150 feet in length requiring only one white light under the Regulations for Preventing Collisions at Sea, 1948, an additional all around white light will be carried which in some cases may be carried less than 50 feet abaft the forward light. In addition, the after white range light required by Rule 3(c), Great Lakes Rules, is a 20-point white light, so fixed as to show the light 10 points on each side of the vessel, that is, from right ahead to two points abaft the beam on either side. These vessels will, however, carry the white light stern light required by Rule 10, Regulations for Preventing Collisions at Sea, 1948, to light the vessels aft. At anchor these vessels will display in lieu of the two lights forward and two lights aft, Rule 9, Great Lakes Rule, a single all around white anchor light forward and a single all around white anchor light aft located in accordance with Rule 11 (a) and (b), Regulations for Preventing Collisions at Sea, 1948, as modified for aircraft carriers and aircraft carrier types by Note 3 above. Submarines will be lighted as provided by Table Two.

[F.R. Doc. 60-5661; Filed, June 21, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13593; FCC 60-692]

MARK TWAIN BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Mark Twain Broadcasting Co., Hannibal, Missouri, Docket No. 13593, File No. BR-1141; for renewal of license of station KHMO.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of June 1960;

The Commission having under consideration (1) the above-entitled application; (2) the Commission's letters of May 7 and December 9, 1959, sent to the above-named applicant pursuant to section 309(b) of the Communications Act of 1934, as amended; and (3) the reply filed by the above applicant on February 15, 1960; and

It appearing that in its letters dated May 7 and December 9, 1959, the Commission notified the applicant of the grounds and reasons for the Commission's inability to make a finding that a grant of the above renewal application would serve the public interest, convenience or necessity; that the applicant was being afforded the opportunity to reply; and that in said reply, the applicant set forth the facts and reasons why it believed that said application should be granted; and

It further appearing that upon due consideration of the above application, Commission letters and licensee's reply, the Commission is unable to find that a grant of said application for renewal of license would serve the public interest, convenience or necessity; that, therefore, a hearing is required; and that no questions exist as to the qualifications of the applicant except as to the matters involved in the issues set forth below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above application for renewal of license is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the above-captioned applicant prepared and maintained its transmitter logs for Station KHMO in violation of the provisions of §§ 3.111 to 3.115, of the Commission's rules.

2. To determine whether, in connection with the above-captioned application (BR-1141) and its remote control application (BRC-1281) filed on September 2, 1958, the applicant herein submitted falsified and forged transmitter logs and other false and misleading information to the Commission.

3. To determine whether the applicant exercised reasonable licensee responsibility with respect to the maintenance of transmitter logs and, more particularly, in responding to the Commission's inquiry of May 7, 1959, relative to such log.

4. To determine whether, in light of the evidence adduced under the foregoing issues, the above-captioned applicant is qualified to be a broadcast licensee.

5. To determine whether, in light of the evidence adduced under the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience or necessity.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5777; Filed, June 22, 1960; 8:51 a.m.]

[Docket No. 13461; FCC 60M-1057]

J. P. BEACOM ET AL.

Order Continuing Hearing

In re application of J. P. Beacom (Transferor), and Thomas P. Johnson and George W. Eby (Transferee), Docket No. 13461, File No. BTC-3360; for consent to the relinquishment of positive control of WJPB-TV, Inc., permittee of station WJPB-TV, Weston, Virginia.

On the oral request of counsel for protestant WSTV, Inc. and without objection by counsel for the other parties:

It is ordered, This 17th day of June 1960, that the hearing now scheduled for June 20, 1960, is rescheduled for Tuesday, July 5, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5775; Filed, June 22, 1960; 8:50 a.m.]

[Docket No. 13594; FCC 60-695]

COLLEGE PARK BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Matter for Evidentiary Hearing

In re matter of assignment of call letters WEAS to College Park Broadcasting Company, Inc., for its standard broadcast station at College Park, Georgia, Docket No. 13594.

1. The Commission has before it for consideration (1) a Petition For Reconsideration, filed on April 1, 1960, pursuant to section 405 of the Communications Act of 1934, as amended, by WEAS, Inc. (petitioner hereinafter), licensee of standard broadcast Station WGUN, Decatur, Georgia (1010 kc, 50 kw, 10 kw (CR), D), directed against the Commission's action of March 3, 1960, in assigning the call letters WEAS to College Park Broadcasting Company, Inc. (College Park hereinafter), licensee of standard broadcast Station WEAS, College Park, Georgia (1570 kc, 1 kw, D); and (2) a reply thereto, filed by College Park on April 18, 1960.

2. Certain background information is helpful to an understanding of the instant matter. From 1947 to November 1959, WEAS, Inc. (petitioner herein) was the licensee of Station WEAS, Decatur, Georgia. In November 1959, at petitioner's request, the call letters were changed to WGUN. In March 1959, College Park began operation of its new station, WCPK at College Park, Georgia.

On March 3, 1960, pursuant to the request of College Park, the Commission assigned the call letters WEAS to replace the then existing call letters WCPK.

3. Petitioner alleges that the call letters "WEAS" should not have been assigned to College Park since the service areas of Stations WGUN and WEAS overlap; that both stations are in competition with each other, deriving their revenues from the same advertisers in Decatur, Atlanta, College Park, East Point, and other communities making up the metropolitan area of Atlanta; that although petitioner changed its call letters to WGUN, its corporate name remains the same, (WEAS, Inc.); that during the past 12 years, it has spent thousands of dollars building up the good will and audience rating of its station in the Atlanta market; that the assignment of its former call letters to another station in the same market within so short a period of time after it relinquished them will cause injury to it; that the confusion in the minds of the listeners in the area will seriously damage its audience rating and diminish its advertising revenues; that the mail of WEAS, Inc. and Station WEAS in College Park, is already becoming confused and involved; that further, since petitioner's legal corporate name still remains WEAS, Inc., any use of that name in a competitive business is a violation of the laws of the State of Georgia, of the United States of America, and is in conflict with Federal decisions; and that the Commission upon reconsideration vacate or stay the effective date of its action of March 3, 1960, in assigning the call letters "WEAS" to College Park and for such other relief as may be appropriate under the circumstances.

4. In reply to the above petition, College Park contends that there is no competition between WEAS and WGUN since WGUN primarily serves Atlanta listeners while WEAS serves College Park, East Point and Hapeville, Georgia; that the 2 mv/m contour of WEAS covers only a minor portion of the city of Atlanta; that the majority of the WEAS revenue comes from College Park, East Point and Hapeville; that there is believed to be no firm in these cities served by WEAS, which advertises over WGUN, nor any active soliciting for advertising in said cities, by WGUN; that petitioner, when it used the call letters "WEAS", specialised in what is known as the three R's in programming (rural, race and religion); that when petitioner changed its programming format drastically, it also changed its call letters to WGUN; that, on the other hand, WEAS, College Park is basically a popular music and news station, which is an entirely different type of programming; that accordingly, there cannot be any confusion in the minds of the listeners as to what station is being heard; that the difference in the city of identification also precludes confusion; that the mail of the two stations became confused only once and even then it was merely misdirected by the Post Office; that, moreover, the corporate name of WEAS, Inc. is not being infringed upon by the use of the call letters "WEAS" by College Park; that there is no property right in call letters once they have been discarded by a licensee; that an attempt to preserve two sets of call letters by using one corporate name and a different set of call letters should be precluded by the Commission; that the principal reason for changing the call letters from WCPK to WEAS was that "between the call letters and the city identification, at least two of these three communities [East Point and College Park] could be included"; that in view of the foregoing, the instant request of WGUN must be considered improper.

5. We first consider whether petitioner has standing pursuant to section 405 of the Communications Act of 1934, as amended, to seek reconsideration of the Commission's action of March 3, 1960. College Park contends that the assignment of call letters is not a "decision, order or requirement * * * made by the Commission in any proceeding" and accordingly, petitioner, as a matter of law, has no standing to file this petition. This contention is without merit for the Commission in the case of In re Matter of Valley Broadcasting Co. (KWOW), 13 Pike and Fischer RR 208a, 208d, stated "* * * We are prepared to assume for the purposes of the case before us, that the issuance of call letters is a 'decision, order or requirement' within the meaning of section 405 of the Act and that such action may be the subject of a petition for reconsideration." Moreover, in view of the facts that WGUN is an existing station contending that there is an overlap of the primary service areas of Stations WGUN and WEAS and since petitioner has made a sufficient showing to establish that it is a "person aggrieved or whose interests are adversely affected" by said call letter assignment, within the meaning of section 405 of the Communications Act of 1934, as amended, we find that petitioner has the requisite standing to file the instant Petition for Reconsideration pursuant to said section. In re Matter of Valley Broadcasting Co. (KWOW), supra; See also Intercontinental Broadcasting Corp., 17 Pike and Fischer RR 588 (1958).

6. Commission records indicate that the 2 mv/m contour of Station WEAS, College Park, lies entirely within the 2 mv/m contour of Station WGUN, Decatur; that, accordingly, the area being primarily served by WEAS is also within the primary service area of WGUN; and that said area includes College Park, East Point, and Hapeville as well as the southernmost portion of the metropolitan district of Atlanta, Georgia. In view of the fact that WGUN operated within the area which is presently being served by the College Park station for approximately 12 years, under the call letters WEAS, the Commission is of the opinion that a substantial question obtains as to whether WEAS should change its call letters to avoid confusion. Accordingly, we believe that the matter should be designated for hearing on the issue specified below and that the burden of proceeding on said issue, with respect to the introduction of evidence and proof will rest upon the College Park Broadcasting Company, Inc., licensee of Station WEAS, College Park, Georgia. We do not, however, believe that we should stay the effective date of our action of March 3, 1960, in assigning the call letters "WEAS" to College Park.

7. In view of the foregoing: *It is ordered*, That, pursuant to section 405 of the Communications Act of 1934, as amended, petitioner's instant petition for reconsideration of the above-referenced assignment of call letters "WEAS" is granted to the extent provided for below and is denied in all other respects; that said assignment of call letters is designated for evidentiary hearing at the offices of the Commission in Washington, D.C., on the following issue: To determine whether the call letters WEAS, used by Station WGUN, at Decatur, Georgia, until November 1959, and assigned to College Park Broadcasting Company, Inc., on March 3, 1960, for its standard broadcast station at College Park, Georgia, results in confusion, and if so, whether the public interest requires that the College Park Broadcasting Company, Inc., select new call letters.

It is further ordered, That, the burden of proceeding with the introduction of evidence and the burden of proof on the issue shall be on College Park Broadcasting Company, Inc.

It is further ordered, That WEAS, Inc., is hereby made a party to the proceeding herein and that:

1. The appearances by the parties intending to participate in the hearing shall be filed not later than July 12, 1960.

2. The hearing on the above issue is to commence at a time and place and before an examiner to be specified in a subsequent order.

3. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

Adopted: June 15, 1960.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5776; Filed, June 22, 1960; 8:50 a.m.]

[Docket No. 13593; FCC 60M-1049]

MARK TWAIN BROADCASTING CO.

Order Scheduling Hearing

In re application of Mark Twain Broadcasting Company, Hannibal, Missouri, Docket No. 13593, File No. BR-1141; for renewal of license of station KHMO.

It is ordered, This 17th day of June 1960, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 7, 1960, in Washington, D.C.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5778; Filed, June 22, 1960; 8:51 a.m.]

[Docket No. 13595; FCC 60-697]

PACIFIC BROADCASTERS CORP.

Order Designating Application for Hearing on Stated Issues

In re application of Pacific Broadcasters Corporation, Bakersfield, California, Docket No. 13595, File No. BMPCT-5448; for extension of time to complete construction of television station KBFL.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of June 1960;

The Commission having under consideration the above-captioned application of Pacific Broadcasters Corporation for an extension of time to complete construction of Television Station KBFL, Channel 39, Bakersfield, California; and

It appearing that on December 10, 1958, the Commission granted the application (BPCT-2492) of Pacific Broadcasters Corporation for a permit to construct a new television broadcast station on Channel 39 at Bakersfield; that said action was protested on January 12, 1959; that as a result the application was designated for Oral Argument (Docket No. 12785) and the effective date of the grant postponed; that the Commission's decision denying the protest and affirming the grant was released on August 4, 1959; that the construction permit specified March 30, 1960, as the completion date; that no construction has been commenced; that on February 29, 1960, the applicant filed the above-captioned application; that on May 11, 1960, the applicant was notified by letter that Commission was unable to find that the applicant had been diligent in proceeding with the construction of its station or that it had been prevented from commencing construction by causes not under its control; and that applicant was given an opportunity to reply to said letter and to request a hearing on its application; and

It further appearing that the applicant replied to the Commission's letter on May 19, 1960, requesting a hearing on its application; that upon due consideration of the above-entitled application and the above correspondence the Commission is unable to determine that a grant of said application would be in the public interest; and

It further appearing, that Bakersfield Broadcasting Company, licensee of Station KBAK-TV, Channel 29, Bakersfield, filed objections to a grant of the above-captioned application requesting that it be designated for hearing and that it be made a party thereto; and

It further appearing, that Bakersfield Broadcasting Company has not shown that it is a party in interest, and that the public interest would be better served and Bakersfield Broadcasting Company's interests would at the same time be adequately safeguarded, by restricting its participation to the presentation of evidence as provided in § 1.105 of the Commission's rules.

It is ordered, That the above-captioned application is designated for hearing at the Commission's offices in Washington, D.C., at a time to be specified in a subsequent order, upon the following issues:

1. To determine whether Pacific Broadcasters Corporation has been diligent in proceeding with the construction of Television Station KBFL as authorized in its construction permit, File No. BPCT-2492.

2. To determine whether Pacific Broadcasters Corporation has been prevented from completing construction of Television Broadcast Station KBFL by causes not under its control within the meaning of section 319(b) of the Communications Act of 1934, as amended.

3. To determine whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the request of Bakersfield Broadcasting Company be made a party is denied.

It is further ordered, That to avail itself of the opportunity to be heard, Pacific Broadcasters Corporation, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence in the issues specified in this order.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5780; Filed, June 22, 1960; 8:51 a.m.]

[Docket No. 13595; FCC 60M-1048]

PACIFIC BROADCASTERS CORP.

Order Scheduling Hearing

In re application of Pacific Broadcasters Corporation, Bakersfield, California, Docket No. 13595, File No. BMPCT-5448; for extension of time to complete construction of television station KBFL.

It is ordered, This 17th day of June 1960, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 14, 1960, in Washington, D.C.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5781; Filed, June 22, 1960; 8:51 a.m.]

[Docket No. 13597; FCC 60-701]

MICROWAVE SERVICE CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Frank K. Spain, d/b as Microwave Service Company, Docket No. 13597; for a construction permit to establish a common carrier point-to-point microwave station at Jackson, Mississippi, File No. 86-C1-P-60; for a construction permit to establish a common carrier point-to-point microwave station 1 mile NW. of Mechanicsburg, Mississippi, File No. 87-C1-P-60; for a construction permit to establish a common carrier point-to-point microwave station 3.5 miles SW. of Tolarsville, Mississippi, File No. 88-C1-P-60.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of June 1960;

The Commission having under consideration the above-entitled applications for construction permits to construct a three-hop point-to-point common carrier microwave system originating at Jackson, Mississippi and terminating at a point near Greenwood, Mississippi, which will enable the proposed customer, Mississippi Telecasting Company, Incorporated, licensee of WABG-TV, Channel 6, Greenwood, to receive live network programming; and

It appearing that the proposed customer has requested applicant herein to provide a common carrier transmission service which will directly interconnect with the American Telephone and Telegraph Company terminal at Jackson, Mississippi, and that applicant has proposed such interconnection; and

It further appearing that the applicant has been unable to obtain an interconnection agreement with AT & T and that the latter has advised the Commission that it is not willing to interconnect with applicant's facilities proposed herein; and

It further appearing that the applicant and the American Telephone and Telegraph Company were advised, by letter dated January 29, 1960, pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, as to the reasons why the captioned applications cannot be granted without hearing, which letter was replied to by applicant, and that reply having been considered; and

It further appearing that applicant is legally, technically and financially qualified to be a licensee in this service;

It is ordered, That, pursuant to the provisions of sections 309(b) and 201(a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

1. To determine the nature and extent of the service proposed by Microwave Service Company, including charges, practices, classifications, regulations, personnel, and facilities pertaining thereto.

2. To determine the quality, availability and adequacy of audio and video network television program transmission service provided by the American Telephone and Telegraph Company in the Mississippi area generally, and in the vicinity of Jackson and Greenwood specifically, and the charges, classifications, regulations and practices therefor.

3. To determine whether it is necessary or desirable, in the public interest, that physical connection be established between the proposed facilities of Microwave Service Company and the existing audio and video transmission channels and facilities of American Telephone and Telegraph Company at Jackson, Mississippi.

4. To determine, in the event issue 3 above is resolved in the affirmative, whether it is necessary or desirable in the public interest that a through route be established to Greenwood, Mississippi, by means of the facilities proposed by Microwave Service Company and the existing intercity audio and video transmission channels and facilities of American Telephone and Telegraph Company at Jackson, Mississippi.

5. To determine whether the Commission should require the establishment of the charges and division of charges applicable to such through route and, if so, the nature of the charges and divisions which should be established.

6. To determine whether the Commission should require the establishment and provision of facilities and regulations for operating such through route and, if so, the kind of facilities and regulations which should be established or provided.

7. To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of the applications.

It is further ordered, That the American Telephone and Telegraph Company is made a party respondent to the proceedings herein; and

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5779; Filed, June 22, 1960; 8:51 a.m.]

[Canadian List No. 148]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

JUNE 6, 1960.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of commencement of operation
		600 kilocycles				
CJOR (PO: 600 kc 5 kw DA-1).	Vancouver, British Columbia.	10 kw	DA-1	U	III	EIO 6-1-61.
		710 kilocycles				
CJSP	Leamington, Ontario	1 kw	DA-D	D	II	NIO with inc. power.
		1280 kilocycles				
CKCV (PO: 1280 kc 5 kw DA-1).	Quebec, Province of Quebec.	10 kw D/5 kw N	DA-2	U	III	EIO 6-1-61.
		1470 kilocycles				
CFOX	Pointe Claire, Province of Quebec.	1 kw	DA-2	U	III	NIO.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5774; Filed, June 22, 1960; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1305]

ATLAS CORP. ET AL.

Notice of Filing of Application for Order Exempting Certain Transactions Between Affiliates

JUNE 16, 1960.

Notice is hereby given that Atlas Corporation ("Atlas"), a registered closed-end non-diversified management investment company, Petro-Atlas, Inc. ("Petro"), a wholly-owned subsidiary and affiliate of Atlas, and The Hidden Splendor Mining Company ("Hidden Splendor"), an affiliate of Atlas, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed sale by Petro to Hidden Splendor of certain oil, gas and mineral leasehold interests located in the States of Utah, New Mexico and Kansas for an aggregate consideration of $1,300,000.

Petro, a Delaware corporation was organized in April 1958 to engage in the acquisition and development of oil and gas properties and property interests. Atlas is the owner of 1,000 shares of common stock, par value of $1.00 per share, of Petro, constituting all the issued and outstanding stock of Petro. In addition, Atlas holds 5 percent demand notes of Petro aggregating $650,000 in principal amount. Petro's producing leasehold interests ("the Properties") are located in the Horseshoe Canyon, Southeast Bisti and North Bisti areas in San Juan County, New Mexico, the Aneth area in San Juan County, Utah, and in Harper County, Kansas. Based upon an estimate of an independent petroleum engineer employed by Petro, the Properties have estimated net proven reserves of 768,950 barrels of crude oil and 4,495,957 Mcf of natural gas. In addition, 2,455,711 net barrels of oil are estimated to be recoverable when secondary recovery methods are applied, and it appears that operators are well on their way toward unitization for this purpose.

Hidden Splendor, a Delaware corporation, was organized to acquire, explore and develop uranium mining properties and property interests and to engage in the general business of a mining company. Atlas is the owner of 3,955,696 shares of common stock, par value of $0.50 per share, of Hidden Splendor, constituting 91.62 percent of the approximately 4,317,465 outstanding shares of such stock on April 20, 1960, and 140,745 shares of preferred stock, par value of $11.00 per share, of Hidden Splendor, constituting 22.06 percent of the approximately 637,690 outstanding shares of such stock on April 20, 1960. In addition, Atlas holds (a) 5½ percent promissory notes of Hidden Splendor aggregating $300,000 in principal amount due October 19, 1962, (b) warrants covering the purchase of 100,000 shares of common stock of Hidden Splendor at $3.00 per share and (c) warrants covering the purchase of 16,464 shares of common stock of Hidden Splendor at $4.45 per share.

Petro proposes to sell the Properties to Hidden Splendor in consideration of the payment to Petro by Hidden Splendor the sum of $1,300,000, payable $1,200,000 in cash and $100,000 by Hidden Splendor's promissory note without interest payable on or before December 1, 1960. Petro will except and exclude from the conveyance of the Properties as a production payment an undivided 35 percent of all the oil, gas and liquid hydrocarbons in and under and that may be produced, saved and sold from the Properties until Petro shall have received the sum of $2,000,000, plus an amount equal to all gross production, severance and other taxes, except Federal and State income taxes, imposed with respect to the production or sale of hydrocarbons allocable to the production payment and paid by Petro. The production payment shall commence only after Hidden Splendor shall have recovered 750,000 barrels of oil from the Properties. Petro will also exclude from the conveyance interests in the Properties insofar as the Properties apply to depths below present producing horizons. The conveyance will include certain equipment, materials and minor supplies owned by Petro in connection with the Properties. Applicants state that the cash consideration payable by Hidden Splendor has been computed as the fair value of the proven drilled and undrilled primary oil and gas reserves of the Properties. The production payment retained by Petro is intended to give Petro a share of any reserves recoverable from certain of the Properties when secondary recovery methods are applied. The assets to be conveyed to Hidden Splendor, including the Properties and the equipment located thereon, had, as of March 31, 1960, an aggregate cost for Federal income tax purposes of $3,467,004 and an aggregate cost for accounting purposes of $2,007,368.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provision of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is hereby given that any interested person may, not later than June 30, 1960 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5752; Filed, June 22, 1960; 8:46 a.m.]

[File No. 812-1300]

CENTURY INVESTORS, INC. ET AL.

Notice and Order for Hearing on Application for Order Exempting Transactions Between Affiliates Incident to Merger and for Order of Exemption

JUNE 16, 1960.

Notice is hereby given that Century Investors, Inc. ("Century") and Webster Investors, Inc. ("Webster"), both Delaware Corporations, registered under the Investment Company Act of 1940 ("Act") as closed-end, non-diversified management investment companies, and American Manufacturing Company, Inc. ("American"), have filed a joint application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act certain transactions incident to a merger of Century, Webster and American, with American as the surviving corporation under the same name, and that American has filed an application purusant to section 3(b)(2) of the Act for an order declaring that American is not and will not be an investment company upon consummation of the merger.

Description of constituent companies. Century owns 8.6 percent of the capital stock of American and 37.9 percent of the capital stock of Webster. Webster owns 29.6 percent of the capital stock of American. Gurdon W. Wattles, President and a director of Century, Webster and American, owns 59.3 percent of the capital stock of Century, 28.6 percent of the capital stock of Webster and 11.9 percent of the capital stock of American, and a trust of which he is co-trustee and in which he has no beneficial interest owns 13 percent, 1.2 percent and .4 percent of the capital stock of these companies, respectively. The capital stock constitutes the voting securities of the respective companies. Under the definition of an affiliated person contained in section 2(a)(3) of the Act, Wattles, Century, Webster, and American are affiliated persons of each other.

The portfolio of Century consists solely of common stocks of Webster, American and Mergenthaler Linotype Company ("Mergenthaler"). Total assets of Century as of December 31, 1959 adjusted to reflect its common stock investments at market values were approximately $4,823,692.

A major part of Webster's portfolio consists of shares of Class A stock and common stock of American and common stock of Mergenthaler. Webster's assets also include certain short-term corporate debt obligations, mortgage receivables on property sold, a cigar manufacturing plant which is under lease to a cigar manufacturer and receivables from said manufacturer representing the purchase price of a cigar brand sold to it. Webster also owns a contingent asset of an undetermined amount as a result of certain unsettled tax questions. Total assets of Webster as of December 31, 1959 adjusted to reflect its common stock investments at market values were approximately $9,940,898.

American is engaged in the manufacture of natural and synthetic ropes, cords and twines, as well as oakum and packing for the marine, construction and building trades. It is also engaged directly, and through wholly-owned subsidiary companies, in the manufacture and sale of industrial scales and weighers, industrial timers and controls, processing equipment for chemical milling and general process industries, and, to a lesser degree, in furnishing maintenance services for railway passenger cars of certain railroads.

American owns approximately 18 percent of the outstanding capital stock of Mergenthaler. Century and Webster also own approximately 1 percent and 12 percent, respectively, of the capital stock of Mergenthaler. Mergenthaler's principal business is the manufacture and sale of linotype casting machines for printing. American also owns approximately 28 percent of the common stock of Vapor Heating Corporation which is engaged in the manufacture of railroad and industrial steam generators and other industrial products. Total assets of American as of December 31, 1959, adjusted to reflect its investments at market values were approximately $34,286,115. Of this amount 20.8 percent represented market value of the investment in Mergenthaler, 19.2 percent in Vapor Heating Corporation, and 2 percent in Vapor Heating (Canada) Ltd.

The capitalizations of the constituent companies are set forth in the following table:

Title of class	April 21, 1960	
	Authorized	Outstanding
Century:	*Shares*	*Shares*
Common stock $2 par value	180,000	150,050
Webster:		
Common stock $5 par value	300,000	266,530
American:		
Class A stock $25 par value	450,000	*225,184
Common stock $12.50 par value	900,000	**406,300

*Options to purchase 9,950 shares of Class A stock at prices ranging from $16.63 to $27.79 per share are held by officers and employees.

**Options to purchase 11,700 shares of common stock at prices ranging from $14.37 to $20.42 per share are held by officers and employees.

The proposed merger. It is proposed that each share of common stock of Century will be converted into one-tenth share of Class A stock and one and fifteen one-hundredths shares of common stock of American. Each share of common stock of Webster will be converted into one-half share of Class A stock and seventy-two one-hundredths share of common stock of American. Each share of Class A stock and common stock and options to purchase stock of American will remain outstanding. All treasury stock and intercompany holdings of the constituent companies will be cancelled.

The Class A stock of the surviving corporation will be entitled to preferential cumulative dividends at the rate of $1.10 per share per annum; will have one vote per share; will have a par value of $25 per share; will be redeemable at the option of the corporation at any time (after January 1, 1961) upon 30 days' prior notice at $26.50 per share plus accrued dividends; and will be convertible into common stock at specified ratios,[1] but will have no liquidation preference on dissolution.

American will issue to the stockholders of Century and Webster, certificates of contingent interest with respect to 12,821 escrowed shares of common stock of American to represent enhancement in the asset value of the common stock of Webster which may result from a settlement of the tax liabilities relating to certain prior capital losses of Webster. Using a relative asset comparison for the conversion of this contingent asset into shares of common stock of American, a maximum of 12,821 shares of common stock of American would be issued in escrow for delivery, in whole or in part, depending upon the outcome of the tax settlement. Upon the effectiveness of the merger a certificate of contingent interest in 0.04811 of a share of common stock of American will be issued to the holder of each share of common stock of Webster. Since Century is a substantial holder of common stock of Webster and the corporate existence of Century will end upon the merger, certificates of contingent interest in these shares of common stock of American are proposed to be issued directly to the stockholders of Century in the appropriate amount which they would have received had they been direct stockholders of Webster. This will amount to a contingent interest in 0.03236 of a share of common stock of American for each share of Century.

American will not issue to the stockholders of Century and Webster fractional shares. Each holder of a share or shares of stock of Century and Webster entitled to receive a fraction of a share of Class A stock or comomn stock of American will be afforded an opportunity, during a limited period of time (not less than 90 nor more than 180 days following the merger) to consolidate his fractional share interest into one full share of such common stock by purchasing the additional fractional interest required or to sell his fractional interest.

The Boards of Directors of the constituent companies have each adopted the agreement of merger pursuant to the laws of Delaware. The affirmative vote of the holders of record of at least two-thirds of the outstanding shares of stock of Century, Webster and American is required for approval of the proposed merger.

The Delaware statutes, which govern the constituent companies, confer upon the shareholders of corporations proposing to merge or consolidate the right, upon compliance with certain statutory formalities, to require the appraisal of their shares and the payment of the appraised value in cash.

The application states that the proposed basis of exchange was determined after consideration of asset values, earnings and dividends. Various adjustments in asset values and earnings were computed. Applicants state that the proposed basis of exchange gives weight to the adjusted asset values and earnings, dividends, the termination of certain corporate expenses and taxes upon the conclusion of the proposed merger and the present position of each constituent company vis-a-vis the underlying assets and earnings of the combined enterprise.

Statutory standards—section 17. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to, or purchasing from such registered investment company, or any company controlled by such registered company, any securities or other property, subject to certain exceptions not here pertinent. The Commission, upon application pursuant to section 17(b), shall grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of any registered investment company concerned, as recited in its registration statement and reports filed under the Act, and are consistent with the general purposes of the Act.

Application to be deemed not an investment company. The application contains the following representations in support of American's request for an order pursuant to section 3(b)(2) of the Act for an order declaring that it is not now and will not be after the proposed merger an investment company as defined in section 3 of the Act.

American is and always has been engaged in the business of manufacturing cordage, fibers, oakum and packing. Since its merger with Safety Industries, Inc. (Safety), American has expanded its manufacturing to include the additional products mentioned above in connection with the description of the constituent companies. American did not purchase or own securities subsequent to 1939 and prior to 1954 other than those of a subsidiary textile company in the South which was liquidated in 1944. In 1954, due to excess plant capacity and unprofitable operations, American sold certain properties, and in order to diversify its business through direct control of other industrial operations, it began to acquire stocks and to increase its interest in the operations of two industrial companies, Safety and Mergenthaler. Effective January 22, 1960, Safety was merged into American.

American states that its holdings in Mergenthaler should not be viewed as an investment but rather as a means of permitting American to control and engage in the business of that company. Gurdon Wattles, who is President, director and owner of the majority of the outstanding voting stock of Century and the controlling stockholder of Webster and American, spends substantially more than 50 percent of his time on the operations of Merganthaler and its affiliated interests, and Dante E. Broggi, a director of American, also devotes a considerable portion of his time to the affairs of Mergenthaler and its affiliates. At the present time, American contemplates using its resources beyond the requirements of its industrial business for further purchases of Mergenthaler stock.

Mergenthaler and its subsidiaries are engaged in the manufacture and sale of linotype and duplicating machines and linofilm. Mergenthaler owns approximately 28 percent of the outstanding common stock of The Electric Autolite Company which is principally engaged in the manufacture and sale of automotive electrical equipment and automotive parts.

Century, Webster and American together own a total of about 31 percent of the Mergenthaler capital stock. It is claimed that all three of such companies control Mergenthaler, either directly or indirectly. American has six representatives on the Mergenthaler board of directors which consist of eleven members; three of the five remaining directors are operating men and the other two directors are independent. Consequently, American claims that it not only controls Mergenthaler but that through its own officers and directors, it takes an active and important part in the operations of that company.

As a result of the merger of Safety into American, the latter company acquired Safety's holdings in Vapor Heating Corporation ("Vapor (Delaware)"), a Delaware corporation, and Vapor Heating Ltd., a Canadian corporation, which amount to 28 percent and 30 percent of the outstanding stock of these respective companies. An integrated group of other interests owns a larger percentage of the Vapor (Delaware) stock than American owns.

The application states that the value of investment securities of American, represented by the market value at May 20, 1960 of the Mergenthaler and Vapor stocks owned by American, was approximately 46 percent of the book value of American's total assets (excluding Government securities and cash items) as of December 31, 1959, as adjusted to reflect the market value of such investments. American also owns prime commercial paper and installment notes receivable which, if considered to be investment securities, would increase the foregoing ratio of investment securities to approximately 56 percent.

The application further states that the value of investment securities of American, represented by its holdings of the Mergenthaler and Vapor stocks, on the same basis as above but after giving effect to the proposed merger, would be approximately 52 percent of total assets. The prime commercial paper and installment notes receivable, if considered to be investment securities, would increase the ratio of investment securities of American after the merger to approximately 61 percent.

The application also states that a study of the sources of American's present income and of its income on a pro forma basis, giving effect to the proposed merger, is significant. It is stated that for the year ended December 31, 1959, dividends after taxes received by American on the Mergenthaler and Vapor stocks were approximately 38 percent of total net income after taxes of American. The comparable figure pro forma to reflect the merger would be approximately 44 percent.

It appears that the percentages represented by the ratio of investment securities to total assets of American, both before and after the proposed merger, exceed 40 percent, and consequently American is an investment company under the definition contained in section 3(a)(3) of the Act. American asserts, however, that it is entitled to an exemption from the status of an investment company, both before and after the proposed merger, because it is primarily engaged and will after the merger be engaged, in a business or businesses other than that of "investing, reinvesting, owning, holding, or trading in securities" within the meaning of both sections 3(b)(1) and 3(b)(2) of the Act, for the reason that American is primarily and actively engaged in the industrial businesses in which American itself, Safety and Mergenthaler have been engaged over a period of many years. American states it has no intention, after the completion of the proposed merger, to acquire any investment securities other than additional shares of Mergenthaler stock. American has also stated its intention to dispose of its holdings of Vapor (Delaware).

Statutory standards—section 3(b)(2). Section 3(a)(3) of the Act defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries which are not investment companies.

Section 3(b)(2) of the Act provides, that, notwithstanding section 3(a)(3), the term "investment company" does not include a person whom the Commission upon application finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to sections 17(b) and 3(b)(2);

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 7th day of July 1960, at 10:00 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that Rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That James G. Ewell, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the application filed by Century, Webster and American pursuant to section 17(b) of the Act to exempt the proposed merger of Century, Webster and American (with American as the surviving corporation) from the provisions of section 17(a) of the Act meets the prescribed standards of section 17(b);

(2) Whether American at the present time is and after the proposed merger will be, an investment company within the definition of section 3(a)(3) of the Act;

(3) Whether American is primarily engaged, and will after the merger be primarily engaged, in a business or businesses other than that of an investment company either directly or through majority owned subsidiaries or through controlled companies conducting similar types of businesses.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Century, Webster and American; that applicants shall cause a copy of this notice to be mailed to the stockholders of Century, Webster and American at their last known address on or before June 24, 1960; and that notice to all other persons be given by publication of this Notice and Order in the FEDERAL REGISTER and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5753; Filed, June 22, 1960; 8:46 a.m.]

[File No. 24NY-4605]

FREEMAN ELECTRIC CONSTRUCTION CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 17, 1960.

I. Freeman Electric Construction Co., Inc. (issuer), a Delaware corporation, 45 West 45th Street, New York 36, New York, filed with the Commission on November 27, 1957 a notification on Form 1-A and an offering circular relating to a proposed public offering of 100,000 shares of its 10 cents par value common stock at $3 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. A report of sales on Form 2-A has not been filed pursuant to the requirements of Rule 260;

2. A revised offering circular has not been filed pursuant to the requirements of Rule 256(e).

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement that Harris Securities is the underwriter whereas such firm withdrew as underwriter on July 29, 1958;

2. The failure to disclose a Federal Tax lien against the company of $36,944 recorded in New York City on or about June 12, 1959;

3. The failure to disclose a judgment filed in New York County on or about March 16, 1959 against the company in favor of 45 West 45th St. Corp. in an amount of $1,397;

4. The failure to disclose a judgment filed in New York County against the company on or about May 26, 1959 in favor of the State Tax Commission in an amount of $1,852.

C. The offering is being and would be made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as

[1] Each share will be convertible into one share of common stock until December 31, 1960; from then until December 31, 1961, into 9/10ths of a share of common stock; and following December 31, 1961, into 8/10ths of a share of common stock.

amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matter at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5754; Filed, June 22, 1960; 8:46 a.m.]

[File Nos. 812-817, 812-947]

INSTITUTIONAL INVESTORS MUTUAL FUND, INC.

Notice of Filing of Application To Modify Orders of Exemption

JUNE 17, 1960.

Notice is hereby given that Institutional Investors Mutual Fund, Inc. ("Applicant"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") requesting the modification of existing orders of the Commission to permit Applicant to sell its shares to bank trustees of pension funds for savings bank employees.

Applicant, a New York corporation, was organized as an investment medium for New York State mutual savings banks. Its board of directors consists of trustees and officers of such savings banks. The funds of the Applicant may be invested only in investments eligible for savings banks under the New York State Banking Law, and Applicant is subject to the supervision of, and periodic examinations by, the New York State Banking Department. Applicant has entered into a contract for investment, advisory, custodian, transfer agent, and registrar services with Savings Banks Trust Company, a corporation organized under the Banking Law of the State of New York, all of whose stock is owned by savings banks in New York. Because of the special nature of Applicant's organization and method of operation, the Commission by orders dated April 14, 1953 and August 8, 1955 (Investment Company Act Release Nos. 1856 and 2213) exempted Applicant from the provisions of sections 10(a), 15(c), 17(a)(1), 20(a), 22(d), 22(e) and 24(d) of the Act and Rule 20a-1 promulgated thereunder.

Among the grounds upon which the Commission based its orders was the fact that the stock of Applicant could be owned only by mutual savings banks organized and subject to supervision under the Banking Law of New York. A recent amendment to the New York Banking Law now permits the stock of Applicant to be owned by trustees, other than savings banks, of pension trusts, funds, plans or agreements participated in by one or more savings banks to provide retirement benefits, death benefits or disability benefits for such savings banks' employees. Accordingly, Applicant seeks modification of the existing orders to the extent necessary to permit the sale of its shares to such trustees, as well as to savings banks.

In support of the application, Applicant states that so far as can be foreseen the only eligible shareholders will continue to be institutional investors, subject to supervision by the New York State Banking Department.

Section 6(c) of the Act authorizes the Commission to exempt by order, among other things, any class of transactions from any provision or provisions of the Act if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 1, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5755; Filed, June 22, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 20, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36333: *Iron and steel scrap—Memphis, Tenn., to Huntington, W. Va.* Filed by O. W. South, Jr., Agent (SFA No. A3969), for interested rail carriers. Rates on iron or steel, scrap or pieces, in carloads from Memphis, Tenn., to Huntington, W. Va.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 44 to Southern Freight Association tariff I.C.C. S-14.

FSA No. 36334: *Iron or steel bars—Gulf ports to Nashville, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3971), for interested rail carriers. Rates on iron or steel reinforcement bars, in carloads from New Orleans, La., Mobile, Ala., and Pensacola, Fla. (import), to Nashville, Tenn.

Grounds for relief: Barge and market competition.

Tariff: Supplement 33 to Southern Freight Association tariff I.C.C. S-87.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5768; Filed, June 22, 1960; 8:49 a.m.]

[Notice 334]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 20, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63191. By order of June 17, 1960, the Transfer Board approved the transfer to Utah Pacific Lumber Transport Co., a Corporation, Clackamas, Oregon, of a Certificate in No. MC 7155 Sub 1 issued February 20, 1959, to George Williams, Roy Williams, Warren Littlejohn, and Warren Higgenbotham, a partnership, doing business as Williams Trucking Service, Clackamas, Oregon, authorizing the transportation of specific commodities from, to, and between specified points in Oregon, Washington, Idaho, and Utah. Ralf H. Erlandson, 1108 Main Street, Milwaukee, Oreg., for applicants.

No. MC-FC 63197. By order of June 16, 1960, the Transfer Board approved the transfer to M & O Trucking Corp., Meriden, Connecticut, of a Certificate in No. MC 29875 issued March 12, 1957 to O & M Trucking Corp., Meriden, Connecticut, authorizing the transportation of road building materials, from Springfield, Mass., and points in Massachusetts within 10 miles of Springfield to points in Litchfield, Hartford, and Tolland Counties, Conn., and from Granby, Conn., to points in Hampdon, and Berkshire Counties, Mass. Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn., for applicants.

No. MC-FC 63202. By order of June 17, 1960, the Transfer Board approved the transfer to Firlin Fast Freight, Inc., doing business as Valley Motor Freight, Markley & Washington Streets, Norristown, Pennsylvania, of a certificate in No. MC 26404 Sub 1, issued February 23, 1956, to George J. Deal, acquired by Rosario Puleio and Rocco Mammucari, a partnership, doing business as R & R Trucking Co., Waterford Road, Blue Anchor, New Jersey, pursuant to proceedings in No. MC-FC 62843, which authorizes the transportation of metal furniture, over irregular routes, from Philadelphia, Pa., to points in Delaware, New York, New Jersey, and the District of Columbia, and specified points in Maryland and Virginia, and metal cabinets and metal wardrobes, uncrated, over irregular routes, from Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, North Carolina, West Virginia, and specified points in Maryland and Virginia.

No. MC-FC 63255. By order of June 16, 1960, the Transfer Board approved the transfer to Boat Hauling Corporation, Boston, Mass., of Certificate in No. MC 98953 Sub 1, issued June 20, 1958, to John S. Player and Gordon C. Player, a partnership, doing business as Elliott Boat Transportation Company, Ipswich, Mass., authorizing the transportation of: Boats and boat accessories, between points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey. James G. Lane, 190 Mystic Avenue, Medford, Mass., for applicants.

No. MC-FC 63262. By order of June 16, 1960, the Transfer Board approved the transfer to Lester C. Newton Trucking Co., Bridgeville, Del., of Certificate in No. MC 115136, issued September 5, 1956, to George Edward Gail, Jr., 710 Shore Road, Northfield, N.J., authorizing the transportation of: Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, between Philadelphia, Pa., and Pleasantville, N.J., from Philadelphia, Pa., to Germania, N.J.

No. MC-FC 63290. By order of June 17, 1960, the Transfer Board approved the transfer to Harlan L. Jamison, doing business as Tri-State Transfer, Newburgh, Indiana, of Permit in No. MC 106519, issued July 22, 1947, to Maurice H. Boles, doing business as Henderson Transfer Company, authorizing the transportation of: Such commodities as are dealt in by chain, retail, and mail order department stores, over irregular routes, from Vincennes, Ind., to points in Illinois within 35 miles of Vincennes; and returned, rejected or undelivered shipments of the above-specified commodities, over irregular routes, from points in Illinois within 35 miles of Vincennes, to Vincennes. Glen W. Funk, 5410 East Washington Street, Indianapolis, Ind., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5769; Filed, June 22, 1960; 8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Housing for Educational Institutions

Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the program of loans for housing for educational institutions on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c):

1. To approve applications, authorize loans, and execute loan agreements, involving loans for student and/or faculty housing and for other educational facilities;

2. To amend or modify any such loan agreement;

3. To redelegate to the Regional Director of Community Facilities Activities the authority delegated herein except the authority to approve applications, authorize loans and amend or modify the terms thereof; and

4. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 1st day of July 1960.

[SEAL] NORMAN P. MASON, *Housing and Home Finance Administrator.*

[F.R. Doc. 60-5770; Filed, June 22, 1960; 8:50 a.m.]

REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Public Facility Loans

Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the public facility loans program on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492):

1. To approve applications from, authorize loans to, and enter into contracts with, public agencies, involving loans for essential public works or facilities;

2. To amend or modify any such contract;

3. To redelgate to the Regional Director of Community Facilities Activities the authority delegated herein except the authority to approve applications, authorize loans and amend or modify the terms thereof; and

4. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation supersedes the delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 1st day of July 1960.

[SEAL] NORMAN P. MASON, *Housing and Home Finance Administrator.*

[F.R. Doc. 60-5771; Filed, June 22, 1960; 8:50 a.m.]

REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Public Works Planning

Each Regional Administrator of the Housing and Home Finance Agency, in carrying out the program of advances for public works planning on behalf of the Housing and Home Finance Administrator through the Community Facilities Administration, is hereby authorized, under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462:

1. To approve applications, authorize advances, and execute offers to public agencies, involving advances to aid in planning proposed public works;

2. To amend or modify contracts resulting from the acceptance of such offers;

3. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

4. To redelegate to the Regional Director of Community Facilities Activities the authority delegated herein except the authority to approve applications, authorize advances, and amend or modify contracts resulting from the acceptance of offers;

5. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority delegated herein.

This delegation of authority supersedes the delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 1st day of July 1960.

[SEAL] NORMAN P. MASON, *Housing and Home Finance Administrator.*

[F.R. Doc. 60-5772; Filed, June 22, 1960; 8:50 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Title 14, Parts 40–399 ..... $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 106.436]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Effective as of the beginning of the first pay period following June 25, 1960, paragraph (d), § 325.15 *Designation of differential posts*, is amended by the deletion of the following:

Captieux, France.
Chalons sur Marne, France.
Chambley, France.
Chateauroux, France.
Chaumont, France.
Dreux, France.
Etain, France.
Evreux, France.
Fontenet, France.
Foret de Braconne, France.
Foret de Chinon, France.
Foret de Chize (Niort), France.
Ingrandes, France.
Landes de Bussac, France.
Laon-Couvron, France.
La Rochelle, France.
Orleans, France.
Phalsbourg, France.
Poitiers, France.
Rochefort-sur-Mer, France.
St. Nazaire, France.
Saumur, France.
Toul, France.
Toul/Rosiere, France.
Trois Fontaines, France.
Verdun, France.
Vitry le Francois, France.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

JUNE 10, 1960.

[F.R. Doc. 60-5815; Filed, June 23, 1960; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 483—WHEAT AND FLOUR

Subpart—Wheat Export Program—Payment in Kind (GR 345) Terms and Conditions

REVISION II

The Terms and Conditions of the Wheat Export Program—Payment in Kind (GR-345) (23 F.R. 5365), as amended (24 F.R. 5775), (24 F.R. 7239), (24 F.R. 7631) and (24 F.R. 8993), are further amended herein and are reissued as Revision II, as follows:

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Sec.
483.101 General statement.

ELIGIBILITY FOR PAYMENT BY CCC

483.105 General conditions of eligibility.
483.106 Countries and buyers to which wheat may be exported.
483.107 Date of exportation.
483.108 Excess quantities loaded.
483.109 Wheat exported prior to sale.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

483.120 Announcement of rates.
483.121 Determination of rates.

REGISTRATION OF SALES

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483.198 Wheat Council.
483.199 3:31 e.s.t.

AUTHORITY: §§ 483.101 to 483.199 issued under secs. 4 and 5, 62 Stat. 1070 and 1072; sec. 2, 63 Stat. 945, as amended; sec. 407, 63 Stat. 1051 as amended; sec. 201(a), 70 Stat. 188; 15 U.S.C. 714 b and c, 7 U.S.C. 1641, 1427, 1851.

GENERAL

§ 483.101 General statement.

Commodity Credit Corporation (referred to in this subpart as "CCC") pursuant to this subpart will conduct a Wheat Export Program (referred to in this subpart as the "program") under which a person or firm who has exported wheat produced in the United States may apply for payment in the form of a certificate that is redeemable in wheat held in the inventory of CCC. The program is designed to encourage the exportation through normal trade channels of wheat held in private inventories and in CCC stocks in order (a) to maintain and expand the market in friendly countries for United States produced wheat, (b) to obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, (c) to aid the price support program by strengthening the domestic market price to producers, (d) to reduce the quantity of wheat which would otherwise be taken into CCC's stocks under its price support program, and (e) to promote the orderly liquidation of CCC stocks. This program will be administered by Commodity Stabilization Service, United States Department of Agriculture and information pertaining to the program may be obtained from any CSS Commodity Office listed in § 483.180.

ELIGIBILITY FOR PAYMENT BY CCC

§ 483.105 General conditions of eligibility.

(a) Payment under this program will be made to an exporter, subject to the terms and conditions set forth in this subpart, in connection with (1) the net quantity of wheat exported from the United States and (2) the net quantity of wheat shipped to Canada via the Great Lakes if the wheat so shipped to Canada is exported from a Canadian port on the St. Lawrence River. Such exportation must be to a designated country as defined in § 483.187 pursuant to a sale to a foreign buyer for which the exporter received a Notice of Registration from a Contracting Officer of CCC, in accordance with § 483.126. Payment also will be made to an exporter for wheat which was exported prior to sale and for which the exporter has received a Notice of Registration from a Contracting Officer of CCC, subject to the terms and conditions of this subpart, particularly §483.109.

(b) Sales to foreign buyers in countries and territories designated as IWA (see § 483.187) as well as sales to other designated countries may be made under this program. The CCC will determine which sales registered under the pro-

gram in accordance with § 483.126, are considered eligible for recording under the Wheat Agreement, and will report such sales to the Wheat Council. Final determination of recordability rests with the Wheat Council. An exporter's subsidy rights under this subpart will not be impaired if any transaction is not ultimately recorded by the Wheat Council.

(c) A sale which involves wheat produced outside the United States, or a mixture of wheat which is partly derived from wheat produced outside the United States is not eligible for registration under the program. However, in the event the Director determines that such a mixture is exported unintentionally, payment may be made but only on that portion which it is established to his satisfaction was produced in the United States.

(d) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export, as required in § 483.147, which has not been used, or will not subsequently be used as evidence of export in connection with (1) any other application for wheat export payment under this program, (2) any other export program under which CCC has made or has agreed to make an export allowance, (3) any (other) export program which involves the sale of wheat for export at prices which reflect any export allowance or (4) a CCC barter transaction. Nothing herein shall be construed as precluding exportations of wheat under this program from fulfilling sales under Purchase Authorizations pursuant to Public Law 480 (83d Congress) or Procurement Authorizations pursuant to section 402 of the Mutual Security Act of 1954 (sales involving ICA funds). Documentary evidence of export submitted under § 483.162 in connection with purchases of wheat from CCC may also be submitted to CCC as evidence of export in connection with Applications for Wheat Export Payments.

(e) Sales may be made pursuant to this program to a foreign buyer for shipment to any designated country specified in § 483.187 whether or not such buyer is located in the country of destination. A sale to be eligible for payment must be a bona fide sales transaction with the foreign buyer named in the Declaration of Sale. Brokers or agents of either the seller or the foreign buyer shall not be named as the buyer in the Declaration of Sale.

(f) The foreign buyer may be an affiliate of the U.S. exporter, in which case the sale registered for export payment must be a bona fide sales transaction in which the affiliate is acting in its own behalf as an independent buyer and not on behalf of the exporter. The foreign sale shall not be a "wash sale" or any other type of intercompany transaction which does not result in an actual exportation of wheat against the specific sale on which the export payment rate was based.

(g) Where a sale is made by an exporter to a foreign buyer who simultaneously resells to another foreign buyer, the latter may be the buyer named in the Notice of Sale and Declaration of Sale.

(h) Exportation of wheat by or to a United States Government agency as defined in § 483.195 to or in a designated country shall not qualify as an exportation for the purposes of this program.

§ 483.106 Countries and buyers to which wheat may be exported.

(a) Except as provided in paragraphs (b) and (c) of this section, exports under this program shall be made only to the designated country and buyer named in the Declaration of Sale and the exporter shall not ship, tranship or cause the wheat to be transhipped to any other country.

(b) Shipment shall be made only to the country named in the Declaration of Sale, unless the exporter (1) obtains the written approval of the Director for shipment to a designated country other than the country named in the Declaration of Sale and (2) furnishes a certification to the Director that such shipment is at the request of the buyer named in the Declaration of Sale, such shipment constitutes delivery against the exporter's sale to the foreign buyer on which the export payment is based pursuant to § 483.121 and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of such sale.

(c) Shipment may be made to a consignee or notify party other than the buyer named in the Declaration of Sale, provided the exporter furnishes a certification to the Director as required in paragraph (b) of this section.

§ 483.107 Date of exportation.

Where the wheat is sold for export in a specified rate period announced by CCC the exportation must be completed before the end of that period in order for the exporter to obtain the export payment rate applicable to that period. Exportation in a different period will be acceptable only if approved in writing by the Director, and such approval may be given subject to such reduction in the export payment (expressed in a rate per bushel) as may be specified by the Director.

§ 483.108 Excess quantities loaded.

Payment will not be made on quantities loaded on vessels, cars, or trucks which are in excess of the contract quantity as shown on the Declaration of Sale plus the contract loading tolerance if one is specified in the contract of sale but in no case more than a tolerance of ten percent, or a one percent tolerance if no loading tolerance is specified in the contract. A new Notice of Sale and Declaration of Sale are required for any additional quantity loaded.

§ 483.109 Wheat exported prior to sale.

(a) In connection with any quantity of wheat exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the person who actually exports such wheat, and not to a person who buys such wheat after exportation and re-sells it to a designated country.

(b) In order to receive export payment on wheat exported prior to sale the exporter must have reported the exportation of such wheat to the Director not later than seven days after the date of such exportation as defined in § 483.189, unless additional time for reporting is granted in writing by the Director. This report must include the following information:

(1) Date of exportation.
(2) Port of exportation.
(3) Country and port of original destination of wheat.
(4) Name of ocean vessel upon which loaded.
(5) Quantity in bushels.
(6) Class and grade.
(7) The report shall also contain a statement that the vessel contains other wheat sold by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Unless otherwise approved in writing by the Director only unsold wheat which is loaded on a vessel which also carries wheat sold by the same exporter under this program, or other export programs of CCC, shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat exported.

(d) At such time as the wheat is sold, the exporter shall report the sale to the Director as provided in § 483.125, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad".

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the export rate period current at that time which applies (1) to the port from which the wheat was exported, and (2) to the country shown in the Declaration of Sale.

Export Payment Rates and Announcements

§ 483.120 Announcement of rates.

Export payment rates will be announced from Washington, D.C., daily or at intervals of up to 7 days. Rates will be released at approximately 3:31 p.m., e.s.t. (see § 483.199), and will remain in effect through 3:30 p.m., e.s.t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p.m., e.s.t., on Friday will be in effect through 3:30 p.m., e.s.t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcements will be available through the press, ticker service, Commodity Stabilization Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Evanston (Illinois), and through representatives of the Office of the General Sales Manager, CSS, located at San Francisco and New York. Different rates of payment for separate coasts or ports, various classes of wheat, destinations, periods of exportation, etc., may be announced simultaneously.

§ 483.121 Determination of rates.

The rate in effect at the time of sale to the foreign buyer or the time of filing Notice of Sale as required by § 483.125 (a), whichever rate is the lower, shall be the rate applicable to the sale. The supporting evidence of sale submitted by the exporter in form prescribed in § 483.127 (d), will be the basis for determining the time of sale. Some of the factors which are determinative of such time of sale, for the purpose of this program, are as follows:

(a) Time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation by the exporter of the booking of a shipment or shipments to be made pursuant to a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter has the right under the terms of the standing order to create a firm contract of sale by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) A sale shall not be considered as made until the purchase price has been established, and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer on which a firm dollar and cent price has been established pursuant to paragraphs (a), (b) and (c) of this section. Any contract provisions which entail provisional, or basic or maximum or minimum prices to be adjusted at a future date, may affect the time of sale for purposes of this subpart. For example, a contract will be considered to have a firm dollar and cent price if it contains a maximum price which can be reduced only at the seller's option or a minimum price which can be increased only at the buyer's option.

(e) If export is wholly by truck or rail and a firm contract exists at a firm dollar and cent price but the time of sale cannot be determined on the basis of the factors set forth in this section, or by any other means, the sale will be deemed to have been made at the time of issuance of the inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined under other provisions of this section, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat is loaded on board ocean carrier.

(f) If the time of day at which the sale was made is not established and two payment rates are in effect on the day the sale was entered into, the time of sale will be deemed to occur at the time the lower of the two rates was in effect.

(g) If a sale is made through an intermediary, for purposes of determination of the applicable export payment rate, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(h) In any unusual cases involving factors other than those enumerated above, an exporter should make a written request for a determination in writing from the Director in advance of making the sale as to the effect of such factors on the time of sale.

Registration of Sales

§ 483.125 Notice of Sale.

(a) *Time.* (1) The exporter shall file a Notice of Sale as soon as possible after the date of the sale.

(2) Notices of Sale should normally be filed by telegraph, although telephone may be used. Telephoned notices should be confirmed immediately by telegraph.

(3) In order for the exporter to be assured of the current rate of payment, the telegram reporting the sale must be filed by 3:30 p.m., e.s.t. (or the telephone call must be made by that time), of the expiration date for such rate as shown in the rate announcement.

(4) The time of filing the Notice of Sale is considered to be as follows:

(i) In the case of a postal notice, the time which appears on the postmark on the envelope;

(ii) In the case of a telephonic notice, the time transmission of the telephonic message to CCC begins;

(iii) In the case of a telegraphic notice, the time transmission of the message to the telegraph company begins. CCC will accept as evidence of the time of filing a telegraphic Notice of Sale the time which appears on such notice. However, CCC will give consideration to any other corroborative evidence submitted by the exporter to support an earlier filing time. If the time of filing the Notice of Sale cannot be established and two rates are in effect on the day of filing, the time of filing the Notice of Sale will be deemed to be at the time the lower of the two rates was in effect.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of sale.
(2) The Purchase Authorization Number, if a sale under Public Law 480 (83d Congress) or the Procurement Authorization Number if a sale under section 402 of the Mutual Security Act of 1954 (sales involving ICA funds).
(3) Contract quantity in bushels and the contract loading tolerance, if any, in percentage, but not in excess of 10 percent.
(4) The sale price must be shown on an f.o.b. vessel bulk basis, except that on exports from West Coast ports the price may be given on an instore basis. The f.o.b. or the instore price shown should include all charges and commissions necessary to the sale and moving of the wheat to the f.o.b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.
(5) Coast of export.
(6) Country of destination.
(7) Name of purchaser. (Where the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others.")
(8) Delivery period specified in contract.
(9) Class and grade of wheat, and protein content when protein is specified in contract.
(10) If under subparagraph (5) of this paragraph, more than one coast of export is shown, indicate the CSS Commodity Office (Evanston, Dallas or Portland), to which the exporter will submit Application for Wheat Export Payment.
(11) The Word "Abroad" for wheat exported prior to sale. (See § 483.109 (d).)
(12) Such additional information in individual cases as may be requested by the Director.

§ 483.126 Notice of Registration.

(a) Upon receipt of the Notice of Sale, a Contracting Officer of CCC will issue a Notice of Registration by telegram unless he determines that to do so would not be in the best interests of the program. A Notice of Registration is a condition precedent to the exporter receiving payment under this subpart. Accordingly, before concluding a transaction it may be to the exporter's advantage in instances involving sales of an unusual nature to ascertain from the office indicated in § 483.178 whether the sale may be registered, or to condition his sales contract upon his receiving a Notice of Registration under this subpart.

(b) In the telegram of registration, the Contracting Officer may utilize the code letters "PIK" to indicate "Registered for Payment in Kind."

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (see § 483.127), and on the Application for Wheat Export Payment, CCC

Form 357, and in all correspondence with reference to the transaction.

§ 483.127 Declaration of Sale and evidence of sale.

(a) *Time of submission and required copies.*

(1) The exporter shall prepare a Declaration of Sale (CCC Form No. 359), and mail or deliver it normally within two days after receipt of CCC's Notice of Registration. (See § 483.178.)

(2) The Declaration of Sale must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) Only one Declaration of Sale normally should be submitted by the exporter for each sale identified by a Registration Number assigned in the Notice of Registration (see § 483.126(c)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to Registration Numbers on the respective declarations.

(b) *Information required.* The information to be entered on the Declaration of Sale, is as follows:

(1) The Registration Number.

(2) The Purchase Authorization Number, if a sale under Public Law 480 (83d Congress) or the Procurement Authorization Number if a sale under section 402 of the Mutual Security Act of 1954 (sales involving ICA funds).

(3) Date and time of sale and of filing Notice of Sale.

(4) Name of purchaser, or purchasers.

(5) Contract quantity in bushels, and if the contract provides for a loading tolerance, the amount of such tolerance in percentage but not to exceed 10 percent.

(6) Country of destination.

(7) Delivery period specified in the contract.

(8) Class and grade of wheat, and protein content when specified in the contract.

(9) The sales price in the case of bulk wheat must be given on an f.o.b. vessel, bulk basis, on exports from Gulf and East Coast ports and on an instore, or f.o.b. vessel, bulk basis, on exports from West Coast ports. The f.o.b. or the instore price shown should include all charges and commissions necessary to the sale and the moving of the wheat to the f.o.b. or the instore position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.

(10) Export rate per bushel of wheat in effect as determined by § 483.121.

(11) Coastal area from which it is anticipated exportation will be made.

(12) CSS Commodity Office to which Application for Wheat Export Payment will be submitted.

(13) Where the exporter intends to ship, tranship, or cause wheat to be shipped or transhipped to one or more of the countries or areas identified in § 483.167(b) (1) and (2), the license issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement, shall be identified. With respect to any such movement to Hong Kong or Macao not requiring a specific license, the exporter shall state that a specific license is not required.

(14) Such additional information in individual cases as may be requested by the Director.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who sold the wheat to a foreign buyer. If the sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration of Sale and all related documents, such as:

American Grain Company
(Trade Name)
U.S. Grain Company
[s] John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving an intermediate party (see § 483.121(g)) the evidence required is certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate party and the buyer shown in the Declaration of Sale, provided such evidence includes all information required under paragraph (b) of this section, and any additional documentation specifically requested by the Director.

OBLIGATION AND DEFAULT

§ 483.140 Exporter's Agreement with CCC.

The Notice of Sale by the exporter and the Notice of Registration shall constitute an agreement by the exporter to export the quantity of wheat to which such notices relate in accordance with the provisions of this subpart, in consideration of the undertaking of CCC to make an export payment, subject to the terms and conditions of this subpart.

§ 483.141 Cancellation of sale or failure to export.

(a) The exporter shall notify the Director promptly in every case where he is not able to fulfill his obligation under § 483.140 of this subpart because of (1) cancellation of a sale, (2) failure to export, (3) the re-entry into Canada or the United States, Alaska, Hawaii or Puerto Rico of wheat previously exported, or (4) failure to discharge fully any other obligation assumed by him under the program, and must state the reasons therefor.

(b) If the Vice President after affording an exporter the opportunity to present evidence determines that the exporter has cancelled the sale, or failed to export, or failed to discharge fully any other obligation assumed by him under the program, the exporter shall pay on demand any damages resulting from his failure to discharge his obligation to CCC, and the exporter may be denied the right to continue participating in this program or in any other program of CCC for such period as the Vice President may determine and until the exporter has complied with such other terms and conditions as the Vice President may prescribe, unless the exporter establishes to the satisfaction of the Vice President that his failure to discharge his obligations under the program was not due to his fault or negligence.

(c) If any quantity of wheat exported pursuant to the exporter's contract with CCC is re-entered into Canada or the United States, Alaska, Hawaii, or Puerto Rico, whether or not such re-entry is caused by the exporter, or if any wheat is transhipped or caused to be transhipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment received and shall comply with the requirements of paragraph (b) of this section, unless he establishes to the satisfaction of CCC with respect to any re-entry that (1) the re-entry was not due to his fault or negligence and promptly after he received notice of re-entry he exported to any designated country the wheat required to be exported under his contract with CCC or (2) the wheat re-entered was lost, damaged or destroyed and the physical condition is such that its re-entry into the United States will not impair CCC's price support program.

WHEAT EXPORT PAYMENT CERTIFICATE

§ 483.145 Application for Wheat Export Payment.

An original and two (2) copies of Application for Wheat Export Payment, CCC Form 357, must be prepared and submitted together with the evidence of exportation, as provided in § 483.147, to the CSS Commodity Office shown on the acknowledged copy of the Declaration of Sale which is returned to the exporter. The exporter should submit the application as soon as possible after exportation as the face value of the certificate is subject to discount as provided in § 483.146(b). Supplies of CCC Form 357 and detailed instructions regarding the preparation and submission of the form may be obtained from the CSS Commodity Offices in Evanston, Dallas and Portland (Oregon).

§ 483.146 Description of Certificate.

Upon receipt of an Application for Wheat Export Payment (CCC Form 357) the CSS Commodity Office will determine the amount of payment due and issue to the exporter a Wheat Export Payment Certificate (CCC Form 358) for the amount due. Such Certificate is described in this section and will be subject to the provisions embodied in the Certificate and the applicable provisions in this subpart.

(a) *Payee.* Except as provided in § 483.176, the Certificate will be issued only to the exporter who has filed a Declaration of Sale and has obtained the Registration Number which shall be shown in the space provided in the Certificate.

(b) *Face value.* The amount shown in the space provided for the face value of the Certificate will be the amount obtained by multiplying the number of net bushels of wheat exported by the applicable export payment rate. Certificates will be accepted at face value if applied to the purchase of wheat under contracts with CCC which specify a date of sale not more than 60 days after the date of export shown on the certificate. If a certificate is applied to the purchase of wheat under a contract with CCC which specifies a date of sale more than 60 days after the date of export shown on the certificate, the value at which the certificate will be accepted will be the face value reduced by 1/50 of one percent for each day beginning on the 61st day after such date of export and ending on the date of sale specified in the CCC contract to which it is applied.

(c) *Date of export.* The date of export shown on the Certificate will be the date of export as defined in § 483.189, which shall be deemed to be the date on which the export payment was earned.

(d) *General provisions.* The Wheat Export Payment Certificate will be redeemable in wheat which Commodity Credit Corporation makes available from its stocks for sale under this program. The certificate may be presented to the Dallas, Evanston, Kansas City, Minneapolis, or Portland offices of Commodity Stabilization Service, as provided in § 483.155, for wheat handled by the Office to which submitted. The certificate may be transferred by endorsement subject to all terms, conditions, and restrictions contained in § 483.146 and in the sections from § 483.155 through § 483.199 inclusive, applicable to the person or firm to whom it was originally issued.

§ 483.17 Documents required as evidence of export.

Each Application for Wheat Export Payment (CCC Form 357) must be supported by the following documentary evidence, as applicable:

(a) If export is by water, a nonnegotiable copy or photostat of the on-board-ship bill of lading issued at point of export certified by the exporter as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the Registration Number assigned by CCC (see § 483.126) in the case of sales to European countries, the name of the vessel, the date and place of issuance, the weight of the wheat, the number or description of the hold or tank in which the wheat was stowed, the designated country to which the wheat was shipped, and the Purchase Authorization Number if exported under Public Law 480 (83d Congress) or the Procurement Authorization Number if exported under Section 402 of the Mutual Security Act of 1954 (sales involving ICA funds). Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading. If the country of destination shown on the ocean bill of lading differs from that shown on the Declaration of Sale or the country of destination approved by the Director pursuant to § 483.106, the exporter shall also furnish one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom official, showing that the country of destination is, in fact, the country to which the wheat is required to be exported.

(b) If exportation is by rail or truck, one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the wheat.

(c) A copy of an official loading weight certificate as defined in § 483.193 applicable to the wheat described in the on-board-ship bill of lading issued at point of export, or Shipper's Export Declaration and showing (1) date and place of issuance, and (2) name of vessel, and description of hold or tank in which the wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged wheat, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat and either the tare or the number of bags and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate issued at the point of export applicable to the wheat described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of wheat, and (3) name of vessel and description of the hold or tank in which the wheat was stowed, or where exportation is by rail-car or truck, a description of such rail-car or truck in which exported. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the wheat determined in accordance with the Official Grain Standards of the United States. If the certificate shows mixed wheat it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture.

(e) In the event of exportation from a point in Canada, (1) the bill of lading and other documentary evidence covering the movement of the wheat from the United States to the export vessel described in the on-board-ship bill of lading issued at the point of export, (2) a certification by the exporter that the wheat exported was produced in the United States, and (3) a copy of an official loading weight certificate and of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act applicable to the grain shipped from the United States and showing date and place of issuance, name of vessel and description of hold or tank in which wheat was stowed.

(f) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, that the exporter has fully complied with his obligations to export.

(g) If the shipper or consignor named in the on-board bill(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(h) Where exportation of the wheat has been made by anyone or transhipment made or caused by the exporter to one or more countries or areas identified in § 483.187(b) (1) and (2), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, United States Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the exporter that a specific license was not required.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against the exporter's agreement with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

(j) If the export shipment is made by vessel, plane, truck or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the quantity, the export destination, a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in paragraph (a) of this section as may be applicable hereto.

REDEMPTION OF WHEAT EXPORT CERTIFICATE

§ 483.155 Submission of offers.

Offers to purchase CCC wheat with certificates may be submitted by letter, telegram, or orally to any CSS Commodity Office from which the exporter desires delivery. The offerer must specify the class, grade, quality and quantity desired, and the desired point of deliv-

ery. CCC reserves the right to determine the classes, grades, qualities and quantities and point of delivery for which offers will be considered, and to reject any offer.

§ 483.156 Creation of contracts.

Preliminary negotiations for purchase of wheat under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the CSS Commodity Office in duplicate. One copy shall be signed and returned by the exporter whose offer to purchase wheat is accepted by CCC. Such exporter is hereinafter called "the purchaser." The Confirmation of Sale, together with the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used in §§ 483.155 to 483.165, inclusive, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the Confirmation of Sale.

§ 483.157 Price.

The price shall be basis f.o.b. vessel, instore, or track at port or other point of export (without export allowance) as determined by CCC and shall be specified in the Confirmation of Sale.

§ 483.158 Payment terms and financial arrangements.

(a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC, the purchase price of the wheat and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 483.146(b).

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any wheat purchased from CCC hereunder shall be made prior to delivery of the wheat by CCC in one (or a combination) of the following ways:

(1) Surrender to the appropriate CSS Commodity Office of certificate(s) sufficient to pay for the wheat.

(2) If a purchaser desires delivery prior to receipt by CCC of certificates, he may make payment in cash, certified check, or cashier's check for the wheat to be delivered, or if delivery is to be made in store, he may request that CCC draw a sight draft on him through a named bank with warehouse receipts attached or request that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the CSS Commodity Office. To the extent that acceptable certificates are received by CCC within 90 days after delivery of the wheat to the purchaser, CCC shall promptly make refund of funds received.

(3) If a purchaser desires delivery prior to receipt by CCC of certificates, he may establish an irrevocable commercial letter of credit acceptable to CCC for an amount equivalent to the total amount of the purchase price of the wheat plus interest thereon for 60 days, against which CCC will not draw to the extent that the purchaser pays to CCC the purchase price of the wheat and any applicable interest promptly upon presentation of invoices or prior to invoicing by CCC. To the extent that such payment is not made, CCC will draw drafts under the letter of credit for the amount remaining unpaid, supported by a statement specifying the amount due. When financial arrangements are made in this manner, the following shall apply:

(i) The letter of credit shall have an effective period of at least 60 days from the final date for delivery of the wheat to the purchaser as specified in the Confirmation of Sale. If a single letter of credit is used for this purpose as well as for the upward adjustment in price required under paragraph (c), the effective period shall be 150 days from the final date for delivery.

(ii) Interest on the purchase price of the wheat shall be paid in cash for the period from the date of delivery of the wheat to the date CCC receives acceptable certificates or cash or, in the case of payments against sight drafts drawn by CCC the date CCC estimates the draft will be paid. The rate of interest will be the rate in effect on the date of sale as announced in the CCC Monthly Sales List for sales made under the CCC credit sales program for periods up to 6 months. The interest shall be included in the amount of sight drafts drawn by CCC.

(iii) Unless otherwise requested by the purchaser, CCC shall, promptly after receiving cash for application on the purchase price and/or interest, or acceptable certificates for application on the purchase price, notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit in an amount equivalent to the amount of cash or acceptable certificates received.

(iv) To the extent acceptable certificates are received by CCC within 90 days after delivery of the wheat to the purchaser, CCC shall promptly make refund of any funds received representing the purchase price of the grain (but not any interest).

(c) The amount of the upward adjustment in price which is provided in § 483.163 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the Confirmation of Sale. Financial arrangements for such price adjustments shall be made in one of the following ways:

(1) Payment in cash, certified check, or cashier's check or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery specified in the Confirmation of Sale and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery,

Supported by a statement specifying the amount due CCC. Promptly after CCC receives acceptable certificates in payment of the wheat purchased as provided in paragraph (b) (2) or (3) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of funds received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraphs (b) and (c) of this section shall be made:

(1) Prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and,

(2) On all other purchases, not less than 5 days prior to delivery of the wheat by CCC, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make a financial arrangement acceptable to CCC in accordance with paragraph (d) of this section, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 483.159 Delivery.

(a) The method, time, and place of delivery will be as specified in the Confirmation of Sale.

(b) If the wheat is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of instore delivery the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman.

(c) If the wheat is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing, including warehouse and loading-out charges, in the case of instore delivery, shall be for the account of the purchaser: *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall make cash settlement with CCC for warehouse charges on the wheat not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the final date for delivery specified in the Confirmation of Sale or any written extension thereof: *Provided further*, That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault of the purchaser.

(e) If on deliveries other than instore the purchaser fails to take delivery of the wheat within the delivery period specified in the Confirmation of Sale, or any written extension thereof, CCC may at its option deliver the wheat instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 483.160 Specifications.

(a) If the wheat is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the kind of wheat and the quantity, class, grade and/or quality stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the wheat is to be delivered other than instore, the kind of wheat and the quantity, class, grade and/or quality delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade, and/or quality of the wheat delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the wheat delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser. If the wheat delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the wheat may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any overdeliveries in quantity. Overdeliveries in quantity accepted by the purchaser shall be settled for at the contract price unless a different price has been agreed to between CCC and the purchaser. In case of underdeliveries a balance certificate shall be issued by CCC, or if other financial arrangements were furnished, the value of certificates the purchaser is required to surrender will be reduced. In the case of overdeliveries the purchaser shall tender cash or certificates to CCC. If the value of wheat delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of wheat delivered by $3.00 or less, a balance certificate will not be issued unless requested.

§ 483.161 Export requirements.

(a) The purchaser shall, on or after the date of sale and within 60 days after delivery of the wheat to him or within such extension of that period as may for good cause be approved by the Vice President in writing cause exportation to a designated country of wheat equal in quantity to and of the same class as the wheat delivered by CCC. In the case of delivery of wheat to the purchaser at a Great Lakes port, if exportation takes place other than from the place of delivery by CCC, the purchaser must within such 60-day period, or within such extension of that period as may for good cause be approved by the Vice President in writing, ship from the place of delivery by CCC to any export point not on the Great Lakes, wheat equal in quantity and of the same class as the wheat delivered by CCC. Wheat so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The requirement that wheat of the same class be exported or shipped may be satisfied by exporting or shipping a quantity of mixed wheat which contains, as evidenced by the applicable Grain Inspection Certificate, wheat at least equal in quantity and of the same class as that delivery by CCC. The wheat exported shall not be re-entered by anyone into the United States, Alaska, Hawaii or Puerto Rico, nor shall the purchaser cause the wheat exported to be transshipped to any country excluded by § 483.187.

(b) Except as provided in § 483.162(g), the purchaser shall, within 30 days after exportation, furnish to the CSS Commodity Office evidence of such exportation, as required in § 483.162. Failure of the purchaser to furnish CCC proof of exportation within 90 days after delivery of the wheat to him, or in the case of extension of the time for export, within 30 days from the last date specified for exportation under such extension, shall constitute prima facie evidence of failure to export. Documents supporting an Application for Wheat Export Payment on the wheat exported will be accepted as evidence of export of wheat purchased from CCC if they satisfy the requirements specified in § 483.162, and the Application for Wheat Export Payment is accompanied by a letter in duplicate specifying the documents which are submitted as evidence of export and the CCC sales contract number to which they relate.

§ 483.162 Evidence of export.

Evidence of export shall consist of the following documentation, as applicable:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading certified by the exporter as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the registration number assigned by CCC (see § 483.126) in the case of sales to European countries, the name of the vessel, the date and place of issuance, the weight of the wheat, the number or description of the hold or tank in which the wheat was stowed, the designated country to which the wheat was shipped, and the CCC sales contract number. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(b) If export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the wheat, and the CCC sales contract number. The unauthenticated copy, or photostat copy, shall bear the following statement certified by the purchaser:

> The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the CSS Commodity Office) with application for Wheat Export Payment under Registration No. _____.

(c) A copy of an official loading weight certificate as defined in § 483.193 applicable to the wheat described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) date and place of issuance, and (2) name of vessel, and description of hold or tank in which wheat was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged wheat, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the wheat, and either the tare or the number of bags and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate issued at the point of export applicable to the wheat described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of wheat, and (3) name of vessel and description of the hold or tank in which wheat was stowed, or where exportation is by rail-car or truck, a description of such rail-car or truck. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the wheat determined in accordance with the Official Grain Standards of the United States. If the certificate shows mixed wheat it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture.

(e) In the event of exportation from a point in Canada, (1) the bill of lading and other documentary evidence covering the movement of wheat from the United States to the export vessel described in the bill of lading issued at the point of export, (2) a certification by the exporter that the wheat exported was produced in the United States, and (3) a copy of an official loading weight cer-

tificate and of a grain inspection certificate issued by an inspector licensed under the United States Grain Standards Act applicable to the grain shipped from the United States and showing date and place of issuance, name of vessel and description of hold or tank in which wheat was stowed.

(f) If the wheat is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the exporter must, in conformance with the requirement in § 483.161(a) submit a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of wheat of the required quantity and kind, from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the exporter that the wheat represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as provided in § 483.162(i). Such evidence shall be submitted in the time required by § 483.161(b) or within such extension of that time as may be approved by CCC in writing.

(g) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President that the exporter has fully complied with his obligations to export.

(h) Where exportation of the wheat has been made by anyone or transshipment made or caused by the exporter to one or more of the countries or areas identified in § 483.187(b) (1) and (2), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the purchaser that a specific license was not required.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of wheat which is applied against any one contract with CCC and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under any export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance or has sold grain at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which this documentary evidence of export has been or will be applied and the quantity applicable to each contract.

(j) If the export shipment is made by vessel, plane, truck or other carrier, operated by a Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the quantity, and the export destination and a certification by the exporter that shipment is not by or to a U.S. Government agency, and such other information required in paragraph (a) of this section as may be applicable hereto.

§ 483.163 Adjusted sales price.

(a) Sales of wheat under this announcement are made at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 483.158, and upon the further condition that all applicable provisions of §§ 483.161 and 483.162 are complied with. In the event of failure to comply with such conditions, the sales price with respect to the quantity of wheat involved shall be the highest of the following prices in effect on the date of sale:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade and quality of the wheat, as determined by CCC, or

(2) The sales price, announced by CCC for sale for unrestricted use of the same kind, class, grade and quality of the wheat, or

(3) If no such sales price has been announced, the highest domestic market price at the point where CCC delivered the wheat, as determined by CCC.

(b) The total amount of any upward adjustment in sales price under this section shall be paid in cash by the purchaser to CCC promptly upon demand plus interest at the rate of 6 percent per annum from the date of sale. Any upward adjustment of sales price will not be made to the extent that the Vice President or his designated representative, determines:

(1) That the wheat has not been exported or has been re-entered into the United States, Alaska, Hawaii or Puerto Rico due to causes without the fault or negligence of the purchaser, that such wheat was pursuant to written approval of CCC, subsequently actually exported to a designated country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 483.162, or

(2) That the wheat placed in transit to an export location for export under this announcement or re-entered into the United States, Alaska, Hawaii or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations, or

(3) That the wheat required to be moved from a Great Lakes port to an export point not on the Great Lakes was not moved as a result of its loss, damage, destruction, or deterioration after it was placed in transit for such shipment and the physical condition was such that its entry into domestic market channels will not impair CCC's price support operations.

§ 483.164 Inability to perform.

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the wheat due to any cause without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

§ 483.165 Covenant against contingent fees.

The purchaser warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies. For breach or violation of this warranty CCC shall have the right to annul the contract without liability or in its discretion to require the purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage or contingent fee.

MISCELLANEOUS PROVISIONS

§ 483.174 Performance guarantee.

In addition to the performance guarantees required under § 483.158 (b)(3) and (c), CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or performance type letter of credit, acceptable to CCC to guarantee performance of any of his obligations under §§ 483.155 to 483.165, inclusive.

§ 483.175 Good faith.

If the Vice President after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied (a) the right to continue participating in this or in any other program of CCC or (b) the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Any such action shall not affect any other right of CCC, the Department of Agriculture or the Government by way of the premises.

§ 483.176 Assignments.

No exporter shall, without the written consent of the Director, assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 483.146(d).

§ 483.177 Records and accounts.

Each exporter shall maintain accurate records showing sales and deliveries of wheat exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 483.178 Submission of reports.

The Notice of Sale, Declaration of Sale, and related reports required under this subpart to be submitted to the Director, should be addressed as follows:

Chief, Commercial Export Branch, Grain Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Com Ex Branch, USDA (AG), Washington, D.C.

Exporters calling this office by long distance telephone may do so by direct dialing. The long distance area number for Washington, D.C. is 202. The telephone numbers of this office are DUdley 8–3261, –3262, –3927 and –3928. For example, exporters may dial 202DU8–3261.

§ 483.179 Additional reports.

The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 483.180 CSS Commodity Offices.

Information concerning this program may be obtained from CSS Commodity Offices listed below:

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Ill.
Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Tex.
Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Mo.
Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minn.
Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oreg.

§ 483.181 Officials not to benefit.

No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this program but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 483.182 Amendment and termination.

This offer may be amended or terminated by filing of such amendment or termination with the Federal Register Office for publication. Any such amendment or termination shall not be applicable to sales for export which otherwise comply with the Terms and Conditions of this offer made before the effective time and date of such amendment or termination.

§ 483.183 Written approval by the Vice President or Director.

Where the program specifies certain requirements unless otherwise approved in writing by the Vice President or Director, and the exporter wishes to obtain such an approval, an application therefor should be filed in writing with the Vice President or Director in advance of the last day for performance of the requirement in order for the exporter to assure himself whether his request will be approved. Approval may also be granted after the time specified for performance of the requirement where the exporter has established good cause therefor.

DEFINITIONS

§ 483.186 Day.

"Day" means calendar day.

§ 483.187 Designated countries.

A "designated country" means:

(a) A country or territory designated as IWA in an announcement of export payment rates (§ 483.120), or

(b) Any other destination outside the United States, and excluding Alaska, Hawaii or Puerto Rico, and also excluding:

(1) Any country or area listed as Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, unless a license for such shipment or transhipment thereto has been obtained from such Bureau.

(2) Hong Kong or Macao in the case of any commodity for which a specific license is required by regulations of the U.S. Department of Commerce under the Export Control Act of 1949, unless such specific license for shipment or transhipment thereto has been obtained from the Bureau of Foreign Commerce, U.S. Department of Commerce.

§ 483.188 Director.

"Director" means the Director of the Grain Division, Commodity Stabilization Service, Washington, D.C.

§ 483.189 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment of wheat from the United States, destined to a designated country or a shipment from Canada, destined to a designated country, of wheat which has been moved from the United States into Canada, provided the identity of the wheat is preserved until shipped from Canada. The wheat so shipped shall be deemed to have been exported on the date which appears on the applicable on-board export bill of lading, or if shipment to the designated country is by truck or rail, on the date the shipment clears the United States Customs. If wheat is lost, destroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board-vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading: *Provided*, That if the "lost" or "damaged" wheat remains in the United States, it shall be considered as re-entered wheat and shall be subject to the provisions of § 483.141(c). Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this announcement.

NOTE TO EXPORTER: Since the export payment on any given quantity of wheat is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of wheat against any loss which may occur prior to the wheat leaving this country by rail or truck or prior to loading on the export vessel.

§ 483.190 Exporter.

"Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of buying and selling wheat for export and for this purpose maintains a bona fide business office in the United States, and therein has a person, principal, or resident agent upon whom service of process may be had.

§ 483.191 International Wheat Agreement.

"International Wheat Agreement" or "IWA" means the 1959 International Wheat Agreement, ratified by the United States on July 16, 1959, or subsequent agreements duly ratified by the United States.

§ 483.192 Ocean carrier.

"Ocean carrier" means the vessel on which shipment from the United States or Canada, other than shipments between such countries, is exported pursuant to a sale registered under this program.

§ 483.193 Official weight certificate.

"Official weight certificate" means a weight certificate issued:

(a) By Chambers of Commerce, Boards of trade, Grain Exchanges, State Weighing Departments, or other organizations having qualified, independent, impartial, paid employees stationed at elevators, or

(b) By or on authority of Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations where weighing is performed by elevator employees under the supervision of a qualified, independent, impartial, supervising weighmaster employed by one of the above organizations.

§ 483.194 United States.

"United States" unless otherwise qualified means all of those states situated on the North American continent excluding Alaska.

§ 483.195 United States Government Agency.

"United States Government Agency" means any corporation, wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government

as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company. Sales of wheat to foreign buyers, including foreign governments though financed with funds made available by a U.S. agency, such as the International Cooperation Administration or the Export-Import Bank, are not sales to a U.S. Government agency, provided such wheat is not for transfer to a U.S. Government agency.

§ 483.196 Vice President.

"Vice President" means the Executive Vice President of the Commodity Credit Corporation or his designee.

§ 483.197 Wheat.

"Wheat" means wheat grown in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment and which satisfies the exportation requirements of this subpart, shall be determined by deducting from the weight of the wheat (which shall not include the weight of any bags) any dockage indicated on the inspection certificate issued at the time of loading for export.

§ 483.198 Wheat Council.

"Wheat Council" means the International Wheat Council established by the International Wheat Agreement.

§ 483.199 3:31 e.s.t.

"3:31 e.s.t." as used in the subpart means 3:31 eastern standard time, except that when Washington, D.C., is on daylight saving time 3:31 e.s.t. means 3:31 eastern daylight saving time (2:31 eastern standard time).

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 20th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or communist-controlled areas of the Far East including Communist China, North Korea and the communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the General License GHK list (CES, 15 CFR 371.23), and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 60-5823; Filed, June 23, 1960; 8:49 a.m.]

PART 483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR 346) Terms and Conditions

REVISION I

The Terms and Conditions of the Flour Export Program—Cash Payment (GR-346) (21 F.R. 8741), as amended (22 F.R. 6641), (23 F.R. 1715), (24 F.R. 2115) and (24 F.R. 7633), are further amended herein and are reissued as Revision I as follows:

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483.201 General statement.

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483.205 General conditions of eligibility.
483.206 Countries and buyers to which flour may be exported.
483.207 Date of exportation.
483.208 Excess quantities loaded.
483.209 Flour exported prior to sale.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

483.220 Announcement of rates.
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483.225 Notice of Sale.
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AUTHORITY: §§ 483.201 to 483.296 issued under secs. 4, and 5, 62 Stat. 1070, 1072, sec. 2, 63 Stat. 945, as amended, 15 U.S.C. 714 b and c, and 7 U.S.C. 1641.

GENERAL

§ 483.201 General statement.

In order to encourage the sale and exportation by commercial exporters of flour processed in the United States or Puerto Rico from wheat produced in the United States, and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, the Commodity Credit Corporation (referred to in this subpart as CCC) offers to make cash payments to exporters under the terms and conditions stated in this subpart. This program will be administered by the Commodity Stabilization Service, United States Department of Agriculture, and information pertaining to the program may be obtained from any of the CSS offices listed in § 483.280.

ELIGIBILITY FOR PAYMENT BY CCC

§ 483.205 General conditions of eligibility.

(a) Payment under this program will be made to an exporter, subject to the terms and conditions set forth in this subpart, in connection with the net quantity of flour exported from the United States or Puerto Rico to a designated country as defined in § 483.287 and the net quantity of flour shipped to Canada and exported to a designated country from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which the exporter receives a Notice of Registration from a Contracting Officer, CCC, in accordance with § 483.226. The term "foreign buyer" or "foreign buyer in the country of destination" as referred to in this subpart, shall include the Panama Canal Company and the Army and Air Force Exchange Service purchasing flour for shipment to installations abroad. Payment also will be made to an exporter on flour exported prior to sale for which the exporter has received a Notice of Registration from a Contracting Officer, CCC, subject to the terms and conditions of this subpart, particularly § 483.209.

(b) Sales to foreign buyers in countries and territories designated as IWA (see § 483.287) as well as sales to other designated countries may be made under this program. CCC will determine which sales registered under the program in accordance with § 483.226 are considered eligible for recording under the Wheat Agreement and will report such sales to the Wheat Council. Final determination of recordability rests with the Wheat Council. An exporter's subsidy rights under this subpart will not be impaired if any transaction is not ultimately recorded by the Wheat Council.

(c) A sale which involves flour derived in whole or in part from wheat produced outside the United States, or flour milled outside the United States or Puerto Rico, is not eligible for registration under the program. However, in the event the Director determines that ineligible flour is exported unintentionally, payment may be made but only on that portion which it is established to his satisfaction was milled in the United States or Puerto Rico from wheat produced in the United States.

(d) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export, as required in § 483.246, which has not been used, or will not subsequently be used as evidence of export in connection with (1) any other application for flour export payment under this program, (2) any other export program under which CCC has made or has agreed to make an export allowance, (3) any other export program which involves the sale of wheat for export as flour at prices which reflect any export allowance, or (4) a CCC barter transaction. Nothing herein shall be construed as precluding exportations of flour under this program from fulfilling sales under Purchase Authorizations pursuant to Public Law 480 (83d Congress), or Procurement Authorizations pursuant to section 402 of the Mutual Security Act of 1954 (sales involving ICA funds).

(e) Sales may be made pursuant to this program to a foreign buyer for shipment to any designated country whether or not such buyer is located in the country of destination. A sale to be eligible for payment must be a bona fide sales transaction with the foreign buyer named in the Declaration of Sale. Brokers or agents of either the seller or the foreign buyer shall not be named as the buyer in the Declaration of Sale.

(f) Where a sale is made by an exporter to a foreign buyer who simultaneously resells to another foreign buyer, the latter may be the buyer named in the Notice of Sale and Declaration of Sale.

(g) The foreign buyer may be an affiliate of the U.S. exporter, in which case the sale registered for export payment must be a bona fide sales transaction in which the affiliate is acting in its own behalf as an independent buyer and not on behalf of the exporter. The foreign sale shall not be a "wash sale" or any other type of intercompany transaction which does not result in an actual exportation of wheat against the specific sale on which the export payment rate was based.

(h) Exportation of flour by or to a United States Government agency (as defined in § 483.295), excluding the Army and Air Force Exchange Service and the Panama Canal Company, to or in a designated country shall not qualify as an exportation for the purposes of this program.

§ 483.206 Countries and buyers to which flour may be exported.

(a) Except as provided in paragraphs (b) and (c) of this section exports under this program shall be made only to the designated country and buyer named in the Declaration of Sale and the exporter shall not ship, tranship or cause the flour to be transhipped to any other country.

(b) Shipment shall be made only to the country named in the Declaration of Sale, unless the exporter (1) obtains the written approval of the Director for shipment to a designated country other than the country named in the Declaration of Sale and (2) furnishes a certification to the Director that such shipment is at the request of the buyer named in the Declaration of Sale, such shipment constitutes delivery against the exporter's sale to the foreign buyer on which the export payment is based pursuant to § 483.221 and is not in connection with a different sale, and that the exporter knows of no circumstances with respect to such shipment which would impair the integrity of such sale.

(c) Shipment may be made to a consignee or notify party other than the buyer named in the Declaration of Sale, provided the exporter furnishes a certification to the Director as required in paragraph (b) of this section.

§ 483.207 Date of exportation.

Where the flour is sold for export in a specified rate period announced by CCC the exportation must be completed before the end of that period in order for the exporter to obtain the export payment rate applicable to that period. Exportation in a different period will be acceptable only if approved in writing by the Director, and such approval may be given subject to such reduction in the export payment (expressed in a rate per hundredweight) as may be specified by the Director. In the case of flour sold to the Army and Air Force Exchange Service, where exportation is to be made by the service and not by the seller, the term "export", for the purpose of determining the applicable rate pursuant to this section, means delivery of the flour to the Exchange Service.

§ 483.208 Excess quantities loaded.

Payment will not be made on quantities loaded on vessels, cars, or trucks which are in excess of the contract quantity as shown on the Declaration of Sale plus a tolerance of one percent except that in the case of sales to foreign Governments where the tender specifies a loading tolerance the quantity eligible for subsidy payment shall be the contract quantity plus the contract tolerance but not more than ten percent. A new Notice of Sale and Declaration of Sale are required for any additional quantity loaded.

§ 483.209 Flour exported prior to sale.

(a) In connection with any quantity of flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the person who actually exports such flour and not to a person who buys such flour after exportation thereof and re-sells it to a designated country.

(b) In order to receive export payment on flour exported prior to sale the exporter must have reported the exportation of such flour to the Director not later than seven days after the date of such exportation as defined in § 483.289, unless additional time for reporting is granted in writing by the Director. This report must include the following information:

(1) Date of exportation.
(2) Port of exportation.
(3) Country and port of original destination of flour.
(4) Name of ocean vessel upon which loaded.
(5) Quantity in hundredweight.
(6) The report shall also contain a statement that the vessel contains other flour sold by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Unless otherwise approved in writing by the Director, only unsold flour which is loaded on a vessel which also carries flour sold by the same exporter under this program or other export programs of CCC shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of flour exported.

(d) At such time as the flour is sold, the exporter shall report the sale to the Director as provided in § 483.225, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the flour sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad".

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the export rate period current at that time which applies (1) to the port from which the flour was exported, and (2) to the country shown in the Declaration of Sale.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 483.220 Announcement of rates.

Export payment rates will be announced from Washington, D.C., daily or at intervals of up to 7 days. Rates will be released at approximately 3:31 p.m., e.s.t. (see § 483.298), and will remain in effect through 3:30 p.m., e.s.t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p.m., e.s.t., on Friday, will be in effect through 3:30 p.m., e.s.t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcements will be available through the press, ticker service, Commodity Stabilization Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Evanston (Illinois), and through representatives of the Office of the General Sales Manager, CCS located at San Francisco and New York. Different rates of payment for separate coasts or ports, destinations, periods of exportation, etc., may be announced simultaneously.

§ 483.221 Determination of rates.

The rate in effect at the time of sale to the foreign buyer, or the time of filing Notice of Sale as required by § 483.225 (a), whichever rate is the lower, shall be the rate applicable to the sale. The supporting evidence of sale submitted by the exporter in form prescribed in § 483.227(d), will be the basis for determining the time of sale. Some of the factors which are determinative of such time of sale for the purpose of this program, are as follows:

(a) Time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation by the exporter of the booking of a shipment or shipments to be made pursuant to a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter has the right under the terms of the standing order to create a firm contract of sale by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Sales may be made through a third principal party but for the purpose of this subpart the third principal party will be considered as an agent or intermediary and the sale as being between the exporter and the ultimate foreign buyer in the country of destination. The time of sale shall be determined by reference to the factors listed elsewhere in this section. The evidence of sale required by § 483.227(d) shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party. For purposes of determining the applicable export payment rate, when the sale is made through an intermediary, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(e) A sale shall not be considered as made until the purchase price has been established, and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer on which a firm dollar and cent price has been established pursuant to paragraphs (a), (b), and (c) of this section. Any contract provisions which entail provisional, or basic, or maximum or minimum prices to be adjusted at a future date, may affect the time of sale for purposes of this subpart. For example, a contract will be considered to have a firm dollar and cent price if it contains a maximum price which can be reduced only at the seller's option or a minimum price which can be increased only at the buyer's option.

(f) If export is wholly by truck or rail and a firm contract exists at a firm dollar and cents price but the time of sale cannot be determined on the basis of the factors set forth in this section, or by any other means, the sale will be deemed to have been made at the time of issuance of the inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined under other provisions of this section, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the flour is loaded on board ocean carrier.

(g) If the time of day at which the sale was made is not established and two payment rates are in effect on such day, the time of sale will be deemed to be at the time the lower of the two rates was in effect.

(h) In the case of sales to the Army and Air Force Exchange Service, the time of sale shall be the time appearing on the Army and Air Force Exchange Service Purchase Order.

(i) In any unusual cases involving factors other than those enumerated above, an exporter should make a written request for a determination in writing from the Director in advance of making the sale as to the effect of such factors on the time of sale.

§ 483.222 Conversion factors.

The following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour:

	Rate factor
Wheat flour (including clears), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction operation	1.000
Semolina and farina	1.000
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing an 80 percent extraction operation	.921
Bulgur	.872
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 90 percent extraction operation	.822
Whole wheat flour	.726

Flour of a specified percent extraction will be eligible for the applicable rate factor only if the flour exported constitutes a component of the percent of flour extracted under such operation and is not in any part a component of the mill-feed by-product. No part of the mill-feed by-product from any milling operation shall be eligible at any rate of payment.

REGISTRATION OF SALES AND REPORTS

§ 483.225 Notice of Sale.

(a) *Time.* (1) The exporter shall file a Notice of Sale as soon as possible after the date of the sale (see § 483.278).

(2) Notices of Sale should normally be filed by telegraph, although telephone may be used. Telephoned notices should be confirmed immediately by telegraph.

(3) In order for the exporter to be assured of the current rate of payment, the telegram reporting the sale must be filed or the telephone call made by 3:30 p.m., e.s.t. of the expiration date for such rate as shown in the rate announcement.

(4) The time of filing a Notice of Sale is considered to be as follows: (i) In the case of a postal notice, the time which appears on the postmark on the envelope, (ii) in the case of a telephone notice, the time transmission of the telephone message to CCC begins, (iii) in the case of a telegraphic notice, the time transmission of the message to the telegraph company begins. CCC will accept as evidence of the time of filing a telegraphic notice the time which appears on such notice. However, CCC will give consideration to any other corroborative evidence submitted by the exporter to support an earlier filing time.

If the time of filing the Notice of Sale cannot be established and two rates are in effect on the day of filing, the time of filing the Notice of Sale will be deemed to be at the time the lower of the two rates was in effect.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of Sale.

(2) The Purchase Authorization Number, if PL-480 (83rd Congress) or the Procurement Authorization Number if Section 402 of the Mutual Security Act of 1954 (sales involving ICA funds).

(3) Contract quantity in net hundredweight.

(4) The sale price need not be shown. However, in the case of sales to designated IWA countries and territories other than sales under PL-480 (83d Congress) and under section 402 of the Mutual Security Act of 1954 (sales involving ICA funds), the Notice of Sale should include an indication that the buyer and seller agree that the price is consistent with a price of wheat which may be entered against obligations under the Wheat Agreement. This agreement may be indicated by the code word "AKORD".

(5) Country of destination. In the case of sales to the Army and Air Force Exchange Service, the exporter shall give the complete markings specified on the purchase order.

(6) Name of purchaser. (Where the sale involves more than one purchaser the Notice of Sale shall contain the name of one purchaser and the word "others".)

(7) Delivery period specified in the contract.

(8) The word "Abroad" for flour exported prior to sale (see § 483.209(d)).

(9) Such additional information in individual cases as may be requested by the Director.

§ 483.226 Notice of Registration.

(a) Upon receipt of the Notice of Sale, a Contracting Officer of CCC will issue a Notice of Registration by telegram unless he determines that to do so would not be in the best interests of the program. A Notice of Registration is a condition precedent to the exporter receiving payment under this subpart. Accordingly, before concluding a transaction it may be to the exporter's advantage in instances involving sales of an unusual nature to ascertain from the office indicated in § 483.279, whether the sale may be registered, or to condition his sales contract upon his receiving a Notice of Registration under this subpart.

(b) In the telegram of registration, the Contracting Officer may utilize the code letters "REP" to indicate "Registered as Eligible for Payment."

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (see § 483.227), the Notice of Export (see § 483.228), Application for Flour Export Payment Form CCC-413 (see § 483.245) and in all correspondence with reference to the transaction.

§ 483.227 Declaration of Sale and evidence of sale.

(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (CCC Form 362), and mail or deliver it normally within two days after receipt of Notice of Registration. (See § 483.226.)

(2) The Declaration of Sale must be submitted in an original and three copies all of which shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) Only one Declaration of Sale should be submitted by the exporter for each sale identified by a Registration Number assigned in the Notice of Registration (see § 483.226(c)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to Registration Numbers on the respective declarations.

(b) *Information required.* The information to be entered on the Declaration of Sale, is as follows:

(1) The Registration Number.

(2) The Purchase Authorization Number if a sale under Public Law 480 (83d Congress) or the Procurement Authorization Number if a sale under section 402 of the Mutual Security Act of 1954 (sales involving ICA funds).

(3) Date and time of sale and of filing Notice of Sale.

(4) Name of purchaser, or purchasers.

(5) Contract quantity in net hundredweight.

(6) Country of destination. In the case of sales to the Army and Air Force Exchange Service, the exporter shall give the complete markings specified on the Service purchase order.

(7) Delivery period specified in the contract.

(8) Type and extraction of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring .48 Ash". For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "blended (predominantly) Hard Winter .70 Ash".

(9) Export payment rate per hundredweight of flour in effect as determined by § 483.221.

(10) Coastal area from which it is anticipated exportation will be made.

(11) Where the exporter intends to ship, tranship, or cause flour to be transhipped to one or more of the countries or areas identified in § 483.287(b) (1) and (2), the license issued by the Bureau of Foreign Commerce, U.S. Department of Commerce for such movement shall be identified. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the exporter shall state that a specific license is not required.

(12) Such additional information in individual cases as may be requested by the Director.

(c) *Name in which filed.* Except in the circumstances described in § 483.221(d), the Declaration of Sale must be filed in the name of the exporter who sold the flour to a foreign buyer. If the sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all related documents, such as:

American Milling Company
(Trade Name)
U. S. Milling Company
[s] John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (see § 483.221(d)), the evidence required is certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate third party and the buyer shown in the Declaration of Sale, provided such evidence includes all information required under paragraph (b) of this section, and shall also include such additional documentation as requested by the Director. In the case of sales to designated IWA countries and territories other than sales under Public Law 480 (83d Congress) and section 402 of the Mutual Security Act of 1954 (sales involving ICA funds), the evidence should include acceptable evidence, such as an exchange of cables, to the effect that buyer and exporter agree that the price of the flour is consistent with a price of wheat which may be entered against obligations of the exporting or importing country under the Wheat Agreement. In the case of sales to the Army and Air Force Exchange Service, a certified copy of the Service purchase order shall be submitted as evidence of sale.

§ 483.228 Notice of export.

(a) *Time of submission and required copies.* A Notice of Export, CCC Form 363, is required in connection with each Declaration of Sale. Such Notice of Export should be mailed or delivered by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale.

(b) *Information required.* The Notice of Export shall contain the following information:

(1) Registration Number.

(2) Date of export of final shipment.

(3) Country of destination.

(4) Total quantity in net hundredweight actually loaded on all shipments made in connection with applicable Declaration of Sale.

(5) The U.S. coastal area or areas from which the flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown.

OBLIGATION AND DEFAULT

§ 483.240 Exporter's agreement with CCC.

The Notice of Sale by the exporter and the Notice of Registration shall constitute an agreement by the exporter to export the quantity of flour to which such notices relate in accordance with the provisions of this subpart, in consideration of the undertaking of CCC to make an export payment, subject to the terms and conditions of this subpart.

§ 483.241 Cancellation of sale or failure to export.

(a) The exporter shall notify the Director promptly in every case where he is not able to fulfill his obligation under § 483.240 of this subpart because of (1) cancellation of a sale, (2) failure to export, (3) the reentry into Canada or the United States, Alaska, Hawaii or Puerto

Rico of flour previously exported, or (4) failure to discharge fully any other obligation assumed by him under the program, and must state the reasons therefor.

(b) If the Vice President, after affording an exporter the opportunity to present evidence, determines that the exporter has cancelled the sale, or failed to export, or failed to discharge fully any other obligation assumed by him under the program, the exporter shall pay on demand any damages resulting from his failure to discharge his obligation to CCC, and the exporter may be denied the right to continue participating in this program or in any other program of CCC for such period as the Vice President may determine and until the exporter has complied with such other terms and conditions as the Vice President may prescribe, unless the exporter establishes to the satisfaction of the Vice President that his failure to discharge his obligations under the program was not due to his fault or negligence.

(c) If any quantity of flour exported pursuant to the exporter's contract with CCC is reentered into Canada or the United States, Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any flour is transhipped or caused to be transhipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment received, and shall comply with the requirements of paragraph (b) of this section, unless he establishes to the satisfaction of CCC with respect to any reentry that (1) the reentry was not due to his fault or negligence and promptly after he received notice of reentry he exported to any designated country the flour required to be exported under his contract with CCC, or (2) the flour reentered was lost, damaged or destroyed and the physical condition is such that its reentry into the United States will not impair CCC's price support program.

Application for Payment

§ 483.245 Application for Flour Export Payment, Form CCC–413.

An original and two (2) copies of Application for Flour Export Payment, Form CCC–413, must be prepared and submitted together with the evidence of exportation as set forth in Sec. 483.246, to the CSS Commodity Office shown on the acknowledged copy of the Declaration of Sale which is returned to the exporter. Supplies of Form CCC–413 and detailed instructions regarding the preparation and submission of the form may be obtained from the CSS Commodity Offices listed in § 483.280.

§ 483.246 Documents required as evidence of export.

(a) Each Application for Flour Export Payment, Form CCC–413, must be supported by the following evidence of export, as applicable:

(1) If export is by water or air, a non-negotiable duplicate copy of the applicable on-board commercial bill of lading signed by an agent of the export carrier which shows the weight of the flour exported, the number of containers, the weight of the containers (or a certification from the exporter as to the weight of the containers), the identification of the export carrier, and that the flour is destined for the buyer and the country of destination identified on the Declaration of Sale, or to a different consignee or country determined pursuant to § 483.206. Where loss, damage or destruction of the flour occurs subsequent to loading aboard the export carrier, but prior to issuance of the on-board commercial bill of lading, a copy of the loading tally sheet or acceptable similar document may be substituted for the bill of lading. If the country of destination shown on the ocean bill of lading differs from that shown on the Declaration of Sale or the country of destination approved by the Director pursuant to § 483.206, the exporter shall also furnish one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Custom official, showing that the country of destination is, in fact, the country to which the wheat is required to be exported.

(2) If export is by rail or truck, a Shipper's Export Declaration, authenticated by a representative of the Bureau of Customs at the port of export which identifies the shipment(s), the date of clearance into the foreign country, the weight of the flour and shows that the flour is destined for the buyer identified in the Declaration of Sale. If the weight of the flour shown on the Shipper's Export Declaration includes the weight of the containers, the exporter must submit a certification of the weight of the containers.

(3) If the shipper or consignor named in the on-board commercial bill(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board commercial bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(4) A certification by the exporter that the flour for which export payment is claimed is the same flour which is described in the Declaration of Sale and which is covered by the evidence of export referred to in subparagraphs (1) or (2) of this paragraph, and a certification of the weight of any enrichments or other additives to the flour in excess of one-half of one percent of the combined net weight of the flour and additives.

(5) Where shipment takes place from a Canadian port:

(i) One signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to the export vessel described in the on-board ship bill of lading issued at the point by export in Canada, and

(ii) One signed or certified true copy of a document evidencing the preservation of the identity of the flour until exported from Canada.

(iii) A certification by the exporter that the flour was milled in the United States or Puerto Rico from wheat produced in the United States.

(6) Where exportation of the flour has been made by anyone or transhipment made or caused by the exporter to one or more of the countries or areas identified in § 483.287(b), (1) and (2), the license issued by the Bureau of Foreign Commerce, U.S. Department of Commerce for such movement shall be identified in the on-board commercial bill of lading. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the exporter shall state that a specific license is not required.

(7) In the case of sales to the Army and Air Force Exchange Service each Form CCC–413 must be supported by:

(i) A certified copy of the inland bill of lading showing delivery of the flour to the Service,

(ii) A certificate of exportation obtained from the Army and Air Force Exchange Service and signed by the Chief or Assistant Chief, Transportation Division, AAFES,

(iii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour as described in the Declaration of Sale and covered by the bill of lading. If the shipper or consignor named in the inland bill of lading is other than the exporter named in the Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the bill of lading and other evidence of exportation.

(8) In the case of sales to the Army and Air Force Exchange Service or the Panama Canal Company, each Form CCC–413 must be supported by a certified statement, made by an authorized official or employee of such Service or Company, that such Service or Company has received in its purchase price paid or to be paid for the flour exported, the benefit of the export allowance under this program.

(9) If the export shipment is made by vessel, plane, truck or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph (a), the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the commodity, the weight of the flour, the weight of the containers and the number of containers, the export destination, a certification by the exporter that shipment is not by or to a U.S. Government agency (unless it is the A & AF Exchange Service or the Panama Canal Company), and such other information required in subparagraph (1) of this paragraph as may be applicable hereto.

(b) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of flour which is applied against the exporter's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

(c) The Authorization Number shall be shown on any bill of lading or other documentary evidence of export which covers exportation of flour under PL–480, 83d Congress or section 402 of the Mutual Security Act of 1954 (sales involving ICA funds).

(d) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President that the exporter has fully complied with his obligation to export.

(e) The exporter shall furnish such additional evidence of export as the Director may require in order to determine that there has been compliance with the export requirements hereof.

Miscellaneous Provisions

§ 483.275 Good faith.

If the Vice President after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied (a) the right to continue participation in this or in any other program of CCC or (b) the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government by way of the premises.

§ 483.276 Assignments.

No exporter shall, without the written consent of the Director, assign any right to an export payment under this subpart. The exporter may, however, name a joint payee on Form CCC–413, Application For Flour Export Payment.

§ 483.277 Records and accounts.

Each exporter shall maintain accurate records showing sales and deliveries of flour exported or to be exported in connection with this program. Such records, accounts and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 483.278 Submission of reports.

The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Commercial Export Branch, Grain Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Com Ex Branch, USDA (AG); Washington, D.C.

Exporters calling this office by long distance telephone may do so by direct dialing. The long distance area number for Washington, D.C., is 202. The telephone numbers of this office are DUdley 8–3261, –3262, –3927 and –3928. For example, exporters may dial 202 DU 8–3261.

§ 483.279 Additional reports.

The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

§ 483.280 CSS Commodity Offices.

The CSS Commodity Offices from which information governing this program is obtainable, are as follows:

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Illinois.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 560 Westport Road, Kansas City 41, Missouri.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minnesota.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

§ 483.281 Officials not to benefit.

No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provisions of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 483.282 Amendment and termination.

This offer may be amended or terminated by filing of such amendment or termination with the Federal Register for publication. Any such amendment or termination shall not be applicable to contracts with CCC which are made before the effective time and date of such amendment or termination.

§ 483.283 Joint Payee.

The exporter may name a joint payee on an Application for Flour Export Payment covering the exportation of flour.

§ 483.284 Written approvals by the Director.

Where the program specifies certain requirements unless otherwise approved in writing by the Director, and the exporter wishes to obtain such an approval, an application therefor should be filed in writing with the Director in advance of the last day for performance of the requirement in order for the exporter to assure himself whether the Director will approve the request. Approval may also be granted by the Director after the time specified for performance of the requirement where the exporter has established good cause therefor.

Definitions

§ 483.286 Day.

"Day" means calendar day.

§ 483.287 Designated countries.

A "designated country" means:

(a) A country or territory designated as IWA in an announcement of export payment rates (See § 483.220), or

(b) Any other destination outside the United States and excluding Alaska, Hawaii or Puerto Rico, and also excluding:

(1) Any country or area listed as Sub-Group A of Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, unless a license for such shipment or transhipment thereto has been obtained from such Bureau;

(2) Hong Kong or Macao in the case of any commodity for which a specific license is required by regulations of the U.S. Department of Commerce under the Export Control Act of 1949, unless such specific license for shipment or transhipment thereto has been obtained from the Bureau of Foreign Commerce, U.S. Department of Commerce.

§ 483.288 Director.

"Director" means the Director of the Grain Division, Commodity Stabilization Service, Washington, D.C.

§ 483.289 Export and exportation.

"Export" and "exportation" mean, except as hereinafter provided, a shipment of flour from the United States or from Puerto Rico, destined to a designated country or a shipment from Canada destined to a designated country of flour which has been moved from the United States into Canada, provided the identity of the flour is preserved until shipped from Canada. The flour so shipped shall be deemed to have been exported on the date which appears on the applicable on-board export bill of lading, or if shipment to the designated country is by truck or rail, on the date the shipment clears the United States Customs. If the flour is lost, destroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading: *Provided*, That if the "lost" or "damaged" flour remains in the United States or Puerto Rico, as applicable, it shall be considered as reentered flour and shall be subject to the provisions of § 483.241(c). Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this an-

nouncement unless exportation is by or to the Army and Air Force Exchange Service or the Panama Canal Company.

NOTE TO EXPORTER: Since the export payment on any given quantity of flour is conditioned upon the exportation thereof to a designated country, exporters may find it desirable to carry insurance on the full domestic value of flour against any loss which may occur prior to the flour leaving this country by rail or truck or prior to loading on the export vessel.

§ 483.290 Exporter.

"Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of buying and selling flour for export and for this purpose maintains a bona fide business office in the United States or Puerto Rico and therein has a person, principal, or resident agent upon whom service of process may be had. The term "exporter" shall be deemed to include a commercial firm selling flour to the Army and Air Force Exchange Service and the Panama Canal Company for export regardless of whether exportation is actually made by the commercial firm or by the Exchange Service or the Panama Canal Company.

§ 483.291 Flour.

"Flour" means wheat flour processed in the United States or Puerto Rico from wheat as defined in the Official Grain Standards of the United States and grown in the United States, and shall include whole wheat flour, durum flour, malted wheat flour, self-rising flour, semolina, Farina and bulgur, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour; nor flour mixes unless composed entirely of wheat flour, except for additives. The flour shall be such as not to be in conflict with the laws of the country to which it is intended for export. As used herein, the word bulgur means the food product prepared from wheat by scouring, tempering, cooking (steaming under pressure), drying, removing the bran coat and grinding into granular form and screening to various size granules. The quantity of flour exported which is eligible for export payment shall be determined by deducting from the net weight of the shipment, the weight of any enrichment, or other additive (including Creta Praeperata), in excess of one-half of one percent of the combined net weight of the flour and additive. (See § 483.222 with regard to eligibility of particular types of flour for particular rates of payment.)

§ 483.292 International Wheat Agreement.

"International Wheat Agreement" or "IWA" means the 1959 International Wheat Agreement ratified by the United States on July 16, 1959, or subsequent Agreements duly ratified by the United States.

§ 483.293 Ocean Carrier.

"Ocean Carrier" means the vessel on which shipment from the United States, or Puerto Rico, or Canada, other than shipments between such countries, is exported pursuant to a sale registered under this program.

§ 483.294 United States.

"United States", unless otherwise qualified, means all of those states situated on the North American continent excluding Alaska.

§ 483.295 United States Government Agency.

"United States Government Agency" means any corporation, wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, and the International Cooperation Administration. Sales of flour to foreign buyers, including foreign governments though financed with funds made available by a U.S. agency, such as the International Cooperation Administration or the Export-Import Bank, are not sales to a U.S. Government agency, provided such flour is not for transfer by the foreign buyer to a U.S. Government agency.

§ 483.296 Vice President.

"Vice President" means the Executive Vice President of the Commodity Credit Corporation or his designee.

§ 483.297 Wheat Council.

"Wheat Council" means the International Wheat Council established by the International Wheat Agreement.

§ 483.298 3:31 e.s.t.

"3:31 e.s.t." as used in this subpart means 3:31 eastern standard time, except that when Washington, D.C., is on daylight saving time 3:31 e.s.t. means 3:31 eastern daylight saving time (2:31 eastern standard time).

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 20th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or communist-controlled areas of the Far East including Communist China, North Korea and the communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the General License GHK list (CES, 15 CFR 371.23), and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

[F.R. Doc. 60-5824; Filed, June 23, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.644 Plum Order 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 25, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Duarte or Becky Smith plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-eight (28) pounds: *Provided,* That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 22, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5868; Filed, June 23, 1960; 9:07 a.m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.645 Plum Order 9.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 25, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Burbank or Gaviota plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-six (26) pounds: *Provided,* That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regula-

tions applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 22, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5869; Filed, June 23, 1960; 9:07 a.m.]

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Sizes

§ 936.646 Plum Order 10.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 25, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Mariposa plums except in accordance with the following terms and conditions:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 936.636 (Plum Order 1; 25 F.R. 4539) except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted for such grade;

(ii) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack;

(iii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and fourteen-sixteenth ($1\frac{14}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than one and fourteen-sixteenth ($1\frac{14}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a $6\frac{1}{2}$-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth ($\frac{1}{4}$) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "$6\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 42 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 22, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5870; Filed, June 23, 1960; 9:07 a.m.]

[Milk Order 43]

PART 943—MILK IN NORTH TEXAS MARKETING AREA

Order Amending Order

§ 943.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 25, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued May 27, 1960. The changes effected by this order will not require extensive preparation or substantial alteration of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3 The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 943.9 [Amendment]

1. Delete the phrase, "and under the routine inspection of", in the first sentence thereof.

§ 943.51 [Amendment]

2a. Amend the introductory paragraph of § 943.51(a) to read as follows:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June, and plus $2.25 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

b. Delete the table contained in § 943.51(a) (2) (iii) and substitute therefor the following:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	106	112
February	November–December	107	113
March	December–January	109	115
April	January–February	109	115
May	February–March	113	119
June	March–April	120	126
July	April–May	126	132
August	May–June	123	129
September	June–July	119	125
October	July–August	113	119
November	August–September	106	112
December	September–October	105	111

c. Reissue § 943.51(a) (3) (ii) and (iii) to read as follows:

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month;

3. Add as § 943.54 the following:

§ 943.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 21st day of June 1960, to be effective on and after the 1st day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5822; Filed, June 23, 1960; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 5]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Insurance

There was published in the FEDERAL REGISTER on April 23, 1960 (25 F.R. 3556), a proposal to amend § 107.308–8, relating to insurance.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within 30 days of the date of publication of the notice in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by the interested persons regarding the proposed amendment, the amendment of regulations as so proposed, with changes resulting from such consideration, is hereby adopted as set forth below.

The Small Business Investment Companies Regulation (23 F.R. 9383), as amended (25 F.R. 1397, 2354, 3316), is hereby further amended by:

Deleting § 107.308–8 and substituting in lieu thereof the following new § 107.308–8:

§ 107.308–8 Insurance.

(a) A Licensee shall maintain fidelity or such other types of bonds or insurance as shall be required by SBA.

(b) Each Licensee shall provide and maintain a fidelity bond in form acceptable to SBA covering each officer or employee who has control over or access to cash, securities, or other property of the Licensee. Such bond shall cover all such persons and shall be approved by the board of directors of the Licensee for the protection of the Licensee. Brokers Blanket Bond, Standard Form No. 14, or other bond containing equivalent surety provisions, will be acceptable to SBA. Each such bond must be executed by a surety holding a certificate of authority from the Secretary of the Treasury under the act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned. In lieu of the foregoing, a Licensee which submits evidence satisfactory to SBA that it has suitable fidelity bond coverage in form and substance acceptable to SBA in an amount at least equal to the minimum coverage required for such company in the table set forth below may be considered as having met the requirements of this section upon written approval by SBA. The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee plus the unpaid balance of loans and invest-

ments which the Licensee has contracted to service for others, as follows:

Assets	Minimum coverage
Up to $300,000	$20,000
$300,001 to $400,000	25,000
$400,001 to $500,000	30,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,000 and over	(1)

[1] $225,000 plus $10,000 for each $1,000,000 or fraction thereof over $15,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1,000,000.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: June 20, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5812; Filed, June 23, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 362; Amdt. 171]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky S–51 and S–55 Helicopters

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring removal of hollow shank rod end bearings in the rotor control arm of Sikorsky S–51 and S–55 helicopters, and replacement with solid shank units was published in 25 F.R. 3858.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

SIKORSKY. Applies to all Model S–51 and S–55 helicopters.

Compliance required by August 15, 1960.

A fatigue failure of the RE5M7 shank rod end bearing has occurred in the S–55 main rotor upper controls. This rod had a hollow shank rather than a solid shank and is not an approved part. Preliminary investigation indicates that the hollow shank part has been installed in S–51 and S–55 helicopters because of improper identification. To ensure removal of this part from service, the following must be accomplished:

Unless already accomplished, remove the following rod assemblies and inspect for RE5M7 rod end bearings with hollow shanks and S510085 pivots with hollow shanks, as noted (S510085 pivots are altered RE5M7 rod ends).

(a) Model S–51 main rotor assembly, P/N S510000.

(1) P/N S510333 (Alternate P/N S510140) rod assembly contains one RE5M7 rod end.

(2) P/N S510062 rod assembly contains one RE5M7 rod end and one P/N S510085 pivot.

(b) Model S–51 main rotor assembly, P/N S10–10–1100.

(1) P/N S510333 rod assembly contains one RE5M7 rod end.

(c) Model S–55 servo unit assembly, P/N S14–40–5000.

(1) P/N S14–40–5024 control arm contains one RE5M7 rod end.

Remove all hollow shank units and replace with solid shank units.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 17, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5792; Filed, June 23, 1960; 8:45 a.m.]

[Reg. Docket No. 409; Amdt. 172]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

A more positive means for securing the antiswirl vane assembly on Lockheed 188 Series aircraft was developed subsequent to adoption of Amendment 165, 25 F.R. 4736. It consists of installation of a strap between the engine tailpipe and the antiswirl vane assembly, as well as an improved clamp. When the rework is incorporated, the required daily visual inspection of the assembly may be discontinued.

Therefore, the Administrator found that a situation existed requiring immediate action, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly an amendment to Amendment 165 was adopted on May 26, 1960, and made effective immediately as to all known operators of Lockheed 188 Series aircraft by individual telegrams dated May 26, 1960. It is hereby published as an amendment to § 507.10(a) (14 CFR 507) and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

Amendment 165, Lockheed 188 Series aircraft, as it appeared in 25 F.R. 4736 is amended by adding a new subparagraph (4) under paragraph (a) as follows:

(4) No later than the next periodic inspection the straightener installation must be reworked by the addition of a 1- by 4- by 0.063-inch steel strap between the engine tailpipe and straightener assembly in accordance with Lockheed L–188 Service Bulletin Number 479 and Allison Commercial Engine Bulletin 72–190. Also, the hinge portion of the present swirl vane straightener clamp must be reinforced by installing two retainers and a stainless steel reinforcing strap in accordance with Lockheed Service Bulletin No. 88/SB–363 or install a new production clamp LAC P/N 751341–1 or equivalent. When the 1- by 4- by 0.063-inch strap has been installed and the swirl vane straightener clamp reinforced or replaced, the daily visual inspection of the clamp and straightener assembly required in subparagraph (3) may be discontinued and the inspection frequency normal to the operator's maintenance plan may be resumed.

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated May 26, 1960.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 17, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5793; Filed, June 23, 1960; 8:45 a.m.]

[Reg. Docket No. 429; Amdt. 173]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–8 Series Aircraft

There have been recent reports of Douglas DC–8 fuel dump chutes oscillating when being extended and retracted. Such oscillations cause cracking of the dump chutes which may result in fuel impinging on the wing and flap creating a fire hazard, or separation of aircraft parts in flight. It has been determined that these oscillations are caused by aerodynamic loading of the dump chutes and a reduction of airspeed during operation of the fuel dumping system will avoid occurrence.

In the interest of safety the Administrator finds that notice and public procedures hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC–8 Series aircraft.

Compliance required as indicated.

Several cases of fuel dump chute oscillation have occurred during extension and retraction of the chutes. This has caused cracking of the chutes which may create a hazardous condition by allowing fuel impingement on the wing and flap when dumping fuel. Oscillation of dump chutes occurs at speeds in excess of 200 knots indicated airspeed. To prevent possible fuel dump chute cracking, the following action is required.

(a) No later than 10 days following publication of this airworthiness directive in the FEDERAL REGISTER, the maximum speed for fuel dump chute operation and fuel dumping is restricted to not more than 200 knots indicated airspeed and the following placard shall be posted in full view of the pilot:

Do not exceed 200 KIAS when operating dump chute and dumping fuel.

The limitations section of the FAA approved airplane flight manual is hereby amended to incorporate this limitation.

(b) Not later than the next periodic inspection ascertain that the dump cable control system is properly rigged in accordance with Douglas drawing No. 7651290 BS change. (Douglas telegraphic alert Service Bulletin No. A28–16 covers the above speed limitation.)

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 17, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5794; Filed, June 23, 1960; 8:45 a.m.]

[Reg. Docket No. 430; Amdt. 174]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

Extensive operation of a new torquemeter assembly design on Lockheed 188 Series aircraft which incorporates additional bearing in the mid-section has resulted in trouble-free operation to date. Consequently, the current requirement in Amendment 134, 25 F.R. 3396, for feathering propellers in event the torquemeter should go to zero or full scale in flight, adopted as safeguard against torqueshaft failures, is unnecessary for operators using the new torqueshaft. Paragraph (a) of Amendment 134 is amended to reflect this development.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 507.10(a) (14 CFR Part 507) is amended as follows:

Amendment 134, Lockheed 188 Series aircraft as it appeared in 25 F.R. 3396 is amended by amending paragraph (a)(2) to read as follows:

(2) Feather propeller in event the torquemeter indicator should go to zero or full scale in flight. This placard may be removed from the aircraft when all its installed engines are equipped with mid-bearing torquemeter, P/N 6823900 identified by a ½-inch by 2½-inch blue stripe on forward bevel of housing as described in Allison Commercial Engine Bulletin No. 72–113. In case of aircraft having one or more, but not all, engines equipped with mid-bearing torquemeters, the placard may be suitably altered to indicate those engines so equipped, which are exempt from compliance with its provisions.

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 17, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5795; Filed, June 23, 1960; 8:45 a.m.]

[Reg. Docket No. 431; Amdt. 175]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

As a result of investigations, it has been determined that Aeroproducts A6441FN–606 propellers installed on Lockheed 188 Series aircraft must continue to be track checked after compliance with inspection and rework covered in AD 59–23–2. Amendment 59, 24 F.R. 9620. Accordingly, a new directive superseding AD 59–23–2 is being issued requiring a track check every 120 flight-hours.

In the interest of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Aeroproducts A6441FN–606 propellers installed on Lockheed 188 Series aircraft.

Compliance required as indicated.

As a result of investigations, it has been determined that the following must be accomplished to minimize the possible occurrence of propeller roughness and/or failures:

All blades except those installed on engines equipped with operating vibration indicators must be checked for track per Aeroproducts Service Information Letter 59–27 dated March 11, 1959, within the next 120 flight-hours. Propellers with any blade out of track more than ¼ inch from the other blades in the propeller must be removed from service prior to further flight. This inspection must be repeated at intervals not to exceed 120 flight-hours. If excessive propeller roughness is encountered or is detected by the vibration indicators, the propeller(s) shall be track checked prior to further flight.

(Aeroproducts Service Information Letter 59–27 dated March 11, 1959, covers this same subject.)

This supersedes AD 59–23–2, Amdt. 59, 24 F.R. 9620.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D. C., on June 17, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5796; Filed, June 23, 1960; 8:45 a.m.]

[Reg. Docket No. 432; Amdt. 176]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

Several incidents of overpressurization of the fuel tanks have occurred during refueling of Lockheed 188 Series aircraft. These were attributed to failure of the automatic shutoff devices or presence of foreign objects in the system. Overpressurization can result in fuel tank rupture with consequent fuel leakage, constituting a serious fire hazard. For those aircraft not equipped with wing tank pressure relief overflow valves, it is necessary that proper refueling procedures be followed, as well as constant monitoring of the fueling system control panel during all fueling operations. Accordingly, more detailed requirements are necessary than those currently provided in Amendment 134, 25 F.R. 3396.

In the interest of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive to supersede paragraph (d) of Amendment 134, 25 F.R. 3396:

LOCKHEED. Applies to all 188 airplanes not equipped with fuel tank pressure relief overflow valves.

Compliance required as indicated.

Service experience indicates that a check of the fueling system valves at a high fuel level point should be made when filling tanks to capacity. This check is necessary to determine that the system is functioning properly since failure of a fueling valve to close fully may subject the tank to high fuel pressure which could cause not only tank rupture but structural damage. To prevent possible fuel tank overpressurizing, the following actions are required commencing not later than 10 days after publication of this airworthiness directive in the FEDERAL REGISTER.

(a) Conduct a check of the fueling system at the start of each fueling operation in accordance with the placard located on the fueling panel.

(b)(1) On all outboard tanks and on extended inboard tanks, when installed, conduct a second check of the primary and secondary controls between 8,000 and 10,000 pounds fuel per item 2 on the placard.

(2) When standard inboard tanks are installed, conduct a second check of the primary and secondary controls between 4,500 and 6,500 pounds fuel.

(c) Any malfunctions indicated by the checks required by items (a) and (b) of this airworthiness directive must be corrected prior to continuance of pressure fueling to that tank.

(d) The fueling panel will be monitored during the entire fueling operation.

This supersedes paragraph (d) of Amdt. 134, 25 F.R. 3396.

This amendment shall become effective upon date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 17, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5797; Filed, June 23, 1960; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 420; Amdt. 171]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR, Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1
				S-d-24	400–1	400–1	400–1
				S-n-24	400–1	400–1	400–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 052° Outbnd, 232° Inbnd, 1600′ within 10 miles (nonstandard to avoid obstructions).
Minimum altitude over facility on final approach crs 1000′.
Crs and distance, facility to airport, 232°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, make 180° left climbing turn to 1600′ direct to the Bridgeport LFR.
NOTE: ADF approach not authorized.

City, Bridgeport; State, Conn.; Airport Name, Bridgeport; Elev., 9′; Fac. Class., MRLWZ; Ident., BDR; Procedure No. 1, Amdt. 9; Eff. Date, 9 July 60; Sup. Amdt. No. 8; Dated, 7 Nov. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Akron VOR	AKR RBn	Direct	2500	T-dn	400–1	400–1	400–1
Navarre VOR	AKR RBn	Direct	2500	C-dn	700–1	700–1	700–1½
Medina Int	AKR RBn	Direct	2500	S-dn	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 066° Outbnd, 246° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 246°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn and return to AKR WHM at 2500′.

City, Akron; State, Ohio; Airport Name, Akron Municipal; Elev., 1059′; Fac. Class., MHW; Ident., AKR; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 July 60

Charleston VOR	CRW-LFR	Direct	2500	T-dn	300–1	300–1	200–½
Swiss Int	CRW-LFR	Direct	3000	C-dn	1500–2	1500–2	1500–2
				A-dn	1500–2	1500–2	1500–2

Procedure turn North side of crs, 281° Outbnd, 101° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 113°—9.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a left turn and climb to 3000′ on West crs within 20 miles.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981′; Fac. Class., SBRAZ; Ident., CRW; Procedure No. 2, Amdt. Orig.; Eff. Date, 9 July 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cold Bay LFR	CD LOM	Direct	1600	T-dn	300–1	300–1	200–½
				C-dn–26 and 32	500–1	500–1½	500–1½
				C-d-8	800–2	800–2	800–2
				C-n-8	NA	NA	NA
				S-dn-14	500–1	500–1	500–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn East side of crs, 322° Outbnd, 142° Inbnd, 1600′ within 10 mi. Nonstandard due to terrain 1700′ West of crs.
Minimum altitude over facility on final approach cr, 142°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2700′ on 322° crs of Cold Bay LOM within 20 miles or, when directed by ATC, turn left, climb to 2700′ on N crs (321°) CDB LFR.
CAUTION: Circling to Runways 26 and 32 will be accomplished East of airport. Mt. Simon 960′ msl 2.4 miles West of airport.

City, Cold Bay; State, Alaska; Airport Name, Cold Bay; Elev., 93′; Fac. Class., LOM; Ident., CD; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 July 60

Oklahoma City VOR	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Oklahoma City LFR	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Bethany Int	LOM	Direct	2200	S-dn-35	400–1	400–1	400–1
Mustang FM	LOM	Direct	2400	A-dn	800–2	800–2	800–2
Newcastle Int	LOM (Final)	Direct	1900				
Radar terminal area transition altitudes:*		Within:					
000	090	25 mi	2400				
090	180	25 mi	2200				
180	230	25 mi	2700				
230	295	35 mi	2500				
295#	360	25 mi	#2700				

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over LOM inbnd final, 2300′.
Crs and distance, facility to airport, 350°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing LOM, climb to 3000′ on 350° crs within 20 mi or, when directed by ATC, turn left, climb to 2500′ direct to the OKC VOR, or direct to the OKC LFR.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar Control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of towers 2127′ msl and 2726′ msl 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., LOM; Ident., OK; Procedure No. 1, Amdt. 6; Eff. Date, 9 July 60; Sup. Amdt. No. 8; Dated, 2 Jan. 60

Oklahoma City LFR	TWO RBn	Direct	2500	T-dn	300–1	300–1	200–½
Oklahoma City VOR	TWO RBn	Direct	2500	C-dn	400–1	500–1	500–1½
Oklahoma City LOM	TWO RBn	Direct	2400	S-dn-17	400–1	400–1	400–1
Mustang FM	TWO RBn	Direct	2500	A-dn	800–2	800–2	800–2
Bethany Int	TWO RBn (Final)	Direct	2000				
Edmond Int	TWO RBn (Final)	Direct	2000				
Radar terminal area transition altitudes:*		Within:					
000	090	25 mi	2400				
090	180	25 mi	2500				
180	230	25 mi	2700				
230	295	35 mi	2500				
295#	360	25 mi	#2700				

Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.0 miles, climb to 2400′ on 170° crs from TWO RBn within 20 mi or, when directed by ATC, turn right, climb to 2500′ direct to OKC-VOR or direct to OKC-LFR.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of towers 2127′ msl and 2726′ msl 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., MHW; Ident., TWO; Procedure No. 2, Amdt. 4; Eff. Date, 9 July 60; Sup. Amdt. No. 3; Dated, 2 Jan. 60

Lake Tyler Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
White House Int	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Mt. Sylvan Int	LOM	Direct	1800	S-dn-13	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side NW crs, 307° Outbnd, 127° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over TY LOM inbnd final, 1600′.
Crs and distance, facility to airport, 127°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, climb to 2000′ on crs 127° within 20 miles.

City, Tyler; State, Tex.; Airport Name, Pounds Field; Elev., 544′; Fac. Class., LOM; Ident., TY; Procedure No. 1, Amdt. 3; Eff. Date, 9 July 60; Sup. Amdt. No. 2; Dated, 30 May 59

Wichita Falls VOR	SPS RBn	Direct	3000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 mi. Nonstandard due obstruction West.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 328°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, climb to 3000′ msl on crs of 328° within 20 mi or when directed by ATC, turn right, climb to 3000′ msl on crs of 060° within 20 mi.
NOTE: Single transmitter. Aural signal must be received at all times during approach.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1014′; Fac. Class., HW; Ident., SPS; Procedure No. 1, Amdt. 2; Eff. Date, 9 July 60; Sup. Amdt. No. 1; Dated, 12 Mar. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Columbus LFR	CSG-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Columbus LOM	CSG-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 1700′ within 10 mi.
Minimum altitude over CSG–VOR on final approach crs, 1400′; over Int CSG R–147 and 196° brng to CS LOM, °1100′.
Crs and distance, CSG–VOR to airport, 147°—6.9 mi; Int CSG R–147 and 196° brng to CS LOM to airport, 147°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles, turn left, climb to 2000′ on 052° brng from CS LOM to Geneva Int or, when directed by ATC, turn left, climb to 2000′ and proceed to CSG VOR via R–147.
Major Change: Deletes straight-in minima.
°If Int CSG–VOR R–147 and 196° brng to CS LOM not identified on final, descent below 1100′ msl and landing minimums below 700′ ceiling not authorized.

City, Columbus; State, Ga.; Airport Name, Muscogee Co.; Elev., 397′; Fac. Class., BVOR; Ident., CGS; Procedure No. 1, Amdt. 2; Eff. Date, 9 July 60; Sup. Amdt. No. 1 Dated, 25 Jan. 58

PROCEDURE CANCELLED, EFFECTIVE 9 JULY 1960, OR ON DECOMMISSIONING OF FACILITY.

City, Findlay; State, Ohio; Airport Name, Findlay; Elev., 800′; Fac. Class., VOR; Ident., FDY; Procedure No. 1, Amdt. 3; Eff. Date, 22 June 57; Sup. Amdt. No. 2; Dated, 29 Dec. 56

Findlay "H"	FDY-VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-d	700-1½	700-1½	700-1½
				C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 228° Outbnd, 048° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 048°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make a climbing left turn, return to Findlay VOR at 2000′, hold Southwest on R–220 in a one-minute right hand pattern.
CAUTION: Radio tower 1080′ msl 1.5 miles ESE of airport. Radio tower 1150′ msl 5 miles N of airport.

City, Findlay; State, Ohio; Airport Name, Findlay; Elev., 800′; Fac. Class., VOR; Ident., FDY; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 July 60 or on commissioning of facility

Oklahoma City LFR	OKC-VOR	Direct	2500	T-dn	300-1	300-1	200-½
Radar terminal area transition altitudes:*		Within:		C-dn	600-1	600-1	600-1½
000	090	25 mi	2400	S-dn-12	600-1	600-1	600-1
090	180	25 mi	2500	A-dn	800-2	800-2	800-2
180	270	25 mi	2700				
270	295	25 mi	2500				
295	360	25 mi	#2700				

Procedure turn S side crs, 277° Outbnd, 097° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 097°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mi, climb to 2700′ on R–097 within 20 miles.
NOTE: Distance from point of visual contact to airport, 2.1 miles.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar control will provide 1000′ vertical clearance within a 3-mi radius or 500′ vertical clearance within a 3- to 5-mi (inclusive) radius of towers 2127′ msl and 2726′ msl 9 miles NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev. 1284′; Fac. Class., BVOR; Ident, OKC; Procedure No. 1, Amdt. 5; Eff. Date, 9 July 60; Sup. Amdt. No. 4; Dated, 6 Feb. 60

SIT LFR	BKA VOR	Direct	5300	T-d	500-2	500-2	500-2
				C-d	700-2	700-2	700-2
				A-d	800-2	800-2	800-2
				Night Operations NA.			

Procedure turn South side R–178, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to Seadrome*, R–358—13.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within** 3 miles, turn left, climbing to 1500′ on R–178 within 20 mi.
CAUTION: High terrain East of R–358 within 9.5 mi. of VOR. Mt. Edgecombe 3274′ msl 13 mi North of VOR.
*If at any time after visual contact established VFR flight cannot be maintained, execute missed approach procedure.
**R–358 unusable beyond 3 mi at 700′ due to extreme roughness.

City, Sitka; State, Alaska; Airport Name, Sitka Harbor (Seaplane); Elev., 0′; Fac. Class., BVOR; Ident., BKA; Procedure No. 1, Amdt. Orig.; Eff. Date, 9 July 60

Wichita Falls BBn	Wichita Falls VOR	Direct	3000	T-dn	300-1	300-1	200-½
		Direct	2600	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn °N side of crs, 276° Outbnd, 096° Inbnd, 2300′ within 10 miles. NA beyond 10 miles.
°Nonstandard due ATC requirements.
Minimum altitude over facility on final approach, 1700′.
Crs and distance, facility to airport, 082°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles, turn left, climb to 2500′ on crs 060° within 20 miles.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun; Elev., 1014′; Fac. Class, BVORTAC; Ident., SPS; Procedure No. 1 Amdt. 5; Eff. Date, 9 July 60; Sup. Amdt. No. 4; Dated 30 Jan. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LSE-LFR	LSE-VOR	Direct	2400	T-d	°400-1	°400-1	#400-1
Nodine-BVOR	LSE-VOR	Direct	2400	T-n	°400-1½	°400-1½	#400-1½
Hokah Int**	LSE-VOR	Direct	2400	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-36	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 181° Outbnd, 001° Inbnd, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′##; 1100′ after passing Nodine BVOR R–128 (5.2 mi from Rwy 36).
Facility on airport.
Crs and distance, breakoff point to Rwy 36, 355°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over LSE–VOR make left climbing turn, climb to 2400′ on LSE R–318 within 10 miles.
CAUTION: 950′ msl tower 2 mi SE of airport. 1227′ msl bluffs and 1440′ tower 3 and 4 mi SE, respectively, of airport. 1273′ msl tower 4 mi WSW of airport and 1440′ tower 3.5 mi West of airport. 1240′ bluffs 2 mi NE of airport. 1750′ msl tower 11 mi SSE of airport.
*300-1 takeoff authorized on Rwys 31, 36 and 18.
**Int ODI R–117 and LSE R–181.
#200-½ takeoff authorized on Rwys 31, 36, and 18.
##2300′ msl (1600′ ceiling) required if unable to determine passing Nodine R–128.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class., VOR; Ident., LSE; Procedure No. TerVOR–36, Amdt. 3; Eff. Date, 9 July 60; Sup. Amdt. No. 2; Dated, 1 Nov. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int NE crs ILS and brng 254° to CRW LFR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
CRW LFR	LOM	Direct	2500	S-dn-28	500-1	500-1	500-1
CRW VOR	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Gay Int	LOM	Direct	2500				
Walnut Grove Int	LOM	Direct	2500				
Ivydale Int	LOM	Direct	2500				
Swiss Int	LOM	Direct	3000				

Radar terminal area transition altitudes (sectors are magnetic clockwise from Radar Site):
160°–210° within 10 miles, 3000′.
210°–160° within 10 miles, 2500′.
All sectors within 15 miles, 3000′.
All sectors within 23 miles, 5000′.
Procedure turn N side NE crs, 050° outbnd, 230° inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope intercept inbnd, 2300′.
Altitude of G.S. and distance to approach end of rnwy at LOM, 2330′—4.3 mi.; at LMM 1130′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ proceeding to CRW LFR or, when directed by ATC, climb to 2500′ proceeding to CRW VOR.
NOTE: In the event the glide slope is inoperative, 500–1 minimums will still apply.

City, Charleston; State, W. Va.; Airport Name, Kanawha Co.; Elev., 981′; Fac. Class., ILS; Ident., I–CRW; Procedure No. ILS–23, Amdt. 12; Eff. Date, 9 July 60; Sup. Amdt. No. 11; Dated, 2 Apr. 60

Cold Bay LFR	CDB-LOM	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn-26 and 32	500-1	500-1½	500-1½
				C-d-8	800-2	800-2	800-2
				C-n-8	NA	NA	NA
				S-dn-14*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn E side of crs, 322° Outbnd, 142° Inbnd, 1600′ within 10 mi. Nonstandard due to terrain 1700′ West of crs.
Altitude of glide slope and distance to appr. end of Rnwy at OM, 1548′—5.4 mi; at MM, 264′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2700′ on N crs of ILS within 20 miles or, when directed by ATC, turn left, climb to 2700′ on N crs 321° Cold Bay LFR.
CAUTION: Circling to Runways 26 and 32 will be accomplished east of airport. Mt. Simon 960′ msl 2.4 mi West of airport.
*Approach lights are an unsatisfactory ILS component due to inadequate intensity control.
°If glide slope inoperative, 300–¾ NA and minima become 300–1.

City, Cold Bay; State, Alaska; Airport Name, Cold Bay; Elev., 93′; Fac. Class., ILS; Ident., I–CDB; Procedure No. ILS–14, Amdt. Orig.; Eff. Date, 9 July 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Oklahoma City LFR	TWO RBn	Direct	2500	T-dn	300-1	300-1	200-½
Oklahoma City VOR	TWO RBn	Direct	2500	C-dn	400-1	500-1	500-1½
Oklahoma City LOM	TWO RBn	Direct	2400	S-dn-17	300-1	300-1	300-1
Mustang FM	TWO RBn	Direct	2500	A-dn	800-2	800-2	800-2
Bethany Int	TWO RBn (Final)	Direct	2000				
Edmond Int	TWO RBn (Final)	Direct	2000				
*Radar terminal area transition altitudes:		Within*:					
000	090	25 mi	2400				
090	180	25 mi	2500				
180	230	25 mi	2700				
230	295	35 mi	2500				
295	360	25 mi	#2700				

Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
No glide slope. Altitude over TWO RBn on final, 2300′.
Bearing and distance, TWO RBn to Rnwy 17, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400′ on S crs ILS within 20 mi or on crs 170° from TWO within 20 mi, or when directed by ATC, turn right, climb to 2500′ direct to OKC-VOR or direct to OKC-LFR.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar Control will provide 1000′ vertical clearance within a 3-mi radius or 500′ vertical clearance within a 3- to 5-mi (inclusive) radius of towers 2127′ MSL and 2726′ MSL 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers; Elev., 1284′; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-17, Amdt. 4; Eff. Date, 9 July 60; Sup. Amdt. No. 3; Dated, 2 Jan. 60

TYR RBn	Lake Tyler Int	Direct	2000	T-dn	300-1	300-1	200-½
GGG VOR via R-248	Lake Tyler Int	Direct	2100	C-dn	400-1	500-1	500-1½
White House Int via GGG-VOR R-240	Lake Tyler Int (Final)	Direct	1500	S-dn-31	400-1	400-1	400-1
Mt Sylvan Int	Lake Tyler Int	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 127° Outbnd, 307° Inbnd, 2000′ within 10 mi of Lake Tyler Int.
No glide slope. Altitude over Lake Tyler Int, 1600′.
Brng and distance, Lake Tyler Int to Rnwy 31, 307°—4.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 of Lake Tyler Int. climb to 1800′ on NW crs of ILS within 10 mi.
CAUTION: 980′ radio tower 3.6 mi E of airport.

City, Tyler; State, Tex.; Airport Name, Pounds Field; Elev., 544′; Fac. Class., ILS; Ident., I-TYR; Procedure No. ILS-31, Amdt. 2; Eff. Date, 9 July 60; Sup. Amdt. No. 1; Dated, 30 May 59

SPS-VOR	LOM	114—8.2	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-33	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 miles. Nonstandard due obstructions West.
Altitude of glide slope and distance to approach end of Rnwy at OM, 2100′—3.8 mi; at MM, 1194′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on NW crs ILS within 20 miles or, when directed by ATC, turn right, climb to 3000′ on crs 060° within 20 miles.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1014′; Fac. Class., ILS; Ident., I-SPS; Procedure No. ILS-33, Amdt. 1; Eff. Date, 9 July 60; Sup. Amdt. No. Orig.; Dated, 12 Mar. 60

Wilkes-Barre-Scranton VOR	CYE* RBn	Direct	3500	T-dn #	600-1	600-1	600-1
Int E crs Wilkes-Barre-Scranton LFR and SW crs ILS.	CYE* RBn	Direct	3500	C-d	900-1½	1000-1½	1000-2
				C-n	1300-2	1300-2	1300-2
Wilkes-Barre-Scranton LFR	CYE* RBn	Direct	3500	S-dn-4	600-1½	600-1½	600-1½
Int E crs Williamsport and SW crs Wilkes-Barre-Scranton LFR.	CYE* RBn	Direct	3500	A-d	1200-2	1200-2	1200-2
				A-n	1600-3	1600-3	1600-3

Procedure turn W% side SW crs, 223° Outbnd, 043° Inbnd, 3500′ within 10 mi of Crystal Lake RBn.
Minimum altitude at G.S. int inbnd final, 3500′ over Crystal Lake RBn.
Altitude of G.S. and distance to appr end of rny at OM CYE* Rbn 3500—8.7, LOM 2250—3.9; at MM LMM 1180—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3500′ on a crs of 043° from the LMM and then proceed to the Wilkes-Barre VOR at 3500′. Alternate missed approach when requested by ATC, make a climbing left turn and climb to 4000′ on SW crs Wilkes-Barre LFR.
NOTE: High terrain to E, SE, and S of airport within 2.5 miles.
AIR CARRIER NOTE: Provisions for reduced visibility not authorized at night or with day minimums below 1 mi for 75 mph (65K) or less aircraft and 1½ mi for more than 75 mph (65K) aircraft.
NOTE: With glide slope inoperative use ADF or localizer approach to Rnwy 4.
#Takeoff minimums for Runways 10 and 16: Day—800-2, Night—800-2.
*Crystal Lake RBn—This approach is authorized only when Crystal Lake Radio Beacon and all components of the ILS system are operating.
%Procedure turn nonstandard to provide separation from approaches to Hazelton, Pa.

City, Wilkes-Barre; State, Pa.; Airport Name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., ILS-IAVP; Ident., MHW-CYE; Procedure No. ILS-4, Amdt. 8; Eff. Date, 9 July 60; Sup. Amdt. No. 7; Dated, 23 Aug. 58

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 8, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-5417; Filed, June 23, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7440]

PART 13—PROHIBITED TRADE PRACTICES

Fiber Enterprises, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* §13.1185–90 *Wool Products Labeling Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition:* §13.2280–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Fiber Enterprises Inc. (New York, N.Y.), et al., Docket 7440, May 6, 1960]

In the Matter of Fiber Enterprises, Inc., a Corporation, Fairfield Wool Company, Inc., a Corporation, and Samuel Young, Individually and as an Officer of Both Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated corporations, in New York City and Danbury, Conn., respectively, and their common officer, engaged in reprocessing fur products by separating the hair from the skin and selling the resultant fiber to cloth manufacturers, with violating the Wool Products Labeling Act by falsely labeling and invoicing as "Vicuna", "100% Processed Vicuna", etc., interstate shipments of hair fibers which were those of the guanaquito or young guanaco of the "Llama" genus.

Following the usual hearings, the hearing examiner made his initial decision, including findings, conclusion, and order to cease and desist which, after modification, became on May 6 the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondents, Fiber Enterprises, Inc., a corporation, and its officers; Fairfield Wool Company, Inc., a corporation, and its officers; and Samuel Young, individually and as an officer of both corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products, of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That respondents, Fiber Enterprises, Inc., a corporation, and its officers; Fairfield Wool Company, Inc., a corporation, and its officers; and Samuel Young, individually and as an officer of both corporations; and said respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fur fiber, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers of respondents' products, or the percentages or amounts of the fibers contained therein, in sales invoices or by any other means.

By "Order Modifying Initial Decision", etc., report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision as modified.

Issued: May 6, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5803; Filed, June 23, 1960; 8:47 a.m.]

[Docket 7666 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Globe Rubber Products Corp. and Emanuel Meyer

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Pretiketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Globe Rubber Products Corporation et al., Philadelphia, Pa., Docket 7666, May 7, 1960]

In the Matter of Globe Rubber Products Corporation, a Corporation, and Emanuel Meyer, Individually and as an Officer of Said Corporation

The complaint in this case charged Philadelphia distributors of rubber products, including swimming ware and household goods, to jobbers and retailers for resale, with preticketing some of their products with fictitious and excessive prices, represented thereby as the usual retail price.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 7 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Globe Rubber Products Corporation, a corporation, and its officers, and Emanuel Meyer, as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rubber products or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, by preticketing or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

2. Putting into operation any plan whereby retailers or others can misrepresent the regular and usual retail prices of merchandise.

It is further ordered, That the complaint herein, insofar as it relates to respondent Emanuel Meyer, individually, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such action in the future as the facts may then warrant.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Globe Rubber Products Corporation, a corporation, and Emanuel Meyer, as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 6, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5804; Filed, June 23, 1960; 8:47 a.m.]

[Dockets 7775 c.o. etc.]

PART 13—PROHIBITED TRADE PRACTICES

Music Suppliers, Inc., et al.

Music Suppliers, Inc., et al. (D. 7775 c.o.); Record Merchandisers, Inc., et al. (D. 7791 c.o.); State Record Distributors, Inc., et al. (D. 7798 c.o.); Herman Lubinsky doing business as Savoy Music Company (D. 7826 c.o.).

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders, Music Suppliers, Inc., et al., Boston, Mass., Docket 7775; Record Merchandisers, Inc., et al., St. Louis, Mo.; Docket 7791; State Record Distributors, Inc. (Cincinnati, Ohio), et al., Docket 7798; and Herman Lubinsky doing business as Savoy Music Company, Newark, N.J., Docket 7826; all May 10, 1960]

In the Matters of Music Suppliers, Inc., a Corporation, and Harry Carter, and Gordon J. Dinerstein, Individually, and as Officers of Said Corporation; Record Merchandisers, Inc., a Corporation, and Charles D. Gorman, Alfred L. Chotin, and Ben G. Landau, Individually, and as Officers of Said Corporation; State Record Distributors, Inc., a Corporation, Whirling Disc Record Distributors, Inc., a Corporation, Indiana State Record Distributors, Inc., a Corporation, and Melvin Herman, and Carl G. Herman, Individually, and as Officers of Said Corporations, and Herbert Harloe, Individually, and as an Officer of Whirling Disc Record Distributors, Inc.; and Herman Lubinsky, an Individual, Doing Business as Savoy Music Company

These proceedings were heard by hearing examiners on the complaints of the Commission charging record distributors in Boston, St. Louis, Cincinnati, and Newark, N.J., respectively, with paying concealed "payola" to disc jockeys of radio and television programs as inducement to have their records broadcast frequently in order to increase sales.

Accepting consent agreements, the hearing examiners made initial decisions, all of which became on May 10 the decisions of the Commission.

The orders to cease and desist, combining the respondents in these four cases, are as follows:

It is ordered, That respondents Music Suppliers, Inc., a corporation, and its officers, and Harry Carter and Gordon J. Dinerstein, individually and as officers of said corporation; Record Merchandisers, Inc., a corporation, and its officers, and Charles D. Gorman and Alfred L. Chotin, individually, and as officers of said corporation, and Ben G. Landau, as an officer of said corporation; State Record Distributors, Inc., a corporation, Whirling Disc Record Distributors, Inc., a corporation, Indiana State Record Distributors, Inc., a corporation, and their officers, and Melvin Herman, and Carl G. Herman, individually, and as officers of said corporations, and Herbert Harloe, individually, and as an officer of Whirling Disc Record Distributors, Inc.; and Herman Lubinsky, an individual doing business as Savoy Music Company, or under any other name or names, and their agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed, in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly, received by him or his employer.

It is further ordered, That the complaint in Docket 7791 be, and hereby is, dismissed as to Ben G. Landau individually, but not as an officer of said corporate respondent.

By "Decision of the Commission", etc., in each case, reports of compliance were required as follows:

It is ordered, That the above-named respondents and Ben G. Landau as an officer shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing, setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: May 10, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5805; Filed, June 23, 1960; 8:47 a.m.]

[Docket 7729 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Stein's Stores, Inc.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–80 *Retail as cost, etc., or discounted.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Coghlen Corp. (formerly Stein's Stores, Inc.), New York, N.Y., Docket 7729, May 5, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City operator of an interstate chain of some 85 retail stores, with violating the Wool Products Labeling Act by tagging as "Dacron and Worsted", men's suits which were in fact 48 percent dacron, 44 percent wool, and 8 percent rayon, as disclosed by a separate label; and with representing falsely in advertising that certain suits had regularly sold at an excessive price set out as "Value", and were selling at "Factory Price", and that the fabric therein was "guaranteed" without disclosing the extent of the guarantee.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Coghlen Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of woolen men's clothing or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by: Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

It is further ordered, That respondent Coghlen Corp., a corporation, and its officers, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of men's clothing or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or indirectly:

1. That any amount is respondent's usual and customary retail price of merchandise when it is in excess of the price at which said merchandise has been customarily and usually sold by respondent in the recent, regular course of its business;

2. That respondent sells its merchandise at the price charged by the factory;

3. That such merchandise is guaranteed, unless the nature and extent of the guarantee, and the manner in which the guarantor will perform thereunder, are clearly and conspicuously set forth;

B. Misrepresenting in any manner the amount of savings available to purchasers of respondent's merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Coghlen Corp. (formerly Stein's Stores, Inc.) shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 5, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5806; Filed, June 23, 1960; 8:47 a.m.]

[Docket 7700 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Wetter Numbering Machine Co., Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Wetter Numbering Machine Company, Inc., Brooklyn, N.Y., Docket 7700, May 10, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Brooklyn, N.Y., manufacturer of typographical numbering machines for the graphic arts industry with violating section 2(d) of the Clayton Act by paying promotional allowances to certain favored customers—such as a payment of $1,500 for advertising to Foster Type and Equipment Co., Inc., of Philadelphia—while failing to make comparable allowances available to their competitors.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Wetter Numbering Machine Company, Inc., its officers, employees, agents and representatives, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, resale or offering for resale of typographical numbering machines manufactured, sold, or offered for sale by respondent, unless such payment or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the resale or distribution of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 10, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5807; Filed, June 23, 1960; 8:47 a.m.]

[File No. 21-90]

PART 92—WOODWORKING MACHINERY INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 24, 1960.

Statement by the Commission. Trade practice rules for the Woodworking Machinery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the trade practice rules for the Woodworking Machinery Industry promulgated by the Commission on May 3, 1933, and supersede the 1933 rules.

The industry for which these rules are established is composed of persons, firms, corporations and organizations engaged in the manufacture, sale, offering for sale, lease, or distribution of any type of new, rebuilt, or used power-driven machinery which is designed for use in the commercial fabrication of logs and wood into finished or semi-finished products, and which is of such size, weight, or type as not to be easily and conveniently transported by hand; and parts and accessories for such machinery.

The rules are directed to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of these rules were instituted upon application of the Woodworking Machinery Manufacturers' Association. After due consideration of proposals received, proposed rules for the Woodworking Machinery Industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer and to be heard in the premises. Pursuant to such notice, public hearing was held in New York, N.Y., on December 4, 1959, and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Following such hearing, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Group I. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
92.0 The industry and its products defined.

GROUP I

92.1 Misrepresentation (general).
92.2 Misrepresentation as to character of business.
92.3 Misrepresenting products as conforming to standard.
92.4 Guarantees, warranties, etc.
92.5 Deception as to rebuilt or second-hand products.
92.6 Substitution of products.
92.7 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.
92.8 Deceptive invoicing, etc.
92.9 Defamation of competitors or false disparagement of their products.
92.10 Inducing breach of contract.
92.11 Enticing away employees of competitors.
92.12 Commercial bribery.

Sec.
92.13 Procurement of competitors' confidential information.
92.14 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.
92.15 Unfair threats of infringement suits.
92.16 Consignment distribution.
92.17 Prohibited forms of trade restraints (unlawful price fixing, etc.)
92.18 Prohibited exclusive deals.
92.19 Prohibited sales below cost.
92.20 Prohibited discrimination.
92.21 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 92.0 to 92.21 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 92.0 The industry and its products defined.

(a) Products of the industry consist of all types of new, rebuilt, or used power-driven machinery which are designed for use in the commercial fabrication of logs and wood into finished or semi-finished products, and which are of such size, weight, or type as not to be easily and conveniently transported by hand; and parts and accessories for such products.

(b) Members of the industry are persons, firms, corporations, and organizations engaged in the manufacture, sale, offering for sale, lease, or distribution of such products.

GROUP I

§ 92.1 Misrepresentation (general).

It is an unfair trade practice to make or publish, or cause to be made or published, by way of advertising, labeling or otherwise, any statement or representation which, directly or by implication, has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the grade, quality, quantity, weight, working range, efficiency, use, size, material, finish, origin, character, nature, design, condition, performance, durability, manufacture, distribution, availability, or delivery dates, of any industry product, or part or accessory therefor, or which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any other material respect. [Rule 1]

§ 92.2 Misrepresentation as to character of business.

It is an unfair trade practice for any member of the industry to represent, directly or by implication, in his advertising or otherwise, that he is a producer or manufacturer of products of the industry, or that he owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 2]

§ 92.3 Misrepresenting products as conforming to standard.

In the sale, offering for sale, lease, or distribution of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 3]

§ 92.4 Guarantees, warranties, etc.

(a) In the sale, offering for sale, lease, or distribution of industry products, it is an unfair trade practice for any industry member:

(1) To represent that any industry product is guaranteed unless, prominently and in close conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are adequately and nondeceptively disclosed; or

(2) To offer or use any guarantee respecting an industry product under which the guarantor fails to observe his obligations; or

(3) To offer or use any guarantee which is otherwise deceptive or unfair.

(b) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty.

NOTE: On April 26, 1960, the Commission adopted "Guides Against Deceptive Advertising of Guarantees," which are set forth as an appendix to these rules.[1]

[Rule 4]

§ 92.5 Deception as to rebuilt or second-hand products.

(a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent, any industry product as being new when such is not the fact.

(b) In the marketing of industry products which are second-hand or rebuilt, or which contain second-hand or rebuilt parts, it is an unfair trade practice to fail to make full and nondeceptive disclosure, by a conspicuous tag or label firmly attached to the products, and in all advertising and promotional literature relating thereto, of the fact:

(1) That such products are second-hand, rebuilt, or contain rebuilt or second-hand parts, as the case may be; and

(2) That the rebuilding was done by other than the original manufacturer, when such is the case; when the failure to make such disclosure has the capacity and tendency or effect of misleading purchasers or prospective purchasers of such products. [Rule 5]

§ 92.6 Substitution of products.

It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale or lease is consummated, or to representations made prior to securing the order, without advising the purchaser or lessee of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution.

NOTE: Nothing in this section shall be construed as preventing the application of such tolerances as are agreed upon between buyer and seller.

[Rule 6]

§ 92.7 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.

It is an unfair trade practice for any member of the industry:

(a) To imitate or simulate the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 7]

It is an unfair trade practice for any member of the industry to issue invoices, billings, or sales slips which by reason of misstatements therein or omissions therefrom have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 8]

§ 92.9 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely inputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 9]

§ 92.10 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractural duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 10]

§ 92.11 Enticing away employees of competitors.

It is an unfair trade practice wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 11]

§ 92.12 Commercial bribery.

It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gifts or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 12]

§ 92.13 Procurement of competitors' confidential information.

It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 13]

§ 92.14 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.

The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 14]

§ 92.15 Unfair threats of infringement suits.

The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 15]

§ 92.16 Consignment distribution.

(a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 16]

§ 92.17 Prohibited forms of trade restraints (unlawful price fixing, etc.)[2]

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 17]

§ 92.18 Prohibited exclusive deals.

It is an unfair trade practice for any member of the industry to lease, or contract to sell or sell any industry product, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such lease, sale or contract for sale, or such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 18]

§ 92.19 Prohibited sales below cost.

(a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Made under judicial process; or (2) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or non-operating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investment, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 19]

§ 92.20 Prohibited discrimination.[3]

(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc.,*

[1] Copies available at the Federal Trade Commission.

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[3] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

which effect unlawful price discrimination. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: *Cost justification to be based on net savings in cost of manufacture, sale or delivery.* Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of Section 2 of the Clayton Act, as amended, reads as follows:

"Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor."

(b) *Examples of prohibited price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example No. 1. The granting of a discount on a purchase made by a customer which is not granted on purchases made by all other customers, or which is not granted in the same amount on the purchases of all other customers.

Example No. 2. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of such customer's purchases during the period and fails to grant a discount of the same percentage to all other customers on their purchases during such period.

Example No. 3. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is attended by misrepresentation as to the grade and quality of the products sold.

Example No. 4. Terms of 2/10th prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take an additional discount when making payment to the industry member within the time prescribed.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of paragraphs (a) to (e) of this section. [Rule 20]

§ 92.21 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 21]

Issued: June 21, 1960.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5808; Filed, June 23, 1960; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are issued to this subchapter:

PART 1009—PATENTS, DATA, AND COPYRIGHTS

Subpart A—Patents

1a. In § 1009.107-2(a), subparagraphs (1) and (2), the symbol "WADC" is changed to "WADD".

b. In paragraph (b), subparagraph (1) is revised to read as follows:

§ 1009.107-2 License rights; domestic contracts.

* * * * * * *

(b) * * *

(1) All such material will be processed according to the procedure in Subpart K, Part 1011 of this chapter. BOB approval No. 22-R160 authorizes submission of DD Form 882, "Reports of Inventions and Subcontracts," by contractors (see §§ 9.107-2(b) and 16.809 of this title). This clearance also includes authority for obtaining "Invention Disclosure Reports" from contractors pursuant to requirements of paragraph (c)(i) of the clause in § 9.107-2(b) of this title.

2. Section 1009.107-3 is revised to read as follows:

§ 1009.107-3 License rights; foreign contracts.

Material required by the provisions of the Patent Rights clause (§ 9.107-3 of this title) will be furnished and processed according to § 1009.107-2(b) (1) and (2). DD Form 882 has also been approved and BOB Approval No. 22R-160 has been extended for optional use by contractors in reporting information required by the clause.

Subpart B—Data and Copyrights

1a. In § 1009.202-1(a), the material preceding the clause in subparagraph (4)(i), and the clause, are revised to read as follows:

§ 1009.202-1 Acquisition of data.

(a) * * *

(4) * * *

(i) * * *

Contract schedules will not contain the statement "No charge for data." IFB's and RFPs should contain a provision as follows:

DATA PRICING

Bidders or offerers are requested to insert opposite the data items the price of such data. If the bidder or offerer does not insert price as requested above, or inserts the words "No charge for data" or similar language, the data price will be considered to be included in the cost of the appropriate end items.

b. In paragraph (c), a subparagraph (4) is added as follows:

(c) * * *

(4) *Clause as to rights in data in contracts for experimental, developmental or research work.* Where the appropriate "Data" clause or clauses of § 9.203 of this title are included in a contract which has as one of its principal purposes experimental, developmental or research work, the "Rights in Data" clause of paragraph (b)(1) of this section will be included in the Schedule of the Contract.

Subpart J—Processing of Purchase Requests and Military Interdepartmental Purchase Requests for Review

1. Section 1009.1002(b) (1), (2) and (3) is revised as follows:

§ 1009.1002 Activity of the staff judge advocate and exceptions to recommendations.

* * * * * * *

(b) * * *

(1) AMC by the Deputy for Procurement, Hq AMC, on the written recommendation of AMC field procurement activities and AMC centers.

(2) ARDC by the Director of Procurement, Hq ARDC.

(3) Procuring activities other than subparagraphs (1) and (2) of this paragraph, according to the directives of each activity.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

PART 1010—BONDS AND INSURANCE

Subpart A—Bonds

1. The title of Subpart A is changed as shown above.

2. Section 1010.102-51 is revised to read as follows:

§ 1010.102-51 Bid bonds for construction contracts.

Only individual bid bonds (Standard Form 24) will be used for construction contracts. If a bid bond is required, the penal amount therein should be generally 20 percent of the bid price.

2. Section 1010.102-52 is added as follows:

§ 1010.102-52 Bid bonds for sale of Government property.

(a) Two bid bond forms have been designed specifically for the sale of Government property by the Air Force. The specific or one-time bid bond is AFPI Form 90, "Bid Bond (Sale of Government Property)." The annual bid bond is AFPI Form 91, "Annual Bid Bond (Sale of Government Property)." These bid bonds are listed in § 1016.805-50 of this chapter.

(b) AFPI Forms 90 and 91 will be used for the sale of contractor inventory and termination inventory as well as the sale of surplus Government property. No other bid bond forms are authorized for use in connection with the sale of Government property.

(c) The instructions on the reverse side of each bond form will be strictly adhered to in preparing and completing the bond forms. Any deviation from either bid bond form, including the instructions, is authorized only with the prior written approval of the Commander, AMC.

(d) If a bid bond is required in connection with the sale of Government property such bond will be prepared on AFPI Form 90 and the penal amount thereof will be determined by the AF official responsible for conducting the sale (see AFM 67-1).

(e) If a bidder elects to furnish an annual bid bond, such bond will be prepared on AFPI Form 91 and submitted in duplicate to AMC (MCJCR) for review and filing of the original with the General Accounting Office. When such annual bid bond has been approved, the bond may be used throughout the Air Force. If the bid made in connection with the sale of Government property indicates that the bidder has an annual bid bond on file, verification may be obtained from AMC (MCJCR).

3. Section 1010.103 is revised to read as follows:

§ 1010.103 Performance bonds.

§ 1010.103-1 Performance bonds for contracts other than construction contracts.

See § 10.103-1 of this title.

(a) See § 10.103-1(a) of this title.

(b) A performance bond will not be required without the specific prior approval of a chief or deputy chief of a buying division or a purchasing office as appropriate to the location of the PCO. When such bonds are authorized, the penal sum will usually be no less than 20%, and only rarely will it exceed 40%, of the total amount of the contract. If a contract is increased in price to cover new or additional work, the PCO will determine whether an additional bond will be required. The consent of surety set forth in § 1010.203(a) may be accepted in lieu of the additional bond.

(c) Requests for determinations in specified classes of cases will be forwarded through channels to DCS/M, Attn: AFMPP-PR. The need for the class determination shall be fully documented. Attach six copies of the determination proposed for signature.

(d) to (e) See § 10.103-1(d) to (e) of this title.

§ 1010.103-2 Performance bonds in connection with construction contracts.

(a) Performance bonds of less than 100% of the contract price at time of award shall not be prescribed without the specific prior approval of a chief or deputy chief of a buying division or purchasing office as appropriate to the loca-

tion of the PCO. The advantages to the Government which would result from requiring less than a 100% performance bond must be documented.

(b) Performance and payment bonds are not required on a construction contract not exceeding $2,000. However, if the amount of such contract is increased beyond $2,000, a performance bond and a payment bond will be required and will be based upon the total contract price, which means the original price plus the increases thereto.

(c) The Secretary of the Air Force has waived requirement of performance and payment bonds with respect to all cost-reimbursement type contracts involving construction. However, in unusual circumstances, bonds may be required if authorized in advance by the Commander, AMC. This authority has been delegated by the Commander, AMC, to Directors and Deputy Directors of Procurement and Production, Hq AMC. Submit any request for authorization to the AMC (MCPF), with statement of facts justifying requirement.

§ 1010.103–3 Annual performance bonds.

All annual performance bonds must be submitted to MCJCR, in duplicate, for review, approval, and filing of the original with the General Accounting Office. Use Standard Form 35, "Annual Performance Bond." Such bonds are not authorized without prior approval of the Procurement Law Division (MCJC), Hq AMC.

4. Section 1010.104 is revised as follows:

§ 1010.104 Payment bonds.

§ 1010.104–1 Payment bonds in connection with contracts other than construction contracts.

Such bonds are not authorized without prior approval from Pricing and Negotiation Division (MCPF), Hq AMC.

§ 1010.104–2 Payment bonds in connection with construction contracts.

See § 10.104–2 of this title.

(a) See § 10.104–2(a) of this title.

(b) See § 1010.103–2(b) regarding requirements for payment bonds for contracts initially less than $2,000 which are increased over that amount.

(c) See § 1010.103–2(c) regarding waiver of payment bonds with respect to cost-reimbursement type construction contracts.

5. Section 1010.105 is revised to read as follows:

§ 1010.105 Advance payment bonds.

Such bonds are not authorized without prior approval of MCPF.

6. Section 1010.108–54 is revised to read as follows:

§ 1010.108–54 Authority to substitute surety bonds.

The Commander, AMC, is authorized to act for the Secretary in accepting a new surety bond in substitution for a bond previously approved covering part or all of the same obligation; and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequent to the date of approval of the new bond. The Commander, AMC has not delegated the authority to relieve an original surety of liability with respect to default occurring subsequent to the date of approval of a substitute bond but has delegated the authority to accept substitute surety to MCJC without power of redelegation. Requests for approval to accept substitute surety will be referred to MCJCR for action.

7. Section 1010.108–56 is added as follows:

§ 1010.108–56 Evaluation of individual sureties.

The contracting officer, in evaluating bonds and consents of surety underwritten by individual sureties, must first ascertain that all documents, including the Affidavits of Individual Surety required by Instruction No. 2 on the reverse of Standard Forms 24, "Bid Bond," 25, "Performance Bond," and 25A, "Payment Bond," have been completely filled out and are properly executed. The contracting officer must next ascertain that each individual surety justifies his net worth "in a sum not less than the penalty of the bond" as required by Instruction No. 3 on the reverse of Standard Form 28, "Affidavit of Individual Surety". Since individual sureties are jointly and severally liable in the event of default by the principal, each individual surety must list on Standard Form 28 a net worth at least equal to the total penal amount(s) of the bond(s) or consent of surety. Example: If performance and payment bonds on a Construction contract have penal amounts of $4,000 and $2,000 respectively, each individual surety must show a net worth of at least $6000 to have the contracting officer accept his underwriting of such bonds. Normally net worth is the difference between the block on Standard Form 28 titled "Amount I am Worth in Real Estate and Personal Property, etc." and the total of the blocks titled "All Mortgages or Other Encumbrances, etc." and "All Other Bonds, etc.". Example: If an individual surety designates in the appropriate blocks on Standard Form 28 that he is worth $50,000 in real estate and personal property, that he has mortgages and other encumbrances totaling $17,000 and that he is presently a surety of other bonds with total penal amounts of $8,000, his net worth would be $25,000. In determining the net worth of an individual surety, however, the contracting officer is expected to exercise judgment in considering all relevant information furnished by the individual surety on Standard Form 28. Example: The contracting officer should normally consider the "fair value" of real estate rather than the "assessed value" for taxation purposes. However, there may be situations where the assessed value is a more realistic figure for determining net worth, and in those cases, the figure in the "Assessed Value" block on Standard Form 28 should be used. If the contracting officer cannot make a determination of net worth on the basis of information furnished on Standard Form 28, he should require the individual surety to furnish additional information. As a general rule, the contracting officer should not require extrinsic evidence of an individual surety's net worth (other than Standard Form 28) unless Standard Form 28 is not filled out completely or properly, or unless the contracting officer has reason to believe that the individual surety's statements on Standard Form 28 do not reflect his true net worth. When the contracting officer is satisfied that the net worth is adequate and he has completed his review of the bond(s) or consent of surety, they should be distributed according to § 1053.603(d) of this chapter. In the event the contracting officer has any doubt or question concerning legal sufficiency, the advice of the staff judge advocate serving the facility should be obtained before making distribution.

Subpart B—Sureties on Bonds

1. Sections 1010.201–50 and 1010.201–52 are revised to read as follows:

§ 1010.201–50 Corporate sureties, acceptability.

A list of approved sureties is published annually by the Treasury Department (TD Circular 570). This list indicates the maximum penal sum for which any corporate surety may underwrite any one obligation. On or before April 1st in each year, publications distribution officers (PDO's) will submit requirements for TD Circular 570 to the Air Force Publications Distribution Center, Washington 25, D.C., and the Center will make distribution of TD Circular 570 to the PDO's. Only sureties appearing on the Treasury list and not in excess of the underwriting limits stated therein will be accepted in the United States, its Territories and Possessions. Foreign procurement activities may use sureties not appearing on TD Circular 570 if determined by the contracting officer to be in the best interest of the Government.

§ 1010.201–52 Individual sureties.

Individual sureties are acceptable as sureties for all types of bonds. The Staff Judge Advocate (MCJCR), Hq AMC, will evaluate and approve use of individual sureties on all annual bid bonds. The contracting officer, using § 1010.108–56 as a guide, will evaluate and approve use of individual sureties on all bonds other than annual bid bonds.

2. In § 1010.203(a), footnote 1 is revised to read as follows:

§ 1010.203 Consent of surety.

• • • • •

[1] The penal amounts shall be increased as determined by the contracting officer. See §§ 1010.103–1(b), 1010.103–2(b) and 1010.104–2(b). The penalty of the payment bond shall not be increased beyond two million five hundred thousand dollars.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1011—FEDERAL, STATE, AND LOCAL TAXES

Subpart A—Federal Excise Taxes

Subpart A is revised as follows:

Sec.
1011.101 Retailers excise taxes.
1011.101–1 General.
1011.101–2 Jewelry and related items.
1011.101–3 Furs.
1011.101–4 Toilet preparations.
1011.101–5 Luggage and handbags.
1011.101–6 Special fuels.
1011.102 Manufacturers excise tax.
1011.102–1 General.
1011.102–2 Motor vehicles.
1011.102–3 Tires and tubes.
1011.102–4 Gasoline.
1011.102–5 Lubricating oils.
1011.102–6 Household type equipment.
1011.102–7 Radio and television receiving sets, phonographs and records.
1011.102–8 Musical instruments.
1011.102–9 Sporting goods.
1011.102–10 Photographic equipment.
1011.102–11 Firearms, shells, and cartridges.
1011.102–12 Business machines.
1011.102–13 Pens, mechanical pencils, and lighters.
1011.102–14 Matches.
1011.103 Excise taxes on facilities and services.
1011.104 Use tax on highway motor vehicles.

AUTHORITY: §§ 1011.101 to 1011.104 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1011.101 Retailers excise taxes.

§ 1011.101–1 General.

When title passes, and thus when a tax attaches, depends upon the intention of the parties as gathered from the contract and attendant circumstances. In the absence of expressed intention, the legal rules of presumption in the jurisdiction where the sale is made govern in determining when title passes. Generally, title passes upon delivery of an article to a purchaser or to a carrier for a purchaser. If an article purchased under a contract is returned to a retailer, before or after use, because of a defect or failure under a warranty in the contract, and a new article of the same kind is delivered without charge in exchange, the exchange transaction is not taxable.

§ 1011.101–2 Jewelry and related items.

See § 11.101–2 of this title.

§ 1011.101–3 Furs.

If fur on the hide or pelt is supplied to a dresser or dryer of fur skins or to a manufacturer or repairer of fur articles, who produces a taxable article for use of the supplier of the fur, the tax applicable to such transaction is computed upon the fair retail market value of the finished article. Generally, the fair retail market value may be considered as the sales price at which the same or a similar finished article is sold by retailers generally in the ordinary course of retail trade. (Sec. 320.41, TR 51.)

§ 1011.101–4 Toilet preparations.

See § 11.101–4 of this title.

§ 1011.101–5 Luggage and handbags.

See § 11.101–5 of this title.

§ 1011.101–6 Special fuels.

Diesel fuel and special motor fuel procured by delivery order under a Military Petroleum Supply Agency contract are tax-exclusive unless delivered by the contractor into the tank of a highway motor vehicle. Small purchases of fuel, other than AF Form 15 purchases, not under a Military Petroleum Supply Agency contract, will be tax-exclusive unless all the fuel purchased under the contract is for a taxable use. If fuel, which has been procured tax-free, is used for a taxable purpose, the activity using the fuel must make quarterly payment of the tax directly to the Internal Revenue Service on TD Form 720, "Quarterly Federal Excise Tax Return." Commanders of installations and activities will establish procedures to insure that such taxes are paid when due. Refunds or credits for certain uses of tax-paid fuels will not be claimed unless the amount recoverable exceeds $100. Refunds or credits will be obtained by adjustment of the contract price. Evidence of such nontaxable use may be furnished. See § 1011.205(a)(2) for exemption certificate.

§ 1011.102 Manufacturers excise tax.

§ 1011.102–1 General.

When title passes, and thus when a tax attaches, depends upon the intention of the parties as gathered from the contract and attendant circumstances. In the absence of expressed intention, the legal rules of presumption in the jurisdiction where the sale is made govern in determining when title passes. Generally, title passes upon delivery of an article to a purchaser or to a carrier for a purchaser.

§ 1011.102–2 Motor vehicles.

(a) *Chassis and bodies.* The chassis and the body are treated separately for tax purposes. Thus, the chassis and the body may be taxable at different rates although combined. The respective selling prices of the body and chassis must include all instruments, parts, and accessories made a part thereof, or attached to, or sold in connection therewith. If doubt exists as to whether a part or accessory should be included in the sale price of the body or of the chassis, the custom of selling such part or accessory with either body or chassis, when sold separately, will govern. If a purchaser of a taxpaid chassis attaches thereto a body manufactured by him and sells the completed vehicle, he is liable for the tax on the sale price of the body. If the completed vehicle is sold for a lump sum, the tax attaches to the lump sum, unless the sale price of the body is stated as a separate item on the invoice to the customer, or unless such sale price can be established by adequate records. A like rule applies where the manufacturer of a chassis installs thereon a tax-paid body and sells the completed vehicle. Bodies are exempt from tax when sold by the manufacturer to a manufacturer of automobiles to be sold by the purchaser; however, a chassis manufacturer who purchases a body tax-free is required to pay tax on his sale of the completed vehicle as the manufacturer of both chassis and body. There is no provision permitting a manufacturer of automobile chassis to sell such chassis tax free to manufacturers of automobile bodies.

(b) Internal Revenue Rulings have held this tax inapplicable to motor driven machines not designed for highway use, or barred from such use because of overweight, overwidth or for any other reason. Similar rulings apply to trailers (oxygen or bomb dollies) not constructed primarily for highway use or not adaptable for such use without adjustment. Replacement parts for such vehicles, if interchangeable between taxable and nontaxable vehicles, are taxable.

§ 1011.102–3 Tires and tubes.

See § 11.102–3 of this title.

§ 1011.102–4 Gasoline.

(a) Aircraft gasoline procured by delivery orders under Military Petroleum Supply Agency contracts will be tax exclusive; other gasoline so procured will be tax inclusive. Refund will not be claimed.

(b) Purchases of aircraft gasoline on AF Form 15 will include Federal excise taxes. An exemption certificate will not be issued.

§ 1011.102–5 Lubricating oils.

(a) Lubricating oils, including oils for cutting, procured by delivery orders under a Military Petroleum Supply Agency contract normally include a tax. Small purchases of oil, not under a Military Petroleum Supply Agency contract, will include a tax only to the extent required by the Internal Revenue Code.

(b) Exemption certificates (Sec. 314.43, TR 44): An exemption certificate is available if lubricating oils are sold by the manufacturer directly for nonlubricating purposes, provided that:

(1) The manufacturer has definite knowledge, prior to or at the time of sale, that the product is purchased for such purposes.

(2) An appropriate certificate is furnished the manufacturer. This exemption will be used in any case in which use appears advantageous. See § 1011.205(a)(3).

(c) Refunds and credits will not be claimed unless the amount recoverable exceeds $100. Refunds or credits will be obtained by adjustment of the contract price.

§ 1011.102–6 Household type equipment.

See § 11.102–6 of this title.

§ 1011.102–7 Radio and television receiving sets, phonographs and records.

See § 11.102–7 of this title.

§ 1011.102–8 Musical instruments.

See § 11.102–8 of this title.

§ 1011.102–9 Sporting goods.

See § 11.102–9 of this title.

§ 1011.102–10 Photographic equipment.

See § 11.102–10 of this title.

§ 1011.102–11 Firearms, shells, and cartridges.

The term "firearms" includes all portable weapons, such as rifles, carbines, machine guns, shotguns, and fowling pieces, from which a shot, bullet, or projectile may be discharged by an explosive. The terms "shells" and "cartridges" include all combinations of projectile, explosive, and container which are designed, assembled, and ready for use without further manufacturing in portable firearms, including pistols and revolvers. Generally, clearly identified orders or contracts of a military department when signed by an authorized officer of such department will be accepted in support of the exemption. In the absence of such orders or contracts, a statement signed by an authorized officer of a military department that the firearms, shells, or cartridges were purchased with funds appropriated for the military departments will be acceptable. Procurements involving the purchase of "firearms", "shells" or "cartridges" for the Air Force will be exclusive of Federal excise taxes.

§ 1011.102–12 Business machines.

See § 11.102–12 of this title.

§ 1011.102–13 Pens, mechanical pencils, and lighters.

See § 11.102–13 of this title.

§ 1011.102–14 Matches.

See § 11.102–14 of this title.

§ 1011.103 Excise taxes on facilities and services.

It is not necessary that the transportation be between two definite points. If not otherwise exempt, a payment for continuous transportation beginning and ending at the same point is subject to tax. A tax exemption is applicable if a motor vehicle or "air taxi" (under 12,500 pounds gross take-off weight) has a seating capacity of less than 10 adult passengers, including the operator, and is not operated on an established line. The tax does not apply to payments for transportation if the charge is 60 cents or less. The exemption is determined by the amount paid for a one-way trip. An amount paid for the charter of a car, train, motor vehicle, aircraft, or boat is exempt from tax if the payment represents a per capita charge of 60 cents or less for each person actually transported. Any amount paid for eating or sleeping accommodations is not subject to tax if the amount of the related payment for transportation is 60 cents or less.

§ 1011.104 Use tax on highway motor vehicles.

See § 11.104 of this title.

Subpart B—Exemptions From Federal Excise Taxes

Subpart B is revised as follows:

Sec.
1011.201 Retailers excise taxes.
1011.202 Manufacturers excise taxes.
1011.203 Supplies and services for the exclusive use of the United States.
1011.204 Exemptions from other federal taxes.
1011.205 Tax exemption forms.

AUTHORITY: §§ 1011.201 to 1011.205 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1011.201 Retailers excise taxes.

See § 11.201 of this title.

(a) See § 11.201(a) of this title.

(b) Temporary storage or delays are not inconsistent with immediate export or shipment to a possession. To qualify for the exemption of sales for export or for shipment to a possession or to Puerto Rico, two conditions must be met:

(1) The supplies must be certified as having been sold by the manufacturer (if the tax is a manufacturer's excise tax) or the retailer (if the tax is a retailer's excise tax) for export or shipment to a possession. The words "for export or shipment to a possession or to Puerto Rico" incorporated into or stamped on a contract or purchase order, is acceptable to the Internal Revenue Service as satisfactory evidence that the sale has been made for export or shipment to a possession or to Puerto Rico.

(2) The supplies must be exported or shipped to a possession or to Puerto Rico in due course. The responsible officer at the port of embarkation will furnish a certificate of export or shipment to a possession or to Puerto Rico to the contracting officer, together with a statement as to where the shipping documents are being retained. Proof of export or shipment will be furnished by the contracting officer to the contractor in the form set forth in § 1011.205(a)(4). Intention to export or ship the supplies to a possession or to Puerto Rico should be specified in the contract initially or by amendment. If included initially in a fixed-price contract, the contract price must exclude the retailer's or manufacturer's excise tax; if included by amendment, a downward adjustment of the contract price may be required.

(c) Sales to retailers for resale: See § 11.202(c) of this title and § 1011.202(c) of this chapter.

§ 1011.202 Manufacturers excise taxes.

(a) See § 11.202(a) of this title.

(b) See § 11.201(b) of this title and § 1011.201(b) of this chapter.

(c) Exemption will be claimed only when, at the time of purchase, a determination is made by the contracting officer that the supplies are intended for use in "vessels of war" of the United States and the administrative burden of obtaining the exemption would not outweigh the benefits which would be derived from use of the exemption. If the exemption is claimed, the contract will specifically provide that the tax is not included in the price. Contracting officers will furnish exemption certificates to a contractor in the form set forth in § 1011.205(a)(1).

(d) See § 11.202(d) of this title.

(e) The Air Force may indirectly benefit from inapplicability of tax in procuring from such agencies, e.g., a state university is usually regarded as a political subdivision of a state; another university may be regarded as a nonprofit educational organization. Purchases by such agencies in performance of AF contracts should exclude taxes to the extent exemption is available.

§ 1011.203 Supplies and services for the exclusive use of the United States.

See § 11.203 of this title.

§ 1011.204 Exemptions from other Federal taxes.

(a) *Cost-reimbursement contracts.* See § 1011.402(a) of this title.

(b) *Distilled spirits and alcohol.* Distilled spirits of 160 degrees or more of proof, alcohol, and specially denatured alcohol, may be withdrawn tax free by the United States or any Government agency thereof. (26 CFR 171.265–266, 182.171–174.)

(1) Authority to sign applications to the Treasury Department Commissioner of Internal Revenue, for permits to procure tax-free and specially denatured alcohol (TD Form 1444, "Tax-Free Spirits for Use of United States") has been delegated by the Secretary, without power of redelegation, to the:

(i) Commander, AMC.

(ii) Deputy Directors, Directorate of Procurement and Production, Hq AMC.

(iii) Director of Procurement and Production, Middletown Air Materiel Area.

and, while he is so acting, to the person acting for the time being in any of the foregoing capacities.

(2) Submit TD Forms 1444 and 1486, "Specially Denatured Spirits for Use of United States," to the Treasury Department, Internal Revenue Service, attn: Deputy Commissioner, Alcohol Tax Unit, Washington 25, D.C., by letter of transmittal, setting forth the following:

(i) That the appropriate form is submitted in triplicate pursuant to Internal Revenue Regulations for permit to procure tax-free or specially denatured alcohol.

(ii) Name and location of supplier.

(iii) Name and location of consignee.

(iv) Purpose for which alcohol will be used.

(v) Address to which permit is to be sent (requesting activity).

(3) All PCO's except those at AMCASC, will submit applications and letters to Middletown AMA (MAP) for signature by the Director of Procurement and Productions, MAAMA. PCO's at AMCASC will submit applications and letters to a Deputy Director, Directorate of Procurement and Production, Hq AMC, for signature.

(4) TD Form 1444 and TD Form 1486 are not stocked in AF supply depots. Forms may be requested in writing from Assistant Regional Commissioner, Alcohol and Tobacco Tax Division, Internal Revenue Service in Atlanta, Boston, Chicago, Cincinnati, Dallas, New York, Omaha, Philadelphia, or San Francisco.

(5) Certificates of Receipt (TD Form 1453 or TD Form 1453A) furnished in duplicate by vendors should identify the Government contract or purchase order by number, and recipients should send

the original to the appropriate Assistant Regional Commissioner (Alcohol and Tobacco Tax Division) shown on the form and retain a copy for the contract file.

(c) *Additional exemptions.* In addition to the exemptions discussed herein, certain miscellaneous exemptions from Federal excise taxes, applying to private as well as Government procurement, are available. An exemption for which policy is not provided need not be claimed; contract prices will not exclude taxes on the basis of such exemption and proof of exemption will not be furnished to contractor.

§ 1011.205 Tax exemption forms.

(a) *Certificates of exemption.* See § 16.804 of this title. Certificates may be reproduced locally.

(1) *Supplies for vessels and aircraft tax exemption certificates.* Tax exemption certificates to be used by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels, including aircraft, will be as prescribed in Treasury Regulations or as shown below. For purchase of special fuels (§ 11.101–6 of this title), substitute "vendor" for "manufacturer" in the certificate.

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels (sec. 4222 of the Internal Revenue Code).)

(Date)

The undersigned purchaser hereby certifies that he is an authorized agent of the United States Air Force and that the article or articles specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on a vessel belonging to the following class which is among those enumerated in section 4222 of the Internal Revenue Code:

Vessels of war of the United States or a foreign nation (aircraft owned by the United States or a foreign nation and constituting a part of the armed forces thereof).

It is understood that if the article is used for any purpose other than as stated in this certificate, or is resold or otherwise disposed of, this fact must be reported to the manufacturer. It is understood that this certificate may not be used in purchasing articles tax free for use as fuel supplies and so forth, on pleasure vessels, or on any type of aircraft except civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemption, and aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the article and, upon conviction, to a fine of not more than $10,000 or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article was used.

Contract No. ------
Period of Contract --------
Type of Supplies ----------

UNITED STATES AIR FORCE,
By ----------
Name ----------
Grade ----------
Title ----------
Address ----------

FIGURE 1

(2) *Liquid-fuel exemption certificates.* The exemption certificate to be used is shown below:

EXEMPTION CERTIFICATE

Certificate Serial No. ------

(For use by purchasers of benzol, benzene, naphtha, or other taxable liquid, for other than as a fuel for the propulsion of motor vehicles, motorboats, or airplanes, and otherwise than in the manufacture or production of such fuel.)

(Date)

Contract ----------
Contractor ----------
Product ----------
End Use ----------

The undersigned hereby certifies that he is officially authorized to issue tax exemption certificates for the Department of the Air Force under the above-described contract and that the product indicated above, being purchased under said contract, will not be used as a fuel for the propulsion of motor vehicles, motorboats, or airplanes, and will not be used in the manufacture or production of such fuel, but will be used for the purpose shown.

The undersigned understands that if the benzol, benzene, naphtha, or other taxable liquid is used, sold, or otherwise disposed of except as above stated, the Department of the Air Force will be liable for the tax upon such use, sale, or other disposition of such product. It is understood that the fraudulent use of this certificate to secure exemption will subject all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The undersigned also understands that the Government must be prepared to establish by competent evidence that the product was actually used for the purpose or purposes for which purchased as stated in this certificate.

Contract Period ----------

UNITED STATES AIR FORCE,
By ----------
Name ----------
Grade ----------
Title ----------
Address ----------

FIGURE 2

(3) *Lubricating oils exemption certificates.* The exemption certificate to be used is shown below:

EXEMPTION CERTIFICATE

Certificate Serial No. ------

(For use by purchaser of lubrication oil for nonlubricating purposes.)

(Date)

Contract ----------
Contractor ----------
Product ----------
End Use----------

The undersigned hereby certifies that he is officially authorized to issue tax exemption certificates for the Department of the Air Force under the above-described contract, and that the product indicated above, being purchased under said contract, will not be used or resold for lubrication, but will be used for the purpose shown.

The undersigned understands that if the nonlubricating oil is used, sold, or otherwise disposed of except as above stated, the Department of the Air Force will be liable for the tax upon such use, sale, or other disposition of such product. It is understood that the fraudulent use of this certificate to secure exemption will subject all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The undersigned also understands that the Government must be prepared to establish by competent evidence that the product was actually used for the purpose or purposes for which purchased as stated in this certificate.

Contract Period ----------

UNITED STATES AIR FORCE,
By ----------
Name ----------
Grade ----------
Title ----------
Address ----------

FIGURE 3

(4) *Certificate of export or shipment to a possession or to Puerto Rico.*

(Date)

(Contractor)

The undersigned does hereby certify that

(Quantity and description of articles)

which were purchased for export under ---------- were in fact exported to a
(Contract No.)

foreign country or possession of the United States (or to Puerto Rico) and a copy of export bill of lading No. ------, or loading manifest No. ------, pursuant to which the articles were shipped, is being retained in the files of ----------
(Indicate office)

UNITED STATES AIR FORCE,
By ----------
Name ----------
Grade ----------
Title ----------
Address ----------

FIGURE 4

(b) *Who may execute.* Authority to issue tax exemption certificates will only be given to contracting officers as directed by the Commander or other officer who has been delegated authority to designated contracting officers at the AF activity responsible for procurement or contract administration.

(c) *Preparation and execution of exemption certificate—(1) Methods.* In the preparation and execution the following rules will be applied:

(i) Use typewriter when practicable; in unusual circumstances, ink or indelible pencil may be used. Use of ordinary lead pencil is prohibited. Fill in or line out all blank spaces. An exemption certificate will not be delivered to a contractor unless fully and properly executed, except that the Internal Revenue Service has advised that a statement on the exemption certificate of the amount of federal tax is not necessary. The amount of tax should be stated, however, if readily available. If federal excise taxes have been excluded from the contract price but the exact amount of the tax cannot be determined at the time, a blanket tax exemption certificate may be issued to cover all purchases under the contract. The blanket certificate will cover all articles purchased under the contract, including delivery orders placed thereunder by other officers.

(ii) Prepare a separate certificate for each kind of tax involved. In the issuance of a certificate fill in blank spaces showing on each certificate the separate amounts of each tax involved, if known, so that the certificate may be used only for the purpose intended.

(iii) If the supplies covered by the contract are not taxable as such and the certificate will be used to obtain exemption of articles to be incorporated in the supplies covered by the contract, state "none" as the amount of the tax on the certificate. Tax should not be shown on the certificate unless the tax is imposed directly upon the supplies or work covered by the contract.

(iv) Modify certificates as necessary to adapt to contracts for construction, alterations, improvements, and repairs.

(2) *When exemption certificates are issued to contractors.* An exemption certificate covering federal excise taxes will be executed and delivered to a contractor upon request at any time after execution of a contract: *Provided* (i) The contract so provides, (ii) the supplies are taxable, and (iii) the supplies are purchased by the Government at a price which is exclusive of such tax. In such case, insert a description of the supplies furnished tax-free on the tax exemption certificate. Number certificates and keep a record of each one issued, showing to whom issued, the number of the applicable contract, the type of supplies involved, and the period covered by the certificate. Such records should be retained and disposed of with the contract files to which they pertain.

(3) *Blanket tax exemption certificates.* Contracts under Federal Supply Schedules.

(i) Issue a separate certificate for each order covering purchases under Federal Supply Schedules.

(ii) Upon application of the contractor, if it is impracticable to furnish separate certificates, a blanket exemption certificate may be issued to cover purchases under term contracts. Blanket certificates should cover all orders between given dates; it is recommended that such period not exceed 1 calendar month. Certificate should be issued only if the tax is applicable and the order indicates the tax is not included in the price. Invoices must indicate the number of the applicable blanket tax-exemption certificate.

(iii) Individual orders need not contain the number of the applicable tax-exemption certificate. Reference to the Federal Supply Schedule contract number will suffice.

Subpart C—State and Local Taxes

Subpart C is revised as follows:

Sec.
1011.301 Applicability.
1011.302 Tax-exemption forms.
1011.350 Particular State or local taxes.

AUTHORITY: §§ 1011.301 to 1011.350 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1011.301 Applicability.

See § 11.301 of this title. Also see § 1011.401–50(a) of this chapter.

(a) *General rules for availability of exemption from State and local taxes.* Exemption certificates may be issued for State and local taxes if the prices paid by the Government exclude such tax.

§ 1011.302 Tax-exemption forms.

(a) Prepare certificates to meet the requirements of the State or local tax authority concerned. In most cases, Standard Form 1094, "U.S. Government Tax Exemption Certificate," will be appropriate. Except as provided in paragraph (b) of this section, a tax-exemption certificate will not be issued unless the contract shows that the price is exclusive of the tax or unless the contractor consents to deduction of the tax from the contract price and acceptance of the tax-exemption certificate.

(b) If for any reason it is impossible to exclude an inapplicable State or local tax, execute SF 1094 and deliver to the accounting and finance officer, with a written statement that the vendor refused such certificate, for use of the U.S. Comptroller General in obtaining a refund of the tax. Show the serial number of the tax-exemption certificate on the payment voucher.

§ 1011.350 Particular State or local taxes.

State and local tax laws are not uniform and it is not possible to furnish detailed information and instructions on each tax. When difficulties develop and it is desired to adopt a uniform policy with respect to a State or local tax, information will be supplied as added sections subsequent to this section.

Subpart D—Contract Clauses

Subpart D is revised as follows:

Sec.
1011.401 Fixed-price type contracts.
1011.401–1 Clause for advertised and certain negotiated contracts.
1011.401–2 Alternate clause for certain negotiated contracts.
1011.401–50 Special provisions in contracts.
1011.402 Cost reimbursement type contracts.

AUTHORITY: §§ 1011.401 to 1011.402 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1011.401 Fixed-price type contracts.

See § 11.401 of this title.

§ 1011.401–1 Clause for advertised and certain negotiated contracts.

See § 11.401–1 of this title.

§ 1011.401–2 Alternate clause for certain negotiated contracts.

See § 11.401–2 of this title.

§ 1011.401–50 Special provisions in contracts.

(a) *State taxes.* Contracting officers may include special provisions in a contract with respect to a State or local tax as to which a doubt exists concerning its applicability or the availability of an exemption. Special provisions will clearly identify the tax included. Contracting officers will assure, to the extent practicable, that bids or contract prices do not include State or local sales or use taxes which do not apply to sales to the Government, or any other State or local tax, exemption from which is available.

(b) *Federal taxes.* Unless otherwise indicated in the contract, the prices set forth therein should include applicable Federal taxes. As outlined in Subpart B, Part 11 of this title and Subpart B, Part 1011 of this chapter, several exemptions are available and certain of these are to be claimed. When the exemption is claimed, the tax must be excluded from the contract price and expressly identified in the contract. Invitations for bids and requests for proposals should require a specific identification of the taxes to be excluded from the contract price. The tax provisions of each resulting contract must conform to the bid or proposal.

§ 1011.402 Cost reimbursement type contracts.

See Part 15 of this title and Part 1015 of this chapter.

(a) *Exemptions from federal excise taxes; cost reimbursement contracts.* (1) Purchase and subsidiary articles:

(i) A prime contractor under a cost type contract is not liable for Federal excise taxes with respect to taxable purchase articles which the manufacturer fabricates or assembles out of materials owned by the United States. An exemption certificate is not necessary to establish nonliability.

(ii) Under an informal ruling of the Internal Revenue Service a prime contractor under a cost type contract is entitled to purchase tax free direct from a manufacturer thereof articles which the Government is entitled to purchase tax free under section 4221 of the Internal Revenue Code (SPJGT/7570, July 12, 1944). A contractor should be urged to follow the policy of claiming exemptions set out in § 1011.202(c) of this Part, but cannot be compelled to do so. If an exemption is claimed, the exemption certificate should be in the special form illustrated in figure 1, § 1011.205 of this Part, or as prescribed in Treasury Regulations.

(iii) Prime and subcontractors under cost type contracts are entitled to purchase subsidiary articles tax free as provided in § 11.202(a) of this title.

Subpart U—Collection and Payment of Federal Excise Taxes by the Government Where the United States is Vendor

Subpart U is revised as follows:

Sec.
1011.2100 Collection from purchaser or user.
1011.2101 Disposition of funds received.
1011.2102 Transfers of Government-owned property.
1011.2103 Sale of property to a contractor under a fixed-price contract.

AUTHORITY: §§ 1011.2100 to 1011.2103 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1011.2100 Collection from purchaser or user.

Except as provided in § 1011.2102, collect the Federal excise tax from the purchaser if articles subject to tax under section 4181, IRC (tax on pistols and revolvers, see § 11.102–11 of this title) or retailers' or manufacturers' excise taxes (see §§ 11.101 and 11.102 of this title and the following sections), purchased free of tax, are sold to individuals or used for other than the use of the United States.

§ 1011.2101 Disposition of funds received.

Deposit funds collected pursuant to § 1011.2100 with local accounting and finance officer and furnish the name of the contractor from whom the articles were originally purchased by the Government. If the contractor's name and the amount of the contract involved are not known, the sales officer will ascertain whether the information is available from the contracting officer.

§ 1011.2102 Transfers of Government-owned property.

Sections 1011.2100 and 1011.2101 are not applicable to the following types of transfers of Government-owned property purchased by the Government free of tax:

(a) All sales of surplus property and Government-owned contractor inventory (except gasoline), as defined in the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) All sales of scrap or of used property.

(c) Transfers to a contractor under a cost type contract of Government-owned property for use in connection with the performance of the contract.

(d) Sales to contractor under a fixed price contract of Government-owned property for use in connection with the performance of the contract. (See § 1011.2103.)

(e) Transfers to other agencies of the Government, including transfer for disposition to the Federal Supply Service.

(f) Transfer to any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, when original sales to such agencies or instrumentalities are tax exempt.

§ 1011.2103 Sale of property to a contractor under a fixed-price contract.

As indicated in § 1011.2102(d), if property is sold to a contractor under a fixed-price contract, the amount of the Federal tax, as such, need not be collected. Since a contractor should not derive any benefit from the fact that the Government

originally acquired the property free of tax, the price to be paid to the Government will include an amount equal to the Federal excise tax which would ordinarily be payable upon a sale of similar property by a vendor other than the Government.

[SEAL] J. L. TARR,
Colonel, U.S. Air Force,
Director of Administrative Services.

[F.R. Doc. 60–5791; Filed, June 23, 1960; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 213—ADMINISTRATION OF LANDS UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT BY THE FOREST SERVICE

National Grasslands

1. In Part 211, § 211.21 is revoked.

2. A new Part 213 is added to read as follows:

Sec.
213.1 Designation, administration, and development of National Grasslands.
213.2 Authority for Chief, Forest Service, to group and name National Grasslands.
213.3 Protection, occupancy, use, and administration.
213.4 Prior rules and regulations superseded.

AUTHORITY: §§ 213.1 to 213.4 issued under 50 Stat. 525, as amended; 7 U.S.C. 1010–1012.

§ 213.1 Designation, administration, and development of National Grasslands.

(a) The land utilization projects administered by Department of Agriculture designated in paragraph (e) of this section hereafter shall be named and referred to as "National Grasslands".

(b) The National Grasslands shall be a part of the national-forest system and permanently held by the Department of Agriculture for administration under the provisions of Title III of the Bankhead-Jones Farm Tenant Act, subject to such exchanges of lands thereunder as will promote effective and economical administration or otherwise serve the public interest.

(c) The National Grasslands shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.

(d) The Chief of the Forest Service is hereby directed to develop and administer the renewable resources of the National Grasslands to the fullest extent practicable for multiple use and sustained yield of the several products and services obtained therefrom. In the administration of the National Grasslands, due consideration shall be given to the relative values of the various resources in particular areas. The resources shall be managed so as to maintain and improve soil and vegetative cover and to promote the development of grassland agriculture in the areas of which the National Grasslands are a part.

(e) The following land utilization projects hereforth shall be named and referred to as "National Grasslands":

State and project name	Number	Counties
Colorado:		
Northeast Colorado	CO–21	Weld.
Southeastern Colorado	CO–22	Baca, Las Animas.
Southern Otero	CO–4	Otero, Bent.
Idaho: Southeastern Idaho	ID–1	Oneida, Power.
Kansas: Morton County	KA–21	Morton, Stevens.
Nebraska: Pine Ridge, Bordeaux, and south of the White River.	NB–1	Dawes, Sioux.
New Mexico:		
Mills	NM–5	Colfax, Harding, Mora.
Union County	NM–21	Union.
North Dakota:		
Cedar	ND–25	Grant, Sioux.
Sheyenne River	ND–6	Ransom, Richland.
Western North Dakota	ND–24	Billings, Golden Valley, McKenzie, Slope.
Oklahoma:		
Cimarron	OK–21	Cimarron.
Roger Mills	OK–22	Roger Mills.
Oregon: Central Oregon	OR–2	Jefferson.
South Dakota:		
Badlands-Fall River	SD–1	Custer, Fall River, Haakon, Jackson, Pennington.
Perkins County	SD–21	Carson, Perkins, Ziebach.
South Central South Dakota	SD–2	Jones, Lyman, Stanley.
Texas:		
Dalhart Timbers	TX–25	Montague, Wise.
Dallam County	TX–23	Dallam.
Ladonia	TX–20	Fannin.
Northeast Texas	TX–7	Fannin.
Wyoming: Northeastern Wyoming	WY–21	Campbell, Converse, Crook, Niobrara, Weston.

The rules and regulations heretofore issued for the land utilization projects are hereby superseded as to all such projects administered by the Forest Service, but not as to such project lands administered by other agencies.

Done at Washington, D.C., this 20th day of June 1960.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60–5825; Filed, June 23, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

COLOR CERTIFICATION

Findings of Fact and Tentative Order on Proposed Amendment of Color-Certification Regulations

Correction

In F.R. Doc. 60-5623, appearing at page 5582 of the issue for Tuesday, June 21, 1960, the following corrections are made:

1. In item 21c, the word "pathology" should read "pathological".

2. In item 24.B.II.i., the parenthetical reference reading "(R. 162, 183, 442, 544, 546)" should read "(R. 162, 302, 308, 446)".

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Maintenance of Unimpaired Capital

Notice is hereby given that, pursuant to authority contained in section 308, Public Law 85-699, 72 Stat. 694, it is proposed to amend, as set forth below, § 107.308-1(b) of Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations.

Part 107, Subchapter B, Title 13 of the Code of Federal Regulations governing the establishment and operation of small business investment companies chartered or licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, and to carry out the provisions of said Act, was published in the FEDERAL REGISTER on December 4, 1958 (23 F.R. 9383), and became effective upon publication in the FEDERAL REGISTER.

Prior to final adoption of the amendment set forth below, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The amendment under consideration changes the provisions of present § 107.308-1(b) relating to the determination of the existence of an impairment of Licensee's capital by eliminating reference to an evaluation of assets and liabilities, making clear that subordinated debentures issued to SBA pursuant to section 302(a) of the Act will not (for the purpose of this determination) be considered a part of capital and surplus, and eliminating (for the purpose of this determination) the alternative comparison of the amount of retained earnings solely with the amount of paid-in surplus.

It is proposed to amend the Small Business Investment Companies Regulation as follows:

The Small Business Investment Companies Regulation (23 F.R. 9383) as amended (25 F.R. 1397, 2354, 5316) is hereby further amended by revising § 107.308-1(b) to read as follows:

§ 107.308-1 Maintenance of unimpaired capital.

* * * * *

(b) An impairment shall be deemed to exist when the retained earnings deficit exceeds 50 percent of the combined capital stock outstanding and paid-in surplus. For the purpose of this determination, subordinated debentures issued to SBA pursuant to section 302(a) of the Act will not be considered a part of the capital and surplus.

Dated: June 20, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5813; Filed, June 23, 1960; 8:48 a.m.]

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Reports

Notice is hereby given that, pursuant to authority contained in section 308, Public Law 85-699, 72 Stat. 694, it is proposed to amend, as set forth below, § 107.308-5 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations.

Part 107, Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, governing the establishment and operation of small business investment companies chartered or licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, and to carry out the provisions of said Act, was published in the FEDERAL REGISTER on December 4, 1958 (23 F.R. 9383), and became effective upon publication in the FEDERAL REGISTER.

Amendment 2 of Part 107 which revised § 107.308-5 was published in the FEDERAL REGISTER on March 19, 1960 (25 F.R. 2354), and became effective upon publication in the FEDERAL REGISTER.

Prior to final adoption of the amendments set forth below, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The amendment under consideration changes the provisions of present § 107.308-5 by requiring the submission of a periodic activity report and such other reports as may be specifically requested by SBA. Section 107.308-5 as revised by this proposed amendment requires small business investment companies to submit semiannually Activity Report, SBA Form 477, to the Investment Division, Small Business Administration, Washington 25, D.C. The purpose of this report is to provide current activity data concerning loan and equity financing by Licensees.

It is proposed to amend the Small Business Investment Companies Regulation as follows:

The Small Business Investment Companies Regulation (25 F.R. 9383) as amended (25 F.R. 1397, 2354, 5316) is hereby further amended by adding at the end of § 107.308-5 the following new paragraphs (i) and (j), to read as follows:

§ 107.308-5 Reports.

* * * * *

(i) Each Licensee shall submit in triplicate to the Investment Division, Small Business Administration, Washington 25, D.C., at the end of the first six months period of each fiscal year, and at the end of the second six months period of each fiscal year, an activity report, showing by significant categories the amounts of the Licensee's loan and equity financing transactions for the period covered by the report, in accordance with the instructions contained in subparagraph (3) of this paragraph, for preparation of the Activity Report, SBA Form 477,[1] which form is incorporated in and expressly made a part of this section. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31. Such Activity Report shall be submitted on or before the last day of the month immediately following the close of the six months period covered by such report.

(1) The Activity Report, SBA Form 477, includes the following:

Table 1—Loan and Equity Financing Transactions—by State.

Table 2—Applications Received.

Table 3—Loan and Equity Financing Transactions—by Industry Grouping.

Table 4—Loan and Equity Financing Transactions—by Firm Size.

Major Groupings of Nonmanufacturing and Manufacturing Industries

(2) The Activity Report, SBA Form 477, required by this section to be submitted to SBA by Licensee shall commence with the report for the six months period ending September 30, 1960.

(3) (i) Each Activity Report, SBA Form 477, prepared by a Licensee shall present data, as shown by the books of account and other records, reflecting the amounts of the Licensee's loan and equity financing transactions by the categories included in these tables.

(ii) All money amounts required to be shown in the tables of the Activity Report, SBA Form 477, shall be expressed to the nearest dollar. Appropriate adjustments of individual amounts shall be made for the fractional parts of a dollar, so that the items will add to the totals shown.

(iii) Loans in which other companies participate shall be reported only by the initiating company, which services the loan, to avoid the duplication that would otherwise occur when the data from all Licensees are combined.

(iv) All copies of the signature page of the Activity Report, SBA Form 477, shall bear the signature of the chief financial officer, or other person authorized by the board of directors to sign on behalf of the Licensee. The date on which the signature is affixed shall be shown.

TABLE 1—LOAN AND EQUITY FINANCING TRANSACTIONS—BY STATE

The amounts approved and amounts disbursed during the period covered by the report for loans and for equity financing, and the number of individual small-business concerns involved for each type of financing, shall be classified by State, on the basis of the principal office location of the small-business concern. With respect to multiple-disbursement loan or equity financing, a firm shall be included in the number count in column (4) or column (8) only the one time when the initial disbursement is made. Subsequent disbursements to the same firm under the same loan or the same equity financing shall serve only to increase the amount disbursed or the amount purchased shown in column (5) or column (9), without altering the number count. The data reflected in this table shall be listed in the alphabetical sequence of the names of the States. The amounts of loans and equity financing approved shall not be decreased by cancellations following formal approval action.

TABLE 2—APPLICATIONS RECEIVED

This table shall reflect information as to both the number and the dollar amount of specific financing applications received from small-business concerns during the period covered by the report, regardless of the action taken thereon.

TABLE 3—LOAN AND EQUITY FINANCING TRANSACTIONS—BY INDUSTRY GROUPING

This table shall show by major industry grouping the amounts approved and amounts disbursed during the period covered by the report for loans and for equity financing, and the number of individual small business concerns involved for each type of financing. With respect to multiple-disbursement loan or equity financing, a firm shall be included in the number count in column (4) or column (8) only the one time when the initial disbursement is made. Subsequent disbursements to the same firm under the same loan or the same equity financing shall serve only to increase the amount disbursed or the amount purchased shown in column (5) or column (9), without altering the number count. The amounts of loans and equity financing approved shall not be decreased by cancellations following formal approval action.

The major industry groupings are based on the Standard Industrial Classification Manual issued by the Office of Statistical Standards, U.S. Bureau of the Budget. The individual groupings (by 2-digit code number and title) are listed, in the numerical sequence of the code numbers, on page 5 of the Activity Report, SBA Form 477. This represents the complete listing of the major groupings of nonmanufacturing and manufacturing industries shown in the SIC Manual, plus additional groupings for wholesale trade. Obviously, many of the types of businesses included therein would not be eligible for SBIC financing. Each small business concern involved can be classified in only one major grouping for reporting purposes, even though the firm may engage in multiple activities. The classification assigned for multiple activity firms shall be that covering the primary activity of the firm, based on anticipated dollar sales or income, etc., as is most representative.

The table is in two parts to permit showing data, including totals, for nonmanufacturing industries separately from those for manufacturing industries, plus grand totals for the period for both types of industries. The grand totals for all industries shall be identical with the totals by states given in Table 1. The "Description" column (col. 1) on each page of the table shall reflect the code number and related title of the grouping for each industry grouping represented by the small business concerns involved. These code numbers and related titles shall be entered in numerical sequence to facilitate consolidation of the reports from all SBICs.

TABLE 4—LOAN AND EQUITY FINANCING TRANSACTIONS—BY FIRM SIZE

The amounts approved during the period covered by the report for loans and for equity financing, and the number of individual small business concerns involved for each type of financing, shall be classified in this table on the basis of size of the firms. Separate classifications shall be shown for nonmanufacturing firms and manufacturing firms. The total number of nonmanufacturing firms and the total financing approved therefor shown in Table 3 for each of the two types of financing shall be classified in Table 4 on the basis of annual sales size of the firms. The total number of manufacturing firms and the total financing approved therefor shown in Table 3 for each of the two types of financing shall be classified in Table 4 on the basis of employment size of the firms.

(j) In addition to the reports required elsewhere in this section each Licensee shall, upon request by SBA, submit to the Investment Division, Small Business Administration, Washington 25, D.C., such other reports at such times and in such forms as SBA shall require.

Dated: June 20, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-5814; Filed, June 23, 1960; 8:48 a.m.]

[1] Filed with the Federal Register Office as part of the original document. Copies of the Activity Report, SBA Form 477, together with instructions, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 14, 1960.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Sacramento 062886 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws. The applicant desires the land for construction and subsequent operation and management of the Trinity River Division, Central Valley Project, California, reservoirs, access roads, material sites, and tunnel rights-of-way.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 N., R. 6 W.,
Sec. 4: SW¼NW¼;
Sec. 19: SE¼NE¼.
T. 36 N., R. 6 W.,
Sec. 31: NW¼SE¼NW¼.
T. 34 N., R. 7 W.,
Sec. 4: SE¼NW¼.
T. 35 N., R. 7 W.,
Sec. 14: S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 26: W½SW¼NW¼.
T. 34 N., R. 8 W.,
Sec. 28: W½NW¼, NW¼SW¼.

The area described totals 300.00 acres.

The lands described above in T. 36 N., R. 6 W., M.D.M., and T. 35 N., R. 7 W., M.D.M. are within the Shasta National Forest, and the lands described above in T 34 N., Ranges 7 and 8 W., M.D.M., are within the Trinity National Forest. The lands described above in T. 32 N., R. 6 W., M.D.M., are public lands not within a national forest.

[SEAL] WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 60-5809; Filed, June 23, 1960; 8:48 a.m.]

[83562]

ALABAMA

Notice of Filing of Plats of Survey

JUNE 20, 1960.

Plats of Survey of the lands described below will be officially filed in the Eastern States Land Office, effective 10:00 a.m. on August 1, 1960.

HUNTSVILLE MERIDIAN

	Acres
T. 14 S., R. 5 E. (3 islands),	
Sec. 18, lot 1	0.04
Sec. 24:	
Lot 2	0.07
Lot 3	0.44
T. 14 S., R. 6 E.,	
Sec. 18:	
Lot 1	0.38
Lot 2	1.32
Sec. 19:	
Lot 2	0.19
Lot 3	0.46
T. 14 S., R. 6 E. (island),	
Sec. 7, lot 1	1.51
T. 14 S., R. 6 E. (3 islands),	
Sec. 30:	
Lot 1	2.52
Lot 2	2.00
Lot 3	1.29
T. 17 S., R. 3 E. (3 islands),	
Sec. 36:	
Lot 1	7.16
Lot 2	0.19
Lot 3	0.05
T. 16 S., R. 3 E.,	
Sec. 1:	
Lot 1	5.08
Lot 2	0.04
Lot 3	0.37

The surveys represented by the plats were made to meet certain administrative needs in connection with a proposed withdrawal of the islands for power purposes, BLM 043309.

On May 21, 1908, by Order of the Commissioner, General Land Office (now Director, Bureau of Land Management), at the request of the Secretary of War, all public lands in the subdivisions or fractional tracts of the townships in Alabama bordering upon the Coosa River and all such lands embraced in islands situated in the river in the townships, were temporarily withdrawn from all forms of disposition, until otherwise directed, for the improvement of the navigation of the river.

The islands are all clayey loam; ranging in height from 2 to 15 feet. Timber specie consists of ash, hackberry, birch, elm, willow, maple, oak, walnut and sycamore, from 4 to 30 inches in diameter. There is no evidence of past or present use or occupancy. Each of the islands is well over 50 percent upland within the interpretation of the swamp land acts.

Upon the effective date hereof, the lands recited herein, will be subject to the filing of applications based upon prior, valid, existing and maintained settlement rights; preference rights conferred by existing law; and equitable claims subject to allowance and confirmation. The lands will not be subject to application, petition, location, selection, or to any other appropriation under any other public land law, including the mining and mineral leasing laws, unless and until a further order is issued by a duly authorized official of the Bureau of Land Management.

All inquiries relating to the lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager.

[F.R. Doc. 60-5810; Filed, June 23, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 8106 et al.]

GREENSBORO-HIGH POINT ADEQUACY OF SERVICE CASE

Notice of Hearing

Notice is hereby given that the hearing to be held in the above-entitled proceeding is assigned to begin on September 13, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., June 20, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5818; Filed, June 23, 1960; 8:48 a.m.]

[Docket 9523 et al.]

REOPENED PUERTO RICO PASSENGER FARE INVESTIGATION

Notice of Prehearing Conference

Pursuant to the instructions of the Board, the above-entitled docket, including Docket 11211, Proposed Fares to Puerto Rico, is being assigned for a prehearing conference to be held on July 12, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues Northwest, Washington, D.C., before Examiner Thomas L. Wrenn. See Order E-15371.

Dated at Washington, D.C., June 20, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5819; Filed, June 23, 1960; 8:48 a.m.]

[Docket 9934]

WHEELING-NEW YORK NONSTOP

Notice of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding is assigned to be held on July 12, 1960, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 20, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5820; Filed, June 23, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

JUNE 20, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 21, 1960, to June 30, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5811; Filed, June 23, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13673, etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Application and Date of Hearing

JUNE 16, 1960.

The Atlantic Refining Company,[1] Docket No. G-13673; Union Producing Company,[1] Docket No. G-13684; Graham-Michaelis Drilling Company, et al., Docket No. G-15828; Holt & Maguire, Docket No. G-16925; Jal Oil Company, Inc., Docket No. G-17004; Sinclair Oil & Gas Company, Operator, et al., Docket No. G-17104; R. L. Chance, Sr., Operator, et al., Docket No. G-17175; Grant G. Fowler and Charles D. Fowler, et al., Docket No. G-17182; Bessie L. Bower Gas Company, Docket No. G-17183; The Martin Oil & Gas Company, Docket No. G-17184; Smith & Barker Oil & Gas Company, Inc., Docket No. G-17185; C. C. Winn, Docket No. G-17188; R. H. Siegfried, Inc., et al., Docket No. G-17189; C. C. Winn, Operator, et al., Docket No. G-17191; Champlin Oil & Refining Company, Operator, et al., Docket No. G-17193; Carter-Jones Drilling Company, Inc., Docket No. G-17195; Sapphire American Petroleums, Inc., Docket No. G-17198; Schermerhorn Oil Corporation, et al., Docket No. G-17202; Sinclair Oil & Gas Company, Docket No. G-17203; Monterey Oil Company, Operator, et al., Docket No. G-17205; Humble Oil & Refining Company, Docket No. G-17210; Shallow Oil Company, Inc., Docket No. G-17214; Phillips Petroleum Company, Docket No. G-17224; James M. Cunningham, Operator, et al., Docket No. G-17234; Petroleum Inc., Operator, et al., Docket No. G-17235; James G. Brown & Associates, Operator, et al., Docket No. G-17240; San Patricio Oil Corporation, Operator, et al., Docket No. G-17243; L. E. Lansden, Jr., et al., Docket No. G-17258; Jake L. Hamon, Operator, et al., Docket No. G-17259; Syljo Gas Company, Docket No. G-17382; Home-Stake Production Company, Docket No. G-17387; Skelly Oil Company, Docket No. G-17548; Socony Mobil Oil Company, Inc., (formerly Magnolia Petroleum Company), Docket No. G-17638; Tidewater Oil Company, Docket No. G-17762; Big "6" Drilling Company, Operator, et al., Docket No. G-17815; Victor Hale, Docket No. G-17829.

Graham-Michaelis Drilling Company, Docket No. G-17848; Union Oil Company of California, Docket No. G-17868; International Oil Corporation, Docket No. G-17904; Nortex Oil & Gas Corporation, Operator, et al., Docket No. G-17947; Kerr-McGee Oil Industries, Inc., Docket No. G-18017; Southwestern Exploration Consultants, Inc., Operator, et al., Docket No. G-18026; W. M. Laughlin, Docket No. G-18069; Crescent Production Company, Inc., Docket No. G-18127; Gulf Oil Corporation, Operator, et al., Docket No. G-18132; Northern Natural Gas Producing Company, Docket No. G-18134; Edwin L. Cox, Docket No. G-18145; Gulf Oil Corporation, Docket No. G-18158; Ridgedale Oil & Gas Company, Inc., Docket No. G-18159; The Shamrock Oil and Gas Corporation, Operator, et al., Docket No. G-18162; Texaco Inc. (formerly The Texas Company), Docket No. G-18174; E. W. Bowers and Associates, Operator, et al., Docket No. G-18303; Graham-Michaelis Drilling Company, Docket No. G-18221; W. J. Coppinger, Operator, et al., Docket No. G-18395; T. F. Hodge, Operator, et al., Docket No. G-18441; Humble Oil & Refining Company,[2] Docket No. G-18486; Petro-Atlas, Inc., Operator, et al., Docket No. G-18490; Socony Mobil Oil Company, Inc. (formerly Magnolia Petroleum Company), Docket No. G-18495; The Martin Oil & Gas Company, Docket No. G-18500; Amerada Petroleum Corporation, Docket No. G-18504; Richard M. Finder d/b/a Texkan Oil Company, Operator, et al., Docket No. G-18508; Glen F. Thomas and George W. Brewer, Jr., d/b/a Thomas & Brewer, Operator, et al., Docket No. G-18513; Lario Oil & Gas Company, Operator, et al., Docket No. G-18576; H. L. Hunt, et al., Docket No. G-18578; Graham-Michaelis Drilling Company, et al., Docket No. G-18709; Robert H. Baker, Docket No. G-18720; Burton W. Hancock, Operator, et al., Docket No. G-18738; Sinclair Oil & Gas Company, Docket No. G-18747; Getty Oil Company (formerly Pacific Western Oil Corporation), Docket No. G-18809; D. B. McConnell, Operator, et al., Docket No. G-18819; Texaco Inc., Docket No. G-18822; Kickapoo Oils, Operator, et al., Docket No. G-18825; The Pure Oil Company, Operator, Docket No. G-18881; Mound Company, et al., Docket No. G-18903; Charles W. Van Eaton and E. Dunlap, Jr., Docket No. G-18971; Martin Wunderlich, Operator, et al., Docket No. G-19047; W. P. Maroski and Hugh McMillan, Operator, et al., Docket No. G-19050.

Petroleum Management, Inc., Operator, et al., Docket No. G-19053; Malernee Oil Company, Operator, et al., Docket No. G-19055; T. O. Lilystrand, Jr., No. 2, Operator, et al., Docket No. G-19056; H. S. Smith, Operator, et al., Docket No. G-19063; BTA Oil Producers (formerly Beal, Trobaugh & Associates) Operator, et al., Docket No. G-19066; BTA Oil Producers (formerly Beal, Trobaugh & Associates) Operator, et al., Docket No. G-19067; BTA Oil Producers (formerly Beal, Trobaugh & Associates) Operator, et al., Docket No. G-19068; George R. McNeish, Docket No. G-19070; George R. McNeish, Docket No. G-19072; B. B. Blair, Docket No. G-19074; Hugh McMillian, Operator, Docket No. G-19075; George R. McNeish, et al., Docket No. G-19076; Sinclair Oil & Gas Company,

[1] The applications in Docket Nos. G-13673 and G-13684 have noticed heretofore by "Notice of Applications and Date of Hearing" in consolidation with Elmer R. Lewis, et al., Docket Nos. G-3143, et al., by publication in the FEDERAL REGISTER on April 29, 1960 (25 F.R. 3769). The applications are consolidated herein for the purpose of hearing.

[2] Formerly The Carter Oil Company.

Operator, et al., G–19085; Earl F. Wakefield, Docket No. G–19091; Morrison Producing Company, Operator, et al., Docket No. G–19092; Morrison Producing Company, Operator, et al., Docket No. G–19093; Morrison Producing Company, Operator, et al., Docket No. G–19094; L. A. White, et al., d/b/a Amburgey Gas Company, Docket No. G–19130; Bramlage & Gaines, Operator, et al., Docket No. G–19136; Henry S. Inger, Operator, et al., Docket No. G–19147; Dick Wegener, Drilling Contractor, Operator, et al., Docket No. G–19163; Genoa Hines and Oliver H. Hughes, Operator, et al., Docket No. G–19167; Toto Gas Company, Operator, et al., Docket No. G–19168; Toto Gas Company, Operator, et al., Docket No. G–19169; Toto Gas Company, Operator, et al., Docket No. G–19170; Dick Wegener, Drilling Contractor, Operator, et al., Docket No. G–19173; Tom Bolack, et al., Docket No. G–19232; R. H. Siegfried, Inc. Operator, et al., Docket No. G–19551; Louis E. Marron and Wiley Butler, Docket No. G–19558; Victor Hale, Docket No. G–19789; MWJ Producing Company, Operator, et al., Docket No. G–19802; James Doughty, Operator, et al., Docket No. G–19969; Delhi-Taylor Oil Corporation, Docket No. G–19973; Phillips Petroleum Company, Docket No. G–19976; C. I. West Virginia Corporation, Docket No. G–20024; Texaco Inc., Docket No. G–20028; Bel Oil Corporation, Operator, et al., Docket No. G–20034; Tri-Mutual Oil Company, et al., Docket No. G–20174; Needle Oil & Gas Company, Docket No. G–20175; Socony Mobil Oil Company, Inc., Docket No. G–20226; Frank Morrison Well No. 1, Docket No. G–20234; Humble Oil & Refining Company, Inc. (formerly Carter Oil Company), Docket No. G–20293; Alton Coats, Operator, et al. Docket No. CI60–86; Drilling and Exploration Company, Inc., Docket No. CI60–112; Sinclair Oil & Gas Company, Docket No. CI60–129; Sunray Mid-Continent Oil Company, Docket No. CI60–163; Olin Gas Transmission Corporation, Docket No. CP60–51; Tennessee Gas Transmission Company, Docket No. CP60–65; Hope Natural Gas Company, Docket No. CP60–90.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications and amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No., Field and Location, Purchaser, and Price per Mcf

G–13673; South Blanco and Aster, and San Juan and Rio Arriba Counties, N. Mex.; Pacific Northwest Pipe Line Corp.; 11.0 cents at 15.025 psia.

G–13694; Second Bayou, Cameron Parish, La.; American Louisiana Pipe Line Co.; 19.0 cents at 15.025 psia.

G–15628; Chunn, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–16925; Dude Wilson, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–17004; Crosby (Devonian), Lea County, N. Mex.; El Paso Natural Gas Co.; 10.5 cents at 15.025 psia.

G–17104; Timballer Bay, LaFourche and Terrebonne Parishes, La.; Tennessee Gas Transmission Company; 18.5 cents at 15.025 psia.

G–17175; East Perkins, Calcasieu Parish, La.; United Gas Pipe Line Co.; 15.5 cents at 15.025 psia.

G–17182; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17183; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17184; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17185; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–17186; Clayton, Live Oak County, Tex.; Texas Illinois Natural Gas Pipeline Co.; 12.2 cents at 14.65 psia.

G–17189; West Chico, Wise County, Tex.; Natural Gas Pipeline Co. of America; 13.1248 cents at 14.65 psia.

G–17191; Salem, Victoria County, Tex.; Trunkline Gas Co.; 9.09 cents at 14.65 psia.

G–17193; Sprague Peavy, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 14.0 cents at 16.4 psia.

G–17195; Rodessa, Caddo Parish, La.; Arkansas Louisiana Gas Co.; 8.5 cents at 15.025 psia.

G–17196; West Levelland, Cochran County, Tex.; El Paso Natural Gas Co.; 10.5 cents at 14.65 psia.

G–17202; Acreage in Lea County, N. Mex.; Permian Basin Pipeline Co.; 10.7688 cents at 15.025 psia.

G–17206; Various Fields in Roosevetta and Lea Counties, N. Mex., and Yoakum County, Tex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.

G–17205; Concho, Tom Green County, Tex.; Sinclair Oil & Gas Co.; 8.25 cents at 14.65 psia.

G–17210; Fuhrman-Mascho, Andrews County, Tex.; Phillips Petroleum Co.; 11.0 cents at 14.65 psia.

G–17214; Greenwood-Waskom, Caddo Parish, La.; Arkansas Louisiana Gas Co.; 11.9296 cents at 15.025 psia.

G–17224; Poesta Creek, Bee County, Tex.; Coastal States Gas Producing Co.; 10.096 cents at 14.65 psia.

G–17234; Oretta, Beauregard Parish, La.; Trunkline Gas Co.; 18.1 cents at 15.025 psia.

G–17235; Fields Area, Beauregard Parish, La.; Trunkline Gas Co.; 18.10 cents at 15.025 psia.

G–17240; Spraberry, Upton and Reagan Counties, Tex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.

G–17243; Spartan, San Patricio County, Tex.; W. J. Riley d/b/a Banquete Gas Co.; 9.0 cents at 14.65 psia.

G–17258; S. E. Lamont, Grant County, Okla.; Consolidated Gas Utilities Corp.; 11.0 cents at 14.65 psia.

G–17259; West Marlow, Stephens County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.

G–17382; Maetze Area, Goliad County, Tex.; Trunkline Gas Co.; 15.0 cents at 14.65 psia.

G–17387; Sherman, Grayson County, Tex.; Lone Star Gas Co.; 14.49 cents at 14.65 psia.

G–17548; Gavilan, Rio Arriba and San Juan Counties, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–17638; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G–17762; Sinton, San Patricio County, Tex.; Texas Illinois Natural Gas Pipeline Co.; 14.5 cents at 14.65 psia.

G–17815; Maetze Area, Goliad County, Tex.; Syljo Gas Co.; 10.0 cents at 14.65 psia.

G–17829; Acreage in Magoffin County, Ky.; Kentucky West Virginia Gas Co.; 15.0 cents at 15.225 psia.

G–17846; Perryton, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–17868; Highland Area, Beaver County, Okla.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

G–17904; Maetze Area, Goliad County, Tex.; Syljo Gas Co.; 11.0 cents at 14.65 psia.

G–17947; Maetze Area, Goliad County, Tex.; Syljo Gas Co.; 10.0 cents at 14.65 psia.

G–18017; North Carthage, Texas County, Okla.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.

G–18026; Asphaltum, Stephens County, Okla.; Lone Star Gas Co.; 10.0 cents at 14.65 psia.

G–18069; Premont, Jim Wells County, Tex.; Coastal States Gas Producing Co.; 8.5816 cents at 14.65 psia.

G–18127; Simsboro, Lincoln Parish, La.; Arkansas Louisiana Gas Co.; 12.55433 cents at 15.025 psia.

G–18132; Southwest Antioch, Garvin County, Okla.; Lone Star Gas Co.; 11.0 cents at 14.65 psia.

G–18134; Hugoton, Finney County, Kans.; Northern Natural Gas Co.; 12.0 cents at 14.65 psia.

G–18145; Acreage in Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

G–18158; South Forgan, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

G–18159; Grant District, Ritchie County, W. Va.; Hope Natural Gas Co.; 22.0 cents at 15.325 psia.

G–18162; Keyes, Cimarron County, Okla.; Colorado Interstate Gas Co.; 16.0 cents at 14.65 psia.

G–18174; Welsh, Jefferson Davis Parish, La.; United Gas Pipe Line Co.; 20.25 cents at 15.025 psia.

G–18203; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18221; Acreage in Ford County, Kans.; Northern Natural Gas Co.; 15.0 cents at 14.65 psia.

G–18395; Koenig, Haskell County, Kans.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

G–18441; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 14.65 psia.

G–18486; Elk Basin, Park County, Wyo.; Montana-Dakota Utilities Co.; 10.0 cents at 15.025 psia.

G–18490; Ballard, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–18495; South Erick, Beckham County, Okla.; El Paso Natural Gas Co.; 12.0 cents at 14.65 psia.

G–18500; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–18504; Cherokee Lake Area, Rush County, Tex.; Texas Eastern Transmission Corp.; 14.6 cents at 14.65 psia.

G–18508; East Mustand Creek, Jackson County, Tex.; United Gas Pipe Line Co.; 15.192 cents at 14.65 psia.

G–18513; Adams Ranch, Meade County, Kans.; Colorado Interstate Gas Co.; 15.0 cents at 14.65 psia.

G–18576; Acreage in Barber County, Kans.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

G–18578; Bear, Beauregard Parish, La.; Transcontinental Gas Pipe Line Corp.; 17.5 cents at 15.025 psia.

G–18709; Acreage in Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

G–18720; Cove District, Doddridge County, W. Va.; Equitable Gas Co.; 23.0 cents at 15.325 psia.

G–18738; West Bar-X Area, Grand County, Utah; Pacific Northwest Pipeline Corp.; 12.0 cents at 15.025 psia.

G–18747; Bisti, San Juan County, N. Mex.; El Paso Natural Gas Co.; 13.0 cents at 15.025 psia.

G–18809; Eumont, Hobbs and Justis, Lea County, N. Mex.; Permian Basin Pipeline Co.; 10.77 cents at 15.025 psia.

G–18819; Siligo, Bossier Parish, La.; Texas Gas Transmission Corp.; 14.25 cents at 15.025 psia.

G–18822; Garland, Big Horn County, Wyo.; Montana-Dakota Utilities Co.; 7.5 cents at 15.025 psia.

G–18825; Richland Center, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

G–18881; Laverne, Harper County, Okla.; Michigan Wisconsin Pipe Line Co.; 17.0 cents at 14.65 psia.

G–18903; Cowpen Creek, Beauregard Parish, La.; Transcontinental Gas Pipe Line Corp.; 11.3 cents at 15.025 psia.

G–18971; Enville and Southwest Enville, Love County, Okla.; Cimarron Transmission Co.; 15.0 cents at 14.65 psia.

G–19047; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 4.65 cents at 14.65 psia.

G–19050; South Blanco, Tapacito, and Ballard (Pictured Cliffs), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.025 psia.

G–19053; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 4.65 cents at 14.65 psia.

G–19055; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19056; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19063; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19066; Yarborough Allen, Ector County, Tex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–19067; South Andres Devonian, Andres County, Tex.; El Paso Natural Gas Co.; 7.0 cents at 14.65 psia.

G–19068; Yarborough Allen, Ector County, Tex.; El Paso Natural Gas Co.; 5.5 cents at 14.65 psia.

G–19070; Acreage in Summer County, Kans.; Wunderlich Development Co.; 4.65 cents at 14.65 psia.

G–19072; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19074; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19075; Blanco (Mesaverde) San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–19076; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19085; Southeast Woodward, Woodward and Northeast Woodward, Woodward County, Okla.; Cities Service Gas Co.; 16.0 cents at 14.65 psia.

G–19091; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 4.65 cents at 14.65 psia.

G–19092; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 4.65 cents at 14.65 psia.

G–19093; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19094; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 4.65 cents at 14.65 psia.

G–19130; Triadelphia District, Logan County, W.Va.; Hope Natural Gas Co.; 20.0 cents at 15.325 psia.

G–19136; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 4.65 cents at 14.65 psia.

G–19147; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19163; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19167; Acreage in Summer County, Kans.; Wunderlich Development Co.; 4.65 cents at 14.65 psia.

G–19168; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19169; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19170; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19173; Acreage in Kay County, Okla.; Wunderlich Development Co.; 5.2 cents at 14.65 psia.

G–19232; Pictured Cliffs, San Juan and Rio Arriba Counties, N. Mex.; El Paso Natural Gas Co.; 10.0 cents at 15.0025 psia.

G–19551; Wil, Stafford County, Kans.; Panhandle Eastern Pipe Line Co.; 15.0 cents at 14.65 psia.

G–19558; Enville and Southwest Enville, Love County, Okla.; Cimarron Transmission Co.; 15.5 cents at 14.65 psia.

G–19789; Acreage on Middle Creek in Floyd County, Ky.; Kentucky West Virginia Gas Co.; 15.0 cents at 15.225 psia.

G–19802; Spraberry Trend Area, Reagon County, Tex.; El Paso Natural Gas Co.; 11.0 cents at 14.65 psia.

G–19969; Greta, Refugio County, Tex.; Coastal States Gas Producing Co.; 11.0 cents at 14.65 psia.

G–19973; Bisti Area, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

G–19976; Mystic Bayou, St. Martin Parish, La.; Southern Natural Gas Co.; 23.25 cents at 15.025 psia.

G–20024; Reedy District, Wirt County, W. Va.; Godfrey L. Cabot, Inc.; 14.92 cents at 15.325 psia.

G–20028; Blue Hill Paradox, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

G–20034; Foley, Allen Parish, La.; United Gas Pipe Line Co.; 20.375 cents at 15.025 psia.

G–20174; Lincoln District, Tyler County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20175; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20226; Deep Knox, Grady and Stephens Counties, Okla.; Lone Star Gas Co.; 16.8 cents at 14.65 psia.

G–20234; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

G–20293; Deep Knox, Grady and Stephens Counties, Okla.; Lone Star Gas Co.; 16.8 cents at 14.65 psia.

CI60–86; Bethany, Harrison County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CI60–112; Deep Knox, Grady and Stephens Counties, Okla.; Lone Star Gas Co.; 16.8 cents at 14.65 psia.

CI60–129; Deep Knox, Grady and Stephens Counties, Okla.; Lone Star Gas Co.; 16.8 cents at 14.65 psia.

CI60–163; Deep Knox, Grady and Stephens Counties, Okla.; Lone Star Gas Co.; 16.8 cents at 14.65 psia.

CP60–51; Bethany, Harrison County, Tex.; United Gas Pipe Line Co.; 9.6216 cents at 14.65 psia.

CP60–65; Maxie Pistol Ridge Area, Forrest, Lamar and Pearl River Counties, Miss.; United Gas Pipe Line Co.; 20.0 cents at 15.025 psia.

CP60–90; Go Around Bayou, Cameron Parish, La.; United Fuel Gas Co.; 18.0 cents at 15.025 psia.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 26, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 11, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be fixed and a new date for hearing will be fixed as provided in § 1.20(b) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5743; Filed, June 23, 1960; 8:45 a.m.]

[Docket No. RI60–396, etc.]

TIDEWATER OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Terminating Proceeding [1]

JUNE 16, 1960.

Tidewater Oil Company, Docket No. RI60–396; Standard Oil Company of Texas, Docket No. RI60–397; El Paso Natural Gas Products Company (Operator), et al., Docket No. RI60–398; El

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Paso Natural Gas Products Company, Docket No. RI60–399; C. L. McMahon, Inc., Docket No. RI60–400; Alvin C. Hope (Operator), et al., Docket Nos. RI60–401 and G–20453; Virginia Ramsey, et al., Docket No. RI60–378; Texas Gulf Producing Company, Docket No. RI60–402; Texas Gulf Producing Company (Operator), et al, Docket No. RI60–403; Lario Oil & Gas Company, Docket No. RI60–404; Clegg & Hunt (Operator), et al., Docket No. RI60–405.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Rate suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60–396	Tidewater Oil Co.	9	9	Tennessee Gas Transmission Co. (Mustang Island Field, Nueces County, Tex.) (R.R. Dist. No. 4).	5–16–60	5–17–60	6–17–60	11–17–60	[6] 15.26187	[3] 17.24347	G–19665
RI60–397	Standard Oil Co. of Texas.	32	2	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan and Mitchell Counties, Tex.) (R.R. Dist. No. 7–B and 9).	Undated	5–19–60	[4] 6–23–60	[4] 6–24–60	6.9918	8.5	G–20284
RI60–398	El Paso Natural Gas Products Co., (Operator), et al.	2	20	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.) (R.R. Dist. No. 7–B).	5–16–60	5–19–60	[4] 6–23–60	[4] 6–24–60	6.9918	8.5	[5] RI60–30
RI60–399	El Paso Natural Gas Products Co.	3	10	do	5–16–60	5–20–60	[4] 6–23–60	[4] 6–24–60	6.9918	8.5	[5] RI60–40
		10	9	do							RI60–62
RI60–400	C. L. McMahon, Inc.	3	4	do	5–17–60	5–20–60	[4] 6–23–60	[4] 6–24–60	6.9918	8.5	RI60–63
RI60–401	Alvin C. Hope (Operator), et al.	1	3	West Lake Natural Gasoline Co. (Lake Trammell Field, Nolan County, Tex.) (R.R. Dist. No. 7–B).	5–17–60	5–20–60	[4] 6–23–60	[4] 6–24–60	[5] 5.5	8.5	
RI60–378	Virginia Ramsey, et al.	2	36	Tennessee Gas Transmission Co. (Seeligson Field, Jim Wells County, Tex.) (R.R. Dist. No. 4).	4–20–60	5–23–60	6–23–60	11–0–60	13.125	17.24347	
		2	37	do		5–23–60	6–23–60				
		2	38	do		5–24–60	6–24–60				
		2	39	do		5–27–60	6–27–60				
RI60–402	Texas Gulf Producing Co.	22	6	Trunkline Gas Co. (Clear Creek Field, Beauregard Parish, La.).	5–4–60	5–23–60	6–23–60	11–23–60	18.1	23.5	[7] G–17373
RI60–403	Texas Gulf Producing Co. (Operator), et al.	23	10	Trunkline Gas Co. (Ragley Field, Beauregard Parish, La.).	5–4–60	5–23–60	6–23–60	11–23–60	18.1	23.5	[8] G–17372
RI60–404	Lario Oil & Gas Co.	15	2	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	5–20–60	5–23–60	7–1–60	12–1–60	11.0	12.5	
RI60–405	Clegg & Hunt (Operator), et al.	5	1	Texas Gas Corp. (Marrs, McLean, and Gilbert Woods Fields, Jefferson County, Tex.) (R.R. Dist. No. 3).	5–11–60	5–23–60	6–23–60	11–23–60	13.6	17.38982	

[1] The stated effective dates are those requested by respondents or the first day after expiration of the required 30 days' notice.
[2] Includes 0.21931 cent per Mcf for dehydration deducted by buyer.
[3] Or until such further time as the related rate of West Lake Natural Gasoline Co. is made effective subject to refund in Docket No. RI60–30 in the manner prescribed by the Natural Gas Act.
[4] Also subject to order in Docket No. G–15906.
[5] Also subject to order in Docket No. G–15905.
[6] Rate of 6.9918 cents per Mcf is suspended in Docket No. G–20453 until Jan. 23, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. To date, no motion has been filed to place this rate into effect subject to refund.
[7] Also subject to orders in Docket Nos. G–15839 and G–14069.
[8] Also subject to orders in Docket No. G–15760 and G–14112.
[9] Or until one day subsequent to the date the related rate of West Lake Natural Gasoline Co. is made effective subject to refund in Docket No. RI60–30.

In support of the proposed favored-nation increases, Tidewater Oil Company and Virginia Ramsey, et al. cite the contract provisions thereof and submit copies of Tennessee Gas Transmission Company's letter establishing the increased price and state that the contracts resulted from arm's length bargaining. Tidewater states additionally that the pricing provisions protect seller from discrimination and the increased rate is just and reasonable. Ramsey states that the increased price does not exceed the going price of gas in the area.

Ramsey's filings are on behalf of separate co-owners under the same rate schedule and are in addition to interests of other co-owner's under the same rate schedule, whose proposed increased rates were suspended by the Commission in Docket No. RI 60–378 until November 9, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. In order to afford like treatment to all co-owners under the same rate schedule, the increases submitted by Ramsey and set forth in the above designated filings should also be suspended until November 9, 1960 and thereafter until made effective under the Natural Gas Act. However, it should be made clear that the shortening of the suspension period herein should not be construed as a precedent for other proposed increased rates.

In support of the revenue-sharing rate increases, Standard Oil Company of Texas, El Paso Natural Gas Products Company (Operator), et al., El Paso Natural Gas Products Company, C. L. McMahon, Inc., and Alvin C. Hope (Operator), et al. cite the contract provisions and West Lake Natural Gasoline Company's increased 17.0 cents per Mcf resale rate to El Paso Natural Gas Company, which is suspended in Docket No. RI 60–30 until June 23, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. In addition, Standard of Texas states that the increased rate is provided by a contract which resulted from arm's-length bargaining and suspension thereof would be inequitable, unfair and confiscatory. El Paso Natural Gas Products states that its contracts resulted from arm's-length bargaining and the increased rates are just and reasonable. McMahon cites arm's-length bargaining and states that the pricing provisions were a material inducement to seller in executing the long-term contract and the increased price is just and reasonable. Hope states that the increase merely brings the price in line with others in the area and allows a return commensurate with expenses and costs of operation.

Hope has a pending suspension proceeding in Docket No. G–20453 for a rate of 6.9918 cents per Mcf under the same rate schedule involved herein. Hope has never filed a motion to place the 6.9918 cents per Mcf rate in effect subject to refund and now files the subject increase from the now effective rate of 5.5 cents per Mcf to 8.5 cents per Mcf.

In support of the proposed favored-nation rate increases, Texas Gulf Producing Company and Texas Gulf Producing Company (Operator), et al. cite the initial 23.5¢ rates for the sale of natural gas in the area which were allowed to become effective in Trunkline Gas Company's application proceedings by Commission Opinion No. 321. In addition, Texas Gulf submits copies of Trunkline's favored-nation letter and states that the increase merely brings into being a price which was negotiated at arm's-length in the original contract and that the increased rate is less than the going price for gas in the area.

In support of the proposed periodic rate increase, Lario Oil & Gas Company cites the contract provisions and states that the contract was negotiated in open bargaining, the increased price is below the commodity value of the gas and is just and reasonable in view of the increasing costs.

In support of the proposed redetermined rate increase, Clegg & Hunt (Operator), et al. cite the contract price redetermination provisions and submit copies of the letter agreement establishing the increased price. Clegg & Hunt state that such pricing provisions are common in long-term contracts and afford seller protection against inflation. In addition, Clegg & Hunt state that the contract resulted from arm's-length bargaining and the increased price is below other prices in the area. Clegg & Hunt request waiver of statutory notice to permit this increased rate to become effective as of June 1, 1960.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause exists for permitting the tender submitted by Alvin C. Hope (Operator), et al. to be filed and for terminating the suspension proceeding involved in Docket No. G–20453.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) The tender submitted by Alvin C. Hope (Operator), et al. is hereby permitted to be filed and the suspension proceeding involved in Docket No. G–20453 is hereby terminated.

(E) Notices of intervention or petition to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 1, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5745; Filed, June 23, 1960; 8:45 a.m.]

[Docket Nos. RI60–406—RI60–416]

HUMBLE OIL AND REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

JUNE 17, 1960.

Humble Oil & Refining Company, Docket No. RI60–406; The Pure Oil Company, et al., Docket No. RI60–407; The Pure Oil Company, Docket No. RI60–408; Honolulu Oil Corporation, Docket No. RI60–409; Sun Oil Company, Docket No. RI60–410; Tidewater Oil Company, Docket No. RI60–411; Tidewater Oil Company (Operator), et al., Docket No. RI60–412; Sohio Petroleum Company, Docket No. RI60–413; Jerome B. Rosenthal, et al., Docket No. RI60–414; Sunray Mid-Continent Oil Company, Docket No. RI60–415; Jack H. Bryant, Trustee, Docket No. RI60–416.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended—	Rate suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60–406	Humble Oil & Refining Co.	141	3	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.) (R.R. Dist. No. 7–B.	5–18–60	5–23–60	[2] 6–23–60	[3] 6–24–60	6.9918	8.5	G–20230
RI60–407	The Pure Oil Co., et al.	41	7	do	Undated	5–23–60	[2] 6–23–60	[3] 6–24–60	6.9918	8.5	RI60–46
RI60–408	The Pure Oil Co.	32	3	West Lake Natural Gasoline Co. (Vena Madre Field, Nolan County, Tex.) (R.R. Dist. No. 7–B).	Undated	5–23–60	[2] 6–23–60	[3] 6–24–60	6.9918	8.5	RI60–47
RI60–409	Honolulu Oil Corp.	6	2	West Lake Natural Gasoline Co. (Lake Trammell South and Nena Lucia Fields, Nolan County, Tex.) (R.R. Dist. No. 7–B).	5–19–60	5–23–60	[2] 6–23–60	[3] 6–24–60	5.5	8.5	
RI60–410	Sun Oil Co.	89	8	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parishes, La.).	5–17–60	5–23–60	6–23–60	11–23–60	18.3	23.5	[4] G–20147
RI60–411	Tidewater Oil Co.	51	12	Texas Eastern Transmission Corp. (Nordheim Field, De Witt and Karnes Counties, Tex.) (R.R. Dist. No. 2).	5–23–60	5–24–60	6–24–60	11–24–60	[5] 14.3733	[5] 15.4444	G–14928
RI60–412	Tidewater Oil Co. (Operator), et al.	7	21	Texas Eastern Transmission Corp. (Various Fields, Bee, Live Oak and De Witt Counties, Tex.) (R.R. Dist. No. 2).	5–23–60	5–24–60	6–24–60	11–24–60	13.8733	14.9444	G–14687
RI60–413	Sohio Petroleum Co.	3	4	Tennessee Gas Transmission Co. (La Reforma, Los Indios, and El Ebanito Fields, Hidalgo and Starr Counties, Tex.) (R.R. Dist. No. 4).	Undated	5–23–60	6–23–60	11–23–60	15.0952	17.24347	G–19478
		4	4								
		9	6								
RI60–414	Jerome B. Rosenthal, et al.	1	2	El Paso Natural Gas Co. (Glasscock County, Tex.) (R.R. Dist. No. 8).	5–19–60	5–23–60	6–23–60	11–23–60	[6] 11.0	[6] 17.0	
		2	2								
RI60–415	Sunray Mid-Continent Oil Co.	158	3	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.) (R.R. Dist. No. 7–B).	Undated	5–23–60	[2] 6–23–60	[3] 6–24–60	6.9918	8.5	G–20348
RI60–416	Jack H. Bryant, Trustee.	1	4	El Paso Natural Gas Co. (Nolan County, Tex.) (R.R. Dist. No. 7–B).	5–20–60	5–20–60	6–20–60	11–20–60	10.5	15.5	G–14625

[1] The stated effective dates are those requested by respondents or the first day after expiration of the required 30 days' notice.
[2] Or until such later date as the related rate of West Lake Natural Gasoline Co. is made effective subject to refund in Docket No. RI60–30 in the manner prescribed by the Natural Gas Act.
[3] Also subject to orders in Docket Nos. G–17346, G–15743, and G–13087.
[4] Includes 0.5 cent per Mcf for dehydration and gathering charged by seller.
[5] Or until one day subsequent to the date the related rate of West Lake Natural Gasoline Co. is made effective subject to refund in Docket No. RI60–30.
[6] Includes 0.5 cent per Mcf for desulphurization deducted by buyer.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Humble Oil & Refining Company, the Pure Oil Company, et al., the Pure Oil Company, Honolulu Oil Corporation, and Sunray Mid-Continent Oil Company propose revenue-sharing rate increases for sales of natural gas to West Lake Natural Gasoline Company. West Lake resells the gas to El Paso Natural Gas Company and pays the aforementioned Respondents 50 percent of the resale rate received from El Paso. The subject increases are based upon West Lake's favored-nation increased rate of 17.0 cents per Mcf, which increased rate was suspended in Docket No. RI60–30 until June 23, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

In support of the proposed increased rates, Humble, Pure, Honolulu, and Sunray cite the revenue-sharing provisions of the contracts, West Lake's 17.0 cent rate now suspended, and state that the proposed increase fulfills the contractual obligation agreed to by both parties. In addition, Humble states that the contract resulted from arm's-length bargaining and the increased price is reasonable and in line with the going price for gas in the area and denial thereof would be unjust and unreasonable. Pure also cites arm's-length bargaining and states that without the pricing provisions it would not have executed the contract and the increased price is just and reasonable. Pure also cites other suspensions for sales to West Lake and states that any suspension of its increased rate for more than one day would result in a windfall to West Lake at Pure's expense. Honolulu states that the increased rate does not exceed the fair market value of the gas and is just and reasonable. Sunray states that the contract resulted from arm's-length bargaining and without the pricing provisions it would not have executed the contract. Sunray also states that the increased price is just and reasonable and below the market value of the gas, and denial thereof would be unjust and unreasonable.

In support of its proposed favored-nation rate increases, Sohio Petroleum Company cites the contract provisions and submits copies of Tennessee Gas Transmission's letter advising of the increased prices. Sohio also states that the proposed rates are not in excess of the current commodity value of the gas and are just and reasonable.

In support of its proposed favored-nation rate increase, Sun Oil Company refers to the contract provision and submits Trunkline Gas Company's letter advising of the increased rate. Sun states that the price increase provisions resulted from bargaining at arm's length and were a major consideration to seller and the increased price does not exceed the value of the gas in the area.

In support of its proposed rate increases, Tidewater Oil Company and Tidewater Oil Company (Operator), et al. cite the favored-nation provisions of the contracts and refer to increased rates paid by Texas Eastern Transmission Corporation to two other producers in the same area. These two producers are collecting the increased rate subject to refund in Docket Nos. G–18845 and G–18218. Texas Eastern has protested similar favored-nation rate increases in the area on the grounds that the favored-nation clauses were not activated, although no protest of the subject increases had been made.

In support of their proposed renegotiated rate increases, Jerome B. Rosenthal et al. and Jack H. Bryant, Trustees, submit copies of the renegotiated agreements citing the provisions thereof and state that such amendments resulted from arm's-length bargaining. They further state that the proposed rates are less than the current commodity value of gas in the area and that the deletion of the favored-nation provision will tend to stabilize gas prices to producers in the area. Bryant also states that the 5.0 cents per Mcf increase would compensate for a 5.0 cents per Mcf compression charge and would place him in an economic position equal to that of neighboring producers. Bryant further requests waiver of notice requirements to permit his increased rate to become effective as of January 1, 1960.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 2, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5800; Filed, June 23, 1960; 8:46 a.m.]

[Project No. 1890]

CHAMPION SILLIMANITE, INC.

Notice of Land Withdrawal; California

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063) as amended, notice is hereby given that the lands of the United States hereinafter described—formerly occupied for project purposes in Project No. 922, and which remain as of this date in power project No. 1890 for which application for license was filed by Champion Sillimanite, Inc., on February 9, 1939—are, from said date of filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following subdivisions lying within 50 feet of the center line surveys of the pipe line and transmission line rights-of-way, all as more fully delimited upon map sheets (F.P.C. No. 1890–1, 2, 3, & 5) designated "Exhibits J and K" and entitled "Power Project Champion Sillimanite, Inc., in T. 4 S., R. 33 E., M.D.M., Mono County, California," and filed in the office of the Federal Power Commission on February 4, 1939:

T. 4 S., R. 33 E.,
Sec. 6: Lot 1 of SW¼, SW¼SE¼;
Sec. 7: N½, lot 1 of SW¼, NW¼NE¼, S½NE¼, N½SE¼;
Sec. 8: SW¼SE¼, W½SW¼, SE¼SW¼;
Sec. 15: SW¼SW¼ (Unsurveyed);
Sec. 16: Lots 2, 3, SE¼, SE¼NW¼, NE¼SW¼;
Sec. 17: Lots 1, 2, NW¼NE¼, NE¼NW¼.

The area remaining reserved by this filing is approximately 85.97 acres, all of which have been heretofore reserved in connection with Project No. 922. 11.26 acres have been also previously reserved in Project No. 416.

Pursuant to map Exhibit K (F.P.C. No. 1890–9) entitled "Survey of Pipeline Extension, Champion Sillimanite, Inc." and showing the relocation of a section of the pipeline right-of-way—prepared in this Commission in accordance with information furnished January 31, and May 14, 1956, by the then licensee for Project No. 1890—all portions of the following described lands lying within 50 feet of the center line survey of the right-of-way as shown on said map are from May 14, 1956, reserved from all forms of disposal under section 24 of the Federal Power Act:

T. 4 S., R. 33 S.,
Sec. 14: W½SW¼, SE¼SW¼ (Unsurveyed);
Sec. 15: N½S½, SW¼SW¼ (Unsurveyed);
Sec. 16: NE¼SE¼.

The additional area reserved by this filing is approximately 18.75 acres, of which 9.11 acres have been previously reserved in connection with Project No. 416. 4.24 acres of the latter amount have been also reserved pursuant to the filings under Project No. 922.

The general determination made by the Commission at its meeting of April 17, 1922 (2d. Ann. Rept. 128) with respect to lands reserved for transmission line purposes only is applicable to those of the aforesaid lands reserved for that purpose only.

Copies of the map sheets (F.P.C. No. 1890–1, 2, 3, 5 and 9) have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5799; Filed, June 23, 1960; 8:46 a.m.]

[Docket No. G–19983]

TENNESSEE GAS TRANSMISSION CO.

Order Adopting Interim Order Procedure Omitting Intermediate Decision and Fixing Date for Oral Argument

JUNE 17, 1960.

The Presiding Examiner on May 27, 1960, reported to the Commission two motions entered orally upon the record by Staff counsel during the hearing on May 25, 1960. Those motions request (1) that the fair rate of return for Tennessee Gas Transmission Company (Tennessee) be determined on an interim order procedure; and (2) that the intermediate decision procedure be waived in accordance with § 1.30 of the Commission's rules of practice and procedure and that the record on rate of return be certified to the Commission for direct decision on this issue. There was no objection to the latter motion.

It is the contemplation of the first motion that Tennessee will be required to make immediate refund of excess revenues and to reduce its rates if it is determined under the intermediate order procedure that the fair rate of return for Tennessee is less than the 7 percent rate of return requested by it in this docket. It is further contemplated that for purposes of refund and reduced rates, all other factors relating to rate base, cost of service, allocation, etc., will be used as presented by Tennessee on the record, without prejudice to the rights of any party to question any of those items in subsequent phases of this proceeding, if such item is determined to be in issue by the Presiding Examiner.

The stated objective of Staff's proposals is to alleviate as soon as possible some of the financial burden of increased rates being borne by Tennessee's wholesale customers.

Several parties to the proceeding filed memoranda on the above motions. Generally stated, those memoranda do not object to the interim order procedure determining a fair rate of return for Tennessee nor omission of the intermediate decision procedure. Some of the parties, however, do object to that part of the motion which requests that upon determination of the fair rate of return, Tennessee be directed to make immediate refunds and rate reductions. Those objections are based on the fact that there has been no decision on the issue of allocation of costs to zones on Tennessee's system. The parties contend that absent a determination of that issue, an interim order prescribing refunds and reduction in rates would be both unlawful and inequitable in that it might prevent Tennessee from recovering its entire cost of service, or deprive customers in certain zones of the amount of refund dollars they contend they would receive if the zone allocation methods they are sponsoring are determined to be proper for Tennessee.

The issue of allocation of costs to zones has been fully heard in Docket No. G–11980 and is now before the Presiding Examiner in that docket for decision. The parties hereto also contend that an interim order prescribing refunds and rate reduction will constitute prejudgment of that issue even though such interim order used the zone allocation method presented by Tennessee only arguendo and without prejudice to final determination of that issue.

In view of the importance of the matters referred to above, and as requested by Tennessee, it would appear appropriate that opportunity to present oral argument be afforded to the parties, in addition to filing briefs on the issue of the proper rate of return for Tennessee, as hereinafter provided.

The Commission finds:

(1) It is appropriate in carrying out the provisions of the Natural Gas Act that the proper rate of return for Tennessee be determined uhder an interim order procedure.

(2) The Staff's motion for waiver of the intermediate decision on the rate of return issue should be granted, and the parties should be allowed to file briefs and present oral argument, as hereinafter provided.

The Commission orders:

(A) The intermediate decision procedure hereby is omitted for purposes of determination of the proper rate of return for Tennessee.

(B) The Presiding Examiner is directed to certify to us the evidence of record on the issue of rate of return for determination of that issue under interim order procedure.

(C) Main briefs on the issue of the proper rate of return for Tennessee shall be filed and served by all parties who desire to do so, on or before July 15, 1960.

(D) Oral argument before the Commission shall be held on July 21, 1960 at 10:00 a.m. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. (1) in lieu of reply briefs on the issue of the proper rate of return for Tennessee; and (2) on the questions whether as a result of determination of the proper rate of return, immediate refunds and rate reductions, if any, should be ordered, and if so, on what basis.

(E) All parties to this proceeding who desire to participate in the oral argument herein provided, shall notify the Secretary on or before July 11, 1960, of their intent to do so, indicating which items referred to in paragraph (D) above, they propose to argue and the amount of time they desire for such argument.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5801; Filed, June 23, 1960; 8:46 a.m.]

[Docket No. G–12892, etc.]

WARREN PETROLEUM CORP. ET AL.

Notice of Applications and Date of Hearing

JUNE 16, 1960.

Warren Petroleum Corporation, Operator,[1] Docket No. G–12892; Tidewater Oil Company, Docket No. G–19808; Amerada Petroleum Corporation, Docket No. G–20015; Arkansas Fuel Oil Corporation, Docket No. G–20039; Phillips Petroleum Company, Docket No. G–20097.

Take notice that each of the above Applicants has filed an application pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

The respective Applicants seek permission and approval to abandon service as indicated below:

Docket Nos., Field and Location, Purchaser and Docket in Which Sale Was Authorized

G–12892; McFarland Unit, Willow Springs Field, Gregg and Harrison Counties, Tex.; Texas Eastern Transmission Corp.; G–4154, G–3710, G–3987, and G–3213.
G–19808; Englehart Field, Colorado County, Tex.; Shell Oil Co.; G–6262.
G–20015; Aglesworth Field, Bryan County, Okla.; Lone Star Gas Co.; G–6325.
G–20039; Guedin Field, San Patricio County, Tex.; Texas Eastern Transmission Corp.; G–10167.
G–20097; Acreage in Lea County, N. Mex.; Warren Petroleum Corp.; G–2857.

Each Applicant herein states that the volume of gas now available for delivery under the related gas sales contract has been depleted or has declined to a point where it is no longer economically feasible to continue the heretofore authorized sale. These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 26, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., con-

[1] Warren Petroleum Corporation filed on behalf of itself and such other co-owners who may adopt the subject application. The application was adopted on July 15, 1957, by Natural Gasoline Corporation on July 25, 1957, by Robert Cargill, Henry L. Smith, Clark Sample, Jr., Sally Sample Graves, L. N. Skipper and L. N. Skipper, Jr., on July 26, 1957, by G. H. L. Kent and on June 4, 1959, by Gladstone Gasoline Company, Inc.

Warren was authorized on May 21, 1956, in Docket No. G–4154, Natural Gasoline on January 3, 1956, in Docket No. G–3710 and L. N. Skipper, L. N. Skipper, Jr., Clark Sample, Jr., G. L. L. Kent on February 21, 1955, in Docket No. G–3987 and Sally Graves on December 15, 1954, in Docket No. G–3213.

cerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before July 11, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5802; Filed, June 23, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BENTON COUNTY SALES CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

Name of Stockyard and Date of Posting
Benton County Sales Co., Rogers, Ark., Dec. 12, 1958.
Hensley Sale Barn, Fayetteville, Ark., Dec. 12, 1958.
Union Stock Yards, Los Angeles, Calif., Nov. 1, 1922.
Livermore Auction Co., Livermore, Ky., Dec. 8, 1959.
Dixon Brothers Livestock Sales, Jackson, Mich., May 16, 1959.
McAlester Stockyard and Livestock Auction, McAlester, Okla., June 23, 1949.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall be come effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 20th day of June 1960.

HARRY L. WILLIAMS,
Acting Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 60-5821; Filed, June 23, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-123]

CURATORS OF UNIVERSITY OF MISSOURI; SCHOOL OF MINES AND METALLURGY

Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPRR-44 set forth below. The amendment extends the latest date for completion of construction of the reactor to be located in Rolla, Missouri, to December 31, 1960, as requested by the applicant.

Dated at Germantown, Md., this 16th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[Construction Permit No. CPRR-44; Amdt. No. 1]

Paragraph 3.A. of Construction Permit No. CPRR-44 is hereby amended by changing the second sentence thereof to read as follows: "The latest date for completion of the facility is December 31, 1960."

The amendment is effective as of the date of issuance.

Date of issuance: June 16, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-5790; Filed, June 23, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 21, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36335: *Substituted service—PRR, et al., for Liberty Motor Freight Lines, Inc.* Filed by Eastern Central Motor Carriers Association, Inc. (No. 141), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Columbus, Ohio, on the one hand, and East Cambridge and Worcester, Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Eastern Central Motor Carriers Association, Inc. tariff MF-I.C.C. A-179.

FSA No. 36336: *Substituted service—WAB and PRR for Spector Freight System, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 138), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and Baltimore, Md., Harrisburg and Philadelphia, Pa., and Kearny, N.J., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Eastern Central Motor Carriers Association tariff MF-I.C.C. A-179.

FSA No. 36337: *Substituted service—C&O and PRR for Houff Transfer Incorporated, et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 139), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Charleston, W. Va., on the one hand, and Philadelphia, Pa., and Kearny, N.J., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Eastern Central Motor Carriers Association tariff MF-I.C.C. A-179.

FSA No. 36338: *Substituted service—PRR, et al., for Liberty Motor Freight Lines, Inc.* Filed by Eastern Central Motor Carriers Association, Inc., Agent (No. 140), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Columbus, Ohio, on the one hand, and Boston and Worcester, Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Eastern Central Motor Carriers Association tariff MF-I.C.C. A-179.

FSA No. 36339: *Substituted service—PRR for Jones Transfer Company.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 142), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Detroit, Mich., and Toledo, Ohio, on the one hand, and Baltimore, Md., Harrisburg and Philadelphia, Pa., and Kearny, N.J., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Eastern Central Motor Carriers Association tariff MF-I.C.C. A-179.

FSA No. 36340: *Liquefied petroleum gas—Houma and Southdown, La., to the South.* Filed by Southwestern Freight Bureau, Agent (No. B-7834), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads from Houma and Southdown, La., to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 43 to Southwestern Freight Bureau tariff I.C.C. 4334.

FSA No. 36341: *Malt liquors and empty containers—From and to East St. Louis, Ill., and the South.* Filed by O. W. South, Jr., Agent (SFA No. A3973), for interested rail carriers. Rates on malt liquors, and empty returned containers, in carloads (1) from East St. Louis, Ill., to points in southern territory, and (2) from points in southern territory to East St. Louis, Ill.

Grounds for relief: Rate relationship with St. Louis, Mo.

Tariff: Supplement 4 to Southern Freight Association tariff I.C.C. S-110.

FSA No. 36342: *Screened gravel—Dickason Pit, Ind., to Moccasin, Ill.* Filed by Illinois Freight Association, Agent (No. 102), for interested rail carriers. Rates on screen gravel, in carloads from Dickason Pit, Ind., to Moccasin, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 131 to Chicago & Eastern Illinois Railroad tariff I.C.C. 144.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5816; Filed, June 23, 1960; 8:48 a.m.]

[Notice 335]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 21, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62676. By order of June 6, 1960, Division 4, Acting as an Appellate Division, approved the transfer to James Adams, doing business at Adams Moving & Hauling Co., Philadelphia, Pa., of Certificate In No. MC 94435, issued October 25, 1957, to Joseph Kulb, Philadelphia, Pa., authorizing the transportation of: Household goods, as defined by the Commission, and new office furniture, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points in New Jersey, Delaware, Maryland, and the District of Columbia. Jacob Polin, 314 Old Lancaster Road, Merion, Pa., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5817; Filed, June 23, 1960; 8:48 a.m.]

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VOLUME 25 NUMBER 124

Washington, Saturday, June 25, 1960

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Rules and Regulations

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

PART 200—INTRODUCTION

Delegations of Basic Authority and Functions; Enforcement Remedies

1. In § 200.88 paragraphs (a), (b) (3) and (4) are amended to read as follows:

§ 200.88 Property Management Committee.

(a) *Members.* The Property Management Committee is comprised of the following members: Assistant Commissioner for Mortgages and Properties, Chairman; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Technical Standards; and such other members as the Commissioner shall designate.

(b) *Functions.* • • •

• • • • •

(3) In connection with the functions of this committee, the Chairman is authorized to execute in the official name of the Commissioner, as his agent, all contracts of sale, deeds or any other documents or instruments necessary in connection with the sale of properties or with conveyance of title of such properties.

(4) This committee shall meet at the call of the Chairman and shall maintain minutes of each meeting to reflect the various actions taken by the committee pursuant to this authority. Minutes of each meeting which include a determination by the Committee shall be forwarded to the Deputy Commissioner (Operations) for approval prior to action in connection with such determination.

2. Section 200.206 is amended to read as follows:

§ 200.206 Inquiry notice and explanation.

Upon receipt of information indicating unscrupulous and unethical practices on the part of a dealer or salesman, the Director will arrange for a prompt inquiry by a member of his staff. After the inquiry the dealer or salesman is informally advised in writing of the proposed determination by the Director. The dealer or salesman may then request an opportunity to give his version of the surrounding circumstances and answer or explain any derogatory charges or allegations made in connection with his Property Improvement loan operations.

3. Section 200.207 is amended to read as follows:

§ 200.207 Determination.

When it has been determined that precautionary measures are to be instituted against a dealer or salesman the Director submits a recommendation to that effect to the Headquarters Office in Washington, D.C., for consideration. If the recommendation is approved the dealer, salesman, insured institution, lending institution and insuring offices will be so advised.

4. Section 200.208 is amended to read as follows:

§ 200.208 Rescinding actions.

The Director may rescind precautionary measures actions if he has satisfied himself that the dealer or salesman can and will conduct his future operations in accordance with the letter and spirit of the Act and the Title I regulations. The Director will forward his recommendation regarding any rescission to Headquarters Office in Washington, D.C., which will mail the rescission letter to all who received the original precautionary letter.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 807, 69 Stat. 651, as amended; sec. 907, 65 Stat. 301, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D. C., June 21, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-5855; Filed, June 24, 1960; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 60-43]

PART 171—STANDARDS FOR NUMBERING

Georgia System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on May 26, 1960, approved the Georgia system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Georgia system shall be operative on and after June 1, 1960. On that date the authority to number motorboats principally used in the State of Georgia passed to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Georgia. On and after June 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Georgia will be required to be reported to the State Game and Fish Commission, Atlanta, Georgia, pursuant to Act No. 567 (H.B. 764) of the General Assembly of Georgia, approved by the Governor on March 7, 1960, and the rules and regulations of the Georgia State Game and Fish Commission.

Because the amendments to §§ 171.01–6(b), and 171.10–1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of June 1, 1960:

Subpart 171.01—General

1. In § 171.01-6 *Temporary exemptions until July 1, 1960*, paragraph (b) is amended by deleting "Georgia" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. In § 171.10-1 *To whom made*, paragraph (b) is amended by inserting in the list of States having approved numbering systems the State of "Georgia."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 20, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-5866; Filed, June 24, 1960; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

PART 181—IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Statement of Policy Regarding Identification

Pursuant to section 4 of the Act of August 27, 1958, relating to humane

slaughter (Pub. Law 85-765; 7 U.S.C. 1901 et seq.) the following statement of policy is hereby issued to appear in a new Part 181—Identification of Carcasses of Certain Humanely Slaughtered Livestock, prescribing the means to be used by the Department of Agriculture for identifying carcasses of animals inspected and passed under the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.) that have been slaughtered and handled incident to slaughter by humane methods in accordance with the public policy of the United States under the humane slaughter act.

§ 181.1 Statement of policy regarding identification.

(a) Under section 4 of the Act of August 27, 1958, relating to humane slaughter (7 U.S.C. 1904) the Department of Agriculture is directed to establish suitable means of identifying the carcasses of livestock inspected and passed under the Federal Meat Inspection Act (21 U.S.C. 71 et seq.) that have been slaughtered in accordance with the public policy declared in the humane slaughter act. The procedure described in paragraph (b) of this section is hereby established as the suitable means of such identification.

(b) Periodically, based on current information, the Director of the Meat Inspection Division, Agricultural Research Service, Department of Agriculture, will publish in the FEDERAL REGISTER, as a notice, a table listing the names of the official establishments operating under the Federal Meat Inspection Act, which use humane methods of slaughter and incidental handling; the official establishment numbers thereof; and the species of livestock being slaughtered in such establishment in accordance with such methods. Additions and deletions from the list may also be made by the Director by notice in the FEDERAL REGISTER when necessary. Carcasses of the listed species of animals that have been prepared and branded with the Federal meat inspection stamp in the listed official establishments, respectively, will be considered thereby identified within the meaning of section 4 of the Act of August 27, 1958, as having been slaughtered in accordance with the public policy of that act, provided the establishment and the species were so listed at the time of such branding. The table should not be understood to indicate that species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless such species are listed for that establishment in the table. Nor should the table be understood to indicate whether or not the affiliates of any listed establishment use only humane methods.

Done at Washington, D.C., this 22d day of June 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-5878; Filed, June 24, 1960; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Cotton Bulletin 1]

PART 427—COTTON

Subpart—1960 Cotton Loan Program Regulations

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427.1124 Loss or damage to pledged cotton.
427.1125 Transfer of producer's interest.
427.1126 Repayments by producer.
427.1127 Cotton cooperative marketing association loans.
427.1128 Custodial offices.
427.1129 Schedule of premiums and discounts for upland cotton (basis 1-inch Middling), and loan rates for extra long staple cotton.

AUTHORITY: §§ 427.1101 to 427.1129 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178; 15 U.S.C. 714 b and c, 7 U.S.C. 1441, 1443, 1421.

§ 427.1101. General statement.

This bulletin contains the regulations, instructions, and requirements with respect to the 1960 Cotton Loan Program of Commodity Credit Corporation (referred to in this subpart as "CCC") formulated by CCC and the Commodity Stabilization Service (referred to in this subpart as "CSS"). Under this program, loans will be made available on 1960-crop Choice (B) upland and extra long staple cotton in accordance with this bulletin. The requirements with respect to the price support program for upland cotton produced on farms for which the operator elected the Choice (A) allotment are contained in 1960 CCC Cotton Bulletin 2.

§ 427.1102 Administration.

Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division and other appropriate divisions of CSS will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as "State committees" and "county committees," respectively). Program availability and maturity dates will be those specified hereinafter except that whenever the final date of availability or the maturity date falls on a nonwork day for ASC county offices or the New Orleans office, the applicable final date shall be extended to include the next work day. Forms will be distributed by the New Orleans office and will be available at county ASC offices (referred to in this subpart as "county offices") and at approved lending agencies, approved warehouses, and others designated to participate in the loan program. ASC State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 427.1103 Availability of loans.

(a) *General statement.* Loans will be available to eligible producers on eligible cotton and will be made available through warehouse and bill of lading loans. As provided in § 427.1118, if an eligible producer obtains price support from CCC in excess of $50,000 on 1960-crop upland cotton or in excess of $50,000 on 1960-crop extra long staple cotton, and if he has not qualified for an exemption from the $50,000 limitation in Public Law 86-80 through reduction of his production of such kind of cotton, he will be obligated to repay loans obtained under this program on such kind of cotton in an amount equal to such excess. Any person who, on the basis of a reduction of his production, desires to qualify for an exemption from the $50,000 limitation shall file an application with the ASC county committee in accordance with the Regulations Relating to the $50,000 Limitation of Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply (25 F.R. 1001), as amended (hereinafter referred to as the "Regulations Relating to the $50,000 Limitation").

(b) *Area.* Loans on cotton produced in the areas specified below and covered by bills of lading will be available in areas designated by the New Orleans office where there is a shortage of storage space and the necessary arrangements for handling the cotton can be made. Warehouse loans will be available on:

(1) Upland cotton produced on Choice (B) farms in all cotton-producing areas of the continental United States.

(2) Extra long staple cotton produced in areas designated in this subparagraph.

(i) American-Egyptian cotton produced in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, and Ward Counties, Texas.

(ii) Sea Island and Sealand cotton produced in Berrien, Cook, and Lanier Counties, Georgia; and Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Sea Island cotton produced from seed planted in 1960 in Puerto Rico.

(c) *Time.* Loans will be available from the date rates are announced through April 30, 1961. Note and loan agreements covering warehouse-stored cotton must be signed by the producer and delivered to the lending agency on or before April 30, 1961, or postmarked not later than such date, if tendered for direct loans to the New Orleans office by mail. Loans on cotton covered by bills of lading will be available only during the periods specified by the New Orleans office.

(d) *Source.* Loans will be available from approved lending agencies or from the New Orleans office. Disbursements on loans will be made to producers by approved lending agencies under agreements with CCC or by the New Orleans office. Disbursement of loans by approved lending agencies will be made not later than April 30, 1961, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall promptly refund the proceeds.

§ 427.1104 Approved lending agency.

An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) with CCC. Banks and other agencies desiring to enter into Lending Agency Agreements should make application to the New Orleans office, which will enter into such agreements on behalf of CCC with responsible applicants having organizations and facilities adequate to properly carry out their responsibilities and obligations under the program.

§ 427.1105 Producer.

A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant, or sharecropper.

§ 427.1106 Eligible producer.

(a) A producer will be entitled to a loan on eligible Choice (B) upland cotton or eligible extra long staple cotton produced by or for him in 1960 on a farm (as defined for purposes of cotton marketing quotas) for which a 1960 acreage allotment for such kind of cotton has been determined under Title III of the Agricultural Adjustment Act of 1938, as amended and supplemented, if all of the following requirements are met:

(1) In the case of Choice (B) upland cotton, the operator of the farm has elected the Choice (B) cotton acreage allotment, in accordance with the Acreage Allotment Regulations for the 1960 Crop of Upland Cotton (24 F.R. 8430 and any amendments or supplements thereof), and the 1960 planted acreage (as determined for purposes of cotton marketing quotas) of upland cotton on the farm does not exceed the 1960 Choice (B) upland cotton acreage allotment for the farm.

(2) In the case of extra long staple cotton, the 1960 planted acreage (as determined for purposes of cotton marketing quotas) of extra long staple cotton on the farm does not exceed the 1960 extra long staple cotton allotment for the farm.

(3) For the purpose of determining eligibility for a loan, the Choice (B) upland or extra long staple cotton acreage on the farm will not be deemed to be in excess of the acreage allotment for such cotton unless such acreage allotment for such kind of cotton is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, such acreage allotment shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(b) In the case of eligible cotton produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(2) If the cotton is not divided, (i) all producers having a share in the cotton may obtain a joint loan on such cotton, or (ii) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton: *Provided*, That the landlord shall not be eligible to tender to CCC cotton in which a share tenant's or sharecropper's share of the price support proceeds when added to price support proceeds previously received by the share tenant or sharecropper with respect to 1960-crop cotton would exceed $50,000, unless such share tenant or sharecropper has qualified for an exemption from the $50,000 limitation on nonrecourse price support through reduction of his production, in accordance with the Regulations Relating to the $50,000 Limitation. In determining the amount of price support extended each producer in the case of loans on cotton in which both the landlord and one or more share tenants or sharecroppers have an interest, each producer shall be deemed to have been extended price support to the extent of his interest in the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest. Except as provided above, two or more producers may not obtain a joint loan on their cotton.

(c) A producer who has not qualified for an exemption from the $50,000 limitation on nonrecourse price support must not obtain a loan on cotton with other producers if his pro rata share of the loan proceeds plus the price support proceeds which he has previously received with respect to 1960-crop cotton would exceed $50,000, but if such cotton is divided among the producers entitled to share therein, he may obtain a loan upon his separate share.

§ 427.1107 Eligible cotton.

Eligible cotton shall be Choice (B) upland cotton produced in the United States in 1960 or extra long staple cotton planted in 1960 and produced in areas designated under § 427.1103, which meets the following requirements:

(a) Upland cotton must have been produced on a farm for which the farm operator elected the Choice (B) allotment and on which the acreage planted to such cotton is in compliance with such allotment, and extra long staple cotton must have been produced on a farm on which the acreage planted to such cotton is in compliance with the allotment.

(b) Such cotton must be of a grade and staple length specified in § 427.1129.

(c) Such cotton must not be false-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been designated as "Wasty" or reduced in grade for any reason, except that any such cotton which is reduced not more than two grades because of preparation will be eligible; extra long staple cotton must have been ginned on a roller gin, shall be of normal character, and must not have been designated as "Wasty" or reduced in grade for any reason.

(d) Such cotton must be in existence and in good condition.

(e) Such cotton must not be compressed to high density.

(f) Such cotton must have been produced by the person tendering it for a loan, and such person must have the legal right to pledge or mortgage it as security for a loan.

(g) If such cotton was produced on land owned by the Federal Government, it must not have been produced in violation of the provisions of the lease.

(h) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(i) The person or association tendering such cotton must not have previously sold and repurchased such cotton.

(j) Each bale of cotton must weigh not less than 350 nor more than 625 pounds, gross weight, and must be adequately packaged in new material manufactured for cotton bale covering, except

used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. The bagging must be sufficiently strong to adequately protect the cotton. Cotton compressed to standard density, whether compressed by a warehouseman or at a gin, must have not less than eight bands. Heads of bales must be completely covered. Bales packaged with new bagging and ties used in the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tennessee (referred to in this subpart as "Experimental Bale Packaging Program"), will be acceptable provided there is attached to each such bale a tag which identifies such bale with the program and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

(k) Each bale of cotton must bear the gin bale number.

§ 427.1108 Forms.

The following documents must be delivered by producers in connection with every loan except loans made pursuant to § 427.1127:

(a) *Warehouse-stored loans.* (1) Cotton Producer's Note and Loan Agreement (Form CCC Cotton A, referred to in this subpart as "Form A").

(2) Warehouse receipts complying with the provisions of § 427.1119.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, referred to in this subpart as "Form B"), if the loan is obtained direct from the New Orleans office.

(4) Lien Waiver (Form CCC Cotton 889) if used in lieu of execution of Lienholder's Waiver on the Form A in accordance with the provisions of § 427.1114.

(b) *Cotton represented by order bills of lading.* (1) Form A executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the receiving agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.1121 and a Receiving Agency's Certificate.

(4) Form B if the loan is obtained direct from the New Orleans office.

(5) Lien Waiver (Form 889) if used in lieu of execution of Lienholder's Waiver on the Form A in accordance with the provisions of § 427.1114.

(c) *Loan documents executed by an administrator, executor, or trustee.* Loan documents executed by an administrator, executor, or trustee will be acceptable only where valid in law. State documentary revenue stamps shall be affixed to loan documents where required by law. A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney (CCC Cotton Form 18) which must be filed with the New Orleans office.

§ 427.1109 Approved storage.

Cotton will be accepted as security for loans only if stored by warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or ASC State or county offices.

§ 427.1110 Weight and rate.

(a) Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. The gross weight of the bale shall be the gross weight shown on the warehouse receipt if the loan is made on cotton represented by warehouse receipts, or the gross weight shown on the Weight and Condition Certificate (see § 427.1121(c)) if the loan is made on cotton represented by order bills of lading. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight, in making loans on upland cotton wrapped with material under the Experimental Bale Packaging Program, there will be added to the gross weight of the bale an allowance equal to the number of pounds shown on the program bale tag to be necessary "to adjust to normal gross weight" under such programs. No allowances other than those provided for in this subsection will be made.

(b) The base loan rate for Middling 1-inch Choice (B) cotton at each approved warehouse will be shown in the Schedule of Base Loan Rates for Choice (B) upland cotton (which will be issued about June 15, 1960). This schedule will be available at county offices. The premium or discount applicable to each other eligible grade and staple length of upland cotton is shown in § 427.1129. Loan rates for extra long staple cotton are also shown in § 427.1129. After a loan is made, CCC will not be obligated to make adjustments in the amount of the loan as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.1111 Preparation of documents.

(a) A producer desiring to obtain a loan may obtain the necessary forms from county offices, approved lending agencies, approved warehouses, and approved clerks (persons approved by the ASC county committees to assist producers in preparing and executing the loan forms). All applicable blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. (Forms A having a date prior to May 2, 1960, shall not be used.) Both copies should be clearly legible. The spaces provided on Forms A for the producer to request and direct payment of the proceeds must be completed in every instance. All disbursements made from the proceeds of a note, including clerk's fee when deducted, must be shown, and the total must agree with the amount of the note. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Care should be exercised by the lending agency to determine that the warehouse receipts and bills of lading are genuine. Before the loan clerk prepares loan documents for a producer, he must require the porducer to present his marketing card so that he can determine whether the producer is eligible for a loan. The marketing cards issued by the county office will indicate the producer's eligibility. If the producer's 1960 Choice (B) upland cotton marketing card is Form MQ–76–B—Upland Cotton (a white card) or his 1960 extra long staple cotton marketing card is Form MQ–76—ELS Cotton (a buff card), the loan clerk will use this as evidence that the producer is eligible to obtain a loan on the kind of cotton for which such card was issued. If the producer's 1960 marketing card is MQ–76–R—Upland Cotton (a red card) and the boxes following the words "1960 Choice (B)" and "Not eligible unless price support documents approved by county committees" contain an "X" or if his 1960 extra long staple cotton marketing card is Form MQ–76–R—ELS Cotton (a red card) and the box following the words "Not eligible unless price support documents approved by county committee" contains an "X," the loan clerk shall inform the producer that in order for him to obtain a loan on his cotton he must have the Certificate of the Agricultural Stabilization and Conservation County Committee on Form A executed by the county office manager (or a county office employee designated by him). If the box on Form MQ–76–R—Upland Cotton or MQ–76–R—ELS Cotton following the words "Not eligible" contains an "X," the producer cannot obtain a loan on such kind of cotton produced on that farm under any condition and should be so informed by the clerk. Lending agencies which are also eligible producers must obtain direct loans on cotton produced by them from the New Orleans office or obtain loans from another approved lending agency. An approved clerk cannot execute loan documents for cotton owned by him. An approved clerk who, under a power of attorney, executes the loan documents on behalf of the producer, shall not execute the Clerk's Certificate on such loan documents.

(b) The Clerk's Certificate on each Form A tendered for a loan must be executed by the approved clerk who assisted the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer, and the copy marked "producer's copy" is to be retained by the producer. Loan forms must not be signed in blank. All applicable entries must be completed prior to the time the form is signed by the producer or the loan clerk. The proper status of the producer (i.e., whether landowner, landlord, tenant, or sharecropper) must be shown in the space provided therefor on Form A. If any producer has reason to believe that the total amount of price support advances which could be obtained by or for him (including any price support advances obtained in his name for sharecroppers or tenants) on upland cotton or on extra long staple cotton under the 1960 price support programs of CCC might exceed $50,000, his correct percentage share of the cotton must be shown in the space provided therefor on each Form A, unless he has qualified for an exemption from the $50,000 limitation in Public Law 86–80 through reduction of his production. If a producer's correct percentage share in the cotton is required to be shown, such producer must have the same percentage share in all cotton listed in the Schedule of Pledged Cotton on a particular Form A, and separate Forms A must be used for each lot of cotton in which the producer's share is different. In each case in which a loan is being obtained on Choice (B) upland cotton or extra long staple cotton, the "Yes" box or the "No" box opposite the question which is printed immediately below the space for producers' signatures on the Form A must be checked by the producer before executing the Form A to indicate whether any person (who has not qualified for an exemption) sharing in the proceeds of the loan will have received (including his share of the loan) more than $50,000 in price support on the kind of cotton pledged to secure the loan, determined in accordance with § 427.1118. (In the case of recourse loans on Choice (A) cotton pursuant to 1960 C.C.C. Cotton Bulletin 2, answers to this question are not required, and producers are not required to furnish the Forms CCC Cotton AX mentioned below.) If the answer is "Yes", the producer must prepare and execute a Form CCC Cotton AX showing all price support previously received by him (or by any other individuals or legal entities who, under the rules provided in the Regulations Relating to the $50,000 Limitation, are to be treated, together with the producer, as one person) with respect to the 1960 crop of the kind of cotton pledged to secure the note. The Form CCC Cotton AX must be attached to the Form A on which the "Yes" answer required the execution of this form. All persons claiming liens on the cotton must sign the Lienholder's Waiver on the Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton produced on a farm by executing Form 889 as provided in § 427.1114. All of the cotton pledged as security for any loan must be of the same grade and staple length and must be stored in the same warehouse. A split grade (i.e., a bale for which the official classification shows a "+" or "LT.") must be pledged on separate notes from the full grade. Not more than 999 bales shall be pledged as security for any one note. Before preparing his loan documents, the producer should give careful consideration to the manner in which he may wish to withdraw the cotton from the loan. Cotton of the same grade and staple length will ordinarily be placed on the same note. However, it may be placed on separate notes if the producer believes it will facilitate the redemption of the cotton from the loan or the sale of his equity in such cotton. The approved lending agency shown as payee on the Form A shall make disbursement to the producer, must sign the Payee's Endorsement thereon, and must execute the covering Lending Agency's Letter of Transmittal. Date of disbursement shown on the Form A must be the actual date of disbursement to the producer by such lending agency.

§ 427.1112 Service charges.

No service charges will be collected by CCC in connection with warehouse loans (except for fees collected by county office employees, as provided in § 427.1113).

§ 427.1113 Fees.

The clerk or county office employee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedule:

Number of bales on note:	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7–18	$1 plus 10 cents for each bale over 6.
19 and over	$2.20 plus 5 cents for each bale over 18.

§ 427.1114 Liens.

Eligible cotton tendered for loan must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.1120 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton produced on a farm for the crop year designated by executing a Lien Waiver (Form CCC Cotton 889, referred to in this subpart as "Form 889"). The original of the Form 889 must be attached securely to the first Form A on which the Lienholder's Waiver is not executed for the particular lien so as to be recorded and filed in the New Orleans office. Thereafter, the Lienholder's Waiver on Forms A covering additional cotton produced on the farm shall show the words "see Form 889 on file." An executed copy must be filed by the producer with each lending agency which disburses the proceeds of any Form A executed by the producer. Additional copies may be prepared and retained by the producer and agency as desired. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him and any other person who causes the fraudulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver or Lien Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (CCC Cotton Form 18) must be filed with the New Orleans office), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 427.1115 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges, clerk's fees, and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) In any case referred to in paragraphs (a) and (b) of this section, the producer must go to the county office in the county in which he is listed on the debt record and have his loan documents completed by a clerk in the county office. Any amount which is to be set off must be entered in the space provided in the producer's note by the county office manager (or an employee designated by him).

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 427.1116 Classification of cotton.

(a) All cotton tendered for loan must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (referred to in this subpart as the "Board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted only if the sample was a representative sample drawn in accordance with instruction to organized cotton improvement groups for sampling cotton under the 1960 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton) or receiving agency (for cotton covered by bills of lading) shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Rec-

ord Sheet (CCC Cotton Form L, referred to in this subpart as "Form L") must be prepared by the warehouseman or receiving agency, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples, and the original and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse or receiving agency. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample may not be drawn and forwarded to a Board except for a review classification. If through error or otherwise, in any case where review classification is not involved, two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value. If a Form 1 or Form A3 review classification is obtained, the loan value of the cotton represented thereby will be based on such review classification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman or receiving agency for all cotton for which samples are submitted to a Board for a Form A3 classification or a Form 1 or A3 review classification. The Boards will submit billings for classing charges to the warehousemen or receiving agencies at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.1117 Interest rate.

Nonrecourse loans and charges shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment. Recourse loans and charges shall bear interest at the rate of 6 percent per annum from the date of disbursement to the date of repayment, except that amounts which are repaid on or before July 31, 1961, shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment. Notwithstanding the foregoing, the rate of interest to be charged on any cotton price support advance and related charges with respect to which the producer made a willful misrepresentation in obtaining the advance shall be 6 percent per annum from the date of disbursement thereof to the date of repayment.

§ 427.1118 Maturity.

(a) Nonrecourse loans mature July 31, 1961, or upon such earlier date as CCC may make demand for repayment. Loans will be made on Choice (B) upland cotton and extra long staple cotton without identification of the recourse loans until the maturity date for nonrecourse loans. If the total amount of price support which is received by any person with respect to 1960-crop upland cotton or with respect to 1960-crop extra long staple cotton and which remains outstanding on August 1, 1961, is in excess of $50,000 (unless such person has qualified for an exemption from the $50,000 limitation in Public Law 86–80 through reduction of his production), CCC will, as soon as practicable, designate loans (or portions thereof) in a total amount equal to such excess over $50,000 on such kind of cotton under this program in which such persons shared in the proceeds. Each such loan so designated shall be a recourse loan, and the producer (or each producer, jointly and severally, in the case of joint loans) obtaining the loan shall be personally liable for the payment on or before April 30, 1962 (notwithstanding the earlier maturity date stated in the note), of such loan, plus charges and interest. Each producer obtaining a loan which is still outstanding on August 1, 1961, is required to make a full report to CCC as to the outstanding price support received by any person (who has not qualified for an exemption) sharing in the proceeds of the loan who has received a total amount of price support on the kind of cotton covered by such loan which is in excess of $50,000 on August 1, 1961, and to make such other reports as CCC may request as to the price support received by him or by any other person sharing in the proceeds of such loans. Producers will be personally liable for the refund of amounts paid through error, plus interest thereon, and loans obtained through fraudulent representations will be recourse loans. All other loans outstanding on August 1, 1961, which are not designated by CCC will be nonrecourse, except that if a producer's failure to notify CCC as to the outstanding price support in excess of $50,000 received by any person sharing in the proceeds of a loan causes CCC to fail to designate such loan as being recourse prior to April 30, 1962, CCC will have the right to designate the loan as a recourse loan after that date. The rules provided in the Regulations Relating to the $50,000 Limitation shall be applied for the purposes of this subpart to determine whether certain individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the $50,000 limitation in Public Law 86–80 and whether producers come within the exemption from such limitation through reduction of their production. In determining the total amount of price support received by any person and remaining outstanding on August 1, 1961, there shall be included all loans under the program on cotton of which such person is the sole owner which are not repaid prior to August 1, 1961, such person's share of each loan under the program on cotton in which he has a part interest (whether he signs the note as joint producer or his share of the proceeds is paid to him by the producer signing the note) which are not repaid prior to August 1, 1961, such person's share of each loan advance obtained from a cotton coopertiave marketing association on cotton in which he has the full or a part interest and which, on August 1, 1961, is security for a loan obtained by the association from CCC, and (if the determination is being made with respect to upland cotton) his share of the proceeds of any sales of 1960-crop Choice (A) cotton in which he has the full or a part interest.

(b) If a producer does not satisfy his nonrecourse loan by maturity, the holder of the note is authorized to sell the cotton securing the note. The holder of the note may become the purchaser of the whole or any part of the cotton. If CCC is the holder of the note, then at CCC's election title to the cotton securing the note shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan plus interest and charges.

(c) If a producer does not satisfy his recourse loan by maturity or by an earlier date if it is determined by CCC that the commodity can no longer be stored because of danger of deterioration or other reasons, the holder of the note is authorized to sell the cotton securing the note. Upon sale of the cotton, the net proceeds will be credited to the producer's recourse indebtedness. Any amount by which the net proceeds exceed the recourse indebtedness shall be payable only to such producer, without right of assignment by him. The producer shall be personally liable to CCC for the payment of the deficiency in any case where the net proceeds from the sale are less than the amount due on the recourse loan. Such payment shall be made promptly upon demand unless the commodity was sold prior to the maturity date, in which event such payment shall be made to CCC on the maturity date. Any unliquidated balance due CCC shall be collected by appropriate means. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

(d) To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 427.1119 Warehouse receipts and insurance.

Only negotiable machine card type warehouse receipts, acceptable to CCC, issued by an approved warehouse and properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must contain the gin bale number, must show that the cotton is covered by fire insurance, and must be dated on or prior to the date of the producer's notes. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 427.1122.

§ 427.1120 Warehouse charges.

The Agreement of Warehouseman on each Form A must be executed by the warehouseman storing the cotton covered by the Form A not more than 10 days preceding the date of the Producer's Note on the Form A. In the case of loans made to a cotton cooperative marketing association as provided in § 427.1127, the Warehouseman's Certificate and Agreement on the Certificate of Association and Agreement of Warehouseman (CCC Cotton Form G–1, referred to in this subpart as "Form G–1") must be executed by the warehouseman storing the cotton covered by such form. By executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form A or on the Form G–1 and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows: The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates of the warehouse receipts representing the cotton or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1961, all charges on the cotton for storage and insurance shall be at the rate of 46 cents per bale per month or fraction thereof for flat or compressed cotton stored in warehouses operating compress facilities or compressed cotton stored in warehouses not operating compress facilities, and at the rate of 51 cents per bale per month or fraction thereof for flat cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less: *Provided*, That on any cotton transferred prior to July 31, 1961, to another warehouseman without movement of the cotton, and for which new warehouse receipts must be issued, or on any cotton shipped by CCC prior to July 31, 1961, at the request of the warehouseman to permit the warehouseman to discontinue the storage of cotton, payment for the fractional part of the storage month prior to the date of such transfer or shipment shall be paid by CCC at the proportionate part of the monthly rate. If the warehouse operates compress facilities, the tariff rate to which reference is made herein shall be the rate applicable to compressed cotton regardless of the compression status of the cotton. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided*, That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 25 cents per bale if such charges are included in the warehouseman's tariff: *Provided*, That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin or another warehouse under contract with the warehouseman will be at the rate which the warehouseman pays the ginner or the other warehouseman. In no event shall compression charges on gin compressed cotton or cotton compressed by another warehouseman exceed the rate paid to the ginner or the other warehouseman by his customers on all other cotton. Charges for the compression of cotton will be paid by CCC only if the charges have not been paid by the producer, and if the cotton is shipped from the warehouse by CCC. All other charges on cotton, including flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided*, That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 25 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Pledged Cotton on the Form A or Form G–1, and executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, if such charges are included in the warehouseman's established tariff: *And provided further*, That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for standard density compression or for delivery or outhandling, except as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate:

I hereby certify that, since the cotton covered by this voucher was received at the warehouse, there has been removed from such cotton only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing of said cotton except for reconditioning of damaged cotton, and that since issuance of warehouse receipts thereon such cotton has not been reconditioned, picked, or cleaned by blowing or brushing except as noted on report attached hereto or to a previous voucher covering such cotton; and that neither the warehouseman nor any officer or employee of the warehouseman has purchased or otherwise obtained any Producer's Equity Transfers on cotton stored in the warehouse which have not been presented to Commodity Credit Corporation within 15 days from the dates such transfers were executed by the producers.

The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. The rates quoted herein will remain in effect through July 31, 1961, and will remain in effect thereafter until terminated by CCC or the warehouseman on July 31, 1961, or at the end of any subsequent month by giving the other at least 30 days' prior notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the storage rates provided in this section shall be applicable for storage services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such storage services an amount in excess of that computed in accordance with this agreement. The terms and provisions of this section shall prevail over the written or printed terms of the warehouse receipts representing the cotton.

§ 427.1121 Loans on order bills of lading.

(a) Loans on cotton represented by order bills of lading will be available only in areas and during the periods specified

by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer in any such area who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer, in accordance with shipping instructions furnished by CCC, to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agency's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.1120 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only, be considered as a warehouseman and will be permitted to collect from CCC charges for gin compression as provided in § 427.1120 and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 427.1122 Loans on cotton to be reconcentrated.

Loans on cotton to be reconcentrated will be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is congestion and lack of storage space. The warehousemen will enter into Reconcentration Agreements (CCC Cotton Form 29, referred to in this subpart as "Reconcentration Agreements") with CCC. Warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Block warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of the cotton after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must show the reconcentration order number under which the cotton will be shipped. The producer will obtain a loan on these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

§ 427.1123 Tender of notes by lending agencies.

Notes (Forms A) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement—Cotton (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Lending Agency's Letter of Transmittal (CCC Cotton Form C, referred to in this subpart as "Form C"), all notes on Form A, with warehouse receipts or bills of lading (and weight and condition certificates, if required) attached, representing loans made by the lending agency within 15 days after the date of disbursement of the loans. All notes transmitted on a Form C must cover cotton stored in warehouses in the same custodial district. Separate Forms C shall be used for upland and extra long staple cotton. Separate Forms C shall be used for notes secured by warehouse receipts, notes secured by bills of lading, and notes executed by attorneys-in-fact. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the New Orleans office, they will be examined and, if found correct, will be approved and transmitted to the custodial office serving the district in which the cotton is stored, and will be purchased or placed in a pool as directed by the lending agency. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC by drawing sight drafts with enclosed letters of transmittal on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. Notes covered by such drafts must be immediately submitted to the New Orleans office. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 427.1124 Loss or damage to pledged cotton.

In any case where there is loss or damage to cotton which occurs while such cotton is pledged to CCC or a lending agency, CCC shall have the right to determine and file claims against any liable third parties for the resulting loss. Upon determination of the quantity of the lost or damaged cotton securing a nonrecourse loan, CCC will give credit for the loan value (including charges and interest) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or, if the loan has been repaid, to the party repaying the loan. In the event of any loss or damage to any cotton securing a recourse loan, the producer shall remain personally liable to CCC for the amount, if any, by which the amount due on such recourse loan exceeds the amount of any insurance or other proceeds recovered by CCC plus the proceeds obtained from the sale of the balance of the cotton securing the loan.

§ 427.1125 Transfer of producer's interest.

If the producer desires to sell his equity in the Choice (B) upland or extra long staple cotton covered by a note, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement—A, which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must sign the Producer's Equity Transfer Agreement in the presence of a witness approved for such purpose by a county committee, and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by the witness. An approved witness shall not witness an equity transfer if he, or the firm by which he is employed, is the purchaser. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in the cotton shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it within 15 days to CCC, in care of the custodial office serving the district in which the cotton was stored at the time the loan was obtained. Upon receipt of the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to a bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts to the holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 5 business days or prior to the time at which the loan matures and CCC acquires or sells the cotton, whichever is the earlier. Repayments will not be accepted after CCC acquires or sells the cotton. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. No partial release of the cotton securing one note will be permitted except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs. In the event the Producer's Loan Statement—A is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

§ 427.1126 Repayments by producer.

If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement—A which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must send or deliver the Producer's Loan Statement—A to CCC, in care of the custodial office serving the district in which the cotton was stored when the loan was obtained, as designated in § 427.1128. Upon receipt of the Producer's Loan Statement—A, the custodial office will forward the note and warehouse receipts to a bank designated by the producer with directions to the bank to release such note and warehouse receipts only to the producer or his authorized agent upon payment of the amount due on the loan. The bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days or prior to the time at which the loan matures and CCC acquires or sells the cotton, whichever is the earlier. Repayments will not be accepted after CCC acquires or sells the cotton. All charges assessed by the bank must be paid by the producer. A producer who desires to appoint an attorney-in-fact to act in his place and stead in repaying loans shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office. No partial release of the cotton represented by warehouse receipts and securing a note will be permitted, except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs.

§ 427.1127 Cotton cooperative marketing association loans.

A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans, subject to the $50,000 limitation on nonrecourse price support to any producer on 1960-crop cotton contained in Public Law 86-80. The loan rates under this agreement will be the same as the loan rates to individual producers, and eligibility requirements with respect to the cotton and the producers tendering the cotton to the association and other loan provisions will be substantially the same as for loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 427.1128 Custodial offices.

The custodial offices referred to in this subpart and the district served by each are shown below:

Federal Reserve Bank, Atlanta, Ga.: Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia.

Federal Reserve Bank, Dallas, Tex.: Arizona, California, Kansas, Nevada, New Mexico, Oklahoma, Texas.

Federal Reserve Bank, Memphis, Tenn.: Arkansas, Illinois, Kentucky, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans CSS Commodity Office: Louisiana and counties in Mississippi not assigned to Memphis.

§ 427.1129 Schedule of premiums and discounts for upland cotton (basis 1-inch Middling), and loan rates for extra long staple cotton.

(a) *Premiums and discounts for eligible qualities of 1960-Crop American Upland Cotton (Basis Middling 1-inch).*

Grade	Staple length (inches)													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
White	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
GM and better	−305	−285	−215	−110	−20	70	155	240	275	335	400	490	600	690
SM	−375	−300	−225	−120	−30	60	140	225	265	320	390	475	590	680
Mid plus	−400	−325	−250	−150	−60	25	105	190	230	290	360	445	545	640
Mid	−420	−345	−270	−165	−80	Base	75	155	205	255	325	400	485	580
SLM plus	−570	−500	−430	−330	−245	−155	−75	Even	35	65	110	170	235	305
SLM	−685	−620	−550	−460	−365	−280	−190	−135	−110	−80	−40	Even	35	75
LM plus	−800	−735	−665	−580	−505	−420	−345	−305	−285	−260	−235	−205	−170	−130
LM	−895	−825	−760	−680	−610	−525	−465	−425	−405	−395	−390	−390	−390	−390
SGO plus	−1,035	−965	−900	−825	−755	−675	−625	−595	−595	−595	−590	−590	−590	−590
SGO	−1,120	−1,055	−990	−915	−850	−770	−725	−700	−700	−700	−700	−700	−700	−700
GO plus	−1,235	−1,175	−1,120	−1,060	−1,000	−930	−885	−865	−865	−865	−865	−865	−865	−865
GO	−1,305	−1,245	−1,200	−1,140	−1,080	−1,010	−970	−955	−955	−955	−955	−955	−955	−955
Light spotted														
GM	−525	−455	−380	−275	−200	−105	−25	35	60	100	150	200	275	355
SM	−545	−470	−400	−295	−215	−125	−45	15	45	80	125	175	250	330
Mid	−675	−605	−535	−445	−370	−285	−205	−155	−120	−85	−40	10	80	155
SLM	−885	−825	−760	−680	−605	−525	−460	−430	−405	−380	−365	−335	−310	−285
LM	−1,105	−1,045	−990	−925	−860	−785	−735	−720	−705	−700	−695	−690	−685	−680
Spotted														
GM	−720	−640	−570	−470	−400	−310	−240	−190	−165	−135	−95	−45	5	55
SM	−740	−660	−590	−490	−420	−330	−260	−210	−185	−155	−115	−75	−45	Even
Mid	−920	−855	−795	−715	−650	−560	−500	−465	−445	−420	−385	−360	−320	−295
SLM	−1,110	−1,050	−1,005	−930	−870	−800	−765	−740	−735	−725	−715	−710	−705	−700
LM	−1,320	−1,200	−1,215	−1,150	−1,110	−1,045	−1,020	−1,005	−1,005	−1,005	−1,005	−1,005	−1,005	−1,005
Tinged														
GM	−1,065	−1,010	−965	−910	−875	−835	−815	−805	−800	−790	−785	−780	−770	−755
SM	−1,090	−1,030	−985	−935	−895	−860	−835	−830	−820	−810	−810	−805	−790	−790
Mid	−1,235	−1,185	−1,140	−1,095	−1,065	−1,020	−1,005	−995	−995	−995	−995	−995	−995	−995
SLM	−1,420	−1,370	−1,325	−1,275	−1,245	−1,210	−1,200	−1,195	−1,195	−1,195	−1,195	−1,195	−1,195	−1,195
LM	−1,600	−1,550	−1,500	−1,450	−1,420	−1,380	−1,375	−1,370	−1,370	−1,370	−1,370	−1,370	−1,370	−1,370
Yellow stained														
GM	−1,325	−1,270	−1,215	−1,175	−1,140	−1,105	−1,095	−1,090	−1,090	−1,090	−1,090	−1,090	−1,090	−1,090
SM	−1,350	−1,295	−1,240	−1,200	−1,165	−1,135	−1,120	−1,115	−1,115	−1,115	−1,115	−1,115	−1,115	−1,115
Mid	−1,525	−1,470	−1,410	−1,365	−1,335	−1,305	−1,300	−1,295	−1,295	−1,295	−1,295	−1,295	−1,295	−1,295
Light gray														
GM	−545	−475	−400	−310	−240	−150	−75	−25	5	30	65	105	170	245
SM	−615	−540	−470	−375	−305	−225	−155	−100	−70	−45	−5	35	75	159
Mid	−760	−690	−615	−535	−470	−375	−320	−270	−235	−205	−170	−130	−90	−40
SLM	−980	−910	−850	−770	−705	−615	−565	−535	−505	−480	−455	−430	−405	−380
Gray														
GM	−760	−695	−620	−525	−465	−380	−310	−270	−250	−230	−200	−145	−105	−55
SM	−830	−760	−690	−595	−540	−460	−400	−355	−335	−315	−285	−260	−220	−180
Mid	−1,025	−960	−895	−815	−755	−670	−625	−595	−575	−555	−545	−530	−515	−500
SLM	−1,230	−1,165	−1,105	−1,030	−975	−900	−855	−840	−825	−805	−790	−780	−780	−770

Grade symbols: GM—Good Middling; SM—Strict Middling; Mid—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

(b) *Schedule of minimum loan rates (in cents per pound, net weight) for eligible qualities of 1960-crop extra long staple cotton*—(1) American-Egyptian cotton.

Grade	Staple length (inches)					
	1 5/16		1 3/16		1 1/4 and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	54.90	55.30	56.60	57.00	57.15	57.55
2	54.30	54.60	55.95	56.35	56.55	56.95
3	52.95	53.35	54.40	54.80	54.95	55.35
4	50.70	51.10	52.10	52.50	52.50	52.90
5	47.80	48.20	49.10	49.50	49.45	49.85
6	44.30	44.70	45.45	45.85	45.85	46.25
7	41.50	41.90	42.35	42.75	42.65	43.05
8	37.55	37.95	38.65	39.05	39.05	39.45
9	33.95	34.35	35.10	35.50	35.45	35.85

(2) *Sea Island and Sealand cotton.*

Grade	Staple length (inches)		
	1 5/16	1 3/16	1 1/4 and longer
1	51.95	53.55	54.05
1 1/2	51.20	52.90	53.50
2	50.10	51.45	52.00
2 1/2	48.00	49.30	49.65
3	45.25	46.45	46.80
3 1/2	41.95	43.05	43.45
4	39.00	40.10	40.40
4 1/2	35.60	36.65	37.00
5	33.20	33.35	33.60

Issued this 21st day of June 1960.

ANDREW J. MAIR,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-5852; Filed, June 24, 1960; 8:47 a.m.]

[1960 C.C.C. Cotton Bulletin 2]

PART 427—COTTON

Subpart—1960 Choice (A) Cotton Price Support Program Regulations

Correction

In F.R. Doc. 60-5118, appearing at page 4975 of the issue for Tuesday, June 7, 1960, the entry in § 427.1171 in the 1 3/32 staple length column for Tinged GM should read "—800" instead of "—880".

[Amdt. 4]

PART 472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (24 F.R. 649, 10191; 25 F.R. 1725, 2705), are further amended as follows:

1. In § 472.1005 the letter "(a)" is inserted immediately after the heading of said section and at the end of the section the following new paragraph (b) is added:

(b) The national average price received by producers for shorn wool marketed during the 1959 marketing year was 43.3 cents a pound, grease basis, which was 18.7 cents a pound below the incentive price of 62 cents. Therefore, the rate of incentive payment for the 1959 marketing year is 43.2 percent.

2. In § 472.1021, the letter "(a)" is inserted immediately after the heading of said section, and at the end of the section the following new paragraph (b) is added:

(b) The rate of payment on unshorn lambs sold during the 1959 marketing year is 75 cents per hundredweight of live animals based on a difference of 18.7 cents a pound between the incentive price of 62 cents and the national average price of 43.3 cents a pound received by producers for shorn wool during the 1959 marketing year (§ 472.1005(b)).

3. In § 472.1048, the letter "(a)" is inserted immediately after the heading of said section, and at the end of the section the following new paragraph (b) is added:

(b) For the 1959 marketing year, a deduction will be made from each shorn wool payment at the rate of 1 cent per pound of wool, grease basis, and from each unshorn lamb payment at the rate of 5 cents per hundredweight of live animals, as announced in the Department's press release issued October 26, 1959. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to Section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912, secs. 401–403, 72 Stat. 994–995; U.S.C. 714c, 7 U.S.C. 1781–1787, 1446)

Issued this 21st day of June 1960.

ANDREW J. MAIR,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-5875; Filed, June 24, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart A—Regulations

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under the United States Cotton Standards Act

GRADE; WASTY STAPLE

On June 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4867) regarding the proposed amendments of §§ 27.37 and 27.38(b) of the Regulations for Cotton Classification under Cotton Futures Legislation and §§ 28.39 and 28.40(b) of the Regulations under the United States Cotton Standards Act.

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended as follows, pursuant to authority contained in sec. 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in sec. 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61).

1. Section 27.37 of the Regulations for Cotton Classification under Cotton Futures Legislation is amended to read as follows:

§ 27.37 Cotton reduced in grade.

If cotton be reduced in grade, by reason of the presence of extraneous matter or other irregularities or defects, below its grade according to the official cotton standards of the United States, the grade from which it is so reduced, the grade to which it is so reduced, and the condition or reason which so reduces its grade shall be determined and stated.

§ 27.38 [Amendment]

2. Paragraph (b) of § 27.38 of the Regulations for Cotton Classification under Cotton Futures Legislation is amended to read as follows:

(b) *Cotton of wasty staple.* Cotton that has a weak, irregular, or immature staple.

(Sec. 4863, 69A Stat. 582; 26 U.S.C. 4863)

3. Section 28.39 of the Regulations under the United States Cotton Standards Act is amended to read as follows:

§ 28.39 Cotton reduced in grade.

If cotton be reduced in grade, by reason of the presence of extraneous matter or other irregularities or defects, below its grade according to the official cotton standards of the United States, the grade from which it is so reduced, and the condition or reason which so reduces its grade shall be determined and stated.

§ 28.40 [Amendment]

4. Paragraph (b) of § 28.40 of the Regulations under the United States Cotton Standards Act is amended to read as follows:

(b) *Cotton of wasty staple.* Cotton that has a weak, irregular, or immature staple.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

Effective date. The foregoing amendments shall become effective July 1, 1960. The notice of proposed rule making published in the FEDERAL REGISTER for these amendments (25 F.R. 4867) proposed that the amendments would become effective on that date. No objections were received as to this proposed effective date. It is essential to have the changes in procedure provided by these amendments become effective with the beginning of classing of the 1960 cotton crop in order to fully protect the interests of cotton producers, buyers, and others handling cotton classification memoranda. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-5871; Filed, June 24, 1960; 8:51 a.m.]

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Original Representations of Staple Lengths

On February 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 871) regarding the proposed amendment of § 28.303 of the official cotton standards for length of staple pursuant to authority contained in section 10 of the United States Cotton Standards Act, as amended (42 Stat. 1519; 7 U.S.C. 61) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580, 26 U.S.C. 4854).

After consideration of all relevant matters presented pursuant to the notice, § 28.303 is hereby amended to read as follows, effective August 1, 1961:

§ 28.303 Original representations of staple lengths.

The following lengths of staple are each represented by a quantity of cotton in the custody of the United States Department of Agriculture suitably contained and marked "Original Representation of official cotton standards of the United States" followed in each instance by name of growth, the appropriate designation of staple length, and the effective date:

(a) *American Upland.* 7/8, 15/16, 1, 1 1/32, 1 1/16, 1 3/32, 1 1/8, 1 5/32, 1 3/16, 1 7/32 and 1 1/4 inches (effective date, August 1, 1929); 1 3/16, 2 9/32 and 3 1/32 inches (effective date, August 1, 1933).

(b) *American Egyptian.* 1 5/16 (effective date, August 1, 1961); 1 3/8 and 1 7/16 inches (effective date, August 10, 1943); 1 1/2 inches (effective date, August 1, 1929).

(c) *Sea Island.* 1 1/2, 1 9/16, 1 5/8 and 1 3/4 inches (effective date, August 10, 1939).

The primary purpose of the amendment is to (1) eliminate the practical forms for the staple lengths 1 5/16 and 1 3/8 inches for American Upland cotton, (2) eliminate the practical forms for the staple lengths 1 9/16, 1 5/8, and 1 3/4 inches for American Egyptian cotton and (3) change the official staple standards for American Egyptian cotton in the length 1 5/16 inches from a descriptive standard to a practical form.

(Sec. 10, 42 Stat. 1519, 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U.S.C. 56, 26 U.S.C. 4854)

Done at Washington, D.C., this 22d day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[FR. Doc. 60-5872; Filed, June 24, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 203]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.503 Valencia Orange Regulation 203.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 23, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 26, 1960, and ending at 12:01 a.m., P.s.t., July 3, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 24, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5979; Filed, June 24, 1960; 11:32 a.m.]

[Lemon Reg. 352]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.959 Lemon Regulation 352.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommenda-

tion and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 21, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 26, 1960, and ending at 12:01 a.m., P.s.t., July 3, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 23, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5962; Filed, June 24, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–NY–59]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2107) stating that the Federal Aviation Agency was considering an amendment to § 600.6140 of the regulations of the Administrator which would modify VOR Federal airway No. 140 between Baltimore, Md., and Coyle, N.J.

As stated in the notice, Victor 140 would be realigned from the Baltimore VOR via a VOR to be installed approximately October 1, 1960, near Millville, N.J., at latitude 39°32'17" N., longitude 74°58'03" W., to the Coyle VOR. This modification will provide an additional route which will facilitate management of the heavy volume of air traffic operations between the Washington, D.C./Baltimore and the New York City, N.Y., terminal areas. It will also provide a more direct airway between Baltimore and Coyle, thereby reducing the airway distance between these points. This action will result in this segment of Victor 140 and its associated control areas being designated from the Baltimore VOR to the Coyle VOR via the Millville VOR. Subsequent to the issuance of the Notice, the commissioning date of the Millville VOR was rescheduled to December 15, 1960.

The Department of the Air Force objected to the modification of Victor 140 as proposed. They contended that this airway would result in considerable delay to IFR military operations at New Castle County Airport, Wilmington, Del., and Philadelphia, Pa., International Airport, since the proposed airway transits, in part, the same airspace utilized in penetration and departure procedures at these terminals. The Air Force cites an estimated 200 military jet and 350 military non-jet IFR operations at New Castle Airport monthly and cites past delays as well as forecasting an increase in delays in the future because of the proposed airway. In addition, the following comments were submitted; the benefit by air traffic control to be derived from this airway is questionable due to the extent to which activity in the Aberdeen, Md., Restricted Area (R–54) would prevent its use; the airspace this airway would traverse is used extensively by VFR flights of military jet aircraft operating locally from Philadelphia International, New Castle County, Dover Air Force Base, Dover, Del., and Martin Airport, Baltimore; New Castle VFR jet arrival and departure routes are established in this area to minimize low altitude flight on the airways; the airspace in question encompasses a part of the flight test areas approved for use by the Martin Company and Patuxent, Md., Naval Air Station; and IFR and VFR traffic resulting from the modification of this airway will impose severe restrictions upon Air Force activities and adversely affect flight safety.

The Federal Aviation Agency feels that the modification of Victor 140 between Baltimore and Millville is an important adjunct to the airway configuration between the Washington/Baltimore and the New York City terminals. As an additional route, it will facilitate the movement of a heavy volume of air traffic operating between these terminals. This airway will transit the airspace encompassed by the jet penetration and departure procedures presently in effect at the New Castle and Philadelphia terminal; however, the air traffic activity figures do not represent an amount of air traffic which cannot effectively be accommodated by procedural methods. By virtue of Victor 140 transiting R–54, the airway will be utilized as a "part-time" airway and will not generate a full-time volume of traffic. With regard to the air traffic activity figures cited by the Air Force; New Castle County Airport activity figures, compiled from the Federal Aviation Agency Monthly Summary of Airport operations for a fifteen-month period from January 1959, to March 1960, show a total of 102 Air Force instrument approaches and a total of 21,473 combined instrument operations. This is an average of less than 7 instrument approaches per month for all types of Air Force aircraft and represents an average of 1,431 combined air carrier, civil, and military operations monthly. Figures from the same report and period for Philadelphia International Airport, indicate a total of 240 Air Force instrument approaches and a total of 113,091 combined instrument operations. These figures represent an average of 16 instrument approaches per month for all types of Air Force aircraft and an average of 7,539 combined air carrier, civil and military operations monthly.

The Federal Aviation Agency is of the opinion that the modification to Victor 140 in this area is justified to support the volume of IFR operations and should not be relegated to a position subordinate to VFR activity. This action should not be withheld because of a segment of activity which is a part of the entire IFR complex and to which air traffic management procedures also apply. Therefore, the Federal Aviation Agency is modifying Victor 140 and its associated control areas as proposed in the notice.

The Air Transport Association and Air Line Pilots Association concurred in the proposed amendment. No other adverse comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In the text of § 600.6140 (24 F.R. 10517, 10876, 25 F.R. 630) "INT of the Baltimore VOR 035° and the New Castle VOR 257° radials; New Castle, Del., VOR; Woodstown, N.J., VOR; point of INT of the Woodstown VOR 106° and the Dover, Del., direct radial to the Coyle VOR; Coyle, N.J., VOR; to the Idlewild, N.Y., VOR. The portions of this airway which lie more than 3 miles either side of the centerline between the Coyle, N.J., VOR and the point of INT of the Coyle VOR 031° and the Colts Neck, N.J., VOR 073° radials are excluded. The portions of this airway which lie within the geographical limits of, and between the designated altitudes of, the Washington Prohibited Area (P–56) and the Aberdeen Restricted Area R–54 are excluded during these areas' times of designation." is deleted and "Millville, N.J., VOR; Coyle, N.J., VOR; to the Idlewild, N.Y., VORTAC. The portions of this airway which lie within the geographical limits of, and between the designated altitudes of, the Washington Prohibited Area (P–56) and the Fort Dix Restricted Area (R–25) are excluded during these areas' times of designation." is substituted therefor.

This amendment shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5830; Filed, June 24, 1960; 8:45 a.m.]

[Airspace Docket No. 59–WA–154]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On September 12, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7383) stating that the Federal Aviation Agency proposed to amend Section 600.6614 of the regulations of the Administrator by modifying a segment of VOR Federal airway No. 1514 between the Hanksville, Utah, VOR and the Gunnison, Colo., VOR via the La Sal, Utah, VOR.

As stated in the notice, VOR Federal airway No. 1514 presently extends from San Francisco, Calif., to New York, N.Y. The distance between the Hanksville VOR and the Gunnison VOR is 172 miles. In order to provide more precise navigational guidance, Victor 1514 is being realigned via the La Sal VOR. Such action will result in Victor 1514 being designated from the Hanksville VOR to the Gunnison VOR via the La Sal VOR. The control areas associated with Victor 1514 are so designated as to conform automatically to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

An objection was received from the Department of the Air Force based on the modified Victor 1514 airway conflicting with a Strategic Air Command low altitude refueling area called "Deadwood." They also recommended that the implementation of the final rule modifying Victor 1514 be delayed until a coordinated, mutually satisfactory segregation plan could be formulated. The Federal Aviation Agency recognizes that the modified Victor 1514 will penetrate the "Deadwood" refueling area. However, any air traffic control problem that may exist between refueling operations and air traffic on the modified Victor 1514 will be resolved procedurally by the appropriate air route traffic control center.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6614 (24 F.R. 10529, 25 F.R. 635) is amended as follows:

In the text of § 600.6614 *VOR Federal airway No. 1514 (Half Moon Bay, Calif., to New York, N.Y.)*, delete "Hanksville, Utah, VOR; Gunnison, Colo., VOR;" and substitute therefor "Hanksville, Utah, VOR; La Sal, Utah, VOR; Gunnison, Colo., VOR;".

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5831; Filed, June 24, 1960; 8:45 a.m.]

[Airspace Docket No. 59–NY–55]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Associated Control Areas and Control Area Extension

On March 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2018) stating that the Federal Aviation Agency proposed to revoke the segment of Blue Federal airway No. 18 from the intersection of the northwest course of the New York, N.Y. (La Guardia) radio range with the southwest course of the Poughkeepsie, N.Y., radio range to the Albany, N.Y., radio range. Concurrently, the Newburgh, N.Y., control area extension would be redescribed to delete any reference to Blue 18. The Department of the Air Force offered no objections but recommended that the Poughkeepsie, N.Y., radio range continue to be shown on aeronautical charts. The revocation of Blue 18 will not result in the decommissioning of the Poughkeepsie radio range and it will continue to be depicted on aeronautical charts.

The Air Transport Association of America concurred in the action provided that the eastern boundary of the Newburgh, N.Y., control area extension be redefined as the western edge of the Victor airway planned between Albany and the proposed Clermont, N.Y., VOR.

The eastern boundary of the Newburgh control area extension, as proposed in the notice (a line from its point of intersection with VOR Federal airway No. 270 at latitude 42°10'00" N., longitude 73°55'00" W., to the point of intersection with the New York, N.Y., control area extension at latitude 41°47'10" N., longitude 73°55'00" W.), does coincide with the western edge of the proposed Victor airway (VOR Federal airway No. 489) between Albany and the proposed Clermont VOR. However, Victor 489 will not become effective until February 9, 1961 (Airspace Docket No. 59–WA–414, 25 F.R. 3816) and it is not in the public interest to delay the redesignation of the Newburgh control area extension until that date when it can be accomplished at the present time with the use of geographical coordinates.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons stated in the Notice, §§ 600.618 (24 F.R. 10500), 601.618 (24 F.R. 10546), 601.4618 (24 F.R. 10596) and 601.1470 (24 F.R. 10570) are amended to read:

§ 600.618 Blue Federal airway No. 18 (Albany, N.Y., to Burlington, Vt.).

From the Albany, N.Y., RR to the Burlington, Vt., RR.

§ 601.618 Blue Federal airway No. 18 control areas (Albany, N.Y., to Burlington, Vt.).

All of Blue Federal airway No. 18.

§ 601.4618 Blue Federal airway No. 18 (Albany, N.Y., to Burlington, Vt.).

No reporting point designation.

§ 601.1470 Control area extension (Newburgh, N.Y.).

The airspace north of Stewart AFB bounded on the N by VOR Federal airway No. 270, on the E by a line from its point of INT with VOR Federal airway No. 270 at latitude 42°10'00" N., longitude 73°55'00" W., to the point of INT with the New York, N.Y., control area extension (§ 601.1066) at latitude 41°47'10" N., longitude 73°55'00" W., and on the S and W by the New York control area extension.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5833, Filed, June 24, 1960; 8:46 a.m.]

[Airspace Docket No. 59-LA-84]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Revocation of Federal Airway and Associated Control Areas

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1962) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 19 between Las Vegas, N. Mex., and Pueblo, Colo., by redesignating it via a VOR to be commissioned approximately May 1, 1960, near Cimarron, N. Mex.; to designate an east alternate to Victor 19 from Cimarron to Pueblo via the intersection of the Cimarron VOR 026° True and the Pueblo VOR 176° True radials; to revoke Victor 19 east alternate from Las Vegas to Raton, N. Mex.; and to revoke in its entirety VOR Federal airway No. 197 and its associated control areas. Subsequent to the publication of the notice, the commissioning date of the Cimarron VOR was rescheduled to August 25, 1960.

On March 29, 1960, a modification to the notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2648) stating that the Federal Aviation Agency was amending its original proposal by designating the new east alternate to Victor 19 from Cimarron to Pueblo via the intersection of the Cimarron VOR 053° True and the Pueblo VOR 176° True radials. The period for submitting written data, views or arguments was extended to April 30, 1960.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, Parts 600 (24 F.R. 10487), 601 (24 F.R. 10530) and § 600.6019 (24 F.R. 10508) are amended as follows:

1. In the text of § 600.6019 "Raton, N. Mex., omnirange station, including an east alternate; Pueblo, Colo., omnirange station;" is deleted and "Cimarron, N. Mex., VOR; Pueblo, Colo., VORTAC, including an E alternate via the INT of the Cimarron VOR 053° True and the Pueblo VORTAC 176° True radials"; is substituted therefor.

2. Section 600.6197 *VOR Federal airway No. 197 (Las Vegas, N. Mex., to Pueblo, Colo.).* is revoked.

3. Section 601.6197 *VOR Federal airway No. 197 control areas (Las Vegas, N. Mex., to Pueblo, Colo.).* is revoked.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5832; Filed, June 24, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-113]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6244 and 601.6244 of the regulations of the Administrator is to extend VOR Federal airway No. 244, and its associated control areas from Pueblo, Colo., to Russell, Kans.

Victor 244 presently extends from Oakland, Calif., to Pueblo. The Federal Aviation Agency is extending this airway from the Pueblo VOR to the Russell VOR via the Lamar, Colo., VOR. This extension will overlie the same airspace now occupied by existing airways from Pueblo to Russell, however, this modification will simplify flight planning and permit more efficient air traffic management by providing a single numbered low altitude airway between these two terminals. Such action will result in Victor 244, and its associated control areas extending from Oakland, Calif., to Russell, Kans.

Since this action will not involve the designation of additional airspace, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In § 600.6244 (24 F.R. 10523, 25 F.R. 107, 25 F.R. 635), the following changes are made:

(a) In the caption "*(Oakland, Calif., to Pueblo, Colo.).*" is deleted and "*(Oakland, Calif., to Russell, Kans.)*" is substituted therefor.

(b) In the text "to the Pueblo, Colo., VOR." is deleted and "Pueblo, Colo., VOR; Lamar, Colo., VOR; to the Russell, Kans., VOR." is substituted therefor.

2. In the caption of § 601.6244 (25 F.R. 635) "*(Oakland, Calif., to Pueblo, Colo.)*" is deleted and "*(Oakland, Calif., to Russell, Kans.)*" is substituted therefor.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5829; Filed, June 24, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-157]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Burlington, Vt., control area extention.

The Burlington control area extension is designated within the same airspace as Restricted Area/Military Climb Corridor (R-540) associated with the Ethan Allen Air Force Base, Burlington. This restricted area has been revoked in Airspace Docket No. 59-WA-230 (25 F.R. 4377). Therefore, the Federal Aviation Agency is revoking the control area extension associated with the climb corridor.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) is amended as follows:

Section 601.1220 *Control area extension (Burlington, Vt.).* is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5827; Filed, June 24, 1960; 8:45 a.m.]

[Airspace Docket No. 59-NY-38]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On January 6, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 83) stating that the Federal Aviation Agency was proposing an amendment to Part 601 of the Regulations of the Administrator which would designate a control zone at Godman Army Air Field, Fort Knox, Ky.

As stated in the Notice, no control zone is designated for Godman AAF. The control zone will be designated within a 5-mile radius of the Godman AAF, with an extension 2 miles either side of a line bearing 354° True from the Fort Knox radio beacon extending from the radio beacon to a point 12 miles north of the radio beacon, excluding that portion which would overlie the Fort Knox Restricted Area (R-64). Subsequent to publication of the Notice, the Federal Aviation Agency was designated the controlling agency of the Fort Knox Restricted Area (R-64), therefore, it is no longer necessary to exclude that portion of the control zone which coincides with the restricted area. This control zone will provide protection to aircraft conducting approaches to and departing Godman AAF during instrument flight rule conditions.

The Aircraft Owners and Pilots Association objected to the control zone extension to the north as "The need for flight of aircraft at an altitude below 1000 feet above the ground at a distance beyond 5 miles from the field is not established in this proposal." However, in accordance with the prescribed ADF instrument approach, the procedure turn is completed at 2000 feet MSL within 10 nautical miles and then descent is made to cross the radio beacon at 1500 feet MSL which is only 747 feet above the surface of the airport. Therefore, the Federal Aviation Agency considers that the control zone extension, based on the 354° True bearing from the radio beacon, is required for the full protection of the instrument approach.

No other adverse comments were received regarding the proposed amendment. The Department of the Army, Air Line Pilots Association and Air Transport Association concurred in the proposal as published.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) is amended by adding the following section:

§ 601.2464 **Fort Knox, Ky., control zone.**

Within a 5-mile radius of geographical center of Godman AAF (latitude 85°58'15" N., longitude 37°54'25" W.) Fort Knox, Ky., and within 2 miles either side of a line bearing 354° True extending from the Fort Knox RBN to a point 12 miles N.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

D.D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5828; Filed, June 24, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

St. Johns River, Florida, and Little Creek, Virginia

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.183 establishing and governing the use and navigation of anchorages in St. Johns River, Florida is hereby amended by revising paragraph (a) to read as follows:

§ 202.183 **St. Johns River, Fla.**

(a) *The anchorage grounds*—(1) *Anchorage A.* Beginning at the west shore and at the south side of Fuller Warren Bridge, latitude 30°18'58", longitude 81°40'30"; thence easterly along the south side of said bridge to the easterly shoreline at latitude 30°18'47", longitude 81°39'52"; thence southerly along the easterly shoreline and along a portion of a straight line extending N. 00°15' E. from Point La Vista to latitude 30°17'48", longitude 81°39'52"; thence west to longitude 81°40'45"; thence to the westerly shoreline at Winter Point and northeasterly along the westerly shoreline to Fuller Warren Bridge.

(2) *Anchorage B.* Beginning at Point La Vista, latitude 30°16'48", longitude 81°39'54"; thence to latitude 30°16'52", longitude 81°40'54"; thence to latitude 30°17'48", longitude 81°40'45"; thence east to longitude 81°39'52"; thence S. 00°15' W. to Point La Vista.

(3) *Anchorage C.* Shoreward of a line located as follows: Beginning at a point on the south shore westerly of the entrance to Miller Creek at longitude 81°38'15"; thence north 300 yards; thence east to longitude 81°37'40"; thence to latitude 30°19'06", longitude 81°47'27"; thence east to longitude 81°37'02"; thence south to Empire Point.

(4) *Anchorage D.* Bounded on the west by a line along the easterly side of Terminal Channel and bounded on the east by a line along the westerly side of Arlington Cut. Beginning at a point at latitude 30°19'30", longitude 81°37'25"; thence to latitude 30°20'07", longitude 81°37'18"; thence to latitude 30°20'00", longitude 81°37'05"; thence to latitude 30°19'20", longitude 81°37'17"; thence to the point of beginning. No vessels shall anchor within 300 feet of Terminal Channel or Arlington Cut.

(5) *Anchorage E.* Beginning at a point near the easterly shore of the river at latitude 30°21'42", longitude 81°36'52"; thence west to longitude 81°37'15"; thence north to latitude 30°22'07"; thence to the point of beginning.

(6) *Anchorage F.* Shoreward of a line located as follows: Beginning at a point on the east shore at latitude 30°21'42", longitude 81°36'45"; thence west to longitude 81°36'52"; thence to latitude 30°22'07", longitude 81°37'15"; thence N. 56°15' E. to the east shore.

[Regs., 10 June 1960, 285/91-ENGCW-O] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.157a is hereby prescribed to govern the speed of vessels in Little Creek, Virginia, as follows:

§ 207.157a **Little Creek, Va.; speed.**

No vessel shall proceed at a speed exceeding five knots in that part of Fishermans Cove (Northwest Branch of Little Creek) between the highway bridge on U.S. Route 60 and the mouth of the Cove.

[Regs., June 10, 1960, 285/91—ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

BRUCE EASLEY,
Major General, U.S. Army, Acting The Adjutant General.

[F.R. Doc. 60-5826; Filed, June 24, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Ethoxyquin

A petition was filed with the Food and Drug Administration by Monsanto Chemical Company, St. Louis, Missouri, requesting the establishment of tolerances for residues of ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) in or on apples and pears, at 3 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful on apples, but not on pears, for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1959 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1959 Supp., Part 120) are amended by adding thereto the following new section:

§ 120.178 Tolerances for residues of ethoxyquin.

A tolerance of 3 parts per million is established for residues of ethoxyquin (1,2-dihydro-6-ethoxy-2,2,4-trimethylquinoline) in or on apples.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 17, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-5846; Filed, June 24, 1960; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86-139 as It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Under the authority provided in Public Law 86-139 (73 Stat. 388, 7 U.S.C. 135 et seq.), the Commissioner of Food and Drugs has extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants (25 F.R. 2836, 25 F.R. 3351, 25 F.R. 4864). The lists previously published in § 120.35 are hereby amended by adding thereto the following new items:

§ 120.35 Extension of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Sodium chlorate	On dry beans as desiccant and defoliant. On sorghum as desiccant.
Sodium salt of p-chlorophenoxy acetic acid.	On tomatoes to increase fruit set.
S,S,S-Tributyl phosphorotrithioate.	On cotton as defoliant.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Applies sec. 3(b), Public Law 86-139 (73 Stat. 288; 7 U.S.C. 135 et seq.))

Dated: June 17, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-5849; Filed, June 24, 1960; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 204—ATOMIC AND RADIATION PHYSICS

SUBCHAPTER B—STANDARD SAMPLES AND REFERENCE STANDARDS

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Miscellaneous Amendments

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from June 20, 1960.

1. Section 204.901—*Calibration of gamma-emitting samples,* is amended to read as follows:

§ 204.901 Calibration of gamma-emitting samples.

Item	Description	Fee
204.901a	Calibration of gamma-emitting radioactive samples that conform to the physical, chemical and activity-level specifications for measurement in the National Bureau of Standards gamma ionization chamber	$32.00

(1) 100-300 micrograms radium, calibration in terms of micrograms of radium content measured relative to the National Radium Standard. See § 204.134-1, 2, 3, 4, 5ii for pertinent information.

(2) Chemically stable solutions of the following nuclides can be measured:

i. 50-100 microcuries of sodium-22, sodium-24, scandium-46, cobalt-60, strontium-85, niobium-95, cesium-137/barium-137.

ii. 150-300 microcuries of iron-59, iodine-131, tantalum-182, gold-198, mercury-203.

iii. 300-600 microcuries of potassium-42.

Solution should be 5 ml in volume and flame-sealed in a glass vial or ampoule of O.D. 16.0±0.5 mm, wall thickness approximately 0.5 mm. New postal regulations, effective May 20, 1958 (see 23 F.R. 2221, April 4, 1958) permit the mailing of nuclides listed in the activity range specified.

(3) Requests for these tests should be submitted, with full details for consideration.

2. In Subpart B—Standard Samples and Reference Standards with Schedule of Weights and Fees, § 230.11—*Descriptive list,* a new paragraph (ee) *Metal organic standards,* is added to read as follows:

§ 230.11 Descriptive list.

* * * * *

(ee) *Metal organic standards.*

Sample No.	Description	Approximate weight of sample in grams	Price per sample
1050	Aluminum cyclohexanebutyrate.	5	$6.00
1051	Barium cyclohexanebutyrate.	5	6.00
1052	Bis(1-phenyl-13-butanedione)-oxo-vanadium (IV).	5	6.00
1053	Cadmium cyclohexanebutyrate.	5	6.00
1054	Calcium cyclohexanebutyrate.	5	6.00
1055	Cobalt cyclohexanebutyrate.	5	6.00
1056	Cupric cyclohexanebutyrate.	5	6.00
1057	Dibutyltin bis(2-ethylhexanoate).	5	6.00
1058	Ferric cyclohexanebutyrate.	5	6.00
1059	Lead cyclohexanebutyrate.	5	6.00
1060	Lithium cyclohexanebutyrate.	5	6.00
1061	Magnesium cyclohexanebutyrate.	5	6.00
1062	Manganous cyclohexanebutyrate.	5	6.00
1063	Menthyl borate	5	6.00
1064	Mercuric cyclohexanebutyrate.	5	6.00
1065	Nickel cyclohexanebutyrate.	5	6.00
1066	Octaphenyl cyclotetrasiloxane.	5	6.00
1067	Potassium cyclohexanebutyrate.	5	6.00
1068	Silver cyclohexanebutyrate.	5	6.00
1069	Sodium cyclohexanebutyrate.	5	6.00
1070	Strontium cyclohexanebutyrate.	5	6.00
1071	Triphenyl phosphate	5	6.00
1072	Tris(2-hydroxyacetophenono) chromium(III).	5	6.00
1073	Zinc cyclohexanebutyrate.	5	6.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

[SEAL] A. V. ASTIN,
Director.

[F.R. Doc. 60-5798; Filed, June 24, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2132]

[Anchorage 044476]

ALASKA

Transferring Land From Fish and Wildlife Service to Bureau of Public Roads

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described tract of land in Alaska, which is a portion of the land withdrawn and reserved by Public Land Order No. 1615 of April 15, 1958, for use of the Fish and Wildlife Service as the Dillingham Administrative Site, is hereby transferred from the Fish and Wildlife Service to the Bureau of Public Roads, Department of Commerce, for use as a maintenance depot site:

DILLINGHAM AREA

A portion of United States Survey 2262 described as follows:

Beginning at Corner No. 1, United States Survey No. 2262, thence

N. 7°15' W., 8.33 chains along the line common to United States Surveys Nos. 155 and 2262;

N. 82°30' E., 3.03 chains;

S. 10°30' E., 5.75 chains;

South, 3.00 chains to a point on the South boundary of United States Survey No. 2262;

West, 3.00 chains to the point of beginning.

The tract described contains 2.72 acres.

JUNE 21, 1960.

ROGER ERNST,
Assistant Secretary of the Interior.

[F.R. Doc. 60-5834; Filed, June 24, 1960; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Examination and Evaluation

1. Section 3.76 is revised to read as follows:

§ 3.76 Original examination for disability compensation or pension.

In original claims for disability compensation or pension, either for peacetime or wartime service, service-connected or otherwise, an examination will be authorized when there is acceptable evidence of record establishing the reasonable probability of a valid claim. No initial rating for compensation or pension will be made without first obtaining an official Veterans Administration examination except in the following instances:

(a) A claim filed within 6 months from date of separation may be rated initially on the records of the service department if they are adequate for rating purposes.

(b) Properly authenticated records from State, county, municipal, other Government hospitals or recognized private institutions (listed by the American Hospital Association or certified by the Veterans Administration Director, Outpatient Clinic or his physician designee) will be accepted if adequate for rating purposes.

(c) A statement from a private physician which is adequate for rating purposes may be accepted for rating the pension claim of a veteran not younger than age 65. If the statement is not adequate for rating, but establishes reasonable probability of a valid claim, an official examination will be authorized.

(d) A statement from a private physician may be accepted for rating the pension claim of a veteran of any age where the following conditions are met:

(1) The statement includes clinical manifestations and substantiation of the diagnosis by findings of diagnostic techniques generally accepted by medical authorities, such as pathological studies, X-rays or laboratory tests, as appropriate, and

(2) The statement shows permanent total disability precluding travel and requiring bedside examination. This is intended to be limited to serious illness cases where the evidence shows that recovery is doubtful such as cancer, cerebral vascular accidents, coronary occlusions or thrombosis.

2. In § 3.142, the headnote and paragraph (a) are amended to read as follows:

§ 3.142 Special action where evaluations provided under the rating schedule, 1945 (Loose Leaf Edition), are considered inadequate or excessive.

(a) Exceptional cases to which the application of the 1945 schedule (Loose Leaf Edition) is not understood, or with regard to which the evaluation under the schedule is considered inadequate or excessive, may be submitted by the field station for advisory opinion or for reevaluation, to the Director, Compensation and Pension Service, Central Office. Questionable special monthly compensation cases and cases involving severe disabilities considered total, but for which current procedure does not authorize a total rating, will be similarly submitted. The effective date of the evaluation granting or increasing benefits will be in accordance with the facts found but not earlier than the date of claim.

(72 Stat. 1114; 38 U.S.C. 210)

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-5861; Filed, June 24, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

[29 CFR Parts 8, 9]

SHIP REPAIRING AND LONGSHORING

Safety and Health Regulations

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941), safety and health regulations for the ship repair and longshore industries have heretofore been issued. Reexamination of these regulations and initial experience in their administration and enforcement has indicated need for certain editorial and substantive revision. Accordingly, notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(a)) that I propose to amend 29 CFR Parts 8 and 9 as hereinbelow set out under authority expressed in sections 30 and 41 of the Longshoremen's and Harbor Workers' Compensation Act as amended (44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 930 and 941). Any person interested in the proposed amendments may file a written statement of data, views and argument with Arthur W. Motley, Director, Bureau of Labor Standards, United States Department of Labor, Washington 25, D.C., within 15 days after this proposal is published in the FEDERAL REGISTER. All such statements will be considered carefully in determining the final disposition to be made of the following proposed amendments:

1. In order to conform the heading of § 8.1 to the preferable one stated in the table of contents as it appeared in 25 F.R. 1543, the heading of 29 CFR 8.1 is amended to read as follows:

§ 8.1 Purpose and authority.

2. In order to simplify its text, 29 CFR 8.2(a) is amended to read as follows:

§ 8.2 Scope and responsibility.

* * * * *

(a) The responsibility for compliance with the regulations in this Part 8 is placed on the "employer" as defined in 29 CFR 8.3(c).

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

3. In order to take advantage of the precision afforded by the definition in 29 CFR 8.3(j), 29 CFR 8.3(c) is amended by deleting the word "services" and substituting the word "employments" so that paragraph (c) will read as follows:

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in this section within the Federal Maritime jurisdiction on the navigable waters of the United States, including dry docks and marine railways.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

4. In order to make 29 CFR 8.7 available for the substance of a new section, the present 29 CFR 8.7 is renumbered 29 CFR 8.8.

5. In order to provide for notification of serious accidents in time for an investigation of their causes before the circumstances have changed substantially, a new 29 CFR 8.7 is provided to read as follows:

§ 8.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

(44 Stat. 1444; 33 U.S.C. 930)

6. In order to correct a typographical error the reference in 29 CFR 8.31(d)(1)(ii) to § 8.36(c) is amended to refer to § 8.36(e), so that as amended 29 CFR 31(d)(1)(ii) will read as follows:

§ 8.31 Ventilation and protection in welding, cutting, and heating.

* * * * *

(d) Inert-gas metal-arc welding. (1) * * *

* * * * *

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 8.36(e) shall be protected by filter lenses meeting the requirements of § 8.81 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 8.81 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

7. In order to correct an inadvertence the reference in 29 CFR 8.33(b) to "paragraph (c) (1) and (2) of this section" is amended to refer to § 8.31(c) (1) and (2), so that as amended 29 CFR 8.33(b) will read as follows:

§ 8.33 Welding, cutting and heating in way of preservative coatings.

* * * * *

(b) When welding, cutting or other heating must be done in locations inaccessible to removal of preservatives containing toxic materials, the precautions specified in § 8.31(c) (1) and (2) shall be taken.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

8. In order to correct a typographical error, the heading of paragraph (c) *Manifolds* of § 8.35 is amended to read: (e) *Manifolds.*

9. In order to eliminate the requirement of labeling hoses otherwise distinguishable and to make it clear that separate hoses for fuel and oxygen are required, 29 CFR 8.35(f)(1) is amended to read as follows:

§ 8.35 Gas welding and cutting.

* * * * *

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

10. In order to extend 29 CFR 8.45 to graving docks and add certain technical detail, 29 CFR 8.45 is revised to read as follows:

§ 8.45 Access to and guarding of dry docks.

(a) A gangway, ramp, or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wingwalls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 nor more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid-rail, shall be provided on the edges of wingwalls of floating dry docks and on the edges of graving docks.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a midrail. When such a railing would be impractical or ineffective, other effective means shall be provided to prevent men from falling into the water.

11. In order to correct a typographical error the reference in 29 CFR 8.54 to § 8.31(b)(4) is amended to refer to § 8.31(b)(3), so that the amended 29 CFR 8.54 will read as follows:

§ 8.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 8.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

12. In order to correct an inadvertence, paragraphs (b) and (c) of § 8.62 are designated paragraphs (b) and (c) of § 8.63.

13. In order to correct an inadvertence by reversing the 30° and 60° bridle or basket hitch columns in tables G–3 and G–5 and to provide certain additional detail in table G–6, tables G–3, G–5, and G–6 in 29 CFR 8.63 are amended in accordance with the tables which appear below.

14. In order to provide a minimum distance between the work rests and grinder wheel and in order to clarify certain nomenclature, 29 CFR 8.74(b) is amended to read as follows:

§ 8.74 Abrasive wheels.

* * * * *

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

15. In order to conform the heading of § 9.1 to the preferable one stated in the table of contents as it appeared in 25 F.R. 1565, the heading of 29 CFR 9.1 is amended to read as follows:

§ 9.1 Purpose and authority.

16. In order to simplify its text and conform its structure to the comparable provision concerning ship repair (29 CFR 8.2), 29 CFR 9.2 is amended to read as follows:

§ 9.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 9.3(c) of this part.

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

17. In order to make 29 CFR 9.7 available for the substance of a new section, the present 29 CFR 9.7 is renumbered 29 CFR 9.8.

18. In order to provide for notification of serious accidents in time for an investigation of their causes before the circumstances have changed substantially, a new section § 9.7 is provided to read as follows:

§ 9.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

(44 Stat. 1444; 33 U.S.C. 930)

19. In order to make compliance with the recommendations of the International Labor Office mandatory, 29 CFR 9.12(a) is amended to read as follows:

§ 9.12 Gear certification.

(a) The employer shall not use the ship's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates indicating that the cargo gear has been tested, examined and annealed in accordance with (1) the requirements of International Labor Organization Convention No. 32, and (2) the recommendations of the International Labor Office concerning the procedures to be followed in testing, examining and annealing cargo gear, which are contained in Appendix I of this Part 9. The forms of registers and certifications shall be essentially in accordance with the sample forms.

20. In order to exempt safety hooks from the limitation on the use of hooks generally in 29 CFR 9.42(b), paragraph (b) is amended to read as follows:

§ 9.42 Beam and pontoon bridles.

* * * * *

(b) Bridles for lifting hatch beams or strongbacks shall be equipped with toggles, shackles, or other safe devices. Toggles, when used, shall be at least one inch longer than twice the longest diameter of the holes into which they are placed. Hooks, other than safety hooks, may be used only when they are hooked into the standing part of the bridle.

21. In order to correct an inadvertance by reversing the 30° and 60° bridle or basket hitch columns in tables G–3 and G–5 and to provide certain additional detail in table G–6, tables G–3, G–5, and G–6 in 29 CFR 9.63 are amended in accordance with the tables which appear below.

22. In order to correct a typographical error, the heading of Form No. 3 in Appendix I of 29 CFR Part 9 is amended to read as follows:

Test Certificate No. _____ Form No. 3

CERTIFICATE OF TEST AND EXAMINATION OF CRANES OR HOISTS, AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

Signed at Washington, D.C., this 15th day of June 1960.

JAMES P. MITCHELL,
Secretary of Labor.

TABLE G–3.
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
	6x19 CLASSIFICATION											
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.8	9.3	7.8	6.9	6.6	5.6
1"	18.	17.	14.	15.	15.	12.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
	6x37 CLASSIFICATION											
1-1/4"	28.	24.	21.	23.	21.	18.	19.	17.	15.	13.	13.	10.
1-3/8"	33.	29.	25.	28.	25.	22.	22.	21.	18.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

TABLE G-5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

TWO - LEG BRIDLE OR BASKET HITCH

Rope Dia. Inches	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.0	.99	.95	.86	.85	.77	.72	.70	.55	.51	.49
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.8	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	9.5	8.8	7.6	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
6x37 CLASSIFICATION												
1-1/4	26.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	56.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-6—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter (inches)	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
1/4	3	4	3
5/16	3	4	3 1/4
3/8	4	5	4 1/2
7/16	4	5	5 1/4
1/2	4	6	6
9/16	5	6	6 3/4
5/8	5	7	7 1/2
3/4	6	7	8 1/4
7/8	6	8	9

[F.R. Doc. 60-5750; Filed, June 24, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A-25]

MILK IN CINCINNATI, OHIO MARKETING AREA AND 15 NORTHERN KENTUCKY COUNTIES

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Sinton Hotel, Fourth and Vine Streets, Cincinnati, Ohio, beginning at 10:00 a.m., e.s.t., on July 12, 1960, with respect to (1) proposed amendments to the tentative marketing agreement and to order No. 65, regulating the handling of milk in the Cincinnati, Ohio marketing area and (2) as an alternative, a proposed marketing agreement and order to regulate the handling of milk in 15 Northern Kentucky Counties with terms and provisions of such separate order to be identical with those contained in order No. 65 as amended or with appropriate modifications thereof.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions relating to the handling of milk in the area and in relation to the other proposals set forth below.

The hearing on the various proposals is to determine whether or not:

(a) The handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce or directly burdens, obstructs or affects interstate or foreign commerce;

(b) The proposed amendments to the present Order No. 65 or the issuance of an additional order is justified; and

(c) The provisions specified in the proposals and all other provisions of the present order would tend to effect the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, as applied to the marketing area, as proposed to be redefined or as a separate area, and if not, what modification of the proposals and of the provisions of Order No. 65 would be necessary and appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Cincinnati Milk Sales Association, Inc., Cincinnati, Ohio:

Proposal No. 1. Consider the propriety of the inclusion of all of the territory geographically located within the limits of the Counties of Boone, Campbell, Kenton and Mason in the State of Kentucky:

(a) As a part of the Cincinnati, Ohio, marketing area, specified in § 965.3 of Order No. 65, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area; or;

(b) As the marketing area under a new and separate Federal milk marketing order for the regulation of such area, with further consideration to the application of the entire regulatory terms of Order No. 65, as amended, or appropriate modifications thereof as will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Proposal No. 2. In the event that the marketing area of Federal Order No. 65, as amended, as described in § 965.3 hereof, should be expanded as proposed in Proposal No. 1 (a) hereof, then amend § 965.43 by deleting therefrom subsections (b) (1), (2), and (3) and renumbering the other and remaining provisions of § 965.43 in an appropriate manner and/or order.

Proposal No. 3. Amend § 965.50(b) (2) by deletion and substitution therefor the following:

(2) From the simple average of the weighted average of carlot prices per pound for non-fat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

Proposal No. 4. Amend § 965.76 as follows:

Change the period at the end of the paragraph to a comma, and add the following:

And with respect to the total Class I utilization of a handler operating a fluid milk plant which is not a pool plant.

Proposal No. 5. Amend § 965.41 (b) and (c) as follows:

(b) By adding after the phrase "cottage cheese" the following: disposed of in bulk (in container of not less than two gallon capacity) as milk, skim milk or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises.

(c) By deletion of subparagraph (3) and renumber subparagraph (4) and (5) as (3) and (4) respectively.

Proposal No. 6. Amend § 965.53 by deletion and substitute therefor the following:

Location differentials to handlers. For that skim milk and butterfat in producer milk received at a pool plant located outside the marketing area and more than thirty miles by shortest highway distance from City Hall in Cincinnati, Ohio, as determined by the market administrator, and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant pursuant to § 965.7 (a) or (b) located in the marketing area or outside the marketing area not more than thirty miles by shortest highway distance from City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant the handler's obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such skim milk and butterfat is received from producers as follows:

Distance from the City Hall (miles):	Rates per hundredweight (cents)
30 but less than 40	6.0
40 but less than 50	8.0
50 but less than 60	10.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant, the total skim milk and butterfat in producer milk physically received at such plant and (2) shall be allowed to the transferee handler if such credit does not exceed the obligation of such handler to the producer settlement fund for the month.

Proposal No. 7. Amend § 965.75 as follows: By deletion of the phrase "more than 20 miles" and substitute therefore the phrase "outside the marketing area and more than 30 miles".

Proposed by Amelia Dairy, Bethel, Ohio:

Proposal No. 8. That § 965.3 of the order be amended by deletion of the word "Clermont" and the insertion immediately following the word "Warren" of the following: "and the townships of Pierce, Union, and Miami, in Clermont County."

Proposed by Cloverleaf Dairy, Inc. and Louis Trauth Dairy, Inc., both of Newport, Kentucky, Hanneken Dairy, Inc. and Summe and Raterman Co., both of Covington, Kentucky, and Feldmann Dairy, Inc. of Wilder, Kentucky:

Proposal No. 9. If the handling of milk in any one or more of the four Kentucky counties, Boone, Campbell, Kenton and Mason, is subjected to regulation, the following Kentucky counties should be included in the same marketing area:

Gallatin.
Carroll.
Owen.
Grant.
Pendleton.
Harrison.
Bracken.
Robertson.
Fleming.
Nicholas.
Lewis (except Magisterial Districts 2, 3, and 8).

Proposal No. 10. Any order regulating the handling of milk in any of the said four Kentucky counties, Boone, Campbell, Kenton and Mason, should provide for the full regulation of any fluid milk plant located either inside or outside the marketing area from which any Class I milk (i.e., one quart or more) is disposed of on a route or routes operated wholly or partially in the marketing area. If any of the said four counties should be placed in the Cincinnati marketing area, to effectuate this proposal, it would be necessary to amend § 965.7(b) of Order No. 65.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 11. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred W. Issler, 519 Main Street, Cincinnati 1, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C. or may be there inspected.

Issued at Washington, D.C., this 22d day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-5851; Filed, June 24, 1960; 8:47 a.m.]

[7 CFR Part 977]

[Docket No. AO-183-A7]

MILK IN PADUCAH, KENTUCKY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Barkley Room, Irvin Cobb Hotel, Paducah, Kentucky, beginning at 10:00 a.m., c.s.t., on July 12, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Paducah, Kentucky marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modification thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined, and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the George L. Atkins Dairy, Model Pure Milk Company, Inc., and Paducah Graded Milk Producers Association:

Proposal No. 1. Revise § 977.5 to read as follows:

§ 977.5 Paducah, Kentucky, marketing area.

The "Paducah, Kentucky, marketing area" hereinafter called the "marketing area" means all of the territory within the boundaries of the Kentucky counties of McCracken, Ballard, Marshall, Graves, Calloway, Livingston, Lyon, Caldwell, Trigg (except that portion contained in the Fort Campbell military reservation), Carlisle, Hickman and Christian (except that portion contained in the Fort Campbell military reservation).

Proposed by the Paducah Graded Milk Producers Association:

Proposal No. 2. Revise § 977.51(a) to read as follows:

(a) Class I milk price. The price of Class I milk for the month shall be the basic formula price for the preceding month plus $.90 in April, May and June, $1.20 in July and March, $1.50 in December, January and February, and $1.65 in August, September, October and November.

Proposal No. 3. Revise § 977.87(a) to read as follows:

(a) Deductions for marketing services. Except as set forth in paragraph (b) of this section, each handler in making payment to producers pursuant to § 977.80 with respect to milk received from producers (excluding such handler's own farm production), shall deduct 8 cents per hundredweight, or such lesser amount as the Secretary may prescribe; and, on or before the 20th day after the end of the month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

Proposal No. 4. Revise § 977.62(b) (1) (ii) to read as follows:

(ii) Deduct the payments per hundredweight of milk made by such handler to approved dairy farmers for milk received during such month: *Provided*, That if such handler has paid approved dairy farmers by more than one rate, the payments to approved dairy farmers shall be computed on the total receipts of milk from approved dairy farmers at said plant at the lowest average rate paid by said plant for a volume of milk equal to the volume disposed of in the marketing area.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2710 Hampton Avenue, St. Louis 9, Mo., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 22d day of June 1960.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-5876; Filed, June 24, 1960; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 18]

[Bureau of Mines Schedule 2F]

ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT, JUNCTION BOXES, AND OTHER ACCESSORY EQUIPMENT

Requirements for Portable Cables

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(a)), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7; and sec. 1, 66 Stat. 709, 30 U.S.C. 482(a); it is proposed to amend the regulations contained in §§ 18.1 and 18.20 of Part 18, Title 30, Code of Federal Regulations, covering portable-cable requirements, as set forth below.

The proposed amendment includes: (1) Change in the definition of a portable cable to clarify the portable characteristics; (2) maximum permissible length of cable not restricted to 500 feet but may be longer under certain prescribed conditions; (3) in no instance more than five well-made temporary splices permitted in a single length of cable; and (4) short-circuit protection specified for cables more than 500 feet in length.

In accordance with the policy of the Department of the Interior interested persons may submit written comments, suggestions, or objections with respect to the proposed changes to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director.

Approved: June 21, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

The following changes are confined to §§ 18.1 and 18.20, as indicated.

1. The thirteenth definition under § 18.1 is amended to read as follows:

Portable (trailing) cable. A flexible cable or cord by means of which portable, semi-portable, or mobile mine equipment may be connected to a source of electrical energy. The portable (trailing) cable is that portion of the power-supply system between the last overcurrent protective device on the system and the mobile equipment for which the cable furnishes electric power.

2. In § 18.20, paragraph (a), the second sentence—The length shall not exceed 500 feet—is deleted.

3. In § 18.20, paragraphs (b), (c), (d), (e), and (f) are redesignated paragraphs (c), (d), (e), (f), and (g), respectively; and a new paragraph (b) is inserted after paragraph (a) to read as follows:

(b) Ordinarily the length of a portable (trailing) cable shall not exceed 500 feet, and such cables shall contain not more than five well-made temporary splices. Where the method of mining is such that it is necessary to have the length of a portable (trailing) cable more than 500 feet, such length of cable shall be permitted only under the following prescribed conditions:

(1) The lengths of portable (trailing) cable shall not exceed those specified in the accompanying table, titled "Permissible Lengths and Other Specifications of Portable (Trailing) Cables." (Table 4.)

(2) Not more than five well-made temporary splices shall be permitted in a single length of portable (trailing) cable that exceeds 500 feet.

(3) Short-circuit protection shall be provided by an overcurrent protective device with an instantaneous trip setting as near as practicable to the maximum starting-current-inrush value, but the setting shall not exceed the trip value specified in the Bureau of Mines approval for the equipment for which the portable (trailing) cable furnishes electric power.

TABLE 4—PERMISSIBLE LENGTHS AND OTHER SPECIFICATIONS FOR PORTABLE (TRAILING) CABLES

Size of cable	Permissible length of portable cable (feet)	Normal current-carrying capacity at 60° C. (amps)	Resistance of permissible length of cable at 60° C. (ohms)[1]	Power loss at normal current capacity (watts)	Heat dissipation, watts per square inch cable surface (approx.)
No. 6 B & S	550	50	0.5975	1,493	0.0844
No. 4 B & S	600	70	.4090	2,004	.0929
No. 3 B & S	650	80	.3320	2,253	.0876
No. 2 B & S	700	95	.3050	2,752	.0928
No. 1 B & S	750	110	.2555	3,091	.0855
No. 1/0 B & S	800	130	.2160	3,650	.0864
No. 2/0 B & S	850	150	.1820	4,095	.0831
No. 3/0 B & S	900	170	.1550	4,479	.0826
No. 4/0 B & S	1,000	200	.1346	5,384	.0823

[1] Resistance corrected for temperature —Rt=R25 (1+0.00385 (t—25)).

[F.R. Doc. 60-5850; Filed, June 24, 1960; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGIC PRODUCTS

Additional Standards; Poliomyelitis Vaccine

Notice is hereby given of proposed rule making pursuant to section 351 of the Public Health Service Act, as amended (58 Stat. 702; 42 U.S.C. 262), providing for two amendments to the Additional Standards for Poliomyelitis Vaccine. Amendment number 1 would correct a technical error and would permit the omission under certain conditions of the filtration process during inactivation of the virus. Amendment number 2 would prohibit the release of any lot unless it is one of a series of five consecutive lots, all tests for which have shown negative results with respect to the presence of live poliovirus.

Notice is also given that since the first amendment is merely technical, and eliminates a requirement which has been found to be unnecessary, under the specified circumstances, to insure safety, purity and potency, and since the second amendment, while imposing a more stringent requirement represents current practice and is necessary to insure the same goals to protect the public health, it is proposed to make any amendments that are adopted effective immediately upon final publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 21 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Amend the last sentence of § 73.101 (d) to read as follows: "Filtration equivalent to that described in paragraph (b) of this section shall be performed after the estimated base-line time (time at which the 50 percent end-point reaches one tissue culture infective dose per milliliter), but prior to sampling for the first single strain tissue culture test required in § 73.102(b), except that this filtration may be omitted for strains of a virulence for monkeys equal to or less than that of the MEF-1 Type 2 strain of poliovirus."

2. Amend the last sentence of § 73.104 (a) to read as follows: "In addition, no lot of final vaccine shall be released unless it is one of a series of five consecutive lots produced by the same manufacturing process, all of which have shown negative results with respect to all tests for the presence of living poliovirus, and unless each of the monovalent pools of which a polyvalent final vaccine is composed similarly is one of a series of five consecutive monovalent pools of the same type of inactivated poliovirus, all of which have shown negative results in all tests for the presence of living poliovirus."

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: June 6, 1960.

[SEAL] JOHN D. PORTERFIELD,
Acting Surgeon General.

Approved: June 21, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-5865; Filed, June 24, 1960; 8:50 a.m.]

Freedmen's Hospital

[42 CFR Parts 400, 401]

IN-PATIENT TREATMENT AND SPECIAL SERVICES

Charges for Transcripts of Medical Records

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 400 to establish charges for transcripts of medical records of Freedmen's Hospital, to amend the regulations of Part 401 governing the rates charged for in-patient treatment and special services at Freedmen's Hospital as indicated below. Interested persons may submit written data, views or arguments in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered. It is anticipated that upon the expiration of this period these amendments, subject to such revisions as may seem appropriate in the light of comments, will be republished and will become effective immediately upon such republication. The amendments to Part 401 are not intended to be made applicable to patients admitted to the Hospital prior to the effective date of the amendments.

1. Part 400 would be amended by adding a new § 400.3 which would read as follows:

§ 400.3 Fees for transcripts.

(a) The following fees will be charged for transcripts of medical records furnished pursuant to § 400.2(b):

(1) Transcripts, standard one page..... $3.00
(2) Narrative summaries..... $5.00

(b) The Superintendent may waive any part or all of the fees for transcripts of medical records if he determines that they have been requested for the purpose of further medical treatment.

(R.S. 2038, as amended, 65 Stat. 290, 5 U.S.C. 140)

2. Subparagraphs (1) and (3) of paragraph (c) and the section heading of § 401.7 and paragraph (c) of § 401.11 of Part 401 would be amended to read as follows:

§ 401.7 In-patient rates; full and part-pay patients.

* * * * *

(c) There shall be the following extra charges for all full-pay patients excluding tuberculosis patients hospitalized in the tuberculosis hospital.

(1) New and special drugs not regularly listed in the Hospital formulary at rates which the Superintendent determines are reasonable but not less than the purchase price paid by the Hospital.

* * * * *

(3) Blood or blood derivatives at purchase price paid by the Hospital.

§ 401.11 Rates for X-ray, laboratory, and other special services.

(c) *Special services.*

Basal metabolism	$5.00
Bronchoscopic examination	5.00
Cystoscopic examination	5.00
Electro-cardiography	5.00
Use of plaster room	10.00
Pneumothorax	1.00
Electroencephalogram	25.00

(R.S. 2038, as mended, 37 Stat. 172 as amended; 59 Stat. 366, as amended; 32 D.C. Code 317, 318, 318a)

Dated: June 3, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: June 21, 1960.

BERTHA ADKINS,
Acting Secretary.

[F.R. Doc. 60-5864; Filed, June 24, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[442.14]

TRAVERTINE SLABS

Notice of Proposed Tariff Classification

JUNE 21, 1960.

It appears that travertine slabs, gangsawed from a block, cut to a definite thickness, such as ⅞ inch, no other processing having been performed, and suitable for use as building or monumental stone are properly classifiable under paragraph 234(c), Tariff Act of 1930, as stone suitable for use as monumental or building stone, not specially provided for, otherwise manufactured than hewn, dressed, or polished, and dutiable at the rate of 21 percent ad valorem, under that paragraph, as modified.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau the existing practice of classifying this merchandise under paragraph 234(b) as travertine stone, unmanufactured, or not dressed, hewn, or polished, dutiable at the rate of 10½ cents per cubic foot under that paragraph, as modified.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 60-5867; Filed, June 24, 1960; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 204-60]

ASSISTANT ATTORNEY GENERAL IN CHARGE OF THE ANTITRUST DIVISION

Delegation of Authority To Furnish Reports on the Competitive Factors Involved in Proposed Mergers or Consolidations of Insured Banks

Under the authority vested in me by section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby delegate to the Assistant Attorney General in charge of the Antitrust Division the authority vested in the Attorney General by subsection (c) of section 18 of the Federal Deposit Insurance Act (64 Stat. 892; 12 U.S.C. 1828(c)) as amended by the act of May 13, 1960, 74 Stat. 129 (Pub. Law 86-463), relating to the furnishing of reports, and summaries thereof, with respect to the competitive factors involved in proposed mergers or consolidations of insured banks.

Dated: June 16, 1960.

LAWRENCE E. WALSH,
Acting Attorney General.

[F.R. Doc. 60-5835; Filed, June 24, 1960; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DESIGNATED OFFICIALS OF BUREAU OF COMMERCIAL FISHERIES

Delegations of Authority With Respect to Procurement

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements herein set forth apply as a portion of the directives system of the Bureau of Commercial Fisheries. Such material follows the format of the Bureau's Manual and is to be included therein. Material that relates solely to internal management has not been included.

SERIES 2000—ADMINISTRATION

TITLE 2400—PROCUREMENT

Chapter 2410—Policy and Delegations of Authority

2411.2 *General delegation.* The Chief, Division of Administration, and Regional and Area Directors, and such others as are specified in this delegation, are severally authorized, unless specifically excepted to the extent stated in each case or in section 2411.7, Limitations, to exercise the authority of the Director with respect to administrative matters concerning the procurement of materials, supplies and services as listed herein.

A. *Advertising.* Authorize the publication of the advertisements, notices, or proposals pursuant to section 3828, Revised Statutes (44 U.S.C. 324) (205 DM 5.1).

B. *Contracting officers' decisions.* The Chief, Division of Administration, may submit directly to the General Accounting Office requests for decisions relative to errors in bids discovered prior to award of contracts.

C. *Evacuation of employees' families.* Designate or approve the zones from which the immediate families of civilian employees should be evacuated for military or other causes which create imminent danger to life or property, or adverse living conditions seriously affecting the health, safety, or accommodations of such families; and the payment of travel and transportation expenses to locations designated by the said employees or, if such be impossible or impracticable, to locations designated by their immediate families, pursuant to subsection (d) of section 1 of the Act of August 2, 1946, as amended (5 U.S.C. 73b-1d) (Secretary's Order No. 2634, dated May 17, 1951): *Provided,* That no evacuation shall be authorized or approved for military purposes without orders from the military authorities in charge of the area or place where the families are living: *Provided further,* That no evacuation shall be authorized or approved for non-military purposes unless such action is fully justified by the circumstances including, but not limited to, fires, floods, epidemics, earthquakes, or circumstances considered "acts of God."

D. *Material inspection.* Establish and carry out material inspection interchange agreements under General Services Administration Regulation 1-VI-404.02, and any amendments thereof. (Secretary's Order No. 2621, dated March 8, 1951.)

E. *Space in Post Office buildings.* Acquire space in Federal buildings under control of the Post Office Department. (Secretary's Order No. 2799, dated August 26, 1955.)

2411.3 *Procurement requiring advertising.* A. The officers and employees designated in this section are severally authorized within the monetary limits indicated in each case to exercise the authority of the Director to enter into contracts, after advertising, for construction, supplies or services. (Secretary's Order No. 2509, Amendments 16 and 25.)

(1) *Headquarters Office.* Assistant Director; Chief, Division of Administration; and Chief, Branch of Property Management—unlimited as to amount.

(2) *Regional Offices.* Regional Directors; Assistant Regional Directors; Chiefs, Division of Administrative Services; and Property Management Officers—$100,000.

(3) *Other Offices.* Area Director; Chief and Acting Chief, Division of Administrative Services; Hawaii Area; and Area Director and Administrative Officer, California Area—$100,000; General Manager and Supply Officer, Pribilof Islands Reservation—$5,000.

B. With respect to any such contract the officers and employees designated in paragraph A of this section may issue change orders and extra work orders pursuant to the contract; enter into modifications of the contract which are legally permissible and terminate the contract where such action is legally authorized.

2411.4 *Procurement by negotiation.* The authority vested in the Director to negotiate, without advertising, purchases and contracts of the supplies and services described in this section may be exercised by the officers and employees designated below in relation to the respective class of supplies or services, limited to the amounts indicated in each case, when it is determined that the facts are such as to bring the particular purchase or contract within the cited provisions of the Federal Property and Administrative Services Act of 1949, as amended, 241 DM 2.1-2 (Secretary's Order No. 2825 and No. 2838).

A. Subsection 302(c)(4) of the Act, except as provided in section 2411.7, Limitations, to procure personal and professional services of architects and engineers; and subsection 302(c)(5) of the Act to procure services to be rendered by any university, college, or other educational institution.

(1) *Headquarters Office.* Assistant Director; Chief, Division of Administration; and Chief, Branch of Property Management—unlimited as to amount.

(2) *Regional Offices.* Regional Directors; Assistant Regional Directors; Chiefs, Division of Administrative Services, and Property Management Officers—$100,000.

(3) *Area Offices.* Director, Chief, and Assistant Chief, Division of Administrative Services, Hawaii Area; and Director and Administrative Officer, California Area—$100,000.

B. Subsection 302(c)(7) of the Act, to procure medicines and medical supplies required to be furnished to the inhabitants of the Pribilof Islands.

(1) *Headquarters Office.* Assistant Director; Chief, Division of Administration; and Chief, Branch of Property Management—unlimited as to amount.

(2) *Regional Office.* Regional Director; Assistant Regional Director; Chief, Division of Administrative Services; and Property Management Officer, Region 1—$100,000.

(3) *Other Office.* General Manager, Pribilof Islands Reservation—$5,000.

C. Subsection 302(c)(9) of the Act, to procure perishable and semi-perishable foods.

(1) *Headquarters Office.* Assistant Director; Chief, Division of Administration; and Chief, Branch of Property Management—unlimited as to amount.

(2) *Regional Offices.* Regional Directors; Assistant Regional Directors; Chiefs, Division of Administrative Services; and Property Management Officers—$100,000.

(3) *Other Offices.* Director; Chief and Assistant Chief, Division of Administrative Services, Hawaii Area; and Director and Administrative Officer, California Area—$100,000; all station chiefs, and program leaders in charge of experimental projects or vessels; and General Manager and Supply Officer, Pribilof Islands Reservation—$10,000.

D. Subsection 302(c)(11) of the Act, to procure experimental, developmental, or research work or for the manufacture or furnishing of property for experimentation, development, research, or test in connection with research and development programs.

(1) *Headquarters Office.* Assistant Director; Chief, Division of Administration; and Chief, Branch of Property Management—unlimited as to amount: *Provided,* That no contract may be entered into pursuant to this subparagraph until the written determination required under subsection 302(c)(11) of the Act has been approved by the Director when the contract will require the expenditure of $25,000 or less; as required by section 307(b) of the Act no contract may be entered into pursuant to this subparagraph until the written determination has been approved by the Secretary of the Interior when the contract will require the expenditure of more than $25,000.

E. With respect to any such contract the officers and employees designated in paragraph A of this section may issue change orders and extra work orders pursuant to the contract; enter into modifications of the contract which are legally permissible and terminate the contract where such action is legally authorized.

2411.5 *Procurement by open market purchase.*

A. Except as provided in section 2411.7, Limitations, the officers designated in this section are severally authorized to make open market purchases in amounts not exceeding $2,500.

(1) *Headquarters Office.* Assistant Director; Chief, Division of Administration; Chief and Contract and Procurement Assistant, Branch of Property Management.

(2) *Regional Offices.* Regional Directors; Assistant Regional Directors; Chiefs, Division of Administrative Services; and Property Management Officers.

(3) *Other offices.* Area Director; Chief and Assistant Chief, Division of Administrative Services, Hawaii Area; Area Director and Administrative Officer, California Area; General Manager and Supply Officer, Pribilof Islands Reservation.

2411.6 *Leases.* The officers and employees designated in this section may exercise the authority of the Director within the monetary limits indicated in each case, pursuant to regulations of the General Services Administration, Title 2, Real Property Management, (Secretary's Order No. 2509, Amendments 16 and 25), to perform all functions with respect to acquisition, by lease, of space in buildings and land incidental to the use thereof, limited to the amounts indicated in each case when the space is found by the Administration to be special purpose in character under section 1(d) of Reorganization Plan 18 of 1950 (5 U.S.C. 133z-15, note); the space required is for use incidental to, in conjunction with, and in close proximity to, space which has been found by the Administration to be special purpose; the space is leased for no rental or for the nominal consideration of $1.00 per annum; the space is located in Puerto Rico or the Virgin Islands; or the Department has been specifically authorized by the Administration to perform any or all such functions.

A. *Headquarters Office.* Assistant Director; Chief, Division of Administration; and Chief, Branch of Property Management—unlimited as to amount.

B. *Regional Offices.* Regional Directors; Assistant Regional Directors; Chiefs, Division of Administrative Services; and Property Management Officers—$100,000.

C. *Area Offices.* Area Director; Chief, and Assistant Chief, Division of Administrative Services, Hawaii Area; and Area Director, and Administrative Officer, California Area—$100,000.

2411.7 *Limitations.* The foregoing authorizations shall be exercised in strict conformity with applicable regulations, statutory requirements, policies, and administrative procedures, and subject to the availability of funds.

A. The authority granted by section 2411.4A, Procurement by Negotiation, shall not be used for the procurement of professional engineering, architectural, or landscape architectural services, for any public building, or public improvement (exclusive of bridges, roads, sidewalks, sewers, mains, or similar items) the construction cost of which is estimated to be $200,000 or more, without the prior clearance of the General Services Administration, which clearance must be obtained by the Headquarters Office. (Federal Procurement Regulations section 1-3.204(b) 2.)

B. The authority granted by section 2411.4D(1), Headquarters Office, does not include authority to make the written determination required by subsection 302(c)(11) of the Act, when a contract pursuant to that subsection will require expenditure of more than $25,000. Until any such determination has been made by the Secretary of the Interior, no contract over $25,000 shall be entered into pursuant to subsection 302(c)(11) of the Act.

2411.8 *Redelegation.* A. With the exception of the authority in section 2411.2D, Material Inspection, and section 2411.5, Procurement by Open Market Purchase, the foregoing authorities may not be redelegated.

B. The authority granted in section 2411.2D, Material Inspection, may be redelegated to Station Chiefs and Chiefs of Field Parties.

C. The authority granted in section 2411.5, Procurement by Open Market Purchase, may be redelegated to Station Chiefs not to exceed $2,500, and to Chiefs of Field Parties not to exceed $500 in any one case with emergency purchases unlimited as to amount.

2411.9 *Revocation.* Director's Order No. 1, dated October 14, 1957 (22 F.R. 8241), and Amendment 1, dated May 14, 1958 (23 F.R. 3903), Amendment 2, dated January 23, 1959 (24 F.R. 1219); Director's Order No. 2, dated October 18, 1957 (22 F.R. 8401), Amendment 1, dated April 4, 1958 (23 F.R. 2303), Amendment 2, dated May 14, 1958 (23 F.R. 3904), and Amendment 3, dated January 23, 1959 (24 F.R. 1160); applicable portions of Director's Order No. 3, revised, dated May 15, 1959 (24 F.R. 4565) are hereby rescinded.

(Secretary's Order 2509, Amendments 16 and 25; Commissioner's Order No. 3 (22 F.R. 8126))

A. W. ANDERSON,
Acting Director.

JUNE 22, 1960.

[F.R. Doc. 60-5857; Filed, June 24, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

HAWAII

Extension of Designation of Area for Purpose of Making Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, the period for making initial production emergency loans authorized in the Acting Secretary's order of March 4, 1960 (25 F.R. 2064), in the Island of Hawaii is extended to December 31, 1960.

Done at Washington, D.C., this 21st day of June 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-5853; Filed, June 24, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreements Nos. 7840-38, 7840-39 and 7840-40, between the member lines of the Atlantic Passenger Steamship Conference, modify the basic agreement of that conference (No. 7840, as amended), which governs all Atlantic passenger traffic of such lines between European, Mediterranean and Black Sea Countries, also Morocco, Madeira and the Azores Islands, on the one hand, and ports on the East Coast of North America, including United States, Canada, and Newfoundland, and United States Gulf ports, on the other hand, in the following particulars:

(1) Agreement No. 7840-38, extends the present 10 percent reduction on the one-way tourist rate in all seasons for military personnel, including spouses and dependent children, moving under Government orders, for the year 1961;

(2) Agreement No. 7840-39, provides that a party organizer who secures a party of 20 or more students and/or teachers or similar groups, sailing eastbound or westbound in the appropriate low season period of any year and has the party conducted, may be given one free one-way Atlantic passage for himself, or his representative, for each group of 20 full-fare paying passengers; and

(3) Agreement No. 7840-40, (1) clarifies the understanding of the member lines with respect to termination of membership due to discontinuance of service, and the responsibility of a member line for its share of expenses under the conference agreement in case its membership is so terminated; and (2) provides that the deposit in the amount of $25,000, required of each member line to guarantee the faithful performance of the terms and conditions of the conference agreement, shall be in the form of an irrevocable letter of credit, or other instrument of equal security, instead of a promissory note or other agreed instrument as presently required, and shall be furnished, maintained and renewed in accordance with the terms set forth in this modification.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 21, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5858; Filed, June 24, 1960; 8:49 a.m.]

NEW YORK FREIGHT BUREAU (HONGKONG) ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 5700-4, between the member lines of the New York Freight Bureau (Hongkong), modifies the basic agreement of that conference (No. 5700, as amended), which covers the trade from Hongkong, Canton, Amoy, Foochow and all other ports in China south of and including Foochow; and from Formosa and Indo-China, excluding Saigon, to U.S. Atlantic and Gulf ports. The purpose of the modification is to provide for the election of the conference chairman from the representatives of the member lines, whose term shall be effective for six months, instead of the alphabetical rotation of the chairmanship amongst the member lines as presently provided each six months.

(2) Agreement No. 8495, between Anglo Canadian Shipping Company Limited and Canadian Occidental Shipping Co., Ltd., covers the establishment and maintenance of a joint cargo service under the trade name "Anglo Canadian Shipping Company Limited/Canadian Occidental Shipping Co., Ltd.", in the trade from U.S. Pacific Coast ports to ports in Great Britain, Northern Ireland, Ireland, Continental Europe, Scandinavia, French Morocco, and on the Mediterranean Sea and on the seas bordering thereon (except the Black Sea), but not including transportation within the purview of the coastwise laws of the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 22, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5859; Filed, June 24, 1960; 8:49 a.m.]

Maritime Administration

[Trade Route No. 18]

U.S. ATLANTIC AND GULF/INDIA, PERSIAN GULF AND RED SEA

Conclusions and Determinations Regarding United States Flag Service Requirements

Notice is hereby given that on June 20, 1960, the Acting Maritime Administrator, pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined that the Trade Route No. 18 conclusions and determinations as published in the FEDERAL REGISTER, issue of January 28, 1960 (25 F.R. 731) and made final by notice published in the FEDERAL REGISTER, issue of March 11, 1960 (25 F.R. 2092) should be amended by modifying Paragraph 2 to read as follows:

2. Requirements for United States flag operations on Trade Route No. 18 are approximately 7 sailings per month of freight vessels serving the route exclusively or predominantly, with some additional service by other regularly scheduled United States flag sailings serving the route in part only.

Dated: June 21, 1960.

By Order of the Acting Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-5860; Filed, June 24, 1960; 8:49 a.m.]

FOREIGN-TRADE ZONES BOARD

APPLICATION FOR A FOREIGN-TRADE ZONE IN TOLEDO, OHIO

Notice of Hearing; Correction

The notice of hearing in this matter was published in the FEDERAL REGISTER of June 18, 1960 (25 F.R. 5542) (F.R. Doc. 60-5696). The reference in the third paragraph to "Eastern Daylight Savings Time" is corrected to read "Local Time."

Dated: June 21, 1960.

JOSEPH M. MARRONE,
Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 60-5854; Filed, June 24, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-927]

AMERICAN LIFE FUND INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 20, 1960.

Notice is hereby given that American Life Fund Inc. ("Applicant"), a closed end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act.

Applicant was organized on December 16, 1959 and filed a notification of registration under the Act on February 17, 1960. It has no assets, and no stock outstanding and a proposed plan to offer its capital stock to the public through underwriters has been abandoned.

Section 8(f) of the Act provides, in relevant part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 1, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5836; Filed, June 24, 1960; 8:46 a.m.]

[File No. 24D-2331]

CRYOGENIC ENGINEERING CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 21, 1960.

I. Cryogenic Engineering Company (issuer), a Colorado corporation, 200 West 48th Avenue, Denver, Colorado, filed, with the Commission on September 22, 1958, a notification on Form 1-A and an offering circular relating to a proposed public offering of 150,000 shares of its 10¢ par value common stock at $2 per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has offered and sold substantial amounts of its securities in states other than those named in the filing, contrary to the requirements of Regulation A.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The fact that securities being sold in the State of California were being sold in violation of California law;

2. The failure to disclose the contingent liability arising from the sale of securities in the State of California in violation of California law.

C. The offering was made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5837; Filed, June 24, 1960; 8:46 a.m.]

[File No. 54-221]

LOUISIANA GAS SERVICE CO. ET AL.

Notice of Filing of Amendment To Plan Heretofore Approved

JUNE 20, 1960.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana Power"), a public utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed, pursuant to Section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), amendment No. 2 to the plan as amended, heretofore approved by the Commission (Holding Company Act Release No. 13606, November 22, 1957), and approved and ordered enforced by the United States District Court for the Eastern District of Louisiana (January 14, 1958, Civil No. 7316). Louisiana Gas Service Company ("Louisiana Gas"), a public utility subsidiary of Louisiana Power, and Middle South have joined in amendment No. 2.

In connection with the approval and enforcement of the amended plan, the Commission and the Court reserved jurisdiction, among other things, to entertain such further proceedings, to make such further findings, to enter such supplemental orders, to take such further action, and to grant such further relief as may be deemed appropriate in connection with the plan, the transactions incidental thereto, and the consummation thereof; and the order of the Court further reserved jurisdiction to enforce, if application therefore is duly made, subsequent orders of the Commission relating to the plan.

All interested persons are referred to the plan and amendment No. 2 on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

The amended plan, as approved and ordered enforced, provides, among other things, that (a) Louisiana Power will transfer to Louisiana Gas, at the net book cost thereof, all of the non-electric properties (largely natural gas utility facilities) of Louisiana Power, in exchange for two-year promissory notes in the face amount of $4,900,000 and the common stock (having an aggregate par value equal to the difference between the face amount of the notes and the net book cost of the property) of Louisiana Gas; and (b) Louisiana Power will sell or otherwise dispose of the stock of Louisiana Gas within two years of the date of the transfer of the property, unless an extension of time is granted by the Commission, or within such shorter period as is sufficient for Louisiana Gas to develop an operating organization and to establish an earnings record and a dividend program.

On September 30, 1958, Louisiana Power effectuated the transfer of its non-electric properties to Louisiana Gas and received in exchange therefore a promissory note in the face amount of $4,900,000 and 605,010 shares of $10 par value common stock of Louisiana Gas. Subsequently, to provide Louisiana Gas with needed funds, Louisiana Power advanced an additional $1,100,000 for which it received $1,100,000 face amount of promissory notes of Louisiana Gas. On January 19, 1960 Louisiana Gas issued and sold to the public $7,500,000 principal amount of its First Mortgage Bonds, and out of the proceeds thereof retired all of its outstanding indebtedness to Louisiana Power.

As the final steps in the consummation of the amended plan, it is proposed that (a) to provide Louisiana Gas with funds

needed for construction and to facilitate the disposition of the Louisiana Gas stock, Louisiana Gas will issue and sell, and Louisiana Power will purchase, at par value thereof, $10 per share, an additional 64,890 shares of Louisiana Gas common stock; (b) Louisiana Power will sell to the stockholders of Middle South, pursuant to a rights offering, the 670,000 shares of Louisiana Gas then to be held by Louisiana Power, at a price, to be fixed, which will yield to Louisiana Power an amount substantially equivalent to the book value of the stock plus the estimated cost of the proposed transaction.

To effectuate the sale of the stock, Louisiana Power will issue to the stockholders of Middle South, of record on a date to be fixed as soon as practicable after the issuance by an appropriate court of an order enforcing the amended plan as further amended, transferable warrants granting (1) the primary right to subscribe for one share of the common stock of Louisiana Gas for each 25 shares of Middle South stock held on the record date, with a supplementary right to subscribe for one full share of Louisiana Gas common stock for each fraction of 25 shares of Middle South stock held, subject to allotment in case of oversubscription, and (2) the additional right, subject to allotment, to subscribe for any shares not subscribed for on primary rights. The rights will expire on the 15th full business day after commencement of the subscription period. The offering will not be underwritten.

The fees and expenses to be incurred in connection with the sale and distribution of the stock are estimated at an aggregate of $121,000, including transfer agent's fees of $15,000, warrant agent's fees of $55,000, printing and engraving expense $21,000, counsel fees $19,000, and auditor's fees of $3,000.

Applicants request that the Commission apply to an appropriate court to enforce the amended plan as further amended.

Notice is further given that any interested person may, not later than July 7, 1960, request in writing that a hearing be held in respect of the amendment to the amended plan, stating the nature of his interest, the reason for such request, and the issue of law or fact which he desires to controvert, or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may approve the amendment to the amended plan and the plan as thus amended, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5838; Filed, June 24, 1960; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-X-20]

CHIEF, INVESTMENT DIVISION

Delegation Relating to Investment and Administrative Functions

I. Pursuant to the authority delegated to the Deputy Regional Director by Delegation of Authority No. 30-X-19, dated March 28, 1960, there is hereby redelegated to the Chief, Investment Division, Dallas Regional Office, Small Business Administration, the authority:

A. *Investment program.* (1) To disburse Section 502 loans.

(2) To extend the disbursement period on Section 502 loan authorizations or undisbursed portions of Section 502 loans.

(3) To cancel wholly or in part undisbursed balances of partially disbursed Section 502 loans.

(4) To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of Section 502 loans.

B. *Administration.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy correspondence, except Congressional correspondence, relating to the investment program.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Investment Division.

IV. All previous authority delegated by the Regional Director to the Chief, Investment Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: June 8, 1960.

JAMES R. WOODALL,
Acting Deputy Regional Director.
Dallas Regional Office.

[F.R. Doc. 60-5839; Filed, June 24, 1960; 8:46 a.m.]

[Delegation of Authority No. 30-VIII-1 (Revision 2)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance and Administration

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706), there is hereby delegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve direct and participation business and disaster loans.

2. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Chief, Financial Assistance Division.

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

8. To take the following actions in the Administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000, or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, release or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

9. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefore, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; *Provided, however,* That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* To approve (a) annual and sick leave, other than advanced annual and sick leave; and (b) leave without pay, not to exceed 30 days for employees under his supervision.

C. *Correspondence.* To sign all correspondence, excluding Congressional correspondence, relating to the financial assistance functions of the regional office, except communications involving new policy matters which shall be referred to the appropriate Washington Office for clearance.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: May 19, 1960.

R. C. ALM,
Regional Director,
Minneapolis Regional Office.

[F.R. Doc. 60-5840; Filed, June 24, 1960; 8:46 a.m.]

[Delegation of Authority No. 30-VIII-11 (Revision 2)]

CHIEF, INVESTMENT DIVISION

Delegation Relating to the Investment Program and Administration

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706), there is hereby delegated to the Chief, Investment Division, the authority:

A. *Investment program.* 1. To disburse Section 502 loans.

2. To extend the disbursement period on Section 502 loan authorizations or undisbursed portions of Section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed Section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of Section 502 loans.

B. *Administration.* To approve (a) annual and sick leave except advanced annual and sick leave; and (b) leave without pay, not to exceed 30 days for employees under his supervision.

C. *Correspondence.* To sign all correspondence, excluding Congressional correspondence, relating to the investment functions of the regional office, except communications involving new policy matters which shall be referred to the appropriate Washington office for clearance.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Investment Division.

IV. All previous authority delegated by the Regional Director to the Chief, Investment Division, is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: May 2, 1960.

R. C. ALM,
Regional Director, Region VIII,
Minneapolis Regional Office.

[F.R. Doc. 60-5841; Filed, June 24, 1960; 8:46 a.m.]

[Delegation of Authority 30-II-15]

CHIEF, LOAN LIQUIDATION SECTION

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation 30-II-1 (Revision 1) dated March 31, 1960, there is hereby redelegated to the Chief, Loan Liquidation Section; New York Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of $1,000 for any one loan or 10 percent of the liquidating value of the collateral, whichever is the lesser, for expenditures which may be required to accomplish these purposes.

2. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA and shall be limited to their temporary services for the specific purpose involved.

3. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision, other than advanced annual and sick leave.

2. To authorize or approve official travel for employees under his supervision other than travel involving a change of official duty station.

C. *Correspondence.* To sign all correspondence in connection with the work of the Loan Liquidation Section except (1) correspondence dealing with policy questions, (2) Congressional correspondence, (3) correspondence with the Washington Office of Small Business Administration other than routine transmittals, requests for loan balances or correspondence about loan balances, (4) letters to borrowers or guarantors containing any threat of legal action, and (5) correspondence which includes a decision that an applicant is ineligible for financial assistance.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

Dated: March 31, 1960.

G. E. CHAPIN,
Chief, Financial Assistance Division,
New York Regional Office.

[F.R. Doc. 60-5842; Filed, June 24, 1960; 8:46 a.m.]

[Delegation of Authority 30-II-12 (Revision 1)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation 30-II-1 (Revision 1) dated March 31, 1960, there is hereby redelegated to the Chief, Loan Administration Section, New York Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To extend the disbursement period on undisbursed portions of loans authorized.

2. To take all necessary actions in connection with the administration, servicing and collection of all loans and other obligations or assets, except for loans classified "In Liquidation" and to do and perform and to assent to the doing and performance of all and every act and thing requisite and proper to be done for effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The release, subordination or cancellation of notes, mortgages, contracts

and any other liens now or hereafter held by Small Business Administration or its Administrator: *Provided, however*, That he may not release, subordinate or cancel, in whole or in part, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceeding.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision, other than advanced annual and sick leave.

2. To authorize or approve official travel for employees under his supervision other than travel involving a change of official duty station.

C. *Correspondence.* To sign all correspondence in connection with the work of the Loan Administration Section except (1) correspondence dealing with policy questions, (2) Congressional correspondence, (3) correspondence with the Washington Office of Small Business Administration other than routine transmittals, requests for loan balances or correspondence about loan balances, (4) letters to borrowers or guarantors containing any threat of legal action, and (5) correspondence which includes a decision that an applicant is ineligible for financial assistance.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated to the Chief, Loan Administration Section, by the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: March 31, 1960.

G. E. CHAPIN,
Chief, Financial Assistance Division, New York Regional Office.

[F.R. Doc. 60-5843; Filed, June 24, 1960; 8:46 a.m.]

[Delegation of Authority 30-II-6 (Revision 2)]

BRANCH MANAGER, SYRACUSE, NEW YORK

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706), there is hereby redelegated to the Branch Manager, Syracuse Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000.

b. Participation business loans in an amount not exceeding $100,000.

c. Disaster loans in an amount not exceeding $20,000.

2. To approve or decline limited loan participation loans.

B. *Procurement and technical assistance.* To develop with Government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determining joint set-asides and representation at procurement centers.

C. *Administration.* 1. To administer oaths of office.

2. To approve annual and sick leave for employees under his supervision, other than advanced annual and sick leave.

3. To authorize and approve his personal official travel and the official travel of employees of the Branch Office within the territory served by the Branch Office.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

5. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $25 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

D. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the functions of the Branch Office.

II. The specific authority delegated in I. A, C, and D may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Syracuse, New York, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: March 31, 1960.

ARTHUR E. LONG,
Regional Director, New York Regional Office.

[F.R. Doc. 60-5844; Filed, June 24, 1960; 8:46 a.m.]

[Delegation of Authority 30-II-5 (Revision 3)]

BRANCH MANAGER, HARTFORD, CONN.

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, and Administrative Functions

I. Pursuant to the authority delegated to the regional director by Delegation 30 (Revision 6) (25 F.R. 1706), there is hereby redelegated to the Branch Manager, Hartford Branch Office, the authority:

A. *Financial assistance.* 1. To approve direct and participation business loans.

2. To approve and decline disaster loans.

3. To enter into business loan and disaster loan participation agreements with banks.

4. To approve and decline limited loan participation loans.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Branch Manager, Hartford Branch Office.

6. To disburse approved loans.

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

10. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

11. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorized issued prior to January 31, 1958, for a loan of $20,000 or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans;

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or patrial releases of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

12. To take all necessary actions in connection with the administration, servicing and collection of all loans with an unpaid balance of less than $25,000 and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing and without limit to loans with an unpaid balance of less than $25,000:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; *Provided, however*, That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing:

B. *Procurement and technical assistance.* To develop with government procurement agencies required local procedures for implementing established inter-agency policy agreements, including but not limited to steps such as determing joint set-asides and the need for representation at procurement centers.

C. *Administration.* 1. To approve annual and sick leave for employees under his supervision other than advanced annual and sick leave.

2. To authorize or approve official travel other than travel involving a change of official duty station.

D. *Correspondence.* To sign all nonpolicy making correspondence relating to financial assistance functions, except Congressional correspondence and correspondence which includes a decision that an applicant is ineligible for financial assistance.

II. The authority delegated herein may be redelegated.

III. Any authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the regional director to the Branch Manager, Hartford Branch Office, is hereby rescinded without prejudice to actions taken under such delegation.

Effective date: March 31, 1960.

ARTHUR E. LONG,
Regional Director, New York Regional Office.

[F.R. Doc. 60-5845; Filed, June 24, 1960; 8:47 a.m.]

[Delegation of Authority No. 30-II-1 (Revision 1)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the regional director by Delegation No. 30 (Revision 6) (25 F.R. 1706), there is hereby redelegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve direct and participation business loans.

2. To approve and decline disaster loans.

3. To enter into business loan and disaster loan participation agreements with banks.

4. To approve and decline limited loan participation loans.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------,
(Name)
Chief, Financial Assistance Division.

6. To disburse approved loans.

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

10. To approve service charges by participating bank not to exceed 2% per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

11. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000 or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans;

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial releases of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; *Provided, however*, That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision, other than advanced annual and sick leave.

2. To authorize or approve official travel other than travel involving a change of official duty station.

C. *Correspondence.* To sign all nonpolicy making correspondence relating to financial assistance functions, except Congressional correspondence and correspondence which includes a decision that an applicant is ineligible for financial assistance.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the regional director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under such delegation.

Effective date: March 31, 1960.

ARTHUR E. LONG,
Regional Director, New York Regional Office.

[F.R. Doc. 60-5846; Filed, June 24, 1960; 8:47 a.m.]

[Delegation of Authority No. 30-I-8, (Revision 1)]

CHIEF, INVESTMENT DIVISION

Delegation Relating to Investment Division

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6) (25 F.R. 1706) there is hereby redelegated to the Chief, Investment Division, the authority:

A. *Investment program.* 1. To take the following actions relating to Section 502 of the Small Business Act of 1958:

(a) To disburse Section 502 loans.

(b) To extend the disbursement period on Section 502 loans authorizations or undisbursed portions of Section 502 loans.

(c) To cancel wholly or in part undisbursed balances of partially disbursed Section 502 loans.

(d) To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of Section 502 loans.

B. *Administration.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy correspondence, except Congressional correspondence, relating to the investment program.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Investment Division.

IV. All previous authority delegated by the Regional Director to the Chief, Investment Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: April 1, 1960.

EDWARD J. STEWART,
Regional Director,
Boston Regional Office.

[F.R. Doc. 60-5847; Filed, June 24, 1960; 8:47 a.m.]

TARIFF COMMISSION

[7-89]

HATTERS' FUR

Notice of Investigation

Investigation instituted. Upon application of the Hatters' Fur Cutters Association of the U.S.A., received June 1, 1960, the United States Tariff Commission, on the 21st day of June 1960, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether hatters' fur, or furs not on the skin, prepared for hatters' use, including fur skins carroted, provided for in paragraph 1520 of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: June 22, 1960.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-5862; Filed, June 24, 1960; 8:49 a.m.]

[337-L-26]

SELF-CLOSING CONTAINERS

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt (1) on June 2, 1960 of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), and (2) on June 15, 1960 of a motion to amend the complaint, filed by the Quikey Manufacturing Company, Inc. of Akron, Ohio, alleging unfair methods of competition and unfair acts in the importation and sale of certain self-closing containers. On June 21, 1960 the motion to amend the complaint was granted by the Commission.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint as amended for the purpose of determining (1) whether the institution of an investigation under section 337, above, is warranted, and (2) whether the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act of 1930 (19 U.S.C. 1337(f)) is warranted.

A copy of the complaint as amended is available for public inspection at the offices of the United States Tariff Commission located at Eighth and E Streets NW., Washington, D.C., and also at the New York City office of the Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than July 15, 1960. Such information should be sent to the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington 25, D.C. It must be in writing, and 15 copies must be submitted.

Issued: June 22, 1960.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-5863; Filed, June 24, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 336]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 22, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63310. By order of June 17, 1960, the Transfer Board approved the transfer to Richard Hakl, Lake Andes, S. Dak., of Certificate in No. MC 62478, issued January 28, 1941, to Edward Giedd, Lake Andes, S. Dak., authorizing the transportation of: Livestock, agricultural commodities, and feed, over irregular routes, between Lake Andes, S. Dak., and points in South Dakota within 10 miles of Lake Andes, on the one hand, and, on the other, Sioux City, Iowa. Don A. Bierle, Attorney at Law, Box 38, Yankton, S. Dak.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5856; Filed, June 24, 1960; 8:48 a.m.]

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Title 14, Parts 40–399 $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Washington, Tuesday, June 28, 1960

THE UNIVERSITY OF MICHIGAN
JUN 30 1960
MAIN READING ROOM

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

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Subpart E—Unhealthful Posts

LIST OF PLACES

Pursuant to section 853 of the Foreign Service Act of 1946, as amended, and section 503 of Executive Order 10261 dated June 27, 1951, as amended, the list of unhealthful places in § 301.61 established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, Executive Order No. 7062 of June 5, 1935, Executive Order No. 10000 of September 16, 1948, as amended, and Departmental Regulations 108.149 of March 13, 1952; 108.224 of June 1, 1954; 108.295 of August 15, 1956; and 108.322 of July 5, 1957 is further amended to include the designation of Tegucigalpa, Honduras as an unhealthful place, effective as of the beginning of the first pay period following June 25, 1960.

(Secs. 303, 443, 853, 60 Stat. 1002, 1006, 1024, sec. 207, 62 Stat. 194, 1205; 22 U.S.C. 843, 888, 1093, 5 U.S.C. 116h)

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

JUNE 14, 1960.

[F.R. Doc. 60-5930; Filed, June 27, 1960; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

Subpart—1960 Cotton Loan Program Regulations

SCHEDULE OF BASE LOAN RATES FOR CHOICE (B) UPLAND COTTON

The 1960 C.C.C. Cotton Bulletin 1 is hereby amended by adding § 427.1130 to read as follows:

§ 427.1130 Basic loan rates by warehouse locations.

The base loan rates, in cents per pound, gross weight, applicable to Middling white 1-inch Choice (B) upland cotton, under Commodity Credit Corporation's 1960 Cotton Loan Program, are as follows:

ALABAMA

City and county	Basis Middling white 1-inch loan rate
Abbeville, Henry	27.15
Akron, Hale	27.05
Albertville, Marshall	27.25
Alexander City, Tallapoosa	27.35
Aliceville, Pickens	26.95
Altoona, Etowah	27.35
Andalusia, Covington	27.05
Anniston, Calhoun	27.35
Arab, Marshall	27.25
Ardmore, Limestone	27.05
Ashford, Houston	27.15
Ashland, Clay	27.35
Athens, Limestone	27.05
Atmore, Escambia	26.95
Attalla, Etowah	27.35
Auburn, Lee	27.35
Banks, Pike	27.15
Bankston, Fayette	27.05
Belk, Fayette	27.05
Berry, Fayette	27.05
Bessemer, Jefferson	27.15
Birmingham, Jefferson	27.15
Blountsville, Blount	27.25
Boaz, Marshall	27.25
Boligee, Greene	26.95
Brantley, Crenshaw	27.05
Brantley, Dallas	27.05
Brent, Bibb	27.15
Brewton, Escambia	26.95
Bridgeport, Jackson	27.15
Browntown, Jackson	27.15
Brundidge, Pike	27.15
Butler, Choctaw	26.95
Camden, Wilcox	26.95
Camp Hill, Tallapoosa	27.35
Carbon Hill, Walker	27.05
Carrollton, Pickens	26.95
Centre, Cherokee	27.35
Centreville, Bibb	27.15
Chavies, De Kalb	27.25
Childersburg, Talladega	27.35
Clanton, Chilton	27.15
Clayton, Barbour	27.25
Clio, Barbour	27.25
Collinsville, De Kalb	27.25
Columbia, Houston	27.15
Columbiana, Shelby	27.25
Cooper, Chilton	27.15
Cordova, Walker	27.05
Cottonwood, Houston	27.15
Courtland, Lawrence	27.05
Crossville, De Kalb	27.25
Cullman, Cullman	27.15
Dadeville, Tallapoosa	27.35
Dancy, Pickens	26.95
Deatsville, Elmore	27.25
Decatur, Morgan	27.15
Demopolis, Marengo	26.95
Detroit, Lamar	26.95
Dothan, Houston	27.15
Dozier, Crenshaw	27.05
Dutton, Jackson	27.15
Eclectic, Elmore	27.25
Elba, Coffee	27.15
Elkmont, Limestone	27.05
Enterprise, Coffee	27.15
Ethelsville, Pickens	26.95
Eufaula, Barbour	27.25

ALABAMA—Continued

City and county	Basis Middling white 1-inch loan rate
Eutaw, Greene	26.95
Evergreen, Conecuh	26.95
Fackler, Jackson	27.15
Fadette, Geneva	27.15
Faunsdale, Marengo	26.95
Fayette, Fayette	27.05
Flat Rock, Jackson	27.15
Florala, Covington	27.05
Florence, Lauderdale	26.95
Fort Deposit, Lowndes	27.05
Fort Payne, De Kalb	27.25
Frisco City, Monroe	26.95
Fyffe, De Kalb	27.25
Gadsden, Etowah	27.35
Gantt, Covington	27.05
Geneva, Geneva	27.15
Georgiana, Butler	27.05
Glen Allen, Fayette	27.05
Good Water, Coosa	27.25
Gordo, Pickens	26.95
Goshen, Pike	27.15
Greensboro, Hale	27.05
Greenville, Butler	27.05
Grove Hill, Clarke	26.95
Guin, Marion	26.95
Guntersville, Marshall	27.25
Hackleburg, Marion	26.95
Haleyville, Winston	27.05
Hamilton, Marion	26.95
Hanceville, Cullman	27.15
Hartford, Geneva	27.15
Hartselle, Morgan	27.15
Havana Junction, Hale	27.05
Headland, Henry	27.15
Heflin, Cleburne	27.35
Henagar, De Kalb	27.25
Hodges, Franklin	26.95
Hodgesville, Houston	27.15
Hollywood, Jackson	27.15
Huntsville, Madison	27.15
Hurtsboro, Russell	27.35
Ider, De Kalb	27.25
Jacksonville, Calhoun	27.35
Jasper, Walker	27.05
Jemison, Chilton	27.15
Kennedy, Lamar	26.95
Lafayette, Chambers	27.35
Larkinsville, Jackson	27.15
Leighton, Colbert	26.95
Lester, Limestone	27.05
Linden, Marengo	26.95
Lineville, Clay	27.35
Livingston, Sumter	26.95
Lockhart, Covington	27.05
Louisville, Barbour	27.25
Luverne, Crenshaw	27.05
McCullough, Escambia	26.95
McKenzie, Butler	27.05
Madison, Madison	27.15
Malvern, Geneva	27.15
Maplesville, Chilton	27.15
Marion, Perry	27.05
Millers Ferry, Wilcox	26.95
Millport, Lamar	26.95
Mobile, Mobile	26.87
Monroeville, Monroe	26.95
Montevallo, Shelby	27.25
Montgomery, Montgomery	27.15
Moores Bridge, Tuscaloosa	27.05
Moores Valley, Wilcox	26.95
Moulton, Lawrence	27.05
Moundville, Hale	27.05
Newbern, Hale	27.05
New Brockton, Coffee	27.15
New Hope, Madison	27.15
Newville, Henry	27.15

ALABAMA—Continued

City and county	Basis Middling white 1-inch loan rate
Northport, Tuscaloosa	27.05
Notasulga, Macon	27.25
Oakman, Walker	27.05
Oneonta, Blount	27.25
Opelika, Lee	27.35
Opp, Covington	27.05
Ozark, Dale	27.15
Panola, Sumter	26.95
Pell City, St. Clair	27.25
Peterman, Monroe	26.95
Phil Campbell, Franklin	26.95
Pickensville, Pickens	26.95
Pinckard, Dale	27.15
Pine Hill, Wilcox	26.95
Piagah, Jackson	27.15
Pollard, Escambia	26.95
Prattville, Autauga	27.15
Ralph, Tuscaloosa	27.05
Red Bay, Franklin	26.95
Red Level, Covington	27.05
Reform, Pickens	26.95
Repton, Conecuh	26.95
Roanoke, Randolph	27.35
Rogersville, Lauderdale	26.95
Russellville, Franklin	26.95
Samantha, Tuscaloosa	27.05
Samson, Geneva	27.15
Scottsboro, Jackson	27.15
Section, Jackson	27.15
Selma, Dallas	27.05
Sheffield, Colbert	26.95
Slocomb, Geneva	27.15
Stevenson, Jackson	27.15
Stewart, Hale	27.05
Sulligent, Lamar	26.95
Sweet Water, Marengo	26.95
Sylacauga, Talladega	27.35
Sylvania, De Kalb	27.25
Talladega, Talladega	27.35
Tallassee, Elmore	27.25
Thomasville, Clarke	26.95
Thorsby, Chilton	27.15
Troy, Pike	27.15
Tuscaloosa, Tuscaloosa	27.05
Tuscumbia, Colbert	26.95
Tuskegee, Macon	27.25
Union Springs, Bullock	27.25
Uniontown, Perry	27.05
Vernon, Lamar	26.95
Vina, Franklin	26.95
Wadley, Randolph	27.35
Warrior, Jefferson	27.15
Webb, Houston	27.15
Wetumpka, Elmore	27.25
Wilsonville, Shelby	27.25
Winfield, Marion	26.95
Woodville, Jackson	27.15
York, Sumter	26.95

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Amado, Santa Cruz	25.83
Buckeye, Maricopa	25.83
Casa Grande, Pinal	25.83
Chandler, Maricopa	25.83
Coolidge, Pinal	25.83
Eloy, Pinal	25.83
Gilbert, Maricopa	25.83
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McMicken, Maricopa	25.83
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Safford, Graham	26.15
Sahuarita, Pima	25.83
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ARKANSAS

Arkadelphia, Clark	26.76
Ashdown, Little River	26.68
Batesville, Independence	26.76
Blytheville, Mississippi	26.81
Boughton, Nevada	26.68
Bradley, Lafayette	26.68
Brinkley, Monroe	26.81
Camden, Ouachita	26.68
Clarendon, Monroe	26.81

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City and county	Basis Middling white 1-inch loan rate
Conway, Faulkner	26.76
Cotton Plant, Woodruff	26.81
Dardanelle, Yell	26.76
Dell, Mississippi	26.81
Dumas, Desha	26.79
Earle, Crittenden	26.81
England, Lonoke	26.79
Eudora, Chicot	26.76
Evadale, Mississippi	26.81
Fordyce, Dallas	26.76
Forrest City, St. Francis	26.81
Fort Smith, Sebastian	26.68
Gurdon, Clark	26.76
Harrisburg, Poinsett	26.81
Helena, Phillips	26.81
Hope, Hempstead	26.68
Hughes, St. Francis	26.81
Hulbert, Crittenden	26.84
Jacksonville, Pulaski	26.79
Jonesboro, Craighead	26.81
Junction City, Union	26.68
Leachville, Mississippi	26.81
Lepanto, Poinsett	26.81
Little Rock, Pulaski	26.79
Lonoke, Lonoke	26.79
McCrory, Woodruff	26.81
McGehee, Desha	26.79
Magnolia, Columbia	26.68
Malvern, Hot Springs	26.76
Marianna, Lee	26.81
Marked Tree, Poinsett	26.81
Marvell, Phillips	26.81
Morrilton, Conway	26.76
Nashville, Howard	26.68
Newport, Jackson	26.79
North Little Rock, Pulaski	26.79
Osceola, Mississippi	26.81
Paragould, Greene	26.81
Pine Bluff, Jefferson	26.79
Portland, Ashley	26.76
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Russellville, Pope	26.76
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Trumann, Poinsett	26.81
Waldo, Columbia	26.68
Walnut Ridge, Lawrence	26.79
Warren, Bradley	26.76
West Helena, Phillips	26.81
West Memphis, Crittenden	26.84
Wilson, Mississippi	26.81
Wynne, Cross	26.81

CALIFORNIA

Arvin, Kern	25.83
Bakersfield, Kern	25.83
Buttonwillow, Kern	25.83
Calico, Kern	25.83
Caruthers, Fresno	25.83
Chowchilla, Madera	25.83
Coalinga, Fresno	25.83
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El Centro, Imperial	25.83
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Fresno, Fresno	25.83
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San Diego, San Diego	25.83
San Francisco, San Francisco	25.83
San Joaquin, Fresno	25.83
San Jose, Santa Clara	25.83
San Pedro, Los Angeles	25.83

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City and county	Basis Middling white 1-inch loan rate
Selma, Fresno	25.83
Stockton, San Joaquin	25.83
Stratford, Kings	25.83
Tipton, Tulare	25.83
Tranquility, Fresno	25.83
Tulare, Tulare	25.83
Visalia, Tulare	25.83

FLORIDA

Graceville, Jackson	27.15
Jay, Santa Rosa	26.87
Malone, Jackson	27.15
Pensacola, Escambia	26.87

GEORGIA

Abbeville, Wilcox	27.35
Adairsville, Bartow	27.45
Adel, Cook	27.25
Adrian, Emanuel	27.45
Alamo, Wheeler	27.35
Albany, Dougherty	27.35
Allentown, Wilkinson	27.45
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Alvaton, Meriwether	27.45
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Covington, Newton	27.45
Culloden, Monroe	27.45
Cuthbert, Randolph	27.25
Dallas, Paulding	27.45
Dalton, Whitfield	27.45
Davisboro, Washington	27.45
Dawson, Terrell	27.35
Dexter, Laurens	27.45
Doerun, Colquitt	27.25
Donalsonville, Seminole	27.25
Douglas, Coffee	27.35
Douglasville, Douglas	27.45
Dublin, Laurens	27.45
Dudley, Laurens	27.45
Eastman, Dodge	27.45

GEORGIA—Continued

City and county	Basis Middling white 1-inch loan rate
East Point, Fulton	27.45
Eatonton, Putnam	27.45
Edison, Calhoun	27.25
Elberton, Elbert	27.55
Ellaville, Schley	27.45
Fairburn, Fulton	27.45
Farrar, Jasper	27.45
Fayetteville, Fayette	27.45
Findlay, Dooly	27.35
Fitzgerald, Ben Hill	27.35
Forsyth, Monroe	27.45
Fort Gaines, Clay	27.25
Fort Valley, Peach	27.45
Franklinton, Bibb	27.45
Gainesville, Hall	27.55
Garfield, Emanuel	27.45
Gay, Meriwether	27.45
Glennville, Tattnall	27.35
Grantville, Coweta	27.45
Graymont, Emanuel	27.45
Greensboro, Greene	27.55
Greenville, Meriwether	27.45
Gresston, Dodge	27.45
Griffin, Spalding	27.45
Haralson, Coweta	27.45
Harrison, Washington	27.45
Hartsfield, Colquitt	27.25
Hartwell, Hart	27.55
Hawkinsville, Pulaski	27.45
Hogansville, Troup	27.45
Hollonville, Pike	27.45
Ideal, Macon	27.45
Jackson, Butts	27.45
Jefferson, Jackson	27.55
Jeffersonville, Twiggs	27.45
Jesup, Wayne	27.35
Jonesboro, Clayton	27.45
Kelly, Jasper	27.45
Kingston, Bartow	27.45
Kite, Johnson	27.45
Lafayette, Walker	27.45
La Grange, Troup	27.45
Lavonia, Franklin	27.55
Lawrenceville, Gwinnett	27.45
Leary, Calhoun	27.25
Leesburg, Lee	27.35
Lenox, Cook	27.25
Leslie, Sumter	27.35
Lilly, Dooly	27.35
Lincolnton, Lincoln	27.55
Locust Grove, Henry	27.45
Loganville, Walton	27.45
Louisville, Jefferson	27.45
Lumpkin, Stewart	27.35
Luthersville, Meriwether	27.45
Lyerly, Chattooga	27.45
Lyons, Toombs	27.35
McDonough, Henry	27.45
McRae, Telfair	27.35
Macon, Bibb	27.45
Madison, Morgan	27.45
Manchester, Meriwether	27.45
Mansfield, Newton	27.45
Marietta, Cobb	27.45
Marshallville, Macon	27.45
Meansville, Pike	27.45
Meigs, Thomas	27.25
Metter, Candler	27.45
Midville, Burke	27.45
Milan, Telfair	27.35
Milledgeville, Baldwin	27.45
Millen, Jenkins	27.45
Monroe, Walton	27.45
Montezuma, Macon	27.45
Monticello, Jasper	27.45
Montrose, Laurens	27.45
Moreland, Coweta	27.45
Morven, Brooks	27.25
Moultrie, Colquitt	27.25
Newborn, Newton	27.45
Newnan, Coweta	27.45
Norman Park, Colquitt	27.25
Ochlochnee, Thomas	27.25
Ocilla, Irwin	27.35
Oglethorpe, Macon	27.45
Omega, Tift	27.35

GEORGIA—Continued

City and county	Basis Middling white 1-inch loan rate
Orchard Hill, Spalding	27.45
Palmetto, Fulton	27.45
Parrott, Terrell	27.35
Pelham, Mitchell	27.25
Perry, Houston	27.45
Pinehurst, Dooly	27.35
Pinelog, Bartow	27.45
Pine Mountain, Harris	27.45
Pineview, Wilcox	27.35
Pitts, Wilcox	27.35
Plains, Sumter	27.35
Portal, Bulloch	27.45
Pulaski, Candler	27.45
Quitman, Brooks	27.25
Rebecca, Turner	27.35
Red Oak, Fulton	27.45
Rentz, Laurens	27.45
Reynolds, Taylor	27.45
Rhine, Dodge	27.45
Richland, Stewart	27.35
Roberta, Crawford	27.45
Rochelle, Wilcox	27.35
Rockmart, Polk	27.45
Rocky Ford, Screven	27.45
Rome, Floyd	27.45
Royston, Franklin	27.55
Rutledge, Morgan	27.45
Sandersville, Washington	27.45
Sasser, Terrell	27.35
Savannah, Chatham	27.45
Scotland, Telfair	27.35
Senoia, Coweta	27.45
Shady Dale, Jasper	27.45
Sharpesburg, Coweta	27.45
Shellman, Randolph	27.25
Shingler, Worth	27.35
Social Circle, Walton	27.45
Soperton, Treutlen	27.45
Sparta, Hancock	27.45
Statesboro, Bulloch	27.45
Summit, Emanuel	27.45
Swainsboro, Emanuel	27.45
Sycamore, Turner	27.35
Sylvania, Screven	27.45
Sylvester, Worth	27.35
Tallapoosa, Haralson	27.45
Taylorsville, Bartow	27.45
Temple, Carroll	27.45
Tennille, Washington	27.45
Thomaston, Upson	27.45
Thomson, McDuffie	27.55
Tifton, Tift	27.35
Tignall, Wilkes	27.55
Toccoa, Stephens	27.55
Turin, Coweta	27.45
Twin City, Emanuel	27.45
Tyrone, Fayette	27.45
Unadilla, Dooly	27.35
Uvalda, Montgomery	27.35
Valdosta, Lowndes	27.25
Vidalia, Toombs	27.35
Vienna, Dooly	27.35
Villa Rica, Carroll	27.45
Wadley, Jefferson	27.45
Warrenton, Warren	27.55
Warwick, Worth	27.35
Washington, Wilkes	27.55
Watkinsville, Oconee	27.55
Waynesboro, Burke	27.45
West Point, Troup	27.45
Williamson, Pike	27.45
Winder, Barrow	27.55
Woodbury, Meriwether	27.45
Woodland, Talbot	27.45
Wrens, Jefferson	27.45
Wrightsville, Johnson	27.45
Yatesville, Upson	27.45
Zebulon, Pike	27.45

ILLINOIS

Cairo, Alexander	26.82

LOUISIANA

Alexandria, Rapides	26.68
Arcadia, Bienville	26.68
Bernice, Union	26.68

LOUISIANA—Continued

City and county	Basis Middling white 1-inch loan rate
Bryceland, Bienville	26.68
Bunkie, Avoyelles	26.68
Chatham, Jackson	26.68
Choudrant, Lincoln	26.76
Coushatta, Red River	26.68
Delhi, Richland	26.77
Dubach, Lincoln	26.68
Eunice, St. Landry	26.68
Farmerville, Union	26.76
Ferriday, Concordia	26.78
Franklinton, Washington	26.82
Gibsland, Bienville	26.68
Gretna, Jefferson	26.82
Haynesville, Claiborne	26.68
Homer, Claiborne	26.68
Jonesboro, Jackson	26.68
Lake Charles, Calcasieu	26.68
Lake Providence, East Carroll	26.78
Leesville, Vernon	26.68
Logansport, De Soto	26.68
Mansfield, De Soto	26.68
Marion, Union	26.76
Minden, Webster	26.68
Monroe, Ouachita	26.76
Natchitoches, Natchitoches	26.68
Newellton, Tensas	26.78
New Orleans, Orleans	26.82
Oak Grove, West Carroll	26.77
Opelousas, St. Landry	26.68
Plain Dealing, Bossier	26.68
Port Allen, West Baton Rouge	26.69
Rayville, Richland	26.76
Ringgold, Bienville	26.68
Ruston, Lincoln	26.76
Shreveport, Caddo	26.68
Springhill, Webster	26.68
Tallulah, Madison	26.78
Westwego, Jefferson	26.82
Winnsboro, Franklin	26.76

MISSISSIPPI

Aberdeen, Monroe	26.87
Amory, Monroe	26.87
Batesville, Panola	26.87
Belmont, Tishomingo	26.87
Belzoni, Humphreys	26.82
Booneville, Prentiss	26.87
Brookhaven, Lincoln	26.84
Canton, Madison	26.87
Carthage, Leake	26.87
Clarksdale, Coahoma	26.82
Cleveland, Bolivar	26.82
Coffeeville, Yalobusha	26.87
Columbia, Marion	26.84
Columbus, Lowndes	26.87
Como, Panola	26.87
Corinth, Alcorn	26.87
Crystal Springs, Copiah	26.84
Drew, Sunflower	26.82
Durant, Holmes	26.87
Flora, Madison	26.82
Forest, Scott	26.84
Gloster, Amite	26.82
Goodman, Holmes	26.87
Greenville, Washington	26.82
Greenwood, Leflore	26.82
Grenada, Grenada	26.87
Gulfport, Harrison	26.82
Hattiesburg, Forrest	26.84
Hollandale, Washington	26.82
Holly Springs, Marshall	26.87
Houston, Chickasaw	26.87
Indianola, Sunflower	26.82
Inverness, Sunflower	26.82
Itta Bena, Leflore	26.82
Jackson, Hinds	26.84
Kosciusko, Attala	26.87
Laurel, Jones	26.84
Leland, Washington	26.82
Lexington, Holmes	26.82
Liberty, Amite	26.82
Louisville, Winston	26.87
McComb, Pike	26.84
Macon, Noxubee	26.87
Magee, Simpson	26.84
Magnolia, Pike	26.84
Marks, Quitman	26.82

MISSISSIPPI—Continued

City and county	Basis Middling white 1-inch loan rate
Meridian, Lauderdale	26.87
Mount Olive, Covington	26.84
Natchez, Adams	26.82
New Albany, Union	26.87
Newton, Newton	26.84
Okolona, Chickasaw	26.87
Oxford, Lafayette	26.87
Philadelphia, Neshoba	26.87
Pontotoc, Pontotoc	26.87
Port Gibson, Claiborne	26.82
Prentiss, Jefferson Davis	26.84
Quitman, Clarke	26.84
Ripley, Tippah	26.87
Rolling Fork, Sharkey	26.82
Rosedale, Bolivar	26.82
Ruleville, Sunflower	26.82
Shaw, Bolivar	26.82
Shelby, Bolivar	26.82
Shuqualak, Noxubee	26.87
Sledge, Quitman	26.82
Summit, Pike	26.84
Tunica, Tunica	26.82
Tupelo, Lee	26.87
Tutwiler, Tallahatchie	26.82
Tylertown, Walthall	26.84
Union, Newton	26.87
Vicksburg, Warren	26.82
Water Valley, Yalobusha	26.87
Wesson, Copiah	26.84
West Point, Clay	26.87
Yazoo City, Yazoo	26.82

MISSOURI

Arbyrd, Dunklin	26.81
Caruthersville, Pemiscot	26.81
Charleston, Mississippi	26.79
Gideon, New Madrid	26.79
Hayti, Pemiscot	26.81
Kennett, Dunklin	26.79
Lilbourn, New Madrid	26.79
Malden, Dunklin	26.79
Portageville, New Madrid	26.81
Sikeston, Scott	26.79

NEVADA

All point origins, all point origins	25.63

NEW MEXICO

Animas, Hidalgo	26.25
Artesia, Eddy	26.40
Carlsbad, Eddy	26.40
Deming, Luna	26.33
Hobbs, Lea	26.48
Las Cruces, Dona Ana	26.39
Lordsburg, Hidalgo	26.25
Lovington, Lea	26.48
Roswell, Chaves	26.40
Socorro, Socorro	26.39

NORTH CAROLINA

Avondale, Rutherford	27.63
Battleboro, Nash	27.55
Benson, Johnston	27.55
Bessemer City, Gaston	27.63
Bethel, Pitt	27.55
Bladenboro, Bladen	27.55
Bostic, Rutherford	27.63
Butner, Granville	27.55
Candor, Montgomery	27.63
Carthage, Moore	27.63
Charlotte, Mecklenburg	27.63
Cherryville, Gaston	27.63
Clayton, Johnston	27.55
Clinton, Sampson	27.55
Columbus, Polk	27.63
Concord, Cabarrus	27.63
Conway, Northampton	27.55
Dallas, Gaston	27.63
Dunn, Harnett	27.55
Durham, Durham	27.63
Edenton, Chowan	27.55
Elizabeth City, Pasquotank	27.55
Enfield, Halifax	27.55
Farmville, Pitt	27.55
Fayetteville, Cumberland	27.55
Forest City, Rutherford	27.63

NORTH CAROLINA—Continued

City and county	Basis Middling white 1-inch loan rate
Franklinton, Franklin	27.55
Gastonia, Gaston	27.63
Godwin, Cumberland	27.55
Goldsboro, Wayne	27.55
Greensboro, Guilford	27.63
Gumberry, Northampton	27.55
Harris, Rutherford	27.63
Henderson, Vance	27.55
Hickory, Catawba	27.63
High Point, Guilford	27.63
Hope Mills, Cumberland	27.55
Jackson, Northampton	27.55
Kings Mountain, Cleveland	27.63
Kinston, Lenoir	27.55
La Grange, Lenoir	27.55
Laurel Hill, Scotland	27.55
Laurinburg, Scotland	27.55
Lewiston, Bertie	27.55
Lilesville, Anson	27.63
Lincolnton, Lincoln	27.63
Littleton, Halifax	27.55
Louisburg, Franklin	27.55
Lumberton, Robeson	27.55
Marshville, Union	27.63
Matthews, Mecklenburg	27.63
Maxton, Robeson	27.55
Monroe, Union	27.63
Mooresville, Iredell	27.63
Morven, Anson	27.63
Mount Gilead, Montgomery	27.63
Mount Olive, Wayne	27.55
Murfreesboro, Hertford	27.55
Nashville, Nash	27.55
Newton, Catawba	27.63
Norlina, Warren	27.55
Parkton, Robeson	27.55
Pates, Robeson	27.55
Pembroke, Robeson	27.55
Pikeville, Wayne	27.55
Pinetops, Edgecombe	27.55
Raeford, Hoke	27.55
Raleigh, Wake	27.55
Ranlo, Gaston	27.63
Red Springs, Robeson	27.55
Reidsville, Rockingham	27.63
Rich Square, Northampton	27.55
Roanoke Rapids, Halifax	27.55
Rockingham, Richmond	27.63
Rocky Mount, Edgecombe	27.55
Rowland, Robeson	27.55
Rutherfordton, Rutherford	27.63
Saint Pauls, Robeson	27.55
Salisbury, Rowan	27.63
Sanford, Lee	27.63
Scotland Neck, Halifax	27.55
Seaboard, Northampton	27.55
Selma, Johnston	27.55
Shelby, Cleveland	27.63
Smithfield, Johnston	27.55
Southern Pines, Moore	27.63
Spring Hope, Nash	27.55
Stantonsburg, Wilson	27.55
Statesville, Iredell	27.63
Tarboro, Edgecombe	27.55
Wadesboro, Anson	27.63
Wagram, Scotland	27.55
Wake Forest, Wake	27.55
Warrenton, Warren	27.55
Washington, Beaufort	27.55
Weldon, Halifax	27.55
Williamston, Martin	27.55
Wilmington, New Hanover	27.55
Wilson, Wilson	27.55
Wingate, Union	27.63
Woodland, Northampton	27.55

OKLAHOMA

Ada, Pontotoc	26.68
Altus, Jackson	26.60
Anadarko, Caddo	26.60
Ardmore, Carter	26.68
Carnegie, Caddo	26.60
Carter, Beckham	26.60
Chandler, Lincoln	26.60
Chickasha, Grady	26.60
Clinton, Custer	26.60
Cushing, Payne	26.68

OKLAHOMA—Continued

City and county	Basis Middling white 1-inch loan rate
Durant, Bryan	26.68
Eakly, Caddo	26.60
Elk City, Beckham	26.60
Enid, Garfield	26.60
Erick, Beckham	26.60
Foss, Washita	26.60
Frederick, Tillman	26.60
Guthrie, Logan	26.60
Hobart, Kiowa	26.60
Hugo, Choctaw	26.68
Idabel, McCurtain	26.68
Konawa, Seminole	26.68
Lawton, Comanche	26.60
Lone Wolf, Kiowa	26.60
McAlester, Pittsburg	26.68
Mangum, Greer	26.60
Marlow, Stephens	26.60
Mountain View, Kiowa	26.60
Muskogee, Muskogee	26.68
Oklahoma City, Oklahoma	26.60
Pauls Valley, Garvin	26.60
Purcell, McClain	26.60
Ryan, Jefferson	26.60
Sentinel, Washita	26.60
Shawnee, Pottawatomie	26.68
Snyder, Kiowa	26.60
Stroud, Lincoln	26.68
Tipton, Tillman	26.60
Waurika, Jefferson	26.60
Weleetka, Okfuskee	26.68
Wynne Wood, Garvin	26.60

SOUTH CAROLINA

Abbeville, Abbeville	27.63
Aiken, Aiken	27.63
Allendale, Allendale	27.55
Anderson, Anderson	27.63
Andrews, Georgetown	27.55
Angelus, Chesterfield	27.63
Ashwood, Lee	27.55
Atkins, Lee	27.55
Bamberg, Bamberg	27.55
Barnwell, Barnwell	27.55
Batesburg, Lexington	27.63
Belton, Anderson	27.63
Bennettsville, Marlboro	27.55
Bethune, Kershaw	27.63
Bishopville, Lee	27.55
Blacksburg, Cherokee	27.63
Blackstock, Fairfield	27.63
Blackville, Barnwell	27.55
Blair, Fairfield	27.63
Blaney, Kershaw	27.63
Blenheim, Marlboro	27.55
Bowman, Orangeburg	27.55
Boykin, Kershaw	27.63
Branchville, Orangeburg	27.55
Brunson, Hampton	27.55
Calhoun Falls, Abbeville	27.63
Camden, Kershaw	27.63
Cameron, Calhoun	27.55
Campobello, Spartanburg	27.63
Carlisle, Union	27.63
Catawba, York	27.63
Cateechee, Pickens	27.63
Centenary, Marion	27.55
Central, Pickens	27.63
Chappells, Newberry	27.63
Charleston, Charleston	27.55
Cheraw, Chesterfield	27.63
Chesnee, Spartanburg	27.63
Chester, Chester	27.63
Chesterfield, Chesterfield	27.63
Clinton, Laurens	27.63
Clio, Marlboro	27.55
Clover, York	27.63
Columbia, Richland	27.63
Conestee, Greenville	27.63
Cope, Orangeburg	27.55
Cordova, Orangeburg	27.55
Cowpens, Spartanburg	27.63
Crockettville, Hampton	27.55
Cross Anchor, Spartanburg	27.63
Cross Hill, Laurens	27.63
Dalzell, Sumter	27.55
Darlington, Darlington	27.55

SOUTH CAROLINA—Continued

City and county	Basis Middling white 1-inch loan rate
Davis Station, Clarendon	27.55
Denmark, Bamberg	27.55
Dillon, Dillon	27.55
Drake, Marlboro	27.55
Due West, Abbeville	27.63
Dumbarton, Barnwell	27.55
Dunbar, Marlboro	27.55
Duncan, Spartanburg	27.63
Easley, Pickens	27.63
Edgefield, Edgefield	27.63
Ehrhardt, Bamberg	27.55
Elko, Barnwell	27.55
Ellenton, Aiken	27.63
Elliott, Lee	27.55
Elloree, Orangeburg	27.55
Enoree, Spartanburg	27.63
Estill, Hampton	27.55
Eureka, Aiken	27.63
Eutawville, Orangeburg	27.55
Fairfax, Allendale	27.55
Fairforest, Spartanburg	27.63
Fairmont, Spartanburg	27.63
Filbert, York	27.63
Fingerville, Spartanburg	27.63
Florence, Florence	27.55
Fountain Inn, Greenville	27.63
Gaffney, Cherokee	27.63
Garnett, Hampton	27.55
Gray Court, Laurens	27.63
Greenville, Greenville	27.63
Greenwood, Greenwood	27.63
Greer, Greenville	27.63
Hamer, Dillon	27.55
Hampton, Hampton	27.55
Hartsville, Darlington	27.55
Heath Springs, Lancaster	27.63
Hemingway, Williamsburg	27.55
Hickory Grove, York	27.63
Holly Hill, Orangeburg	27.55
Honea Path, Anderson	27.63
Inman, Spartanburg	27.63
Iva, Anderson	27.63
Jefferson, Chesterfield	27.63
Jenkinsville, Fairfield	27.63
Johnsonville, Florence	27.55
Johnston, Edgefield	27.63
Jonesville, Union	27.63
Kershaw, Kershaw	27.63
Kings Creek, Cherokee	27.63
Kingstree, Williamsburg	27.55
Kline, Barnwell	27.55
Kollock, Marlboro	27.55
Lake City, Florence	27.55
Lake View, Dillon	27.55
Lamar, Darlington	27.55
Lancaster, Lancaster	27.63
Landrum, Spartanburg	27.63
Lanford, Laurens	27.63
Latta, Dillon	27.55
Laurens, Laurens	27.63
Leesville, Lexington	27.63
Lester, Marlboro	27.55
Liberty, Pickens	27.63
Little Rock, Dillon	27.55
Lowrys, Chester	27.63
Lugoff, Kershaw	27.63
Luray, Hampton	27.55
Lynchburg, Lee	27.55
McBee, Chesterfield	27.63
McColl, Marlboro	27.55
McCormick, McCormick	27.63
Manning, Clarendon	27.55
Marion, Marion	27.55
Mauldin, Greenville	27.63
Mayesville, Sumter	27.55
Mount Carmel, McCormick	27.63
Mount Croghan, Chesterfield	27.63
Mountville, Laurens	27.63
Mullins, Marion	27.55
Neeses, Orangeburg	27.55
Newberry, Newberry	27.63
Newry, Oconee	27.63
New Zion, Clarendon	27.55
Ninety Six, Greenwood	27.63
Norris, Pickens	27.63
North, Orangeburg	27.55
Norway, Orangeburg	27.55

SOUTH CAROLINA—Continued

City and county	Basis Middling white 1-inch loan rate
Olanta, Florence	27.55
Olar, Bamberg	27.55
Orangeburg, Orangeburg	27.55
Oswego, Sumter	27.55
Owings, Laurens	27.63
Pageland, Chesterfield	27.63
Pamplico, Florence	27.55
Parksville, McCormick	27.63
Pelzer, Anderson	27.63
Pendleton, Anderson	27.63
Pickens, Pickens	27.63
Piedmont, Greenville	27.63
Pinewood, Sumter	27.55
Plum Branch, McCormick	27.63
Pomaria, Newberry	27.63
Princeton, Laurens	27.63
Prosperity, Newberry	27.63
Remini, Clarendon	27.55
Richburg, Chester	27.63
Ridge Springs, Saluda	27.63
Ridgeway, Fairfield	27.63
Rock Hill, York	27.63
Roebuck, Spartanburg	27.63
Rowesville, Orangeburg	27.55
Salley, Aiken	27.63
Saluda, Saluda	27.63
Sandy Springs, Anderson	27.63
Sardinia, Clarendon	27.55
Scotia, Hampton	27.55
Seigling, Allendale	27.55
Sellers, Marion	27.55
Seneca, Oconee	27.63
Sharon, York	27.63
Silver, Clarendon	27.55
Simpsonville, Greenville	27.63
Six Mile, Pickens	27.63
Smoaks, Colleton	27.55
Smyrna, York	27.63
Spartanburg, Spartanburg	27.63
Springfield, Orangeburg	27.55
Starr, Anderson	27.63
St. Matthews, Calhoun	27.55
Summerton, Clarendon	27.55
Sumter, Sumter	27.55
Swansea, Lexington	27.63
Syracuse, Darlington	27.55
Tatum, Marlboro	27.55
Timmonsville, Florence	27.55
Trenton, Edgefield	27.63
Turbeville, Clarendon	27.55
Union, Union	27.63
Vance, Orangeburg	27.55
Van Wyck, Lancaster	27.63
Wagener, Aiken	27.63
Walhalla, Oconee	27.63
Wallace, Hampton	27.55
Walterboro, Colleton	27.55
Waterloo, Laurens	27.63
Wattsville, Laurens	27.63
Wedgefield, Sumter	27.55
Westminster, Oconee	27.63
West Union, Oconee	27.63
Whitmire, Newberry	27.63
Whitney, Spartanburg	27.63
Williamston, Anderson	27.63
Williston, Barnwell	27.55
Windsor, Aiken	27.63
Winnsboro, Fairfield	27.63
Wisacky, Lee	27.55
Wolfton, Orangeburg	27.55
Woodruff, Spartanburg	27.63
York, York	27.63

TENNESSEE

Brownsville, Haywood	26.86
Chattanooga, Hamilton	27.35
Covington, Tipton	26.86
Decherd, Franklin	27.15
Dyersburg, Dyer	26.86
Elora, Lincoln	27.05
Fayetteville, Lincoln	27.05
Five Points, Lawrence	26.95
Halls, Lauderdale	26.86
Henderson, Chester	26.87
Humboldt, Gibson	26.86
Jackson, Madison	26.87

TENNESSEE—Continued

City and county	Basis Middling white 1-inch loan rate
Knoxville, Knox	27.35
Lawrenceburg, Lawrence	26.95
Loretto, Lawrence	26.95
Memphis, Shelby	26.87
Milan, Gibson	26.86
Murfreesboro, Rutherford	27.05
Ripley, Lauderdale	26.86
Shelbyville, Bedford	27.05
South Pittsburg, Marion	27.25
Tiptonville, Lake	26.86
Winchester, Franklin	27.15

TEXAS

Abernathy, Hale	26.52
Abilene, Taylor	26.58
Ackerly, Dawson	26.50
Afton, Dickens	26.58
Aiken, Floyd	26.52
Alba, Wood	26.68
Alvarado, Johnson	26.60
Amarillo, Potter	26.52
Amherst, Lamb	26.50
Anson, Jones	26.58
Anton, Hockley	26.50
Aspermont, Stonewall	26.58
Athens, Henderson	26.68
Atlanta, Cass	26.68
Austin, Travis	26.60
Austonio, Houston	26.60
Avery, Red River	26.68
Baileyboro, Bailey	26.50
Bakersfield, Pecos	26.48
Ballinger, Runnels	26.58
Balmorhea, Reeves	26.48
Barry, Navarro	26.60
Bartlett, Bell	26.60
Beaumont, Jefferson	26.68
Beckville, Panola	26.68
Belton, Bell	26.60
Bertram, Burnet	26.60
Big Spring, Howard	26.50
Bledsoe, Cochran	26.50
Bloomburg, Cass	26.68
Bogata, Red River	26.68
Bonham, Fannin	26.68
Bovina, Parmer	26.50
Brady, McCulloch	26.58
Breckenridge, Stephens	26.60
Brenham, Washington	26.60
Broadview, Lubbock	26.50
Brookshire, Waller	26.60
Brownfield, Terry	26.50
Brownsville, Cameron	26.52
Brownwood, Brown	26.60
Bryan, Brazos	26.60
Bula, Bailey	26.50
Burton, Washington	26.60
Bynum, Hill	26.60
Caldwell, Burleson	26.60
Calvert, Robertson	26.60
Cameron, Milam	26.60
Carthage, Panola	26.68
Celina, Collin	26.60
Center, Shelby	26.68
Chaison, Jefferson	26.68
Chapel Hill, Washington	26.60
Childress, Childress	26.58
Chillicothe, Hardeman	26.60
Clarksville, Red River	26.68
Cleburne, Johnson	26.60
Cobie, Hockley	26.50
Coleman, Coleman	26.58
Colorado City, Mitchell	26.58
Commerce, Hunt	26.68
Cooper, Delta	26.68
Corpus Christi, Nueces	26.56
Corsicana, Navarro	26.60
Crockett, Houston	26.60
Crosbyton, Crosby	26.50
Cuero, De Witt	26.60
Cumby, Hopkins	26.68
Daingerfield, Morris	26.68
Dallas, Dallas	26.60
Dean, Clay	26.60
Dean, Hockley	26.50
Dean, Leon	26.60
Decatur, Wise	26.60

TEXAS—Continued

City and county	Basis Middling white 1-inch loan rate
Dell City, Hudspeth	26.40
Denison, Grayson	26.68
Denton, Denton	26.60
Denver City, Yoakum	26.50
Deport, Lamar	26.68
Dimmitt, Castro	26.52
Dublin, Erath	26.60
Eden, Concho	26.58
Edgewood, Van Zandt	26.68
El Campo, Wharton	26.60
Elgin, Bastrop	26.60
Elkhart, Anderson	26.60
El Paso, El Paso	26.39
Elysian Fields, Harrison	26.68
Emhouse, Navarro	26.60
Engelman Gardens, Hidalgo	26.52
Enloe, Delta	26.68
Ennis, Ellis	26.60
Enochs, Bailey	26.50
Fabens, El Paso	26.39
Fairfield, Freestone	26.60
Farwell, Parmer	26.50
Floydada, Floyd	26.58
Forney, Kaufman	26.68
Fort Stockton, Pecos	26.48
Fort Worth, Tarrant	26.60
Frisco, Collin	26.60
Gainesville, Cook	26.68
Galveston, Galveston	26.68
Ganado, Jackson	26.60
Garland, Dallas	26.68
Gary, Panola	26.68
Gatesville, Coryell	26.60
Gilmer, Upshur	26.68
Gonsales, Gonzales	26.60
Grand Saline, Van Zandt	26.68
Grandview, Johnson	26.60
Granger, Williamson	26.60
Grapeland, Houston	26.60
Grassland, Lynn	26.50
Greenville, Hunt	26.68
Hale Center, Hale	26.52
Hamilton, Hamilton	26.60
Hamlin, Jones	26.58
Harlingen, Cameron	26.52
Hart, Castro	26.52
Haskell, Haskell	26.58
Hearne, Robertson	26.60
Hebron, Denton	26.60
Hedley, Donley	26.58
Henderson, Rusk	26.68
Hillsboro, Hill	26.60
Hoban, Reeves	26.48
Honey Grove, Fannin	26.68
Houston, Harris	26.68
Hubbard, Hill	26.60
Hughes Spring, Cass	26.68
Huntsville, Walker	26.60
Hutto, Williamson	26.60
Irene, Hill	26.60
Jacksonville, Cherokee	26.68
Jarrell, Williamson	26.60
Jayton, Kent	26.58
Jefferson, Marion	26.68
Jewett, Leon	26.60
Kaufman, Kaufman	26.68
Kenedy, Karnes	26.56
Kerens, Navarro	26.60
Killeen, Bell	26.60
Knox City, Knox	26.58
Krum, Denton	26.60
Ladonia, Fannin	26.68
La Grange, Fayette	26.60
Lamesa, Dawson	26.50
Levelland, Hockley	26.50
Lindale, Smith	26.68
Littlefield, Lamb	26.50
Lobo, Culberson	26.40
Lockhart, Caldwell	26.60
Lockney, Floyd	26.52
Longview, Gregg	26.68
Loraine, Mitchell	26.58
Lorenzo, Crosby	26.50
Lovelady, Houston	26.60
Lubbock, Lubbock	26.52
Lueders, Jones	26.58
McAdoo, Dickens	26.58
McCamey, Upton	26.48
McGregor, McLennan	26.60
McKinney, Collin	26.68
McLean, Gray	26.58
Madisonville, Madison	26.60
Marfa, Presidio	26.40
Marlin, Falls	26.60
Marshall, Harrison	26.68
Mart, McLennan	26.60
Maypearl, Ellis	26.60
Meadow, Terry	26.50
Memphis, Hall	26.58
Mercedes, Hidalgo	26.52
Mereta, Tom Green	25.58
Merkel, Taylor	26.58
Mexia, Limestone	26.60
Midland, Midland	26.50
Midlothian Ellis	26.60
Mineola, Wood	26.68
Monahans, Ward	26.48
Morton, Cochran	26.50
Mt. Pleasant, Titus	26.68
Muleshoe, Bailey	26.50
Munday, Knox	26.58
Nacogdoches, Nacogdoches	26.68
Naples, Morris	26.68
Navasota, Grimes	26.60
Needville, Fort Bend	26.68
New Boston, Bowie	26.68
New Braunfels, Comal	26.60
Nocona, Montague	26.60
Norton, Runnels	26.58
O'Brien, Haskell	26.58
O'Donnell, Lynn	26.50
Old Glory, Stonewall	26.58
Olton, Lamb	26.52
Omaha, Morris	26.68
Paducah, Cottle	26.58
Palestine, Anderson	26.60
Paris, Lamar	26.68
Patricia, Dawson	26.50
Peacock, Stonewall	26.58
Pecos, Reeves	26.48
Petersburg, Hale	26.52
Pettit, Hockley	26.50
Pilot Point, Denton	26.60
Pittsburg, Camp	26.68
Plains, Yoakum	26.50
Plainview, Hale	26.52
Plano, Collin	26.68
Port Arthur, Jefferson	26.68
Post, Garza	26.50
Presidio, Presidio	26.40
Princeton, Collin	26.68
Pyote, Ward	26.48
Quanah, Hardeman	26.60
Quitaque, Briscoe	26.52
Quitman, Wood	26.68
Ralls, Crosby	26.50
Raymondville, Willacy	26.52
Rice, Navarro	26.60
Roans Prairie, Grimes	26.60
Roaring Springs, Motley	26.58
Robstown, Nueces	26.56
Roby, Fisher	26.58
Rochelle, McCulloch	26.58
Rochester, Haskell	26.58
Rockwall, Rockwall	26.68
Roscoe, Nolan	26.58
Rosebud, Falls	26.60
Rosenberg, Fort Bend	26.68
Rotan, Fisher	26.58
Rowlett, Dallas	26.68
Royse City, Rockwall	26.68
Rule, Haskell	26.58
Salado, Bell	26.60
San Angelo, Tom Green	26.58
San Antonio, Bexar	26.56
San Augustine, San Augustine	26.68
San Marcos, Hays	26.60
Saragosa, Reeves	26.48
Schulenburg, Fayette	26.60
Seagraves, Gaines	26.50
Seguin, Guadalupe	26.60
Seymour, Baylor	26.60
Shallowater, Lubbock	26.50
Shamrock, Wheeler	26.58
Sherman, Grayson	26.68
Shiner, Lavaca	26.60
Shiro, Grimes	26.60
Silverton, Briscoe	26.52
Slaton, Lubbock	26.52
Snyder, Scurry	26.58
Southton, Bexar	26.56
Spade, Lamb	26.50
Spade, Mitchell	26.58
Spur, Dickens	26.58
Stamford, Jones	26.58
Stanton, Martin	26.50
Streetman, Freestone	26.60
Sudan, Lamb	26.50
Sugar Land, Fort Bend	26.68
Sulphur Springs, Hopkins	26.68
Sweetwater, Nolan	26.58
Swenson, Stonewall	26.58
Taft, San Patricio	26.56
Tahoka, Lynn	26.50
Tarzan, Martin	26.50
Tatum, Rusk	26.68
Taylor, Williamson	26.60
Teague, Freestone	26.60
Temple, Bell	26.60
Tenaha, Shelby	26.68
Terrell, Kaufman	26.68
Texarkana, Bowie	26.68
Texas City, Galveston	26.68
Timpson, Shelby	26.68
Troup, Smith	26.68
Tulia, Swisher	26.52
Turkey, Hall	26.52
Twitty, Wheeler	26.58
Tyler, Smith	26.68
Valley Mills, Bosque	26.60
Van Horn, Culberson	26.40
Venus, Johnson	26.60
Vernon, Wilbarger	26.60
Victoria, Victoria	26.60
Waco, McLennan	26.60
Wall, Tom Green	26.58
Waxahachie, Ellis	26.60
Wellington, Collingsworth	26.58
Weslaco, Hidalgo	26.52
West, McLennan	26.60
Whiteface, Cochran	26.50
Whitewright, Grayson	26.68
Wichita Falls, Wichita	26.60
Wills Point, Van Zandt	26.68
Wilson, Lynn	26.50
Winnsboro, Wood	26.68
Winters, Runnels	26.58
Wolfe City, Hunt	26.68
Wolfforth, Lubbock	26.50
Yoakum, Lavaca	26.60
Yorktown, De Witt	26.60

VIRGINIA

Brodnax, Brunswick	27.55
Kenbridge, Lunenburg	27.55
Norfolk, Norfolk	27.55

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 102, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178; 15 U.S.C. 714 b and c, 7 U.S.C. 1441, 1443, 1421)

Issued this 22d day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-5965; Filed, June 27, 1960; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

GUAM; ADMINISTRATIVE INSTRUCTIONS

Pursuant to § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (7 CFR 319.56–2) under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 162), § 319.56a(a)(6) of administrative instructions now appearing as 7 CFR 319.56a(a)(6) is hereby amended to read as follows:

§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.

(a) * * *

(6) Citrus fruits, celery, chives, garlic, leek, onions, arrowroot, kale, cow-cabbage, cauliflower, broccoli, cabbage, sprouts, asparagus, Portuguese cabbage, cassava, dasheen, gingerroot, horseradish, kudzu, lettuce, turnip, udo, waterchestnut, watercress, waterlilyroot, and yam bean root, from Taiwan (Formosa);

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

This amendment shall become effective June 28, 1960.

This amendment allows the importation of citrus fruits into Guam from Taiwan (Formosa). Citrus fruits were previously prohibited entry into Guam from Taiwan. The amendment is therefore a lessening of restrictions.

In order to be of maximum benefit to importers in Guam, it should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of June 1960.

[SEAL] H. S. DEAN,
Acting Director, Plant Quarantine Division.

[F.R. Doc. 60-5964; Filed, June 27, 1960; 8:53 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[Referenda Bulletin 1, Amdt. 2]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Posting a Notice of Referendum

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) for the purpose of amending paragraph (a) of Section 717.6 of the regulations governing the holding of referenda on marketing quotas contained in §§ 717.1 to 717.14 inclusive (23 F.R. 3432; 7285). Prior to preparing this amendment, public notice (25 F.R. 4920) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to this amendment which were submitted pursuant to such notice have been duly considered.

In order that this amendment may be in effect for the referendum on wheat to be held on July 21, 1960, it is necessary to waive the 30-day effective date requirement of the Administrative Procedure Act. Accordingly, it is hereby determined and found that compliance with such 30-day effective date requirement is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations governing the holding of referenda on marketing quotas (23 F.R. 3432; 7285) are hereby amended in the following respects:

Paragraph (a) of § 717.6 is amended to read as follows:

(a) *Posting a notice.* The county committee shall give public notice in each community or neighborhood of a referendum by posting a notice at one or more places open to the public within such community or neighborhood prior to the date of the referendum. Such notice shall be on a form prescribed by the Deputy Administrator, and shall state the commodity or commodities and marketing year, or years, or crops for which the referendum is to be held, the location of the polling places in the community or neighborhood, the date of the referendum, and the hours when the polls will be opened and closed. The county office manager is authorized to sign such notice on behalf of the county committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Done at Washington, D.C., this 22d day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 60-5966; Filed, June 27, 1960; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

PART 900—GENERAL REGULATIONS

Republication of Part

For convenient reference, and for the purpose of bringing up-to-date the provisions of this part, as from time to time amended and noted in the FEDERAL REGISTER, and to reflect organizational changes, the provisions of this part are hereby republished in the FEDERAL REGISTER. This document was prepared in cooperation with the Office of the Federal Register.

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate Marketing Agreements and Marketing Orders

Sec.
900.1 Words in the singular form.
900.2 Definitions.
900.3 Proposals.
900.4 Institution of proceeding.
900.5 Docket number.
900.6 Presiding officers.
900.7 Motions and requests.
900.8 Conduct of the hearing.
900.9 Oral and written arguments.
900.10 Certification of the transcript.
900.11 Copies of the transcript.
900.12 Deputy Administrator's recommended decision.
900.13 Submission to Secretary.
900.13a Decision by Secretary.
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900.16 Discussion of issues, etc., of proceeding prohibited.
900.17 Additional documents to be filed with hearing clerk.
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900.50 Words in the singular form.
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900.52 Institution of proceeding.
900.52a Answer to petition.
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900.53 Withdrawal of petition.
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900.56 Consolidated hearings.
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900.59 Motions and requests.
900.60 Oral hearings before presiding officer.
900.61 Depositions.
900.62 Subpenas.
900.63 Fees and mileage.
900.64 The presiding officer's report.
900.65 Transmittal of record.
900.66 Argument before Secretary.
900.67 Consideration and issuance of order.
900.68 Applications for reopening hearings; for rehearings or reargruments of proceedings; or for reconsideration of orders.
900.69 Filing; service; extensions of time; effective date of filing; and computation of time.
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Subpart—Procedure Governing Meetings To Arbitrate and Mediate Disputes Relating to Sales of Milk or Its Products

900.100 Words in the singular form.
900.101 Definitions.
900.102 Filing of applications for mediation or arbitration.
900.103 Application for mediation.
900.104 Inquiry by the Deputy Administrator.
900.105 Notification.
900.106 Assignment of mediator.
900.107 Meetings.
900.108 Mediator's report.
900.109 Mediation agreement.
900.110 Application for arbitration.
900.111 Inquiry by the Deputy Administrator.
900.112 Notification.
900.113 Submission.
900.114 Designation of arbitrator.
900.115 Hearing.
900.116 Award.

Sec.
900.117 Approval of award.
900.118 Costs.

Subpart—Miscellaneous Regulations

900.200 Definitions.
900.201 Investigation and disposition of alleged violations.
900.210 Disclosures of information.
900.211 Penalties.

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate Marketing Agreements and Marketing Orders

AUTHORITY: §§ 900.1 to 900.18 issued under sec. 10, 48 Stat. 37, as amended; 7 U.S.C. 610.

§ 900.1 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 900.2 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(e) The term "Deputy Administrator" means any Deputy Administrator of the Agricultural Marketing Service of the Department or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) The term "Service" means the Agricultural Marketing Service of the Department.

(g) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

(h) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(i) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to section 8b of the act.

(j) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act, and after notice and hearing as required by said section.

(k) The term "proceeding" means a proceeding upon the basis of which a marketing agreement may be entered into or a marketing order may be issued.

(l) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D. C.

(m) The term "presiding officer" means the examiner conducting a proceeding under the act.

§ 900.3 Proposals.

(a) A marketing agreement or a marketing order may be proposed by the Secretary or by any other person. If any person other than the Secretary proposes a marketing agreement or marketing order, he shall file with the Deputy Administrator a written application, together with at least four copies of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Deputy Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Deputy Administrator to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Deputy Administrator to conclude that the proposed marketing agreement or marketing order will tend to effectuate the declared policy of the act, or if the Secretary desires to propose a marketing agreement or marketing order, he shall sign and cause to be served a notice of hearing, as provided in this subpart.

§ 900.4 Institution of proceeding.

(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority under which the marketing agreement or marketing order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed marketing agreement or marketing order or a description of the subjects and issues involved and shall state the industry, area, and class of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as provided in this subpart, unless the Deputy Administrator shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Deputy Administrator may determine to be reasonable in the circumstances: *Provided*, That, in the case of hearings on amendments to marketing agreements or marketing orders, the time of the hearing may be less than 15 days but shall not be less than 3 days after the date of publication of the notice in the FEDERAL REGISTER.

(b) *Giving notice of hearing and supplemental publicity.* (1) The Deputy Administrator shall give or cause to be given notice of hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a true copy of the notice of hearing to each of the persons known to the Deputy Administrator, to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers in the area proposed to be subjected to regulation as reasonably will tend to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of such of the several States of the United States and to executive heads of such of the Territories and Possessions of the United States as the Deputy Administrator, having due regard for the subject matter of the proposal and the public interest, shall determine should be notified.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; and failure to give notice in the manner provided in subparagraph (1) (ii), (iii), and (iv) of this paragraph shall not affect the legality of the notice.

(c) *Record of notice and supplemental publicity.* There shall be filed with the hearing clerk or submitted to the presiding officer at the hearing an affidavit or certificate of the person giving the notice provided in (b) (1) (iii) and (iv) of this section. In regard to the provisions relating to mailing in (b) (1) (ii) of this section, a determination by the Deputy Administrator that such provisions have been complied with shall be filed with the hearing clerk or submitted to the presiding officer at the hearing. In the alternative, if notice is not given in the manner provided in (b) (1) (ii), (iii), and (iv) of this section there shall be filed with the hearing clerk or submitted to the presiding officer at the hearing a determination by the Deputy Administrator that such notice is impracticable, unnecessary, or contrary to the public interest with a brief statement of the reasons for such determination. Determinations by the Deputy Administrator as herein provided shall be final.

§ 900.5 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 900.6 Presiding officers.

(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

(b) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer, in any proceeding, shall have power to:

(1) Rule upon motions and requests;

(2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law;

(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(d) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 900.7 Motions and requests.

(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

Except as provided in § 900.15 (b) such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 900.10 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

§ 900.8 Conduct of the hearing.

(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as provided in § 900.4 (relating to the giving of notice of the hearing): *Provided*, That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any person participating in the proceeding, is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided*, That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.

In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* (1) The presiding officer shall, at the opening of the hearing prior to the taking of testimony, have noted as part of the record his designation as presiding officer, the notice of hearing as filed with the Division of the Federal Register, and the affidavit or certificate of the giving of notice or the determination provided for in § 900.4(c).

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing) the presiding officer, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is

embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided,* That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 900.9 Oral and written arguments.

(a) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument, when permitted, may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs, proposed findings and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as provided in § 900.8 (d), he shall include in the brief a concise statement concerning each such objection, referring where practicable, to the pertinent pages of the transcript.

§ 900.10 Certification of the transcript.

The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon the official record copy, and cause to be noted on other copies, of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer. The hearing clerk shall obtain and file certifications to the effect that such corrections have been effected in copies other than the official record copy.

§ 900.11 Copies of the transcript.

(a) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Thereafter said transcript and exhibits shall be made available by the hearing clerk for examination during official hours of business after prior request and reasonable notice to the hearing clerk.

(b) If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 900.12 Deputy Administrator's recommended decision.

(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions the Deputy Administrator shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Deputy Administrator's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor: (2) A ruling upon each proposed finding or conclusion submitted by interested persons, and (3) An appropriate proposed marketing agreement or marketing order effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision the Deputy Administrator shall give notice thereof, and opportunity to file exceptions thereto by publication in the FEDERAL REGISTER. Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the Deputy Administrator's proposed marketing agreement or marketing order, or both, as the case may be, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed marketing agreement or marketing order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 900.13 Submission to Secretary.

Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Deputy Administrator's recommended decision, if any, and such exceptions as may have been filed.

§ 900.13a Decision by Secretary.

After due consideration of the record, the Secretary shall render a decision. Such decision shall become a part of the record and shall include (a) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, (b) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (c) a ruling upon each exception filed by interested persons and (d) either (1) a denial of the proposal to issue a marketing agreement or marketing order or (2) a marketing agreement and, if the findings upon the record so warrant, a marketing order, the provisions of which shall be set forth directly or by reference, regulating the handling of the commodity or product in the same manner and to the same extent as such marketing agreement, which order shall be complete except for its effective date and any determinations to be made under § 900.14 (b) or § 900.14 (c): *Provided,* That such marketing order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 900.14 (b) or § 900.14 (c) have been met.

§ 900.14 Execution of marketing agreement and issuance of marketing order.

(a) *Execution of marketing agreement.* If the Secretary has approved a marketing agreement, as provided in § 900.13a, the Deputy Administrator shall cause copies thereof to be distributed for execution by the handlers eligible to become parties thereto. If and when such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed by the hearing clerk to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice provided for in this paragraph, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement.* Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and handlers also have executed the same as provided in section 8c (8) of the act, he shall, if he finds that it will tend to effectuate the purposes of the act, issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a: *Provided,* That the issuance of such order shall have been approved or favored by producers as required by section 8c (8) of the act.

(c) *Issuance of marketing order without marketing agreement.* If, despite the failure or refusal of handlers to sign the marketing agreement, as provided in section 8c (8) of the act, the Secretary makes the determinations required under section 8c (9) of the act, the Secretary shall issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 900.13a.

(d) *Effective date of marketing order.* No marketing order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with the order, fixes an earlier effective date therefor: *Provided,* That no marketing order shall become effective as to any person sought to be charged thereunder before either (1) it has been filed with the Division of the Federal Register, or (2) such person has received actual notice of the issuance and terms of the marketing order.

(e) *Notice of issuance.* After issuance of a marketing order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given by publication in the FEDERAL REGISTER. (7 U.S.C. 610(c).)

§ 900.15 Filing; extensions of time; effective date of filing; and computation of time.

(a) *Filing, number of copies.* Except as is provided otherwise in this subpart, all documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extensions of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Deputy Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of the presiding officer, Deputy Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions of this subpart to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

§ 900.16 Discussion of issues, etc., of proceeding prohibited.

Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in a marketing agreement or marketing order proceeding and prior to the execution of a marketing agreement or the issuance of a marketing order therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however,* That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U. S. Department of Agriculture," the provisions of this section shall prevail.

§ 900.17 Additional documents to be filed with hearing clerk.

In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any marketing agreement or marketing order and which the Secretary is required to issue or to approve.

§ 900.18 Hearing before Secretary.

The Secretary may act in the place and stead of a presiding officer in any proceeding under this subpart. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided,* That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Marketing Orders

AUTHORITY: §§ 900.50 to 900.71 issued under sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c.

§ 900.50 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 900.51 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. 601);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture;

(e) The term "Deputy Administrator" means any Deputy Administrator of the Agricultural Marketing Service of the Department or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(f) The term "Service" means the Agricultural Marketing Service of the Department;

(g) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(h) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act;

(i) The term "handler" means any person who, by the terms of a marketing order, is subject thereto, or to whom a

marketing order is sought to be made applicable;

(j) The term "proceeding" means a proceeding before the Secretary arising under subsection (15) (A) of section 8c of the act;

(k) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(l) The term "party" includes the Department;

(m) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D. C.;

(n) The term "presiding officer" means the examiner conducting a proceeding under the act;

(o) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties;

(p) The term "petition" includes an amended petition.

§ 900.52 Institution of proceeding.

(a) *Filing and service of petition.* Any handler desiring to complain that any marketing order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Deputy Administrator and the General Counsel, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law;

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant;

(6) An affidavit by the petitioner, or, if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition and stating that it is filed in good faith and not for purposes of delay.

(c) *Application to dismiss petition—(1) Filing, contents, and responses thereto.* If the Deputy Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, or is not filed in good faith, or is filed for purposes of delay, he may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(2) *Decision by Secretary.* The Secretary, after due consideration, shall render a decision upon the application, stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the hearing clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Deputy Administrator. Any such order of the Secretary shall be a final order: *Provided,* That within 20 days following the service upon the petitioner of a copy of an order of the Secretary dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Referral to presiding officer.* The Secretary may, in his discretion, refer any application made under this section to the presiding officer for preliminary consideration and report, and, in a proper case, for the taking of evidence: *Provided,* That the provisions of §§ 900.60 to 900.65, inclusive, shall be applicable to the reception of such evidence, if any; the form, content, and filing of such report; the allowance of exceptions thereto; and transmittal of the record to the Secretary.

(4) *Oral argument.* Unless a written application for oral argument is filed by a party with the hearing clerk not later than the time fixed for filing papers in opposition to the application, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary or the presiding officer, as the case may be.

§ 900.52a Answer to petition.

(a) *Time of filing.* Within 30 days after the filing of the petition, the Deputy Administrator shall file an answer thereto: *Provided,* That if an application to dismiss the petition, in whole or in part, is made pursuant to § 900.52(c), the answer shall be filed within 15 days after the filing of an order of the Secretary denying the application or granting the application with respect to only a portion of the petition. The answer shall be filed with the hearing clerk who shall cause a copy thereof to be served promptly upon the petitioner.

(b) *Contents.* The answer shall specify which of the material allegations of fact or of law in the petition are controverted and which are not controverted. The answer also may contain affirmative allegations of fact constituting separate defenses and statements of objections to the sufficiency of the whole or any part of the petition.

§ 900.52b Amended pleadings.

At any time before the close of the hearing the petition or answer may be amended, but the hearing shall, at the request of the adverse party, be adjourned or recessed for such reasonable time as the presiding officer may determine to be necessary to protect the interests of the parties. Amendments subsequent to the first amendment or subsequent to the filing of an answer may be made only with leave of the presiding officer or with the written consent of the adverse party.

§ 900.53 Withdrawal of petition.

If, at any time after the petition is filed, the petitioner desires to withdraw the same, he shall file with the hearing clerk (or, if filed during the course of a hearing, with the presiding officer) a written request for permission to withdraw. The Secretary may, in his discretion, thereupon dismiss the petition without further procedure: *Provided,* That, if the request to withdraw is filed after a hearing has been opened, permission to withdraw shall be granted only in exceptional circumstances.

§ 900.54 Docket number.

Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 900.55 Presiding officers.

(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of the proceeding, or who has participated in any investigation preceding the institution of the proceeding, shall serve as presiding officer in such proceeding.

(b) *Conduct.* The presiding officer shall conduct the proceeding in a fair and impartial manner and shall not discuss ex parte the merits of the proceeding with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer shall have power to:

(1) Rule upon motions and requests;

(2) Adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;

(5) Examine witnesses and receive evidence;

(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Consolidate hearings upon two or more petitions pertaining to the same order;

(10) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(d) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(e) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 900.56 Consolidated hearings.

At the discretion of the presiding officer, hearings upon two or more petitions pertaining to the same order may be consolidated, and the evidence taken at such consolidated hearing may be embodied in a single record.

§ 900.57 Intervention.

Intervention in proceedings subject to this subpart shall not be allowed, except that, in the discretion of the Secretary or the presiding officer, any person (other than the petitioner) showing a substantial interest in the outcome of a proceeding shall be permitted to participate in the oral argument and to file a brief.

§ 900.58 Prehearing conferences.

In any proceeding in which it appears that such procedure will expedite the proceeding, the presiding officer, at any time prior to the commencement of or during the course of the hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (c) the limitation of the number of expert or other witnesses; and (d) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the presiding officer shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the presiding officer may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The presiding officer shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the presiding officer shall submit a written summary for the record if any action is taken.

§ 900.59 Motions and requests.

(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of an oral hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

The presiding officer is authorized to rule upon all motions and requests filed or made prior to the transmittal by the hearing clerk to the Secretary of the record as provided in this subpart. The Secretary shall rule upon all motions and requests filed after that time.

(b) *Certification of motions.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to the transmittal of the record to the Secretary, as provided in this subpart, shall be in the discretion of the presiding officer.

§ 900.60 Oral hearings before presiding officer.

(a) *Time and place.* The presiding officer shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. If any change in the time or place of hearing becomes necessary, it shall be made by the presiding officer, who, in such event, shall file with the hearing clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

(b) *Appearances—(1) Representation.* In any proceeding under the act, the parties may appear in person or by counsel or other representative. The Department, if represented by counsel, shall be represented by an attorney assigned by the General Counsel of the Department, and such attorney shall present or supervise the presentation of the position of the Department.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding officer finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or representative.

In case the presiding officer has issued an order precluding a person from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter, the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* If the petitioner, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Secretary, without further procedure, to dismiss the proceeding with or without prejudice, as the Secretary may determine. In the event that the petitioner appears at the hearing and no representative of the Department appears, the presiding officer shall proceed ex parte to hear the evidence of the petitioner: *Provided,* That failure on the part of such representative of the Department to appear at a hearing shall not be deemed to be a waiver of the Department's right to file suggested findings of fact, conclusions, and order; to be served with a copy of the presiding officer's report; and to file exceptions with and to submit argument before the Secretary with respect thereto.

(c) *Order of proceeding.* Except as may be determined otherwise by the presiding officer, the petitioner shall proceed first at the hearing.

(d) *Evidence—(1) In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination.

Any witness may, in the discretion of the presiding officer, be examined sepa-

rately and apart from all other witnesses except those who may be parties to the proceeding.

The presiding officer shall exclude, insofar as practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon, except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner hereinafter provided in and subject to the provisions of § 900.61.

(4) *Affidavits.* Except as is otherwise provided in this subpart, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(5) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(6) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Except where the presiding officer finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the presiding officer for the use of each other party to the proceeding. The presiding officer shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

If the testimony of a witness refers to a statute, or to a report, document, or transcript, the presiding officer, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document, or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(7) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That the parties shall be given adequate notice, at the hearing or by reference in the presiding officer's report or the tentative order or otherwise, of matters so noticed, and (except where official notice is taken, for the first time in the proceeding, in the final order) shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

(c) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be allowed unless the presiding officer finds that the denial of such argument will not deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(f) *Transcript.* (1) During the period in which the proceeding has an active status in the Department, a copy of the transcript and exhibits shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Thereafter said transcript and exhibits shall be made available by the hearing clerk for examination during official hours of business after prior request and reasonable notice to the hearing clerk.

(2) If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 900.61 Depositions.

(a) *Procedure in lieu of deposition.* Before any party may have testimony taken by deposition, said party shall, if practicable, submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. If, after examination of such affidavit, the other party agrees, or (within 10 days after submission of the affidavit) fails to object, that the affidavit may be used in lieu of the deposition, the presiding officer shall admit the affidavit in evidence and shall not order the deposition to be taken.

(b) *Application for taking deposition.* Upon the application of a party to the proceeding, the presiding officer may, at any time after the filing of the moving paper, order, under the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) the name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(c) *Presiding officer's order for taking deposition.* If, after the examination of the application, the presiding officer is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) the time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(d) *Qualifications of officer.* The deposition shall be taken before the presiding officer, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

(e) *Procedure on examination.* The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written interrogatories to the officer prior to the examination and the officer shall propound such interrogatories to the deponent.

The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the presiding officer, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories.

When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the provisions of this section may be used in a proceeding under the act if the presiding officer finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a distance greater than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored to procure the attendance of the witness by subpena but has been unable to do so; or (5) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If a deposition has been taken, and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition, or any part thereof, in evidence.

§ 900.62 Subpenas.

(a) *Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the presiding officer, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpena duces tecum.* Subpenas for the production of documentary evidence, unless issued by the presiding officer upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpena addressed to the person to be served at his or its last known residence or principal place of business or residence. Proof of service may be made by the return of service on the subpena by the United States Marshal or his deputy; or, if served by an individual other than a United States Marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpena that it was mailed as provided in this paragraph and by the signed return post-office receipt: *Provided,* That, if the subpena is issued on behalf of the Department, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpena with the person subpenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 900.63 Fees and mileage.

Witnesses who are subpenaed and who appear in such proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor, as to witnesses subpenaed on behalf of the Department, shall be proved before the person issuing the subpena, and, as to witnesses subpenaed on behalf of any other party, shall be presented to such party.

§ 900.64 The presiding officer's report.

(a) *Filing the transcript of evidence.* (1) As soon as practicable after the close of the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. The presiding officer shall attach to the original transcript of testimony his certificate stating that to the best of his knowledge and belief, the transcript is a true, correct, and complete transcript of the testimony given in the hearing except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits received in evidence at the hearing with such exceptions as he shall specify. A copy of such certification shall be attached to each copy of the transcript of testimony. In accordance with such certificate the presiding officer shall note on the original transcript and the hearing clerk shall cause to be noted on other copies of the transcript, each correction detailed in such certificate by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate places any words necessary to make the text conform to the correct meaning, as certified by the presiding officer.

(2) Immediately following the filing of the transcript, the hearing clerk shall advise each party to the proceeding as to the date of such filing.

(b) *Proposed findings of fact, conclusions, and orders.* Within 10 days (unless the presiding officer shall have announced at the hearing a shorter or longer period of time) after the transcript has been filed with the hearing clerk, as provided in paragraph (a) of this section, each party may file with the hearing clerk proposed findings of fact, conclusions, and order, based solely upon the evidence of record, and briefs in support thereof.

(c) *Presiding officer's report.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions.* Within a period of time (to be fixed by the presiding officer but not to exceed 20 days) after the filing of the presiding officer's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring, where practicable, to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the presiding officer, as set out in § 900.60, upon which the party wishes to rely, referring, where practicable, to the pertinent pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, it shall be considered that he does not desire to make such oral argument.

(e) *Revision of presiding officer's report.* If exceptions are filed to the presiding officer's report, as provided in paragraph (d) of this section, the presiding officer, after consideration of such exceptions, shall make and file with the hearing clerk a draft of the findings of fact, conclusions, and final order of the Secretary, which shall include such revision of his report as he deems to be appropriate in view of such exceptions.

§ 900.65 Transmittal of record.

The hearing clerk, immediately following the filing of the revision of the presiding officer's report, or upon notification by the presiding officer that no revision will be made, shall transmit to the Secretary the record of the proceeding. Such record shall include: the petition; motions and requests filed with the hearing clerk, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed

in connection with the hearing; the presiding officer's report; such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding; and the presiding officer's draft of the findings of fact, conclusions, and final order of the Secretary.

§ 900.66 Argument before Secretary.

(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, it shall be considered that he does not desire to make such oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary.

(b) *Briefs.* The parties may, in the discretion of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or in a written brief, shall be limited to the issues raised by the exceptions and statement of objections, or to such issues as the Secretary may indicate. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit the preparation of adequate argument on all the issues to be argued.

§ 900.67 Consideration and issuance of order.

(a) *Consideration of order.* As soon as practicable after the receipt of the record from the hearing clerk, or in case argument was had, as soon as practicable thereafter, the Secretary, upon the basis of the record, shall begin his consideration of the final order to be issued in the proceeding. If an oral argument was held, the order shall be considered by and shall be issued over the signature of the official who heard such oral argument, unless the parties shall consent to a different arrangement. At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however,* That the Secretary may discuss the merits of the proceeding with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. If, notwithstanding the foregoing provisions of this section, a memorandum or other communication from any party, or from any person acting on behalf of any party, which relates to the merits of the proceeding, receives the personal attention of the Secretary (or, if an official other than the Secretary is to issue the order, then of such other official) during the pendency of the proceeding, such memorandum or communication shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the other party to the proceeding, and opportunity shall be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided,* That, if the terms of the order differ substantially from those proposed in the report of the presiding officer, the Secretary shall, if he deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if exceptions are filed within a period of time (to be fixed by the Secretary but not to exceed 20 days) following the service of the tentative order, the Secretary shall give consideration to and shall make such changes in the tentative order as he deems to be appropriate; otherwise, the tentative order shall become final, as of the day following the date of expiration of the period fixed for the filing of exceptions.

§ 900.68 Applications for reopening hearings; for rehearings or reargu-ments of proceedings; or for reconsideration of orders.

(a) *Petition requisite—(1) Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order shall be made by petition addressed to the Secretary and filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition shall state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen the hearing for the purpose of taking additional evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the final order shall be filed within 15 days after the date of the service of such order. Every such petition shall state specifically the matters claimed to have been erroneously decided, and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 10 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce the decision granting or denying the petition. Unless the Secretary shall determine otherwise, the issuance or operation of the order shall not be stayed pending the decision of the Secretary upon the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere in this subpart, shall be followed.

§ 900.69 Filing; service; extensions of time; effective date of filing; and computation of time.

(a) *Filing; number of copies.* Except as provided otherwise herein, all documents or papers required or authorized in this subpart to be filed with the hearing clerk shall be filed in quadruplicate: *Provided,* That, if there are more than two parties to the proceeding, a sufficient number of additional copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized in this subpart to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Service; proof of service.* Copies of all such papers shall be served upon the parties by the hearing clerk, by the presiding officer, or by some other employee of the Department or by a United States Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence. Proof of service hereunder shall be made by the affidavit of the person who actually made the service. The affidavit contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any documents or papers required or authorized in this subpart to be filed may be extended upon (1) a written stipulation between the parties, or (2) upon the request of a party, by the presiding officer before the transmittal of the record to the Secretary, or by the Secretary at any other time if, in the judgment of the Secretary or the presiding officer, as the case may be, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper, except a petition filed pursuant to § 900.52, required or authorized under these rules to be filed shall be deemed to have been filed when it is postmarked, or when it is received by the hearing clerk. Any petition filed under § 900.52 shall be deemed to be filed when it is received by the hearing clerk.

(e) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Sunday or legal holiday, such time shall be extended to include the next following business day.

§ 900.70 Applications for interim relief.

(a) *Filing the application.* A person who has filed a petition pursuant to § 900.52 may by separate application filed with the hearing clerk apply to the Secretary or an order postponing the effective date of, or suspending the application of, the marketing order or any provision thereof, or any obligation imposed in connection therewith, pending final determination of the proceeding.

(b) *Contents of the application.* The application shall contain a statement of the facts upon which the relief is requested, including any facts showing irreparable injury. The application must be signed and sworn to by the petitioner and any facts alleged therein which are not within his personal knowledge shall be supported by affidavits of a person or persons having personal knowledge of such facts or by proper documentary evidence thereof.

(c) *Answer to application.* Immediately upon receipt of the application, the hearing clerk shall transmit a copy thereof, together with all supporting papers, to the Deputy Administrator, who shall, within 20 days, or such other time fixed by the Secretary, after the filing of the application file an answer thereto with the hearing clerk.

(d) *Contents of answer.* The answer shall contain a statement of the objections, if any, of the Deputy Administrator to the application for interim relief, and may be supported by affidavits and documentary evidence.

(e) *Transmittal to Secretary.* Upon receiving the answer of the Deputy Administrator or upon the expiration of the time for filing the answer, the hearing clerk shall transmit to the Secretary for his decision all papers filed in connection with the application.

(f) *Hearing and oral argument.* The Secretary may, in his discretion, permit oral argument or the taking of testimony in connection with such application. However, unless written request therefor is filed with the hearing clerk prior to the transmittal of the papers to the Secretary, the parties shall be deemed to have waived oral argument and the taking of testimony.

(g) *Decision by Secretary.* The Secretary may grant or deny the application. Any action taken by the Secretary shall be in the form of an order filed with the hearing clerk and shall contain a brief statement of the reasons for the action taken. The hearing clerk shall cause copies of the order to be served upon the parties.

§ 900.71 Hearing before Secretary.

The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided,* That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

Subpart—Procedure Governing Meetings To Arbitrate and Mediate Disputes Relating to Sales of Milk or Its Products

AUTHORITY: §§ 900.100 to 900.118 issued under sec. 3, 50 Stat. 248; 7 U. S. C. 671.

§ 900.100 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 900.101 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means section 3 of the Agricultural Marketing Agreement Act of 1937, as amended (50 Stat. 248, as amended; 7 U.S.C. 671);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(d) The term "General Counsel" means the General Counsel of the Department;

(e) The term "Deputy Adminstrator" means any Deputy Administrator of the Agricultural Marketing Service of the Department or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(f) The term "Service" means the Agricultural Marketing Service of the Department.

(g) The term "Division" means the Dairy Division of the Service;

(h) The term "cooperative" means any association, incorporated or otherwise, which is in good faith owned or controlled by producers, or organizations thereof, of milk or its products, and which is bona fide engaged in the collective processing or preparing for market or handling or marketing, in the current of interstate or foreign commerce, of milk or its products;

(i) The term "arbitrator" means any officer or employee of the Service designated by the Deputy Administrator, pursuant to the act, to arbitrate a bona fide dispute with reference to the terms and conditions of the sale of milk or its products between a producer cooperative and purchasers, handlers, processors, or distributors of milk or its products;

(j) The term "mediator" means any officer or employee of the Service designated by the Deputy Administrator, pursuant to the act, to mediate a bona fide dispute with reference to terms and conditions of the sale of milk or its products between a producer cooperative and purchasers, handlers, processors, or distributors of milk or its products;

(k) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D.C.

§ 900.102 Filing of applications for mediation or arbitration.

All applications for mediation or arbitration, all submissions, and all correspondence regarding mediation or arbitration shall be addressed to the Secretary, attention of the Division.

§ 900.103 Application for mediation.

An application for mediation by a cooperative shall be in writing and shall include the following information:

(a) Names in full of the parties to the dispute and their addresses;

(b) Description of the cooperative organization and business, including copies of the articles of incorporation or association, by-laws, and membership contract; information regarding the number of shares of outstanding stock and the approximate portion owned by active producers; a statement of the function performed in connection with the collective processing, preparing, handling, or marketing of milk or its products; and data relative to the distribution of membership by States, the distribution by States of plant facilities for collecting, processing, or disposing of milk or its products, and the business operations for the year last past, including the total quantity of milk and its products handled by the applicant and the proportion of that quantity that was sold in States other than the States of production;

(c) Suggested time and place for meeting between parties and mediator.

§ 900.104 Inquiry by the Deputy Administrator.

Upon receipt of an application for mediation, the Deputy Administrator, through such officers or employees of the Service as he may designate, may make any inquiry which is deemed to be necessary or proper in order to determine whether a bona fide dispute exists.

§ 900.105 Notification.

The Deputy Administrator, acting on behalf of the Secretary will notify the applicant as to whether he considers that mediation will effectuate the purpose of the act and as to whether he will mediate.

§ 900.106 Assignment of mediator.

The Director of the Division shall assign a mediator, from the group designated by the Deputy Administrator, to act in such capacity.

§ 900.107 Meetings.

All meetings held pursuant to §§ 900.103 to 900.109 shall be held with and under the direction of the mediator.

§ 900.108 Mediator's report.

The mediator, upon the completion of mediation proceedings, shall submit to the Deputy Administrator a complete report on such proceedings.

§ 900.109 Mediation agreement.

An agreement arrived at by mediation shall not become effective until approved by the Secretary, and the Secretary will not approve an agreement if there is evidence of fraud, if there is a lack of evidence to support the agreement, or if the agreement provides for any unfair trade practice.

§ 900.110 Application for arbitration.

An application for arbitration by a cooperative shall be in writing and shall contain the following information:

(a) Names in full of the parties to the dispute and their addresses;

(b) The same information required under § 900.103 (b);

(c) Concise statement of dispute to be submitted;

(d) Originals or certified copies of all contracts, if any, involved in the dispute, and of correspondence which has passed between the parties and of any other documents or information relied upon;

(e) Dates before which it is desired that the hearing shall be had and the award shall become effective;

(f) Suggested time and place for arbitration hearing.

The applicant shall send a copy of the application to each other party to the dispute.

§ 900.111 Inquiry by the Deputy Administrator.

Upon receipt of an application for arbitration, the Deputy Administrator, through such officers or employees of the Service as he may designate, may make any inquiry deemed to be necessary or proper in order to determine whether a bona fide dispute exists, to assist the parties in reducing the dispute to well-defined issues, and to select an arbitrator who would be satisfactory to all parties.

§ 900.112 Notification.

The Deputy Administrator, acting on behalf of the Secretary, within a reasonable time after the receipt of an application, will notify the applicant as to whether he will grant the application.

§ 900.113 Submission.

Within a reasonable time after the receipt of the Deputy Administrator's consent to arbitrate, the parties to the dispute shall file with the Deputy Administrator a formal submission, which shall contain the following information:

(a) Names in full of the parties;

(b) Addresses of the parties to whom all notifications and communications concerning the arbitration shall be sent;

(c) Description of the organization and businesses of all parties to the dispute, including sufficient information to show that the cooperative is a bona fide one, and that the parties are engaged in activities in the current of interstate or foreign commerce;

(d) Concise statement of the specific questions submitted and a brief outline of the contentions of each party to the dispute, and a statement as to the period of time during which the award shall be in effect, said period to be not less than thirty days from the effective date of the award;

(e) Name of arbitrator;

(f) Time and place of arbitration, including street address;

(g) Stipulation by the parties that they will produce any books, records, and correspondence required by the arbitrator as being necessary to a fair determination of the dispute;

(h) Agreement by the parties that they will consider the award as final and will comply therewith;

(i) Stipulation by the parties that arbitration is to take place under rules and regulations issued by the Secretary, and that any such rules and regulations pertaining to mediation and arbitration shall be considered a part of the submission;

(j) Stipulation that a stenographic report of the proceedings must be made.

The submission shall be signed by each party before a notary public, and when the signature is that of an agent of a corporation or cooperative association, the same shall be accompanied by evidence of the authority to sign.

A submission may be withdrawn at any time before the award, and any question held by the arbitrator to be a separable question may be withdrawn before award by agreement of all parties. When any question is so withdrawn, the parties shall file with the arbitrator the agreement on that question reached by the parties, showing all the details thereof, and the arbitrator shall include it in the record of the arbitration.

§ 900.114 Designation of arbitrator.

The Deputy Administrator, after receiving the submission, will designate one or more persons to act as arbitrator.

§ 900.115 Hearing.

The arbitrator shall have full discretion to conduct the hearing in such manner as will, in his opinion, enable him to ascertain all the facts in the case.

Parties to the dispute may appear in person or by duly accredited agents and may be represented by counsel.

All relevant and material evidence may be presented. The arbitrator shall not be bound by the legal rules of evidence.

The arbitrator, in the presence of the parties, may require the production of books and records for examination by himself, but not for examination of confidential information by other parties to the dispute unless the party producing the same consents to its examination by the other parties to the dispute.

No evidence offered by one party shall be received except in the presence of all parties unless the parties so agree in a submission specifying the nature of the evidence to be received.

Final determination as to what will be considered confidential information shall be made by the arbitrator.

The arbitrator may request the opinions of economists, marketing specialists, statisticians, lawyers, accountants, and other experts.

When more than two arbitrators are designated to hear a dispute, and they disagree, the award of the majority shall be the final award. If the arbitrators are evenly divided, there shall be no award.

A stenographic record of all the proceedings during an arbitration must be made.

§ 900.116 Award.

An award shall be made within ten days after the close of the hearing.

The award shall be in writing and shall cover only points of dispute raised in the submission.

The arbitrator, in making the award, may use his own technical knowledge in addition to the evidence submitted by the parties.

The award shall state the period during which it shall be in effect, said period to be not less than thirty days from the effective date thereof; and said period may be extended by agreement among the parties upon notification thereof to the Deputy Administrator, unless or until the Deputy Administrator withdraws his approval.

The arbitrator shall sign the award in the presence of a notary public, or, when more than one arbitrator is designated, the arbitrator shall sign in the presence of each other.

Copies of the award shall be delivered to the parties by the Division.

§ 900.117 Approval of award.

The award shall not become effective until approved by the Secretary, and the Secretary will not approve an award if there is evidence of fraud, or evidence of misconduct upon the part of the arbitrator, or lack of evidence to support the award, or if the award provides for any unfair trade practice.

§ 900.118 Costs.

The parties jointly shall pay for the stenographic record. A copy of the record shall be furnished by the parties to the arbitrator and shall be forwarded by him to the Deputy Administrator, ultimately to be filed in the office of the hearing clerk.

The arbitrator shall not receive compensation from parties to the dispute.

Subpart—Miscellaneous Regulations

AUTHORITY: §§ 900.200 to 900.211 issued under sec. 10, 48 Stat. 37, as amended; 7 U.S.C. 610.

§ 900.200 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement act of 1937 (50 Stat. 246, 7 U.S.C. 601), as amended;

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(d) The term "General Counsel" means the General Counsel of the Department;

(e) The term "Deputy Administrator" means any Deputy Administrator of the Agricultural Marketing Service of the Department or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(f) The term "Service" means the Agricultural Marketing Service of the Department;

(g) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(h) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to section 8b of the act;

(i) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act;

(j) The term "person" means any individual, corporation, partnership, association, or any other business unit;

(k) The term "official" means the Secretary, any officer, employee, or other person employed or appointed by the Department, and any agency or agent appointed by the Secretary to administer a marketing agreement or a marketing order, and any agent or employee of any such agency or agent;

(l) The term "information" means and includes reports, books, accounts, records, and the facts and information contained therein and required to be furnished to or acquired by any official pursuant to the provisions of any marketing agreement or marketing order.

§ 900.201 Investigation and disposition of alleged violations.

Whenever the Deputy Administrator has reason to believe that any handler has violated, or is violating, the provisions of any marketing order, he may institute such investigation and, after due notice to such handler, conduct such hearing in order to determine the facts as, in his opinion, are warranted. If, in the opinion of the Deputy Administrator and the General Counsel, the facts developed as a result of such investigation or hearing warrant such action, the General Counsel shall refer the matter to the Attorney General for appropriate action.

§ 900.210 Disclosures of information.

All information in the possession of any official which relates to the business or property of any person, and which was furnished by, or obtained from, such person pursuant to the provisions of any marketing agreement or marketing order, shall be kept confidential and shall not be disclosed, divulged, or made public, unless otherwise expressly provided in said marketing agreement or marketing order, or unless said person authorizes said official, in writing, to disclose such information, except that:

(a) Such information may be disclosed, divulged, or made public if it has been obtained from or furnished by a person who is not the person to whose business or property such information relates or an employee of such latter person, or if such information is otherwise required by law to be furnished to an official;

(b) Such information may be furnished to other officials for use in the regular course of their official duties;

(c) Such information may be combined and published in the form of general statistical studies or data in which the identity of the person furnishing such information or from whom it was obtained shall not be disclosed;

(d) Such information may be disclosed upon lawful demand made by the President or by either House of Congress or any committee thereof, or, if the Secretary determines that such disclosure is not contrary to the public interest, such information may be disclosed in response to a subpena by any court of competent jurisdiction.

(e) Such information may be offered in evidence (whether or not it has been obtained from or furnished by the person against whom it is offered) by or on behalf of the Secretary, the United States, or the official who obtained it or to whom it was furnished, in any administrative hearing held pursuant to section 8c (15) (A) of the act or in any action, suit, or proceeding, civil or criminal, in which the Secretary or the United States or any such official is a party, and (1) which is instituted (i) for the purpose of enforcing or restraining the violation of any marketing agreement or marketing order, or (ii) for the purpose of collecting any penalty or forfeiture provided for in the act, or (iii) for the purpose of collecting any monies due under a marketing agreement or marketing order, or (2) in which the validity of any marketing agreement or marketing order, or any provision of either, is challenged or involved.

(f) Such information may be furnished to the duly constituted authorities of any State, pursuant to a written agreement made under authority of section 10(i) of the act, to the extent that such information is relevant to transactions within the regulatory jurisdiction of such authorities.

§ 900.211 Penalties.

Any official who shall have violated the provisions of § 900.210 by wilfully divulging, disclosing, or making public any information acquired by or furnished to or in the possession or custody of such official pursuant to the provisions of a marketing agreement or marketing order shall be subject to a penalty of $100 for each offense. (The civil penalty provided in this section is prescribed under the authority contained in sec. 10(c) of the act (7 U.S.C. 610(c)); this provision is not intended to supersede the provision in sec. 8d(2) of the act (7 U.S.C. 608d(2)) for criminal liability and removal from office.

Issued at Washington, D.C., this 23d day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5961; Filed, June 27, 1960; 8:52 a.m.]

[Lemon Reg. 861, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.958 (Lemon Regulation 851; 25 F.R. 5475) are hereby amended to read as follows:

(ii) District 2: 465,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 23, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-5963; Filed, June 27, 1960; 8:53 a.m.]

[Milk Order 73]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Order Amending Order

§ 973.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to producer milk (including such handler's own farm production) and to other source milk which is classified as Class I milk.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 17, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 9, 1960. The changes effected by this order will not require extensive preparation or substantial alteration marketing of milk, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 973.9 [Amendment]

1. Delete § 973.9(b) in its entirety and substitute therefor the following:

(b) (1) Except as provided in subparagraph (2) of this paragraph, any plant from which during any month 50 percent or more of such plant's total receipts for such month from farms of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to (i) a plant(s) which has qualified pursuant to paragraph (a) of this section, (ii) any other plant(s) located within the marketing area from which Class I milk is disposed of within the marketing area on a route(s), or (iii) a governmentally-owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities: *Provided*, That if during each of the months of July, August, September and October 50 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following June: *And provided further*, That if not less than 30 percent of the total member producer milk of a cooperative association is delivered during each of the months of July, August, September and October as direct-shipped milk to a plant(s) described in paragraph (a) of this section located within the city limits of either Minneapolis or St. Paul, then any deliveries of milk by such cooperative association directly to such plant(s) may be considered, for the purposes of this paragraph, as having been received first at a plant of such cooperative association also located within the city limits of Minneapolis or St. Paul.

(2) Producer milk which was received on more than 45 days during the months of April, May and June at a pool plant qualified under this paragraph, which milk is caused to be delivered from farms to a pool plant(s) described in paragraph (a) of this section during any of the months of July, August, September and October shall be considered for the purposes of this paragraph as having been shipped from thence to the plant(s) described in paragraph (a) of this section: *Provided*, That the producers of such milk are listed on the payroll reports (of the respective plants) submitted pursuant to § 973.32 and appropriately noted on the reports of receipts and utilization submitted pursuant to § 973.30.

2. Delete § 973.11 in its entirety and substitute therefor the following:

§ 973.11 Producer.

"Producer" means any person, except a producer-handler, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant, or (b) moved in accordance with the conditions of § 973.44(c) (2) but allotted to a pool plant by listing on the payroll report of such plant pursuant to § 973.32, which milk shall be deemed to be received at such pool plant: *Provided*, That any such person whose milk is received from the farm at a pool plant during any portion of the period July through October, inclusive, but subsequently in such four-month period is received at a nonpool plant (except as provided above in this paragraph) shall not regain status as a producer prior to the next July 1.

§ 973.22 [Amendment]

3. In § 973.22(h) delete "13th" and substitute therefor "15th".

§ 973.30 [Amendment]

4. In § 973.30(a) delete "8th" and substitute therefor "10th".

5. In § 973.30(b) delete "8th" and substitute therefor "10th".

§ 973.41 [Amendment]

6. In the third parenthetical phrase in § 973.41(a) insert after the words "sweet or sour, including" the words "'Smetana' and similar sour cream products and".

§ 973.44 [Amendment]

7. Delete from that portion of § 973.44 preceding paragraph (a) therein the word "transferred" and substitute therefor the word "moved".

8. Delete from § 973.44(b) the cross-reference "paragraph (c) (2) and (3) of this section" and substitute therefor the cross-reference "paragraph (c)(2), (3) and (4) of this section."

9. Delete § 973.44(c) and substitute therefor the following:

(c) As Class I milk if moved to a nonpool plant under any of the following circumstances: (1) by transfer in consumer packages; (2) by a cooperative association directly from the farm of the producer, and the nonpool plant is one from which milk is disposed of in fluid form on routes; (3) by transfer in bulk as any item of § 973.41(a), except cream, and the nonpool plant is located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota; or (4) by transfer in bulk as cream and the nonpool plant is located as described in subparagraph (3) of this paragraph and is a plant from which milk is disposed of in fluid form on routes: *Provided*, That this subparagraph shall not apply in the case of cream transferred in bulk to any plant subject to another marketing agreement or order issued pursuant to the act, if such cream is allocated thereunder in the transferee-plant to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

§ 973.45 [Amendment]

10. Add in the proviso of § 973.45 after the word "disposition" the words "by a handler".

11a. Delete that portion of § 973.51 preceding paragraph (a) therein and sustitute therefor the following:

§ 973.51 Basic formula price.

The basic formula price per hundredweight to be used in determining the Class I price shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section:

b. Add the words "per hundredweight" after the phrase "(or field) prices" in § 973.51(a).

c. Add the following as § 973.51(c):

(c) (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York, as reported by the Department of Agriculture during the preceding month; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk, for human consumption f.o.b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

12. Delete § 973.53 in its entirety and substitute therefor the following:

§ 973.53 Class I price.

Subject to the differentials provided in §§ 973.55 and 973.56(a), the price per hundredweight for Class I milk each month shall be the basic formula price computed pursuant to § 973.51 plus an amount as follows: $1.00 for July, August, September, October, and November; and $.76 for other months: *Provided*, That prior to December 1, 1960, the following shall be added to the basic formula price in lieu of the above amounts: 70 cents for each month until July; $1.10 for July, August, September, and October; and $1.00 for November: *And provided further*, That whenever the current supply-demand ratio varies from that set forth in the table below, the Class I price shall be increased or decreased 1.5 cents for each full percentage point that the current supply-demand ratio is above or below that set forth in the table, but such price shall not be increased or decreased more than 24 cents for any month because of the current supply-demand ratio:

Month to which applicable	Standard percentages	Months used in computing current supply-demand ratio
January	88	October–November.
February	82	November–December.
March	78	December–January.
April	73	January–February.
May	71	February–March.
June	70	March–April.
July	68	April–May.
August	66	May–June.
September	70	June–July.
October	82	July–August.
November	88	August–September.
December	88	September–October.

§ 973.54 [Amendment]

13. In § 973.54 delete the phrase "price for Class II milk" and substitute therefor the phrase "price per hundredweight for Class II milk."

14. Delete from § 973.54 the figure "75.2" and substitute therefor the figure "65".

§ 973.72 [Amendment]

15. Delete from § 973.72(b) the phrase "plus 8 cents".

§ 973.73 [Amendment]

16. In § 973.73 delete "13th" and substitute therefor "15th".

§ 973.77 [Amendment]

17. In § 973.77(d) delete the words "producer" and "producer's" and substitute therefor the words "person" and "person's", respectively.

18. In § 973.77(e) delete the word "producer" wherever it appears and substitute therefor the word "person".

§ 973.80 [Amendment]

19. In § 973.80(a) delete "10th" and substitute therefor "11th".

§ 973.90 [Amendment]

20. In § 973.90 delete the figure "1.5" wherever it appears and substitute therefor the figure "3".

§ 973.91 [Amendment]

21. In § 973.91(a) delete the figure "2" and substitute therefor the figure "6".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 22d day of June 1960, to be effective on and after the 1st day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–5931; Filed, June 27, 1960; 8:49 a.m.]

[Milk Order 104]

PART 1004—MILK IN CENTRAL ARIZONA MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Arizona marketing area (7 CFR Part 1004), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act;

(1) Sections 1004.17, 1004.18, 1004.31 (b) (1), 1004.72, 1004.80(c) (2) (ii), 1004.90, 1004.91, and 1004.92;

(2) In § 1004.31(b) (2) (ii), the provision "including, for the months of January through June, the pounds of base milk,";

(3) In the first sentence of § 1004.71, the words "of the" after the word "each", the letter "s" of the word "months", and the phrase "of July through December";

(4) In § 1004.74, one sign "§" in the citation "§§ 1004.71", the subsequent phrase "and 1004.72 (for base milk)", and the last complete sentence, "The rates applicable to excess milk shall be determined by dividing the quantity of excess milk specified in § 1004.72(a) (2) by the total quantity of excess milk and multiplying the result by the rates applicable to base milk."

(5) In § 1004.75(c), one sign "§" in the citation "§§ 1004.71" and the subsequent phrase "and 1004.72"; and

(6) In § 1004.80(a) (2), the phrase "or base milk and excess milk".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The termination order should be made effective July 1, 1960, in order that producers may receive advance notice that their deliveries of milk during the months of August through November of 1960 will not be used as a basis for computing payments during the months of January through June 1961.

(4) The termination will have no effect on the cost of milk to handlers, but will affect the distribution of returns for milk among producers with different seasonal production patterns. Producer organizations presently provides incentives for their member producers to maintain even production throughout the year.

(5) Based on a request for the termination of the base plan, supported by producer associations representing approximately 90 percent of the producers supplying the market, a notice of proposed termination of such provisions was issued June 1, 1960 (25 F.R. 4962), to which interested parties were given opportunity to submit written views, data and arguments. No views in opposition to the proposed termination were received from any producers, nor were any substantive views presented by other interested parties to the effect that such provisions should be retained in the order.

Therefore, good cause exists for making this order effective July 1, 1960.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated effective July 1, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 22d day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–5932; Filed, June 27, 1960; 8:49 a.m.]

[Milk Order 111]

PART 1011—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

Order Amending Order

§ 1011.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Michigan Upper Peninsula marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (i) all receipts within the month of milk from producers including milk of such handler's own production, and (ii) any other source milk allocated to Class I pursuant to § 1011.46(b) and the corresponding step of § 1011.47.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 20, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 9, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Michigan Upper Peninsula marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 1011.5 to read as follows:

§ 1011.5 Michigan Upper Peninsula marketing area.

(a) "Michigan Upper Peninsula marketing area" (hereinafter referred to as the "marketing area") means all the territory including all municipal corporations within the zones described below in this section.

(b) "Zone 1(a)": The city of Menominee and the townships of Menominee, Mellen and Ingallston, in Menominee, County, Michigan; the town of Peshtigo and the cities of Marinette and Peshtigo in Marinette County, Wisconsin;

(c) "Zone 1": Counties of Delta, Dickinson, Gogebic, Iron, Ontonagon and all territory in Menominee County not included in Zone 1(a), all in the State of Michigan; the town of Niagara and the village of Niagara, in Marinette County; the towns of Aurora and Florence, in Florence County, and the towns of Carey, Kimball, Oma, Pence, Saxon and the cities of Hurley and Montreal in Iron County, all in the State of Wisconsin;

(d) "Zone 2": Counties of Alger, Baraga, Chippewa, Houghton, Keweenaw, Luce, Mackinac, Marquette and Schoolcraft, all in the State of Michigan.

§ 1011.46 [Amendment]

2. Amend § 1011.46(c) to read as follows:

(c) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat in other source milk received during the month in the form of fluid milk products from a plant subject to another marketing agreement or order issued pursuant to the Act as follows:

(1) From Class I, the pounds of such butterfat received in a consumer-packaged form not so packaged in the plant during the month, and disposed of without further processing or packaging; and

(2) In series beginning with the lowest priced utilization, the remaining pounds of such butterfat;

3. Amend § 1011.51 to read as follows:

§ 1011.51 Class I milk price.

Through November 1961, subject to the provisions of § 1011.54, the minimum price to be paid by each handler for milk received at his fluid milk plant from producers or the fluid milk plant of a cooperative association during the month and utilized as Class I milk shall be the basic formula price for the preceding month, plus the applicable amounts specified below for the marketing area zone in which such plant is located. For plants located outside the marketing area and west of Lake Michigan the price (subject to § 1011.55) shall be that specified for Zone 1. For plants located outside the marketing area and east of Lake Michigan the price (subject to § 1011.55) shall be that specified for Zone 2.

Zone	Months of Mar. through June	Months of Jan., Feb., and Dec.	Months of July through Nov.
1(a)	$0.65	$0.85	$1.05
1	.75	.95	1.15
2	.95	1.15	1.35

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 22d day of June 1960, to be effective on and after the 1st day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–5933; Filed, June 27, 1960; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 14—TANKING AND DENATURING CONDEMNED CARCASSES AND PARTS

Required Permits for Specimens for Educational, Research, and Other Nonfood Purposes

Pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96), § 14.5 of the Meat Inspection Regulations (9 CFR 14.5) is amended to read as follows:

§ 14.5 Specimens for educational, research, and other nonfood purposes; permits for, required.

(a) Specimens of diseased, condemned, or inedible materials, including embryos and specimens of animal parasites, may be released for educational, research or other nonfood purposes under permit issued by the inspector in charge: *Provided*, That the person desiring such specimens makes a written application to such inspector for such permit on M.I. Form 403–10 and arranges with and receives permission from the official establishment to obtain the specimens. Permits shall be issued for a period not longer than one year. The permit may be revoked by the inspector in charge if the specimens are not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the establishment.

(b) The collection and handling of the specimens referred to in paragraph (a) of this section shall be at such time and place and in such a manner as not to interfere with the inspection or to cause any objectionable condition.

(34 Stat. 1264; 21 U.S.C. 89)

The foregoing amendment merely simplifies the procedure for obtaining release from inspected establishments of specimens for research and certain other nonfood purposes, now eligible for such release. In order to be of maximum benefit to affected persons, the amendment should be made effective as soon as possible. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that publication of notice of rule-making and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The amendment shall become effective on June 28, 1960.

Done at Washington, D.C., this 22d day of June 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60–5934; Filed, June 27, 1960; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Monthly Payments by Check

§ 217.116 Monthly payment by check of interest on deposits.

(a) The Board has recently considered the question whether a member bank's plan for payment of interest on a one-year time certificate of deposit conforms with the requirements of Part 217. Under this plan the bank would pay interest monthly by means of check in an amount equal to one-twelfth of the amount that would have been paid for the year if the bank had compounded interest quarterly at the maximum permissible rate of 3 percent.

(b) Section 217.6 prohibits a member bank from paying interest on a savings deposit or on a time deposit having a maturity of 6 months or more "at a rate in excess of 3 percent per annum, compounded quarterly, regardless of the basis upon which such interest may be computed." A footnote states that this limitation "is not to be interpreted as preventing the compounding of interest at other than quarterly intervals, provided that the aggregate amount of such interest so compounded does not exceed the aggregate amount of interest at the rate above prescribed when compounded quarterly."

(c) These provisions in effect permit a member bank to pay interest in an amount somewhat greater than that paid on a straight 3 percent basis if the bank's practice is to compound interest, provided that on whatever basis interest is compounded the amount "so compounded" does not exceed the amount that would have been paid at the maximum rate when compounded quarterly. The regulation does not prevent a member bank from paying interest monthly by check instead of compounding interest. However, the regulation does not contemplate payment of interest in excess of a straight or simple rate of 3 percent except where it is paid on interest left in the account, that is, where interest is compounded. Accordingly, a plan under which monthly payments are made by check in an amount equal to one-twelfth of the amount that would have been paid for a year if the bank had compounded interest quarterly at a rate of 3 percent would not be in accordance with the regulation.

(d) The same principles would, of course, apply to monthly payments of interest by check on a time deposit having a maturity of less than 6 months and on which the maximum permissible rate would be 2½ percent or 1 percent. They would equally apply to monthly payments of interest on savings deposits.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60–5918; Filed, June 27, 1960; 8:47 a.m.]

[Reg. U]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Capacity as Trustee

§ 221.112 Loans by bank in capacity as trustee.

(a) The Board's advice has been requested whether a bank's activities in connection with the administration of an employees' savings plan are subject to Part 221.

(b) Under the plan, any regular, full-time employee may participate by authorizing the sponsoring company to deduct a percentage of his salary and wages and transmit the same to the bank as trustee. Voluntary contributions by the company are allocated among the participants. A participant may direct that funds held for him be invested by the trustee in insurance, annuity contracts, Series E Bonds, or in one or more of three specified securities which are listed on a stock exchange. Loans to purchase the stocks may be made to participants from funds of the trust, subject to approval of the administrative committee, which is composed of five participants, and of the trustee. The bank's right to approve is said to be restricted to the mechanics of making the loan, the purpose being to avoid cumbersome procedures.

(c) Loans are secured by the credit balance of the borrowing participants in the savings fund, including stock, but excluding (in practice) insurance and annuity contracts and government securities. Additional stocks may be, but, in practice, have not been pledged as collateral for loans. Loans are not made, under the plan, from bank funds, and participants do not borrow from the bank upon assignment of the participants' accounts in the trust.

(d) It is urged that loans under the plan are not subject to this Part 221 because a loan should not be considered as having been made by a bank where the bank acts solely in its capacity of trustee, without exercise of any discretion.

(c) The Board reviewed this question upon at least one other occasion in recent years, and full consideration has again been given to the matter. After considering the arguments on both sides, the Board has reaffirmed its earlier view that, in conformity with in interpretation not published in CFR which was published at page 874 of the 1946 Federal Reserve Bulletin, this Part 221 applies to the activities of a bank when it is acting in its capacity as trustee. Although the bank in that case had at best a limited discretion with respect to loans made by it in its capacity as trustee, the Board concluded that this fact did not affect the application of the regulation to such loans.

(Sec. 23(a), 48 Stat. 901, as amended; 15 U.S.C. 78w. Interprets or applies secs. 3, 7, 17, 48 Stat. 882, 896, 897, as amended; 15 U.S.C. 78c, 78g, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-5917; Filed, June 27, 1960; 8:47 a.m.]

PART 224—DISCOUNT RATES

Advances and Discounts to Member Banks and Others

Pursuant to section 14(d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	3½	June 14, 1960
New York	3½	June 10, 1960
Philadelphia	3½	June 3, 1960
Cleveland	3½	June 10, 1960
Richmond	3½	June 10, 1960
Atlanta	3½	June 13, 1960
Chicago	3½	June 10, 1960
St. Louis	3½	June 10, 1960
Minneapolis	3½	June 10, 1960
Kansas City	3½	June 10, 1960
Dallas	3½	June 10, 1960
San Francisco	3½	June 3, 1960

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	June 14, 1960
New York	4	June 10, 1960
Philadelphia	4	June 3, 1960
Cleveland	4	June 10, 1960
Richmond	4	June 10, 1960
Atlanta	4	June 13, 1960
Chicago	4	June 10, 1960
St. Louis	4	June 10, 1960
Minneapolis	4	June 10, 1960
Kansas City	4	June 10, 1960
Dallas	4	June 10, 1960
San Francisco	4	June 3, 1960

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	June 14, 1960
New York	4½	June 10, 1960
Philadelphia	5	Sept. 18, 1959
Cleveland	5	Sept. 11, 1959
Richmond	4½	June 10, 1960
Atlanta	5	Sept. 14, 1959
Chicago	4½	June 10, 1960
St. Louis	4½	June 10, 1960
Minneapolis	4½	June 10, 1960
Kansas City	4½	June 10, 1960
Dallas	5	Sept. 11, 1959
San Francisco	4½	June 3, 1960

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 14(d), 38 Stat. 264, as amended; 12 U.S.C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-5935; Filed, June 27, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-KC-6]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On December 16, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10161) stating that the Federal Aviation Agency proposed the realignment of the north alternate to VOR Federal airway No. 14 and the south alternates to VOR Federal airways No. 14 and 210 between Terre Haute, Ind., and Indianapolis, Ind.

Subsequent to the notice, further study revealed that the intersection of Victor 14 S and Victor 210 S via the Terre Haute VOR 080° True and the Indianapolis VORTAC 230° True radials would not coincide with the intersection formed by VOR Federal airway No. 11 W. Therefore, the south alternates to Victor 14 and Victor 210 are designated via the Terre Haute VOR 079° True and the Indianapolis VORTAC 230° True radials. This change is minor in nature in that it represents a correction of only one degree and is reflected in the amendment. The notice stated that the north alternate to Victor 14 between Terre Haute and Indianapolis was a standard alternate. This alternate airway had been nonstandard and is being realigned as a standard alternate. The amendment to § 600.6210 includes a change in the caption of the section to more accurately describe the airway. Relocation of the Terre Haute VOR has been rescheduled and will now be commissioned at the new site approximately October 20, 1960.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.6014 (24 F.R. 10506; 25 F.R. 5328) and 600.6210 (24 F.R. 10522; 25 F.R. 5329) are amended as follows:

1. In the text of § 600.6014 *VOR Federal airway No. 14 (Roswell, N. Mex., to Boston, Mass.)*, delete "including a north alternate via the INT of the Terre Haute VOR 052° and the Indianapolis VOR 273° radials and also a south alternate via the Terre Haute VOR 082° and the Indianapolis VOR 230° radials;" and substitute therefor "including a north alternate and a south alternate via the INT of the Terre Haute VOR 079° True and the Indianapolis VORTAC 230° True radials;"

2. Section 600.6210 *VOR Federal airway No. 210 (Los Angeles, Calif., to Imperial, Pa.)*:

(a) In the caption delete "*(Los Angeles, Calif., to Imperial, Pa.)*." and substitute therefor "*(Los Angeles, Calif., to Pueblo, Colo., and Kansas City, Mo., to Imperial, Pa.)*."

(b) In the text delete "Terre Haute omnirange 082° and the Indianapolis omnirange 230° radials;" and substitute therefor "Terre Haute VOR 079° True and the Indianapolis VORTAC 230° True radials;".

These amendments shall become effective 0001 e.s.t., November 17, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5880; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 60-LA-14]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas, Revocation of Federal Airway and Associated Control Areas and Reporting Point and Designation of Reporting Point

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2590) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 263 and its associated control areas from Lamar, Colo., to Santa Fe, N. Mex., via the Tobe, Colo., VOR and a VOR to be commissioned approximately May 1, 1960, near Cimarron, N. Mex.; to revoke in its entirety VOR Federal airway No. 452 and its associated control areas; to revoke the Raton, N. Mex., VOR as a reporting point; and to designate the Cimarron, N. Mex., VOR as a reporting point. Subsequent to the publication of the notice, the commissioning date of the Cimarron VOR was rescheduled to August 25, 1960.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) and §§ 600.6263 (24 F.R. 10524), 601.6263 (24 F.R. 10604) and 601.7001 (24 F.R. 10606) are amended as follows:

1. Section 600.6263 is amended to read:

§ 600.6263 VOR Federal airway No. 263 (Santa Fe, N. Mex., to Thurman, Colo.).

From the Santa Fe, N. Mex., VORTAC via the Cimarron, N. Mex., VOR; Tobe, Colo., VORTAC; Lamar, Colo., VOR; Hugo, Colo., VOR; to the Thurman, Colo., VOR.

§ 600.6452 [Revocation]

2. Section 600.6452 *VOR Federal airway No. 452 (Raton, N. Mex., to Dalhart, Tex.)*. is revoked.

3. Section 601.6263 is amended to read:

§ 601.6263 VOR Federal airway No. 263 control areas (Santa Fe, N. Mex., to Thurman, Colo.).

All of VOR Federal airway No. 263.

§ 601.6452 [Revocation]

4. Section 601.6452 *VOR Federal airway No. 452 control areas (Raton, N. Mex., to Dalhart, Tex.)*. is revoked.

§ 601.7001 [Amendment]

5. In the text of § 601.7001 *Domestic VOR reporting points*, "Raton N. Mex., omnirange station" is deleted and "Cimarron, N. Mex., VOR" is added.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5879; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-87]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On April 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3087) stating that the Federal Aviation Agency was proposing to designate VOR Federal airway No. 307 and associated control areas from the Victoria, British Columbia, L/MF radio range direct to the Vancouver, British Columbia, VOR, excluding that portion outside the United States.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following:

§ 600.6307 VOR Federal airway No. 307 (Victoria, British Columbia, to Vancouver, British Columbia).

From the Victoria, British Columbia, RR to the Vancouver, British Columbia, VOR.

§ 601.6307 VOR Federal airway No. 307 control areas (Victoria, British Columbia, to Vancouver, British Columbia).

All of VOR Federal airway No. 307.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5877; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-128]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Prohibited Area and Modification of Control Area Extension

The purpose of these amendments is to modify Executive Order 10127 by repealing the airspace reservation, hereinafter referred to as Prohibited Area (P-78), established over the Clinton Engineering Works, Oak Ridge, Tenn., and to amend § 601.1126 of the regulations of the Administrator by modifying the Knoxville, Tenn., control area extension.

The Clinton Engineering Works Prohibited Area (P-78) was established at Oak Ridge by Presidential Executive Order 10127 (paragraph 1 thereof) dated May 23, 1950 (15 F.R. 3171) at the request of the Atomic Energy Commission for national defense and other governmental purposes. The prohibited area is in effect continuously from the surface to an unlimited altitude and encompasses the area beginning at latitude 36°00'25" N., and longitude 84°07'05" W.; thence to latitude 35°51'35" N., longitude 84°16'25" W.; thence to latitude 35°52'10" N., longitude 84°24'15" W.; thence to latitude 35°55'45" N., longitude 84°29'30" W.; thence to latitude 36°05'05" N., longitude 84°13'30" W.; thence to the point of beginning.

The Federal Aviation Agency has received information from the Atomic Energy Commission stating that there is no longer a requirement for this prohibited area. Therefore, the retention of Prohibited Area P-78 is no longer justified as an assignment of airspace and the revocation thereof is in the public interest.

A portion of the Knoxville, Tenn., control area extension penetrates Prohibited Area P-78 and is excluded from P-78 in the control area extension's description. Since the action taken herein revokes P-78, the reference to P-78 in the description of the Knoxville control area extension is no longer required and is deleted.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

1. In Executive Order 10127 (15 F.R. 3171), the Clinton Engineering Works, Oak Ridge, Tenn., Prohibited Area (P-

78) (Chattanooga and Nashville Charts) is revoked.

2. In the text of § 601.1126 (24 F.R. 10553), "The airspace which lies within Prohibited Area P-78 is excluded." is deleted.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 1501(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354, 1301 note)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-5878; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 59-FW-26]

PART 608—RESTRICTED AREAS

Modification and Redesignation

The purpose of this amendment to § 608.13 of the regulations of the Administrator is to divide the Fort Chaffee, Ark., Restricted Area (R-215) (Little Rock Chart) into a west area (R-215A) and an east area (R-215B); modify the designated altitudes and time of use, and change the controlling agency.

Restricted Area (R-215) is presently designated from the surface to 26,000 feet MSL; time of use continuous, and the controlling agency, the Commanding General, Fort Chaffee, Ark. A joint Federal Aviation Agency, Department of the Army study of the activities currently conducted in this area indicated that certain modifications in the description and time of use of the area are feasible and would promote the more efficient utilization of airspace. The area, when restricted, will be utilized by reserve components of the Department of the Army for training purposes. Small arms firing to include pistols, rifles, machine guns, mortars and rocket launchers will be conducted in the west segment of the area (R-215A). Firing of heavy field artillery, to include 8-inch howitzers, will be conducted in the east portion of the area (R-215B). These activities will be confined to the summer months and to Saturdays and Sundays for the balance of the year.

Restricted Area (R-215A) will include the section of existing Restricted Area (R-215) which lies west of Arkansas State Highway 96 and will be designated as Surface to 6,000 feet MSL. The time of designation shall be 0500 to 2200 local time, Monday through Saturday, July 1 through August 31; and 0500 to 1800 local time, Saturday and Sunday, September 1 through June 30.

Restricted Area (R-215B) will consist of that section of existing Restricted Area (R-215) which lies east of State Highway 96 and will be designated as Surface to 26,000 feet MSL. The time of designation shall be 0500 to 2200 local time, Monday through Saturday, July 1 through August 31; and 0500 to 1800 local time, Saturday and Sunday, September 1 through June 30. The controlling agency of both areas shall be the Federal Aviation Agency. The Department of the Army concurs that these modified areas will adequately meet their current requirements.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

1. Section 608.13 *Arkansas* (23 F.R. 8576; 24 F.R. 2233) is amended as follows:

(a) Fort Chaffee, Arkansas (R-215) (Little Rock Chart) is revoked.

(b) Fort Chaffee, Arkansas, Restricted Area (R-215A) (Little Rock Chart) is added to read:

Description by geographical coordinates.

Beginning at latitude 35°17'30" N., longitude 94°12'17" W.;
thence S to latitude 35°14'30" N., longitude 94°12'15" W.;
thence SW to latitude 35°14'00" N., longitude 94°13'00" W.;
thence W to latitude 35°14'00" N., longitude 94°15'00" W.;
thence NW to latitude 35°14'45" N., longitude 94°16'30" W.;
thence N to latitude 35°18'15" N., longitude 94°17'00" W.;
thence E to the point of beginning.

Designated altitudes. Surface to 6,000 feet, MSL.

Time of designation. From 0500 to 2200 local time, Monday through Saturday, July 1 through August 31. From 0500 to 1800 local time, Saturday and Sunday, September 1 through June 30.

Controlling agency. FAA St. Louis ARTC Center.

(c) Fort Chaffee, Arkansas, Restricted Area (R-215B) (Little Rock Chart) is added to read:

Description by geographical coordinates.

Beginning at latitude 35°17'30" N., longitude 94°12'17" W.; thence E to latitude 35°16'00" N., longitude 94°01'30" W.; thence S to latitude 35°11'30" N., longitude 94°01'30" W.; thence W to latitude 35°11'30" N., longitude 94°10'00" W.; thence N to latitude 35°14'00" N., longitude 94°10'00" W.; thence W to latitude 35°14'00" N., longitude 94°13'00" W.; thence NE to latitude 35°14'30" N., longitude 94°12'15" W.; thence N to a point of beginning.

Designated altitudes. Surface to 26,000 feet, MSL.

Time of designation. From 0500 to 2200 local time, Monday through Saturday, July 1 through August 31. From 0500 to 1800 local time, Saturday and Sunday, September 1 through June 30.

Controlling agency. FAA St. Louis ARTC Center.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-5883; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-174]

PART 608—RESTRICTED AREAS

Modification and Revocation

On September 19, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 7585) stating that the Federal Aviation Agency was proposing an amendment to § 608.14 of the regulations of the Administrator, which would modify the following restricted areas in the State of California: Complex (R-484), Camp Irwin (R-276), Cuddeback Dry Lake (R-447), Trona (R-277), Muroc Lake (R-279), Saline Valley (R-485), all located within Complex R-484 and Bullion Mountains (R-344).

As stated in the notice, the Federal Aviation Agency proposed to combine the Saline Valley Restricted Area (R-485) with Complex Restricted Area (R-484) within which it is presently encompassed. Although the notice proposed to enlarge the combined geographical area, such action is not now being taken for reasons contained herein.

The Camp Irwin (R-276), Cuddeback Dry Lake (R-447), Trona (R-277), and the Muroc Lake (R-279) restricted areas, all contained within Complex (R-484) were proposed to be combined as the Muroc Lake, Calif., Restricted Area (R-279). The geographical area encompassed by this proposed modification would not change.

The Bullion Mountains Restricted Area (R-344) was to be modified by revoking the portion in the northwest corner of the restricted area which overlies VOR Federal airways Nos. 8, 21, 1518, and 1520, thereby relieving these airways from present altitude restriction.

A public hearing was held October 29, 1959, at the Mission Inn Hotel, Riverside, Calif., at which time all interested persons were given an opportunity to submit views or arguments, in writing or orally concerning the proposal.

As a result of the hearing, certain positions have been brought to the attention of the Federal Aviation Agency. The Department of Defense states that no requirement exists at this time for the expansion of Complex (R-484) to the north and west as proposed. Further, the consolidation of these restricted areas and redesignation as two separate restricted areas is not practical from a users standpoint because of the many differing agencies within the Department of Defense and the various segments of the aviation industry using the areas for flight test purposes. They also requested that the modification of the southwest corner of Complex (R-484) be held in abeyance pending further study of its effect on the Palmdale, Calif., terminal area. The Federal Aviation Agency does not consider the designation of a restricted area for the purpose of protecting terminal military traffic justified since this is not the purpose for which restricted areas are intended.

The Aerospace Industries Association concurred with the Department of Defense comments.

The California Aeronautics Commission, California Association of Airports and the County of San Bernardino, Calif., concurred in the proposal provided no lower altitude restrictions were placed on Complex (R-484). They also recommended that the Federal Aviation Agency be designated the controlling agency of Complex (R-484) and all restricted areas contained within the Complex as well as R-344. Mr. Robert C. Davis, owner and operator of the Ridgecrest-Davis Airport, Ridgecrest, Calif., concurred in the proposal.

In so far as the actions proposed in 59-WA-174 are concerned, Mr. Albert J. Huber, Aviation Director, Kern County, Calif., concurred in the combining of R-279 and Complex (R-484) and recommended a central controlling agency be designated for the entire complex.

As a result of the hearing and all other available data, the Federal Aviation Agency is taking the following action: Complex (R-484), external boundary of R-484 and area to remain as presently designated with the exception of the southwest corner, and that will be designated along the following coordinates from latitude 34°56'00" N., longitude 118°21'00" W., to latitude 35°15'00" N., longitude 118°35'00" W. Bullion Mountains Restricted Area (R-344), boundary to remain as presently designated with the exception of the northwest corner and that will be designated along coordinates latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°40'30" N., longitude 116°29'40" W., to latitude 34°43'00" N., longitude 116°26'20" W. The above boundary redesignations will reduce to a slight extent the size of restricted areas R-344 and Complex (R-484) thereby providing additional airspace that will permit airway widths in the area to meet the minimum criteria. Saline Valley Restricted Area (R-485), located within the geographical boundaries of Complex Restricted Area (R-484) is being revoked because the report required by Special Airspace Regulation No. 1 (24 F.R. 5898) did not indicate sufficient utilization or justification for its continued separate designation. However, as pointed out in the Notice, R-485 was under joint use and, thus, there remains justification for the retention of the area within the confines of R-484. The remaining restricted areas will remain as presently designated with the exception of the controlling agency for Complex (R-484), including the restricted areas therein, and R-344 which are changed to the Federal Aviation Agency.

No other comments were received concerning the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.14 *California:*

(a) The Complex, Calif., Restricted Area (R-484) (Los Angeles-Mt. Whitney Charts) (23 F.R. 8577) is amended as follows:

Description by geographical coordinates.

In the text delete "thence to latitude 35°00'00"; longitude 118°35'00";" and substitute therefor "thence to latitude 34°56'00" N., longitude 118°21'00" W.; thence to latitude 35°15'00" N., longitude 118°35'00"W.;".

Controlling agency is amended to read: The Federal Aviation Agency, Los Angeles ARTC Center.

(b) The Camp Irwin, Calif., Restricted Area (R-276) (Los Angeles Chart) (23 F.R. 8576, 24 F.R. 524) *Controlling agency* is amended to read: The Federal Aviation Agency, Los Angeles ARTC Center.

(c) The Cuddeback Dry Lake, Calif., Restricted Area (R-447) (Los Angeles Chart) (23 F.R. 8577) *Controlling agency* is amended to read: The Federal Aviation Agency, Los Angeles ARTC Center.

(d) The Trona, Calif., Restricted Area (R-277) (Los Angeles Chart) (23 F.R. 8578) *Controlling agency* is amended to read: The Federal Aviation Agency, Los Angeles ARTC Center.

(e) The Muroc Lake, Calif., Restricted Area (R-279) (Los Angeles Chart) (23 F.R. 8577, 24 F.R. 3875, 5116) *Controlling agency* is amended to read: The Federal Aviation Agency, Los Angeles ARTC Center.

(f) The Saline Valley, Calif., Restricted Area (R-485) (Mt. Whitney Chart) (23 F.R. 8578, 24 F.R. 3875) is revoked.

(g) The Bullion Mountains, Calif., Restricted Area (R-344) (Los Angeles Chart) (23 F.R. 8576, 24 F.R. 524) is amended as follows:

Description by geographical coordinates.

In the text delete "thence to latitude 34°31'00", longitude 116°27'30"; thence to latitude 34°43'00", longitude 116°32'45";" and substitute therefor "thence to latitude 34°30'00" N., longitude 116°26'30" W.; thence to latitude 34°40'30" N., longitude 116°29'40" W.; thence to latitude 34°43'00" N., longitude 116°26'20" W.;".

Designated altitudes is amended to read: Surface to unlimited.

Controlling agency is amended to read: The Federal Aviation Agency, Los Angeles ARTC Center.

These amendments shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-5889; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 59-LA-3]

PART 608—RESTRICTED AREAS

Designation of Restricted Area/ Military Climb Corridor

On December 5, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9792) stating that the Federal Aviation Agency was considering an amendment to § 608.14 of the regulations of the Administrator which would designate a Restricted Area/Military Climb Corridor at George Air Force Base, Victorville, Calif.

As stated in the notice, the military climb corridor, designated as a restricted area, would confine high speed, high rate-of-climb Century series aircraft departing from the airbase on active air defense missions within a relatively small area. The restricted area would provide protection for these aircraft and other users of the airspace during the climb phase of the air defense mission.

The notice described the proposed Restricted Area/Military Climb Corridor as being centered on the 250° True radial of the George Air Force Base TVOR, extending from 5 statute miles west of the airbase to 30 statute miles west of the airbase expanding uniformly from a width of 2 statute miles at the beginning to 4.6 statute miles at the outer extremity. The lower altitude limits would extend in graduated steps from 4,900 feet MSL to 21,900 feet MSL. The upper altitude limits would extend in graduated steps from 17,900 feet MSL to 27,000 feet MSL. The time of use would be continuous, and the controlling agency would be George Air Force Base Approach Control. The controlling agency of a Restricted Area/Military Climb Corridor will authorize aircraft to operate within and through the area when it is not in use.

Comments objecting to the designation of this Restricted Area/Military Climb Corridor were submitted by sailplane soaring associations and organizations and from the owner of the El Mirage Field. The El Mirage Field is a small field approximately 12 miles west of George AFB which functions primarily as a base serving sailplane and soaring activities. Mr. William G. Briegleb, owner of El Mirage states that the corridor will seriously affect flying in the area and curtail activities at his field. Mr. Briegleb questions the necessity for the low floor of the corridor, or for the designation of a corridor at all. Other comments from interested groups and organizations state and contend: that while the purpose and safety feature of a military climb corridor is recognized, objection is made regarding the location and configuration of this corridor; that sailplanes do not have sufficient radio equipment to obtain clearance through such a restricted area when it is not in use; that the floor of the proposed corridor is unnecessarily low in its first stages; that if a corridor must be used, it should be centered on a radial of the George AFB TVOR between 200° and 220° True; that the corridor will seriously hinder sailplane activity at El Mirage Field; that such restrictions to civil aviation "far outnumber and outweigh the military benefits", and that the corridor would conflict with El Mirage Field, Hansen Airport and Federal airways Green 4, Blue 14, and Victor 12, Victor 137 and Victor 201. These comments, received from the Soaring Society of America, Inc.; the Southern California Soaring Association, Inc.; the Antelope Valley Soaring Club, and the California Aeronautics Commission, all reflect concern over the adverse effects the corridor

will have on soaring activities at El Mirage Field.

Similar written objections to the corridor, though not received in response to the Notice, but resulting from the original proposal as presented before the Regional Airspace Subcommittee of the Air Coordinating Committee, have also been given careful consideration.

The Federal Aviation Agency fully appreciates its responsibilities in serving all aviation interests and will continue to exert every effort toward the equitable and efficient allocation of airspace consistent with safety and military defense requirements. In this instance, an Air Defense committment exists at George AFB, and increased safety to all users of surrounding airspace dictates the designation of a restricted area/military climb corridor. George AFB is situated in a complex area surrounded by Federal airways. Designating the corridor to the west from George AFB will cause conflict with segments of Federal airways Blue 14 and Victor 137, and may result in a proposal to revoke these segments. However, these are the least used of the surrounding airway segments that would otherwise be affected. Also, it is necessary to as closely as practicable approximate the scramble runway heading in designating a climb corridor. In order to alleviate the impact of the climb corridor on the soaring activities at El Mirage Field, the corridor is designated on the 242° True radial of the George AFB TVOR rather than the 250° True radial as proposed in the notice. This aligns the corridor as far south and away from El Mirage as possible without conflicting with heavily traveled Federal airways Victor 210 and Victor 8 north. Centered on this radial, the corridor will not conflict with Federal airways Green 4, Victor 12 or Victor 201, nor with the Hansen Airport. To further relieve, to all extent possible, the restrictive effect on local soaring activities, the floor of the corridor is modified herein in the stages between 7 and 15 statute miles from the airbase, with the exception of the 10-mile stage, by redefining the length of the stages and by raising the floor from that proposed in the Notice in the 7 through 9 and the 11 through 14-mile stages. This will result in the floor of the corridor being 4,900 feet MSL from 5 statute to 7 statute miles from the airbase; 5,900 feet MSL from 7 to 8 statute miles; 6,900 feet MSL from 8 to 9 statute miles; 7,900 feet MSL from 9 to 10 statute miles; 8,900 feet MSL from 10 to 11 statute miles; 9,900 feet MSL from 11 to 12 statute miles; 10,900 feet MSL from 12 to 13 statute miles; and 11,900 feet MSL from 13 to 15 statute miles, rather than the standard floor of 4,900 feet MSL from 5 to 10 statute miles from the airbase and 8,900 feet MSL from 10 to 15 statute miles as proposed in the Notice. The Department of the Air Force has concurred in these modifications of the proposal. It is true that to allow aircraft to transit the restricted area when it is not in use, the controlling agency must have two-way radio contact with such aircraft to exercise this controlling authority. However, in modifying the alignment and the floor of the corridor, additional airspace has been provided which soaring aircraft may traverse without entering the corridor and obtaining the necessary clearance to do so.

The notice stated that the controlling agency of the climb corridor would be the George Air Force Base Approach Control. Subsequent to publication of the notice, the Palmdale Approach Control was commissioned and is providing approach control service for George AFB. Accordingly, Palmdale Approach Control is designated as the controlling agency.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.14 *California*, (25 F.R. 8576) add the following:

Victorville, Calif., (George AFB) Restricted Area/Military Climb Corridor (R–576) (Los Angeles Chart).

Description. That area centered on the 242° True radial of the George Air Force Base terminal VOR extending from 5 statute miles west of the airbase to 30 statute miles west of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

Designated altitudes.

4,900 feet MSL to 17,900 feet MSL from 5 statute miles W of the airbase to 6 statute miles W of the airbase.

4,900 feet MSL to 26,900 feet MSL from 6 to 7 statute miles W of the airbase.

5,900 feet MSL to 27,000 feet MSL from 7 to 8 statute miles W of the airbase.

6,900 feet MSL to 27,000 feet MSL from 8 to 9 statute miles W of the airbase.

7,900 feet MSL to 27,000 feet MSL from 9 to 10 statute miles W of the airbase.

8,900 feet MSL to 27,000 feet MSL from 10 to 11 statute miles W of the airbase.

9,900 feet MSL to 27,000 feet MSL from 11 to 12 statute miles W of the airbase.

10,900 feet MSL to 27,000 feet MSL from 12 to 13 statute miles W of the airbase.

11,900 feet MSL to 27,000 feet MSL from 13 to 15 statute miles W of the airbase.

12,900 feet MSL to 27,000 feet MSL from 15 to 20 statute miles W of the airbase.

17,900 feet MSL to 27,000 feet MSL from 20 to 25 statute miles W of the airbase.

21,900 feet MSL to 27,000 feet MSL from 25 to 30 statute miles W of the airbase.

Time of designation. Continuous.

Controlling agency. Palmdale Approach Control.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 22, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–5890; Filed, June 27, 1960; 8:46 a.m.]

[Airspace Docket No. 60–KC–14]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.22 of the regulations of the Administrator is to change the time of designation of the Camp Atterbury, Ind., Restricted Area (R–65) (Cincinnati Chart) from "Continuous" to "Sunrise to sunset."

Activities conducted in Restricted Area (R–65) consist of artillery firing, bombing, air-to-ground firing and aerial gunnery. The Department of the Army has requested that the time of designation for this restricted area be changed from "Continuous" to "Sunrise to sunset".

Since this amendment reduces a burden on the public, compliance with the notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In § 608.22, the Camp Atterbury, Ind., Restricted Area (R–65) (Cincinnati Chart) (23 F.R. 8580, 24 F.R. 2233, 3875, 7982) is amended by deleting "Continuous." and substituting therefor "Sunrise to sunset."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–5885; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 59–NY–14]

PART 608—RESTRICTED AREAS

Designation of Restricted Area/ Military Climb Corridor

On November 24, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9431) stating that the Federal Aviation Agency was considering an amendment to § 608.27 of the regulations of the Administrator which would designate a Restricted Area/Military Climb Corridor at Loring Air Force Base, Limestone, Maine.

As stated in the notice, the Military Climb Corridor, designated as a Restricted Area, will confine the high-speed, high rate-of-climb Century series air defense aircraft, departing from the base on active air defense missions, within a relatively small area. The Restricted Area will provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. A portion of this Military Climb Corridor will extend into Canada. The Department of Transport of the Canadian Government has no objection to the extension of this Military Climb Corridor into the Province of New Brunswick, and agrees to designate the Canadian portion as Restricted Airspace. The overall dimensions of the proposed Restricted Area/Military Climb Corridor, including the Canadian and United States portions will be as follows:

That area centered on the 353° True radial of the Loring AFB TACAN from 5 statute miles north of the airbase to 32 statute miles north of the airbase, 2 statute miles wide at the beginning and uniformly expanding to a width of 4.6 statute miles at the outer extremity. The lower altitude limits in graduated steps will extend from 2,750 feet MSL to 19,750 feet MSL. The upper altitude limits will extend from 15,750 feet MSL to 27,000 feet MSL. Time of use will be continuous. The controlling agency will be the Loring AFB Approach Control. The controlling agency will authorize aircraft to operate within the Climb Corridor when not in use by active air defense aircraft.

No adverse comments were received regarding the proposed amendment. However, the Aircraft Owners and Pilots Association/National Aviation Trades Association Airspace Representative requested that consideration be given to raising the floor of the corridor in the areas from 6 to 7 and 7 to 10 statute miles from the airbase. The Federal Aviation Agency has coordinated this recommendation with the Department of the Air Force. The Air Force has indicated a requirement to maintain the present configuration of the climb corridors due to aircraft operating characteristics.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.27 *Maine*, (23 F.R. 8581) add the following:

Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor (R–584) (Aroostook Chart).

Description. That area centered on the 353° True radial of the Loring AFB TACAN extending from 5 statute miles N of the airbase to 32 statute miles N of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity, excluding that portion which lies outside of the United States.

Designated altitudes.

2,750' MSL to 15,750' MSL from 5 statute miles N of the airbase to 6 statute miles N of the airbase.

2,750' MSL to 24,750' MSL from 6 to 7 statute miles N of the airbase.

2,750' MSL to 27,000' MSL from 7 to 10 statute miles N of the airbase.

6,750' MSL to 27,000' MSL from 10 to 15 statute miles N of the airbase, except that portion outside the United States.

10,750' MSL to 27,000' MSL from 15 statute miles N of the airbase northward to the United States/Canadian Border.

Time of designation. Continuous.

Controlling agency. Loring AFB Approach Control.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–5884; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 59–NY–48]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.29 of the regulations of the Administrator is to change the designated altitudes of the Camp Edwards, Mass., Restricted Area (R–14) (Boston Chart) from "surface to 26,000 feet" to "surface to 13,000 feet MSL".

Activities within R–14 consists of 105 mm and 155 mm howitzer firing. The Department of the Army no longer has a requirement for the airspace above 13,000 feet MSL within this restricted area and has concurred in the action to reduce the upper limit of Restricted Area (R–14) to 13,000 feet MSL.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In § 608.29 the *Camp Edwards, Mass., Restricted Area (R–14) (Boston Chart)* (23 F.R. 8582) is amended by deleting "Surface to 26,000 feet." and substituting therefor "Surface to 13,000 feet MSL."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–5881; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 59–WA–233]

PART 608—RESTRICTED AREAS

Modification of Restricted Area/ Military Climb Corridor

On November 11, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9212) stating that the Federal Aviation Agency was considering an amendment to § 608.38 of the regulations of the Administrator which would modify the upper altitude limits of the Wrightstown (McGuire AFB), N.J., Restricted Area/Military Climb Corridor (R–539).

As stated in the notice, the present McGuire AFB climb corridor extends from a point 5 statute miles southwest of the airbase on the 226° True radial of the McGuire TVOR to a point 32 statute miles southwest of the airbase. The lower altitude limits extend in graduated steps from 2,100 feet MSL to 19,100 feet MSL. The upper altitude limits extend from 10,100 feet MSL to 27,000 feet MSL. The upper altitude limits of the present climb corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speed and high rate of climb in a short time after takeoff. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, the Federal Aviation Agency is raising the upper altitude limits of the climb corridor. This action will result in the upper altitude limits of the McGuire AFB climb corridor extending from 15,100 feet MSL to 27,000 feet MSL.

No adverse comments were received regarding the proposed amendment. However, the Aircraft Owners and Pilots Association/National Aviation Trades Association Airspace Representative requested that consideration be given to raising the floor of the corridor in the steps from 6 to 7 and 7 to 10 statute miles from the airbase. The Federal Aviation Agency has coordinated this recommendation with the Department of the Air Force. The Air Force has indicated a requirement to maintain the present configuration of the climb corridors due to aircraft operating characteristics.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.38 *New Jersey*, Wrightstown (McGuire AFB), N.J., Restricted Area/Military Climb Corridor (R–539) (Washington Chart) (24 F.R. 1832) is amended to read:

Description. That area centered on the 226° True radial of the McGuire TVOR extending from 5 statute miles SW of the airbase to 32 statute miles SW of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

Designated altitudes.

2,100' MSL to 15,100' MSL from 5 statute miles SW of the airbase to 6 statute miles SW of the airbase.

2,100' MSL to 24,100' MSL from 6 to 7 statute miles SW of the airbase.

2,100' MSL to 27,000' MSL from 7 to 10 statute miles SW of the airbase.

6,100' MSL to 27,000' MSL from 10 to 15 statute miles SW of the airbase.

10,000' MSL to 27,000' MSL from 15 to 20 statute miles SW of the airbase.

15,100' MSL to 27,000' MSL from 20 to 25 statute miles SW of the airbase.

19,100' MSL to 27,000' MSL from 25 to 32 statute miles SW of the airbase.

Time of designation. Continuous.

Controlling agency. McGuire AFB Approach Control.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–5888; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 59–WA–234]

PART 608—RESTRICTED AREAS

Modification of Restricted Area/ Military Climb Corridor

On November 11, 1959, a notice of proposed rule-making was published in

the FEDERAL REGISTER (24 F.R. 9215) stating that the Federal Aviation Agency was considering an amendment to § 608.40 of the regulations of the Administrator which would modify the upper altitude limits of the Westhampton Beach (Suffolk AFB), N.Y., Restricted Area/Military Climb Corridor (R-545).

As stated in the notice, the present Suffolk AFB climb corridor extends from a point 5 statute miles northeast of the airbase on the 039° True radial of the Suffolk TVOR to a point 32 statute miles northeast of the airbase. The lower altitude limits extend in graduated steps from 2,100 feet MSL to 19,100 feet MSL. The upper altitude limits extend from 10,100 feet MSL to 27,000 feet MSL. The upper altitude limits of the present climb corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speed and high rate of climb in a short time after takeoff. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, the Federal Aviation Agency is raising the upper altitude limits of the climb corridor. This action will result in the upper altitude limits of the Suffolk AFB climb corridor extending from 15,100 feet MSL to 27,000 feet MSL.

No adverse comments were received regarding the proposed amendment. However, the Aircraft Owners and Pilots Association/National Aviation Trades Association Airspace Representative requested that consideration be given to raising the floor of the corridor in the steps from 6 to 7 and 7 to 10 statute miles from the airbase. The Federal Aviation Agency has coordinated this recommendation with the Department of the Air Force. The Air Force has indicated a requirement to maintain the present configuration of the climb corridors due to aircraft operating characteristics.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.40 *New York*, Westhampton Beach, N.Y. (Suffolk AFB), Restricted Area/Military Climb Corridor (R-545) (New York Chart) (23 F.R. 9135) is amended to read:

Description. That area centered on the 039° True radial of the Suffolk TVOR extending from 5 statute miles NE of the airbase to 32 statute miles NE of the airbase having a width of 2 statute miles at the beginning and 4.6 statute miles at the outer extremity.

Designated altitudes.

2,100' MSL to 15,100' MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase.

2,100' MSL to 24,100' MSL from 6 to 7 statute miles NE of the airbase.

2,100' MSL to 27,000' MSL from 7 to 10 statute miles NE of the airbase.

6,100' MSL to 27,000' MSL from 10 to 15 statute miles NE of the airbase.

10,100' MSL to 27,000' MSL from 15 to 20 statute miles NE of the airbase.

15,100' MSL to 27,000' MSL from 20 to 25 statute miles NE of the airbase.

19,100' MSL to 27,000' MSL from 25 to 32 statute miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Suffolk AFB Approach Control.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-5886; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 59-WA-231]

PART 608—RESTRICTED AREAS

Modification of Restricted Area/ Military Climb Corridor

On November 11, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9213) stating that the Federal Aviation Agency was considering an amendment to § 608.40 of the regulations of the Administrator which would modify the upper altitude limits of the Rome (Griffiss AFB), N.Y., Restricted Area/Military Climb Corridor (R-544).

As stated in the notice, the present Griffiss AFB climb corridor extends from a point 5 statute miles northwest of the airbase on the 138° True and the 318° True radials of the Griffiss TVOR to a point 32 statute miles northwest of the airbase. The lower altitude limits extend in graduated steps from 2,500 feet MSL to 19,500 feet MSL. The upper altitude limits extend from 10,500 feet MSL to 27,000 feet MSL. The upper altitude limits of the present climb corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speed and high rate of climb in a short time after takeoff. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, the Federal Aviation Agency is raising the upper altitude limits of the climb corridor. This action will result in the upper altitude limits of the Griffiss AFB climb corridor extending from 15,500 feet MSL to 27,000 feet MSL.

No adverse comments were received regarding the proposed amendment. However, the Aircraft Owners and Pilots Association/National Aviation Trades Association Airspace Representative requested that consideration be given to raising the floor of the corridor in the steps from 6 to 7 and 7 to 10 statute miles from the airbase. The Federal Aviation Agency has coordinated this recommendation with the Department of the Air Force. The Air Force has indicated a requirement to maintain the present configuration of the climb corridors due to aircraft operating characteristics.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.40 *New York*, Rome (Griffiss AFB), N.Y., Restricted Area/Military Climb Corridor (R-544) (Albany Chart) (23 F.R. 9134) is amended to read:

Description. That area centered on the 138° and the 318° True radials of the Griffiss TVOR extending from 5 statute miles NW of the airbase to 32 statute miles NW of the airbase having a width of 2 statute miles at the beginning and a width of 4.6 statute miles at the outer extremity.

Designated altitudes.

2,500' MSL to 15,500' MSL from 5 statute miles NW of the airbase to 6 statute miles NW of the airbase.

2,500' MSL to 24,500' MSL from 6 to 7 statute miles NW of the airbase.

2,500 MSL to 27,000' MSL from 7 to 10 statute miles NW of the airbase.

6,500' MSL to 27,000' MSL from 10 to 15 statute miles NW of the airbase.

10,500' MSL to 27,000' MSL from 15 to 20 statute miles NW of the airbase.

15,500' MSL to 27,000' MSL from 20 to 25 statute miles NW of the airbase.

19,500' MSL to 27,000' MSL from 25 to 32 statute miles NW of the airbase.

Time of designation. Continuous.

Controlling agency. Griffiss AFB Approach Control.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-5887; Filed, June 27, 1960; 8:45 a.m.]

[Airspace Docket No. 60-KC-11]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.57 of the regulations of the Administrator is to change the time of designation of the Volk Field, Wis., Restricted Area (R-468) (Twin Cities and Green Bay Charts) from "day and night" to "sunrise to sunset, June 1 to August 31, and on Friday, Saturday, and Sunday, September 1 through May 31, excepting January and February," and the designated altitude from "12,000 feet" to "surface to 12,000 feet MSL".

The U.S. Air Force has advised that Air National Guard units conducting air-to-ground gunnery in Restricted Area (R-468) no longer have a requirement for the area, other than as specified above, and has concurred in the action to reduce the time of use.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In § 608.57 the Volk Field, Wis., Restricted Area (R-468) (Twin Cities and Green Bay Charts) (23 F.R. 8590, 24 F.R. 7637) is amended as follows: In the text delete "*Designated altitudes.* Surface to 12,000 feet MSL. *Time of designation.* Sunrise to sunset, June 1 to August 31, annually, and on Friday, Saturday, and Sunday, September 1 through May 31, annually, excepting January and February."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 16, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-5882; Filed, June 27, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7749 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Hayim & Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.30 *Composition of goods;* § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(e) *Imported products or parts as domestic.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1285 *Producer status of dealer or seller;* § 13.1325 *Source or origin:* § 13.1325–70 *Place:* § 13.1325–70(g) *Imported product or parts as domestic.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1530 *Producer status of dealer;* [Misrepresenting oneself and goods]—Goods: § 13.1590 *Composition;* § 13.1745 *Source or origin:* § 13.1745–70 *Place:* § 13.1745–70(c) *Imported product or parts as domestic.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C.) [Cease and desist order, Alvin M. Hayim et al., doing business as Hayim & Company, New York, N.Y., Docket 7749, May 12, 1960]

In the Matter of Alvin M. Hayim, and Ella M. Hayim, Individually and as Copartners Doing Business as Hayim & Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors of rugs and floor coverings, many of them of foreign origin, with representing falsely on attached labels, invoices, price lists, etc., that they manufactured their products; that certain mixed fiber rugs were composed entirely of wool and that others were predominantly of wool; and that some branded with American place names, were made in the United States.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 12 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Alvin M. Hayim and Ella M. Hayim, as individuals or as copartners trading and doing business as Hayim & Company, or under any other trade name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rugs or floor coverings or any other textile product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, through the use of the word "manufacturer" or by any other means that respondents own, operate or control the manufacturing plant or facilities in which the aforesaid products are made in whole or in part, unless such shall be the fact;

2. Using the terms "wool" or "all wool" or any other word or term indicative of wool, to designate or describe any product or portion thereof which is not composed wholly of wool, the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere Goat, or hair of the camel, alpaca, llama or vicuna, which has never been reclaimed from any woven or felted product; provided, that in the case of products or portions thereof which are composed in substantial part of wool and in part of other fibers or materials, the term "wool" may be used as descriptive of the wool content of the product or portion thereof if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully designated each constituent fiber or material thereof in the order of its predominance by weight; provided further, that if any fiber or material so designated is not present in a substantial quantity, the percentage thereof shall be stated. Nothing herein shall prohibit the use of the terms "reprocessed wool" or "reused wool" when the products or those portions thereof referred to are composed of such fibers;

3. Using the words "Southhampton", "Bar Harbor", "Northhampton", "Miami Shores", "Palm Beach", or "Pinehurst", or any other distinctively American name in advertising or in labeling to designate or describe the aforesaid products which are not in fact made in the United States, or using any other word or term in advertising or in labeling as descriptive of the aforesaid products which represents, directly or indirectly, that said products are made in a country other than the one in which they are in fact made, without clearly and conspicuously revealing in immediate connection with each of the aforesaid names, words or terms, the actual country of origin of such products: *Provided, however*, That nothing herein shall relieve the respondents from their obligation to comply with the requirements of the Textile Fiber Products Identification Act after the effective date thereof or forbid the respondents thereafter from labeling and otherwise offering products subject to that Act in the manner prescribed thereby and rules and regulations promulgated thereunder by the Commission.

The terms "reprocessed wool" and "reused wool", as herein used, are to be defined as in section 2(c) and section 2(d) of the Wool Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Alvin M. Hayim and Ella M. Hayim, individually and as copartners doing business as Hayim & Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 12, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5919; Filed, June 27, 1960; 8:47 a.m.]

[Docket 7754 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Independent Quilting Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Independent Quilting Company, Inc., et al., New York, N.Y., Docket 7754, May 13, 1960]

In the Matter of Independent Quilting Company, Inc., a Corporation, and Abraham Saltzman, Larry Greenwald, and Emmett Greenwald, Individually and as Officers of Said Corporation

The complaint in this case charged New York City manufacturers with violating the Wool Products Labeling Act by tagging and invoicing as "100% Reprocessed Wool" and "80% Reused Wool, 20% other fibers", wool products which contained substantially less wool than so indicated.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Independent Quilting Company, Inc., a corporation, and its officers, and Abraham Saltzman, Larry Greenwald, and Em-

mett Greenwald, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool interlining materials or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by sections 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Independent Quilting Company, Inc., a corporation, and its officers, and Abraham Saltzman, Larry Greenwald and Emmett Greenwald, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabrics or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the constituent fibers of which their products are composed, or the percentages thereof, on invoices, shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 13, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5920; Filed, June 27, 1960; 8:47 a.m.]

[Docket 7621 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Parker-Levy Juniors, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Parker-Levy Juniors, Inc., et al., New York, N.Y., Docket 7621, May 11, 1960]

In the Matter of Parker-Levy Juniors, Inc., a Corporation, Jack Parker and Cal Levy, Individually and as Officers of Said Corporation

The complaint in this case charged New York City manufacturers with violating the Wool Products Labeling Act by failing to label women's wool dresses as required.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Parker-Levy Juniors, Inc., a corporation, and its officers, and Jack Parker and Kalman C. Levy, individually and as officers of said corporation, and their representatives, agents and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of women's dresses or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way be represented to contain "wool", "reprocessed wool" or "reused wool" as those terms are defined in said Act, do forthwith cease and desist from:

1. Misbranding such products by failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of the wool product, of any non-fibrous loading, filling, or adulterating matter;

(c) The name of registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Parker-Levy Juniors, Inc., a corporation, Jack Parker and Kalman C. Levy, incorrectly designated as Cal Levy, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commisison a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 11, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 60-5921; Filed, June 27, 1960; 8:48 a.m.]

[Docket 7704 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Zable et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–15 *Comparative;* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Joseph Zable trading as J. I. Zable Fur Co. and Joseph Zable Furs, Dallas, Tex., Docket 7704, May 12, 1960]

In the Matter of Joseph Zable, an Individual Trading as J. I. Zable Fur Co. and Joseph Zable Furs

The complaint in this case charged a Dallas, Tex., furrier with violating the Fur Products Labeling Act by labeling and invoicing fur products falsely with respect to the animal producing the fur; by advertising in newspapers which failed to disclose the names of animals producing the fur contained in fur products, represented sale prices as reduced from regular prices which were in fact fictitious, and used earlier comparative prices without designating the time they were in effect; by failing to maintain adequate records as a basis for said pricing claims; and by failing in other respects to comply with requirements of the Act.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 12 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That Joseph Zable, an individual trading as J. I. Zable Fur Co. and Joseph Zable Furs, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively labeling or otherwise identifying any such products as to the name or names of the animal or animals that produce the fur from which such products were manufactured.

C. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

(2) Information required under section 4(2) of the Fur Products Labeling Act and rules and regulations promulgated thereunder mingled with nonrequired information.

2. Falsely and deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products the name or names of animals other than the name or names provided for in section 5(b)(1) of the Fur Products Labeling Act.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

A. Fails to disclose the name or names of the animal or animals producing the fur or furs in the fur product as set forth in the Fur Products Name Guide and as prescribed in the rules and regulations.

B. Represents, directly or by implication, that the respondent's usual or regular price of any fur product is any amount in excess of the price at which the respondent has usually or customarily sold the product in the recent regular course of business.

C. Setting forth former prices without designating the time of such former prices.

4. Misrepresenting in any manner the savings available to purchasers of respondent's fur products.

5. Making claims or representations in advertisements respecting prices or values of fur products unless respondent maintains full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 12, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5922; Filed, June 27, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ferrous Sulfate

No objections having been filed to the proposal published in the FEDERAL REGISTER of May 11, 1960 (25 F.R. 4201), with reference to declaring ferrous sulfate as safe, and no request having been received for referral of the proposal to an advisory committee: *It is ordered,* That the regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.2) be amended by changing § 120.2(a) to read as set forth below:

§ 120.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than ferrous sulfate, sulfur, lime, lime-sulfur, potassium polysulfide, sodium carbonate, and sodium polysulfide are not, for the purposes of section 408(a) of the act, generally recognized as safe for use.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(c), (e), 68 Stat. 511, 516; 21 U.S.C. 346a(c), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29(a)).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511 et seq.; 21 U.S.C. 346a)

Dated: June 21, 1960.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 60-5945; Filed, June 27, 1960; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 60-40]

PART 47—PAYMENT OF COUNSEL FEES AND OTHER EXPENSES IN FOREIGN COURTS

By virtue of the authority contained in the Act of September 2, 1958 (72 Stat. 1445), Title 10, U.S.C. 1037, the following regulations in a new part are prescribed and read as follows:

Sec.
47.01 Policy.
47.02 Purpose.
47.05 Statutory authority.
47.08 Responsibility.
47.10 Criteria for the provision of counsel and payment of expenses in criminal cases.
47.11 Provision of bail in criminal cases.
47.12 Criteria for the furnishing of counsel and payment of expenses in civil cases.
47.15 Procedures for hiring of counsel and payment of expenses.
47.17 Payment of counsel fees and other expenses.
47.20 Reimbursement.

AUTHORITY: §§ 47.01 to 47.20 issued under 72 Stat. 1445; 10 U.S.C. 1037.

§ 47.01 Policy.

It is the policy of the Department of the Treasury to protect, to the maximum extent possible, the rights of United States Coast Guard personnel who may be subject to trial by foreign courts and imprisonment in foreign prisons.

§ 47.02 Purpose.

The regulations in this part establish criteria and assign responsibility for the provision of counsel, for the provision of bail, and for the payment of court costs and other necesary and reasonable expenses incident to representation in civil and criminal proceedings, including appellate proceedings, before foreign courts and foreign administrative agencies,

which involve any persons subject to the court-martial jurisdiction of the United States Coast Guard. Payment of fines is not authorized hereunder.

§ 47.05 Statutory authority.

(a) Under regulations to be prescribed by him, the Secretary concerned may employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the representation, before the judicial tribunals and administrative agencies of any foreign nation, of persons subject to the Uniform Code of Military Justice. So far as practicable, these regulations shall be uniform for all armed forces.

(b) The person on whose behalf a payment is made under this section is not liable to reimburse the United States for that payment, unless he is responsible for forfeiture of bail provided under subsection (a).

(c) Appropriations available to the military department concerned or the Department of the Treasury, as the case may be, for the pay of persons under its jurisdiction may be used to carry out this section. Act of September 2, 1958 (72 Stat. 1445) Title 10, U.S.C. 1037.

§ 47.06 Responsibility.

(a) Requests for provision of counsel, provision of bail or payment of expenses will ordinarily be made by the defendant accused or cited in a foreign court or agency through channels appropriate under the circumstances to the officer exercising general court-martial jurisdiction over him. This officer will determine whether the request meets the criteria prescribed in this part and based upon such determination will take final action to approve or disapprove the request.

(b) In the interest of obtaining prompt and effective legal service, the Commandant may designate as approval authority, instead of the officer exercising general court-martial jurisdiction, any subordinate U.S. Coast Guard officer having area responsibility in a particular country for all U.S. Coast Guard personnel subject to foreign criminal jurisdiction.

§ 47.10 Criteria for the provision of counsel and payment of expenses in criminal cases.

Requests for the provision of counsel and payment of expenses in criminal cases may be granted in both trial and appellate proceedings in any one of the following criminal cases:

(a) Where the act complained of occurred in the performance of official duty; or

(b) Where the sentence which is normally imposed includes confinement in excess of six months, whether or not such sentence is suspended; or

(c) Where capital punishment might be imposed; or

(d) Where an appeal is made from any proceeding in which there appears to have been a denial of the substantial rights of the accused; or

(e) Where the case, although not within the criteria established in paragraph (a), (b), (c), or (d), of this section, is considered to have significant impact upon the relations of United States forces with the host country, or the case is considered to involve a particular United States interest.

§ 47.11 Provision of bail in criminal cases.

(a) Funds for the posting of bail or bond to secure the release of personnel from confinement by foreign authorities before, during, or after trial may be furnished in all criminal cases. Safeguards should be imposed to assure that at the conclusion of the proceedings or on the appearance of the defendant in court the bail or bond will be refunded to the military authorities.

(b) Bail will be provided only to guarantee the presence of the defendant and will not be provided to guarantee the payment of fines or civil damages. It is contemplated that provision of bail will be made, in any case, only after other reasonable efforts have been made to secure release of pretrial custody to the United States by other normal methods.

§ 47.12 Criteria for the furnishing of counsel and payment of expenses in civil cases.

(a) Request for provision of counsel and payment of expenses in civil cases may be granted in both trial and appellate proceedings in either of the following cases:

(1) Where the act complained of occurred in the performance of official duty; or

(2) Where the case is considered to have a significant impact upon the relations of United States forces with the host country, or the case is considered to involve a particular United States interest.

(b) No funds shall be provided under these regulations in cases where the United States of America is in legal effect the defendant without prior authorization of the Commandant.

§ 47.15 Procedures for hiring of counsel and payment of expenses.

(a) The selection of individual trial or appellate counsel shall be made by or with the approval of the defendant. Such counsel shall represent the individual defendant and not the Government of the United States. Selection will be from approved lists of attorneys. These lists will normally be co-ordinated with the local bar association, if any, and the appropriate diplomatic mission of the United States. In any event, these lists will be composed only of attorneys who are qualified and admitted for full practice, on their own account, before the courts of the foreign country involved. Counsel fees and expenses should conform to amounts paid under similar circumstances by nationals of the foreign country where the trial is held. When appropriate and reasonable in the case, the payment of expenses, in addition to counsel fees, may include court costs, bail costs, charges for obtaining copies of records, printing and filing, interpreter fees, witness fees and other necessary and reasonable expenses. Expenses will not include the payment of fines or civil damages, directly or indirectly.

(b) Whenever possible a written contract between the selected counsel and the officer responsible under § 47.08 or his designee acting on behalf of the United States of America, shall be entered into. The contract shall cover counsel fees, and, when appropriate other costs, arising in defense of the entire case in the court of the first instance. In the event the case is appealed to higher tribunals, supplemental agreements shall be executed for each appeal. A copy of the contractual agreement shall serve as the obligating document. This contract shall be written so as not to establish an employer-employee relationship between the selected counsel and the Government of the United States.

(c) If, because of local conditions or customs, it is not practicable to enter into a formal contractual arrangement, a letter of understanding shall be executed between the officer responsible under § 47.08 or his designee and the selected counsel. There should be a mutual understanding that the counsel fees and other expenses arising in defense of the case, which will be paid by the U.S. Coast Guard, shall conform to amounts paid by nationals of the foreign country under similar circumstances.

(d) The provision of counsel and payment of expenses under these regulations in this part is not subject to the provisions of the Comptroller Manual, U.S. Coast Guard. However, the contract clauses set forth in Part 5, section VII, Armed Services Procurement Regulations may be used as a guide in contracting.

(e) In consideration of the desirability of timely procedural action, a legal officer on the staff of the officer responsible under § 47.08 may be designated contracting officer with contracting authority limited to agreements described in this section. The effect of this designation would be to combine within one office the duties of contracting officer and legal officer.

§ 47.17 Payment of counsel fees and other expenses.

Payment of bills submitted by the selected counsel and other costs shall be made upon acceptance of services procured under the regulations in this part when approved by the officer responsible under § 47.08 or his designee. Payments of bail may be made when authorized by such officers.

§ 47.20 Reimbursement.

No reimbursement shall ordinarily be required from defendants with respect to payments made in their behalf under the regulations in this part. However, all payments made in behalf of a defendant who willfully causes forfeiture of bail provided on his behalf under these regulations shall constitute a debt owed to the United States. Prior to the posting of bail on the behalf of a defendant, a signed agreement will be secured from the defendant wherein he agrees to remit the amount of such bail or permit the application of so much of his pay as may be necessary to reimburse the government in the event he willfully causes forfeiture of bail. Such agreement should be made with the understanding that it does not prejudice his right of appeal to the Comptroller General and the courts of adjudication after such payment or deduction has been made if he considers the amount thereof to be erroneous.

Dated: June 17, 1960.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-5940; Filed, June 27, 1960; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 94—HIGHWAY TRANSPORTATION

Miscellaneous Amendments

The regulations of the Post Office Department in Part 94—Highway Transportation—are amended as follows:

§ 94.2 [Amendment]

I. In § 94.2 *Postal services*, subdivision (v) of paragraph (a) (2) is amended to allow assignment of METRO keys to star route contractors. As so amended, subdivision (v) reads as follows:

(a) *Exchange of mail.* • • •

(2) *Through lobbies or lockers of post offices.* • • •

(v) When specifically authorized by the postal installations manager, star route contractors and carriers may use METRO series street letter box keys. They must not have access to rotary, LA, street letter box (other than METRO series) or post office workroom keys.

NOTE: The corresponding Postal Manual section is 521.212e.

§ 94.3 [Amendment]

II. In § 94.3 *Contracts*, make the following changes:

A. In subdivision (i) of paragraph (c) (2), that part of subdivision (i) which precedes clause (*a*) is amended to show that a noncitizen is eligible to bid and contract if he has filed a declaration of intention within the past 7 years to become a citizen; and clause (*a*) is amended to show that firms, companies, and corporations must be engaged in some business other than transportation of mail under a contract to qualify as an acceptable bidder. As so amended, that part of subdivision (i) which precedes clause (*a*), and clause (*a*) are amended to read as follows:

(c) *Securing bids.* • • •

(2) *Requirements of bidders*—(i) *Eligibility.* Any person who is at least 21 years of age and who is a citizen of the United States, or has filed a declaration of intention within the past 7 years to become a citizen may submit a proposal and enter into a contract for carrying the mail, subject to the following restrictions:

(*a*) No proposal for a contract for star route service shall be considered unless the bidder is a legal resident of one of the counties crossed by the roads over which the mail is to be carried or a legal resident of a county adjoining one through which the mail is to be carried, with this exception: Proposals for carrying mail will be accepted from firms, companies, or corporations actually engaged in some business other than transportation of mail under a contract within the counties in which individuals are restricted as to residence.

NOTE: The corresponding Postal Manual section is 521.332a.

B. Subdivision (iii) of paragraph (d) (2) is amended to show that an award of contract may be extended an additional 60 days under certain circumstances. As so amended, subdivision (iii) reads as follows:

(d) *Award of contract.* • • •

(2) *Reservations.* • • •

(iii) Suspend the award of a contract for a period not exceeding 60 days after the date stated in the advertisement for the announcement of the award and allow a corresponding extension of time for the execution of the contract. This period may be extended an additional 60 days under the circumstances outlined in subdivision (ii) of paragraph (c) (7) of this section. It is not always possible to award contracts to be effective on the dates specified in the advertisement.

NOTE: The corresponding Postal Manual section is 521.342C.

C. Subdivision (i) of paragraph (e) (4) is amended by redesignating clause (c) as clause (d), and inserting a new clause (c) to cover advance telephone notification by carriers of delayed arrivals and large mail loads. As so amended, subdivision (i) reads as follows:

(e) *Contractors responsibilities.* • • •

(4) *For maintaining schedules.* (i) Contractors and carriers must:

(*a*) Carry the mail according to the schedule of departures and arrivals and within the running time stated in the advertisement under which the contract is made, unless the schedule is altered by authority of the transportation planning and procurement officer. If the schedule is altered by a proper order, they must adhere to the altered schedule.

(*b*) Be allowed an equal amount of additional time on the schedule when more than 10 minutes is taken for opening and closing the mail at any post office, unless otherwise provided in the contract.

(*c*) Where specific instructions have been issued by the transportation planning and procurement officer on routes serving large post offices and sectional centers, notify postmasters in advance by telephone collect of estimated delayed arrival due to breakdowns or other causes or when extra large volumes of mail are being carried.

(*d*) Operate on standard time unless otherwise specified.

§ 94.5 [Amendment]

III. In § 94.5 *Temporary service* delete paragraph (f) and redesignate paragraph (g) as the new paragraph (f). All previously authorized special services have been discontinued and no new authorizations are to be made.

NOTE: The corresponding Postal Manual sections are 521.56 and 521.57.

IV. Section 94.12 *Description* is amended to destrict the normal use of mail messeger services to routes in the same or adjacent communities; and to point out that when a performance bond is required, panel body service or star route service should be used. As so amended, § 94.12 reads as follows:

§ 94.12 Description.

Mail messenger service is a local mail transportation service performed by mail messengers designated by the Post Office Department to collect, transport and transfer mail between post offices, stations, and branches and railroad terminals, steamboats, highway post offices, star routes, truck terminals, airport mail facilities, and stop points in the same or adjacent communities. It may be used for occasional unscheduled trips of intercity mail or mail equipment transportation over longer distances. When service is principally for scheduled inter-city transportation, use star route service. When local service is so extensive that a performance bond is needed to protect the Government's interest, use panel body contract service.

NOTE: The corresponding Postal Manual section is 522.1.

§ 94.13 [Amendment]

V. In § 94.13 *Establishing service* make the following changes:

A. Subparagraph (1) of paragraph (b) is amended for the purpose of clarification to read as follows:

(b) *Advertising for service.* (1) When a regular designation is necessary, the transportation planning and procurement officer will prepare specifications and instruct the postmaster at the office where service is needed to advertise for 10 days to obtain competitive sealed proposals.

NOTE: The corresponding Postal Manual section is 522.221.

B. In paragraph (c) make the following changes:

1. Amend the heading of paragraph (c) to read: *"Requirements for bidders."*

2. In subparagraph (4) make the following changes for the purpose of clarification:

a. Subdivision (i) is amended by inserting "or assistant messengers," immediately following the first reference to messengers therein. As so amended, subdivision (i) reads as follows:

(4) *Eligibility of postal employees.* (i) Postal employees and members of their immediate families (persons who are members of the same household or dependent one upon the other for support) may or may not become bidders, messengers or assistant messengers, or receive compensation for carrying the mail on mail messenger routes as shown in the following chart, subject to conditions in subdivisions (ii) and (iii) of this subparagraph.

b. In the tabular information immediately following subdivision (i), amend the column headed "Is less than $900" under "Mail messenger annual rate of compensation" to read "Is $900 or under".

NOTE: The corresponding Postal Manual sections are 522.23 and 522.234.

C. Paragraph (f) is amended to define postmasters responsibility for swearing

in each newly employed assistant mail messenger. As so amended, paragraph (f) reads as follows:

(f) *Oaths.* Form 5498 is required of all regular, assistant, and temporary mail messengers. Immediately upon their acceptance of the position, the postmaster must forward the completed Form 5498 to the transportation planning and procurement officer. Postmasters will not stock Form 5498. If additional copies are needed to administer the oath to new assistants, request them from the distribution and traffic manager. Postmasters have a continuing responsibility as assistants are replaced, to see that each new assistant is given the oath.

NOTE: The corresponding Postal Manual section is 522.26.

§ 94.14 [Amendment]

VI. In § 94.14 *Operation*, subparagraph (1) of paragraph (d) is amended to include the observation of facilities other than railroad stations. As so amended, subparagraph (1) of paragraph (d) reads as follows:

(d) *Irregularities*—(1) *Observation of service.* Postal employees must observe the services performed by mail messengers at railroad stations or other facilities and report any failures or irregularities that come to their attention.

NOTE: The corresponding Postal Manual section is 522.241.

§ 94.15 [Amendment]

VII. In § 94.15 *Protection of mail*, paragraph (b) is amended to show that METRO series keys may be assigned to mail messengers. As so amended, paragraph (b) reads as follows:

(b) *Access to keys.* When specifically authorized by the postal installation manager, mail messengers may use METRO series street letter box keys. Such messengers must not have access to rotary, LA, street letter box (other than METRO series), or post office workroom keys, unless they are also postal employees and require the key or keys in the course of their postal duties.

NOTE: The corresponding Postal Manual section is 522.42.

§ 94.17 [Amendment]

VIII. In § 94.17 *Payments*, paragraph (c) is amended to clarify the regulations with regard to the readjustment of compensation, and to eliminate obsolete readjustment dates. As so amended, paragraph (c) reads as follows:

(c) *Readjustment of compensation*—(1) *Based on changed service conditions.* (i) The Post Office Department, under the provisions of Public Law 763, 83d Congress, may make readjustments of mail messengers' compensation based on increased or decreased costs occasioned by changed conditions which could not reasonably have been anticipated at the time the agreement was made. For comparative purposes, the base for determining increased or decreased costs will be the conditions prevailing at the time of making the agreement or the messenger's last increase in compensation. All recommendations for increase in compensation of messengers under Public Law 763 must be based on changed conditions such as:

(*a*) Longer working hours.
(*b*) Increased distances to be traveled.
(*c*) Increased volume of mail, requiring larger equipment.
(*d*) Change in schedule.
(*e*) Sustained increase in the cost of living.
(*f*) Any other conditions which materially affect the cost of operation.

(ii) Applications for readjustment of compensation based on changed service conditions will be sent to the transportation planning and procurement officer who will make recommendation to the Bureau of Transportation on Form 5477 "Mail Messenger and Panel Body Adjustment Summary."

(2) *For temporary mail messenger service.* Where readjustments in rate of compensation for temporary messengers are warranted by changes in service conditions, the temporary messengers should be redesignated at higher rates if lower rates are not thought to be obtainable under an advertisement.

(3) *Effective date of readjustments.* Except in unusual circumstances, any adjustment granted will be made effective on the first day of the accounting period following that in which the application is made. Form 5440 C-D-E "Contract Route Service Order" will be used in making these adjustments.

NOTE: The corresponding Postal Manual section is 522.63.

§ 94.33 [Amendment]

IX. In § 94.33 *Establishment*, make the following changes:

A. In paragraph (c) strike out "Applicants" where it appears both in the paragraph heading, and in the introductory sentence which precedes subdivision (i); and insert in lieu thereof "Bidders".

NOTE: The corresponding Postal Manual section is 525.23.

B. Paragraph (f) is amended to include the employment of a supervisor for panel body routes. As so amended, paragraph (f) reads as follows:

(f) *Employment of assistants.* Panel body contractors must either personally supervise their contracts or employ competent supervisors who will personally supervise performance of the contracts. They may not assign or sublet their contracts without the consent of the Postmaster General. They may employ assistants at their own expense. Assistants so employed must meet the minimum requirements shown in paragraph (c) of this section.

NOTE: The corresponding Postal Manual section is 525.26.

§ 94.34 [Amendment]

X. In § 94.34 *Operation*, paragraph (d) is amended to show that irregularities in the Panel Body Service are to be handled in the same manner as those in the Mail Messenger Service. As so amended, paragraph (d) reads as follows:

(d) *Irregularities*—(1) *Observation of service.* See § 94.14(d)(1).

(2) *Record of irregularities.* See § 94.14(d)(2).

(3) *Assessing fines.* See § 94.14(d)(3).

(4) *Investigation of Complaints.* See § 94.14(d)(4).

NOTE: The corresponding Postal Manual section is 525.34.

(R.S. 161, as amended, 396, as amended, 3944, as amended, 3945, as amended, 3949, as amended, 3951, as amended, 3955, as amended, 3956, 3964, as amended, 3965, 3966, 3975, as amended; 24 Stat. 492, as amended, secs. 1, 7, 39 Stat. 161, 418, as amended, sec. 3, 54 Stat. 228, sec. 2, 72 Stat. 103; 5 U.S.C. 22, 369, 39 U.S.C. 422a, 425, 425a, 426, 429, 433–436, 481, 483, 484, 493, 578, 579)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60–5925; Filed, June 27, 1960; 8:48 a.m.]

PART 151—CUSTOMS

Importing Regulations

The regulations of the Post Office Department in Part 151—Customs—as published in the FEDERAL REGISTER of February 9, 1960, at pages 1095–1126, as Federal Register document 60–1246, are amended as follows:

§ 151.5 [Amendment]

I. In § 151.5 *Treatment at delivery office*, make the following changes as a result of new instructions covering (1) the preparation of Forms 2932, Register of Customs Collections; and (2) the processing of inquiries and adjustments on mail entries, Customs Forms 3419, Entry of Merchandise Imported Through the Mails.

A. In paragraph (e) make the following changes:

1. Amend subparagraph (1) by deleting the word "daily" which precedes "record" in the first sentence therein; and by inserting "(See subparagraph (5) of this paragraph)" immediately following the next to last sentence which applies to the scheduled reporting periods of post offices with annual receipts of $1 million and more.

NOTE: The corresponding Postal Manual section is 261.551.

2. In subparagraph (2) make the following changes:

a. In the introductory sentence, which precedes subdivision (i), strike out "quadruplicate" and insert in lieu thereof "triplicate."

b. In clause (*a*) of subdivision (ii), delete the last sentence which reads: "Record collections daily."

NOTE: The corresponding Postal Manual sections are 261.552 and 261.552b(1).

3. Amend subparagraphs (3) and (4) and insert a new subparagraph (5) to read as follows:

(3) Distribute Forms 2932 copies as follows: Original (white) to regional controller; second (pink) to applicable collector of Customs. Retain copy in preparing office for reference purposes. File the original copies of Customs Forms 3419.

(4) Mail Forms 2932 promptly to regional Controller separately from State-

ment of Accounts. Endorse envelope in lower left corner "Customs Collections—Forms 2932."

(5) Postmasters at offices with annual receipts of $1 million and more (except New York City) will not post Customs Forms 3419 to Form 2932 daily. These offices will balance the total amount collected on Customs Forms 3419 daily with the amount reported for Customs collections on Form 1412, Daily Cash Report, and file the Customs Forms 3419 separately by customs port of entry until the end of the weekly reporting period. Then assemble the forms in ascending serial number order for each customs port of entry and enter them promptly on Forms 2932 for appropriate ports of entry in that order. All other offices will record collections on Forms 2932 daily.

NOTE: The corresponding Postal Manual sections are 261.553, 261.554, and 261.555.

B. In paragraph (f) the second sentence of subparagraph (2) is amended by striking out "postmaster" where it appears immediately following the first reference to "Form 3423," and inserting in lieu thereof: "the main office window unit."

NOTE: The corresponding Postal Manual section is 261.562.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

II. Add a new § 151.6 *Unidentified items and discrepancies* to provide for the use of Customs Forms 3427, Notice to Postmaster of Unidentified Mail Entries, for inquiries from collectors of customs on unidentified items, and Customs Forms 3429, for adjustment of differences between amounts assessed by collectors of customs and amounts collected by postmasters. As so added, § 151.6 reads as follows:

§ 151.6 Unidentified items and discrepancies.

(a) *Unidentified mail entries.* When a collector of customs is unable to identify a mail entry reported by a postmaster on Form 2932, Register of Customs Collections (RS–FI–35), the collector will forward the postmaster an inquiry on Customs Form 3427, Notice to Postmaster of Unidentified Mail Entries, in duplicate. Postmaster will review the original copy of Customs Forms 3419 and the file copy of the related Form 2932 and enter the correct customs district and post number and mail entry serial number on both copies of Customs Form 3427 in the spaces provided at the bottom of the form. Return the original copy of Customs Form 3427 to the port of entry from which received. File the duplicate copy with the related Form 2932.

(b) *Discrepancy in amount collected.* When a collector of customs finds a difference between amount reported by postmasters and the amounts shown on the related file copy of a Customs Form 3419, the collector will forward the postmaster an inquiry on Customs Form 3429 in triplicate. On receipt of Customs Form 3429, fill in correct district and port of entry number and mail entry number on face of form. Review the original copy of Customs Form 3419 and the related file copy of Form 2932 to determine the amount of adjustment. Enter the adjustment data in spaces provided on the back of Customs Form 3429 as follows:

(1) Complete blocks a through e on all three copies of Customs Form 3429 by copying the information in the same order from file copy of Form 2932. Omit block f.

(2) Enter in appropriate spaces the item number and serial number as shown on file copy of Form 2932. Enter the amount of the item as previously reported, the correct amount, and the difference, either plus or minus, in block g.

(3) At the bottom of the form enter the net amount of adjustment (same as block g), signature of preparing employee, and date of preparation.

NOTE: Amounts of adjustments on Customs Form 3429 will not be entered on Statement of Account.

(4) Mail original copy to regional controller, duplicate to collector of customs from which the form was received and file the triplicate copy with the related file copy of Form 2932.

(5) When review of Customs Form 3419 and Form 2932 shows that the item was originally reported in the correct amount, forward the original copy of Customs Form 3419 with the original and duplicate copies of Customs Form 3429 to regional controller. After review, Customs Form 3419 will be returned to the postmaster by the regional controller.

NOTE: The corresponding Postal Manual section is 261.6.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60–5924; Filed, June 27, 1960; 8:48 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department in Part 168—Directory of International Mail—are amended by making the following changes in § 168.5 *Individual country regulations.*

I. In country "Bahamas", as amended by Federal Register document 60–2068, 25 F.R. 1948–1949, make the following changes:

A. Under Postal Union Mail, insert a new item *Observations* immediately following the item *Money orders* to read as follows:

Observations. Senders should complete customs declarations, Forms 2976 or 2976–A, to show in addition to the value of the contents the cost of the postage and the registration fee if any.

B. Under Parcel Post, insert a new item *Observations* immediately following the item *Insurance* to read as follows:

Observations. Senders should complete customs declarations, Form 2966, to show in addition to the value of the contents the cost of the postage and the insurance fee if any.

II. In country "Italy (Including Republic of San Marino)", as amended by Federal Register document 60–2068, 25 F.R. 1948–1949, under Parcel Post, the item *Observations* is amended by deleting the second paragraph therein. Customs duty is no longer being assessed on the contents of all parcels. As so amended, the item *Observations* reads as follows:

Observations. Commercial parcels must be accompanied by a copy of the relative commercial invoice dated and signed by the sender.

III. In country "Rhodesia and Nyasaland (Federation of)", as amended by Federal Register document 60–2068, 25 F.R. 1948–1949, delete the item *Import restrictions* where it appears both under Postal Union Mail and Parcel Post. Addressees are no longer required to obtain import licenses.

IV. In country "Union of Soviet Socialist Republics", as amended by Federal Register document 60–2068, make the following changes:

A. Under Postal Union Mail, the item *Prohibitions and import restrictions* is amended by striking out "Paper money" and inserting in lieu thereof "Currency, bonds and coupons"; and by deleting "stocks, and coupons; and playing cards" where they appear in the list of articles therein. As so amended, the item *Prohibitions and restrictions* reads as follows:

Prohibitions and import restrictions. Dutiable articles (merchandise) in letters and packages prepaid at letter rate, except for duty-prepaid packages of medicine mailed as prescribed under "Observations".

Currency, bonds and coupons of the Union of Soviet Socialist Republics.

Checks and drafts, foreign obligations, except in accordance with the regulations of the State Bank of the Union of Soviet Socialist Republics.

LIST OF ARTICLES ALLOWED TO ENTER WITHOUT PERMIT WHEN INTENDED FOR PERSONAL USE

Item No.	Name of commodity	Maximum quantity admitted
1	Various spices	3½ ounces of each kind.
2	Coffee, Cacao, chicory	4 pounds 6 ounces of each.
3	Tea	7 ounces.
4	Chopped tobacco, tobacco products.	2 pounds 3 ounces.
5	Plates and dishes	11 pounds.
6	Medicaments, all kinds.	As prescribed by Soviet physicians or hospitals.
7	Perfumes and cosmetics.	17½ ounces or 1 set.
8	Soap, all kinds	11 pounds.
9	Articles of gold, silver or platinum.	44 pounds.
10	Hand tools	1 of each kind.
11	Household goods, including electric appliances.	Do.
12	Sporting goods	1 article or 1 set of each kind.
13	Photographic equipment and accessories.	Do.
14	Optical instruments, prostheses, surgical corsets, hearing aids, etc.	1 of each kind, as prescribed by Soviet physicians or hospitals.
15	Clothing (coats, suits, shawls).	3 of each kind.
16	Body linen, bed linens and table linen.	6 sets of each kind.
17	Shirts and blouses	3 of each kind.
18	Curtains, blinds	5 sets of each kind.

LIST OF ARTICLES ALLOWED TO ENTER WITHOUT PERMIT WHEN INTENDED FOR PERSONAL USE—Continued

Item No.	Name of commodity	Maximum quantity admitted
19	Headwear, all kinds	4 articles.
20	Footwear, all kinds	4 pairs.
21	Haberdashery:	
	(a) Socks, stockings	6 pairs.
	(b) Gloves	3 pairs.
	(c) Briefcases and handbags.	1 of each kind.
	(d) All other articles of haberdashery.	2 articles or 2 sets of each kind.
22	Toys, games and Christmas tree decorations.	2 articles or 2 sets of each kind.
23	Office supplies	1 article or 1 set of each kind.
24	Phonograph records	12 of different titles.
25	Musical instruments (wind or string).	1 article.

Customs duty is regularly assessed on the contents of gift parcels even if no import license is required. If gift parcels contain articles in excess of the quotas indicated in the foregoing list, duty is charged at penalty rates or the parcels are returned to origin.

All parcels containing meat and any meat products, as well as smoked meat, sausages, and other mixtures of meat prepared by means of heat, must be accompanied by a veterinary certificate containing the following information:

(a) Nature of contents.

Postage stamps, canceled or not, philatelic collections; obsolete bonds or bills of exchange addressed to private individuals. Match-box labels for collectors, if more than one of a kind is sent, without a permit from the Ministry of Foreign Trade.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, the item *Prohibitions and import restrictions* is amended to show the changes in the prohibitions and other regulations affecting gift parcels. As so amended, the item *Prohibitions and import restrictions* reads as follows:

Prohibitions and import restrictions. Addresses are required to obtain import licenses for all commercial parcels, and for gift parcels unless they contain exclusively articles shown in the following list, for the personal use of the addressee, and not exceeding in amount the quotas indicated. Import licenses are required for all parcels mailed by commercial firms, and when a number of parcels appear to have been mailed systematically.

(b) Weight.

(c) Names and addresses of sender and addressee.

(d) A statement that the contents come from animals subjected to veterinary inspection and which were healthy at the time of butchering; that they contain no antiseptic substance; and that they are prepared and shipped in accordance with the requirements of alimentary hygiene.

(e) Signature of official veterinarian, confirmed by an official seal.

Articles which are prohibited or restricted in the postal union mail are prohibited or restricted by parcel post.

(R.S. 161, as amended, 396, as amended, 398, as amended, 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-5926; Filed, June 27, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by the National Pickle Packers Association, 202 South Marion Street, Oak Park, Illinois, proposing the issuance of a regulation providing that polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) may be used as a solubilizing and dispersing agent at not more than 500 parts per million (0.05 percent by weight) in pickles and pickle products.

Dated: June 21, 1960.

[SEAL] WINTON B. RANKIN,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-5947; Filed, June 27, 1960; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by American Cyanamid Company, Agricultural Center, P.O. Box 383, Princeton, New Jersey, proposing the issuance of a regulation to provide for the use of 6,000 units of hygromycin B per pound and up to 0.05 gram of chlortetracycline per pound in medicated feed of swine for the prevention and treatment of bacterial swine enteritis, for maintenance of weight gain in the presence of atrophic rhinitis, and for reducing the incidence of cervical abscesses.

Dated: June 21, 1960.

[SEAL] WINTON B. RANKIN,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-5946; Filed, June 27, 1960; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, proposing the issuance of a regulation providing that polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) may be used as a component of yeast defoamer formulations at a level not to exceed 4.0 percent, by weight, of such formulations.

Dated: June 21, 1960.

[SEAL] WINSTON B. RANKIN,
Assistant to the Commissioner, of Food and Drugs.

[F.R. Doc. 60-5949; Filed, June 27, 1960; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Food Machinery and Chemical Corporation, Lakeland, Florida, proposing the issuance of a regulation to provide for the use of coumarone-indene resin as a coating for citrus fruit where the amount remaining does not exceed 200 parts per million (0.02 percent) in or on the treated fruit.

Dated: June 21, 1960.

[SEAL] WINTON B. RANKIN,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-5948; Filed, June 27, 1960; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, proposing the issuance of a regulation providing that polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) may be used as a component of yeast defoamer formulations at a level not to exceed 4.0 percent, by weight, of such formulations.

Dated: June 21, 1960.

[SEAL] WINSTON B. RANKIN,
Assistant to the Commissioner, of Food and Drugs.

[F.R. Doc. 60-5949; Filed, June 27, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-47]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.219, 601.219, 601.4219 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 19 extends in part from the intersection of the southeast course of the Front Royal, Va., radio range and the west course of the Quantico, Va. (MCAS), radio range to the Quantico (MCAS), radio range station, excluding the portion more than 1 mile north of the west course of the Quantico (MCAS), radio range.

The Federal Aviation Agency has under consideration revocation of this airway segment. The Federal Aviation Agency IFR peak-day airway traffic survey for periods July 1, 1958, through December 31, 1958, and from January 1, 1959, through June 30, 1959, shows eleven and two aircraft movements respectively for this segment of Red 19. On the basis of the survey and the reduced width of this airway which restricts optimum use of this segment for air traffic management due to the close proximity of the Quantico Restricted Area (R-37), it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. Concurrently with this action, it is proposed to amend the caption to § 601.4219 relating to the associated reporting points on Red 19.

If these actions are taken, the segment of Red Federal airway No. 19 and its associated control areas from the intersection of the southeast course of the Front Royal, Va., radio range and the west course of the Quantico, Va. (MCAS), radio range to the Quantico (MCAS) radio range station would be revoked. The caption to § 601.4219 would be amended to conform to the modified airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5906; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-54]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.621, 601.621 and 601.4621 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 21 extends in part from the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range to the intersection of the north course of the Williamsport, Pa., radio range and the southwest course of the Elmira, N.Y., radio range.

The Federal Aviation Agency has under consideration revocation of this segment of Blue 21. The Federal Aviation Agency IFR peak-day airway traffic survey for the period January 1, 1959, through December 31, 1959, showed less than ten aircraft movements for this segment of Blue 21. On the basis of the survey it appears that the retention of this airway segment and its associated control areas as an assignment of airspace is unjustified and that the revocation thereof would be in the public interest. Concurrently with this action, the Federal Aviation Agency would modify the caption to § 601.4621 which relates to the reporting points associated with Blue 21.

If this action is taken, the segment of Blue Federal airway No. 21 from the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range to the intersection of the north course of the Williamsport, Pa., radio range and the southwest course of the Elmira, N.Y., radio range, and its associated control areas would be revoked. The caption to § 601.4621 relating to Blue 21 reporting points would be amended to conform to the modified airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5907; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-48]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.245, 601.245 and 601.4245 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 45 extends in part from Riverdale, Md., to the intersection of the north course of the Baltimore radio range and the southwest course of the Allentown, Pa., radio range. The Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1958, through June 30, 1959, showed less than eight aircraft movements for this segment of Red 45. On the basis of this survey, it appears that the retention of this airway segment and its associated control areas is unjustified as assignment of airspace and that the revocation thereof would be in the public interest. Concurrently with this action, § 601.4245 relating to the reporting points associated with Red 45 would be amended to conform to the modified airway.

If this action is taken, the segment of Red Federal airway No. 45 and its associated control areas from the Riverdale, Md., radio beacon to the intersection of the north course of the Baltimore, Md., radio range and the southwest course of the Allentown, Pa., radio range would be revoked. The caption to § 601.4245 would be amended to conform to the modified airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5909; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-52]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.647, 601.647, and 601.4647 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 47 extends in part from the intersection of the north course of the Blackstone, Va., radio range and the 266° True bearing of the Richmond, Va., radio range to the Philipsburg, Pa., radio range station. The Federal Aviation Agency has under consideration revocation of this segment of Blue 47. The Federal Aviation Agency IFR peak-day airway traffic survey for the period from July 1, 1958, through June 30, 1959, shows a maximum of nine aircraft movements between any

two reporting points on this segment of Blue 47. On the basis of the survey it appears that the retention of this segment of Blue 47 and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. Concurrently with this action, the Flintstone, Md., intersection (intersection of the south course of the Altoona, Pa., radio range and the southeast course of the Pittsburgh, Pa., radio range) would be revoked as a designated reporting point on the segment of Blue 47 proposed for revocation and the caption to § 601.4647 relating to reporting points would be amended to conform to the modified airway.

If these actions are taken, the segment of Blue Federal airway No. 47 and associated control areas from the intersection of the north course of the Blackstone, Va., radio range and the 266° True bearing of the Richmond, Va., radio range to the Philipsburg, Pa., radio range station would be revoked. The caption to § 601.4647 relating to the associated reporting points on Blue Federal airway No. 47 would be amended to conform to the modified airway. The Flintstone, Md., intersection (intersection of the south course of the Altoona, Pa., radio range and the southeast course of the Pittsburgh, Pa., radio range) would be revoked as a reporting point on Blue 47.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5910; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Parts 600, 601, 602]

[Airspace Docket No. 60-FW-36]

CODED JET ROUTES, FEDERAL AIRWAYS, CONTROL ZONES AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.16, 601.16, 601.2132, 601.4016 and 602.102 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration modification of the Biloxi, Miss., control zone. The Biloxi control zone is presently designated within a 5-mile radius of Keesler AFB and within 2 miles either side of the northeast course of the Keesler AFB radio range, extending 5 miles northeast of the radio range station. The Department of the Air Force has advised the Federal Aviation Agency that they no longer have a requirement for a radio range at Keesler AFB, and propose to convert this facility to a non-directional radio beacon. The Department of the Air Force advised that the instrument approach procedures based on the Keesler radio range are being revised in order to eliminate the requirement for the control zone extension to the northeast. Therefore, it is proposed to revoke the extension to the northeast based on the Keesler radio range. Concurrently, it is proposed to designate an extension to the northeast within 2 miles either side of the Keesler AFB TACAN (latitude 30°24'44" N., longitude 88°55'47" W.) 047° True radial extending from the 5-mile radius zone to 7 miles northeast of the TACAN and an extension within 2 miles either side of the 204° True radial of the Keesler TACAN extending from the 5-mile radius zone to 7 miles southwest of the TACAN. The extensions based on the TACAN would provide protection for aircraft executing prescribed instrument approaches to the Keesler AFB utilizing the Keesler TACAN. Concurrently with this action, it is proposed to substitute the Keesler non-directional radio beacon for the Keesler radio range in the description of L/MF Coded Jet Route No. 2, and Green Federal airway No. 6 and in the designation of Colored Federal airway Reporting Points for Green 6.

If this action is taken, the Biloxi, Miss., control zone would be designated within a 5-mile radius of Keesler AFB, Biloxi, Miss. (latitude 30°24'25" N., longitude 88°55'30" W.), within 2 miles either side of the Keesler AFB TACAN 047° True radial extending from the 5-mile radius zone to 7 miles northeast of the TACAN and within 2 miles either side of the Keesler TACAN 204° True radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN. The Keesler radio beacon would be substituted for the Keesler radio range in the description of L/MF Coded Jet Route No. 2, Green Federal airway No. 6 and as a reporting point in § 601.4016.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

J. R. BAILEY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5896; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Parts 600, 608]

[Airspace Docket No. 60-FW-14]

FEDERAL AIRWAYS AND RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor and Modification of Federal Airway

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§600.6066 and 608.51 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Webb Air Force Base, Big Springs, Tex.

The Military Climb Corridor designated as a Restricted Area would be used by the high-speed, high rate-of-climb century series air defense aircraft while departing from the airbase on active air defense missions. The Restricted Area would provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. The proposed Restricted Area/Military Climb Corridor would be based on the 151° True radial of the Webb AFB TACAN (latitude 32°12'31" N., longitude 101°-30'57" W.) extending from 14.5 statute miles southeast of the Webb AFB TACAN to 41.5 statute miles southeast of the TACAN, having a width of 3 statute miles at the beginning and a width of 6 statute miles at the outer extremity. The lower altitude limits would extend in graduated steps from 4,600 feet MSL to 21,600 feet MSL. The upper altitude limits would extend from 15,000 feet MSL to 27,000 feet MSL. Time of use would be continuous. The controlling agency would be Webb AFB approach control. The controlling agency would authorize aircraft to operate within the climb corridor when not in use by active air defense aircraft. Concurrently with the proposed designation of the Restricted Area/Military Climb Corridor at Webb AFB, the Federal Aviation Agency is considering modification of the segment of VOR Federal airway No. 66 between Midland, Tex., and Abilene, Tex., by redesignating it via the Midland VOR 080° and the Abilene VOR 251° True radials. This realignment would provide lateral separation for aircraft on the airway from the Restricted Area/Military Climb Corridor. The control areas associated with Victor 66 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

If these actions are taken, the Big Springs, Tex. (Webb AFB) Restricted Area/Military Climb Corridor (R-1) (Dallas and Austin Charts) would be designated as follows:

Description. That area centered on the 151° True radial of the Webb AFB TACAN, beginning 14.5 statute miles southeast of the TACAN and extending to 41.5 statute miles southeast of the TACAN, having a width 3 statute miles at the beginning and expanding uniformly to a width of 6 statute miles at the outer extremity.

Designated altitudes. 4,600' MSL to 15,000' MSL from 14.5 to 15.5 statute miles southeast of the Webb AFB TACAN.

4,600' MSL to 24,000' MSL from 15.5 to 16.5 statute miles southeast of the TACAN.

4,600' MSL to 27,000' MSL from 16.5 to 19.5 statute miles southeast of the TACAN.

8,600' MSL to 27,000' MSL from 19.5 to 24.5 statute miles southeast of the TACAN.

12,600' MSL to 27,000' MSL from 24.5 to 29.5 statute miles southeast of the TACAN.

17,600' MSL to 27,000' MSL from 29.5 to 34.5 statute miles southeast of the TACAN.

21,600' MSL to 27,000' MSL from 34.5 to 41.5 statute miles southeast of the TACAN.

Time of use. Continuous.

Controlling agency. Webb AFB, Tex., approach control.

The segment of VOR Federal airway No. 66 from Midland, Tex., to Abilene, Tex., would be redesignated via the Midland VOR 080° and the Abilene VOR 251° True radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5913; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-8]

CONTROL AREAS

Modification and Revocation of Extensions

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1041 of the regulations of the Administrator, the substance of which is stated below.

The Boise, Idaho control area extension is designated within 5 miles either side of the southwest course of the Boise radio range extending from the radio range station to a point 20 miles southwest including the area in the south quadrant of the Boise radio range bounded on the northeast and southeast by the Mountain Home, Idaho, control area extension and on the southwest by a line drawn 135° True from a point at latitude 43°20'20" N., longitude 116°29'15" W., extending to the Mountain Home control area extension and that area northeast of Boise lying within a 25-mile radius of the Boise radio range station bounded on the southwest by Green Federal airway No. 10 and the airspace northwest of Boise within 5 miles either side of the Boise VOR 291° True radial extending from the VOR to a point 67 miles northwest.

The Ontario, Oreg., control area extension is designated within an 8½ mile radius of the Ontario Airport including the airspace southeast of Ontario bounded on the northeast by Green Federal airway No. 10, on the south by the Boise, Idaho, control area extension, on the southwest by a line 12 miles southwest of and parallel to Green Federal airway No. 10.

The Federal Aviation Agency has under consideration the revocation of the Ontario control area extension and redesignation of the Boise control area extension to include the area within a 25-mile radius of the Boise, Idaho, VORTAC extending clockwise from the 320° True radial to the 129° True radial of the Boise VORTAC, within a 40-mile radius of the Boise VORTAC extending clockwise from the 129° True radial to the 320° True radial of the Boise VORTAC, within 5 miles either side of the 291° True radial of the Boise VORTAC, extending from the VORTAC to 67 miles northwest, and within a 10-mile radius of the Ontario, Oreg., Airport (latitude 44°01'15" N., longitude 117°-00'43" W.), excluding the portion which would coincide with the Mountain Home, Idaho, control area extension. This would provide protection to aircraft executing high and low altitude holding procedures, jet aircraft recovery procedures and prescribed instrument approach procedures at Boise Air Terminal. The Ontario control area extension would be included within the Boise control area extension for simplification of description.

If these actions are taken, the Ontario, Oreg., control area extension (§ 601.1167) would be revoked. The Boise, Idaho, control area extension would be designated within a 25-mile radius of the Boise, Idaho, VORTAC extending clockwise from the 320° True radial to the 129° True radial of the Boise VORTAC, within a 40-mile radius of the Boise VORTAC extending clockwise from the 129° True radial to the 320° True radial of the Boise VORTAC, within 5 miles either side of the 291° True radial of the Boise VORTAC, extending from the VORTAC to 67 miles northwest, and within a 10-mile radius of the Ontario, Oreg., Airport (latitude 44°01'15" N., longitude 117°00'43" W.), excluding the portion which would coincide with the Mountain Home, Idaho, control area extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5894; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-28]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1432 of the regulations of the Administrator, the substance of which is stated below.

The Billings, Mont., control area extension is designated within a 25-mile radius of the Billings VOR extending from the northern boundary of VOR Federal airway No. 2 west of Billings, clockwise to the northeastern boundary of VOR Federal airway No. 19 southeast of Billings. The Federal Aviation Agency has under consideration modification of this control area extension by the addition of an extension northwest of Billings, within a 35-mile radius of the VOR extending clockwise from Victor 2 to Victor 19–W and the addition of an extension southeast of Billings within a 30-mile radius of the VOR extending clockwise from Victor 19 to VOR Federal airway No. 187. This would protect aircraft executing high altitude holding procedures and jet penetrations at Billings Airport.

If this action is taken, the Billings, Mont., control area extension would be designated within a 35-mile radius of the Billings VOR extending clockwise from VOR Federal airway No. 2, west of Billings, to VOR Federal airway No. 19–W, north of Billings, within a 25-mile radius of the Billings VOR extending clockwise from Victor 19, north of Billings to Victor 19, southeast of Billings and within a 30-mile radius of the Billings VOR, extending clockwise from Victor 19, southeast of Billings to VOR Federal airway No. 187, south of Billings.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5895; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-34]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2033 of the regulations of the Administrator, the substance of which is stated below.

The Little Rock, Ark., control zone is presently designated within a 5-mile radius of Adams Field and extending 2 miles either side of the southeast course of the Little Rock radio range to the Keo fan marker. The Federal Aviation Agency has under consideration modification of the Little Rock control zone by redesignating the southeast extension and providing an additional extension to the southwest. The southeast extension would be based on the Little Rock VOR and would be designated within 2 miles either side of the Little Rock VOR 141° True radial extending from the 5-mile radius zone to 12 miles southeast of the VOR. This would provide protection for aircraft conducting prescribed ADF and VOR instrument approach procedures to Adams Field, Little Rock, Ark. It is also proposed to designate a control zone extension based on the Little Rock ILS localizer southwest course extending from the 5-mile radius zone to the ILS outer marker to provide protection for aircraft conducting ILS approach procedures based on the ILS localizer southwest course.

If this action is taken, the Little Rock, Ark., control zone would be designated within a 5-mile radius of Adams Field, Little Rock, Ark. (latitude 34°43'45" N., longitude 92°13'45" W.), within 2 miles either side of the Little Rock VOR 141° True radial extending from the 5-mile radius zone to 12 miles southeast of the VOR and within 2 miles either side of the Little Rock ILS localizer southwest course extending from the 5-mile radius zone to the ILS outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5900; Filed June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-120]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2038 of the regulations of the Administrator, the substance of which is stated below.

The Shreveport, La., control zone is presently designated within a 5-mile radius of Shreveport Downtown Airport, within 5 miles either side of the northwest course of the Shreveport radio range extending from the radio range station to a point 10 miles northwest, within a 7-mile radius of Barksdale Air Force Base and within 5 miles either side of the southeast course of the Barksdale AFB radio range extending from the Air Force Base to the Elm Grove radiobeacon. The Federal Aviation Agency is considering modifying the Shreveport control zone, by reducing the Barksdale AFB 7-mile radius zone; reducing the width of the control zone extensions to the northwest and southeast; redesignating the southeast control zone extension by basing it on the Barksdale terminal VOR and designating an additional control zone extension based on the Shreveport VOR.

A review of the requirements for aircraft operations at Barksdale AFB indicates that a 7-mile radius zone is in excess of that required for the protection of aircraft operations at Barksdale AFB, and it is proposed to reduce this to a 5-mile radius zone. A review of the instrument approach procedures for Shreveport Downtown Airport and Barksdale AFB indicates that the presently designated northwest and southeast control zone extensions exceed the control zone requirements for aircraft conducting radio range approaches to Shreveport Downtown Airport from the northwest and ADF and terminal VOR approaches to Barksdale AFB from the southeast. The Barksdale AFB radio range is now used as a nondirectional radiobeacon only. Therefore, it is proposed to redesignate the southeast extension, which is presently based on the Barksdale radio range, by basing it on the Barksdale terminal VOR and to reduce the southeast control zone extension to include the airspace within 2 miles either side of the 332° True radial of the Barksdale terminal VOR extending from the 5-mile radius zone to the terminal VOR. It is also proposed to reduce the size of the northwest extension by redesignating it to include the airspace within 2 miles either side of the northwest course of the Shreveport radio range extending from the Shreveport Downtown Airport 5-mile radius zone to 12 miles northwest of the radio range station. In addition, it is proposed to designate a control zone extension within 2 miles either side of the Shreveport VOR 155° True radial extending from the Barksdale proposed 5-mile radius zone to the VOR. This would provide protection for aircraft executing the jet approach procedure based on the Shreveport VOR. This modification would also eliminate the overlap of the Shreveport Downtown Airport and the Barksdale AFB control zone with the Greater Shreveport Airport, La., 5-mile radius control zone.

If these actions are taken, the Shreveport, La., control zone would be redesignated within a 5-mile radius of the Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.), excluding the portion which coincides with the Greater Shreveport control zone (§ 601.2377), within 2 miles either side of the northwest course of the Shreveport radio range extending from the Downtown Airport 5-mile radius zone to 12 miles northwest of the radio range, within a 5-mile radius of the Barksdale, La., AFB (latitude 32°30'05" N., longitude 93°39'45" W.), and within 2 miles either side of the Shreveport VOR 155° True radial extending from the Barksdale 5-mile radius zone to the VOR and within 2 miles either side of the 332° True radial of the Barksdale terminal VOR extending from the 5-mile radius zone to the terminal VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5897; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-45]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2082 of the regulations of the Administrator, the substance of which is stated below.

The Akron, Ohio, control zone is presently designated within a 5-mile radius of the Akron Municipal Airport extending 2 miles either side of the southwest course of the Akron, Ohio, radio range to a point 10 miles southwest of the radio range station, including a 5-mile radius of the Akron-Canton County Airport extending 2 miles either side of the Akron-Canton ILS localizer to a point 10 miles south of the outer marker and within 2 miles either side of the west course of the Akron radio range extending from the radio range station to a point 10 miles west. The Federal Aviation Agency has under consideration modification of this control zone by revoking the control zone extensions. The instrument approach procedures based on the Akron radio range have been cancelled. The ADF standard instrument approach procedure based on the Akron-Canton County Airport ILS outer marker compass locator has been modified to require aircraft to cross the outer marker on final approach at an altitude of 2,300 feet MSL. Therefore, the presently designated extensions would no longer be required for the protection of aircraft executing instrument approaches.

If this action is taken, the Akron, Ohio, control zone would be designated within a 5-mile radius of the Akron Municipal Airport (latitude 41°02'15" N., longitude 81°28'05" W.) and within a 5-mile radius of the Akron-Canton County Airport (latitude 40°54'59" N., longitude 81°26'32" W.).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5899; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-32]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2084 of the regulations of the Administrator, the substance of which is stated below.

The Battle Creek, Mich., control zone is presently designated within a 5-mile radius of Kellogg Field; within 2 miles either side of the south course of the Battle Creek radio range extending 10 miles south of the radio range; and within 2 miles either side of the 018°, 051°, 115°, 157°, 215°, 258° and 317° True radials of the Battle Creek VOR extending to points 12 nautical miles from the VOR. The Federal Aviation Agency has under consideration the following modifications of the Battle Creek control zone:

1. Revoke the present control zone extensions based on the Battle Creek VOR. The prescribed instrument approach procedures based on the VOR are being revised which will eliminate the requirement for the present control zone extensions.

2. Designate a new control zone extension within two miles either side of the Battle Creek VOR 050° True radial extending from the 5-mile radius zone to 12 miles northeast of the VOR to provide protection for aircraft executing instrument approaches based on the 050° True radial of the VOR.

3. Lengthen the control zone extension based on the south course of the Battle Creek radio range to 12 miles south of the radio range to provide protection for aircraft executing instrument approaches based on the south course of the radio range.

If these actions are taken, the Battle Creek, Mich., control zone would be redesignated within a 5-mile radius of Kellogg Field, Battle Creek (latitude 42°18'31" N., longitude 85°14'57" W.), within 2 miles either side of the south course of the Battle Creek radio range extending from the 5-mile radius zone to 12 miles south of the radio range, and within 2 miles either side of the Battle Creek VOR 050° True radial extending from the 5-mile radius zone to 12 miles northeast of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5900; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-28]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2145 of the regulations of the Administrator, the substance of which is stated below.

The Greenville, S.C., control zone presently extends within a 5-mile radius of the Greenville Airport and within 2 miles either side of the south course of the Greenville radio range, extending 10 miles south of the radio range station. The Federal Aviation Agency has under consideration the modification of the Greenville, S.C., control zone by designating a 5-mile radius zone at the Donaldson, S.C., Air Force Base; revoking the present control zone extension to the south and designating a control zone extension to the southwest. The designation of a 5-mile radius zone at Donaldson AFB and the designation of a control zone extension within 2 miles either side of the 219° True bearing from the Greenville ILS outer marker extending from the Donaldson AFB 5-mile radius zone to 12 miles southwest of the Greenville ILS outer marker would provide protection for aircraft conducting ADF approaches to Donaldson AFB. The ADF instrument approach procedure to Greenville Airport based on the Greenville ILS outer marker is being revised by raising the final approach altitude over the outer marker to 2,000 feet MSL, thereby eliminating the requirement for the present Greenville control zone extension to the south.

If this action is taken, the Greenville, S.C., control zone would be designated within a 5-mile radius of Greenville, S.C., Airport (latitude 34°50'50" N., longitude 82°21'05" W.), within a 5-mile radius of Donaldson Air Force Base, Greenville, S.C. (latitude 34°45'00" N., longitude 82°22'00" W.), and within 2 miles either side of the 219° True bearing from the Greenville ILS outer marker extending from the Donaldson AFB 5-mile radius zone to 12 miles southwest of the Greenville outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5902; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-56]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2178 of the regulations of the Administrator, the substance of which is stated below.

The Long Beach, Calif., control zone is designated as the airspace within a 5-mile radius of Long Beach Municipal Airport, including the airspace within a 5-mile radius of NAS Los Alamitos, Calif., and the airspace within 2 miles either side of the southeast course of the Long Beach radio range extending from the radio range to a point 14 miles southeast, excluding the portion in conflict with El Toro MCAF control zone. The Federal Aviation Agency has under consideration modification of this control zone by revocation of the extension predicated on the southeast course of the Long Beach radio range.

All published instrument and jet approach procedures to both the Long Beach Municipal Airport and NAS Los Alamitos are afforded adequate protection by the 5-mile radius zones. Therefore, the control zone extension is no longer required and it appears that revocation thereof would be in the public interest. The Long Beach High Density Air Traffic Zone is so designated that no amendment relating to high density air traffic zones would be necessary.

If this action is taken, the Long Beach, Calif., control zone would be designated within a 5-mile radius of the Long Beach, Calif., Municipal Airport (latitude 33°49'07" N., longitude 118°09'04" W.) and within a 5-mile radius of the NAS Los Alamitos, Calif. (latitude 33° 47'25" N., longitude 118°03'00" W.).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5904; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-32]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2179 of the regulations of the Administrator, the substance of which is stated below.

The Los Angeles, Calif., control zone is designated within the circumference of a 5-mile radius circle centered on the Los Angeles International Airport excluding the portion subtended by a chord drawn between points of intersection of this circumference with the circumference of the Santa Monica, Calif., control zone (§ 601.2420); within 2 miles either side of the Los Angeles ILS localizer east course extending from the localizer to a point 6 miles east of the airport, and within 2 miles either side of a line bearing 338° True from the Los Angeles nondirectional radio beacon extending to the Burbank, Calif., control zone. The Federal Aviation Agency has under consideration modification of this control zone by revocation of the extension between the Los Angeles and Burbank control zones and by termination of the eastern extension at the ILS outer marker. The extension between the Los Angeles and Burbank control zones is no longer used for air traffic management and may be revoked. Aircraft executing instrument approaches to the Los Angeles International Airport from the east, do not descend below 1,000 feet above the surface until after passing the ILS outer marker. Therefore, the eastern extension to the control zone may be terminated at the outer marker.

The portion of the Los Angeles High Density Air Traffic Zone which is associated with the Los Angeles control zone would automatically conform to the modified control zone. Accordingly, no amendment relating to the High Density Air Traffic Zone would be necessary.

If this action is taken, the Los Angeles, Calif., control zone would be designated within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'-18" N., longitude 118°24'25" W.), excluding the portion north of a line between the points of intersection of the circumference of this control zone and the circumference of the Santa Monica, Calif., control zone (§ 601.2420); within 2 miles either side of the Los Angeles ILS localizer east course extending from the 5-mile radius zone to the ILS outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5903; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-70]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2293 of the regulations of the Administrator, the substance of which is stated below.

The Chicago, Ill., control zone is presently designated within a 5-mile radius of the Chicago O'Hare International Airport extending 2 miles either side of the O'Hare ILS localizer course to a point 10 miles northwest of the O'Hare outer marker and within 2 miles either side of the 332° radial of the Chicago-O'Hare VOR extending from the VOR to a point 12 miles northwest. The Federal Aviation Agency is considering modifying the Chicago control zone by increasing the radius to six miles, revoking the present control zone extension, based on the Chicago-O'Hare ILS localizer course, realigning and reducing the present control zone extension based on the Chicago-O'Hare VOR 332° True radial, and designating a control zone extension to be based on the Chicago-O'Hare runway 14-R ILS localizer course.

The Chicago (O'Hare) control zone would be increased to a 6-mile radius zone to provide protection, during the departure climb-phase for heavy, high-speed type aircraft. This addition would also provide protection for aircraft executing VOR and back course ILS instrument approaches to Chicago-O'Hare runway 32-R.

Revision of the prescribed instrument approach procedures, based on the Chicago-O'Hare VOR for approaches from the northwest, indicate that the portion of the control zone extension northwest of the Arlington, Ill., intersection (intersection of the Northbrook, Ill., VOR 195° and the Chicago-O'Hare VOR 331° True radials) is no longer required for the protection of aircraft executing this approach. In addition, the revised instrument approach procedure indicates that a one degree change in the alignment of the extension would be necessary. Accordingly, this control zone extension would be redesignated within two miles either side of the Chicago-O'Hare VOR 331° True radial extending from the proposed 6-mile radius zone to the Arlington intersection.

There are presently two ILS systems in operation at the Chicago-O'Hare International Airport. The present description of the control zone, containing an extension based on a single Chicago-O'Hare ILS localizer course, no longer accurately describes the specific extent of the airspace required for the protection of aircraft executing ILS instrument approaches. Accordingly, this control zone extension would be revoked, and an extension would be designated within two miles either side of the Chicago-O'Hare runway 14-R ILS localizer course extending from the proposed 6-mile radius zone to the runway 14-R outer marker. Protection for aircraft executing runway 14-L ILS approaches would be provided by the combination of the control zone extension based on the runway 14-R ILS localizer course, and the extension based on the Chicago-O'Hare VOR 331° True radial. Therefore, an additional control zone extension for the approach to runway 14-L would not be necessary.

In addition, the caption of § 601.2293 would be changed to, Chicago (O'Hare) control zone, to more accurately identify the location of the control zone.

If these actions are taken, the Chicago O'Hare, Ill., control zone would be redesignated within a 6-mile radius of the Chicago-O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'28" W.), within two miles either side of the Chicago-O'Hare VOR 331° True radial extending from the 6-mile radius zone to the Arlington, Ill., intersection (intersection of the Northbrook, Ill., VOR 195° and the Chicago-O'Hare VOR 331° True radials), and within two miles either side of the Chicago-O'Hare runway 14-R ILS localizer course extending from the 6-mile radius zone to the runway 14-R outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5901; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-61]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2371 of the regulations of the Administrator, the substance of which is stated below.

The Plattsburgh, N.Y., control zone is presently designated within a 5-mile radius of Plattsburgh Air Force Base, within 2 miles either side of a line bearing 335° True extending from the Air Force Base to a point 14 miles northwest, and within 2 miles either side of the 195° and 015° True radials of the Plattsburgh VOR extending from the Plattsburgh AFB to a point 5 miles northeast of the VOR. The Federal Aviation Agency has under consideration modification of this control zone by revoking the present extensions to the northwest and northeast; and including in the designation a 5-mile radius of the Plattsburgh Municipal Airport and extensions within 2 miles either side of the 338° True radial of the Plattsburgh AFB TACAN (latitude 44°36'30" N., longitude 73°26'35" W.) from the Plattsburgh Municipal Airport 5-mile radius zone to 12 miles northwest of the TACAN and within 2 miles either side of the 213° True radial of the Plattsburgh VOR from the Plattsburgh Municipal Airport 5-mile radius zone to the VOR. The presently designated extensions to the northwest and northeast are no longer required for the protection of IFR aircraft operations. The designation of the 5-mile radius zone around the Plattsburgh Municipal Airport and the extensions based on the 338° True radial of the Plattsburgh TACAN and the 213° True radial of the Plattsburgh VOR would provide protection for aircraft executing standard instrument approach procedures to the Air Force Base and Municipal Airport.

If this action is taken, the Plattsburgh, N.Y., control zone would be designated within a 5-mile radius of the Plattsburgh AFB (latitude 44°39'05" N., longitude 73°28'10" W.), within a 5-mile radius of the Plattsburgh Municipal Airport (latitude 44°41'10" N., longitude 73°31'10" W.), within 2 miles either side of the 338° True radial of the Plattsburgh AFB TACAN extending from the Plattsburgh Municipal Airport 5-mile radius zone to 12 miles north of the TACAN, and within 2 miles either side of the 213° True radial of the Plattsburgh VOR extending from the Plattsburgh Municipal Airport 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5905; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-102]

CONTROL ZONES

Modification of Proposal

In a notice of proposed rule making published in the FEDERAL REGISTER on March 2, 1960 as Airspace Docket No. 59-WA-102, it was stated that the Federal Aviation Agency proposes to designate a control zone within a 5-mile radius of the Marquette County Airport, Marquette, Mich. In view of the fact that no public standard instrument approach to the Marquette County Airport will be available until the Marquette VORTAC is installed approximately December 14, 1960, at latitude 46°32'10" N., longitude 87°33'38" W., the designation of the Marquette control zone would be deferred until that time. It is also necessary to modify the proposal to include the area within 2 miles either side of the Marquette VORTAC 083° True radial extending from the 5-mile radius zone to 9 miles east of the VORTAC, and within two miles either side of the 249° True radial of the Marquette VORTAC extending from the 5-mile radius zone to 12 miles southwest of the VORTAC, in order to provide protection for aircraft executing VOR standard instrument approaches.

If this action is taken, the Marquette, Mich., control zone would be designated within a 5-mile radius of the Marquette County Airport (latitude 46°32'03.3" N., longitude 87°33'34.6" W.); within two miles either side of the 083° True radial of the Marquette VORTAC extending from the 5-mile radius zone to 9 miles east of the VORTAC; and within two miles either side of the 249° True radial of the Marquette VORTAC, extending from the 5-mile radius zone to 12 miles southwest of the VORTAC. The Marquette control zone would be designated concurrently with the commissioning of the Marquette VORTAC.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the closing date for filing such material will be extended to July 12, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 59-WA-102 is extended to July 12, 1960. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, 4825 Troost Avenue, Kansas City 10, Missouri.

Sections 304(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 479, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D. C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5898; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-282]

CONTROL AREAS

Withdrawal of Proposal To Designate an Extension

In a notice of proposed rule making published in the FEDERAL REGISTER (24 F.R. 9241) as Airspace Docket No. 59-WA-282 on November 13, 1959, it was stated that the Federal Aviation Agency proposed to designate a control area extension at Stevens Point, Wis., within a 15-mile radius of the Stevens Point VOR. Subsequent to the Notice, it was determined that weather reporting and ground/air communications services would not be available at Stevens Point Airport for some time. Instrument departure and arrival procedures for the Stevens Point Airport will not be established until these services are available. Therefore, the control area extension is not required at this time.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 59-WA-282 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5892; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-290]

CONTROL AREAS

Withdrawal of Proposal To Designate an Extension

In a notice of proposed rule making published in the FEDERAL REGISTER (24 F.R. 9241) as Airspace Docket No. 59-WA-290 on November 13, 1959, it was stated that the Federal Aviation Agency proposed to designate a control area extension at Rhinelander, Wis., within a 15-mile radius of the Rhinelander VOR. Subsequent to the Notice, it was determined that weather reporting and ground/air communications services would not be available at Oneida Airport, Rhinelander, Wis., for some time. Instrument approach for the Oneida Airport will not be prescribed until these services are available. Therefore, the control area extension is not required at this time.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 59-WA-290 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5893; Filed, June 27, 1960; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-WA-378A]

RESTRICTED AREAS

Withdrawal of Proposal of Revocation

In a notice of proposed rule making published in the FEDERAL REGISTER on November 11, 1959, as Airspace Docket No. 59-WA-378 (24 F.R. 9173) and reassigned as Airspace Docket No. 59-WA-378A in the FEDERAL REGISTER on January 15, 1960 (25 F.R. 337), the Federal Aviation Agency proposed the revocation of the Nafatan Rock, Guam, Restricted Area (R-478). Subsequent to the publication of this proposal in the FEDERAL REGISTER, the Department of the Navy has submitted data which supports the requirement for continued designation of this Restricted Area and its retention is deemed to be within the public interest. Therefore, the proposal to revoke the Nafatan Rock, Guam, Restricted Area (R-478) is being withdrawn.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 59-WA-378A is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958, 172 Stat. 749, 752; 49 U.S.C. 1348, 1354.

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5912; Filed, June 27, 1960; 8:47 a.m.]

[14 CFR Part 618]

[Airspace Docket No. 59-WA-14]

HIGH DENSITY AIR TRAFFIC ZONES AND AIRPORTS

Withdrawal of Proposal for Designation

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59-WA-14 on March 26, 1960, (25 F.R. 2594), it was proposed to designate a high density air traffic zone at St. Louis, Mo., and designate the Lambert-St. Louis Municipal Airport, St. Louis, Mo., as a high density airport. Subsequent to publication of the notice, a reevaluation of the high density air traffic zone concept has been undertaken by the Federal Aviation Agency. Action on the designation of high density air traffic zones and airports is suspended pending the results of this evaluation. Therefore, this notice of proposed rule making is being withdrawn.

In consideration of the foregoing, the Notice of Proposed Rule Making contained in Airspace Docket No. 59-WA-14 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 17, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5911; Filed, June 27, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 274]

REPORT FORM FOR SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed form for annual reports filed with the Commission by small business investment companies licensed under the Small Business Investment Act of 1958 (Form N-5R, § 274.5R).

Small business investment companies registered under the Investment Company Act of 1940 are required by section 30(a) of that Act to file annual reports with the Commission. Any such company which has securities listed and registered on a national securities exchange or which has registered a certain amount of securities under the Securities Act of 1933 is required to file similar annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. The proposed form is a combination form which would enable a small business investment company to file with the Commission a single annual report which would meet all of the above mentioned annual reporting requirements. This form would permit such companies to meet the Commission's requirements as to financial statements by filing copies of the Company's annual financial report to the Small Business Administration pursuant to the Small Business Investment Act of 1958.

The proposed form, a copy of which is attached hereto,[1] would be adopted pursuant to the Investment Company Act of 1940, particularly section 38(a) thereof, and the Securities Exchange Act of 1934, particularly section 23(a) thereof.

All interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before July 18, 1960. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 22, 1960.

[F.R. Doc. 60-5929; Filed, June 27, 1960; 8:49 a.m.]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 9]

ALASKA

Notice of Filing of Protraction Diagrams, Fairbanks Land District

JUNE 21, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township, and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

KATEEL RIVER MERIDIAN—FOLIO NO. 9

Sheet No.

1. Ts. 13 thru 16 N., Rs. 25 thru 27 E.
2. Ts. 13 thru 16 N., Rs. 21 thru 24 E.
3. Ts. 13 thru 16 N., Rs. 17 thru 20 E.
4. Ts. 9 thru 12 N., Rs. 17 thru 20 E.
5. Ts. 9 thru 12 N., Rs. 21 thru 24 E.
6. Ts. 9 thru 12 N., Rs. 25 thru 27 E.
7. Ts. 5 thru 8 N., Rs. 25 thru 28 E.
8. Ts. 5 thru 8 N., Rs. 21 thru 24 E.
9. Ts. 5 thru 8 N., Rs. 17 thru 20 E.
10. Ts. 1 thru 4 N., Rs. 17 thru 20 E.
11. Ts. 1 thru 4 N., Rs. 21 thru 24 E.
12. Ts. 1 thru 4 N., Rs. 25 thru 28 E.

Cover sheet showing location map and index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 60-5936; Filed, June 27, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-20]

OCEAN TRANSPORT CO.

Notice of Proposed Amendment of By-product, Source and Special Nuclear Material License

Take notice that Ocean Transport Company, holder of License No. 4-5668-1, which authorizes the receipt and storage of prepackaged waste source, by-product and special nuclear materials at South Fourth Street and Wright Avenue, Inner Harbor, Richmond, California, for disposal in the Pacific Ocean, has applied for a license amendment which would:

1. Authorize an increase in the possession limit from 750 curies of byproduct material, 2,000 pounds of source material and four grams of special nuclear material to 2,500 curies of byproduct material, 4,000 pounds of source material and 300 grams of special nuclear material; and

2. Authorize the packaging of waste source, byproduct, and special nuclear materials by the licensee in precast concrete blocks, 55 gallon steel drums, and solidified liquid waste disposal units for disposal at sea.

The AEC has reviewed the application for amendment and proposes to grant the amendment subject to appropriate limitations, including limiting the possession limit to 1,000 curies of byproduct material, unless within 15 days after filing of this notice with the Federal Register Division, a petition to intervene and a request for a formal hearing is filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter 1, Part 2, rules of practice.

The application for license amendment and a hazards analysis thereof prepared by the Division of Licensing and Regulation are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Md., this 23d day of June 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Licensing and Regulation.

[F.R. Doc. 60-5950; Filed, June 27, 1960; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10607]

LAS VEGAS HACIENDA, INC., AND HENRY F. PRICE; ENFORCEMENT PROCEEDING

Notice of Oral Argument

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 20, 1960, at 10.00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 20, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5949; Filed, June 27, 1960; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4554]

LOVE ME LITTLE CO.

Order Vacating Order of Suspension

JUNE 22, 1960.

In the matter of Alexander H. Cohen as: "Love Me Little Company", File No. 24NY-4554.

Alexander H. Cohen, 40 West 55th Street, New York, N.Y. as "Love Me Little Company", 40 West 55th Street, New York, N.Y., filed with the Commission on August 15, 1957 a notification on Form 1-A and an offering circular relating to a proposed offering of preformation limited partnership interests in the aggregate amount of $180,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

The Commission on May 13, 1960 ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A sought for the offering be temporarily suspended on the grounds that the terms and conditions of Regulation A had not been complied with in that the issuer had failed to file a definitive offering circular as required by Rule 256(f); had failed to file an accurate report of sales on Form 2-A as required by Rule 260; had failed to cooperate with the Commission in making an investigation in connection with the offering; and had made sales in jurisdictions which were not disclosed in the notification.

Subsequent to the Commission's action temporarily suspending the exemption, copies of definitive offering circulars were filed with the Commission and an accurate report of sales on Form 2-A was filed with the Commission. No further offering is being made.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest for the protection of investors,

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5927; Filed, June 27, 1960; 8:49 a.m.]

[File No. 24NY-4715]

SATELLITE TIME CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 22, 1960.

I. Satellite Time Corporation (issuer), a New York corporation, filed with the Commission on August 1, 1958 a notification on Form 1-A and an offering circular relating to a proposed public offering of 4,950,000 shares of its 1 cent par value common stock at 1 cent per share, 50,000 warrants to purchase 100 shares of common stock at 1 cent per warrant and 5,000,000 shares of common stock to be issued at 1 cent per share upon the exercise of the warrants for an aggregate offering of $100,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The exemption under Regulation A is unavailable in that an undisclosed affiliate and promoter is subject to an injunction from a court of competent jurisdiction enjoining such person from further violations of the registration and anti-fraud provisions of the Securities Act of 1933, as amended.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification fails to set forth the full name and complete address of each affiliate of the issuer as required by Item 2(b) thereof;

2. The notification fails to set forth the full name and complete address of each promoter as required by Item 3(c) thereof.

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the name and address of a promoter and controlling stockholder of the issuer;

2. The failure to disclose the direct and indirect interests of each officer, director, affiliate and promoter of the issuer and material transactions between such persons and the issuer.

D. The offering was made in violation of section 17 of the Securities Act of 1933.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under regulation be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-5928; Filed, June 27, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13423, 13424; FCC 60M-1075]

INDEPENDENT BROADCASTING CO., INC., AND HIGH FIDELITY MUSIC CO.

Order Scheduling Hearing

In re applications of Independent Broadcasting Company, Inc., Darien, Connecticut, Docket No. 13423, File No. BPH-2588; John R. Rieger, Jr., tr/as High Fidelity Music Co., Port Jefferson, New York, Docket No. 13424, File No. BPH-2622; for construction permits.

Pursuant to the agreement of all parties reached in the prehearing conference held herein on June 21, 1960, with the exception that the hour for the commencement of the proceeding is modified to permit appearance in another proceeding pending before the Commission by counsel for Interstate Broadcasting Company, Inc.;

It is ordered, That the hearing in the above-entitled proceeding is scheduled for July 13, 1960, commencing at 11:00 a.m. in the offices of the Commission at Washington, D.C.

Dated: June 22, 1960.

Released: June 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5951; Filed, June 27, 1960; 8:51 a.m.]

[Docket No. 13593; FCC 60M-1064]

MARK TWAIN BROADCASTING CO.

Notice of Prehearing Conference

In re application of Mark Twain Broadcasting Co., Hannibal, Missouri, Docket No. 13593, File No. BR-1141; for renewal of license of station KHMO.

There will be a prehearing conference, under Rule 1.111, on Thursday, July 14, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: June 20, 1960.

Released: June 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5952; Filed, June 27, 1960; 8:51 a.m.]

[Docket No. 13472; FCC 60M-1063]

PIONEER BROADCASTING CO. (KNOW)

Order Continuing Hearing

In re application of Pioneer Broadcasting Company (KNOW), Austin, Texas, Docket No. 13472, File No. BP-12736; for construction permit.

Pursuant to procedures agreed upon at the prehearing conference held on this day, which agreements are hereby approved,

It is ordered, This 20th day of June, 1960, that commencement of the hearing is continued to a date to be fixed by subsequent order upon petition of the applicant.

Released: June 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5953; Filed, June 27, 1960; 8:51 a.m.]

[Docket No. 13591; FCC 60M-1070]

STORER BROADCASTING CO. (WWVA-FM)

Order Scheduling Prehearing Conference

In re application of Storer Broadcasting Company (WWVA-FM), Wheeling, West Virginia, Docket No. 13591, File No. BPH-2956; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 22d day of June 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m., July 21, 1960.

Released: June 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5954; Filed, June 27, 1960; 8:51 a.m.]

[Docket Nos. 13436–13438; FCC 60M–1073]

TOT INDUSTRIES, INC., ET AL.

Order Continuing Hearing

In re applications of TOT Industries, Inc., Medford, Oregon, Docket No. 13436, File No. BPCT–2641; Radio Medford, Inc., Medford, Oregon, Docket No. 13437, File No. BPCT–2655; Medford Telecasting Corporation, Medford, Oregon, Docket No. 13438, File No. BPCT–2697; for construction permits for new television broadcast stations (Channel 10).

The Hearing Examiner having under consideration a petition filed by TOT Industries, Inc., on June 16, 1960, requesting a continuance to a date early in September;

It appearing that because of other commitments counsel for the petitioner would be unable to meet the currently scheduled hearing date of July 12 and that the Hearing Examiner is unable to give the parties any other date in July because of his own schedule; and

It further appearing that counsel for the other parties have indicated no objection to the requested continuance;

It is ordered, This 22d day of June 1960, that the petition for continuance is granted and the hearing is continued from July 12 to September 13, 1960, at 10:00 a.m.

Released: June 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5955; Filed, June 27, 1960; 8:51 a.m.]

[Docket Nos. 13211, 13212; FCC 60M–1060]

ZEPHYR BROADCASTING CORP. AND MYRON A. RECK (WTRR)

Memorandum Opinion and Order Scheduling Hearing

In re applications of Zephyr Broadcasting Corp., Zephyrhills, Florida, Docket No. 13211, File No. BP–12291; Myron A. Reck (WTRR), Sanford, Florida, Docket No. 13212, File No. BP–12900; for construction permits.

1. The Hearing Examiner entered an order in this proceeding dated May 17, 1960, continuing the hearing to a date to be hereinafter determined. The hearing had originally been scheduled for May 24, 1960. The reason for the continuance was set out in said order.

2. In an order released June 17, 1960, the Commission denied the motion to delete issues and leave to file affidavits, filed April 11, 1960, by Zephyr Broadcasting Corporation. In view of that order which has disposed of the motion of Zephyr, it is deemed appropriate now to set the matter for a hearing.

Accordingly, it is ordered, This 20th day of June 1960, that the hearing in this proceeding will commence July 19, 1960, at 10:00 a.m. at the Commission offices, Washington, D.C.

Released: June 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–5956; Filed, June 27, 1960; 8:51 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM

Call for Report of Condition

Each insured mutual savings bank not a member of the Federal Reserve System is requested, pursuant to the provisions of section 10(e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Wednesday, June 15, 1960, on Form 64 (Savings).[1]

Said Report of Condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)", dated June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 60–5938; Filed, June 27, 1960; 8:50 a.m.]

INSURED STATE BANKS NOT MEMBERS OF FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Report of Condition

Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is requested, pursuant to the provisions of section 10(e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition on Form 64—Call No. 53,[1] and a Schedule FA,[1] Supplementary Data on Time Deposits of Individuals, Partnerships, and Corporations, and Maximum Interest Rates Paid on Savings and other Time Deposits, as of the close of business Wednesday, June 15, 1960.

Said Report of Condition shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64", December 1959 and amendment thereto, and Schedule FA shall be prepared in accordance with instructions printed on the Schedule.

[1] Filed as part of original document.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 60–5939; Filed, June 27, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60–79]

ARKANSAS LOUISIANA GAS CO.

Notice of Application and Date of Hearing

JUNE 21, 1960.

Take notice that on April 7, 1960, as supplemented on May 9, 13, 18 and 25, 1960, Arkansas Louisiana Gas Company (Applicant) filed in Docket No. CP60–79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire by merger and to operate all of the facilities of Consolidated Gas Utilities Corporation (Consolidated), to perform all acts and services now being performed by Consolidated, and to make all sales now being made by Consolidated, to the extent that such facilities, acts, services and sales are subject to the jurisdiction of the Commission, all as more fully set forth in the application and supplements which are on file with the Commission and open to public inspection.

Applicant now owns and operates a natural gas system including the purchasing, gathering, transmission, distribution and sale of natural gas in northern Louisiana, eastern Texas and southern and central Arkansas, and is actively engaged in the exploration for and production of natural gas and oil.

Consolidated owns and operates a natural gas pipeline system extending from the Texas Panhandle Field in Gray County, Texas, northeasterly through the States of Oklahoma and Kansas, and is principally engaged in the transportation, distribution and sale of natural gas to retail and wholesale customers in the States of Texas, Oklahoma and Kansas. As of October 31, 1959, Consolidated's facilities included approximately 1,181 miles of transmission lines, 1,150 miles of distribution lines, 61 miles of gathering lines, 10 compressor stations, 3 dehydration plants, distribution systems in 57 communities and two storage reservoirs, as well as certain oil and gas producing properties in Texas, Oklahoma and Kansas.

As of January 31, 1960, the total depreciated plants of Applicant and Consolidated, excluding subsidiaries, were $96,371,815, and $22,334,655, respectively.

It is stated that pursuant to the agreement of merger dated March 15, 1960, Applicant will issue 970,586 shares of its Cumulative Convertible Preferred Stock to Consolidated in exchange for the same number of shares of Consolidated's common stock. Consolidated will then be merged into Applicant and all the assets, liabilities and obligations of Consolidated will become those of Applicant. Stockholders of both Applicant and Consolidated approved and adopted the proposed merger at their respective meetings on May 10, 1960.

Approval of the proposed merger by the appropriate regulatory agencies of Kansas, of Arkansas and of Oklahoma has been secured, and it is stated that application for the requisite approval of the Texas Railroad Commission will be made seasonably.

Applicant as the surviving corporation will continue all services presently being rendered by Consolidated at the effective rates in Consolidated's filed FPC gas tariffs which Applicant has formally engaged to adopt effective as of the date of issuance of certificate authorization pursuant to this application, thus there will be no interruption to or abandonment of service now being rendered by Consolidated.

The docket numbers of the certificate, exemption and abandonment authorizations heretofore granted to Consolidated by this Commission, in which Applicant's name is proposed to be substituted for that of Consolidated, are listed in the filed application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 11, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5914; Filed, June 27, 1960; 8:47 a.m.]

[Docket Nos. RI60–421—RI60–424]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JUNE 21, 1960.

Gulf Oil Corporation, Docket No. RI60–421; Socony Mobil Oil Co., Inc. (Operator), et al., Docket No. RI60–422; Skinner Corporation (Operator), et al., Docket No. RI60–423; Sohio Petroleum Company, Docket No. RI60–424.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60–421	Gulf Oil Corp.	189	2	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	Undated	5–27–60	[1] 7–1–60	12–1–60	[3] 11.0	12.5	
RI60–422	Socony Mobil Oil Co., Inc. (Operator), et al.	41	16	Trunkline Gas Co. (Clear Creek Field, Beauregard Parish, La.).	5–26–60	5–27–60	[2] 6–27–60	11–27–60	[4] 18.3	23.5	G–20442
RI60–423	Skinner Corp. (Operator), et al.	8	4	Tennessee Gas Transmission Co. (Green Branch Field, McMullen, and La Salle Counties, Tex.).	Undated	5–27–60	[2] 6–27–60	11–27–60	[3] 15.0462	17.34947	G–20442
RI60–423	——do——	9	4	Tennessee Gas Transmission Co. (Riverside O'Neil Field, Nueces County, Tex.).	——do——	5–27–60	[2] 6–27–60	11–27–60	[3] 14.87589	17.02416	G–20442
RI60–424	Sohio Petroleum Co.	6	4	Tennessee Gas Transmission Co. (Rachal Field, Brooks County, Tex.).	——do——	5–23–60	[1] 6–23–60	11–23–60	[3] 12.12268	17.34947	

[1] The stated effective date is that requested by respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.

In support of its periodic increase, Gulf states that its contract was negotiated at arm's length. Gulf also incorporates by reference certain exhibits presented by Gulf in the section 5(a) proceedings in Docket No. G–9520, et al., which purport to show a cost of service of 28.92 cents per Mcf for Gulf's jurisdictional sales in 1957, higher exploration and development costs, and a declining production on a "per foot drilled" basis.

In support of its increased rate, Socony Mobil states that its contract was negotiated at arm's length; the gas is sold on an installment basis; gas is a commodity, the price of which should be based on the law of supply and demand; and the cost of doing business has been increasing.

In support, Skinner states that its proposed rates are below other rates approved by the Commission in Texas; the natural gas production business has been faced with increased labor, material and other costs; and the increases are necessary to maintain exploration and drilling activities. Sohio states that its contract was negotiated at arm's length and the proposed rate is not in excess of the current commodity value of gas.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 5, 1960.

By the Commission.[1]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5915; Filed, June 27, 1960; 8:47 a.m.]

[Dockets Nos. RI60-97, RI60-426]

W. A. RICHARDSON OIL CO. ET AL.

Order Accepting Rate Tender for Filing, Providing for Hearing and Suspending Proposed Change in Rate and Terminating Proceeding, in Part

JUNE 22, 1960.

W. A. Richardson Oil Company, et al., Docket No. RI60-97; McCarrick, Gouger & Mitchell, et al., Docket No. RI60-426.

On January 7, 1960, W. A. Richardson Oil Company, et al. (Richardson) tendered a Notice of Change to its FPC Gas Rate Schedule No. 1 which proposed to increase the level of rate from 12.12268 cents to 15.0952 cents per Mcf for natural gas produced in Seeligson Field, Jim Wells County, Texas, and sold to Tennessee Gas Transmission Company (TGT). By order issued February 3, 1960, in the proceeding in Docket No. RI60-97, said Notice was designated as Supplement No. 5 to Richardson's FPC Gas Rate Schedule No. 1 and was suspended until July 7, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Said rate schedule covered natural gas produced from several interests, including that of McCarrick, Gouger & Mitchell, et al. (McCarrick).

McCarrick, now desiring to maintain his own rate schedule, on May 23, 1960, submitted a contract dated March 1, 1958, providing for a rate level of 12.12268 cents per Mcf. McCarrick concurrently submitted a Notice of Change dated May 1, 1960, increasing the level of rate by 5.12079 cents to 17.24347 cents per Mcf. As hereinafter ordered, said contract shall be designated as McCarrick, Gouger & Mitchell, et al. FPC Gas Rate Schedule No. 2 and said Notice of Change, as Supplement No. 1 to that rate schedule. This tender is intended to supersede W. A. Richardson Oil Company's FPC Gas Rate Schedule No. 1 so far but only insofar as said Rate Schedule No. 1 pertains to the interest of McCarrick.

Mr. McCarrick requests that Supplement No. 1 be permitted to become effective as of June 1, 1960. Good cause therefor not having been shown, said supplement may not be effective prior to June 23, 1960, the first day following statutory notice. In support of the proposed increased rate, McCarrick states that the contract was negotiated at arm's length, that the proposed price does not exceed the going price in the area, and that initial rates in excess of that proposed have been certificated in the general area.

The proposed rates may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for accepting the contract dated March 1, 1958 for filing, designating said contract as McCarrick, Gouger & Mitchell, et al. FPC Gas Rate Schedule No. 2 and permitting said rate schedule to be effective as of March 1, 1958.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Supplement No. 1 to the aforementioned Rate Schedule No. 2, and that said supplement be suspended and the use thereof deferred as hereinafter provided.

(3) Good cause exists for terminating the proceeding in Docket No. RI60-97, so far but only insofar as such pertains to the interests now covered by McCarrick's FPC Gas Rate Schedule No. 2.

The Commission orders:

(A) The aforementioned contract dated March 1, 1958, hereby is accepted for filing, designated as McCarrick, Gouger & Mitchell, et al. FPC Gas Rate Schedule No. 2, and is declared effective as of March 1, 1958.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by the Secretary concerning the lawfulness of the proposed rate contained in Supplement No. 1 to McCarrick, Gouger & Mitchell, et al. FPC Gas Rate Schedule No. 2.

(C) Pending such hearing and decision thereon, said Supplement No. 2 is hereby suspended and its use deferred until November 23, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until the proceeding in Docket No. RI60-426 has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) The proceeding in Docket No. RI60-97 is hereby terminated so far but only insofar as that proceeding relates to the interest now covered by McCarrick's FPC Gas Rate Schedule No. 2.

(F) The order issued February 3, 1960, in the proceeding in Docket No. RI60-97, as such pertains to all interests other than that of aforementioned McCarrick, shall remain in full force and effect.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5916; Filed, June 27, 1960; 8:47 a.m.]

[1] Commissioner Kline dissenting as to the suspension of the filing in Docket No. RI60-421.

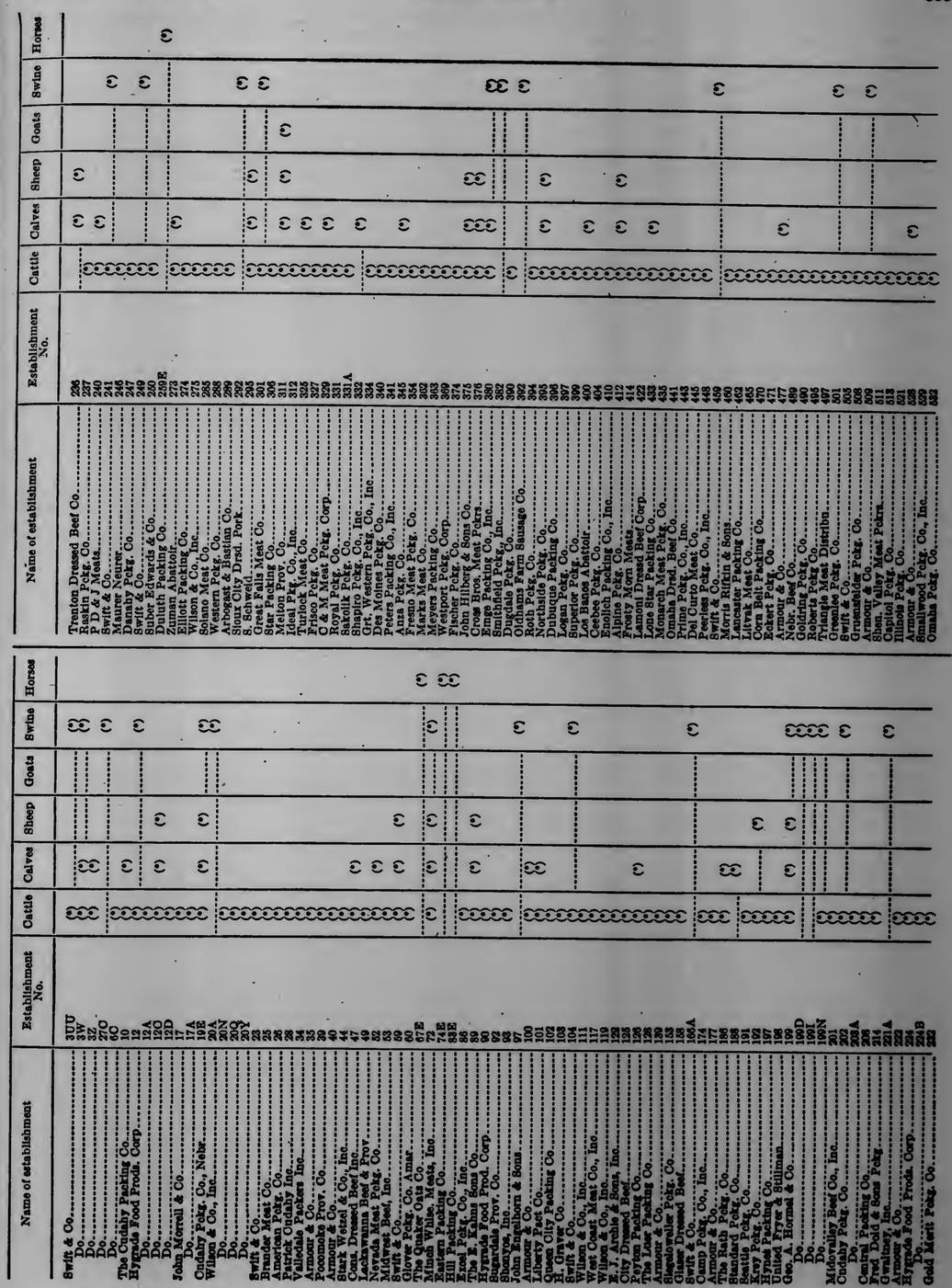
Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	2AD						
Do.	2AG						
Do.	2AN		(*)				
Do.	2AU						
Do.	2B						
Do.	2C						
Do.	2E						
Do.	2G						
Do.	2LT						
Do.	2SD						
Do.	2WN						
Swift & Co.	3AO					(*)	
Do.	3AE						
Do.	3AF						
Do.	3AN						
Do.	3AW			(*)			
Do.	3B						
Do.	3CC			(*)			
Do.	3D						
Do.	3E						
Do.	3FF			(*)			
Do.	3K						
Do.	3L						
Do.	3N						
Do.	3NN		(*)	(*)			
Do.	3S						
Do.	3T						

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on June 1, 1960, as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:



Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Pepper Pckg. Co.	536						
Oscar Mayer & Co., Inc.	537A						
Do	537C						
Midwest Pckg. Co.	539						
Salter Pckg. Co.	551						
Tex. Meat Packers Inc.	555						
Armour & Co.	579						
Stahl-Meyer Inc.	588						
Coffeyville Packing Co.							
F. A. Ferris & Co., Inc.							
Swift & Co.	591						
Harmon Packing Co.	596						
Swift & Co.	606						
Eastern Oreg Meat Co.	611						
Midtown Veal and Mutton	612						
Donner Pckg. Co.	614						
Kummer Pckg. Co.	617						
Acme Meat Co., Inc.	618						
Hill Pckg. Co.	623E						
City Pckg. Co.	625						
Big Foot Packing Co., Inc.	627						
E. A. Miller & Sons Pckg.	628						
General Meat Co.	632						
Auburn Packing Co., Inc.	636						
W. Schluderberg T. Kurdle	640						
John Morrel & Co.	650						
Milwaukee Dressed Beef Co.	654						
Wilson & Co., Inc.	655						
Baums Bologna, Inc.	657						
South Philadelphia Willowbrook, Inc.	658						
St. Louis Dressed Beef Co.	659						
Quality Meat Pckg. Co.	661						
Globe Packing Co.	663						
Scottsbluff Pack. Co.	667						
San Joaquin Packing Co.	671						
E. S. Reed & Sons, Inc.	672						
Union Pckg. Co.	673						
Theede Pckg. Co.	674						
Armour & Co.	680						
Cascade Meats, Inc.	681						
Hess Davis Packing Co.	682						
William Fookes Sons Co.	685						
Bryan Meat Co.	693						
Kramer Beef Co.	695						
Dana Packing Co.	706						
Cent. Neb. Pckng. Co.	713E						
Davenport Pckg. Co., Inc.	716						
Coast Pckg. Co.	724						
Swift & Co.	726						
The Quaker Oats Co.	734E						
Jacob Schlachters Sons	739						
Rosati Bros.	749						
Seitz Packing Co. Inc.	756A						
Sebasko Packing Co.	761						
Earl C. Gibbs, Inc.	770						
Modern Meat Pckg. Co.	774						
Atlas Pckg. Co.	775						
Ondaby Pckg. Co.	779						
John Pollak Pckg. Co.	788						
Baums Meat Pckg.	792						
McFarland, Inc.	811						
Henry Meyers Sons, Inc.	822						
Hibbs Packing Co.	825						
Bristol Packing Co.	828						
Berbaums Meat Co.	830						
Norman Peters Pckg. Co.	834						
Maurer Neuer	836						
Frederick Co Prod., Inc.	838						
N.J. Garden States Prov.	851						
Jordan Meat Co.	858						
Wells & Davies Pckg. Co.	860						
Sierra Meat Co.	862						
J. H. Rodman Graff Corp.	863						
Christensen Meat Co.	865						
Pahler Packing Corp.	880						
William Davies Co., Inc.	886A						
Tobin Pckg. Co., Inc.	893						
Meats, Inc.	899						
National Meat Packers	917						
B. Constantino & Sons Co.	918						
Wisconsin Pckg. Co.	924						
Peoples Pckg. Co.	925						
The Kerber Pckg. Co.	929						
Tarpoff Pckg. Co.	931						
E. S. Manning & Son	934						
Vols Packing Co., Inc.	938						
Cappelino Abattoir Inc.	939						
Wilson & Co., Inc.	940						
Gentner Pckg. Co., Inc.	941						
J. Doctorman & Son Pckg.	949						
The Quaker Oats Co.	952E						
Virginia Pckg. Co.	963						
Greeley Cap Packing Co.	969						
Perlin Pckg. Co., Inc.	974						
National Food Stores	981						
The Klarer Co.	995						
Do.	995C						
Browns Pckg. House	1154						
A. F. Moyer & Sons, Inc.	1311						
McCabe Pckg. Plt.	1312						
H & H Packing Co.	1315						
MODE Packing & Prov. Co.	1353						

Done at Washington, D.C., this 22d day of June 1960.

A. R. MILLER,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-5874; Filed, June 27, 1960; 8:45 a.m.]

INTERNATIONAL COOPERATION ADMINISTRATION

INTERNATIONAL COMMITTEE OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the International Cooperation Administration concerning Registration of Agencies for Voluntary Foreign Aid (I.C.A. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 521 of the Mutual Security Act of 1954, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration to the following agency:

International Committee of Young Men's Christian Associations (Corporate Title: National Board of Young Men's Christian Associations), 291 Broadway, New York 7, N.Y.

JAMES W. RIDDLEBERGER,
Director.

JUNE 21, 1960.

[F.R. Doc. 60-5923; Filed, June 27, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 23, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36343: *Clay—Magnet Cove and Quincy, Fla., to Fla. and Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3970), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads as described in the application from Magnet Cove and Quincy, Fla., and Roddenbery, Ga., to points in Florida and Georgia.

Grounds for relief: Rate relationship with Attapulgus, Ga.

Tariff: Supplement 46 to Southern Freight Association tariff I.C.C. S-40.

FSA No. 36344: *Substituted service—C&O for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 27), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars between Chicago, Ill., and Buffalo, N.Y., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36345: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 24), for interested carriers. Rates on various commodities moving on less-than-truckload class rates loaded in trailers and transported over all-water, joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Washington, D.C., on the one hand, and points in Louisiana and Texas, on the other.

Grounds for relief: Rail-water freight forwarder competition.

Tariff: Sea-Land Service, Inc., tariff I.C.C. 3.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-5937; Filed, June 27, 1960; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 120]

RAILROADS SERVING NEBRASKA

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, railroads serving the State of Nebraska are unable to transport traffic routed over their lines, because of floods and high water.

It is ordered, That:

(a) Rerouting traffic: Railroads serving the State of Nebraska, unable to transport traffic in accordance with shippers' routing because of floods and high water, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:00 a.m., June 22, 1960.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 22, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-5960; Filed, June 27, 1960; 8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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(As of January 1, 1960)

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Rules and Regulations

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER B—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6473]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PART 245—BEER

Miscellaneous Amendments

On April 15, 1960, a notice of proposed rule making to amend 26 CFR Parts 170, Miscellaneous Regulations Relating to Liquor, and 245, Beer, was published in the FEDERAL REGISTER (25 F.R. 3259).

In accordance with the notice, interested persons were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No comments or objections having been received, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

1. A new amendatory paragraph is inserted, immediately following the material amending § 245.41, to amend § 245.42.

2. The first sentence of § 245.117a is changed to read "The tax on beer shall (unless prepaid) be paid by semimonthly return on Form 2034, which shall be filed, with remittance, for the full amount of tax due as shown on the return."

3. In order to include an additional change in § 245.161, a new amendatory paragraph 2a is inserted, immediately following paragraph 2.

4. Section 245.231 is changed to read as set forth below.

Because this Treasury decision is a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1960.

(Sec. 7805 I.R.C.; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

Approved: June 22, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to (1) provide rules in the beer regulations (Part 245) for the payment of beer tax by semimonthly or prepayment return, (2) provided a revised basis for calculation of the penal sum of a brewer's bond, (3) implement certain administrative changes, and (4) make certain technical changes, 26 CFR Part 170, Miscellaneous Regulations Relating to Liquor, and 26 CFR Part 245, Beer, are amended as follows:

Part 170 is amended as follows:

§ 170.402 [Amendment]

Section 170.402 is amended by inserting immediately after the phrase "on and after June 24, 1959," the phrase "and before July 1, 1960,".

Part 245 is amended as follows:

§ 245.5 [Amendment]

Section 245.5 is amended as follows:

1. By adding, immediately following the definition entitled "District Director," a new definition to read:

Executed under penalties of perjury. "Executed under penalties of perjury" shall mean signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this _____ (insert type of document such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct and complete."

2. By adding, immediately following the definition entitled "Removed for consumption or sale," two new definitions to read:

Secretary. "Secretary" shall mean the Secretary of the Treasury.

This chapter. "This chapter" shall mean Chapter I, Title 26, Code of Federal Regulations.

§ 245.41 [Amendment]

Section 245.41 is amended as follows:

1. By changing the period at the end of paragraph (m) to a comma and adding the words "showing their residence and business addresses."; and

2. By changing the citation to read "(72 Stat. 1388; 26 U.S.C. 5401)".

§ 245.42 [Amendment]

Section 245.42 is amended by changing the period at the end thereof to a comma and adding the words "except that a certified true copy, in triplicate, of a resolution of the board of directors authorizing a person to sign or act on behalf of the brewer will be accepted as evidence of the authority of such person to so sign or act."

§ 245.45 [Amendment]

Section 245.45 is amended as follows:

1. By striking from the first sentence the words "in triplicate,"; and

2. By changing the citation to read "(72 Stat. 1388; 26 U.S.C. 5401)".

§ 245.46 [Amendment]

Section 245.46 is amended by striking, at the end thereof, the words "nor be less than $1,000.", and inserting in lieu thereof the words "where the tax on beer is to be prepaid, or $500,000 where payment of such tax is to be deferred as provided in § 245.117a, and that the penal sum of any such bond shall be not less than $1,000."

A new § 245.46a is added, immediately following § 245.46 to read:

§ 245.46a Tax deferral; extension of terms of existing bond.

Where a brewer intends to commence deferring tax on beer as provided in § 245.117a and his existing bond (or bonds) is in a sufficient penal sum, or where a brewer files a strengthening bond to increase the total penal sum of the existing bond (or bonds) to a sufficient penal sum to defer the tax, a consent of surety, Form 1533, shall be filed to extend the terms of the existing bond (or bonds) to cover future transactions. In either case, the consent shall properly identify the bond (or bonds), Form 1566, to which it applies and shall contain the following statement of purpose:

To continue in effect said bond (or bonds) (including all extension or limitations of terms and conditions previously consented to and approved), notwithstanding that the tax on beer removed for consumption or sale will be paid under a semimonthly return system.

Section 245.52 is amended to read:

§ 245.52 Corporate surety.

Surety bonds may be given only with surety companies holding certificates of authority from the Secretary as acceptable sureties on Federal bonds, subject to the limitations as set forth in the current revision of Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6)

§ 245.53 [Amendment]

Section 245.53 is amended by striking from the proviso the words "Treasury Department Form 356-Revised." and by inserting in lieu thereof the words "the current revision of Treasury Department Circular 570."

Section 245.60 is amended to read:

§ 245.60 Notice of bond termination.

On termination of the surety's liability under the bond, as provided in § 245.58, the assistant regional commissioner will notify the principal and sureties.

A new § 245.111a is added, immediately following § 245.111, to read:

§ 245.111a Types of containers.

Beer may be removed from a brewery for consumption or sale only in barrels, kegs, bottles, and similar containers, as provided in this part. Beer may be bottled only in bottles as defined in § 245.5. A container which the Director,

Alcohol and Tobacco Tax Division, determines to be similar to a bottle or can shall be treated as a bottle for the purposes of this part. A container which the Director, Alcohol and Tobacco Tax Division, determines to be similar to a barrel or keg and which conforms to one of the sizes prescribed for barrels or kegs in § 245.113, shall be treated as such for the purposes of this part.

(72 Stat. 1389, 1390; 26 U.S.C. 5412, 5416)

§ 245.112 [Amendment]

Section 245.112 is amended as follows:

1. By striking the words "§§ 245.227 to 245.229." from the first sentence thereof and inserting in lieu thereof the words "§§ 245.117a, 245.117b, and 245.117c."; and

2. By changing the citation to read "(68A Stat. 777, 778, 72 Stat. 1335; 26 U.S.C. 6311, 6313, 5061)".

§ 245.115 [Amendment]

Section 245.115 is amended by inserting, as the first entries under the headings "Number of bottles per case", "Fluid contents (ounces) of each bottle", and "Barrel equivalent", the figures "1", "288", and 0.07258", respectively.

Section 245.116 is amended to read:

§ 245.116 Time of tax determination and payment.

The tax on beer shall be determined at the time of its removal for consumption or sale, and shall be paid by return as provided in this part.

(72 Stat. 1334, 1335; 26 U.S.C. 5054, 5061)

§ 245.117 [Deletion]

Section 245.117 is revoked.

Three new sections, designated § 245.117a, § 245.117b, and § 245.117c, are added, immediately following § 245.116, to read as follows:

§ 245.117a Semimonthly return.

The tax on beer shall (unless prepaid) be paid by semimonthly return on Form 2034, which shall be filed, with remittance, for the full amount of tax due as shown on the return. The quantities of keg and bottled beer removed daily for consumption or sale during the period covered by the return, and the aggregate quantity thereof, shall be reported in the tax return. Form 2034 shall be filed as a semimonthly return regardless of whether tax has been prepaid as provided in § 245.117c during the return period. The brewer shall include for payment on his return the full amount of tax required to be determined (and which has not been prepaid) on all beer removed for consumption or sale during the period covered by the return. Prepayments made by the brewer during the semimonthly period shall be separately shown on the return. The brewer shall file his tax return, Form 2034, semimonthly, covering the period from his business day beginning on the 9th day of a month through his business day beginning on the 23d day of the same month, and the period from his business day beginning on the 24th day of a month through his business day beginning on the 8th day of the next succeeding month. The semimonthly tax return, Form 2034, shall be filed not later than the close of the third calendar day next succeeding the 8th or 23d calendar day of the month, as the case may be, excluding Saturdays, Sundays, legal holidays of the District of Columbia, and Statewide legal holidays of the State in which the return is required to be filed: *Provided*, That the return for the period ending at the close of the brewer's business day which began on June 23d of any year shall be filed not later than the close of the second next succeeding calendar day after June 23d, excluding Saturdays, Sundays, legal holidays of the District of Columbia, and Statewide legal holidays of the particular State in which the return is required to be filed. Where the semimonthly return and remittance are delivered by United States mail to the office of the district director, the date of the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery of such return and remittance: *Provided*, That where the postmark on the cover is illegible, the burden of proving when the postmark was made will be on the brewer: *Provided further*, That where the return and remittance are sent by registered mail, the date of registry, or where the return and remittance are sent by certified mail, the date of the postmark on the sender's receipt, shall be treated as the postmark date of the return and remittance. A return, Form 2034, shall be filed covering each return period even though no beer was removed for consumption or sale during the period.

(72 Stat. 1335; 26 U.S.C. 5061)

§ 245.117b Brewer in default; tax to be prepaid.

Where a check or money order tendered in payment of taxes on beer is not paid on presentment, or where the brewer is otherwise in default in payment of tax under § 245.117a, no beer shall be removed for consumption or sale or taken from the brewery for removal for consumption or sale until the tax thereon has been prepaid as provided in § 245.117c. The brewer shall continue to so prepay during the time that he is in default and thereafter until the assistant regional commissioner finds the revenue will not be jeopardized by deferred payment of tax as provided in § 245.117a. Any remittance made while the brewer is required to prepay under this section shall be in cash or shall be in the form of a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State or possession of the United States, or a money order, as provided in § 301.6311–1 of this chapter.

§ 245.117c Prepayment of tax.

Where a brewer is required to prepay tax under § 245.117b, or where the penal sum of the bond (or bonds), Form 1566, is insufficient for deferral of payment of tax on beer to be removed for consumption or sale, or where a brewer is not, because of the provisions of § 245.46a, entitled to defer the tax, the brewer shall prepay the tax before any beer is removed for consumption or sale, or taken out of the brewery for removal for consumption or sale. Prepayment shall be made by forwarding or delivering to the district director a tax return, Form 2034, with remittance, covering the tax on beer. The word "Prepayment" shall be prefixed to the title of such form. For the purpose of complying with this section the term "forwarding" shall mean depositing in the United States mail, properly addressed to the district director.

(68A Stat. 777, 72 Stat. 1335; 26 U.S.C. 6311, 5061)

§ 245.143 [Amendment]

Section 245.143 is amended as follows:

1. By striking the word "application" in paragraph (a) and inserting in lieu thereof the word "claim";

2. By striking the words "an application" in the first sentence of paragraph (b) and inserting in lieu thereof the words "a claim";

3. By striking the word "application" in the last sentence of paragraph (b) and inserting in lieu thereof the word "claim"; and

4. By changing the citation to read "(72 Stat. 1335, 1389; 26 U.S.C. 5056, 5414)".

Section 245.148 is amended to read as follows:

§ 245.148 Claims for remission of tax.

Claims for remission of tax on beer lost in transit between breweries of the same ownership shall be prepared on Form 2635 by the brewer or his duly authorized agent and submitted with Form 103 of the receiving brewery for the month in which the shipment is received. Where the loss is by casualty, the claim shall be submitted with the Form 103 for the month in which the loss is discovered. Where, for valid reason, the required claim cannot be submitted with such report, a statement shall be attached to the monthly report setting forth the reason why the claim cannot be filed at that time and specifying when it will be filed. No claim shall be allowed unless filed with the assistant regional commissioner within 6 months after the date of loss. The claim shall set out:

(a) The date and serial number of the shipment (as shown on the transfer paper).

(b) The quantity of beer lost (number and size of packages and their equivalent in barrels).

(c) The percent of loss.

(d) The specific cause of the loss.

(e) The nature of the loss (leakage, breakage, casualty, etc.).

(f) Full information as to whether the claimant has been indemnified by insurance or otherwise in respect of the tax or has any claim for indemnification. Full details shall be furnished on losses due to casualty or accident, supported if possible, by statements of the carrier or other parties having personal knowledge of the loss.

(72 Stat. 1335, 1389; 26 U.S.C. 5056, 5414)

§ 245.158 [Amendment]

Section 245.158 is amended as follows:

1. By striking therefrom the first three sentences and inserting in lieu thereof two new sentences to read: "Beer on which the tax has been paid, or on which the tax has been determined and therefore is to be reported for payment, which is removed from the market, may be returned to and stored in the brewery, and refund or credit of tax may be claimed thereon in accordance with the provisions of subpart T. Unless such beer is to be returned to the stock of the racking room or bottling house, it shall be identified as beer removed from the market, be completely segregated from all other beer, and be accessible for inspection by internal revenue officers."

§ 245.160 [Amendment]

Section 245.160 is amended by striking therefrom the second sentence, which begins "Such beer shall be".

§ 245.161 [Amendment]

Section 245.161 is amended as follows:

1. By striking from the first sentence the words "again remove for consumption or sale," and by inserting in lieu thereof the words "return to the stock of the racking room or bottling house,";

2. By changing the third sentence to read "The notice shall be executed under penalties of perjury as defined in § 245.5.";

2a. By inserting in § 245.161, immediately following the fourth sentence, which begins "If the beer is to be destroyed, reconditioned, or used as material," a new sentence to read "In the event the brewer is not notified that the disposition described in the notice is to be supervised or an internal revenue officer has not visited the brewery for the purpose of supervising such disposition on or before the date stated, the brewer may, unless otherwise advised by the assistant regional commissioner, dispose of the beer in the manner stated in the notice on the day following the scheduled date if the scheduled date is 10 days subsequent to the date of the notice, or at any time after 12 noon of the scheduled date if such date is 11 or more days subsequent to the date of the notice.";

3. By changing the sentence immediately preceding paragraph (a) to read "The notice, which shall be serially numbered, shall contain the following information:";

4. By changing paragraph (a) to read:

(a) The number and sizes of kegs and the actual quantity of beer contained therein expressed in barrels; or the number of cases, the number and size in ounces of the bottles comprising the cases, and the actual quantity of beer contained therein expressed in barrels. (The burden of proof of establishing the correct quantity of beer is on the brewer and where kegs or cases containing less than the original contents are involved, the actual quantity of beer shall be determined by weight unless the assistant regional commissioner has authorized the use of another method.);

5. By redesignating paragraphs (d) and (e) as paragraphs (e) and (f), respectively, and by inserting a new paragraph (d) to read:

(d) If returned, the name of the person from whom returned.

and

6. By striking from redesignated paragraph (e) the words "again to be removed for consumption or sale.", and inserting in lieu thereof the words "to be returned to the stock of the racking room or bottling house.".

§ 245.162 [Amendment]

Section 245.162 is amended as follows:

1. By inserting in the first sentence, immediately following the words "destruction of the beer," the word "or" and by striking from such sentence the words "or its return to the stock of the racking room or bottling house,";

2. By striking the last sentence and inserting two new sentences to read "If the brewer desires to destroy such beer at some place other than the brewery, the assistant regional commissioner may require that the disposition of the beer be delayed pending arrangement of a convenient time for supervision, and, if the place of destruction is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location. The assistant regional commissioner may, at any time, to substantiate claims for refund or credit of tax on beer returned to the stock of the racking room or bottling house, notify the brewer that, until further notice, supervision will be required of any further return of beer to such stock.

Section 245.164 is amended to read:

§ 245.164 Claims for refund of tax.

Claims for refund of tax shall be filed on Form 843. Such claims, if for refund of tax on beer removed from the market, shall show (a) the name and address of the brewer, (b) the quantity of beer covered by the claim, (c) the amount of tax for which the claim is filed, (d) the reason for removal of the beer from the market and the facts relating thereto, (e) whether the brewer is indemnified by insurance or otherwise in respect of the tax, and, if so, the nature of such indemnification and (f) the claimant's reasons for believing that the claim should be allowed. If the claim is for refund of tax on beer lost or destroyed by fire, casualty, or act of God, it shall contain the information specified in paragraphs (a), (b), (c), (e), and (f) of this section, and a statement of the circumstances surrounding the loss; the claim shall also show the date of the loss, and, if lost in transit, the name of the carrier. The brewer's notice required by § 245.161 or § 245.163 shall be incorporated, by reference, in the claim and, when feasible, the claim should be filed at the same time as the notice. Claims covering losses shall be supported, whenever possible, by affidavits of persons having knowledge of the loss, unless such affidavits are contained in the notice given under § 245.163. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. Any claim on Form 843 shall be filed with the assistant regional commissioner having jurisdiction over the region in which the tax was paid within 6 months after the date of removal from the market or loss or destruction by fire, casualty, or act of God. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

Section 245.165 is amended to read:

§ 245.165 Claims for allowance of credit for tax.

In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer may file with the assistant regional commissioner having jurisdiction over the region in which the tax was paid, a claim on Form 2635 for allowance of credit for the tax paid. Any claim for credit filed on Form 2635 shall include all of the information required under § 245.164 with respect to a claim for refund on Form 843. The brewer's notice required by § 245.161 or § 245.163 shall be incorporated, by reference, in the claim on Form 2635, and, when feasible, the claim should be filed at the same time as the notice. The brewer shall not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date of removal from the market, loss, or destruction by fire, casualty, or act of God. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335; 26 U.S.C. 5056)

Section 245.170 is amended to read:

§ 245.170 General.

Beer may be removed from the brewery without payment of tax (a) for exportation, (b) for use as supplies on vessels and aircraft, or (c) for transfer to and deposit in foreign-trade zones for exportation or for storage pending exportation, in accordance with the provisions of Part 252 of this chapter. Tax-paid beer may be exported, delivered for use as supplies on certain vessels and aircraft, or transferred to and deposited in foreign-trade zones, with benefit of drawback, under the provisions of Part 252 of this chapter.

§§ 245.171–245.194 [Deletion]

Sections 245.171 to 245.194, inclusive, are revoked.

Subpart V, consisting of §§ 245.195 to 245.200, inclusive, is revoked.

§ 245.225 [Amendment]

Section 245.225 is amended as follows:

1. By changing paragraph (e) to read:

(e) Cereal beverage removed from the brewery;

2. By inserting a new paragraph (f) to read:

(f) Beer removed for consumption or sale and beer removed without payment of tax, showing with respect to each removal the date of removal, the identity of the person to whom the beer was shipped or delivered (not required in the case of sales in quantities of one-half barrel or less for delivery at the brewery), and the quantities of beer removed in kegs and bottles: *Provided*, That where the brewer keeps, at the brewery, copies of invoices or other commercial records containing the information required as to each such removal, such copies may be used in lieu of any other record required by this paragraph if they are maintained in such manner that the assistant regional commissioner is satisfied that the information may be readily ascertained therefrom by internal revenue officers.;

3. By redesignating paragraph (f) as paragraph (g);

4. By redesignating paragraph (g) as paragraph (h), and changing it to read:

(h) Beer returned to the brewery, showing separately such beer destroyed, used as material, reconditioned, and returned to the stock of the racking room or bottling house;

5. By redesignating paragraphs (h) through (l) as paragraphs (i) through (m);

6. By striking from the last sentence thereof the opening phrase which reads "Except as provided in the first proviso of § 245.116," and by capitalizing the word "all" so that the sentence will begin "All entries in the records"; and

7. By changing the citation to read "(68A Stat. 896, 72 Stat. 1390, 1395; 26 U.S.C. 7503, 5415, 5555)".

Section 245.227 is amended to read:

§ 245.227 Beer tax return, Form 2034.

All entries in the return, Form 2034, shall be fully supported by accurate and complete records. The brewer shall file the copy returned to him by the district director as a part of his records at the brewery.

(72 Stat. 1385, 1390, 1395; 26 U.S.C. 5061, 5415, 5555)

§§ 245.228 and 245.229 [Deletion]

Sections 245.228 and 245.229 are revoked.

Section 245.231 is amended to read:

§ 245.231 Execution under penalties of perjury.

When a return, form, or other document called for under this part is required by this part or in the instructions on or with the return, form, or other document to be executed under the penalties of perjury, as defined in § 245.5, it shall be so executed and shall be signed by the brewer or other duly authorized person.

(68A Stat. 748, 749; 26 U.S.C. 6061, 6065)

Section 245.232 is amended to read:

§ 245.232 Retention of records, reports, and returns.

A brewer shall retain, at the brewery for a period of not less than four years, all records, reports, and returns required by this part. Such records, reports, and returns shall be readily available during the brewer's regular business hours for examination and taking abstracts therefrom by internal revenue officers.

(72 Stat. 1390; 26 U.S.C. 5415)

A new § 245.233 is added to read:

§ 245.233 Photographic copies of records.

Brewers who desire to record, copy, or reproduce records required to be preserved under § 245.232, by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original record, shall make application to the assistant regional commissioner, in triplicate, to do so, describing:

(a) The records to be reproduced.

(b) The reproduction process to be employed.

(c) The manner in which the reproductions are to be preserved.

(d) The provisions to be made for examining, viewing, and using such reproductions.

The assistant regional commissioner shall not approve any application, unless the Director, Alcohol and Tobacco Tax Division, has approved that type of record for reproduction and the reproduction process to be employed, and unless the manner of preservation of the reproductions and the provisions for examining, viewing, and using such reproductions are, in the assistant regional commissioner's opinion, satisfactory. Whenever records are reproduced under this section, the reproduced records shall be preserved in conveniently accessible files, and provisions shall be made for examining, viewing, and using the reproduced record the same as if it were the original record, and it shall be treated and considered for all purposes as though it were the original record; all provisions of law and regulations applicable to the original record shall be applicable to the reproduced record. As used in this section "original record" shall mean the record required by this part to be maintained or preserved by the brewer, even though it may be an executed duplicate or other copy of the document.

(72 Stat. 1395; 26 U.S.C. 5555)

[F.R. Doc. 60-5941; Filed, June 28, 1960; 8:45 a.m.]

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

On February 5, 1960, a notice of proposed rule making proposing new regulations in 26 CFR Part 211, with respect to the distribution and use of denatured alcohol and specially denatured rum, was published in the FEDERAL REGISTER (25 F.R. 1017). No request for a public hearing was received.

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, and in order to make certain clarifying, liberalizing, and editorial changes, the regulations as so published are hereby adopted subject to the changes set forth below:

1. The first sentence of paragraph 3 of the *Preamble* is changed to read: "The regulations in this part shall become effective on July 1, 1960."

2. Section 211.11 is changed as follows:

(A) By changing the definition of "*Bulk conveyance*".

(B) By changing the definition of "*Executed under penalties of perjury*".

3. Section 211.22 is changed to read as set forth below.

4. Section 211.24 "[Reserved]", is deleted and §§ 211.25 to 211.32, inclusive, are renumbered as §§ 211.24 to 211.31, respectively.

5. A new § 211.32 is inserted immediately following renumbered § 211.31.

6. Section 211.33 is changed as follows:

(A) By changing the words "marks and brands", in the first sentence, to read "marks, brands, and labels";

(B) By striking from the first sentence the word "entirely" immediately following the words "have been";

(C) By changing the second sentence to read: "When such packages have been emptied, the marks, brands, and labels shall be effaced or obliterated."; and

(D) By striking from the last sentence the word "and" immediately following the words "be effaced" and by inserting in lieu thereof the word "or".

7. Section 211.34 is changed to read as set forth below.

8. Section 211.42 is changed by striking from the last sentence the words "and by, where applicable," and inserting in lieu thereof the words "and, where applicable, by".

9. Paragraph (a) of § 211.56 is changed by inserting, in the second sentence and immediately following the words "of such a permit," the words "or of the operations authorized thereby,".

10. Section 211.72 is changed by striking, from the first sentence, the words "covered by an industrial use permit on Form 1481" and by inserting in lieu thereof the words "authorized to be withdrawn".

11. Section 211.91 is changed as follows:

(A) By striking the first word, "These", from the third sentence and inserting in lieu thereof the words, "Except as otherwise provided in this section, these"; and

(B) By striking all of the fourth sentence and inserting in lieu thereof a new sentence to read "A user receiving specially denatured spirits in tank cars or tank trucks and storing all such spirits therein, as provided in § 211.168, need not provide stationary storage tanks."

12. Section 211.101 is changed by inserting, in the first sentence of paragraph (b) and immediately following the words "shall submit", the words "to the assistant regional commissioner".

13. Section 211.104 is changed to read as set forth below.

14. Section 211.111 is changed, by inserting between the first and second sentences, two new sentences.

15. Section 211.131 is changed by striking the words "a period of one year." from the second sentence, and by inserting in lieu thereof the words "the term of the permit.".

16. The last sentence of § 211.139 is changed to read "On receipt, the bonded dealer shall ascertain and account for any losses in transit in accordance with subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months."

17. Paragraph (b) (7) of § 211.147 is changed by striking the phrase "certified by recognized authorities," and by inserting in lieu thereof the phrase "prepared or certified by recognized authorities or engineers,".

18. Section 211.148 is changed as follows:

(A) By changing the sixth sentence to read "On shipment of the specially denatured spirits the bonded dealer shall send a copy of Form 1473 to the assistant regional commissioner of his region (two copies in the case of interregional shipments) and the original and one copy to the consignee, except in case of shipments by trucks."; and

(B) By striking, from the seventh sentence, the words "two copies" and inserting in lieu thereof the words "original and copy".

19. Section 211.161 is changed as follows:

(A) By striking, from the second sentence, the words "a period of one year," and by inserting in lieu thereof the words "the term of the permit,";

(B) By striking, from the third sentence, the words "during a year"; and

(C) By changing the period at the end of the fourth sentence, which begins "Where the applicant desires", to a colon and adding the words "*Provided*, That where one-sixth of the applicant's annual requirements is less than one drum (55 gallons), he may show as his monthly allowance a quantity not to exceed one drum without stating his needs for the additional quantity, if his bond is in a sufficient penal sum, computed in accordance with § 211.72."

20. Section 211.162 is changed by striking therefrom the last sentence.

21. The last sentence of § 211.168 is changed to read "On receipt of specially denatured spirits by the user, he shall ascertain and account for any losses in transit in accordance with Subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months."

22. The last sentence of § 211.169 is changed as follows:

(A) By inserting a comma after the words "or appearing";

(B) By inserting after the words "fail to prove" the words "to the satisfaction of the assistant regional commissioner"; and

(C) By inserting, immediately following the words "internal human use, he shall", the words ", at the direction of the assistant regional commissioner,".

23. Section 211.178 is changed by adding, at the end thereof, a new sentence to read "Where an agent of a producer fills packages in the name of the producer, the agent may either use serial numbers from a block of numbers assigned to him by the producer or use a separate series of serial numbers (differentiated from that of the producer by a suitable prefix) to identify the packages filled by him."

24. The first sentence of § 211.193 is changed as follows:

(A) By striking the words "specified in § 211.191," and inserting in lieu thereof the words "which are specified in § 211.191 and which contain specially denatured alcohol," and

(B) By striking the words "which contain specially denatured alcohol".

25. Section 211.194 is changed by inserting, immediately following the words "specified in § 211.191" the words "which contain specially denatured alcohol".

26. Section 211.195 is changed as follows:

(A) By striking from the third sentence the words "Where such products are bottled or repackaged, or such products containing specially denatured alcohol are reprocessed by a permittee" and inserting in lieu thereof the words "Where products specified in § 211.191 which contain specially denatured alcohol are bottled, repackaged, or reprocessed by a permittee"; and

(B) By striking from the fourth sentence the words "Where such products are bottled or repackaged, or such products containing specially denatured alcohol are reprocessed by a nonpermittee" and inserting in lieu thereof the words "Where such products containing specially denatured alcohol are bottled, repackaged, or reprocessed by a nonpermittee".

27. Section 211.199 is changed by striking all of the first sentence and inserting in lieu thereof a new sentence to read "Users who are proprietors of bona fide supply houses may manufacture an article, designated as reagent alcohol, containing 95 parts by volume of S.D.A. Formula No. 3–A and 5 parts by volume of isopropyl alcohol."

28. Section 211.216 is changed by striking the words "two copies" immediately following "on the day of shipment, forward", and by inserting in lieu thereof the words "the original and one copy".

29. Section 211.234 is changed as follows:

(A) By striking from the second sentence the words "two copies" and inserting the words "the original and one copy"; and

(B) By striking from the last sentence the words "the original" and inserting the words "one copy".

30. Section 211.235 is changed to read as set forth below.

31. Section 211.242 is changed by striking the words "5 gallons or more" from the second sentence, and inserting in lieu thereof the words "more than 5 gallons".

32. Section 211.244 is changed as follows:

(A) By striking, from the first sentence, the words "filed on letter size paper" and by inserting in lieu thereof the words "filed, on Form 2635,";

(B) By changing paragraph (d) to read as set forth below.

(C) By striking the semicolon at the end of paragraph (e) and inserting in lieu thereof a period; and

(D) By striking all of paragraph (f) and the first sentence following paragraph (f).

33. Section 211.255 is changed by striking the words "two copies to the consignee, the original (original and one copy" and inserting in lieu thereof the words "the original and one copy to the consignee, one copy (two copies".

34. Section 211.262 is changed by striking, from the last sentence thereof, the words "by pipeline or".

34a. Section 211.266 is changed by striking, from the second sentence, the words "products specified in § 211.191" and by inserting in lieu thereof the words "such products".

35. Section 211.267 is changed by striking, in paragraph (b), the word "any" and inserting in lieu thereof the word "such".

36. Section 211.274 is changed to read as set forth below.

Because these regulations are a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, these regulations shall become effective on July 1, 1960.

DANA LATHAM,
Commissioner of Internal Revenue.

Approved: June 23, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

In order to provide separate regulations covering the distribution and use of completely denatured alcohol, specially denatured alcohol, and specially denatured rum, to further implement certain provisions of Title II of Public Law 85–859 (72 Stat. 1313), and to liberalize certain requirements with respect of the distribution and use of such denatured alcohol and rum, the following regulations are hereby prescribed as Part 211 of Title 26 of the Code of Federal Regulations:

Preamble. 1. The regulations in this part shall supersede regulations in Parts 182 and 216 of this chapter to the extent that such parts relate to the distribution and use of denatured alcohol and denatured rum, and shall supersede in their entirety regulations in Subpart M of Part 170 of this chapter.

2. These regulations shall not affect any act done (except as provided in paragraph 3) or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective on July 1, 1960. Any act

done prior to such date to qualify a permittee under this part, or otherwise provide for the orderly administration of this part, shall be subject to these regulations and shall have the same effect as if done on July 1, 1960.

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Authority: §§ 211.1 to 211.285 issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope

§ 211.1 General.

The regulations in this part relate to denatured distilled spirits and cover the procurement, use, disposition, and recovery of denatured alcohol, specially denatured rum, and articles containing denatured spirits.

§ 211.2 Territorial extent.

This part applies to the several States of the United States and the District of Columbia.

§ 211.3 Related regulations.

Regulations relating to this part are listed below:

26 CFR Part 196—Stills.
26 CFR Part 200—Rules of Practice in Permit Proceedings.
26 CFR Part 201—Distilled Spirits Plants.
26 CFR Part 212—Formulas for Denatured Alcohol and Rum.
26 CFR Part 250—Liquors and Articles From Puerto Rico and the Virgin Islands.
26 CFR Part 251—Importation of Distilled Spirits, Wines, and Beer.
26 CFR Part 252—Exportation of Liquors.
31 CFR Part 225—Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds.

Subpart B—Definitions

§ 211.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Alcohol. Those spirits known as ethyl alcohol, ethanol, or spirits of wine, from whatever source or by whatever process produced; the term does not include such spirits as whisky, brandy, rum, gin, vodka, or products of rectification.

Article. Any substance or preparation in the manufacture of which denatured spirits are used, including the product obtained by further manufacture or by combination with other materials, if the article subjected to further manufacture or combination contained denatured spirits.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Bonded dealer. A person who holds an industrial use permit to deal in specially denatured alcohol or specially denatured rum for resale to persons authorized to purchase or receive specially denatured alcohol or specially denatured rum in accordance with this part.

Bulk conveyance. Any tank car, tank truck, tank ship, or tank barge, or a compartment of any such conveyance, or any other container approved by the Director for the conveyance of comparable quantities of denatured spirits or articles.

CFR. The Code of Federal Regulations.

Commissioner. The Commissioner of Internal Revenue.

Completely denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to completely denatured alcohol formulas prescribed in Subpart C of Part 212 of this chapter.

Denaturant. Any one of the materials authorized under the provisions of Part 212 of this chapter for addition to spirits in the production of denatured spirits.

Denatured spirits. Alcohol or rum to which denaturants have been added as provided in Part 212 of this chapter.

Denaturer. The proprietor of a distilled spirits plant who denatures alcohol or rum pursuant to Part 201 of this chapter.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Distributor. Any person who sells completely denatured alcohol, other than a proprietor of a distilled spirits plant who sells such alcohol at the plant premises, and any person who sells articles containing completely or specially denatured alcohol or specially denatured rum, other than the manufacturer thereof, except where otherwise specifically restricted in this part.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the claim, form, or other document or, where no form of declaration is prescribed, with the declaration "I declare under the penalties of perjury that this _____ (insert type of document, such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Fiduciary. A guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

Gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Industrial use permit. The document issued pursuant to section 5271(a), I.R.C., authorizing the person named therein to deal in or use specially de-

natured alcohol or specially denatured rum or to recover denatured alcohol, specially denatured rum, or articles, as described therein.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

Manufacturer or user. A person who holds an industrial use permit to use specially denatured alcohol or specially denatured rum or to recover completely or specially denatured alcohol, specially denatured rum, or articles.

Permittee. Any person holding an industrial use permit authorized under this part.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. A gallon at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Proprietary solvents. Solvents containing more than 25 percent of alcohol by volume which are manufactured with specially denatured alcohol in accordance with formulations as authorized by this part.

Recover. To salvage, after use, specially denatured spirits, completely denatured alcohol without all of its original denaturants, or articles containing denatured spirits, if (1) such articles were made with specially denatured spirits and do not contain all of their original ingredients or (2) such articles were made with completely denatured alcohol and do not contain all of the original denaturants of the completely denatured alcohol.

Recovered article. An article containing specially denatured spirits salvaged without all of its original ingredients, or an article containing completely denatured alcohol salvaged without all of the denaturants for completely denatured alcohol.

Recovered denatured alcohol. Denatured alcohol (except completely denatured alcohol with all of the original denaturants remaining therein) which has been recovered.

Recovered denatured rum. Denatured rum which has been recovered.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Restoration. Restoring to the original state (except that the restored material may or may not contain denaturants to the same extent as the original material) of recovered denatured alcohol, recovered specially denatured rum, or recovered articles containing denatured alcohol or specially denatured rum. Restoration includes bringing the alcohol content of the recovered product to 190 degrees of proof or more or to not less than the original proof if less than 190 degrees. Restoration also includes the removal of foreign materials by any suitable means.

Rum. Any spirits produced from sugar cane products and distilled at less than 190° proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to rum.

Secretary. The Secretary of the Treasury.

Special industrial solvents. Proprietary solvents manufactured in accordance with authorized special industrial solvent formulations which, because of their composition, are restricted to industrial and manufacturing uses.

Specially denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to the specially denatured alcohol formulas authorized under Subpart D of Part 212 of this chapter.

Specially denatured rum. Those spirits known as rum, as defined in this section, denatured pursuant to the specially denatured rum formula authorized under Subpart D of Part 212 of this chapter.

Spirits or distilled spirits. Alcohol or rum as defined in this part.

Tank truck. A tank-equipped semitrailer, trailer, or truck, conforming to the requirements of this part.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

U.S.C. The United States Code.

Withdrawal permit. The document issued pursuant to section 5271(a), I.R.C., authorizing the person named therein to withdraw specially denatured alcohol or specially denatured rum, as specified therein, from the premises of a distilled spirits plant or bonded dealer.

Subpart C—Administrative Provisions

Authorities

§ 211.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.22 Alternate methods or procedures; and emergency variations from requirements.

(a) *Alternate methods or procedures.* The permittee, on specific approval by the Director as provided in this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed methbd or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to applications for permits or amendment or renewal of permits, or to the giving of any bond shall be authorized under this paragraph. Where the permittee desires to employ an alternate method or procedure, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The permittee shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization. As used in this paragraph, alternate methods or procedures shall include alternate construction or equipment.

(b) *Emergency variations from requirements.* The Director may approve construction, equipment, and methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provision of law.

Variations from requirements granted under this paragraph are conditioned on compliance with the procedurcs, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority of such variations and the permittee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where the permittee desires to employ such variation, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 211.23 Formulas and processes.

Except as otherwise provided in this section, the Director is authorized to approve all formulas and processes submitted on Form 1479–A. The assistant regional commissioner is authorized to approve all formulas for rubbing alcohol compound submitted on Form 1479–A.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.24 Allowance of claims.

The assistant regional commissioner is authorized to allow claims for losses of specially denatured alcohol or specially denatured rum.

§ 211.25 Permits.

The Director shall issue permits covering the use of specially denatured alcohol by the United States or a Governmental agency as provided in § 211.231. The assistant regional commissioner is authorized to issue all other industrial use permits and withdrawal permits required under this part.

§ 211.26 Bonds and consents of surety.

The assistant regional commissioner is authorized to approve all bonds and consents of surety required by this part.

§ 211.27 Right of entry and examination.

An internal revenue officer may enter during business hours, or at any time operations are being conducted, any premises on which operations governed by this part are carried on for the purpose of inspecting records and reports required to be maintained on such premises. Such officer may also inspect and take samples of denatured alcohol or specially denatured rum or articles (including any substances for use in the manufacture thereof), to which such records or reports relate.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.28 Detention of containers.

Any internal revenue officer may detain any container containing, or supposed to contain, spirits, including denatured spirits and articles, when he has reason to believe that such spirits, denatured spirits, or articles were produced, withdrawn, sold, transported, or used in violation of law or this part; and every such container shall be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than 72 hours without process of law or intervention of the assistant regional commissioner, unless the person in possession of the container immediately prior to its detention, in consideration of the container being kept on his premises during detention, executes a waiver of the 72-hours limitation on detention of the container.

(72 Stat. 1375; 26 U.S.C. 5311)

Advertising and Sale

§ 211.29 Advertising.

It is not permissible to advertise, without any qualifying words, such as "Denatured" or "Completely Denatured", that "Alcohol" or "Rum", which has been denatured, is for sale.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.30 Unlawful sale.

No person shall sell denatured alcohol or specially denatured rum or any substance or preparation made with or containing denatured alcohol or specially denatured rum for use, or for sale for use, for beverage purposes; nor shall any person sell any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale, or use, for beverage purposes. Similarly, no person shall sell or offer for sale for internal human use any medicinal preparations or flavoring extracts manufactured from denatured alcohol or specially denatured rum where any of the alcohol or rum remains in the finished product.

(72 Stat. 1314, 1372; 26 U.S.C. 5001, 5273)

Liability for Tax

§ 211.31 Persons liable for tax.

Any person who produces, withdraws, sells, transports, or uses denatured alcohol, specially denatured rum, or articles in violation of laws or regulations pertaining thereto and all such denatured alcohol, specially denatured rum, or articles shall be subject to all provisions of law pertaining to alcohol or rum that is not denatured, including those requiring the payment of tax thereon; and the person so producing, withdrawing, selling, transporting, or using the denatured alcohol, specially denatured rum, or articles shall be required to pay such tax.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 211.32 Responsibility and liability of carriers.

For the responsibilities and liabilities of carriers, see sections 5001(a)(6), 5214, and 5271, I.R.C.

Destruction of Marks and Brands

§ 211.33 Time of destruction of marks and brands.

The marks, brands, and labels required by this chapter to be placed on packages containing denatured alcohol, specially denatured rum, or articles shall not be destroyed or altered until such denatured alcohol, specially denatured rum, or articles have been removed from the packages. When such packages have been emptied, the marks, brands, and labels shall be effaced or obliterated. The marks on drums containing proprietary antifreeze solutions, proprietary solvents, and special industrial solvents shall be effaced or obliterated when the packages are emptied.

(72 Stat. 1358; 26 U.S.C. 5205)

Document Requirements

§ 211.34 Execution under penalties of perjury.

When a form or other document called for under this part is required by this part or in the instructions on or with the form or other document to be executed under penalties of perjury, it shall be so executed, as defined in § 211.11, and shall be signed by the bonded dealer or user or other duly authorized person.

(68A Stat. 749; 26 U.S.C. 6065)

§ 211.35 Filing of qualifying documents.

All documents returned to a permittee or other person as evidence of compliance with requirements of this part, or as authorizations shall, except as otherwise provided, be kept readily available for inspection by an internal revenue officer during business hours.

Subpart D—Qualification of Bonded Dealers and Users

Application for Industrial Use Permit

§ 211.41 Application for bonded dealer permit.

Every person, except a proprietor of a distilled spirits plant who sells specially denatured alcohol or specially denatured rum stored at his plant premises, who desires to deal in specially denatured alcohol or specially denatured rum, or both, shall, before commencing business, make application for and obtain an industrial use permit, Form 1476. Application, Form 1474, and necessary supporting documents as required by this subpart, shall be filed with the assistant regional commissioner. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof. Such application shall be accompanied by evidence which will establish the authority of the officer or other person who executes the application to execute the same and, where applicable, by the application for a withdrawal permit, Form 1477, required by § 211.131.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.42 Application for permit to use or recover.

Every person desiring to use specially denatured alcohol or specially denatured rum, or both, and every person desiring to recover denatured alcohol, specially denatured rum, or articles shall, before commencing business, make application for and obtain an industrial use permit, Form 1481. Application, Form 1479, and necessary supporting documents as required by this subpart for such permit shall be filed with the asistant regional commissioner. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof. Such application shall be accompanied by evidence which will establish the authority of the officer or other person who executes the application to execute the same and, where applicable, by the application for a withdrawal permit, Form 1485, required by § 211.161.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.43 Data for application, Forms 1474 and 1479.

Each application on Form 1474 or 1479 shall include, as applicable, the following information:

(a) Serial number and purpose for which filed.

(b) Name and principal business address of applicant.

(c) Location of the dealer's or user's premises if different from the business address.

(d) Statement as to the type of business organization and of the persons interested in the business, supported by the items of information listed in § 211.53.

(e) Statement of operations showing the estimated maximum quantity in gallons of specially denatured alcohol or specially denatured rum to be on hand, in transit, and unaccounted for at any one time and, in the case of users, a general statement as to the intended use to be made of the specially denatured alcohol or specially denatured rum, and whether recovery, restoration, and redenaturation processes will be used, and, if so, the estimated number of gallons of recovered denatured alcohol, recovered specially denatured rum, or recovered articles to be on hand at any one time.

(f) Listing of principal equipment to be used in manufacturing, packaging, and recovery processes, including processing tanks, storage tanks, bottling facilities, and equipment for the recovery, restoration (including the serial number, kind, capacity, name and address of owner, and intended use of distilling apparatus), and redenaturation of recovered denatured alcohol or specially denatured rum by users, and the size and complete description of the specially denatured alcohol or specially denatured rum storeroom or storage tanks.

(g) Trade names (see § 211.52).

(h) List of the offices, the incumbents of which are authorized by the articles of incorporation, by laws, or the board of directors to act on behalf of the applicant or to sign his name.

(i) On specific request of the assistant regional commissioner, furnish a statement showing whether any of the persons whose names and addresses are required to be furnished under the provisions of §§ 211.53(a)(2) and 211.53(c) have (1) ever been convicted of a felony or misdemeanor under Federal or State law, (2) ever been arrested or charged with any violation of State or Federal law (convictions or arrests or charges for traffic violations need not be reported as to subparagraphs (1) and (2) of this paragraph, if such violations are not felonies), or (3) ever applied for, held, or been connected with a permit issued under Federal law to manufacture, distribute, sell, or use spirits or products containing alcohol or rum, whether or not for beverage use, or held any financial interest in any business covered by any such permit, and, if so, give the number and classification of such permit, the period of operation thereunder, and state in detail whether such permit was ever suspended, revoked, annulled, or otherwise terminated.

Where any of the information required by paragraphs (d) through (h) of this section is on file with the assistant regional commissioner, the applicant may, by incorporation by reference thereto, state that such information is made a part of the application for an industrial use permit. The applicant shall, when so required by the assistant regional commissioner, furnish as part of his application for an industrial use permit such additional information as may be necessary for the assistant regional commissioner to determine whether the applicant is entitled to the permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.44 Exceptions to application requirements.

The assistant regional commissioner may, in his discretion, waive detailed application and supporting data requirements in the case of applications, Form 1479, filed by states or political subdivisions thereof, the District of Columbia, and other applicants where the amount of specially denatured spirits to be obtained does not exceed 60 gallons per year: *Provided*, That such waiver shall not include information required under paragraphs (a), (b), (c), and (e), and (f) as it relates to recovery, of § 211.43.

INDUSTRIAL USE PERMITS

§ 211.45 Conditions of permits.

Industrial use permits shall designate the acts which are permitted, and shall include any limitations imposed on the performance of such acts. All of the provisions of this part relating to the conduct of the business covered by the industrial use permit shall be deemed to be included in the provisions and conditions of the permit, the same as if set out therein. No permit shall be issued to use specially denatured alcohol or specially denatured rum unless the processes, formulas, articles, label, and advertising matter, when required to be submitted to the Director, have been approved by him.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.46 Duration of permits.

Industrial use permits are continuing unless automatically terminated by the terms thereof, suspended or revoked as provided in § 211.50, or voluntarily surrendered. The provisions of § 211.56 shall be deemed to be a part of the terms and conditions of all industrial use permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.47 Posting of permits.

Industrial use permits shall be kept posted available for inspection on the premises covered by the permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.48 Disapproval of application.

If, on examination of an application on Form 1474 or 1479, for an industrial use permit (or on basis of an inquiry or investigation with respect thereto), the assistant regional commissioner has reason to believe that—

(a) The applicant is not authorized by law and regulations issued pursuant thereto to withdraw or use specially denatured alcohol or specially denatured rum free of tax; or

(b) The applicant (including, in the case of a corporation, any officer, director, or principal stockholder, and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with Chapter 51, I.R.C., or regulations issued thereunder; or

(c) The applicant has failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

(d) The premises on which the applicant proposes to conduct the business are not adequate to protect the revenue;

the assistant regional commissioner may institute proceedings for the disapproval of the application in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.49 Correction of permits.

Where an error in an industrial use permit is discovered, the permittee shall, on demand of the assistant regional commissioner, immediately return the permit for correction.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.50 Suspension or revocation.

Whenever the assistant regional commissioner has reason to believe that any person holding an industrial use permit—

(a) Has not in good faith complied with the provisions of Chapter 51, I.R.C., or regulations issued thereunder; or

(b) Has violated the conditions of such permit; or

(c) Has made any false statements as to any material fact in his application therefor; or

(d) Has failed to disclose any material information required to be furnished; or

(e) Has violated or conspired to violate any law of the United States relating to intoxicating liquor or has been convicted of any offense under Title 26, U.S.C., punishable as a felony or of any conspiracy to commit such offense; or

(f) Is, by reason of his operations, no longer warranted in procuring, dealing in, or using the specially denatured alcohol or specially denatured rum authorized by this permit; or

(g) Has manufactured articles which do not correspond to the descriptions and limitations prescribed by law and regulations; or

(h) Has not engaged in any of the operations authorized by the permit for a period of more than 2 years;

the assistant regional commissioner may institute proceedings for the revocation or suspension of such permit in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.51 Rules of practice in permit proceedings.

The regulations in Part 200 of this chapter are made applicable to the procedure and practice in connection with the disapproval of any application for an industrial use permit and in connection with the suspension and revocation of such permit.

§ 211.52 Trade names.

Where a trade name is to be used by an applicant or permittee, he shall list such trade name on Form 1474 or Form 1479, and the offices where such name is registered, supported by copies of any certificate or other document filed or issued in respect of such name. Operations shall not be conducted under a trade name until the permittee is in possession of an industrial use permit on Form 1476 or Form 1481 covering the use of such name.

§ 211.53 Organizational documents.

The supporting information required by paragraph (d) of § 211.43 includes, as applicable:

(a) *Corporate documents.* (1) Certified true copy of the certificate of incorporation, or certified true copy of certificate authorizing the corporation to operate in the State where the premises are located (if other than that in which incorporated).

(2) Certified list of names and addresses of officers and directors.

(3) Statement showing the number of shares of each class of stock or other evidence of ownership, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders.

(b) *Articles of partnership.* True copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality.

(c) *Statement of interest.* (1) Names and addresses of the 10 persons having the largest ownership or other interest in each of the classes of stock in the corporation, or other legal entity, and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him. If a corporation is wholly owned or controlled by another corporation, those persons of the parent corporation who meet the above standards are considered to be the persons interested in the business of the subsidiary and the names and addresses of such persons shall be submitted to the assistant regional commissioner on his specific request.

(2) In the case of an individual owner or partnership, name and address of every person interested in the business, whether such interest appears in the name of the interested party or in the name of another for him.

§ 211.54 Powers of attorney.

An applicant or permittee shall execute and file with the assistant regional commissioner a Form 1534, in accordance with the instructions on the form, for every person authorized to sign or to act on his behalf. (Not required for persons whose authority is furnished in accordance with § 211.43.)

CHANGES AFTER ORIGINAL QUALIFICATION

§ 211.55 Changes affecting applications and permits.

Where there is a change relating to any of the information contained in or considered as a part of the application on Form 1474 or Form 1479 for an industrial use permit, the permittee shall within 10 days (except as otherwise provided in this subpart) file with the assistant regional commissioner a written notice, in duplicate, of the details of such change. In case of a change in officers or directors, the notice shall be supported by a certified list, in duplicate, of such changes. Such notice is not required where there is a change in respect of information waived by the assistant regional commissioner in the original application for an industrial use permit in accordance with the provisions of § 211.44 unless, in the case of a permittee other than a State, political subdivision thereof, or the District of Columbia, the quantity of specially denatured spirits to be obtained will exceed 60 gallons per year. Where the change affects the terms of an industrial use permit, the permittee shall file an application on Form 1474 or Form 1479, as the case may be, for an amended industrial use permit. Items which remain unchanged shall be marked "No change since Form 1474 (or Form 1479) Serial No. ____."

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.56 Automatic termination of permits.

(a) *Permits not transferable.* Industrial use permits shall not be transferred. In the event of the lease, sale, or other transfer of such a permit, or of the operations authorized thereby, the permit shall thereupon automatically terminate.

(b) *Corporations.* In the case of a corporation holding an industrial use permit, if actual or legal control of the permittee corporation changes, directly or indirectly, whether by reason of change in stock ownership or control (in the permittee corporation or in any other corporation), by operation of law, or in any other manner, the permittee shall, within 10 days of such change, give written notice thereof, executed under the penalties of perjury, to the assistant regional commissioner; such permit may remain in effect with respect to the operation covered thereby until the expiration of 30 days after such change, whereupon such permit shall automatically terminate: *Provided*, That if within such 30-day period an application for a new permit covering such operation is made, then the outstanding permit may remain in effect with respect to the continuation of the operation covered thereby until final action is taken on such application. When such final action is taken, such outstanding permit shall thereupon automatically terminate.

§ 211.57 Change in name of permittee.

Where there is to be a change in the individual, firm, or corporate name, the permittee shall file application on Form 1474 or Form 1479, as the case may be, to amend his industrial use permit. Operations may not be conducted under the new name prior to issuance of the amended permit.

§ 211.58 Change in trade name.

Where there is to be a change in, or addition of, a trade name, the permittee shall file application on Form 1474 or Form 1479, as the case may be, to amend his industrial use permit. A new bond or consent of surety will not be required. Operations may not be conducted under the trade name prior to issuance of the amended permit.

§ 211.59 Change in location.

When a permittee intends to move to a new location within the same region, he shall file application on Form 1474 or Form 1479, as the case may be, for an amended industrial use permit and, except in the case of a user not required to file bond, furnish a consent of surety on Form 1533, or a new bond to cover the new location. Business may not be commenced at the location prior to issuance of the amended permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.60 Adoption of documents by a fiduciary.

If the business is to be operated by a fiduciary, such fiduciary may, in lieu of qualifying as a new proprietor, file an application on Form 1474 or Form 1479, as the case may be, to amend his predecessor's industrial use permit, furnish a consent of surety on Form 1533 extending the terms of the predecessor's bond, if any, and adopt the formulas and processes of the predecessor. The effective date of the qualifying documents filed by a fiduciary shall coincide with the effective date of the court order or the date specified therein for him to assume control. If the fiduciary was not appointed by the court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed by him.

§ 211.61 Change in proprietorship.

An industrial use permit shall not be transferred. In the event of a change in proprietorship of the business of a permittee (as for instance, by reason of incorporation, the withdrawal or taking in of one or more partners, or succession by any person who is not a fiduciary) the successor shall qualify in the same manner as the proprietor of a new business, except that he may adopt the formulas and processes of his predecessor.

§ 211.62 Adoption of formulas and processes, Forms 1479–A.

The adoption of formulas and processes, as provided in §§ 211.60 and 211.61, shall be in the form of a certificate, in quadruplicate, to be made a part of the application and submitted to the assistant regional commissioner, in which shall be set forth a list of all such approved articles or processes in which denatured spirits are used or recovered, the formulas of specially denatured spirits used, the laboratory number of the sample (if any), the date of approval, and the code number prescribed for the article or process. The certificate shall contain the name of the successor followed by the phrase "Formula of _____ (Name of predecessor) is hereby adopted." If it is desired to change the labels on such articles, other than to reflect the name of the successor, the permittee shall submit new labels or facsimiles thereof, attached to Form 1479–A, to the Director for approval.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.63 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to withdraw and to deal in or use specially denatured spirits under the prior qualification of the partnership: *Provided*, That a consent of surety, wherein the surety and the surviving partner agree to remain liable on any bond given on Form 1475 or 1480, is filed. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall qualify in his own name from the date of acquisition, as provided in § 211.61. The rule set forth in this section shall also apply where there is more than one surviving partner.

(72 Stat. 1349; 26 U.S.C. 5173)

REGISTRY OF STILLS

§ 211.64 Registry of stills.

The provisions of Part 196 of this chapter are applicable to stills located on the premises of a permittee. The listing of the stills on Form 1479 and the issuance of the industrial use permit shall constitute registration of the stills. The alternate use of a registered still or distilling apparatus for the distillation of a byproduct or chemical for which registry is not required will not require the filing of Form 26.

PERMANENT DISCONTINUANCE OF BUSINESS

§ 211.65 Notice of permanent discontinuance.

Where a permittee permanently discontinues business, he shall file with the assistant regional commissioner a letterhead notice to cover such discontinuance. Such notice shall be accompanied by the industrial use permit and any withdrawal permits issued to the permittee and by a report on Form 1478 or Form 1492, as the case may be, covering the discontinuance and marked "Final Report." The notice shall contain (a) a request that such permits be canceled, (b) a statement of the disposition made, as provided in §§ 211.254 and 211.257, of all denatured spirits, recovered denatured alcohol, and articles, and (c) the date of discontinuance. The bond of a permittee shall not be canceled until all specially denatured spirits and all articles manufactured therewith have been properly disposed of in accordance with the provisions of this part.

(72 Stat. 1370; 26 U.S.C. 5271)

Subpart E—Bonds and Consents of Surety

§ 211.71 Dealer's bond, Form 1475.

Every person filing an application on Form 1474 shall, before issuance of the industrial use permit, file bond, Form 1475, with the assistant regional commissioner. The penal sum of the bond shall be computed on each gallon of specially denatured alcohol and specially denatured rum authorized to be on hand, in transit to the premises of the bonded dealer, and unaccounted for at any one time, at double the rate prescribed by law as the internal revenue tax on a proof gallon of distilled spirits: *Provided*, That the penal sum of any such bond (or the total of the penal sums where original and strengthening bonds are filed) shall not exceed $100,000 nor be less than $10,000.

(72 Stat. 1314, 1372; 26 U.S.C. 5001, 5272)

§ 211.72 User's bond, Form 1480.

Every person filing an application on Form 1479 shall, before issuance of the industrial use permit, file bond, Form 1480, with the assistant regional commissioner, except that no bond will be required where the application is filed by a State, or any political subdivision thereof, or the District of Columbia, or where the quantity of specially denatured alcohol and specially denatured rum authorized to be withdrawn does not exceed 60 gallons per annum and the quantity which may be on hand, in transit, and unaccounted for at any one time does not exceed 5 gallons. The penal sum of the bond shall be computed on each gallon of specially denatured alcohol or rum, including recovered or restored denatured alcohol or specially denatured rum or recovered articles in the form of denatured spirits, authorized to be on hand, in transit to the premises of the user, and unaccounted for at any one time, at double the rate prescribed by law as the internal revenue tax on a proof gallon of distilled spirits: *Provided*, That the penal sums of bonds covering specially denatured alcohol formulas 18 and 19 shall be computed on each gallon at the rate prescribed by law as the tax on a proof gallon of distilled spirits. The penal sum of any such bond (or the total of the penal sums where original and strengthening bonds are filed) shall not exceed $100,000 or be less than $500.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.73 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570. Powers of attorney and other evidence of appointment of agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 211.74 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the principal may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 211.75 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

§ 211.76 Strengthening bonds.

In all cases where the penal sum of any bond becomes insufficient, the principal shall either give a strengthening bond with the same surety to attain a sufficient penal sum or give a new bond to cover the entire liability. Strengthening bonds shall not be approved where any notation is made thereon which is intended or which may be construed to be a release of any former bond or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the date of execution and the effective date, and be marked "Strengthening Bond."

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.77 Superseding bonds.

New bonds shall be required in case of insolvency or removal of any surety, and may, at the discretion of the assistant regional commissioner, be required in any other contingency affecting the validity or impairing the efficiency of the bond. Where, under the provisions of § 211.78, the surety on any bond given under this subpart has filed an application to be relieved of liability under said bond and the principal desires or intends to continue the transactions to which such bond relates, he shall file a valid superseding bond to be effective on or before the date specified in the surety's notice. Superseding bonds shall show the date of execution and the effective date, and be marked "Superseding Bond." If the principal does not file a new bond when required, he shall not conduct any operation under his permit.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.78 Notice by surety of termination of bond.

A surety on any bond required by this part may at any time serve notice in writing on the principal and the assistant regional commissioner in whose office the bond is on file, that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 90 days after the date the notice is received by the assistant regional commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a statement, executed under the penalties of perjury, that such power of attorney is on file with the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. The surety shall also file with the assistant regional commissioner an acknowledgment or other proof of service of such notice on the principal.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.79 Termination of rights and liability under a bond.

If the notice of termination given by the surety is not thereafter in writing withdrawn, the rights of the principal as supported by the subject bond shall be terminated on the date named in the notice. The surety shall be relieved from his liability under a bond as to any operations which are wholly subsequent to: (a) The date named in a notice of termination (§ 211.78); (b) the effective date of a superseding bond (§ 211.77); or (c) the date of approval of the discontinuance of operations by the principal. If the principal fails to file a valid superseding bond prior to the date on which the surety desires to be relieved from liability under the bond, the surety, notwithstanding his release from liability as specified in paragraph (a) of this section, shall continue to remain liable under the bond for all specially denatured spirits or articles on hand or in transit to the principal on said date until the same have been lawfully disposed of or a new bond has been filed by the principal covering the same.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 211.80 Release of pledged securities.

Securities of the United States, pledged and deposited as provided in § 211.74, shall be released only in accordance with the provisions of 31 CFR Part 225. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

Subpart F—Premises and Equipment

§ 211.91 Premises.

A permittee shall have premises suitable for the business being conducted and adequate for the protection of the revenue. When specially denatured spirits are to be stored, storage facilities shall be provided on the premises for such spirits received or recovered thereon. Except as otherwise provided in this section, these storage facilities shall consist of storerooms or stationary storage tanks (not necessarily in a room or building), or a combination thereof. A user receiving specially denatured spirits in tank cars or tank trucks and storing all such spirits therein, as provided in § 211.168, need not provide stationary storage tanks. Where specially denatured spirits are to be received at or removed from a permittee's premises in bulk conveyances, suitable facilities for such operations shall be provided.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.92 Storerooms.

Storerooms shall be so constructed and secured as to prevent unauthorized access, and the entrance doors shall be so equipped that they may be locked on the outside. A sign shall be placed on or near the entrance door of the storeroom of a bonded dealer or user bearing, in plain and legible letters, the words "Specially Denatured Alcohol (and/or Rum) Storeroom," or an appropriate abbreviation thereof. If more than one such storeroom is provided, each shall be designated alphabetically and such designation shall appear on the sign.

(72 Stat. 1372, 1395; 26 U.S.C. 5273, 5552)

§ 211.93 Storage tanks.

Each stationary tank used for the storage of specially denatured spirits shall be equipped for locking in such a manner as to control access to the denatured spirits. Means shall be provided whereby the contents can be accurately measured. Each such tank shall be durably marked to show its serial number, capacity, and use. The marks for underground tanks shall be placed at a convenient and suitable location.

(72 Stat. 1372; 26 U.S.C. 5273)

EQUIPMENT FOR RECOVERY AND RESTORATION OF DENATURED SPIRITS

§ 211.94 Stills and other equipment.

If recovered denatured spirits or articles are to be restored on the user's premises, all equipment to be used shall be located on the permit premises. Distilling apparatus or other equipment, including pipelines, for such restoration or for recovery shall be constructed and secured in such a manner as to prevent unauthorized access to the denatured spirits and so arranged as to be readily inspected.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 211.95 Recovered and restored denatured spirits tanks.

Suitable storage tanks shall be provided for recovered and restored denatured spirits. Each such tank shall bear an identifying number and be durably marked to show its serial number, capacity, and use, and shall be provided with locking facilities to prevent access to the contents. Means shall be provided whereby the contents can be accurately measured.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 211.96 Denaturing material storage facilities.

Where the user desires to store denaturants, he shall provide a separate storage tank or storeroom constructed in accordance with §§ 211.92 and 211.93. The assistant regional commissioner may require such storage facilities to be secured with Government locks and/or seals.

Subpart G—Formulas and Processes

§ 211.101 General.

(a) *Form 1479–A.* Every person desiring to use specially denatured spirits or to recover denatured spirits or articles, shall, except where previously approved formulas are adopted or as provided in § 211.102, submit on Form 1479–A, directly to the Director, a description of each process or formula; a separate Form 1479–A shall be used for each such formula or process. In the case of articles to be manufactured with specially denatured spirits, quantitative formulas and processes shall be given. The preparation of Form 1479–A shall be in accordance with the headings and the instructions thereon.

(b) *Previously approved Forms 1479–A.* Any person who intends to use previously approved formulas and processes, Forms 1479–A, on and after July 1, 1960, shall submit to the assistant regional commissioner a list, in quadruplicate, of all such approved Forms 1479–A which he intends to continue using. The list shall show, as to each Form 1479–A, the article or process in which denatured spirits are used or recovered, the formula of specially denatured spirits, the laboratory number of the sample (if any), the date of approval, and the code number prescribed for the article or process.

(72 Stat. 1369, 1372; 26 U.S.C. 5241, 5273)

§ 211.102 Formulas for rubbing alcohol compound.

Persons desiring to produce rubbing alcohol compound shall submit a quantitative formula on Form 1479–A to the assistant regional commissioner for each such compound to be produced by them. The labels to be used on such compound shall be attached to each copy of Form 1479–A.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.103 Formulas for proprietary antifreeze solutions.

All persons desiring to produce proprietary antifreeze solutions with completely denatured alcohol pursuant to § 211.122 shall submit a quantitative formula on Form 1479–A directly to the Director for each such solution and shall comply with the applicable provisions of § 211.106.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.104 Reprocessors.

All persons desiring to reprocess products which are specified in § 211.191 and which contain specially denatured alcohol shall submit quantitative formulas and processes on Form 1479–A directly to the Director.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.105 Statement of process.

Where specially denatured spirits are used in a manufacturing process in which none of the specially denatured spirits remains in the finished product, or where specially denatured spirits, completely denatured alcohol, or articles are used in a manufacturing process and are to be recoverd, such process shall be completely described on Form 1479–A. If recovered denatured spirits are to be redenatured, the process of redenaturation shall be described. Flow diagrams shall be submitted, in quadruplicate, covering the manufacturing and recovery processes. The flow diagrams shall clearly depict equipment in its relative operating sequence, with essential connecting pipelines and valves. All major equipment shall be identified as to its use. The direction of flow through the pipelines shall be indicated by arrows.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.106 Labels and advertising matter for articles.

Samples of labels or facsimiles thereof (or sketches, subject to the filing of the actual labels, if approved) shall be at-

tached to each copy of the Form 1479–A covering articles which contain denatured spirits. Advertising matter for such articles shall also be attached when required by this part or by the Director. Where permittees change labels, or provide new labels for such articles, the formula for which has been previously approved, samples of the changed or new labels or facsimiles thereof (or sketches, subject to the filing of the actual labels, if approved) shall be submitted, attached to Form 1479–A, in quadruplicate, to the Director for approval: *Provided*, That where the change in label is only to reflect a change in name or location, the new label need not be submitted. Where the formula is not changed, it need not be restated on Form 1479–A, but the form should be marked "For label approval only," and should give the name under which the article was previously approved, the laboratory number of the approved sample, if any, and the date of approval. Samples of labels and advertising matter for articles which do not contain denatured spirits need be submitted only when required by the Director. The approval of labels by the Director is limited to only the manufacturing data and information required by this part, and does not extend to the information on the label relative to the brand name of the article, directions for use, claims of efficiency or strength, or other statements. Such approvals are made with the following wording: "Approved as Conforming to 26 CFR Part 211".

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.107 Samples of articles.

Where it is desired to manufacture articles (except rubbing alcohol compounds, proprietary solvents, and special industrial solvents) containing specially denatured spirits, or proprietary antifreeze containing completely denatured alcohol, duplicate 8-ounce samples of all such articles shall be submitted, in connection with Form 1479–A, directly to the Director: *Provided*, That where perfumes contain more than 6 ounces of perfume oils per gallon, duplicate 2-ounce samples of the finished product will be sufficient. Where the applicant proposes to use purchased mixtures of oils and ingredients, the composition of which is unknown to him, duplicate 1-ounce samples of the oils or ingredients shall be submitted with the samples of the finished product.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.108 Approval or disapproval of samples, formulas, processes, labels, and advertising matter.

In addition to the limitations in this part, and where necessary to protect the revenue, the Director may, in approving Forms 1479–A, specify thereon the size of containers in which any article may be sold and the maximum quantity that may be sold to any person at one time, and may restrict the sale of articles to a specific class of vendee and for a specific use. Approval by the Director of samples, formulas, processes, labels, and advertising matter shall mean only that they conform to the standards of the Internal Revenue Service, and such approval shall in no way require the assistant regional commissioner to issue an industrial use permit to use specially denatured spirits in such processes, formulas, or articles. A change in container size only does not necessitate resubmission of the formula and label. All processes, formulas, and samples of articles submitted to the Internal Revenue Service shall be treated as confidential by its employees.

(72 Stat. 1370, 1372; 26 U.S.C. 5271, 5273)

Subpart H—Sale and Use of Completely Denatured Alcohol

§ 211.111 General.

Completely denatured alcohol may be sold and used for any lawful purpose. Completely denatured alcohol may be used (a) in the manufacture of definite chemical substances where such alcohol is changed into some other chemical substance and does not appear in the finished product; (b) in the arts and industries (except in the manufacture of preparations or products for internal human use or consumption where any of such alcohol or of the denaturants used in such alcohol may remain in the finished product); and (c) for fuel, light, and power. Use of completely denatured alcohol in the arts and industries includes, but is not limited to, the manufacture of cleaning fluids, detergents, proprietary antifreeze solutions, thinners, lacquers, and brake fluids. Persons distributing and using (but not recovering for reuse (completely denatured alcohol are not required to obtain a permit or to file bond under this part. Persons recovering completely denatured alcohol for reuse shall procure an industrial use permit in accordance with Subpart D of this part and file bond in accordance with Subpart E of this part. Containers of products manufactured with completely denatured alcohol, such as proprietary antifreeze preparations, solvents, thinners, and lacquers, shall not be branded as completely denatured alcohol nor shall any such product be advertised, shipped, sold, or offered for sale as completely denatured alcohol.

(72 Stat. 1360, 1369, 1372; 26 U.S.C. 5214, 5241, 5273)

§ 211.112 Marks on bulk conveyances.

Where completely denatured alcohol is to be shipped in bulk conveyances, the consignor shall securely attach to the route board a label (coated with transparent shellac or otherwise adequately protected) to identify each car, truck, or compartment, showing the name, location (city or town and State) of both the consignor and consignee, the quantity in gallons, and the formula number of the completely denatured alcohol.

§ 211.113 Consignor's responsibility for bulk conveyances.

Before filling any bulk conveyance, the consignor shall examine it to ascertain that it is suitable for its intended use, and shall refrain from, or discontinue, using any such conveyance found to be unsuitable.

(72 Stat. 1360, 1372; 26 U.S.C. 5206, 5273)

§ 211.114 Pipeline transfers.

On approval of the assistant regional commissioner, completely denatured alcohol may be transferred by pipeline from the premises of denaturers to premises of distributors and of persons using it in manufacturing processes. Letterhead application (in triplicate) for authority to transfer by pipeline shall be submitted by the consignee, and shall contain the following information:

(a) Name and address of the denaturer from whom it is desired to procure the completely denatured alcohol,

(b) Quantity to be received,

(c) Reasons for desiring to receive the completely denatured alcohol by pipeline, and

(d) Use to be made of the completely denatured alcohol.

The application may be made for continuing authority.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.115 Receipt.

Unless the completely denatured alcohol received in bulk conveyances or by pipeline is to be used immediately, it shall be deposited in storage tanks or drawn into packages which shall be marked as required by this subpart.

§ 211.116 Packages of completely denatured alcohol.

Packages containing more than 5 gallons of completely denatured alcohol shall be of metal or other equally suitable material approved by the Director. The openings of all such packages shall be sealed with appropriate seals furnished by the person filling the packages. Seals on such number of packages as may be necessary for ordinary business requirements may be broken in order to permit legitimate sale or use.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.117 Encased containers.

Completely denatured alcohol may be packaged by distributors in unlabeled containers which are completely encased in wood, fiberboard, or similar material in such a manner that the surface (including opening) of the actual container is not exposed; the required marks or label shall be applied to an exposed surface of the case. The case shall be so constructed that the portion containing the marks will be securely attached to the encased container until all of the contents have been removed therefrom. A statement reading "Do Not Remove Inner Container Until Emptied," or of similar import, shall be placed on the portion of the case bearing the marks.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 211.118 Marking packages.

All packages of completely denatured alcohol having a capacity in excess of 1 gallon shall have marked or labeled on the head of the package or side of the container or casing the name and address of the person filling the same, the contents in gallons, the apparent proof, the words "Completely Denatured Alcohol," and the formula number. Packages of 5 gallons or less shall also bear labels as required by § 211.121. Packages of more than 5 gallons shall bear a serial number. The letters and figures shall be large enough to be easily read and, when printed, labeled, or stenciled, shall be in permanent ink, and in a color distinctly in contrast to the color used as a background. The brand name and a statement indicating the character of the merchandise may also be shown on the package, if it is so placed as not to obscure or detract from the prescribed data. When packages are filled, Form 1467 shall be prepared. A separate sheet shall be used for each formula and the forms shall be filed in numerical order according to the serial numbers of the packages.

§ 211.119 Numbering of packages.

Packages having a capacity of more than 5 gallons filled under this subpart shall be consecutively numbered commencing with number 1. When the numbering in any series reaches "1,000,000," the series may be recommenced. The recommenced series shall be given an alphabetical prefix or suffix.

§ 211.120 Illustration of marks.

The following cut illustrates the prescribed marks and the suggested order and manner in which they should be placed on packages.

86879
John Doe Distributing Co.
New Orleans, La.

Completely Denatured Alcohol
Formula No. 18

55 Gals.
190 Proof

§ 211.121 Labels.

Each container of completely denatured alcohol containing 5 gallons or less sold or offered for sale by a distributor shall be labeled to show in plain legible letters (red on white) the words "Completely Denatured Alcohol" and the following statement: "Completely denatured alcohol; contains ingredients which render the product wholly unfit for beverage purposes; if taken internally, will cause serious consequences to health." The name and address of the distributor filling the package shall be shown on such label, unless otherwise shown on the package, but no other extraneous matter shall be permitted thereon without the approval of the Director. The word "pure," qualifying denatured alcohol, will not be permitted to appear on the label or container. These requirements concerning labels shall apply also to proprietors of garages, paint shops, hardware stores, gasoline filling stations, and other retailers of completely denatured alcohol.

§ 211.122 Manufacture of proprietary antifreeze solutions.

Proprietary antifreeze solutions may be made with completely denatured alcohol for sale under brand names: *Provided*, That materials (such as dye, rust inhibitor, or a petroleum distillate), satisfactory to the Director, are added in sufficient quantities to materially change the composition and character of the completely denatured alcohol. Such solutions are not classified as completely denatured alcohol and shall not be marked, branded, or sold as completely denatured alcohol. Formulas and advertising matter shall be submitted to the Director in accordance with the provisions of Subpart G of this part.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 211.123 Containers for proprietary antifreeze solutions.

Producers and distributors may package proprietary antifreeze solutions made with completely denatured alcohol in containers of metal or other equally suitable material approved by the Director. Each such container shall be marked, by stenciling or otherwise, with the name and address of the producer or of the distributor, and, in the case of containers of more than five gallons, by a serial number as provided in § 211.119 and by the brand name under which the product is sold. Proprietary antifreeze solutions may also be shipped in bulk conveyances.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 211.124 Packaging of proprietary antifreeze solutions by retailers.

Retailers may package proprietary antifreeze solutions in containers having a capacity of not more than 5 gallons, provided the containers are marked or labeled to show the name and address of the retailer.

§ 211.125 Records.

Records of transactions in completely denatured alcohol and proprietary antifreeze made with completely denatured alcohol shall be maintained in the manner prescribed in §§ 211.261 and 211.262 respectively.

(72 Stat. 1373; 26 U.S.C. 5275)

Subpart I—Operations by Bonded Dealers in Specially Denatured Spirits

Procurement of Specially Denatured Spirits

§ 211.131 Application for withdrawal permit.

Where a bonded dealer desires to procure specially denatured alcohol or specially denatured rum, he shall file application on Form 1477 with the assistant regional commissioner for withdrawal permit. The application shall show the date and the estimated quantity of specially denatured alcohol or specially denatured rum necessary to carry on the business during the term of the permit. A permittee may, if he so desires, file applications for more than one withdrawal permit and have his annual withdrawals divided among such permits.

§ 211.132 Issuance and duration of withdrawal permit.

If the application submitted in accordance with § 211.131 is approved, the assistant regional commissioner shall issue withdrawal permit on Form 1477 and shall forward the original to the bonded dealer. Withdrawal permits on Form 1477 shall terminate on October 31 of each year: *Provided*, That a permit issued on or after May 1 of any year shall remain in effect through October 31 of the following year.

§ 211.133 Application for and renewal of withdrawal permit.

Application on Form 1477 for renewal of a withdrawal permit shall be submitted by the permittee to the assistant regional commissioner not less than three months prior to the date of expiration of the permit to be renewed in order that the renewal permit may be issued and become available for withdrawals by the following November 1. The provisions of §§ 211.131 and 211.132 with respect to application for and issuance of withdrawal permits, respectively, are applicable to the renewal of such permits.

§ 211.134 Denial, correction, suspension or revocation, changes after original qualification, and automatic termination of withdrawal permit.

All of the provisions of Subpart D of this part with respect to the denial, correction, suspension or revocation, and changes after original qualification, the rules of practice in permit proceedings, and the automatic termination of industrial use permits are applicable to withdrawal permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.135 Cancellation of withdrawal permit.

Should an industrial use permit on Form 1476 be terminated or surrendered, or should a withdrawal permit on Form 1477 be revoked, the withdrawal permit issued to the bonded dealer shall be returned immediately to the assistant regional commissioner for cancellation.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.136 Withdrawals under permit.

When a bonded dealer desires to procure specially denatured alcohol or specially denatured rum, he shall forward the withdrawal permit to the denaturer or bonded dealer from whom he will procure the specially denatured alcohol or specially denatured rum. Shipments shall not be made by the consignor until he is in possession of a valid withdrawal permit, nor shall shipments exceed the quantity authorized by such permit. On shipment, the consignor shall enter the transaction on the permit and return it to the bonded dealer, unless he has been authorized to retain it for the purpose of making future shipments.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.137 Shipment for account of bonded dealer.

A bonded dealer may order specially denatured spirits shipped directly from a denaturer or another bonded dealer to his customers (bonded dealer or user) if he obtains a consent of surety, Form 1533, extending the terms of his bond, Form 1475, to cover the transportation of the specially denatured spirits from the consignor's premises to the consignee's premises. The bonded dealer's withdrawal permit, Form 1477, and the consignee's withdrawal permit, Form 1477 or Form 1485, as the case may be, shall be forwarded to the person actually

making the shipment of specially denatured spirits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.138 Regulation of withdrawals.

Withdrawals by a bonded dealer shall not exceed the quantity authorized by his permit on Form 1477 and shall be so regulated by him that he will not have on hand, in transit, and unaccounted for at any one time more than the quantity of specially denatured alcohol or specially denatured rum shown in his application on Form 1474 for an industrial use permit. For this purpose, specially denatured alcohol or specially denatured rum shall be deemed to be unaccounted for if lost under circumstances where a claim for allowance is required by this part and has not been allowed or if disposed of otherwise than as provided in this part.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.139 Receipt of specially denatured spirits.

Specially denatured spirits received in bulk conveyances or by pipeline from a denaturer's or bonded dealer's premises shall be deposited in storage tanks provided for in § 211.91 or drawn into packages marked or labeled as required by § 211.142. The formula number of the specially denatured spirits deposited in tanks shall be shown on each tank or, in the case of underground tanks, at a convenient and suitable location. Portable containers received or filled by the bonded dealer shall be deposited in a storeroom provided for in § 211.91. On receipt, the bonded dealer shall ascertain and account for any losses in transit in accordance with Subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months.

(72 Stat. 1370; 26 U.S.C. 5271)

FILLING OF PACKAGES OF SPECIALLY DENATURED ALCOHOL OR SPECIALLY DENATURED RUM BY BONDED DEALERS

§ 211.140 Packaging by bonded dealers.

Bonded dealers may package specially denatured alcohol or specially denatured rum in containers of such sizes as may be necessary for the proper conduct of their business. After filling drums, the bonded dealer shall seal all openings therein with seals furnished by him.

§ 211.141 Encased containers.

Specially denatured spirits may be packaged by bonded dealers in unlabeled containers which are completely encased in wood, fiberboard, or similar material in such a manner that the surface (including opening) of the actual container is not exposed. When so packaged the required marks shall be applied to an exposed surface of the case. The case shall be so constructed that the portion containing the marks will be securely attached to the encased container until all of the contents have been removed therefrom. A statement reading "Do Not Remove Inner Container Until Emptied", or of similar import, shall be placed on the portion of the case bearing the marks.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 211.142 Marks and brands on containers of specially denatured spirits.

When packages of specially denatured spirits are filled by a bonded dealer, he shall accurately determine the contents of each package. Each such package shall be marked or labeled to show, on the head of the package or side of the container or casing, the quantity in gallons, the serial number, the name and address (city or town and State) of the bonded dealer, his permit number, the words "Specially Denatured," followed by the word designating the kind of spirits such as "Alcohol" or "Rum" and the formula number. Where the spirits were denatured at other than 190 proof, the proof at which denatured shall also be marked on the package. Where alcohol was denatured under a formula authorizing a choice of denaturants, the package shall be marked or labeled to show the denaturants used and, where the formula authorizes a choice of quantities of denaturants, the quantity used shall be shown. The bonded dealer may show the brand name and may place caution notices and other material required by Federal or State law and regulations on the Government head or side if such name or attachments do not interfere with or detract from the markings required by this subpart. No other marks shall be placed on the Government head or side except as authorized by the Director.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 211.143 Numbering of packages.

All packages containing specially denatured alcohol filled by a bonded dealer shall be consecutively numbered commencing with "1" and continuing in regular sequence, except that the current series may be continued. All packages containing specially denatured rum shall be separately numbered in a similar manner. When the numbering of any series reaches "1,000,000," the bonded dealer may recommence the series. The recommenced series shall be given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of such change may be continued.

§ 211.144 Illustration of marks.

The following cut illustrates the prescribed marks and the suggested order and manner in which they should be placed on packages.

182896
John Doe and Co.
New Orleans, La.
SDA-LA-123-D
Specially Denatured Alcohol
Formula No. 28-A
54 Gal.
P. 200

§ 211.145 Form 1467.

When packages are filled with specially denatured alcohol or specially denatured rum, the bonded dealer shall prepare Form 1467. A separate sheet shall be used for each formula of specially denatured alcohol and for formula No. 4 made with specially denatured rum. The bonded dealer shall file the forms in numerical order according to the serial number of the packages.

DISPOSITION OF SPECIALLY DENATURED SPIRITS

§ 211.146 General.

A bonded dealer may, pursuant to withdrawal permit on Form 1485 or Form 1477, as the case may be, dispose of specially denatured spirits to manufacturers using such spirits and to other bonded dealers. Samples of specially denatured spirits may be dispensed to persons as provided in § 211.281. Specially denatured spirits shall not be shipped to a manufacturer or a bonded dealer until the shipping bonded dealer receives the withdrawal permit, Form 1485 or Form 1477, issued to the consignee. Bonded dealers shall not ship specially denatured spirits in excess of the quantities set forth in such withdrawal permit.

§ 211.147 Bulk shipments.

(a) *Use.* Bonded dealers may ship specially denatured spirits in bulk conveyances. Such bulk conveyances shall be sealed at the time of filling by the bonded dealer with railroad or other appropriate seals dissimilar in marking from cap seals used by the Internal Revenue Service. Specially denatured alcohol or specially denatured rum from only one consignor may be placed in any one compartment of a bulk conveyance. Not less than the entire contents of any one compartment may be delivered to any one consignee at any one premises.

(b) *Construction of bulk conveyances.* Bulk conveyances shall conform to the following:

(1) All openings (including valves) shall be so constructed that they may be sealed to prevent unauthorized access to the contents of the conveyances, except that outlet valves or other openings to or from tank cars may be constructed in such a manner that they may be closed and securely fastened on the inside.

(2) If the conveyance has two or more compartments, the outlets of each shall be so equipped that delivery of any compartment will not afford access to the contents of any other compartment.

(3) Each compartment shall be so arranged that it can be completely drained.

(4) Each tank car or tank truck shall have permanently and legibly marked thereon its number, capacity in gallons, and the name or symbol of its owner. If the tank car or truck consists of two or more compartments, each compartment shall be identified and the capacity of each shall be marked thereon.

(5) Permanent facilities shall be provided on tank trucks to permit ready examination of manholes or other openings.

(6) A route board, or other suitable device, for carrying the required labels shall be provided on each bulk conveyance.

(7) Calibrated charts, prepared or certified by recognized authorities or engineers, showing the capacity of each compartment in gallons for each inch of depth, shall accompany each tank truck, tank ship, or barge.

(c) *Marks on bulk conveyances.* The bonded dealer shall securely attach to the route board or other suitable device a label (coated with transparent shellac or otherwise adequately protected) to further identify each car, truck, or compartment, showing the name, permit number, and location (city or town and State) of both the consignor and the consignee, the date of shipment, the words "Specially Denatured Alcohol" or "Specially Denatured Rum," as the case may be, the quantity in gallons, and the formula number of the specially denatured alcohol or specially denatured rum contained in each compartment.

(d) *Bonded dealer's responsibility.* Before filling any bulk conveyance, the bonded dealer shall examine it to ascertain that it meets the requirements of this section, and he shall refrain from, or discontinue, using any such conveyance found to be unsuitable.

§ 211.148 Form 1473.

On shipment of specially denatured spirits the bonded dealer shall prepare a notice of shipment, Form 1473, in quadruplicate for intraregional shipments and in quintuplicate for interregional shipments. If the shipment is for the account of another bonded dealer, an extra copy will be made. Where the proof of the spirits used in producing specially denatured spirits is other than 190 degrees, it shall be shown on Form 1473. Where shipments are made in tank cars, tank trucks, or consist of barrels or drums in carload lots, the name of the carrier and the number of the car or tank truck shall be entered on the form. If shipments are made for the account of another bonded dealer, as provided in § 211.137, a statement to that effect, followed by the name and address of the bonded dealer for whose account the shipment is made, shall also be shown on the form and the extra copy of the form shall be forwarded to him for his records. On shipment of the specially denatured spirits the bonded dealer shall send a copy of Form 1473 to the assistant regional commissioner of his region (two copies in the case of interregional shipments) and the original and one copy to the consignee, except in case of shipments by trucks. In the case of shipments by trucks he shall enclose the original and copy in a sealed envelope addressed to the consignee and give the same to the driver of the truck for delivery to the consignee. He shall file the remaining copy of Form 1473.

§ 211.149 Records and reports.

In addition to the records and reports required by this subpart, bonded dealers shall keep records and render reports as required in Subpart O of this part.

Subpart J—Operations by Users of Specially Denatured Spirits

PROCUREMENT OF SPECIALLY DENATURED SPIRITS

§ 211.161 Application for withdrawal permit.

Where a user desires to procure specially denatured alcohol or specially denatured rum, or both, he shall file an application on Form 1485 with the assistant regional commissioner for a withdrawal permit. The application shall show the total quantity of each formula of specially denatured alcohol or rum to be withdrawn during the term of the permit, and the total quantity of each such formula it is desired to withdraw during any one calendar month. The total quantity to be withdrawn shall not be more than is sufficient to meet the bona fide business needs of the applicant. Where the applicant desires to withdraw more than one-sixth of his annual requirements during any month, he should state his needs and furnish sufficient information for the assistant regional commissioner to determine whether such withdrawals should be authorized: *Provided*, That where one-sixth of the applicant's annual requirements is less than one drum (55 gallons), he may show as his monthly allowance a quantity not to exceed one drum without stating his needs for the additional quantity, if his bond is in a sufficient penal sum, computed in accordance with § 211.72. A user may, if he so desires, file applications for more than one withdrawal permit and have his total annual withdrawals divided among such permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.162 Issuance and duration of withdrawal permit.

If the application submitted in accordance with § 211.161 is approved, the assistant regional commissioner shall issue withdrawal permit on Form 1485 and shall forward the original to the permittee. Withdrawal permits on Form 1485 shall terminate on October 31 of each year: *Provided*, That a permit issued on or after May 1 of any year shall remain in effect through October 31 of the following year.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.163 Application for and renewal of withdrawal permit.

Application on Form 1485 for renewal of a withdrawal permit expiring October 31 of a year shall be submitted by the permittee to the assistant regional commissioner on or before July 10 of such year in order that the renewal permit may be issued and become available for withdrawals by November 1. The user's report on Form 1482 which is required to be submitted on or before July 10 shall be submitted with the renewal application. The provisions of §§ 211.161 and 211.162 with respect to application for and issuance of withdrawal permits, respectively, are applicable to the renewal of such permits.

§ 211.164 Denial, correction, suspension or revocation, changes after original qualification, and automatic termination of withdrawal permit.

All of the provisions of Subpart D of this part with respect to the denial, correction, suspension or revocation, and changes after original qualification, the rules of practice in permit proceedings, and the automatic termination of industrial use permits are applicable to withdrawal permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.165 Cancellation of withdrawal permit.

Should an industrial use permit on Form 1481 be terminated or surrendered, or should the withdrawal permit on Form 1485 issued to the user be revoked, the withdrawal permit shall be returned immediately to the assistant regional commissioner for cancellation.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.166 Withdrawals under permit.

When the user desires to procure specially denatured alcohol or specially denatured rum, he shall forward the withdrawal permit to the denaturer or bonded dealer from whom he will procure the specially denatured alcohol or specially denatured rum. Shipments shall not be made by the consignor until he is in possession of a valid withdrawal permit, nor shall shipments exceed the quantity authorized by such permit. On shipment, the denaturer or bonded dealer shall enter the transaction on the permit and return it to the user, unless he has been authorized to retain it for the purpose of making future shipments.

§ 211.167 Regulation of withdrawals.

Withdrawals by a user shall not exceed the quantity authorized by his permit on Form 1485 and shall be so regulated by him that he will not have on hand, in transit, and unaccounted for at any one time more than the quantity of specially denatured spirits, including the quantity of recovered or restored denatured alcohol or specially denatured rum, and recovered or restored articles (which are in the form of denatured spirits) shown in his application on Form 1479 for an industrial use permit. For this purpose, specially denatured spirits, recovered or restored denatured alcohol or specially denatured rum, and recovered or restored articles (which are in the form of denatured spirits) shall be deemed to be unaccounted for if lost under circumstances where a claim for allowance is required by this part and has not been allowed or if used or disposed of otherwise than as provided in this part.

§ 211.168 Receipt of specially denatured spirits.

Specially denatured spirits received on the premises of a user in portable containers shall not be transferred to other portable containers for storage, except that the contents of damaged packages may be transferred to new containers to avoid loss or waste, or the contents of certain containers may be transferred

to "safety" containers to comply with city or State fire code regulations or, on notice to the assistant regional commissioner, to comply with safety practices of the permittee. The new packages shall be labeled or otherwise marked to show the information marked on the original packages and be identified as repackaged. Specially denatured spirits received in portable containers such as drums or barrels shall, unless immediately used, be transferred to storage tanks or deposited in a storeroom as provided in accordance with § 211.91. The formula number of specially denatured spirits deposited in tanks shall be shown on each tank or, in the case of underground tanks, at a convenient and suitable location. Specially denatured spirits received in bulk conveyances or by pipeline shall be deposited in storage tanks or transferred to drums, unless immediately used in the permittee's authorized process or processes: *Provided*, That in the case of receipts by tank car or tank truck, such conveyance may be used for the storage of specially denatured spirits where the premises of the user will afford protection satisfactory to the assistant regional commissioner and, if such spirits are to be stored in tank cars, adequate siding facilities are provided on the premises. Where it is desired to so store specially denatured spirits in a tank car or tank truck, the user shall first submit written application, in duplicate, to the assistant regional commissioner for authority to do so. When specially denatured spirits received in bulk conveyances are transferred to drums, the drums shall be plainly marked or labeled to show the name and permit number of the person from whom shipment was made, the words "Specially Denatured Alcohol" or "Specially Denatured Rum," the formula number, and the date of receipt. On receipt of specially denatured spirits by the user, he shall ascertain and account for any losses in transit in accordance with Subpart M of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months.

USE OF SPECIALLY DENATURED SPIRITS

§ 211.169 General.

Uses of specially denatured spirits shall be as authorized under Part 212 of this chapter. Specially denatured spirits shall not be used until Form 1479–A showing the intended use, process, formula, or article has been approved, as required by Subpart G of this part. Specially denatured spirits shall not be used in the manufacture of medicinal preparations or flavoring extracts for internal human use where any of the spirits remain in the finished product. Liquid products containing specially denatured spirits shall be unfit for beverage or internal human use. The essential oils and chemicals used in their manufacture shall make the finished products conform to the samples and formulas for such products submitted by the applicant with Form 1479–A and approved by the Director or, in the case of rubbing alcohol compounds, by the assistant regional commissioner. Whenever the assistant regional commissioner has reason to believe that the spirits in any articles are being reclaimed or diverted to beverage or internal human use, the permittee shall be directed to appear on a day named and show cause why the authorized formula and article should not be so changed and modified as to prevent such reclamation or diversion. In the event the permittee should fail to appear, or appearing, should fail to prove to the satisfaction of the assistant regional commissioner that the spirits in the authorized article are not reclaimable and are not being diverted to beverage or internal human use, he shall, at the direction of the assistant regional commissioner, discontinue the use of the formula until it has been modified and again approved.

(72 Stat. 1372; 26 U.S.C. 5273)

PROPRIETARY SOLVENTS

§ 211.170 Manufacture of proprietary solvents.

All articles coming under the general classification of proprietary solvents shall be manufactured with specially denatured alcohol Formula No. 1. The formulations shall be as follows, except as may otherwise be authorized by the Director:

(1) *Formulation No. I.*

Specially denatured alcohol formula No. 1	Gallons 100
Ethyl acetate	5
Gasoline or rubber hydrocarbon solvent	1

(2) *Formulation No. II.*

Specially denatured alcohol formula No. 1	Gallons 100
Denaturing grade wood alcohol	2
Ethyl acetate	1
Gasoline or rubber hydrocarbon solvent	1

(3) *Formulation No. III.*

Specially denatured alcohol formula No. 1	Gallons 100
Methyl isobutyl ketone	1
Ethyl acetate	1
Gasoline or rubber hydrocarbon solvent	1

(4) *Formulation No. IV.*

Specially denatured alcohol formula No. 1	Gallons 100
Methyl isobutyl ketone	1
tert-butyl alcohol	2
Gasoline or rubber hydrocarbon solvent	1

(5) *Formulation No. V.*

Specially denatured alcohol formula No. 1	Gallons 100
Methyl isobutyl ketone	1
Secondary butyl alcohol	2
Gasoline or rubber hydrocarbon solvent	1

§ 211.171 Sales by producers.

Proprietary solvents may be sold by producers to any person for use in manufacturing or as a solvent and to distributors and other persons for resale.

§ 211.172 Use in manufacturing.

Persons desiring to manufacture articles containing in excess of 25 percent alcohol by volume with proprietary solvents, for sale, shall add quantities of materials to definitely change the composition and character of the proprietary solvent. The manufacturer of such article shall submit Form 1479–A as required by Subpart G of this part except in the manufacture of surface coatings containing not less than two pounds of solid coating material per gallon, and shall designate the formulation under which such article is to be made, in the manner shown in § 211.170.

§ 211.173 Shipments by bulk conveyances.

Proprietary solvents may be shipped in bulk conveyances by producers to themselves at other locations, by distributors to themselves at other locations, and, on notice to the assistant regional commissioner by the consignor, in writing, to other persons. Such notice shall be in duplicate if the consignee is located in another region and shall designate, by name, address, and type of business, the persons to whom bulk shipments are to be made, and shall state the approximate quantity to be shipped, and, except in the case of a distributor, the use to be made of the solvents by the consignee. Such notice may be given on a continuing basis, in which case the quantity to be shipped may be shown on a monthly or other periodic basis. The assistant regional commissioner may require the consignor to furnish additional information as to the needs of the consignee and the specific uses to be made of the proprietary solvents. Proprietary solvents from only one consignor may be placed in any one compartment of a bulk conveyance. Not less than the entire contents of any one compartment may be delivered to any one consignee at any one premises.

§ 211.174 Receipt.

Unless proprietary solvents received in bulk conveyances are to be used immediately, they shall be deposited in storage tanks or drawn into packages which shall be marked as required by this subpart.

§ 211.175 Sales by persons other than producers.

Where a distributor desires to purchase and sell proprietary solvents in quantities of more than 3,000 gallons during any month, or to make sales of such solvents in quantities of more than 275 gallons at any one time, he shall give notice, in writing, to the assistant regional commissioner. Such notice shall establish a legitimate need for the proprietary solvents and, in the case of sales of more than 275 gallons to a customer, shall show the use to be made of such solvents.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.176 Filling of packages.

Proprietary solvents may be packaged by producers, agents of producers, or by distributors and persons using such products, in containers of any size not exceeding 55 gallons. Containers shall

be marked or labeled (except those containers filled for convenience by persons using such products at their own plant premises) as required by §§ 211.177 and 211.179.

§ 211.177 Marking of containers of more than 5 gallons.

All packages of proprietary solvents containing more than 5 gallons shall have placed thereon a serial number and the industrial use permit number of the producer, and shall have conspicuously placed thereon, or on a label attached thereto, in red letters, the word "POISON", together with a statement that the contents if taken internally will cause serious consequences to health, or possibly death. When such packages are filled by a distributor there shall also be shown the name and address of such distributor preceded by the words "Filled by". When shipments are made in bulk conveyances a label shall be affixed to the route board or other suitable device, giving the name of the product, the quantity, and the producer's name, address, and permit number. When such shipments are made by the producer's agent or by a distributor, the name and address of the agent or the distributor may be shown in lieu of the name and address of the producer.

§ 211.178 Numbering of packages.

All packages of proprietary solvents containing more than 5 gallons shall be consecutively numbered commencing with "1" and continuing in regular sequence, except that the current series may be continued. When any series reaches "1,000,000" the series may be recommenced and the recommenced series shall be given an alphabetical prefix or suffix. Where an agent of a producer fills packages in the name of the producer, the agent may either use serial numbers from a block of numbers assigned to him by the producer or use a separate series of serial numbers (differentiated from that of the producer by a suitable prefix) to identify the packages filled by him.

§ 211.179 Labeling of containers of 5 gallons or less.

Containers of 5 gallons or less of proprietary solvents shall be labeled to show the producer's name and address: *Provided*, That where the product is packaged for or by an agent of the producer or for or by another person, the name and address of the agent or other person, as the case may be, may be shown in lieu of the name and address of the producer. All containers shall have printed thereon, or on a label attached thereto, in large letters, in red ink, the word "POISON", together with a statement that the contents if taken internally will cause serious consequences to health, or possibly death. If the words "denatured alcohol" appear on the label, they may not be in contrasting color nor may they be in a size larger than the brand name of the product.

SPECIAL INDUSTRIAL SOLVENTS

§ 211.180 Manufacture.

Special industrial solvents shall be manufactured with specially denatured alcohol Formula No. 1. The formulations shall be as follows, except as may otherwise be authorized by the Director:

(1) *Formulation A.*

Specially denatured alcohol formula No. 1	Gallons 100
Isopropyl alcohol	10
Methyl isobutyl ketone	1

(2) *Formulation B.*

Specially denatured alcohol formula No. 1	Gallons 100
Isopropyl alcohol	5
Methyl isobutyl ketone	1
Methyl alcohol	5

(3) *Formulation C.*

Specially denatured alcohol formula No. 1	Gallons 100
Methyl isobutyl ketone	1
Ethyl acetate	5

§ 211.181 Sales by producers.

Special industrial solvents may be sold by producers to any person for use in manufacturing or as a solvent and to wholesale distributors for resale. Sale of such solvents for distribution through retail channels is prohibited.

§ 211.182 Use in manufacturing.

When special industrial solvents are used in the manufacture of articles for sale there shall be added sufficient ingredients to definitely change the composition and character of the special industrial solvent. Such manufacture shall not be done until a Form 1479–A covering the production has been approved in accordance with Subpart G of this part. The formulation under which the special industrial solvent article is made shall be identified on Form 1479–A in the manner shown in § 211.180. Special industrial solvents shall not be reprocessed into other solvents for sale containing more than 25 percent alcohol by volume.

§ 211.183 Sales to and by distributors.

A distributor shall not purchase or sell more than 550 gallons of special industrial solvents during a calendar month, unless he notifies the assistant regional commissioner, in writing, stating the circumstances which occasioned the need for such purchases or sales. In the case of sales, the notice shall designate, by name, address, and type of business, the persons to whom sales are to be made and the use to be made of the solvents by such consignees. Distributors shall not relabel special industrial solvents under their own brand name and shall not repackage such solvents except for the purpose of shipping samples in containers of not more than 5 gallons in capacity to prospective customers for the purpose of sample evaluation.

§ 211.184 Numbering of containers.

All containers of special industrial solvents, except sample packages of 5 gallons or less, shall be consecutively numbered commencing with "1" and continuing in regular sequence. When any series reaches "1,000,000" the series may be recommenced and the recommenced series shall be given an alphabetical prefix or suffix.

§ 211.185 Shipments.

Special industrial solvents shall be shipped in containers having a capacity of 50 gallons or more, except that such solvents may be shipped in containers of not more than 5 gallons capacity to prospective customers for the purpose of sample evaluation and not for sale. All such containers shall have affixed thereto a label showing the brand name under which produced and the name and address of the producer, except that in the case of tank car or tank truck shipments the label shall be affixed to the route board of such vehicle. Shipments in bulk conveyances may be made only by producers. Such shipments may be made by producers to themselves at other locations and, pursuant to notice to the assistant regional commissioner by the producer, in writing, to industrial solvent users. Such notice shall specify the quantity to be shipped and the use to be made of the special industrial solvents by the customer. Such notice may be given on a continuing basis. Special industrial solvents from only one consignor may be placed in any one compartment of a bulk conveyance. Not less than the entire contents of any one compartment may be delivered to any one consignee at any one premises.

RUBBING ALCOHOL COMPOUND

§ 211.186 General.

Rubbing alcohol compound shall mean any product manufactured with specially denatured alcohol and represented to be a "rubbing alcohol compound." Rubbing alcohol compounds shall be made only as prescribed in § 211.187 and no other product shall be labeled to imply that it is a rubbing alcohol compound. Any product manufactured with specially denatured alcohol and labeled and sold as a rubbing alcohol compound shall be packaged in containers not exceeding 1 pint in capacity by the manufacturer thereof. Rubbing alcohol compound shall not be repackaged or relabeled by others after it has been removed from the premises of the manufacturer.

§ 211.187 Manufacture.

All rubbing alcohol compounds shall be manufactured with specially denatured alcohol Formula No. 23–H according to the following formula:

S.D.A. No. 23–H	103.3 fl. oz.
Sucrose octa-acetate	0.5 av. oz.
Water (and odorous or medicinal ingredients) q.s.	1 gal.

Manufacturers may add to the formula other odorous or medicinal ingredients if they are shown in the formula submitted for approval and if the finished product contains 70 percent absolute alcohol by volume.

§ 211.188 Brand label.

Each bottle of rubbing alcohol compound shall bear a brand label, placed thereon by the manufacturer, containing the following information:

(a) The brand or trade name of the product, if any;

(b) The legend "Rubbing Alcohol Compound" which shall be in letters of the same color and size;

(c) The name and address of the manufacturer: *Provided*, That where rubbing alcohol compound is bottled for a certain wholesale or retail druggist and it is desired to show the name and address of such druggist on the label in lieu of the name and address of the manufacturer, such may be done if the industrial use permit number of the manufacturer is printed on the label;

(d) The legend "Contains 70 percent alcohol by volume," "Contains 70 percent ethyl alcohol by volume," or "Contains 70 percent absolute alcohol by volume;" and

(e) The legend "For external use only. If taken internally, serious gastric disturbances will result."

The manufacturer may incorporate in the brand label, or in a separate label appearing in conjunction with the brand label, any other desired statement, but such statement shall not obscure or contradict the required labeling. No misleading statement, which would give the impression that the product is pure alcohol or is susceptible of beverage use, shall be permitted on labels. No label shall be used on any bottle of rubbing alcohol compound unless the same has been approved by the assistant regional commissioner in accordance with § 211.102.

§ 211.189 Manufactured with isopropanol, etc.

A preparation labeled "Rubbing Alcohol Compound" without a definite modification is held to connote that such preparation was manufactured with specially denatured alcohol. Accordingly, if a preparation intended for use as rubbing alcohol compound is produced from any other material, such as isopropyl alcohol, it shall not be labeled "Rubbing Alcohol Compound" without appropriate modification, clearly indicating that it was not made with specially denatured alcohol.

§ 211.190 To whom may be sold.

The sale of rubbing alcohol compound by the manufacturer or wholesale druggist shall be made directly, or through his employees, only to wholesale or retail druggists, and to purchasers who acquire the product for legitimate external use and not for resale (such as hospitals, sanitariums, clinics, turkish baths, athletic associations, physicians, dentists, and veterinarians). This product may also be sold by retail druggists to any of the foregoing or in customary retail quantities only to other persons for external use.

BAY RUM, HAIR LOTIONS, SKIN LOTIONS, AND SIMILAR PRODUCTS

§ 211.191 General.

The packaging, bottling, sale, and labeling of bay rum, hair lotions, dry shampoos, deodorant sprays, skin lotions, perfumes, toilet waters, witch hazel, and similar products, made with specially denatured alcohol, shall be in accordance with the provisions of §§ 211.192 to 211.197.

§ 211.192 Manufacture.

All bay rum, alcoholado, or alcoholado type toilet waters, made with specially denatured alcohol shall contain 32 grains of tartar emetic or 0.5 avoirdupois ounce of sucrose octa-acetate in each gallon of finished product. Preparations manufactured with specially denatured alcohol formula No. 39–C shall contain in each gallon of finished product not less than 2 fluid ounces of perfume material (essential oils, isolates, aromatic chemicals, etc.) satisfactory to the Director.

§ 211.193 Reprocessing, bottling, and repackaging.

Any person who desires to bottle or repackage any of the products which are specified in § 211.191 and which contain specially denatured alcohol, or any person who desires to reprocess such products, may be authorized to do so pursuant to application filed on Form 2622 with the assistant regional commissioner of his region. Where such person or any commercial user (such as beauty parlors or turkish bath establishments) desires to procure these products in bulk (containers exceeding one gallon), he shall make application on Form 2622 to the assistant regional commissioner for authority to do so.

§ 211.194 Containers.

Products specified in § 211.191 which contain specially denatured alcohol shall not be sold in containers exceeding one gallon in capacity: *Provided*, That sales of such products in containers exceeding one gallon in capacity may be made where the vendor has received a Form 2622 approved by the assistant regional commissioner authorizing purchase in such containers by the vendee.

§ 211.195 Labels.

Where products specified in § 211.191 are packaged or bottled by the manufacturer, the labels shall show (a) the name of the manufacturer and the address or addresses of the actual place or places of manufacture; or (b) the name of the manufacturer, the address of the principal office, and the permit number or numbers of the place or places of manufacture; or (c) the permit number of the manufacturer and the name and address of the person for whom the bottles or other containers are filled. Where the same premises are operated under one or more approved trade names, any one or more of such trade names may be shown on the label as the name of the manufacturer. Where products specified in § 211.191 which contain specially denatured alcohol are bottled, repackaged, or reprocessed by a permittee, he shall show his name and address in lieu of the permit number of the original manufacturer or, if packaged for another person, his own permit number and the name and address of the person for whom packaged. Where such products containing specially denatured alcohol are bottled, repackaged, or reprocessed by a nonpermittee, he shall show the permit number of the original manufacturing permittee and (a) his own name and address or, (b) if packaged for another person, the name and address of the person for whom packaged. The foregoing requirements shall not apply to witch hazel packaged in containers of one gallon or less and shall not apply to products specified in § 211.191 which have been approved as containing 6 fluid ounces or more of perfume oil per gallon of finished product, or which have been approved as containing not more than 16 fluid ounces of specially denatured alcohol per gallon of finished product, or to any product marketed under a trade or brand name label in a container of 8 fluid ounces or less capacity: *Provided*, That the manufacturer or bottler specifies on the Form 1479–A with which the label is submitted for approval that such label is to be used only on such products or containers.

§ 211.196 State code numbers.

In showing the permit number on labels as provided in § 211.195, a manufacturer may substitute the appropriate number shown below for the State abbreviation. For example, permit number SDA–CONN–1234 may be shown on the label as SDA–07–1234. The code numbers for the respective States are as follows:

01—Alabama.	27—Montana.
02—Alaska.	28—Nebraska.
03—Arizona.	29—Nevada.
04—Arkansas.	30—New Hampshire.
05—California.	31—New Jersey.
06—Colorado.	32—New Mexico.
07—Connecticut.	33—New York.
08—Delaware.	34—North Carolina.
09—D.C.	35—North Dakota.
10—Florida.	36—Ohio.
11—Georgia.	37—Oklahoma.
12—Hawaii.	38—Oregon.
13—Idaho.	39—Pennsylvania.
14—Illinois.	40—Rhode Island.
15—Indiana.	41—South Carolina.
16—Iowa.	42—South Dakota.
17—Kansas.	43—Tennessee.
18—Kentucky.	44—Texas.
19—Louisiana.	45—Utah.
20—Maine.	46—Vermont.
21—Maryland.	47—Virginia.
22—Massachusetts.	48—Washington.
23—Michigan.	49—West Virginia.
24—Minnesota.	50—Wisconsin.
25—Mississippi.	51—Wyoming.
26—Missouri.	

§ 211.197 Labels to be approved.

All persons bottling products specified in § 211.191 which contain specially denatured alcohol shall submit Form 1479–A with labels or facsimiles thereof to the Director for approval before use, in accordance with § 211.106. Where labels are submitted for approval by persons other than the original manufacturer or reprocessor, the name and address of the bottler shall be shown in the heading of Form 1479–A, and in the space provided for stating the "Formula" there shall be typed the words "For Label Approval Only", followed by:

(a) The name, address or addresses, and permit number or numbers of the actual manufacturer, and the name, and address, and permit number, if any, of the reprocessor;

(b) The name under which the product was manufactured or reprocessed; and the date of formula approval;

(c) The name under which the product is to be bottled and labeled;

(d) The size of the containers in which the product will be bottled; and

(e) The manner of showing the name and address of the bottler or person for whom the product is bottled, and the permit number of the manufacturer or reprocessor, on containers of more than 8 ounces.

There may be submitted on one set of Forms 1479–A as many labels, together with the required information, as may be conveniently accommodated thereon. The provisions of this section shall not apply to witch hazel in containers of one gallon or less.

INTERNAL MEDICINAL PREPARATIONS AND FLAVORING EXTRACTS

§ 211.198 General.

Medicinal preparations and flavoring extracts for internal human use shall not be manufactured with specially denatured spirits where any of the spirits remain in the finished product. Labels, cartons, and advertising matter used in connection with external preparations manufactured for human use with specially denatured spirits shall not bear any reference to internal use or prescribe any internal dosage.

(72 Stat. 1372; 26 U.S.C. 5273)

Other Articles

§ 211.199 Reagent alcohol.

(a) *Production, packaging, and sales.* Users who are proprietors of bona fide supply houses may manufacture an article, designated as reagent alcohol, containing 95 parts by volume of S.D.A. Formula No. 3–A and 5 parts by volume of isopropyl alcohol. It shall be packaged in containers holding not in excess of 1 gallon and may be sold to school laboratories, medical laboratories, physicians and others requiring small quantities for scientific purposes.

(b) *Labels.* Reagent alcohol shall bear a front label as follows:

REAGENT ALCOHOL

Specially Denatured Alcohol Formula 3A—95 parts by vol.

Isopropyl Alcohol—5 parts by vol.

CAUTION • • • POISON
CONTAINS METHYL ALCOHOL

NOT FOR INTERNAL OR EXTERNAL USE

A back label shall be attached bearing the word "ANTIDOTE", followed by suitable directions therefor.

§ 211.200 Solvents not specifically authorized.

Articles such as duplicating and printing fluids made with specially denatured alcohol shall not be sold for other solvent use and shall not be reprocessed into other products for sale. Where proprietary solvents, special industrial solvents, or other authorized solvents are unsatisfactory for a particular purpose, the person desiring a suitable solvent shall first qualify as a user under the provisions of Subparts D and E of this part and shall submit Form 1479–A, to cover the process or article proposed to be made by him, as provided in Subpart G of this part.

§ 211.201 Labels on other articles containing specially denatured spirits.

The Director may require containers of articles, other than those specified in this part, containing specially denatured spirits to be labeled, stenciled, or otherwise marked with (a) the name of the manufacturer and the address of the actual place of manufacture, (b) the manufacturer's name, the address of his principal office and his permit number, or (c) the name and address of the distributor and the permit number of the manufacturer.

RECORDS AND REPORTS

§ 211.202 Records and reports.

Users of specially denatured spirits, persons dealing in special industrial solvents or proprietary solvents, and reprocessors, bottlers, repackagers, and distributors of bay rum, hair lotions, skin lotions, and similar products, shall keep such records and, where applicable, render such reports as are required in Subpart O of this part.

Subpart K—Recovery of Denatured Alcohol, Specially Denatured Rum, and Articles

§ 211.211 General.

Manufacturers using denatured alcohol, specially denatured rum, or articles in an approved process may recover such alcohol, rum, or articles upon receiving approval therefor pursuant to the filing of appropriate qualifying documents in accordance with the applicable provisions of Subparts D, E, and G of this part: *Provided*, That a person who recovers completely denatured alcohol with all its original ingredients, an article made with specially denatured spirits with all its ingredients, or an article made with completely denatured alcohol with all the denaturants of the completely denatured alcohol shall not be required to obtain approval. Restoration and redenaturation may be accomplished by a permittee or by the proprietor of a distilled spirits plant.

§ 211.212 Deposit in receiving tanks.

All denatured alcohol, specially denatured rum, or articles recovered shall be accumulated, after recovery or restoration is completed, in a receiving tank equipped for locking. Where such product is to be shipped pursuant to § 211.217, it may be accumulated in appropriately marked packages. All denatured alcohol or specially denatured rum recovered shall be measured and recorded before being redenatured or reused. Recovered denatured alcohol or specially denatured rum and new denatured alcohol or specially denatured rum shall be kept in separate storage containers properly marked for identification.

§ 211.213 Reuse of recovered spirits.

If the denatured alcohol or specially denatured rum is recovered in its original denatured state, or practically so, or contains substantial quantities of the original denaturants and other ingredients which render it unfit for beverage or other internal human medicinal use, it may be reused in any approved process without further redenaturation. In such cases, the assistant regional commissioner shall cause samples of the recovered product to be taken from time to time for the purpose of determining whether the product requires redenaturation. Where the denatured alcohol or specially denatured rum is not recovered in such state, it shall be redenatured under the supervision of an internal revenue officer at the premises of the manufacturer or a denaturer before being used.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.214 Application for redenaturation, Form 1483.

When recovered denatured alcohol or specially denatured rum requiring redenaturation is collected in sufficient quantities and the manufacturer desires to redenature it on his premises, he shall file application on Form 1483, in duplicate, with the assistant regional commissioner.

§ 211.215 Denaturants.

Manufacturers shall comply with the applicable requirements of Part 201 of this chapter governing the procurement, use, and recordkeeping of such denaturants by denaturers.

§ 211.216 Redenaturation of recovered spirits.

On approval of Form 1483, the assistant regional commissioner shall detail an internal revenue officer to supervise the redenaturation of the spirits. After ascertaining the quantity and proof of the spirits, the officer shall see that the proper quantity of denaturants are added to meet the requirements of the formula and thoroughly mixed with the spirits. On redenaturation of the recovered spirits, the internal revenue officer shall execute his report thereof on the original and copy of Form 1483 and deliver one copy of the form to the manufacturer.

§ 211.217 Shipment for restoration or redenaturation.

Recovered denatured alcohol, recovered specially denatured rum, or recovered articles requiring restoration or redenaturation, or both, unless the same is to be done on the manufacturer's premises, shall be shipped to a distilled spirits plant. Packages shall be numbered in serial order, beginning with "1" and continuing in regular sequence, and have marked or stenciled thereon the name, address, and permit number of the manufacturer, the quantity in gallons of spirits contained therein, and the words "Recovered denatured alcohol formula No. _____" or "Recovered specially denatured rum formula No. _____".

§ 211.218 Notice of shipment.

When recovered denatured alcohol or specially denatured rum is shipped as provided for in § 211.217, the consignor shall prepare Form 1473, in quadruplicate (quintuplicate if consignee is located in another region), and, on the day of shipment, forward the original and one

copy to the proprietor of the distilled spirits plant to which shipment is made, one copy (or two copies if the consignee is located in another region) to the assistant regional commissioner of his region, and retain the remaining copy for his files.

(72 Stat. 1372; 26 U.S.C. 5273)

Subpart L—Use of Specially Denatured Spirits by the United States or Governmental Agency

§ 211.231 Application and permit.

Specially denatured spirits may be withdrawn by the United States or any Governmental agency thereof on filing application on Form 1486, and issuance of permit therefor. Form 1486 shall be executed in duplicate, signed by the head of the department or independent bureau or agency to which such specially denatured spirits are to be shipped, or by some person duly authorized by such head of a department or independent bureau or agency and forwarded to the Director. Evidence of authority to sign for the head of a department or independent bureau or agency shall be furnished the Director. When specially denatured spirits are to be furnished to a contractor by an agency of the United States, the specially denatured spirits shall be purchased by the agency and the quantity of specially denatured spirits so furnished shall be limited to the minimum actually required by the contractor to meet Governmental requirements under the specific contract. The permit may be left with the denaturer or bonded dealer during the term of its use or retained by the agency and furnished to the supplier with each order for spirits. Every appropriate precaution shall be taken by the agency to insure that the specially denatured spirits so procured will be used only for Governmental purposes.

(72 Stat. 1370, 1372; 26 U.S.C. 5271, 5273)

§ 211.232 Bond.

No bond is required covering specially denatured spirits withdrawn for the use of the United States or any Governmental agency thereof.

§ 211.233 Procurement of specially denatured spirits.

When specially denatured spirits are to be procured by the United States or a Governmental agency thereof, the permit on Form 1486, received from the Director pursuant to an application filed in accordance with the provisions of § 211.231, shall be forwarded to the denaturer or bonded dealer from whom the specially denatured spirits are to be obtained. A purchase order shall be submitted by the Governmental agency for any specially denatured spirits shipped under the permit. At the time of shipment, the vendor shall record the shipment on the permit and return it to the Governmental agency unless he has been authorized by such agency to retain the permit for the purpose of making future shipments.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.234 Preparation of Form 1473 by bonded dealer.

On receipt of permit, Form 1486, and shipment of the specially denatured spirits, by a bonded dealer, he shall prepare Form 1473 in quadruplicate, or in quintuplicate when shipping for the account of another bonded dealer. The bonded dealer shall mail the original and one copy of Form 1473 to the consignee, except that in the case of truck shipments, he will enclose them in a sealed envelope addressed to the representative of the Governmental agency to whom the specially denatured spirits are consigned and give them to the driver of the truck for delivery to such representative. He will forward one copy of the form to the assistant regional commissioner, a copy to the other bonded dealer when shipment is made for the account of such dealer, and file the remaining copy.

§ 211.235 Receipt of shipment.

On receipt of a shipment of specially denatured spirits, the representative of the Governmental agency receiving the same shall execute the certificate of receipt on the original and copy of Form 1473 received from the denaturer or bonded dealer, after noting thereon any loss or deficiency in the shipment, and shall forward the original to the assistant regional commissioner of the region in which the consignor is located and retain the copy for his files.

§ 211.236 Discontinuance of use.

When no more specially denatured spirits will be procured under a permit, the permit shall be returned to the Director for cancellation.

§ 211.237 Disposition of excess specially denatured spirits.

Any excess specially denatured spirits in the possession of a Governmental agency shall be disposed of to another Governmental agency of the United States holding a permit under this part, returned to a distilled spirits plant or a bonded dealer, on approval of the assistant regional commissioner of the region in which the plant or dealer is located, or disposed of otherwise as may be authorized by the Director. In no case may such spirits be disposed of to the general public.

Subpart M—Losses of Specially Denatured Spirits

§ 211.241 Losses by theft.

The quantity of specially denatured spirits lost by theft shall be determined at the time the loss is discovered. Such losses shall be recorded on the records required by § 211.264 or § 211.265 and entered on Form 1478 or Form 1482, as the case may be. The bonded dealer or user shall immediately report such loss to the assistant regional commissioner, explaining the circumstances under which the loss occurred. Claim for allowance for all such losses, regardless of the percentage of loss, shall be made.

§ 211.242 Losses in transit.

The quantity of specially denatured spirits lost while in transit to a bonded dealer's premises or a user's premises shall be determined at the time the shipment or report of loss is received and shall be reported on Form 1478 or Form 1482, as the case may be, and on Form 1473. Except as provided in § 211.241, where the quantity lost from wooden packages contained in a shipment exceeds 3 percent of their original aggregate contents or the loss from any other containers in a shipment exceeds 1 percent of their original aggregate contents, and the quantity lost is more than 5 gallons, claim for allowance of the entire quantity lost shall be filed by the consignee. Where losses in transit do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the quantity lost was unlawfully used or removed, no claim for allowance will be required.

§ 211.243 Losses at premises of bonded dealer or user.

Losses of specially denatured spirits from storage tanks shall be determined by physical inventory of such tanks at the close of each month. Losses, if any, from packages shall be determined at the time the packages are removed for shipment or dumped for repackaging or use. All losses on a bonded dealer's premises shall be recorded in the records required by § 211.264 and reported on Form 1478 by such dealer for the month in which they are discovered. Losses of specially denatured spirits at a user's premises shall be determined and recorded in the records required by § 211.265 and reported on Form 1482. If the quantity lost during any one month exceeds 1 percent of the quantity of specially denatured spirits to be accounted for during the month, and is more than 5 gallons, claim for allowance of the entire quantity lost shall be made by the bonded dealer or user. Where losses on the premises do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the loss was unlawfully used or removed, claim for allowance will not be required, except in the case of losses under § 211.241.

§ 211.244 Claims.

Claims for allowance of losses of specially denatured spirits shall be filed, on Form 2635, with the assistant regional commissioner within 30 days from the date the loss is ascertained, and shall set forth the following:

(a) Name, address, and permit number of the claimant;

(b) Identification and location of the container or containers from which the specially denatured spirits were lost;

(c) Quantity of specially denatured spirits lost from each container, the total quantity of specially denatured spirits covered by the claim, and the aggregate quantity involved;

(d) Date of the loss (or, if not known, date of discovery), the cause or nature thereof, and all the facts relative thereto, including facts establishing whether the loss occurred as a result of any negligence, connivance, collusion, or fraud on the part of any person participating in, or responsible in any manner for, the transaction, or any employee or agent of such person; and

(e) Name of the carrier where a loss in transit is involved.

The assistant regional commissioner may require the submission of additional evidence.

Subpart N—Destruction, Disposition, or Return of Specially Denatured Spirits and Disposition of Recovered Denatured Alcohol, Recovered Specially Denatured Rum, and Articles

§ 211.251 Destruction.

Specially denatured spirits in the possession of a permittee may be destroyed by him on approval of the assistant regional commissioner. The permitttee shall file application to do so with the assistant regional commissioner, in duplicate, stating fully the reasons therefor. On approval of the application, the assistant regional commissioner shall instruct the permittee whether or not the destruction shall be witnessed by an internal revenue officer. The internal revenue officer, if assigned, or the permittee shall certify to the destruction on the original and copy of the approved application, specifying the date and manner of destruction. The copy of the approved application shall be filed by the permittee and the original returned to the assistant regional commissioner.

§ 211.252 Return to denaturer or bonded dealer.

For any legitimate reason, a permittee may return specially denatured spirits to any denaturer or bonded dealer (whether or not he was the original shipper) if the denaturer or bonded dealer consents to the return and permission for the transfer is in each instance first obtained from the assistant regional commissioner of the region from which the specially denatured spirits are to be returned. Application for permission shall be filed in triplicate (quadruplicate if the bonded dealer or denaturer is in another region). If the application is approved the assistant regional commissioner will forward a copy to the permittee, a copy to the denaturer or bonded dealer, and the additional copy, if any, to the consignee's assistant regional commissioner. Where specially denatured spirits are to be returned to a bonded dealer as provided in this section and § 211.254, the bonded dealer may, if he so desires, file one consent of surety on his bond to extend the terms thereof to cover all such spirits which may be so returned to him.

§ 211.253 Reconsignment in transit.

Where, prior to or on arrival at the premises of a consignee, specially denatured spirits are found to be unsuitable for the purpose for which intended, were shipped in error, or, for any other bona fide reason, are not accepted by such consignee, or are not accepted by a carrier, they may be reconsigned, by the bonded dealer or denaturer making shipment, to himself, or to another permittee on notification to the assistant regional commissioner of the consignor's region of such reconsignment. In such case, the bond of the person to whom the specially denatured spirits were reconsigned shall cover such spirits while in transit after reconsignment. Notice of cancellation of the Form 1473 covering the shipment to the original consignee shall be made by the consignor to each person receiving a copy of such Form 1473. Where the reconsignment is to another permittee a new Form 1473 shall be prepared and have placed thereon the word "Reconsignment." The entry on the withdrawal permit covering the original shipment shall be voided and appropriate entries shall be made on the withdrawal permit of the permittee to whom the specially denatured spirits were reconsigned.

§ 211.254 Disposition on permanent discontinuance of business.

When a bonded dealer permanently discontinues business, any specially denatured spirits remaining on hand at the time of such discontinuance, which it is impractical to dispose of to users or other bonded dealers, pursuant to withdrawal permit, may be returned to a distilled spirits plant in accordance with the procedure prescribed in § 211.252, or destroyed in accordance with the procedure prescribed in § 211.251. When a user permanently discontinues the use of specially denatured spirits, he may return any such spirits on hand at the time of discontinuance to a bonded dealer or distilled spirits plant in accordance with § 211.252, destroy it in accordance with § 211.251, or dispose of it to another user if consent of surety is filed on the consignee's bond extending the terms thereof to cover the transportation of the spirits to his premises.

§ 211.255 Notice of shipment.

When specially denatured spirits are shipped in accordance with § 211.252 or § 211.254, the consignor shall prepare Form 1473, in quadruplicate (quintuplicate if the consignee is located in another region) and, on the day of shipment, forward the original and one copy to the consignee, one copy (two copies if the consignee is located in another region) to the assistant regional commissioner of his region, and retain the remaining copy for his files.

§ 211.256 Disposition after revocation of permit.

When any industrial use permit, Form 1476 or 1481, is finally revoked, all specially denatured spirits in transit to and in possession of the permittee, and all recovered denatured spirits, recovered specially denatured rum, or recovered articles and articles in process of manufacture, may continue to be lawfully possessed by the former permittee for a period of 60 days after such revocation for the purpose of making lawful disposition thereof, pursuant to proper permit therefor, which the former permittee shall do within said period. Unless such stocks are disposed of within the period of 60 days they are subject to seizure and forfeiture.

(72 Stat. 1370, 68A Stat. 867; 26 U.S.C. 5271, 7302)

§ 211.257 Disposition of recovered denatured alcohol, recovered specially denatured rum, or articles on permanent discontinuance of use of denatured alcohol or specially denatured rum.

Recovered denatured alcohol, recovered specially denatured rum, or recovered articles, articles in process of manufacture, and completed articles in possession of the permittee at the time of permanent discontinuance of use of denatured alcohol or specially denatured rum shall be disposed of as authorized by the assistant regional commissioner, after full advice respecting their condition and the disposition it is desired to make of such products has been submitted to him.

§ 211.258 Disposition of completed articles after revocation of permit.

When completed articles remain in the possession of the permittee at the time of final revocation of his industrial use permit, Form 1481, they shall be disposed of only as authorized by the assistant regional commissioner.

Subpart O—Records and Reports

§ 211.261 Records of completely denatured alcohol.

Persons receiving, storing, selling, or using as much as 550 gallons of completely denatured alcohol in a calendar month shall keep such records of transactions in completely denatured alcohol, including the serial numbers on the containers, as will enable any internal revenue officer to verify and trace receipts, storage, and disposals and to ascertain whether there has been compliance with law and regulations: *Provided*, That on sales in quantities of less than 5 gallons, only the total quantity so disposed of daily need be recorded. Persons receiving or transferring completely denatured alcohol by pipeline or in bulk conveyances shall keep such records, regardless of the amount received, used, or disposed of during a calendar month.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.262 Records of proprietary antifreeze made with completely denatured alcohol.

Persons producing, receiving, storing, or selling as much as 550 gallons of proprietary antifreeze solutions made with completely denatured alcohol in a calendar month shall keep such records of transactions in proprietary antifreeze solutions, including the serial numbers (if any) on the containers, as will enable any internal revenue officer to verify and trace such production, receipts, storage, and disposals and to ascertain whether there has been compliance with law and regulations: *Provided*, That on sales in quantities of less than 5 gallons, only the total quantity so disposed of daily need be recorded. Persons receiving or transferring such proprietary antifreeze solutions in bulk conveyances shall keep such records regardless of the amount received, produced, or disposed of during a calendar month.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.263 Records of recovered completely denatured alcohol and articles.

Any person who recovers completely denatured alcohol or articles under an industrial use permit shall keep records with respect to the recovery and reuse thereof in sufficient detail (a) to enable him to prepare Form 1482 and (b) to enable any internal revenue officer to verify and trace such recovery and reuse.

§ 211.264 Records of bonded dealers.

Bonded dealers shall keep records which shall accurately and clearly reflect the details of all specially denatured spirits received, lost, destroyed, and disposed of. Such records shall contain all data necessary (a) to enable ready identification and proper marking, branding, and labeling of specially denatured spirits, (b) to enable the bonded dealer to prepare Form 1478, and (c) to enable internal revenue officers to verify and trace each transaction, to verify claims, and to ascertain whether there has been compliance with law and regulations.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.265 Records of users of specially denatured spirits.

(a) *Persons manufacturing bay rum, hair lotions, skin lotions, and similar products which contain specially denatured alcohol.* Persons holding permit to use specially denatured alcohol in the manufacture of bay rum, hair lotions, skin lotions, and similar products covered by § 211.191, shall keep a manufacturing record on Form 133, covering all such products which contain specially denatured alcohol, which will accurately and clearly reflect the details of all specially denatured alcohol received and used in such products, and all such products manufactured. The details of manufacture, showing the quantities of essential oils, chemicals, or other materials used in manufacturing, shall be shown on a separate batch record, identified by serial number. Such persons shall also keep a bottling or packaging, and sales record on Form 134 of all products which contain specially denatured alcohol, which will accurately and clearly reflect the details of all such products manufactured and the disposition thereof: *Provided*, That other manufacturing and sales records may be maintained for such products, on approval of the assistant regional commissioner, if such substitute records reflect all of the data required by Forms 133 and 134 and are maintained in such a manner as to enable internal revenue officers to readily determine the proper use of all specially denatured alcohol and the proper disposition of all products made therefrom: *Provided further*, That where the permit limits the withdrawal of specially denatured alcohol to 25 gallons or less per calendar month, or, in the case of persons who also reprocess products containing specially denatured alcohol, where the quantity of specially denatured alcohol withdrawn and the quantity of such products received for reprocessing do not exceed 25 gallons, such records need not be maintained. Records of products specified in § 211.191 made with specially denatured alcohol but which do not contain specially denatured alcohol shall be kept in accordance with paragraph (b) of this section.

(b) *Persons manufacturing other articles.* Every person holding permit to use specially denatured spirits, except as provided in paragraph (a) of this section, shall keep records which shall accurately and clearly reflect the details of specially denatured spirits received, used, and recovered, and of articles recovered. Such records shall contain all data necessary (1) to enable the permittee to prepare Form 1482 and (2) to enable any internal revenue officer to verify and trace each operation or transaction, to verify claims, and to ascertain whether there has been compliance with law and regulations, and shall include the following information:

(i) The quantity of each formula of specially denatured spirits received, including the name and address of the consignor;

(ii) The quantity, by formula and code number, of specially denatured spirits used and each purpose for which used (if used in the manufacture of an article, the name of each such article and the quantity used in its manufacture);

(iii) The quantity of each article manufactured; and

(iv) The name and address of each person to whom articles are disposed and the quantity of each article disposed of. Where the total quantity of specially denatured spirits to be withdrawn during a calendar month does not exceed 25 gallons, such records need not be maintained.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.266 Records of reprocessing, repackaging, bottling, and resale of bay rum, hair lotions, skin lotions, and similar products.

Persons authorized under § 211.193 to reprocess products specified in § 211.191 which contain specially denatured alcohol shall keep records on Forms 133 and 134 or other records, in the same manner as manufacturers of such products under § 211.265. All persons who purchase such products in containers larger than one gallon for repackaging, bottling, or resale, shall also keep a record of the receipt, bottling or repackaging, and sales thereof on Form 134, or other records, in the manner prescribed in § 211.265: *Provided*, That on sales in quantities of less than 5 gallons the records may show only the totals disposed of daily: *And provided further*, That the records required by this section need not be maintained if the total quantity of such products received during a calendar month does not exceed 25 gallons.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.267 Invoices by users of specially denatured spirits and other persons.

All persons holding permits to use specially denatured spirits and all persons required to keep records under § 211.266 shall retain copies of invoices in such manner as to enable any internal revenue officer to readily examine them for the following transactions:

(a) Purchases of all essential oils, chemicals, and other materials used in manufacturing articles, including the name and address of the vendor, and the quantity;

(b) Purchases of articles containing specially denatured spirits for reprocessing, or purchases of such articles for bottling, repackaging, and/or resale, including the name and address of the vendor and the quantity; and

(c) Dispositions of all articles manufactured or received, including in each case the name and address of the person to whom sold or otherwise disposed of.

The assistant regional commissioner may, on application by the permittee, waive the requirements for the retention of invoices where the quantity sold to any person during a calendar month does not exceed 25 gallons, if he finds that such action will not hinder the effective administration of this part and will not jeopardize the revenue.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.268 Records of special industrial solvents and proprietary solvents.

Persons dealing in special industrial solvents and proprietary solvents produced with specially denatured alcohol shall keep detailed and accurate records of the receipt and disposition of such articles. Persons receiving such articles in bulk conveyances for use shall maintain complete records of the receipt and use thereof.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.269 Reports of persons recovering completely denatured alcohol and articles.

Persons who recover completely denatured alcohol or articles under an industrial use permit shall file monthly reports on Form 1482, properly modified, showing the quantity received, used in manufacture, and the quantity recovered and the disposition thereof. Where the recovered product is shipped to a distilled spirits plant for restoration or redenaturation, such information must also be shown on the Form 1482.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.270 Reports of bonded dealers.

Bonded dealers shall prepare monthly reports on Form 1478. Where a dealer handles both specially denatured alcohol and specially denatured rum, a separate report shall be prepared for each. Where shipments of specially denatured spirits are made for the account of a bonded dealer, as provided in § 211.137, Form 1478 of such dealer shall reflect the constructive receipt and shipment of the specially denatured spirits, followed by an explanatory notation showing the actual consignor and consignee. If specially denatured alcohol or rum is destroyed, special notation describing the transaction shall be made on the form. The dealer shall submit the original of the Form 1478 to the assistant regional commissioner not later than the 10th day of the succeeding month and retain the duplicate for his files.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.271 Reports of users.

Persons who use specially denatured spirits or recover specially denatured spirits or articles shall prepare monthly reports on Form 1482: *Provided*, That in any instance where—

(a) The user is authorized to withdraw not over 660 gallons per annum, or

(b) The assistant regional commissioner, pursuant to application by the user who is authorized to withdraw more than 660 gallons per annum, finds that the permittee has an accounting system which will afford an adequate measure of control, and that the filing of an annual report will not interfere with the effective administration of the regulations in this part,

such permittees may submit an annual report on Form 1482, on a fiscal year basis, in lieu of monthly reports for such period. Notwithstanding the foregoing provisions, the assistant regional commissioner may at any time require the submission of monthly reports on Form 1482 by any permittee. Where both specially denatured alcohol and specially denatured rum are used, a separate report shall be prepared for each. The user shall submit the original of the Form 1482 to the assistant regional commissioner not later than the 10th day of the month succeeding the period for which the report is submitted and retain the duplicate for his files.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.272 Time for making of entries.

Each transaction or operation required by this subpart to be shown in the records shall be entered therein on the day on which the operation or transaction occurs, except where supplemental or auxiliary records are prepared of, and concurrent with, the individual transaction or operation, from which the records are to be posted, the making of entries on the daily records may be deferred to not later than the close of the business day next succeeding the day on which such operation or transaction occurred.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.273 Filing and retention of records and copies of reports.

All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained for a period of not less than three years after the date of the report covering the transaction or operation, in such manner as to facilitate inspection by internal revenue officers: *Provided*, That the assistant regional commissioner may require such records to be kept for an additional period of not exceeding three years in any case where he deems such retention necessary or advisable. Records and reports shall be filed at the premises where the operations are conducted. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 211.274 Photographic copies of records.

Persons who desire to record, copy, or reproduce records required to be preserved under § 211.273, by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original of such records, shall make application to the assistant regional commissioner, in triplicate, to do so, describing:

(a) The records to be reproduced.

(b) The reproduction process to be employed.

(c) The manner in which the reproductions are to be preserved.

(d) The provisions to be made for examining, viewing, and using such reproductions.

The assistant regional commissioner shall not approve any application unless (1) the Director has approved that type of record for reproduction and the reproduction process to be employed, and (2) the manner of preservation of the reproductions and the provisions for examining, viewing, and using such reproductions are, in the assistant regional commissioner's opinion, satisfactory. Whenever records are reproduced under this section, the reproduced records shall be preserved in conveniently accessible files, and provisions shall be made for examining, viewing, and using the reproduced record the same as if it were the original record, and it shall be treated and considered for all purposes as though it were the original record; all provisions of law and regulations applicable to the original record shall be applicable to the reproduced record. As used in this section "original record", shall mean the record required by this part to be maintained or preserved, even though it may be an executed duplicate or other copy of the document.

(72 Stat. 1395; 26 U.S.C. 5555)

§ 211.275 Forms to be provided by users at own expense.

Forms 133 and 134 shall be provided by the users at their own expense and shall be in the form prescribed by the Director.

Subpart P—Samples

§ 211.281 Who may procure samples.

Permittees may procure samples of specially denatured spirits in advance of sales, for experimental purposes, or for the preparation of samples of finished products for submission with Form 1479–A. Permittees may use not more than 5 gallons during any calendar month of specially denatured spirits from their stock which has been withdrawn under their withdrawal permit, for experimental purposes or for preparation of samples of finished products. Applicants or prospective applicants for permits to use specially denatured spirits may procure samples of such spirits for experimental purposes or for use in the preparation of samples of finished products for submission with Form 1479–A. Such samples may be procured from the proprietor of a distilled spirits plant or a bonded dealer. Samples of 1 quart or less may be procured without a permit under § 211.283. Samples in excess of 1 quart shall not be furnished until such permit has been received.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.282 Size of samples.

Samples of specially denatured spirits withdrawn from distilled spirits plants or bonded dealers' premises for the purposes specified in § 211.281 shall be limited to amounts sufficient for such purposes and shall not exceed 5 gallons: *Provided*, That in exceptional cases, when the necessity for the withdrawal of a sample exceeding 5 gallons is clearly shown, the assistant regional commissioner may authorize the withdrawal thereof.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 211.283 Application and permit, Form 1512.

Applications for withdrawal of samples of specially denatured spirits in excess of one quart shall be made on Form 1512, in duplicate, to the assistant regional commissioner of the applicant's region. If Form 1512 is approved, the assistant regional commissioner shall return one copy to the applicant for forwarding to the vendor.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 211.284 Labels for samples.

All samples of specially denatured spirits withdrawn from a bonded dealer's premises shall be labeled as samples and shall show the name and address and permit number of the bonded dealer, the name and address of the person to whom the sample is to be sent, and the words "Specially Denatured Alcohol" or "Specially Denatured Rum," followed by the number of the formula and quantity.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 211.285 Form 1473.

Form 1473 shall be used as provided in § 211.148 to cover shipment of samples of a size in excess of one quart and shall show the number of the sample permit, Form 1512. In the case of samples for shipment to a permittee, the serial number of his permit shall be entered on Form 1473 immediately below the number of the sample permit, Form 1512.

[F.R. Doc. 60–5943; Filed, June 28, 1960; 8:45 a.m.]

[T.D. 6474]

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

Miscellaneous Amendments

On February 5, 1960, a notice of proposed rule making to amend 26 CFR Part 212, with respect to formulas for denatured alcohol and specially denatured rum, was published in the FEDERAL REGISTER (25 F.R. 1037).

In accordance with the notice, interested persons were afforded an oppor-

tunity to submit written data, views, or arguments pertaining thereto. No comments or objections having been received, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the clarifying changes set forth below:

1. The definition of "*Essential oil*" in § 212.5 is changed to read as set forth below.

2. Amendatory paragraph 9(C) of the notice, to amend § 212.15(b), is changed to read as set forth below.

3. A new amendatory paragraph 45a is inserted immediately following paragraph 45, to amend § 212.90.

This Treasury decision shall become effective on July 1, 1960.

Because this Treasury decision is a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1960.

(Sec. 7805 I.R.C.; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: June 23, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

In order to conform the language of this part to that of the Internal Revenue Code as amended by section 201 of the Excise Tax Technical Changes Act of 1958, 72 Stat. 1313, to provide a formula for the denaturation of rum, to authorize additional denaturants in certain formulas, to authorize additional uses of certain formulas, to delete certain formulations which will be incorporated in 26 CFR Part 211, and to include additional data in the table of weights and measures, 26 CFR Part 212 is amended as follows:

1. The title of this part is amended to read "Formulas for Denatured Alcohol and Rum".

2. Section 212.1 is amended to read as follows:

§ 212.1 Formulas for denatured spirits.

The regulations in this part relate to the formulation of completely denatured alcohol, specially denatured alcohol, and specially denatured rum; to the specifications for denaturants; and to the uses of denatured spirits. The procedural and substantive requirements relative to the production of denatured alcohol and specially denatured rum are prescribed in Part 201 of this chapter and those relative to the distribution and use of denatured alcohol and specially denatured rum are prescribed in Part 211 of this chapter.

3. Section 212.2 is amended to read as follows:

§ 212.2 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form, as indicated by the headings of the various columns and lines of the form and the instructions printed thereon or issued in respect thereto and as required by this part, shall be given.

§ 212.3 [Amendment]

4. Section 212.3 is amended as follows:

(A) By striking the word "alcohol" the first two times it appears and inserting in lieu thereof the word "spirits";

(B) By inserting immediately preceding the words "formulas of" the words "denaturants or"; and

(C) By striking the words "Alcohol and Tobacco Tax Division" immediately following the word "Director".

5. A new § 212.4 is added to read as follows:

§ 212.4 Related regulations.

Regulations related to this part are listed below:

26 CFR Part 201—Distilled Spirits Plants.
26 CFR Part 211—Distribution and Use of Denatured Alcohol and Rum.

6. Section 212.5 is amended to read as follows:

§ 212.5 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Alcohol. Those spirits known as ethyl alcohol, ethanol, or spirits of wine, from whatever source or by whatever process produced; the term does not include such spirits as whisky, brandy, rum, gin, vodka, or products of rectification.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

CFR. The Code of Federal Regulations.

C.D.A. Completely denatured alcohol.

Completely denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to completely denatured alcohol formulas prescribed in Subpart C of this part.

Denaturant. A material authorized in accordance with this part, to be added to spirits in order to render such spirits unfit for beverage or internal human medicinal use.

Denatured spirits. Alcohol or rum to which denaturants have been added as provided in this part.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Essential oil. Any of the volatile odoriferous nature oils found in plants, which impart to such plants odor, and often other characteristic properties; also, imitations of such natural oils, and aromatic substances, and synthetic oils, which possess the denaturing characteristics of such natural oils.

Gallon. The liquid measure equivalent to the volume of 231 cubic inches.

I.R.C. The Internal Revenue Code of 1954, as amended.

Manufacturer or user. A person who holds an industrial use permit to use specially denatured alcohol or specially denatured rum, or to recover completely or specially denatured alcohol, specially denatured rum, or articles manufactured with denatured spirits.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Regional Commissioner. A regional commissioner of internal revenue.

Rum. Any spirits produced from sugar cane products and distilled at less than 190° proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to rum.

S.D.A. Specially denatured alcohol.

Specially denatured alcohol. Those spirits known as alcohol, as defined in this section, denatured pursuant to the specially denatured alcohol formulas authorized under Subpart D of this part.

Specially denatured rum. Those spirits known as rum, as defined in this section, denatured pursuant to the specially denatured rum formula authorized under Subpart D of this part.

Spirits or distilled spirits. Alcohol or rum as defined in this part.

§ 212.10 [Amendment]

7. Section 212.10 is amended by adding at the end thereof the following: "Producers of completely denatured alcohol may be authorized to add a small quantity of an odorant, rust inhibitor, or dye to completely denatured alcohol. Any such addition may be made only on approval by the Director. Request for such approval shall be submitted to the Director in triplicate. Odorants or perfume materials may be added to denaturants authorized for completely denatured alcohol in amounts not greater than 1 part to 250, by weight: *Provided*, That such addition shall not decrease the denaturing value nor change the chemical or physical constants beyond the limits of the specifications for these denaturants as prescribed in subpart E, except as to odor. Proprietors of distilled spirits plants using denaturants to which such odorants or perfume materials have been added shall inform the Director of the names and properties of the odorants or perfume materials so used."

8. The heading of Subpart D, immediately following § 212.12, is amended to read as follows: "Subpart D—Specially Denatured Spirits Formulas and Authorized Uses".

§ 212.15 [Amendment]

9. Section 212.15 is amended as follows:

(A) By deleting from the first sentence of paragraph (a) the word "will" and inserting in lieu thereof the word "shall";

(B) By adding at the end of paragraph (a) a new sentence to read "Rum for denaturation shall be of not less than 150 degrees of proof and shall be denatured in accordance with formula No. 4.";

(C) By changing the second sentence of paragraph (b) to read "Subject to the provisions of Chapter 51, I.R.C., Part 211 of this chapter, and this part, the Director may authorize, in his discretion, the use of any formula of specially denatured alcohol or specially denatured rum for uses not specifically authorized in this part."; and

(D) By deleting the period at the end of paragraph (b) and adding the words "or specially denatured rum.".

§ 212.16 [Amendment]

10. Section 212.16 is amended as follows:

(A) By deleting, in paragraph (b), the period following "Non-cellulose plastics" in Code No. 022, and adding a comma and the words "including resins.";

(B) By adding, in paragraph (b), two new code numbers to read:

354. Processing rosin.
355. Processing rubber (latex).

immediately following Code No. 353; and

(C) By deleting all of paragraphs (c), (d), and (e).

§ 212.17 [Amendment]

11. Section 212.17 is amended as follows:

(A) By deleting, in paragraph (b), the period following "Non-cellulose plastics" in Code No. 022, and by adding a comma and the words "including resins.";

(B) By adding, in paragraph (b), a new code number to read:

576. Organo-silicone products.

immediately following Code No. 575; and

(C) By deleting, in paragraph (c), the word "must" and inserting in lieu thereof the word "shall".

§ 212.19 [Amendment]

12. Paragraph (b) of § 212.19 is amended as follows:

(A) By changing the period to a comma following the words "Non-cellulose plastics" in Code No. 022 and adding the words "including resins.";

(B) By adding two new code numbers to read:

354. Processing rosin.
355. Processing rubber (latex).

immediately following Code No. 353; and

(C) By adding a new code number to read:

576. Organo-silicone products.

immediately following Code No. 575.

§ 212.21 [Amendment]

13. Paragraph (a) of § 212.21 is amended by striking the word "add", by changing the colon following it to a comma, and by adding the words "or to every 100 gallons of rum of not less than 150 degrees of proof, add:".

§ 212.23 [Amendment]

14. Paragraph (b) of § 212.23 is amended as follows:

(A) By changing the period following the words "Non-cellulose plastics" in Code No. 022 to a comma and by adding the words "including resins.";

(B) By adding a new code number to read:

036. Adhesives and binders.

immediately following Code No. 022; and

(C) By adding a new code number to read:

354. Processing rosin.

immediately following Code No. 352.

§ 212.24 [Amendment]

15. Paragraph (b) of § 212.24 is amended by changing the period following the words "Non-cellulose plastics" in Code No. 022 to a comma and by adding the words "including resins.".

§ 212.26 [Amendment]

15a. Paragraph (a) of § 212.26 is amended to read:

(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of vinegar of not less than 90-grain strength or one hundred and fifty gallons of vinegar of not less than 60-grain strength.

§ 212.29 [Amendment]

16. Paragraph (b) of § 212.29 is amended by changing Code No. 430 to read:

430. Sterilizing and preserving solutions.

§ 212.30 [Amendment]

17. Section 212.30 is amended as follows:

(A) By changing Code No. 042 in paragraph (b) to read:

042. Solvents and thinners (other than proprietary solvents or special industrial solvents).

(B) By striking all of paragraph (c).

§ 212.32 [Amendment]

18. Section 212.32 is amended as follows:

(A) By adding a new code number to read:

113. Lotions and creams (hand, face, and body).

immediately following Code No. 111 in paragraph (b); and

(B) By striking all of paragraph (c).

§ 212.33 [Amendment]

19. Section 212.33 is amended by striking all of paragraphs (c), (d), and (e).

§ 212.34 [Amendment]

20. Section 212.34 is amended by striking all of paragraphs (c), (d), and (e).

§ 212.35 [Amendment]

21. Section 212.35 is amended by striking all of paragraphs (c) and (d).

§ 212.36 [Amendment]

22. Paragraph (b) of § 212.36 is amended by adding at the end thereof a new code number to read:

410. Disinfectants, insecticides, fungicides, and other biocides.

§ 212.37 [Amendment]

23. Section 212.37 is amended as follows:

(A) By adding at the end of paragraph (a) the words:

NOTE: The requirements of this formula may be met by adding one gallon of lavender oil, U.S.P., and 66.5 pounds of U.S.P. quality soap concentrate containing 25 percent water to 100 gallons of alcohol and, after mixing, by adding thereto 33.5 pounds of water and again mixing.

and

(B) By striking all of paragraphs (c) and (d).

§ 212.39 [Amendment]

24. Section 212.39 is amended as follows:

(A) By striking the phrase, ", Alcohol and Tobacco Tax Division," wherever it appears; and

(B) By striking the word "will" from the last sentence of paragraph (a) and inserting in lieu thereof the word "shall".

§ 212.40 [Amendment]

25. Paragraph (b) of § 212.40 is amended by changing the period following the words "Non-cellulose plastics" in Code No. 022 to a comma and by adding the words "including resins."

§ 212.42 [Amendment]

26. Paragraph (b) of § 212.42 is amended as follows:

(A) By adding a new code number to read:

034. Cellulose intermediates and industrial collodions.

immediately following Code No. 031;

(B) By adding a new code number to read:

311. Ethyl cellulose compounds (dehydration).

immediately following Code No. 241; and

(C) By adding a new code number to read:

344. Processing medicinal chemicals, including alkaloids.

immediately following Code No. 343.

§ 212.43 [Amendment]

27. Section 212.43 is amended as follows:

(A) By inserting immediately following the words "Thirty pounds of" in paragraph (a), the words "methyl violet or"; and

(B) By striking the word "must" in the second sentence of paragraph (c) and inserting in lieu thereof the word "shall".

§ 212.45 [Amendment]

28. Paragraph (b) of § 212.45 is amended as follows:

(A) By adding a new code number to read:

512. Acetic acid.

immediately following Code No. 511; and

(B) By adding a new code number to read:

910. Animal feed supplements.

immediately following Code No. 523.

29. Section 212.46 is amended to read as follows:

§ 212.46 Formula No. 36.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of ammonia, aqueous, 27 to 30 percent by weight; three gallons of strong ammonia solution, U.S.P.; 17.5 pounds of caustic soda, liquid grade, containing 50 percent sodium hydroxide by weight; or 12.0 pounds of caustic soda, liquid grade, containing 73 percent sodium hydroxide by weight.

(b) *Authorized uses.* (1) As a solvent:

141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals (not U.S.P. or N.F.).
450. Cleaning solutions (including household detergents).

(2) As a raw material:

530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
579. Other chemicals.

§ 212.47 [Amendment]

30. Section 212.47 is amended by striking therefrom all of paragraph (c).

§ 212.48 [Amendment]

31. Section 212.48 is amended as follows:

(A) By amending the paragraph following the listing of oils and substances to read as follows:

Where it is shown that none of the above single denaturants or combinations can be used in the manufacture of a particular product, application may be made to use another essential oil or substance having denaturing properties satisfactory to the Director. In such case the applicant shall furnish the Director with specifications and duplicate 8 ounce samples for examination.

(B) By adding, in paragraph (b), a new code number to read:

112. Bay rum.

immediately following Code No. 111;

(C) By adding, in paragraph (b), a new code number to read:

349. Miscellaneous drug processing (including manufacture of pills).

immediately following Code No. 249; and

(D) By striking all of paragraph (c).

§ 212.51 [Amendment]

32. Section 212.51 is amended as follows:

(A) By striking all of the last sentence of paragraph (a)(2), which begins "The denaturants selected"; and

(B) By adding to paragraph (b) a new code number to read:

210. External pharmaceuticals (not U.S.P. or N.F.).

immediately following Code No. 132.

§ 212.52 [Amendment]

33. Section 212.52 is amended as follows:

(A) By adding a new code number in paragraph (b) to read:

112. Lotions and creams (hand, face, and body).

immediately following Code No. 112; and

(B) By striking all of paragraph (c).

§ 212.53 [Amendment]

34. Section 212.53 is amended as follows:

(A) By striking from paragraph (a) all of the last sentence, which begins "The denaturant selected"; and

(B) By striking all of paragraph (c).

§ 212.54 [Amendment]

35. Section 212.54 is amended by striking therefrom all of paragraph (c).

§ 212.55 [Amendment]

36. Section 212.55 is amended by striking therefrom all of paragraph (c).

§ 212.56 [Amendment]

37. Section 212.56 is amended as follows:

(A) By striking from paragraph (a) all of the last sentence, which begins "The denaturant selected"; and

(B) By striking all of paragraph (c).

§ 212.57 [Amendment]

38. Section 212.57 is amended as follows:

(A) By amending paragraph (a) to read:

(a) *Formula.* To every 100 gallons of alcohol add:

One and one-half avoirdupois ounces of brucine (alkaloid), brucine sulfate (N.F. IX), or quassin, and ⅛ gallon of *tert.*-butyl alcohol.

(B) By amending paragraph (b) by adding a new code number to read:

051. Polishes.

immediately preceding Code No. 111; and

(C) By striking all of paragraph (c).

§ 212.58 [Amendment]

39. Section 212.58 is amended by striking therefrom all of paragraph (c).

40. A new § 212.68a is added, immediately following § 212.68, to read as follows:

§ 212.68a Ammonia, aqueous.

Alkalinity. Strongly alkaline to litmus.

Ammonia (NH_3) content. 27 to 30 percent by weight. Accurately weigh a glass-stoppered flask containing 25 ml. of water, add about 2 ml. of the sample, stopper, and weigh again. Add methyl red indicator, and titrate with 1N sulfuric acid. Each ml. of 1N sulfuric acid is equivalent to 17.03 mg. of NH_3.

Color. Colorless liquid.

Non-volatile residue. 2 mg. maximum. Dilute a portion of the sample with 1½ times its volume of distilled water. Evaporate 10 ml. of this product to dryness in a tared platinum or porcelain dish. Dry residue at 105° C. for one hour, cool and weigh.

Odor. Characteristic (exceedingly pungent).

Specific gravity at 20°/4° C. 0.9010 to 0.8920.

41. A new § 212.73a is added, immediately following § 212.73, to read as follows:

§ 212.73a Caustic soda, liquid.

The liquid caustic soda may consist of either 50 percent or 73 percent by weight sodium hydroxide in aqueous solution. The amount of caustic soda used shall be such that each 100 gallons of alcohol will contain not less than 8.76 pounds of sodium hydroxide, anhydrous basis.

Color. A 2 percent solution of the sodium hydroxide in water shall be water-white.

Assay. The sodium hydroxide content of the caustic soda solution shall be determined by the following procedure:

Accurately weigh two grams of liquid caustic soda into a 100 ml. volumetric flask, dissolve, and dilute to the mark with distilled water at room temperature. Transfer a 25 ml. aliquot of the solution to a titration flask, add 10 ml. of 1 percent barium chloride solution, 0.2 ml. of 1 percent phenolphthalein indicator, and 50 ml. of distilled water. Titrate with 0.25 normal hydrochloric acid to the disappearance of the pink color. Not less than 25 ml. of the hydrochloric acid shall be required to neutralize the sample of diluted 50 percent caustic soda, and not less than 36.5 ml. of the hydrochloric acid shall be required to neutralize the sample of diluted 73 percent caustic soda.

1 ml. of 0.25 N hydrochloric acid equals 0.01 g. of sodium hydroxide (anhydrous).

42. Section 212.77 is amended to read as follows:

§ 212.77 Diethyl phthalate.

Refractive index at 25° C. 1.497–1.502.

Color. Colorless.

Odor. Practically odorless.

Solubility. Soluble in 20 parts of 60 percent alcohol.

Specific gravity at 25°/25° C. 1.115 to 1.118.

Ester content (as diethyl phthalate). Not less than 99 percent by weight.

NOTE: The sample taken for ester determination should be approximately 0.8 gram. The number of ml. of 0.5 N potassium hydroxide used in saponification multiplied by 0.05555 indicates the grams of ester in the sample taken for assay.

43. Section 212.78 is amended to read as follows:

§ 212.78 Ethyl acetate.

(a) *85 percent ester.*

Acidity (as acetic acid). Not more than 0.015 percent by weight.

Color. Colorless.

Odor. Characteristic odor.

Ester content. Not less than 85 percent by weight.

Specific gravity at 20°/20° C. Not less than 0.882.

Distillation range (applicable A.S.T.M. method). When 100 ml. of ethyl acetate are distilled by this method, none shall distill below 70° C.; not more than 10 ml. shall distill below 72° C., and none above 80° C.

(b) *100 percent ester.*

Acidity (as acetic acid). Not more than 0.010 percent by weight.

Color. Colorless.

Odor. Characteristic odor.

Ester content. Not less than 99 percent by weight.

Specific gravity at 20°/20° C. Not less than 0.899.

Distillation range (applicable A.S.T.M. method). When 100 ml. of ethyl acetate are distilled by this method, not more than 2 ml. shall distill below 75° C., and none above 80° C. (760 mm.).

44. A new § 212.83a is added, immediately following § 212.83, to read as follows:

§ 212.83a Methyl violet.

Methyl violet (Methylrosaniline Chloride) occurs as a dark green powder or crystals having metallic luster.

Arsenic content. Not more than 15 ppm. (as As_2O_3) as determined by the applicable U.S.P. method.

Identification test. Sprinkle about 1 mg. of sample on 1 ml. of sulfuric acid; it dissolves in the acid with an orange or brownred color. When this solution is diluted cautiously with water, the color changes to brown, then to green, and finally to blue.

Insoluble matter. Not to exceed 0.25 percent when tested by the following method: Transfer 1.0 gram of sample to a 150 ml. beaker containing 50 ml. of alcohol. Stir to complete solution and filter through a weighed Whatman No. 4 filter paper. Wash residue with small amounts of alcohol totaling about 50 ml. Dry paper in oven for 30 minutes at 80° C. and weigh. Calculate insoluble material.

45. A new § 212.87a is added, immediately following § 212.87, to read as follows:

§ 212.87a Quassin.

Quassin is the bitter principle of quassia wood (occuring as a mixture of two isomeric forms). It shall be a good commercial grade of purified amorphous quassin, standardized as to bitterness.

Bitterness. An aqueous solution of quassin shall be distinctly bitter at a 1 to 250,000 dilution. To test: Dissolve 0.1 g. of quassin in 100 ml. of 95 percent alcohol, then dilute 4 ml. of the solution to 1,000 ml. with distilled water, mix well and taste.

Identification test. Dissolve about 0.5 gram quassin in 10 ml. of 95 percent alcohol and filter. To 5 ml. of the filtrate, add 5 ml. of concentrated hydrochloric acid and 1 mg. phloroglucinol and mix well. A red color develops.

Optical assay. When 1 gram of quassin (in solution in a small amount of 95 percent alcohol) is dissolved in 10,000 ml. of water, the absorbance of the solution in a 1 cm. cell at a wavelength of 258 millimicrons shall be not less than 0.400.

Solubility. When 0.5 gram of quassin is added to 25 ml. of 190 proof alcohol, it shall dissolve completely.

§ 212.90 [Amendment]

45a. Section 212.90 is amended by striking the opening sentence, immediately following the words "*arsenic content.*", and by inserting in lieu thereof a new sentence to read "Not more than 1.4 parts per million as determined by the Gutzeit Method."

§ 212.94 [Amendment]

46. Section 212.94 is amended by striking the parenthetical expression "(or SDA No. 30)" in the two places where it appears and by inserting in lieu thereof the parenthetical expression "(or SDA No. 3–A or No. 30)".

46a. Section 212.95 is amended to read:

§ 212.95 Vinegar.

(a) *Vinegar, 90-grain.*

Acidity (as acetic acid). 9.0 percent by weight, minimum.

(b) *Vinegar, 60-grain.*

Acidity (as acetic acid). 6.0 percent by weight, minimum.

§ 212.96 [Amendment]

47. Section 212.96 is amended by striking the word "acetone" from the second sentence, which begins "It may be a blend of", and from the first sentence under the heading "Pyroligneous bodies", and by inserting in lieu thereof the word "ketone".

48. Subpart F is amended to read as follows:

Subpart F—Uses of Specially Denatured Alcohol and Specially Denatured Rum

§ 212.105 Listing of products and processes using specially denatured alcohol and rum and formulas authorized therefor.

This section gives a listing, alphabetically by product or process, of formulas of specially denatured alcohol authorized for use in such products or processes, and a listing of the code numbers assigned thereto. Specially denatured rum, as well as specially denatured alcohol, may be used in tobacco sprays and flavors, Code No. 460, under Formula No. 4.

USES OF SPECIALLY DENATURED ALCOHOL[1]

Product or process	Code No.	Formulas authorized
Acetaldehyde	551	1, 2-B, 29.
Acetic acid	512	1, 2-B, 29, 35-A.
Adhesives and binders	030	1, 3-A, 12-A, 23-A, 30.
Aldehydes, miscellaneous	552	1, 2-B, 29.
Alkaloids (processing)	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Animal feed supplement	910	35-A.
Antibiotics (processing)	343	1, 2-B, 3-A, 13-A, 13-A, 23-A, 30, 32, 35-A.
Antifreeze, proprietary	760	1.
Antiseptic, bathing solution (restricted).	230	46.
Antiseptic solutions, U.S.P. or N.F.	244	37, 38-B, 38-F.
Bath preparations	142	1, 3-A, 3-B, 23-A, 30, 36, 38-B, 39-B, 39-C, 40, 40-A.
Bay rum	112	23-A, 37, 38-B, 39, 39-B, 39-D, 40, 40-A.
Biocides, miscellaneous	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Blood and blood products (processing).	345	1, 3-A, 12-A, 13-A, 23-A, 30.
Brake fluids	720	1, 3-A.
Candy glazes	015	13-A, 22-A, 35, 35-A, 45.
Cellulose coatings	011	1, 23-A.
Cellulose compounds (dehydration).	311	1, 2-B, 3-A, 32.
Cellulose intermediates	034	1, 3-A, 13-A, 19, 23-A, 32.
Chemicals (miscellaneous)	579	1, 2-B, 2-C, 3-A, 3-B, 12-A, 13-A, 17, 20, 29, 30, 32, 36, 39-B, 40.
Cleaning solutions	450	1, 3-A, 22-A, 23-H, 30, 36, 39-B, 40.
Coatings, miscellaneous	016	1, 23-A.
Collodions, industrial	084	1, 3-A, 13-A, 19, 23-A, 32.
Collodions, U.S.P. or N.F.	241	13-A, 19, 32.
Colognes	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A.
Crude drugs (processing)	341	1, 3-B, 3-A, 23-A, 30.
Cutting oils	730	1, 3-A.

See footnotes at end of table.

USES OF SPECIALLY DENATURED ALCOHOL[1]—Continued

Product or process	Code No.	Formulas authorized
Dehydration products, miscellaneous.	315	1, 2-B, 3-A.
Dentifrices	131	31-A, 37, 38-B, 38-C, 38-D.
Deodorants (body)	114	23-A, 38-B, 39-B, 39-C, 40, 40-A.
Detergents, household	450	1, 3-A, 23-A, 23-H, 30, 36, 39-B, 40.
Detergents, industrial	440	1, 3-A, 39-A, 30.
Detonators	574	1, 6-B.
Disinfectants	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Drugs and medicinal chemicals.	575	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 30, 32.
Drugs, miscellaneous (processing).	349	1, 2-B, 3-A, 13-A, 23-A, 30, 36-A, 39-B.
Duplicating fluids	485	1, 3-A, 30.
Dyes and intermediates	540	1, 3-B, 2-C, 3-A, 13-A, 29, 36.
Dyes and intermediates (processing).	351	1, 2-B, 3-A, 12-A.
Dye solutions, miscellaneous.	482	1, 3-A, 23-A, 30, 39-C, 40.
Embalming fluids, etc	420	1, 3-A, 22, 23-A.
Esters, ethyl (miscellaneous).	523	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 32, 35-A.
Ether, ethyl	561	1, 2-B, 13-A, 29, 32.
Ethers, miscellaneous	562	1, 2-B, 13-A, 29, 32.
Ethyl acetate	521	1, 2-B, 29, 35-A.
Ethylamines (rubber processing).	530	1, 2-B, 2-C, 3-A, 12-A, 29, 36.
Ethyl chloride	522	1, 2-B, 29, 32.
Ethylene dibromide	571	1, 2-B, 29, 32.
Ethylene gas	572	1, 2-B, 29, 32.
Explosives	033	1, 2-B, 3-A.
External pharmaceuticals (not U.S.P. or N.F.).	210	23-A, 23-F, 23-H, 27-A, 27-B, 30, 37, 38-B, 38-F, 39-B, 40, 40-A.
External pharmaceuticals, miscellaneous (U.S.P. or N.F.).	249	23-A, 25, 38-A, 38-B.
Fluid uses, miscellaneous	750	1, 3-A, 23-A, 30.
Food products, miscellaneous (processing).	332	1, 3-B, 3-A, 12-A, 23-A, 30, 32, 36-A.
Fuel uses, miscellaneous	630	1, 3-A, 38-A.
Fuels, airplane and supplementary.	612	1, 3-A, 38-A.
Fuels, automobile and supplementary.	611	1, 3-A, 38-A.
Fuels, proprietary heating	620	1, 3-A, 38-A.
Fuels, rocket and jet	613	1, 3-A, 38-A.
Fungicides	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Glandular products (processing).	342	1, 2-B, 3-A, 13-A, 13-A, 23-A, 30, 32, 35-A.
Hair and scalp preparations.	111	3-B, 23-A, 38-F, 23-H, 37, 38-B, 39, 39-A, 39-B, 39-C, 39-D, 40, 40-A.
Hormones (processing)	342	1, 2-B, 3-A, 13-A, 13-A, 23-A, 30, 32, 35-A.
Incense	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Inks	052	1, 3-A, 13-A, 23-A, 30, 32, 33.
Insecticides	410	1, 3-A, 3-B, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Iodine solutions (including U.S.P. and N.F. tinctures).	230	25, 25-A.
Laboratory reagents (for sale).	810	3-A, 30.
Laboratory uses[2]	810	3-A, 30.
Lacquer thinners	042	1, 22-A.
Liniments (U.S.P. or N.F.)	243	27, 27-B, 38-B.
Lotions and creams (body, face, and hand).	113	23-A, 23-H, 31-A, 37, 38-B, 39, 39-B, 39-C, 40, 40-A.
Medicinal chemicals (processing).	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Miscellaneous chemicals (processing).	358	1, 2-B, 2-C, 3-A, 12-A, 12-A, 17, 23-A, 30, 36-A.
Miscellaneous products (processing).	389	1, 2-B, 2-C, 3-A, 12-A, 12-A, 17, 23-A, 30, 36-A.
Mouth washes	122	37, 38-B, 39-C, 39-D, 38-F.
Organo-silicone products	576	2-B, 3-A.
Pectin (processing)	331	1, 2-B, 3-A, 12-A, 23-A, 30, 35-A.
Perfume materials (processing).	382	1, 2-B, 3-A, 12-A, 12-A, 30.

USES OF SPECIALLY DENATURED ALCOHOL 1—Continued

Product or process	Code No.	Formulas authorized
Perfumes and perfume tinctures.	121	39–B, 39, 39–B, 39–C, 40, 40–A.
Petroleum products	220	1, 2–B, 3–A.
Photoengraving dyes and solutions.	461	1, 3–A, 13–A, 30, 32.
Photographic chemicals (processing).	383	1, 2–B, 3–A, 13–A, 30.
Photographic film and emulsions.	031	1, 2–B, 3–A, 13–A, 19, 30, 32.
Pill and tablet manufacture.	340	1, 2–B, 3–A, 13–A, 23–A, 30, 35–A, 39–B.
Plastics, cellulose	021	1, 2–B, 3–A, 12–A, 13–A, 30.
Plastics, non-cellulose (including resins).	022	1, 2–B, 3–A, 12–A, 13–A, 30.
Polishes	061	1, 3–A, 30, 40.
Preserving solutions	430	1, 3–A, 12–A, 13–A, 23, 23–A, 30, 32, 37, 39–B, 42, 44.
Proprietary solvents (standard formulas).	041	1.
Reformatting uses	749	1, 3–A, 23–A, 30.
Resin coatings, natural	514	1, 23–A.
Resin coatings, synthetic	013	1, 23–A.
Room deodorants	470	3–A, 22, 37, 39–B, 39–B, 39–C, 40, 40–A.
Resin (processing)	354	1, 3–A, 12–A.
Rotogravure dyes and solutions.	461	1, 3–A, 13–A, 30, 32.
Rubber (latex) (processing)	355	1, 3–A.
Rubber, synthetic	580	29, 32.
Rubbing alcohol compound.	220	23–H.
Scientific instruments	710	1, 3–A.
Shampoos	141	1, 3–A, 3–B, 23–A, 27–B, 31–A, 36, 38–B, 39–A, 39–B, 40, 40–A.
Shellac coatings	013	1, 23–A.
Soaps, industrial	440	1, 3–A, 23–A, 30.
Soaps, toilet	142	1, 3–A, 3–B, 23–A, 30, 35, 35–B, 39–B, 39–C, 40, 40–A.
Sodium ethylate, anhydrous (restricted)	524	2–B, 2–C.
Sodium hydrosulfite (dehydration).	212	1, 3–B, 3–A.
Soldering flux	035	1, 3–A, 23–A, 30.
Solutions, miscellaneous	495	1, 3–A, 23–A, 30, 39–B, 40, 40–A.
Solvents and thinners, miscellaneous.	042	1, 23–A.
Solvents, special (restricted sale).	043	1.
Stains (wood)	053	1, 3–A, 23–A, 30.
Sterilizing solutions	430	1, 3–A, 12–A, 13–A, 22, 23–A, 30, 32, 37, 39–B, 42, 44.
Theater sprays	470	3–A, 22, 37, 39–B, 39–B, 39–C, 40, 40–A.
Tobacco sprays and flavors	460	4.
Toilet waters	122	39–B, 39, 39–A, 39–B, 39–C, 40, 40–A.
Transparent sheetings	032	1, 2–B, 3–A, 13–A, 23–A.
Unclassified uses 2	900	1, 3–A.
Vaccine (processing)	343	1, 2–B, 3–A, 12–A, 13–A, 23–A, 30, 32, 35–A.
Vinegar	511	18, 35–A.
Vitamins (processing)	342	1, 2–B, 3–A, 12–A, 13–A, 23–A, 30, 32, 35–A.
Xanthates	573	1, 2–B, 2–C, 20.
Yeast (processing)	342	1, 2–B, 3–A, 12–A, 13–A, 23–A, 30, 32, 35–A.

1 Other products or processes may be authorized by the Director under § 212.15(b).

2 Formula No. 3–A and Formula No. 30 are authorized for general laboratory purposes under Code 810. Other formulas may be authorized for laboratory use in connection with specific product development.

3 Persons desiring other formulas for this use should indicate the fact in the space provided for this purpose on Form 1479–A.

49. Subpart G is amended to read as follows:

Subpart G—Denaturants Authorized for Denatured Spirits

§ 212.110 Listing of denaturants authorized for denatured spirits.

Following is an alphabetical listing of denaturants authorized for use in denatured spirits:

Denaturants Authorized for Completely Denatured Alcohol (C.D.A.) Specially Denatured Alcohol (S.D.A.), and Specially Denatured Rum (S.D.R.)

Acetaldehyde	S.D.A. 29.
Acetone N.F.	S.D.A. 23–A; 23–H.
Acetaldol	C.D.A. 18.
Almond oil, bitter N.F.	S.D.A. 38–B.
Ammonia, aqueous	S.D.A. 36.
Ammonia solution, strong U.S.P.	S.D.A. 36.
Anethole U.S.P.	S.D.A. 38–B.
Anise oil U.S.P.	S.D.A. 38–B.
Bay oil (myrcia oil) N.F.	S.D.A. 23–F; 38–B; 39–D.
Benzaldehyde N.F.	S.D.A. 38–B.
Benzine	S.D.A. 2–B; 2–C; 12–A.
Bergamot oil N.F.	S.D.A. 23–F; 38–B.
Bone oil (dipple's oil)	S.D.A. 17.
Boric acid U.S.P.	S.D.A. 38–F.
Brucine alkaloid	S.D.A. 40.
Brucine sulfate N.F. IX	S.D.A. 40.
n-Butyl alcohol	S.D.A. 44.
tert.-Butyl alcohol	S.D.A. 30; 39–A; 39–B; 40; 40–A.
Camphor U.S.P.	S.D.A. 27; 27–A; 38–B.
Caustic soda, liquid	S.D.A. 36.
Cedar leaf oil U.S.P. XIII	S.D.A. 38–B.
Chloroform	S.D.A. 20.
Chlorothymol N.F.	S.D.A. 38–B; 38–F.
Cinchonidine	S.D.A. 39–A.
Cinchonidine sulfate N.F. IX	S.D.A. 39–A.
Cinnamic aldehyde (cinnamaldehyde) N.F. IX	S.D.A. 38–B.
Cinnamon oil (cassia oil) U.S.P.	S.D.A. 38–B.
Citronella oil, natural	S.D.A. 38–B.
Clove oil U.S.P.	S.D.A. 27–A; 38–B.
Coal tar U.S.P.	S.D.A. 38–B.
Diethyl phthalate	S.D.A. 39–B; 39–C.
Ethyl acetate	S.D.A. 35; 35–A.
Ethyl ether	S.D.A. 13–A; 19; 32.
Eucalyptol U.S.P.	S.D.A. 37; 38–B.
Eucalyptus oil N.F.	S.D.A. 38–B.
Eugenol U.S.P.	S.D.A. 38–B.
Formaldehyde solution U.S.P.	S.D.A. 22; 38–C; 38–D.
Gasoline	S.D.A. 28–A.
Glycerol U.S.P.	S.D.A. 31–A.
Guaiacol N.F.	S.D.A. 38–B.
Iodine U.S.P.	S.D.A. 25; 25–A.
Kerosene	C.D.A. 18; 19.
Lavender oil U.S.P.	S.D.A. 27–B; 38–B.
Menthol, U.S.P.	S.D.A. 37; 38–B; 38–C; 38–D; 38–F.
Mercuric iodide, red N.F.	S.D.A. 42.
Methyl alcohol	S.D.A. 3–A; 30.
Methylene blue N.F.	S.D.A. 4; S.D.R. 4.
Methyl isobutyl ketone	C.D.A. 18; 19; S.D.A. 23–H.
Methyl violet (methylrosaniline chloride)	S.D.A. 33.
Methyl violet (methylrosaniline chloride) U.S.P.	S.D.A. 33.
Mustard oil, volatile (allyl isothiocyanate), U.S.P. XII	S.D.A. 38–B.
Nicotine solution	S.D.A. 4; S.D.R. 4.
Peppermint oil U.S.P.	S.D.A. 38–B.
Phenol U.S.P.	S.D.A. 38–B; 46.
Phenyl mercuric benzoate	S.D.A. 42.
Phenyl mercuric chloride N.F. IX	S.D.A. 42.
Phenyl mercuric nitrate N.F.	S.D.A. 42.
Phenyl salicylate (salol) N.F.	S.D.A. 38–B.
Pine needle oil, dwarf N.F.	S.D.A. 38–B.
Pine oil, N.F.	S.D.A. 38–B.
Pine tar, N.F.	S.D.A. 3–B.
Potassium iodide, U.S.P.	S.D.A. 25; 25–A; 42.
Pyridine bases	S.D.A. 6–B.
Pyronate	C.D.A. 18.
Quassia, fluid extract, N.F. VII	S.D.A. 39.
Quassin	S.D.A. 40.
Quinine N.F.	S.D.A. 39–A.
Quinine bisulfate N.F.	S.D.A. 39–A; 39–D.
Quinine hydrochloride U.S.P.	S.D.A. 39–A.
Quinine sulfate U.S.P.	S.D.A. 39–D.
Resorcin U.S.P.	S.D.A. 23–F.
Rosemary oil N.F.	S.D.A. 27; 38–B.
Rubber hydrocarbon solvent	S.D.A. 2–B; 2–C.
Safrol	S.D.A. 38–B.
Salicylic acid U.S.P.	S.D.A. 23–F; 39.
Sassafras oil N.F.	S.D.A. 38–B.
Shellac (refined)	S.D.A. 45.
Soap, hard N.F.	S.D.A. 31–A.
Soap, medicinal soft U.S.P.	S.D.A. 27–B.
Sodium iodide, U.S.P.	S.D.A. 25; 25–A.
Sodium, metallic	S.D.A. 2–C.
Sodium salicylate U.S.P.	S.D.A. 39; 39–D.

Denaturants Authorized for Completely Denatured Alcohol (C.D.A.) Specially Denatured Alcohol (S.D.A.), and Specially Denatured Rum (S.D.R.)—Continued

Spearmint oil N.F.	S.D.A. 38–B.
Spearmint oil, terpeneless	S.D.A. 38–B.
Spike lavender oil, natural	S.D.A. 38–B.
Storax U.S.P.	S.D.A. 38–B.
Sucrose octa-acetate	S.D.A. 40–A.
Thimerosal N.F.	S.D.A. 42.
Thyme oil N.F.	S.D.A. 38–B.
Thymol N.F.	S.D.A. 37; 38–B; 38–F.
Tolu balsam U.S.P.	S.D.A. 38–B.
Turpentine oil N.F.	S.D.A. 38–B.
Vinegar	S.D.A. 18.
Wintergreen oil (methyl salicylate) U.S.P.	S.D.A. 38–B; 46.
Wood alcohol	S.D.A. 1.

§ 212.115 [Amendment]

50. The table of weights and specific gravities contained in § 212.115, and the footnotes thereto, are amended to read as follows:

Weights and Specific Gravities of Specially Denatured Alcohol 1

[Slight deviations from this table may occur due to variations in specific gravities of authorized denaturants. Values for 100° proof determined experimentally by National Bureau of Standards. Other values calculated from these gravities.]

SDA Formula No.	Finished formula (gal.)	190° proof		192° proof		200° proof	
		Wt./gal. in air (pounds)	Sp. gr. in vac.	Wt./gal. in air (pounds)	Sp. gr. in vac.	Wt./gal. in air (pounds)	Sp. gr. in vac.
1	105.0	6.788	0.8153	6.757	0.8115	6.612	0.7942
2–B	100.5	6.795	.8161	6.762	.8121	6.612	.7941
2–O	99.5					6.959	.8358
3–A	105.0	6.785	.8149	6.753	.8111	6.609	.7938
3–B	101.0	6.810	.8179	6.777	.8140	6.627	.7960
4	100.8	6.823	.8195	6.791	.8156	6.640	.7975
6–B	100.5	6.801	.8169	6.768	.8129	6.618	.7949
12–A	105.0	6.820	.8192	6.789	.8154	6.645	.7981
13–A	109.7	6.740	.8095	6.710	.8059	6.572	.7892
17	100.05	6.795	.8161	6.762	.8121	6.611	.7940
18	195.4	7.802	.9369	7.785	.9349	7.708	.9255
19	197.9	6.468	.7769	6.452	.7749	6.375	.7657
20	104.9	7.062	.8481	7.030	.8443	6.886	.8270
22	109.5	7.037	.8451	7.007	.8415	6.866	.8249
23–A	109.9	6.788	.8153	6.758	.8117	6.621	.7952
23–F	101.5	6.808	.8177	6.776	.8138	6.627	.7959
23–H	109.45	6.785	.8149	6.755	.8113	6.617	.7947
25	108.9	7.080	.8502	7.047	.8463	6.897	.8283
25[2]	100.9	7.063	.8506	7.050	.8467	6.900	.8287
25–A	102.5	7.119	.8550	7.087	.8511	6.939	.8334
25–A[2]	102.5	7.117	.8548	7.085	.8509	6.938	.8333
27	104.7	6.846	.8222	6.814	.8184	6.670	.8011
27–A	105.2	6.867	.8247	6.835	.8209	6.692	.8037
27–B	112.0	7.027	.8439	6.998	.8404	6.862	.8241
28–A	101.0	6.786	.8150	6.753	.8111	6.603	.7931
29	101.0	6.822	.8194	6.790	.8155	6.640	.7975
30	110.0	6.785	.8149	6.755	.8113	6.617	.7948
31–A	111.5	7.167	.8608	7.133	.8572	7.002	.8409
32	104.8	6.769	.8130	6.737	.8092	6.595	.7919
33	102.9	6.893	.8279	6.861	.8240	6.714	.8064
35[3]	135.0	6.956	.8355	6.923	.8226	6.820	.8191
35[4]	129.75	6.963	.8362	6.937	.8331	6.820	.8191
35–A[3]	105.0	6.817	.8187	6.785	.8149	6.641	.7976
35–A[4]	104.25	6.826	.8197	6.794	.8159	6.649	.7985
36	102.7	6.827	.8211	6.794	.8172	6.657	.7995
37	100.9	6.794	.8160	6.762	.8121	6.612	.7941
38–B	101.3	6.804	.8172	6.772	.8133	6.622	.7953
38–C	102.6	6.832	.8206	6.800	.8167	6.652	.7990
38–D	102.7	6.863	.8242	6.830	.8203	6.682	.8026
38–F	100.9	6.828	.8201	6.796	.8162	6.646	.7983
39	102.0	6.867	.8247	6.834	.8208	6.686	.8030
39–A	100.5	6.810	.8179	6.777	.8139	6.627	.7959
39–B	102.7	6.857	.8236	6.825	.8197	6.677	.8020
39–C	101.0	6.819	.8189	6.792	.8157	6.642	.7977
39–D	101.3	6.819	.8190	6.787	.8151	6.637	.7971
40	100.1	6.795	.8161	6.762	.8121	6.611	.7940
40–A	100.5	6.815	.8185	6.782	.8145	6.632	.7965
42	100.0	6.797	.8164	6.764	.8124	6.613	.7943
44	110.0	6.790	.8155	6.760	.8119	6.622	.7954
45	129.8	7.545	.9061	7.520	.9030	7.403	.8890
46	100.1	6.805	.8173	6.772	.8133	6.621	.7952

1 Where alternate denaturants are permitted, the above weights are based on the first denaturant or combination listed in the formula.

2 With sodium iodide.

3 Calculated on the basis of 85 percent ethyl acetate.

4 Calculated on the basis of 100 percent ethyl acetate

[F.R. Doc. 60–5942; Filed, June 28, 1960; 8:45 a.m.]

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

On February 5, 1960, a notice of proposed rule making proposing new regulations in 26 CFR Part 213, with respect to the distribution and use of tax-free alcohol, was published in the FEDERAL REGISTER (25 F.R. 1043).

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, and in order to make certain clarifying, liberalizing, and editorial changes, the regulations as so published are hereby adopted subject to the changes set forth below:

1. The first sentence of amendatory paragraph 3 of the Preamble is changed to read: "The regulations in this part shall become effective on July 1, 1960."

2. Section 213.11 is changed by redefining *"Executed under penalties of perjury"*.

3. Section 213.22 is changed to read as set forth below.

4. Sections 213.29 to 213.31, inclusive, are renumbered as §§ 213.30 to 213.32, respectively, and a new § 213.29 is inserted immediately following § 213.28.

5. Newly designated § 213.30 is changed as follows:

(A) By striking from the first sentence the word "entirely"; and

(B) By changing the last sentence to read "When containers of tax-free alcohol have been emptied, the marks and brands shall be effaced or obliterated."

6. Newly designated § 213.31 is changed.

7. The proviso of § 213.43 is changed to read *"Provided*, That such waiver shall not include information required under paragraphs (a), (b), (c), and (e), and, insofar as it relates to recovery, paragraph (f), of § 213.42."

8. Paragraph (a) of § 213.55 is changed by inserting, immediately after the words "such a permit," the words "or of the operations authorized thereby,".

9. Section 213.71 is changed by striking, in the first sentence, the words "covered by an industrial use permit on Form 1447", and by inserting in lieu thereof the words "authorized to be withdrawn".

10. Section 213.101 is changed to read as set forth below.

11. Section 213.109 is changed as follows:

(A) By striking from the second sentence the words "a period of one year," and by inserting in lieu thereof the words "the term of the permit,";

(B) By striking, from the third sentence, the words "during a year"; and

(C) By changing the period at the end of the fourth sentence, which begins "Where the applicant desires", to a colon and adding the words *"Provided*, That where one-sixth of the applicant's annual requirements is less than the equivalent of one drum (55 wine gallons), he may show as his monthly allowance a quantity not to exceed the equivalent of one drum without stating his needs for the additional quantity, if his bond is in a sufficient penal sum, computed in accordance with § 213.71."

12. Section 213.110 is changed by striking therefrom all of the last sentence, which begins "Withdrawal permits shall be".

13. The last sentence of § 213.116 is changed to read "On receipt of tax-free alcohol by the permittee, he shall ascertain and account for any losses in transit in accordance with Subpart J of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant

regional commissioner of his region, and file the copy in chronological order, by months."

14. Section 213.134 is changed by striking the words "two copies" immediately following the words "on the day of shipment, forward" and by inserting in lieu thereof the words "the original and one copy".

15. Section 213.144 is changed to read as set forth below.

16. Section 213.152 is changed by striking from the second sentence, which begins "Except as provided", the words "5 proof gallons or more," and by inserting in lieu thereof the words "more than 5 proof gallons,".

17. Section 213.154 is amended as follows:

(A) By striking, from the first sentence, the words "filed on letter size paper" and by inserting in lieu thereof the words "filed, on Form 2635,";

(B) By changing paragraph (d).

(C) By striking the semicolon and the word "and" at the end of paragraph (e) and inserting in lieu thereof a period; and

(D) By striking all of paragraph (f) and the first sentence following paragraph (f).

18. Section 213.165 is changed by striking the words "two copies" immediately following "on the day of shipment, forward" and by inserting in lieu thereof the words "the original and one copy".

19. Section 213.178 is changed.

Because these regulations are a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, these regulations shall become effective on July 1, 1960.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: June 23, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to provide separate regulations covering the distribution and use of tax-free alcohol, to further implement certain provisions of Title II of Public Law 85–859 (72 Stat. 1313), and to liberalize certain requirements with respect of the distribution and use of tax-free alcohol, the following regulations are hereby prescribed as Part 213 of Title 26 of the Code of Federal Regulations:

Preamble. 1. The regulations in this part shall supersede regulations in Part 183 of this chapter to the extent that such part relates to the distribution and use of tax-free alcohol, and shall supersede in their entirety regulations in Subpart N of Part 170 of this chapter.

2. These regulations shall not affect any act done (except as provided in paragraph 3) or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective on July 1, 1960. Any act done prior to such date to qualify a permittee under this part, or otherwise provide for orderly administration of this part, shall be subject to these regulations and shall have the same effect as if done on July 1, 1960.

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213.1 General.
213.2 Territorial extent.
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213.28 Persons liable for tax.
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APPLICATION FOR INDUSTRIAL USE PERMIT

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INDUSTRIAL USE PERMIT, FORM 1447

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213.54 Changes affecting applications and permits.
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213.71 Bond, Form 1448.
213.72 Corporate surety.
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213.101 Authorized uses.
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213.111 Application for renewal of withdrawal permit.
213.112 Denial, correction, and suspension or revocation; changes after original qualification; and automatic termination of withdrawal permits.
213.113 Cancellation of withdrawal permit.
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213.115 Regulation of withdrawals.
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213.118 Records and reports.

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213.131 General.
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213.141 General.
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213.143 Procurement of tax-free spirits.
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213.146 Disposition of excess spirits.

Subpart J—Losses

213.151 Losses by theft.
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Subpart K—Destruction, Return, or Reconsignment of Tax-Free Alcohol and Disposition of Recovered Alcohol

213.161 Destruction.
213.162 Return.
213.163 Reconsignment in transit.
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213.166 Disposition after revocation of permit.
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Subpart L—Records and Reports

213.171 Records.
213.172 Monthly inventories.
213.173 Reports.
213.174 Time for making of entries.

Sec.
213.175 Filing and retention of records and copies of reports.
213.176 Photographic copies of records.

AUTHORITY: §§ 213.1 to 213.176 issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope

§ 213.1 General.

The regulations in this part relate to tax-free alcohol and cover the procurement, storage, use, and recovery of such alcohol.

§ 213.2 Territorial extent.

This part applies to the several States of the United States and the District of Columbia.

§ 213.3 Related regulations.

Regulations related to this part are listed below:

26 CFR Part 186—Gauging Manual.
26 CFR Part 196—Stills.
26 CFR Part 200—Rules of Practice in Permit Proceedings.
26 CFR Part 201—Distilled Spirits Plants.
26 CFR Part 250—Liquors and Articles From Pureto Rico and the Virgin Islands.
26 CFR Part 251—Importation of Distilled Spirits, Wines, and Beer.
31 CFR Part 225—Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds.

Subpart B—Definitions

§ 213.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Alcohol. Spirits having a proof of 190 degrees or more when withdrawn from bond, including all subsequent dilutions and mixtures thereof, from whatever source or by whatever process produced.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

CFR. The Code of Federal Regulations.

Commissioner. The Commissioner of Internal Revenue.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the claim, form, or other document or, where no form of declaration is prescribed, with the declaration "I declare under the penalties of perjury that this ---------- (insert type of document, such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Fiduciary. A guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

Gallon or wine gallon. The liquid measure equivalent to the volume of 231 cubic inches.

Industrial use permit. The document issued pursuant to section 5271(a), I.R.C., authorizing the person named therein to use tax-free alcohol, as described therein.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

Permittee. Any person holding an industrial use permit on Form 1447.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof gallon. A gallon at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Region. An internal revenue region.

Regional Commissioner. A regional commissioner of internal revenue.

Restoration. Restoring to the original state of recovered tax-free alcohol, including redistillation of the recovered alcohol to 190 degrees or more of proof and the removal of foreign materials by redistillation, filtration, or other suitable means.

Secretary. The Secretary of the Treasury.

Spirits or distilled spirits. The substance known as ethyl alcohol, ethanol, or spirits of wine, having a proof of 190 degrees or more when withdrawn from bond, including all subsequent dilutions and mixtures thereof, from whatever source or by whatever process produced.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

U.S.C. The United States Code.

Withdrawal permit. The document issued purusant to section 5271(a), I.R.C., authorizing the person named therein to withdraw tax-free alcohol, as specified therein, from the premises of a distilled spirits plant.

Subpart C—Administrative Provisions

AUTHORITIES

§ 213.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

§ 213.22 Alternate methods or procedures; and emergency variations from requirements.

(a) *Alternate methods or procedures.* The permittee, on specific approval by the Director as provided in this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to applications for permits or amendment or renewal of permits, or to the giving of any bond shall be authorized under this paragraph. Where the permittee desires to employ an alternate method or procedure, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The permittee shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization. As used in this paragraph, alternate methods or procedures shall include alternate construction or equipment.

(b) *Emergency variations from requirements.* Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the permittee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where the permittee desires to employ such variation, he shall submit a written application so to do, in tripli-

cate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved.

(72 Stat. 1395; 26 U.S.C. 5552)

The Director may approve construction, equipment, and methods of operation, other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations:

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provision of law.

§ 213.23 Allowance of claims.

The assistant regional commissioner is authorized to allow claims for losses of tax-free alcohol.

§ 213.24 Permits.

The Director shall issue permits covering the use of tax-free spirits by the United States or a Governmental agency thereof. The assistant regional commissioner is authorized to issue all other industrial use permits and withdrawal permits required under this part.

§ 213.25 Bonds and consents of surety.

The assistant regional commissioner is authorized to approve all bonds and consents of surety required by this part.

§ 213.26 Right of entry and examination.

An internal revenue officer may enter during regular business hours any premises qualified under this part for the purpose of inspecting records and reports required to be maintained on such premises. Such officer may also inspect and take samples of tax-free alcohol to which such records and reports relate.

(72 Stat. 1378; 26 U.S.C. 5275)

§ 213.27 Detention of containers.

Any internal revenue officer may detain any container containing, or supposed to contain, alcohol when he has reason to believe that such alcohol was withdrawn, sold, transported, or used in violation of law or this part; and every such container shall be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than 72 hours without process of law or intervention of the assistant regional commissioner, unless the person in possession of the container immediately prior to its detention, in consideration of the container being kept on his premises during detention, executes a waiver of the 72-hours limitation on detention of the container.

(72 Stat. 1375; 26 U.S.C. 5311)

LIABILITY FOR TAX

§ 213.28 Persons liable for tax.

Any person who removes, sells, transports, or uses alcohol, withdrawn free of tax, in violation of laws or regulations pertaining thereto, and all such alcohol shall be subject to all provisions of law pertaining to distilled spirits subject to tax, including those requiring payment of the tax thereon; and the person so removing, selling, transporting, or using the alcohol shall be required to pay such tax.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 213.29 Responsibility and liability of carriers.

For the responsibilities and liabilities of carriers, see sections 5001(a)(5), 5214, and 5271, I.R.C.

DESTRUCTION OF MARKS AND BRANDS

§ 213.30 Time of destruction of marks and brands.

The marks and brands required by regulations to be placed on containers of tax-free alcohol shall not be destroyed or altered until all of the alcohol has been removed from the package. When containers of tax-free alcohol have been emptied, the marks and brands shall be effaced or obliterated.

(72 Stat. 1358; 26 U.S.C. 5205)

DOCUMENT REQUIREMENTS

§ 213.31 Execution under penalties of perjury.

Where a form or other document called for under this part is required by this part or in the instructions on or with the form or other document to be executed under penalties of perjury, it shall be so executed, as defined in § 213.11, and shall be signed by the permittee or other duly authorized person.

(68A Stat. 749; 26 U.S.C. 6065)

§ 213.32 Filing of qualifying documents.

All documents returned to a permittee or other person as evidence of compliance with requirements of this part, or as authorizations, shall, except as otherwise provided, be kept readily available for inspection by an internal revenue officer during business hours.

Subpart D—Qualification

APPLICATION FOR INDUSTRIAL USE PERMIT

§ 213.41 Application for industrial use permit.

Every person desiring to use tax-free alcohol shall, before commencing such use, make application for and obtain an industrial use permit, Form 1447. Application, Form 2600, and necessary supporting documents, as required by this subpart, shall be filed with the assistant regional commissioner. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof. A State, municipal subdivision thereof, or the District of Columbia may file an application for and receive a single permit on Form 1447 authorizing the use of alcohol free of tax in a number of institutions under its control if the method of storing, distributing, and accounting for the alcohol withdrawn under the permit is satisfactory to the assistant regional commissioner. Such application shall be accompanied by evidence which will establish the authority of the officer or other person who executes the application to execute the same and, where applicable, by the application for a withdrawal permit, Form 1450, required by § 213.109.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.42 Data for application.

Each application on Form 2600 shall include the following information:

(a) Serial number and purpose for which filed.

(b) Name and principal business address of applicant.

(c) Location, or locations, where tax-free alcohol is to be used if different from the business address.

(d) Statement as to the type of business organization and of the persons interested in the business, supported by the items of information listed in § 213.52.

(e) Statement showing the specific manner in which, or purposes for which, tax-free alcohol will be used and the estimated maximum quantity, in proof gallons, which will be on hand, in transit, and unaccounted for at any one time.

(f) Listing of the size, description, and location of each storeroom or compartment where tax-free alcohol will be stored and of principal equipment for the recovery and restoration of alcohol (including the serial number, kind, capacity, name and address of owner, and intended use of distilling apparatus).

(g) Trade names (see § 213.51).

(h) List of the offices, the incumbents of which are authorized by the articles of incorporation, the bylaws, or the board of directors to act on behalf of the applicant or to sign his name.

(i) On specific request of the assistant regional commissioner, furnish a statement showing whether any of the persons whose names and addresses are required to be furnished under the provisions of §§ 213.52 (a)(2) and (c) have (1) ever been convicted of a felony or misdemeanor under Federal or State law relating to intoxicating liquors, (2) ever been arrested or charged with any violation of State or Federal law relating to intoxicating liquors, or (3) ever applied for, held, or been connected with a permit, issued under Federal law, to manufacture, distribute, sell, or use spirits or products containing spirits, whether or not for beverage use, or held any financial interest in any business covered by any such permit, and, if so, give the number and classification of such permit, the period of operation thereunder, and state in detail whether such permit was ever suspended, revoked, annulled, or otherwise terminated.

Where any of the information required by paragraphs (d) through (h) of this section is on file with the assistant regional commissioner, the applicant may, by incorporation by reference thereto, state that such information is made a part of the application for an industrial use permit. The applicant shall, when so required by the assistant regional commissioner, furnish as a part of his application for an industrial use permit such additional information as may be necessary for the assistant regional commissioner to determine whether the applicant is entitled to the permit.

(72 Stat. 1318, 1370; 26 U.S.C. 5005, 5271)

§ 213.43 Exceptions to application requirements.

The assistant regional commissioner may, in his discretion, waive detailed application and supporting data requirements in the case of applications, Form 2600, filed by States, political subdivisions thereof, the District of Columbia, and other applicants where the amount of tax-free alcohol to be obtained does not exceed 120 proof gallons per year: *Provided*, That such waiver shall not include information required under paragraphs (a), (b), (c), and (e), and, insofar as it relates to recovery, paragraph (f), of § 213.42.

(72 Stat. 1370; 26 U.S.C. 5271)

INDUSTRIAL USE PERMIT, FORM 1447

§ 213.44 Conditions of permits.

Industrial use permits shall designate the acts which are permitted, and shall include any limitations imposed on the performance of such acts. All of the provisions of this part relating to the use or recovery of tax-free alcohol shall be deemed to be included in the provisions and conditions of the permit, the same as if set out therein.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.45 Duration of permits.

Industrial use permits are continuing unless automatically terminated by the terms thereof, suspended or revoked as provided in § 213.49, or voluntarily surrendered. The provisions of § 213.55 shall be deemed to be a part of the terms and conditions of all industrial use permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.46 Posting of permits.

Industrial use permits shall be kept posted available for inspection on the premises covered by the permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.47 Disapproval of application.

If, on examination of an application, Form 2600, for an industrial use permit (or on basis of an inquiry or investigation with respect thereto), the assistant regional commissioner has reason to believe that:

(a) The applicant is not authorized by law and regulations issued pursuant thereto to withdraw or use alcohol free of tax; or

(b) The applicant (including, in the case of a corporation, any officer, director, or principal stockholder, and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with Chapter 51, I.R.C., or regulations issued thereunder; or

(c) The applicant has failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

(d) The premises on which the applicant proposes to conduct the business are not adequate to protect the revenue;

The assistant regional commissioner may institute proceedings for the disapproval of the application in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.48 Correction of permits.

Where an error in an industrial use permit is discovered, the permittee shall, on demand of the assistant regional commissioner, immediately return the permit for correction.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.49 Suspension or revocation of permits.

Whenever the assistant regional commissioner has reason to believe that any person holding an industrial use permit:

(a) Has not in good faith complied with the provisions of chapter 51, I.R.C., or regulations issued thereunder; or

(b) Has violated the conditions of such permit; or

(c) Has made any false statements as to any material fact in his application therefor; or

(d) Has failed to disclose any material information required to be furnished; or

(e) Has violated or conspired to violate any law of the United States relating to intoxicating liquor or has been convicted of an offense under Title 26, U.S.C., punishable as a felony or of any conspiracy to commit such offense; or

(f) Is, by reason of his operations, no longer warranted in procuring or using the tax-free alcohol authorized by his permit; or

(g) Has not engaged in any of the operations authorized by the permit for a period of more than 2 years;

The assistant regional commissioner may institute proceedings for the revocation or suspension of such permit in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.50 Rules of practice in permit proceedings.

The regulations in Part 200 of this chapter are made applicable to the procedure and practice in connection with the disapproval of any application for an industrial use permit and in connection with the suspension and revocation of such permit.

§ 213.51 Trade names.

Where a trade name is to be used by an applicant or permittee, he shall list such trade name on Form 2600 and the offices where such name is registered, supported by copies of any certificate or other document filed or issued in respect of such name. Operations shall not be conducted under a trade name until the permittee is in possession of an industrial use permit, Form 1447, covering the use of such name.

§ 213.52 Organizational documents.

The supporting information required by paragraph (d) of § 213.42 includes, as applicable:

(a) *Corporate documents.* (1) Certified true copy of the certificate of incorporation, or certified true copy of certificate authorizing the corporation to operate in the State where the premises are located (if other than that in which incorporated).

(2) Certified list of names and addresses of officers and directors.

(3) Statement showing the number of shares of each class of stock or other evidence of ownership, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders.

(b) *Articles of partnership.* True copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality.

(c) *Statement of interest.* (1) Names and addresses of the 10 persons having the largest ownership or other interest in each of the classes of stock in the corporation, or legal entity, and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him. If a corporation is wholly owned or controlled by another corporation, those persons of the parent corporation who meet the above standards are considered to be the persons interested in the business of the subsidiary, and the names and addresses of such persons shall be submitted to the assistant regional commissioner on his specific request.

(2) In the case of an individual owner or partnership, name and address of every person interested in the business, whether such interest appears in the name of the interested party or in the name of another for him.

§ 213.53 Powers of attorney.

An applicant or permittee shall execute and file with the assistant regional commissioner a Form 1534, in accordance with the instructions on the form, for every person authorized to sign or to act on his behalf. (Not required for persons whose authority is furnished in accordance with § 213.42(h)).

CHANGES AFTER ORIGINAL QUALIFICATION

§ 213.54 Changes affecting applications and permits.

Where there is a change relating to any of the information contained in or considered as a part of the application on Form 2600 for an industrial use permit, the permittee shall within 10 days (except as otherwise provided in this subpart) file with the assistant regional commissioner a written notice, in duplicate, of the details of such change. In case of a change in officers or directors, the notice shall be supported by a certi-

fied list, in duplicate, of such changes. Such notice is not required where there is a change in respect of information waived by the assistant regional commissioner in the original application for an industrial use permit in accordance with the provisions of § 213.43, unless, in the case of a permittee other than a State, political subdivision thereof, or the District of Columbia, the quantity of tax-free alcohol to be obtained will exceed 120 proof gallons per year. Where the change affects the terms of an industrial use permit, the permittee shall file an application on Form 2600 for an amended industrial use permit. Items which remain unchanged may be marked "No change since Form 2600 Serial No. _____."

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.55 Automatic termination of permits.

(a) *Permits not transferable.* Industrial use permits shall not be transferred. In the event of the lease, sale, or other transfer of such a permit, or of the operations authorized thereby, the permit shall thereupon automatically terminate.

(b) *Corporations.* In the case of a corporation holding an industrial use permit, if actual or legal control of the permittee corporation changes, directly or indirectly, whether by reason of change in stock ownership or control (in the permittee corporation or in any other corporation), by operation of law, or in any other manner, the permittee shall, within 10 days of such change, give written notice thereof, executed under the penalties of perjury, to the assistant regional commissioner; such permit may remain in effect with respect to the operation covered thereby until the expiration of 30 days after such change, whereupon such permit shall automatically terminate: *Provided,* That if within such 30-day period an application for a new permit covering such operation is made, then the outstanding permit may remain in effect with respect to the continuation of the operation covered thereby until final action is taken on such application. When such final action is taken, such outstanding permit shall thereupon automatically terminate.

§ 213.56 Adoption of documents by a fiduciary.

If the business is to be operated by a fiduciary, such fiduciary may, in lieu of qualifying as a new proprietor, file an application on Form 2600 to amend his predecessor's industrial use permit and furnish a consent of surety on Form 1533 extending the terms of the predecessor's bond, if any. The effective date of the qualifying documents filed by a fiduciary shall coincide with the effective date of the court order or the date specified therein for him to assume control. If the fiduciary was not appointed by the court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed by him.

§ 213.57 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to withdraw and use tax-free alcohol under the prior qualification of the partnership: *Provided,* That a consent of surety, wherein the surety and the surviving partner agree to remain liable on any bond given on Form 1448, is filed. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall qualify in his own name from the date of acquisition, as provided in § 213.58. The rule set forth in this section shall also apply where there is more than one surviving partner.

§ 213.58 Change in proprietorship.

An industrial use permit shall not be transferred. In the event of a change in proprietorship of the business of a permittee (as for instance, by reason of incorporation, the withdrawal or the taking in of one or more partners, or succession by any person who is not a fiduciary) the successor shall qualify in the same manner as the proprietor of a new business.

§ 213.59 Change in name of permittee.

Where there is to be a change in the individual, firm, or corporate name, the permittee shall file application on Form 2600 to amend his industrial use permit. Operations may not be conducted under the new name prior to issuance of the amended permit.

§ 213.60 Change in trade name.

Where there is to be a change in, or addition of, a trade name, the permittee shall file application on Form 2600 to amend his industrial use permit. A new bond or consent of surety will not be required. Operations may not be conducted under the trade name prior to issuance of the amended permit.

§ 213.61 Change in location.

When a permittee intends to move to a new location within the same region, he shall file application on Form 2600 for an amended industrial use permit and, if a bond on Form 1448 had been given, furnish a consent of surety, Form 1533, or a new bond to cover the new location. Tax-free alcohol may not be stored or used at the new location prior to issuance of the amended permit.

(72 Stat. 1370; 26 U.S.C. 5271)

REGISTRY OF STILLS

§ 213.62 Registry of stills.

The provisions of Part 196 of this chapter are applicable to stills located on the premises of a permittee. The listing of the stills on Form 2600 and the issuance of the industrial use permit shall constitute registration of the stills. The alternate use of a registered still or distilling apparatus for the distillation of a byproduct or chemical for which registry is not required will not require the filing of Form 26.

PERMANENT DISCONTINUANCE OF USE OF TAX-FREE ALCOHOL

§ 213.63 Notice of permanent discontinuance.

Where a permittee permanently discontinues the use of tax-free alcohol, he shall file with the assistant regional commissioner a letterhead notice, in duplicate, to cover such discontinuance. Such notice shall be accompanied by the industrial use permit, any withdrawal permits issued to the permittee, and by a report on Form 1451 covering the discontinuance and marked "Final Report." The notice shall contain (a) a request that such permits be canceled, (b) a statement of the disposition made, as provided in § 213.164, of all tax-free alcohol, including recovered alcohol, if any, and (c) the date of discontinuance. The bond of a permittee shall not be canceled until all tax-free alcohol, including recovered alcohol, has been properly disposed of in accordance with the provisions of this part.

(72 Stat. 1370; 26 U.S.C. 5271)

Subpart E—Bonds and Consents of Surety

§ 213.71 Bond, Form 1448.

Every person filing an application, Form 2600, shall, before issuance of the industrial use permit, file bond, Form 1448, with the assistant regional commissioner, except that no bond will be required where the application is filed by a State, any political subdivision thereof, or the District of Columbia, or where the quantity of tax-free alcohol authorized to be withdrawn does not exceed 120 proof gallons per annum and the quantity which may be on hand, in transit, or unaccounted for at any one time will not exceed 10 proof gallons. The penal sum of the bond on Form 1448 shall be computed on each proof gallon of tax-free alcohol, including recovered and restored tax-free alcohol, authorized to be on hand, in transit to the permittee, and unaccounted for at any one time, at the rate prescribed by law as the internal revenue tax on distilled spirits: *Provided,* That the penal sum of any bond (or the total of the penal sums where original and strengthening bonds are filed) shall not exceed $100,000 nor be less than $500.

(72 Stat. 1314, 1372; 26 U.S.C. 5001, 5272)

§ 213.72 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570. Powers of attorney and other evidence of appointment of agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 213.73 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the principal may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 213.74 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

§ 213.75 Strengthening bonds.

In all cases where the penal sum of any bond becomes insufficient, the principal shall either give a strengthening bond with the same surety to attain a sufficient penal sum or give a new bond covering the entire liability. Strengthening bonds shall not be approved where any notation is made thereon which is intended or which may be construed to be a release of any former bond or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the date of execution and the effective date, and be marked "Strengthening Bond".

(72 Stat. 1372; 26 U.S.C. 5272)

§ 213.76 Superseding bonds.

New bonds shall be required in case of insolvency or removal of any surety, and may, at the discretion of the assistant regional commissioner, be required in any other contingency affecting the validity or impairing the efficiency of the bond. Where, under the provisions of § 213.77, the surety on any bond given under this subpart has filed an application to be relieved of liability under said bond and the principal desires or intends to continue the operations to which such bond relates, he shall file a valid superseding bond to be effective on or before the date specified in the surety's notice. Superseding bonds must show the date of execution and the effective date, and be marked "Superseding Bond." If the principal does not file a new bond when required, he shall not conduct any operation under his permit.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 213.77 Notice by surety of termination of bond.

A surety on any bond required by this part may at any time serve notice in writing on the principal and the assistant regional commissioner in whose office the bond is on file, that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 90 days after the date the notice is received by the assistant regional commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a statement, executed under the penalties of perjury, that such power of attorney is on file with the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. The surety shall also file with the assistant regional commissioner an acknowledgment or other proof of service of such notice on the principal.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 213.78 Termination of rights and liability under a bond.

If the notice of termination given by the surety is not thereafter in writing withdrawn, the rights of the principal as supported by the subject bond shall be terminated on the date named in the notice. The surety shall be relieved from his liability under a bond as to any operations which are wholly subsequent to: (a) The date named in a notice of termination (§ 213.77); (b) the effective date of a superseding bond (§ 213.76); or (c) the date of approval of the discontinuance of operations by the principal. If the principal fails to file a valid superseding bond prior to the date on which the surety desires to be relieved from liability under the bond, the surety, notwithstanding his release from liability as specified in paragraph (a) of this section, shall continue to remain liable under the bond for all tax-free alcohol on hand or in transit to the principal on said date until the same has been lawfully disposed of or a new bond has been filed by the principal covering the same.

(72 Stat. 1372; 26 U.S.C. 5272)

§ 213.79 Release of pledged securities.

Securities of the United States, pledged and deposited as provided in § 213.73, shall be released only in accordance with the provisions of 31 CFR Part 225. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

Subpart F—Premises and Equipment

§ 213.91 Premises.

A tax-free alcohol user qualified under this part shall have premises suitable for the business being conducted and adequate for the protection of the revenue. Storage facilities shall be provided on the premises for tax-free alcohol received or recovered thereon. These storage facilities shall consist of a storeroom or compartment, or stationary storage tanks, or a combination thereof.

§ 213.92 Storerooms.

Storerooms or compartments shall be so constructed and secured as to prevent unauthorized access to the tax-free alcohol. Such storage facilities shall be of sufficient capacity to hold the maximum quantity of tax-free alcohol which will be on hand at any one time and shall be equipped for locking.

§ 213.93 Storage tanks.

Each stationary tank used for the storage of tax-free alcohol shall be equipped for locking in such manner as to control access to the spirits. Means shall be provided whereby the contents can be accurately measured.

§ 213.94 Equipment for recovery of tax-free alcohol.

If tax-free alcohol is to be recovered for reuse, all equipment to be used shall be located on the permit premises. Distilling apparatus or other equipment, including pipelines, for such recovery shall be constructed and secured in such a manner as to prevent unauthorized access to the tax-free alcohol and so arranged as to be readily inspected.

§ 213.95 Storage tanks for recovered and restored alcohol.

If tax-free alcohol is to be recovered, suitable storage tanks shall be provided. Each such tank shall be durably marked to indicate its use and capacity, shall be equipped with a measuring device whereby the actual contents will be indicated, and shall be equipped for locking to prevent access to the contents.

Subpart G—Withdrawal and Use of Tax-Free Alcohol

§ 213.101 Authorized uses.

Alcohol may be withdrawn from the bonded premises of a distilled spirits plant, free of tax, by and for the use of any State, any political subdivision thereof, or the District of Columbia, for nonbeverage purposes. Alcohol may also be so withdrawn by persons eligible to use tax-free alcohol, for nonbeverage purposes and not for resale or use in the manufacture of any product for sale, as follows:

(a) For the use of any educational organization described in section 503(b)(2), I.R.C., which is exempt from income tax under section 501(a), I.R.C., or for the use of any scientific university or college of learning;

(b) For any laboratory for use exclusively in scientific research;

(c) For use at any hospital, blood bank, or sanitarium (including use in making any analysis or test at such hospital, blood bank, or sanitarium), or at any pathological laboratory exclusively engaged in making analyses, or tests, for hospitals or sanitariums; or

(d) For the use of any clinic operated for charity and not for profit (including use in the compounding of bona fide medicines for treatment outside of such clinics of patients thereof).

Tax-free alcohol shall be withdrawn and used only as provided by law and this part.

(72 Stat. 1362, 1370; 26 U.S.C. 5214, 5271)

§ 213.102 States and the District of Columbia.

Except as otherwise provided in this section, tax-free alcohol withdrawn by a State, a political subdivision thereof, or the District of Columbia shall be used solely for mechanical and scientific purposes, and except on approval of the Director, such use or the use of any resulting product shall be confined to the premises under the control of the State, political subdivision thereof, or the District of Columbia. Tax-free alcohol so withdrawn for use at hospitals, clinics, and other establishments specified in §§ 213.103 to 213.107, operated by a State, political subdivision, or

the District of Columbia, shall be used in the manner prescribed in the applicable section for such establishments.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.103 Educational organizations, scientific universities, and colleges of learning.

Educational organizations authorized to withdraw tax-free alcohol under § 213.101 are those organizations which normally maintain a regular faculty and curriculum and which normally have a regularly enrolled body of students in attendance at the place where their educational activities are regularly carried on and which are exempt from Federal income tax under section 501(a), I.R.C. Colleges of learning for the purposes of this subpart are such as have a recognized curriculum and confer degrees after specified periods of attendance at classes or research work. Scientific university shall include any university incorporated or organized under any Federal or State law which provides training in the sciences. Tax-free alcohol withdrawn by such educational organizations, scientific universities, and colleges of learning shall be used only for scientific, medicinal, and mechanical purposes. Use of the tax-free alcohol and resulting products shall be limited as provided in § 213.108.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.104 Hospitals, blood banks, and sanitariums.

Tax-free alcohol withdrawn by hospitals, blood banks, and sanitariums shall be used only for medicinal, mechanical, and scientific purposes and in the treatment of patients. Such use includes making any analysis or test at such hospital, blood bank, or sanitarium. Medicines made with tax-free alcohol may not be sold, but a separate charge may be made for such medicines compounded on the hospital or sanitarium premises for use of patients on the premises. Where a hospital holding permit to use tax-free alcohol operates a clinic on the hospital premises, tax-free alcohol withdrawn under the permit of the hospital may be used in the clinic to the same extent as it may be used in the hospital: *Provided*, That in the case of a clinic operated for charity and not for profit, medicines compounded with tax-free alcohol may be furnished to patients for use off the premises if such medicine is not sold and no fee or other charge is exacted by reason of the furnishing of the medicine to the patient. Similarly, tax-free alcohol withdrawn by a hospital or sanitarium may be used in a pathological or other laboratory operated in connection with such hospital or sanitarium, on the hospital or sanitarium premises, to the same extent as it may otherwise be used by the hospital or sanitarium. The use of tax-free alcohol and of products resulting from such use shall be confined strictly to the permit premises except as provided herein and in § 213.108.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.105 Clinics.

Tax-free alcohol withdrawn by clinics operated for charity and not for profit shall be used only for medicinal, scientific, and mechanical purposes and in the treatment of patients. Medicine compounded with such tax-free alcohol may be furnished to patients for use off the premises if such medicine is not sold and no fee or other charge is exacted by reason of the furnishing of the medicine to the patient. A separate charge may be made for medicine compounded on the clinic premises with tax-free alcohol for use of patients on the premises. Except as provided herein and in § 213.108, the use of tax-free alcohol and of products resulting from such use shall be confined strictly to the premises of the clinic.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.106 Pathological laboratories.

Pathological laboratories, other than such laboratories which are a part of a hospital or sanitarium, may withdraw tax-free alcohol under this part only if engaged exclusively in making analyses or tests for hospitals or sanitariums. Such independent pathological laboratories may not obtain tax-free alcohol if tests or analyses are made for doctors, dentists, or for any other purpose than as provided in this section. Except as provided in § 213.108, the use of tax-free alcohol and of products resulting from such use shall be confined strictly to the premises of the pathological laboratory.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.107 Other laboratories.

Except in the case of a pathological laboratory, specified in § 213.106, any laboratory withdrawing alcohol free of tax shall use such alcohol exclusively in scientific research. The use of the alcohol and of any product resulting from such use shall be limited to the permit premises except as provided in § 213.108.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.108 Prohibited usage of tax-free alcohol.

Under no circumstances may tax-free alcohol withdrawn under this part be used for beverage purposes, or in any food product, or in any preparation used in preparing beverage or food products. Universities, colleges, educational organizations, laboratories, hospitals, clinics, blood banks, and sanitariums are prohibited from (a) selling tax-free alcohol, (b) using tax-free alcohol in the manufacture of any product for sale, or (c) selling any product resulting from the use of tax-free alcohol: *Provided*, That a charge may be made by a hospital, sanitarium, or clinic for medicines dispensed to patients for use on the premises to the extent authorized in §§ 213.104 and 213.105. Persons holding permit on Form 1447 may not remove tax-free alcohol or products resulting from the use of such alcohol from premises under their control unless such removals are specifically authorized by the terms of their permit, or permission is obtained from the assistant regional commissioner: *Provided*, That (1) products made through the use of such alcohol which contain no alcohol may be removed to other premises for the sole purpose of further research, and (2) bona fide medicines compounded by a clinic operated for charity and not for profit may be used outside of such clinic for treatment of its patients if the medicine is distributed without charge to the extent authorized in §§ 213.104 and 213.105. Hospitals may not furnish tax-free alcohol for use of physicians in their private practice. Tax-free permittees who use tax-free alcohol in any manner prohibited by this section become liable for the tax on such alcohol. A tax-free permittee who sells alcohol also becomes liable for special tax as a liquor dealer.

(72 Stat. 1314, 1343; 26 U.S.C. 5001, 5121)

§ 213.109 Application for withdrawal permit.

Every person, other than as provided for in Subpart I of this part, desiring to procure tax-free alcohol shall file an application on Form 1450 with the assistant regional commissioner for a withdrawal permit. The application shall show the total quantity, in proof gallons, of tax-free alcohol to be withdrawn during the term of the permit, and the total quantity, in proof gallons, to be withdrawn during any one calendar month. The total quantity to be withdrawn shall not be more than is sufficient to meet the bona fide needs of the applicant. Where the applicant desires to withdraw more than one-sixth of his annual requirements during any month, he should state his needs and furnish sufficient information for the assistant regional commissioner to determine whether such withdrawals should be authorized: *Provided*, That where one-sixth of the applicant's annual requirements is less than the equivalent of one drum (55 wine gallons), he may show as his monthly allowance a quantity not to exceed the equivalent of one drum without stating his needs for the additional quantity, if his bond is in a sufficient penal sum, computed in accordance with § 213.71. A permittee may, if he so desires, file applications for more than one withdrawal permit and have his total annual withdrawals divided among such permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.110 Issuance and duration of withdrawal permit.

If the application submitted in accordance with § 213.109 is approved, the assistant regional commissioner shall issue withdrawal permit on Form 1450 and shall forward the original to the permittee. Withdrawal permits on Form 1450 shall terminate on April 30 of each year: *Provided*, That a permit issued less than six months before April 30 of any year shall remain in effect through April 30 of the following year.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.111 Application for renewal of withdrawal permit.

Application on Form 1450 for renewal of a withdrawal permit expiring April 30 of a year shall be submitted by the permittee to the assistant regional commissioner on or before January 10 of such year in order that the renewal permit may be issued and become available for withdrawals by May 1. The user's report on Form 1451 which is required to be submitted on or before January 10 shall be submitted with the renewal application. The provisions of §§ 213.109 and 213.110 with respect to application for, and issuance of, withdrawal permits, respectively, are applicable to the renewal of such permits.

§ 213.112 Denial, correction, and suspension or revocation; changes after original qualification; and automatic termination of withdrawal permits.

All of the provisions of Subpart D of this part with respect to the denial, correction, suspension or revocation, automatic termination, changes after original qualification, and rules of practice in permit proceedings are applicable to withdrawal permits.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.113 Cancellation of withdrawal permit.

Should an industrial use permit on Form 1447 be terminated or surrendered, or should the withdrawal permit on Form 1450 issued to the permittee be revoked, the withdrawal permit shall be returned immediately to the assistant regional commissioner for cancellation.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.114 Withdrawals under permit.

When the permittee desires to procure tax-free alcohol, he shall forward the original of the withdrawal permit to the proprietor of the distilled spirits plant from whom he will procure such alcohol. Shipments shall not be made by the proprietor of a distilled spirits plant until he is in possession of a valid withdrawal permit, nor shall shipments exceed the quantity authorized by such permit. On shipment, the consignor shall enter the transaction on the withdrawal permit and return it to the permittee, unless he has been authorized to retain it for the purpose of making future shipments.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.115 Regulation of withdrawals.

Withdrawals by a permittee shall not exceed the quantity authorized by his permit on Form 1450 and shall be so regulated by him that he will not have on hand, in transit, and unaccounted for at any one time more than the quantity of tax-free alcohol shown in his application on Form 2600 for an industrial use permit. Recovered alcohol and alcohol received under § 213.117 shall be taken into account in determining the quantity of alcohol on hand. For this purpose, tax-free alcohol and recovered alcohol shall be deemed to be unaccounted for if lost under circumstances where a claim for allowance is required by this part and has not been allowed or if used or disposed of otherwise than as provided in this part.

§ 213.116 Receipt of tax-free alcohol.

As soon as received, tax-free alcohol shall be placed in the storage facilities prescribed by § 213.91 and kept there under lock until withdrawn for use. Unless required by city or State fire code regulations or authorized by the assistant regional commissioner or the terms of the permit, the permittee may not remove tax-free alcohol from the original packages or containers in which received until such alcohol is withdrawn for use. If the tax-free alcohol is transferred to "safety" containers in accordance with such fire code regulations, the container to which they are transferred shall be appropriately marked to show the serial number of the package from which transferred, the quantity transferred, the date of transfer, and the name and address of the vendor. On receipt of tax-free alcohol by the permittee, he shall ascertain and account for any losses in transit in accordance with Subpart J of this part, receipt for the shipment on the original and copy of Form 1473 received from the consignor, noting thereon any loss or deficiency in the shipment, forward the original to the assistant regional commissioner of his region, and file the copy in chronological order, by months.

§ 213.117 Alcohol received from General Services Administration.

Any eleemosynary institution holding an industrial use permit, Form 1447, and receiving alcohol from General Services Administration under the provisions of section 5688(a)(2)(B) of the Internal Revenue Code shall include any quantity of alcohol so received in computing the quantity of tax-free alcohol that may be procured under its withdrawal permit, Form 1450, during the calendar month. Such alcohol shall, on receipt, be placed in the storage facilities prescribed in § 213.91 and kept there under lock until withdrawn for use.

§ 213.118 Records and reports.

Tax-free alcohol users shall keep records and render reports as required under Subpart L of this part.

Subpart H—Recovery of Tax-Free Alcohol

§ 213.131 General.

Persons desiring to recover tax-free alcohol for reuse shall first receive approval therefor pursuant to the filing of appropriate qualifying documents, in accordance with the applicable provisions of Subparts D and E of this part. Restoration may be accomplished by the permittee or by the proprietor of a distilled spirits plant.

§ 213.132 Deposit in tanks.

All recovered tax-free alcohol shall be accumulated in tanks equipped for locking and properly marked for identification. Where the recovered alcohol is to be shipped to a distilled spirits plant for redistillation, it may be transferred to appropriately marked packages. All tax-free alcohol recovered shall be measured before being redistilled or reused and shall be kept separate from new tax-free alcohol.

§ 213.133 Shipment for redistillation.

Recovered alcohol requiring redistillation, unless the same is to be done on the permittee's premises, shall be shipped to a distilled spirits plant for restoration. Packages shall be numbered in serial order, beginning with "1" and continuing in regular sequence, and have marked or stenciled thereon the name, address, and permit number of the permittee, the quantity, in gallons, of alcohol contained therein, and the words "Recovered tax-free alcohol."

§ 213.134 Notice of shipment.

When recovered tax-free alcohol is shipped as provided for in § 213.133, the consignor shall prepare Form 1473, in quadruplicate (quintuplicate if consignee is located in another region) and, on the day of shipment, forward the original and one copy to the proprietor of the distilled spirits plant to which shipment is made, one copy (two copies if shipment is made to a consignee in another region) to the assistant regional commissioner of his region, and retain the remaining copy for his files.

Subpart I—Use of Tax-Free Spirits by the United States or Governmental Agency

§ 213.141 General.

Tax-free spirits may be withdrawn under this part from a distilled spirits plant for use of the United States or any Governmental agency thereof for nonbeverage purposes, as authorized by section 5214(a)(2), I.R.C. No industrial use permit or bond is required. However, a permit to procure spirits, free of tax, for nonbeverage purposes must be obtained in accordance with this subpart before tax-free spirits may be withdrawn for such use. The withdrawal, free of tax, of imported spirits from customs custody for the use of the United States shall be in accordance with the applicable provisions of Part 251 of this chapter.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 213.142 Application and permit, Form 1444.

Application, Form 1444, by the United States or a Governmental agency thereof for a permit to procure tax-free spirits from a distilled spirits plant for nonbeverage purposes shall be executed in duplicate and shall be signed by the head of the department or independent bureau or agency to which such tax-free spirits are to be shipped, or by some person duly authorized by such head of a department or independent bureau or agency. Evidence of authority to sign for the head of a department or independent bureau or agency shall be furnished the Director. The permit may be left with the supplier during the term of its use or retained by the agency and furnished to the supplier with each order for spirits. Every appropriate precaution shall be taken by the agency to insure that the tax-free spirits so procured will be used only for Governmental purposes.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 213.143 Procurement of tax-free spirits.

When tax-free spirits are to be procured by the United States or a Governmental agency thereof, the permit, Form 1444, shall be forwarded to the vendor. A purchase order shall be submitted by the Governmental agency for any tax-free spirits shipped under the permit. At the time of shipment, the vendor shall record the shipment on the permit and return it to the Governmental agency unless he has been authorized by such agency to retain the permit for the purpose of making future shipments.

§ 213.144 Receipt of shipment.

On receipt of a shipment of tax-free spirits, the representative of the Governmental agency receiving the same shall execute the certificate of receipt on the original and copy of Form 1473 received from the proprietor of the distilled spirits plant, after noting thereon any loss or deficiency in the shipment, and shall forward the original to the assistant regional commissioner of the region in which the consignor is located and retain the copy for his files.

§ 213.145 Discontinuance of use.

When no more tax-free spirits will be procured under a permit the Governmental agency shall return the permit to the Director for cancellation.

§ 213.146 Disposition of excess spirits.

Any excess spirits in the possession of a Governmental agency shall be disposed of to another agency of the United States holding a permit, returned to a distilled spirits plant on approval of the assistant regional commissioner of the region in which the plant is located, or disposed of otherwise as may be authorized by the Director. In no case may such spirits be disposed of to the general public.

Subpart J—Losses

§ 213.151 Losses by theft.

The quantity of tax-free alcohol lost by theft shall be determined at the time the loss is discovered. Such losses on the premises of users shall be recorded in the records required by § 213.171 and reported on Form 1451. Those occurring in transit shall be reported on the Form 1473. The permittee shall immediately report such loss to the assistant regional commissioner, explaining the circumstances under which the loss occurred. Claim for allowance for all such losses, regardless of the percentage of loss, shall be made by the permittee.

§ 213.152 Losses in transit.

The quantity of tax-free alcohol lost while in transit to the premises of a permittee shall be determined at the time shipment or report of loss is received and shall be reported on Form 1473. Except as provided in § 213.151, where the quantity lost from wooden packages contained in a shipment exceeds 3 percent of their original aggregate contents or the loss from any other containers in a shipment exceeds 1 percent of their original aggregate contents, and the quantity lost is more than 5 proof gallons, claim for allowance of the entire quantity lost shall be filed by the permittee. Where losses in transit do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the quantity lost was unlawfully used or removed, no claim for allowance will be required.

§ 213.153 Losses at user's premises.

The quantity of tax-free alcohol lost on the premises of a permittee shall, except as provided in § 213.151 and in the case of casualty and unusual losses, be determined and recorded at the end of each month when the inventory of tax-free alcohol required under § 213.172 is taken. Casualty or other unusual losses shall be determined and recorded in the records required by § 213.171 at the time of discovery. All losses on the premises of the permittee shall be reported on Form 1451. If the quantity lost during any one month exceeds 1 percent of the quantity of tax-free alcohol to be accounted for during the month, and is more than 5 proof gallons, claim for allowance of the entire quantity lost shall be made by the permittee. Where losses on the premises do not exceed the quantities specified in this section and there are no circumstances indicating that any part of the loss was unlawfully used or removed, claim for loss will not be required, except in the case of losses under § 213.151.

§ 213.154 Claims.

Claims for allowance of losses of tax-free alcohol shall be filed, on Form 2635, with the assistant regional commissioner within 30 days from the date the loss is ascertained, and shall set forth the following:

(a) Name, address, and permit number of the claimant;

(b) Identification and location of the container or containers from which the tax-free alcohol was lost;

(c) Quantity of tax-free alcohol lost from each container, the total quantity of such alcohol covered by the claim, and the aggregate quantity involved;

(d) Date of the loss (or, if not known, date of discovery), the cause or nature thereof, and all the facts relative thereto, including facts establishing whether the loss occurred as a result of any negligence, connivance, collusion, or fraud on the part of any person participating in, or responsible in any manner for, the transaction, or any employee or agent of such person; and

(e) Name of carrier where a loss in transit is involved.

The assistant regional commissioner may require the submission of additional evidence.

Subpart K—Destruction, Return, or Reconsignment of Tax-Free Alcohol and Disposition of Recovered Alcohol

§ 213.161 Destruction.

Tax-free alcohol in the possession of a permittee may be destroyed by him on approval of the assistant regional commissioner. The permittee shall file application to do so with the assistant regional commissioner, in duplicate, stating fully the reasons therefor. On approval of the application, the assistant regional commissioner shall instruct the permittee whether or not the destruction shall be witnessed by an internal revenue officer. If an internal revenue officer is assigned, he shall certify to the destruction on the original and copy of the approved application, specifying the date and manner of destruction. If no internal revenue officer is assigned, such certification shall be made by the permittee. The copy of the approved application shall be filed by the permittee and the original returned to the assistant regional commissioner.

§ 213.162 Return.

For any legitimate reason, a permittee may return tax-free alcohol to a distilled spirits plant (whether or not such plant was the original shipper), if the distilled spirits plant proprietor consents to the return and permission for the transfer is in each instance first obtained from the assistant regional commissioner. Application for such permission shall be filed in triplicate (quadruplicate if the distilled spirits plant is in another region). If the application is approved the assistant regional commissioner shall forward a copy to the permittee, a copy to the proprietor of the distilled spirits plant and the additional copy, if any, to the consignee's assistant regional commissioner.

§ 213.163 Reconsignment in transit.

Where, prior to or on arrival at the premises of a consignee, tax-free alcohol is found to be unsuitable for the purpose for which intended, was shipped in error, or, for any other bona fide reason, is not accepted by such consignee, or is not accepted by a carrier, it may be reconsigned to another permittee by the proprietor of the distilled spirits plant making shipment, or returned to the shipping plant, on notification by the consignor to the assistant regional commissioner of the consignor's region of such action. In such case, the bond of the permittee to whom the tax-free alcohol was reconsigned or the bond of the proprietor to whom the alcohol was returned shall cover such spirits while in transit after reconsignment. Notice of cancellation of the Form 1473 covering the shipment to the original consignee shall be made by the consignor to each person receiving a copy of Form 1473. Where reconsignment is to another permittee the consignor shall also prepare a new Form 1473 and place thereon the word "Reconsignment." The entry on the withdrawal permit covering the original shipment shall be voided, and appropriate entries shall be made by the consignor on the withdrawal permit of the permittee to whom the tax-free alcohol was reconsigned.

§ 213.164 Disposition on permanent discontinuance of use.

When a permittee permanently discontinues the use of tax-free alcohol, any tax-free alcohol remaining on hand at the time of such discontinuance may be returned to a distilled spirits plant in accordance with the procedure prescribed in § 213.162, destroyed in accordance with the procedure prescribed in § 213.161, or, on approval of an application therefor by the assistant regional commissioner, disposed of to another permittee, if consent of surety is filed on the consignee's bond extending the terms thereof to cover the transportation of the alcohol to his premises. The application for disposition to another permittee shall be prepared and disposed of in the manner prescribed in § 213.162.

§ 213.165 Notice of shipment.

When tax-free alcohol is shipped in accordance with § 213.162 or § 213.164, the consignor shall prepare Form 1473, in quadruplicate (quintuplicate if the consignee is located in another region) and, on the day of shipment, forward the original and one copy to the consignee, one copy (two if the consignee is located in another region) to the assistant regional commissioner of his region, and retain the remaining copy for his files.

§ 213.166 Disposition after revocation of permit.

When any industrial use permit, Form 1447, is revoked, all tax-free alcohol in transit to and in the possession of the former permittee, and all recovered alcohol, may continue to be lawfully possessed by him for a period of 60 days after such revocation, but only for the purpose of making lawful disposition thereof, pursuant to proper permit therefor, which the permittee shall do within said period. Unless such stocks are disposed of within the period of 60 days they are subject to seizure and forfeiture.

(68A Stat. 867, 72 Stat. 1370; 26 U.S.C. 7302, 5271)

§ 213.167 Disposition of recovered tax-free alcohol on permanent discontinuance of use.

Recovered tax-free alcohol in possession of a permittee at the time of permanent discontinuance of the use of tax-free alcohol shall be disposed of only as authorized by the assistant regional commissioner after full advice respecting its condition and the disposition it is desired to make of such recovered alcohol has been submitted to him.

Subpart L—Records and Reports

§ 213.171 Records.

Persons holding permit on Form 1447 to use tax-free alcohol, shall keep records in sufficient detail (a) to enable any internal revenue officer to verify all transactions in tax-free alcohol and to ascertain whether there has been compliance with law and regulations, and (b) to enable the permittee to prepare Form 1451. Such records shall identify the tax-free alcohol by proof, shall show the date of each transaction and the actual quantities of alcohol involved, and shall include tax-free alcohol received from General Services Administration and the recovery of alcohol and disposition thereof. Records of receipt and authorized removals of tax-free alcohol shall show the name, address, and registry or permit number (if any) of each consignee or consignor, and the type, number, and serial numbers of containers involved. Records must be kept current at all times.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 213.172 Monthly inventories.

At the end of every calendar month, each permittee shall take and record an actual inventory of all tax-free alcohol in his possession. Recovered tax-free alcohol and alcohol received from General Services Administration, if any, shall be listed separately.

§ 213.173 Reports.

Every person holding industrial use permit, Form 1447, shall prepare an annual report on Form 1451. Spirits received from General Services Administration under § 213.117, if any, and spirits recovered pursuant to Subpart H of this part, if any, shall be reported separately. In the case of a State, municipal subdivision thereof, or the District of Columbia, holding a permit covering the use of tax-free alcohol in a number of institutions under its control, Form 1451, submitted by such permittee shall include alcohol used by its dependent agencies, institutions, or departments. The permittee shall submit the original to the assistant regional commissioner not later than the 10th day of January of each year, together with his renewal application, Form 1450, if any, and retain the duplicate copy for his files.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 213.174 Time for making of entries.

Each transaction required by this subpart to be shown in the records shall be entered therein on the day on which the operations occur, except where supplemental or auxiliary records are prepared of, and concurrent with, the individual transaction or operation from which the records can be posted, the making of entries on the records may be deferred to not later than the close of the business day next succeeding the day on which the operation or transaction occurred.

(72 Stat. 1373; 26 U.S.C. 5275)

§ 213.175 Filing and retention of records and copies of reports.

All records required by this part and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained for a period of not less than three years after the date of the report covering the transaction, in such manner as to facilitate inspection by internal revenue officers: *Provided*, That the assistant regional commissioner may require such records to be kept for an additional period of not exceeding three years in any case where he deems such retention necessary or advisable. Records and reports shall be filed at the premises where such operations are conducted, except that such records may be kept by a State, municipal subdivision thereof, or the District of Columbia qualified to procure tax-free alcohol for the use of dependent agencies, institutions, or departments. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

§ 213.176 Photographic copies of records.

Persons who desire to record, copy, or reproduce records required to be preserved under § 213.175 by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original of such records, shall make application to the assistant regional commissioner, in triplicate, to do so, describing:

(a) The records to be reproduced.

(b) The reproduction process to be employed.

(c) The manner in which the reproductions are to be preserved.

(d) The provisions to be made for examining, viewing, and using such reproductions.

The assistant regional commissioner shall not approve any application unless (1) the Director has approved that type of record for reproduction and the reproduction process to be employed, and (2) the manner of preservation of the reproductions and the provisions for examining, viewing, and using such reproductions are, in the assistant regional commissioner's opinion, satisfactory. Whenever records are reproduced under this section, the reproduced records shall be preserved in conveniently accessible files, and provisions shall be made for examining, viewing, and using the reproduced record the same as if it were the original record, and it shall be treated and considered for all purposes as though it were the original record; all provisions of law and regulations applicable to the original record shall be applicable to the reproduced record. As used in this section "original record" shall mean the record required by this part to be maintained or preserved, even though it may be an executed duplicate or other copy of the document.

(72 Stat. 1395; 26 U.S.C. 5555)

[F.R. Doc. 60-5944; Filed, June 28, 1960; 8:45 a.m.]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PART 182—INDUSTRIAL ALCOHOL

PART 216—DISTILLED SPIRITS PLANTS

Partial Supersedure of Parts

CROSS REFERENCE: For partial supersedure of regulations in these parts, see preamble to Parts 211 and 213 of this chapter, *infra*.

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1960 and Succeeding Crops

Basis and purpose. The provisions of §§ 722.101 to 722.152 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of extra long staple cotton (hereinafter referred to as "ELS cotton") which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by ELS cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of ELS cotton.

Notice of proposed formulation of marketing quota regulations for ELS cotton of the 1960 and succeeding crops when marketing quotas are in effect for such cotton was published in the FEDERAL REGISTER on April 22, 1960 (25 F.R. 3529) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their functions in an orderly manner and be in position to determine and give notice of penalties on overplanted farms prior to marketing of the ELS cotton, it is essential that §§ 722.101 to 722.152 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest and §§ 722.101 to 722.152 shall be effective upon filing this document with the Director, Office of the Federal Register.

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AUTHORITY: §§ 722.101 to 722.152 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 362, 363, 365–368, 372–374, 388, 52 Stat. 38, 62, 63–65, as amended, 66, secs. 344–347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U.S.C. 1301, 1362, 1363, 1365–1368, 1372–1374, 1388, 1344–1347.

GENERAL

§ 722.101 Applicability.

The provisions of §§ 722.101 to 722.152 apply to ELS cotton produced in 1960 and succeeding years when marketing quotas are in effect and to carryover ELS cotton which is marketed by producers in the 1960–61 and succeeding marketing years. The regulations pertaining to marketing quotas for ELS cotton of the 1958 and succeeding crops (23 F.R. 3241), as amended, apply to the 1958 and 1959 crops of ELS cotton.

§ 722.102 Definitions.

As used in §§ 722.101 to 722.152 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *General terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) The terms "Secretary", "Deputy Administrator", "State committee", "county committee", "community committee", "State administrative officer", "county office manager", "operator", and "person" as defined in Part 718 of this chapter (24 F.R. 4223), as amended, shall apply to the regulations in §§ 722.101 to 722.152. In Puerto Rico, the Caribbean ASC Area Committee shall, insofar as applicable, perform the functions of the State committee and the county committee and the Director, Caribbean ASC Area Office shall, insofar as applicable, perform the functions of the State administrative officer.

(3) "Director" means the Director, or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(5) "Treasurer" means the county office manager or the person designated by him to act as county committee treasurer. In Puerto Rico, the Director, Caribbean ASC Area Office, shall designate one or more of the ASC employees to perform the duties and functions of the county committee treasurer.

(6) "Upland cotton" means any cotton other than extra long staple cotton.

(7) "Extra long staple cotton" (referred to in §§ 722.101 to 722.152 as "ELS cotton") means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, as provided under section 347(a) of the act.

(8) "Carryover ELS cotton" for any year means the unmarketed ELS cotton from any previous crop which the producer thereof has on hand as of August 1 of such year.

(9) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(10) "Penalty" for any year means the amount payable with respect to the farm marketing excess for such year as determined under sections 346 and 347(c) of the act and § 722.126.

(11) "Crop year" means the calendar year in which the ELS cotton is planted.

(12) "County" means county or parish of a State. The Northern Area (ELS cotton producing areas in northern Puerto Rico) and the Southern Area (ELS cotton producing areas in southern Puerto Rico) are considered as separate counties.

(13) The terms "farm" and "farm serial number" as defined in Part 719 of this chapter (23 F.R. 6731), as amended, shall apply to the regulations in §§ 722.101 to 722.152.

(14) "ELS seed cotton" means the harvested fruit of the ELS cotton plant before ginning.

(15) "ELS lint cotton" means the fiber taken from ELS seed cotton by ginning.

(16) "Normal yield for any county" for a crop year means the average yield per harvested acre of ELS lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director, with the approval of the Administrator of Commodity Stabilization Service. If for any year of such five-year period actual yield data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(17) "Expiration of time limitations" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 722.101 to 722.152.

(b) *Terms relating to farms.* (1) "Farm allotment" means an ELS cotton acreage allotment established for a farm under the applicable acreage allotment regulations.

(2) "New ELS cotton farm" means a farm on which ELS cotton is to be planted in a crop year but such farm is not eligible for an allotment as an old ELS cotton farm for such crop year.

(3) "Acreage planted to ELS cotton on the farm" for a crop year, for purposes of §§ 722.101 to 722.152 shall be the acreage seeded to ELS cotton on the farm in such year and the acreage devoted to the production of ELS cotton on the farm in such year but seeded prior to such year, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to expiration of the period established under applicable regulations for disposing of excess ELS cotton acreage or (ii) is disposed of in accordance with applicable regulations pertaining to the disposal of excess ELS cotton acreage.

(4) "Normal yield" for any year means the average yield per harvested acre of ELS lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new ELS cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of ELS cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(5) "Normal production" of any number of acres for a crop year means the normal yield of ELS lint cotton per acre for the farm for such year multiplied by such number of acres.

(6) "Actual production" of ELS cotton on the farm means the total number of pounds of ELS lint cotton determined to have been produced on the farm in the crop year. ELS cotton will be considered to have been produced in the crop year in which the acreage from which it was produced was planted.

(7) "Actual yield" per acre for a crop year means the number of pounds of ELS lint cotton determined by dividing the actual production of ELS cotton on the farm in such year by the acreage planted to ELS cotton on the farm in such year.

(8) "Farm marketing quota" for a crop year means an ELS cotton marketing quota established for the farm for such year under § 722.109.

(9) "Farm marketing excess" for a crop year means the amount of ELS cotton determined for the farm for such year under § 722.110 or § 722.112, whichever is applicable.

(10) "Farm with no farm marketing excess" for a crop year means a farm on which the acreage planted to ELS cotton in such year is not in excess of the farm allotment for such year.

(11) "Farm with a farm marketing excess" for a crop year means a farm on which the acreage planted to ELS cotton in such year is in excess of the farm allotment for such year.

(12) "Producer" means a person on a farm who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the ELS cotton produced thereon during the year in which the ELS cotton is planted (or ELS cotton on hand from a prior crop) or the proceeds thereof.

(13) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(14) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of ELS cotton to be paid as rent.

(15) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the ELS cotton or of the proceeds thereof.

(16) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the ELS cotton or of the proceeds thereof.

(c) *Terms relating to harvesting and marketing.* (1) "Harvest" means the act of extracting ELS seed cotton from the ELS cotton plant by manual or mechanical means or grazing by livestock.

(2) "Harvested" and "harvesting" shall have corresponding meanings to the term "harvest" in the connection in which they are used. Salvage operations shall be considered as harvesting.

(3) "Available for harvest" means the stage of maturity when bolls are sufficiently open to permit harvest.

(4) "Market" means to dispose of ELS cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to ELS cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to ELS cotton by a producer to another in exchange for ELS cotton or any other commodity, service, or property in cases where the value of the ELS cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to ELS cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to ELS cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(5) "Marketing year" means the period beginning August 1 of a crop year and ending July 31 of the following year, both dates inclusive.

(6) "Buyer" means a person who acquires ELS cotton from a producer by purchase, including transferees and all

persons who acquire title to such cotton from producers. An agricultural cooperative association which makes purchase and sale agreements with producers, or marketing agreements under which the title to ELS cotton passes upon delivery of such cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any ELS cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.108.

(7) "Transferee" means a person who receives ELS cotton from a producer by barter or exchange, or by gift inter vivos.

(8) "Ginner" means a person engaged in the business of ginning ELS cotton.

(9) "Ginning" means the process by which ELS lint cotton is removed from the ELS cotton seed.

(10) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of ELS cotton.

(11) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of ELS cotton.

§ 722.103 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.101 to 722.152 shall be prepared under the direction of the director and shall be issued by the deputy administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the director.

§ 722.104 Extent of calculations and rule of fractions.

In making any computation in connection with §§ 722.101 to 722.152, the amount of ELS lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.105 Identification of farms.

Each farm as operated for a crop year shall be identified by a farm serial number and all records pertaining to marketing quotas for such crop year and farm shall be identified by the farm serial number.

§ 722.106 Measurement of farms.

The county committee shall provide for measurement each crop year of the acreage planted to ELS cotton on farms in accordance with Part 718 of this chapter (24 F.R. 4223), as amended.

§ 722.107 Reports and records of farm measurements.

The county committee shall keep a record for each crop year of the measurements made on all farms. It shall file with the State office a written report for each crop year on Form MQ-94—Cotton (ELS) setting forth for each farm with a farm marketing excess the following: (a) Farm serial number, (b) name of operator, (c) farm allotment, (d) acreage planted to ELS cotton, and (e) total cropland.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.108 ELS cotton subject to marketing quota provisions.

Marketing quotas for each crop of ELS cotton shall be applicable to any ELS cotton of that crop notwithstanding that such cotton may be available for marketing prior to or subsequent to the marketing year which begins in the year when the ELS cotton is planted. Carryover ELS cotton marketed during any marketing year shall be subject to §§ 722.101 to 722.152 to the extent applicable.

§ 722.109 Farm marketing quotas.

The farm marketing quota for each crop year for any farm shall be that number of pounds of ELS lint cotton produced on the farm less the amount of the farm marketing excess for such crop year. In addition, ELS lint cotton which producers have on hand from any previous crop (except ELS cotton on which a penalty was incurred and has not been paid) may also, when properly identified, be marketed penalty free.

§ 722.110 Amount of farm marketing excess.

The farm marketing excess for each crop year shall be the normal production of the acreage planted to ELS cotton on the farm in excess of the farm allotment for such crop year. For a farm having a zero allotment or no allotment, the entire acreage planted to ELS cotton shall be used in determining the farm marketing excess for such crop year. Where it is established to the satisfaction of the county committee, by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.112 that the actual production of ELS cotton on the farm in a crop year is less than the normal production of the acreage planted to ELS cotton on the farm in such crop year, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm allotment.

§ 722.111 Notice of farm marketing quota and farm marketing excess.

Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm for any crop year shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the ELS cotton produced or to be produced on the farm in such crop year. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.112 Farm marketing excess adjustment.

(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the ELS cotton produced in any crop year on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest of such ELS cotton crop is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15 (June 15 for the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted. If the harvesting of ELS cotton on the farm has not been completed by March 15 (June 15 for the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested ELS cotton on the farm in order that a final determination of the actual production on the farm for such crop year may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.110 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no ELS cotton has been or will be produced on a farm with a farm marketing excess for the year for which such farm marketing excess is determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. Official measurement of the ELS cotton acreage on the farm for the crop year in question must have been made before the county committee approves a determination of the actual production of ELS cotton on the farm. The actual production of ELS cotton in such crop year on any farm shall be determined in view of the relevant facts, including the measured acreage planted to ELS cotton in such crop year on the farm, the past production on the farm, the actual yields per acre in such crop year for other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, ginning, and sales of the ELS cotton produced on the farm in such crop year; and weather conditions and other factors in such crop year affecting the production of ELS cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of ELS cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. The determination made by the county committee under this paragraph shall be subject to approval by a representative of the State committee. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator any time after a date which is thirty days prior to the expiration date for filing application for the crop year under paragraph (a) of this section, any producer having an interest in the ELS cotton produced on the farm in such crop year may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of ELS cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.110 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

§ 722.113 Publication of the farm allotment, normal yield, marketing quota, and marketing excess.

A record of the farm allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be kept readily available in the office of the county committee for public inspection for a period of not less than 30 calendar days. At the end of such period, the records shall be filed in the office of the county committee and remain readily available for further public inspection. Copies of notices, or other compilations upon which the pertinent data are shown may be used for this purpose.

§ 722.114 Marketing quotas not transferable.

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm except as specifically provided in the applicable acreage allotment regulations for release and reapportionment pursuant to section 344 of the act and transfer of allotments pursuant to section 378 of the act. Under sections 345 and 347 of the act, farm marketing quotas are established for each crop year for both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.108 to 722.116 for a crop of ELS cotton may not be used in whole or in part in connection with the marketing of upland cotton.

§ 722.115 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in an ELS cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, including a farm on which ELS cotton was planted in a crop year but for which a farm ELS cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of ELS cotton and to the restrictions on the marketing of such cotton.

§ 722.116 Review of quotas.

(a) *Review committee.* Any producer who is dissatisfied with the farm marketing quota and farm marketing excess determined for his farm may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.111 or § 722.112, have such farm marketing quota and farm marketing excess reviewed by a review committee pursuant to section 363 of the act. Unless such application is made within such 15 days, the determination of the county committee shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee. If a determination of the county committee for the crop year, as for example, the farm allotment, has previously been reviewed by a review committee, and such determination as approved by the review committee has become final under the Marketing Quota Review Regulations, it may not be reconsidered in a subsequent review proceeding concerning the farm marketing quota and farm marketing excess. In all cases, the review committee shall consider only such matters as, under the applicable provisions of the act and the applicable regulations in this part, are required or permitted to be considered by the county committee in determining the farm marketing quota or farm marketing excess.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.117 Eligibility for and issuance of marketing cards.

(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any producer on a farm, or an official of a

publicly owned agricultural experiment station, shall be eligible to receive a marketing card for each crop of ELS cotton if for such crop (1) no farm marketing excess is determined for the farm or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer for the county in which the farm is located, except that a marketing card shall not be issued under subparagraphs (1) or (2) of this paragraph if any producer on the farm has on hand any ELS cotton produced in previous crop years on which the penalty was incurred and has not been paid. For the 1960 crop year an eligible producer interested in the ELS cotton production on a farm shall be eligible to receive a marketing card, identified as Form MQ–76 ELS Cotton, for such farm: *Provided, however,* That an eligible producer interested in the ELS cotton production on any farm who is not eligible for price support or who is eligible for price support only upon approval of the price support documents by the county committee shall be eligible to receive only a marketing card identified as Form MQ–76–R ELS Cotton.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is an ELS cotton producer on more than one farm in a county in a crop year shall not be eligible to receive a marketing card for any such farm in the county for such crop year until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, if the county office manager determines that such issuance will serve a useful purpose. Any producer may be denied a marketing card if the county committee determines that, in order to enforce the provisions of the act, such producers should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of ELS cotton in more than one county in the same year (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed in such year with respect to all such farms, wherever situated, to the extent deemed necessary by the respective county committees to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of ELS cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year.

(d) *Preparation and issuance of marketing cards to producers.* A marketing card shall be issued to the operator of the farm for any year if he is eligible to receive it under the foregoing provisions of this section unless the operator is not a producer, in such case the card will be issued only on the request of the operator, and if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards for such year shall also be issued to other eligible producers on the farm. Each serially numbered marketing card when completed shall show: (1) The State and county code and farm serial number; (2) the name and address of the farm operator or other eligible producer; (3) the name and address of the county office; and (4) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, a record shall be kept in the county office of the name of the person who so affixed the signature.

(e) *Designation of agent to use marketing card.* If a producer designates a person who is not a producer on the farm as agent to use his marketing card, he shall submit and file with the county committee a Power of Attorney covering such designation. It shall be the duty of the buyer to ascertain that such a Power of Attorney is on file before acquiring ELS cotton from any purported agent of the producer.

(f) *Preparation and issuance of marketing cards to experiment station officials.* The county office manager shall, upon the written application of a responsible official of any publicly owned agricultural experiment station having ELS cotton exempt from the penalty as provided in the applicable acreage allotment regulations, issue a marketing card for such experiment station.

§ 722.118 Marketing certificates and loan documents.

(a) *Use of marketing certificates.* A marketing certificate (Form MQ–91—Cotton (ELS)) shall be issued to a producer upon his request to permit the marketing of ELS cotton (1) by any such producer (i) who has an unexpired marketing card for use in identifying the ELS cotton to be marketed or is eligible to receive such a marketing card and who desires to market such cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who desires to market ELS cotton which he has on hand from any prior crop, except ELS cotton from a previous crop on which the penalty was incurred and has not been paid; (iii) who desires to market ELS cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.117(b) because he or another producer on such farm is also an ELS cotton producer on a farm with a farm marketing excess and the penalty has not been paid; or (iv) who desires to market his share of the ELS cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has ELS cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.124. In instances where the acreage planted to ELS cotton on the farm has not been determined through no fault of the operator, and he, in applying for marketing certificates, certifies that he has ELS cotton produced in that crop year available for marketing and that to the best of his knowledge and belief the acreage planted to ELS cotton on the farm does not exceed the farm allotment, the county committee or the county office manager may issue marketing certificates for his farm in a total amount not exceeding the product of the farm allotment for that crop year multiplied by the smaller of the county normal yield per acre for that crop year or the estimated actual yield per acre for such crop year on the farm. Also, certificates shall be issued in any case where a person has loose ELS cotton such as field scrap ELS cotton, sample trimmings, floor sweepings, and ELS cotton picked up from the roadside provided that such person establishes to the satisfaction of the county committee that such cotton was acquired through normal off-farm handling or trade customs, was field scrap ELS cotton, was waste ELS cotton picked up on the roadside or similar location, or was acquired in some other similar manner.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the county and State and the farm serial number, (3) the serial number of the marketing card issued for the farm, where applicable, and the crop year in which the ELS cotton was produced, (4) the description and amount of the ELS cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, a record shall be kept in the county office of the name of the person who so affixed the signature. The county committee shall, for each crop year, estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued in an amount in excess of such production as estimated or otherwise determined by the county committee. The "buyer's copy", "producer's copy", and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the ELS cotton described in the marketing certificate shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carryover CCC loan ELS cotton.* Any producer who desires to sell his equity in carryover ELS cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carryover ELS cotton on which such a loan has been repaid may, as provided in § 722.124, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the ELS cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.119 Lost, destroyed, or stolen marketing cards or marketing certificates.

(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings by county office manager and county committee.* If the county office manager finds that an unexpired marketing card or certificate issued to a producer has been lost, destroyed, or stolen, he shall investigate to determine whether there has been any collusion or connivance on the part of the producer to or for whom the marketing card or certificate was issued to fraudulently obtain a second marketing card or certificate. If investigation discloses no evidence of collusion or connivance, a replacement marketing card or certificate may be issued to the producer by the county office manager and a notice in writing canceling the lost, destroyed, or stolen marketing card or certificate shall be signed by the county office manager and mailed to the last known address of such producer. Where circumstances appear to warrant investigation by the county committee before a replacement marketing card or certificate is issued, the case should be referred to the county committee for a determination as to the action to be taken. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case the lost, destroyed, or stolen marketing card or certificate is not recovered promptly, the county office manager shall notify the ginner-buyers, buyers, and Commodity Credit Corporation loan clerks in the county or in the immediate market area that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county office manager and of any action by the county committee shall be kept among the county office records. Any person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.120 Cancellation of marketing cards and marketing certificates.

(a) *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled". Without awaiting its return, the county office manager shall notify the producer in writing at his last known address that it is void and of no effect. The county office manager shall notify the ginner-buyers, buyers, and Commodity Credit Corporation loan clerks in the county, or in the immediate market area that the marketing card or certificate has been canceled. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office.

(b) *Cancellation of marketing cards which may be misused.* In the event the county committee determines that a marketing card has been, or will be, misused such marketing card shall be canceled and the producer to whom it was issued shall be so notified and requested to return it to the county office. Without awaiting its return, the county office manager shall notify the ginner-buyers, buyers, and Commodity Credit Corporation loan clerks in the county, or in the immediate market area that the marketing card has been canceled. A copy of the notice of cancellation, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. Any producer whose marketing card is canceled under this provision shall, upon his request, be issued marketing certificates in accordance with § 722.118(a).

Identification of ELS Cotton

§ 722.121 Time and manner of identification.

Each producer of ELS cotton may, at the time he markets any such cotton, identify the ELS cotton to the buyer or transferee, in the manner hereinafter provided, as not subject to the penalty provided in § 722.126 and the lien for the penalty as provided in § 722.127 and any such cotton not so identified shall be taken as being subject to the penalty and the lien for the penalty as provided in § 722.125.

§ 722.122 Identification by marketing card.

A marketing card (Form MQ–76–ELS Cotton or Form MQ–76–R ELS Cotton) shall, when presented to the buyer or transferee by the producer to whom issued, or any other eligible producer on the farm, be evidence to the buyer or transferee that the ELS cotton produced on the farm in the crop year for which the marketing card was issued may be puchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.123 Identification by marketing certificate.

A marketing certificate (Form MQ–91—Cotton (ELS)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the ELS cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.124 Identification by loan document.

A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carryover ELS cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

§ 722.125 ELS cotton not identified by a marketing card, marketing certificate or loan document.

All ELS cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in § 722.122, § 722.123, or § 722.124 shall be presumed to be subject to penalty and lien for the penalty and shall be taken by the buyer or transferee thereof as subject to penalty at the rate prescribed in § 722.126 and to the lien for the penalty. All ELS cotton purchased or acquired by a person which is not identified by a marketing card, marketing certificate, or loan document shall be presumed to have been marketed by a producer unless it is established that such cotton was purchased or acquired from a person other than the producer thereof. The buyer or transferee shall report the purchase of all such unidentified cotton on Form MQ–82—Cotton (ELS) and shall remit to the county committee treasurer the penalty collected or deducted from the purchase price of such cotton.

Penalty

§ 722.126 Rate of penalty.

The rate of penalty for ELS lint cotton is the higher of 50 percent of the parity price for ELS cotton as of June 15 of the year in which the ELS cotton is planted, or 50 percent of the support price for such crop of ELS cotton as pro-

vided in sections 346(a) and 347(c) of the act. Section 722.152 will be amended annually to set forth the exact rate of the penalty for each crop year.

§ 722.127 Lien for the penalty.

Until the penalty on the farm marketing excess for any crop year is paid, all ELS cotton produced on the farm in such crop year and marketed shall be subject to the penalty at the rate prescribed in § 722.126 and a lien on such entire crop of ELS cotton produced on the farm shall be in effect in favor of the United States.

§ 722.128 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.129 (b), (d), or § 722.130(c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.129 Payment of penalty by producers.

(a) *Producer liable for payment of penalty.* Each producer having an interest in the crop of ELS cotton on any farm produced in a crop year for which a farm marketing excess has been determined shall be liable for the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of ELS cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any ELS cotton produced on the farm is harvested or is available for harvest. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15 (June 15 for the Southern Area of Puerto Rico) of the year following the year in which the ELS cotton was planted, even though the ELS cotton is not harvested: *Provided, however,* That the penalty on any bale or lot of ELS cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.122, § 722.123 or § 722.124, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the ELS cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the ELS cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the ELS cotton produced on the farm in the crop year bears to the total amount of ELS cotton produced on the farm in such crop year. When the producer pays his proportionate share of the penalty, he shall be entitled to received marketing certificates issued in accordance with § 722.118 for his share of the ELS cotton crop produced on the farm in such crop year: *Provided, however,* That the producer shall remain liable for the remainder of the penalty on the farm marketing excess, notwithstanding any apportionment under this paragraph.

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator any time after a date which is thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

§ 722.130 Payment of penalty by buyers and transferees.

(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States (including Puerto Rico) who buys or acquires from the producer any ELS cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. ELS cotton shall be presumed to be subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ–76–ELS Cotton or Form MQ–76–R ELS Cotton), a marketing certificate (Form MQ–91—Cotton (ELS)), or a loan document as provided in §§ 722.122, 722.123, and 722.124.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States (including Puerto Rico) who buys or acquires ELS cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the ELS cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which such cotton was marketed. ELS cotton shall be deemed to be sold when either title to or actual or constructive possession of the ELS cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. ELS cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the ELS cotton is being bartered or exchanged. ELS cotton shall be deemed to have been marketed by gift inter vivos when there is actual or constructive delivery of the ELS cotton to the transferee during the lifetime of the producer. ELS cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts ELS cotton into an article of trade and thereby causes the ELS cotton to lose its identity as ELS lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from ELS cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any ELS cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the ELS cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82—Cotton (ELS).

§ 722.131 Remittance of penalty to the county committee treasurer.

The county committee treasurer for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty as required by established fiscal procedure. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of Commodity Stabilization Service, U.S.D.A. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the county committee treasurer subject to collection and payment at par.

§ 722.132 Deposit of funds.

All funds received by the county committee treasurer in connection with penalties for ELS cotton shall be scheduled and transmitted by him on the day received or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the county committee treasurer shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to Commodity Stabilization Service, U.S.D.A., and transmit such check to the State committee. The

county committee treasurer shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the ELS cotton in connection with which the funds were remitted.

§ 722.133 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee and the county committee treasurer, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every ELS cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the ELS cotton or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the county committee treasurer shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.134 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever a claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to ELS cotton is duly filed in accordance with section 376 of the act and the regulations pertaining to Refunds of Penalties Erroneously, Illegally, or Wrongfully Collected with Respect to Marketing in Excess of Marketing Quotas (§§ 714.21 to 714.28 of this chapter; 13 F.R. 6210, Oct. 22, 1948; 19 F.R. 395, Jan. 22, 1954), as amended, and a determination is duly made that a part or all of the penalty was erroneously, illegally, or wrongfully collected, a refund of such penalty or part thereof shall be made as provided in the regulations pertaining to refunds of penalties (§§ 714.21 to 714.28 of this chapter).

§ 722.135 Report of violations and court proceedings to collect penalty.

The county office manager shall report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.101 to 722.152 to the county committee treasurer when collected. The State administrative officer shall report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.136 Records to be kept and reports to be made by ginners.

(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373(a) of the act, keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

(b) *Ginner's record of ELS cotton ginned.* Each ginner shall keep, for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of ELS cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the ELS cotton was produced; (3) the name of the producer of the ELS cotton; (4) the name and address of the person who delivered the ELS cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the ELS cotton as furnished; (5) the county and State in which the farm on which the ELS cotton was produced is located; (6) the gin bale number or mark or other identification; (7) the serial number of the gin ticket or receipt prepared or issued by the ginner; and (8) the gross weight of each bale of ELS cotton and the net weight of each lot of ELS lint cotton less than a bale ginned by the ginner.

(c) *Requests for reports.* Each ginner, upon written request of the State committee, State administrative officer, or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to ELS cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee, State administrative officer, or county committee in the written request for such report.

(d) *Manner of submitting reports.* The county committee treasurer designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

§ 722.137 Records to be kept and reports to be made by buyers.

(a) *Necessity for records and reports.* Each person who buys or acquires ELS seed cotton or ELS lint cotton from the producer thereof in conformity with section 373(a) of the act, shall keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

(b) *Nature of records.* Each buyer shall keep for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of ELS cotton, and each lot of ELS cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and in the case of ELS seed cotton purchased, the number of pounds of ELS seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of ELS lint cotton in each bale, and each lot of ELS lint cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.101 to 722.152 and the amount of penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the ELS cotton was not identified in the manner provided in §§ 722.101 to 722.152 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records as required by this paragraph. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100—Cotton (ELS) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with marketing of ELS cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of ELS cotton which is not identified by a marketing card, marketing certificate or loan document, as provided in §§ 722.122, 722.123 and 722.124 when marketed by a producer shall, with respect to each such purchase, make a written report on Form MQ–82—Cotton (ELS) of the following information: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the ELS cotton purchased. The report shall be prepared and executed in triplicate; the "Producer's Copy" shall be delivered to the producer, the "Buyer's Copy" shall be retained by the buyer and the buyer shall mail or deliver the "County Office Copy" to the county committee treasurer for the county in which such cotton was produced.

(d) *Reports in connection with ELS cotton identified by marketing certificates.* The buyer of ELS cotton which is identified, when marketed, by a marketing certificate, Form MQ–91—Cotton (ELS), as provided in § 722.123, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "County Office Copy" to the county committee treasurer for the county in which such certificate was issued. The "Buyer's Copy" shall be retained by the buyer and the "Producer's Copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States (including Puerto Rico), is provided for in § 722.142(b).

(e) *Receipts to producers for penalties.* Where the ELS cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing, the "Producer's Copy" of the executed Form MQ–82—Cotton (ELS) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "County Office Copy" of Form MQ–82—Cotton (ELS) to the county committee treasurer for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the ELS cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, the State committee, or State administrative officer has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any ELS cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.101 to 722.152, the buyer shall, within fifteen days after a written request therefor by either the county committee, State committee, or State administrative officer is sent to him by certified mail at his last known address, make a report verified as true and correct on Form MQ–100—Cotton (ELS) to the designated county committee treasurer with respect to ELS cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of ELS cotton, and each lot of ELS cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the ELS cotton was purchased; (2) the date on which the ELS cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the ELS cotton and, in the case of ELS cotton purchased in the seed, the number of pounds of ELS seed cotton and the known or estimated amount of lint in such seed cotton; (4) the net weight of each bale of ELS cotton, and of each lot of ELS lint cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.101 to 722.152 and the amount of any penalty collected in connection with the ELS cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the ELS cotton was identified when marketed (if the ELS cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The county committee treasurer for the county in which the ELS cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ–82—Cotton (ELS) in connection with the purchase of ELS cotton marketed without the use of the means of identification provided by §§ 722.101 to 722.152 may be mailed or delivered directly to the county committee treasurer from whom the blank copy of the form was obtained.

§ 722.138 Records to be kept and reports to be made by transferees.

Each transferee who acquires ELS seed cotton or ELS lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.137. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.139 Records to be kept by warehousemen, processors and others.

Each warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act, who stores, processes (including compressing), transports as a common carrier or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof shall for each crop year keep the records relating to such cotton which are normally kept by persons engaged in the same or similar business. The Secretary hereby finds such records to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act.

§ 722.140 Availability of records kept by ginners, buyers, transferees, warehousemen, and others.

Each ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person as defined in section 373(a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.101 to 722.152 or of obtaining the information required to be furnished in any report pursuant to §§ 722.101 to 722.152 but not so furnished. The records to be kept pursuant to the provisions of §§ 722.136, 722.137, 722.138, and 722.139 shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31 of the second year following the year in which the ELS cotton is planted, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.101 to 722.152 or of obtaining the information required to be furnished in any report pursuant to §§ 722.101 to 722.152 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or by the director.

§ 722.141 Penalty for failure or refusal to keep records or make reports.

Any ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act who gins, buys, acquires, stores, processes (including compressing), transports as a common carrier, or otherwise deals with ELS cotton from, for, or on behalf of the producer thereof who fails to keep the records, make the reports as required by § 722.136, § 722.137, § 722.138, or § 722.139 or who makes any false report or false record shall, as provided for in section 373(a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 722.142 Records to be kept and reports to be made by producers.

(a) *Necessity for records and reports.* Each person who produces or who has produced in any crop year, ELS cotton which is subject to the provisions of §§ 722.101 to 722.152 shall, in conformity with section 373(b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to ELS cotton, the provisions of the act. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which the cotton is planted, or for such longer period of time as may be requested in writing by the State administrative officer or by the director.

(b) *ELS cotton marketed to persons not within the United States.* In each case where ELS cotton for which a marketing certificate has been issued pursuant to § 722.118 is marketed to any person not within the United States (including Puerto Rico) the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States (including Puerto Rico). The producer shall retain the "Producer's Copy" of the certificate. Not later than 15 calendar days next succeeding the day on which the ELS cotton was marketed the "County Office Copy" and the "Buyer's Copy" shall be mailed or delivered by such producer to the county committee treasurer for the county in which the certificate was issued.

(c) *Farm operator's report.* The operator of the farm shall file with the county committee treasurer for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (ELS) in the following cases: (1) where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.112 except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of ELS cotton on the farm; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established by the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.101 to 722.152 and requests such report in writing. Upon written requests by the county committee or by the State committee for a farm operator's report on Form MQ–98—Cotton (ELS), the operator of the farm shall make the report in the manner specified in this paragraph not later that the date designated by such committee in its request. Form MQ–98—Cotton (ELS) shall show for the farm the following information or any part thereof as specified in such request for a specified crop year: (i) The date harvesting of the crop of ELS cotton was completed on the farm, the date of the last ginning of ELS cotton produced on the farm, and the acreage planted to ELS cotton on the farm; (ii) the total number of pounds of ELS lint cotton ginned from the crop of ELS cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of ELS seed cotton of the crop marketed; (v) the total amount of ELS lint cotton of the crop marketed; (vi) the amount of unmarketed ELS cotton of the crop on hand; (vii) the total number of pounds of ELS lint cotton produced from such crop; (viii) the name and address of each buyer or transferee of such crop ELS lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The county committee treasurer for the county in which the ELS cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.143 Data to be kept confidential.

Except as provided in § 722.148 all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.136 to 722.140, inclusive, and § 722.142 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any ELS cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.144 Enforcement.

The county office manager shall report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.101 to 722.152 and so to report each case of making any false report or record. The State administrative officer shall report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

Special Provisions and Exceptions

§ 722.145 ELS cotton produced by publicly owned agricultural experiment stations.

The conditions under which ELS cotton produced by publicly owned agricultural experiment stations shall be exempted from penalty shall be determined pursuant to applicable acreage allotment regulations.

§ 722.146 Revision of county committee determinations and erroneous notices.

(a) *Revision of determinations.* In any case where a determination of the county committee under §§ 722.101 to 722.152 is found to be in error, the county committee on its own motion or upon request of a representative of the State office, shall revise such determinations.

(b) *Erroneous notice of ELS cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to ELS cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of ELS cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State administrative officer. The acreage planted to ELS cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.147.

(c) *Erroneous notice of planted acreage.* In any case where it is discovered after all the ELS cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to ELS cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations.

(3) The incorrect notice was the result of an error made by an employee of the

county or State office in reporting, computing, or recording the ELS cotton acreage for ELS cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State administrative officer concurs upon review of the county committee determination, the acreage planted to ELS cotton on the farm will be considered as an acreage equal to the farm allotment.

§ 722.147 No credit for overplanting the farm allotment.

Any acreage planted to ELS cotton in any crop year in excess of the farm allotment for such crop of ELS cotton shall not be taken into account in establishing State, county, and farm allotments for subsequent crops of ELS cotton.

§ 722.148 Availability of records.

The State and county committees shall make available for inspection by owners or operators of farms receiving ELS cotton allotments all records pertaining to ELS cotton allotments and marketing quotas.

§ 722.149 Designation of representatives of the Secretary to examine records.

(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.136 to 722.140, relating to the examination of records, the deputy administrator is hereby authorized and directed to designate in writing with the countersignature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions. In addition, investigators and accountants (special agents), Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U.S.C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act or §§ 722.101 to 722.152.

§ 722.150 Delivery of notices in Puerto Rico.

Notwithstanding the provisions of §§ 722.101 to 722.152 where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for therein, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

§ 722.151 County normal yields for each crop year.

This section will be amended annually to establish county normal yields for each crop year pursuant to § 722.102(a)(16).

§ 722.152 Penalty rate for each crop year.

This section will be amended annually to establish the penalty rate for each crop year pursuant to § 722.126.

(a) *Penalty rate for 1960 crop.* The parity price for ELS cotton effective as of June 15, 1960, is 82.5 cents per pound. Section 101(f) of the Agricultural Act of 1949, as amended, provides that the support price for 1960 crop ELS cotton shall not exceed the same per centum of the parity price as for the 1956 crop. Such per centum was 75 percent. No increased price support levels for 1960 crop ELS cotton have been established pursuant to section 402 of the Agricultural Act of 1949, as amended. Accordingly, if the support price for 1960 crop ELS cotton were determined on the basis of the June 15, 1960, parity price, the support price thus determined could not exceed 75 per centum of the parity price for ELS cotton as of June 15, 1960. Thus, the parity price, being higher than the possible support price, is used in accordance with the provisions of § 722.126 hereof in calculating the rate of penalty for 1960 crop ELS cotton. Such rate of penalty shall be 41.2 cents per pound of ELS lint cotton.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 23d day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6002; Filed, June 28, 1960; 8:50 a.m.]

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops

MISCELLANEOUS AMENDMENTS

Basis and purpose. Section 346(a) of the Agricultural Adjustment Act of 1938, as amended, provides that whenever farm marketing quotas are in effect with respect to any crop of cotton, the producer shall be subject to a penalty on the farm marketing excess at a rate per pound equal to 50 percent of the parity price per pound for cotton as of June 15 of the calendar year in which such crop is produced. The purpose of this amendment is to establish and include in the regulations the exact rate of penalty per pound of upland cotton for the 1960 crop of such cotton. Section 365 of the act, as amended by Public Law 86-507 (June 11, 1960) provides that review committee determinations may be served on the farmer by registered mail or certified mail. The type of mailing service to be used is governed by the regulations in Part 711 of this chapter and reference to such types of mailing service is being deleted from § 722.16(b).

The provisions of §§ 722.1 to 722.51 were published in the FEDERAL REGISTER of June 9, 1960 (25 F.R. 5134) without waiver of the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Since upland cotton of the 1960 crop is presently being harvested in the southernmost areas of the United States, it is necessary that §§ 722.1 to 722.51 be made effective as soon as possible and the "Basis and purpose" paragraph is amended to waive such 30-day effective date requirements.

It is necessary that this amendment be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to the penalty and the lien for the penalty. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops (25 F.R. 5134) are hereby amended as follows:

1. The "Basis and purpose" paragraph of the regulations contained in F.R. Document No. 60-5249, published on Thursday, June 9, 1960 (25 F.R. 5134) is amended by addition of a paragraph at the end thereof to read as follows:

Since upland cotton of the 1960 crop is presently being harvested in the southernmost areas of the United States, it is essential that §§ 722.1 to 722.51 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and §§ 722.1 to 722.51 shall be effective upon filing of Amendment 1 to the regulations with the Director, Office of the Federal Register.

2. Section 722.16(b) is amended by deleting the phrase "by registered mail".

3. Section 722.51 is amended by addition of a new paragraph (a) at the end thereof to read as follows:

(a) *Penalty rate for 1960 crop.* The parity price for cotton effective as of June 15, 1960, is 38.89 cents per pound. The rate of penalty for cotton produced in 1960 as calculated on the basis of such parity price and in accordance with the provisions of § 722.26 shall be 19.4 cents per pound of lint cotton.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 346, 365; 52 Stat. 38, 63, as amended; 63 Stat. 674; 7 U.S.C. 1301, 1346, 1365)

Issued at Washington, D.C., this 23d day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6003; Filed, June 28, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 375; Civil Air Regs. Amdt. 60-18]

PART 60—AIR TRAFFIC RULES

Rescission of Amendments 60-14 and 60-14A

Draft Release No. 60-8, published as a notice of proposed rule making in the FEDERAL REGISTER on May 7, 1960 (25 F.R. 4083) gave notice that the Federal Aviation Agency proposed to adopt a new amendment to Part 60 for the establishment of the base of controlled airspace and, in a separate action, to rescind Amendments 60-14 and 60-14A.

The reasons for the rescission of the amendments and the adoption of a new amendment were set forth in detail in the draft release. The Agency proposed to rescind Amendments 60-14 and 60-14A and, in their place, to adopt a new amendment which would more fully recognize the airspace requirements of the VFR pilot.

As stated in Draft Release No. 60-8, the Federal Aviation Agency conducted an analysis to determine the effect upon flight safety and upon the air traffic control system which would result from the implementation of Amendment 60-14. The results of that analysis indicated that modification of the existing airspace structure beyond that envisioned by Amendment 60-14 is required in order that the Agency may more fully recognize its responsibility to the VFR pilot. Since Amendment 60-14 was based on a height above the ground, it did not necessarily provide an operating area for the VFR pilot above man-made obstructions. Accordingly, a rule was developed that would provide uncontrolled airspace to permit the conduct of VFR flight above these obstructions and to permit flight in accordance with the minimum altitude requirements of § 60.17(b) of Part 60. Interested persons have been afforded an opportunity to comment and consideration is being given to all matter presented. It has been determined from a preliminary review of the comments that a final rule cannot be adopted prior to the effective date of Amendments 60-14 and 60-14A.

The majority of the comments received in response to Draft Release No. 60-8 either endorsed the proposed rescission of 60-14 and 60-14A or posed no objection to such action. Therefore, it has been determined that, in the public interest, pending the adoption of a new amendment, retention or further extension of those amendments would serve no useful purpose. It has also been determined that a public hearing will be held on or about August 10, 1960, to give all interested persons an opportunity to present fully their views and alternate suggestions, if any, with respect to the new proposal. Formal notice will be given in the FEDERAL REGISTER as to the exact date and location of the public hearing; however, this will serve as a preliminary notice of the public hearing and will provide those who desire to participate the maximum period of time for preparation of their presentation.

In order to prevent any misunderstanding concerning the effectiveness of Amendment 60-14, a Notice to Airmen is being disseminated to provide the user public more complete notice of the fact that Amendment 60-14 is rescinded.

In consideration of the foregoing, Civil Air Regulations Amendments 60-14 and 60-14A (24 F.R. 6, 11078) are hereby rescinded effective June 30, 1960.

(Secs. 313(a), 307(a), 307(c); 72 Stat. 752, 749, 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on June 23, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-6006; Filed, June 28, 1960; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7298]

PART 13—PROHIBITED TRADE PRACTICES

Nate Gellman et al.

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nate Gellman et al. doing business as Gellman Brothers, Minneapolis, Minn., Docket 7298, May 23, 1960]

In the Matter of Nate Gelman, Burt Horwitz and Peter Podany, Individually and as Co-Partners Doing Business as Gellman Brothers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Minneapolis, Minn., partnership with selling and distributing lottery devices for the sale of merchandise to the public through games of chance.

Denying respondents' appeal from the initial decision, the Commission on May 23, adopted the initial decision as its own decision.

The order to cease and desist is as follows:

It is ordered, That respondents Nate Gellman, Burt Horwitz and Peter Podany, individually or as co-partners trading under the name of Gellman Brothers or any other name, and their agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punchboards or other devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Nate Gellman, Burt Horwitz and Peter Podany, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision.

Issued: May 23, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5971; Filed, June 28, 1960; 8:45 a.m.]

[Docket 7473 c.]

PART 13—PROHIBITED TRADE PRACTICES

Sam Goldman et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30-30 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, sec. 3, 65 Stat. 179; 15 U.S.C. 45, 68-68(c), 69f) [Cease and desist order, Sam Goldman et al. trading as Excelled Sheepskin & Leather Coat Co., New York, N.Y., Docket 7473, May 13, 1960]

In the Matter of Sam Goldman and Sol Goldman, Individually and as Co-Partners Trading as Excelled Sheepskin & Leather Coat Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City manufacturer of leather jackets and coats for men and boys with violating the Wool Products Labeling Act by failing to label wool products as required; and with violating the Fur Products Labeling Act by improperly describing in advertising the fur collars on said jackets, and by failing to disclose, in labeling and invoicing, the true name of the fur-producing animal and the fact that the fur was dyed.

Granting respondents' appeal in part, the Commission on review modified the initial decision and dismissed charges of violating the Wool Products Labeling Act, and on May 13 adopted it, as so modified, as the decision of the Commission.

The order to cease and desist, substituted by the Commission, is as follows:

It is ordered, That Sam Goldman and Sol Goldman, individually and as copartners trading as Excelled Sheepskin & Leather Coat Co., or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the manufacture, sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix thereto labels showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4 (2) of the Fur Products Labeling Act;

B. Falsely or deceptively invoicing fur products by failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact.

It is further ordered, That the charges contained in paragraph 3 of the complaint be, and they hereby are, dismissed without prejudice.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as modified.

Issued: May 13, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5972; Filed, June 28, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROPYLENE GLYCOL ALGINATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Kelco Company, 8225 Aero Drive, San Diego 11, California, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive propylene glycol alginate. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500), Part 121 is amended by adding to Subpart D (21 CFR Part 121) the following new section:

§ 121.1015 Propylene glycol alginate.

The food additive propylene glycol alginate may be used as an emulsifier, stabilizer, or thickener in foods in accordance with the following prescribed conditions:

(a) The additive is the ester of alginic acid and propylene glycol, containing up to 85 percent of the carboxylic acid groups esterified with the remaining groups either free or neutralized.

(b) Is is used or intended for use, in accordance with good manufacturing practice, as an emulsifier, stabilizer, or thickener in foods, except confectionery and except in those standardized foods that do not provide for such use.

(c) To insure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "propylene glycol alginate" or "propylene glycol ester of alginic acid."

(2) Adequate directions for use.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: June 23, 1960.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 60-5989; Filed, June 28, 1960; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Child Labor Regulation No. 41]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart B—Acceptance of State Certificates

DESIGNATION OF STATES; EFFECTIVE DATE

Pursuant to 29 CFR 4.6, providing that where the Director of the Bureau of Labor Standards finds that the age, employment, or working certificates or permits to be issued by or under the supervision of a state agency are substantially in accordance with the provisions of 29 CFR 4.3 and 4.4 the Secretary of Labor may designate the state involved as a state in which certificates or permits so issued shall have the force and effect specified in 29 CFR 4.2, the designation of states set forth in 29 CFR 4.21 is hereby extended and shall be effective from July 1, 1960, through June 30, 1961, unless this designation is amended or revoked hereinafter prior to June 30, 1961.

(Secs. 3, 11, 52 Stat. 1060, as amended; 52 Stat. 1066, as amended; 29 U.S.C. 203, 211)

Signed at Washington, D.C., this 23d day of June 1960.

JAMES T. O'CONNELL, *Acting Secretary of Labor.*

[F.R. Doc. 60-5976; Filed, June 28, 1960; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2133]

[1935558]

ALASKA

Withdrawing Lands for Use of the Bureau of Land Management as an Administrative Site; Withdrawing Lands for Townsite Purposes; Partially Revoking Public Land Order No. 255 of December 15, 1944; Partially Revoking Air Navigation Site Nos. 162 and 172

By virtue of the authority vested in the President by Section 11 of the Act of March 3, 1891 (26 Stat. 1099; 48 U.S.C. 355), as amended, and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved as follows:

(a) For use of the Bureau of Land Management as an administrative site:

(FAIRBANKS 022686)

MCGRATH AREA

Beginning on Line 2-3, U.S. Survey 1962 (Northern Commercial Company Land at McGrath, Alaska, leased by C.A.A.) where it intersects west ditch line of the road lying parallel to, and east of, the North South runway of the McGrath Airfield; thence east along Line 3-2 of U.S. Survey 1962, 1,300 feet to Corner No. 2, U.S. Survey 1962; thence South 330 feet; thence West 1,300 feet to west ditch line of said road; thence, North 330 feet to the Point of Beginning.

Containing 9.85 acres.

(b) For townsite purposes, to be hereafter disposed of under applicable townsite laws:

(FAIRBANKS 07195)

GALENA TOWNSITE AREA

Beginning at Meander Corner No. 2, U.S. Survey No. 2627, Air Navigation Site Withdrawal No. 172; thence by metes and bounds,

Following the meandered line 2-3, U.S. Survey 2627,
S. 88°55' W., 793.32 feet;
N. 82°15' W., 990.00 feet;
N. 74°45' W., 686.40 feet;
N. 73°30' W., 719.40 feet;
N. 70°30' W., 215.00 feet to the intersection of the toe of the Galena Dike Slope;
Following the toe of the Galena Dike Slope,
S. 83°53' E., 717.00 feet;
N. 89°30' E., 2,020.00 feet;
N. 55°50' E., 180.00 feet;
N. 89°30' E., 3,046.00 feet;
N. 71°28' E., 1,637.00 feet;
South, 230.00 feet to a point on the meandered line 8-9, U.S. Survey No. 2627;

Following the meandered line 8-9, U.S. Survey No. 2627,
S. 74°45' W., 358.00 feet;
S. 72°15' W., 435.60 feet;
S. 70°00' W., 772.20 feet;
S. 67°30' W., 336.60 feet;
S. 74°30' W., 858.00 feet;
S. 76°15' W., 217.80 feet;
S. 87°45' W., 1,290.00 feet approximately, to Meander Corner No. 2, U.S. Survey No. 2627 and the Point of Beginning.

Containing 65.91 acres.

2. The withdrawal made by Paragraph 1(a) of this order shall take precedence over but not otherwise affect the existing reservation of the lands as Air Navigation Site Withdrawal No. 145.

3. The Departmental order of December 31, 1941, which established Air Navigation Site Withdrawal No. 172, Alaska, is hereby revoked so far as it affects the lands described in Paragraph 1(b) hereof.

4. Public Land Order No. 255 of December 15, 1944, which withdrew lands for use of the War Department for military purposes is hereby revoked so far as it affects the following-described lands:

NAKNEK

Beginning at a point, latitude 58°39' N., longitude 156°52' W.
From the Point of Beginning,
East, 6 miles;
North, 6 miles;
West, 6 miles, to longitude 156°52' W.;
South, 6 miles, to the Point of Beginning.
Containing approximately 23,040 acres.

MCGRATH

Beginning at the point of intersection of latitude 62°55' N., with the center line of the deep water channel of the Kuskokwim River, approximate longitude 155°33' W.

From the Point of Beginning,
East, 2.25 miles;
North, 3 miles;
West, 1.12 miles, to the center line of the deep water channel of the Kuskokwim River;
Southwesterly, 14.5 miles, downstream along center line of the deep water channel of the Kuskokwim River, to the Point of Beginning.

The area described, including both public and nonpublic lands, contains approximately 7,552 acres.

NORTHWAY

Beginning at a point in latitude 63°00' N., longitude 142°00' W.

From the Point of Beginning,
South, 3.5 miles;
East, 3 miles;
North, 3.5 miles;
West, 3 miles, to the Point of Beginning.

Containing approximately 6,720 acres.

GALENA

Beginning at a point from which corner No. 2, Survey No. 2023, Alaska, bears south 3.5 miles.

From the Point of Beginning,
East, 1.5 miles;
South, 3.7 miles, to middle of the Yukon River;
Northwesterly, 7.3 miles, along the middle of the Yukon River, to a point due west of the Point of Beginning;
East, 3 miles, to the Point of Beginning.

Containing approximately 9,700 acres.

5. The Departmental order of June 26, 1941, which established Air Navigation Site Withdrawal No. 162, is hereby revoked so far as it affects the following-described lands:

(FAIRBANKS 023814)

NORTHWAY AIRFIELD

Tract B

Beginning at Corner No. 6 of U.S. Survey 2630, thence
N. 60°00' W., 7,400 feet;
N. 78°05' E., 3,665 feet;
S. 60°00' E., 4,658 feet;
S. 30°00' W., 2,640 feet to the point of beginning.
Containing approximately 365 acres.

6. Portions of the lands released from withdrawal by Paragraph 4 of this order are included in other withdrawals, and 365 acres at Naknek is under application for withdrawal for use of the Federal Aviation Agency (Anchorage 048709). For detailed information concerning the status of any of the lands described in this order, inquiry should be made of the appropriate official of the Bureau of Land Management referred to in the final paragraph hereof.

7. Subject to any valid existing rights, to the provisions of existing withdrawals, and the requirements of applicable law, the lands released from withdrawal by this order and not rewithdrawn by Paragraph 1, are hereby opened to settlement and to filing of applications, selections, and locations in accordance with the following (the unsurveyed lands being opened to such applications, selections, and locations as may by law be made for unsurveyed lands):

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on September 22, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and Section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339; Public Law 85-508).

(3) All valid applications and selections under the nonmineral public land laws, other than from the State of Alaska under Paragraph 7(a)(2), and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on July 28, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, and selections and offers filed after that

hour will be governed by the time of filing.

b. The lands will be open to settlement under the homestead and Alaska homesite laws, to applications and offers under the mineral leasing laws, and to location under the United States mining laws beginning at 10:00 a.m. on September 22, 1960.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska, except for lands at Naknek, with respect to which inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 23, 1960

[F.R. Doc. 60-5974; Filed, June 28, 1960; 8:46 a.m.]

[Public Land Order 2134]

[1761619]

ALASKA

Partly Revoking Executive Order No. 8102 of April 29, 1939 (Fort Richardson)

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8102 of April 29, 1939, so far as it reserved the following described lands under the control and jurisdiction of the War Department for use as a military reservation is hereby revoked:

SEWARD MERIDIAN

T. 14 N., R. 2 W.,
Sec. 13;
Sec. 14, lots 17 to 22, 26 to 30, 33 to 41, 45 to 61, 65 to 78, 82 to 97, 101 to 116, 120 to 127, all inclusive;
Sec. 23, E½;
Sec. 24.

The areas described aggregate 1,856.53 acres.

2. Subject to valid existing rights and to the provisions of existing withdrawals, the lands until 10:00 a.m., on September 22, 1960, shall be subject only to selection by the State of Alaska, in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and Section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. Subject to the selection rights of the State of Alaska, the lands are hereby classified for lease or sale under the Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended. In accordance with subsection 1(a) of the amendatory Act of June 4, 1954 (68 Stat. 173, 174), the lands, by virtue of this classification, shall not be subject to appropriation under any other public land law (except selection by the State of Alaska) unless this classification be revised or other disposition be authorized. If, within 18 months from the date of this order no application has been filed for the purpose for which the lands are classified, an order will be issued restoring the lands to appropriation under the applicable public land laws.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 23, 1960.

[F.R. Doc. 60-5975; Filed, June 28, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

PART 701—AVAILABILITY OF OFFICIAL RECORDS

SUBCHAPTER C—PERSONNEL

PART 720—PROCEEDINGS IN CIVIL COURTS

Amendments

Scope and purpose: Part 701, Availability of Official Records, and Part 720, Proceedings in Civil Courts, are amended to reflect pertinent functions of the Office of the Judge Advocate General, West Coast, San Bruno, California, in accordance with current regulations of the Department of the Navy.

§ 701.3 [Amendment]

1. Section 701.3(a) is revised to read as follows:

(a) Whether or not litigation is involved, persons in the naval service, civilian employees of the Naval Establishment, their personal representatives, e.g., executors, guardians, etc., or other properly interested parties, may be furnished copies of records or information therefrom relating to death, personal injury, loss, or property damage to or involving such personnel, without following the procedures prescribed in either paragraph (c) or (d) of § 701.2, provided the interests of the United States are not prejudiced thereby. All such requests except requests for medical records shall be referred to the Judge Advocate General or, in the 11th, 12th, 13th, 14th, and 17th Naval Districts, to the Director, Office of the Judge Advocate General, West Coast. Requests for medical records shall be processed in accordance with the Department of Defense policy set forth in Part 41 of this title, as implemented by the Manual of the Medical Department (see also paragraph (b) of this section). If in processing such a request for medical records, it appears that the interests of the United States may be involved, then such requests shall be referred to the Judge Advocate General.

2. Section 720.4a reading as follows is inserted between current §§ 720.4 and 720.5:

§ 720.4a Authority of the Director, Office of the Judge Advocate General, West Coast.

In the Eleventh, Twelfth, Thirteenth, Fourteenth and Seventeenth Naval Districts, the Director, Office of the Judge Advocate General, West Coast, is authorized to act for the Judge Advocate General under § 720.2(b), under § 720.3 if delivery is within the scope of § 720.2, and under § 720.4(a).

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Captain, U. S. Navy, Acting Judge Advocate General of the Navy.

JUNE 23, 1960.

[F.R. Doc. 60-6004; Filed, June 28, 1960; 8:50 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 60-45]

PART 171—STANDARDS FOR NUMBERING

Virginia System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 6, 1960, approved the Virginia system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Virginia system shall be operative on and after July 1, 1960. On that date the authority to number motorboats principally used in the State of Virginia will pass to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Virginia. On and after July 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Virginia will be required to be reported to the Commission of Game and Inland Fisheries, Richmond, Virginia, pursuant to Chapter 500, Acts of the Assembly, 1960, approved March 31, 1960, and the "Boating Safety Act Regulations" (Regulations No. 135) approved and adopted by the Commission of Game and Inland Fisheries.

Because the amendments to §§ 171.01-6(b), and 171.10-1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of July 1, 1960:

Subpart 171.01—General

1. Paragraph (b) of § 171.01-6 *Temporary exemptions until July 1, 1960,* is amended by deleting "Virginia" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. Paragraph (b) of § 171.10-1 *To whom made,* is amended by inserting in the list of States having approved numbering systems the State of "Virginia."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 23, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 60-5999; Filed, June 28, 1960; 8:49 a.m.]

[CGFR 60-46]

PART 171—STANDARDS FOR NUMBERING

Massachusetts System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 10, 1960, approved the Massachusetts system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Massachusetts system shall be operative on and after June 15, 1960. On that date the authority to number motorboats principally used in the State of Massachusetts passed to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Massachusetts. On and after June 15, 1960, all reports of "boating accidents" which involve motorboats numbered in Massachusetts will be required to be reported to the Division of Motorboats, The Commonwealth of Massachusetts, 100 Nashua Street, Boston, Massachusetts, pursuant to Chapter 275, Massachusetts Acts of 1960, approved April 1, 1960, and the "Rules and Regulations for the Numbering of Undocumented Vessels, and the Reporting of Boating Accidents" of the Massachusetts Division of Motorboats.

Because the amendments to §§ 171.01-6(b), and 171.10-1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of June 15, 1960:

Subpart 171.01—General

1. Paragraph (b) of § 171.01-6 *Temporary exemptions until July 1, 1960,* is amended by deleting "Massachusetts" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. Paragraph (b) of § 171.10-1 *To whom made,* is amended by inserting in the list of States having approved numbering systems the State of "Massachusetts."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 23, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 60-6000; Filed, June 28, 1960; 8:49 a.m.]

[CGFR 60-47]

PART 171—STANDARDS FOR NUMBERING

Maryland System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 14, 1960, approvide the Maryland system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Maryland system shall be operative on and after July 3, 1960. On that date the authority to number motorboats principally used in the State of Maryland will pass to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Maryland. On and after July 3, 1960, all reports of "boating accidents" which involve motorboats numbered in Maryland will be required to be reported to the Tidewater Fisheries Commission, State Office Building, Annapolis, Maryland, pursuant to the Maryland "State Boat Act" (HB 107) approved by the Governor on March 23, 1960, and the Maryland Boat Regulations of the Game and Inland Fish Commission and the Tidewater Fisheries Commission.

Because the amendments to §§ 171.01-6(b), and 171.10-1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of July 3, 1960:

Subpart 171.01—General

1. Paragraph (b) of § 171.01-6 *Temporary exemptions until July 1, 1960,* is amended by deleting "Maryland" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. Paragraph (b) of § 171.10-1 *To whom made,* is amended by inserting in the list of States having approved numbering systems the State of "Maryland."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 23, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 60-6001; Filed, June 28, 1960; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

Definition of Repeater Station

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration § 10.2 of Part 10 of its rules with reference to the definition of a Repeater Station set forth therein; and

It appearing that certain changes in the wording of this definition are necessary to reflect more accurately the type of communications which may be automatically retransmitted through a Repeater Station; and

It further appearing that authority for this change is contained in sections 4 and 303 of the Communications Act of 1934, as amended; and

It further appearing that the provisions of section 4 of the Administrative Procedures Act are not applicable to this Order interpreting a regulation of the Commission;

It is ordered, That the definition "Repeater Station" in § 10.2(b) of the Com-

mission's rules is amended, effective August 1, 1960, to read as follows:

§ 10.2 Definitions.

• • • • • •

(b) Definitions of stations:

• • • • • •

Repeater station. An operational fixed station established for the automatic retransmission of radio communications received from any station in the Mobile Service.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5996; Filed, June 28, 1960; 8:49 a.m.]

[Docket No. 13396; FCC 60-737]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Retirement Units for Aerial Cable and Aerial Wire

1. On February 10, 1960, the Commission adopted a notice of proposed rule making in the above-entitled matter, which was published in the FEDERAL REGISTER on February 17, 1960 (25 F.R. 1414) in accordance with section 4(a) of the Administrative Procedure Act. This notice presented for comment, on or before March 14, 1960 (with allowance for reply comments within 20 days thereafter) a proposal of American Telephone and Telegraph Company (AT&T), made on behalf of itself and its associated operating telephone companies, that Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules be amended to increase the lengths of aerial cable and aerial wire which are defined as retirement units in § 31.8, "List of retirement units," from "A span of cable, • • •" to "Two continuous spans or more of cable, • • •" and from "Two continuous spans or more of one wire, • • •" to "Five continuous spans or more of one wire, • • •" An accompanying editorial change in § 31.8 was proposed to make the expression "a span" appearing in quotation marks in the sentence enclosed in parentheses in the first paragraph under the cable accounts read simply "span." The Commission also proposed to amend the retirement units for aerial cable and aerial wire in Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules in exactly the same manner as was proposed for Part 31. Comments were also solicited directed to the question as to whether there are circumstances peculiar to the operations of smaller telephone companies which would make it less advisable to make the proposed amendments applicable to Class B and Class C telephone companies than for large companies. While no changes were proposed for Parts 34 (Uniform System of Accounts for Radiotelegraph Carriers) and 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) of the Commission's rules, the notice stated that any comments would be considered with respect to whether similar changes should be made in the retirement units prescribed in these systems.

2. Timely comments were received from General Telephone Service Corporation (General), the Rural Electrification Administration of the United States Department of Agriculture (REA), and United States Independent Telephone Association (USITA). Reply comments to REA's comments were received from AT&T. No comments were received as to whether it would be less advisable than for Class A telephone companies to make the proposed amendments applicable to Class B and Class C companies or with respect to similar amendments to Parts 34 and 35 of our rules. No one requested a public hearing or oral argument.

3. General requests, on behalf of itself and its associated operating telephone companies, that the proposed amendments to Part 31 be adopted. USITA states that its Accounting Committee is in complete agreement with the proposed changes in Parts 31 and 33.

4. REA questions the advisability of adopting the proposed retirement units. It suggests that retirement units expressed in terms of spans are no longer applicable. It states that, in the case of REA-financed telephone systems, span lengths vary from about 200 feet to 1,000 feet or more for long-span insulated wire construction. Thus, if retirement units are expressed in terms of spans, there is no clear line of demarcation between replacements that involve retirement accounting and those which are charged to maintenance based on the quantities or costs. REA believes that good continuing property records should state in concrete terms the units which comprise each plant account. In lieu of the present and proposed retirement units, REA recommends that the property units be established in terms of 1,000 feet for aerial wire and 200 feet for cable. These, REA states, could provide measurable units and uniform standards for credits and charges to the plant accounts where retirements and replacements are involved. With respect to cable, particularly the larger sizes, REA does not believe a larger retirement unit should be prescribed. REA also believes that, in the case of aerial wire, the use of the proposed retirement unit might create a considerable problem of varying maintenance costs and also that, unless "span" is defined in terms of average measurements, it is possible that replacement of several thousand feet of aerial wire, but less than five spans, might be treated as maintenance, while replacement of an equivalent or lesser amount representing more than five spans, might be treated as retirement and new construction. REA presumes the same complications, although to a lesser degree, might result with respect to cable.

5. AT&T, in reply to REA's comments, states that it understands REA feels that the proposed increases in minimum lengths of retirement units for aerial cable and aerial wire would be likely to cause relatively large and troublesome variations in maintenance expenses of certain telephone companies. Accordingly, AT&T believes that it might be well to permit the optional use of smaller retirement units than those specified in Part 31 and suggests that this be done by revising the first paragraph of § 31.8. AT&T further suggests that the Commission may wish to consider providing for notification from those companies that avail themselves of the option of using retirement units smaller than those specified and to consider incorporating into Part 33 the same provisions relating to the option of using smaller units.

6. As to REA's suggestion that the retirement units in question should be expressed in terms of feet rather than spans, AT&T definitely prefers to continue using retirement units for aerial cable and aerial wire that are expressed in terms of spans. AT&T has found it advantageous to have retirement units which are simple and readily identifiable, without requiring measurements. It states that the number of spans involved in a replacement of aerial cable or aerial wire is an obvious fact, most of such replacements being performed in whole span multiples, and that this in no way conflicts with maintaining continuing property records for aerial cable in terms of feet of cable and, for aerial wire, in terms of feet or miles of wire. AT&T also states there is a factor which prevents the variation in span lengths from causing a proportionate variation in the maximum cost of a replacement job accountable as maintenance. This factor is the tendency for the cross sectional cost per foot of all the cables or all the wires in an abnormally long span to be lower than in a span of average length because of the likelihood of fewer conductors in the long span. AT&T believes that cases of replacement jobs accountable as maintenance costing more than certain replacement jobs accountable as construction and removals could be entirely eliminated only by using retirement units expressed in dollars of total cost and that such a rule would be impracticable because of the burdensome record keeping or cost estimating which would be involved. AT&T believes that the Commission's proposal will have substantially the same over-all effect in the accounts as if the retirement units were established in terms of dollars of total cost.

7. The Commission is of the opinion that retirement units for aerial cable and aerial wire expressed in terms of feet would not be as practicable as units expressed in terms of spans. While spans of wire and cable vary in length, the cost per foot in a longer span, as pointed out by AT&T, is usually lower because of fewer conductors in a longer span, and therefore, the variation in span length does not cause a proportionate variation in the costs of spans of various lengths. Regarding the continuing property record units in terms of which the continuing property record is maintained, the property record units are not necessarily the same as the retirement units and may be expressed in terms of feet for aerial cable and feet or miles for aerial wire. Since retirement units expressed in terms of spans for aerial cable and aerial wire are easily identified and do not require measurement in order to determine whether maintenance or retirement accounting is to be performed, the Commission believes such units to be preferable. Accordingly, Parts 31 and 33 are being amended as proposed with respect to the units prescribed. However, a provision is being added permitting the optional use of smaller retirement units upon notification to the Commission. This option will apply to all retirement units and not be limited to aerial cable and aerial wire. Thus, if any carrier feels that any prescribed retirement unit will produce undue distortion in its maintenance expenses or for some other reason believes it not advisable for its operations, it may, after so notifying the Commission, use a smaller unit. The amendment adopted further provides that if smaller retirement units are adopted, they must be consistently used and may not be further modified except after notifying the Commission.

8. It is of interest to note for the record that uniform systems of accounts for gas and electric utilities prescribed by the Federal Power Commission and by other regulatory bodies have long provided that the prescribed lists of retirement units may be expanded by the utilities but may not be condensed. In other words, the units prescribed are of maximum size and while subdivision thereof, or the addition of other units, is permitted, the combination or the increase in size of such units is enjoined. We do not intend by the amendments made herein to authorize the addition of retirement units unless they are subdivisions of prescribed units.

9. Since no comments were received on the question of whether any changes should be made in the retirement units for radiotelegraph carriers and wire-telegraph and ocean-cable carriers, no amendments of Parts 34 and 35 of our rules are being made in this proceeding.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Parts 31 and 33 of the Commission's rules in the manner presented in the notice of proposed rule making with the exception noted in the next appearing clause; and

It further appearing that provision should be made for the optional use of smaller retirement units than those prescribed, not only with respect to aerial wire and aerial cable, but with respect to all retirement units;

It is ordered, That under authority contained in sections 4(i) and 220(a) of the Communications Act, as amended, Parts 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) and 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules and regulations are amended as follows, effective January 1, 1961.

1. Section 31.2-25(b)(1) of Part 31 is amended to read as follows:

§ 31.2-25 Telephone plant retired.

• • • • • •

(b) • • •

(1) Retirement units: This group includes major items of property, a list of which is shown in § 31.8. These items may be subdivided at the option of the company as provided in § 31.8. The original cost of any such item retired shall be credited to the plant account and charged to account 171, "Depreciation reserve," whether or not replaced. (Note also paragraph (b) of account 171.) The original cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

§ 31.8 [Amendment]

2. Section 31.8 of Part 31 is amended as follows:

a. The introductory text of § 31.8 *List of retirement units* is revised to read:

The following list of retirement units shall be used in connection with the accounting provided in §§ 31.2-24 and 31.2-25, except that any company may use smaller units which are subdivisions of the units listed provided its practice in this respect is consistent. However, the list shall not be considered as determining the classification of the telephone plant involved. Any company electing to exercise its option of using smaller units shall notify the Commission 30 days before commencing such use or any change therein. The Commission shall also be notified 30 days before any discontinuance of the use of units smaller than those listed.

• • • • • •

b. In the subsection applicable to cable accounts 242:1, 242:2, 242:3 and 242:4, delete the first retirement unit, together with the parenthetical sentence associated with it, and substitute the following:

Two continuous spans or more of cable, with or without associated suspension strand, clamps, rings, etc. (The term "span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)

c. In the subsection applicable to aerial wire account 243, delete the first retirement unit and substitute the following:

Five continuous spans or more of one wire, with or without associated insulators, transposition brackets, etc.

3. Section 33.35(a)(1) of Part 33 is amended to read as follows:

§ 33.35 Telephone plant retired.

(a) *Depreciable telephone plant.* • • •

(1) *Units of property.* This group includes major items of property, a list of which is shown in § 33.81. These items may be subdivided at the option of the company as provided in § 33.81. The book cost of any such item retired shall be credited to the appropriate plant account and charged to account 2600, "Depreciation reserve," whether or not it is replaced. Account 2600 shall also be charged with the cost of removing such plant (except station apparatus and station wiring) and shall be credited with the amount received for any materials recovered and sold, or the cost (estimated if not known) of the materials if returned to stores. The cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

• • • • • •

§ 33.81 [Amendment]

4. Section 33.81 of Part 33 is amended as follows:

a. The introductory text of § 33.81 *Units of property* is revised to read:

The following list of units of property shall be used in connection with the accounting provided in § 33.35, except that any company may use smaller units which are subdivisions of the units listed provided its practice in this respect is consistent. Any company electing to exercise its option of using smaller units shall notify the Commission 30 days before commencing such use or any change therein. The Commission shall also be notified 30 days before any discontinuance of the use of units smaller than those listed. Additions to or revisions of this list will be issued, when necessary, by the Commission, to which any applications for such additions or revisions shall be presented by the company.

b. In the subsection applicable to "Poles, conduit, cable, and wire (Account 1045)", immediately following the subcaption "Cable:" delete the first unit of property, together with the parenthetical sentence thereafter, and substitute the following:

Two continuous spans or more of cable, with or without associated suspension strand, clamps, rings, etc. (The term "span" shall include a length of cable from a Y splice not located at a pole to a pole or building.)

c. In the subsection applicable to "Poles, conduit, cable, and wire (Account 1045)", immediately following the subcaption "Aerial wire:" delete the first unit of property and substitute the following:

Five continuous spans or more of one wire, with or without associated insulators, transposition brackets, etc.

(Sec. 4, 48 Stat. 1066 as amended, 47 U.S.C. 154. Interpret or apply sec. 220, 48 Stat. 1078, 47 U.S.C. 220)

Adopted: June 23, 1960.

Released: June 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5997; Filed, June 28, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A-2]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area, which was issued June 17, 1960 (25 F.R. 5700), is hereby extended to July 9, 1960.

Dated: June 23, 1960, Washington, D.C.

F. R. BURKE,
Acting Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-5980; Filed, June 28, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 11]

[Docket No. 13616; FCC 60-740]

RESTORATION OF CERTAIN BANDS TO PUBLIC SAFETY AND INDUSTRIAL RADIO SERVICES

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Following a proposal made by the United States at the International Civil Aviation Organization (ICAO) Special North Atlantic Fixed Services Meeting, Montreal, January 1957, a civil requirement was established internationally for both voice and teletypewriter channels linking Canada, southern Greenland, Iceland, and possibly the European coast using the technique of forward propagation by ionospheric scatter (FPIS). Although such facilities would not have been on U.S. territory (not licensed by the FCC), an exclusive allocation for scatter operations was considered necessary to avoid mutual interference to and from U.S. mobile operations. Such an allocation was considered further warranted by the fact that most U.S. civil aircraft flying the North Atlantic route to Europe would have benefited through use of the scatter facilities. The U.S. proposal was intended to satisfy the above-stated requirement with FPIS, at least as far east as Iceland, in support of the U.S. position in ICAO. The allocation proposal was also supported by RCA Communications, Inc., which operates a number of stations in the International Fixed Public Radio Service.

3. Pursuant to the establishment of these and other, apparent needs for a non-Government ionospheric scatter allocation and after public notification of proposed rule making in the matter, the Commission, by its First Report and Order in Docket No. 12169, adopted December 18, 1957, reallocated the bands 46.51–46.60 Mc and 49.51–49.60 Mc to the Aeronautical Fixed and International Fixed Public Services.

4. Events which have transpired since the above-mentioned Order was adopted have not justified the Commission's original belief that a non-Government ionospheric scatter allocation is needed at this time. Oral testimony developed during the Commission's recent inquiry into frequency allocations between 25 and 890 Mc, Docket No. 11997, indicates that ICAO is now committed to use proposed new submarine cables for all communications associated with the movement of air traffic over the North Atlantic in lieu of originally proposed ionospheric scatter circuits, thereby negating one of the basic purposes of the subject allocation. The Commission has received no applications for authority to use these frequencies for scatter operations. No provision was made at the recent Administrative Radio Conference, Geneva, 1959, for international use of the scatter technique on these frequencies.

5. Subsequent to the inquiry in Docket 11997 the Commission received the following petitions for rule making in the above-entitled matter:

a. Special Industrial Radio Service Association (SIRSA), filed August 24, 1959, requests reallocation of the 49.51–49.60 Mc band to the Special Industrial Radio Service.

b. T. L. James & Company, R. B. Tyler Company et al., filed September 28, 1959, also requests reallocation of the 49.51–49.60 Mc band to the Special Industrial Radio Service.

c. Forest Industries Radio Communications, filed March 3, 1960, requests reallocation of the 49.51–49.60 Mc band, including frequencies derived from channel splitting, to the Forest Products Radio Service on a shared basis with the Special Industrial Radio Service.

d. Forestry Conservation Communications Association, filed December 14, 1959, requests reallocation of the 46.51–46.60 Mc band to the Forestry-Conservation Radio Service for use by state agencies only.

National Sand and Gravel Association and National Ready Mixed Concrete Association filed a letter with the Commission on October 29, 1959 supporting the abovementioned SIRSA petition. These petitions cited lack of use of the subject bands for scatter operations and the petitioners' increasing need for additional frequencies in this range.

6. In view of the above, the Commission hereby proposes to reallocate the 46.51–46.60 Mc and the 49.51–49.60 Mc bands to the Public Safety and Industrial Radio Services, respectively, the same services to which these frequencies were allocated immediately prior to the First Report and Order in Docket 12169.

7. It is proposed to sub-allocate the 49.51–49.60 Mc band, with 20-kc channel spacing, to the Special Industrial Radio Service, the expansion of which has demonstrated its immediate need for additional frequency space in this portion of the spectrum. Previous sharing privileges would be restored to the Forest Products Radio Service on 49.54 Mc and 49.58 Mc, but would not extend to newly assignable frequencies, 49.52 Mc and 49.56 Mc, to be derived from channel splitting in this band inasmuch as recent rule making proceedings provided for shared use by the Forest Products Radio Service of many 40-Mc Petroleum Radio Service frequencies.

8. It is also proposed to reallocate the band 46.51–46.60 Mc to the Public Safety Radio Services; however, sub-allocation of this band within the Public Safety Radio Services will be accomplished by a subsequent rule making proceeding inasmuch as further study of the various Public Safety service requirements is necessary.

9. The proposed rule making would grant, either in full or in part, each petition listed in paragraph 5 above except that of the Forestry, Conservation Communications Association, which is being considered in connection with the further study mentioned in paragraph 8 above.

10. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

11. All interested persons are invited to file, on or before August 26, 1960, comments supporting or opposing the proposals set out in this Notice and in the Appendices hereto, or submitting any modifications or counterproposals the parties may wish to submit. Comments in reply thereto may be submitted by September 6, 1960. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 23, 1960.

Released: June 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 2.104(a)(5) of the Commission's rules and regulations is amended in the bands 44.0–46.6 Mc and 47.0–49.6 Mc to read as follows in columns 7 through 11 and footnote NG51 is deleted.

§ 2.104 Frequency allocations.

(a) *Table of frequency allocations.*

* * *

(5) * * *

FEDERAL COMMUNICATIONS COMMISSION

Band (Mc)	Service	Class of station	Frequency (Mc)	Nature of [SERVICES stations
7	8	9	10	11
*	*	*	*	*
44.0–46.6	Land mobile.	a. Base. b. Land mobile.	44.02–44.60 (NG45)	LAND TRANSPORTATION.
			44.62–46.58 (NG45)	PUBLIC SAFETY.
*	*	*	*	*
47.0–49.6	Land mobile.	a. Base. b. Land mobile.	47.02–47.42 (NG45)	PUBLIC SAFETY.
			47.44–47.68 (NG45)	PUBLIC SAFETY; INDUSTRIAL.
			47.70–49.58 (NG45)	INDUSTRIAL.
*	*	*	*	*

NG51 (Deleted).

Part 11, Rules governing the Industrial Radio Services, is amended as follows:

1. Section 11.104(b)(4)(ii) is amended to read:

§ 11.104 Emission limitations.

* * * * *

(b) * * *

(4) * * *

(ii) Were authorized for operation on frequencies within the range 49.60–50.00 Mc;

§ 11.352 [Amendment]

2. Section 11.352(b) is amended by adding 49.54 and 49.58 Mc to the frequency table.

§ 11.504 [Amendment]

3. Section 11.504(a) is amended by the addition of the following, in numerical order, to the frequency table:

Frequency or band	Class of station(s)	General reference	Limitations
Mc			
49.52	Base or mobile	Itinerant use	12
49.54	do	General use	
49.56	do	Permanent use	11
49.58	do	General use	

4. Section 11.506(b) is amended to read:

§ 11.506 Unlisted frequencies.

* * * * *

(b) Radio systems authorized to operate on frequencies which had previously been available for assignment within this service, but which are no longer available for assignment, may continue to operate on such frequencies under appropriate authorization until April 1, 1963.

[F.R. Doc. 60-5998; Filed, June 28, 1960; 8:49 a.m.]

[47 CFR Part 8]

SHIP RADIOTELEPHONE STATIONS

Operating Procedures and Station Records

In the matter of amendment of Part 8 of the Commission's rules with regard to operating procedures and station records of ship radiotelephone stations in the 1600–3500 kc band; Docket No. 13523.

The Commission having under consideration a petition filed by The American Waterways Operators, Inc. requesting a 90-day extension of time in which to file comments directed to the Commission's Notice of Proposed Rule Making in this Docket;

It appearing that petitioner, an association representing various operators of commercial freight boats on inland waterways, has an Electronics Committee which studies matters pertaining to the use of radio facilities and transmits recommendations to petitioner's membership in order to formulate an association policy; and

It further appearing that due to the time required for the call of the Committee meeting, exchange of views and necessity of allowing members to express their opinions, petitioner needs additional time in which to submit its comments; and

It further appearing that the petitioner's request for an extension of time in which to file comments in this proceeding is reasonable, and the public interest would be served by an extension until September 27, 1960;

It is ordered, That the petition of The American Waterways Operators, Inc. is granted and the time for filing comments in the above-entitled proceeding is hereby extended from June 27, 1960, to September 27, 1960;

It is further ordered, That reply comments must be filed on or before October 7, 1960.

Dated: June 22, 1960.

Released: June 23, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5995; Filed, June 28, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

SUSPENSION AND EXPULSION OF EXCHANGE MEMBERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed rule under the Securities Exchange Act of 1934 which would provide that the failure or refusal of an issuer or certain other persons to cooperate with the Commission in proceedings under section 19(a)(2) or investigations under section 21 of the Act with respect to compliance with section 12 or 13 of the Act shall be deemed a failure to comply with the provisions of the Act or the rules and regulations thereunder for the purpose of section 19(a)(2).

Section 19(a)(2) of the Act authorizes the Commission, after appropriate notice and opportunity for hearing by order to deny, to suspend the effective date of, to suspend for a period not exceeding 12 months or to withdraw, the

registration of a security if the Commission finds that the issuer of such security has failed to comply with any provision of the Act or the rules and regulations thereunder. The Commission is further authorized by section 21 of the Act to make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of the Act or any rule or regulation thereunder.

From time to time the Commission has encountered difficulty in proceedings under section 19(a)(2) in obtaining information or documents which would facilitate a determination whether an issuer has failed to comply with the provisions of the Act or the rules and regulations thereunder with respect to disclosure. This difficulty has stemmed from the failure or refusal of certain persons, particularly nonresident persons, to accept service of subpoenas to testify or to produce needed documents or from other efforts designed to obstruct the Commission. Similar difficulties have been encountered in connection with investigations under section 21 of the Act.

Section 23(a) authorizes the Commission to make such rules or regulations as may be necessary for the execution of the functions vested in it. Accordingly, in order that the purposes of the Act may not be thwarted in such cases the Commission is considering the proposed rule which would provide a basis for the issuance of an order under section 19(a)(2) of the Act denying, suspending or withdrawing the registration of a security in any case in which the issuer, its officers, directors, employees or controlling persons fail or refuse to cooperate with the Commission in the proceeding or investigation.

The text of the proposed § 240.19a2–1 (rule 19a2–1) is as follows:

§ 240.19a2–1 Effect of certain conduct by certain persons.

If any issuer, any officer, director or employee of such issuer, or any person controlling such issuer, shall hinder, delay or obstruct any proceeding under section 19(a)(2) of the Act, or any investigation under section 21 of the Act, with respect to compliance with section 12 or 13 of the Act by such issuer, or shall fail or refuse to cooperate with the Commission in such a proceeding or investigation, such conduct shall be deemed a failure to comply with the provisions of the Act and the rules and regulations thereunder for the purposes of section 19(a)(2) of the Act.

The foregoing rule would be adopted pursuant to the Securities Exchange Act of 1934, particularly sections 19(a)(2), 21 and 23(a) thereof.

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before July 25, 1960. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 23, 1960.

[F.R. Doc. 60–5978; Filed, June 28, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DESIGNATED OFFICIALS OF BUREAU OF COMMERCIAL FISHERIES

Delegations of Authority With Respect to Finance

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements set forth apply as a portion of the directives system of the Bureau of Commercial Fisheries. Such material follows the format of the Bureau's manual and is to be included therein. Material that relates solely to internal management has not been included.

SERIES 2000—ADMINISTRATIVE SERVICES

TITLE 2200—FINANCE

Chapter 2210—Policy and Delegations of Authority

2211.2 *Delegation.* The Assistant Director, Chief, Division of Administration, Regional and Area Directors, and such others as are specified in this delegation, are severally authorized, unless specifically excepted to the extent stated in each case, to exercise the authority of the Director, with respect to the administrative matters listed herein.

A. *Certifying officers.* Designate certifying officers under 31 U.S.C. 82b, (Secretary's Order No. 2807, dated December 29, 1955).

B. *Telephone calls.* Make certification with respect to long distance telephone calls pursuant to 31 U.S.C. 680a. Authorized certifying officers and station chiefs are authorized to make such a certification (205 DM 5.4).

C. *Telephone service.* Authorize or approve in writing payments for telephone service in the private residences of officers and employees of the Bureau at field installations, pursuant to 31 U.S.C. 679, when the nature of the work of the field officers or employees, in whose residences such telephone service is maintained, requires the use of such service for efficient conduct of the official business of the Department (205 DM 5.2).

2211.3 *Appropriation withdrawals and credits.* Only the Chief, Division of Administration, may approve SF–1151, Appropriation Transfer Authorization, in connection with non-expenditure transactions made pursuant to section 1210 of the General Appropriation Act of 1951 (64 Stat. 595, 765); 7 GAO 2030; and Special Letter No. 527 of the Chief Disbursing Officer, Treasury Department (205 DM 6.2): *Provided,* That this authorization shall not extend to SF–1151's in connection with the transfer of funds between bureaus within or outside the Department.

2211.4 *Claims.* Only the Chief, Division of Administration, may submit directly to the General Accounting Office the original, or certified copies, of papers pertaining to claims which may be settled and adjusted only in that Office, together with a complete report of all pertinent facts and an administrative recommendation (304 DM 3.3).

2211.5 *Evidence of violations of law.* Only the Chief, Division of Administration, with the Chief, Division of Resource Development, may authorize and approve payments, not exceeding the statutory limitation, for information or evidence concerning violations of law administered by the Bureau of Commercial Fisheries (355 DM 3.4).

2211.6 *Erroneous payments made to employees.* Only authorized certifying officers may determine whether an erroneous payment has been made to an employee and whether the employee is indebted to the United States, as a result of such payment, in accordance with the Act of July 15, 1954 (68 Stat. 482). The Chief, Division of Administration, and Regional and Area Directors may review objections by employees to such determinations; authorized certifying officers, making determinations, may not review objections by employees to such determinations (205 DM 6.3).

2211.7 *Travel.* The officials designated in A and B below may authorize and approve official travel and transfer of official stations of officers and employees, including experts, consultants, and persons serving without compensation, in accordance with: provisions of the Standardized Government Travel Regulations, applicable statutes, regulations of the Bureau of the Budget, policies and budgetary limitations of the Department of the Interior, including payment of expenses in connection with the death of an employee in accordance with the Act of July 8, 1940 (5 U.S.C. 103(a) and 103(b)) and advances of funds in accordance with Act of June 9, 1949 (5 U.S.C. 838): *Provided,* That this delegation shall not include the authorization and approval of travel by means of general travel orders and travel for the purpose of attending meetings and conventions of societies and associations.

A. *Headquarters Office.* (1) The Chiefs of Divisions of: Administration, Biological Research, Industrial Research, and Resource Development.

(2) Authorized certifying officers with respect to advance of funds only.

B. *Regional and Area Offices.* (1) Regional Directors; Assistant Regional Directors; Regional Chiefs, Division of Administrative Services; Area Directors; Chief of Division of Administrative Services, Hawaii Area; and Administrative Officer, California Area; with such approval of travel limited to travel

(a) To Washington, D.C.;

(b) In connection with transfer of official stations of officers and employees within the Bureau;

(c) Within the geographical boundaries of the respective regions and areas, adjoining States and waters, Provinces of Canada, and States of Mexico, contiguous to the region or area when necessary for administration of routine or continuing activities of the region or area.

(2) Alaska Region and Hawaii Area, in addition to the delegation in B(1) above, to authorize and approve travel to points in continental United States for home leave pursuant to the Act of August 31, 1954 (5 U.S.C. 73b–3).

(3) Hawaii Area, in addition to the delegation in B(1) and B(2) above, to authorize and approve travel to points within Hawaii, the Trust Territory of the Pacific Islands, Pacific Territories and Island possessions, the States of California, Oregon, and Washington, Province of British Columbia, and Pacific Ocean areas.

2211.8 *Redelegation.* The following authorities, in addition to those provided in sections 2211.2 and 2211.7, may be redelegated as follows:

A. The Chief, Division of Administration, may redelegate to the Chief, Branch of Budget and Finance, authorities contained in sections 2211.2 and 2211.7; to the Chief, Branch of Personnel Management, the authorities contained in section 2211.7 with respect to approval of travel and transfer of the official stations of officers and employees.

B. The Regional and Area Directors may redelegate to their Station Chiefs the authority contained in section 2211.7B(1)(c).

2211.9 *Revocation.* Director's Order No. 3, revised, dated May 15, 1959 (24 F.R. 4565) is hereby revoked.

(Commissioner's Order No. 3 (22 F.R. 8126))

A. W. ANDERSON, *Acting Director.*

JUNE 24, 1960.

[F.R. Doc. 60–5958; Filed, June 28, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CONVEYANCE OF PROPERTY TO ALASKA

Pursuant to the authority contained in section 21 of the Alaska Omnibus Act (73 Stat. 141), the Secretary of Commerce is presently preparing to transfer to the State of Alaska by conveyance, effective as of June 30, 1960, certain real property owned, held, administered or used by the Secretary of Commerce in connection with the activities of the Bureau of Public Roads in Alaska.

This conveyance is subject to the condition that if the Secretary of Commerce or the head of any other Federal agency determines and publishes notice thereof in the FEDERAL REGISTER within 90 days next following June 30, 1960, that all or any part of this property or any interests therein is needed for continued retention in Federal ownership for purposes other than or in addition to road purposes, the Secretary of Commerce may enter and terminate the estate quitclaimed in the property concerning which said determinations are made, by notifying the Governor of the State of Alaska of such termination by registered letter or letters mailed by June 30, 1961. The State of Alaska will accept the conveyance without waiving any rights it may otherwise have to refer any dispute to the Claims Commission authorized by section 46 of the aforesaid Alaska Omnibus Act.

In order to give Federal agencies an opportunity to determine whether any of the real property to be conveyed is needed for continued retention in Federal ownership for purposes other than or in addition to road purposes, the following procedure will be used:

(a) Any Federal agency which determines that any of such real property is needed for continued retention in Federal ownership shall publish notice of such determination in the FEDERAL REGISTER within 60 days from the date of this publication.

(b) Such notice shall set forth a determination that there is either a firm requirement or a tentative requirement for retention of the properties concerned.

(c) If the notice sets forth a tentative requirement, the agency concerned shall determine whether a firm requirement for the property exists and, if so, shall publish notice of such determination within 30 days after publication of notice of the tentative requirement.

(d) It will be considered that none of the real property to be conveyed is needed for retention in Federal ownership for purposes other than or in addition to road purposes, unless a notice or notices with respect thereto are published in the FEDERAL REGISTER as provided in paragraphs (a), (b) and (c) herein.

(e) After notice has been published in the FEDERAL REGISTER that a firm requirement exists for the retention in Federal ownership of any real property to be conveyed as above described, the Federal agency concerned shall, within 120 days after publication of such notice, submit a formal request to the Secretary of Commerce for the Secretary to enter and terminate the estate quitclaimed to the State of Alaska to the extent of the agency's request. Failure of a Federal agency to make such formal request to the Secretary of Commerce will be deemed a waiver of any right to have the property retained.

Real property retained in Federal ownership as provided herein which is not needed or required for any purpose by the Department of Commerce shall be reported as excess by the Secretary of Commerce to the General Services Administration, in accordance with applicable regulations and procedures, and General Services Administration will be advised of the determinations of the Federal agencies.

A detailed list of individual parcels of land which are to be conveyed to the State of Alaska pursuant to section 21 of the Alaska Omnibus Act is on file for inspection at the Offices of the Bureau of Public Roads, 1717 H Street NW., Washington, D.C., Room 865 and at the Regional Office, Bureau of Public Roads, U.S. Department of Commerce, Federal Building, Juneau, Alaska.

Dated: June 24, 1960.

Recommended:

F. C. TURNER,
Acting Commissioner of Public Roads.

Issued:

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-5988; Filed, June 28, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-20510]

MANUFACTURERS LIGHT AND HEAT CO.

Order Permitting Substitution of Tariff Sheets

JUNE 22, 1960.

On December 2, 1959, The Manufacturers Light and Heat Company (Manufacturers) tendered for filing, inter alia, Fourth Revised Sheets Nos. 7, 12, and 27, and Fifth Revised Sheet No. 22 to its FPC Gas Tariff, Fourth Revised Volume No. 1. By order issued herein on December 31, 1959, the Commission ordered a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Manufacturers' FPC Gas Tariff, as proposed to be changed by the aforesaid tender of December 2, 1959, and, pending such hearing and decision thereon, suspended and deferred the use of the proposed tariff sheets until May 7, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. By order issued March 1, 1960, the Commission shortened this suspension period to April 5, 1960. By order issued May 9, 1960, the proposed tariff sheets were made effective as of April 5, 1960, subject to refund.

On March 2, 1960, pursuant to Ordering Paragraph (H) of the Commission's Order Approving Proposed Settlement, Fixing Rate of Return and Prescribing Refunds issued February 25, 1960 in Docket Nos. G-12197, G-16820, G-18425, and G-19250, Manufacturers tendered for filing Third Revised Sheets Nos. 7, 12, and 27 and Fourth Revised Sheet No. 22 to its FPC Gas Tariff, Fourth Revised Volume No. 1, which were accepted by the Commission as being in compliance with its aforesaid order of February 25, 1960.

On May 27, 1960, Manufacturers tendered for filing Substitute Fourth Revised Sheets Nos. 7, 12, and 27 and Substitute Fifth Revised Sheet No. 22 to its FPC Gas Tariff, Fourth Revised Volume No. 1. The aforesaid tariff sheets tendered on May 27, 1960 are exactly the same as the sheets placed in effect subject to refund as of April 5, 1960 by order issued herein May 9, 1960, except that they supersede the aforementioned tariff sheets filed on March 2, 1960 in Docket Nos. G-12197, et al.

The Commission finds:

(1) Good cause has been shown for permitting the substitution of Manufacturers' Substitute Fourth Revised Sheets Nos. 7, 12 and 27 and Substitute Fifth Revised Sheet No. 22 in the place of Fourth Revised Sheets Nos. 7, 12 and 27 and Fifth Revised Sheet No. 22 to Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1: *Provided, however,* That the aforementioned substitute tariff sheets are subject, in all respects, to this proceeding and all the orders issued herein as though originally filed in this proceeding.

(2) Good cause exists for waiving the 30-day notice requirements to permit the aforementioned substitute tariff sheets to become effective as of April 5, 1960, subject to refund.

The Commission orders:

(A) Substitute Fourth Revised Sheets Nos. 7, 12 and 27 and Substitute Fifth Revised Sheet No. 22 are hereby substituted in the place of Fourth Revised Sheets Nos. 7, 12 and 27 and Fifth Revised Sheet No. 22 to Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1: *Provided, however,* That the aforementioned substitute tariff sheets are subject, in all respects, to this proceeding and all the orders issued herein as though originally filed in this proceeding.

(B) The 30-day notice requirements contained in § 154.22 of the regulations under the Natural Gas Act are hereby waived to allow the aforementioned substitute tariff sheets to become effective as of April 5, 1960, subject to refund.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5991; Filed, June 28, 1960; 8:48 a.m.]

[Docket No. G-12399 etc.]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

Order Granting Motions for Severance and Affirming in Part Decision of Presiding Examiner

JUNE 22, 1960.

Natural Gas Pipeline Company of America, Docket No. G-12399; Champlin Oil & Refining Company, Docket No. G-14830; Amerada Petroleum Corporation, Docket No. G-16029; Cities Service Gas Company, Docket No. G-16217; Phillips Petroleum Company, Docket Nos. G-16280, G-16439; Carter-Jones Drilling Company, Inc., Docket No. G-16288; Magnolia Petroleum Company (now Socony Mobil Oil Company, Inc.), Docket Nos. G-16295, G-16296, G-16293, G-16266; Johntom Oil Company, Inc., Docket No. G-16375; McCommons Oil Company, Docket No. G-16376; Anson L. Clark, Docket No. G-16382; Cornell Oil Company, Docket No. G-16383; Bond Oil Corporation, et al., Docket No. G-16392; Hudson Oil & Metals Company, Docket No. G-16436; The Pure Oil Company, Docket No. G-17493; Gulf Oil Corporation, Docket No. G-16761; Riddell Petroleum Corporation, Docket No. G-17828; Fain-Porter Drilling Corporation, Docket No. G-17831.

As set forth fully by the presiding examiner in his initial decision, Natural Gas Pipeline Company of America (Natural) is seeking certificate authorization for a 185,000 Mcf per day expansion of its pipeline system. Temporary authorization for the operation of the proposed facilities was granted by the Commission on December 19, 1958. Of the 185,000 Mcf per day of additional capacity, 4,500 Mcf per day has been reserved for service to communities to be served by three interveners in this proceeding, Iowa Power and Light Company, Illinois Power Company and Iowa Southern Utilities Company. The presiding examiner made full and complete findings with regard to the various projects of these interveners, recommending approval of two projects without condition and further recommending that two of the projects be conditioned upon the obtaining by Illinois Power Company and Iowa Southern Utilities Company of contracts for service to two industrial customers.

Following the close of the hearing in this proceeding, Iowa Southern filed with the Commission a contract with the What Cheer Clay Products Company and Illinois Power Company filed a contract with the Sheffield Tile Products Company. These contracts satisfy the condition imposed by the presiding examiner. We find that they satisfactorily demonstrate the intention of these industrial customers to attach and assure that these projects will be economically feasible. We shall therefore affirm the decision of the presiding examiner in so far as it relates to the above-mentioned interveners, but will eliminate the necessity for further filings by Iowa Southern and Illinois Power with relation to the industrial customers.

On April 19, 1960, Iowa Southern Utilities Company filed a motion for severance of the noncontroversial matters in this proceeding from those at issue. On May 16, 1960, Illinois Power Company filed a similar motion. Neither motion has been opposed. Both companies indicated that unless authorization is granted to Natural to deliver gas to them at this time, it will be impossible for them to attach loads before the coming winter heating season.

In view of the necessity that construction of the respective distribution systems must soon be commenced if service is to be obtained this year, we will grant the motions of Iowa Southern and Illinois Power for severance from the proceedings of those portions of the matter concerning the interveners herein.

The Commission finds: The public convenience and necessity require that Natural be directed to establish physical connection of its facilities with facilities proposed to be built by the interveners named below and to deliver and sell natural gas to them for distribution in the named communities in amounts up to the quantities shown:

Interveners; Communities; and Quantity
Iowa Power and Light Co.; Emerson, Malvern, Pacific Junction, Iowa; 1071 Mcf/d.
Iowa Southern Utilities Co.; Sigourney, Iowa; 1148 Mcf/d. Osceola, What Cheer, Keota, Iowa; 2480 Mcf/d.
Illinois Power Co.; Ladd, Atkinson, Sheffield, Ill.; 598 Mcf/d.

The Commission orders:

(A) The motions for severance filed by Iowa Southern Utilities Company and Illinois Power Company are hereby granted.

(B) Natural Gas Pipeline Company of America shall establish physical connection of its facilities with the facilities proposed to be built by and to deliver and sell natural gas to the interveners named above in the amounts above set forth.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5992; Filed, June 28, 1960; 8:48 a.m.]

[Docket Nos. RI60-427—RI60-434]

H. L. HUNT ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

JUNE 22, 1960.

H. L. Hunt (Operator), et al., Docket No. RI60-427; Claude M. Langton, Trustee, Docket No. RI60-428; Secure Trusts, Docket No. RI60-429; Humble Oil & Refining Company, Docket No. RI60-430; Union Oil Company of California, Docket No. RI60-431; Estate of Lyda Bunker Hunt, Docket No. RI60-432; Producing Properties, Inc. (Operator), et al., Docket No. RI60-433; Jocelyn-Varn Oil Company (Operator), et al., Docket No. RI60-434.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60-427	H. L. Hunt (Operator) et al.	13	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parishes, La.).	Undated	6-2-60	7-3-60	12-3-60	18.3	[2] 23.5	G-20340
RI60-428	Claude M. Langton, Trustee.	1	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parish, La.).	Undated	6-2-60	7-3-60	12-3-60	18.3	[2] 23.5	G-20438
RI60-429	Secure Trusts	2	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parish, La.).	Undated	6-2-60	7-3-60	12-3-60	18.3	[2] 23.5	G-20455
RI60-430	Humble Oil & Refining Co.	160	2	El Paso Natural Gas Co. (Roberts (Strawn) Field, Sutton County, Tex.).	6-2-60	6-2-60	7-3-60	12-3-60	10.6418	[3] 15.7088	----------
RI60-431	Union Oil Co. of California.	32	3	West Lake Natural Gasoline Co. (Lake Trammell Field, Nolan County, Tex.).	Undated	6-3-60	7-10-60	[4] 7-11-60	8.5	[2] 8.5	G-15908
RI60-432	Estate of Lyda Bunker Hunt.	2	7	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parish, La.).	Undated	6-2-60	7-3-60	12-3-60	18.3	[2] 23.5	G-20445
RI60-433	Producing Properties, Inc. (Operator), et al.	10	13	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.).	Undated	6-6-60	7-6-60	12-6-60	13.0	[2] 14.5	----------
RI60-434	Jocelyn-Varn Oil Co. (Operator), et al.	6	2	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.).	5-19-60	5-23-60	6-23-60	[4] 6-24-60	6.9015	[2] 8.5	RI60-20

[1] The stated effective dates are those requested by Respondent, or the first day after the expiration of statutory notice.
[2] Pressure base is 15.025 p.s.i.a.
[3] Pressure base is 14.65 p.s.i.a.
[4] Or until such date as Supplement No. 4 to West Lake Natural Gasoline Co.'s (Operator), et al. FPC Gas Rate Schedule No. 1 becomes effective in Docket No. RI60-30, whichever is later.

H. L. Hunt (Operator), et al., Claude M. Langton, Trustee, Secure Trusts and Estate of Lyda Bunker Hunt, in support of their proposed favored nation increased rates, state that the favored-nation clause is an integral part of each initial rate schedule; such pricing provision was required to justify the long-term commitment of the sellers' gas; and this provision is in the public interest and is in and of itself just and reasonable.

Humble Oil & Refining Company, in support of its proposed favored-nation increased rate, states that the proposed rate is provided by contract and is in line with going contract prices in the area.

Union Oil Company of California (Union) and Jocelyn-Varn Oil Company (Jocelyn-Varn) in support of their proposed revenue-sharing increased rates

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

state that their contracts were negotiated at arm's-length. Union also states that the pricing provisions of its contract constitute an integral part of the consideration upon which such contract was based, and such provisions were designed to achieve a fair average price for gas delivered during the term of the contract. Jocelyn-Varn also cites the contract provisions and states that the proposed rate is in line with the going contract prices in the area.

Producing Properties, Inc. (Operator), et al. (Producing Properties) in support of its proposed three-step periodic increased rate, states that the proposed rate does not exceed the current market price for gas in the area and such rate is necessary in order to afford Producing Properties a reasonable return on its investment. Additionally, Producing Properties submitted a one-page cost of service study for the particular gas unit involved.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 8, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5990; Filed, June 28, 1960; 8:48 a.m.]

[Docket No. E-6947]

TETON VALLEY POWER AND MILLING CO., LTD.

Notice of Application

JUNE 23, 1960.

Take notice that on June 10, 1960, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Teton Valley Power and Milling Company, Limited, ("Applicant"), a corporation organized under the laws of the State of Idaho and doing business in Idaho and Wyoming with its principal business office at Driggs, Idaho, seeking an order authorizing the sale of all its electric generation, transmission, and distribution properties and equipment appurtenant thereto to Fall River Rural Electric Cooperative, Inc., of Ashton, Idaho ("co-op"). The above facilities are located in the County of Teton, State of Idaho, and the County of Teton, State of Wyoming. The proposed transaction will not affect any contract for the purchase, sale, or interchange of electric energy. The purchase price to be paid Applicant is $537,000.00. Applicant states that its system and that of Co-op are presently integrated and that the transaction, through reduction of administrative force and improved financing ability, will permit expansion resulting in improved service to customers.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of July 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5994; Filed, June 28, 1960; 8:48 a.m.]

[Docket No. RI60-425]

SHAMROCK OIL AND GAS CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Increased Rate To Become Effective Subject to Refund Upon Filing of Undertaking To Assure Refund of Excess Charges

JUNE 23, 1960.

On May 31, 1960, the Shamrock Oil and Gas Corporation (Operator) (Shamrock) tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 26, 1960.

Purchaser: Panhandle Eastern Pipe Line Company (Panhandle).

Producing area: Panhandle Field, Moore and Sherman Counties, Texas.

Rate schedule designation: Supplement No. 17 to Shamrock's FPC Gas Rate Schedule No. 4.

Effective rate: 8.51 cents per Mcf.[1]

Proposed rate: 8.99 cents per Mcf.

Effective date: July 1, 1960. (The stated effective date is the effective date proposed by Shamrock.)

Shamrock's contract provides that Shamrock's rates will be changed in proportion to any general change in rate of its purchaser. Panhandle has proposed rate increases which were suspended in the proceeding in Docket No. RP60-8, until July 1, 1960 and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. In support of its proposed increased rate, Shamrock cites its contract and Panhandle's proposed increases. Also, Shamrock states that increases to higher levels have been accepted by the Commission in the area, that the proposed rate is below prices for competitive fuels in the area, and that Shamrock's revenues have lagged behind increases in costs. Shamrock additionally submits cost of service studies.

The proposed change may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Shamrock's proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that the above-designated supplement be allowed to take effect subject to refund upon the timely filing of an agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 17 to Shamrock's FPC Gas Rate Schedule No. 4.

(B) Pending a hearing and decision thereon, the above-designated supplement is hereby suspended and the use thereof deferred until July 2, 1960, or until the day after the rates suspended under Docket No. RP60-8 are made effective, whichever is later, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Supplement No. 17 to Shamrock's FPC Gas Rate Schedule No. 4 shall be effective as of July 2, 1960, or as of the day after the rates suspended under Docket No. RP60-8 are made effective, whichever is later: *Provided*, That within 20 days from the date of this order, Shamrock shall execute and file under Docket No. RI60-425 with the Secretary of the Commission an agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A). The agreement and undertaking shall be signed by a responsible officer of Shamrock, shall be attested, and shall be accompanied by proper authorization from the board of directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Shamrock is advised to the contrary within 15 days after the filing of such agreement and undertaking, it shall be deemed to have been accepted for filing.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before August 5, 1960.

By the Commission. Commissioner Kline dissenting.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5993; Filed, June 28, 1960; 8:48 a.m.]

[1] Includes tax reimbursement and 0.6219 cent per Mcf for compression charged by seller. The stated rate governs original contract volumes; additional volumes are governed by another rate, provided in a contract amendment dated August 11, 1947. The rate is effective subject to refund in the proceeding in Docket No. RI60-217.

ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

STATEMENT OF ORGANIZATION AND FUNCTIONS

The Alaska International Rail and Highway Commission (hereinafter called the Commission) was established by the Act of Congress entitled "An Act to Establish an Alaska International Rail and Highway Commission" (70 Stat. 886) as amended (48 U.S.C. 338), for the purpose of studying "the economic and military advantages of additional highway and rail transportation facilities connecting continental United States with central Alaska." The results of its studies and its recommendations will be submitted to the Congress.

The Commission consists of six (6) Members of the Congress of the United States, not more than four of whom are members of the same political party; four (4) members from the executive branch of the government, one each from the Departments of State, Interior, Commerce and Army; and three (3) public members. Members of the Commission serve without compensation but are reimbursed for travel, subsistence and other authorized expenses.

The Commission employs a staff without regard to the civil service laws and the Classification Act of 1949, consisting of an Executive Director and an Administrative Assistant. The Associate Solicitor for Territories, Wildlife and Parks, Department of the Interior, acts as General Counsel. A transport economist on the staff of the Under Secretary of Commerce for Transportation acts as Transport Economist. The Honorable B. Frank Heintzleman, former Governor of the Territory of Alaska and former Chief Forester of Alaska, acts as Alaskan Advisor. The Commission is authorized to utilize the facilities, information and personnel of the agencies of the executive branch of the government, and said agencies are authorized to furnish such assistance.

The Commission is authorized in carrying out its duties to hold hearings and take testimony. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission. Interested persons may secure information or make submittals or requests at the offices of the Commission, Suite 705, 1809 G Street NW., telephone STerling 3-0860, Extension 3014.

WARREN G. MAGNUSON,
Acting Chairman.

[F.R. Doc. 60-5981; Filed, June 28, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 6093 etc.]

REOPENED INTRA-ALASKA CASE (KING SALMON PORTION)

Notice of Hearing

In the matter of the deletion of King Salmon from Northern Consolidated Airlines' route 126 if required by the public convenience and necessity.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 18, 1960, at 10:00 a.m., Alaska standard time, in the City Council Chamber of the Loussac Library at Fifth and F Streets, Anchorage, Alaska, before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matter:

1. Whether the public convenience and necessity require the deletion of King Salmon from Northern Consolidated Airlines' route 126.

For further details of the issues involved in this proceeding interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before July 11, 1960, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D.C., June 24, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-5973; Filed, June 28, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1309]

INSURANCE SECURITIES INC., ET AL.

Notice of Filing of Application for Order Exempting Proposed Transactions

JUNE 23, 1960.

In the matter of Insurance Securities Incorporated, Insurance Securities Trust Fund, Continental Casualty Insurance Company; File No. 812-1309.

Notice is hereby given that Insurance Securities Incorporated ("Applicant"), a California corporation and sponsor of Insurance Securities Trust Fund ("Trust Fund"), a registered open-end diversified investment company existing under and by virtue of the laws of the State of California, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act certain proposed transactions hereinafter described.

Included in the portfolio of the Trust Fund are 309,741 shares of Continental Casualty Insurance Company ("Casualty"), comprising 5.29 percent of the outstanding voting securities of said company. Also included in the portfolio of the Trust Fund are 50,000 shares of the capital stock of National Fire Insurance Company of Hartford ("National") $10.00 par value, comprising 10 percent of the outstanding voting securities of National, acquired for the Trust Fund at an average cost of $73.62 per share, and 47,370 shares of the capital stock of Continental Assurance Company ("Assurance") $5.00 par value, comprising 2.36 percent of the outstanding voting securites of Assurance, acquired for the Trust Fund at an average cost of $96.50 per share. The Trust Fund portfolio, as of April 30, 1960, contained shares of 94 companies and had a net asset value in excess of $413,000,000.

Under date of May 23, 1960, Casualty and Applicant, acting for the Trust Fund, negotiated two transactions, subject, however, to exemptions being granted by the Commission under section 17(b) of the Act. The two transactions are as follows:

(a) The sale out of the Trust Fund portfolio to Casualty of 50,000 shares of National at a price of $141 per share, a total aggregate consideration of $7,050,000; and

(b) The sale by Casualty to the Trust Fund of 20,000 shares of Assurance at a price of $144 per share, an aggregate consideration of $2,880,000. The transactions are severable, but the purchase by the Trust Fund of the 20,000 shares of Assurance is conditional upon the com-

pletion of the purchase by Casualty of the 50,000 shares of National.

As of December 31, 1959, Casualty owned 351,001 shares of National, comprising slightly over 70 percent of a total outstanding 500,000 shares of its voting securities. In addition, Casualty owned 648,590 shares of Assurance, comprising approximately 32 percent of the 2,004,189 shares outstanding. It is represented that Casualty is continuing to purchase, from time to time such stock of National as becomes available for purchase, to the end that all or the major portion thereof may be acquired.

In support of the application, Applicant represents that the holding of a 10 percent interest in National where 70 percent of the stock is held by one owner results in a very limited market for the stock, and a sale is accordingly desirable where a fair price can be obtained; that the sale price of $141 per share was fixed in relation to bid and ask quotations of 140–143 for National as of the date of negotiation, is approximately equal to the capital and surplus of National, and is the approximate value at which Casualty carries said stock upon its books. Applicant further represents that the further acquisition of Assurance stock for the Trust Fund portfolio at current market prices is a desirable investment; that additional purchases are being made by it when the stock becomes available; and that the purchase price of $144 per share was fixed in relation to bid and ask quotations for Assurance of 145–149 as of the date of negotiation. Applicant represents that the Trust Fund will be enabled to invest quickly a portion of the proceeds of the sale of the National stock in a desirable security.

Applicant and Casualty are affiliated persons as defined in the Act; hence the proposed transactions between them would be prohibited under section 17(a) unless the Commission grants an exemption pursuant to section 17(b). Section 17(a) of the Act, with certain exceptions, prohibits an affiliated person of a registered investment company from purchasing from or selling to such registered investment company or any company controlled by such registered company any security or other property. Under section 17(b) of the Act, the Commission shall grant an exemption from section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act.

Notice is further given that any interested person may, not later than July 7, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–5977; Filed, June 28, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 128]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 24, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–106456 (Deviation No. 1), SUPER SERVICE MOTOR FREIGHT CO., Fessler Lane, Nashville, Tenn., filed June 10, 1960. Carrier proposes to operate as a common carrier by *motor vehicle* of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 41–A to Hopkinsville, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Nashville and Hopkinsville over U.S. Highway 41.

No. MC–117892 (Deviation No. 1), THREE-I TRUCK LINE INC., 106 North Court Street, Box 557, Ottumwa, Iowa, filed June 13, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Rock Island, Ill., over City Streets to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill.; and (B) from Rock Island over City Streets to Moline, thence over Illinois Highway 92 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same routes, for operating convenience, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Rock Island over City Streets to Moline, thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora, thence over Illinois Highway 65 to junction U.S. Highway 34, and thence over U.S. Highway 34 to Chicago, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–5985; Filed, June 28, 1960; 8:47 a.m.]

[Notice 40]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JUNE 24, 1960.

The following applications are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. The matter is governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitute the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 118333 filed December 10, 1958. Applicant: RALPH C. GALLINI, 1643 North Montclair, Dallas, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Louisiana and Texas to points in Louisiana, Texas, New Mexico, Missouri, Kansas, and Arkansas.

HEARING: July 13, 1960, at the Baker Hotel, Dallas, Tex., before Examiner James H. Gaffney.

PETITION

No. MC 118169, (APPLICANT'S EXCEPTIONS AND/OR PETITION FOR REHEARING AND/OR REPUBLICATION IN THE FEDERAL REGISTER), dated June 10, 1960. Petitioner: SEPTIMUS J. MACPHEE, doing business as MACPHEE'S TRANSFER, Souri, Prince Edward Island, Canada. Petitioner's attorney: Francis P. Barrett, 7 Water Street, Boston, Mass. By application filed December 8, 1958, applicant sought a Certificate of Public Convenience and Necessity authorizing the continuance of operations in interstate of foreign commerce as a common carrier by motor vehicle, over irregular routes: (1) of *bananas in mixed or straight shipments, with fresh fruits and fresh vegetables*, from Boston, Mass., to ports of entry at the International Boundary Line between the United States and Canada in Maine, and (2) of *frozen berries*, from ports of entry at the International Boundary Line between the United States and Canada in Maine to Boston, Mass. Petition dated June 10, 1960, requests that this matter be assigned for rehearing in order to enable applicant to submit the same documents as presented at the informal conference, verifying the facts that some of the shipments which were sold to a firm in Boston were, in fact, delivered to a cold storage warehouse in West Chelmsford, Mass., and/or cause to be published in the FEDERAL REGISTER an amendment indicating West Chelmsford, Mass., as a destination point and in the event publication is made in the FEDERAL REGISTER and that there being no protests thereto within the statutory period of time, the Commission issue a corrected report and order authorizing the transportation of *frozen berries* from the ports of entry at the International Boundary Line between the United States and Canada to West Chelmsford, Mass., in addition to those points already granted in the recommended Report and Order. Any person or persons desiring to oppose the relief sought may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–5986; Filed, June 28, 1960; 8:47 a.m.]

[Notice 337]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 24, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63032. By order of June 23, 1960, the Transfer Board approved the transfer to Floyd A. Poelker, doing business at Poelker's Garage, Belleville, Ill., of Certicate in No. MC 117042, issued September 4, 1958, to Anna H. Poelker, doing business as Poelker's Garage, Belleville, Ill., authorizing the transportation of: wrecked and disabled motor vehicles, between points in Illinois, on the one hand, and, on the other, points in Missouri, Indiana, Kentucky, Tennessee, Arkansas, and Ohio. R. H. Burroughs, 155A, East Main St., Collinsville, Illinois, for applicants.

No. MC–FC 63044. By order of June 23, 1960, the Transfer Board approved the transfer to William Hynes and James Dillon, a partnership, doing business as A. J. Hubert Express, New Kensington, Pa., of Certificate in No. MC 93784 Sub 1, issued December 8, 1953 to Mercedes Marie Hubert, Sylvan Joseph Hubert, Dolores Margaret Hubert, and Margaret Mercedes Wise, a partnership, doing business as A. J. Hubert Express, New Kensington, Pa., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between Pittsburgh, Pa.; and Natrona, Pa.; serving all intermediate points; and the off-route points of New Kensington and Arnold, Pa., and those in Harrison township, Allegheny County, Pa. Robert F. Stone, 1008 Law & Finance Building, Pittsburgh 19, Pa., for applicants.

No. MC–FC 63211. By order of June 22, 1960, the Transfer Board approved the transfer to Joseph Mendelson, doing business as Pigeon Van Service, New York, New York, of a Certificate in No. MC 115537 issued November 14, 1958, to Louis Paladino, Yonkers, New York, which authorizes the transportation of homing pigeons, in seasonal operations during the period March 1 to October 31, both inclusive, of each year, over irregular routes, between New York, N.Y., and points in Westchester County, N.Y., and points in Fairfield County, Conn., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Somerset, and Union Counties, N.J. Martin Werner, Werner & Alfano, 2 West 45th Street, New York 36, N.Y., for applicants.

No. MC–FC 63220. By order of June 23, 1960, the Transfer Board approved the transfer to Heavy Duty Haulers, Inc., Columbia, S.C., of a portion of Certificate No. MC 104564, issued November 28, 1950, to Leroy Maynard Bowden, Jr., Perry, Florida, authorizing the transportation of: heavy machinery, which requires special equipment, between points in that part of Florida between the Suwannee and Apalachicola Rivers, on the one hand, and, on the other, points in Alabama, Georgia, and South Carolina. Allan Watkins, 214 Grant Building, Atlanta 3, Ga., for applicants.

No. MC–FC 63298. By order of June 22, 1960, the Transfer Board approved the transfer to Paul Kemnitz, Leonardville, Kansas of Certificate No. MC 76734 issued February 15, 1941, in the name of Warren Elmer Ford, doing business as Warren Ford, Leonardville, Kansas, authorizing the transportation of feed, wire, nails, twine, roofing, tanks, pipe, and oil and grease, in containers, over regular routes, from Kansas City, Kans., to St. Joseph, Mo.; from Kansas City, Mo., to Topeka, Kans.; seed and agricultural commodities, feed, agricultural implements, parts, twine, petroleum products in containers, hardware, tractors, building materials, and combines, fruit, and vegetables, hardware, and wire, coal, tanks, pumps, hose, brooders, and livestock, over irregular routes, between points in Kansas and Missouri; and general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between Leonardville, Kans., on the one hand, and on the other, Kansas City, Kans., and Kansas City, Mo.

No. MC–FC 63325. By order of June 22, 1960, the Transfer Board approved the transfer to C. W. Anderson, Inc., Darlington, Pa., of Permit in No. MC 33973, issued March 2, 1955 to Charles W. Anderson, doing business as C. W. Anderson Trucking Service, Beaver Falls, Pa., authorizing the transportation of: filling station equipment, between Beaver, Pa., on the one hand, and, on the other, Chester and Newell, W. Va., and points in Ohio; oil and grease (petroleum) in drums or containers, between Beaver, Pa., on the one hand, and, on the other points in Ohio and West Virginia; and empty containers from the above-specified destination points to Beaver, Pa. G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio, for applicants.

No. MC–FC 63335. By order of June 22, 1960, the Transfer Board approved the transfer to Sarnia Transit Company Limited, Sarnia, Ontario, Canada, of Certificate No. MC 102189 Sub 1, issued July 21, 1948, in the name of Cities Bus Services, Limited, Sarnia, Ontario, Canada, authorizing the transportation of passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at the boundary of the United States and Canada and extending through the port of entry at Port Huron, Mich., to points in Michigan. S. Harrison Kahn, 1110 Investment Building, Washington 5, D.C., for applicants.

No. MC–FC 63354. By order of June 23, 1960, the Transfer Board approved the transfer to C. T. Millbaugh and S. E. Millbaugh, a partnership, doing business as C. T. Millbaugh and Son, Barberton, Ohio, of Permit No. MC 76297 issued September 20, 1954, in the name of E. F. Denham, Akron, Ohio, authorizing the transportation over irregular routes of such commodities as are manufactured processed and/or dealt in by rubber manufacturers and steel product manufacturers, and equipment, materials, and supplies used in the conduct of such businesses, from Akron, Ohio to points in Rhode Island, Massachusetts, Con-

necticut and specified points in New York and New Jersey; tire fabric, from Fall River and New Bedford, Mass., to Akron, Ohio; chemicals, from Naugatuck, Conn., to Akron, Ohio; and scrap tires and tubes, from Boston, Cambridge, New Bedford, Pittsfield, Fall River, and Springfield, Mass., Hartford, Conn., Newark, N.J., and Albany, N.Y., and New York, N.Y., and points on Long Island, N.Y., to Akron, Ohio. John R. Meeks, 607 Copley Road, Akron 20, Ohio, for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5967; Filed, June 28, 1960; 8:47 a.m.]

[Notice 329]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 24, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1117 (Sub No. 5), filed June 13, 1960. Applicant: M. G. M. TRANSPORT CORPORATION, 790 Main Street, Paterson, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Passaic County, N.J., to points in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, New York, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. RESTRICTION: Authority sought to be restricted to traffic which had a prior line haul movement in interstate commerce by another carrier.

NOTE: Applicant states that no duplicating authority is sought. Common control may be involved.

HEARING: September 2, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 1124 (Sub No. 170), filed May 9, 1960. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, but excluding those of unusual value, commodities in bulk, those injurious or contaminating to other lading, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment, between Dallas, Tex., and El Dorado, Ark.: from Dallas, Tex., over U.S. Highway 67 to Texarkana, Texas-Arkansas, thence over U.S. Highway 82 to El Dorado, Ark., as an alternate route for operating convenience only, coordinating the proposed service with presently authorized service, with no service to intermediate points.

HEARING: September 21, 1960, at the Baker Hotel, Dallas, Texas before Joint Board No. 152, or if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 2202 (Sub No. 189), filed May 31, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Junction of Ohio Highway 18 and Interstate Highway 71 (near and East of Median, Ohio) and Columbus, Ohio: from junction Ohio Highway 18 and Interstate Highway 71, over Interstate Highway 71 to Columbus, and return over the same route, serving no intermediate points and with service at junctions with applicant's authorized routes for purposes of joinder only, as an alternate route, for operating convenience only.

HEARING: September 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2202 (Sub No. 190), filed May 31, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Columbus, Ohio, and Cincinnati, Ohio: from Columbus, over Ohio Highway 3 to Cincinnati, and return over the same route, serving no intermediate points as an alternate route to applicant's presently authorized routes between these two points, for operating convenience only.

HEARING: September 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37.

No. MC 2411 (Sub No. 3), filed May 18, 1960. Applicant: LAWRENCE J. O'BRIEN, INC., 85 Crooks Avenue, Clifton, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment materials*, and *supplies* used in the conduct of such business, between points in Nassau, Orange, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and New York, N.Y., and points in Hunterdon, Warren, Somerset, Bergen, Essex, Hudson, Morris, Passaic, Sussex, and Union Counties, N.J., and points in Pike County, Pa.

NOTE: Applicant states the proposed operations will be under a continuing with The Great A. & P. Tea Co., Graybar Building, 420 Lexington Avenue, New York 17, N.Y.

HEARING: September 20, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 3839 (Sub No. 1), filed June 6, 1960. Applicant: OTIS RICHARDS, doing business as RICHARDS TRUCK LINE, R.R. 1, Scottsburg, Ind. Applicant's attorney: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Scottsburg, Ind., and Louisville, Ky.: from Scottsburg over U.S. Highway 31 to Sellersburg and thence over U.S. Highways 31E and 31W to Louisville, and return over the same route serving all intermediate points and the off-route point of Vienna, Ind.

HEARING: September 14, 1960, at the Kentucky Hotel, Louisville, Kentucky, before Joint Board No. 155.

No. MC 7555 (Sub No. 36), filed April 18, 1960. Applicant: TEXTILE MOTOR FREIGHT, INC., Ellerbe, N.C. Applicant's attorney: Guy H. Postell, Eight-O-Five Peachtree Street Building, Atlanta 8, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Citrus Juice Concentrates; Citrus Juice*, not frozen, but requiring refrigeration; and, *Citrus Fruit Sections* or *Salads*, requiring refrigeration, from points in Florida to International Boundary Line between the United States and Canada at Black Pool Bridge, at or near Champlain, N.Y.

HEARING: September 21, 1960, at Federal Building, Albany, N.Y., before Examiner Warren C. White.

No. MC 10761 (Sub No. 94), filed May 16, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Cleveland, Ohio, and Aurora, Ohio, serving the plant site of the Carlon Products Corp., near Aurora, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Pittsburgh, Pa.

HEARING: July 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 10761 (Sub No. 97), filed June 6, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 1210–12 Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Madison and North Madison, Ind., and points within 5 miles of the corporate limits thereof, as off-route points in connection with applicants authorized regular route operations, between Cincinnati, Ohio, and St. Louis, Mo., over U.S. Highway 50.

HEARING: September 12, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 155.

No. MC 14781 (Sub No. 2), filed June 6, 1960. Applicant: SAM GOTTRY CARTING COMPANY, INC., 47 Parkway, Rochester, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and of *related machinery parts* and *related contractors' materials and supplies* when the transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require special equipment, except pipe, pipeline material, equipment and supplies which are incidental and used in connection with the construction, operation, maintenance, servicing and dismantling of pipelines, including the stringing and picking up thereof, between points in Monroe County, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: No duplicate authority is sought.

HEARING: September 27, 1960, at the Manger Hotel, Rochester, N.Y., before Examiner Warren C. White.

No. MC 20824 (Sub No. 17), filed May 4, 1960. Applicant: COMMERCIAL MOTOR FREIGHT INC., OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Junction Indiana Highways 46 and 9 and Greensburg, Ind., from junction Indiana Highways 46 and 9 over Indiana Highway 46 to Greensburg, and return over the same route, serving no intermediate points, but serving the described terminal points for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

HEARING: September 23, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 22195 (Sub No. 76) (AMENDMENT), filed March 24, 1960, published in the FEDERAL REGISTER, issue of May 11, 1960. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Orange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Ward County, N. Dak. (including the city of Minot, N. Dak.), to points in Montana, South Dakota, and Minnesota, and *rejected shipments* of the commodities specified in this application on return.

HEARING: Remains as assigned July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 24264 (Sub No. 2), filed May 4, 1960. Applicant: HENRY KOHNKE, 16 Shepherd Avenue, Brooklyn, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated and crated, between Kingston, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania.

HEARING: September 22, 1960, at the Federal Building, Albany, N.Y., before Examiner Warren C. White.

No. MC 25562 (Sub No. 25), filed May 31, 1960. Applicant: A. R. GUNDRY, INC., 85 Stanton Street, Rochester, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* and *coal tar products* in tank trucks, (1) from points in Erie County, N.Y., to points in Erie, Warren, McKean, Elk, Crawford, Venango, Potter, and Cameron Counties, Pa., and (2) from points in Erie County, Pa., to points in Erie County, N.Y., and *refused* and *rejected shipments*, on return.

HEARING: September 28, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

No. MC 25798 (Sub No. 34), filed March 30, 1960. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway (P.O. Box 551), Hendersonville, N.C. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seafoods*, in mixed shipments with *Citrus products*, from Brunswick and St. Simons Island, Ga., and points in Florida, to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: September 21, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 25798 (Sub No. 35), filed April 19, 1960. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, P.O. Box 551, Hendersonville, N.C. Applicant's attorney: Chester King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from points in Florida to points in Texas.

HEARING: September 20, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 25798 (Sub No. 36), filed April 19, 1960. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, P.O. Box 551, Hendersonville, N.C. Applicant's attorney: Chester King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from Winter Haven, Fla., and points in Florida within 75 miles thereof to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE: Applicant states that the purpose of this application is to remove the vehicle description as described in Certificate MC 25798 (Sub 11), (namely in vehicles equipped with mechanical refrigeration).

HEARING: September 22, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 27580 (Sub No. 2), filed May 12, 1960. Applicant: JOSEPH CORY DELIVERY SERVICE, INC., 1000 Dean Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Uncrated, *New Furniture*, from Jersey City, N.J., to points in New York, Connecticut and Pennsylvania.

HEARING: September 19, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 30887 (Sub No. 95), filed June 14, 1960. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank

vehicles, from (1) Cambridge, Mass., to Ashland, Ohio; Charlotte, N.C.; Dover, Del.; and Dalton, Ga., and *returned* or *rejected shipments* to Baltimore, Md., and Cambridge, Mass., (2) from Dover and Cheswold, Del., to Waterville, Conn.; Atlanta, Ga.; Lodi, Pa.; Cranston and Providence, R. I.; and points in North Carolina, South Carolina, and Ohio, (3) from Charlotte, N.C., to points in South Carolina and Virginia.

HEARING: September 7, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 33037 (Sub No. 5), filed June 10, 1960. Applicant: FRANCIS D. STUDER & MERLIN E. STUDER, STUDER TRUCK LINE, Beattie, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial Dry Fertilizer*, in bags, and in bulk, between Horn, Mo., and points in Washington, Marshall, Nemaha Counties Kans., and the city of Lancaster Kans., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

HEARING: September 29, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 35835 (Sub No. 16), filed June 10, 1960. Applicant: ELMER JENSEN, 900 Ninth Avenue SE., Independence, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar*, and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in Indiana and Ohio; and from Sioux City, Iowa, to points in Kansas, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: September 23, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 38541 (Sub No. 12), filed June 6, 1960. Applicant: WHITE MOTOR EXPRESS, INCORPORATED, Lafayette, Tenn. Applicant's attorney: Richard D. Gleaves, 106 State Office Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *OVER REGULAR ROUTES:* (Route 1 and referred to as "The Loop")—*General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, Beginning at Lafayette, Tenn., in a circular manner, over Tennessee Highway 52 to Celina, Tenn., thence over Tennessee Highway 53 to Chestnut Mound, Tenn., thence over unnumbered highway to junction of said unnumbered highway and Tennessee Highway 56, thence over Tennessee Highway 56 to Smithville, Tenn., thence over Tennessee Highway 26 to Lebanon, Tenn., thence over Tennessee Highway 10 and returning to the point of beginning at Lafayette, serving all intermediate points; *AND OVER IRREGULAR ROUTES: General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, to, from, and between Lafayette, Tenn., and points within the territory bounded by Route 1 above ("The Loop"), without restriction as to routing.

NOTE: Applicant states that above Route 1 (or "The Loop") is to be used in connection with applicant's authorized regular routes in MC 38541 and MC 38541 (Sub No. 4), and is sought in order that operations may be conducted in either direction over the route, and to and from the off-route points authorized in Certificate No. MC 38541; and to, from and between Lafayette, Tenn., and all points within the territory bounded by Route 1 ("The Loop") without restriction as to routing. Applicant further states and will show at the hearing that it is entitled to serve this territory inside the "Loop" over irregular routes from Lafayette, Tenn., and Route 1 under its "grandfather" rights, in both directions, clockwise and counterclockwise, having done so prior to June 1, 1935.

HEARING: September 22, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tennessee, before Joint Board No. 107.

No. MC 40302 (Sub-No. 30), filed June 3, 1960. Applicant: FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, over the following alternate routes for operating convenience only in connection with carrier's authorized regular route operations: (a) Between Louisville, Ky., and junction U.S. Highways 42 and 40 (at or near Lafayette, Ohio), serving no intermediate points: From Louisville, Ky., over U.S. Highway 42 to Junction U.S. Highways 42 and 40 (at or near Lafayette, Ohio), and return over the same route, (b) Between Louisville, Ky., and Dayton, Ohio, serving no intermediate points: From Louisville, Ky., over U.S. Highway 42 to junction U.S. Highway 25, thence over U.S. Highway 25 to Dayton, Ohio and return over the same route.

NOTE: The request as made in the instant application reads between Louisville, Ky., and Dayton, Ohio, for the route between Dayton, Ohio and U.S. Highway 40 is a regular service route and the alternate should connect at that point rather than the junction of U.S. Highways 25 and 40.

HEARING: September 20, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 46618 (Sub No. 2), filed May 18, 1960. Applicant: JOHN A. LYNCH, 144–69 29th Avenue, Flushing, Long Island, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., and points in Hudson, Bergen, Essex, and Passaic Counties, N.J., and Elizabeth, N.J.

NOTE: Applicant states the proposed operations will be under a continuing contract with The Great A. & P. Tea Co., Graybar Building, 420 Lexington Avenue, New York 17, N.Y.

HEARING: September 20, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 50069 (Sub No. 226), filed June 9, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodard Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Painesville, Ohio to points in Indiana and Michigan.

HEARING: September 14, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 52657 (Sub No. 587), filed May 9, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *A. Containers, cargo containers, cargo containers boxes*, (except those having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less), *hoists, truck bodies* and *trailer bodies* in truckaway service, from Kalamazoo, Mich., to points in the United States, including Alaska and Hawaii. B. *Containers, cargo containers, cargo container boxes* (except those having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less), from points in the United States to Kalamazoo, Mich.

HEARING: July 27, 1960, at the office of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 52657 (Sub No. 590), filed May 9, 1960. Applicant: ARCO AUTO CARRIERS, Inc., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *A. Motor vehicles*, from Stockton, Calif., and *motor vehicles (except 4 wheeled and 6 wheeled motor vehicles)* from Kalamazoo, Mich., to all points in the United States, including Alaska and Hawaii.

NOTE: Applicant states no duplication of authority is sought herein. B. Return of

motor vehicles from all points in the United States to Kalamazoo, Mich., and Stockton, Calif. Return shipments restricted to motor vehicles that were manufactured or assembled at Kalamazoo, Mich., and Stockton, Calif..

HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 52709 (Sub No. 112), filed June 13, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: John W. Carlisle 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, (1) from Chicago, Ill., and St. Louis, Mo., to points in California, (2) from St. Louis, Mo., to Denver, Colo., and *damaged or rejected shipments*, on return, in connection with (1) and (2) above.

HEARING: September 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 52751 (Sub-No. 23) filed May 6, 1960. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool*, made of rock, *slag*, or *glass* and *mineral wool products*, from Red Wing, Minn., to points in Nebraska.

HEARING: September 20, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 59531 (Sub No. 79), filed May 27, 1960. Applicant: AUTO CONVOY CO., a Corporation, 3020 Haskell Avenue, Dallas, Tex. Applicant's attorney: Reagan Sayers, Centufy Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, and chassis*, in truckaway service, in secondary movements, from points in Texas to points in New Mexico and Arizona, and *rejected and damaged shipments* on return.

HEARING: September 22, 1960, at the Baker Hotel, Dallas, Texas, before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 59806 (Sub No. 1), filed May 18, 1960. Applicant: GROSS & HECHT TRUCKING, INC., 54 Stanton Street, Newark, N.J. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points in Nassau, Suffolk, and Westchester Counties, N.Y. and New York, N.Y., and points in Warren, Hunterdon, Morris, Mercer, Somerset, Bergen, Essex, Hudson, Middlesex, Monmouth, Ocean, Passaic, and Union Counties, N.J.

NOTE: Applicant states the proposed operations will be under a continuing contract with the Great A. & P. Tea Co., Graybar Building, 420 Lexington Avenue, New York 17, N.Y.

HEARING: September 20, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 60236 (Sub No. 1), filed May 18, 1960. Applicant: A. GUGEL TRUCKING, INC., 611 Steward Avenue, Garden City, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., and points in Hudson, Bergen, Essex, and Passaic Counties, N.J., and Elizabeth, N.J.

NOTE: Applicant states the proposed operations will be under a continuing contract with the Great A. & P. Tea Co., Graybar Building, 420 Lexington Avenue, New York 17, N.Y.

HEARING: September 20, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 61479 (Sub No. 6), filed May 13, 1960. Applicant: FRANCIS D. WHITE, doing business as WHITE'S TRANSPORTATION, 38 Mill Street, Lockport, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, liquid, and *foundry core compounds*, liquid, in bulk, in tank vehicles, equipped with steam coils, from Lockport, N.Y., to Erie and Reading, Pa.

HEARING: September 28, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

No. MC 66562 (Sub No. 1671), filed May 2, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: F. J. Fletcher, Railway Express Agency, Incorporated, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between points in Illinois, Indiana, Ohio; that portion of Michigan within an area described as follows—from Detroit north along the Michigan State line to Port Huron, thence westerly along Michigan Highway 21 to Davison, northerly along Michigan Highway 15 to Bay City, westerly along Michigan Highway 20 to Mt. Pleasant, southerly along U.S. Highway 27 to U.S. Highway 27 (alternate), southerly along U.S. Highway 27 (alternate) to Alma, easterly along U.S. Highway 27 (alternate) to U.S. Highway 27, southerly along U.S. Highway 27 to Ola, westerly along Michigan Highway 57 to the eastern boundaries of Kent and Muskegon Counties (including all of said counties), to Lake Michigan, southerly along the Michigan State line to the Indiana State line, easterly along the Michigan State line to the point of beginning; that portion of Wisconsin within an area described as follows—beginning at the Illinois-Wisconsin State line at Lake Michigan, thence northerly along the shore of Lake Michigan to and including Two Rivers, northerly on Wisconsin Highway 147 to U.S. Highway 141, northerly on U.S. 141 to and including Green Bay, southerly on U.S. Highway 41 to the northern boundary of Fond du Lac County, westerly and southerly around the boundary of Fond du Lac County to the northern boundary of Dodge County, westerly and southerly around Dodge County to U.S. Highway 151, southwesterly on U.S. Highway 151 to the northern boundary of Dane County, westerly, southerly and easterly around the boundary of Dane County to the boundary of Green and Rock Counties, southerly to the Wisconsin-Illinois State line, and thence easterly to Lake Michigan; that portion of Missouri within an area described as follows—from St. Louis northwesterly along the Mississippi River to Hannibal, thence northerly along Missouri Highway 168 to U.S. Highway 24–61, southerly along U.S. 24–61 to U.S. Highway 36, easterly along U.S. 36 to U.S. Highway 19–61, southerly to Highway 19, southwesterly and southerly along Missouri 19 to U.S. Highway 54, westerly along U.S. 54 to Missouri Highway 22, westerly along Missouri 22 to U.S. Highway 63, northerly along U.S. 63 to U.S. Highway 24, westerly along U.S. 24 to Missouri Highway 3, southerly along Missouri 3 to Missouri Highway 240, southerly along Missouri 240 to the Missouri River, southeasterly along the Missouri River to Jefferson City, southeasterly along U.S. Highway 63 to Rolla, easterly along U.S. 63 to U.S. Highway 66, easterly along U.S. 66 to Missouri Highway 68, southerly along Missouri 68 to Missouri Highway 8, easterly along Missouri 8 to Missouri Highway 21, southerly along Missouri 21 to Missouri Highway 72, southeasterly along Missouri 72 to the Mississippi River, and thence northwesterly along said river to the point of beginning; and Davenport, Clinton and Dubuque, Iowa, and all points on the highways, on county lines which do not coincide with State lines, and on imaginary lines included in the foregoing description of territory.

HEARING: September 15, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 69116 (Sub No. 53), filed June 13, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over reg-

ular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Carlon Products Corp., at or near Aurora, Ohio, as an off-route point in connection with applicant's present certificated authority. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: July 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 69234 (Sub No. 28), filed June 13, 1960. Applicant: URBAN J. HAAS AND CYRIL H. WISSEL, a Partnership, doing business as H & W MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, serving the plant site of the J. I. Case Company, located approximately one mile north of the junction of Minnesota Highways 55 and 49, as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Paul and Minneapolis, Minn.

HEARING: July 28, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minnesota, before Joint Board No. 145, or, if the Joint Board waives its right to participate, before Examiner Paul R. Joyce.

No. MC 88300 (Sub No. 27), filed April 18, 1960. Applicant: DIXIE TRANSPORT COMPANY, a Corporation, Whitley City, Ky. Applicant's attorney: George C. Young, 1100 Barnett National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles, automobile chassis, trucks, truck chassis, semi-trailers* and *buses*, in driveaway and truckaway service, in initial and secondary movements, between points in Florida.

HEARING: September 19, 1960, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 92983 (Sub No. 376), filed April 11, 1960. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, from Middletown, Ohio, to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin.

HEARING: September 20, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 92983 (Sub No. 378) filed May 12, 1960. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Fort Madison, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and South Dakota.

HEARING: September 23, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 93890 (Sub No. 17), filed April 6, 1960. Applicant: McDOWALL TRANSPORT, INC., 33 West Grant Avenue, P.O. Box 3231, Orlando, Fla. Applicant's attorney: R. H. Reynolds, Jr., 1424 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles, automobile chassis, trucks, truck chassis, semi-trailers* and *buses*, in driveaway and truckaway service, in initial and secondary movements, between points in Florida.

HEARING: September 19, 1960, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 101126 (Sub-No. 135), filed June 8, 1960. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract* carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, between Union Township, Butler County, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier . . . In No. MC 101126 (Sub-No. 86).

HEARING: September 15, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 102906 (Sub No. 7), filed April 4, 1960. Applicant: F. O. McCONNELL AND MRS. F. O. McCONNELL, doing business as McCONNELL HEAVY HAULING, P.O. Box 463, Little Rock, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in air slide trailers (truckload 35,000 pounds minimum), from Little Rock, Ark., to Greer's Ferry Dam Site, Ark., near Heber Springs, Ark., on shipments having a prior movement by rail from Chicago.

HEARING: September 28, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215.

No. MC 103378 (Sub-No. 179), filed May 24, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in Cobb County, Ga.

HEARING: September 16, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 103378 (Sub No. 180), filed May 24, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Kings Bay Marina Terminal, Ga. (located in Camden County, Ga.) to points in Florida.

HEARING: September 16, 1960, at the Mayflower Hotel, Jacksonville Fla., before Joint Board No. 64, or, if the Joint Board waives its Right to participate, before Examiner Isadore Freidson.

No. MC 103788 (Sub No. 9), filed April 4, 1960. Applicant: SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whiting, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum products*, in bulk, in tank vehicles, between Louisville, Ky., and a radius of 15 miles thereof, and all points in Indiana.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier. In No. MC 59310 (Sub No. 46).

HEARING: September 19, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 155.

No. MC 103993 (Sub No. 133), filed April 11, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 20 feet in length, from points in Florida to points in the United States, including Alaska.

HEARING: September 23, 1960, at the U.S. Court Rooms, Tampa, Fla., before Examiner Isadore Freidson.

No. MC 105636 (Sub No. 19) (AMENDMENT), filed March 7, 1960, originally published FEDERAL REGISTER issue of April 6, 1960. Applicant: HOLLAND HIGHWAY EXPRESS, INC., Delray Beach, Fla. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* and *plantains*, and *exempt commodities* when transported at the same time, same vehicle, from Miami and West Palm Beach, Fla., to Chicago, Ill., and New York, N.Y.

CONTINUED HEARING: September 27, 1960, at the U.S. Post Office and Federal Building, Miami, Fla., before Examiner Isadore Freidson.

No. MC 105636 (Sub No. 20), filed April 22, 1960. Applicant: HOLLAND HIGHWAY EXPRESS, INC., Delray Beach, Fla. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, from airports within 25 miles of Miami, Fla., including Miami, to Chicago, Ill.

NOTE: Applicant indicates the traffic is that which had an immediate prior movement by air originating in Puerto Rico.

HEARING: September 26, 1960, at the U.S. Post Office and Federal Building, Miami, Fla., before Examiner Isadore Freidson.

No. MC 105636 (Sub No. 21), filed April 27, 1960. Applicant: HOLLAND HIGHWAY EXPRESS, INC., Delray Beach, Fla. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Miami, Fla., to Chicago, Ill.

NOTE: Applicant states the proposed transportation shall be subject to that having an immediate prior movement by water.

HEARING: September 12, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 106603 (Sub No. 61), filed May 6, 1960. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, from Findlay, Ohio, to points in Michigan on and south of U.S. Highway 16 and on and east of U.S. Highway 27.

HEARING: September 27, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 107496 (Sub No. 166), filed June 6, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, lacquers, varnishes, resins*, and *materials* therefor, in bulk, in tank vehicles, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, Minnesota, Nebraska, Iowa, Kansas, Missouri, Arkansas, Oklahoma, Texas, Mississippi, Georgia, Tennessee, Kentucky, Ohio, Michigan, Colorado, Illinois, Louisiana, Alabama, and Indiana.

NOTE: Applicant states all duplicating authority will be eliminated.

HEARING: September 14, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 108549 (Sub No. 5), filed April 1, 1960. Applicant: MURPHY TRANSPORTATION CO., a corporation, Hampton, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement Pipe*, containing asbestos fibre, from Waukegan, Ill., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: September 19, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 111623 (Sub No. 25), filed May 9, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from the site of the Peninsular Portland Cement Division of the General Portland Cement Company plant located in or near North Paulding, Ohio, to points in Indiana, the lower Peninsula of Michigan, and Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

NOTE: Common control may be involved.

HEARING: September 21, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 9.

No. MC 111623 (Sub No. 27), filed May 31, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a Corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Legal Department (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, in bulk, in tank vehicles, between Louisville, Ky., and Lima, Ohio.

NOTE: Applicant proposes to transport the above-specified commodity for the account of Sohio Chemical Company. Common control may be involved.

HEARING: September 14, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 112020 (Sub No. 98), filed May 13, 1960. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups* and *liquid corn products*, in bulk, in tank vehicles, from Corpus Christi, Texas to points in Arkansas, Oklahoma, and Louisiana.

NOTE: Applicant indicates it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: September 23, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 112020 (Sub No. 99), filed May 13, 1960. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* and *animal fats, products and blends* thereof, in bulk, in tank vehicles, between Kansas City, Kans., and St. Louis, Mo., on the one hand, and, on the other, points in Arkansas, Missouri, Illinois, Tennessee, Oklahoma, Kansas, Nebraska, Iowa, Louisiana, and Texas.

NOTE: Applicant indicates it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: September 23, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 112446 (Sub No. 25), filed March 30, 1960. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, P.O. Box 1165, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to Decatur, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

HEARING: September 20, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 264.

No. MC 112497 (Sub No. 163), filed June 7, 1960. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, P.O. Box 3096, Baton Rouge, La. Applicant's attorney: Henry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Macedonia, Ark., to Tulsa, Okla.

HEARING: September 29, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 217.

No. MC 112520 (Sub No. 41), filed April 8, 1960. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 161, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil* and *tall oil products*, in bulk, in tank vehicles, from Panama City, Fla., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: Common control may be involved.

HEARING: September 14, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Isadore Freidson.

No. MC 112617 (Sub No. 68), filed May 6, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Joseph J. Leary, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric (muriatic) acid*, in bulk, in tank vehicles, from Calvert City, Ky., to points in Illinois.

HEARING: September 15, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 1.

No. MC 119621 (Sub No. 1), filed May 5, 1960. Applicant: SARACCO TRUCK-

ING CO., INC., 448 West Broadway, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, and *returned, refused or rejected shipments*, between points in the New York, N.Y., Commercial Zone as defined by the Commission in the fifth supplemental report 53 M.C.C. 451, on the one hand, and, on the other, points in Connecticut and Massachusetts.

HEARING: September 14, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 113790 (Sub No. 6), filed April 20, 1960. Applicant: JOSEPH O. ROE, doing business as ROE BROTHERS TRUCKING COMPANY, 560 North Main Street, Martinsville, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Morgan County, Ind., to points in Will, McHenry, Kendall, Kane, Dupage, Cook, and Lake Counties, Ill.

HEARING: September 22, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 114021 (Sub No. 15), filed May 9, 1960. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Dale C. Dillon, 1625 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract* carrier, by motor vehicle, over irregular routes, transporting: *Aluminum siding* and *parts, accessories* and *materials* used in the installation thereof, when shipped in connection with other roofing and siding materials not to exceed 20 percent of the weight of the shipment, 1. From Chicago and Joliet, Ill., and St. Louis, Mo., to Covington, Louisville, and Newport, Ky., points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Wisconsin, those in Pennsylvania on and east of U.S. Highway 219 and those in Nebraska on and east of U.S. Highway 77. 2. From Wilmington, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Hannibal, St. Louis, and St. Louis County, Mo., and those in Nebraska on and east of U.S. Highway 77. 3. From Erie, Pa., to points in Ohio and Indiana and those in New York on and west of New York Highway 14. 4. From St. Louis, Mo., to points in Kentucky, except Louisville, Covington, and Newport, those in Pennsylvania on and west of U.S. Highway 219, those in New York on and west of New York Highway 14, and points in West Virginia. 5. From Joliet and Chicago, Ill., to points in Pennsylvania on and west of U.S. Highway 219, those in Wisconsin north of U.S. Highway 151, and those in Missouri, except St. Louis, Mo. 6. From Lockland, Ohio to points in Wisconsin, Iowa, Indiana, Illinois, Michigan, Missouri, and Kentucky, those in Pennsylvania on and west of U.S. Highway 219, and those in New York on and west of New York Highway 14. 7. From Waukegan, Ill., to points in Michigan, Indiana, Ohio, Iowa, Kentucky, Missouri, Nebraska, Pennsylvania, and those in Wisconsin, except Milwaukee, Racine, and Kenosha, and those in New York, on and west of a line beginning at Port Breese, and extending along New York Highway 96 to Salamanca, thence along U.S. Highway 219 to the New York-Pennsylvania State line. 8. From Vandalia, Ill., to points in Michigan, Indiana, Ohio, Wisconsin, Missouri, and Iowa, and those in Kentucky on the Ohio River. 9. From East Chicago, Ind., to points in Missouri, Indiana, Illinois, Iowa, Michigan, Ohio, Wisconsin, those in Kentucky on the Ohio River, those in Pennsylvania on and west of U.S. Highway 219, and those in Nebraska on and east of U.S. Highway 77. 10. From Prospect Hill, Mo., to points in Minnesota. 11. From North Judson, Ind., to points in Colorado, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee (except Memphis), West Virginia, Wisconsin, and that part of Ohio north of U.S. Highway 36 from the Ohio-Indiana State line to Piqua, Ohio, and east of U.S. Highway 25 from Piqua to the Ohio-Kentucky State line at Cincinnati, Ohio. 12. From Venice, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, West Virginia, Wisconsin, points in Pennsylvania on and west of U.S. Highway 219, points in New York on and west of New York Highway 14, and points in Nebraska on and east of U.S. Highway 77 extending from South Sioux City, Nebr., to the Nebraska-Kansas State line. 13. From Cicero and Summit, Ill., and Whiting, Ind., to Covington, Louisville, and Newport, Ky., points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Wisconsin, points in Pennsylvania on and west of U.S. Highway 219, those in Nebraska on and east of U.S. Highway 77 extending from South Sioux City, Nebr., to the Nebraska-Kansas State line. 14. Between Philadelphia, Pa., on the one hand, and, on the other, points in New York north of a line formed by the northern boundaries of Sullivan, Ulster, and Dutchess Counties.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 107640 Sub 36.

HEARING: September 16, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Parks M. Low.

No. MC 114091 (Sub No. 25), filed April 29, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, from Troy, Ind., and points within 10 miles of Troy, to points in Illinois and Kentucky, and *rejected shipments*, of the above-described commodities, on return.

HEARING: September 15, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 1.

No. MC 114835 (Sub No. 7), filed June 3, 1960. Applicant: DULUTH, SOUTH SHORE AND ATLANTIC RAILROAD COMPANY, a Corporation, 1734 Soo Line Building, Minneapolis, Minn. Applicant's attorney: Thomas M. Beckley, General Counsel, Duluth, South Shore and Atlantic Railroad Company, Suite 1734, 105 Fifth Street, South Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, in tank vehicles, and motor vehicles, which because of size and weight require special equipment, (1) between Houghton, Mich., and Calumet, Mich.; from Houghton over Michigan Highway 26 to Calumet, and return over the same route, serving the intermediate points of Hancock, Dollar Bay, and Lake Linden. (2) Between Houghton, Mich., and Calumet, Mich., over U.S. Highway 41, and return over the same route, as an alternate route for operating convenience only. RESTRICTIONS: (1) The service performed shall be limited to that which is auxiliary or supplemental of applicant's rail service; (2) Applicant shall not render service to or from any point not a station on its railroad lines; (3) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by applicant, an immediately prior or an immediately subsequent movement by rail; (4) The authority granted herein, to the extent it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring 5 years from the date of the certificate; (5) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operations by motor vehicle to the performance of a service which is auxiliary to, or supplemental of rail service.

NOTE: Applicant states the Canadian Pacific Railway Company controls applicant through ownership of applicant's common stock. The extent of control is 100 percent and the control is direct. See FD 11484. Common control may be involved.

HEARING: September 29, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 115036 (Sub-No. 13), filed May 31, 1960. Applicant: VAN TASSEL, INCORPORATED, Fifth and Grand, Pittsburg, Kans. Applicant's Practitioner: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood*, not activated; *Charcoal Briquettes*, or *Pellets*, in bulk or in packages in straight or mixed truck load quantities, minimum 30,000 pounds. *Hickory Blocks, Chips or Sawdust* in packages in mixed truck loads with either or both charcoal or charcoal briquettes as described herein but not exceeding 20 percent of the weight of the shipment, from points in Osage and Gasconade Counties, Mo., and Baxter and Marion Counties, Ark., to points in Arkansas, Colorado, Illinois, Indiana,

Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, and only *empty containers* or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

HEARING: September 30, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 115162 (Sub No. 62), filed May 18, 1960. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber bituminized or indurated conduit, pipe and couplings*, from Ironton, Ohio to points in Iowa, Missouri, and Kansas.

HEARING: July 29, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner A. Lane Cricher.

No. MC 116063 (Sub No. 7), filed March 4, 1960. Applicant: C & R TRANSPORT COMPANY, INC., Winnsboro, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in insulated tank vehicles, from Big Springs, Tex., and points within a 50 mile radius thereof, to points in Colorado, and *rejected shipments* of the above-described commodity on return.

HEARING: September 26, 1960, at the Hotel Texas, Forth Worth, Tex., before Examiner Leo M. Pellerzi.

No. MC 116175 (Sub No. 1), filed April 4, 1960. Applicant: A. G. PORTERFIELD, doing business as CITY FEED AND PRODUCE COMPANY, 469 East Sullivan Street, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unprocessed junk metal*, from Kingsport, Tenn., to Cincinnati, Sandusky, and Cleveland, Ohio.

HEARING: September 21, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 209.

No. MC 116204 (Sub No. 2), filed May 9, 1960. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in Davidson County, Tenn., to points in Colbert, Lauderdale, Lawrence, Madison, and Jackson Counties, Ala., and *rejected or damaged shipments* of fertilizer, on return.

NOTE: Applicant states he proposes to operate under contract with Armour Agricultural Chemical Company, serving its Nashville, Tenn., plant. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 118883; therefore, dual operations may be involved.

HEARING: September 21, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 106.

No. MC 116204 (Sub No. 3), filed May 9, 1960. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from plant of Armour Agricultural Chemical Company, located approximately seven (7) south of Crystal City, Mo., on U.S. Highway 61, to points in Kentucky and Tennessee, and *rejected or damaged shipments* of fertilizer, on return.

NOTE: Applicant states he proposes to operate under contract with Armour Agricultural Chemical Company, serving its plant near Crystal City, Mo. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 118883; therefore, dual operations may be involved.

HEARING: September 21, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 378.

No. MC 116205 (Sub No. 8), filed May 5, 1960. Applicant: BOB JENKINS TRUCK LINE, INC., P.O. Box 430, Charles City, Iowa. Applicant's attorney: Keith S. Noah, 204½ North Main Street, Charles City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, other than hand, (implements and parts to be transported at the same time on the same vehicle as machinery) as described in List 2 and 3 of Appendix XII in *Description in Motor Carrier Certificate* 61, M.C.C. 209, from Memphis, Tenn., to points in Texas.

NOTE: Applicant states it proposes to transport exempt commodities on return.

HEARING: September 19, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 116628 (Sub No. 5), filed June 15, 1960. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 11, 383 Washington Avenue, Belleville, N.J. Applicant's representative; Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, and *materials* and *supplies* used or useful in the operation of such stores, including *empty containers* for such merchandise, materials and supplies, between New York, N.Y., and the sites of retail stores operated by Lord & Taylor, Oppenheim-Collins, and Franklin Simon, in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. RESTRICTION: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Lord & Taylor, of New York, N.Y., Oppenheim-Collins, of New York, N.Y., and Franklin Simon, of New York, N.Y.

HEARING: September 8, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 116793 (Sub No. 3), filed June 9, 1960. Applicant: EDGAR T. VILLA doing business as VILLA TRANSPORTATION CO., 187 Saranac Avenue, Buffalo, N.Y. Applicant's attorney: Israel Rumizen, 910-912 Walbridge Building, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, including *cottage cheese, cream cheese, butter*, and *pasteurized cheese products*, and *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, between Buffalo, N.Y., and Scranton, Philadelphia, Altoona, and Pittsburgh, Pa., Akron, Cleveland, and Youngstown, Ohio, Worcester, Springfield, and Boston, Mass., and New Haven, Conn.

HEARING: September 30, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

No. MC 117344 (Sub No. 34), filed June 2, 1960. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, from Cincinnati, Ohio, and points within ten miles thereof, to points in Indiana and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

NOTE: Applicant holds contract carrier authority in Permit No. MC 50404 and Subs thereunder. Dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier in No. MC 50404 Sub 55.

HEARING: September 15, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 117391 (Sub No. 6), filed May 5, 1960. Applicant: E. L. REDDISH, P.O. Box 207, Springdale, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry* and *animal feed*, in bulk, and in bags, from Marshall, Mo., to Batesville and points in Independence County, Searcy, and points in White County, Conway, and points in Faulkner County; and Clarksville and points in Johnson County, Ark.

HEARING: September 28, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 91.

No. MC 117538 (Sub No. 2), filed May 5, 1960. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Schwerman Trucking Co., Legal Dept., (same address as applicant). Authority

NOTE: Applicant holds contract carrier authority in Permit No. MC 50404 and Subs thereunder. Dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier in No. MC 50404 Sub 55.

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from the plant site of the Alpha Portland Cement Company, located in or near Jamesville, N.Y., to points in McKean, Potter, Tioga, Bradford, Cameron, Susquehanna, Sullivan, Lycoming, and Clinton Counties, Pa.

HEARING: September 16, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 118151 (Sub No. 1), filed May 6, 1960. Applicant: R. L. LETSON, 210 Cleveland, Weatherford, Tex. Applicant's attorney: T. S. Christopher, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to Miles City, Billings, Bozeman, Butte, Great Falls, and Havre, Mont., and ports of entry at the International Boundary line between the United States and Canada between Maida, N. Dak., and Warroad, Minn. On return trips applicant proposes to transport exempt commodities.

HEARING: September 26, 1960, at the Hotel Texas, Forth Worth, Tex., before Examiner Leo M. Pellerzi.

No. MC 118200 (Sub No. 1), filed May 20, 1960. Applicant: CHARLES SHERWOOD, doing business as CHARLES SHERWOOD PRODUCE, 710 West Seventh Street, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., to De Kalb, Ill., and points in Indiana.

HEARING: September 12, 1960, at the U.S. Court Rooms, Columbia, S.C., before Examiner Isadore Freidson.

No. MC 119226 (Sub No. 21), filed April 22, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, other than cement, sand, gravel, coal and coke, in bulk, in specialized vehicles, from Indianapolis, Ind., to points in Illinois and Ohio.

HEARING: September 22, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58.

No. MC 119333 (Sub No. 1), filed May 20, 1960. Applicant: GERALD C. MOORE, Huntingdon, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Ports of Entry on the International Boundary line between the United States and Canada at or near Trout River, Chateaugay, Champlain, Rooseveltown, and Fort Covington, N.Y., to points in Franklin, Saint Lawrence, and Clinton Counties, N.Y.

HEARING: September 23, 1960, at the Federal Building, Albany, N.Y., before Examiner Warren C. White.

No. MC 119423 (REPUBLICATION), filed January 8, 1960, published in the FEDERAL REGISTER, issue of March 9, 1960. Applicant: WILKEY & LANKFORD, INC., Campbell, Mo. Applicant's attorney: William B. Sharp, 112 East Maine Street, Malden, Mo. Applicant originally sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk, (road materials)*, by dump truck, from Campbell, Mo., to points in Clay, Greene, Craighead, and Mississippi Counties, Ark., but at the hearing held on May 3, 1960, it sought to amend the application seeking authority to operate between points in Dunklin and Pemiscot Counties, Mo., on the one hand, and, on the other, points in Clay, Craighead, Greene, and Mississippi Counties, Ark. Although this was an expansive amendment, the Joint Board considered that it should be allowed on the assumption that republication of the authority granted herein in the FEDERAL REGISTER would sufficiently protect any unknown parties deprived of adequate notice. On May 16, 1960, a recommended report and order was served recommending that an appropriate certificate be issued 30 days after publication of the authority granted herein in the FEDERAL REGISTER in order to give possible interested parties notice of the expansion of the scope of this application and to enable them to petition for appropriate relief, if desired, within that time.

No. MC 119450 (Sub No. 2), filed May 20, 1960. Applicant: BARSH TRUCK LINES, INC., 1219½ Main, Joplin, Mo. Applicant's attorney: J. F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Fruits, Frozen Berries, Frozen Vegetables, Frozen Fruit Juices and Frozen Fruit Concentrates in mixed truckloads with Canned Citrus Products*, from points in Florida to points in Arkansas, Oklahoma, Kansas, Missouri, Iowa, and Nebraska (except Omaha and Lincoln, Nebr.), and empty containers or other such incidental facilities (not specified), on return.

NOTE: Applicant states it will be agreeable to a restriction requiring that no mixed truckload shall consist of less than 10 percent of either Frozen or Unfrozen Commodities.

HEARING: September 26, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Examiner Parks M. Low.

No. MC 119478, filed February 4, 1960. Applicant: BENNIE W. HASKINS, doing business as HASKINS TRUCKING COMPANY, 203 East Collins Street, Henderson, Tex. Applicant's attorney: Mert Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite* and *marble*, from points in Elbert and Pickens Counties, Ga., to points in Colorado, Nebraska, South Dakota, and Wyoming, and *damaged and defective shipments* of the above-specified commodities, on return.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 116087 Sub No. 1; therefore, dual operations may be involved.

HEARING: July 14, 1960, in Room 926 Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Lyle C. Farmer.

No. MC 119621 (Sub No. 1), filed May 6, 1960. Applicant: MARTIN V. KIPP, 84 Worth Avenue, Hudson, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Albany, N.Y., to Great Barrington, Mass., and to points in Massachusetts and Connecticut within fifteen (15) miles of Great Barrington.

NOTE: Applicant has contract carrier authority under Permit Nos. MC 104515 Subs Nos. 1, 2 and 5, and a pending application under MC 104515 (Sub No. 6). Section 210 (dual authority) may be involved. A proceeding has been instituted under section 212(c) in No. MC 104515 (Sub No. 6) to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 22, 1960, at the Federal Building, Albany, N.Y., before Joint Board No. 191, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 119649, filed April 6, 1960. Applicant: CHECKERED TRANSFER & STORAGE COMPANY, a Corporation, 300 Garrison Avenue, Fort Smith, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *diary products* as defined in Subdivisions A and B, *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209, 272–273, between and including Fort Smith, Ark., and Commercial Zone thereof, and points in Benton, Crawford, Franklin, Johnson, Yell, Logan, Madison, Montgomery, Pope, Polk, Scott, Sebastian, and Washington Counties, Ark., and points in Adair, Haskell, Le Flore, Latimer, and Sequoyah Counties, Okla., and *damaged and rejected shipments* of the above-described commodities on return.

HEARING: September 29, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 217.

No. MC 119682, filed April 18, 1960. Applicant: TENNESSEE CENTRAL RAILWAY COMPANY, a Corporation, 158 First Avenue, South, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Hopkinsville, Ky., and Nashville, Tenn., from Hopkinsville over U.S. Highway 41–A to Nashville, and return over the same route, serving the intermediate point of Clarksville, Tenn., and the off-route point of Edgoten, Ky. (2) Between Clarksville, Tenn., and Nashville, Tenn., from Clarksville over U.S. Highway 41–A to junction Tennessee Highway 12 east of Clarksville, Tenn., thence over Tennessee Highway 12 to junction U.S. Highway 41–A west of Nashville, Tenn., and return over the same route, serving the intermediate point of Ashland City, Tenn. (3) Between Pleasant View, Tenn., and Ashland City, Tenn., from Pleasant View over Tennessee Highway 49 to Ashland City, and return over the same route, serving no intermediate points. (4) Between Nashville, Tenn., and Crossville, Tenn., from Nashville over U.S. Highway 70–N to junction U.S. Highways 70–S and 70, thence over U.S. Highway 70 to Crossville, and return over the same route, serving the intermediate points of Donelson, Lebanon, Carthage, Double Springs, Cookeville, Monterey, Mayland, and Martha, Tenn., and the off-route points of Hermitage, Old Hickory, Mount Juliet, and Algood, Tenn. (5) Between Lebanon, Tenn., and Alexandria, Tenn. (not including Alexandria), from Lebanon over Tennessee Highway 26 to Alexandria (not including Alexandria), and return over the same route, serving the intermediate points of Shop Springs and Watertown, Tenn. (6) Between Alexandria, Tenn. (not including Alexandria) and Carthage, Tenn., from Alexandria (not including Alexandria) over Tennessee Highway 53 to Carthage, and return over the same route, serving the intermediate point of North Alexandria, Tenn. (7) Between Junction Tennessee Highways 53 and 141 west of Gordonsville, Tenn., and Junction Tennessee Highways 141 and 56 east of Silver Point, Tenn., from junction Tennessee Highways 53 and 141 west of Gordonsville, over Tennessee Highway 141 to junction Tennessee Highway 56 east of Silver Point, and return over the same route, serving the intermediate points of Gordonsville, Carthage Junction, Lancaster, and Silver Point, Tenn., and the off-route point of Buffalo Valley, Tenn. (8) Between Junction Tennessee Highways 141 and 56 east of Silver Point, Tenn., and Junction Tennessee Highway 56 and U.S. Highway 70–N, from junction Tennessee Highways 141 and 56 east of Silver Point over Tennessee Highway 56 to junction U.S. Highway 70–N, and return over the same route, serving the intermediate point of Baxter, Tenn. (9) Between Crossville, Tenn., and Junction U.S. Highways 70 and 27, from Crossville over U.S. Highway 70 to junction U.S. Highway 27, and return over the same route, serving the intermediate points of Dorton and Crab Orchard, Tenn. (10) Between Junction U.S. Highways 70 and 27 southwest of Rockwood, Tenn., and Junction Tennessee Highway 61 and U.S. Highway 27 east of Rockwood, Tenn., from junction U.S. Highways 70 and 27 southwest of Rockwood over U.S. Highway 27 to junction Tennessee Highway 61 east of Rockwood, and return over the same route, serving the intermediate point of Rockwood, Tenn. (11) Between Junction U.S. Highway 27 and Tennessee Highway 61 east of Rockwood, Tenn., and Harriman, Tenn., from junction U.S. Highway 27 and Tennessee Highway 61 east of Rockwood over Tennessee Highway 61 to Harriman, and return over the same route, serving the intermediate point of Emory Gap, Tenn. The application indicates service to be performed shall be limited to service which is in substitution of, auxiliary to, or supplemental of rail service; applicant shall not serve any point not a station on its lines; service shall be limited to shipments which have an immediate, prior or subsequent movement of rail.

HEARING: September 26, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25.

No. MC 119707, filed April 25, 1960. Applicant: YELLOW TRANSFER COMPANY OF TAMPA, INC., 1509 Gray Street, Tampa, Fla. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tampa International Airport, Tampa, Fla., and St. Petersburg–Clearwater International Airport, Pinellas County, Fla., on the one hand, and, on the other, Orlando Airport, Orlando, Fla., and points in Sarasota, Manatee, Hardee, Polk, Pasco, and Hernando Counties, Fla., restricted to traffic having an immediately prior or subsequent movement by air.

HEARING: September 20, 1960, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 119733, filed May 5, 1960. Applicant: MORDECA TRUCKING, LTD., SS 2, Annabelle Street, Hamilton, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Indiana to the Ports of Exit on the International boundary between the United States and Canada at Detroit and Port Huron, Mich.

HEARING: September 27, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 119744, filed May 9, 1960. Applicant: GLEN GREENHILL, doing business as GREENHILL TRUCKING, Mill Street, Olive Hill, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flint clay*, from points in Carter County, Ky., to Oak Hill, Ohio.

HEARING: September 16, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37.

No. MC 119746 (Sub No. 1) filed May 27, 1960. Applicant: JOE BALKEMA AND HAROLD VLIETSTRA, a Partnership, doing business as V & B TRUCKING CO., 2525 Emerald Drive, Kalamazoo, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, and *general building materials* such as windows, shingles, plaster lath, siding, etc., from Kalamazoo, Mich., to points in Indiana north of Indiana Highway 14, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *returned or rejected shipments* thereof, on return.

NOTE: Applicant states the proposed transportation will be under a continuing contract with the Wickes Lumber Company, Kalamazoo, Mich.

HEARING: September 28, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 119776 filed May 12, 1960. Applicant: J. H. PHILLIPS AND JULIAN M CORLEY, doing business as P & G TRUCKING COMPANY, Route 3, Box 210, North Augusta, S.C. Applicant's attorney: J. Fred Buzhardt, McCormick, S.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick* and *tile*, from Augusta, Ga., to points in South Carolina. (2) *Clay*, from the International Clay Company, Graniteville, S.C., to Charleston, S.C., and Savannah, Ga. (3) *Fertilizer*, for the Goss Fertilizer Company from Savannah, Ga., and Charleston, S.C., to points in South Carolina.

HEARING: September 12, 1960, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 119780, filed May 16, 1960. Applicant: YOUNG-HART TRUCKING COMPANY, INC., 221 Northeast 28th Street, P.O. Box 4276, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe* and *valves* and *fittings* and *materials*, used in the installation thereof, from Corsicana, Texas and points within 5 miles thereof, to points in Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, New Mexico, Arizona, Utah, Wyoming, and Colorado. (2) *Fertilizer*, in bulk, bags, packages and containers, from Fort Worth and Dallas, Tex., to points in Oklahoma and New Mexico, and *damaged, rejected or returned shipments* of the above described commodities in 1 and 2, on return.

HEARING: September 21, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 119786, filed May 16, 1960. Applicant: MYRON CONKLIN, 4593 East Shore Drive, Route No. 1, Caledonia, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients*, in bulk, and *feed*, in bags, not in excess of 10 tons on any one shipment and moving in truckload shipments with bulk movement of feed and feed ingredients, in vehicles specially equipped with pneumatic handling and air unloading mechanism and devices, from Chicago, Ill., and Hammond, Ind., to points in Michigan, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: September 28, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 73.

No. MC 119637, filed June 1, 1960. Applicant: WILLARD CHARLES NICKERSON, doing business as APACHE MOTOR FREIGHT, Willow Run Airport, Ypsilanti, Mich. Applicant's attorney: Quentin A. Ewert, Union Savings & Loan Building, 117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having an immediately prior or immediately subsequent movement by air carrier, (1) between the Willow Run Airport located in Wayne and Washtenaw Counties, Mich., and the Detroit Metropolitan Wayne County Airport located in Wayne County, Mich.; and (2) between the Willow Run Airport in Wayne and Washtenaw Counties, Mich., and the Detroit Metropolitan Wayne County Airport in Wayne County, Mich., on the one hand, and, on the other, points in Wayne, Washtenaw, Oakland, Livingston, Lenawee, and Monroe Counties, Mich., and that portion of Macomb County, Mich., which is a part of the Commercial Zone of Detroit, as defined by the Commission, and points in the Toledo, Ohio, Commercial Zone, as defined by the Commission.

NOTE: Applicant states that no duplication of territory is intended.

HEARING: September 26, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 119833, filed June 7, 1960. Applicant: DUANE TROYER, Elgin, Erie County, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, between points in Pennsylvania on and west of U.S. Highway 220, points in New York on and south of New York Highway 13 from Lake Ontario to Pulaski, N.Y., and on and west of U.S. Highway 11 from Pulaski to the Pennsylvania State line, points in Ohio on and east of U.S. Highway 23 from the Michigan State line to Columbus, Ohio and on and north of U.S. Highway 40 from Columbus to the West Virginia State line, and points in the Lower Peninsula of Michigan.

HEARING: September 29, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

MOTOR CARRIERS OF PASSENGERS

No. MC 5786 (Sub No. 2), filed May 5, 1960. Applicant: H. B. CRENSHAW, doing business as CRENSHAW BUS LINE, P.O. Box 537, Oak Grove, La. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Eudora, Ark., and Greenville, Miss., from Eudora over U.S. Highway 65 to junction U.S. Highway 82, thence over U.S. Highway 82 to Greenville, and return over the same route, serving the intermediate point of Lake Village, Ark.

HEARING: September 30, 1960, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 109.

No. MC 41257 (Sub No. 8), filed June 3, 1960. Applicant: NORTH STAR LINE, INC., 341 Ellsworth Avenue SW., Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between St. Ignace, Mich., and Sault Ste. Marie, Mich., as follows: from St. Ignace over U.S. Highway 2 to Sault Ste. Marie, serving the off-route point of Kincheloe Air Force Base over Tone Road, and return over the same route, serving the intermediate points of Rudyard and Kinross.

HEARING: September 30, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 46879 (Sub No. 4), filed May 12, 1960. Applicant: WALTERS TRANSIT CORP., 35–10 43d Street, Long Island City, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers from New York, N.Y., over the New York State Thruway to junction New York Highway 119, thence over New York Highway 119 to junction New York Highway 9A, and thence over New York Highway 9A to junction New York Highway 100, and return over the same route; also on return, over New York Highway 9A to junction New York State Thruway, at Elmsford, N.Y.; also, from junction New York Highways 100 and 118 at Croton Lake, N.Y., along New York Highway 118 to junction U.S. Highway 202, to junction New York Highway 118 and U.S. Highway 6, at Baldwin Place, N.Y., and thence over U.S. Highway 6 to Brewster, N.Y., and return over the same route; also, over U.S. Highway 202 from its junction with New York Highway 118 at Amawalk Reservoir, to junction New York Highway 100 in Somers, N.Y., and return over the same route; also, over U.S. Highway 6 from Baldwin Place to Mohegan, N.Y.; also from intersection U.S. Highway 6 and New York Highway 132 at or near Jefferson Valley, N.Y. to junction U.S. Highway 202, thence over U.S. Highway 202 to junction New York Highway 118 at Yorktown Heights, N.Y., and return over the same route, serving all intermediate points on the above-described routes.

NOTE: Applicant also requests authority to lift the restrictions to authorize service to and from all intermediate points on its present routes between certain points in New York and Connecticut, as specified in Certificate No. MC 46879.

HEARING: September 15, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 119640, filed March 31, 1960. Applicant: MIAMI VALLEY BUS LINES, INC., 212 East Sunrise Avenue, Trotwood, Ohio. Applicant's attorney: Kennedy Legler, Jr., 14th Floor, Third National Building, Dayton 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Dayton, Ohio and Xenia, Ohio, from Dayton over U.S. Highway 35 (both new and old), to Xenia, and return over the same route, serving all intermediate points, on both of the above-named highways.

HEARING: September 12, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12730, filed April 1, 1960. Applicant: YOUTH TRAVEL, INC., 12–14 Nickels Arcade, Ann Arbor, Mich. For a License as a *broker* (BMC 5) at Ann Arbor, Mich., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and groups of passengers and their baggage*, between points in Illinois, Indiana, Michigan, and Ohio, and ports located on the Great Lakes in Illinois, Indiana, Michigan, Ohio, New York, Pennsylvania, Minnesota, and Wisconsin.

HEARING: September 30, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 12731 filed May 6, 1960. Applicant: LAWRENCE APPLEFIELD AND ROBERT DUNN, doing business as: TEENS-N-TOURS, 1004 White Birch Lane, Wantagh; Long Island, N.Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. For a license (BMC 5) to engage in operations as a broker at Wantagh, Long Island, New York, in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Groups of passengers and their baggage*, in the same vehicle with passengers, in round-trip all expense tours, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, including Ports of Entry on the International Boundary lines between the United States and Canada and the United States and Mexico, including points in Alaska and Hawaii.

HEARING: September 19, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29888 (Sub No. 74), filed June 20, 1960. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Edw. G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except livestock, gasoline and other liquids in bulk, automobiles, coal, sand and gravel, and Portland cement, between Beaumont, Calif., and the junction of U.S. Highway 101 and California Highway 14, from Beaumont, over U.S. Highway 60 to junction California Highway 18, thence over California Highway 18 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 101, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with its regular-route operations between Denver, Colo. and Tucson, Ariz., and San Diego, Calif.

No. MC 66562 (Sub No. 1689), filed June 9, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Gladstone, Mich., and Sault Ste. Marie, Mich.: from Gladstone over U.S. Highway 2 to junction Michigan Highway 117, thence over Michigan Highway 117 to Engadine, thence over Millecoquins Road to junction Michigan Highway 48, thence over Michigan Highway 48 to junction U.S. Highway 2 at Rudyard, and thence over U.S. Highway 2 to Sault Ste. Marie, and return over the same route, serving the intermediate points of Rapid River, Cooks, Manistique, Gulliver, Engadine, Trout Lake, Rudyard, and Dafter, Mich. RESTRICTION: The service to be performed by applicant under the authorization sought herein will be limited to such as is auxiliary to, or supplemental of, rail, or air express service.

No. MC 67996 (Sub No. 3), filed June 17, 1960. Applicant: BERTRAM L. SMITH, doing business as DISTILLERY TRANSFER SERVICE, Bardstown, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Alcoholic liquors* and *distillers' supplies*, (1) between Jeffersonville, Ind., and Bardstown, Ky.; from Jeffersonville, Ind. across the Ohio River to Louisville, Ky., thence over U.S. Highway 31–E to Bardstown, and return over the same route, serving all intermediate points. (2) Between Bardstown, Ky., and Boston, Ky.; from Bardstown over U.S. Highway 62 to Boston, and return over the same route, serving all intermediate points. (3) Between Bardstown, Ky., and Greenbrier (a station on L. & N. R.R. and is the site of the distillery previously called the Nelson County Distillery) Nelson County, Ky.; from Bardstown over U.S. Highway 62 to a point three miles east of Bardstown, thence over unnumbered county road via Early Times to Greenbrier, and return over the same route, serving all intermediate points.

NOTE: Applicant states it previously applied for this same regular route authority (plus a route segment between Bardstown and Danville, Ky., not included herein) and was issued a Certificate No. MC 67996 (Sub No. 2) on March 9, 1960, granting only part of the authority sought, over irregular routes, and if the instant application is approved applicant will request revocation of MC 67996 (Sub No. 2) which would otherwise duplicate a part of the rights sought herein.

No. MC 68618 (Sub No. 29) filed June 20, 1960. Applicant: LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Ripon, Calif., unrestricted in connection with applicant's presently authorized regular route operations on shipments originating at, or stored at, Ripon, and ultimately destined to points in Washington, Oregon, and California, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities on return.

NOTE: Applicant states it is presently authorized to serve Ripon only on southbound traffic.

No. MC 109540 (Sub No. 20) filed June 15, 1960. Applicant: YEARY TRANSFER COMPANY, INC., Boonesboro Pike, Winchester, Ky. Applicant's attorney: Harry Ross, Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammonium nitrate* and *sodium nitrate* in bags and in packages, and *empty containers or other such incidental facilities*, used in transporting the above described commodities, between Hopewell, Va., and points in Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Bullitt, Campbell, Carroll, Carter, Casey, Clark, Clay, Daviess, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Henry, Hopkins, Jackson, Jefferson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Marion, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Oldham, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Shelby, Trimble, Washington, Wayne, Webster, Whitley, Wolfe and Woodford Counties, Ky., and (2) *Ammonium nitrate, sodium nitrate, fertilizer* and *fertilizer materials* in bags and in packages, *empty containers or other such incidental facilities*, used in transporting the above described commodities, between Hopewell, Va., and points in Adair, Allen, Ballard, Barren, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Clinton, Crittenden, Cumberland, Edmonson, Fulton, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Hickman, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Meade, Metcalfe, Monroe, Ohio, Simpson, Spencer, Taylor, Todd, Trigg, Union, and Warren Counties, Ky.

No. MC 110733 (Sub No. 20), filed June 13, 1960. Applicant: ACE FREIGHT LINE, INC., 459 East Mallory Avenue, P.O. Box 10091, McKellar Station, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer compounds, ammonium nitrate*, and *urea*, dry, in bulk or in packages, from El Dorado, Ark., to points in Texas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 110733 (Sub No. 6) to determine whether applicant's status is that of a common or contract carrier.

No. MC 117201 (Sub No. 1), filed June 13, 1960. Applicant: INTERSTATE DISTRIBUTING COMPANY, INC., 2215 Puyallup Avenue, Tacoma, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated wood ridge, undercourse, shim stock, edging*, and other *shake* and *shingle* items incidental to the application of roofing and siding, and *exempt commodities*, between points in Washington west of the summit of the Cascade Mountains and points in California on and south of a line extending from the California-Nevada State line along U.S. Highway 50 to Sacramento, Calif., and thence along U.S. Highway 40 to Oakland, Calif.

NOTE: Applicant has authority in MC 117201 to transport Wood shingles and shakes from points in Washington to points in California. Any duplication with present authority to be eliminated. Applicant also has a pending contract carrier application under MC 117842. Dual operations under section 210 may be involved.

No. MC 119431 (Sub No. 1), filed June 17, 1960. Applicant: BURNO RICCOMINI, doing business as BRUNO'S GARAGE, 603 Ream Avenue, Mt. Shasta, Calif. Applicant's representatives: Pete H. Dawson, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked* or *disabled automobiles, trucks, tractors*, or *trailers*, in truckaway service by use of wrecker equipment only, from points in California, in and north Mendicino, Glenn, Butte, Sierra Counties, to Eugene, Medford, and Klamath Falls, Oreg.

No. MC 119530 (Sub No. 2), filed June 15, 1960. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, a Partnership, doing business as MAY TRUCKING CO., P.O. Box 398, Payette, Idaho. Applicant's attorney: Kenneth G. Bell, 203 McCarty Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, bulk petroleum, and those injurious or contaminating to other lading, and *empty containers or other such incidental facilities*, between points in Oregon and

Payette, Idaho, for operating convenience only.

NOTE: Applicant holds contract carrier authority in Permit No. MC 106871. Dual operations under section 210 may be involved. Applicant states it holds intrastate authority in the State of Oregon but the home terminal is located in Payette, Idaho, and for operating convenience only, makes this application restricted to those shipments permitted by the Permits or Certificates issued by the State of Oregon and not permitting interline or interchange except as authorized by other authority held by the applicant.

MOTOR CARRIERS OF PASSENGERS

No. MC 74 (Sub No. 3), filed June 20, 1960. Applicant: ORANGE BALL BUS CO., INC., First State Bank Building, P.O. Box 72, Mission, Tex. Applicant's attorney: Mart Starnes, 401 Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between McAllen, Tex., and the International boundary of the United States and Mexico at the International Bridge; from McAllen over Farm-to-Market Road 1926 to Hidalgo, Tex., thence over U.S. Highway 281 to the International boundary of the United States and Mexico at the International Bridge, and return over the same route, serving all intermediate points.

No. MC 47495 (Sub No. 4), filed June 13, 1960. Applicant: MOUNTAIN VIEW COACH LINES, INC., 38 Lafayette Avenue., Coxsackie, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between Middleburg, N.Y., and Catskill, N.Y., (a) from Middleburg over New York Highway 145 via Durham and East Durham, N.Y., to Catskill, and return over the same route, serving all intermediate points; and (b) from Middleburg to Durham as specified above, thence over unnumbered highway to Oak Hill, N.Y., thence over New York Highway 81 to Norton Hill, N.Y., thence over unnumbered highway via South Westerlo, N.Y., to junction New York Highway 32, thence over New York Highway 32 to Freehold, N.Y., thence over unnumbered highway to East Durham, thence to Catskill as specified above, and return over the same route, serving all intermediate points; (2) between Catskill, N.Y., and Norton Hill, N.Y., from Catskill over New York Highway 23 to Cairo, N.Y., thence over New York Highway 32 to Greenville, N.Y., thence over New York Highway 81 to Norton Hill, and return over the same route, serving all intermediate points; (3) between Catskill, N.Y., and Hudson, N.Y., from Catskill over New York Highway 23 to junction New York Highway 9G, thence over New York Highway 9G to Hudson, and return over the same route, serving all intermediate points; and (4) between Greenville, N.Y., and South Westerlo, N.Y., from Greenville over New York Highway 32 to junction unnumbered highway, thence over unnumbered highway to South Westerlo, and return over the same route, serving all intermediate points.

NOTE: Applicant states it proposes to transport the above in conjunction with the authority granted in Certificate No. MC 47495 (Sub No. 3).

No. MC 55312 (Sub No. 8), filed June 15, 1960. Applicant: CONTINENTAL TENNESSEE LINES, INC., 418 Fifth Avenue South, Nashville, Tenn. Applicant's attorney: Grove Stafford, 628 Murray Street, Alexandria, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between Nashville, Tenn. and Clarksville, Tenn.: From Nashville over Tennessee Highway 12 to Clarksville, and return over the same route, serving all intermediate points.

PETITIONS

No. MC 46465 (PETITION FOR WAIVER OF § 1.101(e) OF RULES OF PRACTICE TO PERMIT FILING OF RECONSIDERATION PETITION AND PETITION FOR RECONSIDERATION OF APPLICATION AND REOPENING AND MODIFICATION OF COMMODITY DESCRIPTION IN CERTIFICATE, AND FOR OTHER RELIEF), dated May 31, 1960. Petitioner: CHARLES BRADY, doing business as BRADY'S FAST SERVICE, 2215 Amber Street, Philadelphia, Pa. Petitioner's representative: Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa. By Certificate issued February 27, 1942, in No. MC 46465, Petitioner is authorized to transport *Scrap metals*, between Philadelphia, Pa., on the one hand, and, on the other, various named points in Delaware, Maryland, New Jersey and New York. Petitioner prays that the Commission (1) grant his petition for waiver of § 1.101(e) of the rules of practice to permit the filing of his petition for reconsideration, reopening and modification herein, and (2) grant the petition for reconsideration and reopening of this application, and modification of the commodity description in Certificate No. MC 46465 so as to authorize the transportation of: *Burlap* and *burlap bags*, and *bags made of burlap and cotton combined*, and *materials used in the manufacture of such bags*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Newark, Jersey City, Perth Amboy, Carteret, Linden, and Elizabeth, N.J., and Baltimore, Md., and Wilmington, Del. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 113951 (PETITION FOR DECLARATORY ORDER), dated May 27, 1960. Petitioner: M. D. CRESSY COMPANY, INC., 10 Temple Street, Charlestown, Mass. Petitioner's attorney: Raymond E. Bernard, 53 State Street, Boston, Mass. By petition dated May 27, 1960, petitioner points out that the official and public records at the federal court in Boston, Mass., show that the predecessors of petitioner were found guilty and fined $250 for certain violations of the Interstate Commerce Act. It is asserted that subsequent litigation before this Commission resulted in the correction of petitioner's "grandfather" certificates to reflect its true and authorized operation, which removed the basis upon which the said conviction was obtained. Petitioner claims that the said conviction was due to improper representations to the court by this Commission. It requests, among other things, that a declaratory order be entered ruling on "The duty of this Commission and its staff to 'correct' Federal court records where baseless criminal charges were placed before a court." Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7472 (correction), published in the June 22, 1960, issue of the FEDERAL REGISTER on page 5715. The title should have been shown as HOUCK TRANSPORT CO.—PURCHASE (PORTION)—JOHN H. COHEE.

No. MC-F 7494 (RINGSBY TRUCK LINES, INC.—PURCHASE—CALIFORNIA EXPRESS, INC.), published in the April 13, 1960, issue of the FEDERAL REGISTER on page 3196. Application filed June 23, 1960, for temporary authority under section 210a(b).

No. MC-F 7563 (correction) (DENVER-CHICAGO TRUCKING CO., INC.—MERGER—THE DENVER CHICAGO TRUCKING CO., INC., OF KENTUCKY), published in the June 22, 1960, issue of the FEDERAL REGISTER on page 5715. The operating rights sought to be merged should have read, in part, as follows: "*General commodities*, except those of unusual value, Class A and B explosives, and household goods as defined by the Commission, between Vincennes, Ind., and Princeton, Ind., serving no intermediate points."

No. MC-F 7573. Authority sought for purchase by CAPITOL MOTOR TRANSPORTATION CO., INC., 296 Main Street, Everett 49, Mass., of the operating rights and property of ALBERT FILLMORE, doing business as FILLMORE TRANSPORTATION, Dudley Town Road, Bloomfield, Conn., and for acquisition by DAVID BORENSTEIN and EVELYN BORENSTEIN (individually and as Trustee for DONALD BORENSTEIN), both of 363 Upham Street, Melrose, Mass., of control of such rights and property through the purchase. Applicants' attorney: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Hartford, Conn., and New York, N.Y., and between Hartford, Conn., and Rockville, Conn., serving certain intermediate and off-route points; *scrap metals*, over irregular routes, from points in Fairfield, Hartford, Litchfield, New Haven and Middlesex Counties, Conn., to Carteret, Perth Amboy and Trenton, N.J.; *scrap rubber and scrap fire hose*, from New York, N.Y., and points in Westchester County, N.Y., and all points in New Jersey to Naugatuck, Conn.; *used pipe*, from New London, Waterbury and Danbury, Conn., and Springfield, Mass., to New York, N.Y.; *scrap and waste materials*, from Hartford, Conn., to Perth Amboy, N.J., and from London, Conn. (New London), to Jersey City, N.J.; *groceries and containers for groceries*, from New York, N.Y., to Thompsonville, Colchester, and New Haven, Conn., and Springfield, Mass.; *tobacco*, from points in Hartford County, Conn., to New York, N.Y.; *new tires and tubes*, from Chicopee, Mass., to New York and Jersey City and Trenton, N.J.; *asbestos and asphalt roofing materials*, from East Rutherford, Linden Park, Perth Amboy and Maurer, N.J., to Hartford, Conn., and from Edgewater, N.J., to New London, Middletown, Wallingford, Norwich, Waterbury and Moosup, Conn., and Springfield, Mass.; *fresh vegetables*, from points in Hartford and Tolland Counties, Conn., to points in the New York, N.Y., Commercial Zone as defined by the Commission; *empty containers* for fresh vegetables, from points in the New York, N.Y., Commercial Zone as defined by the Commission, to points in Hartford and Tolland Counties, Conn.; *junk*, between all points in Connecticut, on the one hand, and, on the other, all points in Rhode Island. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7575. Authority sought for purchase by WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga., of the operating rights and certain property of TIGER TRUCK LINES, INC. (MOULTRIE NATIONAL BANK, MORTGAGEE), Old American Legion Building, Moultrie, Ga., and for acquisition by BILL WATKINS, also of Thomasville, of control of such rights and property through the purchase. Applicants' representatives: Joseph H. Blackshear, Attorney, Gainesville, Ga., Sol Altman, Attorney, Scott Building, Thomasville, Ga., Michel DeLoache, Moultrie National Bank, Moultrie, Ga., Alfred Tweed, Cassidy Road, Thomasville, Ga., and Jack M. Holloway, P.O. Box 828, Thomasville, Ga. Operating rights sought to be transferred: *Lumber*, as a *common carrier* over irregular routes, from points in Georgia to points in Florida; *lumber* (except plywood) from points in Alabama, North Carolina, and South Carolina, to points in Florida, and between points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. Vendee is authorized to operate as a *common carrier* in Georgia, Missouri, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, Ohio, Tennessee, Florida, Alabama, Connecticut, Iowa, Massachusetts, South Carolina, Arkansas, Mississippi, Louisiana, Oklahoma, Kansas, Nebraska, Rhode Island, Texas, Arizona, California, New Mexico, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7576. Authority sought for purchase by LIBERTY TRANSFER COMPANY, INC., 5262 Nelson Avenue, Baltimore, Md., of the operating rights and certain property of GEORGE SCHOIERER, East 54th Spring Valley Avenue, Paramus, N.J., and for acquisition by W. ELMER CONSTANTINE, SR., also of Baltimore, of control of such rights and property through the purchase. Applicants' attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington 5, D.C. Operating rights sought to be transferred: *Condiments, vegetable oils, butter and lard substitutes, related printed and advertising matter, packing supplies*, and *empty cartons*, as a *contract carrier* over regular routes, from Bayonne, N.J., to Washington, D.C., serving the intermediate point of Baltimore, Md.; *damaged, rejected, or unsalable shipments of the above-specified commodities*, and *empty drums*, from Washington, D.C., to Bayonne, N.J., serving the intermediate point of Baltimore, Md. Vendee is authorized to operate as a *contract carrier* in Maryland, Delaware, New York, Pennsylvania, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7577. Authority sought for control by THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn., of THE SILVER FLEET MOTOR EXPRESS, INC., 216 East Pearl Street, Louisville, Ky., and for acquisition by E. WARD KING, E. WILLIAM KING, JOHN R. KING, and MARGARET K. NORRIS, all of Kingsport, of control of THE SILVER FLEET MOTOR EXPRESS, INC., through the acquisition by THE MASON AND DIXON LINES, INCORPORATED. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Nashville, Tenn., and Chicago, Ill., between Chattanooga, Tenn., and Chicago, Ill., between specified points in Tennessee, between Louisville, Ky., and Chattanooga, Tenn., between specified points in Kentucky, between Middlesboro, Ky., and La Follette, Tenn., between Louisville, Ky., and Charlestown, Ind., between Louisville, Ky., and Columbus, Ohio, between Cincinnati, Ohio, and Mt. Vernon, Ky., between Indianapolis, Ind., and Cincinnati, Ohio, between specified points in Indiana, between Norton, Va., and Clintwood, Va., and between Murphy, N.C., and Ducktown, Tenn., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, except loose bulk commodities, livestock, Class A and B explosives, currency, bullion, articles of virtu, and commodities exceeding ordinary equipment and loading facilities, between Tazewell, Tenn., and Kingsport, Tenn., serving all intermediate points, and the mining camps within ten miles of the specified route; *general commodities*, except loose bulk commodities, livestock, Class A and B explosives, currency, bullion, articles of virtu, and commodities which are contaminating or injurious to other lading, or which exceed ordinary equipment and loading facilities, between Nashville, Tenn., and Birmingham, Ala., and between Decatur, Ala., and Florence, Ala., serving certain intermediate and off-route points; *general commodities*, except household goods as defined by the Commission, and commodities requiring special equipment, between Murphy, N.C., and Chattanooga, Tenn., serving all intermediate points; *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between Asheville, N.C., and Knoxville, Tenn., between specified points in North Carolina, and between Turtletown, Tenn., and Farner, Tenn., serving all intermediate and certain off-route points; *empty trucks*, between Kingsport, Tenn., and Appalachia, Va., and between Jonesville, Va., and Duffield, Va., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Indianapolis, Ind., between points in Anderson, Ind., and between points in Marion, Ind. THE MASON AND DIXON LINES, INCORPORATED, is authorized to operate as a *common carrier* in Tennessee, North Carolina, Georgia, Virginia, New York, New Jersey, Pennsylvania, Maryland, Delaware, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7578. Authority sought for control by THE KAPLAN TRUCKING COMPANY, 1607 Woodland Avenue, Cleveland 15, Ohio, of THOMAS BOYD, INC., 4325 Bath Street, Philadelphia 37, Pa., and for acquisition by SADYE KAPLAN, also of Cleveland, of control of THOMAS BOYD, INC., through the acquisition by THE KAPLAN TRUCKING COMPANY. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Operating rights sought to be controlled: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts and equipment*, when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special equipment, as a *common carrier* over irregular routes, between points in New Jersey, Maryland, and New York and certain points in Pennsylvania. THE KAPLAN TRUCKING COMPANY is authorized to operate as a *common*

carrier in Michigan, Ohio, Pennsylvania, New York, West Virginia, Kentucky, Illinois, Indiana, New Jersey, Rhode Island, Massachusetts, Connecticut, and Missouri. Application has not been filed for temporary authority under section 210 a(b).

No. MC-F 7579. Authority sought for control by OVID CROUCH, Transport Building, St. Joseph, Mo., of JACKSON TRUCK LINE, INC., U.S. Highway 24, P.O. Box 496, Topeka, Kans. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between St. Joseph, Mo., and Shambaugh, Iowa, serving the intermediate points of Clearmont and Elmo, Mo., and Blanchard and Braddyville, Iowa, and the off-route points of Coin and College Springs, Iowa; *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, over irregular routes, between Clearmont, Mo., and points in Missouri and Iowa within 20 miles of Clearmont (except Maryville and Tarkio, Mo.), on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, and Kansas. RESTRICTION: The service authorized under the above-described regular-route authority shall not be combined with the service authorized under the above-described irregular-route authority. OVID CROUCH holds no authority from this Commission. However, he is president of CROUCH BROS., INC., Transport Building, St. Louis, Mo., which is authorized to operate as a *common carrier* in Missouri, Kansas, Illinois, Iowa, Nebraska, Arkansas, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7574. Authority sought for purchase by THE H & W TRANSIT COMPANY, 847 Hanover Street, Meriden, Conn., of a portion of the operating rights and certain property of THE CONNECTICUT COMPANY, 54 Meadow Street, New Haven 6, Conn. Applicant's attorneys: Robert L. Fay, 37 North Main Street, Wallingford, Conn., and Herbert M. Guston, The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven 6, Conn. Operating rights sought to be transferred: *Passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter operations, as a *common carrier* over irregular routes, from points in the Meriden-Middletown area of Connecticut to points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, and New Hampshire, and return, and from points in the Meriden-Middletown area of Connecticut to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia, and return. Vendee holds no authority from this Commission. However, EDWARD P. HAYES, doing busines as EDWARD P. HAYES BUS SERVICE, Hayes Road, Rocky Hill, Conn., president and one of the principal stockholders of vendee, is authorized to operate as a *common carrier* in Connecticut, New Hampshire, Massachusetts, and New York. Application has not been filed for temporary authority under section 210a(b).

By the Commision.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-5984; Filed, June 28, 1960; 8:47 a.m.]

[Notice 337-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 28, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63337. By order of June 27, 1960, the Transfer Board approved the transfer to Midwest-Alaska Freight Lines, Inc., Butterfield, Minn., of Certificate No. MC 96614, issued January 18, 1954, to Arctic Freightways, Inc., Butterfield, Minn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from Seattle, Wash., over specified regular routes, to the International Boundary at the ports of entry of Eastport, Idaho, and Sweet Grass, Mont., restricted to traffic moving to the Territories or possessions of the United States. George R. Labissoniere, 333 Central Building, Seattle 4, Wash., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6050; Filed, June 28, 1960; 9:15 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ATLANTIC RESEARCH CORP.

Addition to Membership in the Army Ordnance Integration Committee on Propellants and Explosives

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published the name of the following company which has accepted the request to participate in the Voluntary Plan entitled, "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Propellants and Explosives," as amended March 21, 1956. The request and revised list of acceptances were published in 24 F.R. 4585, dated June 4, 1959.

Atlantic Research Corp., Alexandria, Va.

(Sec. 706, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 10773, July 1, 1958, 23 F.R. 5061; Executive Order 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: June 21, 1960.

LEO A. HOEGH, *Director, Office of Civil and Defense Mobilization.*

[F.R. Doc. 60-5970; Filed, June 28, 1960; 8:45 a.m.]

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VOLUME 25 NUMBER 127

Washington, Thursday, June 30, 1960

THE UNIVERSITY OF MICHIGAN
JUL
MAIN READING ROOM

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Rules and Regulations

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

On page 4431 of the FEDERAL REGISTER of May 19, 1960, there was published a notice of intention to amend § 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No written communications were received. The amended regulations are adopted as set forth below.

1. Section 221.24 is amended to read as follows:

§ 221.24 Charges.

(a) Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1961 an assessment of $245,127.35 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 75,423.79 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

2. Section 221.26 is amended to read as follows:

§ 221.26 Charges.

(a) Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1961 an assessment of $46,567.30 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,328.4 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

3. Section 221.28 is amended to read as follows:

§ 221.28 Charges.

(a) Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1961 an assessment of $18,687.61 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,466.3 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

PERCY E. MELIS,
Area Director.

[F.R. Doc. 60-6017; Filed, June 29, 1960; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Revision 2) Admt. 1]

REFINERY INPUTS

Definition

Paragraph (1) of section 22 of Oil Import Regulation 1 (Revision 2) (25 F.R. 4957) is amended to read as follows:

Sec. 22 Definitions.

(l) "Refinery inputs" include all crude oil, imported unfinished oils, natural gasoline mixed in crude oil, and plant and field condensates mixed in crude oil, which are further processed, other than by blending by mechanical means, but (1) do not include unfinished oils which have not been imported, and (2) for the purposes of computing allocations under section 10 or section 11 of this regulation do not include crude oil and unfinished oils imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oils from which the unfinished oils were processed or manufactured.

By explicitly relating the exclusion in clause (2) to the computation of allocations under section 10 and section 11, this amendment is designed to correct an earlier effort to bring the definition of "refinery inputs" into conformity with the revisions made in paragraph (c) of section 1 of Presidential Proclamation 3279 by Proclamation 3290 (24 F.R. 3527). Through inadvertence, the exclusion in clause (2) of the present definition appears also to apply to the requirements stated in section 4 respecting eligibility for allocations. Therefore, notice of proposed rule making is deemed unnecessary and this amendment shall become effective immediately.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JUNE 22, 1960.

[F.R. Doc. 60-6022; Filed, June 29, 1960; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Partial Supersedure of Part

CROSS REFERENCE: For partial supersedure of regulations in this part, see preamble to Part 201 of 26 (1954) CFR, Chapter I, *infra*.

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PART 182—INDUSTRIAL ALCOHOL

PART 216—DENATURATION OF RUM

PART 220—PRODUCTION OF DISTILLED SPIRITS

PART 221—PRODUCTION OF BRANDY

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 230—BOTTLING OF TAXPAID SPIRITS

PART 235—RECTIFICATION OF SPIRITS AND WINES

Partial Supersedure of Parts

CROSS REFERENCE: For partial supersedure of regulations in these parts, see preamble to Part 201 of this chapter, *infra*.

PART 201—DISTILLED SPIRITS PLANTS

On May 6, 1960, a notice of proposed rule making proposing the revision and reissuance of regulations in 26 CFR Part 201, with respect to the location, construction, equipment, arrangement, qualification, and operation of distilled spirits plants, was published in the FEDERAL REGISTER (25 F.R. 4003). No request for a public hearing was received.

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, and in order to make certain clarifying, liberalising, and editorial changes, the regulations as so published are hereby adopted subject to the changes set forth below:

1. Paragraph 1 of the Preamble is changed to read as set forth below.

2. Section 201.44 is changed by rewording the first sentence following paragraph (f) to read "There shall be attached to such claim a copy of the approved application and of the gauge report provided for in § 201.583."

3. Section 201.62 is revised to read as set forth below.

4. Section 201.77 is changed by rewording the heading to read "Allowance of remission, abatement, credit, or refund of tax."

5. The first sentence of paragraph (a) of § 201.95 is changed:

(A) By inserting in the parenthetical phrase, after the word "except", the words "anhydrous spirits and"; and

(B) By striking the word "a" immediately preceding the words "whole degree prior to", and inserting in lieu thereof the words "any desired".

6. Section 201.114 is changed by adding, at the end thereof, a new sentence to read "Tanks and pipelines conforming to the requirements of § 201.327 may be used alternately for bottling-in-bond operations as provided in § 201.175."

7. Section 201.133 is changed by striking the period at the end of the last sentence and adding the following phrase "; reregistration is not required when a new bond or a strengthening bond is filed pursuant to § 201.191 or 201.212."

8. Section 201.231 is changed by striking in paragraph (d) the words "that it is".

9. Section 201.235 is changed by adding, at the end thereof, a new sentence to read "Where a plant is registered under this part to operate under a basic operating name (such as the name of a division of a corporation or the name of a partnership), in lieu of its real name, such basic operating name should be on the sign."

10. Section 201.242 is changed by striking in paragraph (d) the words "removed in bulk conveyances or by pipelines", and inserting in lieu thereof the words "stored on bonded premises in tanks".

11. Section 201.247 is changed by striking the last sentence.

12. Section 201.248 is changed by inserting in the second sentence of paragraph (c), after the words "to be in a scale", the word "tank".

13. Section 201.269 is changed by inserting in the ninth sentence, which begins "Each Form 2630", after the words "the real name", the parenthetical phrase "(or basic operating name as provided in § 201.235)".

14. Section 201.279 is changed by inserting in the last sentence, before the words "approved by the assigned officer", the words ", in duplicate, filed with and".

15. Section 201.307 is changed by adding after the third sentence, which begins "Before blending such rums", a new sentence to read "When spirits in packages are to be dumped, the proprietor shall attach to Form 1685 a list (one copy) of the serial numbers of the packages."

16. Section 201.328 is changed by striking in the second sentence the words "sized bottles", and inserting in lieu thereof the word "sizes".

17. Section 201.333 is changed:

(A) By rewording the heading to read "Filling of bottles."; and

(B) By rewording the first sentence to read "Bottles of bottled-in-bond spirits shall be so labeled, (a) that the label in use is identical with the label attached to Form 1515, and properly describes the spirits; (b) that the bottled spirits agree in proof with the data on the label; and (c) so filled that the quantity agrees with the data on the label, stamp, or bottle."

18. Section 201.344 is changed by adding, at the end thereof, a new sentence to read "The proprietor may place on the label any additional information that he may desire if it is not inconsistent with the required information."

19. Section 201.368 is changed by striking in the fourth sentence of paragraph (a), which begins "Each Form 1620", the words "the real name of the producer", and inserting in lieu thereof the words "the real name (or basic operating name as provided in § 201.235) of the producer (or the name of the packaging or bottling proprietor in the case of spirits of 190 degrees of proof or more)".

20. Section 201.370 is changed by revising, in the first sentence, cross references "§§ 201.273 and 201.274" to read "§§ 201.272 and 201.273".

21. Section 201.377 is changed:

(A) By rewording the heading to read "Rinsing of packages and disposition of rinse water."; and

(B) By striking the first two sentences and inserting in lieu thereof three sentences to read "When spirits in wooden packages (except packages treated so as to preclude contact of the spirits with the wood surface) are dumped for tax determination, the packages and any char or wood chips therefrom shall be thoroughly rinsed by the proprietor: *Provided*, That if the proprietor indicates on his withdrawal application, Form 179, that the packages are to be used for repackaging the same spirits, such packages need not be rinsed. Water of any temperature may be used for rinsing. When spirits are returned to a rinsed package the temperature of such water shall be marked thereon, as provided in § 201.524."

22. Section 201.385 is changed by rewording the fifth sentence, which begins "On execution", to read "On execution of the certificate of tax determination, the assigned officer shall issue distilled spirits stamps for packages or bulk conveyances of spirits to be removed from bonded premises."

23. Section 201.393 is changed by striking the period at the end of the first sentence of paragraph (b) and adding the following phrase ", except that completely denatured alcohol may be transferred from bonded premises by pipeline only when the consignee has obtained authority to receive completely denatured alcohol by such means pursuant to the provisions of Part 211 of this chapter."

24. Section 201.403 is changed by striking in the first sentence, in the two places it appears, the word "approved".

25. Section 201.411 is changed by adding after the first sentence a new sentence to read "The quantity of wood alcohol required for such denaturation shall be determined on the basis of the alcohol in the formulation."

26. Section 201.427 is changed by revising, in the first sentence, the cross reference "§ 201.622" to read "§ 201.623".

27. Paragraph (d) of § 201.432 is changed:

(A) By striking in the first sentence the phrase ", as provided in § 201.628 (c),";

(B) By striking in the second sentence the word "especially"; and

(C) By inserting in the last sentence, after the word "filed", the words "in the manner".

28. Section 201.437 is changed by inserting in paragraph (a), after the phrase "different distillers," the phrase "or at different distilleries,".

29. Section 201.457 is changed by striking in the second sentence the words "bottles of the".

30. Section 201.470 is changed by rewording the second sentence of paragraph (c) to read "Each trade name which is to be used shall be entered on the appropriate Form 122 (batch record) or on Form 2637, as the case may be."

31. Section 201.501 is changed:

(A) By striking in the first and second sentences, in the three places it appears, the phrase "spirits, denatured spirits, or denaturants", and inserting in lieu thereof the phrase "spirits or denatured spirits"; and

(B) By striking in the last sentence the last two words "or denaturants".

32. Section 201.508 is changed:

(A) By striking in paragraph (a)(4) the phrase ", or denaturants"; and

(B) By striking in paragraph (b)(3) the phrase ", denaturants,".

33. Section 201.509 is changed to read as set forth below.

34. Section 201.516 is changed by inserting in the second sentence of paragraph (c), after the words "the name", the parenthetical phrase "(or trade name)".

35. Section 201.525 is changed by inserting, in the first sentence, after the words "route board", the phrase ", or other suitable device,".

36. Section 201.527 is changed by rewording paragraph (a)(3) to read "Kind of spirits;".

37. Section 201.528 is changed by rewording paragraph (a)(2) to read "Kind of wine or kind of spirits;".

38. Section 201.544 is changed by rewording the second sentence to read "The stamp shall be overprinted in the blank space on the other end with the name of the distiller (or trade name) under which the spirits were produced and warehoused; such name shall be the same as the name which appears on the label, as provided by § 201.332."

39. Section 201.545 is changed by rewording the fourth sentence, which begins "If containers are", to read "If containers are enclosed in sealed opaque cartons or wrappings, such cartons or wrappings must bear the words, 'This package may be opened for examination by Internal Revenue Officers.'"

40. Section 201.550 is changed by inserting in the third sentence, which begins "The stamps shall", after the words "route board", the phrase ", or other suitable device,".

41. Section 201.587 is changed by striking the period at the end of the fourth sentence, which begins "If the returned spirits", and adding the following phrase "through the assigned officer."

42. Section 201.614 is changed by inserting in the first sentence, after the words "additional information,", the phrase "or for other good cause,".

43. Section 201.628 is changed:

(A) By adding after the third sentence of paragraph (a), which begins "Separate files", a new sentence to read "In addition, separate files shall be maintained for spirits which have been mingled under § 201.301 and for spirits which have not been so mingled."; and

(B) By rewording the heading of paragraph (c) to read "Substitute records."

Because these regulations are a part of an integrated recodification program under chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly these regulations shall become effective on July 1, 1960.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

Approved: June 24, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to further implement the provisions of chapter 51 of the Internal Revenue Code of 1954 as amended by section 201 of the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1313) which are applicable to distilled spirits plants, the following regulations are hereby prescribed as Part 201 of Title 26 of the Code of Federal Regulations:

Preamble. 1. The regulations in this part shall supersede the 1959 edition of Part 201 of this chapter, the regulations in Subparts C, H, J, and K of Part 170 of this chapter, the regulations in Subpart T of Part 170 of this chapter except as such subpart relates to the redemption of unused distilled spirits excise tax stamps and unused rectification tax sheet stamps, the regulations in Part 235 of this chapter except §§ 235.40 through 235.42, 235.250 through 235.261, 235.75 and 235.76, the regulations in Parts 182, 216, 220, 221, 225, and 230 of this chapter in their entirety, and the regulations in §§ 171.170 through 171.280 of 26 CFR (1939) Part 171.

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall be effective on July 1, 1960.

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AUTHORITY: §§ 201.1 to 201.635 issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope

§ 201.1 General.

The regulations in this part relate to the location, construction, equipment, arrangement, qualification, and operation (including activities incident thereto) of distilled spirits plants.

§ 201.2 Territorial extent.

This part applies to the several States of the United States and the District of Columbia.

§ 201.3 Status of existing qualified plants.

Distilled spirits plants heretofore qualified to operate may continue to operate, pursuant to their prior qualification, after the effective date of these regulations. All plants hereafter established, and changes in existing plants, shall be in conformity with this part. Operations of all plants shall be conducted pursuant to the provisions of this part, except that where the assistant regional commissioner has, pursuant to provisions of section 5178(a)(1)(C), I.R.C., approved the method of operation of any establishment which was qualified to operate on June 30, 1959, he may continue the approval.

§ 201.4 Related regulations.

Regulations relating to this part are listed below:

26 CFR Part 170—Miscellaneous Regulations Relating to Liquor.
26 CFR Part 175—Traffic in Containers of Distilled Spirits.
26 CFR Part 186—Gauging Manual.
26 CFR Part 194—Liquor Dealers.
26 CFR Part 196—Stills.
26 CFR Part 197—Drawback on Distilled Spirits Used in Manufacturing Nonbeverage Products.
26 CFR Part 200—Rules of Practice in Permit Proceedings.
26 CFR Part 211—Distribution and Use of Denatured Alcohol and Rum.
26 CFR Part 212—Formulas for Denatured Alcohol and Rum.
26 CFR Part 213—Distribution and Use of Tax-Free Alcohol.
26 CFR Part 240—Wine.
26 CFR Part 250—Liquors and Articles from Puerto Rico and the Virgin Islands.
26 CFR Part 251—Importation of Distilled Spirits, Wines, and Beer.
26 CFR Part 252—Exportation of Liquors.
27 CFR Part 1—Basic Permit Requirements Under the Federal Alcohol Administration Act.
27 CFR Part 2—Nonindustrial Use of Distilled Spirits and Wine.
27 CFR Part 3—Bulk Sales and Bottling of Distilled Spirits.
27 CFR Part 4—Labeling and Advertising of Wine.
27 CFR Part 5—Labeling and Advertising of Distilled Spirits.
31 CFR Part 225—Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds.

Subpart B—Definitions

§ 201.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Application for registration. The application required under section 5171(a), I.R.C.

Assigned officer. The internal revenue officer assigned to duties at the plant.

Assistant regional commissioner. An assistant regional commisisoner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Basic permit. The document authorizing the person named therein to engage in a designated business or activity under the Federal Alcohol Administration Act.

Bonded premises. The premises of a distilled spirits plant, or part thereof, as described in the application for registration, on which operations relating to the production, storage, denaturation, or bottling of spirits prior to payment or determination of tax are authorized to be conducted.

Bonded warehouse. The part of the bonded premises, as described in the application for registration, in which spirits are authorized to be stored after entry for deposit in storage and prior to payment or determination of the internal revenue tax or withdrawal as provided in section 5214 or 7510, I.R.C.

Bottler. A proprietor of a distilled spirits plant qualified under this part to bottle taxpaid spirits or taxpaid spirits and wines.

Bottling-in-bond facilities. The part of the bonded premises in which spirits are bottled in bond under section 5233, I.R.C.

Bottling premises. The premises of a distilled spirits plant, or part thereof, as described in the application for registration, on which operations relating to the rectification or bottling of spirits or wines on which the tax has been paid or determined are authorized to be conducted.

Bulk container. Any approved container of five gallons or more.

Bulk conveyance. A tank car, tank truck, tank ship, tank barge, or a compartment of any such conveyance, or any other container approved by the Director for the conveyance of comparable quantities of spirits, including denatured spirits.

Business day. Any day, other than a Saturday, Sunday, or a legal holiday. (The term legal holiday includes all holidays in the District of Columbia and statewide holidays in the particular State in which the claim, report, or return, as the case may be, is required to be filed, or the act is required to be performed.)

Carrier. Any person, company, corporation, or organization, including a proprietor, owner, consignor, consignee, or bailee, who transports distilled spirits (including denatured spirits) in any manner for himself or others.

CFR. The Code of Federal Regulations.

Commissioner. The Commissioner of Internal Revenue.

Completions. The spirits products bottled and cased or otherwise packaged or placed in approved containers for removal from the bottling premises.

Container. A receptacle, vessel, or

form of bottle, can, package, tank, or pipeline (where specifically included) used or capable of being used to contain, store, transfer, convey, remove, or withdraw spirits, including denatured spirits.

Denaturant or denaturing material. Any material authorized under Part 212 of this chapter for addition to spirits in the production of denatured spirits.

Denatured spirits. Spirits to which denaturants have been added as provided in Part 212 of this chapter.

Denaturing facilities. The facilities of the bonded premises in which the denaturation of spirits is authorized to be conducted.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Distillery. A distilled spirits plant, or part thereof, as described in the application for registration, authorized for the production of spirits.

Distilling material. Any fermented or other alcoholic substance capable of, or intended for use in, the original distillation or other original processing of spirits.

District director. A district director of internal revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this ---------- (insert type of document, such as, statement, report, claim, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Export or exportation. A severance of goods from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country.

Fermenting material. Any material which is to be subjected to a process of fermentation to produce distilling material.

Fiduciary. A guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

Fiscal year. The period from July 1 of one calendar year through June 30 of the following year.

Gallon or wine gallon. The liquid measure equivalent to the volume of 231 cubic inches.

In bond. When used with respect to spirits (including denatured spirits) refers to such spirits possessed under bond to secure the payment of the internal revenue tax imposed by section 5001(a)(1), I.R.C., and in respect to which the tax imposed by such section has not been determined as provided in this part, and includes such spirits on the bonded premises of a distilled spirits plant, in transit between such premises, in transit from customs custody to such premises, and such spirits withdrawn without payment of tax under section 5214, I.R.C., and with respect to which relief from liability has not yet occurred under the provisions of section 5005(e)(2), I.R.C.

Industrial use. As applied to spirits, shall have the meaning ascribed in 27 CFR Part 2.

Intermediate product. Any product manufactured pursuant to an approved formula not intended for sale as such but for use in the manufacture of a rectified product.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part

I.R.C. The Internal Revenue Code of 1954, as amended.

Liquor bottle. A liquor bottle as defined in Part 175 of this chapter.

Mash, wort, wash. Any fermented material capable of, or intended for, use as a distilling material.

Nonindustrial use. As applied to spirits, shall have the meaning ascribed in 27 CFR Part 2.

Operating permit. The document issued pursuant to section 5171(b), I.R.C., authorizing the person named therein to engage in the business or operation described therein.

Package. A cask or barrel or similar wooden container, or a drum or similar metal container.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Plant or distilled spirits plant. An establishment qualified under this part for the production, bonded storage, or bottling of spirits, or for rectification, or for any combination of such operations.

Plant number. The number assigned to a distilled spirits plant by the assistant regional commissioner, preceded by the abbreviation of the State in which the plant is located and the letters DSP; for example, "DSP–Md–17".

Production facilities. The facilities of the bonded premises qualified under this part for the production of spirits.

Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proof of distillation. The composite proof of the spirits at the time the production gauge is made, or, if the spirits had been reduced in proof prior to the production gauge, the proof of the spirits prior to such reduction, unless the spirits are subsequently redistilled at a higher proof than the proof prior to reduction.

Proof gallon. A gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Proprietor. The person qualified under this part to operate the distilled spirits plant.

Rectification. Any act constituting engaging in the business of rectifying.

Rectifier. Every person who rectifies, purifies, or refines distilled spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing from mash, wort, wash, or any other substance, through continuous closed vessels and pipes, until the production thereof is complete), and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any material, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, rum, gin, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying.

Rectifying facilities. The facilities of the bottling premises qualified under this part for the rectification of taxpaid spirits or wines.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Sealed conveyance. A conveyance, secured by Government seals or other devices approved by the Director, for the transportation of packages of spirits in bond.

Season. The period from January 1 through June 30 is the spring season and the period from July 1 through December 31 is the fall season.

Secretary. The Secretary of the Treasury.

Spirits or distilled spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include whisky, brandy, rum, gin, and vodka, but not denatured spirits unless specifically stated.

Stillage. The residue of distilling material after distillation.

Tank truck. A tank-equipped semitrailer, trailer, or truck conforming to the requirements of this part.

Tax-determined or determined. When used with respect to the tax on any distilled spirits to be withdrawn from bond on determination of tax, shall mean that all things (other than packaging, marking, and stamping incident to removal) required by law and this part to be done before such spirits may be removed from the bonded premises (and culminating in execution by the internal revenue officer of his certificate of tax determination) have been completed. When used in reference to taxes with respect to rectified products, shall mean that the taxable quantity of spirits or wines has been established, and the tax payable with respect thereto has been calculated as prescribed in this part.

Tax gallon. The unit of measure of spirits for the imposition of tax under section 5001, I.R.C. When spirits are 100 degrees of proof or more at the time of tax determination, the tax is determined on a proof gallon basis. When spirits are less than 100 degrees of proof at the time of tax determination, the tax is determined on a wine gallon basis.

Taxes on rectified products. The taxes imposed by sections 5021, 5022, and 5041, I.R.C., on products manufactured on bottling premises.

Taxpaid. When used with respect to distilled spirits, rectified products, or wines shall mean that all applicable taxes imposed by law in respect of such articles have been determined or paid as provided by law.

Taxpaid bottling facilities. The facilities of the bottling premises qualified under this part for the bottling or packaging of taxpaid spirits or taxpaid spirits and wines, but not qualified for rectification.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Transfer in bond. The removal of spirits (including denatured spirits) from one bonded premises to another bonded premises pursuant to this part.

Unfinished spirits. Spirits in the production system prior to production gauge.

U.S.C. The United States Code.

Wine spirits. As authorized for use in wine production by section 5373, I.R.C., means brandy or wine spirits produced in a distilled spirits plant (with or without the use of water to facilitate extraction and distillation) exclusively from fresh or dried fruit, or their residues, or the wine or wine residues therefrom (except that where, in the production of natural wine, sugar has been used, the wine or the residuum thereof may not be used, if the unfermented sugars therein have been refermented). Such wine spirits shall not be reduced with water from the distillation proof, nor be distilled at less than 140 degrees of proof (except that commercial brandy aged in wood for a period of not less than 2 years, and barreled at not less than 100 degrees of proof, shall be deemed wine spirits).

Subpart C—Taxes

Spirits

§ 201.21 Tax.

A tax is imposed by section 5001, I.R.C., on all spirits in bond or produced in or imported into the United States at the rate prescribed in such section on each proof gallon or wine gallon when below 100 degrees of proof and a proportionate tax at a like rate on all fractional parts of such proof gallon or wine gallon. Wines containing more than 24 percent of alcohol by volume are taxed as spirits, and all products of distillation, by whatever name known, which contain spirits, on which the tax imposed by law has not been paid, are considered and taxed as spirits.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 201.22 Attachment of tax.

Under the provisions of section 5001 (b), I.R.C., the tax attaches to spirits as soon as such substance comes into existence as such, whether it be subsequently separated as pure or impure spirits, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production, or by any subsequent process.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 201.23 Lien.

(a) *General.* Except as set forth in paragraph (b) of this section, the tax on the spirits becomes under the law (section 5004, I.R.C.) a first lien on the spirits distilled, on the distillery used for producing the spirits, and stills, vessels, and fixtures therein, the lot or tract of land on which such distillery is situated, and on any building thereon, from the time the spirits come into existence as such. In the case of a plant producing spirits, the premises subject to lien comprise the bonded premises of such plant, any building containing any part of the bonded premises, and land on which such building is situated, as described in the application for registration.

(b) *Exception during term of bond.* No lien attaches to any lot or tract of land, distillery, building, or distilling apparatus, described in paragraph (a) of this section, by reason of distilling done during any period included within the term of an indemnity bond given as provided in § 201.200.

(c) *Conditions under which extinguished.* Section 5004, I.R.C., sets forth the conditions under which such first lien on the spirits and first lien on the other property described in paragraph (a) of this section shall be terminated or discharged.

(72 Stat. 1317; 26 U.S.C. 5004)

§ 201.24 Certificate of discharge of lien.

Any person claiming any interest in the property subject to lien under section 5004(b)(1), I.R.C., may apply to the assistant regional commissioner for a duly acknowledged certificate to the effect that such lien is discharged and if the assistant regional commissioner determines that such lien is extinguished, he shall issue such certificate, and any such certificate may be recorded.

(72 Stat. 1317; 26 U.S.C. 5004)

§ 201.25 Persons liable for tax.

(a) *Distilling.* Section 5005, I.R.C., provides that the distiller of spirits is liable for the tax thereon and that every proprietor or possessor of, and any person in any manner interested in the use of, any still, distilling apparatus, or distillery, shall be jointly and severally liable for the tax on distilled spirits produced therefrom: *Provided*, That a person, not an officer or director of a corporate proprietor, owning or having the right of control of not more than 10 percent of any class of stock of such proprietor, is not liable by reason of such stock ownership or control: *Provided further*, That (1) when spirits are transferred in bond persons so liable for the tax are relieved of such liability if (i) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other and (ii) no person so liable for the tax on the spirits transferred retains any interest in such spirits, and (2) when spirits are withdrawn on determination of tax under withdrawal bond the persons so liable for the tax are relieved of such liability if (i) the person withdrawing such spirits and the person or persons so liable for the tax are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and (ii) all persons so liable for the tax have divested themselves of all interest in the spirits so withdrawn. The relief provisions of this paragraph shall apply to spirits transferred in bond, whether such transfers occurred prior to, or on, or after July 1, 1959, but shall not apply in any case in which the tax was paid or determined prior to such date.

(b) *Storage on bonded premises.* Section 5005(c), I.R.C., provides that every person operating bonded premises shall be liable for the tax on all spirits while the spirits are stored on such premises, and on all spirits which are in transit to such premises (from the time of removal from the transferor's bonded premises) pursuant to application made by him. Such liability for the tax continues until the spirits are transferred or withdrawn from bonded premises as authorized by law, or until such liability for tax is relieved under the provisions of section 5008(a), I.R.C. Claims for relief from liability for spirits lost on bonded premises are provided for in § 201.43. Voluntary destruction of spirits in bond is provided for in Subpart R of this part.

(c) *Withdrawals without payment of tax.* Pursuant to section 5005(e), I.R.C., any person who withdraws spirits from the bonded premises of a plant without payment of tax, as provided in section 5214, I.R.C., shall be liable for the tax on such spirits from the time of such withdrawal. Such persons shall be relieved of any such liability at the time, as the case may be, the spirits are exported, deposited in a foreign-trade zone, used in production of wine, deposited in a customs manufacturing bonded warehouse, or laden as supplies upon or used in the maintenance or repair of certain vessels or aircraft, as provided by law.

(d) *Withdrawals free of tax.* Persons liable for tax under paragraph (a) of this section are relieved of such liability as to spirits withdrawn from bonded premises free of tax under this part at the time such spirits are so withdrawn.

(e) *Withdrawals on tax determination.* Pursuant to section 5005(c)(3), I.R.C., any person who gives a withdrawal bond, as provided for in section 5174, I.R.C., shall be liable for the tax on spirits withdrawn on determination of tax from bonded premises by him under such bond from the time of such withdrawal.

(72 Stat. 1318; 26 U.S.C. 5005)

§ 201.26 Time for tax determination.

The tax on spirits in bond shall be determined when the spirits are withdrawn therefrom, and in the case of spirits withdrawn from bonded premises, upon completion of the gauge for determination of tax and before withdrawal from such premises. In any case, such tax shall be determined (except as to spirits (a) of 190 degrees or more of proof, (b) denatured spirits or (c) spirits which on July 26, 1936, were 8 years of age or older and which were in bonded warehouses on that date) as to spirits entered for deposit in storage in internal revenue bond, within 20 years from the date of original entry for such deposit.

(72 Stat. 1320; 26 U.S.C. 5006)

Rums or Fruit Brandies

§ 201.27 Tax on blends of rums or fruit brandies.

In addition to the tax imposed by section 5001, I.R.C., a tax is imposed by section 5023, I.R.C., at the rate prescribed therein on each proof gallon and at a proportionate rate on fractions thereof, in the case of rums or fruit brandies mixed or blended on bonded premises pursuant to section 5234(c), I.R.C., and Subpart J of this part, and withdrawn from bonded premises, except that the tax does not apply where such spirits (a) have been aged in wood at least 2 years at the time of their first blending or mixing, or (b) are withdrawn free of tax or without payment of tax as provided in section 5214 or 7510, I.R.C.

(72 Stat. 1328, 1367; 26 U.S.C. 5023, 5234)

Rectified Products

§ 201.28 Rectification tax.

A tax is imposed by section 5021, I.R.C., at the rate prescribed therein, on each proof gallon and a proportionate tax at a like rate on all fractional parts thereof (in addition to the other taxes imposed by chapter 51, I.R.C.) on spirits and wines which are rectified, purified, or refined in such manner, and on all mixtures produced in such manner, that the person so rectifying, purifying, refining, or mixing the same is a rectifier (as defined in section 5082, I.R.C.): *Provided*, That a rectifier shall not twice be required to pay such tax because of separate acts of rectification of a lot of spirits or wines, pursuant to an approved formula, between the time the spirits or wines are received on bottling premises and the time they are removed therefrom: *Provided further*, That if any additional acts of rectification performed before removal from the premises, pursuant to approved formula, result in increasing the taxable quantity of the product, the rectifier is required to pay additional rectification tax on such quantity. Transfers from one proprietor to another (including transfers between alternate proprietors) are deemed to be removals from bottling premises for the purpose of this section. If products which have been subjected to taxable rectification are in process at the time of discontinuance of business or at the time of transfer between proprietors (including transfers between alternate proprietors) the tax shall be paid by the outgoing proprietor, and if such products are subjected to further taxable rectification by another proprietor the tax shall again be paid.

(72 Stat. 1328, 1338; 26 U.S.C. 5021, 5082)

§ 201.29 Exemption from rectification tax.

The rectification tax imposed by section 5021, I.R.C., does not apply in the case of—

(a) Absolute alcohol produced on bonded premises from high-proof distilled spirits by the extraction of water pursuant to the provisions of Subpart I of this part;

(b) Gin produced on bonded premises in the course of original and continuous distillation over juniper berries and other natural aromatics;

(c) Gin produced on bottling premises by redistillation of pure spirits over juniper berries and other natural aromatics in the manner authorized on bonded premises;

(d) Vodka (as defined in 27 CFR Part 5) produced on bonded premises in the course of original and continuous distillation or other original and continuous processing, including processing through any material which will not remain incorporated with such spirits when the production thereof is complete;

(e) Vodka produced on bottling premises of plants from pure spirits in the manner authorized on bonded premises;

(f) Spirits purified or refined on bonded premises in the course of original and continuous distillation or other original and continuous processing, through any material which will not remain incorporated with such spirits when the production thereof is complete;

(g) Spirits (including denatured spirits) redistilled on bonded premises;

(h) Mixed or blended wines, when mixed or blended for the sole purpose of perfecting such wines in accordance with recognized commercial standards, as provided in Subpart N of this part;

(i) Wines of the same kind and taxable grade mixed together to facilitate handling, as provided in Subpart N of this part;

(j) Wines subjected to preserving, filtering, or clarifying treatment, as provided in Subpart N of this part;

(k) Cordials or liqueurs, on which a tax is imposed by section 5022, I.R.C.;

(l) Blends made, as provided in Subpart N of this part, exclusively of two or more straight whiskies aged in wood for a period of not less than four years and without the addition of coloring or flavoring matter or any other substance than pure water, and if not reduced below 80 proof;

(m) Blends made, as provided in Subpart N of this part, exclusively of two or more pure fruit brandies distilled from the same kind of fruit, or of two or more rums, aged in wood for a period of not less than two years and without the addition of coloring or flavoring matter (other than caramel) or any other substance than pure water, and if not reduced below 80 proof;

(n) Spirits distilled at 190 degrees or more of proof (with or without reduction subsequent to distillation) mingled on bonded premises;

(o) Spirits mingled on bonded premises, or in the course of removal therefrom, for redistillation, storage, or any other purpose, incident to the requirements of National defense;

(p) Heterogeneous spirits mingled, as provided in Subpart J of this part, in bulk gauging tanks on bonded premises for immediate removal to bottling premises, exclusively for use in taxable rectification, or in blends of straight whiskies, fruit brandies, or rums;

(q) Mixtures or blends, made on bonded premises, of fruit brandies distilled from the same kind of fruit at not more than 170 degrees of proof, or of beverage rums, mixed or blended for the sole purpose of perfecting such brandies or rums according to commercial standards, as provided in Subpart J of this part;

(r) Mingled homogeneous spirits;

(s) Spirits mingled on bonded premises for immediate redistillation, immediate denaturation, or immediate removal from such premises free of tax under section 5214(a)(1), (2), or (3), or section 7510, I.R.C.;

(t) Spirits mingled on bonded premises for further storage in bond, as provided in section 5234(a)(2), I.R.C., and Subpart J of this part;

(u) Commercial brandy or rum by reason of the addition of caramel on bonded premises, as provided in Subparts I and J of this part;

(v) Spirits from which only extraneous insoluble materials have been removed, or in which only minor changes in the soluble color or soluble solids have been made, as provided in Subparts K and N of this part;

(w) Wines or distilled spirits used by apothecaries exclusively in the preparation or making up of medicines unfit for use for beverage purposes;

(x) Distilled spirits, on which the tax has been paid or determined, which are recovered by a manufacturer from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts, which do not meet the manufacturer's standards, if such recovered distilled spirits are used by such manufacturer in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for use for beverage purposes.

The exemption of products from the rectification tax by reason of the acts enumerated in this section does not exempt such products from the rectification tax if such products are otherwise subjected to an act of taxable rectification. The adding of denaturants to spirits under this part does not constitute rectification.

(68A Stat. 900, 72 Stat. 1328, 1338, 1356, 1362, 1365, 1367, 1381; 26 U.S.C. 7510, 5021, 5022, 5023, 5025, 5082, 5201, 5214, 5222, 5234, 5368)

§ 201.30 Tax on cordials and liqueurs containing wine.

A tax is imposed by section 5022, I.R.C., at the rate imposed therein on each wine gallon, and at a proportionate rate on fractions thereof, in lieu of rectification tax, on all liqueurs, cordials, or similar compounds produced in the United States and not produced for sale as wine, wine specialties, or cocktails, which contain more than 2½ percent by volume of wine of an alcoholic content in excess of 14 percent by volume. "Liqueurs, cordials, or similar compounds" shall mean those products which contain not less than 2½ percent by weight of sweetening material and possess the taste, aroma, and characteristics generally attributed to liqueurs and cordials.

(72 Stat. 1328; 26 U.S.C. 5022)

Occupational Taxes

§ 201.31 Rectifier's special tax.

Every person engaging in business as a rectifier, within the meaning of the term as defined in Subpart B of this part, shall

file Form 11 with the district director and pay special tax at the applicable rate prescribed in section 5081, I.R.C. The tax is imposed as of the first day of July in each year, or on commencing such business. In the former case the tax is reckoned for one year and in the latter case it is reckoned proportionately from the first day of the month in which the liability to special tax commenced and to and including the 30th day of June following. Section 5142, I.R.C., provides that no person shall engage in or carry on the business of a rectifier until he has paid the special tax therefor. The stamp issued as a receipt for the payment of the special tax is required by section 6806(a), I.R.C., to be conspicuously placed and kept in the rectifier's place of business.

(68A Stat. 831, 846, 72 Stat. 1338, 1346, 1347; 26 U.S.C. 6806, 7011, 5081, 5082, 5142, 5143)

§ 201.32 Change to higher or lower rate.

A rectifier who has paid the special tax as a rectifier of less than 20,000 proof gallons and who exceeds that quantity shall immediately file with the district director an amended Form 11 and pay the special tax as a rectifier of 20,000 proof gallons or more. The rectifier may submit the stamp representing the special tax paid at the lower rate to the district director with a claim on Form 843 for refund of such tax. A rectifier who has paid special tax at the higher rate, but actually rectifies less than 20,000 proof gallons of spirits or wines during the year, may file an amended Form 11 with the district director, pay the special tax as a rectifier of less than 20,000 proof gallons, and submit the stamp representing the special tax paid at the higher rate with a claim on Form 843 for refund of such tax.

(68A Stat. 791, 890, 72 Stat. 1338; 26 U.S.C. 6402, 6806, 5081)

§ 201.33 Exemption from rectifier's occupational tax.

Payment of the rectifier's occupational tax imposed by section 5081, I.R.C., is not required by reason of the operations, or the employment of processes, or the manufacture of products, described in § 201.29 as not requiring payment of the rectification tax imposed under section 5021, I.R.C., except as to those described in § 201.29 (c), (e), (h) (on other than bonded wine cellar premises), (k), (l), and (m).

(72 Stat. 1328, 1367; 26 U.S.C. 5025, 5391)

§ 201.34 Exemption from liquor dealer's occupational tax.

(a) *Exemption of proprietor.* No proprietor of a plant shall be required to pay special tax as a wholesale or retail dealer in liquors on account of the sale at his principal business office as designated in writing to the assistant regional commissioner, or at his plant, of spirits or wines which, at the time of sale, are stored at his plant or had been removed from such plant to a taxpaid storeroom the operations of which are integrated with the operations of such plant and which is contiguous or adjacent to, or in the immediate vicinity of, such plant. However, no such proprietor shall have more than one place of sale, as to each plant, that shall be exempt from special tax under this section.

(b) *Place of exemption.* Unless the exemption is claimed elsewhere by the proprietor, it will be presumed that the exemption is claimed at the plant where the spirits or wines are stored. If the proprietor wishes to be exempt from payment of special tax for sales at his principal business office rather than for sales at his plant, he shall notify the assistant regional commissioner of the region in which the plant is located of his intention. Such notice shall be in writing on letter size paper and shall be submitted in triplicate. On approval, two copies of the notice will be returned to the proprietor, one to be filed at the plant and the other to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the plant, special tax shall be paid at the plant if sales are made thereat.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 201.35 Still manufacturer's special tax.

Special occupational tax as a still manufacturer and a commodity tax for each still or condenser manufactured is imposed by section 5101, I.R.C., on certain persons who manufacture stills or condensers to be used in distilling. Provisions in respect of the occupational and commodity taxes imposed on manufacturers of stills or condensers are contained in Part 196 of this chapter.

(72 Stat. 1339; 26 U.S.C. 5101)

ASSESSMENTS

§ 201.36 Production not accounted for.

Where the assistant regional commissioner finds that a distiller has not accounted for all spirits produced by him, assessment shall be made for the tax on the difference between the quantity reported and the quantity found to have been actually produced.

(72 Stat. 1320; 26 U.S.C. 5006)

§ 201.37 Spirits not removed from bond at end of bonding period.

Where the proprietor of a bonded warehouse fails to file application for the withdrawal of spirits and withdraw the spirits within the time prescribed by § 201.26, the assigned officer will cause the tax to be determined on the spirits and forward a report to the assistant regional commissioner in order that the tax may be assessed.

(72 Stat. 1320; 26 U.S.C. 5006)

§ 201.38 Assessment in cases of spirits lost or destroyed in bond, or in cases of unauthorized removals.

Where spirits (including denatured spirits) in bond are lost or destroyed (except spirits in respect of which the tax is not collectible by reason of the provisions of section 5008 (a) or (f), I.R.C.) and the proprietor or other person liable for the tax on the spirits fails to file a claim for remission as provided in § 201.43(a) or when such claim is denied, the tax thereon shall be assessed. In any case where spirits in bond, on which the tax has not been paid or determined as provided by this part, are removed from bonded premises other than as authorized by law, the tax shall be assessed. Tax shall also be assessed in the case of losses under circumstances described in section 5006(b), I.R.C., with respect to casks or packages of spirits deposited in storage in bond or spirits filled on bonded premises into casks or packages after entry and deposit, when the tax is not paid upon the demand of the assistant regional commissioner.

(72 Stat. 1320, 1323; 26 U.S.C. 5006, 5008)

WINE

§ 201.39 Tax.

A tax is imposed by section 5041, I.R.C., on wines (including imitation, substandard, or artificial wine, and compounds sold as wine) produced in or imported into the United States. Proprietors may, as provided in §§ 201.40, 201.41, and 201.42, become liable for wine taxes in connection with (a) the manufacture of wine products, (b) an increase in the volume of wine, or (c) a change in the taxable grade of wine.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 201.40 Manufacture of wine products.

(a) *Vermouth.* Vermouth made on bottling premises is subject to the rectification tax, and the wine tax imposed by section 5041, I.R.C.

(b) *Carbonated and sparkling wine.* Wines carbonated on bottling premises by secondary fermentation (bulk or bottle process) or artificially carbonated on bottling premises with carbon dioxide are subject to the rectification tax and the wine tax imposed by section 5041, I.R.C., on sparkling wine or artificially carbonated wine, as the case may be.

(c) *Distinct products.* Where the rectifying, mixing, compounding, or blending of wine on bottling promises results in the manufacture of a distinct product, such as aperitif or effervescent wine, the rectification tax, and the wine tax at the rate imposed by section 5041, I.R.C., shall be paid.

(72 Stat. 1328, 1331; 26 U.S.C. 5021, 5041)

§ 201.41 Increasing volume of wine.

Where the volume of wine is increased by the addition of any material the resultant product is subject to the rectification tax on the entire quantity, and wine tax on the additional gallonage: *Provided*, That if the wine is so treated as to convert it into a distinct product other than wine and it is not sold as wine, no additional wine tax is due.

(72 Stat. 1328, 1331; 26 U.S.C. 5021, 5041)

§ 201.42 Increasing taxable grade of wine.

(a) *Blended wines.* Where the taxable grade of any wine is increased by blending with other wines, additional wine tax shall be paid, regardless of whether the blended wine is subject to the rectification tax or exempt from such tax. The additional wine tax due is the difference between the wine tax on the blended wine under its new taxable grade and the tax previously paid or determined on the wines used for such blending.

(b) *Compounded wines.* Except as provided in § 201.30, the product of any rectifying, mixing, or compounding of wine with distilled spirits is subject to the rectification tax imposed by section 5021, I.R.C., and where such processing results in an increase in the taxable grade of a product taxable as wine, additional wine tax shall be paid on the difference between the wine tax due on the product under its new taxable grade and the tax previously paid or determined on the wines used therein.

(72 Stat. 1328, 1331; 26 U.S.C. 5021, 5041)

CLAIMS

§ 201.43 Claims in respect of spirits lost or destroyed in bond.

(a) *Claims for remission.* All claims for remission of tax required by this part, relating to the destruction or loss of spirits (including denatured spirits) in bond, shall be filed with the assistant regional commissioner, and shall set forth the following:

(1) Identification (including serial numbers if any) and location of the container or containers from which the spirits (including denatured spirits) were lost, or removed for destruction;

(2) Quantity of spirits (including denatured spirits) lost or destroyed from each container, and the total quantity of spirits covered by the claim;

(3) Total amount of tax for which the claim is filed;

(4) Name, number, and address of the plant from which withdrawn without payment of tax or removed for transfer in bond (if claim involves spirits so withdrawn or removed) and date and purpose of such withdrawal or removal;

(5) Date of the loss or destruction (or, if not known, date of discovery), the cause or nature thereof, and all the facts relative thereto;

(6) Name of the carrier, where a loss in transit is involved;

(7) If lost by theft, facts establishing that the loss did not occur as the result of any negligence, connivance, collusion, or fraud on the part of the proprietor of the plant, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them;

(8) In the case of a loss, by theft, whether the claimant is indemnified or recompensed in respect of the spirits lost and if so, the amount and nature of such indemnity or recompense and the actual value of the spirits, less the tax.

(b) *Claim for abatement, credit, or refund.* Claims for abatement of an assessment, or for credit or refund of tax which has been paid or determined, in the case of spirits (including denatured spirits) lost or destroyed in bond shall be filed with the assistant regional commissioner. The claims shall set forth the information called for in the case of claims for remission filed under paragraph (a) of this section and, in addition thereto, shall set forth (1) the date of assessment or payment (or of tax determination, if the tax has not been assessed or paid) of the tax with respect to which abatement, credit, or refund is claimed, and (2) the name, plant number, and the address of the plant where the tax was determined, paid, or assessed (or name and address and capacity of any other person who paid or was assessed the tax, if the tax was not paid by or assessed against a proprietor).

(c) *Supporting documents.* Claims referred to in paragraphs (a) and (b) of this section shall be supported (whenever possible) by affidavits of persons having personal knowledge of the loss or destruction, and in the case of such claims pertaining to spirits (including denatured spirits) lost while being transferred by carrier, by a copy of the bill of lading.

(72 Stat. 1328; 26 U.S.C. 5008)

§ 201.44 Claims in respect of spirits returned to bonded premises.

Claims for credit or refund of tax relating to spirits which have been withdrawn from bonded premises on payment or determination of tax and which are returned thereto under section 5215, I.R.C., as provided in Subpart S of this part, shall be filed with the assistant regional commissioner, and shall set forth the following:

(a) Quantity of spirits so returned;

(b) Amount of tax for which the claim is filed;

(c) Name, number, and address of the plant from which the spirits were so withdrawn, the date of such withdrawal, and purpose for which withdrawn;

(d) Name, address, and plant number of the plant to which the spirits were returned, and the date of such return;

(e) A statement as to whether or not the spirits were returned in the same bulk container in which withdrawn from bonded premises before any processing thereof and before the removal of any spirits therefrom (other than samples for testing or analysis);

(f) The reason for such return and all facts relating thereto.

There shall be attached to such claim a copy of the approved application and of the gauge report provided for in § 201.583. Such claims shall be filed by the proprietor of the plant to which the spirits were returned and within six months of the date of the return, and the spirits on which refund or credit is claimed must not have been withdrawn from bonded premises more than six months prior to the date of return to bonded premises. If such claim is allowed, refund (without interest) will be made or credit (without interest) will be allowed.

(72 Stat. 1323, 1364; 26 U.S.C. 5008, 5215)

§ 201.45 Claims relating to spirits lost or destroyed after tax determination.

(a) *Claims for losses after tax determination and prior to completion of physical removal from bonded premises.* Claims for abatement, credit, or refund of tax under this part, relating to losses of spirits occurring on bonded premises after tax determination but prior to physical removal from such premises, shall be prepared and filed as provided in, and contain the information called for under, § 201.43(b) and be supported by documents as provided under § 201.43(c). Such claims shall further state whether the lot of spirits in which the loss occurred was being withdrawn for rectification or bottling, and if so, the name, number, and address of the bottling premises.

(b) *Claims relating to spirits withdrawn for rectification or bottling and voluntarily destroyed.* Claims for abatement, credit, or refund of tax under this part, in the case of spirits withdrawn on payment or determination of tax from bond to bottling premises for rectification or bottling and voluntarily destroyed under the provisions of Subpart R of this part, as unsuitable for the purpose for which intended to be used, shall be filed with the assistant regional commissioner by the proprietor of the bottling premises who withdrew the spirits. Such claims shall contain the information required under § 201.43(a) (1), (2), and (3), and in addition, shall state (1) the name, number, and address of plant from which withdrawn; (2) date of destruction, reason therefor, and all facts relative thereto; (3) the date of determination of the tax; (4) the date of payment of the tax (if claim is for refund or credit) or of assessment of the tax (if claim is for abatement); (5) the serial number of the approved application, Form 1577; and (6) whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling, and whether the spirits covered by the claim were destroyed before bottling or casing or other packaging of such spirits for removal from his bottling premises.

(c) *Claims relating to losses of spirits, withdrawn for rectification or bottling, by reason of accident, flood, fire, or other disaster.* Claims for abatement, credit, or refund of tax under this part, relating to spirits withdrawn for rectification or bottling and lost due to accident, flood, fire, or other disaster, shall be filed with the assistant regional commissioner by the proprietor who withdrew the spirits. The claim shall contain the information required under § 201.43(a) (1), (2), (3), (5), and (6) and, in addition, shall state (1) the date of determination of the tax; (2) the date of payment of tax (if claim is for refund or credit) or of assessment of the tax (if claim is for abatement); (3) whether or not the claimant is indemnified or recompensed for the tax, and if so, the extent and nature of such indemnification or recompense; and (4) whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling and whether the spirits covered by the claim were lost before bottling or casing or other packaging of such spirits for removal from his bottling premises. Supporting statements as provided in § 201.484 shall be submitted with such claims.

(d) *Claims for losses occurring in rectifying, packaging, bottling and casing operations.* Claims for credit or refund of tax under this part, relating to spirits lost by reason of, or incident to, authorized rectifying, packaging, bottling, or casing operations (including losses by leakage or evaporation occurring during removal from bond to the bottling premises and pending rectification or bottling) as provided for in Subpart O of

this part, shall be filed with the assistant regional commissioner and shall set forth the following:

(1) A statement as to whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling and whether the spirits covered by the claim were lost before bottling or casing or other packaging of such spirits for removal from his bottling premises;

(2) In the case of loss by reason of authorized rectifying, packaging, bottling, or casing operations as provided for in § 201.482, the period covered by the claim, and the quantity of spirits so lost not in excess of the limitation contained in § 201.485;

(3) In the case of loss in the manufacture of gin or vodka provided for in § 201.487 the period covered by the claim, the quantity of spirits so lost, and whether the loss occurred in the process of manufacture in a closed system approved by the assistant regional commissioner.

Claims described in this paragraph (d) shall be supported by Form 2611.

(72 Stat. 1328; 26 U.S.C. 5008)

§ 201.46 Claims relating to samples taken for the United States.

Claims for refund of tax, relating to samples of spirits taken by internal revenue officers, after payment or determination of tax, as provided in § 201.83 shall be filed with the assistant regional commissioner, and shall set forth the following:

(a) Quantity of spirits taken as samples;

(b) Amount of tax for which the claim is filed;

(c) Name, number, and address of the plant from which the samples were taken;

(d) The date, or dates, of Form 1669 covering the removal of the samples.

(72 Stat. 1328; 26 U.S.C. 5008)

§ 201.47 Execution of claims and supporting documents.

All claims filed under this part for abatement or refund shall be filed on Form 843. All claims filed under this part for credit or remission of tax shall be filed on Form 2635. Such claims for abatement, remission, credit, or refund shall (a) show the name, address, and capacity of the claimant, (b) be signed by the claimant or his duly authorized agent, and (c) be executed under the penalties of perjury as provided in § 201.104. Forms, supporting statements, and any other documents required by this part to be submitted with a claim shall be attached to such claim and shall be deemed to be a part thereof. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this part when deemed necessary for proper action on the claim.

(72 Stat. 1328; 26 U.S.C. 5008)

§ 201.48 Claims for credit of tax.

Claims for credit of tax, as provided in this part, may be filed after determination of the tax whether or not the tax has been paid. The claimant may not anticipate allowance of a credit or make an adjusting entry in a tax return pending action on the claim.

(72 Stat. 1328; 26 U.S.C. 5008)

§ 201.49 Adjustments for credited tax.

When notification of allowance of credit is received from the assistant regional commissioner, including notification of credit for tax on spirits or wines exported with benefit of drawback as provided in Part 252 of this chapter, the claimant shall make an adjusting entry and explanatory statement (specifically identifying the notification of allowance of credit) in the next distilled spirits tax return (or returns) to the extent necessary to exhaust the credit.

(72 Stat. 1328; 26 U.S.C. 5008)

Subpart D—Administrative and Miscellaneous Provisions

AUTHORITIES OF THE DIRECTOR

§ 201.61 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.62 Alternate methods or procedures; and emergency variations from requirements.

(a) *Alternate methods or procedures.* The proprietor, on specific approval by the Director as provided in this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure:

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this paragraph. Where the proprietor desires to employ an alternate method or procedure, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The proprietor shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization. As used in this paragraph, alternate methods or procedures shall include alternate construction or equipment.

(b) *Emergency variations from requirements.* The Director may approve construction, equipment, and methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provisions of law.

Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the proprietor thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where the proprietor desires to employ such variation, he shall submit a written application so to do, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved.

(72 Stat. 1353, 1395; 26 U.S.C. 5178, 5552)

§ 201.63 Pilot operations.

The Director may waive any regulatory provisions of chapter 51, I.R.C., and of the regulations in this part, for temporary pilot or experimental operations for the purpose of facilitating the development and testing of improved methods of governmental supervision (necessary for the protection of the revenue) over plants. For this purpose, the Director may, with the approval of the proprietor thereof, designate any plant for such operations. The provision of law and regulations waived and the period of time during which such waiver shall continue shall be stated in writing by the Director. The provisions of this section shall not be construed as authority to waive the filing of any bond or the payment of any tax provided for in chapter 51, I.R.C.

(72 Stat. 1395; 26 U.S.C. 5554)

§ 201.64 Experimental distilled spirits plant.

The Director may authorize the establishment and operation of experimental plants for specific and limited periods of time solely for experimentation in, or development of—

(a) Sources of materials from which spirits may be produced;

(b) Processes by which spirits may be produced or refined; or

(c) Industrial uses of spirits.

The Director may waive any provision of chapter 51, I.R.C., (other than section 5312, I.R.C.), and of this part (other than this section and § 201.65) to the extent he deems necessary to effectuate the purposes of section 5312(b), I.R.C., except that he may not waive the payment of any tax on spirits removed from such plant.

(72 Stat. 1375; 26 U.S.C. 5312)

§ 201.65 Application to establish experimental plants.

Any person desiring to establish an experimental plant shall make written application, in triplicate, to the Director, through the assistant regional commissioner, and obtain the Director's approval of the proposed establishment. The applicant shall file with such application a bond in such form and penal sum as required by the Director. Such application shall state the nature, extent, and purpose of the operations to be conducted and describe the processes and equipment, the location of the plant (including the proximity to other premises or operations subject to the provisions of chapter 51, I.R.C.) and the security measures to be provided. The Director may require the submission of such additional information as he deems necessary. The assistant regional commissioner shall not permit operations until he has found that the plant conforms to the specifications set forth in the application, as approved, and the applicant has complied with provisions of chapter 51, I.R.C., and this part not specifically waived by the Director.

(72 Stat. 1375; 26 U.S.C. 5312)

§ 201.66 Spirits produced in industrial processes.

Persons producing spirits in industrial processes (including spirits produced as a by-product in connection with chemical or other processes) are distillers and are required to qualify under the provisions of chapter 51, I.R.C., and this part. Where nonpotable chemical mixtures containing spirits are produced (a) for transfer to the bonded premises of a distilled spirits plant for completion of processing (distilling), or (b) as a by-product (which would require expensive and complex equipment for the recovery of spirits therefrom) (1) which is destroyed on the premises where produced, or (2) which contains the minimum quantity of spirits practicable with the process employed and will not be further processed for the purification or removal of the spirits and which the Director finds is as nonpotable as completely denatured alcohol and the recovery of spirits therefrom would be at least as difficult as the recovery of spirits from completely denatured alcohol, the Director may waive any provision of chapter 51, I.R.C., or this part, with respect to the production of such mixture, including any provision relating to qualification. Where the producer of such nonpotable mixtures desires to secure a waiver of any of such provisions he shall file an application therefor with the Director through the assistant regional commissioner. The application shall set out the name and address of the producer, the chemical composition and source of the nonpotable mixture, and the approximate percentages of the chemicals and of the spirits in the mixture, the method of operation proposed, and, if applicable, the bonded premises whereat the mixture will be processed, and such other information as the Director may require. If the Director finds that the waiver of the requirements, or any of them, will not jeopardize the revenue and will not unduly hinder supervision of the operations, he may approve the application under such terms and conditions as he deems advisable, and subject to the furnishing of any bond which he deems necessary.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.67 Other businesses.

The Director may authorize the carrying on of such other businesses (not specifically prohibited by section 5601(a)(6), I.R.C.) on premises of plants (except in the rooms or buildings on bonded premises authorized for use for the storage of spirits in casks, packages, cases, or similar portable containers) as he finds will not jeopardize the revenue, hinder effective administration of this part, or be contrary to law. Such authorization shall designate the premises (i.e., bonded, bottling, or general) on which such other business is authorized to be conducted.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.68 Recovery and reuse of denatured spirits in manufacturing processes.

The following persons are not, by reasons of the activities listed below, subject to the provisions of this part but they shall comply with the provisions of Part 211 of this chapter relating to the use and recovery of spirits or denatured spirits:

(a) Manufacturers who use denatured spirits, or articles or substances containing denatured spirits in a process wherein any part or all of the spirits, including denatured spirits, are recovered.

(b) Manufacturers who use denatured spirits in the production of chemicals which do not contain spirits but which are used on the permit premises in the manufacture of other chemicals resulting in spirits as a by-product.

(c) Manufacturers who use chemicals or substances which do not contain spirits or denatured spirits (but which were manufactured with specially denatured spirits) in a process resulting in spirits as a by-product.

(72 Stat. 1372; 26 U.S.C. 5373)

§ 201.69 Disaster exemptions.

The Director may, whenever he finds that it is necessary or desirable, by reason of disaster, temporarily exempt the proprietor of any plant from any provision of the internal revenue laws and this part relating to spirits, except those requiring the payment of tax on spirits, to the extent he may deem necessary or desirable.

(72 Stat. 1397; 26 U.S.C. 5562)

§ 201.70 Exemptions to meet the requirements of National defense.

The Director may temporarily exempt proprietors from any provision of the internal revenue laws or this part relating to spirits except those requiring payment of tax thereon whenever in his judgment it is expedient to do so to meet the requirements of the National defense.

(72 Stat. 1397; 26 U.S.C. 5561)

§ 201.71 Discontinuance of storage facilities by the Director.

When the Director finds that any facilities for the storage of spirits on bonded premises are unsafe or unfit for use, or the spirits contained therein are subject to great loss or wastage, he may require the discontinuance of the use of such facilities and require the spirits contained therein to be transferred to such other storage facilities as he may designate. Such transfer shall be made at such time and under such supervision as the Director may require and the expense of the transfer shall be paid by the owner or the warehouseman of the spirits. Whenever the owner of such spirits or the warehouseman fails to make such transfer within the time prescribed or to pay the just and proper expense of such transfer, as ascertained and determined by the Director, such spirits may be seized and sold in the same manner as goods sold on distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the cost and expense of such sale and removal, and the balance shall be paid over to the owner of such spirits.

(72 Stat. 1369; 26 U.S.C. 5236)

§ 201.72 Experimental or research operations by scientific institutions and colleges of learning.

(a) *General.* The Director may authorize any scientific university, college of learning, or institution of scientific research to produce, receive, blend, treat, test, and store spirits, without payment of tax, for experimental or research use but not for consumption (other than organoleptic tests) or sale, in such quantities as may be reasonably necessary for such purposes. The Director may waive any provision of chapter 51, I.R.C., (other than section 5312, I.R.C.), or this part (other than this section) to the extent he deems necessary to effectuate the purposes of section 5312(a), I.R.C., except he may not waive the payment of any tax on distilled spirits removed from any such university, college, or institution.

(b) *Qualification.* Any university, college, or institution desiring to conduct

any of the experimental or research operations listed in the preceding paragraph shall make written application, in triplicate, to the Director, through the assistant regional commissioner, and obtain the Director's approval of the proposed operations. The applicant shall file with such application a bond in such form and penal sum as required by the Director. The application shall state the nature, extent, and purpose of the operations to be conducted and describe the processes and equipment, the location at which operations will be conducted (including identification of the building or buildings, or the portions thereof to be used), and the security measures to be provided. The Director may require such additional information as he deems necessary. Operations shall not be commenced until authorized by the Director.

(c) *Records.* Reports concerning the operations need not be submitted unless required by the Director, but records of the quantities of spirits produced, received, and used each day shall be made and retained for inspection by internal revenue officers.

(d) *Discontinuance of operations.* When operations authorized by the Director are discontinued, all remaining spirits shall be disposed of by destruction. Notice of the proposed destruction shall be given to the assistant regional commissioner at least 5 days in advance of the destruction. When these spirits have been destroyed notice of the discontinuance of operations shall be given to the assistant regional commissioner.

(72 Stat. 1375; 26 U.S.C. 5312)

AUTHORITIES OF THE ASSISTANT REGIONAL COMMISSIONER

§ 201.73 Other businesses.

Application to conduct at a plant (except in the rooms or buildings on bonded premises authorized for use for the storage of spirits in casks, packages, cases, or similar portable containers) a type of business other than that of a distiller, bonded warehouseman, rectifier, or bottler may be approved by the assistant regional commissioner if the Director has, as provided in § 201.67, authorized the carrying on of a business of the type proposed, unless the assistant regional commissioner finds that there are particular conditions in respect of the applicant's plant that would cause the carrying on of such business to be a danger to the revenue or a hindrance to the effective administration of this part.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.74 Removal of distilling material.

The assistant regional commissioner may, on receipt of an application therefor, authorize the removal from bonded premises of mash, wort, or wash—

(a) To plant premises, other than bonded premises, for use in such businesses as may be authorized under § 201.73;

(b) To other premises for use in processes of manufacture not involving the production of (1) vinegar by the vaporising process, (2) spirits, or (3) alcoholic beverages; or

(c) For destruction;

if he deems that such removal and use, or method of destruction, will not constitute a jeopardy to the revenue. The proprietor shall record the quantity and alcoholic content of the mash, wort, or wash removed or destroyed. The person receiving any such mash, wort, or wash shall record the quantities (and alcoholic content) received and used or disposed of, and maintain such records on the premises where such material is used; reports of such operations need not be submitted unless required by the assistant regional commissioner. Operations authorized by this section shall be under such supervision as the assistant regional commissioner may direct.

(72 Stat. 1365; 26 U.S.C. 5222)

§ 201.75 Assignment of officers.

The assistant regional commissioner shall assign such number of internal revenue officers to plants as he deems necessary to maintain supervision of operations conducted on such premises.

(72 Stat. 1357, 1395; 26 U.S.C. 5202, 5553)

§ 201.76 Hours of operation.

Operations at a plant requiring direct supervision by an assigned officer shall not be conducted on Sunday unless specifically authorized by the assistant regional commissioner in each instance on the showing of an emergency. All operations requiring direct supervision shall be conducted during an eight-hour work day between 7:00 a.m. and 5:00 p.m. unless, pursuant to the proprietor's application specifying the reasons for requesting extension or change of hours of operation, the assistant regional commissioner authorizes the performance and supervision of such operations during other hours. The assistant regional commissioner, in administering this provision, shall not restrict such operation or function to a greater extent than did the provisions of internal revenue law and regulations on June 30, 1959.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.77 Allowance of remission, abatement, credit, or refund of tax.

The assistant regional commissioner is authorized to allow claims for remission, abatement, credit, and refund of tax, and for redemption of stamps, filed under the provisions of this part. The assistant regional commissioner is also authorized to allow credit, without claim, for tax on samples taken as provided in § 201.83 for use by the United States.

(68A Stat. 860, 72 Stat. 1323; 26 U.S.C. 6805, 5008)

§ 201.78 Installation of meters, tanks, and other apparatus.

The assistant regional commissioner is authorized to require the proprietor to install meters, tanks, pipes, or any other apparatus which the assistant regional commissioner deems advisable for the purpose of protecting the revenue. Any proprietor refusing or neglecting to install such apparatus when so required shall not be permitted to conduct business.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 201.79 Approval of qualifying documents.

The assistant regional commissioner is authorized to approve, except as otherwise provided in this part, all qualifying documents required by this part.

(72 Stat. 1349, 1352, 1353, 1394; 26 U.S.C. 5171, 5172, 5173, 5174, 5551)

AUTHORITIES OF INTERNAL REVENUE OFFICERS

§ 201.80 Right of entry and examination.

Any internal revenue officer may at all times, as well by night as by day, enter any plant, or any other premises where distilled spirits are produced or rectified, or structure or place used in connection therewith for storage or other purposes; to make examination of the materials, equipment, and facilities thereon; and make such gauges and inventories as he deems necessary. Whenever any internal revenue officer, having demanded admittance, and having declared his name and office, is not admitted into such premises by the proprietor or other person having charge thereof, he may at all times, use such force as is necessary for him to gain entry to such premises.

(72 Stat. 1357; 26 U.S.C. 5203)

§ 201.81 Authority to break up ground or walls.

Any internal revenue officer, and any person acting in his aid, may break up the ground on any part of a plant, or any other premises where spirits are produced or rectified, or any ground adjoining or near to such plant or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any spirits, mash, wort, or beer, or other liquor, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(72 Stat. 1357; 26 U.S.C. 5203)

§ 201.82 Detention of containers.

Any internal revenue officer may detain any container containing, or supposed to contain, spirits when he has reason to believe that the tax imposed by law on such spirits has not been paid or determined as required by law or this part, or that such container is being removed in violation of law or this part, and every such container may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer

than 72 hours without process of law or intervention of the assistant regional commissioner, unless the person in possession of the container immediately prior to its detention, in consideration of the container being kept on his premises during detention, executes a waiver of the 72-hours limitation on detention of the container.

(72 Stat. 1375; 26 U.S.C. 5311)

§ 201.83 Samples for the United States.

Any internal revenue officer is authorized to take samples of spirits (including denatured spirits) for analysis, testing, or other determinations to ascertain whether the provisions of law and regulations are being complied with. The tax paid on such samples removed from the premises of a plant may be refunded or credited as provided in this part.

(72 Stat. 1323, 1356, 1357; 26 U.S.C. 5008, 5201, 5203)

§ 201.84 Gauging and measuring equipment.

All gauging and measuring equipment and means required by Part 186 of this chapter and this part to be furnished by the proprietor for the purpose of ascertaining the quantity, alcoholic content, gravity, and producing capacity of any materials, denaturants, mash, wort, or beer, or the quantity and alcoholic content of spirits (including denatured spirits), shall be maintained by the proprietor in accurate and readily usable condition. The assigned officer may disapprove the use of any such equipment or means if he finds it would be insufficiently accurate and the proprietor shall promptly provide accurate equipment or means in lieu of the disapproved facilities.

(72 Stat. 1320, 1358; 26 U.S.C. 5006, 5204)

ENTRY AND EXAMINATION OF PREMISES

§ 201.85 Premises to be kept accessible.

The proprietor shall furnish the assistant regional commissioner as many keys to such of the proprietor's locks on doors, gates, or other openings to and within the premises of the plant as the assistant regional commissioner may require for internal revenue officers to gain access to the premises and any structures thereon, and such premises shall always be kept accessible to any internal revenue officer having such keys.

(72 Stat. 1357; 26 U.S.C. 5203)

§ 201.86 Furnishing facilities and assistance.

On the demand of any internal revenue officer or agent, the proprietor shall furnish the necessary facilities and assistance to enable the officer or agent to gauge the spirits in any container or to examine any apparatus, equipment, containers, or materials on the plant premises. The proprietor shall also, on demand of such officer or agent, open all doors, and open for examination all containers not under the control of the internal revenue officer in charge.

(72 Stat. 1357; 26 U.S.C. 5203)

CUSTODY AND SUPERVISION

§ 201.87 Supervision of operations.

Where this part requires direct supervision of an operation, the proprietor may conduct such operation at any time the assigned officer is on the plant premises or the premises of an adjacent bonded wine cellar: *Provided*, That such officer has been informed of the operation and has not advised the proprietor that the operation must be deferred in order that it may be conducted in his immediate presence. Where this part requires general supervision of an operation, the assigned officer is not required to be present on the plant premises; however, operations requiring general supervision under this part shall not be performed after regular business hours unless the proprietor has given notice thereof in writing to the assigned officer.

(72 Stat. 1357; 26 U.S.C. 5202)

§ 201.88 Storage rooms or buildings.

Storage rooms or buildings provided on bonded premises for the storage of spirits in casks, packages, cases, or similar portable approved containers shall be in the joint custody of the assigned officer and the proprietor, shall be locked with Government locks, and shall not be unlocked or remain unlocked except when such officer is on the plant premises or the premises of an adjacent bonded wine cellar. Deposits of spirits in, or removals of spirits from, such room or building in such portable containers shall be under direct supervision of assigned officers. The proprietor shall, on request of an internal revenue officer, furnish the exact location of any cask, package, case, or similar portable approved container stored on bonded premises.

(72 Stat. 1357; 26 U.S.C. 5202)

§ 201.89 Proprietor's schedule of operations.

The proprietor of each plant qualified for the production or bonded storage of spirits shall furnish the assigned officer a written schedule of operations. The schedule shall be given at least one day in advance of the operations and shall show, for the period covered by the schedule, all activities related to such production and storage (including denaturation and bottling in bond) which the provisions of this part require to be conducted under supervision of an internal revenue officer.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

§ 201.90 Denaturation of spirits.

Denaturation of spirits shall be conducted under the direct supervision of an assigned officer, or be controlled by such other methods, which may include the use of meters or other devices affording equal protection to the revenue, as the Director may approve.

(72 Stat. 1357; 26 U.S.C. 5202)

GAUGING

§ 201.91 General.

The gauge of spirits shall be made by the proprietor unless required by this part to be made by an assigned officer. Such gauge shall be accomplished by determining the proof and quantity pursuant to the provisions of this part and Part 186 of this chapter. When spirits (including denatured spirits) or wines are to be volumetrically measured, such measure shall be made (a) in tanks, (b) in tank cars or tank trucks, if calibrated charts of such tank cars or tank trucks are provided and such charts have been accurately prepared, and certified as accurate, by engineers or other persons qualified to calibrate such conveyances, or (c) by such meters or other devices or methods as are authorized by the Director or as are otherwise provided in this part.

(72 Stat. 1357, 1358, 1396; 26 U.S.C. 5202, 5204, 5559)

§ 201.92 Quantity determination of spirits in bond.

Where spirits in bond are gauged for determination of tax, or are filled into packages or gauged in packages, the quantity shall be determined by weight and proof. In all other instances where spirits are gauged in bond, or are gauged for transfer in bond or for withdrawal from bond free of tax or without payment of tax, unless a determination by weight (or by another method approved by the assistant regional commissioner) is required by this part, the quantity may be determined by volume.

(72 Stat. 1396; 26 U.S.C. 5559)

§ 201.93 Quantity determination of denatured spirits.

The quantity of denatured spirits shall be determined by volume or weight in accordance with the applicable provisions of this part and Parts 186 and 212 of this chapter.

(72 Stat. 1396; 26 U.S.C. 5559)

§ 201.94 Quantity determination of rectified products.

Where gauge is made to determine tax on rectified products, the quantity (wine gallons) shall be determined by volume or by weight and apparent proof (hydrometer indication, corrected to 60 degrees Fahrenheit), pursuant to the provisions of Part 186 of this chapter. Where it is impracticable to measure rectified products such as sparkling wines, rock and rye, and similar specialties in tanks, the assistant regional commissioner may, pursuant to written application of the proprietor, authorize the volumetric measurement of such products on the basis of the number of filled bottles of each standard of fill corrected to volume to 60 degrees Fahrenheit. In such case, any rectification tax and any additional wine tax shall be determined after bottling.

(72 Stat. 1396; 26 U.S.C. 5559)

§ 201.95 Adjustment of proof.

(a) *Packages in bond.* The proof of spirits in bond (except anhydrous spirits and spirits which are less than 100 degrees of proof) which are to be filled into packages, including consolidated packages, shall be adjusted to any desired

whole degree prior to such packaging: *Provided*, That when the spirits are to be packaged in porous wooden packages and such spirits are not to be withdrawn from bond on determination of tax on the original gauge, the proof may be adjusted to within two-tenths of a whole degree. The proof of spirits withdrawn after tax determination on the basis of individual package gauge shall be determined to the nearest tenth and rounded to a whole degree in accordance with the provisions of Part 186 of this chapter.

(b) *Bulk spirits.* Except as provided in paragraph (a) of this section and subject to the applicable provisions of this chapter, the proof of bulk spirits stored on bonded premises, to be transferred in bond, or to be withdrawn from bond, may be adjusted to any desired proof, including tenths of a degree. The proof of such spirits to be withdrawn after tax determination shall be determined to the nearest tenth, which shall be used in determining the taxable gallons. The proof of spirits to be transferred in bond or withdrawn from bond in bulk conveyances or by pipeline free of tax or without payment of tax for an authorized purpose shall be determined to the nearest tenth and if not adjusted to a whole degree shall be rounded to a whole degree in accordance with the provisions of Part 186 of this chapter, and such whole degree shall be the proof of transfer or withdrawal and shall be used in determining the proof gallons. The withdrawal or transfer form shall be noted to show the actual proof of the spirits. Spirits in tanks shall be thoroughly agitated before the proof is determined.

(c) *Bottling in bond.* The proof of spirits to be bottled in bond shall be reduced to 100 degrees for domestic bottling. Spirits may be bottled in bond for export at 80 degrees of proof or more.

(d) *Bottling after tax determination.* The proof of spirits to be bottled or packaged after tax determination shall be adjusted to a whole degree prior to determination of the rectification tax, if any, and the filling of packages or bottles: *Provided*, That when such spirits are to be bottled and labeled in tenths of a degree of proof, the proof shall be adjusted to such tenths of a degree, and the fractional degree of proof shall be used in determining the rectification tax.

§ 201.96 Commercial gauging.

The assistant regional commissioner may, pursuant to application by the proprietor, permit the weighing and proofing of specific packages of spirits on bonded premises for purposes such as obtaining data on storage conditions or the results of special production procedures. Applications for permission to do such work shall contain sufficient information to enable the assistant regional commissioner to evaluate the merits of the request. When such applications are approved the proprietor shall in each instance, before beginning the operation, inform the assigned officer of the time and place where the work will be done.

GOVERNMENT LOCKS AND SEALS

§ 201.97 Government locks and seals.

The assistant regional commissioner shall supply all Government locks and seals to be used at plants. The keys to all Government locks shall remain at all times in the custody of an assigned officer, who will open and close all such locks. Government seals will be affixed by an assigned officer. The assigned officer may lock or require the sealing of any equipment (including tanks) on plant premises.

(72 Stat. 1353, 1357; 26 U.S.C. 5178, 5202)

§ 201.98 Preparation for Government locks and seals.

The proprietor shall equip for locking, or prepare for sealing, all buildings, rooms, and equipment on which Government locks or seals are required under this part. Such preparation shall include the furnishing of necessary wire, straps, and all covers and affixing of the same.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.99 Removal of Government locks and seals.

Government locks and seals shall not be removed without authorization of the assigned officer or the assistant regional commissioner except as provided in this part.

(72 Stat. 1357; 26 U.S.C. 5202)

SEALED CONVEYANCES FOR TRANSPORTING IN BOND

§ 201.100 Sealed conveyances.

A conveyance to be used as a sealed conveyance, shall be constructed in such a manner that all openings may be closed and secured by Government seals, or other devices approved by the Director, in order that access cannot be gained without showing evidence of tampering. The Government seals, or other approved devices for securing the conveyance, shall be attached as soon as the conveyance is loaded for shipment.

(72 Stat. 1360; 26 U.S.C. 5206)

CONVEYANCE OF SPIRITS ON PLANT PREMISES

§ 201.101 Taxpaid spirits on bonded premises.

Except in the case of—

(a) Spirits in the process of prompt removal from bonded premises on payment or determination of the tax; or

(b) Spirits which have been bottled in bond under section 5233, I.R.C., and which are returned to bonded premises for rebottling, relabeling, or restamping in accordance with the provisions of section 5233(d), I.R.C.; or

(c) Spirits returned to bonded premises in accordance with the provisions of section 5215, I.R.C.; or

(d) Spirits, held on bonded premises, on which the tax has become payable by operation of law, but on which the tax has not been paid;

no spirits on which the tax has been paid or determined shall be stored or allowed to remain on the bonded premises of a plant. Spirits on which the tax has been paid or determined may be conveyed within a plant across bonded premises, but such spirits shall not be stored or allowed to remain on the bonded premises and shall be kept separate and apart from spirits on which the tax has not been paid or determined.

(72 Stat. 1404; 26 U.S.C. 5612)

§ 201.102 Conveyance of untaxpaid spirits within a plant.

Spirits on which the tax has not been paid or determined may be conveyed from the production facilities of a plant to the bonded warehouse facilities of such plant, from the bonded warehouse facilities of a plant to the production facilities of such plant, or between different portions of the bonded warehouse facilities of the same plant, across any other premises of such plant or (by uninterrupted transportation) over any public thoroughfare: *Provided*, That, (a) such spirits are not stored or allowed to remain on any premises of such plant other than bonded premises, (b) such spirits are kept completely separate and apart from spirits on which the tax has been paid or determined, (c) a description of the means and route of such conveyance and of the facilities between which such spirits will be conveyed has been submitted to and approved by the assistant regional commissioner, and (d) consent of surety on bond, Form 2601, has been furnished by the proprietor, on Form 1533, extending the terms of such bond to cover such conveyance of such spirits.

(72 Stat. 1356, 1398; 26 U.S.C. 5201, 5601)

§ 201.103 Spirits in Customs custody.

Spirits in Customs custody may be conveyed, when necessary, across distilled spirits plant premises: *Provided*, That (a) such spirits are not stored or allowed to remain on the premises of such plant, (b) such spirits are kept separate and apart from other spirits on such premises and are moved expeditiously, (c) a description of the means and route of conveyance of such spirits across the plant premises has been submitted to and approved by the assistant regional commissioner, and (d) consent of surety on bond, Form 2601, has been furnished by the proprietor, on Form 1533, extending the terms of such bond to cover such conveyance of such spirits.

PENALTIES OF PERJURY

§ 201.104 Execution under penalties of perjury.

When a return, form, or other document called for under this part is required by this part or in the instructions on or with the return, form, or other document to be executed under penalties of perjury, it shall be so executed, as defined in Subpart B of this part, and shall be signed by the proprietor, or other duly authorized person.

(68A Stat. 749; 26 U.S.C. 6065)

Subpart E—Location and Use

§ 201.111 Restrictions as to location.

Plants shall not be located in any dwelling house, or in any shed, yard, or enclosure connected with any dwelling house, or on board any vessel or boat, or on premises where beer or wine is produced, or liquors of any description are retailed, or (except as provided in § 201.115) on premises where any other business is carried on.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.112 Bonded warehouses not on production premises.

A bonded warehouse, other than one established on bonded premises of a plant qualified for production of spirits, or one contiguous to a distillery operated by the bonded warehouseman, may be established only if the need therefor is clearly shown and the prospective needs of the warehouseman will be for the bonded storage of not less than 250,000 wine gallons of spirits: *Provided*, That where commercial bonded warehouse facilities are not available in an area and it is impractical to have a warehouse of such capacity, the Director may approve the establishment of a warehouse without regard to the minimum storage requirements. The application for registration to establish a warehouse under the provisions of this section shall be accompanied by a separate written application, in triplicate, setting forth the necessity for the establishment of the warehouse, showing the approximate quantity of spirits that will be received, stored, and withdrawn annually, the probable number of depositors of spirits, and the approximate number of persons to be served from the warehouse, together with any other data or documents indicating the prospective volume of business or need for establishment. The application for registration shall not be approved if the proposed location of the warehouse would constitute a jeopardy to the revenue, satisfactory evidence of the need for establishment of the warehouse has not been submitted, or the prospective volume of business would be insufficient to warrant the expense of supervision by internal revenue officers. The Director may limit the type of operation, such as, for bulk storage only, for package storage only, or for bulk storage and denaturing only, which may be conducted at a bonded warehouse which is to be established without regard to the minimum storage requirements. The proprietor of a bonded warehouse established for a limited type of operation shall not, in any manner, expand or change his operation to include any other type of operations until, pursuant to written application to make such change, he has obtained the approval of the Director.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.113 Taxpaid bottling facilities.

Facilities for the bottling or packaging of taxpaid spirits or taxpaid spirits and wines (other than on bottling premises qualified for rectification) may be established only by (a) the proprietor of a plant qualified for the production or bonded storage of spirits, or (b) a State or political subdivision thereof. Only one such bottling facility may be established by the proprietor in conjunction with each such plant.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.114 Facilities for bottling in bond.

Facilities for the bottling in bond of spirits may be established only in a separate room or building on bonded premises by a proprietor of a plant qualified under this part to store spirits on such bonded premises in casks, packages, cases, or similar portable approved containers. Notwithstanding the provisions of § 201.116, the bottling-in-bond facilities shall not be used for the storage of spirits. Tanks and pipelines conforming to the requirements of § 201.327 may be used alternately for bottling-in-bond operations as provided in § 201.175.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.115 Use of premises.

No business or operation shall be conducted on the premises of a plant other than those authorized to be carried on or conducted by the notice of registration of such plant.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.116 Storage rooms or buildings on bonded premises.

Facilities for the storage on bonded premises of distilled spirits in casks, packages, cases, and/or similar portable approved containers shall be established in a room or building used exclusively for the storage, bottling, and/or packaging of spirits, and activities related thereto.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.117 Continuity of premises.

The continuity of the plant shall be unbroken except for separations by public waterways, thoroughfares, or carrier rights-of-way: *Provided*, That where there are other separations of the plant premises and all parts of the plant premises are in the same general location the Director may authorize the assistant regional commissioner to approve the registration of the plant if the assistant regional commissioner finds that the separated areas can be supervised economically and effectively, and the Director finds that the revenue will not be jeopardized thereby.

§ 201.118 Location of bonded and bottling premises.

Bottling premises shall not be located on the bonded premises of a plant. Where bonded premises and bottling premises are located in the same building, doors and other openings affording intercommunication between such premises shall be permitted only where the assistant regional commissioner finds that the revenue will not be jeopardized thereby. Such doors and other openings shall be equipped for locking.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.119 General plant premises.

General premises (i.e., other than bonded premises or bottling premises) may be included as a part of a plant when so described in the notice of registration. Such general premises may not be used for any of the operations required to be conducted on bonded or bottling premises. Business offices and service facilities may be included as a part of such general premises and such premises may be utilized for the conduct of such other business as may be authorized for such premises under the provisions of section 5178(b), I.R.C.

§ 201.120 Denaturing facilities.

Facilities for denaturing spirits may be established only on the bonded premises of a plant operated by a proprietor who is authorized to produce spirits, or by a controlled or wholly-owned subsidiary (as defined in § 201.206) of such a proprietor.

(72 Stat. 1369; 26 U.S.C. 5241)

Subpart F—Qualification of Distilled Spirits Plants

§ 201.131 General requirements for registration.

A person shall not engage in the business of a distiller, bonded warehouseman, rectifier, or bottler of distilled spirits, unless he has made application for and has received notice of registration of his plant with respect to such business as provided in this part. Application for registration shall be made on Form 2607 to the assistant regional commissioner. Each application shall be executed under penalties of perjury, and all written statements, affidavits, and other documents submitted in support of the application or incorporated by reference shall be deemed to be a part thereof. The assistant regional commissioner may, in any instance where the outstanding notice of registration is inadequate or incorrect in any respect, require by registered or certified mail the filing of an application on Form 2607 to amend the notice of registration, specifying the respects in which amendment is required. Within 60 days after the receipt of such notice, the proprietor shall file such application.

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

§ 201.132 Data for application for registration.

Application on Form 2607 shall be prepared in accordance with the headings on the form, and instructions thereon and issued in respect thereto, and shall include the following:

(a) Serial number and statement of purpose for which filed.

(b) Name and principal business address of the applicant, and the location of the plant if different from the business address.

(c) Statement of the type of business organization and of the persons interested in the business, supported by the items of information listed in § 201.148.

(d) Statement of the business or businesses to be conducted.

(e) List of applicant's operating and basic permits, and of the qualification bonds (including those filed with the application) with the name of the surety or sureties for each bond.

(f) List of the offices, the incumbents of which are authorized by the articles of incorporation or the board of directors to act on behalf of the proprietor or to sign his name.

(g) Plat and plans (see §§ 201.154–201.159).

(h) Description of the plant (see § 201.149).

(i) List of major equipment (see § 201.147).

(j) As applicable, the following:

(1) With respect to the business of a distiller:

(i) Statement of maximum proof gallons that will be (a) produced during a period of 15 days and (b) in transit to the bonded premises. (Not required if the qualification bond is in the maximum sum.)

(ii) Statement of daily producing capacity in proof gallons.

(iii) Statement of process (see § 201.153).

(iv) Statement whether denaturing operations will be conducted.

(v) Statement of title to the bonded premises and interest in the equipment used for the production of spirits, accompanied where required by consent on Form 1602 (see §§ 201.151–201.152).

(2) With respect to the business of a bonded warehouseman:

(i) Statement of the maximum proof gallons that will be stored on, and in transit to, the bonded premises. (Not required if the qualification bond is in the maximum sum.)

(ii) Description of the system of storage, and statement of storage capacity (bulk, packages, and cases).

(iii) Statement whether denaturing and/or bottling-in-bond operations will be conducted.

(3) With respect to the business of a rectifier, a statement of the maximum tax the rectifier will be liable to pay under sections 5021 and 5022, I.R.C., in a 30-day period. (Not required if the qualification bond is in the maximum sum.)

(4) With respect to the business of bottling after tax determination, a statement of the name, address, and plant number of a plant qualified by the applicant for production or bonded warehousing. (Not required if the plant being registered is qualified for production, bonded warehousing, or rectification, or if the applicant is a State or political subdivision thereof.)

(5) With respect to any other business to be conducted on the plant premises, as provided by Subpart D of this part, a description of such business, a list of the buildings and/or equipment to be used, and a statement as to the relationship, if any, of such business to distilled spirits operations at the plant.

Where any of the information required by paragraph (c) or paragraph (g) of this section is on file with the assistant regional commissioner, such information, if accurate and complete, may, by incorporation by reference thereto by the applicant, be made a part of the application for registration. The applicant shall, when so required by the assistant regional commissioner, furnish as a part of his application for registration such additional information as may be necessary for the assistant regional commissioner to determine whether the application for registration should be approved.

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

§ 201.133 Notice of registration.

The application for registration, when approved, shall constitute the notice of registration of the plant. A plant shall not be registered or reregistered under this subpart until the applicant has complied with all requirements of law and regulations relating to the qualification of the business or businesses in which the applicant intends to engage. A plant shall not be operated unless the proprietor has a valid notice of registration covering the businesses and operations to be conducted at such plant. In any instance where a bond is required to be given or a permit is required to be obtained with respect to a business or operation before notice of registration of the plant may be received with respect thereto, the notice of registration shall not be valid with respect to such business or operation in the event that such bond or permit is no longer in effect and an application for reregistration shall be filed and notice of registration again obtained before thereafter engaging in such business or operation at such plant; reregistration is not required when a new bond or a strengthening bond is filed pursuant to § 201.191 or § 201.212.

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

§ 201.134 Maintenance of registration file.

The proprietor shall maintain his registration file in looseleaf form in complete and current condition, readily available at the plant for inspection by internal revenue officers.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.135 Powers of attorney.

The proprietor shall execute and file with the assistant regional commissioner a Form 1534, in accordance with the instructions on the form, for every person authorized to sign or to act on behalf of the proprietor. (Not required for persons whose authority is furnished in the application for registration.)

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.136 Operating permits.

Except as provided in § 201.138, every person required to file an application for registration under § 201.131 shall make application for and obtain an operating permit before commencing any of the following operations:

(a) Distilling for industrial use.

(b) Bonded warehousing of spirits for industrial use.

(c) Denaturing spirits.

(d) Bonded warehousing of spirits (without bottling) for nonindustrial use.

(e) Bottling or packaging of spirits for industrial use.

(f) Any other distilling, warehousing, or bottling operation not required to be covered by a basic permit under the Federal Alcohol Administration Act (49 Stat. 978; 27 U.S.C. 203, 204). Application for such operating permit shall be made on Form 2603 to the assistant regional commissioner.

(72 Stat. 1349, 1370; 26 U.S.C. 5171, 5271)

§ 201.137 Data for application for operating permits.

Each application on Form 2603 shall be executed under the penalties of perjury, and all written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof. Applications on Form 2603 shall be prepared in accordance with the headings on the form, and instructions thereon and issued in respect thereto, and shall include the following:

(a) Name and principal business address of the applicant.

(b) Plant address, if different from the business address.

(c) Description of the operation to be conducted for which an operating permit must be obtained.

(d) Statement of type of business organization and of the persons interested in the business, supported by the items of information listed in § 201.148.

(e) Trade names (see § 201.146).

(f) On specific request of the assistant regional commissioner, furnish a statement showing whether the applicant or any of the persons whose names and addresses are required to be furnished under the provisions of § 201.148(a)(8) and (c) has—(1) ever been convicted of a felony or misdemeanor under Federal or State law, (2) ever been arrested or charged with any violation of State or Federal law (convictions or arrests on charges for traffic violations need not be reported as to subparagraphs (1) and (2) of this paragraph, if such violations are not felonies), or (3) ever applied for, held, or been connected with a permit, issued under Federal law to manufacture, distribute, sell, or use spirits or products containing spirits, whether or not for beverage use, or held any financial interest in any business covered by any such permit, and, if so, give the number and classification of such permit, the period of operation thereunder, and state in detail whether such permit was ever suspended, revoked, annulled, or otherwise terminated.

Where any of the information required by paragraph (d) of this section is on file with the assistant regional commissioner, the applicant may, by incorporation by reference thereto, state that such information is made a part of the application for an operating permit. The applicant shall, when so required by the assistant regional commissioner, furnish as a part of his application for an operating permit such additional information as may be necessary for the assistant regional commissioner to determine whether the applicant is entitled to the permit.

(72 Stat. 1349, 1370; 26 U.S.C. 5171, 5271)

§ 201.138 Exceptions to operating permit requirements.

The provisions of § 201.136 shall not apply to any agency of a State or political subdivision thereof, or to any officer or employee of any such agency acting for such agency.

(72 Stat. 1349, 1370; 26 U.S.C. 5171, 5271)

§ 201.139 Issuance of operating permits.

Only one operating permit will be issued for a plant. Such operating permit shall designate the businesses or operations permitted thereby (including limitations with respect thereto). All of the provisions of this part relating to the performance of the operations covered by the permit shall be deemed to be included in the provisions and conditions of the permit, the same as if set out therein.

(72 Stat. 1349, 1370; 26 U.S.C. 5171, 5271)

§ 201.140 Duration of permits.

Operating permits are continuing, unless automatically terminated by the terms thereof, suspended or revoked as provided in § 201.144, or voluntarily surrendered. The provisions of § 201.161 shall be deemed to be a part of the terms and conditions of all operating permits issued pursuant to this part.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 201.141 Posting of permits.

Operating permits shall be kept posted available for inspection at the plant.

(72 Stat. 1349, 1370; 26 U.S.C. 5171, 5271)

§ 201.142 Denial of permit.

If, on examination of an application for an operating permit (or on the basis of inquiry or investigation with respect thereto) the assistant regional commissioner has reason to believe that—

(a) The applicant (including, in the case of a corporation, any officer, director, or principal stockholder, and, in the case of a partnership, a partner) is, by reason of his business experience, financial standing, or trade connections, not likely to maintain operations in compliance with chapter 51, I.R.C., or regulations issued thereunder; or

(b) The applicant has failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

(c) The premises on which the applicant proposes to conduct the business are not adequate to protect the revenue;

the assistant regional commissioner may institute proceedings for the denial of the application in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 201.143 Correction of permits.

Where an error in an operating permit is discovered, the proprietor shall, on demand of the assistant regional commissioner, immediately return the permit for correction.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 201.144 Suspension or revocation.

Whenever the assistant regional commissioner has reason to believe that any person holding an operating permit—

(a) Has not in good faith complied with the provisions of chapter 51, I.R.C., or regulations issued thereunder; or

(b) Has violated the conditions of such permit; or

(c) Has made any false statement as to any material fact in his application therefor; or

(d) Has failed to disclose any material information required to be furnished; or

(e) Has violated or conspired to violate any law of the United States relating to intoxicating liquor or has been convicted of any offense under Title 26, U.S.C., punishable as a felony or of any conspiracy to commit such offense; or

(f) Has not engaged in any of the operations authorized by the permit for a period of more than 2 years;

the assistant regional commissioner may institute proceedings for the revocation or suspension of such permit in accordance with the procedures set forth in Part 200 of this chapter.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 201.145 Rules of practice in permit proceedings.

The regulations in Part 200 of this chapter are made applicable to the procedure and practice in connection with the disapproval of any application for an operating permit required by this subpart, and in connection with the suspension and revocation of such permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 201.146 Trade names.

Where a trade name is to be used in connection with the operations of a plant for which an operating permit is required, the proprietor shall list such trade name on Form 2603 (showing the business operation or operations in which such trade name will be used), and the offices where such name is registered, supported by copies of any certificate or other document filed or issued in respect to such name. Where any distilling, warehousing, or bottling operation is required to be covered by a basic permit under the Federal Alcohol Administration Act (49 Stat. 978; 27 U.S.C. 203, 204), regulations issued under such Act govern the approval and use of trade names in connection with such operations. Operations shall not be conducted under a trade name until the proprietor is in possession of an operating or basic permit covering the use of such name.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 201.147 Major equipment.

The following items of major equipment, if on the plant premises, shall be described in the application for registration:

(a) Mash tubs and cookers (serial number and capacity).

(b) Fermenters (serial number and capacity).

(c) Tanks used in the production, storage, denaturation, rectification, bottling, and measurement of spirits and tanks used in the storage and the measurement of denatured spirits (designated use (or uses), serial number, capacity, and method of gauging or measurement).

(d) Permanently installed scales and other measuring equipment (including meters).

(e) Bottling lines (list separately as to use and serial number).

(f) Stills (serial number, kind, capacity, and intended use). (The capacity shall be stated as the estimated maximum proof gallons of spirits capable of being produced every 24 hours, or (for column stills) may be represented by a statement of the diameter of the base and number of plates.)

(g) Other items of fixed equipment used in the production, storage, rectification and/or bottling of spirits, if valued at $5,000 or more (description and use).

The description shall show, as to each item of equipment, the location thereof in the plant, and the premises (bonded or bottling) and the facility (production, storage, denaturation, or bottling on bonded premises, and rectification or bottling on bottling premises) in which it is to be used. Where any equipment is to be used in two or more facilities, it shall be identified as for multiple use, and its use in each facility shall be shown.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.148 Organizational documents.

The supporting information required by paragraph (c) of § 201.132, and paragraph (d) of § 201.137, includes, as applicable:

(a) *Corporate documents.* (1) Certified true copy of articles of incorporation and any amendments thereto.

(2) Certified true copy of the corporate charter or a certificate of corporate existence or incorporation.

(3) Certified true copy of certificate authorizing the corporation to operate in the State where the plant is located (if other than that in which incorporated).

(4) Certified extracts or digests of minutes of meetings of stockholders, showing election of directors.

(5) Certified true copy of bylaws.

(6) Certified extracts or digests of minutes of meetings of board of directors, showing election of officers.

(7) Certified extracts or digests of minutes of meetings of board of directors, authorizing certain individuals to sign for the corporation.

(8) Names and addresses of officers and directors.

(9) Statement showing the number of shares of each class of stock or other evidence of ownership, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders.

(b) *Articles of partnership.* True copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality.

(c) *Statement of interest.* (1) Names and addresses of the 10 persons having the largest ownership or other interest in each of the classes of stock in the corporation, or other legal entity, and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the

interested party or in the name of another for him. If a corporation is wholly owned or controlled by another corporation, those persons of the parent corporation who meet the above standards are considered to be the persons interested in the business of the subsidiary, and the names thereof need be furnished to the assistant regional commissioner only at his request.

(2) In the case of an individual owner or partnership, name and address of every person interested in the plant, whether such interest appears in the name of the interested party or in the name of another for him.

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5271)

§ 201.149 Description of plant.

The application for registration shall include a description of each tract of land comprising the plant, clearly indicating the bonded premises, the bottling premises, and any other premises to be included as part of the plant. In the case of a plant producing spirits, where the premises subject to tax lien under section 5004(b), I.R.C., are not coextensive with the bonded premises, the tract of land on which any building containing any part of the bonded premises is situated shall also be described. The description of each tract of land subject to lien under section 5004(b), I.R.C., shall be by courses and distances, in feet and inches (or hundredths of feet), with the particularity required in conveyances of real estate. If any area (or areas) of the plant is to be alternated between bonded and bottling premises, as provided in § 201.175, each such area shall be described, and shall be identified by number or letter. The description of denaturing facilities (and equipment) shall show the manner of segregation of such facilities from other facilities which prevents contamination of undenatured spirits. Each building and outside tank shall be described (location, size, construction, arrangement, and means of protection and security), referring to each by its designated number or letter, and use. If a plant consists of a room or floor of a building, a description of the building in which the room or floor is situated and its location therein shall be given.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.150 Registry of stills.

The provisions of Part 196 of this chapter are applicable to stills located on plant premises. The listing of stills for distilling in the application for registration, and the approval of the application for registration, shall constitute registration of such stills.

(72 Stat. 1349, 1355; 26 U.S.C. 5172, 5179)

§ 201.151 Statement of title.

The application for registration shall include a statement setting forth the name and address of the owner in fee of the lot or tract of land subject to lien under section 5004(b)(1), I.R.C., the buildings thereon, and the equipment used for the production of spirits. If the applicant is not the owner in fee of such property, or if such property is encumbered by mortgage or other lien, the application for registration shall be accompanied by a consent on Form 1602, as provided in § 201.152, unless indemnity bond on Form 3A is filed, as provided in § 201.200.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.152 Consent on Form 1602.

Consents on Form 1602, where required by this subpart, shall be executed by the owner (if other than the proprietor) of property subject to lien under section 5004(b)(1), I.R.C., and by any mortgagee, judgment creditor, or other person having a lien on such property, duly acknowledging that the property may be used for the purpose of distilling spirits, subject to the provisions of law, and expressly stipulating that the lien of the United States, for taxes on distilled spirits produced thereon and penalties relating thereto, shall have priority of such mortgage, judgment, or other encumbrance, and that in the case of the forfeiture of such property, or any part thereof, the title to the same shall vest in the United States, discharged from such mortgage, judgment, or other encumbrance.

(72 Stat. 1349; 26 U.S.C. 5172, 5173)

§ 201.153 Statement of process.

The statement of process in the application for registration shall set forth a step-by-step description of the process employed to produce spirits, commencing with the treating, mashing, or fermenting of the raw materials or substances and continuing through each step of the distilling, redistilling, purifying and refining processes to the production gauge, and showing the kind and approximate quantity of each material or substance used in producing, purifying, or refining each type of spirits.

(72 Stat. 1349; 26 U.S.C. 5172)

PLAT AND PLANS

§ 201.154 General requirements.

The proprietor shall submit, as part of his application for registration, a plat of the premises and plans, in triplicate, as required by this subpart.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.155 Preparation.

Each plat and floor plan shall be drawn to a scale of not less than 1/100 inch per foot and shall show the cardinal points of the compass. Each sheet of the drawings shall—

(a) Bear a distinctive title;

(b) Be numbered in consecutive order, the first sheet being designated number 1; and

(c) Have a clear margin of not less than 1 inch on each side and have outside measurements of 15 by 20 inches: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they can be satisfactorily filed.

Plats and plans shall be submitted on tracing cloth, sensitized linen, or blueprint paper, and may be original drawings, or, if clear and distinct, reproductions made by lithoprint, ditto, or ozalid processes. The director may approve other materials and methods which he finds are equally acceptable.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.156 Depiction of plant.

The plat shall show the boundaries of the plant, and delineate separately the portions thereof comprising the bonded premises, the bottling premises, and any other premises to be included as a part of the plant, in feet and inches (or hundredths of feet). The delineation of these premises shall agree with the description given in the application for registration. The plat shall show (a) all buildings on the plant premises, (b) all basic equipment (including tanks and stills) not located in buildings, and (c) all driveways, public thoroughfares, and railroad rights-of-way contiguous to, connecting, or separating the plant premises. Each building, enclosed area, and outside tank shall be identified. Each pipeline for the conveyance of spirits to and from the premises of the plant, and between bonded and bottling premises, shall be shown on the plat in blue, and each pipeline for the conveyance of denatured spirits to and from the premises of the plant shall be shown on the plat in green: *Provided*, That in lieu of such colors, the pipelines may be identified by symbols which permit ready identification of their uses. The purpose for which such pipelines are used and the points of origin and termination shall be indicated on the plat. Where premises on which spirits, wines, or beer are manufactured, stored, or sold are contiguous to a plant, the plat shall show the relative location of the plant and such contiguous premises, and all pipelines and other connections between them (public utility pipelines and similar connections excepted). The outline of such contiguous premises and of the plant shall be shown in contrasting colors. Where a plant consists of less than an entire building, the plat shall show the building, and the land on which such building is situated. Where a plant consists of, or includes, one or more floors or rooms of a building that is not wholly included in the plant, the floors or rooms so used shall be shown on a floor plan. Each floor plan shall show the location and dimensions of the floors or rooms, the means of ingress and egress, and, insofar as required on plats by this section, pipelines and contiguous premises. Where construction of floors or rooms is identical, a typical plan of such floors or rooms will be acceptable. Where the floor plan shows the entire plant and includes all the information required by a plat, such plan may be accepted in lieu of a plat.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.157 Flow diagrams.

Flow diagrams (plans) shall be submitted reflecting the production processes on bonded premises. The flow diagram shall show major equipment (identified as to use) in its relative operating sequence, with essential connecting pipelines (appropriately identified by color) and valves. The flow diagram shall include the entire closed distilling system. Minor equipment (such as pumps, pressure regulators, rotometers) need not be shown. The direction of flow through the pipelines shall be indicated by arrows.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.158 Certificate of accuracy.

The plat and plans shall bear a certificate of accuracy in the lower right-hand corner of each sheet, signed by the proprietor, substantially as follows:

_____
(Name of proprietor)

_____
(Distilled spirits plant No.)

_____
(Address)

Accuracy certified by:

_____
(Name and capacity—for the proprietor)

Sheet No. _____, Date _____

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.159 Revised plats and plans.

Any revised plat or plan sheet shall bear the same number as the sheet superseded, but shall be given a new date. Any additional plat or plan sheet shall be given a new number in consecutive order, or shall be otherwise numbered and lettered in such manner as will permit the filing of the plat or plan in proper sequence.

(72 Stat. 1349; 26 U.S.C. 5172)

CHANGES AFTER ORIGINAL QUALIFICATION

§ 201.160 Application for amended registration.

Where there is a change with respect to the information shown in the notice of registration, the proprietor shall submit, within 10 days of such change (except as otherwise provided in this subpart), an application on Form 2607 for amended registration. Such application shall set forth, on sheets appropriately numbered or otherwise identified, the information necessary to make the notice of registration accurate and current. Where the change affects only pages or parts of pages of the notice of registration, such complete pages shall be submitted as will enable the replacement of the pages affected and maintenance of the file as provided in § 201.134.

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

§ 201.161 Automatic termination of permits.

(a) *Permits not transferable.* Operating permits issued under this part shall not be transferred. In the event of the lease, sale, or other transfer of such a permit, or of the operations authorized thereby, the permit shall thereupon automatically terminate.

(b) *Corporations.* In the case of a corporation holding an operating permit under this part, if actual or legal control of the permittee corporation changes, directly or indirectly, whether by reason of change in stock ownership or control (in the permittee corporation or in any other corporation), by operation of law, or in any other manner, the permittee shall, within 10 days of such change, give written notice thereof, executed under the penalties of perjury, to the assistant regional commissioner; such permit may remain in effect with respect to the operation covered thereby until the expiration of 30 days after such change, whereupon such permit shall automatically terminate: *Provided*, That if within such 30-day period an application for a new permit covering such operation is made, then the outstanding operating permit may remain in effect with respect to the continuation of the operation covered thereby until final action is taken on such application. When such final action is taken, such outstanding operating permit shall thereupon automatically terminate.

(c) *Basic permits.* The termination of basic permits is governed by the provisions of 27 CFR Part 1.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 201.162 Change in name of proprietor.

Where there is to be a change in the individual, firm, or corporate name, the proprietor shall file application to amend the registration and to amend the operating and/or basic permit; a new bond or consent of surety will not be required. In addition, he shall conform the sign to the provisions of § 201.235. Operations may not be conducted under the new name prior to approval of the amended registration and issuance of the amended permit.

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5271)

§ 201.163 Change of trade name.

Where there is to be a change in, or addition of, a trade name, the proprietor shall file application to amend his operating and/or basic permit; a new bond or consent of surety will not be required. Operations may not be conducted under the new trade name prior to issuance of the amended permit.

(72 Stat. 1370; 26 U.S.C. 5271)

§ 201.164 Change in proprietorship.

(a) *General.* Where there is a change in the proprietorship of a plant qualified under this part, the outgoing proprietor shall comply with the requirements of § 201.176, and the successor shall, before commencing operations, apply for and obtain the required permits, file the required bonds, and file application for and receive notice of registration of the plant in the same manner as a person qualifying as the proprietor of a new plant, except that he may adopt the plats and plans of the predecessor by incorporation by reference thereto on Form 2607. Spirits may be transferred from an outgoing proprietor of a plant to a successor in the manner provided in § 201.174.

(b) *Fiduciary.* If the successor to the proprietorship of a plant is an administrator, executor, receiver, trustee, assignee or other fiduciary, he shall comply with the provisions of paragraph (a) of this section except that he may, in lieu of filing a new bond, furnish consent of surety extending the terms of his predecessor's bond, and he may also incorporate by reference in his application for registration on Form 2607 any pertinent information contained in his predecessor's notice of registration. The fiduciary shall furnish a certified copy of the order of the court or other pertinent document showing his qualification as such fiduciary. The effective dates of the qualifying documents filed by the fiduciary shall be the effective date of the court order, or the date specified therein for him to assume control. If the fiduciary was not appointed by a court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed by him.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.165 Adoption of plat and plans.

The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate to be made a part of the application for registration, in which shall be set forth the identity of the plant and of the predecessor, a description (by sheet number and title) of each plat or plan sheet adopted, and a certification that the adopted plat and plans accurately depict the premises.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.166 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the plant under the prior qualification of the partnership, provided a consent of surety, wherein the surety and the surviving partner agree to remain liable on the bond given on Form 2601, is filed. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall qualify in his own name from the date of acquisition, as provided in § 201.164(a). The rule set forth in this section shall also apply where there is more than one surviving partner.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.167 Change in location.

Where there is a change in the location of the plant, the proprietor shall file applications to amend the registration of his plant and his operating and/or basic permit, new plat and plans, and either a new bond or a consent of surety on Form 1533. Operations of the plant may not be commenced at the new location prior to approval of the amended registration and issuance of the amended permit.

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5173, 5271)

§ 201.168 Changes in premises.

Where bonded premises, bottling premises, or any other premises included as a part of the plant are to be extended or curtailed, the proprietor shall file an application to amend the registration of his plant (including amended plat and plans). Facilities to be included by extension or to be excluded by curtailment shall not, prior to approval of the amended registration, be used for other than previously approved purposes.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.169 Change in operations.

Where the proprietor proposes to conduct a new business or operation involving spirits, he shall file applications to amend the registration of his plant and his operating and/or basic permit. If he desires to engage, on the plant premises, in a business, other than the business of a distiller, bonded warehouseman, rectifier, or bottler, he shall submit application to amend the registration of his plant to include the information required under § 201.132(j)(5). The additional operation or business may not be carried on prior to approval of the amended registration and (if required) issuance of the amended permit.

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5271)

§ 201.170 Change in process.

Where the proprietor desires to produce a new product or make a change in a production process, on bonded premises, which would affect the designation, or substantially affect the character of his product, he shall file an application to amend the registration of his plant to include the amended or new statement of process. The new or changed process may not be used prior to approval of the amended registration.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.171 Changes in construction and use of buildings and equipment.

Where a material change is to be made (a) in the buildings or facilities of a plant (other than extension or curtailment of premises covered by § 201.168), (b) in the use of any portion of a plant, or (c) with respect to plant equipment, which affects the accuracy of the notice of registration (including the plat and plans), the proprietor shall, before making such change, secure approval thereof, pursuant to a written application, in triplicate, submitted to the assistant regional commissioner through the assigned officer, if any. The application shall describe the proposed change specifically and in detail. The proprietor may be required to submit drawings, photographs, or diagrams of the proposed change. The change shall be made under the supervision of an internal revenue officer, if the assistant regional commissioner considers such supervision necessary. The change shall be reflected in the next amendment of the notice of registration (including the plat and plans), unless the assistant regional commissioner requires the immediate filing of an application for amendment. All changes not affecting the accuracy of the notice of registration (including plat and plans) may be made pursuant to a written application, in duplicate, filed with and approved by the assigned officer. The proprietor may make emergency repairs without prior notification to the assigned officer, but where such emergency repairs are made, the proprietor shall promptly notify such officer and file with him a report thereof in triplicate.

(72 Stat. 1349; 26 U.S.C. 5172)

§ 201.172 Change of title.

Where there is a change in the title to any property subject to lien under section 5004(b)(1), I.R.C., the proprietor shall, before continuing operations, file an application to amend the registration of his plant, and, where required by this part, a consent on Form 1602 or, in lieu thereof, an indemnity bond on Form 3A. In addition, the assistant regional commissioner may require the proprietor to file a consent of surety on Form 1533 or a new qualification bond on Form 2601.

(72 Stat. 1349; 26 U.S.C. 5172, 5173)

§ 201.173 Encumbrance.

Where any of the property subject to lien under section 5004(b)(1), I.R.C., becomes encumbered by any judgment, or other lien, the proprietor shall thereupon file (a) an application to amend the registration of his plant, (b) a consent on Form 1602 or an indemnity bond on Form 3A (if such bond in sufficient penal sum is not on file), and (c) consent of surety on Form 1533 or a new qualification bond: *Provided*, That where such property is to be voluntarily subjected to an encumbrance, the documents shall be filed and approved before the property is encumbered.

(72 Stat. 1349; 26 U.S.C. 5172, 5173)

OPERATIONS BY ALTERNATING PROPRIETORS

§ 201.174 Procedure for alternating proprietors.

(a) *General.* A plant, or any part thereof which is suitable for qualification as a separate plant, may be operated alternately by proprietors who have filed and received approval of the necessary bonds and applications for registration, and have otherwise qualified under the provisions of this subpart. Where operations by alternating proprietors are limited to parts of the plant, the notice of registration shall describe the areas or facilities, or combination thereof, which will be alternated, and shall be accompanied by special plats designating the parts of the plant which are to be alternated. A special plat shall be submitted for each arrangement, other than that reflected by the basic plat, under which the premises will be operated. Once such qualifying documents have been approved, and initial operations have been conducted thereunder, the plant, or parts thereof, may be alternated pursuant to approval by the assigned officer of the proprietors' applications on Form 2610. Any transfer of spirits from the outgoing proprietor to the incoming proprietor shall be indicated on Form 2610 filed by each proprietor. Operation of production facilities on bonded premises by an alternating proprietor shall be for one or more calendar days.

(b) *Production facilities.* Distilling materials and unfinished spirits in any production facilities to be alternated shall be processed to completion by the outgoing proprietor unless transferred to the incoming proprietor. All finished spirits shall be marked and removed by the outgoing proprietor in the name in which produced, before production gauge is made of any spirits by the incoming proprietor. Denatured spirits shall be removed from production facilities by the outgoing proprietor unless transferred to the incoming proprietor or retained in tanks under Government lock. Where denatured spirits are to be retained in tanks, the outgoing proprietor shall execute a consent of surety on Form 1533 to continue liability on the qualification bond for the tax on such spirits retained in the facilities, notwithstanding the change in proprietorship.

(c) *Bonded warehousing facilities.* Spirits contained in any bonded warehousing facility to be alternated shall be transferred to the incoming proprietor on Form 236 (accompanying forms not required). The outgoing proprietor shall execute a consent of surety on Form 1533 to continue in effect the qualification bond whenever operation of the facility is to be resumed by him following suspension of operations by an alternate proprietor.

(d) *Bottling premises.* Operations on bottling premises shall be completely finished and all spirits and wines removed from such premises prior to the change in proprietorship: *Provided*, That (1) spirits and wines on hand, including those in the process of rectification, may be transferred to the incoming proprietor, or (2) the spirits and wines may be retained, under lock, but in such case the outgoing proprietor shall (unless qualification bond is not required for the plant) execute a consent of surety on Form 1533 to continue the liability on the qualification bond for the tax on such spirits and wines retained on the premises notwithstanding the change in proprietorship. Products subject to tax under the provisions of sections 5021 and 5022, I.R.C., (including partially rectified products) which are being transferred to a successor shall be taxpaid by the outgoing proprietor.

(e) *Records.* Each proprietor shall maintain separate records and submit separate reports. In the case of spirits in bonded warehousing facilities, the deposit records for the outgoing proprietor shall be used for the incoming proprietor. All transfers of distilling materials, spirits, and wines shall be reflected in the records of each proprietor.

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5271)

ALTERNATE OPERATIONS

§ 201.175 Alternating bottling facilities between bonded and bottling premises.

Bottling facilities may be used either for the bottling in bond of spirits or for the rectification and bottling, or bottling, of taxpaid spirits where the proprietor has filed, and the assistant regional commissioner has approved, (a) an application for registration, Form 2607, to cover such operation, and (b) a special plat to designate the premises which are to be alternated. When areas of the bottling facilities are to be alternated, the proprietor shall file a drawing or diagram, in triplicate, clearly depicting all rooms, tanks, and spirits lines which are susceptible to alternation, in their relative operating sequence; all such rooms and equipment shall be individually identified by number or letter. Once such qualifying documents have been approved, the bottling facilities or parts thereof (identified by the numbers or letters shown on the drawing or diagram) may be alternated pursuant to approval by the assigned officer of the proprietor's application on Form 2610, after all in-bond spirits, or taxpaid spirits and other ingredients used in rectifying processes (if any), as the case may be, are removed from the premises or part thereof to be alternated in opposite status.

(72 Stat. 1349; 26 U.S.C. 5172)

PERMANENT DISCONTINUANCE OF BUSINESS

§ 201.176 Notice of permanent discontinuance.

Where the proprietor permanently discontinues any or all of the businesses listed in his notice of registration, he shall, after completion of the operations, file a Form 2607 to cover such discontinuance. Form 2607 shall be accompanied (a) by all permits issued to the proprietor under this subpart covering the discontinued operations, and by his request that such permits be canceled; (b) by the proprietor's written statement disclosing, as applicable, whether (1) all spirits (including denatured spirits), indicia bottles, strip stamps, and other pertinent items have been lawfully disposed of, (2) any spirits (including denatured spirits), indicia bottles, or strip stamps are in transit to the premises, (3) all approved applications for transfer of spirits (including denatured spirits) to the premises have been secured and returned to the assistant regional commissioner for cancellation; and (c) by pertinent monthly reports covering the discontinued operations (each such report shall be marked "Final Report").

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5271)

Subpart G—Bonds and Consents of Surety

§ 201.191 General.

Every person intending to commence or to continue the business of a distiller, bonded warehouseman, or rectifier, shall file bond, Form 2601, as prescribed in this subpart, with the assistant regional commissioner, at the time of filing the original application for registration of his plant, and at such other times as are required by this part. Such bond shall be conditioned that he shall faithfully comply with all provisions of law and regulations relating to the duties and business of a distiller, bonded warehouseman, or rectifier, as the case may be (including the payment of taxes imposed by chapter 51, I.R.C.), and shall pay all penalties incurred or fines imposed on him for violation of any such provisions. The assistant regional commissioner may require, in connection with any bond on Form 2601, a statement, executed under the penalties of perjury, as to whether the principal or any person owning, controlling, or actively participating in the management of the business of the principal has been convicted of or has compromised any offense set forth in § 201.198(a) or has been convicted of any offense set forth in § 201.198(b). In the event the above statement contains an affirmative answer, the applicant shall submit a statement describing in detail the circumstances surrounding such conviction or compromise. Once every four years, and as provided in § 201.213, a new bond, Form 2601, shall be executed and filed in accordance with the provisions of this subpart. No person shall commence or continue the business of a distiller, bonded warehouseman, or rectifier, unless he has a valid bond, Form 2601 (and consent of surety, if necessary), as required in respect of such business by this part.

(72 Stat. 1349, 1394; 26 U.S.C. 5173, 5551)

§ 201.192 Additional condition of distiller's bond.

In addition to the requirements of § 201.191, the distiller's bond shall be conditioned that he shall not suffer the property, or any part thereof, subject to lien under section 5004(b)(1), I.R.C., to be encumbered by any lien during the time in which he shall carry on such business, except that this condition shall not apply during the term of an indemnity bond given under the provisions of § 201.200.

(72 Stat. 1349; 26 U.S.C. 5173)

§ 201.193 Additional conditions of bonded warehouseman's bond.

In addition to the requirements of § 201.191, the bonded warehouseman's bond shall be conditioned—

(a) On the withdrawal of spirits from storage on bonded premises within the time prescribed for the determination of tax under section 5006(a)(2), I.R.C., and

(b) On payment of the tax now or hereafter in force, except as otherwise provided by law, on all spirits (including denatured spirits) withdrawn from storage on bonded premises.

(72 Stat. 1349; 26 U.S.C. 5173)

§ 201.194 Corporate surety.

Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular 570. Powers of attorney and other evidence of appointment of agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties are required to be filed with, and passed on by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department.

(61 Stat. 648; 26 U.S.C. 6, 7)

§ 201.195 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the principal may pledge and deposit, as surety for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 201.196 Consents of surety.

Consents of surety to changes in the terms of bonds shall be executed on Form 1533 by the principal and by the surety with the same formality and proof of authority as is required for the execution of bonds.

§ 201.197 Authority to approve bonds and consents of surety.

Assistant regional commissioners are authorized to approve all bonds and consents of surety required by this part.

§ 201.198 Disapproval of bonds or consents of surety.

The assistant regional commissioner may disapprove any bond or consent of surety submitted in respect to the business of a distiller, bonded warehouseman, or rectifier, if the principal or any person owning, controlling, or actively participating in the management of the business of the principal shall have been previously convicted, in a court of competent jurisdiction of—

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of spirits, wines, or beer, or if such an offense shall have been compromised with the person on payment of penalties or otherwise, or

(b) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of spirits, wine, beer, or other intoxicating liquor.

Further, no bond of a distiller shall be approved unless the assistant regional commissioner is satisfied that the situation of the land and building which will constitute his bonded premises (as described in his application for registration, Form 2607) is not such as would enable the distiller to defraud the United States, and unless: (1) The distiller is the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land subject to lien under section 5004(b)(1), I.R.C.; or (2) the distiller files a consent, Form 1602, of the owner of the fee, and of any mortgagee, judgment creditor, or other person having a lien thereon, in accordance with the provisions of §§ 201.151 and 201.152; or (3) the distiller files an indemnity bond, Form 3A, in accordance with the provisions of § 201.200.

(72 Stat. 1349, 1394; 26 U.S.C. 5173, 5551)

§ 201.199 Appeal to Director.

Where a bond or consent of surety is disapproved by the assistant regional commissioner, the person giving the bond may appeal from such disapproval to the Director, who will hear such appeal. The decision of the Director shall be final.

(72 Stat. 1394; 26 U.S.C. 5551)

§ 201.200 Indemnity bond, Form 3A.

A proprietor of a plant qualified for the production of spirits may furnish bond on Form 3A to stand in lieu of future liens imposed under section 5004(b)(1), I.R.C., and no lien shall attach to any lot or tract of land, distillery, building, or distilling apparatus by reason of distilling done during any period included within the term of any such bond. Where an indemnity bond has

been furnished on Form 3A in respect of a plant, the requirements of this part relating to the filing of consents on Forms 1602 and bonds on Forms 1617 are not applicable in respect to such plant.

(72 Stat. 1317, 1349; 26 U.S.C. 5004, 5173)

§ 201.201 Indemnity bond conditioned to stand in lieu of prior liens.

Where a lien is imposed on the distiller's property under section 5004(b)(1), I.R.C., or where any similar lien has been imposed under prior provisions of internal revenue law, the distiller may, pursuant to application to, and approval by, the assistant regional commissioner, file consent, Form 2602, to further condition the bond, Form 3A, furnished under the provisions of § 201.200, to stand in lieu of such lien or liens and to indemnify the United States for the payment of all taxes and penalties which otherwise could be asserted against such property by reason of such lien or liens. When a consent on Form 2602 has been accepted and approved by the assistant regional commissioner, such lien or liens shall be held to be extinguished. The assistant regional commissioner will not accept or approve such consent, Form 2602, if there is any pending litigation or outstanding assessment with respect to such taxes or penalties, or if he has knowledge of any circumstances indicating that such consent is tendered with intent to evade payment or defeat collection of any tax or penalty.

(72 Stat. 1317, 1349; 26 U.S.C. 5004, 5173)

§ 201.202 Indemnity bond in case of judicial sale.

Where any distillery is sold at judicial or other sale in favor of the United States, an indemnity bond on Form 3A, in lieu of consent on Form 1602, may be taken by the assistant regional commissioner, and the person giving such bond may be allowed to operate such distillery during the existence of the right of redemption from such sale, on complying with all the other provisions of law and of this part.

(72 Stat. 1349; 26 U.S.C. 5173)

§ 201.203 Indemnity bond for changes in buildings and equipment.

Where buildings on the bonded premises of a plant, or on premises which have been eliminated from the bonded premises, are to be demolished or altered in such a manner as to decrease the value of the property, and a lien for taxes exists on such property under section 5004(b)(1), I.R.C., or where distilling equipment or apparatus on which a lien exists under section 5004(b)(1), I.R.C., is to be removed permanently, without adding property that will become a fixture in law of an equal or greater value than the property to be demolished, altered, or removed, the proprietor shall file with the assistant regional commissioner an indemnity bond on Form 1617. Such bond shall be in a penal sum equal to the appraised value of the property to be demolished, altered, or removed, or equal to the excess in value of the property to be demolished, altered, or removed over the value of the property to be substituted therefor: *Provided*, That no indemnity bond Form 1617 will be required if such appraised value or difference in value, as the case may be, is less than $5,000: *And provided further*, That no indemnity bond on Form 1617 will be required to cover the removal of equipment from the bonded premises of one plant to the bonded premises of another plant, if the two premises are controlled by the same interests. The appraisal shall be at the expense of the proprietor unless waived by the assistant regional commissioner or unless made by internal revenue officers.

(72 Stat. 1317, 1349; 26 U.S.C. 5004, 5173)

§ 201.204 Combined operations bond-distilled spirits plant.

Any proprietor who would otherwise be required to give more than one of the bonds listed in § 201.211 (a), (b), and (c), shall, in lieu thereof (except as provided in §§ 201.205 and 201.206), give a single bond on Form 2601. Bonds given under this section shall contain the terms and conditions of the bonds in lieu of which they are given.

(72 Stat. 1349; 26 U.S.C. 5173)

§ 201.205 Combined operations bond-distilled spirits plant and adjacent bonded wine cellar.

Any person intending to commence or continue business as proprietor of a bonded wine cellar, under the provisions of Part 240 of this chapter, and of an adjacent plant qualified for the production of spirits shall, in lieu of such of the bonds listed in § 201.211 (a), (b), and (c), as would otherwise be required for his plant, and the bonded wine cellar bond required under the provisions of the first sentence of section 5354, I.R.C., give a single bond on Form 2601 to cover all such operations. Bonds given under this section shall contain the terms and conditions of the bonds in lieu of which they are given.

(72 Stat. 1349; 26 U.S.C. 5173)

§ 201.206 Blanket bond.

Any person (including, in the case of a corporation, controlled or wholly owned subsidiaries) operating more than one plant in a region may give a blanket bond on Form 2601 covering the operation of any two or more of such plants, and any bonded wine cellars which are adjacent to such plants and which otherwise could be covered by a combined operations bond. For the purpose of this section, a controlled subsidiary is a corporation where more than 50 percent of the voting shares is owned by the parent corporation. Bonds given under this section shall be in lieu of the bonds listed in § 201.211 (a), (b), (c), and (d), as the case may be, and shall contain the terms and conditions of such bonds. Where bond on Form 2601 covers the operations of more than one corporation, each corporation shall be shown as principal, and the bond shall be signed for each corporation.

(72 Stat. 1349; 26 U.S.C. 5173)

§ 201.207 Liability under combined operations and blanket bonds.

The total amount of any combined operations or blanket bond on Form 2601 shall be available for the satisfaction of any liability incurred under the terms or conditions of such bond.

(72 Stat. 1349; 26 U.S.C. 5173)

§ 201.208 Withdrawal bond, Form 2613; proprietor of bonded premises.

Where the proprietor of the bonded premises of a plant intends to withdraw spirits from bonded premises on determination, but before payment, of the tax, he shall, before making any such withdrawal, furnish a bond, Form 2613 (unless he furnishes a bond on Form 2615, as provided in § 201.210) to secure payment of the tax on all spirits so withdrawn.

(72 Stat. 1352; 26 U.S.C. 5174)

§ 201.209 Withdrawal bond, Form 2614; proprietor of bottling premises.

Where a proprietor of a plant authorized to rectify or bottle spirits intends to withdraw spirits from bonded premises on determination, but before payment, of the tax, for transfer to the bottling premises of such plant, he shall, before making any such withdrawal, furnish a bond on Form 2614 (unless he furnishes bond on Form 2615, as provided in § 201.210) to secure payment of the tax on all spirits so withdrawn.

(72 Stat. 1352; 26 U.S.C. 5174)

§ 201.210 Blanket withdrawal bond, Form 2615.

Any person who is the proprietor of a plant which includes both bonded premises and bottling premises, or who is the proprietor of more than one plant, within a region, qualified for bonded and/or bottling operations and who intends to withdraw spirits from bond on determination, but before payment, of the tax may, in lieu of furnishing two or more separate bonds on Form 2613 and/or Form 2614, as required by §§ 201.208 and/or 201.209, respectively, furnish a blanket withdrawal bond on Form 2615 containing the terms and conditions of the bonds in lieu of which it is given. The bond, if it covers more than one plant, shall show as to each plant covered by the bond the part of the total sum which represents the penal sum (computed in accordance with § 201.211) for each such plant. If the penal sum of the bond covering a plant, or the penal sum allocated to any plant (where the bond covers more than one plant), is in an amount less than the maximum prescribed in § 201.211, withdrawals to or from such plant shall not exceed the quantity permissible, as reflected by the penal sum in the bond for such plant. Such blanket withdrawal bond shall be conditioned that the total amount of the bond shall be available for satisfaction of any liability incurred under the terms and conditions of such bond.

(72 Stat. 1352; 26 U.S.C. 5174)

§ 201.211 Bonds and penal sums of bonds.

The bonds, and the penal sums thereof, required by this subpart, are as follows:

Bond	Penal sum: Basis	Minimum	Maximum
(a) Distiller's, Form 2601	The amount of tax on spirits produced in his distillery during a period of 15 days.	$5,000	$100,000
(b) Bonded Warehouseman's, Form 2601: (1) General	The amount of tax on spirits (including denatured spirits) stored on such premises and in transit thereto.	5,000	200,000
(2) Limited to storage of not over 500 wooden packages, and to a total of not over 50,000 proof gallons.	do	5,000	50,000
(3) Limited to storage of denatured spirits, denaturation of spirits, and storage of not to exceed 100,000 proof gallons of spirits prior to denaturation.	do	5,000	100,000
(c) Rectifier's, Form 2601	The amount of tax the rectifier will be liable to pay in a period of 30 days under sections 5021 and 5022, I.R.C.	1,000	100,000
(d) Combined Operations, Form 2601: (1) Distiller and bonded warehouseman	Sum of penal sums of bonds in lieu of which given.	10,000	200,000
(2) Distiller and rectifier	do	6,000	200,000
(3) Bonded warehouseman and rectifier	do	6,000	250,000
(4) Distiller, bonded warehouseman, and rectifier.	do	11,000	250,000
(5) Distiller and bonded wine cellar	do	6,000	150,000
(6) Distiller, bonded warehouseman, and bonded wine cellar.	do	11,000	250,000
(7) Distiller, rectifier, and bonded wine cellar.	do	7,000	250,000
(8) Distiller, bonded warehouseman, rectifier, and bonded wine cellar.	do	12,000	300,000

Bond	Penal sum
(e) Blanket bond, Form 2601	The penal sum shall be calculated in accordance with the following table:

Total penal sums as determined under (a), (b), (c), and (d).	Requirements for penal sum of blanket bond.
Not over $300,000	100 percent.
Over $300,000 but not over $600,000.	$300,000 plus 70 percent of excess over $300,000.
Over $600,000 but not over $1,000,000.	$510,000 plus 50 percent of excess over $600,000.
Over $1,000,000 but not over $2,000,000.	$710,000 plus 35 percent of excess over $1,000,000.
Over $2,000,000	$1,060,000 plus 25 percent of excess over $2,000,000.

Bond	Penal sum: Basis	Minimum	Maximum
(f) Indemnity, Form 3A	Appraised value of property		$300,000
(g) Indemnity, Form 1617	Decrease in value of property	$5,000	300,000
(h) Withdrawal bond, Form 2613	The amount of tax which, at any one time, is chargeable against such bond but has not been paid.	1,000	1,000,000
(i) Withdrawal bond, Form 2614	do	1,000	1,000,000
(j) Blanket withdrawal bond, Form 2615: (1) Bonded and bottling premises on same plant premises.	Sum of penal sums of bonds, Forms 2613 and 2614, in lieu of which given.	2,000	1,000,000
(2) Two or more plants in a region qualified for bonded and/or bottling operations.	Sum of the penal sums of all the bonds, Forms 2613 and/or 2614, in lieu of which given.	(1)	(2)

[1] Sum of the minimum penal sums required for each plant covered by the bond.
[2] Sum of the maximum penal sums required for each plant covered by the bond. (The maximum penal sum for one plant is $1,000,000.)

(68A Stat. 847, 72 Stat. 1349, 1352; 26 U.S.C. 7102, 5173, 5174, 5175)

§ 201.212 Strengthening bonds.

In all cases where the penal sum of any bond becomes insufficient, the principal shall either give a strengthening bond with the same surety to attain a sufficient penal sum, or give a new bond to cover the entire liability. Strengthening bonds will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of any bond to less than its full penal sum. Strengthening bonds shall show the current date of execution and the effective date.

(72 Stat. 1349, 1352, 1394; 26 U.S.C. 5173, 5174, 5551)

NEW OR SUPERSEDING BONDS

§ 201.213 General.

New bonds shall be required in case of insolvency or removal of any surety, and may, at the discretion of the assistant regional commissioner, be required in any other contingency affecting the validity or impairing the efficiency of such bond. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, shall execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. Where, under the provisions of § 201.220, the surety on any bond given under this subpart has filed an application to be relieved of liability under said bond and the principal desires or intends to continue the business or operations to which such bond relates, he shall, except as may be provided in § 201.215, file a valid superseding bond to be effective on or before the date specified in the surety's notice. New or superseding bonds shall show the current date of execution and the effective date.

(72 Stat. 1349, 1352, 1353, 1394; 26 U.S.C. 5173, 5174, 5175, 5176, 5551)

§ 201.214 New or superseding bond, Form 2601.

Where any bond on Form 2601 is not renewed, as required in § 201.191, or where a new or superseding bond, Form 2601, is not given as required in § 201.213, the principal shall discontinue forthwith the business to which such bond relates.

(72 Stat. 1349, 1352, 1353; 26 U.S.C. 5173, 5174, 5175, 5176)

§ 201.215 New or superseding bond, Form 3A.

Where a new or superseding bond, Form 3A, is not given as required in § 201.213, the principal shall discontinue forthwith the business of a distiller unless he is the owner in fee, unencumbered, of the property covered by the bond, or he files the consent of the owner or encumbrancer on Form 1602, as required in § 201.152.

(72 Stat. 1317, 1349, 1353; 26 U.S.C. 5004, 5173, 5176)

§ 201.216 New or superseding bonds, Forms 2613, 2614, and 2615.

Where a new or superseding bond, Form 2613, 2614, or 2615 is not given as required in § 201.213, the principal may not withdraw any distilled spirits from bonded premises (other than distilled spirits withdrawn under section 5214 or section 7510, I.R.C.) except on prior payment of tax.

(72 Stat. 1352, 1353; 26 U.S.C. 5174, 5176)

TERMINATION OF BONDS

§ 201.217 Termination of bond, Form 2601.

Bond, Form 2601, is a quadrennial bond and, therefore, on expiration of the four-year period for which it is given automatically terminates as to any spirits and/or wines which are produced, rectified, deposited, or in transit to the bonded premises or bonded wine cellar, as the case may be, wholly subsequent to such period. Such bonds may also be terminated as to future production, rectification, or deposits, as the case may be, prior to the expiration of the four-year period for which given (a) pursuant to application of the surety as provided in § 201.220, (b) on approval of a superseding bond, or (c) on discontinuance of business by the principal.

(72 Stat. 1349, 1352, 1353; 26 U.S.C. 5173, 5175, 5176)

§ 201.218 Termination of indemnity bond, Form 3A.

Indemnity bonds (Form 3A) run for an indefinite period. Such bonds may be terminated as to liability for future oper-

ations of the distillery, (a) pursuant to application by the surety as provided in § 201.220, (b) on approval of a superseding bond, (c) on discontinuance of business by the principal, (d) on application of the distiller if he is the owner in fee, unencumbered, of the property covered by the bond, or (e) on application of the distiller if he files the consent of the owner or encumbrancer on Form 1602, as required in § 201.152.

(72 Stat. 1317, 1349, 1356; 26 U.S.C. 5004, 5173, 5176)

§ 201.219 Termination of withdrawal bonds, Forms 2613, 2614, and 2615.

Withdrawal bonds given on Forms 2613, 2614, and 2615 may be terminated as to liability for future withdrawals (a) pursuant to application of surety as provided in § 201.220, (b) on approval of a superseding bond, (c) on notification by the principal that he has discontinued withdrawals under the bond, or (d) on notification by the principal that he has discontinued business.

(72 Stat. 1352, 1353; 26 U.S.C. 5174, 5176)

§ 201.220 Application of surety for relief from bond.

A surety on any bond given on Form 3A, 2601, 2613, 2614, or 2615 may at any time in writing notify the principal and the assistant regional commissioner in whose office the bond is on file that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 10 days after the date the notice is received by the assistant regional commissioner in the case of bonds given on Forms 2613, 2614, and 2615, and not less than 90 days after the date the notice is received in the case of bonds given on Forms 3A and 2601. The surety shall also file with the assistant regional commissioner an acknowledgment or other proof of service on the principal. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 201.221.

(72 Stat. 1349, 1352, 1353; 26 U.S.C. 5173, 5174, 5175, 5176)

§ 201.221 Relief of surety from bond.

(a) *Bond, Form 2601.* Where a bond, Form 2601, has automatically expired, as provided in § 201.217, or where the surety has filed application for relief from liability, as provided in § 201.220, and a new or superseding bond has been filed, the surety shall be relieved of future liability with respect to production, rectification, and deposits wholly subsequent to the effective date of the new or superseding bond. Notwithstanding such relief, the surety shall remain liable for the tax on all distilled spirits or wines produced or rectified, or for other liabilities incurred, during the term of the bond. Where a new or superseding bond is not filed the surety shall, in addition to the continuing liabilities above specified, remain liable under the bond for all spirits or wines on hand or in transit to the bonded premises or bonded wine cellar, as the case may be, on the date of expiration, or the date named in the notice, as the case may be, until all such spirits or wines have been lawfully disposed of, or a new bond has been filed by the principal covering the same.

(b) *Bond, Form 3A.* Where the surety on a bond given on Form 3A has applied for relief from liability under the provisions of § 201.220, the surety shall be relieved from liability for all spirits produced wholly subsequent to the date specified in the notice, or the effective date of a superseding bond, if one is given. Notwithstanding such relief, the surety shall remain liable for all distilled spirits produced while such bond was in force and effect and, if a consent on Form 2602 has been accepted, on all spirits produced on the premises prior to the effective date of the bond, until it is established to the satisfaction of the assistant regional commissioner that such spirits have been taxpaid or that the producer thereof has been relieved from liability for payment of such tax under the provisions of chapter 51, I.R.C.

(c) *Bond, Form 1617.* The surety on a bond given on Form 1617 shall be relieved from his liability when the bond has been canceled as provided for in § 201.223.

(d) *Bonds, Forms 2613, 2614, and 2615.* Where the surety on a bond given on Form 2613, 2614, or 2615 has filed application for relief from liability, as provided in § 201.220, the surety shall be relieved from liability for withdrawals made wholly subsequent to the date specified in the notice, or the effective date of a new bond, if one is given.

(72 Stat. 1317, 1349, 1352, 1353; 26 U.S.C. 5004, 5173, 5174, 5176)

§ 201.222 Release of pledged securities.

Securities of the United States pledged and deposited as provided in § 201.195, shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the assistant regional commissioner until liability under the bond for which they were pledged has been terminated. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

§ 201.223 Cancellation of indemnity bond.

Any indemnity bond will be canceled by the assistant regional commissioner, on application by the principal or surety, if he determines that the liability for which such bond was given has ceased to exist. Liability under any bond on Form 1617, given under the provisions of this part or under any other prior provisions of law or regulations, will be deemed to have ceased to exist: (a) When a superseding bond is approved; (b) when the proprietor furnishes a consent, Form 2602, on an indemnity bond, Form 3A, as provided in § 201.201; or (c) when it is established to the satisfaction of the assistant regional commissioner that all spirits produced, while the property covering which the indemnity bond was filed formed a part of the distillery premises and equipment, have been taxpaid or that the producer thereof has been relieved from liability for payment of such tax under the provisions of chapter 51, I.R.C.

(72 Stat. 1317, 1349, 1353; 26 U.S.C. 5004, 5173, 5176)

Subpart H—Construction and Equipment

§ 201.231 Protection of premises.

(a) *Buildings.* The buildings in which spirits are held or stored shall be securely constructed of masonry, concrete, wood, metal, or other equally substantial material, and arranged, equipped, and protected to afford adequate security to the revenue and facilitate supervision and inspection by internal revenue officers. Except for doors or other openings approved by the assistant regional commissioner, separations between bonded premises and bottling premises shall be secure and unbroken.

(b) *Doors and windows.* Doors to rooms or buildings under the joint custody of the assigned officer and the proprietor shall be so installed and equipped as to prevent their removal and shall be rigidly secure when locked. Windows in such rooms or buildings shall be equipped with sash locks or comparable fasteners. If the location of such windows with respect to the ground, to a fire escape, roof, set back, or balcony, or to an adjacent or contiguous structure would permit ingress to such rooms or buildings or would otherwise, in the opinion of the assistant regional commissioner, create a jeopardy to security, the assistant regional commissioner shall require such windows to be of the detention type equipped with wire glass panes or to be protected by means of iron bars or shutters or other means affording equal protection to the revenue.

(c) *Other openings.* Skylights, monitors, penthouses, and similar roof openings in such rooms or buildings shall be treated as windows for security purposes. Ventilating or heating ducts, or sewerage or drainage openings which would permit ingress to such rooms or buildings, or would otherwise, in the opinion of the assistant regional commissioner, create a jeopardy to the revenue, shall be protected with secure metal grills or other means which the assistant regional commissioner considers to be equally effective.

(d) *Additional security.* Where the assistant regional commissioner finds the construction, arrangement, equipment, or protection inadequate, he shall require additional security to be provided (such as fences, floodlights, alarm systems, watchman services) or changes in construction, arrangement, or equipment to be made to the extent necessary to assure him that the construction, arrangement, or equipment is adequate to protect the revenue.

§ 201.232 Emergency breaking of seals or locks.

Where persons or property are in imminent danger from fire, flood, or other disaster, or where emergency repairs to equipment are necessary and it is essential that such repairs be made without delay to prevent substantial loss, and it is impractical to first obtain authorization from the internal revenue officer, Government seals or locks may be removed, as necessary, by the proprietor, or by police or firemen (in the case of disaster). When such action is taken, the proprietor shall see that security measures are taken to prevent illegal removal of spirits and, as soon as practical, shall notify the internal revenue officer of the action taken, and shall submit to him, within 5 days, a written report, executed under the penalties of perjury, describing the emergency and the action.

§ 201.233 Means of ingress and egress.

The proprietor shall make provisions to assure that internal revenue officers have ready ingress to, and egress from, the plant at any time, and furnish, on request, evidence satisfactory to the assistant regional commissioner that such ingress and egress are assured.

(72 Stat. 1357; 26 U.S.C. 5203)

§ 201.234 Locking of storage rooms or buildings on bonded premises.

Where spirits are bottled or packaged, or stored in packages or in cases or in other portable containers on bonded premises, the proprietor shall provide a room or building for such bottling, packaging, or storage. Such room or building shall be constructed as provided in § 201.231, arranged and equipped so as to be suitable for the intended purpose, and shall be equipped for locking with Government locks. Any other building, room, or enclosure on bonded premises, not secured by Government lock, in which spirits (including denatured spirits) are held, shall be equipped for locking by the proprietor.

§ 201.235 Signs.

Each plant shall be identified by a sign placed conspicuously on the outside front or entrance thereof and exhibiting in readily legible and durable characters (a) the real name of the proprietor, (b) the plant number, and (c) the designation of the kind of business, or businesses (distiller, bonded warehouseman, rectifier, and/or bottler), in which engaged, except that in lieu of the foregoing designation, designations which have obtained public and commercial significance, such as industrial alcohol plant, registered distillery, or rectifying plant, as appropriate, may be used. Where a plant is registered under this part to operate under a basic operating name (such as the name of a division of a corporation or the name of a partnership), in lieu of its real name, such basic operating name should be shown on the sign.

(72 Stat. 1355; 26 U.S.C. 5180)

§ 201.236 Identification of structures, areas, apparatus, and equipment.

Each room or enclosed area where spirits (including denatured spirits) or wines, distilling or fermenting materials, or containers are held, and each building, within the plant, shall be appropriately marked as to use. Each tank or receptacle for spirits (including denatured spirits) or wine shall be marked to show its serial number, capacity, and use. Where tanks or receptacles are used for multiple purposes, such uses shall be indicated. Each still shall be numbered and marked to show its use. All other major equipment used for processing or containing spirits (including denatured spirits) or wine, or distilling or fermenting material, and all other tanks, shall be identified as to use unless the intended use thereof is readily apparent.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.237 Required structures.

A structure suitable for the particular purpose intended and to the needs of revenue protection and effective supervision shall be provided where

(a) Spirits are

(1) Drawn into packages on bottling premises,

(2) Gauged in packages on bonded or bottling premises,

(3) Bottled after tax determination,

(4) Stored on bonded premises in tank cars or tank trucks; or

(b) Spirits are denatured in packages; or

(c) Spirits (including denatured spirits) or denaturing materials are weighed; or

(d) Spirits and wines are rectified.

§ 201.238 Government office.

The proprietor shall provide an office at the plant for the exclusive use of Government officers in performing supervisory and administrative duties and safeguarding Government records and property. Such office shall be adequately equipped with office furniture and a secure cabinet fitted for locking with a Government lock and with toilet and lavoratory facilities, shall be well lighted, ventilated, and heated, and shall be subject to the approval of the assistant regional commissioner. Where suitable facilities are otherwise available, the assistant regional commissioner may waive the requirements for a separate Government office.

§ 201.239 Loading facilities for bulk conveyances.

Where spirits (including denatured spirits) are to be received at or removed from a plant in bulk conveyances suitable facilities for such operations shall be provided.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.240 Closed distilling system.

The distilling system shall be continuous and closed at all points where potable or readily recoverable spirits are present, and shall be so designed, constructed, and connected as to prevent the unauthorized removal therefrom without detection, of such spirits and of distilling material and stillage from which spirits are readily recoverable. The security of the closed distilling system shall be maintained, and removal of spirits therefrom controlled, by Government locks or seals, or by such meters or other devices or methods affording comparable protection as may be approved by the Director. Processing equipment not susceptible of being locked or sealed (a) shall be located in a room or enclosure which shall be in the joint custody of the assigned officer and the proprietor, which room or enclosure shall be locked with a Government lock, and shall not be unlocked or remain unlocked except when such officer is on the plant premises, or (b) shall be otherwise equally protected in a manner approved by the Director. In addition, processing equipment not located within a room or building shall, unless the premises or general area containing such equipment is enclosed within a fence or wall which the assistant regional commissioner deems adequate to the protection of the revenue, be enclosed within a secure fence constructed as provided in § 201.243(b). The provisions of this section do not preclude the removal of spirits from the closed distilling system, pursuant to production gauge, and their deposit in bonded storage, by redesignation of the tank in which the production gauge is made as a storage tank, and the necessary locking or sealing of the tank to remove it from the closed system.

(72 Stat. 1353; 26 U.S.C. 5203)

§ 201.241 Bottling facilities on bonded premises.

Where the proprietor is authorized to bottle spirits in bond he shall provide a separate room or building of his bonded warehouse for such purpose. Such room or building shall be constructed as provided in § 201.231, arranged, and equipped so as to be suitable for the intended purpose. When authorized by the assistant regional commissioner, bottling-in-bond facilities, when not in use for bottling in bond, may be used for bottling alcohol before determination of tax.

(72 Stat. 1353, 1369; 26 U.S.C. 5178, 5235)

§ 201.242 Denaturing facilities.

Where the proprietor is authorized to denature spirits, he shall provide on his bonded premises, segregated facilities for use in his denaturing operations. These facilities shall include:

(a) A storage room or rooms, fitted for locking, for storing packages of denaturants, if denaturants are to be received in packages;

(b) Tanks and other suitable receptacles, fitted for locking, for storing denaturants, if denaturants are to be received in bulk quantities;

(c) Tanks, fitted for locking, for denaturing spirits, if spirits are to be denatured in tanks;

(d) Tanks for storing denatured spirits, if denatured spirits are to be stored on bonded premises in tanks; and

(e) Storage space in a room or building for storing packages of denatured spirits, if denatured spirits are to be removed in packages.

The proprietor shall also provide such meters and other equipment and apparatus as may be necessary to carry out proposed operations. Meters, equipment, and facilities used for handling or proc-

cessing denaturing materials or denatured spirits shall not be used for spirits other than spirits to be denatured: *Provided*, That the assistant regional commissioner may authorize their use for other spirits when he determines that contamination of such other spirits will not take place.

(72 Stat. 1353; 26 U.S.C. 5178)

§ 201.243 Tanks.

(a) *General.* All tanks used as receptacles for spirits (including denatured spirits) or wines shall be located, constructed, and equipped so as to be suitable for the intended purpose and to permit ready examination. An accurate means of measuring the contents of each such tank shall be provided by the proprietor; in any case where such means of measuring is not a permanent fixture of the tank, the tank shall be equipped with a fixed device which will enable the approximate contents to be determined readily. Tanks used for determining the tax imposed by section 5001, I.R.C., shall be mounted on scales; and in addition thereto shall be provided with another suitable device for quickly and accurately determining the contents. The proprietor shall install walkways, landings, and stairways to afford safe access to all parts of tanks where the presence of an internal revenue officer is required. Tanks may be equipped with vents, flame arresters, foam devices, or other safety devices, if the construction is such to prevent abstraction of the spirits. The proprietor shall be responsible for accurate calibration of all tanks. Receiving tanks which are a part of the production facilities and bottling tanks which are a part of the storage facilities shall not be used until a certificate of approval, Form 244, has been attached thereto. Pursuant to tax determination, spirits in a tank may be removed from bonded premises, and received on bottling premises, in the tank in which they are contained, if (1) the bonded premises is curtailed and the bottling premises is extended, as necessary, in the manner provided by § 201.168, (2) the tank and/or all necessary connections thereto are locked or sealed in such manner as to prevent the mingling of spirits in bond with tax determined spirits, (3) the tank is properly redesignated, and (4) the structural separation of bonded and bottling premises required by § 201.231 is maintained.

(b) *Bonded premises.* All tanks for the storage of spirits on bonded premises shall be so equipped that the flow of spirits in and out of the tanks may be controlled by Government locks or seals or by such other devices or methods, equally protective of the revenue, as the Director may approve. All openings in such tanks shall be equipped for securing with Government locks or seals, or by such other means equally protective of the revenue, as the Director may authorize to prevent unauthorized removal of spirits or the addition of substances. All openings in tanks for denatured spirits shall be equipped for securing with locks or seals, or by such other means as the Director may authorize. Tanks which are not located within a room or building and which are used as receptacles for spirits shall, unless the bonded premises or the portion thereof containing such tanks is enclosed within a fence or wall which the Director deems adequate for protection of the revenue, be enclosed within a secure fence. The fence directly enclosing tanks shall be embedded in a concrete foundation, shall be at least 10 feet high, and shall have 3 rows of barbed wire superimposed on top or shall be constructed in such manner as the Director considers to be equally effective; the gate shall be fitted for locking.

(c) *Bottling premises.* All openings in storage, receiving, bottling, and package filling tanks on bottling premises shall be equipped for securing with locks or seals, or by such other devices or methods affording comparable protection as the Director may approve.

§ 201.244 Pipelines.

Pipelines for the conveyance of spirits, other than taxpaid spirits and denatured spirits, shall be of permanent character and constructed, connected, arranged, and secured to afford adequate protection to the revenue and to permit ready examination. Where a pipeline connection must be flexible, a hose may be used if connected and secured so as to protect the revenue. Detachable fittings on pipelines for the conveyance of spirits, other than taxpaid spirits or denatured spirits, shall be secured by welding, brazing, or other equally effective methods, or prepared for securing with Government locks or seals. Pipelines may be installed for the conveyance of distilling materials, air, water, and chemicals. Pipelines for the conveyance of air, water, or chemicals may be permanently connected to tanks used as receptacles for spirits on bonded premises if such pipelines are equipped with a control valve which may be locked with a Government lock and also are equipped, at the point of entry to the tanks, with check valves or other equally effective devices or methods which will prevent abstraction of spirits from the tanks.

§ 201.245 Identification of pipelines.

Pipelines for the conveyance of spirits shall be painted blue and pipelines conveying denaturants or denatured spirits shall be painted green: *Provided*, That prescribed colors may be applied in bands or strips of sufficient width as will provide ready identification. Other methods of identification may be approved by the Director. Regardless of the method employed, the colors blue and green may not be used in the plant to paint any other pipelines. The assistant regional commissioner may require additional marking and identification of any pipeline for spirits, denatured spirits, or denaturants and the marking and identification of other pipelines in the plant.

§ 201.246 Measuring devices and proofing instruments.

The proprietor shall provide the necessary measuring tanks, weighing tanks, scales, and meters or other measuring devices which have been approved by the Director, for weighing or measuring materials, spirits (including denatured spirits), and denaturants. Where scales or weighing tanks are provided, the proprietor must furnish the internal revenue officer with a set of ten 50-pound cast-iron test weights, certified as to accuracy by the National Bureau of Standards or State departments of weights and measures as conforming to class "C" requirements of the National Bureau of Standards. Where test weights are furnished they shall be under the custody of the assigned officer when not in use. The proprietor shall provide, for his own use, accurate hydrometers, thermometers, and other necessary equipment for determining proof.

§ 201.247 Beams or dials of scales.

Beams or dials of scales used to weigh packages of spirits (including denatured spirits) must indicate weight in half-pound graduation: *Provided*, That scales used to weigh packages or cases designed to hold 10 wine gallons or less shall indicate weight in ounces or in hundredths of a pound. Beams or dials of tank scales used to weigh spirits (including denatured spirits) must have minimum graduations not greater than the following:

Quantity to be weighed	*Minimum graduations*
Not exceeding 2,000 pounds	½ pound.
Between 2,000 and 6,000 pounds	1 pound.
Between 6,000 and 20,000 pounds	2 pounds.
Between 20,000 and 50,000 pounds	5 pounds.
Over 50,000 pounds	10 pounds.

Except in the case of scales having a capacity of 2,000 pounds or less, not less than 20 percent of the total capacity of the weighing tank scale may be entered into the tank for gauging for determination of tax: *Provided*, That the weighing of lesser quantities for determination of tax may be authorized by the assistant regional commissioner where the beam of the scale is calibrated in ½ pound or 1 pound graduations and it is found by actual test that the scales break accurately at each graduation: *Provided further*, That lots of spirits weighing 1,000 pounds or less shall be weighed on scales having ½ pound graduations.

(72 Stat. 1320, 1358, 1391, 1395; 26 U.S.C. 5006, 5024, 5505, 5552)

§ 201.248 Testing of scales.

(a) *Package scales.* Proprietors, under the supervision of the assigned officer, shall balance scales before weighing either empty or filled packages or other portable containers and shall, not less than once each month, test the accuracy of such scales at each fifty pound graduation by means of the test weights provided under § 201.246.

(b) *Tank scales not over 500 gallons.* Proprietors, under the supervision of the assigned officer, shall, at intervals of not more than six months, test tank scales used for weighing spirits (including denatured spirits) in lots of not over 500 gallons. Such a test shall be conducted by carefully balancing the beam and then placing the test weights provided under § 201.246 on the scale one at a time and checking the weight registered on the beam of the scale. After the first 500 pounds, which shall be checked by each 50 pound increase, the test weights shall then be removed without disturbing the beam and the weighing tank shall be filled with spirits or water to the same weight, whereupon the test weights shall again be placed on the scale, the spirits or water being retained in the tank, and the weight registered on the beam shall be checked. This operation shall then be continued until the scale has been checked in 500 pound steps at all weights for which the scale is used.

(c) *Tank scales over 500 gallons.* Proprietors shall have scales used for weighing lots of spirits (including denatured spirits) of 500 gallons or more tested, and their accuracy certified, by State, county, or city departments of weights and measures or by a responsible scale company at intervals of not more than 6 months. Proprietors, under the supervision of the assigned officer, shall also check, at least once a month, the gallonage represented to be in a scale tank against the gallonage indicated by volumetric determination of the contents of the tank. Such volumetric determination shall be made in accordance wih the provisions of Part 186 of this chapter. Unless the volumetric check is within 0.5 percent of the quantity shown to be in the tank, the proprietor shall take appropriate steps to have the accuracy of the scale verified. When the assigned officer determines that the condition of a tank scale of large capacity indicates the necessity therefore, he shall require the proprietor to test the scale in the manner prescribed for a smaller capacity scale in paragraph (b) of this section, except that the test may be commenced when the tank contains considerable quantities of liquid.

(72 Stat. 1358; 26 U.S.C. 5204)

§ 201.249 Sampling devices.

At each place in the production system where samples of unfinished spirits are to be regularly removed for testing, the proprietor shall install a mechanical device which will (a) permit such samples to be obtained without supervision, (b) accurately record or reflect the total quantities of spirits removed, and (c) prevent access to the closed system without detection. Sampling devices may be installed at other locations in the plant with the approval of the assistant regional commissioner.

Subpart I—Production

§ 201.261 Notice by proprietor.

(a) *Commencement of operations.* The proprietor shall, before commencing production operations or resuming production operations after having given notice of suspension, file notice on Form 2610 with the assigned officer (assistant regional commissioner if no officer is assigned to the plant), specifying the date on which he desires to commence or resume operations for the production of spirits. The notice shall be filed in accordance with the instructions on the form, and sufficiently in advance to afford the assistant regional commissioner an opportunity to make arrangements for supervision of the operations. The assigned officer, if the plant is otherwise qualified under this part to produce spirits, shall approve the notice and the proprietor may not commence or resume operations until the time specified in the notice.

(b) *Suspension of operations.* Any proprietor desiring to suspend production operations for a period of 30 days or more shall file notice on Form 2610 with the assigned officer (assistant regional commissioner if no officer is available), specifying the date on which he will suspend operations. The notice shall be filed in accordance with instructions on the form and (where no officer is available) shall be filed sufficiently in advance to afford the assistant regional commissioner an opportunity to detail an officer to the plant. In case of an accident which makes it apparent that operations cannot be conducted for 30 days or more, the proprietor shall give immediate notice of suspension on Form 2610.

(72 Stat. 1364; 26 U.S.C. 5221)

§ 201.262 Receipt of materials.

The quantities of fermenting and distilling materials (including nonpotable chemical mixtures containing spirits produced in accordance with § 201.66), and of spirits (including denatured spirits) for redistillation, received on the distillery premises shall be determined by the proprietor, and reported as provided in Subpart U of this part. Fermented material (except apple cider exempt from tax under section 5042(a)(1), I.R.C.) to be used in the production of spirits must be produced on the bonded premises where used or must be received on such premises from (a) a bonded wine cellar, in the case of wine, or (b) a contiguous brewery where produced, in the case of beer. Spirits received on production facilities for redistillation must be stored under Government lock and seal until used. Where such spirits are received in packages, they must be stored in a building, as required by § 201.234, or transferred to locked tanks.

(72 Stat. 1356, 1365; 26 U.S.C. 5201, 5222, 5223)

§ 201.263 Use of materials in production of spirits.

The proprietor may produce spirits in the production facilities from any suitable material in accordance with statements of process in his notice of registration. The distillation or processing of nonpotable chemical mixtures received pursuant to application as provided in § 201.66 shall be deemed to be the original or continuous distillation or original and continuous processing of the spirits in such mixtures and to constitute the production of spirits. Materials from which alcohol will not be produced may be used in production processes only if the use of such materials is described in approved statements of process.

(72 Stat. 1349, 1353; 26 U.S.C. 5172, 5178)

§ 201.264 Removal of fermenting material.

Material received for use as fermenting material may be used on bonded premises for other approved purposes or may be removed from the bonded premises if prior written notice of the proprietor's intention is given to the assigned officer. A record of such use or removal shall be kept, as provided in Subpart U of this part.

(72 Stat. 1356, 1361; 26 U.S.C. 5201, 5207)

§ 201.265 Removal or destruction of distilling material.

Distilling material shall not be removed from the production facilities before being distilled, except where such removal is for a purpose other than the production of spirits and is authorized by the assistant regional commissioner, as provided in § 201.74. The residue of distilling material not introduced into the production system may be removed from the premises on the giving of written notice to the assigned officer, if the liquid is expressed from the material before removal and such liquid is not received at any distilled spirits plant or bonded wine cellar. Residue of beer used as distilling material may be returned to the producing brewery. Distilling material produced and wine and beer received for use as distilling material may be destroyed on the giving of written notice to the assigned officer.

(72 Stat. 1323, 1365, 1381; 26 U.S.C. 5006, 5222, 5370)

§ 201.266 Distillation processes.

The process of distillation in the production facilities shall be such that the spirits pass through continuous, closed stills, pipes and vessels from the first still where entry into the system would constitute a jeopardy to the revenue until the process of production is completed. The distiller may, in the course of manufacture, carry his product through as many distilling operations as he may desire, provided the process is closed and continuous. Distilling processes are deemed to be continuous where the spirits are carried through the various steps of production as expeditiously as plant operation will permit. The collection of unfinished spirits for the purpose of redistillation is not deemed to be a break in the continuity of the distilling process. Where spirits are percolated through oak chips or otherwise treated, the temporary retention of the spirits in tanks pending such treatment is permissible. Spirits may be held, prior to the production gauge, only for so long as is reasonably necessary to complete the process of production.

(72 Stat. 1328, 1338, 1358, 1362, 1365; 26 U.S.C. 5025, 5062, 5178, 5211, 5222)

§ 201.267 Treatment during production.

Spirits may, in the production facilities in the course of original and continuous distillation or other original and continuous processing, be purified or refined through, or by use of, any material which will not remain incorporated in the finished product, and juniper berries and other natural aromatics may be used in the distillation of gin. Spirits may be percolated through or treated with oak chips which have not been treated with any chemical. The introduction of any materials or substances into the tanks during other than the hours of direct supervision established under § 201.76 must be accomplished by mechanical devices which effectively pre-

vent the removal of spirits. Materials used in treatment of spirits, and which do not remain in the spirits, shall be destroyed or so treated as to preclude the extraction of potable spirits therefrom.

(72 Stat. 1328, 1338, 1356; 26 U.S.C. 5025, 5062, 5301)

§ 201.268 Addition of caramel to rum or commercial brandy and addition of oak chips to spirits.

Caramel possessing no material sweetening properties may be added to rum or commercial brandy on bonded premises prior to production gauge. If desired, the caramel may first be dissolved in hot water or in a small quantity of brandy or rum, as the case may be, drawn from the system for this purpose. The addition shall be in the immediate presence of the assigned officer, unless the assistant regional commissioner has approved the addition by means of mechanical devices as provided in § 201.267. Oak chips which have not been treated with any chemical may be added to packages prior to or after production gauge; in such case notation to that effect shall be made on the gauge form.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 201.269 Production gauge.

All spirits shall be gauged (by measuring and proofing) within a reasonable time after production is completed. Except as otherwise specifically provided in this section, quantities may be determined by volume or by weight, or, when approved by the Director, by meter or other device or by other method, which accurately determines the quantities. Where tax is to be determined on the basis of the production gauge, the determination shall be by weight in a tank, except where the spirits are drawn from the production system into barrels, drums, or similar portable containers the determination may be by weight in such containers. Where the spirits are drawn from the production system into barrels, drums, or similar portable containers, and the tax is not to be determined on the basis of the production gauge, such gauge may be made (a) by an individual gauge of each container, (b) by deducting the sum of the tares of the containers from the sum of the gross weights of the containers, and converting the resultant net weight into proof gallons, or (c) by weight in a tank. Form 2630 shall show for each barrel, drum, or similar portable container—the serial number, tare, proof, gross weight, and tax gallons—except that where the gauge is made under paragraph (b) or (c) of this section the average tax gallons of the containers may be shown, if the containers are of the same rated capacity, as prescribed by the specifications of the manufacturer, and have been filled to capacity. The production gauge shall be made by the assigned officer where spirits are to be withdrawn in approved containers other than metal packages from the production facilities on determination of tax, or where, pursuant to the proprietor's request to the assigned officer, spirits are to be drawn into bulk conveyances or wooden packages for withdrawal at a later date on determination of tax on the basis of the production gauge. In all other instances, the production gauge shall be made by the proprietor under the direct supervision of the assigned officer: *Provided*, That where the production gauge is made by the proprietor by means of meters or devices (comparable in accuracy and security to meters), approved by the Director, which enable the assigned officer to verify the accuracy of the gauge, such gauge shall be made under such supervision as the Director may require. Reports of production gauge shall be made on Form 2629 (accompanied by Form 2630 for barrels, drums, or similar portable containers) where the spirits are to be entered for deposit in storage facilities on the same plant premises. Each Form 2630 shall show the real name (or basic operating name as provided in § 201.235) of the producer, and, if the spirits are produced under a trade name shall also show the trade name under which produced; a separate Form 2630 shall be prepared for each name under which spirits are produced. If the spirits are to be transferred in bond to another plant premises or are to be withdrawn from bond, as authorized by this part, the report of production gauge shall be made on the form required by this part to cover the transaction. Where caramel is added, the brandy or rum in the tank shall be thoroughly agitated and the proof thereof then determined for the purpose of any withdrawal therefrom. Form 2629 (and Form 2630, if any) shall be marked "Withdraw on Original Gauge" if the spirits are to be drawn into bulk conveyances or wooden packages, and are to be withdrawn on determination of tax on this gauge at a later date.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

§ 201.270 Identification of spirits.

At the time of production gauge, containers of spirits shall be identified by the proprietor in accordance with Subpart P of this part. When the proprietor desires to enter spirits into bonded storage for subsequent packaging in wooden packages, he may identify such spirits with the specific designation to which they would be entitled if drawn into wooden packages, followed by the word "Designate", for example, "Bourbon Whisky Designate."

(72 Stat. 1356, 1360; 26 U.S.C. 5201, 5206)

§ 201.271 Entry.

Pursuant to the production gauge, the proprietor shall make appropriate entry for (a) deposit of the spirits in storage on bonded premises, (b) withdrawal of the spirits on determination of tax, (c) withdrawal of the spirits free of tax, (d) withdrawal of the spirits without payment of tax, (e) transfer of the spirits for redistillation, or (f) immediate denaturation of the spirits. Entry for deposit in storage on the same plant premises shall be made on Form 2629, accompanied by Form 2630 if the spirits are filled into packages. When spirits are entered for deposit in storage on another plant premises or are entered for withdrawal or redistillation, the provisions of Subpart L of this part shall be followed, and when spirits are entered for immediate denaturation, the provisions of Subpart M of this part shall be followed. The date of original entry is the date of production gauge.

(72 Stat. 1362; 26 U.S.C. 5211)

§ 201.272 Receipts for redistillation.

The proprietor of production facilities may receive and redistill spirits (including denatured spirits), which: (a) Have not been removed from bond; (b) have been withdrawn from bond in bulk containers on payment or determination of tax, and are eligible for return to bond as provided in Subpart S of this part; (c) have been withdrawn from bond free of tax or without payment of tax, and are eligible for return to bond as provided in subpart S; or (d) have been abandoned to the United States and sold to the proprietor without the payment of internal revenue tax thereon. The proprietor of production facilities may also receive and redistill recovered denatured spirits and recovered articles containing denatured spirits returned under the provisions of § 201.584.

(72 Stat. 1364, 1365, 1370; 26 U.S.C. 5215, 5223, 5243)

§ 201.273 Redistillation.

Spirits shall not be redistilled in production facilities at a proof lower than that prescribed for the class and type at which such spirits were originally produced, unless the redistilled spirits are to be used in wine production, to be used in the manufacture of gin or vodka, or to be designated as alcohol. Different kinds or types of spirits must be redistilled separately, or with distilling material of the same kind or type as that from which the spirits were originally produced: *Provided*, That such restriction shall not apply when (a) brandy is redistilled into "spirits-fruit" or "neutral spirits-fruit" (not for use in wine production), (b) whisky is redistilled into "spirits-grain" or "neutral spirits-grain", (c) spirits originally distilled from different kinds of material are redistilled into "spirits-mixed" or "neutral spirits-mixed", or (d) the spirits are redistilled into alcohol. All spirits redistilled on bonded premises subsequent to production gauge shall be treated the same as if such spirits had been originally produced by the redistiller and all provisions of this part and Chapter 51, I.R.C. (including liability for tax attaching to spirits at the time of production) applicable to the original production of spirits shall be applicable thereto, except that spirits recovered by redistillation of denatured spirits may not be withdrawn from bonded premises except for industrial use or after denaturation thereof. Nothing in this section shall be construed as affecting any provision of this chapter or of 27 CFR Part 5 relating to the labeling of distilled spirits. The manufacture of vodka in the production facilities of the plant by processing neutral spirits subsequent to production gauge shall be deemed to be redistillation of such spirits.

(72 Stat. 1365; 26 U.S.C. 5223)

§ 201.274 Losses in production processes.

The distiller shall report any unusual loss of distilling material or spirits in the production facilities to the assigned officer, or to the assistant regional commissioner if the assigned officer is not available at the premises, as soon as practical after discovery of the loss. The assistant regional commissioner may require the distiller to submit proof as to the cause of such loss and, where deemed necessary, to file a claim for remission of tax, as provided in Subpart C of this part. In every case where it appears that the loss was by theft, the burden shall be on the proprietor to establish to the satisfaction of the assistant regional commissioner that such theft did not occur as a result of connivance, collusion, fraud, or negligence on his part or on the part of any of his employees or agents.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.275 Distillates containing extraneous substances.

(a) *Production facilities.* Distillates containing substantial quantities of fusel oil, aldehydes, or other extraneous substances may be removed from the distilling system prior to the production gauge for addition to fermenting or distilling material at the distillery where produced. Distillates removed from the distilling system under the provisions of this paragraph shall not be removed from the production facilities and shall be added promptly to the fermenting or distilling material. If the distillates contain less than one-half of one percent of fusel oil, or less than one-tenth of one percent of aldehydes, the removal and use of the distillates shall be made pursuant to a written application filed with, and approved by, the assistant regional commissioner, and pursuant to such conditions as the assistant regional commissioner may require to assure that the distillates will be properly used and accounted for. Applications under this paragraph will not be approved if the removal and use of distillates would require additional hours of direct supervision.

(b) *Bonded wine cellar.* Distillates containing aldehydes may be removed, without payment of tax, to an adjacent bonded wine cellar for use therein for fermentation of wine to be used as distilling material at the distillery from which the distillates were removed: *Provided*, That the assistant regional commissioner finds pursuant to a written application that such removal and use will not jeopardize the revenue and will not require additional hours of direct supervision. The gauge and removal of distillates to an adjacent bonded wine cellar shall be in accordance with the applicable provisions of Subpart L of this part relating to withdrawal of wine spirits for use in wine production and the receipt and use of such distillates at an adjacent winery shall be in accordance with the provisions of Part 240 of this chapter. If such distillates contain less than one-tenth of one percent of aldehydes, the removal shall be subject to such additional conditions relating to gauging, recordkeeping, manner of removal from the distilling system and from the distillery, or use as the assistant regional commissioner shall require to assure tha such distillates will be properly used and accounted for.

(c) *Test.* Prior to removal of distillates from the distilling system under the provisions of this section, the distillates shall be tested by the proprietor, under the general supervision of the assigned officer, to determine the fusel oil or aldehyde content, as applicable, and a report, in writing, of such test shall be given to the assigned officer.

(72 Stat. 1356, 1365, 1382; 26 U.S.C. 5201, 5202, 5373)

§ 201.276 Removal of water.

Water may be drawn into barrels or other containers (except porous wooden packages in which spirits were previously contained) for removal from the distillery; the containers shall be appropriately identified. Water may be transferred by pipeline to contiguous premises operated under this part.

(72 Stat. 1356; 26 U.S.C. 5201)

CHEMICAL BYPRODUCTS

§ 201.277 Deposit in tanks.

If, in the production of spirits, chemical byproducts (for example, fusel oil, butyl alcohol, acetone, and ether) are produced and collected, each chemical byproduct shall be deposited in separate tanks in the production facilities so that the quantity produced may be determined: *Provided*, That the Director may approve other methods for determining the quantities of chemical byproducts produced.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.278 Spirits content of chemicals produced.

All chemicals produced, including chemical byproducts of the spirits production system, shall be substantially free of spirits before being transferred to storage tanks or removed from the production facilities. Except as authorized by the Director, the spirits content of such chemicals shall not exceed 10 percent by volume. Testing of chemicals for spirits content will be conducted by the proprietor under the general supervision of the assigned officer. The report of each test shall be given in writing to the assigned officer. Tests will be in accordance with methods approved by the Director.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.279 Disposition of chemicals.

Chemical byproducts of the spirits production system may be removed from the plant premises by pipeline or in such containers as the proprietor may desire. The quantities of such chemicals removed from the plant premises shall be determined by the proprietor. Packages of such chemicals shall be appropriately marked by the proprietor to show the nature of the contents. Chemical byproducts may be removed from the production facilities only pursuant to a written application, in duplicate, filed with and approved by the assigned officer.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.280 Wash water.

Water used in washing chemicals to remove spirits therefrom may be run into a wash tank or a distilling material tank in the production facilities, or it may be run to a sewer or otherwise destroyed on the premises.

(72 Stat. 1323, 1356; 26 U.S.C. 5008, 5201)

INVENTORIES

§ 201.281 Inventories.

Each proprietor of production facilities shall take an actual physical inventory of the spirits and denatured spirits in tanks and other vessels in such facilities at the close of each month. The inventory shall differentiate between spirits and denatured spirits.

(72 Stat. 1356; 26 U.S.C. 5201)

Subpart J—Storage in Bond

§ 201.291 Receipt and storage of spirits.

(a) *Deposit.* All spirits (including denatured spirits) entered for deposit in storage after production as provided in Subpart I of this part shall be deposited in storage facilities on the bonded premises designated in the entry for deposit. Spirits withdrawn from customs custody without payment of tax under the provisions of this part shall be received on the bonded premises to which so withdrawn and (unless to be immediately redistilled) shall be deposited in the storage facilities on such premises. Spirits (including denatured spirits) transferred in bond as provided in Subpart L of this part or returned to bonded premises as provided in Subpart S of this part shall be deposited in the storage facilities on the bonded premises.

(b) *Tanks.* If spirits (including denatured spirits) are being deposited in a partially filled tank in the storage facilities on bonded premises, simultaneous withdrawals may not be made therefrom unless the flow of spirits both into and out of the tank is being measured by meters or other devices approved by the Director which permits a determination of the quantity being deposited and the quantity being removed. Proprietors shall prepare Form 2629 to cover the transfer of spirits of less than 190 degrees of proof from one tank to another tank on bonded premises.

(c) *Storage.* Spirits (including denatured spirits) may be stored in the storage facilities on bonded premises in any container into which spirits (including denatured spirits) may be filled on bonded premises. Containers used for such storage shall be so stored that they can be readily inspected by internal revenue officers, and cases in such storage shall be so stacked that they can be readily inventoried. Tanks and other containers (except containers to which § 201.88 is applicable) for the storage of spirits on bonded premises shall be kept securely closed, and the flow of spirits into and out of such tanks or other containers shall be controlled by Government locks or seals, or by a meter or other device approved by the Director which permits a determination of the quantity being deposited or of the quantity being removed, as the case may be. The provisions of § 201.88 are applicable in

respect to storage of spirits on bonded premises in portable containers.

(72 Stat. 1356, 1367, 1368, 1369, 1380; 26 U.S.C. 5201, 5202, 5211, 5212, 5221, 5223, 5601)

§ 201.292 Quick-aging of spirits, addition of oak chips to spirits, and addition of caramel to brandy and rum.

Spirits may be quick-aged by heating during storage on approval by the assistant regional commissioner of the proprietor's written description of the process to be used. Oak chips which have not been treated with any chemical may be added to packages either prior to or after filling; if added prior to gauge for withdrawal from bonded premises notation shall be made on the deposit form. Caramel possessing no material sweetening properties may be added to rum or commercial brandy in packages or tanks. All such operations in storage facilities on bonded premises shall be pursuant to an application to, and under the direct supervision of, the assigned officer.

(72 Stat. 1328, 1356, 1357; 26 U.S.C. 5025, 5201, 5202)

REPAIRING, FILLING, AND CHANGING PACKAGES

§ 201.293 Repairing packages.

Facilities for repairing packages of spirits must be so arranged and the work so performed that supervision by the assigned officer can be performed expeditiously, and that theft, unnecessary loss or wastage, and unauthorized mingling of spirits will be prevented.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

§ 201.294 Filling of packages from tanks.

Spirits (including denatured spirits) may be drawn into packages from tanks in the storage facilities on bonded premises. The spirits in the tank shall be gauged prior to the filling of packages, and when only a portion of the contents of the tank is packaged, the spirits remaining in the tank on completion of packaging shall again be gauged. The provisions of § 201.249 regarding the taking of production gauge of packages and preparation of gauge reports shall be applicable to the gauging of packages of spirits filled under this section. Except in the case of spirits of 190 degrees or more of proof, the date of original entry for deposit and proof of distillation shall be noted on the gauge report.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

§ 201.295 Change of packages.

Denatured spirits on bonded premises may be transferred to another package without prior approval by the assigned officer. Spirits in the storage facilities on bonded premises may be transferred from one package to another on written application to, and approval of, the assigned officer. Except in the case of spirits of 190 degrees or more of proof, each new package shall contain spirits from only one package. Packages shall be marked and branded as provided in Subpart P of this part. The proprietor shall note the record covering the deposit of the spirits in bond to show the new tare, gross weight, and tax gallons of each new package; in addition, he shall furnish the assigned officer a report, in writing, of each package change and the new elements of gauge. The provisions of this section do not apply where spirits are packaged subsequent to mingling.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

MINGLING AND CONSOLIDATION OF SPIRITS

§ 201.296 Mingling of spirits distilled at 190 degrees or more of proof and mingling of denatured spirits.

Spirits distilled at 190 degrees or more of proof, whether or not subsequently reduced, may be mingled on bonded premises. Denatured spirits produced under the same formula may also be mingled on bonded premises.

(72 Stat. 1328, 1367; 26 U.S.C. 5025, 5234)

§ 201.297 Mingling of homogeneous spirits.

Spirits which are homogeneous may be mingled on bonded premises for immediate withdrawal or for further storage in bond in tanks or packages. Spirits distilled at less than 190 degrees of proof are presumed to be homogeneous if—

(a) They were produced

(1) From the same class of materials,

(2) At approximately the same proof, and

(3) By the same proprietor (under his own or any trade name) at the same distillery, and

(b) In the case of spirits which have been stored in wooden packages so as to be in contact with the wood, they were stored in the same kind of cooperage under approximately the same conditions, and they differ in periods of such storage,

(1) Not more than 18 months in the case of spirits so stored in bond more than 8 years,

(2) Not more than 12 months in the case of spirits so stored in bond more than 4 years and not more than 8 years,

(3) Not more than 6 months in the case of spirits so stored in bond more than 2 years and not more than 4 years,

(4) Not more than 60 days in the case of spirits so stored in bond more than 1 year and not more than 2 years, or

(5) Not more than 30 days in the case of spirits so stored in bond not more than 1 year; and

(c) They do not differ in kind under the standards of identity prescribed in 27 CFR Part 5.

The age of the youngest lot of spirits to be included in any mixture mingled under this section will determine the permissible variation in periods of storage. Spirits mingled under this section consisting of different distilling seasons and years may not be bottled in bond; mingled spirits which were originally produced and warehoused under different names may not be bottled in bond unless the name on the packages of such mingled spirits is the producer's real name; and mingled spirits stored in tanks may not be bottled in bond unless the season of consolidation and of bottling are identical. Where the mingled spirits are to be packaged, such packaging shall be conducted under the provisions of § 201.294; if so desired, the spirits may be returned to the packages from which they were dumped for mingling, or as many of such packages as are necessary.

(72 Stat. 1328, 1367; 26 U.S.C. 5025, 5234)

§ 201.298 Mingling of heterogeneous spirits for immediate removal to bottling premises.

Heterogeneous spirits may be mingled in bulk gauging tanks on bonded premises for determination of the tax imposed by section 5001, I.R.C., if such spirits are to be immediately removed to bottling premises for use exclusively in taxable rectification or in rectification under section 5025(f), I.R.C. The quantity of each component comprising the mixture shall be determined by the proprietor in order to provide a statement of composition. When the mingled spirits are transferred to bottling premises (whether on the same or another plant premises), the proprietor shall forward to the proprietor of the bottling premises such information regarding the composition of the mingled spirits as is necessary for determining the proper use of the spirits and the labeling of the finished product. The proprietor of the bonded premises shall note on the withdrawal form, Form 179, that the spirits are for use only in taxable rectification, or, if applicable, are eligible for rectification under section 5025(f), I.R.C.

(72 Stat. 1328, 1367; 26 U.S.C. 5025, 5234)

§ 201.299 Mingling for denaturation or removal for tax-free purposes.

Any spirits on bonded premises may be mingled if they are eligible to be denatured, and are to be immediately denatured, in accordance with the provisions of Part 212 of this chapter, or are eligible to be removed from bond for an authorized tax-free purpose, and are to be immediately removed from bond for such purpose, as provided in Subpart L of this part.

(72 Stat. 1328, 1367; 26 U.S.C. 5025, 5234)

§ 201.300 Mingling for redistillation.

Spirits (including denatured spirits) may be mingled on bonded premises for immediate redistillation at the same plant or at another plant in accordance with the provisions of §§ 201.272 and 201.273.

(72 Stat. 1328, 1367; 26 U.S.C. 5025, 5234)

§ 201.301 Mingling to consolidate packages under section 5234(a)(2), I.R.C.

Within 8 years of the date of original entry for deposit, and with the prior approval of the assigned officer, packages of spirits of the same kind, distilled by the same proprietor (under his own or any trade name), at the same distillery, and which have been stored in internal revenue bond in the same kind of cooperage for not less than 4 years (or 2 years in the case of rum or brandy) may be dumped and mingled in a tank in the storage facilities on bonded premises. Such mingled spirits shall be immediately repackaged, for further storage in bond, in as many as necessary of the packages from which dumped. Where spirits produced in different distilling seasons are mingled under this section, the mingled spirits shall consist of not less than 10 percent of spirits of each such season. Once the spirits are dumped and mingled, they shall be promptly drawn into packages in the manner provided in § 201.294. If draining the tank would result in a remnant package, the proprietor may determine and record the quantity of spirits remaining in the tank and treat such spirits as a part of the succeeding lot to be mingled in that tank or he may fill, gauge, and mark a remnant package: *Provided*, That if the components of the spirits in the tank are not eligible for mingling, pursuant to this section, with the components of the succeeding lot, or if consolidation operations are discontinued, the spirits remaining must be drawn into a remnant package. No spirits mingled under the provisions of this section shall again be mingled under such provisions until at least 1 year has elapsed since the last prior mingling.

(72 Stat. 1328, 1367; 26 U.S.C. 5025, 5234)

§ 201.302 Application for mingling packages of spirits.

Before dumping packages of spirits on bonded premises for mingling (except heterogeneous spirits covered in § 201.298 and spirits of 190 degrees or more of proof) the proprietor shall file with the assigned officer an application therefor on Form 2323 and receive his approval thereof. The proprietor shall attach to Form 2323 a list (one copy) of the serial numbers of the packages. When packages of spirits of 190 degrees or more of proof are to be mingled the proprietor shall so notify the assigned officer and make appropriate entries in his records reflecting the mingling. Each package of spirits to be mingled under this subpart shall be carefully examined by the proprietor, and if any package bears evidence of loss due to theft or unauthorized voluntary destruction, or loss in excess of normal storage losses, such package shall not be dumped until released by the assigned officer; Form 2323 shall be amended when necessary. Packages shall not be dumped until the assigned officer has given his approval therefor.

(72 Stat. 1367; 26 U.S.C. 5234)

§ 201.303 Determining date of original entry.

Where spirits are mingled in accordance with the provisions of § 201.301, the date of original entry for the entire lot shall be the date of original entry of the youngest spirits mingled. Where packages of spirits are mingled as provided in § 201.297 or are blended as provided in § 201.307, the date of original entry of the oldest spirits mingled shall be the date of original entry for the entire lot; however, the appropriate deposit and withdrawal forms shall show the date of original entry of the oldest and the youngest spirits in the lot. Where mingled spirits are contained in tanks, each lot (except spirits of 190 degrees or more of proof) so mingled shall retain its date of original entry for the purpose of determining the period of storage in bond. Withdrawals from a storage tank on bonded premises containing more than one lot of spirits (except spirits of 190 degrees or more of proof) shall be accounted for by lots on the basis that the lot with the earliest date of original entry will be the first lot withdrawn.

(72 Stat. 1320, 1367; 26 U.S.C. 5006, 5234)

§ 201.304 Mingled spirits held in tanks.

Where spirits are mingled in a tank on bonded premises for storage therein the proprietor shall gauge the spirits in the tank under the direct supervision of an assigned officer and report the gauge on Form 2323. Mingled spirits in tanks may be drawn into packages in accordance with § 201.294, or may be transferred in bond or withdrawn from bond in accordance with this subpart and Subpart L of this part. The date of original entry (except as to spirits of 190 degrees or more of proof) shall be noted on the gauge report. Eligible spirits may be added to mingled spirits already on deposit in a tank on such premises.

(72 Stat. 1367; 26 U.S.C. 5234)

§ 201.305 Withdrawal or transfer in bond of mingled spirits.

Spirits mingled under the provisions of §§ 201.296, 201.297, and 201.301 may be transferred in bond, or withdrawn from bond for any purpose for which the spirits could have been withdrawn before mingling. Transfer and withdrawal forms, except as to spirits mingled under § 201.296, shall be noted to show the date of mingling under this subpart and the date of original entry for the spirits after mingling.

(72 Stat. 1362, 1367; 26 U.S.C. 5212, 5234)

§ 201.306 Rinsing of packages and disposition of rinse water.

When spirits in wooden packages are dumped for mingling or consolidation of spirits on bonded premises, the packages and the char and wood chips therein, if any, shall be thoroughly rinsed unless the packages are to be immediately refilled. Packages to be so refilled may be rinsed. Char and wood chips not returned to packages shall, under the direct supervision of the assigned officer, be burned or treated in such manner as to preclude the abstraction of potable spirits. Rinse water not used in reducing the proof of the same spirits may be used in reducing the next lot of spirits homogeneous with the rinsings, or may be promptly mingled with heterogeneous spirits for tax determination under § 201.298; if not so disposed of the rinsings shall be immediately destroyed or redistilled. Rinse water to be redistilled shall be gauged by the proprietor who shall make a report of such gauge on Form 2629. On delivery of a copy of such Form 2629 to the assigned officer, the proprietor shall transfer the rinse water to the production facilities.

(72 Stat. 1356, 1365, 1367; 26 U.S.C. 5201, 5223, 5234)

BLENDING OF BEVERAGE RUMS OR BRANDIES

§ 201.307 Permissible blending.

Fruit brandies distilled from the same kind of fruit at not more than 170 degrees of proof may, for the sole purpose of perfecting such brandies according to commercial standards, be mixed or blended with each other, or with any mixture or blend of such fruit brandies on bonded premises. Rums may, for the sole purpose of perfecting them according to commercial standards, be mixed or blended with each other, or with any mixture or blend of rums on bonded premises. Before blending such rums or brandies, the proprietor shall file an application on Form 1685 and receive approval thereof. When spirits in packages are to be dumped, the proprietor shall attach to Form 1685 a list (one copy) of the serial numbers of the packages. Brandies or rums mixed or blended in accordance with this subpart may be packaged, stored, transported, transferred in bond, withdrawn free of tax, withdrawn without payment of tax, withdrawn on payment or determination of tax, or be otherwise disposed of, in the same manner as brandies or rums not mixed or blended. If brandy or rum, mixed or blended in accordance with this subpart is transferred in bond, Form 236 and Form 2630 (if any) shall show such fact and whether the brandy or rum is subject to tax imposed by section 5023, I.R.C.

(72 Stat. 1367; 26 U.S.C. 5234)

§ 201.308 Blending procedure.

On approval of Form 1685, the proprietor shall dump the brandy or rum to be blended, gauge the contents of the blending tank, gauge the packages (if the spirits are repackaged), and complete Form 1685. The proprietor shall record the gauge of packages (if any) on Form 2630 and the tank gauge on Form 1685 and distribute the Forms in accordance with the instructions on Form 1685.

(72 Stat. 1367; 26 U.S.C. 5234)

LOSSES IN BOND

§ 201.309 Allowable losses.

Tax shall not be collected (or, if paid, such tax shall be refunded) in respect of spirits (including denatured spirits) lost or destroyed while in bond, except that such tax shall be collected in the case of—

(a) Theft, unless the assistant regional commissioner finds that the theft occurred without connivance, collusion, fraud, or negligence on the part of the proprietor, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them. The abatement, remission, credit, or refund of taxes on spirits lost by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such tax.

(b) Voluntary destruction unless such destruction is carried out as provided in Subpart R of this part.

In every case where it appears that the loss was by theft, the burden shall be on

the proprietor of the distilled spirits plant or other person responsible for the distilled spirits tax to establish to the satisfaction of the assistant regional commissioner that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the proprietor of the distilled spirits plant, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them. Claims in respect of losses allowable under this section shall be filed in accordance with the applicable provisions of Subpart C of this part.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.310 Taxable losses.

(a) *Original quantity.* Where there is evidence satisfactory to the assistant regional commissioner that any loss of spirits (including denatured spirits) from any package deposited in storage in internal revenue bond is due to theft (except where the assistant regional commissioner has made the finding provided for in § 201.309(a)) or is due to unauthorized voluntary destruction, the assistant regional commissioner may require the immediate taxpayment of such package on the basis of the original quantity of spirits entered for deposit in storage in such package, except where the extent of any loss from causes other than theft or unauthorized voluntary destruction can be established by the proprietor to the satisfaction of the assistant regional commissioner, he may credit the tax on the loss so established against the tax on the original quantity.

(b) *Alternative method.* Where there is evidence satisfactory to the assistant regional commissioner that there has been access, other than as authorized by law, to the contents of packages stored on bonded premises, and the extent of such access is such as to evidence a lack of due diligence or a failure to employ necessary and effective controls on the part of the proprietor, the assistant regional commissioner may (in lieu of the procedure prescribed in paragraph (a) of this section) assess an amount equal to the tax on 5 proof gallons of spirits on each of the total number of such packages as determined by him.

(c) *Applicability to packages filled after entry.* The provisions of this section shall apply to spirits (including denatured spirits) which are filled into casks or packages, as authorized by law, after entry and deposit in storage in internal revenue bond, whether by recasking, filling from storage tanks, consolidation of packages, or otherwise; and the quantity filled into such casks or packages shall be deemed to be the original quantity for the purpose of this section, in the case of loss from such casks or packages.

(72 Stat. 1320; 26 U.S.C. 5006)

§ 201.311 Losses in bond.

Where a container of spirits (including denatured spirits) in bond sustains a loss in excess of normal storage or transit losses or as a result of theft or unauthorized voluntary destruction, the loss shall be determined at the time of discovery. When it appears that any container in bond has sustained a loss resulting from theft or unauthorised voluntary destruction, such loss or indication thereof shall be reported promptly by the proprietor to the assigned officer. A record of each container sustaining such loss showing the quantity lost and the apparent cause of the loss shall be made by the proprietor. Unusual losses from obvious cause other than theft or unauthorized voluntary destruction occurring or discovered at the time of withdrawal from bond or transfer in bond shall be noted on the appropriate withdrawal or transfer form. When a loss appears to be due to theft or unauthorized voluntary destruction, the assigned officer shall place a detainer on the container unless the loss is determined at the time of a gauge for withdrawal from bond and the proprietor acknowledges liability and elects to pay the tax on such loss. Where it is found that the contents of a container have been tampered with, or where a material deficiency is found without evidence of loss by leakage or casualty, or where deterioration in proof not accountable by variation in gauge is disclosed, the assigned officer shall detain the package. In any case in which spirits (including denatured spirits) are lost or destroyed in bond, whether by theft or otherwise, the assistant regional commissioner may require the proprietor or other person liable for the tax to file a claim for relief from the tax in accordance with the applicable provisions of Subpart C of this part. Losses of spirits (including denatured spirits) sustained from the tanks and bulk conveyances in bonded warehouses shall be determined by the proprietor each time a tank or bulk conveyance is emptied and on the basis of a physical inventory at the close of each month. When the quantity lost from all the storage tanks and bulk conveyances in bonded warehouses exceeds 1 percent of the total quantity contained in the tanks and bulk conveyances during the month, or where any loss from storage tanks or bulk conveyances is due to illegal withdrawal, the loss shall be taxpaid unless a claim for remission is filed in accordance with the provisions of § 201.43 and is allowed by the assistant regional commissioner. If at any time any package recorded as deposited in the bonded warehouse can not be located or otherwise lawfully accounted for, such fact shall be immediately reported to the assigned officer and a claim with respect thereto shall be filed under the provisions of § 201.43.

(72 Stat. 1323, 1375; 26 U.S.C. 5008, 5311)

SPIRITS IMPORTED INTO THE UNITED STATES

§ 201.312 Importation of spirits.

The proprietor may withdraw from customs custody, without payment of the internal revenue tax imposed on imported spirits by section 5001, I.R.C., imported spirits of 185 degrees or more of proof, which lack the taste, aroma, and characteristics generally attributed to whisky, brandy, or rum, or similar beverage spirits and transfer such spirits to his bonded premises, for nonbeverage use. Spirits of any proof, imported specifically for any purpose incident to the requirements of national defense, may also be transferred from customs custody to the bonded premises of a distilled spirits plant without payment of such tax. A proprietor intending to receive imported spirits from customs custody shall obtain an approved application, Form 2609, in the same manner as for the receipt of spirits in bond from another bonded premises. Imported spirits transferred to bonded premises, as provided in this section, may be redistilled or denatured and may, with or without redistillation or denaturation, be withdrawn for any purpose authorized by chapter 51, I.R.C., in the same manner as domestic spirits. Imported spirits shall be kept separate at the bonded premises and shall not be mixed with domestic spirits or with imported spirits which may be subject to a different rate of additional tax: *Provided*, That imported spirits may be mingled with domestic spirits or with any other imported spirits if the mingled spirits are to be immediately denatured. If imported spirits are transferred in bond as provided in Subpart L of this part, Form 236 shall indicate that the spirits are imported and shall show the rates of duties specified by the customs officer at time of release from customs custody; each container shall be marked, in addition to the other required marks, with the word "Imported."

(72 Stat. 1366; 26 U.S.C. 5232)

PERIOD OF STORAGE IN BOND

§ 201.313 Expiration of bonding period.

The bonding period defined in § 201.26 expires at the close of business on the twentieth anniversary of the day next preceding the date of original entry for deposit of the spirits in storage in internal revenue bond. Each June and December the proprietor shall determine whether the 20-year period of storage on any spirits in storage in bond (other than denatured spirits or spirits of 190 degrees or more of proof) will expire during the next season and, if any such spirits are in storage, render a written report to the assigned officer of the results of his determination. The proprietor's report shall include a full identification of the spirits and show the date of expiration of the bonding period for each container (or lot of such spirits). Before such date of expiration, the proprietor shall file an application for taxpayment or other authorized disposition of such spirits. The proprietor shall, pursuant to such application, withdraw such spirits from storage on the bonded premises before the expiration of such 20-year period.

(72 Stat. 1320, 1349, 1361; 26 U.S.C. 5006, 5173, 5207)

Subpart K—Bottling on Bonded Premises

§ 201.321 General.

(a) *Bottling in bond.* Proprietors who have established facilities on bonded premises for bottling in bond as provided in this part and who have otherwise complied with the requirements of this part for the carrying on of bottling in bond operations may conduct such operations in such facilities pursuant to the provisions of this subpart. Spirits stored on bonded premises which have been duly entered for bottling in bond, as provided in § 201.322, shall be dumped, gauged, bottled, stamped, and cased by the proprietor, as provided by law and in this part, under direct supervision of an assigned officer. Spirits, other than gin and vodka, shall not be bottled in bond until they have remained in bond for at least 4 years in wooden containers wherein the spirits have been in contact with the wood surface. Gin and vodka shall not be bottled in bond, except for export, until they have remained in bond for at least 4 years in wooden containers coated or lined with paraffin or other substance which will preclude contact of the spirits with the wood surface. Gin or vodka may be bottled in bond for export at any time during storage in bond regardless of the types of containers in which they were stored. Spirits entered into bonded storage for subsequent packaging in wooden packages, as provided in § 201.270, may not be bottled in bond unless the spirits are drawn into such packages in the same season in which produced.

(b) *Bottling of alcohol.* Alcohol of 190 degrees or more of proof for industrial purposes may be bottled, stamped, labeled, and cased on bonded premises, prior to withdrawal from bond, as provided in this subpart.

(72 Stat. 1366, 1369; 26 U.S.C. 5233, 5235)

BOTTLING IN BOND

§ 201.322 Entry and gauge.

Proprietors shall make entry for withdrawal of spirits for bottling in bond on Form 1515. A separate Form 1515 shall be executed for each lot of spirits to be so bottled. Before dumping packages of spirits, the proprietor shall notify the assigned officer and shall give him a suitable list (one copy) of the serial numbers of the packages to be dumped. Each package shall be carefully examined by the proprietor, and if any package bears evidence of loss due to theft or unauthorized voluntary destruction, or loss in excess of normal storage losses, such package shall not be dumped until released by the assigned officer; Form 1515 will be amended when necessary. The proprietor shall dump packages promptly after the assigned officer has given his approval therefor on Form 1515; however, no more spirits shall be dumped at any time than can be bottled expeditiously. After dumping the packages, the proprietor shall gauge the spirits and make a report of such gauge on Form 1515. Such gauge shall be made by weight and proof unless the assistant regional commissioner approves another method of gauging. The spirits shall be gauged either in the storage portion of the bonded warehouse or in the bottling-in-bond facilities; spirits may be transferred to such facilities by pipeline. The Form 1515 will then be resubmitted to the assigned officer for the release of the spirits.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.323 Bottling requirements.

When entry of spirits for bottling in bond has been made, the proprietor may mingle for bottling spirits of the same kind, differing only in proof, produced in the same distilling season by the same distiller at the same distillery. The mingling of such spirits other than as authorized in this section, or the addition or subtraction of any substance or material (except as provided in this subpart) or the application of any method or process to alter or change in any way the original condition or character of the product (except as authorized in § 201.324) is prohibited.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.324 Filtering and stabilizing.

After entry for withdrawal of spirits for bottling in bond the proprietor may in the bottling-in-bond facilities (a) remove foreign substances or other extraneous insoluble materials with or without the use of filter aids, and (b) effect minor changes in the soluble color or soluble solids solely by filtration, chill proofing, or other physical treatments (which do not involve the addition of any substance which will remain incorporated in the finished product) as may be necessary or desirable to produce a stable product, provided such changes do not result in the removal of more than 10 percent of the soluble solids or soluble color of the spirits so treated (including the extraction of not more than 10 percent of any class of the natural congeners incident to such changes). Any treatment of such spirits other than as provided for in this section which alters or changes the original character or composition of the spirits will constitute taxable rectification.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.325 Rinsing of barrels.

When spirits in wooden packages (except packages treated so as to preclude contact of the spirits with the wood surface) are dumped for bottling in bond, the packages and the char and wood chips therein, if any, shall be thoroughly rinsed by the proprietor. The rinse water so obtained may be (a) used for reducing the proof of the spirits removed from such packages, (b) destroyed under the supervision of the assigned officer, (c) collected for transfer to the production facilities for redistillation as provided in § 201.306, or (d) collected for mingling with heterogeneous spirits as provided in § 201.298. Char and wood chips contained in or dumped from such packages shall, under the direct supervision of the assigned officer, be burned or treated in such manner as to preclude the abstraction of potable spirits.

(72 Stat. 1356, 1366; 26 U.S.C. 5201, 5233)

§ 201.326 Reduction in proof.

The proof of spirits to be bottled in bond shall, by the addition of pure water only, be reduced to 100 degrees for spirits for domestic use. Spirits may be bottled in bond for export at 80 degrees of proof or more. Adjusting the proof to a tenth of a degree, either above or below the whole degree, will not be permitted; except that where spirits are to be bottled for export and labeled in tenths of a degree (such as 86.8°), the proof shall be adjusted to such tenth of a degree. When part of a lot of spirits dumped for domestic use is to be bottled for export, such spirits may be further reduced in proof, and filtered if necessary.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.327 Bottling.

Spirits may be bottled in bond only from approved bottling tanks. The proprietor shall determine the quantity and proof of the spirits deposited in each bottling tank and make entry thereof on Form 1515, and shall then attach a copy of Form 1515 to the bottling tank. Where two or more bottling tanks are used for one lot of spirits, Form 1515 shall be attached to one tank and the other tanks shall be marked to bear a reference to the tank to which the Form 1515 is attached. Where two or more lots of spirits are to be bottled at the same time, the bottling shall be conducted in such manner as to prevent any mingling of the different lots. Where part of a lot of spirits is to be bottled for export and the proof of such spirits is further reduced, the proprietor shall determine the quantity and proof of the spirits after such further reduction and make entry thereof on Form 1515. No spirits shall be bottled in bond until the assigned officer has noted on Form 1515 that he has verified the quantity and proof of the spirits and has released the spirits for bottling at the specified proof. Bottling tanks and pipelines shall be so equipped that the flow of spirits through the tanks may be controlled by Government locks. Tanks containing spirits deposited for bottling in bond, or the rooms or building in which such tanks are located, shall be locked at all times except when bottling-in-bond operations, or activities related thereto, are being conducted as provided in this part and the assigned officer is on the premises. Where bottling facilities are alternated as provided in § 201.175, operations shall be conducted in such manner as to prevent the mingling of tax determined spirits and spirits in bond.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.328 Liquor bottles.

The proprietor shall comply with the provisions of Part 175 of this chapter respecting the use of liquor bottles when bottling spirits in bond. Spirits may be bottled in bond for domestic purposes in the following sizes, and no others: 1 gallon, ½ gallon, 1 quart, ⅘ quart, 1 pint, ½ pint, ⅕ pint, ⅒ pint, and, in the case of brandy, ⅛ pint. Spirits may be bottled in bond for export in bottles of any size less than five gallons. Liquor bottles may be used, but need not be used, in bottling spirits in bond for exportation.

(72 Stat. 1360, 1366, 1374; 26 U.S.C. 5206, 5233, 5301)

§ 201.329 Label requirements.

(a) *Certificate of label approval or exemption.* Proprietors are required by 27 CFR Part 5 to obtain approval of labels, or exemption from label approval, for any label to be used on bottles or spirits bottled in bond for domestic use and shall exhibit evidence of label approval, or of exemption from label approval, on request of the assigned officer.

Labels covered by a certificate of exemption from label approval to be affixed to bottles in which spirits are packaged for sale and which are subject to the provisions of Part 175 of this chapter shall conform to the provisions of such part.

(b) *Caution notice.* Each bottle of spirits bottled in bond under section 5233, I.R.C., (except for export) shall have affixed thereto a caution notice (clearly legible) reading as follows:

This bottle has been filled and stamped under the provisions of sections 5205 and 5233, Internal Revenue Code. Any person who shall reuse the stamp affixed to this bottle or remove the contents of this bottle without so breaking the stamp affixed thereto as to prevent reuse, or who shall sell this bottle, or reuse it for distilled spirits, will be liable to the penalties prescribed by law.

Bottles containing spirits bottled for export may have affixed thereto such caution notice.

(72 Stat. 1366, 1374; 26 U.S.C. 5233, 5301)

§ 201.330 Labels to agree with contents of tanks and bottles.

The proprietor shall before bottling in bond a lot of spirits attach a copy of the (approved or exempted) label he proposes to use for such bottling, which shall agree with the spirits in the tank, to the Form 1515 to be attached to the tank. Labels affixed to bottles shall be identical with the label on Form 1515 attached to the tank from which the bottles were filled. If the assigned officer finds that the label and spirits do not agree in every respect, he shall not permit the spirits to be bottled until the proprietor submits to him a proper label correctly describing the spirits to be bottled, or, if the spirits are labeled with labels which do not agree with the spirits in every respect, he shall cause the proprietor to relabel the spirits with a proper label.

(72 Stat. 1366, 1374; 26 U.S.C. 5233, 5301)

§ 201.331 Labeling of spirits bottled for export.

All bottles containing spirits bottled in bond for export shall have securely affixed thereto a label showing the following:

(a) Kind of spirits;

(b) Name of distiller, as provided in § 201.332, and plant number in which produced;

(c) Proof of the spirits;

(d) Net contents, unless the markings on the bottle indicate such contents;

(e) A statement that the spirits were bottled in bond for export; and

(f) The plant number where bottled, unless the markings on the bottle indicate such number.

The bottler may place on the label any additional information, including his name or trade name, that he may desire if it is not inconsistent with the required information. The label information may be stated in the language of the country to which the spirits are to be exported provided the assigned officer is furnished an English translation of the information. The net contents and proof may be stated in the units of measurement of the foreign country provided the assigned officer is furnished a statement of the equivalent United States units.

(72 Stat. 1360, 1366, 1374; 26 U.S.C. 5206, 5233, 5301)

§ 201.332 Trade-marks and distiller's name.

The label of spirits bottled in bond which contains the trade-mark or special name, or an additional label (equally conspicuous) shall bear the real name of the actual bona fide distiller or the trade name under which the distiller produced and warehoused the spirits, and the plant (or registered distillery) number in which produced; and the plant number in which bottled. The label may also bear the name or trade name of the bottler.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.333 Filling of bottles.

Bottles of bottled-in-bond spirits shall be so labeled, (a) that the label in use is identical with the label attached to Form 1515, and properly describes the spirits; (b) that the bottled spirits agree in proof with the data on the label; and (c) so filled that the quantity agrees with the data on the label, stamp, or bottle. If the contents do not agree as to quantity (except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice and there is substantially as much overfill as underfill for each lot of spirits bottled) or as to proof (subject to a normal drop in proof occurring during bottling operations, but not to exceed three-tenths of a degree) with the respective data on the label, stamp, or bottle, the assigned officer will withhold release of the bottled spirits and require the proprietor to rebottle, recondition or relabel the spirits in such manner that the label will correctly describe the contents.

§ 201.334 Strip stamps.

The proprietor shall affix to each bottle of spirits bottled in bond a domestic or export strip stamp, as appropriate. Such stamps shall be procured, overprinted, affixed, and accounted for as provided in Subpart Q of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 201.335 Marks and brands on cases.

Each case of spirits filled in the bottling-in-bond facilities shall be marked as prescribed by Subpart P of this part before removal from such facilities.

§ 201.336 Removal of spirits bottled.

When spirits are bottled in bond the filled bottles, with labels and strip stamps properly affixed, shall be placed in cases, and the cases then sealed, after which such cases shall be promptly removed from the bottling-in-bond facilities to the storage portion of the bonded warehouse, or (after constructive return to storage) transferred in bond or withdrawn from bond, pursuant to Subpart L of this part. The proprietor shall report all spirits bottled in bond on Form 1620. The tax on spirits withdrawn for export with benefit of drawback at less than 100 degrees of proof shall be determined on a wine gallon basis. The removal to storage of cases temporarily sealed, pending affixing of brand labels or State stamps, may be authorized by the assigned officer. Such temporarily sealed cases may be transferred in bond to other premises. Where the mandatory information required under 27 CFR Part 5 appears on the brand label rather than a separate label, the brand label shall be affixed at the time of bottling. Brand labels or State stamps (if to be affixed before withdrawal from bond) shall be affixed to the bottles in the bottling-in-bond facilities: *Provided*, That the assigned officer may authorize the affixing of such labels or stamps in the storage portion of a bonded warehouse where the need therefor is established, if space and facilities for such activities are available and the necessary supervision can be provided without the assignment of an additional internal revenue officer. Spirits in cases temporarily sealed shall be kept apart from other spirits in the warehouse.

(72 Stat. 1360, 1366; 26 U.S.C. 5206, 5233)

§ 201.337 Salvaged spirits.

Spirits salvaged from filtering or bottling operation in the bottling-in-bond facilities may be added, under the direct supervision of the assigned officer, to a tank in such facilities containing the same or another lot of spirits of the same kind, produced by the same distiller, at the same distillery during the same distilling season. Such spirits shall be reported on Form 1515 covering the lot to which they are added, unless they are returned to the lot from which they were salvaged.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.338 Marking and disposition of remnant cases.

Where there is less than a case of bottled spirits remaining from a lot of spirits bottled, either for domestic use or for exportation, the remnant will be placed in a case and such case will be given the serial number of the last full case containing spirits in the same lot, followed by the letter "R", thus: "100–R": *Provided*, That where spirits, of the same kind and proof, produced by the same distiller at the same distillery during the same distilling season as the remnant, are to be bottled on the same or following business day, and are eligible for inclusion in the remnant case, such remnant case may be given the next serial number and held in the bottling-in-bond facilities, and the case filled with such spirits. Such remnant case, if not held in the bottling-in-bond facilities, shall be removed with other cases to storage and taxpaid for domestic consumption, or returned to the bottling-in-bond facilities when the next lot of spirits to be bottled is of the same kind, produced by the same distiller, at the same distillery during the same distilling season, and (a) the bottles used for filling a complete case, if of the same proof and otherwise eligible, or (b) the contents dumped into the bottling tank and

mingled with such other spirits for bottling. Remnant cases of spirits bottled for export shall not be marked to show the date of withdrawal and the names of the ports. In any instance when a remnant case is removed or returned to the bottling-in-bond facilities for use as provided in this section, appropriate notation will be made on Forms 1515 showing the disposition of such remnant.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.339 Domestic use of spirits bottled for export.

Where export cases (full or remnant) of spirits bottled in bond are to be used for domestic purposes the spirits shall have been filled into bottles conforming with the provisions of § 201.328 and shall be properly relabeled. Where export remnants (if eligible) are to be used for filling a case of spirits bottled in bond for domestic consumption, or where full cases are to be converted to domestic use as bottled-in-bond spirits (if eligible) the export strip stamps shall be replaced by domestic bottled-in-bond stamps. In addition export cases or remnants may be converted to domestic use, if the spirits (if eligible) are rebottled under the provisions of § 201.346, or if the spirits are tax determined and removed to bottling premises in the same or contiguous plant premises for rebottling, relabeling, or restamping, as the case may be. The rebottling, relabeling, and restamping operations on bonded premises will be under the direct supervision of the assigned officer. Cases must be marked and branded as required by Subpart P of this part.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.340 Remnant cases of spirits bottled in bond returned to bottling-in-bond facilities.

Remnant cases of spirits returned to the bottling-in-bond facilities for use in filling a complete case or dumping into a bottling tank shall be included in the application, Form 1515, covering the withdrawal of bulk containers for bottling.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.341 Losses or gains in bottling.

The loss or gain for each lot of spirits bottled in bond shall be entered by the proprietor on Form 1515. Where there is a loss or gain of 2 percent or more of the quantity of spirits deposited in the bottling tank, the proprietor shall determine the cause of the discrepancy and submit a report to the assigned officer. Losses or gains disclosed shall be recorded in accordance with Subpart U of this part.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.342 Use of trade name.

Before a proprietor may bottle or label bottled-in-bond spirits under a trade name, he shall secure approval of such name in the manner prescribed by Subpart F of this part. When any such trade name is to be used, it shall be entered in the appropriate space on Form 1515.

(72 Stat. 1366; 26 U.S.C. 5233)

ALCOHOL

§ 201.343 General.

(a) *Bottled alcohol.* Alcohol of 190 degrees or more of proof may be bottled and cased in the bonded warehouse under the direct supervision of the assigned officer. Alcohol may be bottled in containers of 1 gallon or less, or in bottles complying with the provisions of § 201.504; however, the proprietor is required to comply with the provisions of Part 175 of this chapter where applicable. The proprietor shall prepare Form 1515 for alcohol to be bottled in the bonded warehouse. The heading of Form 1515 shall be prominently marked with the word "Alcohol", and the form shall be further modified to show only the size of bottles, the number of cases filled, and the disposition of such cases; on completion of the bottling of the lot, Form 1515 shall be noted to show the quantity withdrawn from the tank and shall be delivered to the assigned officer. Form 1620 shall be prepared by the proprietor for each lot of alcohol bottled.

(b) *Encased containers.* Containers of alcohol, authorized under § 201.504, which are enclosed in and attached to individual cartons, as provided in § 201.505, shall be filled and recorded as provided in paragraph (a) of this section, but the filled containers are not considered to be bottled alcohol, and are not subject to the provisions of §§ 201.344 and 201.345 relating to stamps, labels, and marks. The cartons or cases shall be marked in the manner provided in §§ 201.505 and 201.529.

(72 Stat. 1357, 1369; 26 U.S.C. 5202, 5235)

§ 201.344 Stamps and labels.

The proprietor shall affix to each bottle of alcohol filled by him an alcohol strip stamp which shall be procured and affixed as provided in Subpart Q of this part. All bottles of alcohol shall have securely affixed thereto a label showing (a) alcohol and (b) the name, address, and plant number of the bottler. In addition, bottled alcohol to be withdrawn on tax determination shall be labeled in accordance with the provisions of Part 175 of this chapter or 27 CFR Part 5, as applicable. The proprietor may place on the label any additional information that he may desire if it is not inconsistent with the required information.

(72 Stat. 1358, 1369; 26 U.S.C. 5205, 5235)

§ 201.345 Marks and brands on cases.

Each case of bottled alcohol shall bear the marks and brands prescribed therefor by Subpart P of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

REBOTTLING, RELABELING, OR RESTAMPING

§ 201.346 Bottled-in-bond spirits.

Bottled-in-bond spirits which (a) have not been withdrawn from bond, (b) have been returned to bond as provided by § 201.586, or (c) have been withdrawn taxpaid, may, on approval of a written application to the assigned officer, be rebottled, relabeled, or restamped in a bonded warehouse. Taxpaid bottled-in-bond spirits returned to a bonded warehouse for rebottling, relabeling, or restamping, shall be kept separate from other spirits, and shall not again be subject to tax under section 5001(a)(1), I.R.C. When taxpaid spirits have been rebottled, relabeled, or restamped, they shall be removed from the bonded warehouse immediately on completion of the operation. The rebottling, relabeling, or restamping shall be accomplished expeditiously, but shall be done at such time and in such manner as will not require additional supervision. Rebottling operations shall be conducted under direct supervision in the bottling-in-bond facilities, separate from any other bottling operations. The assigned officer may authorize relabeling or restamping operations to be conducted in the storage portion of the warehouse. The rebottling, relabeling, or restamping of spirits shall be conducted in such manner as to prevent any mingling of a lot of reconditioned spirits with any other spirits, either in the filling of bottles or in the filling of cases.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.347 Alcohol.

The provisions of this subpart relating to the rebottling, relabeling, or restamping of bottled-in-bond spirits shall apply, insofar as applicable, to the rebottling, relabeling, or restamping of alcohol bottled under this subpart.

(72 Stat. 1369; 26 U.S.C. 5235)

§ 201.348 Application.

Application to rebottle, relabel, or restamp bottled-in-bond spirits shall be filed in duplicate and state specifically (a) the reason for the rebottling, relabeling, or restamping, (b) the serial numbers of the cases, (c) the name and plant or registry number of the producing distiller, (d) the season and year of production, (e) the name and plant or registry number of the premises where the spirits were bottled, (f) the season and year of original bottling, (g) whether the spirits have been withdrawn from bond, and (h) the portion of the bonded warehouse where the operations will be conducted. If the spirits were originally bottled by a person other than the applicant, the application shall be accompanied by written authorization from such person consenting to the rebottling or relabeling.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.349 Stamp, bottle, and label requirements.

The strip stamps on bottles of spirits to be rebottled shall be destroyed at the time of dumping the bottles, and new strip stamps, overprinted with exactly the same data as the original stamps, in regard to the name of the producer, and the seasons and years of production and bottling, shall be affixed to the bottles in which the spirits are rebottled. Liquor bottles used for rebottling shall comply with the provisions of § 201.328. Where spirits are relabeled, the proprietor shall comply with §§ 201.329 and 201.330. Bottled-in-bond spirits which have been rebottled, relabeled, or restamped shall be returned to original cases, or placed in new cases. Such cases shall be marked in accordance with Subpart P of this part; rebottled spirits shall show the plant number of the rebottler.

§ 201.350 Filtering and stabilizing.

Proprietors dumping spirits for rebottling may filter or stabilize such spirits under the provisions of § 201.324.

§ 201.351 Domestic spirits for exportation.

Pursuant to the provisions of this subpart spirits bottled in bond for domestic use may be rebottled, relabeled, or restamped for exportation (as the case may be), in compliance with the requirements for spirits bottled in bond for exportation. Such spirits, if rebottled, may be reduced to not less than 80 degrees of proof as provided in § 201.326. Spirits rebottled, relabeled, or restamped under the provisions of this section, may be withdrawn (a) without payment of tax for exportation, or (b) taxpaid (unless previously taxpaid) and withdrawn for exportation with benefit of drawback, as provided in Subpart L of this part, except that spirits in the latter category shall be rebottled unless originally bottled on the same bonded premises and have not been removed from the premises.

(72 Stat. 1362, 1366; 26 U.S.C. 5214, 5233)

§ 201.352 Records and reports.

Form 1515, appropriately modified, shall be prepared by the proprietor to cover the rebottling, relabeling, or restamping of bottled-in-bond spirits. Spirits which have not been withdrawn from bond or which have been returned to bond as provided by § 201.586 shall be accounted for in the same manner as spirits originally entered for bottling in bond. Form 1515 covering taxpaid bottled-in-bond spirits returned to a bonded warehouse for rebottling, relabeling, or restamping shall be clearly and prominently marked to show that the spirits are taxpaid, and shall identify each lot of spirits, showing the quantity returned, losses in rebottling, and the quantity removed. Such spirits shall not be included in any warehouse records or reports required by Subpart U of this part.

Subpart L—Transfers and Withdrawals

General

§ 201.361 Authority to withdraw.

Spirits (including denatured spirits) shall be removed from bonded premises only as provided in this subpart. Spirits entered into bonded storage for subsequent packaging in wooden packages, as provided in § 201.270, which have not been drawn into such packages at the time of withdrawal from bond shall be redesignated to conform to the classes and types set out in Subpart P of this part and in 27 CFR Part 5.

(72 Stat. 1356, 1362; 26 U.S.C. 5201, 5212, 5213, 5214)

§ 201.362 Examination of containers.

Each container or case of spirits (including denatured spirits) to be removed from bonded premises, or to be dumped on bonded premises, shall be carefully examined by the proprietor, and if any container or case bears evidence of loss of spirits (including denatured spirits) due to theft or unauthorized voluntary destruction, or loss in excess of normal storage losses, such container or case shall not be removed or dumped until released by the assigned officer.

(72 Stat. 1338; 26 U.S.C. 5008)

§ 201.363 Withdrawal of spirits on original gauge.

Spirits may be withdrawn from bonded premises for any lawful purpose on the original gauge: *Provided*, That in the case of spirits in bulk conveyances or wooden packages so withdrawn on determination of tax, the original gauge must have been made by an internal revenue officer. Where the original gauge was made by an internal revenue officer the spirits shall be withdrawn on such gauge unless permission for a gauge at time of withdrawal is obtained from the assistant regional commissioner. When spirits in wooden packages, which are to be withdrawn on determination of tax on the original gauge, are transferred in bond, the proprietor shall note "Withdraw on original gauge" and show the details of the original gauge on all copies of Form 2630.

(72 Stat. 1357, 1358; 26 U.S.C. 5202, 5204)

§ 201.364 Determination of tare.

When packages are to be individually gauged for withdrawal from bonded premises, actual tare shall be determined: *Provided*, That average tare may be taken when authorized under Part 186 of this chapter and approved by the assigned officer. When average tare is to be taken, the proprietor shall so indicate on Form 2630 and shall show the percentage (not less than 20 percent, and never less than 2 packages) of the packages to be used for the determination. Actual or average tare shall be determined in accordance with Part 186 of this chapter.

(72 Stat. 1358; 26 U.S.C. 5204)

Transfer Between Bonded Premises

§ 201.365 Authorized transfers.

Pursuant to approval of an application therefor as provided in § 201.366, spirits (including denatured spirits) may be transferred in bond between bonded premises in bulk conveyances, or by pipeline, or in any container into which spirits may be filled on bonded premises.

(72 Stat. 1362; 26 U.S.C. 5212)

§ 201.366 Application to receive spirits in bond.

When a proprietor desires to have spirits or denatured spirits transferred to him in bond he shall make application for such transfer on Form 2609 to the assigned officer. Application to receive such spirits by transfer in bond shall not be approved unless the applicant's bond, Form 2601, is in the maximum penal sum, or, if in less than the maximum penal sum, is sufficient to cover the tax on the spirits (including denatured spirits) to be transferred in addition to all other liabilities chargeable against such bond, nor shall any application for receipt of spirits (including denatured spirits) in bulk conveyances be approved unless the applicant has provided suitable facilities as provided by § 201.239. The applicant shall deliver one of the approved copies of the application to the consignor proprietor.

(72 Stat. 1318, 1362; 26 U.S.C. 5005, 5212)

§ 201.367 Termination of application.

A proprietor may terminate an approved application, Form 2609, at any time by (a) giving written notice to the assigned officer at the consignor premises, (b) retrieving the consignor's copy, and (c) returning this copy, together with his own, to the assigned officer for cancellation.

(72 Stat. 1318; 26 U.S.C. 5005)

§ 201.368 Consignor premises.

(a) *General.* Form 236 shall be prepared by the consignor proprietor to cover the transfer of spirits or denatured spirits in bond pursuant to an approved application on Form 2609. A Form 236 shall not cover more than one conveyance. When spirits in packages are to be transferred, the consignor shall also prepare Form 2630 and when spirits in cases or in encased containers are to be transferred, he shall prepare Form 1620. Each Form 1620 and Form 2630 shall show the real name (or the basic operating name as provided in § 201.235) of the producer (or the name of the packaging or bottling proprietor in the case of spirits of 1% degrees of proof or more) and, if the spirits were produced under a trade name, shall also show the trade name under which produced; a separate Form 1620 or Form 2630 shall be prepared for each name under which spirits were produced. Spirits or denatured spirits shall not be removed from the bonded premises until Form 236 (with Form 2630 or 1620, if required) has been submitted to the assigned officer and his approval received for the release of the spirits or denatured spirits. In the case of pipeline transfers, the assigned officer shall not unlock the pipeline until he has approved Form 236.

(b) *Packages.* When spirits are to be transferred in bond in packages, the consignor proprietor shall weigh each package, except (1) when the transfer is to be made in a sealed conveyance, (2) when the individual packages have been securely sealed by the proprietor, in a manner satisfactory to the assigned officer, or (3) when this requirement has been waived by the assistant regional commissioner on a finding that, because of the location of the premises, the transfer can be made under the observation of the assigned officers, and there will be no jeopardy to the revenue. The proprietor shall load the packages into the conveyance and prepare the conveyance for sealing, if it is to be sealed. The details of the last gauge for each package shall be recorded on Form 2630. If the tax gallon content for any package to be transferred has been determined by an average, as provided in § 201.269, such average tax gallon content shall be recorded as the quantity of spirits transferred for such package. When packages are weighed at the time of shipment, the shipping weight shall be shown in lieu of the last official gross weight of the package: *Provided*, That in the case of packages to be withdrawn on original gauge, the shipping weight shall be shown in addition to the details of the original gauge.

(c) *Bulk conveyances and pipelines.* When spirits are to be transferred in bond in bulk conveyances or by pipelines, the consignor shall gauge the spirits under the direct supervision of the assigned officer and record the gauge on Form 236. Bulk conveyances of spirits shall be prepared by the proprietor for sealing.

(72 Stat. 1362; 26 U.S.C. 5212)

§ 201.369 Consignee premises.

(a) *General.* When spirits or denatured spirits are received by transfer in bond the consignee proprietor shall notify the assigned officer who shall deliver the appropriate Form 236, and Form 2630 or Form 1620, if any, to the consignee. The assigned officer shall examine each sealed conveyance to determine whether the seals are intact and if so he shall authorize the proprietor to remove the seals. The proprietor shall examine all containers, and any container bearing evidence of loss in transit or of loss due to theft shall be held until released by the assigned officer. Spirits after examination (and, if held, after release by the assigned officer) shall be deposited in the warehouse immediately, or, if the spirits are to be redistilled, they shall be deposited in the production facilities immediately. After execution on the transfer forms of his receipt of the shipment, the consignee shall return the form or forms to the assigned officer. Losses from packages shall be determined and reported on Form 2630 or, in the case of losses from bulk conveyances, on Form 236, by the assigned officer, with a notation as to the apparent cause thereof.

(b) *Packages.* When spirits are received in packages, the consignee proprietor shall weigh each package and record the weights on Form 2630, except (1) when the transfer is made in a sealed conveyance and the seals are intact on arrival, (2) when the individual packages have been sealed by the consignor proprietor and are intact on arrival, or (3) when this requirement has been waived by the assistant regional commissioner. All packages in a sealed conveyance on which the seals are not intact, on arrival, and all packages not intact on receipt, shall be segregated, after weighing, and held until released by the assigned officer. When denatured spirits are received in packages, the consignee proprietor shall prepare Form 1467, appropriately modified, to record their deposit on bonded premises; a separate sheet shall be used for each formula.

(c) *Bulk conveyances and pipelines.* When spirits are received in bulk conveyances or by pipeline, the consignee shall gauge the spirits under the direct supervision of the assigned officer and record the gauge on Form 236.

(72 Stat. 1362; 26 U.S.C. 5212)

Removal of Spirits to Production Facilities

§ 201.370 Removal of spirits from storage for redistillation.

A proprietor intending to remove spirits (including denatured spirits) from storage to production facilities on the same bonded premises for redistillation, in accordance with the provisions of §§ 201.272 and 201.273, shall prepare Form 2629 to cover such removal. Each lot of spirits (except bottled spirits) shall be gauged by the proprietor under the direct supervision of the assigned officer. Such gauge may be made either in the storage or the production facilities and shall be reported on Form 2629. If packages or cases of spirits are to be dumped, the proprietor shall give the assigned officer a list (one copy) of the serial numbers of the packages or cases to be dumped. The packages or cases shall be examined by the proprietor, and if any package, or case bears evidence of loss due to theft or unauthorized destruction, or loss in excess of normal storage losses, such package or case shall not be dumped until released by the assigned officer; Form 2629 shall be amended when necessary. Packages or cases shall not be dumped until the assigned officer has given his approval therefor. Before removing the spirits from storage, Form 2629 shall be submitted to the assigned officer for his approval.

Determination and Payment of Tax

§ 201.371 Application.

Spirits to be withdrawn from bonded premises on determination of the tax thereon shall be in such containers or cases as are prescribed in this part. The proprietor of the bottling premises to which the spirits are to be removed, or the proprietor of the bonded premises from which the spirits are to be withdrawn, shall make application on Form 179 for tax determination and withdrawal. Where spirits are to be withdrawn on determination of tax, the tax thereon shall be paid before removal of the spirits from the bonded premises unless the proprietor making application for the withdrawal has furnished bond on Form 2613, 2614, or 2615 to secure payment of tax. Where the spirits are to be withdrawn by the proprietor of bottling premises from bonded premises not on the same plant premises, he shall, on execution of his portion of the application on Form 179, deliver one copy to the assigned officer at the bottling premises and forward the remaining copies of the form to the proprietor of the bonded premises. On completion of the application the proprietor of the bonded premises shall deliver all copies of the application to the assigned officer at his premises. Where spirits in packages are to be gauged in bulk gauging tanks, the proprietor of the bonded premises shall attach to Form 179 a list (one copy) of the serial numbers of the packages. Where the spirits are to be withdrawn by a proprietor of bottling premises, from bonded premises not on the same plant premises, and his bond on Form 2614 or Form 2615 is less than the maximum penal sum, he shall maintain an account of his bond and he shall charge the bond with the amount of liability he accepts at the time he executes Form 179, and shall credit the bond for the same amount at the time he files his return and remittance to cover the payment of tax on the spirits covered by such Form 179: *Provided*, That where the tax is less than the amount shown on Form 179 as charged against his bond, he may, at time of receipt of Form 179 from the proprietor of bonded premises, credit the bond account for the amount of the difference between the amount charged and the amount of tax determined, and credit the bond account for the remainder of the amount at the time he files his return and remittance. Where an alternating proprietor has been authorized pursuant to § 201.174 to commence operations of bottling facilities at a specified future time, he may apply for the withdrawal of spirits from bond on Form 179 in anticipation of such commencement of operations, but spirits so applied for will not be eligible for loss allowance unless such spirits are withdrawn directly from bond and unless such spirits are received on his bottling premises during the time he is authorized to operate such premises.

(72 Stat. 1362; 26 U.S.C. 5213)

§ 201.372 Proprietor's statement.

Where tax is to be paid pursuant to a return on Form 2522, the proprietor making application for the withdrawal shall execute on all copies of Form 179 a statement in which he (a) agrees to pay, in accordance with law and this part, the amount of tax shown on the form, or to be shown thereon, and (b) certifies, under the penalties of perjury, that he is not in default in any payment of tax chargeable against his bond, Form 2613, 2614, or 2615, and that the penal sum of such bond (1) is in the maximum penal sum or (2) is sufficient to cover such amount in addition to all other amounts chargeable against such bond. Where a proprietor of bottling premises is to be the taxpayer and the spirits are to be withdrawn from bonded premises not on the same plant premises as his bottling premises, such statement shall be executed by him when he initiates Form 179. In all other instances such statement shall be executed by the taxpayer after gauge and calculation of the amount of tax due but before release of the spirits by the assigned officer. The full amount of tax determined shall be included for payment in a tax return, Form 2522, filed as provided in § 201.383. Nothing in this part shall be construed as precluding an adjustment after taxpayment, pursuant to law and regulations, of any overpayment or underpayment of tax.

§ 201.373 Packages.

When spirits in packages are to be withdrawn from bonded premises on determination of tax on the basis of individual package gauge, each package shall be gauged unless the tax is to be determined on the original gauge. When the packages are to be withdrawn on the original gauge the proprietor shall prepare Form 2630 and deliver the form to the assigned officer with Form 179. If spirits in wooden packages are to be gauged for tax determination, the proprietor shall complete only the heading of Form 2630 and insert the serial number and entry tare of each package before delivery of the form, and Form 179, to the assigned officer for gauge of the

packages by such officer. The proprietor shall gauge (under the direct supervision of an assigned officer), and report on Form 2630, metal packages to be tax determined on other than the original gauge and deliver such form, and Form 179, to the assigned officer. Spirits in wooden packages filled from storage tanks for tax determination shall be gauged and reported on Form 2630 by an assigned officer on receipt of Form 179; metal packages so filled shall be gauged (under the direct supervision of an assigned officer) and reported on Form 2630 by the proprietor, and the proprietor shall deliver Form 2630 to such officer with Form 179. In the case of spirits distilled at less than 190 degrees of proof, the date of original entry, and the proof of distillation shall be shown on Form 2630. In the case of spirits mingled pursuant to section 5234(a)(1)(C), I.R.C., (homogeneous spirits) the dates of original entry of the oldest and the youngest spirits in the mingled spirits shall be shown. On completion of gauge (if any) and computation of tax, the assigned officer will return Form 179 and Form 2630 to the proprietor.

(72 Stat. 1358, 1362; 26 U.S.C. 5204, 5213)

§ 201.374 Gauge tank.

Each tank of spirits to be tax determined shall gauged (by weighing and proofing) by an assigned officer, and the gauge recorded on Form 179. When mingled spirits are transferred to bottling premises (either on the same or another plant premises) such information as to the kinds, quantities (as determined by the proprietor), and ages of the spirits included therein as is necessary to permit further processing (as required) and proper labeling thereof, shall accompany the spirits. When a tank is mounted on scales and a proprietor desires to determine tax on a portion of the contents of such tank, the difference between the quantity (ascertained by gauge) in the tank immediately before the removal of the spirits and the quantity (ascertained by gauge) in the tank immediately after the removel shall be the quantity to be taxpaid and considered withdrawn; however, none of the spirits may be removed from bonded premises before the tax determination is complete. On completion of the gauge and computation of the tax, the assigned officer will return Form 179 to the proprietor. Spirits in gauge tanks may, after tax determination and before release under § 201.385, be reduced in proof to any desired proof by the proprietor under the direct supervision of the assigned officer, if the proprietor so requests on Form 179; the proof of the spirits after reduction shall be shown on Form 179.

(72 Stat. 1320, 1358, 1362; 26 U.S.C. 5006, 5204, 5213)

§ 201.375 Blended beverage brandies or rums.

When brandies or rums blended in accordance with the provisions of section 5234(c), I.R.C., are to be withdrawn on determination of tax, any additional tax provided by section 5023, I.R.C., shall be entered by the assigned officer on Form 179 and, if the tax is not prepaid on Form 2521, shall be included in the appropriate tax return on Form 2522 by the proprietor who made application for the withdrawal of the spirits.

§ 201.376 Imported spirits.

When imported spirits (transferred to bonded premises pursuant to section 5232, I.R.C., or similar provisions of prior law) are withdrawn for beverage purposes, there shall be paid, in addition to the internal revenue tax imposed by section 5001, I.R.C., a tax equal to the duty which would have been paid had the spirits been imported for beverage purposes, less the duty already paid thereon. The additional tax shall be referred to as "additional tax—less duty", and shall be paid at the time and in the manner that the basic internal revenue tax is paid. The total quantity in proof gallons (or wine gallons if below proof) withdrawn shall be the basis of computing the tax at the rates indicated. The amount of the "additional tax—less duty" shall be stated separately and identified as such on Form 179.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 201.377 Rinsing of packages and disposition of rinse water.

When spirits in wooden packages (except packages treated so as to preclude contact of the spirits with the wood surface) are dumped for tax determination, the packages and any char or wood chips therefrom shall be thoroughly rinsed by the proprietor: *Provided*, That if the proprietor indicates on his withdrawal application, Form 179, that the packages are to be used for repackaging the same spirits, such packages need not be rinsed. Water of any temperature may be used for rinsing. When spirits are returned to a rinsed package the temperature of such water shall be marked thereon, as provided in § 201.524. Rinse water not added to the same spirits may be added to the next lot of spirits to be tax determined which are homogeneous therewith, or such rinse water may be mingled with heterogeneous spirits for tax determination under § 201.298; if not so disposed of, the rinsings shall be destroyed or redistilled. Char and wood chips not returned to packages shall be disposed of as provided in § 201.306.

§ 201.378 Withdrawal procedure; bonded premises.

The spirits to be taxpaid shall be inspected or gauged and the amount of tax found due shall be entered on Form 179 by the assigned officer. The proprietor shall then, unless withdrawal is to be pursuant to application on Form 179 made by a proprietor of bottling premises which are not a part of the plant premises from which the spirits are to be withdrawn, either execute the statement provided for in § 201.372 or prepare a tax prepayment form, Form 2521. Where the withdrawal is to be pursuant to application on Form 179 made by a proprietor of bottling premises which are not a part of the plant premises from which the spirits are to be withdrawn, the proprietor of bonded premises shall prepare a tax prepayment form if the proprietor of such bottling premises has not executed on Form 179 the agreement to pay the tax. In any event, the proprietor shall, before returning the Form 179 to the assigned officer, assign to and enter on each such form a release number. The release numbers shall be assigned in serial order, starting with "1" for the first such form each calendar year. The proprietor will give all copies of Form 179, accompanying reports of gauge (if any), and Form 2521 (if any) to the assigned officer, except that where, pursuant to § 201.383, the return on Form 2521 is required to be filed with the district director, the processing of Form 2521 and the release of spirits shall be in accordance with § 201.385.

§ 201.379 Form 2632, Daily Report of Withdrawals After Tax Determination.

The proprietor of bonded premises shall furnish the assigned officer a report on Form 2632, as provided in § 201.632 (c), for each day on which withdrawals of spirits on determination of tax are made.

§ 201.380 Methods of taxpayment.

The tax on spirits shall be paid pursuant to a return on Form 2521 or on Form 2522, filed as provided in § 201.383. Remittance for the tax in full shall accompany the return and may be in any form which the district director is authorized to accept under the provisions of § 301.6311–1 of this chapter and which is acceptable to him: *Provided*, That where a check or money order tendered in payment for taxes is not paid on presentment, or where the taxpayer is otherwise in default in payment, any remittance made during the period of such default, and until the assistant regional commissioner finds that the revenue will not be jeopardized by the acceptance of a personal check (if acceptable to the district director), shall be in cash or in the form of a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State, Territory, or possession of the United States, or a money order, as provided in § 301.6311–1 of this chapter. Checks and money orders shall be made payable to "Internal Revenue Service".

(68A Stat. 777, 72 Stat. 1335; 26 U.S.C. 6311, 5061)

§ 201.381 Returns for prepaid taxes.

The tax on distilled spirits shall be paid pursuant to a return on Form 2521 in all cases where such tax is required to be paid before the spirits are withdrawn from bond. A single return on Form 2521 may cover one or more transactions.

§ 201.382 Taxes to be collected by returns for semimonthly periods.

The tax on spirits to be paid after withdrawal from bond on determination of tax shall be paid pursuant to a return on Form 2522. The periods to be covered by returns on Form 2522 shall be semimonthly; such periods to run from the 9th day through the 23d day of each month and from the 24th day of one month through the 8th day of the next succeeding month. A return, Form 2522, shall be executed and filed to cover each return period notwithstanding that no tax is due for payment for such period. The proprietor of each bonded premises shall include, for payment, on his return on Form 2522 the full amount of distilled spirits tax determined in respect of all spirits released for withdrawal from the bonded premises on determination of tax during the period covered by the return (except spirits on which tax has been prepaid and spirits withdrawn on determination of tax by proprietors of bottling premises). When spirits are withdrawn by the proprietor of bottling premises from internal revenue bond on determination of tax, the tax shall be paid by such proprietor by return on Form 2522 for the period in which falls the date of receipt of the spirits at his premises or the 21st day after the date of the internal revenue officer's certificate of tax determination on the withdrawal form, whichever date occurs first. Spirits must be conveyed without delay to the bottling premises and taken into such premises promptly on arrival. For the purposes of this section, spirits shall be deemed to be received when they arrive at the bottling premises. The proprietor shall show on his return the release numbers of Form 179 covered by the return, and, in the case of proprietors of bottling premises, shall also show the plant from which the spirits were withdrawn.

§ 201.383 Filing of returns and payment of distilled spirits tax.

(a) *Payment pursuant to semimonthly return, Form 2522.* Where the proprietor of bonded premises has withdrawn spirits from such premises on determination and before payment of tax, he shall, except as otherwise provided in this paragraph, file a tax return covering such spirits on Form 2522, with remittance, not later than the 3d business day next succeeding the last day of the return period. Where the proprietor of bottling premises has withdrawn distilled spirits from bond on determination and before payment of the tax, he shall, except as otherwise provided in this paragraph, file a tax return covering such spirits on Form 2522, with remittance, not later than the 3d business day next succeeding the last day of the return period in which he is required to report such withdrawal. Returns on Form 2522 and remittances of proprietors of bonded premises and bottling premises for the last complete return period (i.e., the semimonthly period ending June 23) in each fiscal year, shall be filed not later than the 2d business day next succeeding the last day of the return period. The proprietor shall, not later than 2 p.m. on the date that such tax return is required to be filed, file such return, with remittance, with an internal revenue officer designated by the assistant regional commissioner for transmittal to the district director: *Provided*, That where the assistant regional commissioner finds that it is not practical for an internal revenue officer to receive the return and remittance, he may, by written notice, require the proprietor to file his return with remittance directly with the office of the district director: *Provided further*, That where the remittance is in cash, the return and remittance shall be filed directly with the office of the district director. Where the return and remittance are delivered by United States mail to the office of the district director, the date of the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery: *Provided*, That where the postmark on the cover is illegible, the burden of proving when the postmark was made will be on the proprietor: *Provided further*, That where the return is sent by registered mail the date of registry, or where the return is sent by certified mail, the date of the postmark on the sender's receipt, shall be treated as the postmark date of the return and remittance. Where a taxpayer has defaulted in any payment of tax under this paragraph, during the period of such default and until the assistant regional commissioner finds that the revenue will not be jeopardized by payment of tax pursuant to this paragraph, tax shall be paid by such proprietor in accordance with the provisions of paragraph (b) of this section.

(b) *Payment pursuant to Form 2521.* If the proprietor who has made application on Form 179 for tax determination and withdrawal of spirits does not have on file an approved withdrawal bond, or if such bond is in an insufficient penal sum, or if there is default by him in any payment of tax under this part, spirits shall not be released from bonded premises before the proprietor of the bonded premises has paid the tax thereon. To so pay the tax the proprietor of the bonded premises shall file a tax prepayment return, Form 2521, with remittance. Form 2521 and remittance shall be filed with the internal revenue officer designated by the assistant regional commissioner, for transmittal to the district director: *Provided*, That where the remittance is in cash, the return and remittance shall be filed directly with the office of the district director.

§ 201.384 Filling packages from gauging tanks after determination of tax.

Spirits drawn into packages from bulk gauging tanks after tax determination shall be gauged by the proprietor, who shall report such gauge on Form 2630. On receipt of Form 2630 from the proprietor, the assigned officer shall issue a distilled spirits stamp for each package. In addition to the marks required by Subpart P of this part, the packages shall be marked to show that they are consolidated packages, the plant number of the premises at which filled, the kind of cooperage in which the spirits were stored and the number of months the youngest spirits in the lot were stored in such cooperage, the date of tax determination, and the serial number of the distilled spirits stamp.

(72 Stat. 1362; 26 U.S.C. 5213)

§ 201.385 Release of spirits.

No spirits shall be removed from bonded premises, except as otherwise provided by law, unless the tax thereon has been determined. If the Form 179, and Form 2521 (if required) with remittance, are in order and cover the full amount of the tax on the spirits to be withdrawn, the assigned officer shall execute his certificate of tax determination. The assigned officer shall not execute his certificate of tax determination where a proprietor of bottling premises, whose bond on Form 2614 or 2615 is not in the maximum penal sum, has assumed liability for the tax on the spirits, and the tax is greater than the amount shown on Form 179 as charged against his bond. Where Form 2521 has been filed with the district director, as required by § 201.383(b), the certificate regarding tax determination shall not be executed before the assigned officer has received a receipted copy of the return from the district director. On execution of the certificate of tax determination, the assigned officer shall issue distilled spirits stamps for packages or bulk conveyances of spirits to be removed from bonded premises. Distilled spirits stamps shall be affixed, canceled, and protected in the manner provided in Subpart Q of this part. When the distilled spirits stamps have been affixed by the proprietor to the containers and the containers have been properly marked, the assigned officer shall release the spirits. When spirits are to be removed by pipeline, the appropriate Form 179, after execution of the certificate of tax determination, shall be attached to the gauge tank before the spirits are released by the assigned officer. Bottled-in-bond spirits which are to be withdrawn from bonded premises on determination of tax may be so withdrawn subsequent to bottling, without being returned to the storage portion of the bonded warehouse, if the proprietor executes Forms 179 in advance of withdrawal to cover a specific quantity of such spirits, and also executes, in advance of withdrawal, the statement required by § 201.372. In such case the assigned officer shall execute the certificate of tax determination only if he is satisfied that adequate means and methods are provided for accurately ascertaining the quantities of spirits to be so withdrawn at time of bottling and that the Form 179 is otherwise in order. On completion of the withdrawal covered by Form 179, the proprietor shall complete the forms, identifying the cases and showing the actual quantity of spirits so withdrawn; such information shall be verified by the assigned officer. When any spirits have been removed from the bonded premises as provided in this section, the assigned officer shall execute the statement of removal on Form 179 and distribute the copies of the form in accordance with the instructions thereon.

Withdrawal of Spirits Without Payment of Tax

§ 201.386 Authorized withdrawals without payment of tax.

Spirits may be withdrawn from bonded premises, without payment of tax, for—

(a) Export, as authorized under section 5214(a)(4), I.R.C.;

(b) Transfer to customs manufacturing bonded warehouses, as authorized under 5522(a), I.R.C.;

(c) Transfer to foreign-trade zones, as authorized under 19 U.S.C. §1c;

(d) Supplies for certain vessels and aircraft, as authorized under 19 U.S.C. 1309;

(e) Use in wine production, as authorized under section 5373, I.R.C.; or

(f) Transfer to any university, college of learning, or institution of scientific research for experimental or research use, as authorized under section 5312(a), I.R.C.

The withdrawal of spirits as provided in paragraphs (a) through (d) of this section shall be in accordance with the regulations in Part 252 of this chapter.

(72 Stat. 1362, 1375, 1382, 1393; 26 U.S.C. 5214, 5312, 5373, 5522)

§ 201.387 Withdrawals of spirits for use in wine production.

Wine spirits withdrawn without payment of tax for use in wine production may be removed in approved containers for shipment to a bonded wine cellar on receipt of an approved application, Form 257, submitted by the proprietor of the bonded wine cellar in accordance with the provisions of Part 240 of this chapter. Each package of wine spirits (unless withdrawn on the original gauge) and each lot of wine spirits transferred by pipeline or by bulk conveyance shall be gauged by the proprietor under the direct supervision of the assigned officer: *Provided*, That spirits transferred by pipeline may be so gauged on the bonded wine cellar premises. Form 2629 shall be prepared by the consignor to cover each removal of wine spirits pursuant to an approved Form 257. When wine spirits in packages are to be removed, the consignor shall also prepare Form 2630, and when wine spirits in cases are to be removed, he shall also prepare Form 1620. Bulk conveyances shall be prepared by the proprietor for sealing and each such conveyance shall bear a label, dated and signed by the proprietor, showing the intended use of the wine spirits and the name and plant number of the consignor and the name and registry number of the consignee. When the gauge (if any) has been completed, and the containers have been marked, and appropriate entries have been made on the gauge report by the assigned officer, he shall release the spirits.

(72 Stat. 1362, 1382; 26 U.S.C. 5214, 5373)

§ 201.388 Withdrawal of spirits without payment of tax for experimental or research use.

Any scientific university, college of learning, or institution of scientific research (which has qualified under the provisions of § 201.72 to withdraw spirits from a bonded premises) desiring to withdraw a specific lot of spirits for experimental or research use shall file application therefor on Form 257 with the assistant regional commissioner of the region in which the applicant's premises are located. The procedure prescribed in § 201.387, insofar as applicable, shall be followed in removing the spirits from the bonded premises.

(72 Stat. 1375; 26 U.S.C. 5312)

WITHDRAWAL OF SPIRITS FREE OF TAX

§ 201.389 Authorized withdrawals free of tax.

Pursuant to the regulations in this chapter, spirits may be withdrawn from bonded premises, free of tax—

(a) On receipt of a valid permit, issued under Part 213 of this chapter, to procure spirits for nonbeverage purposes and not for resale or use in the manufacture of any product for sale, as provided in section 5214(a)(3), I.R.C.;

(b) On receipt of a valid permit, issued under Part 213 of this chapter, to procure spirits by and for the use of the United States or any governmental agency thereof, any State, any political subdivision of a State, or the District of Columbia, for nonbeverage purposes as provided in section 5214(a)(2), I.R.C.;

(c) On receipt of a valid permit, issued under this part, to procure spirits by and for the use of the United States, under the provisions of section 7510, I.R.C., for purposes other than as provided in paragraph (b) and section 5214(a)(2), I.R.C.;

(d) After being specially denatured—

(1) On receipt of a valid permit to procure such spirits, issued under Part 211 of this chapter;

(2) For export;

(e) After being completely denatured, for any lawful purpose.

(68A Stat. 900; 72 Stat. 1362; 26 U.S.C. 7510, 5214)

§ 201.390 Withdrawal of spirits free of tax.

Spirits withdrawn free of tax under § 201.389 (a), (b) and (c) shall be withdrawn in approved containers and shipped to the consignee designated in the permit. The proprietor shall submit an application for each withdrawal on Form 2633 to the assigned officer. Unless the spirits are in cases or are to be withdrawn on the original gauge, the proprietor shall gauge each container under the direct supervision of the assigned officer. The proprietor shall prepare notice of shipment on Form 1473 and distribute the form in accordance with the instructions thereon. If the assigned officer finds that the withdrawal papers, and the shipment, conform to regulations, he shall release the spirits.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 201.391 Permits for withdrawal of spirits by the United States.

Where the United States or a governmental agency thereof intends to procure spirits free of tax for nonbeverage purposes, application for a permit shall be filed on Form 1444 under the provisions of Part 213 of this chapter. Where the United States or a governmental agency thereof intends to procure spirits free of tax for other purposes, application for a permit shall be filed on Form 1444 under the provisions of this part. The application shall be signed by the head of the department, independent bureau, or agency to which such spirits are to be shipped, or by some person duly authorized by such head of a department, independent bureau, or agency, and forwarded to the Director. Evidence of authority to sign for the head of a department, independent bureau, or agency shall be furnished to the Director. If the Director finds the application in order, he will issue a permit to the applicant. At the time the spirits are to be procured, the permit on Form 1444 and a purchase order shall be submitted by the governmental agency to the proprietor. At the time of shipment, the consignor shall record the shipment on the permit and return it to the governmental agency unless he has been authorized by such agency to retain the permit for the purpose of making future shipments. On receipt of a shipment of spirits, the representative of the governmental agency receiving the same shall execute the certificate of receipt on both copies of Form 1473 received from the plant proprietor, after noting thereon any loss or deficiency in the shipment, and shall forward one copy to the assistant regional commissioner of the region in which the plant proprietor is located and retain the other copy for his files. Every appropriate precaution shall be taken by the agency to insure that the spirits so procured will be used only for governmental purposes. When no more spirits will be procured under a permit, the governmental agency shall return it to the Director for cancellation.

(68A Stat. 900; 26 U.S.C. 7510)

§ 201.392 Disposition of excess spirits.

Any excess spirits in the possession of a Governmental agency shall be disposed of to another agency of the United States holding a permit, returned to a plant on approval of the assistant regional commissioner of the region in which the plant is located, or disposed of otherwise as may be authorized by the Director. In no case may such spirits be disposed of to the general public, or otherwise than as provided in this section.

(68A Stat. 900; 26 U.S.C. 7510)

§ 201.393 Removal of denatured spirits.

(a) *Specially denatured spirits.* Specially denatured spirits withdrawn free of tax under § 201.389(d) shall be shipped in approved containers to the consignee designated in the permit. If such spirits are for export or for transfer to a foreign-trade zone, they shall be withdrawn under the applicable provisions of Part 252 of this chapter. If such spirits are for shipment to a qualified user or a bonded dealer, the proprietor shall prepare notice of shipment on Form 1473 and distribute the copies of the form in accordance with the instructions thereon.

(b) *Completely denatured alcohol.* No permit, application, or notice is required for removal of completely denatured alcohol from bonded premises, except that completely denatured alcohol may be transferred from bonded premises by pipeline only when the consignee has obtained authority to receive completely denatured alcohol by such means pursuant to the provisions of Part 211 of this chapter. The proprietor is required to keep a record of such removals, as prescribed in Subpart U of this part.

§ 201.394 Reconsignment in transit.

Where, prior to arrival at the consignee's premises, spirits (including specially denatured spirits) withdrawn free of tax under § 201.389, are found to be unsuitable for the purpose for which intended, were shipped in error, or, for any other bona fide reason, are not accepted by the consignee or by a carrier, they may be reconsigned by the proprietor making the shipment on notification to the proprietor's assistant regional commissioner of the reconsignment. Such reconsignment may be made to himself or to another proprietor for return to bonded premises under the provisions of § 201.585, or to another person holding an industrial use permit authorizing receipt or use of such spirits or specially denatured spirits. In case of reconsignment to bonded premises, the provisions of § 201.585 relating to consents of surety in respect of return of spirits (including denatured spirits) withdrawn free of tax shall be applicable. Notice of cancellation of the Form 1473 covering the shipment to the original consignee shall be given by the proprietor to each person receiving a copy of such form. Where reconsignment is to another person as provided in this section, a new Form 1473 shall be prepared and the word "Reconsignment" placed thereon. The entry on the permit covering the original withdrawal shall be voided.

Subpart M—Denaturation

§ 201.401 General.

Proprietors who have established denaturing facilities on bonded premises as provided in this part, and who have otherwise complied with the requirements of this part for the carrying on of denaturing operations, may conduct such operations in such facilities pursuant to the provisions of this part. Proprietors shall not conduct denaturing operations except as provided in this part.

(72 Stat. 1353, 1369; 26 U.S.C. 5178, 5241)

§ 201.402 Formulas.

Such spirits as are authorized under Part 212 of this chapter to be denatured, may be denatured in accordance with formulas prescribed in that part. Denaturing material shall be added to, and thoroughly mixed (and dissolved if necessary) with the spirits to be denatured.

(72 Stat. 1369; 26 U.S.C. 5242)

§ 201.403 Receipt and storage of denaturing materials.

Denaturants shall be placed in a denaturing material storeroom, or in a denaturing material storage tank, or in other receptacles as provided in § 201.242, and secured with Government locks or seals: *Provided*, That the proprietor may retain denaturants under his own lock pending completion of the statement prescribed in § 201.404 and deposit of the denaturants in the required denaturing material storeroom, storage tank, or other receptacle. Except as provided in § 201.406, each shipment of wood alcohol must be accompanied by a certificate, in duplicate, signed by the manufacturer or his agent, showing the name and address of the plant in the United States where produced and the quantity shipped, and certifying under the penalties of perjury that it is a partially purified distillate from crude wood alcohol obtained only by the destructive distillation of wood. The proprietor shall deliver one copy of the certificate to the assigned officer and the other copy shall accompany the sample to be tested.

§ 201.404 Testing of denaturants.

Synthetic oils approved by the Director, essential oils as defined in Part 212 of this chapter, pure chemicals (liquid or solid), or U.S.P. or N.F. substances used as denaturing materials, deposited in storage under direct supervision of the assigned officer in the original sealed package of a reputable manufacturer of chemicals, bearing a label descriptive of the contents placed thereon by the manufacturer, need not be tested except when required by the Director. The proprietor shall test each lot of other denaturants received or shall have each such lot tested by a reputable chemist. In either case, if the test is favorable, the proprietor shall furnish the assigned officer a statement, under the penalties of perjury, that, based on his analysis or the analysis of the reputable chemist, the denaturant conforms in all respects to the specifications prescribed therefor in Part 212 of this chapter. The statement shall show the name and address of the vendor, the kind and quantity of the denaturant, a description of the containers in which received, and by whom tested; the signed analysis or statement by the chemist performing the test shall be attached. In the event it is found the denaturant does not conform to the specifications prescribed under Part 212 of this chapter, the proprietor shall remove the material from the premises unless he intends to treat or manipulate the denaturant to make it conform to such specifications. Such treated or manipulated denaturants shall be again tested.

(72 Stat. 1369; 26 U.S.C. 5242)

§ 201.405 Samples.

Samples of denaturants required to be tested shall be taken by the proprietor. All samples shall be taken in such manner as to represent a true composite of the total lot or lots being sampled. Samples to be tested by other than the proprietor shall be labeled to show the proprietor's name and plant number; the kind of denaturant; the identity of storage container; the quantity represented by the sample; and the date taken, and shall be forwarded to the chemist in securely sealed containers. Samples of denaturants may be taken by internal revenue officers at any time for testing by Government chemists.

(72 Stat. 1369; 26 U.S.C. 5242)

§ 201.406 Transfer of denaturants.

Proprietors may transfer denaturants to other bonded premises, or to manufacturers recovering denatured spirits, or articles containing denatured spirits, and redenaturing the spirits for reuse. Each container of such denaturants shall be marked to show its contents and sealed by the proprietor unless shipped in the original sealed package of the manufacturer. The denaturants shall be accompanied by a statement by the consignor proprietor, approved by the assigned officer, that the denaturants were received and stored in the manufacturer's original sealed packages bearing labels descriptive of the contents, or by a certification by the proprietor that, based on his own analysis, or on a reputable chemist's analysis, as the case may be, that the denaturants conform in all respects to the specifications therefor provided in Part 212 of this chapter. In addition, the statement or certification shall show the name and address of the vendor, the kind and quantity of the denaturants, and a description of the container in which the denaturant is shipped, and the manner in which sealed and, in the case of wood alcohol, shall show that the certificate required by § 201.403 is on file. Such denaturants need not be again tested after receipt by the consignee if delivered in the sealed package or container, and in such case the certified statement provided for in § 201.404 will not be required of the consignee.

§ 201.407 Notice and gauge for denaturation.

The proprietor, when he wishes to denature, shall execute his notice of intent on Form 2634, in duplicate, in accordance with the instructions thereon and deliver the form to the assigned officer who shall supervise the gauge of the spirits, when required, and the denaturation thereof. On completion of denaturation, the officer will complete his verification of the denaturation on both copies of the form, and will return one copy to the proprietor who shall retain the copy in his files. All spirits shall be gauged by the proprietor: *Provided*, That spirits dumped from previously gauged containers or spirits transferred directly to mixing tanks from gauge tanks where they were gauged, need not be again gauged. Measurements of spirits and denaturants shall be made by volume or by weight or, when approved by the Director, by meter or other device.

(72 Stat. 1358, 1369; 26 U.S.C. 5204, 5241)

§ 201.408 Adding denaturants.

Denaturants shall be added to spirits in approved mixing tanks except as provided herein. Specially denatured alcohol Formulas 18, 25, and 25A prescribed in Part 212 of this chapter may be denatured in packages in any quantity. The assigned officer may permit the denaturing in packages, in accordance with other formulas, of limited quantities of spirits on a showing of need therefor. The assistant regional commissioner may, on the showing of need therefor, authorize the denaturation of spirits in tank cars, tank trucks, or similar containers if he deems such denaturation will not hinder effective administration of this part or jeopardize the revenue. The Director may, on written application, authorize other methods of adding denaturants to spirits if he deems such denaturation will not hinder effective administration of this part or jeopardize the revenue. If requested by the Director, the proprietor shall submit a flow diagram of the intended process or

method of adding denaturants. The conduct of alternate methods of denaturation may be disapproved where additional supervision would be required, or may be restricted to such times as will not require additional supervision.

(72 Stat. 1357, 1369; 26 U.S.C. 5202, 5242)

§ 201.409 Locking.

Except as may be provided by the Director in authorizing other methods for adding denaturants as provided in § 201.408, the spirits and denaturants shall be thoroughly mingled immediately on deposit in the mixing tank or on completion of the gauge of the spirits for denaturation where such gauge is required. The outlets and inlets of mixing tanks shall be so equipped that the flow of spirits into the tanks and denatured spirits from the tanks may be controlled by Government locks; tanks containing spirits deposited for denaturation, or the rooms or building in which such tanks are located, shall be locked at all times except when denaturing operations, or activities related thereto, are being conducted as provided in this part. Except as authorized under § 201.408 or as authorized by the assigned officer, spirits may not be deposited in a mixing tank or partially denatured spirits removed from such tank after denaturation of a lot of spirits has started.

(72 Stat. 1357; 26 U.S.C. 5202)

§ 201.410 Restoration and redenaturation of recovered denatured spirits and recovered articles.

Recovered denatured spirits and recovered articles containing denatured spirits received on bonded premises, as provided in Subpart S of this part, for restoration (including redistillation, if necessary) and/or redenaturation may not be withdrawn from bonded premises except for industrial use or after denaturation thereof. If the recovered or restored denatured spirits or recovered articles are to be redenatured and do not require the full amount of denaturants for redenaturation, a notation to that effect will be made on the notice required by § 201.407. This section shall not be construed as authorizing the manufacture of articles on bonded premises.

(72 Stat. 1369; 26 U.S.C. 5242)

§ 201.411 Conversion of specially denatured alcohol.

Any specially denatured alcohol, except Formula No. 30, may be converted to specially denatured alcohol, Formula No. 1, by the addition of wood alcohol in accordance with the formulation prescribed in Part 212 of this chapter: *Provided*, That such converted specially denatured alcohol is manufactured into an article or used in a process by the proprietor who converted it, or by his controlled or wholly owned subsidiaries (as defined in § 201.206), unless its use by another manufacturer or user (as defined in Part 211 of this chapter) is authorized by the Director. The quantity of wood alcohol required for such denaturation shall be determined on the basis of the alcohol in the formulation. Any specially denatured alcohol not containing methanol or wood alcohol may be converted to any one of the completely denatured alcohol formulas, prescribed in Part 212 of this chapter, by adding the required denaturants.

(72 Stat. 1369; 26 U.S.C. 5242)

§ 201.412 Release of denatured spirits.

On completion of denaturation, the assigned officer shall release the denatured spirits to the proprietor.

(72 Stat. 1357, 1369; 26 U.S.C. 5202, 5242)

§ 201.413 Containers for denatured spirits.

Packaging of denatured spirits and the marking of packages of such denatured spirits shall be in accordance with requirements of Subpart P of this part.

Subpart N—Operations on Bottling Premises

§ 201.421 General.

Proprietors shall conduct operations relating to the rectification, packaging, and bottling of taxpaid spirits and taxpaid wines only on bottling premises, and only pursuant to the provisions of this part. A proprietor of bottling premises who has qualified to carry on the business of a bottler of distilled spirits, but not the business of a rectifier, may use his bottling premises for the bottling or packaging of rectified or unrectified taxpaid spirits or taxpaid wines but shall not use such premises for any operation (including any operation specified in § 201.33 as not coming within the exemptions from the rectifier's occupational tax) which would incur liability for tax under section 5021, 5022, or 5081, I.R.C.

(72 Stat. 1315, 1353, 1356; 26 U.S.C. 5002, 5178, 5201)

Formulas and Processes

§ 201.422 Form 27B Supplemental.

Every rectifier shall file with the Director a statement on Form 27B Supplemental of each formula and process by which he intends to rectify spirits or wines. A rectifier shall not use a formula or process in the manufacture of any rectified product until he has received approval therefor. When an intermediate product is made for use in manufacturing a finished product (or products) a separate Form 27B Supplemental (designating the product as an intermediate) shall be filed for the intermediate product; such intermediate product shall be shown as such and by formula number as an ingredient in the formula for the finished product in which it is to be used. Each formula shall (a) be serially numbered in sequence beginning with the number "1", (b) describe the kind of products in accordance with the appropriate class and type designation prescribed by 27 CFR Part 4 or Part 5, if applicable, (c) state the process completely and concisely in step by step sequence, and (d) designate all ingredients composing the formula in sufficient detail to enable a proper determination as to the tax classification and labeling of the finished product. Alcoholic flavoring materials containing spirits on which drawback has been or may be claimed shall be identified in the formula as such, and shall be separately shown by kind, quantity (by volume) to be used, and the percentage of alcohol (by volume) contained therein; approval of formulas shall be conditioned on compliance with the provisions of § 201.424. The Director may require a diagram, drawing or other pictorial depiction of the process to supplement the statement of process on Form 27B Supplemental. Formulas which show an alternate use of ingredients which would result in a different tax or labeling classification will not be approved.

(72 Stat. 1328, 1356, 1370; 26 U.S.C. 5025, 5201, 5251)

§ 201.423 Manufacture of nonbeverage products.

Spirits and wines may not be used on bottling premises in the manufacture of nonbeverage products except for the manufacture of flavors or flavoring extracts as intermediate products to be used exclusively in the manufacture of taxable rectified products on the bottling premises where produced. Bottling premises may not be used for the manufacture of nonbeverage products on which drawback under sections 5131–5134, I.R.C., is to be claimed. Premises used for the manufacture of nonbeverage products eligible for drawback which are contiguous to bottling premises shall be completely separated therefrom and spirits shall not be transferred between such premises.

(72 Stat. 1345, 1356; 26 U.S.C. 5132, 5201)

§ 201.424 Use of alcoholic flavoring materials.

The use of alcoholic flavoring material on which drawback has been or may be claimed shall be limited by the rectifier so that the quantity of alcohol (proof gallons) contained therein will not represent, on a proof gallon basis, more than 2½ percent of the total proof gallons of spirits in the finished product. In case any finished product will derive more than 2½ percent of its total spirits from alcoholic flavoring materials not manufactured on bottling premises, the proprietor shall procure the flavoring materials which contribute the excess directly from the manufacturer and have available for examination by internal revenue officers an affidavit of the manufacturer showing: The quantity, the identity of each immediate container (by serial number, or other appropriate means), the alcoholic content, the date of manufacture, the kind and brand of flavoring material, and that drawback under sections 5131–5134, I.R.C., has not been and will not be claimed on any spirits contained therein. Each container of alcoholic flavoring materials for which a manufacturer's affidavit has been submitted, as required by this section, shall be marked to indicate that drawback has not been and will not be claimed on any spirits contained therein.

(72 Stat. 1345, 1356; 26 U.S.C. 5132, 5201)

§ 201.425 Changes in formulas.

The addition or elimination of ingredients, changes in quantities of ingredients used (where the percentages are required to be disclosed), and changes in the process of rectification are permissible only after approval of a new Form 27B Supplemental: *Provided*, That where such change of ingredients or process does not result in altering the class or type of the finished product or the tax applicable, the change may be accomplished by filing, with the Director, a rider to the formula. The rider, in quadruplicate, will clearly identify the original formula by number, date of approval, name of the product, and by name and number of the plant, will specify the ingredients to be added or eliminated, or the change in process, and will be signed and processed in the same manner as the original formula. Such change in ingredients or process is permissible only after approval of the rider. A new Form 27B Supplemental or rider will not be required to cover changes in brand names. Once an approved formula is superseded by a new formula, the original formula shall no longer be used and will be surrendered to the Director.

(72 Stat. 1356; 26 U.S.C. 5201)

Receipt of Spirits and Wines

§ 201.426 General.

Only spirits and wines that have been tax determined may be received on bottling premises. The proprietor shall, as prescribed in Subpart U of this part, record and summarize daily all spirits, wines and alcoholic flavoring materials received on the bottling premises.

(72 Stat. 1356, 1361; 26 U.S.C. 5201, 5207)

§ 201.427 Heterogeneous spirits mingled in bulk gauging tanks on bonded premises.

When heterogeneous spirits which have been mingled in bulk gauging tanks on bonded premises, pursuant to the provisions of § 201.298, are received on bottling premises, the rectifier shall make entry in the records required by § 201.623 identifying the spirits as so mingled in accordance with the information furnished him from the consignor premises, as provided in §§ 201.298 and 201.374. Unless the spirits are eligible for tax-exempt rectification under § 201.444 and are to be so rectified, they shall be used in taxable rectification, before removal from the bottling premises.

(72 Stat. 1356, 1367; 26 U.S.C. 5201, 5234)

§ 201.428 Deposit on bottling premises.

Spirits and wines received on bottling premises in packages or cases shall be retained in the packages or cases until used in rectification or in bottling. Spirits and wines received by pipeline or in bulk conveyances shall be deposited in tanks on the bottling premises and gauged therein by the proprietor before use. Alcoholic flavoring materials for which a manufacturer's affidavit is required shall be retained in the immediate container in which received until used in rectification: *Provided*, That such an alcoholic flavoring material may be transferred to a storage container or tank if the proprietor marks or otherwise indicates thereon full identification of the original container, the date of the deposit, and the quantity deposited. Like flavoring materials may be added to the tank if the contents of the tank are accounted for on a first-in first-out basis. An alcoholic flavoring material for which a manufacturer's affidavit is required shall not be mingled with any other alcoholic flavoring material except at time of use in rectification.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.429 Memorandum tank record.

When spirits are deposited in a tank on receipt on bottling premises, the proprietor shall attach to the tank a memorandum record showing the name of the consignor, the date and serial number of the tax determination or gauge report received from the consignor covering such spirits, and the quantity received. He shall enter on such record the date and quantity of each removal from the tank and each loss ascertained to have occurred therefrom. Where spirits are deposited and/or withdrawn from a tank on different dates, the contents of the tank shall be accounted for on a first-in first-out basis.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.430 Containers bearing evidence of tampering or unusual loss.

The proprietor shall inspect containers of spirits at the time of their receipt on bottling premises. If he finds evidence of tampering with the contents of the container, or that there has been an unusual loss, he shall promptly report the matter to the assigned officer and hold the container pending such officer's advice as to its disposition. If the proprietor finds that any container is missing from the shipment, he shall promptly report such fact to the assigned officer. If any container does not bear the stamp required by law to be affixed thereto, the proprietor shall note such fact on the gauge form received from the consignor covering such spirits and report such matter to the assigned officer. The proprietor shall comply with the requirements of § 201.484 in respect of spirits lost by accident or disaster.

(72 Stat. 1323, 1356; 26 U.S.C. 5008, 5201)

§ 201.431 Dumping of partial contents of package.

If less than the entire content of a package is removed at one time, the proprietor of the bottling premises shall keep on the package a record showing the date and quantity of each removal from the package. The stamps, marks, and brands on the package shall not be destroyed until the package is emptied.

(72 Stat. 1356, 1358; 26 U.S.C. 5201, 5205)

Use of Spirits and Wines

§ 201.432 Record of use.

(a) *Dumping of ingredients.* Whenever any spirits or wines are to be dumped for use in rectification, or are to be dumped for bottling or packaging without rectification (or are to be reduced in proof, filtered, or otherwise manipulated for such bottling or packaging), or are to be removed from the bottling premises by pipeline or bulk conveyance, the proprietor shall prepare Form 122. Spirits or wines received by pipeline or bulk conveyance and deposited in a receiving tank shall be considered as "dumped" when they are removed from such tank for rectification or bottling; spirits or wines so received but not so deposited shall be considered as "dumped" immediately on receipt. Each Form 122 shall be serially numbered and shall identify the spirits or wines to be dumped for use. The proprietor shall, at time of dumping, gauge spirits (1) where required in § 201.494, and (2) whenever it is necessary to insure that the quantity used is within the limitation of the approved formula. The proof gallon content of wines and alcoholic flavoring materials (containing ineligible spirits) shall be determined, at time of dumping, by the proprietor.

(b) *Batch record.* A rectifier shall prepare Form 122 as a batch record (1) to report the dumping of spirits which are to be used immediately and in their entirety in preparing a batch of a rectified product (in this instance one Form 122 serves both as a dump and batch record), (2) to report the use of spirits or wines previously dumped pursuant to Forms 122 and retained in processing tanks or receptacles, and (3) to report any combination of (1) and (2) used in preparing a batch of a rectified product. The proprietor shall record on Form 122 (batch record) the use of alcoholic flavoring materials manufactured on premises other than a bottling premises. Each Form 122 shall be serially numbered in sequence (whether used as a dump or batch record) and shall identify the spirits, wines, and alcoholic flavoring materials used in the batch; substitute batch records, as provided in paragraph (d) of this section, shall be serially numbered in sequence in a separate series, and Forms 122 prepared in addition to the substitute records (as provided in paragraph (d) of this section) shall be given the same numbers as the substitute records.

(c) *Disposition of Form 122.* After the proprietor has indicated on Form 122 his intentions to dump spirits or wines or to prepare a batch of rectified spirits, as the case may be, he may proceed with the operation covered by the form; he shall keep the required entries on Form 122 current with the operations covered by such form. When the proprietor has completed all entries required on the form he shall submit one copy to the assigned officer and retain the remaining copy for his files. Where spirits are bottled or packaged especially for export with benefit of drawback, the proprietor shall prepare an additional copy of each related Form 122 and forward it to the assistant regional commissioner.

(d) *Substitute records.* The proprietor, subject to the approval of the assistant regional commissioner, may use another form of record in lieu of Form 122 to record batches of rectified spirits. In such case, Form 122 shall be used to record dumping of all spirits whether or not the spirits are to be used immediately in preparing a batch record of a rectified product, and Forms 122 shall be prepared, in addition to the approved substitute records, where spirits or wines are to be rectified and bottled or packaged for export with benefit of

drawback. Application to use substitute records shall be filed in the manner as provided in § 201.628(c).

(72 Stat. 1370; 26 U.S.C. 5251)

§ 201.433 Identifying spirits and wines in process.

The proprietor shall mark or otherwise indicate (for example, by attachment of Form 122) on each tank or receptacle on bottling premises containing spirits or wines in process the kind and quantity of the contents and the serial number of the Form 122 under which the spirits or wines are held.

(72 Stat. 1356, 1358, 1360; 26 U.S.C. 5201, 5204, 5206)

§ 201.434 Rinsing of packages.

All wooden packages (except packages treated so as to preclude contact of the spirits with the wood surface) emptied on bottling premises, and the char and wood chips therein, if any, shall be thoroughly rinsed after dumping. The rinse water so obtained is considered to be homogeneous with the spirits previously contained in the packages. If the packages were not rinsed at the time of tax determination, the rinse water obtained at the bottling premises shall be destroyed or shall be taxpaid as provided in § 201.435. If the packages were rinsed at the time of tax determination on bonded premises, the temperature of the rinse water used at the bottling premises may not be higher than that of the rinse water used at the time of tax determination. Char and wood chips contained in or dumped from such packages shall be burned or treated in such manner, previously approved by an internal revenue officer, as to preclude the abstraction of potable spirits.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.435 Taxpayment of rinsings.

If the rinsings from packages which were not rinsed before removal from bonded premises are not to be destroyed, they shall be accumulated in a closed, locked tank pending determination and payment of the tax thereon. The tank shall be mounted on scales or be equipped with a suitable measuring device. The number and capacity of accumulating tanks shall be suitable for intended operations. When rinsings are to be taxpaid, the proprietor shall submit to the assigned officer an application on Form 179, appropriately modified, for such taxpayment. The proprietor shall indicate on Form 179 the kind and age of the spirits from which the rinsings were obtained. The contents of the tank shall be gauged by the assigned officer, either by weight or by volume, and Form 179 shall be completed showing the proof gallons. The proprietor shall then prepare a tax prepayment return, Form 2521, and submit all copies thereof and all copies of Form 179, with remittance as described in § 201.380, to the designated internal revenue officer or to the district director in accordance with the procedure in § 201.383(b). If heterogeneous spirits are accumulated in the same tank, they shall be used in taxable rectification. The release of the spirits shall be in accordance with the provisions of § 201.385.

(72 Stat. 1335; 26 U.S.C. 5061)

§ 201.436 Extraction of spirits from wood forbidden.

The rinsing of packages on bottling premises with water of a temperature in excess of that provided for in § 201.434 for the purpose of extracting spirits from the staves and heads of the packages or from the char or wood chips is forbidden, unless such rinse water is immediately destroyed. Packages shall not be filled or partially filled with water and permitted to stand; nor shall barrels, char, or wood chips be steamed for the purpose of extracting spirits; nor shall any other method or process, except as authorized in § 201.434, be used to extract spirits from barrels.

(72 Stat. 1356; 26 U.S.C. 5201)

TAXABLE RECTIFICATION

§ 201.437 Treatment of spirits and wines.

Except as otherwise provided in Subpart C of this part and in this subpart any blending, mixing, purifying, refining, compounding, or treating of spirits or wines on bottling premises, which changes the character or composition of the spirits or wines, constitutes taxable rectification and necessitates the payment of the rectification tax. The rectification tax imposed by section 5021, I.R.C., will apply in the case of—

(a) The mingling of spirits produced by different distillers, or at different distilleries, or of different ages (except as provided in § 201.447), or which differ in kind, or which are otherwise not homogeneous;

(b) The mingling of spirits stored in charred cooperage with spirits stored in plain or reused cooperage, or the mixing of spirits that have been quick-aged or treated with wood chips with spirits not so processed, or the mixing of spirits that have been subjected to any treatment which changes their character with spirits not so treated, unless it is determined that the composition of the spirits is the same, notwithstanding the storage in different kinds of cooperage or the treatment of a portion of the spirits;

(c) The use (except as authorized on bonded premises as provided by this part) of any physical or chemical process or any apparatus which accelerates the maturing of the spirits;

(d) The compounding of spirits or wines through the mixing of any coloring, flavoring, or other material with distilled spirits or wines for sale either as such, or as another product, such as a cordial or liqueur, except where cordials or liqueurs subject to tax under section 5022, I.R.C., are manufactured;

(e) The steeping or soaking of fruits, berries, aromatic herbs, roots, seeds, etc., in spirits or wines;

(f) The artificial carbonating of spirits.

(72 Stat. 1328, 1356; 26 U.S.C. 5021, 5201)

§ 201.438 Cordials and liqueurs containing wine.

All provisions of this part relating to rectification, shall apply to the manufacture of cordials, liqueurs, and similar compounds subject to tax under section 5022, I.R.C.

(72 Stat. 1328; 26 U.S.C. 5022)

§ 201.439 Intermediates.

Where, pursuant to approved formulas as provided by § 201.422, distinct products are compounded as an intermediate step in the manufacture of specified finished products and are retained for use in further compounding under specified processes, tax will attach to the finished product only.

(72 Stat. 1328, 1356; 26 U.S.C. 5021, 5022, 5201)

§ 201.440 Destruction of materials used in quick-aging.

Materials, such as wood chips, used in a quick-aging process shall, on removal from the process, be burned or treated in such manner, previously approved by the internal revenue officer, as to preclude the abstraction of potable spirits.

(72 Stat. 1356; 26 U.S.C. 5201)

TAX-EXEMPT RECTIFICATION

§ 201.441 Gin.

Gin produced on bottling premises is exempt from the rectification tax (as provided in § 201.29(c)) only if produced in a closed system by the redistillation over juniper berries and other natural aromatics of spirits distilled at or above 190 degrees of proof, free from impurities, including spirits of such a nature recovered by redistillation of imperfect gin spirits. Gin produced by redistillation is not exempt from tax if it is mixed with other spirits or treated by the addition or abstraction of any substance or material other than pure water after redistillation, or if any substance or material other than juniper berries or other aromatics or pure water is added to the spirits before or during redistillation. The gin shall be collected in a receiving tank and shall be gauged therein by the proprietor. It may be drawn off in packages, bottled, or transferred by pipeline or bulk conveyance to other bottling premises as provided in § 201.465. Gin exempt from the rectification tax may be filtered to remove materials held in suspension, but the use of filters or filter aids which remove essential oils or flavoring materials in solution will subject the product to the rectification tax. The provisions of this section do not preclude the filtering and stabilizing of gin as provided in § 201.445.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 201.442 Vodka.

Vodka produced on bottling premises is exempt from the rectification tax (as provided in § 201.29(e)) only if produced from spirits distilled at or above 190 degrees of proof which are free of impurities and, as provided in 27 CFR Part 5, are reduced in proof and treated by one of the methods provided in such part. Vodka is not exempt from the rectification tax (a) if it is mixed after production with other spirits or with any other substance or material except pure water, or (b) if any substance or material other than pure water and the materials provided for in 27 CFR Part 5 are added to the spirits before or during production. The vodka shall be gauged by the proprietor and shall then be drawn into metal, porcelain, glass, or paraffin-lined containers, bottled, or transferred by pipeline or bulk conveyance to other bottling premises as provided in § 201.465. Vodka exempt from the rectification tax may be filtered to remove materials held in suspension, but the use of filters or filter aids or the use of any process which changes the composition or character of the vodka will subject the product to the rectification tax.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 201.443 Blending of wines.

The blending of taxpaid wines by rectifiers for the sole purpose of perfecting such wines according to recognized commercial standards is exempt from the rectification tax (as provided in § 201.29 (h)) when the wines so blended were made from the same kind of fruit. Such blending shall not be commenced unless Form 27B Supplemental has been approved by the Director. The kind and type of wine to be blended, the respects in which it is to be perfected, the kind and type of the blended product, and such additional information as the Director may require shall be shown on Form 27B Supplemental.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 201.444 Blending of straight whiskies, rums, and pure fruit brandies.

The rectification tax (as provided in § 201.29 (l) and (m)) does not attach to blends made exclusively of two or more pure straight whiskies aged in wood for a period of not less than four years and without the addition of coloring or flavoring matter or any other substance than pure water and if not reduced below 80 proof; nor to blends made exclusively of two or more pure fruit brandies distilled from the same kind of fruit, or blends made exclusively of two or more rums, where the brandies or rums have been aged in wood for a period not less than two years and without the addition of coloring or flavoring matter (other than caramel added in bond, under Subpart I or J of this Part) or any other substance than pure water and if not reduced below 80 proof. In addition to the information required to be recorded on Form 122 as provided by § 201.432, the proprietor shall show the age of each package of whisky, brandy, or rum to be blended, the proof to which the blended whisky, brandy, or rum is to be reduced, and the tank in which the spirits will be blended; he shall also include a statement that no coloring, flavoring, or other substance will be added except pure water necessary to reduce the spirits to the desired proof. Blending operations shall be under the general supervision of the assigned officer. The addition of any coloring, flavoring, or other substance, or the reduction of the spirits below 80 proof, will subject the blended whisky, brandy, or rum to the rectification tax.

(72 Stat. 1328; 26 U.S.C. 5025)

PROCESSES NOT CONSTITUTING RECTIFICATION

§ 201.445 Filtering and stabilizing of spirits.

A proprietor may on bottling premises (a) remove foreign substances or other extraneous insoluble materials from spirits, with or without the use of filter aids, and (b) effect minor changes in the soluble color or soluble solids of spirits solely by filtrations, chill proofing, or other physical treatments (which do not involve the addition of any substance which will remain incorporated in the finished product) as may be necessary or desirable to produce a stable product, provided such changes do not result in the removal of more than 10 percent of the soluble solids or soluble color of the spirits so treated (including the extraction incident to such changes of not more than 10 percent of any class of the natural congeners). Treatment of spirits under this section does not constitute rectification.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 201.446 Treatment and mixing of wines.

Wines may be preserved by use of sulphur dioxide compounds, or clarified by refrigeration or pasteurization, or treated by simple filtration. If the bottler desires to treat wine under the provisions of this section in any other manner which does not constitute rectification, he shall first file with the assistant regional commissioner a letterhead application, in triplicate, giving the details of the proposed treatment. The bottler may not use the proposed treatment until he has received notice of approval from the assistant regional commissioner. Under this section water may not be added to wine nor may wine be subjected to any treatment which will alter its basic character. Wine of the same kind (class, type, and national origin) and taxable grade may be mixed to facilitate handling. Sections 5021, 5081, and 5082, I.R.C., shall not apply to the treatment or mixing of wines on bottling premises under this section.

(72 Stat. 1361; 26 U.S.C. 5363)

§ 201.447 Mingling of homogeneous spirits.

The mingling of homogeneous spirits does not constitute rectification. Packages of blended or rectified spirits made with precisely the same spirits under the same formula, packaged in the same kind of cooperage, and stored under the same conditions will be presumed to be homogeneous. Spirits of 190 degrees of proof or more distilled from the same class of materials (such as grain) will be presumed to be homogeneous. Spirits distilled at less than 190 degrees of proof are presumed to be homogeneous if—

(a) They were produced

(1) From the same class of materials,

(2) At approximately the same proof, and

(3) By the same proprietor (under his own or any trade name) at the same distillery; and

(b) In the case of spirits which have been stored in wooden packages so as to be in contact with the wood, they were stored in the same kind of cooperage under approximately the same conditions, and they differ in periods of such storage,

(1) Not more than 18 months in the case of spirits so stored more than 8 years,

(2) Not more than 12 months in the case of spirits so stored more than 4 years and not more than 8 years,

(3) Not more than 6 months in the case of spirits so stored more than 2 years and not more than 4 years,

(4) Not more than 60 days in the case of spirits so stored more than 1 year and not more than 2 years, or

(5) Not more than 30 days in the case of spirits so stored not more than 1 year; and

(c) They do not differ in kind under the standards of identity prescribed in 27 CFR Part 5.

The age of the youngest spirits to be included in any mixture mingled under this section will determine the permissible variation in periods of storage. Whenever there is doubt as to whether spirits are homogeneous, tests shall be made of each component of the proposed mixture and compared with a sample of the final mixture to determine whether the mixture is homogeneous with each of its component parts.

(72 Stat. 1328; 26 U.S.C. 5025)

GAUGE AND TAXPAYMENT OF RECTIFIED PRODUCTS

§ 201.448 Gauge of rectified products.

On completion of the process of rectification, the rectifier shall gauge the spirits or wines in accordance with the provisions of Subpart D of this part, determine the applicable taxes under section 5021, 5022, and/or 5041, I.R.C., report such gauge and determination of tax on Form 2637, and immediately submit one copy of such form to the assistant regional commissioner. Each Form 2637 shall be serially numbered.

(72 Stat. 1330, 1335, 1356; 26 U.S.C. 5026, 5061, 5204)

§ 201.449 Payment by return.

Taxes on rectified products, imposed by sections 5021, 5022, or 5041, I.R.C., shall be paid and collected on the basis of a semimonthly or prepayment return, as provided in this part.

(72 Stat. 1335; 26 U.S.C. 5061)

§ 201.450 Rectifier's statement.

When any taxes on rectified products are to be paid pursuant to a semimonthly return, Form 2627, the rectifier shall, at the time of reporting the tax on Form 2637 as required by § 201.448, execute on all copies of the Form 2637 a statement

in which he (a) agrees to pay, in accordance with law and this part, the amount of tax shown on the form, and (b) certifies, under the penalties of perjury, that he is not in default in any payment of tax chargeable against his bond, Form 2601, and (c) that the penal sum of such bond is in the maximum penal sum or is sufficient to cover such amount in addition to all other amounts chargeable against such bond. The full amount of tax determined shall be included for payment in a tax return, Form 2527, filed as provided in § 201.452. Nothing in this part shall be construed as precluding an adjustment after taxpayment, pursuant to law and regulations, of any overpayment or underpayment of tax.

(72 Stat. 1335, 1349; 26 U.S.C. 5061, 5173)

§ 201.451 Method of taxpayment.

The tax on rectified spirits and wines, reported on Form 2637, shall be paid pursuant to a prepayment return on Form 2523 in all cases where such taxes are required to be paid before such products are removed from the bottling premises or before bottling or packaging for removal from such premises. Returns on Form 2523 may cover one or more transactions. Such tax which is not required to be paid pursuant to Form 2523 shall be paid pursuant to a semimonthly return on Form 2527. The provisions of § 201.382 respecting periods for semimonthly returns on Form 2522 shall apply to returns on Form 2527, and the provisions of § 201.380 respecting acceptable forms of remittances and authorities of the assistant regional commissioners and district directors shall apply to all taxpayments made by a proprietor of bottling premises.

§ 201.452 Filing of returns and payment of taxes on rectified products.

(a) *Payment pursuant to semimonthly return, Form 2527.* Where the proprietor of bottling premises has incurred liability for taxes determined during the return period but not paid on rectified products, he shall file a tax return covering such products on Form 2527, with remittance, not later than the 3d business day next succeeding the last day of the return period: *Provided*, That with respect to the last complete return period (i.e., the semimonthly period ending June 23) in each fiscal year, such return and remittance shall be filed not later than the 2d business day next succeeding the last day of the return period. The provisions of § 201.383 regarding (1) the 2 p.m. time of filing the return and remittance; (2) the person with whom the return and remittance shall be filed; and (3) date of delivery when delivery is by United States mail, shall be applicable when tax is paid under this paragraph. Where a proprietor has defaulted in any payment of tax under this paragraph, he shall, during the period of such default and until the assistant regional commissioner finds that the revenue will not be jeopardized by payment of tax pursuant to this paragraph, pay tax in accordance with the provisions of paragraph (b) of this section.

(b) *Payment pursuant to Form 2523.* If the proprietor of bottling premises is in default in any payment of tax under this part, or if the penal sum of his bond on Form 2601 is not sufficient to cover the amount of the tax in addition to all other amounts chargeable against such bond, no products subject to tax under sections 5021, 5022, or 5041, I.R.C., on which tax has been incurred, may be removed from the bottling premises, or bottled or packaged for removal from such premises until the tax thereon has been paid. To so pay the tax the proprietor of bottling premises shall file a tax prepayment return, Form 2523, with remittance. Form 2523 and remittance shall be filed with the assigned officer, or, as designated by the assistant regional commissioner, with an internal revenue officer or the district director of internal revenue: *Provided*, That where the remittance is in cash, the return and remittances shall be filed directly with the office of the district director. Unless otherwise authorized by the assistant regional commissioner, no rectified products covered by the return may be removed from the bottling premises, or bottled or packaged for removal from such premises, before the return with remittance is filed with the designated internal revenue officer or, if filed with the district director, before the district director furnishes the proprietor a copy of the return showing receipt of the remittance.

(72 Stat. 1335, 1356; 26 U.S.C. 5061, 5201)

BOTTLING, PACKAGING AND REMOVAL OF PRODUCTS

§ 201.453 Removals from bottling premises.

Rectified products on completion of gauge, as provided in § 201.448, and on prepayment of tax when required, and spirits and wines, without rectification, on completion of gauge, as provided in § 201.455, may be bottled or packaged for removal, or may be removed from the bottling premises by pipeline or bulk conveyance on compliance with the provisions of this part.

(72 Stat. 1335, 1356, 1360; 26 U.S.C. 5061, 5201, 5206)

§ 201.454 Bottling tanks.

All spirits and wines bottled on bottling premises shall be bottled from tanks approved for bottling: *Provided*, That the assistant regional commissioner may authorize bottling from original packages or special containers where it is impracticable to use a bottling tank. Bottlers desiring to bottle from packages or special containers shall request approval of the assistant regional commissioner, in writing, showing the necessity therefor, as provided in Subpart D of this part.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.455 Bottling tank gauge.

In the case of spirits or wines to be bottled or packaged without rectification the proprietor shall, on completion of any filtering, reduction, or other treatment, and prior to commencement of bottling or packaging, make an actual gauge of the product. Rectified products to be bottled or packaged on bottling premises shall be gauged as provided in § 201.448. Any gauge made under this section shall be made at bottling proof in the tank from which the product is to be bottled or packaged, and the details of the gauge shall be entered on Form 2637. One copy of Form 2637 shall thereupon be attached to the bottling tank. If the product is to be bottled or packaged especially for export with benefit of drawback, the proprietor shall mark all copies of Form 2637 "Bottled (or packaged) especially for export", and shall prepare one additional copy of Form 2637.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.456 Labels to agree with contents of tanks and containers.

A copy of each (approved or exempted) label to be used in bottling spirits or in bottling or packaging wines shall be affixed to a copy of Form 2637 to be attached to the tank. The label or labels so attached shall agree with the spirits or wines in the tank in every respect and shall not be removed from the tank until it has been emptied. Labels affixed to bottles (and packages, in case of wine) shall be identical with the label on Form 2637 attached to the tank from which the containers were filled. If the containers are labeled with labels which do not properly describe the spirits or wines contained therein, the proprietor shall be required to relabel the spirits or wines with a proper label.

(72 Stat. 1356; U.S.C. 5201)

§ 201.457 Liquor bottles.

The proprietor shall comply with the provisions of Part 175 of this chapter respecting the use of liquor bottles when bottling spirits. Spirits shall be filled only into sizes provided by 27 CFR Part 5. Marked liquor bottles may not be used for wines containing 24 percent alcohol by volume or less or for products manufactured with such wines unless such products contain spirits other than wine spirits used in wine production. Liquor bottles may be used, but need need not be used, in bottling spirits for export.

(72 Stat. 1374; 26 U.S.C. 5301)

§ 201.458 Certificate of label approval or exemption.

Proprietors are required by 27 CFR Part 4 to obtain approval of labels, or exemption from label approval, for any label to be used on bottles or packages of wine for domestic use and are required by 27 CFR Part 5 to obtain approval of labels, or exemption from label approval, for any label to be used on bottles of spirits bottled for domestic use, and are required to exhibit evidence of label approval, or of exemption of label approval, on request of an internal revenue officer. Labels, covered by a certificate of exemption from label approval, to be affixed to bottles (and packages, in case of wine) in which spirits or wines are packaged for sale shall conform to the provisions of Part 175 (if otherwise subject to the provisions of such part) or Part 240 of this chapter, as applicable.

(72 Stat. 1374, 1381, 1386; 26 U.S.C. 5301, 5363, 5368, 5388)

§ 201.459 Filling of bottles.

Bottles filled on bottling premises shall be so labeled (a) that the label in use shall be identical with the label attached to Form 2637, and properly describes the spirits; (b) that the bottled spirits agree in proof with the data on the label; and (c) so filled that the quantity agrees with the data on the label or bottle. If the contents do not agree as to quantity (except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice and there is substantially as much overfill as underfill for each lot of spirits bottled) or as to proof (subject to a normal drop in proof occurring during bottling operations, but not to exceed three-tenths of a degree) with the respective data on the label or bottle, the proprietor may be required to rebottle, recondition, or relabel the spirits in such manner that the label will correctly describe the contents.

(72 Stat. 1356, 1374; 26 U.S.C. 5201, 5301)

§ 201.460 Completion of bottling.

When the contents of a bottling tank are not completely bottled at the close of the day, the bottler shall make entries on Form 2637, covering the total quantity bottled that day from the tank. He may elect to make such daily entries only on the original of the form but shall complete the bottling tank copy when the tank has been emptied. When the tank has been emptied, he shall complete the Form 2637 and shall deliver the original of the form to the assigned officer, by placing it on his desk, and file the copy. If spirits are bottled or packaged especially for export with benefit of drawback, the additional copy of Form 2637 shall be submitted to the assistant regional commissioner.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.461 Strip stamps.

The proprietor shall affix to each bottle of spirits filled on bottling premises a red strip stamp. Such stamps shall be procured, overprinted (when required), affixed, and accounted for as provided in Subpart Q of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 201.462 Cases.

On completion of bottling, the filled bottles with labels and strip stamps (where required) properly affixed shall be placed in cases, and the cases shall then be sealed: *Provided*, That the assigned officer or the assistant regional commissioner may authorize the retention on plant premises of unsealed cases, pending the affixing of brand labels or State stamps. Where the mandatory information required by 27 CFR Part 5 appears on the brand label rather than a separate label, the brand label shall be affixed at the time of bottling. Spirits in unsealed cases shall be kept apart from other spirits on bottling premises. Each case of spirits or wines filled on bottling premises shall be marked as prescribed by Subpart P of this part before removal from such premises.

(72 Stat. 1356, 1360, 1367; 26 U.S.C. 5201, 5206, 5388)

§ 201.463 Remnants.

Where on completion of bottling there remain bottles less than the number necessary to fill a case, the bottles, after being stamped and labeled, may be marked as a remnant case as provided in Subpart P of this part or kept uncased on the bottling premises until spirits of the same kind are again bottled. Appropriate notation shall be made on Form 2637 to cover the bottling and disposition of the remnant. If the remnant is subsequently used to complete the filling of a case, an accounting shall be made on the subsequent Form 2637 showing the use of the remnant by adding the remnant gallonage to the quantity to be accounted for, together with an appropriate notation explaining the transaction.

(72 Stat. 1356, 1360; 26 U.S.C. 5201, 5206)

§ 201.464 Filling packages.

Rectified or unrectified products may be drawn into packages from a tank (conforming to the requirements of § 201.243) on bottling premises. Such packages shall be gauged by the proprietor, and he shall report the details of such gauge on Form 2630 and attach a copy of Form 2630 to each copy of Form 2637 covering the product. On receipt of Form 2630 and Form 2637 from the proprietor, the assigned officer shall issue a distilled spirits stamp for each package of spirits. The information required to be placed on the stamp shall be placed thereon by the proprietor and he shall affix the stamp to the package in the manner required by Subpart Q of this part.

(72 Stat. 1356, 1358; 26 U.S.C. 5201, 5205)

§ 201.465 Removals in bulk.

Where spirits or wines on bottling premises are to be removed in bulk to other bottling premises, the proprietor shall execute one additional copy of Form 2637 and shall forward it to the proprietor at the receiving premises. In the case of pipeline transfers the additional copy shall be delivered before the transfer is commenced. Bulk conveyances shall be marked as provided in Subpart P of this part, and distilled spirits stamps shall be issued and affixed to the conveyances as provided in Subpart Q of this part.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.466 Rebottling, relabeling, and restamping of bottled spirits.

Bottlers desiring to rebottle, restamp, or relabel distilled spirits shall make application to the assigned officer, if any, at the plant, otherwise to the assistant regional commissioner. The application shall state specifically (a) the reason for the rebottling, relabeling, or restamping, (b) the serial numbers of the cases, and (c) the name of the original bottler. If the spirits were originally bottled by a bottler other than the applicant, the application shall be accompanied by a statement from the original bottler consenting to the rebottling or relabeling thereof by the applicant. When spirits are rebottled, the strip stamps on the original bottles shall be destroyed and new strip stamps used. Liquor bottles used for rebottling shall comply with the provisions of § 201.457. When spirits are relabeled, the new label shall be covered by an appropriate certificate of label approval or certificate of exemption from label approval issued under the Federal Alcohol Administration Act. Form 2637, appropriately modified, shall be prepared by the proprietor to cover the relabeling, or restamping of spirits. Forms 122 and 2637 shall be prepared in accordance with this part to cover the rebottling of spirits.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.467 Labels for export spirits.

All bottles containing spirits bottled on bottling premises for export shall have securely affixed thereto a label showing the following:

(a) Kind of spirits;
(b) Proof of the spirits;
(c) Net contents, unless the markings on the bottle indicate such contents;
(d) A statement that the spirits were bottled for export;
(e) The name (or, if desired, the trade name) of the bottler; and
(f) The plant number where bottled, unless the markings on the bottle indicate such number.

The bottler may place on the label any additional information that he may desire if it is not inconsistent with the required information. The label information may be stated in the language of the country to which the spirits are to be exported provided the assigned officer is furnished an English translation of the information. The net contents and proof may be stated in the units of measurement of the foreign country provided the assigned officer is furnished a statement of the equivalent United States units.

(72 Stat. 1356, 1374; 26 U.S.C. 5201, 5301)

§ 201.468 Deposit in export storage.

On completion of bottling or packaging, spirits bottled or packaged on bottling premises especially for export with benefit of drawback shall be removed to export storage for subsequent shipment. Removals from export storage shall be under Part 252 of this chapter.

§ 201.469 Domestically bottled spirits for export.

Taxpaid spirits, manufactured or produced in the United States, originally bottled for domestic use may be exported with benefit of drawback without rebottling if (a) the spirits have not left the premises of the original bottler, (b) the red strip stamp affixed to each bottle is legibly overprinted in the center with the word "Export" by means of a rubber stamp or other suitable method, (c) a neck label or similar strip label, containing the words "For Export", is affixed to the bottle, and (d) each case is marked as required by Part 252 of this chapter.

In lieu of affixing a neck label or similar strip label the proprietor may relabel the spirits to show the information required by the provisions of § 201.467. Where spirits are prepared for export under this section the proprietor shall prepare and forward to the assistant regional commissioner a certified true copy, or transcript, of the batch record, on Form 122 (rectified spirits only), and a certified true copy of the bottling record, Form 2637, covering the spirits.

(72 Stat. 1336, 1358; 26 U.S.C. 5062, 5205)

CHANGES IN NAME OR PROPRIETORSHIP

§ 201.470 Changes in name or proprietorship.

(a) *Change in name.* Where there is a change in the individual, firm, or corporate name of the proprietor of the plant, the proprietor shall enter on each outstanding Form 2637 the total quantity of spirits or wines bottled from each lot prior to the effective date of the change. On completion of the bottling, the proprietor shall complete the forms under the new name. Operations shall not be conducted under the new name until the proprietor has complied with the requirements of § 201.162.

(b) *Change in proprietorship.* Where there is a change in proprietorship, other than an alternate proprietorship as provided in § 201.174, and spirits and wines are on hand at the time such change becomes effective, the spirits and wines shall be transferred to the successor. Spirits or wines which have not been used in a batch shall be reported in detail by the outgoing proprietor in an attachment to his final report, Form 2733. Spirits or wines which are in the process of being rectified, dumped, filtered or reduced shall be gauged, and Forms 2637 shall be prepared therefor by the outgoing proprietor, who shall also taxpay any products on which a liability for tax has been incurred. Each proprietor shall make appropriate entries on his monthly report, Form 2733, of the spirits or wines transferred. The outgoing proprietor shall enter on each outstanding Form 2637 the total quantity of spirits or wines bottled by him. Such entries shall be dated and signed by the outgoing proprietor. On completion of the bottling the successor shall complete the execution of the forms. The outgoing and incoming proprietor shall, as applicable, comply with the provisions of §§ 201.164 and 201.176. Where there are alternate operations by proprietors, the proprietors shall comply with the requirements of § 201.174.

(c) *Trade names.* Before a proprietor may rectify, bottle and label, or package spirits or wines under a trade name, he shall secure approval of such name in the manner prescribed by Subpart F of this part. Each trade name which is to be used shall be entered on the appropriate Form 122 (batch record) or on Form 2637, as the case may be. Form 2637 shall show the serial numbers of the cases or packages of spirits or wines bottled or packaged under each trade name.

(72 Stat. 1356; 26 U.S.C. 5201)

Subpart O—Losses After Tax Determination

§ 201.481 Losses after tax determination.

In the case of spirits lost after determination of tax and prior to completion of physical removal from bonded premises, the tax thereon may, pursuant to claim filed in accordance with subpart C, be abated, remitted, or, without interest, refunded or credited to the proprietor of the bonded premises where the loss occurred, provided the tax would not, by reason of the provisions of section 5008(a)(1), I.R.C., have been collectible if such loss had occurred on bonded premises prior to determination of tax. The loss shall not be allowable if it occurred after the expiration of the bonding period unless it occurred in the course of physical removal of the spirits immediately after such time. This section is not applicable to any loss allowable under any other provision of this subpart or which, except for the limitations of § 201.485, would be so allowable.

(72 Stat. 1323; 26 U.S.C. 5008)

LOSSES OF SPIRITS WITHDRAWN FROM BOND FOR RECTIFICATION OR BOTTLING

§ 201.482 Allowable losses.

Where spirits withdrawn from internal revenue bond on payment or determination of tax, or from customs bond on payment of tax, for rectification or bottling are lost before the completion of the bottling and casing or other packaging of such spirits for removal from the bottling premises of the plant to which removed from bond, the tax imposed on such spirits under section 5001(a)(1), I.R.C., may be abated, remitted, or, without interest, refunded or credited to the proprietor who so withdrew the spirits for removal to his bottling premises, if it is established to the satisfaction of the assistant regional commissioner that—

(a) Such loss occurred (1) by reason of accident while being removed from bond to bottling premises, or (2) by reason of flood, fire, or other disaster, or

(b) Such loss occurred by reason of, and was incident to, authorized rectifying, packaging, bottling, or casing operations (including losses by leakage or evaporation occurring during removal from bond to the bottling premises and during storage on bottling premises pending rectification or bottling).

Abatement, remission, credit, or refund of tax shall not be made in respect of the losses described in this section to the extent that the claimant is indemnified or recompensed for the tax, and in the case of the losses described under paragraph (b) of this section, abatement, remission, credit, or refund shall not be made in excess of the limitations set forth in this subpart. No allowance is made in section 5008(c), I.R.C., in respect to loss of spirits by theft. Spirits lost by theft in transit to, or while on, bottling premises shall be reflected as losses by theft in the records and reports prepared by the proprietor but shall be excluded from the quantities for which claims are filed pursuant to section 5008(c), I.R.C. Spirits used up in bona fide analysis and testing on bottling premises shall be considered as lost by reason of, and incident to, authorized operations within the meaning of this section. Spirits removed as samples from the bottling premises before completion of bottling and casing or other packaging of such spirits for removal from the bottling premises shall be reflected as proprietor samples or Government samples in the records and reports prepared by the proprietor, and shall be excluded from the quantities for which claims are filed pursuant to section 5008(c), I.R.C.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.483 Application for withdrawal of spirits from bond.

A proprietor of bottling premises is not eligible to obtain abatement, remission, credit, or refund in respect to the losses of spirits described in § 201.482 unless he withdrew the spirits on payment or determination of tax directly from bond to his bottling premises. When spirits are to be so withdrawn from internal revenue bond the proprietor of the bottling premises shall prepare and submit Form 179 as provided in Subpart L of this part. Withdrawals of spirits from customs custody on payment of the internal revenue tax shall be in accordance with the applicable customs regulations.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.484 Losses by accident or disaster.

Where spirits are lost by reason of the conditions stated in § 201.482(a), the proprietor shall, as soon as possible after the loss occurs, report the loss to the assigned officer and determine the actual quantity lost, and record such loss in his records. Claims covering any such losses which occur in transit shall be supported, where possible, with a copy of the bill of lading, and by affidavits of agents of the carrier or of other persons having personal knowledge of the loss. Claims covering other such losses shall be supported by affidavits of persons having personal knowledge of the loss. Where the spirits lost contained ineligible ingredients, the provisions of § 201.486 shall apply. Where any loss covered by this section occurs during removal from bonded premises or customs custody to bottling premises, the proprietor shall show in the records maintained the actual quantity received at the bottling premises.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.485 Operating losses.

Losses of spirits by reason of the conditions stated in § 201.482(b) may be computed and claimed by the proprietor and tentatively allowed as provided in §§ 201.488 and 201.489, but shall be adjusted and finally allowed on a fiscal year basis. Such losses of spirits (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) shall be allowed in an amount no greater than the excess of losses over gains and not to a greater extent than is set forth below:

If total completions during the fiscal year in proof gallons are—	The maximum allowable loss in proof gallons is—
Not over 24,000	2 percent of completions.
Over 24,000 but not over 120,000	480 proof gallons plus 1 percent of excess over 24,000.
Over 120,000 but not over 600,000	1,440 proof gallons plus 0.6 percent of excess over 120,000.
Over 600,000 but not over 2,400,000	4,320 proof gallons plus 0.3 percent of excess over 600,000.
Over 2,400,000	9,720 proof gallons plus 0.2 percent of excess over 2,400,000.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.486 Ineligible ingredients.

When alcoholic ingredients (such as spirits and wines and alcoholic flavoring and blending materials) other than spirits withdrawn from bond by the proprietor of the bottling premises on payment or determination of tax for removal to his premises for rectification or bottling, are used by him in the manufacture of spirits products, the loss otherwise allowable shall be reduced in a ratio equal to the ratio of the total proof gallons of such other alcoholic ingredients used, to the total proof gallons of all alcoholic ingredients used in the finished products. When ineligible spirits (spirits not withdrawn directly from bond on payment or determination of tax by the proprietor of bottling premises) are used in the manufacture of gin and vodka in a closed system, as provided in § 201.487, the loss from the closed system otherwise allowable shall be reduced in a ratio equal to the ratio of the total proof gallons of the ineligible spirits entered into the closed system, to the total proof gallons of all spirits entered into such system.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.487 Losses in manufacture of gin and vodka.

Where gin or vodka is manufactured on bottling premises by the proprietor who withdrew the spirits from bond on payment or determination of tax, in a closed system (approved as such by the assistant regional commissioner), in a manner similar to that authorized for bonded premises, the proprietor may be allowed actual determined losses of spirits incurred in such manufacture in addition to being allowed the losses otherwise allowable under this subpart. The proprietor shall record the quantities of spirits entered into the closed system and the quantity of the products removed therefrom.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.488 Tentative allowances.

The proprietor may at any time during a fiscal year make claim for tentative allowance of his operating losses, as described in §§ 201.485 and 201.487, from the beginning of the fiscal year through the close of any calendar month thereof, except June. In order to determine the maximum tentative allowable operating loss through the end of any month (within the limitations of § 201.485), (a) the total completions from the beginning of the fiscal year to the end of such month shall be projected at that rate for the full year, (b) the loss which would be allowable for the fiscal year on the basis of the projected completions shall be computed, and (c) such loss shall then be reduced by a quantity attributable to the fractional part of the fiscal year remaining. No claim for tentative allowance shall include any amount previously claimed. Each claim for tentative allowance filed, as provided in this section, shall be plainly marked, "Tentative Claim". Any proprietor who has filed a tentative claim for allowance of loss for any part of a fiscal year is required to file a final claim for that fiscal year or the portion of that fiscal year that he was qualified to operate the plant.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.489 Losses during short-term operations.

Losses allowable to any proprietor under the provisions of § 201.485 shall not exceed the quantity which would be allowed by a tentative estimate constructed in accordance with the provisions of § 201.488 for the portion of the fiscal year that such proprietor was qualified to operate the plant. Each alternating proprietor shall, when not considered as one proprietor under § 201.490, show in his claim the exact number of days (or calendar months, if complete) he was qualified to operate the bottling premises during the period covered by the claim. The maximum amount of loss allowance shall be limited to an amount proportionate to that which would have been allowed for the full fiscal year at the rate of loss and the rate of completions prevailing in his operations during the pertinent period. Where the period of qualification is other than a calendar month or months, computations shall be based on the exact number of days involved and on a year of 365 days. Where the bottling facilities are qualified and operated alternately for bottling spirits in bond and bottling spirits after withdrawal from bond on payment or determination of tax, the bottling premises, for purposes of computing loss allowances, shall be considered to have remained qualified throughout any periods during which operations were temporarily suspended for bottling-in-bond activities.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.490 Affiliated or subsidiary corporation.

Where a corporation and any of its affiliated or subsidiary corporations are qualified for successive operations at the same bottling premises, the several corporations may make a joint application to the assistant regional commissioner for permission to be treated as one proprietor for the purpose of computing the quantities of spirits lost through the various causes described in §§ 201.482 and 201.487, and filing claims for abatement, remission, credit, or refund of tax thereon. The application shall contain or be verified by a written declaration that it is executed under the penalties of perjury and shall set forth the names of the corporations, including affiliates and subsidiaries, making the application, their relationship, the purpose of the application, and the name of the corporation in which reports and claims shall be filed. Any changes in the facts or conditions set forth in the approved application shall necessitate the filing of a new application and approval thereof. As used in this section "affiliated or subsidiary corporations" means corporations of "an affiliated group" as defined in section 1504, I.R.C., and parent and subsidiary corporations where the parent corporation owns stock representing more than 50 percent of the total combined voting power of all classes of stock of the subsidiary corporation entitled to vote (not including stock which is entitled to vote only on default of payment of dividends or other special circumstances).

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.491 Claims and supporting data.

Any claim filed under § 201.45(d) shall be accompanied and supported by Form 2611 to cover the computation of the losses described in §§ 201.485 and 201.487, as applicable. The final claim for operational losses, as described in §§ 201.485 and 201.487, shall be filed within 6 months from the close of the fiscal year. Any claim filed under § 201.45(c) to cover losses described in § 201.484, shall be filed within 6 months from the date of the loss.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.492 Inventories.

Any proprietor intending to file claim under § 201.45(d) shall before beginning business on the first business day of the first period for which he intends to file claim, and at the close of the last business day of each period for which any such claim is to be filed, take an inventory of all alcoholic ingredients that have been dumped for use in the production of spirits products and which are in process (i.e., those which are not "completions" as defined in § 201.11). The proprietor shall show, in the record of such inventory, the contents of each container in proof gallons, and as to each container, whether the contents are (a) spirits withdrawn by him from bond directly to his bottling premises for rectification or bottling, as provided in this part, or which are otherwise eligible for loss allowance by reason of the provisions of section 5008(c)(5), I.R.C., (b) other spirits, (c) wines which have been dumped for use in the manufacture of distilled spirits products, or (d) a mixture of such spirits or wines with each other, or with alcoholic flavoring or blending ingredients. The record of any inventory taken, under this section, for the first business day of the first period for which a proprietor intends to file a claim shall show as to paragraphs (c)

and (d) of this section the proof gallons of each component comprising the contents of each container. The proprietor shall record in similar detail the quantities of alcoholic ingredients on hand which are not in process. The proprietor shall, at least three days in advance, advise the assigned officer of the date and time he will take any inventory under this section.

(72 Stat. 1328; 26 U.S.C. 5008)

§ 201.493 Applicability of loss provisions.

The provisions of this subpart relating to allowance of loss of spirits withdrawn from bond for rectification or bottling apply in respect of spirits withdrawn from bond on payment or determination of tax on or after July 1, 1959. Such provisions shall also apply in respect of losses occurring on and after July 1, 1959, and after dumping for rectification or bottling, of spirits withdrawn from bond prior to July 1, 1959, which have not been bottled after withdrawal from bond, and such spirits shall be considered as having been withdrawn from bond on payment or determination of tax by the proprietor of the bottling premises at which the spirits are, or have been, dumped for rectification or bottling. Distilled spirits on bottling premises on July 1, 1959, which were withdrawn from bond before that date, and which were not dumped for rectification or bottling before that date, are not eligible for loss allowance on losses occurring before such dumping, and shall be maintained in a separate account. Likewise, distilled spirits withdrawn from bond before July 1, 1959, which are brought onto bottling premises on or after that date, are not eligible for loss allowance on losses occurring before such dumping, and such spirits shall also be maintained in a separate account until dumped.

(72 Stat. 1328; 26 U.S.C. 5008)

§ 201.494 Gauge of spirits.

Where spirits are gauged to determine (a) losses as provided by § 201.484, (b) losses as provided by § 201.485 which occur before dumping, (c) quantities to be dumped for rectification or bottling on or after July 1, 1959, when the spirits were withdrawn from bond before such date, (d) quantities of ineligible spirits dumped for rectification or bottling, or (e) quantities entered into or removed from the closed system, as provided in § 201.487, such gauge shall be made by the proprietor by weight and proof unless the assistant regional commissioner approves another method of gauging.

(72 Stat. 1358; 26 U.S.C. 5204)

Subpart P—Containers and Marks and Brands

Containers

§ 201.501 General.

Proprietors shall use for any purpose of containing, storing, transferring, conveying, removing, or withdrawing spirits or denatured spirits under this part only containers which are authorized by, or under the provisions of, this part for such purpose, and a container so authorized will be deemed to be an approved container for such purpose. In addition to the containers specifically authorized by this part for spirits or denatured spirits another container for spirits or denatured spirits may be used for a particular purpose under this part, when authorized by the Director on a finding by him that the use of the container will afford protection to the revenue equal to or greater than that afforded by the containers specifically authorized by this part, and that the use will not cause administrative difficulty. Where another container is so authorized by the Director, he shall prescribe the detail and manner in which such container shall be constructed, protected, marked, and branded, consistent with the provisions of this part. This subpart does not regulate or prohibit the use on plant premises of any container for purposes other than containing alcoholic substances.

(72 Stat. 1315, 1360, 1362, 1374; 26 U.S.C. 5002, 5206, 5212, 5213, 5214, 5301)

§ 201.502 Containers of 1 gallon or less.

The provisions of Subpart K of this part govern the containers to be used in bottling spirits in bond under section 5233, I.R.C., and bottling alcohol on bonded premises under section 5235, I.R.C. The provisions of Subpart N of this part govern the bottling of spirits and wines on bottling premises. Denatured spirits may be filled on bonded premises into metal or glass containers of a capacity of 1 gallon or less. Liquor bottles shall not be used for bottling denatured spirits. Spirits in bottles of a capacity of 1 gallon or less, except anhydrous spirits and spirits to be withdrawn from bond free of tax, are deemed to be for nonindustrial use.

(72 Stat. 1315, 1360, 1374; 26 U.S.C. 5002, 5206, 5301)

§ 201.503 Cases.

Spirits, denatured spirits, or wines which have been filled in containers of 1 gallon or less, in accordance with the provisions of § 201.502, shall be placed in cases so constructed as to afford reasonable protection against breakage or theft. Pursuant to the provisions of this part, cases of spirits, including denatured spirits, filled on bonded premises may be stored on bonded premises, transferred in bond, or withdrawn from bonded premises, and cases of taxpaid spirits or taxpaid wines may be received in, stored on, and removed from bottling premises.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.504 Containers holding from 1 gallon to 10 gallons.

Spirits in bond, including denatured spirits, for industrial use, may be filled into glass containers of a capacity greater than 1 gallon but not greater than 10 gallons, and metal containers of a capacity of 1 gallon but not greater than 10 gallons. Spirits in bond, for nonindustrial use, may be filled into metal containers holding 10 gallons and, if for export, such spirits may be filled into metal containers holding 5 gallons. Spirits or wines on bottling premises may be filled into glass containers of a capacity greater than 1 gallon but not greater than 5 gallons and into metal containers of a capacity greater than 1 gallon but not greater than 10 gallons. Pursuant to the provisions of this part, of Part 175 of this chapter, and of 27 CFR Part 5, containers filled in bond under this section may be stored on bonded premises, transferred in bond, or withdrawn from bonded premises, and containers filled on bottling premises under this section may be received in, stored on, and removed from such premises.

(72 Stat. 1315, 1360; 26 U.S.C. 5002, 5206)

§ 201.505 Encased containers.

Unlabeled containers of denatured spirits and spirits of 190 degrees of proof or more for industrial use filled in accordance with the provisions of § 201.504 may be completely encased in wood, fiberboard, or similar material in such a manner that the surface (including opening) of the actual container is not exposed. Required marks, brands, and stamps (if any) shall be applied to an exposed surface of the case, and the case shall be so constructed that the portion containing such marks, brands, and stamps will remain attached to the inner container until all of the contents have been removed therefrom. A statement reading "Do Not Remove Inner Container Until Emptied", or of similar import, shall be placed on the portion of the case bearing the marks, brands, and stamps.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.506 Packages.

Packages containing more than 10 gallons may be used (a) on bonded premises for original entry of spirits, and for packaging from storage tanks, storing, transferring in bond, and withdrawing from bonded premises of spirits and denatured spirits, and (b) on bottling premises for the receiving, storing, and removing of spirits and wines on which tax has been paid or determined. Metal drums shall be so constructed that all openings therein may be sealed and other packages shall be constructed so as to be capable of secure closure.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.507 Bulk conveyances.

Bulk conveyances which conform to the requirements of § 201.510 may be used (a) on bonded premises for original entry of spirits, and for filling from storage tanks, storing, transferring in bond, and withdrawing from bond of taxpaid spirits and of denatured spirits, and (b) on bottling premises for receiving, storing, and removing taxpaid spirits and wines. Spirits may be withdrawn free of tax, pursuant to the provisions of this part, in a bulk conveyance only for use of the United States, or if the Director has authorized the proprietor, as provided in § 201.501, to so withdraw such spirits to a specified consignee. Spirits may be withdrawn without payment of tax, pursuant to the provisions of this part, in bulk conveyances for the purposes provided in § 201.386 (a), (b), (c), and (e).

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.508 Tanks.

Tanks which conform to the requirements of § 201.243 may be used on:

(a) Production facilities of bonded premises as containers:

(1) For the deposit of distilling material, or of spirits or denatured spirits for redistillation;

(2) Which are integral parts of the closed distilling system;

(3) In which the production gauge is made, or from which containers to be gauged for production are filled;

(4) In which spirits may be denatured or denatured spirits stored.

(b) Storage facilities of bonded premises as containers for:

(1) Deposit of spirits received from production facilities, and of spirits or denatured spirits transferred in bond or returned to bonded premises;

(2) Denaturation of spirits;

(3) Spirits and denatured spirits;

(4) Mingling spirits;

(5) Gauging purposes, including gauge for determination of tax;

(6) Use in the activities related to bottling in bond, and bottling spirits (including denatured spirits) for industrial use.

(c) Bottling premises as containers for receiving, processing, and for use in the activities related to bottling or packaging taxpaid spirits and wines.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.509 Pipelines.

Pursuant to the provisions of this part, pipelines which conform to the requirements of § 201.244 may be used for (a) the conveyance on bonded premises of spirits and denatured spirits, (b) the conveyance to and from bonded premises of spirits and denatured spirits, where the premises from or to which conveyed is in the immediate vicinity, and (c) the conveyance to, on, and from bottling premises of taxpaid spirits and taxpaid wines. Denatured spirits and taxpaid spirits may also be conveyed in any pipeline so constructed, connected, arranged, and secured as to afford adequate protection to the revenue.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.510 Construction of bulk conveyances.

(a) *Construction.* All bulk conveyances authorized by this part shall conform to the following:

(1) All openings (including valves) shall be so constructed that they may be closed and sealed to prevent unauthorized access to the contents of the conveyances.

(2) If the conveyance consists of two or more compartments, each shall be so constructed or arranged that emptying of any compartment will not afford access to the contents of any other compartment.

(3) The conveyance (or in the case of compartmented conveyances, each compartment) shall be so arranged that it can be completely drained.

(4) Each tank car or tank truck shall have permanently and legibly marked thereon its number, capacity in wine gallons, and the name or symbol of its owner.

(5) If the conveyance consists of two or more compartments, each compartment shall be identified and the capacity of each shall be marked thereon.

(6) Permanent facilities shall be provided on tank trucks and tank cars to permit ready examination of manholes or other openings.

(7) A route board, or other suitable device, for carrying required marks, brands, and stamps shall be provided on each bulk conveyance.

(8) Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth, shall be carried with each tank truck, tank ship, or barge.

(b) *Proprietor's responsibility.* Before filling any bulk conveyance, the proprietor shall examine it to ascertain that it meets the requirements of this section and is otherwise suitable for receiving the spirits or denatured spirits, and he shall refrain from, or discontinue, using any such conveyance found by him or by an internal revenue officer to be unsuitable.

(72 Stat. 1357, 1360, 1362; 26 U.S.C. 5202, 5206, 5212, 5213, 5214)

§ 201.511 Sealing of conveyances and individual packages.

(a) *Sealing of conveyances by assigned officer.* All openings in a bulk conveyance used to transfer spirits in bond or to transport spirits withdrawn free of tax or without payment of tax shall, as soon as such conveyance is loaded, be closed by the proprietor and sealed by the assigned officer with Government cap seals or with another device, if such other device has been approved by the Director for use in lieu of Government cap seals. When spirits in packages are to be transferred in bond and the proprietor elects, under the provisions of § 201.368(b)(1), to seal the transporting conveyance, all openings in such conveyance shall, as soon as the conveyance is loaded, be closed by the proprietor and sealed by the assigned officer as described above.

(b) *Sealing of conveyances by proprietor.* All openings in a bulk conveyance used to transfer (1) taxpaid spirits or (2) denatured spirits transferred in bond or withdrawn free of tax shall, as soon as such conveyance is loaded, be closed and sealed by the proprietor with railroad or other appropriate seals dissimilar in marking to Government cap seals.

(72 Stat. 1315, 1360; 26 U.S.C. 5002, 5206)

§ 201.512 Restrictions on disposition of bulk spirits.

(a) *For nonindustrial use.* Spirits for nonindustrial use may be sold or disposed of in containers holding more than 1 wine gallon only to the persons and for the purposes set forth in 27 CFR Part 3.

(b) *For industrial use.* Shipment or delivery of spirits (other than alcohol or neutral spirits) withdrawn from bond in containers holding more than 1 wine gallon for industrial use shall, as provided in 27 CFR Part 3, be made directly to the user of the spirits.

Marks and Brands

§ 201.513 General.

Proprietors shall mark, brand, identify, label, and stamp all containers of spirits (including denatured spirits) and wines as provided by this part. All labor pertaining to the marking, branding, identifying, labeling, and stamping of containers shall be performed by the proprietor at his own expense.

(72 Stat. 1358, 1360; 26 U.S.C. 5204, 5206)

§ 201.514 Numbering of packages and cases.

Packages of spirits (including denatured spirits) and cases containing bottles or other containers of spirits (including denatured spirits) shall, when filled, be consecutively numbered by the proprietor commencing with "1" in each series of serial numbers provided for below, except that any series of such numbers in use may be continued, but in any such case the prefix required by paragraph (a) of this section shall be used. When the numbering in any series reaches "1,000,000", the proprietor may recommence the series. A recommenced series for packages shall be given an alphabetical prefix or suffix. Separate series are required as follows:

(a) Packages of spirits, packages of specially denatured spirits, and packages containing more than 5 gallons of completely denatured alcohol shall be numbered in separate series. Further, packages of spirits shall be numbered in separate series as follows:

Packages of spirits	Distinguishing prefix	Examples of serial numbers [1]
(1) Filled from production facilities	None	1, 2; 1A, 2A.
(2) Filled from bonded storage facilities, spirits of less than 190 degrees of proof.	T and identification of plant	T-12-Ind-1.
(3) Filled from bonded storage facilities, spirits of 190 degrees of proof or more.	T	T-1 T-2.
(4) Filled on bottling premises	BP	BP-1, BP-2.
(5) Mingled under § 201.301	CS and identification of plant	CS-12-Ind-1.
(6) Mingled under § 201.307	OP and identification of plant	OP-12-Ind-1.
(7) Blended under §§ 201.307 and 201.308	BL	BL-1.

[1] Examples illustrate numbering at D&P-Ind-12.

(b) Cases of bottled spirits filled on bonded premises and cases filled on bottling premises shall be numbered in separate series. The proprietor may establish more than one series of serial numbers for cases on either bonded or bottling premises where more than one bottling unit is used and each series is

distinguished from each other by the use of alphabetical prefixes or suffixes. Further, separate series of serial numbers, distinguished from each other by the use of alphabetical prefixes or suffixes, may be established to identify size of bottles, brand names, or other information, on written application to, and approval of, the assistant regional commissioner. Remnant cases shall be given the serial number of the last full case followed by the letter R.

(c) Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, all all series in use at that time shall be continued, except that for a change in proprietorship a new series shall be started for all cases on bonded premises and for all series in use on bottling premises.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.515 Specifications for marks and brands.

The proprietor shall place the prescribed marks and brands on cases and encased containers of spirits by printing, stenciling, or stamping and shall place the prescribed marks and brands on packages of spirits by burning, cutting, printing, or stenciling; the prescribed marks and brands may also be made by any equally legible and durable method approved by the Director. The marks required to be placed on packages by this subpart shall be placed on one head, which shall be called the Government head, and the marks for other containers, and for cases, on one side, which shall be called the Government side. The letters and figures shall be large enough to be easily read and, when printed, stamped, or stenciled, shall be in permanent ink and in a color distinctly in contrast to that of the background. The prescribed marks on packages, cases, and encased containers of specially denatured spirits may be placed thereon in the manner provided above, or may be placed thereon by means of labels if the labels are clearly legible and securely affixed to the package, case, or container.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.516 Marks on packages of spirits filled on bonded premises.

(a) *General.* Except as otherwise provided in this part packages of spirits filled on bonded premises shall be marked with—

(1) The name of the producer, or his trade name as provided in paragraph (e) of this section;

(2) The plant number of the producer, such as "DSP–CAL–708";

(3) The kind of spirits or, in the case of distillates removed under § 201.275, the kind of distillate such as "Grape distillate", "Peach distillate", etc.;

(4) The serial number;

(5) The date of original entry;

(6) The date filled, if other than the date of original entry;

(7) Proof;

(8) Tare;

(9) Original gross weight;

(10) "BSA", "OC", or "QA" where spirits are treated with caramel or oak chips or are subjected to a quick-aging process, as the case may be.

(b) *Rated capacity.* The marks relating to proof, tare, original gross weight, and proof gallon, required by this section, may be omitted from a package if the package is filled to capacity and the rated capacity of the package in gallons (as prescribed by the specifications of the manufacturer) is shown as "R.C.____G".

(c) *Spirits of 190 degrees or more of proof.* In the case of spirits of 190 degrees of proof or more, the date of originial entry need not be shown. If packages of such spirits are filled by other than producer, the name (or trade name) and plant number of the packaging proprietor shall be substituted for that of the producer.

(d) *Packages of heterogeneous spirits.* Packages of heterogeneous spirits, mingled under the provisions of § 201.298 and filled for immediate removal, shall be marked as provided in paragraph (a) of this section (except subparagraphs (5), (6), and (9)), except that the name and plant number of the packaging proprietor shall be shown in lieu of the producer. The kind of spirits shall be shown as "Heterogeneous Whisky", "Heterogeneous Rum", etc., for spirits of the same kind, and as "Heterogeneous Spirits" for spirits of different kinds. Packages so filled shall also be marked to show the proof gallons.

(e) *Real or trade names.* The producer's real name, or any trade name authorized (as provided in § 201.146) at the time of production, may be placed on any package filled at the time of production gauge, or at the time of original packaging of the spirits in wood when, as provided in § 201.270, the spirits were not filled into wooden packages at the time of production gauge. When spirits have been mingled under § 201.297 or § 201.301, the proprietor may use any of the names represented in the mingled spirits, but no other name, as the name of the producer to be marked on packages filled with such mingled spirits: *Provided*, That if the proprietor was the actual producer of the spirits he may in any case use his real name. When spirits have been mingled under § 201.297 and are not eligible for bottling in bond, the name of the producer marked on the package shall be followed by the letter "X" to evidence such ineligibility of the spirits.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.517 Kind of spirits or wine.

(a) *Designation.* The designations as to kind of wine required by § 201.526 shall be in accordance with the classes and types of wines set out in 27 CFR Part 4, and the designations as to kind of spirits required by §§ 201.516 and 201.526, shall be in accordance with the classes and types of spirits set out in 27 CFR Part 5, except that:

(1) Spirits distilled at more than 160 degrees of proof, which lack the taste, aroma, and other characteristics generally attributed to whisky, brandy, rum, or gin, and which are substantially neutral in character may be designated as "Alcohol". When alcohol is withdrawn on determination of tax, the designation shall consist of the word "Alcohol" preceded or followed by a word or phrase descriptive of the material from which the alcohol was produced.

(2) The designations for vodka, neutral spirits, or gin shall include a word or phrase descriptive of the material from which the spirits so designated were produced.

(3) Spirits distilled at less than 190 degrees of proof which lack the taste, aroma, and other characteristics generally attributed to whisky, brandy, rum, or gin, may be designated "Spirits", preceded or followed by a word or phrase descriptive of the material from which produced.

(4) Spirits distilled from fruit at or above 190 degrees of proof, if intended for use in wine production, shall be designated "Neutral Spirits—Fruit", preceded or followed by the name of the fruit from which produced.

(5) Spirits distilled at not more than 160 degrees of proof from a fermented mash of not less than 51 percent rye, corn, wheat, malted barley, or malted rye grain, packaged in reused cooperage, may be designated "Whisky" if further qualified with the words "Distilled from rye mash" (or bourbon, wheat, malt, or rye malt mash, as the case may be): *Provided*, That such spirits shall, if distilled from a fermented mash of not less than 80 percent corn, be designated "Corn Whisky."

(b) *Change of designation.* A proprietor may, on approval of the assistant regional commissioner, change the original designation for spirits at any time, before their withdrawal from bonded premises, to a new designation properly describing the spirits in accordance with the provisions of this section.

(c) *Other designations.* If the proprietor proposes to produce spirits for which a designation has not been prescribed, he shall first apply to the Director for a designation for such spirits and they shall be branded accordingly.

(d) *Spirits for nonindustrial use.* The provisions of this section shall not be construed as authority for applying designations to spirits withdrawn for nonindustrial use which designations do not comply with provisions of 27 CFR Part 5.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.518 Change of packages.

Where spirits are transferred from one package to another as authorized in § 201.295, each new package shall be given the same serial number, marks, and brands as the original package, except that the new gross weight and tare shall be shown. The proprietor shall prepare and sign a label to be affixed to the head of each new package in the manner prescribed for affixing distilled spirits stamps. The label shall be in the following form:

The spirits in this _____
(Kind of cooperage)
_____, serial No. _____,
(Barrel or drum)
were transferred from a _____,
(Kind of cooperage)
_____, on _____,
(Barrel or drum) (Date)
under authority date _____.
_____
(Proprietor)

§ 201.519 Packages of blended brandy or rum.

Where brandy or rum is blended in accordance with the provisions of §§ 201.307 and 201.308, packages containing such spirits shall be marked to show the words "Blended by" followed by the name and the plant number of the blending proprietor in lieu of showing the name and plant number of the producing proprietor: *Provided*, That if the blender was the actual producer of the spirits he may mark the packages to show "Produced and Blended by" followed by his name and plant number where the spirits were blended. Such packages shall otherwise be marked in accordance with the provisions of this subpart.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.520 Marks on approved containers of specially denatured spirits.

Each package, case, and encased container of specially denatured spirits filled on bonded premises shall be marked or labeled to show, on the head of the package or side of the container or case, the quantity in gallons, the serial number, the address (city or town and State) of the denaturer, his plant number, the words "Specially Denatured," followed by the word designating the kind of spirits such as "Alcohol" or "Rum" and the formula number. Where the spirits were denatured at other than 190 proof, the proof at which denatured shall also be marked on the package, case, or container. Where spirits were denatured under a formula authorizing a choice of denaturants, the package, case, or container shall be marked or labeled to show the denaturants used and, where the formula authorizes a choice of quantities of denaturants, the quantity used shall be shown.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.521 Marks on containers of completely denatured alcohol.

Each approved container of completely denatured alcohol (except pipelines and bulk conveyances) shall have marked on the head of the package (or side of the can or casing) the name of the proprietor by whom the containers were filled, the plant number where filled, the contents in wine gallons, the apparent proof, the words "Completely Denatured Alcohol", and the formula number. All such containers of more than 5 gallons capacity shall bear a serial number.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.522 Marks on tanks.

All tanks containing spirits or wines shall be marked to show the kind of product therein. When denatured spirits are held in a storage tank or are retained in a mixing tank, the formula of the denatured spirits shall be marked on the tank.

§ 201.523 Caution label.

Each container of completely denatured alcohol containing 5 gallons or less, sold or offered for sale, shall be labeled to show in plain, legible letters (red on white) the words "Completely Denatured Alcohol" and the following statement:

Completely denatured alcohol; contains ingredients which render the product wholly unfit for beverage purposes; if taken internally, will cause serious consequences to health.

The name and address of the denaturer may be printed on such label, but no other extraneous matter will be permitted thereon without the approval of the Director. The word "pure", qualifying denatured alcohol, will not be permitted to appear on the label or the container.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.524 Additional marks on portable containers.

In addition to the other marks required by this part, portable containers (other than bottles enclosed in cases) of spirits (including denatured spirits, as applicable) to be withdrawn from the bonded premises—

(a) Without payment of tax, for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones or supplies for certain vessels and aircraft, shall be marked as provided in Part 252 of this chapter;

(b) On determination of tax shall be marked to show the date of such determination, the serial number of the distilled spirits stamp affixed thereto, and, if wooden packages, with the words "Rinsed" or "Not Rinsed"; if rinsed, the temperature of the water used shall be shown as provided in § 201.377;

(c) Tax-free shall be marked to show the number of the permit of the tax-free user, the date of withdrawal, and the purpose of withdrawal, as, for example, "Hospital Use", "Scientific Purposes", "Use of U.S.";

(d) For use in wine production, in accordance with § 201.386(e), shall show the date of removal and, if to be withdrawn for shipment to a noncontiguous bonded wine cellar, the purpose of the withdrawal; or

(e) For transfer in bond, shall be marked to show such purpose, the date of shipment, and the plant number of the consignee, as, for example, "Trans. 7–8–60, DSP–NY–4."

The proprietor may show the brand or trade name and may place caution notices and other material required by Federal, State, or local law and regulations on the Government head or side if such names and attachments do not interfere with or detract from the markings required by this subpart. Also the proprietor may show wine gallons or proof gallons. No other marks may be placed on the Government head or side except as authorized by the Director.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.525 Marks on bulk conveyances.

The proprietor shall securely attach to the route board, or other suitable device, of each bulk conveyance used to transport spirits (including denatured spirits) a label (coated with transparent shellac or otherwise adequately protected) to identify each conveyance or, when applicable, each compartment as follows:

(a) In-bond shipments and shipments of spirits on which the tax has been determined shall bear a label showing the name, plant number, location (city or town and State) of both the consignor and the consignee, and the date of shipment. In the case of in-bond shipments, the words "Shipped in bond by" shall precede the name of the consignor. In addition, such label shall show the quantity in proof gallons (wine gallons for denatured spirits), and the formula number for denatured spirits.

(b) Shipments of spirits (including denatured spirits) for tax-free use shall bear a label showing the name, location (city or town and State) of both the consignor and the consignee, the plant number of the consignor, the permit number of the consignee, the date of shipment, the quantity in proof gallons (wine gallons for denatured spirits), the formula number for denatured spirits, and, in the case of tax-free spirits, the purpose of withdrawal as provided in § 201.524(c).

(c) Shipments of spirits withdrawn without payment of tax, for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use in wine production, shall bear a label showing the name and location (city or town and State) of both the consignor and consignee, the plant number of the consignor, the registry number, if any, of the consignee, the quantity in proof gallons, the date of shipment, and the purpose of the withdrawal, as, for example, "For Export," "For Deposit in CMBW Cl. 6," "For Trans. to F.T.Z. No. _____," or "For Use in Wine Production."

In addition, export shipments shall conform to the requirements of Part 252 of this chapter.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.526 Packages filled at bottling premises.

(a) *Spirits.* Packages of spirits filled at bottling premises shall be marked with the following information:

(1) Tare, proof, and proof gallons;

(2) Serial number;

(3) Kind of spirits;

(4) Date of filling;

(5) If a rectified product, number of approved formula under which rectified and the plant number of the rectifier, if other than the packaging proprietor;

(6) Name (or trade name) of proprietor; and

(7) Plant number.

(b) *Wine.* Packages of wine filled at bottling premises shall be marked in the manner indicated in paragraph (a) of this section except that (1) in lieu of the kind of spirits the kind of wine shall be shown, (2) in lieu of proof the percent of alcohol by volume shall be shown, and (3) if the wine is unrectified, wine gallons shall be shown instead of proof gallons.

(72 Stat. 1360, 1381; 26 U.S.C. 5206, 5368)

§ 201.527 Marks on cases of bottled-in-bond spirits.

(a) *Mandatory marks.* The following information shall be plainly marked at the time of bottling on the Government side of each case of spirits bottled in bond:

(1) Serial number;
(2) The words "Bottled in Bond";
(3) Kind of spirits;
(4) Proof gallons;
(5) Plant number of bottler;
(6) Proof (if bottled in bond for export);
(7) Date filled.

In addition, on the date tax is determined on cases of bottled-in-bond spirits, such cases shall be marked with the words "Tax Determined", followed by the date of tax determination. Cases, at the time of transfer in bond, shall be marked to show such purpose, the date, and the plant number of the consignee, as, for example, "Trans. 8-1-60, DSP-Ky-4." Cases withdrawn for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones, or supplies for certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter. Cases otherwise withdrawn or removed shall be marked to show the purpose and the date of withdrawal.

(b) *Other marks.* The proprietor may also show the real name and/or the trade name of the producer of the spirits, and may place other material required by Federal, State, or local law and regulations on the Government side, if such names and attachments do not interfere with or detract from the markings required by this subpart. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1366; 26 U.S.C. 5206, 5233)

§ 201.528 Marks on cases filled on bottling premises.

(a) *Mandatory marks.* The following information shall be plainly marked on the Government side of each case of spirits or wine filled on bottling premises:

(1) Serial number;
(2) Kind of wine, or kind of spirits;
(3) Plant number where bottled;
(4) Proof gallons (for spirits and rectified wines);
(5) Wine gallons (for unrectified wines);
(6) Proof (for spirits);
(7) Percent of alcohol by volume (for wines);
(8) Date filled.

Cases removed for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones, or supplies for certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter.

(b) *Other marks.* In addition to the required marks on cases filled on bottling premises, the proprietor may include on the Government side of cases marks as follows:

(1) Name or trade name, and location, if desired, of the bottler, and in conjunction therewith the word "Bottler";
(2) For products actually distilled or rectified by the proprietor, his name or trade name, and location, if desired, and in conjunction therewith the words "Distiller" or "Rectifier" as applicable;
(3) For products actually imported and bottled by the proprietor, the words "Imported and Bottled By", followed by his name or trade name, and location if desired;
(4) For products bottled for a dealer, the words "Bottled For", followed by the name of such dealer;
(5) Other material required by Federal or State law and regulations.

The marks authorized by this paragraph shall not interfere with or detract from the mandatory marks prescribed in paragraph (a) of this section. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1381; 26 U.S.C. 5206, 5368)

§ 201.529 Cases of bottled alcohol.

(a) *Mandatory marks.* The Government side of each case of alcohol bottled in accordance with the provisions of Subpart K of this part shall be marked with the word "Alcohol", shall be serially numbered, and shall be marked to show the plant number, proof, and proof gallons. In addition, on the date tax is determined on cases of alcohol, such cases shall be marked with the words "Tax Determined", followed by the date of tax determination. Cases otherwise withdrawn or removed shall be marked to show the date of withdrawal or removal. Cases withdrawn for export, transfer to customs manufacturing bonded warehouses, transfer to foreign-trade zones, or supplies for certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter. Cases withdrawn tax-free shall be marked to show the number of the permit of the tax-free user and the purpose of the withdrawal as provided in § 201.524(c).

(b) *Other marks.* The proprietor may also show the brand or trade name, and may place other material required by Federal, State, or local law and regulations on the Government side, if such names and attachments do not interfere with or detract from the marks required by this subpart. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1369; 26 U.S.C. 5206, 5235)

§ 201.530 Additional marks for cases.

Labels or data describing the contents for commercial identification purposes, or indicating payment of State or local taxes, may appear on the Government side of cases. The Director may authorize designs or other marks on the Government side of cases. Labels, marks, or designs shall not conflict with, or obscure, the markings required by this part. Applications for approval of designs or other marks shall be submitted in duplicate through the assistant regional commissioner and be accompanied by drawings or other representations showing the proposed marks and the colors in which they will appear.

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.531 Obliteration of marks, brands, stamps, and labels.

Except as to change of designation as provided in § 201.517(b), the marks, brands, stamps, and labels required by this part to be placed on any container or case shall not be destroyed or altered until the container or case is emptied. When the proprietor empties any container, the marks, brands, stamps, and labels shall be effaced or obliterated, except that when any package is to be immediately refilled at the plant where emptied, those marks or brands which will be applicable to the package when refilled may be retained on the package, pending such reuse. The provisions of this section shall not apply to containers stamped with strip stamps or to the permanent marks on tanks required by § 201.236.

(72 Stat. 1358; 26 U.S.C. 5205)

Subpart Q—Stamps

Strip Stamps

§ 201.541 General.

(a) *Spirits bottled in bond.* Every bottle of spirits bottled in bond pursuant to the provisions of section 5233, I.R.C., and Subpart K of this part shall, when filled, be stamped by the proprietor with a prescribed bottled-in-bond strip stamp evidencing the bottling of such spirits in bond. The prescribed stamp is serially numbered (except stamps of less than ½ pint denomination), and shows that (1) the spirits were bottled in bond under supervision of the United States Government, (2) the quantity of spirits in the container, and (3), except for export stamps, the proof of the spirits. Green strip stamps are prescribed for spirits bottled in bond for domestic use, and blue for export. Blue export strip stamps, applied to bottles of spirits bottled in bond for export with benefit of drawback, shall be overprinted with the word "DRAWBACK".

(b) *Spirits bottled on bottling premises.* Every bottle or other immediate container of less than five wine gallons of taxpaid spirits filled on bottling premises for removal therefrom shall, when filled, be stamped by the proprietor with a prescribed red strip stamp, evidencing the determination of tax or indicating compliance with the provisions of Chapter 51, I.R.C., and this part. The prescribed stamps shall be issued in a standard size, serially numbered, for bottles or containers of ½ pint capacity or more and in a small size for bottles or containers of less than ½ pint capacity. Where spirits are bottled especially for export with benefit of drawback, or where taxpaid spirits are restamped for export with benefit of drawback, the word "EXPORT" shall be overprinted on the red strip stamp.

(c) *Alcohol bottled under section 5235, I.R.C.* Every bottle of alcohol bottled on bonded premises pursuant to the provisions of section 5235, I.R.C., and Subpart K of this part, shall, when filled, be stamped by the proprietor with a prescribed white strip stamp evidencing the bottling of such alcohol in compliance with such section and subpart. The prescribed stamp shows the contents of the container to be alcohol. Strip stamps applied to bottles of alcohol to be exported shall be overprinted with the word "EXPORT".

(d) *Overprinting.* The words "EXPORT" or "DRAWBACK" shall be overprinted in the center of the strip stamp, in a readily legible manner, by printing or by the use of a rubber stamp or other suitable method.

(72 Stat. 1358, 1369; 26 U.S.C. 5205, 5235)

§ 201.542 Bottled-in-bond strip stamp denominations.

Strip stamps for spirits bottled in bond are provided in the following denominations only: 1 gallon, ½ gallon, 1 quart, ⅓ quart, 1 pint, ½ pint, and less than ½ pint. When bottles containing over ½ pint of bottled-in-bond spirits for export are of a size for which blue bottled-in-bond strip stamps in the exact denomination are not provided, the proprietor shall use stamps of the denomination next under the actual quantity of spirits contained in the bottles; he shall strike out the original denominations and shall write or print on the stamps the exact quantity of spirits contained in the bottles.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 201.543 Procurement of strip stamps.

(a) *General.* Strip stamps may be obtained, without charge, by the proprietor, in reasonable anticipation of current needs, from the district director of the district in which the plant is located, by requisition on Form 428 approved by the assigned officer. Such stamps may not be procured by one proprietor from another or transferred to another plant operated by the same proprietor, except on authorization by the assistant regional commissioner, nor may they, except in the case of emergency, be requisitioned from district directors of other districts. Requisitions shall be for full sheets of such stamps, and unless the stamps are called for in person, the proprietor shall specify the means of delivery and enclose a remittance to cover the cost of such delivery. Means of delivery, other than delivery directly to the proprietor or his agent, shall be limited to (1) registered mail, (2) certified mail, or (3) express. On receipt of the stamps the proprietor shall deliver them and the corresponding Form 428 to the assigned officer for verification.

(b) *Alternative method.* When the assistant regional commissioner determines that the interests of the Government will be best served thereby, the stamps may be shipped, at Government expense, directly to the assigned officer at the distilled spirits plant from a location other than the office of the district director.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 201.544 Overprinting of bottled-in-bond stamps.

The season and year of production and the season and year of bottling shall be overprinted on bottled-in-bond stamps in the blank space on the end of the stamp bearing the serial number or, in the case of the "less than ½ pint" denomination, on the right hand end of the stamp. The stamp shall be overprinted in the blank space on the other end with the name of the distiller (or trade name) under which the spirits were produced and warehoused; such name shall be the same as the name which appears on the label, as provided by § 201.332. If a word as such "company", "corporation", or "incorporated", is a part of such name, the abbreviation of such word may be used. In overprinting export strip stamps, the proof at which the spirits are to be bottled will also be printed on the stamps. Stamps which cannot be used in the season or year for which they were overprinted, or on which an error was made in the season of production or bottling, may again be overprinted. Other data may not be changed after the first overprinting. All overprinting shall be done by the proprietor or, on his order, by a reputable printer. Overprinting will be done in red ink.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 201.545 Affixing stamps.

The proprietor shall affix strip stamps to the containers with a strong adhesive, and in such a manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed to the container. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons or wrappings such cartons or wrappings must bear the words, "This package may be opened for examination by Internal Revenue Officers." Internal revenue officers have the right to open such cartons and wrappings and examine the containers. Where there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 201.546 Strip stamp accounting.

Proprietors are responsible for the proper control of and accounting for all strip stamps received. Stamps that have been mutilated shall be destroyed under the supervision of an internal revenue officer, and unused stamps for which the proprietor has no use shall be disposed of in accordance with the instructions of the assistant regional commissioner. Proprietors shall not transfer or dispose of strip stamps charged to their account except as provided in this part. Proprietors shall keep records and submit reports relating to such stamps in accordance with the provisions of Subpart U of this part.

§ 201.547 Restamping of spirits.

Bottles of bottled-in-bond spirits and alcohol may be restamped under the provisions of Subpart K of this part. Bottles or other containers to which red strip stamps have been affixed may be restamped under the provisions of Subpart N of this part. Replacement of mutilated or missing strip stamps by persons other than proprietors of a plant shall be made in accordance with the provisions of Part 194 of this chapter.

(72 Stat. 1358, 1366; 26 U.S.C. 5206, 5233)

§ 201.548 Removing or breaking of strip stamps.

Strip stamps shall not be removed from a container until the container is emptied, and shall not be broken except in the process of opening the container.

Distilled Spirits Stamps

§ 201.549 General.

(a) *Bonded premises.* Except for containers required to be stamped under § 201.541 and pipelines for the conveyance of spirits, containers of spirits withdrawn from bonded premises on determination of tax, or without payment of tax for the purposes authorized in § 201.386(a)–(d), shall be stamped with a prescribed distilled spirits stamp evidencing compliance with the provisions of Chapter 51, I.R.C., and this part.

(b) *Bottling premises.* All containers of spirits containing 5 wine gallons or more which are filled on bottling premises for removal therefrom (including such containers filled for export with benefit of drawback) shall be stamped with a prescribed distilled spirits stamp evidencing compliance with the provisions of Chapter 51, I.R.C., and this part.

(c) *Information on stamp.* The prescribed distilled spirits stamp is serially numbered. It shall be marked, in the space provided, by the proprietor withdrawing or removing the spirits, to show the name and plant number of such proprietor, the date of affixing the stamp to the container, and the serial number of the container. When spirits are withdrawn under the provisions of § 201.386(a)–(d) the proprietor shall insert the word "Export" on the stamp. When spirits are removed from bottling premises the proprietor shall insert on the stamp the words "Filled on Bottling Premises" and if the spirits have been rectified he shall also insert the words "Rectified Product".

(72 Stat. 1358, 1393; 26 U.S.C. 5205, 5522)

§ 201.550 Issuance and affixing of distilled spirits stamps.

Distilled spirits stamps shall be issued to the proprietor by the assigned officer on tax determination or, in other cases, on receipt of the appropriate form covering the withdrawal or removal of the spirits. Such stamps shall be affixed and canceled by the proprietor before the

packages or conveyances are removed from the bonded or bottling premises, as the case may be. The stamps shall be securely affixed to the Government head of the package, or the route board, or other suitable devices of the bulk conveyance, or to an appropriate part of any other approved container, and thereupon canceled by drawing or otherwise imprinting a line (not less than one-eighth inch wide) in durable red ink diagonally across the stamp. Such stamps (except in the case of packages to be transferred to contiguous premises) shall be covered with a transparent coating of shellac, lacquer, varnish, or equally suitable material, to protect the markings on the stamp. Where the bulk conveyance consists of separate compartments, a separate stamp for each compartment shall be issued, and shall be affixed to the proper route board, and canceled. Distilled spirits stamps shall remain on the containers or conveyances until the spirits therein are emptied. Such stamps shall be destroyed, as provided in § 201.531, when the containers are emptied.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 201.551 Restamping packages and conveyances.

Any package or conveyance of spirits which has been duly stamped with a distilled spirits stamp, but from which the stamp has been lost or destroyed by accident, shall, except as otherwise provided in this chapter, be restamped with another distilled spirits stamp. Applications for such restamping shall be made in writing to the assistant regional commissioner for the region in which the package or conveyance to be restamped is located. The application shall set forth the following:

(a) The serial number of each package or conveyance (and proprietor's name thereon);

(b) The location of the package or conveyance;

(c) A description of the contents;

(d) The applicant's interest in the property;

(e) The tax status of the spirits (supported by certified copies of the withdrawal forms);

(f) Statement by the applicant (or person having knowledge of the facts) that the package or conveyance was once duly stamped (and evidence thereof); and

(g) The circumstances connected with the destruction or loss of the stamps.

The application shall be executed under the penalties of perjury. If the assistant regional commissioner is satisfied that the package or conveyance had been properly stamped, and that the loss or destruction of such stamp is satisfactorily explained, he will issue, or cause to be issued, a distilled spirits stamp for the package or conveyance.

(72 Stat. 1358; 26 U.S.C. 5205)

IMITATION STAMPS

§ 201.552 Imitation of prescribed stamps prohibited.

No person shall affix to any container containing or intended to contain distilled spirits, any stamp, mark, brand, or label, in imitation or simulation of of any prescribed internal revenue stamp required to be affixed to any container of distilled spirits.

Subpart R—Voluntary Destruction

§ 201.561 General.

The tax liability on distilled spirits (including denatured spirits) terminates, or if the tax has been paid it may be refunded or credited, when such spirits are voluntarily destroyed in accordance with this subpart—

(a) By the proprietor or other persons liable for the tax while the spirits are in bond, or

(b) By the proprietor who withdrew the spirits on payment or determination of tax on or after July 1, 1959, for rectification or bottling if the spirits (before the completion of bottling and casing or other packaging for removal from the bottling premises to which removed from bond) are found by him to be unsuitable for the purpose for which intended. A corporation and any of its affiliated or subsidiary corporations who conduct successive operations at the same bottling premises may qualify, as provided in § 201.490, to be treated as one proprietor for the purposes of this subpart. This paragraph does not apply to any tax other than the distilled spirits tax imposed under section 5001 (a) (1), I.R.C., and applies only in respect of tax on the quantity actually destroyed.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.562 Application, Form 1577.

Application for destruction of spirits (including denatured spirits) shall be filed by the proprietor of a plant on Form 1577 with the assigned officer or, if none is regularly assigned, the assistant regional commissioner. If the proprietor desires to destroy spirits in bond at some place other than on bonded premises, the assistant regional commissioner may require that the spirits be moved to a more convenient location. The quantity of spirits to be destroyed shall be determined by an assigned officer, who shall supervise the destruction thereof and prepare his report on Form 1577; denatured spirits may, at the discretion of the approving officer, be destroyed without supervision.

(72 Stat. 1323; 26 U.S.C. 5008)

§ 201.563 Claims.

Claims for refund or credit of tax on spirits voluntarily destroyed under this subpart shall be filed pursuant to the provisons of Subpart C of this part. Where spirits destroyed on bottling premises contain alcoholic ingredients which were not withdrawn by the proprietor from bonded premises on tax determination, such ingredients shall not be included in any claim for refund or credit. The quantity of all spirits and alcoholic ingredients destroyed on bottling premises shall be reported on Form 2611. All claims under this subpart must be filed within 6 months from the date of destruction.

(72 Stat. 1323; 26 U.S.C. 5008)

Subpart S—Return of Spirits to Bonded Premises

§ 201.581 Return of taxpaid spirits to bonded premises.

Subject to the provisions of this subpart, spirits withdrawn from bonded premises on payment or determination of tax in bulk containers on or after July 1, 1959, may be returned to bonded premises, if such spirits have been found to be unsuitable for the purpose for which intended to be used before any processing thereof and before removal of any spirits (other than samples for testing or analysis) from the original container in which such spirits were withdrawn. In the case of spirits withdrawn by pipeline, the tank into which the spirits were originally deposited shall be considered the original container, and such spirits may be returned by pipeline or by other approved containers. The returned spirits shall be immediately redistilled or denatured or mingled under the following conditions:

(a) If distilled at 190 degrees or more of proof, mingled with other spirits in bond which were so distilled;

(b) If eligible for denaturation, mingled with other eligible spirits for immediate denaturation;

(c) If eligible to be removed from bond for an authorized tax-free purpose, mingled with other eligible spirits to be immediately so removed; or

(d) If to be redistilled at the same or at another plant, mingled with other spirits for immediate redistillation.

All provisions of Chapter 51, I.R.C., and this part, applicable to spirits in internal revenue bond shall be applicable to spirits returned to bonded premises under this section on such return.

(72 Stat. 1364; 26 U.S.C. 5215)

§ 201.582 Application for return of taxpaid spirits.

Application shall be prepared on Form 2612 by the proprietor of the bonded premises and submitted to the assistant regional commissioner for approval of the return of spirits under the provisions of § 201.581. On receipt from the assistant regional commissioner of the approved application, the proprietor shall make arrangements for the shipment of the spirits to his bonded premises.

(72 Stat. 1364; 26 U.S.C. 5215)

§ 201.583 Receipt of returned taxpaid spirits.

On receipt of taxpaid spirits eligible for return to bonded premises, the proprietor shall gauge the spirits in the presence of the assigned officer. The proprietor shall execute his receipt for the spirits and report of gauge on all copies of the approved Form 2612 and deliver all the copies to the assigned officer who shall, on execution on the form of his verification of the receipt and gauge of the spirits, return two copies to the proprietor. The assigned officer shall forward one copy of Form 2612 to the assistant regional commissioner, and shall retain one copy for his files. The proprietor shall retain one copy of Form 2612 for his files and shall attach one copy to his claim for refund or credit, as provided by § 201.44. When containers of such spirits are emptied, the proprietor shall comply with the applicable provisions of § 201.531.

(72 Stat. 1364; 26 U.S.C. 5215)

§ 201.584 Return of recovered denatured spirits and recovered articles.

Recovered denatured spirits, and recovered articles containing denatured spirits, may be returned for restoration or redenaturation to the bonded premises of any plant authorized to denature spirits, in accordance with the provisions of Part 211 of this chapter. If restoration requires redistillation, the recovered denatured spirits or articles may be returned for such purpose to bonded premises of a plant authorized to produce spirits. Such spirits and articles shall be kept apart from all other spirits (including denatured spirits and articles containing denatured spirits) and shall be promptly redenatured and removed.

(72 Stat. 1372; 26 U.S.C. 5273)

§ 201.585 Return of recovered tax-free spirits, and spirits and denatured spirits withdrawn free of tax.

Specially denatured spirits withdrawn free of tax under the applicable provisions of Part 252 of this chapter for exportation or for deposit in a foreign-trade zone, and spirits (including denatured spirits) withdrawn free of tax under the applicable provisions of Part 211 or 213 of this chapter, may be returned (a) to bonded premises of any plant authorized to produce distilled spirits, for redistillation; or (b) to any bonded premises for storage pending subsequent lawful withdrawal free of tax. Recovered tax-free spirits may, as provided in Part 213 of this chapter, be returned for redistillation to bonded premises of any plant authorized to produce distilled spirits or to any bonded warehouse facility for restoration (not including redistillation). The return shall be made under the applicable provisions of this part and Part 211, 213, or 252 of this chapter, as appropriate. Before spirits (including denatured spirits) are returned to bonded premises for storage, without redistillation, the proprietor shall file a consent of surety on Form 1533 to extend the terms of his bond, Form 2601, to cover the return and storage of such spirits. The proprietor may, if he so desires, file one consent of surety on his bond to extend the terms thereof to cover all such spirits which may be so returned to him.

(48 Stat. 999 as amended, 72 Stat. 1365; 19 U.S.C. 81c, 26 U.S.C. 5223)

§ 201.586 Return of spirits withdrawn without payment of tax.

Spirits lawfully withdrawn without payment of tax under the provisions of Part 252 of this chapter for exportation, or for deposit in a manufacturing bonded warehouse—class 6, or for deposit in a foreign-trade zone, or for use on vessels and aircraft, and not so exported, deposited, or used (or laden for use) on a vessel or aircraft, may be returned, under the applicable provisions of this part and Part 252 of this chapter, (a) to the bonded premises of any plant authorized to produce distilled spirits, for redistillation, or (b) to the bonded premises from which withdrawn, for storage pending subsequent removal for a lawful purpose. Wine spirits withdrawn pursuant to § 201.387 for use in wine production, and not so used, may be returned to the bonded premises of a plant; the consignee proprietor shall obtain approval, as provided in § 201.366, and the wine spirits shall be removed from the winery in accordance with the provisions of Part 240 of this chapter.

(72 Stat. 1362, 1365, 1362; 26 U.S.C. 5214, 5223, 5373)

§ 201.587 Procedure at plant.

The receipt and deposit of denatured spirits, recovered denatured spirits, and recovered articles containing denatured spirits shall be under the general supervision of the assigned officer; the receipt and deposit of other spirits returned to bonded premises shall be under the direct supervision of the assigned officer. The proprietor shall, at the time of receipt, determine, by gauge when necessary, the quantity of all returned spirits, denatured spirits, and articles and prepare a report thereof on Form 2629 (recording packages on Form 2630 and cases on Form 1620 when packages or cases of spirits are to be returned to storage); and the assigned officer shall, except in the case of denatured spirits and articles, verify such report. The proprietor shall efface export marks and stamps (if any) from the returned containers. If the returned spirits (including denatured spirits) have been shipped by the consignor on Form 1473, the proprietor shall execute the certificate of receipt on such form and forward the original thereof to the assistant regional commissioner. through the assigned officer. Spirits recovered by the redistillation of denatured spirits, recovered denatured spirits, and articles may not be withdrawn from bonded premises except for industrial use or after denaturation thereof. All spirits redistilled under the provisions of this subpart shall, subject to the provisions of this subpart, be treated the same as if such spirits had been originally produced by the redistiller and all provisions of this part and Chapter 51, I.R.C., applicable to the original production of distilled spirits, shall be applicable thereto. The receipt, redistillation (if any), storage, and disposition of spirits, denatured spirits, and articles containing denatured spirits returned to bond shall be recorded in the appropriate records and reports of the proprietor as prescribed in Subpart U of this part. Except as otherwise provided in this subpart, all spirits (including denatured spirits) returned to bonded storage may be withdrawn for any purpose authorized by this part and Chapter 51, I.R.C. Nothing in this section shall be construed as affecting any provision of law or regulations relating to the labeling, marking, branding, or identification of distilled spirits.

(72 Stat. 1362, 1365; 26 U.S.C. 5214, 5223)

§ 201.588 Abandoned spirits.

Spirits abandoned to the United States may be sold, without payment of the internal revenue tax, to a proprietor of a plant for denaturation, or for redistillation and denaturation, if such plant is authorized to denature or redistill and denature spirits. Such spirits shall be kept apart from all other spirits (including denatured spirits) until denatured. The receipt, gauge, handling, and recordkeeping provisions of § 201.587 are applicable to such spirits.

(72 Stat. 1370; 26 U.S.C. 5243)

Subpart T—Samples

§ 201.601 Samples for analysis or testing.

Subject to the conditions prescribed in this subpart, the proprietor may withdraw, free of tax, from the closed distilling system or from containers on bonded premises, samples of spirits in the minimum size and number necessary for the conduct of his business: *Provided*, That the size of such samples shall not exceed one quart unless the assistant regional commissioner has approved the taking of larger samples. Such samples shall be used exclusively for testing or laboratory analysis. When the assistant regional commissioner finds that the number or size of samples withdrawn is excessive, he shall so advise the proprietor and inform him as to the number and size of samples which may be withdrawn free of tax. Where the testing consists of an organoleptic examination, such examinations shall be made only on the plant premises, or in a central laboratory of the proprietor (or central laboratory of any of its affiliated or subsidiary corporations, as defined in § 201.490, which is qualified as a proprietor of a distilled spirits plant), or, when approved by the assistant regional commissioner, in a recognised commercial laboratory. Samples withdrawn free of tax shall not be used for the development of blends, for beverage purposes, for testing the stability or suitability of newly developed materials used in the manufacture of items such as containers, closures, pipes, or hoses, and shall not be furnished to salesmen or dealers or used for advertising or soliciting purposes (including sales promotion purposes and "consumer preference" tests); where spirits are sold subject to approval as to quality a sample may be furnished the purchaser. When the assistant regional commissioner finds that any samples withdrawn were in excess of the minimum size and number necessary or that any samples were used or disposed of in any manner not authorized by this part, he shall proceed to collect the tax thereon.

(72 Stat. 1314, 1362, 1382; 26 U.S.C. 5001, 5214, 5373)

§ 201.602 Samples of denatured spirits.

The proprietor may take such samples of denatured spirits as may be necessary for the conduct of his business In addition, the proprietor may furnish samples of specially denatured spirits to

dealers in and users of specially denatured spirits in advance of sales and to such users and to applicants or prospective applicants for permits to use specially denatured spirits for experimental purposes or for use in preparing samples of a finished product for submission to the Director. Samples for these purposes, in excess of one quart, shall be furnished only pursuant to a permit on Form 1512 issued to the consignee. Form 1473 shall be prepared to cover shipment of samples of a size in excess of one quart, and will show the permit number of the Form 1512.

(72 Stat. 1362; 26 U.S.C. 5214)

§ 201.604 Schedule of samples.

The proprietor shall furnish the assigned officer a schedule of all samples to be taken on bonded premises by means other than mechanical sampling devices. The schedule (either separate or a part of the schedule of operations) shall be prepared for such period of time as the proprietor may accurately forecast his sampling operations and shall be furnished at least one day in advance of the taking of any samples. When unanticipated samples are needed, the schedule may be appropriately supplemented. The schedule shall provide—

(a) The name of the proprietor and the plant number;

(b) The kind of spirits or formula number of denatured spirits;

(c) The place from which the sample is to be removed, or serial number of the package and the name and plant number of the packaging proprietor if other than the one taking sample;

(d) The purpose for which the sample is to be taken;

(e) The size of the sample;

(f) Whether or not the sample is taxable;

(g) If the sample is to be analyzed or tested at other than the immediate or contiguous premises of the proprietor, the name and address of the laboratory or purchaser to which the sample is to be sent; and

(h) The approximate time the sample will be taken.

When samples are taken the proprietor shall indicate on his retained copy of the schedule, or on an appropriate record, the taking of the sample and the disposition thereof.

(72 Stat. 1362, 1382; 26 U.S.C. 5214, 5373)

§ 201.605 Disposition of samples.

Remnants or residues of samples of spirits withdrawn free of tax, remaining after analysis or testing shall not be accumulated beyond a reasonable time. They shall be destroyed or returned to vessels in the distilling system containing similar spirits.

(72 Stat. 1362, 1382; 26 U.S.C. 5214, 5373)

§ 201.606 Taxable samples.

Samples taken of spirits in bond which are used for purposes other than testing or laboratory analysis, and samples withdrawn free of tax in excess of any limitations, as provided in § 201.601, are taxable. The assigned officer shall keep a record on Form 1615 of all taxable samples withdrawn. Where the proprietor is qualified to defer payment of the tax, the tax due on samples shall be included in the proprietor's tax return on Form 2522 for the period in which the samples were withdrawn; the assigned officer shall furnish the proprietor a copy of the Form 1615. Where a proprietor is not qualified to defer the payment of tax, the tax on samples shall be paid by return on Form 2521.

(72 Stat. 1362, 1382; 26 U.S.C. 5214, 5373)

§ 201.607 Label.

On the container of each sample of spirits, except denatured spirits or a sample solely for testing and immediate disposal at the location where taken or at the operator's control position, the proprietor shall affix a label showing the following information:

(a) The word "sample";

(b) The kind of spirits;

(c) The place from which the sample was removed, and the identity of the package where applicable;

(d) The purpose for which the sample was removed;

(e) The size of the sample;

(f) Whether taxable or free of tax, and if taxable, the proof gallon content to the fourth decimal place;

(g) If the sample is to be removed to other than the immediate or contiguous premises of the proprietor, the name and address of the laboratory or purchaser to which the sample is to be sent;

(h) The name of the proprietor and the plant number;

(i) The signature of the person who removed the sample; and

(j) The date the sample was taken.

Each sample of denatured spirits withdrawn from the premises of the distilled spirits plant shall be labeled as a sample and shall show the name, address, and plant number of the proprietor, the name and address of the person to whom sent, the words "Specially Denatured Spirits" or "Specially Denatured Alcohol", followed by the formula number and the quantity.

(72 Stat. 1362, 1382; 26 U.S.C. 5214, 5373)

Subpart U—Records and Reports

General

§ 201.611 Records in general.

The records required by this part to be maintained by proprietors shall include:

(a) All records and summaries specifically required by this part,

(b) All supplemental and auxiliary data needed for compilation of specifically required records and summaries and for preparation of reports, returns, and claims,

(c) Substitute records authorized under the provisions of this part,

(d) Copies of notices, reports and returns, and approved copies of applications and other documents relating to operations and transactions, and

(e) Proprietors' copies of individual transaction forms.

The term "records" as used in this subpart does not include copies of qualifying documents required under Subpart F of this part or of bonds required under Subpart G of this part.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.612 Maintenance and preservation of records.

Records required by this part shall be kept by the proprietor at the plant where the operation or transaction occurs and shall be available for inspection by any internal revenue officer during business hours. Whenever any record, because of its condition, becomes unsuitable for its intended or continued use the proprietor shall reproduce such record, by a process approved by the Director under § 201.616 for reproducing records, and such reproduction shall be treated and considered for all purposes as though it were the original record, and all provisions of law applicable to the original shall be applicable to such reproduction. Records required by this part shall be preserved for a period of not less than four years from the date thereof or the date of the last entry required to be made thereon, whichever is the later, except that records of spirits stored on bonded premises shall be preserved for not less than four years from the date the spirits covered thereby are removed from the proprietor's bonded premises.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.613 Forms to be provided by user at own expense.

Forms 122, 338, and 2637 shall be provided by the users at their own expense and shall be in the form prescribed by the Director.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.614 Variations from prescribed forms.

Proprietors, subject to the approval of the Director, may modify prescribed forms, other than reports required by §§ 201.633 and 201.634 and other than claim forms and tax return forms, to adapt their use to tabulating or other mechanical equipment, or to special operations, or to provide additional information, or for other good cause, where such modifications are not inconsistent with the general requirements of accuracy and clarity and do not result in difficulty of processing or filing of the forms. Such modified forms shall contain the information which would have been on the prescribed form, shall constitute the records or reports required by this part, and shall be subject to the same requirements as the prescribed forms. Proprietors desiring to modify a prescribed form shall submit to the Director, through the assistant regional commissioner, two copies of the proposed form with typical entries thereon. The Director may withdraw approval of any modified form when in his opinion the administration of this part will be served thereby.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.615 Symbols for proof of distillation.

Where the proof of distillation is required by this part to be shown, the following symbols may be used to designate the proof of distillation, e.g., "D190P" for "Distilled 190 proof or over," "D160–190P" for "Distilled between 160 and 190 proof," and "D160P" for "Distilled not over 160 proof," or in the case of spirits derived from fruit, "D170–190P" for "Distilled between 170 and 190 proof" and "D170P" for "Distilled not over 170 proof": *Provided*, That brandy distilled between 140 and 170 proof, not reduced with water, and intended for use in wine production, shall be marked "D140–170P."

§ 201.616 Photographic copies of records.

Proprietors who desire to record, copy, or reproduce records, required to be preserved under § 201.612, by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original of such records, shall make application to the assistant regional commissioner, in triplicate, to do so, describing:

(a) The records to be reproduced,

(b) The reproduction process to be employed,

(c) The manner in which the reproductions are to be preserved, and

(d) The provisions to be made for examining, viewing, and using such reproductions.

The assistant regional commissioner shall not approve any application unless the Director has approved that type of record for reproduction and the reproduction process to be employed, and unless the manner of preservation of the reproductions and the provisions for examining, viewing, and using such reproductions are, in the assistant regional commissioner's opinion, satisfactory. Whenever records are reproduced under this section, the reproduced records shall be preserved in conveniently accessible files, and provision shall be made for examining, viewing, and using the reproduced record the same as if it were the original record, and it shall be treated and considered for all purposes as though it were the original record; all provisions of law and regulations applicable to the original record shall be applicable to the reproduced record. As used in this section "Original record" shall mean the record required by this part to be maintained or preserved by the proprietor, even though it may be an executed duplicate or other copy of the document.

(72 Stat. 1395; 26 U.S.C. 5555)

Daily Records

§ 201.617 General.

Each entry required by this part to be made in daily records shall be made therein on the day on which the operation or transaction, to which the entry relates, occurs. Where the proprietor prepares supplemental or auxiliary records concurrent with the individual operation or transaction, which records contain all the required information respecting such operation or transaction, from which daily records can be posted or assembled, he may defer making the entry in or assembly of the daily records to a time not later than the close of the business day next succeeding the day on which such operation or transaction occurs. All entries in the daily records required by this subpart shall show the date of the operation or transaction and shall accurately and clearly reflect the details of each operation or transaction and, as applicable, shall contain all data necessary (a) to enable ready identification and proper marking, branding, and labeling of spirits (including denatured spirits) or wines, (b) to enable proprietors to compile summaries, reports, and returns required by this part, and (c) to enable internal revenue officers (1) to verify and trace the quantity and movement of materials, spirits (including denatured spirits), or wines involved in each operation or transaction, (2) to verify tax determinations and claims (including statements of losses supporting claims), and (3) to ascertain whether there has been compliance with law and regulations. Daily records required by this part shall be so maintained that they clearly and accurately reflect all mandatory information. Where the format or arrangement of the daily records is such that the information is not clearly or accurately reflected, the assistant regional commissioner may require a format or arrangement which will clearly and accurately reflect the information.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.618 Details of daily records.

The daily records required by this part shall conform to the following requirements:

(a) Spirits shall be recorded by kind and by quantity in proof gallons, except that removals of bottled products from bottling premises shall be in wine gallons.

(b) Denatured spirits shall be recorded by formula number and by quantity in wine gallons.

(c) Distilling materials, and chemical byproducts containing spirits, shall be recorded by kind, by percent of alcohol by volume, and by quantity in wine gallons.

(d) Wines shall be recorded by kind, by percent of alcohol by volume, and by quantity in wine gallons, except that wines received for and used in rectification shall be by quantity in proof gallons.

(e) Alcoholic flavoring materials shall be recorded by kind (and formula number, if any), by percent of alcohol by volume, and by quantity in proof gallons.

(f) Containers or cases involved in each operation or transaction shall be recorded by type, serial number, and the number of containers (including identifying marks on bulk conveyances) or cases.

(g) Materials intended for use in the production of spirits shall be recorded by kind and by quantity, recording liquids in gallons and other materials in pounds, and giving the sugar content for molasses.

(h) The name and address of the consignee or consignor, and, if any, the plant number or industrial use permit number of such person, shall be recorded for each receipt or removal of materials, spirits (including denatured spirits), and wine.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.619 Daily production records.

Each proprietor shall maintain daily records of operations of his production facilities showing:

(a) The receipt of fermenting material or other nonalcoholic material intended for use in the production of spirits.

(b) The receipt and use of spirits and denatured spirits received for redistillation.

(c) The fermenting material set in each fermenter or other material used in the production of spirits.

(d) The distilling material produced, received on production facilities, and used in production of spirits, or destroyed or removed from the premises before being distilled (including the residue of beer returned to the producing brewery).

(e) The spirits produced and removed from the production system and the purpose for which such spirits were removed. (The date of production shall be the date of gauge and removal from the production system, and the quantity produced shall be the quantity reported on the deposit or withdrawal forms.)

(f) The fermenting materials or other nonalcoholic materials removed from the premises.

(g) The quantity and alcohol content of fusel oil or other chemicals removed from the closed production system and the disposition thereof with the name of the consignee, if any.

(h) The kind and quantity of distillates removed from the production system pursuant to § 201.275.

(i) The kind and quantity of spirits lost or destroyed prior to production gauge.

Where distillates from two or more types of mash are produced, the proprietor shall maintain a separate record for each type of distillate which will enable ready identification of each kind of distillate produced and of the mash from which produced. Where the proprietors' copies of prescribed transaction forms reflect details of the transactions required by this section, such copies may constitute the records of such details required under this section.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.620 Daily records of other production.

Each proprietor who manufactures substances other than spirits, in a process which produces spirits as a byproduct, shall maintain daily production records as to each such process showing:

(a) The kinds and quantity of materials received, unless included in records maintained under § 201.619.

(b) The spirits produced and disposed of.

(c) The kind and quantity of other substances produced.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.621 Daily denaturing records.

Each proprietor shall maintain daily records of his denaturing operations showing:

(a) The kind and quantity of denaturants received, used in denaturation of spirits, or otherwise disposed of.

(b) The spirits denatured.

(c) The denatured spirits produced, received, removed, or otherwise disposed of.

(d) The recovered denatured spirits or recovered articles received.

(e) The recovered denatured spirits or recovered articles restored and/or redenatured.

A record of packages of denatured spirits filled and disposed of shall be maintained on Form 1467. A separate sheet shall be used for each formula and the forms shall be filed in numerical order according to the serial numbers of the packages. Where denatured spirits are stored in tanks a record by formula number of the denatured spirits deposited in and withdrawn from such tanks shall be maintained; losses determined at the time a tank is emptied, or inventoried, shall be reflected in the record. The mingling under § 201.296 of packages of denatured spirits shall be reflected on Form 1467 and in the record of denatured spirits in tanks, if applicable. Proprietors who denature spirits and store denatured spirits on both production facilities and bonded warehouse facilities shall maintain separate records under this section for each facility.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.622 Daily bonded storage records.

(a) *Daily summary.* Each proprietor shall maintain a daily summary record of his bonded storage operations which shall show for each kind of spirits (1) the spirits received in bonded storage; (2) the spirits removed from bonded storage and the purpose for which removed; (3) the losses of spirits disclosed during storage including losses disclosed by inventories or by emptying tanks or bulk conveyances; and (4) the spirits voluntarily destroyed. Such summary shall, where applicable, be supported by individual transaction forms or gauge forms.

(b) *Other transactions.* Each proprietor shall also maintain records reflecting:

(1) The mingling of spirits under §§ 201.297 and 201.301;

(2) The blending of beverage rums and brandies under §§ 201.307 and 201.308;

(3) The bottling of spirits under subpart K of this part, including—

(i) Spirits entered for bottling in bond,

(ii) Spirits bottled and cased for domestic use or for export,

(iii) Bottled spirits returned to storage,

(iv) The rebottling, relabeling, or restamping of bottled spirits (domestic spirits rebottled, relabeled, or restamped for export shall be appropriately identified on the Form 1515),

(v) Alcohol bottled, and

(vi) The gains or losses determined during bottling;

(4) The change of packages under § 201.295; and

(5) The quick aging of spirits, or the addition of oak chips to spirits or burnt sugar or caramel to brandy and rum under § 201.292.

Where the proprietors' copies of prescribed transaction forms reflect details of the transactions required by this paragraph, such copies may constitute the records of such details required under this paragraph.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.623 Daily bottling premises records.

Each proprietor shall maintain daily records of the details of his bottling premises operations showing:

(a) The spirits, wines, and alcoholic flavoring materials received on the premises. Such receipts shall be supported, as applicable, by copies of Forms 179 (and Form 2630 if any) covering spirits withdrawn from internal revenue bond on tax determination, by taxpayment forms covering spirits withdrawn from customs bond, or by invoices covering other spirits and products received. The total receipts for each day shall be summarized showing (1) the spirits received on withdrawal from bond and the number and serial numbers of Forms 179 or taxpayment forms involved, (2) the spirits received from other sources, (3) the wines received, and (4) the alcoholic flavoring materials received.

(b) The spirits and wines dumped for rectification, or bottling or packaging without rectification, showing the serial number of the Form 122 covering such dump.

(c) The spirits, wines, and alcoholic flavoring materials used for rectification, showing the serial number of the Form 122 covering such use.

(d) The rectified products produced (including heads and tails removed from the closed system) and the formula number under which rectified.

(e) The bottling or packaging (including removals in bulk conveyances or by pipelines) of each batch of spirits and wines after rectification and of each lot of spirits and wines without rectification, showing the serial numbers of the bottling tanks used and the serial number of Form 2637 covering such bottling or packaging.

(f) The bottling of products previously packaged on the premises.

(g) The rebottling, relabeling, and restamping of bottled products.

(h) The spirits, wines, and alcoholic flavoring materials removed from the premises. The total removals for each day shall be summarized showing (1) the spirits and wines removed after rectification but without bottling or packaging, (2) rectified products removed after bottling or packaging, (3) the spirits and wines removed after bottling or packaging without rectification, and (4) the spirits, wines, and alcoholic flavoring materials removed without rectification, bottling, or packaging.

(i) The samples of spirits and rectified products removed from the bottling premises and the name and address of the consignee of such samples.

(j) The accumulation and taxpayment of rinsings on bottling premises.

(k) The voluntary destruction of spirits.

(l) The losses which occur (1) by reason of accident while being removed from bond to bottling premises (where such losses occur, the actual quantity of spirits received shall be reported in the record required by paragraph (a) of this section), (2) by theft, or (3) by reason of flood, fire, or other disaster.

The records required by paragraph (a) of this section shall also show the name and plant number of the producer or rectifier (bonded warehouseman in the case of blended beverage rums or brandies or spirits of 190 degrees or more of proof received from storage facilities) for domestic spirits, the country of origin for imported spirits, and the name and address of the producer of wines and alcoholic flavoring materials. In addition to the above requirements separate records shall be maintained for spirits entered into the closed system for the production of gin or vodka and the spirits recovered therefrom; alcoholic flavoring materials which, under § 201.424, must be procured direct from the manufacturer and covered by an affidavit from him, shall be distinguished in the records from other alcoholic flavoring materials; and spirits bottled or packaged especially for exportation with benefit of drawback, or rebottled, relabeled, or restamped for such exportation, shall be appropriately identified in the records. Where proprietors' copies of prescribed transaction forms reflect details of the transactions required by this section, such copies may constitute the records of such details required under this section.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.624 Daily strip stamp record.

Each proprietor bottling spirits under the provisions of this part shall maintain for each day a transaction in strip stamps occurs a daily record of bottled-in-bond strip stamps by kind (green or blue) and by denomination, of red strip stamps by size (small or standard), and of alcohol strip stamps, showing the number received, used, lost, mutilated, destroyed or otherwise disposed of, and on hand at the beginning and at the end of the day. The record shall also show the number and size of bottles to which red strip stamps and alcohol strip stamps were affixed, except that, as to each kind of stamp, bottles of less than one-half pint capacity shall be recorded as one item.

(72 Stat. 1358, 1361; 26 U.S.C. 5205, 5207)

§ 201.625 Daily taxpaid storeroom record.

Where the proprietor operates a taxpaid storeroom on, contiguous to, adjacent to, or in the immediate vicinity of plant premises, and in connection with his plant, or operates storage premises at another location at or from which distilled spirits are not sold at wholesale, he shall maintain daily records of the receipt and disposition of all distilled spirits and wines at such premises. A separate record shall be kept for each such premises. The records shall contain all data necessary to enable internal revenue officers to identify and trace such receipts and dispositions, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and to provide the proprietor with records from which to compile data for his monthly report on Form 338. In addition to any other information shown therein, such records shall include:

(a) The date of the transaction (or date of discovery in the case of casualty or theft),

(b) The name and address of each consignor or consignee, as the case may be,

(c) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles),

(d) The serial numbers of packages or cases involved,

(e) The name of the producer, and

(f) The country of origin, if imported spirits.

(72 Stat. 1343, 1361; 26 U.S.C. 5114, 5207)

OTHER RECORDS

§ 201.626 Sample record for bonded premises.

Proprietors shall maintain daily records of samples taken by them from bonded premises to show (a) the date taken, (b) the kind of spirits (formula number in the case of denatured spirits), (c) the quantity in wine gallons, (d) the container or place from which taken, (e) the purpose for which taken, (f) the name and address of the consignee when samples are sent out, and (g) whether such samples are tax-free or tax-determined, and, if tax-determined, the proof and tax gallons.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.627 Inventories.

(a) *Production facilities.* Each proprietor of production facilities shall make a record of the monthly inventory of spirits and denatured spirits in tanks and other vessels required by § 201.281, showing the date taken and the details thereof including the identification of the container, and the kind and quantity of spirits or denatured spirits therein, and the losses, if any disclosed by the inventory. Each inventory shall be signed by the proprietor. In addition, where the inventory is taken by a person other than the proprietor, the person taking the inventory shall affix his signature and date to each page of the inventory taken by him. Such inventory record shall be retained by the proprietor and made available for inspection by internal revenue officers.

(b) *Storage facilities.* Each proprietor of bonded storage facilities shall make a record of his monthly inventory of spirits in tanks and other vessels required by § 201.311, showing the date taken and the details thereof including the identifying marks on each such container, the kind and quantity of spirits or denatured spirits therein, and the losses, if any, disclosed by the inventory. The inventory shall be signed and retained as provided in paragraph (a) of this section.

(c) *Bottling premises.* The provisions of paragraph (a) of this section relating to the signing and retention of inventories shall be applicable to inventories taken by proprietors of bottling premises under § 201.492. The date and time such inventories are taken shall be shown on the inventory records.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.628 Record of spirits in storage.

(a) *Records covering deposits.* The proprietor's copies of forms (for example, Forms 236, 1620, 2323, 2630) covering (1) deposit in bonded storage of spirits received from production facilities, from other bonded premises, or by return to bond under Subpart S of this part, (2) packages filled from tanks and retained in bonded storage, (3) cases of spirits returned to the storage portion of the warehouse after bottling, (4) spirits retained in tanks after mingling or blending, and (5) spirits of less than 190 degrees of proof transferred from one tank to another, shall be filed by the proprietor as permanent records. Before filing such forms, he shall enter the date of deposit of the spirits in the warehouse at the bottom of each form. Separate files shall be maintained for spirits in packages and in cases, and such files shall be arranged by producers (warehousemen in the case of blended rums or brandies, and spirits of 190 degrees or more of proof), in chronological order according to the date of deposit in the warehouse, and, where possible, in sequence by serial numbers of packages or cases. In addition, separate files shall be maintained for spirits which have been mingled under § 201.301 and for spirits which have not been so mingled. (For the purposes of records under this section spirits produced under trade names shall be treated as being produced under the real name of the producer.) Also, files, arranged by producers, shall be maintained for spirits of less than 190 degrees of proof in storage tanks, with a separate file for each tank of spirits. Where two or more lots of spirits of less than 190 degrees of proof are deposited in the same storage tank, the forms covering deposits in each tank shall be arranged chronologically according to the date of original entry for deposit in bonded storage of each lot of spirits. In the case of spirits of 190 degrees or more of proof deposited in storage tanks, the proprietor shall consolidate the forms covering deposits in all tanks into one file.

(b) *Records covering withdrawals.* When spirits are withdrawn from bonded storage the proprietor shall note on the record of deposit, required by paragraph (a) of this section, the date and disposition of the spirits so that the files shall currently reflect the spirits remaining in the warehouse. Whenever spirits are removed from storage tanks he shall indicate the date and quantity removed on the appropriate form and when a quantity equivalent to that covered by the form has been removed or otherwise accounted for such form shall be noted accordingly and removed from the active file. Where two or more lots of spirits of less than 190 degrees of proof have been deposited in the same storage tank, removals from the tank shall be charged against the form on the basis that the lot with the earliest date of original entry for deposit is the first lot removed. Withdrawals from bonded storage of spirits of 190 degrees or more of proof shall be charged against the appropriate account on a first-in-warehouse first-out-warehouse, basis.

(c) *Substitute records.* Where the proprietor maintains other records which reflect all the required information he may, subject to the approval of the assistant regional commissioner, maintain such other records in lieu of the files required by paragraphs (a) and (b) of this section. Application to use substitute records shall be submitted, in duplicate, to the assistant regional commissioner together with two copies of the proposed records with typical entries thereon. Such substitute records shall not be used until they are approved by the assistant regional commissioner.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.629 Summary of deposits and withdrawals, Form 1621.

Each bonded warehouse proprietor shall keep current summary accounts on Form 1621 of all spirits entered into, withdrawn from, and remaining in his warehouse. The record of spirits of less than 190 degrees of proof shall be arranged alphabetically by States and (a) numerically by producers according to plant number within each State (spirits produced under trade names, for the purpose of this record, shall be treated as being produced under the real name of the producer) or (b) in the case of blended rums or brandies numerically by bonded warehouse proprietors according to plant number within each State. Separate sheets shall be used for each kind of spirits of less than 190 degrees of proof, for each season's production, for each kind of container, and for spirits mingled under § 201.301 and spirits not so mingled. Warehouse summary accounts shall be maintained showing separately for packages, cases, and storage tanks (including tank cars and tank trucks) the total deposits and withdrawals by kinds of spirits and the total deposits and withdrawals of all kinds of spirits; each account covering packages or cases shall show the number of packages or cases and the total proof gallons therein, and each account covering a tank shall show the total proof gallons. A separate account shall be maintained for each storage tank containing spirits of less than 190 degrees of proof, show-

ing all deposits in, and withdrawals from, the tank. Losses determined at the time a tank is emptied or at the time of the month-end inventory required by § 201.311, shall be entered on the form. In the case of spirits of 190 degrees or more of proof the proprietor shall keep separate summaries on Form 1621 for such spirits in packages, in cases, and in tanks (including tank cars and tank trucks) showing the number of packages and of cases and the proof gallons therein, and the total proof gallons in tanks; separate summaries shall be kept for domestic spirits and for imported spirits.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.630 Monthly summary records.

Each proprietor shall, within ten days after the end of each month, summarize the transactions recorded in his daily records relating to:

(a) Materials intended for use in production of spirits as required by paragraphs (a), (c), and (d) of § 201.619.

(b) Denaturants as required by paragraph (a) of § 201.621.

(c) Alcoholic flavoring materials as required by paragraphs (a), (c), and (h) of § 201.623.

Such summary shall show the kind of material or denaturant and the quantity on hand the first of the month, produced, and/or received, used, otherwise disposed of, and on hand end of the month. The summaries shall be filed with the daily records to which they pertain and shall be made available for inspection by internal revenue officers.

(72 Stat. 1361; 26 U.S.C. 5207)

REPORTS

§ 201.631 Submission of reports.

Daily reports required by this part shall be submitted to the assigned officer, or other officer designated by the assistant regional commissioner, and, unless otherwise provided by this part, shall be submitted on or before the close of business on the business day next succeeding that on which the transaction or operation occurs. Monthly and semiannual reports required by this subpart shall, unless otherwise provided by this part, be submitted to the assistant regional commissioner, and shall be submitted on or before the tenth day following the close of the period for which rendered.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.632 Daily reports.

(a) *Daily report of transactions, Form 2636.* Each proprietor of bonded premises shall prepare a daily report of transactions on Form 2636, in triplicate, covering his production, denaturing, warehousing, and bottling transactions for each day during which such transactions occur. The original and one copy of the report shall be submitted to the assigned officer.

(b) *Daily memorandum report of spirits bottled and of strip stamps.* Each proprietor who bottles spirits under the provisions of this part shall prepare and submit to the assigned officer, for each day a transaction in strip stamps occurs, a daily memorandum report of spirits bottled and strip stamps used. A separate report shall be submitted for each kind of strip stamp (i.e., green bottled-in-bond, blue bottled-in-bond, alcohol, and red). Each report shall show (1) the number of cases of spirits bottled, by number and size of bottle, (2) the serial numbers of such cases, and (3) separate summaries (by denomination for green and blue bottled-in-bond strip stamps, and by size (small or standard) for red strip stamps) of strip stamps received, used, lost, mutilated, unaccounted for, destroyed or otherwise disposed of, and on hand at the beginning and at the end of the day.

(c) *Daily report of withdrawals after tax determination. Form 2632.* Each proprietor of bonded premises shall prepare and submit to the assigned officer a report on Form 2632, executed under the penalties of perjury, of the withdrawals of spirits from his bonded premises on determination of tax. Such report shall include all Forms 179 (identified by release numbers) covering the withdrawals.

(72 Stat. 1361, 1395; 26 U.S.C. 5207, 5555)

§ 201.633 Monthly reports.

Each proprietor shall, at the end of each month, report his operations on the forms prescribed below. Each report shall be prepared in duplicate; the original shall be submitted and the copy shall be retained by the proprietor.

Report	Prepared by—	Requirements
(a) Monthly report—Distilled spirits plant:		
Form 2730	Distillers	Reports production operations. Submitted to the assigned officer.
Form 2731	Bonded warehousemen	Reports bonded storage operations. Submitted to the assigned officer.
Form 2732	Proprietors of bonded premises	Reports denaturation operations for entire bonded premises. Submitted to the assigned officer.
Form 2733	Proprietors of bottling premises	Reports rectification and bottling operations.
(b) Monthly report of spirits mingled, Form 2546.	Bonded warehousemen	Reports spirits mingled under § 201.301. Submitted for each month in which such operations are conducted. Submitted to the assigned officer.
(c) Monthly stamp report, Form 2200.	Proprietors using strip stamps	Reports transactions in strip stamps. A separate report shall be prepared for each kind of strip stamp. Submitted to the assigned officer unless otherwise directed by the assistant regional commissioner.
(d) Wholesale liquor dealer's monthly report, Form 338.	Each proprietor operating a taxpaid storeroom in connection with, and contiguous to, adjacent to, in the immediate vicinity of, or on the premises of, his plant, or storage premises at another location at or from which distilled spirits are not sold at wholesale.	Reports taxpaid spirits received at and removed from such storeroom.

(72 Stat. 1361, 1395; 26 U.S.C. 5207, 5555)

§ 201.634 Semiannual report of spirits in warehouse, Form 332.

As of the close of business June 30, and December 31, of each year, each proprietor of a bonded warehouse shall prepare, on Form 332, in duplicate, a statement by kind, season, and year of production, of spirits in his bonded warehouse. A separate Form 332 shall be prepared for spirits which have been mingled under § 201.301 and for spirits which have not been so mingled. Spirits of 190 degrees or more of proof (on which a record of age is not kept) shall be reported as a single item on Form 332; the quantity of domestic spirits and of imported spirits shall be reported separately. The original of Form 332 shall be submitted to the assigned officer, and the copy shall be retained by the proprietor.

(72 Stat. 1361, 1395; 26 U.S.C. 5207, 5555)

§ 201.635 Reports of spirits stored in same wooden packages 12 years.

Each July the proprietor of bonded premises shall determine whether any spirits in storage in bond have been continuously stored in the same wooden packages for 12 years or more, and, if any such spirits are in storage, shall render by July 20 a report, executed under the penalties of perjury, to the assistant regional commissioner, through the assigned officer, of the results of his determination. The proprietor's report shall include a full identification of the packages and shall include only packages not previously reported.

(72 Stat. 1356; 26 U.S.C. 5201)

[F.R. Doc. 60-5982; Filed, June 29, 1960; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Territorial Subdivisions in Puerto Rico

Section 331.16 in Title 6, Code of Federal Regulations (21 F.R. 10441, 10446, 22 F.R. 1269, 4436, 6549, 23 F.R. 6173, 24 F.R. 7089), is amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designations of the subdivisions named Cayey, Caguas, and Comerio, and (2) designating the following subdivisions:

PUERTO RICO

Name of Subdivision and Municipalities Comprising Subdivision
Cayey: Cayey, Cidra, Comerio.
Caguas: Aguas Buenas, Caguas, Gurabo.

(Sec. 41, 50 Stat. 528, as amended, sec. 54, 50 Stat. 532, as amended; 7 U.S.C. 1015, 1023; Order of Acting Sec. of Agri., 19 F.R. 74, 22 F.R. 6188)

Dated: June 24, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-6026; Filed, June 29, 1960; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 22]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Interpretation With Respect to Pesticides (Economic Poisons) Containing Thallium Compounds Intended for Household Use

Thallium sulfate is a slow-acting cumulative poison which is dangerous to humans and warm-blooded animals both by ingestion and by skin absorption. Dissolved in water or mixed into baits, it has been used for many years as a rodenticide and insecticide. The baits may be sweetened syrups or products containing fatty substances such as peanut butter, solids such as doughnut or cake crumbs, cereals, or grains, all likely to be eaten by children or pets who may mistake them for food. The Department of Agriculture is concerned over the growing number of cases of accidental poisoning from the handling or use of thallium sulfate as a pesticide when mixed in high percentages with edible baits such as those cited, and published in the FEDERAL REGISTER for March 26, 1960, notice that it was considering the issuance of an interpretation with respect to the labeling of pesticides (economic poisons) containing thallium compounds intended for household use.

No objections to the publication of such an interpretation were submitted. Therefore, pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k), Interpretation 22 with respect to pesticides (economic poisons) containing thallium compounds intended for household use is hereby issued as § 362.120 of Part 362, Title 7, Code of Federal Regulations, to read as follows:

§ 362.120 Interpretation with respect to pesticides (economic poisons) containing thallium compounds intended for household use.

(a) *Composition.* (1) These products usually contain thallium sulfate (Tl_2SO_4) uniformly dispersed in a water solution or a bait substance in the form of syrup, paste, or solid (crumbs). The syrups usually contain at least 20 percent of sugar, including various amounts of honey, molasses, or other saccharids. Insecticidally attractive bait solids are frequently cake crumbs or crumbs from bakeries. Baits also include fatty substances, such as peanut butter, lard, or vegetable shortening alone or with sweetened substances or cereals. Occasionally such cereals as corn meal or dried bread crumbs will be used alone, or with a low percentage of mineral oil added to reduce dusting.

(2) High-percentage baits containing thallium sulfate are extremely hazardous to persons using them as well as to pets, children, and other persons who may frequent the baited area. These hazards are particularly aggravated when such baits are exposed in open containers. Children and pets are quite likely to mistake these products for food because of their palatable nature. In view of these hazards and the serious dangers which are inherent in the use of high-percentage formulas of thallium sulfate as household pesticides, including the poisoning of children, no product of this type may contain more than 1.25 percent of thallium sulfate, or 1.0 percent of thallium calculated as the metallic element.

(b) *Ingredient statement.* (1) Since all formulations containing thallium compounds which are acceptable for registration are regarded as highly toxic within the meaning of § 362.8 for the enforcement of the Act, the following form of ingredient statement is required:

Active ingredient: Thallium sulfate	---%
Inert ingredients	---%
Total	100%

(2) The correct figures should be entered in the blank spaces. All applications for registration should include a statement of the active and inert ingredients, including a full description of the bait substances.

(c) *Directions for use.*—(1) *General.* The directions should provide that the bait containers be closely spaced in the areas where ants, cockroaches, or other insect pests are observed. The baits may be used in their original containers, or placed in such other containers as will dispense the liquid syrup, paste, or solid, and render it freely available to the pests concerned. It is essential that the ants and other pests find the baits and feed on them freely if effective control is to be obtained. When properly placed, these products may also have considerable value against rats and mice, but for effective results all other food must be protected in order to force these pests to feed on the poison baits. In all cases, the need for good housekeeping practices should be emphasized. Extreme care should be taken to place baits in locations inaccessible to children and pets. Products labeled with general claims for effectiveness against ants and roaches in the household must contain bait substances that are attractive to these pests that feed on sweetened as well as fatty foods. Evidence of the practical value of the formulations must be furnished when new or unusual mixtures are proposed.

(2) *Particular pests.*—(i) *Ants and roaches.* Products intended for the control of ants and the smaller varieties of roaches in human dwellings, or in the vicinity of human dwellings, may be marketed in sealed containers which must be perforated before they can be used as baits against these insects. Small dispensing bottles with a cap capable of perforation, small metal bait cans, 2½ or 3" in diameter, and ¼ to ½" thick, or other sealed containers which can be perforated are acceptable. All containers of this type should be so constructed as to be tightly sealed and not easily opened, except for entrance holes for the ants or other small insect pests. The directions for use in each case must provide for suitable perforation in order to permit the entry of the ants, or such other small insects as can be attracted to the bait. Directions for perforations large enough to permit the entry of rodents or large insects will not be acceptable for such sealed baits. Claims for use against rats, mice, or large insects are not acceptable for this type of package.

(ii) *Rats, mice, roaches, and ants.* (a) Liquids and solid baits sold in containers which can be opened for separate dispensing of the contents are usually employed in the control of rats and mice, and in some cases may also be effective against roaches, waterbugs, and ants. Evidence should be submitted with the application for registration that the particular substance employed as a bait is palatable to the pests to be controlled by the product. Since thallium remains in the bodies of the pests killed by these baits, secondary poisoning is possible, and dead roaches should be swept up, and dead rats and mice picked up and carefully disposed of by burning or burying deeply. Uneaten baits should be picked up carefully and disposed of in a similar manner.

(b) The presence of substances such as coarse wood sawdust or quassia chips as a replacement for a small portion of food items used as baits in products of this kind, to reduce their attractiveness to children and pets, or the use of an effective percentage of antimony potassium tartrate, an emetic, in the bait would be taken into account in considering the acceptability for registration of a product in this type of package.

(d) *Precautionary labeling.* The following precautionary labeling will be required as a part of the label for all products which are otherwise acceptable for registration. The label should bear the word "POISON" (in red) on a contrasting background, the skull and crossbones, and the following antidote and warning statements:

Antidote: Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep warm. Call a physician immediately!

Warning: Cumulative Poison! Absorbed through the skin. Do not get in eyes, on skin, or on clothing. Wash thoroughly after handling. Keep children and domestic animals away from baited areas and burn or bury all pests killed.

No claims for safety or non-toxicity are acceptable for thallium baits.

(e) *Registration.* Applications for the registration of thallium baits must clearly indicate the packaging to be used if the bait is intended for general marketing to the public. In the case of sealed containers intended for the control of ants and other small crawling insects in the household (paragraph (c)(2)(i) of this section), the information furnished should include the precautions which will be taken to seal the container, yet permit the entry of ants and other small insects. All applications for registration should include duplicate copies of all labels, circulars, or other literature which may be associated with or accompany the product at any time as long as it remains in channels of trade. Complete information concerning the composition of the product should also be furnished with the application. Consultation with Pesticides Regulation Branch staff specialists is available at all times in order to eliminate possible misunderstanding.

Effective date. The foregoing interpretation is made effective 90 days after publication in the FEDERAL REGISTER as to all products of this type which were registered prior to the date of such publication. The foregoing interpretation is made effective upon publication in the FEDERAL REGISTER as to all household pesticides containing thallium compounds which are offered for registration after such publication.

Done at Washington, D.C., this 27th day of June 1960.

E. D. BURGESS,
Director, Plant Pest Control Division, Agricultural Research Service.

[F.R. Doc. 60-6043; Filed, June 29, 1960; 8:50 a.m.]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Suspension of Effectiveness of Interpretation With Respect to Warning, Caution, and Antidote Statements Required To Appear on Labels of Economic Poisons

On May 7, 1960, there was published in the FEDERAL REGISTER (25 F.R. 4073), effective upon publication, a document amending interpretations 18, Revision 1 (7 CFR 362.116) with reference to the warning, caution, and antidote statements required to appear on the labels of economic poisons containing parathion and certain related chemicals under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.). The changes set forth in the amendment had been proposed by representatives of the affected agricultural chemicals industry and it was understood that they would be acceptable to said industry. Representatives of the industry have requested, however, that the changed provisions be held in abeyance pending opportunity for submission of views concerning them.

Therefore, under all the circumstances, and pursuant to § 362.3 of the regulations under the Act (7 CFR 362.3), the effectiveness of said amendment of Interpretation 18, Revision 1, is hereby suspended.

Done at Washington, D.C., this 27th day of June 1960.

E. D. BURGESS,
Director, Plant Pest Control Division, Agricultural Research Service.

[F.R. Doc. 60-6044; Filed, June 29, 1960; 8:50 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1960 MARKETING YEAR

DETERMINATION OF COUNTY NORMAL YIELDS

The regulations contained in § 728.1008 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of county normal yields of wheat for 1960, including the appraisal of yields for years in the ten-year period used in determining county normal yields for which the data are not available, or in which there were no actual yields.

Prior to preparing the regulations in § 728.1008, public notice (24 F.R. 1255) was given in accordance with the Administrative Procedure Act. No data, views, or recommendations pertaining to the regulations in § 728.1008 were submitted pursuant to such notice.

§ 728.1008 Determination of the county normal yields for the 1960 crop of wheat.

(a) A county normal yield shall be determined for each wheat-producing county except counties in States designated by the Secretary as being outside the commercial wheat-producing area. The county normal yield for 1960 shall be determined on the basis of the average of the yields per harvested acre of wheat for the county during the ten calendar years, 1950 through 1959, adjusted for abnormal weather conditions and trends in yields. In adjusting for abnormal weather conditions: (1) If the yield for the crop for any year of the ten-year period 1950 through 1959 is less than 75 per centum of the average of the remaining nine years, such year shall be eliminated in calculating the normal yield per acre; (2) if the yield for the crop for any year of the ten-year period is determined to be abnormally low due to abnormal weather conditions, and is 75 per centum or more of the average of the remaining nine years, such yield shall be adjusted by substituting therefor the average yield for the years remaining after the elimination of any of the annual yields required to be eliminated under the provisions of subparagraph (1) of this paragraph; (3) (i) if the yield for the crop for any year is determined to be abnormally high due to abnormal weather conditions, such yield shall be adjusted by substituting therefor 125 per centum of the average yield for the years remaining after the elimination of any of the annual yields required to be eliminated under the provisions of subparagraph (1) of this paragraph; (ii) if five or more years of the ten-year period are eliminated as required under the provisions of subparagraph (1) of this paragraph, and it is determined that the yield for any other year is abnormally high due to abnormally favorable weather conditions, and that the adjusted yield as determined under the provisions of subdivision (i) of subparagraph (3) of this paragraph is inappropriate because of the elimination of five or more years of the ten-year period, the yield for such year shall be adjusted by substituting therefor 128 per centum of the unadjusted ten-year average yield.

(b) The adjustment for trend in yields shall be made by averaging the ten-year average of the annual yields as adjusted for abnormal weather conditions as described above with the average of the annual yields for the five-year period, 1955–59 inclusive, adjusted for abnormal weather conditions as described above, giving equal weight to each. No adjustment for trend shall be made in those counties in which it is determined that due to abnormally unfavorable weather conditions it is impossible to determine if there has been any trend in yields for the county.

(c) (1) If for any year of the ten-year period 1950 through 1959 the yield data are not available, or there was no actual yield, the yield for such year shall be appraised, taking into consideration the yields for years for which data are available and the yield for such year in nearby or adjacent counties or crop reporting districts recognized by the Agricultural Marketing Service, in which the production of wheat is similar.

(2) In those counties in which the production of wheat is partially on irrigated land, partially on summer fallow land, and partially on continuous cropping land, a normal yield computed in accordance with the method described above shall be determined for the land devoted to irrigation, summer fallow, and continuous cropping cultural practices, respectively. The normal yield for the land devoted to each of these practices shall be averaged, using for weights the latest data available as to the acreage devoted to each practice.

(d) County Normal Yields are as follows:

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE

ALABAMA

County	Normal yield	County	Normal yield
Autauga	20.4	Houston	19.9
Baldwin	20.0	Jackson	23.3
Barbour	18.8	Jefferson	20.0
Bibb	18.8	Lamar	20.6
Blount	21.6	Lauderdale	21.8
Bullock	18.8	Lawrence	22.4
Calhoun	20.3	Lee	19.5
Chambers	19.8	Limestone	21.6
Cherokee	21.0	Lowndes	19.5
Chilton	20.3	Macon	19.0
Clarke	18.6	Madison	22.7
Clay	19.0	Marengo	19.0
Cleburne	20.2	Marion	21.1
Coffee	18.7	Marshall	21.2
Colbert	22.6	Mobile	19.7
Conecuh	20.1	Monroe	19.6
Coosa	18.3	Montgomery	19.8
Covington	20.4	Morgan	22.0
Crenshaw	19.5	Perry	19.4
Cullman	21.0	Pickens	18.9
Dale	18.9	Pike	19.2
Dallas	19.8	Randolph	18.5
De Kalb	22.5	Russell	18.5
Elmore	20.2	St. Clair	20.8
Escambia	20.5	Shelby	20.0
Etowah	21.9	Sumter	19.2
Fayette	20.0	Talladega	19.1
Franklin	21.6	Tallapoosa	18.5
Geneva	19.4	Tuscaloosa	19.6
Greene	19.0	Walker	20.2
Hale	18.8	Washington	18.5
Henry	19.6	Wilcox	19.7

ARIZONA

*Apache	17.0	*Mohave	15.0
*Cochise	22.0	*Navajo	15.0
*Coconino	14.0	*Pima	23.6
*Gila	19.2	*Pinal	30.0
*Graham	21.0	*Santa Cruz	23.6
*Greenlee	24.7	*Yavapai	23.8
*Maricopa	37.1	*Yuma	34.8

ARKANSAS

Arkansas	20.6	Craighead	21.1
Ashley	20.6	Crawford	23.9
Baxter	17.8	Crittenden	27.8
Benton	19.5	Cross	23.9
Boone	18.4	Desha	26.0
Carroll	17.7	Drew	17.9
Chicot	20.7	Faulkner	21.3
Clark	15.0	Franklin	23.7
Clay	20.2	Fulton	16.6
Cleburne	16.9	Garland	14.4
Conway	21.0	Grant	15.5

*Indicates counties having special wheat cultural practices. See table for normal yields for special cultural practices below.

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

ARKANSAS—continued

County	Normal yield	County	Normal yield
Greene	16.8	Perry	17.4
Hempstead	17.2	Phillips	22.6
Hot Spring	16.1	Pike	15.0
Independence	20.0	Poinsett	24.1
Izard	15.6	Polk	14.8
Jackson	19.2	Pope	21.4
Jefferson	20.5	Prairie	18.8
Johnson	21.5	Pulaski	22.5
Lafayette	18.1	Randolph	18.8
Lawrence	18.0	St. Francis	25.3
Lee	23.6	Saline	15.8
Lincoln	20.8	Scott	21.1
Little River	17.6	Searcy	14.5
Logan	18.9	Sebastian	20.5
Lonoke	19.4	Sevier	15.0
Madison	18.2	Sharp	17.0
Marion	15.2	Stone	14.9
Miller	17.7	Van Buren	14.6
Mississippi	28.2	Washington	18.8
Monroe	20.4	White	17.8
Montgomery	15.4	Woodruff	21.7
Newton	16.8	Yell	19.7
Ouachita	15.0		

CALIFORNIA

*Alameda	23.2	*Plumas	18.3
*Alpine	30.0	*Riverside	18.0
*Amador	23.2	*Sacramento	32.2
*Butte	24.5	*San Benito	19.4
*Calaveras	18.4	*San Bernardino	26.7
*Colusa	25.8	*San Diego	21.8
*Contra Costa	23.5	*San Joaquin	25.1
*Fresno	38.8	*San Luis Obispo	16.9
*Glenn	23.7	*San Mateo	22.0
*Humboldt	27.4	*Santa Barbara	19.6
*Imperial	47.5	*Santa Clara	23.4
*Inyo	26.5	*Shasta	13.7
*Kern	17.0	*Sierra	17.9
*Kings	29.3	*Siskiyou	20.0
*Lake	25.6	*Solano	30.7
*Lassen	15.8	*Sonoma	20.6
*Los Angeles	9.9	*Stanislaus	26.7
*Madera	14.0	*Sutter	35.5
*Marin	26.2	*Tehama	18.8
*Mariposa	30.0	*Trinity	20.0
*Mendocino	22.3	*Tulare	21.4
*Merced	27.0	*Tuolumne	19.8
*Modoc	19.3	*Ventura	21.1
*Mono	20.0	*Yolo	33.6
*Monterey	19.1	*Yuba	21.0
*Napa	30.7		
*Orange	17.6		
*Placer	19.8		

COLORADO

*Adams	22.6	*La Plata	18.3
*Alamosa	23.6	*Larimer	25.0
*Arapahoe	20.6	*Las Animas	11.7
*Archuleta	19.1	*Lincoln	17.0
*Baca	13.0	*Logan	20.9
*Bent	15.5	*Mesa	22.5
*Boulder	25.8	*Moffat	17.2
*Chaffee	26.5	*Montezuma	16.0
*Cheyenne	16.5	*Montrose	24.6
*Conejos	24.0	*Morgan	18.3
*Costilla	25.8	*Otero	34.9
*Crowley	12.4	*Ouray	16.3
*Custer	14.1	*Park	14.5
*Delta	31.5	*Phillips	24.6
*Dolores	15.0	*Pitkin	21.8
*Douglas	22.7	*Prowers	15.4
*Eagle	38.5	*Pueblo	17.3
*Elbert	18.8	*Rio Blanco	20.4
*El Paso	16.2	*Rio Grande	26.3
*Fremont	16.5	*Routt	21.0
*Garfield	19.1	*Saguache	25.8
*Grand	18.4	*San Miguel	17.6
*Gunnison	18.0	*Sedgwick	27.6
*Huerfano	14.0	*Teller	16.0
*Jackson	17.7	*Washington	21.5
*Jefferson	26.7	*Weld	21.6
*Kiowa	12.9	*Yuma	22.5
*Kit Carson	17.3		

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

DELAWARE

County	Normal yield
Kent	24.4
New Castle	26.6
Sussex	21.8

GEORGIA

County	Normal yield	County	Normal yield
Appling	17.4	Jefferson	19.9
Bacon	17.3	Jenkins	17.2
Baker	17.2	Johnson	15.7
Baldwin	17.3	Jones	16.4
Banks	18.7	Lamar	19.4
Barrow	18.0	Laurens	18.2
Bartow	20.3	Lee	24.7
Ben Hill	18.0	Lincoln	16.8
Berrien	20.2	Lowndes	19.2
Bibb	21.5	Lumpkin	18.0
Bleckley	16.0	McDuffie	16.1
Brooks	19.4	Macon	20.6
Bryan	18.6	Madison	18.6
Bulloch	21.0	Marion	17.8
Burke	17.4	Meriwether	20.6
Butts	19.5	Miller	19.1
Calhoun	19.6	Mitchell	21.1
Candler	19.2	Monroe	18.9
Carroll	19.7	Montgomery	17.9
Catoosa	18.5	Morgan	17.4
Chatham	16.0	Murray	18.8
Chattooga	18.4	Newton	17.1
Cherokee	19.9	Oconee	18.9
Clarke	20.0	Oglethorpe	17.5
Clay	16.6	Paulding	17.0
Clayton	17.3	Peach	22.5
Cobb	17.9	Pickens	17.8
Coffee	17.9	Pike	21.2
Colquitt	19.4	Polk	17.8
Columbia	15.4	Pulaski	20.2
Coweta	17.0	Putnam	17.2
Crawford	21.0	Quitman	20.5
Crisp	20.5	Rabun	18.2
Dade	17.6	Randolph	18.6
Dawson	17.6	Richmond	18.1
Decatur	17.0	Rockdale	17.4
De Kalb	19.0	Schley	18.8
Dodge	15.7	Screven	19.0
Dooly	21.4	Seminole	20.4
Dougherty	24.5	Spalding	21.2
Douglas	17.6	Stephens	18.0
Early	24.5	Stewart	19.4
Effingham	19.5	Sumter	21.5
Elbert	19.8	Talbot	19.2
Emanuel	17.4	Taliaferro	14.4
Evans	19.4	Tattnall	17.6
Fannin	17.6	Taylor	18.8
Fayette	18.8	Telfair	18.0
Floyd	18.6	Terrell	21.2
Forsyth	18.0	Thomas	18.4
Franklin	19.4	Tift	20.0
Fulton	20.4	Toombs	19.7
Gilmer	17.6	Towns	19.0
Glascock	18.0	Treutlen	15.6
Gordon	17.6	Troup	17.8
Grady	23.3	Turner	19.7
Greene	15.8	Twiggs	17.3
Gwinnett	18.4	Union	20.3
Habersham	19.1	Upson	20.5
Hall	17.0	Walker	20.0
Hancock	15.6	Walton	19.1
Haralson	17.3	Warren	18.8
Harris	17.6	Washington	18.6
Hart	21.1	Webster	18.2
Heard	20.2	Wheeler	15.8
Henry	19.4	White	18.4
Houston	23.8	Whitfield	18.1
Irwin	18.0	Wilcox	18.9
Jackson	19.8	Wilkes	17.4
Jasper	17.9	Wilkinson	19.1
Jeff Davis	18.0	Worth	19.7

IDAHO

*Ada	44.9	*Bingham	39.2
*Adams	33.3	*Blaine	35.1
*Bannock	28.7	*Boise	30.6
*Bear Lake	20.0	*Bonner	24.2
*Benewah	37.4	*Bonneville	29.0

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

IDAHO—continued

County	Normal yield	County	Normal yield
*Boundary	49.0	*Kootenai	30.5
*Butte	30.8	*Latah	38.0
*Camas	32.2	*Lemhi	42.2
*Canyon	54.2	*Lewis	40.3
*Caribou	35.2	*Lincoln	49.0
*Cassia	35.3	*Madison	31.7
*Clark	18.9	*Minidoka	51.4
*Clearwater	36.0	*Nez Perce	40.9
*Custer	45.2	*Oneida	32.3
*Elmore	30.3	*Owyhee	56.1
*Franklin	36.5	*Payette	43.3
*Fremont	29.8	*Power	20.8
*Gem	46.6	*Teton	24.4
*Gooding	50.6	*Twin Falls	55.6
*Idaho	35.5	*Valley	26.0
*Jefferson	42.6	*Washington	28.8
*Jerome	56.8		

ILLINOIS

County	Normal yield	County	Normal yield
Adams	30.0	Lee	32.3
Alexander	22.5	Livingston	31.6
Bond	28.5	Logan	32.3
Boone	30.9	McDonough	30.6
Brown	28.5	McHenry	31.8
Bureau	32.3	McLean	33.6
Calhoun	25.5	Macon	35.7
Carroll	29.7	Macoupin	32.8
Cass	30.8	Madison	29.5
Champaign	33.8	Marion	26.1
Christian	32.9	Marshall	32.9
Clark	26.4	Mason	29.2
Clay	23.7	Massac	25.6
Clinton	27.0	Menard	33.1
Coles	29.8	Mercer	26.6
Cook	22.8	Monroe	29.2
Crawford	24.7	Montgomery	30.3
Cumberland	29.1	Morgan	33.8
De Kalb	34.5	Moultrie	32.9
De Witt	30.8	Ogle	31.6
Douglas	30.7	Peoria	31.8
Du Page	35.4	Perry	24.2
Edgar	31.9	Piatt	32.4
Edwards	24.4	Pike	28.2
Effingham	28.1	Pope	23.6
Fayette	27.2	Pulaski	23.8
Ford	31.4	Putnam	32.2
Franklin	26.5	Randolph	25.9
Fulton	29.0	Richland	28.6
Gallatin	29.6	Rock Island	35.5
Greene	31.8	St. Clair	30.0
Grundy	32.0	Saline	25.8
Hamilton	22.9	Sangamon	32.8
Hancock	29.4	Schuyler	30.5
Hardin	24.8	Scott	30.0
Henderson	28.5	Shelby	29.0
Henry	31.8	Stark	31.2
Iroquois	33.4	Stephenson	28.4
Jackson	24.2	Tazewell	30.6
Jasper	25.4	Union	27.5
Jefferson	25.6	Vermilion	33.4
Jersey	29.6	Wabash	26.1
Jo Daviess	27.1	Warren	30.1
Johnson	20.4	Washington	28.0
Kane	35.3	Wayne	25.3
Kankakee	33.4	White	26.1
Kendall	34.4	Whiteside	30.7
Knox	30.9	Will	33.0
Lake	32.6	Williamson	22.6
La Salle	34.2	Winnebago	29.7
Lawrence	25.4	Woodford	30.4

INDIANA

County	Normal yield	County	Normal yield
Adams	26.2	Carroll	32.2
Allen	28.6	Cass	32.5
Bartholomew	24.7	Clark	21.9
Benton	36.3	Clay	24.6
Blackford	26.1	Clinton	32.2
Boone	30.6	Crawford	22.2
Brown	23.2	Daviess	28.0

*Indicates counties having special wheat cultural practices. See table for normal yields for special cultural practices below.

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

INDIANA—continued

County	Normal yield	County	Normal yield
Dearborn	22.1	Montgomery	30.6
Decatur	24.4	Morgan	27.8
De Kalb	26.6	Newton	33.4
Delaware	30.8	Noble	29.6
Dubois	22.2	Ohio	22.4
Elkhart	29.7	Orange	23.3
Fayette	23.2	Owen	22.1
Floyd	23.4	Parke	29.8
Fountain	30.1	Perry	20.7
Franklin	21.9	Pike	22.6
Fulton	29.0	Porter	31.4
Gibson	28.6	Posey	26.9
Grant	31.4	Pulaski	30.2
Greene	23.4	Putnam	28.6
Hamilton	29.8	Randolph	26.2
Hancock	30.2	Ripley	21.9
Harrison	22.0	Rush	24.6
Hendricks	30.4	St. Joseph	30.6
Henry	28.0	Scott	22.1
Howard	33.6	Shelby	24.8
Huntington	28.2	Spencer	21.8
Jackson	22.4	Starke	27.8
Jasper	31.2	Steuben	29.8
Jay	26.4	Sullivan	27.4
Jefferson	22.5	Switzerland	23.3
Jennings	20.8	Tippecanoe	33.4
Johnson	27.8	Tipton	34.4
Knox	29.3	Union	23.7
Kosciusko	29.4	Vanderburgh	25.0
Lagrange	30.2	Vermillion	32.0
Lake	31.2	Vigo	27.0
La Porte	30.3	Wabash	29.6
Lawrence	24.9	Warren	34.2
Madison	33.0	Warrick	25.9
Marion	29.2	Washington	24.9
Marshall	29.4	Wayne	24.5
Martin	23.0	Wells	28.6
Miami	30.4	White	32.2
Monroe	25.6	Whitley	28.8

IOWA

County	Normal yield	County	Normal yield
Adair	22.9	Henry	24.0
Adams	24.6	Howard	24.4
Allamakee	25.9	Humboldt	28.5
Appanoose	22.9	Ida	21.7
Audubon	23.8	Iowa	27.2
Benton	27.1	Jackson	23.8
Black Hawk	21.2	Jasper	28.0
Boone	25.8	Jefferson	22.0
Bremer	22.4	Johnson	24.3
Buchanan	24.8	Jones	27.4
Buena Vista	20.6	Keokuk	22.8
Butler	25.7	Kossuth	27.3
Calhoun	24.4	Lee	26.6
Carroll	23.9	Linn	24.0
Cass	27.4	Louisa	27.8
Cedar	29.6	Lucas	20.8
Cerro Gordo	25.8	Lyon	25.1
Cherokee	24.1	Madison	26.1
Chickasaw	21.4	Mahaska	25.6
Clarke	22.6	Marion	26.3
Clay	26.2	Marshall	27.2
Clayton	26.4	Mills	29.6
Clinton	27.3	Mitchell	24.2
Crawford	26.7	Monona	23.1
Dallas	25.2	Monroe	20.2
Davis	23.0	Montgomery	29.0
Decatur	24.2	Muscatine	26.2
Delaware	29.7	O'Brien	20.3
Des Moines	29.7	Osceola	23.4
Dickinson	19.9	Page	26.9
Dubuque	25.1	Palo Alto	20.2
Emmet	20.8	Plymouth	27.9
Fayette	24.3	Pocahontas	21.5
Floyd	23.4	Polk	29.6
Franklin	28.6	Pottawattamie	26.7
Fremont	31.1	Poweshiek	25.4
Greene	22.4	Ringgold	23.2
Grundy	25.2	Sac	24.3
Guthrie	23.0	Scott	27.3
Hamilton	26.0	Shelby	23.9
Hancock	25.0	Sioux	25.3
Hardin	28.6	Story	29.6
Harrison	26.3		

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

IOWA—continued

County	Normal yield	County	Normal yield
Tama	25.0	Wayne	23.1
Taylor	22.4	Webster	27.0
Union	22.4	Winnebago	27.2
Van Buren	23.8	Winneshiek	22.8
Wapello	24.4	Woodbury	24.8
Warren	27.8	Worth	24.4
Washington	25.4	Wright	25.8

KANSAS

County	Normal yield	County	Normal yield
Allen	27.2	Linn	24.4
Anderson	28.6	*Logan	18.3
Atchison	28.9	Lyon	27.8
*Barber	18.3	*McPherson	22.4
*Barton	17.8	*Marion	21.9
Bourbon	23.2	Marshall	25.5
Brown	29.4	*Meade	16.3
Butler	23.4	Miami	27.6
Chase	27.0	*Mitchell	19.3
Chautauqua	24.5	Montgomery	24.8
Cherokee	23.2	Morris	24.7
*Cheyenne	24.6	*Morton	15.5
*Clark	17.4	Nemaha	28.2
*Clay	21.1	Neosho	25.7
*Cloud	17.8	*Ness	17.9
Coffey	27.5	*Norton	21.2
*Comanche	15.8	Osage	29.4
Cowley	24.1	*Osborne	18.0
Crawford	24.8	*Ottawa	21.4
*Decatur	22.7	*Pawnee	17.8
*Dickinson	21.8	*Phillips	18.1
Doniphan	29.6	Pottawatomie	27.2
Douglas	29.4	*Pratt	17.2
*Edwards	15.6	*Rawlins	24.1
Elk	24.2	*Reno	20.7
*Ellis	17.0	*Republic	19.5
*Ellsworth	18.9	*Rice	19.1
*Finney	18.3	Riley	25.6
*Ford	16.6	*Rooks	16.9
Franklin	27.8	*Rush	17.4
Geary	26.9	*Russell	16.6
*Gove	20.0	*Saline	21.0
*Graham	17.0	*Scott	19.7
*Grant	18.8	*Sedgwick	22.6
*Gray	15.4	*Seward	16.0
*Greeley	19.7	Shawnee	29.8
Greenwood	24.9	*Sheridan	20.2
*Hamilton	17.0	*Sherman	21.9
*Harper	20.1	*Smith	18.8
*Harvey	23.1	*Stafford	16.1
*Haskell	16.6	*Stanton	19.6
*Hodgeman	14.8	*Stevens	16.3
Jackson	29.0	*Sumner	21.5
Jefferson	28.4	*Thomas	22.6
*Jewell	18.6	*Trego	17.9
Johnson	29.0	Wabaunsee	28.0
*Kearny	19.6	*Wallace	19.1
*Kingman	17.1	*Washington	22.7
*Kiowa	16.7	*Wichita	19.4
Labette	23.6	Wilson	25.8
*Lane	19.2	Woodson	25.6
Leavenworth	27.4	Wyandotte	29.9
*Lincoln	16.7		

KENTUCKY

County	Normal yield	County	Normal yield
Adair	19.3	Casey	19.6
Allen	21.6	Christian	24.6
Anderson	19.5	Clark	22.2
Ballard	20.8	Clay	17.0
Barren	20.7	Clinton	19.7
Bath	20.4	Crittenden	21.6
Boone	20.2	Cumberland	18.6
Bourbon	22.1	Daviess	24.9
Boyd	19.9	Edmonson	18.0
Boyle	20.7	Estill	17.2
Bracken	22.5	Fayette	23.4
Breckenridge	21.1	Fleming	20.9
Bullitt	21.2	Franklin	20.2
Butler	16.0	Fulton	23.9
Caldwell	22.9	Gallatin	22.2
Calloway	21.9	Garrard	19.2
Campbell	20.3	Grant	20.6
Carlisle	21.4	Graves	22.2
Carroll	21.0	Grayson	19.2
Carter	19.2	Green	19.1

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

KENTUCKY—continued

County	Normal yield	County	Normal yield
Greenup	18.5	Monroe	16.6
Hancock	22.4	Montgomery	20.8
Hardin	20.2	Morgan	16.4
Harrison	21.5	Muhlenberg	20.6
Hart	18.4	Nelson	20.5
Henderson	25.5	Nicholas	20.2
Henry	20.8	Ohio	20.6
Hickman	22.6	Oldham	22.8
Hopkins	20.8	Owen	20.9
Jackson	17.8	Pendleton	20.1
Jefferson	23.9	Powell	18.0
Jessamine	20.3	Pulaski	19.4
Kenton	19.7	Robertson	19.6
Knox	16.8	Rockcastle	19.7
Larue	20.2	Rowan	18.2
Laurel	18.2	Russell	19.1
Lee	16.2	Scott	22.2
Lewis	18.9	Shelby	21.6
Lincoln	19.6	Simpson	26.1
Livingston	21.4	Spencer	21.3
Logan	26.0	Taylor	19.3
Lyon	22.5	Todd	25.9
McCracken	22.1	Trigg	24.6
McLean	22.6	Trimble	21.0
Madison	20.7	Union	25.0
Marion	20.7	Warren	23.6
Marshall	18.6	Washington	20.1
Mason	21.2	Wayne	20.6
Meade	21.5	Webster	22.8
Mercer	20.1	Wolfe	17.0
Metcalfe	18.4	Woodford	22.4

MARYLAND

County	Normal yield	County	Normal yield
Allegany	19.8	Howard	25.0
Anne Arundel	17.2	Kent	27.3
Baltimore	25.5	Montgomery	25.9
Calvert	17.6	Prince Georges	17.7
Caroline	23.3	Queen Annes	23.5
Carroll	23.4	St. Marys	20.0
Cecil	26.8	Somerset	24.4
Charles	18.2	Talbot	25.3
Dorchester	24.9	Washington	24.2
Frederick	24.0	Wicomico	19.6
Garrett	23.8	Worcester	23.0
Harford	27.9		

MICHIGAN

County	Normal yield	County	Normal yield
Alcona	27.5	Isabella	31.6
Alger	23.6	Jackson	29.2
Allegan	28.3	Kalamazoo	30.1
Alpena	28.6	Kalkaska	19.0
Antrim	23.8	Kent	27.0
Arenac	29.1	Keweenaw	16.5
Baraga	21.0	Lake	22.2
Barry	28.0	Lapeer	32.2
Bay	32.6	Leelanau	23.8
Benzie	18.5	Lenawee	30.2
Berrien	30.4	Livingston	29.6
Branch	28.6	Luce	16.0
Calhoun	30.2	Mackinac	17.6
Cass	27.5	Macomb	28.2
Charlevoix	25.1	Manistee	19.9
Cheboygan	24.8	Marquette	21.7
Chippewa	19.2	Mason	27.8
Clare	27.9	Mecosta	28.4
Clinton	30.6	Menominee	29.2
Crawford	18.4	Midland	34.2
Delta	23.9	Missaukee	26.8
Dickinson	25.8	Monroe	29.6
Eaton	32.0	Montcalm	30.0
Emmet	23.6	Montmorency	24.2
Genesee	30.6	Muskegon	25.0
Gladwin	29.0	Newaygo	27.0
Gogebic	18.0	Oakland	30.2
Grand Traverse	23.8	Oceana	27.2
Gratiot	33.8	Ogemaw	27.0
Hillsdale	27.2	Ontonagon	21.9
Houghton	19.9	Osceola	23.9
Huron	32.6	Oscoda	18.5
Ingham	31.0	Otsego	22.9
Ionia	30.0	Ottawa	27.4
Iosco	23.9	Presque Isle	26.8
Iron	17.9	Roscommon	19.8
		Saginaw	33.8

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MICHIGAN—continued

County	Normal yield	County	Normal yield
St. Clair	29.4	Tuscola	36.2
St. Joseph	29.0	Van Buren	26.9
Sanilac	30.8	Washtenaw	29.1
Schoolcraft	23.4	Wayne	28.2
Shiawassee	31.5	Wexford	22.4

MINNESOTA

County	Normal yield	County	Normal yield
Aitkin	20.5	Martin	24.6
Anoka	19.6	Meeker	23.2
Becker	24.4	Mille Lacs	20.6
Beltrami	19.0	Morrison	19.2
Benton	19.3	Mower	26.3
Big Stone	18.7	Murray	21.9
Blue Earth	26.4	Nicollet	25.6
Brown	22.8	Nobles	20.2
Carlton	18.5	Norman	23.7
Carver	27.6	Olmsted	25.0
Cass	17.3	Otter Tail	21.2
Chippewa	21.0	Pennington	22.6
Chisago	20.0	Pine	18.4
Clay	24.5	Pipestone	19.8
Clearwater	21.8	Polk	25.0
Cottonwood	22.2	Pope	19.7
Crow Wing	18.5	Ramsey	20.0
Dakota	25.0	Red Lake	22.1
Dodge	26.6	Redwood	21.9
Douglas	21.1	Renville	23.0
Faribault	28.6	Rice	25.0
Fillmore	23.6	Rock	19.5
Freeborn	27.8	Roseau	20.6
Goodhue	23.7	St. Louis	23.2
Grant	21.1	Scott	26.8
Hennepin	24.1	Sherburne	20.6
Houston	22.5	Sibley	26.6
Hubbard	19.8	Stearns	20.0
Isanti	20.3	Steele	28.5
Itasca	18.8	Stevens	18.4
Jackson	22.2	Swift	18.8
Kanabec	21.8	Todd	20.2
Kandiyohi	20.1	Traverse	19.3
Kittson	20.9	Wabasha	22.0
Koochiching	18.3	Wadena	18.0
Lac qui Parle	17.9	Waseca	29.7
Lake of the Woods	20.4	Washington	22.2
Le Sueur	25.7	Watonwan	21.3
Lincoln	17.8	Wilkin	22.6
Lyon	19.3	Winona	22.9
McLeod	26.8	Wright	25.7
Mahnomen	23.8	Yellow Medicine	19.1
Marshall	24.4		

MISSISSIPPI

County	Normal yield	County	Normal yield
Adams	18.0	Jefferson Davis	18.0
Alcorn	21.0	Jones	18.0
Attala	23.0	Kemper	24.8
Benton	24.5	Lafayette	21.5
Bolivar	25.4	Lamar	18.0
Calhoun	23.0	Lauderdale	22.0
Carroll	24.0	Lawrence	18.0
Chickasaw	22.5	Leake	23.0
Choctaw	23.0	Lee	24.0
Claiborne	22.5	Leflore	26.3
Clarke	23.5	Lincoln	18.0
Clay	23.6	Lowndes	21.6
Coahoma	26.1	Madison	21.8
Copiah	21.0	Marshall	23.5
Covington	20.0	Monroe	21.0
De Soto	24.8	Montgomery	22.5
Forrest	18.0	Neshoba	22.0
Franklin	18.0	Newton	20.0
George	18.0	Noxubee	23.5
Greene	18.0	Oktibbeha	22.5
Granada	22.0	Panola	25.1
Harrison	20.0	Pearl River	20.0
Hinds	22.0	Perry	20.0
Holmes	28.6	Pike	18.0
Humphreys	25.4	Pontotoc	21.0
Issaquena	25.4	Prentiss	23.0
Itawamba	23.0	Quitman	24.7
Jackson	18.0	Rankin	22.0
Jasper	20.0	Scott	20.0
Jefferson	21.0		

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MISSISSIPPI—continued

County	Normal yield	County	Normal yield
Sharkey	25.1	Union	23.5
Simpson	20.0	Warren	28.0
Smith	20.0	Washington	25.8
Stone	18.0	Wayne	18.0
Sunflower	24.3	Webster	20.5
Tallahatchie	25.3	Wilkinson	18.0
Tate	22.5	Winston	23.0
Tippah	22.5	Yalobusha	22.5
Tishomingo	22.0	Yazoo	21.4
Tunica	23.6		

MISSOURI

County	Normal yield	County	Normal yield
Adair	31.4	Linn	29.6
Andrew	28.0	Livingston	30.8
Atchison	27.0	McDonald	22.6
Audrain	31.8	Macon	28.4
Barry	24.6	Madison	20.4
Barton	24.0	Maries	22.5
Bates	25.4	Marion	28.0
Benton	24.7	Mercer	29.7
Bollinger	19.3	Miller	25.9
Boone	27.4	Mississippi	28.1
Buchanan	32.1	Moniteau	25.8
Butler	31.2	Monroe	27.3
Caldwell	29.5	Montgomery	32.5
Callaway	30.3	Morgan	26.8
Camden	22.3	New Madrid	30.0
Cape Girardeau	29.0	Newton	25.3
Carroll	31.3	Nodaway	29.3
Carter	20.8	Oregon	20.3
Cass	28.3	Osage	26.4
Cedar	23.3	Ozark	19.1
Chariton	26.4	Pemiscot	24.4
Christian	24.2	Perry	27.1
Clark	32.2	Pettis	31.7
Clay	31.2	Phelps	24.1
Clinton	25.0	Pike	27.7
Cole	30.2	Platte	33.3
Cooper	23.2	Polk	25.2
Crawford	25.7	Pulaski	19.2
Dade	21.9	Putnam	26.0
Dallas	26.8	Ralls	29.4
Daviess	27.9	Randolph	27.2
De Kalb	20.1	Ray	32.9
Dent	17.6	Reynolds	21.4
Douglas	30.0	Ripley	16.2
Dunklin	28.9	St. Charles	31.5
Franklin	27.0	St. Clair	24.3
Gasconade	27.6	St. Francois	26.5
Gentry	24.6	St. Louis	27.1
Greene	23.8	Ste. Genevieve	29.0
Grundy	27.1	Saline	29.3
Harrison	25.6	Schuyler	27.3
Henry	21.0	Scotland	23.6
Hickory	27.8	Scott	27.6
Holt	27.8	Shannon	20.2
Howard	17.3	Shelby	27.1
Howell	20.8	Stoddard	25.9
Iron	30.4	Stone	24.6
Jackson	22.6	Sullivan	28.0
Jasper	24.2	Taney	19.4
Jefferson	26.6	Texas	19.4
Johnson	27.6	Vernon	21.6
Knox	26.6	Warren	29.9
Laclede	25.0	Washington	26.3
Lafayette	31.2	Wayne	21.2
Lawrence	24.4	Webster	22.1
Lewis	25.6	Worth	25.0
Lincoln	28.6	Wright	22.4

MONTANA

County	Normal yield	County	Normal yield
*Beaverhead	23.6	*Custer	17.9
*Big Horn	24.5	*Daniels	15.3
*Blaine	18.8	*Dawson	16.1
*Broadwater	23.5	*Deer Lodge	20.2
*Carbon	23.1	*Fallon	13.7
*Carter	13.2	*Fergus	24.4
*Cascade	26.6	*Flathead	30.5
*Chouteau	25.7	*Gallatin	27.2

*Indicates counties having special wheat cultural practices. See table for normal yields for special cultural practices below.

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

MONTANA—continued

County	Normal yield	County	Normal yield
*Garfield	13.1	*Pondera	26.6
*Glacier	25.3	*Powder River	20.5
*Golden Valley	19.1	*Powell	20.5
*Granite	21.5	*Prairie	16.3
*Hill	22.9	*Ravalli	32.6
*Jefferson	21.1	*Richland	18.6
*Judith Basin	21.8	*Roosevelt	16.8
*Lake	25.1	*Rosebud	19.4
*Lewis and Clark	21.9	*Sanders	23.2
*Liberty	26.1	*Sheridan	16.9
*Lincoln	21.1	*Silver Bow	26.0
*McCone	16.0	*Stillwater	21.3
*Madison	25.8	*Sweet Grass	19.8
*Meagher	20.7	*Teton	26.4
*Mineral	24.6	*Toole	24.8
*Missoula	28.1	*Treasure	23.9
*Musselshell	19.6	*Valley	15.2
*Park	23.6	*Wheatland	18.1
*Petroleum	14.0	*Wibaux	16.4
*Phillips	17.5	*Yellowstone	23.5

NEBRASKA

*Adams	23.1	*Jefferson	23.7
*Antelope	20.1	*Johnson	24.1
*Arthur	15.2	*Kearney	22.7
*Banner	28.2	*Keith	27.0
*Blaine	10.1	*Keya Paha	16.2
*Boone	24.1	*Kimball	21.7
*Box Butte	27.0	*Knox	21.4
*Boyd	16.6	*Lancaster	24.9
*Brown	19.4	*Lincoln	22.5
*Buffalo	21.5	*Logan	17.2
*Burt	30.3	*Loup	20.1
*Butler	25.6	*McPherson	19.2
*Cass	30.2	*Madison	24.2
*Cedar	22.5	*Merrick	22.2
*Chase	24.0	*Morrill	25.2
*Cherry	26.1	*Nance	25.1
*Cheyenne	27.4	*Nemaha	26.0
*Clay	22.6	*Nuckolls	22.5
*Colfax	26.5	*Otoe	27.4
*Cuming	29.8	*Pawnee	24.8
*Custer	23.1	*Perkins	26.6
*Dakota	25.7	*Phelps	26.7
*Dawes	26.7	*Pierce	24.2
*Dawson	23.7	*Platte	26.7
*Deuel	29.1	*Polk	26.5
*Dixon	22.9	*Redwillow	24.4
*Dodge	28.3	*Richardson	26.8
*Douglas	29.6	*Rock	16.2
*Dundy	23.3	*Saline	25.6
*Fillmore	22.5	*Sarpy	31.3
*Franklin	22.7	*Saunders	26.1
*Frontier	25.4	*Scotts Bluff	27.7
*Furnas	23.8	*Seward	27.0
*Gage	24.7	*Sheridan	24.6
*Garden	28.0	*Sherman	20.0
*Garfield	20.2	*Sioux	22.7
*Gosper	27.0	*Stanton	26.2
*Greeley	23.2	*Thayer	23.6
*Hall	20.9	*Thomas	10.9
*Hamilton	23.4	*Thurston	25.8
*Harlan	26.2	*Valley	23.6
*Hayes	23.1	*Washington	31.2
*Hitchcock	23.6	*Wayne	26.2
*Holt	16.2	*Webster	21.2
*Hooker	9.9	*Wheeler	18.4
*Howard	22.2	*York	24.2

NEW JERSEY

Atlantic	20.9	Hunterdon	28.0
Bergen	27.7	Mercer	31.7
Burlington	30.0	Middlesex	30.4
Camden	25.1	Monmouth	31.5
Cape May	21.0	Morris	26.9
Cumberland	28.7	Ocean	27.8
Essex	28.5	Passaic	28.6
Gloucester	25.4	Salem	30.8

*Indicates counties having special wheat cultural practices. See table for normal yields for special cultural practices below.

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

NEW JERSEY—continued

County	Normal yield	County	Normal yield
Somerset	26.4	Union	28.6
Sussex	29.0	Warren	29.2

NEW MEXICO

*Bernalillo	10.0	*Mora	16.4
*Catron	8.9	*Otero	15.0
*Chaves	23.1	*Quay	8.6
*Colfax	10.9	*Rio Arriba	11.3
*Curry	12.7	*Roosevelt	8.7
*De Baca	14.8	*Sandoval	11.5
*Dona Ana	27.0	*San Juan	21.0
*Eddy	27.2	*San Miguel	11.7
*Grant	29.4	*Santa Fe	7.4
*Guadalupe	8.5	*Sierra	21.5
*Harding	7.4	*Socorro	6.0
*Hidalog	25.0	*Taos	16.4
*Lea	8.3	*Torrance	7.0
*Lincoln	7.3	*Union	10.0
*Luna	24.0	*Valencia	11.4
*McKinley	9.2		

NEW YORK

Albany	29.1	Oneida	34.3
Allegany	28.9	Onondaga	31.4
Broome	30.4	Ontario	33.4
Cattaraugus	30.0	Orange	28.6
Cayuga	33.4	Orleans	32.6
Chautauqua	28.6	Oswego	27.3
Chemung	30.3	Otsego	32.4
Chenango	30.9	Putnam	30.0
Clinton	25.0	Rensselaer	28.6
Columbia	30.6	Rockland	29.0
Cortland	31.3	St. Lawrence	24.8
Delaware	28.8	Saratoga	32.3
Dutchess	30.3	Schenectady	28.0
Erie	28.8	Schoharie	30.6
Essex	25.5	Schuyler	27.0
Franklin	25.5	Seneca	31.7
Fulton	27.8	Steuben	28.8
Genesee	32.5	Suffolk	33.8
Greene	28.0	Sullivan	29.4
Herkimer	29.4	Tioga	28.9
Jefferson	21.2	Tompkins	30.4
Lewis	28.0	Ulster	29.6
Livingston	32.7	Warren	25.5
Madison	33.0	Washington	30.5
Monroe	32.2	Wayne	29.6
Montgomery	28.0	Westchester	29.6
Nassau	27.4	Wyoming	31.6
Niagara	29.4	Yates	32.0

NORTH CAROLINA

Alamance	22.2	Forsyth	23.0
Alexander	20.2	Franklin	22.2
Alleghany	24.3	Gaston	20.6
Anson	19.5	Gates	22.2
Ashe	23.7	Graham	17.8
Avery	20.1	Granville	23.0
Beaufort	24.4	Greene	24.9
Bertie	23.1	Guilford	22.6
Bladen	21.9	Halifax	21.6
Brunswick	24.6	Harnett	24.2
Buncombe	22.2	Haywood	21.0
Burke	21.6	Henderson	21.3
Cabarrus	20.0	Hertford	20.8
Caldwell	20.6	Hoke	21.6
Camden	24.1	Hyde	24.3
Carteret	23.2	Iredell	21.4
Caswell	22.1	Jackson	19.5
Catawba	21.8	Johnston	25.3
Chatham	22.8	Jones	24.0
Cherokee	20.4	Lee	24.7
Chowan	24.0	Lenoir	27.0
Clay	18.2	Lincoln	21.8
Cleveland	21.6	McDowell	17.6
Columbus	24.5	Macon	20.6
Craven	23.1	Madison	19.1
Cumberland	22.5	Martin	24.3
Currituck	25.8	Mecklenberg	20.7
Davidson	23.2	Mitchell	19.2
Davie	21.9	Montgomery	18.6
Duplin	25.9	Moore	19.2
Durham	22.6	Nash	27.0
Edgecombe	26.2	New Hanover	22.4

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

NORTH CAROLINA—continued

County	Normal yield	County	Normal yield
Northampton	21.7	Stanly	20.2
Onslow	23.0	Stokes	21.6
Orange	22.4	Surry	23.4
Pamlico	25.8	Swain	20.0
Pasquotank	28.2	Transylvania	20.9
Pender	23.7	Tyrrell	23.7
Perquimans	25.1	Union	21.4
Person	22.0	Vance	22.1
Pitt	25.5	Wake	24.0
Polk	20.6	Warren	21.6
Randolph	22.2	Washington	24.0
Richmond	17.4	Watauga	23.3
Robeson	23.2	Wayne	25.0
Rockingham	23.2	Wilkes	22.9
Rowan	22.8	Wilson	28.1
Rutherford	20.5	Yadkin	23.4
Sampson	24.6	Yancey	20.6
Scotland	21.3		

NORTH DAKOTA

*Adams	13.6	*McKenzie	15.9
*Barnes	20.3	*McLean	16.2
*Benson	16.6	*Mercer	14.7
*Billings	14.7	*Morton	13.2
*Bottineau	17.0	*Mountrail	15.4
*Bowman	13.9	*Nelson	19.6
*Burke	16.6	*Oliver	14.7
*Burleigh	15.4	*Pembina	23.6
*Cass	22.4	*Pierce	13.6
*Cavalier	21.9	*Ramsey	18.0
*Dickey	15.7	*Ransom	17.0
*Divide	15.2	*Renville	16.7
*Dunn	14.9	*Richland	18.5
*Eddy	15.4	*Rolette	16.3
*Emmons	12.8	*Sargent	16.3
*Foster	18.7	*Sheridan	14.0
*Golden Valley	16.4	*Sioux	13.2
*Grand Forks	25.0	*Slope	16.6
*Grant	13.6	*Stark	15.9
*Griggs	20.1	*Steele	23.1
*Hettinger	16.5	*Stutsman	17.0
*Kidder	13.4	*Towner	19.1
*La Moure	15.5	*Traill	25.1
*Logan	13.2	*Walsh	22.9
*McHenry	15.1	*Ward	18.9
*McIntosh	12.9	*Wells	17.3
		*Williams	15.7

OHIO

Adams	19.7	Henry	30.5
Allen	29.2	Highland	20.3
Ashland	26.8	Hocking	19.8
Ashtabula	24.1	Holmes	26.5
Athens	21.9	Huron	29.2
Auglaize	28.1	Jackson	20.2
Belmont	25.7	Jefferson	26.6
Brown	19.4	Knox	23.3
Butler	23.4	Lake	24.3
Carroll	27.2	Lawrence	21.2
Champaign	27.7	Licking	24.1
Clark	27.8	Logan	26.6
Clermont	21.3	Lorain	26.6
Clinton	23.6	Lucas	31.8
Columbiana	27.2	Madison	27.2
Coshocton	24.4	Mahoning	26.8
Crawford	27.1	Marion	27.9
Cuyahoga	25.4	Medina	26.6
Darke	26.2	Meigs	20.2
Defiance	26.6	Mercer	27.7
Delaware	25.8	Miami	28.1
Erie	30.4	Monroe	24.6
Fairfield	23.9	Montgomery	25.6
Fayette	25.4	Morgan	22.5
Franklin	26.4	Morrow	24.8
Fulton	30.9	Muskingum	23.0
Gallia	21.6	Noble	23.0
Geauga	25.4	Ottawa	27.8
Greene	26.2	Paulding	26.0
Guernsey	21.8	Perry	22.0
Hamilton	24.5	Pickaway	23.7
Hancock	28.9	Pike	19.1
Hardin	28.6	Portage	26.0
Harrison	27.4	Preble	24.3

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

OHIO—continued

County	Normal yield	County	Normal yield
Putnam	26.7	Tuscarawas	25.8
Richland	26.1	Union	26.2
Ross	21.9	Van Wert	29.5
Sandusky	30.0	Vinton	19.6
Scioto	21.0	Warren	23.4
Seneca	28.2	Washington	22.4
Shelby	27.2	Wayne	27.3
Stark	28.1	Williams	27.1
Summit	27.2	Wood	31.2
Trumbull	25.2	Wyandot	26.0

OKLAHOMA

Adair	17.0	Le Flore	19.0
Alfalfa	18.7	Lincoln	17.9
Atoka	15.5	Logan	18.6
*Beaver	13.2	Love	15.3
Beckham	14.5	McClain	18.7
Blaine	16.9	McCurtain	15.0
Bryan	15.3	McIntosh	18.6
*Caddo	18.6	Major	17.5
Canadian	20.7	Marshall	16.0
Carter	15.9	Mayes	19.8
Cherokee	18.3	Murray	20.3
Choctaw	15.5	Muskogee	18.6
*Cimarron	13.6	Noble	18.3
Cleveland	19.7	Nowata	22.6
Coal	17.8	Okfuskee	17.1
Comanche	15.6	Oklahoma	19.1
Cotton	15.7	Okmulgee	17.9
Craig	22.6	Osage	21.8
Creek	16.2	Ottawa	23.6
*Custer	16.5	Pawnee	18.6
Delaware	22.6	Payne	17.7
*Dewey	14.8	Pittsburg	16.0
*Ellis	13.7	Pontotoc	17.8
Garfield	18.1	Pottawatomie	19.3
Garvin	20.2	Pushmataha	15.0
Grady	20.1	Roger Mills	14.5
Grant	20.1	Rogers	20.4
*Greer	14.3	Seminole	16.9
*Harmon	15.2	Sequoyah	20.6
*Harper	13.7	Stephens	17.0
Haskell	19.4	*Texas	14.7
Hughes	18.8	*Tillman	17.3
*Jackson	17.0	Tulsa	21.6
Jefferson	14.0	Wagoner	20.4
Johnston	17.2	Washington	22.3
Kay	23.1	*Washita	15.2
Kingfisher	18.5	*Woods	14.3
Kiowa	17.1	*Woodward	12.8
Latimer	15.0		

OREGON

*Baker	21.7	*Lane	24.6
*Benton	28.3	*Linn	28.8
*Clackamas	28.6	*Malheur	42.4
*Columbia	29.2	*Marion	29.6
*Crook	41.3	*Morrow	27.6
*Deschutes	37.5	*Multnomah	27.8
*Douglas	22.4	*Polk	30.4
*Gilliam	27.8	*Sherman	39.1
*Grant	25.0	*Umatilla	31.1
*Harney	19.5	*Union	36.7
*Hood River	33.5	*Wallowa	27.6
*Jackson	30.6	*Wasco	29.7
*Jefferson	32.7	*Washington	32.4
*Josephine	24.4	*Wheeler	21.4
*Klamath	24.9	*Yamhill	30.4
*Lake	27.1		

PENNSYLVANIA

Adams	23.8	Butler	25.8
Allegheny	26.0	Cambria	24.4
Armstrong	23.2	Cameron	21.5
Beaver	26.4	Carbon	24.0
Bedford	26.4	Centre	26.6
Berks	25.8	Chester	30.7
Blair	22.0	Clarion	23.4
Bradford	24.4	Clearfield	22.8
Bucks	27.2	Clinton	26.0

*Indicates counties having special wheat cultural practices. See table for normal yields for special cultural practices below.

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

PENNSYLVANIA—continued

County	Normal yield	County	Normal yield
Columbia	24.4	Mifflin	27.2
Crawford	23.6	Monroe	25.2
Cumberland	25.8	Montgomery	27.6
Dauphin	24.5	Montour	22.2
Delaware	30.7	Northampton	28.9
Elk	23.1	Northumberland	24.0
Erie	25.1	Perry	25.5
Fayette	25.7	Philadelphia	28.7
Forest	21.2	Pike	22.7
Franklin	24.0	Potter	26.5
Fulton	22.4	Schuylkill	23.0
Greene	23.5	Snyder	24.0
Huntingdon	25.3	Somerset	25.0
Indiana	22.5	Sullivan	23.4
Jefferson	23.6	Susquehanna	23.4
Juniata	25.4	Tioga	23.4
Lackawanna	25.3	Union	26.1
Lancaster	31.4	Venango	24.9
Lawrence	25.7	Warren	23.2
Lebanon	29.0	Washington	28.6
Lehigh	26.9	Wayne	22.7
Luzerne	23.0	Westmoreland	25.3
Lycoming	24.2	Wyoming	24.3
McKean	23.8	York	27.8
Mercer	25.0		

SOUTH CAROLINA

Abbeville	17.7	Hampton	21.1
Aiken	17.2	Horry	25.5
Allendale	21.2	Jasper	19.4
Anderson	20.2	Kershaw	20.4
Bamberg	19.7	Lancaster	20.1
Barnwell	20.6	Laurens	21.0
Berkeley	21.2	Lee	23.0
Calhoun	22.4	Lexington	17.0
Charleston	21.0	McCormick	18.7
Cherokee	20.0	Marion	24.3
Chester	21.0	Marlboro	21.8
Chesterfield	19.0	Newberry	20.8
Clarendon	22.3	Oconee	19.0
Colleton	20.5	Orangeburg	19.4
Darlington	21.4	Pickens	18.0
Dillon	23.1	Richland	19.6
Dorchester	22.1	Saluda	19.8
Edgefield	20.5	Spartanburg	19.4
Fairfield	20.5	Sumter	22.6
Florence	22.8	Union	17.4
Georgetown	22.8	Williamsburg	21.8
Greenville	19.8	York	20.2
Greenwood	20.0		

SOUTH DAKOTA

*Aurora	20.9	*Hughes	14.5
*Beadle	11.6	*Hutchinson	14.5
*Bennett	26.7	*Hyde	13.2
*Bon Homme	14.2	*Jackson	24.0
*Brookings	16.3	*Jerauld	12.8
*Brown	15.7	*Jones	15.2
*Brule	17.4	*Kingsbury	14.1
*Buffalo	13.0	*Lake	16.8
*Butte	17.5	*Lawrence	15.2
*Campbell	14.5	*Lincoln	15.5
*Charles Mix	19.8	*Lyman	17.8
*Clark	13.4	*McCook	16.3
*Clay	18.6	*McPherson	13.3
*Codington	14.2	*Marshall	16.6
*Corson	12.0	*Meade	15.0
*Custer	13.2	*Mellette	20.0
*Davison	15.6	*Miner	12.8
*Day	15.6	*Minnehaha	16.0
*Deuel	15.6	*Moody	16.4
*Dewey	15.6	*Pennington	17.9
*Douglas	15.5	*Perkins	12.4
*Edmunds	15.5	*Potter	15.9
*Fall River	22.1	*Roberts	15.4
*Faulk	14.7	*Sanborn	12.5
*Grant	16.6	*Shannon	27.9
*Gregory	20.5	*Spink	14.1
*Haakon	20.0	*Stanley	17.8
*Hamlin	15.2	*Sully	17.4
*Hand	15.1	*Todd	21.1
*Hanson	17.6	*Tripp	18.6
*Hardin	12.9	*Turner	14.8

1960 WHEAT MARKETING QUOTA PROGRAM
COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

SOUTH DAKOTA—continued

County	Normal yield	County	Normal yield
*Union	18.4	*Yankton	15.7
*Walworth	14.2	*Ziebach	15.0
*Washabaugh	25.0		

TENNESSEE

Anderson	20.4	Lake	26.0
Bedford	16.4	Lauderdale	19.4
Benton	16.6	Lawrence	18.4
Bledsoe	16.9	Lewis	14.8
Blount	20.8	Lincoln	15.8
Bradley	17.0	Loudon	18.8
Campbell	19.0	McMinn	17.6
Cannon	15.6	McNairy	18.6
Carroll	18.2	Macon	17.0
Carter	22.2	Madison	17.6
Cheatham	21.2	Marion	17.6
Chester	17.9	Marshall	18.4
Claiborne	18.6	Maury	19.6
Clay	15.8	Meigs	17.4
Cocke	18.9	Monroe	18.6
Coffee	19.4	Montgomery	22.6
Crockett	16.4	Moore	18.6
Cumberland	16.4	Morgan	18.4
Davidson	18.5	Obion	20.4
Decatur	15.4	Overton	18.2
De Kalb	15.2	Perry	18.5
Dickson	16.6	Pickett	17.8
Dyer	21.0	Polk	17.0
Fayette	18.0	Putnam	18.1
Fentress	17.8	Rhea	16.8
Franklin	22.1	Roane	16.4
Gibson	16.0	Robertson	22.8
Giles	16.2	Rutherford	17.2
Grainger	20.4	Sequatchie	17.8
Greene	19.0	Sevier	19.0
Grundy	23.5	Shelby	20.0
Hamblen	22.2	Smith	19.8
Hamilton	18.2	Stewart	17.8
Hancock	17.9	Sullivan	21.0
Hardeman	17.5	Sumner	17.6
Hardin	15.6	Tipton	21.4
Hawkins	20.0	Trousdale	18.8
Haywood	17.9	Unicoi	22.4
Henderson	17.4	Union	17.4
Henry	19.3	Van Buren	19.0
Hickman	15.8	Warren	19.8
Houston	20.0	Washington	21.6
Humphreys	16.6	Wayne	14.8
Jackson	13.8	Weakley	18.2
Jefferson	21.5	White	19.6
Johnson	20.6	Williamson	17.4
Knox	20.4	Wilson	15.6

TEXAS

Anderson	13.0	Collin	18.5
Archer	11.4	*Collingsworth	15.8
*Armstrong	13.8	Comal	11.0
Atascosa	11.1	Comanche	11.0
Austin	11.0	Concho	12.3
*Bailey	20.8	Cooke	18.5
Bandera	11.9	Coryell	12.2
Bastrop	11.5	*Cottle	14.0
Baylor	14.2	*Crosby	17.3
Bee	11.0	Culberson	20.0
Bell	12.6	*Dallam	14.2
Bexar	12.2	Dallas	18.0
Blanco	14.9	Dawson	14.3
Borden	14.3	*Deaf Smith	11.1
Bosque	13.2	Delta	18.8
Bowie	12.0	Denton	15.6
Brazos	12.0	De Witt	19.1
*Briscoe	15.4	*Dickens	10.0
Brown	11.4	*Donley	13.2
Burnet	12.0	Eastland	11.3
Caldwell	10.0	Edwards	10.8
Callahan	10.4	Ellis	16.3
*Carson	14.7	Erath	10.6
*Castro	23.5	Falls	12.7
Cherokee	12.0	Fannin	16.9
*Childress	15.6	Fayette	10.0
Clay	13.4	Fisher	11.1
*Cochran	15.1	*Floyd	19.1
Coke	11.5	*Foard	16.1
Coleman	10.2		

1960 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

TEXAS—continued

County	Normal yield	County	Normal yield
Freestone	13.0	Mills	14.0
Frio	13.0	Mitchell	12.4
*Gaines	12.4	Montague	13.9
*Garza	12.4	Moore	15.0
Gillespie	16.1	Morris	13.0
Glasscock	11.4	Motley	15.1
Goliad	10.0	Nacogdoches	12.0
Gonzales	10.5	Navarro	15.4
*Gray	13.1	Nolan	11.3
Grayson	17.6	Ochiltree	13.3
Guadalupe	10.4	Oldham	12.5
*Hale	22.8	Palo Pinto	10.8
*Hall	14.5	Panola	11.0
Hamilton	11.2	Parker	11.7
*Hansford	14.0	*Parmer	21.1
*Hardeman	15.9	Pecos	15.0
Harris	10.0	*Potter	14.6
*Hartley	14.3	Presidio	25.0
*Haskell	12.8	Rains	13.0
Hays	11.8	*Randall	15.4
*Hemphill	14.3	Real	10.0
Henderson	12.0	Red River	13.5
Hill	15.5	Reeves	15.0
Hockley	19.7	*Roberts	14.4
Hood	10.9	Robertson	12.0
Hopkins	13.0	Rockwall	15.6
Houston	13.0	Runnels	9.7
Howard	13.5	San Saba	13.3
Hudspeth	20.0	Schleicher	12.6
Hunt	16.6	Scurry	13.5
Hutchinson	16.0	Shackelford	11.5
Irion	9.0	Shelby	12.0
Jack	10.5	*Sherman	13.7
Jackson	11.6	Smith	12.0
*Jeff Davis	19.0	Somervell	11.1
Johnson	15.4	Stephens	11.4
Jones	11.3	Sterling	9.0
Karnes	12.1	Stonewall	11.1
Kaufman	16.1	Sutton	9.0
Kendall	16.4	*Swisher	22.2
Kent	12.1	Tarrant	14.6
Kerr	13.9	Taylor	10.3
Kimble	10.8	*Terry	15.0
King	12.3	Throckmorton	13.6
Knox	14.0	Titus	12.0
Lamar	17.2	Tom Green	11.0
Lamb	23.2	Travis	10.6
Lampasas	13.0	Uvalde	12.7
Leon	13.5	Van Zandt	12.6
Limestone	12.6	Victoria	12.0
Lipscomb	13.1	Walker	12.0
Live Oak	11.0	Waller	11.0
Llano	11.0	Ward	15.0
Lubbock	20.2	Wharton	12.0
Lynn	16.8	*Wheeler	12.5
McCulloch	13.7	*Wichita	16.1
McLennan	14.0	*Wilbarger	16.8
Madison	12.0	Williamson	12.2
Martin	11.7	Wilson	12.0
Mason	12.9	Wise	15.2
Maverick	13.0	Wood	12.0
Medina	12.2	*Yoakum	12.7
Menard	11.2	Young	11.2
Midland	9.0	Zavala	13.3
Milam	12.4		

UTAH

*Beaver	28.6	*Kane	17.1
*Box Elder	16.6	*Millard	15.7
*Cache	23.3	*Morgan	25.4
*Carbon	29.4	*Piute	25.4
*Daggett	33.0	*Rich	18.9
*Davis	43.3	*Salt Lake	23.9
*Duchesne	26.0	*San Juan	14.6
*Emery	24.8	*Sanpete	22.8
*Garfield	19.6	*Sevier	39.3
*Grand	17.4	*Summit	29.9
*Iron	16.4	*Tooele	15.2
*Juab	15.6	*Uintah	26.0

*Indicates counties having special wheat cultural practices. See table for normal yields for special cultural practices below.

1960 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

UTAH—continued

County	Normal yield	County	Normal yield
*Utah	24.2	*Wayne	31.2
*Wasatch	35.7	*Weber	39.8
*Washington	14.8		

VIRGINIA

Accomack	23.8	Lancaster	23.6
Albermarle	24.5	Lee	20.4
Alleghany	20.5	Loudoun	25.8
Amelia	23.0	Louisa	23.6
Amherst	20.2	Lunenburg	24.4
Appomattox	22.8	Madison	25.2
Augusta	25.0	Mathews	22.6
Bath	21.0	Mecklenburg	23.6
Bedford	22.3	Middlesex	23.8
Bland	21.8	Montgomery	22.6
Botetourt	22.6	Nansemond	26.0
Brunswick	23.6	Nelson	20.2
Buchanan	19.3	New Kent	23.4
Buckingham	22.8	Newport News	22.0
Campbell	22.0	Norfolk	27.4
Caroline	23.7	Northampton	24.4
Carroll	21.0	Northumberland	26.3
Charles City	25.8	Nottoway	25.2
Charlotte	24.4	Orange	25.2
Chesterfield	22.8	Page	24.0
Clarke	25.0	Patrick	22.9
Craig	23.3	Pittsylvania	23.6
Culpeper	25.2	Powhatan	23.3
Cumberland	22.5	Prince Edward	23.6
Dickenson	19.6	Prince George	22.4
Dinwiddie	23.8	Prince William	25.0
Essex	22.9	Princess Anne	25.6
Fairfax	25.2	Pulaski	23.2
Fauquier	24.0	Rappahannock	23.2
Floyd	23.1	Richmond	25.8
Fluvanna	22.9	Roanoke	25.2
Franklin	24.0	Rockbridge	22.0
Frederick	23.0	Rockingham	24.0
Giles	20.6	Russell	21.8
Gloucester	21.4	Scott	20.6
Goochland	23.1	Shenandoah	25.3
Grayson	19.6	Smyth	22.1
Greene	20.6	Southampton	23.8
Greensville	22.0	Spotsylvania	23.0
Halifax	23.6	Stafford	23.2
Hampton	22.5	Surry	23.0
Hanover	23.0	Sussex	23.4
Henrico	24.6	Tazewell	21.2
Henry	21.6	Warren	23.7
Highland	21.6	Washington	22.0
Isle of Wight	23.7	Westmoreland	26.8
James City	24.1	Wise	19.8
King and Queen	21.8	Wythe	22.0
King George	24.4	York	22.2
King William	24.2		

WASHINGTON

*Adams	25.7	*Klickitat	24.7
*Asotin	26.2	*Lewis	34.0
*Benton	22.3	*Lincoln	38.2
*Chelan	21.2	*Okanogan	21.2
*Clallam	45.0	*Pend Oreille	24.1
*Clark	25.5	*Pierce	30.4
*Columbia	35.8	*San Juan	36.3
*Cowlitz	30.2	*Skagit	43.0
*Douglas	22.2	*Skamania	19.8
*Ferry	27.7	*Snohomish	38.0
*Franklin	24.9	*Spokane	33.8
*Garfield	38.3	*Stevens	32.4
*Grant	27.4	*Thurston	29.2
*Grays Harbor	29.8	*Walla Walla	39.0
*Island	46.7	*Whatcom	39.8
*Jefferson	40.7	*Whitman	41.4
*Kittitas	39.5	*Yakima	39.7

WEST VIRGINIA

Barbour	22.5	Calhoun	19.8
Berkeley	22.6	Clay	20.3
Boone	19.5	Doddridge	28.1
Braxton	21.5	Fayette	21.7
Brooke	28.6	Gilmer	21.4
Cabell	19.0	Grant	28.6

1960 WHEAT MARKETING QUOTA PROGRAM COUNTY NORMAL YIELDS IN BUSHELS PER ACRE—Continued

WEST VIRGINIA—continued

County	Normal yield	County	Normal yield
Greenbrier	24.0	Pendleton	22.2
Hampshire	24.4	Pleasants	24.0
Hancock	25.7	Pocahontas	24.1
Hardy	23.5	Preston	23.6
Harrison	23.9	Putnam	21.2
Jackson	21.4	Raleigh	20.0
Jefferson	23.0	Randolph	25.0
Kanawha	20.2	Ritchie	20.9
Lewis	23.7	Roane	20.2
Lincoln	19.2	Summers	21.9
Marion	23.4	Taylor	22.9
Marshall	22.6	Tucker	23.9
Mason	22.8	Tyler	21.3
Mercer	23.2	Upshur	22.8
Mineral	23.4	Wayne	19.4
Monongalia	24.4	Webster	19.8
Monroe	23.2	Wetzel	21.6
Morgan	20.4	Wirt	24.4
Nicholas	23.6	Wood	21.9
Ohio	24.0	Wyoming	18.8

WISCONSIN

Adams	18.5	Marathon	24.0
Ashland	17.4	Marinette	22.6
Barron	22.0	Marquette	20.0
Bayfield	18.2	Milwaukee	29.0
Brown	26.9	Monroe	23.6
Buffalo	23.6	Oconto	24.8
Burnett	18.0	Oneida	20.6
Calumet	29.0	Outagamie	28.0
Chippewa	19.5	Ozaukee	29.8
Clark	23.7	Pepin	22.1
Columbia	26.5	Pierce	21.8
Crawford	24.2	Polk	19.3
Dane	28.3	Portage	19.0
Dodge	29.5	Price	20.0
Door	26.0	Racine	30.6
Douglas	17.0	Richland	24.8
Dunn	20.6	Rock	27.8
Eau Claire	21.4	Rusk	17.1
Florence	17.8	St. Croix	20.9
Fond du Lac	30.2	Sauk	25.0
Forest	19.0	Sawyer	16.9
Grant	26.2	Shawano	25.5
Green	26.6	Sheboygan	29.8
Green Lake	23.5	Taylor	20.9
Iowa	25.9	Trempealeau	22.8
Iron	18.3	Vernon	25.2
Jackson	22.0	Vilas	19.6
Jefferson	29.4	Walworth	30.0
Juneau	20.6	Washburn	17.6
Kenosha	30.2	Washington	30.2
Kewaunee	28.1	Waukesha	28.4
La Crosse	23.0	Waupaca	21.6
Lafayette	26.2	Waushara	20.2
Langlade	24.0	Winnebago	28.4
Lincoln	22.1	Wood	22.6
Manitowac	28.3		

WISCONSIN

*Albany	9.6	Natrona	21.2
*Big Horn	38.5	Niobrara	18.6
*Campbell	16.4	Park	36.2
*Carbon	13.2	*Platte	20.1
*Converse	16.8	*Sheridan	21.7
*Crook	18.7	*Sublette	18.2
*Fremont	34.4	*Sweetwater	21.8
*Goshen	19.9	*Teton	27.8
*Hot Springs	29.4	*Uinta	23.2
*Johnson	16.7	*Washakie	31.5
*Laramie	20.6	*Weston	18.8
*Lincoln	16.1		

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Issued at Washington, D.C., this 22d day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES

State and county	Irrigated	Summer fallow	Continuous cropping
ARIZONA			
Apache	30.0		17.0
Cochise	22.0		
Coconino	20.0		14.0
Gila	19.2		
Graham	21.0		
Greenlee	24.7		
Maricopa	37.1		
Mohave	30.0		15.0
Navajo	30.0		15.0
Pima	23.6		
Pinal	30.0		
Santa Cruz	23.6		
Yavapai	23.8		
Yuma	34.8		
CALIFORNIA			
Alameda		24.3	23.2
Alpine			30.0
Amador			22.2
Butte		23.6	25.6
Calveras			18.4
Colusa		24.8	26.0
Contra Costa		24.5	23.5
Fresno	43.2	15.2	11.4
Glenn		23.9	23.5
Humboldt			27.4
Imperial	47.5		
Inyo			28.5
Kern	28.2	13.0	7.1
Kings	29.2		
Lake			25.6
Lassen	30.2	15.6	16.1
Los Angeles	26.2	9.0	6.4
Madera	29.5	14.8	10.0
Marin			26.2
Mariposa			30.0
Mendocino			22.3
Merced	32.6	24.5	20.0
Modoc	30.2	18.7	16.9
Mono			20.9
Monterey	33.6	19.7	14.1
Napa			30.7
Orange			17.6
Placer		20.3	18.0
Plumas			18.3
Riverside	27.9	18.4	16.1
Sacramento	42.5	20.5	34.0
San Benito			19.4
San Bernardino			26.7
San Diego			21.8
San Joaquin	38.5	22.5	26.0
San Luis Obispo		17.1	13.9
San Mateo			22.0
Santa Barbara		17.1	21.8
Santa Clara			23.4
Shasta		13.2	13.7
Sierra			21.8
Siskiyou	33.1	15.9	16.3
Solano	43.0	24.3	27.9
Sonoma			20.6
Stanislaus			24.7
Sutter	30.0	20.2	26.5
Tehama		18.5	18.1
Trinity			20.0
Tulare	25.9	20.6	15.4
Tuolumne			19.8
Ventura			21.1
Yolo	38.6	30.4	22.4
Yuba			21.0
COLORADO			
Adams	30.0	22.5	11.0
Alamosa	23.6		
Arapahoe	20.8	20.5	11.1
Archuleta	28.1	15.3	16.8
Baca	27.3	13.1	8.1
Bent	29.6	12.3	8.5
Boulder	31.2	24.5	15.2
Chaffee	25.5		
Cheyenne	25.0	16.5	10.0
Conejos	24.0		
Costilla	25.8		
Crowley	34.3	10.3	8.6
Custer	28.2	13.6	7.9
Delta	24.0	17.1	12.5
Dolores	25.5	15.1	12.2
Douglas	26.0	22.6	15.1
Eagle	28.5		19.5
Elbert	27.0	18.8	12.8
El Paso	25.0	16.2	8.3
Fremont	27.9	14.8	8.5
Garfield	31.8	15.8	13.0
Grand	27.6	17.6	13.2
Gunnison	29.0	18.0	14.5
Huerfano	26.4	13.8	11.9
Jackson	29.5	17.7	14.6
Jefferson	28.4	26.6	15.2
Kiowa	25.0	12.2	8.0
Kit Carson	25.5	17.3	9.3
La Plata	27.0	15.7	13.1
Larimer	22.8	24.4	13.6
Las Animas	28.7	11.6	8.1
Lincoln	24.7	17.0	10.6
Logan	26.0	21.3	12.6

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES—Continued

State and county	Irrigated	Summer fallow	Continuous cropping
COLORADO—con.			
Mesa	32.2	13.3	12.9
Moffat	31.2	17.2	13.7
Montezuma	26.4	15.9	12.3
Montrose	26.8	13.9	12.0
Morgan	33.6	18.5	9.6
Otero	27.5	12.6	9.7
Ouray	33.2	15.6	11.6
Park			14.5
Phillips	28.0	25.0	13.2
Pitkin	39.0	17.8	16.5
Prowers	30.0	14.9	9.2
Pueblo	36.4	15.5	X10.0
Rio Blanco	33.5	20.2	13.6
Rio Grande	28.8		
Routt	33.2	21.1	15.0
Saguache	25.8		
San Miguel	32.0	14.3	11.7
Sedgwick	29.2	28.0	13.7
Teller			14.0
Washington	31.6	21.5	11.0
Weld	30.0	21.4	11.3
Yuma	28.0	22.5	13.5
IDAHO			
Ada	49.0	23.2	18.7
Adams	42.2	22.4	
Bannock	44.6	21.0	17.0
Bear Lake	33.8	19.4	17.4
Benewah		33.6	24.5
Bingham	50.2	16.4	11.8
Blaine	43.2	18.6	20.8
Boise	38.9	22.2	
Bonner		24.2	19.2
Bonneville	52.6	22.2	13.4
Boundary		46.5	26.1
Butte	49.0	8.7	8.1
Camas	37.2	21.8	20.2
Canyon	54.2		21.5
Caribou	40.4	23.7	20.6
Cassia	54.9	18.3	15.0
Clark	38.6	15.3	11.9
Clearwater		40.3	28.7
Custer	45.2		16.3
Elmore	41.8	21.7	17.1
Franklin	45.2	22.3	19.2
Fremont	44.2	25.2	19.0
Gem	46.6		19.5
Gooding	50.6		
Idaho		36.9	25.0
Jefferson	48.1	15.1	11.6
Jerome	58.8		15.1
Kootenai	32.1	30.8	23.6
Latah		38.7	28.4
Lemhi	42.2		
Lewis		41.2	30.3
Lincoln	51.6	15.1	
Madison	49.9	28.1	19.8
Minidoka	54.8	14.6	10.5
Nez Perce	40.6	41.9	28.4
Oneida	42.2	21.1	17.4
Owyhee	56.1		20.6
Payette	43.3		18.7
Power	48.2	20.0	17.4
Teton	33.4	22.2	17.7
Twin Falls	60.7	12.4	8.6
Valley	33.2	18.8	
Washington	47.0	24.8	20.9
KANSAS			
Barber		20.6	17.2
Barton		21.6	16.4
Cheyenne		26.0	15.7
Clark		18.1	16.2
Clay		24.8	21.0
Cloud		22.7	17.4
Comanche		18.3	14.4
Decatur		23.6	15.8
Dickinson		26.1	21.7
Edwards	24.5	18.6	12.6
Ellis		20.9	14.2
Ellsworth		21.8	17.8
Finney	32.6	19.1	11.8
Ford	27.0	18.0	14.6
Gove		21.0	13.9
Graham		18.3	13.1
Grant	27.8	18.2	13.6
Gray	26.0	16.8	11.8
Greeley		21.0	11.7
Hamilton	25.5	17.8	12.4
Harper		24.8	19.7
Harvey	24.5	23.8	22.6
Haskell	25.0	17.2	11.4
Hodgeman	25.6	17.8	12.4
Jewell		22.6	13.0
Kearny	21.5	19.0	13.7
Kingman		21.2	14.0
Kiowa	24.6	18.5	14.0
Lane		20.9	15.0
Lincoln		21.0	16.1
Logan		19.7	12.2
McPherson		27.4	22.1
Marion		28.6	21.9
Meade	25.0	16.8	13.4
Mitchell		23.5	18.2
Morton	23.5	16.4	11.6

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES—Continued

State and county	Irrigated	Summer fallow	Continuous cropping
KANSAS—continued			
Ness	24.5	21.7	13.4
Norton	27.0	22.0	15.7
Osborne		20.2	17.1
Ottawa		24.5	20.9
Pawnee	24.5	22.1	15.1
Phillips		19.6	13.9
Pratt	24.5	20.0	15.5
Rawlins	27.0	25.2	16.4
Reno	26.5	24.3	20.2
Republic		25.7	19.1
Rice		23.9	18.2
Rooks		19.2	13.8
Rush	24.5	21.0	14.8
Russell		20.1	14.1
Saline		24.8	20.6
Scott	29.4	19.6	14.4
Sedgwick		26.8	20.5
Seward	34.0	16.6	11.3
Sheridan		21.5	13.8
Sherman	27.0	22.9	13.1
Smith		21.9	16.0
Stafford		18.3	15.3
Stanton	26.0	19.7	13.9
Stevens	34.0	18.5	11.3
Sumner		26.4	21.4
Thomas		24.1	15.7
Trego		19.9	13.6
Wallace		20.3	13.6
Washington		28.1	22.4
Wichita	32.0	19.8	13.6
MONTANA			
Beaverhead	30.1	19.4	15.3
Big Horn	28.1	24.4	16.9
Blaine	29.2	18.4	14.0
Broadwater	34.3	21.2	14.2
Carbon	31.5	21.1	16.2
Carter	21.0	15.2	9.0
Cascade	30.3	24.6	18.4
Chouteau	28.6	25.7	19.6
Custer	29.2	17.8	13.0
Daniels		15.5	12.5
Dawson	31.4	16.5	13.9
Deer Lodge	32.1	22.2	15.5
Fallon		14.6	14.5
Fergus	28.4	24.4	14.1
Flathead	35.4	22.4	23.0
Gallatin	30.5	24.6	19.4
Garfield	21.9	13.6	8.7
Glacier	32.8	25.4	17.3
Golden Valley	25.2	19.2	11.4
Granite	30.0	21.0	13.6
Hill	28.6	23.0	13.8
Jefferson	29.1	20.0	14.4
Judith Basin	34.2	21.9	14.9
Lake	27.2	23.0	18.9
Lewis and Clark	27.6	21.6	14.5
Liberty	26.0	24.2	19.4
Lincoln	25.3	20.7	13.6
McCone	27.4	16.6	11.4
Madison	32.7	19.6	17.3
Meagher	31.0	20.5	13.7
Mineral	28.6	24.0	20.5
Missoula	30.0	25.4	20.5
Musselshell	26.0	19.6	12.9
Park	29.4	21.6	14.9
Petroleum	25.6	14.3	11.3
Phillips	27.0	17.3	11.7
Pondera	32.0	26.4	22.4
Powder River	29.7	21.4	15.4
Powell	34.9	20.5	16.2
Prairie	24.5	16.6	10.7
Ravalli	40.7	26.1	17.3
Richland	34.2	18.3	13.9
Roosevelt	28.4	17.2	12.3
Rosebud	30.6	19.1	11.3
Sanders	31.2	24.0	17.5
Sheridan	23.4	17.1	13.3
Silver Bow	26.0	17.5	14.2
Stillwater	29.8	20.9	16.7
Sweet Grass	27.5	19.6	13.4
Teton	33.2	26.2	20.7
Toole	26.0	24.8	23.2
Treasure	33.5	18.9	13.9
Valley	22.6	14.5	11.1
Wheatland	25.1	17.9	11.2
Wibaux		14.6	12.2
Yellowstone	34.5	22.6	14.5
NEBRASKA			
Adams	30.3	24.8	20.2
Antelope			20.1
Arthur			15.2
Banner		28.6	14.1
Blaine			16.1
Boone			24.1
Box Butte	30.0	27.5	14.1
Boyd			14.6
Brown			18.4
Buffalo	30.0	28.3	18.0
Burt			20.3
Butler	30.0	24.5	20.5
Cass	32.6	22.5	20.2
Cedar			22.6

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES—Continued

State and county	Irrigated	Summer fallow	Continuous cropping
NEBRASKA—con.			
Chase	31.3	24.4	16.7
Cherry			26.1
Cheyenne	31.0	27.7	14.3
Clay	30.0	26.7	21.0
Colfax	34.0	26.9	26.4
Cuming			29.8
Custer	32.3	24.8	19.4
Dakota			26.7
Dawes	27.9	27.4	14.5
Dawson	30.0	24.5	18.8
Deuel	34.7	29.2	15.4
Dixon			22.9
Dodge	31.5	26.6	28.3
Douglas			29.6
Dundy	31.5	24.3	15.1
Fillmore	33.7	28.1	22.0
Franklin	30.0	24.9	19.2
Frontier	28.5	25.6	17.9
Furnas		24.0	18.3
Gage	31.0	26.2	24.6
Garden	30.0	28.4	14.6
Garfield			20.2
Gosper	30.7	27.4	19.5
Greeley	30.0	24.7	21.8
Hall	34.0	28.0	19.7
Hamilton	31.3	26.6	22.6
Harlan	31.0	26.7	20.0
Hayes	29.0	24.1	12.1
Hitchcock	30.7	24.2	16.8
Holt			16.2
Hooker			9.0
Howard	31.7	25.2	19.5
Jefferson	32.0	26.4	23.4
Johnson	32.5	24.8	24.1
Kearney	32.0	24.6	20.0
Keith	37.0	27.3	15.2
Keya Paha			16.2
Kimball	25.3	21.8	10.8
Knox			21.4
Lancaster	32.5		25.7
Lincoln	29.8	23.8	14.8
Logan			17.2
Loup			20.1
McPherson			19.2
Madison			24.2
Merrick	30.0	23.4	21.7
Merrill	34.1	25.7	12.9
Nance	32.0	26.5	23.0
Nemaha		26.7	26.0
Nuckolls	30.5	25.4	21.2
Otoe		28.2	27.4
Pawnee	31.0	28.6	24.8
Perkins	32.3	26.8	14.5
Phelps	31.7	27.9	20.5
Pierce			24.2
Platte	35.0		27.2
Polk	31.0	27.0	26.4
Redwillow	31.7	24.5	19.3
Richardson		27.0	26.6
Rock			16.2
Saline	32.7	27.5	25.4
Sarpy			31.3
Saunders	34.0		26.6
Scotts Bluff	36.8	27.8	14.2
Seward	33.3	27.6	27.0
Sheridan	25.8	28.9	14.3
Sherman	32.0	24.1	17.9
Sioux	29.7	25.4	13.0
Stanton			26.2
Thayer	32.0	26.6	23.1
Thomas			10.9
Thurston			25.8
Valley	31.3	28.0	20.4
Washington			31.2
Wayne			26.2
Webster	30.0	22.2	19.4
Wheeler			18.4
York	33.5	27.8	24.0
NEW MEXICO			
Bernalillo	25.6	7.0	6.0
Catron	20.0	7.0	6.5
Chaves	23.1		
Colfax	21.4	9.5	8.0
Curry	22.0	10.5	7.6
De Baca	24.0	8.0	6.5
Dona Ana	27.0		
Eddy	27.2		
Grant	29.4		
Guadalupe	17.0	7.5	6.0
Harding	18.0	8.0	6.2
Hidalgo	25.0		
Lea	25.0	8.0	7.0
Lincoln	23.0	8.5	5.5
Luna	24.0		
McKinley	18.4	7.0	6.5
Mora	20.1	7.5	6.2
Otero	23.0	8.0	7.0
Quay	22.6	9.5	6.9
Rio Arriba	19.4	10.5	9.0
Roosevelt	21.4	10.5	8.4
Sandoval	17.0	8.5	7.5
San Juan	22.7	8.0	7.0
San Miguel	17.7	7.5	6.2
Santa Fe	21.7	7.5	6.0
Sierra	21.5		
Socorro	20.0	6.0	5.0
Taos	17.8	10.0	8.5
Torrance	24.0	7.0	5.5
Union	20.0	9.5	7.5
Valencia	18.6	7.0	6.5
NORTH DAKOTA			
Adams		15.4	12.1
Barnes		22.6	16.8
Benson		20.0	14.0
Billings		15.9	10.9
Bottineau		18.5	11.6
Bowman		15.5	10.2
Burke		17.5	11.2
Burleigh		20.2	13.7
Cass		26.0	19.9
Cavalier		23.5	18.0
Dickey		21.4	14.2
Divide		15.4	12.1
Dunn		16.2	13.1
Eddy		19.9	13.3
Emmons		19.6	12.6
Foster		20.5	15.8
Golden Valley		17.4	14.1
Grand Forks		26.3	23.8
Grant		15.7	11.5
Griggs		22.2	16.6
Hettinger		17.2	13.7
Kidder		17.0	12.7
La Moure		20.8	13.6
Logan		18.9	12.5
McHenry		18.2	10.7
McIntosh		16.8	12.6
McKenzie	31.1	16.1	11.5
McLean		19.1	12.8
Mercer		16.6	13.9
Morton		17.2	11.2
Mountrail		16.3	11.6
Nelson		22.4	16.4
Oliver		16.2	13.7
Pembina		25.6	21.4
Pierce		18.0	10.6
Ramsey		20.4	14.9
Ransom		20.2	15.7
Renville		19.6	12.6
Richland		22.8	17.5
Rolette		18.2	12.4
Sargent		21.3	16.9
Sheridan		18.6	11.0
Sioux		17.7	10.2
Slope		17.6	13.4
Stark		17.3	12.8
Steele		25.1	19.3
Stutsman		20.1	13.6
Towner		21.8	15.6
Traill		26.3	24.0
Walsh		24.1	22.2
Ward		20.4	14.0
Wells		20.8	13.4
Williams	26.8	15.7	11.7
OKLAHOMA			
Beaver	23.0	15.4	11.0
Caddo	22.0		18.3
Cimarron	25.0	14.5	9.9
Custer	22.0		16.5
Dewey	22.0		14.7
Ellis		16.6	14.7
Greer	22.0		13.7
Harmon	22.0		14.2
Harper		16.3	12.8
Jackson	22.0		17.6
Texas	25.0	15.2	11.1
Tillman	22.0		17.3
Washita	22.0		15.2
Woods		18.2	14.1
Woodward	24.0	16.4	12.4
OREGON			
Baker	37.4	24.3	14.6
Benton			26.3
Clackamas			28.6
Columbia			29.2
Crook	50.6	22.5	14.4
Deschutes	39.1	23.0	21.5
Douglas			22.4
Gilliam	33.6	27.8	18.1
Grant	30.4	21.6	20.4
Harney	24.2	18.9	17.5
Hood River			33.5
Jackson			30.6
Jefferson	47.6	21.9	13.1
Josephine			24.4
Klamath	36.6	24.5	14.7
Lake	28.3	26.1	16.9
Lane			24.6
Linn			25.8
Malheur	49.0	20.3	12.8
Marion			29.6
Morrow	33.5	27.6	21.4
Multnomah			27.8
Polk			30.4
Sherman		33.1	21.0
Umatilla	34.5	31.8	27.4
Union	41.2	38.7	25.9
Wallowa	36.6	27.8	20.7
Wasco	32.2	29.8	17.5
Washington			32.4
Wheeler	28.6	21.4	22.2
Yamhill			30.4
SOUTH DAKOTA			
Aurora		27.4	17.6
Beadle		18.1	11.0
Bennett		28.0	15.1
Bon Homme			14.2
Brookings			16.3
Brown		23.0	14.8
Brule		27.6	13.5
Buffalo		23.0	13.0
Butte		21.4	16.0
Campbell		20.5	13.0
Charles Mix		24.4	17.4
Clark			18.6
Clay		19.2	13.8
Codington		16.9	9.9
Corson			13.2
Custer			15.6
Davison		22.3	14.9
Day		20.3	15.6
Deuel		20.4	13.5
Dewey			15.5
Douglas		20.4	14.9
Edmunds		23.0	12.8
Fall River		20.0	12.4
Faulk		21.7	16.1
Grant		26.0	14.0
Gregory		24.6	13.1
Haakon		20.0	15.2
Hamlin		21.2	13.7
Hand		19.0	17.4
Harding		16.6	11.3
Hughes		21.2	13.0
Hutchinson			14.5
Hyde		21.0	12.4
Jackson		25.5	21.2
Jerauld		19.3	12.0
Jones		24.0	12.3
Kingsbury		22.5	14.1
Lake			16.8
Lawrence		22.8	15.2
Lincoln			15.5
Lyman		24.3	13.5
McCook			16.3
McPherson		22.4	12.2
Marshall		21.6	16.0
Meade		20.4	12.1
Mellette		22.8	11.5
Miner			12.8
Minnehaha			16.0
Moody			16.4
Pennington		20.9	12.2
Perkins		16.0	10.4
Potter		22.6	14.9
Roberts		20.4	15.2
Sanborn			12.5
Shannon		29.1	16.9
Spink		20.8	13.4
Stanley		24.6	12.8
Sully		25.9	16.4
Todd		25.4	14.5
Tripp		26.0	13.2
Turner			14.8
Union			18.4
Walworth		21.2	12.6
Washabaugh		23.9	15.6
Yankton			15.7
Ziebach		19.0	11.0
TEXAS			
Armstrong	21.5	16.1	12.2
Bailey	26.5	13.4	10.9
Briscoe	23.3	17.0	12.2
Carson	22.0	13.9	11.1
Castro	26.8	16.6	12.6
Childress	23.0		15.6
Cochran	23.0		15.1
Collingsworth	22.0		15.8
Cottle	22.0		14.0
Crosby	22.1	12.5	10.4
Dallam	20.0	15.7	12.8
Dawson	20.0		11.1
Deaf Smith	28.0	14.5	11.8
Dickens	22.0		13.2
Donley	22.0	15.3	9.5
Floyd	23.8	14.9	11.7
Foard	23.0		16.1
Gaines	20.0		12.4
Garza	21.5		12.4
Gray	22.0	15.4	12.2
Hale	25.4	15.4	11.5
Hall	22.0		14.5

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES—Continued

State and county	Irrigated	Summer fallow	Continuous cropping
TEXAS—continued			
Hansford	23.0	14.9	11.6
Hardeman	23.0		15.9
Hartley	21.0	15.7	11.4
Haskell	24.0		12.3
Hemphill	22.0	15.4	13.1
Hockley	22.0		10.7
Hutchinson	22.5	15.5	12.1
Knox	24.0		14.0
Lamb	25.2	15.4	12.1
Lipscomb	23.5	15.8	12.3
Lubbock	23.4	13.8	10.4
Lynn	21.0		16.8
Moore	23.0	14.8	11.2
Motley	22.0		16.1
Ochiltree	24.0	15.5	12.2
Oldham	23.0	14.4	10.4
Parmer	25.9	16.2	12.8
Potter	21.0	13.5	10.2
Randall	23.0	16.2	12.1
Roberts	23.0	14.6	12.5
Sherman	22.0	15.3	11.3
Swisher	24.6	16.2	13.5
Terry	22.0		15.0
Wheeler	22.0	14.4	11.8
Wichita	23.0		16.1
Wilbarger	23.0		16.8
Yoakum	22.0		12.7
UTAH			
Beaver	34.0	15.0	
Box Elder	36.4	15.5	
Cache	38.5	18.5	
Carbon	31.0	15.0	
Daggett	33.0	15.0	
Davis	49.0	23.5	
Duchesne	29.6	15.0	
Emery	32.0	15.0	
Garfield	27.5	15.0	
Grand	30.0	15.0	
Iron	24.0	15.0	
Juab	30.0	15.0	
Kane	28.0	15.0	
Millard	30.0	14.0	
Morgan	38.5	20.0	
Piute	33.0	16.0	
Rich	32.0	17.0	
Salt Lake	42.0	16.0	
San Juan	25.0	14.5	
Sanpete	33.0	16.0	
Sevier	45.0	16.0	
Summit	35.0	17.5	
Tooele	27.5	14.5	
Uintah	29.5	20.0	
Utah	37.9	13.5	
Wasatch	38.0	20.0	
Washington	26.0	14.5	
Wayne	36.0	16.0	
Weber	45.4	23.0	

NORMAL YIELDS OF WHEAT FOR SPECIAL CULTURAL PRACTICES—Continued

State and county	Irrigated	Summer fallow	Contin-uous cropping	Seeded after peas
WYOMING				
Albany	19.6	12.9	8.7	
Big Horn	33.5			
Campbell	23.7	17.5	11.5	
Carbon	21.9	12.5	11.7	
Converse	22.0	17.5	12.0	
Crook	24.5	20.4	14.4	
Fremont	34.4			
Goshen	24.4	20.0	12.6	
Hot Springs	29.4			
Johnson	26.0	17.7	11.4	
Laramie	25.5	20.7	13.0	
Lincoln	23.7	17.4	14.0	
Natrona	22.8	13.0	7.9	
Niobrara	20.0	19.5	12.5	
Park	36.2			
Platte	23.4	20.1	12.9	
Sheridan	28.2	22.1	14.8	
Sublette	18.2			
Sweetwater	21.8			
Teton	33.9	23.6	20.5	
Uinta	22.2	17.0	13.5	
Washakie	31.5			
Weston	24.3	20.1	13.3	

[F.R. Doc. 60-5967; Filed, June 29, 1960; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.647 Plum Order 11.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 3, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Sugar or Diamond plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack and will have a net weight of not less than twenty-seven (27) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must

be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6036; Filed, June 29, 1960; 8:49 a.m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 936.648 Plum Order 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 3, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Ace plums except in accordance with the following terms and conditions:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 936.636 (Plum Order 1; 25 F.R. 4539) except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted for such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack and will have a net weight of not less than twenty-eight (28) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6037; Filed, June 29, 1960; 8:49 a.m.]

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.649 Plum Order 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 3, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Elephant Heart or Laroda plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6038; Filed, June 29, 1960; 8:49 a.m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 936.650 Plum Order 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 10, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Late Santa Rosa plums except in accordance with the following terms and conditions:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 936.636 (Plum Order 1; 25 F.R. 4539) except that cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-six (26) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection

and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6039; Filed, June 29, 1960; 8:50 a.m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Sizes

§ 936.651 Plum Order 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 10, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Late Tragedy plums except in accordance with the following terms and conditions:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 936.636 (Plum Order 1; 25 F.R. 4539) except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 6 standard pack and will have a net weight of not less than twenty-seven (27) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "standard pack," and "serious damage" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6040; Filed, June 29, 1960; 8:50 a.m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.652 Plum Order 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Barlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submittted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 10, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Nubiana plums, except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "fairly uniform in size" and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6041; Filed, June 29, 1960; 8:50 a.m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 936.653 Plum Order 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 20, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 10, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Queen Ann plums except in accordance with the following terms and conditions:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 936.636 (Plum Order 1; 25 F.R. 4539) except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted for such grade;

(ii) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(iii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509);

"standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) § 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 27, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6042; Filed, June 29, 1960; 8:50 a.m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.654 Bartlett Pear Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 1, 1960. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett Pear Commodity Committee until June 23, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 23, 1960, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 1, 1960; and this section, insofar as practicable, should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 1, 1960, and ending at 12:01 a.m., P.s.t., January 1, 1961, no shipper shall ship any box or container of Bartlett pears unless:

(i) All such pears grade not less than U.S. No. 2;

(ii) At least 80 percent, by count, of the pears contained in any box or container grade at least U.S. No. 1, with the following exceptions: (*a*) Not to exceed 10 percent, by count, of such pears in any box or container may be damaged but not seriously damaged by hail; and (*b*) such pears may fail to be fairly well formed only because of short shape but shall not be seriously misshapen; and

(iii) All such pears are of a size not smaller than the size known commercially as size 165.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of Bartlett pears. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size 165" means Bartlett pears of a size which (i) when packed in a standard pear box will pack, in accordance with the requirements prescribed for a standard pack, 165 pears in said box with the twenty-two smallest pears weighing not less than five and three-quarter pounds, or (ii) when packed in containers other than the standard pear box will not pass through a rigid ring 2⅜ inches in diameter: *Provided,* That not to exceed 5 percent, by count, of the pears in any such container may be not to exceed ⅛ inch smaller than said diameter requirement but the twenty-two smallest pears shall not weigh less than five and three-quarter pounds.

(3) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(4) "U.S. No. 1," "U.S. No. 2," "fairly well formed," "seriously misshapen," "damage," "seriously damaged," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (Summer and Fall), §§ 51.1260–51.1278 of this title.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6060; Filed, June 29, 1960; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 65; Reg. No. SR–436A]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Airborne Weather Radar Equipment Requirements for Airplanes Carrying Passengers; Special Civil Air Regulation

Special Civil Air Regulation SR–436, effective February 15, 1960 (25 F.R. 167), as amended by Amendment No. 1[1] (25 F.R. 1987), requires the installation of airborne weather radar equipment in most of the transport category airplanes used for the carriage of passengers under Parts 40, 41, or 42 of the Civil Air Regulations. Other provisions of the operation and airworthiness rules require dual sources of electrical power for such required equipment.

In regard to the requirement for dual sources of electrical power, airborne weather radar equipment uses approximately 500 to 700 VA (voltamperes) of

[1] No distribution was made of this amendment. It corrected an inadvertent error in SR–436 by adding the word "radar" between the words "weather" and "is" in the first sentence of section 2a.

115 volt AC power. Airplanes which generate direct current (DC) power obtain alternating current (AC) power from power converters generally known as inverters. Inasmuch as some instruments and other equipment require AC power, transport category airplanes which basically generate DC power presently are required to have 2 inverters to supply dual power to required AC-powered equipment.

Airborne weather radar equipment uses a large portion of the output capability of the typical airplane inverter. To accommodate weather radar, prior to the promulgation of SR–436, the various AC power loads were divided between the two existing inverters in such manner that the weather radar could be turned off in the event of a single inverter failure. The remaining inverter would supply the AC power for required instruments and equipment, consistent with the dual power source requirement in the operating and airworthiness rules.

When airborne weather radar became required equipment, the installation described above would not provide for dual power sources for both the airborne weather radar and the required AC-powered instruments and equipment. To comply with the dual power requirement, the installation of an additional inverter (with suitable switching, failure indicators, and metering) would be necessary, and such installation would involve extensive modifications to all airplanes which generate DC power. In addition, for most, if not all, 2-engine airplanes equipped with 2 DC generators, the installation of an additional inverter would not fully satisfy the dual power source supply requirement, since in the event of a generator failure the combined electrical load of the weather radar and other required equipment would overload the remaining DC generator, irrespective of the number of inverters installed on the airplane.

In reconsidering the requirement for dual electrical power supply for airborne weather radar equipment, the Federal Aviation Agency recognizes the difficult engineering problem involved in providing for dual power for such equipment. Consideration has also been given to the present reliability of inverters as evidenced by the satisfactory use of airborne radar by the airlines with the single inverter installation. Furthermore, SR–436 requires the operator to establish procedures for the continuance of flight when the weather radar becomes inoperative during en route operations.

In view of the above, present section 5 of SR–436 is being deleted and a new section 5 is being added to permit the installation of airborne weather radar equipment which is not provided with an alternate electrical power supply.

This superseding Special Civil Air Regulation incorporates into one document all of the provisions of SR–436, as amended herein and by Amendment No. 1. Since this superseding Special Civil Air Regulation, which is substantively the same as SR–436, imposes no additional burden on any person and relieves a restriction, the Administrator finds that notice and public procedure are unnecessary and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted:

1. *Airborne weather radar equipment requirement.* After the dates specified, the following transport category airplanes shall not be used for the carriage of passengers under the provisions of Parts 40, 41, or 42 of the Civil Air Regulations, unless approved airborne weather radar equipment is installed in such airplanes:

(a) July 1, 1960, for all turbine-powered airplanes certificated under the transport category rules.

(b) January 1, 1961, for the airplane types listed below:

Douglas DC–7 Series,
Douglas DC–6 Series, and
Lockheed 1049 and 1649 Series.

(c) January 1, 1962, for all airplanes certificated under the transport category rules, except C–46 type airplanes.

NOTE: Airplanes subject to the provisions of paragraph (c) of this section include, but are not limited to, the following types: Boeing 377; Convair 240, 340, and 440; Lockheed 049 and 749; Martin 202 and 404; and Douglas DC–4.

2. *Schedule for installation of equipment.* (a) Each operator conducting passenger operations under the provisions of Parts 40, 41, or 42 of the Civil Air Regulations with transport category airplanes on which airborne weather radar is not installed, shall establish a schedule for the progressive completion of such radar installations, in accordance with the provisions of section 1 of this regulation. The schedule shall provide for the completion of all required radar installations on or before the dates specified in section 1 of this regulation, and the completion of at least 40 percent of the required installations on or before the following dates:

(1) August 1, 1960, for airplanes of the types specified in section 1(b), and

(2) February 1, 1961, for airplanes of the types specified in section 1(c).

(b) On or before July 1, 1960, a copy of the schedule required by paragraph (a) of this section shall be submitted to an authorized representative of the Administrator, together with a list of any airplanes the operator intends to discontinue using in the carriage of passengers prior to the date on which radar equipment must be installed.

3. *Requirement for dispatch and continuance of flight.* After the effective date specified in section 6 of this regulation, all transport category airplanes having approved airborne weather radar installed shall be operated in accordance with the following rules when used in passenger operations under Parts 40, 41, or 42:

(a) *Dispatch.* No airplane shall be dispatched (or flight of an airplane started under the provisions of Part 42) under IFR or night VFR conditions when current weather reports indicate thunderstorms, or other potentially hazardous weather conditions which can be detected by airborne weather radar, may reasonably be expected to be encountered along the route to be flown, unless approved airborne weather radar equipment installed in the airplane is in a satisfactory operating condition.

(b) *En route.* In the event the airborne weather radar becomes inoperative en route, the airplane shall be operated in accordance with the instructions and procedures specified in the operations manual for such occurrence. After the date specified by section 1 of this regulation for the mandatory installation of approved airborne weather radar on the type of airplane involved, such instructions and procedures shall meet with the approval of an authorized representative of the Administrator.

4. *Exceptions.* The provisions of this regulation shall not apply to those airplanes used solely within the States of Alaska or Hawaii, or during all-cargo, training, test, or ferry flights.

5. *Electrical power supply.* Contrary provisions of the Civil Air Regulations notwithstanding, an alternate electrical power supply need not be provided for airborne weather radar equipment.

6. *Effective date.* This Special Civil Air Regulation shall become effective on June 30, 1960, and supersedes Special Civil Air Regulation No. SR–436.

(Secs. 313(a), 601, 604, 605; 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on June 27, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–6051; Filed, June 29, 1960; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7602 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Endeavor Press et al.

Subpart—Advertising falsely or misleadingly: § 13.105 *Individual's special selection or situation;* § 13.125 *Limited offers or supply;* § 13.150 *Premiums and prizes:* § 13.150–35 *Prizes.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Endeavor Press et al., New York, N.Y., Docket 7602, May 27, 1960]

In the Matter of Endeavor Press, a Corporation, and Rebecca B. Roberts and Nancy Roberts, Individually and as Officers of Said Corporation, and Rebecca B. Roberts Doing Business Under the Names of Betty Davis, R. B. Roberts, Contest Editor, and National Contest Headquarters

The complaint in this proceeding charged a New York City concern engaged in selling to the public written material consisting of slogans, titles, names, compositions, and answers, together with box tops, labels, and entry blanks, with advertising falsely that users of their said material would win large amounts of cash, homes, cars, annuities, and other substantial awards or prizes in competitive contests; and that they sold their said material to a limited number of selected persons.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Endeavor Press, a corporation, and its officers, and Nancy Roberts, individually and as an officer of said corporation, and Rebecca B. Roberts, individually and as an officer of said corporation, and doing business under the names of Betty Davis, R. B. Roberts, Contest Editor, National Contest Headquarters and any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of written material consisting of slogans, titles, names, compositions and answers, designed to win prizes or awards in competitive contests, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from disseminating, or causing to be disseminated any advertisement, which represents directly or by implication that:

1. Users of said written material, as entries in competitive contests, can win homes, cars, annuities, substantial sums of money or any other awards or prizes without clearly disclosing that said entries are subject to invalidation under competitive contest rules and practices which require that all entries be the original creation of the entrant.

2. The sale of said written material is limited to a small number of persons.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F.R. Doc. 60-6012; Filed, June 29, 1960; 8:46 a.m.]

[Docket 7756 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Harry Kaufman, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Misrepresenting oneself and goods—GOODS: § 13.1590 *Composition.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Harry Kaufman, Inc., Washington, D.C., Docket 7756, June 1, 1960]

In the Matter of Harry Kaufman, Inc., a Corporation, and Bertram Wise and David Wise, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Washington, D.C., retailers with violating the Wool Products Labeling Act by failing to label girls' and teenage wool coats as required; and with representing falsely in bids submitted to the General Services Administration of the United States Government that said coats were "100 percent virgin wool".

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on June 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Harry Kaufman, Inc., a corporation, and its officers, and Bertram Wise and David Wise, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of girls' and teenage coats or other wool products, as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondents, Harry Kaufman, Inc., a corporation, its officers, and Bertram Wise and David Wise, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of girls' and teenage coats, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in said products in bids, or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F.R. Doc. 60-6013; Filed, June 29, 1960; 8:46 a.m.]

[Docket 7787 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Gyro Family Massage Equipment

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.;* § 13.170–74 *Reducing, non-fattening low-calorie, etc.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Raymond M. Horwitz trading as Gyro Family Massage Equipment, Upper Darby, Pa., Docket 7787, May 17, 1960]

In the Matter of Raymond M. Horwitz, an Individual Trading as Gyro Family Massage Equipment

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor of massage equipment in Upper Darby, Pa., with advertising falsely that his "Gyro Massage and Heat Pillow" would relieve the pain of arthritis, bursitis, etc., and would "Contour You"; that his "Gyro Belt" plan would reduce particular areas of the body, tone the muscles, and reduce flabbiness; and that his "Gyro Lounge Chairs" would slenderize the body.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 17 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Raymond M. Horwitz, trading as Gyro Family Massage Equipment, or under any other name, and his representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his devices designated as Gyro Massage and Heat Pillow, Gyro Belt, and Gyro Lounge Chairs, or any other devices of substantially similar design or operation, whether sold under the same or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of the Gyro Massage and Heat Pillow will relieve the pain of arthritis, bursitis, aching joints, sore muscles or any other pains, unless expressly and clearly limited to the temporary relief of minor aches and pains, or that its use will have any effect upon the contour of the body.

(b) That the use of respondent's Gyro Belt will cause any reduction in weight in any area of the body or in the over-all body weight, or that the use of said device in conjunction with a plan which provides for a low calorie diet will cause any reduction in weight in any area of the body or in the over-all body weight, unless it is clearly stated that any reduction in weight will be solely by reason of the diet.

(c) That the use of respondent's Gyro Lounge Chairs will slenderize the body.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said devices, which advertisement contains any of the representations prohibited in paragraph 1, above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 17, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F.R. Doc. 60-6014; Filed, June 29, 1960; 8:46 a.m.]

[Docket 7573 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

R. H. Macy & Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30–30 *Fur Products Labeling Act;* § 13.155 *Prices:* § 13.155–85 *Sales below cost.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act;* § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880–40 *Fur Products Labeling Act;* § 13.1886 *Quality, grade or type;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, R. H. Macy & Co., Inc., New York, N.Y., Docket 7573, May 25, 1960]

The complaint in this case charged a New York City department store with violating the Fur Products Labeling Act by labeling fur products with excessive prices represented thereby as the usual retail prices; by failing to set forth on invoices the terms "Dyed Mouton-processed Lamb" and "Dyed Broadtail-processed Lamb" as required; by advertising in newspapers which failed to disclose that certain fur products contained artificially colored or cheap or waste fur or were "second-hand" or "used", and to disclose the country of origin of imported furs; which contained the names of animals other than those producing certain furs and represented prices falsely as "below wholesale cost"; by failing to maintain adequate records as a basis for said pricing claims; and by failing in other respects to comply with labeling and invoicing requirements.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent R. H. Macy & Co., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Failing to set forth on labels attached to fur products the item number or mark assigned to a fur product;

C. Falsely or deceptively labeling such products as to the regular prices thereof by means of any label representing that respondent's regular or usual prices of such products are any amounts in excess of the prices at which respondent has usually or customarily sold such products in the recent regular course of business;

D. Setting forth on labels affixed to fur products:

1. Required information in abbreviated form or in handwriting;

2. Non-required information mingled with required information;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

B. Failing to set forth on each invoice the item number or mark assigned to a fur product;

C. Setting forth on any invoice required information in abbreviated form;

D. Failing to set forth the terms, "Dyed Mouton Processed Lamb" and "Dyed Broadtail Processed Lamb" in the manner required;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose:

1. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

2. That the fur product is composed in whole or in substantial part of flanks, when such is the fact;

3. The name of the country of origin of any imported furs contained in a fur product when the option afforded by Rule 38(b) is not exercised;

B. Sets forth the name or names of any animal or animals other than the name or names specified in section 5(a)(1) of the Fur Products Labeling Act;

C. Represents directly or by implication that the prices of fur products are "below wholesale cost" when such is not the fact;

D. Fails to set forth the term "used", where applicable, in close proximity and in type of equal size with other required information;

E. Fails to designate the fur product as "second hand" where applicable;

4. Making pricing claims and representations in advertisements of the type referred to in Paragraph 3C above unless respondent maintains full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 25, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F.R. Doc. 60-6015; Filed, June 29, 1960; 8:46 a.m.]

[Docket 7788 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Waterman Pharmacy and Waterman Drug Co.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Donald C. Sussman trading as Waterman Pharmacy, etc., Detroit, Mich., Docket 7788, May 25, 1960]

In the Matter of Donald C. Sussman, an Individual, Trading as Waterman Pharmacy and as Waterman Drug Company

The complaint in this case charged a Detroit distributor of drug products with representing falsely in advertising in newspapers and magazines, etc., that his antacid preparation "Cel-Ate Tablets" would cure ulcers and the pain and discomfort thereof, and was an effective treatment for ulcers.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Donald C. Sussman, an individual trading as Waterman Pharmacy and as Waterman Drug Company, or any other name or names, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the drug preparation "Cel-Ate Tablets", or any preparation of substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that Cel-Ate Tablets are an adequate, effective or reliable treatment for the cure of or will afford complete relief from ulcers, or have a therapeutic effect on the symptoms or manifestations thereof, or have any beneficial effect on ulcers in excess of affording temporary relief from the discomforts of some peptic ulcers;

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said drug preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Donald C. Sussman, an individual trading as Waterman Pharmacy and as Waterman Drug Company, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 25, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6016; Filed, June 29, 1960; 8:46 a.m.]

[File No. 21-90]

PART 92—WOODWORKING MACHINERY INDUSTRY

Promulgation of Trade Practice Rules

Correction

In F.R. Doc. 60-5808, appearing at page 5835 of the issue for Friday, June 24, 1960, the section heading for § 92.8 should be set forth following the text of § 92.7(b) and should read "§ 92.8 *Deceptive invoicing, etc.*".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Vessels Operated by Pacific Micronesian Lines, Inc.

CROSS REFERENCE: For revision of § 19.35, see Title 46, Part 154, F.R. Doc. 60-6064, *infra*.

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGIC PRODUCTS

Purity Standards

On January 5, 1960, a notice of proposed rule making with respect to the licensing of biological products was published in the FEDERAL REGISTER (25 F.R. 61) inviting any interested parties to present written views or arguments respecting the proposed amendments there published.

Several comments and suggestions have been received from manufacturers of licensed products relating to the proposed revision of the prescribed purity test. All views expressed have been carefully considered. On the basis of these and other considerations, it is deemed necessary, in order to assure the continued safety, purity and potency of biological products, to issue at this time the following amendments to Part 73, and in the public interest to make the amendment in section 1 effective upon publication in the FEDERAL REGISTER and the amendment in section 2, revising § 73.74, effective 60 days after publication in the FEDERAL REGISTER.

§ 73.1 [Amendment]

1. Amend § 73.1 (r) to read as follows:

(r) "Purity" means relative freedom from extraneous matter in the finished product, whether or not harmful to the recipient or deleterious to the product. "Purity" includes but is not limited to relative freedom from residual moisture or other volatile substances and pyrogenic substances.

2. Amend § 73.74 to read as follows:

§ 73.74 Purity.

Products shall be free from extraneous material. In addition, products shall be tested as provided in paragraphs (a) and (b) of this section.

(a) *Test for residual moisture.* Each lot of dried product shall be tested for residual moisture and other volatile substances.

(1) *Procedure.* The test for dried products shall consist of measuring the maximum loss of weight in a weighed sample equilibrated over anhydrous P_2O_5 at a pressure of not more than one mm. of mercury, and at a temperature of 20° to 30° C. for as long as it has been established is sufficient to result in a constant weight.

(2) *Test results; standard to be met.* The residual moisture and other volatile substances shall not exceed one percent except that for Thrombin, Fibrinogen, Streptokinase, Streptokinase - Streptodornase, and Anti-Influenza Virus Serum for the Hemagglutination-Inhibition Test, they shall not exceed three percent.

(b) *Test for pyrogenic substances.* Each lot of any product intended for use by injection shall be tested for pyrogenic substances by intravenous injection into rabbits as provided in subparagraphs (1) and (2) of this paragraph: *Provided*, That notwithstanding any other provision of this part, the test for pyrogenic substances is not required for the following products: Products containing formed blood elements; Single Donor Plasma (Human); Normal Horse Serum; Normal Rabbit Serum; bacterial, viral and rickettsial vaccines and antigens; toxoids; toxins; allergenic extracts; venoms; diagnostic substances and trivalent organic arsenicals.

(1) *Test dose.* The test dose for each rabbit shall be at least three milliliters per kilogram of body weight of the rabbit and also shall be at least equivalent proportionately, on a body weight basis, to the maximum single human dose recommended, except that: (i) Regardless of the human dose recommended, the test dose per kilogram of body weight of each rabbit shall be, at least one milliliter for immune globulins derived from human blood, at least three milliliters for Normal Human Plasma, and at least 30 milligrams for Fibrinogen (Human); (ii) for Streptokinase, Streptokinase-Streptodornase and Radioiodinated (I^{131}) Serum Albumin (Human) the test dose shall be at least equivalent proportionately on a body weight basis to the maximum single human dose recommended.

(2) *Procedure.* Products shall be tested for freedom from pyrogenic substances by intraveneous injection of the test dose into three or more rabbits in overt good health and by recording for each rabbit a control temperature taken within one hour prior to injection, and three additional temperatures taken one, two, and three hours after injection. For purposes of subparagraph (3) of this paragraph, if there is no temperature increase over the control temperature (i.e. where the temperature remains unchanged or falls), the temperature rise shall be considered as zero. If there is an increase in temperature over the control temperature, the temperature rise shall be the difference between the highest of the three hourly readings and the control temperature reading.

(3) *Test results; standards to be met.* The results recorded for all rabbits used in all tests of a lot of a product shall be included in determining whether the standard for purity is met. The product fails to meet test requirements if one-half or more of all rabbits show a temperature rise of 0.6° C. or more or if the average temperature rise of all rabbits is 0.5° C. or more.

(c) *Different tests equal or superior.* A different test for residual moisture may be performed provided that prior to its performance the manufacturer submits data which the Surgeon General finds adequate to establish that the different test is equal or superior to the test described in paragraph (a) of this section and makes the finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: June 17, 1960.

[SEAL] ARNOLD B. KURLANDER, *Acting Surgeon General.*

Approved: June 24, 1960.

ARTHUR S. FLEMMING, *Secretary.*

[F.R. Doc. 60-6026; Filed, June 29, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2135]

[Montana 028667]

MONTANA

Withdrawing Lands in Connection With the Freezeout Lake Waterfowl Management Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Montana are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior, for use of the State of Montana Department of Fish and Game, for wildlife purposes as a waterfowl feeding, nesting, and resting area in connection with the Freezeout Lake Waterfowl Management Area, under such conditions as may be prescribed by the Secretary of the Interior:

PRINCIPAL MERIDIAN

T. 22 N., R. 4 W.,
Sec. 2, lots 3, 4, SW¼, and S½SE¼;
Sec. 3, lots 1, 2, and S½NE¼.
T. 23 N., R. 4 W.,
Sec. 26, NE¼NW¼.

The areas described aggregate 594.80 acres.

Grazing use of the lands shall be administered by the Bureau of Land Management under the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315-315r), consistent with the primary purposes for which the lands are withdrawn by this order.

ROGER ERNST, *Assistant Secretary of the Interior.*

JUNE 23, 1960.

[F.R. Doc. 60-6021; Filed, June 29, 1960; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements Relating to Radio

The Commission having under consideration the desirability of making certain editorial changes in § 2.601 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 22d day of June, 1960, that, effective June 30, 1960, § 2.601 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended: 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

1. Part 2 is amended by replacing the existing text of § 2.601 with the text below:

§ 2.601 Treaties and other international agreements relating to radio.

(Corrected to June 15, 1960. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.)

(a) The applicable international treaties and other international agreements in force relating to radio and to which the United States of America is a party, are listed below:

Date	Citations [1]	Subject
1925	IV Trenwith 4248 IV Trenwith 4250 IV Trenwith 4251 TS 724-A	Bilateral Arrangements between the United States and the following: Great Britain. Canada. Newfoundland. Effected by exchange of notes signed September and October 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925.
1928 and 1929	1929 For. Rel., vol. II, p. 114. TS 767-A.	Arrangement between the United States and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2, and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in EAS 62.
1929	IV Trenwith 4787 TS 777-A.	Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland).
1934	48 Stat. 1876. EAS 62.	Arrangement between the United States and the Dominion of Canada relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the Arrangement effected by the Arrangement contained in TS 767-A. Effected by exchange of notes Apr. 23, and May 2 and 4, 1934. Entered into force on May 4, 1934.
1934	49 Stat. 3555. EAS 66.	Arrangement between the United States and Peru concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	49 Stat. 3667. EAS 72.	Arrangement between the United States and Chile relative to Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	51 Stat. 314. EAS 109.	Agreement between the United States and Canada relating to the exchange of information concerning issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 18, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Entered into force Sept. 8, 1937. (Examination of official status being made noting the entry into force of the North American Regional Broadcasting Agreement (NARBA) signed at Washington, D.C., Nov. 15, 1950.)

See footnote at end of table.

Date	Citations [1]	Subject
1927	45 Stat. 1576 TS 802.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1928.
1928	44 Stat. 1675 TS 849.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1926. Entered into force Oct. 8, 1930.
1928	53 Stat. 2049 EAS 126.	Arrangement between the United States and Canada relative to Radio Broadcasting. Effected by exchange of notes signed Oct. 30, and Dec. 10, 1928. Entered into force Mar. 29, 1941. (Examination of official status being made noting the entry into force of the NARBA signed at Washington, D.C., Nov. 15, 1950.)
1932	53 Stat. 2009 EAS 142.	Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June July, August, September, October, November, and December 1932. Entered into force Aug. 1, 1932.
1939	53 Stat. 2157 EAS 143.	Arrangement between the United States and Canada concerning the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939.
1940	54 Stat. 2483 EAS 196.	Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24 and 28, 1940. Entered into force Mar. 29, 1941.
1946	60 Stat. 1606 TIAS 1527.	Agreement between the United States and the Union of Soviet Socialist Republics on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow, May 24, 1946. Entered into force May 24, 1946.
1947	61(3) Stat. 3131 TIAS 1652.	Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication Standardization of Distance Measuring Equipment. Signed at Washington, D.C., Oct. 13, 1947. Entered into force Oct. 13, 1947.
1947	61(4) Stat. 3416 TIAS 1676.	Agreement between the United States and the United Nations relative to headquarters of the U.N. Signed at Lake Success, June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U.N. (The provisions of this Agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.)
1947	61(4) Stat. 3800 TIAS 1726.	Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the r.f. band 88-108 Mc. Effected by exchange of notes signed at Washington, D.C., Jan. 8, and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947		Agreement between the United States and the Republic of the Philippines concerning the use of radio facilities in the Philippines. Signed at Manila, Sept. 4, 1947. Entered into force on the date of its signature as a modus vivendi pending ratification by the Senate of the Philippines.
1947	63(2) Stat. 1399 TIAS 1901.	International Radio Regulations. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those Radio Regulations enumerated in Article 47. However, the effective date provisions of the Radio Regulations Article 47 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951. (This printing contains also the International Telecommunication Convention, Atlantic City, 1947, which is superseded by the International Telecommunication Convention, Buenos Aires, 1952. The printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Atlantic City Radio Regulations which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.)
1948	62(3) Stat. 2652 TIAS 1802.	Arrangement between the United States and Canada concerning Radio Broadcasting. Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc). Effected by exchange of notes signed at Washington, D.C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948. (Examination of official status being made noting the entry into force of the NARBA signed at Washington, D.C., Nov. 15, 1950.)
1948	9 UST 621 TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva, Mar. 6, 1948. Entered into force Mar. 17, 1958.
1948	3 UST (3) 3450 TIAS 2495.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1952.
1949	3 UST (2) 2686 TIAS 2435.	Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 12, 1949. Entered into force Feb. 24, 1950. This Agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	3 UST (3) 3044 TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. (Fourth Inter-American Radio Conference). Signed at Washington, D.C., July 8, 1949. Entered into force Apr. 15, 1952, subject to the provisions of Article 13.
1950	3 UST (3) 2672 TIAS 2432.	Arrangement between the United States and Ecuador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950		North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D.C., Nov. 15, 1950. Entered into force for the United States, Canada and Cuba Apr. 19, 1950.
1951	2 UST (1) 663 TIAS 2223.	Agreement between the United States and Liberia regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Monrovia, Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	3 UST (3) 3787 TIAS 2608.	Treaty with Canada relating to Mutual Recognition by the United States and Canada of Certain Radio Station and Operator Licenses issued in either country. Signed at Ottawa, Feb. 8, 1951. Entered into force May 15, 1952.
1951	2 UST (2) 2500 TIAS 2366.	Agreement between the United States and Mexico which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Mexico Border. Effected by exchange of notes signed at Mexico Aug. 10, and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2366 is amended by TIAS 2654 which was signed at Mexico City, June 4 and 25, 1952.)
1951	3 UST (2) 2800 TIAS 2459.	Agreement between the United States and Cuba concerning the Control of Electro-magnetic Radiation. Effected by exchange of notes signed at Havana, Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951	3 UST (4) 3520 TIAS 2763.	Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Table of Frequency Allocations and other provisions of the Radio Regulations (Atlantic City, 1947) not brought into force January 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force March 1, 1952.
1952	3 UST (3) 3992 TIAS 2520.	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Havana, Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	3 UST (3) 4443 TIAS 2594.	Agreement between the United States and Canada which assigns Television Frequency Channels to Cities within 280 miles of the United States-Canadian Border. Effected by exchange of notes signed at Ottawa, Apr. 23, 1952, and June 29, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 4823 TIAS 2654.	Amendment to TIAS 2366. Amends the Agreement between the United States and Mexico on the Allocation of Television Channels Along the United States-Mexican Border. Signed at Mexico, June 4 and 25, 1952. Entered into force June 25, 1952.
1952	3 UST (4) 4926 TIAS 2656.	Agreement between the United States and Canada for the Purpose of Promoting Safety on the Great Lakes by Means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa, Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (4) 5140 TIAS 2705.	London Revision (1952) of the London Telecommunication Agreement (1949) between the United States and Canada and Certain British Commonwealth Governments. Signed at London, Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London, Aug. 12, 1949.
1952	6 UST 1213 TIAS 3266.	International Telecommunication Convention. Signed at Buenos Aires, Dec. 22, 1952. Entered into force with respect to the United States, June 27, 1955.
1953	5 UST (3) 2840 TIAS 3138.	Understanding between United States and Canada relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes signed at Washington, D.C., Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179 TIAS 3617.	Agreement between the United States and Panama concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Panama July 19, and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2899 TIAS 3664.	Agreement between the United States and Costa Rica concerning Radio Communications between Amateur Stations on Behalf of Third Parties, Effected by exchange of notes signed at Washington, D.C., Aug. 13, and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3139 TIAS 3694.	Agreement between the United States and Nicaragua concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Managua, Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.

See footnote at end of table.

Date	Citations [1]	Subject
1958	9 UST 1091 TIAS 4089.	Agreement between the United States and Mexico regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes signed at Mexico, July 16, 1958. Entered into force July 16, 1958.
1958	TIAS 4390.	Telegraph Regulations (Geneva Revision, 1958) annexed to the International Telecommunication Convention and Final Protocol to the Telegraph Regulations. Signed at Geneva, Nov. 29, 1958. Entered into force Jan. 1, 1960.
1959	TIAS 4295.	Arrangement between the United States and Mexico concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Mexico, July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	TIAS 4442.	Arrangement between the United States and Honduras concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Tegucigalpa, Oct. 26, 1959, Feb. 17 and 19, 1960. Entered into force Mar. 17, 1960.
1959	TIAS 4394.	Arrangement between the United States and Venezuela concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Caracas, Nov. 12, 1959. Entered into force Dec. 12, 1959.
1960	TIAS 4399.	Arrangement between the United States and Haiti concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Port-au-Prince, Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1940	55 Stat. 1482 EAS 231.	Inter-American Radio Communications Agreement between United States, Canada, and Other American Republics. (Second Inter-American Radio Conference.) Signed at Santiago, Jan. 26, 1940. Entered into force with respect to the United States June 26, 1941. Replaced by the Inter-American Radio Agreement signed at Washington, D.C., July 9, 1949 (TIAS 2489).
1947	63(2) Stat. 1399 TIAS 1901.	International Telecommunication Convention. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949. Superseded by the International Telecommunication Convention signed at Buenos Aires, Dec. 22, 1952 (TIAS 3260). This printing contains also the Radio Regulations and other documents still in force.
1949	2 UST(1) 17 TIAS 2175.	Telegraph Regulations (Paris Revision, 1949), annexed to the International Telecommunication Convention and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 4, 1949. Entered into force with respect to the United States Sept. 26, 1950. Superseded by the Telegraph Regulations (Geneva Revision, 1958) annexed to the International Telecommunication Convention and Final Protocol to the Telegraph Regulations signed at Geneva, Nov. 29, 1958 (TIAS 4390).

[1] Stat.—United States Statutes at Large.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

[1] Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923-1937 (Compiled under Senate Resolution No. 132, Seventy-Fifth Congress, First Session).
For. Rel.—Papers Relating to the Foreign Relations of the United States, 1929.
Stat.—United States Statutes at Large.
UST—United States Treaties and Other International Agreements.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

(b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound by the older agreement with respect to its relations with those particular countries. These include the following:

Date	Citations [1]	Subject
1912	38 Stat. 1672 TS 581.	International Radiotelegraph Convention. Final Protocol and Service Regulations. Signed at London, July 5, 1912. Entered into force July 1, 1913.
1927	45 Stat. 2760 TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington, D.C., Nov. 25, 1927. Entered into force Jan. 1, 1929.
1932	49 Stat. 2391 TS 867.	International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid, Dec. 9, 1932. Entered into force for the United States June 12, 1934.
1937	54 Stat. 2314 EAS 200.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana, Dec. 13, 1937. Entered into force for the United States July 13, 1938. This Arrangement was replaced by the Inter-American Agreement concerning Radiocommunications signed at Santiago, Jan. 26, 1940 (EAS 281).
1938	54 Stat. 1417 TS 948.	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Entered into force Sept. 1, 1939. Superseded by the Radio Regulations (Atlantic City, 1947) annexed to the International Telecommunication Convention.

See footnote at end of table.

(c) The following agreements have been signed by the United States and are included because of their importance or of the imminence of their effective dates:

Date	Subject
1957	Agreement between the United States and Mexico on the Use of Standard Band Broadcasting Channels (535-1605 kc). Signed at Mexico City, Jan. 29, 1957. Agreement will enter into force immediately subsequent to ratification by the constitutional procedures of each government. Ratified by the United States, Mar. 9, 1960. Subject to ratification procedure by the Mexican government.
1959	International Telecommunication Convention. Signed at Geneva, Dec. 21, 1959. Pursuant to the provisions of Article 52, this Convention will enter into force on Jan. 1, 1961.
1959	International Radio Regulations. Signed at Geneva, Dec. 21, 1959. These Regulations will enter into force on May 1, 1961, pursuant to the provisions of Article 45.

(d) There are, in addition to the foregoing, certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

Date	Citations [1]	Subject
1944	61(2) Stat. 1180 TIAS 1591.	International Civil Aviation Convention.[2] Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present		ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]
1946		ICAO Communications Division, Second Session, Montreal.[2]
1949		ICAO Communications Division, Third Session, Montreal.[2]
1951		ICAO Communications Division, Fourth Session, Montreal.[2]
1954		ICAO Communications Division, Fifth Session, Montreal.[2]
1957		ICAO Communications Division, Sixth Session, Montreal.[2]
1958		ICAO Communications Division, Special Session, Montreal.[2]

[1] Stat.—United States Statutes at Large. TIAS—Treaties and Other International Acts Series.
[2] Available from the Secretary General of ICAO, International Aviation Building, 1080 University Street, Montreal, Canada.

[F.R. Doc. 60-5957; Filed, June 29, 1960; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

[CGFR 60-44]

PART 2—VESSEL INSPECTIONS

Subpart 2.75—Approvals of Safety Equipment, Materials and Installations and Qualifications for Construction Personnel

REVISED PROCEDURES FOR APPROVALS

The Commandant is required by law or regulations to approve certain items of safety equipment, materials or installations before such items may be installed or used on vessels subject to Coast Guard inspection or on certain other described vessels, motorboats, etc. The amendments in this document revise and bring up-to-date certain policies, practices and procedures with respect to approvals of specific items of safety equipment, materials, or installations. The revised procedures are intended to expedite the granting of approvals of safety equipment, materials, or installations found to be in compliance with Coast Guard requirements.

The revised requirements provide for certificates of approval to be issued to certain manufacturers of safety equipment, materials, or installations which have met Coast Guard requirements. Such certificates of approval serve as evidence that specific approvals have been granted for the items specifically described therein. In addition notices for public information are published in the FEDERAL REGISTER. The approval shall be valid for a period of 5 years, subject to suspension or cancellation by proper authority, but the period of validity will normally be computed from the date on the certificate of approval rather than the date a notice of approval was published in the FEDERAL REGISTER.

It has been determined necessary that specific items of equipment, materials, or installations must meet specification requirements prior to being eligible for approval, and these standards are set forth in the regulations in this chapter or in specifications, copies of which may be obtained from the Commandant (MMT). For convenience a specification usually sets forth the details specifically applying to the manufacture of the item, such as materials required, construction, descriptive plans, etc., as well as procedures to follow in obtaining approval (if required). It should be noted that an approval applies only to the described item when it is actually manufactured in accordance with the details set forth in applicable laws, regulations, and other requirements as described in the approval. If an item is manufactured which does not in all respects meet the applicable requirements, it is not an approved item and shall be considered accordingly by the Coast Guard. The Officer in Charge, Marine Inspection, and/or the District Commander (depending upon which officer is informed first) is authorized and will immediately suspend any approval upon a finding that the item manufactured does not meet the applicable requirements. Such officer will also require the holder to surrender the certificate of approval (if any), and direct the holder to cease claiming the defective items manufactured are Coast Guard approved, pending a final decision from the Commandant in the matter.

Under the direction of the Commandant, the Chief, Office of Merchant Marine Safety, is hereby delegated (according to regulations and instructions) to exercise all necessary actions related to granting, suspending, or revoking Commandant's Approvals of safety equipment, materials, or installations as contemplated in the administration of the navigation and vessel inspection laws. When required public notifications of actions taken will also be published in the FEDERAL REGISTER.

Because the amendments in this document state policies followed for many years or revise practices and procedural requirements, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof), is deemed to be unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 120, dated July 31, 1950 (15 F.R. 5261), 167-14, dated June 18, 1956 (21 F.R. 4894), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 7605), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the amendments in this document are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

1. Present § 2.75-1 *Approvals* is canceled.

2. Present § 2.75-10 *Requirements and tests* is canceled.

3. Subpart 2.75 is amended by inserting new §§ 2.75-1 to 2.75-40, inclusive, reading as follows:

AUTHORITY: §§ 2.75-1 to 2.75-40 issued under R.S. 4405, as amended, 4462, as amended, 46 U.S.C. 375, 416. Interpret or apply R.S. 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 4(e), 67 Stat. 462, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 481, 489, 367, 526p, 1333, 43 U.S.C. 1333(e), 50 U.S.C. 198, 46 U.S.C. 390b.

§ 2.75-1 Approvals.

(a) Certain navigation and vessel inspection laws, or regulations in this chapter or in 33 CFR Chapter I, require the Commandant's approval before specific types of safety equipment, materials, or installations may be installed or used on vessels subject to Coast Guard inspection, or on other described vessels, motorboats, artificial islands, and fixed structures.

(b) The Commandant's approvals are issued to persons, partnerships, companies, or corporations who offer for sale specific items of safety equipment, materials, or installations, or intend them for their own or others' use. These approvals are intended to provide a control over the quality of such approved items. The Commandant's approvals apply only to those items constructed or installed in accordance with applicable requirements, and the details as described in the documents granting specific approval. If a specific item when manufactured does not comply with these details, then it is not considered to be approved and the approval issued does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item. The failure to comply with applicable requirements and details specified in the approval subjects the holder to immediate suspension of approval as described in § 2.75-40, and if necessary, to a public hearing seeking withdrawal of approval and removal of all such items from use or installation as provided in § 2.75-50.

(c) The Commandant's approvals are issued to qualified holders in the form of certificates of approval (Form CGHQ-10030), by appropriate descriptions and identification in documents filed with the Office of the Federal Register and published in the FEDERAL REGISTER, or by letters, or by appropriate markings on drawings, plans, etc. Under the direction of the Commandant, the Chief, Office of Merchant Marine Safety, is hereby delegated (with the right of further delegation) to exercise the necessary actions relating to the granting, suspending or revoking of approvals for specific items of safety equipment, materials, or installations required by law or the regulations in this chapter or in 33 CFR Chapter I to have the Commandant's approval.

(d) The approvals granted to holders qualifying under the regulations in this chapter or in specifications, copies of which may be obtained from the Commandant (MMT), and to which official Coast Guard numbers are assigned, will be in the form of certificates of approval. Unless specifically provided otherwise, the approval shall be valid for a period of five years from the date on the certificate of approval, but subject to suspension and/or cancellation if it is found the item offered, sold, or used as Coast Guard approved differs in any detail from the item as described in the certificate of approval and referenced material.

(e) A specific Commandant's approval granted to anyone, which is described in a certificate of approval, or a letter, or marked plans, etc., cannot be transferred to another without a specific prior authorization from the Commandant. Such a transfer without the Commandant's authorization normally terminates such approval.

(f) From time to time, appropriate notices of actions taken regarding approvals will be published in the FEDERAL REGISTER. For the information of users of approved items, a listing by names of holders of current approvals by specific items is published in a Coast Guard pamphlet CG-190, Equipment Lists.

§ 2.75-5 Certificates of approval.

(a) By direction of the Commandant, the Chief, Office of Merchant Marine Safety, will issue a certificate of approval to the manufacturer named therein, and will certify that such manufacturer has submitted satisfactory evidence that the item specified therein complies with the applicable laws and regulations, which are outlined on the reverse side of the certificate.

(b) The approval shall be in effect for a period of five years from the date on the certificate of approval unless sooner canceled or suspended by proper authority, or otherwise specifically stated in the certificate.

§ 2.75-10 Procedures for obtaining approvals.

(a) The procedural requirements for obtaining approvals of items covered by specifications and bearing official Coast Guard approval numbers are set forth in Parts 160 to 164, inclusive, of this chapter. For other items the procedural requirements are usually those described in the regulations governing such items.

(b) Applications for approvals are usually in letter form and should be addressed to the Commandant (MMT), United States Coast Guard, Washington 25, D.C. Correspondence pertaining to a particular item required to be approved should be mailed to the Commander of the Coast Guard district in which the manufacturer's plant or factory is located. When plans, drawings, test data, etc., are required to be submitted by the manufacturer, it is desired that the application identify the material being transmitted with the application.

§ 2.75-15 Requirements and tests.

(a) Approved items described in certificates of approval are usually required to meet specific requirements and/or tests, prior to obtaining the approval. Additional factory tests to determine that proper uniformity and quality controls are followed during the manufacture of the specific items may be required. These requirements governing the manufacturer in particular are set forth in the regulations in this chapter or in specifications, copies of which may be obtained from the Commandant (MMT). If the requirements are met, a certificate of approval will be issued.

(b) When the specific item described in an application, together with accompanying drawings, plans, etc., does not meet applicable requirements or fails to meet specified tests, the applicant will be notified accordingly. The Coast Guard may suggest changes in order for the item to qualify and permit the issuance of an approval.

(c) For items not covered by specification requirements in Parts 160 to 164, inclusive (Subchapter Q—Specifications) of this chapter, the requirements in the navigation and vessel inspection laws, and applicable regulations in this chapter or in 33 CFR Chapter I apply and shall be met before approvals may be issued.

§ 2.75-20 Affidavits or certifications.

(a) In the manufacture of certain items of equipment, appliances, etc., or in their installation, affidavits or certifications are required to be submitted to the Coast Guard stating that materials and/or construction used with respect thereto will comply with the applicable navigation and vessel inspection laws and regulations in this chapter or in 33 CFR Chapter I.

(b) For requirements regarding marine engineering materials or appliances, see Subpart 61.45 of Subchapter F (Marine Engineering) of this chapter.

§ 2.75-40 Suspension of approval.

(a) Whenever it is determined that a specific item is not in compliance with the applicable laws, rules, and regulations, and the requirements specified in the approval issued by the Coast Guard, the District Commander or the Officer in Charge, Marine Inspection, will immediately notify the holder of the approval wherein the specific item fails to meet applicable requirements. If the defects, deficiencies or variations in the item are deemed important, such officer is authorized and may immediately suspend the approval, may require the holder to surrender the certificate of approval (if any), and may direct the holder to cease claiming the defective items are Coast Guard approved, pending a final decision from the Commandant in the matter.

(b) The procedures for appealing the temporary suspension shall be those described in § 2.01-70.

Dated: June 23, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-6032; Filed, June 29, 1960; 8:48 a.m.]

SUBCHAPTER Q—REGULATIONS APPLICABLE TO CERTAIN VESSELS DURING EMERGENCY

[CGFR 60-49]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

Vessels Operated by Pacific Micronesian Lines, Inc.

The Assistant Secretary of Defense (Supply and Logistics) in a letter to the Secretary of the Treasury dated June 15, 1960, requested a general waiver of navigation and vessel inspection laws of the United States as follows:

Each year since 1951, the Secretary of Defense has recommended waiver of the vessel inspection laws of the United States for certain vessels operating in the waters of the Trust Territory. This is to recommend a limited waiver similar to the one recommended last year.

In the interest of national defense it is requested pursuant to the provisions of Public Law 891, 81st Congress, that the requirements of the vessel inspection laws relating to licensed and unlicensed personnel, passengers' quarters, crews' quarters, lifesaving equipment and the number of passengers allowed to be carried on freight vessels be waived for the period July 1, 1960 to June 30, 1961, for vessels which are or will be operated by the Pacific Micronesian Lines, Incorporated, for the Department of the Interior in Trust Territory waters.

Section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note preceding 1), states in part as follows:

That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. * * *

In Federal Register Document 59-3175 published in the FEDERAL REGISTER dated April 16, 1959 (24 F.R. 2912), the Secretary of Defense, the Honorable Neil McElroy, delegated to the Assistant Secretary of Defense (Supply and Logistics) full power and authority to act for and in the name of the Secretary of Defense, and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to Public Law 891, 81st Congress, 2d Session (64 Stat. 1120; 46 U.S.C., note preceding 1) except as delegated to the Secretary of the Army insofar as such act is related to the St. Lawrence Seaway Power Project, the St. Lawrence Seaway Navigation Project, and the Great Lakes Connecting Channels Project.

The purpose for the following waiver order designated § 154.35, as well as 33 CFR 19.35, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard as requested by the Assistant Secretary of Defense (Supply and Logistics) and to publish this waiver in the FEDERAL REGISTER. It is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F.R. 731), the following waiver order is promulgated and shall be in effect to and including June 30, 1961, unless sooner terminated by proper authority, and § 154.35 is revised as follows:

§ 154.35 Department of the Interior vessels operated by Pacific Micronesian Lines, Inc.

Pursuant to the request of the Assistant Secretary of Defense (Supply and Logistics) in a letter dated June 15, 1960, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of the

[1] This is also codified as 33 CFR Part 19.

navigation and vessel inspection laws relating to licensed and unlicensed personnel, passenger quarters, crew quarters, lifesaving equipment, and the number of passengers allowed to be carried on freight vessels, administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the operation of vessels of the Department of the Interior and now operated by Pacific Micronesian Lines, Inc., or other vessels which may be used as substitutes for such vessels, in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and all the ports of the United States, including its territories and possessions, and foreign ports. This waiver order shall be in effect from July 1, 1960, to and including June 30, 1961, unless sooner terminated by proper authority.

(Sec. 1, 64 Stat. 1120; 46 U.S.C., note prec. 1)

Dated: June 28, 1960.

J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 60-6084; Filed, June 29, 1960; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 7]

CUSTOMS RELATIONS WITH INSULAR POSSESSIONS

Free Entry of Articles Manufactured or Produced in Virgin Islands and Other Insular Possessions (Except Puerto Rico) Wholly or in Part With Use of Foreign Materials

It is essential to the proper administration of section 301, Tariff Act of 1930, as amended (19 U.S.C. 1301a), that applicants for free entry under that section understand clearly whether the processes they apply to the foreign materials used result in an article manufactured or produced in the possession concerned. It is equally essential that applicants know what records they must maintain of their operations to establish the fact of manufacture or production in the case of each shipment of each article for which free entry is claimed under section 301 and what records they must keep of the purchase price of the foreign materials used in the manufacture or production of such article and the cost of transportation of the foreign materials to the insular possession.

Therefore, notice is hereby given that under the authority of sections 301 and 624, Tariff Act of 1930, as amended, it is proposed to amend § 7.8(a) of the Customs Regulations.

The proposed amendment of § 7.8(a) would require that an application shall be filed in triplicate with the Bureau of Customs, Washington 25, D.C., by the manufacturer or producer to cover each article manufactured or produced wholly or in part with the use of foreign materials for which free entry is to be claimed under section 301 and that the application shall describe adequately (1) each foreign material to be used in the manufacture or production of the article for which free entry will be claimed under section 301; (2) the condition in which the material will be imported into the insular possession concerned; and (3) whether the materials will be imported into the insular possession in circumstances constituting an entirety within the meaning of the customs laws.

The proposed amendment would also provide that the application shall set forth in detail (1) the records which will be maintained at the factory of the manufacturer or producer in the insular possession to preserve the identity of the foreign materials used in the manufacture or production of each article for which free entry will be claimed under section 301 and (2) the records which will be kept for the purpose of meeting the provisions of paragraph (d) of § 7.8, compliance with which necessitates a showing of the actual purchase price of the foreign materials used in the manufacture or production of each article for which free entry is claimed (excluding any material which at the time such article is entered, or withdrawn from warehouse, in the United States for consumption, may be imported into the United States from a foreign country, other than Cuba or the Philippine Republic, free of duty), plus the cost of transportation to such insular possession (but excluding duties and taxes, if any, assessed by the insular possession and any charges which may accrue after landing in the insular possession).

Free entry under section 301 will not be allowed until after the Bureau of Customs shall have approved the application.

The proposed amendment would further provide that the application shall also specify that if any change in the method of manufacture or production or in the manner of keeping records is to take place, a supplemental application describing such changes shall be filed with the Bureau of Customs; and that no customs Form 3229 will be presented as a basis for a claim for free entry under section 301 on articles with respect to which such changes relate until after the supplemental application shall have been approved by the Bureau of Customs.

The proposed amended regulation would provide, in addition, that before beginning manufacture or production of any lot of articles for which free entry is to be claimed under section 301, the manufacturer or producer in the insular possession shall notify the chief or assistant chief customs officer at the port of shipment in the insular possession in sufficient time to permit such officer to have such inspection and verification made at the factory before shipment is made to the United States as such officer may deem necessary for the protection of the revenue. When inspection or verification are considered unnecessary, the chief or assistant chief customs officer will so notify the manufacturer or producer in writing.

The existing provisions of § 7.8(a) would in no way be modified by the amendment and as presently written would be continued.

The terms of the proposed amendment of § 7.8(a), in tentative form, are as follows:

(a) (1) When free entry is to be claimed under section 301, Tariff Act of 1930, as amended (19 U.S.C. 1301a), on any article manufactured or produced in and insular possession (other than Puerto Rico) wholly or in part with the use of foreign materials, the manufacturer or producer shall file with the Bureau of Customs, Washington 25, D.C., in triplicate, an application setting forth the following particulars:

(i) The name and headquarters address of the manufacturer or producer.

(ii) The location of the factory in the insular possession at which the articles will be manufactured or produced.

(iii) A full description of the imported materials which will be used.

(iv) The manner in which such materials will be stored pending their use in manufacture or production.

(v) The records which will be kept at the factory, and which will be available there for inspection by customs officers, showing (*a*) actual purchase price of the foreign materials (excluding any material which at the time such article is entered, or withdrawn from warehouse, in the United States for consumption, may be imported into the United States from a foreign country, other than Cuba or the Philippine Republic, free of duty), and the cost of transportation to the insular possession (but excluding duties and taxes, if any, assessed by the insular possession and any charges which may accrue after landing in the insular possession); (*b*) the entry number or numbers, and date or dates of entry under which each lot of such foreign materials was entered in the insular possession; (*c*) the manner in which each lot of foreign materials will be identified throughout storage and manufacture or production by entry number and date of entry; (*d*) the records which will be maintained at the factory showing, in the case of each lot of articles manufactured or produced for shipment to the United States, for which free entry will be claimed under section 301, the quantity and identity of all foreign and of each other material used, the quantity and description of each article manufactured or produced, the method of manufacture or production of each such article, and the quantity, description, and value of each by-product or waste incurred during the course of manufacture or production of each lot of articles; and (*e*) the marks and numbers of the cases or packages in which the articles are to be packed for shipment to the United States.

(2) Free entry shall not be allowed under section 301 on any article claimed to have been manufactured or produced in an insular possession wholly or in part with the use of foreign materials until after the Bureau of Customs has ruled that the article is a product of the insular possession entitled to free entry under section 301 if, in the case of each shipment, the value requirements of that section are met and the regulations thereunder are complied with. If free entry is desired for any article not manufactured or produced in the manner described in the application upon which the ruling of the Bureau of Customs was based, a separate application for the free entry of such article shall be submitted to the Bureau of Customs for decision.

(3) After the approval by the Bureau of Customs of an application provided for in this paragraph (a), the manufacturer shall file a statement setting forth in detail the particulars of the methods he agrees to follow and the records he agrees to keep in order to establish with respect to each shipment the details out-

lined in this paragraph (a). The statement shall contain an agreement that any change in such methods or records or any manufacture or production of any additional article or any modification in the method of manufacture or production of an article covered by an application filed and approved under this paragraph (a), shall be reported immediately in writing to the Bureau of Customs through the chief or assistant chief customs officer at the port of shipment. Free entry shall not be allowed under section 301 on any article with respect to which this paragraph (a) applies until the decision of the Bureau of Customs on the facts reported shall have been received.

(4) When articles coming directly into the United States from an insular possession, other than Puerto Rico, in a shipment valued over $25 are sought to be admitted free of duty under the provisions of section 301, Tariff Act of 1930, as amended, relating to certain articles produced in such insular possessions,[24] there shall be filed in connection with the entry a certificate of origin covering articles shipped from insular possessions (except Puerto Rico) to the United States, customs Form 3229, signed by the chief or assistant chief customs officer at the port of shipment,[25] showing that such merchandise is the growth or product of such possession, or manufactured or produced in such possession, from materials the growth, product, or manufacture of any such possession or of the United States, or of both, which do not contain foreign materials to the value of more than 50 per centum of their total value. Such certificate shall not be required for any shipment valued at $25 or less.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 24, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6034; Filed, June 29, 1960; 8:49 a.m.]

[24] There shall be levied, collected, and paid upon all articles coming into the United States from any of its insular possessions, except Puerto Rico, the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries; except that all articles the growth or product of any such possession, or manufactured or produced in any such possession from materials the growth, product, or manufacture of any such possession or of the United States, or of both, which do not contain foreign materials to the value of more than 50 per centum of their total value, coming into the United States directly from any such possession, * * * shall be admitted free of duty upon compliance with such regulations as to proof of origin as may be prescribed by the Secretary of the Treasury. In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 per centum, no material shall be considered foreign which, at the time such article is entered, or withdrawn from warehouse, in the United States for consumption, may be imported into the United States from a foreign country, other than Cuba or the Philippine Republic, free of duty. (Sec. 301, Tariff Act of 1930, as amended)

[25] Guam, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and American Samoa are American territory, but not within the customs territory of the United States. Importations into those islands are not governed by the Tariff Act of 1930 or these customs regulations. The customs administration of American Samoa is under the jurisdiction of the Department of the Interior (Office of Territories). The customs administration of Wake Island is under the jurisdiction of the Department of Commerce (Civil Aeronautics Administration). The customs administration of Midway Islands is under the jurisdiction of the Department of the Navy. The customs administration of Guam is under the Government of Guam. A certificate signed by the Commander at the Johnston Island Air Force Base, or his assistant, shall be acceptable as proof of origin. Kingman Reef is understood to be uninhabited.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13608; FCC 60-731]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

Bakersfield, Delano, Lompoc-Santa Maria, San Luis Obispo, Santa Barbara, and Santa Maria, Calif.

1. The Commission has before it for consideration several alternative rule-making proposals relating to television channel assignments for the above-named communities in the State of California. The objective of the instant proceeding is to consider the desirability of placing all commercial television operations in Bakersfield, California, on UHF channels, thereby achieving deintermixture of the combined UHF–VHF assignments now provided for in that market.[1]

2. The underlying purposes for such action are dealt with at length in the Report and Order in Docket No. 11759, released March 25, 1960, in which the Commission took action looking toward similar deintermixture of the adjoining Fresno television market in the San Joaquin Valley.[2] The basic reasons set out in the Report and Order in Docket 11759 in support of the decision to place all commercial television in Fresno on UHF channels are applicable to Bakersfield, both because of competitive disparities between UHF and VHF operations being carried on in Bakersfield, and because the VHF signal from the Bakersfield station on Channel 10 reach into the otherwise all-UHF service areas envisaged for the Fresno stations.

3. We are of the view, for the reasons stated above, that it is desirable to consider the deintermixture of Bakersfield under the following alternative proposals:

Alternatives for Channel 10. A. Deletion of Channel 10— at this time, while reserving for future decision the alternative possible uses for that channel.

B. Reservation of Channel 10— at Bakersfield for noncommercial educational use.

C. Reassignment of Channel 10— to:
(1) Santa Barbara.
(2) Santa Maria.
(3) Lompoc-Santa Maria (on a hyphenated basis).
(4) San Luis Obispo.

Alternative possibilities for the addition of two UHF channels at Bakersfield are:

A. Assignment to Bakersfield of Channel 23— and either Channel 50+ or 51— (This would require the substitution of Channel 45— for Channel 37+ at Delano, California).

B. Assignment of Channels 45— and 51— to Bakersfield.

4. The reassignment of VHF Channel 10 to Santa Barbara or, alternatively, to Lompoc-Santa Maria, and the addition of UHF Channel 45 to Bakersfield have been suggested in the petition for rule making filed on April 20, 1960 (RM–177) by Bakersfield Broadcasting Company, KBAK–TV, Channel 29. A number of parties filed responses supporting and opposing KBAK–TV's proposals. Opponents include: Marietta Broadcasting, Inc., KERO–TV, Channel 10, Bakersfield; Key Television, Inc., KEYT, Channel 3, Santa Barbara; and KFSD, Inc., KFSD–TV, Channel 10, San Diego.[3] Proponents include Kern County Broadcasting Company, KLYD–TV, Channel 17, Bakersfield; and the American Broadcasting Company.

5. The opposing comments urge denial of the KBAK–TV petition, in general, on the grounds of potential loss of service, now provided by KERO–TV on Channel 10, to areas and populations in mountainous areas, generally to the east and southeast of Bakersfield; of differences in transmitter locations, terrain factors and competitive conditions prevailing at Bakersfield and Fresno; of potential interference to co-channel stations at Tijuana (should Channel 12 also be assigned at Santa Barbara) and San Diego, due to "ducting", "tropospheric propagation characteristics", and "average terrain" factors prevailing along the Pacific Coast between Santa Barbara, Tijuana, and San Diego; and of difficulties in accomplishing deintermixture of Bakersfield, due to the fact that Marietta may not be expected to consent to modification of its license to specify a UHF channel. The opposition of KFSD, Inc., directed mainly to the propagation characteristics alleged to exist along the Pacific Coast, purports to show increased propagation in this area through measurements made in the region in question. KFSD, Inc., however, does not indicate where interference is to be expected; the number of persons expected to lose service from such interference; or the other services available to persons residing in these areas.

6. Supporting comments allege that deintermixture of Bakersfield is required, if UHF television is to provide an optimum or successful service to the San Joaquin Valley; that the competitive conditions at Fresno and Bakersfield are identical; that the two markets are interrelated to the extent that simultaneous deintermixture of both is essential; that deintermixture of Bakersfield with Fresno will stimulate the growth of television service in the entire San Joaquin Valley; and other factors.

7. We have studied the arguments of the parties with some care. Our technical analysis of KERO–TV's contention that some 50,000 persons would lose service, in the event Channel 10 were deleted at Bakersfield, shows that it is based on theoretical projections of service for KERO–TV contrasted to present service from the present UHF stations as presumptively limited by line-of-site considerations. We find that these predictions are based on assumptions of fixed powers and the present transmitter locations for Bakersfield UHF stations. The VHF and UHF predictions, therefore, are treated differently. It appears that the actual loss of service, if any, will be limited to areas which, in fact, are sparsely populated; and that Marietta's estimate of loss of service to 50,000 persons is greatly in excess of that which would be the case with UHF stations operating at Breckenridge Mountain with increased power which, in the case of KBAK–TV, is already authorized. Moreover, predicted loss of service to and from co-channel stations in San Diego and Tijuana (in the event Channel 12 is assigned to Santa Barbara) may be lessened or obviated by the choice of transmitter locations north of Santa Barbara or by the assignment of Channel 10 to cities north of Santa Barbara, which is under review under VHF alternative proposal "C", above, or by reserving for future decision possible uses for Channel 10 in other areas, under VHF alternative proposal "A", or by reserving Channel 10 for noncommercial educational use, under VHF alternative proposal "B", above.

8. The possible use of VHF and UHF channels in the San Joaquin Valley has been under consideration for the past four years; and, in the course of our studies, we have evaluated the major arguments made by the parties in support and in opposition to the proposed deintermixture of Bakersfield. We are of the view, with all of the factors pro and con before us, that it would be in the public interest to issue the instant Notice and put to public rule making the alternative proposals set forth, above. In this way, a full opportunity will be afforded all interested parties to express their views on the matters under consideration and this will better enable the Commission to reach a final decision in the public interest. The issuance of the concurrent show cause order to Marietta Broadcasting, Inc., we also find in the public interest.

9. Reassignment of the UHF and VHF channels under consideration, to different communities, will require the consent of the Mexican Government under existing international agreements. At the appropriate time, procedures will be instituted to obtain the necessary consent of the Mexican Government to any changes which we may find to be in the public interest.

10. Pursuant to applicable procedures set out in § 1.213 of the rules, interested parties may file comments on or before July 27, 1960, and reply comments on or before August 11, 1960. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. Authority for the issuance of the notice of proposed rule making is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, responses, or comments shall be filed with the Commission.

Adopted: June 23, 1960.

Released: June 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6048; Filed, June 29, 1960; 8:51 a.m.]

[1] Bakersfield is presently assigned Channels 10—, 17, 29, 39+. Channel 10 is presently licensed to Marietta Broadcasting, Inc., Bakersfield, California. The Commission is issuing simultaneously herewith an Order to Marietta to show cause why its license for Television Station KERO–TV should not be modified to specify operation on Channel 23—, or, alternatively, on Channel 45—.

[2] Further proceedings in Docket 11759 are being conducted pursuant to the further notice of proposed rule making, released March 25, 1960.

[3] On June 8, 1960, Bakersfield Broadcasting Company filed a reply to the responses of these parties; and we have considered the matters presented therein in reaching our decision to issue the instant notice.

[47 CFR Part 3]

[Docket No. 13610; FCC 60-734]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

Harrisburg and Lancaster, Pa., and Other Cities

1. Notice of proposed rule making is given concerning changes in UHF channel assignments as discussed below.[1]

2. The Commission has under consideration the following proposals for changes in UHF channel assignments in Harrisburg, Pennsylvania, and other cities, designed to provide at Harrisburg, one or two new UHF assignments lower than Channels 55 and 71 now assigned to that city:

(a) Proposal in a "Petition for Rule Making" (RM–170) filed March 14, 1960, by WHP, Inc., licensee of UHF Station WHP–TV, Harrisburg Channel 55, to assign Channel 21 to Harrisburg instead of Channel 55, removing Channel 21 from its present assignment at Lancaster and substituting at Lancaster either: (i) Channel 55, from Harrisburg, under WHP's "Plan I," or (ii) Channel 33, from Reading, Pennsylvania (to be replaced at Reading by Channel 55), under WHP's "Plan II."

(b) Proposal advanced April 18, 1960, by Rossmoyne Corporation, permittee of UHF Station WDTV (formerly WCMB–TV), Harrisburg Channel 71 (formerly but not now in operation), in a "Statement in Support" of WHP's petition, seeking the addition of Channel 33 as well as 21 to Harrisburg, 33 to be removed from Reading and substituted for Channel 71 as the assignment of WDTV. This proposal does not involve any conflict with WHP's "Plan I," but is inconsistent with WHP's "Plan II" since it would use Channel 33 at Harrisburg instead of at Lancaster.

3. Both of these proposals involve a number of additional shifts in UHF assignments elsewhere. The channels to be deleted and added to the various communities involved, under WHP's "Plan I," WHP's "Plan II," and Rossmoyne's proposal, are as follows (offsets omitted; where no number is shown opposite a community under a particular plan, it means no change in assignments is involved):

City	WHP "Plan I"		WHP "Plan II"		Rossmoyne (supplemental to WHP "Plan I")	
	Delete	Add	Delete	Add	Delete	Add
Harrisburg, Pa.	55+	21+	55+	21+		33+
Lancaster, Pa.	21+	55+	21+	33+		
Dover, Del.	40	45—				
Wildwood, N.J.	48—	40				
Reading, Pa.			33+	55+	33+	66
Baltimore, Md.;			18	66	18	
State College, Pa.					*48+	*33+
and either						
Williamsport, Pa.	36—	73	36—	73		
or						
Williamsport, Pa.	36—	26+	36—	26+		
Shinglehouse, Pa.	26+	60+	26+	60+		

[1] WHP and Rossmoyne suggest that at Baltimore, which would gain Channel 66 and lose Channel 18 under two of the proposals, the unused educational reservation might be shifted from Channel 24 to Channel 66, so that the permittee on Channel 18 (WTLF) would go from 18 to 24 instead of 18 to 66.

[1] We do not consider herein certain pending petitions seeking changes in VHF assignments at Harrisburg and Lancaster, Pa.

[4] Dissenting Statement of Commissioner Cross filed as part of the original document.

4. In support of its request, WHP asserts that, aside from the basic difficulties involved in UHF–VHF competition in this area, WHP–TV is disadvantaged competitively in competing with the other operating Harrisburg station, WTPA, Channel 27, because its higher UHF channel (55) is less desirable. Rossmoyne similarly asserts that the higher UHF channels are less effective.

5. Aside from WHP–TV and WDTV, the various proposals advanced involve changes in the assignments of three UHF stations, none of which has ever gone into operation. These are WLAN–TV, Lancaster Channel 21, and WRAK–TV, Williamsport Channel 36, which would be affected under either WHP Plan I or WHP Plan II; and WTLF, Baltimore Channel 18, which would be affected under WHP Plan II and the Rossmoyne proposal. No construction has ever been completed in the case of WLAN–TV and WRAK–TV, and the permittees of these stations were among the UHF permittees to which the Commission addressed letters in February 1960, requesting information as to their plans for construction and operation. Both replied that they wish to continue to prosecute their pending applications for extension of time to construct.[1] Both also filed comments in response to WHD's petition herein; WLAN–TV opposes any change in its present assignment on Channel 21, and WRAK–TV states that it would not object to a shift in its assignment at Williamsport from Channel 36 to Channel 26. In the case of WTLF, Baltimore, some construction has been accomplished, although the station has not gone into operation; the permittee of this station did not comment on WHP's petition.

6. Because of technological developments in recent years which have largely resolved the problems formerly associated with high-UHF operation, it appears that there is less basis now than formerly for regarding lower UHF channels as preferable to higher UHF channels. Nevertheless, it may be that the public interest and convenience would be served by one or both of the changes involved here, especially since the three other UHF stations operating in the area (WTPA, Harrisburg, WLYH–TV, Lebanon, and WSBA–TV, York) all operate on channels lower than 55, and the public may be convenienced by having UHF reception on channels located close together in frequency. Accordingly, we are disposed to consider the proposed changes if they can feasibly be accomplished.

7. One of the considerations in connection with any change involving Channel 33 is the fact that this would remove from the city of Reading one of the two channels (both UHF) assigned to that sizable city.[2] WHP's "Plan II" suggests the replacement of 33 at Reading by Channel 55; but this we cannot appropriately consider because it would conflict with a proposal which we have recently put out for rule-making (Docket 13476) looking toward assignment of Channel 55 at Stamford, Connecticut, which is only 130 miles from Reading, a proposal as to which there appears to be no reasonably feasible alternative. Channel 71, which would be relinquished by WDTV at Harrisburg under the Rossmoyne proposal, cannot be assigned to Reading consistently with our mileage separation rules. In connection with possible use of Channel 33 at Harrisburg (where three channels are now assigned) or at Lancaster, we must therefore consider what channel could be assigned to Reading in place of Channel 33, and, if none is available, whether the public interest would be served by limiting that city to one television channel assignment.

8. Comments are therefore invited upon the various changes in UHF channel assignments set forth in paragraph 3, above (except that, for reasons stated above, we do not consider the assignment of Channel 55 to Reading as set forth in WHP's "Plan II"). Comments should include discussion of the following questions:

(a) Whether Channel 21, or Channel 33, or both, should be assigned to Harrisburg;

(b) If Channel 33 is to be removed from Reading, what channel could be used to replace it at that city, and, if none is available, whether the public interest would be served by the assignment of only one channel at that city.

(c) In the case of permittees supporting or opposing any of the channel assignment changes, what use they would make of the channels they seek to get or retain, including specific details as to the past and proposed construction and operation of their facilities.

9. Authority for the adoption of the amendments under consideration is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.213 of the rules, interested parties may file comments on or before July 22, 1960, and reply comments on or before August 5, 1960. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

11. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

12. WHP in its petition seeks immediate modification of the license of WHP–TV to specify Channel 21 instead of Channel 55; WLAN–TV opposes this. We agree with WLAN–TV that modification is inappropriate as long as there is an outstanding permit on the channel at Lancaster, and accordingly WHP's petition in this respect is denied.

13. Rossmoyne in its "Statement" requests the institution of proceedings looking toward modification of the permit of WDTV to specify Channel 33 instead of Channel 71. We could consider issuing Show Cause Orders to both WHP–TV and WDTV contemplating modification of their licenses to specify Channels 21 and/or 33. But it is at present not clear as to how many new assignments at Harrisburg should be made, and, if only one such assignment is determined to be appropriate, what use should be made of it. Therefore we are not issuing any show cause orders to the Harrisburg stations. Such show cause orders can be issued, if appropriate, consequent upon adoption of a Report and Order concluding this proceeding; and these stations, which have requested the changes involved, would presumably be in a position to acquiesce to the modification, without delay, so that no substantial time will be lost. However, we believe it is appropriate to issue show-cause orders to the other stations (at Lancaster, Williamsport, and Baltimore) some or all of which may be required to shift channels under the proposals herein, in order that whatever plan is adopted, if any, may be more speedily implemented. None of these stations has been completely built or gone into operation. Our show cause orders, which are issued in another document adopted herewith, are of course subject to whatever action we may deem appropriate with respect to the pending applications of these stations for extension of time in which to build their facilities.

14. In view of the foregoing; *It is ordered*, That, the "Petition for Rule Making" filed by WHP, Inc., on March 14, 1960, is granted insofar as it requests rule-making looking toward certain changes in UHF channel assignments (except as noted above), and is denied insofar as it requests immediate modification of the license of WHP–TV.

Adopted: June 23, 1960.

Released: June 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6049; Filed, June 29, 1960; 8:51 a.m.]

[1] By Order, adopted June 1, 1960, the Commission designated the applications of Peoples Broadcasting Company (WLAN–TV), Lancaster, Pennsylvania (BMPCT–5125); and WGAL, Inc. (WRAK–TV), Williamsport, Pennsylvania (BMPCT–5150) for oral argument to determine whether further extensions of time within which to construct are warranted.

[2] Station WHUM–TV, formerly but not now in operation, holds a construction permit at Reading on Channel 61. Another UHF station operated on Channel 33 at Reading from 1953 until 1955, when it turned in its construction permit.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

SODIUM HYDROSULFITE FROM FRANCE

Sales at Less Than Foreign Market Value

JUNE 24, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of sodium hydrosulfite imported from France is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of sodium hydrosulfite from France pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60–6033; Filed, June 29, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 25; B–26232]

COLORADO

Small Tract Classification; Amendment

1. Pursuant to the authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), it is ordered as follows:

2. Effective immediately, Paragraphs 2 through 8 of Federal Register Document 58–2610, appearing in the issue of April 10, 1958, at pages 2358–2359, as amended by paragraphs 1 and 2 of Federal Register Document 58–5647, appearing in the issue of July 24, 1958, at page 5612, are hereby revoked as to the following lots, and Paragraphs 3 through 9 of this order are substituted therefor.

3. These lots were classified for disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C., Sec. 682a) by Small Tract Classification Order No. 25, appearing as Federal Register Document 57–5324 in the issue for July 2, 1957, at Page 4674. This Amendatory Order is for the purpose of opening these lots to the filing of small tract applications.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 3 E.,
Sec. 33, lots 1 to 4, inclusive, 9 to 14, inclusive, 17 to 22, inclusive, 24, 25, 26, 30, 31, 33, 35, and 36.

Containing 15.39 acres subdivided into 24 small tracts. None of these lots are covered by applications from persons entitled to preference under Title 43, Code of Federal Regulations, Part 257.5.

These lots are now subject to application under the Small Tract Act. Applications must be filed in the manner described in Paragraph 8 of this Order.

4. These lots are at the junction of oil-surfaced State Highway 149 and U.S. Highway 160 at Baxterville (now South Fork), Colorado, and are accessible the year round. These lots are relatively flat with a few native shrubs, grass, and weeds. There are no trees on any of the lots. There is a post office, service station and stores immediately east of the tract. Del Norte, Colorado, a town of about 2,000 population, is 16 miles east. Electricity and telephone service is available. Culinary water probably can be developed by drilling wells. An unofficial plat showing the location of the lots can be obtained by writing to the Land Office Manager, Bureau of Land Management, P.O. Box 1018, Room 371, New Custom House, Denver 1, Colorado.

5. The individual lots vary in size from .60 to 1.22 acres. The lots are rectangular or square. Each lot has a Government survey corner on its boundary from which it can be identified.

The lots will be leased and sold subject to all rights of way of record and rights of way for roads and public utilities in accordance with 43 CFR 257.17(b) will be reserved as described below. Such rights of way may be utilized by the Federal Government, State of Colorado or Rio Grande County or by any Agency thereof. All minerals are reserved to the United States.

Lot No.	Acreage	Advance rental for 3-year lease period	Right of way width and location along boundary		Appraised value
			30 feet	15 feet	
1	1.22	$135.00	West	East	$200
2	.61	80.00	do		400
3	.61	90.00		East	600
4	.92	105.00		West	700
9	.61	67.80	West		450
10	.61	82.80	do		550
11	.61	90.00		South	600
12	.60	90.00		West, South	600
13	.60	90.00		East, South	600
14	.60	93.75		West	625
17	.60	93.75		do	625
18	.60	93.75		North, East	625
19	.60	90.00		North, West	600
20	.60	90.00		North, East	600
21	.60	82.50	West	North	550
22	.60	92.50	do	South	600
24	.60	90.00		West, South	600
25	.60	90.00		East, South	600
26	.60	93.75		West	625
30	.60	90.00		North, East	600
31	.60	90.00		North, West	600
33	.60	82.50	West	North	550
35	.60	82.50	South	East	550
36	.60	82.50	do	West	550

The lots and acreages shown above are those appearing on Plat of Dependent Resurvey and partial subdivision, executed by survey Group 440, Colorado. The plat was accepted August 3, 1959.

Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price indicated above, providing that during the period of their leases they comply with the improvement requirements as set forth in this opening order under paragraph 7 and those shown on the reverse side of the Offer to Lease and Lease Form 4–776. Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee. The purchase price and annual rental of the lots listed above are subject to revision without further publication in the FEDERAL REGISTER for the lots not leased as a result of the drawing held under this opening order.

6. Persons who have previously acquired a lot under the Small Tract Act are not qualified to acquire a lot at this drawing.

7. The improvements referred to in paragraph 5 must conform with health, sanitation and construction requirements of local ordinances and must in addition meet the following standards:

a. Buildings on these lots shall be constructed of new and substantial materials set on adequate foundations of cement, rocks, cinderblocks or similar materials. Chimneys must be of cement, stone, brick masonry, or of an approved metal type and shall be lined with fire resistant brick or tile, except where approved metal types are used.

b. No shacks of temporary and unsightly nature will be allowed. The use

of tar or composition papers for general exterior purposes will not be permitted. No trailers or other portable types of houses will be considered as being part or all of the development requirements.

c. Each lessee will be required to keep the premises in a neat and orderly condition. Garbage and other refuse must be disposed of by burning in an incinerator or be removed at regular intervals in accordance with local standards and practices.

d. Only one residence building will be permitted per lot. Buildings other than the residence shall be kept to a minimum.

e. All residential buildings shall have not less than 500 square feet of floor space.

f. All Bureau of Land Management regulations and State laws as to fire prevention must be observed. Premises and improvements must be maintained in a fire-safe condition at all times. Each lessee will be required to take all reasonable precautions to prevent and suppress forest, brush and grass fires. Debris and inflammable material will be removed or burned in such a manner that adjoining properties as well as their own will not be endangered.

g. Buildings or other improvements on the lots shall be set back a minimum distance of 20 feet from rights of way.

h. No buildings shall be constructed on areas reserved for rights of way as described in the order of classification and terms of the lease.

i. All residence sites must have adequate sanitary facilities to conform with state, county and local laws and ordinances. Outdoor toilets must be located a minimum of 50 feet from the building or dwelling. The toilets must be fully enclosed and of substantial construction and contain a pit and cover for the seat. The depth of the pit shall not be less than 6 feet below ground level. In the case of inside toilets, disposal of waste should be by means of septic tanks or cesspools.

j. Buildings or other improvements on the lots adjoining U.S. Highway 160 and State Highway 149 shall be set back a minimum distance of 30 feet from the boundaries of the highway rights of way.

k. Road approaches to the tracts from U.S. Highway 160 and State Highway 149 must be in accordance with the regulations and standards of the Colorado State Highway Department as to location, borrow pits and other requirements.

l. Roofs should be of sufficient pitch and adequate construction to support heavy snow incident to the area. Gable-type or similar roofs with ⅓ pitch are acceptable.

m. Removal of Bureau of Land Management monumented survey corners which are steel pipe with brass caps set along the boundaries of the tracts, is prohibited. If their presence interferes with construction of roads, the monument shall be buried in place and at least two permanent marked witness monuments should be established at suitable locations outside the area that will be disturbed by the construction. The State Supervisor, Bureau of Land Management, P.O. Box 1018, 339 New Custom House, Denver 1, Colorado, should be given a brief description of the witness monuments and the connecting courses and distances to the original monument.

n. Electrical and telephone line poles must be placed within the rights of way areas reserved under 43 CFR 257.17(b) and set not further than five feet from the exterior boundaries of the rights of way.

o. The lessee must show his last name and the number of his lot on a sign and post it in a conspicuous place on the lot throughout the lease period.

8. A drawing or drawings will be held at 2:00 p.m. July 21, 1960. To participate in these drawings, applicants must comply with the following instructions. Applications must be made, in duplicate, on Form 4–776, accurately and completely filled out in accordance with the instructions on the form except that Items 4(a) and 4(d) need not be filled out. The application must be accompanied by a bank draft, certified check, or post office money order made payable to the Bureau of Land Management in an amount equal to $10.00 plus the advance rental for the desired tract as specified in Paragraph 4 above. The application forms and payment must be enclosed in a sealed, self-addressed, stamped (4 cents in stamps), return envelope for return to the applicant in the form received if he is not successful in the drawing. This envelope must be enclosed in another sealed envelope and mailed to the Manager, Land Office, 371 New Custom House, P.O. Box 1018, Denver 1, Colorado. This envelope (used to mail the envelope containing the forms and money) must carry in the lower left-hand corner of its face the following information and nothing else: (a) "Small Tract Application"; (b) Classification Order No. 25"; (c) A description of the tract applied for, described by lot number in accordance with Paragraph 4 above. Application forms are available upon request from the above named official. Requests for forms should be accompanied by a stamped (4 cents in stamps), self-addressed, return envelope to facilitate mailing of the forms.

Envelopes will be accepted for the drawing if submitted in compliance with the above instructions and filed with the above-named official by 10:00 a.m. on July 19, 1960. Any person who submits more than one set of applications will be declared ineligible to participate in the drawing. All entrants will be notified of the results of this drawing either by receipt of a copy of a lease or the return of their applications and remittance.

Any tracts remaining unleased after the drawing will be open to the filing of applications on a first come, first served basis beginning at 10:00 a.m., August 2, 1960. All persons are advised that the $10 service fee will be retained by the Government in connection with all applications filed after 10:00 a.m., August 2, 1960.

9. Inquiries concerning these lands shall be addressed to the Manager, Land Office, 371 New Custom House Building, P.O. Box 1018, Denver 1, Colorado.

J. ELLIOTT HALL,
Lands and Minerals Officer.

JUNE 24, 1960.

[F.R. Doc. 60–6018; Filed, June 29, 1960; 8:47 a.m.]

[Classification No. 54]

NEW MEXICO

Small Tract Classification

JUNE 24, 1960.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby offer the small tracts described below for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended.

2. The lands are located approximately 15 miles northeast of the Town of Las Cruces, Dona Ana County, New Mexico, on the top of San Augustine Pass along the south side of U.S. Highway 70.

3. The appraised value per individual lot and its size are shown below. All minerals in the lands shall be reserved to the United States.

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 4 E.,
Sec. 6, Lots described as follows:

Lot No.	Acreage	Appraised Value
37	2.75	$375.00
38	2.28	375.00
39	2.22	375.00
40	2.16	375.00
41	2.12	375.00
42	2.12	375.00
43	2.12	375.00
44	2.50	375.00
[1] 45	3.62	550.00
46	2.39	375.00
47	3.14	550.00
[1] 48	2.50	375.00
[1] 49	2.50	375.00
[1] 50	2.50	375.00
51	2.12	375.00
52	2.12	375.00
53	2.12	375.00
54	2.11	375.00
55	2.11	375.00
56	2.11	375.00
57	2.50	375.00
58	2.50	375.00
59	2.50	375.00
60	2.50	375.00
61	2.57	550.00

[1] Covered by applications from persons entitled to preference under 43 CFR 257.5.

4. The above described tracts will be sold at public auction at a public sale to be held at the Federal Court Room, Post Office Building, Las Cruces, New Mexico, at 10:00 a.m., August 10, 1960. Tracts covered by applications from persons entitled to preference under 43 CFR 257.5 will also be offered on the above date in case the preference right applicants fail to exercise their preference prior to the date of the sale. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considerd only if received at the Santa Fe, New Mexico Land Office prior to 10:00 a.m., August 8, 1960. No sealed bid will be accepted if it is less than the appraised value of the tract.

No oral bid will be accepted if it is less than the appraised value of the tract. Sealed bids must be in units of $5.00. Oral bidding will be in increments of not less than $10.00. See paragraph 3 for appraised values.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Offer No. 54, and (c) the land description of the tract for which the bid is made, described in accordance with paragraph 3 of this order. Each bid must be accompanied by the full amount bid in form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need only accompany the highest bid, provided all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) "Offer No. 54, _____ (Date of Offer) _____", (b) the description of the tract for which the bid is made, described in accordance with paragraph 3 of this order.

7. Each tract will be awarded to the highest qualified bidder. If the highest bid is oral, the bidder will be required to make payment for the tract at the close of bidding, and a personal check will be acceptable for that purpose. Any person who is declared high bidder for any tract will automatically be disqualified from consideration for other tracts at the sale.

8. Inquiries concerning these lands should be addressed to the Manager, Land Office, Post Office Box 1251, Santa Fe, New Mexico, and should be accompanied by a stamped, self-addressed return envelope.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 60–6019; Filed, June 29, 1960; 8:47 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 23, 1960.

The United States Fish and Wildlife Service of the Department of the Interior has filed an application, serial No. Colorado 014334, under the provisions of the Act of August 14, 1946 (60 Stat. 1080; 16 USC 661–666c) as amended by Public Law 86–624, approved August 12, 1958, for withdrawal of the lands described below from all forms of appropriation under the public land laws including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for wildlife management use in connection with the Sapinero Deer-Elk Winter Range. Under the proposed withdrawal, grazing of the area by domestic livestock will be as follows:

(a) Grazing, to be administered by the Bureau of Land Management, will be permitted on lands lying within the east and west boundaries of the area proposed for withdrawal where the west rims of Dry Creek and Red Creek split the legal subdivisions. These rims will constitute the grazing boundaries. Fencing will be done so that permittees will be allowed to water livestock out of Dry Creek and West Bull Canyon on Colorado Game and Fish Department patented land.

(b) Grazing will not be permitted for the present on the remaining lands. However, The Bureau of Land Management, as the Agency responsible for the administration of the grazing resources on these lands, shall, at two year intervals, initiate such meeting or studies in cooperation with officials of the Colorado State Game and Fish Department as are necessary to determine the desirability or need for initiation of grazing by domestic livestock.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 49 N., R. 3 W.,
Sec. 2, lot 4, SW¼NW¼ and W½SW¼;
Sec. 3, N½SW¼ and SE¼SW¼;
Sec. 6, lot 4;
Sec. 7, lots 2, 3, 4, N½NE¼ and E½W½;
Sec. 8, N½N½, SE¼NW¼ and NE¼SW¼;
Sec. 10, NE¼NW¼ and S½NW¼;
Sec. 11, W½W½;
Sec. 14, W½;
Sec. 15, NE¼ and S½;
Sec. 16, All;
Sec. 17, S½NE¼;
Sec. 18, lots 1, 2, 3, 4, and E½W½;
Sec. 19, lots 1, 2, 3, 4, S½NE¼, E½W½ and SE¼;
Sec. 20, S½;
Sec. 21, N½, SW¼, N½SE¼ and SE¼SE¼;
Sec. 22, N½NE¼, NW¼, W½SW¼ and SE¼SE¼;
Sec. 23, W½;
Sec. 25, SW¼SW¼;
Sec. 26, W½NE¼, W½ and SE¼;
Sec. 27, E½E½, NW¼NW¼ and SE¼SW¼;
Sec. 28, N½NW¼;
Sec. 29, N½N½, SW¼NW¼;
Sec. 30, lots 1, 2, NE¼ and E½NW¼;
Sec. 34, S½NE¼, SW¼NW¼;
Sec. 35, N½NE¼, NE¼NW¼, S½NW¼;
Sec. 36, NW¼NW¼.

T. 49 N., R. 4 W.,
Sec. 13, E½ and E½W½;
Sec. 24, N½NE¼, SE¼NE¼ and SE¼;
Sec. 25, NE¼, SE¼NW¼ and S½.

The areas described above aggregate 8286.99 acres.

J. ELLIOTT HALL,
Lands & Minerals Officer.

[F.R. Doc. 60–6020; Filed, June 29, 1960; 8:47 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 1, 1960.

Atomic Energy Commission has filed an application, Serial Number NM 094320 for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws, subject to valid existing rights. The applicant desires the land for the preparation and conduct of approved experimental projects, including necessary construction, control and operating areas, utilities, safety distances, etc.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 30 E.,
Sec. 10: NW¼NW¼;
36: All.

The area described aggregates 680 acres.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 60–6080; Filed, June 29, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

DONOVAN WILMOT

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Donovan Wilmot.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: June 14, 1960.

4. Title of position: Assistant Director for Mobilization Planning.

5. Name of private employer: Retired from Aluminum Company of America, Pittsburgh, Pa.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Aluminum Co. of America.
American Tel. and Tel. Co.
Armco.
General Electric Co.
General Motors Corp.
Industrial Rayon Corp.
Libby Owens Ford Glass Co.
New York Central R.R.
Pennsylvania R.R.
Phillips Petroleum.
Union Carbide and Carbon.
Bank deposits.

DONOVAN WILMOT.

JUNE 21, 1960.

[F.R. Doc. 60-6029; Filed, June 29, 1960; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11511]

TRANS AIR, LTD.

Notice of Hearing

In the matter of the application of Trans Air Limited in Docket 11511 for a foreign air carrier permit to operate between Winnipeg, Manitoba, Canada and International Falls, Minnesota.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be heard at 10:00 a.m., e.d.s.t., on July 6, 1960, in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., June 24, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-6031; Filed, June 29, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-109]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Filing of Application for Utilization Facility Export License

Please take notice that American Radiator & Standard Sanitary Corporation, represented by advanced Technology Laboratories, a Division of American-Standard, 369 Whisman Road, Mountain View, California, has submitted an application dated May 26, 1960, for a license authorizing the export of a 10 kilowatt (thermal), water-moderated, graphite-reflected, Model UTR-10 teaching and research reactor to the Australian Atomic Energy Research Establishment, New Illawarra, Lucas Heights, Australia.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", and upon finding that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for Cooperation with the Commonwealth of Australia, the Commission may issue a facility export license authorizing the export of the reactor to Australia.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission by the applicant or an intervener within 30 days after the filing of this notice with the Office of the Federal Register.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 24th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6005; Filed, June 29, 1960; 8:45 a.m.]

[Docket No. 50-62]

UNIVERSITY OF VIRGINIA

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on May 20, 1960, the Atomic Energy Commission has issued Facility License No. R-66 authorizing University of Virginia to operate the pool-type nuclear reactor on the University's campus at Charlottesville, Virginia. Notice of the proposed action was published in the FEDERAL REGISTER on May 21, 1960, 25 F.R. 4524.

Dated at Germantown, Md., this 24th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6006; Filed, June 29, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13090 etc.; FCC 60-715]

FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.

Memorandum Opinion and Order

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, Docket No. 13090, File No. BP-11550; Erwin C. Pond, Raymond Belcher, John M. Litty, Dale A. Engel, Warren E. Ferris and Claire Flanders, d/b as Voice of Dowagiac, Dowagiac, Michigan, Docket No. 13096, File No. BP-11994; Iowa Great Lakes Broadcasting Company (KICD), Spencer, Iowa, Docket No. 13102, File No. BP-12386; WSBC Broadcasting Company (WSBC), Chicago, Illinois, Docket No. 13114, File No. BP-12503; Cornbelt Broadcasting Corporation (KFOR), Lincoln, Nebraska, Docket No. 13120, File No. BP-12697; WTAX, Incorporated (WTAX), Springfield, Illinois, Docket No. 13130, File No. BP-12819; WJMC, Incorporated (WJMC), Rice Lake, Wisconsin, Docket No. 13131, File No. BP-12831; Bloomington Broadcasting Corporation (WJBC), Bloomington, Illinois, Docket No. 13132, File No. BP-12835; Granite City Broadcasting Company (WJON), St. Cloud, Minnesota, Docket No. 13134, File No. BP-12935; Southern Wisconsin Radio, Inc. (WCLO), Janesville, Wisconsin, Docket No. 13138, File No. BP-13048; Marshall Electric Company (KFJB), Marshalltown, Iowa, Docket No. 13139, File No. BP-13086; Radio Moline, Inc. (WQUA), Moline, Illinois, Docket No. 13144, File No. BP-13151; KODY Broadcasting Co. (KODY), North Platte, Nebraska, Docket No. 13145, File No. BP-13152; Wapello County Broadcasting Company (KBIZ), Ottumwa, Iowa, Docket No. 13146, File No. BP-13154 et al.; for construction permits.

1. The Commission has before it for consideration (1) the petition for severance, filed April 18, 1960, by Southern Wisconsin Radio, Inc.; (2) comments supporting petition, filed April 21, 1960, by applicant Voice of Dowagiac; (3) response to petition, filed April 28, 1960, by WSBC Broadcasting Company (WSBC); (4) joint petition in support of petition for severance, filed April 28, 1960, by applicants Cornbelt Broadcasting Corporation (KFOR), Iowa Great Lakes Broadcasting Company (KICD), Radio Moline, Inc. (WQUA), Wapello County Broadcasting Company (KBIZ), and respondent KISD, Inc.; (5) comments in support of petition, filed by applicant WTAX, Inc., May 3, 1960; (6) statement of Broadcast Bureau re petition, filed May 2, 1960; (7) reply to statement of Broadcast Bureau, filed May 6, 1960, by Southern Wisconsin Radio, Inc.; and (8) joint reply, filed May 9, 1960, by Cornbelt Broadcasting Corporation, Iowa Great Lakes Broadcasting Company, Radio Moline, Inc., and Wapello County Broadcasting Company.

2. As a matter of convenience to all concerned, the Examiner hearing the above-entitled multi-party proceeding has grouped the applicants involved in accordance with the interrelation of the proposals set forth in their respective applications. The above-captioned applications with the exception of the Fredericksburg application are those contained in Groups 1 and 2 of the proceeding.

3. Petitioner, Southern Wisconsin Radio, Inc. (WCLO), is an applicant in Group 2 of above-captioned proceeding, requesting a construction permit for an increase in daytime power of Station WCLO, Janesville, Wisconsin. It submitted along with its petition an engineering statement by its consulting engineer and an exhibit listing the applicants in Groups 1, 2 and 3 of the proceeding. According to the exhibit submitted there are 5 applicants in Group 1, 8 in Group 2, and 9 in Group 3. Applicant Voice of Dowagiac included in its supporting comments a supplemental request which is treated separately. Applicants WSBC and Voice of Dowagiac are in Group 2, and applicant Anderson Broadcasting Corporation (WHBU) (Docket No. 13140) is in Group 3.

4. By its petition, Southern Wisconsin Radio, Inc. (Southern Wisconsin) requests severance of applications in Groups 1 and 2 from those in Group 3 and in the other groups in the above-captioned proceeding so that the Examiner may issue a separate Initial Decision as to Groups 1 and 2. In support of its petition, Southern Wisconsin alleges that Group 2 is linked to Group 3 by interference to proposed WSBC (Docket No. 13114) in Group 2 from proposed WHBU (Docket No. 13140) in Group 3, and by interference to the proposal of Voice of Dowagiac, Dowagiac, Michigan (Docket No. 13096), in Group 2 from proposed WHBU. It further alleges that in the case of WSBC and WHBU no new interference in addition to that received from existing stations will result, hence there is no conflict between the two; that in the case of Voice of Dowagiac (Dowagiac) and WHBU, proposed WHBU would add 2.9 percent interference to the 8.1 percent already received by the Dowagiac proposal from existing Station WSBC and/or Station WEDC, thus raising the total interference received by Dowagiac to 11 percent of the population within its normally protected 0.5 mv/m contour, and that no interference would result in the opposite direction. Southern Wisconsin points out that counsel for Dowagiac stated on the record in the hearing proceeding that Dowagiac would accept the interference from proposed WHBU.

5. Applicant Voice of Dowagiac agrees with the request for severance and urges that said petition be granted for the reasons set forth herein.

6. WSBC Broadcasting Company (WSBC), provided certain conditions are met, does not oppose the petition to sever, stating that petitioner correctly points out the connection between Groups 2 and 3; and it agrees that interference to proposed WSBC from proposed WHBU occurs in an area already subject to interference. It further states that a simultaneous grant of the WSBC and Dowagiac applications (both of which are in Group 2) would result in 32.4 percent interference to Dowagiac; that WSBC believes that any determination to waive the 10 percent Rule without affording WSBC rights to a full hearing on the question would clearly be illegal; that it is WSBC's opinion that the requested severance should be granted, if at all, only on the express condition that the act of severance does not in any way constitute a determination that the public interest would be served by a grant of the Dowagiac application subject to the interference which it would receive from WHBU; and that if the applications were severed, the question of interference which Dowagiac would receive from WHBU must remain an active factor in the contest between Dowagiac and WSBC.

7. Applicants Cornbelt Broadcasting Corporation, Iowa Great Lakes Broadcasting Company, Radio Moline, Inc., Wapello County Broadcasting Company, and WTAX, Inc., and respondent KISD, Inc., support the petition.

8. The Commission's Broadcast Bureau opposes the instant request, pointing out that while petitioner concedes that one of the applicants in Group 2 would be involved in a 10 percent violation daytime with an applicant in Group 3 if both are granted, no reason is given or justification is urged by the petitioner for a waiver of § 3.28(c) (10 percent Rule) except that the requested severance will expedite the hearing.

9. In reply to the Broadcast Bureau's opposition, Southern Wisconsin states that a finding that a waiver of § 3.28(c) is required or justified at this time would be premature and may well not be justified in the ultimate decision. It states that, with the connecting applicants having agreed to accept the interference involved, the Commission is entirely free to consider the merits of each proposal separately without engaging in a comparative consideration; that the taking of evidence has not been concluded in all groups; and that, from the standpoint of administrative convenience, the severance is justified.

10. Applicants Cornbelt Broadcasting Corporation (KFOR), Iowa Great Lakes Broadcasting Company (KICD), Radio Moline, Inc. (WQUA), and Wapello County Broadcasting Company (KBIZ) jointly support Southern Wisconsin's position, contending that the only legal effect of a grant of the subject petition would be to withdraw the right of the Dowagiac applicant to have its proposal considered together with the Group 3 proposal of WHBU; and that the Dowagiac applicant has expressly waived that right.

11. As pointed out in the replies above, a finding that a waiver of § 3.28(c) of our rules is required or justified is not necessary at this point in the proceeding, and counsel for Dowagiac has stated on the record that Dowagiac would accept the interference from proposed WHBU in Group 3 of this proceeding. We are satisfied that, under the facts as set forth above, no useful purpose would be served by retaining Groups 1 and 2 in the above-captioned proceeding, and that by severing these groups the hearing process may be expedited. Under the circumstances, it is our opinion that the public interest will be served by a grant of the requested severance.

Accordingly: *It is ordered*, That the petition of Southern Wisconsin Radio, Inc., filed April 18, 1960, is granted.

It is further ordered, That the applications of the following parties to this proceeding, being in Hearing Groups 1 and 2, are severed from the above-captioned proceeding:

Voice of Dowagiac (BP-11994).
Iowa Great Lakes Broadcasting Company (KICD) (BP-12386).
WSBC Broadcasting Company (WSBC) (BP-12503).
Cornbelt Broadcasting Corporation (KFOR) (BP-12697).
WTAX, Incorporated (WTAX) (BP-12819).
WJMC, Incorporated (WJMC) (BP-12831).
Bloomington Broadcasting Corporation (WJBC) (BP-12835).
Granite City Broadcasting Company (WJON) (BP-12935).
Southern Wisconsin Radio, Inc. (WCLO) (BP-13048).
Marshall Electric Company (KFJB) (BP-13086).
Radio Moline, Inc. (WQUA) (BP-13151).
KODY Broadcasting Company (KODY) (BP-13152).
Wapello County Broadcasting Company (KBIZ) (BP-13154).

It is further ordered, That the applications so severed shall be retained in a separate consolidated hearing to resolve the issues pertaining to them as specified in the above-captioned proceeding.

It is further ordered, That the following respondents are also severed from the above-captioned proceeding and are hereby made parties to the proceeding on the severed applications:

Scenic Broadcasting Company, Inc. (KDEC), Decorah, Iowa.
Luther College (KWLC), Decorah, Iowa.
Wapello County Broadcasting Company (KBIZ), Ottumwa, Iowa.
Granite City Broadcasting Company (WJON), St. Cloud, Minn.
Southern Minnesota Supply Co. (KYSM), Mankato, Minn.
KISD, Inc. (KISD), Sioux Falls, S. Dak.
Cornbelt Broadcasting Corporation (KFOR), Lincoln, Nebr.
South Shore Broadcasting Corporation (WJOB), Hammond, Ind.
Wm. C. Forrest (WIBU), Poynette, Wis.
Blackhawk Broadcasting Company (WSDR), Sterling, Ill.
WTAX, Incorporated (WTAX), Springfield, Ill.
Streator Broadcasting Co., (WIZZ), Streator, Ill.
KAKE Broadcasting Company, Inc., (KAKE), Wichita, Kans.
University of Kansas (KFKU), Lawrence, Kans.
The Nebraska Broadcasting Company (KHAS), Lincoln, Nebr.
Iowa Great Lakes Broadcasting Company (KICD), Spencer, Iowa.
KODY Broadcasting Co. (KODY), North Platte, Nebr.
Craig Siegfried (KTNC), Falls City, Nebr.
WREN Broadcasting Company (WREN), Topeka, Kans.
Bloomington Broadcasting Corporation (WJBC), Bloomington, Ill.
WSBC Broadcasting Company (WSBC), Chicago, Ill.
Capital Broadcasting Company (KWOS), Jefferson City, Mo.

First Trust Association (WEBQ), Harrisburg, Ill.

Lead Belt Broadcasting Company (KFMO), Flat River, Mo.

Emil Denemark, Incorporated, (WEDC), Chicago, Ill.

Clinton R. White and Josephine A. White d/b as WCBW (WCBW), Chicago, Ill.

Hibbing Broadcasting Company (WMFG), Hibbing, Minn.

The Oneida Broadcasting Company (WOBT), Rhinelander, Wis.

Radio Moline, Inc. (WQUA), Moline, Ill.

WBOW, Incorporated, (WBOW), Terre Haute, Ind.

Moberly Broadcasting Company (KNCM), Moberly, Mo.

La Salle County Broadcasting Corporation (WLPO), La Salle, Ill.

Southern Wisconsin Radio, Inc. (WCLO), Janesville, Wis.

WJMC, Incorporated, (WJMC), Rice Lake, Wis.

Norbertine Fathers (WHBY), Appleton, Wis.

News-Sun Broadcasting Co. (WKRS), Waukegan, Ill.

Jane A. Roberts (KCFI), Cedar Falls, Iowa.

Plains Broadcasting Corporation (KOUR), Independence, Iowa.

Marshall Electric Company (KFJB), Marshalltown, Iowa.

KIUL, Inc. (KIUL), Garden City, Kans.

It is further ordered, That the severance ordered herein shall neither prejudice nor strengthen Voice of Dowagiac (BP–11994), WSBC Broadcasting Company (BP–12503) or Anderson Broadcasting Corporation (WHBU) (BP–13089) in the determinations to be made under the § 307(b) and § 3.28(c) issues in the above-captioned proceeding and the separate proceeding ordered herein.

Adopted: June 22, 1960.

Released: June 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6046; Filed, June 29, 1960; 8:50 a.m.]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Defense Activities

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960,

The Commission having under consideration the reorganization of its functions relating to defense activities, and the resulting change of supervision and coordination, and

It appearing that the amendments adopted herein would promote greater efficiency and effectiveness in the Commission's operations relating to defense activities; and

It further appearing that the amendments adopted herein pertain to Commission organization, and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 1, 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective July 1, 1960, Part O, the Commission's Statement of Organization, Delegations of Authority, and Other Information, is amended as set forth below.

Released: June 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 0.2(c) is amended by changing "0.162" to "0.161".

2. Paragraph (1) of section 0.5 is deleted.

3. Section 0.91 is amended by adding a new paragraph (c) to read as follows:

SEC. 0.91 *Functions of the Office.*

* * * * *

(c) Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, to coordinate the defense activities (other than radio-frequency matters) of the Commission and to keep the Defense Commissioner informed as to significant developments in this area.

4. Section 0.92 is amended by adding a new paragraph (e) to read as follows:

SEC. 0.92 *Units in the Office.*

* * * * *

(e) Division of Defense Coordination.

5. New section 0.93 is added as follows:

SEC. 0.93 *Division of Defense Coordination.*

(a) The Division of Defense Coordination is under the direction of the Defense Coordinator, who is designated by the Commission to serve under the general direction of the Executive Officer, and who has the following duties and responsibilities:

(1) To formulate, revise, and activate plans for the continuity of functions and the protection of personnel and property of the Commission.

(2) To plan for the emergency utilization by other agencies of FCC personnel and property not required for continuity of the Commission's essential functions.

(3) To serve as agency representative of the Commission for liaison and coordination of defense activities with staff representatives of the Office of Civil Defense and Mobilization, local civil defense authorities, and other federal agencies.

(4) To arrange for training FCC personnel in civil defense activities.

(5) To provide for the assignment of appropriate technical personnel of the Commission (if available) to advise and assist other agencies in problems of mutual concern.

(6) To perform such other duties related to the Commission's defense activities as may be assigned to him.

(b) The Commission will also designate an alternate Defense Coordinator to serve in the absence of the Defense Coordinator.

6. Section 0.161 is deleted, and the following new section is added in lieu thereof:

DEFENSE COMMISSIONER

SEC. 0.161 *Responsibilities of the Defense Commissioner.* The Defense Commissioner is designated by the Commission to direct the defense activities of the Commission and has the following duties and responsibilities:

(a) To keep the Commission informed as to any defense activities that involve formulation or revision of Commission policy.

(b) To take such measures as will assure continuity of the Commission's functions under any foreseeable circumstances, with a minimum of interruption.

(c) In the event of enemy attack, or the imminent threat thereof, or other disaster resulting in the inability of the Commission to function at its offices in Washington, D.C., to assume all of the duties and responsibilities of the Commission and the Chairman, until relieved or augmented by other members of the Commission as set forth in sections 0.216 and 0.217.

(d) To perform such other duties and assume such other responsibilities related to the Commission's defense activities as may be necessary for the continuity of functions and the protection of personnel and property of the Commission.

7. Section 0.162 is deleted and the following new section is added in lieu thereof:

SEC. 0.162 *Responsibilities of the Bureaus and Staff Offices.* The heads of each of the several bureaus and staff offices, in rendering advice and assistance to the Executive Officer in the performance of his duties with respect to defense activities, will have the following duties and responsibilities:

(a) To keep the Executive Officer informed of the instigation, progress, and completion of programs, plans or activities with respect to defense in which they are engaged or have been requested to engage.

(b) To render such assistance and advice to other agencies as may be consistent with the functions of their respective Bureaus or Staff Offices and the Commission policy with respect thereto.

(c) To perform such other duties related to the Commission's defense activities as may be assigned to them.

8. Section 0.163 is deleted.

9. Section 0.164 is deleted.

10. Section 0.165 is deleted.

[F.R. Doc. 60–6047; Filed, June 29, 1960; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 94D–6]

AMERICAN OIL AND MINERALS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 24, 1960.

I. American Oil and Minerals, Inc. (issuer), a Utah corporation, 613 Dooly Building and/or 1405 Walker Bank Building, Salt Lake City, Utah, on October 9, 1959, filed with the Commission a notification on Form 1–F and sales material relating to a proposed assessment of 2¢ per share on 2,750,000 shares of its outstanding stock for an aggregate of $55,000, and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation F promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation F have not been complied with in that:

1. Use has been made of sales material without its first having been filed with the Commission pursuant to Rule 654 of Regulation F;

2. Use has been made of sales material which failed to comply with the requirements of Rule 653 of Regulation F;

3. The notification failed to reflect accurately the purposes for which the proceeds from the assessment and from the forfeiture sale were to be used;

4. The notification failed to reflect appropriately information regarding unregistered securities theretofore issued or sold as required by Item 5 thereof.

B. The sales material filed pursuant to Regulation F contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose to the issuer's stockholders that certain persons, including officers and directors, have been and would be given preferred treatment of their assessments;

2. The failure to disclose that a certain portion of the proceeds to be received from the assessment would be used to pay the salary of the president;

3. The failure to disclose the violation of state law concerning the levying of and collection of assessments and the contingent liability resulting therefrom;

4. The failure to reflect a contingent liability resulting from the sales of securities in violation of the Securities Act of 1933, as amended.

C. The offering has been made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation F be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–6023; Filed, June 29, 1960; 8:47 a.m.]

[File No. 94D–10]

AMERICAN OIL AND MINERALS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 24, 1960.

I. American Oil and Minerals, Inc. (issuer), a Utah corporation, 1405 Walker Bank Building and/or 613 Dooly Building, Salt Lake City, Utah, on March 31, 1960 filed with the Commission a notification on Form 1–F and sales material relating to a proposed assessment of 2¢ per share on 2,750,000 shares outstanding stock for an aggregate of $55,000 and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation F, promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation F have not been complied with in that:

1. The notification failed to reflect unregistered securities theretofore issued or sold as required by Item 5 thereof;

2. The notification failed to reflect accurately the total amount realized from prior assessments and sales within the past year, as required by Item 4 thereof.

B. The sales material filed pursuant to Rule 654 contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose to the issuer's stockholders that certain persons, including officers and directors, had been given preferred treatment in the payment of their assessments;

2. The failure to disclose the violations of State law concerning the levying of and collection of assessments and the contingent liability resulting therefrom;

3. The failure to reflect a contingent liability resulting from the sale of securities in violation of the Securities Act of 1933, as amended.

C. The offering, if made on the basis of the material filed, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation F be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days herefrom; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–6024; Filed, June 29, 1960; 8:47 a.m.]

[File No. 1–3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JUNE 24, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities

Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 25, 1960, to July 4, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6025; Filed, June 29, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

OROVILLE-WYANDOTTE IRRIGATION DISTRICT, CALIFORNIA

Modification of Notice of Land Withdrawal

JUNE 24, 1960.

By letter dated September 26, 1951 and Notice of land withdrawal dated March 13, 1956 this Commission gave notice of the reservation of approximately 2,899.66 acres of United States land pursuant to the filings by the Oroville-Wyandotte Irrigation District (Licensee) of applications for license and amendment of license for the South Fork Project (Feather River).

On March 23, 1960 the Licensee filed an application for amendment of License (Major), as delimited on map exhibits filed March 29, 1960, amending the project boundary which will include additional lands.

Therefore in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the additional lands, within the project boundary, as delimited on maps Exhibits K-1 to 7 inclusive (FPC Nos. 2068-56 to 62 inclusive), hereinafter described, insofar as title thereto remains in the United States, are from March 29, 1960, the date of filing of revised exhibits, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

MOUNT DIABLO MERIDIAN

CALIFORNIA

T. 19 N., R. 5 E.,
Sec. 3: SE¼SE¼;
Sec. 10: N½N½.
T. 19 N., R. 6 E.,
Sec. 5: Lots 2, 3, 4, S½NW¼, NW¼SW¼;
Sec. 6: Lot 5.
T. 20 N., R. 6 E.,
Sec. 32: Unpatented parts SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 34: NE¼NW¼SE¼;
Sec. 35: NW¼NE¼;
Sec. 36: N½N½.
T. 20 N., R. 7 E.,
Sec. 28: S½NE¼SW¼, SW¼SW¼, NW¼SE¼SW¼.
T. 20 N., R. 8 E.,
Sec. 1: Part of M. S. 3932-B;
Sec. 2: SW¼NE¼SE¼, N½SE¼SE¼;
Sec. 3: S½SW¼, SW¼SE¼;
Sec. 4: SE¼SW¼, SW¼NE¼SW¼, S½NW¼SW¼, N½SW¼SW¼;
Sec. 16: E½SW¼SW¼, NW¼SE¼SW¼;
Sec. 20: S½SW¼NE¼;
Sec. 30: Part of Lot 2.
T. 21 N., R. 8 E.,
Sec. 20: SW¼SE¼SW¼, SE¼SW¼SW¼;
Sec. 29: W½NW¼;
Sec. 32: SW¼NE¼.
T. 20 N., R. 9 E.,
Sec. 7: Part of M. S. 3932-B.
T. 21 N., R. 9 E.,
Sec. 32: S½SW¼NW¼.
T. 22 N., R. 9 E.,
Sec. 22: E½SW¼SW¼, SW¼SE¼SW¼;
Sec. 27: NE¼NW¼NW¼, SW¼NW¼NW¼, W½SW¼NW¼, W½W½SW¼;
Sec. 28: NE¼NE¼, S½NW¼NE¼, S½NE¼, W½SE¼NW¼, SE¼;
Sec. 29: SE¼SW¼NW¼, SE¼SE¼SW¼;
Sec. 30: N½NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼;
Sec. 33: NE¼NE¼SW¼;
Sec. 34: W½NW¼NW¼, NW¼SW¼NW¼;

The additional area reserved, for this project, pursuant to the filing of amended map exhibits is approximately 1,032.87 acres. All except approximately 24.34 acres are within the Plumas National Forest. Of the total additional area approximately 766.26 acres have been heretofore reserved for power purposes in connection with either projects Nos. 249, 687, 864, Power Site Classifications Nos. 179, 425 or Power Site Reserve No. 202.

Copies of maps, Exhibits K-1, 2, 3, 4, 5, 6 and 7, FPC Nos. 2068-56, 57, 58, 59, 60, 61 and 62 respectively are being transmitted to Bureau of Land Management, Geological Survey and Forest Service.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6011; Filed, June 29, 1960; 8:45 a.m.]

[Docket Nos. RI60-417—RI60-420]

AMERICAN TRADING AND PRODUCTION CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rate To Become Effective Subject to Refund [1]

JUNE 22, 1960.

American Trading and Production Corporation, Docket No. RI60-417; The Pure Oil Company, Docket No. RI60-418; MacDonald Oil Corporation (Operator), et al., Docket No. RI60-419; Sun Oil Company, Docket No. RI60-420.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate ineffect subject to refund in Docket Nos.
RI60-417...	American Trading and Production Corp.	1	2	West Lake Natural Gasoline Co. (Vena Madre Field, Nolan County, Tex.).	5-23-60	5-24-60	6-24-60	[2] 6-25-60	5.5	8.5	----------
RI60-418...	The Pure Oil Co.....	26	9	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.).	Undated	5-25-60	6-25-60	11-25-60	14.06311	17.11475	G-17937
		31	7	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.).	.....do...	5-26-60	6-26-60	11-26-60	11.06311	13.68225	G-17937
RI60-419...	MacDonald Oil Corporation (Operator), et al.	2	6	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.).	.....do...	5-25-60	6-25-60	11-25-60	11.0	17.0	----------
RI60-420...	Sun Oil Co.....	17	12	United Gas Pipe Line Co. (Cabeza Creek Field, Goliad, DeWitt, and Karnes Counties, Tex.).	5-20-60	5-25-60	7-1-60	12-1-60	7.596	14.5	----------

[1] The stated effective dates are those requested by respondents or the first day after expiration of the required 30 days' notice.
[2] Or from such later date as the buyer's resale rate is made effective subject to refund.

American Trading and Production Corporation (American Trading), in submitting its proposed revenue-sharing increase merely cites the applicable contractual provisions of its contract. West Lake Natural Gasoline Company process the subject jurisdictional gas involved herein, which is purchased from American Trading, and sells the residue to El Paso Natural Gas Company. West Lake's contracts with its producers provide that the latter will receive 50 percent of the amount received by West Lake for the residue gas sold. West Lake's renegotiated rate of 17.0 cents per Mcf was suspended in Docket No. RI60-30 for five months until June 23, 1960.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

In support of its two proposed favored-nation rate increases, The Pure Oil Company (Pure) states that the contracts of sale were negotiated at arm's length; that the favored-nation clauses were designed to insure that Pure would receive the fair market value of its gas over the term of the contracts; and that the proposed rates do not exceed the fair market value of the gas in the respective areas. Pure request that any suspension period be limited to one day's duration.

MacDonald Oil Corporation (Operator), et al. (MacDonald), in support of its proposed renegotiated rate increase, states that the proposed rate was agreed to by its buyer in consideration of the deletion of the favored-nation clause and is identical to the prices provided by numerous other producer contracts negotiated in the area.

In support of its proposed redetermined rate increase, Sun Oil Company states that the redetermination provisions of the contract were arrived at by arm's-length bargaining and that the proposed rate does not exceed the value of the gas in the area.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Supplement No. 2 to American Trading's FPC Gas Rate Schedule No. 1 be allowed to take effect, subject to refund of the excess charges, upon the timely filing of its agreement and undertaking as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement No. 2 to American Trading's FPC Gas Rate Schedule No. 1 shall be effective as of June 25, 1960, or from such later date as its aforementioned buyer's resale rate is made effective subject to refund: *Provided, however*, That within 20 days from the date of the issuance of this order, American Trading shall execute and file under Docket No. RI60-417 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and No. 215A). The agreement and undertaking shall be appropriately executed by responsible officers thereof, and accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless American Trading is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(*f*)) on or before August 5, 1960.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6009; Filed, June 29, 1960; 8:45 a.m.]

[Docket No. RI60-206 etc.]

PAN AMERICAN PETROLEUM CORP. AND BRITISH-AMERICAN OIL PRODUCING CO.

Order Amending Order; Correction

JUNE 22, 1960.

Pan American Petroleum Corporation, Docket No. RI60-206, et al.; The British-American Oil Producing Company, Docket No. RI60-214.

In the order amending "Order permitting filing, providing for hearings on and suspension of proposed changes in rates, and allowing increased rate to become effective subject to refund", issued on April 22, 1960 and published in the FEDERAL REGISTER on April 29, 1960 (25 F.R. 3771): In the caption correct the spelling of "The British-American Oil Producting Company" to "The British-American Oil Producing Company."

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6010; Filed, June 29, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 338]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 27, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62862. By order of June 23, 1960, the Transfer Board approved the transfer to Paul F. Weir, doing business as Weir Express, Cincinnati, Ohio, of a Certificate in No. MC 62262, issued April 28, 1949, in the name of George J. Weir and Paul F. Weir, A Partnership, doing business as Weir Express and James Weir & Sons Company, Cincinnati, Ohio, which authorizes the transportation of general commodities, except household goods as defined by the Commission, commodities in bulk, and other specified commodities, over irregular routes, between points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission. Richard H. Brandon, Sanborn, Teichmoeller and Brandon, Hartman Building, Columbus 15, Ohio, for applicants.

No. MC-FC 63110. By order of June 23, 1960, the Transfer Board approved the transfer to Olson Transport Service, Inc., Eleva, Wis., of Certificates in Nos. MC 79113, MC 79113 Sub 2, MC 79113 Sub 3, and MC 79113 Sub 4, issued March 15, 1941, August 30, 1943, May 1, 1946, and October 10, 1952, respectively, to Bollinger Transport Service, Inc., Eleva, Wis., authorizing the transportation of: general commodities with the usual exceptions, empty petroleum containers, feed, flour, livestock, agricultural commodities, seed, farm machinery and implements and parts thereof, building supplies, agricultural products, beer, empty beer containers, hardware, building materials, and grain, from, to or between specified points in Wisconsin and Minnesota.

No. MC-FC 63146. By order of June 23, 1960, the Transfer Board approved the transfer to Red Arrow Express, Inc., 246 North Street, Arcade, N.Y., of Certificate in No. MC 76867, issued November 21, 1955, to Carl R. Meyer, doing business as Red Arrow Express, 246 North Street, Arcade, N.Y., authorizing the transportation of: General commodities, and Logs with the usual exceptions including household goods and commodities in bulk, between Arcade, N.Y., and Buffalo, N.Y., serving all intermediate points, and the off-route point of Sardinia, N.Y.

No. MC-FC 63170. By order of June 24, 1960, the Transfer Board approved the transfer to Clifford E. Johnson, Clear Lake, Wis., of Certificate in No. MC 39782, issued August 5, 1954, to Henry Olson, Clear Lake, Wis., authorizing the transportation of: General commodities, except Class A and B explosives, and commodities requiring special equipment, farm machinery and farm machinery

parts, oil and grease in containers, feed, empty containers, livestock, and farm products, from, to, or between specified points in Wisconsin and Minnesota. A.R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC–FC 63229. By order of June 24, 1960, the Transfer Board approved the transfer to Scott Poston, doing business as Enterprise Trucking Company, 107 Mahood Avenue, Princeton, West Virginia, of a Permit in No. MC 88428, issued June 1, 1944, to William M. Bashlor, doing business as Enterprise Trucking Co., 1810 Bland Street, Bluefield, West Virginia, which authorizes the transportation of explosives, over irregular routes, from, to, and between, specified points in West Virginia, Virginia, and Kentucky.

No. MC–FC 63297. By order of June 23, 1960, the Transfer Board approved the transfer to War-Hunt Trucking Co., Inc., Camden, N.J., of that portion of the operating rights set forth in Certificate No. MC 117493, issued by the Commission November 3, 1958, to Briggs Transportation Co., Inc., Trenton, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Hunterdon and Warren Counties, N.J., on the one hand, and, on the other, Providence, R.I., Corning, N.Y., points in that part of Pennsylvania east of the Susquehanna River, points in that part of New York within 150 miles of Newark, N.J., points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the New York-Connecticut State line and New Haven, Conn. David E. Karabel, 121 South Broad Street, Philadelphia, Pa., for applicants.

No. MC–FC 63321. By order of June 23, 1960, the Transfer Board approved the transfer to Tri-State Motor Transit Co., a corporation, Kansas City, Mo., of Certificates in Nos. MC 109397, MC 109397 Sub 15, MC 109397 Sub 16, MC 109397 Sub 21, MC 109397 Sub 29, and MC 109397 Sub 40, issued September 25, 1959, October 5, 1959, October 5, 1959, June 16, 1959, May 12, 1960, and March 14, 1960, respectively, to Tri-State Trucking Co., A Corporation, Joplin, Mo., authorizing the transportation of: Explosives between Joplin, Mo., and points in Missouri, Oklahoma, Kansas, and between points in Oklahoma, on the one hand, and, on the other, points in Missouri, and Illinois and between points in Missouri, Oklahoma, Kansas, Texas, Nebraska, Arkansas and New Mexico; nitro carbo nitrate and blasting materials, supplies and agents, with exceptions, and empty shipping boxes, between East St. Louis and other points in Illinois and points in Missouri, Kansas, Nebraska, Oklahoma, Arkansas, Texas and New Mexico, and explosives, blasting supplies, materials, and agents, and component parts thereof, from Seneca and Ottawa, Ill., and points within five miles of Ottawa, Ill., to points in Arkansas, Nebraska, Kansas, Oklahoma, Texas, and New Mexico and returned shipments of the commodities specified above, from the above-specified destination points to Seneca and Ottawa, Ill., and points within five miles of Ottawa, Ill., explosives, including nitro carbo nitrate from Grafton, Ill., and points within two miles thereof, to points in Arkansas, Nebraska, New Mexico, Oklahoma, and Texas; explosives and blasting supplies, materials, agents, and the component parts thereof from Quarry Township, in Jersey County, Ill., to points in Iowa, Missouri and Kansas; and from South Liberty Township, in Clay County, Mo., and points in Randolph County, Mo., to points in Iowa; and returned shipments of the commodities specified above from the above-specified destination points, to their respective origin points; potash, in bulk, from points in Eddy and Lea Counties, N. Mex., to a point in Joplin, Mo.; explosives and ammunition between San Antonio, Tex., and Durant, Okla., between El Reno, Okla., and Chicago, Ill.; between St. Louis, Mo., and Aurora, Ind., between Durant, Okla., and St. Louis, Mo., between Oklahoma City, Okla., and Kansas City, Mo.; between El Reno, Okla., and Pond Creek, Okla., between Atoka, Okla., and Kansas City, Mo.; between Tulsa, Okla., and point near Cherryvale, Kans., between Pond Creek, Okla., and Joplin, Mo., between Durant, Okla., and Hugo, Okla., between Oklahoma City, Okla., and McAlester, Okla.; between Oklahoma City, Okla., and Muskogee, Okla.; between Seminole, Okla., and point in Oklahoma; between points in Indiana, between Lincoln, Ill., and Savanna Ordnance Depot, Ill., between Dallas, Tex., and Oklahoma City, Okla.; between Duncan, Okla., and El Reno, Okla.; between Joplin, Mo., and Springfield, Mo.; between points in Indiana; between highway junctions near Chenoa, Ill., and Kansas City, Mo.; between Enid, Okla., and Muskogee, Okla.; explosives, between points in Oklahoma and Missouri; explosives, ammunition, including inert ammunition and other dangerous articles, between points in Oklahoma and Zarah, Kans., and serving Duenweg, Mo. for purpose of interchange of shipments; and substitution for transferor in Nos. MC 109397 Subs 32, 33, 35TA, 38, and 39TA. Mr. Albert Thomson, Attorney, 320 Union National Bank Building, Kansas City, Mo.

No. MC–FC 63342. By order of June 23, 1960, the Transfer Board approved the Transfer to Milton G. Stites, Britt, Iowa, of Certificate No. MC 27500 issued January 31, 1950, in the name of Harley E. Hanson, Algona, Iowa, authorizing the transportation, over regular routes, of livestock, between Ledyard, Iowa and Sioux Falls, S. Dak.; between Ledyard, Iowa and St. Paul, Minn.; between Ledyard, Iowa and Austin, Minn.; between Britt, Iowa and South St. Paul, Minn.; from Britt, Iowa to Austin, Minn., and Chicago, Ill.; tankage and feed, from Austin, Minn., and Sioux Falls, S. Dak., to Ledyard, Iowa; tankage, feed, seeds, grain, flour, salt, oil, building materials, fencing materials, agricultural implements and parts, heavy machinery, and hardware, from St. Paul, Minn., and Mankato, Minn., to Ledyard, Iowa; farm machinery and parts, feed fertilizer, binder twine, wire and wire products, and corrugated roofing, from Minneapolis, Minn., to Britt, Iowa; from Chicago, Rock Falls, and Canton, Ill., to Britt, Iowa; and, coal, from Peru, Ill., to Britt, Iowa. William A. Landau, P.O. Box 1634, Des Moines, Iowa, for applicants.

No. MC–FC 63346. By order of June 23, 1960, the Transfer Board approved the transfer to Donn Reichert, Dean Reichert, and Arville Reichert, a partnership, doing business as Reichert Transport, Fosston, Minn., of Certificate No. MC 17639 issued August 12, 1957, in the name of David E. Berntson, doing business as Dave's Trucking Service, Fosston, Minn., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and various specified commodities, between Gully, Minn., and points within 25 miles of Gully, on the one hand, and, on the other, Fargo, Grand Forks, and Union Stockyards, N. Dak. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–6027; Filed, June 29, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 24, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36346: *Walnut lumber—Southwest to the south.* Filed by Southwestern Freight Bureau, Agent (No. B–7831), for interested rail carriers. Rates on walnut lumber, in carloads from points in southwestern territory, also Fort Scott, Kans., and Old Rock, Mo.-Kans., to points in southern territory, also points in Virginia, West Virginia and Washington, D.C.

Grounds for relief: Market competition with other kinds of lumber.

Tariff: Supplement 105 to Southwestern Freight Bureau tariff I.C.C. 4117.

FSA No. 36347: *Substituted service—IC for Delta Motor Line, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated (No. 20), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars (1) between Chicago, East St. Louis, and Peoria, Ill., on the one hand, and Jackson, Miss., Memphis, Tenn., and New Orleans, La., on the other, (2) between Memphis, Tenn., on the one hand, and Jackson, Miss., and New Orleans, La., on the other, and (3) between Jackson, Miss., and New Orleans, La., as described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 5 to Central and Southern Freight Tariff Association tariff MF–I.C.C. 220.

FSA No. 36348: *Substituted service—Monon and L&N for Huber & Huber Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated (No. 21), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., and Atlanta, Ga., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF-I.C.C. 220.

FSA No. 36349: *Sulphur-Scroggins, Tex., to southwest, southern, official and WTL territories.* Filed by Southwestern Freight Bureau, Agent (No. B–7830), for interested carriers. Rates on sulphur, in carloads, as described in the application from Scroggins, Tex., to specified points in southwestern, southern, official (including Illinois) and western trunk line territories.

Grounds for relief: Market competition.

Tariff: Supplement 151 to Southwestern Freight Bureau tariff I.C.C. 4177.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–5983; Filed, June 28, 1960; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

INTERAGENCY COMMITTEE ON MANPOWER POLICY AND COMMITTEE ON SPECIALIZED PERSONNEL

Establishment

Pursuant to Reorganization Plan No. 1 of 1958 and the authority delegated to me by Executive Order 10773 of July 1, 1958, as amended by Executive Order 10782 of September 6, 1958, and in order to aid the Director of the Office of Civil and Defense Mobilization in obtaining the best-informed advice with respect to Federal manpower policies and programs, and in the effective utilization of specialized personnel in the event of mobilization, there are hereby established in the Office of Civil and Defense Mobilization the Interagency Manpower Policy Committee and the Committee on Specialized Personnel.

1. The Interagency Manpower Policy Committee shall consist of the Deputy Assistant Director for Manpower as Chairman; and representatives of the Department of Defense, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Health, Education, and Welfare, the Housing and Home Finance Agency, the Selective Service System, the United States Civil Service Commission, and the Interstate Commerce Commission. The Interagency Manpower Policy Committee shall:

a. Advise the Director of the Office of Civil and Defense Mobilization on problems relating to the mobilization of manpower;

b. Review Federal policies, plans, and programs relating to manpower, and formulate recommendations for the Director to improve and coordinate their effectiveness; and

c. Review and formulate for the Director proposed policies, Executive orders, administrative orders, and legislation relating to the mobilization of manpower.

2. The Committee on Specialized Personnel shall consist of the Deputy Assistant Director for Manpower as Chairman; and members appointed by the Director from private life and from Federal Government agencies, each having established standing and reputation in specialized personnel matters. Alternate members will be appointed by the Director when necessary or appropriate. The Committee on Specialized Personnel shall:

a. Be advisory to and report to the Director through the Chairman with respect to policies and programs for the efficient utilization of specialized personnel in time of emergencies, including, but not limited to, recruitment, training, and the allocation and utilization of persons possessing specialized competence or aptitudes for acquiring such competence.

b. Review periodically existing and proposed manpower activities of the Office of Civil and Defense Mobilization and agencies of the Federal Government having a bearing on the mobilization readiness position with respect to specialized personnel;

c. Maintain close contact with the Interagency Manpower Policy Committee to permit coordination of specialized personnel policies and programs with other mobilization manpower policies;

d. Make itself available as a focal point for the exchange of specialized personnel information within the executive branch of the Federal Government.

3. As used herein, the term "specialized personnel" includes all those persons having competence in such fields as science, engineering, the law, social science, teaching, other professional areas (except practitioners in the healing arts), and subprofessional areas in science and engineering.

Dated: June 22, 1960.

LEO A. HOEGH, *Director.*

[F.R. Doc. 60–6007; Filed, June 29, 1960; 8:46 a.m.]

ARKANSAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated May 28, 1960, reading in part as follows:

I hereby determine the damage in the various areas of the State of Arkansas, adversely affected by recent and current tornadoes and floods, beginning on or about May 5, 1960, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Arkansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 28, 1960:

The counties of: Baxter, Cleveland, Conway, Crawford, Faulkner, Franklin, Independence, Izard, Lee, Madison, Montgomery, Newton, Phillips, Polk, Pope, St. Francis, Saline, Scott, Searcy, Stone, Washington.

Dated: June 20, 1960.

LEO A. HOEGH, *Director.*

[F.R. Doc. 60–5968; Filed, June 28, 1960; 8:45 a.m.]

NEBRASKA

Amendment to Notice of Major Disaster

Notice of Major Disaster, published May 25, 1960, for the State of Nebraska (25 F.R. 4624) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 4, 1960:

Loup County.

Dated June 20, 1960.

LEO A. HOEGH, *Director.*

[F.R. Doc. 60–5969; Filed, June 28, 1960; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 400–899, Revised.. $5.50
Title 14, Parts 40–399..... $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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and PARALLEL TABLE

THE UNIVERSITY OF MICHIGAN
JUL 22 1960
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

CODIFICATION GUIDE

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CFR SUPPLEMENTS
(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 400–899, Revised.. $5.50
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Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 7]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

RATE OF INTEREST AND SPECIAL SERIES CERTIFICATES

The regulations issued by the Commodity Credit Corporation published in 23 F.R. 3913, as amended, containing the terms and conditions for participation in pools of CCC price support loans on certain commodities are hereby further amended to reduce from 4 to 3¼ percent per annum, effective August 1, 1960, the rate of interest on certificates evidencing participation in financing 1960 crop price support loans and to provide that applications for issuance of special series certificates will not be considered after June 30, 1960.

1. Section 421.3803 is amended, as of August 1, 1960, to read as follows:

§ 421.3803 Rate of interest and basis of computation of interest earned.

(a) *1960 crop programs.* Certificates evidencing participation in financing 1960 crop price support program loans shall earn interest at the rate of 4% per annum through and including July 31, 1960, and 3¼ percent per annum thereafter.

(b) *Rate increases or decreases.* The rate of interest as specified in paragraph (a) of this section may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided,* That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 30 days subsequent to publication of such amendment in the FEDERAL REGISTER.

(c) *Basis of computation of interest earned.* Interest earned will be paid on a 365-day basis from and including the date disbursed shown on the certificate to, but not including, the maturity date of the certificate, the date the certificate is presented, at option of holder, to CCC for purchase or the date a certificate is to be presented to CCC for purchase or cancellation in accordance with notice given the holder of record pursuant to § 421.3802, whichever date first occurs.

2. Section 421.3812(c) is amended to read as follows:

§ 421.3812 Special series certificates of interest.

* * * * *

(c) *Acceptance of applications.* Applications will be considered in the order received: *Provided,* That no applications will be considered for acceptance after June 30, 1960. CCC reserves the right to reject any application, in whole or in part. Notification of acceptance or rejection will be made by mail unless CCC is requested to notify applicant bank by collect telegram. The notice of acceptance will designate the Federal Reserve bank or branch at which payment for credit to CCC's account shall be made.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Issued this 28th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–6134; Filed, June 30, 1960; 8:53 a.m.]

[C.C.C. Farm Storage Facility Loan Bulletin 1, Rev. 1, Amdt. 4]

PART 474—FARM STORAGE FACILITIES

Subpart—Farm Storage Facility Loan Program

TERMS AND CONDITIONS OF LOANS

The purpose of this amendment is to amend the bulletin setting forth the conditions under which loans may be made to eligible borrowers on immovable facilities to be located on railroad-owned property.

Section 474.726(a) of the bulletin (23 F.R. 9686) setting forth the terms and conditions of loans is amended to read as follows:

§ 474.726 Terms and conditions of loans.

(a) *Term of loan.* The maximum term of the loan will be five years from the date of the disbursement of the loan, except that the term of an individual loan may be extended and re-extended for terms of not to exceed one year each if the county committee determines in writing that the borrower is unable to meet the current payment when due, because of catastrophic loss of crops or other comparable condition beyond the control of the borrower. Such extensions, as authorized in this paragraph, shall merely defer the date upon which each of the respective payments shall become due and payable. Loans will be secured (1) by chattel mortgages on the storage facility, which shall constitute the sole lien on such facility, or (2) by a first lien in the form of a real estate mortgage, deed of trust, or other security instrument, approved by CCC, on the borrower's farm or other property on which the facility is to be located, or on such acreage of the farm as will, in the judgment of the county committee, (i) make the site easily accessible for use of other farmers in the area, and (ii) constitute a salable unit. A first lien on the real estate will be required in connection with all loans relating to immovable facilities, except that applications for loans for immovable facilities to be located on railroad-owned property may be considered subject to the following conditions: (*a*) Each such application, regardless of the amount of the proposed loan must be approved by the Board of Directors, CCC, before the application and the loan commitment is approved by the county committee; (*b*) the applicant must obtain an assignable lease on the railroad-owned property and the written consent of the lessor to construct the facility and to remove the same; (c) the loan must be secured (*1*) by a real estate mortgage, or a deed of trust covering the leasehold interest, and (2) by a first lien on the facility; (*d*) the application and note shall provide that if, at any time during the life of the loan, the facility is used for the storage or handling of commodities owned by others, or for commodities purchased by the borrower, or, if all or any part of such facility is leased to others, or becomes a part of, or is made use of in connection with any commercial operation, the full unpaid amount of the loan plus interest shall be subject to immediate call by CCC; and (*e*) the applicant shall comply with such other conditions as the Board of Directors, at the time it considers the application, deems warranted in order to protect the interest of CCC under any special circumstances affecting the loan. A first lien on real estate may also be required in connection with any other loan at the discretion of the person authorized by CCC to approve the loan, provided, however, that such first lien may be obtained through a subordination agreement where the real estate is subject to any other lien. In case of chattel mortgage loans, a severance agreement must be executed and acknowledged by all persons having an interest in the land on which the structure will be placed, except that a severance agreement will not be required if the storage structure is movable, not attached to a permanent foundation, and (*1*) is not in excess of 2,500 bushels capacity, or (2) in the case of a structure for the storage of cottonseed, is not in excess of 60 tons. The cost of recording or filing all documents required in connection with the loan shall be paid by the borrower. Upon approval of the application for loan, the county committee will execute a commitment for the loan. Unless the loan has been totally disbursed, the loan commitment shall become null and void in four months after its date unless extended in writing by the county com-

mittee on or before its expiration date. Every application for a farm storage facility loan secured by a chattel mortgage shall be accompanied by an instrument, duly acknowledged for recording purposes, under which the owner of the premises on which the facility is to be located consents that if the farm storage facility is acquired by CCC through foreclosure or other means, such facility may, at the option of CCC, remain on the property for a period not to exceed six months at no expense to CCC. Such covenant may be included in a severance agreement or in such other instrument as may be approved by the Attorney in Charge, in cases where the severance agreement is not required.

Issued at Washington, D.C., this 28th day of June, 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-6112; Filed, June 30, 1960; 8:53 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.438]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15, *Designation of differential posts* is amended as follows, effective as of the beginning of the first pay period following June 25, 1960:

1. Paragraph (a) is amended by the deletion of the following:

Entre Rios, Guatemala.
Nigeria, all posts except Kaduna and Lagos.
Saint Maarten Island, Netherlands Antilles.

2. Paragraph (c) is amended by the deletion of the following:

New Delhi, India.
Subic Bay (including Cubi Point), Philippines.

3. Paragraph (a) is amended by the addition of the following:

Nigeria, all posts except Kaduna, Lagos and Shika.

4. Paragraph (b) is amended by the addition of the following:

Shika, Nigeria.

5. Paragraph (d) is amended by the addition of the following:

New Delhi, India.
Subic Bay (including Cubi Point), Philippines.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Washington, D.C., June 13, 1960.

For the Secretary of State.

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 60-6110; Filed, June 30, 1960; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 28]

PART 928—MILK IN NEOSHO VALLEY MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 928.0 to 928.111 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 928.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) milk from producers including such handler's own production and (b) other source milk which is classified as Class I.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 11, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 17, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 928.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreements Act of 1937, as amended (7 U.S.C., 1940 ed., 601 et seq.).

§ 928.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 928.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 928.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 928.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and,

(b) Is authorized by its members to make collective sales or to market milk or its products for its members.

§ 928.6 Neosho Valley marketing area.

"Neosho Valley marketing area," hereinafter called the "marketing area" means all of the territory within the counties of Allen, Bourbon, Chautauqua, Cherokee, Crawford, Labette, Montgomery, Neosho and Wilson all in the State of Kansas, and the counties of Barton, Jasper, Newton and Vernon, all in the State of Missouri.

§ 928.7 Approved plant.

"Approved plant" means any milk plant, except that of a producer-handler which is approved by the appropriate health authority having jurisdiction in the marketing area:

(a) From which 10 percent or more of the total receipts of Grade A milk is disposed of during the delivery period on wholesale or retail routes (including routes operated by vendors and disposition at plant stores) as Class I milk in the marketing area; or

(b)(1) From which during the delivery period no less than 50 percent of the Grade A milk received from dairy farmers is shipped to a plant(s) described in paragraph (a) of this section: *Provided,* That if such plant is an approved plant during each of the months of August through November, it shall be designated as an approved plant through the following July, unless the market administrator is requested by means of written application on or before the 7th day after the end of the month that the plant should not be an approved plant.

(2) All plants described in subparagraph (1) of this paragraph which are operated by one handler may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and the notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies. In any of the months of December through July a unit shall not contain plants which were not qualified as approved plants either individually or as members of another unit, during each of the previous months of August through November.

§ 928.8 Handler.

"Handler" means: (a) Any person in his capacity as the operator of an approved plant, (b) a producer-handler, (c) any person, except a producer-handler, in his capacity as the operator of an unapproved plant from which milk is disposed of during the delivery period on wholesale or retail routes (including routes operated by vendors and disposition at plant stores) as Class I milk in the marketing area, and

(d) Any cooperative association, with respect to milk of producers (1) which it causes to be diverted to an unapproved plant for the account of such association; (2) delivered for its account to the approved plant of another cooperative association; and (3) for which it elects to report as a handler and which is delivered to the pool plant(s) of another handler in a tank truck owned, operated, or controlled by, such association (such milk shall be considered as having been received by the cooperative association at the plant to which it is delivered).

§ 928.9 Producer.

"Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit or rating issued by the appropriate health authority having jurisdiction in the marketing area over the production of milk disposed of for consumption as Grade A milk which milk is (a) received at an approved plant, or (b) diverted from an approved plant to any milk distributing or milk manufacturing plant: *Provided,* That such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted: *And provided further,* That this definition shall not include a person with respect to milk produced by him which is received by a handler who is partially exempted from the provisions of this part pursuant to §§ 928.61 and 928.62.

§ 928.10 Producer-handler.

"Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, processes milk from his own farm production and disposes of all or a portion of such milk as Class I milk within the marketing area, but who receives no milk from producers.

§ 928.11 Other source milk.

"Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a

source other than producers or another handler either in his capacity as the operator of an approved plant or as a cooperative association acting pursuant to § 928.8(d) except any nonfluid milk product received and disposed of in the same form.

§ 928.12 Delivery period.

"Delivery period" means a calendar month, or any portion thereof during which this part is in effect.

MARKET ADMINISTRATOR

§ 928.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 928.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 928.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performances of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 928.97 the cost of his bond and those of his employees, his own compensation, and all other expenses, except those incurred under § 928.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office or by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 928.30 through 928.32, or (2) payments pursuant to §§ 928.90 through 928.97.

(i) On or before the 12th day after the end of each delivery period, report to each cooperative association which so requests, the amount and class utilization of the milk caused to be delivered to each handler by such cooperative association, either directly or from producers who are members of such cooperative association. For purposes of this report, the milk so delivered by a cooperative association shall be prorated to each class in the proportion that the total quantity of producer milk received by such handler was to the quantity of milk in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 12th day of each delivery period the minimum price for Class I milk computed pursuant to § 928.51(a) and the Class I butterfat differential computed pursuant to § 928.52, both for the current delivery period; and on or before the 5th day of each delivery period the minimum price for Class II milk computed pursuant to § 928.51(b) and the Class II butterfat differential computed pursuant to § 928.52, both for the preceding delivery period.

(2) On or before the 12th day of each delivery period the uniform price(s) computed pursuant to §§ 928.71 and 928.72 and the butterfat differential computed pursuant to § 928.52, both for the previous delivery period; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 928.30 Delivery period reports of receipts and utilization.

On or before the 7th day after the end of each delivery period each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in:

(1) All receipts at his approved plant(s) within such delivery period of:

(i) Milk received from producers,

(ii) Skim milk and butterfat in any form from other pool handlers,

(iii) Other source milk, and

(iv) Milk received from a cooperative association pursuant to subparagraphs (2) and (3) of § 928.8(d).

(2) Milk diverted pursuant to § 928.9 (b).

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 928.31 Payroll reports.

On or before the 20th day of each delivery period each handler shall submit to the market administrator his producer payroll for the preceding delivery period which shall show (a) the total pounds of milk received from each producer or cooperative association, and the total pounds of butterfat contained in such milk; (b) the net amount of such handler's payment to each producer or cooperative association; and (c) the nature and amount of any deductions or charges involved in such payments.

§ 928.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 928.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat contained in producer milk and other source milk;

(b) The weights of butterfat and skim milk in all milk, skim milk, cream and milk products handled; and

(c) Payments to producers and cooperative associations.

§ 928.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 928.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the delivery period by a handler and which is required to be reported pursuant to § 928.30 shall be classified by the market administrator pursuant to the provisions of §§ 928.41 through 928.46.

§ 928.41 Classes of utilization.

Subject to the conditions set forth in §§ 928.43 and 928.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form (except as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (except bulk ice cream mix, eggnog and aerated cream), all skim milk and butterfat in inventory at the end of the delivery period in the form of Class I items, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat accounted for (1) as having been used to produce any products other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed.

(3) In shrinkage of milk received directly from producers that is not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May and June), plus 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of receipts of skim milk and butterfat, respectively, transferred in bulk from approved plants, less 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, disposed of in bulk to approved plants, and (4) in actual plant shrinkage of skim milk and butterfat in other source milk.

§ 928.42 Shrinkage.

If producer milk and other source milk are both received at a handler's approved plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to each source shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their totals.

§ 928.43 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II milk.

§ 928.44 Transfers.

Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred: *Provided*, That in no event shall the amount of the skim milk or butterfat so assigned to Class II exceed the total utilization of skim milk or butterfat, respectively, in the plant of the transferee-handler: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants to give priority to producer milk in the allocation of Class I utilization.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so transferred in the form of cream to an unapproved plant located more than 250 miles from the square of Chanute, Kansas, by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 250 miles from the square at Chanute, Kansas (by shortest highway distance as determined by the market administrator) and from which Class I milk is disposed of unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the delivery period within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if the Class I utilization of skim milk and butterfat in such plant exceeds receipts at such plant of skim milk and butterfat in milk directly from dairy farmers who the market administrator determines constitutes the regular source of supply for fluid usage of such unapproved plant in markets supplied by it, an amount of skim milk and butterfat equal to such excess shall be classified as Class I milk.

(e) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 250 miles from the square at Chanute, Kansas, and from which no Class I milk is disposed of.

§ 928.45 Computation of the skim milk and butterfat in each class.

For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 928.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 928.45, the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 928.41(b)(3);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk contained in the Class I items in inventory at the beginning of the delivery period;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received in other source milk other than that to be subtracted pursuant to subparagraph (4) of this paragraph;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned to such class pursuant to § 928.44(a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percent of butterfat content in such milk in each class.

MINIMUM PRICES

§ 928.50 Basic formula price to be used in determining Class I price.

The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 928.51 (b), all for the preceding delivery period.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of

3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Oxfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 4.0.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 928.51 Class prices.

Subject to the provisions of §§ 928.52 and 928.53, each handler shall pay producers at the time and in the manner set forth in §§ 928.90 through 928.95 not less than the following prices per hundredweight for milk received from such producers during the delivery period:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.00 during the delivery periods April through June, and $1.45 during the delivery periods of July through March: *Provided*, That for each of the delivery periods of September through December, such price shall not be less than that for the preceding delivery period, and that for each of the delivery periods of April through June such price shall be not more than that for the preceding delivery period: *And provided further*, That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

(1) The price for Class I milk of 4.0 percent butterfat content established for the same month or delivery period pursuant to Part 906 of this chapter regulating the handling of milk in the Oklahoma metropolitan marketing area less 33 cents; or

(2) The price for Class I milk of 4.0 percent butterfat content established for the same month or delivery period under Part 921 of this chapter regulating the handling of milk in the Ozarks marketing area, plus 15 cents.

(b) *Class II milk.* The price per hundredweight for Class II milk for the delivery periods of July through March shall be the basic formula price for the current delivery period, and for the delivery periods of April through June the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The basic formula price for the current delivery period minus ten cents.

(2) The arithmetic average of the basic, or field prices reported to have been paid or to be paid per hundredweight for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the delivery period by the companies listed below:

Pet Milk Company, Neosho, Missouri.
Borden Company, Fort Scott, Kansas.
Carnation Company, Mount Vernon, Missouri.
Pet Milk Co., Iola, Kansas.

§ 928.52 Butterfat differentials to handlers.

If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class utilization for a handler pursuant to § 928.46(c) is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one tenth of 1 percent that such weighted average butterfat test is above, or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated as follows:

(a) *Class I milk.* Multiply by 1.25 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the preceding delivery period, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period and divide the result by 10.

§ 928.53 Location adjustments to handlers.

For milk which is received from producers at an approved plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Joplin or Nevada, Missouri, or Chanute or Independence, Kansas, whichever is closest, and which is classified as Class I milk the prices computed pursuant to § 928.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such city hall and by an additional 2.0 cents for each 15 miles or fraction thereof that such distance exceeds 60 miles: *Provided*, That for the purposes of calculating such adjustment transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

§ 928.54 Use of equivalent price.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 928.60 Producer-handlers.

Sections 928.40 through 928.46, 928.50 through 928.52, 928.70 through 928.72, 928.80 through 928.83 and 928.90 through 928.97 shall not apply to a producer-handler.

§ 928.61 Handlers subject to other orders.

In the case of any handler (as defined in this section) who the Secretary determines disposed of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of the order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 928.33.

(b) If the value of skim milk and butterfat disposed of as Class I milk on routes in the marketing area, as determined under the other order to which such handler is subject, is less than its value as computed pursuant to this subpart, such handler shall pay the difference to the market administrator. The amount of the payment so computed

shall be reduced by the amount of any contra differences in the values of Class I milk so disposed of in the immediately preceding eleven delivery periods which have not served to reduce the payment for any intervening delivery period.

(c) On or before the 14th day after the end of the delivery period payment of the net amount computed pursuant to paragraph (b) of this section shall be made to the market administrator who shall:

(1) Transfer the amount of such payment to the market administrator of the order to which the handler is subject, if such order provides for receipt of such funds and their distribution to producers whose milk is priced under such order; or

(2) Otherwise deposit such amount in the producer-settlement fund.

§ 928.62 Handlers doing less than 10 percent of their business in the marketing area.

In the case of any handler (except a handler who would be covered under § 928.61) who the Secretary determines disposes of less than 10 percent of his milk, qualified for distribution as Grade A milk in the marketing area, as Class I milk in the marketing area, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator shall require and shall allow verification of such reports by the market administrator pursuant to § 928.33.

(b) Pay to the market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area, an amount equal to the difference between the Class I and Class II value of such skim milk or butterfat as computed pursuant to this part;

(c) As his prorata share of the expense of administration of this part, such handler shall pay to the market administrator on each hundredweight of milk disposed of as Class I milk in the marketing area the amount per hundredweight in the manner specified in § 928.97.

DETERMINATION OF UNIFORM PRICES

§ 928.70 Computation of value of milk.

The value of milk received during each delivery period by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices adjusted by the butterfat differential to handlers specified in § 928.52 and adding together the resulting amounts: *Provided*, That if the handler had an overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 928.46 (a)(5) or (b) by the applicable class prices.

§ 928.71 Computation of uniform price.

For each delivery period of August through January the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 928.70 for all handlers who made the reports prescribed in § 928.30 and who made the payments required pursuant to § 928.93 for the preceding delivery period

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 928.95;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 928.91 and multiply the resulting figure by the total hundredweight of such milk;

(d) Add the aggregate of the value of all allowable location adjustments to producers pursuant to § 928.91(b);

(e) Divide the resulting amount by the total hundredweight of milk included in this computation, and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount per hundredweight computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 928.72 Computation of the uniform prices for base milk and for excess milk.

For each of the delivery periods of February through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 928.70 for all handlers who make the reports prescribed in § 928.30 and who made the required payments pursuant to § 928.93 for the preceding delivery period.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 928.95;

(c) Subtract if the average butterfat content of producer milk represented if the values in paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 928.91 and multiply the resulting figure by the total hundredweight of such milk.

(d) Add the aggregate of the value of all allowable location adjustments to producers pursuant to § 928.91(b);

(e) Compute the total pounds of milk delivered by producers which are not in excess of their respective bases;

(f) Compute the total value of producer milk in excess of the delivered bases of all producers as follows: (1) Allocate in series beginning with Class II the total pounds of producer milk in excess of the total pounds of delivered base milk computed pursuant to paragraph (d) of this section; (2) multiply the total pounds of excess milk allocated to each class by the appropriate class prices computed pursuant to § 928.51 and add the resulting totals;

(g) Subtract from the value computed pursuant to paragraph (c) of this section the value of excess milk computed pursuant to paragraph (e)(2) of this section and divide the resulting total by the total hundredweight of base milk as computed in paragraph (d) of this section.

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting price shall be the uniform price per hundredweight for base milk containing 4.0 percent butterfat.

(i) Divide the value obtained pursuant to paragraph (e)(2) of this section by the total hundredweight of excess milk and round to the nearest full cent. The resulting price shall be the uniform price per hundredweight of excess milk containing 4.0 percent butterfat content.

BASE RATING

§ 928.80 Determination of daily base for each producer.

For each of the delivery periods of February through July the daily base for each producer shall be an amount of milk computed by the market administrator by dividing the total pounds of milk received from such producer by handlers during the preceding delivery periods of September through December by the total number of days for which such producer made deliveries of milk in such period, or by 90, whichever is greater: *Provided*, That with respect to any producer on "every-other-day" delivery the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 928.81: *And provided further*, That in the case of producers delivering milk to an approved plant which first qualifies as such during any month other than September, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his verifiable deliveries of milk to such plant during the September through December immediately preceding.

§ 928.81 Determination of the delivery period base of each producer.

For each of the delivery periods of February through July, the base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producer by the number of days on which milk was received during such delivery period from such producer by a handler.

§ 928.82 Base rules.

(a) A base shall apply to deliveries of milk by the producer for whose ac-

count that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month in which such base applies that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operation.

(2) If a base is held jointly and such joint holding is terminated, the entire base only may be transferred to one of the joint holders.

§ 928.83 Announcement of daily bases.

On or before February 15, of each year, the market administrator shall notify each producer of his daily base.

PAYMENTS

§ 928.90 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the last day of each delivery period to each producer for milk received from him during the first 15 days of such delivery period at not less than the Class II price for the preceding delivery period: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payments for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association at least 2 days before the end of the delivery period, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

(b) On or before the 17th day after the end of each delivery period, for all milk received during such delivery period from such producer at not less than the applicable uniform prices for such delivery period computed pursuant to §§ 928.71 and 928.72, subject to the following adjustments: (1) The butterfat and location differentials pursuant to § 928.91 (a) and (b); (2) payment made pursuant to paragraph (a) of this section; (3) marketing service deductions pursuant to § 928.96; (4) deductions authorized by the producer; and (5) any error in payments to such producer for past delivery periods: *Provided*, That if by such date such handler has not received full payment for milk for such delivery period pursuant to § 928.94, he may reduce uniformly per hundredweight, for all producers his payments pursuant to this paragraph, by an amount not in excess of the per hundredweight reduction in payments from the market administrator: *Provided further*, That the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments, pursuant to this paragraph, next following that on which such balance of payment is received from the market administrator: *And provided further*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 15th day after the end of each delivery period an amount equal to the sum of the individual payments otherwise payable to such producer in accordance with this paragraph, and

(c) On or before the 17th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as a handler pursuant to § 928.8(d), not less than the value of such milk as is classified pursuant to § 928.44(a) at the applicable class prices.

§ 928.91 Producer butterfat and location differentials.

(a) *Butterfat differential.* In making payments pursuant to § 928.90(b), there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

(b) *Location differential.* For milk which is received from producers at an approved plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Joplin or Nevada, Missouri or Chanute or Independence, Kansas, whichever is closest, there shall be deducted 10 cents per hundredweight of milk if such plant is located more than 50 miles but not more than 60 miles from such city hall, and an additional 2.0 cents for each 15 miles or fraction thereof that such distance exceeds 60 miles.

§ 928.92 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit payments made by handlers pursuant to §§ 928.61(c)(2), 928.62(b), 928.93, and 928.95 and out of which he shall make payments to handlers pursuant to §§ 928.94 and 928.95: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 928.93 Payments to the producer-settlement fund.

On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of the milk received by such handler from producers as determined pursuant to § 928.70 for such delivery period is greater than an amount computed by multiplying the total hundredweight of milk, or during the delivery periods of February through July the total hundredweight of base milk and excess milk, respectively, received from producers during the delivery period by the applicable uniform price(s), adding together the respective totals and adjusting for the butterfat differential provided for in § 928.91.

§ 928.94 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers, or a cooperative association, any amount by which the value of the milk received by such handler from producers as determined pursuant to § 928.70 for the delivery period is less than an amount computed by multiplying the total hundredweight of milk, or during the delivery periods of February through July the total hundredweight of base milk and excess milk, respectively, received from producers during the delivery period by the applicable uniform price(s), adding together the respective totals and adjusting for the butterfat differential provided for in § 928.91: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. *And provided further*, That any payments hereunder shall be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 928.93, 928.95, 928.96 or 928.97.

§ 928.95 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 928.96 Marketing services.

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 928.90 shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers who are members of a cooperative association, or who have given written authorization for the rendering of marketing services and the taking of deductions therefor by a cooperative association, and for whom the Secretary determines such a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by such producers and on or before the 15th day after the end of such delivery period pay over such deduction to the cooperative association rendering such services.

§ 928.97 Expenses of administration.

As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 16th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the delivery period of: (a) Milk from producers including such handler's own production, and (b) other source milk which is classified as Class I.

§ 928.98 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 928.100 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 928.101.

§ 928.101 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 928.102 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 928.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 928.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 928.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington D.C., this 28th day of June 1960, to be effective on and after the 1st day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6081; Filed, June 30, 1960; 8:48 a.m.]

[Milk Order No. 68]

PART 968—MILK IN WICHITA, KANS., MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 968.0 to 968.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 968.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 4, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 17, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

DEFINITIONS

§ 968.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 968.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 Wichita, Kansas, marketing area.

"Wichita, Kansas, marketing area" means all the territory within Sedgwick, Cowley, Sumner, Butler, Marion, and Harvey counties, all in the State of Kansas, and all Federal, State and municipal institutions and bases located therein.

§ 968.6 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.7 Approved dairy farmer.

"Approved dairy farmer" means any person who produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk or produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases in the marketing area.

§ 968.8 Producer.

"Producer" means any approved dairy farmer whose milk is (a) received at a pool plant, or (b) caused to be diverted from a pool plant by a handler to a nonpool plant for the account of such handler. Milk so diverted shall have been deemed to have been received at the pool plant from which it was diverted.

§ 968.9 Approved plant.

"Approved plant" means any plant which is:

(a) Approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or

(b) Approved for supplying milk for fluid consumption to any agency of the United States Government located within the marketing area.

§ 968.10 Pool plant.

"Pool plant" means any approved plant other than that of a producer-handler or a plant exempt pursuant to § 968.61.

(a) During any of the months of March, April, May, June or July within which such plant disposes of as Class I milk an amount equal to 25 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

(b) During any of the other months within which such plant disposes of as Class I milk an amount equal to 35 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 10 percent or more of such plant's total receipts from approved dairy farmers;

(c) From which during the month not less than 50 percent of its total receipts from approved dairy farmers and approved plants is shipped to a plant(s) described in paragraphs (a) and (b) of this section: *Provided,* That any plant which has shipped to a plant(s) described in paragraphs (a) and (b) of this section the required percentage of its receipts during each of the months of August through November shall be designated a pool plant in each of the following months of December through July unless written request for nonpool status is furnished to the market administrator;

(d) Which is operated by a cooperative association and 60 percent or more of the milk delivered during the current month by approved dairy farmers who are members of such association, is delivered directly or is transferred by the association to pool plants as described in paragraphs (a) and (b) of this section; and

(e) For the purpose of this definition the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted;

(2) Milk for which a cooperative association is defined as the handler pursuant to § 968.11 shall be deemed to have been received by such cooperative association at the pool plant; and

(3) Milk transferred as Class I milk from an approved plant to another approved plant shall be credited as a Class I disposition as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, milk so transferred will be credited as a Class I disposition of the transferring plant only to the extent that classification as Class I milk is required pursuant to § 968.44(a)(2);

(ii) In any case in which the entire quantity of Class I milk disposed of in packages of a particular size and form is received in such packages from another approved plant, all such Class I disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate Class I disposition of the receiving plant.

§ 968.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to a nonpool plant for the account of such cooperative association;

(c) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to a pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association for the account of such cooperative association. (Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered); or

(d) Any cooperative association with respect to the milk of any member producer delivered for the account of such cooperative association to the pool plant of another cooperative association.

§ 968.12 Producer-handler.

"Producer-handler" means any approved dairy farmer who operates an approved plant at which no fluid milk products are received during the month except from his own production or as transfers from a pool plant(s).

§ 968.13 Producer milk.

"Producer milk" means all the skim milk and butterfat received at a pool plant directly from producers, diverted pursuant to § 968.8, or received from a cooperative association pursuant to § 968.11 (c) or (d).

§ 968.14 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

(a) Receipts of fluid milk products and cottage cheese during the month except (1) fluid milk products and cottage cheese received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 968.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream (except frozen and aerated cream), cultured sour cream, and any mixture (except frozen dessert mixes and eggnog) of cream and milk or skim milk.

§ 968.16 Route.

"Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of any fluid milk product other than a delivery to any milk processing plant.

§ 968.17 Base milk.

"Base milk" means producer milk received by handlers from a producer which is not in excess of such producer's daily base determined pursuant to § 968.90 multiplied by the number of days during the month for which milk was received from such producer: *Provided,* That during the months of June and July of 1959 all producer milk received by handlers from a producer shall be considered as base milk: *And provided further,* That with respect to any producer "on every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 968.90.

§ 968.18 Excess milk.

"Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the month.

MARKET ADMINISTRATOR

§ 968.20 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 968.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 968.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 968.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of

any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 968.30 to 968.32, or

(2) Made payments pursuant to §§ 968.80 to 968.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk computed pursuant to § 968.51(a) and the Class I butterfat differential pursuant to § 968.52(a) both for the current month; and the minimum prices for Class II and Class III milk computed pursuant to § 968.51 (b) and (c) and the Class II and Class III butterfat differentials pursuant to § 968.52 (b) and (c), all for the previous month;

(2) On or before the 11th day of each month the uniform price computed pursuant to § 968.71 and the butterfat differential computed pursuant to § 968.81 (a) both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 13th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS, AND FACILITIES

§ 968.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall, with respect to milk or milk products which were received or produced by such handler during such month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from each producer or approved dairy farmer, and the number of days for which milk was received from each producer;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class III products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I milk on routes within the marketing area.

§ 968.31 Payroll reports.

On or before the 20th day after the end of each month each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 Reports of producer-handlers.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and at the end of each month.

§ 968.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year periods, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in § 968.41 to § 968.46.

§ 968.41 Classes of utilization.

Subject to the conditions set forth in §§ 968.43 and 968.44, classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (c)(7) of this section, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II or Class III milk.

(b) Class II shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat used to produce cottage cheese in plants approved for the sale of cottage cheese in jurisdictions within the marketing area which require that cottage cheese be made from Grade A milk.

(c) Class III milk shall be all skim milk and butterfat: (1) Used to produce any product other than those products designated as Class I or Class II pursuant to paragraphs (a) and (b) of this section; (2) used for starter churning, wholesale baking and candy making; (3) disposed of as livestock feed; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers or received directly from cooperative associations pursuant to § 968.11(c), less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk lots to the pool plants of other handlers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month as any product specified in paragraph (a) of this section.

§ 968.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively, for each handler; and

(b) Prorate the resulting quantities between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 968.11 (c) and (d); and in bulk from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

§ 968.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 968.44 Transfers.

Skim milk and butterfat transferred or diverted by a handler shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the highest-priced possible utilization.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream to an unapproved plant located more than 250 miles from the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class III milk if its utilization as Class III milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class III milk, subject to such verification of alternative utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to an unapproved plant located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant from dairy farmers who the market administrator determines constitute the regular source of supply for Class I or Class II usage as defined in §§ 968.41 (a) and (b), respectively, by such unapproved plant in markets supplied by such plant.

(e) If any skim milk or butterfat is transferred to a second plant under paragraph (d) of this section the same conditions of audit classification and allocation shall apply.

§ 968.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 968.46 Allocation of skim milk and butterfat classified.

After making the computation pursuant to § 968.45 the market administrator shall determine the classification of producer milk as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk determined pursuant to § 968.41 (c)(5);

(2) Subtract from the remaining pounds of skim milk, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk other than that to be subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the remaining pounds of skim milk, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act;

(4) Subtract from the remaining pounds of skim milk in series beginning with the lowest priced utilization, the pounds of skim milk in inventory at the beginning of the month in the form of any product specified in § 968.41(a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44(a);

(6) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest priced utilization. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 968.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Carnation Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 Class prices.

Subject to the provisions of §§ 968.52 and 968.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year, plus or minus a supply-demand adjustment computed as follows: *Provided*, That the Class I price so computed shall be not less than the Class I price computed for

the same period pursuant to Federal Order No. 13 (Greater Kansas City) minus ten cents during each month of the period August through March and plus twenty-five cents for each of the months of April through July nor more than the Kansas City Class I price plus fifty cents during each of the months of the period August through March and plus eighty-five cents for each of the months of April through July.

(1) Divide the total receipts of milk from producers in the second and third months preceding by the total volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October–November	125	135
February	November–December	124	134
March	December–January	125	135
April	January–February	125	135
May	February–March	132	142
June	March–April	136	146
July	April–May	143	153
August	May–June	137	147
September	June–July	131	141
October	July–August	131	141
November	August–September	130	140
December	September–October	126	136

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage point of net deviation; plus

(ii) One cent times the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The price per hundredweight shall be the Class III price for the month, plus 80 cents.

(c) *Class III milk.* The price per hundredweight shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department:

Present Operator and Location

American Foods Co., Miami, Okla.
Borden Co., Ft. Scott, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift and Co., Parsons, Kans.

(2) The average price reported by the Department for the current month for milk used in the manufacture of American Cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States, adjusted to 3.8 percent butterfat basis by direct ratio.

§ 968.52 Handler butterfat differential.

If the average butterfat test of Class I, Class II or Class III milk as calculated pursuant to § 968.46 is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.120;

(b) *Class II milk.* Multiply such price for the current month by 0.120;

(c) *Class III milk.* Multiply such price for the current month by 0.115.

§ 968.53 Location differentials to handlers.

For milk which is received at a plant located more than 70 miles by the shortest highway distance, as determined by the market administrator, from the courthouse at Wichita, Kansas, and which is classified as Class I milk, the prices computed pursuant to § 968.51(a) shall be reduced by 12 cents if such plant is located more than 70 miles but not more than 80 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles: *Provided,* That for the purposes of calculating such differential, transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence at which the lowest location differential credit would apply.

§ 968.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 968.60 Producer-handlers.

Sections 968.40 to 968.46, 968.50 to 968.54, 968.61, 968.62, 968.70, 968.72 and 968.80 to 968.88 shall not apply to a producer-handler.

§ 968.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a) or (b) of this section except as follows: The operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(a) Any plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to § 968.10 (a) or (b) and the Secretary determines that more Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Wichita marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualifies as a pool plant pursuant to the provisions of § 968.10(c) or § 968.10(d).

§ 968.62 Handler operating an approved plant which is not a pool plant.

Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 968.80 to § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computation of paragraph (a) of this section unless the handler elects the computation specified in paragraph (b) of this section.

(a) The product of the quantity of milk received by such handler which was (1) disposed of during the month in the marketing area on routes as Class I milk by the difference between the applicable Class I and the Class III prices or (2) used to produce cottage cheese so disposed of as Class II by the difference between the Class II and Class III prices.

(b) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such month if such handler operated a pool plant deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 Net pool obligations of handlers.

The net pool obligation for milk received during each month by each handler shall be computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46(c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46(a)(7) and the corresponding step of § 968.46(b) by the applicable respective class prices;

(c) Add any amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b); or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month;

(d) Add an amount obtained through multiplying by the difference between the Class III price for the preceding month and the Class II price for the current month the lesser of:

(1) The hundredweight of milk subtracted from Class II pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b); or

(2) The hundredweight of producer milk classified as Class III utilization (except as shrinkage) for the preceding month less the hundredweight of milk subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b).

(e) During any month in which the total receipts of producer milk are more than 120 percent of the total Class I utilization at all pool plants, add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class I price and the Class III price with respect to:

(1) Other source milk subtracted from Class I pursuant to § 968.46(a)(2) and the corresponding step of § 968.46(b);

(2) Milk in inventory subtracted from Class I pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b) which is in excess of the sum of:

(i) The quantity of milk for which a payment is computed pursuant to paragraph (c) of this section; and

(ii) The quantity of milk subtracted from Class III pursuant to § 968.46(a)(3) and the corresponding step of § 968.46(b) for the month preceding.

(f) During any month in which the total receipts of producer milk are more than 120 percent of the total Class I utilization at all pool plants, add an amount equal to the difference between the values (subject to butterfat and location differentials) at the Class II price and the Class III price with respect to:

(1) Other source milk subtracted from Class II pursuant to § 968.46(a)(2) and the corresponding step of § 968.46(b).

(2) Milk in inventory subtracted from Class II pursuant to § 968.46(a)(4) and the corresponding step of § 968.46(b) which is in excess of the sum of:

(i) The quantity of milk for which a payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity of milk subtracted from Class III pursuant to § 968.46(a)(3) and the corresponding step of § 968.46(b) for the month preceding.

§ 968.71 Computation of uniform prices for base milk and excess milk.

For each month, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to §§ 968.80 and 968.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Add the total of the values of the applicable location differentials pursuant to § 968.81(b);

(e) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by assigning such milk in series beginning with the lowest-priced utilization, multiplying the quantity so assigned to each use classification by the applicable class price, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations;

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers at plants within the 70-mile zone.

§ 968.72 Notification of handlers.

On or before the 11th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 968.46 and 968.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 968.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 968.80 and 968.83; and

(e) The amount to be paid by such handler pursuant to §§ 968.86 and 968.87.

PAYMENTS

§ 968.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the second working day following the 11th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 968.71(i) and (f) for such producers' deliveries of base milk and excess milk, respectively, adjusted by the butterfat and location differentials computed pursuant to § 968.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 968.84 he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 27th day of each month, to each producer (1) to whom payment is not made pursuant to paragraph (c) of this section, and (2) who is still delivering Grade A milk to such handler, an advance payment with respect to milk received from him during the first 15 days of such month computed at not less than 110 percent of the Class III price for 3.8 percent milk for the preceding month, without deduction for hauling.

(c) On or before the 14th day after the end of each month and on or before the 24th day of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, for milk which it caused to be delivered to such handler from producers, and for which such association is determined by the market administrator to be authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to

such producers. Such payments due on or before the 14th day after the end of the month shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 968.31, and payments due on or before the 24th day of the month shall be accompanied by a statement of the amount of money for each producer.

(d) On or before the 10th day after the end of each month, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 968.11 (c) and (d), not less than the value of such milk as classified pursuant to § 968.44(a) at the applicable respective class price(s).

§ 968.81 Producer butterfat and location differentials.

(a) *Producer butterfat differential.* In making payments pursuant to § 968.80(a) the uniform prices per hundredweight shall be adjusted for each one-tenth of one percent that the average butterfat content is above or below 3.8 percent by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 968.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

(b) *Producer location differential.* In making payments to producers and cooperative associations, a handler may deduct from the applicable uniform price with respect to all milk received from producers at a pool plant located more than 70 miles, by the shortest highway distance, as determined by the market administrator, from the courthouse at Wichita, Kansas, the same amount per hundredweight as is applicable to the plant, pursuant to § 968.53.

§ 968.82 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.83, 968.85, and 968.62, and out of which he shall make all payments to handlers pursuant to §§ 968.84 and 968.85. Immediately after computing the uniform prices for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.83 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 968.80.

§ 968.84 Payments out of the producer-settlement fund.

(a) On or before the 13th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 968.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available, and

(c) Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 968.82, 968.83, 968.85, 968.86 or 968.87.

§ 968.85 Adjustment of errors in payments.

(a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 968.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.84, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 968.86 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80(a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 968.80(a) as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. When requested by the cooperative association a statement shall be supplied the cooperative association showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 968.87 Expense of administration.

As his pro rata share of the expense of administration of this part each handler (1) with respect to all milk received from approved dairy farmers, except that in the case of a handler who elects to compute his obligation under § 968.62(a) only with respect to the quantity of milk disposed of as Class I or Class II in the marketing area and (2) with respect to other source milk allocated to Class I or Class II pursuant to § 968.46 during the month, shall pay to the market administrator, on or before the 12th day after the end of such month, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary. In the case of any handler operating a nonpool plant which is also subject to the assessment of administrative expense under another order, the payments due under this section shall be reduced by the amount of administrative expense payments under the other order.

§ 968.88 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such oblication are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed, and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the act, a petition claiming such money.

BASE RATING

§ 968.90 Determination of daily base.

(a) The daily average base of each producer who regularly delivered milk to a handler for 60 days or more during August through November of the next preceding calendar year shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period during which such producer made regular deliveries of milk in such months, or 90, whichever is greater: *Provided*, That in the case of producers delivering milk to a pool plant which was not a pool plant during all of the preceding months of August through November a daily average base for each such producer shall be computed pursuant to this paragraph on the basis of his verifiable deliveries of milk to such plant during the period August through November preceding the month in which the plant became a pool plant.

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the market administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers; and

(2) For the months of January through July only, divide the result obtained in subparagraph (1) of this paragraph by 2.

§ 968.91 Base rules.

(a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.90(b).

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section and § 968.90 only, the term "producer" shall include any person who has been a producer as defined in § 968.8 but who has been suspended temporarily for failure to produce milk in conformity with the applicable health regulations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 968.100 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 968.101.

§ 968.101 Suspension or termination.

Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 968.110 Agents.

The Secretary may by designation, in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 968.111 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 28th day of June 1960, to be effective on and after the 1st day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6062; Filed, June 30, 1960; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Determination Relative to Budget of Expenses and Fixing Rates of Assessment for 1960

On June 4, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 109) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1960, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.).

The notice provided a period of 15 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

a. Section 131.160 is added to read as follows:

§ 131.160 Budget of expenses and rates of assessment for the calendar year 1960.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.113), for the maintenance and functioning of said Agency during the calendar year 1960, will amount to $46,815.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $7,229.66 on hand with said Control Agency on January 1, 1960, from assessments collected during the calendar year 1959, leaving a balance of $39,585.34 to be collected during the calendar year 1960.

(b) *Rates of assessment.* Of the amount of $39,585.34 to be collected during the calendar year 1960, the sum of $30,836.98 shall be assessed against handlers who are manufacturers, and $8,748.36 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1960 by each handler who is a manufacturer shall be $16.54 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1959 and the pro rata share of such expenses to be paid for the calendar year 1960 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $8.48 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.113).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.113).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1960 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1960, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1959 and prepayments of a portion of their 1960 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U.S.C. 855)

Done at Washington, D.C., this 27th day of June 1960, to become effective upon publication in the FEDERAL REGISTER.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-6083; Filed, June 30, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 374; Amdt. 177]

PART 507—AIRWORTHINESS DIRECTIVES

Convair 340 and 440 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring visual inspection for cracks and replacement or rework if cracks are found in the main landing gear cylinder rod assembly on Convair 340 and 440 aircraft was published in 25 F.R. 4085.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CONVAIR. Applies to all Model 340/440 aircraft.

Compliance required as indicated.

Fatigue failures have occurred in the threaded area (piston end) of the main landing gear actuating cylinder rod assembly, P/N 340-5150107. In at least two instances complete failure of the rod end occurred allowing the main gear to free fall to the down position causing excessive loads to be placed on the airframe. As a result, the following must be accomplished on rod assemblies with more than 5,000 hours' time in service.

Within the next 425 hours' time in service, and every 425 hours thereafter, conduct a visual inspection using at least a 10-power magnifying glass or equivalent for cracks in the threaded portion of the main landing gear actuating cylinder rod assembly, P/N 340-5150107. If cracks are found, the cylinder rod assembly must be replaced or reworked in accordance with Convair Service Letter 15-4-340-12-440-11 or equivalent prior to further flight. Reworked salvaged parts or reworked sound parts are not subject to the special inspections.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 27, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6052; Filed, June 30, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-318]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone and Control Area Extensions; Change of Effective Date

On February 17, 1960, there were published in the FEDERAL REGISTER (25 F.R. 1400) amendments to §§ 601.2125 and 601.1244 of the regulations of the Administrator. These amendments, to be effective August 25, 1960, modified the Terre Haute, Ind., control zone and control area extensions, concurrently with the relocation of the Terre Haute VOR.

Subsequently, the commissioning date of the relocated Terre Haute VOR was rescheduled, necessitating a change in the effective date of these amendments to October 20, 1960. A modification of amendments accomplishing this change was published in the FEDERAL REGISTER (25 F.R. 5331).

The commissioning of the Terre Haute VOR at its new site has again been rescheduled. Therefore, it is necessary to further postpone the effective date of the above-mentioned amendments until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-318 is hereby modified as follows: "effective 0001 e.s.t. October 20, 1960." is deleted and "effective 0001 e.s.t. November 17, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6054; Filed, June 30, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-71]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On January 30, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 814) stating that the Federal Aviation Agency proposed to modify the Des Moines, Iowa, control area extension.

Mr. Frank Krohn, owner and operator of the Prairie City Airport, Prairie City, Iowa, objected to the proposal. However, this objection was subsequently withdrawn. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), and for the reasons stated in the notice, § 601.1278 (24 F.R. 10561) is amended to read:

§ 601.1278 Control area extension (Des Moines, Iowa).

All that area N of VOR Federal airway No. 6 within a 25-mile radius of the Des Moines, Iowa, VORTAC and within 5 miles either side of the Newton, Iowa, VOR 209° True radial, extending from the Des Moines 25-mile radius control area extension to the Newton VOR.

This amendment shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6055; Filed, June 30, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-21]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Control Zone

On April 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3425) stating that the Federal Aviation Agency proposed to designate a control zone at Esler Field, Alexandria, La.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (24 F.R. 10530) is hereby amended by adding the following section:

§ 601.2470 Alexandria, La. (Esler Field) control zone.

Within a 5-mile radius of the geographical center of Esler Field (latitude 31°23'45" N., longitude 92°17'35" W.), within 2 miles either side of the 327° True bearing from the Esler Field radio beacon, extending from the 5-mile radius zone to the beacon.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6057; Filed, June 30, 1960; 8:45 a.m.]

[Airspace Docket No. 60-AN-5]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On April 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3424) stating that the Federal Aviation Agency proposed to modify the Big Delta, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 601 (24 F.R. 10530) § 601.2472 is added to read:

§ 601.2472 Big Delta, Alaska, control zone.

Within a 5-mile radius of the geographical center of the Big Delta Airport (latitude 63°59'45" N., longitude 145°43'00" W.) and within 2 miles either side of the Big Delta RR NW course extending from the 5-mile radius zone to a point 12 miles NW of the RR.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (24 F. R. 10570) "Big Delta, Alaska: Big Delta Airport." is deleted.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6058; Filed, June 30, 1960; 8:45 a.m.]

[Airspace Docket No. 60-AN-7]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On April 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3245) stating that the Federal Aviation Agency proposed to modify the Gulkana, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the

making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 601 (24 F.R. 10530) § 601.2473 is added to read:

§ 601.2473 Gulkana, Alaska, control zone.

Within a 5 mile radius of the geographical center of the Gulkana Airport (latitude 62°09'20" N., longitude 145°27'15" W.) and within 2 miles either side of the Gulkana RR N course extending from the 5 mile radius zone to a point 12 miles N of the RR.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (24 F.R. 10570) "Gulkana, Alaska: Gulkana Airport." is deleted.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6059; Filed, June 30, 1960; 8:45 a.m.]

[Airspace Docket No. 60-LA-25]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2591) stating that the Federal Aviation Agency was proposing to modify the Hobbs, N. Mex., control zone by designating the control zone within a 5-mile radius of the Lea County Airport; within 2 miles either side of the south course of the Hobbs radio range extending from the 5-mile radius zone to the radio range and within 2 miles either side of the 213° True radial of the Hobbs VOR extending from the 5-mile radius zone to the VOR. Subsequent to publication of the notice, a modification of the proposal was published in the FEDERAL REGISTER (25 F.R. 4087) on May 7, 1960, changing the extension on the 213° True radial of the Hobbs VOR to the 225° True radial.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice and the modification of proposal, § 601.2280 (24 F.R. 10584) is amended to read:

§ 601.2280 Hobbs, N. Mex., control zone.

Within a 5-mile radius of the geographical center of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.); within 2 miles either side of the S course of the Hobbs RR extending from the 5-mile radius zone to the RR and within 2 miles either side of the 225° True radial of the Hobbs VOR extending from the 5-mile radius zone to the VOR.

These amendments shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6060; Filed, June 30, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-95]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Establishment of Coded Jet Route

On April 26, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3597) stating that the Federal Aviation Agency was considering the establishment of VOR/VORTAC jet route No. 103 from St. Petersburg, Fla., to Orlando, Fla.

No adverse comments were received regarding the proposed amendment. The Air Transport Association, in stating that they strongly endorsed the proposed route, recommended a change in the numbering of the route, assigning a single number identifying the connecting routes from Orlando to New York. Following development of procedures to extend jet routes beyond the continental limits of the United States, the Federal Aviation Agency intends proposing the extension of J-103-V from Orlando via J-81-V; Barracuda Intersection; control area extension 1150 to Wilmington, North Carolina; J-79-V to Idlewild, New York. This will simplify flight planning, in accord with the ATA recommendation, for those flights proceeding from New York to St. Petersburg.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice and the modification of proposal, § 602.5103 (24 F.R. 10584) is amended to read:

§ 602.5103 VOR/VORTAC jet route No. 103 (St. Petersburg, Fla., to Orlando, Fla.).

From the St. Petersburg, Fla., VORTAC to the Orlando, Fla., VOR.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6056; Filed, June 30, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7757 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Chudik Furs, Inc., and Edward H. Chudik

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Chudik Furs, Inc., et al., Detroit, Mich., Docket 7757, May 18, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Detroit, Mich., with violating the Fur Products Labeling Act by mutilating labels attached to fur products prior to ultimate sale; by labels falsely identifying furs with respect to the name of the animal producing them; by failing to set forth the term "Dyed Broadtail-processed Lamb" on invoices and in advertising; by newspaper advertising which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, or the fact that some products contained artificially colored fur, and which made claims respecting prices and values of fur products without adequate records as a basis therefor; and by failing in other respects to comply with requirements of the Act.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Chudik Furs, Inc., a corporation, and its officers, and Edward H. Chudik, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, or the transportation or distribution in commerce of fur products; or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

B. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

C. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

D. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels;

E. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

F. Failing to set forth on labels the item number or mark assigned to a fur product;

2. Mutilating, or causing the mutilation, or participating in the mutilation of labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products;

3. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

C. Failing to set forth the term "Dyed Broadtail processed Lamb" when an election is made to use that term instead of "Lamb";

D. Failing to set forth on invoices the item number or mark assigned to a fur product;

4. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations;

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact;

(3) The name of the country of origin of any imported furs contained in a fur product;

B. Fails to set forth the term "Dyed Broadtail processed Lamb" when an election is made to use that term instead of "Lamb";

C. Sets forth the term "blended" as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs;

D. Fails to set forth separately, in advertisements relating to fur products composed of two or more sections containing different animal furs, the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, with respect to the fur comprising each section;

5. Making claims and representations in advertisements respecting prices and values of fur products unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Chudik Furs, Inc., a corporation, and Edward H. Chudik, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 18, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6069; Filed, June 30, 1960; 8:47 a.m.]

[Docket 7758 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Milgrim, Inc.

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation:* § 13.130–20 *Fur Products Labeling Act.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Milgrim, Inc., Cleveland, Ohio, Docket 7758, May 18, 1960]

The complaint in this case charged Cleveland, Ohio, merchandisers with violating the Fur Products Labeling Act by mutilating labels on fur products prior to ultimate sale; by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products or the fact that some fur products contained artificially colored fur, and used the term "blended" to describe the bleaching, tip-dyeing, etc., of furs; and by failing in other respects to comply with labeling, invoicing, and advertising requirements of the Act.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Milgrim, Inc., an Ohio corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in

commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information;

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

3. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

3. Mutilating, or causing the mutilation or participating in the mutilation of, labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products;

3. Falsely or deceptively invoicing fur products by failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

4. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact;

B. Fails to set forth separately in advertisements relating to fur products composed of two or more sections containing different animal furs, the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, with respect to the fur comprising each section;

C. Sets forth the term "blended" as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered; That respondent Milgrim, Inc., an Ohio corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 18, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6070; Filed, June 30, 1960; 8:47 a.m.]

[Docket 7759 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Milgrim, Inc.

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation:* § 13.130–20 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Milgrim, Inc., Detroit Mich., Docket 7759, May 19, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Detroit, Mich., merchandisers with violating the Fur Products Labeling Act by labeling which falsely identified the animal producing the fur in certain products; by failing to set forth the term "Dyed Broadtail processed Lamb" on invoices and in advertising; by advertising in newspapers, which failed to disclose the names of animals producing certain furs or the country of origin of imported furs or the fact that some furs were artificially colored, which used the term "blended" to describe the bleaching, dyeing, etc., of furs, and which failed to maintain adequate records for pricing and value claims; and by failing in other respects to comply with labeling, invoicing, and advertising requirements.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Milgrim, Inc., a Michigan corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products; or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

B. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

C. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations mingled with non-required information;

3. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

D. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels;

E. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

F. Failing to set forth on labels the item number or mark assigned to a fur product;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

C. Failing to set forth the term "Dyed Broadtail processed Lamb" when an election is made to use that term instead of "Lamb";

D. Failing to set forth on invoices the item number or mark assigned to a fur product;

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

1. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

2. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

3. The name of the country of origin of any imported furs contained in a fur product;

B. Fails to set forth the term "Dyed Broadtail processed Lamb" when an election is made to use that term instead of "Lamb";

C. Sets forth the term "blended" as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs;

D. Fails to set forth separately in advertisements relating to fur products composed of two or more sections containing different animal furs, the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, with respect to the fur comprising each section;

4. Making claims and representations in advertisements respecting prices and values of fur products unless respondent maintains full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Milgrim, Inc., a Michigan corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 19, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6071; Filed, June 30, 1960; 8:47 a.m.]

[Docket 7264 o.]

PART 13—PROHIBITED TRADE PRACTICES

Sidney J. Kreiss, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.235 *Source or origin:* § 13.235–25 *Fashion designers.*[1] Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sidney J. Kreiss, Inc., et al., New York, N.Y., Docket 7264, May 19, 1960]

In the Matter of Sidney J. Kreiss, Inc., a Corporation, Picturesque Hosiery Company, Inc., a Corporation, and Sidney J. Kreiss, and Mildred Kreiss, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors of women's hosiery to retail stores with representing falsely—in advertising in magazines and newspapers and in "mailers" supplied their customers for use in promoting sales—that certain of their hosiery was created, designed or fashioned by famous fashion designers, that exaggerated amounts were the usual retail prices, that with purchases of nine pairs of hosiery customers would receive three additional pairs free, and that certain of their hosiery was created and designed by famous fashion designers.

Denying cross-appeals from the initial decision, which dismissed the first two charges, the Commission on May 19 adopted the initial decision with slight modification as the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondents Sidney J. Kreiss, Inc., a corporation, and Picturesque Hosiery Company, Inc., a corporation, and their respective officers, and respondent Mildred Kreiss as an officer of said corporations, and respondent Sidney J. Kreiss, individually and as officer of said corporations, and their respective agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hosiery or other similar products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that respondents' hosiery or any other similar product has been created, designed, styled or manufactured by anyone other than the respondents or the person who actually did create, design, style or manufacture such hosiery or other similar products.

(2) Placing in the hands of others a means or opportunity of representing to purchasers or prospective purchasers that the hosiery or other products supplied by the respondents were created, designed, styled or manufactured by famous fashion designers or any other person who did not actually create, design, style or manufacture such hosiery or other product.

[1] New.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Mildred Kreiss in her individual capacity but not in her capacity as an officer of respondent corporations.

It is further ordered, That all charges of the complaint not prohibited by this order be dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision as modified.

Issued: May 19, 1960.

By the Commission (Chairman Kintner and Commissioner Secrest dissenting).

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6072; Filed, June 30, 1960; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6476]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On July 10, 1956, notice of proposed rule making regarding amendments to § 1.305–2 and paragraph (a) of § 1.312–11 of the Income Tax Regulations (26 CFR Part 1), prescribed under sections 305 (b)(2) and 312 of the Internal Revenue Code of 1954, relating to distributions by corporations, was published in the FEDERAL REGISTER (21 F.R. 5104). After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the following amendments to the regulations are hereby adopted. The amendments adopted do not include regulations pertaining to the election of shareholders as to the medium of the payment of a dividend and the nature of an election, as set forth in proposed paragraphs (a) and (b) of § 1.305–2 of the aforesaid notice of proposed rule making. Paragraph (a), except the last sentence in subparagraph (1) thereof, and paragraph (b) of § 1.305–2 continue in effect under notice of proposed rule making and will be given further consideration before final action is taken thereon.

PARAGRAPH 1. Section 1.305–2 is amended by providing a heading for paragraph (a), reserving paragraph (b), and revising existing paragraph (b) and redesignating such paragraph as para-

graph (c). These amended provisions read as follows:

§ 1.305–2 Election of shareholders as to medium of payment.

(a) *General.* * * *

(b) [Reserved]

(c) *Amount of distribution.* (1) Where a distribution of stock or rights to acquire stock of a corporation is treated as a distribution of property to which section 301 applies by reason of section 305(b)(2), the amount of the distribution, in accordance with section 301(b) and § 1.301–1, is the fair market value of such stock or rights on the date of distribution. Accordingly, where a corporation makes a distribution, to which section 305(b)(2) is applicable, which is payable either in property or in its own stock or rights to acquire its stock the amount distributed with respect to all shareholders receiving stock or rights is the fair market value, on the date of distribution, of the stock or rights received. The amount distributed with respect to shareholders receiving property is the fair market value, on the date of distribution, of such property received or, in the case of corporate distributees, the adjusted basis of such property in the hands of the distributing corporation if less than its fair market value. Where a corporation which regularly distributes its earnings and profits, such as a regulated investment company, declares a dividend pursuant to which the shareholders may elect to receive either money or stock of the distributing corporation of equivalent value and, on a date shortly before the distribution, there is a determination of the amount of stock to be distributed to those shareholders who elect to receive stock equal in value to the amount of money that could be received instead, the amount of the distribution of the stock received by any shareholder will be considered to equal the amount of the money which could have been received instead.

(2) The application of section 305(b) may be illustrated by the following examples:

Example (i). (i) Corporation X declared a dividend payable in additional shares of its common stock to the holders of its outstanding common stock on the basis of two additional shares for each share held on the record date but with the provision that, at the election of any shareholder made within a specified period prior to the distribution date, he may receive one additional share for each share held on the record date plus $12 principal amount of securities of Corporation Y owned by Corporation X. The fair market value of the stock of Corporation X on the distribution date was $10 per share. The fair market value of $12 principal amount of securities of Corporation Y on the distribution date was $11 but such securities had a cost basis to Corporation X of $9.

(ii) The distribution to all shareholders of one additional share of stock of Corporation X (with respect to which no election applies) for each share outstanding is not a distribution to which section 301 applies.

(iii) The distribution of the second share of stock of Corporation X to those shareholders who do not elect to receive securities of Corporation Y is a distribution of property to which section 301 applies, whether such shareholders are individuals or corporations. The amount of the distribution to which section 301 applies is $10 per share of stock of Corporation X held on the record date (the fair market value of the stock of Corporation X on the distribution date).

(iv) The distribution of securities of Corporation Y in lieu of the second share of stock of Corporation X to the shareholders of Corporation X, whether individuals or corporations, who elect to receive such securities, is also a distribution of property to which section 301 applies.

(v) In the case of the individual shareholders of Corporation X who elect to receive such securities, the amount of the distribution to which section 301 applies is $11 per share of stock of Corporation X held on the record date (the fair market value of the $12 principal amount of securities of Corporation Y on the distribution date).

(vi) In the case of the corporate shareholders of Corporation X electing to receive such securities, the amount of the distribution to which section 301 applies is $9 per share of stock of Corporation X held on the record date (the basis of the securities of Corporation Y in the hands of Corporation X).

Example (2). On January 10, 1960, Corporation X, a regulated investment company, declared a dividend of $1 per share on its common stock payable on February 11, 1960, in cash or in stock of Corporation X of equivalent value determined as of January 22, 1960, at the election of the shareholder made on or before January 22, 1960. The amount of the distribution to which section 301 applies is $1 per share whether the shareholder elects to take cash or stock and whether the shareholder is an individual or a corporation. Such amount will also be used in determining the dividend paid deduction of Corporation X and the reduction in earnings and profits of Corporation X.

PAR. 2. The title of § 1.312–11 and paragraph (a) of that section are amended to read as follows:

§ 1.312–11 Effect on earnings and profits of certain other tax-free exchanges, tax-free distributions and tax-free transfers from one corporation to another.

(a) If property is transferred by one corporation to another, and, under the law applicable to the year in which the transfer was made, no gain or loss was recognized (or was recognized only to the extent of the property received other than that permitted by such law to be received without the recognition of gain), then proper adjustment and allocation of the earnings and profits of the transferor shall be made as between the transferor and the transferee. Transfers to which the preceding sentence applies include contributions to capital, transfers under section 351, transfers in connection with reorganizations under section 368, transfers in liquidations under section 332 and intercompany transfers during a period of affiliation. However, if, for example, property is transferred from one corporation to another in a transaction under section 351 or as a contribution to capital and the transfer is not followed or preceded by a reorganization, a transaction under section 302 (a) involving a substantial part of the transferor's stock, or a total or partial liquidation, then ordinarily no allocation of the earnings and profits of the transferor shall be made. For specific rules as to allocation of earnings and profits in certain reorganizations under section 368 and in certain liquidations under section 332 see section 381 and the regulations thereunder. For allocation of earnings and profits in certain corporate separations see section 312(i) and § 1.312–10.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: June 28, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60–6096; Filed, June 30, 1960; 8:51 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6475]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PART 240—WINE

Miscellaneous Amendments

On May 12, 1960, a notice of proposed rule making to amend 26 CFR Part 170, Miscellaneous Regulations Relating to Liquor, and 26 CFR Part 240, Wine, was published in the FEDERAL REGISTER (25 F.R. 4244).

In accordance with the notice, interested parties were afforded an opportunity to submit written comments or suggestions or to request a public hearing. No written comments or suggestions or requests for a public hearing having been received, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

1. By adding an amendment of § 240.133 striking the fourth sentence and changing the citation.
2. By adding a revision of § 240.204.
3. By adding a revision of § 240.256.
4. By adding a revision of § 240.296.
5. By changing the revision of § 240.376.
6. By changing the amendment of the third sentence, the last sentence, and the citation of § 240.377.
7. By adding an amendment of § 240.379, striking in the third sentence the number "1520" and inserting in lieu thereof the number "2629", striking in the parenthetical phrase of the fourth sentence the number "1520" and inserting in lieu thereof "2629 and Form 2630, if any.", and changing the citation.
8. By changing the amendment of § 240.441 by striking in paragraph 2, immediately after the words "be submitted", the word "with" and inserting in lieu thereof the phrase "under separate cover at the time of filing".
9. By changing the amendment of § 240.444 in its third, fourth, and fifth sentences.
10. By changing new § 240.539.
11. By changing the amendment of § 240.561 in its last sentence.
12. By changing the amendment of the first sentence of § 240.562.
13. By changing new § 240.596 by changing the period at the end of the first sentence to a colon and by striking that portion of the second sentence preceding the proviso clause.
14. By changing the revision of § 240.622.
15. By changing the revision of § 240.823.
16. By changing the revision of § 240.824.
17. By changing the revision of § 240.826.
18. By changing the amendment of § 240.832 in its fourth sentence, last sentence and citation.
19. By changing the amendment of § 240.833.
20. By changing the amendment of § 240.834.
21. By changing the amendment of § 240.836 in its headnote, third sentence, and citation.
22. By adding an amendment of § 240.837 by striking the number "1520" wherever it appears and inserting in lieu thereof the number "2630", and by changing the citation.
23. By adding an amendment of § 240.904.
24. By changing the amendment of § 240.921 by revising the headnote of § 240.921 to read "Taxpaid room records."
25. By changing new § 240.1042.
26. By changing new § 240.1051.

Because this Treasury decision is a part of an integrated recodification program under Chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1960.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

Approved: June 24, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to (1) incorporate in permanent regulations the temporary regulations relating to the semimonthly return system for taxpayment of wine now in Subpart S of 26 CFR Part 170; (2) authorize the use of distillates containing aldehydes in the fermentation of wine for use as distilling material; (3) make certain clarifying, liberalizing, and simplifying changes; (4) provide for taking credit on tax returns of drawback allowed under section 5062, I.R.C.; (5) authorize the return to bond of certain wines withdrawn without payment of tax; and (6) in conformity with administrative decisions to incorporate into 26 CFR Part 252 all procedures relating to exportation of liquors, to remove from 26 CFR Part 240 those procedures relating to the exportation of wine, use on certain vessels and aircraft, transfers to customs manufacturing warehouses, class six, and transfer to and deposit in a foreign-trade zone, the regulations in 26 CFR Part 170, "Miscellaneous Regulations Relating to Liquor" and 26 CFR Part 240, "Wine", are amended as follows:

In Part 170, § 170.452 is amended to read:

§ 170.452 General.

Notwithstanding any other provision of Part 240 of this chapter relating to the payment of taxes on wines by proprietors of bonded wine cellars qualified under chapter 51, I.R.C., such taxes determined on and after June 24, 1959, and before July 1, 1960, shall be paid and collected on the basis of a semimonthly or prepayment return as provided in this subpart.

Part 240 is amended in the following respects:

Section 240.19a is amended to read:

§ 240.19a Distilled spirits plant.

"Distilled spirits plant" shall mean an establishment qualified under Part 201 of this chapter for the production, bonded storage, or bottling of spirits, or for rectification, or for any combination of such operations:

By inserting a new section immediately after § 240.21:

§ 240.21a Executed under penalties of perjury.

Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this _____ (insert type of document such as statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Section 240.27 is amended to read:

§ 240.27 In bond.

When used with respect to wine spirits, "in bond" means such spirits possessed under bond to secure the payment of the internal revenue tax thereon and in respect to which the tax has not been determined as provided in this chapter, and includes such spirits withdrawn without payment of tax under section 5214(a)(5), I.R.C., and with respect to which relief from liability has not yet occurred. When used with respect to wine "in bond" means wine possessed under bond to secure the payment of the internal revenue tax thereon and in respect to which the tax thereon has not been determined as provided in this chapter, and includes such wines on the bonded premises of a bonded wine cellar, in transit to a bonded wine cellar, and such wine withdrawn without payment of tax under section 5362, I.R.C., and with respect to which relief from liability has not yet occurred.

Section 240.53 is amended to read:

§ 240.53 United States wine.

"United States wine" shall mean wine produced on bonded wine cellar premises in the United States.

Section 240.124 is amended to read:

§ 240.124 Bottling of taxpaid wine.

Every person desiring to bottle or rebottle taxpaid wine at premises other than the bottling premises of a distilled spirits plant shall establish taxpaid wine bottling house premises in compliance with the provisions of regulations set forth in Part 231 of this chapter.

§ 240.133 [Amendment]

Section 240.133 is amended:

1. By striking the fourth sentence; and
2. By changing the citation to read "(72 Stat. 1380, 1381; 26 U.S.C. 5361, 5365)".

§ 240.140 [Amendment]

Section 240.140 is amended:

1. By changing the last sentence to read "Except for necessary openings for ventilation and for the passage of water, electric, sewer, or similar lines, the wine cellar must be separated from adjoining buildings or rooms by solid unbroken partition: *Provided*, That where a bonded wine cellar, a distilled spirits plant, a taxpaid wine bottling house, another bonded wine cellar, or a wine vinegar plant are located in contiguous buildings or rooms, pipelines may be installed for the transfer of wine or wine spirits, and, if approved by the assistant regional commissioner, doors may be placed in the partitions separating the bonded wine cellar from the production facility of a distilled spirits plant, taxpaid wine bottling house, wine vinegar plant, other bonded wine cellar, or a contiguous taxpaid room operated by the proprietor"; and
2. By changing the citation to read "(72 Stat. 1379; 26 U.S.C. 5357)".

Section 240.143 is amended to read:

§ 240.143 Office facilities.

Where wine spirits are to be used in the production of wine, other than use in small quantities for dosages or preparation of essences, the proprietor shall provide and maintain on the wine cellar premises in a convenient location suitable office facilities, including a desk, chair, file case, and such other office furniture as may be necessary for the keeping of Government records for the use of internal revenue officers: *Provided*, That where the proprietor operates a distilled spirits plant on adjacent premises, and a Government office conforming to the requirements specified in Part 201 of this chapter is provided on such premises, and such office is so located as to be suitable for the use of internal revenue officers assigned at the wine cellar, separate office facilities need not be provided on the wine cellar premises. There shall also be provided a metal cabinet of adequate strength and size, suitably equipped for locking with a Government seal lock, for use in safeguarding Government seals, keys, and other Government property. Each such cabinet shall contain shelving or compartments of proper size for the filing of Government records. Conveniently located toilet and lavatory facilities shall also be provided and made available for

the use of internal revenue officers. Such facilities shall be subject to approval by the assistant regional commissioner.

(72 Stat. 1379; 26 U.S.C. 5357)

§ 240.144 [Revocation]

Section 240.144 is revoked.

§ 240.169 [Amendment]

Section 240.169 is amended:

1. By changing the first sentence to read, "Pipelines used for the conveyance of wine spirits from the bonded premises of a distilled spirits plant to wine spirits storage tanks, measuring tanks, weighing tanks, and wine spirits addition tanks shall be constructed in accordance with the requirements of regulations prescribed in Part 201 of this chapter"; and

2. By changing the citation to read "(72 Stat. 1395; 26 U.S.C. 5552)".

§ 240.171 [Amendment]

Section 240.171 is amended:

1. By changing the first sentence to read "The pipeline used to transfer taxpaid wine from the bonded wine cellar to the bottling premises of a distilled spirits plant or to a taxpaid wine bottling house shall be a fixed unbroken line of permanent character, securely constructed and connected, and so arranged as to be exposed to view throughout its entire length"; and

2. By changing the citation to read "(72 Stat. 1395; 26 U.S.C. 5552)".

§ 240.172 [Amendment]

Section 240.172 is amended:

1. By striking in the first sentence immediately after the words "bonded wine cellars" the words "fruit distilleries" and inserting in lieu thereof the words "distilled spirits plants"; and

2. By changing the citation to read "(72 Stat. 1379; 26 U.S.C. 5357)".

§ 240.174 [Amendment]

Section 240.174 is amended:

1. By striking in the first sentence immediately after the words "an adjacent" the words "distillery or internal revenue warehouse" and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1395; 26 U.S.C. 5552)".

§ 240.193 [Amendment]

Section 240.193 is amended:

1. By changing the first sentence to read "If the activities to be conducted on the bonded wine cellar premises are such that a wine producer's basic permit is required under the Federal Alcohol Administration Act and regulations, the applicant may request on Form 698, for designation of the premises as a bonded winery."; and

2. By changing the citation to read "(72 Stat. 1378; 26 U.S.C. 5351)".

Section 240.197 is amended to read:

§ 240.197 Description of equipment.

All equipment, including tanks, crushing and pressing equipment, instruments and measures for testing and measuring wine must be described on the Form 698. Each tank shall be listed by serial number and capacity. Barrels or other readily portable containers under sixty gallons capacity need not be listed but the approximate number of such containers used for the storage of wine shall be shown. Unless required by the assistant regional commissioner, hoses, filters, pumps, pasteurizers, coolers, and similar equipment need not be listed on the Form 698.

(72 Stat. 1379; 26 U.S.C. 5356)

Section 240.204 is amended to read:

§ 240.204 List of officers, directors, and stockholders.

In the case of corporations and similar legal entities, there shall be submitted with Form 698 at the commencement of business, a list, in triplicate, giving the names and addresses (business and residence) of all officers, directors, stockholders, and other persons interested in the corporation, or other legal entity, and the amount and nature of the stock holding or other interests of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That if there are more than ten holders of any class of stock, only the names, addresses and holdings of the ten persons having the largest ownership or other interest in each of the classes of stock need be included in the list of stockholders.

Section 240.222 is amended to read:

§ 240.222 Tax deferral bond, Form 2053.

Each proprietor of a bonded wine cellar desiring to remove wine for consumption or sale, where the tax unpaid at any one time amounts to more than $100, shall file a bond, Form 2053, to insure payment of the tax on such wine. The penal sum of a tax deferral bond, Form 2053 (or the total penal sums where original and strengthening bonds are filed), shall be in an amount equal to the tax on the maximum quantity of wine to be removed for consumption or sale during any semimonthly return period: *Provided*, That the maximum penal sum of such bond shall not exceed $250,000, and in no case shall the penal sum be less than $500.

(72 Stat. 1379; 26 U.S.C. 5354)

§ 240.223 [Revocation]

Section 240.223 is revoked.

§ 240.224 [Revocation]

Section 240.224 is revoked.

Section 240.251 is amended to read:

§ 240.251 Termination of bond, Form 1676.

Bond on Form 1676, covering the removal of wine for transfer to a wine vinegar plant, will be terminated as to future liability (a) pursuant to application by the surety as provided in § 240.252; (b) pursuant to approval of a superseding bond as provided in § 240.257; or (c) upon discontinuance of the business covered by the bond as provided in § 240.257.

(72 Stat. 1380; 26 U.S.C. 5362)

Section 240.255 is amended to read:

§ 240.255 Extent of relief, Form 1676.

If notice has been filed as provided in § 240.252 in respect to a bond on Form 1676 and is not in writing withdrawn, the surety shall be relieved of liability for tax on wine withdrawn for manufacture of vinegar, after the date stated in the notice. Where such withdrawal is made wholly on or before the date named in the notice, the surety shall remain liable for the tax on wine so withdrawn, until the wine is fully accounted for.

(72 Stat. 1380; 26 U.S.C. 5362)

Section 240.256 is amended to read:

§ 240.256 Release or termination of Form 700 or 2053.

When the proprietor of a bonded wine cellar discontinues business and the notice of discontinuance has been approved, the assistant regional commissioner will issue Notice of Termination or Release of Bond, Form 1490, and will forward copies to the principal and to the surety; or, in the case of bond, Form 2053, Notice of Termination or Release of Bond, Form 1490, will be issued upon receipt from the proprietor of written advice that he has discontinued removals of wine requiring a tax deferral bond. When a valid superseding bond has been approved, the assistant regional commissioner will issue Notice of Termination of Release of Bond, Form 1490, and will forward copies to the principal and to the surety.

(72 Stat. 1379; 26 U.S.C. 5354)

Section 240.257 is amended to read:

§ 240.257 Release or termination, Form 1676.

When the principal on a bond, Form 1676, notifies the assistant regional commissioner that he has discontinued the withdrawal of wine without payment of tax for use in the manufacture of vinegar, the assistant regional commissioner will issue Notice of Termination or Release of Bond, Form 1490. When a superseding bond on Form 1676 is approved by the assistant regional commissioner, he will issue Notice of Termination or Release of Bond, Form 1490, for the superseded bond.

(72 Stat. 1380; 26 U.S.C. 5362)

Section 240.259 is amended to read:

§ 240.259 Release of collateral, Form 1676.

Collateral pledged and deposited to support a bond on Form 1676 will ordinarily be released by the assistant regional commissioner upon issuance of Notice of Termination or Release of Bond, Form 1490, provided all liabilities under the bond have been satisfied.

(61 Stat. 646; 6 U.S.C. 15)

Section 240.273 is amended to read:

§ 240.273 Contiguous or adjacent premises.

Where a distilled spirits plant, taxpaid wine bottling house, wine vinegar plant, or another bonded wine cellar, is maintained on contiguous or adjacent premises, the relative position of such premises and the bonded wine cellar, communicating doors and other openings, and all pipeline connections for transfer of wine and wine spirits between the premises, must be shown on the plat. The pipeline used for conveying wine spirits from bonded premises of a distilled spirits plant to the bonded wine cellar, or for transfer of wine spirits within the bonded wine cellar premises shall be shown in blue on the plat. Pipelines for the conveyance of wine between noncontiguous portions of the bonded wine cellar will be shown.

Section 240.296 is amended to read:

§ 240.296 Changes in officers, directors, or stockholders of a corporation.

Where there is a change in officers or directors, or in the stockholders required to be listed under § 240.204, the proprietor shall submit, within ten days of such change, a written notice to the assistant regional commissioner. The notice shall be filed in triplicate, shall describe the changes, and be prepared as required by § 240.204.

§ 240.312 [Amendment]

Section 240.312 is amended:

1. By striking in the first sentence the word "triplicate" and inserting in lieu thereof the word "duplicate";

2. By changing the third sentence to read "Upon approval, the assistant regional commissioner will return one copy of the report to the proprietor for attachment to the copy of Form 698 retained at the bonded premises and retain one copy in his office for filing with Form 698."; and

3. By changing the citation to read "(72 Stat. 1379; 26 U.S.C. 5356)".

§ 240.320 [Amendment]

Section 240.320 is amended:

1. By changing the first sentence to read "When the proprietor desires to discontinue operation of the bonded wine cellar, all wine and wine spirits must (except as provided herein) be lawfully removed from the premises or destroyed, and any outstanding approved Forms 257 authorizing the transfer of wine spirits to the wine cellar shall be procured from the distilled spirits plant to which they were sent and returned to the assistant regional commissioner for cancellation."; and

2. By striking the period at the end of the last sentence and inserting "and, in lieu of the statement that all wine and wine spirits have been lawfully removed from the premises or destroyed, that all wine and wine spirits will be transferred to the successor as of the date the discontinuance is to be effective. All wine and wine spirits so transferred shall be identified as "Transferred to successor" on the Form 702 filed by the outgoing proprietor (in accordance with § 240.321); and identified as "Received from predecessor" on the initial Form 702 filed by the successor."

§ 240.361 [Amendment]

Section 240.361 is amended:

1. By changing paragraph (c) to read:

(c) Yeast foods, sterilizing agents, or other fermentation adjuncts under the provisions of Subpart ZZ of this part.

2. By changing the citation to read "(72 Stat. 1383, 1384; 26 U.S.C. 5381, 5382, 5383)".

§ 240.364 [Amendment]

Section 240.364 is amended:

1. By changing the fourth sentence to read "If it is desired to use other acids, the requirements of § 240.1052 shall be followed."; and

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

§ 240.365 [Amendment]

Section 240.365 is amended:

1. By striking in paragraph (b) "§§ 240.529 and 240.530" and inserting in lieu thereof "Subpart ZZ of this part"; and

2. By changing the citation to read "(72 Stat. 1384; 26 U.S.C. 5383)".

Section 240.376 is amended to read:

§ 240.376 Gauge of wine spirits.

If the wine spirits to be used are on deposit in the bonded wine cellar, or are received immediately prior to use from a distilled spirits plant not adjacent to the bonded wine cellar, the proprietor, under the supervision of the internal revenue officer, will gauge the wine spirits released to him for use in wine production and shall prepare Form 2629, in triplicate, to cover each release of wine spirits; where the wine spirits are in packages he shall also prepare Form 2630, in triplicate. A copy of Form 2629 and Form 2630, if any, shall be attached to each copy of Form 275.

(72 Stat. 1381; 26 U.S.C. 5367, 5368)

§ 240.377 [Amendment]

Section 240.377 is amended:

1. By changing the third sentence to read "If the wine spirits are received by pipeline from adjacent bonded premises of a distilled spirits plant, and are run directly into the wine spirits addition tank, the gauge of the wine spirits made on the adjacent premises will be used."; 2. By changing the last sentence to read "The internal revenue officer at the adjacent premises will deliver two copies of Form 2629 to the proprietor of the bonded wine cellar who shall acknowledge receipt of the wine spirits on both copies of the form and shall forward one copy to his assistant regional commissioner."; and

3. By changing the citation to read "(72 Stat. 1381, 1382; 26 U.S.C. 5367, 5373)".

§ 240.378 [Amendment]

Section 240.378 is amended:

1. By changing the third sentence to read "If the packages have been received from contiguous bonded premises of a distilled spirits plant for immediate use, the packages need not be regauged in the bonded wine cellar unless there is some indication that the contents of the packages may not be in agreement with the withdrawal gauge."; and

2. By changing the citation to read "(72 Stat. 1381, 1382; 26 U.S.C. 5366, 5367, 5368, 5373)".

§ 240.379 [Amendment]

Section 240.379 is amended:

1. By striking in the third sentence the number "1520" and inserting in lieu thereof the number "2629";

2. By striking in the parenthetical phrase of the fourth sentence the number "1520" and inserting in lieu thereof "2629 and Form 2630, if any,"; and

3. By changing the citation to read "(72 Stat. 1381, 1382, 1383; 26 U.S.C. 5367, 5373, 5382)".

§ 240.385 [Amendment]

Section 240.385 is amended:

1. By changing the second sentence to read "A statement of process on Form 698—Supplemental, in triplicate, giving details of the production process, shall be filed with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., and approved prior to the commencement of production."; and

2. By changing the citation to read "(72 Stat. 1382, 1383; 26 U.S.C. 5373, 5382)".

§ 240.401 [Amendment]

Section 240.401 is amended:

1. By changing paragraph (b) to read:

(b) Yeast foods, sterilizing agents, or other fermentation adjuncts under the provisions of Subpart ZZ of this part.

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5381)".

§ 240.404 [Amendment]

Section 240.404 is amended:

1. By changing the sixth sentence to read "If it is desired to use other acids, the requirements of § 240.1052 shall be followed."; and

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

§ 240.405 [Amendment]

Section 240.405 is amended:

1. By striking in paragraph (b) "§§ 240.529 and 240.530" and inserting in lieu thereof "Subpart ZZ of this part"; and

2. By changing the citation to read "(72 Stat. 1385; 26 U.S.C. 5384)".

§ 240.441 [Amendment]

Section 240.441 is amended:

1. By changing the second sentence to read "The formula and process will be described on Form 698—Supplemental, which will be filed, in triplicate with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C.";

2. By changing the third sentence to read "Two ⅘ quart samples of the base wine used and two ⅘ quart samples of the finished special natural wine shall be submitted under separate cover at the time of filing the formula."; and

3. By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5386)".

§ 240.444 [Amendment]

Section 240.444 is amended by striking the third, fourth, and fifth sentences and inserting in lieu of such sentences "Caramel, pure dry sugar, liquid sugar, or invert sugar syrup, or pure dry sugar-water solution of not less than 60 degrees

(Brix) may be used in special natural wine made under this section: *Provided*, That the minimum 60 degrees (Brix) limitation contained in §§ 240.40a and 240.40b, and in this section, shall not apply to such materials used in the manufacture of vermouth. Where vermouth is produced under this section the finished product shall contain not less than 80 percent by volume of natural wine."

Section 240.447 is amended to read:

§ 240.447 Essences made elsewhere.

Before an essence, not made on bonded wine cellar premises, may be used in the production of special natural wine, the manufacturer of such essence must secure approval from the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., for its use in special natural wine. The manufacturer will file a statement, in duplicate, of the materials and processes used in the manufacture of the essence, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C. A sample, not less than four ounces in amount, will be submitted with the statement. The essence will be identified by the name of the manufacturer, and the name of the essence, or an identifying number. A separate statement and sample must be submitted for each essence to be used for special natural wine production. The required statement and sample shall be submitted for only those essences that are not manufactured pursuant to an approved formula on Form 1678, for a nonbeverage product. The Director, Alcohol and Tobacco Tax Division, will notify the manufacturer of approval or disapproval of the essence for use in wine production. If approved, the proprietor of a bonded wine cellar may describe the essence on Form 698—Supplemental by showing the name of the manufacturer, the manufacturer's nonbeverage drawback formula number, if any, and the date of approval by the Director; without submitting additional samples of the essence.

(72 Stat. 1386; 26 U.S.C. 5386)

§ 240.465 [Amendment]

Section 240.465 is amended:

1. By changing the last sentence to read "The formula and process will be described in detail on Form 698—Supplemental which will be filed in triplicate with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C."; and

2. By changing the citation to read "(72 Stat. 1386; 26 U.S.C. 5387)".

§ 240.482 [Amendment]

Section 240.482 is amended by changing the second sentence to read "The formula will be filed on Form 698 Supplemental, in triplicate, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C."

§ 240.485 [Amendment]

Section 240.485 is amended:

1. By striking in the last sentence the words "assistant regional commissioner" and inserting in lieu thereof the words "Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C."; and

2. By changing the citation to read "(72 Stat. 1380, 1381, 1387; 26 U.S.C. 5361, 5364, 5388)".

§ 240.486 [Amendment]

Section 240.486 is amended:

1. By inserting, immediately after the second sentence, a new sentence reading. "Distillates containing aldehydes may be used in the fermentation of wine to be used as distilling material as provided in §§ 240.490 and 240.491 and Subpart YY of this part."; and

2. By changing the citation to read "(72 Stat. 1380, 1381, 1382; 26 U.S.C. 5361, 5364, 5373)".

§ 240.489 [Amendment]

Section 240.489 is amended:

1. By changing the parenthetical phrase in the second sentence to read "(49 Stat. 977; 27 U.S.C. 201)"; and

2. By changing the citation to read "(72 Stat. 1381, 1383; 26 U.S.C. 5364, 5381)".

By inserting immediately after § 240.489 an undesignated center heading and new §§ 240.490 and 240.491:

USE OF DISTILLATES CONTAINING ALDEHYDES

§ 240.490 General.

Distillates containing aldehydes, withdrawn under the provisions of Part 201 of this chapter may be used in fermentation of wine to be used as distilling material at the distilled spirits plant from which such distillates were withdrawn. Distillates produced from one kind of fruit shall not be used in the fermentation of wine made from a different fruit.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.491 Application.

Where a distillate containing aldehydes is to be used in fermentation of wine to be used as distilling material the proprietor of the bonded wine cellar, unless he is also the proprietor of the distilled spirits plant from which the distillates are to be withdrawn, shall submit an application, in duplicate, to the assistant regional commissioner, and state therein (a) the name, address, and registry number of the distilled spirits plant from which the distillate is to be withdrawn, (b) the kind of distillate, (c) the kind of wine in which the distillate will be used, and (d) a statement describing the method by which such distillate will be added in fermentation of wine to be used as distilling material. Where the proprietor of the bonded wine cellar is also the proprietor of the distilled spirits plant, the approval of the application required under Part 201 of this chapter will also authorize the receipt and use of the distillates at the bonded wine cellar. Distillates containing aldehydes will be procured under the provisions of Subpart YY of this part. Record of receipt and use of such distillates will be kept in accordance with Subpart UU of this part and reported on Form 702.

(72 Stat. 1381, 1382; 26 U.S.C. 5367, 5373)

Section 240.500 is amended to read:

§ 240.500 General.

Wine or wine lees may be refermented except that wine or wine lees in which sugar sweetening was used may not be refermented for use as distilling material at a distilled spirits plant for the production of brandy or wine spirits.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.501 [Revocation]

Section 240.501 is revoked.

§ 240.510 [Amendment]

Section 240.510 is amended:

1. By striking the second sentence in its entirety; and

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

§ 240.513 [Amendment]

Section 240.513 is amended:

1. By striking in the first sentence the words "assistant regional commissioner" and inserting in lieu thereof the words "Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C.,";

2. By striking in the fifth sentence the word "quadruplicate" and inserting in lieu thereof the word "triplicate"; and

3. By changing the citation to read "(72 Stat. 1383, 1387; 26 U.S.C. 5382, 5387)".

§ 240.524 [Amendment]

Section 240.524 is amended:

1. By changing the last sentence to read "Specifically authorized materials are listed in Subpart ZZ of this part."; and

2. By changing the citation to read "(72 Stat. 1338, 1383; 26 U.S.C. 5082, 5382)".

§ 240.528 [Amendment]

Section 240.528 is amended:

1. By striking in the last sentence the numbers "§ 240.530" and inserting in lieu thereof "Subpart ZZ of this part"; and

2. By changing the citation to read "(72 Stat. 1383; 26 U.S.C. 5382)".

§ 240.529 [Revocation]

Section 240.529 is revoked.

§ 240.530 [Revocation]

Section 240.530 is revoked.

By inserting immediately after § 240.535 an undesignated center heading and new §§ 240.536 to 240.539:

REDUCTION OF ACID CONTENT

§ 240.536 General.

Standard wine may have the acid content reduced below 5 parts per thousand by use of authorized neutralizing materials or methods: *Provided*, That such neutralizing materials or methods does not change the character of the wine to an extent inconsistent with good commercial practice and does not result in any increase in the volume of the wine.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.537 Application.

Where a proprietor desires to reduce the acid content of wine below 5 parts per thousand he shall file an application with the assistant regional commissioner.

The application shall be filed in letter form and in triplicate. The application shall contain the following information:

(a) Name, address, and registry number of the proprietor;

(b) Statement of process or method to be used in effecting the acid reduction;

(c) Gallons of wine to be treated; and

(d) Kind of wine to be treated.

A one pint sample of the wine prior to treatment shall be submitted by the proprietor, direct to the regional laboratory at the same time the application is filed. The sample will be labeled and marked in a manner that it may be readily identified. The proprietor shall not proceed to reduce the acid content of the wine until he receives approval of the application by the assistant regional commissioner.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.538 Sample of treated wine.

After completion of the acid reduction treatment a one pint sample of the wine shall be submitted by the proprietor to the regional laboratory. The sample will be labeled and marked in a manner that it may be readily identified and associated with the sample submitted prior to treatment.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.539 Addition of acid.

Acid may be added to wine treated under §§ 240.536–240.538 only for stabilization.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.540 [Amendment]

Section 240.540 is amended:

1. By striking in the first sentence the word "still"; and

2. By changing the citation to read "(72 Stat. 1331; 26 U.S.C. 5042)".

§ 240.541 [Amendment]

Section 240.541 is amended:

1. By changing paragraph (d) to read: "Wine made by a partnership, except as provided in § 240.730, or produced at a bonded wine cellar by two or more heads of families jointly;"; and

2. By changing the citation to read: "(72 Stat. 1331; 26 U.S.C. 5042)".

Section 240.561 is amended to read:

§ 240.561 Serial numbers.

All containers used for removing wine shall be marked with a serial number at the time the containers are prepared for removal, except as provided herein. Serial numbers shall commence with "1" and continue in order until the number 1,000,000 is reached, when the series may start again with "1": *Provided*, That a new series may be commenced when 100,000 has been reached if no number will be used more than once during a 12-month period. If desired, separate series of numbers preceded by identifying letters may be used for bulk containers and for cases, or for cases filled on different bottling lines, or for removals from different loading docks. On filing a notice with the assistant regional commissioner the proprietor may, unless notified by the assistant regional commissioner to the contrary, (a) mark the serial numbers on the cases at the time of filling the cases or (b) mark the cases with the filling date in lieu of serially numbering the cases. The notice shall be filed in duplicate not less than 10 days prior to the date on which the proprietor intends to commence marking the serial numbers on the cases at the time of filling the cases or the date on which the proprietor intends to commence marking cases with the filling date. A proprietor who marks cases with the filling date shall maintain appropriate cellar records to identify the wine. A proprietor who marks serial numbers on the cases at the time of filling shall maintain a daily record of cases filled, by serial number, and type of wine. A proprietor who marks serial numbers on containers at the time of removal shall maintain a daily record, by serial numbers, of containers removed. Where the assistant regional commissioner has approved the numbering of cases at the time of filling, such numbers need not be shown on Form 703 covering transfer of the cases in bond. A proprietor who has given notice of his intention to mark serial numbers on the cases at the time of filling the cases or to mark the filling dates on the cases shall use such procedure exclusively until the assistant regional commissioner requires or authorizes the cases to be marked as otherwise provided in this section. Where domestic or foreign wine is recased in the taxpaid room the proprietor shall mark such cases preparatory to shipment with the date of repackaging, preceded by the letter "R", in lieu of serially numbering the cases. The serial numbering and alternate marking provision of this section shall also apply to domestic or foreign wines reconditioned on the bonded wine cellar premises. The provisions of this section do not apply to foreign wines except as specifically stated herein.

(72 Stat. 1381; 26 U.S.C. 5367, 5368)

§ 240.562 [Amendment]

Section 240.562 is amended:

1. By changing the first sentence to read "Each cask, barrel, keg, tank, tank truck, railroad tank car, or case, or other approved container, used to remove wine shall be marked in a plain and durable manner with (a) the serial number, or the alternate marks in lieu of the serial numbers as provided in § 240.561, or (if recased in the taxpaid room) with the marks authorized in § 240.561 in lieu of the serial number, (b) the name of the proprietor and the registry number and location (by State, or city or town and State) of the wine cellar, (c) the kind (class and type) and the alcohol content of the wine, (d) the contents of the container in wine gallons, and (e) except for cases, the date of removal or shipment.";

2. By changing the period at the end of the last sentence to a colon followed by *"Provided*, That the serial number, or the alternate marks in lieu of a serial number, may be placed on a side other than the Government side as described in § 240.564 where such other side bears no marks in conflict with such serial numbers or alternate marks."; and

3. By changing the citation to read "(72 Stat. 1381, 1387, 1407; 26 U.S.C. 5368, 5388, 5662)".

Section 240.575 is amended to read:

§ 240.575 Remarking, reshipping, or taxpaying containers received from other premises.

When wine received in bond from other premises is removed, in the containers in which received, for consumption or sale, the proprietor shall mark the containers with "Taxpaid" or "TP", followed by the registry number and State of the taxpaying premises on the same side of the container as the original marks. When containers of wine received in bond are reshipped in bond, the proprietor of the reshipping premises shall mark the containers with "Transferred", followed by the registry number and State of the bonded premises to which the wine is shipped on the same side of the container as the original marks. The transfer marks may be abbreviated, as "Trans. BW 100–NY".

Subpart AA consisting of §§ 240.590 through 240.597 is stricken and in lieu thereof a new Subpart AA consisting of §§ 240.590 through 240.600 is inserted:

Subpart AA—Taxpayment of Wine

§ 240.590 Time for determination of tax liability.

The tax on wine shall be determined at the time of removal from the bonded wine cellar premises (or transfer to a taxpaid room on the premises) for consumption or sale. Upon determination, the quantity of wine removed will be entered on the record prescribed by § 240.920.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.591 Time for payment of tax.

The tax on wine shall be paid by return, Form 2050, which will be filed with remittance for the full amount of tax due as shown by the return. The quantities of wine by taxable grades removed daily for consumption or sale during the period covered by the return and the aggregate quantities thereof, shall be reported on the tax return, Form 2050, prepared in quadruplicate. All entries in the return shall be fully supported by accurate and complete records satisfactory to the assistant regional commissioner. The proprietor shall include for payment on his return, Form 2050, the full amount of tax required to be determined (and not prepaid) on all wine removed daily from the bonded wine cellar premises (or transferred to a taxpaid room on the premises) for consumption or sale during the period covered by the return. Prepayments of tax on wine during the period covered by the return shall be separately shown thereon. The proprietor shall file a tax return, Form 2050, with remittance for the full amount of tax due, semimonthly, covering the period from the 9th day of a month through the 23d day of the same month and the period from the 24th day of a month through the 8th day of the next succeeding month. The tax return shall be filed not later than the close of the

23d calendar day next succeeding the 8th or 23d calendar day of the month, as the case may be, excluding any Saturday, Sunday, or legal holiday of the District of Columbia or any statewide legal holiday of the State in which the return is required to be filed: *Provided*, That the return for the period ending on June 23d of each year shall be filed not later than the close of the 2d next succeeding calendar day after June 23d, excluding any Saturday, Sunday, or a legal holiday of the District of Columbia or a statewide legal holiday of the particular State in which the return is required to be filed. Except as provided in § 240.592 a return shall be filed covering each return period even though no wine was removed for consumption or sale during the period.

(68A Stat. 896, 72 Stat. 1335; 26 U.S.C. 5061, 7503)

§ 240.592 Exception.

Where a tax deferral bond is not given under the provisions of § 240.222 and the proprietor has notified the assistant regional commissioner in writing that, until further notice, no wine in respect to which tax is required to be paid will be removed from the bonded wine cellar premises, and where no such wine is so removed, a proprietor will not be required to file a semimonthly return on Form 2050. This exception also applies where substandard wine only is removed for shipment to a vinegar plant for the production of vinegar. This exception shall not apply where intermittent removals subject to tax are made, but only where future removals subject to tax are not anticipated. Notices required under this section shall be filed in letter form, in duplicate.

§ 240.593 Failure to pay tax or file return at the time required.

The law provides penalties for failure to pay tax at the time required, for willful refusal to pay such tax and for fraudulent nonpayment of tax. In addition to such penalties, there is a penalty for the delinquent filing of tax returns imposed as an addition to the tax shown by such returns, amounting to 5 percent for each month or fraction thereof of delinquency, not exceeding 25 percent in the aggregate, unless it is shown that such delinquency is due to reasonable cause and not to willful neglect.

(68A Stat. 821, 72 Stat. 1407, 1410; 26 U.S.C. 5661, 5684, 6651)

§ 240.594 Prepayment of tax.

Where a proprietor is required to prepay tax under § 240.595, or the penal sum of any tax deferral bond, Form 2053 (or the total penal sums where original and strengthening bonds are filed), is insufficient for deferral of payment of tax on wine to be removed for consumption or sale, the proprietor shall, before removal of the wine, file with the district director a wine tax return, Form 2052, with remittance: *Provided*, That where an approved tax deferral bond is not on file the tax need not be prepaid where the total amount of tax unpaid does not exceed $100. The return, with remittance, shall be filed by forwarding or delivering it to the district director before the wine is removed for consumption or sale. For the purpose of complying with this section, the term "forwarding" shall mean deposit in the United States mail, properly addressed to the district director.

(68A Stat. 777, 72 Stat. 1335; 26 U.S.C. 5061, 6311)

§ 240.595 Proprietor in default; prepayment of tax.

Where a check or money order tendered in payment of taxes on wine is not paid on presentment, or where the proprietor is otherwise in default in payment of tax under § 240.591, no wine shall be removed for consumption or sale until the tax has been paid as provided in § 240.594, for the period of such default and until the assistant regional commissioner finds the revenue will not be jeopardized by payment of tax as provided in § 240.591. Any remittance made during the period of such default shall be in cash, or shall be in the form of a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State, Territory, or possession of the United States, or money order, as provided in § 301.6311–1 of this chapter.

(68A Stat. 777, 72 Stat. 1335; 26 U.S.C. 5061, 6311)

§ 240.596 Date of mailing and delivering of returns.

Where the return, Form 2052 or Form 2050, as the case may be, and remittance are delivered by United States mail to the office of the district director, the date of the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery of such return and remittance: *Provided*, That where the postmark on the cover is illegible, the burden of proving when the postmark was made will be on the proprietor: *Provided further*, That where the return is sent by registered mail the date of registry, or where the return is sent by certified mail the date of the postmark on the sender's receipt shall be treated as the postmark date of the return and remittance.

§ 240.597 Tax on wine.

Section 5041, I.R.C., imposes a tax, at rates prescribed therein, on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine, which contain 24 percent or less of alcohol by volume) in bond in, produced in, or imported into, the United States; such tax to be determined as of the time of removal for consumption or sale. Wine containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and taxed accordingly. The tax shall be determined and paid on the quantity of wine required to be marked on the containers as provided in §§ 240.562 and 240.567, or (in case of pipeline removals) on the quantity determined as provided in § 240.600.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.598 Marking of containers.

All containers of wine removed taxpaid, except cases, will be marked with the word "Taxpaid" in addition to the marks required by § 240.562: *Provided*, That cases must be so marked when required by § 240.575.

(72 Stat. 1381; 26 U.S.C. 5368)

REMOVAL OF TAX DETERMINED WINE BY PIPELINE

§ 240.599 General.

The assistant regional commissioner may authorize the removal of tax determined wine by pipeline from a bonded wine cellar to the bottling premises of a distilled spirits plant or to a taxpaid wine bottling house, contiguous to, or in the immediate vicinity of the bonded wine cellar. Authorization will be given only if the proprietor has installed pipelines and tanks as prescribed by §§ 240.170 and 240.171.

(72 Stat. 1331; 26 U.S.C. 5041)

§ 240.600 Procedure for determination of tax.

When the proprietor desires to transfer wine to the taxpayment tank, he will make certain that the outlet valve is closed, and open the inlet valve of the taxpayment tank. When the tank is filled, or the desired quantity of wine has been run into the tank, the proprietor will close the inlet valve, accurately determine the quantity of wine in the tank, make entry in his cellar record showing the date, the wine taxpayment tank number; the kind, quantity, and alcohol content of the wine; and the plant to which the wine will be transferred. The proprietor shall close the outlet valve immediately after the tank has been emptied. The quantities of wine so removed will be shown in Form 2056 as taxable removals. The quantity of wine removed by pipeline will be recorded to the nearest whole gallon, 5 tenths gallon being converted to the next full gallon.

Section 240.611 is amended to read:

§ 240.611 Marking containers.

In addition to the marks required by § 240.562, each container, except cases, of wine transferred in bond from one bonded wine cellar to another shall be plainly marked "Transferred", followed by the registry number and state of the bonded premises to which the wine is shipped. The transfer marks may be abbreviated as "Trans. BW 100–N.Y.". Containers reshipped in bond shall be marked in accordance with § 240.575.

(72 Stat. 1381; 26 U.S.C. 5368)

§ 240.616 [Amendment]

Section 240.616 is amended:

1. By changing the last sentence to read: "Where there is a loss in transit from any shipment the consignee shall as required by § 240.785 file a claim for allowance of the loss."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

Section 240.630 is amended to read:

§ 240.630 General.

Still wine may be removed without payment of tax, under the provisions of this subpart, to the production facility of a distilled spirits plant for use as distilling material in the production of spirits. Form 703 will be prepared and handled in accordance with §§ 240.613 through 240.616 for all such removals.

(72 Stat. 1380; 26 U.S.C. 5362)

Section 240.631 is amended to read:

§ 240.631 Pipeline to production facility of a distilled spirits plant.

Where a bonded wine cellar and the production facilities of a distilled spirits plant are operated on adjacent premises, wine for use as distilling material may be transferred by fixed pipeline from the wine cellar to measuring or storage tanks in the plant. The quantity of distilling material may be determined at either the bonded wine cellar or the distilled spirits plant. Short detachable hose connections may be used between the tank and pipeline.

(72 Stat. 1395; 26 U.S.C. 5552)

Section 240.632 is amended to read:

§ 240.632 Special natural wine.

Special natural wine may not be removed for use as distilling material at a distilled spirits plant for the production of wine spirits or brandy.

(72 Stat. 1364; 26 U.S.C. 5215)

§ 240.634 [Amendment]

Section 240.634 is amended:

1. By changing the last sentence to read "Where wine made with sugar other than the kinds, or fermented with sugar in excess of the quantities, authorized for a standard wine is removed for distilling material, the composition of the material must be marked on the containers and such wine may be transferred only to the production facilities of distilled spirits plants for the production of spirits other than wine spirits or brandy."; and

2. By changing the citation to read "(72 Stat. 1364, 1381; 26 U.S.C. 5215, 5368)".

Subpart EE consisting of §§ 240.670 through 240.681 is stricken and in lieu thereof a new Subpart EE consisting of §§ 240.670 through 240.672 is inserted:

Subpart EE—Withdrawal of Wine Without Payment of Tax for Exportation, Use on Vessels and Aircraft, Transfer to a Foreign-Trade Zone, or Transportation to a Manufacturing Bonded Warehouse Class Six

§ 240.670 General.

Wine may be removed from bonded wine cellars without payment of tax for exportation, for use on vessels and aircraft, for transportation to and deposit in a manufacturing bonded warehouse class six, and for transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation. Such removals shall be in accordance with the procedures in Part 252 of this chapter.

(72 Stat. 1380; 26 U.S.C. 5362)

RETURN OF WINE TO BONDED STORAGE

§ 240.671 General.

Wines which have been lawfully withdrawn without payment of tax under the provisions of Part 252 of this chapter may, subject to the provisions of Part 252 applicable thereto, be returned to the bonded wine cellar from which withdrawn for storage pending subsequent removal for lawful purposes.

(72 Stat. 1380; 26 U.S.C. 5362)

§ 240.672 Receipt and record of returned wine.

On return of wine to the bonded wine cellar under the provisions of § 240.671 and receipt of an approved application therefor as provided in Part 252 of this chapter, the proprietor shall record the receipt on the records required by this part, showing the gallonage of each tax classification so received and returned to storage on the bonded wine cellar premises; and shall report such return in Part I of Form 702 for the month with an explanatory notation in Part X of Form 702. All provisions of this part applicable to wine in bond on the bonded premises of a bonded wine cellar and to removals thereof shall be applicable to such wine returned to such bonded premises.

(72 Stat. 1380; 26 U.S.C. 5362)

Subpart FF consisting of §§ 240.690 through 240.702 and Subpart GG consisting of §§ 240.710 through 240.715 are revoked:

§ 240.730 [Amendment]

Section 240.730 is amended:

1. By changing the first sentence to read. "Where the head of a family as defined in § 240.541, operates a bonded wine cellar as an individual owner, or in partnership solely with members of such family, wine of his own production not exceeding 200 gallons per year, may be removed without payment of tax for use of his family, the year to be reckoned as commencing on July 1."; and

2. By changing the citation to read "(72 Stat. 1331; 26 U.S.C. 5042)".

§ 240.760 [Amendment]

Section 240.760 is amended:

1. By striking in the last sentence immediately after the words "received on" the words "fruit distillery" and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1380; 26 U.S.C. 5361)".

§ 240.771 [Amendment]

Section 240.771 is amended by adding at the end thereof, a new sentence, as follows: "The assistant regional commissioner may grant, until further notice, continuing authority to convert effervescent wine to still wine in amounts in excess of thirty gallons where he finds the revenue will not be jeopardized."

§ 240.780 [Amendment]

Section 240.780 is amended:

1. By changing the last sentence to read "Claim for allowance of losses by theft shall be filed as provided in this Subpart."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.782 [Amendment]

Section 240.782 is amended:

1. By striking in the last sentence immediately after the words "to file" the words "an application" and inserting in lieu thereof the word "claim"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.783 [Amendment]

Section 240.783 is amended:

1. By striking in the fourth sentence the word "application" and inserting in lieu thereof the word "claim"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

Section 240.785 is amended to read:

§ 240.785 Losses in transit.

Where the loss of wine in transit from any shipment in bond to another bonded wine cellar exceeds one percent (two percent on transcontinental shipments) of the quantity so shipped therein, the proprietor of the receiving wine cellar shall immediately notify the assistant regional commissioner or nearest designated internal revenue officer. A claim for allowance of the entire loss shall be prepared in accordance with § 240.787 and be attached to the report, Form 702, for the month in which the wine is received. If the loss does not exceed one percent (two percent on transcontinental shipments), claim for allowance of the loss will be required if there are circumstances indicating that the wine lost, or any part thereof, was diverted to an unlawful purpose.

(72 Stat. 1381; 26 U.S.C. 5370)

§ 240.786 [Amendment]

Section 240.786 is amended:

1. By striking in the last sentence the word "Application" and inserting in lieu thereof the word "Claim"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

The undesignated center heading preceding § 240.787 is amended to read "Claim for Allowance".

Section 240.787 is amended to read:

§ 240.787 Preparation and submission.

Claim for allowance of wine reported lost shall be prepared by the proprietor or his duly authorized agent on Form 2635 and, except in the case of losses in transit, by fire or other casualty, or any other extraordinary or unusual losses, the claim shall be attached to and submitted with report, Form 702, for the month of June, or in the case of discontinuance of the premises or change in proprietorship, attached to the final report. Where for a valid reason the required claim cannot be submitted with the Form 702, a statement must be attached to the report setting forth the reason the claim cannot be filed at that time, and specifying when it will be filed with the assistant regional commissioner.

(72 Stat. 1381; 26 U.S.C. 5370)

§ 240.788 [Amendment]

Section 240.788 is amended:

1. By changing the headnote to read "Form 2635, Claim—Alcohol and Tobacco Taxes.";

2. By changing the first sentence to read "Claim for allowance of losses of wine in bond shall be made on Form 2635, in duplicate, and shall set forth the following information:";

3. By striking in paragraphs (b), (c), and (f) the word "application" and inserting in lieu thereof the word "claim"; and

4. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.789 [Amendment]

Section 240.789 is amended:

1. By striking the word "Applications" and inserting in lieu thereof the word "Claims"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.800 [Amendment]

Section 240.800 is amended by adding after the last sentence "Tax may not be refunded or credited under the provisions of this Subpart in respect to tax paid on unmerchantable wine for which a claim has been or will be filed under Subpart O of Part 170 of this chapter."

Section 240.806 is amended to read:

§ 240.806 Claim for allowance of credit for tax.

A proprietor may file with the assistant regional commissioner a claim, Form 2635, Claim—Alcohol and Tobacco Taxes, for allowance of credit for the tax paid on unmerchantable, taxpaid United States wine returned to bond. Such claim shall not be filed for a quantity on which credit of tax would be in an amount of less than $10.00: *Provided*, That, as to any returned wine on which the 6 month period for filing a claim will expire, a claim for allowance of tax on a lesser quantity of wine may be filed. Any such claim shall be submitted in triplicate and executed by the proprietor under penalties of perjury. The proprietor shall state in the body of the claim that the wine covered by the claim was returned to bond and so recorded on the records required by this part. A copy of each notice filed under § 240.802, covering wine for which the claim is filed, shall be attached to the claim. When allowance of the credit or any part thereof is made by the assistant regional commissioner, the proprietor shall make a proper adjusting entry and explanatory statement in the next subsequent wine tax return (or returns) to the extent necessary to exhaust the credit.

(72 Stat. 1332; 26 U.S.C. 5044)

§ 240.807 [Amendment]

Section 240.807 is amended by changing the next to last sentence to read "The proprietor shall state in the body of the claim that the wine covered by the claim was returned to bond and so recorded on the records required by this part."

By inserting immediately after § 240.808 a new section:

§ 240.809 Insurance coverage.

The remission, abatement, or refund, or credit of, or other relief from, taxes on wine shall be allowed only to the extent that the proprietor is not indemnified or recompensed for such tax.

(72 Stat. 1382; 26 U.S.C. 5371)

§ 240.821 [Amendment]

Section 240.821 is amended:

1. By striking in the first sentence immediately after the word "from" the words "any registered fruit distillery or internal revenue bonded warehouse" and inserting in lieu thereof the words "the bonded premises of a distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

Section 240.822 is amended to read:

§ 240.822 Application, Form 257.

Where it is desired to withdraw wine spirits for wine production, from the bonded premises of a distilled spirits plant, application will be made by the proprietor on Form 257. The proprietor shall specify in the application the approximate desired date of receipt of wine spirits and whether the wine spirits are to be withdrawn in packages, railroad tank cars, tank trucks, or by pipeline. The same application may not include wine spirits from more than one distilled spirits plant, nor two or more lots to be removed from the same bonded premises of a distilled spirits plant at different times, except where the bonded premises of the distilled spirits plant is adjacent to the bonded wine cellar, as provided in § 240.825.

(72 Stat. 1382; 26 U.S.C. 5373)

Section 240.823 is amended to read:

§ 240.823 Filing of Form 257.

Application, Form 257, shall be filed with the assistant regional commissioner or with such officer as he may designate. The assistant regional commissioner will notify each designated internal revenue officer of the amount of the proprietor's bond. He will also notify each proprietor concerned where Forms 257 are to be submitted to a designated internal revenue officer.

(72 Stat. 1382; 26 U.S.C. 5373)

Section 240.824 is amended to read:

§ 240.824 Transfer of wine spirits.

On receipt of the wine spirits at the bonded wine cellar they will be deposited in the wine spirits storage room or tank. If an internal revenue officer is not assigned to the bonded wine cellar, the proprietor will on receipt of the wine spirits request the assistant regional commissioner or designated officer to detail an officer to supervise the deposit or immediate use.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.825 [Amendment]

Section 240.825 is amended:

1. By striking the words "distillery or warehouse" wherever they appear and inserting in lieu thereof the words "distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

Section 240.826 is amended to read:

§ 240.826 Receipt of wine spirits in packages.

When packages of wine spirits are received at the bonded wine cellar the proprietor will examine the packages and satisfy himself that the wine spirits are the same as described in Forms 2629 and 2630 (received from the distilled spirits plant) and then will deposit the wine spirits in the spirits storage room under the supervision of the internal revenue officer. The proprietor, under the supervision of the officer, will gauge any packages which appear to have been tampered with or from which wine spirits appear to have been abstracted or lost. The details of packages so regauged will be reported on Form 2630, in quadruplicate, by the proprietor with a statement setting forth fully the apparent cause of the loss.

(72 Stat. 1381, 1382; 26 U.S.C. 5368, 5373)

Section 240.827 is amended to read:

§ 240.827 General.

Where the distilled spirits plant and the bonded wine cellar are located on adjacent premises wine spirits may be transferred from the bonded premises of the distilled spirits plant to the wine cellar by pipeline for immediate use in wine production, or may be transferred to wine spirits tanks for subsequent use.

(72 Stat. 1360, 1362, 1382; 26 U.S.C. 5206, 5214, 5373)

§ 240.828 [Amendment]

Section 240.828 is amended:

1. By striking the words "distillery or the warehouse" wherever they appear and inserting in lieu thereof the words "bonded premises of the distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.829 [Amendment]

Section 240.829 is amended:

1. By striking the words "distillery or warehouse" wherever they appear and inserting in lieu thereof the words "bonded premises of the distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.830 [Amendment]

Section 240.830 is amended:

1. By changing the first sentence to read "Wine spirits may be withdrawn in railroad tank cars (where shipping and receiving premises have suitable railroad siding facilities) and tank trucks, provided appropriate weighing tanks or tanks suitable for measuring the spirits are provided in both the bonded premises of a distilled spirits plant and the bonded wine cellar for gauging the wine spirits, or the wine spirits are transferred in accurately calibrated tank cars or tank trucks with calibration charts available at the distilled spirits plant and the wine cellar, and a wine spirits storage tank (or tanks) of sufficient capacity to hold the wine spirits is provided in the wine cellar."; and

2. By changing the citation to read "(72 Stat. 1360, 1362, 1382; 26 U.S.C. 5206, 5214, 5373)".

Section 240.831 is amended to read:

§ 240.831 Tank car and tank truck requirements.

Railroad tank cars and tank trucks used to transport wine spirits for use in wine production must be constructed, marked, filled, labeled, and inspected, in the manner required by regulations in Part 201 of this chapter.

(72 Stat. 1360, 1362; 26 U.S.C. 5206, 5214)

§ 240.832 [Amendment]

Section 240.832 is amended:

1. By changing the fourth sentence to read "In any case where a volume gauge is made, the actual measurements of the spirits in the gauging tank, tank car, or tank truck, and the temperature of the spirits, shall be recorded on Form 2629.";

2. By striking in the last sentence the words "distillery or warehouse" and inserting in lieu thereof the words "distilled spirits plant"; and

3. By changing the citation to read "(72 Stat. 1360, 1362, 1381; 26 U.S.C. 5206, 5214, 5366)".

Section 240.833 is amended to read:

§ 240.833 Report of gauge at wine cellar.

The proprietor will prepare a report of his gauge on Form 2629, in quadruplicate, of the wine spirits received by tank car or tank truck, and will attach a copy of the form to each copy of Form 2629 received from the distilled spirits plant. If there is a loss in excess of one percent the proprietor will submit a report to the internal revenue officer supervising the receipt, stating the apparent cause of the loss and all circumstances having a bearing thereon.

(72 Stat. 1360, 1362; 26 U.S.C. 5206, 5214)

Section 240.834 is amended to read:

§ 240.834 Disposition of Form 2629.

When the wine spirits have been deposited in the wine spirits storage room or storage tank, or run directly into a wine spirits addition tank, the proprietor will acknowledge receipt of the wine spirits on each copy of Form 2629, forward promptly one copy, with Form 2630, if any, to the assistant regional commissioner, and retain the remaining copy as a part of the bonded wine cellar records.

(72 Stat. 1381; 26 U.S.C. 5368)

§ 240.836 [Amendment]

Section 240.836 is amended:

1. By changing the headnote to read "Withdrawal from distilled spirits plant.";

2. By changing the third sentence to read "Such wine spirits shall be received by the proprietor and placed under his lock in a secure room or locker on the bonded premises, and he shall acknowledge receipt of such wine spirits on Form 2629."; and

3. By changing the citation to read "(72 Stat. 1381, 1383; 26 U.S.C. 5373, 5382)".

§ 240.837 [Amendment]

Section 240.837 is amended:

1. By striking the number "1520" wherever it appears and inserting in lieu thereof the number "2630"; and

2. By changing the citation to read "(72 Stat. 1382, 1383; 26 U.S.C. 5373, 5382)".

§ 240.838 [Amendment]

Section 240.838 is amended:

1. By changing the last sentence to read "All spirits produced at the same production facility of a distilled spirits plant on the same day, if received in the same shipment, will be considered as constituting a lot of spirits."; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.855 [Amendment]

Section 240.855 is amended:

1. By changing the first sentence to read "Where any loss by theft occurs, claim for remission of tax on Form 2635, Claim—Alcohol and Tobacco Taxes, shall be made by the proprietor."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5370)".

§ 240.857 [Amendment]

Section 240.857 is amended:

1. By changing the headnote to read "Form 2635, Claim—Alcohol and Tobacco Taxes.";

2. By changing the first two sentences to read "Claim for remission of tax shall be made on Form 2635 and shall set forth the following information:";

3. By striking in paragraph (a) the word "Distillery" and inserting in lieu thereof the words "distilled spirits plant";

4. By striking in paragraph (f) the words "distiller, warehouseman" and inserting in lieu thereof the words "proprietor of a distilled spirits plant";

5. By changing the next to last sentence to read "The claim will be executed by the proprietor or his authorized agent under penalties of perjury.";

6. By striking the last sentence in its entirety; and

7. By changing the citation to read "(68A Stat. 649, 72 Stat. 1323; 26 U.S.C. 6065, 5008)".

Section 240.870 is amended to read:

§ 240.870 General.

Wine spirits withdrawn by the proprietor of a bonded wine cellar and not used in wine production may be disposed of by transfer to the bonded premises of a distilled spirits plant or another bonded wine cellar, or by taxpayment and removal to a person authorized to receive such spirits, or may be voluntarily destroyed without payment of tax as authorized in § 240.874: *Provided*, That packages from which a portion of the contents have been used may not be transferred to the bonded premises of a distilled spirits plant.

(72 Stat. 1323, 1382; 26 U.S.C. 5011, 5373)

§ 240.871 [Amendment]

Section 240.871 is amended:

1. By striking in the first sentence immediately after the words "wine spirits to" the words "an internal revenue bonded warehouse" and inserting the words "the bonded premises of a distilled spirits plant";

2. By striking in the last sentence immediately after the words "number of the" the word "distiller" and inserting in lieu thereof the words "distilled spirits plant."; and

3. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

Section 240.872 is amended to read:

§ 240.872 Transfer to a distilled spirits plant or wine cellar.

When it is desired to transfer wine spirits to the bonded premises of a distilled spirits plant or to a bonded wine cellar the application shall specify the name, number and location of such premises, and the means or containers by or in which it is proposed to transfer the wine spirits thereto. The application shall also specify whether the proprietor of the designated distilled spirits plant or wine cellar has agreed to receive the wine spirits and file consent of surety on his bond, extending the terms of the bond to cover transfer to his premises and storage thereat.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.874 [Amendment]

Section 240.874 is amended:

1. By striking in the third sentence immediately after the words "bonded wine cellar or" the words "internal revenue bonded warehouse" and inserting in lieu thereof the words "bonded premises of a distilled spirits plant"; and

2. By changing the citation to read "(72 Stat. 1382; 26 U.S.C. 5373)".

§ 240.900 [Amendment]

Section 240.900 is amended:

1. By changing the first sentence to read "The proprietor of each bonded wine cellar shall prepare at the close of each month Form 702, in duplicate, verified and executed under penalties of perjury and, on or before the tenth day of the succeeding month, will forward the original of the report to the assistant regional commissioner."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367".

Section 240.901 is amended to read:

§ 240.901 Form 2050.

The proprietor of every bonded wine cellar removing wine subject to tax will prepare Form 2050, in quadruplicate, showing thereon the number of gallons of wine of each tax class so removed during the period covered by the return, the amount of tax due by tax class, and the total tax due. There shall also be shown any increases or decreases in tax due to errors in previous returns, Form 2050, or credit under the provisions of Subpart OO for unmerchantable wines returned to bond, or credit under the provisions of Part 252 of this chapter where such a credit is authorized by the assistant regional commissioner on Form 2639, and credit for the prepayment of tax as shown on Form 2052. Form 2050 will be serially numbered by the proprietor, commencing with "1" on January 1 of each year. Form 2050 shall be executed by the proprietor under penalties of perjury. The original and two copies

of the Form 2050 shall be filed with the district director as provided in § 240.591, and at the same time, a copy shall be forwarded to the assistant regional commissioner.

Section 240.902 is amended to read:

§ 240.902 Form 2052.

When the proprietor is required to prepay tax, as provided in §§ 240.594 and 240.595, he shall first prepare Form 2052, in quadruplicate, covering a specific quantity of wine to be removed on that day. The original and two copies of Form 2052 shall be delivered to the district director of internal revenue or deposited in the United States mail properly addressed to him, together with a remittance as provided in § 240.594, prior to removal of the wine. At the same time a copy shall be forwarded to the assistant regional commissioner. Form 2052 will be serially numbered by the proprietor, commencing with "1" on January 1 of each year. Form 2052 shall be executed by the proprietor under penalties of perjury. Credit for the amount prepaid on Form 2052 will be taken on the tax return, Form 2050, covering all removals for consumption or sale for the period covered by the return.

Section 240.904 is amended to read:

§ 240.904 Forms 275, 2629, and 2630.

The proprietor of every bonded wine cellar using wine spirits in the production of wine shall prepare Forms 275 and 2629 (and also Form 2630 if the wine spirits are in packages), at the time wine spirits are gauged and added to wine, as prescribed in §§ 240.376 and 240.379.

(72 Stat. 1381; 26 U.S.C. 5367)

§ 240.906 [Amendment]

Section 240.906 is amended:

1. By inserting in the last sentence immediately after the word "sugar" the words "or ameliorating material"; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367)".

Section 240.912 is amended to read:

§240.912 Form 2621, Record of Bottled Wine.

Each proprietor who bottles wine or receives bottled wine, in bond, shall keep Form 2621, Record of Bottled Wine, showing the gallons of wine bottled, the gallons of bottled wine received in bond, and the gallons of bottled wine removed each day.

(72 Stat. 1381; 26 U.S.C. 5367)

§ 240.918 [Amendment]

Section 240.918 is amended:

1. By striking in the first sentence immediately after the words "treatment of wine" the words "as authorized in this part,";

2. By changing the last sentence to read "Record of use of all chemicals except filter aids, inert fining agents, sulphur dioxide compounds, oxygen, and the acids listed in § 240.917, shall be maintained, showing the kind, quantity, and date of use, and kind and quantity of wine in which used."; and

3. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367)".

Section 240.919 is amended to read:

§ 240.919 Record of wine baked.

Where wine is baked on bonded wine cellar premises, any claim for allowance of losses due to such baking shall be supported by a complete and up-to-date record maintained by the claimant showing (a) the serial number of each tank, (b) date wine is placed in the tank, (c) quantity and alcohol content of the wine, (d) date baking commenced, (e) date baking completed, (f) date wine removed from tank, and (g) quantity of wine removed and alcohol content thereof. In case wine is baked in barrels or puncheons, the record may be maintained on the basis of groups of such containers filled at one time, rather than for each individual container.

(72 Stat. 1381; 26 U.S.C. 5367)

§ 240.920 [Amendment]

Section 240.920 is amended:

1. By changing the second sentence to read "The record shall show the date of removal, the name and address of the person to whom shipped, the kind (class and type) and quantity of wine, alcohol content (taxable grade), and serial numbers of containers other than cases: *Provided*, That if the wine is not sold for resale or shipped for sale the name and address of the person to whom sold or shipped may be omitted from the record."; and

2. By changing the citation to read "(72 Stat. 1381; 26 U.S.C. 5367)".

Section 240.921 is amended to read:

§ 240.921 Taxpaid room records.

Where a taxpaid room has been provided in accordance with § 240.145, or is maintained off the bonded premises, the proprietor shall maintain records at such taxpaid room. Such records shall show, as to all wine received, the date of receipt, the quantities, kind, and alcohol content (taxable grade) of the wine. Also, such records shall show, as to all wine sold for resale or shipped for sale at another location, the date of removal, the quantities, kind, and alcohol content (taxable grade) of the wine, and the names and addresses of the consignees. The required record shall consist of (a) copies of invoices, or other commercial papers if the invoices or other commercial papers contain all of the required information or (b) a book record containing all of the required information. A daily record shall also be kept of the total gallons of wine of each tax class removed, and not required to be recorded in the detailed removal record prescribed in this section. Removals from the taxpaid room of packages of bottles containing two gallons or less need not be serially numbered or marked in accordance with §§ 240.561 and 240.562.

(72 Stat. 1381; 26 U.S.C. 5367)

The following new subparts, Subpart YY and Subpart ZZ, are added immediately following § 240.1029:

Subpart YY—Withdrawal of Distillates Containing Aldehydes

Sec.
240.1041 Who may withdraw.
240.1042 Application, Form 257.
240.1043 Receipt and deposit of distillates containing aldehydes.
240.1044 Other provisions applicable.

§ 240.1041 Who may withdraw.

The proprietor of a bonded wine cellar may, as provided in this part, withdraw, without payment of tax, distillates containing aldehydes, for use in the fermentation of wine which is to be used as distilling material. Such withdrawals may be made only from an adjacent distilled spirits plant. Application for withdrawal of distillates containing aldehydes will not be approved unless facilities for the receipt, storage, and use of such distillates have been approved by the assistant regional commissioner. A proprietor of a bonded wine cellar who is operating under bond, Form 700, and who intends to receive and use distillates containing aldehydes, shall furnish a consent of surety, Form 1533, which consent shall contain the following statement of purpose:

To extend the terms and conditions of said bond to cover payment of all taxes imposed by law now or hereinafter in force (plus penalties, if any, and interest) for which the principal may become liable on all distillates containing aldehydes removed from the bonded premises of a distilled spirits plant to his bonded wine cellar.

Such facilities may include short detachable hose connections between pipelines and tanks on the bonded wine cellar premises. The proprietor shall notify the assistant regional commissioner, or officer designated by him, sufficiently in advance of withdrawals so that an internal revenue officer may be designated to supervise the receipt of the distillates at the wine cellar.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.1042 Application, Form 257.

A proprietor who intends to withdraw distillates containing aldehydes will make application on Form 257. The proprietor shall specify in the application the approximate desired date of receipt of the distillates and the method of conveyance, such as pipeline or packages. The same application may not include distillates from more than one distilled spirits plant.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.1043 Receipt and deposit of distillates containing aldehydes.

Distillates containing aldehydes which are received at the bonded wine cellar (if not immediately used) shall be placed under the proprietor's lock in a secure room or tank on the bonded premises. Distillates containing aldehydes shall not be mingled with wine spirits. If such distillates contain less than one-tenth of one percent of aldehydes, they shall be subject to such additional conditions relating to the receipt, storage, and use as the assistant regional commissioner shall require to assure that such distillates will be properly used and accounted for.

(72 Stat. 1382; 26 U.S.C. 5373)

§ 240.1044 Other provisions applicable.

The provisions of Subpart PP relative to the filing, execution, and disposition of Form 257, bond coverage, withdrawals (including monthly withdrawals) in packages, tank cars, tank trucks, and by pipeline, and the transfer, receipt, deposit in wine spirits addition tanks or stored on bonded wine cellar premises, and records and supervision (including waiver of supervision) in respect of wine spirits, shall, subject to the provisions of this subpart, be applicable in respect of distillates to be deposited in fermenters or stored on bonded wine cellar premises, as the case may be, for use under the provisions of this part.

Subpart ZZ—Materials Authorized for Treatment of Wine

Sec.
240.1051 Materials authorized for treatment of wine.
240.1052 Notice.

§ 240.1051 Materials authorized for treatment of wine.

The following materials are approved, as being consistent with good commercial practice, for use by proprietors of bonded wine cellars in the production, cellar treatment, or finishing of wine (including distilling material), within the general limitations of § 240.524, or the specific limitations shown in the table, or given in the sections referred to:

Materials	Use	Reference or limitation
Actiferm (Rorferm)	Fermentation adjunct	2 pounds per 1,000 gallons.
Activated carbon	To assist precipitation during fermentation.	§§ 240.361, 240.366, 240.401, 240.405.
	To clarify and purify wine	§ 240.524.
	To remove excess color in wine.	§ 240.527.
Aferrin	To reduce trace metals from wine.	No insoluble or soluble residue in excess of one part per million may remain in the finished wine, and the basic character of the wine may not be changed by such treatment. § 240.524.
Anion exchange resins:		
Amberlite IRA-400 (Tartex 160).	To reduce the natural acidity of wine.	May be used in a continuous column process for reducing the natural acidity of wine provided the resins are essentially in the hydroxyl (OH) state; the inorganic anion content of the wine is not increased more than 10 mg. per liter (10 parts per million); the wine is not stripped of color; and the treatment does not remove color in excess of that normally contained in the wine; and the basic character of the wine is not altered. Further, the natural or fixed acids may not be reduced below five parts per 1,000.
Duolite A-7 (Tartex 180).		
Duolite A-30 (Tartex 181).		
S.A.F.		
Duolite A-6	Treatment of white wines	Restrictions (above) imposed on use of other approved anion exchange resins applicable.
AMA special gelatine solution.	To clarify wine.	
Antifoam "A".	To reduce the foam in fermenters.	May be added to fruit, grapes, berries, and other materials used in wine production, to the juice of such materials, or to the wine, within limitations which do not alter the class or type of the wine. Its use need not be shown on labels.
Antifoam AF emulsion.	To prevent darkening of color and deterioration in flavor of wines and wine materials, and the over oxidation of vermouth and other wines.	
Ascorbic acid.		
Iso-ascorbic acid.		
Bentonite (Wyoming clay).	To clarify wine	§ 240.524. One pound of Bentonite to not more than two gallons of water. Total quantity of water not to exceed 1% of volume of wine treated.
Bentonite slurry	do	
Calcium carbonate	To reduce the excess natural acids in high acid wine. Production of Spanish type sherry wine.	§ 240.524. The natural or fixed acids may not be reduced below five parts per 1,000. § 240.553. Finished wine may contain no more than 2 grams of sulphuric per 1,000 gal. of wine.
Calcium sulphate (Gypsum).	To clarify and purify wine	§ 240.524.
Carbon		
Carbon Dioxide, CO_2	To stabilize and preserve	§§ 240.531 through 240.535.
Casein	To clarify wine	§ 240.524.
Cation exchange resins:		
Amberlite IR-120-H	To stabilize wines	May be used in a continuous column process. The resin must be essentially in the sodium state so that certain of the metallic elements in the wine will be replaced with sodium ions. After regeneration and before reuse the resin must again be essentially in the sodium state. The overall change in the pH of the wine before and after treatment shall not be greater than 0.2 pH unit. The "sweetening on" process of any wine contained in the wash water during the "sweetened off" process should be discarded or used solely for distilling material.
Duolite C-3 Na (Tartex 160)	To remove undesirable metallic ions.	
Duolite C-20 Na (Tartex 161).		
Duolite C-25 Na (Tartex 162).		
Permutit Q.		
Permutit Q Spec 187.		
S.A.F.		
Citric acid	To increase the acidity of wine.	§§ 240.304, 240.404.
Cufex	To stabilize grape wine	§§ 240.526, 240.539.
	To remove trace metals from wine.	No insoluble or soluble residue in excess of one part per million may remain in the finished wine, and the basic character of the wine may not be changed by such treatment.
Duolite C-3 (Tartex 160)	To stabilize table wines	May be used in a batch process employing no more than 4 pounds per 100 gallons of wine.
Eggs (albumen or yolks)	To clarify wine	§ 240.524.
Gelatin	do	§ 240.524.
Glycine (amino acetic acid)	Yeast food in fermentation of wines.	Not more than 2 pounds per 1,000 gallons of wine.
Granular cork	To treat wines stored in redwood and concrete tanks.	Not more than 10 pounds per 1,000 gallons of wine.
Gum arabic	To clarify and stabilize wine	2 pounds per 1,000 gallons of wine. § 240.524.
Gypsum (see calcium sulphate).		
Isinglass	To clarify wine	§ 240.524.
Malic acid	To increase acidity of wine	§§ 240.304, 240.404.
Mineral oil	On surface of wine in storage tanks to prevent the access of air to the wine.	None of the oil may remain in the finished wine when marketed.
Nitrogen gas	To maintain pressure during storage, bottling, and sparkling wine. To prevent oxidation of wine.	May not be contained in sparkling or still wine.
Non-ionic and conditioning resins:		
Duolite S-30 (Tartex 200).	For removing excessive oil-soluble conditioning agents and regenerants consisting of fruit acids common to the wine, and inorganic acids and bases may be employed provided the conditioned or regenerated resin is rinsed with ion-free water until the pH of the effluent water is equal to that of the ion-free water obtained by distillation will be considered to be ion-free water.) Tartaric acid may not be used as a conditioning agent when the resin is to be used in treating wines other than grape. The inorganic anions or cations may not be increased more than 5 parts per million (10 parts per million) over the amount normally contained in the wine; the overall change in the pH of the wine before and after treatment shall not be greater than 0.2 pH units; nor the acidity more than 0.5 grams per liter; and the basic character of the wine may not be altered.	
Duolite A-30.		
Amberlite IRA-401.		
Amberlite IRA-401-S.		
Oak chips (uncharred and uncharred).	To treat wines	The finished product, after addition of oak chips must have the flavor and color of Spanish Type Blending Sherry commonly obtained by storage of sherry wine in properly treated used charred oak casks in the Marco de Jerez region of Spain. Its use need not be shown on labels.
Oak chips (charred)	To treat Spanish type blending Sherry.	
Oxygen	In baking or maturing wine	May be other than those occurring during the usual storage in wooden cooperage over a period of time. Application must be filed.

Materials	Use	Reference or limitation
Pectolytic Enzymes:		
Pectinol 89L.	To clarify wine	0.3 pounds per 1,000 gallons of wine.
Klerzyme	do	One half pound per 1,000 gallons of wine.
Pectinol 100D	do	1 pound per 1,000 gallons of wine.
Pectinol 10M.		
Pectinol B10.		
Pectinase concentrate	do	10 pounds per 1,000 gallons of wine.
Pectinol A.		
Pectinol M.		
Pectinol O.		
Pectinase Regular.		
Pectinase D Regular.		
Pectolase.		
Phosphates	To start secondary fermentation in manufacturing champagne and sparkling wines.	Small quantity only may be used. (The use of ammonium phosphate, ammonium sulphate or potassium acid phosphate as yeast food in the production of still wine is not permitted.)
Potassium metabisulphite	Sterilizing and preserving wine.	The sulphur content of the finished wine shall not exceed the limits prescribed in Part 4, Title 27, CFR.
Potassium salt of sorbic acid.	As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations.	Not more than 0.1% of sorbic acid or salts thereof may be used in wine or in materials for the production of wine.
Protovac PV-7916	To clarify wine	Two pounds to 1,000 gallons of wine.
Sparkaloid No. 1.		
Sparkaloid No. 2.		
Sodium bisulfite	As a sterilizing or preserving agent.	§ 240.523.
Sodium carbonate	To reduce excess natural acidity in wine.	Natural or fixed acids may not be reduced below 5 parts per thousand. § 240.523.
Sodium casinate	To clarify wine	§ 240.523.
Sodium metabisulphite	Sterilizing and preserving wine.	§ 240.523.
Sodium salt of sorbic acid	As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations.	Not more than 0.1% of the sorbic acid or salts thereof may be used in wine or in materials for the production of wine.
Sorbic acid	As a sterilizing and preservative agent and to inhibit mold growth and secondary fermentations.	Not more than 0.1% of the sorbic acid or salts thereof may be used in wine or in materials for the production of wine.
Sulphur dioxide	Sterilizing and preserving wine.	§ 240.523.
Sulphuric acid	To affect a favorable yeast development in distilling material.	§ 240.486.
Tannin	Clarifying grape wine	When fining agents, such as gelatin and isinglass, which require the presence of a certain amount of tannin in grape wine in order to work effectively, are used for clarification of grape wine, and the wine to be clarified does not contain sufficient tannin to permit the fining agents to precipitate completely, a small amount of tannin may be added to the grape wine for the purpose of assisting the fining agents. Tannin may also be added to grape wine after clarification to the extent necessary to raise the tannin content of the wine to that normally contained therein: *Provided*, That white wines in which tannin is used shall not contain more than 0.08 gram of tannin per 100 ml. after clarification, and red grape wine in which tannin is used shall not contain more than 0.3 gram of tannin per 100 ml. after clarification, unless the assistant regional commissioner authorizes a higher tannin content, pursuant to a showing of necessity therefor. Only tannin of a yellowish white or very light brown color, which does not color the wine, may be used in the cellar treatment of wine. The records required by § 240.918 will be kept covering the use of tannin.
Tartaric acid	To increase acidity of grape wine.	§ 240.364.
Urea	To facilitate fermentation of wine.	Not more than 2 pounds per 1,000 gallons of wine.
Wine clarifier (containing pure U.S.P. agar agar and standard sapercel).	To clarify wine	2 pounds per 1,000 gallons of wine.

(72 Stat. 1383; 26 U.S.C. 5382)

§ 240.1052 Notice.

If the proprietor desires to use materials or methods not specifically authorized in § 240.1051 or elsewhere in this part, he must file notice, in triplicate, with the assistant regional commissioner. The notice will show the name and description of the material or method, the purpose, the manner and the extent to which it is to be used, together with any pertinent information in regard to the material or method. A sample of the material, if requested by the assistant regional commissioner, will be forwarded. There may be forwarded with the notice any data or written statements tending to show that the proposed use of the material or method is a cellar treatment consistent with good commercial practice. If the assistant regional commissioner has been advised by the Director, Alcohol and Tobacco Tax Division, that the use of the method or material is approved, he will so inform the proprietor and state limitations, if any, which must be observed. However, if the assistant regional commissioner has not been so advised, he will forward the notice, with pertinent data, to the Director, Alcohol and Tobacco Tax Division for a decision regarding the use of the method or material. The proprietor should not use the proposed method or material until receipt of advice that the Director, Alcohol and Tobacco Tax Division has found its use not to be contrary to the provisions of this part.

(72 Stat. 1383; 26 U.S.C. 5382)

[F.R. Doc. 60-6035; Filed, June 30, 1960; 8:45 a.m.]

[T.D. 6478]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Miscellaneous Amendments

On May 6, 1960, a notice of proposed rule making with respect to the amendments of regulations in 26 CFR Part 250 was published in the FEDERAL REGISTER. The amendments would conform this regulation in respect of changes made in certain other regulations of this title effective July 1, 1960.

In accordance with the notice interested parties were afforded an opportunity to submit written comments or suggestions or to request a public hearing. No comments or suggestions or requests for a public hearing were received within the 30 days prescribed in the notice. However, it has been administratively determined to make further conforming changes in the proposed amendments in respect to (1) use of distilled spirits stamps in lieu of wholesale liquor dealer stamps, (2) preparation and disposition of Form 2260, (3) filing and disposition of Form 27-B Supplemental, and (4) other changes clarifying or technical in nature. Accordingly, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

1. Immediately following amendatory paragraph 13, new paragraphs 13a, 13b, and 13c, are added.

2. Paragraph 20 is changed by revising the last two sentences of § 250.146.

3. Paragraph 22 is changed by striking in the first sentence of § 250.193 immediately after "(a)" the word "distilled" and inserting in lieu thereof the word "industrial".

4. Immediately after paragraph 25, new paragraphs 25a and 25b are added.

5. Paragraph 26 is changed:

(A) By striking in the first sentence of § 250.235 immediately after the words "in this" the word "part" and inserting in lieu thereof the word "subpart";

(B) By striking in the second sentence of § 250.252 the word "denomination" and inserting in lieu thereof the word "size"; and

(C) By striking in the headnote for § 250.253 the words "diverted by the" and inserting in lieu thereof the words "returned to a".

6. Paragraph 28 is changed by striking in the first sentence of § 250.291 immediately after "(a)" the word "distilled" and inserting in lieu thereof the word "industrial".

Because this Treasury decision is a part of an integrated recodification program under Chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1960.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

RALPH KELLY,
Commissioner of Customs.

Approved: June 28, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to conform this regulation in respect of changes made in certain other regulations of this title effective July 1, 1960, 26 CFR Part 250 is amended as follows:

1. Section 250.1 is amended to read:

§ 250.1 Alcoholic products coming into the United States from Puerto Rico and the Virgin Islands.

This part, "Liquors and Articles from Puerto Rico and the Virgin Islands," relates to the production, bonded warehousing, and withdrawal of distilled spirits, and denatured spirits, and the manufacture of articles in Puerto Rico and the Virgin Islands to be brought into the United States free of tax and to the collection of internal revenue taxes on taxable alcoholic products coming into the United States from Puerto Rico and the Virgin Islands.

2. The following new section is inserted immediately following § 250.15:

§ 250.15a Executed under penalties of perjury.

Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, claim, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this _____ (insert type of document, such as, statement, report, certificate, application, claim, or other document), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

§ 250.25 [Amendment]

3. Section 250.25 is amended by striking the number "5008" and inserting in lieu thereof the number "5205".

4. Section 250.28 is amended to read:

§ 250.28 United States.

"United States" shall mean the States and the District of Columbia.

5. Section 250.30 is amended to read:

§ 250.30 United States Internal Revenue Service office.

"United States Internal Revenue Service office," as used in this part, shall mean the United States Internal Revenue Service office in Puerto Rico operating under the direction of the Director of the International Operations Division of the Internal Revenue Service.

§ 250.36b [Amendment]

6. Section 250.36b is amended by striking the phrase "subpart OO of Part 182 of this chapter in respect of alcohol, denatured alcohol, and products containing denatured alcohol, shall respectively apply to:" from the first sentence and inserting in lieu thereof the phrase "subpart Ia shall apply to:".

7. Section 250.44 is amended to read:

§ 250.44 Liquor dealer's special taxes.

Every person bringing liquors into the United States from Puerto Rico, who sells, or offers for sale, such liquors must file Form 11 with the district director of internal revenue and pay special (occupational) tax as a wholesale dealer in liquor or as a retail dealer in liquor in accordance with the law and regulations governing the payment of such special taxes (Part 194 of this chapter).

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5111, 5112, 5121, 5122)

§ 250.53 [Amendment]

8. The second sentence of § 250.53 is amended to read: "The statement of process must also show whether there are to be blended together in the manufacture of the finished product, liquors of less than 190 degrees of proof (a) distilled (1) from different materials, (2) by different distillers, (3) at different distilleries, or (4) from different combinations of the same materials; or (b) of different ages; or (c) which differ in kind according to the standards of identity prescribed in 27 CFR Part 5."

§§ 250.62 and 250.64 [Amendment]

9. Sections 250.62 and 250.64 are amended by changing the number "1520" to the number "2630" wherever it appears in such sections.

§ 250.65 [Amendment]

10. Section 250.65 is amended as follows:

(A) By changing the number "1520" to the number "2630" wherever it appears in the section and

(B) By striking the last sentence.

§§ 250.66 and 250.67 [Amendment]

11. Sections 250.66 and 250.67 are amended by changing the number "1520" to the number "2630" wherever it appears in such sections.

§ 250.70 [Amendment]

12. Section 250.70 is amended by changing the word "denomination" to the word "size" in the first sentence.

§§ 250.74, 250.75, and 250.90 [Amendment]

13. Sections 250.74, 250.75, and 250.90 are amended by changing the number "1520" to the number "2630" wherever it appears in such sections.

§ 250.77 [Amendment]

13a. Section 250.77 is amended:

(A) By striking in the last sentence the words "wholesale liquor dealer's" and inserting in lieu thereof the words "distilled spirits"; and

(B) By changing the statutory citation to read "(72 Stat. 1356, 1358; 26 U.S.C. 5201, 5205)".

§ 250.78 [Amendment]

13b. Section 250.78 is amended:

(A) By striking in the headnote and the first sentence the words "wholesale liquor dealer's" and inserting in lieu thereof the words "distilled spirits"; and

(B) By changing the statutory citation to read "(72 Stat. 1358; 26 U.S.C. 5205)".

13c. Section 250.79 is amended to read:

§ 250.79 Issuance of distilled spirits stamps.

Upon receipt of the approved request therefore, and permit Form 487B, the United States Internal Revenue Service office will issue the requested distilled spirits stamps to the proprietor. The issuing officer shall enter on each stamp, the name of the proprietor removing the spirits, and the serial number of the container for which the stamp is issued. When the stamps have been issued, the issuing officer will enter the serial numbers thereof, preceded by the symbols "DS", on each copy of the request; return the Form 487B and one copy of the request, with the stamps, to the applicant; forward one copy of the request to the treasurer; and retain one copy for the files of the office. At the time the proprietor affixes the stamp to the container, as provided in § 250.80, he shall enter on the stamp the date the stamp is affixed.

(72 Stat. 1358; 26 U.S.C. 5205)

14. Section 250.137 is amended to read:

§ 250.137 Size of red strip stamps.

Red strip stamps shall be issued in a standard size, serially numbered, for bottles or containers of ½ pint capacity or more, and in a small size for bottles or containers of less than ½ pint capacity.

(72 Stat. 1358; 26 U.S.C. 5205)

15. Section 250.138 is amended to read:

§ 250.138 Affixing strip stamps.

Strip stamps shall be securely affixed to the containers with a strong adhesive, and shall be affixed in such a manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons and wrappings on such cartons must bear the words, "This package may be opened for examination by Internal Revenue Officers." Internal revenue and customs officers have the right to open such cartons or wrappings and examine the container. Where there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.139 and 250.140 [Deletion]

16. Sections 250.139 and 250.140 are deleted.

§ 250.141 [Amendment]

17. Section 250.141 is amended as follows:

(A) By deleting the phrase ", Hawaii, or Alaska," and

(B) By changing the citation at the end of the section to read "(72 Stat. 1358; 26 U.S.C. 5205)".

§ 250.142 [Amendment]

18. Section 250.142 is amended as follows:

(A) By deleting the phrase ", Hawaii, or Alaska" and

(B) By changing the citation at the end of the section to read "(72 Stat. 1358; 26 U.S.C. 5205)".

19. Section 250.145 is amended to read:

§ 250.145 Marking of cases.

The distiller, rectifier, or bottler shall plainly and legibly mark upon each case containing bottles of distilled spirits to which red strip stamps are attached, the following legend:

The red strip stamps required by section 5205, Internal Revenue Code, are affixed to the ----------, ---------, containers of distilled spirits in this case.
(Number) (Size)

(Name of distiller, rectifier, or bottler)

This legend when stamped on the case may be accepted by customs officers as evidence that the containers bear the stamps as indicated by the certification.

(72 Stat. 1358; 26 U.S.C. 5205)

20. Section 250.146 is amended to read:

§ 250.146 Record and report of red strip stamps.

Insular internal revenue agents having custody of red strip stamps shall maintain for each day a transaction in red strip stamps occurs a daily record of such stamps by size (small or standard), showing the number received, used, lost, mutilated, destroyed or otherwise disposed of, and on hand at the beginning and at the end of the day. The record shall also show the number and size of bottles to which the stamps were affixed, except that bottles of less than ½ pint capacity shall be recorded as one item. No form is prescribed for the daily records but such records shall be retained to support the monthly report. At the close of the month, or within 10 days thereafter, the insular internal revenue agent will prepare a report, in triplicate, of the strip stamps received and used during the month on Form 2260, properly modified. The agent will retain one copy and forward two copies to the treasurer; the treasurer will retain one copy and forward one copy to the assistant regional commissioner.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.182 and 250.184 [Amendment]

21. Sections 250.182 and 250.184 are amended by changing the number "1520" to the number "2630" wherever it appears in such sections.

22. The following new subpart, Subpart Ia, is inserted immediately following § 250.186:

Subpart Ia—Tax-Free Shipments to the United States From Puerto Rico

Sec.
250.191 Samples and analysis.
250.192 Action by assistant regional commissioner.
250.193 Certificate.
250.194. Marking containers.
250.195 Arrival in the United States.

§ 250.191 Samples and analysis.

Whenever completely denatured spirits, produced and denatured under the provisions of this subchapter, or proprietary or special industrial solvents, proprietary antifreeze solutions, and toilet preparations (bay rum, hair lotions, skin lotions, and similar products) manufactured under the provisions of this subchapter with denatured spirits produced and denatured under the provisions of this subchapter are shipped in containers larger than 5 wine gallons from Puerto Rico to the United States exempt from tax under the provisions of § 250.36, the shipper shall notify the chemist in charge in Puerto Rico, who will have representative samples taken from each shipment for examination. Such samples must definitely represent the products which are to be shipped. It will not be necessary to sample every container, as samples taken at random from large shipments will be considered as representative of the entire lot. The samples will be examined promptly by the chemist who will forward a copy of his chemical report to the assistant regional commissioner of the region where the port of arrival is located. The report will show whether the product conforms to authorized formulas for completely denatured spirits, or to the formulas on approved Form 1479–A for such products, and must contain sufficient data to definitely identify the particular shipment involved.

(72 Stat. 1375, 1430; 26 U.S.C. 5314, 7652)

§ 250.192 Action by assistant regional commissioner.

If the chemical report discloses to the assistant regional commissioner that the product conforms to an approved formula, he will promptly advise the collector of customs at the port of arrival that the shipment may be released free of tax. If the report discloses that the product does not conform to an approved formula, the assistant regional commissioner will request the collector of customs to detain the product and will forward a copy of the report to the Director, Alcohol and Tobacco Tax Division, for advice as to the disposition of the product.

(72 Stat. 1375, 1430; 26 U.S.C. 5314, 7652)

§ 250.193 Certificate.

Every person shipping into the United States from Puerto Rico free of tax, pursuant to §§ 250.36 and 250.36a, (a) industrial spirits produced and withdrawn in Puerto Rico in accordance with the provisions of this subchapter relating to the production, bonded warehousing, and the withdrawal from bond of spirits in the United States, (b) distilled spirits produced, warehoused (if applicable), denatured, and withdrawn in Puerto Rico in accordance with the applicable provisions of this subchapter relating to the production, bonded warehousing, denaturation, and the withdrawal from bond of denatured spirits in the United States, and (c) products containing such denatured spirits and manufactured in accordance with the provisions of this subchapter relating to the use of denatured spirits in the United States, shall certify, in the English language, to such fact on the face of the shipper's waybill. Where the product is made pursuant to approved Form 1479–A, the shipper shall also certify as follows:

Made with ----------
(Completely or specially)
denatured spirits, Formula No. ------, pursuant to Form 1479–A, approved ----------, 19---.

(72 Stat. 1375, 1430; 26 U.S.C. 5314, 7652)

§ 250.194 Marking containers.

In addition to such other data as may be required by Part 211 of this chapter to be marked on packages of products containing denatured spirits, the name, address, and permit number of the manufacturer shall appear on each shipping container of such products shipped from Puerto Rico to the United States free of tax.

(72 Stat. 1375, 1430; 26 U.S.C. 5314, 7652)

§ 250.195 Arrival in the United States.

When industrial spirits, denatured spirits, and products containing denatured spirits, coming into this country from Puerto Rico, are covered by shipper's documents bearing the manufacturer's certificate prescribed in § 250.193, the collector of customs will inspect and verify the consignment. If no discrepancies are found, the products may be released free of tax: *Provided*, That in the case of products required to be examined by the chemist in charge in Puerto Rico in accordance with § 250.191, release shall be withheld until advice is received from the assistant regional commissioner that the shipment may be released free of tax, as provided in § 250.192.

(72 Stat. 1375, 1430; 26 U.S.C. 5314, 7652)

§ 250.201b [Amendment]

23. Section 250.201b is amended by striking the phrase "Subpart PP of Part 182 of this chapter in respect of alcohol, denatured alcohol, and products containing denatured alcohol, shall respectively apply to:" from the first sentence and inserting in lieu thereof the phrase "Subpart O shall apply to:".

24. Section 250.210 is amended to read:

§ 250.210 Liquor dealer's special taxes.

Every person bringing liquors into the United States from the Virgin Islands, who sells, or offers for sale, such liquors must file Form 11 with the district director of internal revenue and pay special (occupational) tax as a wholesale dealer in liquor or as a retail dealer in liquor, in accordance with the law and regulations governing the payment of such special taxes (Part 194 of this chapter).

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5111, 5112, 5121, 5122)

§ 250.223 [Amendment]

25. The second sentence of § 250.223 is amended to read: "The statement of process must also show whether there are to be blended together in the manufacture of the finished product, liquors of less than 190 degrees of proof (a) distilled (1) from different materials, (2) by different distillers, (3) at different distilleries, or (4) from different combinations of the same materials; or (b) of different ages; or (c) which differ in kind according to the standards of identity prescribed in 27 CFR Part 5."

25a. Section 250.225 is amended to read:

§ 250.225 Filing.

Each formula and process shall be filed with the Director, Alcohol and Tobacco Tax Division, on Form 27–B Supplemental, in quintuplicate, properly modified. Two additional copies of each formula and process shall be submitted for each additional port of entry. A separate communication listing the port or ports shall be submitted with each formula. When, after approval of the formula, the product is to be entered at an additional port or ports, two additional copies of the approved formula (for each additional port) for distribution to the collector of customs and assistant regional commissioner concerned shall be filed with the Director, Alcohol and Tobacco Tax Division with a separate communication stating the additional port or ports.

25b. Section 250.226 is amended to read:

§ 250.226 Disposition.

When the formula and process have been examined, the rate of tax applicable thereto will be indicated on each copy of Form 27–B Supplemental, one copy each will be forwarded to the collector of customs at each designated port of entry, to the Governor of the Virgin Islands, to the assistant regional commissioner of the region in which such port is located, and to the manufacturer, and one copy will be retained in the files of the Director, Alcohol and Tobacco Tax Division.

26. Subpart L is amended to read:

Subpart L—Red Strip Stamps for Distilled Spirits From the Virgin Islands

GENERAL

§ 250.230 Containers of distilled spirits to bear red strip stamps.

No person shall transport, possess, buy, sell, or transfer any distilled spirits brought into the United States from the Virgin Islands unless the immediate container thereof is stamped with a red strip stamp evidencing the determination or payment of all internal revenue taxes thereon. The provisions of this section shall not apply to:

(a) Distilled spirits in customs custody;

(b) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale;

(c) Distilled spirits on which no internal revenue tax is required to be paid;

(d) Distilled spirits in immediate containers stamped under other provisions of internal revenue or customs law or regulations issued pursuant thereto; or

(e) Any regularly established common carrier, receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.231 Persons authorized to affix red strip stamps.

Red strip stamps shall be affixed to containers of distilled spirits as follows:

(a) By the bottler or exporter in the Virgin Islands; or

(b) By the importer or owner under customs supervision.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.232 Size of red strip stamps.

Red strip stamps shall be issued in a standard size, serially numbered, for bottles or containers of ½ pint capacity or more, and in a small size for bottles or containers of less than ½ pint capacity.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.233 Affixing strip stamps.

Strip stamps shall be securely affixed to the container with a strong adhesive, and shall be affixed in such manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons and wrappings on such cartons must bear the words, "This package may be opened for examination by Internal Revenue Officers." Internal revenue and customs officers have the right to open such cartons or wrappings and examine the container. Where there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.234 Power of attorney.

Where an importer gives power of attorney to another person to sign Form 96, Form 428, Form 1627, or Form 1627A, such power of attorney shall be filed with the collector of customs who approves the issuance of red strip stamps and shall be in such form as is required by Customs Regulations (19 CFR Chapter I). Where any of the above forms are signed by a duly authorized agent, the name of the importer shall be given, followed by the signature of the agent and the words "Attorney in Fact".

§ 250.235 Breach of regulations, or failure to properly account for strip stamps.

Where an importer fails to render an accounting for strip stamps as prescribed in this subpart, or where the collector of customs is not able to reconcile his records with those of the importer and is not satisfied with the accounting as rendered by the importer, or where there has been any breach of the provisions of this part by the importer, or use of stamps for a purpose other than that for which they were procured, the collector of customs shall refuse to approve any further requisitions, Form 428, submitted by the importer. The collector of customs may also require of the importer an immediate accounting of all strip stamps outstanding in the name of the importer. Such accounting shall be made at a time and place to be specified by the collector of customs, and shall be of such a nature as to satisfy the collector of customs that there has been no unlawful diversion or use of said stamps. If deemed necessary, the collector of customs may require the importer to call in all unused strip stamps, wherever they may be, and deliver them so they may be counted. Where the collector of customs has evidence that any of the provisions of this part have been willfully violated, he shall refer the matter to the Director for appropriate action.

(72 Stat. 1358; 26 U.S.C. 5205)

RED STRIP STAMPS TO BE AFFIXED IN THE VIRGIN ISLANDS

§ 250.236 Conditions.

Red strip stamps may be procured by an importer, or his duly authorized agent, to be affixed to containers of distilled spirits by the bottler or exporter in the Virgin Islands as provided in this subpart.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.237 Requisition, Form 428.

Requisition for red strip stamps shall be made by the importer, or his duly authorized agent, or by the subsequent purchaser of the distilled spirits, on Form 428, in triplicate. The local address of the importer, or his agent, shall be given on Form 428. At the time the importer presents his first Form 428 for approval, he shall present and file (if he has not already done so) with the collector of customs a certified or photostatic copy of his importer's permit issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder. All Forms 428 shall be submitted to the collector of customs of the district in which the place of business of the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, is located. Collectors of customs shall refuse to approve requisi-

tions, Forms 428, submitted by any person or his agent when the collector has knowledge that such person or his agent has, because of failure to account for stamps, been denied approval of a requisition, Form 428, and has not yet accounted for such stamps. All strip stamps issued on Form 428 shall be accounted for, in the manner prescribed in this part, within 18 months from the date of requisition, or within such additional extension of time as may be granted under § 250.239.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.238 Statement, Form 1627.

The importer, or his duly authorized agent, shall submit, with Form 428 for stamps to be sent to the Virgin Islands, a statement on Form 1627, executed under the penalties of perjury:

(a) That the stamps are requisitioned for sending to the Virgin Islands and are required to supply existing orders and/or represent a reasonable anticipation of current requirements;

(b) That a complete accounting for such stamps will be made within eighteen months from the date of requisition (or within such additional extension of time as may be granted under § 250.239) in accordance with the provisions of this part;

(c) Either that no Form 428 from the importer or his duly authorized agent is and has been open beyond eighteen months, or, if any Forms 428 are open, specifying those that are open beyond eighteen months; and

(d) That the requisitionist understands that failure to account for the strip stamps will be grounds for rejection of subsequent requisitions for red strip stamps.

(68A Stat. 749, 852, 72 Stat. 1358; 26 U.S.C. 6065, 7206, 5205)

§ 250.239 Extension of time for final accounting of strip stamps.

Where an importer is not able, within the eighteen-month period prescribed in § 250.237, or within any extension period which might be granted in this section, to give a complete accounting for all strip stamps issued with respect to any requisition on Form 428 in the manner prescribed in this part, he shall notify the collector of customs, in writing, prior to the expiration of the eighteen-month period or any extension period granted under this section, setting forth all pertinent facts and requesting an extension of time wherein to make his final accounting. If satisfied that the circumstances warrant an extension of time, the collector of customs may grant an extension or extensions, not to exceed a total of twelve months. If any application is made for a further extension of time, the collector of customs shall submit it, with his recommendation, to the Commissioner of Customs who may, when the circumstances warrant, grant an additional extension of time. Where the collector of customs is not satisfied with the reasons given for requesting an extension of time, he shall proceed as prescribed in § 250.235.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.240 Approval of requisition.

The collector of customs will approve Form 428 if he—

(a) Is satisfied:

(1) That the importer is the holder of an importer's permit issued under the Federal Alcohol Administration Act and the regulations in 27 CFR Part 1;

(2) That the quantity requisitioned is reasonable and necessary for distilled spirits to be brought into the United States from the Virgin Islands to supply existing orders and/or anticipated requirements, or to be removed from customs custody, as provided in this part; and

(3) That his records show that all strip stamps which may have been previously issued to the importer have been properly and timely accounted for as provided in this part; and

(b) Has not been informed that the importer or his agent has been denied approval of a requisition and has not accounted for the stamps on account of which such denial was given.

When satisfied that Form 428 may be approved, the collector of customs shall signify his approval on all copies of Form 428, retain Form 1627 (if any) and one copy of Form 428, and return the original and remaining copy of Form 428 to the applicant for submission to the proper district director of internal revenue.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.241 Procurement of red strip stamps.

Red strip stamps shall be procured by the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, from the district director of internal revenue of the district in which the place of business of such applicant is located. The applicant shall forward to the district director of internal revenue the original and copy of the approved Form 428. The district director of internal revenue may issue the exact number of stamps requisitioned thereon even though it is necessary to use portions of sheets. The district director of internal revenue shall enter the serial numbers of the stamps issued and stamp the date of issue on both copies of Form 428, retain the original copy, and send the remaining copy to the collector of customs who approved it.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.242 Overprinting of red strip stamps.

The importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have the red strip stamps overprinted with the importer's real name and/or one of his approved trade names, consistent with the name of the importer as shown on the labels of the imported spirits to which the red strip stamps are to be applied. He shall submit the stamps to the collector of customs, who will verify the overprinting and make an endorsement showing the verification on Form 428 or on the retained original of Form 1627 where such form is submitted: *Provided,* That the collector of customs may so endorse the Form 428 or Form 1627 on presentation of other evidence satisfactory to him that the stamps have been properly overprinted when, in his opinion, physical submission of the stamps is impractical. The collector of customs will then authorize the importer or his duly authorized agent to send the stamps to the bottler or exporter in the Virgin Islands.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.243 Marking of cases.

Where red strip stamps are affixed in the Virgin Islands, the bottler or exporter will plainly and legibly mark the following legend on each case of distilled spirits so stamped:

The red strip stamps required by section 5205, I.R.C., are affixed to the _____ (Number) _____, containers of distilled spirits in this (Size) case.

_____ (Name of bottler or exporter)

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.244 Endorsement of entries.

Upon arrival of the distilled spirits in this country, entries required to be filed under Customs Regulations (19 CFR Ch. I) shall have endorsed thereon by the importer, or his duly authorized agent, the following legend:

The red strip stamps required by section 5205, I.R.C., were affixed abroad. These stamps were procured by _____ (Name of importer) on a requisition, Form 428, Importer's No. _____, approved by the collector of customs at _____ (Port where Form 428 was approved) on _____ (Date of approval of Form 428)

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.245 Request for credit of red strip stamps on distilled spirits deposited in a foreign-trade zone at specified port.

When red strip stamps are affixed in the Virgin Islands to containers of distilled spirits and, on arrival in the United States, the spirits are stored in a foreign-trade zone located at the port specified in the requisition, the importer may obtain credit of the red strip stamps against the appropriate requisition. In such cases, the zone application shall have endorsed thereon, by the importer or his duly authorized agent, the legend required by § 250.244. In addition, and as a condition of obtaining approval from the collector of customs for admission of the spirits to the zone, the importer or his duly authorized agent and the zone grantee shall state on the zone application that if such spirits are subsequently exported from the zone the red strip stamps will be effectively destroyed under customs supervision prior to exportation. The collector of customs will not approve such exportation and will not execute a permit of delivery until the red strip stamps have been effectively destroyed as provided in § 250.252.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

§ 250.246 Credit of red strip stamps against requisition on arrival of distilled spirits at specified port.

Where entries required to be filed under Customs Regulations (19 CFR Chapter I) are filed at the port where the requisition was approved, the collector of customs who approved the requisition will credit the Form 428 described in the endorsement on the entry referred to in § 250.244 with the number and size of red strip stamps shown by the usual customs examination to have been attached to the containers. When distilled spirits are placed in a foreign-trade zone at the port of requisition and where the zone application complies with the provisions of § 250.245, the collector of customs shall credit the appropriate strip stamp record with the number and size of red strip stamps shown by the usual customs examination to have been affixed to the containers.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

§ 250.247 Credit of red strip stamps against requisition on diversion of spirits to other than specified port.

In the event of diversion of all or part of the spirits to a port or ports, or to a foreign-trade zone at a port, other than the port specified in Form 1627 filed with the Form 428, the importer who requisitioned the stamps, or the importer at the port of diversion, or the duly authorized agent of either, shall prepare Form 1627A, in triplicate, for each such diversion. One copy of Form 1627A shall be promptly sent to the collector of customs at the port of requisition, and the original and remaining copy shall be filed with the collector of customs at the port of diversion at the time the required entry, or zone application, is filed. The corresponding entry or zone application at the port of entry shall be marked with the requisition and diversion numbers, and the name of the port of requisition, as shown on the Form 1627A. The provisions of § 250.245 shall, as applicable, cover stamps on spirits diverted to a foreign-trade zone located at a port other than the port specified in Form 1627. Such diverted spirits may not be released from customs custody or admitted into a foreign-trade zone until the required Form 1627A has been filed. The collector of customs at the port of diversion shall certify on both copies of Form 1627A as to the disposition of the spirits and of the stamps shown by the usual customs examination to have been affixed to the containers, and forward the original Form 1627A to the collector of customs at the port of requisition. He shall retain the copy of Form 1627A as a record copy in a separate file. On receipt of Form 1627A from the collector of customs at the port of diversion, the collector of customs at the port of requisition shall enter the appropriate credit on his strip stamp record, stamp "Strip stamps used and credited except as noted" on the Copy of Form 1627A originally received by him for such diversion, and send such copy to the importer, or importer's agent, who requisitioned the stamps. Such importer or agent may then take credit for the stamps on his strip stamp record.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

§ 250.248 Follow-up procedure for Forms 1627A.

When the importer, or importer's agent, who requisitioned the stamps on Form 428 has not, within two months from the date of arrival of the spirits, received from the collector of customs the copy of Form 1627A noted as to credit of strip stamps by the collector, as provided for in § 250.247, he shall inquire of the collector of customs who approved the requisition, Form 428, whether the required report on Form 1627A has been received from the collector of customs at the port of diversion. If the collector of customs reports the nonreceipt of Form 1627A from the collector at the port of diversion, the importer, or the importer's agent, shall make a written inquiry, either directly or through the importer at the port of diversion, of the collector of customs at the port of diversion whether such collector has reported on the diversion. The inquiry shall show the entry number, or identify the zone application, and shall be accompanied by two copies of the original Form 1627A marked "Follow-up: Prepared _____ (Date)." On receipt of the inquiry, the collector of customs of the port of diversion will compare the "Follow-up" copies with his file of record copies of Form 1627A. If he has a record copy showing that he forwarded the original Form 1627A, he shall insert any stamp data on the "Follow-up" copies, return one copy to the party who presented it, and forward the other copy to the collector of customs at the port of requisition. If the collector of customs at the port of diversion finds no corresponding record copy of Form 1627A, he shall use the "Follow-up" copies as original copies. In such case, he shall strike out the words "Follow-up," enter the stamp data thereon, retain one copy as his record copy, and forward the other copy to the collector of customs at the port of requisition. On receipt of the copy by the collector of customs at the port of requisition, the copy will be compared with the records. If the original Form 1627A has been received and the triplicate copy has already been forwarded to the importer, or to the importer's agent, the "Follow-up" copy shall also be sent to him without further action. If the collector of customs at the port of requisition finds that he has not received the original Form 1627A from the port of diversion, he shall use the "Follow-up" copy as the original of Form 1627A, and process it in accordance with § 250.247. On receipt of the copy of Form 1627A, the importer, or the importer's agent, may, unless he has already received his copy of Form 1627A, take credit for the stamps on his strip stamp record.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.249 Irregularities or discrepancies in shipments.

In case any irregularities or discrepancies are found, the collector of customs at the port of entry will make demand for redelivery of unexamined packages, and will not release examined or redelivered packages until satisfactory explanation and/or proper corrections have been made.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.250 Transfer of red strip stamps in the Virgin Islands.

Where an importer has shipped red strip stamps to a Virgin Islands bottler or exporter, to be affixed to containers of distilled spirits to be brought into the United States, and he desires to transfer all or a part of these stamps to a bottler or exporter in the Virgin Islands other than the one named on the initial Form 1627, he shall first submit a written application, in duplicate, to the collector of customs who approved the requisition, Form 428. The application shall show:

(a) The serial number and date of the requisition, Form 428, covering issuance of the stamps;

(b) The name of the Virgin Islands bottler or exporter holding the stamps;

(c) The number and size of the stamps desired to be transferred; and

(d) The name and address of the bottler or exporter to whom the stamps are to be transferred.

If the collector of customs has no reason to believe that the transfer would constitute a jeopardy to the revenue, he shall indicate his approval on the copy of the application, return the copy to the importer, and retain the original for filing with the requisition, Form 428. On receipt of the approved copy, the importer shall effect the requested transfer of strip stamps.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.251 Unused red strip stamps.

Unused red strip stamps returned to the importer by the Virgin Islands bottler or exporter shall be submitted to the collector of customs who approved the original requisition, Form 428, for noting of such fact on the requisition and on the Form 1627 covering such stamps on file with the collector. After such notation has been made, the collector of customs shall return the stamps to the importer. If subsequently the importer desires to send all or part of the returned stamps to a bottler or exporter abroad, he shall submit them with Form 1627, properly modified and in duplicate, to the collector of customs who shall note approval on the copy of the modified Form 1627 and return it with the stamps to the importer. The collector of customs shall retain the original Form 1627. The importer shall make appropriate entries on his strip stamp record and in his report, Form 96, of the receipt and disposition of unused stamps covered by this section.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.252 Destruction of red strip stamps.

When for any reason a Virgin Islands bottler or exporter has on hand a quantity of red strip stamps which are not to be affixed to containers for shipment to the United States, and it is impractical to return such stamps to the importer from whom they were received, the collector of customs who approved the requisition, Form 428, may, on application, in triplicate, by the importer, authorize the destruction of the stamps in the Virgin Islands. The application shall show the size, quantity, and serial numbers of the stamps, the name and address of the Virgin Islands bottler or exporter who has possession of the stamps, and the reasons why destruction in the Virgin Islands is requested. If the collector of customs approves the application for destruction he will return the original and one copy of the application to the importer who will forward both to the Virgin Islands bottler or exporter. On receipt of the approved application, the stamps may be destroyed provided such destruction is under the supervision of an authorized representative of the Governor of the Virgin Islands (including an officer of the Board of Control of Alcoholic Beverages) and such representative certifies to the destruction of the stamps on the approved application. After destruction, the original of the application bearing the required certificate of destruction will be returned, through the Virgin Islands bottler or exporter and the importer, to the collector of customs. The collector of customs will credit the Form 428 accordingly, stamp on the copy of the application "strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on his strip stamp record. Red strip stamps affixed to (a) imported distilled spirits prior to arrival in the United States, which spirits are diverted by the importer for exportation purposes, and (b) spirits withdrawn from customs custody free of tax for entry into the United States shall be effectively destroyed under customs supervision, prior to exportation or withdrawal for entry into the United States.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.253 Credit for red strip stamps affixed to containers returned to a bottler or exporter in the Virgin Islands.

When for any reason containers of distilled spirits bearing red strip stamps are returned from customs custody to the Virgin Islands bottler or exporter, the importer may be given credit for such stamps, provided he obtains an affidavit from an authorized representative of the Governor of the Virgin Islands (including an officer of the Board of Control of Alcoholic Beverages) to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who shall credit the original requisition accordingly. The importer shall make appropriate entries on his strip stamp record.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.254 Credit for red strip stamps affixed to containers diverted by the importer for exportation.

The importer may be given credit for red strip stamps which were affixed to distilled spirits, brought into the United States from the Virgin Islands, diverted by the importer for exportation purposes and which were effectively destroyed by the exporter under customs supervision, provided he obtains a certificate from the customs officer to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such certificate to the collector of customs who shall credit the original requisition accordingly. The importer shall make appropriate entries on his strip stamp record.

(72 Stat. 1358; 26 U.S.C. 5205)

RED STRIP STAMPS TO BE AFFIXED AT PORT OF ENTRY UNDER CUSTOMS SUPERVISION

§ 250.255 Conditions.

Distilled spirits in containers coming into the United States from the Virgin Islands without having red strip stamps attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer. Stamps procured for such containers but not affixed within 48 hours after entry shall be placed in the custody of the collector of customs until such time as they are to be affixed to containers prior to removal from customs custody.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.256 Requisition, Form 428.

Requisition for red strip stamps shall be made by the original importer, or his duly authorized agent: *Provided*, That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 250.237. Approval of the requisition shall be subject to the provisions of § 250.240.

(72 Stat. 1338; 26 U.S.C. 5205)

§ 250.257 Procurement and overprinting of red strip stamps.

The importer, or his duly authorized agent, shall procure red strip stamps from the district director of internal revenue as provided by § 250.241, have them overprinted and such overprinting verified under the provisions of § 250.242, and such verification endorsed on Form 428. After verification of the overprinting and the prescribed endorsement on Form 428, the collector of customs will deliver the stamps to their procurer for affixing to containers under customs supervision.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.258 Expense of affixing red strip stamps.

Expenses of cartage, storage, repacking, handling, or other labor connected with the opening of cases and affixing of red strip stamps to the containers shall be borne by the importer, or by the person having title to the distilled spirits, as the case may be.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.259 Marking of cases.

There shall be indelibly stamped upon each case by the customs officer supervising the affixing of red strip stamps to containers the following legend:

Port of _____
_____, 19__
(Month) (Day)

This is to certify that on this date the red strip stamps required by section 5205, I.R.C., were affixed, under my supervision, to the _____, _____, containers of distilled spirits in this case.
(Number) (Size)

_____
(Name)

_____
(Official designation)

(72 Stat. 1358; 26 U.S.C. 5205)

27. Subpart N is amended to read:

Subpart N—Records and Reports of Liquors From the Virgin Islands

RECORD AND REPORT OF RED STRIP STAMPS

§ 250.270 Daily record of strip stamps.

Importers shall maintain a daily record of red strip stamps procured, used, lost, mutilated, destroyed, or otherwise disposed of, and of the balances on hand at the beginning and end of the day. Each credit taken on the record shall identify the customs entry number and the port of entry for the stamped bottles received from the Virgin Islands or the authority given by the collector of customs for such credit. A separate record shall be maintained for each size (small or standard) of stamps. Where an importer has more than one place of business, a separate daily record shall be maintained on the premises of each place of business. Where an agent procures stamps for several importers, the agent shall keep a separate record, for each importer, of all strip stamps sent to the Virgin Islands or retained on his premises for the account of the importer.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.271 Report of strip stamps, Form 96.

Every importer shall prepare on Form 96, in triplicate, an annual report of all strip stamps procured, used, lost, mutilated, destroyed, or otherwise disposed of during each fiscal year (July 1 through June 30, following), a report of the balances on hand at the beginning and end of the fiscal year, and an accounting for any balances outstanding against each requisition at the end of the fiscal year. Where an importer has more than one place of business, a separate report on Form 96 shall be rendered for each place of business. Where an agent procures stamps for several importers, he shall render a separate report on Form 96 in the name of each importer. An original and one copy of Form 96 shall be filed on or before July 10 with the collector of customs who approved the importer's requisitions on Form 428: *Provided*, That where the collector of customs finds it necessary, in order to reconcile his accounts with those of the importer, he may require the importer, in addition to the annual report on Form 96, to file Form 96 at more frequent intervals, but not more often than once a month, completed in whole or in part, as the collector may designate. Such additional reports on Form 96 shall be prepared in duplicate and the original shall be filed with the collector of customs at the time designated by such collector. The importer shall keep one copy of Form 96 for his files. The collector of customs shall, on or before July 20, forward one copy of each annual report on Form 96 to the assistant regional commissioner of the region in which the customs collection district is located.

(72 Stat. 1358; 26 U.S.C. 5205)

RECORD AND REPORT OF LIQUORS BROUGHT INTO THE UNITED STATES

§ 250.272 General requirements.

Except as provided in § 250.273, every person, other than a tourist, bringing liquors into the United States from the Virgin Islands shall keep such records and render reports of such liquors as are required to be kept by a wholesale or retail dealer, as applicable, under the provisions of Part 194 of this chapter: *Provided*, That regardless of who takes actual physical possession of the liquors at the time of their release from customs custody, the records and reports of the person actually responsible for such release shall reflect the transaction. Records and reports will not be required under this part with respect of liquors while in customs custody.

(72 Stat. 1342, 1345; 26 U.S.C. 5114, 5124)

§ 250.273 Proprietors of taxpaid premises.

Transactions involving the bringing of liquors into the United States from the Virgin Islands by proprietors of distilled spirits plants in the United States qualified under the provisions of this chapter shall be recorded and reported in accordance with the regulations governing the operations of such premises in the United States.

(72 Stat. 1375; 26 U.S.C. 5314)

PROCUREMENT OF FORMS

§ 250.274 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 shall be provided by users at their own expense and must be in the form prescribed: *Provided*, That with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment.

(72 Stat. 1340, 1342, 1391; 26 U.S.C. 5112, 5114, 5505)

FILING AND RETENTION OF RECORDS AND REPORTS

§ 250.275 Filing.

If the importer maintains loose-leaf records of receipt or disposition, one legible copy of each such record shall be marked or stamped "Government File Copy", and shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. All records required by this part, and legible copies of all reports required by this part to be submitted to the assistant regional commissioner or to the collector of customs shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided*, That on application, the assistant regional commissioner may authorize the files, or any individual file, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue or customs officers desiring to examine such files. Supporting documents, such as consignors' invoices, delivery receipts, bills of lading, etc., or exact copies thereof, may be filed in accordance with the importer's customary practice. Documents supporting records of disposition shall have noted thereon the serial numbers of the records of disposition to which they refer.

(72 Stat. 1342, 1391; 26 U.S.C. 5114, 5505)

§ 250.276 Retention.

All records required by this part, documents or copies of documents supporting such records, and file copies of reports required by this part to be submitted to the assistant regional commissioner or to the collector of customs shall be preserved for a period of not less than two years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue or customs officers. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for such inspection and the taking of abstracts therefrom.

(72 Stat. 1342, 1391; 26 U.S.C. 5114, 5505)

REPORT OF DISPOSITION OF RED STRIP STAMPS ON DISCONTINUANCE OF BUSINESS

§ 250.277 Procedure.

The importer who discontinues or sells his business shall recall from his agents in the Virgin Islands all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report, in duplicate, of inventory, by size, serial numbers, and quantity, to the collector of customs for crediting of the respective Forms 428. The collector of customs shall then destroy the stamps and, after such destruction, note the action taken on both copies of the inventory. He shall retain the original and return the copy of the inventory to the importer. Within five days of the receipt of the returned copy of the inventory, the importer shall note the disposition of the stamps on Form 96, mark the report "Final", and submit it, in duplicate, to the collector of customs. The collector of customs shall forward one copy of the final Form 96 to the assistant regional commissioner.

(72 Stat. 1358; 26 U.S.C. 5205)

28. The following new Subpart O, is added immediately following § 250.277:

Subpart O—Tax-Free Shipments to the United States From the Virgin Islands

Sec.
250.291 Certificate.
250.292 Marking containers.
250.293 Arrival in the United States.

§ 250.291 Certificate.

Every person shipping into the United States from the Virgin Islands free of tax, pursuant to §§ 250.201 and 250.201a, (a) industrial spirits produced and withdrawn in the Virgin Islands in accordance with the provisions of the Virgin Islands regulations relating thereto, (b) distilled spirits produced, warehoused (if applicable), denatured, and withdrawn in the Virgin Islands in accordance with the applicable provisions of the Virgin Islands regulations relating thereto, and (c) products containing such denatured spirits and manufactured in accordance with the provisions of the Virgin Islands regulations relating thereto, shall certify, in the English language, to such fact on the face of the shipper's waybill. Where the product is made pursuant to Form 1479–A, approved as provided in the Virgin Islands regulations, the shipper shall also certify as follows:

Made with _____ denatured
(Completely or specially)
spirits, Formula No. _____, pursuant to Form 1479–A, approved _____, 19__.

(72 Stat. 1375, 1430; 26 U.S.C. 5314, 7652)

§ 250.292 Marking containers.

The name, address, and permit number of the manufacturer shall appear on each shipping container of products containing denatured spirits shipped from the Virgin Islands to the United States free of tax.

(72 Stat. 1375, 1430; 26 U.S.C. 5314, 7652)

§ 250.293 Arrival in the United States.

When industrial spirits, denatured spirits, and products containing denatured spirits, coming into this country from the Virgin Islands, are covered by shipper's documents bearing the manufacturer's certificate prescribed in § 250.291, the collector of customs will inspect and verify the consignment. If no discrepancies are found, the products may be released free of tax.

(72 Stat. 1375, 1430; 26 U.S.C. 5314, 7652)

[F.R. Doc. 60–6096; Filed, June 30, 1960; 8:51 a.m.]

[T.D. 6477]

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Miscellaneous Amendments

On May 6, 1960, a notice of proposed rule making with respect to the amendment of 26 CFR Part 251 was published in the FEDERAL REGISTER (25 F.R. 3980). No objections to the proposed amendments were received within the 30-day period prescribed in the notice. However, it has been determined administratively to make conforming and clarifying changes in the proposed amendments in respect of the procedures relating to the transfer of distilled spirits from customs custody to internal revenue bond. Accordingly, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

1. The second sentence of § 251.172 is changed to read as set forth below.

2. Section 251.173 is changed to read as set forth below.

3. Section 251.175 is changed by striking, in the last sentence, the number "2629" and inserting in lieu thereof "236".

Because this Treasury decision is a part of an integrated recodification program under Chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on July 1, 1960.

(68A Stat. 917; 26 U.S.C. 7805)

WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 28, 1960.

FRED C. SCRIBNER, JR.
Acting Secretary of the Treasury.

In order to (1) implement changes made in chapter 51, Internal Revenue Code, by the enactment of Public Law 85–859, 85th Congress, (2) conform to the admission into the Union of the State of Alaska pursuant to Public Law 85–508 and of the State of Hawaii pursuant to Public Law 86–3, (3) revise the procedure for accounting for and affixing red strip stamps issued to importers, (4) include in this part, in conformity with administrative decisions, provisions for the transfer of certain distilled spirits from customs custody to internal revenue bond and the withdrawal of distilled spirits from customs custody for use of the United States, and (5) make certain technical changes, the regulations in 26 CFR Part 251, "Importation of Distilled Spirits, Wines, and Beer," are amended as follows:

§ 251.2 [Amendment]

Section 251.2 is amended by striking ", Alcohol and Tobacco Tax Division,".

Section 251.11 is amended to read:

§ 251.11 Director.

"Director" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

Section 251.12 is amended to read:

§ 251.12 Distilled spirits or spirits.

"Distilled spirits or spirits" shall mean the substance known as ethyl alcohol, ethanol, or spirits of wine, and all mixtures or dilutions thereof, from whatever source or by whatever process produced, including alcohol, whisky, brandy, gin, rum, and vodka, but shall not include wine as defined in § 251.23.

§ 251.19 [Amendment]

Section 251.19 is amended by striking "5008(b)" and inserting in lieu thereof "5205(a)(2)".

§ 251.21 [Amendment]

Section 251.21 is amended by striking ", the Territories of Alaska and Hawaii,".

Section 251.30 is amended to read:

§ 251.30 Special (occupational) tax.

Importers engaged in the business of selling, or offering for sale, distilled spirits, wines, or beer, are subject to the provisions of Part 194 of this chapter relating to special (occupational) taxes, which part requires that the special tax return, Form 11, with remittance of the tax, shall be filed with the district director of internal revenue on or before July 1 of each year, or before commencing business.

(72 Stat. 1340, 1343, 1346; 26 U.S.C. 5111, 5121, 5142)

§ 251.48 [Amendment]

Section 251.48 is amended by striking the period at the end of the section and adding ": *Provided*, That the taxes on distilled spirits withdrawn from customs custody without payment of tax under the provisions of Subpart L and thereafter withdrawn from bonded premises of a distilled spirits plan subject to tax shall be collected and paid under the provisions of Part 201 of this chapter."

(72 Stat. 1314, 1366; 26 U.S.C. 5001, 5232)

Section 251.61 is amended to read:

§ 251.61 Containers of distilled spirits to bear red strip stamps.

No person shall transport, buy, possess, sell, or transfer any imported distilled spirits, unless the immediate container thereof is stamped with a red strip stamp evidencing the determination or payment of all internal revenue taxes thereon. The provisions of this section shall not apply to—

(a) Distilled spirits in bond or in customs custody;

(b) Distilled spirits lawfully withdrawn from bond and not intended for sale or for use in the manufacture or production of any article intended for sale;

(c) Distilled spirits on which no internal revenue tax is required to be paid;

(d) Distilled spirits, lawfully withdrawn from bond, in immediate containers stamped under other provisions of internal revenue or customs law or regulations issued pursuant thereto; or

(e) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(72 Stat. 1358; 26 U.S.C. 5205)

Section 251.63 is amended to read:

§ 251.63 Size of red strip stamps.

Red strip stamps shall be issued in a standard size, serially numbered, for bottles or containers of ½ pint capacity or more, and in a small size for bottles or containers of less than ½ pint capacity.

(72 Stat. 1358; 26 U.S.C. 5205)

Section 251.64 is amended to read:

§ 251.64 Requisition, Form 428.

Requisition for red strip stamps shall be made by the importer, or his duly authorized agent, or by the subsequent purchaser of the distilled spirits, on Form 428, in triplicate. The local address of the importer, or his agent, shall be given on Form 428. At the time the importer presents his first Form 428 for approval, he shall present and file (if he has not already done so) with the collector of customs a certified or photostatic copy of his importer's permit issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder. All Forms 428 shall be submitted to the collector of customs of the district in which the place of business of the importer or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, is located. Collectors of customs shall refuse to approve requisitions, Form 428, submitted by any person or his agent when the collector has knowledge that such person or his agent has, because of failure to account for stamps, been denied approval of a requisition, Form 428, and has not yet accounted for such stamps. All strip stamps issued on Form 428 shall be accounted for, in the manner prescribed in this part, within eighteen months from the date of requisition, or within such additional extension of time as may be granted under § 251.65a.

(72 Stat. 1358; 26 U.S.C. 5205)

A new section, reading as follows, is inserted immediately following § 251.64.

§ 251.64a Power of attorney.

Where an importer gives power of attorney to another person to sign Form 96, Form 428, Form 1627, or Form 1627A, such power of attorney shall be filed with the collector of customs who approves the issuance of the red strip stamps and shall be in such form as is required by Customs Regulations (19 CFR Chapter I). Where any of the above forms are signed by a duly authorized agent, the name of the importer shall be given, followed by the signature of the agent and the words "Attorney in Fact."

Section 251.65 is amended to read:

§ 251.65 Statement, Form 1627.

The importer, or his duly authorized agent, shall submit, with Form 428 for strip stamps to be sent to a foreign country, a statement on Form 1627, executed under the penalties of perjury:

(a) That the stamps are requisitioned for sending abroad and are required to supply existing orders and/or represent a reasonable anticipation of current requirements;

(b) That a complete accounting for such stamps will be made within eighteen months from the date of requisition (or within such additional extension of time as may be granted under § 251.65a) in accordance with the provisions of this part;

(c) Either that no Form 428 from the importer or his duly authorized agent is and has been open beyond eighteen months, or, if any Forms 428 are open, specifying those that are open beyond eighteen months; and

(d) That the requisitionist understands that failure to properly account for the strip stamps will be grounds for rejection of subsequent requisitions for red strip stamps.

(68A Stat. 749, 852, 72 Stat. 1358; 26 U.S.C. 6065, 7206, 5205)

A new section, reading as follows, is inserted immediately following § 251.65.

§ 251.65a Extension of time for final accounting of strip stamps.

Where an importer is not able, within the eighteen-month period prescribed in §§ 251.64 and 251.65, or within any extension period which might be granted in this section, to give a complete accounting for all strip stamps issued with respect to any requisition on Form 428 in the manner prescribed in this part, he shall notify the collector of customs, in writing, prior to the expiration of the eighteen-month period or any extension period granted under this section, setting forth all pertinent facts and requesting an extension of time wherein to make his final accounting. If satisfied that the circumstances warrant an extension of time, the collector of customs may grant an extension, or extensions, not to exceed a total of twelve months. If any application is made for a further extension of time, the collector of customs shall submit it, with his recommendation, to the Commissioner of Customs, who may, when the circumstances warrant, grant an additional extension of time. Where the collector of customs is not satisfied with the reasons given for requesting an extension of time, he shall proceed as prescribed in § 251.92.

(72 Stat. 1358; 26 U.S.C. 5205)

Section 251.66 is amended to read:

§ 251.66 Approval of requisition.

The collector of customs will approve Form 428 if he—

(a) Is satisfied:

(1) That the importer is the holder of an importer's permit issued under the Federal Alcohol Administration Act and the regulations in 27 CFR Part 1;

(2) That the quantity requisitioned is reasonable and necessary for distilled spirits to be imported to supply existing orders and/or anticipated requirements, or to be removed from customs custody, as provided in this part; and

(3) That his records show that all strip stamps which may have been previously issued to the importer have been properly and timely accounted for as provided in this part; and

(b) Has not been informed that the importer or his agent has been denied approval of a requisition at any port and has not accounted for the stamps on account of which such denial was given.

When satisfied that Form 428 may be approved, the collector of customs shall signify his approval on all copies of Form 428, retain Form 1627 (if any) and one copy of Form 428, and return the original and remaining copy of Form 428 to the applicant for submission to the proper district director of internal revenue.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 251.67 [Amendment]

Section 251.67 is amended by striking the fourth and fifth sentences, together with the statutory citation at the end of the section, and by inserting in lieu thereof: "The district director of internal revenue shall enter the serial numbers of the stamps issued and stamp the date of issue on both copies of Form 428, retain the original copy and send the remaining copy to the collector of customs who approved it."

(72 Stat. 1358; 26 U.S.C. 5205)

§ 251.68 [Amendment]

Section 251.68 is amended by striking the second and third sentences, and the statutory citation at the end of the section, and by inserting in lieu thereof: "An importer holding an importer's permit to do business under one or more trade names shall have the red strip stamps overprinted with his real name and/or one of his approved trade names, consistent with the name of the importer as shown on the labels of the imported spirits to which the red strip stamps are to be applied. He shall submit the stamps to the collector of customs who will verify the overprinting and make an endorsement showing the verification on Form 428, or on the retained original of Form 1627 where such form is submitted: *Provided*, That the collector of customs may so endorse the Form 428 or Form 1627 on presentation of other evidence satisfactory to him that the stamps have been properly overprinted when, in his opinion, physical submission of the stamps is impractical. The collector of customs will then authorize the importer or his duly authorized agent to send the stamps to the bottler or exporter abroad, as provided in Subpart F of this part; or authorize the importer or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, to affix the stamps to containers under customs supervision, as prescribed in Subparts G and H of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

Section 251.69 is amended to read:

§ 251.69 Affixing strip stamps.

Strip stamps shall be securely affixed to the container with a strong adhesive, and shall be affixed in such a manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons or wrappings on such cartons must bear the words, "This package may be opened for examination by Internal Revenue Officers." Internal revenue and customs officers have the right to open such cartons or wrappings and examine the container. Where there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.70 and 251.71 [Revocation]

Sections 251.70 and 251.71 are revoked.

Section 251.82 is amended to read:

§ 251.82 Approval of requisition.

The collector of customs shall approve Form 428 and dispose of Form 428 and Form 1627 in accordance with and subject to the applicable provisions of § 251.66.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 251.84 [Amendment]

Section 251.84 is amended as follows:

(A) By striking the present legend and inserting in lieu thereof:

The red strip stamps required by section 5205, I.R.C., are affixed to the ----------; (Number)
---------- containers of distilled spirits in (Size)
this case.

(Name of bottler or exporter)

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1358; 26 U.S.C. 5205)".

§ 251.85 [Amendment]

Section 251.85 is amended as follows:

(A) By striking "5008" and inserting in lieu thereof "5205".

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1358; 26 U.S.C. 5205)".

A new section, reading as follows, is inserted immediately following § 251.85:

§ 251.85a Request for credit of red strip stamps on distilled spirits deposited in a foreign-trade zone at specified port.

When red strip stamps are affixed abroad to containers of imported distilled spirits and, on arrival in the United States, the spirits are stored in a foreign-trade zone located at the port specified in the requisition, the importer may obtain credit of the red strip stamps against the appropriate requisition. In such cases, the zone application shall have endorsed thereon, by the importer or his duly authorized agent, the legend required by § 251.85. In addition, and as a condition of obtaining approval from the collector of customs for admission of the spirits to the zone, the importer or his duly authorized agent and the zone grantee shall state on the zone application that if such spirits are subsequently exported from the zone the red strip stamps will be effectively destroyed under customs supervision prior to exportation. The collector of customs will not approve such exportation and will not execute a permit of delivery until the red strip stamps have been effectively destroyed as provided in § 251.72.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

§ 251.86 [Amendment]

Section 251.86 is amended as follows:

(A) By striking, in the present section, the word "denomination", and inserting in lieu thereof the word "size".

(B) By adding, at the end of the section, the following sentence: "When distilled spirits are placed in a foreign-trade zone at the port of requisition and where the zone application conforms with the provisions of § 251.85a, the collector of customs shall credit the appropriate strip stamp record with the number and size of red strip stamps shown by the usual customs examination to have been affixed by the containers."

(C) By striking the statutory citation at the end of the section and inserting in lieu thereof: "(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)".

Section 251.87 is amended to read:

§ 251.87 Credit of red strip stamps against requisition on diversion of spirits to other than specified port.

In the event of diversion of all or part of the spirits to a port or ports, or to a foreign-trade zone at a port, other than the port specified in Form 1627 filed with the Form 428, the importer who requisitioned the stamps, or the importer at the port of diversion, or the duly authorized agent of either, shall prepare Form 1627A, in triplicate, for each such diversion. One copy of Form 1627A shall be promptly sent to the collector of customs at the port of requisition, and the original and remaining copy shall be filed with the collector of customs at the port of diversion at the time the warehouse or consumption entry, or zone application, is filed. The corresponding entry or zone application at the port of entry shall be marked with the requisition and diversion numbers, and the name of the port of requisition, as shown on the Form 1627A. The provisions of § 251.85a shall, as applicable, cover stamps on spirits diverted to a foreign-trade zone located at a port other than the port specified in Form 1627. Such diverted spirits may not be released from customs custody or admitted into a foreign-trade zone until the required Form 1627A has been filed. The collector of customs at the port of diversion shall certify on both copies of Form 1627A as to the disposition of the spirits and of the stamps shown by the usual customs examination to have been affixed to the containers, and forward the original Form 1627A to the collector of customs at the port of requisition. He shall retain the copy of Form 1627A as a record copy in a separate file. On receipt of Form 1627A from the collector of customs at the port of diversion, the collector of customs at the port of requisition shall enter the appropriate credit on his strip stamp record, stamp "Strip stamps used and credited except as noted" on the copy of Form 1627A originally received by him for such diversion, and send such copy to the importer, or importer's agent, who requisitioned the stamps. Such importer or agent may then take credit for the stamps on his strip stamp record.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

A new section, reading as follows, is inserted immediately following § 251.87.

§ 251.87a Follow-up procedure for Forms 1627A.

When the importer, or importer's agent, who requisitioned the stamps on Form 428 has not, within two months from the date of arrival of the spirits, received from the collector of customs the copy of Form 1627A noted as to credit of strip stamps by the collector, as provided for in § 251.87, he shall inquire of the collector of customs who approved the requisition Form 428 whether the required report on Form 1627A has been received from the collector of customs at the port of diversion. If the collector of customs reports the non-receipt of Form 1627A from the collector at the port of diversion, the importer, or the importer's agent, shall make a written inquiry, either directly or through the importer at the port of diversion, of the collector of customs at the port of diversion whether such collector has reported on the diversion. The inquiry shall show the entry number, or identify the zone application, and shall be accompanied by two copies of the original Form 1627A marked "Follow-up: Prepared _____." On receipt

(Date)

of the inquiry, the collector of customs of the port of diversion will compare the "Follow-up" copies with his file of record copies of Form 1627A. If he has a record copy showing that he forwarded the original Form 1627A, he shall insert any stamp data on the "Follow-up" copies, return one copy to the party who presented it, and forward the other copy to the collector of customs at the port of requisition. If the collector of customs at the port of diversion finds no corresponding record copy of Form 1627A, he shall use the "Follow-up" copies as original copies. In such case, he shall strike out the words "Follow-up", enter the stamp data thereon, retain one copy as his record copy, and forward the other copy to the collector of customs at the port of requisition. On receipt of the copy by the collector of customs at the port of requisition, the copy will be compared with the records. If the original Form 1627A has been received and the triplicate copy has already been forwarded to the importer, or to the importer's agent, the "Follow-up" copy shall also be sent to him without further action. If the collector of customs at the port of requisition finds that he has not received the original Form 1627A from the port of diversion, he shall use the "Follow-up" copy as the original of Form 1627A, and process it in accordance with § 251.87. On receipt of the copy of Form 1627A, the importer, or the importer's agent, may, unless he has already received his copy of Form 1627A, take credit for the stamps on his strip stamp record.

(72 Stat. 1358; 26 U.S.C. 5205)

A new section, reading as follows, is inserted immediately following § 251.88.

§ 251.88a Transfer of red strip stamps in foreign country.

Where an importer has shipped red strip stamps to a foreign bottler or exporter, to be affixed to containers of distilled spirits to be shipped to the United States, and he desires to transfer all or a part of these stamps to another foreign bottler or exporter, he shall first submit a written application, in duplicate, to the collector of customs who approved the requisition, Form 428. The application shall show: (a) the serial number and date of the requisition, Form 428, covering issuance of the stamps; (b) the name and country of the foreign bottler or exporter holding the stamps; (c) the number and size of the stamps desired to be transferred; and (d) the name and country of the foreign bottler or exporter to whom the stamps are to be transferred. If the collector of customs has no reason to believe that the transfer would constitute a jeopardy to the revenue, he shall indicate his approval on the copy of the application, return the copy to the importer, and retain the original for filing with the requisition, Form 428. On receipt of the approved copy, the importer shall effect the requested transfer of strip stamps.

(72 Stat. 1358; 26 U.S.C. 5205)

Section 251.89 is amended to read:

§ 251.89 Unused red strip stamps.

Unused red strip stamps returned to the importer by the bottler or exporter abroad, shall be submitted to the collector of customs who approved the original requisition, Form 428, for noting of such fact on the requisition and on the Form 1627 covering such stamps on file with the collector. After such notation has been made, the collector of customs shall return the stamps to the importer. If subsequently the importer desires to send all or part of the returned stamps to a bottler or exporter abroad, he shall submit them with Form 1627, properly modified and in duplicate, to the collector of customs who shall note approval on the copy of the modified Form 1627 and return it with the stamps to the importer. The collector of customs shall retain the original Form 1627. The importer shall make appropriate entries on his strip stamp record and in his report, Form 96, of the receipt and disposition of unused stamps covered by this section.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 251.89a [Amendment]

Section 251.89a is amended as follows:

(A) By striking, in the second sentence, the word "denomination", and inserting in lieu thereof the word "size".

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1358; 26 U.S.C. 5205)".

§ 251.90 [Amendment]

Section 251.90 is amended as follows:

(A) By amending the second and third sentences to read: "The importer shall submit such affidavit to the collector of customs who shall credit the original requisition accordingly. The importer shall make appropriate entries on his strip stamp record."

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1358; 26 U.S.C. 5205)".

§ 251.91 [Amendment]

Section 251.91 is amended as follows:

(A) By striking from the first sentence the words "an affidavit" and inserting in lieu thereof the words "a certificate."

(B) By amending the second and third sentences to read "The importer shall submit such certificate to the collector of customs who shall credit the original application accordingly. The importer shall make appropriate entries on his strip stamp record."

(C) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1358; 26 U.S.C. 5205)".

Section 251.92 is amended to read:

§ 251.92 Breach of regulations, or failure to properly account for strip stamps.

Where an importer fails to render a proper accounting for strip stamps as prescribed in this part, or where the collector of customs is not able to reconcile his records with those of the importer and is not satisfied with the accounting as rendered by the importer, or where there has been any breach of the provisions of this part by the importer, or use of stamps for a purpose other than that for which they were procured, the collector of customs shall refuse to approve any further requisition, Form 428, submitted by the importer. The collector of customs may also require of the importer an immediate accounting of all strip stamps outstanding in the name of the importer. Such accounting shall be made at a time and place to be specified by the collector of customs, and shall be of such a nature as to satisfy the collector of customs that there has been no unlawful diversion or use of said stamps. If deemed necessary, the collector of customs may require the importer to call in all unused strip stamps, wherever they may be, and deliver them so that they may be counted. Where the collector of customs has evidence that any of the provisions of this part have been wilfully violated, he shall refer the matter to the Director for appropriate action.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 251.113 [Amendment]

Section 251.113 is amended as follows:

(A) By striking the present legend and inserting in lieu thereof:

Port of _____ _____ 19___.
(Month) (Day)

This is to certify that on this date, the red strip stamps required by section 5205, I.R.C., were affixed, under my supervision, to the _____, _____ containers of distilled
(Number) (Size)
spirits in this case.

_____
(Name)

_____
(Official designation)

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1358; 26 U.S.C. 5205)".

§ 251.120 [Amendment]

Section 251.120 is amended as follows:

(A) By striking "§ 251.134" from the last sentence and inserting in lieu thereof "§§ 251.133 and 251.134".

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1342, 1361, 1374, 1395; 26 U.S.C. 5114, 5207, 5301, 5555)".

§ 251.122 [Amendment]

Section 251.122 is amended as follows:

(A) By substituting "Part 201" for "Part 230" where it appears twice in this section.

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1358; 26 U.S.C. 5205)".

Section 251.130 is amended to read:

§ 251.130 Daily record of strip stamps.

Importers shall maintain for each day a transaction in red strip stamps occurs a daily record of such stamps by size (small or standard), showing the number received, used, lost, mutilated, destroyed, or otherwise disposed of, and on hand at the beginning and end of the day. The record shall also show the number and size of bottles to which the stamps were affixed, except that bottles of less than ½ pint capacity shall be recorded as one item. Each credit taken on the record shall identify the customs entry number and the port of entry for the stamped bottles received from abroad, or the authority given by the collector of customs for such credit. Where an importer has more than one place of business, a separate daily record shall be maintained on the premises of each place of business. Where an agent procures stamps for several importers, the agent shall keep a separate record, for each importer, of all strip stamps sent abroad or retained on his premises for the account of the importer.

(72 Stat. 1358; 26 U.S.C. 5205)

Section 251.131 is amended to read:

§ 251.131 Report of strip stamps, Form 96.

Every importer shall prepare on Form 96, in triplicate, an annual report of all strip stamps procured, used, lost, mutilated, destroyed, or otherwise disposed of during each fiscal year (July 1 through June 30 following), a report of the balances on hand at the beginning and end of the fiscal year, and an accounting for any balances outstanding against each requisition at the end of the fiscal year. Where an importer has more than one place of business, a separate report on Form 96 shall be rendered for each place of business. Where an agent procures stamps for several importers, he shall render a separate report on Form 96 in the name of each importer. An original and one copy of Form 96 shall be filed on or before July 10 with the collector of customs who approved the importer's requisitions on Form 428: *Provided*, That where the collector of customs finds it necessary, in order to reconcile his accounts with those of the importer, he may require the importer, in addition to the annual report on Form 96, to file Form 96 at more frequent intervals, but not more often than once a month, completed in whole or in part, as the collector may designate. Such additional reports on Form 96 shall be prepared in duplicate and the original shall be filed with the collector of customs at the time designated by such collector. The importer shall keep one copy of Form 96 for his files. The collector of customs shall, on or before July 20, forward one copy of each annual report on Form 96 to the assistant regional commissioner of the region in which the customs collection district is located.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 251.132 [Revocation]

Section 251.132 is revoked.

§ 251.133 [Amendment]

Section 251.133 is amended as follows:

(A) By striking, in the first sentence, that portion preceding the "Proviso" clause, and inserting in lieu thereof: "Except as provided in § 251.134, every importer who imports distilled spirits, wines, or beer shall keep such records and render such reports of such liquors as are required to be kept by a wholesale or retail dealer, as applicable, under the provisions of Part 194 of this chapter:".

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1342, 1345, 1395; 26 U.S.C. 5114, 5124, 5555)".

§ 251.134 [Amendment]

The headnote of section 251.134 is amended to read: "§ 251.134 *Proprietors of qualified premises.*"

§ 251.135 [Amendment]

Section 251.135 is amended as follows:

(A) By striking "Alcohol and Tobacco Tax Division,".

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof: "(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)".

§ 251.136 [Amendment]

Section 251.136 is amended as follows:

(A) By changing the second sentence to read: "All records required by this part, and legible copies of all reports required by this part to be submitted to the assistant regional commissioner or to the collector of customs, shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided*, That on application, the assistant regional commissioner may authorize the files, or any individual file, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue or customs officers desiring to examine such files."

(B) By striking the statutory citation at the end of the section and inserting in lieu thereof "(72 Stat. 1342, 1345, 1361, 1395; 26 U.S.C. 5114, 5124, 5207, 5555)".

Section 251.137 is amended to read:

§ 251.137 Retention.

All records required by this part, documents or copies of documents supporting such records, and file copies of reports required by this part to be submitted to the assistant regional commissioner or to the collector of customs, shall be preserved for a period of not less than two years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue or customs officers. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for such inspection and the taking of abstracts therefrom.

(72 Stat. 1342, 1345, 1361, 1395; 26 U.S.C. 5114, 5124, 5207, 5555)

Subpart J is revoked.

Section 251.160 is amended to read:

§ 251.160 Disposition of strip stamps.

The importer who discontinues or sells his business shall recall from his agents abroad all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report, in duplicate, of inventory, by size, serial numbers and quantity, to the collector of customs for crediting of the respective Forms 428. The collector of customs shall then destroy the stamps and, after such destruction, note the action taken on both copies of the inventory. He shall retain the original of the inventory and return the copy to the importer. Within five days of the receipt of the returned copy of the inventory, the importer shall note the disposition of the stamps on Form 96, mark the report "Final", and submit it, in duplicate, to the collector of customs. The collector of customs shall forward one copy of the final Form 96 to the assistant regional commissioner.

(72 Stat. 1358; 26 U.S.C. 5205)

The following new Subpart L and Subpart M, are added, immediately following § 251.160:

Subpart L—Transfer of Distilled Spirits From Customs Custody to Bonded Premises of Distilled Spirits Plant

Sec.
251.171 General provisions.
251.172 Application, Form 2609.
251.173 Customs gauge and release.
251.174 Tank cars and tank trucks to be sealed.
251.175 Transfer by pipeline at dock.

§ 251.171 General provisions.

Imported distilled spirits, other than whisky, brandy, rum, or similar beverage spirits, of 185 degrees or more of proof may, under the provisions of this subpart, be withdrawn by the proprietor of a distilled spirits plant from customs custody and transferred to the bonded premises of his plant for nonbeverage use, without payment of the internal revenue tax imposed on imported spirits by section 5001, I.R.C. Spirits of any proof, imported for any purpose incident to the requirements of national defense, may also be withdrawn from customs custody and be transferred to the bonded premises of a distilled spirits plant without payment of such tax. Spirits so withdrawn and transferred to a distilled spirits plant may be redistilled or denatured and may, without redistillation or denaturation, be withdrawn from internal revenue bond for any purpose authorized by chapter 51, Internal Revenue Code, in the same manner as domestic distilled spirits. Imported distilled spirits transferred from customs custody to the bonded premises of a distilled spirits plant under the provisions of this subpart shall be received and stored thereat, and withdrawn or transferred therefrom, subject to the applicable provisions of Part 201 of this chapter.

(72 Stat. 1366; 26 U.S.C. 5232)

§ 251.172 Application, Form 2609.

The proprietor of a distilled spirits plant desiring to withdraw distilled spirits as authorized in § 251.171, shall, for each withdrawal, submit an application on Form 2609, in triplicate, to the internal revenue officer in charge. The application shall appropriately identify the distilled spirits to be withdrawn, and shall be modified by the applicant to cover the transfer of distilled spirits from customs custody, by naming the port of entry through which the distilled spirits are to be withdrawn, and by inserting in the "Remarks" item the name and address of the assistant regional commissioner for the region in which is located the plant to which the spirits are to be transferred. The internal revenue officer shall, if the proprietor's bond on Form 2601 is sufficient, approve all copies of Form 2609, forward one copy to the assistant regional commissioner, and return the original and remaining copy to the proprietor. The proprietor shall forward the original of Form 2609 to the collector of customs at the port of entry named therein from whose custody it is proposed to withdraw the distilled spirits, and retain the remaining copy for his files.

(72 Stat. 1314, 1322, 1366; 26 U.S.C. 5001, 5007, 5232)

§ 251.173 Customs gauge and release.

The collector of customs will not release distilled spirits without payment of internal revenue tax until the approved Form 2609 has been received from the proprietor of the distilled spirits plant. Prior to release from customs custody, the customs officer shall prepare Form 236 (in quadruplicate, when the spirits are in packages; in quintuplicate, when the spirits are in bulk) appropriately modified to show:

(a) Serial number and date of the Form 2609,
(b) Customs port of entry,
(c) The consignee,
(d) Kind of spirits,
(e) Country from which spirits were exported,
(f) Method of transfer,
(g) Elements of bulk gauge (if any),
(h) Quantity to be transferred,
(i) Customs seals used (if any),
(j) Date of release, and
(k) Signature and title of the customs officer in lieu of the proprietor.

When shipments are made in tank cars or tank trucks, the details of the gauge of each tank car or tank truck shall be reported separately. In the case of barrels, drums, or similar portable containers, the details of the gauge shall be shown on Form 2630, in triplicate. In addition, the customs officer shall ascertain and enter on each copy of Form 236 the rate of customs duty paid on the distilled spirits and the rate of customs duty which would have been applicable had such spirits been imported for beverage purposes. On compliance with the requirements of customs regulations (including determination of duties due), and on completion of Form 236 (and Form 2630, where required), the customs officer shall release the spirits for transfer, retain one copy of Form 236 (and Form 2630, if any), forward one copy of Form 236 to the assistant regional commissioner (alcohol and tobacco tax) at the address shown on Form 2609, and forward the original and remaining copy (or copies) of Form 236 (and Form 2630, if any) to the internal revenue officer at the distilled spirits plant.

(72 Stat. 1314, 1322, 1366; 26 U.S.C. 5001, 5007, 5232)

§ 251.174 Tank cars and tank trucks to be sealed.

Where a shipment of distilled spirits from customs custody to the distilled spirits plant is made in a tank car or tank truck, all openings affording access to the spirits shall be sealed by the customs officer with customs seals in such manner as will prevent unauthorized removal of spirits through such openings without detection.

(72 Stat. 1314, 1322, 1366; 26 U.S.C. 5001, 5007, 5232)

§ 251.175 Transfer by pipeline at dock.

Where the distilled spirits plant is equipped with suitable dock facilities, the distilled spirits may, subject to all requirements of the customs laws and regulations, be transferred by pipeline from the importing vessel or barge through weighing tanks or other suitable measuring tanks into locked empty storage tanks on the bonded premises of the distilled spirits plant, or directly into locked storage tanks on such premises provided such storage tanks are equipped with suitable measuring devices for correctly indicating the actual contents and the outlets thereof are locked. In all such cases of pipeline transfers, the distilled spirits shall be transferred under customs supervision, gauged immediately by a customs officer, and thereupon released for deposit in the distilled spirits plant. The details of the gauge shall be reported on Form 236, and distribution of the form made, as provided in § 251.173.

(72 Stat. 1314, 1322, 1366; 26 U.S.C. 5001, 5007, 5232)

Subpart M—Withdrawal of Imported Distilled Spirits From Customs Custody Free of Tax for Use of the United States

Sec.
251.181 General.
251.182 Application and permit, Form 1444.
251.183 Use of permit, Form 1444.
251.184 Customs gauge and release.
251.185 Tank cars and tank trucks to be sealed.
251.186 Receipt on Form 1473.

§ 251.181 General.

On filing of proper customs entry, imported distilled spirits may, under the provisions of this subpart, be withdrawn free of tax from customs custody by the United States or any governmental agency thereof for its own use for nonbeverage purposes.

(72 Stat. 1372, 1375; 26 U.S.C. 5272, 5313)

§ 251.182 Application and permit, Form 1444.

Application on Form 1444, in duplicate, appropriately modified to show the customs port of entry, shall be filed with the Director by the United States or governmental agency thereof for a permit to procure and withdraw imported distilled spirits free of tax for nonbeverage purpose. If it is desired to procure distilled spirits from more than one customs port of entry, a separate application for permit must be filed for each port. Each location to which the distilled spirits are to be shipped shall be shown on the application. The application shall be signed by the head of the department or independent bureau or agency to which such spirits are to be shipped, or by some person duly authorized by such head of a department or independent bureau or agency. Evidence of authority to sign for the head of a department, or independent bureau or agency, shall be furnished the Director. Permits on Form 1444 to procure distilled spirits free of tax from customs custody will not limit the quantity of distilled spirits authorized to be procured, and all such permits shall remain in force until surrended or canceled. Every appropriate precaution shall be taken by the agency to insure that the tax-free spirits so procured will be used only for governmental purposes.

(72 Stat. 1375; 26 U.S.C. 5313)

§ 251.183 Use of permit, Form 1444.

On receipt of the permit, Form 1444, from the Director, the department, bureau, or other agency of the United States, in order to procure distilled spirits from customs custody, shall forward the permit to the collector of customs at the port named therein. The collector of customs may retain such permit to cover future withdrawals pursuant to appropriate customs entry in each case.

(72 Stat. 1375; 26 U.S.C. 5313)

§ 251.184 Customs gauge and release.

Where the appropriate permit, Form 1444, is on file, and on receipt of entry for release of distilled spirits, the spirits shall be gauged by a customs officer who shall prepare a report of gauge on Form 2629, in triplicate. The distilled spirits may then be released free of tax for shipment to the United States or governmental agency thereof named in the permit, Form 1444. The customs officer shall make the appropriate withdrawal entry on Form 1444, and shall state on each copy of Form 2629 the permit number of the Form 1444 under which the distilled spirits were withdrawn. The original of Form 2629 shall be retained by the collector of customs, one copy shall be forwarded to the governmental agency to whom the distilled spirits are consigned, and one copy shall be forwarded to the Director.

(72 Stat. 1375; 26 U.S.C. 5313)

§ 251.185 Tank cars and tank trucks to be sealed.

When a shipment of distilled spirits from customs custody is made in a tank car or tank truck, all openings affording access to the spirits shall be sealed by the customs officer with customs seals in such manner as will prevent unauthorized removal of spirits through such openings without detection.

(72 Stat. 1375; 26 U.S.C. 5313)

§ 251.186 Receipt on Form 1473.

At the time of shipping distilled spirits free of tax to the United States or governmental agency thereof, the collector of customs shall prepare Form 1473, appropriately modified, forward the original and one copy to the Government officer to whom the distilled spirits are to be delivered at destination, and retain one copy for his files. The Government officer, on receiving the shipment, shall execute the certificate of receipt, forward the original to the Director and retain the copy for his files.

(72 Stat. 1375; 26 U.S.C. 5313)

[F.R. Doc. 60-6097; Filed, June 30, 1960; 8:51 a.m.]

Title 29—LABOR

Chapter XII—Federal Mediation and Conciliation Service

PART 1401—AVAILABILITY OF INFORMATION

Places at Which Information May Be Obtained

Section 1401.1 is hereby revised to read as follows:

§ 1401.1 Places at which information may be obtained.

Any individual, employer or union, or representative thereof, desiring information regarding the operations of the Service within a region should communicate with the regional office of the Service in the region in which the labor dispute or other matter exists with respect to which information is sought. General inquiries for information concerning the Service should be addressed to the Federal Mediation and Conciliation Service, Fourteenth and Constitution Avenue NW., Washington 25, D.C. The location of regional offices of the Service and their respective jurisdictions are as follows:

Region No., Address, and Jurisdiction

1. Room 1016, Parcel Post Building, 341 Ninth Avenue, New York 1, N.Y.—Maine; New Hampshire; Vermont; Connecticut; Rhode Island; Massachusetts; New York; and Northern New Jersey counties of Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Sussex, and Union.

2. Room 1015, Jefferson Building, 1015 Chestnut Street, Philadelphia 7, Pa.—Pennsylvania; Delaware; Maryland; District of Columbia; West Virginia; Southern New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Warren, Hunterdon, Mercer, Monmouth and Salem; Eastern Virginia counties of Allegheny, Botetourt, Roanoke, Franklin, Henry and all east of these counties; and Southeastern Ohio counties of Belmont, Monroe, Washington, Noble, and Guernsey.

3. Room 346 Peachtree at Seventh Street Building, 50 Seventh Street NE., Atlanta 23, Ga.—Western Virginia counties of Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Bland, Wythe, Grayson, Carroll, Pulaski, Giles, Craig, Montgomery, Floyd and Patrick; Southwest Kentucky counties of Fulton, Hickman, Carlisle, Ballard, McCracken, Groves, Marshall, Calloway, Livingston, Todd, Lyon, Trigg, Caldwell, Crittenden, Union, Webster, Hopkins, Christian, Muhlenberg, Logan and Simpson; Arkansas (Crittenden county only); Tennessee; North Carolina; South Carolina; Georgia; Florida; Alabama; Mississippi; Louisiana; Puerto Rico and the Virgin Islands.

4. Room 435, Old Federal Building, Public Square and Superior Street, Cleveland 14, Ohio—Indiana (counties of Clark and Floyd); Kentucky (except the counties under Region 3 jurisdiction); Ohio (except the counties of Belmont, Monroe, Washington, Noble and Guernsey); Michigan (Lower Peninsula; Upper Peninsula under Region 5 jurisdiction).

5. Room 1515, Consumers Building, 220 South State Street, Chicago 4, Ill.—Illinois (except the counties under Region 6 jurisdiction); Indiana (except Clark and Floyd counties under Region 4 jurisdiction); Wisconsin; Minnesota; North Dakota; South

Dakota; and Michigan (Upper Peninsula; Lower Peninsula under Region 4 jurisdiction).

6. Room 404, Old Custom House Building, 815 Olive Street, St. Louis 1, Mo.—Iowa; Missouri; Southwest Illinois (counties of Calhoun, Greene, Jersey, Madison, Macoupin, Monroe, Randolph, and St. Clair); Arkansas (except Crittenden county); Nebraska; Kansas; Oklahoma; and Texas (except El Paso and Hudspeth counties under Region 7 jurisdiction).

7. Room 332, Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.—Washington; Oregon; California; Idaho; Montana; Wyoming; Nevada; Utah; Colorado; Arizona; New Mexico; Southwest Texas (counties of El Paso and Hudspeth); Alaska; Hawaii; and Guam.

JOSEPH P. FINNEGAN,
Director.

JUNE 27, 1960.

[F.R. Doc. 60-6068; Filed, June 30, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

Correction

In F.R. Doc. 60-5926, appearing at page 5937 of the issue for June 28, 1960, Item IV should read as follows:

IV. In country "Union of Soviet Socialist Republics", as amended by Federal Register document 60-2068, make the following changes:

A. Under Postal Union Mail, the item *Prohibitions and import restrictions* is amended by striking out "Paper money" and inserting in lieu thereof "Currency, bonds and coupons"; and by deleting "stocks, and coupons; and playing cards" where they appear in the list of articles therein. As so amended, the item *Prohibitions and restrictions* reads as follows:

Prohibitions and import restrictions. Dutiable articles (merchandise) in letters and packages prepaid at letter rate, except for duty-prepaid packages of medicine mailed as prescribed under "Observations".

Currency, bonds and coupons of the Union of Soviet Socialist Republics.

Checks and drafts, foreign obligations, except in accordance with the regulations of the State Bank of the Union of Soviet Socialist Republics.

Postage stamps, canceled or not, philatelic collections; obsolete bonds or bills of exchange addressed to private individuals. Match-box labels for collectors, if more than one of a kind is sent, without a permit from the Ministry of Foreign Trade.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

B. Under Parcel Post, the item *Prohibitions and import restrictions* is amended to show the changes in the prohibitions and other regulations affecting gift parcels. As so amended, the item *Prohibitions and import restrictions* reads as follows:

Prohibitions and import restrictions. Addresses are required to obtain import licenses for all commercial parcels, and for gift parcels unless they contain exclusively articles shown in the following list, for the personal use of the addressee, and not exceeding in amount the quotas indicated. Import licenses are required for all parcels mailed by commercial firms, and when a number of parcels appear to have been mailed systematically.

LIST OF ARTICLES ALLOWED TO ENTER WITHOUT PERMIT WHEN INTENDED FOR PERSONAL USE

Item No.	Name of commodity	Maximum quantity admitted
1	Various spices	3½ ounces of each kind.
2	Coffee, Cacao, chicory	4 pounds 6 ounces of each.
3	Tea	7 ounces.
4	Chopped tobacco, tobacco products.	2 pounds 3 ounces.
5	Plates and dishes	11 pounds.
6	Medicaments, all kinds.	As prescribed by Soviet physicians or hospitals.
7	Perfumes and cosmetics.	17½ ounces or 1 set.
8	Soap, all kinds	11 pounds.
9	Articles of gold, silver or platinum.	44 pounds.
10	Hand tools	1 of each kind.
11	Household goods, including electric appliances.	Do.
12	Sporting goods	1 article or 1 set of each kind.
13	Photographic equipment and accessories.	Do.
14	Optical instruments, prostheses, surgical corsets, hearing aids, etc.	1 of each kind, as prescribed by Soviet physicians or hospitals.
15	Clothing (coats, suits, shawls).	3 of each kind.
16	Body linen, bed linens and table linen.	6 sets of each kind.
17	Shirts and blouses	3 of each kind.
18	Curtains, blinds	5 sets of each kind.
19	Headwear, all kinds	4 articles.
20	Footwear, all kinds	4 pairs.
21	Haberdashery:	
	(a) Socks, stockings	6 pairs.
	(b) Gloves	3 pairs.
	(c) Briefcases and handbags.	1 of each kind.
	(d) All other articles of haberdashery.	2 articles or 2 sets of each kind.
22	Toys, games and Christmas tree decorations.	2 articles or 2 sets of each kind.
23	Office supplies	1 article or 1 set of each kind.
24	Phonograph records	12 of different titles.
25	Musical instruments (wind or string).	1 article.

Customs duty is regularly assessed on the contents of gift parcels even if no import license is required. If gift parcels contain articles in excess of the quotas indicated in the foregoing list, duty is charged at penalty rates or the parcels are returned to origin.

All parcels containing meat and any meat products, as well as smoked meat, sausages, and other mixtures of meat prepared by means of heat, must be accompanied by a veterinary certificate containing the following information:

(a) Nature of contents.

(b) Weight.

(c) Names and addresses of sender and addressee.

(d) A statement that the contents come from animals subjected to veterinary inspection and which were healthy at the time of butchering; that they contain no antiseptic substance; and that they are prepared and shipped in accordance with the requirements of alimentary hygiene.

(e) Signature of official veterinarian, confirmed by an official seal.

Articles which are prohibited or restricted in the postal union mail are prohibited or restricted by parcel post.

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2136]

[Sacramento 053883]

CALIFORNIA

Excluding Lands From the Stanislaus and Sierra National Forests and Adding Lands to the Sierra National Forest; Withdrawing Lands for Use of National Park Service as the El Portal Administrative Site; Power Site Cancellation No. 146; Partly Revoking Power Site Classification No. 251

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior, and pursuant to the act of September 2, 1958 (72 Stat. 1772), and with the concurrence of the Secretary of Agriculture, it is ordered as follows:

1. The following-described public lands are hereby excluded from the national forests of which they are now a part, as herein indicated:

STANISLAUS NATIONAL FOREST

MOUNT DIABLO MERIDIAN

T. 3 S., R. 19 E.,
Sec. 13, lot 16, that portion lying north of Merced River.

T. 3 S., R. 20 E.,
Sec. 16, N½NW¼ and N½SE¼NW¼, those portions lying north of Merced River;
Sec. 17, S½NE¼NE¼ and that portion of N½SE¼ lying north of Merced River;
Sec. 18, S½ of lot 3, NE¼NW¼, those portions of lot 4 and SE¼NE¼ lying north of Merced River, and those portions of SE¼SW¼ and SW¼SE¼ lying north or west of Merced River (excepting the North Barium Lode Claim, M.S. No. 5281A and B);
Sec. 19, NW¼NE¼ and NE¼NW¼, those portions lying north or west of Merced River (excepting the North Barium Lode Claim M.S. No. 5281A and B), and any portion of lot 1 which may lie north of Merced River.

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

T. 3 S., R. 19 E.,
Sec. 13, lot 16, that portion lying south of Merced River and north of the northerly right-of-way line of California Highway No. 140.

T. 3 S., R. 20 E.,
Sec. 16, S½N½NE¼SW¼, S½NE¼SW¼, and such portions of the N½NW¼ and N½SE¼NW¼ as may lie south of the Merced River;
Sec. 17, N½SE¼, that portion lying south of the Merced River and north of the northerly right-of-way line of California Highway No. 140; such portion of the SE¼NE¼ as may lie south of the Merced River; that portion of the SE¼SW¼ lying south or east of the Merced River and north of the northerly right-of-way line of California Highway No. 140; and that portion of the SW¼SE¼ lying east of the Merced River (excepting the Barium No. 2 Lode Claim, M.S. No. 5974, and the East Baryte Lode Claim, M.S. No. 5598);
Sec. 19, NW¼NE¼ and NE¼NW¼, those portions lying south or east of the Merced River and north or west of the northerly and westerly right-of-way line of California Highway No. 140 (excepting the North Barium Lode Claim M.S. No. 5281A and B), and any portion of lot 1 which may lie south of the Merced River and north of the northerly right-of-way line of California Highway No. 140.

The areas described aggregate approximately 406 acres.

2. The following-described acquired lands are hereby transferred from the jurisdiction of the Department of the Interior to the jurisdiction of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 20 E.,
Sec. 16, S½S½;
Sec. 18, that portion of East Baryte Lode Claim (M.S. No. 5598) lying in the SE¼SE¼;
Sec. 19, South Barium and Barium No. 1 Lode Claims (M.S. No. 5281A and B), and that portion of the North Barium Lode Claim (M.S. No. 5281A and B) lying south of the northerly right-of-way line of California Highway No. 140.

The areas described aggregate approximately 218 acres.

The lands described in this paragraph, in accordance with section 3 of the said Act of September 2, 1958 (72 Stat. 1772), are hereby added to and made a part of the Sierra National Forest and shall hereafter be subject to all laws, rules and regulations applicable to lands acquired pursuant to the Week's Law of March 1, 1911 (36 Stat. 962; 16 U.S.C. 513–519).

3. Subject to valid existing rights, the public lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended, and reserved for use of the National Park Service as a part of the El Portal Administrative Site in connection with the administration of the Yosemite National Park. The El Portal Administrative Site shall be comprised of the following-described lands, of which the public and acquired lands shall be subject to such rules and regulations pertaining thereto as may hereafter be made and published by the Secretary of the Interior in accordance with section 5 of the said Act of September 2, 1958: *Provided, however,* That the acquired lands shall not be subject to leasing under the Acquired Lands Leasing Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. secs. 351, et seq.): *And provided further,* That the withdrawal made by this paragraph shall attach to all the right, title and interest acquired by the United States to any of the nonpublic lands within the El Portal Administrative Site, and the boundaries of the Stanislaus and Sierra National Forests are hereby adjusted so as to exclude from the respective national forests such portions of the following described lands as may now be included within such forests:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 19 E.,
Sec. 13, lot 16, that portion lying north of the northerly right-of-way line of California Highway No. 140.
Sec. 16, lot 4, that portion lying south of the Merced River and north of the northerly right-of-way line of California Highway No. 140; such portion of the SE¼NE¼ as may lie south of the Merced River; that portion of the SE¼SW¼ lying south or east of the Merced River and north of the northerly right-of-way line of California Highway No. 140; and that portion of the SW¼SE¼ lying east of the Merced River (excepting the Barium No. 2 Lode Claim, M.S. No. 5974, and the East Baryte Lode Claim, M.S. No. 5598);
Sec. 19, NW¼NE¼ and NE¼NW¼, those portions lying south or east of the Merced River and north or west of the northerly and westerly right-of-way line of California Highway No. 140 (excepting the North Barium Lode Claim M.S. No. 5281A and B), and any portion of lot 1 which may lie south of the Merced River and north of the northerly right-of-way line of California Highway No. 140.

The areas described aggregate approximately 406 acres.

2. The following-described acquired lands are hereby transferred from the jurisdiction of the Department of the Interior to the jurisdiction of the Department of Agriculture:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 20 E.,
Sec. 16, S½S½;
Sec. 18, that portion of East Baryte Lode Claim (M.S. No. 5598) lying in the SE¼SE¼;
Sec. 19, South Barium and Barium No. 1 Lode Claims (M.S. No. 5281A and B), and that portion of the North Barium Lode Claim (M.S. No. 5281A and B) lying south of the northerly right-of-way line of California Highway No. 140.

The areas described aggregate approximately 218 acres.

The lands described in this paragraph, in accordance with section 3 of the said Act of September 2, 1958 (72 Stat. 1772), are hereby added to and made a part of the Sierra National Forest and shall hereafter be subject to all laws, rules and regulations applicable to lands acquired pursuant to the Week's Law of March 1, 1911 (36 Stat. 962; 16 U.S.C. 513–519).

3. Subject to valid existing rights, the public lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601–604), as amended, and reserved for use of the National Park Service as a part of the El Portal Administrative Site in connection with the administration of the Yosemite National Park. The El Portal Administrative Site shall be comprised of the following-described lands, of which the public and acquired lands shall be subject to such rules and regulations pertaining thereto as may hereafter be made and published by the Secretary of the Interior in accordance with section 5 of the said Act of September 2, 1958: *Provided, however,* That the acquired lands shall not be subject to leasing under the Acquired Lands Leasing Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. secs. 351, et seq.): *And provided further,* That the withdrawal made by this paragraph shall attach to all the right, title and interest acquired by the United States to any of the nonpublic lands within the El Portal Administrative Site, and the boundaries of the Stanislaus and Sierra National Forests are hereby adjusted so as to exclude from the respective national forests such portions of the following described lands as may now be included within such forests:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 19 E.,
Sec. 13, lot 16, that portion lying north of the northerly right-of-way line of California Highway No. 140.
T. 3 S., R. 20 E.,
Sec. 16, S½S½NE¼NE¼NE¼, S½NE¼NE¼, S½S½SW¼NW¼NE¼, S½SE¼NW¼NE¼, S½NE¼, NW¼, and N½S½;
Sec. 17, S½NE¼NE¼, S½N½, and N½S½;
Sec. 18, S½ lot 3, S½NE¼, E½NW¼, NE¼SW¼, N½SE¼, SW¼SE¼, and those portions of lot 4 and the SE¼SW¼ lying north of the northerly right-of-way line of California Highway No. 140;
Sec. 19, those portions of NW¼NE¼ and NE¼NW¼ lying north or west of the northerly and westerly right-of-way line of California Highway No. 140, and any portion of lot 1 which may lie north of the northerly right-of-way line of California Highway No. 140.

The areas described aggregate approximately 1186 acres.

4. The departmental order of April 11, 1930, creating Power Site Classification No. 251, is hereby revoked so far as it affects the S½ of lot 3, and the NE¼NW¼, section 18, T. 3 S., R 20 E., Mount Diablo Meridian.

5. This order shall be subject to existing reservations of any of the lands for power transmission-line purposes, and to the rights of the licensee, for Project No. 1153, and its successors, to use the lands for project purposes as contemplated in the license therefor.

FRED A. SEATON,
Secretary of the Interior.

I concur in the exclusions from and additions to national forest lands, with concurrent transfer of jurisdiction, and the modification of national forest foundaries made by this order.

Dated: June 22, 1960.

[SEAL] E. L. PETERSON,
Acting Secretary of Agriculture.

[F.R. Doc. 60-6074; Filed, June 30, 1960; 8:47 a.m.]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-189]

STATEMENTS AND REPORTS

Power Systems

JUNE 27, 1960.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. Pursuant to the authority vested in it by the Federal Power Act (41 Stat. 1063, as amended, 16 U.S.C. 791a–825r), and particularly sections 4(a), 301(a), 302(b), 303, 304, 309, and 311 (41 Stat. 1065, as amended, 49 Stat. 854, 855, 858, 859; 16 U.S.C. 797(a), 825(a), 825a(b), 825b, 825c, 825h, 825j) thereof, and subject to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003), the Commission proposes to amend FPC Forms Nos. 12, 12–A, and 12–D and the Regulations prescribing FPC Forms Nos. 12 and 12–D. Forms Nos. 12, 12–A, and 12–D are prescribed by the following sections of the Commission's regulations under the Federal Power Act (with approved forms) which sections correspond to and appear at Part 141—Statements and Reports (Schedules), Subchapter D—Approved Forms, Federal Power Act, Chapter I—Federal Power Commission, Title 18—Conservation of Power, Code of Federal Regulations: § 141.51, Form No. 12, Power system statements for Class I and II Systems and for Class IV and V Systems were requested; § 141.52, Form No. 12–A, Power system statements for Class III, IV, and V Systems; and § 141.55, Form No. 12–D, Power system statement for Class III Systems having annual energy requirements of less than 5,000,000 kwh and Class IV and V Systems where requested. These regulations and forms were last revised by the Commission's Order No. 183, issued January 24, 1956, Docket No. R–149 (21 F.R. 869, February 8, 1956).

3. Forms Nos. 12, 12–A, and 12–D solicit information on electric generating and transmission facilities, electric loads, classified uses of electric energy, and power and energy transactions with other electric utility systems. The purpose of the amendments herein proposed is to clarify these forms, eliminate certain of their reporting requirements, modify a requirement for furnishing load data, and add a new requirement that manufacturers of equipment be identified.

4. In detail the proposed changes are as indicated below:

Form No. 12 prescribed by § 141.51 is proposed to be amended as follows:

General Instructions. Change the first five lines under "Basis of Classification," Paragraph 8, to read:

Systems which generate all or part of system requirements and, whose net energy for system for the year covered by this statement was—

More than 100,000,000 kilowatt-hours—
20,000,000 to 100,000,000 kilowatt-hours—

Schedule 1. Change paragraph 1 of the instructions by adding at the end thereof the following sentence: "Nuclear plants should be included in the steam group, but it should be indicated in column 1 or in footnote that they are nuclear plants."

Renumber present paragraphs 8 through 16 of the instructions paragraphs 9 through 17, respectively, and add a new instruction 8 reading as follows: "8. Figures in column 4 should be based upon the rating at maximum pressure shown on nameplate for units with hydrogen cooling."

Change the present columnar heading over columns (4) and (5) to read: "Installed generating capacity in kw at end of year—manufacturer's maximum name-plate rating of generator."

Schedule 3. Change the instructions to read: *"For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.)* this schedule should be completed for each hydroelectric plant under 5,000 kilowatts, each steam-electric plant under 10,000 kilowatts, and each internal-combustion engine and gas-turbine plant under 2,500 kilowatts, installed capacity. Do not refer to previously reported data in reporting for every such fifth year.

"For each of the intermediate years (1961–2–3–4, 1966–7–8–9, 1971–2–3–4, etc.) this schedule should be completed for each such plant as referred to in the preceding paragraph which was

(a) Constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Altered during the year—i.e., generators or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19, is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Change lines 2, 3, 17, and 18, page (9) and lines 2, 3, 17, 18, 32, and 33, page (10) by adding at their respective beginnings "Maximum."

Schedule 4. Change the instructions to read: *"For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.)* this entire schedule should be filled in *completely* for each hydroelectric plant of 5,000-kilowatt installed capacity or greater. Do not refer to previously reported data in reporting for every such fifth year.

"For each of the intermediate years (1961–2–3–4, 1966–7–8–9, 1971–2–3–4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., water wheels, generators, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capability was modified as a result of changes during the year in dams, spillways, or other structures of the project, or in available storage at or above the site; or

(d) Which was not previously reported.

"Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: 'Data for this plant last reported in F.P.C. Form No. 12, 19, is correct as of December 31 of the herein reported year.' Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary."

Insert as a subheading "Elevation" between lines 22 and 23 page (11), and change the numbers at the respective beginnings of lines 23 and 24 to "1" and "2" respectively.

Change footnote 2, page (11), by adding at the end thereof "and time of year."

Insert immediately below line 36, page (12), "(g) Manufacturer."

Insert immediately below line 43, page (12), "(f) Manufacturer."

Change line 46, page (12), to read: "Type: If auto specify."

Insert immediately below line 58, page (12), at the left margin of the tabulation as an addition thereto the word "Manufacturer."

Schedule 5. Change the title to read: "Steam-Electric Including Nuclear Plant Data."

Change the instructions to read: *"For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.)* this entire schedule should be filled in *completely* for each steam-electric (including nuclear) plant of 10,000-kilowatt installed capacity or greater. Do not refer to previously reported data in reporting for every such fifth year.

"For each of the intermediate years (1961–2–3–4, 1966–7–8–9, 1971–2–3–4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph.

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., generators, boiler units, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capability was modified as a result of plant changes during the year; or

(d) Which was not previously reported.

"Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: 'Data for this plant last reported in F.P.C. Form No. 12, 19, is correct as of December 31 of the herein reported year.' Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary."

Change line 5 by inserting: "mfr's. maximum" before "nameplate ratings * * *"

Change line 16 to read: "Coal (Btu per pound)."

Change line 17 to read: "Oil (Btu per gallon)."

Change line 18 to read: "Gas (Btu per cubic foot)."

Change the title of section C to read: "C. Plant Net Capability Under Specified Conditions."

Change section D, lines 25 through 45, including relevant sub-headings, to read:

Generator data:

Manufacturers maximum name-plate rating in kilowatts Hydrogen pressure—psi gage.

Manufacturers name-plate—power factor.

Gross capability in kilowatts (if different from name-plate) Hydrogen pressure—psi gage.

Generator coolant—Air (A), Hydrogen (H), Liquid (L).

Generator voltage.

Generator phase and frequency.

Manufacturer.

Turbine data:

Turbine name-plate rating kw.

Single casing, tamden compound, cross compound, etc.

Operating speed-revolutions per minute.

Throttle pressure—psi gage.

Throttle temperature—degrees F.

Reheat temperature, if applicable—degrees F.

Exhaust pressure-psi gage or inches of mercury.

Full load steam rate in pounds per kilowatt-hour.

Full load heat rate in Btu per kilowatt-hour.

Manufacturer.

Year installed.[1]

Insert immediately below line 50, page (14), at the left margin of the tabulation as an addition thereto the word "Manufacturer."

Change line 53, page (14), to read; "Type: If auto specify."

Insert immediately below line 65, page (14), at the left margin of the tabulation as an addition thereto the word "Manufacturer."

Schedule 7. Change the instructions to read: *"For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.)* this entire schedule should be filled in completely for each internal-combustion engine plant and each gas-turbine plant of 2,500-kilowatt installed capacity or greater. Do not refer to previously reported data in reporting for every such fifth year.

"For each of the intermediate years (1961–2–3–4, 1966–7–8–9, 1971–2–3–4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., engines, generators, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capability was modified as a result of plant changes made during the year; or

(d) Which was not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19, is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Change line 6 by inserting: "mfr's maximum" before "name-plate ratings—kw."

Insert immediately below line 21 at the left margin of the tabulation as an addition thereto "Manufacturer of generator."

Insert immediately below line 28 at the left margin of the tabulation as an addition thereto "Manufacturer of prime-mover."

Change line 31, page (16), to read: "Type: If auto specify."

Insert immediately below line 43, page (16), at the left margin of the tabulation as an addition thereto "Manufacturer."

Schedule 9. Change line 8 by inserting at the end thereof the following: "(Should agree with line 9, Schedule 10.)"

Change line 9 to read as follows: "(line 7 minum line 8)[2]."

Following Footnote 1 add as Footnote 2, the following: "2. Exclude company and interdepartmental deliveries; such deliveries should be included in Schedule 10."

Schedule 10. Change the present columnar heading at the top of column (1) to read: "Classification of Energy Delivered to Ultimate Consumers[1]."

Change the present columnar heading at the top of column (2) to read: "Number of Customers at End of Year[2]."

Renumber Footnote No. "1" No. "2" and add as Footnote No. 1 the following: "1. Include company and interdepartmental deliveries in proper use classification."

Schedule 14. Change the present columnar heading at the top of columns (15), (16), and (17) to read: "Report Minimum Hourly Load Experienced during the Month."

Change present Footnote 1 to read:

[1] Percent load factor =

$$\frac{\text{Net energy for load (Col. 9)} \times 100}{\text{Peak load (Col. 10)} \times \text{hours in month (or year)}}$$

Calculate the load factor to the nearest tenth of one percent. If hours used in calculating the load factor for a month differ from the calendar hours in that month, report the number of hours used in calculating the load factor.

Schedule 19. Change the title to read: "Load Estimates."

Delete the line immediately below the title, which line now reads: "A. Estimates of Future Power Requirements."

Change the years listed under Column (1), as "1959," "1960," "1961," and "1962," to read: "1961," "1962," "1963," and "1964," respectively.

Omit entire subschedule B.

In § 141.51(c) of the Commission's regulations under the Federal Power Act (Pamphlet copy, Page 111) the following changes are proposed to be made:

Change "5. Steam electric plant data" to read:

5. Steam-electric including nuclear plant data.

Change "19. Load estimates and energy deliveries" to read:

19. Load estimates.

Form No. 12–A prescribed by § 141.52 is proposed to be amended as follows:

General Instructions. Change the first four lines under "Basis of Classification," Paragraph 5, to read:

Systems which generate all or part of system requirements and, whose net energy for system for the year covered by this statement was—

More than 100,000,000 kilowatt-hours—
20,000,000 to 100,000,000 kilowatt-hours—

Change Schedule 4 by inserting at the end of the instructions thereof the additional definition or clarification of use classifications shown below:

All Other. Energy delivered for ultimate consumption that does not fall within any of the specific classifications listed in this schedule. Included in this group should be deliveries for municipal water pumping; oil and gas pipe line pumping; military camps and bases; and public buildings such as schools, police stations, and post offices.

Form No. 12–D prescribed by § 141.55 is proposed to be amended as follows:

Schedule 1. Redesignate the present part A as Schedule 4.

Redesignate the present part B as Schedule 3 and entitle the new Schedule 3 as follows: "Contemplated alterations, additions, or retirements in system generating plants."

Schedule 2. Redesignate this Schedule as Schedule 5.

Schedule 3. Redesignate this Schedule as Schedule 1.

Change Footnote 1 to read as follows: "Should equal total shown in schedule 5, column 4."

Change Footnote 2 to read as follows: "Should equal total shown in schedule 5, column 6."

Schedule 4. Redesignate this Schedule as Schedule 2.

Schedule 5. Redesignate this Schedule as Schedule 6.

Change § 141.55(c) of the Commission's regulations under the Federal Power Act (Pamphlet copy, Page 113), to read as follows:

(c) This form contains the following list of schedules:

SCHEDULES

1. Generation, energy received and delivered, and system peak for the year.
2. Energy delivered to ultimate consumers.
3. Contemplated alterations, additions, or retirements in system generating plants.
4. Electric generating equipment owned or operated as of December 31.
5. Electric power received from or delivered to other systems.
6. Maps of electric system.

5. Any interested person may submit to the Federal Power Commission, Washington 25, D.C., on or before August 1, 1960, views or comments in writing concerning the amendments proposed herein. An original and nine copies of any such submittals should be forwarded. The Commission will consider these written submittals before acting in this matter.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–6095; Filed, June 30, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 435]

AIRWORTHINESS DIRECTIVES

Vickers 745D and 810 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspections of the brake accumulator systems on Vickers Viscount 745D and 810 Series aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 2, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the

Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following:

VICKERS. Applies to all 745D and 810 Series aircraft.

Compliance required as indicated.

Conduct inspections of the brake accumulator systems as specified in Vickers Preliminary Technical Leaflet (PTL) 222 (700 Series) and PTL 87 (800/810 Series) within the next 300 hours' time in service and at subsequent periodic intervals of 800 hours' time in service. These inspections are not mandatory when filters, Dunlop ACM 18308 or equivalent, are installed in accordance with Vickers Modification Bulletins D.2994 (700 Series) and FG 1796 (800/810 Series).

Issued in Washington, D.C., on June 27, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6061; Filed, June 30, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 436]

AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive establishing retirement times for parts not presently included in AD 58-9-4 pertaining to Vickers Viscount 700 Series aircraft. As the retirement times are also applicable to parts installed on 810 Series aircraft, the new directive includes that series and supersedes AD 58-9-4, Amendment 8, 23 F.R. 4725.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 2, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following:

VICKERS. Applies to all Viscount 745D and 810 Series Aircraft.

Compliance required as indicated. (It will be necessary for operators to maintain a record of flights to ascertain compliance with this AD. If past records are unavailable, the number of flights prior to this AD may be estimated.)

As a result of failures of the trunnion attaching the nose gear retraction jack to the oleo leg, it is necessary to limit the time in service of the various parts forming the attachments of the retraction jack. The following parts must be replaced upon accumulating the specified total time in service:

Part	Retirement time	
	745D aircraft	810 series aircraft
	Flights	*Flights*
Trunnion P/N 60926-525	300	(1)
Trunnion P/N 70126-97	20,000	20,000
Trunnion P/N 70126-551	15,000	15,000
Trunnion P/N 70126-661	20,000	20,000
Trunnion P/N 74426-25	300	300
Pin P/N 60926-529	4,000	4,000
Pin P/N 70026-25	20,000	20,000
Pin P/N 70126-659	20,000	20,000
Attachment Bolt P/N 70126-137	1,000	(1)
Attachment Bolt P/N 70126-187	20,000	20,000
Attachment Bolt P/N 74426-23	20,000	20,000
Cylinder P/N 70026-1	20,000	(1)
Cylinder P/N 70726-41	20,000	20,000
Ram P/N 70026-6	20,000	20,000
Fork End P/N 70026-7	20,000	20,000
End Nut P/N 70026-9	20,000	20,000

[1] Not applicable.

(Vickers-Armstrongs Co. PTL 161 Issue 5 (for 700 Series) and PTL 22 Issue 5 (800/810 Series) cover this subject.)

This supersedes AD 58-9-4, Amendment 8, 23 F.R. 4725.

Issued in Washington, D.C., on June 27, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6062; Filed, June 30, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-15]

CONTROL AREA

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1081 of the regulations of the Administrator, the substance of which is stated below.

The Windsor Locks, Conn., control area extension is presently designated as that airspace bounded on the north by a line extending from a point at latitude 42°08'20" N., longitude 72°37'00" W., to a point at latitude 42°03'45" N., longitude 72°09'00" W., on the east by VOR Federal airway No. 3, on the south by VOR Federal airway No. 56 and on the west by VOR Federal airway No. 123.

The Federal Aviation Agency has under consideration modification of the Windsor Locks control area extension by enlarging it to include the airspace within a 30-mile radius of the Bradley, Conn., Airport, excluding the portion which would coincide with the New York, N.Y., control area extension (601.1066) and the area northeast of a line extending from latitude 42°21'00" N., longitude 72°53'00" W., to latitude 42°08'20" N., longitude 72°37'00" W., to latitude 42°03'45" N., longitude 72°09'00" W., to latitude 42°04'30" N., longitude 72°01'00" W. This modification would provide protection for aircraft conducting instrument flight rule arrival and departure procedures at the Bradley, Conn., Brainard, Conn., Rentschler, Conn., and the Barnes, Mass., Airports.

If this action is taken, the Windsor Locks, Conn., control area extension would be designated as that airspace within a 30-mile radius of the Bradley, Conn., Airport (latitude 41°56'25" N., longitude 72°41'10" W.), excluding the portion which coincides with the New York, N.Y., control area extension and the area northeast of a line extending from latitude 42°21'00" N., longitude 72°53'00" W.; to latitude 42°08'20" N., longitude 72°37'00" W.; to latitude 42°03'45" N., longitude 72°09'00" W.; to latitude 42°04'30" N., longitude 72°01'00" W.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6063; Filed, June 30, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-30]

CONTROL AREA

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1406 of the regulations of the Administrator, the substance of which is stated below.

The Milton, Fla., control area extension is presently designated within a 5-mile radius of Whiting NAAS (North), Milton, Fla., and within 5 miles either side of the northwest course of the Whiting (Navy) radio range extending from the radio range to 12 miles northwest. The Federal Aviation Agency has under consideration a proposal by the Department of the Navy to modify the Milton control area extension by adding control area north, east and west of the present area. The Milton control area extension would be redesignated to begin at latitude 30°44'20" N., longitude 87°37'00" W., thence north to latitude 30°58'45" N., longitude 87°36'00" W.; thence northeasterly along an arc 34.5 miles from the Whiting radio range (latitude 30°46'07" N., longitude 87°04'22" W.), to latitude 31°15'40" N., longitude 87°10'30" W.; thence southeasterly to latitude 30°54'00" N., longitude 86°56'30" W.; thence easterly to latitude 30°54'00" N., longitude 86°52'30" W.; thence south to latitude 30°46'00" N., longitude 86°52'30" W., thence southwesterly to latitude 30°39'00" N., longitude 87°03'25" W.; thence westerly to point of beginning. This modification would provide protection for aircraft departing, arriving and while using the holding pattern airspace area at Whiting NAAS, Fla. In addition, it would provide protection for aircraft departing the Pensacola, Fla., terminal area via a departure procedure using the 334° True radial of the Pensacola VOR to the intersection of the Pensacola VOR 334° and the Crestview, Fla., VOR 269° True radials to the Crestview VOR.

If this action is taken, the Milton, Fla., control area extension would be designated as that airspace bounded by a line beginning at latitude 30°44'20" N., longitude 87°37'00" W.; thence north to latitude 30°58'45" N., longitude 87°36'00" W.; thence northeasterly along an arc 34.5 miles from the Whiting radio range (latitude 30°46'07" N., longitude 87°04'22" W.), to latitude 31°15'40" N., longitude 87°10'30" W.; thence southeasterly to latitude 30°54'00" N., longitude 86°56'30" W.; thence easterly to latitude 30°54'00" N., longitude 86°52'30"W., thence south to latitude 30°46'00" N., longitude 86°52'30" W.; thence southwesterly to latitude 30°39'00" N., longitude 87°03'25" W.; thence westerly to point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6064; Filed, June 30, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-83]

CONTROL ZONE

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2159 of the regulations of the Administrator, the substance of which is stated below.

The present Montgomery, Ala., control zone is designated within a 5-mile radius of Dannelly Field, Ala., within a 5-mile radius of Maxwell Air Force Base, Ala., within 2 miles either side of the north and west courses of the Maxwell AFB radio range extending from the radio range station to points 10 miles north and west of the station; within 2 miles either side of a line bearing 276° True from Dannelly Field through the Dannelly ILS outer marker to a point 5 miles west of the outer marker, and within 2 miles either side of the 321° and 141° True radials of the Montgomery VOR, extending from the Dannelly Field control zone to a point 5 miles southeast of the VOR.

The Federal Aviation Agency has under consideration the modification of the Montgomery control zone as follows:

1. Revoke the control zone extensions based on the north and west courses of the Maxwell Air Force Base radio range.

2. Designate two control zone extensions as follows: Within 2 miles either side of the 149° True bearing from the Plattsville, Ala., radiobeacon extending from the Maxwell AFB 5-mile radius zone to the radiobeacon, and within 2 miles either side of the 171° True bearing from the Plattsville radiobeacon extending from the Maxwell 5-mile radius zone to the radiobeacon.

3. Redesignate the control zone extension within 2 miles either side of the 321° True radial of the Montgomery, Ala., VOR to extend from the Dannelly 5-mile radius zone to the VOR.

4. Redesignate the control zone extension, presently based on the 276° True bearing from Dannelly Field through the ILS outer marker, to extend from the Dannelly 5-mile radius zone to the ILS outer marker.

The Department of Air Force has advised the Federal Aviation Agency that the prescribed instrument approach procedures based on the Maxwell AFB radio range are to be cancelled in the near future. When these instrument approach procedures are cancelled the control zone extension based on the north and west courses of the Maxwell AFB radio range will no longer be required.

Designation of two control zone extensions based on the Plattsville radiobeacon, redesignation of the west control zone extension which extends through the ILS outer marker, and redesignation of the control zone extension based on the Montgomery VOR, would provide adequate protection for aircraft executing prescribed instrument approaches to Maxwell AFB and Dannelly Field.

If this action is taken, the Montgomery, Ala., control zone would be designated within a 5-mile radius of Dannelly Field, Montgomery, Ala. (latitude 32°17'55" N., longitude 86°23'50" W.); within a 5-mile radius of Maxwell Air Force Base, Ala. (latitude 32°22'45" N., longitude 86°21'40" W.); within 2 miles either side of the Dannelly Field ILS localizer west course extending from the Dannelly 5-mile radius zone to the ILS outer marker; within 2 miles either side of the 321° True radial of the Montgomery VOR extending from the Dannelly 5-mile radius zone to the VOR; within two miles either side of the 149° True bearing from the Plattsville, Ala., radiobeacon extending from the Maxwell AFB 5-mile radius zone to the radiobeacon; and within 2 miles either side of the 171° True bearing from the Plattsville radiobeacon extending from the Maxwell AFB 5-mile radius zone to the radiobeacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by con-

tacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6065; Filed, June 30, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-15]

CONTROL ZONE

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2228 of the regulations of the Administrator, the substance of which is stated below.

The Fairbanks, Alaska control zone is presently designated within a 5-mile radius of Ladd Air Force Base; within a 5-mile radius of Fairbanks International Airport, and within 5 miles either side of a line bearing 039° True extending from the Fairbanks International Airport to the ILS outer marker. The Federal Aviation Agency is considering modifying this control zone by adding a control zone extension 2 miles either side of the Fairbanks International Airport ILS localizer southwest course, extending from the Fairbanks International Airport 5-mile radius zone to 6 miles southwest of the ILS localizer (latitude 64°48'35" N., longitude 147°52'15" W.). In addition, it is proposed to add a control zone extension 2 miles either side of the 276° True radial of the Ladd AFB TACAN (latitude 64°50'00" N., longitude 147°17'55" W.), extending from the Ladd AFB 5-mile radius zone to the TACAN. It is also proposed to reduce the northeast extension of the Fairbanks control zone and redesignate the control zone extension 2 miles either side of the northeast course of the Fairbanks International Airport ILS localizer, extending from the Fairbanks International Airport 5-mile radius zone to the ILS outer marker. These modifications would provide protection for aircraft conducting prescribed instrument approaches to Fairbanks International Airport and Ladd AFB.

If these actions are taken, the Fairbanks, Alaska control zone would be designated within a 5-mile radius of the Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'14" W.); within a 5-mile radius of Ladd Air Force Base (latitude 64°50'22" N., longitude 147°38'05" W.); within 2 miles either side of the northeast and southwest courses of the Fairbanks International Airport ILS localizer (latitude 64°48'35" N., longitude 147°52'15" W.), extending from the Fairbanks International Airport 5-mile radius zone to the ILS outer marker; and from the 5-mile radius zone to 6 miles southwest of the ILS localizer; and within 2 miles either side of the 276° True radial of the Ladd AFB TACAN, extending from the 5-mile radius zone to the TACAN.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6066; Filed, June 30, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-72]

CONTROL ZONE

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2009 of the regulations of the Administrator, the substance of which is stated below.

The Erie, Pa., control zone is presently designated within a 5-mile radius of Port Erie Airport and within 2 miles either side of the southwest course of the Erie radio range extending to the North Springfield fan marker. The Federal Aviation Agency has under consideration modification of the Erie control zone by revoking the southwest extension based on the Erie radio range. This extension is no longer required because the instrument approach procedure based on the southwest course has been cancelled. The Erie control zone would be further modified by designating an extension within 2 miles either side of the 054° True radial of the Erie VOR extending from the 5-mile radius zone to the VOR. This extension would provide protection for aircraft conducting instrument approaches to Port Erie Airport based on the Erie VOR.

If these actions are taken, the Erie, Pa., control zone would be designated within a 5-mile radius of the Port Erie Airport (latitude 42°04'56" N., longitude 80°10'44" W.), within 2 miles either side of the 054° True radial of the Erie VOR extending from the 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 24, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6067; Filed, June 30, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group Nos. 361, 427, 428]

CALIFORNIA

Notice of Filing of Plats of Survey and Order Providing for the Opening of Public Lands

JUNE 22, 1960.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a.m., on July 1, 1960.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 11 E.

This plat represents a retracement and re-establishment of a portion of the east and west boundaries and sub-divisional lines designed to restore the corners in their true original location according to the best available evidence, and a survey to complete Section 16.

Sec. 16: Lots 1, 2, 3, 4, S½N½, S½.

The area described aggregates 642.56 acres. Plat of Survey accepted March 15, 1960.

T. 1 S., R. 12 E.

This plat represents a retracement and re-establishment of portions of the east boundary and subdivisional lines designed to restore the corners in their true original location according to the best available evidence, and a survey to complete Section 16.

Sec. 16: Lots 1, 2, 3, 4, W½, NE¼.

The area described aggregates 604.62 acres. Plat of Survey accepted March 15, 1960.

T. 1 N., R. 12 E.

This plat represents a retracement and re-establishment of the south boundary (San Bernardino Base Line), portions of the east and north boundaries and subdivisional lines designed to restore the corners in their true original location according to the best available evidence, and surveys to complete the east and north boundaries and subdivisional lines of T. 1 N., R. 12 E.

Sec. 1: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, E½SE¼, SE¼NE¼;
Sec. 11: Lots 1, 2, 3, 4, W½E½, NW¼;
Sec. 12: All;
Sec. 13: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, W½SE¼, SW¼NE¼;
Sec. 14: Lots 1, 2, 3, SW¼NE¼.

The area described aggregates 3,552.52 acres. Plat of Survey accepted March 15, 1960.

T. 3 N., R. 4 E.

This plat represents a retracement and re-establishment of the east, south and portions of the north and west boundaries and a portion of the subdivision designed to restore the corners in their original location according to the best available evidence, and survey of a portion of a portion of the west boundary, a portion of the subdivisions of T. 3 N., R. 4 E.

Sec. 1: Lots 3, 4, 5, 6, 7, 8, 9, 10;
Sec. 12: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 19: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14;
Sec. 20: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 21: Lots 1, 2, 3, 4, 5, 6, 7, 8, S½S½;
Sec. 22: Lots 1, 2, 3, 4, S½S½, NE¼;
Sec. 23: Lots 1, 2, 3, 4, S½S½, NW¼;
Sec. 24: Lots 1, 2, 3, 4, 5, 6, S½SW¼;
Sec. 25: Lots 1, 2, 3, 4, W½E½, W½;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: All;
Sec. 30: Lots 1, 2, 3, 4, 5, E½W½, NE¼, W½SE¼, NE¼SE¼;
Sec. 31: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, E½W½, SW¼SE¼;
Sec. 32: Lots 1, 2, 3, S½NW¼, NE¼NW¼, E½SW¼, E½;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.

The area described aggregates 11,244.07 acres. Plat of Survey accepted December 11, 1959.

T. 3 N., R. 5 E.

This plat represents a retracement and re-establishment of a portion of the south and east boundary and a portion of the subdivisional lines designed to restore the corners in their true original location according to the best available evidence and survey to complete the subdivisional lines.

Sec. 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, S½NW¼, SW¼NE¼, SW¼, W½SE¼;
Sec. 2: Lots 1, 2, 3, 4, 5, 6, 7, 8, S½N½, S½;
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 4: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12;
Sec. 5: Lots 3, 4, 5, 6;
Sec. 9: Lots 1, 2, W½NE¼;
Sec. 10: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SW¼NE¼, W½SE¼;
Sec. 11: Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 12: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12;
Sec. 14: Lots 1, 2, 3, 4, 5, 6, NE¼NW¼, NW¼NE¼;
Sec. 15: Lots 1, 2, 3, NE¼NE¼;
Sec. 25: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16;
Sec. 26: E½;
Sec. 28: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 30: Lots 3, 4, 5, 6, 7, 8, 9, 10;
Sec. 31: Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 32: Lots 1, 2, 3, 4, 5, 6, N½NW¼;
Sec. 33: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 35: Lots 1, 2, N½NE¼;
Sec. 36: N½.

The area described aggregates 8,265.40 acres. Plat of Survey accepted March 15, 1960.

T. 4 N., R. 2 E.,

This plat represents a retracement and re-establishment of the south, east and west boundaries, portion of the north boundary and portion of the subdivisional lines, designed to restore the corners in their true original location according to the best available evidence and survey to complete the north boundary and subdivisional lines.

Sec. 5: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 6: Lots 119, 120, 121, 122, 123, SE¼NW¼, S½NE¼;
Sec. 11: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 14: Lots 1, 2, 3, 4, S½N½;
Sec. 27: W½, SE¼;
Sec. 28: Lots 1, 2, 3, 4, 5, 6, 7, 8, S½S½;
Sec. 33: Lots 1, 2, 3, 4, 5, 6, 7, 8, N½N½;
Sec. 34: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 35: Lots 1, 2, NW¼, E½SW¼.

The area described aggregates 3,667.47 acres. Plat of Survey accepted March 15, 1960.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of California upon acceptance of the above mentioned plats of survey:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 11 E.,
Sec. 16: Lots 1, 2, 3, 4, S½N½, S½.
T. 1 S., R. 12 E.,
Sec. 16: Lots 1, 2, 3, 4, W½, NE¼.
T. 3 N., R. 5 E.,
Sec. 36: N½.

The area described aggregates 1,567.18 acres.

3. The following described lands have been classified as unsuitable for agricultural entry under the public land laws by Secretary of the Interior's notice of September 28, 1959 as amended January 14, 1960. Until further notice, any such applications which may be hereafter filed for any of the public lands involved will be returned to the applicant, accompanied by a notice stating that the lands have been classified as unsuitable for further agricultural entry and that no right of appeal lies from refusal to accept the application for filing:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 N., R. 4 E.,
Sec. 1: Lots 3, 4, 5, 6, 7, 8, 9, 10;
Sec. 12: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 19: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14;
Sec. 20: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 21: Lots 1, 2, 3, 4, 5, 6, 7, 8, S½S½;
Sec. 22: Lots 1, 2, 3, 4, S½S½, NE¼;
Sec. 23: Lots 1, 2, 3, 4, S½S½, NW¼;
Sec. 24: Lots 1, 2, 3, 4, 5, 6, S½SW¼;
Sec. 25: Lots 1, 2, 3, 4, W½E½, W½;
Sec. 26: All;
Sec. 27: All;
Sec. 28: All;
Sec. 29: All;
Sec. 30: Lots 1, 2, 3, 4, 5, E½W½, W½SE¼, NE¼SE¼, NE¼;
Sec. 31: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, E½W½, SW¼SE¼;
Sec. 32: Lots 1, 2, 3, S½NW¼, NE¼NW¼, E½SW¼, E½;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.

The area described aggregates 11,244.07 acres.

4. The following described lands are classified as suitable for disposition under the Small Tract Act of June 1, 1938 by Classification Order No. 563, dated May 15, 1957, as amended. Such classification segregates the land from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 N., R. 4 E.,
Sec. 19: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14;
Sec. 20: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 22: Lots 1, 2, 3, 4, S½S½, NE¼;
Sec. 23: Lots 1, 2, 3, 4, S½S½, NW¼;

Sec. 24: Lots 1, 2, 3, 4, 5, 6, S½SW¼;
Sec. 25: Lots 1, 2, 3, 4, W½E½, W½;
Sec. 26: All;
Sec. 36: Lots 1, 2, 3, 4, W½E½, W½.
T. 3 N., R. 5 E.,
Sec. 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, S½NW¼, SW¼NE¼, SW¼, W½SE¼;
Sec. 2: Lots 1, 2, 3, 4, 5, 6, 7, 8, S½N½, S½;
Sec. 3: Lots 1, 2, 7, 8, S½NE¼, SE¼;
Sec. 11: Lots 1, 2, SE¼NE¼, E½SE¼;
Sec. 12: Lots 3, 6, 9, 10, 12, S½ of Lot 5;
Sec. 14: Lots 1, 3, 4, 5, 6, NW¼NE¼;
Sec. 18: Lots 1, 2, 3, NE¼NE¼;
Sec. 25: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16;
Sec. 26: E½;
Sec. 28: Lots 2, 3, 6, 7;
Sec. 30: Lots 2, 4, 5, 6, 7, 8, 9, 10;
Sec. 32: Lots 1, 2, 3, 4, 5, 6, N½NW¼;
Sec. 33: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 35: Lots 1, 2, N½NE¼.
T. 4 N., R. 2 E.,
Sec. 5: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 6: Lots 119, 120, 121, 122, 123, SE¼NW¼, S½SE¼;
Sec. 11: Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 12: Lots 1, 2, 3, 4, S½N½;
Sec. 27: NW¼, S½;
Sec. 35: Lots 1, 2, E½SW¼, NW¼;

The area described aggregates 11,345.58 acres.

The lands shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

5. The following described lands are classified under the Small Tract Act of June 1, 1938, by Classification Order No. 465, dated November 30, 1955, as amended May 24, 1960. Such classification segregates the land from all appropriations, including locations under the mining laws, except applications under the mineral leasing laws. The lands will be disposed of by direct sale only in tracts of approximately 5 acres with the tracts oriented with the long axis east and west.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 N., R. 5 E.,
Sec. 26: Lots 1, 4, 5, 8.

The area described aggregates 160.14 acres.

6. The following described lands are opened to application, location, selection and petition as outlined in paragraph 8, below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 12 E.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SE¼NE¼, E½SE¼;
Sec. 11: Lots 1, 2, 3, 4, W½E½, NW¼;
Sec. 12: All;
Sec. 13: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, W½SE¼, SW¼NE¼;
Sec. 14: Lots 1, 2, 3, SW¼NE¼;
T. 3 N., R. 4 E.,
Sec. 1: [1] Lots 3, 4, 5, 6, 7, 8, 9, 10;
Sec. 13: [1] Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 21: [1] Lots 1, 2, 3, 4, 5, 6, 7, 8, S½S½;
Sec. 27: [1] All;
Sec. 28: [1] All;
Sec. 30: [1] Lots 1, 2, 3, 4, 5, E½W½, NE¼, W½SE¼, NE¼SE¼;
Sec. 31: [1] Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, E½W½, SW¼SE¼;
Sec. 32: [1] Lots 1, 2, 3, S½NW¼, NE¼NW¼, E½SW¼, E½;
Sec. 33: [1] All;
Sec. 34: [1] All;
Sec. 35: [1] All.
T. 3 N., R. 5 E.,
Sec. 3: Lots 3, 4, 5, 6, 9, 10, 11, SE¼NW¼, E½SW¼;
Sec. 4: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12;
Sec. 5: Lots 3, 4, 5, 6;
Sec. 9: Lots 1, 2, W½NE¼;
Sec. 10: Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SW¼NE¼, W½SE¼;
Sec. 11: Lots 3, 4, 5, 6, 7, SE¼NW¼, SW¼NE¼, E½SW¼, W½SE¼;
Sec. 12: Lots 1, 2, 4, N½ of Lot 6;
Sec. 14: Lot 2, NE¼NW¼;
Sec. 31: Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼.
T. 4 N., R. 2 E.,
Sec. 28: Lots 1, 2, 3, 4, 5, 6, 7, 8, S½S½;
Sec. 33: Lots 1, 2, 3, 4, 5, 6, 7, 8, N½N½;
Sec. 34: Lots 1 2, 3, 4, E½W½, E½.

7. Land Use Characteristics:

T. 1 N., R. 12 E., SBM

These lands are located on the western slopes of the Sheep Hole Mountains, approximately 22 miles East of 29 Palms, California, and 1 to 3 miles North of Dale Lake, California. The terrain ranges from rough, steep granite outcrops to fairly steeply sloping outwash fans covered with boulders. Vegetation is extremely sparse in a shallow, immature soil. Access may be gained to the lands from Amboy Road which passes along the western boundary of Section 3.

T. 3 N., R. 4 E., SBM

Lands in this township are located on the slopes forming the northern foothills of the San Bernardino Mountains, approximately 12 miles East of Big Bear City, California. The terrain ranges from rough and broken at the lower elevations to steeply mountainous at higher elevations. Vegetation consists of creosote bush, bur sage, Joshua Trees, galleta grass and cacti, along with a few scattered pinion and juniper found at the higher elevations. Leveler portions of the land are covered with a sandy soil derived from the granite bedrock in the area. The lands are accessible from the North and East over dirt roads.

T. 3 N., R. 5 E., SBM

These lands are located about 18 miles North of Yucca Valley, California. The terrain consists of rough, mountainous, granite rock ranging in elevation from about 2,600 to 3,584 feet. Vegetation is sparse and soils immature. Access to the lands must be accomplished over dirt roads.

T. 4 N., R. 2 E., SBM

These lands are located about 10 miles East of Lucerne Valley, California, on the topographic divide between the Lucerne and Johnson Valleys. The terrain is undulating to hilly. Soils are sandy, supporting a vegetative cover consisting mainly of creosote bush, bur sage, cacti and annual grasses. The paved Victorville to Yucca Valley Road lies less than one mile North furnishing access to the lands.

[1] Classified as unsuitable for agricultural entry.

8. Subject to any existing valid rights and the requirements of applicable laws, the lands described in paragraph 6 hereof, are hereby opened to filing applications, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on August 6, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, selections, and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on August 6, 1960.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

9. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, Calif.

MALCOLM O. ALLEN,
Manager, Land Office,
Los Angeles, Calif.

[F.R. Doc. 60-6073; Filed, June 30, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to authority (19 F.R. 74), as amended, delegated to the Administrator, Agricultural Marketing Service, the Organization, Functions, and Delegations of Authority of the Agricultural Marketing Service (25 F.R. 436) is amended as follows:

1. In section 2(d)(2) change the number of functional Divisions from "two" to "three".

2. Also in section 2(d)(2) insert the words "Packers and Stockyards" between the words "Food Distribution" and the words "and Special Services".

3. In section 6 insert the words "Packers and Stockyards" between "Food Distribution" and the words "and Special Services Divisions".

4. In section 6(e)(1) delete the words "marketing regulatory" between the word "grading" and the words "surplus removal".

5. Also in section 6(e)(1) delete the words "Packers and Stockyards Act, 1921, as amended," between the words "as authorized by" and the words "Wool Standards Act".

6. In section 6 renumber paragraph (i) to (j) and add a new paragraph (i) to read as follows:

(i) *Packers and Stockyards Division.* The Packers and Stockyards Division is responsible for:

(1) Administering provisions of the Packers and Stockyards Act, as amended; and

(2) Executing assigned civil defense and defense mobilization activities.

7. In section 13 insert the words "Packers and Stockyards" between the words "Food Distribution" and the words "and the Special Services Divisions".

Issued at Washington, D.C., this 28th day of June 1960 to become effective July 1, 1960.

HENRY G. HERRELL,
Acting Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-6111; Filed, June 30, 1960; 8:53 a.m.]

Commodity Stabilization Service and Commodity Credit Corporation

LENDING AGENCY AGREEMENT—COTTON

Decrease in Interest Rate

Commodity Credit Corporation, by Federal Register notices published in 24 F.R. 5314, 8682, announced that the per annum rate of interest included in the compensation provided in Lending Agency Agreement—Cotton (CCC Cotton Form D) in effect for the 1959 and subsequent Cotton Loan Programs would be 2¼ percent through and including June 30, 1959, 3¼ percent from July 1, 1959 through and including October 31, 1959, and 4 percent thereafter.

Pursuant to section IV, paragraph 4, of the Lending Agency Agreement—Cotton (CCC Cotton Form D), CCC hereby announces that such per annum rate of interest for the 1960 and subsequent Cotton Loan Programs is decreased to 3¼ percent effective on and after August 1, 1960, and that the rates of interest, specified in paragraphs 1b and 3 of such section IV, in effect for the 1960 and subsequent Cotton Loan Programs shall be 4 percent through and including July 31, 1960, and 3¼ percent thereafter.

Issued this 28th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-6135; Filed, June 30, 1960; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13605-13607; FCC 60-730]

ABILENE RADIO AND TELEVISION CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Abilene Radio and Television Company, San Angelo, Texas, Docket No. 13605, File No. BPCT-2639; E. C. Gunter, San Angelo, Texas, Docket No .13606, File No. BPCT-2663; Dornita Investment Corp., San Angelo, Texas, Docket No. 13607, File No. BPCT-2714; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 3, assigned to San Angelo, Texas;

It appearing that the applications of Abilene Radio and Television Company, E. C. Gunter, and Dornita Investment Corporation, are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing that Abilene Radio and Television Company has requested a waiver of § 3.613(a) of the Commission's rules to locate the main studio outside of San Angelo, and has shown good cause for the requested waiver; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, Abilene Radio and Television Company, E. C. Gunter, and Dornita Investment Corporation, were advised by letters that their applications were mutually exclusive, of the necessity for a hearing, and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing that the Commission indicated in the above-mentioned letter to E. C. Gunter that it could not, on the basis of the applicant's financial proposal, determine without a hearing that the applicant was financially qualified to construct and operate the proposed station; and

It further appearing that E. C. Gunter amended his application in response to the above-mentioned letter to show proposed financing for the construction and initial operation of the proposed station in the total amount of approximately $108,095 by submitting a detailed balance sheet showing the availability of current and liquid assets in the approximate amount of $120,942, and a copy of an agreement with RCA to extend deferred credit in the amount of $150,000, and, therefore, E. C. Gunter is now financially qualified; and

It further appearing that in the prehearing letter to Abilene Radio and Television Company, the Commission raised a question with respect to whether the type and character of the program service proposed will meet the needs of San Angelo in view of the proposal to rebroadcast in their entirety the programs of Station KRBC-TV, Abilene, Texas, with no provision for local originations; and

It further appearing that the Commission is of the view that the above question raised with respect to the proposed programming of Abilene Radio and Television Company should be explored within the framework of comparative issue "2(c)" as specified herein, rather than as a separate issue; and

It further appearing that Abilene Radio and Television Company is also the licensee of Station KRBC-TV, Abilene, Texas, and that in the event the subject application were granted, the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of Station KRBC-TV by approximately 31 miles; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Abilene Radio and Television Company is legally, financially, and technically qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except as to issue "1" below; that E. C. Gunter is legally, financially, technically, and otherwise qualified to construct, own, and operate the proposed television broadcast station; and that Dornita Investment Corporation is legally, financially, technically, and otherwise qualified to construct, own, and operate the proposed television broadcast station.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Abilene Radio and Television Company, E. C. Gunter, and Dornita Investment Corporation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the application of Abilene Radio and

Television Company would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules and regulations, in view of the overlap of the area to be served by the proposed station with the area served by Television Station KRBC-TV, Abilene, Texas.

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Abilene Radio and Television Company, E. C. Gunter, and Dornita Investment Corporation, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6100; Filed, June 30, 1960; 8:51 a.m.]

[Docket No. 13602; FCC 60-726]

CLACKAMAS BROADCASTERS (KGON)

Order Designating Application for Hearing on Stated Issues

In re application of Clackamas Broadcasters (KGON), Oregon City, Oregon, has: 1520 kc, 10 kw, DA-1, U; requests: 1520 kc, 50 kw, DA-1, U; Docket No. 13602, File No. BP-11734; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in letters dated December 9, 1958, March 26, 1959 and August 18, 1959, respectively, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that copies of the aforementioned letters are available for public inspection at the Commission's offices; and

It further appearing that the applicant filed timely replies to the aforementioned letters, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that by letters dated March 26 and August 18, 1959, the Commission advised applicant that cochannel Class I-B Station KOMA, Oklahoma City, Oklahoma (1520 kc, 50 kw, DA-N, U), by letters and affidavits filed February 11 and April 23, 1959, expressed its doubt as to whether applicant's proposed directional antenna system could be adjusted and maintained within the specified maximum expected operating values of radiation and whether reradiation effects from sources external to the array would cause the maximum expected operating values of radiation to be exceeded to the extent that interference would result to the service area of KOMA; and that by letter dated September 15, 1959, KOMA contends that because of the foregoing, it is entitled to a hearing on the KGON proposal; and

It further appearing that by letters and engineering affidavits filed March 11, April 24 and September 8, 1959, applicant states that any assumption by KOMA that a meaningful site survey could be made using its existing facilities to determine whether the proposed antenna system could be adjusted and maintained within the specified limits of radiation, is in error, since the existing facilities are not the same as those proposed for their 50 kw operation in such important parameters as current ratio, phase and height of towers, extent of ground system and monitoring facilities; that moreover, KGON must first receive its permit before a site survey can be conducted; that in its request for a construction permit, the changes which are felt to be necessary to modify the KGON facilities so as to protect KOMA, are spelled out in detail; that further, the maximum expected operating values of radiation specified, have been determined by assuming the worst possible combinations of error in the magnitude and phase of radiation from each antenna element and then computing the resulting increase in total radiation in pertinent directions; that included in these assumptions is a factor to account for unavoidable scattering of signal due to conditions external to the array; that to provide the maximum stability and permit adjustment of the proposed array, the existing installation will be completely overhauled; that new phase and current monitors, with resolution and accuracy of 0.1 degree and 0.2 percent will be installed; and

It further appearing that, an examination of the KGON proof of performance radial on file for the bearing 112 degrees true toward KOMA indicates considerable signal scattering; and that, (a) in view of said signal scattering indicated toward KOMA by the present KGON proof of performance, (b) the degree of signal suppression proposed, and (c) the relatively low values of radiation necessary in the initial adjustment of the directional antenna pattern in order to insure that current variations in the antenna elements would not cause the maximum expected operating value of radiation specified to be exceeded, thereby causing interference to KOMA, the Commission is of the opinion that the instant application must be designated for hearing on the issues specified below; and that KOMA should be made a party to the proceedings;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KGON and the availability of other primary service to such areas and populations.

2. To determine the extent of anticipated variations in the phase and amplitude of currents in the antenna towers during the actual operation of the proposed directional array.

3. To determine whether the proposed directional antenna array can be adjusted and maintained within the limits of radiation specified by the instant applicant.

4. To determine, in the event Issue 3 is decided in the negative, whether the instant proposal would involve objectionable interference with Station KOMA, Oklahoma City, Oklahoma, or any other existing standard broadcast stations; and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the instant proposal, the construction permit shall contain a condition that (1) the permittee, in order to insure maintenance of the radiated fields within the required tolerance, shall install properly designed phase and current monitors in the transmitter room, having a resolution of 0.1 degree and 0.2 percent, and shall be continuously available as a means of correctly indicating the relative phase and magnitude of currents in the several elements of the directional antenna system; (2) the permittee shall submit information with the proof-of-performance concerning the effect of the anticipated variations in phase and magnitude of currents in the towers of the array during actual operation upon the inverse distance field strengths indicated at one mile by the proof-of-performance data; and that any license issued to the instant applicant shall require the maintenance of the relative phase and magnitude of currents within these anticipated variations specified by applicant, or within those limits as may be specified by the Commission.

It is further ordered, That Storz Broadcasting Co., licensee of Station KOMA, Oklahoma City, Oklahoma, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicant, and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6101; Filed, June 30, 1960; 8:51 a.m.]

[Docket Nos. 13603, 13604; FCC 60-727]

ELIZABETH G. COUGHLAN AND NORTH SUBURBAN RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Elizabeth G. Coughlan, Highland Park, Illinois, req.: 103.1 Mc, #276; 1 kw; 136 ft., Docket No. 13603, File No. BPH-2831; North Suburban Radio, Inc., Highland Park, Illinois, req.: 103.1 Mc, #276; 1 kw; 118.2 ft., Docket No. 13604, File No. BPH-2907; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 29, 1960, and incorporated herein by reference, notified the applicants and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contours, the area and population therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

3. To determine in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to section 1.140 of the Commission's rules in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6103; Filed, June 30, 1960; 8:52 a.m.]

[Docket Nos. 13485-13487; FCC 60M-1085]

CLARKE BROADCASTING CORP. (WGAU) ET AL.

Order Continuing Hearing

In re applications of Clarke Broadcasting Corporation (WGAU), Athens, Georgia, Docket No. 13485, File No. BP-12186; Wake Broadcasters, Inc. (WAKE), Atlanta, Georgia, Docket No. 13486, File No. BP-12477; Savannah Valley Broadcasting Company (WBBQ), Augusta, Georgia, Docket No. 13487, File No. BP-13455; for construction permits.

Pursuant to agreement reached at a prehearing conference in the above-entitled matter: *It is ordered*, This 23d day of June 1960, that the hearing in the above-entitled matter presently scheduled for July 11, 1960, be, and the same is, hereby continued, to October 11, 1960.

Released: June 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6102; Filed, June 30, 1960; 8:52 a.m.]

[Docket No. 13601; FCC 60-726]

HOPKINSVILLE BROADCASTING CO., INC. (WHOP)

Order Designating Application for Hearing on Stated Issues

In re application of Hopkinsville Broadcasting Company, Incorporated (WHOP), Hopkinsville, Kentucky, has: 1230 kc, 250 w, U, requests: 1230 kc, 250 w, 1 kw-LS, U, Docket No. 13601, File No. BP-12506; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 9, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that in an amendment filed April 28, 1960, the applicant indicated that interference received by the present operation of Station WHOP affects 32.5 percent of the population within its normally protected primary service area; that the interference which would be received by the proposed operation of Station WHOP would affect 27.7 percent of the population within the proposed normally protected primary service area; and that the interference which would be caused by the proposed operation of WHOP to Station WTCJ would affect 61.5 percent of the population within the normally protected primary service area of WTCJ; and

It further appearing that by the aforementioned amendment, the applicant requests a waiver of § 3.28(c)(3) of the Commission rules on the ground that the percentage of population in the proposed primary service area (27.7 percent) which would be affected by interference received, would be smaller than the percentage of population in its present primary service area (32.5 percent) so affected; and that on the basis of this information we are of the opinion that a waiver of § 3.28(c)(3) of the rules is warranted under these circumstances; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WHOP and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WHOP would involve objectionable interference with Stations WTCJ, Tell City, Indiana, and WHCO, Sparta, Illinois, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, James Roland Brewer, tr/as Tell City Broadcasting Co., and Hirsch Communications Engineering Corporation, licensees of Stations WTCJ and WHCO, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6104; Filed, June 30, 1960; 8:52 a.m.]

[Docket No. 13222 etc.; FCC 60M-1086]

MICHIGAN BROADCASTING CO. (WBCK) ET AL.

Order

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP-11439; F. E. Lackey, Pierce E. Lackey and William Ellis Wilson, d/b as Richmond Broadcasting Company, Centerville, Indiana, Docket No. 13223, File No. BP-11625; Charles H. Chamberlain, Urbana, Ohio, Docket No. 13224, File No. BP-11736; M. M. Lawrence and Ruel O. Thomas, d/b as Lake Cumberland Broadcasting Company, Jamestown, Kentucky, Docket No. 13228, File No. BP-12213; Sam Kamin and James A. Howenstine, d/b as Citizens Broadcasting Company, Lima, Ohio, Docket No. 13230, File No. BP-12319; J. B. Crawley, R. L. Turner, W. B. Kelly and Dean Harden, d/b as Shelby Broadcasting Company, Shelbyville, Kentucky, Docket No. 13232, File No. BP-12352; W.L.K.Y., Inc., Lexington, Kentucky, Docket No. 13237, File No. BP-12498; Miami Valley Christian Broadcasting Association, Incorporated, Miamisburg, Ohio, Docket No. 13239, File No. BP-12640; Raymond I. Kandel and Gus Zaharis, Zanesville, Ohio, Docket No. 13242; Continental Broadcasting Company, Cincinnati, Ohio, et al., Docket Nos. 13246, 13225, 13226, 13227, 13229, 13231, 13233, 13235, 13241, 13243, 13245, 13247, 13248, 13249, 13250, 13251; File No. BP-13088; for construction permits.

The Hearing Examiner having under consideration a joint motion for continuance filed on June 20, 1960, by Richmond Broadcasting Company, Docket 13223, Charles H. Chamberlain, Docket 13224, Lake Cumberland Broadcasting Company, Docket 13228, Citizens Broadcasting Company, Docket 13230, Shelby Broadcasting Company, Docket 13232, W.L.K.Y., Inc., Docket 13237, Miami Valley Christian Broadcasting Association, Incorporated, Docket 13239, Raymond I. Kandel and Gus Zaharis, Docket 13242, and Continental Broadcasting Company, Docket 13246, nine of the applicants in Group 2 of the above-styled proceeding, requesting that the dates heretofore scheduled for Step 3, as set forth in the order of the Hearing Examiner released April 18, 1960, be continued (1) pending consolidation or other disposition of the application of Muskingum Broadcasting Company for 940 kc at Zanesville, Ohio (BP-13157) into this proceeding and (2) pending a further prehearing conference to be scheduled after action on the Muskingum application, to determine the type of evidence to be submitted under certain issues recently added by the Commission; and

It appearing that by order released May 18, 1960, in response to a joint motion by eleven applicants in Group 2, the Hearing Examiner indefinitely continued the remaining phases of Step 1 and Step 2 pending action on the application of Muskingum Broadcasting Company, and that subsequently, on May 31, 1960, the Commission released a Memorandum Opinion and Order adding, inter alia, a comparative issue with respect to the applications for Delphos, Ohio (Western Ohio Broadcasting Co., Docket 13241) and Lima, Ohio (Citizens Broadcasting Company, Docket 13230) in Group 2; and

It further appearing that the recently added comparative issues was the subject of discussion in Group 3 prehearing conferences, and the said issue should also be discussed in a Group 2 prehearing conference prior to the exchange of exhibits, which, in the Examiner's order released April 18, was scheduled as part of Step 3 for June 30, 1960; and

It further appearing that when Muskingum Broadcasting Company's Zanesville application is consolidated into Group 2, it will be involved in a comparative issue with the Zanesville application of Kandel and Zaharis (Docket 13249) and it would be unfair to Kandel and Zaharis to exchange its comparative evidence and thus reveal its case prior to the consolidation of Muskingum; and

It further appearing that the remaining five applicants in Group 2 have authorized the movants to state their positions as follows:

1. Virginia-Kentucky Broadcasting Company, Incorporated (WNRG), Docket 13231; Western Ohio Broadcasting Company, Docket 13241; and Fort Wayne Broadcasting Company, Docket 13249, have consented to a grant of this motion.

2. Michigan Broadcasting Company, Docket 13222, and Radio 940, Docket 13233, waive the four-day rule with respect to the entire motion.

It further appearing that the Broadcast Bureau has informally agreed to immediate consideration and grant of the instant motion; and

It further appearing that public interest requires an early consideration of this motion; and good cause has been shown for the grant of the requested relief;

It is therefore ordered, This 23d day of June 1960, that the joint motion be and the same is hereby granted and the dates heretofore scheduled by order released April 18, 1960, for Step 3 of Group 2 of the above-styled proceeding be and the same are hereby continued pending action by the Commission with respect to consolidation of the Muskingum Broadcasting Company application for 940 kc at Zanesville, Ohio, into this proceeding.

It is further ordered, That after Commission action on the Muskingum application, a further conference will be held to arrive at a new schedule of dates and for such other matters as may seem appropriate; the time of such further conference to be fixed in a subsequent order.

Released: June 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6105; Filed, June 30, 1960; 8:52 a.m.]

[Docket No. 13614; FCC 60-736]

NEW ENGLAND MICROWAVE CORP.

Order Designating Applications for Hearing on Stated Issues

In re applications of New England Microwave Corporation, Docket No. 13614; for construction permit for new fixed video radio station, frequency: 6012.5 Mc., location: Lennox Mt. Fire Tower, Richmond, Massachusetts, File No. 2305-C1-P-60; for construction permit for new fixed video radio station, frequency: 6112.5 Mc., location: Hoosac Tunnel, North Adams, Massachusetts, File No. 2306-C1-P-60.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration a protest and petition for reconsideration timely filed on May 27, 1960, by Springfield Television Broadcasting Corporation, licensee of television station WRLP, at Greenfield, Massachusetts (hereinafter referred to as Springfield), protesting the grant without hearing, on April 29, 1960, of the above indicated applications of New England Microwave Corporation (hereinafter referred to as Microwave); the opposition to such protest timely filed by Microwave on June 6, 1960; and a reply to Microwave's opposition timely filed by Springfield on June 13, 1960; and

It appearing that Springfield is a party in interest with standing to protest and petition for reconsideration herein, and that said protest is legally sufficient; and

It further appearing that issue 12 proposed by Springfield is inappropriate since it is predicated on conclusions of fact and law which are not pleaded with specificity; and

It further appearing that this proceeding must be considered in the light of the considerations and determinations made in our Report and Order in Docket No. 12443 (26 FCC 403); and

It further appearing that there is no direct or indirect interrelationship of ownership or control between Microwave and its initial subscriber, Mohawk Valley Television, Inc., and that Microwave appears to be a bona fide communications common carrier; and

It further appearing, that Springfield delivers a sub-standard television signal at Athol, Massachusetts (as admitted on page 2 of its protest); and that the actual (as distinguished from theoretical) direct coverage of other television stations in Athol is doubtful because of local terrain factors; and

It further appearing that Springfield holds a construction permit for a UHF translator at Athol (W74AB) which was granted in March 1959 and that the facility so authorized has not yet been installed; and

It further appearing that the local CATV service in Athol may be the only substantial and reliable source presently available to the public there for television program service; and

It further appearing in the light of the foregoing circumstances, that the public interest requires that the protested grants remain in effect pending the Commission's decision herein after hearing; and

It further appearing that it is desirable and appropriate that we do not adopt as our own any of the issues proposed by Springfield; and

It further appearing that the disposition herein of the protest renders moot the request for reconsideration;

It is ordered, That the protest is granted to the extent herein provided, and denied in all other respects; and the request for reconsideration is denied; and that, pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, a hearing be held herein, at the offices of the Commission in Washington, D.C., at a time and place to be hereafter announced, on the following issues:

1. To determine the areas and populations served by stations WRLP, W74AB and W74AE, and the nature and type of service provided by said stations.

2. To determine the cost of placing the aforesaid stations on the air (including subsequent capital expenditures), the annual revenues of WRLP during 1957, 1958, 1959, and 1960, the corresponding annual operating costs of said stations.

3. To determine the number of persons within WRLP's service area who receive television service from boosters, translators, or outside stations, and the nature and extent of the service thus received.

4. To determine what impact a grant of the aforesaid applications would have on the quantity and quality of service presently being rendered and presently projected by WRLP and on the service presently proposed by W74AB and W74AE, and more particularly whether the impact would be such as to jeopardize WRLP's continued existence and the proposed operations of W74AB and W74AE or necessitate a curtailment in the quality and quantity of service rendered by said stations.

5. To determine whether the CATV operations in Athol, Adams or elsewhere in WRLP's service area intend to add subscribers to their systems or to extend their systems into other towns within WRLP's service area, and the number of additional subscribers thus contemplated within the next three years.

6. To determine the number of persons within WRLP's service area who would lose the only service that they presently receive, in the event WRLP, W74AB and W74AE do not operate.

7. To determine the extent to which it would be economically feasible to bring booster, translator, or satellite service to the population dependent on WRLP for a television service, in the event that station ceased to operate.

8. To determine what effect bringing additional VHF signals into the heretofore UHF upper Connecticut River Valley will have on the operation of other UHF stations and whether such action is in contravention of Rule 3.606 of the Commission's rules and against the public interest.

9. To determine whether New England Microwave Corporation is owned or controlled by CATV operators.

10. To determine in light of the evidence adduced under Issue 9, the effect, if any, of such common or interlocking ownership, upon the common carrier status of New England Microwave Corporation and its eligibility for a microwave grant.

11. To determine whether New England Microwave Corporation is a bona fide common carrier and eligible for a common carrier microwave facility under the Commission's Rules and Regulations.

12. To determine whether the grantee and/or CATV system it serves proposes (a) to carry WRLP's signal if that station so requests; (b) to carry that signal without degradation; (c) to take steps to prevent the CATV operations from interfering with the off-the-air pickup of WRLP's signal or those of W74AB and W74AE.

13. To determine whether the Commission, in the light of evidence adduced in this proceeding and under its authority to establish "areas or zones" for each radio station (47 U.S.C. 303(h)), should preclude the bringing into the Connecticut River Valley via microwave facilities the VHF signals of distant metropolitan stations, even though the Commission does "not presently envision such a system of regulation" in all areas (see 26 FCC at 439, par. 93).

14. To determine whether the conclusions set forth in paragraphs 45 thru 51 and 58 thru 79 of the Report and Order in Docket No. 12443, as applied in this case, are in error.

15. To determine in the light of the evidence adduced under the foregoing issues, whether a grant of the aforesaid applications will serve the public interest, convenience and necessity.

It is further ordered, That Springfield shall have the burden of proof on issues 1, 2, 3, 4, 6, 7, 8, 13, and 14; and Microwave shall have the burden of proof on issues 5, 9, 10, 11, 12, and 15; and

It is further ordered, That Microwave is authorized to continue to construct and utilize the facilities which are the subject of the applications contested herein, pending the Commission's final decision in this matter after hearing, and subject to such final decision.

It is further ordered, That Springfield and Microwave, the Chief, Common Carrier Bureau and the Chief, Broadcast Bureau, are hereby made parties to this proceeding; and that each party intending to participate in the hearing shall file a notice of appearance not later than July 18, 1960.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6106; Filed, June 30, 1960; 8:52 a.m.]

[Docket Nos. 13599, 13600; FCC 60-724]

A. S. RIVIERE AND RADIO GEORGIA

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of A. S. Riviere, Barnesville, Georgia, requests: 1590kc, 1kw, D, Docket No. 13599, File No. BP-12889; John P. Frew, Elizabeth H. Frew, Stephens B. McGarity and Leslie E. Gradick, Jr., d/b as Radio Georgia, Thomaston, Georgia, requests: 1590kc, 500w, D, Docket No. 13600, File No. BP-13051; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 6, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6107; Filed, June 30, 1960; 8:52 a.m.]

[Docket Nos. 12991, 12992; FCC 60M-1084]

SUBURBAN BROADCASTING CO., INC. AND CAMDEN BROADCASTING CO.

Order Continuing Hearing

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

Upon oral request of counsel for Suburban Broadcasting Company, Inc., and with the consent of all parties, it is ordered, this 23d day of June 1960, that the date for the exchange of exhibits presently scheduled for June 24, 1960, be, and the same is, hereby continued to July 11, 1960, and that the formal hearing presently scheduled for July 5, 1960, be, and the same is, hereby continued to July 25, 1960.

Released: June 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6108; Filed, June 30, 1960; 8:52 a.m.]

COMMERCIAL AND AMATEUR RADIO OPERATOR EXAMINATION

Statement of Organization, Delegation of Authority, and Other Information; Amendment

In the matter of amendment of section 0.413(c)(1) of statement of organization, delegations of authority, and other information regarding commercial and amateur radio operator examination rules.

The Commission having under consideration a modification of its commercial and amateur radio operator license examination points; and

It appearing that it will be in the public interest to change the location of the annual examination point from Butte, Montana, to Great Falls, Montana, since Great Falls has (a) a larger population, (b) is more centrally located and, (c) is the residence of the majority of applicants for radio operator examinations heretofore appearing at Butte; and

It further appearing that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with the public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, This 28th day of June 1960, pursuant to authority of section 0.341 of the Commission's Statement of Delegations of Authority, and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that section 0.413(c)(1) of Statement of Organization, Delegations of Authority, and Other Information, be amended as set forth below, effective September 1, 1960.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 0.413(c)(1) is amended by deleting Butte, Montana, and adding Great Falls, Montana, in alphabetical sequence to the "annual" listing within this section.

[F.R. Doc. 60-6109; Filed, June 30, 1960; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6951]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

JUNE 27, 1960.

Take notice that on June 20, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in that State and the State of Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of $1,000,000 principal amount of First Mortgage Bonds, Series K, 5½ percent. The aforesaid First Mortgage Bonds would be dated August 1, 1960, and would mature August 1, 1990. Applicant proposes to issue the First Mortgage Bonds under the Indenture of Mortgage and Deed of Trust of the Applicant to The Hanover Bank, of New York City, as Trustee, dated as of September 1, 1941, as supplemented and amended up to and including April 1, 1960, and to be amended by a proposed Supplemental Indenture to be dated as of August 1, 1960. Applicant proposes, through its agent, Dillon, Read & Co. Inc., to sell the aforesaid Bonds to Equitable Life Insurance Company of Iowa and Kansas City Life Insurance Company in the respective principal amounts of $750,000 and $250,000. Applicant states that the proceeds from the issuance and sale of the First Mortgage Bonds, which will be less than $1,000,000, will be used for additions and improvements to its properties.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 19th day of July, 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6090; Filed, June 30, 1960; 8:51 a.m.]

[Docket No. E-6950]

HEADWATER BENEFITS INVESTIGATION IN THE CONNECTICUT RIVER BASIN

Order Instituting Investigation

JUNE 24, 1960.

Pursuant to the provisions of section 10(f) of the Federal Power Act, we are authorized to determine and assess headwater improvement benefit charges against the owner of any water power project directly benefited by upstream improvements constructed by the United States, its licensees or permittees. The United States and its licensees or permittees have constructed and operated reservoir storage developments on the Connecticut River and tributaries in New Hampshire, Vermont, Massachusetts, or Connecticut which may directly provide power benefits to downstream non-Federal water power developments.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10(f) thereof, for the purpose of enabling the Commission to determine whether any of the non-Federal water power projects located downstream from improvements constructed by the United States, its licensees, or permittees on the Connecticut River and tributaries, are directly benefited by the construction and operation of such upstream improvements of the United States, its licensees or permittees and, if it so finds, to determine the equitable proportion of the annual charges to be paid by the owner of any downstream non-Federal water power project so benefited for interest, maintenance and depreciation on such upstream improvements constructed by the United States, its licensees or permittees.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6091; Filed, June 30, 1960; 8:51 a.m.]

[Docket No. DA-991-California]

FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Land Withdrawals

JUNE 27, 1960.

Lands withdrawn in Power Site Classifications Nos. 80 and 267, Reservoir Site Reserve No. 17, Department of Agriculture Permit, Department of the Interior Permit, and Projects Nos. 174 and 564, Docket No. DA-991—California, Forest Service, United States Department of Agriculture. Findings of the Commission, determination under section 24 of the Federal Power Act, and partial vacation of withdrawal under section 24 of the Federal Water Power Act.

The Forest Service, United States Department of Agriculture, in order to consummate land exchanges, has filed an application for revocation of the power withdrawal pertaining to the following-described lands under section 24 of the Federal Water Power Act pursuant to the filing of an application for a preliminary permit for proposed Project No. 564:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 S., R. 33 E.,
Sec. 9, NE¼NE¼;
Sec. 10, W½NW¼, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 14, SW¼NW¼, S½SW¼;
Sec. 23, NW¼.

The above-described lands are located within the boundaries of the Sequoia National Forest and lie on and near the Kern River, for the most part on the left bank, a few miles upstream from the upper limits of Isabella reservoir. They were reserved, among other lands, pursuant to the filing on September 26, 1925, of an application for a preliminary permit for proposed Project No. 564, which application was rejected May 7, 1929.

The Commission by order issued January 8, 1960 (Docket No. DA-980—California) vacated the existing power withdrawal pertaining to those parts of the above-described lands in the SW¼NW¼ and the NW¼SW¼ of sec. 10 lying west and south of an existing county road and the access road leading to the Southern California Edison Company's Kern No. 3 power plant.

Portions of the lands in the NE¼NE¼ of sec. 9 and in the SW¼NW¼, the NW¼SW¼, the E½SW¼ and the SW¼SE¼ of sec. 10 were also reserved for transmission-line purposes pursuant to the filing on February 11, 1921, of an application for a license for Project No. 174 and on July 26, 1938, pursuant to the filing of an application for amendment of the license for the project.

The land in the W½NW¼ of sec. 23 is further withdrawn in Power Site Classification No. 267, dated August 24, 1933, and in Reservoir Site Reserve No. 17, dated June 8, 1926.

That part of the land in the NE¼NE¼ of sec. 9, T. 25 S., R. 33 E., Mount Diablo meridian, California, among other lands, lying within 50 feet of the marginal limits of power facilities of the Southern California Edison Company's Kern No. 3 power plant is also withdrawn in Power Site Classification No. 80, dated July 17, 1924. The power facilities appear to occupy said land in the NE¼NE¼ of sec. 9 and portions of the land in the NW¼NW¼ of sec. 10, T. 25 S., R. 33 E., Mount Diablo meridian, California, under permit from the Department of Agriculture and possibly from the Department of the Interior.

It appears that the power potential of the lands described in the first paragraph of this order is being fully utilized by existing facilities and that their value for additional power purposes is negligible. Consequently, use of the lands for other purposes as hereinafter provided appears to be appropriate and desirable.

The Commission finds:

(1) Further Commission action with respect to the power withdrawal which pertained to the following-described lands under Section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 564 is neither necessary nor appropriate:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 S., R. 33 E.,
Sec. 10, Those parts of the SW¼NW¼ and NW¼SW¼ lying west and south of an existing county road and the access road leading to the Southern California Edison Company's Kern No. 3 power plant.

(2) Inasmuch as the remaining above-described lands—except for those portions of the lands in the NE¼NE¼ of sec. 9 and in the SW¼NW¼, the NW¼SW¼, the E½SW¼ and the SW¼SE¼ of sec. 10 now used for transmission-line purposes under license in Project No. 174 and those portions of the lands in the NE¼NE¼ of sec. 9 and in the NW¼NW¼ of sec. 10 now occupied by power facilities under power permits—have negligible value for purposes of power development, the existing power withdrawals pertaining thereto serve no useful purpose.

(3) The existing power withdrawal for transmission-line purposes pertaining to portions of the following-described lands effected pursuant to the filing of the application for a license for Project No. 174 and the filing of the application for amendment of the license for the project should remain unchanged:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 S., R. 33 E.,
Sec. 9, NE¼NE¼;
Sec. 10, SW¼NW¼, NW¼SW¼, E½SW¼, SW¼SE¼.

(4) It has no objection to the revocation by the Secretary of the Interior of Power Site Classification No. 80 insofar as it pertains to the following-described land:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 S., R. 33 E.,
Sec. 9, NE¼NE¼.

(5) It has no objection to the revocation by the Secretary of the Interior of Power Site Classification No. 267 and of Reservoir Site Reserve No. 17 insofar as they pertain to the following-described land:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 S., R. 33 E.,
Sec. 23, W½NW¼.

(6) Vacation of the existing power withdrawal pertaining to the following-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 564 is in the public interest:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 25 S., R. 33 E.,
Sec. 9, NE¼NE¼;
Sec. 10, [1]W½NW¼, SE¼NW¼, [1]SW¼, W½SE¼, SE¼SE¼;
Sec. 14, SW¼NW¼, S½SW¼;
Sec. 23, NW¼.

(7) A determination under section 24 of the Federal Power Act as hereinafter provided with respect to the hereinafter-described lands is justified.

The Commission determines: The value of those portions of the lands in the NE¼NE¼ of sec. 9 and in the NW¼NW¼ of sec. 10, T. 25 S., R. 33 E., Mount Diablo meridian, California, now under power permit for the operation and maintenance of Southern California Edison Company's Kern No. 3 power plant and that portion of the land in said NE¼NE¼ of sec. 9 now being used for transmission-line purposes under license for Project No. 174 will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and subject to the prior right of the above-mentioned permittee and licensee of the United States and their successors to use said lands for power purposes in accordance with the terms and conditions of said permit and license.

The lands subject to this determination remain in a withdrawn status until the Bureau of Land Management, Department of the Interior, issues a formal order of restoration.

The Commission orders:

(A) The application insofar as it pertains to the lands described in finding (1) herein is dismissed.

(B) The existing power withdrawal pertaining to the lands described in finding (6) herein under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 564 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6092; Filed, June 30, 1960; 8:51 a.m.]

[Docket No. CP60-56]

MONTANA-DAKOTA UTILITIES CO.

Postponement of Hearing

JUNE 24, 1960.

Upon consideration of the motion filed June 20, 1960, by Counsel for Montana-Dakota Utilities Company for postponement of the hearing now scheduled for June 28, 1960, in the above-designated matter;

The hearing now scheduled for June 28, 1960, is hereby postponed to October 4, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6093; Filed, June 30, 1960; 8:51 a.m.]

[Docket No. RI60-435]

UNION PRODUCING CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

JUNE 24, 1960.

On May 26, 1960, Union Producing Company (Union Producing) tendered for filing Supplements No. 5 to its FPC Gas Rate Schedules Nos. 215 and 216. Said supplements provide for rate increases from 18.75 cents per Mcf to 26.75 cents per Mcf, based upon periodic rate increases, for gas sold to Union Producing's parent company, the United Gas Pipe Line Company, from leases in Terrebonne Parish, Louisiana.

Union Producing's proposed increased rates represent an increase of 8 cents per Mcf above the rates of 18.75 cents per Mcf presently in effect, subject to refund, in the proceeding in Docket No. G-13811. The proposed increased rates in this proceeding are based upon provisions contained in renegotiated contracts which were executed in September 1957.

In support of its proposed increased rates, Union Producing states that said rates are necessary to offset increasing operating expenses and the increased cost of doing business. Union Producing further states that the increase is necessary to encourage further exploration and development and that United Gas Pipe Line has agreed to pay the same proposed price to other producers in the same area for gas purchased for delivery in intrastate commerce.

The statement submitted by Union Producing Company in support of these rate changes is the same as that which was submitted in October 1957 to support a rate change from 9 cents to 17 cents, exclusive of tax reimbursement. We suspended, and did not reject the October 1957 change. We must do the same now in conformity with what we believe to be required of us by law. Our interpretation of § 154.94(e) of the Commission's regulations cannot vary according to the amount of the rate increase. We deplore the filing of these high rates, but they must be treated under existing law and applicable regulations, and not according to our personal desires. We are given no authority to reject these filings under the present state of the law. We may either fail to act and thus allow the proposed increased rates to become effective, or we may enter upon a hearing and, pending such hearing, suspend the proposed new supplements for a period not exceeding five months beyond the proposed effective date. See Mississippi River Fuel Corp. v. F.P.C., 202 F. 2d 899, 902 (CA3, 1953).

Union Producing proposes an effective date for its tendered increased rates of July 1, 1960. However, the increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Although a general investigation of Union Producing's rates is presently being made under a section 5(a) proceeding in Docket No. G-18634, we find and conclude that this proceeding, and the hearing therein as hereinafter ordered, should not be consolidated with the proceeding in Docket No. G-18634, but should be heard forthwith at the earliest practicable date.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed rate changes, and that Supplements No. 5 to Union Producing's FFC Gas Rate Schedules Nos. 215 and 216 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held on September 7, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the proposed increased rates and charges contained in Supplements No. 5 to Union's FPC Gas Rate Schedules Nos. 215 and 216.

(B) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until January 1, 1961, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6094; Filed, June 30, 1960; 8:51 a.m.]

[1] NOTE: Those parts of the SW¼NW¼ and NW¼SW¼ lying west and south of an existing county road and the access road leading to the Southern California Edison Company's Kern No. 3 power plant were vacated by the Commission by order issued January 8, 1960.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1312]

EQUITY CORP. AND DEVELOPMENT CORPORATION OF AMERICA

Notice of and Order for Hearing on Application for Order Exempting Transactions From Provisions

JUNE 24, 1960.

Notice is hereby given that The Equity Corporation ("Equity") and Development Corporation of America ("DCA"), Delaware corporations and registered closed-end investment companies, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act certain transactions incident to the proposed merger of DCA into Equity.

Equity owns 2,399,503 shares (99.9 percent) of the outstanding common stock of DCA. DCA also has outstanding 285,789 shares of $1.25 Cumulative Convertible Preferred Stock, each share of which is convertible into four shares of DCA common stock upon payment of $5.50 in cash prior to June 30, 1960 and $6.50 in cash thereafter. The DCA preferred stock has been called for redemption on July 13, 1960.

It is proposed that if, on July 15, 1960, Equity owns 90 percent or more of the then outstanding common stock of DCA, it will on that date merge DCA into itself pursuant to the simplified merger provisions of section 253 of the General Corporation Law of the State of Delaware, and in connection therewith the DCA common stockholders, other than Equity, will be paid in cash the value of their shares, unless they exercise their rights to demand an appraisal under such law. If, on July 15, 1960, the merger provisions of said section 253 are not available because Equity does not own 90 percent or more of the common stock of DCA, then an amendment will be filed to this application either proposing such merger on other terms and conditions or the dissolution and liquidation of DCA, prior to August 15, 1960. As explained below, such merger or dissolution of DCA is required under the terms of a court decree directed to Equity.

The application states that the value of the DCA common stock for the purpose of the merger has been established at $6.54 per share subject to adjustments to reflect (i) the market price on July 13, 1960 of the marketable securities, other than common stock of Sterling Precision Corporation, included among DCA's assets, and (ii) increases in the number of shares of DCA common stock resulting from the conversion of DCA preferred stock or the exercise of outstanding warrants and options entitling the holders to buy DCA common stock. The application further states that the value of the DCA stock for the purposes of the merger was fixed in relation to an appraisal, made by Ebasco Services, Inc. ("Ebasco"), of the net asset value per share of DCA, as of May 31, 1960, of $7.69, after provision of $0.94 per share for capital gains taxes on unrealized appreciation. The application discloses that the Board of Directors of Equity determined the asset value of DCA stock for purposes of the merger by discounting Ebasco's appraisal by 15 percent to reflect the fact that shares of closed-end investment companies customarily sell at a discount from net asset value. Ebasco's appraisal of the net asset value reflects an opinion as to the value of DCA's investment in each of its operating subsidiaries and in Sterling Precision Corporation and the market value of its marketable securities (principally stock of Financial General Corporation and of N. V. Philips Gloeilampenfabrieken) as of May 31, 1960.

Equity was permitted to acquire, through a then wholly owned subsidiary, the common stock of DCA by order of this Commission dated April 16, 1959 (Investment Company Act Release No. 2865) exempting such acquisition from the anti-pyramiding provisions of section 12(d) of the Act, upon the condition, among others, that unless, by December 15, 1959, DCA ceased to be an investment company it would register under the Act and Equity would dispose of all of its holdings of voting securities of DCA. By order dated December 17, 1959 (Investment Company Act Release No. 2950) the time for compliance with said condition was extended to March 16, 1960. On March 17, 1960 DCA filed its notification of registration as an investment company and on April 21, 1960 the Commission instituted an action in the United States District Court of Delaware (Securities and Exchange Commission v. The Equity Corporation, et al., Civil Action No. 2194), seeking, among other things, an order directing compliance by Equity with the aforesaid condition. On May 11, 1960 said court entered an order consented to by the parties to said action, directing Equity, so far as here relevant, to redeem on or before July 13, 1960 all of its outstanding $1.25 Cumulative Convertible Preferred Stock, and on or before July 15, 1960 to cause the merger of DCA into Equity unless on such latter date Equity does not own at least 90 percent of the common stock of DCA, in which event such merger or the dissolution and liquidation of DCA shall be caused on or before August 15, 1960.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company, any securities or other property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching

on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act. Since the proposed transactions involve the purchase and sale of securities and property by two registered investment companies, each of which is an affiliated person of the other, they are subject to the provisions of section 17(a) of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 12th day of July 1960, at 10:00 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That Sidney L. Filer, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transactions are consistent with the policy of Equity, as recited in its registration statement and reports filed under the Act; and

(3) Whether the proposed transactions are consistent with the general purposes of the Act.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Equity and DCA; that DCA shall cause a copy of this notice to be mailed to the security holders of DCA at their last known address on or before July 1, 1960; and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6075; Filed, June 30, 1960; 8:48 a.m.]

TARIFF COMMISSION

[7-90]

BINDING AND BALER TWINE

Investigation and Hearing

Investigation instituted. Upon application of the Cordage Institute, New York, N.Y., received June 10, 1960, the United States Tariff Commission, on the 24th day of June 1960, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether binding twine and twine chiefly used for baling hay, straw, and other fodder and bedding materials, provided for in paragraph 1622 of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on September 27, 1960, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued June 27, 1960.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-6076; Filed, June 30, 1960; 8:48 a.m.]

[7-91]

HARD FIBER CORDS AND TWINES

Investigation and Hearing

Investigation instituted. Upon application of the Cordage Institute, New York, N.Y., received June 10, 1960, the United States Tariff Commission, on the 24th day of June 1960, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether cords and twines provided for in paragraph 1005(b) of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on September 28, 1960, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: June 27, 1960.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-6077; Filed, June 30, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LYKES BROS. STEAMSHIP CO., INC., AND MOORE-McCORMACK LINES, INC.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8494, between Lykes Bros. Steamship Co., Inc., and Moore-McCormack Lines, Inc. (Robin Line Division), covers a through billing arrangement in the trade from U.S. Gulf ports to ports in Portuguese East Africa and British East Africa, with transhipment at Lourenco Marques and Beira, Portuguese East Africa, and Durban and Capetown, Union of South Africa; and

Agreement No. 8496, between Lykes Bros. Steamship Co., Inc., and Moore-McCormack Lines, Inc. (Robin Line Division), covers a through billing arrangement in the trade from ports in Portuguese East Africa and British East Africa to U.S. Gulf ports, with transhipment at Lourenco Marques and Beira, Portuguese East Africa, and Durban and Capetown, Union of South Africa.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: June 28, 1960.

JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 60-6085; Filed, June 30, 1960; 8:49 a.m.]

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASES IN RATES

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on the dates indicated below, the following Amended Thirty-Second and, Thirty-Fourth Supplemental Orders to the original order in this proceeding dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

AMENDED THIRTY-SECOND SUPPLEMENTAL ORDER—DATED MAY 31, 1960

It appearing that by Thirty-Second Supplemental Order in this proceeding, dated May 16, 1960, and Special Permission No. 3836, the Board granted Matson Navigation Company authority to file, on thirty days' notice, Westbound Container Freight Tariff No. 14, F.M.B.-F. No. 109; Eastbound Container Freight Tariff No. 15, F.M.B.-F. No. 110; and at the same time authorized the cancellation of all currently effective container freight tariffs; and

It further appearing that the third paragraph of said Order provides that said Westbound Container Freight Tariff No. 14, F.M.B.-F. No. 109, will name single factor pickup and delivery rates for the westbound portion of the California-Hawaii service; and

It further appearing that on May 25, 1960, Matson Navigation requested modification of said Thirty-Second Supplemental Order and said Special Permission No. 3836 in order to permit it to file a Westbound Container Tariff No. 14, F.M.B.-F. No. 109, naming in lieu of storedoor to storedoor rates with pickup and delivery, rates which include storedoor pickup on the West Coast but not storedoor delivery in Hawaii;

It is ordered, That Thirty-Second Supplemental Order herein be modified to permit such filing to be made on thirty days' notice; and

It is further ordered, That said order as so modified remain in full force and effect as issued; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

THIRTY-FOURTH SUPPLEMENTAL ORDER—DATE MAY 31, 1960

It appearing that by the original order (as amended) in Docket 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said original order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on May 16, 1960, Matson Navigation Company filed Special Permission Application No. 60 seeking authority to publish, post, and file on not less than one day's notice, a consecutively numbered supplement to Freight Tariff No. 1-N, F.M.B.-F. No. 86 in order to establish the following rate item:

623-A Paperboard, unsaturated, in rolls:

(a) Measurement per roll not to exceed 65 cubic feet per 2,000 lbs.	$25.00
(b) Measurement per roll not to exceed 70 cubic feet per 2,000 lbs.	26.90
(c) Measurement per roll not to exceed 75 cubic feet per 2,000 lbs.	28.85
(d) For each cubic foot or fraction thereof in excess of 75 cubic feet per roll per 2,000 lbs. add 40 cents per cubic foot to the rate published in (c).	

The above rates to be subject to an additional 12½ percent; and

It further appearing that the Board having found good cause therefor has on May 31, 1960, granted special permission to publish such changes on not less than 1 day's notice, under Special Permission No. 3842;

It is ordered, That the original order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3842; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: June 28, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 60-6086; Filed, June 30, 1960; 8:50 a.m.]

[Docket No. 881]

ALASKAN RATES AND CHARGES; GENERAL INCREASES

Notice of Supplemental Order

The Federal Maritime Board, on June 13, 1960, entered the following fourth Supplemental Order, to the original order in this proceeding dated, January 7, 1960, which appeared in the FEDERAL REGISTER of January 15, 1960 (25 F.R. 364).

It appearing that by the original order, as amended, in Docket No. 881 served January 8, 1960, the Board instituted an investigation into and concerning the reasonableness of the rates, charges, rules, regulations and practices stated in certain schedules between Pacific Coast ports on the one hand, and ports and points in Alaska on the other; and

It further appearing that said original order provides in part that no change shall be made in the rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on June 2, 1960, Alaska Freight Lines, Inc., filed Application No. 12 seeking authority to publish, post and file, on 30 days' notice, a consecutively-numbered revised Page No. 45 to F.M.B.-F. No. 9 in order to establish an Item No. 557 naming a rate of $1.75 per 100 pounds to read as follows:

Fish, canned, including salmon, clams, crab and shrimp.
Note 1—Applies southbound only.
Note 2—Item 85 will not apply; and

It further appearing that the Board having found good cause therefor has on June 13, 1960, granted special permission to publish such change on 30 days' notice under Special Permission No. 3848;

It is ordered, That the original order herein is modified to the extent necessary to permit publication and filing of the change covered by such Special Permission No. 3848; and

It is further ordered, That any rates, charges, regulations and practices set forth in the schedule filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedule cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Office of the Federal Maritime Board, and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: June 28, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6067; Filed, June 30, 1960; 8:50 a.m.]

[Docket No. 901]

PACIFIC-ATLANTIC GUAM TRADE; GENERAL INCREASES IN RATES

Notice of Supplemental Order

The Federal Maritime Board, on June 13, 1960, entered the following Fifth Supplemental Order, to the original order in this proceeding dated March 21, 1960, which appeared in the FEDERAL REGISTER of April 1, 1960 (25 F.R. 2780).

It appearing that by original order, as supplemented, the Board ordered suspended in full to and including April 29, 1960, Pacific Far East Line, Inc., Guam Freight Tariff No. 2, F.M.B.-F. No. 2 and American President Lines, Ltd., Pacific/Guam Tariff No. 5, F.M.B.-F. No. 9 and Atlantic/Guam Freight Tariff No. 3, F.M.B.-F. No. 8; and

It further appearing that pursuant to Third Supplemental Order the Board ordered that the investigation and hearing instituted should carry over the running of the suspension date; and

It further appearing that said order provides that "no change shall be made in the rates or other matters which were changed by said tariff schedules until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board;" and

It further appearing that on May 31, 1960, American President Lines, Ltd., filed Application No. 2 seeking authority to publish, post and file, on 30 days' notice to become effective not later than July 15, 1960, a consecutively-numbered revised Page No. 8 to Atlantic/Guam Freight Tariff No. 3, F.M.B.-F. No. 8, in order to correct Rule 1 (g) and (h) of the tariff to read as follows:

Rule 1(g) to read:

Rates named herein plus an additional charge of $7.50 per ton or MBM as freighted will apply to *Eniwetok*.

Rule 1(h) to read:

Rates named herein plus an additional charge of $5.00 per ton MBM as freighted will apply to Ebeye (Kwajalein Atoll) when vessel makes direct call; and

It further appearing that the Board having found good cause therefor has on June 13, 1960, granted special permission to publish such changes on 30 days' notice under Special Permission No. 3847;

It is ordered, That the original orders herein be modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3847; and

It is further ordered, That any rates, charges, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: June 28, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6068; Filed, June 30, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 339]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 28, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No MC-FC 63221. By order of June 24, 1960, the Transfer Board approved the transfer to Gay Hudson Moving and Storage Company, a Corporation, St. Louis, Missouri, of a Certificate in No. MC 104047 issued August 27, 1943, to Vern Bennett, doing business as Bennett's Transfer, Clinton, Indiana, which authorizes the transportation of household goods, as defined by the Commission, from Clinton, Ind., to points in Illinois, Kentucky, Ohio, and the lower peninsula of Michigan; and from points in Illinois, Kentucky, Ohio, and the lower peninsula of Michigan to points in Indiana. Allen Melton, Rio Grande National Life Building, Dallas, Tex.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-6079; Filed, June 30, 1960; 8:48 a.m.]

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FEDERAL REGISTER

VOLUME 25 NUMBER 129

Washington, Saturday, July 2, 1960

THE UNIVERSITY OF MICHIGAN
JUL 5 1960
MAIN READING ROOM

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Title 3—THE PRESIDENT

Proclamation 3354

NATIONAL WOOL MONTH, 1960

By the President of the United States of America

A Proclamation

WHEREAS September 1960 marks the two-hundredth anniversary of the recognition of wool production and wool manufacture in the United States as an industry; and

WHEREAS from its humble beginning in the homes and on the farms of the colonists in the early sixteen hundreds, the American wool-growing and textile industry has become an integral part of our national economy, representing more than five billion dollars a year in the retail value of its products; and

WHEREAS its nationwide scope is evidenced by the fact that in more than three thousand of the three thousand and sixty-eight counties in the United States there are one or more wool-production or textile operations, with wool grown in every one of the fifty States of the Union; and

WHEREAS the Congress, in recognition of the importance of the wool industry and the part it plays in our national economy, has by a joint resolution approved June 29, 1960, requested the President to issue a proclamation designating the month of September 1960 as National Wool Month:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the month of September 1960 as National Wool Month; and I urge the people of the United States to observe that month with appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of June in the year of our Lord nineteen hundred and [SEAL] sixty, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-6196; Filed, July 1, 1960; 10:32 a.m.]

Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER C—CLAIMS; GENERAL

PART 30—SCOPE OF SUBCHAPTER

PART 34—DECEASED MEMBERS OF THE UNIFORMED SERVICES; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

PART 35—DECEASED PUBLIC CREDITORS GENERALLY, CLAIM SETTLEMENT PROCEDURES

Addition, Amendment, and Revision

1. A new Part 30—Scope of Subchapter, is added as follows:

§ 30.1 Coverage of regulations in Subchapter C.

The regulations in Subchapter C relate to all classes of claims by and against the United States except:

(a) Those claims which are under the exclusive jurisdiction of administrative agencies pursuant to specific statutory authority;

(b) Those meritorious claims which are for consideration under 31 U.S.C. 236;

(c) Those claims arising out of freight and passenger transportation services furnished for the account of the United States which are covered in Subchapter D of this chapter.

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies Sec. 305, 42 Stat. 24, 31 U.S.C. 71)

2. In Part 34, § 34.1(b) is revised to read as follows:

§ 34.1 Scope of part.

* * * * *

(b) Claims for amounts due former members of the Uniformed Services who die subsequent to discharge or separation from the service do not come within the provision of the act cited in paragraph (a) of this section and, therefore, are not within the scope of this chapter. See Part 35 of this chapter.

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies Sec. 305, 42 Stat. 24, 31 U.S.C. 71)

3. Part 35—Deceased Public Creditors Generally; Claim Settlement Procedures, is completely revised as follows:

Sec.
35.1 Scope of part.
35.2 Form prescribed for procedures in this part.
35.3 Claim filing requirements.
35.4 Return of unnegotiated Government checks.

AUTHORITY: §§ 35.1 to 35.4 inclusive, issued under sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies sec. 305, 42 Stat. 24, 31 U.S.C. 71.

§ 31.1 Scope of part.

This chapter relates to the settlement of claims for amounts alleged to be due the estates of deceased individual public creditors, except when such claims are within the jurisdiction of administrative agencies pursuant to specific authority. The claims coming within the scope of this chapter include, among others, claims for amounts due former members of the uniformed services and former civilian employees of the United States who die subsequent to discharge or separation and claims for amounts due deceased contractors (whether under terminated or continuing contracts) and other deceased public creditors for supplies furnished and services rendered.

§ 35.2 Form prescribed for procedures in this part.

The following standard form is prescribed for use in filing claims on behalf of deceased public creditors: SF 1055—Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

§ 35.3 Claim filing requirements.

(a) *Use of prescribed form.* Claims to which this chapter relates, including claims for the proceeds of U.S. Government checks, will be filed on SF 1055.

(b) *Assisting claimants in filing claims.* Such assistance as is deemed necessary may be given to claimants by the administrative agencies to insure proper execution and submission of the claim forms, SF 1055.

(c) *Where claims should be filed.* Claims for amounts due deceased public creditors will be filed initially in the administrative office out of whose activities they arise.

§ 35.4 Return of unnegotiated government checks.

All unnegotiated U.S. Government checks in possession of a claimant which are drawn to the order of a deceased public creditor should be returned to the agency from which received.

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 60-6157; Filed, July 1, 1960; 8:51 a.m.]

SUBCHAPTER D—TRANSPORTATION

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Miscellaneous Amendments

Sections 52.2, 52.3, 52.4 and 52.9 are amended to make clear that use of the Government bill of lading form is not restricted to shipments of Government-owned property, but is intended to be used for the transportation of any property for the account of the United States.

1. That portion of § 52.2 preceding the list of standard forms is revised to read:

§ 52.2 Standard forms for all shipments except those accorded transit privileges.

The following standard forms are prescribed to accomplish the shipment, transportation, and delivery of property for the account of the United States by transportation companies and are published for general use throughout the U.S. Government service:

* * * * *

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies sec. 309, 42 Stat. 25, 31 U.S.C. 49)

2. That portion of § 52.3 preceding the list of standard forms is revised to read:

§ 52.3 Standard forms; temporary receipt and certificate in lieu of U.S. Government bill of lading.

The following standard forms are prescribed for use in connection with the transportation and delivery of property for the account of the United States and are published for general use throughout the U.S. Government service:

* * * * *

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies sec. 309, 42 Stat. 25, 31 U.S.C. 49)

3. That portion of § 52.4 preceding the list of standard forms is revised to read:

§ 52.4 Standard forms for shipments accorded transit privileges.

(a) The following standard forms covering the shipment, transportation, and delivery of property for the account of the United States by transportation companies are prescribed and published for general use throughout the U.S. Government service in connection with Government shipments accorded transit reshipment privileges:

* * * * *

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies sec. 309, 42 Stat. 25, 31 U.S.C. 49)

4. Section 52.9 is revised to read:

§ 52.9 Action of the carrier's agent and disposition of the U.S. Government bill of lading forms.

Upon delivery of property for the account of the United States to a carrier for shipment, the agent of the initial carrier should insert the name of his company in the space provided therefor in the lower lefthand portion of the original bill of lading, together with his signature and the date the shipment was received, and he should verify that the statement made on the original bill of lading—that carrier furnished pick-up or trap car service at origin—is in accord with the facts and that such statement contained on the original bill of lading is the same as that contained on the shipping order. The shipping order, the freight waybill—original, and the freight waybill—carrier's copy will be surrendered to the agent of the initial carrier at the time the shipment is accepted and the bill of lading is receipted by its agent, at which time the original bill of lading must be immediately forwarded by the shipper (issuing officer or contractor) to the consignee, in order that it will be in his possession upon arrival of the shipment at destination, when it will be promptly receipted and surrendered by him to the last carrier for billing. However, in those instances in which it is apparent to the shipper that the mailing of the original bill of lading to the consignee will result in arrival of the shipment prior to the arrival of the original bill of lading (as, for example, in cases of single-line rail hauls, when shipping by air or by railway express, and in many cases of shipment by highway, etc.), or in the case of all shipments of property for the account of the United States, if it is administratively determined that some substantial interest of the Government will be served thereby; the original bill of lading may, by agreement with the carrier receiving such shipments, be surrendered to said carrier, or its agent, to accompany the shipment or, at the discretion of the carrier, to be transmitted to destination by such other means as the carrier may elect. Whenever the original bill of lading is surrendered to a carrier with the shipment, the certificate which appears on the bill of lading, "Initial Carrier's Agent, by Signature Below, Certifies He Received the Original Bill of Lading ☐ Yes (Indicate by Check)," shall be checked to so indicate by the carrier's agent who signs for the shipment. In such cases one memorandum copy of the bill of lading will be retained by the shipper (issuing officer) as an office record, and one memorandum copy, so certified, must be immediately forwarded by him to the consignee. Whenever the bill of lading is used by a contractor as shipper, one memorandum copy thereof, so certified, will be retained by the contractor, and memorandum copies, each so certified, must be promptly forwarded by him to the issuing officer and to the consignee.

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies Sec. 309, 42 Stat. 25, 31 U.S.C. 49)

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 60-6158; Filed, July 1, 1960; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Lake Champlain, New York, and Vermont

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150, 33 U.S.C. 180), § 202.8 is hereby amended revising the title of this section, prescribing paragraph (a) for the anchorage in Mallets Bay, Vermont, and adding paragraph (b) establishing a special anchorage area in St. Albans Bay, Vermont, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.8 Lake Champlain, N.Y. and Vt.

(a) *Mallets Bay, Vt.* The southwesterly portion of Mallets Bay, south of Coates Island and west of a line bearing 170° true from the most easterly point of Coates Island to the mainland.

(b) *St. Albans Bay, Vt.* An area in the northerly portion of St. Albans Bay westward of the State Pier at St. Albans Bay State Park, northeasterly of a line bearing 296°30' true from the southwesterly corner of the State Pier, and southeasterly of a line parallel to and 500 feet west of the west side of the State Pier.

[Regs., June 17, 1960, 285/91 (Lake Champlain, Vt.)—ENGCW-O] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

R. V. LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 60-6142; Filed, July 1, 1960; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Navy

Effective upon publication in the FEDERAL REGISTER, paragraph (f)(1) is added to § 6.106 as set out below.

§ 6.106 Department of the Navy.

* * * * *

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, California.* (1) Scientific and professional research positions at GS-12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 6 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may with the approval of the Commission, be extended for not to exceed one additional year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-6156; Filed, July 1, 1960; 8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

International Cooperation Administration

Effective upon publication in the FEDERAL REGISTER, § 6.149 is revised and amended and § 6.249 is added as follows:

§ 6.149 International Cooperation Adminstration.

(a) Assistant Deputy Director for Planning.
(b) Assistant Deputy Director for Program.
(c) Assistant Deputy Director for Private Enterprise.
(d) The positions of Director for Personnel Security and Integrity, Deputy Director for Personnel Security and Integrity, and Director of the Inspections Division.
(e) Two Assistant Deputy Directors for Operations.
(f) Director, Office of Industrial Resources.
(g) Director, Office of Small Business.
(h) Director, Office of Labor Affairs.
(i) Director, Office of Public Health.

§ 6.249 International Cooperation Administration.

(a) Not to exceed thirty positions at GS-9 and above when filled by persons who have served overseas with the International Cooperation Administration for not less than two years.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-6115; Filed, July 1, 1960; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

Subpart—1960 Cotton Loan Program Regulations

SCHEDULE OF BASE LOAN RATES FOR CHOICE (B) UPLAND COTTON

Correction

In F.R. Doc. 60-5965, appearing at page 5901 of the issue for Tuesday, June 28, 1960, these corrections are made under Texas in the loan rate listings of § 427.1130:

1. For Hale Center, Hale county, the rate should read "26.52" instead of "28.52".
2. For Mereta, Tom Green county, the rate should read "26.58" instead of "25.58".

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Romaine [1]

On May 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4183) regarding a proposed revision of United States Standards for Romaine.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Romaine are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.3295 U.S. No. 1.

UNCLASSIFIED

51.3296 Unclassified.

TOLERANCES

51.3297 Tolerances.

APPLICATION OF TOLERANCES

51.3298 Application of tolerances.

DEFINITIONS

51.3299 Similar varietal characteristics.
51.3300 Fresh.
51.3301 Well developed.
51.3302 Well trimmed.
51.3303 Damage.
51.3304 Serious damage.

AUTHORITY: §§ 51.3295 to 51.3304 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3295 U.S. No. 1.

"U.S. No. 1" consists of romaine plants of similar varietal characteristics which are fresh, well developed, well trimmed, and which are free from decay, and free from damage caused by seedstems, broken, bruised or discolored leaves, tipburn, wilting, foreign material, freezing, dirt, disease, insects, mechanical or other means.

UNCLASSIFIED

§ 51.3296 Unclassified.

"Unclassified" consists of romaine plants which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3297 Tolerances.

In order to allow for variations incident to proper grading and handling the following tolerances, by count, are provided:

(a) 10 percent of the plants in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage, including therein not more than 2 percent for decay.

APPLICATION OF TOLERANCES

§ 51.3298 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) A package shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent, except that at least one defective plant may be permitted in any package.

DEFINITIONS

§ 51.3299 Similar varietal characteristics.

"Similar varietal characteristics" means that the plants in any container are of the same general type.

§ 51.3300 Fresh.

"Fresh" means that the plant has normal succulence but the outermost leaves may be slightly wilted.

§ 51.3301 Well developed.

"Well developed" means that the plant shows normal growth and shape.

§ 51.3302 Well trimmed.

"Well trimmed" means that the stem is trimmed off close to the point of attachment of the outer leaves.

§ 51.3303 Damage.

"Damage" means the specific defect described in this section; any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the plants.

(a) Seedstems when the length of the attached seedstem is more than one-fourth the overall plant length or when any portion of the seedstem has been removed.

§ 51.3304 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the plant.

The United States Standards for Grades of Romaine contained in this subpart shall become effective August 10, 1960, and will thereupon supersede the United States Standards for Romaine which have been in effect since December 18, 1928.

Dated June 29, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-6130; Filed, July 1, 1960; 8:47 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1961–62 Marketing Year

County Acreage Allotments for 1961 Crop

§ 728.1106 Basis and purpose.

The county acreage allotments for 1961 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1961 as established by the proclamation dated May 10, 1960 (25 F.R. 4313).

Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotments for wheat, less a reserve of not to exceed 3 per centum thereof for apportionment to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made, shall be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the 10 calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. The applicable 10-year period used in apportioning the 1961 State wheat acreage allotments among the counties in the respective States included the years 1950 to 1959 inclusive.

Section 301(c) of the Act requires that the latest available statistics of the Federal Government be used in making the apportionments required to be made under the Act. Estimates of county annual seeded acreage made by the Agricultural Marketing Service of the Department of Agriculture do not meet the definitions of wheat acreage as contained in the regulations pertaining to 1961 wheat acreage allotments and marketing quotas. Such regulations provide that: (1) Wheat seeded in mixtures with other small grains will be counted as wheat acreage if the harvested mixture is classified as wheat or as mixed grain under the official grain standards; (2) Wheat used for cover crop will not be

counted as wheat acreage in any county; and (3) the transferring of farm records of wheat acreage across county lines will be permitted for administrative purposes. For these reasons acreage data obtained from farm surveys by ASC county committees in 1950, 1953, 1954, 1955, 1956, 1957, 1958, and 1959 covering the 10-year period, 1950–1959 were used as basic data in lieu of Agricultural Marketing Service estimates. It was necessary to adjust the total seeded acreage of wheat for 1954 in the States of Minnesota, Montana, North Dakota, and South Dakota in order that the acreage seeded to durum wheat in excess of the official farm acreage allotments under the provisions of Public Law 290, 83d Congress, for 1954, would not be considered in establishing future State, county, and farm acreage allotments. For 1955, 1956, and 1957, the data compiled by the farm survey excluded the acreage of durum wheat seeded in excess of the regular allotment under the provisions of Public Law 8, 84th Congress, for 1955, Public Law 431, 84th Congress, for 1956, and Public Law 85–13 for 1957. Therefore, no further adjustment was necessary for this factor for these years.

The 1953 Agricultural Stabilization and Conservation survey compiled 1951–53 wheat acreage seeded for grain, the acreage of mixtures of wheat and other small grains, and the acreage used for cover crop as separate items. Such items were included or excluded as required to conform to the wheat acreage definition set forth in the regulations. Since the change in definition for wheat mixtures will not be effective with the crops prior to 1960, no change was made in determining wheat history acreage for the 1959 and prior crops. The surveys for 1950, 1954, 1955, 1956, 1957, and 1958 compiled wheat acreage according to definition, so data for those years were used as compiled.

Credit for acreage diverted from wheat under previous agricultural adjustment and conservation programs was determined for each applicable county for the years 1950 and 1951. Credit for wheat diversion in 1950 was computed on a county basis for each State by subtracting from the total 1950 base acreage of wheat established for farms which complied with their 1950 wheat allotments, the larger of (1) the total 1950 wheat acreage seeded on such farms or (2) 90 percent of the total 1950 wheat acreage allotted to such farms.

No diversion credit was determined under the 1951 program for counties in which only spring wheat was seeded because wheat acreage allotments for that year were suspended before spring wheat was seeded. For counties in which only winter wheat was seeded, diversion credit for 1951 was computed by subtracting from the county base acreage of wheat established under the 1951 wheat allotment program the larger of (1) the total wheat acreage seeded in the county for 1951 or (2) the county wheat acreage allotment for 1951, except that no diversion credit was allowed where the total acreage in the county exceeded the county base acreage of wheat. For counties in which both winter and spring wheat was seeded, diversion credit for 1951 was determined in the same manner as for counties in which only winter wheat was seeded except that the respective results were adjusted by applying a decimal factor which was obtained by dividing the total winter wheat acreage seeded in the county during the preceding three years by the total acreage of all wheat in the county during the same year.

Credit for wheat diversion in 1954 and 1955 was computed on a farm basis rather than on a county basis and was determined as follows: For each year, if the farm wheat acreage allotment was exceeded, no credit for diversion was allowed. If the allotment was not knowingly exceeded and the wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the wheat acreage. If the wheat acreage was less than 90 per centum of the allotment, the maximum diversion credit for the farm was determined by dividing the wheat acreage by 90 per centum of the county scaling factor and subtracting from this result the wheat acreage.

Credit for wheat diversion in 1956 was computed on a farm basis in a similar manner as for 1954 and 1955, except that 75 per centum was used in all computations instead of 90 per centum.

For 1954, the sum of all such computed diversion credits were totaled to obtain the county diversion credit for wheat. For the States of Minnesota, Montana, North Dakota, and South Dakota the acreages of Durum Wheat (Class II) grown within the allotment increases made for 1954 under Public Law 290, 83d Congress, were subtracted from the 1954 wheat acreage adjusted as described above so as to conform to language in this Act providing that such acreage shall not be considered in the determination of future allotments.

The acreages for 1955 and 1956, including diversion credit on a farm basis, were totaled from the 1960 record of farm data. The acreage thus used for 1955 and 1956 included the following as wheat acreage: (1) Acreage actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 8, 84th Congress and Public Law 431, 84th Congress; (2) the acreage diverted from the production of wheat on complying farms; and (3) the acreage released and reapportioned to farms under regulations for temporary release and reapportionment of such acreage issued by the Secretary.

Adjustments for abnormal weather conditions in county wheat acreage estimates were considered only for those counties for which the ASC State committees had determined that the wheat acreage seeded and diverted for any year of the 10-year period except 1957, 1958 and 1959, was below normal due to abnormal weather conditions, and the Director of the Grain Division had approved such determinations. Counties thus approved which had wheat acreage plus diverted acreage for the year in question lower than the level represented by 90 percent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level as an adjustment for abnormal weather. Determinations of such adjusted acreages made for years prior to 1957 were not revised even though minor revisions were made in acreages of the "normal" years as a result of census revisions.

The 1957 wheat acreage data as compiled from CSS statistics included the following as wheat acreage: (1) Acreage actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 85–13; (2) the amount by which the acreage on a farm was less than the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; (3) the acreage diverted from the production of wheat on complying farms; and (4) the acreage released and reapportioned to farms under regulations for temporary release and reapportionment of such acreage issued by the Secretary. Use of this 1957 acreage data precluded the necessity of making any adjustments for abnormal weather conditions.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85–203, to add the following: "Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section."

Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded. The 1958 wheat acreage data compiled from Commodity Stabilization Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded;

(2) The wheat acreage base on all farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; and

(3) For those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86–419, to add the following:

(d) For the purpose of subsections (a), (b), and (c) of this section, any farm (1) to which a wheat marketing quota is ap-

plicable; (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and (3) on which the marketing excess is zero, shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1960 and subsequent years in apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

Under the provisions of this amendment and under the exception as prescribed in the provisos to Public Law 85–203, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded, unless the entire amount of the marketing quota excess is stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess has been depleted, or the excess has been adjusted to zero because of underproduction. The 1959 wheat acreage data compiled from Commodity Stabilization Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded, except those farms on which the entire amount of the marketing quota excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess was depleted, or the marketing quota excess was adjusted to zero because of underproduction;

(2) The wheat base acres on all farms on which the allotment was overseeded and on which the entire amount of the marketing quota excess was stored or delivered to the Secretary to avoid or postpone payment of penalty, and none of such excess was depleted, or the marketing quota excess was adjusted to zero because of underproduction;

(3) The wheat base acres on all farms complying with the wheat acreage allotment except those farms underplanting the allotment for the purpose of depleting stored excess; and

(4) For those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor.

To determine for each county the acreage seeded for the production of wheat during the ten calendar years immediately preceding the year 1960, in addition to the foregoing adjustments for diverted acres and abnormal weather, the following additional adjustments for trends, abnormal weather and promotion of soil conservation practices were made:

(1) The simple average of the annual county wheat acreage estimates, adjusted as described above, for the 10-year period, 1950–59 inclusive, was determined.

(2) The simple average of the annual wheat acreage estimates, adjusted as described above, for the 5-year period, 1955–59, was determined.

(3) A simple average of the 10-year average and the 5-year average was determined giving equal weight to each. This acreage became the preliminary adjusted county base acreage of wheat.

(4) A preliminary adjustment for trend was made by deducting from the county wheat acreage history, as computed in accordance with the preceding paragraphs, the wheat acreage history for the years 1955 through 1958 for those farms which have been removed from agricultural production due to the encroachment of urban and industrial development.

(5) As a further adjustment for trend and to give greater effect to the sharp changes in county seeded acreages of wheat during recent years, the preliminary adjusted county base acreages were limited to an acreage of not less than 80 percent nor more than 120 percent of the 4-year (1956–59) average acreage.

(6) In those counties in which the trend adjustment as described above was not adequate to reflect the rapid downward trend in the county, a further adjustment was made by limiting the preliminary adjusted county base acres to 120 percent of a figure obtained by averaging the 4-year (1955–58) county average history with the 1959 county history giving 80 percent weight to the 4-year average history and 20 percent weight to the 1959 history.

Since the farm data for the years 1955 through 1959 as currently constituted on the 1960 farm record cards was used in determining the county base acres, no further adjustment was necessary for transfers of farms into or out of the county.

If the sum of the county base acreages thus established differed from the State base established for the apportionment of the national allotment to States, all preliminary county base acres were factored pro rata so that the sum of the county base acres equaled the State base acres.

The resultant preliminary 1961 county base acreages as further adjusted for trend were reviewed by the respective State Agricultural Stabilization and Conservation Committees and appropriate adjustments made for the promotion of soil conservation practices. In determining the preliminary county base acreage, no consideration was given to the effect on the seeding of wheat of abnormal weather which might have been usually favorable for the production of wheat and other small grains. During the extended drought period of the past few years, the reduction of rainfall in the more humid area of the wheat belt has resulted in some shifting of hay crops and row crops to the production of wheat and other small grains. If the State committee determined that the acreage of wheat in any county had increased in recent years due to abnormal weather conditions, the committee was permitted to make a downward adjustment in the county base acreage subject to the approval of the Director of the Grain Division. The maximum acceptable adjustment was an upward adjustment of five percent or downward adjustment of five percent from the preliminary base acreage. All county base acres were factored pro rata so that the sum of the county base acres after such adjustments was the same as prior to the adjustments. The resultant figure was the final 1961 county wheat base acreage.

The county wheat acreage allotments for 1961 were determined by apportioning pro rata to the counties on the basis of the final 1961 county base acreages, the 1961 State wheat acreage allotment less (1) a reserve acreage for new farms in an amount not to exceed three per centum of the State acreage allotment, and (2) a reserve acreage for missed farms, appeals and correction of errors.

Section 334(a) of the Agricultural Adjustment Act of 1938, as amended, states in part, "The national acreage allotment for wheat, less a reserve of not to exceed one per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the several States * * *. The reserve acreage set aside herein for apportionment by the Secretary shall be used to make allotments to counties, in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotments because of reclamation and other new areas coming into the production of wheat during the ten calendar years ending with the calendar year in which the national acreage allotment is proclaimed."

A reserve acreage of 55,000 acres was withheld for this purpose. In order for a county located in the 1958 commercial wheat-producing area to receive an additional allotment under this provision the State committee was required to establish that a definite delineable area of the county which had not been producing wheat prior to 1951 has gone into the production of wheat during the past ten years. The amount of additional allotment apportioned under this provision was the sum of the acreages determined on the basis of the formula set forth below, but in no case was the amount of the apportionment less than an amount obtained by subtracting the regular 1961 county allotment from 50 percent of the figure obtained by averaging the 4-year (1955–58) average county history with the 1959 county history, giving 80 percent weight to the 4-year average history and 20 percent weight to the 1959 history.

(1) The sum of the acreages apportioned by the State committee from the State reserve for new farm acreages in the delineable area for the 1960 crop year.

(2) The amount by which the 1961 regular county allotment was less than the 1960 final county allotment factored by the ratio of the State allotment in 1961 to the State allotment in 1960, if the 1961 State allotment was smaller than the 1960 allotment, less the allotment which was lost to the county due to the provisions of Public Law 85–203 because of overseeding on allotment farms.

In the two States, Alabama and Mississippi, which were added to the commercial wheat-producing area in 1959, and in Arizona which was added to the commercial wheat area in 1960, the above mentioned apportionment procedure cannot be used because county allotments were not established between 1954 and the year the State reentered the commercial wheat-producing area. Since in each of these three States it was determined that virtually every county now producing wheat has come into the production of wheat during the past ten years, all such counties were treated alike. Sufficient acreage out of the national reserve was set aside to bring the total acres apportioned to the State to 50 percent of a figure obtained by averaging the 4-year (1955–58) average history, with the 1959 history, giving 80 percent weight to the 4-year average history and 20 percent weight to the 1959 history. Sufficient acreage was apportioned to each county from such reserve acreage so that for each of such counties the total of the regular allotment and the apportionment from the national reserve was the same percentage of the county average history obtained as described above. No apportionment from the national reserve was made in those counties in which the regular allotment exceeded the proportion of the average history that was the basis for the total allotment to other counties in these States.

The total apportioned from the national reserve was 29,514 acres.

The tables which are a part of the regulations show the county base acreage, and the apportionment of the 1961 State Wheat acreage allotments and the national reserve among the counties. The reserve acreage for new farms and the reserve acreage for missed farms, appeals and corrections of errors withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld for appeals and corrections by the county committee in apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

Prior to determinations of county acreage allotments for 1961 crop wheat, public notice (25 F.R. 218) was given in accordance with the Administrative Procedure Act (5 U.S.C 1003). No data, views, or recommendations pertaining to the determination of county acreage allotments for 1961 crop wheat were submitted pursuant to such notice. For farm wheat acreage allotments, which are based upon the county allotments herein, to be determined and farmers notified thereof prior to the wheat marketing quota referendum to be held on July 21, 1960, as required by law, it will be impracticable to publish these county allotments 30 days in advance of their effective date. Accordingly, the county allotments herein shall become effective upon filing with the Director, Division of the Federal Register.

§ 728.1107 Wheat acreage apportioned to counties for 1961.

Wheat Acreage Apportioned to Counties for 1961

ALABAMA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Autauga	1,182	785		346	231
Baldwin	9,084	6,031		1,987	1,325
Barbour	74	49		12	8
Bibb	48	32		15	10
Blount	104	69		42	28
Bullock	20	20		13	8
Calhoun	161	107		47	31
Chambers	535	355		83	55
Cherokee	1,295	853		387	257
Chilton	28	19		11	7
Clarke	151	100		18	12
Clay	80	53		24	16
Cleburne	179	119		60	40
Coffee	165	110		96	64
Colbert	9,882	6,561		2,200	1,467
Conecuh	167	111		23	15
Coosa	19	13		9	5
Covington	222	147		54	36
Crenshaw	31	21		23	15
Cullman	59	39		29	19
Dale	324	215		149	99
Dallas	825	546		145	96
De Kalb	175	116		53	35
Elmore	632	420		77	51
Escambia	1,374	912		361	240
Etowah	73	48		14	9
Fayette	92	61		18	12
Franklin	454	434		172	114
Geneva	871	578		226	150
Greene	19	13		2	1
Hale	383	254		47	31
Henry	345	229		103	68
Houston	1,072	712		304	202
Jackson	462	307		136	90
Jefferson	108	72		47	31
Lamar	65	43		38	25
Lauderdale	10,592	7,033		2,017	1,339
Lawrence	5,450	3,619		946	628
Lee	283	188		86	57
Limestone	3,119	2,071		637	423
Lowndes	408	271		149	99
Macon	285	189		57	38
Madison	3,610	2,397		666	442
Marengo	41	27		12	8
Marion	185	123		59	39
Marshall	129	86		18	12
Mobile	430	285		39	26
Monroe	57	38		11	7
Montgomery	1,115	740		172	114
Morgan	1,180	783		319	212
Perry	256	170		18	12
Pickens	269	179		95	63
Pike	192	127		105	70
Randolph	252	167		83	55
Russell	46	31		6	4
St. Clair	45	30		17	11
Shelby	116	77		36	24
Sumter	90	60		20	13
Talladega	354	235		112	75
Tallapoosa	78	52		42	28
Tuscaloosa	76	50		21	14
Walker	119	79		53	35
Washington	366	243		39	26
Wilcox	67	36		5	3
Reserve new farms		300			
Reserve appeals and corrections		0			
Total	60,158	40,332		13,140	8,721

ARIZONA

Apache	272	134		18	9
Cochise	1,522	752		1,189	573
Coconino	4,040	1,997		115	57
Graham	87	43		12	6
Greenlee	94	46		10	5
Maricopa	23,786	11,758		2,852	1,410
Mohave	734	363		6	0
Navajo	2,589	1,280		301	149
Pima	537	266		79	39
Pinal	17,211	8,508		2,646	1,300
Santa Cruz	24	12		0	0
Yavapai	2,614	1,293		372	184
Yuma	18,135	8,964		2,193	1,084
Reserve new farms		250			
Reserve appeals and corrections		0			
Total	71,645	35,665		9,789	4,825

ARKANSAS

Arkansas	1,009	716	1		
Ashley	23	16	0		
Baxter	174	117	0		
Benton	3,023	2,126	2		
Boone	290	194	1		
Carroll	263	189	1		
Chicot	1,062	725	0	115	77

Wheat Acreage Apportioned to Counties for 1961—Continued

ARKANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Clay	8,226	5,532	5		
Cleburne	30	26	1		
Conway	2,256	1,511	3	88	90
Craighead	1,419	961	5		
Crawford	2,706	1,813	3	260	174
Crittenden	7,346	4,922	2	1,439	964
Cross	3,285	2,208	2	466	312
Dallas	374	251	2		
Drew	69	46	0		
Faulkner	351	235	1		
Franklin	496	332	2		
Fulton	204	137	0		
Garland	47	31	0		
Greene	1,815	1,216	2		
Hempstead	13	9	0		
Hot Spring	28	19	0		
Independence	6,171	4,134	0	861	577
Izard	28	19	0		
Jackson	2,306	1,545	2		
Jefferson	210	141	0		
Johnson	1,349	904	10		
Lafayette	14	9	0		
Lawrence	1,874	1,255	3	246	165
Lee	2,274	1,523	0	312	209
Lincoln	123	82	0		
Little River	41	27	0		
Logan	2,122	1,422	3		
Lonoke	881	590	1		
Madison	517	346	2		
Marion	71	48	0		
Miller	19	13	0		
Mississippi	14,725	9,864	10	1,229	823
Monroe	418	280	2		
Montgomery	48	32	0		
Newton	5	3	0		
Ouachita	2	1	1		
Perry	449	301	0	91	61
Phillips	3,231	2,198	2	231	155
Polnsett	1,909	1,279	2		
Polk	15	10	0		
Pope	1,664	1,115	3	363	243
Prairie	562	376	1	96	64
Pulaski	3,379	2,264	0	1,040	697
Randolph	1,990	1,333	5		
St. Francis	5,106	3,421	2	378	253
Saline	8	5	0		
Searcy	295	198	0		
Sebastian	544	364	1	151	101
Sevier	2	1	0		
Sharp	153	102	0		
Stone	352	236	2		
Van Buren	47	31	0		
Washington	1,119	750	3		
White	1,041	697	2		
Woodruff	2,088	1,399	2	290	194
Yell	1,027	688	1	96	64
Reserve new farms		25			
Reserve appeals and corrections		26			
Total	93,950	62,988	94	7,722	5,172

CALIFORNIA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Alameda	2,350	1,577	10		
Alpine	16	11	0		
Amador	401	268	0		
Butte	12,084	8,077	25		
Colusa	10,099	6,750	25		
Contra Costa	2,199	1,470	5		
El Dorado	1	1	0		
Fresno	26,074	17,427	15		
Glenn	4,808	3,661	20		

Wheat Acreage Apportioned to Counties for 1961—Continued

CALIFORNIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Imperial	3,288	2,184	5		
Inyo	19	13	0		
Kern	58,164	38,875	100		
Kings	1,881	1,244	28		
Lake	480	321	4		
Lassen	12,166	8,131	80		
Los Angeles	30,809	20,607	20		
Madera	16,122	10,775	25		
Marin	606	406	3		
Mariposa	166	111	0		
Mendocino	1,410	942	4		
Merced	4,901	3,135	20		
Modoc	23,754	15,907	76	13	8
Mono	16	11	0		
Monterey	24,633	16,464	30		
Napa	2,253	1,506	3		
Orange	850	574	1		
Placer	16,270	10,874	20		
Plumas	1,167	780	15		
Riverside	29,426	19,667	5		
Sacramento	26,563	17,767	30		
San Benito	2,639	1,764	10		
San Bernardino	267	178	1		
San Diego	1,424	952	2		
San Joaquin	14,321	9,572	50		
San Luis Obispo	137,456	91,871	80		
San Mateo	70	47	3		
Santa Barbara	13,188	8,815	20		
Santa Clara	167	112	3		
Shasta	2,395	1,601	15		
Sierra	542	362	5		
Siskiyou	29,619	19,796	50	607	406
Solano	19,852	13,268	25		
Sonoma	579	387	5		
Stanislaus	1,114	745	10		
Sutter	25,585	17,100	25		
Tehama	3,166	2,116	15		
Tulare	43,165	28,850	50		
Tuolumne	42	29	0		
Ventura	1,166	779	2		
Yolo	16,222	10,842	40		
Yuba	2,207	1,475	10		
Reserve new farms		1,069			
Reserve appeals and corrections		251			
Total	627,980	427,726	931	619	441

COLORADO

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Adams	193,606	129,703			
Alamosa	1,353	906			
Arapahoe	92,603	62,038			
Archuleta	2,545	1,705			
Baca	379,801	254,447			
Bent	43,810	29,350			
Boulder	16,429	11,006			
Chaffee	345	231			
Cheyenne	211,567	141,749			
Conejos	2,407	1,673			
Costilla	1,677	1,124			
Crowley	16,284	10,909			
Custer	505	338			
Delta	1,884	1,262			
Dolores	46,567	31,197			
Douglas	16,431	11,008			
Eagle	534	358			
Elbert	97,618	65,396			
El Paso	23,877	15,996			
Fremont	853	572			
Garfield	7,400	4,958			
Grand	1,711	1,146			
Huerfano	7,441	4,986			

Wheat Acreage Apportioned to Counties for 1961—Continued

COLORADO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jackson	700	469			
Jefferson	12,548	8,403			
Kiowa	330,427	221,371			
Kit Carson	362,022	242,531			
La Plata	29,493	19,758			
Larimer	32,977	22,092			
Las Animas	30,003	20,100			
Lincoln	203,218	136,143			
Logan	204,745	137,165			
Mesa	2,312	1,549			
Moffat	48,936	32,784			
Montezuma	30,967	20,746			
Montrose	7,498	5,023			
Morgan	89,586	60,017			
Otero	3,044	2,039			
Ouray	1,193	799			
Phillips	163,934	109,222			
Pitkin	318	213			
Prowers	235,787	157,962			
Pueblo	24,096	16,143			
Rio Blanco	9,118	6,109			
Rio Grande	4,447	2,979			
Routt	35,592	23,844			
Saguache	1,076	721			
San Miguel	1,371	919			
Sedgwick	93,803	62,842			
Teller	27	18			
Washington	352,856	236,390			
Weld	281,733	188,776			
Yuma	211,660	141,816			
Reserve new farms		500			
Reserve appeals and corrections		1,500			
Total	3,972,027	2,662,998			

DELAWARE

Kent	21,528	14,389	100		
New Castle	17,377	11,615	25		
Sussex	9,962	6,658	25		
Reserve new farms		100			
Reserve appeals and corrections		0			
Total	48,867	32,762	150		

GEORGIA

Appling	55	37			
Bacon	8	5			
Baker	183	122			
Baldwin	83	55			
Banks	1,626	1,086			
Barrow	1,469	981			
Bartow	3,138	2,096			
Ben Hill	48	32			
Berrien	7	5		1	1
Bibb	970	648			
Bleckley	573	383			
Brooks	73	49			
Bryan	12	8			
Bulloch	378	252			
Burke	1,883	1,258			
Butts	1,744	1,165			
Calhoun	154	103			
Candler	71	47			
Carroll	1,272	850			
Catoosa	406	271			
Chatham	8	5			
Chattooga	261	174			
Cherokee	227	152			

Wheat Acreage Apportioned to Counties for 1961—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Clarke	2,639	1,763			
Clay	187	125			
Clayton	425	284			
Cobb	211	141			
Coffee	137	92			
Colquitt	8	5			
Columbia	350	234			
Coweta	447	299			
Crawford	1,662	1,110			
Crisp	915	611			
Dade	152	102			
Dawson	319	213			
Decatur	42	28			
De Kalb	298	199			
Dodge	263	176			
Dooly	3,508	2,343			
Dougherty	955	638			
Douglas	242	162			
Early	1,239	828			
Effingham	75	50			
Elbert	3,971	2,653			
Emanuel	936	625			
Evans	77	51			
Fannin	30	20			
Fayette	727	486			
Floyd	960	641			
Forsyth	691	462			
Franklin	5,841	3,902			
Fulton	564	377			
Gilmer	33	22			
Glascock	770	514			
Gordon	833	556			
Grady	329	220			
Greene	582	389			
Gwinnett	2,130	1,423			
Habersham	229	153			
Hall	1,019	681			
Hancock	433	289			
Haralson	391	261			
Harris	190	127			
Hart	8,061	5,385			
Heard	758	506			
Henry	2,543	1,699			
Houston	7,251	4,844			
Irwin	11	7			
Jackson	4,490	2,993			
Jasper	730	488			
Jeff Davis	2	1			
Jefferson	15,222	10,169			
Jenkins	472	315			
Johnson	1,009	674			
Jones	124	83			
Lamar	743	496			
Laurens	2,575	1,720			
Lee	710	474			
Lincoln	447	299			
Lowndes	46	31			
Lumpkin	73	49			
McDuffie	495	331			
Macon	3,208	2,143			
Madison	12,508	8,356			
Marion	276	184			
Meriwether	973	650			
Miller	389	260			
Mitchell	30	20			
Monroe	382	255			
Montgomery	52	35			
Morgan	1,307	873			
Murray	1,560	1,042			
Newton	791	528			
Oconee	3,848	2,571			
Oglethorpe	8,084	5,407			
Paulding	383	256			
Peach	3,432	2,293			

Wheat Acreage Apportioned to Counties for 1961—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Pickens	160	107			
Pike	1,543	1,031			
Polk	1,379	921			
Pulaski	1,050	701			
Putnam	243	162			
Quitman	24	16			
Rabun	25	17			
Randolph	472	315			
Richmond	1,073	717			
Rockdale	373	249			
Schley	360	240			
Screven	478	319			
Seminole	405	271			
Spalding	1,806	1,207			
Stephens	627	419			
Stewart	98	65			
Sumter	3,570	2,385			
Talbot	222	148			
Taliaferro	277	185			
Tattnall	58	39			
Taylor	344	230			
Telfair	44	29			
Terrell	530	354			
Thomas	131	88			
Tift	45	30			
Toombs	105	70			
Towns	134	90			
Treutlen	79	53			
Troup	94	63			
Turner	348	232			
Twiggs	108	72			
Union	328	219			
Upson	571	381			
Walker	971	649			
Walton	2,853	1,906			
Warren	2,167	1,448			
Washington	5,557	3,712			
Webster	170	114			
Wheeler	1,255	838			
White	104	70			
Whitfield	1,537	1,027			
Wilcox	398	266			
Wilkes	1,160	775			
Wilkinson	220	147			
Worth	232	155			
Reserve new farms		50			
Reserve appeals and corrections		350			
Total	166,153	111,395		1	1

IDAHO

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Ada	8,520	5,708	50		
Adams	1,589	1,065	15		
Bannock	73,769	49,421	150	700	469
Bear Lake	33,055	22,145	50		
Benewah	29,188	19,554	40		
Bingham	77,909	52,194	60	834	559
Blaine	10,900	7,302	25		
Boise	665	445	0		
Bonner	2,445	1,640	15	254	170
Bonneville	136,440	91,407	350		
Boundary	13,183	8,832	15		
Butte	14,557	9,752	105		
Camas	49,288	33,020	200		
Canyon	24,490	16,407	120		
Caribou	75,388	50,506	75		
Cassia	92,741	62,130	100	657	440
Clark	7,936	5,317	10	49	33
Clearwater	11,393	7,633	30		
Custer	2,913	1,952	20		
Elmore	11,248	7,536	80		

Wheat Acreage Apportioned to Counties for 1961—Continued

IDAHO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Franklin	51,803	34,704	126		
Fremont	71,806	48,106	75		
Gem	2,057	1,961	30		
Gooding	10,911	7,310	75		
Idaho	67,780	68,800	120		
Jefferson	41,981	28,125	105	10	7
Jerome	18,899	12,661	65	154	103
Kootenai	36,510	24,527	140		
Latah	98,667	66,114	300		
Lemhi	1,949	1,305	35		
Lewis	60,581	40,589	80		
Lincoln	14,454	9,683	30		
Madison	71,748	48,067	50		
Minidoka	32,855	22,011	50	1,878	1,258
Nez Perce	94,949	63,141	175		
Oneida	102,489	68,661	50		
Owyhee	7,362	4,932	25		
Payette	7,864	4,923	15		
Power	144,693	96,936	250		
Teton	43,434	29,098	34		
Twin Falls	49,975	33,480	200		
Valley	798	535	20		
Washington	26,267	17,597	20		
Reserve new farms		675			
Reserve appeals and corrections		200			
Total	1,757,021	1,177,974	3,554	4,566	3,059

ILLINOIS

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Adams	50,204	33,624	125		
Alexander	6,995	4,685	6		
Bond	25,823	17,298	100		
Boone	524	351	3		
Brown	10,334	6,921	50		
Bureau	2,797	1,873	20		
Calhoun	6,630	4,440	25		
Carroll	428	287	6		
Cass	28,277	18,938	50		
Champaign	44,076	29,519	100		
Christian	70,235	47,073	100		
Clark	34,144	22,868	75		
Clay	18,915	12,668	28		
Clinton	46,735	31,314	125		
Coles	34,064	22,814	85		
Cook	2,979	1,995	10		
Crawford	23,706	15,877	60		
Cumberland	20,559	13,769	40		
De Kalb	923	618	3		
De Witt	8,110	5,432	50		
Douglas	26,287	17,592	50		
Du Page	4,451	2,981	20		
Edgar	38,963	26,095	125		
Edwards	16,456	11,021	50		
Effingham	27,204	18,220	75		
Fayette	35,236	23,599	60		
Ford	976	654	25		
Franklin	27,283	18,273	50		
Fulton	23,822	15,955	100		
Gallatin	11,496	7,699	40		
Greene	33,757	22,608	100		
Grundy	1,058	709	10		
Hamilton	17,864	11,964	50		
Hancock	34,354	23,008	75		
Hardin	245	164	5		
Henderson	6,181	4,140	50		
Henry	1,299	870	15		
Iroquois	17,762	11,896	50		
Jackson	25,750	17,246	60		
Jasper	30,494	20,423	75		
Jefferson	27,796	18,620	65		

Wheat Acreage Apportioned to Counties for 1961—Continued

ILLINOIS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jersey	26,964	18,059	75		
Jo Daviess	48	32	2		
Johnson	2,884	1,932	15		
Kane	3,149	2,109	12		
Kankakee	10,993	7,362	75		
Kendall	1,259	843	20		
Knox	4,153	2,781	20		
Lake	5,086	3,406	13		
La Salle	3,054	2,045	20		
Lawrence	28,383	19,009	125		
Lee	4,470	2,994	20		
Livingston	1,194	800	30		
Logan	29,567	19,802	100		
McDonough	16,444	11,013	75		
McHenry	2,338	1,566	10		
McLean	5,851	3,919	20		
Macon	29,435	19,714	80		
Macoupin	62,455	41,829	80		
Madison	77,214	51,713	150		
Marion	29,638	19,850	60		
Marshall	4,940	2,907	15		
Mason	46,726	31,294	100		
Massac	4,767	3,193	12		
Menard	22,351	14,969	50		
Mercer	2,082	1,394	20		
Monroe	49,935	33,444	100		
Montgomery	57,535	38,534	75		
Morgan	43,349	29,033	75		
Moultrie	23,537	15,764	70		
Ogle	1,491	999	5		
Peoria	13,094	8,770	50		
Perry	26,219	17,560	40		
Piatt	22,649	15,169	50		
Pike	33,706	22,574	50		
Pope	2,838	1,901	10		
Pulaski	5,643	3,779	10		
Putnam	2,413	1,616	10		
Randolph	49,177	32,936	75		
Richland	17,344	11,616	60		
Rock Island	1,220	824	10		
St. Clair	83,855	56,151	150		
Saline	17,997	12,053	80		
Sangamon	58,406	39,117	100		
Schuyler	21,391	14,326	125		
Scott	20,805	13,934	75		
Shelby	49,489	33,145	75		
Stark	891	597	20		
Stephenson	270	181	5		
Tazewell	27,325	18,301	100		
Union	9,549	6,395	15		
Vermilion	57,981	38,832	150		
Wabash	19,992	13,389	50		
Warren	1,736	1,163	25		
Washington	72,999	48,900	75		
Wayne	23,337	15,630	65		
White	35,217	23,586	100		
Whiteside	5,697	3,816	20		
Will	10,649	7,132	75		
Williamson	8,291	5,553	15		
Winnebago	1,727	1,157	10		
Woodford	4,231	2,834	15		
Reserve for new farms		1,000			
Reserve for appeals and corrections		499			
Total	2,152,078	1,442,835	5,442		

INDIANA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Adams	19,263	12,897	70		
Allen	40,602	27,185	136		
Bartholomew	31,905	21,362	107		
Benton	17,586	11,775	60		

Wheat Acreage Apportioned to Counties for 1961—Continued

INDIANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Blackford	4,672	3,128	25		
Boone	12,573	8,418	75		
Brown	522	350	15		
Carroll	18,721	12,534	63		
Cass	17,052	11,417	58		
Clark	9,963	6,671	34		
Clay	21,980	14,717	74		
Clinton	24,426	16,403	85		
Crawford	3,424	2,292	17		
Daviess	27,435	18,369	92		
Dearborn	8,767	5,870	42		
Decatur	37,472	25,089	125		
De Kalb	25,849	17,307	87		
Delaware	16,642	11,143	58		
Dubois	19,514	13,065	65		
Elkhart	27,418	18,358	92		
Fayette	14,742	9,870	49		
Floyd	2,469	1,653	15		
Fountain	24,285	16,260	82		
Franklin	20,994	14,057	85		
Fulton	16,478	11,033	56		
Gibson	32,550	21,794	110		
Grant	17,005	11,386	60		
Greene	16,124	10,796	100		
Hamilton	15,999	10,712	60		
Hancock	15,842	10,607	53		
Harrison	11,175	7,482	37		
Hendricks	15,081	10,097	52		
Henry	14,345	10,944	55		
Howard	16,450	11,014	60		
Huntington	17,166	11,493	65		
Jackson	23,517	15,746	79		
Jasper	21,703	14,531	100		
Jay	15,858	10,618	55		
Jefferson	9,504	6,363	32		
Jennings	13,281	8,892	45		
Johnson	19,152	12,823	64		
Knox	46,594	31,197	156		
Kosciusko	26,891	18,005	100		
Lagrange	23,372	15,649	100		
Lake	16,274	10,896	75		
La Porte	44,708	29,934	200		
Lawrence	4,439	2,972	25		
Madison	20,994	14,056	70		
Marion	10,354	6,932	35		
Marshall	22,542	15,093	125		
Martin	3,139	2,102	15		
Miami	16,054	10,749	55		
Monroe	1,813	1,214	15		
Montgomery	23,221	15,748	80		
Morgan	11,709	7,840	80		
Newton	13,281	8,892	50		
Noble	21,789	14,589	100		
Ohio	1,781	1,193	15		
Orange	5,347	3,580	25		
Owen	5,518	3,695	25		
Parke	19,083	12,777	127		
Perry	7,123	4,769	24		
Pike	11,051	7,399	70		
Porter	26,705	17,880	100		
Posey	35,382	23,690	118		
Pulaski	21,544	14,425	72		
Putnam	13,296	8,902	75		
Randolph	21,093	14,063	71		
Ripley	24,118	16,148	81		
Rush	34,147	22,863	115		
St. Joseph	29,340	19,644	98		
Scott	6,160	4,124	21		
Shelby	31,321	20,971	105		
Spencer	20,453	13,694	80		
Starke	14,355	9,611	275		
Steuben	15,008	10,718	60		
Sullivan	28,387	19,006	100		

Wheat Acreage Apportioned to Counties for 1961—Continued

INDIANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Switzerland	3,949	2,644	25		
Tippecanoe	37,004	20,089	100		
Tipton	13,970	9,354	47		
Union	15,571	10,492	52		
Vanderburgh	16,541	11,075	75		
Vermillion	14,454	9,511	50		
Vigo	19,489	13,049	75		
Wabash	21,880	14,609	75		
Warren	19,383	12,984	65		
Warrick	13,661	9,147	46		
Washington	14,329	9,594	50		
Wayne	22,190	14,857	74		
Wells	16,489	11,040	55		
White	19,375	12,973	65		
Whitley	17,355	11,620	58		
Reserve new farms		1,000			
Reserve appeals and corrections		500			
Total	1,680,064	1,126,379	6,644		

IOWA

Adair	503	335	10		
Adams	2,439	1,626	25		
Allamakee	20	13	0		
Appanoose	1,327	884	15		
Audubon	112	75	1		
Benton	451	301	5		
Black Hawk	64	43	1		
Boone	79	53	0		
Bremer	12	8	0		
Buchanan	133	89	2		
Calhoun	54	36	0		
Carroll	48	32	0		
Cass	2,154	1,436	16		
Cedar	146	97	2		
Cerro Gordo	92	61	2		
Chickasaw	36	24	1		
Clarke	454	303	10		
Clayton	2	1	0		
Clinton	149	99	4		
Crawford	564	376	5		
Dallas	685	457	15		
Davis	2,175	1,450	20		
Decatur	1,130	753	7		
Delaware	16	11	2		
Des Moines	5,354	3,569	40		
Dickinson	4	3	0		
Dubuque	105	70	0		
Floyd	17	11	0		
Fremont	16,299	10,864	100		
Greene	46	31	0		
Guthrie	762	508	10		
Hamilton	44	29	0		
Hancock	35	23	0		
Harrison	23,136	15,421	120		
Henry	1,796	1,197	25		
Ida	76	51	0		
Iowa	236	157	5		
Jackson	5	3	0		
Jasper	1,251	834	15		
Jefferson	1,846	1,230	20		
Johnson	147	98	2		
Jones	90	60	0		
Keokuk	396	264	15		
Kossuth	3	2	0		
Lee	10,598	7,064	100		
Linn	176	117	0		
Louisa	1,954	1,302	5		
Lucas	1,210	806	12		
Lyon	37	25	0		
Madison	2,753	1,835	10		

Wheat Acreage Apportioned to Counties for 1961—Continued

IOWA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Mahaska	885	590	10		
Marion	1,728	1,152	15		
Marshall	168	112	6		
Mills	14,423	9,613	60		
Monona	24,011	16,004	55		
Monroe	1,281	854	5		
Montgomery	6,406	4,270	65		
Muscatine	1,462	974	10		
Osceola	27	18	0		
Page	12,113	8,074	50		
Palo Alto	14	9	1		
Plymouth	1,299	866	15		
Pocahontas	32	21	0		
Polk	3,445	2,296	25		
Pottawattamie	11,004	7,335	60		
Poweshiek	102	68	1		
Ringgold	3,292	2,194	15		
Sac	29	19	0		
Scott	492	328	4		
Shelby	318	212	5		
Sioux	26	17	2		
Story	224	149	5		
Tama	99	66	0		
Taylor	5,379	3,585	40		
Union	589	393	10		
Van Buren	3,845	2,563	100		
Wapello	2,513	1,675	30		
Warren	5,198	3,465	20		
Washington	564	376	5		
Wayne	439	293	14		
Winnebago	50	33	0		
Woodbury	9,389	6,258	20		
Worth	96	64	6		
Wright	27	18	0		
Reserve new farms		500			
Reserve appeals and corrections		250			
Total	192,189	128,851	1,277		

KANSAS

Allen	36,421	24,413	55		
Anderson	40,644	27,244	50		
Atchison	41,446	27,782	100		
Barber	183,370	122,915	50		
Barton	355,161	238,089	50		
Bourbon	28,177	18,837	50		
Brown	53,501	35,862	75		
Butler	92,822	62,220	50		
Chase	28,495	19,101	50		
Chautauqua	19,294	12,933	30		
Cherokee	89,445	59,956	50		
Cheyenne	174,914	117,247	50		
Clark	151,152	101,319	50		
Clay	140,980	94,501	75		
Cloud	178,806	119,856	100		
Coffey	39,407	26,415	50		
Comanche	149,943	100,509	50		
Cowley	147,827	99,090	50		
Crawford	49,408	33,119	30		
Decatur	147,400	98,804	120		
Dickinson	213,430	143,065	100		
Doniphan	21,447	14,376	50		
Douglas	43,085	28,880	50		
Edwards	224,593	150,547	50		
Elk	18,321	12,281	25		
Ellis	228,079	152,884	50		
Ellsworth	174,047	116,666	50		
Finney	280,837	188,249	50		
Ford	394,882	264,695	50		
Franklin	36,641	24,561	50		
Geary	42,550	28,523	50		

Wheat Acreage Apportioned to Counties for 1961—Continued

KANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Gove	175,652	117,742	50		
Graham	176,382	118,231	50		
Grant	131,548	88,178	80		
Gray	304,133	203,864	50		
Greeley	209,475	140,414	50		
Greenwood	27,692	18,562	50		
Hamilton	211,748	141,937	50		
Harper	291,490	195,389	50		
Harvey	150,585	100,939	75		
Haskell	215,906	144,657	100		
Hodgeman	230,792	154,703	65		
Jackson	50,030	33,536	75		
Jefferson	46,750	31,337	75		
Jewell	175,631	117,728	100		
Johnson	34,735	23,287	50		
Kearny	153,690	103,020	50		
Kingman	255,763	171,441	75		
Kiowa	176,191	118,103	50		
Labette	84,669	56,755	75		
Lane	175,366	117,550	50		
Leavenworth	34,120	22,871	50		
Lincoln	173,187	116,099	50		
Linn	33,904	22,726	50		
Logan	168,809	113,155	50		
Lyon	51,405	34,457	100		
McPherson	302,310	202,642	150		
Marion	179,096	120,050	100		
Marshall	115,141	77,180	80		
Meade	241,075	161,595	50		
Miami	38,673	25,923	50		
Mitchell	259,665	174,057	100		
Montgomery	63,366	42,476	40		
Morris	63,590	42,625	100		
Morton	126,573	84,843	70		
Nemaha	47,554	31,870	50		
Neosho	61,533	41,250	50		
Ness	296,918	199,029	150		
Norton	128,507	86,140	50		
Osage	37,366	25,048	50		
Osborne	212,016	142,117	50		
Ottawa	173,912	116,575	50		
Pawnee	303,407	203,377	50		
Phillips	142,426	95,510	50		
Pottawatomie	56,894	38,137	75		
Pratt	260,309	174,488	50		
Rawlins	184,281	123,526	63		
Reno	421,462	282,511	150		
Republic	136,494	91,494	100		
Rice	245,456	164,532	75		
Riley	47,584	31,895	50		
Rooks	211,229	141,589	50		
Rush	275,553	184,707	50		
Russell	225,447	151,120	50		
Saline	189,297	126,868	100		
Scott	176,897	118,576	50		
Sedgwick	284,302	190,571	100		
Seward	151,782	101,741	100		
Shawnee	51,713	34,664	75		
Sheridan	177,452	118,948	25		
Sherman	225,721	151,304	50		
Smith	163,041	109,288	80		
Stafford	250,248	167,744	80		
Stanton	188,389	126,279	80		
Stevens	150,535	101,107	20		
Sumner	436,457	292,584	200		
Thomas	267,265	179,157	80		
Trego	191,774	128,568	80		
Wabaunsee	40,353	26,962	80		
Wallace	125,439	84,063	40		
Washington	127,827	85,684	80		
Wichita	188,844	113,178	120		
Wilson	64,383	43,167	80		

Wheat Acreage Apportioned to Counties for 1961—Continued

KANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Woodson	21,512	14,420	50		
Wyandotte	4,117	2,760	25		
Reserve new farms		1,200			
Reserve appeals and corrections		800			
Total	15,901,626	10,661,056	6,748		

KENTUCKY

Adair	1,979	1,323	30		
Allen	2,916	1,950	6		
Anderson	525	351	5		
Ballard	1,809	1,209	10		
Barren	2,689	1,798	10		
Bath	1,978	1,322	10		
Boone	1,458	975	0		
Bourbon	7,433	4,969	25		
Boyd	36	24	0		
Boyle	3,324	2,222	3		
Bracken	1,727	1,155	2		
Breckenridge	7,485	5,004	30		
Bullitt	2,099	1,403	25		
Butler	1,186	793	2		
Caldwell	2,773	1,854	10		
Calloway	6,742	4,507	10		
Campbell	881	589	5		
Carlisle	1,050	702	5		
Carroll	429	287	5		
Carter	163	109	5		
Casey	918	614	2		
Christian	26,255	17,553	25		
Clark	997	667	10		
Clinton	1,258	841	5		
Crittenden	1,998	1,336	1		
Cumberland	198	132	5		
Daviess	8,382	5,590	10		
Edmonson	652	436	5		
Fayette	2,922	1,954	10		
Fleming	2,048	1,369	5		
Franklin	801	536	5		
Fulton	4,062	2,716	2		
Gallatin	368	246	2		
Garrard	1,639	1,096	5		
Grant	517	346	5		
Graves	6,257	4,183	5		
Grayson	4,838	3,234	2		
Green	1,886	1,261	10		
Greenup	142	95	4		
Hancock	1,941	1,298	3		
Hardin	5,497	3,675	25		
Harrison	3,466	2,317	5		
Hart	459	307	5		
Henderson	6,019	4,024	20		
Henry	1,935	1,294	5		
Hickman	5,810	3,884	15		
Hopkins	6,343	4,241	10		
Jackson	126	84	0		
Jefferson	3,094	2,069	10		
Jessamine	1,587	1,061	10		
Kenton	252	168	3		
Knox	64	43	0		
Larue	2,408	1,610	5		
Laurel	74	49	2		
Lee	18	12	0		
Lewis	780	527	5		
Lincoln	2,679	1,791	10		
Livingston	1,004	671	0		
Logan	22,385	14,966	50		
Lyon	1,593	1,065	0		

Wheat Acreage Apportioned to Counties for 1961—Continued

KENTUCKY—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
McCracken	1,056	706	5		
McLean	3,369	2,252	15		
Madison	868	580	5		
Marion	2,146	1,435	0		
Marshall	2,099	1,403	4		
Mason	5,724	3,824	10		
Meade	5,364	3,588	20		
Mercer	2,755	1,842	15		
Metcalfe	752	503	4		
Monroe	2,046	1,368	0		
Montgomery	1,230	820	5		
Morgan	55	37	0		
Muhlenberg	4,203	2,810	15		
Nelson	5,391	3,604	10		
Nicholas	1,562	1,044	9		
Ohio	1,748	1,169	8		
Oldham	2,633	1,760	20		
Owen	441	295	5		
Pendleton	1,463	978	10		
Powel	70	47	0		
Pulaski	2,136	1,428	5		
Robertson	594	397	5		
Rockcastle	211	141	6		
Rowan	164	110	3		
Russell	641	429	10		
Scott	3,436	2,297	6		
Shelby	5,109	3,416	10		
Simpson	16,182	10,819	20		
Spencer	1,416	947	5		
Taylor	5,009	3,349	25		
Todd	15,001	10,029	50		
Trigg	8,594	5,746	10		
Trimble	1,912	1,278	10		
Union	11,368	7,600	20		
Warren	4,832	3,230	20		
Washington	2,553	1,707	10		
Wayne	1,485	993	15		
Webster	7,466	4,991	15		
Whitley	1	1	0		
Wolfe	7	5	0		
Woodford	3,580	2,393	0		
Reserve new farms		300			
Reserve appeals and corrections		299			
Total	319,125	213,954	897		

MARYLAND

Allegany	1,531	1,037	10		
Anne Arundel	2,555	1,709	10		
Baltimore	9,150	6,121	30		
Calvert	1,462	978	10		
Caroline	17,649	11,806	75		
Carroll	26,013	17,400	80		
Cecil	12,611	8,436	60		
Charles	6,126	4,098	20		
Dorchester	16,076	10,753	50		
Frederick	32,176	21,523	75		
Garrett	2,545	1,702	20		
Harford	5,815	3,890	30		
Howard	7,798	5,216	40		
Kent	18,336	12,265	60		
Montgomery	12,968	8,674	60		
Prince Georges	4,476	2,994	5		
Queen Annes	25,881	17,312	50		
St. Marys	8,010	5,358	25		
Somerset	867	580	15		
Talbot	23,626	15,804	50		
Washington	23,099	15,451	100		

Wheat Acreage Apportioned to Counties for 1961—Continued

MARYLAND—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Wicomico	757	506	4		
Worcester	2,026	1,357	15		
Reserve new farms		300			
Reserve appeals and corrections		100			
Total	261,575	175,370	886		

MICHIGAN

Alcona	2,839	1,901	10		
Alger	14	9	2		
Allegan	32,337	21,657	150		
Alpena	6,927	4,639	25		
Antrim	1,104	739	20		
Arenac	6,196	4,150	50		
Baraga	12	8	2		
Barry	29,848	19,997	75		
Bay	27,042	18,112	75		
Benzie	302	202	10		
Berrien	18,652	12,492	100		
Branch	32,980	22,088	125		
Calhoun	42,784	28,654	125		
Cass	23,236	15,562	100		
Charlevoix	1,771	1,186	25		
Cheboygan	1,239	830	15		
Chippewa	789	528	28		
Clare	3,689	2,471	20		
Clinton	48,017	32,159	100		
Crawford	4	3	0		
Delta	201	135	5		
Dickinson	8	5	0		
Eaton	45,552	30,508	100		
Emmet	1,047	701	30		
Genesee	36,564	24,488	100		
Gladwin	4,899	3,281	30		
Grand Traverse	2,658	1,780	20		
Gratiot	42,014	28,138	50		
Hillsdale	34,670	23,220	150		
Houghton	53	35	2		
Huron	71,264	47,728	125		
Ingham	35,779	23,963	200		
Ionia	44,557	29,842	200		
Iosco	2,142	1,435	15		
Isabella	25,193	16,874	150		
Jackson	28,777	19,273	125		
Kalamazoo	34,559	23,146	100		
Kalkaska	406	272	5		
Kent	26,162	17,522	100		
Lake	841	563	10		
Lapeer	32,369	21,679	50		
Leelanau	1,199	803	10		
Lenawee	60,580	40,572	300		
Livingston	30,112	20,167	150		
Luce	88	46	1		
Mackinac	99	66	9		
Macomb	20,145	13,492	100		
Manistee	1,071	717	10		
Mason	7,181	4,809	25		
Mecosta	8,501	5,700	50		
Menominee	362	242	10		
Midland	11,926	7,987	50		
Missaukee	2,577	1,726	15		
Monroe	47,068	31,523	300		
Montcalm	27,515	18,428	125		
Montmorency	1,678	1,124	20		
Muskegon	6,252	4,187	50		
Newaygo	7,530	5,043	50		
Oakland	17,296	11,584	100		

Wheat Acreage Apportioned to Counties for 1961—Continued

MICHIGAN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Oceana	4,972	3,331	25		
Ogemaw	2,712	1,816	20		
Ontonagon	100	67	5		
Osceola	4,911	3,289	25		
Oscoda	177	119	1		
Otsego	425	285	5		
Ottawa	22,094	14,797	50		
Presque Isle	4,716	3,158	20		
Roscommon	92	62	2		
Saginaw	61,335	41,079	200		
St. Clair	41,042	27,488	100		
St. Joseph	32,797	21,966	100		
Sanilac	72,846	48,788	150		
Schoolcraft	36	24	2		
Shiawassee	48,283	32,337	100		
Tuscola	64,307	43,404	125		
Van Buren	16,803	11,254	75		
Washtenaw	38,803	25,988	125		
Wayne	11,025	7,384	75		
Wexford	1,119	749	25		
Reserve new farms		750			
Reserve appeals and corrections		250			
Total	1,429,866	958,637	5,229		

MINNESOTA

Aitkin	374	251	10		
Anoka	215	144	5		
Becker	23,124	15,497	25		
Beltrami	1,812	1,214	15		
Benton	360	241	2		
Big Stone	16,563	11,100	50		
Blue Earth	5,606	3,817	15		
Brown	1,297	869	5		
Carlton	1	1	0		
Carver	1,191	798	5		
Cass	63	42	5		
Chippewa	2,307	1,546	20		
Chisago	182	122	5		
Clay	108,725	72,863	75		
Clearwater	5,071	3,398	12		
Cottonwood	1,197	802	10		
Crow Wing	90	60	2		
Dakota	7,390	4,952	25		
Dodge	419	281	5		
Douglas	8,243	5,524	25		
Faribault	1,508	1,011	10		
Fillmore	480	322	5		
Freeborn	777	521	5		
Goodhue	5,810	3,894	25		
Grant	10,211	6,843	30		
Hennepin	436	292	10		
Houston	334	224	5		
Hubbard	726	488	4		
Isanti	1,297	869	5		
Itasca	227	152	5		
Jackson	360	241	10		
Kanabec	86	58	5		
Kandiyohi	1,843	1,235	15		
Kittson	131,680	88,248	100		
Koochiching	1,621	1,086	15		
Lac qui Parle	8,329	5,582	30		
Lake of the Woods	6,113	4,097	25		
Le Sueur	6,291	4,216	20		
Lincoln	2,573	1,724	10		
Lyon	2,567	1,720	10		
McLeod	4,070	2,728	20		
Mahnomen	15,843	10,619	30		
Marshall	144,420	96,784	150		
Martin	161	108	5		
Meeker	3,135	2,101	25		

Wheat Acreage Apportioned to Counties for 1961—Continued

MINNESOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Mille Lacs	396	265	5		
Morrison	1,318	883	5		
Mower	666	446	5		
Murray	259	174	5		
Nicollet	2,767	1,854	20		
Nobles	110	74	5		
Norman	68,453	45,894	50		
Olmsted	1,257	842	5		
Otter Tail	37,487	25,122	110		
Pennington	13,965	9,359	20		
Pine	132	88	5		
Pipestone	84	56	3		
Polk	190,787	127,857	115		
Pope	6,518	4,368	25		
Ramsey	16	11	5		
Red Lake	12,786	8,569	20		
Redwood	2,935	1,967	25		
Renville	6,361	4,263	25		
Rice	2,787	1,868	10		
Rock	64	43	2		
Roseau	38,160	25,573	50		
St. Louis	312	209	10		
Scott	2,533	1,698	10		
Sherburne	1,112	745	2		
Sibley	5,661	3,794	25		
Stearns	3,906	2,618	50		
Steele	528	354	5		
Stevens	11,409	7,686	50		
Swift	5,352	3,587	20		
Todd	1,518	1,017	25		
Traverse	28,201	18,899	45		
Wabasha	1,508	1,011	25		
Wadena	452	303	10		
Waseca	2,577	1,727	5		
Washington	1,030	690	15		
Watonwan	373	250	5		
Wilkin	73,823	49,473	75		
Winona	861	577	5		
Wright	2,833	1,899	15		
Yellow Medicine	5,879	3,940	15		
Reserve new farms		200			
Reserve appeals and corrections		100			
Total	1,072,480	719,031	1,617		

MISSISSIPPI

Adams	30	20			
Alcorn	91	61			
Attala	36	24		1	1
Benton	61	41		22	15
Bolivar	9,080	6,058		1,194	795
Calhoun	7	5			
Carroll	262	175		99	66
Chickasaw	66	44			
Claiborne	37	25		13	9
Clay	216	144		67	45
Coahoma	7,184	4,793		1,105	737
Copiah	31	21		9	6
Covington	53	35		7	5
De Soto	4,437	2,961		962	655
George	27	18		7	5
Greene	3	2			
Grenada	21	14		3	2
Hinds	147	98		28	19
Holmes	145	97			
Humphreys	2,513	1,677		316	21
Issaquena	1,184	790		226	15
Itawamba	77	51		3	
Jackson	17	11		1	
Jefferson	73	49		4	
Jefferson Davis	22	15		3	

Wheat Acreage Apportioned to Counties for 1961—Continued

MISSISSIPPI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jones	11	7		3	2
Kemper	31	21		3	2
Lafayette	24	16		4	3
Lawrence	7	5		1	1
Lee	102	68		52	35
Leflore	1,362	922	20	206	130
Lowndes	1,110	740		198	132
Madison	204	136		51	34
Marshall	175	117		48	32
Monroe	128	85		28	19
Montgomery	31	21		7	5
Neshoba	7	5		4	3
Noxubee	198	132		12	8
Oktibbeha	83	55		3	2
Panola	937	625		250	167
Perry	7	5		1	1
Pontotoc	402	268		189	126
Prentiss	1	1		3	2
Quitman	2,273	2,184		364	243
Sharkey	2,804	1,671		301	194
Simpson	12	8			
Sunflower	2,704	1,804		309	206
Tallahatchie	3,834	2,558	20	920	614
Tate	284	189		124	83
Tippah	22	15			
Tishomingo	135	90		39	26
Tunica	10,807	7,271		1,724	1,150
Union	108	72		51	34
Warren	55	37		7	5
Washington	3,616	2,413		692	462
Webster	62	41		9	6
Wilkinson	30	20		1	1
Yalobusha	38	25		10	7
Yazoo	4,561	3,043	20	932	622
Reserve new farms		200			
Total	62,764	42,079	60	10,630	7,097

MISSOURI

Adair	8,885	5,930	20		
Andrew	14,099	9,442	15		
Atchison	17,049	11,418	25		
Audrain	28,105	18,822	25		
Barry	11,092	7,428	20		
Barton	55,847	37,400	25		
Bates	43,716	29,270	20		
Benton	14,124	9,459	15		
Bollinger	9,711	6,503	15		
Boone	20,532	13,750	25		
Buchanan	29,175	19,538	20		
Butler	14,084	9,398	15	10	7
Caldwell	17,597	11,785	25		
Callaway	21,551	14,423	30		
Camden	1,914	1,282	15		
Cape Girardeau	20,947	14,028	15		
Carroll	55,149	36,927	35		
Carter	664	445	5		
Cass	25,303	16,945	10		
Cedar	18,226	12,206	10		
Chariton	36,598	24,509	25		
Christian	8,314	5,568	15		
Clark	15,256	10,217	20		
Clay	15,076	10,096	25		
Clinton	13,470	9,021	15		
Cole	14,786	9,902	15		
Cooper	27,191	18,210	25		
Crawford	3,477	2,329	10		
Dade	31,281	20,949	10		
Dallas	6,930	4,641	12		
Daviess	26,721	17,895	30		
De Kalb	16,531	11,071	25		

Wheat Acreage Apportioned to Counties for 1961—Continued

MISSOURI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Dent	3,264	2,186	10		
Douglas	3,694	2,474	15		
Dunklin	13,953	9,150	15		
Franklin	28,407	19,024	50		
Gasconade	17,497	11,718	15		
Gentry	15,006	11,123	20		
Greene	17,297	11,584	30		
Grundy	8,626	5,777	25		
Harrison	17,641	11,814	25		
Henry	31,143	20,856	25		
Hickory	6,924	4,637	10		
Holt	24,899	16,541	25		
Howard	21,438	14,357	15		
Howell	4,497	3,012	15		
Iron	871	583	5		
Jackson	20,655	13,833	25		
Jasper	57,353	38,409	50		
Jefferson	8,659	5,799	30		
Johnson	24,780	16,595	20		
Knox	14,111	9,450	15		
Laclede	8,518	5,705	10		
Lafayette	37,066	24,823	30		
Lawrence	29,884	20,013	25		
Lewis	25,730	17,231	15		
Lincoln	30,330	20,312	20		
Linn	12,648	8,470	15		
Livingston	20,132	13,482	30		
McDonald	5,527	3,607	15		
Macon	15,510	10,387	25		
Madison	2,568	1,787	8		
Maries	8,582	5,794	10		
Marion	25,001	16,743	20		
Mercer	6,461	4,327	50		
Miller	10,518	7,044	10		
Mississippi	20,749	13,895	5		
Moniteau	16,588	11,109	25		
Monroe	26,717	17,892	25		
Montgomery	24,092	16,134	25		
Morgan	11,527	7,720	10		
New Madrid	26,975	18,065	20		
Newton	27,146	18,180	10		
Nodaway	16,578	11,303	25		
Oregon	2,753	1,844	15		
Osage	15,501	10,441	15		
Ozark	1,984	1,329	10		
Pemiscot	5,262	3,524	20		
Perry	23,020	15,416	25		
Pettis	30,296	20,289	25		
Phelps	5,809	3,756	10		
Pike	24,995	16,736	50		
Platte	38,767	25,962	50		
Polk	19,159	12,831	10		
Pulaski	2,141	1,434	10		
Putnam	1,998	1,338	5		
Ralls	20,007	13,399	25		
Randolph	15,962	10,690	25		
Ray	33,192	22,228	25		
Reynolds	1,234	826	5		
Ripley	3,675	2,461	5		
St. Charles	50,803	34,022	100		
St. Clair	24,809	16,614	20		
St. Francois	4,009	2,685	15		
St. Louis	25,173	16,862	20		
Ste. Genevieve	7,469	5,002	20		
Saline	44,434	29,891	15		
Schuyler	2,307	1,545	10		
Scotland	7,954	5,327	15		
Scott	30,094	20,154	10		
Shannon	1,434	960	15		
Shelby	24,201	16,207	20		
Stoddard	41,717	27,933	15		
Stone	2,272	1,522	10		
Sullivan	5,585	3,740	15		
Taney	241	161	25		

Wheat Acreage Apportioned to Counties for 1961—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Texas	10,267	6,876	10		
Vernon	46,609	31,214	10		
Warren	21,142	14,159	10		
Washington	2,336	1,564	5		
Wayne	2,670	1,788	10		
Webster	9,496	6,359	15		
Worth	6,920	4,634	10		
Wright	5,401	3,617	5		
Reserve new farms		1,000			
Reserve appeals and corrections		499			
Total	2,016,787	1,352,131	2,270	10	7

MONTANA

Beaverhead	14,064	9,425	25		
Big Horn	101,588	68,078	60		
Blaine	120,949	81,052	100		
Broadwater	38,686	25,925	25		
Carbon	45,025	30,173	15		
Carter	40,772	27,323	50		
Cascade	189,997	127,324	350		
Chouteau	500,556	335,441	500		
Custer	31,775	21,294	50		
Daniels	286,028	193,018	300		
Dawson	190,545	127,901	200		
Deer Lodge	1,552	1,040	1		
Fallon	123,759	82,936	50		
Fergus	229,643	153,902	100		
Flathead	39,010	26,142	25		
Gallatin	96,596	64,733	75		
Garfield	63,677	42,672	75		
Glacier	74,333	49,813	100		
Golden Valley	27,215	18,238	40		
Granite	1,825	1,223	5		
Hill	452,891	303,499	250		
Jefferson	13,872	9,296	25		
Judith Basin	118,063	79,118	100		
Lake	29,389	19,695	75		
Lewis and Clark	22,808	15,284	25		
Liberty	238,692	159,995	150		
Lincoln	1,212	812	15		
McCone	244,380	163,768	200		
Madison	16,527	11,075	25		
Meagher	6,179	4,141	15		
Mineral	1,357	909	10		
Missoula	12,710	8,517	15		
Musselshell	25,295	16,951	25		
Park	34,051	22,819	30		
Petroleum	10,036	6,725	15		
Phillips	133,342	89,357	75		
Pondera	220,324	147,647	100		
Powder River	43,998	29,444	50		
Powell	7,589	5,086	15		
Prairie	82,877	55,535	50		
Ravalli	10,515	7,045	40		
Richland	205,262	137,554	250		
Roosevelt	376,322	252,137	150		
Rosebud	36,631	24,548	50		
Sanders	10,317	6,914	15		
Sheridan	315,306	211,300	100		
Silver Bow	105	70			
Stillwater	98,730	59,498	75		
Sweet Grass	17,065	11,436	30		
Teton	299,277	160,348	200		
Toole	231,542	148,965	185		
Treasure	5,890	5,961	15		
Valley	334,090	223,866	75		
Wheatland	14,720	9,864	40		

Wheat Acreage Apportioned to Counties for 1961—Continued

MONTANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Wibaux	79,253	53,110	75		
Yellowstone	122,857	82,331	70		
Reserve new farms		1,300			
Reserve appeals and corrections		506			
Total	5,986,351	4,013,478	4,781		

NEBRASKA

Adams	135,137	90,544	100		
Antelope	8,595	5,759	30		
Arthur	20	13	0		
Banner	79,018	52,943	30		
Blaine	6	4	0		
Boone	15,533	10,407	40		
Box Butte	141,151	94,573	125		
Boyd	2,284	1,530	14		
Brown	3,143	2,106	5		
Buffalo	64,374	43,407	50		
Burt	12,604	8,445	45		
Butler	69,870	46,814	80		
Cass	40,110	26,874	50		
Cedar	431	289	3		
Chase	110,272	73,884	75		
Cherry	1,754	1,175	6		
Cheyenne	235,242	158,296	200		
Clay	125,547	86,128	100		
Colfax	27,911	18,701	50		
Cuming	2,148	1,439	25		
Custer	72,340	48,469	75		
Dakota	412	276	2		
Dawes	65,183	43,674	50		
Dawson	28,342	18,990	50		
Deuel	96,393	64,585	65		
Dixon	183	123	5		
Dodge	37,370	25,038	75		
Douglas	3,805	2,549	20		
Dundy	45,259	30,324	50		
Fillmore	125,543	84,785	150		
Franklin	67,344	45,054	50		
Frontier	82,051	54,975	50		
Furnas	91,083	61,027	20		
Gage	122,318	81,955	100		
Garden	61,084	40,927	50		
Garfield	258	173	1		
Gosper	46,093	30,856	50		
Greeley	15,589	10,445	75		
Hall	45,396	32,426	100		
Hamilton	89,977	60,286	125		
Harlan	80,380	53,856	50		
Hayes	63,100	42,278	75		
Hitchcock	103,742	69,509	100		
Holt	9,367	6,276	40		
Hooker	7	5	0		
Howard	38,522	25,810	50		
Jefferson	58,839	39,523	50		
Johnson	35,910	24,060	100		
Kearney	103,923	69,633	100		
Keith	101,938	68,300	100		
Keya Paha	1,573	1,054	3		
Kimball	192,438	128,936	85		
Knox	4,951	3,123	5		
Lancaster	105,993	70,816	150		
Lincoln	83,080	55,665	125		
Logan	10,337	6,926	5		
Loup	209	140	1		
McPherson	116	78	0		
Madison	7,492	5,018	25		
Merrick	35,007	23,455	80		

Wheat Acreage Apportioned to Counties for 1961—Continued

NEBRASKA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Morrill	52,561	35,230	80		
Nance	31,901	21,374	53		
Nemaha	36,080	24,154	75		
Nuckolls	76,083	50,977	50		
Otoe	57,113	38,267	90		
Pawnee	23,676	15,863	40		
Perkins	197,166	132,104	100		
Phelps	82,756	55,448	75		
Pierce	2,195	1,471	8		
Platte	30,883	20,692	100		
Polk	52,475	35,159	150		
Redwillow	95,839	64,214	125		
Richardson	39,598	26,531	50		
Rock	65	44	1		
Saline	114,210	76,522	150		
Sarpy	6,254	4,190	20		
Saunders	49,034	32,853	50		
Scottz Bluff	24,644	16,512	25		
Seward	85,106	57,022	150		
Sheridan	83,343	55,841	60		
Sherman	23,473	15,727	40		
Sioux	12,344	8,271	10		
Stanton	2,113	1,419	10		
Thayer	112,086	75,099	100		
Thomas	4	3	0		
Thurston	592	397	10		
Valley	24,400	16,348	35		
Washington	12,841	8,604	50		
Wayne	429	287	2		
Webster	67,500	45,226	100		
Wheeler	128	86	1		
York	79,819	53,480	100		
Reserve new farms		1,000			
Reserve appeals and corrections		999			
Total	4,722,620	3,166,224	5,165		

NEW JERSEY

Atlantic	12	8			
Burlington	4,891	3,266			
Camden	636	425			
Cape May	102	68			
Cumberland	1,413	944			
Gloucester	934	624			
Hunterdon	13,149	8,782			
Mercer	13,781	9,204			
Middlesex	9,739	6,537			
Monmouth	15,267	10,196			
Morris	1,001	669			
Ocean	350	234			
Passaic	2	1			
Salem	4,081	2,725			
Somerset	6,687	4,466			
Sussex	361	241			
Union	38	25			
Warren	4,252	2,840			
Reserve new farms		100			
Reserve appeals and corrections		99			
Total	76,746	51,454			

NEW MEXICO

Bernalillo	2,028	1,357	0		
Catron	373	250	0		
Chaves	731	489	1		
Colfax	12,892	8,627	10		
Curry	299,908	200,689	100		
De Baca	531	355	0		

Wheat Acreage Apportioned to Counties for 1961—Continued

NEW MEXICO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Eddy	28	19	0		
Grant	195	130	0		
Guadalupe	138	92	0		
Harding	38,703	25,899	25		
Hidalgo	17	11	0		
Lea	1,282	858	1		
Lincoln	393	263	1		
McKinley	379	254	0		
Mora	2,522	1,688	5		
Otero	125	84	0		
Quay	185,931	124,432	100		
Rio Arriba	12,134	8,120	5		
Roosevelt	86,167	57,660	50		
Sandoval	1,684	1,127	4		
San Juan	1,299	869	15		
San Miguel	2,109	1,411	9		
Santa Fe	5,532	3,702	4		
Sierra	77	52	0		
Socorro	5,480	3,667	3		
Taos	2,643	1,769	5		
Torrance	27,176	18,185	50		
Union	12,467	8,343	10		
Valencia	6,768	4,529	15		
Reserve new farms		600			
Reserve appeals and corrections		300			
Total	709,732	475,831	413		

NEW YORK

Albany	2,886	1,928			
Allegany	6,039	4,034			
Broome	342	229			
Cattaraugus	2,088	1,395			
Cayuga	31,852	21,279			
Chautauqua	4,515	3,016			
Chemung	3,487	2,329			
Chenango	1,134	757			
Clinton	29	19			
Columbia	2,939	1,963			
Cortland	1,035	692			
Delaware	154	103			
Dutchess	1,085	725			
Erie	17,864	11,934			
Essex	604	403			
Franklin	6	4			
Fulton	250	167			
Genesee	33,809	22,586			
Greene	2,017	1,348			
Herkimer	1,460	975			
Jefferson	3,797	2,536			
Lewis	109	73			
Livingston	43,964	29,370			
Madison	4,155	2,776			
Monroe	42,793	28,588			
Montgomery	2,972	1,985			
Nassau	464	310			
Niagara	30,158	20,146			
Oneida	3,389	2,264			
Onondaga	15,077	10,072			
Ontario	42,546	28,423			
Orange	423	284			
Orleans	25,650	17,135			
Oswego	3,649	2,438			
Otsego	1,020	681			
Putnam	6	4			
Rensselaer	2,344	1,566			
Rockland	20	14			
St. Lawrence	272	182			
Saratoga	1,502	1,004			
Schenectady	535	357			

Wheat Acreage Apportioned to Counties for 1961—Continued

NEW YORK—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Schoharie	2,712	1,812			
Schuyler	8,530	5,698			
Seneca	26,036	17,393			
Steuben	20,653	13,797			
Suffolk	2,695	1,801			
Sullivan	57	38			
Tioga	2,768	1,850			
Tompkins	10,816	7,225			
Ulster	2,021	1,350			
Washington	980	655			
Wayne	25,560	17,075			
Westchester	74	49			
Wyoming	18,243	12,254			
Yates	20,340	13,588			
Reserve new farms		100			
Reserve appeals and corrections		1,050			
Total	480,028	321,829			

NORTH CAROLINA

Alamance	10,355	6,934	30.0		
Alexander	5,219	3,495	15.0		
Alleghany	263	176	3.0		
Anson	9,169	6,140	15.0		
Ashe	56	37	2.0		
Avery	24	16	.0		
Beaufort	672	450	1.0		
Bertie	56	37	1.5		
Bladen	2,067	1,398	6.0		
Brunswick	392	262	1.0		
Buncombe	519	348	2.0		
Burke	3,522	2,358	15.0		
Cabarrus	11,746	7,866	25.0		
Caldwell	2,804	1,543	6.0		
Camden	230	154	5.0		
Carteret	270	181	1.0		
Caswell	8,182	5,479	20.0		
Catawba	18,787	12,580	15.0		
Chatham	7,319	4,901	20.0		
Cherokee	80	54	.0		
Chowan	97	65	.0		
Clay	53	36	.0		
Cleveland	18,094	12,116	50.0		
Columbus	1,422	952	5.0		
Craven	889	595	3.0		
Cumberland	8,960	6,000	10.0		
Currituck	223	149	1.0		
Davidson	13,176	8,823	25.0		
Davie	5,718	3,829	20.0		
Duplin	2,155	1,443	15.0		
Durham	1,898	1,271	40.0		
Edgecombe	1,600	1,071	5.0		
Forsyth	6,877	4,606	15.0		
Franklin	5,237	3,507	6.0		
Gaston	9,842	6,591	15.0		
Gates	352	236	4.0		
Granville	3,636	2,436	2.0		
Greene	678	454	5.0		
Guilford	13,274	8,889	25.0		
Halifax	2,317	1,886	10.0		
Harnett	7,355	4,926	8.0		
Haywood	83	56	.0		
Henderson	279	187	2.0		
Hertford	156	106	1.0		
Hoke	3,953	2,647	10.0		
Hyde	186	126	1.0		
Iredell	22,720	15,214	70.0		
Jackson	28	19	.0		
Johnston	6,893	4,598	25.0		
Jones	305	204	3.0		
Lee	2,989	2,002	10.0		

Wheat Acreage Apportioned to Counties for 1961—Continued

NORTH CAROLINA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Lenoir	1,662	1,113	2.0		
Lincoln	15,109	10,118	15.0		
McDowell	1,065	713	5.0		
Macon	96	64	.0		
Madison	365	244	1.0		
Martin	159	107	5.0		
Mecklenburg	8,535	5,715	25.0		
Mitchell	1	1	.0		
Montgomery	3,332	2,566	5.0		
Moore	6,005	4,021	14.0		
Nash	4,694	3,143	5.0		
New Hanover	88	59	.0		
Northampton	1,391	931	5.0		
Onslow	141	95	1.5		
Orange	4,724	3,163	20.0		
Pamlico	535	358	1.0		
Pasquotank	785	526	5.0		
Pender	1,001	670	10.0		
Perquimans	388	260	5.0		
Person	6,463	4,328	40.0		
Pitt	1,045	700	4.0		
Polk	1,152	771	15.0		
Randolph	14,332	9,597	35.0		
Richmond	5,404	3,619	5.0		
Robeson	7,361	4,929	25.0		
Rockingham	9,384	5,264	35.0		
Rowan	22,333	14,975	10.0		
Rutherford	7,505	5,026	10.0		
Sampson	5,411	3,623	10.0		
Scotland	2,016	1,350	10.0		
Stanly	21,500	14,397	15.0		
Stokes	3,164	2,119	15.0		
Surry	3,092	2,071	15.0		
Swain	2	1	.0		
Transylvania	37	25	.5		
Tyrrell	370	248	2.0		
Union	17,994	12,049	20.0		
Vance	2,606	1,745	10.0		
Wake	7,639	5,115	15.0		
Warren	5,126	3,433	12.0		
Washington	428	287	3.0		
Watauga	117	78	3.0		
Wayne	3,959	2,651	15.0		
Wilkes	3,815	2,555	10.0		
Wilson	2,889	1,935	2.0		
Yadkin	7,975	5,340	15.0		
Yancey	7	5	.0		
Reserve new farms		250			
Reserve appeals and corrections		100			
Total	436,890	292,908	1,043.0		

NORTH DAKOTA

Adams	217,210	145,567	150		
Barnes	266,807	178,805	250		
Benson	252,241	169,148	470		
Billings	54,634	36,614	45		
Bottineau	373,491	250,301	500		
Bowman	182,964	122,609	153		
Burke	205,856	137,960	342		
Burleigh	146,308	98,091	200		
Cass	267,000	192,237	300		
Cavalier	313,787	210,299	400		
Dickey	103,771	69,544	109		
Divide	264,880	177,512	440		
Dunn	193,460	129,650	200		
Eddy	84,471	56,610	144		
Emmons	199,533	133,719	300		
Foster	102,322	68,573	126		
Golden Valley	113,376	75,910	98		
Grand Forks	257,981	172,890	350		

Wheat Acreage Apportioned to Counties for 1961—Continued

NORTH DAKOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Grant	204,619	126,726	169		
Griggs	99,730	66,536	160		
Hettinger	294,906	197,636	350		
Kidder	117,070	78,456	190		
La Moure	194,837	131,527	300		
Logan	146,210	96,225	240		
McHenry	294,962	190,965	400		
McIntosh	172,492	115,598	200		
McKenzie	232,067	155,517	385		
McLean	402,631	269,829	500		
Mercer	145,467	97,467	240		
Morton	225,608	151,126	300		
Mountrail	319,276	213,967	500		
Nelson	172,532	115,625	250		
Oliver	86,620	58,050	145		
Pembina	253,916	170,166	400		
Pierce	220,316	147,648	350		
Ramsey	298,151	193,109	350		
Ransom	97,724	65,491	81		
Renville	198,001	124,651	250		
Richland	123,531	82,786	130		
Rolette	153,172	102,651	200		
Sargent	105,641	70,797	100		
Sheridan	162,996	109,234	150		
Sioux	64,525	43,242	125		
Slope	149,733	100,346	250		
Stark	226,925	158,778	250		
Steele	116,636	78,165	195		
Stutsman	366,578	245,666	600		
Towner	265,244	177,757	440		
Traill	148,498	99,518	130		
Walsh	275,030	184,316	350		
Ward	357,222	239,503	400		
Wells	252,198	169,014	420		
Williams	396,178	265,505	400		
Reserve new farms		2,000			
Reserve appeals and corrections		1,001			
Total	11,001,411	7,375,765	14,513		

OHIO

Adams	17,785	11,915	35		
Allen	31,481	21,091	200		
Ashland	28,503	19,155	150		
Ashtabula	18,446	12,336	25		
Athens	2,307	1,546	25		
Auglaize	30,531	20,655	125		
Belmont	5,785	3,876	40		
Brown	22,877	15,326	80		
Butler	26,701	17,888	150		
Carroll	10,297	6,899	50		
Champaign	34,046	22,809	100		
Clark	32,578	21,992	50		
Clermont	12,943	8,671	50		
Clinton	45,223	30,297	75		
Columbiana	18,888	12,654	50		
Coshocton	17,864	11,968	50		
Crawford	34,770	23,294	100		
Cuyahoga	1,635	1,095	35		
Darke	46,206	30,958	200		
Defiance	37,483	25,112	160		
Delaware	26,646	17,852	125		
Erie	20,985	14,059	80		
Fairfield	46,713	31,296	80		
Fayette	50,284	33,686	100		
Franklin	35,316	23,660	100		
Fulton	35,918	24,063	100		
Gallia	2,981	1,997	45		
Geauga	7,180	4,790	25		
Greene	39,928	26,750	100		
Guernsey	6,582	4,410	75		

Wheat Acreage Apportioned to Counties for 1961—Continued

OHIO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Hamilton	4,810	3,223	40		
Hancock	54,436	36,470	150		
Hardin	34,618	23,192	100		
Harrison	4,346	2,912	40		
Henry	46,469	31,126	200		
Highland	45,176	30,266	80		
Hocking	5,992	3,947	100		
Holmes	24,453	16,382	80		
Huron	40,014	26,807	75		
Jackson	3,694	2,475	20		
Jefferson	5,174	3,466	25		
Knox	34,916	23,392	200		
Lake	2,668	1,808	25		
Lawrence	904	606	10		
Licking	38,439	25,752	200		
Logan	26,875	18,005	75		
Lorain	21,128	14,155	150		
Lucas	19,067	12,774	75		
Madison	46,362	31,060	100		
Mahoning	14,028	9,398	60		
Marion	29,291	19,624	200		
Medina	21,398	14,336	60		
Meigs	3,379	2,264	25		
Mercer	35,561	23,826	125		
Miami	39,353	26,365	75		
Monroe	3,093	2,072	40		
Montgomery	30,352	20,334	50		
Morgan	4,473	2,997	50		
Morrow	23,627	15,829	100		
Muskingum	14,642	9,809	40		
Noble	2,053	1,375	50		
Ottawa	24,242	16,241	125		
Paulding	38,736	25,951	75		
Perry	14,406	9,651	60		
Pickaway	63,795	42,740	150		
Pike	6,711	4,496	25		
Portage	17,283	11,579	35		
Preble	36,245	24,282	150		
Putnam	54,544	36,542	100		
Richland	30,993	20,764	100		
Ross	45,927	30,769	50		
Sandusky	40,841	27,362	200		
Scioto	5,573	3,935	25		
Seneca	58,101	38,925	200		
Shelby	31,196	20,900	125		
Stark	28,450	19,060	25		
Summit	7,049	4,723	150		
Trumbull	13,131	8,797	50		
Tuscarawas	18,214	12,202	100		
Union	29,560	19,830	100		
Van Wert	37,768	25,303	150		
Vinton	2,000	1,340	15		
Warren	26,559	17,793	100		
Washington	6,025	4,036	30		
Wayne	46,812	31,362	200		
Williams	35,151	23,549	60		
Wood	72,987	48,896	400		
Wyandot	40,879	27,387	250		
Reserve new farms		300			
Reserve appeals and corrections		800			
Total	2,263,274	1,517,385	8,220		

OKLAHOMA

Adair	1,073	719			
Alfalfa	327,311	219,307			
Atoka	199	133			
Beaver	394,620	264,514			
Beckham	66,378	44,493			
Blaine	234,349	157,084			

Wheat Acreage Apportioned to Counties for 1961—Continued

OKLAHOMA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Bryan	5,783	3,876			
Caddo	135,297	90,690			
Canadian	205,354	137,649			
Carter	912	612			
Cherokee	1,858	1,245			
Choctaw	422	283		10	7
Cimarron	281,961	188,992			
Cleveland	13,209	8,851			
Coal	547	367			
Comanche	83,174	55,752			
Cotton	155,786	104,423			
Craig	25,913	17,369			
Creek	2,364	1,585			
Custer	241,197	161,674			
Delaware	10,282	6,889			
Dewey	165,003	111,272			
Ellis	175,678	117,757			
Garfield	406,204	272,346			
Garvin	10,828	7,258			
Grady	71,263	47,835			
Grant	410,291	275,013			
Greer	98,622	64,756			
Harmon	88,112	59,051			
Harper	196,249	131,607			
Haskell	2,516	1,686			
Hughes	769	515			
Jackson	196,664	131,857			
Jefferson	10,871	7,287			
Johnston	763	511			
Kay	277,303	185,876			
Kingfisher	312,676	209,587			
Kiowa	276,868	185,404			
Latimer	16	11			
Le Flore	5,649	3,787			
Lincoln	13,992	9,379			
Logan	106,435	70,672			
Love	853	572			
McClain	15,077	10,106			
McCurtain	38	26			
McIntosh	2,833	1,899			
Major	204,866	137,315			
Marshall	1,233	826			
Mayes	13,007	8,719			
Murray	2,961	1,985			
Muskogee	13,760	9,223			
Noble	163,087	109,317			
Nowata	15,376	10,307			
Okfuskee	2,231	1,495			
Oklahoma	34,155	22,894			
Okmulgee	1,507	1,010			
Osage	35,503	23,796			
Ottawa	32,705	21,932			
Pawnee	24,206	16,226			
Payne	28,353	19,005			
Pittsburg	1,827	1,225			
Pontotoc	1,112	745			
Pottawatomie	14,980	10,008			
Roger Mills	77,131	51,701			
Rogers	14,708	9,860			
Seminole	1,926	1,291			
Sequoyah	7,427	4,978			
Stephens	20,866	13,986			
Texas	598,600	394,539			
Tillman	243,704	163,355			
Tulsa	9,427	6,319			
Wagoner	17,699	11,861			
Washington	8,361	5,604			
Washita	298,607	199,998			

Wheat Acreage Apportioned to Counties for 1961—Continued

OKLAHOMA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Woods	259,661	174,051			
Woodward	153,738	103,051			
Reserve new farms		300			
Reserve appeals and corrections		703			
Total	7,263,588	4,869,786		10	7

OREGON

Baker	28,295	15,594	150		
Benton	8,053	5,391	35		
Clackamas	10,951	7,351	20		
Columbia	332	222	5		
Crook	5,724	3,832	30		
Deschutes	2,081	1,393	15		
Douglas	1,557	1,042	20		
Gilliam	138,068	92,424	200		
Grant	2,979	1,994	15		
Harney	4,063	2,733	50		
Hood River	3	2	0		
Jackson	2,075	1,389	20		
Jefferson	41,815	27,991	500		
Josephine	199	133	10		
Klamath	17,132	11,468	100		
Lake	25,745	17,234	180		
Lane	7,506	5,025	100		
Linn	11,551	7,739	100		
Malheur	22,528	15,081	50		
Marion	27,426	18,359	100		
Morrow	177,297	118,678	200		
Multnomah	590	395	2		
Polk	19,604	13,123	140		
Sherman	145,100	97,131	200		
Umatilla	302,915	202,774	1,000		
Union	65,276	43,696	25		
Wallowa	37,197	24,900	100		
Wasco	99,033	66,294	200		
Washington	22,726	15,213	80		
Wheeler	9,294	6,222	80		
Yamhill	25,113	16,811	75		
Reserve new farms		550			
Reserve appeals and corrections		743			
Total	1,257,278	842,927	3,712		

PENNSYLVANIA

Adams	25,492	17,065	35		
Allegheny	3,895	2,611	10		
Armstrong	12,720	8,525	40		
Beaver	6,220	4,169	10		
Bedford	14,604	9,788	10		
Berks	40,004	26,812	50		
Blair	5,499	5,696	10		
Bradford	4,949	3,317	50		
Bucks	23,343	15,645	10		
Butler	15,724	10,539	20		
Cambria	7,429	4,979	25		
Cameron	32	21	0		
Carbon	4,021	2,695	10		
Centre	21,694	14,540	50		
Chester	18,529	12,420	25		
Clarion	11,769	7,888	20		
Clearfield	4,430	2,969	25		

Wheat Acreage Apportioned to Counties for 1961—Continued

PENNSYLVANIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Clinton	6,372	4,271	25		
Columbia	21,650	14,516	30		
Crawford	12,865	8,622	25		
Cumberland	31,465	21,089	50		
Dauphin	16,674	11,175	50		
Delaware	675	452	10		
Elk	490	328	5		
Erie	12,741	8,539	20		
Fayette	5,773	3,869	25		
Forest	391	262	5		
Franklin	43,401	29,089	60		
Fulton	10,493	7,033	12		
Greene	1,990	1,334	25		
Huntingdon	12,130	8,130	10		
Indiana	14,793	9,915	50		
Jefferson	7,849	5,261	20		
Juniata	12,204	8,179	25		
Lackawanna	193	129	8		
Lancaster	67,279	45,092	40		
Lawrence	11,739	7,868	20		
Lebanon	18,063	12,105	30		
Lehigh	20,185	13,529	40		
Luzerne	5,839	3,913	10		
Lycoming	17,400	11,662	25		
McKean	199	133	5		
Mercer	14,529	9,738	20		
Mifflin	10,652	7,139	15		
Monroe	3,479	2,332	20		
Montgomery	15,030	10,087	20		
Montour	9,345	6,263	10		
Northampton	13,424	8,997	20		
Northumberland	21,118	14,154	20		
Perry	16,779	11,246	15		
Philadelphia	501	336	5		
Pike	93	62	2		
Potter	1,143	766	20		
Schuylkill	13,664	9,158	20		
Snyder	14,533	9,740	25		
Somerset	9,069	6,078	15		
Sullivan	403	270	15		
Susquehanna	437	293	5		
Tioga	2,868	1,922	10		
Union	12,324	8,260	25		
Venango	4,564	3,059	5		
Warren	1,571	1,053	10		
Washington	9,430	6,320	10		
Wayne	97	65	3		
Westmoreland	15,784	10,579	35		
Wyoming	1,376	922	10		
York	60,289	40,407	150		
Reserve new farms		100			
Reserve appeals and corrections		77			
Total	829,037	555,818	1,520		

SOUTH CAROLINA

Abbeville	6,976	4,670	12		
Aiken	5,973	3,999	10		
Allendale	3,612	2,418	5		
Anderson	28,168	18,858	35		
Bamberg	2,570	1,721	5		
Barnwell	2,297	1,538	10		
Berkeley	213	143	0		
Calhoun	8,404	5,626	10		
Charleston	208	139	0		
Cherokee	7,064	4,729	15		
Chester	2,382	1,595	5		
Chesterfield	3,706	2,481	10		
Clarendon	2,347	1,571	5		
Colleton	524	351	3		
Darlington	8,392	5,618	14		

Wheat Acreage Apportioned to Counties for 1961—Continued

SOUTH CAROLINA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Dillon	1,963	1,314	8		
Dorchester	227	152	2		
Edgefield	3,402	2,278	10		
Fairfield	982	657	5		
Florence	5,427	3,633	6		
Georgetown	236	158	2		
Greenville	10,727	7,182	30		
Greenwood	3,721	2,158	11		
Hampton	2,325	1,557	5		
Horry	1,037	694	5		
Jasper	48	32	0		
Kershaw	3,244	2,172	9		
Lancaster	2,021	1,353	6		
Laurens	10,607	7,101	10		
Lee	5,479	3,668	10		
Lexington	3,532	2,365	13		
McCormick	738	494	5		
Marion	610	408	6		
Marlboro	2,492	1,668	20		
Newberry	5,472	3,663	15		
Oconee	6,151	4,118	10		
Orangeburg	8,992	6,417	10		
Pickens	4,534	3,036	15		
Richland	5,084	3,404	10		
Saluda	4,307	2,883	10		
Spartanburg	19,657	13,160	35		
Sumter	6,459	4,324	10		
Union	2,070	1,386	10		
Williamsburg	1,223	819	2		
York	4,998	3,346	12		
Reserve new farms		100			
Reserve appeals and corrections		103			
Total	209,881	140,712	441		

SOUTH DAKOTA

Aurora	17,427	11,671	30		
Beadle	121,926	81,654	50		
Bennett	70,225	47,030	50		
Bon Homme	3,284	2,199	25		
Brookings	2,790	1,868	15		
Brown	279,013	186,856	200		
Brule	18,675	12,507	50		
Buffalo	7,813	5,252	20		
Butte	24,749	16,574	35		
Campbell	128,975	86,375	75		
Charles Mix	43,704	29,269	60		
Clark	93,354	63,559	100		
Clay	6,610	4,427	30		
Codington	43,828	29,352	50		
Corson	169,818	113,727	50		
Custer	6,354	4,255	15		
Davison	2,435	1,631	20		
Day	112,573	75,390	80		
Deuel	2,596	1,739	10		
Dewey	91,106	61,014	100		
Douglas	5,312	3,557	40		
Edmunds	189,545	126,939	125		
Fall River	24,853	16,644	15		
Faulk	125,725	84,198	100		
Grant	19,537	13,084	30		
Gregory	23,633	15,827	50		
Haakon	53,941	36,124	20		
Hamlin	11,064	7,423	40		
Hand	106,036	71,013	75		
Hanson	1,592	1,066	10		
Harding	61,758	41,359	25		
Hughes	69,514	46,554	100		
Hutchinson	8,060	5,398	25		
Hyde	30,728	20,577	50		
Jackson	21,273	14,247	30		

Wheat Acreage Apportioned to Counties for 1961—Continued

SOUTH DAKOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jerauld	32,222	21,579	25		
Jones	71,026	47,566	20		
Kingsbury	38,518	25,796	50		
Lake	943	632	10		
Lawrence	8,107	5,429	25		
Lincoln	341	228	10		
Lyman	133,123	89,153	50		
McCook	1,500	1,005	10		
McPherson	138,476	92,738	100		
Marshall	80,724	54,061	25		
Meade	85,121	57,006	50		
Mellette	41,419	27,738	75		
Miner	8,281	5,546	25		
Minnehaha	223	149	5		
Moody	338	226	2		
Pennington	69,092	46,271	100		
Perkins	211,712	141,784	100		
Potter	142,227	95,250	150		
Roberts	71,194	47,679	50		
Sanborn	7,113	4,764	10		
Shannon	29,896	20,021	15		
Spink	351,616	235,478	150		
Stanley	41,553	27,828	50		
Sully	160,320	107,387	100		
Todd	15,510	10,387	25		
Tripp	113,019	75,689	100		
Turner	1,202	805	20		
Union	13,672	9,156	35		
Walworth	126,904	84,998	50		
Washabaugh	22,565	15,112	30		
Yankton	2,739	1,834	30		
Ziebach	53,908	35,962	45		
Reserve new farms		1,991			
Reserve appeals and corrections		1,000			
Total	4,076,358	2,732,937	3,342		

TENNESSEE

Anderson	178	119	10		
Bedford	8,665	5,804	3		
Benton	1,119	750	5		
Bledsoe	1,199	803	4		
Blount	4,926	3,301	20		
Bradley	1,519	1,017	2		
Campbell	420	281	10		
Cannon	861	577	1		
Carroll	1,602	1,073	10		
Carter	586	392	20		
Cheatham	2,827	1,894	10		
Chester	166	111	3		
Claiborne	4,568	3,060	15		
Clay	1,007	675	5		
Cocke	3,123	2,091	10		
Coffee	4,740	3,175	1		
Crockett	353	236	10		
Cumberland	375	251	3		
Davidson	1,907	1,277	25		
Decatur	111	74	3		
De Kalb	1,630	1,092	9		
Dickson	2,088	1,399	10		
Dyer	3,223	2,159	15		
Fayette	42	28	0		
Fentress	875	586	10		
Franklin	9,704	6,500	8		
Gibson	2,314	1,550	12		
Giles	5,849	3,918	5		
Grainger	2,853	1,911	5		
Greene	11,270	7,549	30		
Grundy	838	561	0		
Hamblen	5,711	3,825	10		
Hamilton	696	466	8		

Wheat Acreage Apportioned to Counties for 1961—Continued

TENNESSEE—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Hancock	1,504	1,007	15		
Hardeman	290	194	2		
Hardin	1,323	886	20		
Hawkins	7,364	4,933	50		
Haywood	445	298	0		
Henderson	107	72	2		
Henry	3,849	2,578	15		
Hickman	932	624	4		
Houston	830	556	5		
Humphreys	1,807	1,210	5		
Jackson	440	295	5		
Jefferson	7,954	5,328	20		
Johnson	1,010	677	3		
Knox	2,028	1,358	50		
Lake	713	478	5		
Lauderdale	330	221	5		
Lawrence	7,843	5,253	10		
Lewis	199	133	3		
Lincoln	6,718	4,500	5		
Loudon	4,291	2,874	5		
Mc Minn	2,221	1,488	15		
Mc Nairy	46	31	2		
Macon	1,648	1,104	25		
Madison	406	272	3		
Marion	697	467	2		
Marshall	5,801	3,886	5		
Maury	14,473	9,694	5		
Meigs	1,507	1,009	5		
Monroe	5,144	3,446	3		
Montgomery	9,485	6,353	15		
Moore	589	395	1		
Morgan	208	139	5		
Obion	8,888	5,953	20		
Overton	2,202	1,535	10		
Perry	467	313	3		
Pickett	963	648	15		
Polk	785	526	15		
Putnam	2,027	1,358	20		
Rhea	1,333	893	4		
Roane	1,103	739	2		
Robertson	28,649	19,190	75		
Rutherford	6,035	4,042	0		
Sequatchie	338	226	0		
Sevier	4,730	3,168	60		
Shelby	531	356	5		
Smith	949	636	15		
Stewart	735	492	5		
Sullivan	3,772	2,527	15		
Sumner	7,200	4,823	75		
Tipton	1,415	948	5		
Trousdale	514	344	5		
Unicoi	152	102	2		
Union	543	364	20		
Van Buren	247	165	5		
Warren	3,786	2,536	15		
Washington	6,014	4,028	80		
Wayne	1,022	685	4		
Weakley	5,415	3,627	10		
White	2,724	1,825	20		
Williamson	9,229	6,182	5		
Wilson	3,149	2,109	25		
Reserve new farms		100			
Reserve appeals and corrections		75			
Total	264,592	190,801	1,115		

TEXAS

Anderson	11	7	0		
Archer	44,896	30,090	10		
Armstrong	127,656	85,557	45		
Atascosa	395	265	1		

Wheat Acreage Apportioned to Counties for 1961—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Austin	5	3	0		
Bailey	25,209	16,966	25		
Bandera	77	52	1		
Bastrop	35	23	0		
Baylor	98,374	65,582	5		
Bee	23	15	0		
Bell	7,922	5,309	5		
Bexar	2,206	1,478	4		
Blanco	783	525	3		
Borden	2,652	1,777	7		
Bosque	5,509	3,692	10		
Bowie	175	117	0		
Brazos	12	8	0		
Briscoe	76,764	51,448	20		
Brown	25,011	16,763	12		
Burnet	1,997	1,338	10		
Caldwell	19	13	0		
Callahan	29,075	19,486	5		
Carson	227,537	152,500	30		
Castro	154,360	103,454	50		
Cherokee	8	5	0		
Childress	66,281	44,422	10		
Clay	45,211	30,301	16		
Cochran	3,569	2,392	5		
Coke	3,098	2,076	2		
Coleman	37,756	25,305	25		
Collin	62,720	42,036	20		
Collingsworth	37,344	25,028	8		
Comal	481	322	1		
Comanche	2,823	1,892	10		
Concho	35,137	23,549	10		
Cooke	33,461	22,426	20		
Coryell	12,955	8,683	10		
Cottle	38,733	25,959	3		
Crosby	52,303	35,054	26		
Culberson	17	11	0		
Dallam	100,249	67,188	50		
Dallas	33,370	22,365	15		
Dawson	1,375	922	20		
Deaf Smith	292,952	196,341	50		
Delta	1,434	961	5		
Denton	48,905	32,777	15		
De Witt	4	3	0		
Dickens	35,019	23,470	30		
Donley	25,003	16,757	3		
Eastland	7,818	5,240	15		
Edwards	45	30	0		
Ellis	15,231	10,208	16		
Erath	1,879	1,259	4		
Falls	400	268	2		
Fannin	17,433	11,684	10		
Fisher	42,991	28,813	4		
Floyd	194,003	130,024	21		
Foard	102,298	68,562	8		
Frio	18	12	0	43	29
Gaines	2,761	1,850	5		
Garza	2,562	1,717	50		
Gillespie	8,649	5,797	10		
Glasscock	436	292	0		
Gonzales	20	13	0		
Gray	127,849	85,686	5		
Grayson	66,058	44,272	15		
Guadalupe	638	428	3		
Hale	94,444	63,296	18		
Hall	19,466	13,046	20		
Hamilton	6,735	4,514	10		
Hansford	334,547	224,218	100		
Hardeman	129,729	86,946	10		
Harris	12	8	0		
Hartley	129,451	86,760	25		
Haskell	74,065	49,639	10		
Hays	138	92	5		
Hemphill	52,597	35,251	15		
Henderson	69	46	0		
Hill	3,080	2,064	8		
Hockley	657	440	0		
Hood	300	201	2		
Hopkins	91	61	0		
Houston	9	6	0		
Howard	3,019	2,023	25		
Hudspeth	16	11	0		
Hunt	6,491	4,350	10		
Hutchinson	97,447	65,310	50		
Irion	69	46	0		
Jack	5,763	3,862	10		
Jackson	177	119	0		
Johnson	3,023	2,026	10		
Jones	86,606	58,104	15		
Karnes	546	366	0		
Kaufman	2,587	1,700	5		
Kendall	2,677	1,794	4		
Kent	7,950	5,328	2		
Kerr	2,227	1,493	5		
Kimble	418	280	1		
King	8,072	5,410	4		
Knox	74,904	50,202	10		
Lamar	4,026	2,698	5		
Lamb	8,971	6,012	15		
Lampasas	2,476	1,659	5		
Leon	18	12	0		
Limestone	51	34	0		
Lipscomb	162,517	108,921	15		
Live Oak	152	100	0		
Llano	168	113	1		
Lubbock	6,116	4,099	6		
Lynn	1,613	1,081	5		
McCulloch	21,131	14,162	10		
McLennan	9,580	6,421	8		
Martin	235	157	3		
Mason	97	65	0		
Maverick	191	128	0		
Medina	425	285	1		
Menard	1,602	1,074	0		
Midland	1	1	0		
Milam	229	153	1		
Mills	3,649	2,446	3		
Mitchell	10,297	6,901	10		
Montague	3,842	2,575	10		
Moore	211,141	141,510	35		
Morris	77	52	0	110	74
Motley	16,117	10,802	10		
Navarro	728	488	5		
Nolan	21,944	14,707	10		
Ochiltree	365,147	244,727	100		
Oldham	88,512	59,322	50		
Palo Pinto	4,112	2,756	13		
Parker	755	506	3		
Parmer	158,686	106,354	12		
Potter	49,486	33,166	10		
Presidio	20	13	0		
Rains	17	11	0		
Randall	197,533	132,389	25		
Red River	568	381	2	113	76
Reeves	30	20	0		
Roberts	44,287	29,648	25		
Rockwall	5,121	3,432	5		
Runnels	53,262	35,697	10		
San Saba	3,451	2,312	5		
Schleicher	1,048	702	1		
Scurry	16,836	11,284	3		
Shackelford	24,796	16,619	15		
Sherman	265,507	177,947	17		
Somervell	108	72	1		
Stephens	19,345	12,963	25		
Sterling	422	283	0		
Stonewall	32,493	21,777	15		
Swisher	179,647	120,402	15		
Tarrant	3,668	2,472	8		
Taylor	93,008	62,335	25		
Terry	15,744	10,552	10		
Throckmorton	48,500	32,505	5		
Titus	10	7	0		
Tom Green	3,058	2,050	5		
Travis	181	121	1		
Uvalde	322	216	1		
Van Zandt	295	198	1		
Victoria	11	7	0		
Walker	6	4	0		
Waller	45	30	0		
Wharton	81	54	0		
Wheeler	33,510	22,459	10		
Wichita	84,307	56,504	25		
Wilbarger	129,286	86,649	20		
Williamson	1,922	1,288	5		
Wilson	406	272	2		
Wise	6,868	4,603	10		
Wood	14	9	0		
Yoakum	3,632	2,434	11		
Young	73,341	49,154	20		
Zavala	166	111	3		
Reserve new farms		1,250			
Reserve appeals and corrections		112			
Total	6,036,555	4,047,136	1,611	266	179

UTAH

Beaver	2,769	1,852			
Box Elder	143,838	96,183			
Cache	49,019	32,779			
Carbon	2,026	1,355			
Daggett	53	35			
Davis	5,125	3,427			
Duchesne	4,036	2,699			
Emery	4,211	2,816			
Garfield	1,934	1,293			
Grand	571	382			
Iron	9,182	6,140			
Juab	30,425	20,345			
Kane	1,388	928			
Millard	42,137	28,177			
Morgan	3,078	2,055			
Piute	242	162			
Rich	5,302	3,545			
Salt Lake	28,364	18,967			
San Juan	45,758	30,598			
Sanpete	17,870	11,950			
Sevier	4,057	2,713			
Summit	1,733	1,159			
Tooele	10,460	6,995			
Uintah	5,065	3,400			
Utah	24,896	16,648			
Wasatch	378	253			
Washington	9,949	6,653			
Wayne	431	288			
Weber	3,977	2,659			
Reserve new farms		200			
Reserve appeals and corrections		598			
Total	458,289	307,254			

VIRGINIA

Accomac	713	476			
Albemarle	2,338	1,562			
Alleghany	186	124			
Amelia	7,747	5,175			
Amherst	2,482	1,658			

Wheat Acreage Apportioned to Counties for 1961—Continued

VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Appomattox	7,521	5,024			
Augusta	15,196	10,152			
Bath	485	324			
Bedford	8,729	5,831			
Bland	1,528	1,021			
Botetourt	2,210	1,476			
Brunswick	4,957	3,312			
Buchanan	20	13			
Buckingham	6,359	4,248			
Campbell	10,246	6,845			
Caroline	7,816	5,221			
Carroll	1,098	734			
Charles City	3,902	2,607			
Charlotte	6,523	4,358			
Chesterfield	1,913	1,278			
Clarke	4,831	3,227			
Craig	771	515			
Culpeper	3,057	2,042			
Cumberland	4,844	3,236			
Dickenson	1	1			
Dinwiddie	3,485	2,328			
Hampton	121	81			
Essex	8,755	5,849			
Fairfax	2,235	1,494			
Fauquier	8,040	5,371			
Floyd	2,182	1,458			
Fluvanna	2,326	1,554			
Franklin	7,232	4,831			
Frederick	5,996	4,006			
Giles	697	466			
Gloucester	982	656			
Goochland	2,610	1,744			
Grayson	823	550			
Greene	1,848	1,235			
Greensville	312	208			
Halifax	12,076	8,067			
Hanover	9,714	6,489			
Henrico	2,446	1,634			
Henry	1,425	952			
Highland	380	254			
Isle of Wight	123	82			
James City	1,144	764			
King and Queen	3,964	2,648			
King George	3,550	2,372			
King William	3,750	2,505			
Lancaster	1,448	967			
Lee	2,630	1,757			
Loudoun	13,030	8,733			
Louisa	5,343	3,569			
Lunenburg	3,855	2,575			
Madison	3,272	2,139			
Mathews	388	259			
Mecklenburg	9,261	6,180			
Middlesex	2,190	1,463			
Montgomery	1,882	1,257			
Nansemond	509	340			
Nelson	2,084	1,392			
New Kent	2,004	1,339			
Norfolk	2,351	1,571			
Northampton	170	114			
Northumberland	4,785	3,197			
Nottoway	3,186	2,128			
Orange	3,613	2,414			
Page	5,177	3,458			
Patrick	631	422			
Pittsylvania	20,676	13,812			
Powhatan	1,790	1,196			
Prince Edward	7,469	4,990			
Prince George	2,053	1,392			
Prince William	3,101	2,072			
Princess Anne	1,915	1,279			
Pulaski	1,696	1,133			
Rappahannock	1,258	840			
Richmond	5,408	3,613			

Wheat Acreage Apportioned to Counties for 1961—Continued

VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Roanoke	1,064	1,112			
Rockbridge	6,042	2,368			
Rockingham	15,589	10,414			
Russell	551	2,070			
Scott	134	1,861			
Shenandoah	7,700	6,144			
Smyth	2,324	1,153			
Southampton	728	498			
Spotsylvania	2,906	1,941			
Stafford	1,774	1,185			
Surry	566	301			
Sussex	911	609			
Tazewell	2,805	1,017			
Warren	2,900	1,577			
Newport News					
Washington	6,663	4,451			
Westmoreland	8,899	5,806			
Wise	24	16			
Wythe	5,193	3,469			
York	322	215			
Reserve new farms		700			
Reserve appeals and corrections					
Total	376,106	252,155			

WASHINGTON

Adams	407,498	273,046	300		
Asotin	41,752	27,978	70		
Benton	155,990	104,530	150		
Chelan	6,782	4,545	15		
Clallam	118	79	4		
Clark	1,545	946	10		
Columbia	103,010	69,030	175		
Cowlitz	45	30	4		
Douglas	264,041	170,234	400		
Ferry	6,132	4,109	15		
Franklin	152,890	102,452	100		
Garfield	99,400	66,608	66		
Grant	197,188	132,271	600		
Grays Harbor	1,511	1,053	10		
Island	1,572	1,053	7		
Jefferson	74	50	50		
Kittitas	13,292	8,907	150		
Klickitat	83,626	56,038	10		
Lewis	4,418	2,961	600		
Lincoln	414,918	278,099	3		
Mason			150		
Okanogan	41,500	27,809			
Pend Oreille	1,411	945	3		
Pierce	32	21			
San Juan	137	92			
Skagit	1,442	966	10		
Skamania	247	166			
Spokane	169,254	113,405	500		
Stevens	28,500	19,098	100		
Thurston	720	482			
Walla Walla	264,400	177,176	300		
Whatcom	508	340			
Whitman	517,589	346,839	340		
Yakima	33,406	22,380	60		
Reserve new farms		500			
Reserve appeals and corrections					
Total	3,002,882	2,013,247	4,099		

WISCONSIN

Adams	424	283			
Ashland	59	39			
Barron	61	41			
Bayfield	295	197			
Brown	490	327			
Buffalo	946	631			
Burnett	106	71			
Calumet	943	629			
Chippewa	153	102			
Clark	345	230			
Columbia	1,395	930			
Crawford	172	115			
Dane	2,178	1,452			
Dodge	2,241	1,494			
Door	2,035	1,356			
Douglas	215	143			
Dunn	294	196			
Eau Claire	395	263			
Florence	19	13			
Fond du Lac	1,032	688			
Forest	64	43			
Grant	643	429			
Green	273	182			
Green Lake	1,024	683			
Iowa	509	339			
Iron	8	5			
Jackson	536	357			
Jefferson	1,354	903			
Juneau	321	214			
Kenosha	2,684	1,789			
Kewaunee	1,497	998			
La Crosse	355	237			
Lafayette	239	159			
Langlade	440	293			
Lincoln	135	90			
Manitowoc	1,248	832			
Marathon	951	634			
Marinette	427	285			
Marquette	926	617			
Milwaukee	1,631	1,087			
Monroe	285	190			
Oconto	616	411			
Oneida	146	97			
Outagamie	537	358			
Ozaukee	1,681	1,121			
Pepin	1,232	821			
Pierce	3,223	2,148			
Polk	412	275			
Portage	698	465			
Price	31	21			
Racine	7,704	5,134			
Richland	231	154			
Rock	2,785	1,856			
Rusk	6	4			
St. Croix	1,034	689			
Sauk	2,097	1,398			
Sawyer	4	3			
Shawano	570	380			
Sheboygan	1,135	757			
Taylor	93	62			
Trempealeau	942	628			
Vernon	111	74			
Vilas	2	1			
Walworth	1,829	1,219			
Washburn	44	29			
Washington	2,301	1,534			
Waukesha	2,635	1,756			
Waupaca	366	244			
Waushara	654	436			
Winnebago	1,004	669			
Wood	74	49			
Reserve new farms		50			
Reserve appeals and corrections		200			
Total	65,061	43,619			

WYOMING

Albany	282	189	0		
Big Horn	2,340	1,567	10		
Campbell	46,136	30,888	150		
Carbon	16,849	11,280	35		
Converse	8,550	5,724	10		
Crook	39,980	26,747	100		
Fremont	4,037	2,703	25		
Goshen	85,850	57,477	25		
Hot Springs	281	188	0		
Johnson	8,517	5,702	15		
Laramie	100,027	66,968	100		
Lincoln	5,766	3,860	5		
Natrona	421	282	6		
Niobrara	13,615	9,115	35		
Park	3,982	2,666	30	48	32
Platte	56,919	38,108	50		
Sheridan	18,782	12,575	50		
Sublette	10	7	0		
Sweetwater	17	11	0		
Teton	1,007	674	1		
Uinta	196	131	0		
Washakie	241	161	0		
Weston	13,107	8,775	8		
Reserve new farms		250			
Reserve appeals and corrections		150			
Total	426,882	286,196	665	48	32
Total commercial States	81,913,706	54,905,691		46,771	29,514
Total noncommercial States (not apportioned)		39,309			
National reserve (not apportioned)					25,486
Total U.S.	81,913,706	54,945,000		46,771	55,000

Wheat Acreage Apportioned to Counties for 1961—Continued

WISCONSIN—Continued

*Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Dodge	2,241	1,494			
Door	2,035	1,356			
Douglas	215	143			
Dunn	294	196			
Eau Claire	395	263			
Florence	19	13			
Fond du Lac	1,032	688			
Forest	64	43			
Grant	643	429			
Green	273	182			
Green Lake	1,024	683			
Iowa	509	339			
Iron	8	5			
Jackson	536	357			
Jefferson	1,354	903			
Juneau	321	214			
Kenosha	2,684	1,789			
Kewaunee	1,497	998			
La Crosse	355	237			
Lafayette	239	159			
Langlade	440	293			
Lincoln	135	90			
Manitowoc	1,248	832			
Marathon	951	634			
Marinette	427	285			
Marquette	926	617			
Milwaukee	1,631	1,087			
Monroe	285	190			
Oconto	616	411			
Oneida	146	97			
Outagamie	537	358			
Ozaukee	1,681	1,121			
Pepin	1,232	821			
Pierce	3,223	2,148			
Polk	412	275			
Portage	698	465			
Price	31	21			
Racine	7,704	5,134			
Richland	231	154			
Rock	2,785	1,856			
Rusk	6	4			
St. Croix	1,034	689			
Sauk	2,097	1,398			
Sawyer	4	3			
Shawano	570	380			
Sheboygan	1,135	757			
Taylor	93	62			
Trempealeau	942	628			
Vernon	111	74			
Vilas	2	1			
Walworth	1,829	1,219			
Washburn	44	29			
Washington	2,301	1,534			
Waukesha	2,635	1,756			
Waupaca	366	244			
Waushara	654	436			
Winnebago	1,004	669			
Wood	74	49			
Reserve new farms		50			
Reserve appeals and corrections		200			
Total	65,061	43,619			

WYOMING

Albany	282	189	0		
Big Horn	2,340	1,567	10		
Campbell	46,136	30,888	150		
Carbon	16,849	11,280	35		
Converse	8,550	5,724	10		
Crook	39,980	26,747	100		
Fremont	4,037	2,703	25		
Goshen	85,850	57,477	25		
Hot Springs	281	188	0		
Johnson	8,517	5,702	15		
Laramie	100,027	66,968	100		
Lincoln	5,766	3,860	5		
Natrona	421	282	6		
Niobrara	13,615	9,115	35		
Park	3,982	2,666	30	48	32
Platte	56,919	38,108	50		
Sheridan	18,782	12,575	50		
Sublette	10	7	0		
Sweetwater	17	11	0		
Teton	1,007	674	1		
Uinta	196	131	0		
Washakie	241	161	0		
Weston	13,107	8,775	8		
Reserve new farms		250			
Reserve appeals and corrections		150			
Total	426,882	286,196	665	48	32
Total commercial States	81,913,706	54,905,691		46,771	29,514
Total noncommercial States (not apportioned)		39,309			
National reserve (not apportioned)					25,486
Total U.S.	81,913,706	54,945,000		46,771	55,000

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interprets or applies sec. 334, 52 Stat. 54, 67 Stat. 151; 7 U.S.C. 1334)

Done at Washington, D.C., this 24th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6045; Filed, July 1, 1960; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 204]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.504 Valencia Orange Regulation 204.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and informa-

tion concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 30, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 3, 1960, and ending at 12:01 a.m., P.s.t., July 10, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6229; Filed, July 1, 1960; 11:40 a.m.]

[Peach Order 1]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 934.301 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934; 25 F.R. 4669), regulating the handling of fresh peaches grown in designated counties in Washington, effective May 27, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1960. A reasonable determination as to the supply of, and the demand for, peaches must await the development of the crop and adequate information thereon was not available to the Washington Fresh Peach Marketing Committee until June 16, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on June 16, 1960, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 24, 1960; shipments of the current crop of such peaches will begin on or about July 5, 1960, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., P.s.t., July 5, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (5) of this paragraph:

(1) *Minimum grade requirement.* Such peaches shall grade at least U.S. No. 1, except:

(i) During the period beginning at 12:01 a.m., P.s.t., July 5, 1960, and ending at 12:01 a.m., P.s.t., July 26, 1960, such peaches may be shipped if they grade at least U.S. No. 2;

(ii) On and after July 26, 1960, such peaches of the J. H. Hale variety which are damaged but not seriously damaged by healed open seams and enlarged rough suture growth may be shipped if they otherwise grade at least U.S. No. 1; and

(iii) On and after July 26, 1960, such peaches of any variety which are damaged but not seriously damaged by enlarged rough suture growth may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Uniform firmness requirement.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(3) *Minimum size requirements.* Such peaches shall measure at least 2⅜ inches in diameter: *Provided*, That not more than 10 percent, by count, of the peaches in any lot may be smaller than such minimum size.

(4) *Pack requirements.* Such peaches in loose or jumble packs shall be in wooden containers of a capacity equal to or greater than that of the Western lugs (boxes with inside dimensions of 7 inches by 11½ inches by 18 inches) and shall contain not less than 26 pounds net weight of peaches: *Provided*, That such containers of the J. H. Hale variety shall contain not less than 24 pounds of such peaches.

(5) Notwithstanding any other provision of this regulation, any individual shipment of peaches which, in the aggregate, does not exceed 300 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 934.41 and 934.55.

(6) The terms "U.S. No. 1," "U.S. No. 2," and "diameter" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6186; Filed, July 1, 1960; 9:18 a.m.]

[Lemon Reg. 853]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.960 Lemon Regulation 853.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 28, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 3, 1960, and ending at 12:01 a.m., P.s.t., July 10, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6185; Filed, July 1, 1960; 9:18 a.m.]

[Milk Order 961]

PART 961—MILK IN PHILADELPHIA, PA., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area (7 CFR Part 961), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act, for the months of July, August and September 1960:

(1) The provisions of § 961.22(j)(2) except "The 15th day of the month • • • the Class I price • • •;" and;

(2) The provisions of § 961.50(a), except "• • • the price per hundredweight of Class I milk shall be • • •" and the price "$5.69" in the Class I price schedule.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order was requested by a cooperative association representing a substantial proportion of all producers on the market.

(4) This suspension action will prevent a supply-demand adjustment contrary to the conclusions of the recommended decision issued by the Deputy Administrator March 29, 1960, based upon the record of a hearing held October 22–23, 1959, pursuant to notice issued October 2, 1959 (24 F.R. 8117) and reopened pursuant to notice issued November 5, 1959 (24 F.R. 9166).

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That effective upon issuance of this suspension order the aforesaid provisions of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area are hereby suspended for the months of July, August, and September 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 29th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6131; Filed, July 1, 1960; 8:48 a.m.]

[992.315]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 992.1 through 992.78, inclusive, of the order. The State of Washington Potato Committee, pursuant to § 992.47 of the order, has recommended that regulations limiting the handling of 1960 crop potatoes should be issued. The recommendations of said committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 992.315 Limitation of shipments.

During the period from July 5, 1960, through June 30, 1961, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties, U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties, at least "fairly clean."

(b) *Minimum maturity requirements*—*All varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed;

(2) Livestock feed;

(3) Charity;

(4) Starch;

(5) Canning or freezing;

(6) Dehydration;

(7) Export;

(8) Potato chipping; or

(9) Prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes for canning or freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Pay assessments on such shipments, except shipments for canning or freezing;

(3) Have such shipments inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to each Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment;

(7) Before diverting any such shipment to another receiver or buyer apply to the committee for and obtain a new Certificate of Privilege authorizing such diversion, and such handler shall also comply with requirements prescribed by subparagraphs (4) and (5) of this paragraph with respect to such diverted shipments;

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment over 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 2," "fairly clean," and "moderately skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 29, 1960, to become effective July 5, 1960.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 60–6158; Filed, July 1, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Doc. 38; Civil Air Regs. Amdt. 45–5]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Postponement of Effective Date of Civil Air Regulations

Part 45 of the Civil Air Regulations presently contains provisions which are applicable to commercial operators conducting operations with small aircraft. Civil Air Regulations Amendment 45–2 (24 F.R. 90), adopted by the Civil Aeronautics Board concurrently with a new Part 47, made such operators subject to the provisions of the new part. Subsequently, by Amendments 45–3 and 45–4, the effective date of Amendment 45–2 was postponed by the Federal Aviation Agency until July 1, 1960. This action was taken by the Agency to permit the revision of Part 47.

The Federal Aviation Agency has now completed a proposed revision of Part 47 to be published as a notice of rule making on or about July 1, 1960. Since the time required for completion of the rule making for the revised Part 47 cannot be estimated precisely, the effective date of the present part is being postponed indefinitely. Accordingly, the effective date of Civil Air Regulations Amendment 45–2, as amended, must also be postponed indefinitely. This action will continue the operation of small aircraft by commercial operators under the presently effective small aircraft rules of Part 42 of the Civil Air Regulations.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective on less than 30 days' notice.

In consideration of the foregoing, the effective date of Civil Air Regulations Amendment 45–2 (24 F.R. 90), as amended, is hereby further amended and postponed indefinitely.

This amendment shall become effective on July 1, 1960.

(Sec. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354, 1421)

Issued in Washington, D.C., on June 29, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–6159; Filed, July 1, 1960; 8:51 a.m.]

[Reg. Doc. 37; Civil Air Regs. Amdt. 47–3]

PART 47—AIR TAXI CERTIFICATION AND OPERATION RULES AND RULES GOVERNING OTHER SMALL AIRCRAFT COMMERCIAL OPERATIONS

Postponement of Effective Date of Part

Part 47 of the Civil Air Regulations was initially adopted by the Civil Aeronautics Board on December 30, 1958, with an effective date of July 1, 1959 (24 F.R. 91). Subsequently, by Amendments 47–1 (24 F.R. 5289) and 47–2 (24 F.R. 10192), the effective date of Part 47 was postponed by the Federal Aviation Agency until July 1, 1960. This action was taken by the Agency so that a proposed revision of Part 47, correcting certain deficiencies in the scope and substance of that part, could be prepared and published as a notice of proposed rule making.

The Federal Aviation Agency has now completed a proposed revision of Part 47 which it will publish as a notice of rule making on or about July 1, 1960. Since the time required for completion of the rule making proceeding for the revised Part 47 cannot be estimated precisely, it has been determined that the effective date of the present part should be postponed indefinitely.

Accordingly, the effective date of Part 47 is being postponed indefinitely by this amendment. Until such time as the Federal Aviation Agency adopts and makes effective a revised and superseding Part 47, Part 42 of the Civil Air Regulations will continue to be applicable to all air taxi operators, commercial operators using small aircraft, and air carriers permitted to conduct aircraft operations in accordance with Part 42.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective on less than 30 days' notice.

In consideration of the foregoing, the effective date of Part 47 of the Civil Air Regulations (24 F.R. 91), as amended, is hereby further amended and postponed indefinitely.

This amendment shall become effective on July 1, 1960.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on June 29, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–6160; Filed, July 1, 1960; 8:51 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–307]

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

Notice of Nonstop Service; Persons To Be Served

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1960.

Section 203.7(e) of Part 203 of the Board's Economic Regulations provides that in the case of a Notice of Nonstop Service in Foreign Air Transportation or Notice of Nonstop Service Required by Foreign Country such notice must be served by the holder of a certificate of public convenience and necessity upon "each scheduled air carrier which regularly renders service to or from any point (not located in the continental United States) named in such certificate or located in a general area the holder is authorized by such certificate to serve."

The Board feels that this section, as presently constituted, is unnecessarily burdensome and accomplishes no useful purpose insofar as it requires service of such notices upon carriers who have a point or area in common with the "holder" but have no interest whatsoever in the points or area with which the notice is concerned. The clerical burden imposed by the present regulation is placed upon not only the sending carrier, which must prepare additional copies of the notice, address envelopes and arrange for registered mail, but also upon the receiving carriers which must process said notice within their own administrative structure.

This amendment will require service of said notice only upon those air carriers which operate in the general area covered by the notice. While this leaves a margin of discretion to the carrier proposing the nonstop, the Board, under § 203.7(g), retains the power to require the carrier to serve such additional carriers as the Board may designate in a particular case.

In view of the fact that service of applications and notices under this part could be accomplished as well and at less expense by certified mail in comparison with registered mail, this amendment inserts, in § 203.8, the use of certified mail as an approved means of filing and serving papers under this part. The amendment would merely authorize the use of certified mail as an additional or alternative method for service. Registered mail could continue to be used at the carrier's discretion.

Inasmuch as the amendments effectuated by this revision will serve to liberalize the present provisions, the Board finds that notice and public procedure hereon are not necessary and that these amendments may be made effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, the Civil Aeronautics Board hereby amends §§ 203.7(e) and 203.8 of the Board's Economic Regulations (14 CFR Part 203) effective July 2, 1960, as follows:

1. By amending § 203.7(e) to read as follows:

§ 203.7 Persons upon whom notice must be served.

* * * * *

(e) In the case of a Notice of Nonstop Service in Foreign Air Transportation or Notice of Nonstop Service Required by Foreign Country, all scheduled air carriers operating in the general area affected by the nonstop notice.

§ 203.8 [Amendment]

2. By amending § 203.8 by inserting the phrase "or certified" immediately following the word "registered" wherever it may appear in the section.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754, 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60–6145; Filed, July 1, 1960; 8:49 a.m.]

[Reg. No. ER–306]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1960.

A notice of proposed rule making was published in the FEDERAL REGISTER on February 26, 1959 (24 F.R. 1424) and circulated to the industry as Economic Regulations Draft Release 107. The proposal was essentially an amendment of Part 244 so as to provide for more uniform and detailed reporting by forwarders of their revenues and expenses and the freight handled by them.

The notice proposed the reporting of revenues and expenses separately itemized as between freight forwarding and other activities (Statement of Profit and Loss, Schedule P). It also proposed the filing of certain data with respect to the freight handled by the forwarder (Operating Statistics, Schedule T–1), freight handled by the forwarder at each of its air stations (Station Data, Schedule T–2), and air freight of the forwarder routed between such stations (Origin-Destination Sample of Forwarder Shipments, Schedule T–3).

Comments have been received on the aforementioned notice and have been duly considered, in conjunction with industry data presently available, in promulgating the regulation here adopted. Changes from the reporting requirements as proposed in the notice will alleviate the reporting burden as much as is consistent with the Board's need for information.

With respect to the statement of profit and loss (Schedule P), the rule here adopted merely requires certain allocations of revenues and expenses to the various types of operations undertaken by the forwarder on a reasonable basis to be determined and explained by each forwarder and, in contrast to the draft release, requires less specification with respect to revenues and expenses attributable to accessorial services and non-air activities.

The report of operating statistics (Schedule T–1) as proposed in the draft release required information pertaining to air and surface shipments. To reduce the burden claimed in the comments received on the proposed rule, information on surface shipments will not be required and this report shall only be filed by freight forwarders whose gross air freight forwarding revenues exceed $50,000 for the 12-month period ending on the same date as the semi-annual period covered by the particular report to be filed.

The report on station data (Schedule T–2) proposed under the draft release would require showing for each originating air station the number and tonnage of consignments to direct air carriers in common carriage and the number of shipments received from shippers included in such consignments. This final rule lessens the reporting burden to the extent deemed possible by requiring this schedule to be filed only by forwarders whose gross annual air freight forwarder revenues exceed $50,000. The schedule has also been refined to facilitate obtaining the required data from forwarders' records.

With respect to the report on traffic flow data (Schedule T–3) the draft release version proposed reporting of the origin and destination of freight moving between all stations by means of a twenty percent continuous sample. The number and weight of the consignments involved was also to be reported. To lessen such burden as might be entailed on reporting carriers and yet provide data on the major routings of freight between pairs of points the regulation here adopted merely requires that forwarders list their ten most active pairs of air stations based upon the total weight of their consolidations transported one-way between such stations and the total weight of such consolidations.

For purposes of convenience to the reporting carriers, the entire Part 244 is hereby reissued. The provisions of Part 244 as previously adopted on February 19, 1959 shall apply to the regular semi-annual reports due by August 14, 1960. The new substantive requirements will first apply to the financial and operating reports due by February 14, 1961, which will cover the reporting period July 1 to December 31, 1960. Since there is decided need for the aforementioned information to be filed by February 14, 1961, the Board finds that the public interest requires that this regulation be made effective on less than 30 days' notice and that good cause exists for making this regulation effective on July 1, 1960.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby reissues Part 244 of the Economic Regulations (14 CFR Ch. II) effective July 1, 1960 to read as follows:

Subpart a—General

Sec.
244.1 Definitions.
244.2 Applicability.
244.3 Extension of filing time.
244.4 Waiver.
244.5 Separability.

Subpart B—Financial, Operating, and Insurance Reports by Freight Forwarders

244.10 General.
244.11 Report certification.
244.12 Balance sheet (Schedule B).
244.13 Statement of profit and loss (Schedule P).
244.14 Operating statistics (Schedule T–1).
244.15 Station data (Schedule T–2).
244.16 Traffic flow data (Schedule T–3).
244.17 General officers and directors, list of stockholders (Schedule G–1).
244.18 Corporate and securities data, investments in other companies (Schedule G–2).
244.19 Statement of insurance coverage (Schedule I).

Subpart C—Annual Reports by Cooperative Shippers Associations

244.20 Annual report.

Subpart D—Effective Date

244.30 Filing of reports.

AUTHORITY: §§ 244.1 to 244.30 inclusive, issued under sec. 204(a); 72 Stat. 743, 49 U.S.C. 1324. Interprets or applies sec. 407, 72 Stat. 766, 49 U.S.C. 1377.

Subpart A—General

§ 244.1 Definitions.

For the purposes of this part:

"Air Freight Forwarding Operations" means the operations of the reporting forwarder conducted under its own air waybills (or other documents serving the same purpose)—and not its operations as an agent of a shipper or of a direct air carrier.

"Consolidation" means air freight, handled in the air freight forwarding operations of the forwarder, which is tendered to a direct air carrier (or other freight forwarder in the case of joint loading) where the reporting forwarder is consignor and consignee.

"Cooperative Shippers Association" means any indirect air carrier classified and defined as such in Part 296 of this chapter.

"Domestic" shall apply to operations between or within any of the states of the United States and the District of Columbia.

"Freight Forwarder" means any indirect air carrier classified and defined as an "Air Freight Forwarder" in Part 296 of this chapter or as an "International Air Freight Forwarder" in Part 297 of this chapter.

"Overseas/Foreign" shall apply to all operations other than Domestic; including but not limited to overseas operations between a place in a State, or the District of Columbia and any place in a territory or possession of the United States, or between a place in a territory or possession of the United States, and a place in any other territory or possession of the United States and foreign operations between a place in the United States and any place outside thereof.

"Originating Air Station" means any air station at which the reporting forwarder receives shipments as a freight forwarder by air and tenders them to direct air carriers at such station whether such activity is undertaken directly by the reporting forwarder or through an agent.

"Shipment" means (1) a single consignment of one or more pieces, from one shipper, at one time, at one address, receipted for in one lot, and moving on one air waybill to one consignee at one destination address (with respect to Schedule T–1, Item 9 and Schedule T–2) or (2) air freight which the reporting carrier does not handle in its air freight forwarding operations (with respect to Schedule T–1, Items 10–12).

§ 244.2 Applicability.

(a) Every freight forwarder holding effective authority from the Board shall periodically prepare and file the financial, operating and insurance report entitled "Report of Air Freight Forwarders and International Air Freight Forwarders," (CAB Form 244) as provided in this part whether or not such forwarder is actively engaged in air freight forwarding operations.[1]

(b) Each cooperative shippers association shall annually file with the Board the financial and operating report, entitled "Annual Report of Cooperative Shippers Associations", (CAB Form 244A) hereinafter described. Each such association shall file this report regardless of whether it is inactive during the report period and where items are not applicable the word "none" should be inserted.

§ 244.3 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request must give good and sufficient reason to justify granting the extension, must set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the indirect air carrier of the action taken. Except in cases of emergency no such request will be entertained which is not received in sufficient time to enable the Civil Aeronautics Board to pass thereon before the prescribed due date. If a request is denied, the indirect air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

§ 244.4 Waiver.

A waiver of any provision of this regulation may be granted by the Board upon its own initiative or upon the submission by an indirect air carrier of a written request therefor, provided that such a waiver is in the public interest and it appears to the Board that temporary or particular conditions warrant a departure from the provisions set forth herein.

§ 244.5 Separability.

If any provision of this part or the application thereof to any indirect air carrier or circumstance is held invalid, the remainder of this part and the application of such provision to other indirect air carriers or circumstances shall not be affected thereby.

Subpart B—Financial, Operating and Insurance Reports by Freight Forwarders

§ 244.10 General.

(a) Each freight forwarder shall prepare and file, in duplicate, CAB Form 244[2] entitled "Report of Air Freight Forwarders and International Air Freight Forwarders", in accordance with the requirements of this part and the instructions set forth in such form which is incorporated herein and annexed hereto.

(b) The aforesaid report consists of a statement of certification and individual schedules to be filed therewith at various specified times. These schedules are identified as follows:

(1) Schedule B, Balance Sheet; P, Statement of Profit and Loss; T–1, Operating Statistics; T–2, Station Data; and T–3, Traffic Flow Data; all to be filed semi-annually.

(2) Schedule G–1, General Officers and Directors, List of Stockholders; and G–2, Corporate and Securities Data; Investments in Other Companies; both to be filed annually.

(3) Schedule I, Statement of Insurance Coverage; to be filed semi-annually and after any change in the data reported.

(c) The aforesaid schedules and certification shall be filed so as to be received by the Civil Aeronautics Board within forty-five (45) days after the termination of each prescribed semi-annual and annual period and, with respect to Schedule I, also within thirty (30) days after a change relative to insurance data previously reported. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The reports shall be addressed to the Board, attention of the Office of Carrier Accounts and Statistics.

§ 244.11 Report certification.

Each filing of CAB Form 244 schedules shall be accompanied by a signed statement by the official in charge of the carrier's accounts certifying that all schedules and supporting documents submitted therewith or previously thereto as parts of the particular report were prepared by him or under his direction, that he has carefully examined them and that they correctly reflect the accounts and records of the carrier and are complete and accurate to the best of his knowledge and belief. The statement of certification appears on the face sheet of the report form and shall apply to all CAB Form 244 schedules and documents filed therewith. The original of the certification shall be accompanied by a conformed copy thereof.

§ 244.12 Balance sheet (Schedule B).

(a) The balance sheet, which is designated as Schedule B of CAB Form 244, shall be prepared as of June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule B shall reflect the balances of all the assets and the liabilities and capital of the reporting forwarder. Assets shall be subdivided into current assets, property and equipment, and other assets. Liabilities shall be subdivided into current liabilities, long-term debt, and other liabilities. All the aforestated categories shall be further subdivided into their principal components as shown by Schedule B and the instructions thereon.

§ 244.13 Statement of profit and loss (Schedule P).

(a) The statement of profit and loss, which is designated as Schedule P of CAB Form 244, shall be prepared for each semi-annual period ending June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule P shall reflect the revenues and expenses of the reporting forwarder with separation as between domestic and overseas/foreign operations if both are engaged in. Both revenues and expenses shall be divided as between those derived from air freight forwarding and those from other operations, and further subdivided into their principal components as shown by Schedule P and the instructions thereon.

§ 244.14 Operating statistics (Schedule T–1).

(a) The schedule of operating statistics, which is designated as Schedule T–1 of CAB Form 244, shall be prepared for each semi-annual period ending June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule T–1 shall be prepared and filed only by freight forwarders whose gross air freight forwarding revenues (item 4 of Schedule P) exceed $50,000 for the 12-month period ending on the same date as the semi-annual period covered by the particular report.

(c) Schedule T–1 shall cover where applicable both domestic and overseas/foreign air operations. With respect to air freight forwarding operations of the forwarder, the schedule shall reflect the number and weight of (1) all consolidations tendered by the freight forwarder to each class of direct air carrier for transportation by charter and otherwise, (2) all consolidations tendered under joint loading arrangements, and (3) all shipments received from shippers for forwarding. With respect to other air operations by the forwarder, the schedule shall reflect the number and weight of all shipments tendered by the reporting carrier to direct air carriers in a capacity other than as a freight forwarder (air cargo sales agent, shipper's agent, or other capacity). All the aforestated categories shall be itemized and subdivided as shown by Schedule T–1 and the instructions thereon.

§ 244.15 Station data (Schedule T–2).

(a) The schedule of station data, which is designated as Schedule T–2 of CAB Form 244, shall be prepared for each semiannual period ending June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule T–2 shall be filed only by carriers whose gross air freight forwarder revenues (item 4 of Schedule P) exceed $50,000 for the 12-month period ending on the same date as the semi-annual period covered by the particular report.

(c) Schedule T–2 shall cover the traffic volume handled by the reporting forwarder at each originating air station in domestic and overseas/foreign air freight forwarding operations where applicable. For each originating air station, report the total number of all air shipments received from shippers at such station (not including shipments being reconsolidated) and the total number and weight of all consolidations made to direct air carriers, or freight forwarders in the case of joint loading, at such station (including reconsolidations—that is, air freight which has previously been consolidated, in the air freight forwarding operations of the reporting forwarder, and tendered to a direct air carrier, or freight forwarder in the case of joint loading). This data shall be reported as shown by Schedule T–2 and the instructions thereon.

§ 244.16 Traffic flow data (Schedule T–3).

(a) The schedule of traffic flow data, which is designated as Schedule T–3 of CAB Form 244, shall be prepared for each semiannual period ending June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule T–3 shall reflect the main routings of consolidations handled by the reporting forwarder in both domestic and overseas/foreign air freight forwarding operations where applicable. The reporting forwarder shall list on this Schedule, in descending order of importance, the ten pairs of air stations representing the largest directional traffic flow based upon the total weight of air consolidations tendered to direct air carriers (or freight forwarders in the case of joint loading) and transported between such stations, in one direction. There shall also be listed the total tonnage of consolidations moving between each of the ten pairs in such direction. The aforesaid data shall be reported as shown by Schedule T–3 and the instructions thereon.

§ 244.17 General officers and directors, list of stockholders (Schedule G–1).

(a) The schedule relating to general officers, directors and stockholders, which is designated as Schedule G–1 of CAB Form 244, shall be prepared as of December 31 of each year and filed with the Board as provided in § 244.10.

(b) Schedule G–1 shall identify, in cases where the reporting forwarder is a corporation, those officers and directors whose positions are elective and their ownership of the reporting forwarder's securities. This schedule shall also identify all persons holding more than five percent of the reporting forwarder's outstanding capital stock or, in cases of unincorporated business enterprises, more than five percent of the total invested capital, and the holdings of each such person. The above-mentioned persons and their holdings shall be identified in the manner set forth in Schedule G–1 and the instructions thereon.

§ 244.18 Corporate and securities data, investments in other companies (Schedule G–2).

(a) The schedule relating to corporate and securities data and investments in other companies, which is designated as Schedule G–2 of CAB Form 244, shall be prepared as of December 31 of each year and filed with the Board as provided in § 244.10.

(b) Schedule G–2 shall reflect the exact name of the forwarder and, as applicable, the date and place of incorporation, date of charter termination, the date and place of annual meetings, and a complete statement of any corporate change and a description of any outstanding options to purchase the reporting forwarder's securities. This schedule shall also reflect the holdings of the reporting forwarder in other companies. The above-mentioned information shall be reported as specifically indicated by Schedule G–2 and the instructions thereon.

§ 244.19 Statement of insurance coverage (Schedule I).

(a) The statement of insurance coverage, which is designated as Schedule I of CAB Form 244, shall be prepared as of June 30 and December 31 of each year and as of all other times when a change occurs in the insurance, self-insurance or surety bond previously reported to the Board by a freight forwarder, and shall be filed with the Board as provided in § 244.10.

(b) Schedule I shall reflect the reporting forwarder's cargo and public liability insurance coverage under a policy, self-insurance plan, and/or surety bond as required by Parts 296 and/or 297 of this chapter. The information to be reported is further described in Schedule I.

Subpart C—Annual Reports by Cooperative Shippers Associations

§ 244.20 Annual report.

(a) Each cooperative shippers association shall file CAB Form 244A[3] entitled "Annual Report of Cooperative Shippers Associations" in accordance with the requirements of this part and the instructions set forth in said form which is made a part hereof and annexed hereto.

(b) The aforesaid report shall be filed annually and in sufficient time so as to be received by the Board within forty-five (45) days after the termination of the prescribed period. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The report shall be addressed to the Board, attention of the Office of Carrier Accounts and Statistics.

(c) This report shall contain a description of the association, the identities, and interests in the association, of its officers and directors, the identities and holdings in the association of persons with more than a five percent interest therein, investments of the association, amount of revenue earned and/or received, and the total number of shipments received during the year for carriage by air. These items shall be shown as more fully set forth on the aforesaid report form.

Subpart D—Effective Date

§ 244.30 Filing of reports.

Part 244 as here amended shall become effective July 1, 1960 and shall first apply to the report due within 45 days after December 31, 1960: *Provided, however,* That, (a) Any Statements of Insurance Coverage, which may be due to be filed after June 30, 1960, shall be prepared and filed pursuant to the instant revision of this Part 244; and (b) the report due within 45 days after June 30, 1960 shall be prepared and filed with the Board pursuant to the provisions of this Part 244 which became effective March 27, 1959.

[1] See § 244.30 for provisions respecting certain reports for the semiannual period ending June 30, 1960, and Statements of Insurance Coverage to be filed after June 30, 1960.

[2] CAB Form 244, filed as part of original document, may be obtained from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

[3] CAB Form 244A, filed as part of original document, may be obtained from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-6144; Filed, July 1, 1960; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 206; Amdt. 32]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C66, Airborne Distance Measuring Equipment (DMET)

Proposed § 514.71 establishing minimum performance standards for airborne distance measuring equipment for use on civil aircraft of the United States engaged in air carrier operations was published in 24 F.R. 10119.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Due consideration has been given to all comments received. Two of these concerned the difficulty of meeting the altitude test requirement for high-powered pulse equipment, specified in paragraph 3.3 of RTCA Paper 167–59/DO–99. It has been determined that an alternate test condition may be substituted and this has been added as paragraph (a)(2)(v). Two recommendations for changes in the vibration frequency range have not been adopted. Data obtained from recent studies on vibration requirements indicate that the frequency range of 10–55 c.p.s. is adequate. Therefore, the original range is being retained for equipment mounted on instrument panels. One manufacturer took exception to the decoder selectivity requirement of paragraph 2.11(b), RTCA Paper 167–59/DO–99. However, the Federal Aviation Agency regards this requirement as necessary from the future system standpoint and has determined that the requirement should be included in the adopted Technical Standard Order.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.71 is added as follows:

§ 514.71 Airborne distance measuring equipment (DMET) (for air carrier aircraft)—TSO–C66.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne distance measuring equipment (DMET) which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne distance measuring equipment (DMET) manufactured for use on civil air carrier aircraft on or after August 1, 1960, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Distance Measuring Equipment (DMET) Operating Within the Radio Frequency Range of 960–1215 Megacycles," (Paper 167–59/DO–99)[1] dated September 8, 1959. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[2] which is incorporated by reference in and thus is a part of Paper 167–59/DO–99 has been amended by Paper 256–58/EC–366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.[3]

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne distance measuring equipment (DMET) which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10–55 c.p.s.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(v) The following test condition may be substituted for that specified in paragraph 3.3, *Altitude Test,* of RTCA Paper 167–59/DO–99 for equipment intended for installation in heated and pressurized locations of aircraft:

With the equipment operating, adjust the atmospheric pressure to that equivalent to 40,000 plus-minus 5 percent feet at the ambient room temperature. Maintain this pressure for 10 minutes, then increase the pressure to that equivalent to 20,000 plus-minus 5 percent feet. Apply standard primary test voltage and frequency to the equipment and operate at maximum duty cycle for 15 minutes. Following this, with standard test voltage and frequency applied, and the equipment maintained at a pressure equivalent to 20,000 plus-minus 5 percent feet, the standards of paragraphs 2.1, 2.7, and 2.9 shall be met. During this test, the test chamber wall shall not be colder than −40° C.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne distance measuring equipment (DMET) approved prior to August 1, 1960, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* August 1, 1960.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on June 27, 1960.

OSCAR BAKKE, *Director, Bureau of Flight Standards.*

[F.R. Doc. 60-6117; Filed, July 1, 1960; 8:45 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 167–59/DO–99, 50 cents per copy; Paper 100–54/DO–60, 20 cents per copy.

[2] In addition to the performance standards herein, airborne distance measuring equipment (DMET) when installed in aircraft must meet installation requirements as well as functional and reliability fight tests of the pertinent airworthiness sections of the Civil Air Regulations.

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–FW–79]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways

On March 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2084) stating that the Federal Aviation Agency proposed the following actions: Modification of VOR Federal airway No. 22 between Marianna, Fla., and Jacksonville, Fla.; and modification of VOR Federal airway No. 157 between Gainesville, Fla., and Alma, Ga.

Although not mentioned in the notice, a minor modification of § 601.6022 is required in order to indicate that more than one north alternate exists on Victor 22.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6022 [Amendment]

1. In the text of § 600.6022 (24 F.R. 10508), "Marianna, Fla., omnirange station; intersection of the Marianna omnirange 141° and the Tallahassee omnirange 267° radials; Tallahassee, Fla., omnirange station; to the Jacksonville, Fla., VOR, including a north alternate from the Marianna VOR to the Jacksonville VOR via the point of INT of the Marianna VOR 092° and the Albany, Ga., VOR 152° radials, the point of INT of the Valdosta, Ga., VOR 233° and the Cross City, Fla., VOR 333° radials, the point of INT of the Gainesville, Fla., VOR 354° and the Jacksonville VOR 272° radials and the point of INT of the Brunswick, Ga., VOR 238° with the Jacksonville VOR 289° radials." is deleted and "Marianna, Fla., VOR; INT of the Marianna, Fla., VOR 141° True and the Tallahassee, Fla., VORTAC 267° True radials; Tallahassee VORTAC; Taylor, Fla., VOR, including an N alternate from the Marianna VOR to the INT of the Valdosta, Ga., VOR 233° True and the Cross City, Fla., VOR 333° True radials via the INT of the Marianna VOR 093° True and the Albany, Ga., VOR 152° True radials; Jacksonville, Fla., VORTAC, including a north alternate from the Taylor VOR to the Jacksonville VORTAC via the INT of the Taylor VOR 065° True and the Jacksonville VORTAC 289° True radials." is substituted therefor.

§ 600.6157 [Amendment]

2. In the text of § 600.6157 (24 F.R. 10518, 10949; 25 F.R. 1990, 2885), "INT of the Gainesville VOR 353° and the Alma VOR 179° radials;" is deleted and "Taylor, Fla., VOR;" is substituted therefor.

3. Section 601.6022 (24 F.R. 10598) is amended to read:

§ 601.6022 VOR Federal airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.).

All of VOR Federal airway No. 22, including N alternates, but excluding the airspace between the main airway and its N alternate between the Marianna, Fla., VOR and the INT of the Valdosta, Ga., VOR 233° True and the Cross City, Fla., VOR 333° True radials.

These amendments shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 28, 1960.

GEORGE S. CASSADY, *Acting Director, Bureau of Air Traffic Management.*

[F.R. Doc. 60-6118; Filed, July 1, 1960; 8:45 a.m.]

[Reg. Docket No. 434; Amdt. 62]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days' notice.

Part 610 is amended as follows:

Section 610.13 *Green Federal airway 3* is amended to read in part:

From Sacramento, Calif., LFR; to Roseville Int, Calif.; MEA 3,500.
From *Roseville INT, Calif.; to Donner Summit, Calif. LF/RBN; MEA 11,000. *7,000—MCA Roseville INT, northeastbound.
From Auburn, Calif., FM; to Roseville INT, Calif., southwestbound only; MEA 3,500.
From Blue Canyon, Calif., FM; to Auburn, Calif., FM, southwestbound only; MEA 7,000.
From Donner Summit, Calif., LF/RBN; to *Reno, Nev., VOR; MEA 12,000. *10,500—MCA Reno VOR, westbound.

Section 610.14 *Green Federal airway 4* is amended to read in part:

From Malibu INT, Calif.; to Camarillo, Calif., LFR; MEA 3,500.

Section 610.15 *Green Federal airway 5* is amended to read in part:

From Los Angeles, Calif., LF/RBN; to *Riverside, Calif., LFR; MEA 5,000. *11,000—MCA Riverside LFR, eastbound.
From LaHabra, Calif., FM; to Los Angeles, Calif., LF/RBN, westbound only; MEA 3,000.

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From Los Angeles, Calif., LF/RBN; to Valley INT, Calif.; MEA 4,000.
From Valley INT, Calif.; to Newhall, Calif., LFR; MEA 7,000.

Section 610.104 *Amber Federal airway 4* is amended to read in part:

From Sioux Falls, S. Dak., LFR; to Huron, S. Dak., LFR; MEA 3,000.

Section 610.106 *Amber Federal airway 6* is amended to delete:

From Jacksonville, Fla., LFR; to Alma, Ga., LFR; MEA 1,600.
From Nashville, Tenn., LFR; to Bowling Green, Ky., LFR; MEA 3,000.
From Bowling Green, Ky., LFR; to Lexington, Ky., LF/RBN; MEA 3,000.
From Lexington, Ky., LF/RBN; to Cincinnati, Ohio, LFR; MEA 2,400.

Section 610.109 *Amber Federal airway 9* is deleted.

Section 610.216 *Red Federal airway 16* is amended to read:

From Florence, S.C., LFR; to Lumberton, N.C., LF/RBN; MEA 1,500.
From Lumberton, N.C., LF/RBN; to Raleigh, N.C., LFR; MEA 2,000.

Section 610.217 *Red Federal airway 17* is amended to delete:

From Chanute, Ill., LF/RBN; to Rensselaer INT, Ind.; MEA 1,900.

Section 610.218 *Red Federal airway 18* is deleted.

Section 610.226 *Red Federal airway 26* is deleted.

Section 610.233 *Red Federal airway 33* is amended to read:

From Buckroe Beach INT, Va.; to Richmond, Va., LFR; MEA 1,500.

Section 610.284 *Red Federal airway 84* is deleted.

Section 610.290 *Red Federal airway 90* is amended to read in part:

From Camarillo, Calif., LFR; to Burbank, Calif., LFR; MEA 6,000.

Section 610.603 *Blue Federal airway 3* is amended to delete:

From Grand Rapids, Mich., LFR; to Traverse City, Mich., LFR; MEA 2,800.
From Traverse City, Mich., LFR; to Sault Ste. Marie, Mich., LFR; MEA 2,400.

Section 610.658 *Blue Federal airway 58* is deleted.

Section 610.679 *Blue Federal airway 79* is amended to delete:

From Banks INT, Canada; to Annette Island, Alaska, LFR; MEA 2,800.

Section 610.679 *Blue Federal airway 79* is amended by adding:

From U.S.-Canadian Border; to Annette Island, Alaska, LFR; MEA 3,000.

Section 610.687 *Blue Federal airway 87* is deleted.

Section 610.1001 *Direct Routes—U.S.* is amended to delete:

From Palacios, Tex., LFR; to Richmond, Tex., LFR; MEA 1,500.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Lone Rock, Wis., VOR; to Milwaukee, Wis., VOR; MEA 2,500.
From Lansing, Mich., VOR via N alter.; to *Fowler INT, Mich., via N alter.; MEA **4,000. *4,000—MRA. **2,900—MOCA.
From Fowler INT, Mich., via N alter.; to Salem, Mich., VOR via N alter.; MEA 2,900.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Marshall, Mo., VORTAC; to Hallsville, Mo., VOR; MEA 2,400.
From Hallsville, Mo., VOR to Monroe INT, Mo.; MEA 2,100.
From Dalton INT, Mo., via N alter.; to Hallsville, Mo., VOR via N alter.; MEA 2,400.
From Hallsville, Mo., VOR via N alter.; to St. Louis, Mo., VOR via N alter.; MEA 2,100.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Summitville INT, Tenn.; to Milton INT, Tenn.; MEA *3,000. *2,400—MOCA.

From Milton INT, Tenn.; to Nashville, Tenn., VOR; MEA 2,000.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From *Ogden, Utah, VOR via N alter.; to Blacksmith INT, Utah, via N alter.; MEA **13,000. *11,000—MCA Ogden VOR, northbound. **12,000—MOCA.

Section 610.6006 *VOR Federal airway 6* is amended to delete:

From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA 2,500.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Greenwood, Miss., VOR; to Lewisburg INT, Miss.; MEA *2,400. *1,800—MOCA.
From Lewisburg INT, Miss.; to Memphis, Tenn., VOR; MEA 1,500.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From *Aetna INT, Okla., via N alter.; to **Salt INT, Kans., via N alter.; MEA ***6,300. *10,500—MRA. **4,200—MRA. ***3,500—MOCA.
From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA 2,500. *3,000—MRA.
From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Hobart, Okla., VOR via S alter.; to *Norge INT, Okla., via S alter.; MEA **4,300. *4,300—MRA. **3,100—MOCA.
From Norge INT, Okla., via S alter.; to *Tuttle INT, Okla., via S alter.; MEA **2,800. *2,500—MRA. **2,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From *Prosper INT, Tex.; to Gunter INT, Tex.; MEA 1,900. *2,100—MRA.
From Gunter INT, Tex.; to Ardmore, Okla., VOR; MEA 2,600.
From Waco, Tex., VOR via W alter.; to Parker INT, Tex., via W alter.; MEA *2,000. *1,900—MOCA.
From Parker INT, Tex., via W alter.; to Joshua INT, Tex., via W alter.; MEA 2,100.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Knoxville, Tenn., VOR via N alter.; to *Hilton INT, Va., via N alter.; MEA **7,000. *9,500—MRA. **6,600—MOCA.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Shreveport, La., VOR via S alter.; to Bryceland INT, La., via S alter.; MEA *2,000. *1,900—MOCA.
From Bryceland INT, La., via S alter.; to Monroe, La., VOR via S alter.; MEA *2,000. *1,800—MOCA.
From *Ritter INT, S.C., via S alter.; to **Wald INT, S.C., via S alter.; MEA ***1,700. *2,400—MRA. **3,100—MRA. ***1,500—MOCA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VOR; to *Bonnie View INT, Tex.; MEA 1,400. *2,000—MRA.
From Hathaway INT, La., via N alter.; to *Rayne INT, La., via N alter.; MEA 1,500. *2,500—MRA.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From *Red Bluff, Calif., VORTAC; to Klamath Falls, Oreg., VORTAC; MEA **13,500. *5,000—MCA Red Bluff VORTAC, southbound. **10,000—MOCA.

Section 610.635 *VOR Federal airway 35* is amended to read in part:

From Macon, Ga., VOR; to *Clinton INT, Ga.; MEA 2,000. *2,500—MRA.
From Clinton INT, Ga.; to *Eatonton INT, Ga.; MEA 2,000. *2,300—MRA.

Section 610.6038 *VOR Federal airway 38* is amended to read in part:

From Moline, Ill., VOR; to Annawan INT, Ill.; MEA 2,800.
From Annawan INT, Ill.; to Triumph INT, Ill.; MEA *3,800. *2,200—MOCA.
From *Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000. *3,800—MCA Triumph INT, westbound.

Section 610.6045 *VOR Federal airway 45* is amended to read in part:

From Raleigh, N.C., VOR via W alter.; to Liberty, N.C., VOR via W alter.; MEA 2,000.
From Liberty, N.C., VOR via W alter.; to Greensboro, N.C., VOR via W alter.; MEA 2,000.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Murphy INT, N.C.; to Rainbow INT, N.C.; MEA 7,000.
From Rainbow INT, N.C.; to Sunset INT, S.C.; MEA 8,000.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Dayton, Ohio, VOR via E. alter.; to Ft. Wayne, Ind., VORTAC via E. alter.; MEA 2,300.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From *Junction City INT, Ga.; to **Flint INT, Ga.; MEA 1,700. *3,000—MRA. **3,000—MRA.
From Flint INT, Ga.; to Macon, Ga., VOR; MEA 1,700.

Section 610.6063 *VOR Federal airway 63* is amended to read in part:

From Wilton INT, Mo.; to Hallsville, Mo., VOR; MEA 2,600.
From Hallsville, Mo., VOR; to Quincy, Ill., VOR; MEA 2,000.

Section 610.6064 *VOR Federal airway 64* is amended to read in part:

From *Thermal, Calif., VOR; to Blythe, Calif., VOR; MEA 7,000. *12,000—MCA Thermal VOR, westbound.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From San Antonio, Tex., VOR; to *McCoy INT, Tex.; MEA 3,000. *3,000—MRA.
From McCoy INT, Tex.; to *Essen INT, Tex.; MEA **2,500. *4,000—MRA. **2,000—MOCA.

Section 610.6069 *VOR Federal airway 69* is amended to read in part:

From *Cotton INT, La., via W alter.; to **Foster INT, La., via W alter.; MEA ***2,000. *2,000—MRA. **3,000—MRA. ***1,600—MOCA.
From Foster INT, La., via W alter.; to El Dorado, Ark., VOR via W alter.; MEA *2,000. *1,600—MOCA.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Corpus Christi, Tex., VOR; to *Bonnie View INT, Tex.; MEA 1,400. *2,000—MRA.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Dogwood, Mo., VOR; to Maples, Mo., VOR; MEA *3,000. *2,900—MOCA.

Section 610.6072 *VOR Federal airway 72* is amended to delete:

From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA, 2,500.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Greensburg INT, Kans.; to *Salt INT, Kans.; MEA **3,600. *4,200—MRA. **3,300—MOCA.

Section 610.6077 *VOR Federal airway 77* is amended by adding:

From Oklahoma City, Okla., VOR via E alter.; to Guthrie INT, Okla., via E alter.; MEA *3,000. *2,700—MOCA.
From Guthrie INT, Okla., via E alter.; to Ponca City, Okla., VOR via E alter.; MEA 2,500.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Ft. Sill INT, Okla.; to *Norge INT, Okla.; MEA **2,800. *4,300—MRA. **2,500—MOCA.
From Norge INT, Okla.; to *Tuttle INT, Okla.; MEA **2,800. *2,500—MRA. **2,500—MOCA.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Santa Fe, N. Mex., VOR; to Taos, N. Mex., VOR; MEA 11,000.
From Taos, N. Mex., VOR; to Alamosa, Colo., VOR; MEA 12,000.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Bryceland INT, La.; to Monroe, La., VOR; MEA *2,000. *1,800—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Albany, Ga., VOR; to Americus INT, Ga.; MEA *1,800. *1,600—MOCA.
From Americus INT, Ga.; to *Junction City INT, Ga.; MEA **3,000. *3,000—MRA. **1,600—MOCA.
From Junction City INT, Ga.; to Concord INT, Ga.; MEA *3,000. *2,200—MOCA.
From Concord INT, Ga.; to Atlanta, Ga., VORTAC; MEA 2,100.
From Atlanta, Ga., VORTAC; to Crabapple INT, Ga.; MEA 3,000.
From Crabapple INT Ga.; to Nelson INT, Ga.; MEA *3,800. *3,500—MOCA.
From *Nelson INT, Ga.; to Blue Ridge INT, Ga.; MEA **7,000. *5,700—MCA Nelson INT, northbound. **5,700—MOCA.
From Blue Ridge INT, Ga.; to Murphy INT, Tenn.; MEA *8,000. *5,700—MOCA.
From Murphy INT, Tenn.; to *Tallassee INT, Tenn.; MEA 7,600. *7,000—MCA Tallassee INT, southbound.
From Tallassee INT, Tenn.; to Knoxville, Tenn., VOR; MEA 4,500.
From Cincinnati, Ohio, VOR via E alter.; to *Brookville INT, Ohio, via E alter.; MEA 2,200. *4,000—MRA.
From Brookville INT, Ohio; to Shelbyville, Ind., VOR; MEA 2,200.

Section 610.6097 *VOR Federal airway 97* is amended to delete:

From Norcross, Ga., VOR via E alter.; to Silver City INT, Ga., via E alter.; MEA 3,000.
From Silver City INT, Ga., via E alter.; to College INT, Ga., via E alter.; MEA 4,000.
From College INT, Ga., via E alter.; to Harris INT, N.C., via E alter.; MEA 6,800.
From Harris INT, N.C., via E alter.; to *Rasar INT, Tenn., via E alter.; MEA 7,600. *7,000—MCA Rasar INT, southbound.

From Rasar INT, Tenn., via E alter.; to Knoxville, Tenn., VOR via E alter.; MEA 5,000.

Section 610.6097 *VOR Federal airway 97* is amended by adding:

From Albany, Ga., VOR via E alter.; to Montezuma INT, Ga., via E alter.; MEA *2,000. *1,600—MOCA.
From Montezuma INT, Ga., via E alter.; to *Flint INT, Ga., via E alter.; MEA **4,000. *3,000—MRA. **1,800—MOCA.
From Flint INT, Ga., via E alter.; to Atlanta, Ga., VOR via E alter.; MEA *3,000. *2,100—MOCA.
From London, Ky., VOR via W alter.; to Lexington, Ky., VOR via W alter.; MEA 2,800.
From Lexington, Ky., VOR via W alter.; to Cincinnati, Ohio, VOR via W alter.; MEA 2,600.

Section 610.6103 *VOR Federal airway 103* is amended to read in part:

From Greensboro, N.C., VOR; to Madison INT, N.C.; MEA 2,100.
From Madison INT, N.C.; to Henry INT, Va.; MEA 5,200.
From Henry INT, Va.; to Hollins, Va., VORTAC; MEA 5,600.

Section 610.6106 *VOR Federal airway 106* is amended to read in part:

From Selinsgrove, Pa., VOR; to Berwick INT, Pa.; MEA 3,500.
From Berwick INT, Pa.; to Thornhurst, Pa., VOR; 3,700.
From Thornhurst, Pa., VOR; to Wilkes-Barre Scranton, Pa., VOR; MEA 3,500.

Section 610.6116 *VOR Federal airway 116* is amended to delete:

From Windsor, Ont., Canada, VOR; to Tilbury INT, Ont.; MEA #2,000. #For that airspace over U.S. Territory.
From Tilbury INT, Ont., Canada; to Blue Pike INT, Pa.; MEA 2,000.

Section 610.6116 *VOR Federal airway 116* is amended by adding:

From Angler INT, Canada; to Blue Pike INT, Pa.; MEA *#2,500. *2,000—MOCA. #For that airspace over U.S. Territory.

Section 610.6131 *VOR Federal airway 131* is amended to read in part:

From *Talala INT, Okla.; to Chanute, Kans., VOR; MEA 2,200. *3,000—MRA.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From Chanute, Kans., VOR; to *Walnut INT, Kans.; MEA 2,500. *3,800—MRA.
From Chanute, Kans., VOR via S alter.; to McCune INT, Kans., via S alter.; MEA 2,500.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Hickman INT, Tenn., via S alter.; to Crawford INT, Tenn., via S alter.; MEA 4,000.
From Crawford INT, Tenn., via S alter.; to London, Ky., VOR via S alter.; MEA 4,500.
From Freedom INT, Ky., via N alter.; to *Bakerton INT, Ky., via N alter.; MEA 5,500. *4,500—MRA.
From Bakerton INT, Ky., via N alter.; to London, Ky., VOR via N alter.; MEA *4,500. *3,200—MOCA.

Section 610.6146 *VOR Federal airway 146* is amended by adding:

From Providence, R.I., VOR; to Nantucket, Mass., VOR; MEA 1,500.

Section 610.6147 *VOR Federal airway 147* is amended to read in part:

From Allentown, Pa., VOR; to Thornhurst, Pa., VOR; MEA 3,700.
From Thornhurst, Pa., VOR; to Elmira, N.Y., VOR; MEA 4,000.

Section 610.6149 *VOR Federal airway 149* is amended to read in part:

From Allentown, Pa., VOR; to Thornhurst, Pa., VOR; MEA 3,700.
From Thornhurst, Pa., VOR; to Binghamton, N.Y., VOR; MEA 4,000.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Meridian, Miss., VORTAC; to *York INT, Ala.; MEA 2,000. *2,400—MRA.
From *Junction City INT, Ga.; to **Flint INT, Ga.; MEA 1,700. *3,000—MRA. **3,000—MRA.
From Flint INT, Ga.; to Macon, Ga., VOR; MEA 1,700.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From *Malabar INT, Fla., via E alter.; to Orlando, Fla., VOR via E alter.; MEA **1,500. *3,000—MRA. **1,300—MOCA.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From *Essen INT, Tex.; to **McCoy INT, Tex.; MEA ***2,500. *4,000—MRA. **3,000—MRA. ***2,000—MOCA.
From McCoy INT, Tex.; to San Antonio, Tex. VOR; MEA 3,000.

Section 610.6174 *VOR Federal airway 174* is amended to delete:

From Troy, Ill., VOR; to Mound INT, Ill.; MEA 1,900.
From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA 2,000.
From Bible Grove, Ill., VOR; to Carlisle INT, Ill.; MEA 2,100.
From Carlisle INT, Ill.; to Scotland, Ind., VOR; MEA 2,000.
From Scotland, Ind., VOR; to *Mitchell INT, Ind.; MEA 2,000. *4,000—MRA.
From Mitchell INT, Ind.; to Livonia INT, Ind.; MEA 2,200.
From Livonia INT, Ind.; to Louisville, Ky., VOR; MEA 2,600.

Section 610.6175 *VOR Federal airway 175* is amended to read in part:

From Wilton INT, Mo.; to Hallsville, Mo., VOR; MEA 2,600.

Section 610.6181 *VOR Federal airway 181* is amended by adding:

From Watertown, S. Dak., VOR; to Fargo, N. Dak., VOR; MEA 3,800.

Section 610.6187 *VOR Federal airway 187* is amended by adding:

From Rock Springs, Wyo., VORTAC; to *Hudson INT, Wyo., MEA 10,000. *12,500—MRA.
From Hudson INT, Wyo.; to Boysen Reservoir, Wyo., VORTAC; MEA 10,000.

Section 610.6188 *VOR Federal airway 188* is amended to read in part:

From Williamsport, Pa., VOR; to Thornhurst, Pa., VOR; MEA 4,500.
From Thornhurst, Pa., VOR; to Stroudsburg, Pa., VOR; MEA 3,500.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Bartlesville, Okla., VOR; to Oswego, Kans., VOR; MEA 1,900.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Chicago O'Hare, Ill., VOR; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.
From Taylor INT, Wis.; to Horlick INT, Wis.; MEA *3,500. *2,000—MOCA.
From Horlick INT, Wis.; to Pike INT, Wis.; MEA *3,000. *2,000—MOCA.
From Pike INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6194 *VOR Federal airway 194* is amended by adding:

From Norfolk, Va., VOR; to Gwynn INT, Va.; MEA 1,500.

Section 610.6209 *VOR Federal airway 209* is amended to read in part:

From Jane INT, Ala.; to *York INT, Ala.; MEA **6,500. *2,400—MRA. **1,600—MOCA.
From York INT, Ala.; to Tuscaloosa, Ala., VOR; MEA *2,400. *1,600—MOCA.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Marshall, Mo., VORTAC; to Hallsville, Mo., VOR; MEA 2,400.
From Hallsville, Mo., VOR; to Monroe INT, Mo.; MEA 2,100.
From Dalton INT, Mo., via N alter.; to Hallsville, Mo., VOR, via N alter.; MEA 2,400.
From Hallsville, Mo., VOR via N alter.; to St. Louis, Mo., VOR via N alter.; MEA 2,100.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Norcross, Ga., VOR; to Lanier INT Ga.; MEA 3,000.
From Lanier INT, Ga.; to Toccoa, Ga., VOR; MEA 3,500.

Section 610.6226 *VOR Federal airway 226* is amended to read in part:

From Williamsport, Pa., VOR; to Thornhurst, Pa., VOR; MEA 4,500.
From Thornhurst, Pa., VOR; to Stillwater, N.J., VOR; MEA 3,500.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Oakland, Calif., VORTAC via S alter.; to Sunol INT, Calif., via S alter.; MEA 4,000.
From Sunol INT, Calif., via S alter., to Stockton, Calif., VOR via S alter.; MEA, 5,000.

Section 610.6257 *VOR Federal airway 257* is amended by adding:

From Promontory Point INT, Utah, via W alter.; to Spring Bay INT, Utah, via W alter.; northwestbound, MEA 10,000; southeastbound, MEA 9,000.
From Spring Bay INT, Utah, via W alter.; to Malad City, Utah, VOR via W alter.; MEA 10,000.

Section 610.6267 *VOR Federal airway 267* is amended by adding:

From Norcross, Ga., VOR; to College INT, Ga.; MEA *5,000. *3,100—MOCA.
From College INT, Ga.; to Notteley INT, N.C.; MEA *7,000. *6,300—MOCA.
From Notteley INT, N.C.; to Knoxville, Tenn., VOR; MEA 7,600.
From Norcross, Ga., VOR via E alter.; to Clermont INT, Ga., via E alter.; MEA 3,000.
From Clermont INT, Ga.; via E alter.; to Rainbow INT, N.C., via E alter.; MEA 7,000.
From Rainbow INT, N.C.; via E. alter.; to Knoxville, Tenn., VOR via E alter.; MEA 7,600.

Section 610.6275 *VOR Federal airway 275* is amended to read in part:

From Cincinnati, Ohio, VOR via W alter.; to *Cedar Grove INT, Ohio, via W alter.; MEA 2,500. *3,000—MRA.
From Cedar Grove INT, Ohio, via W alter.; to Richmond, Ind., VOR via W alter.; MEA, 2,500.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From °Aetna INT, Okla.; to °°Salt INT, Kans; MEA °°°6,900. °10,500—MRA. °°4,200—MRA. °°°3,500—MOCA.

From °Salt INT, Kans., to Hutchinson, Kans., VOR; MEA °°4,200. °6,300—MCA Salt Int, southwestbound. °°2,900—MOCA.

Section 610.6283 *VOR Federal airway 283* is amended to read in part:

From °Fresno, Calif., VOR; to Coarsegold INT, Calif.; northbound, MEA 6,000; southbound, MEA 5,000. °4,000—MCA Fresno VOR, northbound.

From °Coarsegold INT, Calif.; to Reno, Nev., VOR; MEA 15,000. °10,000—MCA Coarsegold INT, northbound.

Section 610.6288 *VOR Federal airway 288* is amended to read in part:

From °Corinne INT, Utah; to Blacksmith INT, Utah; MEA 13,000. °13,000—MRA.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Atlanta, Ga., VORTAC; to Athens, Ga., VOR; MEA 3,000.

Section 610.6459 *VOR Federal airway 459* is added to read:

From °Fresno, Calif., VOR; to Friant, Calif., VOR; northeastbound, MEA 6,000; southwestbound, MEA 5,000. °4,000—MCA Fresno VOR, northeastbound.

From Friant, Calif., VOR; to Linden, Calif., VOR; MEA 7,000.

Section 610.6602 *VOR Federal airway 1502* is amended to delete:

From Windsor, Ontario, Canada; to Blue Pike INT, Pa.; MEA #2,000. #For that airspace over U.S. Territory.

Section 610.6602 *VOR Federal Airway 1502* is amended by adding:

From Angler INT, Canada; to Blue Pike INT, Pa.; MEA °#2,500. °2,000—MOCA. #For that airspace over U.S. Territory.

Section 610.6604 *VOR Federal airway 1504* is amended to read in part:

From °Big Piney, Wyo., VOR; to °°Hudson INT, Wyo.; MEA 15,000. °12,500—MCA Big Piney VOR, westbound. °°12,500—MRA. °°12,700—MCA Hudson INT, westbound.

From Hudson INT, Wyo.; to Casper, Wyo., VOR; MEA °°12,500. °10,000—MOCA.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From Williamsport, Pa., VOR; to Thornhurst, Pa., VOR; MEA 4,500.

From Thornhurst, Pa., VOR; to Stillwater, N.J., VOR; MEA 3,500.

Section 610.6610 *VOR Federal airway 1510* is amended to delete:

From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA 2,500.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From Moline, Ill., VOR; to Annawan, Ill., VOR; MEA 2,800.

From Annawan, Ill., VOR; to Triumph INT, Ill.; MEA °3,800. °2,200—MOCA.

From °Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000. °3,800—MCA Triumph INT, westbound.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From Dayton, Ohio, VOR; to °Plain City INT, Ohio; MEA 2,500. °3,000—MRA.

From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Dayton, Ohio, VOR; to °Plain City INT, Ohio; MEA 2,500. °3,000—MRA.

From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.

From Marshall, Mo. VORTAC; to Hallsville, Mo., VOR; MEA 2,400.

From Hallsville, Mo., VOR; to Monroe INT, Mo.; MEA 2,100.

Section 610.6635 *VOR Federal airway 1535* is amended to read in part:

From Reynolds INT, Idaho; to °Boise, Idaho, VOR; northeastbound, MEA 8,000; southwestbound MEA 10,000. °6,600—MCA Boise VOR, southwestbound.

From °Boise, Idaho, VOR; to °°Landmark INT, Idaho; MEA °°°20,000. °8,600—MCA Boise VOR, northeastbound. °°20,000—MRA. °°°11,000—MOCA.

From Landmark INT, Idaho; to °Missoula, Mont., VOR; MEA °°#25,000. °10,500—MCA Missoula VOR, southwestbound. °°12,000—MOCA. #Continuous navigation signal coverage does not exist over the entire route segment below 35,000 feet.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective July 28, 1960.

Issued in Washington, D.C., on June 24, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-6053; Filed, July 1, 1960; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 194—LIQUOR DEALERS

Special Taxes Imposed and Requirements and Procedures With Respect to Operations

On April 7, 1960, a notice of proposed rule making with respect to the revision and reissuance of 26 CFR Part 194 was published in the FEDERAL REGISTER (25 F.R. 2958).

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the 30-day period prescribed in the notice. Accordingly, the regulations as so published are hereby adopted subject to the changes set forth below:

1. An authority citation is inserted immediately following the table of contents.

2. Section 194.201 is amended by striking the period at the end thereof and adding the following: "or the claimant shall include in his claim evidence satisfactory to the assistant regional commissioner that the stamp cannot be submitted."

3. Section 194.253 is amended by deleting the parenthetical phrase "(unless the container comes within the exception in § 194.251)."

4. Section 194.238 is amended by:

(A) Inserting the paragraph designation "(a)" immediately ahead of the text of the section,

(B) Inserting immediately after the words "he shall" in the first sentence the phrase ", except as provided in paragraph (b) of this section," and

(C) Adding at the end of the section a paragraph (b) and amended citation.

Because these regulations are a part of an integrated recodification program under Chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, these regulations shall be effective on July 1, 1960.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

Approved: June 28, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

PREAMBLE. 1. The regulations in this part shall supersede Part 194—Liquor Dealers, 1955 edition (26 CFR Part 194; 20 F.R. 2159).

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective on July 1, 1960.

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AUTHORITY: §§ 194.1 to 194.292 issued under 68A Stat. 917; 26 U.S.C. 7805. Other statutory provisions interpreted or applied are cited to text in parenthesis.

Subpart A—Scope of Regulations

§ 194.1 Applicability.

This part contains the substantive and procedural requirements relating to the special taxes imposed on wholesale and retail dealers in liquors, wholesale and retail dealers in beer, and limited retail dealers; requirements and procedures pertaining to operations of such dealers prescribed under the Internal Revenue Code of 1954, as amended; and provisions relating to entry of premises and inspection of records by internal revenue officers.

§ 194.2 Territorial extent.

The provisions of this part shall be applicable in the several States of the United States and the District of Columbia.

§ 194.3 Basic permit requirements.

Every person, except an agency of a State or political subdivision thereof, who intends to engage in the business of selling distilled spirits, wines, or beer to other dealers is required by regulations in 27 CFR Part 1 to obtain a basic permit authorizing him to engage in such business.

§ 194.4 Relation to State and municipal law.

The payment of any tax imposed by this part for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on such trade or business within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes. (72 Stat. 1348; 26 U.S.C. 5145)

Subpart B—Definitions

§ 194.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

Bonded wine cellar. An establishment qualified under this chapter for the production, blending, cellar treatment, storage, bottling, and packaging or repackaging of untaxpaid wine.

Brewery. An establishment qualified under this chapter for the production of beer.

CFR. The Code of Federal Regulations.

Dealer. Any person who sells, or offers for sale, any distilled spirits, wines, or beer.

Denatured spirits or denatured alcohol. Spirits to which denaturants have been added as prescribed under this chapter.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D.C.

Distilled spirits or spirits. The substance known as ethyl alcohol, ethanol, or spirits of wine, and all dilutions and mixtures thereof, from whatever source or by whatever process produced, including alcohol, whisky, brandy, rum, gin, vodka, cordials, liqueurs, and cocktails (except cordials and cocktails containing no alcoholic liquors other than wine as defined herein).

Distilled spirits plant. An establishment qualified under this chapter for the production, bonded storage, rectification, or bottling of distilled spirits.

District director. A district director of internal revenue.

Fiscal year. The period from July 1 of one calendar year through June 30 of the following year.

Gallon or wine gallon. A United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

Internal revenue officer. An officer or employe of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Liquor bottles. Bottles or other containers which have been used for the bottling or packaging of distilled spirits under regulations prescribed by the Secretary of the Treasury or his delegate, designated as Part 175 of this chapter.

Liquors. Distilled spirits, wines, or beer.

Person. An individual, a trust, estate, partnership, association or other unincorporated organization, fiduciary, company, or corporation, or the District of Columbia, a State, or a political subdivision thereof (including a city, county, or other municipality).

Place, or place of business. The entire office, plant, or area of the business in any one location under the same proprietorship; and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed a separation for special tax purposes, if the various divisions are otherwise contiguous.

Regional commissioner. A regional commissioner of internal revenue.

Sale at retail or retail sale. Sale of liquors to a person other than a dealer.

Sale at wholesale or wholesale sale. Sale of liquors to a dealer.

Special tax. The occupational tax imposed on a dealer in liquors or a dealer in beer.

U.S.C. The United States Code.

Wine. All kinds and types of wine (including imitation, substandard, and artificial wine, Vermouth and compounds sold as wine) having not in excess of 24 percent of alcohol by volume.

Subpart C—Special (Occupational) Taxes

§ 194.21 Basis of tax.

Special taxes are imposed on persons engaging in or carrying on the business or occupation of selling or offering for sale alcoholic liquors fit for use as a beverage or any alcoholic liquors sold for use as a beverage. The classes of liquor dealer business on which special occupational tax is imposed and the conditions under which such tax is incurred are specified in §§ 194.23–194.28. No person shall engage in any business on which the special tax is imposed until he has filed a special tax return as provided in § 194.104 of this part and paid the special tax for such business.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 194.22 Selling or offering for sale.

Whether the activities of any person constitute engaging in the business of selling or offering for sale is to be determined by the facts in each case, but any course of selling or offering for sale, though to a restricted class of persons or without a view to profit, is within the meaning of the statute.

Dealers Classified

§ 194.23 Retail dealer in liquors.

(a) *General.* Every person who sells or offers for sale distilled spirits, wines, or beer to any person other than a dealer is, except as provided in paragraph (b) of this section, a retail dealer in liquors. Every retail dealer in liquors shall pay special tax at the rate specified in § 194.101 for such dealer, unless such dealer is exempt from such special tax as provided in paragraph (c) of this section.

(b) *Persons not deemed to be retail dealers in liquors.* The following persons are not deemed to be retail dealers in liquors within the meaning of chapter 51, I.R.C., and are not required to pay special tax as such dealer—

(1) A retail dealer in beer as defined in § 194.25,

(2) A limited retail dealer as specified in § 194.27, or

(3) A person who only sells or offers for sale distilled spirits, wines, or beer as provided in §§ 194.188–194.190 or 194.191(a).

(c) *Persons exempt from special tax.* The following persons are exempt from special tax as retail dealers in liquors—

(1) A wholesale dealer in liquors selling or offering for sale distilled spirits, wines, or beer, whether to dealers or persons other than dealers, at any place where such wholesale dealer in liquors is required to pay special tax as such dealer,

(2) A wholesale dealer in beer selling or offering for sale beer only, whether to dealers or persons other than dealers, at any place where such wholesale dealer in beer is required to pay special tax as such dealer, or

(3) A person who is exempt from such tax under the provisions of §§ 194.181–194.184 or 194.187.

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5113, 5121, 5122)

§ 194.24 Wholesale dealer in liquors.

(a) *General.* Every person who sells or offers for sale distilled spirits, wines, or beer to another dealer is, except as provided in paragraph (b) of this section, a wholesale dealer in liquors. Every wholesale dealer in liquors is required to pay special tax at the rate specified in § 194.101 for such dealer, unless such dealer is exempt from such special tax as provided in paragraph (c) of this section.

(b) *Persons not deemed to be wholesale dealers in liquors.* The following persons are not deemed to be wholesale dealers in liquors within the meaning of chapter 51, I.R.C., and are not required to pay special tax as such dealer—

(1) A wholesale dealer in beer as defined in § 194.26,

(2) A person who only sells or offers for sale distilled spirits, wines, or beer as provided in §§ 194.188–194.190 or 194.192, or

(3) A person returning liquors for credit, refund, or exchange as provided in § 194.193.

(c) *Persons exempt from special tax.* (1) The following persons are exempt from special tax as wholesale dealers in liquors—

(i) A retail dealer in liquors who consummates sales of beer or wine, or both, to a limited retail dealer at the place where such retail dealer in liquors has paid the special tax as such dealer for the current fiscal year,

(ii) A retail dealer in beer who consummates sales of beer to a limited retail dealer at the place where such retail dealer in beer has paid the special tax as such dealer for the current fiscal year, or

(iii) A person who is exempt from such tax under the provision of §§ 194.181–194.184.

(2) A wholesale dealer in liquors who has paid the special tax as such dealer at the place, or places, from which he conducts his selling operations is exempt from additional special tax on account of his sales of beer or wines to other dealers at the places of business of such dealers.

(72 Stat. 1340, 1344; 26 U.S.C. 5111, 5112, 5113, 5123)

§ 194.25 Retail dealer in beer.

(a) *General.* Every person who sells or offers for sale beer, but not distilled spirits or wines, to any person other than a dealer is, except as provided in paragraph (b) of this section, a retail dealer in beer. Every retail dealer in beer shall pay special tax at the rate specified in § 194.101 for such dealer, unless such dealer is exempt from such special tax as provided in paragraph (c) of this section.

(b) *Persons not deemed to be retail dealers in beer.* The following persons are not deemed to be retail dealers in beer within the meaning of chapter 51, I.R.C., and are not required to pay a special tax as such dealer—

(1) A limited retail dealer as specified in § 194.27, or

(2) A person who only sells or offers for sale beer, but not distilled spirits or wines, as provided in §§ 194.188–194.189 or 194.191(a).

(c) *Persons exempt from special tax.* The following persons are exempt from special tax as retail dealers in beer—

(1) A wholesale dealer in beer selling or offering for sale beer, but not distilled spirits or wines, whether to dealers or persons other than dealers, at any place where such wholesale dealer in beer is required to pay special tax as such dealer.

(2) A person who is exempt from such tax under the provisions of §§ 194.181, 194.184, or 194.187.

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5113, 5121, 5122)

§ 194.26 Wholesale dealer in beer.

(a) *General.* Every person who sells or offers for sale beer, but not distilled spirits or wines, to another dealer is, except as provided in paragraph (b) of this section, a wholesale dealer in beer. Every wholesale dealer in beer is required to pay special tax at the rate specified in § 194.101 for such dealer, unless such dealer is exempt from such special tax as provided in paragraph (c) of this section.

(b) *Persons not deemed to be wholesale dealers in beer.* The following persons are not deemed to be wholesale dealers in beer within the meaning of chapter 51, I.R.C., and are not required to pay special tax as such dealer—

(1) A person who only sells or offers for sale beer, but not distilled spirits or wines, as provided in §§ 194.188–194.189 or 194.192, or

(2) A person returning beer for credit, refund or exchange as provided in § 194.193.

(c) *Persons exempt from special tax.* (1) The following persons are exempt from special tax as wholesale dealers in beer—

(i) A retail dealer in liquors who consummates sales of beer or wines, but not distilled spirits, to a limited retail dealer at the place where such retail dealer in liquors has paid the special tax as such dealer for the current fiscal year,

(ii) A retail dealer in beer who consummates sales of beer to a limited retail dealer at the place where such retail dealer in beer has paid the special tax as such dealer for the current fiscal year, or

(iii) A person who is exempt from such tax under the provisions of §§ 194.181 and 194.184.

(2) A wholesale dealer in beer who has paid the special tax as such dealer at the place, or places, from which he conducts his selling operations is exempt from additional special tax on account of his sales of beer to other dealers at the places of business of such dealers.

(72 Stat. 1340, 1344; 26 U.S.C. 5111, 5112, 5113, 5123)

§ 194.27 Limited retail dealer; persons eligible.

Each person desiring to sell beer or wine, or both, to members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or similar outings, and any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen's organization desiring to sell beer or wine, or both, on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, shall obtain from the district director, for each calendar month in which sales are to be made, a special tax stamp as a limited retail dealer in liquors: *Provided*, That no person or organization otherwise engaged in business as a dealer shall procure such limited special tax stamp. Application on Form 11 and payment of special tax at the rate specified in § 194.101 shall be submitted to the district director before any sales are made. If requested on Form 11, the district director may issue the special tax stamp under the designation of (a) limited retail dealer in wine, if wine only is to be sold, or (b) limited retail dealer in beer, if beer only is to be sold.

(72 Stat. 1344, 1346; 26 U.S.C. 5122, 5142)

§ 194.28 Sales of 20 wine gallons or more.

Any person who sells or offers for sale distilled spirits, wines, or beer, in quantities of 20 wine gallons or more, to the same person at the same time, shall be presumed and held to be a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be, unless such person shows by satisfactory evidence that such sale, or offer for sale, was made to a person other than a dealer.

(72 Stat. 1413; 26 U.S.C. 5691)

Special Tax Liability of Certain Organizations, Agencies and Persons

§ 194.29 Clubs or similar organizations.

A club or similar organization shall pay special tax if such club or organization—

(a) Furnishes liquors to members under conditions constituting sale (including the acceptance of orders therefor, furnishing the liquors ordered and collecting the price thereof); or

(b) Conducts a bar for the sale of liquors on the occasion of an outing, picnic, or other entertainment (the special tax stamp of the proprietor of the premises where such bar is located will not relieve the club or organization of special tax liability); or

(c) Purchases liquors for members without prior agreement concerning payment therefor and such organization subsequently recoups.

However, special tax liability is not incurred if money is collected in advance from members for the purchase of liquors, or money is advanced for purchase of liquors on agreement with the members for reimbursement.

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5111, 5121, 5122)

§ 194.30 Restaurants serving liquors with meals.

Proprietors of restaurants and other persons who serve liquors with meals to customers, though no separate or specific charge for the liquors is made, shall pay special tax.

(72 Stat. 1344; 26 U.S.C. 5122)

§ 194.31 States, political subdivisions thereof, or the District of Columbia.

A State, a political subdivision thereof, or the District of Columbia which engages in the business of selling, or offering for sale, distilled spirits, wines, or beer is not exempt from special tax. However, no such governmental entity which has paid the applicable retail dealer special tax at its retail stores and the applicable wholesale dealer special tax at its principal office shall be required to pay additional wholesale dealer special tax at such retail stores by reason of the sale thereat of distilled spirits, wines, or beer, to dealers qualified to do business as such within the jurisdiction of such entity.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5113, 5121)

§ 194.32 Sales of denatured spirits or articles.

Any person who sells denatured spirits or any substance or preparation made with or containing denatured spirits for use, or for sale for use, for beverage purposes, or who sells any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, shall pay special tax.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 194.33 Sales of alcoholic compounds, preparations, or mixtures containing distilled spirits, wines, or beer.

(a) *Special tax liability.* Special tax liability will be incurred with respect to the sale, or offering for sale, of alcoholic compounds, preparations, or mixtures containing distilled spirits, wines, or beer, unless such compounds, preparations, or mixtures are unfit for use for beverage purposes and are sold solely for use for nonbeverage purposes.

(b) *Products unfit for beverage use.* Products meeting the requirement for exemption from commodity and occupational taxes under the provisions of Part 170 of this chapter shall be deemed to be unfit for beverage purposes for the purposes of this part.

§ 194.34 Sales by agencies and instrumentalities of the United States.

Unless specifically exempt by statute, any agency or instrumentality of the United States, including post exchanges, ship's stores, ship's service stores, and commissaries, or any canteen, club, mess, or similar organization operated under regulations of any such agency or instrumentality, which sells, or offers for sale, distilled spirits, wines, or beer shall pay special tax as a dealer in liquors or as a dealer in beer, as the case may be, for carrying on such business.

(72 Stat. 1340, 1343, 1347; 26 U.S.C. 5111, 5121, 5143)

§ 194.35 Warehouse receipts covering spirits.

Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person who sells or offers for sale warehouse receipts for spirits held or stored in a distilled spirits plant, customs bonded warehouse, or elsewhere, is required to file a special tax return and pay special tax as a wholesale dealer in liquors, or as a retail dealer in liquors, as the case may be, at the place where such warehouse receipts are sold, or offered for sale, unless exempt by the provisions of Subpart L of this part.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

Subpart D—Administrative Provisions

§ 194.41 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings of the forms and the instructions thereon or issued in respect thereto, and as required by this part.

§ 194.42 Right of entry and examination.

Any internal revenue officer may enter during business hours the premises (including places of storage) of any dealer for the purpose of inspecting or examining any records or other documents required to be kept by such dealer under this part and any distilled spirits, wines, or beer kept or stored by such dealer on such premises.

(72 Stat. 1348; 26 U.S.C. 5146)

Subpart E—Places Subject to Special Tax

§ 194.51 Special tax liability incurred at each place of business.

Except as provided in Subpart L of this part, liability to special tax is incurred at each and every place where distilled spirits, wines, or beer are sold or offered for sale: *Provided*, That the term "place" as used in this section means the entire office, plant or area of the business in any one location under the same proprietorship; and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require the payment of additional special tax, if the various divisions are otherwise contiguous.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.52 Place of sale.

The place at which ownership of liquors is transferred, actually or constructively, is the place of sale.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.53 Place of offering for sale.

Liquors are offered for sale (a) at the place where they are kept for sale and where a sale may be effected, or (b) at any place where sales are consummated. Liquors are not offered for sale by sending abroad an agent to take orders, or by establishing an office for the mere purpose of taking orders, provided in each case the orders received are transmitted to the principal for acceptance at the place where he holds a special tax stamp or is exempt from special tax as provided in Subpart L of this part.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.54 Places of storage; deliveries therefrom.

Special tax is not required to be paid for warehouses and similar places which are used by dealers merely for the storage of liquors and are not places where orders for liquors are accepted. Where orders for liquors are received and duly accepted at a place where the dealer holds the required special tax stamp, the subsequent actual delivery of the liquors from a place of storage does not require the payment of special tax at such place of storage. Except as provided in §§ 194.185 and 194.186, a dealer holding a special tax stamp at a given place, who makes actual delivery of liquors from a warehouse at another place, without prior constructive delivery by the acceptance of an order therefor at the place covered by the special tax stamp, shall pay special tax at the place where ownership of the liquors is transferred.

(72 Stat. 1340, 1347; 26 U.S.C. 5113, 5143)

§ 194.55 Caterers.

Where the contract of a caterer for the furnishing of a dinner, including liquors, is made at his place of business where he holds a special tax stamp, no liability to special tax is incurred by the serving of the liquors at a different location.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.56 Peddling.

No person shall peddle distilled spirits, wines, or beer, except as provided in §§ 194.126, 194.185, and 194.186. Persons peddling liquors and not meeting the exemptions specified in §§ 194.126, 194.185, and 194.186 are required to pay special tax at each place where sales are consummated.

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

Sales in Two or More Areas on the Same Premises

§ 194.57 General.

Where liquors are sold by a proprietor in two or more areas within his place of business, only one secial tax stamp is required. Where the proprietor lets to another person or persons the privilege of selling liquors in two or more areas within his place of business, whether such privilege is exercised separately or simultaneously with the proprietor or another concessionaire, each such person shall pay but one special tax.

§ 194.58 Hotels.

The proprietor of a hotel who conducts the sale of liquors throughout the hotel premises shall pay but one special tax. For example, different areas in a hotel such as banquet rooms, meeting rooms, guest rooms, or other such areas, operated by the proprietor, collectively constitute a single place of business. Where any concessionaire conducts the sale of liquors at two or more areas in a hotel, such areas shall be regarded as a single place of business, and he shall pay but one special tax.

§ 194.59 Ball park, race track, etc.; sales throughout the premises.

The proprietor of a ball park, race track, stadium, pavilion, or other similar enclosure constituting one premises, who engages in the business of selling liquors throughout such enclosure, including sales from baskets or containers by his employees in his behalf, shall pay but one special tax for such enclosure. Each concessionaire having the same privilege throughout the enclosure, whether such privilege is exercised separately or simultaneously with the proprietor or another concessionaire, or concessionaires, shall pay but one special tax for such enclosure.

(72 Stat. 1347; 26 U.S.C. 5143)

Subpart F—Each Business Taxable

§ 194.71 Different businesses of same ownership and location.

Where more than one taxable business is conducted by the same person at the same place, special tax for each business shall be paid at the rates severally prescribed, except as provided in §§ 194.24 and 194.26.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.72 Dealer in beer and dealer in liquors at the same location.

A dealer who pays the special tax as a retail dealer in beer, begins the retail sale of beer, and thereafter, at the same location, during the same or a subsequent month, intends to begin the retail sale of distilled spirits or wine (a different business under § 194.23) shall, in addition, pay the special tax as a retail dealer in liquors before commencing the sale, or offering for sale, of distilled spirits or wine. Likewise, a dealer who has paid the special tax as a wholesale dealer in beer, and thereafter, at the same location, during the same or a subsequent month, intends to begin the wholesale sale of distilled spirits or wine (a different business under § 194.24) shall, in addition, pay the special tax as a wholesale dealer in liquors before commencing the sale, or offering for sale, of distilled spirits or wine.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.73 Mixing cocktails.

Any dealer who mixes cocktails, or compounds any alcoholic liquors in advance of sale, except for the purpose of filling, for immediate consumption on the premises, orders received at the bar or in the expectation of the immediate receipt of such orders, shall pay special tax as a rectifier. Liquor bottles shall not be used as receptacles for such cocktails.

(72 Stat. 1338, 1347, 1374; 26 U.S.C. 5081, 5143, 5301)

Subpart G—Partnerships

§ 194.91 Liability of partners.

Any number of persons carrying on one business in partnership at any one place during any fiscal year shall be required to pay but one special tax for such business.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.92 Addition of partners or incorporation of partnership.

Where a number of persons who have paid special tax as partners admit one or more new members to the firm or form a corporation (a separate legal entity) to take over the business, the new firm or corporation shall pay special tax before commencing business.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.93 Formation of a partnership by two dealers.

Where two persons, each holding a special tax stamp for a business carried on by himself, form a partnership, the firm shall pay special tax to cover the business conducted by the partnership.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.94 Withdrawal of one or more partners.

When one or more partners withdraw from a partnership which has paid special tax, the remaining partner, or partners, may file with the district director a notice of succession to the partnership business within 30 days after the change in control, as provided in § 194.169, and carry on the same business at the same address for the remainder of the taxable period for which special tax was paid without paying additional special tax. However, where the remaining partner, or partners, do not file such timely notice of succession, they are required to pay special tax, as provided in § 194.170.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

Subpart H—Payment of Special Tax

§ 194.101 Special tax rates.

Special (occupational) taxes are imposed on dealers in liquors and beer at the following rates—

(a) *Annual (fiscal year) rates:*

Wholesale dealer in liquors (spirits, wines, beer)	$255.00
Wholesale dealer in beer (beer only)	123.00
Retail dealer in liquors (spirits, wines, beer)	54.00
Retail dealer in beer (beer only)	24.00

(b) *Monthly (calendar month) rate:*

Limited retail dealer (wine, beer)	$2.20

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.102 Date special tax is due.

Special taxes shall be paid on or before July 1 of each year, or before engaging in business.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 194.103 Computation of special tax.

In the case of a person engaged in a business subject to special tax during the month of July, the special tax liability shall be reckoned for the entire fiscal year beginning July 1 and ending June 30 following. Where business is commenced subsequent to July, the liability shall be reckoned proportionately from the first day of the month in which the liability to a special tax commenced to June 30 following. For example, a person commencing business in August is liable to special tax for 11 months, or eleven-twelfths of the annual tax.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 194.104 Filing return and payment of special tax.

(a) *Time for filing return.* Every person who intends to engage in a business subject to special tax under the provisions of this part shall, on or before the date such business is commenced, render a special tax return, Form 11, with remittance of tax to the district director of the district in which the business is to be carried on. The Form 11 and remittance of a dealer continuing business into a new fiscal year shall be rendered on or before July 1 of the new fiscal year.

(b) *Returns filed by mail.* Where the return and remittance are received in the mail and the United States postmark on the cover shows that it was deposited in the mail in the United States within the time prescribed for filing, or within any extension of such time, in an envelope or other appropriate wrapper which was properly addressed with postage prepaid, the return shall be considered as timely filed. In the event the last day for filing the return falls on a Saturday, Sunday, or legal holiday (of the District of Columbia or on a statewide legal holiday of the particular State where such return is required to be filed) a postmark showing the next succeeding day which is not a Saturday, Sunday, or such legal holiday, shall be considered evidence of timely filing. If the postmark is not legible, the sender has the burden of proving the date when the postmark was made. When registered mail is used the date of registration shall be accepted as the postmark date.

(68A Stat. 732, 749, 72 Stat. 1346; 26 U.S.C. 6011, 6071, 5142)

§ 194.105 Method of payment.

Payment of special tax shall be made in cash, or by check or money order payable to "Internal Revenue Service." If a check or money order so tendered is not honored when presented for payment, the person who tendered such check or money order shall remain liable for the payment of the special tax, and for all penalties and additions, to the same extent as if the check or money order had not been tendered. In addition, unless the person who tendered the check or money order can show that such check or money order was issued in good faith, and with reasonable cause to believe that it would be duly paid, there shall be paid as penalty an amount equal to 1 percent of the amount of the check or money order, except that if the amount of the check or money order is less than $500, the penalty shall be $5, or the amount of the check or money order, whichever is lesser.

(68A Stat. 777, 826; 26 U.S.C. 6311, 6657)

Special Tax Return, Form 11

§ 194.106 Data required.

Special tax returns shall be made on Form 11, which may be procured from

the district director of internal revenue. The dealer shall disclose in the spaces provided on the return—

(a) Where the dealer is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) Where a trade name is used, the exact trade name under which the business is conducted, in addition to information required in paragraphs (a) or (b) of this section;

(d) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(e) The kind of liquor business carried on, as classified in §§ 194.23–194.27;

(f) All other information provided for on the form.

(68A Stat. 732, 846; 26 U.S.C. 6011, 7011)

§ 194.107 Execution of Form 11.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by a duly authorized officer thereof: *Provided*, That any individual, partnership, or corporation may appoint an agent to sign in his behalf. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," "agent," "attorney-in-fact" or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a dealer by reason of death, insolvency, or other circumstances, shall indicate the fiduciary capacity in which they act. Retruns signed by persons, as agents or attorneys-in-fact, will not be accepted unless, in each instance, the principal named on the return has executed a power of attorney authorizing such person to sign the return, and such power of attorney is filed with the district director. Form 11 shall be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 26 U.S.C. 6061, 6065)

§ 194.108 Extensions of time for filing returns.

The district director may, before the tax is due and payable, grant such reasonable extension of time for the filing of Form 11 as he deems proper. Application for extension of time shall be made in writing to the district director of the district in which the business is located, and shall contain a full recital of the causes of delay. Except in the case of taxpayers who are abroad, no such extention shall be more than 6 months.

(68A Stat. 751; 26 U.S.C. 6081)

§ 194.109 Penalty for failure to file return.

Any person required by this part to file a return on Form 11 who fails to file the return on or before the last date prescribed in § 194.104 shall pay, as an addition to the tax, a delinquency penalty, unless it is shown that such failure is due to reasonable cause and not due to willful neglect: *Provided*, That where an extension of time for the filing of the return has been granted under § 194.108, the taxpayer shall not be held to be delinquent until he has failed to file the return within such extension of time. The delinquency penalty for failure to file the return on or before the last date prescribed (determined with regard to any extension of time for filing) shall be 5 percent of the amount required to be shown as tax on the return if the failure is for not more than one month; with an additional 5 percent for each additional month or fraction thereof during which such delinquency continues, but not more than 25 percent in the aggregate.

(68A Stat. 821; 26 U.S.C. 6651)

§ 194.110 Interest on unpaid tax.

Interest at the rate of 6 percent per annum is due on delinquent special tax from the date the tax is required to be paid to the date paid.

(68A Stat. 817; 26 U.S.C. 6601)

Delinquent Returns

§ 194.111 Delinquency penalty.

In every case where a special tax return is not filed at the time prescribed in § 194.104, or within any extension of time granted under § 194.108, the delinquency penalty specified in § 194.109 will be asserted and collected unless a reasonable cause for delay in filing the return is clearly established. A dealer who believes the circumstances which delayed his filing of the return are reasonable, and who desires to have the delinquency penalty waived, shall submit with his return a written statement under the penalties of perjury, affirmatively showing all of the circumstances alleged as reasonable causes for delay. If such return and statement are submitted to the district director, the district director shall determine whether the delay in filing was due to reasonable cause; if delivered to an internal revenue officer working under supervision of the assistant regional commissioner, the assistant regional commissioner shall make the determination. Any reason which appeals to a man of ordinary prudence and intelligence as a reasonable cause for the delay and which clearly shows no willful intent to avoid the provisions of the taxing statutes, or gross negligence, will be accepted as reasonable. Mere ignorance of the law will not be considered a reasonable cause.

(68A Stat. 821; 26 U.S.C. 6651)

Subpart I—Special Tax Stamps

§ 194.121 Issuance of stamps.

Upon receipt of a return properly executed on Form 11, together with a remittance in the proper amount, the district director will issue an appropriately designated stamp to the taxpayer. Special tax stamps will not be issued until the tax is fully paid.

(72 Stat. 1343; 26 U.S.C. 5144)

§ 194.122 Receipt in lieu of stamp prohibited.

No receipt shall be issued in lieu of a special tax stamp. A receipt may be given only pending the issuance of a stamp, or where the tax liability relates to a prior fiscal year.

(68A Stat. 778; 26 U.S.C. 6314)

§ 194.123 Stamps covering business in violation of State law.

District directors are without authority to refuse to issue a special tax stamp to a liquor dealer engaged in business in violation of State law. The stamp is not a Federal permit or license, but is merely a receipt for the tax. The stamp affords the holder no protection against prosecution for violation of State law.

(72 Stat. 1348; 26 U.S.C. 5145)

§ 194.124 Stamps for passenger trains, aircraft, and vessels.

Special tax stamps may be issued to persons who will carry on the business of retail dealers in liquors or retail dealers in beer, on trains, aircraft, boats or other vessels, engaged in the business of carrying passengers. The stamps shall be issued in general terms "In the United States." A dealer holding a stamp for such business may transfer it from one passenger carrier to another on which he conducts his business, without registering the transfer with a district director, and he may conduct such business throughout the passenger carrying train, aircraft, boat or other vessel, to which the stamp is transferred, and on which posted.

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§ 194.125 Carriers not engaged in passenger service.

Except as provided in § 194.126, a special tax stamp may not be issued for the retailing of liquor on any railroad train, aircraft, or boat that is not engaged in the business of carrying passengers.

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§ 194.126 Stamps for supply boats or vessels.

Special tax stamps may be issued to persons carrying on the business of a retail dealer in liquor or a retail dealer in beer on supply boats or vessels operated by them, when such persons operate from a fixed address in a port or harbor and supply exclusively boats or other vessels, or persons thereon, at such port or harbor. Any person desiring to obtain a special tax stamp for such business shall specify on the Form 11 filed with the district director, or on an attachment thereto, (a) that the business will consist of supplying exclusively boats, vessels, or persons thereon, (b) the name of the port or harbor at which the business is to be carried on, and (c) the fixed address from which operations are to be conducted. Where such sales are to be made from two or more supply boats or vessels, the dealer shall pay special tax and obtain a special tax stamp for each boat or vessel on which he will make such sales simultaneously; however, the dealer may transfer any such stamp from any boat or vessel on which he discontinues such sales to any other boat or vessel on which he proposes to conduct such business, without registering the transfer with a district director. Special tax stamps issued for such retailing of liquors shall bear, in addition to the dealer's occupational classification, the phrase "on supply boats," and in the lower margin the notation, "Covers supplying exclusively of boats or vessels, or persons thereon, at the Port (or Harbor) of ----------."

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§ 194.127 Stamps for retail dealers "At Large."

A retail dealer in liquors or a retail dealer in beer whose business requires him to travel from place to place in different States of the United States, such as those who sell at carnivals or circuses, may obtain a special tax stamp "At Large" covering his activities throughout the United States with the payment of but one special tax as a retail dealer in liquors or a retail dealer in beer, as required by his business. A dealer desiring such stamp shall state on his special tax return, Form 11, or on an attached statement, the nature of his business and the reason he requires a special tax stamp "At Large." Unless satisfied that the business of the dealer requires him to travel in more than one State, the district director will not issue a stamp "At Large" to the applicant.

(72 Stat. 1344; 26 U.S.C. 5123)

Stamps for Dealers in Wines Only, or Wines and Beer Only

§ 194.128 General.

Retail and wholesale dealers in liquors who sell or offer for sale wines only, or wines and beer only, may obtain stamps as retail or wholesale dealers in liquors, as the case may be, under the following designations upon application and payment of special tax at the annual (fiscal year) rates indicated:

Retail dealer in wines	$54.00
Retail dealer in wines and beer	54.00
Wholesale dealer in wines	255.00
Wholesale dealer in wines and beer	255.00

A retail dealer who holds a stamp under one of the designations above may make retail sales of distilled spirits, and a wholesale dealer who holds a stamp under one of the wholesale dealer designations may make sales of distilled spirits to dealers or others, without paying additional special tax. Dealers holding such stamps are subject to all provisions of internal revenue law and regulations relating to retail dealers in liquors and wholesale dealers in liquors.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.129 Stamps not exchangeable.

The holders of special tax stamps as dealers in wines only, or dealers in wine and beer only, may not exchange them for the regular retail and wholesale liquor dealer stamps. In the absence of specific demand or application for such stamps, district directors shall issue the regular stamps to persons paying special tax as retail or wholesale dealers in liquors.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

Medicinal Spirits Dealer Stamps

§ 194.130 Stamps for drug stores and pharmacies selling through licensed pharmacists.

Proprietors of retail drug stores and pharmacies making retail sales of distilled spirits through duly licensed pharmacists may procure stamps under the designation of "Medicinal Spirits Dealer" upon application and payment of special tax at the $54 annual rate. The holders of such stamps are subject to all provisions of internal revenue laws relating to retail dealers in liquors. District directors shall, in the absence of specific demand or application for such stamps, issue the regular retail liquor dealer special tax stamps.

(72 Stat. 1343; 26 U.S.C. 5121)

Stamp To Be Posted

§ 194.131 General.

A dealer shall conspicuously display his special tax stamp in his place of business. A dealer holding a special tax stamp as a retail dealer in liquors or a retail dealer in beer "At Large" or "In the United States" shall place and keep the stamp conspicuously posted where he is conducting such business.

(68A Stat. 831; 26 U.S.C. 6806)

Missing Stamps

§ 194.132 Lost or destroyed.

If a special tax stamp has been lost or destroyed, the dealer shall immediately notify the district director. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the dealer who submits an affidavit showing to the satisfaction of the district director that the stamp was lost or destroyed. The certificate shall be posted in lieu of the stamp, otherwise, liability for failure to post the stamp will be incurred.

§ 194.133 Seizure by State authorities.

Where a stamp designated "Retail Dealer in Liquors" is seized by State authorities because it does not conform to the dealer's local license or permit (wine, or wine and beer), the district director will, on request, issue a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" to show that the dealer has paid special tax as a "Retail Dealer in Wine" or "Retail Dealer in Wines and Beer," as the case may require.

Correction of Errors on Special Tax Stamps

§ 194.134 Errors disclosed by taxpayers.

On receipt of a special tax stamp, the dealer will examine it to insure that the name and address are correctly stated; if not, the taxpayer will return the stamp to the district director with a statement showing the nature of the error and the correct name or address. The district director, on receipt of such stamp and statement, will compare the data on the stamp with that on the Form 11 in his files, correct the error if made in his office, and return the stamp to the taxpayer. However, if the error was in the taxpayer's preparation of the Form 11, the district director will require such taxpayer to file a new Form 11, designated "Amended Return," setting forth the taxpayer's correct name and address, and a statement explaining the error on the original Form 11. On receipt of the amended Form 11, and a satisfactory explanation of the error, the district director will make the proper correction on the stamp and return it to the taxpayer.

§ 194.135 Errors discovered on inspection.

When an internal revenue officer discovers a material error on a special tax stamp in the name, ownership, or address of the dealer, he will secure from the dealer a new Form 11, designated "Amended Return," showing correctly all of the information required in § 194.106 and, in the body of the form or in an attachment thereto, a statement of the reason for requesting correction of the stamp. On receipt of the amended return and an acceptable explanation for the error, the officer will make the proper correction on the stamp and return it to the taxpayer.

Stamps for Incorrect Period or Incorrect Liability

§ 194.136 General.

Where a dealer through error has filed a return and paid special tax for an incorrect period of liability or incorrect class of business, he shall prepare a correct Form 11 for each taxable year involved, designating it as an "Amended Return," and submit the amended return, or returns, with remittance for the total tax and additions to the tax (delinquency penalties and interest) incurred, to the district director or, if the error is discovered by an internal revenue officer, to such officer: *Provided*, That, subject to the limitations imposed by section 6511, I.R.C., the tax (including additions thereto) paid for the incorrect period of liability or incorrect class of business may be allowed as a credit against the correct tax (including any additions thereto) as provided in § 194.137 or § 194.139 on surrender of the incorrect stamp or stamps with the amended return or returns noted to show that credit is requested. Tax (including additions thereto) paid for a stamp for an incorrect period of liability or incorrect class of business which is not credited as provided in § 194.137 or § 194.139, including any creditable tax and additions thereto in excess of the correct tax (including additions thereto), may be refunded pursuant to the provisions of Subpart M of this part where the dealer has filed a correct return on Form 11 with remittance for the correct amount of tax (including any additions thereto). A new stamp will be issued only in respect of a current period of liability.

(68A Stat. 732; 26 U.S.C. 6011)

§ 194.137 Credit by an internal revenue officer.

Where the internal revenue officer discovers that tax was paid for an incorrect class of business for a correct period of liability and examination of the incor-

rect stamp discloses that no additions to the tax were collected, he may, where the correct tax (including any additions thereto) exceeds the incorrect tax paid, credit the tax paid against such correct tax on receipt by him of an amended Form 11, as provided in § 194.136, remittance of the difference between the tax paid and the correct tax plus any additions thereto, and the incorrect stamp. The district director will issue a correct stamp if the additional tax collected is for a current year.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

§ 194.138 Receipt for taxes on Form 809.

Every internal revenue officer to whom a dealer delivers a remittance in payment of special tax and any additions thereto shall issue to the dealer a receipt on Form 809 for the tax (penalties and interest, if any) covered by the remittance.

§ 194.139 Credit by district director.

The district director may credit the tax (including additions thereto) paid for an incorrect stamp on receipt by him of an amended return as provided in § 194.136 together with the incorrect stamp surrendered for credit and remittance for the difference between such incorrect tax and the correct tax (including any additions thereto) and, if the liability is for the current year, issue a correct stamp. Where the tax (and additions thereto) paid for the incorrect stamp surrendered exceeds the amount due, the district director shall advise the dealer to file claim for refund of such excess on Form 843. The applicable provisions of Subpart M of this part shall govern claims for refund.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

RECORD 10

§ 194.140 Public list of taxpayers.

The district director shall maintain and keep in his office on Record 10, for public inspection, a list of all persons who have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid.

(68A Stat. 756; 26 U.S.C. 6107)

§ 194.141 Use of Record 10.

All persons shall be entitled to inspect Record 10 in the district director's office, at reasonable and proper times, and are not prohibited from copying the names and addresses of special-tax payers, but no person shall use the record to the extent of interfering with the district director's use thereof, or unduly to the exclusion of other persons.

(68A Stat. 756; 26 U.S.C. 6107)

§ 194.142 Furnishing copy of Record 10.

Upon application of any prosecuting officer of any State, county, or municipality, the district director shall furnish a certified copy of Record 10, or such portions thereof as may be requested, for which a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested shall be charged.

(68A Stat. 756; 26 U.S.C. 6107)

Subpart J—Change of Location

§ 194.151 Amended return, Form 11; endorsement on stamp.

A dealer who, during the taxable period for which special tax was paid, removes his business to a place other than that specified on his original special tax return on Form 11, and stated on his special tax stamp, shall, within 30 days from the date he begins to carry on such business at the new location, register the change with the district director who issued the stamp, by filing a new return on Form 11, designated "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special tax stamp to the district director for endorsement of the change in location: *Provided*, That the dealer may deliver the amended return and the stamp at any internal revenue branch office, or to any internal revenue officer inspecting the business, in lieu of submitting them directly to the district director. The district director or the internal revenue officer receiving such return and stamp shall, if the return is submitted to him within the 30-day period, enter the proper endorsement on the stamp and return it to the taxpayer.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

§ 194.152 Failure to register change of address within 30 days.

A dealer who removes his business to a place other than that stated on his special tax stamp and fails to register such removal with the district director within 30 days from the date he begins to carry on such business at the new location is required to pay special tax, and interest on the amount required to be shown on the return as tax, just as if he were engaging in business for the first time (as to liability for delinquency penalty see § 194.109). The amount of tax, delinquency penalty, and interest to be paid shall be computed as provided in §§ 194.103, 194.109, and 194.110, respectively.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

§ 194.153 Certificate in lieu of lost or destroyed special tax stamp.

The provisions of this part shall apply to certificates in lieu of lost or destroyed special tax stamps issued to taxpayers under the provisions of §§ 194.132 and 194.133.

Subpart K—Change in Proprietorship or Control

§ 194.161 Sale of business.

A special tax stamp is a receipt for tax, personal to the one to whom issued, and is not transferable from one dealer to another. Where there occurs a change in the proprietorship of a business for which special tax has been paid, the successor shall pay special tax and procure a special tax stamp for such business, except as provided in § 194.169.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.162 Incorporation of business.

Where an individual or a firm engaged in business requiring payment of special tax forms a corporation to take over and conduct the business, the corporation (a separate legal entity) shall pay special tax and procure a stamp in its own name.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.163 New corporation.

Where a new corporation is formed to take over and conduct the business of one or more corporations which have paid special tax, the new corporation shall pay special tax and procure a stamp in its own name.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.164 Stockholder continuing business of corporation.

A special tax stamp held by a corporation as a dealer in liquors, or as a dealer in beer, cannot cover the same business carried on by one or more of its stockholders after dissolution of the corporation.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.165 Change in trade name or style of business.

A dealer who has paid the special tax for his business at a given location is not required to pay additional special tax by reason of a mere change in the trade name or style under which he conducts such business, or by reason of a change in management which involves no change in proprietorship of the business.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.166 Change of name or increase in capital stock of a corporation.

Additional special tax is not required by reason of a change of name or increase in the capital stock of a corporation if a new corporation is not created under the laws of the State of incorporation.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.167 Change in ownership of capital stock.

Additional special tax is not required by reason of the sale or transfer of all or a controlling interest in the capital stock of a corporation.

§ 194.168 Change in membership of unincorporated club.

Additional special tax is not required of an unincorporated club by reason of changes in membership, where such changes do not result in the dissolution thereof and the formation of a new club.

§ 194.169 Change of control, persons having right of succession.

Certain persons other than the special-tax payer may, without paying additional special tax, secure the right to carry on the same business at the same address for the remainder of the taxable period for which the special tax was paid. Such persons are—

(a) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased dealer;

(b) A husband or wife succeeding to the business of his or her living spouse;

(c) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors; and

(d) The partner or partners remaining after death or withdrawal of a member of a partnership.

In order to secure such right, the person or persons continuing the business shall file with the district director who issued the stamp, within 30 days from the date on which the successor begins to carry on the business, an amended special tax return on Form 11, showing the basis of the succession, and shall surrender the unexpired special tax stamp for endorsement of the change in control: *Provided*, That the person succeeding to the business may deliver the amended return and stamp at any internal revenue branch office, or to any internal revenue officer inspecting the business, in lieu of submitting them to the district director. If the applicant has the right of succession and the return and stamp are submitted on time, the district director or the internal revenue officer receiving them will enter the proper endorsement on the stamp and return it to the successor.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

§ 194.170 Failure to perfect right of succession within 30 days.

A person who would have had the privilege of succeeding, as provided in § 194.169, to a business for which the special tax had been paid for the remainder of the taxable period but failed to register such succession within 30 days from the date he began to carry on such business is required to pay special tax, and interest on the amount required to be shown on the return as tax, just as if he were engaging in a new business (as to liability for delinquency penalty see § 194.109). The amount of tax, delinquency penalty, and interest to be paid shall be computed as provided in §§ 194.103, 194.109, and 194.110.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

Subpart L—Exemptions and Exceptions

PERSONS EXEMPT FROM LIQUOR AND BEER DEALER SPECIAL TAXES

§ 194.181 Single sale of liquors or warehouse receipts.

A single sale of distilled spirits, wines, or beer, or a single sale of one or more warehouse receipts for distilled spirits, unattended by circumstances showing the person making the sale to be engaged in the business, does not subject the vendor to special tax.

(72 Stat. 1340, 1343, 1346; 26 U.S.C. 5111, 5121, 5142)

§ 194.182 Proprietors of distilled spirits plants selling certain distilled spirits or wines.

(a) *Exemption of proprietor.* No proprietor of a distilled spirits plant shall be required to pay special tax as a wholesale or retail dealer in liquors on account of the sale at his principal business office as designated in writing to the assistant regional commissioner, or at his distilled spirits plant, of distilled spirits or wines which, at the time of sale, are stored at his distilled spirits plant, or had been removed from such plant to a taxpaid storeroom the operations of which are integrated with the operations of such plant and which is contiguous or adjacent to, or in the immediate vicinity of, such plant. However, no such proprietor shall have more than one place of sale, as to each plant, that shall be exempt from special tax under this section.

(b) *Place of exemption.* Unless the exemption is claimed elsewhere, it will be presumed that the exemption is claimed at the plant where the spirits or wines are stored. If the proprietor wishes to be exempt from payment of special tax with respect to sales at his principal business office rather than for sales at his plant, he shall notify the assistant regional commissioner of the region in which the plant is located of his intention. Such notice shall be in writing, on letter size paper and shall be submitted in triplicate. On approval, two copies will be returned to the proprietor, one to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the plant, special tax shall be paid at the plant if sales are made thereat.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.183 Proprietors of bonded wine cellars selling certain wines or wine spirits.

(a) *Exemption of proprietor.* No proprietor of a bonded wine cellar shall be required to pay special tax as a wholesale or retail dealer in liquors on account of the sale at his principal business office as designated in writing to the assistant regional commissioner, or at his bonded wine cellar, of wines or wine spirits which, at the time of sale, are stored at his bonded wine cellar, or had been removed from such bonded wine cellar to a taxpaid storeroom the operations of which are integrated with the operations of such bonded wine cellar and which is contiguous or adjacent to, or in the immediate vicinity of, such bonded wine cellar. However, no such proprietor shall have more than one place of sale, as to each bonded wine cellar, that shall be exempt from special tax under this section.

(b) *Place of exemption.* Unless the exemption is claimed elsewhere, it will be presumed that the exemption is claimed at the bonded wine cellar where the wines or wine spirits are stored. If the proprietor wishes to be exempt from special tax with respect to sales at his principal office rather than for sales at his bonded wine cellar, he shall notify the assistant regional commissioner of the region in which the bonded wine cellar is located of his intention. Such notice shall be in writing, on letter size paper and shall be submitted in triplicate. On approval two copies will be returned to the proprietor, one to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the bonded wine cellar, special tax shall be paid at the bonded wine cellar if sales are made thereat.

(c) *Exception.* Where the proprietor of a bonded wine cellar consummates sales of wines to other dealers at the purchasers' places of business, through a delivery route salesman or otherwise, the proprietor of the bonded wine cellar is required to pay special tax as a wholesale dealer in liquors (or wines) at each place from which he conducts such selling operations.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.184 Proprietors of breweries selling beer stored at their breweries.

(a) *Exemption of proprietor.* No proprietor of a brewery shall be required to pay special tax as a wholesale or retail dealer in beer on account of the sale at his principal business office as designated in writing to the assistant regional commissioner, or at his brewery, of beer which, at the time of sale, is stored at his brewery, or had been removed from such brewery to a taxpaid storeroom the operations of which are integrated with the operations of such brewery and which is contiguous or adjacent to, or in the immediate vicinity of, such brewery. However, no such proprietor shall have more than one place of sale, as to each brewery, that shall be exempt from special tax under this section.

(b) *Place of exemption.* Unless the exemption is claimed elsewhere, it will be presumed that the exemption is claimed at the brewery where the beer is stored. If the proprietor wishes to be exempt from special tax with respect to sales at his principal office rather than for sales at his brewery, he shall notify the assistant regional commissioner of the region in which the brewery is located of his intention. Such notice shall be in writing, on letter size paper and shall be submitted in triplicate. On approval, two copies will be returned to the proprietor, one to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the brewery, special tax shall be paid at the brewery if sales are made thereat.

(c) *Exception.* Where the proprietor of a brewery consummates sales of beer to dealers at the purchasers' places of business (through delivery route salesmen or otherwise), such proprietor is required to pay special tax as a wholesale dealer in beer at each place from which he conducts such selling operations.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.185 Wholesale dealers in liquors consummating sales of wines or beer at premises of other dealers.

(a) *Sales of wines.* Any wholesale dealer in liquors (including the proprietor of a bonded wine cellar) who has paid special tax as a wholesale dealer in liquors for the place from which he conducts his selling operations may consummate sales of wines to other wholesale or retail dealers in liquors, or to limited retail dealers, at the purchasers' places of business without being required to pay additional special tax on account of such sales.

(b) *Sales of beer.* Any wholesale dealer in liquors who has paid the tax as provided in paragraph (a) of this section may also consummate sales of beer to wholesale or retail dealers in beer, to wholesale or retail dealers in liquors, or to limited retail dealers, at the purchasers' places of business without being required to pay additional special tax on account of such sales.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.186 Wholesale dealers in beer consummating sales at premises of other dealers.

Any dealer (including the proprietor of a brewery) who has paid special tax as a wholesale dealer in beer for the place from which he conducts his selling operations may consummate sales of beer (but not wines or distilled spirits) to other dealers at the purchasers' places of business without being required to pay additional special tax on account of such sales.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.187 Hospitals.

Hospitals and similar institutions furnishing liquors to patients are not required to pay special tax, provided no specific or additional charge is made for the liquors so furnished.

PERSONS WHO ARE NOT DEALERS IN LIQUORS OR BEER

§ 194.188 Persons making casual sales.

Certain persons making casual sales of liquors are not liquor or beer dealers within the meaning of the statute; they are as follows:

(a) Administrators, executors, receivers, and other fiduciaries who receive distilled spirits, wines, or beer in their fiduciary capacities and sell such liquors in one parcel, or at public auction in parcels of not less than 20 wine gallons;

(b) Creditors who receive distilled spirits, wines, or beer as security for, or in payment of, debts and sell such liquors in one parcel, or at public auction in parcels of not less than 20 wine gallons;

(c) Public officers or court officials who levy on distilled spirits, wines, or beer under order or process of any court or magistrate and sell such liquors in one parcel, or at public auction in parcels of not less than 20 wine gallons; or,

(d) A retiring partner, or representative of a deceased partner, who sells distilled spirits, wines, or beer to the incoming or remaining partner, or partners, of a partnership.

Persons making such sales are not required to pay special tax, or keep the records or reports required of dealers in Subpart O of this part.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.189 Agents, auctioneers, brokers, etc., acting on behalf of others.

Certain persons may sell liquors as agents or employees of others, or receive and transmit orders therefor to a dealer, without being considered liquor or beer dealers on account of such activities; they are as follows—

(a) Auctioneers who merely sell liquors at auction on behalf of others,

(b) Agents or brokers who merely solicit orders for liquors in the name of a principal, but neither stock nor deliver the liquors for which orders are taken,

(c) Employees who merely sell liquors on behalf of their employers, and

(d) Retail dealers in liquors or retail dealers in beer who merely receive and transmit to a wholesale dealer orders for liquors or beer to be billed, charged, and shipped to customers by such wholesale dealer.

Such persons, who have no property rights in the liquors or beer sold, may make collections for their principals and receive commissions for their services, or guarantee the payment of accounts, without being required to pay special tax. In all such cases, however, the principal is required to pay special tax at each place where sales are consummated, unless he is exempt therefrom under the provisions of this subpart.

§ 194.190 Apothecaries or druggists selling medicines and tinctures.

Apothecaries and druggists who use wines or spirituous liquors for compounding medicines and in making tinctures which are unfit for use for beverage purposes are not required to pay special tax as dealers in liquors by reason of the sale of such compounds or tinctures for nonbeverage purposes.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 194.191 Persons selling products unfit for beverage use.

(a) *Vendors not deemed dealers in liquors or beer.* No person selling or offering for sale for nonbeverage purposes products classed as unfit for beverage use under the provisions of Part 170 of this chapter shall be deemed, solely by reason of such sales, to be a dealer in liquors.

(b) *Restrictions.* Any person who sells or offers for sale any nonbeverage products for use, or for sale for use, for beverage purposes, or who sells any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, shall pay special tax as a wholesale or retail dealer in liquors or as a wholesale or retail dealer in beer, as the case may be.

§ 194.192 Retail dealer selling in liquidation his entire stock.

No retail dealer in liquors or retail dealer in beer, selling in liquidation his entire stock of liquors in one parcel, or in parcels embracing not less than his entire stock of distilled spirits, of wines, or of beer, which parcels may contain a combination of any or all such liquors, to any other dealer shall be deemed to be a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be, by reason of such sale or sales. A retail dealer making such sale or sales is not required to keep records or submit reports thereof.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.193 Persons returning liquors for credit, refund, or exchange.

No retail dealer in liquors or beer, or other person, shall be deemed to be a wholesale dealer in liquors or a wholesale dealer in beer, as defined in this part, by reason of his bona fide return of distilled spirits, wines, or beer, as the case may be, to the dealer from whom purchased (or to the successor of such vendor's business or line of merchandise) for credit, refund, or exchange, and the giving of such credit, refund, or exchange shall not be deemed to be a purchase within the meaning of section 5117, I.R.C., or of § 194.211 of this part. Except in the case of wholesale dealers in liquors required to keep records of their transactions under §§ 194.225 and 194.226, or retail dealers required to keep records under §194.239, persons returning liquors as provided herein are not required to keep records or submit reports of such transactions.

(72 Stat. 1340, 1343; 26 U.S.C. 5113, 5117)

Subpart M—Refund of Special Taxes

§ 194.201 Claims.

Claims for abatement of assessment of special tax (including penalties and interest), or for refund of an overpayment of special tax (including interest and penalties), shall be filed on Form 843, in duplicate, with the district director. Each claim shall set forth in detail each ground on which it is made and shall contain facts sufficient to apprise the assistant regional commissioner of the exact basis thereof. If the claim is for refund of special tax for which a stamp was issued, such stamp shall be attached to and made a part of the claim, or the claimant shall include in his claim evidence satisfactory to the assistant regional commissioner that the stamp cannot be submitted.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

§ 194.202 Time limit on filing of claim.

No claim for the refund of a special tax or penalty shall be allowed unless presented within 3 years next after the payment of such tax or penalty.

(68A Stat. 808; 26 U.S.C. 6511)

§ 194.203 Discontinuance of business.

A dealer who for any reason discontinues business is not entitled to refund for the unexpired portion of the fiscal year for which the special tax stamp was issued.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 194.204 Dealer in beer who sells distilled spirits or wines.

A person who through error pays special tax as a dealer in beer and who at the time is liable as a dealer in liquors on account of sales of distilled spirits or wines in addition to beer, and thereafter pays the special tax as a dealer in liquors for the same location and taxable period (without receiving tax credit for the special tax paid as a dealer in beer), may file a claim for refund of the special tax as a dealer in beer.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

§ 194.205 Dealer in liquors who actually sells only beer.

A person who through error pays special tax as a dealer in liquors but who actually sells or offers for sale beer only,

and later during the same or a subsequent month pays the special tax as a dealer in beer for the same address and taxable period, may file claim and be allowed refund of the special tax paid as a dealer in liquors.

(68A Stat. 791; 26 U.S.C. 6402)

Subpart N—Restrictions Relating to Purchases of Distilled Spirits

§ 194.211 Unlawful purchases of distilled spirits.

It is unlawful for any dealer to purchase distilled spirits for resale from any person other than—

(a) A dealer who has paid special tax as a wholesale dealer in liquors at the place where the distilled spirits are purchased;

(b) A wholesale dealer whose place of business comes within the exemptions provided by § 194.151 for changes in location and § 194.169 for changes in control;

(c) The proprietor of a distilled spirits plant who is exempt from special tax as a dealer at the place where the distilled spirits are purchased;

(d) A retail liquor store operated by a State, a political subdivision thereof, or the District of Columbia, which is not required to pay special tax as a wholesale dealer in liquors as provided in § 194.31;

(e) A person not required to pay special tax as a wholesale liquor dealer, as provided in §§ 194.188–194.190 and 194.192–194.193.

(72 Stat. 1343; 26 U.S.C. 5117)

Subpart O—Prescribed Records and Reports, and Posting of Signs

WHOLESALE DEALERS' RECORDS AND REPORTS

§ 194.221 General requirements as to distilled spirits.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall, daily, prepare records of the physical receipt and disposition of distilled spirits by him, and shall, daily, prepare a recapitulation record showing the total wine gallons if in bottles, or proof gallons if in packages, of distilled spirits received and disposed of during the day. Every wholesale dealer in liquors shall submit on Forms 52A and 52B daily or periodic reports, prepared from his records, of the physical receipt and disposition of distilled spirits by him: *Provided*, That upon application, the assistant regional commissioner may relieve a dealer from the requirement of preparing and submitting such daily or periodic reports on Forms 52A and 52B until otherwise notified, when the assistant regional commissioner finds that such reporting is not necessary to law enforcement or protection of the revenue. Every wholesale dealer in liquors who offers distilled spirits for sale shall submit a monthly report on Form 338, showing the total wine gallons if in bottles, or proof gallons if in packages, of distilled spirits (a) on hand at the beginning of the month, (b) received during the month, (c) disposed of during the month, and (d) remaining on hand at the end of the month.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

§ 194.222 Requirements as to wines and beer.

Every wholesale dealer in liquors who receives wines, or wines and beer, and every wholesale dealer in beer shall keep at his place of business a complete record of all wines and beer received, showing (a) the quantities thereof, (b) from whom received, and (c) the receiving dates. Such record, which must be kept for a period of not less than two years as prescribed in § 194.242, shall consist of all purchase invoices or bills covering wines and beer received or, at the option of the dealer, a book record containing all of the required information. Wholesale dealers are not required to prepare or submit reports to assistant regional commissioners of transactions relating to wines and beer.

(72 Stat. 1342, 1348, 1395; 26 U.S.C. 5114, 5146, 5555)

§ 194.223 Records to be kept by States, political subdivisions thereof, or the District of Columbia.

The provisions of this subpart relative to the maintenance of records and the submission of reports shall not apply to States, political subdivisions thereof, or the District of Columbia, or any liquor stores operated by such entities that maintain and make available for inspection by internal revenue officers records which will enable such officers to verify receipts of wines and beer and trace readily all distilled spirits received and disposed of by them: *Provided*, That such States, political subdivisions thereof, or the District of Columbia, and liquor stores operated by them, shall, on request of the assistant regional commissioner, furnish such transcripts, summaries, and copies of their records as he shall require.

(72 Stat. 1342, 1348, 1395; 26 U.S.C. 5114, 5146, 5555)

§ 194.224 Records to be kept by proprietors of distilled spirits plants.

Wholesale liquor dealer operations conducted by proprietors of distilled spirits plants shall be recorded and reported in accordance with the applicable provisions of Part 201 of this chapter.

(72 Stat. 1342, 1361; 26 U.S.C. 5114, 5207)

§ 194.225 Records of receipt.

Every wholesale dealer in liquors, upon the physical receipt of each individual lot or shipment of distilled spirits, shall prepare a record of receipt which shall show (a) name and address of consignor, (b) date of receipt, (c) brand name, (d) name of producer or bottler, (e) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (f) quantity actually received (showing number of packages, if any, and number of cases by size of bottle, and explaining any shortage, breakage, leakage, or other difference from the quantity shown on the commercial papers covering the shipment), and (g) serial numbers of packages and cases, unless such serial numbers are available on the consignor's invoice or attachments thereto. Additional information desired by the wholesale dealer may also be shown. All information required to be shown on records of receipt shall be entered on such records by the close of the business day next succeeding that on which the spirits are received. Where the wholesale dealer so defers the preparation of such records, he shall keep memorandum records, prepared at the time the spirits are received, which shall show the data needed to prepare the prescribed records of receipt. Records of receipt may be prepared by entering each individual lot of distilled spirits either (1) on an individual looseleaf "Record of Receipt," preprinted as prescribed in § 194.228, (2) in chronological order on records prepared by tabulating or other mechanical office equipment, if such records are preprinted as prescribed in § 194.228, or (3) in chronological order in a bound record book, provided all pages of such book are prenumbered as prescribed in § 194.228. The dealer may elect to use any one of the above types of record, but may not change from one type to another without prior approval from the assistant regional commissioner. All entries, with the exception of those prescribed for returned merchandise, shall be supported by corresponding invoices of the consignor. Credit memorandums conforming to the requirements of § 194.228 may, if desired, be used in lieu of individual looseleaf "Records of Receipt" to show the receipt of returned merchandise. Variations in the format or in the methods of preparation may be authorized, as provided in § 194.229.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.226 Records of disposition.

Every wholesale dealer shall prepare a record covering the physical disposition of each individual lot of distilled spirits, which shall show (a) name and address of consignee, (b) date of disposition, (c) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (d) brand name, (e) number of packages, if any, and number of cases by size of bottle, and (f) serial numbers of the cases or packages. Additional information desired by the dealer may also be shown. Records of disposition shall be prepared by entering each individual lot of distilled spirits either (1) on an individual looseleaf "Record of Disposition," preprinted as prescribed in § 194.228, (2) in chronological order on records prepared by tabulating or other mechanical office equipment, if such records are preprinted as prescribed in § 194.228, or (3) in chronological order in a bound record book, provided all pages of such book are prenumbered as prescribed in § 194.228. Case and package serial numbers may be shown either on the record of disposition or on supporting documents attached thereto. The completed order forms of the dealer, or copies of his invoices of sale, will be acceptable as "Records of Disposition" if such documents provide all of the required information, and are preprinted as prescribed in § 194.228. If copies of order forms or invoices of sale are maintained as "Records of Disposition," case or package serial numbers need be en-

tered on, or attached to, only the copies retained as such records. The dealer may elect to use any one of the above types of record, but may not change from one type to another without prior approval from the assistant regional commissioner. Entries on records of disposition shall be completed by the close of the business day next succeeding that on which the spirits are removed. Where the dealer so defers the preparation of such records he shall keep memorandum records, prepared at the time the spirits are sent out, or prior thereto, which shall show the data needed to prepare the prescribed records. Each record of disposition shall be supported by a corresponding delivery receipt (which may be executed on a copy of the "Record of Disposition") fully describing the spirits and signed by the consignee or his agent, or by a copy of a bill of lading indicating delivery of the spirits to a common carrier. Documents supporting records of disposition shall have noted thereon the serial number of the corresponding "Record of Disposition," or the page number of the machine record or record book, as the case may be. Variations in the format or in the methods of preparation may be authorized, as provided in § 194.229.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.227 Cancelled or corrected records.

Entries in record books shall not be erased or obliterated, nor shall whole or partial pages be removed from such books. Correction or deletion of any entry in a record or report shall be accomplished by drawing a line through such entry, and making appropriate correction, explanation, or reference on the same page or sheet. Where a looseleaf "Record of Receipt" or "Record of Disposition" is voided for any reason, all copies thereof shall be marked "Cancelled" and be filed as prescribed in § 194.240; if a new record is prepared in lieu thereof, the serial number of the new record shall be noted on all copies of the cancelled record. Where items entered on a "Record of Disposition" are deleted for reasons such as the refusal of the merchandise by the consignee, or the inability of the wholesale dealer to supply such merchandise, appropriate explanations shall be made on all copies of the record.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.228 Format of records of receipt and disposition.

Each individual "Record of Receipt" and "Record of Disposition," each credit memorandum used for recording the receipt of returned distilled spirits, and each sheet, or page used in tabulating or other mechanical office equipment for recording the receipt or disposition of distilled spirits shall be preprinted with the name and address of the wholesale dealer in liquors. Each such record, sheet, or page shall also bear a preprinted serial number, beginning with number 1 and, before repeating, continuing in numerical sequence to a number high enough to preclude the duplication of a serial number in such group within a period of six months: *Provided*, That upon application, the assistant regional commissioner may authorize a wholesale dealer to affix page serial numbers in consecutive order during the preparation or processing of the prescribed records, or authorize the serial numbering of such records beginning with some number other than 1, or authorize the repetition of blocks of serial numbers within a lesser period than six months, where the assistant regional commissioner finds that the dealer's accounting system will afford an effective measure of control and such variation will not be likely to lend itself to the falsification of records. Each serially numbered form or sheet shall be accounted for by the dealer. If a bound record book is used for recording receipts and dispositions, all of the pages of such book shall be numbered in unbroken sequence.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.229 Variations in format, or preparation, of records.

(a) *Authorization.* The Director may approve variations in the format of records of receipt and disposition, or in the methods of preparing such records, where it is shown that variations from the requirements are necessary in order to use tabulating equipment, business machines, or existing accounting systems, and will not (1) unduly hinder the effective administration of this part, (2) jeopardize the revenue, or (3) be contrary to any provision of law. A dealer who proposes to employ format or methods other than as provided in this part shall submit written application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and set forth the need therefor. The assistant regional commissioner will determine the need for the variations, and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. The assistant regional commissioner will forward two copies of the application to the Director together with a report of his findings and his recommendation. Variations in format or methods shall not be employed until approval is received from the Director.

(b) *Requirements.* Any information required by this part to be kept or filed is subject to the provisions of law and this part relating to required records and reports, regardless of the form or manner in which kept or filed.

§ 194.230 Recapitulation records.

Every wholesale dealer in liquors shall, daily, prepare a recapitulation record showing the total quantities of distilled spirits received and disposed of during the day. At the end of each month he shall prepare grand totals of all receipts and dispositions during the month. The work sheets from which totals are obtained shall be retained for a period of 2 years.

DAILY AND MONTHLY REPORTS

§ 194.231 Wholesale liquor dealer's monthly report, Form 338.

Every wholesale dealer in liquors who is required to keep the records prescribed in § 194.221 shall file with the assistant regional commissioner a monthly report, Form 338, showing the total quantities of distilled spirits received and disposed of during the month, not later than the 10th day of the month succeeding that for which rendered.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.232 No transactions during month.

If there were no receipts or disposals of distilled spirits by a wholesale dealer in liquors during a month, Form 338 shall be prepared and forwarded to the assistant regional commissioner, showing the quantity on hand the first day of the month and the quantity on hand the last day of the month and marked "No transactions during month."

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.233 Discontinuance of business.

When a wholesale dealer in liquors discontinues business as such, he shall render Form 338, covering transactions for the month in which business is discontinued, and mark such report "Final."

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.234 Daily reports, Forms 52A and 52B.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall prepare and submit, daily, a report on Form 52A of all distilled spirits received by him, and on Form 52B of all distilled spirits disposed of by him. The reports shall be filed with the assistant regional commissioner by delivering or mailing them to such officer on the date the transactions entered therein occur: *Provided*, That in any case in which the assistant regional commissioner shall direct, the reports shall be so filed with the supervisor in charge instead of the assistant regional commissioner. Each report shall bear the following declaration signed by the dealer or his authorized agent:

I declare under the penalties of perjury that this report, consisting of ------ pages, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete report of all the transactions which occured during the period covered thereby, and each entry therein is correct.

If in any case the assistant regional commissioner shall so authorize, the reports, in lieu of being filed daily, may be filed for such periods and at such times as he may deem necessary in the interest of the Government, or the reports may be waived as provided in § 194.221.

(68A Stat. 749, 72 Stat. 1342; 26 U.S.C. 6065, 5114)

§ 194.235 Entries on Forms 52A and 52B.

Where more than one shipment of distilled spirits is received from the same consignor during any month, there will be reported on Form 52A for the first shipment received, the name and address of such consignor, followed by the distilled spirits plant number of the consignor's plant (for example, DSP–KY–4) or, in the case of shipments received from wholesale dealers in liquors, or importers, the permit number of the consignor (for example, CHI–I–3456). For the remaining shipments received from such consignor during the month, there may be reported in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignor may be omitted. Likewise, where more than one shipment of distilled spirits is sent to the same consignee during any month, there will be reported on Form 52B for the first shipment made the name and address of such consignee followed by the registry number or permit number of the consignee. For the remaining shipments made to such consignee during the month, there may be reported in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignee may be omitted. Where the consignor or consignee is a retail dealer in liquors, the name and address shall be reported on Form 52A or 52B for each shipment received or sent.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.236 Entry of miscellaneous items.

Wholesale dealers in liquors may report on Form 52B as one item the total quantity of different kinds of distilled spirits made up from broken cases disposed of to the same person on the same day, provided such total quantity is not in excess of 10 gallons. The entry of such items shall be stated as "Miscellaneous" or "Misc." and shall show the date, the name and address of the person to whom sold, and the quantity.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.237 Serial numbers of containers.

Serial numbers of containers of distilled spirits received, or disposed of, shall be reported on Forms 52A or 52B unless the omission of such serial numbers is specifically authorized by the assistant regional commissioner.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.238 Requirements when wholesale dealer in liquors maintains a retail department.

(a) When a wholesale dealer in liquors maintains a separate department on his premises for the retailing (to persons other than dealers) of distilled spirits, he shall, except as provided in paragraph (b) of this section, keep the records and render the reports prescribed in § 194.221 with respect to all distilled spirits received on his premises, and of all distilled spirits disposed of to other dealers or transferred to his retail department. At the time distilled spirits are transferred to the retail department, a record showing such disposition shall be prepared as prescribed in § 194.226. Where it is necessary in the filling of an order to transfer distilled spirits from the retail department to the wholesale department, a record showing receipt in the wholesale department shall be prepared as prescribed in § 194.225, and the entire wholesale sale shall be entered on a record of disposition in the same manner as any other disposition from the wholesale department. The provisions of this subpart relating to submission of reports on Forms 52A and 52B are applicable to all transfers between wholesale and retail departments. The retail department need not be maintained in a separate room, or be partitioned off from the wholesale department. Where a wholesale dealer in liquors does not maintain a separate retail department, all distilled spirits received and disposed of at his premises shall be accounted for on records of receipt and disposition, and on Forms 52A and 52B when submitted, regardless of the quantity involved.

(b) Where retail sales of distilled spirits (sales to persons who are not dealers) normally represent 90 percent or more of the volume of distilled spirits sold, the dealer may, in lieu of the records required by § 194.225, keep records as prescribed in § 194.239 for all retail dealers in liquors, and all distilled spirits at the premises may be considered as having been received in the dealer's retail department. In addition, as prescribed by § 194.226, he shall prepare records of disposition on all distilled spirits sold at wholesale, and shall prepare recapitulation records of such spirits, as prescribed in § 194.230. Distilled spirits which have been considered as having been received in the retail department, and which are involved in a wholesale transaction, shall be considered as having been transferred to the wholesale department at the time of sale. The monthly report on Form 338 prescribed in § 194.221 shall be submitted in accordance with the provisions of §§ 194.231 and 194.232, even if there have been no wholesale transactions in distilled spirits. Unless relieved of the requirement, pursuant to application under § 194.221, the dealer shall submit daily or periodic reports on Forms 52A and 52B of all his wholesale liquor dealer transactions in distilled spirits. The dealer's wholesale department need not be maintained in a separate room or be partitioned off from the retail department.

(72 Stat. 1342, 1345, 1395; 26 U.S.C. 5114, 5124, 5555)

RETAIL DEALER'S RECORDS

§ 194.239 Requirements for retail dealers.

(a) *Records of receipts.* Each retail dealer in liquors and each retail dealer in beer shall keep at his place of business a complete record of all distilled spirits, wines, or beer received, showing (1) the quantities thereof, (2) from whom received, and (3) the receiving dates: *Provided*, That in cases where wines and beer are retailed only for off-premises consumption, the assistant regional commissioner may authorize the records to be maintained at other premises under control of the same dealer if he finds that such maintenance will not cause undue inconvenience to internal revenue officers desiring to examine such record. Such record shall consist of all purchase invoices or bills covering distilled spirits, wines, and beer received or, at the option of the dealer, a book record containing all of the required information.

(b) *Records of sales of 20 wine gallons or more.* Every retail dealer who makes sales of distilled spirits, of wines, or of beer in quantities of 20 wine gallons or more to the same person at the same time shall prepare and keep a record of each such sale, which shall show (1) the date of sale, (2) the name and address of the purchaser, (3) the kind and quantity of each kind of liquors sold, and (4) the serial numbers of all full cases of distilled spirits included in the sale. Each entry on such record shall be supported by a corresponding delivery receipt (which may be executed on a copy of the sales slip) signed by the purchaser or his agent.

(72 Stat. 1345, 1348, 1395, 1413; 26 U.S.C. 5124, 5146, 5555, 5691)

FILES OF RECORDS AND REPORTS

§ 194.240 Manner of filing looseleaf records of receipt and disposition.

One legible copy of (a) each "Record of Receipt," (b) each credit memorandum used for the purpose of recording the receipt of returned merchandise, and (c) each "Record of Disposition," shall be marked or stamped as "Government File Copy," and shall be filed chronologically, and in numerical sequence within each date, in looseleaf binders or books. Where the chronological filing of such records disarranges their numerical sequence to such an extent that the sequence of numbers cannot be readily traced, a control record shall be maintained by the wholesale dealer, which shall key the numerical sequence of the records to their respective dates. Government file copies shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. Separate files shall be maintained for "Records of Receipt," for credit memorandums used to record receipt of returned merchandise, and for "Records of Disposition.". Supporting documents such as consignors' invoices, delivery receipts, and bills of lading, or exact copies thereof, may be filed in accordance with the wholesaler's customary practice. Documents supporting records of disposition shall have noted thereon the identifying serial numbers of the records of disposition to which they refer, as required by § 194.226.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.241 Place of filing.

Prescribed records of receipt and disposition and file copies of Forms 52A, 52B, 338, and the recapitulation records required by § 194.230, shall be maintained in chronological order in separate files at the premises where the distilled spirits are received and sent out: *Provided*, That the assistant regional commissioner may, pursuant to an application received from the wholesale dealer, authorize the files, or any individual file, to be maintained at other premises under control of the same dealer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue officers desiring to examine such files.

(72 Stat. 1342; 26 U.S.C. 5114)

PERIOD OF RETENTION

§ 194.242 Retention of records and files.

All records prescribed by this part, documents or copies of documents supporting such records, and file copies of reports submitted, shall be preserved by the person required to keep such documents for a period of not less than 2 years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue officers. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for such inspection and the taking of abstracts therefrom.

(72 Stat. 1348, 1395; 26 U.S.C. 5146, 5555)

§ 194.243 Photographic copies of records.

Any dealer who desires to utilize any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for reproducing the original of any record, document or report, for the purpose of reproducing and preserving records required to be maintained by this part, shall file an application, in triplicate, with the assistant regional commissioner for approval of such process. The application shall describe (a) the records the dealer proposes to reproduce, (b) the reproduction process he proposes to employ, (c) the manner in which he proposes to preserve the reproductions, and (d) the facilities he proposes to provide for examining, viewing, or using such reproductions. The assistant regional commissioner shall not approve the application unless the Director has approved the reproduction of records of the same class by the process described, and the provisions made by the applicant for the preserving, examining, viewing, and using of the reproductions are deemed to be satisfactory. If the application is approved, the dealer shall retain the reproductions in lieu of the original records, reports, or other documents; preserve them in conveniently accessible files; and provide for the examining, viewing, and using of such reproductions the same as if they were the original records.

(72 Stat. 1395; 26 U.S.C. 5555)

PROCUREMENT OF REPORT FORMS

§ 194.244 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 will be provided by users at their own expense, but shall be in the form prescribed by the Director: *Provided*, That, with the approval of the Director, they may be modified to adapt their use to tabulating or other mechanical equipment. Application for permission to modify such forms shall be filed in the manner prescribed in § 194.229.

POSTING OF SIGNS

§ 194.245 Sign of wholesale dealer in liquors.

Every wholesale dealer in liquors who is required to pay special tax as such dealer shall place and keep conspicuously on the outside of his place of business a sign, exhibiting, in plain, durable, and legible letters the name, or firm, of the wholesale dealer and the words "Wholesale Liquor Dealer." In those States where the definition of wholesale liquor dealer differs from the definition in § 194.24, the words "Wholesale Liquor Dealer under Federal Law" may be used. In the case of a wholesale dealer who obtains a special tax stamp designated "Wholesale Dealer in Wines," or "Wholesale Dealer in Wines and Beer," the requirements of this section will be met by the posting of a sign of the character prescribed herein, but with words conforming to the designation of the special tax stamp.

(72 Stat. 1342; 26 U.S.C. 5115)

§ 194.246 Display of false sign.

No person other than a person engaged in business as a wholesale dealer in liquors who has paid the special tax (or the proprietor of a distilled spirits plant or bonded wine cellar who is exempt from payment of special tax by reason of section 5113(a), I.R.C.) shall put up or keep up any sign indicating that he is a wholesale dealer in liquors.

(72 Stat. 1410; 26 U.S.C. 5681)

§ 194.247 Other dealers; no sign required.

Internal revenue laws require the posting of special tax stamps, as provided in § 194.131, but do not require the posting of signs by retail dealers in liquors, retail dealers in beer, or wholesale dealers in beer.

Subpart P—Strip Stamps

§ 194.251 Strip stamps required on all bottles.

Except as provided in §§ 194.271–194.272, all distilled spirits in the possession of wholesale dealers in liquors or retail dealers in liquors shall be in bottles or similar containers of a capacity of 1 gallon or less which shall bear the prescribed strip stamps evidencing bottling in compliance with internal revenue law. The strip stamps shall be affixed in such manner as to be broken when the containers are opened.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 194.252 Breaking of strip stamp on opening bottle.

The strip stamp affixed to a container of distilled spirits (whether affixed over the mouth of the container or in some other authorized manner) shall be broken on opening the container. A portion of the strip stamp shall be left attached to the container while any part of the contents remain therein.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 194.253 Mutilated or missing strip stamps.

Any unopened bottle or other approved container of distilled spirits—

(a) From which the strip stamp is missing,

(b) On which the strip stamp is mutilated to the extent that the genuineness of the stamp cannot be determined, or

(c) The contents of which are accessible without breaking the stamp,

shall be restamped pursuant to §§ 194.254–194.255, or be returned to a distilled spirits plant for restamping pursuant to written application, in duplicate, approved by the assistant regional commissioner. Where the containers of distilled spirits are to be returned to a distilled spirits plant for restamping, the dealer shall include in his application for approval of such transaction an accurate description of the containers of distilled spirits to be restamped and the name and address of the plant proprietor who has agreed to accept the liquors for restamping.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 194.254 Replacement of strip stamps found by dealer to be mutilated or missing.

Containers requiring restamping, as described in § 194.253, shall be set aside by the dealer and application for necessary stamps submitted with Form 428, in duplicate, to the assistant regional commissioner. Copies of Form 428 may be obtained from the assistant regional commissioner. In every case the application shall state the cause of mutilation or absence of the stamps and submit evidence that the spirits are eligible for stamping under section 5205(e), I.R.C. Such evidence may consist of invoices covering purchase of the spirits, in addition to other available documents. Such application shall be signed by the dealer or his authorized agent under the penalties of perjury immediately below a declaration, worded as follows:

I declare under the penalties of perjury that I have examined this application and to the best of my knowledge and belief it is true and correct.

If the assistant regional commissioner is satisfied from the evidence submitted that the mutilation or absence of the stamps has been satisfactorily explained, he will approve the requisition for stamps, Form 428; obtain and deliver the stamps to the applicant by mail with instructions in regard to affixing them to the containers, or by a representative of his office. Where an overprinted stamp is to be replaced by the dealer, the word "Restamped," the name of the dealer, and the date of restamping shall be imprinted, or written in ink, in lieu of overprinting the replacement stamp.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 194.255 Strip stamps found by internal revenue officer to be mutilated or missing.

When an internal revenue officer discovers an unopened bottle of distilled spirits which requires restamping due to conditions specified in § 194.253, he will direct that the bottle be set aside. If the officer is satisfied that the spirits are eligible for restamping, he will secure from the dealer the application for strip stamps and Form 428 required under the provisions of § 194.254 and forward them to the assistant regional commissioner. When the internal revenue officer has good reason to believe that the distilled spirits have not been lawfully stamped, or that the original contents of the bottle have been replaced or increased by the addition of any substance whatsoever, he will seize the spirits for forfeiture.

(72 Stat. 1358, 1404; 26 U.S.C. 5205, 5613)

§ 194.256 Replacement not required.

Where an immaterial portion of the stamp is missing, or where the strip stamp has dropped off a bottle and may be reaffixed thereto by the dealer, it will not be necessary to restamp the container.

Subpart Q—Reuse and Possession of Used Liquor Bottles

§ 194.261 Reuse or refilling of liquor bottles.

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall (a) place in any liquor bottle any distilled spirits whatsoever other than those contained in such bottle at the time of stamping under the provisions of chapter 51, I.R.C., or (b) by the addition of any substance whatsoever to any liquor bottle, in any manner alter or increase any portion of the original contents contained in such bottle at the time of stamping under the provisions of chapter 51, I.R.C., except as provided in Part 175 of this chapter.

(72 Stat. 1374; 26 U.S.C. 5301)

§ 194.262 Possession of refilled liquor bottles.

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall—

(a) Possess any liquor bottle in which any distilled spirits have been placed in violation of the provisions of § 194.261, or

(b) Possess any liquor bottle, any portion of the contents of which has been altered or increased in violation of the provisions of § 194.261.

(72 Stat. 1374; 26 U.S.C. 5301)

§ 194.263 Possession of used liquor bottles.

The possession of used liquor bottles by any person other than the person who empties the contents thereof is prohibited, except that this shall not prevent the owner or occupant of any premises on which such bottles have been lawfully emptied from assembling the same on such premises (a) for the purpose of destruction or (b) for delivery to a bottler or importer who maintains a storage place for used liquor bottles authorized by Part 175 of this chapter.

Subpart R—Packaging of Alcohol for Industrial Uses

§ 194.271 Requirements and procedure.

On compliance with the provisions of Part 201 of this chapter applicable to persons repackaging distilled spirits, a dealer in liquors engaged in the business of supplying alcohol for industrial uses may obtain bulk alcohol on which the tax has been paid or determined and repackage such alcohol for sale for industrial use in containers of a capacity in excess of 1 wine gallon and not more than 5 wine gallons.

(a) *Qualification procedure.* Application for registration, Form 2607, and application for an operating permit, Form 2603, modified in accordance with instructions of the assistant regional commissioner, shall be executed and filed with the assistant regional commissioner. No alcohol shall be repackaged until the approved application for registration and the operating permit are received from the assistant regional commissioner.

(b) *Operations.* Repackaging operations shall be conducted in accordance with the bottling and packaging requirements of Part 201 of this chapter, except—

(1) Requisitions for strip stamps on Form 428 shall be submitted directly to the assistant regional commissioner,

(2) Packaging and labeling operations will be carried on without supervision of an internal revenue officer unless the assistant regional commissioner requires such supervision, and

(3) The dumping and repackaging of each lot of alcohol need not be recorded on a specified form.

(c) *Records.* The dealer shall keep records, daily, showing the bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. A monthly report on Form 2260 of strip stamp transactions and a monthly report on Form 2733 of bulk alcohol received, packaged, and disposed of, shall be submitted to the assistant regional commissioner not later than the 10th day of the month succeeding that for which rendered. Records, documents, or copies of documents supporting such records, and copies of reports submitted to the assistant regional commissioner shall be filed and retained as prescribed in §§ 194.241 and 194.242.

(72 Stat. 1343, 1358, 1360; 26 U.S.C. 5116, 5205, 5206)

§ 194.272 Labeling.

Every dealer packaging alcohol for industrial use shall affix to each package filled a label bearing in conspicuous print the words "Alcohol" and "For Industrial Use," the proof of the alcohol, the capacity of the container, and the packaging dealer's name and address. The dealer may incorporate in the label other appropriate statements; however, such statements shall not obscure or contradict the data required hereby to be shown on such labels.

(72 Stat. 1343, 1360; 26 U.S.C. 5116, 5206)

Subpart S—Distilled Spirits for Export With Benefit of Drawback

§ 194.281 General.

A wholesale dealer in liquors may receive, store, and export taxpaid distilled spirits which have been bottled especially for export with benefit of drawback. The receipt for storage, the removal, and the exportation of such distilled spirits shall be in accordance with the provisions of Part 252 of this chapter.

§ 194.282 Export storage.

A wholesale dealer in liquors who intends to receive, store, and export distilled spirits bottled especially for export with benefit of drawback shall provide storage for such distilled spirits on his wholesale dealer premises, or at another place of storage as provided in § 194.54. Distilled spirits to be exported with benefit of drawback shall be kept segregated from all other distilled spirits, wines, or beer intended for domestic use, or other articles, whether stored on the wholesale dealer's premises or elsewhere.

§ 194.283 Records.

The provisions of Subpart O of this part regarding records and reports relating to liquors for domestic use are hereby extended to export storage transactions permitted under the provisions of this subpart: *Provided*, That an appropriately identified separate Form 338, covering export storage transactions in distilled spirits, shall be submitted for each month in which there are any such transactions.

Subpart T—Miscellaneous

§ 194.291 Destruction of marks and brands on wine containers.

The dealer who empties any cask, barrel, keg, or other bulk container of wine shall scrape or obliterate from the empty container all marks, brands, tags, or labels placed thereon under the provisions of Part 240 of this chapter as evidence of the payment or determination of the tax on the wine removed therein from the bonded wine cellar.

§ 194.292 Wine bottling.

Every person desiring to bottle, package, or repackage taxpaid wines at premises other than the premises of a qualified distilled spirits plant shall, before carrying on such operations, make application to, and receive permission from, the assistant regional commissioner, as required under Part 231 of this chapter. The decanting of wine by caterers or other retail dealers for table or room service, banquets, and similar purposes shall not be considered as "bottling," if the decanters are not furnished for the purpose of carrying wine away from the area where served.

(72 Stat. 1378; 26 U.S.C. 5352)

[F.R. Doc. 60-6127; Filed, July 1, 1960; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. Sections 13.0, 13.50, 13.53, 13.54, 13.60, 13.62, 13.201, 13.203, 13.205, 13.206, 13.207, 13.210, 13.217, 13.219, 13.220, 13.221, 13.223, 13.224, 13.225, 13.226, 13.227, 13.228, 13.229, 13.230, 13.231, 13.232, 13.234, 13.237, 13.244, 13.250,

13.260, 13.262, 13.265, 13.276 and 13.312 are revoked.

2. The centerheads "Field Examinations" immediately preceding § 13.50 and "Guardianship Services" immediately preceding § 13.60 are hereby deleted.

3. Sections 13.1, 13.2, 13.3 and 13.50 through 13.71 are added as follows:

§ 13.1 Authority.

The regulations in this part are issued pursuant to 38 U.S.C. 210 to reflect action under 38 U.S.C. 212 to implement 38 U.S.C. 3202, 3203 and 3311 as amended by Public Laws 86–146 and 86–211. The duties, the delegations of authority, and all actions required of the Chief Attorney set forth in §§ 13.1 through 13.369 inclusive, are to be performed under the direction of, and authority vested in, the Manager of the field station.

§ 13.2 Field examinations.

(a) *Authority to conduct.* Field examiners are authorized, when assigned, to make investigations (field examinations) and examine witnesses upon any matter within the jurisdiction of the Veterans Administration, to take affidavits, to administer oaths and affirmations and to aid claimants in the preparation of claims. Field examiners will perform field examination work assigned to the Office of the Chief Attorney.

(b) *Types of field examinations.* Field examinations include but are not limited to the following:

(1) Guardianship and custodianship cases.

(2) Offenses against the Federal Laws.

(3) Accidents or alleged tortious acts involving a possible liability arising against or in favor of the Government.

(4) Claims cases, including compensation, dependency and indemnity compensation, adjusted compensation, pension, retirement pay, insurance and servicemen's indemnity.

(5) Recovery of amounts due the Government or general post fund under laws administered by the Veterans Administration.

(6) General administrative matters as directed by the Manager.

(7) Administrative investigations involving loan guaranty matters under 38 U.S.C. Ch. 37 and education and training matters under 38 U.S.C. Chs. 31, 33 and 35.

(8) Examinations requested by a United States District Attorney or other representative of the Department of Justice, in civil and criminal cases.

(c) *Additional duties of Field Examiners.* Field Examiners will perform such additional duties as are assigned by the Chief Attorney or Manager.

§ 13.3 State legislation.

Chief Attorneys will cooperate with the affiliated organizations, legislative committees, and with local and State bar associations to the end that deficiencies of the State laws relating to guardianship, mental health and commitment of the mentally ill may be removed. No action to commit the Veterans Administration regarding any proposed legislation will be taken without the approval of the Chief Benefits Director or his designee.

§ 13.50 Authority to employ local attorneys.

In any case wherein the Chief Attorney is authorized to take legal action and to authorize the payment of costs and necessary expenses incident thereto and it is impracticable for him to perform the legal services because of distance, time, cost, etc., he may employ a local attorney to perform the legal services and authorize the payment of a fee not to exceed the customary fee charged for the service rendered.

§ 13.51 Authority of Chief Attorney in commitment and restoration proceedings.

(a) *Assistance to courts.* The Chief Attorney will render assistance to the courts in cases involving the commitment of mentally ill persons to the Veterans Administration and restoration to competency of veterans under commitment to the Veterans Administration. To this end, the Chief Attorney may:

(1) Produce Veterans Administration records.

(2) Appear in court and make presentation of material facts.

(3) When authorized to institute commitment or restoration proceedings under paragraph (b) of this section:

(i) Prepare and present all necessary legal papers.

(ii) Authorize payment of costs (§ 13.53).

(iii) Arrange transportation of veteran and attendants at Veterans Administration expense (§ 13.54).

(b) *Authority to institute commitment or restoration proceedings.* (1) *Commitment.* If a mentally ill veteran will accept hospitalization voluntarily, no action will be initiated by any Veterans Administration employee to commit such veteran. If he will not accept hospitalization, or after being voluntarily hospitalized by the Veterans Administration demands his release, and hospitalization is necessary for his safety or the safety of others, the Chief Attorney may (if a relative of the veteran or other interested person has not done so) institute proceedings to commit the veteran to the Veterans Administration subject to the following conditions:

(i) That he has obtained the written consent of the veteran's nearest relative. If the nearest relative cannot be readily contacted or refuses to consent coupled with inability or refusal to offer adequate alternative care, the Chief Attorney may initiate the action if the petition is signed by another relative, a civil official or representative of a cooperating agency or other person authorized by State law.

(ii) If timely action cannot be taken under subdivision (i) of this subparagraph, the Manager, or Director of the clinic of the regional office, or their designees, or, if already hospitalized in a Veterans Administration hospital, the hospital Manager or Director, Professional Services, or their designees, may sign the petition if permissible under State law, and the Chief Attorney will then take any action necessary to bring the matter before the appropriate court.

(c) *Illegal commitment.* When a hospitalized veteran previously committed to the Veterans Administration demands his release and continued hospitalization is necessary for his safety or the safety of others, and the Chief Attorney determines the commitment to be illegal, he will at once take action to obtain a legal commitment.

(d) *State hospital commitment.* Chief Attorneys should cooperate with the courts in the commitment of veterans to State hospitals, including the production of records required.

(e) *Restoration.* When a veteran has been committed at the instance of the Veterans Administration and subsequently is rated competent by the Veterans Administration, the Chief Attorney may institute proceedings necessary to restore the veteran to full civil rights.

§ 13.52 Medical testimony in commitment or restoration proceedings.

(a) *Commitment.* When permissible under State law, Veterans Administration physicians, upon request of the Chief Attorney, will sign interrogatories or certificates of mental illness or insanity and, unless unavailable as provided in paragraph (c) of this section will testify in proceedings which the Chief Attorney is authorized to institute under § 13.51 to commit eligible veterans to the Veterans Administration.

(b) *Restoration.* (1) When permissible under State law, Veterans Administration physicians, upon the request of the Chief Attorney, will testify in proceedings brought for the purpose of restoring a committed veteran to full civil rights when the veteran was committed at the instance of the Veterans Administration.

(2) The Manager of the Veterans Administration hospital at which any veteran committed to the Veterans Administration was hospitalized may upon discharge of the veteran furnish a certificate of sanity or such similar certificate to the proper civil authorities or the Chief Attorney as may be contemplated by the law of the jurisdiction concerned.

(c) *Employment of private physicians.* When testimony of Veterans Administration physicians is prohibited or is unavailable by reason of other duty assignments, comparative expense or other valid reason, the Manager, upon recommendation of the Chief Attorney, may employ any qualified physician for preliminary examination of the veteran and for testimony in any commitment or restoration proceeding which the Chief Attorney is authorized to institute under § 13.51, and authorize the payment of a fee not to exceed the prescribed fee, or in the absence thereof, the customary fee charged for the service rendered.

§ 13.53 Costs in commitment or restoration proceedings.

(a) When the Chief Attorney is authorized to institute a proceeding under § 13.51, he may authorize in advance or thereafter the payment or reimbursement of costs and other expenses for which the veteran is legally liable, including publication of notice necessary to accomplish the commitment.

(b) The Chief Attorney also may authorize the payment of necessary costs and expenses for which the veteran is legally liable incident to his restoration to full civil rights if the veteran was committed at the instance of the Veterans Administration.

§ 13.54 Authorization of transportation necessary for commitment of a veteran beneficiary.

When a mentally ill veteran who should be committed is hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located a commitment may not be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the commitment can be accomplished. If the veteran is in a Veterans Administration hospital, the Manager of the hospital may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Manager of the regional office concerned may authorize such travel upon request of the Chief Attorney.

§ 13.55 Chief Attorney to determine type of payee.

(a) The Chief Attorney is authorized to determine: the appropriate payee of Veterans Administration benefits for beneficiaries who are mentally ill or under legal disability by reason of minority or action of a court of competent jurisdiction, and their dependents; and the suitability of persons and legal entities to receive Veterans Administration benefits in a fiduciary capacity. Authorized methods of payment include:

(1) Directly to a veteran (§ 13.56);

(2) To the wife of an incompetent veteran (§ 13.57);

(3) To the legal custodian of a beneficiary (§ 13.58);

(4) To the guardian of a beneficiary (§ 13.59);

(5) To the Chief Officer of the institution in which the veteran is receiving care and treatment (§ 13.61);

(6) To the bonded officer of an Indian reservation (§ 13.62);

(7) To a custodian-in-fact of the beneficiary (§ 13.63);

(8) By apportionment to dependents of the veteran (§ 13.70).

(b) A fiduciary will not be required, for Veterans Administration purposes, when:

(1) The Chief Attorney recommends payment directly to the veteran;

(2) The beneficiary's only legal disability is minority and he or she is in active military, naval or air service, or a veteran, or the widow of a veteran, or a minor who has entered into a program of education or training under 38 U.S.C. Ch. 35, as amended, and has been designated by the Manager under § 21.3051(c) of this chapter to receive payments directly.

(c) The Chief Attorney's certification is sufficient authority to make payments to the person designated therein upon behalf of the beneficiary.

§ 13.56 Direct payment to veteran.

Veterans Administration benefits payable to a veteran who is rated incompetent by the Veterans Administration but has not been adjudged insane and has no guardian may be paid directly to the veteran when he is rated as competent because the Chief Attorney finds as fact and submits evidence that the veteran has demonstrated ability to handle the amount payable with reasonable prudence.

§ 13.57 Payment to the wife of incompetent veteran.

Compensation, pension or emergency officers' retirement pay of an incompetent veteran having no guardian may be paid to his wife for the use of the veteran and his dependents, provided she is qualified to administer the benefits payable and will agree to use the amounts paid for that purpose.

§ 13.58 Legal custodian.

(a) *Authority.* The Chief Attorney is authorized to make determinations as to the person or legal entity legally vested with the care of the person or estate of a beneficiary who has no guardian and who is mentally ill or under legal disability by reason of minority or action of a court of competent jurisdiction. The person or legal entity so recognized will be termed a legal custodian.

(b) *Payment to.* Veterans Administration benefits may be paid to a legal custodian subject to the following conditions:

(1) The beneficiary is not under a guardianship of the person and estate or of the estate.

(2) The proposed legal custodian is qualified to administer the benefits payable and will agree to:

(i) Apply the benefits paid for the sole use of the beneficiary,

(ii) Disburse the benefits paid only as authorized by the Chief Attorney,

(iii) Invest surplus funds as provided by Veterans Administration regulations,

(iv) Provide adequate safeguards for the estate, and

(v) Account for the Veterans Administration benefits received.

(3) All or most of the benefits payable will be required for the support, care or education of the beneficiary so that a substantial estate will not be accumulated.

§ 13.59 Guardian.

(a) *Payment to.* Any Veterans Administration benefit may be paid to the guardian appointed by a State court for a beneficiary who is a minor, or incompetent or under other legal disability adjudged by a court of competent jurisdiction.

(b) *Chief Attorney's authority.* The Chief Attorney shall:

(1) Determine and recommend to the court the person or legal entity best fitted for appointment as guardian for the particular beneficiary.

(2) Upon request, represent the petitioner in the appointment proceedings when the Veterans Administration payments are not sufficient to justify employment of counsel.

(3) Sign certifications of need for a guardian and of minority or of rating of incompetency by the Veterans Administration of the beneficiary required by the Uniform Veterans Guardianship Act or similar State legislation.

(4) Upon request, represent the guardian in guardianship proceedings when the estate is not sufficient to justify employment of counsel.

(5) Appear in State trial courts as attorney for the Administrator of Veterans Affairs in all guardianship matters and in appellate courts when authorized.

(6) Require accountings, formal or informal, of guardians with or without judicial proceedings.

(7) Take such other action, including institution of appropriate legal proceedings, as may be necessary, to assure that the needs of the beneficiary are provided for and Veterans Administration benefits are prudently administered and adequately protected.

(8) To direct the suspension of payments in fiduciary matters.

§ 13.60 Authority to file petitions for appointment of guardians.

(a) *Adult beneficiary.* The Chief Attorney is authorized to file or cause to be filed a petition for the appointment of a guardian for an adult beneficiary only when he has determined that alternative methods of payment would not be to the best interests of the beneficiary and when he has obtained the written consent of:

(1) The beneficiary (if he is capable of understanding the consequences of his act).

(2) The beneficiary's spouse if he is incapable of consenting or refusing.

(3) The beneficiary's adult child, parent, adult brother or sister if the beneficiary is unmarried or consent of the spouse is immaterial because of estrangement or mental incapacity or refusal to consent coupled with failure to offer adequate alternative means for providing for the beneficiary's needs.

(4) A civil official or representative of a cooperating agency when consent of one of the relatives listed in subparagraphs (2) and (3) of this paragraph cannot be obtained because none can be located after reasonable inquiry or those located are not mentally competent to consent or refuse without offering adequate alternative means for providing for the needs of the beneficiary.

(b) *Minor beneficiaries.* The Chief Attorney is authorized to file or cause to be filed a petition for the appointment of a guardian of a minor, if permissible under the law of the jurisdiction concerned when he determines the protection of the minor's rights under laws administered by the Veterans Administration requires the appointment provided: He has obtained the written consent of the minor's natural or adoptive parent or parents or the person or persons occupying the relationship of "in loco parentis" as defined by the law of the jurisdiction in

which they reside. The Chief Attorney will not institute a guardianship proceeding over the objections of such parent or parents if they are sui juris unless:

(1) The parents have abandoned the minor or otherwise refused to meet their parental obligations toward the minor or they have previously been appointed or recognized as the minor's fiduciary and failed to properly execute the duties of their trust;

(2) The minor has no parent or the parent or parents are not sui juris, in either of which case the Chief Attorney may file the petition without the consent of any relative.

§ 13.61 Payment to Chief Officer of institution.

The Chief Attorney may recommend the payment of all or part of the pension, compensation or emergency officers' retirement pay payable in behalf of a veteran rated incompetent by the Veterans Administration to the Chief Officer of the institution wherein the veteran is being furnished hospital treatment, institutional or domiciliary care, for his use and benefit, when the Chief Attorney has determined such payment (called an institutional award) will adequately provide for the needs of the veteran and obviate need for appointment of a guardian.

§ 13.62 Payment to bonded officer of Indian reservation.

Any benefits due an incompetent adult or minor Indian, who is a recognized ward of the Government and for whom no guardian has been appointed, may be awarded to the superintendent or other bonded officer designated by the Secretary of the Interior to receive funds under 25 U.S.C. 14.

§ 13.63 Payment to custodian-in-fact.

Any Veterans Administration benefit due a beneficiary who is a minor, or is mentally ill, or under other legal disability adjudged by a court of competent jurisdiction, and who has a fiduciary to whom payments may not properly be made, may be paid temporarily to the person having custody and control of the beneficiary and who will agree to account for the funds paid and expend such funds solely for the use of the beneficiary.

§ 13.64 Natural guardians.

Chief Attorneys may authorize the payment of Veterans Administration benefits payable in behalf of minors to natural guardians when such persons are constituted guardians of the person and estate of the minor in the territory or insular possession of the United States or foreign country in which they reside.

§ 13.65 Legal services.

(a) Chief Attorneys may furnish legal services in behalf of minor and incompetent beneficiaries of the Veterans Administration in guardianship matters when the beneficiary's estate or income is not sufficient to justify the employment of an attorney.

(b) Where the guardian does not in due course institute the necessary action to terminate the guardianship and the beneficiary requests the Chief Attorney to represent him, or in any such case where there is in question the proper administration of the estate, the Chief Attorney may file the necessary action and supply legal services. Costs, unless assessed against the guardian, should be charged to the estate of the beneficiary.

§ 13.66 Legal custodian and custodian-in-fact may be required to furnish bond.

(a) The Chief Attorney may require the person who is to be or has been recognized as legal custodian or as custodian-in-fact, to furnish a corporate surety bond in an amount sufficient to protect the estate of the beneficiary. Such bond may be required as a condition to initial or continued payment to such person.

(b) For purposes of this section, estate shall mean the total value of accumulated Veterans Administration benefits and increments derived therefrom plus the net anticipated increase (receipts less authorized expenditures) for the following year or in the case of a custodian-in-fact during the authorized duration of the fiduciary relationship.

§ 13.67 Authorization of transportation of a veteran beneficiary for appointment of a guardian.

When the appointment of a guardian is required for an incompetent veteran hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located the appointment cannot be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the appointment can be accomplished. If the veteran is in a Veterans Administration hospital, the Manager of the hospital may authorize travel of the veteran and an attendant or attendants if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Manager of the regional office concerned may authorize such travel, upon request of the Chief Attorney.

§ 13.68 Costs and other expenses incident to appointment of guardian.

(a) The Chief Attorney may authorize the payment of costs and other necessary expenses incident to the appointment of a guardian of a beneficiary of the Veterans Administration including successor guardians when:

(1) Benefits are small and such costs would unduly deplete the estate (accrued benefits and private estate do not exceed $2,000).

(2) Appointment was caused by Veterans Administration and it develops that no benefits are payable and no estate from which costs may be paid.

(3) Costs must be advanced when there is no immediate estate from which same may be paid. These costs to be recovered from benefits payable unless the case falls within subparagraph (1) of this paragraph.

(b) Costs and necessary expenses include:

(1) All those chargeable by statute or rule of court and certified by the clerk of court.

(2) Certified copies of court records required by Veterans Administration.

(3) Fees for guardian ad litem when chargeable as court costs and required by State law.

§ 13.69 Limitation of wards to individual guardian.

The policy of the Veterans Administration is to limit to five the number of wards for whom an individual guardian may act, except where such individual is acting as guardian for the minors of the same family and the cooperation of the court will be sought to that end.

(a) When an individual has been appointed as guardian of the estate or as guardian of the person and estate of more than five beneficiaries of the Veterans Administration, except for minors of the same family, the Chief Attorney will take no further action if the administration of the estates or of the persons and estates is satisfactory in every respect. In those States having a statute limiting the number of wards the guardian will be removed in the excess cases.

(b) The policy stated in this section will not be applied to public officials who, by reason of their office, are appointed as guardians in accordance with the State laws, when such appointments are as to the office and not as to the individual incumbent of the position.

§ 13.70 Apportionment of benefits to dependents.

(a) *Incompetent veterans being furnished hospital treatment, institutional or domiciliary care by United States or political subdivision thereof.* (1) The Chief Attorney may recommend the apportionment of compensation, pension or emergency officers' retirement pay payable in behalf of a veteran, who is incompetent or under other legal disability by action of a court, to or in behalf of his wife, child or dependent parent as may be necessary to provide for their needs.

(2) When payment of compensation, pension or emergency officers' retirement pay, in behalf of a veteran who is incompetent or under other legal disability by action of a court, has no wife or child and is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, has been stopped because his estate equals or exceeds $1,500, the Chief Attorney may recommend the payment of so much of the benefit otherwise payable as is necessary to provide for the needs of a dependent parent or parents.

(b) *Dependent parents.* When the compensation of a veteran paid to his fiduciary includes an additional amount for a dependent parent or parents and the fiduciary neglects or refuses to make an equivalent contribution for their support, the Chief Attorney may recommend the apportionment to the parent or parents of the additional amount.

(c) *Payments withheld because of fiduciary's failure to properly administer veteran's estate.* When payments of compensation, pension or emergency officers' retirement pay payable in behalf of a veteran have been stopped because of his fiduciary's failure or inability to properly account or otherwise administer the estate, the Chief Attorney may recommend the apportionment to the veteran's wife, child or dependent parent of any benefit not paid under an institutional award or to a custodian-in-fact.

§ 13.71 Payment of cost of veteran's maintenance in institution.

(a) *By institutional award.* (1) The payment of part of compensation, pension or emergency officers' retirement pay for the cost of a veteran's hospital treatment, institutional or domiciliary care in an institution operated by a political subdivision of the United States may be authorized as provided in subparagraph (2) of this paragraph when:

(i) The veteran is rated incompetent by the Veterans Administration and has no wife, child, dependent parent or guardian,

(ii) The Chief Attorney has determined the veteran is legally liable for the cost of his maintenance, and

(iii) The institution's representative has asserted or probably will assert a claim for full maintenance costs.

(2) Subject to these conditions and the further condition that the responsible official of the institution or political subdivision will agree not to assert against Veterans Administration benefits any further claim for maintenance during the veteran's lifetime, the Chief Attorney may agree with such official to the payment of the veteran's benefits through an institutional award to be applied to:

(i) A monthly amount determined by the Chief Attorney to be needed for the veteran's personal use,

(ii) An amount to be agreed upon to be accumulated to provide for the veteran's rehabilitation upon release from the institution, and

(iii) So much of the amount of the benefit as remains not exceeding the amount the Chief Attorney shall determine to be the proper charge as fixed by statute or administrative regulation, to the cost of the veteran's maintenance.

(3) Upon execution of an agreement as provided in subparagraph (2) of this paragraph, the Chief Attorney may certify to the adjudication agency the total amount to be released to the Chief Officer of the institution.

(b) *By direct payment.* When payment of compensation, pension or emergency officers' retirement pay in behalf of a veteran rated incompetent by the Veterans Administration who has no wife or child and is being furnished hospital treatment, institutional or domiciliary care by a political subdivision of the United States, has been stopped because his estate has reached $1,500, the Chief Attorney may certify to the adjudication agency the amount to be released to the responsible official to pay for the cost of the veteran's current care and maintenance. The amounts paid in such cases shall not exceed the amount of the benefit otherwise payable less any amounts apportioned to dependent parents and in no event exceed the amount which the Chief Attorney shall determine to be the proper charge as fixed by statute or administrative regulation.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 1, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-6128; Filed, July 1, 1960; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.1—Procurement Regulations

Sec.

9-1.101 Scope of subpart.
9-1.102 Establishment of AEC Procurement Regulations.
9-1.103 Authority.
9-1.104 Applicability.
9-1.105 Issuances.
9-1.105-1 Publication.
9-1.105-2 Copies.
9-1.106 Arrangement.
9-1.106-1 General plan.
9-1.106-2 Numbering.
9-1.106-3 Citation.
9-1.107 Implementation and supplementation of FPR.
9-1.107-1 Description.
9-1.108 Exclusions.
9-1.109 Deviation.
9-1.109-1 Description.
9-1.109-2 Procedure.
9-1.110 Other AEC Procurement Instructions.

AUTHORITY: §§ 9-1.101 to 9-1.110 issued under sec. 161(q), 70 Stat. 1069; 42 U.S.C. 2201(q). Implement and supplement sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 9-1.101 Scope of subpart.

This subpart describes the Atomic Energy Commission Procurement Regulations in terms of establishment, authority, applicability, issuance, arrangement, implementation and supplementation of FPR, exclusions, deviations, and other AEC Procurement Instructions.

§ 9-1.102 Establishment of AEC Procurement Regulations.

(a) The AEC Procurement Regulations (AECPR) are hereby established.

(b) These regulations implement and supplement the Federal Procurement Regulations (FPR) and are a part of the Federal Procurement Regulations System.

(c) The effective date of FPR issuances throughout AEC will be the date indicated in the respective issuances, unless otherwise provided in the AEC Procurement Regulations.

(d) The effective date of AECPR issuances throughout AEC will be the date indicated in the respective issuances.

§ 9-1.103 Authority.

The AEC Procurement Regulations are prescribed by the General Manager of the AEC, pursuant to the authority of the Atomic Energy Act of 1954, and the Federal Property and Administrative Services Act of 1949.

§ 9-1.104 Applicability.

(a) The AEC Procurement Regulations and the Federal Procurement Regulations, which together form that part of the Federal Procurement Regulations System which governs AEC procurement, apply to all procurement of personal property and nonpersonal services (including construction).

(b) The FPR and AECPR shall be made available to the cost-type contractors that construct and operate AEC plants and laboratories as illustrative of the policies, practices and procedures used by the AEC, for their consideration in the development or revision of their own written procurement practices and procedures. Cost-type contractors are governed by (1) applicable contract provisions and (2) procurement policies, practices and procedures established by the contractor and approved by AEC. The FPR and AECPR will be employed by AEC in its review and approval of cost-type contractor procurement policies, practices and procedures.

§ 9-1.105 Issuances.

§ 9-1.105-1 Publication.

The AEC Procurement Regulations appear in the Code of Federal Regulations as Chapter 9 of Title 41, Public Contracts, and are published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate loose-leaf volume form.

§ 9-1.105-2 Copies.

Copies of the AEC Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal Agencies and the public, at nominal cost from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

§ 9-1.106 Arrangement.

§ 9-1.106-1 General plan.

The AEC Procurement Regulations employ the same numbering system and nomenclature used in the Federal Procurement Regulations and conform with FEDERAL REGISTER standards approved for the FPR.

§ 9-1.106-2 Numbering.

(a) The numbering system permits identification of every unit. The first digit, followed by a dash, represents the chapter number (AEC has been assigned Chapter 9). The dash is followed by the part number which may be one or more digits followed by a decimal point. The numbers after the decimal point represent, respectively, the subpart, section (in two digits) and, after a second dash, subsection, paragraph, subparagraph, and additional subdivisions. For example, this division is called "§ 9-1.106-2," in which the first digit denotes the chapter, the second the part, the third the subpart, the fourth and fifth the section, and the sixth the subsection.

(b) Where the AECPR implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of the AECPR will be numbered (and captioned) to correspond to the FPR part, subpart, section, or subsection.

(c) Where the AECPR supplements the FPR, the numbers 50 and up will be

assigned to the parts, subparts, or sections involved.

(d) Where the subject matter contained in a part, subpart, section, or subsection of the FPR requires no implementation, the AECPR will contain no corresponding part, subpart, section, or subsection number.

§ 9–1.106–3 Citation.

AEC Procurement Regulations will be cited in accordance with Federal Register standards approved for the FPR. Thus, this section, when referred to in divisions of the AEC Procurement Regulations, should be cited as "§ 9–1.106–3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 9–1.106–3." Any section of the AEC Procurement Regulations may be informally identified, for purposes of brevity, as AECPR followed by the section number, i.e., "AECPR 9–1.106–3."

§ 9–1.107 Implementation and supplementation of FPR.

§ 9–1.107–1 Description.

The AEC Procurement Regulations "implement" and "supplement" the FPR. The meaning of these terms includes the following:

(a) Implementation may have either of the following meanings:

(1) A part, subpart, section, etc., which treats a similarly numbered portion of the FPR in greater detail or indicates the manner of compliance, including any deviations.

(2) The absence of a corresponding part, subpart, section, etc., in the AECPR indicates that the FPR is applicable as written. Policies and procedures in the FPR are not repeated in the AECPR.

(b) Supplementation means AECPR coverage of matters which have no counterpart in the FPR.

§ 9–1.108 Exclusions.

Certain policies and procedures which come within the scope of this chapter nevertheless may be excluded from AECPR. These exclusions include the following categories:

(a) Subject matter which bears a security classification.

(b) Policy or procedure which is expected to be effective for a period of less than six months.

(c) Policy or procedure which is being instituted on an experimental basis for a reasonable period.

§ 9–1.109 Deviation.

§ 9–1.109–1 Description.

The term "deviation" includes any of the following actions:

(a) When a prescribed contract clause is set forth verbatim, use of a contract clause covering the same subject matter which varies from that set forth.

(b) When a standard or other form is prescribed, use of any other form for the same purpose.

(c) Alteration of a prescribed standard or other form, except as may be authorized in the regulations.

(d) The imposition of lesser or, where the regulation expressly prohibits, greater limitations than are imposed upon the use of a contract clause, form, procedure, type of contract, or upon any other procurement action, including but not limited to, the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration, or settlement of contracts.

(e) When a policy or procedure is prescribed, use of any inconsistent policy or procedure.

§ 9–1.109–2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the Federal Procurement Regulations System shall be kept to a minimum and controlled as follows:

(a) In individual cases, deviations from the FPR and AECPR may be authorized by Division Directors, Headquarters (having contracting authority) and Managers of Operations, unless otherwise provided. This authority may not be redelegated.

(1) A supporting statement for each individual deviation, which indicates briefly the nature of the deviation and the reasons for such special action shall be included in the contract file.

(2) A copy of the supporting statement for each individual deviation shall be forwarded to the Director, Office of Contract Policy.

(b) In classes of cases, requests for deviations from the FPR and the AECPR shall be forwarded in triplicate through the appropriate Division Director, Headquarters, to the Director, Office of Contract Policy, and shall be accompanied by an appropriate supporting statement. Requests will be considered on an expedited basis and appropriate coordination with Headquarters staff and operating divisions will be obtained by the Director, Office of Contract Policy. Requests involving the FPR will be considered jointly by AEC and the General Services Administration, unless, in the judgment of the Director, Office of Contract Policy, after due consideration of the objective of uniformity and the program responsibilities of AEC, circumstances preclude such joint effort. In such case, the Director, Office of Contract Policy will approve such class deviations as he determines necessary and will appropriately notify the General Services Administration.

§ 9–1.110 Other AEC Procurement Instructions.

(a) AEC Manual, Volume 9000, Contracting will continue to contain classified matters or matters of a purely internal nature.

(b) Procurement memoranda also will be employed, generally for informational purposes, and pursuant to § 9–1.108.

These regulations are effective July 1, 1960.

Dated at Germantown, Md., this 24th day of June 1960.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 60–6114; Filed, July 1, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2137]

[Nevada 051096]

NEVADA

Withdrawing Lands for Use of the Department of the Navy for a Target Area and Control Facilities (Dixie Valley)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Nevada, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of the Navy for a target area and control facilities, for training purposes:

MOUNT DIABLO MERIDIAN

PARCEL NO. 1

T. 21 N., R. 34 E.,
Sec. 22, NE¼SW¼NE¼.

Containing 10 acres.

PARCEL NO. 2

Beginning at a point on unsurveyed land from which the standard corner of Township 21 N., Ranges 34 and 35 E. bears N. 55°30'17" W., 5065.33 feet; thence
S. 53°25'44" E., 2½ miles;
S. 36°34'16" W., 3 miles;
N. 53°25'44" W., 2½ miles;
N. 36°34'16" E., 3 miles to the point of beginning.

Containing approximately 4800 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 28, 1960.

[F.R. Doc. 60–6125; Filed, July 1, 1960; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

Operator Examination Points

The Commission having under consideration a modification of its amateur radio operator license examination points; and

It appearing that it will be in the public interest to change the location of the annual examination point from Butte, Montana, to Great Falls, Montana, since Great Falls has (a) a larger population, (b) is more centrally located and, (c) is the residence of the majority of applicants for radio operator examinations heretofore appearing at Butte; and

It further appearing that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, This 28th day of June 1960, pursuant to authority of section 0.341 of the Commission's Statement of Delegations of Authority, and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that Appendix 1 of Part 12 of the Commission's rules be amended as set forth below, effective September 1, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Appendix 1, Part 12, is amended by deleting Butte, Montana, and adding Great Falls, Montana, in alphabetical sequence to the "annual" listing within this Appendix.

[F.R. Doc. 60–6153; Filed, July 1, 1960; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[5th Rev. S.O. 95, Amdt. 9]

PART 95—CAR SERVICE

Appointment of Refrigerator Car Agent

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 24th day of June A.D. 1960.

Upon further consideration of the provisions of Fifth Revised Service Order No. 95 (18 F.R. 473, 3732, 7642; 19 F.R. 4003; 20 F.R. 4688; 21 F.R. 4814; 22 F.R. 4488; 23 F.R. 4812; 24 F.R. 4774), and good cause appearing therefor:

It is ordered, That: § 95.95 *Appointment of refrigerator car agent*, of Fifth Revised Service Order No. 95, be, and it is hereby amended by substituting the following paragraphs (a) and (d) hereof for paragraphs (a) and (d) thereof:

(a) D. W. Benton, Assistant to Chairman, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois, is hereby designated and appointed refrigerator car agent of the Interstate Commerce Commission. As agent he is required to provide the Commission with current information, through its Director of the Bureau of Safety and Service, with respect to the supply of and the need for refrigerator cars in all sections of the United States, and in this connection to utilize the services of an Advisory Committee consisting of the Chairman, Car Service Division, Association of American Railroads, and subject to the Commission's approval of at least one representative of the railroad industry, of railroad-controlled refrigerator car companies, of non-railroad controlled refrigerator car companies and of shipper-owned refrigerator car companies. As agent, he is authorized and directed to determine and advise the Commission through its Director of the Bureau of Safety and Service concerning measures which will reduce the time of loading and unloading refrigerator cars or increase the efficiency and economy of such cars' utilization, operation and movement.

(d) This order, as amended, shall expire at 11:59 p.m., June 30, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1960; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60–6139; Filed, July 1, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to be held 10:00 a.m. on July 27, 1960, at Room 3313, Internal Revenue Service Building, 12th and Constitution Avenue NW., Washington 25, D.C. at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to proposals, the substance of which is stated below, to amend Regulations No. 5 (27 CFR Part 5), relating to labeling and advertising of distilled spirits.

Written data, views or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., provided they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

Substance of proposals. 1. To amend section 73(a) (27 CFR 5.73(a)) to provide for additional standards of fill for distilled spirits if sufficient justification for any additional size containers is disclosed at the hearing.

2. In the event that justification for additional standards of fill is disclosed; to consider amendment of section 37 (27 CFR 5.37) and such other sections of the regulations in this part as may be necessary, (a) to require a conspicuous statement of net contents (in terms of fluid ounces) to appear on brand labels of all classes and types of distilled spirits, whether or not such distilled spirits are subject to the standards of fill set forth in section 73(a) (27 CFR 5.73(a)); such statement of net contents to appear horizontally, on a contrasting background, in type or printing, with respect to containers of one-half pint or more, of a size not smaller than the equivalent of 12-pound Gothic caps; and (b) to eliminate the provision in section 37 (27 CFR 5.37) that the statement of net contents may be omitted from the label when it is blown, etched, sand-blasted, etc., or otherwise permanently marked on the container itself.

3. In the event that these proposals are adopted, to make them effective, 1 year (or some shorter or longer period of time) after publication of the amendments in the FEDERAL REGISTER.

[SEAL] DWIGHT E. AVIS,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F.R. Doc. 60-6140; Filed, July 1, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

WALNUTS (JUGLANS REGIA) IN SHELL[1]

U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Walnuts (Juglans regia) in the Shell (7 CFR §§ 51.2945 to 51.2967) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The important changes proposed deal with kernel color and insect infestation. U.S. No. 1 and U.S. No. 2 grades would require less "light" colored kernels than they do at present. However, both of these grades would require a fairly large percentage of the kernels to be not darker than "light amber", whereas they now include no requirements for "light amber".

A distinction would be drawn between walnuts which are damaged by insects and walnuts which contain live insects. The former would be allowed under the restrictive tolerances but the latter would be prohibited in all of the standards.

A number of other changes of a minor nature are intended for clarification only.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication in the FEDERAL REGISTER.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.2945 Application.
51.2946 Color chart.
51.2947 Method of inspection.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

Sec.
51.2948 U.S. No. 1.
51.2949 U.S. No. 2.
51.2950 U.S. No. 3.

UNCLASSIFIED

51.2951 Unclassified.

SIZE SPECIFICATIONS

51.2952 Size specifications.

VARIETY OR TYPE SPECIFICATIONS

51.2953 Variety or type specifications.

TOLERANCES FOR GRADE DEFECTS

51.2954 Tolerances for grade defects.

APPLICATION OF TOLERANCES

51.2955 Application of tolerances.

DEFINITIONS

51.2956 Practically clean.
51.2957 Bright.
51.2958 Splits.
51.2959 Injury by discoloration.
51.2960 Damage.
51.2961 Well dried.
51.2962 Dark discoloration.
51.2963 Rancidity.
51.2964 Fairly clean.
51.2965 Serious damage.
51.2966 Very serious damage by shriveling.

AUTHORITY: §§ 51.2945 to 51.2966 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GENERAL

§ 51.2945 Application.

The standards contained in this subpart apply only to walnuts commonly known as English or Persian walnuts (Juglans regia). They do not apply to walnuts commonly known as black walnuts (Juglans nigra).

§ 51.2946 Color chart.

The walnut color chart[2] to which reference is made in §§ 51.2948, 51.2949, 51.2950 and 51.2962 has been prepared by the United States Department of Agriculture as a part of this subpart.

§ 51.2947 Method of inspection.

In determining the grade of a lot of walnuts, all of the nuts in the sample first should be graded for size and then examined for external defects. The same nuts then should be cracked and examined for internal defects. The nuts must meet the requirements for both external and internal quality in order to meet a designated grade.

GRADES

§ 51.2948 U.S. No. 1.

"U.S. No. 1" consists of walnuts, the shells of which are dry, practically clean, bright and free from splits, injury by discoloration, and free from damage caused by broken shells, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) This grade shall contain at least 70 percent, by count, of walnuts having kernels which are not darker than "light amber" (see color chart); and which are free from defects: *Provided*, That at least four-sevenths of the above amount, or 40 percent, of the walnuts in the lot shall have kernels which are not darker than "light" (see color chart). Higher percentages of nuts with kernels not darker than "light amber" which are free from grade defects and/or higher percentages with kernels not darker than "light" which are free from grade defects may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2949 U.S. No. 2.

"U.S. No. 2" consists of walnuts, the shells of which are dry, practically clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) This grade shall contain at least 60 percent, by count, of walnuts having kernels which are not darker than "light amber" (see color chart), and which are free from grade defects. Higher percentages of nuts with kernels not darker than "light amber" which are free from grade defects and/or percentages with kernels not darker than "light" (see color chart) which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2950 U.S. No. 3.

"U.S. No. 3" consists of walnuts, the shells of which are dry, fairly clean, free from splits, and free from damage caused by broken shells, and free from serious damage caused by discoloration, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) There shall be no requirements in this grade for the percentage of walnuts having kernels which are "light amber" or "light" in color. However, the percentage, by count, of nuts in any lot having kernels not darker than "light amber" (see color chart) which are free from grade defects and/or the percentage having kernels not darker than "light" (see color chart) which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

[2] The walnut color chart has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D.C. A printed copy of this color chart is attached to each copy of these standards issued by the United States Department of Agriculture.

UNCLASSIFIED

§ 51.2951 Unclassified.

"Unclassified" consists of walnuts in the shell which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE SPECIFICATIONS

§ 51.2952 Size specifications.

Size shall be specified in accordance with the facts in terms of one of the following classifications:

(a) *Mammoth size.* Mammoth size means walnuts of which not over 12 percent, by count, pass through a round opening $^{9}\%_{64}$ inches in diameter;

(b) *Jumbo size.* Jumbo size means walnuts of which not over 12 percent, by count, pass through a round opening $^{8}\%_{64}$ inches in diameter;

(c) *Large size.* Large size means walnuts of which not over 12 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter; except that for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{7}\%_{64}$ inches;

(d) *Medium size.* Medium size means walnuts of which at least 88 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter, and of which not over 12 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter;

(e) *Standard size.* Standard size means walnuts of which not over 12 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter;

(f) *Baby size.* Baby size means walnuts of which at least 88 percent, by count, pass through a round opening $^{7}\%_{64}$ inches in diameter, and of which not over 10 percent, by count, pass through a round opening $^{6}\%_{64}$ inch in diameter; and,

(g) *Minimum diameter, or minimum and maximum diameter.* In lieu of one of the foregoing classification, size of walnuts may be specified in terms of minimum diameter, or minimum and maximum diameter: *Provided*, That not more than 12 percent, by count, pass through a round hole of the specified minimum diameter, and at least 88 percent, by count, pass through a round hole of any specified maximum diameter.

VARIETY OR TYPE SPECIFICATIONS

§ 51.2953 Variety or type specifications.

The variety or type of any lot of walnuts in the shell may be specified in accordance with the facts as follows:

(a) If the lot is of one named variety, that variety name may be specified, or if the lot is of the Placentia Perfection variety and/or like types, it may be specified as "Budded": *Provided*, That not over 10 percent, by count, of the walnuts in the lot are of another variety or type than that specified; and,

(b) If the lot is a mixture of two or more distinct varieties or types or consists of seedlings, it may be specified as "Soft Shells" or "Mixed Varieties".

TOLERANCES FOR GRADE DEFECTS

§ 51.2954 Tolerances for grade defects.

In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for the respective grades as indicated. All percentages shall be determined on the basis of count. Terms in quotation marks refer to color classifications illustrated on the color chart.[3]

TOLERANCES FOR GRADE DEFECTS

Grade	External (shell) defects	Internal (kernel) defects	Color of kernels
U.S. No. 1	10 percent for splits. In addition 5 percent total for defects other than splits, including not over 3 percent serious damage.	10 percent total, including not more than 6 percent serious damage, but not more than ⅔ of the latter amount, or 5 percent, damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 70 percent of "light amber" kernels or the required 40 percent of "light" kernels or any larger percentage of "light amber" or "light" kernels specified.
U.S. No. 2	10 percent for splits. In addition 5 percent for defects other than splits.	20 percent total, including not more than 10 percent serious damage, but not more than ½ of the latter amount, or 5 percent, damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 60 percent or any larger percentage of "light amber" kernels specified or any percentage of "light" kernels specified.
U.S. No. 3	10 percent for splits. In addition 10 percent total for defects other than splits, including not over 5 percent serious damage by adhering hulls.	30 percent total, including not more than 10 percent very serious damage by shriveling or serious damage by other means, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce any percentage of "light amber" or "light" kernels specified.

APPLICATION OF TOLERANCES

§ 51.2955 Application of tolerances.

The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of containers shall be considered as a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2956 Practically clean.

"Practically clean" means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many

[3] See footnote on p. 6292.

bleached nuts and shall not be considered as dirt or foreign matter.

§ 51.2957 Bright.

"Bright" means a fairly light, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

§ 51.2958 Splits.

"Splits" means walnuts with shell halves separated at the suture but held together by the kernel.

§ 51.2959 Injury by discoloration.

"Injury by discoloration" means that the color of the affected portion of the shell objectionably contrasts with the color of the rest of the shell of the individual nut.

§ 51.2960 Damage.

"Damage" means any injury or defect which materially detracts from the appearance, or the edible or shipping quality of the walnut. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken shells when the area from which the shell is missing is greater than the area of a circle one-fourth inch in diameter; or the halves are completely broken apart and separated;

(b) Perforated shells when the area affected aggregates more than that of a circle one-fourth of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than 5 percent of the shell surface;

(d) Discoloration (or stain) which covers, in the aggregate, one-fifth or more of the surface of the shell of an individual nut, and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(e) Mold which is white or gray, inconspicuous and thinly scattered over more than one-fourth of the surface of the entire kernel; or any white or gray mold which is thick and conspicuous, or any yellow, blue, green or other colored mold;

(f) Shriveling when more than 5 percent of the surface of the kernel, including both halves, is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section but which are otherwise normally developed shall not be considered as damaged; and,

(g) Insects when the nut contains web, frass or dead insects, or the kernel shows definite evidence of insect feeding.

§ 51.2961 Well dried.

"Well dried" means that the kernel is firm and crisp, not pliable or leathery.

§ 51.2962 Dark discoloration.

"Dark discoloration" means that the color of the skin of the kernel is darker than "amber". (See color chart.)

§ 51.2963 Rancidity.

"Rancidity" means the stage of deterioration in which the kernel has developed a rancid flavor. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

§ 51.2964 Fairly clean.

"Fairly clean" means that, from the viewpoint of general appearance, the lot is not seriously damaged by adhering dirt or other foreign matter, and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

§ 51.2965 Serious damage.

"Serious damage" means any injury or defect which seriously detracts from the appearance, or the edible or shipping quality of the walnut. Decay, rancidity and insect damage shall be considered serious damage. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration (or stain) which covers, in the aggregate, one-third or more of the surface of the shell of an individual nut and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(b) Perforated shells when the area affected aggregates more than that of a circle three-eighths of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than one-eighth of the shell surface in the aggregate;

(d) Mold which is white or gray, thick and conspicuous and covers one-eighth or more of the surface of the entire kernel, or yellow, green, blue or other colored mold which covers 5 percent or more of the surface of the entire kernel; and,

(e) Shriveling when both halves of the kernel are affected by severe shriveling over an area totaling more than one-eighth of the surface; or when both halves are affected over a greater area by lesser degrees of shriveling producing an equally objectionable appearance. When one of the halves of the kernel shows no shriveling, the kernel shall not be considered seriously damaged unless the other half shows shriveling to the extent that over 50 percent of its surface is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section, but which are otherwise normally developed shall not be considered as damaged.

§ 51.2966 Very serious damage by shriveling.

"Very serious damage by shriveling" means that more than one-half of the surface of the entire kernel is severely shriveled or that a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance.

Dated: June 29, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-6132; Filed, July 1, 1960; 8:48 a.m.]

[7 CFR Part 932]

[Docket No. AO-33-A24]

MILK IN FORT WAYNE, IND., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Alsonett Room, of the Indiana Hotel, Fort Wayne, Indiana, beginning at 10:00 a.m., local time, on August 2, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Wayne Cooperative Milk Producers, Inc.: Proposal No. 1.[1]

DEFINITIONS

Sec.
932.1 Act.
932.2 Secretary.
*932.3 Department.
932.4 Person.
*932.5 Ft. Wayne, Indiana Marketing Area.
932.6 Cooperative Association.
*932.7 Route.
*932.8 Fluid milk plant.

[1] Asterisk (*) indicates that the proposed section is not now included in the order or involves a modification of the current section.

DEFINITIONS

Sec.
*932.9 Pool plant.
932.10 Nonpool plant.
*932.11 Producer.
*932.12 Handler.
*932.13 Producer milk.
*932.14 Other source milk.
*932.15 Producer-handler.
*932.16 Fluid milk product.

MARKET ADMINISTRATOR

932.20 Designation.
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*932.30 Monthly reports of receipts and utilization.
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CLASSIFICATION

*932.40 Skim milk and butterfat to be classified.
*932.41 Utilization.
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*932.44 Transfers.
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MINIMUM PRICES

*932.50 Basic formula price.
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*932.80 Milk subject to other federal orders.
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EFFECTIVE TIME, SUSPENSION OR TERMINATION

932.90 Effective time.
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MISCELLANEOUS PROVISIONS

932.100 Agents.
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DEFINITIONS

§ 932.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 932.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 932.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 932.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 932.5 Fort Wayne, Indiana, Marketing Area.

"Fort Wayne, Indiana, marketing area", hereinafter referred to as "marketing area" means all the territory geographically located within the perimeter boundaries of the counties of LaGrange, Steuben, Noble, De Kalb, Whitley, Allen, Huntington, Wells and Adams, all in the state of Indiana, including all municipal corporations and institutions owned or operated by the Federal, State, or County Government, lying wholly or partially within such areas.

§ 932.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 932.7 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant(s) store) of any fluid milk product classified as Class I milk other than a delivery to a pool plant, or nonpool plant, or food processing plant(s) for use other than for fluid consumption.

§ 932.8 Fluid milk plant.

"Fluid milk plant" means a plant, approved by a duly constituted health authority in the marketing area, for fluid disposition of Grade "A" milk from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 932.9 Pool plant.

"Pool plant" means any milk plant specified in paragraph (a) or (b) of this section, except, the plant of a producer-handler or a plant for which the handler is exempt pursuant to § 932.80.

(a) A fluid milk plant which disposes of 50 percent or more of its total receipts during the month as fluid milk products classified as Class I milk from route(s) and 15 percent or more of such receipts as fluid milk products classified as Class I milk on route(s) in the marketing area.

(b) A plant approved by a duly constituted health authority within the marketing area from which during any month 50 percent or more of its total receipts for such month of milk from farms eligible for sale as Class I milk within the marketing area is delivered to a plant(s) defined in paragraph (a) of this section.

§ 932.10 Nonpool plant.

"Nonpool plant" means any milk processing or distributing plant in any month in which it is not a pool plant.

§ 932.11 Producer.

"Producer" means any person except a producer-handler who produces milk eligible for sale in fluid form as Grade "A" milk in the marketing area which is either (a) received from the farm at a pool plant or (b) received at a nonpool plant located within the marketing area and operated by a cooperative association, or (c) caused to be diverted direct from the farm to a nonpool plant for the account of a cooperative association.

§ 932.12 Handler.

"Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which a route is operated in the marketing area, and (c) any cooperative association operating a nonpool plant within the marketing area with respect to (1) producer milk caused by it to be delivered to a pool plant as defined in § 932.9(a) for which milk such association is authorized to receive payment, or (2) producer milk which such association has caused to be delivered for its account to a nonpool plant. Producer milk so caused to be delivered shall be deemed to be received by such association.

§ 932.13 Producer milk.

"Producer milk" means all the skim milk and butterfat contained in milk received from producers, or skim milk and butterfat, transferred in the form of milk to a pool plant as defined in § 932.9(a) from a nonpool plant located within the marketing area and operated by a cooperative association to which such association causes producers' milk to be delivered pursuant to § 932.12(c)(2), shall be considered to have been "producer milk" if (a) the cooperative association and the handler operating the pool plant mutually indicate to the market administrator in writing on or before the 8th day after the end of the month within which such transfer occurred, their desire that such skim milk and butterfat be considered as producer milk, and (b) the amount of skim milk and the amount of butterfat so transferred as producer milk is no greater than the amount of skim milk or the amount of butterfat, respec-

tively, contained in producer milk caused by such association to be delivered to such nonpool plant during the month.

§ 932.14 Other source milk.

"Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than producer milk and a pool plant(s).

§ 932.15 Producer-handler.

"Producer-handler" means any handler who produces milk eligible for sale in fluid form as Grade "A" milk within the marketing area but receives no milk directly from other dairy farmers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce such milk and the processing, or distribution of such milk are his personal enterprise and at his personal risk.

§ 932.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, butterfat, milk concentrate; milk drinks (plain or flavored), cream (including sterilized cream), or any mixture of milk, skim milk, or cream (except storage cream, aerated cream products, ice cream, ice cream mix, milk shake mixes, eggnog, sour cream, evaporated or concentrated milk and sterilized products packaged in hermetically sealed containers).

MARKET ADMINISTRATOR

§ 932.20 Designation.

The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 932.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 932.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 932.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 932.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 932.30 or (2) payments pursuant to §§ 932.70, 932.71, 932.73, 932.74, 932.76, 932.77, and 932.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day after the end of such month, the minimum class prices for milk (rounded to the nearest cent) and the butterfat differentials computed pursuant to §§ 932.51 and 932.52;

(2) On or before the 14th day after the end of such month, the uniform price computed pursuant to § 932.61 and the butterfat differential pursuant to § 932.62;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 932.30 Monthly reports of receipts and utilization.

(a) On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 932.12 (a) or (b) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class III milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other handlers.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products; and

(4) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler, who operates a nonpool plant as referred to in § 932.12(c) shall report to the market administrator on or before the 8th day after the end of each month, its total receipts of skim milk and butterfat in producer milk, its disposition of such receipts to pool plants, and the utilization of such receipts in its nonpool plant.

§ 932.31 Other reports.

(a) Each producer-handler who handles during the month only milk of his own production shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

(b) On or before the 25th day of each month, each handler who operates a pool plant shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 932.32 Records and facilities.

Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging;

(b) The weights and tests for butterfat and for other content, of all other skim milk or butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 932.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of this act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 932.40 Skim milk and butterfat to be classified.

All skim milk and butterfat, in any form, received in the month by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 932.41 through 932.47.

§ 932.41 Utilization.

Subject to the conditions set forth in §§ 932.43 and 932.44 the skim milk and butterfat described in § 932.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I utilization shall be all the skim milk (including the skim milk equivalent of concentrated products) and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (c) (2), (3), and (5) of this section; or

(2) Not accounted for as Class II or Class III utilization.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce a product other than a fluid milk product or a Class II product;

(2) Disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup, or bakery products and used in such products;

(3) In condensed or skim milk (sweetened or unsweetened) disposed of to commercial food processors;

(4) Disposed of (or used to produce, in the case of ice cream, frozen desserts, and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese, and nonfat dry milk;

(5) Dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk;

(6) Disposed of as a milk product other than any of those specified in paragraph (a) (1), in paragraph (b), and in paragraph (c) (1), (2), (3), and (4) of this section;

(7) Contained in monthly inventory variations;

(8) In shrinkage not to exceed one-half of one percent of the skim milk and butterfat, respectively, in producer milk physically received at the plant, plus one and one-half percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, less such products disposed of by such plant in bulk to another pool plant; and

(9) In shrinkage of other source milk.

§ 932.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between producer milk and other source milk.

§ 932.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 932.44 Transfers.

Skim milk and butterfat disposed of by a handler from a pool plant as a fluid milk product shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 932.46 (c) and (d) and any excess of such skim milk or butterfat, respectively, shall be assigned to the next highest class;

(b) As Class I milk if transferred to the plant of a producer-handler;

(c) As Class I milk if transferred in the form of milk or skim milk in bulk to a nonpool plant, unless:

(1) The transferee plant is located less than 150 miles from the Allen County Court House in Fort Wayne, Indiana, by the shortest hard surface highway distance as determined by the market administrator;

(2) The transferor plant claims classification in a lower class in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available as requested by the market administrator for the purpose of verification; and

(4) Such nonpool plant has actually used in the classification claimed the amount of skim milk or butterfat, respectively, equivalent to the total claimed in such classification by all handlers transferring to such nonpool plant, plus that priced in a comparable class under other Orders on the basis of the utilization in such plant. Should the equivalent utilization in the nonpool plant be less than the required total, a pro rata share of the excess shall be classified in the next higher price available utilization.

§ 932.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors, the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 932.46 Allocation of skim milk and butterfat classified.

The pounds of milk remaining after making the following computations with respect to the pool plants of each handler shall be the pounds of skim milk in such class allocated to the producer milk of such handler:

(a) Subtract from the total pounds of skim milk in Class III milk the shrinkage of skim milk classed as Class III milk pursuant to § 932.41(c)(8);

(b) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk contained in the monthly inventory variation;

(c) Subtract from the pounds of skim milk remaining in each Class, in series, beginning with the lowest-priced utilization, the pounds of skim milk in other source milk other than that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each Class, in series, beginning with the lowest-priced utilization, the pounds of skim milk contained in other source milk received from a plant at which the handling of milk is fully subject to the classification and pricing provision of other orders issued pursuant to the Act;

(e) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 932.44(a);

(f) Add to the remaining pounds of skim milk in Class III milk, the pounds of skim milk subtracted pursuant to paragraphs (a) and (b) of this section; and

(g) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class, in series, beginning with the lowest-priced utilization. Any amount so subtracted shall be known as "overage."

§ 932.47 Allocation of butterfat.

Allocate the pounds of butterfat in each class to milk received from producers in a manner similar to that prescribed for skim milk in § 932.46.

MINIMUM PRICES

§ 932.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated as follows:

Company and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade "A" (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 932.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk of 3.5 percent butterfat content per hundredweight shall be the basic formula price plus $1.30, plus or minus a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk disposed of from pool plants in the first and second delivery period preceding by the total volume of producer milk for the same delivery periods multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the Class I utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

Delivery period for which the class price is being computed:	*Standard utilization percentage*
January	86
February	82
March	78
April	73
May	68
June	60
July	54
August	56
September	61
October	70
November	81
December	87

(3) Determine the amount of the supply-demand adjustment as follows:

(i) Supply-demand adjustment for specified delivery period is:

If net utilization percentage is—	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
	Cents	*Cents*	*Cents*
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 or −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

(ii) When the net utilization percentage does not fall within a tabulated bracket, the adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The price for Class II milk of 3.5 percent butterfat content per hundredweight shall be the basic formula price plus 30 cents;

(c) *Class III milk price.* The price for Class III milk of 3.5 percent butterfat content per hundredweight shall be the basic formula price.

§ 932.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 932.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat by an amount computed by multiplying the average daily wholesale price per pound of Grade "A" (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month by the following factors:

(a) *Class I milk.* Multiply by 1.3 and divide the result by 10;

(b) *Class II milk.* Multiply by 1.2 and divide the result by 10;

(c) *Class III milk.* Multiply by 1.15 and divide the result by 10.

§ 932.53 Location differentials to handlers.

(a) For producer milk received at a pool plant which is assigned to Class I milk, the price specified in § 932.51(a) shall be reduced at the rate set forth in the following schedule, calculated from Allen County Court House, Fort Wayne, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator.

(b) Shortest highway distance from Allen County Court House, Fort Wayne, Indiana:

Miles	*Location adjustment (dollars per hundredweight)*
60 to less than 70	0.10
For each additional 15 miles or fraction thereof, an additional	.015

§ 932.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 932.60 Net obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 932.45 by the applicable class price adjusted pursuant to §§ 932.52 and 932.53 and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage subtracted from any class pursuant to § 932.46(g) by the applicable class price;

(c) Add any amount computed by multiplying any other source milk subtracted from Class I pursuant to § 932.46(c) by the difference between the Class I and Class III prices for the month.

§ 932.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content f.o.b. the marketing area as follows:

(a) Combine into one total, the values computed pursuant to § 932.60 for all handlers who made reports pursuant to § 932.30 and who are not in default of payments pursuant to § 932.74;

(b) Subtract for each of the months of April, May, and June an amount equal to 8 percent of the Class I price multiplied by the quantity of producer milk;

(c) Add during each of the months of September, October, and November, one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Subtract if the average butterfat content of producer milk included in these computations is greater than 3.5 percent or add if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 932.62 and multiplying the resulting figure by the hundredweight of milk;

(e) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 932.63;

(f) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund, adjusting for paragraph (b) or (c) of this section, as the case may be;

(g) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(h) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund, adjusting the price to the nearest cent.

§ 932.62 Producer butterfat differential.

In making payments pursuant to § 932.70 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 932.52 weighted by the pounds of butterfat in producer milk in Classes I, II, and III, respectively, with the result rounded to the nearest tenth of a cent.

§ 932.63 Location differential to producers.

The applicable uniform prices computed pursuant to § 932.61 to be paid for producer milk received at a pool plant located outside the marketing area shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 932.53.

§ 932.64 Notification of handlers.

On or before the 13th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the total thereof; (b) the applicable minimum class prices and uniform price; (c) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to §§ 932.74, 932.75, 932.76, and 932.77.

PAYMENTS

§ 932.70 Time and method of final payment.

Each handler shall make payments, after deducting the amount of payments made pursuant to § 932.71 as follows:

(a) On or before the 17th day after the end of each month, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such month pursuant to § 932.61 adjusted by the producer butterfat differential and location differential to producers pursuant to §§ 932.62 and 932.63 for all milk received from such producer during such month: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 932.75 he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to producer milk caused by it to be delivered to such handler during such month, not less than the value of such milk computed at the minimum class prices. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, and Class III milk as determined pursuant to § 932.46.

§ 932.71 Partial payments.

(a) On or before the last day of each month, each handler shall make payment, except as set forth in paragraph (b) of this section, to each producer, for the milk received from such producer by such handler during the first 15 days of such month, at not less than the uniform price for the preceding month.

(b) On or before the day immediately preceding the last day of each month, each handler shall make payment to a cooperative association, for milk caused to be delivered from producers' farms to such handler by such association during the first 15 days of such month, at not less than the uniform price of the preceding month.

§ 932.72 Producer settlement fund.

The market administrator shall establish and maintain a separate fund designated as the "producer settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 932.73 and 932.74 and out of which he shall make all payments pursuant to § 932.75.

§ 932.73 Obligations of handlers operating nonpool plants pursuant to § 932.12(b).

An operator of a nonpool plant not fully regulated under another Federal order issued pursuant to the Act shall pay into the producer settlement fund the amount computed pursuant to paragraph (a) of this section unless the handler elects at the time he files his handler's monthly report to pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed by multiplying such handler's Class I milk disposition in the marketing area by the difference between the applicable Class I price and the Class III price adjusted for the location differential to handlers pursuant to § 932.53 and the butterfat differentials to handlers pursuant to § 932.52 and the expense of administration;

(b) An amount (1) for deposit into the producer-settlement fund, equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 932.60 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 932.9(b)) which serves as a source of milk for such nonpool plant, if such plant(s) were a pool plant(s), (i) the gross payments made on or before the 17th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 932.11(a), and (ii) any obligations incurred in accordance with provisions similar to those contained in this paragraph or paragraph (a) of this section applicable to such plant as a partially regulated plant under another order issued pursuant to the Act: *Provided*, That in the application of § 932.46 (c) and (d) for the purpose of this paragraph, transfers or diversions of milk from such milk plant(s) to a pool plant shall be classified as Class I, Class II, and Class III milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 932.46 (c) and (d) and the corresponding steps of § 932.47: *And provided further*, In the application of § 932.46(e) and the corresponding step of § 932.47, receipts of fluid milk products at such fluid milk plant(s) from a pool plant(s) shall be allocated from the class in which such products are classified at the pool plant pursuant to § 932.44; and (2) for expense of administration, equal to the amount which would have been computed pursuant to § 932.76 if such fluid milk plant were a pool plant during the month: *Provided*, That such amount shall be reduced by any amounts paid as an expense of administration determined on the basis of Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued under the Act: *And provided further*, That (1) if less Class I milk is disposed of from such plant on routes in the Fort Wayne, Indiana marketing area than is disposed of on routes in another marketing area(s) as defined in an order(s) issued pursuant to the Act, and (ii) if an expense of administration is applied at such plant as if a fully regulated (pool) plant under the order for the marketing area where the volume of Class I milk disposed of from such plant is greatest, no expense of administration shall be applicable under this part.

§ 932.74 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler operating a pool plant shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month, by the uniform price adjusted by the producer butterfat and location differentials.

§ 932.75 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 932.60 is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 932.76 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 932.46(c) and the corresponding step of § 932.47; and

(c) The amount of milk for which a payment is computed pursuant to § 932.73 (a) or (b).

§ 932.77 Marketing services.

(a) (1) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 932.70(a), shall make a deduction of 6 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(i) All milk received from producers at a plant not operated by a cooperative association; and

(ii) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

(2) Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of each month. Such monies shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.70(a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of such month, such deduction to the association entitled to receive it under this paragraph.

§ 932.78 Adjustments of accounts.

(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due.

(1) The market administrator from such handler,

(2) Such handler from the market administrator, or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.73, 932.74, 932.75, 932.76, 932.77, or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month thereafter until such obligation is paid.

§ 932.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(a) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(a) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 932.80 Milk subject to other Federal orders.

Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another order issued pursuant to the Act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Fort Wayne, Indiana marketing area shall be exempted for such month from all provisions of this order except §§ 932.31, 932.32, and 932.33 unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

§ 932.81 Producer-handler.

A producer-handler shall be exempt from all provisions of this part except §§ 932.31, 932.32, and 932.33.

§ 932.82 Milk caused to be delivered by cooperative associations.

A cooperative association shall be deemed to be a handler pursuant to § 932.12(c)(1), with respect to producer milk caused by it to be delivered to a pool plant, only for the purpose of making such payments to the market administrator as are required of such association pursuant to § 932.74.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 932.90 Effective time.

The provisions of this part or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 932.91 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provisions of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 932.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 932.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 932.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 932.101 Separability of provisions.

If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by the Tonne Dairy, Inc.:

Proposal No. 2. Extend the Fort Wayne marketing area to include all of Allen County.

Proposal No. 3. When one handler purchases milk from another handler in bulk tank they be allowed a portion of the total allowable shrinkage.

Proposed by the National Cheese Company:

Proposal No. 4. That, sour cream manufactured from milk subject to the price and pooling of Chicago, Illinois, market order No. 41, be allocated to Class I at pool plants under the [Fort Wayne] order where such sour cream is received, handled, and distributed in the same consumer or institutional size packages in which it is received.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 507 Strauss Building, 809-11 South Calhoun Street, Fort Wayne, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 29th day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-6133; Filed, July 1, 1960; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

COLOR CERTIFICATION

Ext D&C Yellow Nos. 9 and 10; Notice of Proposal To Delist

Information available to the Food and Drug Administration indicates that it is not possible, under present-day manufacturing conditions, to prepare two of the coal-tar colors that may be certified for external use (Ext D&C Yellow No. 9 and Ext D&C Yellow No. 10) without resulting in the presence of β-naphthylamine in the finished colors. From data available to the Administration it is concluded that β-naphthylamine is not a harmless substance when applied to the human skin. Therefore, the Commissioner of Food and Drugs, on his own initiative, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 70 Stat. 919; 21 U.S.C. 371(e)), delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500) proposes to amend the color-certification regulations (21 CFR 9.309, 9.310) by deleting from the list of colors eligible for certification Ext D&C Yellow No. 9 (§ 9.309) and Ext D&C Yellow No. 10 (§ 9.310).

All interested persons are invited to submit their views in writing regarding this proposal and to submit such comments in quintuplicate prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER. Comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C.

Dated: June 27, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-6143; Filed, July 1, 1960; 8:49 a.m.]

[21 CFR Part 19]

[Docket No. FDC 69]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cheddar Cheese, Washed Curd Cheese, Colby Cheese, Granular Cheese, Swiss Cheese; Notice of Public Hearing

In the matter of amending the standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese:

It was announced by an order published in the FEDERAL REGISTER of April 9, 1960 (25 F.R. 3073), that a hearing would be held in the above-identified matter to resolve the objections filed to the order published in the FEDERAL REGISTER of February 5, 1960 (25 F.R. 1016). Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371), vested in the Secretary of Health, Education, and Welfare, and delegated to the Commissioner of Food and Drugs (22 F.R. 1045, 23 F.R. 9500), notice is given that a public hearing will be held on the issues as hereinafter set forth.

The hearing will begin at 10:00 o'clock, eastern daylight time, in the morning of August 2, 1960, in room G-747A, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., and will continue thereafter at such times and places as directed by the presiding officer. All persons interested are invited to attend the hearing and present evidence. The hearing will be conducted in accordance with the rules of practice provided therefor. A prehearing conference for the simplification of the issues, exchange of documentary evidence, the scheduling of witnesses, and such other matters as may aid in the disposition of the proceeding will be held in Room G-747A, Health, Education, and Welfare Building, beginning at 10:00 o'clock in the morning of August 1, 1960. All interested persons who will attend the hearing are urged to appear or to send a representative. Any interested person intending to introduce documentary evidence at the hearing is requested to bring five copies of such documentary evidence to the prehearing conference or to send five copies to the presiding officer in advance of the conference. Only those persons expecting to actively participate at the hearing should attend the prehearing conference. All persons

expecting to attend the prehearing conference should notify the presiding officer in advance.

Evidence will be restricted to testimony and exhibits relevant to the issues hereinafter set forth.

The issues to be resolved are:

1. Whether the addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration would affect the quality of such cheeses as compared with cheeses manufactured from untreated milk.

2. Whether addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration will permit the production of cheese of apparently high quality from milk inferior in quality to that ordinarily used in the manufacture of such cheeses.

3. Whether the permissive use of hydrogen peroxide and catalase in the cheeses under consideration would encourage the insanitary handling of milk and retard progress in milk-sanitation programs.

4. Whether the addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration significantly impairs the nutritive qualities of such cheeses.

Mr. William J. Risteau, Room 5440, Health, Education, and Welfare Building, is hereby designated as presiding officer to conduct the hearing, with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceeding to the Commissioner of Food and Drugs for action on the proposal.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: June 21, 1960.

[SEAL] JOHN L. HARVEY,
Deputy, Commissioner of Food and Drugs.

[F.R. Doc. 60-6099; Filed, July 1, 1960; 8:45 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the issuance of a regulation to establish a tolerance of 5 parts per million (0.0005' percent) of ethion (*O,O,O'O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on dehydrated citrus pulp intended for use as cattle feed, as a result of the use of ethion as a pesticide chemical on the citrus fruit.

Dated: June 27, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6136; Filed, July 1, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

EXEMPTION OF LUMINOUS TIMEPIECES CONTAINING HYDROGEN 3 (TRITIUM)

Notice of Proposed Rule Making

The following proposed amendment is designed to exempt from the Commission's regulatory controls the possession, distribution, and use of luminous dial watches and clocks containing specified, small quantities of tritium as the luminescing agent. Tritium is a low energy beta-ray emitter and, in the quantities and forms specified herein, would not present an undue hazard to the user thereof or the public.

The proposed exemption would permit the distribution to, and possession by, unlicensed persons of watches and clocks bearing tritium activated phosphors contained in insoluble paint firmly bound to the watches and clocks. The exemption to be granted to persons, such as watch and clock manufacturers, importers, distributors and retailers, who acquire such timepieces for resale would be limited in that the exemption would apply only insofar as the tritium paint on the timepieces meets the criteria specified in the proposed amendment (§ 30.10(a)).

Paragraph (b) of the proposed exemption is designed to free the consumers and users of the watches and clocks from any obligation to determine whether or not the tritium contained on such timepieces has been applied in a manner consistent with the criteria in paragraph (a) of the proposed amendment.

Under the terms of the proposed amendment, persons engaged in the production of tritium paints or in the application of tritium paints to timepieces would continue to be subject to the Commission's specific licensing requirements. Thus the Commission will continue to regulate the conduct of such activities to assure that the activities are performed in a safe manner.

Notice is hereby given that adoption of the following amendment to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within 60 days after publication of this notice in the FEDERAL REGISTER.

1. Add a new § 30.10 to read as follows:

(a) Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30 of this chapter to the extent that such person receives, imports, possesses, uses, transfers, exports, owns or acquires timepieces, or luminous hands or dials therefor, bearing tritium in accordance with the following specifications:

(1) The tritium is intimately bound in luminous paint, which paint is insoluble in water or in chemical reagents and solvents likely to be encountered in cleaning of the luminous timepiece;

(2) The rate of loss of tritium through diffusion or other means does not exceed five percent of the total radioactivity per twelve-month period;

(3) Each timepiece contains no more than a total of 25 millicuries of tritium;

(4) Luminous hands, as replacement parts for timepieces, contain not more than 5 millicuries of tritium per hand; and

(5) Luminous dials (bezels, when used, shall be considered as part of the dial), as replacement parts for timepieces, contain not more than 15 millicuries of tritium per dial.

Any person importing such timepieces, luminous hands, or luminous dials, under the exemption of this paragraph (a) for distribution shall file an annual report with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., setting forth the number of watches and luminous replacement parts imported during the reporting period. Each such report shall cover the twelve months ending June 30 and shall be filed within thirty days thereafter.

(b) Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30 of this chapter to the extent that such person receives, imports, possesses, or uses, for purposes other than sale or resale, timepieces containing tritium, without regard to whether such timepieces conform to specifications in paragraph (a) of this section.

(c) The exemptions in this § 30.10 shall not be deemed (1) to apply to any byproduct material other than tritium, contained in timepieces, or hands or dials therefor; or (2) to exempt the manufacture of tritium paint for, or the application of tritium paint to, timepieces or hands and dials for timepieces from the licensing requirements of this part.

RADIATION SAFETY SUMMARY OF TRITIUM-ACTIVATED DIALS IN LUMINOUS TIMEPIECES

1. A study of the radiation from 25 millicuries of tritium (H-3) indicates that this amount of H-3 would be safe for use in exempt luminescent timepieces under the conditions of § 30.10 of the proposed Part 30 amendment. Moreover, the use of tritium should be encouraged in preference to other radioactive materials of greater hazard, such as radium.

2. The tritium-activated phosphors to be considered in this exemption are contained in an insoluble paint that is firmly bound to the face of the timepiece, as specified in the conditions of § 30.10. An important advantage to the use of tritium is that tritium is an isotope of the chemical element hydrogen and it can thus be incorporated into the molecular structure of plastic materials in which it is contained, such as lucite or plexiglass. In this form, the tritium cannot detach itself from the insoluble and non-volatile plastic matrix unless the plastic is destroyed by fire or other violent chemical reaction. These chemical advantages are in addition to the advantage of the very low penetrating ability of the radiation from tritium, as discussed below.

3. The external radiation from 25 millicuries of tritium while bound to the watch dial is negligible, since the maximum range of tritium beta particles in air is less than one-half inch and the betas have insufficient energy to penetrate either a watch crystal or the insensitive layer of skin. Conditions of the proposed exemption, § 30.10, assure that the tritium would not be removed easily from the watch dial even when handled by a repairman. Thus, under normal conditions of use, either with the watch crystal removed or in place, the radiation hazard would be negligible.

4. The negligible radiation from tritium-dial timepieces may be compared with the radiation emitted from radium-dial watches presently in use. Radium watches have been found [1] to contain up to 2.2 microcuries of radium, averaging about one-fifth [2] to one-fourth of a microcurie. A 2.2 microcurie watch was found [3] to read 8 milliroentgens per hour at the back. The average watch would give doses about .1 as great as the 2.2 μc watch. Thus a watch containing 0.22 μc of radium worn 16 hours per day, would give a dose of about 90 millirem per week to the wrist, or about 4.5 rem per year. This dose is received only in a small part of the forearm near the watch, but it may be compared to the maximum permissible limit of 75 rem per year to hands and forearms recommended [3] for radiation workers. The British Medical Research Council estimated [3] that luminous watches and clocks containing an average of one-fifth microcuries of radium increased the population dose to the gonads by 1 percent of the natural background. Dr. Haybittle notes that if watches containing the larger amounts of radium should become more popular with the public, then luminous watches would be second only to diagnostic radiology in the dose contributed to the gonads. Thus, under some conditions of use the exposures from radium-dial watches might produce genetically significant exposures, whereas the radiation from tritium-dial watches would be essentially zero.

5. The hazard is also negligible to the repairman handling timepieces containing up to 25 millicuries of tritium bound to the dial in insoluble form under the conditions of this amendment. As mentioned above, there is no significant radiation hazard when the tritium is bound to the watch. When taken into the body, the mode of intake giving the highest radiation dose is that of breathing tritium in insoluble form into the lung. To obtain an internal lung dose of 12 rem in one year, considered by the NCRP within safe limits for radiation workers, at least 2 millicuries of tritium in insoluble form would have to be breathed into the lung. Even this much exposure is extremely unlikely under normal handling conditions.

6. Under accidental conditions, even if the entire 25 millicuries of tritium were somehow breathed into the lung (an extremely improbable event under the conditions of this amendment, even if a watchmaker tried to remove the tritium and breathe it in), the resulting lung dose of 150 rem in a period of several weeks would not be likely to produce observable injury. If the 25 millicuries of tritium were somehow solubilized by accident or fire, an intake of 15 millicuries would be required to give a whole body dose of 3 rem in 13 weeks, which is allowed for radiation workers according to 10 CFR 20 and is considered safe by the NCRP. Even this small order of accident is extremely unlikely.

7. For comparison, the inhalation of 6 microcuries of radium—which gives a luminescence equivalent to that from 25 millicuries of tritium—although extremely unlikely, could give a dose of 1500 rem to the lung within several years, which far exceeds the dose limits of 10 CFR Part 20. Moreover, it is possible that some of this radium could be solubilized in the body and deposit more than the 0.1 microcurie maximum permissible burden recommended for continuous occupational exposure in the NCRP Handbook 69, June 5, 1959. Since radium remains in bone for a long time, the amount of 0.1 microcurie of radium deposited initially could be considered almost as hazardous as a continuous intake that would fix the body burden at 0.1 microcurie throughout life. Although the probability of taking in radium, as well as tritium, from a watch dial is small, it is seen that doses possible from equivalent fractional intakes of radium are much greater than those from tritium.

8. It is estimated that the present rate of sale of luminous dial watches averages about 2 million per year in the United States. Even if each of these watches contained the proposed maximum exempt quantity of 25 millicuries, and if all of the tritium dials were somehow dispersed to the environment yearly, the addition of tritium to the environment would be only 50,000 curies per year. This may be compared to a natural tritium production by cosmic rays of 2.5 million curies per year.[4] The dose rate to the body from naturally-produced tritium is less than one hundred-thousandth of the dose rate of about 150 millirad per year from all natural background sources. Thus, the maximum possible addition to environmental exposure from the proposed use of up to 25 millicuries of tritium per luminescent timepiece would be less than two ten-millionths of the natural background rate of exposure—an entirely negligible amount by any reasonable standards of safety.

9. Conclusions: The possible radiation exposures from tritium-dial timepieces are negligible compared to those from luminous timepieces presently in use, although exposures from present luminous timepieces are relatively low. Thus, the use of tritium-dial timepieces would be safe and, moreover, would be expected to result in a reduction of radiation exposure to the population.

NOTE: Copies of a more detailed study on this subject have been placed on file for reference at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 14th day of June 1960.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 60-5729; Filed, June 30, 1960; 12:45 a.m.]

[1] J. L. Haybittle, "Radiation Hazard from Luminous Watches", Nature, Vol. 181, No. 4620, May 17, 1958.

[2] "The Hazards to Man of Nuclear and Allied Radiations", British Medical Research Council, 1956 (Her Majesty's Stationery Office, London, England).

[3] "Maximum Permissible Radiation Exposures to Man", statement of the Nat'l Committee on Rad. Protection & Measurements, April 15, 1958.

[4] S. Kaufman and W. F. Libby, Phys. Rev. 93, 1337 (1954); H. Von Buttlar and W. F. Libby, J. Inorg. and Nuc. Chem. 1, 75 (1955).

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-26]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of a Federal Airway, Associated Control Areas, Reporting Points and Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.105, 601.105, 601.1025 and 601.4105 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 5 and its associated control areas presently extends in part from New Orleans, La., to Milwaukee, Wis. The Federal Aviation Agency has under consideration the revocation of this segment of Amber 5. The Federal Aviation Agency IFR peak-day airway traffic survey for the period January 1, 1959, through December 31, 1959, shows a maximum of 2 aircraft movements between any two reporting points between New Orleans and Milwaukee. On the basis of the survey, it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. Concurrently with the action to revoke this segment of Amber 5, the associated designated reporting points would also be revoked. In addition, it is proposed to redescribe the New Orleans control area extension by excluding reference to low frequency airways in the description of the control area extension because of the diminishing requirement for and gradual phasing out of L/MF airways. Redesignation of the New Orleans control area extension as proposed herein would simplify the description. The redescribed control area extension would encompass essentially the same area with the exception of the northern portion in the vicinity of McComb, Miss., which would be revoked since it appears that this portion is not required for the protection of aircraft.

If these actions are taken, the segment of Amber Federal airway No. 5 and associated control areas from New Orleans, La., to Milwaukee, Wis., would be revoked. In addition, the following associated radio range station reporting points would be revoked; Jackson, Miss., Greenwood, Miss., Advance, Mo., Springfield, Ill., Joliet, Ill., also the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range would be revoked as a designated reporting point. The New Orleans control area extension would be redesignated as the area northeast of New Orleans bounded by a line beginning at the eastern boundary of VOR Federal airway No. 9 at latitude 31°00'00" N., thence east along latitude 31°00'00" N., to longitude 89°00'00" W.,

thence north along longitude 89°00'00" W., to latitude 31°15'00" N., thence east along latitude 31°15'00" N., to longitude 88°00'00" W., thence south along longitude 88°00'00" W., to the northern boundary of VOR Federal airway No. 20, thence southwest along the northern boundary of Victor 20 to the eastern boundary of Victor 9, thence north along the eastern boundary of Victor 9 to the point of beginning, excluding the area between Victor 20 and Victor 20 north alternate bounded on the southwest by the northern shoreline of Lake Ponchartrain and on the east by longitude 89°18'30" W.; that area within the United States southeast, south and southwest of New Orleans bounded by a line beginning at a point on the southern edge of VOR Federal airway No. 20 at longitude 91°05'00" W., and extending eastward along this airway to the southern edge of VOR Federal airway No. 22; thence eastward along Victor 22 to 3 nautical miles east of the shoreline at longitude 89°07'00" W.; thence clockwise along a line 3 nautical miles off-shore to longitude 90°15'00" W.; thence north to latitude 29°15'00" N., longitude 90°15'00" W.; thence west to latitude 29°15'00" N., longitude 91°05'00" W.; thence north to the point of beginning; and that area northwest of New Orleans within a 35-mile radius of the New Orleans VOR extending clockwise from the northern boundary of Victor 20 to the western boundary of Victor 9.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 28, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6119; Filed, July 1, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 17]

[Docket No. 13384]

CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

Consideration Regarding Possible Hazard to Air Navigation

1. The Commission has before it for consideration a request of the Storer Broadcasting Company to extend the time for reply comments in the above-entitled proceeding to July 19, 1960.

2. The Storer Broadcasting Company requests this extension so that it may further study the affirmative comments of various aviation interests and the Federal Aviation Agency who have injected into this proceeding a new issue challenging the basic jurisdiction of the Federal Communications Commission with respect to broadcast towers.

3. It is further stated that study of this new issue will require careful and rather extensive legal research if reply comments are to be of assistance in resolving the matter.

4. The Commission is of the view that an extension of time for the filing of reply comments in the above-entitled proceeding would serve the public interest, convenience and necessity and is warranted.

5. In view of the foregoing: *It is ordered,* That the date for filing reply comments in the above-entitled matter is extended to July 19, 1960.

Adopted: June 28, 1960.

Released: June 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6154; Filed, July 1, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1960 Dept. Circular 1046]

2 PERCENT TREASURY BONDS—R.E.A. SERIES

Offering of Bonds

JUNE 27, 1960.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, gives notice of an issue of bonds of the United States, designated 2 percent Treasury Bonds—R.E.A. Series. These bonds may be subscribed for, at par, effective July 1, 1960, by borrowers from the Rural Electrification Administration, U.S. Department of Agriculture. The bonds will be sold to such borrowers with the specific approval of the Rural Electrification Administration for each transaction. Subscriptions for the bonds shall be submitted to the Secretary of the Treasury through the Rural Electrification Administration.

II. *Description of bonds.* 1. The bonds will bear interest at the rate of 2 percent per annum, payable on a semiannual basis on January 1 and July 1 in each year until the principal amount becomes payable, and will be issued in amounts in multiples of $1,000. Each bond will be issued as of, and will bear interest from, the date payment therefor is received, and will mature twelve years from such date, but may be redeemed at the option of the United States or the Rural Electrification Administration borrowers, in whole or in part, at par, and accrued interest, at any time, upon not less than 30 nor more than 60 days' notice in writing given by either party to the other. From the date of redemption designated in any such notice, interest on the bond or bonds or any part thereof to be redeemed shall cease, and the unredeemed portion, if any, shall be reissued bearing the same issue date as the bond surrendered. Any such notice of redemption given by a Rural Electrification Administration borrower shall be addressed to the Secretary of the Treasury.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will not be acceptable to secure deposits of public monies. They will not be entitled to any privilege of conversion. They will not be transferable. Accordingly, they may not be sold, discounted, hypothecated as collateral for a loan, or pledged as security for the performance of an obligation or for any other purpose. The bonds will be issued in registered form only in the name of the Treasurer of the United States in trust for the Rural Electrification Administration borrowers to which they are allotted. They will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States Bonds, so far as applicable.

III. *General provisions.* 1. The Secretary of the Treasury may, at any time, or from time to time, prescribe supplemental or amendatory rules and regulations with respect to this issue of bonds, and he may terminate the issue at any time without notice.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 60-6141; Filed, July 1, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice No. 10]

ALASKA

Notice of Filing of Alaska Protraction Diagrams, Fairbanks Land District

JUNE 27, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township, and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

SEWARD MERIDIAN—FOLIO NO. 19

Approved: May 25, 1960

Sheet No.
3. Ts. 1 through 4 S., Rs. 57 through 60 W.
4. Ts. 1 through 4 S., Rs. 61 through 64 W.
5. Ts. 5 through 8 S., Rs. 61 through 64 W.

Cover Sheet Showing Location Map and Index.

KATEEL RIVER MERIDIAN—FOLIO NO. 7

Approved: May 24, 1960

Sheet No.
1. Ts. 13 through 16 N., Rs. 1 through 4 W.
2. Ts. 13 through 16 N., Rs. 5 through 8 W.
3. Ts. 13 through 16 N., Rs. 9 through 12 W.
4. Ts. 13 through 16 N., Rs. 13 through 16 W.
5. Ts. 9 through 12 N., Rs. 13 through 16 W.
6. Ts. 9 through 12 N., Rs. 9 through 12 W.
7. Ts. 9 through 12 N., Rs. 5 through 8 W.
8. Ts. 9 through 12 N., Rs. 1 through 4 W.
9. Ts. 5 through 8 N., Rs. 1 through 4 W.
10. Ts. 5 through 8 N., Rs. 5 through 8 W.
11. Ts. 5 through 8 N., Rs. 9 through 12 W.
12. Ts. 5 through 8 N., Rs. 13 through 16 W.
13. Ts. 1 through 4 N., Rs. 13 through 16 W.
14. Ts. 1 through 4 N., Rs. 9 through 12 W.
15. Ts. 1 through 4 N., Rs. 5 through 8 W.
16. Ts. 1 through 4 N., Rs. 1 through 4 W.

Cover Sheet Showing Location Map and Index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 60-6129; Filed, July 1, 1960; 8:47 a.m.]

Office of the Secretary

CATAWBA TRIBE AND ITS INDIVIDUAL MEMBERS

Applicability of Certain Public Law

JUNE 27, 1960.

Notice is hereby given that a majority of the adult members of the Catawba Indian Tribe of South Carolina have indicated their agreement to a division of the tribal assets in accordance with the provisions of Public Law 86-322. Accordingly, the provisions of Public Law 86-322 shall apply to the Catawba Indian Tribe of South Carolina as of the date of publication of this notice in the FEDERAL REGISTER.

The membership roll of the Catawba Indian Tribe of South Carolina shall be closed as of midnight on the day this notice is published.

FRED A. SEATON,
Secretary of the Interior.

[F.R. Doc. 60-6126; Filed, July 1, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 903]

PACIFIC COAST-PUERTO RICO; GENERAL INCREASE IN RATES

Notice of Supplemental Order

On June 10, 1960, the Federal Maritime Board entered the following second supplemental order to the original order, in the proceeding, dated April 19, 1960, appearing in the FEDERAL REGISTER of April 30, 1960 (25 F.R. 3827).

It appearing that the Board has ordered in this proceeding an investigation and hearing of the reasonableness and lawfulness of certain tariff schedules containing increased rates and charges and new rules, regulations and practices

affecting such rates and charges from Pacific Coast ports on the one hand to ports in Puerto Rico on the other; and

It further appearing that the Pacific Coast-Puerto Rican Conference by its Agent, C. R. Nickerson, has filed with the Federal Maritime Board certain revised pages, specified below, to its Tariff No. 1–D, F.M.B.–F. No. 4, setting forth new increased rates and charges and new rules, regulations and practices, affecting such rates and charges applicable from U.S. Pacific Coast ports to ports in Puerto Rico, to become effective June 16, 1960; and

It further appearing that the Isbrandtsen Company, Inc., has filed with the Federal Maritime Board certain revised pages, specified below, to its Pacific Coast to Puerto Rico Tariff No. 2, F.M.B.–F. No. 2, setting forth new increased rates and charges in the same trade specified above, to become effective June 23, 1960; and

It further appearing that upon consideration of said schedules and protests thereto, there is reason to believe that they would, if permitted to become effective, result in rates and charges, rules and regulations, or practices which would be unjust and unreasonable and in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, and good cause appearing therefor;

It is ordered, That the investigation heretofore ordered in this proceeding be expanded to include the reasonableness and lawfulness of the rates, charges, rules and regulations contained in said schedules with a view of making such findings and orders in the premises as the facts and circumstances warrant; and

It is further ordered, That the operation of said pages and/or designated items as specified below, be suspended and that the use thereof be deferred to and including October 13, 1960, unless otherwise authorized by the Board; and

It is further ordered, That the operation of said pages specified in Appendix B attached hereto, be suspended and that the use thereof be deferred to and including October 20, 1960, unless otherwise authorized by the Board; and

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired unless otherwise authorized by the Board; and

It is further ordered, That there shall be filed immediately with the Board by the Pacific Coast-Puerto Rican Conference, C. R. Nickerson, Agent, a consecutively-numbered supplement to Pacific Coast-Puerto Rican Conference Tariff No. 1–D, F.M.B.–F. No. 4, and a consecutively-numbered supplement by Isbrandtsen Company, Inc., to its U.S. Pacific West Coast to Puerto Rico Tariff No. 2, F.M.B.–F. No. 2, which shall reproduce the portion of this Order and Appendix wherein the suspended charges and designated items are described, that the rates, charges, rules, regulations and practices therein stated may not be used until the 14th day of October, 1960, with regard to the Pacific Coast-Puerto Rican Conference, or until the 21st day of October, 1960, with regard to the Isbrandtsen Company, Inc., unless otherwise authorized by the Board; and neither the rates, charges, rules, regulations and practices, hereby deferred nor those which are sought to be altered thereby, may be changed during the period of suspension unless otherwise authorized by the Board; and

It is further ordered, That copies of this order shall be filed with said tariffs in the Office of Regulations of the Federal Maritime Board, that a copy hereof shall be forthwith served upon all protestants and respondents herein; and that a copy of this order be published in the FEDERAL REGISTER.

Dated: June 28, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

Pacific Coast-Puerto Rican Conference Tariff No. 1–D, Agent C. R. Nickerson, F.M.B.–F. No. 4, as follows:
Item 110 of 5th Revised Page 19.
Item 200 of 8th Revised Page 22.
10th Revised Page 39.
20th Revised Page 40.
16th Revised Page 41.
31st Revised Page 42.
14th Revised Page 43.
13th Revised Page 44.
12th Revised Page 45.
10th Revised Page 46.
10th Revised Page 47.
25th Revised Page 48.
15th Revised Page 49.
19th Revised Page 50.
10th Revised Page 51.
11th Revised Page 52.
35th Revised Page 53.
16th Revised Page 54.
9th Revised Page 55.
11th Revised Page 56.
15th Revised Page 57.
11th Revised Page 58.
9th Revised Page 59.
11th Revised Page 60.

To become effective June 16, 1960.

APPENDIX B

Isbrandtsen Company, Inc., U.S. Pacific West Coast to Puerto Rico Tariff No. 2, F.M.B.–F. No. 2, as follows:
6th Revised Page 37.
18th Revised Page 38.
6th Revised Page 39.
19th Revised Page 40.
8th Revised Page 41.
6th Revised Page 42.
6th Revised Page 43.
7th Revised Page 44.
6th Revised Page 45.
18th Revised Page 46.
6th Revised Page 47.
6th Revised Page 48.
7th Revised Page 49.
7th Revised Page 50.
16th Revised Page 51.
12th Revised Page 52.
8th Revised Page 53.
8th Revised Page 54.
7th Revised Page 55.
6th Revised Page 56.
6th Revised Page 57.
7th Revised Page 58.

To become effective June 23, 1960.

[F.R. Doc. 60–6089; Filed, June 30, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–94]

NORTH AMERICAN AVIATION, INC.

Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on June 9, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR–54 authorizing North American Aviation, Inc. to construct a 10 watt (thermal) solution-type nuclear reactor at the DeSoto facility of Atomics International Division, North American Aviation, Inc. in Canoga Park, California. Notice of the proposed action was published in the FEDERAL REGISTER June 10, 1960, 25 F.R. 5192.

Dated at Germantown, Md., this 27th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60–6113; Filed, July 1, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 1705–11 etc.]

MINIMUM ASSEMBLY AND DISTRIBUTION CHARGE RULES

Investigation

The subject investigation was instituted by Order E–15008 dated March 15, 1960, to determine, inter alia, whether the minimum assembly and distribution charges which have been prescribed by the Board [1] should be rescinded insofar as such charges apply to air freight forwarders, or to air freight forwarders and direct carriers.

By a petition for reconsideration filed on March 28, 1960, American Airlines, Inc. has requested the Board to revoke its order assigning the matters herein for hearing and proceed instead by an order to show cause why all freight forwarders and all direct carriers should not be relieved from the prescribed minimum assembly and distribution charge rules.[2] Under American's proposal, interested persons would be afforded an opportunity to file objections and answers to the order to show cause and in the absence of objection, the Board would issue an order making final such decision.

American's suggested procedure is founded upon its assumption that the absence of adverse comment to its objection to an earlier proposal of the Board [3] to relieve air freight forwarders only from minimum accessorial charge rules indicates that there is no opposition to the relief of both air freight forwarders and direct carriers from such rules. Therefore, the carrier urges the Board to issue a show cause order to the end that in the absence of objection the minimum accessorial charge rules may be rescinded as to all air carriers without an evidentiary hearing.

American's petition for reconsideration must be denied.

The Board has not proposed to rescind the currently effective minimum assembly and distribution charge rules for both air freight forwarders and direct air carriers. Neither have interested persons been presented with such a proposal under circumstances where their comments would be expected or required. American's objection to such relief for air freight forwarders only and its request for equal treatment for both direct and indirect carriers was not a proposal to relieve both types of carriers from such minimum charges. Moreover, there is no provision in the Board's Rules of Practice (14 CFR Part 302) for the filing of replies to American's objection. No inference, therefore, can be drawn from the absence of such responses. This conclusion is further supported by the fact that the order to show cause to which American objected (Order E–12936) specifically provided that a hearing would be held in the event such objections were filed.

In issuing the Order to Show Cause (E–12936) why air freight forwarders should not be relieved from the minimum accessorial charge rules, the Board stated that the reasons which had justified its decision not to regulate the minimum line haul rates of freight forwarders appeared equally persuasive in tentatively concluding to relieve air freight forwarders from minimum accessorial charge rules. This rationale, of course, does not support a proposal to relieve direct carriers from the minimum accessorial charge rules nor does the Board have before it other evidence to support this proposal.

We conclude that our further procedures in this matter should provide all parties with the opportunity to submit data, views, and arguments, in support of their position in this proceeding. We will, therefore, deny American's Petition for reconsideration.[4]

We do not believe, however, that a lengthy hearing is necessary in the event the parties are not at issue upon the substantive questions involved. By our order we will direct each of the parties to file and to serve upon all other parties in this matter a statement of position together with the data, views, and arguments which they may desire to submit in support thereof. If these responses indicate that no party desires the maintenance of prescribed minimum assembly and distribution charges, it is contemplated that expedited procedures can be adopted at the prehearing conference to incorporate the relevant data into the record herein for early Board action thereon.

Accordingly, pursuant to the Federal Aviation Act of 1958 (72 Stat. 731) and particularly sections 102, 204(a) and 1002, thereof:

It is ordered, That: 1. The Petition for Reconsideration filed by American Airlines, Inc. on March 28, 1960, is hereby denied.

2. The parties to this investigation, named in Order E–15008, dated March 15, 1960, shall file with the Docket Section of the Board and shall serve upon each other party a statement of position and the data, views, and arguments which they may desire to submit in support of their position. This exchange of material must be made on or before July 29, 1960.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc 60–6146; Filed, July 1, 1960; 8:49 a.m.]

[1] Orders E–4606 and E–4954, dated September 14 and December 20, 1950, respectively.

[2] Delta Air Lines, Inc., Flying Tiger Line, Inc., United Air Lines, Inc., and Trans World Airlines, Inc. have each filed answers in support of American's petition.

[3] On September 3, 1958, the Board issued an order to Show Cause (E–12936) why air freight forwarders should not be relieved from the minimum accessorial charge rules which were prescribed in the Investigation of Accumulation, Assembly and Distribution Rules case, 12 CAB 337 (1950). American objected to the proposal urging that, if there is no longer a need for prescribed minimum accessorial charges, both direct and indirect carriers should be relieved from such rules and, in any event, that such requirements should be uniform for direct and indirect carriers. Thereafter, consistent with the show cause order in the event such objections were filed, Order E–15008 provided for hearing upon the issues raised by American's objection.

[4] We also note that there is no provision in the Board's rules of practice for the filing of a petition for reconsideration other than after a final order (14 CFR 302.37). However, we have considered American's petition on its merits as a motion addressed to the discretion of the Board under Rule 18 (14 CFR 302.18).

FARM CREDIT ADMINISTRATION

[Farm Credit Adm. Order 682]

CERTAIN OFFICERS

Authority and Order of Precedence To Act as Deputy Governor and Director of Land Bank Service

JUNE 27, 1960.

1. Don H. Bushnell, Deputy Director of Land Bank Service (Chief of Appraisals), is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director is unavailable to act by reason of his absence or for any other cause.

2. R. E. Nowlan, Deputy Director of Land Bank Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director and Deputy Director (Chief of Appraisals) Bushnell are unavailable to act by reason of absence or for any other cause.

3. Paul Tomasello, Chief of FLBA Operations, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director, Deputy Director (Chief of Appraisals) Bushnell, and Deputy Director Nowlan are unavailable to act by reason of absence or for any other cause.

4. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 677 (24 F.R. 287).

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 60–6116; Filed, July 1, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13615; FCC 60–738]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 13615; regulations and charges for a connecting arrangement to permit the connection of two two-point duplex teletypewriter services with a customer provided aircraft tracking system.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration certain tariff schedules, designated A. T. & T. Tariff F.C.C. No. 208, 12th Revised page 20E, filed June 14, 1960 by the American Telephone and Telegraph Company under its transmittal number 6330 establishing new regulations and charges applicable to a connecting arrangement to permit the connection of two two-point 60 or 75 speed duplex teletypewriter services with a customer provided aircraft tracking system known as Iconorama, such tariff schedules to become effective on June 15, 1960, on one day's notice under authority of Special Permission No. 3779 of the Commission;

It appearing that A. T. & T.'s application for the special tariff permission referred to above represented that the only customer for the service had requested service as of June 15, 1960; that on the basis of such representation the Commission granted such special permission so as not to deprive the customer of service during the statutory period for filing tariffs; and that the Commission's grant specified that it was not to be construed as approval of the proposed rates;

It further appearing that the Commission is unable to determine that the regulations and charges contained in the new tariff schedules are or will be just and reasonable or otherwise lawful under the provisions of section 201(b) or section 202(a) of the Communications Act of 1934, as amended;

It is ordered, That, pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of

1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned new tariff schedules, including amendments thereto and successive issues thereof;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether any of the classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be followed with respect to the services governed by the tariff schedules listed above and, if so, what classifications, regulations, and practices should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision;

It is further ordered, That American Telephone and Telegraph Company and all carriers concurring in the above-mentioned tariff schedules are hereby made parties respondent in the proceedings.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6147; Filed, July 1, 1960; 8:49 a.m.]

[Docket No. 13288; FCC 60M-1090]

EVANSTON CAB CO.

Order Scheduling Prehearing Conference

In re application of Evanston Cab Company, Docket No. 13288, File No. 34460-LX-59; for authorization to operate a base station in the taxicab radio service in Chicago, Ill.

Pursuant to agreement at the prehearing conference held in this proceeding on June 23, 1960: *It is ordered*, This 24th day of June 1960, that a further prehearing conference will be held on July 12, 1960, at 2:00 p.m., in the offices of the Commission, Washington, D.C.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6148; Filed, July 1, 1960; 8:50 a.m.]

[Docket No. 13598 etc.; FCC 60-721]

GILA BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Gila Broadcasting Company, File Nos. BR-2128, Docket No. 13598, BR-2441, Docket No. 13617, BR-970, Docket No. 13618, BR-2731, Docket No. 13619, BR-973, Docket No. 13620, BRH-851, Docket No. 13621; for renewal of licenses of stations KCKY, Coolidge, KCLF, Clifton, KGLU, Safford, KVNC, Winslow, KZOW, Globe, and KWJB-FM Globe, all in Arizona.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration (1) the above-entitled applications; (2) the Commission's letter of March 9, 1960, sent to the above-named applicant pursuant to section 309(b) of the Communications Act of 1934, as amended; and (3) the reply thereto filed by the applicant on April 7, 1960; and

It appearing that in its letter to the applicant of March 9, 1960, the Commission notified the applicant of the grounds and reasons for its inability to grant its applications; that the Commission was unable to find that a grant of the above-entitled applications would serve the public interest; that, accordingly, it appeared that said applications must be designated for hearing; that the applicant was being afforded the opportunity to reply; and that, in said reply, the applicant set forth the facts and reasons why it believed that said applications should be granted; and

It further appearing that upon due consideration of the above applications, letter and reply the Commission is unable to find that a grant of said renewal applications would serve the public interest; that, therefore, a hearing is required; and that no questions exist as to the qualifications of the applicant except as to the matters involved in the issues set forth below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether, in light of the negotiations and understandings between the parties thereto, the management contract executed by the applicant and Radio Associates, Inc., and filed on March 26, 1952, was inconsistent with the provisions of section 310(b) of the Communications Act of 1934, as amended and the Commission's rules and policies promulgated thereunder.

2. To determine whether, during the period from March 1952 to April 1960, the applicant relinquished control of the above-captioned stations contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

3. To determine whether, during the period from March 1952 to April 1960, Louis F. Long, the principal stockholder of the applicant, acquired and disposed of stock interests in the licensee without obtaining the consent of the Commission, contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

4. To determine whether, during the period from March 1952 to April 1960, the applicant failed to file various reports and agreements as required by the provisions of §§ 1.342 and 1.343 of the Commission's rules and regulations.

5. To determine whether, during the period from March 1952 to April 1960, the applications and reports filed by the applicant contained misrepresentations and omissions of material facts.

6. To determine whether, during its past license period, the applicant operated its broadcast stations contrary to the provisions of §§ 1.301, 3.93, 3.111(b), 3.113, 3.274, 3.901 and 3.931 of the Commission's rules and regulations.

7. To determine whether, in light of the conviction of Louis F. Long, President, Director and principal stockholder of the applicant, on December 2, 1959, of violating the federal income tax laws, Title 26, U.S. Code, Sec. 3793(b)(1), said applicant is qualified to be a broadcast licensee.

8. To determine whether, in light of the evidence adduced with respect to the foregoing issues, grants of the above-captioned applications would serve the public interest, convenience or necessity.

Released: June 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6149; Filed, July 1, 1960; 8:50 a.m.]

[Docket No. 13518 etc.; FCC 60-1099]

HUB CITY BROADCASTING CO., INC. (WHSY) ET AL.

Order Scheduling Hearing

In re applications of Hub City Broadcasting Company, Inc. (WHSY), Hattiesburg, Mississippi, Docket No. 13518, File No. BP-12170; Veterans Broadcasting Company, A Partnership Composed of Max H. Jacobs, Douglas B. Hicks, Bailey Swenson, Leon Green and David H. Morris (KNUZ), Houston, Texas, Docket No. 13519, File No. BP-12179; Price Broadcasting Corporation, Inc., Fairhope, Alabama, Docket No. 13520, File No. BP-12654; Radio New Orleans, Inc. (WJBW), New Orleans, Louisiana, Docket No. 13521, File No. BP-12940; for construction permits.

The Hearing Examiner having under consideration his order released June 15, 1960 (FCC 60M-1035) after the prehearing conference held in the above-entitled proceeding and an unexpected and unavoidable conflict in his hearing calendar which has arisen since which necessitates a change in the date established herein for the commencement of hearing;

It is ordered, On the Hearing Examiner's own motion, This 28th day of June 1960, that the hearing in the above-entitled proceeding shall commence at the Commission's Offices, Washington, D.C., on 10:00 a.m., Thursday, September 1, 1960, instead of July 27th as previously scheduled.

It is ordered further, That the ground rules established at the prehearing conference for the conduct of the hearing and exchange of exhibits shall remain unchanged except to the extent that the parties may, if they so desire, agree among themselves upon changes in dates for the exchange of exhibits provided they advise the Hearing Examiner thereof by appropriate letter and such changes will not adversely affect the orderly and expeditious conduct of the hearing.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6150; Filed, July 1, 1960; 8:50 a.m.]

[Docket No. 13513; FCC 60M-1094]

NATIONAL AMBULANCE & OXYGEN SERVICE, INC.

Order Scheduling Hearing

In the matter of National Ambulance & Oxygen Service, Inc., Rochester, New York, Docket No. 13513; order to show cause why the license for special emergency radio station KED-379 should not be revoked, or, in the alternative, why a cease and desist order should not be issued.

The Hearing Examiner having under consideration the matters discussed on the record during the prehearing conference in the above-entitled proceeding held June 27, 1960, at the Commission's Offices, Washington, D.C.;

It appearing that it is desirable to issue an order formalizing the understandings reached and the Examiner's rulings at the said prehearing conference;

It is ordered, This 28th day of June 1960, that the transcript of the June 27, 1960, prehearing conference is incorporated by reference herein to the extent that it sets forth the ground rules for the conduct of the hearing to be held and reflects the ruling of the Hearing Examiner on respondent's motion for a bill of particulars and the statements of counsel in compliance therewith;

It is ordered further, That the hearing which was previously postponed without date is hereby rescheduled to commence on Wednesday, July 20, 1960, at Rochester, New York, at a place to be announced by Commission notice.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6151; Filed, July 1, 1960; 8:50 a.m.]

[Docket No. 13096; FCC 60M-1097]

VOICE OF DOWAGIAC ET AL.

Order Scheduling Hearing

In re applications of Erwin C. Pond, Raymond Belcher, John M. Litty, Dale A. Engel, Warren E. Ferris and Claire Flanders, d/b as Voice of Dowagiac, Dowagiac, Michigan, Docket No. 13096, File No. BP-11994; Iowa Great Lakes Broadcasting Company (KICD), Spencer, Iowa, Docket No. 13102, File No. BP-12386; WSBC Broadcasting Company (WSBC), Chicago, Illinois, Docket No. 13114, File No. BP-12503; Cornbelt Broadcasting Corporation (KFOR), Lincoln, Nebraska, Docket No. 13120, File No. BP-12697; WTAX, Incorporated (WTAX), Springfield, Illinois, Docket No. 13130, File No. BP-12819; WJMC, Incorporated (WJMC), Rice Lake, Wisconsin, Docket No. 13131, File No. BP-12831; Bloomington Broadcasting Corporation (WJBC), Bloomington, Illinois, Docket No. 13132, File No. BP-12835; Granite City Broadcasting Company (WJON), St. Cloud, Minnesota, Docket No. 13134, File No. BP-12935; Southern Wisconsin Radio, Inc. (WCLO), Janesville, Wisconsin, Docket No. 13138, File No. BP-13048; Marshall Electric Company (KFJB), Marshalltown, Iowa, Docket No. 13139, File No. BP-13086; Radio Moline, Inc. (WQUA), Moline, Illinois, Docket No. 13144, File No. BP-13151; KODY Broadcasting Co. (KODY), North Platte, Nebraska, Docket No. 13145, File No. BP-13152; Wapello County Broadcasting Company (KBIZ), Ottumwa, Iowa, Docket No. 13146, File No. BP-13154; for construction permits.

The Hearing Examiner having under consideration the Commission's Memorandum Opinion and Order (FCC 60-715; 89668), released June 27, 1960,

It is ordered, This 27th day of June 1960, that further hearing in the above newly designated proceeding shall commence at 10:00 a.m., July 14, 1960, in the Commission's offices in Washington, D.C., and

It is further ordered, That, among other timely and valid matters which the parties may wish to propose in the hearing, the hearing shall comprehend the questions, (a) of closing the record herein and, (b) the date for filing proposed findings of fact and conclusions of law.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6152; Filed, July 1, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6049]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

JUNE 27, 1960.

Take notice that on June 20, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in that State and the State of Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of up to but not exceeding $1,200,000 of unsecured Promissory Notes. The unsecured Promissory Notes would be payable to such bank or banks from which Applicant may borrow funds, up to but not exceeding $1,200,000 face amount at any one time outstanding, for periods not exceeding twelve months from the date of original issue or renewal thereof, as the case may be, such Notes issued either originally or upon renewal from time to time to have maturity dates not later than July 1, 1961. Said Notes would bear interest at a rate per annum not in excess of one quarter of 1% over the prime rate in effect in either New York City or Minneapolis, Minnesota at the time of the borrowing or renewal. Applicant proposes to use the proceeds from the issuance and sale of said Notes toward financing the completion of its 1960 construction program and maintaining an adequate working cash position.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 19th day of July 1960 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6121; Filed, July 1, 1960; 8:46 a.m.]

[Docket No. E-6044]

CENTRAL HUDSON GAS & ELECTRIC CO.

Order To Show Cause; Correction

JUNE 23, 1960.

In the "Order To Show Cause", issued June 7, 1960, and published in the FED-

REGISTER on June 14, 1960 (25 F.R. 5311): Change the Docket No. E-6994 to read Docket No. E-6944.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6122; Filed, July 1, 1960; 8:46 a.m.]

[Docket No. E-6948]

NORTHERN STATES POWER CO.

Notice of Application

JUNE 28, 1960.

Take notice that on June 20, 1960, a joint application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Northern States Power Company (NSP-MINN), a Minnesota corporation, and Northern States Power Company (NSP-WIS), a Wisconsin corporation, for authority for NSP-WIS to sell and NSP-MINN to acquire all of the properties of NSP-WIS located in the State of Minnesota. NSP-WIS is a wholly owned subsidiary of NSP-MINN. NSP-MINN is a corporation organized under the laws of the State of Minnesota, having its principal business office at Minneapolis, Minnesota, and doing business in the States of Minnesota, North Dakota and South Dakota. NSP-WIS is a corporation organized under the laws of the State of Wisconsin, having its principal business office at Eau Claire, Wisconsin, and doing business in the States of Wisconsin and Minnesota.

NSP-MINN owns and operates utility properties and furnishes electric service at retail in 399 communities and adjacent rural territories and electric energy at wholesale for resale in 25 additional communities and at wholesale to rural electric cooperative associations and other utility companies. Of the 424 communities so served, 383 (including Minneapolis and St. Paul) are located in Minnesota, 18 in North Dakota, and 23 in South Dakota. NSP-MINN also furnishes natural gas at retail in St. Paul and 33 other communities in Minnesota, liquefied petroleum gas at retail in Winona and East Grand Forks, Minnesota and in Grand Forks, North Dakota; manufactured gas at retail in Moorhead, Minnesota and in Fargo, North Dakota; steam heating service in the central business districts of one community in Minnesota and three in North Dakota; telephone service in Minot, North Dakota, and vicinity; and water service in Tracy, Minnesota. NSP-WIS owns and operates utility properties and furnishes electric service at retail in 167 communities and adjacent rural territories in Wisconsin, and in 12 communities and adjacent rural territories in Minnesota, and electric energy at wholesale for resale to 11 additional communities in Wisconsin and one community in Minnesota and to two utility companies. It also furnishes natural gas in Red Wing, Minnesota and two communities in Wisconsin; liquefied petroleum gas at retail in three communities in Wisconsin; water gas enriched with liquefied petroleum gas in La Crosse, Wisconsin; and hot water or steam for heating purposes to a small number of customers in La Crosse and Hudson, Wisconsin.

NSP-WIS's Minnesota properties are described, as follows: Red Wing Steam Plant located in Red Wing, with a rated capacity of 23,000 kilowatts and a capability of 30,000 kilowatts; approximately 29.6 pole miles of 69 Kv transmission lines, one transmission substation with a transformer capacity of 30,000 Kva, approximately 118 pole miles of urban and 370 pole miles of rural distribution lines, approximately 1.5 trench miles of underground distribution lines, four distribution substations with an aggregate transformer capacity of 22,460 Kva, 2,207 line transformer with an aggregate capacity of 33,272 Kva and 11,252 electric watthour meters; approximately 46.7 miles of distribution gas mains, 3,245 gas meters, and a peak gas shaving plant with two 30,000 gallon storage tanks; and the Minnesota portion of the dam and flowage at St. Croix Falls, Wisconsin-Taylors Falls, Minnesota.

The sale would be made pursuant to the terms and provisions of an Agreement of Sale, dated June 16, 1960, between Applicant and NSP-MINN; the basic purchase price agreed upon by Applicants is $9,469,322.92, payable on August 31, 1960, the closing date. The provisions of the Agreement of Sale provide, also that NSP-MINN will maintain and operate the Minnesota portion of the dam and flowage on the St. Croix River at St. Croix Falls, Wisconsin-Taylors Falls, Minnesota, for the use and at the direction of the Applicant, upon payment to it by Applicant of a monthly charge as provided in said Agreement of Sale. Upon consummation of the proposed transaction NSP-MINN will undertake all duties and legal obligations with respect to NSP-WIS's Minnesota Properties and their operation.

Applicants state that consummation of the proposed transaction will result in a further simplification of the NSP system, confining all NSP-WIS's operations to the State of Wisconsin and permitting its withdrawal as a foreign corporation in Minnesota, and reducing materially the number of reports which it will be required to prepare and file annually, permitting savings in accounting and operating procedures.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the nineteenth day of July, 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6123; Filed, July 1, 1960; 8:46 a.m.]

[Docket No. CP60-14]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 24, 1960.

Take notice that on January 19, 1960, United Gas Pipe Line Company (Applicant), filed an application, as supplemented on February 23, 1960, and March 31, 1960, in Docket No. CP60-14, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate 7.5 miles of 16-inch pipeline lateral from a connection with its Mobile-Pensacola line in a northeasterly direction looping part of its existing 12-inch lateral extending to the Escambia Bay area, all in Escambia County, Florida, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant's main service from the lateral at present is to four direct industrial customers, and that the purpose of the proposed facilities herein is to provide the Escambia Bay industrial area of Applicant's market with additional system capacity to meet increasing industrial demands by the four direct customers.

Total maximum daily and annual volumes estimated to be delivered to each of the four industrial customers and to farm taps of the City of Pensacola and Escambia Gas Service Corporation are:

Customer	Maximum daily delivery estimated 1960 through 1962	Mcf at 14.9 psia; estimated annual deliveries	
		1960	1961 and 1962
American Cyanamid Co.	4,250	451,000	1,150,000
Columbia-National Corp.	1,500	366,000	460,000
Chemstrand Corp.	85,000	14,783,200	18,067,000
Escambia Chemical Corp.	24,000	7,570,000	8,040,000
City of Pensacola and Escambia Gas Service Corp. (farm taps)	9	585	585
Total	85,759	23,170,785	27,717,585

The total incremental deliveries attributable to the proposed facilities are estimated at about 20,000 Mcf on the maximum day and 7,244,351 Mcf during each of the years 1961 and 1962.

The cost of the proposed facilities is estimated at $455,321 which is to be defrayed out of Applicant's current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 28, 1960, at 9:30 a.m., e.d.s.t, in a Hearing Room of the Federal Power Commission, 441 G

Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6124; Filed, July 1, 1960; 8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 50]

RESOLUTION APPROVING APPLICATION OF PUERTO RICO INDUSTRIAL DEVELOPMENT CO. AND ORDER AUTHORIZING ISSUANCE OF GRANT FOR FOREIGN-TRADE ZONE AT MAYAGUEZ, PUERTO RICO

Proceedings of the Foreign Trade Zones Board, Washington, D.C.

Resolution and order. Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u) the Foreign-Trade Zones Board has adopted the following resolution and order:

The Board having considered the matter: *It is ordered*, Upon examination, the application, as amended by letter of October 23, 1959, of the Puerto Rico Industrial Development Company, San Juan, Puerto Rico, for the privilege of establishing, operating, and maintaining a foreign-trade zone at Mayaguez, Puerto Rico, has been found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. Now, therefore, said application for a grant is approved; and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Puerto Rico Industrial Development Company, a grant permitting the establishment, operation, and maintenance of a foreign-trade zone at Mayaguez, Puerto Rico, in compliance with the application, as amended, on file with the Foreign-Trade Zones Board. It is further ordered, that a copy of this grant be made a part of the official records of this Board. The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports, within a reasonable time after issuance of the grant.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT MAYAGUEZ, PUERTO RICO

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (48 Stat. 998-1003; U.S.C. Title 19 § 81a-81u), hereinafter referred to as "the Act", the Foreign-Trade Zones Board, hereinafter referred to as "the Board", is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and,

Whereas, the Puerto Rico Industrial Development Company, a public corporation and an instrumentality of the Commonwealth of Puerto Rico, having its office and principal place of business in the City of San Juan, Puerto Rico, hereinafter referred to as "the Grantee", has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade zone, designated on the records of the Board as Zone No. 7 at Mayaguez, Puerto Rico, as shown on the map accompanying said application, marked Exhibit No. 10; and,

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade zone under the Act and that the facilities and appurtenances which in said application it is proposed to provide are sufficient;

Now, therefore, the Board, subject to the provisions, conditions, and restrictions of the Act and all of the rules and regulations made thereunder, hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 7, at the specific location mentioned above and more particularly described on the map accompanying said application, marked Exhibit No. 10, said grant being subject to the provisions, conditions, and restrictions of the Act and of all rules and regulations made thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blue prints, accompanying the said application and marked Exhibits Nos. 1 to 13, inclusive, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings and blue prints, has previously been submitted to and has received the approval of the Board.

The work of construction under this grant shall commence immediately following the date of the grant; said work shall be diligently prosecuted to completion and the work of construction shall be completed and operation of the zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant. The Grantee shall notify the United States District Engineer in whose District the zone is located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

The Grantee shall, to the extent applicable, fully comply with the provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure the authorizations and approvals of works in navigable waters of the United States required by such laws. The grant herein made shall not be construed as conveying such approval.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said zone in the performance of their official duties.

This grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States of America be liable therefor.

The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports on the application, within a reasonable time after issuance of the grant.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Frederick H. Mueller, at Washington, D.C., this 27th day of June 1960, pursuant to order of the Board.

FOREIGN-TRADE ZONES BOARD,
[SEAL] FREDERICK H. MUELLER,
Chairman and Executive Officer.

Attest:

JOSEPH M. MARRONE,
Executive Secretary.

CERTIFICATE BY EXECUTIVE SECRETARY

I, Joseph M. Marrone, Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the following is a true extract from the records of the proceedings of the Board of that portion of the Minutes (Memorandum) of June 27, 1960 of the Foreign-Trade Zones Board relating to the matter hereinbefore in this grant described:

Upon examination, the application, as amended by letter of October 23, 1959, of the Puerto Rico Industrial Development Company, San Juan, Puerto Rico, for the privilege of establishing, operating, and maintaining a foreign-trade zone at Mayaguez, Puerto Rico, has been

found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. Now, therefore, said application for a grant is approved; and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Puerto Rico Industrial Development Company, a grant permitting the establishment, operation, and maintenance of a foreign-trade zone at Mayaguez, Puerto Rico, in compliance with the application, as amended, on file with the Foreign-Trade Zones Board. It is further ordered, that a copy of this grant be made a part of the official records of this Board. The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports, within a reasonable time after issuance of the grant.

Witness my hand and the seal of the Foreign-Trade Zones Board this 27th day of June 1960, at Washington, D.C.

[SEAL] JOSEPH M. MARRONE,
Executive Secretary.

[F.R. Doc. 60-6120; Filed, July 1, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 28, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36350: *Lime, Alabama to Woodstock, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3974), for interested rail carriers. Rates on lime, pebble, and crude lime, in carloads from Graystone, Keystone, Landmark, Longview, Longview No. 2, North Birmingham, Pelham, Roberta and Scotrock, Ala., to Woodstock, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 131 to Southern Freight Association tariff I.C.C. No. 1345.

FSA No. 36351: *Cheese foods—Missouri to Jersey City, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-7838), for interested rail carriers. Rates on cheese, including cheese food and cheese spreads, in carloads from Carthage, Neosho and Springfield, Mo., to Jersey City, N.J.

Grounds for relief: Truck competition.

Tariff: Supplement 207 to Southwestern Freight Bureau tariff I.C.C. 4187.

FSA No. 36352: *Alcohols—Baton Rouge, La., to Chicago and Lemont, Ill.* Filed by O. W. South, Jr., Agent (SFA No. A3975), for interested rail carriers. Rates on alcohol and related articles, in tank-car loads, as described in the application from Baton Rouge and North Baton Rouge, La., to Chicago and Lemont, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 252 to Southern Freight Association tariff I.C.C. 400.

FSA No. 36353: *Lumber—Glendale, Oreg., to Dorris, Calif.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 240), for interested rail carriers. Rates on rough green lumber, carloads from Glendale, Oreg., to Dorris, Calif.

Grounds for relief: Truck competition.

Tariff: Supplement 132 to Pacific Southcoast Freight Bureau tariff I.C.C. 1536.

FSA No. 36354: *Scrap iron or steel—Cincinnati, Ohio to Koppel and Morado, Pa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2436), for interested rail carriers. Rates on scrap iron or steel (not copper clad), having value for remelting purposes only, in carloads from Cincinnati, Ohio to Koppel and Morado, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 27 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4807 (Hinsch series).

FSA No. 36355: *Substituted service—C&NW for Buckingham Freight Lines, et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 247), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Cedar Rapids and Sioux City, Iowa, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36356: *Substituted service—CRI&P for Be-Mac Transport Company, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 249), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars (1) between Chicago (Burr Oak), Ill., on the one hand, and Des Moines, Iowa, Wichita, Kans., Tucumcari, N. Mex., and Oklahoma City, Okla., on the other, (2) between Kansas City (Armourdale), Kans., and Wichita, Kans., and (3) between St. Louis, Mo., on the one hand, and Kansas City (Armourdale), Kans., and Oklahoma City, Okla., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36357: *Substituted service—CRI&P for Knaus Truck Lines, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 250), for interested carriers. Rates on property loaded on highway trailers and transported on railroad flat cars, (1) between Chicago (Burr Oak), Ill., and Des Moines, Iowa, on the one hand, and Topeka, Kans., on the other, (2) between Denver, Colo., on the one hand, and Des Moines, Iowa, St. Joseph, Mo., and Topeka, Kans., on the other, (3) between Moline, Ill., on the one hand, and Kansas City (Armourdale), Kans., St. Joseph, Mo., and Wichita, Kans., on the other, and (4) between Cedar Rapids, Iowa, and Kansas City (Armourdale), Kans., as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36358: *Sand—Southwest to Jasper, Ind., Berlin, Mass., and Berlin, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-7836), for interested carriers. Rates on sand, in carloads, as described in the application from Gulca, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek and Roff, Okla., to Jasper, Ind., Berlin, Mass., and Berlin, N.J.

Grounds for relief: Market competition.

Tariff: Supplement 82 to Southwestern Freight Bureau tariff I.C.C. 4319.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6078; Filed, June 30, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 29, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36359: *Substituted service—CGW for Knaus Truck Lines, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 246), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and St. Joseph, Mo.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36360: *Substituted Service—M&STL and Ill. Term. for Watson Bros. Transportation Co. Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 248), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between East St. Louis, Ill., on the one hand, and Des Moines, Iowa, and Minneapolis, Minn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36361: *Substituted service—CRI&P for Watson Bros. Transportation Co. Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 253), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between St. Louis, Mo., and Tucumcari, N. Mex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36362: *Plaster and related articles—Southard, Okla. to Official Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7835), for interested rail carriers. Rates on plaster and related articles, in carloads as described in the application from Southard, Okla., to points in official territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 82 to Southwestern Freight Bureau tariff I.C.C. 4017.

FSA No. 36363: *Joint motor-rail rates between points in Southwestern and WTL Territories and the East.* Filed by Middlewest Motor Freight Bureau, Agent (No. 252), for interested carriers. Rates on general commodities, moving on class and commodity rates, loaded in or on trailers and moving in joint service over highways and railroad flat cars between points in Kansas, Missouri, Oklahoma and Texas, on the lines of the rail carriers, on the one hand, and points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and Wisconsin, on the other.

Grounds for relief, Motor-truck competition.

FSA No. 36364: *Coal—Ky., Va., and W. Va., to South Carolina points.* Filed by Norfolk and Western Railway Company (No. 26-B), for interested rail carriers. Rates on coal, in carloads from mines in Kentucky, Virginia and West Virginia to specified points in South Carolina.

Grounds for relief: Rate relationship with other nearby destinations.

Tariffs: Supplements 5, 10 and 13 to Norfolk and Western Railway Company tariff I.C.C. 3469-B. Supplements 47, 51 and 54 to Norfolk & Western Railway Company (Vgn. series) tariff I.C.C. 2362.

FSA No. 36365: *Joint motor-rail rates—CRI&P and Rock Island Motor Transit Company.* Filed by Middlewest Motor Freight Bureau, agent (No. 251), for interested carriers. Rates on various commodities, moving on class or commodity rates, loaded in highway trailers of the motor line over the highways, thence transported on railroad flat cars of the railroad between points in Arkansas, Illinois and Iowa, on the motor line, and points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas, on the rail carrier.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6137; Filed, July 1, 1960; 8:48 a.m.]

[Notice 340]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62809. By order of June 28, 1960, the Transfer Board approved the transfer to Drum Transport, Inc., Fremont, Nebr., of that portion of the operating rights authorized to Liquid Transport Corp., Indianapolis, Ind., in its Certificate No. MC 119226 Sub 4, issued May 5, 1960, authorizing the transportation over irregular routes, of alcohol, grain neutral spirits, and alcoholic liquors, NOIBN, in bulk, in tank vehicles, from Peoria, Ill., to San Francisco and Santa Rosa, Calif., alcohol, in bond, in bulk, in tank vehicles, from Muscatine, Iowa, to Los Angeles and Menlo Park, Calif., and wines and brandies, in bulk, in tank vehicles, from points in California, to Peoria and Chicago, Ill., St. Louis, Mo., Covington and Louisville, Ky., and Indianapolis, Ind., and the substitution of transferee for transferor as applicant in Docket No. MC 108678 Sub 40 and MC 108678 Sub 41TA. George E. Svodoba, 403 First National Bank Building, Fremont, Nebr., for applicants.

No. MC-FC 63319. By order of June 28, 1960, the Transfer Board approved the transfer to J. W. Immel and Clifford E. Hale, a partnership, doing business as Immel and Hale, Borger, Texas, of the operating rights authorized to J. W. Immel and E. L. Fender, a partnership, doing business as Immel and Fender House Moving Company, Borger, Texas, in Certificate No. MC 113782, issued September 1, 1959, authorizing the transportation, over irregular routes, of houses and other buildings, except those prefabricated, between points in Colorado, Kansas, Oklahoma, Texas, and New Mexico within 200 miles of Keyes, Okla., including Keyes. Grady L. Fox, 222 Amarillo Building, Amarillo, Tex., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6138; Filed, July 1, 1960; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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Announcement

CFR SUPPLEMENTS
(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 400–899, Revised — $5.50
Title 14, Parts 40–399 — $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.40); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.40); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–39 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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FEDERAL REGISTER

VOLUME 25 NUMBER 130

Washington, Wednesday, July 6, 1960

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JUL 7 1960
MAIN READING ROOM

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CFR SUPPLEMENTS
(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 400–899, Revised.. $5.50
Title 14, Parts 40–399..... $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 202—FILLING POSITIONS

PART 209—GRIEVANCES AND APPEALS

Miscellaneous Amendments

JUNE 28, 1960.

1. Effective upon publication in the FEDERAL REGISTER, § 202.9 is amended to read as follows:

§ 202.9 Establishment of registers of eligibles.

The names of eligibles (those competitors who meet minimum requirements and are rated as attaining the minimum required rating) shall be entered on appropriate registers in the order outlined below. In the judgment of the Board, eligibility on registers may be established on the basis of earned eligible ratings attained in appropriate examinations for positions in the competitive service.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 209.5 is amended to read as follows:

§ 209.5 Canal Zone Board of Appeals.

* * * * *

(d) *Decisions of the Canal Zone Board of Appeals.* Decisions of the Canal Zone Board of Appeals shall be made by majority vote of the members, shall be binding upon all employing departments, and shall be effective not later than the beginning of the fourth pay period following the receipt of the decision in the employing department unless a specific date is stated in the decision in accordance with subparagraph (1) of this paragraph.

(1) When the appeal to the Canal Zone Board of Appeals is made within thirty (30) calendar days from the date of an employee's receipt of an adverse decision from his employing department on a classification appeal provided by § 209.4, is from an action lowering the grade or pay level of the employee's position, and the decision of the Canal Zone Board of Appeals raises the grade or pay level of the position, the effective date shall be retroactive to the date of the action which lowered the grade or pay level. However, when the decision of the Canal Zone Board of Appeals raises the grade or pay level of the position above the grade or pay level in effect immediately preceding the lowering thereof, retroactivity will apply only to the extent of restoration to the grade or pay level in effect immediately preceding the lowering thereof. Retroactivity may be based only on duties and responsibilities existing at the time of the lowering of the grade or pay level and not on the basis of duties and responsibilities later assigned.

(2) The right to a retroactive effective date under subparagraph (1) of this paragraph may be preserved in the discretion of the Canal Zone Board of Appeals upon a showing by the employee that reasons beyond his control prevented him from appealing within the thirty-day period referred to in that subparagraph and that he did appeal as promptly as circumstances permitted.

(Sec. 15, 72 Stat. 405; E.O. 10749, 23 F.R. 9627, 3 CFR 1958 Supp.)

WILBER M. BRUCKER,
Secretary of the Army.

[F.R. Doc. 60-6161; Filed, July 5, 1960; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Soybean Loan and Purchase Agreement Program

A price support program has been announced for the 1960-crop of soybeans. The 1960 C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 is supplemented as follows:

Sec.
421.5426 Purpose.
421.5427 Availability of price support.
421.5428 Eligible soybeans.
421.5429 Warehouse receipts.
421.5430 Determination of quantity.
421.5431 Determination of quality.
421.5432 Maturity of loans.
421.5433 Support rates.
421.5434 Warehouse charges.
421.5435 Inspection of soybeans under purchase agreements.
421.5436 Settlement.

AUTHORITY: §§ 421.5426 to 421.5436 issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 203, 301, 401, 63 Stat. 1053, as amended; Title II, 73 Stat. 178; 15 U.S.C. 714 b and c, 7 U.S.C. 1446d, 1447, 1421.

§ 421.5426 Purpose.

Sections 421.5426 to 421.5436 state additional specific regulations which, together with the general regulations contained in the 1960 C.C.C. Grain Price Support Bulletin 1, (§§ 421.5001 to 421.5022), apply to loans and purchase agreements under the 1960-Crop Soybean Price Support Program.

§ 421.5427 Availability of price support.

(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever soybeans are grown in the United States, except that farm-storage loans will not be available in areas where the State committee determines that soybeans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1961, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such final date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

§ 421.5428 Eligible soybeans.

Soybeans, to be eligible for price support, must meet all of the applicable requirements set forth in this section:

(a) The soybeans must have been produced in the United States in 1960 by an eligible producer.

(b) At the time the soybeans are placed under loan or delivered under a purchase agreement, the beneficial interest in the soybeans must be in the eligible producer tendering the soybeans for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested. Any producer who is in doubt as to whether his interest in the soybeans complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support. To meet the requirements of succession to a former producer, the rights, responsibilities and interests of the former producer with respect to the farming unit on which the soybeans were produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute suc-

cession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Soybeans, at the time they are placed under loan, and soybeans under purchase agreement which are in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The soybeans must be soybeans of any class, grading No. 4 or better.

(2) Soybeans grading "Garlicky" or "Weevily", or containing mercurial compounds or other substances poisonous to man or animals, or containing in excess of 14 percent moisture, shall not be eligible, except that soybeans represented by warehouse receipts which indicate that the soybeans are ineligible solely because of containing in excess of 14 percent moisture will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that soybeans of 14 percent moisture or less of an eligible grade and quality which meet the requirements of this section will be delivered. The certification shall be substantially as follows:

On soybeans containing in excess of 14 percent moisture delivery will be made of soybeans which grade No. _____, which contain not in excess of 14 percent moisture, which are otherwise of the same quality or better as the soybeans described on warehouse receipt No. _____, and which are the actual quantity obtained after drying the soybeans described in such receipt to be not in excess of 14 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(3) If offered as security for a farm-storage loan, the soybeans must have been stored in the granary at least 30 days prior to their inspection, measurement, sampling, and sealing unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.5435(a), soybeans under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.5435(a) and the soybeans on the basis of an inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.5429 Warehouse receipts.

Warehouse receipts representing soybeans in approved warehouse storage to be placed under a warehouse-storage loan or delivered in satisfaction of a farm-storage loan or acquired under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. The receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show all of the following: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) percentage of foreign material, and (7) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. In addition, for soybeans grading Nos. 3 or 4, the percentage of splits, total damage and heat damage must also be shown. In the case of soybeans delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge, if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.5434.

(e) If the warehouseman has furnished a statement as provided in § 421.5428(c)(2), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the soybeans to be delivered. Where the grade, grading factors and the quantity of the soybeans shown on the supplemental certificate do not agree with the warehouse receipt, the grade, grading factors and quantity shown on the supplemental certificate shall take precedence.

(f) If the receipt is issued for soybeans of which the warehouseman is the producer and owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own soybeans is not valid under State law and the warehouseman elects to deliver soybeans to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipts shall be issued in the name of CCC.

(g) Each warehouse receipt or accompanying supplemental certificate representing soybeans stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the soybeans are insured in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by eastern common carriers and representing soybeans to be placed under loan shall indicate that the soybeans are insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.5430 Determination of quantity.

(a) The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity of soybeans delivered under a farm-storage loan or under a purchase agreement shall be determined by weight. The quantity of soybeans on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the weight of the soybeans represented by the warehouse receipt or on the supplemental certificate, if applicable.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans. In determining the quantity of sacked soybeans by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of soybeans is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined by measurement of soybeans having a test weight of other than 60 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For soybeans testing:	Percent
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	96
56 pounds or over, but less than 57	94
55 pounds or over, but less than 56	93
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

§ 421.5431 Determination of quality.

The class, grade, grading factors, percentage of foreign material, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection.

§ 421.5432 Maturity of loans.

Nonrecourse loans mature on demand but not later than May 31, 1961. Recourse loans mature on January 31, 1962.

§ 421.5433 Support rates.

Basic county support rates for soybeans placed under loan and for soybeans delivered under purchase agreement, and the schedule of premiums and discounts are set forth in this section. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made on the basis of the support rate established for the county in which the soybeans were produced.

(a) *Basic county support rates.* Basic county support rates per bushel for soybeans of the classes Green soybeans and Yellow soybeans grading No. 2, and containing from 13.8 to 14.0 percent moisture, are as follows:

Alabama

County	Rate per bushel
All counties	$1.80

Arizona

County	Rate per bushel
All counties	$1.71

Arkansas

County	Rate per bushel
All counties	$1.82

California

County	Rate per bushel
All counties	$1.71

Delaware

County	Rate per bushel
All counties	$1.80

Florida

County	Rate per bushel
All counties	$1.80

Georgia

County	Rate per bushel
All counties	$1.80

Illinois

County	Rate per bushel	County	Rate per bushel
Adams	$1.88	Lee	$1.88
Alexander	1.85	Livingston	1.91
Bond	1.90	Logan	1.91
Boone	1.89	McDonough	1.88
Brown	1.88	McHenry	1.90
Bureau	1.88	McLean	1.91
Calhoun	1.88	Macon	1.91
Carroll	1.88	Macoupin	1.90
Cass	1.89	Madison	1.89
Champaign	1.91	Marion	1.89
Christian	1.91	Marshall	1.90
Clark	1.90	Mason	1.89
Clay	1.89	Massac	1.86
Clinton	1.88	Menard	1.89
Coles	1.91	Mercer	1.88
Cook	1.92	Monroe	1.86
Crawford	1.89	Montgomery	1.90
Cumberland	1.91	Morgan	1.90
De Kalb	1.91	Moultrie	1.91
De Witt	1.91	Ogle	1.88
Douglas	1.91	Peoria	1.89
Du Page	1.91	Perry	1.86
Edgar	1.91	Piatt	1.91
Edwards	1.87	Pike	1.88
Effingham	1.91	Pope	1.86
Fayette	1.91	Pulaski	1.85
Ford	1.91	Putnam	1.88
Franklin	1.86	Randolph	1.86
Fulton	1.88	Richland	1.89
Gallatin	1.86	Rock Island	1.88
Greene	1.89	St. Clair	1.87
Grundy	1.91	Saline	1.86
Hamilton	1.87	Sangamon	1.91
Hancock	1.88	Schuyler	1.88
Hardin	1.86	Scott	1.89
Henderson	1.88	Shelby	1.91
Henry	1.88	Stark	1.89
Iroquois	1.91	Stephenson	1.88
Jackson	1.86	Tazewell	1.90
Jasper	1.90	Union	1.85
Jefferson	1.87	Vermilion	1.91
Jersey	1.88	Wabash	1.87
Jo Daviess	1.88	Warren	1.88
Johnson	1.85	Washington	1.87
Kane	1.91	Wayne	1.87
Kankakee	1.91	White	1.86
Kendall	1.91	Whiteside	1.88
Knox	1.89	Will	1.91
Lake	1.91	Williamson	1.86
La Salle	1.91	Winnebago	1.88
Lawrence	1.88	Woodford	1.90

Indiana

County	Rate per bushel	County	Rate per bushel
Adams	$1.85	Decatur	$1.84
Allen	1.86	De Kalb	1.86
Bartholomew	1.84	Delaware	1.84
Benton	1.90	Dubois	1.84
Blackford	1.84	Elkhart	1.85
Boone	1.86	Fayette	1.84
Brown	1.84	Floyd	1.83
Carroll	1.86	Fountain	1.89
Cass	1.85	Franklin	1.84
Clark	1.83	Fulton	1.85
Clay	1.86	Gibson	1.86
Clinton	1.86	Grant	1.84
Crawford	1.83	Greene	1.86
Daviess	1.85	Hamilton	1.85
Dearborn	1.83	Hancock	1.84

Indiana—Continued

County	Rate per bushel	County	Rate per bushel
Harrison	$1.83	Perry	$1.83
Hendricks	1.85	Pike	1.85
Henry	1.84	Porter	1.89
Howard	1.85	Posey	1.85
Huntington	1.85	Pulaski	1.87
Jackson	1.84	Putnam	1.86
Jasper	1.88	Randolph	1.84
Jay	1.84	Ripley	1.83
Jefferson	1.83	Rush	1.84
Jennings	1.83	St. Joseph	1.86
Johnson	1.84	Scott	1.83
Knox	1.86	Shelby	1.84
Kosciusko	1.85	Spencer	1.83
Lagrange	1.86	Starke	1.87
Lake	1.90	Steuben	1.86
La Porte	1.87	Sullivan	1.87
Lawrence	1.85	Switzerland	1.83
Madison	1.84	Tippecanoe	1.88
Marion	1.85	Tipton	1.85
Marshall	1.86	Union	1.84
Martin	1.85	Vanderburgh	1.85
Miami	1.84	Vermillion	1.89
Monroe	1.85	Vigo	1.88
Montgomery	1.88	Wabash	1.84
Morgan	1.85	Warren	1.89
Newton	1.90	Warrick	1.84
Noble	1.86	Washington	1.83
Ohio	1.83	Wayne	1.84
Orange	1.84	Wells	1.85
Owen	1.85	White	1.88
Parke	1.87	Whitley	1.86

Iowa

County	Rate per bushel	County	Rate per bushel
Adair	$1.81	Jefferson	$1.84
Adams	1.80	Johnson	1.85
Allamakee	1.82	Jones	1.85
Appanoose	1.82	Keokuk	1.84
Audubon	1.81	Kossuth	1.80
Benton	1.85	Lee	1.85
Black Hawk	1.83	Linn	1.85
Boone	1.82	Louisa	1.85
Bremer	1.82	Lucas	1.82
Buchanan	1.84	Lyon	1.78
Buena Vista	1.80	Madison	1.81
Butler	1.82	Mahaska	1.83
Calhoun	1.81	Marion	1.83
Carroll	1.81	Marshall	1.84
Cass	1.80	Mills	1.79
Cedar	1.86	Mitchell	1.80
Cerro Gordo	1.81	Monona	1.79
Cherokee	1.79	Monroe	1.82
Chickasaw	1.81	Montgomery	1.79
Clarke	1.81	Muscatine	1.86
Clay	1.80	O'Brien	1.79
Clayton	1.83	Osceola	1.79
Clinton	1.85	Page	1.79
Crawford	1.80	Palo Alto	1.80
Dallas	1.82	Plymouth	1.78
Davis	1.83	Pocahontas	1.80
Decatur	1.81	Polk	1.83
Delaware	1.84	Pottawattamie	1.79
Des Moines	1.85	Poweshiek	1.84
Dickinson	1.79	Ringgold	1.80
Dubuque	1.84	Sac	1.81
Emmet	1.79	Scott	1.86
Fayette	1.83	Shelby	1.80
Floyd	1.81	Sioux	1.78
Franklin	1.82	Story	1.83
Fremont	1.79	Tama	1.84
Greene	1.81	Taylor	1.80
Grundy	1.83	Union	1.80
Guthrie	1.81	Van Buren	1.84
Hamilton	1.82	Wapello	1.83
Hancock	1.80	Warren	1.82
Hardin	1.83	Washington	1.84
Harrison	1.79	Wayne	1.82
Henry	1.84	Webster	1.83
Howard	1.80	Winnebago	1.79
Humboldt	1.81	Winneshiek	1.81
Ida	1.80	Woodbury	1.79
Iowa	1.85	Worth	1.80
Jackson	1.86	Wright	1.82
Jasper	1.84		

Kansas

County	Rate per bushel	County	Rate per bushel
Allen	$1.78	Atchison	$1.79
Anderson	1.79	Bourbon	1.78

Kansas—Continued

County	Rate per bushel	County	Rate per bushel
Brown	$1.78	McPherson	$1.75
Butler	1.76	Marion	1.76
Chase	1.76	Marshall	1.77
Chautauqua	1.75	Miami	1.79
Cherokee	1.77	Mitchell	1.75
Clay	1.77	Montgomery	1.75
Cloud	1.76	Morris	1.77
Coffey	1.78	Nemaha	1.78
Cowley	1.75	Neosho	1.77
Crawford	1.77	Osage	1.78
Dickinson	1.76	Osborne	1.74
Doniphan	1.79	Ottawa	1.76
Douglas	1.79	Pottawatomie	1.77
Elk	1.76	Reno	1.74
Ellsworth	1.74	Republic	1.76
Franklin	1.79	Rice	1.74
Geary	1.77	Riley	1.77
Greenwood	1.77	Russell	1.74
Harper	1.74	Saline	1.75
Harvey	1.75	Sedgwick	1.75
Jackson	1.78	Shawnee	1.79
Jefferson	1.79	Smith	1.74
Jewell	1.75	Sumner	1.74
Johnson	1.79	Wabaunsee	1.78
Kingman	1.74	Washington	1.77
Labette	1.76	Wilson	1.76
Leavenworth	1.79	Woodson	1.77
Lincoln	1.75	Wyandotte	1.79
Linn	1.79	All other counties	1.78
Lyon	1.77		

Kentucky

County	Rate per bushel
All counties	$1.84

Louisiana

County	Rate per bushel
All counties	$1.82

Maryland

County	Rate per bushel
All counties	$1.80

Michigan

County	Rate per bushel	County	Rate per bushel
Allegan	$1.80	Lapeer	$1.80
Arenac	1.78	Lenawee	1.84
Barry	1.80	Livingston	1.82
Bay	1.78	Macomb	1.82
Berrien	1.83	Mecosta	1.78
Branch	1.83	Midland	1.78
Calhoun	1.82	Monroe	1.84
Cass	1.82	Montcalm	1.79
Clare	1.78	Muskegon	1.78
Clinton	1.80	Newaygo	1.78
Eaton	1.81	Oakland	1.83
Genesee	1.80	Oceana	1.78
Gladwin	1.78	Ottawa	1.79
Gratiot	1.79	Saginaw	1.79
Hillsdale	1.84	St. Clair	1.81
Huron	1.78	St. Joseph	1.82
Ingham	1.82	Sanilac	1.79
Ionia	1.80	Shiawassee	1.80
Isabella	1.78	Tuscola	1.79
Jackson	1.83	Van Buren	1.81
Kalamazoo	1.81	Washtenaw	1.83
Kent	1.79	Wayne	1.83

Minnesota

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.74	Grant	$1.74
Anoka	1.78	Hennepin	1.79
Becker	1.72	Houston	1.80
Benton	1.76	Hubbard	1.72
Big Stone	1.75	Isanti	1.78
Blue Earth	1.79	Jackson	1.78
Brown	1.78	Kanabec	1.77
Carver	1.78	Kandiyohi	1.76
Cass	1.73	Kittson	1.71
Chippewa	1.76	Lac qui Parle	1.78
Chisago	1.78	Le Sueur	1.79
Clay	1.72	Lincoln	1.77
Clearwater	1.72	Lyon	1.77
Cottonwood	1.78	McLeod	1.78
Crow Wing	1.74	Mahnomen	1.72
Dakota	1.79	Marshall	1.71
Dodge	1.80	Martin	1.79
Douglas	1.74	Meeker	1.77
Faribault	1.79	Mille Lacs	1.76
Fillmore	1.80	Morrison	1.78
Freeborn	1.80	Mower	1.80
Goodhue	1.80	Murray	1.77

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Nicollet	$1.78	Sherburne	$1.78
Nobles	1.78	Sibley	1.78
Norman	1.78	Stearns	1.76
Olmsted	1.80	Steele	1.80
Otter Tail	1.78	Stevens	1.76
Pennington	1.78	Swift	1.76
Pine	1.76	Todd	1.74
Pipestone	1.77	Traverse	1.74
Polk	1.78	Wabasha	1.80
Pope	1.78	Wadena	1.78
Ramsey	1.79	Waseca	1.79
Red Lake	1.78	Washington	1.79
Redwood	1.77	Watonwan	1.79
Renville	1.77	Wilkin	1.78
Rice	1.80	Winona	1.80
Rock	1.77	Wright	1.78
Roseau	1.71	Yellow Medicine	1.76
Scott	1.79		

MISSISSIPPI

All counties $1.82

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.83	Linn	$1.82
Andrew	1.80	Livingston	1.81
Atchison	1.80	McDonald	1.78
Audrain	1.84	Macon	1.83
Barry	1.78	Madison	1.82
Barton	1.78	Maries	1.81
Bates	1.80	Marion	1.85
Benton	1.80	Mercer	1.81
Bollinger	1.83	Miller	1.81
Boone	1.83	Mississippi	1.83
Buchanan	1.80	Moniteau	1.82
Butler	1.83	Monroe	1.84
Caldwell	1.80	Montgomery	1.83
Callaway	1.83	Morgan	1.81
Camden	1.81	New Madrid	1.83
Cape Girardeau	1.83	Newton	1.78
Carroll	1.81	Nodaway	1.80
Carter	1.82	Oregon	1.81
Cass	1.80	Osage	1.82
Cedar	1.79	Ozark	1.80
Chariton	1.82	Pemiscot	1.83
Christian	1.79	Perry	1.83
Clark	1.85	Pettis	1.81
Clay	1.80	Phelps	1.81
Clinton	1.80	Pike	1.85
Cole	1.82	Platte	1.80
Cooper	1.82	Polk	1.80
Crawford	1.82	Pulaski	1.81
Dade	1.78	Putnam	1.82
Dallas	1.80	Ralls	1.85
Daviess	1.80	Randolph	1.83
De Kalb	1.80	Ray	1.80
Dent	1.81	Reynolds	1.81
Douglas	1.80	Ripley	1.82
Dunklin	1.83	St. Charles	1.84
Franklin	1.83	St. Clair	1.80
Gasconade	1.82	St. Francois	1.83
Gentry	1.80	St. Louis	1.84
Greene	1.79	Ste. Genevieve	1.83
Grundy	1.81	Saline	1.81
Harrison	1.80	Schuyler	1.83
Henry	1.80	Scotland	1.84
Hickory	1.80	Scott	1.83
Holt	1.80	Shannon	1.81
Howard	1.82	Shelby	1.84
Howell	1.81	Stoddard	1.83
Iron	1.81	Stone	1.79
Jackson	1.80	Sullivan	1.82
Jasper	1.78	Taney	1.80
Jefferson	1.83	Texas	1.81
Johnson	1.80	Vernon	1.79
Knox	1.84	Warren	1.83
Laclede	1.80	Washington	1.82
Lafayette	1.80	Wayne	1.82
Lawrence	1.78	Webster	1.80
Lewis	1.85	Worth	1.80
Lincoln	1.84	Wright	1.80

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.74	Boyd	$1.74
Antelope	1.75	Burt	1.78
Boone	1.75	Butler	1.78

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Cass	$1.78	Nuckolls	$1.75
Cedar	1.76	Otoe	1.78
Clay	1.75	Pawnee	1.78
Colfax	1.77	Pierce	1.75
Cuming	1.77	Platte	1.76
Dakota	1.77	Polk	1.76
Dixon	1.77	Richardson	1.78
Dodge	1.78	Saline	1.77
Douglas	1.78	Sarpy	1.78
Fillmore	1.76	Saunders	1.78
Gage	1.77	Seward	1.77
Hall	1.74	Stanton	1.76
Hamilton	1.75	Thayer	1.76
Jefferson	1.77	Thurston	1.77
Johnson	1.78	Washington	1.78
Knox	1.75	Wayne	1.76
Lancaster	1.78	Webster	1.74
Madison	1.75	York	1.76
Merrick	1.75	All other counties	1.73
Nance	1.75		
Nemaha	1.78		

NEW JERSEY

All counties $1.81

NEW MEXICO

All counties $1.71

NEW YORK

All counties $1.80

NORTH CAROLINA

All counties $1.80

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Barnes	$1.71	Sargent	$1.71
Cass	1.72	Steele	1.71
Grand Forks	1.71	Traill	1.72
Ransom	1.71	All other counties	1.70
Richland	1.72		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.83	Licking	$1.85
Allen	1.86	Logan	1.85
Ashland	1.85	Lorain	1.86
Ashtabula	1.86	Lucas	1.87
Athens	1.84	Madison	1.84
Auglaize	1.85	Mahoning	1.85
Belmont	1.84	Marion	1.86
Brown	1.83	Medina	1.86
Butler	1.83	Meigs	1.83
Carroll	1.85	Mercer	1.85
Champaign	1.84	Miami	1.84
Clark	1.83	Monroe	1.83
Clermont	1.83	Montgomery	1.83
Clinton	1.83	Morgan	1.84
Columbiana	1.85	Morrow	1.86
Coshocton	1.85	Muskingum	1.85
Crawford	1.86	Noble	1.84
Cuyahoga	1.86	Ottawa	1.87
Darke	1.84	Paulding	1.87
Defiance	1.87	Perry	1.85
Delaware	1.85	Pickaway	1.84
Erie	1.87	Pike	1.83
Fairfield	1.85	Portage	1.86
Fayette	1.83	Preble	1.83
Franklin	1.85	Putnam	1.87
Fulton	1.87	Richland	1.86
Gallia	1.83	Ross	1.83
Geauga	1.86	Sandusky	1.87
Greene	1.83	Scioto	1.83
Guernsey	1.85	Seneca	1.87
Hamilton	1.83	Shelby	1.85
Hancock	1.86	Stark	1.85
Hardin	1.85	Summit	1.86
Harrison	1.85	Trumbull	1.86
Henry	1.87	Tuscarawas	1.85
Highland	1.83	Union	1.85
Hocking	1.84	Van Wert	1.86
Holmes	1.85	Vinton	1.84
Huron	1.86	Warren	1.83
Jackson	1.83	Washington	1.83
Jefferson	1.85	Wayne	1.85
Knox	1.85	Williams	1.87
Lake	1.86	Wood	1.87
Lawrence	1.83	Wyandot	1.86

OKLAHOMA

County	Rate per bushel
All counties	$1.76

PENNSYLVANIA

All counties $1.80

SOUTH CAROLINA

All counties $1.80

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.72	Jerauld	$1.72
Beadle	1.72	Kingsbury	1.73
Bon Homme	1.74	Lake	1.74
Brookings	1.74	Lincoln	1.76
Brule	1.72	McCook	1.74
Charles Mix	1.73	Miner	1.73
Clay	1.75	Minnehaha	1.75
Codington	1.72	Moody	1.74
Davison	1.73	Roberts	1.72
Dueul	1.73	Sanborn	1.73
Douglas	1.73	Turner	1.75
Grant	1.73	Union	1.76
Hamlin	1.72	Yankton	1.75
Hanson	1.73	All other counties	1.71
Hutchinson	1.74		

TENNESSEE

All counties $1.83

TEXAS

All counties $1.76

VIRGINIA

All counties $1.80

WEST VIRGINIA

All counties $1.80

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.82	Marinette	$1.79
Barron	1.79	Marquette	1.83
Brown	1.81	Milwaukee	1.86
Buffalo	1.80	Monroe	1.81
Burnett	1.78	Oconto	1.80
Calumet	1.82	Oneida	1.78
Chippewa	1.79	Outagamie	1.81
Clark	1.79	Ozaukee	1.86
Columbia	1.84	Pepin	1.80
Crawford	1.83	Pierce	1.80
Dane	1.85	Polk	1.79
Dodge	1.85	Portage	1.81
Door	1.80	Price	1.78
Douglas	1.78	Racine	1.86
Dunn	1.80	Richland	1.83
Eau Claire	1.80	Rock	1.87
Fond du Lac	1.84	Rusk	1.78
Grant	1.84	St. Croix	1.79
Green	1.86	Sauk	1.83
Green Lake	1.83	Sawyer	1.78
Iowa	1.84	Shawano	1.80
Jackson	1.81	Sheboygan	1.84
Jefferson	1.86	Taylor	1.78
Juneau	1.82	Trempealeau	1.80
Kenosha	1.86	Vernon	1.83
Kewaunee	1.80	Walworth	1.86
La Crosse	1.81	Washburn	1.78
Lafayette	1.85	Washington	1.85
Langlade	1.79	Waukesha	1.86
Lincoln	1.78	Waupaca	1.81
Manitowoc	1.82	Waushara	1.82
Marathon	1.79	Winnebago	1.83
		Wood	1.81

(b) *Application of discounts and premiums.* The cumulative discounts and premiums contained in paragraph (c) of this section shall be applied as follows:

(1) *Farm-storage loans.* In the case of eligible soybeans placed under farm-storage loans, the applicable discounts shall be applied to the basic rate at the time the loan is completed. Premiums shall be applied at the time of settlement on soybeans under nonrecourse loan delivered to CCC.

(2) *Warehouse-storage loans.* In the case of warehouse-storage loans, the applicable discounts and premiums shall be applied to the basic rate at the time the loan is completed.

(3) *Purchase agreements.* On eligible soybeans delivered from farm-storage under purchase agreements and on eligible soybeans represented by warehouse receipts tendered to CCC under purchase agreements, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(c) *Discounts and premiums.* (1) Classification discount: The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(2) Discounts for test weight per bushel, splits, damaged kernels and foreign material:

Test weight per bushel	Discount	Splits	Discount	Damaged kernels [2]		Discount	Foreign material	Discount
				Heat	Total			
Pounds [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*
53.0–53.9	½	20.1–25.0	½	0.6–0.7	3.1–4.0	½	2.1–2.5	1
52.0–52.9	1	25.1–30.0	1	8–1.0	4.1–5.0	1	2.6–3.0	2
51.0–51.9	1½	30.1–35.0	1½	1.1–1.5	5.1–6.0	1½	3.1–3.5	3
50.0–50.9	2	35.1–40.0	2	1.6–2.1	6.1–7.0	2	3.6–4.0	4
49.0–49.9	2½			2.2–3.0	7.1–8.0	2½	4.1–4.5	5
							4.6–5.0	6

[1] The figures in these columns are inclusive.
[2] Use column which yields the higher applicable discount.

(3) Premiums for low moisture content:

Moisture (percent)	*Premium (cents per bushel)*
12.2 or less	4
12.3 to 12.7 inclusive	3
12.8 to 13.2 inclusive	2
13.3 to 13.7 inclusive	1
13.8 to 14.0 inclusive	0

(4) Premium for low foreign material content: A premium of 2 cents per bushel shall be applicable to eligible soybeans containing 1.0 percent or less foreign material.

(5) The discounts and premiums contained in this paragraph (c) are cumulative and are applicable to all classes of soybeans.

(d) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the soybean crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the soybeans were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the soybeans comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the soybeans are stored determines that State, district or county weed control laws, as administered, affect soybeans stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county in which the soybeans were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the soybeans comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. _____ issued to _____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

_____
(Signature)

_____
(Address)

_____
(Date)

§ 421.5434 Warehouse charges.

(a) (1) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing soybeans stored in warehouses operating under the Uniform Grain Storage Agreement is on or before May 31, 1961, the nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through May 31, 1961, the nonrecourse loan maturity date:

Date of deposit (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to July 26, 1960	12
July 26–Aug. 21, 1960	11
Aug. 22–Sept. 17, 1960	10
Sept. 18–Oct. 14, 1960	9
Oct. 15–Nov. 10, 1960	8
Nov. 11–Dec. 7, 1960	7
Dec. 8, 1960–Jan. 3, 1961	6
Jan. 4–Jan. 30, 1961	5
Jan. 31–Feb. 26, 1961	4
Feb. 27–Mar. 25, 1961	3
Mar. 26–Apr. 21, 1961	2
Apr. 22–May 31, 1961	1

In the case of recourse loans, there shall be deducted storage charges in the amount of 0.037 cents per bushel per day from the date the storage charges start against holders of the warehouse receipt through the recourse loan maturity date of January 31, 1962, plus receiving and loading out charges in the amount of 5.75 cents per bushel for truck received soybeans and 2.50 cents per bushel for soybeans received by rail or water unless written evidence has been submitted with the warehouse receipt that such charges have been prepaid.

(2) Notwithstanding the foregoing provisions of this section, if the date the storage charges start against the holders of the warehouse receipt is shown on the warehouse receipt or supplemental certificate and such date is prior to the maturity date for soybeans but subsequent to the date of deposit of the soybeans in the warehouse, the deduction for storage in computing the amount of the loan or purchase price shall be for the period from the date storage charges start against holders of the warehouse receipt through May 31, 1961 in the case of nonrecourse price support and January 31, 1962 in the case of recourse loans.

(b) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate per bushel for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date to be determined in accordance with § 421.5432, and in the case of recourse loans the approved tariff rate for elevation charges, unless written evidence has been submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the CSS Commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted, in the case of nonrecourse price support, shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.5435 Inspection of soybeans under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the nonrecourse loan maturity date of his intent to sell his soybeans stored in other

than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the soybeans and obtain a sample of the soybeans and submit it for grade analysis prior to the delivery of the soybeans. If the soybeans on the basis of the predelivery inspection, are of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions, unless the county office determines that more time is needed for delivery. The producer whose soybeans are stored in other than an approved warehouse and whose soybeans are not of a quality eligible for a loan at the time of the predelivery inspection, shall be notified in writing by the county office that his soybeans are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the soybeans, or otherwise take action to make the soybeans eligible and insists upon delivery of the soybeans, the county office shall issue delivery instructions. In such case, the producer shall be further informed that if such soybeans, upon delivery and before purchase, do not meet the eligibility requirements of § 421.5428(c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the soybeans will not be accepted for purchase by CCC. A predelivery inspection shall not be made on soybeans stored commingled in warehouses not approved for storage or on soybeans in an unapproved warehouse which are stored so that the identity of the producer's soybeans is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such soybeans at the time of delivery must meet the eligibility requirements of § 421.5428(c) (1) and (2).

(b) *Inspection of soybeans stored by producer after maturity date.* The producer may be required to retain the soybeans stored in other than approved warehouse—storage under purchase agreement for a period of 60 days after the nonrecourse loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the soybeans covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for soybeans which were determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the nonrecourse loan maturity date, the producer may notify the county office at any time after such 60-day period that the soybeans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the soybeans are going out of condition or are in danger of going out of condition and that the soybeans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.5436 Settlement.

(a) *Settlement value.* Subject to the provisions of § 421.5019, the following shall apply:

(1) *Nonrecourse farm-storage loans.* In the case of eligible soybeans delivered to CCC from farm-storage under nonrecourse loan, settlement shall be made at the applicable support rate for the county in which the soybeans were produced. The support rate shall be for the grade and quality of the total quantity of soybeans eligible for delivery. If, upon delivery, the soybeans under nonrecourse farm-storage loan are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the basic support rate, adjusted for premiums and discounts, if any, applicable to the grade and quality of the soybeans placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under the loan and the market price of the soybeans delivered, as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Nonrecourse warehouse-storage loans.* Settlement for eligible soybeans under nonrecourse warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the soybeans were produced.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for soybeans delivered to CCC from farm storage meeting the eligibility requirements of § 421.5428(c) (1) and (2), as determined by a reinspection at the time of delivery, and otherwise eligible for delivery shall be made at the applicable support rate for the location where produced. If soybeans, which were determined to be eligible at the time of the predelivery inspection are, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible soybeans as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the soybeans determined by the predelivery inspection and the market price of the soybeans delivered, as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the use specified above, the settlement value shall be the market value, as determined, by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse-storage.* In the case of eligible soybeans stored commingled in an approved warehouse the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee, warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of soybeans he elects to sell to CCC. Settlement for eligible soybeans delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the soybeans were produced.

(iii) *Delivery from unapproved warehouse-storage.* The county office will issue instructions on or after the nonrecourse loan maturity date for delivery of soybeans in a warehouse not approved for storage which are stored commingled, or which are stored so that the identity of the producer's soybeans is maintained but a predelivery inspection is not possible, where the producer has properly given the county office written notice of his intent to sell such soybeans to CCC. Settlement for such soybeans delivered to CCC which meet the eligibility requirements of § 421.5428(c) (1) and (2) and which are otherwise eligible for delivery shall be made at the applicable support rate for the county where produced. If a predelivery inspection of the producer's soybeans can be made, the provisions of § 421.5435(a) shall apply and settlement will be the same as for soybeans delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Soybeans ineligible for delivery inadvertently accepted by CCC.* The settlement provisions of this subdivision (iv) shall apply to the following categories of soybeans ineligible for delivery which are inadvertently accepted by CCC and which CCC determines that it is not in a position to reject: (*a*) Soybeans which were of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) soybeans of an ineligible grade or quality which are delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) soybeans in other than approved warehouse storage on which a predelivery inspection was not performed, and which at the time of delivery do not meet the eligibility requirements of § 421.5428(c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible soybeans delivered as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery. If soybeans delivered are of an eligible grade and quality but are in excess of the maximum quantity stated in the purchase agreement and such soybeans are inadvertently accepted by CCC, the settlement value shall be the sales price if the soybeans are immediately sold. If the soybeans are not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(4) Notwithstanding the foregoing, if a warehouseman has made a certification on the warehouse receipt or supplemental certificate as specified in § 421.5428(c)(2), settlement for soybeans delivered to or acquired by CCC in an approved warehouse under a nonrecourse farm-storage loan or purchase agreement shall be based on the quality and quantity specified in such certification.

(5) *Recourse farm-storage and warehouse-storage loans.* Settlement of recourse farm-storage and warehouse-storage loans shall be effected in accordance with § 421.5019.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored soybeans under nonrecourse loan or purchase agreement authorized is to delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.5434.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on eligible soybeans under nonrecourse loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the soybeans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the storage agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on soybeans under nonrecourse loan or purchase agreement, the producer shall upon delivery of the soybeans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit as provided in § 421.5434(b).

(d) *Storage payment where CCC is unable to take delivery of soybeans stored in other than an approved warehouse under nonrecourse loan or purchase agreement.* The producer may be required to retain soybeans stored in other than an approved warehouse under nonrecourse loan or purchase agreement for a period of 60 days after the nonrecourse maturity date without any cost to CCC. However, if CCC is unable to take delivery of such soybeans within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the soybeans to CCC: *Provided, however,* That a storage payment shall be paid a producer whose soybeans are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the soybeans to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of .037 cents per bushel per day for the soybeans accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on nonrecourse price support soybeans delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his nonrecourse price support soybeans to a point other than his customary shipping point, he shall be allowed compensation (as determined by CCC at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the soybeans any distance greater than the distance from the point where the soybeans are stored by the producer to the customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When delivery of soybeans under purchase agreements is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued at Washington, D.C., this 29th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-6194; Filed, July 5, 1960; 8:48 a.m.]

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Statement with respect to the tobacco price support loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service (hereinafter referred to respectively as "CCC" and "CSS"). Changes in legislation have necessitated certain operational changes in the tobacco loan program and, therefore, the statement published in 23 F.R. 5645 is hereby amended, revised, and reissued.

Sec.

464.1201 Administration.
464.1202 Availability of price support.
464.1203 Level of price support.
464.1204 Deductions from advances.
464.1205 Interest rate and general provisions.
464.1206 Adjustment of interest and disposition of overplus.
464.1207 Maturity date.
464.1208 Eligible producer.
464.1209 Eligible tobacco.
464.1210 Auction warehouse certification of flue-cured tobacco.
464.1211 Special provisions applicable only to 1960 crop tobacco.

AUTHORITY: §§ 464.1201 to 464.1211 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813; Public Law 86-80, 73 Stat. 178.

§ 464.1201 Administration.

(a) This program will be administered by the Tobacco Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. CCC reserves the right

to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco Division, CSS, United States Department of Agriculture, Washington 25, D.C.

(b) Each year CCC will make loans to associations upon the security of eligible tobacco, and the associations in turn will make price support advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also advances for services performed in receiving, packing, storing, and marketing of tobacco pledged as security for the loan. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 464.1202 Availability of price support.

(a) Price support will be available for any crop of each of the following kinds of tobacco, if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee fire-cured tobacco, types 22 and 23.
Virginia fire-cured tobacco, type 21.
Virginia sun-cured tobacco, type 37.
Dark air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available with respect to any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) *Auction market area.* (i) In the areas where tobacco is marketed through auction markets, price support will be extended through auction warehouses which have contracted with the association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association contract with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available and to make price support advances to eligible producers on eligible tobacco. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will in turn be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Agricultural Marketing Service, U.S.D.A. Inspection and price support services may be extended to new markets or to additional sales on established markets under 7 CFR Part 29 and this part issued pursuant to the Tobacco Inspection Act (7 U.S.C. 511 et seq.) and the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.). These regulations provide that such additional services may be extended only after a formal public hearing establishes the need for the services and the adequacy of the buying power that will participate.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(2) *Non-auction market area.* Eligible producers in non-auction market areas will deliver eligible tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by U.S.D.A. inspectors, the producer will receive the advance directly from the association for any tobacco to be pledged as security for loans.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided.

§ 464.1203 Level of price support.

The level of price support to eligible producers shall be as required by statute. For the 1960 crop of any kind of tobacco, the level shall be the level at which the 1959 crop of such kind of tobacco was supported or would have been supported if marketing quotas had been in effect. For each subsequent crop of any kind of tobacco, the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (a) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (b) the average index of such prices paid by farmers for the 1959 calendar year. Generally, the price support level will be announced prior to the normal planting time for each kind of tobacco. Schedules of loan rates, by types and grades, for each kind of tobacco will be announced as supplements to this statement before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, and Dixie Bright 244 will be supported at one-half the support rates for comparable grades of other varieties.

§ 464.1204 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of 12 cents per hundred pounds and may make such other charges as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehousemen under which they will collect such charges and remit to the associations. In the non-auction market areas, the fee will be established at a rate commensurate with the services performed by the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, the Government will effect collection of the amount of the indebtedness by set-off from the amount of price support advance due the producer in the following manner: Any within-quota marketing card issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas will bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action. Under the marketing quota regulations issued by the Secretary, if the producer named as debtor on the card objects to the issuance, or after issuance to the use, of a within-quota marketing card bearing the notation and information of indebtedness to the United States thereon, he may elect to receive an excess marketing card showing "zero percent" penalty, in which event the producer will be ineligible for price support advances.

§ 464.1205 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop year and will be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the loan contract. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged for loan. Associations will sell the loan tobacco as provided in the loan agreements, and all proceeds of sales of the loan collateral of each crop year will be applied to the loan account for such crop year until the loan is repaid in full.

§ 464.1206 Adjustment of interest and disposition of overplus.

The loan agreement between CCC and any association may include provisions under which CCC will adjust the interest rate as outlined in paragraph (c) of this section and the association will apply, as directed by CCC, one-half of the "overplus" from any crop year loan to the indebtedness on other crop year loans. This arrangement will be available only to those associations which include under the arrangement all CCC loans outstanding at the time the arrangement is made.

(a) *Definition of overplus.* "Overplus" is the balance remaining from the sales proceeds of the loan tobacco, after deducting (1) the amount of the loan, plus all handling charges and operating costs, and interest; and (2) any amount due CCC under a barter transfer agreement entered into between CCC and the association.

(b) *Disposition of overplus.* For those associations which agree to apply one-half of the overplus to other crop year loans, the remaining one-half of the overplus shall constitute "net gains", and for those associations which do not agree to apply one-half of the overplus to other crop year loans, the entire overplus shall constitute "net gains". Net gains shall be distributed in cash by the associations to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

(c) *Adjustment of interest rate.* In consideration of any association's agreement to apply to the CCC loan indebtedness of other crop years one-half of the overplus from any crop year loan, the interest rate on such crop year loan shall be adjusted annually, as of the beginning of each subsequent marketing year (July 1 for flue-cured tobacco loans and October 1 for loans on other kinds of tobacco) to the rate established by CCC as applicable to price support loans on the current crops, minus one percent per annum: *Provided*, That if such adjusted interest rate is determined by CCC to be less than the average rate of interest applicable to CCC's borrowings from the Treasury, the amount of interest accrued at such adjusted interest rate shall be increased at the end of the marketing year or at the time of final repayment of the loan to the amount which would have accrued at the average interest rate applicable to CCC's borrowings from the Treasury, but not exceeding the rate of interest established by CCC as applicable to the current crop year loans.

§ 464.1207 Maturity date.

Loans made under the program will mature on demand.

§ 464.1208 Eligible producer.

(a) An eligible producer is one for whom a within-quota marketing card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year. (In general, the marketing quota regulations provide for the issuance of a within-quota marketing card where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a within-quota marketing card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly.) In the case of flue-cured tobacco, two types of within-quota marketing cards will be used: a "white" within-quota marketing card will signify that the tobacco produced on the farm for which such marketing card was issued is eligible for full price support, and a "blue" within-quota Limited Support marketing card will signify that the tobacco produced on the farm for which such card was issued is eligible for price support on a grade basis at one-half the regular price support rate. The regulations further provide for collection of indebtedness to the United States as set out in § 464.1204. Also, an excess marketing card (ineligible for price support loans) shall be issued in any case where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco. Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1938, as amended, when utilized for the purpose of obtaining price support under the regulations in this subpart, are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and under the Commodity Credit Corporation Charter Act, as amended, and may be utilized as Commodity Credit Corporation deems necessary or desirable for the conduct of the price support program.

(b) As Puerto Rican tobacco is not under U.S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 464.1209 Eligible tobacco.

Eligible tobacco shall be U.S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within-Quota" Marketing Card or a Within-Quota Limited Support Marketing Card, where marketing quotas are in effect; (b) has been delivered to the association by the producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type and crop year for which price support is available; (e) is free and clear of any and all liens and encumbrances; and (f) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

§ 464.1210 Auction warehouse certification of flue-cured tobacco.

Auction warehouses through which price support is made available to producers of flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. The basis for determining whether tobacco is of varieties eligible for full price support shall be (a) for tobacco being offered for sale by or for the account of the producer thereof, the marketing card issued pursuant to marketing quota regulations for the farm on which the tobacco was produced, and (b) for resale tobacco (tobacco which has been previously sold by the producer), a certification by the seller to U.S.D.A. and the warehouse on Form MQ 79-1 Dealer's Certification—Resale Tobacco, a form provided for under the applicable marketing quota regulations, except where another basis is authorized by the Director, Tobacco Division, CSS. In the case of producer tobacco, the warehouse shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the warehouse floor sheet, and shall use certified basket tickets on the tobacco only if the marketing card presented is a Within-Quota (white) Marketing Card or an Excess (red) Marketing Card stamped "Acceptable Varieties". A dealer by execution of the Form MQ 79-1, Dealer's Certification—Resale Tobacco shall certify that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a valid bill of non-warehouse sale issued from a Within-Quota (white) Marketing Card or an Excess (red) Marketing Card stamped "Acceptable Varieties", or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification—Resale Tobacco shall be furnished to the U.S.D.A. representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the Director, Tobacco Division, notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's Certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification of full support variety tobacco. Dealers

making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the Director, Tobacco Division. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

§ 464.1211 Special provisions applicable only to 1960 crop tobacco.

(a) *Limitation on nonrecourse price support.* Under existing legislation, no producer is entitled to receive nonrecourse price support in excess of $50,000 on any kind of 1960 crop tobacco unless he has become exempt from that limitation pursuant to procedures published in 25 F.R. 1001. Therefore, notwithstanding any other provisions of this subpart, the following special provisions are applicable to 1960 crop tobacco: Any portion of a 1960 crop loan made to an association applicable to tobacco on which a person, not exempt from the limitation, receives price support in excess of $50,000 shall be recourse and payable in full together with interest by the following maturity date: For flue-cured tobacco, February 28, 1962; for Burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, April 30, 1962; for Maryland tobacco, November 15, 1962; for Puerto Rican tobacco, September 30, 1962; for cigar filler and binder tobacco, July 31, 1962. Such recourse loan shall bear interest at the rate of six percent per annum from the average date that producers receive advances to the time of repayment except that on any part repaid on or before the maturity date, the rate of interest shall be three and one-half percent per annum from the said average date of advances to the date of repayment. After the close of the markets, CCC will determine on the basis of reports from the association whether pursuant to this section any portion of the loan made to the association is recourse, and upon determining the amount of any recourse portion will designate an appropriate quantity of tobacco as collateral for that portion of the loan. If by the maturity date, sales proceeds from the designated collateral are not sufficient to repay the recourse portion of the loan, the association shall redeem such quantity of the remaining designated collateral as necessary to satisfy the indebtedness. Redemption will be at prices determined by CCC to equal the loan and interest applicable to the particular tobacco, except that the prices will not be less than necessary to fully repay the recourse portion of the loan with interest. The association at its discretion may require any producer who is not exempt from the limitation to execute an agreement under which, if such producer authorizes or permits the consignment or consignments of any of his tobacco for advances totaling any amount in excess of $50,000, the producer agrees to pay the association his pro rata share of any amount by which the sales proceeds of any recourse loan collateral redeemed by the association fails to equal the total expenditure of the association for such tobacco, and the association may deny price support advances in excess of $50,000 to any producer who refuses to execute such an agreement. In the event that CCC should sustain a loss by failure of the association to carry out its obligation with respect to recourse loan collateral, each producer who has not already satisfied his obligation to the association shall be liable to CCC for his pro rata share of such loss.

(b) *Identification of untied tobacco offered for sale on auction markets in Florida.* Auction warehouses in the State of Florida through which price support is made available to producers of flue-cured tobacco shall identify, through the content and color of the basket tickets used, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to have been produced in Georgia, Florida, or Alabama. The basis for determining whether tobacco was produced in Georgia, Florida, or Alabama shall be (a) for tobacco being offered for sale by or for the account of the producer thereof, the marketing card issued pursuant to marketing quota regulations for the farm on which the tobacco was produced, and (b) for resale tobacco, if purchased directly from a producer in Georgia, Florida, or Alabama, the bill of nonwarehouse sale issued from the producer's marketing card and the Dealers Record Book—Form MQ–79, or, if purchased at auction sale through a warehouse having price support available to producers, the basket ticket(s) of such warehouse or other documentation showing the tobacco to have been produced in Georgia, Florida, or Alabama. All tobacco not so determined to have been produced in Georgia, Florida, or Alabama shall be identified by a basket ticket of distinguishable content and color from that used to identify tobacco so determined to have been produced in Georgia, Florida, or Alabama.

Issued this 30th day of June 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60–6195; Filed, July 5, 1960; 8:48 a.m.]

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 8]

PART 485—SOIL BANK

Subpart—Conservation Reserve Program for 1960

Section 485.526(b)(1) of the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, is hereby amended by adding to the end thereof the following: "Notwithstanding any other provision of this paragraph, (*1*) where a loss of control occurs as a result of the death of the original producer and the acreage is not continued in the program, the annual payment for the year in which the loss of control occurs shall be paid to the successor of the original producer as determined in accordance with paragraph (a) of this section if there is compliance with the contract for the full contract year; (2) where a loss of control occurs as a result of the death of the original producer and the acreage is not continued in the program because the successor producer is ineligible to continue such acreage in the program or to continue such acreage in the program at the same annual payment, any cost-share payment paid or payable with respect to such acreage shall not be refunded or forfeited; and (*3*) where a loss of control occurs as a result of eminent domain after the normal planting season of the principal crop normally grown on the farm and maturing in the year in which the loss of control occurs, the annual payment for such year shall be paid to the producer losing control if there is compliance with the contract for the full contract year except for the destruction of the conservation use by the agency acquiring control."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 29th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–6175; Filed, July 5, 1960; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 4]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Extra Long Staple Cotton

FARM BASE ADJUSTMENTS

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to provide a later closing date for applications by producers requesting that no farm base adjustment be made under section 344(f)(8) of the act and to dispense with such applications where an entire area of a county is involved.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner and in order that producers may be fully informed and obtain the benefits of the extension of the closing date for applications provided by this amendment, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.369(a)(2) of the regulations pertaining to acreage allotments for the 1960 crop of extra long staple cotton (24 F.R. 8481, 9703, 10056, 10138, 25 F.R. 1306) is amended to read as follows:

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to timely plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator shall file an application in writing with the county committee not later than September 15, 1960, showing that failure to plant at least 75 percent of the farm allotment in 1960 was due to one or more of such conditions: *Provided, however,* That no written application by the farm operator shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the 1960 farm allotment was planted or would have been planted to ELS cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation reserve program for one or more of the years 1958 or 1959 was actually planted to ELS cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, percent of allotments planted to ELS cotton in 1958 and 1959, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 344, 63 Stat. 670, as amended; 7 U.S.C. 1344)

Done at Washington, D.C., this 29th day of June 1960.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–6176; Filed, July 5, 1960; 8:47 a.m.]

[Amdt. 6]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Upland Cotton

FARM BASE ADJUSTMENTS

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to provide a later closing date for applications by producers requesting that no farm base adjustment be made under section 344(f)(8) of the act and to dispense with such applications where an entire area of a county is involved.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner and in order that producers may be fully informed and obtain the benefits of the extension of the closing date for applications provided by this amendment, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.319(a)(2) of the regulations pertaining to acreage allotments for the 1960 crop of upland cotton (24 F.R. 8430, 8628, 9693, 9778, 10056, 10135, 10136, 25 F.R. 1306) is amended to read as follows:

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to timely plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator shall file an application in writing with the county committee not later than September 15, 1960, showing that failure to plant at least 75 percent of the farm allotment in 1960 was due to one or more of such conditions: *Provided, however,* That no written application by the farm operator shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the 1960 farm allotment was planted or would have been planted to cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation reserve program for one or more of the years 1958 or 1959 was actually planted to cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, percent of allotments planted to cotton in 1958 and 1959, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 344, 63 Stat. 670, as amended; 7 U.S.C. 1344)

Done at Washington, D.C., this 29th day of June 1960.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–6177; Filed, July 5, 1960; 8:47 a.m.]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1958 and Subsequent Crop Years

Correction

In F.R. Doc. 60–5374, appearing at page 5267 of the issue for Tuesday, June 14, 1960, the following corrections are made:

1. In § 730.984:

a. In paragraph (a), the second occurrence of the words ", who buys, acquires, or receives" is changed to read "thereof shall, in conformity with".

b. In the introductory text of paragraph (b) preceding subparagraph (1), the word "mail" is changed to read "mill".

2. In § 730.985(b), the designation "MQ–55—Rice", occurring in the first sentence following subparagraph (6), is changed to read "MQ–95—Rice".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 6, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of El Dorado plums grown in California.

(b) *It is, therefore, ordered,* as follows:

The provisions in paragraph (b) (1) (i) of § 936.642 (Plum Order 6; 25 F.R. 5176) are hereby amended to read as follows:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-two (22) pounds: *Provided,* That not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 6; or (2) as releasing or extinguishing any violation of Plum Order 6 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 30, 1960, to be effective on and after 12:01 a.m., P.s.t., July 1, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6168; Filed, July 5, 1960; 8:47 a.m.]

[Lemon Reg. 852, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.959 (Lemon Regulation 852; 25 F.R. 5873) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6167; Filed, July 5, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-233]

PART 608—RESTRICTED AREA

Modification of Restricted Area/Military Climb Corridor

Correction

In F.R. Doc. 60-5888, appearing at page 5929 of the issue for Tuesday, June 28, 1960, in the amendment to § 608.38, the fifth entry under *Designated altitudes* should begin with "10,100' MSL" instead of "10,000' MSL".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7431 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Electro Music and Donald J. Leslie

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Electro Music et al., Pasadena, Calif., Docket 7431, May 26, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Pasadena, Calif., manufacturer of loud speakers and accessories for use with electric organs, with entering into, in State where such pacts were not lawful, resale price maintenance agreements with its retailer customers by which the latter agreed to sell its goods only at the prices it set out on its "suggested retail price list".

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Electro Music, a corporation, and its officers, and Donald J. Leslie, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of loud speaker units, or any other similar products, in commerce, as "commerce" is defined in the Federal Trade

Commission Act (U.S.C. Title 15, Sec. 43), do cease and desist from: Entering into, continuing, cooperating in or carrying out any planned course of action, agreement, understanding, combination or conspiracy with customer retailers of said respondents or with any other customer of said respondents engaged in the sale of said product or with any other person, whereby the resale price of respondents' loud speaker units or other similar products is established, fixed or agreed upon unless such contracts or agreements of that description are lawful as applied to intrastate transactions under any statute, law, or public policy now or hereafter in effect in any State, Territory, or the District of Columbia in which such resale is to be made, or to which the commodity is to be transported for such resale.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 26, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6162; Filed, July 5, 1960; 8:45 a.m.]

[Docket 6822]

PART 13—PROHIBITED TRADE PRACTICES

The Fair

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Modified cease and desist order, The Fair, Chicago, Ill., Docket 6822, May 23, 1960]

Order modifying desist order of March 4, 1959, 24 F.R. 2485, in fur products case, conforming to decree of the U.S. Court of Appeals for the Seventh Circuit of April 7, 1960.

Said modified order is as follows:

It is ordered, That respondent, The Fair, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

(1) Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

(2) Setting forth on invoices required information in abbreviated form.

B. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, notice or in any other manner which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which represents directly or by implication:

(1) That the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of its business;

(2) That such product is of a higher grade, quality or value than is the fact, by means of illustrations or depictions of higher priced or more valuable products than those actually available for sale at the advertised selling price, or by any other means.

C. Making pricing claims or representations of the type referred to in Paragraph B(1) above, unless there is maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

It is further ordered, That the charges of the complaint relating to alleged violations of Rule 44(b) of the rules and regulations promulgated under the Fur Products Labeling Act be, and the same hereby are, dismissed.

By "Order Modifying Order To Cease and Desist", etc., report of compliance was required as follows:

It is further ordered, That the respondent, The Fair, a corporation, shall within ninety (90) days from the 7th day of April 1960, as required by the said decree of the United States Court of Appeals for the Seventh Circuit entered on the 7th day of April 1960, as aforesaid, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this modified order to cease and desist.

Issued: May 23, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6163; Filed, July 5, 1960; 8:45 a.m.]

[Docket 7235]

PART 13—PROHIBITED TRADE PRACTICES

Opti-Ray, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.205 *Scientific or other relevant facts.* (Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, Opti-Ray, Inc., et al., Brooklyn, N.Y., Docket 7235, May 27, 1960]

In the Matter of Opti-Ray, Inc., a Corporation, and Leo Goldgram, and Irving Goldgram, Individually and as Officers of Said Corporation

Order modifying desist order of May 6, 1959, 24 F.R. 4375, by including a proviso in subparagraph (a) of paragraph 1.

Said modification is as follows:

(a) That their lenses have a given diopter curve unless such is the fact; provided, however, that in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus one-sixteenth diopter in any meridian and a difference in power between any two meridians not to exceed one-sixteenth diopter and a prismatic effect not to exceed one-eighth diopter shall be allowed.

By "Order Modifying Order To Cease and Desist," report of compliance was required as follows:

It is further ordered, That the respondents, Opti-Ray, Inc., a corporation, and Leo Goldgram and Irving Goldgram, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as so modified.

Issued: May 27, 1960.

By the Commission, Commissioner Tait not participating.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6164; Filed, July 5, 1960; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 237—MORTGAGE INSURANCE FOR NURSING HOMES; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Mortgage Lien and Maximum Interest Rate

1. In § 237.26 paragraph (a) is amended to read as follows:

§ 237.26 Mortgage lien.

* * * * * *

(a) The mortgage is a first lien upon and covers the entire project, except that, with the consent of the Commissioner, the mortgage may be subject to liens on equipment given to secure financing of the purchase thereof.

2. Section 237.29 is amended to read as follows:

§ 237.39 Maximum interest rate.

The mortgage shall bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate exceed 5¾ percent per year. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 82 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 73 Stat. 663; 12 U.S.C. 1715w)

Issued at Washington, D.C., June 29, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-6184; Filed, July 5, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 24—THIRD CLASS

PART 33—METERED STAMPS

PART 48—UNDELIVERABLE MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 24.1 *Rates*, as amended by Federal Register Document 60-1081, 25 F.R. 905-908, make the following changes in paragraph (b) for the purpose of clarification:

A. Amend subdivision (i) of subparagraph (1) to read as follows:

(b) *Bulk rates.* • • •

(1) • • •

(i) Other than authorized nonprofit organizations and associations: 10 cents each pound or fraction of a pound; 2½ cents minimum charge per piece.

NOTE: The corresponding Postal Manual section is 134.121a.

B. Amend subdivision (i) of subparagraph (2) to read as follows:

(b) *Bulk rates.* • • •

(2) • • •

(i) Other than authorized nonprofit organizations and associations: 16 cents each pound or fraction of a pound; 2½ cents minimum charge per piece.

NOTE: The corresponding Postal Manual section is 134.122a.

(R.S. 161, as amended, 396, as amended, sec. 3, 65 Stat. 673, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 290a-1)

II. In § 24.2 *Classification*, as amended by Federal Register Document 60-1081, 25 F.R. 905-908, subparagraph (2) of paragraph (b) is amended to define the word "identical" as used in applying the bulk rate of postage to third-class mailings. As so amended, subparagraph (2) reads as follows:

(b) *Application of rates.* • • •

(2) The bulk rate is applied to mailings of separately addressed identical pieces in quantities of not less than 20 pounds or of not less than 200 pieces. All of the pieces in a bulk mailing must be identical as to size, weight, and number of enclosures, but it is not required that the textual matter be identical. Postage is computed at pound rates on the entire bulk mailed at one time, except that in no case shall less than the minimum charge per piece be paid. The annual bulk mailing fee must be paid at or before the first mailing each calendar year. (See § 24.4 for other conditions governing acceptance of bulk mailings.)

NOTE: The corresponding Postal Manual section is 134.22b.

(R.S. 161, as amended, 396, as amended, sec. 3, 65 Stat. 673, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 290a-1)

III. In § 33.8 *Manufacture and distribution of postage meters*, subparagraphs (1) and (3) of paragraph (c) are amended to provide for the testing of new model postage meters at the National Bureau of Standards or the Post Office Department Laboratory. As so amended, subparagraphs (1) and (3) read as follows:

(c) *Testing and approval*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Bureau of Operations, Post Office Department, after being tested by the National Bureau of Standards or the Post Office Department Laboratory, at the expense of the manufacturer. A preliminary working model may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

• • • • • •

(3) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards or the Post Office Department Laboratory, for test, at the expense of the manufacturer, as may be requested by the Bureau of Operations, Post Office Department.

NOTE: The corresponding Postal Manual sections are 143.831 and 143.833.

(R.S. 161, as amended, 396, as amended, sec. 5, 41 Stat. 583, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 273)

IV. In § 48.2 *Treatment by classes*, paragraph (b) is amended to clarify and implement the regulations governing undeliverable second-class mail. As so amended, paragraph (b) reads as follows:

(b) *Second-class mail*—(1) *Change in local address*—(i) *Delivery for 3 months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the pledge of the sender to pay return postage. The words "local address" as used in this paragraph mean any address served by the city, village, rural, or star carriers of any specific post office or a post office box or general-delivery address at the post office. Form 3578, "Change of Address Notice to Publisher," shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(ii) *Procedure after 3 months.* When copies bearing the old local address, but not the pledge of the sender to pay return postage, are received after the period of 3 months has expired, the carrier or clerk serving the old address shall write the new local address on Form 3579, "Undeliverable Second-Class Matter", which shall then be affixed to the copies, envelopes, or wrappers, near but not over, the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 5 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the 3 months' period the complete copy shall be returned to the sender rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies.

(2) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address (see subparagraph (1)(i) of this paragraph) the carrier or clerk serving the old address shall prepare Form 3579 and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If the copies do not bear the pledge of the sender to pay return postage, the notice shall be mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one which is undeliverable as addressed, shall be returned to the sender rated with postage due as provided by subparagraph (1)(ii) of this paragraph.

(3) *Pledge of addressee or sender to pay forwarding postage.* When a change of address is other than a change of local address (see subparagraph (1)(i) of this paragraph) and the addressee has filed a written guarantee either on Form 3575, "Change of Address Order," or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address in the manner prescribed by subparagraph (1)(i) of this paragraph. If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the pledge of the sender to pay return postage, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due as provided in subparagraph (1)(ii) of this paragraph.

(4) *Manner in which the pledge of the sender shall be shown.* The pledge of the sender to pay return postage on copies which are undeliverable as addressed shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address.

(5) *Failure to follow procedure.* When postmasters do not comply with the instructions in this paragraph their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested to instruct the sender to make the change.

(6) *Canadian publications.* The procedure prescribed by subparagraphs (1) through (3) of this paragraph shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

(7) *Special circumstances.* See §§ 47.4 and 47.5 of this chapter for instructions as to forwarding publications under the special circumstances described therein.

NOTE: The corresponding Postal Manual section is 158.22.

(R.S. 161, as amended, 396, as amended; secs. 1, 2, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 278a, 278b)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-6168; Filed, July 5, 1960; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 35—HOSPITAL AND STATION MANAGEMENT

Autopsies and Other Post-Mortem Examinations

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the issuance of the following amendment which relates solely to agency management. The amendment authorizes the performance of autopsies or other post-mortem operations including removal of tissue for transplanting only by direction of the officer in charge and only when proper consent has been obtained.

Effective date. This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Section 35.16 of Chapter I of Title 42 of the Code of Federal Regulations is amended to read as follows:

§ 35.16 Autopsies and other post-mortem operations.

Autopsies, or other post-mortem operations, including removal of tissue for transplanting, may be performed on the body of a deceased patient only by direction of the officer in charge and only if consented to in writing by a person authorized under the law of the State in which the station or hospital is located to permit an autopsy or such other post-mortem operation under the circumstances of the particular death involved. Restrictions or limitations imposed by the person consenting thereto on the extent of the autopsy or other post-mortem operation shall be observed. Documents embodying consent shall be made a part of the clinical record.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216. Interpret or apply sec. 321, 58 Stat. 695 as amended; 42 U.S.C. 248)

Dated: June 21, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: June 29, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-6170; Filed, July 5, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

LEASING AND PERMITTING

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2, 9), it is proposed to revise Part 131, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of these regulations is to revise the regulations relating to leasing and permitting. The principal changes consist of the elimination of references to the various levels of authority for the actions covered; the clarification of the text by rewording and rephrasing and the provision for a new basis for determining lease fees.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulation to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 28, 1960.

Part 131, Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

Sec.

131.1 Definitions.
131.2 Purpose of regulations.
131.3 Applicability of regulations and reserved authority by the Secretary.
131.4 Minor's lands, use by parents.
131.5 Authority for leases or permits.
131.6 Negotiation of individual leases and permits.
131.7 Negotiation of tribal leases and permits.
131.8 Grants of leases by the Secretary.
131.9 Grants of permits for use of other lands.
131.10 Advertisement.
131.11 Lease forms.
131.12 Appraisals.
131.13 Lease fees.
131.14 Duration of leases.
131.15 Ownership of improvements.
131.16 Description of leased property.
131.17 Special mandatory provisions.
131.18 Conservation and land use requirement.
131.19 Farm and farm-pasture units.
131.20 Irrigable lands, drainage districts, payment of charges.
131.21 Bonds.
131.22 Subleases; assignments; amendments.
131.23 Advance execution of leases.
131.24 Payment of rentals.
131.25 Violation of lease or permit, procedures and penalty.
131.26 Crow Reservation.
131.27 Fort Belknap Reservation.
131.28 Palm Springs, California.
131.29 Augustine, Cabazon and Torres-Martinez Reservations, California.

AUTHORITY: §§ 131.1 to 131.29 issued under R.S. 161; 5 U.S.C. 22. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, 751, 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, 49 Stat. 115, 1135, sec. 55, 49 Stat. 781, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, secs. 1, 2, 60 Stat. 962, sec. 5, 64 Stat. 46, secs. 1, 2, 4, 5, 6, 64 Stat. 470, 69 Stat. 539, 540, 72 Stat. 968; 25 U.S.C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, 635.

§ 131.1 Definitions.

As used in this part:

(a) "Secretary" means Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Issuing or approving officer" means the individual or his successor in office to whom has been delegated the authority to act on behalf of the Secretary in carrying out the regulations in this part.

(c) "Restricted lands" means lands or interests therein (1) title to which is in Indian tribes, corporations, associations, or individuals subject to federal restrictions against alienation or (2) held in trust for them by the United States.

(d) "Permit" means a privilege revocable at will in the discretion of the issuing (or approving) officer or his successor, and not assignable, to enter on and use a specified tract of land for a specified purpose. The terms "lease", "lessor", and "lessee", when used in this part include, when applicable "permit", "permitter", and "permittee", respectively.

(e) "Farm pasture lease" means the conveyance of an exclusive right to use land for a term of years for livestock grazing and crop growing operations.

(f) "Specialized crops" means:

(1) Long life perennials which maintain profitable production over a period of years, or

(2) Those crops the production of which require a substantial development investment on the described land.

§ 131.2 Purpose of regulations.

(a) The regulations in this part prescribe the terms and conditions under which restricted lands other than grazing units covered by Part 151 of this chapter, may be leased or permitted for farm, farm-pasture, business and other purposes authorized by statute, except mineral leases. No lease shall be approved under the regulations of this part which contains any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

(b) Restricted grazing lands within range units established pursuant to Part 151 of this chapter, General Grazing Regulations, shall not be leased under this part.

§ 131.3 Applicability of regulations and reserved authority by the Secretary.

The regulations in this part are of general application. Notwithstanding any limitations contained herein, the Secretary retains the right to approve any lease the terms of which meet statutory requirements when he finds that the lease is in the best interest of the Indian owner.

§ 131.4 Minor's land, use by parents.

Any Indian who supports his dependent minor children may use their restricted lands during the period of their minority without charge for the use of their lands if such use will enable him to engage in a farming, farm-pasture, business, or other enterprise which will also be beneficial to his minor children; and any such Indian may also pledge the income from such lands for the period of his children's minority as security for a loan from the United States, an Indian business corporation, tribe, or credit association.

§ 131.5 Authority for leases or permits.

Leases of restricted lands may be made under the authority of the regulations in this part. A permit may be issued where a lease can be granted under this part for restricted lands. Where no specific statutory authority to lease has been provided, permits only may be issued except that leases may be granted where necessary to preserve trust property from loss by waste. Permits shall contain a provision making the instrument subject to revocation on 30-days notice in writing to the permittee.

§ 131.6 Negotiation of individual leases and permits.

(a) Adult Indians (other than those non-compos mentis) may negotiate for themselves and for their minor children and wards leases for the use of individual restricted lands. Such leases shall be made on forms approved by the Secretary, and shall be subject to the regulations in this part and the written approval of the Secretary. Unless such leases provide otherwise, rentals shall be paid directly by the lessees to the adult Indian lessors. Rentals from land owned by minors shall be paid to the Secretary except where under applicable statutes it is mandatory that such rentals be paid to the parents. When a rental satisfactory to the Secretary has not been obtained by the owners through such negotiation, the Secretary, in his discretion, may advertise the land for lease. At the conclusion of such advertisement, the owners may execute a lease

to a lessee of their choice at not less than the highest acceptable bid received at such advertised sale.

(b) Notwithstanding the appraisal requirement provided in § 131.12 an adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local Government and, at the discretion of the Secretary, such leases may be approved at a nominal rental. Such Indian may lease lands to members of his or her immediate family with or without rental consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers, sisters, lineal ancestors, or descendants.

(c) Where an assignee of tribal lands is authorized by tribal law or custom to lease assigned tribal lands, such assignments of tribal lands may be leased by the holder of the assingment, subject to the terms of the assignment and under the same conditions as provided for individually owned restricted lands in paragraph (a) of this section.

§ 131.7 Negotiation of tribal leases and permits.

Tribes, acting through their tribal councils or other appropriate tribal official(s), may negotiate leases with respect to tribal lands. Such leases shall be made on forms approved by the Secretary, subject to the regulations of this part and the written approval of the Secretary. Negotiated tribal leases shall not be approved unless they are found to be in the best interest of the Tribe. Notwithstanding the appraisal requirement provided in § 131.12 leases for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local Government, homesite leases to tribal members and subsidized leases for the benefit of the Tribe or tribal members may, in the discretion of the Secretary, be approved at a nominal rental. A lease may provide for the payment of rentals direct to the lessor when a Tribe has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease shall provide for the payment of rentals to the superintendent for deposit to the credit of the Tribe in the United States Treasury.

§ 131.8 Grants of leases by the Secretary.

(a) The Secretary may grant leases for individual restricted lands on behalf of: (1) Indians non-compos mentis and orphaned minors; (2) the undetermined heirs of a decedent's estate. Where the entire interest in a tract of land is owned by a nonresident whose whereabouts is unknown a temporary permit may be granted to prevent waste.

(b) Leases embracing inherited or devised restricted lands may also be granted when the heirs or devisees of the decedents have been determined and the lands are not in use by any of the heirs or devisees and the heirs or devisees have not been able during the three months period immediately following the date on which a lease may be renewed (see § 131.23) to agree upon a lease by reason of the number of heirs or devisees, their absence from the reservation, or for any other cause. Before taking administrative action to lease such lands, the known heirs or devisees, respectively, shall be given 30 days notice in writing that such action is contemplated.

(c) Where Indians authorized to negotiate leases as provided in § 131.6 and whose whereabouts are known own the majority interest in land being leased and all such Indians have executed a lease on terms acceptable to the Secretary, the Secretary, by joining in the execution of the lease, may commit the interests of those Indians in whose behalf he is authorized to grant leases under paragraph (a) of this section, without advertising and without limitation as to term as provided in § 131.14(f). The interests of adult Indians whose whereabouts are unknown may be committed to the lease by the Secretary under the authority of this section only after the three months period provided in paragraph (b) of this section has elapsed.

§ 131.9 Grants of permits for use of other lands.

In order to conserve and protect them from waste, lands acquired or reserved by the United States for Indian school or other Indian administrative purposes and other lands transferred to or placed under the administration of the Bureau of Indian Affairs, which are not immediately needed for the purpose for which they were acquired or reserved, may be permitted for farm, farm-pasture, business, or other purposes for minimum periods conducive to proper use. Such permits shall be subject to termination upon 30 days notice in writing to the permittee. Where such reserved lands are tribal lands and it is found impractical to restore them to unreserved tribal status, such lands may be leased by the Tribes in the same manner as provided in § 131.7.

§ 131.10 Advertisement.

Except as provided in § 131.8(c), prior to granting a lease, whether under this part or pursuant to a written authority to grant leases duly executed by the owner, the lands shall be advertised for lease to the highest bidder without preference to prior lessees. Advertising may be waived by the Secretary upon assurance that the fair market rental is being obtained for the owner or as provided for in § 131.12. Leases granted hereunder may provide for payment of rentals to the owners or to persons having custody of the owner of the lands.

§ 131.11 Lease forms.

Except as provided herein or by special authorization of the Secretary, only leases in the form approved by the Secretary shall be used in the leasing of restricted lands. Additional stipulations and conditions to carry out the purposes of the contract may be included in the approved forms. Leases to the United States or to the States, or agencies thereof, may be approved on the forms officially adopted by such governmental agencies when in the best interest of the Indian owners, provided that applicable special mandatory provisions of this part are made a part thereof.

§ 131.12 Appraisals.

Prior to granting or approving a lease on restricted land, an appraisal shall be made to determine the fair market rental. As a general rule, no lease will be approved or granted at less than the fair market rental so determined. However, a lease negotiated pursuant to § 131.6 or § 131.7 or granted pursuant to § 131.8 may be approved if the proposed contract rental approximates the appraised fair market rental and is, in the judgment of the Secretary, the highest rental that may be realized in the circumstances. Under special and unusual circumstances, when necessary to protect the best interests of the land owners and when, in the judgment of the Secretary, there is full justification therefor in each case, one-year leases may be approved or granted with the consent of the land owner, at the highest rental that may be realized.

§ 131.13 Lease fees.

Unless otherwise provided by the Secretary, fees based upon the annual rental payable under the contract as herein set forth shall be collected on each lease, sublease, assignment, transfer, renewal, extension, modification, or other instrument issued in connection with the leasing or permitting of restricted lands under the regulations of this part.

(a) To be paid by lessee, permittee, sublessee, or assignee:

Rental	*Percent*
On the first $500	3
On the next $4,500	2
On all rental above $5,000	1

In no event shall the fee be less than $2.00 nor exceed $250.

In the case of percentage rental leases, the fee shall be calculated on the basis of the guaranteed minimum rental. Where rental consists of a stated annual cash rental in addition to a percentage rental, the estimated revenue anticipated from the percentage rental shall be mutually agreed upon solely for the purpose of fixing the fee. The cost of improvements to be placed on the land by the lessee for the benefit of the lessor shall be prorated on an annual basis for the purpose of calculating the fee. The fee to be collected in case of crop-share or other special consideration leases or permits shall be based on (1) an estimate of the cash rental value of the acreage, or (2) the estimated value of the lessor's share of the crops. When, under the terms of the instruments the lessee is to pay taxes accruing during the period of its operation, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. No fees shall be added or refunded as a result of periodic rental adjustments under the terms of the lease.

(b) Fees, tribally financed employees: When the clerical and ministerial work in connection with the grants of leases is performed by tribal employees, or by Bureau employees paid from appropriated tribal funds fees may be fixed by

the respective Tribes concerned in lieu of the fees prescribed in paragraph (a) of this section, subject to approval by the Secretary.

(c) Disposition of fees: Fees collected pursuant to paragraph (a) of this section shall be covered into the Treasury as miscellaneous receipts. Fees collected pursuant to paragraph (b) shall be credited to the appropriate tribal fund.

§ 131.14 Duration of leases.

The duration of a lease of restricted land shall not exceed the number of years provided for herein and shall in all cases be limited to the minimum duration, commensurate with the purpose of the lease, that will allow the highest economic return to the Indian owner.

(a) Leases of restricted lands granted for public, religious, educational, recreational, residential or business purposes may be executed for a period of not to exceed twenty-five (25) years. With the consent of both parties, such leases may include provisions authorizing their renewal for one additional term of not to exceed twenty-five (25) years.

(b) Farming and agricultural leases of restricted lands granted for the purpose of growing specialized crops as defined in § 131.1(f) may be executed for single term of not to exceed twenty-five (25) years.

(c) All farming leases not granted for the purpose of growing specialized crops may be executed for a term of not to exceed five years for dry-farming lands or ten years for irrigable lands.

(d) Grazing leases which require substantial development or improvement of the land may be executed for a term of not to exceed ten years.

(e) Unless otherwise provided by the Secretary the rental on leases granted for more than five years shall be subject to adjustment at not less than five-year intervals. Leases which provide for such periodic rental adjustment shall contain the following provision:

> In the event of termination of Federal supervision, the lessor and lessee, or their successors in interest, shall within 30 days prior to the anniversary date for adjustment of the rental agree upon a commercial appraiser to determine the fair annual rental value. If no agreement can be reached at the end of 30 days, the lessor and lessee, or their successors, shall each appoint an appraiser and the two appraisers shall select a third appraiser. The three appraisers so selected shall constitute the appraisal board to reevaluate the fair annual rental.

(f) Lands of deceased Indians whose heirs have not been determined shall be leased for a term of not to exceed two years, except as otherwise provided in § 131.8.

(g) With the exception set forth in paragraph (a) of this section there shall be no provision for renewal in the leases nor shall any lease provide for a preference right in the lessee to future leases.

(h) Where tribal constitutions or charters of tribal business corporations contain limitations as to the use of tribal lands, or corporate lands, respectively, such limitations shall govern where more restrictive than the regulations in this part. No tribal business corporation organized pursuant to the regulations set forth in Part 81 of this chapter may lease lands held by the corporation included within the limits of a reservation for a period exceeding ten years, unless otherwise provided by law (25 U.S.C. 478).

§ 131.15 Ownership of improvements.

All improvements upon the leased land shall remain the property of the lessor unless specifically excepted therefrom under the terms of the lease. At the termination of the lease, the lessor shall have the option to purchase any improvements specifically excepted which option shall be exercised by the lessor with written notice to the lessee at least ninety (90) days prior to the expiration of the lease. The lessee shall have ninety (90) days from the date of expiration of his lease to remove the excepted improvements not so purchased.

§ 131.16 Description of leased property.

When a lease covers an irregular portion of a legal subdivision, a definite description by metes and bounds must be incorporated therein, accompanied by a plat of the part intended to be leased when the metes and bounds do not conform to the public survey.

§ 131.17 Special mandatory provisions.

(a) All leases issued under this part shall contain provisions as follows:

(1) Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land during the term of this lease; however, such termination shall not serve to abrogate this lease. In the event of such termination, all powers, duties, or other functions of the Secretary shall terminate, and the responsibility for enforcing compliance with the covenants of this lease shall be assumed by the lessor, or successors in interest.

(2) The lessee further agrees that he will not use or cause to be used any part of said premises for any unlawful conduct or purpose.

(b) Leases issued under this part on individually owned lands and which provide for payment of rental direct to lessors shall contain the following provisions:

(1) In the event of the death of the lessor during the term of this lease and while the leased premises are under the supervision of the Secretary, all rentals remaining due or payable to the decedent under the provisions of this lease shall be paid to the official of the Indian Agency having jurisdiction over such premises.

(2) Unless otherwise provided in this lease, no rent or other consideration for the use of the leased premises shall be paid more than one (1) year in advance of the anniversary date of the lease or of the beginning of the crop or grazing year to which the rent is applicable.

§ 131.18 Conservation and land use requirement.

All farming and grazing operations conducted under leases executed pursuant to the regulations of this part shall be in accordance with approved methods as set forth in land use stipulations or a plan of conservation operations annexed to and made a part of the lease.

§ 131.19 Farm and farm-pasture units.

(a) When areas of restricted land consisting of part or all of a number of allotments or separate tracts of tribal lands can be developed and effectively utilized under proper soil conservation and land use practices as single operational units, such lands may be combined into suitable units for such purpose.

(b) A lease may be issued on restricted land in a unit if such authority has been granted to the Secretary by the owners of the areas comprising the unit or if the Secretary is authorized in accordance with the provisions of this part to grant leases covering such lands without the consent of the owners. All such leases shall be advertised as herein provided.

§ 131.20 Irrigable lands, drainage districts, payment of charges.

(a) Except as provided in Part 221 of this chapter any lease for restricted lands within an irrigation project or drainage district shall require the lessee to pay on the due date annually in advance during the term of the instrument, and in the amounts determined, all valid charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease. All payments of such charges and penalties shall be made to the Secretary or other officer designated by him.

(b) Prior to the approval of a lease covering any lands within an irrigation project or drainage district, a list containing the description of the lands shall be furnished to the project engineer for checking as to whether or not such lands are in fact, either irrigable under existing works or subject to drainage charges.

§ 131.21 Bonds.

(a) Unless otherwise provided by the Secretary full performance of the conditions of each lease issued under this part shall be guaranteed by a satisfactory corporate surety bond or individual surety bond in a penal sum of not less than one year's rental and the estimated value of any improvement to be constructed by the lessee for the benefit of the lessor, plus an amount estimated to be adequate to insure compliance with the contractural obligations. In lieu of furnishing a surety bond a lessee may deposit with the superintendent cash or negotiable United States Treasury Bonds or other negotiable Treasury obligations in the appropriate amount together with a power of attorney appointing and empowering the Secretary in the event of any breach of the lease to pay over any such cash, or to dispose of any such bonds and pay over the proceeds derived therefrom as liquidated damages to or for the benefit of the lessor.

(b) A bond is not required on short-term leases which do not provide for the construction of improvements when the rental and other fixed charges have been fully prepaid for the term of the lease. Where substantial improvements accruing to the land, are to be made or constructed during the early part of the lease, the bond insuring the construction of the improvements may be deemed sufficient to protect the interests of the lessor without requiring an additional surety for the payment of the rental and other fixed charges. Bonds insuring the construction of improvements may be released after completion and acceptance of the improvements. Where the value of the completed improvements to the land exceeds the sum of the rentals and other fixed charges remaining due under the lease, the improvements may be accepted in lieu of bond as adequate security for the payment of these obligations.

§ 131.22 Subleases; assignments; amendments.

A sublease, assignment or amendment of any lease or permit issued under this part may be made only with the approval of the Secretary and the written consent of all parties thereto, including the surety or sureties.

§ 131.23 Advance execution of leases.

No lease shall be entered into more than 12 months prior to the date of the expiration of the existing lease covering the land.

§ 131.24 Payment of rentals.

No rent or other consideration for the use of land leased pursuant to the regulations in this part shall be paid more than one (1) year in advance of the anniversary date of the lease or the beginning date of the crop or grazing year to which the rent is applicable, unless so provided in the lease. In cases of emergency need, the approving officer, in his discretion, may approve amendments to existing leases providing for advance payment of rentals remaining due under the approved contract.

§ 131.25 Violation of lease or permit, procedures and penalty.

(a) The Secretary is responsible for and shall enforce compliance with the requirements of leases issued under this part and other applicable regulations. If there is reason to believe that a lessee has violated the lease or the regulations, a written notice shall be served upon the lessee setting forth in detail the nature of the alleged violation and allowing him 10 days from the date of receipt of notice in which to show cause why the lease should not be cancelled. The surety or sureties on the lease shall be sent a copy of each notice sent to the lessee. If, within this ten (10) days period it is determined that the breach may be corrected and the lessee agrees to take the necessary corrective measures, he shall be given an opportunity to carry out such measures and shall be given 30 days to show evidence of making progress in curing the breach. If a lessee fails within the prescribed time to correct the breach or to furnish satisfactory reasons why the lease should not be cancelled the lessee shall forthwith be notified in writing of the cancellation of the instrument and demand shall be made for payment of all obligations due and for possession of the premises. Where the breach of contract can be satisfied by the payment of damages, the Secretary may approve the damage settlement.

(b) The notice of cancellation shall also inform the lessee of his right to appeal from a decision made pursuant to delegated authority. In the event performance of the contractual obligations was assured through a surety bond which, by its own terms, would cease upon termination of the lease for any cause, the appeal must be accompanied by a surety bond to protect the lessor from any loss of revenue or damage occasioned by the pendency of the appeal. The cancellation of a lease for cause shall not entitle the lessee to the refund of any rentals paid or collected.

§ 131.26 Crow Reservation.

(a) Notwithstanding § 131.14(c), no lease of an irrigable allotment on the Crow Reservation not included in the Big Horn unit of the Crow Indian Irrigation project shall be made for a period longer than five years, unless otherwise provided by law.

(b) Notwithstanding § 131.23, a lease respecting restricted land on this reservation may be executed for farming purposes not to exceed 18 months prior to the expiration date of the lease then in force.

(c) Notwithstanding § 131.6, the approval of the Secretary shall not be required for farming and grazing leases executed by Crow Indians classified as competent under the acts of June 4, 1920 (41 Stat. 751), May 19, 1926 (44 Stat. 566), March 3, 1927 (44 Stat. 1365), May 2, 1928 (45 Stat. 482), March 3, 1931 (46 Stat. 1495), March 15, 1948 (62 Stat. 80), and September 8, 1949 (63 Stat. 695), and which embrace all or part of their own allotments or the allotments of their minor children. Any adult Crow Indian classified as competent shall have the full responsibility for obtaining compliance with the terms of any lease made by him pursuant to this section. Copies of all such leases shall be promptly filed with the Crow Indian Agency and shall constitute constructive notice to all persons. Leases not filed with the agency shall not be recognized by the Secretary as against subsequent lessees, purchasers, or encumbrancers of the same land in good faith for value.

(d) Leases, other than for farming and grazing, may be made under the authority of, and for the purposes stated in, the General Leasing Act of August 9, 1955 (69 Stat. 539), in conformity with other applicable sections of the regulations in this part.

(e) All leases governed by the regulations of this part, made by adult Crow Indians not classified as competent and made on inherited or devised trust lands owned by more than five competent devisees or heirs, shall be valid only with the approval of the Secretary. Such leases shall provide for the payment of all rentals and other income therefrom to the Secretary for the benefit of the Indian owners.

§ 131.27 Fort Belknap Reservation.

Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 131.28 Palm Springs, California.

In addition to the authority for the negotiation of leases contained in § 131.6, leases or permits for the use of individual trust or restricted lands belonging to members of the Agua Caliente or Palm Springs band of Mission Indians may be negotiated by guardians duly qualified as to authority and bond under the laws of California, to enter into transactions on behalf of the owner of the property. Such leases shall be made on forms approved by the Secretary subject to the regulations of this part and the written approval of the Secretary. Leases so negotiated shall provide that rentals due may, in the discretion of the Secretary, be paid to such guardians, providing, however, that at any time during the term of the lease, the Secretary may, at his discretion and upon thirty days' notice to the lessee, require the remaining rentals to be paid to the Secretary.

§ 131.29 Augustine, Cabazon and Torres-Martinez Reservations, California.

(a) Upon a determination by the Secretary that the owner or owners are not making beneficial use thereof, restricted lands on the Cabazon, Augustine and Torrez-Martinez Indian Reservations which are or may be irrigated from distribution facilities administered by the Coachella Valley County Water District in Riverside County, California, may be leased by the Secretary in accordance with the regulations in this part for the benefit of the owner or owners.

(b) All leases granted or approved on restricted lands of the Cabazon, Augustine and Torrez-Martinez Indian Reservations shall be filed for record in the office of the County recorder of the County in which the land is located, the cost thereof to be paid by the lessee. A copy of each such lease shall be filed by the lessee with the Coachella Valley County Water District or such other irrigation or water district within which the leased lands are located. All such leases shall include a provision that the lessee, in addition to the rentals provided for in the lease, shall pay all irrigation charges properly assessed against the land which became payable during the term of the Lease. Act of August 25, 1950 (64 Stat. 470); Act of August 28, 1958 (72 Stat. 968).

[F.R. Doc. 60-6165; Filed, July 5, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)) the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations

(21 CFR 121.53), Kalamazoo Spice Extraction Company, P.O. Box 591, Kalamazoo, Michigan, has withdrawn its petition proposing the issuance of a regulation to establish tolerances for residues of certain solvents in spice oleoresins, notice of which was published in the FEDERAL REGISTER of January 5, 1960 (25 F.R. 61).

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6169; Filed, July 5, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 990, 996, 999, 1019]

[Docket Nos. AO-14-A30; AO-302-A2; AO-203-A12; AO-204-A11; AO-305-A1]

MILK IN GREATER BOSTON, MASS.; SOUTHEASTERN NEW ENGLAND; SPRINGFIELD, MASS., WORCESTER, MASS.; AND CONNECTICUT MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Mass.; Southeastern New England; Springfield, Mass.; Worcester, Mass.; and Connecticut marketing areas, which was issued June 15, 1960 (25 F.R. 5488), is hereby extended to July 9, 1960.

Dated: June 30, 1960.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-6189; Filed, July 5, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 11]

ALASKA

Notice of Filing of Alaska Protraction Diagram, Anchorage Land District; Cancellation

JUNE 28, 1960.

Notice of filing of pages one, two, and three of Copper River Portfolio Number 4, Federal Register Document 60-3820, appearing on Page 3734 of the issue for April 28, 1960, officially filed May 30, 1960, is hereby cancelled insofar as it affects the following described public lands:

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

COPPER RIVER MERIDIAN

CR 4-1, Ts. 13 to 14 N., Rs. 1 to 4 W.,
CR 4-2, Ts. 13 to 14 N., Rs. 5 to 8 W.,
CR 4-3, Ts. 13 to 14 N., Rs. 9 to 10 W.

DALE E. ZIMMERMAN,
Acting Manager, Anchorage Land Office.

[F.R. Doc. 60-6179; Filed, July 5, 1960; 8:47 a.m.]

Office of the Secretary

GRAND TETON NATIONAL PARK, WYOMING

Elk Reduction Program During 1960 Hunting Season

Notice is hereby given that, pursuant to section 6 of the act of September 14, 1950 (64 Stat. 851; 16 U.S.C. 673c) the Secretary of the Interior and the Governor of Wyoming have reached an agreement pursuant to which there will be no Elk Reduction Program in Grand Teton National Park, Wyoming, during the 1960 hunting season. Copies of the agreement are available for inspection in the Office of the Director of the National Park Service, Room 3104, Interior Building, Washington, D.C.

FRED A. SEATON,
Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60-6166; Filed, July 5, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11364 etc.; Order No. E-15459]

CHARTER OPERATIONS

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of June 1960.

In the matter of the application of certain air carriers for an exemption, as heretofore granted in Orders E-13158 and E-14079, from the provisions of section 403 of the Federal Aviation Act of 1958 and the Economic Regulations (14 CFR Part 221) with respect to charter operations for the Military Traffic Management Agency, Dockets 11364, 11405, and 11433.

On November 14, 1958, by Order E-13158,[1] the Board granted to certain carriers named therein an exemption from the provisions of section 403 of the Civil Aeronautics Act of 1938 and the Economic Regulations of the Board to the extent that such section of the Act and the Economic Regulations otherwise would require such carriers to apply the ferry rates stated in their tariffs to the actual ferry mileage flown in those cases where such mileage exceeded that estimated in bids or contracts with the Military Traffic Management Agency (MTMA). By its terms, this exemption expired on June 30, 1959. By Order E-14079, on June 19, 1959, a similar exemption was issued under the Federal Aviation Act of 1958 to certain carriers named therein for a one year period ending June 30, 1960.[2] Each of these orders was amended during its effective period to extend the exemption to carriers in addition to those included initially.

Alaska Airlines, Inc., Docket 11364, Hawaiian Airlines, Ltd., Docket 11405, and The Flying Tiger Line, Inc., Docket 11433, have each requested an exemption for the year ending June 30, 1961, of the same nature as the exemption previously granted in Orders E-13158 and E-14079. By letter dated April 19, 1960, the Military Traffic Management Agency (MTMA) has similarly recommended that the Board grant exemption authority for such period beyond the expiry date of Order E-14079 (June 30, 1960) as it may deem appropriate. No objections to the applications of the carriers have been filed.

The need for the requested exemption arises because of a conflict between the bid and contract requirements of MTMA and the tariff requirements of the Act and the regulations. The military bid requirements now provide that a bid submitted by a carrier must represent the maximum charge to be paid by the Military. However, the amount of ferry mileage to be flown under a contract with the Military cannot always be determined by a carrier in advance of performance and, under the terms of the Act and the regulations, it is required to charge and collect the exact amount for ferry mileage which its tariff specifies. Thus, at the present time air carriers cannot comply with both the bid requirements of the Military and the provisions of their tariffs.

[1] Dockets 9662, 9916.
[2] Dockets 9916, 10051, 10011, 10487, 10005, 10227, and 10020.

Other than the exemption basis, no solution to this problem with respect to either the bid or tariff requirements, or both, has been suggested by any interested person although, as stated by MTMA, the matter has been under continuing study. Unless the carriers are afforded the exemption herein requested this impasse would preclude the carriers from meeting the bid requirements of the Military to their mutual disadvantage. Since we believe that the continued participation of air carriers in military charter traffic is in the public interest, essential to the financial integrity of many air carriers, and contributes to the development of an air-transportation system properly adapted to the needs of the national defense, we will grant the exemption requested except as limited herein, and permit the air carriers to continue to meet the military bidding requirements.

In addition, we have concluded that the exemption authority contained herein should be afforded equally to all carriers which otherwise would be unable to meet the bid requirements of MTMA while conforming to the terms of their tariffs. Our conclusion in this respect is intended to relieve qualified air carriers from the necessity of filing individual applications for exemption authority during the three month period ending September 30, 1960. Limitation of such exemptions to the three months ending September 30, 1960, will not preclude extension into subsequent periods if necessitated by circumstances apparent at that time.

Therefore, to the extent that section 403 of the Federal Aviation Act of 1958 and Part 221 of Title 14 of the Code of Federal Regulations would otherwise require air carriers to apply the ferry rates stated in their tariffs to the actual ferry mileages where such mileage exceeds that estimated in bids or contracts with MTMA, the Board finds that the enforcement of such section of the Act and such regulations is not in the public interest and would be an undue burden on air carriers by reason of unusual circumstances affecting their operations.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958 (72 Stat. 731) and particularly sections 204(a) and 416(b) thereof,

It is ordered, That:

1. Subject to the conditions listed hereafter, an exemption from the provisions of section 403 of the Act and 14 CFR Part 221 is hereby granted to the extent that said section and regulations would otherwise require air carriers to apply the ferry rates stated in their tariffs to the actual ferry mileage in those cases where such mileage exceeds that estimated in bids or contracts with MTMA: *Provided*, That this exemption shall only apply with respect to charter operations, to be performed within the continental United States, at the request of the Military Traffic Management

Agency, U.S. Army: *And provided, further*, That this exemption authority expires September 30, 1960.

2. The applications of Alaska Airlines, Inc., Hawaiian Airlines, Ltd., and The Flying Tiger Line Inc., are dismissed except insofar as granted herein.

3. Copies of this order shall be served upon Alaska Airlines, Inc., Hawaiian Airlines, Ltd., and The Flying Tiger Line Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LEETER, *Secretary.*

[F.R. Doc. 60-6163; Filed, July 5, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-102]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application and Date of Hearing

JUNE 29, 1960.

Take notice that on May 13, 1960, Columbia Gulf Transmission Company (Applicant), filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing an increase in the horsepower capacity of the compressor engine at its Compressor Station No. 6 near Banner, Mississippi. Applicant proposes to increase the capacity of one of its 2,000 horsepower engines to 2,800 by means of turbo-charging, all as more fully described in the application on file and open to public inspection.

The estimated cost of the proposed project less the salvage of existing installed equipment to be replaced will be $86,200, which said cost will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 28, 1960, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6162; Filed, July 5, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FEES FOR COPYING, CERTIFICATION, AND RELATED SERVICES

JUNE 28, 1960.

Paragraphs 7 and 8 of the Commission's notice of July 15, 1958, in the matter of fees for copying, certification and services in connection therewith, as amended (23 F.R. 5642 and 10577, 24 F.R. 5590 and 25 F.R. 3561), are hereby further amended to read as follows:

7. Payment for services described in paragraphs 1 through 6 hereof may be made in cash or by postal money order or check payable to the order of the Secretary, Interstate Commerce Commission, Washington, D.C., and forwarded to his office.

8. Transcripts of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. For the fiscal year beginning July 1, 1960, the official reporter is the CSA Reporting Corporation, 939 D Street NW., Washington 6, D.C., and transcripts will be furnished to the public at the rate of 60 cents per page of approximately 200 words. Application for copies and payment therefor should be made direct to the official reporter.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6171; Filed, July 5, 1960; 8:46 a.m.]

[Notice 341]

MOTOR CARRIER TRANSER PROCEEDINGS

JUNE 30, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62926. By order of June 27, 1960, the Transfer Board approved the transfer to B. & H. Trucking Co., 507 Main Street, Camden, N.J., of Certificate No. MC 67227, issued April 1, 1943, to Harold D. Snyder, doing business as B. & H. Trucking Company, 507 Main Street, Camden, N.J., authorizing the transportation of: Oyster shells, from New York, N.Y., to Camden, N.J.; toilet paper and paper towels and napkins, from Chester, Pa., to Camden and Trenton, N.J.; general commodities, excluding household goods and other commodities, between Camden, N.J., and Philadelphia, Pa.; and gelatine, between Camden, N.J., and New York, N.Y.

No. MC-FC 63180. By order of June 28, 1960, the Transfer Board approved the transfer to Harold Goltzman, doing business as Goltzman Bros., Kew Gardens (Queens), New York, of Certificate in No. MC 11130, issued February 14, 1941, to Merchants Transfer & Storage Co., Inc., Independence, Kans., authorizing the transportation of: Household goods and emigrant movables, between Independence, Kans., and points within 50 miles of Independence, on the one hand, and, on the other, Kansas City, Independence, Joplin, Carthage, and Springfield, Mo., and points in Oklahoma. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., for applicants.

No. MC-FC 63192. By order of June 28, 1960, the Transfer Board approved the transfer to Thornbury Trucking, Inc., Grand Ledge, Mich., of Certificate No. MC 107354, and the remaining portion of the operating rights in Certificate No. MC 107354 Sub 4, issued April 12, 1949, and May 8, 1956, respectively, to W. L. Thornbury, Grand Ledge, Mich., authorizing the transportation of: Clay products, sewer pipe joint compound, barium, malt beverages, wine, empty wine and malt beverage containers, soft drinks, and beverage compounds, from, to, or between specified points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. Wilhelmina Boerama, 2850 Penobscot Building, Detroit 26, Mich., for applicants.

No. MC-FC 63199. By order of June 28, 1960, the Transfer Board approved the transfer to Marshall E. Nauman, doing business as Riteway Transport, 3842 North 50th Place, Phoenix, Ariz., of Certificate in No. MC 98289 Sub 1, issued May 15, 1953, to Joseph M. Montoya and Robert Valdez, a partnership, doing business as Western Freight Lines, 3000 Cerrillas Road, Santa Fe, N. Mex., authorizing the transportation of: General commodities, with certain exceptions, and machinery, equipment, material, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, and heavy or bulky articles requiring special equipment and household goods, from, to, or between specified points in Arizona, Colorado, New Mexico, and Utah.

No. MC-FC 63203. By order of June 28, 1960, the Transfer Board approved the transfer to John A. Solomon, doing business as Kansas City Tow Service, 31 West 31st St., Kansas City, Mo., of Certificates in Nos. MC 116109 and MC 116109 Sub 2, issued August 23, 1957 and April 10, 1958, respectively, to Darlene B. Solomon, doing business as Kansas City Tow Service, 31 West 31st Street, Kansas City, Mo., authorizing the transportation of: wrecked or disabled motor vehicles and trucks, from points in Kansas and Missouri, to Kansas City, Mo., and Replacement motor vehicles for those wrecked or disabled, when transported by wrecker equipment, from Kansas City, Mo., to points in Missouri and Kansas.

No. MC-FC 63208. By order of June 28, 1960, the Transfer Board approved the transfer to C. Mayberry, doing business as Mayberry's Van & Delivery Service, Dayton, Ohio, of Certificate in No. MC 34572, issued November 19, 1959, to Charles A. Ford, Dayton, Ohio, authorizing the transportation of: Household goods, between points in Montgomery County, Ohio, on the one hand, and on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. Noel F. George, 44 East Broad Street, Columbus Ohio, for applicants.

No. MC-FC 63236. By order of June 28, 1960, the Transfer Board approved the transfer to Vaupel Transportation, Inc., doing business as Vaupel Transportation, Davis Junction, Ill., of Certificate No. MC 115038, issued November 28, 1955, to Clarence Irven Asche, doing business as Asche Transfer, Shannon, Ill., authorizing the transportation of: Fertilizer from Dubuque, Iowa, to points in Illinois on and north of Illinois Highway 9. Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill., for applicants.

No. MC-FC 63278. By order of June 28, 1960, the Transfer Board approved the transfer to Morneau & Sons, Inc., Berlin, N.H., of the operating rights authorized to Roland J. Morneau, doing business as Morneau & Sons, Berlin, N.H., in Certificates Nos. MC 93172 and MC 93172 Sub 3, issued December 27, 1951, and March 11, 1952, respectively, authorizing the transportation, over irregular routes, of household goods, between Berlin, N.H., and points in that part of New Hampshire, Maine, and Vermont, within 150 miles of Berlin, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, and Massachusetts, and between points in Coos County, N.H., on and north of U.S. Highway 2 on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, and Connecticut, and between Keene, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and the District of Columbia. J. L. Blais, Sheridan Building, Berlin, N.H., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6172; Filed, July 5, 1960; 8:46 a.m.]

[Under Rev. S.O. 562, Taylor's I.C.C. Order 100, Amdt. 3]

CHICAGO AURORA AND ELGIN RAILWAY CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 100 (Chicago Aurora and Elgin Railway Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 100 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-6173; Filed, July 5, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2493]

MAYFLOWER FINANCE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 28, 1960.

I. Mayflower Finance Company (issuer), Fountain Building, Las Vegas, Nevada, filed with the Commission on March 31, 1958 a notification on Form 1-A and an offering circular relating to an offering of 200,000 shares of its $1 par value common stock at $1 per share for an aggregate offering of $200,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to file its report of sales on Form 2-A as required by Rule 260;

2. The issuer has failed to cooperate with the Commission in connection with the filing of its revised offering circular as required by Rule 256(e).

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6167; Filed, July 5, 1960; 8:45 a.m.]

TARIFF COMMISSION

TYPEWRITER-RIBBON CLOTH

Escape-Clause Report

JUNE 30, 1960.

The Tariff Commission today submitted to the President a report of its finding and recommendation in connection with "escape clause" investigation No. 7-85, conducted under section 7 of the Trade Agreements Extension Act of 1951, as amended. This investigation covered cotton broadwoven typewriter-ribbon cloth, provided for in paragraph 904 of the Tariff Act of 1930. This cloth is dutiable at various rates of duty under the General Agreement on Tariffs and Trade, ranging from about 20 to 32 percent ad valorem. The cloth is also subject to an additional duty of 5 cents per pound on the long-staple cotton contained therein.

The Commission found that cotton broadwoven typewriter-ribbon cloth was being imported into the United States in such increased quantities, both actual and relative (to domestic production), as to cause serious injury to the domestic industry producing like or directly competitive cloth. The Commission also found that in order to remedy the serious injury it was necessary to modify the trade-agreement concessions to permit re-imposition on imports of such cloth of the rates originally provided in the Tariff Act of 1930, which range from about 28 to 48 percent ad valorem. The rate of 5 cents per pound on the long-

staple-cotton content of typewriter-ribbon cloth is not affected.

Copies of the Commission's report are available as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-6174; Filed, July 5, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CENTRAL ARIZONA LIVESTOCK AUCTION

Posted Stockyards

Pursuant to the authority delegated to the Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

ARIZONA

Central Arizona Livestock Auction, Casa Grande; May 26, 1960.

ARKANSAS

Salem Livestock Auction, Salem; May 6, 1960.

CALIFORNIA

Shasta County Farm Bureau Livestock Marketing Association, Anderson; April 20, 1960.
Bar S Ranch Auction, Fillmore; April 29, 1960.

COLORADO

Tri-State Auction, Strasburg; December 21, 1959.

FLORIDA

Jay Livestock Auction Market, Jay; May 6, 1960.

ILLINOIS

Bloomington Livestock Commission Co., Bloomington; April 12, 1960.
Clinton Livestock Sale, Clinton; November 18, 1959.
Breeds Livestock Sales, Elizabeth; April 11, 1960.

IOWA

Carroll Livestock Sales Company, Inc., Carroll; May 19, 1960.

MASSACHUSETTS

Michelsons Cattle, South Easton; April 26, 1960.

MINNESOTA

Albert Lea Horse Market, Albert Lea; April 18, 1960.
Lewiston Sales Barn, Lewiston; April 25, 1960.
Montevideo Sales Company, Inc., Montevideo; April 19, 1960.
Farmers Auction Market, Motley; April 22, 1960.

MISSOURI

Alton Sale Co., Alton; April 21, 1960.

NEBRASKA

Beaver Valley Livestock Commission Co., Beaver City; May 25, 1960.

NEVADA

Lovelock Livestock Commission Co., Lovelock, April 12, 1960.

OREGON

The Dalles Livestock Commission, Inc., The Dalles; May 2, 1960.
Gillaspie Livestock Auction, Inc., Salem; May 14, 1960.

PENNSYLVANIA

Krumsville Livestock Market, Lenhartsville; April 14, 1960.
Pennsylvania Stock Yards, Philadelphia; April 28, 1960.

SOUTH CAROLINA

Florence Auction Market, Florence; February 2, 1960.
Lake City Auction Company, Lake City; April 27, 1960.
Pageland Livestock Barn, Pageland; April 26, 1960.
Spartanburg Livestock Yard, Inc., Spartanburg; January 28, 1960.
Walterboro Stockyards Company, Inc., Walterboro; February 1, 1960.

TENNESSEE

Union Livestock Yards, Inc., Knoxville; May 4, 1960.
Sevier County Livestock Auction Co., Seymour; May 5, 1960.

TEXAS

Caldwell County Livestock Exchange, Luling; May 11, 1960.

WASHINGTON

Othello Livestock Auction, Inc., Bruce; May 24, 1960.
Tri-County Livestock Commission Co., Rochester; May 5, 1960.

WISCONSIN

Fennimore Livestock Exchange, Fennimore; April 29, 1960.
Nolan Livestock Auction, Inc., Marion; April 27, 1960.
Monticello Livestock Sales, Monticello; May 2, 1960.

Done at Washington, D.C., this 30th day of June 1960.

HARRY L. WILLIAMS, *Acting Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service.*

[F.R. Doc. 60-6190; Filed, July 5, 1960; 8:48 a.m.]

KENTUCKY-TENNESSEE LIVESTOCK MARKET

Proposed Posting of Stockyards

The Chief of the Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Kentucky-Tennessee Livestock Market, Guthrie, Ky.
Great Lakes Horse and Pony Sale, Saginaw, Mich.
Central Missouri Livestock Auction, Mexico, Mo.
Adams Commission Sales, Adams, N.Y.
Amsterdam Livestock Sales, Inc., Amsterdam, N.Y.
Ben Dibello Commission Sales, Hannibal, N.Y.
Burton Livestock Exchange, Vernon, N.Y.
Cambridge Valley Live Stock Market, Cambridge, N.Y.
Chatham Area Auction Co-operative, Inc., Chatham, N.Y.
Cobleskill Commission Sale, Cobleskill, N.Y.
Dansville Commission Auction, Dansville, N.Y.
Empire Livestock Marketing Cooperative, Inc., Bath, N.Y.
Empire Livestock Marketing Cooperative, Inc., Bullville, N.Y.
Empire Livestock Marketing Cooperative, Inc., Caledonia, N.Y.
Empire Livestock Marketing, Cooperative, Inc., Dryden, N.Y.
Empire Livestock Marketing Cooperative, Inc., Gouverneur, N.Y.
Empire Livestock Marketing Cooperative, Inc., Greene, N.Y.
Empire Livestock Marketing Cooperative, Oneonta, N.Y.
Empire Livestock Marketing Cooperative, Inc., Watertown, N.Y.
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H. L. Neverett & Sons, Chasy, N.Y.
H. L. Neverett & Sons, Malone, N.Y.
Hillsdale Farmers Auction, Inc., Hillsdale, N.Y.
Horseheads Livestock Market, Inc., Horseheads, N.Y.
Hudson Valley Livestock Market, Waterford, N.Y.
J. M. Kaplan & Son, Inc., Millerton, N.Y.
Kimball Stand Commission Sales, Jamestown, N.Y.
Luther's Livestock Commission Market, Wassaic, N.Y.
Maplehurst Livestock Market, Hinsdale, N.Y.
Milford Commission Sales Stables, Inc., Milford, N.Y.
N. Johnson Sons, Palmyra, N.Y.
R. Austin Backus, Inc. (Earlville Sales), Earlville, N.Y.
Seymours Commission Sales, DeKalb Junction, N.Y.
Seymours Commission Sales, Lowville, N.Y.
Southern Cayuga Commission Sale, Moravia, N.Y.
Sullivan Bros., Utica, N.Y.
Tweedies Sale's Stables, Walton, N.Y.
Wallkill Livestock Market, Walden, N.Y.
Haz-Cliffe Horse and Pony Sale, Wooster, Ohio.
Bud Burleson Commission Co., Cleburne, Tex.
Tate Brothers Live Stock Auction Co., Midland, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of June 1960.

HARRY L. WILLIAMS, *Acting Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service.*

[F.R. Doc. 60-6191; Filed, July 5, 1960; 8:48 a.m.]

RED BAY STOCKYARD

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

Name of Stockyard and Date of Posting

Red Bay Stockyard, Red Bay, Ala.; August 26, 1959.
Hayes Sales Yard, Nampa, Idaho; January 14, 1955.
Cherokee Livestock Commission, Tyler, Tex. (formerly Rose City Livestock Auction); January 11, 1957.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 30th day of June 1960.

HARRY L. WILLIAMS, *Acting Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service.*

[F.R. Doc. 60-6192; Filed, July 5, 1960; 8:48 a.m.]

[P. & S. Docket No. 308]

SIOUX CITY STOCK YARDS

Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on August 7, 1958 (17 A.D. 732), authorizing the respondents, the Market Agencies at the Sioux City Stock Yards, Sioux City, Iowa, to assess the current temporary schedule of rates and charges to and including July 31, 1960, unless modified or extended by further order before the latter date.

On June 17, 1960, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including July 31, 1962, unless extended or further modified by order entered prior to the latter date.

	Rates per head	
	Present	Proposed
Cattle		
Consignments of 1 head and 1 head only	$1.80	$1.55
Consignments of more than one head:		
First 5 head in each consignment	1.20	1.25
Next 10 head in each consignment	1.15	1.20
Each head over 15 in each consignment	1.00	1.05
Calves		
Consignments of 1 head and 1 head only	.85	.90
Consignments of more than one head:		
First 5 head in each consignment	.75	.80
Next 10 head in each consignment	.70	.75
Each head over 15 in each consignment	.60	.65

Note No. 1 would be deleted [This note pertains to the maximum and minimum buying charges on hogs shipped out by rail].

Note No. 2 would be renumbered as Note No. 1 and amended to read:

For each 28,000 pounds or fraction thereof in each purchase order of hogs shipped out by truck or rail, the maximum shall be $25 and minimum $20 for the first 17,000 pounds plus $0.33 (33¢) times the excess weight between 17,000 pounds and 28,000 pounds divided by the average weight of the hogs in the purchase order, with a maximum of $35 and minimum of $30 for each 28,000 pounds.

Note No. 3 would be renumbered as Note No. 2.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 29th day of June 1960.

DAVID M. PETTUS, *Director, Livestock Division, Agricultural Marketing Service.*

[F.R. Doc. 60-6193; Filed, July 5, 1960; 8:48 a.m.]

Forest Service

CERTAIN LANDS ACQUIRED UNDER TITLE III—BANKHEAD-JONES FARM TENANT ACT

Suitability for National Forest Purposes

Puruant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F.R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquired through exchange since June 30, 1959, or that are in the process of being acquired through exchange by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1013), are hereby determined to be suitable for national forest purposes.

Dated: June 24, 1960.

RICHARD E. MCARDLE, *Chief, Forest Service.*

[F.R. Doc. 60-6178; Filed, July 5, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

A. V. MARANO & CO., INC., ET AL.

Probation Order

In the matter of A. V. Marano & Co., Inc., Frank P. D'Acunto, Irving Greenbaum, 276 Fifth Avenue, New York 1, N.Y., Respondents, Case No. 271.

By charging letter of April 11, 1960, the Director, Investigation Staff, Bureau of Foreign Commerce, charged the respondents, A. V. Marano & Co., Inc., Frank P. D'Acunto, and Irving Greenbaum, with violations of the Export Control Act of 1949, as amended, and regulations issued thereunder, in connection with their failure to place destination control notices as required by the Export Regulations on commercial invoices related to two air parcel post shipments of cathode ray tubes and klystrons from the United States to West Germany.

By answer dated April 14, 1960, the respondents acknowledged service of the charging letter, admitted these charges, and cited factors in mitigation. By letter of May 16, 1960, the respondents, without prejudice and for the purpose of this compliance proceeding only, have admitted the allegations and charges aforesaid, waived all right to an oral hearing before a Compliance Commissioner, and consented to the entry of an order against them which would place them on probation for the period of six months from the date of an order to be issued. Respondents also waived all right of administrative appeal from, and judicial review of, such order. On May

20, 1960, the Director, Investigation Staff, agreed to acceptance of this consent order.

The Compliance Commissioner to whom this case was assigned, having reviewed the pleadings and evidence, has submitted to me his report and recommendation wherein he has recommended acceptance of the consent order.

Now, after considering the entire record including the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact.

1. During the times herein involved, A. V. Marano & Co., Inc., was a corporation located at 276 Fifth Avenue, New York, N.Y. and engaged in export-import business. Frank P. D'Acunto was President of the firm, and Irving Greenbaum was Secretary-Treasurer.

2. On or about August 5, 1958, the Marano firm exported via air parcel post from New York, pursuant to validated export licenses B8-616-30831 and B8-625-31051 issued by the Bureau of Foreign Commerce, five cathode ray tubes and five klystrons to a consignee in Hamburg, West Germany.

3. In each of the aforesaid exportations, the commercial invoices prepared and issued by the Marano firm to the West German consignee bore destination control notices which were incomplete in that they failed to show West Germany as the ultimate destination.

4. The respondents knew, or should have known, when these commercial invoices were prepared and issued, that the destination control notices were incomplete and not in conformity with the requirements of § 379.10(c)(3) (now 379.10(c)(4)) of the Export Regulations.

From the foregoing, the following is my conclusion.

The respondents, A. V. Marano & Co., Inc., Frank P. D'Acunto, and Irving Greenbaum, knowingly failed, omitted and neglected to place proper and full destination control notices on certain commercial invoices in connection with U.S. exportations as required by § 379.10 (c)(3) (now 379.10(c)(4)) of the Export Regulations, and have thereby violated and failed to comply with said Export Regulation.

In his report, the Compliance Commissioner said:

The instant case significantly illustrates the importance of placing the required destination control notice on commercial invoices. The subject exportations were made by air parcel post. Such shipments do not involve bills of lading. Thus, the material export control document which is actually received by the foreign consignee in such a shipment is the commercial invoice. It is important and necessary, therefore, in such a shipment that the required destination control notice be placed on the commercial invoice because this constitutes the essential means of bringing to the attention of the foreign consignee-purchaser the limitations which have been placed on the disposition of the commodities exported from the United States.

In mitigation of their admitted violations, the respondents have pointed out that their commercial invoices have printed on them in bold type the following: "These commodities licensed by U.S. for ultimate destination ---------- Diversion contrary to U.S. law is prohibited." They alleged that, in the instant cases, the ultimate destination, "West Germany" was omitted through the negligence and error of an employee who had been hired to replace the firm's regular export manager. The incidents occurred on the second day of the employment of this new man, who remained with the firm only one month and is no longer in its employ.

Compliance orders are not primarily intended to impose penalties. Rather they are essentially remedial actions, the primary objectives of which are to achieve effective enforcement of the U.S. Export Control Act and the regulations, orders and licenses issued thereunder, to deter violations, and to establish corrective values and standards of conduct consistent with the achievement of the U.S. Government policies set forth in the Act.

It was the Commissioner's conclusion that the facts of this case were such as to make the proposed consent order fully consistent with the remedial objectives of the law.

Now, therefore, after careful consideration of the entire record, and being of the opinion that the recommendation of the Compliance Commissioner and the following order are reasonable, fair, just, and necessary to achieve effective enforcement of the Export Control Act and regulations, orders and licenses issued thereunder, *It is hereby ordered*, Upon condition that the respondents, A. V. Marano & Co., Inc., Frank P. D'Acunto, and Irving Greenbaum, and each of them, during the period of six months from the date of this order, do not knowingly violate the Export Control Act of 1949, as amended, and all regulations, orders and licenses promulgated thereunder, the said respondents shall be permitted all export privileges as though this order had not been made, and, at the expiration of the six months' period, this order shall, without further action, be and become terminated. In the event, however, that it be found by the Director, Office of Export Supply, or such other official as may at that time be exercising his duties, after investigation, that the respondents or any of them have failed to comply with the foregoing condition in any respect during the aforesaid six months' period, such official may, summarily and without notice to the respondents, enter and publish an order against them revoking all outstanding validated licenses to which any of them may be a party, and denying to any of them, and to all persons and firms related to them, for the period of six months from the date of the supplemental order, all privileges of participating, directly or indirectly, in any manner or capacity, in any export transaction involving goods originating in whole or in part from the United States. The entry of such supplemental order shall not limit the Bureau of Foreign Commerce from taking such other action based on such violation as it may deem warranted.

In the event that such supplemental order is issued, respondents shall have the right to hearing and appeal therefrom as provided in the Export Regulations.

Dated June 30, 1960.

JOHN C. BORTON,
Director, Office of Export Supply.

[F.R. Doc. 60-6181; Filed, July 5, 1960; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: During the current recess of the Congress a listing of public laws approved by the President will appear in the FEDERAL REGISTER under *Title 2—The Congress*.

Approved July 1, 1960

(The following bill was returned by the President with his objections to the House of Representatives on June 30, 1960. It was reconsidered and approved by two-thirds of each House on July 1.)

H.R. 9883 ---------- Public Law 86-568
An Act to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

Approved July 2, 1960

H.J. Res. 778 ---------- Public Law 86-569
Joint Resolution making temporary appropriations for the fiscal year 1961, and for other purposes.

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Washington, Thursday, July 7, 1960

THE UNIVERSITY OF MICHIGAN
JUL 13 1960
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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 203, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 922.503 (Valencia Orange Regulation 203, 25 F.R. 5873) are hereby amended to read as follows:

(ii) District 2: 475,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6230; Filed, July 6, 1960; 8:49 a.m.]

[Nectarine Order 6]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 937.322 Nectarine Order 6.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 1, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no handler shall handle any package or container of Red Grand, Freedom, Le Grand, Golden Grand, Marigold, Grandeur, Late Le Grand, Gold King, or Golden Free nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 6, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6359; Filed, July 6, 1960; 11:08 a.m.]

[959.318]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Marketing Agreement No. 114, as amended, and Order No. 59,

as amended (7 CFR Part 959), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in Sections 959.1 through 959.88, inclusive, of the order. The Oregon-California Potato Committee, pursuant to § 959.51 of the order, has recommended that regulations limiting the handling of 1960 crop potatoes should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 959.318 Limitation of shipments.

During the period from July 11, 1960, through October 10, 1960, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade. (2) *Size.* All varieties—1⅞ inches minimum diameter.

(b) *Minimum maturity requirements.* (1) All varieties: "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the Committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed.

(ii) Livestock feed or grading and storing: *Provided*, That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing or for livestock feed within, or to, such districts for such purposes.

(iii) Charity.

(iv) Starch.

(v) Canning or freezing.

(2) The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Dehydration: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if at least 65 percent of the potatoes grade not less than U.S. No. 1.

(ii) Export: *Provided*, That Size B potatoes may be shipped if they meet the requirements of the U.S. No. 1, or better, grade.

(iii) Potato chipping: *Provided*, That potatoes which fail to meet the requirements of paragraphs (a) and (b) of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped: *Provided further*, That potatoes which have been conditioned for use for potato chipping and from which both ends are clipped or from which more than one-fourth of the potato has been cut away may be shipped if the remaining portion weighs 6 ounces or more and if such potatoes otherwise meet the applicable grade requirements: *Provided further*, That potatoes which by clipping second growth could be made to meet the aforesaid grade and size requirements may be shipped without such clipping.

(iv) Hash browns or potato salad: *Provided*, That Size B potatoes may be shipped if they meet the requirements of the U.S. No. 1, or better, grade.

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to paragraph (c) shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler, making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or for use in hash browns or potato salad, pursuant to paragraph (c) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments, except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Upon request by the committee furnish reports of each shipment made pursuant to each Certificate of Privilege.

(v) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receivers' reports that the committee may require.

(vi) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after date of such shipment.

(vii) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, and unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 959.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity of an Inspection Certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) *Definitions.* The terms "moderately skinned," "U.S. No. 1," "U.S. No. 2," and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 1, 1960, to become effective July 11, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6263; Filed, July 6, 1960; 8:54 a.m.]

[Milk Order 116]

PART 1016—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

Order Amending Order

§ 1016.0 Findings and determination.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Wisconsin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe with respect to (a) all receipts within the month of milk from producers, including milk of such handler's own production; (b) any other source milk allocated to Class I pursuant to § 1016.46(b) and the corresponding step of § 1016.47, and (c) the applicable amount specified in § 1016.83 (a)(2) or (b)(2).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 20, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 13, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In the interest of the orderly marketing of milk, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area. The required two-thirds of producers who participated in a referendum did not favor the issuance of this amended order. Therefore, the Assistant Secretary on June 20 (25 F.R. 5705) issued a notice of intention to terminate the order which gave interested parties an opportunity to submit views as to why the order should not be terminated. As a result of a resolution approving the amending order received from a cooperative association which voted negatively in the referendum, it has now been determined that more than two-thirds of all the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area favor the issuance of the amending order. In view of such determination, the "Notice of Intention to Terminate the Order" signed by the Assistant Secretary dated June 20, 1960, is hereby withdrawn and revoked.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Northeastern Wisconsin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended and the aforesaid order is hereby amended as follows:

1. Delete § 1016.5 (e), (f) and (h); delete the word "and" and replace the semicolon with a period, both at the end of § 1016.5(g); renumber such paragraph (g) as (f); and add immediately prior thereto a new paragraph (e) as follows:

(e) Forest County and Oconto County (exclusive of the Menominee Indian Reservation); Wisconsin; and

2. Delete from § 1016.8(b) the word "August" and substitute "July"; delete from the same paragraph the word "July" and substitute "June".

3. Substitute a colon for the period at the end of the second sentence in § 1016.10(a) and add the following proviso: "*Provided*, That for each of the months of July through November diversion of the milk of any such person shall be limited to 10 days (5 days in the case of every-other-day delivery)."

4. Delete § 1016.43(c) and substitute therefor the following:

(c) A nonpool plant (except as specified in paragraph (b) of this section) shall be Class I utilization, unless the following conditions and the conditions of paragraph (d) of this section are met:

(1) Utilization in another class is claimed by the transferor-handler in his report submitted pursuant to § 1016.30 for the month;

(2) The operator of the nonpool plant has utilization of an equivalent amount of skim milk and butterfat remaining in the class of use claimed in subparagraph (1) of this paragraph after the prior deduction in sequence beginning with the lowest-priced available class of use of any receipts thereat during the month of skim milk or butterfat, respectively, from plants not regulated under the provisions of any Federal marketing agreement or order; and

(3) The operator of the nonpool plant maintains books and records which are adequate for the verification of such utilization and are made available if requested by the market administrator.

(d) The classification of any skim milk or butterfat for which a claim of use is made under paragraph (c)(1) of this section shall be subject to the following further conditions:

(1) If any skim milk or butterfat was disposed of from the nonpool plant in the form of bulk milk, skim milk, or cream to another nonpool plant(s), the market administrator shall determine the classification of such skim milk or butterfat at the nonpool plant where actually used or processed when necessary to support a claim made pursuant to paragraph (c)(1) of this section;

(2) If Class I utilization at any nonpool plant at which classification of the pooled milk is made exceeds the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity shall be Class I to the extent of such excess: *Provided*, That (i) when, during the month, transfers to such nonpool plant have been made from regulated plants under more than one Federal marketing agreement or order, the amount of skim milk or butterfat so classified as Class I milk shall be a pro rata quantity based on the proportion of receipts at the nonpool plant from each of such regulated plants, and (ii) any amount of pooled milk remaining after the computation in (i) of this proviso shall be assigned in sequence to the available uses in the class claimed and any balance to the remaining uses in the nonpool plant; and

(3) If Class I utilization at any nonpool plant at which classification of the

pooled milk is made does not exceed the receipts during the month from dairy farmers who constitute its regular source of Grade A milk, the transferred quantity which is in excess of the available use in the class claimed under paragraph (a) (1) of this section shall be classified in other classes in sequence beginning with the next lowest-priced available class of use.

5. Delete from the introductory portion of § 1016.51 the phrase "during the 18 month period following the effective date of this part shall be" and substitute therefor the phrase "shall be as follows during the period through November 1961".

6. In § 1016.59(b)(2) delete the words "delivery period" wherever they appear therein and substitute therefor the word "month".

7. Add the following after the cross-reference "§ 1016.59(b)" at the end of § 1016.59: "plus 5 cents: *Provided*, That the resulting price shall not be higher than the Class II price."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 30th day of June 1960, to be effective on and after the first day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6231; Filed, July 6, 1960; 8:50 a.m.]

PART 1029—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Order Regulating Handling

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AUTHORITY: §§ 1029.0 to 1029.71, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1029.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Yakima, Washington, on March 2–3, 1960, and continued at Milton-Freewater, Oregon, on March 4, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of fresh prunes grown in designated counties in the State of Washington and in Umatilla County, Oregon. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of prunes grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of prunes grown in the production area; and

(5) All handling of prunes grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U.S.C. 1001–1011). As soon as practical after such effective time it will be necessary to establish the Washington-Oregon Fresh Prune Marketing Committee, the agency charged with administration of the program. Subsequently, and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. The shipments of prunes begin during the first half of August, and for all practical purposes the entire crop is shipped by mid-October. Hence, for the program to be of maximum benefit during the 1960–61 shipping season the order should be made effective as soon as practicable. The provisions of the order are well known to handlers of fresh prunes since the public hearing in connection with the order was completed March 4, 1960, and the recommended decision and the final decision were published in the FEDERAL REGISTER on April 26, 1960 (25 F.R. 3579), and May 27, 1960 (25 F.R. 4680), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of fresh prunes takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the fresh prunes covered by this order) who, during the period beginning April 1, 1959, and ending March 31, 1960, both dates inclusive, handled not less than 50 percent of the volume of fresh prunes covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1959, through March 31, 1960) were engaged, within the production area specified in this order, in the production of fresh prunes for market, such producers having also produced for market at least two-thirds of the volume of fresh prunes represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of prunes grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1029.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1029.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1029.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1029.4 Production area.

"Production area" means the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all counties in Washington lying east thereof and Umatilla County in the State of Oregon.

§ 1029.5 Prunes.

"Prunes" means all varieties of plums, classified botanically as Prunus domestica, grown in the production area, except those of the President variety.

§ 1029.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of prunes.

§ 1029.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 1029.8 Committee.

"Committee" means the Washington-Oregon Fresh Prune Marketing Committee established pursuant to § 1029.20.

§ 1029.9 Grade.

"Grade" means any one of the officially established grades of prunes as defined and set forth in the United States Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537 of this title) or amendments thereto, or modifications thereof, or variations based thereon.

§ 1029.10 Size.

"Size" means the shortest dimension, measured through the center of the prune, at right angles to a line running from the stem to the blossom end, or such other specifications as may be established by the committee with the approval of the Secretary.

§ 1029.11 Grower.

"Grower" is synonymous with producer and means any person who produces prunes for market and who has a proprietary interest therein.

§ 1029.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting prunes owned by another person) who handles prunes.

§ 1029.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport prunes within the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of prunes from the orchard where grown to a packing facility located within such area for preparation for market.

§ 1029.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1029.31(m):

(a) "District 1" shall include all of the production area except Walla Walla, Columbia, Garfield, and Asotin Counties in the State of Washington, and Umatilla County in the State of Oregon.

(b) "District 2" shall include the County of Umatilla in the State of Oregon and the Counties of Walla Walla, Columbia, Garfield, and Asotin in the State of Washington.

§ 1029.15 Export.

"Export" means to ship prunes to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

§ 1029.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of prunes in a particular type and size of container, or any combination thereof.

§ 1029.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of prunes.

ADMINISTRATIVE BODY

§ 1029.20 Establishment and membership.

There is hereby established a Washington-Oregon Fresh Prune Marketing Committee consisting of 9 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Six of the members and their respective alternates shall be growers or officers or employees of corporate growers. Three of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 6 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 3 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Four of the grower members and their respective alternates shall be producers of prunes in District 1, and 2 of the grower members and their respective alternates shall be producers of prunes in District 2. Two of the handler members and their respective alternates shall be handlers of prunes in District 1, and 1 of the handler members and his respective alternate shall be handlers of prunes in District 2.

§ 1029.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning April 1 and ending March 31: *Provided*, That the term of office of one-half the initial grower members and alternates from each district and one handler member and alternate from District 1 shall end March 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 1029.22 Nominations.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committees are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1029.20.

(b) *Successor members.* (1) Except as may otherwise be prescribed pursuant to subparagraph (3) of this paragraph, the committee shall hold or cause to be held, not later than March 1 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces prunes. No grower shall participate in the election of nominees in more than one district in any one fiscal

year. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates: *Provided*, That, in the event the committee determines that attendance at such nomination meetings is not representative of handlers generally, it may, with the approval of the Secretary, obtain nominations for handler members and their alternates by mail ballot. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles prunes, which vote shall be weighted by the volume of prunes handled by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

§ 1029.23 Selection.

From the nominations made pursuant to § 1029.22, or from other qualified persons, the Secretary shall select the 6 grower members of the committee, the 3 handler members of the committee, and an alternate for each such member.

§ 1029.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 1029.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1029.20.

§ 1029.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1029.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1029.22 and 1029.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1029.20.

§ 1029.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

§ 1029.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1029.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such time as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to prunes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in prune production within the districts and the production area.

§ 1029.32 Procedure.

(a) Six members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least 6 members: *Provided*, That any action relating to regulations authorized by §§ 1029.52 and 1029.53 which would be effective in District 2 shall require the concurring vote of at least 2 members from District 2.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 1029.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 1029.34 Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the prune industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1029.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 1029.41.

§ 1029.41 Assessments.

(a) Each person who first handles prunes shall, with respect to the prunes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of prunes handled by him as the first handler thereof during the applicable fiscal period and the total quantity of prunes so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committe may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all prunes handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 1029.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 1029.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 1029.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects shall be paid from funds collected pursuant to § 1029.41.

REGULATIONS

§ 1029.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 1029.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of prunes within the production area;

(2) The expected general quality and size of prunes in the production area and in other areas;

(3) The expected demand conditions for prunes in different market outlets;

(4) The expected shipments of prunes produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of prunes; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for prunes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 1029.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varities of prunes in the manner provided in § 1029.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for prunes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 1029.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of prunes whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of prunes grown in any district or districts: *Provided*, That whenever any regulation under this subparagraph prescribes a specific maturity requirement applicable to the handling of any variety of prunes, such maturity requirement shall apply uniformly to all prunes of such variety grown in both districts;

(2) Limit the shipment of prunes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, markings, or pack of the container, or containers, which may be used in the packaging or handling of prunes;

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of prunes which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 1029.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1029.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regu-

lation should be modified, suspended, or terminated with respect to any or all shipments of prunes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

§ 1029.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1029.41, 1029.52, 1029.53, and 1029.55, and the regulations issued thereunder, handle prunes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 1029.41, 1029.52, 1029.53, or § 1029.55, the handling of prunes in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1029.45) as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent prunes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle prunes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the prunes will not be used for any purpose not authorized by this section.

§ 1029.55 Inspection and certification.

Whenever the handling of any variety of prunes is regulated pursuant to § 1029.52 or § 1029.53, each handler who handles prunes shall, prior thereto, cause such prunes to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for prunes which previously have been so inspected and certified only if such prunes have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such prunes. The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided*, That all such shipments shall comply with all regulations in effect.

REPORTS

§ 1029.60 Reports.

(a) Upon request of the committee made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of prunes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such prunes; and (4) the destination of each shipment of such prunes.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the prunes received, and of prunes disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1029.61 Compliance.

Except as provided in this part, no person shall handle prunes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle prunes except in conformity with the provisions and the regulations issued under this part.

§ 1029.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1029.63 Effective time.

The provisions of this part and any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 1029.64.

§ 1029.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of prunes for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of prunes produced for fresh market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1029.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1029.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1029.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 1029.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1029.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1029.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 1029.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D.C., this 1st day of July 1960, to become effective upon publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6262; Filed, July 6, 1960; 8:54 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 37[1]]

PART 371—GENERAL LICENSES

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Miscellaneous Amendments

1. Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO* is amended by substituting the following entry for the present entry under Schedule B No. 77046:

Schedule B No.	Commodity
77046--	Compressors, reciprocating, integrally powered (in which connecting rods of drive engine connect directly to crankshaft of the compressor), capable of delivering at pressures of 700 psi or over and requiring a drive rated 2,000 horsepower or over.

2. In the Interpretations following § 379.10(g), question and answer number 11 is amended to read as follows:

11. Q. Does § 379.10(c) of the export regulations, which establishes the destination control statement requirements, apply to exportations licensed by the Department of State, the Atomic Energy Commission, or other United States government agencies?

A. No, § 379.10(c) of the export regulations applies only to exportations of commodities under the export licensing authority of the Department of Commerce. However, the regulations of the Department of State, Atomic Energy Commission, or other appropriate agency should be consulted to determine whether that agency requires the placing of a destination control statement on shipping documents covering the exportation of commodities under the export licensing authority of that agency.

This amendment shall become effective as of June 30, 1960.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 60-6240; Filed, July 6, 1960; 8:51 a.m.]

[1] This amendment was published in Current Export Bulletin 835, dated June 30, 1960.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7678 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Elmer Candy Company, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Elmer Candy Company, Inc., New Orleans, La., Docket 7678, May 27, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New Orleans candy manufacturer with discriminating in price in violation of section 2(a) of the Clayton Act by selling its products to some purchasers at higher prices than it sold to their competitors; for example, granting 10 percent and 20 percent price discounts to certain drugstores but none to competing drugstores, some of which sold more of its products than those favored.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Elmer Candy Company, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in, or in connection with, the sale of candy and related products of like grade and quality in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes in the resale and distribution of the respondent's products with the purchaser paying the higher price.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 27, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6204; Filed, July 6, 1960; 8:46 a.m.]

[Docket 7814 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Princess Royal Knitting Mills

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055-50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1290 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15

U.S.C. 45) [Cease and desist order, Harold Blumberg et al., trading as Princess Royal Knitting Mills, Reading, Pa., Docket 7614, June 22, 1960]

In the Matter of Harold Blumberg, Trustee of the Estate of A. Blumberg, David Blumberg, Evelyn Blumberg, and Murray Lappen, Individually and as Co-partners, Trading as Princess Royal Knitting Mills

The complaint in this case charged hosiery manufacturers in Reading, Pa., with preticketing their products with tags bearing fictitiously high prices, represented thereby as the usual retail prices.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 22 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Harold Blumberg, as Trustee of the Estate of A. Blumberg, David Blumberg, Evelyn Blumberg and Murray Lappen, individually and as co-partners, trading as Princess Royal Knitting Mills, or under any other name or names, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hosiery or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing, or in any other manner, that a certain amount is the customary or usual retail price of merchandise when said amount is in excess of the price at which said merchandise is customarily and usually sold at retail in the trade area or areas where the representation is made.

2. Furnishing any means or instrumentality to others by and through which they may mislead the public as to the customary or usual retail price of respondents' merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 22, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6205; Filed, July 6, 1960; 8:46 a.m.]

[Docket 7244 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Grand Union Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service:* § 13.135–50 *Oleomargarine amendment to FTC Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 15, 52 Stat. 116; 64 Stat. 21; 15 U.S.C.A. 56) [Cease and desist order, The Grand Union Company et al., Washington, D.C., Docket 7344, June 1, 1960]

In the Matter of The Grand Union Company, a Corporation, Square Deal Market Co., Inc., a Corporation, Trading as Food Fair; and Supermarket Wholesalers, Inc., a Corporation

The complaint in this case, as amended, charged the corporate operator of numerous retail food stores and two subsidiaries, with representing falsely that margarine was a dairy product by listing it with cheese and butter under the headings "Dairy Department" and "Ultra-Fresh Dairy Department" in newspaper advertising.

After acceptance of a consent agreement, the hearing examiner made his initial decision dismissing the complaint as to the parent corporation and requiring the two subsidiaries to desist from the challenged practices, and on June 1 the initial decision became the decision of the Commission.

Said order is as follows:

It is ordered, That the complaint be and the same is hereby dismissed as to The Grand Union Company, a corporation.

It is further ordered, That respondents, Square Deal Market Co., Inc., a corporation, trading as Food Fair, or trading under any other name, and Supermarket Wholesalers, Inc., a corporation, and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine or margarine, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any statement, word, grade designation, design, device, symbol, sound, or any combination thereof, which represents or suggests that said product is a dairy product;

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, any advertisement which contains any of the representations prohibited in paragraph 1 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Square Deal Market Co., Inc., a corporation, trading as Food Fair, and Supermarket Wholesalers, Inc., a corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6206; Filed, July 6, 1960; 8:46 a.m.]

[Docket 7699 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Lanston Industries, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Lanston Industries, Inc., Philadelphia, Pa., Docket 7699, June 1, 1960]

The complaint in this case charged a Philadelphia manufacturer of typesetting, typecasting, photomechanical, and platemaking equipment for the graphic arts industry with violating section 2(d) of the Clayton Act by paying compensation for services to some of its customers but not to their competitors on proportionally equal terms, such as paying $6,500 for advertising to a Philadelphia company.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on June 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Lanston Industries, Inc., its officers, employees, agents and representatives, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, resale or offering for resale of products manufactured, sold, or offered for sale by respondent, unless such payment or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the resale or distribution of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6207; Filed, July 6, 1960; 8:46 a.m.]

[Docket 7571 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Lumar, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Invoicing products falsely: § 13.1106 *Invoicing products falsely:* § 13.1108–40 *Federal Trade Commission Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 3-5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68 (c)) [Cease and desist order, Lumar, Inc., et al., Dallas, Tex., Docket 7571, May 26, 1960]

In the Matter of Lumar, Inc., a Corporation, and Martin Rosenbaum, Individually and as an Officer of Said Corporation

The complaint in this proceeding charged a Dallas, Tex., manufacturer with violating the Wool Products Labeling Act and the Federal Trade Commission Act by labeling and invoicing as "100% reprocessed wool" and "70% reprocessed wool, 30% Man Made Fibers", interlining materials, the actual wool content of which was substantially less than so represented, and by failing in other respects to comply with labeling requirements of the Wool Act.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Lumar, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen interlining materials or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding said products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentages of the total fiber weight of such wool product exclusive of ornamentation not exceeding 5 percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where the percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of nonfibrous loading or adulterating matter;

(c) The name or registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Lumar, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of woolen interlining materials or any other materials in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly, misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof in sales invoices, shipping memoranda or in any other manner.

It is further ordered, That the complaint herein, in so far as it relates to respondent Martin Rosenbaum, individually and as an officer of Lumar, Inc., be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Lumar, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 26, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6208; Filed, July 6, 1960; 8:46 a.m.]

[Dockets 5090 c.o.; 5459 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Olive Tablet Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders, Plough, Inc. (Memphis, Tenn.), et al., Docket 5090, Apr. 28, 1960; and Stuart N. Updike (New York, N.Y.) et al., Docket 5459, May 26, 1960]

In the Matters of Olive Tablet Company, a Corporation, and Erwin, Wasey and Company, a Corporation; and Beechams Pills, Inc., a Corporation, and Street & Finney, a Corporation

These proceedings were heard on complaints of the Commission charging distributors of "Dr. Edwards' Olive Tablets" and "Beechams Pills", respectively, and their advertising agencies, with false advertising of the therapeutic properties of their preparations. In both cases, respondents had agreed to cease making the challenged representations pending final disposition of similar issues in Carter Products, Inc., Docket 4970.

Accepting consent agreements, the hearing examiner made his initial decisions and orders to cease and desist which became in due time the decisions of the Commission.

The order to cease and desist in the matter of Olive Tablet Company et al., Docket 5090, is as follows:

It is ordered, That the respondents Plough, Inc., a corporation, and Erwin, Wasey, Ruthrauff & Ryan, a corporation (the legal successors to the Olive Tablet Company, and Erwin, Wasey and Company, which were named as respondents in the original complaint), and their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the products designated "Dr. Edwards' Olive Tablets", or any other product of substantially similar composition or possessing substantially similar properties under whatever name sold, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any other means, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication: (a) That said preparation will aid in promoting the flow of bile or that it will increase or beneficially influence the formation, secretion or flow of bile from the liver or gall bladder;

(b) That said preparation will have any favorable effect on the toning up of any intestinal muscular action;

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph (1) hereof.

The order to cease and desist in the matter of Beechams Pills, Inc., et al., Docket 5459, is as follows:

It is ordered, That the respondents, Stuart N. Updike, as a director of the

liquidated corporation, Beechams Pills, Inc.; Harold F. Ritchie, Inc., and Street & Finney, Inc., corporations, by their respective officers, agents, representatives and employees: shall all, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the product designated "Beechams Pills", or any other product of substantially similar composition or possessing substantially similar properties under whatever name sold, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication:

(a) That said preparation will stimulate, promote, aid, or help the digestion of food, or regulate digestion or the digestive system;

(b) That said preparation is a competent or effective remedy for gaseous, bloated, or tight feeling around the waist;

(c) That said preparation will bring on or restore regularity of bowel movement, or is a cure, remedy or competent or effective treatment for constipation, or has any beneficial value in the treatment of any of the symptoms thereof in excess of temporary relief afforded by its laxative action;

(d) That constipation has any appreciable effect on the digestion of food or that it causes food to ferment or decay excessively in the bowels;

(e) That said preparation is unqualifiedly safe;

(f) That regular and satisfactory bowel movements are dependent to any substantial degree upon proper food digestion;

(g) That said preparation will have any favorable effect on the tone of the intestinal muscles;

(h) That said preparation will aid in promoting the flow of bile, or that it will increase, or beneficially influence the formation, secretion or flow of bile from the liver or gall bladder.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said product in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph (1) hereof.

By "Decision of the Commission", etc., in each case, reports of compliance were required as follows (combining the two cases):

It is ordered, That respondents Plough, Inc., a corporation, and Erwin, Wasey, Ruthrauff & Ryan, a corporation (the legal successors to the Olive Tablet Company, and Erwin, Wasey and Company, which were named as respondents in the complaint); and respondents Stuart N. Updike, as a director of the liquidated corporation, Beechams Pills, Inc.; Harold F. Ritchie, Inc., and Street & Finney, Inc., corporations, shall within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: April 28, 1960 (Docket 5090); May 26, 1960 (Docket 5459).

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6209; Filed, July 6, 1960; 8:46 a.m.]

[Docket 7705 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Scott-Mitchell House, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking. Subpart*—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1886 *Quality, grade or type.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Scott-Mitchell House, Inc., et al., Yonkers, N.Y., Docket 7705, June 1, 1960]

In the Matter of Scott-Mitchell House, Inc., a Corporation; and Abraham Linet, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Yonkers, N.Y., distributors of housewares, tools, etc., with making such false representations in advertising as that defective, scrapped, manufacturers' reject high speed drills were "Brand New! . . . Top Grade!", and advertising usual prices of various merchandise as reduced from "Reg." prices, which were excessive and fictitious.

Following acceptance of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on June 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Scott-Mitchell House, Inc., a corporation, and its officers, and Abraham Linet, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or distribution of housewares, novelties, tools, instruments, accessories or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "new" or any other word or words of similar import or meaning to describe merchandise previously discarded or rejected as unfit by the manufacturer thereof.

2. Using the words "top grade" or any other word or words of similar import or meaning to describe merchandise previously discarded or rejected as unfit by the manufacturer thereof or to describe merchandise which is not the best product of the manufacturer.

3. Representing in any manner that merchandise discarded or rejected as unfit by the manufacturer thereof is new or of top grade or quality.

4. Offering for sale or selling a manufacturer's reject product without clearly disclosing on the article, or on the container in which such merchandise is packaged when sold this way, and in advertising, invoices, and shipping memoranda, that such merchandise is a manufacturer's reject.

5. Representing, directly or by implication, that the price at which such merchandise is offered for sale constitutes a reduction from the usual and customary price charged for such merchandise by respondents in the recent, regular course of their business in the area or areas where the representation is made.

6. Representing that any savings are afforded in the purchase of merchandise unless the prices at which it is offered constitute a reduction from the prices at which said merchandise is usually and customarily sold by respondents in the normal course of their business.

7. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amount by which the price of said merchandise is reduced from the price at which it is usually and customarily sold by respondents in the normal course of their business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6210; Filed, July 6, 1960; 8:47 a.m.]

[Docket 7737 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Standard Brands, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Standard Brands, Inc., et al., New York, N.Y., Docket 7737, June 1, 1960]

In the Matter of Standard Brands, Inc., a Corporation, and Ted Bates & Company, Inc., a Corporation

The complaint in this case charged manufacturers of Blue Bonnet oleomargarine and their advertising agency with representing falsely in television broadcasts that moisture drops or "Flavor Gems"—actually magnified drops of a non-volatile liquid applied for the demonstration—on Blue Bonnet oleomargarine caused it to taste more like butter than competitive margarines.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on June 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Standard Brands, Inc., a corporation, and its officers, and Ted Bates & Company, Inc., a corporation, and its officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of "Blue Bonnet" oleomargarine or any other oleomargarine, whether offered for sale or sold under the same or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using any pictorial presentation or demonstration purporting to prove, or representing in any manner, that moisture drops appearing on said oleomargarine cause such oleomargarine to taste more like butter, or to be more similar in flavor to butter, than competitive oleomargarine.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6211; Filed, July 6, 1960; 8:47 a.m.]

[Docket 7617]

PART 13—PROHIBITED TRADE PRACTICES

Branton Watch Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Samuel I. Vulcan doing business as Branton Watch Company, New York, N.Y., Docket 7617, June 11, 1960]

In the Matter of Samuel I. Vulcan, an Individual Doing Business as Branton Watch Company

The complaint in this case charged a New York City importer of watch movements from Switzerland which he assembled with cases from separate sources, with preticketing said watches, and furnishing his customers, with false price tickets representing the retail sales price to be much more than was the fact.

After hearing, the hearing examiner issued his initial decision which, as modified, became on June 11 the decision of the Commission.

The order to cease and desist, as modified, is as follows:

It is ordered, That Samuel I. Vulcan, an individual doing business as Branton Watch Company, or under any other name or names, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of watches, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing or in any other manner, that any amount is the usual and regular retail price of any product when such amount is in excess of the price at which such product is usually and regularly sold at retail in the trade area or areas where the representation is made; and

2. Furnishing any means or instrumentality to others by and through which they may misrepresent the usual and regular retail price of any of respondent's products.

By "Order Modifying Initial Decision", etc., report of compliance was required as follows:

It is further ordered, That respondent, Samuel I. Vulcan, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 10, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6212; Filed, July 6, 1960; 8:47 a.m.]

[Docket 6630]

PART 13—PROHIBITED TRADE PRACTICES

Virginia Excelsior Mills, Inc., et al.

Subpart—Combining or conspiring: § 13.430 *To enhance, maintain or unify prices.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, Virginia Excelsior Mills, Inc. (Doswell, Va.), et al., Docket 6630, May 6, 1960]

Order modifying desist order of Oct. 26, 1957, 22 F.R. 9390, to carry out the direction of the Court of Appeals, Fourth Circuit, of June 4, 1958 (256 F. 2d 538), to limit the prohibition against the maintenance of a common selling agent to its utilization in aid of the unlawful practices inhibited by preceding sections of the order.

Said modified order to cease and desist, including the order requiring report of compliance therewith, is as follows:

It is ordered, That Respondents Virginia Excelsior Mills, Inc., a corporation, W. H. Baker, T. Frank Flippo, H. L. Taylor and P. C. Flippo, individuals and officers of Respondent Virginia Excelsior Mills, Inc., T. Frank Flippo, F. Carter Flippo and Arthur P. Flippo, individuals and copartners trading as T. F. Flippo & Sons, H. L. Taylor, H. Ashton Taylor, G. K. Coleman, Sr., and G. K. Coleman, Jr., individuals and copartners trading as Ruther Glen Excelsior Company, T. Nelson Haley and Jesse C. Haley, individuals and copartners trading as Haley Excelsior Company, W. H. Baker, an individual trading as Hallsboro Manufacturing Company, S. D. Quarles and J. R. Gilman, individuals and copartners trading as Penola Excelsior Company, C. J. Haley, an individual trading as Ashland Excelsior Company, H. L. Taylor and Thomas H. Chewning, individuals and copartners trading as Caroline Excelsior Company, and as Chilesburg Excelsior Company, Benjamin Jeter, an individual trading as Benjamin Jeter, S. D. Quarles Lumber Company, Inc., a corporation, C. T. Smith, an individual trading as C. T. Smith, Ray S. Campbell, Addie C. Doswell, Elliot Campbell, E. May Campbell, and Bessie S. Campbell, individuals and copartners trading and doing business as Milford Excelsior Company, and said respective Respondents' officers, agents, representatives and employees, in or in connection with the production, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of excelsior, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any combination, agreement, understanding, or planned common course of action between any two or more of said Respondents, or between or among any one or more of said Respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Fixing the selling price of excelsior or maintaining any prices so fixed;

2. Fixing or in any wise regulating production quotas;

3. Restricting manufacturers in selling and offering excelsior for sale by

a. Designating the party to whom they or either of them can sell;

b. Designating the party to whom they or either of them can offer to sell;

c. Designating the party to whom they or either of them can quote prices;

d. Designating the prices which they or either of them can quote; or

e. Imposing any other restriction, or enforcing any such restriction by the imposition of penalties, or otherwise;

4. Classifying excelsior for pricing purposes;

5. Designating conditions under which mill owners who own stock in Respondent Virginia Excelsior Mills, Inc., may sell their mills or machines;

6. Operating, maintaining or utilizing Respondent Virginia Excelsior Mills, Inc., or any other central agency, as an instrument or medium for promoting, aiding, or making more effective any cooperative or concerted efforts to suppress or eliminate competition by or through any of the means or methods set forth in the preceding paragraphs numbered 1 to 5, inclusive, of this order;

It is further ordered, That the complaint herein, insofar as it relates to Respondents Thomas L. Blanton, Noah Markey, Catherine C. Wright and Dorothy E. Campbell, be, and the same hereby is, dismissed without prejudice to the right of the Commission to take such action in the future as the facts may then warrant.

It is further ordered, That Respondents, Virginia Excelsior Mills, Inc., a corporation, W. H. Baker, T. Frank Flippo, H. L. Taylor and F. C. Flippo, individuals and officers of said corporation, F. Carter Flippo, Arthur P. Flippo, H. Ashton Taylor, G. K. Coleman, Sr., G. K. Coleman, Jr., T. Nelson Haley, Jesse C. Haley, S. D. Quarles, J. R. Gilman, C. J. Haley, Thomas H. Chewning, Benjamin Jeter, S. D. Quarles Lumber Company, Inc., a corporation, C. T. Smith, Ray S. Campbell, Addie C. Doswell, Elliot Campbell, E. May Campbell, Bessie S. Campbell, shall, within sixty (60) days after service upon them of this modified order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the modified order to cease and desist.

Issued: May 6, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6213; Filed, July 6, 1960; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

Deletion of Area Available Without Permit

JULY 4, 1960.

Section 3.19 of Title 36, Part 3, Code of Federal Regulations, is hereby amended, effective immediately, by the elimination of the following paragraph:

(c) *Smithsonian grounds.* In the northeast corner of the park and adjacent to Constitution Avenue and Ninth Street NW.

Signed this 4th day of July 1960.

ELMER F. BENNETT, *Acting Secretary of the Interior.*

[F.R. Doc. 60-6345; Filed, July 6, 1960; 9:54 a.m.]

Chapter II—Forest Service, Department of Agriculture

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Miscellaneous Amendments

1. Section 212.5 is amended to read as follows:

§ 212.5 Cooperative work.

(a) Cooperative agreements for all projects which involve financial contributions from cooperators shall be negotiated, approved, and executed in accordance with procedures prescribed by the Chief.

(b) Cooperative funds contributed in advance shall be deposited in the United States Treasury to the credit of the Forest Service Cooperative Fund authorized by the Act of June 30, 1914 (38 Stat. 430), as amended; 16 U.S.C. 498, or the Act of March 3, 1925 (43 Stat. 1132), as amended; 16 U.S.C. 572, which deposits will be made available for expenditure from the appropriation "Cooperative Work, Forest Service." If a State, county or other governmental agency is unable to contribute funds under the Act of March 3, 1925, as amended, in advance but is able to pay its share subsequent to performance of the work, the subsequent payment of such funds will be deposited to the credit of the Forest Service appropriation from which the expenditures were made or to appropriations for similar purposes currently available at the time of deposit.

2. Paragraph (c) of § 212.6 is amended to read as follows:

(c) No construction work shall be started by force account or let to contract until all necessary rights of way have been secured, and approved by the Attorney General if required, and cooperative agreements, if any, approved and executed.

3. Section 212.7 *Records and accounting* is deleted.

Done at Washington, D.C., this 30th day of June, 1960.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F.R. Doc. 60-6233; Filed, July 6, 1960; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2138]

[NM-032410]

NEW MEXICO

Withdrawing Public Lands for Use of the Bureau of Indian Affairs (Borrego Pass School)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604, as amended), and reserved for use by the Bureau of Indian Affairs for school purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 11 W.,
Sec. 33, SW¼NE¼ and N½NW¼SE¼.

The areas described aggregate 60 acres.

ROGER ERNST, *Assistant Secretary of the Interior.*

JUNE 28, 1960.

[F.R. Doc. 60-6216; Filed, July 6, 1960; 8:48 a.m.]

[Public Land Order 2139]

[433039]

CALIFORNIA

Partially Revoking the Departmental Orders of July 10, 1914 (List No. 5-2336), and February 24, 1916 (List No. 5-2710)

By virtue of the authority vested in the Secretary of the Interior by the Act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506-509), as amended, and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the Departmental orders of July 10, 1914 (List No. 5-2236), and February 24, 1916 (List No. 5-2710), which opened lands in the Lassen National Forest, California, to settlement and entry in accordance with the Act of June 11, 1906, supra, are hereby revoked so far as they affect the following-described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 4 E.,
Sec. 1, W½E½ lot 10.
T. 34 N., R. 4 E.,
Sec. 1, S½ lot 13, S½ lot 14, and S½S½SW¼;
Sec. 2, S½SE¼SE¼;
Sec. 11, N½NE¼NE¼;
Sec. 12, W½SW¼SE¼ and SE¼SW¼SE¼;
Sec. 13, N½NE¼NE¼.
T. 33 N., R. 5 E.,
Sec. 32, SE¼NE¼, E½SW¼NE¼, and SW¼SW¼NE¼.
T. 34 N., R. 5 E.,
Sec. 6, S½ lot 8, and SW¼SE¼SE¼;
Sec. 17, N½SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, NW¼NW¼SW¼, W½SW¼NE¼SW¼, and E½E½NE¼SW¼;
Sec. 18, N½ lot 1;
Sec. 33, E½SE¼NE¼, E½SW¼SE¼NE¼, and NE¼SE¼;
Sec. 34, NW¼NW¼ and N½N½SW¼NW¼.

The areas described aggregate approximately 478 acres.

ROGER ERNST, *Assistant Secretary of the Interior.*

JUNE 29, 1960.

[F.R. Doc. 60-6217; Filed, July 6, 1960; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 928, Amdt. 3]

PART 95—CAR SERVICE

Indiana Harbor Belt Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 30th day of June A.D., 1960.

Upon further consideration of Service Order No. 928 (24 F.R. 4995, 7404; 25 F.R. 80), and good cause appearing therefor:

It is ordered, That: § 95.928 *Indiana Harbor Belt Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company*, of Service Order No. 928, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1960, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1960.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6256; Filed, July 6, 1960; 8:53 a.m.]

[S.O. 929, Amdt. 3]

PART 95—CAR SERVICE

Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 30th day of June A.D., 1960.

Upon further consideration of Service Order No. 929 (24 F.R. 4995, 7404; 25 F.R. 80), and good cause appearing therefor:

It is ordered, That: § 95.929 *Chicago, Burlington & Quincy Railroad Company authorized to operate over certain trackage of Chicago Aurora and Elgin Railway Company*, of Service Order No. 929, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1960, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1960.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6258; Filed, July 6, 1960; 8:53 a.m.]

[S.O. 930, Amdt. 3]

PART 95—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 30th day of June A.D. 1960.

Upon further consideration of Service Order No. 930 (24 F.R. 4996, 7405; 25 F.R. 81), and good cause appearing therefor:

It is ordered, That: § 95.930 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Co.*, of Service Order No. 930, be and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof.

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1960, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1960.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6257; Filed, July 6, 1960; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 163]

ROADLESS AREAS ON INDIAN RESERVATIONS

Miscellaneous Amendments

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 161 of the Revised Statutes (5 U.S.C. 22), it is proposed to amend 25 CFR Part 163 as set forth below. The purpose of this amendment is to exclude the 105,000 acres on Yakima Reservation known as the Goat Rocks Roadless Area, and the 130,000 acres on the Fort Apache Reservation known as the Mt. Thomas Roadless Area from the list of roadless areas heretofore set forth in § 163.1 of Title 25, CFR; also the 48,000 acres on Yakima Reservation known as the Mount Adams Wild Area is proposed to be excluded from the list of wild areas heretofore set forth in § 163.2 of Title 25, CFR. The Tribe has requested the elimination of these areas to facilitate the economic development of the areas.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

1. Section 163.1 is amended to provide for the elimination of the Mt. Thomas and Goat Rocks areas and to read as follows:

§ 163.1 Definition of roadless areas.

The National Resources Board defines a roadless area as one which contains no provision for the passage of motorised transportation and which is at least 100,000 acres in forested country and at least 500,000 acres in non-forested country. Under this definition the Secretary of the Interior ordered that the following be established as roadless areas on Indian reservations:

Name of area	Reservation	Approximate acreage
Wind River Mountains	Shoshone	220,000
Mesa Verde	Consolidated Ute	115,000

The boundaries of these areas are indicated in the appendix to this part.[1]

§ 163.2 [Revocation]

2. Section 163.2 is revoked.

3. Section 163.3 is amended to provide for the elimination of the words "wild areas" wherever they appear and to read as follows:

§ 163.3 Roads prohibited.

(a) Within the boundaries of these officially designated roadless areas it will be the policy of the Interior Department to refuse consent to the construction or establishment of any routes passable to motor transportation, including in this restriction highways, roads, truck trails, work roads, and all other types of way constructed to make possible the passage of motor vehicles either for transportation of people or for the hauling of supplies and equipment, unless the requirements of fire protection, commercial use for the Indians' benefit or actual needs of the Indians clearly demand otherwise.

(b) Foot trails and horse trails are not barred. Superintendents of reservations on which roadless areas have been established will be held strictly accountable for seeing that these areas are maintained in a roadless condition. Elimination of any areas or parts of areas from the restriction of this order will be made only upon a written showing of an actual and controlling need.

CROSS REFERENCE: For rights-of-way for highways over Indian lands, see Part 161 of this chapter.

[F.R. Doc. 60-6214; Filed, July 6, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

SHELLED ALMONDS

U.S. Standards for Grades[2]

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Shelled Almonds (7 CFR, §§ 51.2105 to 51.2132) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

[1] The appendix to this part is not codified. It appears, however, at 3 F.R. 709-711, Mar. 22, 1938.

[2] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

At present the U.S. Fancy, U.S. Extra No. 1 and the U.S. No. 1 grades permit up to 2 percent, 4 percent and 5 percent, respectively, of split or broken kernels under the tolerance for "other defects." The proposed revision limits to 1 percent the amount of split or broken kernels permitted in each of these three grades.

The fourth change proposed is an increase in the tolerance for kernels damaged by chipping and scratching in the U.S. Select Sheller Run grade from 15 percent to 20 percent.

A number of minor changes in phraseology are included for clarification purposes.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than July 15, 1960.

The proposed standards, as revised, are as follows:

GRADES

51.2105 U.S. Fancy.
51.2106 U.S. Extra No. 1.
51.2107 U.S. No. 1.
51.2108 U.S. Select Sheller Run.
51.2109 U.S. Standard Sheller Run.
51.2110 U.S. No. 1 Whole and Broken.
51.2111 U.S. No. 1 Pieces.

MIXED VARIETIES

51.2112 Mixed varieties.

UNCLASSIFIED

51.2113 Unclassified.

SIZE

51.2114 Size requirements.
51.2115 Tolerances for size.

APPLICATION OF TOLERANCES

51.2116 Application of tolerances.

DEFINITIONS

51.2117 Similar varietal characteristics.
51.2118 Whole.
51.2119 Clean.
51.2120 Well dried.
51.2121 Decay.
51.2122 Rancidity.
51.2123 Insect injury.
51.2124 Foreign material.
51.2125 Doubles.
51.2126 Split or broken kernels.
51.2127 Particles and dust.
51.2128 Injury.
51.2129 Damage.
51.2130 Serious damage.
51.2131 Diameter.
51.2132 Fairly uniform in size.

AUTHORITY: §§ 51.2105 to 51.2132 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GRADES

§ 51.2105 U.S. Fancy.

"U.S. Fancy" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 5 percent.

(3) *For kernels damaged by chipping and/or scratching.* 5 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 4 percent, including not more than one-fourth of this amount, or 1 percent, for split or broken kernels, and including not more than three-eighths of the former amount, or 1½ percent, for seriously damaged kernels.

tics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 3 percent;

(3) *For kernels injured by chipping and/or scratching.* 5 percent;

(4) *Foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 2 percent, including not more than one-half of this amount, or 1 percent, for split or broken kernels, and including not more than one-half of the former amount, or 1 percent, for seriously damaged kernels.

§ 51.2106 U.S. Extra No. 1.

"U.S. Extra No. 1" consists of shelled almonds of similar varietal characteristics which are whole, clean, and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 15 percent;

(3) *For kernels damaged by chipping and/or scratching.* 10 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for split or broken kernels, and including not more than three-tenths of the former amount, or 1½ percent, for seriously damaged kernels.

§ 51.2107 U.S. No. 1.

"U.S. No. 1" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 15 percent;

(3) *For kernels damaged by chipping and/or scratching.* 20 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%);

(6) *For split and broken kernels.* 15 percent: *Provided,* That not more than two-fifths of this amount, or 2 percent, shall be allowed for pieces which will pass through a round opening 25/64 inch in diameter; and,

(7) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

§ 51.2108 U.S. Select Sheller Run.

"U.S. Select Sheller Run" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 25 percent;

(3) *For kernels damaged by chipping and/or scratching.* 20 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%);

(6) *For split and broken kernels.* 15 percent: *Provided,* That not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening 25/64 inch in diameter; and,

(7) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

§ 51.2109 U.S. Standard Sheller Run.

"U.S. Standard Sheller Run" consists of shelled almonds of similar varietal characteristics which are whole, clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 35 percent;

(3) *For foreign material.* Three-tenths of 1 percent (0.30%);

(4) *For particles and dust.* One-tenth of 1 percent (0.10%);

(5) *For undersize.* 5 percent; and,

(6) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

§ 51.2110 U.S. No. 1 Whole and Broken.

"U.S. No. 1 Whole and Broken" consists of shelled almonds of similar varietal characteristics which are clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and free from damage caused by mold, gum, shriveling, brown spot or other means.

(a) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(b) Unless otherwise specified, the minimum diameter shall be not less than 25/64 of an inch. (See §§ 51.2114 and 51.2115.)

(c) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 35 percent;

(3) *For foreign material.* Three-tenths of 1 percent (0.30%);

(4) *For particles and dust.* One-tenth of 1 percent (0.10%);

(5) *For undersize.* 5 percent; and,

(6) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

§ 51.2111 U.S. No. 1 Pieces.

"U.S. No. 1 Pieces" consists of shelled almonds which are not bitter, which are clean and well dried, and which are free from decay, rancidity, insect injury, foreign material, particles and dust, and free from damage caused by mold, gum, shriveling, brown spot or other means.

(a) Unless otherwise specified, the minimum diameter shall be not less than 25/64 of an inch. (See § 51.2114 and § 51.2115.)

(b) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For bitter almonds mixed with sweet almonds.* 1 percent;

(2) *For foreign material.* Three-tenths of 1 percent (0.30%);

(3) *For particles and dust.* 1 percent; and,

(4) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

MIXED VARIETIES

§ 51.2112 Mixed varieties.

Any lot of shelled almonds consisting of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U.S. No. 1, U.S. Select Sheller Run, U.S. Standard Sheller Run, U.S. No. 1 Whole and Broken may be designated as: "U.S. No. 1 Mixed;" "U.S. Select Sheller Run Mixed;" "U.S. Standard Sheller Run Mixed;" or "U.S. No. 1 Whole and Broken Mixed," respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

UNCLASSIFIED

§ 51.2113 Unclassified.

"Unclassified" consists of shelled almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

§ 51.2114 Size requirements.

The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Count ranges per ounce commonly are used shown below, but other ranges may be specified: *Provided*, That the kernels are fairly uniform in size.

Count Range per Ounce

16 to 18, inclusive.
18 to 20, inclusive.
20 to 22, inclusive.
22 to 24, inclusive.
23 to 25, inclusive.
24 to 26, inclusive.
26 to 28, inclusive.
27 to 30, inclusive.
30 to 34, inclusive.
34 to 40, inclusive.
40 to 50, inclusive.
50 and smaller.

§ 51.2115 Tolerances for size.

(a) When a range is specified as, for example, "18/20," no tolerance for counts above or below the range shall be allowed.

(1) When the minimum, or minimum and maximum diameters are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: *Provided*, That not more than one-half of this amount, or 5 percent, may be below the minimum size specified.

§ 51.2116 Application of tolerances.

The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

DEFINITIONS

§ 51.2117 Similar varietal characteristics.

"Similar varietal characteristics" means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in skin color of kernels of the same variety.

§ 51.2118 Whole.

"Whole" means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

§ 51.2119 Clean.

"Clean" means that the kernel is practically free from dirt and other foreign substance.

§ 51.2120 Well dried.

"Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

§ 51.2121 Decay.

"Decay" means that the kernel is putrid or decomposed.

§ 51.2122 Rancidity.

"Rancidity" means that the kernel is noticeably rancid to the taste.

§ 51.2123 Insect injury.

"Insect injury" means that the insect, web, or frass is present or there is definite evidence of insect feeding.

§ 51.2124 Foreign material.

"Foreign material" means pieces of shell, hulls or other foreign matter which will not pass through a round opening 9/64 of an inch in diameter.

§ 51.2125 Doubles.

"Doubles" means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

§ 51.2126 Split or broken kernels.

"Split or broken kernels" means seven-eighths or less of complete whole kernels but which will not pass through a round opening 9/64 of an inch in diameter.

§ 51.2127 Particles and dust.

"Particles and dust" means fragments of almond kernels or other material which will pass through a round opening 9/64 of an inch in diameter.

§ 51.2128 Injury.

"Injury" means any defect which more than slightly detracts from the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(a) Chipped and scratched kernels when the general appearance of the lot is more than slightly affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2129 Damage.

"Damage" means any defect which materially detracts from the appearance of the individual kernel, or the general appearance of the lot, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Chipped and scratched kernels, when the general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(b) Mold, when visible on the kernel, except when white or gray and easily rubbed off with the fingers;

(c) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(d) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or only partially developed: *Provided*, That partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(e) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2130 Serious damage.

"Serious damage" means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

§ 51.2131 Diameter.

"Diameter" means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel or piece of kernel through a round opening.

§ 51.2132 Fairly uniform in size.

"Fairly uniform in size" means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

Dated: July 1, 1960.

F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 60-6265; Filed, July 6, 1960; 8:54 a.m.]

[7 CFR Part 980]

[Docket No. AO-301-A1]

MILK IN WESTERN COLORADO MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Grand Junction, Colorado, on May 16, 1960, pursuant to notice thereof issued on April 15, 1960 (25 F.R. 3422).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 20, 1960 (25 F.R. 5774) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions to said recommended decision were filed.

The material issues on the record of the hearing relate to:

1. Class I price.
2. The classification and pricing of other milk.

On the basis of the record of this hearing a provision under which all class prices would have expired May 31, 1960, has been suspended, effective June 1, 1960, pending completion of amendment action on the record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The method of determining the Class I price should be continued unchanged at this time.

The Western Colorado Class I price is determined by adding $2.05 each month to the basic formula price for the preceding month. The order provided that this price be effective for the first 18 months of order operation (December 1958 through May 1960) in order to afford a review of the pricing provisions after the order had been in operation a full year.

Producers proposed that these Class I pricing provisions be continued. A handler witness supported their continuation and no testimony was offered in opposition to their continuation.

For an early three months of operation of the order, January, February and March 1959, from 86.5 to 91.7 percent of producer milk was used as Class I milk, the weighted three-month average being 89.2 percent. For the same months of 1960 Class I utilization ranged from 88.6 to 90.2 percent, with a weighted average of 89.3 percent. The ratio of milk supplies to fluid sales has thus maintained a very stable relationship.

Since promulgation of the Western Colorado order, Federal milk marketing orders have been issued for the Great Basin (Salt Lake City) and Colorado Springs-Pueblo areas. Substantially larger volumes of milk are priced under these orders than under the Western Colorado order. The 1959 average Class I price of the Western Colorado order was $5.077, as compared to the $5.25 initial Class I price of the Great Basin order. The Colorado Springs-Pueblo order adds a $2.20 Class I differential to a basic formula price identical with that in the Western Colorado order, so that the Class I price under that order exceeds the Western Colorado price by 15 cents per hundredweight. These orders have not been in effect sufficient time to evaluate their effect on the Western Colorado market.

The question of providing a new expiration date was raised at the hearing, but such action does not appear necessary. Should a significant change occur in the relationship of milk supplies to Class I sales in this market it is evident that there will be opportunity to reconsider pricing provisions at a future hearing. It is therefore concluded that the Class I pricing provisions may be continued without a fixed expiration date.

2. Class II milk should include all of the skim milk and butterfat heretofore defined as Class II milk and Class III milk. The Class II price should be the basic formula price for the current month.

Class II milk now includes all skim milk and butterfat used to produce ice cream, frozen desserts, ice cream mix, frozen dessert mix, yogurt, eggnog, aerated cream, skim condensed milk, whole condensed milk and cottage cheese. Class III is skim milk and butterfat: (1) Used to produce any product other than a fluid milk product or products designated as Class II; (2) in inventory of fluid milk products on hand at the end of the month; (3) accounted for as livestock feeds; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage not to exceed 2 percent of skim milk and butterfat received directly from producers; and (6) in shrinkage of other source milk.

The Class II price under the order is now the basic formula price plus 20 cents. The basic formula price is the higher of (1) the midwest condensery pay price for milk received from dairy farmers during the month, or (2) a butter-powder formula price. The Class III price is the butter-powder formula price minus 13 cents.

The Western Colorado Milk Producers Association proposed that Class II milk and Class III milk be combined into one use class to be designated as Class II and priced at the basic formula level. In support of this proposal producer and handler witnesses stated that it would encourage the use of more Grade A milk by local plants in the manufacturing of ice cream and cottage cheese.

There has been a very substantial reduction during the past year in the amount of milk utilized by pool plants in the manufacture of ice cream. Milk not utilized in fluid milk products, ice cream or cottage cheese must be transported substantial distances to be manufactured into those products now designated as Class III.

In the marketing area there are three nonpool plants making ice cream, two of which also make cottage cheese. The only manufacture of Class III products in the marketing area is butter. However, butter plants buy only cream. Consequently, there is no market for Class III milk as such in the marketing area. In view of the limited outlets for excess milk in this market it is important that handlers accept and utilize the maximum quantities of producer milk for cottage cheese and ice cream.

Health authorities in the marketing area do not require that milk utilized in other than Class I products be obtained from approved Grade A sources. Milk from any source may be used in the various dispositions heretofore contained in Class II or Class III. Grade A milk not needed for fluid disposition in the Western Colorado market must compete for sales with milk from ungraded sources. Lowering the price to the level herein provided will price producer milk at a competitive level for use in these products. It is concluded, therefore, that the price of milk in all such dispositions should be fixed at the same level and be classified as Class II at the basic formula price. Such pricing of milk for manufacturing uses approximates that in the nearby Federal order markets of Great Basin and Colorado Springs-Pueblo.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively,

"Marketing Agreement Regulating the Handling of Milk in the Western Colorado Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Western Colorado Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Western Colorado marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 30th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Western Colorado Marketing Area

§ 980.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Western Colorado marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Western Colorado marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 980.22 [Amendment]

1. Amend § 980.22(l)(2) to read as follows:

(2) On or before the 6th day of each month the minimum price for Class II milk computed pursuant to § 980.51(b) and the Class II butterfat differential computed pursuant to § 980.52(b) each for the previous month; and

2. Amend § 980.41 to read as follows:

§ 980.41 Classes of utilization.

Subject to the conditions set forth in §§ 980.43 and 980.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b)(3) and (4) of this section, or (2) not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all the skim milk and butterfat: (1) used to produce any product other than a fluid milk product, (2) in inventory of fluid milk products on hand at the end of the month, (3) accounted for as livestock feed, (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator, (5) in shrinkage not to exceed 2 percent of skim milk and butterfat received directly from producers, and (6) in shrinkage of other source milk.

3. Amend § 980.43 to read as follows:

§ 980.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

4. Amend § 980.44(a) to read as follows:

§ 980.44 Transfers.

Skim milk and butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a fluid milk plant of another handler, except a producer-handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 980.30 subject in either event to the following conditions:

(1) The receiving plant has utilized in such class an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

5. Amend § 980.44(d) (1) and (3) to read as follows:

(1) The transferring-handler claims Class II utilization in a product specified in § 980.41(b);

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II in such transferor's plant;

6. Amend § 980.45 to read as follows:

§ 980.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product, plus all of the water originally associated with such solids.

7. Amend §980.46 to read as follows:

§ 980.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 980.45 the market administrator shall determine the classification of milk received from producers of fluid milk plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 980.41(b)(5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement and order issued pursuant to the Act;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from other fluid milk plants according to its classification as determined pursuant to § 980.44(a);

(4) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other fluid milk plants according to its classification as determined pursuant to § 980.44(a);

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of each class of milk computed pursuant to paragraphs (a) and (b) of this section.

8. Amend § 980.51 to read as follows:

§ 980.51 Class prices.

Subject to the provisions of §§ 980.52 and 980.53 the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.05.

(b) *Class II milk.* The basic formula price for the current month.

§ 980.52 [Amendment]

9. Amend § 980.52 to read as follows:

(b) *Class II milk.* Multiply such price for the current month by 0.120.

§ 980.70 [Amendment]

10. Amend § 980.70(c) to read as follows:

(c) Add a reclassification charge equal to the difference between the Class I price value for the current month and the price value applicable to closing inventory for the preceding month for the skim milk and butterfat subtracted from Class I pursuant to § 980.46(a)(5) and the corresponding step of § 980.46(b) which is not in excess of the skim milk and butterfat remaining in Class II in the previous month pursuant to § 980.46(a)(5) and the corresponding step of § 980.46(b); and

[F.R. Doc. 60-6264; Filed, July 6, 1960; 8:54 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 162]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

Oxygen Mask Assembly

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), a notice of proposed rule making to amend Part 514 of the regulations of the Administrator by adding § 514.69 establishing minimum performance standards for oxygen masks for use on civil aircraft of the United States engaged in air carrier operations, was published in 24 F.R. 8682.

Due consideration was given to all comments received and as a result, the FAA Standard in the original proposal is being replaced by an industry standard recently made available. As the change is of a substantive nature, this new proposal will replace the notice of proposed rule making, 24 F.R. 8682, which is hereby withdrawn.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 22, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding § 514.69 as follows:

§ 514.69 Oxygen mask assembly, continuous flow, passenger (for air carrier aircraft)—TSO–C64.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for passenger oxygen masks which are to be approved for use on civil aircraft of the United States. New models of passenger oxygen masks manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in AIA National Aircraft Standard, NAS 1179, "Oxygen Mask Assembly, Passenger," dated December 1959,[1] with exceptions to the standard listed in subparagraph (2) of this paragraph.[2] Passenger oxygen mask models approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) The following specifically numbered subparagraphs in NAS 1179 do not concern minimum performance and therefore are not essential to compliance with this section: Parts 2.0 in its entirety, 3.1.1, 3.1.2, 3.1.3.7, 3.1.8, 3.1.10, 3.1.12, 3.2.1, 3.2.4, 3.3.7.1, 3.3.10, 3.3.11 in its entirety, 4.1.7.2, 4.1.7.3, 4.1.7.4, 4.1.9 in its entirety, 4.1.11, 4.2, 4.3.5, and 5.2 through 5.8.

(ii) Revisions to subparagraphs of NAS 1179 noted herein shall be a part of this standard.

(*i*) 1.1 Purpose

Replace text by: This specification defines the minimum requirements for the design, construction, and performance of a continuous flow oxygen mask for emergency use by passengers in civil aircraft operating at cabin pressure altitudes above 25,000 feet and up to and including 40,000 feet.

(*ii*) 1.2 Description

Replace last sentence by: The assembly shall be capable of being stowed suitably to meet the requirements of its intended use.

(*iii*) 3.1.3.4 Elastomer Components

Conformance not required with the phrase at the end of the first sentence "unless specifically approved by the buyer" and with the last sentence.

(*iv*) 3.1.7 Interchangeability

Conformance is required with the first sentence only.

(*v*) 3.2.2.5 Attachment of Strap Assembly

In title and in text replace "strap assembly" by "mask suspension device."

(*vi*) 3.2.2.6 Provision for Attachment of Actuation Cord

Replace "5" by "20".

(*vii*) 3.2.3. Strap Assembly

In title replace "strap assembly" by "mask suspension device" and replace text by:

A simple mask suspension device shall be provided for holding the mask on the user's face. The device shall have such dimensions and elastic properties that it shall be possible to hold the mask to the face without adjustment and at the same time it shall present minimum discomfort to the wearer. A simple means for adjusting the tightness of the mask shall be provided. A single strap attached to the mask at both ends to form a continuous lock, having the properties described above, is considered satisfactory. The device shall not interfere with the stowage of the mask.

(*viii*) 3.2.5 Reservoir Bag

Replace "one liter minimum capacity" by "minimum and maximum capacity of 800 to 1000 cc., respectively".

(*ix*) 3.2.6 Tubing

Replace the first sentence by: The oxygen supply tube which is to be used for connecting the mask assembly to the oxygen supply source shall be light in weight, and shall be adequate for its intended use.

(*x*) 3.3.1.1 Stowage Configuration

Replace text by: The mask assembly including the supply tubing shall be capable of being stowed in such a manner as to be ready for its intended use.

(*xi*) 3.3.2.2 Altitude

Replace "45,000 feet." by "the maximum altitude for which approval is desired."

[1] Copies may be obtained from Aerospace Industries Association of America, Inc., 610 Shoreham Building, Washington 5, D.C.

[2] When passengers' oxygen masks are installed on civil aircraft the installation must comply with the functional and installational requirements of Civil Air Regulations as applicable.

(xvi) 3.3.3.1 Assembly

Replace text by: The mask assembly, including the attachment to the oxygen supply, shall withstand without damage a static load of 50 pounds applied at the facepiece for a period of not less than three seconds.

(xvii) 3.3.3.1 Inlet Suction

Replace "0.80" and "2.0" by "0.6" and "1.2" respectively.

(xviii) 3.3.9 Mask Performance

Replace text by: It is the intent of this standard that the mask assembly be capable of meeting or exceeding the performance requirements of this standard under all conditions of Figure 3.

(xix) 4.1 Qualification Test by the Vendor

Replace text by: Any of the tests required by this standard which have been performed on similar units may be omitted, provided that the manufacturer shows in the test report proof of the applicability of such tests.

(xx) 4.1.3.1 Inward Flow Resistance

Replace "0.8" and "2.0" by "0.6" and "1.2" respectively.

(xxi) 4.1.4.1 Mask Assembly Strength Tests

Replace "20" by "50".

(xxii) 4.1.6 Vibration Test

Replace first sentence by: Set up the mask for a vibration test with the mask in a rigid box stowage configuration.

(xxiii) 4.1.7 Performance Tests

In the first sentence replace "is to be determined" by "in the inspired gas may be estimated".

Add to the end of the first paragraph: Other acceptable methods for determining the oxygen percentage in the inspired gas include gas measurements made directly on inspired gas and in tests at altitude on human subjects, such as oximeter measurements. When an oximeter is used, arterial saturation values of 98, 95, 89, and 79, shall be considered to correspond to oxygen partial pressures in the inspired gas of 149, 122, 100, and 83.8 mm. Hg, respectively.

(xxiv) 4.1.7.1 Human Subjects

Replace text of item (c) by: Adjust mask manually to fit the face.

Conformance with the statement "Test at ground level conditions as indicated below:" is not required.

Replace text of paragraph starting with "Establish respiratory minute volume * * *." by the following:

Establish the respiratory minute volume of each individual after determining the composition of gases inspired into the lungs under the test conditions. The values obtained on all individuals tested must be reported, and only one test per individual is permitted. The actual value of the minute volume found in each test shall be identifiable for each F/MV value given in the test data and reports. In tests at ground level, at least 20 percent of the individuals tested shall have MV values greater than, and 20 percent less than, 20 lpm BTPS for each range of F/MV for which tests are required. The number of individuals tested for each range of volume of F/MV shall be as follows:

Following the table at the end, insert this paragraph:

At least 10 subjects shall be tested at altitudes above 10,000 feet at intervals no greater than 7,500 feet up to and including the maximum altitude for which approval is desired. The subjects should be approximately equally distributed among the altitude intervals used for testing.

(xxv) 4.1.7.5 Cold Tests

Replace text by: The mask shall function properly without appreciable delay after being exposed to an ambient temperature of −65° C. (−85° F.) for two hours.

(xxvi) 4.1.7.6 Performance Analysis

Replace text by: Using the results obtained in paragraph 4.1.7.1, establish a mask performance curve. In establishing this curve, a maximum of 5 percent of the values obtained in ground level testing may fall below the curve, provided these values appear to be randomly distributed with respect to the test conditions. No more than 5 percent of all values obtained in altitude testing may fall below the curve.

(xxvii) 4.1.8 Performance Tests

In the first sentence replace "is to be determined" by "in the inspired gas may be estimated".

Add to the end of the first paragraph: Other acceptable methods of determining the oxygen percentage in the inspired gas include measurements made directly on the inspired gas. For tests on human subjects at altitude, oximeter measurements are acceptable. When an oximeter is used, arterial saturation values of 98, 95, 89, and 79 shall be considered to correspond to oxygen partial pressures in the inspired gas of 149, 122, 100 and 83.8 mm. Hg, respectively.

(xxviii) 4.1.8.1 Human subjects—"Typical Fit Leak Value"

In the first sentence of first paragraph replace "100" by "75".

Revise the third paragraph on "Briefing" in accordance with changes made in paragraph 4.1.7.1(c).

Replace text of second sentence of the paragraph beginning with "The subject * * *" by: "Instruct subject to inhale and hold his breath".

Add the following to the end of the paragraph beginning "Repeat this test * * *.": The values obtained on all individuals must be reported, and only one test per individual shall be permitted. Mask leak value including mask peripheral leakage determination shall be made in accordance with commonly accepted procedures. The value of the leak rate below which 95 percent of the test results fall shall be the typical leak value for the mask. The value shall be reported in the test data and test report(s).

Add a new paragraph which reads:

At least 10 of the subjects shall be tested at the maximum altitude for which approval is desired in accordance with the test procedure outlined in this paragraph or in paragraph 4.1.7.

(xxix) 4.1.8.3 Breathing Machine Tests

Replace text by: The tests specified in paragraph 4.1.7.1 shall be applicable but the use of a breathing machine in place of the human subjects specified is permissible. The validity of the performance tests prescribed in this paragraph shall be demonstrated at ground level conditions in accordance with the test procedures contained in paragraph 4.1.7, and at the maximum altitude for which approval is desired on at least 10 human subjects. The data obtained on subjects at altitude in paragraph 4.1.8.1 may be used to demonstrate the validity of the machine performance tests at altitude.

Conformance with the provisions of 4.1.7.5 cold tests is required.

(xxvi) 4.1.8.4 Performance Analysis

Replace text by: Conformance with the provisions of 4.1.7.6 of this standard is required.

(xxvii) 4.3.1 Strength Tests

In the first sentence replace "20" by "50".

(xxviii) 4.3.2.1 Inward Flow Resistance

Replace "0.80" and "2.00" by "0.6" and "1.2", respectively.

(xxix) 4.3.4 Other Tests

Delete the remainder of the first sentence after "level".

(iii) Miscellaneous deviations.

(i) Conformance with Figures 2 and 5 is not required. Replace these figures by the following Table 1 of this standard and a performance curve derived therefrom:

F/MV—Ratio of Added Oxygen to Minute Volume

$\%O_2$=Percentage of Total Oxygen

F/MV	$\%O_2$	F/MV	$\%O_2$
0.00	20.9	1.05	81.5
.10	27.2	1.10	83
.20	33.5	1.15	84
.30	40	1.20	85
.40	46.2	1.25	86
.50	52.8	1.30	86.5
.60	59	1.35	87
.65	62.2	1.40	87.5
.70	65.5	1.45	88
.75	68.5	1.50	88.5
.80	71.5	1.55	89
.85	74	1.60	89.5
.90	76.5	1.65	90
.95	78.5	1.70	90.5
1.00	80	1.75	91

TABLE 1

(ii) Conformance with any of the provisions of NAS 1180 is not required.

(b) *Marking.* In addition to the markings specified in § 514.3 the Elastomer Cure Date and Class Number shall be shown.

(c) *Class number.* (1) An oxygen mask with a performance curve which equals or exceeds the performance curve derived from Table 1 shall be classified as Class 40. This mask shall be considered satisfactory for supplying supplemental oxygen at cabin pressure altitudes up to 40,000 feet.

(2) An oxygen mask with a performance curve which equals or exceeds a portion of the performance curve shall be approved for use only up to the maximum altitude where its performance meets or exceeds the performance curve. This mask shall be considered satisfactory for supplying supplemental oxygen at cabin pressure altitudes up to the maximum altitude for which it is approved. Example: A mask which is capable of supplying enough oxygen to meet the needs up to 30,000 feet cabin pressure altitude shall be marked as Class 30.

(d) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (e) of this section.)

(3) Six copies each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating, stowing, overhaul, and maintenance instructions.

(ii) A drawing of the mask assembly.

(iii) Installation procedures with drawings and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(e) *Quality control.* Each oxygen mask shall be produced under a quality control system, established by the manufacturer, which will assure that each oxygen mask is in conformity with the requirements of this standard and is in condition for safe operation. This system shall be described in the data required under paragraph (d)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this standard.

Issued in Washington, D.C., on June 29, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-6206; Filed, July 6, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13340; FCC 60-766]

INTERIM POLICY ON VHF TELEVISION CHANNEL ASSIGNMENTS; TELEVISION ENGINEERING STANDARDS

Further Notice of Proposed Rule Making

1. Pursuant to our notice of extension of time for filing comments in the above-entitled proceeding (FCC 60-668) issued on June 9, 1960 there are attached Field Strength Charts[1] for Channels 2-6 and Channels 7-13. These charts are substituted for similar charts previously released in this proceeding.

2. The charts for Channels 2-6 are the same as those issued with our May 5, 1960, notice except for the label. The charts for Channels 7-13 were derived by merging the present high VHF Ad Hoc groundwave curves with the latest RPAC tropospheric curves.

3. The charts may be used for the preparation of comments and data in this proceeding and, in the absence of more refined data with respect to radio wave propagation, are proposed to replace the Field Strength Charts for the VHF channels in § 3.699 of the Commission's rules. The Commission will continue to seek additional data and measurements as well as refinements of the methods of analysis and prediction, in an effort to improve the accuracy and reliability of these charts.

Adopted: June 29, 1960.

Released: July 1, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6255; Filed, July 6, 1960; 8:52 a.m.]

[1] Charts filed as part of the original document.

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported during the period of June 1 to June 24, inclusive, as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This listing is a supplement to the publication issued on June 28 (25 F.R. 5954) and represents those establishments and species which were reported too late to be included in the earlier publication, or which have come into compliance with respect to species indicated since the official June 1 report was completed. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	2F						
Swift & Co.	3AE					(*)	
Do.	3B						
Do.	3N						
Do.	3R					(*)	
Wilson & Co., Inc.	20A						
Swift & Co.	23						
The Quaker Oats Co.	76E						(*)
Swift & Co.	104						
Morris Packing Co.	113						
Peyton Packing Co.	126						
York Packing Co., Inc.	220						
Shenfro Pckg. Co., Inc.	332						
Nebisu Ind. Meat Co.	335						
Fresno Meat Pckg. Co.	354						
Pioneer Prov. Co.	461						
Eldridge Pckg. Co.	479						
Quaker City Packing Co.	518E						(*)
Mid South Packers, Inc.	557						
Armour & Co.	680						
Diamond Meat Co.	783						
Granite State Packing	785						
G. Bertuzzi Pckg. Co.	843						
Long Creek Meat Co.	870						
Bechtel Packing Co.	892						
J. Desbarmes & Son Pckg.	949						
Stokely Foods, Inc.	955A						
Kluver Dixie, Inc.	956D						
Food Fair Stores, Inc.	1016						
MODE Packing P Proc. Co.	1353						

Done at Washington, D.C., this 30th day of June 1960.

A. R. MILLER,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-6232; Filed, July 6, 1960; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 270]

OFFICE APPLIANCE CO. (1955) LTD. ET AL.

Order Revoking Export Licenses and Denying Export Privileges

In the matter of The Office Appliance Company (1955) Ltd., P. S. Chow, Alexandra House, 18 Chater Road, Hong Hong; Commercial Appliance Company, W. W. Sung, 13 Wellington Street, Hong Kong; respondents, Case No. 270.

By charging letter of December 18, 1959, the Director, Investigation Staff, Bureau of Foreign Commerce, has charged the respondents, The Office Appliance Company (1955) Ltd., P. S. Chow, Commercial Appliance Company, and W. W. Sung, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder, in connection with unauthorized reexportations and transshipments to Communist China of sixteen (16) calculating machines which were licensed for export from the United States to Hong Kong as the ultimate destination.

On January 13, 1960 the charging letter was duly served upon the respondents, The Office Appliance Company (1955) Ltd., and P. S. Chow. By their answers, dated January 25, 1960, to the charging letter, these respondents have admitted the charges therein against them and have submitted reasons in mitigation thereof. By letter of April 15, 1960 from their attorneys to the Director, Investigation Staff, they have, without prejudice and for the purpose of this compliance proceeding only, admitted the facts and charges in the charging letter, waived oral hearing thereon before a Compliance Commissioner, and consented to the entry of an order against them under which, in substance, both respondents would be denied all export privileges for the period of two years, with curtailment of the effective denial to six months in the case of The Office Appliance Company (1955) Ltd. and twelve months in the case of P. S. Chow. On May 2, 1960 the Director, Investigation Staff, agreed to this consent order. On May 4, 1960, in accordance with § 382.10 of the Export Regulations, the Compliance Officer to whom this matter had been assigned held an informal conference, with the attorneys for the aforesaid respondents present, when the attorney of the Department of Commerce General Counsel's Office informally presented evidence in this case.

Service of the charging letter upon respondents, Commercial Appliance Company and W. W. Sung, was effected within the terms of § 382.3(b) of the Export Regulations. On January 13, 1960, the charging letter was transmitted by registered mail in Hong Kong to each of the aforesaid respondents at their last known address. The Hong Kong Post Office returned these, marked "Unclaimed". Further efforts by the Hong Kong Post Office and U.S. Government authorities to deliver the charging letter to these respondents were unsuccessful inasmuch as these respondents could not be located at their last known address or other locations. No answers have been filed by Commercial Appliance Company and W. W. Sung. Consequently, they were deemed to be in default within the terms of § 382.4 of the Export Regulations. The matter against these respondents came on for hearing on May 4, 1960, before the Compliance Commissioner to whom the case had been assigned, at which hearing the attorney of the Department's General Counsel's Office presented evidence in support of the charges against these respondents. In accordance with § 382.7 of the Export Regulations, notice of this hearing was not given to these respondents and they were not present or represented by counsel, inasmuch as they were in default, had failed to file answers, and had not requested a hearing. Under § 382.4 of the Export Regulations, they have the privilege, at any time after an order may be issued against them, of applying to set aside their default and vacate such order.

On the basis of the foregoing and his review of the pleadings and evidence, the Compliance Commissioner has submitted to me his report and recommendation wherein he has recommended acceptance of the consent order against The Office Appliance Company (1955) Ltd. and P. S. Chow, and the denial to Commercial Appliance Company and W. W. Sung of all export privileges for the duration of such controls.

Now, after considering the entire record including the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. During the times herein involved, P. S. Chow and W. W. Sung were residents of Hong Kong. Chow was a director of, and manager of sales and service for, The Office Appliance Company (1955) Ltd., located in Hong Kong and engaged in the business of importing, distributing and selling office machines, equipment and supplies. Sung was the owner of Commercial Appliance Company, located in Hong Kong and engaged in the business of retail sales of office machines, equipment and supplies.

2. During or about June 1957 through August 1958, The Office Appliance Company (1955) Ltd., placed orders with an American manufacturer-exporter for sixteen (16) calculating machines to be exported from the United States to Hong Kong. In support of these orders, there were submitted U.S. Department of Commerce, Bureau of Foreign Commerce, Forms FC–842, entitled "Single Transaction Statement by Consignee and Purchaser." These were signed and executed for The Office Appliance Company (1955) Ltd., by its managing director. They contained representations that the machines were for resale and use in Hong Kong and would not be sold for use outside Hong Kong.

3. During the aforesaid period, on the basis of export license applications submitted by the American manufacturer-exporter which were supported by the aforesaid forms containing said representations, the Bureau of Foreign Commerce issued validated export licenses authorizing the shipments of these machines to Hong Kong as the ultimate destination. The machines were shipped to, and received by, The Office Appliance Company (1955) Ltd. in Hong Kong.

4. During the aforesaid period, The Office Appliance Company (1955) Ltd. and P. S. Chow sold the aforementioned machines to Commercial Appliance Company and W. W. Sung who, in turn, resold and delivered them to a semi-official purchasing agency of the Communist Chinese Government in Hong Kong. The machines were reexported and transshipped to Communist China.

5. Before and at the time of these sales by The Office Appliance Company and P. S. Chow to Commercial Appliance Company and W. W. Sung, all of them knew that the machines would be resold and reshipped to Communist China as the ultimate destination.

6. With respect to each of the exportations of these machines from the United States, the shipper's export declarations, the commercial invoices, and the bills of lading all bore destination control notices to the effect that the commodities were licensed by the United States for Hong Kong as the ultimate destination and that diversion contrary to U.S. law was prohibited. These commercial invoices and bills of lading were received by The Office Appliance Company (1955) Ltd. and P. S. Chow.

7. All of the respondents knew that the machines had been licensed by the United States Government for resale and use in Hong Kong as the ultimate destination, and that their reexportation, transshipment or diversion to Communist China was prohibited under U.S. law and regulations without prior notification to and specific authorization from the U.S. Government.

8. Neither the respondents nor anyone on their behalf notified, or received permission or authorization from, the United States Government for the resales and reexportations of these machines to Communist China.

9. The respondents arranged and carried out these transactions without disclosure of, and in a manner designed to conceal, their true knowledge, intentions and actions. In the course of a routine preliminary end-use check by U.S. Government authorities to verify the representations made in connection with the export license applications, the respondents initially provided false and misleading information and withheld material information. Ultimately, however, the respondents admitted they had knowingly arranged and carried out these transactions for the ultimate sales and deliveries of these machines to Communist China despite, and contrary to, U.S. law and regulations.

From the foregoing, the following are my conclusions:

The respondents, The Office Appliance Company (1955) Ltd., P. S. Chow, Commercial Appliance Company, and W. W. Sung, knowingly caused, aided, abetted and permitted the doing of acts prohibited by, and the omission of acts required by, the U.S. Export Control Act of 1949, as amended, and regulations, orders and licenses issued thereunder; bought, received, sold, disposed of, and financed commodities exported from the United States with knowledge that violations of the Export Control Act, regulations, orders and licenses had occurred, were intended to occur, and would occur; made false and misleading representations and statements, and falsified and concealed material facts, to United States Government authorities in the course of an investigation instituted under the authority of the Export Control Act; and, without authorization from the Bureau of Foreign Commerce, knowingly exported, disposed of, diverted, transshipped and reexported U.S. origin commodities to and for ultimate consignees, uses and destination contrary to the terms, provisions and conditions of export licenses, export control documents, prior representations, and destination control notices related to their exportation from the United States. Thereby, the said respondents have violated §§ 381.2, 381.4, 381.5(a)(1), and 381.6 of the Export Regulations.

In his report, the Compliance Commissioner said:

Compliance orders are not primarily intended to impose penalties. Rather, they are essentially remedial actions, the primary objectives of which are to achieve effective enforcement of the U.S. Export Control Act and the regulations and orders issued thereunder, to deter violations, and to establish corrective values and standards of conduct consistent with the U.S. Government policies set forth in the Act.

These objectives already appear to have been substantially achieved in the case of The Office Appliance Company (1955) Ltd. and P.S. Chow. Standing in their favor are their eventual admissions of wrong-doings, their repentance, their ultimate efforts to cooperate with the U.S. Government, and their promises to avoid recurrences of violations.

The Office Appliance Company (1955) Ltd. has already suffered substantial financial loss as a result of adverse publicity, cancellations of agency representations for some American companies, and decreased sales. Although U.S. Department of Commerce compliance proceedings are not related to actions of the U.S. Treasury Department, it has not escaped notice that, around May 1, 1959, The Office Appliance Company (1955) Ltd. and P. S. Chow were placed on the List of Designated China Nationals by the Foreign Assets Control Division of the Treasury Department.

The facts in this case, particularly the admissions against interest by W. W. Sung in his letters of March 27 and 28, 1959, to P. S. Chow and the American Consulate General's Office in Hong Kong, disclose that Sung conceived the idea of making these sales and reexportations of U.S. origin calculating machines to Communist China, and he induced P. S. Chow to engage in these transactions, despite Chow's initial reluctance to do so. While this does not diminish Chow's responsibility for his violations, in a sense it tends to place more of the culpability on Sung than on Chow.

Thus, it is my considered opinion that it would be reasonable, fair and just to approve the consent order relating to The Office Appliance Company (1955) Ltd. and P. S. Chow and to issue a much stricter order against Commercial Appliance Company and W. W. Sung.

Now, therefore, after careful consideration of the entire record, and being of the opinion that the recommendation of the Compliance Commissioner and the following order are reasonable, fair, just, and necessary to achieve effective enforcement of the Export Control Act and regulations, orders and licenses issued thereunder: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondents, The Office Appliance Company (1955) Ltd., P. S. Chow, Commercial Appliance Company, and W. W. Sung, or any of them, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II(a). Henceforth and so long as export controls shall be in effect, the respondents, Commercial Appliance Company and W. W. Sung, their successors, or assigns, officers, partners, representatives, agents and employees, hereby are denied all privileges of par-

ticipating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada.

II(b). For the period of two years from the date of this order, except as qualified by Parts IV(a) and IV(b), the respondents, The Office Appliance Company (1955) Ltd., and P. S. Chow, their successors or assigns, officers, partners, representatives, agents and employees, hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada.

II(c). Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by them or any of them, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. These denials of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, partnership or business organization with which any of them may be now or hereafter related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

IV(a). Six months after the date hereof, without further order of the Bureau of Foreign Commerce, The Office Appliance Company (1955) Ltd. shall have its export privileges restored to it conditionally, the condition for such restoration being that, during the said two year period following the date hereof, the said respondent shall comply in all respects with this order and with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

IV(b). Twelve months after the date hereof, without further order of the Bureau of Foreign Commerce, P. S. Chow shall have his export privileges restored to him conditionally, the condition for such restoration being that, during the said two year period following the date hereof, the said respondent shall comply in all respects with this order and with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses and orders issued thereunder.

V. The privileges so conditionally permitted to the respondents, The Office Appliance Company (1955) Ltd. and P. S. Chow, under Part IV hereof may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any respondent has knowingly failed to comply with the conditions applicable to him or it as set forth in Part IV hereof, in which event Part II hereof, insofar as it shall apply to such respondents, shall then be and become effective (a) as to The Office Appliance Company (1955) Ltd. for an additional eighteen months thereafter or until two years from the date hereof, whichever shall be later, and (b) as to P. S. Chow for an additional twelve months thereafter or until two years from the date hereof, whichever shall be the later, without thereby precluding the Bureau of Foreign Commerce from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, such respondents and related parties as are involved therein shall have a right to review thereof, as provided in the Export Regulations.

VI. During the time when any respondent or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of Foreign Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondent or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VII. In accordance with the provisions of § 382.4(b) of the Export Regulations, Commercial Appliance Company and W. W. Sung may, at any time hereafter, move to set aside their default and vacate this order by filing an application, as prescribed together with evidentiary data in support thereof, with the Director, Office of Export Supply, Bureau of Foreign Commerce, U.S. Department of Commerce, Washington 25, D.C. This order as issued to these respondents shall continue in full force and effect, however, until a further order is made modifying or terminating it.

Dated: June 29, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-6234; Filed, July 6, 1960; 8:50 a.m.]

Federal Maritime Board

ALASKA STEAMSHIP CO.

Notice of Tentative Findings Justifying the Continuance of Bareboat Charter Covering 3 C1-M-AV1 Type Government-Owned Vessels

Notice is hereby given that the Federal Maritime Board has tentatively found, in accordance with section 5(e)(1), Merchant Ship Sales Act of 1946, as amended, that conditions exist justifying the continuance of the bareboat charters covering the government-owned C1-M-AV1 type vessels "Coastal Monarch", "Coastal Nomad", and "Coastal Rambler", presently under charter to Alaska Steamship Company, which were due for annual review on or about June 30, 1960.

Any interested person may request a hearing with respect to the Board's findings by filing written objections, in triplicate, stating the reasons therefor, with the Secretary, Federal Maritime Board, Washington 25, D.C., by close of business on July 15, 1960.

The findings will become final if no objection thereto or no request for a hearing is received.

Dated: July 1, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6241; Filed, July 6, 1960; 8:53 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-157]

CORNELL UNIVERSITY

Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on June 8, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-58, substantially as set forth in the notice, authorizing Cornell University to construct a 10-kilowatt thermal TRIGA reactor facility on the University's campus in Ithaca, New York. Notice of the proposed action was published in the FEDERAL REGISTER on June 10, 1960, 25 F.R. 5191.

Dated at Germantown, Md., this 29th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6197; Filed, July 6, 1960; 8:45 a.m.]

[Docket No. 50-167]

LOCKHEED AIRCRAFT CORP.

Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to Lockheed Aircraft Corporation, Burbank, California, a facility license substantially as set forth below authorizing the possession and operation at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia, of a pool-type nuclear reactor at power levels up to 10 watts (thermal). Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-56, as amended. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by Lockheed Aircraft Corporation and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 29th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

PROPOSED LICENSE

1. This license applies to the light water cooled and moderated swimming pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by Lockheed Aircraft Corporation and located at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia, and described in the application dated April 29, 1960, and amendment thereto dated May 27, 1960, (hereinafter together referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-56 issued to Lockheed Aircraft Corporation and will operate in conformity with the application and in conformity with the Act and with the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Lockheed Aircraft Corporation is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Lockheed Aircraft Corporation has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Lockheed Aircraft Corporation:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Dawson County, Georgia, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to 2.905 kilograms of contained uranium 235 and 80 grams of plutonium in a Pu-BE source for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct materials as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. *Operating restrictions.* Lockheed Aircraft Corporation shall not operate the reactor at power levels in excess of 10 watts (thermal) without prior written authorization from the Commission.

B. *Records.* In addition to those otherwise required under this license and applicable regulations, Lockheed Aircraft Corporation shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of Lockheed Aircraft Corporation as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. *Reports.* Lockheed Aircraft Corporation shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight September 1, 1960.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-6198; Filed, July 6, 1960; 8:45 a.m.]

[Docket No. 50-94]

NORTH AMERICAN AVIATION, INC.

Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. R-40. The amendment authorizes North American Aviation, Inc., to possess and operate the 10 watt (thermal) nuclear research reactor designated as the "L-77" at a new location at the DeSoto facility of North American Aviation, Inc., in Canoga Park, California as requested in its applications for license amendments dated February 8, 1960 and March 29, 1960. Prior public notice of the proposed issuance of this amendment was published in the FEDERAL REGISTER on June 10, 1960, 25 F.R. 5192.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene or requests for formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C. For further details see (1) the applications for license amendments dated February 8, 1960 and March 29, 1960, submitted by North American Aviation, Inc. and (2) a hazards analysis of the proposed operation prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 28th day of June 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. R-40; Amdt. 1]

License No. R-40 is revised in its entirety to read as follows:

1. The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. The solution-type 10 watt nuclear research reactor authorized for construction by Construction Permit CPRR-54 issued to North American Aviation, Inc., has been constructed in accordance with the specifications contained in the application;

B. There is reasonable assurance that the reactor can be operated without endangering the health and safety of the public;

C. North American Aviation, Inc., is technically and financially qualified to operate the reactor;

D. Issuance of a license to possess and operate the reactor will not be inimical to the common defense and security or to the health and safety of the public;

E. North American Aviation, Inc., has submitted proof of financial protection which satisfies the requirements of Commission regulations which are currently in effect.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses North American Aviation, Inc.:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" to possess and operate as a utilization facility the nuclear research reactor designated below;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to possess and use 1.5 kilograms of contained uranium-235 as fuel for operation of the reactor;

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material" to possess but not to separate such byproduct material as may be produced in the operation of the reactor.

3. This license applies to the reactor which is owned by North American Aviation, Inc., and located at Canoga Park, California, and described in North American Aviation, Inc.'s application dated January 20, 1958, and amendments thereto dated March 26, 1958, April 15, 1958, September 25, 1959, February 8, 1960, and March 29, 1960 (herein referred to as "the application"). The reactor is of the solution-type, is moderated by light water and uses as fuel a solution of uranyl sulfate containing uranium enriched to 20 percent or more in the isotope uranium-235. It is designed to operate at a thermal power level of ten (10) watts and is designated by North American Aviation, Inc., as the "L-77" reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

a. *Operating restrictions.* (1) North American Aviation, Inc., shall operate the facility in accordance with the application.

(2) North American Aviation, Inc., shall not operate the reactor at a power level in excess of 10 watts (thermal).

(3) Materials having a reactivity value in excess of 0.5% may not be inserted into the exposure tubes.

b. *Records.* In addition to those otherwise required under this license and applicable regulations, North American Aviation, Inc., shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of North American Aviation, Inc., as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

c. *Reports.* North American Aviation, Inc., shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight May 16, 1978.

Date of issuance: June 28, 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6199; Filed, July 6, 1960; 8:45 a.m.]

[Docket No. 50-166]

UNIVERSITY OF MARYLAND

Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on June 10, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-53, substantially as set forth in the notice, authorizing The University of Maryland to construct a 10 kilowatt pool-type nuclear reactor on the University's campus in College Park, Maryland. Notice of the proposed action was published in the FEDERAL REGISTER June 11, 1960, 25 F.R. 5253.

Dated at Germantown, Md., this 29th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6200; Filed, July 6, 1960; 8:45 a.m.]

[Docket No. 27-7]

ISOTOPES SPECIALTIES CO.

Proposed Amendment of Byproduct and Source Material License

Please take notice that Isotopes Specialties Company, Division of Nuclear Corporation of America, Inc., 170 West Providencia, Burbank, California, holder of License No. 4-580-6, which authorizes the receipt of waste byproduct and source material for disposal in the Pacific Ocean, has applied for a license amendment which would:

1. Authorize the receipt, packaging and disposal of 20 grams of special nuclear material in addition to the 100 curies of byproduct material and 2,000 pounds of source material previously authorized.

2. Authorize the packaging of waste byproduct, source and special nuclear material for disposal at sea in additional types of containers described as "master drum containers" in application dated November 20, 1959 and concrete forms shown in drawings designated D-0047 and D-0048 submitted in their application dated October 1, 1959.

The AEC has reviewed the application for amendment and proposes to grant the amendment subject to appropriate limitations unless within fifteen (15) days after filing of this notice with the Federal Register Division, a petition to intervene and a request for a formal hearing are filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter I, Part 2, rules of practice.

The application for license amendment and a hazards analysis thereof prepared by the Division of Licensing and Regulation are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Md., this 24th day of June 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Licensing and Regulation.

[F.R. Doc. 60-6239; Filed, July 6, 1960; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10741]

GREAT LAKES AIRLINES, INC., ET AL.

Notice of Hearing

In the matter of the complaint of Great Lakes Airlines, Inc. vs. Ralph Cox, Jr., United States Overseas Airlines, et al.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on July 26, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., June 30, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-6259; Filed, July 6, 1960; 8:53 a.m.]

[Docket 9523 etc.]

REOPENED PUERTO RICO PASSENGER FARE INVESTIGATION

Notice Reassigning Prehearing Conference

Pursuant to request, with agreement of all parties, that the prehearing conference now assigned for July 12, 1960, be advanced one day, the prehearing conference in the above-entitled proceeding is reassigned to be held July 11, 1960, at 2:00 p.m. e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Thomas L. Wrenn.

Dated at Washington, D.C. June 30, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-6260; Filed, July 6, 1960; 8:53 a.m.]

[Docket 11042]

WYOMING AND SOUTH DAKOTA TO CHICAGO SERVICE INVESTIGATION

Notice of Prehearing Conference

In the matter of the investigation to determine whether the public convenience and necessity require single-plane service between points in Wyoming and South Dakota, on the one hand, and Chicago, Illinois, on the other.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 20, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., June 30, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-6261; Filed, July 6, 1960; 8:53 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13605-13607; FCC 60M-1115]

ABILENE RADIO AND TELEVISION CO. ET AL.

Order Scheduling Hearing

In re applications of Abilene Radio and Television Company, San Angelo, Texas, Docket No. 13605, File No. BPCT-2639; E. C. Gunter, San Angelo, Texas, Docket No. 13606, File No. BPCT-2663; Dornita Investment Corp., San Angelo, Texas, Docket No. 13607, File No. BPCT-2714; for construction permits for new television broadcast stations (Channel 3).

It is ordered, This 29th day of June 1960, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 27, 1960, in Washington, D.C.

Released: June 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6242; Filed, July 6, 1960; 8:51 a.m.]

[Docket No. 13514; FCC 60M-1102]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13514; regulations and charges for switching and selecting equipment (common user group and dual facility arrangements) for use with channels of telephone grade furnished for the remote operation of mobile radio-telephone systems.

A prehearing conference in the above-entitled matter having been held on June 28, 1960, and it appearing from the record made therein that certain agreements were reached that properly should be formalized in an order;

It is ordered, This 28th day of June, 1960 that:

(1) Exhibits to be offered in evidence in the presentation of the direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on September 16, 1960;

(2) Requests for additional information or material shall be made on or before October 1, 1960;

It is further ordered, That the hearing herein heretofore scheduled to commence on July 5, 1960, is continued to October 24, 1960 commencing at 2:00 p.m., in the offices of the Commission at Washington, D.C.

Released: June 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6243; Filed, July 6, 1960; 8:51 a.m.]

[Docket No. 13615; FCC 60M-1116]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13615, regulations and charges for a connecting arrangement to permit the connection of two two-point duplex teletypewriter services with a customer provided aircraft tracking system.

It is ordered, This 29th day of June 1960, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 19, 1960, in Washington, D.C.

Released: June 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6244; Filed, July 6, 1960; 8:51 a.m.]

[Docket No. 13602; FCC 60M-1113]

CLACKAMAS BROADCASTERS (KGON)

Order Scheduling Hearing

In re applications of Clackamas Broadcasters (KGON), Oregon City, Oregon, Docket No. 13602, File No. BP-11734; for construction permit.

It is ordered, This 29th day of June 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 22, 1960, in Washington, D.C.

Released: June 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6245; Filed, July 6, 1960; 8:51 a.m.]

[Docket Nos. 12615 etc; FCC 60M-1104]

COOKEVILLE BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Hamilton Parks, tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, Docket No. 12615, File No. BP-11518; et al., Docket Nos. 12960, 12962, 12964, 12965, 12966, 12968, 12971, 12972, 12973, 12974, 12978, 12979, 12981, 12982; for construction permits.

Pursuant to determinations made on the record at the further hearing herein held on this day:

It is ordered, This 28th day of June 1960, that the further hearing upon the applications in Group 1 is continued to a date to be fixed by subsequent order.

Released: June 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6246; Filed, July 6, 1960; 8:51 a.m.]

[Docket Nos. 13603, 13604; FCC 60M-1114]

ELIZABETH G. COUGHLAN AND NORTH SUBURBAN RADIO, INC.

Order Scheduling Hearing

In re applications of Elizabeth G. Coughlan, Highland Park, Illinois, Docket No. 13603, File No. BPH-2831; North Suburban Radio, Inc., Highland Park, Illinois, Docket No. 13604, File No. BPH-2907; for construction permits (FM).

It is ordered, This 29th day of June 1960, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 20, 1960, in Washington, D.C.

Released: June 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6247; Filed, July 6, 1960; 8:51 a.m.]

[Docket Nos. 13624-13626; FCC 60-760]

FREDERICK COUNTY BROADCASTERS ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ralph D. Epperson and Earlene S. Epperson, d/b as

Frederick County Broadcasters, Winchester, Virginia, request 1480 kc, 1 kw, Day, Docket No. 13624, File No. BP-12531; Town Radio, Inc., Shippensburg, Pennsylvania, request 1480 kc, 500 w, Day, Docket No. 13625, File No. BP-13240; Jesse J. Goodman, Berryville, Virginia, requests 1480 kc, 1 kw, Day, Docket No. 13626, File No. BP-13360; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of June 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 19, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing, that, on March 1, 1960, Frederick County Broadcasters filed a "Petition To Return Application" of Jesse J. Goodman, alleging that the transmitter site originally specified in Goodman's application was not available to Goodman; that, therefore, the application was filed on a "site-to-be-determined" basis in contravention of § 3.33 of the Commission rules and should not have been accepted for filing; that Goodman, in response to the Commission's aforementioned letter of April 19, 1960, amended his application on May 9, 1960, to specify a different site and stated, in part, that "to eliminate the objections of Frederick County Broadcasters, I hereby amend my application to specify a new site"; that, on June 7, 1960, Frederick County Broadcasters filed a "Petition To Review Action Accepting Amendment" to the Goodman application in which the petitioner contended, in substance, that, since the site originally specified in the Goodman application was not available, Goodman did not have on file a valid application until May 9, 1960, the date on which Goodman amended to specify the present site, and therefore the application is not entitled to consolidation in the hearing proceeding with the Frederick County Broadcasters' application because the Goodman application was not on file in proper form on the date (January 22, 1960) announced by the Commission's Public Notice as the date on which applications must be substantially complete and on file in order to be considered with the application of the Frederick County Broadcasters; that, by letter dated June 11, 1960, Goodman stated that the matters raised in Frederick County Broadcasters' June 7 pleading were the same as those raised in the March 1 pleading and that his response of May 9 "disposed of the matter and no further comments are warranted in this case"; and

It further appearing that in Goodman's responses, he has not indicated whether the transmitter site originally specified was available for his use or whether he had a reasonable expectation that said site would become available; that, therefore, it cannot be determined on the basis of the information before us whether the Goodman application was, in fact, on a site-to-be-determined basis in contravention of the provisions of § 3.33 when it was tendered for filing on January 22, 1960; and that, accordingly, the questions raised by the pleadings of Frederick County Broadcasters and Goodman's responses thereto must be resolved in the hearing ordered below; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Town Radio, Inc., would involve objectionable interference with the operation of Station WARK, Hagerstown, Maryland, proposed in the application of the United Broadcasting Company of Western Maryland, Inc. (File No. BP-12395) to increase the daytime power of WARK to one kilowatt, or any other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether Jesse J. Goodman had a reasonable expectation of getting the transmitter site originally specified in his application and, if not, whether the application of Jesse J. Goodman was filed on a site-to-be-determined basis and subject to dismissal pursuant to § 3.33(a) of the Commission rules.

5. To determine, in the event it is concluded that Jesse J. Goodman's application was not in compliance with § 3.33(a) of the Commission rules at the time of filing, whether said application, as amended, was timely filed for consideration with the other applications herein, pursuant to the provisions of § 1.106(b)(1) of the Commission rules.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That United Broadcasting Company of Western Maryland, Inc., licensee of Station WARK, Hagerstown, Maryland, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6248; Filed, July 6, 1960; 8:52 a.m.]

[Docket Nos. 13525, 13526; FCC 60M-1100]

SIMON GELLER AND ASSOCIATED ENTERPRISES

Order Continuing Hearing

In re application of Simon Geller, Gloucester, Massachusetts, Docket No. 13525, File No. BP-11667; Alan C. Tindal, Kristian Solberg, Paul Monson, and John J. Sullivan d/b as Associated Enterprises, Brockton, Massachusetts, Docket No. 13526, File No. BP-11630; for construction permit.

A prehearing conference in the above-entitled matter having been held on June 27, 1960, and it appearing from the record made therein that certain agreements were reached that properly should be formalized in an order;

It is ordered, This 27th day of June 1960 that:

(1) The direct cases shall be presented by written sworn exhibits;

(2) Preliminary drafts of the technical engineering exhibits shall be exchanged among the parties on July 20, 1960;

(3) The written sworn exhibits constituting the direct cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on August 12, 1960 at which time other than for corrective matters the affirmative cases shall be deemed frozen:

(4) Notification shall be given on or before August 31, 1960, as to those witnesses desired to be available for cross-examination;

It is further ordered, That the hearing herein presently scheduled to commence on July 22, 1960, is continued to September 7, 1960 commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: June 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6249; Filed, July 6, 1960; 8:52 a.m.]

[Docket No. 13601; FCC 60M-1112]

HOPKINSVILLE BROADCASTING CO., INC. (WHOP)

Order Scheduling Hearing

In re application of Hopkinsville Broadcasting Company, Incorporated (WHOP), Hopkinsville, Kentucky, Docket No. 13601, File No. BP-12506; for construction permit.

It is ordered, This 29th day of June 1960, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 26, 1960, in Washington, D.C.

Released: June 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6250; Filed, July 6, 1960; 8:52 a.m.]

[Docket Nos. 13627-13629; FCC 60-763]

M. EARLENE STEBBINS ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of M. Earlene Stebbins, Skokie, Illinois, req. 96.3 Mc, #252; 1 kw; 131 ft., Docket No. 13627, File No. BPH-2828; WHFC, Inc. (WEHS), Chicago, Illinois, has 97.9 Mc, #250; 21 kw; 200 ft., req. 97.9 Mc, #250; 110.4 kw; 197 ft., Docket No. 13628, File No. BPH-2870; Gale Broadcasting Company, Inc. (WFMT), Chicago, Illinois, has 98.7 Mc, #254; 29.5 kw; 550 ft., req. 98.7 Mc, #254; 197 kw; 537.2 ft., Docket No. 13629, File No. BPH-2920; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of June 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in letters dated January 19, 1960, and May 23, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any of the applications would serve the public interest, convenience, and necessity; and that copies of the aforementioned letters are available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letters, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant and requiring an evidentiary hearing on the particular issues as hereinafter specified; and

It further appearing that the Commission's letter of January 19, 1960 raised a question as to whether the participation of Charles W. Kline, partner in the applicant Radio America (BPH-2858, Chicago, Illinois), in the proposed operation of M. Earlene Stebbins would contravene § 3.240 of the Commission's rules on multiple ownership; that in a reply dated February 5, 1960, M. Earlene Stebbins stated that Mr. Kline's participation as station manager and program director was in keeping with Mr. Kline's capacity as a management consultant for the purpose of assisting and advising in the establishment and organization of the proposed station and that Mr. Kline has no ownership participation nor contemplated any in the proposed Skokie station but only has ownership participation in BPH-2858; but that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that the question must be resolved in the hearing ordered below; and

It further appearing that M. Earlene Stebbins requested a grant of the three instant applications without hearing, but that the proposed Skokie station would serve only 56 percent of the area within its proposed 1 mv/m contour (as determined by the applicant), and it appears necessary to determine in hearing whether such operations would serve the public interest; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within the 1 mv/m contour, the area and population therein which would be served by the proposed Skokie, Illinois, station, and the availability of other FM service (at least 1 mv/m) to such proposed service area.

2. To determine the areas and populations within the 1 mv/m contours which may be expected to gain or lose service from the proposed operations of Stations WEHS and WFMT and the availability of other such FM broadcast service to such areas and populations.

3. To determine whether the instant proposal of BPH-2828 would involve objectionable interference with the existing operations of Stations WEHS and WFMT, Chicago, Illinois, or any existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

4. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing FM broadcast stations, the areas and populations affected thereby, and the availability of other FM service to the areas and populations affected by interference from the instant proposals.

5. To determine the nature of the participation of Charles W. Kline in the instant proposal, the extent to which such participation will constitute control of the proposed station, and whether, in the light of Kline's interest in the application of Radio America for a new FM broadcast station in Chicago, Illinois, a grant of the instant application would be in contravention of § 3.240 of the Rules and the Commission's policies promulgated pursuant thereto.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient, and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That WHFC, Inc., and the Gale Broadcasting Company, Inc., are made parties respondent with respect to the existing operations of WEHS and WFMT, respectively.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of facts in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6251; Filed, July 6, 1960; 8:52 a.m.]

[Docket No. 13599; FCC 60M-1110]

MARK TWAIN BROADCASTING CO.

Order Continuing Hearing Conference

In re application of Mark Twain Broadcasting Co., Hannibal, Missouri, Docket No. 13599, File No. BP-1141; for renewal of license of Station KHMO.

On the oral request of counsel for applicant and without objection by counsel for the Broadcast Bureau: *It is ordered*, This 29th day of June 1960, that the prehearing conference now scheduled for July 14, 1960, is rescheduled to Friday, July 29, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6252; Filed, July 6, 1960; 8:52 a.m.]

[Docket No. 13590; FCC 60M-1107]

REX O. STEVENSON

Order for Prehearing Conference

In re application of Rex O. Stevenson, Ojai, California, Docket No. 13590, File No. BP-12418; for construction permit.

A prehearing conference in the above-entitled proceeding will be held on Friday, July 8, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 28th day of June 1960.

Released: June 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6253; Filed, July 6, 1960; 8:52 a.m.]

[Docket Nos. 13599, 13600; FCC 60M-1111]

A. S. RIVIERE AND RADIO GEORGIA

Order Scheduling Hearing

In re applications of A. S. Riviere, Barnesville, Georgia, Docket No. 13599, File No. BP-12889; John P. Frew, Elizabeth H. Frew, Stephens B. McGarity and Leslie E. Gradick, Jr., d/b as Radio Georgia, Thomaston, Georgia, Docket No. 13600, File No. BP-13051; for construction permits.

It is ordered, This 29th day of June 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 20, 1960, in Washington, D.C.

Released: June 30, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6254; Filed, July 6, 1960; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1307]

BOSTON FUND, INC., AND GROTON CO.

Notice of Filing of Application

JUNE 28, 1960.

Notice is hereby given that Boston Fund, Inc. ("Fund"), a registered open-end investment company, and The Groton Company ("Groton"), a personal holding company and an affiliated person of an affiliated person of the Fund, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of the Fund's shares at net asset value for substantially all of the assets of Groton, and for an order exempting from the provisions of section 17(a) pursuant to section 17(b) of the Act the sale of such assets to the Fund.

The Fund offers its shares to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of April 30, 1960, the net assets of the Fund amounted to $220,937,856 and it had 13,410,691 shares of capital stock outstanding.

Groton, a Delaware corporation with less than 100 shareholders, is a personal holding company and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Frederick Ayer ("Ayer") is president and director of Groton and is a member of the Fund's advisory board. In addition, members of Ayer's family have substantial beneficial interests in Groton, and as co-trustee with others under various trusts he controls or holds with power to vote more than 5 percent of Groton's stock. Pursuant to an agreement between the Fund and Groton, substantially all of the cash and securities owned by Groton having a value of approximately $7,500,000 as of December 31, 1959, will be transferred to the Fund in exchange for shares of its capital stock. The number of Fund shares to be delivered to Groton will be determined by dividing the net asset value per share of the Fund in effect as of the close of business on the last full business day of the New York Stock Exchange before the closing date into the value of the Groton assets to be exchanged. Prior to the closing date, Groton will sell all securities held by it which the Fund does not wish to acquire. Groton shareholders holding all but 1/32 of the outstanding shares will indemnify the Fund against any loss from undisclosed liabilities and will agree not to redeem for three years shares of the Fund aggregating $250,000.00 in net asset value at the closing date.

The value of the assets of Groton will be determined in the same manner as used for calculating net asset value for the purpose of issuance of Fund shares. Since the exchange will be tax free for Groton and its shareholders, the Fund's cost basis for tax purposes on the assets acquired from Groton will be the same as for Groton rather than the price actually paid for the assets by the Fund. However, the unrealized appreciation on the Groton assets is proportionately less than on the Fund's assets, amounting to approximately 17 percent and 24 percent, respectively, as of April 30, 1960.

Pursuant to the provisions of section 2(a)(3) of the Act, Ayer is an affiliated person of the Fund and of Groton, and the latter is an affiliated person of Ayer. Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company (Ayer) or an affiliated person of an affiliated person of a registered investment company (Groton) from selling to such company any security or other property, unless the Commission by order upon application pursuant to section 17(b) of the Act grants an order exempting such proposed transaction from the provisions of section 17(a) of the Act, upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the investment company concerned, as recited in its registration

statement and reports filed under the Act, and is consistent with the general purposes of the Act.

The application states that the securities acquired will be held by the Fund for investment; that all such securities are consistent with the Fund's investment policy as described in its registration statements and that Groton considers the Fund a good investment medium for its stockholders.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement the shares of the Fund are to be issued to Groton and its shareholders at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 12, 1960, at 5:30 p.m., e.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6219; Filed, July 6, 1960; 8:48 a.m.]

[File No. 812-1303]

BROAD STREET INVESTING CORP.

Notice of Filing of Application

JUNE 29, 1960.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Morey, Humm & Warwick, Inc. ("Morey") on the basis set forth below.

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased.

Morey, a Delaware corporation, is an investment company with six stockholders which has engaged in the business of investing and reinvesting its funds since 1958. Prior to that time, it conducted business as an advertising agency. Morey is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Broad Street and Morey, substantially all of the cash and securities of Morey, with a total value of $499,001 as of April 30, 1960, will be transferred to Broad Street in exchange for shares of stock of Broad Street. The shares acquired by Morey are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Broad Street to be delivered to Morey will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the value of the Morey assets to be exchanged.

The value of the assets of Morey will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Broad Street's shares. Since the exchange will be tax free for Morey and its shareholders, Broad Street's cost basis for tax purposes on the assets acquired from Morey will be the same as for Morey, rather than the price actually paid by Broad Street for the assets.

Of the assets to be acquired from Morey, Broad Street presently intends to sell, subject to changes in investment conditions and considerations, securities having a value as of April 30, 1960 of $131,602 and a cost basis of $151,555. As of the same date, the securities of Morey to be retained have a value of $367,399 and a cost basis of $372,805, and the net unrealized appreciation on securities owned by Broad Street amounted to $44,063,779, or 23.5 percent of its total net assets.

Applicant points out that the proposed acquisition is in the best interests of its shareholders, taking into account the presence of unrealized depreciation in the portfolio of Morey as compared to the unrealized appreciation existing in the portfolio of Broad Street and because the resulting increase in its assets will tend to reduce per share expenses, since it is furnished investment research and administrative facilities and services at cost.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and Morey. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors, and stockholders of Morey.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Broad Street are to be issued to Morey at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2.22 percent for sales of $250,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commisson finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 12, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6220; Filed, July 6, 1960; 8:48 a.m.]

[File No. 812-1304]

BROAD STREET INVESTING CORP.

Notice of Filing of Application

JUNE 28, 1960.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of M.E.W. Corporation ("M.E.W.") on the basis set forth below.

Shares of Broad Street, a Maryland Corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of May 9, 1960, the net assets of Broad Street amounted to $180,008,973.

M.E.W., a Delaware corporation, is an investment company with two stockholders which engages in the business of investing and reinvesting its funds. M.E.W. is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Broad Street and M.E.W., substantially all of the cash and securities of M.E.W., with a total value of $1,973,449 as of May 9, 1960, will be transferred to Broad Street in exchange for shares of stock of Broad Street. The shares acquired by M.E.W. are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Broad Street to be delivered to M.E.W. will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the value of the M.E.W. assets to be exchanged.

The value of the assets of M.E.W. will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Broad Street's shares. Since the exchange will be tax free for M.E.W. and its shareholders, Broad Street's cost basis for tax purposes on the assets acquired from M.E.W. will be the same as for M.E.W., rather than the price actually paid by Broad Street for the assets.

Of the assets to be acquired from M.E.W., Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value as of May 9, 1960, of $360,000. Of this amount $236,523, or approximately 67.6 percent represented net unrealized appreciation, as compared to net unrealized appreciation on Broad Street's portfolio securities of $45,618,620 or approximately 24.1 percent of their value, as of the same date. The realized but undistributed long-term capital gain of Broad Street on the same date amounted to $1,509,304 or approximately 0.8 percent of its assets. Approximately $497,057 of the securities acquired from M.E.W. will be sold by Broad Street. The net unrealized appreciation on such securities as of May 9, 1960, amounted to $203,711. Since Broad Street will thus acquire these securities at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and consequent tax liability thereon to the present shareholders of Broad Street. In respect of the securities of M.E.W. that Broad Street presently intends to sell on acquisition and the resulting artificial capital gain thereon, there shall be subtracted from M.E.W. assets an amount equal to 12½ percent of the difference between net unrealized taxable capital gain on said securities and the portion of the realized but undistributed taxable long-term capital gain of Broad Street allocable to the aggregate shares of Broad Street to be issued to M.E.W. In respect of the securities of M.E.W. that Broad Street presently intends to hold following acquisition, there shall be subtracted from M.E.W. assets an amount equal to 12½ percent of the difference between net unrealized taxable capital gain on said securities and the portion of the Broad Street unrealized appreciation applicable to the aggregate shares of Broad Street to be issued to M.E.W. determined on a pro forma basis. The adjustment is intended to offset adverse impact on Broad Street's investors of a possible capital gains tax on artificial gains should Broad Street hereafter sell the securities being acquired.

If the valuation under the agreement had taken place on May 9, 1960, M.E.W. would have received 86,248 shares of Broad Street's stock.

Applicant points out that the proposed acquisition is in the best interests of its shareholders because the resulting increase in its assets will tend to reduce per share expenses, since it is furnished investment research and administrative facilities and services at cost.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and M.E.W. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors, and stockholders of M.E.W.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Broad Street are to be issued to M.E.W. at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2.22 percent for sales of $250,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 12, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–6221; Filed, July 6, 1960; 8:48 a.m.]

[File No. 1–4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

JUNE 30, 1960.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 1, 1960 to July 10, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–6222; Filed, July 6, 1960; 8:49 a.m.]

[File No. 24NY–4641]

DIRECTOMAT, INC.

Notice and Order for Hearing

JUNE 29, 1960.

I. Directomat, Inc. (issuer), Hotel Roosevelt, Madison Avenue and 45th Street, New York 17, New York, filed with the Commission on March 17, 1958, a notification on Form 1–A and an offering circular relating to a proposed public offering of 240,000 shares of its 1 cent par value common stock at $1 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission, on May 11, 1960, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing having been received by the Commission; and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption;

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission, be heard at the offices of the Commission, 425 Second Street NW., Washington, D.C., on July 12, 1960, at 10:00 a.m., with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to disclose all the promoters and affiliates as required by Items 2 and 3 of the notification and all the promoters and controlling persons as required by paragraph 9 of Schedule I.

2. The issuer failed to file a complete and accurate report on Form 2–A as required by Rule 260 in that the report filed on May 27, 1958 states, contrary to fact, that the offering was completed on May 10, 1958 by the broker-dealer firms named therein.

3. The aggregate price of the securities offered exceeded the $300,000 maximum provided under Rule 254 of Regulation A.

B. The offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to (a) the failure to name and disclose the background and material interests of all promoters and affiliates of the issuer, (b) the failure to disclose relationships between promoters, affiliates and an underwriter, and between a promoter and a company holding a material contract with the issuer, (c) the failure to disclose the actual price at which the issuer's shares were to be offered to the public, and (d) the failure to disclose the method and manner by which the securities were to be distributed.

C. The offering was made in violation of Sections 5 and 17 of the Act.

It is further ordered, That Robert N. Hislop or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all power granted to the Commission under section 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Directomat, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before July 8, 1960 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–6223; Filed, July 6, 1960; 8:49 a.m.]

[File No. 24SF–2542]

GREAT WESTERN OIL CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 29, 1960.

I. Great Western Oil Co. (issuer), a Nevada corporation, Las Vegas, Nevada, filed with the Commission on September 29, 1958, a notification on Form 1–A and an offering circular relating to an offering of 290,000 shares of its $1 par value common stock at $1 per share for an aggregate of $290,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to file a report of sales on Form 2–A as required by Rule 260;

2. The issuer has failed to file sales material as required by Rule 258;

3. The issuer has failed to file a revised offering circular as required by Rule 256(e);

4. The issuer has made sales of its securities without the use of an offering circular as required by Rule 256(a)(2).

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The issuer's intended use of proceeds from the offering;

2. The issuer's intended business operations;

3. The failure to disclose the acquisition of new properties, and the abandonment of proposed operations on existing properties.

C. The offering is being made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–6224; Filed, July 6, 1960; 8:49 a.m.]

[File No. 24SF–2568]

HOLIDAY MINES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 30, 1960.

I. Holiday Mines, Inc. (issuer), a Washington corporation, filed with the Commission on December 31, 1958 a notification on Form 1–A and an offering circular relating to an offering of 100,000 shares of its $1 par value common stock at $1 per share for an aggregate offering of $100,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. There is reasonable cause to believe that the issuer has failed to cooperate with the Commission in connection with its proposed offering under Regulation A in that the issuer has refused to respond to letters from the Commission's staff with respect to amendment of the filed notification and offering circular.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of

such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6225; Filed, July 6, 1960; 8:49 a.m.]

[File No. 812-1315]

INCORPORATED INCOME FUND

Notice of Filing of Application

JUNE 29, 1960.

Notice is hereby given that Incorporated Income Fund ("Incorporated"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of Section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of A. E. Dick Contracting Company ("Dick").

Shares of Incorporated, a Massachusetts corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of March 31, 1960, the net assets of Incorporated amounted to $98,939,788 and 10,952,347 of its shares were outstanding.

Dick, a Pennsylvania corporation, is a personal holding company with twenty-five stockholders which engages in the business of investing and reinvesting its funds. Dick is exempt from registration under the Act by reason of the provisions of section 3(c)(1). Pursuant to an agreement between Incorporated and Dick, substantially all of the securities and other assets, such other assets to be converted to government obligations prior to the close, owned by Dick, with a total value of approximately $2,900,000 as of March 31, 1960, will be transferred to Incorporated in exchange for shares of stock of Incorporated. The application states that the portfolio securities of Dick to be retained by Incorporated meet its investment objectives, and that, subject to its right to dispose of such securities in the event of unforeseen changes, Incorporated intends to retain these securities as investments. The shares of Incorporated acquired by Dick are to be distributed immediately to its shareholders who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Incorporated to be delivered to Dick will be determined by dividing the net asset value per share of Incorporated in effect at the close of business on the day preceding the closing date into the value of the Dick assets to be exchanged.

The value of the assets of Dick will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Incorporated's shares. Since the exchange will be tax free for Dick and its shareholders, Incorporated's cost basis for tax purposes on the assets acquired from Dick will be the same as for Dick, rather than the price actually paid by Incorporated for the assets. The unrealized appreciation on the assets to be acquired from Dick exceeds proportionately the unrealized appreciation on Incorporated's present assets. Thus, Incorporated will acquire securities from Dick at a tax-cost basis less than the price actually paid therefor, and if any of the acquired assets are sold in the future, artificial capital gains may be realized and Incorporated's present shareholders will be subject to tax liability thereon.

To provide against the tax consequences of the sale of certain securities of one company immediately upon acquisition and the possible unfavorable tax consequence of a future sale of the other assets acquired from Dick, Incorporated proposes to adjust the aggregate market value of the acquired assets by deducting from such value an amount to be determined by the parties at the closing date. The adjustment shall consist first of an amount equivalent to 12½ percent of unrealized taxable long term capital gain on securities of one company to be sold by Incorporated immediately upon acquisition. The balance of the amount to be deducted shall represent an amount equal to 12½ percent of the increase in the amount of unrealized appreciation allocable to the present shareholders of Incorporated, giving effect to the acquisition of Dick on a *pro forma basis* and making allowance for the amount of Incorporated's realized undistributed gains allocable to Dick.

As of March 31, 1960, the net unrealized appreciation on the portfolio securities of Dick was approximately $259,327, or approximately 10.6 percent of the value of such securities, as compared with net unrealized appreciation of Incorporated's portfolio securities of $5,313,710, or approximately 5.4 percent of the value of such securities; the net unrealized appreciation on the securities Incorporated intends to sell immediately was $9,725; and the undistributed realized capital gains of Incorporated amounted to approximately $2,434,402. If the transaction had been consummated on March 31, 1960, there would have been a deduction of approximately $8,198 from the value of the assets to be acquired by Incorporated.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between officers of Incorporated and Dick. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Incorporated and the Parker Corporation (Incorporated's investment adviser) and the officers and directors of Dick.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Incorporated are to be issued to Dick at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2 percent for sales of $500,000 and over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 12, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6226; Filed, July 6, 1960; 8:49 a.m.]

[File No. 24A-1244]

MARKET IMPROVEMENT CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

I. Market Improvement Company (issuer), a Florida corporation, 6695 Northwest 36th Avenue, Miami, Florida, filed with the Commission on January 2, 1959, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 222 shares of Class A common voting stock and 1663 shares of Class B common non-voting stock at $100 per share aggregating $188,500 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports on Form 2-A as required by Rule 260 of Regulation A despite requests of the Commission's staff for such filing.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6227; Filed, July 6, 1960; 8:49 a.m.]

[File No. 24NY-4768]

REALTY & THEATRE VENTURES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 30, 1960.

I. Realty & Theatre Ventures, Inc. (issuer), a New York corporation, 50 Broad Street, New York, N.Y., filed with the Commission on November 18, 1958 a notification on Form 1-A and an offering circular relating to a proposed offering of 200,000 shares of its 1¢ par value Class A stock at $1.50 per share or $300,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The offering circular, notification and sales literature contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statements that 180,000 shares of Class B stock had been sold to officers, directors and promoters for $1,800 cash when substantially less cash was in fact paid;

2. The untrue statement in the sales literature that the Securities and Exchange Commission had approved the filing.

B. The issuer failed to cooperate in the making of an investigation by the Commission in connection with this offering.

C. The terms and conditions of Regulation A have not been complied with, in that:

1. A report on Form 2-A was not filed within the period required by Rule 260;

2. A sale or sales of securities were made by means of a written offer purportedly under Regulation A without an offering circular meeting the requirements of Schedule I of Form 1-A having previously or concurrently been given to the person to whom the offer was made in violation of Rule 256(a)(1);

3. A written communication used in connection with the offering contained language stating or implying that the Commission had passed upon the merits or given approval to the securities offered in violation of Rule 259.

D. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6228; Filed, July 6, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 129]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 1, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 13123 (Deviation No. 7), WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, filed June 20, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (A) From Buffalo, N.Y., over Interstate Highway 90 to Cleveland, Ohio; (B) From the New York-Massachusetts State line over Interstate Highway 90 to Interchange 21-A of the New York Thruway; and (C) From New Haven, Conn., over the Connecticut Turnpike to the New York-Connecticut State line; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Cleveland over Ohio Highway 84 to Ashtabula, Ohio, thence over U.S. Highway 20 to Buffalo; from Albany, N.Y., over U.S. Highway 20 to Boston, Mass.; and from New Haven, Conn., over U.S. Highway 1 to the New York-Connecticut State line, and return over the same routes.

No. MC 109564 (Deviation No. 1) LYONS TRANSPORTATION CO., 1701 Parade Street, Erie 5, Pa., filed June 20, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the New York-Pennsylvania State line (near Ripley, N.Y.) over Interstate Highway 90 (Erie Thruway and

North-South Freeway) to Cleveland, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the named deviation points over U.S. Highway 20.

MOTOR CARRIER OF PASSENGERS

No. MC 1501 (Deviation No. 46) THE GREYHOUND CORPORATION, 2600 Hamilton Avenue, Cleveland 14, Ohio, filed June 17, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers* over a deviation route as follows: From the junction of Interstate Highway 87 and the New York Thruway at Interchange 24 (Albany, N.Y., Washington Avenue Interchange), over Interstate Highway 87 to junction New York Highway 146, thence over New York Highway 146 to junction U.S. Highway 9 in Clifton Park, N.Y., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Suffern, N.Y., over U.S. Highway 202 to junction New York Highway 59, thence over New York Highway 59 to Ramapo, N.Y., thence over New York Highway 17 to Harriman, N.Y., thence over New York Highway 32 to Newburgh, N.Y., thence over U.S. Highway 9–W via Kingston, N.Y., to Albany, N.Y. (also from Catskill, N.Y., over New York Highway 385 via Athens and Coxsackie, N.Y., to junction U.S. Highway 9W); from Ravena over New York Highway 143 to junction New York Highway 144, thence over New York Highway 144 to junction U.S. Highway 9–W; from New York, N.Y., over U.S. Highway 9 via Albany, Saratoga Springs and Glens Falls, N.Y., to junction New York Highway 9–B (formerly U.S. Highway 9), and thence over New York Highway 9–B to the boundary of the United States and Canada; from Schenectady over New York Highway 50 to Saratoga Springs; from Selkirk over New York Highway 396 to Interchange No. 22 of the New York Thruway; from Albany over U.S. Highway 20 to Interchange No. 24 of the New York Thruway, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6236; Filed, July 6, 1960; 8:50 a.m.]

[Notice 330]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 1, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub No. 46), filed May 19, 1960. Applicant: RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester, Nebr. Applicant's attorneys: Einar Viren *and* C. J. Burrill, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oils, residuals, fuel oils,* and *other petoelrum products*, requiring transportation in insulated tank trucks or requiring heat to load or unload, from Phillipsburg, Kans. to points in that part of Colorado on and east of U.S. Highway 87, and *damaged or rejected shipments* of the above-described commodities on return.

HEARING: September 23, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 43.

No. MC 1641 (Sub No. 47), filed June 3, 1960. Applicant: RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester, Nebr. Applicant's attorney: C. J. Burrill; 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and related commodities, liquid,* in bulk, in tank vehicles, and (2) *empty containers, damaged and/or rejected shipments* on return, between points within the Kansas City, Mo., Kansas City, Kans., Commercial Zone.

HEARING: September 15, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 8989 (Sub No. 194), filed June 16, 1960. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, in truckaway service, from Buffalo, N.Y., to points in Maine, and *damaged* or *rejected automobiles* on return.

HEARING: September 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 9895 (Sub No. 108), filed December 21, 1959. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, P.O. Box 838, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Cryogenic liquids, liquified gases* and *compressed gases*, in shipper-owned trailers; and empty shipper-owned trailers, between points in Colorado, Wyoming, and Nebraska. Applicant is authorized to conduct operations in Wyoming, Colorado, Nebraska, Kansas, Utah, and South Dakota.

HEARING: September 14, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 198, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 9895 (Sub No. 109), filed March 28, 1960. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids and liquefied gases*, in shipper-owned trailers, from points in Illinois to points in Iowa, Nebraska, Kansas, Oklahoma, Colorado, Wyoming, and South Dakota, and *empty shipper-owned trailers* on return.

HEARING: September 14, 1960, at the New Customs House, Denver, Colo., before Examiner William E. Messer.

No. MC 9895 (Sub No. 110), filed March 28, 1960. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenic liquids* and *liquefied gases*, in shipper-owned trailers, from points in Wyoming to points in South Dakota, and *empty shipper-owned trailers* on return.

HEARING: September 13, 1960, at the Wyoming Public Service Commission, Cheyenne, Wyo., before Joint Board No. 233.

No. MC 22195 (Sub No. 76) (AMENDMENT), filed March 24, 1960, published in the FEDERAL REGISTER, issue of May 11, 1960, and republished issue of June 29, 1960. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Orange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Ward (including the city of Minot, N. Dak.), McHenry, Renville, and Bottineau Counties, N. Dak., to points in South Dakota, North Dakota, Montana, and Minnesota, and *rejected shipments* of the commodities specified in this application on return.

HEARING: Remains as assigned July 20, 1960, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Examiner Lyle C. Farmer.

No. MC 30837 (Sub-No. 277) filed May 9, 1960. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in initial movements, by the driveaway and truckaway methods, from the site of the plant of Willard Concrete Machinery Co., within the Commercial Zone of Los Angeles, Calif., to all points in the United States, including Alaska, but excluding Hawaii.

HEARING: September 27, 1960, at the Federal Building, Los Angeles, Calif., before Examiner William E. Messer.

No. MC 30837 (Sub No. 278) filed May 17, 1960. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sun Dial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horse trailers*, in initial movements, in truckaway service, from Brentwood, Calif., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming.

NOTE: Applicant states it presently holds Certificate No. MC 30837 (Sub No. 233) authorizing it to transport the above-specified commodity from Walnut Creek, Calif., to points in some of the destination States named above. Shipper's manufacturing plant has been moved from Walnut Creek to Brentwood, and the purpose of this application is to obtain operating rights authorizing the same service from Brentwood as applicant now offers from Walnut Creek, and to extend that service to include the States of Colorado, Idaho, Kentucky, Montana, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

HEARING: September 28, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 31600 (Sub No. 478), filed June 20, 1960. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aviation fuels*, in bulk, in tank vehicles, from Albany, N.Y., and Providence, R.I., to the port of entry on the International Boundary line between the United States and Canada at Champlain, N.Y. (2) *Chemicals*, in bulk, in tank vehicles, from Albany, N.Y. to the port of entry on the International Boundary line between the United States and Canada at Champlain, N.Y. (3) *Chemicals*, in bulk, in tank vehicles, from Bainbridge, N.Y. to the port of entry on the International Boundary line between the United States and Canada at Alexandria Bay, N.Y. (4) *Methanol*, in bulk, in tank vehicles, from New Haven, Conn., to Waterford, N.Y. (5) *Import Canadian whiskey*, in bulk, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada at Niagara Falls, N.Y., to Baltimore, Md., and New York, N.Y. (6) *Refused and rejected shipments* of the above-described commodities in (1), (2), (3), (4), and (5) from the above-specified destination points to the above-designated origin points. RESTRICTION: Applied for authority in (1) and (2) above, to be limited to shipments consigned to points in the Province of Quebec, and in (3) above, to be limited to shipments moving through the Province of Ontario consigned to points in the Province of Quebec.

HEARING: September 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Michael B. Driscoll.

No. MC 31675 (Sub No. 16), filed April 20, 1960. Applicant: NORTHERN FREIGHT LINES, INC., 201 South Prior Street, Gainesville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Clarkesville, Ga., and Rabun Gap, Ga., over combined U.S. Highways 441 and 23, serving all intermediate points.

HEARING: September 21, 1960, at the Georgia Public Service Commission, Atlanta, Ga., before Joint Board No. 101.

No. MC 35628 (Sub-No. 236), filed June 24, 1960. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Granville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving the plant site of Carlon Products, 4 miles east of Aurora, Ohio, in Mantua Township, Ohio, on Chamberlain Road, approximately ¼ mile south of the intersection of Ohio Highway 82 and Chamberlain Road, as an off-route point in connection with operations between East Liverpool and Cleveland, Ohio, over (in part) Ohio Highway 14, as authorized, and between Cleveland and Warren, Ohio, over U.S. Highway 422, as authorized.

HEARING: July 13, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 35835 (Sub No. 15), filed February 12, 1960. Applicant: ELMER JENSEN, Independence, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt Beverages*, from Minneapolis, Minn. to Cedar Rapids, Iowa.

HEARING: September 26, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 35899 (Sub No. 3), filed March 25, 1960. Applicant: EARL L. KIPP, doing business as KIPP TRANSFER, P.O. Box 86, Sundance, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Sundance, Wyo,, and Sundance Air Force Cantonment area approximately 9 miles north of Sundance, Wyo., over U.S. Highway 14 and unnumbered County Highway serving all intermediate points.

HEARING: September 14, 1960, at the Wyoming Public Service Commission, Cheyenne, Wyo., before Joint Board No. 197.

No. MC 40007 (Sub No. 67), filed May 30, 1960. Applicant: RELIABLE TRANSPORTATION COMPANY, a Corporation, 4817 Sheila Street, Los Angeles 22, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, and *petroleum products*, in bulk, in tank vehicles, from points in Arizona to all ports of entry in Arizona and California on the International boundary between the United States and the Republic of Mexico, for export.

HEARING: September 26, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 167, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 42487 (Sub No. 463), filed May 23, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: J. G. Dail, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, between junction U.S. Highway 40 and California Highway 4, at or near Pinole, Calif., and Antioch, Calif., over California Highway 4, serving all intermediate points, and all off-route points within five (5) miles of California Highway 4.

NOTE: Common control may be involved.

HEARING: September 29, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 42487 (Sub No. 464), filed May 24, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: J. G. Dail, Jr., 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, serving (a) the site of the Thiokol Chemical Corporation plant, located approximately 20 miles northwest of Corrine, Utah, and (2) the site of Air Force Plant No. 78, located approximately 25 miles north-

west of Corrine, Utah, as off-route points in connection with applicant's authorized regular route operation between Salt Lake City, Utah, and Malad City, Idaho; and (2) *General commodities*, except those requiring special equipment, livestock, and household goods as defined by the Commission, serving the above-specified sites (a) and (b), as off-route points in connection with applicant's authorized regular route operation between Tremonton, Utah, and Burley, Idaho.

HEARING: September 15, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 44878 (Sub No. 1), filed June 6, 1960. Applicant: BRISTOL VAN AND STORAGE CORPORATION, 952 Sullins Street, P.O. Box 743, Bristol, Va. Applicant's attorney: Leonard R. Hall, Dominion National Bank Building, Bristol, Va.-Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, beet or cane, raw or other than raw in single bags, in cloth bags, in double bags, in multi-wall paper bags, in paper bags, in shipping containers, in inner containers cloth bags, in paper lined cloth bags, in steel drums, barrels and boxes, in cloth bags or pails, between Bristol, Va.-Tenn., and points in Sullivan, Johnson, Carter, Washington, Unicoi, Greene, Hawkins, and Hancock Counties, Tenn., and Washington, Lee, Scott, Grayson, Smith, Wythe, Russell, Tazewell, Buchanan, Dickenson, and Wise Counties, Va.

HEARING: September 14, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 279.

No. MC 48958 (Sub No. 38), filed February 29, 1960. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving points between Powell, Ariz., and Site Six, Ariz., over unnumbered highway, as intermediate and off-route points in connection with applicant's authorized regular route operations between Los Angeles, Calif., and Albuquerque, N. Mex., over U.S. Highway 66.

HEARING: September 20, 1960, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 48958 (Sub No. 49), filed June 6, 1960. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Compressed gas*, in cylinders, when moving on shipper-owned or United States Government-owned trailers, and *shipper-owned* or *United States Government-owned trailers* with *empty gas cylinders* mounted thereon, between Los Alamos, N. Mex., and Albuquerque, N. Mex., from Los Alamos over New Mexico Highway 4 to junction U.S. Highway 285 at Pojoaque, N. Mex., thence over U.S. Highway 285 to junction U.S. Highway 85 at Santa Fe, N. Mex., thence over U.S. Highway 85 to Albuquerque (also from Santa Fe over U.S. Highway 85 to junction New Mexico Highway 422, approximately 28 miles north of Albuquerque, thence over New Mexico Highway 422 to Albuquerque), and return over the same route, serving Santa Fe, N. Mex., as an intermediate point.

NOTE: Common control may be involved.

HEARING: September 30, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 52709 (Sub No. 98), filed February 10, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, (1) between Craig, Colo., and Denver, Colo., over U.S. Highway 40, serving no intermediate points; and (2) between Rifle, Colo., and Denver, Colo., over U.S. Highway 6, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: September 23, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 52709 (Sub No. 105), filed May 9, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Grand Junction, Colo., and Rangely, Colo., from Grand Junction over U.S. Highway 6 to junction unnumbered county road (commonly known as the Douglas Pass Road) at or near Loma, Colo., thence over said unnumbered county road to junction Colorado Highway 64 near Rangely, Colo., thence over Colorado Highway 64 to Rangely, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. RESTRICTION: No shipment shall be transported over the above-described route which originates at, is destined to, or is interchanged at points in Davis, Salt Lake, or Utah Counties, Utah.

NOTE: Common control may be involved.

HEARING: September 21, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 52858 (Sub No. 85), filed February 12, 1960. Applicant: CONVOY COMPANY (corporation), 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and busses*, as defined by the Commission in Ex-Parte MC-45, in secondary movements, in driveaway and truckaway service, between points in Colorado, Arizona, New Mexico, Utah, Nebraska, and Wyoming.

HEARING: September 15, 1960, at the New Customs House, Denver, Colo., before Examiner William E. Messer.

No. MC 60012 (Sub No. 49), filed June 10, 1960. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, Denver, Colo. Applicant's attorney: Ernest Porter, 1531 Stout Street, P.O. Box 5482, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Ores and concentrates*, in bulk, in special equipment, between Red Mountain Pass, Colo., and Silverton, Colo., and mines and mills within a ten mile radius of Silverton, Colo., as follows: From Red Mountain Pass over U.S. Highway 550 to Silverton, from Silverton over Colorado Highway 110 and other unnumbered highways to mines and mills accessible by these highways, and return over the same route, serving all intermediate points. (2) *General commodities, including Classes A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, and commodities which, because of size or weight require special equipment, between Silverton, Colo. and mines and mills within a radius of ten miles of Silverton, as follows: From Silverton over Colorado Highway 110 and other unnumbered highways to mines and mills located within a radius of 10 miles of Silverton, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is a wholly-owned subsidiary of the Denver and Rio Grande Western Railroad Company, and also owns Larson Transportation Company of Denver, Colo., No. MC 68370, and has stock ownership in Carbon Motorway, Inc., Salt Lake City, Utah, No. MC 113639, and is seeking in Finance Docket No. MC-F 7328, authority to acquire one hundred percent ownership and control of Carbon Motorway, Inc. Common control may be involved.

HEARING: September 22, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 126.

No. MC 62538 (Sub No. 7), filed May 2, 1960. Applicant: JAMES E. ASHTON, doing business as MONTE VISTA TRANSPORT, North Broadway, Monte Vista, Colo. Applicant's attorney: Richard E. Conour, Del Norte, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Muriate of potash, sulphate of potash*, and *potato starch*, (1) between Alamosa, and Monte Vista, Colo., on the one hand, and, on the other, points within 25 miles of Carlsbad, N. Mex., including Carlsbad; and (2) between Manzanola, Trinidad, and Walsenburg, Colo., and points within 25 miles of Carlsbad, N. Mex., including Carlsbad.

HEARING: September 21, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 125.

No. MC 76032 (Sub No. 145), filed November 16, 1959. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: Herbert M. Boyle, 738 Majestic Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration) and those injurious or contaminating to other lading, serving Kaiser Gypsum Company plant site located approximately three (3) miles east of U.S. Highway 85 and approximately 40 miles north of Albuquerque, N. Mex., as an off-route point in connection with applicant's authorized regular route operations between Denver, Colo., and Albuquerque, N. Mex. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, and Texas.

NOTE: Common control may be involved.

HEARING: September 30, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 76032 (Sub No. 148), filed February 16, 1960. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A, B, and C explosives, ammunition* not included in Class A, B and C explosives, and *component parts* of explosives and ammunition, and except those of unusual value, household goods as defined by the Commission, comodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Site Six, located approximately three (3) miles east and 22 miles south of Powell, Ariz., as an off-route point in connection with applicant's authorized regular route operations between Los Angeles, Calif., and Albuquerque, N. Mex.

HEARING: September 22, 1960, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 78400 (Sub No. 14), filed February 11, 1960. Applicant: JOHN MEYER, LEO FLOTTMANN, ROY FLOTTMANN, AND OLIN FLOTTMANN, doing business as BEAUFORT TRANSFER COMPANY, Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal*, in bags, *charcoal products, lighter fluid*, and *wood chips*, from the site of the Kingsford Company plant, located approximately six (6) miles southwest of Belle, Mo., to points in Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 20, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 79737 (Sub No. 11), filed December 22, 1959. Applicant: SOUTHWESTERN TRANSPORTATION CO., INC., 816 Water Street, Canon City, Colo. Applicant's attorney: John P. Thompson, 320 Denver Club Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from the site of the Westvaco plant near Green River, Wyo., to Canon City, Colo., and points within five (5) miles of Canon City, and *rejected shipments* of the above-specified commodity on return. Applicant is authorized to conduct operations in Colorado, Kansas, New Mexico, Oklahoma, and Texas.

NOTE: Common control may be involved.

HEARING: September 19, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 89723 (Sub No. 21), filed April 14, 1960. Applicant: MISSOURI PACIFIC FREIGHT TRANSPORT COMPANY, a Corporation, 1218 Olive Street, St. Louis 3, Mo. Applicant's attorney: Toll R. Ware, Missouri Pacific Building, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in shipper-owned trailers, or in trailers furnished by and at the expense of shipper, which receive a prior or subsequent trailer-on-flat-car (piggy-back) rail haul by the Missouri Pacific Railroad, on railroad billing, and at railroad rates, including the return of empty trailers, between the Missouri Pacific Railroad yards, Dupo, Ill., on the one hand, and, on the other, points within the St. Louis, Mo.-East St. Louis, Ill., Railroad Terminal area.

HEARING: September 19, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 92273 (Sub No. 2) (AMENDMENT), filed October 19, 1959, published in the FEDERAL REGISTER, issue of April 20, 1960. Applicant: JOE SAIA, 2630 Fifth Street, Sacramento, Calif. Applicant's attorney: James W. Winchell, Crocker-Angelo Bank Building, Sacramento 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sacramento, Calif., and the junction of Nevada Highway 28 with U.S. Highway 50 near Glenbrook, Nev.: (1) from Sacramento over U.S. Highway 40 through Auburn, Calif., to Truckee, Calif., serving all intermediate points between the areas commonly known as Bowman, Calif., and Truckee, Calif., and all points within 5 air miles of either side of U.S. Highway 40 between Bowman and Truckee and from the junction of U.S. Highway 40 with California Highway 89 near Truckee, Calif., over California Highway 89 along the western side of Lake Tahoe to the junction of California Highway 89 with U.S. Highway 50 near Al Tahoe, Calif., serving all intermediate points, and all points within 5 air miles of either side of California Highway 89, between the junction of U.S. Highway 40 with California Highway 89 near Truckee, Calif., and the junction of California Highway 89 with U.S. Highway 50 near Al Tahoe, Calif.; also from the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., over California Highway 28 and Nevada Highway 28 to the junction of Nevada Highway 28 with U.S. Highway 50 near Glenbrook, Nev., and thence along U.S. Highway 50 along the eastern shore of Lake Tahoe to the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., serving all intermediate points and all points within 5 air miles of either side of California Highway 28, Nevada Highway 28, and U.S. Highway 50, between the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., and the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., and return over the same routes or over U.S. Highway 50 to Sacramento, Calif.; (2) from Sacramento over U.S. Highway 50 through Placerville and the area commonly known as Stateline to the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., serving all intermediate points, and all points within 5 air miles of either side of U.S. Highway 50, between the area commonly known as Fresh Pond, Calif., and the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev.; thence from the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., over Nevada Highway 28 and California Highway 28 to the junction of California Highway 28 with California Highway 89 near Tahoe City, Calif., and thence from the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., over California Highway 89 to the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif., serving all intermediate points, and all points within 5 air miles of either side of Nevada Highway 28, California Highway 28 and California Highway 89, between the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., and the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif.; also from the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., over California Highway 89 along the western side of Lake Tahoe to the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif., serving all intermediate points, and all points within 5 air miles of either side of California Highway 89, between the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., and the junction of U.S. Highway 89 with U.S. Highway 40,

near Truckee, Calif.; and return over the same routes or over U.S. Highway 40 to Sacramento, Calif.

HEARING: October 4, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 93880 (Sub No. 32) filed May 10, 1960. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Dabney Drive, Henderson, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* and *Asbestos roofing, wallboard* and *insulating material*, from Port Westworth, Ga., to points in North Carolina and South Carolina, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application on return.

HEARING: September 16, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 130.

No. MC 95627 (Sub No. 27), filed June 22, 1960. Applicant: NELMS MOTOR LINES, INC., P. O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, 919 18th Street NW., Suite 226, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, between Norfolk, Va., and points in New York (except the New York, N.Y., Commercial Zone), Ohio, Pennsylvania (except the Philadelphia, Pa., Commercial Zone), and West Virginia, and (2) *paper* and *paper products and empty containers*, from Kalamazoo, Mich., to Laurinburg, N.C., and Smithfield, Va.

HEARING: September 13, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 96891 (Sub No. 4), filed April 18, 1960. Applicant: ALLSTATE TRUCKING, INC., 1404 Camino Monte, Farmington, N. Mex. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand, gravel, crushed rock, manure, dry clay, coal, coke, fertilizer, fill dirt, pumice and cinder aggregates, shale, ore, dry cement, bulk cement, graphite, ground lime, mortar, lumber, pumice, dry plant mix, rock, wood, hot mix asphalt*, in bulk, between points in New Mexico, except points in Grant, Hidalgo, Luna, Sierra, and Catron Counties, N. Mex., and (2) *Silica sand*, in bulk, from the site of the Arizona Silica Products Company plant located approximately 1½ miles south of Houck, Ariz., to points in McKinley, San Juan, and Rio Arriba Counties, N. Mex.

NOTE: Applicant states that it is authorized to conduct the operations specified in (1) above under the Second Proviso of section 206(a)(1) of the Act.

HEARING: September 27, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129.

No. MC 98707 (Sub No. 9), filed June 14, 1960. Applicant: MILES MOTOR TRANSPORT SYSTEM, a Corporation, P.O. Box 510, Stockton, Calif. Applicant's attorneys: Berol and Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Cement, in bulk and in sacks, from Redwood City and West Sacramento, Calif., to points in Josephine, Curry, Jackson, Klamath, Lake, Harney, Douglas, Coos, Lane, and Deschutes Counties, Oreg.; (B) *Cement*, in sacks, from West Sacramento, Calif., to points in Nevada on and north of U.S. Highway 6; and (C) *Contaminated and rejected shipments*, from the above-specified destination points to their respective origin points.

NOTE: Common control may be involved.

HEARING: September 30, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 151, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 103378 (Sub-No. 177), filed April 27, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric Acid*, in bulk, in tank vehicles, from Plant site of Hercules Powder Company near McAldory, Ala., to points in South Carolina.

HEARING: September 26, 1960, at the Georgia Public Service Commission, Atlanta, Ga., before Joint Board No. 339.

No. MC 103378 (Sub-No. 182), filed June 6, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Alabama.

HEARING: September 27, 1960, at the Georgia Public Service Commission, Atlanta, Ga., before Joint Board No. 157.

No. MC 103378 (Sub-No. 183), filed June 6, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, from Atlanta, Ga., to points in North Carolina and South Carolina.

HEARING: September 27, 1960, at the Georgia Public Service Commission, Atlanta, Ga., before Joint Board No. 130.

No. MC 103378 (Sub No. 184), filed June 13, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk and in bags, from Macon, Ga., to points in Alabama.

NOTE: Applicant has a pending contract carrier application under MC 119836. Dual operations under section 210 may be involved.

HEARING: September 20, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 157.

No. MC 103993 (Sub No. 137), filed May 20, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in California to all points in the United States, including Alaska but excluding Hawaii.

HEARING: September 27, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 104128 (Sub No. 84), filed June 14, 1960. Applicant: CAMPBELL'S SERVICE, a Corporation, 2720 River Avenue, South San Gabriel, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers* and *camp coaches*, designed for installation on pick up trucks, in truckaway service, from Boise, Idaho, and points within ten (10) miles of Boise, to points in California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

HEARING: September 13, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 104430 (Sub No. 25), filed April 21, 1960. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 789, McComb, Miss. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Panama City, Fla., to Birmingham, Ala.

HEARING: September 28, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 98.

No. MC 104960 (Sub No. 25), filed March 28, 1960. Applicant: MOTOR FUEL CARRIERS, INC., 404 Elm Avenue (P.O. Box 2288), Panama City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Panama City and Freeport, Fla., to points in that part of Alabama north and west of a line extending from the Mississippi-Alabama State line, near York, Ala., along U.S. Highway 80 to Montgomery, Ala., thence along Alabama Highway 11 to Sylacauga, Ala., thence along Alabama Highway 11 (formerly U.S. Highway 241) to Anniston, Ala., thence along U.S. Highway 431 (formerly U.S. Highway 241) to Gadsden, Ala., and thence along U.S. Highway 411 to the Alabama-Georgia State line, including points on the indicated portions of the highways specified, but excepting shipments moving on government bills of lading from Panama City, Fla., to Birmingham, Ala., and *rejected shipments* of the above-specified commodities on return.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 28, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 98.

No. MC 107107 (Sub-No. 151), filed May 18, 1960. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery*, and (2) *Cream filled or chocolate covered crackers and cookies*, and (3) related *advertising and promotional material and premiums* when shipped with commodities listed in (1) and (2) above, from Atlanta, Ga., to points in Florida.

HEARING: September 22, 1960, at the Georgia Public Service Commission, Atlanta, Ga., before Joint Board No. 64.

No. MC 107369 (Sub No. 13), filed April 25, 1960. Applicant: VERNON LLOYD MILLER, doing business as VERNON L. MILLER TRUCKING, 2607 East Seventh Street, Cheyenne, Wyo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan*, in bulk, and in bags or containers, from Laramie, Wyo., and points within five miles thereof, to points in Colorado, Nebraska, and Utah, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: September 13, 1960, at the New Customs House, Denver, Colo., before Examiner William E. Messer.

No. MC 107496 (Sub No. 160), filed April 26, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint materials, varnish and varnish materials*, in bulk, in tank vehicles, from Burlington, Iowa, to points in Illinois and Missouri.

HEARING: September 29, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 46.

No. MC 107500 (Sub No. 48), filed April 25, 1960. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: James M. Adams, Burlington Truck Lines, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Moulton, Iowa, as an off-route point in connection with applicant's authorized regular route operations between Oskaloosa and Chariton, Iowa, over Iowa Highway 2.

HEARING: September 30, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 109326 (Sub No. 74) filed May 5, 1960. Applicant: C & D TRANSPORTATION CO., INC., 414 Bay Bridge Road, Prichard, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled and frozen packing house products, chilled and frozen dairy products, fresh and frozen seafood, fresh and frozen fruits and vegetables, chilled and frozen bakery goods*, and *chilled and frozen food and foodstuffs*, in mechanically refrigerated vehicles, between Birmingham, Montgomery, and Prattville, Ala., on the one hand, and, on the other, Eglin Air Force Base, Fort Walton, Panama City, and Pensacola, Fla., Biloxi, Columbus, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Pascagoula, and Vicksburg, Miss., and Mobile, Ala.; and *iced or frozen poultry*, between Prattville, Ala., on the one hand, and, on the other, the above specified points in Florida, Mississippi, and Alabama.

HEARING: September 29, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 393.

No. MC 109584 (Sub No. 78), filed April 21, 1960. Applicant: ARIZONA PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals* and *fertilizers*, in liquid or in dry form, in bulk, in tank or hopper vehicles, from railheads or sidings in Arizona to points in Arizona, and *returned, rejected and contaminated shipments* of the above-specified commodities on return.

NOTE: Applicant states the out bound movement is to all points in Arizona which are not served by rail spur. The proposed service is intended to supplement rail service.

HEARING: September 19, 1960, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 109584 (Sub No. 79), filed June 15, 1960. Applicant: ARIZONA PACIFIC TANK LINES, a Corporation, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinegar*, in bulk, in tank vehicles, from the plant site of California Food Products Co. near Sebastopol, Calif., to Dallas and Garland, Tex.; (2) *sodium chlorate*, dry, in bulk, in tank vehicles, from Henderson, Nev., to points in Kern and Fresno Counties, Calif., and points in Arizona, and *returned, rejected or contaminated shipments*, on return, in connection with (1) and (2) above.

HEARING: September 16, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109637 (Sub No. 155), filed June 17, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, dry and liquid, in tank and specialized equipment, from Calvert City, Ky., and points within a 10 mile radius thereof, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant will surrender all existing authorities which might be duplicated by the granting of this application.

HEARING: September 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 109689 (Sub No. 109), filed March 28, 1960. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid* and *ammonium nitrate*, in bulk, from Louviers, Colo., to points in Fremont and Natrona Counties, Wyo., and *rejected or contaminated shipments* of the above-described commodities on return.

HEARING: September 19, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 50.

No. MC 110157 (Sub No. 13), filed January 21, 1960. Applicant: C. M. LANG AND C. R. GIVENS, doing business as LANG TRANSIT COMPANY, 28th and Quirt, P.O. Box 1625, Lubbock, Tex. Applicant's attorney: H. J. Blanchard, Suite 1105 Great Plains Life Building, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Clovis, N. Mex., and the site of Cannon Air Force Base, approximately six (6) miles west of Clovis, N. Mex., over combined U.S. Highways 60 and 84; serving no intermediate points. (2) Between Portales, N. Mex., and the site of Cannon Air Force Base, approximately six (6) miles west of Clovis, N. Mex., from Portales over U.S. Highway 70 to junction New Mexico Highway 467, thence over New Mexico Highway 467 to junction combined U.S.

Highways 60 and 84, thence over combined U.S. Highways 60 and 84 to the site of Cannon Air Force Base, and return over the same route, serving no intermediate points.

HEARING: September 26, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 110698 (Sub No. 140), filed June 17, 1960. Applicant: RYDER TANK LINES, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in tank vehicles, from points in Northampton County, N.C., to Henderson and Louisville, Ky., and Jasper, Ind.

HEARING: September 9, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 112196 (Sub No. 17), filed March 28, 1960. Applicant: GEORGE R. MALLORY, doing business as MALLORY TRUCKING, U.S. Highway 99th and Hunts Lane, P.O. Box 412, Colton, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk and sack cement*, from Victorville and Oro Grande, Calif., to Site Six, Ariz., and *empty container or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant states the proposed operations from Victorville and Oro Grande, will be over U.S. Highway 66 to 9 miles east of Topock, Ariz., and thence south on County Road for 26 miles to Site Six.

HEARING: September 21, 1960, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 112617 (Sub No. 69), filed June 17, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and Chemicals*, Dry and Liquid, in bulk, in tank and specialized equipment, from Calvert City, Ky., and points within ten miles thereof, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant will surrender all existing authorities which might be duplicated by the granting of this application.

HEARING: September 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 113564 (Sub No. 2), filed April 1, 1960. Applicant: P. J. HOLZMEISTER, 36 Main Street, Montrose, Colo. Applicant's attorney: Jerry W. Uhrlaub, 211 Uranium Center, Grand Junction, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Bulk salt*, (a) from railhead Thompson, Utah over Utah Highway 94 to Crescent Junction, Utah, thence over U.S. Highway 160 to Monticello, Utah, thence over Utah Highway 47 to the Utah-Arizona State line, thence over Arizona Highway 47 (or unnumbered highway) to Monument Valley, Ariz., serving all intermediate points. (b) From railhead Montrose, Colo., over U.S. Highway 550 to Ridgway, Colo., thence over Colorado Highway 62 to junction Colorado Highway 145, thence over Colorado Highway 145, through Naturita and Paradox, Colo., to the Colorado-Utah State line, thence over Utah Highway 46 to La Sal Junction, Utah, thence over U.S. Highway 160 to Monticello, Utah, thence over Utah Highway 47 to the Utah-Arizona State line, thence over Arizona Highway 47 (or unnumbered highway) to Monument Valley, Ariz., serving all intermediate points. (2) *Crude ore*, from Monument Valley, Ariz., over Arizona Highway 47 (or unnumbered highway) to the Arizona-Utah State line, thence over Utah Highway 47 to Monticello, Utah, thence over U.S. Highway 160 to Durango, Colo., serving all intermediate points.

HEARING: September 20, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 407.

No. MC 113779 (Sub No. 121), (AMENDMENT) filed April 11, 1960, published in the FEDERAL REGISTER, issue of May 18, 1960. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 LaPorte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, except flour, sugar and cement, between points in Texas, New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and Florida.

CONTINUED HEARING: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 113855 (Sub No. 44), filed June 8, 1960. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements, lift trucks, elevating platform cranes*, and *attachments* and *parts* for agricultural machinery and implements, lift trucks and elevating platform cranes, from Rio Vista, Calif., and points within two (2) miles thereof, to all points in the United States except California, Oregon, Washington, Alaska, and Hawaii.

HEARING: September 29, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 114019 (Sub No. 29), filed July 23, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) between points in Arkansas; Connecticut, Delaware, the District of Columbia, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and (2) between points in Illinois, Indiana, Ohio, Pennsylvania, and New York, on the one hand, and, on the other, points in the States enumerated in (1) above.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 9685 and sub numbers thereunder; it has pending applications for Certificates in No. MC 114019 and sub numbers thereunder. A proceeding has been instituted under section 212(c) in No. MC 9685 Sub No. 58, to determine whether applicant's status is that of a common or contract carrier.

PRE-HEARING CONFERENCE: July 27, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 114098 (Sub No. 10), filed May 2, 1960. Applicant: LOWTHER TRUCKING COMPANY, a Corporation, 521 Penman Street, P.O. Box 2115, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass boat hulls*, from Statesville, N.C., to Knoxville, Tenn.

HEARING: September 20, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 8.

No. MC 114965 (Sub No. 14), filed June 13, 1960. Applicant: L. R. CYRUS, doing business as CYRUS PETROLEUM TRUCK LINE, P.O. Box 327, Iola, Kans. Applicant's attorney: Charles H. Apt, Allen County State Bank Building, Iola, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in specialized equipment, from the site of the Pipeline Terminal to be located on the Mid-American Pipeline at or near Moberly, Mo., to points in Illinois and Iowa.

NOTE: Applicant has pending application in MC 66344 and Subs thereunder for contract carrier authority; therefore, dual operations under section 210 may be involved.

HEARING: September 16, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 115900 (Sub No. 1), filed May 9, 1960. Applicant: T. J. ATKINSON, JR., McCredie, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *fertilizer*, from East St. Louis, Ill., to points in Boone and Cole Counties, Mo., and *livestock* and *such other commodities as may be exempt under section 203(b)(c) of Part II of the Interstate Commerce Act*, on return.

HEARING: September 21, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 116950 (Sub No. 1), filed February 8, 1960. Applicant: JOSEPH L. DRAKE, 499 North Delaware, Chandler, Ariz. Applicant's attorney: Nathan Holt, Ninth Floor, Title & Trust Building, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, and in bulk, *liquid fertilizer*, in bulk, in tank vehicles, and *insecticide materials*, in bags, and in bulk, in tank vehicles, from points in Arizona to points in New Mexico, El Paso County, Tex., Utah, California, and Nevada. *Rejected shipments* of the above-named commodities, from points in Arizona, New Mexico, Texas, Utah, California, and Nevada to Chandler, Ariz. *Gypsum rock*, in bags, from Plaster City, Calif., to points in Arizona. *Sulphur*, in bulk, from points in Texas, Utah, and California to Chandler, Ariz.

HEARING: September 21, 1960, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 117031 (Sub No. 3), filed May 26, 1960. Applicant: BROWN YANCEY, New Bloomfield, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, and in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Audrain, Boone, and Montgomery Counties, Mo.

NOTE: Applicant states it proposes to transport exempt commodities on return.

HEARING: September 21, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 117327 (Sub No. 4), filed May 17, 1960. Applicant: AIR CARGO TERMINALS, INC., 110 Richards Road, Kansas City 5, Mo. Applicant's attorney: Ivan V. Kerno, Meyers & Batzell, 1201 Shoreham Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *articles of unusual value*, but excluding Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Los Angeles International Airport, Los Angeles, Calif., and the Lockheed Air Terminal, Burbank, Calif., on the one hand, and, on the other, points in that part of California bounded by a line beginning at a point on the San Bernardino-Los Angeles County line, approximately four (4) miles north of the intersection of Baseline and Palmetto Avenues, thence south along the San Bernardino-Los Angeles-Orange County line to a point four (4) miles south of intersection with California Highway 18 and U.S. Highway 91, thence east along an imaginary line to intersection with Perris Boulevard, thence north along Perris Boulevard along an imaginary line to intersection with the San Bernardino County line, thence east nine (9) miles, thence north on an imaginary line thirteen (13) miles, thence west to point of origin on the San Bernardino-Los Angeles County line, including points on the indicated portions of the highways specified. RESTRICTION: The authority to be granted herein will be restricted to traffic having a prior or subsequent movement by air.

HEARING: September 12, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 117415 (Sub No. 1), filed January 4, 1960. Applicant: HI-LINE TRANSPORT, INC., 1872 South Second West, Salt Lake City, Utah. Applicant's attorney: Merlin R. Lybbert, 520 Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Lumber*, from points in the following Counties in California: Del Norte, Humboldt, Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Glenn, Butte, Sierra, Sonoma, Lake, Colusa, Yuba, Nevada, Placer, Sutter, Yolo, Napa, Marin, Solano, Alameda, San Joaquin, and Sacramento, to points in Utah, and, from points in Plumas and Mendocino Counties, Calif., to points in Utah, except those located in Salt Lake and Davis Counties, Utah, and *rejected shipments* of lumber, and *exempt agricultural commodities*, on return. Applicant is authorized to transport lumber from points in Mendocino and Plumas Counties, Calif., to points in Salt Lake and Davis Counties, Utah.

HEARING: September 16, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 30.

No. MC 117584 (Sub No. 1), filed April 11, 1960. Applicant: CGW TRUCKING CO., INC., P.O. Box 1, East Main Street, Casa Grande, Ariz. Applicant's attorney: Stephen W. Langmade, 703 Luhrs Tower, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemical fertilizers*, in bulk and in bags, from points in Los Angeles, Orange, and San Diego Counties, Calif., and Fontana, Brea, Nitroshell, and Vernon, Calif., and points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, to points in Pinal and Cochise Counties, Ariz., and *exempt commodities* on return. Applicant requests the proposed transportation be subject to the restriction that liquid chemical fertilizers are not authorized.

HEARING: September 26, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 118596 (Sub No. 1), filed February 8, 1960. Applicant: JOHN W. FRENCH, 9619 Holy Cross Road, East St. Louis, Ill. Applicant's attorney: R. H. Burroughs 115A East Main Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime pebble*, in bulk, in dump trucks, from St. Genevieve, Mo., and points within five (5) miles thereof, to East Chicago, Ind., and points in Illinois except points in St. Clair County, Ill. and points in the Chicago, Ill., Commercial Zone.

HEARING: September 19, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 160.

No. MC 118779 (Sub No. 7), filed June 17, 1960. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between points which are stations or other facilities on the line of the Pennsylvania Railroad Company in Pennsylvania, Ohio, New Jersey, New York, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. RESTRICTION: Applicant states the proposed service is to be limited to transportation for the Pennsylvania Railroad Company for railroad fuel storage facilities, locomotives and other railroad uses in the above-specified territory.

NOTE: Applicant holds common carrier authority in Permit No. MC 19201 and Subs thereunder. Applicant indicates it is controlled by the Pennsylvania Railroad Company. Dual operations and common control may be involved.

HEARING: September 9, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 118831 (Sub No. 8), filed May 19, 1960. Applicant: CENTRAL TRANSPORT, INCORPORATED, East College Drive, High Point, N.C. Authority sought to operate as a *common car-*

rier, by motor vehicle, over irregular routes, transporting: *Clay, kaolin* or *pyrophyllite*, in bulk, from points in Aiken County, S.C., to points in North Carolina and Virginia.

NOTE: Applicant states its President is also Vice-President of Colonial Motor Freight Line, Inc., Certificate No. MC-1380; therefore, common control may be involved.

HEARING: September 19, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 118991 (Sub No. 1), filed February 1, 1960. Applicant: COAST TO COAST TRUCKING CO., a Corporation, 856 Warner Street SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, rugs, cotton, rayon and wool fabrics, cotton, rayon and synthetic fibre*, and *machinery* for the manufacture thereof, (a) from points in North Carolina, South Carolina, Georgia, and Tennessee, to points in California, Arizona, New York, New Jersey, and Pennsylvania, and (b) from points in New York, New Jersey, and Pennsylvania, to points in North Carolina, South Carolina, Georgia, and Tennessee; and (2) *Electrical appliances* and *parts* thereof, *heating and cooking equipment*, and *parts* thereof, *hot water heaters* and *parts* thereof, *air conditioning equipment*, and *parts* thereof, *rubber floor mats, cleaning and scouring compounds, paint removing compound, cooling and freezing machines*, and *parts* thereof, *sheet aluminum*, and *garbage disposal units*, and *parts* thereof, from points in California, to points in Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Florida, North Carolina, South Carolina, Virginia, Maryland, Delaware, and Pennsylvania.

NOTE: Applicant states the proposed service shall be restricted to Shipper's Cooperative, Inc., under a continuing contract.

HEARING: October 3, 1960, at the Federal Building, Los Angeles, Calif., before Examiner William E. Messer.

No. MC 119533, filed February 25, 1960. Applicant: BERRY WARD, RUSSELL WARD and GENE WARD, doing business as WARD'S TRUCK SERVICE, Route 2, Columbia, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and fertilizer*, from East St. Louis, Ill., to points in Boone County, Mo., and *livestock and exempt commodities* on return.

HEARING: September 21, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119533 (Sub No. 1), February 24, 1960. Applicant: Berry Ward, Russell Ward and Gene Ward, doing business as WARD'S TRUCK SERVICE (a partnership), Route 2, Columbia, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Kansas City, Kans., to points in Boone County, Mo., and *livestock and exempt commodities* on return.

HEARING: September 21, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 36.

No. MC 119602 (Sub No. 1), filed May 31, 1960. Applicant: ALLEN A. BORDELON, 500 Tulance Drive NE., Albuquerque, N. Mex. Applicant's representative: L. C. Cypert, Room 2, 1115½ Central Avenue NE., Albuquerque, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts* and *dairy products* as listed in Section A, B, and C of Appendix I of the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Albuquerque, N. Mex., over U.S. Highway 66 to Gallup, N. Mex., serving all intermediate points. (2) From Albuquerque, N. Mex., over New Mexico Highway 422 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, N. Mex., thence over U.S. Highway 285 to Espanola, N. Mex., thence over New Mexico unnumbered highway to junction New Mexico Highway 4, thence over New Mexico Highway 4 to junction unnumbered highway, and thence over the unnumbered highway to Los Alamos, N. Mex., serving all intermediate points. (3) From junction U.S. Highway 285 and New Mexico Highway 4, over New Mexico Highway 4 to junction unnumbered highway, as an alternate route for operating convenience only, serving no intermediate points, in connection with the authority in Route 2 above.

HEARING: September 29, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 119632 (Sub-No. 4), filed June 10, 1960. Applicant: REED LINES, INC., 210 North Clinton, Defiance, Ohio. Applicant's attorney: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* (commodities) as are dealt in rubber products plants and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between the plant site of B. F. Goodrich Tire Company, in Miland Township, Allen County, Ind., and points in the United States on and east of the Mississippi River, including all west bank points, namely the States of Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, Wisconsin, West Virginia, Pennsylvania, Virginia, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, the District of Columbia, Louisiana, Arkansas, Missouri, Iowa, and Minnesota.

HEARING: September 9, 1960, in the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo W. Cunningham.

No. MC 119645 (Sub No. 2), filed May 31, 1960. Applicant: SUR-WAY LINES, INC., 1526 N. Newton Street, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from East St. Louis, Ill., to Springfield, Mt. Vernon, and Marionville, Mo.

HEARING: September 21, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119784, filed May 16, 1960. Applicant: AUSTIN K. LIVELY, State Center, Iowa. Applicant's attorney: Robert R. Rydell, 1014 Savings & Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Linseed meal* and *linseed screenings*, in bag, and in bulk, from Minneapolis and St. Paul, Minn. to points in that part of Iowa located on and east of U.S. Highway 169, extending southward along U.S. Highway 169 from the Minnesota-Iowa State line to junction Iowa Highway 92, thence eastward along Iowa Highway 92 to junction U.S. Highway 218, thence northward along U.S. Highway 218 to the Iowa-Minnesota State line.

HEARING: September 26, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 119787 (Sub No. 1), filed May 31, 1960. Applicant: FRED WILSON GROVES, Route No. 1, Leland, N.C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, pilings*, and *other wooden products*, from Wilmington, N.C., to points in South Carolina, and *wood products* for the purpose of being treated from points in South Carolina to Wilmington, N.C.

HEARING: September 15, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 119787 (Sub No. 2), filed May 31, 1960. Applicant: FRED WILSON GROVES, Route No. 1, Leland, N.C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed concrete products*, to be used in all types of construction, between Wilmington, N.C., and points in South Carolina within 175 miles of Wilmington, N.C.

NOTE: Applicant is expected to delineate with particularity, at the hearing, the territory referred to as "points in South Carolina within a radius of 175 miles of Wilmington, N.C."

HEARING: September 15, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 119799, filed May 19, 1960. Applicant: JAMES O. GARNER, Southport, N.C. Applicant's attorney: E. J. Prevatte, Southport, N.C. Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish by-products, fish meal, fish scrap* and *fish solubles*, from Southport and Morehead City, N.C. to Spartanburg, and Newberry, S.C., Gainesville, Macon and Tunnel Hill, Ga.

HEARING: September 19, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 130.

No. MC 119806, filed May 23, 1960. Applicant: CHESTER R. TURNER AND HAROLD D. TURNER, doing business as TURNER BROTHERS, a Partnership, Tebbetts, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Callaway County, Mo., and *grain and exempt commodities* on return.

HEARING: September 21, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119839, filed June 9, 1960. Applicant: DARREL M. BAKER and LEE SHELL, doing business as SHELL FEED & SUPPLY CO., Lutesville, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags and in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Wayne and Bollinger Counties, Mo., and *exempt commodities*, as described in section 203(b)(6), Interstate Commerce Act, on return.

HEARING: September 15, 1960, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119841, filed June 10, 1960. Applicant: CHARLES WILLIAM WATTON, doing business as CHARLES WATTON TRUCKING CO., 308 North Sixth, Lamar, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feeds*, including *alfalfa pellets, cotton-seed meal and cake*, and *pickles; pipe, iron* and *steel*, and *steel articles, salt*, and *produce*, between points in Colorado, Kansas, Nebraska, Oklahoma, and Texas.

HEARING: September 13, 1960, at the New Customs House, Denver, Colo., before Examiner William E. Messer.

MOTOR CARRIERS OF PASSENGERS

No. MC 68167 (Sub No. 35), filed May 25, 1960. Applicant: WASHINGTON, VIRGINIA AND MARYLAND COACH COMPANY, INC., 707 North Randolph Street, Arlington, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, during respective racing seasons, beginning and ending at points in Arlington and Fairfax Counties, Va., including Cities and Townships therein, and extending to Shenandoah Downs Race Track, and Charles Town Race Course, Charles Town, W. Va.

HEARING: September 14, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 245.

No. MC 119824, filed May 31, 1960. Applicant: WENDELL D. MYERS, doing business as IOWA STOCKMEN'S TRANSPORTATION, 801 Beautiful Street, Tama, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) between Ames, Iowa, and the Chicago Union Stock Yards, Chicago, Ill.: from Ames over U.S. Highway 30 to junction Illinois Tollway near Sugar Grove, Ill., thence over Illinois Tollway to junction Congress Street Expressway, and thence over Congress Street Expressway and City streets to the Chicago Union Stock Yards, Chicago, and return over the same routes, serving all intermediate points in Iowa; and (2) between Fort Dodge, Iowa, and the Chicago Union Stock Yards, Chicago, Ill.: from Fort Dodge over U.S. Highway 20 to junction Iowa Highway 38 near Delaware, thence over Iowa Highway 38, via Monticello, to junction Iowa Highway 64, thence over Iowa Highway 64 to junction Iowa Highway 136 at Wyoming, Iowa, thence over Iowa Highway 136 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 30 at DeWitt, Iowa, thence over U.S. Highway 30 to junction Illinois Tollway near Sugar Grove, Ill., thence over Illinois Tollway to junction Congress Street Expressway, and thence over Congress Street Expressway and City streets to the Chicago Union Stock Yards, Chicago, and return over the same routes, serving all intermediate points in Iowa.

HEARING: September 28, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 119843, filed June 10, 1960. Applicant: RIVERSIDE TAXICAB COMPANY, 4692 Commerce Street, Riverside, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations, beginning and ending at points in Riverside and Orange Counties, Calif., and extending to points in Oregon, Washington, Nevada, Utah, Arizona, New Mexico, and Texas.

HEARING: September 13, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

The following applications are set for pre-hearing conference on August 3, 1960, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of these applications, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (6) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 704 (Sub No. 22), filed May 13, 1960. Applicant: J. O. (Red) WILLETT PIPELINE STRINGING CORPORATION, P.O. Box 2836, Louisville Station, Monroe, La. Applicant's attorney: Carl V. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe line material, machinery, equipment*, and *supplies* incidental to and used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Nebraska, and Wyoming; (2) between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Wisconsin, West Virginia, and the District of Columbia; (3) between points in Arizona, Idaho, Nevada, Washington, Oregon, New Mexico, Montana, Utah, and Colorado; and (4) between points in Arizona, Idaho, Nevada, Washington, Oregon, New Mexico, Montana, Utah, and Colorado, on the one hand, and, on the other, points in the remaining States of the United States and the District of Columbia, but excluding points in California, Alaska, and Hawaii.

No. MC 4868 (Sub No. 6), filed May 27, 1960. Applicant: MAY GREVER AND CLYDE GREVER, doing business as GREVER TRUCKING CO., 5315 West Eighth Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Kansas, Oklahoma, and Texas; (2) between Tulsa, Okla., and points within five (5) miles of Tulsa, on the one hand, and, on the other, points in Arkansas, Louisiana, and Mississippi; and (3) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Montana, and Utah.

NOTE: Applicant states the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products or by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant further states it proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 4964 (Sub No. 27), filed May 27, 1960. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Houston, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products (a) between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, and Tennessee; (b) between points in Oklahoma, on the one hand, and, on the other, points in North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14, extending through Hayes, Midland, Rapid City and Sturgis, S. Dak.; (c) between points in Louisiana, Arkansas, Oklahoma, Mississippi and Texas; (d) between points in Alabama, Louisiana, and Mississippi; (e) between points in Alabama, Louisiana, and those in Mississippi on and south of U.S. Highway 82, on the one hand, and, on the other, points in Arkansas and Tennessee; (f) between points in Georgia, on the one hand, and, on the other, points in Alabama and Mississippi; (g) between points in Mississippi, Alabama, Georgia, and Florida; (h) between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas, and Louisiana, traversing Mississippi and Oklahoma for operating convenience only; (i) between points in Texas, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the United States-Canada boundary line and extending along North Dakota Highway 30 through St. John, York, and Medina to Lehr, thence along unnumbered highway to Ashley, and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14, extending through Hayes, Midland, Rapid City, and Sturgis, S. Dak.; and (j) between points in Alaska, on the one hand, and, on the other, points in Texas, New Mexico, Oklahoma, Kansas, Missouri, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Georgia, Florida, North Dakota, and South Dakota, traversing the States of Colorado, Wyoming, Montana, Nebraska, Idaho, Oregon, Nevada, Utah, Arizona, and Washington for operating convenience only. No duplicating authority is sought herein.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 5623 (Sub No. 9), filed May 27, 1960. Applicant: ARROW TRUCKING CO., a Corporation, P.O. Box 8627, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Oklahoma, Kansas, and Texas. (2) Between points in Louisiana, Arkansas, Texas, and Mississippi. (3) Between points in Oklahoma, on the one hand, and, on the other, points in Louisiana, Arkansas, and Mississippi. (4) Between points in Lea and Eddy Counties, N. Mex., and points in Carson, Hutchinson, Gray, and Moore Counties, Texas. (5) Between points in Hutchinson County, Texas, on the one hand, and, on the other, points in Roosevelt County, N. Mex.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 8907 (Sub-No. 4), filed June 20, 1960. Applicant: OIL FIELD TRUCKERS, INC., P.O. Box 3066, Odessa, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Louisiana and Texas; (2) between Iowa Park, Tex., and points within 100 miles of Iowa Park, on the one hand, and, on the other, points in Oklahoma, and those in Lea and Eddy Counties, N. Mex.; (3) between points in San Juan, Rio Arriba, and McKinley Counties, N. Mex., Dolores, San Miguel, Montezuma, San Juan, La Plata, and Archuleta Counties, Colo., Navajo and Apache Counties, Ariz., and San Juan County, Utah; (4) between points in Nevada, on the one hand, and, on the other, points in Texas, and those in Lea, Eddy, San Juan, Rio Arriba, and McKinley Counties, N. Mex., and (5) between Wink, Odessa, and Monahans, Tex., and oil fields in Winkler, Ector, Ward, and Crane Counties, Tex., on the one hand, and, on the other, oil fields in Lea County, N. Mex. (Except service is not authorized to towns or stations in Lea County, N. Mex.)

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 10881 (Sub No. 2), filed June 20, 1960. Applicant: CANYON TRUCKING CO., a Corporation, Midland, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas and petroleum, and their products and by-products, between points in Lea and Eddy Counties, N. Mex., and points in Kansas, Oklahoma, Texas, and Louisiana.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 13250 (Sub No. 68), filed May 12, 1960. Applicant: J. H. ROSE TRUCK LINE, INC., 3804 Jensen Drive, P.O. Box 16037, Houston 22, Tex. Applicant's attorneys: Charles D. Mathews *and* Jerry Prestridge, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Arkansas, California, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. (2) Between points in California and Texas, on the one hand, and, on the other, points in Arizona, Colorado, and Utah. (3) Between points in Texas, on the one hand, and, on the other, points in

Wyoming and Montana. (4) Between points in Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Nebraska. (5) Between points in Nevada, on the one hand, and, on the other, points in Idaho, Wyoming, Utah, Colorado, Arizona, and New Mexico. (6) Between points in California south of the northern boundary of San Luis Obispo, Kern, and San Bernardino Counties, Calif., on the one hand, and, on the other, Casper, Wyo. (7) Between points in Nevada, (8) Between points in Nevada, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah. (9) Between points in Idaho. (10) Between points in Idaho, on the one hand, and, on the other, points in Wyoming, Colorado, Montana, North Dakota, South Dakota, and Utah. (11) Between points in Alabama, Florida, and Georgia. (12) Between points in Texas, on the one hand, and, on the other, points in Alabama, Florida, and Georgia. (13) Between Kilgore, Tex., and points within 200 miles thereof, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, and Oklahoma.

NOTE: Applicant states the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 14743 (Sub No. 22), filed May 27, 1960. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 405 North Elwood, Tulsa, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Kansas, New Mexico, Oklahoma, and Texas; (2) between points in Oklahoma and Kansas, on the one hand, and, on the other, points in Arkansas and Louisiana, excepting that no traffic shall be transported from Oklahoma City, Okla., to points in Arkansas and Louisiana; (3) between points in Tulsa County, Okla., on the one hand, and, on the other, points in Mississippi, Colorado, and Wyoming; (4) between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the United States-Canadian Boundary line, points in that part of North Dakota on and west of a line beginning at the United States-Canadian Boundary line, and extending along North Dakota Highway 30 to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River and on and north of a line beginning at the Missouri River at Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 (formerly U.S. Highway 14) to Philip Junction, S. Dak., thence along U.S. Highway 16 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14 (formerly U.S. Highway 14), thence along Alternate U.S. Highway 14 to junction U.S. Highway 85 (formerly U.S. Highway 14), thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line; (5) between points in Oklahoma on and east of U.S. Highway 81, points in Texas on and east of U.S. Highway 281, and on and north of U.S. Highway 90, and points in Kansas on and east of U.S. Highway 81, and on and south of U.S. Highway 54, on the one hand, and, on the other, points in Wyoming and Colorado. RESTRICTION: Service under the authority specified immediately above to be subject to the following conditions: (a) All traffic must move through points in Oklahoma on and east of U.S. Highway 81, as a gateway; and (b) Said authority specified immediately above may not be tacked or combined with any other authority granted herein-above and used to provide a through service between points other than those named immediately above; (6) between points in Oklahoma, on the one hand, and, on the other, ports of entry on the United States-Canada International Boundary line in Montana and North Dakota between Sweetgrass, Mont., and Pembina, N. Dak., including Sweetgrass and Pembina; and (7) between Kansas City, Kans., and points in Missouri and Kansas within 100 miles thereof, on the one hand, and, on the other, points in Utah and Arizona. RESTRICTION: The authority to be granted immediately above shall not be combined with any other authority held by carrier for the purpose of conducting through operations.

NOTE: Applicant states that the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant further states it proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 19416 (Sub No. 11), filed May 31, 1960. Applicant: DUNN BROS., INC., 801 Mercantile Securities Building, P.O. Box 5771, Dallas 22, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline material, machinery, equipment and supplies*, incidental to and used in connection with the construction, operation, repairing, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Texas, Louisiana, New Mexico, Oklahoma, Kansas, Missouri, Nebraska, Iowa, and Minnesota; (2) between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (3) between points in the above-specified States and the District of Columbia, on the one hand, and, on the other, points in Texas, Louisiana, New Mexico, Oklahoma, Kansas, Missouri, Nebraska, Iowa, and Minnesota; (4) between points in Colorado, Idaho, Montana, Utah, Wyoming, Arizona, Oregon, Nevada, and Washington; and (5) between points in Colorado, Idaho, Montana, Utah, Wyoming, Arizona, Oregon, Nevada, and Washington, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 22046 (Sub No. 9), filed June 20, 1960. Applicant: W. M. (BILLY) WALKER, INC., 129 South Grimes, Hobbs, N. Mex. Applicant's attorneys: Charles D. Mathews and Jerry Prestridge, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Eddy and Lea Counties, N. Mex., on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the boundary of the United States and Mexico and extending along U.S. Highway 277 to San Angelo, Tex., thence along Texas Highway 70 to junction U.S. Highway 380, thence along U.S. Highway 380 to Jayton, Tex., thence along Texas Highway 70 to Dickens, Tex., thence along U.S. Highway 82 to Guthrie, Tex., thence along U.S. Highway 83 to Canadian, Tex., and thence along U.S.

Highway 66 to the Texas-Oklahoma State line; and (2) between points in New Mexico, and those in that part of Texas west of a line beginning at Laredo, Tex., and extending along U.S. Highway 81 to Bowie, Tex., thence along U.S. Highway 287 to Vernon Tex., and thence along U.S. Highway 283 to the Texas-Oklahoma State line.

NOTE: Applicant states the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant has appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. Applicant further states that no extension of territorial authority is sought.

No. MC 23618 (Sub No. 9), filed May 13, 1960. Applicant: O. H. McALISTER, P.O. Box 1149, 1608 Scurry Street, Big Spring, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum, or their products and by-products. (1) Between points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas. (2) Between points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming. (3) Between points in Texas, on the one hand, and, on the other, points in Montana.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 30043 (Sub No. 19), filed May 27, 1960. Applicant: SECURITY TRUCKING COMPANY, a Corporation, P.O. Box 2497, 1211 North Peoria, Tulsa, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Oklahoma, Kansas, and Texas; (2) between points in Oklahoma, Kansas, Arkansas, and Texas, and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Illinois and Missouri; (3) between points in Oklahoma, on the one hand, and, on the other, points in Arkansas and Louisiana; (4) between points in New Mexico; (5) between points in New Mexico, on the one hand, and, on the other, points in Texas; (6) between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the Canadian boundary, points in that part of North Dakota on and west of a line beginning at the North Dakota-Canadian Boundary line, and extending along North Dakota Highway 30 through Rolla, York, Hamberg, Sykeston, Medina, and Lehr, N. Dak., to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River and on and north of a line beginning at Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 (formerly U.S. Highway 14), thence along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to Sturgis, S. Dak., thence along Alternate U.S. Highway 14 (formerly U.S. Highway 14) to junction U.S. Highway 85 (formerly U.S. Highway 14), thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line; and (7) between points in Oklahoma, on the one hand, and, on the other, ports of entry on the United States-Canada Boundary line and Pembina, N. Dak., and Sweetgrass, Mont., restricted to traffic moving to or from points in Canada.

NOTE: Applicant states that the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products or by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant further states it proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 30479 (Sub No. 6), filed June 20, 1960. Applicant: ATLAS TRUCK LINE, INC., 9520 Easthaven, Houston 17, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas and petroleum, and their products and by-products, (1) between points in Texas, and (2) between points in Red River County, Tex., on the one hand, and, on the other, points in Oklahoma.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 34231 (Sub No. 7), filed May 27, 1960. Applicant: RAYMOND NYE, dba RAYMOND NYE OIL FIELD TRUCKING, 1423 West Frank Phillips Boulevard, Bartlesville, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

products or by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products or by-products. No extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 41309 (Sub No. 13), filed June 20, 1960. Applicant: JEFFRIES-EAVES, INC., P.O. Box 1015, Albuquerque, N. Mex. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in New Mexico, Arizona, Texas, and Colorado. (2) Between points in Wyoming, Montana, Utah, Colorado, North Dakota, South Dakota, and Nebraska. (3) Between points in Oklahoma and Kansas. (4) Between points in Arkansas, Colorado, and Texas. (5) Between points in Arkansas, Colorado, and Texas, on the one hand, and, on the other, points in Oklahoma and Kansas. (6) Between points in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 43867 (Sub No. 15), filed May 13, 1960. Applicant: ALTON LEANDER McALISTER, P.O. Box 2214, Wichita Falls, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) Between points in Oklahoma, Texas, Kansas, and those in Lea and Eddy Counties, N. Mex. (2) Between points in Kansas, Oklahoma, Texas, and those in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming. (3) Between points in Texas, on the one hand, and, on the other, points in Montana. (4) Between points in Illinois, Indiana, and Kentucky, on the one hand, and, on the other, St. Louis, Mo., and points in Kansas and Oklahoma. (5) Between points in Texas, Oklahoma, and Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Nevada.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 52511 (Sub No. 32), filed May 13, 1960. Applicant: HUNSAKER TRUCKING CONTRACTOR, INC., P.O. Box 97, Carrollton, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including, the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) Between points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas. (2) Between points in Alabama, Arkansas, Florida, Georgia, and Mississippi. (3) Between points in Alabama, Arkansas, Florida, Georgia, and Mississippi, on the one hand, and, on the other, points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas. (4) Between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 56887 (Sub No. 7), filed May 13, 1960. Applicant: JESS EDWARDS, INC., P.O. Box 1091, Corpus Christi, Tex. Applicant's attorney: Ewell H. Muse, Jr., Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, between points in Kansas, Louisiana, New Mexico, Oklahoma, and Texas. (2) Between points in Alabama, Arkansas, Florida, Georgia, and Mississippi. (3) Between points in Louisiana and Mississippi, on the one hand, and, on the other, points in Alabama, Florida, and Georgia.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present authority.

No. MC 68100 (Sub-No. 11) filed May 27, 1960. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Box 1250, Bartlesville, Okla. Applicant's attorney: W. T. Brunson; Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, between points in (1) Kansas, Oklahoma, Arkansas, Texas, Missouri, and New Mexico; (2) between Bartlesville, Okla., on the one hand, and, on the other, points in the lower peninsula of Michigan; (3) between Bartlesville, Okla., on the one hand, and, on the other, points in Illinois, Pennsylvania, New York, West Virginia, Wyoming, Colorado, and Montana; (4) between Bartlesville, Okla., on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, New Mexico, and Texas, and (5) between Bartlesville, Okla., on the one hand, and, on the other, points in Alaska, Alabama, Arizona, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota,

Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, and Wisconsin, and those in the upper peninsula of Michigan.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 74321 (Sub No. 22), filed June 30, 1960. Applicant: B. F. WALKER, INC., 100 West Seventh Street, Fort Worth, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Texas, Louisiana, Oklahoma, New Mexico, and Kansas; (2) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana; (3) between points in New Mexico, Arizona, North Dakota, South Dakota, Nebraska, Wyoming, Colorado, Montana, and Utah, and (4) between points in Nevada, on the one hand, and, on the other, points in Arizona, Colorado, Montana, New Mexico, Nebraska, South Dakota, North Dakota, Utah, and Wyoming.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 83539 (Sub No. 66), filed May 2, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, machinery*, and *supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. (2) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines; and, (3) *Commodities*, other than those described above, the transportation of which, because of their size or weight, require the use of special equipment or handling, and *parts thereof*, when moving in connection with such commodities, between points in Kansas and Oklahoma on the one hand, and, on the other, points in Oregon and Washington.

No. MC 83539 (Sub-No. 67), filed May 2, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment or handling, and *parts* thereof when moving in connection with such commodities, restricted against the stringing and picking up of pipe in connection with main or trunk pipelines, between points in Nevada, on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

NOTE: "The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of industries other than when used in or in connection with the natural gas and petroleum industry. Applicant presently holds appropriate authority to transport the involved commodities in connection with the natural gas and petroleum industry."

No. MC 83539 (Sub No. 68), filed May 3, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Kansas, New Mexico, Texas, Oklahoma, and Louisiana; (2) between points in New Mexico, Texas and Oklahoma, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Mississippi, and Arkansas; (3) between points in Illinois, Indiana, Kentucky, Mississippi and Arkansas; (4) between points in Texas and Oklahoma, on the one hand, and on the other, points in North Dakota, South Dakota, and Wisconsin; (5) between Wichita, Kans., on the one hand, and, on the other, points in Missouri, Nebraska, Colorado, and those in Texas north of U.S. Highway 80; (6) between points in Texas north of U.S. Highway 80 from the Texas-Louisiana State Line through Marshall, Dallas, and Forth Worth, to Mineral Wells, Tex., and, east of U.S. Highway 281 from Mineral Wells through Wichita Falls to the Texas-Oklahoma State Line, on the one hand, and, on the other, points in Colorado, Nebraska, and Missouri, and (7) between points in Nevada, on the one hand, and, on the other, points in Oklahoma, Kansas, Texas, New Mexico, and Colorado. (1) from Oil City and Braddock, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, North Dakota, Oklahoma and Wyoming; (2) from points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Oklahoma, and Texas, to Oil City and Braddock, Pa.; (3) from Wichita Falls, Tex., to points in Pennsylvania, except Oil City and Braddock; (4) from Memphis, Tenn., to points in Kansas and Oklahoma; (5) from points in Ohio, to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (6) from Tulsa, Okla., to points in Ohio. (1) between points in Illinois and Indiana, on the one hand, and on the other, points in Louisiana; (2) between points in Texas, on the one hand, and, on the other, points in Oregon and Washington; (3) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana; (4) between Coffeyville, Kans., Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Michigan and West Virginia; (5) between points in Louisiana, Arkansas, Oklahoma, Texas and Mississippi, on the one hand, and, on the other, points in Alabama, Georgia, Florida, and Tennessee; (6) between points in Alabama, Georgia, Florida, and Tennessee; (7) between Seagraves, Tex., and points within 250 miles thereof, those in Texas north of U.S. Highway 80 and west of U.S. Highway 75 beyond such 250 mile radius, including points on the indicated portions of the highways specified on the one hand, and, on the other, points in Arizona; (8) between points in New Mexico, on the one hand, and, on the other, points in Kansas and that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, including points on the indicated portions of the highways specified; (9) between points in Eddy, Lea and Roosevelt Counties, N. Mex., on the one hand, and, on the other, points in Texas within 250 miles of Seagraves, Tex.; (10) between points in Texas within 250 miles of Seagraves, Tex., except those north of U.S. Highway 80 and west of U.S. Highway 75, including points in Kansas, New Mexico, Oklahoma and that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, and within 250 miles of Seagraves, Tex., including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona, and Colorado, and (11) between points in Kansas, New Mexico, and Oklahoma, on the one hand, and, on the other, points in Utah and Wyoming.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 83835 (Sub No. 40), filed May 23, 1960. Applicant: WALES TRUCKING COMPANY, a Corporation, 3319 Cedar Crest Boulevard, P.O. Box 6186, Dallas, Tex. Applicant's attorney: James W. Hightower, Suite 122, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Kansas, Oklahoma and Texas, on the one hand, and, on the other, points in Michigan, Ohio, Pennsylvania, and West Virginia; (2) between points in Arkansas, Indiana, Iowa, Kansas, Colorado, Illinois, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; (3) from Columbus and Marietta, Ohio, to points in Louisiana, New Mexico, Colorado, and Arkansas, with no transportation for compensation on return except as otherwise authorized; and (4) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, West Virginia, and the Lower Peninsula of Michigan.

NOTE: Applicant states on return trips it proposes to transport the same commodities, except as shown in (3) above, and then only damaged and rejected shipments. Applicant further states that the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products; that it presently holds authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products; and that no extension of territorial authority is sought.

No. MC 85469 (Sub No. 3), filed June 20, 1960. Applicant: LEWIE MONTGOMERY TRUCKING COMPANY, a Corporation, West County Road South, P.O. Box 432, Odessa, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used in the transmission of natural gas and petroleum, and their products and by-products, between points in New Mexico, Oklahoma, Kansas, and Texas.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 93318 (Sub No. 11), filed May 13, 1960. Applicant: JOE D. HUGHES, INC., P.O. Box 2143, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) Between points in Texas, Louisiana, and Mississippi. (2) Between points in Texas, Louisiana, and Mississippi, on the one hand, and, on the other, points in Georgia, Alabama, and Florida. (3) Between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana. (4) Between points in Alabama, Georgia, and Florida.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 101985 (Sub-No. 10), filed May 27, 1960. Applicant: E. L. BEAKLEY, doing business as BEAKLEY TRUCKING & DIRT CONTRACTOR, Borger, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, between points in (1) Oklahoma and Kansas; (2) between points in Sherman, Moore, Potter, Carson, Hutchinson, Hansford, Ochiltree, Roberts, Gray, Wheeler, and Hemphill Counties, Tex., on the one hand, and, on the other, points in Cimarron, Beaver, and Texas Counties, Okla.; (3) between points in Texas within 100 miles of Pampa, Tex., including Pampa, those in Oklahoma within 30 miles of Sayre, Okla., including Sayre, those in Cimarron, Beaver, and Texas Counties, Okla., those in Lea and Eddy Counties, N. Mex., and points in Colorado and (4) between points in Oklahoma.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products or by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 103066 (Sub No. 17), filed May 27, 1960. Applicant: VAN STONE, doing business as STONE TRUCKING CO., P.O. Box 2014, 1516 West 49th Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment*, materials and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, between points in (1) Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State Line near Alzada, and extending along U.S. Highway 212 to Miles City, thence along Montana Highway 22 to Jordan, thence northwesterly in a straight line to Malta, and thence along unnumbered highway (formerly Montana Highway 19) to the United States-Canada Boundary line, those in that part of North Dakota on and west of a line beginning at the United States-Canada Boundary line and extending along North Dakota Highway 30 through St. John, York, and Medina to Lehr, thence along unnumbered highway (formerly North Dakota Highway 30) to Ashley, and thence along North Dakota Highway 3 (formerly North Dakota Highway 30) to the North Dakota-South Dakota State line; and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14; and (2) between points in Oklahoma, on the one hand, and, on the other, ports of entry on the United States-Canada Boundary line in Montana and North Dakota between Sweetgrass, Montana, and Pembina, North Dakota, both inclusive; (3) between points in Arkansas and Illinois, (4) between points in Arkansas and Illinois, on the one hand, and, on the other, points in Oklahoma, Texas, Kansas, New Mexico, and Louisiana; (5) between points in Kansas, Oklahoma, and Texas; (6) between points in Nevada, on the one hand, and, on the other, points in Kansas, Texas, and Oklahoma, and (7) beween points in Colorado, Kansas, and Nebraska.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products or by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of

natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 105045 (Sub No. 4), filed June 20, 1960. Applicant: R. L. JEFFRIES, ELEANOR JEFFRIES, CLYDE R. JEFFRIES, JEAN M. JEFFRIES, ORVILLE E. JEFFRIES, AND LUCILLE E. JEFFRIES, a Partnership, doing business as R. L. JEFFRIES TRUCKING COMPANY, 301 Southeast First Street, Evansville, Ind. Applicant's attorney: Charles D. Mathews, Brown Building, P.O. Box 858, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, between points in Indiana, Illinois, and Kentucky, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Wisconsin. Between points in Indiana, Illinois, and Kentucky.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 106069 (Sub No. 8), filed May 13, 1960. Applicant: D. E. McALISTER, doing business as McALISTER TRUCKING CO., P.O. Box 839, 1618 S. Treadway Building, Abilene, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction operation, repair servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products. (1) Between points in Texas, Oklahoma, Louisiana, and New Mexico. (2) Between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 106379 (Sub No. 35), filed May 16, 1960. Applicant GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, Houston, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products* and by-products, between (1) points in Arkansas, Louisiana, New Mexico, and Texas; (2) between points in Mississippi, Alabama, Georgia, and Florida; (3) between points in Alabama, Georgia, and Florida, on the one hand, and, on the other, points in New Mexico, Texas, Arkansas, and Louisiana; (4) between points in Texas, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the United States-Canada boundary line and extending along North Dakota Highway 30 through St. John, York, and Medina to Lehr, thence along unnumbered Highway to Ashley, and thence along North Dakota Highway 3 to the North Dakota-South Dakota state line, and those in South Dakota west of the Missouri River and on the north of U.S. Highway 14; and (5) between points in Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE: "The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. No extention of territorial authority is sought."

No. MC 106407 (Sub No. 15), filed May 13, 1960. Applicant: T. E. MERCER TRUCKING COMPANY, a Corporation, 920 North Main, Fort Worth, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum, or their products and by-products, (1) Between points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. (2) Between Memphis, Tenn., and points in Oklahoma, on the one hand, and, on the other, points in Mississippi. (3) Between points in Mississippi, on the one hand, and, on the other, points in Texas, Arkansas, and Louisiana. (4) Between points in Louisiana, Arkansas, Kansas, Mississippi, New Mexico, Oklahoma, Texas, and Memphis, Tenn., on the one hand, and, on the other, points in Georgia, Alabama, and Florida. (5) Between points in Georgia, Alabama, and Florida. (6) Between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana. (7) Between points in Kansas and Colorado, on the one hand, and, on the other, points in New Mexico. (8) Between points in Texas, Oklahoma, Kansas, and New Mexico, on the one hand, and, on the other, points in Utah, Wyoming, Idaho, and Montana.

NOTE: Applicant states the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum, or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 106497 (Sub No. 17), filed May 13, 1960. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 3807, Tulsa 33, Okla. Applicant's attorney: Carll V. Kretsinger, 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe line material, machinery, equipment and supplies* incidental to and used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Arizona, Connecticut, Delaware, Idaho, Massachusetts, Maryland, Montana, Maine, New Hampshire, North Carolina, New Jersey, Nevada, Rhode Island, South Carolina, Utah, Vermont, and the District of Columbia. (2) Between points in Arizona, Connecticut, Delaware, Idaho, Massachusetts, Maryland, Montana, Maine, New Hampshire, North Carolina, New Jersey, Nevada, Rhode Island, South Carolina, Utah, Vermont, and the District of Columbia, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

No. MC 106509 (Sub No. 16), filed May 13, 1960. Applicant: YOUNGER BROS., doing business as J. M. ENGLISH TRUCK LINES, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products. (1) Between points in Lea and Eddy Counties, N. Mex., and those in Texas, Oklahoma, Louisiana, Kansas, Mississippi, Alabama, Florida, and Georgia. (2) Between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota. (3) Between points in Texas, Oklahoma, and Eddy Counties, N. Mex., on the one hand, and on the other, points in Nevada.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 106623 (Sub-No. 8), filed May 27, 1960. Applicant: SOUTHWEST OILFIELD TRANSPORTATION CO., P.O. Box 7427, Houston, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, other than pipe lines, used for the transmission of natural gas, petroleum or their products and by-products, between points in (1) Texas, Oklahoma, and Louisiana; (2) between points in Kansas and Oklahoma; (3) between points in Kansas, on the one hand, and, on the other, points in Louisiana, Oklahoma, and Texas, and (4) between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State Line near Alzada, Mont., and extending along U.S. Highway 212 to Miles City, Mont., thence along Montana Highway 22 to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the Canadian boundary, those in that part of North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 106775 (Sub No. 14) filed May 23, 1960. Applicant: HEAVY HAULERS, INC., 2701 Bataan, P.O. Box 267, Dallas, Tex. Applicant's attorney: James W. Hightower, 122 Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas; (2) between points in Kansas and Oklahoma; (3) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana; and (4) between points in Oklahoma, on the one hand, and, on the other, points in North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U.S. Highway 14.

NOTE: Applicant states that the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products; that it holds authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products; and that no extension of territorial authority is sought.

No. MC 106941 (Sub No. 2), filed June 20, 1960. Applicant: WILLIAM H. OTT, doing business as TEXAS HOT SHOT COMPANY, 3815 Irvington Boulevard, Houston 9, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines used for the transmission of natural gas and petroleum, and their products and by-products, (1) between Houston, Tex., on the one hand, and, on the other, points in Texas, and (2) between Houston, Tex., on the one hand, and, on the other, points in Louisiana and Oklahoma.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe line, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 107322 (Sub-No. 84), filed June 20, 1960. Applicant: BELL TRANSPORTATION COMPANY, INC., 1406 Hays Street, Houston, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, *petroleum or their products and by-products*, between points in (1) Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, North Carolina, Georgia, and Florida, traversing Missouri and South Carolina for operating convenience only; (2) between Cisco, Tex., and points within 100 miles of Cisco, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex.; (3) between points in Kentucky, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, and New York; (4) between points in Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, and North Carolina, on the one hand, and, on the other, points in Kentucky, South Carolina, Virginia, West Virginia, Ohio, Pennsylvania, and New York, traversing Maryland and the District of Columbia for operating convenience only; (5) between points in Wyoming, Montana, Utah, Colorado, North Dakota, South Dakota, and Nebraska; (6) between points in Nevada, on the one hand, and, on the other, points in Montana, Utah, and Wyoming, and (7) between points in Nevada, on the one hand, and, on the other, points in Kansas, Texas, and Oklahoma.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 107678 (Sub No. 28), filed May 16, 1960. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane, Houston, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products*, (1) between points in New Mexico, Oklahoma, Louisiana, Kansas, and Texas; (2) between Houston, Tex., on the one hand, and, on the other, points in Wyoming and Montana; (3) between points in Harris County, Tex., on the one hand, and, on the other, points in Colorado and Utah; (4) between points in Texas, on the one hand, and, on the other, points in North Dakota, on the West of North Dakota Highway 30, and those in South Dakota West of the Missouri River and on and North of U.S. Highway 14; (5) between points in Texas, except Houston, on the one hand, and, on the other, points in Montana, and Wyoming; (6) between points in Texas and Oklahoma, on the one hand, and, on the other, points in Nevada; and (7) between points in Alaska, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE: "The purpose of the application is to obtain authority to transport the involved commodities in connection with all

types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought."

No. MC 107993 (Sub No. 7), filed June 20, 1960. Applicant: J. J. WILLIS TRUCKING COMPANY, 306 East Second Street, Odessa, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Louisiana, Texas, New Mexico, and Arizona. (2) Between points in Oklahoma, Kansas, and that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, including points on the indicated portion of the highways specified.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 109064 (Sub No. 7), filed June 6, 1960. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 221 Northeast 28th Street, P.O. Box 4278, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, other than pipelines used for the transmission of natural gas, petroleum or their products and by-products, between (1) points in that part of Texas on and north of a line beginning at El Paso, Tex., and extending along U.S. Highway 80 to Dallas, Tex., thence along U.S. Highway 175 to Jacksonville, Tex., and thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana; (2) points in Oklahoma and Kansas, those in Lea and Eddy Counties, N. Mex., and those in Texas north of a line beginning at El Paso, Tex., and extending along U.S. Highway 80 to Dallas, Tex., thence along U.S. Highway 175 to Jacksonville, Tex., and thence along U.S. Highway 79 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified; (3) between points in Arkansas, Louisiana, New Mexico, and Texas (except between points in Texas and New Mexico).

No. MC 109101 (Sub-No. 7), filed June 20, 1960. Applicant: J. H. MARKS TRUCKING, CO., INC., 2404 East Eighth Street, Odessa, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in New Mexico, Oklahoma, and that part of Texas west and south of a line extending in a southerly direction from the Oklahoma-Texas State Line along U.S. Highway 90 to Houston, including points on the above-specified highways; (2) between points in Lea and Eddy Counties, N. Mex., and those in that portion of Texas on and west of U.S. Highway 81, not including those in Bexar and Tarrant Counties, Tex.; (3) between points in that part of Texas on and west and south of a line beginning at the Texas-Oklahoma State Line, and extending along U.S. Highway 81 to San Antonio, Tex., thence along U.S. Highway 90 to Houston, Tex., and thence along U.S. Highway 75 to Galveston, Tex., on the one hand, and, on the other, points in Colorado, Utah, Wyoming, and Montana; (4) between points in New Mexico and Arizona, on and north of U.S. Highway 66, and (5) between points in Louisiana and Texas.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 109346 (Sub-No. 6), filed May 13, 1960. Applicant: J. L. COX & SON, INC., 9710 East 63d Street, Raytown, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe line material, machinery, equipment*, and *supplies incidental to and used in connection with the construction, operation, repair, servicing, maintenance*, and *dismantling of pipe lines, including the stringing* and *picking up thereof*, (1) between points in Missouri, Texas, Oklahoma, Kansas, Iowa, Illinois, Indiana, and Ohio; (2) between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, New Mexico, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Wisconsin, West Virginia, Wyoming, and the District of Columbia, (3) between points in Arizona, Idaho, Nevada, Oregon, and Washington and (4) between points in Arizona, Idaho, Nevada, Oregon, and Washington, on the one hand, and, on the other, points in the remaining 45 states, and the District of Columbia, except, California, Alaska, and Hawaii.

No. MC 110817 (Sub-No. 9), filed June 16, 1960. Applicant: E. L. FARMER & COMPANY, a corporation, 300 South Grant, Odessa, Tex. Applicant's attorney: J. C. Ferguson, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Texas, Oklahoma, and Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Nevada; (2) between points in New Mexico, Texas, Oklahoma, and Kansas; (3) between points in Kansas, New Mexico, Oklahoma and Texas, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming; (4) between points in Texas, on the one hand, and, on the other, points in Montana; (5) between points in Alabama, Arkansas, Florida, Louisiana, and Texas and (6) between points in Mississippi, on the one hand, and, on the other, points in Alabama and Florida.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 110931 (Sub No. 8), filed June 16, 1960. Applicant: THOMAS MOTOR FREIGHT, INC., 1835 Proctor Street, Dallas 35, Tex. Applicant's attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, between points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: Applicant states the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant has appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. Applicant further states that no extension of territorial authority is sought.

No. MC 113459 (Sub No. 20) filed May 23, 1960. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields Boulevard, Oklahoma City 9, Okla. Applicant's attorney: James W. Hightower, 122 Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Oklahoma; (2) between points in Oklahoma, on the one hand, and, on the other, points in Illinois; (3) between points in Oklahoma, Kansas, Texas, and Arkansas, and those in Lea and Eddy Counties, N. Mex.; (4) between points in Illinois south of U.S. Highway 36, those in Indiana south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line, and those in Kentucky within 75 miles of Owensboro, Ky., including points on the indicated portions of the highways specified; (5) between points in Colorado, Kansas, Louisiana, Oklahoma, Texas, and Wyoming; (6) between points in Oklahoma, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, South Dakota, and Utah; (7) between points in Nevada, on the one hand, and, on the other, points in Wyoming, Colorado, Oklahoma and Texas; (8) from Fort Morgan, Colo., to points in Banner, Cheyenne, and Kimball Counties, Nebr., with no transportation for compensation on return except as otherwise authorized; (9) between Sterling, Colo., and points within 15 miles of Sterling, on the one hand, and, on the other, points in Banner, Cheyenne, and Kimball Counties, Nebr.; (10) from points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized; and (11) from Tulsa, Okla., to points in Ohio, with no transportation for compensation on return except as otherwise authorized.

NOTE: Applicant states on return trips it proposes to transport the same commodities except as shown in (7), (9) and (10) above and then only damaged or rejected shipments. Applicant further states that the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products; that it holds authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products; and that no extension of territorial authority is sought.

No. MC 115603 (Sub No. 3), filed May 26, 1960. Applicant: JACK TURNER, JACK E. TURNER AND E. E. TURNER, a partnership doing business as TURNER BROS. TRUCKING CO., 5501 South Hattie, Oklahoma City 9, Okla. Applicant's attorney: James W. Hightower, Suite 122, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, machinery, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Apache, Navajo, Coconino, and Mohave Counties, Ariz.; Delta, Dolores, La Plata, Mesa, Montezuma, Montrose, Ouray, San Juan, and San Miguel Counties, Colo.; and, Beaver, Emery, Garfield, Grand, Iron, Kane, Piute, San Juan, Washington, and Wayne Counties, Utah.

No. MC 119176 (Sub No. 1), filed May 27, 1960. Applicant: THE SQUAW TRANSIT COMPANY, a Corporation, P.O. Box 9415, Tulsa 7, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Oklahoma. (2) Between points in Oklahoma, on the one hand, and, on the other, points in Colorado, Kansas, and Nebraska. (3) Between Coffeyville, Kans., and Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, New Mexico, Ohio, and Texas. (4) Between Houston, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, and Texas. (5) Between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, and Ohio.

NOTE: The purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 9115 (Sub No. 49), filed June 1, 1960. Applicant: OREGON NEVADA CALIFORNIA FAST FREIGHT, INC., 1650 Industrial Road, San Carlos, Calif. Applicant's attorney: D. W. Markham, 2001 Massachusetts Avenue N.W., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Junction U.S. Highway 40 and California Legislative Highway 90, and Junction U.S. Highway 99W and California Legislative Highway 90: from junction U.S. Highway 40 and California Legislative Highway 90, approximately 3 miles north east of Vacaville, Calif., over California Legislative Highway 90 to junction U.S. Highway 99W and California Legislative Highway 90 approximately 3 miles south of Dunnigan, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and with service at the terminal points for the purpose of joinder only with applicants otherwise authorized regular routes.

No. MC 30887 (Sub No. 97), filed June 23, 1960. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: W. Wilson Corroum, 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, in bulk, in dump-tank semi-trailers or hopper vehicles, from Lockport, N.Y., to Wilmington, Del., Carney's Point, Bound Brook, and Linden, N.J., Chester, Clairton, Philadelphia, Lock Haven, Pittsburgh, and West Elizabeth, Pa., Massena and Rensselaer, N.Y., Midland, Mich., Whiting, Ind., Charleston, W. Va., and ports of entry between the United States and Canada located at Buffalo and Alexandria Bay, N.Y., and Baltimore, Md.

No. MC 66562 (Sub No. 1635) (CLARIFICATION), filed June 1, 1960, published in the FEDERAL REGISTER, issue of June 15, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Classes A and B explosives*, moving in express service, between New York, N.Y., and Brewster, N.Y., from New York over city streets to the New York State Thruway, thence north over the New York State Thruway to junction of Yonkers Avenue, thence north over New York Highway 100 to White Plains, N.Y., thence north over New York Highway 22 to Armonk, N.Y., thence north over New York Highway 128 to junction New

York Highway 117, thence north over New York Highway 117 to Mt. Kisco, N.Y., thence continue north over New York Highway 117 to Katonah, N.Y., thence east over New York Highway 35 to junction New York Highway 22, thence north over New York Highway 22 to junction U.S. Highway 6, thence west over U.S. Highway 6 to Brewster, and return over the same route, serving the intermediate points of Yonkers, White Plains, and Mt. Kisco, N.Y.; also the off-route point of Mt. Vernon, N.Y., over Yonkers Avenue, and return over the same route; and the off-route point of Tarrytown, N.Y., west over New York Highway 119 to junction U.S. Highway 9, thence north over U.S. Highway 9 to Tarrytown, and return over the same route. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1693), filed June 22, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Macon, Ga., and Louisville, Ga., (1) from Macon over U.S. Highway 80 to Dublin, Ga., thence over U.S. Highway 319 to junction U.S. Highway 221, thence over U.S. Highway 221 to Louisville, and return over the same route, serving the intermediate points of Dry Branch, Jeffersonville, Allentown, Montrose, Dudley, Dublin, and Wrightsville, Ga.; and (2) from Louisville over U.S. Highway 1 to Swainsboro, Ga., thence over Georgia Highway 56 to junction U.S. Highway 221, thence over U.S. Highway 221 to Soperton, Ga., thence over Georgia Highway 29 to Dublin, and return over the same route, serving the intermediate points of Swainsboro and Soperton, Ga. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail express service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 66562 (Sub No. 1694), filed June 22, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, (1) between Fayetteville, Tenn., and junction U.S. Highway 64 with U.S. Highway 72 (4 miles west of Jasper, Tenn.), from Fayetteville over U.S. Highway 64 to junction U.S. Highway 64 with U.S. Highway 72, and return over the same route, serving the intermediate points of Winchester, Cowan, and Sewanee, Tenn. (2) Between Monteagle, Tenn., and junction Tennessee Highway 150 with Tennessee Highway 27, from Monteagle over Tennessee Highway 150 to junction Tennessee Highway 150 with Tennessee Highway 27, and return over the same route, serving the intermediate point of Tracy City, Tenn. (3) Between junction Tennessee Highway 27 with junction Tennessee Highway 28 and junction Tennessee Highway 27 with junction Tennessee Highway 8, from junction Tennessee Highway 27 with junction Tennessee Highway 28 over Tennessee Highway 27 to junction Tennessee Highway 27 with Tennessee Highway 8, and return over the same route, serving no intermediate points. RESTRICTION: The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 111159 (Sub No. 114), filed June 24, 1960. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Highway 80, West, Jackson, Miss. Applicant's attorney: Phineas Stevens, 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tris hydroxymethyl aminomethane*, in bulk, in tank vehicles, from Sterlington, La., to Terre Haute, Ind.

No. MC 119758 (Sub No. 1), filed June 10, 1960. Applicant: ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD, Morrisville, Vt. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in substituted rail service, between Hardwick, Vt., and St. Albans, Vt.: from Hardwick over Vermont Highway 15 to junction of Vermont Highway 104, thence over Vermont Highway 104 to St. Albans, and return over the same route, serving the intermediate points of Morrisville and Johnson, Vt.

NOTE: Applicant states it proposes picking up freight arriving by rail at Central Vermont Railway's L. C. L. Transfer at St. Albans, Vt., and delivering to open stations Johnson, Morrisville, and Hardwick, Vt., and to deliver for rail movement at St. Albans L.C.L. shipments from the stations named.

MOTOR CARRIER OF PASSENGERS

No. MC 106170 (Sub No. 5), filed June 28, 1960. Applicant: SCENIC TOURS, INC., doing business as THE GRAY LINE OF RENO, 1675 Mill Street, P.O. Box 2549, Reno, Nev. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations consisting of one-way or round trip sightseeing or pleasure tours, between points in Placer and Eldorado Counties, Calif. (within 20 miles of California Highway 89), points in Storey, Ormsby, Washoe, and Douglas Counties, Nev., except no pickup or discharge of passengers authorized at any point on U.S. Highway West of the junction of U.S. Highway 50 and California Highway 89.

NOTE: Applicant states duplicating rights not requested.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 1263 (Sub No. 13), filed June 20, 1960. Applicant: McCARTY TRUCK LINE, INC., 729 West 15th Street, Trenton, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: REGULAR ROUTES: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Kansas City, Mo., and South Lineville, Mo., from Kansas City over U.S. Highway 69 to junction Missouri Highway 6, thence over Missouri Highway 6 to junction U.S. Highway 65, thence over U.S. Highway 65 to South Lineville, and return over the same route, serving the intermediate points of North Kansas City, Mabel, Winston, Altamont, Gallatin, Jamesport, Edinburg, Trenton, Tindall, Spickard, Princeton, and Mercer, Mo.; (2) between St. Joseph, Mo., and South Lineville, Mo., from St. Joseph over U.S. Highway 36 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Missouri Highway 6, thence over Missouri Highway 6 to junction U.S. Highway 65, thence over U.S. Highway 65 to South Lineville, and return over the same route, serving the intermediate points of Mabel, Altamont, Gallatin, Winston, Jamesport, Edinburg, Trenton, Tindall, Spickard, Princeton, and Mercer, Mo.; (3) between Spickard, Mo., and Modena, Mo., from Spickard over U.S. Highway 65 to junction Mercer County Road "D", thence over Mercer County Road "D" to Modena, and return over the same route, serving the intermediate point of Mill Grove, Mo.; (4) between Princeton, Mo., and Mt. Moriah, Mo., over U.S. Highway 136, serving no intermediate points; (5) between Princeton, Mo., and Cainsville, Mo., from Princeton over U.S. Highway 136 to junction Mercer County Road "B", thence over Mercer County Road "B" to junction unnumbered county road, thence over unnumbered county road to Cainsville, and return over the same route, serving no intermediate points; (6) between Mercer, Mo., and Powersville, Mo., over Mercer County Road "M", serving no intermediate points; (7) between Princeton, Mo., and Lucerne, Mo., over U.S. Highway 136, serving the intermediate point of Ravanna, Mo.; and (8) between Gallatin, Mo., and Mabel, Mo., over Missouri Highway 6, serving the intermediate points of Altamont and Winston, Mo.; AND OVER IRREGULAR ROUTES: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Princeton, Mercer, South Lineville, Cainsville, Mt. Moriah, Spickard, Ravanna, and Lucerne, Mo., to points in Missouri not on the regular route of an authorized motor carrier.

NOTE: This matter is directly related to MC-F 7534. Duplication with present authority to be eliminated.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7580. Authority sought for control by SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis., of SCHWERMAN TRUCKING CO. OF ALABAMA, INC., 620 South 29th Street, Milwaukee 46, Wis., and for acquisition by FRED SCHWERMAN, SR., FRED J. SCHWERMAN, RICHARD D. SCHWERMAN and CARL L. SCHWERMAN, all of Milwaukee, of control of SCHWERMAN TRUCKING CO. OF ALABAMA, INC., through the acquisition by SCHWERMAN TRUCKING CO. Applicant's attorney: James R. Ziperski, 620 South 29th Street, Milwaukee 46, Wis. Operating rights sought to be controlled: Authority applied for by SCHWERMAN TRUCKING CO. OF ALABAMA, INC., in a pending application (Docket No. MC 119572) covering the transportation of *cement*, in bulk and in packages, as a *contract carrier* over irregular routes, from the site of the Lone Star Cement Corporation plant located in or near North Birmingham, Ala., to points in Alabama, Mississippi, Tennessee, Georgia, Florida, North Carolina, and South Carolina, from the site of the Lone Star Cement Corporation plant located in or near Demopolis, Ala., to points in Alabama, Mississippi, Tennessee, Georgia, and Florida, and from the site of the Alpha Portland Cement Company plant located in or near Birmingham, Ala., to points in Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida; *empty containers or other such incidental facilities* (not specified) used in transporting cement, from the above-specified destination points to the respective origin points. RESTRICTION: The above operations are to be performed under continuing contracts with the Lone Star Cement Corporation, New York, N.Y., and the Alpha Portland Cement Company, Easton, Pa. SCHWERMAN TRUCKING CO. is authorized to operate as a *contract carrier* in Wisconsin, Illinois and Indiana. Application has not been filed for temporary authority under Section 210a(b).

NOTE: This proceeding is assigned for hearing with No. MC 119752 before Examiner Hugh M. Nicholson on July 14, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala.

No. MC-F-7582. Authority sought for control and merger by COURIER EXPRESS, INC., 115 Montgomery Street, Logansport, Ind., of the operating rights and property of SHORT LINE EXPRESS COMPANY, INC., 3107 South Main Street, South Bend 23, Ind., and for acquisition by PAUL ROBERT NEWSOM, Box 358, Logansport, Ind., of control of such rights and property through the transaction. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Fort Wayne, Ind., and Chicago, Ill., serving certain intermediate and off-route points, between South Bend, Ind., and Valparaiso, Ind., serving the intermediate point of La Porte, Ind., and between Hammond, Ind., and the junction of U.S. Highways 41 and 6, and Indiana Highway 152, serving no intermediate points. COURIER EXPRESS, INC., is authorized to operate as a *common carrier* Indiana and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7583. Authority sought for purchase by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend 21, Ind., of a portion of the operating rights of L. C. JONES TRUCKING COMPANY, 4300 S. E. 29th Street, Oklahoma City, Okla., and for acquisition by PAUL A. MAVIS, also of South Bend, Ind., of control of such rights through the purchase. Applicants' attorneys: Max G. Morgan, 443 American National Building, Oklahoma City, Okla., and Charles Pieroni, 4000 West Sample Street, South Bend 21, Ind. Operating rights sought to be transferred: *Heavy machinery* and *oil field pipe and equipment*, as a *common carrier* over irregular routes, between points in Illinois, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Wyoming; *machinery and machinery parts (other than oil-field machinery and parts therefor), which because of their size or weight require special handling or rigging*, from Chicago, Ill., to points in Oklahoma and Texas, from points in Illinois, Missouri, Oklahoma, and Texas to points in Arkansas, Colorado, Kansas, and New Mexico, and between points in Missouri, Oklahoma, and Texas. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7584. Authority sought for control by BRADY MOTORFRATE, INC., Sixth Avenue at University, Des Moines 14, Iowa, of DAYS TRANSFER, INC., 730 East Beardsley, Elkhart, Ind., and for acquisition by JOHN J. BRADY, SR., 2 North 17th Street, Fort Dodge, Iowa, of control of DAYS TRANSFER, INC., through the acquisition by BRADY MOTORFRATE, INC. Applicants' attorney: Rex H. Fowler, 510 Central National Building, Des Moines 9, Iowa. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between South Bend, Ind., and Fort Wayne, Ind., serving the off-route point of Millersburg, Ind., between Bristol, Ind., and South Bend, Ind., between junction U.S. Highways 6 and 33 near Ligonier, Ind., and the Indiana-Ohio State line, between South Bend, Ind., and Chicago, Ill., serving the off-route points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, and all intermediate points, between Elkhart, Ind., and Ypsilanti, Mich., serving certain intermediate points, between Fort Wayne, Ind., and Auburn, Ind., serving all intermediate and certain off-route points, between Waterloo, Ind., and Fort Wayne, Ind., between Waterloo, Ind., and South Milford, Ind., between South Milford, Ind., and Kendallville, Ind., between Corunna, Ind., and junction Indiana Highway 327 and U.S. Highway 27, north of Garrett, Ind., serving all intermediate points, between Detroit, Mich., and Ann Arbor, Mich., serving all intermediate points, between Ann Arbor, Mich., and Hamburg, Mich., between Ann Arbor, Mich., and South Lyon, Mich., serving all intermediate points, between Valparaiso, Ind., and Chicago, Ill., serving all intermediate points, and off-route points within 25 miles of Chicago; over various alternate routes for operating convenience only; *heavy machinery*, over irregular routes, between points in Illinois, Indiana, and Michigan within 75 miles of Valparaiso, Ind., including Valparaiso, between Elkhart, Ind., on the one hand, and, on the other, Toledo, Ohio and Three Rivers and Constantine, Mich.; *household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Elkhart County, Ind., on the one hand, and, on the other, points in Ohio, Michigan, and Illinois; *chipboard*, over regular routes, from Elkhart, Ind., to Chicago, Ill., *scrap paper*, in truckload lots, from Chicago, Ill., to Elkhart, Ind., serving the intermediate and off-route points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673. BRADY

MOTORFRATE, INC., is authorized to operate as a common carrier in Iowa, Nebraska, Illinois, Kansas, Minnesota, Missouri, South Dakota, Indiana, and Ohio. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6237; Filed, July 6, 1960; 8:50 a.m.]

[Notice 342]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62427. By order of June 28, 1960, the Transfer Board approved the transfer to Ed Field and Richard Sheimo, doing business as Field and Sheimo, Hanlontown, Iowa, of Certificate No. MC 106085, issued June 11, 1946, to Kermit Kaasa, Hanlontown, Iowa, authorizing the transportation of: livestock, between Hanlontown, Iowa, and points within 15 miles of Hanlontown, on the one hand, and, on the other, Albert Lea, Austin, and South St. Paul, Minn.; and animal feeds, packinghouse tankage, bone meal, and meat scraps, from Albert Lea, Austin, and South St. Paul, Minn., to Hanlontown, Iowa, and points within 15 miles of Hanlontown.

No. MC-FC 62948. By order of June 28, 1960, the Transfer Board approved the transfer to Julius Crolle, doing business as Crolle Trucking, Wanaqua, New Jersey, of a portion of the operating rights in Certificate No. MC 26986 issued June 3, 1958 to Instant Express Co., Inc., Newark, New Jersey, which authorizes the transportation of general commodities, except household goods as defined by the Commission, commodities in bulk and other specified commodities between New York, N.Y., and points in Orange County, N.Y., on the one hand, and specified points in Passaic County, N.J. Bert Collins, 140 Cedar Street, New York, N.Y., for applicants.

No. MC-FC 63037. By order of June 29, 1960, the Transfer Board approved the transfer to Tony Hlavaty and Oscar Helfrich, Jr., a partnership, doing business as St. Louis Transfer Co., Union Station, 20th and Market Streets, St. Louis, Mo., of Certificate No. MC 84791, issued September 30, 1958 to Edwin B. Fels, Tony Hlavaty, and Oscar Helfrich, Jr., a partnership, doing business as St. Louis Transfer Co., Union Station, 20th and Market Streets, St. Louis, Mo., authorizing the transportation of: baggage, between Union Station in St. Louis, Mo., on the one hand, and, on the other, points in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone and points in Missouri within 10 miles of St. Louis.

No. MC-FC 63215. By order of June 29, 1960, the Transfer Board approved the transfer to Skyline Transport, Inc., Salt Lake City, Utah, of Certificate No. MC 112077 Sub 1, issued February 28, 1958, to J. Wesley Oliver, Inc., Moab, Utah, authorizing the transportation of: uranium and vanadium ores, in bulk, from points in San Juan County, Utah, to Naturita, Durango, and Uravan, Colo., and uranium ore, from points in Garfield County, Utah, to Naturita, Durango, and Uravan, Colo. M. Scott Woodland, 65 South Main Street, Suite 300, Salt Lake City, Utah, for applicants.

No. MC-FC 63226. By order of June 28, 1960, the Transfer Board approved the transfer to Smith Transportation Co., a corporation, Santa Maria, Calif., of Certificate in No. MC 85205, issued May 11, 1949, to George C. Smith, Jr., doing business as Smith Transportation Co., Santa Maria, Calif., authorizing the transportation of: beans, asphalt and asphalt products, sugar, flour, fertilizer, fresh vegetables, onions, potatoes, pipe and pipe paint, and seed, from, to, or between specified points in California. R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif., for applicants.

No. MC-FC 63240. By order of June 28, 1960, the Transfer Board approved the transfer to G. E. Groeger Truck Line, Inc., Walton, Kentucky, of Certificate in No. MC 39763, issued June 10, 1948, to G. E. Groeger, doing business as G. E. Groeger Truck Line, Walton, Kentucky, which authorizes the transportation over regular routes of general commodities, except household goods, as defined by the Commission, commodities in bulk, and other specified commodities, between Walton, Ky., and Cincinnati, Ohio, and a point on Oak Island Road six miles east of Kentucky Highway 17, with service to and from all intermediate points on the regular routes, and the off-route points within three miles of such routes, and the off-route points in Ohio within 10 miles of Cincinnati. Harry McChesney, Jr., McChesney, Kinker and Pearce, Seventh Floor, McClure Building, Frankfort, Ky., for applicants.

No. MC-FC 63245. By order of June 28, 1960, the Transfer Board approved the transfer to James T. Collingwood, Home Road, Sheffield, Mass., of Certificate in No. MC 69656, issued May 22, 1941 to Dominick F. Russo, 115 Cheshire Road, Pittsfield, Mass., authorizing the transportation of: road building and grading materials and machinery, between points in Berkshire County, Mass., on the one hand, and, on the other, points in Litchfield County, Conn., Columbia and Rensselaer Counties, N.Y., and Bennington County, Vt.

No. MC-FC 63332. By order of June 28, 1960, the Transfer Board approved the transfer to Otto Jurena, doing business as Crete-Wilber Freight Lines, Omaha, Nebr., of Certificate in No. MC 96513 Sub 1, issued May 29, 1958, to Norman J. Rezny and Norman B. Slepicka, a partnership, doing business as Crete-Wilber Freight Lines, Wilber, Nebr., authorizing the transportation of: general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Wilber, Nebr., and Omaha, Nebr., serving the intermediate points of Crete, and Lincoln, Nebr., and the off-route points of Clatonia, De Witt, Roca, Martell, Sprague, Hallam, Denton, and Kramer, Nebr., and Council Bluffs, Iowa. J. Max Harding, Nelson, Harding & Acklie, 605 South 12th Street, Lincoln, Nebr., for Transferor. Everett C. Pilcher, Story, Pilcher & Howard, 3801 Harney, Omaha, Nebr., for Transferees.

No. MC-FC 63343. By order of June 28, 1960, the Transfer Board approved the transfer to Studer Truck Line, Inc., Beattie, Kans., of Certificate in No. MC 33037 issued June 19, 1957, to Francis Studer and Merlin Studer, a partnership, doing business as Studer Truck Line, Beattie, Kans., authorizing the transportation of: livestock, agricultural commodities, and containers for molasses and petroleum products, from Beattie, Kans., and points in Kansas and Nebraska within 15 miles of Beattie to St. Joseph, Mo.; livestock, feed, seeds, building materials, agricultural implements and parts, binder twine, coal, fencing materials, and petroleum products in containers, from St. Joseph, Mo., to Beattie, Kans., and points in Kansas and Nebraska; livestock, feed, agricultural implements and parts, and fencing materials, from Kansas City, Kans., and Kansas City, Mo., to Beattie, Kans., and points in Kansas and Nebraska; building materials, between Beattie, Kans., and points in Kansas and Nebraska within 15 miles of Beattie, on the one hand, and, on the other, Kansas City and North Kansas City, Mo.; mill feed, between Beattie, Kans., and points in Kansas and Nebraska within 15 miles of Beattie, on the one hand, and, on the other, North Kansas City, Mo., and Omaha and Humboldt, Nebr.; commercial fertilizer, between Beattie, Kans., and points in Kansas and Nebraska within 15 miles of Beattie, on the one hand, and, on the other, Kansas City and St. Joseph, Mo.; livestock, between points in Kansas, Nebraska and Missouri; livestock, grain, wood, household goods, wooden posts, and farm machinery, between points in Pawnee County, Nebr., on the one hand, and, on the other, points in Nemaha County, Kans.; processed mill feeds and dry commercial fertilizer, in bulk and in containers, from Marysville, Kans. to points in Nebraska; the substitution of transferee for transferor in No. MC 33037 Sub 5. Townsend, Jandera & Hope, Attorneys, 641 Harrison Street, Topeka, Kans., for applicants.

No. MC-FC 63363. By order of June 28, 1960, the Transfer Board approved the transfer to Ralph H. Burns & Sons, Inc., Hillsboro, West Virginia, of Certificates Nos. MC 113063, MC 113063 Sub 1 and MC 113063 Sub 2, issued February 9, 1953, July 8, 1954, and December 29, 1954, in the name of Ralph H. Burns, Hillsboro, West Virginia, authorizing the transportation of petroleum and petroleum products, in bulk, in tank vehicles, from Baltimore, Md., to points in Pocahontas County, W. Va.; household goods between points in Pocahontas County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Maryland, Virginia, and the District of Columbia; and fertilizer, from Harrisonburg, Va., and points within one mile thereof, to points in Pocahontas County, W. Va., and from Harrisonburg, Va., to points in Braxton, Clay, Doddridge, Gilmer, Grant, Greenbrier, Hardy, Harrison, Jackson, Lewis, Marion, Monongalia, Nicholas, Pendleton, Pleasants, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Webster, Wirt and Wood Counties, W. Va., with no transportation for compensation on return. Arden J. Curry, Kanawha Valley Building, Charleston 1, W. Va., for applicants.

No. MC-FC 63369. By order of June 28, 1960, the Transfer Board approved the transfer to James Transfer & Storage Co., a corporation, San Jose, Calif., of Certificate No. MC 72036, issued April 14, 1942, in the name of W. Ray James, Effie M. James, Willma M. Forward, and E. Estelle Estensen, a partnership, doing business as James Transfer & Storage Company, San Jose, California, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between points within 5 miles of San Jose, including San Jose; and of household goods between points within 30 miles of San Jose, Calif., including San Jose. Karl K. Roos, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6238; Filed, July 6, 1960; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 1, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36366: *Silica sand—Western trunk line to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7837), for interested rail carriers. Rates on silica sand, in carloads, as described in the application from points in western trunk line territory, also specified points in Illinois, Indiana and Kentucky to points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement No. 62 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 36367: *Ferro alloys to Bridgeport, Conn.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2546), for interested rail carriers. Rates on ferro chrome, ferro silicon, ferro manganese and silico manganese, in carloads from specified points in New York, Ohio, Pennsylvania, Virginia and West Virginia to Bridgeport, Conn.

Grounds for relief: Market competition.

Tariffs: Supplement 221 to Chesapeake & Ohio Railway tariff I.C.C. 13166 and 8 other schedules described in appendix "A" to the application.

FSA No. 36368: *Barytes—Kentucky to to Louisiana points.* Filed by O. W. South, Jr., Agent (SFA No. A3976), for interested rail carriers. Rates on barite (barytes), in carloads from Crider, Marion and Mexico, Ky., to Cecelia, Church Point, Elton, Eunice and Opelousas, La.

Grounds for relief: Market competition.

Tariff: Supplement 22 to Southern Freight Association tariff I.C.C. S-29.

FSA No. 36369: *Screened gravel—Vincennes, Ind., to Altamont, Ill.* Filed by Illinois Freight Association, Agent (IFA No. 103), for and on behalf of The Baltimore and Ohio Railroad Company. Rates on screened gravel, in carloads, from Vincennes, Ind., to Altamont, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 101 to Baltimore and Ohio Railroad tariff I.C.C. 24048.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6235; Filed, July 6, 1960; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 329]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JUNE 27, 1960.

1. Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F.R. 2473), as amended, notice is hereby given that the plats of survey accepted November 18, 1959, of T. 13 N., R. 11 W., and T. 13 N., R. 12 W., G. & S. R. Mer., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a.m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 N., R. 11 W.,
- Sec. 1 Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 2 Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 3 Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 4 Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 5 Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 6 Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
- Sec. 7 Lots 1, 2, 3, 4, E½W½, E½;
- Sec. 8 All;
- Sec. 9 All;
- Sec. 10 All;
- Sec. 11 All;
- Sec. 12 All;
- Sec. 13 All;
- Sec. 14 All;
- Sec. 15 All;
- Sec. 16 All;
- Sec. 17 All;
- Sec. 18 Lots 1, 2, 3, 4, E½W½, E½;
- Sec. 19 Lots 1, 2, 3, 4, E½W½, E½;
- Sec. 20 All;
- Sec. 21 All;
- Sec. 22 All;
- Sec. 23 All;
- Sec. 24 All;
- Sec. 25 All;
- Sec. 26 All;
- Sec. 27 All;
- Sec. 28 All;
- Sec. 29 All;
- Sec. 30 Lots 1, 2, 3, 4, E½W½, E½;
- Sec. 31 Lots 1, 2, 3, 4, E½W½, E½;
- Sec. 32 All;
- Sec. 33 All;
- Sec. 34 All;
- Sec. 35 All;
- Sec. 36 All.

T. 13 N., R. 12 W.,
- Sec. 1 Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 2 Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 3 Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 4 Lots 1, 2, 3, 4, S½N½, S½; exclusive of M.S. 4315A and B;
- Sec. 9 All;
- Sec. 10 All;
- Sec. 11 All;
- Sec. 12 All;
- Sec. 13 All;
- Sec. 14 All;
- Sec. 15 All;
- Sec. 16 All;
- Sec. 21 All;
- Sec. 22 All;
- Sec. 23 All;
- Sec. 24 All;
- Sec. 25 All;
- Sec. 26 All;
- Sec. 27 All;
- Sec. 28 All;
- Sec. 33 All;
- Sec. 34 All;
- Sec. 35 All;
- Sec. 36 All.

Within the above-described areas are 38,342.22 acres.

2. The S½SE¼SW¼ Sec. 1, SW¼SE¼ north of highway, NE¼SW¼SW¼ south of highway Sec. 2, SW¼NE¼NE¼, N½NW¼SE¼NE¼ Sec. 10, NE¼NW¼, W½SW¼NE¼NE¼, and the E½SE¼NW¼NE¼ north of highway, Sec. 12, T. 13 N., R. 11 W., are within material sites approved to the Arizona Highway Department under section 17 of the Act of November 9, 1921. Small tract applications cannot be filed on these lands.

3. Patented Mineral Surveys 4315 A and B, State Lode and State Mill site, are situated in the SE¼ Sec. 4, T. 13 N., R. 12 W.

4. Except for lands described above which are not subject to small tract applications and the lands embraced within patented mineral surveys 4315 A and B, which are not subject to any type of application, the above lands are open to application, location, selection and petition as outlined below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract or any other non-mineral land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. The south half of T. 13 N., R. 11 W. is high, rocky ridges and deep, dry washes. The north half is low, rolling, rocky ridges and sandy washes. The soil is sandy and rocky and very poor. The land in T. 13 N., R. 12 W. is principally rough and broken mountains. The soil is mostly sandy, with numerous rock outcrops.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on August 2, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 60-6215; Filed, July 6, 1960; 8:48 a.m.]

Office of the Secretary

VIRGIN ISLANDS NATIONAL PARK

Order of Designation

Whereas, pursuant to the act of August 2, 1956 (70 Stat. 940), a designation was made on November 15, 1956, of the tentative exterior boundary lines of the Virgin Islands National Park comprising a total of not more than 9,500 acres of land, as shown on Drawing No. NP-VI-7000 entitled "Acquisition Areas Virgin Islands National Park"; and

Whereas, by reason of acceptance of two deeds on December 1, 1956, on behalf of the United States, notice of the establishment of the Virgin Islands National Park was published in the FEDERAL REGISTER on December 29, 1956, as required by the act of August 2, 1956; and

Whereas said notice provides that notices of subsequent adjustments of the Virgin Islands National Park boundary shall be published in like manner; and

Whereas the hereinafter described land is needed for park purposes and will be donated to the United States, and it is, therefore, necessary and desirable that the park area as heretofore designated be adjusted to include said additional land in the Virgin Islands National Park:

Parcel No. 12A, Estate Caneel Bay, No. 8 Cruz Bay Quarter, St. John, Virgin Islands, described as follows:

Beginning at bound post No. 986, the line runs South 85°20' West a distance of 20.0 feet, more or less, along Lot F, Cruz Bay, to a point; thence in the same direction a distance of 285.6 feet, more or less, along Lot E, Cruz Bay, to a point; thence turning and running South 40°28' West a distance of 96.9 feet, more or less, along Lot E, Cruz Bay, to a point; thence turning and running in a general easterly direction a distance of Ca 7 feet, along Lot E, Cruz Bay, to a point; thence turning and running in a general southerly, westerly, and northerly direction a distance of Ca 160 feet, along the sea, to a point; thence turning and running North 62°38' East a distance of Ca 22 feet, along Parcel No. 12, to a bound post; thence in the same direction a distance of 135.5 feet, more or less, along Parcel No. 12, to a bound post; thence in the same direction a distance of 247.67 feet, more or less, along Parcel No. 12, to a bound post; thence turning and running South 87°31' East a distance of 225.0 feet, more or less, along Parcel No. 12, to a bound post; thence turning and running South 33°46' East a distance of 164.0 feet, more or less, along Parcel No. 12 to a point on the right-of-way from Cruz Bay to Caneel Bay; thence turning and running in a general southwesterly direction a distance of Ca 8 feet, along the right-of-way, to a point on the northern boundary of Parcel No. 18B Estate Enighed; thence turning and running South 85°20' West a distance of 12.0 feet, more or less, along said Parcel 18B, to a bound post; thence in the same direction a distance of 226.0 feet, more or less, along Parcel No. 18A Estate Enighed, to B.P. 986, the point of beginning.

The above bounded tract contains 1.97 acres, more or less.

Parcel No. 18A, Estate Enighed, No. 1 Cruz Bay Quarter, St. John, Virgin Islands, described as follows:

Beginning at the northwest corner of Parcel No. 18A, which point is also B.P. 986; thence South 87°42' East 226.0± feet to a point; thence South 69°42' West 131.0± feet to a point; thence South 58°50' West 175.0± feet to the southerly corner of said Parcel No. 18A; thence in a northerly direction along the east right-of-way line of the old road for Ca 160 feet to B.P. 986, the point of beginning.

The above bounded tract contains 0.32 acre, more or less.

Lot E, Cruz Bay, St. John, Virgin Islands, with the following metes and bounds:

Beginning at a point located North 87°42' West and a distance of 20.0 feet from B.P. 986 the line runs South 18°10' West along the old road to Caneel Bay a distance of 105.1 feet, more or less, to a point; thence turning North 85°42' West a distance of 143 feet, more or less, to the sea; thence turning along the sea in a general westerly direction a distance of 166 feet, more or less, to a point; thence turning North 33°30' East a distance of 96.9 feet, more or less, to a point; thence turning South 87°42' East along Estate Caneel Bay a distance of 285.6 feet, more or less, to the point of beginning.

The above bounded tract contains 0.63 acre, more or less.

Lot F, Cruz Bay, St. John, Virgin Islands, with the following metes and bounds:

Beginning at B.P. 986, the line runs in a general southerly direction along Parcel No. 18A Estate Enighed a distance of Ca 160 feet to a bound post; thence turning and running South 58°50' West a distance of 92.0 feet, more or less, along the public road, to a point; thence turning and running North 58°50' West a distance of 20.0 feet, more or less, along Government land to a point; thence turning and running North 25°45' East a distance of 4.0 feet, more or less, to a point; thence turning and running North 19°15' West a distance of 95.0 feet, more or less, to a point on the southern boundary of Lot E; thence turning and running South 85°42' East a distance of 121 feet, more or less, along Lot E, to a point; thence turning and running North 18°10' East a distance of 105.1 feet, more or less, along Lot E, to a point; thence turning and running South 87°42' East a distance of 20.0 feet, more or less, along Parcel No. 12A Estate Caneel Bay, to the point of beginning.

The above bounded tract contains 0.27 acre, more or less.

The above parcels and lots aggregate 3.19 acres of land, more or less.

Now, therefore, notice is hereby given that the existing boundary of the Virgin Islands National Park is hereby adjusted so as to include therein the above described land.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 29, 1960.

[F.R. Doc. 60-6218; Filed, July 6, 1960; 8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

MISSOURI

Notice of Major Disaster; Amendment

Notice of Major Disaster, published June 18, 1960, for the State of Missouri (25 F.R. 5556) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 20, 1960:

Knox.	Pettis.
Morgan.	Vernon.

Dated: June 24, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-6201; Filed, July 6, 1960; 8:45 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: During the current recess of the Congress a listing of public laws approved by the President will appear in the FEDERAL REGISTER under *Title 2—The Congress.*

Approved July 5, 1960

S. 1018.....Public Law 86-570
An Act to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work.

S. 2053.....Public Law 86-572
An Act to provide for the acceptance by the United States of a fish hatchery in the State of South Carolina.

S. 2174.....Public Law 86-573
An Act to permit the filing of applications for patents to certain lands in Florida.

S. 2331.....Public Law 86-571
An Act to provide for the hospitalization at Saint Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes.

S. 2481.....Public Law 86-577
An Act to continue the application of the Merchant Marine Act of 1936, as amended, to certain functions relating to fishing vessels transferred to the Secretary of the Interior, and for other purposes.

S. 2618.....Public Law 86-575
An Act to authorize the exchange of certain war-built vessels for more modern and efficient war-built vessels owned by the United States.

S. 3189.....Public Law 86-583
An Act to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes.

S. 3226.....Public Law 86-578
An Act to amend section 809 of the National Housing Act.

S. 3485.....Public Law 86-587
An Act to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel and transportation cost for persons selected for appointment to certain positions in the United States, and for other purposes.

H.R. 1844.....Public Law 86-579
An Act to amend the "Life Insurance Act" of the District of Columbia approved June 19, 1934, as amended by the Acts of July 2, 1940, and July 12, 1950.

H.R. 4786.....Public Law 86-581
An Act declaring certain lands to be held in trust for the Cheyenne River Sioux Tribe of Indians of South Dakota.

H.R. 5569.....Public Law 86-582
An Act to amend title 10, United States Code, to authorize the award of certain medals within two years after a determination by the Secretary concerned that because of loss or inadvertence the recommendation was not processed.

H.R. 8226.....Public Law 86-580
An Act to add certain lands to Castillo de San Marcos National Monument in the State of Florida.

H.R. 8315.....Public Law 86-574
An Act to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri.

H.R. 8740.....Public Law 86-576
An Act to provide for the leasing of oil and gas interests in certain lands owned by the United States in the State of Texas.

H.R. 9541.....Public Law 86-591
An Act to amend section 109(g) of the Federal Property and Administrative Services Act of 1949.

H.R. 9921.....Public Law 86-596
An Act to validate certain payments of additional pay for sea duty made to members and former members of the United States Coast Guard.

H.R. 10021.....Public Law 86-584
An Act providing a uniform law for the transfer of securities to and by fiduciaries in the District of Columbia.

H.R. 10108.....Public Law 86-590
An Act to authorize reimbursement of certain Veterans' Administration beneficiaries and their attendants for ferry fares, and bridge, road, and tunnel tolls.

H.R. 10695.....Public Law 86-585
An Act to provide for the rotation in overseas assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes.

H.R. 11646.....Public Law 86-588
An Act to amend the Act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes.

H.R. 12265.....Public Law 86-589
An Act to amend title 10, United States Code, to authorize certain persons to administer oaths and to perform notarial acts for persons serving with, employed by, or accompanying the Armed Forces outside the United States.

CUMULATIVE CODIFICATION GUIDE—JULY

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 14, Part 400 to End $1.75

Title 46, Parts146–149 (1960 Supp. 1) $0.55

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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1960–61 Edition

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3355

DETERMINATION OF CUBAN SUGAR QUOTA

By the President of the United States of America

A Proclamation

1. WHEREAS on December 17, 1959, the 1960 sugar quota for Cuba was determined pursuant to the Sugar Act of 1948, as amended (7 U.S.C. 1100 *et seq.*), at 3,119,655 short tons, raw value, of which 2,379, 903 short tons, raw value, have heretofore been certified for entry, pursuant to regulations issued by the Secretary of Agriculture (7 CFR 817), leaving 739,752 short tons, raw value, not yet so certified; and

2. WHEREAS section 408(b)(1) of the Sugar Act of 1948, as amended by the act of July 6, 1960, entitled "An Act to Amend the Sugar Act of 1948, as Amended", provides that the President shall determine, notwithstanding any other provision of Title II of the Sugar Act of 1948, as amended, the quota for Cuba for the balance of calendar year 1960 and for the three-month period ending March 31, 1961, in such amount or amounts as he shall find from time to time to be in the national interest: *Provided*, however, That in no event shall such quota exceed such amount as would be provided for Cuba under the terms of Title II of the Sugar Act of 1948, as amended, in the absence of section 408(b); and

3. WHEREAS section 408(b)(1) of the Sugar Act of 1948, as amended, further provides that determinations made by the President thereunder shall become effective immediately upon publication in the FEDERAL REGISTER; and

4. WHEREAS, pursuant to section 408(b)(1) of the Sugar Act of 1948, as amended, I find it to be in the national interest that the quota for Cuba under the Sugar Act of 1948, as amended, for the balance of calendar year 1960 shall be 39,752 short tons, raw value, plus the sugar certified prior to July 3, 1960, for entry but not yet entered, or withdrawn from warehouse, for consumption:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by section 408(b) of the Sugar Act of 1948, as amended, and section 301 of title 3 of the United States Code, and as President of the United States:

1. Do hereby determine that in the national interest the quota for Cuba pursuant to the Sugar Act of 1948, as amended, for the balance of calendar year 1960 shall be 39,752 short tons, raw value, plus the sugar certified prior to July 3, 1960, for entry but not yet entered, or withdrawn from warehouse, for consumption; and

2. Do hereby delegate to the Secretary of Agriculture the authority vested in the President by section 408(b)(2) and section 408(b)(3) of the Sugar Act of 1948, as amended, such authority to be exercised with the concurrence of the Secretary of State.

This proclamation shall become effective immediately upon publication in the FEDERAL REGISTER.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of July in the year of our Lord nineteen hundred and sixty, and [SEAL] of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 60-6396; Filed, July 7, 1960; 8:56 a.m.]

Executive Order 10881

AMENDMENT OF EXECUTIVE ORDER NO. 10810,[1] PRESCRIBING REGULATIONS GOVERNING THE ALLOWANCE OF TRAVEL EXPENSES OF CLAIMANTS AND BENEFICIARIES OF THE VETERANS' ADMINISTRATION AND THEIR ATTENDANTS

By virtue of the authority vested in me by section 111 of title 38 of the United States Code, as amended by Public Law 86-590, approved July 5, 1960, section 2 of Executive Order No. 10810 of April 22, 1959, entitled "Regulations Governing the Allowance of Travel Expenses of Claimants and Beneficiaries of the Veterans' Administration and their Attendants" is hereby amended to read as follows:

"SEC. 2. The Administrator of Veterans' Affairs may authorize in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance of not more than five cents a mile to any claimant or beneficiary of the Veterans' Administration traveling under prior authorization to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence. The payment of mileage allowances and reimbursement for ferry fares, and bridge, road, and tunnel tolls in connection with vocational rehabilitation or counseling, or upon termination of examination, treatment, or care may be made prior to completion of such travel."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 6, 1960.

[F.R. Doc. 60-6371; Filed, July 6, 1960; 2:48 p.m.]

[1] 24 F.R. 3179; 3 CFR, 1959 Supp., p. 90.

Rules and Regulations

Title 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1961

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, Public Law 85-58, Public Law 85-170, Public Law 85-766, and Public Law 86-532, the provisions of §§ 1101.1000 to 1101.1097 of the 1959 National Agricultural Conservation Program (23 F.R. 5247), as amended, shall be effective for the 1961 National Agricultural Conservation Program for the period July 1, 1960, through December 31, 1961, except for the following changes and such other changes as may hereafter be made:

1. For purposes of the 1961 program, references to the years 1958, 1959, and 1960 (except those in § 1101.1005(b)) shall be construed as references to the years 1960, 1961, and 1962, respectively.

§ 1101.1000 [Amendment]

2. Paragraph (a) of § 1101.1000 is amended, for purposes of the 1961 program, by deleting "continental" preceding "United States," and by adding "(excluding Alaska and Hawaii)" after "United States."

3. Paragraph (a) of § 1101.1002 is amended, for purposes of the 1961 program, to read:

§ 1101.1002 State funds.

(a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1960 distribution. The allocation of funds among the States is as follows:

Alabama	$6,186,000
Alaska	64,000
Arizona	1,596,000
Arkansas	4,975,000
California	5,929,000
Colorado	3,267,000
Connecticut	490,000
Delaware	331,000
Florida	2,821,000
Georgia	7,433,000
Hawaii	183,000
Idaho	1,845,000
Illinois	8,910,000
Indiana	5,800,000
Iowa	9,757,000
Kansas	6,435,000
Kentucky	7,207,000
Louisiana	4,371,000
Maine	987,000
Maryland	1,286,000
Massachusetts	565,000
Michigan	5,189,000
Minnesota	6,285,000
Mississippi	6,657,000
Missouri	$9,160,000
Montana	3,914,000
Nebraska	6,496,000
Nevada	394,000
New Hampshire	543,000
New Jersey	715,000
New Mexico	1,956,000
New York	4,663,000
North Carolina	6,638,000
North Dakota	4,485,000
Ohio	6,138,000
Oklahoma	7,396,000
Oregon	2,315,000
Pennsylvania	4,950,000
Puerto Rico	873,000
Rhode Island	82,000
South Carolina	3,671,000
South Dakota	4,672,000
Tennessee	5,225,000
Texas	20,386,000
Utah	1,386,000
Vermont	1,122,000
Virgin Islands	13,000
Virginia	4,606,000
Washington	2,470,000
West Virginia	1,559,000
Wisconsin	5,639,000
Wyoming	2,160,000

§ 1101.1003 [Amendment]

4. Section 1101.1003 is amended, for purposes of the 1961 program, by changing the period at the end thereof to a colon and adding the following: "*Provided*, That the proportion of the State fund initially allocated to any county for the 1961 program shall not be reduced from the distribution of such fund for a program year to be specified by amendment to this section."

§ 1101.1005 [Amendment]

5. Paragraph (b) of § 1101.1005 is amended, for purposes of the 1961 program, by changing the proviso in the third sentence to read: "*Provided, however*, That notwithstanding other provisions of the 1961 national or State program, no change shall be made in the 1961 program for the county which will have the effect of restricting eligibility requirements or cost-sharing on practices included in either the 1958 or 1959 program for the county, unless such change shall have been recommended by the county committee and approved by the State committee."

§ 1101.1010 [Amendment]

6. Paragraph (a) of § 1101.1010 is amended, for purposes of the 1961 program, by deleting the period after the words "certification of performance" in the second sentence and adding the following: "for all requirements of the practice except those for which a certification by the farmer or rancher is to be accepted in accordance with instructions issued by the Administrator, ACPS."

§ 1101.1015 [Amendment]

7. Section 1101.1015 is amended, for purposes of the 1961 program, by revising the first sentence to read: "Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started, except that for the practices contained in §§ 1101.1092, 1101.1096, and 1101.1097, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording."

8. Section 1101.1026 is amended, for purposes of the 1961 program, to read:

§ 1101.1026 Failure to meet minimum requirements.

Notwithstanding other provisions of the 1961 program, costs may be shared for performance actually rendered even though the minimum requirements for a practice are not met, if the farmer or rancher establishes to the satisfaction of the State and county committees and the State and county representatives of any other agency having responsibility for technical phases of the practice (a) that he made every reasonable effort to meet the minimum requirements, and (b) that the practice as performed adequately meets the conservation problem.

§ 1101.1030 [Amendment]

9. The wording preceding paragraph (a) of § 1101.1030 is amended, for purposes of the 1961 program, to read: "For practices other than the practice contained in § 1101.1097, the sum of the Federal cost-shares computed for any person with respect to any farm or ranch under the Agricultural Conservation Program and the Naval Stores Conservation Program shall be increased as follows:"

10. Paragraph (a) of § 1101.1031 is amended, for purposes of the 1961 program, to read:

§ 1101.1031 Maximum Federal cost-share limitation.

(a) For practices other than the practice contained in § 1101.1097, the total of all Federal cost-shares under the 1961 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Puerto Rico and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

11. Section 1101.1039 is amended, for purposes of the 1961 program, to read:

§ 1101.1039 Filing of false claims.

If the State committee finds that any person has knowingly supplied false information, or has knowingly filed a false claim, including a claim for payment of the Federal cost-share under the program for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not

be eligible for any Federal cost-share under the 1961 program and shall refund all amounts that may have been paid to him under the 1961 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.1045 [Amendment]

12. Paragraph (c) of § 1101.1045 is amended, for purposes of the 1961 program, by deleting the word "continental," by deleting the period following "United States," and by adding "(excluding Alaska and Hawaii)" after "United States."

§ 1101.1048 [Amendment]

13. Section 1101.1048 is amended, for purposes of the 1961 program, by revising paragraph (a)(4) to read: "(4) farms in Alaska, Hawaii, Puerto Rico, and the Virgin Islands."

§ 1101.1097 [Amendment]

14. Paragraph (e) of § 1101.1097 is deleted in its entirety for purposes of the 1961 program.

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended, 72 Stat. 176, 71 Stat. 426, 72 Stat. 994, 74 Stat. 282; 16 U.S.C. 590d, 590g–590q)

Done at Washington, D.C., this 1st day of July 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-6326; Filed, July 7, 1960; 8:52 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (d)(1) of § 6.112 is amended as set out below.

§ 6.112 Department of Commerce.

* * * * *

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed one year: *Provided*, That such appointments may be extended for additional periods of not to exceed one year each; but that after December 31, 1960, this subparagraph shall not be authority for employment in full-time positions for longer than one year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-6344; Filed, July 7, 1960; 8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-354]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1958) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 153 between Wilkes-Barre, Pa., and Syracuse, N.Y., via a VOR to be commissioned approximately July 15, 1960, near Georgetown, N.Y.

Subsequent to the issuance of the notice, the commissioning date of the Georgetown, N.Y., VOR was rescheduled to December 15, 1960, and the geographical coordinates were corrected to latitude 42°47'21" N., longitude 75°49'37" W.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6153 (24 F.R. 10518), "point of INT of the De Lancey, N.Y., VOR 289° radial with the Binghamton, N.Y., VOR direct radial to the Rockdale, N.Y., VOR;" is deleted and "Georgetown, N.Y., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6288; Filed, July 7, 1960; 8:48 a.m.]

[Airspace Docket No. 59-WA-357]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1958) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 149 between Binghamton, N.Y., and Utica, N.Y., via a VOR to be commissioned approximately July 15, 1960, near Georgetown, N.Y.

Subsequent to the issuance of the notice, the commissioning date of the Georgetown, N.Y., VOR was rescheduled to December 15, 1960, and the geographical coordinates were corrected to latitude 42°47'21" N., longitude 75°49'37" W.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 600.6149 (24 F.R. 10518; 25 F.R. 634, 1940) is amended to read:

§ 600.6149 VOR Federal airway No. 149 (Allentown, Pa., to Utica, N.Y.).

From the Allentown, Pa., VORTAC via the INT of the Allentown VORTAC 329° True and the Binghamton, N.Y., VORTAC 167° True radials; Binghamton VORTAC; Georgetown, N.Y., VOR; to the Utica, N.Y., VOR.

This amendment shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6289; Filed, July 7, 1960; 8:48 a.m.]

[Airspace Docket No. 59-WA-358]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1957) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 34 between Ithaca, N.Y., and Wilton, Conn., via a VOR to be commissioned approximately July 15, 1960, near Hancock, N.Y.

Subsequent to the issuance of the notice, the commissioning date of the Hancock, N.Y., VOR was rescheduled to December 15, 1960, and the geographical coordinates were corrected to latitude 42°03'48" N., longitude 75°18'57" W.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6034 (24 F.R. 10510; 25 F.R. 3317) "Binghamton, N.Y., VOR;" is deleted and "Hancock, N.Y., VOR; INT of the Huguenot, N.Y., VORTAC 046° True and the Wilton, Conn., VOR 295° True radials;" is substituted therefor.

This amendment shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6290; Filed, July 7, 1960; 8:48 a.m.]

[Airspace Docket No. 59-WA-359]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1959) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 252 between Huguenot, N.Y., and Binghamton, N.Y.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6252 (24 F.R. 10524), "point of intersection of the Binghamton omnirange 130° radial with the Wilkes-Barre-Scranton, Pa., omnirange direct radial to the point of intersection of the De Lancey, N.Y., omnirange 289° radial with the Binghamton, N.Y., omnirange direct radial to the Rockdale, N.Y., omnirange station;" is deleted.

This amendment shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6291; Filed, July 7, 1960; 8:48 a.m.]

[Airspace Docket No. 60-KC-15]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On April 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3596) stating that the Federal Aviation Agency proposed to modify the north alternate to VOR Federal airway No. 6 between North Platte, Nebr., and Grand Island, Nebr., and the segment of VOR Federal airway No. 172 between North Platte and Wolbach, Nebr.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6006 (24 F.R. 10504, 25 F.R. 582, 5480) "Grand Island, Nebr., VOR, including a north alternate via the point of INT of the North Platte VOR 072° and the Wolbach, Nebr., VOR 266° radials;" is deleted and "Grand Island, Nebr., VOR, including a N alternate via the INT of the North Platte VORTAC 073° True and the Grand Island VOR 288° True radials;" is substituted therefor.

2. In the text of § 600.6172 (24 F.R. 10520) "INT of the North Platte VOR 072° and the Wolbach, Nebr., VOR 266° radials;" is deleted and "INT of the North Platte VORTAC 073° True and the Wolbach VOR 266° True radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6292; Filed, July 7, 1960; 8:48 a.m.]

[Airspace Docket No. 59-NY-58]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas; Designation of Reporting Points

On April 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2806) stating that the Federal Aviation Agency proposed the following actions: modification of VOR Federal airway No. 16 between Kenton, Del., and Coyle, N.J.; modification of VOR Federal airway No. 44 between Price, Md., and Barnegat, N.Y.; modification of VOR Federal airway No. 238 between Woodstown, N.J., and Pomona, N.J.; and designation of the Millville, N.J., VOR, Barnegat, N.J., VOR and Leesburg, N.J., Intersection as Domestic VOR reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6016 (24 F.R. 10507, 25 F.R. 171, 1819, 2388, 3022, 5479) "Kenton, Del., VOR; Coyle, N.J., VOR;" is deleted and "Kenton, Del., VOR; Millville, N.J., VOR; Coyle, N.J., VOR;" is substituted therefor.

2. In § 600.6044 (24 F.R. 9419, 10511), the following changes are made:

(a) In the caption "*(Centralia, Ill., to Baltimore, Md.).*" is deleted and "*(Centralia, Ill., to Barnegat, N.J.).*" is substituted therefor.

(b) In the text "to the point of INT of the Baltimore VOR 097° radial with the Shadyside, Md., VOR direct radial to the Kenton, Del., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Camp Springs, Md. (Andrews AFB) Restricted Area/Military Climb Corridor (R-542) is excluded during this restricted area's time of designation" is deleted and "INT of the Baltimore VOR 097° True radial with the Nottingham, Md., VOR direct radial to the Kenton, Del., VOR; Kenton, Del., VOR; INT of the Kenton VOR 086° True and the Barnegat VOR 233° True radials; to the Barnegat, N.J., VOR. The portion of this airway which lies within the geographical limits of, and between the designated altitudes of, the Warren Grove, N.J., Restricted Area (R-26) is excluded during this restricted area's time of designation." is substituted therefor.

3. In § 600.6238 (24 F.R. 10523), the following changes are made:

(a) In the caption "*(Philipsburg, Pa., to Atlantic City, N.J.).*" is deleted and "*(Philipsburg, Pa., to Pomona, N.J.).*" is substituted therefor.

(b) In the text "to the point of INT of the Woodstown VOR 106° and the Coyle, N.J., VOR 203° radials" is deleted and "to the INT of the Woodstown VOR 106° True and the Barnegat, N.J., VOR 233° True radials." is substituted therefor.

4. In the caption of § 601.6044 (24 F.R. 10599) "*(Centralia, Ill., to Baltimore, Md.).*" is deleted and "*(Centralia, Ill., to Barnegat, N.J.).*" is substituted therefor.

5. In the caption of § 601.6238 (24 F.R. 10603) "*(Philipsburg, Pa., to Atlantic City, N.J.).*" is deleted and "*(Philipsburg, Pa., to Pomona, N.J.).*" is substituted therefor.

6. In the text of § 601.7001 (24 F.R. 10606) "Millville, N.J., VOR; Barnegat, N.J., VOR; Leesburg INT: The INT of the Barnegat, N.J., 233° True and the Kenton, Del., VOR 086° True radials." are added.

These amendments shall become effective 0001 e.s.t. March 9, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D. C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6293; Filed, July 7, 1960; 8:48 a.m.]

[Airspace Docket No. 59-NY-60]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Control Areas; Designation of Reporting Points

On April 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3426) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 139 by designating a segment from Cape Charles, Va., to Sea Isle, N.J., via Snow Hill, Md.; modify VOR Federal airway No. 239 by redesignating the Wildwood, N.J.-Woodstown, N.J., segment from Snow Hill to Woodstown; and modify VOR Federal airway No. 29 by redesignating the Chincoteague, Va.-Salisbury, Md., segment from Snow Hill to Salisbury. Concurrently, the Snow Hill VOR and the Sea Isle VOR are added as designated reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6029 [Amendment]

1. In § 600.6029 (24 F.R. 10510) the following changes are made:

(a) In the caption (*Salisbury, Md., to United States-Canadian Border*) is deleted and (*Snow Hill, Md., to United States-Canadian Border*) is substituted therefor.

(b) In the text "From the Chincoteague, Va., Navy LF radio range station via the Salisbury, Md., Omnirange station;" is deleted and "From the Snow Hill, Md., VOR via the Salisbury, Md., VOR;" is substituted therefor.

2. Section 600.6139 (24 F.R. 10517, 25 F.R. 2360) is amended to read:

§ 600.6139 VOR Federal airway No. 139 (Cape Charles, Va., to Sea Isle, N.J., and Mastic, N.Y., to Boston, Mass.).

From the Cape Charles, Va., VORTAC via the Snow Hill, Md., VOR; to the Sea Isle, N.J., VOR. From the INT of the Riverhead, N.Y., VORTAC 146° True and the Hampton VOR 239° True radials via the Hampton, N.Y., VOR; INT of the Hampton VOR 059° True and the Providence VOR 212° True radials; Providence, R.I., VOR; Whitman, Mass., VOR; INT of the Whitman VOR 041° True and the Boston VORTAC 133° True radials; to the Boston, Mass., VORTAC. The portions of the airway which lie within the geographic limits of, and between the designated altitudes of, the Bethany Beach Restricted Area (R-67) and the Chincoteague Inlet Restricted Area (R-45) are excluded during these areas' times of designation.

3. Section 600.6239 (24 F.R. 10523) is amended to read:

§ 600.6239 VOR Federal airway No. 239 (Sea Isle, N.J., to Boothwyn, Pa.).

From the Sea Isle, N.J., VOR via the Woodstown, N.J., VOR; to the INT of the West Chester, Pa., VORTAC 120° True radial and the Philadelphia, Pa., International Airport ILS localizer SW. course.

§ 601.6029 [Amendment]

4. In the caption of § 601.6029 (24 F.R. 10599) (*Salisbury, Md., to United States-Canadian Border*) is deleted and (*Snow Hill, Md., to United States-Canadian Border*) is substituted therefor.

§ 601.6139 [Amendment]

5. In the caption of § 601.6139 (24 F.R. 10601) "(*Mastic, N.Y., to Boston, Mass.*)" is deleted and "(*Cape Charles, Va., to Sea Isle, N.J., and Mastic, N.Y., to Boston, Mass.*)" is substituted therefor.

§ 601.6239 [Amendment]

6. In the caption of § 601.6239 (24 F.R. 10603) "(*Wildwood, N.J., to Boothwyn, Pa.*)" is deleted and "(*Sea Isle, N.J., to Boothwyn, Pa.*)" is substituted therefor.

§ 601.7001 [Amendment]

7. In the text of § 601.7001 (24 F.R. 10606) "Sea Isle, N.J., VOR." and "Snow Hill, Md., VOR." are added.

These amendments shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6294; Filed, July 7, 1960; 8:49 a.m.]

[Airspace Docket No. 59-WA-355]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1964) stating that the Federal Aviation Agency proposed to modify and extend VOR Federal airway No. 273 and its associated control areas by designating it from the Huguenot, N.Y., VOR via a VOR to be installed approximately July 15, 1960, near Hancock, N.Y., and a VOR to be installed approximately July 15, 1960, near Georgetown, N.Y., to the Syracuse, N.Y., VOR.

Subsequent to the issuance of the notice, the commissioning dates of the Hancock and Georgetown VOR's were rescheduled to December 15, 1960, and the geographical coordinates of their sites were corrected to latitude 42°03'48" N., longitude 75°18'57" W. and latitude 42°47'21" N., longitude 75°49'37" W., respectively.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 600.6273 (24 F.R. 10524) and § 601.6273 (24 F.R. 10604) are amended to read:

§ 600.6273 VOR Federal airway No. 273 (Huguenot, N.Y., to Syracuse, N.Y.).

From the Huguenot, N.Y., VORTAC via the Hancock, N.Y., VOR; Georgetown, N.Y., VOR; to the Syracuse, N.Y., VORTAC.

§ 601.6273 VOR Federal airway No. 273 control areas (Huguenot, N.Y., to Syracuse, N.Y.).

All of VOR Federal airway No. 273.

These amendments shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6295; Filed, July 7, 1960; 8:49 a.m.]

[Airspace Docket No. 59-WA-356]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1964) stating that the Federal Aviation Agency proposed to modify and extend VOR Federal airway No. 428, and its associated control areas, from Ithaca, N.Y., via a VOR to be commissioned approximately July 15, 1960, near Georgetown, N.Y., to Utica, N.Y.

Subsequent to the issuance of the notice, the commissioning date of the Georgetown, N.Y., VOR was rescheduled to December 15, 1960, and the geographical coordinates were corrected to latitude 42°47'21" N., longitude 75°49'37" W.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, §§ 600.6428 (24 F.R. 10527) and 601 (24 F.R. 10605) are amended to read:

§ 600.6428 VOR Federal airway No. 428 (Elmira, N.Y., to Utica, N.Y.).

From the Elmira, N.Y., VOR via the Ithaca, N.Y., VOR; Georgetown, N.Y., VOR; to the Utica, N.Y., VOR.

§ 601.6428 VOR Federal airway No. 428 control areas (Elmira, N.Y., to Utica, N.Y.).

All of VOR Federal airway No. 428.

These amendments shall become effective 0001 e.s.t. January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6296; Filed, July 7, 1960; 8:49 a.m.]

[Airspace Docket No. 59-WA-187]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10915) stating that the Federal Aviation Agency was considering an amendment to § 601.1166 of the regulations of the Administrator which would modify the Mobile, Ala., control area extension.

The notice stated that the present Mobile control area extension is designated within a 25-mile radius of Brookley AFB, with a 25-mile extension to the northwest and that the Federal Aviation Agency was considering a modification to the area that would include additional airspace south of Brookley AFB, bounded on the east by the Pensacola, Fla., control area extension, on the south by Restricted Areas (R-452), (R-153) and Warning Area (W-453), on the west by Long. 88°30'00" W, and on the north by VOR Federal airway No. 22. Further, this modification would provide additional protection to aircraft while operating under IFR conditions when arriving and departing the Brookley AFB. Inadvertently omitted from the Notice was the fact that the present description of the Mobile control area extension excludes that airspace which overlaps Caution Area (C-488).

The Department of the Navy objected to the proposed extension that would overlie Caution Area (C-488).

It was the intent of the proposed modification to include that airspace south of Mobile as control area, bounded on the west by longitude 88°30'00" W., on the south by Restricted Areas (R-452) and (R-153), on the east by the boundary of an area depicted on aeronautical charts as Caution Area (C-488), and on the north by the existing Mobile 25-mile control area extension and Victor 22. Therefore, the Federal Aviation Agency is redesignating the Mobile, Ala., control area extension within a 25-mile radius of Brookley AFB, excluding the portion east of a line extending from latitude 30°21'45" N., longitude 87°47'15" W., northwest to latitude 30°31'00" N., longitude 87°55'00" W., thence along the east shore of Mobile Bay to latitude 30°41'30" N., longitude 87°59'30" W., northeast to latitude 30°50'00" N., longitude 87°48'00" W., thence northeast to latitude 30°52'30" N., longitude 87°45'45" W., and including the airspace south of Mobile bounded on the west by longitude 88°30'00" W., on the northwest by VOR Federal airway No. 22, on the north by the 25-mile radius Mobile control area extension; on the east by a line extending from latitude 30°21'45" N., longitude 87°47'15" W. to latitude 30°15'00" N., longitude 87°41'00" W., and on the south by Restricted Areas (R-452) and (R-153). Although mentioned in the notice, the control area extension 5 miles either side of the 292° True radial of the Mobile VOR extending from the VOR to a point 25 miles northwest, is no longer required in the description since this area beyond the 25-mile radius of Brookley AFB is duplicated in the description of the New Orleans, La., control area extension (§ 601.1025).

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.1166 (24 F.R. 10556) is amended to read:

§ 601.1166 Control area extension (Mobile, Ala.).

Within a 25-mile radius of Brookley AFB, Mobile, Ala., excluding the portion E of a line extending from latitude 30°21'45" N., longitude 87°47'15" W., thence NW to latitude 30°31'00" N., longitude 87°55'00" W., thence along the E shore of Mobile Bay to latitude 30°41'30" N., longitude 87°59'30" W., NE to latitude 30°50'00" N., longitude 87°48'00" W., thence NE to latitude 30°52'30" N., longitude 87°45'45" W.; and including the airspace S of Mobile bounded on the W by longitude 88°30'00" W., on the NW by VOR Federal airway No. 22, on the N by the Mobile 25-mile radius control area extension, on the east by a line extending from latitude 30°21'45" N., longitude 87°47'15" W. to latitude 30°15'00" N., longitude 87°41'00" W., and on the S by Restricted Areas (R-452) and (R-153).

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6283; Filed, July 7, 1960; 8:47 a.m.]

[Airspace Docket No. 60-AN-3]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On April 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3425) stating that the Federal Aviation Agency proposed to modify the Aniak, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 601 (24 F.R. 10530) § 601.2471 is added to read:

§ 601.2471 Aniak, Alaska, control zone.

Within a 5-mile radius of the geographical center of the Aniak Airport (latitude 61°34'50" N., longitude 159° 32'15" W.) and within 2 miles either side of the Aniak RR SW course extending from the 5-mile radius zone to a point 12 miles SW of the RR.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (24 F.R. 10570) "Aniak, Alaska: Aniak Airport." is deleted.

These amendments shall become effective 0001 e.s.t. August 26, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6284; Filed, July 7, 1960; 8:47 a.m.]

[Airspace Docket No. 60-AN-4]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On April 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3423) stating that the Federal Aviation Agency proposed to modify the Annette Island, Alaska, control zone by adding two control zone extensions.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In Part 601 (24 F.R. 10530) § 601.2432 is added to read:

§ 601.2432 Annette Island, Alaska, control zone.

Within a 5-mile radius of the geographical center of the Annette Island Airport (latitude 55°02'30" N., longitude 131°34'05" W.); within 2 miles either side of the Annette Island RR N course extending from the 5-mile radius zone to a point 12 miles N of the RR; and within 2 miles either side of the Annette Island RR S course extending from the 5-mile radius zone to a point 12 miles S of the RR.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (24 F.R. 10370) "Annette Island, Alaska: Annette Island Airport." is deleted.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6285; Filed, July 7, 1960; 8:47 a.m.]

[Airspace Docket No. 60-LA-2]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2592) stating that the Federal Aviation Agency proposed to modify the Salt Lake City, Utah, control area extension.

Although not mentioned in the notice, the segment of VOR Federal airway No. 81 between Grand Junction, Colo., and Salt Lake City is being revoked and redesignated as VOR Federal airway No. 484 in Airspace Docket No. 59-LA-48 which will be effective concurrently with this docket. Action is taken herein to substitute VOR Federal airway No. 484, in lieu of VOR Federal airway No. 81, in the description of the Salt Lake City control area extension.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.1416 (24 F.R. 10568) is amended to read:

§ 601.1416 Control area extension (Salt Lake City, Utah).

That airspace NE, SE, and SW of Salt Lake City bounded by the following VOR Federal airways; beginning at the Salt Lake City VORTAC and extending N along VOR Federal airway No. 21 to the Ogden, Utah, VOR; E along VOR Federal airway No. 6 to the Fort Bridger, Wyo., VOR; SW along VOR Federal airway No. 235 to the INT of VOR Federal airway No. 484; SE along Victor 484 to Myton, Utah, VOR; W along VOR Federal airway No. 200 to the Provo, Utah, VOR; NW along VOR Federal airway No. 253 to the INT of VOR Federal airway No. 32; and E along Victor 32 to the point of beginning.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6286; Filed, July 7, 1960; 8:48 a.m.]

[Airspace Docket No. 60-LA-20]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Control Zone and Control Area Extension

On April 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3087) stating that the Federal Aviation Agency proposed to revoke the Akron, Colo., control zone and control area extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Part 601 (24 F.R. 10530) is amended as follows:

1. Section 601.2041 *Akron, Colo., control zone* is revoked.

2. Section 601.1023 *Control area extension (Akron, Colo.)* is revoked.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6287; Filed, July 7, 1960; 8:48 a.m.]

[Reg. Docket No. 423; Amdt. 172]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. △

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Cottage Grove FM	EUG-LFR	Direct	3100	T-dn	200-1	200-1	200-½
EUG-VOR	EUG-LFR	Direct	2000	C-dn	500-1	500-1½	600-1½
				S-dn-ry-16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side N crs, 356° Outbnd, 176° Inbnd, 2000' within 10 mi, NA beyond 10 mi. (Nonstandard due to terrain.)
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 150—3.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi, turn right and climb to 2000' on N crs of EUG-LFR within 10 mi.
CAUTION: Terrain 1294', 7 mi E of N crs of range, 10.5 mi from range station.

City, Eugene; State, Oreg.; Airport Name, Mahlon Sweet; Elev., 365'; Fac. Class., SBRAZ; Ident., EUG; Procedure No. 1, Amdt. 9; Eff. Date, 16 July 60; Sup. Amdt. No. 8; Dated, 13 Apr. 57

PROCEDURE CANCELLED, EFFECTIVE 16 JULY 60, OR UPON DECOMMISSIONING OF THE LFR.

City, Santa Barbara; State, Calif.; Airport Name, Municipal; Elev., 14'; Fac. Class., SBMRLZ; Ident., SBA; Procedure No. 1, Amdt. 4; Eff. Date, 23 July 55; Sup. Amdt No. 3; Dated 1 Aug. 52

Winslow VOR	INW-LFR	Direct	7000	T-dn	300-1	300-1	300-1
				C-dn	500-2	600-2	600-2
				S-dn-17	°400-1	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn W side N crs, 340° Outbnd, 160° Inbnd, 7000' within 10 mi.
Minimum altitude over facility on final approach crs, 5600'.
Crs and distance, facility to airport, 160°—1.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished with 1.3 mi, climb to 7000' on E crs within 20 mi.
°CAUTION: 940' per minute 110 k.

City, Winslow; State, Ariz.; Airport Name, Municipal; Elev., 4937'; Fac. Class., SBRAZ; Ident., INW; Procedure No. 1, Amdt. 8; Eff Date, 16 July 60; Sup. Amdt. No. 7; Dated, 4 June 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
GTF LFR	LOM	Direct	5700	T-dn°°	300-1	300-1	300-½
GTF VOR	LOM	Direct	5700	C-d	500-1½	500-1½	500-1½
Belt FM	LOM	Direct	5700	C-n	500-2	500-2	500-2
Cascade FM	LOM	Direct	5700	S-d-34	300-1	300-1	300-1
				S-n-34	300-2	300-2	300-2
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved Radar patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6000' within 10 miles. Beyond 10 miles NA. All turns W side of crs. High terrain E.
Minimum altitude over facility on final approach crs, 5000'.
Crs and distance, facility to airport, 341°—6.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles, climb to 6000' on crs of 341° within 20 mi or, when directed by ATC, climb to 5000' on NW crs GTF-LFR within 15 mi.
CAUTION: 3840' MSL towers 1.1 mi SW of airport.
°°300-1 required on runways 11/29.

City, Great Falls; State, Mont.; Airport Name, Great Falls Int'l; Elev., 3671'; Fac. Class., LOM; Ident., GT; Procedure No. 1, Amdt. 3; Eff. Date, 16 July 60; Sup. Amdt. No. 2 (ADF portion comb. ILS-ADF); Dated, 27 Aug. 55

				T-dn	300-1	300-1	300-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise *Lonely Radio* of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted *Lonely Radio*, hold between facility and a point two minutes out on final approach course at least 1,000 feet above procedure turn altitude and 1,000 feet above previously reported traffic until advised that aircraft making approach has landed. Keep *Lonely Radio* advised at all times of changes in altitude and position in order that other aircraft may also receive this information.

NOTE: Instrument approach to be conducted in accordance with USAF AL-2305-ADF. Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for authorizing organizations.

City, Kolovik; State, Alaska; Airport Name, Lonely Aerodrome; Elev., 29'; Fac. Class., H; Ident., LNI; Procedure No. 1, Amdt. Orig.; Eff. Date, 16 July 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lafayette VOR	LFT RBn	Direct	1200	T-dn*	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 180° outbnd, 360° inbnd, 1200' within 10 mi. Beyond 10 mi NA. Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 700'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mi climb to 1300' on crs of 360° within 10 mi.
CAUTION: 400' TV Tower 3.0 mi WNW airport.
*700-1 required for take-offs on Runway 36.

City, Lafayette; State, La.; Airport Name, Lafayette; Elev., 43'; Fac. Class., BMH; Ident., LFT; Procedure No. 1, Amdt. 2; Eff. Date, 16 July 60; Sup. Amdt. No. 1; Dated, 22 Nov. 58

				T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise *Oliktok Point* of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted *Oliktok Point*, hold between facility and a point two minutes out on final approach course at least 1,000 feet above procedure turn altitude and 1,000 feet above previously reported traffic until advised that aircraft making approach has landed. Keep *Oliktok Point* advised at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTE: Instrument approach to be conducted in accordance with USAF AL-2304-ADF. Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for authorizing organizations.

City, Oliktok Point; State, Alaska; Airport Name, Oliktok Point Aerodrome; Elev., 16'; Fac. Class., H; Ident., OLI; Procedure No. 1, Amdt. Orig.; Eff. Date, 16 July 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Maxwell Int (via R-224 PMM)	Int R-266 ELX and R-224 PMM	Direct	1600	T-dn	60-1	300-1	200-½
Int R-271 ELX and R-338 SBN (via R-338 SBN).	Int R-266 ELX and R-338 SBN	Direct	1600	C-dn	400-1	400-1	400-1½
				S-dn-9	400-1	400-1	400-1
Int R-338 ELX and R-338 SBN	Int* (Final)		1600	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 1900' within 10 miles of Int*.
Minimum altitude over Int*, 1600'.
Crs and distance, Int*, 089—3.3.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles of Int*, climb to 2000' on R-266 ELX, proceed to ELX, contact SBN radio for further instructions.
ADVISORY NOTE: Close flight plan with South Bend radio at minimum approach altitude or by long distance phone immediately upon landing.
*Int R-266 ELX and R-338 SBN.

City, Benton Harbor; State, Mich.; Airport Name, Ross Field; Elev., 642'; Fac. Class., BVOR; Ident., ELX; Procedure No. 2, Amdt. 2; Eff. Date, 16 July 60; Sup. Amdt. No. 1; Dated, 16 Nov. 57

GTF LFR	VOR	Direct	5500	T-dn*	300-1	300-1	200-½
GTF LOM	VOR	Direct	5500	C-dn	500-1	500-1	500-1½
Belt FM	VOR	Direct	5500	S-dn-21	500-1	500-1	500-1
Cascade FM	VOR	Direct	5500	A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved Radar patterns.
Procedure turn N side of crs, 026° Outbnd, 206° Inbnd, 5100' within 15 miles.
Minimum altitude over facility on final approach crs, 4600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 6000' on R-252 within 12 mi or, when directed by ATC, turn right, climb to 7000' on R-312 within 15 mi.
CAUTION: 4068' stacks 4.5 mi NE of airport.
*800-1 required on Runways 11-29.
#Descent to landing minimums authorized after passing 4 mi radar fix. If radar fix not received, ceiling minima of 900' apply.

City, Great Falls; State, Mont.; Airport Name, Great Falls Int'l.; Elev., 3671'; Fac. Class., BVOR; Ident., GTF; Procedure No. 2, Amdt. Orig.; Eff. Date, 16 July 60

Lafayette RBn	LFT VOR	Direct	1200	T-dn*	300-1	300-1	200-½
				C-dn#	400-1	500-1	500-1½
				S-dn-1	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 162° Outbnd, 342° Inbnd, 1200' within 10 mi. Beyond 10 mi NA. Procedure turn nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 342°—4.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi, climb to 1300°° on R-360 within 15 mi or, when directed by ATC, turn right, climb to 1300' on R-067 within 20 mi.
CAUTION: 2024' TV Tower 2.6 miles WNW airport. °°526' TV tower 7 mi NW or airport, 6 mi from centerline R-360.
*800-1 required for take-offs on Runway 29.

City, Lafayette; State, La.; Airport Name, Lafayette; Elev., 43'; Fac. Class., BVOR; Ident, LFT; Procedure No. 1, Amdt. 4; Eff. Date, 16 July 60; Sup. Amdt. No. 3; Dated 27 Dec. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Eugene LFR	EUG-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Cottage Grove FM	EUG-VOR	Direct	3100	C-dn	800-1	800-1	800-1½
				S-dn-16	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn °E side of crs, 347° Outbnd, 167° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, breakoff point to Rny 16, 156°—0.35 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right climbing turn. Climb to 2000' on R-347 within 10 miles.
*Nonstandard due to terrain.

City, Eugene; State, Oreg.; Airport Name, Mahlon Sweet; Elev., 365'; Fac. Class., M-BVORTAC; Ident., EUG; Procedure No. TerVOR-16, Amdt. 1; Eff. Date, 16 July 60; Sup. Amdt. No. Orig.; Dated, 1 Nov. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Morton Int	Indian Int*	Vis Radar Vector.	2000	T-dn	300-1	300-1	200-½
				C-dn	400-1	400-1	400-1½
				S-dn-32R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn NA. All maneuvering to ILS final approach crs of 315° I-OHA must be under ORD ASR control.
No glide slope, markers or compass locators.
Minimum altitude over Indian Int* on final approach crs, 2000'.
Crs and distance, Indian Int* to Runway 32R, 315°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 mi after passing Indian Int*, make immediate right turn, climb to 2600' and proceed to OBK-VOR via OBK R-170 or, when directed by ATC, (1) climb to 3600', proceed to Spring Lake Int via ORD R-300; (2) climb to 2500', proceed to OHA LOM.
NOTES: Arrival radar at O'Hare and departure radar at Midway must be operative.
Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on inbnd approach crs, inbnd to Indian Int. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired.
*Indian Int: Int R-061 APL-VOR and SE crs ILS I-OHA.

City, Chicago; State, Ill.; Airport Name, O'Hare Int'l; Elev., 657'; Fac. Class., ILS; Ident, I-OHA; Procedure No. ILS-32R, Amdt. Orig.; Eff. Date, 16 July 60

GTF LFR	LOM	Direct	5700	T-dn**	300-1	300-1	200-½
GTF VOR	LOM	Direct	5700	C-d	500-1	500-1	500-1½
Belt FM	LOM	Direct	5700	C-n	500-1½	500-1½	500-1½
Cascade FM	8 crs ILS	071°—12	6000	S-dn-34	200-½	200-½	200-½
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring utilizing Great Falls Radar authorized in accordance with approved Radar patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6000' within 10 miles. NA beyond 10 mi. All turns West side of course—high terrain East.
Minimum altitude at G.S. int inbnd, 5700'.
Altitude of G.S. and distance to approach end of rny at OM 5700'—6.5, at MM 3900'—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 6000' on N crs ILS (341°) LOM within 20 miles or, when directed by ATC, climb to 8000' on NW crs GTF-LFR or R-312 GTF within 15 mi.
CAUTION: 3840' MSL LFR towers 1.1 miles SW of airport.
**300-1 required for runways 11-29.

City, Great Falls; State, Mont.; Airport Name, Great Falls Int'l; Elev., 3671'; Fac. Class., ILS; Ident., GTF; Procedure No. ILS-34, Amdt. 3; Eff. Date, 16 July 60; Sup. Amdt. No. 2 (ILS portion of Comb. ILS-ADF); Dated, 27 Aug. 55

Excelsior Int	LOM	Direct	2900	T-dn	300-1	300-1	200-½
FGT-VOR	LOM	Direct	2900	C-dn	500-1	500-1	500-1½
St. Paul Int	LOM	Direct	2900	S-dn-4	200-½	200-½	200-½
MSP VOR	LOM	R-145	2500	A-dn	800-2	800-2	800-2
MSP LFR	LOM	Direct	2300				
Int I-APL localizer and FGT VOR R-256	LOM (Final)	030°—6.9	2200				
All sectors of radar site within 20 mi	LOM	As directed by ATC.	2600				

Procedure turn South side of crs, 319° Outbnd, 039° Inbnd, 2600' within 10 mi.
Minimum altitude at G.S. Int Inbnd, 2100'.
Altitude of G.S. and distance to approach end of Runway at OM, 2089'—4.8 mi; at MM. 1025'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on NE crs ILS within 20 miles.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis St. Paul Int'l; Elev., 840'; Fac. Class., ILS; Ident., I-APL; Procedure No. ILS-4, Amdt. 2; Eff. Date, 16 July 60; Sup. Amdt. No. 1; Dated, 18 July 59

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar site	Within 20 mi	2500	T-dn-33	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-33	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2500' and proceed direct to Hood VOR or Hood RBn.

NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 922'; Fac. Class., Fort Hood AAF; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 16 July 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 16, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-5708; Filed, July 7, 1960; 8:45 a.m.]

[Reg. Docket No. 433; Amdt. 173]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR, Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 28 JULY 1960 OR UPON DECOMMISSIONING OF AKRON LFR.

City, Akron; State, Ohio; Airport Name, Akron Airport; elev., 1051'; Fac. Class., SBMRLZ; Ident., AKR; Procedure No. 1, Amdt. 4; Eff. Date, 11 Aug. 55; Sup. Amdt. No. 3; Dated, 12 Nov. 54

PROCEDURE CANCELLED, EFFECTIVE 28 JULY 1960 OR UPON DECOMMISSIONING OF AKRON LFR.

City, Akron; State, Ohio; Airport Name, Akron Airport; Elev., 1051'; Fac. Class., SBMRLZ; Ident., AKR; Procedure No. 2, Amdt. 1; Eff. Date, 11 Aug. 56; Sup. Amdt. No. Orig.; Dated, 12 Nov. 54

All directions				T-dn*	300-1	300-1	300-1
Shuttle East crs, 032° Outbnd, 212° Inbnd, 4000' within 25 mi.				C-dn**	500-2	500-2	500-2
				S-dn-25	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn N side E crs, 032° Outbnd, 212° Inbnd, 1800' within 10 miles.

CAUTION: *Proceed to Kodiak LFR immediately after takeoff from all runways. Takeoff from Runways 25 and 28 not authorized. **Maneuvering for approach to Runways 10, 25, 28, and 36 to be accomplished east of airport. Circling approach to Runways 7 and 10 not authorized. Terrain within 1.5 nautical miles—North 1152', West 2488', South 1602'.

NOTE: Airport closed to all civil air traffic except in an emergency or when given special authorization by U.S. Navy.

City, Kodiak; State, Alaska; Airport Name, Kodiak U.S. Naval Station; Elev., 77'; Fac. Class., SBRAZ; Ident., NHB; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 July 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ABI VOR	LOM	Direct	3800	T-dn	300-1	300-1	200-½
ABI LFR	LOM	Direct	3800	C-dn	400-1	500-1	500-1½
				S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of S crs, 170° outbnd, 350° inbnd, 3800' within 10 miles. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 3200'.
Crs and distance, facility to airport, 350°—6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing LOM, climb to 3100' on crs 350° within 20 miles or, when directed by ATC, turn right, climb to 3200' on R-085 of ABI-VOR.
CAUTION: Towers 2032' msl 2.6 mi WNW, 2115' msl 5.2 mi NW, 2067' msl 6.8 mi NW, 2685' msl 8.7 mi SSE, 2778' msl 7.9 mi SSW.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778'; Fac. Class., LOM; Ident., AB; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 July 60

Int Navarre R-048 and 270° brng to LOM	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Navarre VOR	LOM (Final)	Direct	2300	C-dn	400-1	500-1	500-1½
Int Navarre R-322 and 090° brng to LOM	LOM	Direct	2500	S-dn-1	400-1	400-1	400-1
Int Navarre R-282 and 062° brng to LOM	LOM	Direct	2500	A-dn	800-2	800-2	800-2
Akron VOR direct to LOM	LOM	Direct	2500				

Procedure turn East side of crs 186° Outbnd, 006° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 006°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2800' direct to Akron HW or, when directed by ATC, make a right climbing turn and return to LOM at 2500'.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1228'; Fac. Class., LOM; Ident, CA; Procedure No. 1, Amdt. 12; Eff. Date, 23 July 60; Sup. Amdt. No. 11; Dated, 18 June 60

AMA VOR	TDW RBn	Direct	5000	T-dn	300-1	300-1	200-½
AMA LFR	TDW RBn	Direct	5000	C-dn	600-1	600-1	600-1½
Soney Int	TDW RBn	Direct	5000	S-dn-3	600-1	600-1	600-1
Bivins Int	TDW RBn	Direct	5300	A-dn	800-2	800-2	800-2
Claude Int	TDW RBn	Direct	5000				
Palo Duro Int	TDW RBn	Direct	4900				
Tower Int	TDW RBn	Direct	5300				
Sam Int	TDW RBn	Direct	5300				
Westside Int	TDW RBn	Direct	5000				

Procedure turn S side of crs 215° Outbnd, 035° Inbnd, 5000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 4600'.
Crs and distance, facility to airport, 035°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi after passing TDW RBn, climb to 4900' on crs 035° within 20 miles.
CAUTION: Towers 3994' msl 3.4 mi SW; 3886' msl 2.1 mi SW; 3855' msl 2.7 mi SSW of airport.

City, Amarillo; State, Tex.; Airport Name, AFB/Municipal; Elev., 3604'; Fac. Class., MHW; Ident., TDW; Procedure No. 1, Amdt. 3; Eff. Date, 23 July 60; Sup. Amdt. No. 2; Dated, 23 Apr. 60

				T-dn	300-1	300-1	200-½
				C-dn	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Instrument approach to be conducted in accordance with USAF AL-2306-ADF.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for authorizing organizations.
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise *Barter Island* of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted *Barter Island*, hold between facility and a point two minutes out on final approach course at least 1,000 feet above procedure turn altitude and 1,000 feet above previously reported traffic until advised that aircraft making approach has landed. Keep *Barter Island* advised at all times of changes in altitude and position in order that other aircraft may also receive this information.

City, Barter Island; State, Alaska; Airport Name, Barter Island Aerodrome; Elev., 8'; Fac. Class., H; Ident., BTI; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 July 60

				T-dn	300-1	300-1	200-½
				C-dn	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Instrument approach to be conducted in accordance with USAF AL-2307-ADF.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for authorizing organizations.
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise *Flaxman Island Radio* of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted *Flaxman Island Radio*, hold between facility and a point two minutes out on final approach course at least 1,000 feet above procedure turn altitude and 1,000 feet above previously reported traffic until advised that aircraft making approach has landed. Keep *Flaxman Island Radio* advised at all times of changes in altitude and position in order that other aircraft may also receive this information.

City, Bullen Point; State, Alaska; Airport Name, Flaxman Aerodrome; Elev., 16'; Fac. Class., H; Ident., FXM; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 July 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ontario VOR	LOM	Direct	4000	T-dn	300-1	300-1	200-½
Fontana FM/Int	LOM	Direct	5000	C-dn	500-1	500-1	500-1½
RIV LFR	Colton RBn	Direct	4200	S-dn-25	400-1	400-1	400-1
Colton RBn	LOM (Final)	Direct	2800	A-dn	800-2	800-2	800-2
Int 075° crs to LOM and SE crs BUR LFR	LOM	Direct	4000				

Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved Radar patterns.
Procedure turn E side of crs, 075° Outbnd, 255° Inbnd, 3200′ within 5 mi. NA beyond NW crs RIV–LFR.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 255°—6.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 mi after passing LOM, climb to 3000′ on crs of 255° within 8 mi.
*Nonstandard due to terrain.

City, Ontario; State, Calif.; Airport Name, International; Elev., 952′; Fac. Class., LOM; Ident., ON; Procedure No. 1, Amdt. 11; Eff. Date, 23 July 60; Sup. Amdt. No. 10; Dated, 9 Jan. 60

				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Instrument approach to be conducted in accordance with USAF AL–2303–ADF.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for authorizing organizations.
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise *Point Lay Radio* of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted *Point Lay Radio*, hold between facility and a point two minutes out on final approach course at least 1,000 feet above procedure turn altitude and 1,000 feet above previously reported traffic until advised that aircraft making approach has landed. Keep *Point Lay Radio* advised at all times of changes in altitude and position in order that other aircraft may also receive this information.

City, Point Lay; State, Alaska; Airport Name, Point Lay Aerodrome; Elev., 20′; Fac. Class., H; Ident., PIZ; Procedure No. 1, Amdt. Orig.; Eff. Date, 23 July 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Monroe LFR	MLU-VOR	Direct	1300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1400′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 035°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, climb to 1400′ on R–035 within 10 miles*.
CAUTION: 989′ TV antenna located 3.7 miles WNW of airport.
AIR CARRIER NOTE: No reduction in take-off minimums for cargo and ferry flights authorized on Runways 4, 9, 13, 31, and 35.
*No control area beyond 10 miles.

City, Monroe; State, La.; Airport Name, Selman Field; Elev., 70′; Fac. Class., BVORTAC; Ident., MLU; Procedure No. 1, Amdt. 3; Eff. Date, 23 July 60; Sup. Amdt. No. 2; Dated, 25 Apr. 59

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ABI-VOR	LOM	Direct	3900	T-dn	300-1	300-1	200-½
ABI-VOR	LOM	Direct	3900	C-dn	400-1	500-1	500-1½
				S-dn-35°	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side of S crs, 170° outbnd, 350° inbnd, 3200′ within 10 miles. Beyond 10 miles NA.
Altitude of glide slope and distance to apprt end of Rnwy at OM, 3753′—6.0 mi; at MM, 2007′—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3100′ on N crs of ILS within 20 miles or, when directed by ATC, turn right, climb to 3200′ on R–035 of ABI–VOR.
CAUTION: Towers 3699′ msl 5.7 mi SSE, 2778′ msl 7.9 mi SSW, 2032′ msl 2.6 mi WNW, 2115′ msl 5.2 mi NW, 2067′ msl 6.8 mi NW.
*400–1 required when glide slope not utilized. 3° glide slope.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., ILS; Ident., I-ABI; Procedure No. ILS–35, Amdt. Orig.; Eff. Date, 23 July 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Talmadge Int	Derby Int (Final)	Direct	2800	T-dn	300-1	300-1	200-½
Medina Int	Derby Int	Direct	2800	C-dn	400-1	500-1	500-1½
Akron-Canton LOM	Derby Int	Direct	2800	S-dn-19	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side N crs, 006° Outbnd, 186° Inbnd, 2800′ within 10 mi of Derby Int. (nonstandard due to traffic).
No glide slope markers or compass locators. Descent to airport minimums after passing Derby Int—2800′ over Derby Int; 5.8 mi from Derby Int. to Runway 19.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 mi after passing Derby Int, climb to 2300′ (or to a higher altitude when requested by ATC) on S crs ILS to LOM.
Major change: Deletes transition from Akron LFR.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1228′; Fac. Class., ILS; Ident., CAK; Procedure No. 2, Amdt. 5; Eff. Date, 23 July 60; Sup. Amdt. No. 4; Dated, 2 Apr. 55

AMA-VOR	LOM	Direct	5000	T-dn	300-1	300-1	200-½
AMA-LFR	LOM	Direct	5000	C-dn	400-1	500-1	500-1½
Borger Int	LOM	Direct	5000	S-dn-03	200-½	200-½	200-½
Bivins Int	LOM	Direct	5300	A-dn	600-2	600-2	600-2
Canyon Int	LOM	Direct	4800				
Claude Int	LOM	Direct	5000				
Finley Int	LOM	Direct	5000				
Palo Duro Int	LOM	Direct	4900				
Plank Int	LOM	Direct	5300				
Sam Int	LOM	Direct	5300				
Tower Int	LOM	Direct	5300				
W Side Int	LOM	Direct	5000				

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000′ within 10 mi.
Altitude of glide slope and distance to approach end of Rnwy at OM, 5000′—5.0 mi; at MM, 3815′—0.6 mi.
Minimum altitude at G.S. interception inbnd on final, 5000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4900′ on NE crs ILS within 20 miles.
CAUTION: Towers 3094′ msl 3.4 mi SW; 3886′ msl 2.1 mi SW; 3885′ msl 2.7 mi SW of airport.

City, Amarillo; State, Tex.; Airport Name, Amarillo AFB/Mun.; Elev., 3604′; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS–3, Amdt. 2; Eff. Date, 23 July 60; Sup Amdt. No. 1; Dated, 18 June 60

Ontario VOR	LOM	Direct	4000	T-dn	300-1	300-1	200-½
Fontana FM/Int	LOM	Direct	5000	C-dn	500-1	500-1	500-1½
Riverside LFR	Colton RBn	Direct	4200	S-dn-25	200-½	200-½	200-½
Colton RBn	LOM (Final)	Direct	2800	A-dn	600-2	600-2	600-2
Int W crs ILS and SE crs BUR LFR	LOM	Direct	4000				

Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved Radar patterns.
Procedure turn S side of crs, 075° Outbnd, 255° Inbnd, 3200′ within 5 mi of LOM. NA beyond NW crs RIV LFR.
Minimum altitude at glide slope int inbnd, 2800′.
Altitude of glide slope and distance to approach end of Runway at LOM, 2806′—6.2 mi; at MM, 1120′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on W crs within 8 miles.
*Nonstandard due to terrain.

City, Ontario; State, Calif.; Airport Name, International; Elev., 952′; Fac. Class., ILS; Ident., I-ONT; Procedure No. ILS–25, Amdt. 11; Eff. Date, 23 July 60; Sup. Amdt. No. 10; Dated, 10 Jan. 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 22, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–5891; Filed, July 7, 1960; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—CONTROL OF SOURCE MATERIAL

Exempted Products; Uranium

The following amendment is designed to relieve persons receiving or possessing uranium contained in aircraft counterweights installed in aircraft from the necessity of obtaining a specific license from the Atomic Energy Commission authorizing such receipt or possession. Under the amendment to § 40.60, the uranium in such counterweights is exempted from the specific licensing requirement of § 40.10 relating to transfers, deliveries and receipt of possession or title. The Commission has found that the transfer, delivery and receipt of possession or title to uranium in such products involve unimportant quantities of source material within the meaning of section 62 of the Atomic Energy Act of 1954, as amended, which are not of significance to the common defense and security, and that such activities can be conducted without adversely affecting public health and safety.

Inasmuch as this amendment is intended to relieve from rather than to impose restrictions under regulations currently in effect and will not adversely affect the public health and safety, the Commission has found that general notice of proposed rule making and public procedure thereon are unnecessary and good cause exists why this amendment should be made effective without the customary period of notice and upon publication in the FEDERAL REGISTER.

Effective upon publication in the FEDERAL REGISTER, Part 40, Title 10, Code of Federal Regulations, "Control of Source Material," is hereby amended as follows:

Section 40.60 *Schedule I: Exempted products* is amended to include an additional exempted product by the addition of the following new paragraph (i):

(i) Uranium contained in aircraft counterweights installed in aircraft; provided that any such counterweight has been impressed with a statement, clearly legible after plating, which states "Caution-Radioactive Material-Uranium; and provided further that the exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, metallurgical or other treatment or

processing of any such counterweight or the installation in, or removal from, an aircraft of any such counterweight, without a specific license from the Commission.

Dated at Germantown, Md., this 30th day of June 1960.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 60-6266; Filed, July 7, 1960; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 201—DISTILLED SPIRITS PLANTS

Correction

In F.R. Doc. 60-5982, appearing at page 6052 of the issue for Thursday, June 30, 1960, the following corrections are made:

1. In item 1 of the preamble which immediately precedes the codified portion of the document, the reference "235.250 through 235.261" should read "235.50 through 235.61".

2. In § 201.368(a), the phrase "of 1% degrees" should read "of 190 degrees".

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. P.L. 26 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Additions, Deletions and Substitutions

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity description
82596	Synthetic resin film and sheeting, except laminated, and except scrap (including printed, embossed, plastished, or otherwise treated surfaces): Oriented polystyrene film, 0.01 inch or less in thickness.

This item of the amendment shall become effective as of June 30, 1960.

2. The following commodities are added to the Positive List.

[1] This amendment was published in Current Export Bulletin 335, dated June 30, 1960.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Steel ingots, blooms, billets, slabs, sheet bars, and tinplate bars:					
60172	Ingots, alloy steel, special types only [14] [15]	S. ton	STEE 3	100	RO	AE-7
60172	Ingots, nickel-bearing stainless steel, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium [3] [5] [14]	S. ton	STEE 4	100	RO	E-7
60173	Billets, blooms, slabs, and sheet bars, alloy steel, special types only. [14] [15]	S. ton	STEE 3	100	RO	AE-7
60178	Billets, blooms, slabs, and sheet bars, nickel-bearing stainless steel, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	S. ton	STEE 4	100	RO	E-7
60181	Tube rounds, alloy steel, special types only [14] [15]	S. ton	STEE 3	100	RO	AE-7
60181	Tube rounds, nickel-bearing stainless steel, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	S. ton	STEE 4	100	RO	E-7
60185	Skelp, alloy steel, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-7
60185	Skelp, nickel-bearing stainless steel, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-7
60187	Wire rods, alloy steel, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60187	Wire rods, nickel-bearing stainless steel, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
	Iron and steel bars and bar size rods and shapes, hot-rolled, except tool steel and concrete reinforcement bars (all regular bars, including bars in coils or cut lengths, and special sections and bar shapes with cross-sectional dimension of under 3 inches). [Report tool steel bars in 60270; concrete reinforcement bars in 60290; and special sections and bar shapes with cross-sectional dimension of 3 inches and over in 60730 and 60735]:					
60230	Stainless steel bars, hot-rolled, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60230	Nickel-bearing stainless steel bars, hot-rolled, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
	Steel bars and bar size rods and shapes, cold-finished, except tool steel and concrete reinforcement bars (all cold-drawn or cold-rolled flats and rounds, including bars in coils or cut lengths, and special sections and bar shapes with cross-sectional dimension of under 3 inches). [Report tool steel bars in 60270; concrete reinforcement bars in 60280; and special sections and bar shapes with cross-sectional dimension of 3 inches and over, in 60730 and 60735]:					
60260	Stainless steel bars, coal-finished, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60260	Nickel-bearing stainless steel bars, cold-finished, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
	Steel sheets, black (including painted):					
60320	Stainless steel sheets, hot-rolled, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60320	Nickel-bearing stainless steel sheets, hot-rolled, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
60335	Stainless steel sheets, cold-rolled, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
60735	Structural shapes and piling: Structural shapes, not fabricated, alloy steel, special types only. [14] [15]	S. ton	STEE 3	100	RO	AE-6
60735	Nickel-bearing stainless steel structural shapes, not fabricated, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	S. ton	STEE 4	100	RO	E-6
60815	Steel wire, n.e.c. (all round, shaped, and flat wire regardless of use) [Report steel fencing and netting in 61946; and electrical insulated wire and cable in 76072-76090]: Uncoated, stainless steel wire, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60815	Uncoated nickel-bearing stainless steel wire, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
60821	Coated wire, alloy steel, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60821	Coated wire, nickel-bearing stainless steel chief value, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
61055	Castings, rough cast, n.e.c. (except railway car wheel castings) [Report railway car wheel castings in 60670]: Stainless steel castings, special types only, except grinding balls. [14] [15]	Lb.	STEE 3	100	RO	AE-6
61055	Nickel-bearing stainless steel castings, except grinding balls, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
61065	Forgings, rough and semifinished: Forgings, alloy steel, special types only, except grinding balls. [14] [15]	Lb.	STEE 3	100	RO	AE-6
61065	Nickel-bearing stainless steel forgings, except grinding balls, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
61890	Fabricated steel products: Perforated sheets, alloy steel, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
61890	Nickel-bearing stainless steel perforated sheets, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
70362	Electrical quantity indicating instruments (electrical or electronic type), nonrecording, n.e.c.: Electrical quantity indicating instruments having either of the following characteristics: (a) designed to operate at frequencies exceeding 500 megacycles; or (b) rated to maintain their specific operating data when operating over a range of ambient temperatures extending from below −55° C. to above +55° C. (Specify by name and model number.) (3) [14] [17]	No.	ELME 3	100	RO	A
70370	Electrical quantity recording instruments (electrical or electronic type), n.e.c.: Electrical quantity recording instruments having either of the following characteristics: (a) designed to operate at frequencies exceeding 500 megacycles; or (b) rated to maintain their specific operating data when operating over a range of ambient temperatures extending from below −25° C. to above +55° C. (Specify by name and model number.) (3) [14] [17]	No.	ELME 3	100	RO	A
60335	Steel sheets, black (including painted)—Con. Nickel-bearing stainless steel sheets, cold-rolled, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
60335	Electrical (silicon) steel sheets and strip, as follows: (a) grain-oriented, with a core loss of 0.46 watts per pound at 13,000 gauses and 60 cycles per second (0.026 watts per pound at 15,000 gauses and 60 cycles per second) or less; or (b) with a thickness of 0.013 inches (.31 mm.) or less; or (b) grain-oriented with a thickness of 0.006 inches (.2 mm.) or less, regardless of core loss characteristics. (Specify thickness in decimal parts of an inch and the core loss in watts per pound and at 60 cycles per second.) [Report stampings in 70097.] [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
60335	Other electrical (silicon) steel sheets and strip, as follows: (a) with a core loss of 0.46 watts per pound at 13,000 gauses and 60 cycles per second (0.62 watts per pound at 15,000 gauses and 60 cycles per second) or less; or (b) with a thickness of 0.004 inches or less regardless of core loss characteristics. (Specify thickness in decimal parts of an inch and the core loss in watts per pound at flux density of either 13,000 or 15,000 gauses and at 60 cycles per second.) [Report stampings in 70097.] [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
60360	Steel strip, coated or uncoated, except electrical [Report electrical steel strip in 60335]: Stainless steel strip, hot-rolled, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60360	Nickel-bearing stainless steel strip, hot-rolled, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
60360	Stainless steel strip, cold-rolled, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60360	Nickel-bearing stainless steel strip, cold-rolled, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
60365	Pipe, tubes, and tubing, n.e.c., new and used (except for scrap or redrawing) [Report pipe assemblies specially fabricated for particular machines or equipment in 70105; tubes for redrawing in 6006; and pipe fittings in 61940-61962]: Pipe and tubing, stainless steel, special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60365	Pipe and tubing, nickel-bearing stainless steel, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6
60720	Steel plates (hot- or cold-rolled) not fabricated, except armor plates: Stainless steel plates (including stainless-clad plates), special types only. [14] [15]	Lb.	STEE 3	100	RO	AE-6
60720	Nickel-bearing stainless steel plates (including stainless-clad plates), as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 25 percent or more of alloying elements but no columbium, tantalum, or titanium. [3] [5] [14]	Lb.	STEE 4	100	RO	E-6

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
74490	Rolling mill machines, nt.—Continued Other metal rolling mills, sheet, plate, strip, or foil (other than aluminum foil mills), more than 3 rolls high (including cluster mills) capable of rolling steel (alloy or nonalloy) longitudinal contour control by one or more of the following methods or means: (a) having work rolls with a ratio of mill face length to diameter exceeding 6:1 with roll face length up to and including 60 inches; or exceeding 4:1 for roll face length over 60 inches; or exceeding 4:1 for roll diameter of back-up rolls, slabs or work rolls; (b) incorporating closed loop electronic continuous gauge controls; (c) by use of control transducers for measuring and automatically maintaining specified shape or flatness of any other feature for achieving specified lateral and/or longitudinal contour controls comparable to (a) through (c) above. (1, 2, and 5) [3] [11]	------	TOOL 6	500	R RO	A
74490	Other plate rolling mills. (1, 2, and 5) [3]	------	TOOL 6	500	RO	
74490	Other continuous cold sheet and strip mills of over 3 but less than three-high roll stands. (1, 2, and 5) [3]	------	TOOL 6	500	RO	
74490	Other continuous four-high hot strip and sheet mills. (1, 2 and 5) [3]	------	TOOL 6	500	R	A
74490	Parts and accessories, except work rolls, specially fabricated for the types of rolling mills included on the Positive List under Schedule B No. 74490 for which a validated license is required, which are not subject to the IO/DV procedure. (Specify type of mill.) (5 and 7) [3] [11]	------	TOOL 6	500	RO	
74490	Parts and accessories, except work rolls, specially fabricated for the types of rolling mills included on the Positive List under Schedule B No. 74490 for which a validated license is required, which are not subject to the IO/DV procedure. (Specify type of mill.) (5 and 7) [11] [12]	------	TOOL 6	500	R	
74490	Parts and accessories, except work rolls, specially fabricated for the types of rolling mills included on the Positive List under Schedule B No. 74490 for country destinations only. (Specify type of mill.) (5 and 7) [3]	------	TOOL 6	500	R	
74490	Metal rolling mills with work rolls supported by multiple back-up rolls or bearings (for example, Sendzimir cold mills).	------	TOOL 5	500	RO	A
74490	Metal rolling mills with multiple work rolls backed-up by rolls (for example, Sendzimir hot mills).	------	TOOL 5	500	RO	
74490	Metal sheet, plate, strip, or foil mills (other than aluminum foil mills), hot or cold, having automatic work roll adjustment controls for tapering or 2 and 3 dimensional profiles. (1, 2, and 5) [3] [11]	------	TOOL 5	500	RO	A
74490	Metal rolling mills (all types) specially designed or redesigned for rolling of metals and alloys with melting point exceeding 1900° C. (3000° F.) (1, 2, and 5) [3] [11]	------	TOOL 5	500	RO	
70672	Signal generators: Radio frequency having either of the following characteristics: (a) designed to operate at frequencies exceeding 600 megacycles; or (b) rated to maintain their specified operating data when operating over a range of ambient temperatures exceeding (from below −55° C. to above +125° C.) (1) specify by range or limit; (2) [11]	No.	ELME 3	100	RO	A
70840	Electronic equipment, n.e.c., and parts: Electron tubes and parts: Electron tubes, n.e.c., except rectifier bulbs for automotive battery chargers; Geiger-Mueller counter tubes; proportional counter tubes; and cold-cathode control tubes, types listed in § 399.3, Interpretation 14. (Specify type numbers and quantity of each type.) (6) [11]	No.	RARA 2	50	RO	
70097	Electrical steel punchings, as follows: (a) grain-oriented, with a core loss of 0.45 watts per pound at 13,000 gausses and 15,000 cycles per second (0.62 watts per pound) or less and with a thickness of 0.012 inches (.31 mm.) or less; or (b) grain-oriented with a thickness of 0.006 inches (.3 mm.) or less, regardless of core loss characteristics. (Specify thickness in decimal parts of an inch and the core loss at 13,000 or 15,000 gausses and at 60 cycles per second.) [11] [13]	Lb.	STEE 4	100	RO	E-8
70097	Other electrical steel punchings, as follows: (a) with a core loss of 0.45 watts per pound at 13,000 gausses and 60 cycles per second (0.62 watts per pound) or less and with a thickness of 0.012 inches (.31 mm.) or less; or (b) grain-oriented with a thickness of 0.006 inches (.3 mm.) or less, regardless of core loss characteristics. (Specify thickness in decimal parts of an inch and the core loss at 13,000 or 15,000 gausses and 60 cycles per second.) [11] [13]	Lb.	STEE 3	100	RO	AE-8
74490	Rolling mill machines, including pipe or tube rolling mills, and specially fabricated parts and accessories, n.e.c. (See § 390.2, Interpretation 19):					
74490	Metal rolling mills with work rolls supported by multiple back-up rolls or bearings (for example, Sendzimir cold mills).	------	TOOL 5	500	RO	A
74490	Metal rolling mills with multiple work rolls backed-up by rolls (for example, Sendzimir hot mills).	------	TOOL 5	500	RO	
74490	Metal sheet, plate, strip, or foil mills (other than aluminum foil mills), hot or cold, having automatic work roll adjustment controls for tapering or 2 and 3 dimensional profiles. (1, 2, and 5) [3] [11]	------	TOOL 5	500	RO	A
74490	Metal rolling mills (all types) specially designed or redesigned for rolling of metals and alloys with melting point exceeding 1900° C. (3000° F.) (1, 2, and 5) [3] [11]	------	TOOL 5	500	RO	

See footnotes at end of table.

[3] The processing code is changed or related commodity group number is changed (see § 372.5(c) of this chapter).
[5] The symbol "-" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IO/DV procedure (see § 372.2 of this chapter).
[11] The commodity coverage is increased, effective July 7, 1960.
[12] Two entries are substituted for an entry presently on the Positive List under this Schedule B number.
[13] The export control purposes clause with respect to (a) alloys with 5 percent or more molybdenum; (2) alloys with 5 percent or more columbium and/or tantalum; (3) nickel-bearing stabilized steels, n.e.c., with a total of 33 percent or more of alloying elements, except such steels containing less than 0.4 percent columbium, tantalum, or titanium, including, but not limited to, precipitation hardening steels as follows: AM 350, AM 355, AM 355, AM 355, 17-4 PH, 17-7 PH, PH 15-7 Mo, 17-10 P, 17-14 Cu Mo, V-2 B, HNM, Stainless W, and Type 329; and (4) Unitemp 212, 19-9, DL, DX, DW, EAE, and Croloy 2-1/4 V.
[3] On or after Aug. 15, 1960, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports to the countries specified in § 372.2 of this chapter of grain-oriented electrical steel added to the Positive List by this revised entry.
[11] On or after Aug. 15, 1960, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports to the countries specified in § 372.2 of this chapter of instruments added to the Positive List by this revised entry.
[3] On or after Aug. 15, 1960, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports to the countries specified in § 372.2 of this chapter of commodities added to the Positive List by this revision.
[12] Six entries are substituted for the first, second, and fifth entries presently on the Positive List under this Schedule B number.
[11] Three entries are substituted for the sixth and seventh entries presently on the Positive List under this Schedule B number.

This item of the amendment shall become effective as of June 30, 1960, except as otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in items 2 or 3 of this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., July 7, 1960, may be exported under the previous general license provisions up to and including August 1, 1960. Any such shipment not laden aboard the exporting carrier on or before August 1, 1960 requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Bureau of Foreign Commerce.

[F.R. Doc. 60-6180; Filed, July 7, 1960; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Waiver of Inadmissibility for Transit Without Visa

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

The first and third sentences of subparagraph (1) of paragraph (c) of § 214.2 are amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(c) *Transits*—(1) *Without visas.* Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea"), the Soviet Zone of Germany ("German Democratic Republic"), and North Viet-Nam ("Democratic Republic of Viet-Nam"), applying for immediate and continuous transit through the United States, must establish that he is admissible; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join a vessel or aircraft in the United States as a crewman, the vessel or aircraft will depart directly foreign, and his departure will be completed within a maximum of 5 calendar days after his arrival, and, if joining a vessel, the crewman is in possession of, or makes application upon arrival for, a Form I-184 permanent landing permit and identification card), and that he has a document establishing his ability to enter some country other than the United States. * * * The acceptance of the transit privilege constitutes an agreement by the alien and the carrier that he will depart voluntarily from the United States without recourse to any hearing or proceeding provided for in this chapter and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director, provided that if admissibility is established only after exercise of the discretion contained in section 212(d)(3)(B) of the Act the alien shall be in the custody of the Service at carrier expense and must depart on the earliest and most direct foreign-destined plane or vessel.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers benefits upon the persons affected thereby.

Dated: July 5, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 60-6358; Filed, July 7, 1960; 8:55 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Forms for Registration Statements

On April 5, 1960, the Securities and Exchange Commission announced that it had under consideration a proposed amendment of § 239.22(c)(2) (General Instruction A (rule as to use of Form S-9) which defines the term "fixed charges" as used in General Instruction A and in Instruction 2 to the summary of earnings required by item 3 of the form. The term "fixed charges" has heretofore been defined in clause (ii) to include "an appropriate portion of rentals under long-term leases."

The Commission has considered all of the views and comments received on the proposal and has adopted the amendment in the form stated below. The purpose of the amendment is to establish a definite formula which may be used in determining an appropriate portion of rentals representing the interest factor in rental payments in order that a prospective registrant may determine with reasonable certainty whether it is qualified to use the form. The amendment changes the test from "an appropriate portion of long term rentals" to ""one-third of all rentals reported in Schedule XVI[1] or such other portion as can be demonstrated as representative of the interest factor." The limitation of rentals to "long term leases" has been dropped because of the substantial difference of opinion as to the definition of a "long term lease" and because the presence of the interest factor in rentals is not dependent upon the rental contract extending over any given period of time.

It has been suggested that "delay rentals" paid on leaseholds to retain mineral rights before development of leased acreage are not in the nature of ordinary rental for the use of property. Delay rentals or other items included in rentals in Schedule XVI which can be shown to contain little or no interest factor may properly be excluded under the alternate treatment.

The text of § 239.22(c)(2) (General Instruction A) as amended reads:

(2) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness, (ii) one-third of all rentals reported in Schedule XVI, or such other portion as can be demonstrated as representative of the interest factor in the circumstances of a particular case (if an alternative basis is used, explanation should be set forth in the statement required by Exhibit 5 of the Instructions as to Exhibits), and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

The foregoing action, which is taken pursuant to the Securities Act of 1933, particularly sections 7, 10, and 19(a) thereof, shall become effective August 1, 1960.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 30, 1960.

[F.R. Doc. 60-6320; Filed, July 7, 1960; 8:52 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR 1,1-BIS(*p*-CHLOROPHENYL)-2,2,2-TRICHLOROETHANOL IN MINT OIL

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act

[1] Note 5 to Schedule XVI provides that "If the aggregate amount of rents and royalties is not material, a statement to that effect will suffice."

(sec. 6(c), Public Law 85-929; 72 Stat. 1793; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9009, 25 F.R. 8611) hereby authorizes the use in mint oil of the food additive 1,1-bis(p-chlorophenyl)-2,2,2-trichloroethanol under the conditions prescribed in this order:

Section 121.86 is amended by adding thereto the following item:

§ 121.86 Extension of effective date of statute for certain specified food additives as direct additives to food.

Product	Limits	Specified uses or restrictions
• • •	• •	• • •
1, 1-bis (p-Chlorophenyl)-2, 2, 2-trichloroethanol.	100 parts per million.	As a residue in mint oil from use on fresh mint leaves for control of mites.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by the statute as a relief of restrictions on the food-processing industry.

Effective date. This order becomes effective on the date of signature.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply 72 Stat. 1038; 21 U.S.C., note under sec. 342)

Dated: June 30, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6304; Filed, July 7, 1960; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended in the following respect:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

• • • • •

(c) *Aliens in immediate transit*—(1) *Aliens in bonded transit.* A visa and a passport shall not be required of an alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238(d) of the Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country. The acceptance of the privilege of transit without visa and passport provided by this subparagraph shall constitute an agreement by the alien and the transportation line that the alien will depart voluntarily from the United States without recourse to any hearing or proceeding provided for in the regulations of the Immigration and Naturalization Service and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director of that Service: *Provided*, That if admissibility is established only after exercise of the discretionary authority contained in section 212(d)(3)(B) of the Act, the alien shall be in the custody of the Immigration and Naturalization Service at the expense of the transportation line and shall depart on the earliest and most direct foreign-destined vessel or aircraft.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein involves foreign affairs functions of the United States.

Dated: July 1, 1960.

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: July 1, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F.R. Doc. 60-6338; Filed, July 7, 1960; 8:54 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Colorado River, Texas

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (j) of § 203.245 is hereby amended redesignating subparagraph (25-a) as (25-b) and prescribing a new subparagraph (25-a) to govern the operation of the Texas Highway Department bridge across Colorado River near Wadsworth, Texas, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • •

(j) *Waterways discharging into the Gulf of Mexico west of Mississippi River.* • • •

(25-a) Colorado River, Tex.; Texas Highway Department bridge near Wadsworth. At least 24 hours' advance notice required.

(25-b) Lavaca River, Tex.; St. Louis, Brownsville and Mexico Railway Company and Texas Highway Department bridges near Vanderbilt. At least 48 hours' advance notice required, except in emergencies, when the bridge will be opened as soon as possible after receipt of notice.

[Regs., June 28, 1960, 285/91 (Colorado River, Texas)—ENGOW-O] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V.-LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 60-6336; Filed, July 7, 1960; 8:54 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2140]

[Anchorage 039106]

ALASKA

Withdrawing Lands for Use of the Federal Aviation Agency as an Air Navigation Facility

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (48 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Federal Aviation Agency in the maintenance of air-navigation facilities:

SUSITNA VALLEY AREA

An unsurveyed parcel of land located in what will be a portion of Sections 24 and 25 of T. 15 N., R. 6 W., Seward Meridian, when surveyed, and more particularly described by metes and bounds as follows:

Beginning at Monument "A" as marked by brass cap, at approximate latitude 61°22'10" N., and longitude 150°16'06" W., go south 450', thence west 450' to the point of beginning, thence
North, 1,400 feet;
East, 200 feet;
South, 200 feet;
East, 1,000 feet;
South, 1,200 feet;
West, 1,000 feet;
South, 1,600 feet;
West, 200 feet;
North, 1,600 feet to the point of beginning.

The tract described contains 40.32 acres.

This order shall take precedence over but not otherwise affect the reserve created by Public Land Order No. 861 of September 3, 1952.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6309; Filed, July 7, 1960; 8:51 a.m.]

[Public Land Order 2141]

[Oregon 09947]

OREGON

Withdrawing Lands Near Redmond for Use of the Federal Aviation Agency as an Air Navigation Site

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under jurisdiction of the Department of the Interior for use of the Federal Aviation Agency in the maintenance of air navigation facilities, under such terms and conditions as may be prescribed by the Bureau of Land Management, Department of the Interior:

WILLAMETTE MERIDIAN

T. 15 S., R. 12 E.,
Sec. 21, SE¼NW¼ and N½SW¼.

The areas described aggregate 120 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6310; Filed, July 7, 1960; 8:51 a.m.]

[Public Land Order 2142]

[Nevada 051663]

NEVADA

Withdrawing Public Lands for Use of the Federal Aviation Agency for an Air to Ground Radio Communication Facility

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under jurisdiction of the Department of the Interior for use of the Federal Aviation Agency in the maintenance of air navigation facilities, under such terms and conditions as may be prescribed by the Bureau of Land Management, Department of the Interior:

MOUNT DIABLO MERIDIAN

T. 3 N., R. 43 E.,
Sec. 19, SE¼NE¼ and NE¼SE¼;
Sec. 20, SW¼NW¼ and NW¼SW¼.

The areas described contain 160 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6311; Filed, July 7, 1960; 8:51 a.m.]

[Public Land Order 2143]

[84091]

NEW MEXICO

Transferring Jurisdiction Over Certain Lands From the Department of the Interior to the Department of Agriculture for Use, Administration, and Disposition Under the Bankhead-Jones Farm Tenant Act

By virtue of the authority vested in the President and in order to further effectuate the objectives of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522, 525; 7 U.S.C. 1001, et seq.), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, jurisdiction over the following-described lands acquired by transfer from the Secretary of Agriculture under the provisions of Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011) (by Executive Order 10322 of January 26, 1952), together with the title and use records, water or water right, improvements, appurtenances, and structures acquired, constructed, or used in connection with the use and administration of such lands, is hereby transferred from the Department of the Interior to the Department of Agriculture for use, administration, and disposition under the provisions of section 32(c) of Title III of that act:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 S., R. 22 W.,
Sec. 12, SW¼NE¼.

The area described aggregates 40 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6312; Filed, July 7, 1960; 8:51 a.m.]

[Public Land Order 2144]

[Sacramento 060256]

CALIFORNIA

Opening Lands Under Section 24 of the Federal Power Act (Power Site Classification No. 117)

1. In DA-837, California, the Federal Power Commission determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by entry, location, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 9 W.,
Sec. 6, lot 16;
Sec. 7, lots 20 and 21 (formerly Lot 2).

The tracts described aggregate 51.15 acres.

2. The lands lie immediately northeast of the town of Weaverville, county seat of Trinity County. The soil consists of rocky, red clay loam of fair depth, supporting a growth of manzanita and scattered ponderosa pine.

3. Lot 21, section 7, is included in a mineral patent application (Sacramento 038029).

4. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands described in paragraph 1 hereof, excepting lot 21, section 7, are hereby opened to location, entry, and selection under the public-land laws, subject to the provisions of section 24 of the Federal Power Act, supra, and subject to valid existing rights, and the requirements of applicable law, in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public-land laws presented prior to 10:00 a.m. on August 5, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. Persons claiming preference rights based on valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. The State of California has waived the preference rights granted to it by subsection (c) of section 2 of the act of July 27, 1958 (72 Stat. 928; 43 U.S.C. 851–2), and section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6313; Filed, July 7, 1960; 8:51 a.m.]

[Public Land Order 2145]

[Idaho 010460]

IDAHO

Power Site Restoration No. 553; Partly Revoking Power Site Reserve No. 223; Opening Lands Subject to Section 24 of Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior it is ordered as follows:

1. The Executive Order of November 12, 1911, creating Power Site Reserve No. 223 is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 18 N., R. 19 E.,
Sec. 25, lots 1, 3, 5, and 6;
Sec. 36, lots 4 and 6.

The lands have been patented.

2. In DA–25 and DA–524 the Federal Power Commission made a favorable determination with respect to the following-described lands:

T. 18 N., R. 19 E.,
Sec. 24, lots 4, 5, and 10;
Sec. 25, lot 2;
Sec. 34, lots 1, 2, NE¼NE¼ and SW¼NE¼;
Sec. 35, lots 1, 3, 5, and 7, E½NW¼ and NE¼SW¼.
T. 15 N., R. 20 E.,
Sec. 3, lots 1 and 6, and SW¼SW¼;
Sec. 7, lots 5 and 6, and SE¼SW¼;
Sec. 9, lots 1, 2, 3, 4, 5, 6, and 7;
Sec. 10, lots 2, 3, 4, and 5;
Sec. 17, lots 1 and 2, and SE¼NW¼;
Sec. 18, lots 1 and 2, and NW¼SE¼.
T. 16 N., R. 20 E.,
Sec. 13, S½SE¼;
Sec. 23, E½SE¼;
Sec. 24, lots 5 and 6, and SE¼NW¼;
Sec. 34, lots 2, 5, 6, and 7, and NW¼SE¼.
T. 16 N., R. 21 E.,
Sec. 5, lots 2 and 10;
Sec. 8, lots 2, 3, 4, 5, 6, 7, and 8;
Sec. 17, lots 1, 2, and 3, and SE¼NW¼;
Sec. 18, lots 3, 4, 5, 6, and 10.
T. 15 N., R. 26 E.,
Sec. 19, SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, W½W½;
Sec. 30, E½E½;
Sec. 31, E½NE¼, N½NE¼SE¼, N½S½NE¼SE¼, and S½S½NE¼SE¼;
Sec. 32, W½.

Aggregating 2,855.84 acres.

3. Subject to any valid existing rights, the requirements of applicable law, and the provisions of section 24 of the Federal Power Act, the lands described in Paragraph 2 of this order are hereby opened to filing of applications, selections, and locations as follows:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on December 30, 1960, the State of Idaho shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–2), and the regulations in 43 CFR. During this period the State may also apply for the reservation to it or to any of its political subdivisions, under any law or regulation applicable thereto, of any of the lands required for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on August 5, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. With respect to all the lands, except those in T. 15 N., R. 26 E., this opening is subject also to the further condition that should the lands be required for power development purposes, any structure or improvements placed thereon found to interfere with such development shall be removed or relocated at no expense or liability to the United States, its permittees or licensees.

5. The lands have been open to applications under the mineral leasing laws and to location under the United States mining laws.

6. The following-described lands are a part of the Salmon National Forest and are opened by this order to such forms of disposition not heretofore allowable as may by law be made of national forest lands:

T. 15 N., R. 26 E.,
Sec. 31, E½NE¼ and NE¼SE¼;
Sec. 32, W½.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6314; Filed, July 7, 1960; 8:51 a.m.]

[Public Land Order 2146]

[Montana 033171]

MONTANA

Partially Revoking Withdrawals for Reclamation Purposes (Milk River Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of April 5, 1902 and October 15, 1904, reserving lands for reclamation purposes in connection with the Milk River Project in Montana, are hereby revoked so far as they affect the following-described lands:

PRINCIPAL MERIDIAN

T. 29 N., R. 12 E.,
Sec. 14, W½NE¼ and W½;
Sec. 23, W½NW¼.

The areas described contain 480 acres.

2. The lands are located in Chouteau County, Montana, seven miles northwest of Big Sandy. The lands are gently undulating to gently sloping in topography and have a silty sandy loam soil with some rocks.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections and locations under the public land laws in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral-leasing laws may be presented to the Manager named below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on December 30, 1960, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(3) All valid applications and selections under the nonmineral public land laws other than from the State of Montana presented prior to 10:00 a.m. on December 30, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands shall be open to location under the United States mining laws at 10:00 a.m. on December 30, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6315; Filed, July 7, 1960; 8:51 a.m.]

[Public Land Order 2147]

[82163]

ARIZONA

Revoking in Part Certain Reclamation Withdrawals (Sentinel and Colorado River Storage Projects)

By virtue of the authority contained in Section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental orders of October 18, 1912, November 16, 1918, and March 14, 1929, so far as they reserved the following-described lands in the first form for reclamation purposes, are hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 14 W.,
Sec. 24, SW¼SW¼;
Sec. 25, SW¼NE¼, E½SE¼, and W½.

Containing 480 acres.

2. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing applications, selections and locations in accordance with the following:

a. Until 10:00 a.m. on December 30, 1960, the State of Arizona shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–2), and the regulations in 43 CFR 270.

(1) All applications under the nonmineral public land laws, other than from the State, filed at or before 10:00 a.m. on December 30, 1960, shall be considered as simultaneously filed at that time. Those thereafter filed shall be considered in the order of filing.

(2) All applications under subparagraph (1) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

3. The lands have been open to applications and offers under the mineral leasing laws. They shall be open to location under the United States mining laws at 10:00 a.m. on December 30, 1960.

4. Applicants claiming preference rights must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6316; Filed, July 7, 1960; 8:52 a.m.]

[Public Land Order 2148]

[1218080]

[Nevada 047449]

NEVADA

Partially Revoking the Executive Order of April 17, 1926, Which Created Public Water Reserve No. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following-described lands in Nevada:

MOUNT DIABLO MERIDIAN

T. 24 N., R. 65 E.,
Sec. 31, NE¼NE¼;
Sec. 32, W½NW¼.

The areas described contain 120 acres.

2. The lands are located approximately 50 miles north of Ely, Nevada, along the western foothills of the Schell Creek Range within the boundaries of the Ely Grazing District. Elevation averages 7,000 feet and the growing season is short. Vegetation consists of big sage, scattered pinion and juniper.

3. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on August 5, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m. on August 5, 1960.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 30, 1960.

[F.R. Doc. 60-6317; Filed, July 7, 1960; 8:52 a.m.]

[Public Land Order 2149]

[82271]

[Oregon 06778]

OREGON

Modifying the Boundaries of the Umpqua and Willamette National Forests

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pur-

suant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. So much of the following-described lands as were not eliminated from the Umpqua National Forest by the joint order of the Secretaries of Agriculture and of the Interior, signed respectively June 12, 1956, and June 21, 1956 (21 F.R. 4525–30), and as subsequently amended and modified, are hereby eliminated from the said forest:

WILLAMETTE MERIDIAN

T. 20 S., R. 1 E.,
Sec. 31, lots 2, 3, N½NE¼, SE¼NW¼, and NE¼SW¼.
T. 23 S., R. 1 W.,
Secs. 1 to 5, incl., and 7 to 36 incl.
T. 25 S., R. 1 W.,
Sec. 1, lots 3 and 4, S½NW¼, SW¼;
Secs. 2 to 11, incl.;
Sec. 12, W½;
Sec. 13, W½;
Secs. 14 to 23, incl.;
Sec. 24, NW¼ and W½SW¼;
Sec. 26, W½NE¼ and NW¼;
Secs. 27 to 29, incl.;
Sec. 30, lots 2 and 19;
Sec. 32, SW¼NE¼, SE¼NW¼, and N½SE¼;
Sec. 34;
Sec. 35, W½SW¼.
T. 24 S., R. 1 W.,
Sec. 1, S½;
Secs. 2 to 4, incl.;
Sec. 6, lots 1, 2, 8, 9, 10, 16, 17, 18, 19, 21, and 22, SE¼NE¼, and SE¼;
Sec. 8, W½NW¼, SE¼NW¼, and SE¼SW¼;
Secs. 10 to 13, incl.;
Sec. 14, E½;
Sec. 18, lots 1, 2, 3, 8, 9, 10, and W½NE¼;
Sec. 20, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 24;
Sec. 26, SW¼;
Sec. 34, NE¼.
T. 25 S., R. 1 W.,
Sec. 4, lots 1 and 4, S½NW¼, and NW¼SW¼;
Sec. 6, lots 7, 8, 17, and 18;
Sec. 10, NW¼;
Sec. 14, NE¼NE¼;
Sec. 18, lots 2 and 5, NE¼NE¼;
Secs. 24 and 25;
Sec. 26, S½;
Sec. 30, NE¼NE¼;
Sec. 35, N½NE¼.
T. 27 S., R. 2 W.,
Secs. 7 and 8;
Sec. 9, S½;
Secs. 16 to 21, incl., and 28 to 31, incl.;
Sec. 32, N½, N½S½, SW¼SW¼;
Sec. 33, N½.
T. 28 S., R. 2 W.,
Secs. 31 and 32;
Sec. 33, SW¼.
T. 29 S., R. 2 W.,
Secs. 4 to 9, incl.;
Sec. 10, W½SW¼;
Sec. 15, W½ and W½SE¼;
Secs. 16 to 22, incl.;
Sec. 26, S½NW¼ and SW¼;
Secs. 27 to 34, incl.;
Sec. 35, W½.
T. 28 S., R. 3 W.,
Secs. 19 to 23, incl., and 25 to 36, incl.
T. 31 S., R. 3 W.,
Secs. 1, and 9 to 11, incl.;
Sec. 12, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 13, W½NE¼, W½, NW¼SE¼;
Secs. 14, 15, 22, and 23;
Sec. 24, W½;
Sec. 25, NW¼;
Sec. 27, N½;
Sec. 28, lots 1, 2, 3, W½NE¼, W½, and W½SE¼;
Sec. 29.
T. 32 S., R. 3 W.,
Secs. 6 and 7;
Sec. 8, W½;
Sec. 17, W½;
Sec. 18;
Sec. 20, lots 4, 5, and 12;
Sec. 30;
Sec. 34, lots 2, 6, and 4.
T. 33 S., R. 3 W.,
Sec. 4, lot 4, S½N½, and S½;
Secs. 5, 8, 17, 18, 20.
T. 31 S., R. 4 W.,
Secs. 18, 19, 22 to 24, incl., 26 to 30, incl., 32 and 34.
T. 32 S., R. 4 W.,
Secs. 10, 14, 15, and 20, 22 to 30, incl., and 32 to 36, incl.
T. 31 S., R. 5 W.,
Secs. 2 to 14, incl., secs. 18, 23, 24, 26, 34, and 35.
T. 32 S., R. 5 W.,
Secs. 4 to 8, incl., and sec. 18.
T. 33 S., R. 5 W.,
Secs. 2, 4, 10, 11, 12, 14, 18, 20, 22 to 24, incl., 26 to 30, incl., 32 and 34.
T. 25 S., R. 8 W.,
Secs. 3 to 10, incl., 17 to 20, incl., and secs. 29 to 32 incl.
T. 24 S., R. 9 W.,
Sec. 10;
Sec. 15, NE¼, E½NW¼, NW¼NW¼, and S½;
Secs. 22, 27, and 34.

The areas described aggregate approximately 165,088 acres.

2. So much of the following-described lands as now lie within the boundaries of the Willamette National Forest are hereby transferred to and made a part of the Umpqua National Forest:

WILLAMETTE MERIDIAN

T. 20 S., R. 1 E.,
Sec. 32, NW¼.

Containing approximately 80 acres.

3. The boundaries of the Umpqua and Willamette National Forests are hereby adjusted to the extent necessary to conform with the exclusions made by paragraph 1 of this order, and the transfer made by paragraph 2, and with the joint order in 21 F.R. 4525–30, supra.

4. The lands eliminated from the Umpqua National Forest by paragraph 1 hereof, are either privately owned or revested Oregon and California railroad grant lands. The revested lands shall continue to be subject to such forms of appropriation as may by law be made of such lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 1, 1960.

[F.R. Doc. 60-6316; Filed, July 7, 1960; 8:52 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Frequency Allocations

The Commission having under consideration the desirability of making certain editorial changes in § 2.104(a) (5) of its rules and regulations; and

It appearing that the Commission's Second Memorandum Report and Order in Docket No. 11959, FCC–58–439, adopted May 8, 1958, inadvertently changed the frequency limits shown in footnote NG6 to the table of frequency allocations, whereas no change was proposed or intended; and

It further appearing that the amendments adopted herein are editorial in nature and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 5th day of July 1960, that effective July 11, 1960, footnote NG6 in § 2.104(a)(5) of the Commission's rules and regulations is amended to read as follows:

§ 2.104 Frequency allocations.

(a) • • •
(5) • • •

NG6 The use of the frequencies in the band 152.87–153.35 Mc may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the industrial radio services.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6343; Filed, July 7, 1960; 8:54 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60-48]

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.05—Professional Requirements for Deck Officers' Licenses (Inspected Vessels)

U.S. ARMY TRANSPORTATION SCHOOL, FORT EUSTIS, VIRGINIA, COURSE AS "RADAR OBSERVER"; NOTICE OF APPROVAL

The course of instruction in the proper operation and utilization of marine radar equipment at the U.S. Army Transportation School, Fort Eustis, Virginia, was reviewed after receipt of a letter dated April 22, 1960, from Headquarters, U.S. Army Transportation School, Fort Eustis, Virginia, to Chief of Transportation, Department of the Army, with First Endorsement dated May 3, 1960, of the Deputy-Chief, Training Organization, and Operations Division, for The Chief of Transportation. It was also requested that the Coast Guard accept the certificates issued to men attesting to successful completion of a course of instruction at the U.S. Army Transportation School, Fort Eustis, Virginia, as evidence of such holder's qualifications as a "radar observer," so that such holders need not take further examinations.

The regulation designated 46 CFR 10.05–46(d)(3) is added by this document in order to inform all persons concerned that the course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the U.S. Army Transportation School, Fort Eustis, Virginia. The holders of certificates of successful completion of such course of instruction attesting to such successful completion on or after June 6, 1960, may present such certificates as evidence of qualification as "radar observer" and be exempt from taking the examination as specified in 46 CFR 10.05–46(b).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulation below, the following amendment designated § 10.05–46(d)(3) is prescribed and shall become effective upon the date set forth therein:

§ 10.05–46 Radar observer.

• • • • • •
(d) • • •
(3) The course of instruction in the proper operation and utilization of marine radar equipment is approved as given at the U.S. Army Transportation School, Fort Eustis, Virginia. This approval shall be effective for all certificates issued to men attesting to the successful completion of the course in the proper operation and utilization of marine radar equipment on or after June 6, 1960, and will continue in effect until this approval is suspended, canceled, or modified by proper authority.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4438, as amended, 4439, as amended, 4440, as amended, 4442, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 2, 63 Stat. 494, sec. 3, 63 Stat. 676, sec. 2, 70 Stat. 153; 46 U.S.C. 391a, 404, 224, 226, 228, 214, 367, 1333, 239b, 390b, 50 U.S.C. 198)

Dated: June 30, 1960.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 60-6329; Filed, July 7, 1960; 8:53 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Doc. 440]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of the generator static exciter terminal blocks in Lockheed 188 Series aircraft with a type less susceptible to burning.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 9, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following:

LOCKHEED. Applies to all Lockheed Model 188 Series aircraft with General Electric Models 3S2795H109B11 and 3S2795H109-B1A1 static exciters installed.

Compliance required not later than December 1, 1960.

The insulating material in the generator static exciter terminal blocks has been burned by heat generated as a result of a loose terminal connecter.

Replace the terminal blocks with General Electric Types 667C17463 and 667C17464 which have improved flame retardant characteristics.

(General Electric Service Bulletin No. 6—Lockheed Electra AC Generating System Controls—covers the procedure for replacement of the terminal blocks. Service Bulletin No. 6 was originally prepared to provide replacement procedures for broken terminal blocks. Accordingly, the sentence, "It is not recommended that static exciter terminal blocks be replaced unless original terminal blocks are damaged mechanically." shall be disregarded.)

Issued in Washington, D.C., on June 30, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-6271; Filed, July 7, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-49]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation and Modification of Segments of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.220, 601.220 and 601.4220 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 20 extends in part from the intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range to the Pittsburgh radio range station, and from the intersection of the southeast course of the Pittsburgh radio range and the northwest course of the Washington, D.C., radio range to the Washington radio range station. The Federal Aviation Agency has under consideration revocation of these segments of Red 20. The Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1958, through June 30, 1959 showed less than seven aircraft movements on these segments of Red 20. On the basis of this survey it appears that the retention of these airway segments as an assignment of airspace is unjustified and the revocation thereof would be in the public interest. Concurrently with this action, the Federal Aviation Agency is considering modification of the terminating segment of Red 20 which is presently designated from the Washington radio range station to the intersection of the southeast course of the Washington radio range with Red Federal airway No. 77. It is proposed to redescribe this segment to terminate at the intersection of the southeast course of the Washington radio range and the northeast course of the Tappahannock, Va., radio range in order to eliminate reference to Red 77 since the segment of Red 77 from the intersection of the southeast course of the Andrews, Md., AFB, radio range to the Dover, Del., AFB non-directional radio beacon is being considered for revocation. This would be a change in description only and would not alter the length of this segment of Red 20 or its associated control areas. It is also proposed to modify the caption to § 601.4220 relating to Red 20 reporting points to conform to the redesignated airway. In addition, the Columbiana, Ohio, intersection (intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range), and the Shenandoah, W. Va., intersection (intersection of the east course of the Martinsburg, W. Va., radio range and the northwest course of the Washington, D.C., radio range) would be revoked as designated reporting points.

If these actions are taken, the segments of Red Federal airway No. 20 and associated control areas from the intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range to the Pittsburgh radio range station, and from the intersection of the southeast course of the Pittsburgh radio range and the northwest course of the Washington, D.C., radio range to the Washington radio range station would be revoked. The terminating segment of Red Federal airway No. 20 would be redescribed to extend from the Washington radio range station to the intersection of the southeast course of the Washington radio range and the northeast course of the Tappahannock, Va., radio range. The caption to § 601.4220 would be amended to conform to the modified airway. The Columbiana, Ohio, and Shenandoah, W. Va., designated reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York

Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6281; Filed, July 7, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-42]

CONTROL AREAS

Designation of Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of Navy to designate a control area extension at New Iberia, La., to include the airspace south of VOR Federal airway No. 20 south alternate, within a 35-mile radius of the New Iberia Naval Auxiliary Air Station. The designation of this control area extension would provide protection for aircraft executing standard departure and arrival procedures on the 126°, 132°, 166°, 232°, and 252° True radials of the New Iberia TACAN and the 156° True radial of the New Iberia VOR. It would also provide protection for aircraft holding on the 166° True radial of the TACAN.

If this action is taken, the New Iberia, La., control area extension would be designated to include the airspace within a 35-mile radius of the New Iberia Naval Auxiliary Air Station (latitude 30°02'15" N., longitude 91°53'02" W.), south of VOR Federal airway No. 20 south alternate.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6272; Filed, July 7, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-19]

CONTROL AREAS

Designation of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Air Transport Association for the designation of a control area extension at Staunton, Va., bounded on the southwest, northwest and northeast by a line extending from a point on the northern boundary of VOR Federal airway No. 140 at latitude 37°58'00" N., longitude 79° 08'45" W., to latitude 38°06'30" N., longitude 79°13'45" W.; thence to latitude 38°25'00" N., longitude 79°00'45" W.; thence to the northern boundary of Victor 140 at latitude 38°15'15" N., longitude 78°39'45" W.; bounded on the southeast by the northern boundary of Victor 140. This control area extension would provide protection for aircraft operating under instrument flight rule conditions while conducting arrival and departure procedures to and from the Shenandoah Valley Airport, Staunton, Va.

If this action is taken, the Staunton, Va., control area extension would be designated as that airspace bounded on the southwest, northwest and northeast by a line extending from a point on the northern boundary of VOR Federal airway No. 140 at latitude 37°58'00" N., longitude 79°08'45" W., to latitude 38°06'30" N., longitude 79°13'45" W.; thence to latitude 38°25'00" N., longitude 79°00'45" W.; thence to the northern boundary of VOR Federal airway No. 140 at latitude 38°15'15" N., longitude 78°39'45" W.; bounded on the southeast by the northern boundary of VOR Federal airway No. 140.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6273; Filed, July 7, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-16]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2270 of the regulations of the Administrator, the substance of which is stated below.

The Enid, Okla., control zone is presently designated within a 5-mile radius of Vance Air Force Base, Enid, Okla., within 2 miles either side of a line bearing 044° True extending from the Vance AFB nondirectional radio beacon to a point 10 miles northeast, and within 2 miles either side of a line extending from the Vance AFB through the Vance AFB VOR to a point 10 miles northwest of the VOR. The Federal Aviation Agency has under consideration a proposal by the Department of Air Force to modify the Enid control zone. The Department of Air Force advises that the Vance AFB radio beacon has been relocated and the instrument approach procedures based on

the beacon, at the original location, have been cancelled. Therefore, the northeast control zone extension is no longer required and is proposed for revocation. It is also proposed to designate a control zone extension within 2 miles either side of the 185° True radial of the Vance AFB TACAN (latitude 36°20'45" N., longitude 97°55'10" W.), extending from the 5-mile radius zone to 9 miles south of the TACAN. This modification would provide protection for aircraft conducting prescribed instrument approaches to Vance AFB. In addition, it is proposed to reduce the length of the control zone extension to the northwest by redesignating it within 2 miles either side of the 134° True radial of the Vance AFB VOR extending from the 5-mile radius zone to the VOR. Instrument approach procedures based on the VOR are being revised so that the portion of the extension northwest of the VOR would no longer be required for the protection of aircraft.

If these actions are taken, the Enid, Okla., control zone would be designated within a 5-mile radius of the Vance Air Force Base (latitude 36°20'20" N., longitude 97°55'00" W.), within 2 miles either side of the 185° True radial of the Vance AFB TACAN extending from the 5-mile radius zone to 9 miles south of the TACAN and within 2 miles either side of the 134° True radial of the Vance AFB VOR, extending from the 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6274; Filed, July 7, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-FW-88]

CONTROL ZONES

Withdrawal of Proposal To Modify

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59-FW-88 on December 29, 1959 (24 F.R. 10917), it was stated that the Federal Aviation Agency proposed to modify the Oklahoma City, Okla., control zone by revoking the control zone extension 2 miles either side of a direct line between Will Rogers Municipal Airport and Tinker Air Force Base. Subsequent to publication of this Notice it has been determined that modification of standard instrument approach procedures at Will Rogers Airport and Tinker AFB may be accomplished which would provide for additional reduction of the control zone. Therefore, this Notice is being withdrawn pending approval of the modified instrument approach procedures, and a new Notice proposing redesignation of this control zone will be published in the near future.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the proposal contained in Airspace Docket No. 59-FW-88 is withdrawn.

Sections 304(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6276; Filed, July 7, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-KC-63]

CONTROL ZONES

Withdrawal of Proposal to Modify

In a notice of proposed rule making published in the FEDERAL REGISTER on January 13, 1960 (25 F.R. 251), it was stated that the Federal Aviation Agency proposed to designate a control zone at Kokomo, Ind., within a 5-mile radius of Kokomo Municipal Airport, and within 2 miles either side of the 136° True bearing of the Kokomo radio beacon, extending from the 5-mile radius zone to 12 miles southeast of the radio beacon. In view of the fact that weather reporting service will not be available on a continuous basis at the Kokomo Municipal Airport, the proposal contained in the notice is being withdrawn.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 59-KC-63 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752, 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6277; Filed, July 7, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-63]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2302 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Navy to modify the Willow Grove, Pa., control zone by designating an extension within 2 miles either side of the Yardley, Pa., VOR 246° True radial from the 5-mile radius zone to the VOR to provide protection for aircraft executing VOR standard instrument approaches to the Johnsville NAS. The Willow Grove, Pa., control zone is presently designated within a 5-mile radius of a point located at latitude 40°11'40" N., longitude 75°06'25" W., and within 2 miles either side of the northeast and northwest courses of the Willow Grove (Navy) radio range extending from the radio range station to points 10 miles northeast and northwest.

Concurrently, the Federal Aviation Agency proposes to additionally modify this control zone by increasing the present northwest and northeast extensions to 12 miles northwest and northeast of the radio range in order to provide adequate protection for aircraft executing radio range standard instrument approaches.

If these actions are taken, the Willow Grove, Pa., control zone would be designated within a 5-mile radius of a point at latitude 40°11'40" N., longitude 75°06'25" W., within 2 miles either side of the northeast and northwest courses of the Willow Grove (Navy) radio range extending from the 5-mile radius zone to 12 miles northeast and northwest of the radio range, and within 2 miles either side of the 246° True radial of the Yardley, Pa., VOR extending from the 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6278; Filed, July 7, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-69]

CONTROL ZONES AND CONTROL AREAS

Modification and Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.2083 and 601.1088 of the regulations of the Administrator, the substance of which is stated below.

The Alexandria, Minn., control zone is presently designated within a 5-mile radius of the Alexandria Municipal Airport extending 2 miles either side of the north course of the Alexandria radio range to a point 10 miles north of the radio range, and within 2 miles either side of the 230° and 050° True radials of the Alexandria VOR extending from the Alexandria Airport control zone to a point 10 miles northeast of the VOR. The Federal Aviation Agency has under consideration the modification of the Alexandria control zone by revoking the control zone extension to the north based on the north course of the radio range, realigning the northeast control zone extension based on the VOR, and revoking the portion of the northeast control zone extension which lies northeast of the VOR. The prescribed instrument approach procedure based on the Alexandria radio range is being cancelled. Therefore, the control zone extension based on the radio range would no longer be required for the protection of aircraft, and would be revoked. The prescribed instrument approach procedure based on the Alexandria VOR is being revised to eliminate the requirement for the portion of the control zone extension northeast of the VOR. In addition a one degree change in the alignment of the control zone extension would be necessary to provide adequate protection for aircraft executing the revised instrument approach procedure. Accordingly, the northeast extension of the Alexandria control zone would be redesignated within 2 miles either side of the Alexandria VOR 231° True radial extending from the 5-mile radius zone to the VOR.

The Alexandria control area extension is presently designated from the Alexandria radio range extending 5 miles either side of the north course of the Alexandria radio range to 20 miles north of the radio range; within a 15-mile radius of the Alexandria VOR; and within 5 miles either side of the Alexandria VOR 050° True radial extending from the VOR to a point 25 miles northeast. The Federal Aviation Agency has under consideration modifying the Alexandria control area extension by redesignating it within a 15-mile radius of the Alexandria Municipal Airport and within 5 miles either side of the Alexandria VOR 051° True radial extending from the 15-mile radius area to 15 miles northeast of the VOR. This modification would provide protection for aircraft arriving and departing the Alexandria Municipal Airport during instrument flight rule conditions. It would also reduce the control area extension northeast of the Alexandria VOR.

If these actions are taken, the Alexandria, Minn., control zone would be designated within a 5-mile radius of the Alexandria Municipal Airport (latitude 45°52'15" N., longitude 95°24'00" W.), and within two miles either side of the Alexandria VOR 231° True radial extending from the 5-mile radius zone to the VOR. The Alexandria control area extension would be designated within a 15-mile radius of the Alexandria Municipal Airport and within five miles either side of the Alexandria VOR 051° True radial extending from the 15-mile radius area to 15 miles northeast of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6279; Filed, July 7, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-172]

POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

Designation of Positive Control Area and Redesignation of Positive Control Route Segments

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.8001 of the regulations of the Administrator, the substance of which is stated below.

In a notice of proposed rule making published in the FEDERAL REGISTER on May 7, 1960 (25 F.R. 4082), it was stated that the Federal Aviation Agency proposed the adoption of Special Civil Air Regulation No. SR424-C (Draft Release 60-9), to provide for the implementation of positive control of aircraft on an area basis. In Airspace Docket No. 60-WA-85, published as a Notice of Proposed Rule Making in the FEDERAL REGISTER on May 26, 1960 (25 F.R. 4853), it was stated that the Federal Aviation Agency proposed to designate a positive control area in the vicinity of Wilmington, Ohio, bounded on the north by latitude 39°30'00" N., on the south by latitude 39°48'30" N., on the east by longitude 83°00'00" W., and on the west by longitude 83°02'00" W., extending from 24,000 feet MSL to Flight Level 600. This would provide protection for aircraft conducting flight test activities for Wright Air Development Center, Dayton, Ohio, and would permit optimum use of the area by other aircraft.

The Federal Aviation Agency has under consideration the designation of a positive control area encompassing the approximate area of radar coverage of the Chicago, Ill., Indianapolis, Ind., and London, Ohio, long range radar facilities and extending from 24,000 feet MSL to Flight Level 350. The positive control area described herein is the area selected for the initial implementation and evaluation of the positive control area concept. This area was selected because it presents a representative mixture of all types of aircraft operations and an evaluation of positive control in this area

should provide a sound basis for expansion of this concept.

It is also proposed to amend the definition of positive control route segments in § 601.8001 to establish a ceiling of 24,000 feet MSL on the portions of positive control route segments which would underlie positive control area. This would eliminate a potential hazard created by uncontrolled aircraft intermingling between 22,000 and 24,000 feet MSL with aircraft transitioning between the underlying positive control routes and the positive control area.

The proposed Wilmington, Ohio, positive control area (Airspace Docket 60–WA–65) would be contained within the lateral limits of the positive control area under consideration in this docket. However, the Wilmington area would extend vertically above Flight Level 350 to Flight Level 600. This positive control area would appear to coincide with several restricted areas, however, prohibited and restricted areas are excluded from positive control areas by definition.

If these actions are taken, the Chicago, Ill.-Indianapolis, Ind., positive control area would be designated as follows:

That area bounded by a line beginning at latitude 41°45'30" N., longitude 88°19'-45" W.,
thence to latitude 41°39'30" N., longitude 88°18'15" W.,
thence to latitude 41°00'00" N., longitude 87°30'00" W.,
thence to latitude 40°32'00" N., longitude 87°40'00" W.,
thence to latitude 39°12'00" N., longitude 87°25'00" W.,
thence to latitude 38°40'00" N., longitude 87°00'00" W.,
thence to latitude 37°51'00" N., longitude 86°00'00" W.,
thence to latitude 37°40'00" N., longitude 87°30'00" W.,
thence to latitude 39°45'00" N., longitude 89°11'00" W.,
thence to latitude 40°18'00" N., longitude 89°00'00" W.,
thence to latitude 41°00'00" N., longitude 89°50'00" W.,
thence to latitude 42°00'00" N., longitude 90°15'00" W.,
thence to latitude 43°00'00" N., longitude 90°09'00" W.,
thence to latitude 43°25'00" N., longitude 89°00'00" W.,
thence to latitude 43°20'00" N., longitude 87°43'20" W.,
thence to latitude 43°14'20" N., longitude 87°44'30" W.,
thence to latitude 43°14'55" N., longitude 87°30'00" W.,
thence to latitude 41°53'00" N., longitude 86°06'00" W.,
thence to the point of beginning, extending upward from 24,000 feet MSL to Flight Level 350.

In § 601.8001 Positive control route segments, the sentence following the section caption would be amended to read as follows: "The portions of Federal airways described in this subpart and their associated control areas between 17,000 and 22,000 feet MSL inclusive are designated as positive control route segments; the portions of positive control route segments which underlie positive control areas (Part 601, Subpart J) are designated to include the altitudes from 17,000 to but not including 24,000 feet MSL."

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–6280; Filed, July 7, 1960; 8:47 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60–WA–22]

JET ROUTES

Withdrawal of Proposal To Modify

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60–WA–22 on March 5, 1960 (25 F.R. 1966), it was proposed to modify VOR/VORTAC jet route No. 31 by realigning it from Houston, Tex., to Texarkana, Ark. Subsequent to publication of this notice, it has been determined that the modified J–31–V would have insufficient lateral spacing from high altitude terminal operations in the Shreveport, La., area if realigned as proposed therein.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 60–WA–22 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752, 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 30, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–6282; Filed, July 7, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Parts 602, 604]

UNITED STATES EMPLOYMENT SERVICE

Referral of Agricultural Workers in Labor Dispute Situations

A series of labor disputes in agriculture is now in progress in California. Regulations governing the cooperation of the United States Employment Service and States in establishing and maintaining a national system of public employment offices (20 CFR Part 602) provide:

§ 602.2 *Placement services.*

* * * * *

(b) No person shall be referred to a position the filling of which will aid directly or indirectly in filling a job which (1) is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or (2) the filling of which is an issue in a labor dispute. With respect to positions not covered by subparagraph (1) or (2) of this paragraph, any individual may be referred to a place of employment in which a labor dispute exists, provided he is given written notice of such dispute prior to or at the time of his referral.

Identical provision is made in expressing the policies of the United States Employment Service (20 CFR 604.1(i)).

Agricultural employers actually or potentially involved in these disputes have complained that the prohibition against referrals in these regulations operates unfairly to their disadvantage, because of the perishable nature of their product and the lack of a permanent labor force on any single farm sufficient to harvest its crop. They request that the prohibition be revoked or curtailed insofar as it applies to agriculture. Representatives of the agricultural employees involved have responded, however, that any such revocation or curtailment would involve use of the employment service to recruit strikebreakers. Sharply conflicting factual descriptions of the precise way these regulations operate in such disputes have been presented by the contending groups. I have concluded that each of them and any other person who has an interest should be given an opportunity to hear, examine, and respond to the presentation of the others in proceedings so expedited that any relief demonstrated to be necessary can be granted in season to be effective.

Accordingly, under the authority of section 12, 48 Stat. 117, as amended; 29 U.S.C. 49k, and in accordance with section 4(b) of the Administrative Procedure Act (5 U.S.C. 1004(b)), notice is hereby given that any interested person may appear before Hearing Examiner Clifford P. Grant at 10:00 a.m., e.d.s.t., July 21, 1960, in hearing room A, Departmental Auditorium, Constitution Avenue, between 13th and 14th Streets NW., Washington, District of Columbia, to present orally data, views, and argument on the question whether the prohibition against referrals in labor dispute situations expressed in 20 CFR 602.2(b) and 604.1(i) should be revoked or curtailed insofar as it applies to agricultural employment.

Every interested person shall have the right to present his data by oral or documentary evidence, to submit such rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts. Any interested person who cannot appear in person may submit such data, views, and argument in writing (4 copies) to the Chief Hearing Examiner, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than July 18, 1960, where they will be kept available for examination during usual business hours by any other interested person. Oral presentations shall be reported and transcripts will be made available upon request to any interested person on such terms as the Hearing Examiner may provide.

The Hearing Examiner shall have the authority and the duty to administer oaths and affirmations, rule upon offers of proof and receive relevant evidence, regulate the course of the hearing, and dispose of procedural requests or similar matters. Opportunity shall be granted any interested person at the close of the hearing to comment orally on the record as a whole, but provision will not be made to keep the record open for subsequent comment. As soon as the transcription of oral evidence and argument is made, it, together with such written exhibits as may be received in evidence and written submissions filed as herein above provided, shall be certified to the Secretary of Labor for final decision without any proposed or tentative findings, conclusions, or recommendations. The Secretary will give careful consideration to all relevant matter thus presented, together with such other information as may be available to him and will make such amendment to 20 CFR 602.2(b) and 604.1(i) as he may determine to be appropriate.

Signed at Washington, D.C., this 7th day of July 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60–6415; Filed, July 7, 1960; 11:02 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 270]

DEFINITION OF PUBLIC OFFERING IN THE CASE OF A SMALL BUSINESS INVESTMENT COMPANY UNDER CERTAIN CIRCUMSTANCES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of § 230.151 (Rule 151) under the Securities Act of 1933 and § 270.3c–1 (Rule 3c–1) under the Investment Company Act of 1940 which define the term "public offering" to exclude under certain conditions the offering of the stock of small business investment companies to small business concerns pursuant to the requirements of the Small Business Investment Act of 1958.

Under the former section 304(d) of the Small Business Investment Act, whenever a small business investment company provided capital to a small business concern, the small business investment company was required to offer, and the small business concern was required to purchase, a certain amount of stock of the small business investment company. Public Law 86–502 amends section 304(d) of the Small Business Investment Act, now designated section 304(c), by eliminating the requirement that a small business concern receiving capital from a small business investment company must purchase stock of the investment company. Under the amended provisions of the Act, a small business concern has the right to acquire such stock when capital is provided, but the exercise of such right is optional with the small business concern. The purpose of the amendments to §§ 230.151 and 270.3c–1 (Rules 151 and 3c–1) is to conform the provisions of those rules to the amended provisions of the Act.

The foregoing action is proposed pursuant to the Securities Act of 1933, particularly section 19(a) thereof, and the Investment Company Act of 1940, particularly section 38(a) thereof.

The rules as proposed to be amended read as follows:

§ 230.151 Definition of certain terms used in section 4(1) of the Act.

The term "transactions by an issuer not involving any public offering" as used in section 4(1) of the Act, shall be deemed to include the offer or sale by a small business investment company, licensed under the Small Business Investment Act of 1958, of its capital stock to a small business concern in not more than the amount which the small business concern has the right to acquire, with respect to the particular transaction, under the provisions of section 304(c) of such Act and the rules and regulations thereunder: *Provided*, That:

(a) The offer or sale is made only in connection with, and as a condition to, the providing of capital to the small business concern by the small business investment company; and

(b) The capital stock acquired by the small business concern in connection with the offer and sale is purchased for investment and not with a view to the distribution thereof.

§ 270.3c–1 Definition of certain terms used in section 3(c)(1) of the Act.

The term "public offering" as used in section 3(c)(1) of the Act shall not be deemed to include the offer or sale by a small business investment company, licensed under the Small Business Investment Act of 1958, of its capital stock to a small business concern in not more than the amount which the small business concern has the right to acquire, with respect to the particular transaction, under the provisions of section 304(c) of such Act and the rules and regulations thereunder: *Provided*, That:

(a) The offer or sale is made only in connection with, and as a condition to, the providing of capital to the small business concern by the small business investment company; and

(b) The capital stock acquired by the small business concern in connection with the offer and sale is purchased for investment and not with a view to the distribution thereof.

All interested persons are invited to submit views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before August 1, 1960. All such views and comments will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 1, 1960.

[F.R. Doc. 60–6319; Filed, July 7, 1960; 8:52 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification Orders Nos. 13, 67, and 101; Partial Cancellation

JUNE 28, 1960.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, and pursuant to the authority delegated to me by Bureau Order 541, dated April 21, 1954 (19 F.R. 2473), as amended, it is ordered as follows:

1. Effective at 10:00 a.m. June 28, 1960, Small Tract Classification Order No. 101, dated June 24, 1955, is cancelled insofar as it affects the following described lands in U.S. Survey No. 3317 near Sitka, Alaska: Tract A, Lots 2, 6, 7, 8, 11, 14, 18.

2. Effective at 10:00 a.m. June 28, 1960, Small Tract Classification Order No. 13, dated September 26, 1949, is cancelled insofar as it affects the following described lands in T. 56 S, R. 79 E, C.R.M., near Petersburg, Alaska: in Section 26, Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and all of U.S. Surveys Nos. 2985, 2986, 2987.

3. Effective at 10:00 a.m. June 28, 1960, Small Tract Classification Order No. 67, dated November 10, 1952, is cancelled insofar as it affects the following described lands in T. 56 S, R. 79 E, C.R.M., near Petersburg, Alaska: in Section 33, Lots 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29.

WARNER T. MAY,
Operations Supervisor.

[F.R. Doc. 60-6308; Filed, July 7, 1960; 8:50 a.m.]

[No. 60-5]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 29, 1960.

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial No. Oregon 010313, for the withdrawal, subject to valid existing rights, of the lands described below from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, as provided by Section 3 of the act of June 17, 1902 (32 Stat. 388), as amended.

The applicant desires the land for reclamation purposes in the development of the Crooked River Project. Administration of the land for grazing purposes will remain with the Bureau of Land Management until such time as it is needed for reclamation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 309 NE., Sixth Avenue, Portland 12, Oreg.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 16 S., R. 18 E.,
Sec. 19: N½NE¼NE¼.

The area described aggregates 20 acres.

RUSSELL E. GETTY,
State Supervisor.

[F.R. Doc. 60-6305; Filed, July 7, 1960; 8:50 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 21, 1960.

The Bureau of Reclamation has filed an application, Serial No. Washington 03305, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws, subject to prior existing rights. The applicant desires the land for location of the Palmer Lake pumping plant, canal headworks, and the right abutment of the proposed diversion dam on the Similkameen River.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

T. 39 N., R. 25 E.,
Sec. 1, Lot 1 (0.60 acre).
T. 40 N., R. 26 E.,
Sec. 7, Lot 7 (49.40 acres).

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 60-6306; Filed, July 7, 1960; 8:50 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 30, 1960.

The Bureau of Reclamation has filed an application, Serial No. Washington 03047, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws, but not the mineral leasing laws. The applicant desires the land for inclusion in the Kennewick Extension, Kennewick Division, Yakima Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

T. 9 N., R. 27 E.,
Sec. 10: SE¼NE¼;
Sec. 22: NE¼SE¼.

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 60-6307; Filed, July 7, 1960; 8:50 a.m.]

[Classification 60]

ALASKA

Small Tract Classification; Amdt. 1

JUNE 29, 1960.

Effective July 28, 1960, paragraph 1 of Federal Register Document 52-7766 appearing in the issue for July 16, 1952, is hereby amended to include the following land which was inadvertently omitted:

KENAI AREA

FOR LEASE AND SALE FOR RESIDENTIAL SITES

T. 6 N., R. 11 W., SM,
Sec. 34: Lots 21-34 inc., 44-50 inc., 62-68 inclusive. In terms of aliquot part of sec. 34 these lands are described as: SE¼NE¼, E½SW¼NE¼, E½W½SW¼NE¼.

Containing 70 acres.

Having been inadvertently omitted, these lands were treated as if classified. All 28 lots have been leased at one time or another with patents having been issued for 13 lots, leases are still in effect on 9 lots, and 6 are presently not leased but are subject to reclassification. No lands are being opened to leasing by the terms of this order.

L. T. MAIN,
Operations Supervisor.

[F.R. Doc. 60-6337; Filed, July 7, 1960; 8:54 a.m.]

DEVELOPMENT LOAN FUND

SECRETARY-TREASURER, DEVELOPMENT LOAN FUND

Delegation of Authority To Sign Fiscal Documents

JUNE 30, 1960.

By virtue of the authority vested in me by the Mutual Security Act of 1954, as amended (Pub. Law 665, 83d Congress), I hereby delegate to the Secretary-Treasurer, Development Loan Fund, and to such subordinate officers and employees as he may designate, authority to sign on behalf of the Managing Director of the Development Loan Fund, in connection with loans made from the Development Loan Fund, the documents listed below:

a. Letters of Commitment.
b. Amendments to Letter.

VANCE BRAND,
Managing Director,
Development Loan Fund.

[F.R. Doc. 60-6267; Filed, July 7, 1960; 8:45 a.m.]

SECRETARY-TREASURER, DEVELOPMENT LOAN FUND

Delegation of Authority To Certify Vouchers

JUNE 30, 1960.

Pursuant to authority vested in me by the Mutual Security Act of 1954, as amended (Public Law 665, 83d Congress), authority is hereby delegated to the Secretary-Treasurer, Development Loan Fund, and to such subordinate officers and employees as he may designate, to make to the Treasury Department such certification as it requires to permit the Treasury Department to make payment for obligations incurred by the Development Loan Fund for services, supplies, materials, or equipment financed by advances, Letter of Commitment, Letter of Credit, or through reimbursement by the Development Loan Fund.

VANCE BRAND,
Managing Director,
Development Loan Fund.

[F.R. Doc. 60-6268; Filed, July 7, 1960; 8:45 a.m.]

CONTROLLER, INTERNATIONAL COOPERATION ADMINISTRATION

Delegation of Authority; Revocation

JUNE 30, 1960.

The Delegation of Authority to the Controller, International Cooperation Administration, titled "Delegation of Authority to Sign Fiscal Documents", dated August 29, 1958, and appearing on page 7016 of the FEDERAL REGISTER on September 10, 1958, is revoked effective August 1, 1960.

VANCE BRAND,
Managing Director,
Development Loan Fund.

[F.R. Doc. 60-6269; Filed, July 7, 1960; 8:45 a.m.]

CONTROLLER, INTERNATIONAL COOPERATION ADMINISTRATION

Delegation of Authority; Revocation

JUNE 30, 1960.

The Delegation of Authority to the Controller, International Cooperation Administration, titled "Delegation of Authority to Certify Vouchers", dated August 29, 1958, and appearing on page 7016 of the FEDERAL REGISTER on September 10, 1958, is hereby revoked.

VANCE BRAND,
Managing Director,
Development Loan Fund.

[F.R. Doc. 60-6270; Filed, July 7, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12865, 12866; FCC 60M-1129]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Order Scheduling Prehearing Conference

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits to increase antenna heights.

Pursuant to prehearing conference held this date: *It is ordered*, This 29th day of June 1960, that a further prehearing conference will be held February 24, 1961, 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: July 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6339; Filed, July 7, 1960; 8:54 a.m.]

[Docket Nos. 13341-13344; FCC 60M-1131]

CREEK COUNTY BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of T. M. Raburn, Jr., tr/as Creek County Broadcasting Co., Sapulpa, Oklahoma, Docket No. 13341, File No. BP-11605; Tinker Area Broadcasting Co., Midwest City, Oklahoma, Docket No. 13342, File No. BP-12410; Sapulpa Broadcasting Corporation, Sapulpa, Oklahoma, Docket No. 13343, File No. BP-12595; M. W. Cooper, Midwest City, Oklahoma, Docket No. 13344, File No. BP-12887; for construction permits.

For reasons reflected in the transcript of the hearing session held in the above-entitled proceeding on June 30, 1960: *It is ordered*, This 30th day of June 1960, that the hearing is hereby continued until July 13, 1960, at 2:00 p.m., at the Commission's Offices, Washington, D.C.;

It is ordered further, That the parties shall be prepared at the resumption of hearing scheduled herein to present all matters deemed by them to be necessary so that the record may be closed no later than July 15.

Released: July 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6340; Filed, July 7, 1960; 8:54 a.m.]

[Docket Nos. 13622, 13623; FCC 60-757]

ELEVEN TEN BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Eleven Ten Broadcasting Corporation, Pasadena, California, for renewal of license of standard broadcast station KRLA & Aux., Docket No. 13622, File No. BR-1189; for license to cover construction permit (BP-11,700), Docket No. 13623, File No. BL-7701.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of June 1960;

The Commission having under consideration (1) the above-entitled applications, as amended; (2) the Commission's letter of December 16, 1959, sent to the above-named applicant pursuant to section 309(b) of the Communications Act of 1934, as amended; and (3) the reply thereto filed by the applicant; and

It appearing that in its letter to the applicant, the Commission notified it of the grounds and reasons for the Commission's inability to make the public interest finding required in section 309 (b) of the Communications Act before said renewal application could be granted; and that in its reply, the applicant set forth the facts and reasons why it believed that said application should be granted; and

It further appearing that upon due consideration of the above applications, the Commission's letter of December 16, 1959, and the applicant's reply thereto, the Commission is unable to find that a grant of the said applications would serve the public interest; that, therefore, a hearing is required; and that no questions exist as to the qualifications of the applicant except as to the matters involved in the issues set forth below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing,

at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine whether, in light of its operations since it acquired Station KRLA, the licensee's program proposals contained in its application for Commission consent to assignment of the license of Station KRLA (then KXLA) (BAPL-171) were made in good faith;

2. To determine whether, in light of the manner in which the "Find Perry Allen" contest was conducted by Station KRLA in and about September 1959, the licensee operated said station for improper purposes contrary to the public interest;

3. To determine whether the station's program logs for the week of October 18–24, 1959, were altered with the intent and purpose of deceiving the Commission;

4. To determine whether, since the date of assignment of license of Station KRLA (formerly KXLA) to the licensee, Jack K. Cooke, a Canadian citizen, has exercised control with respect to the operations of said station contrary to the provisions of section 310 of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder;

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-entitled applications would serve the public interest, convenience or necessity.

Released: July 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6341; Filed July 7, 1960; 8:54 a.m.]

[Docket No. 13598 etc.; FCC 60M-1130]

GILA BROADCASTING CO.

Order Scheduling Hearing

In re applications of Gila Broadcasting Company, for renewal of licenses of Stations KCKY, Coolidge, KCLF, Clifton, KGLU, Safford, KVNC, Winslow, KZOW, Globe and KWJB-FM, Globe, all in Arizona; Docket No. 13598, File No. BR-2128; Docket No. 13617, File No. BR-2441; Docket No. 13618, File No. BR-970; Docket No. 13619, File No. BR-2731; Docket No. 13620, File No. BR-973; Docket No. 13621, File No. BRH-851.

It is ordered, This 29th day of June 1960, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 19, 1960, in Washington, D.C.

Released: July 1, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6342; Filed, July 7, 1960; 8:54 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16783]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Motion and Hearing

JUNE 30, 1960.

On June 20, 1960, Transcontinental Gas Pipe Line Corporation (Transco) filed "Motion of Transcontinental Gas Pipe Line Corporation for Approval by Commission of Proposed Rate Settlement and for Termination of Proceeding" in the above-entitled docket, in which it moved that the Commission (a) approve the rate settlement contained in "Statement of Proposed Settlement dated January 11, 1960," filed in this docket on February 5, 1960, as modified by the "Amended Statement of June 16, 1960, of Statement of Proposed Settlement dated January 11, 1960" filed June 20, 1960, and (b) terminate the instant proceeding. On June 28, 1960, Transco filed a request for hearing on said motion accompanied by a revised schedule to the amended statement of June 16, 1960.

Take notice that a hearing is hereby scheduled to commence on July 20, 1960, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters presented by the aforesaid motion and statements as modified and amended. The motion and statements hereinbefore described are available for public inspection in the Commission's offices.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6303; Filed, July 7, 1960; 8:50 a.m.]

[Docket No. G-17849 etc.]

EL PASO NATURAL GAS CO. ET AL.

Order Permitting Withdrawal of Application and Terminating Proceedings

JUNE 30, 1960.

El Paso Natural Gas Company, Docket No. G-17849; Northern Natural Gas Company, Docket No. G-18110; The Atlantic Refining Company, Docket No. G-17571; Phillips Petroleum Company, Operator, Docket No. G-17747; Socony Mobil Oil Company, Inc., Docket No. G-17842; Shell Oil Company, Operator, Docket No. G-17888; Pioneer Production Corporation, Operator, Docket No. G-18553; Riddell Petroleum Corporation, Docket No. G-18609; Pan American Petroleum Corporation, Operator, Docket No. G-18660; Sinclair Oil & Gas Company, Operator, Docket No. G-18748; H. H. Davis, Docket No. G-19672; The Superior Oil Company, Docket No. CI 60-328; United Producing Company, Inc., Docket No. CI 60-350.

On June 17, 1960, Socony Mobil Oil Company, Inc. (Socony Mobil) filed, pursuant to § 1.11(d) of the Commission's rules of practice and procedure, a motion for leave to withdraw its application for certificate of public convenience and necessity in Docket No. G-17842 and to terminate proceedings in the aforementioned docket.

By letter issued February 26, 1960, as supplemented by letter issued April 7, 1960, Socony Mobil was issued temporary authorization for the commencement of sales to El Paso Natural Gas Company conditioned upon a reduction in the contract price. Such temporary authorization was refused.

Socony Mobil indicated that its contract with El Paso for the sale of natural gas had been cancelled by letter agreement dated May 18, 1960, a copy of which was attached to the motion.

The Commission finds: It is in the public interest to permit withdrawal of the application by Socony Mobil Oil Company, Inc. in Docket No. G-17842 and to terminate the proceedings therein.

The Commission orders:

(A) Socony Mobil Oil Company, Inc. is hereby permitted to withdraw its application in Docket No. G-17842.

(B) The proceedings in Docket No. G-17842 are hereby terminated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6299; Filed, July 7, 1960; 8:49 a.m.]

[Docket Nos. RI60-447—RI60-456]

HUMBLE OIL AND REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject to Refund [1]

JUNE 30, 1960.

Humble Oil & Refining Company, Docket No. RI60-447; McElroy Ranch Company, Docket No. RI60-448; Associated Oil and Gas Company, Docket No. RI60-449; Union Oil Company of California, Docket No. RI60-450; Union Oil Company of California, Agent, et al., Docket No. RI60-451; Kerr-McGee Oil Industries, Inc., Docket No. RI60-452; Texas Pacific Coal and Oil Company, Docket No. RI60-453; Tri-Service Drilling Company, Docket No. RI60-454; Woodson Oil Company, Docket No. RI60-455; Kingwood Oil Company, Docket No. RI60-456.

The above named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with exceptions of Union Oil Company of California and Kerr-McGee Oil Industries, Inc., which is sold at 15.025 psia. The proposed changes are designated as follows:

[1] The order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI60-447	Humble Oil & Refining Co.	118	8	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.).	6-1-60	6-31-60	[1] 7-1-60	12-1-60	10.3672	[2] 12.6869	G-16416
RI60-447	do	45	6	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	6-1-60	6-31-60	[1] 7-1-60	12-1-60	13.34802	[2] 15.5869	G-19457
RI60-447	do	33	5	do	6-1-60	6-31-60	[1] 7-1-60	12-1-60	13.34802	[2] 15.5869	G-19457
RI60-447	do	26	6	do	6-1-60	6-31-60	[1] 7-1-60	12-1-60	13.34802	[2] 15.5869	G-19457
RI60-447	do	16	10	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.).	6-1-60	6-31-60	[1] 7-1-60	12-1-60	14.1724	17.2285	G-16416
RI60-447	do	9	8	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.).	6-1-60	6-31-60	[1] 7-1-60	12-1-60	13.4761	15.7066	G-16416
RI60-448	McElroy Ranch Co.	1	2	West Lake Natural Gasoline Co. (Nena Lucia Field, Nolan County, Tex.).	5-31-60	6-1-60	[3] 7-2-60	[4] 7-2-60	5.0	8.5	
RI60-449	Associated Oil and Gas Co.	3	6	Tennessee Gas Transmission Co. (Parenthold Field, Jim Wells and Nueces Counties, Tex.).	6-3-60	6-8-60	[3] 7-9-60	7-9-60	14.87389	17.09416	G-19682
RI60-450	Union Oil Co. of California.	[5] 49		United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.).	Contract (1-5-60)	6-1-60	[3] 7-8-60	12-9-60	10.497		[6] G-18974
		49	1	do	Undated	6-1-60	7-2-60	12-2-60		23.25	
RI60-451	Union Oil Co. of California, Agent, et al.	45	1	West Lake Natural Gasoline Co. (Lake Trammell Field, Nolan County, Tex.).	do	6-8-60	[3] 7-10-60	7-11-60	5.5	8.5	
RI60-452	Kerr-McGee Oil Industries, Inc.	55	9	Tennessee Gas Transmission Co. (Bully Camp Field, LaFourche Parish, La.).	do	6-8-60	[3] 7-9-60	[4] 12-9-60	23.09167	23.6	G-19672
RI60-453	Texas Pacific Coal and Oil Co.	4	9	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	6-6-60	6-8-60	[3] 7-9-60	12-9-60	10.50118	15.50174	
RI60-454	Tri-Service Drilling Co.	2	1	El Paso Natural Gas Co. and Hunt Oil Co. (Willrodt Field, Upton County, Tex.).	5-31-60	6-9-60	[3] 7-10-60	12-10-60	7.0	12.5	
RI60-455	Woodson Oil Co.	1	3	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.).	6-12-60	6-1-60	[3] 7-2-60	12-2-60	14.5	16.5	
RI60-456	Kingwood Oil Co.	4	1	Northern Natural Gas Co. (NW. Dower Field, Beaver County, Okla.).	5-31-60	6-2-60	[3] 7-3-60	12-3-60	14.5	16.5	

[1] The stated effective date is the effective date proposed by Humble.
[2] Includes 0.4467 cent per Mcf for compression deducted by buyer.
[3] The stated effective date is the first day after expiration of the required 30 days' notice.
[4] Suspended for 1 day from July 2, 1960, or from such later date as the suspended rate of West Lake Natural Gasoline Company is made effective in Docket No. RI60-30. (Note: Commission's Notice dated June 21, 1960, made West Lake's rates in Docket No. RI60-30 effective as of June 28, 1960.)
[5] Supersedes Union Oil Co. of California's FPC Gas Rate Schednle No. 9, as amended.
[6] Effective subject to refund insofar as the increased rate pertains to Louisiana Gas Gathering Tax.

In support of their proposed favored-nation rate increases, Humble Oil & Refining Company (Humble) and Texas Pacific Coal and Oil Company (Texas Pacific) cite the favored-nation provisions and the renegotiated increased rates. Humble states that the contracts resulted from arm's-length negotiations and the increased rates are reasonable and in line with others in the area. Humble also states that denial of the increased prices would abrogate the contracts and unjustly enrich El Paso Natural Gas Company at its expense and would be confiscatory. Texas Pacific states that the pricing provisions of its contracts were negotiated at arm's length and were an important consideration to seller in executing the contract.

McElroy Ranch Company (McElroy) and Union Oil Company of California, Agent, et al. (Union Oil), in support of their proposed revenue-sharing type rate increases, cite the contract revenue-sharing provisions and West Lake Natural Gasoline Company's (West Lake) increased 17.0 cents per Mcf resale rate to El Paso Natural Gas Company which is suspended until June 23, 1960, in Docket No. RI60-30, and submit copies of a letter from West Lake advising as to the increased 8.5 cents per Mcf price. In addition, Union Oil states that the price provisions of the contract were negotiated at arm's length and were a material inducement to seller to execute such contract.

In support of its proposed favored-nation rate increase, Associated Oil and Gas Company (Associated Oil) cites the contract favored-nation provisions and submits copies of Tennessee Gas Transmission Company's (Tennessee) letter establishing the increased price. In addition, Associated Oil states that the contract resulted from arm's-length bargaining and the increased price is just and reasonable and in line with other prices Tennessee pays in the area.

In support of its proposed renegotiated rate increase, Union Oil Company of California states that the contract resulted from arm's-length negotiations, the pricing provisions thereof are fair, just and reasonable and that United Gas Pipe Line Company could not purchase new gas reserves in the area at a lower price.

Kerr-McGee Oil Industries, Inc. (Kerr-McGee), in support of its proposed favored-nation rate increase, cites the contract provisions and submits copies of Tennessee Gas Transmission Company's favored-nation letter. In addition, Kerr-McGee states that the contract was negotiated at arm's length and the increased price is fair and reasonable and no higher than necessary to encourage further exploration. Kerr-McGee also states that the increased price is equal to or below prices in recently negotiated contracts for gas sales in the area and cites several certificated 23.6 cents per Mcf initial rates to Tennessee in the area.

Tri-Service Drilling Company, in support of its proposed renegotiated rate increase, submits copies of the amendatory agreements executed pursuant to El Paso Natural Gas Company's contract renegotiation program for its Permian Basin gas purchases eliminating the indefinite pricing clauses from the contracts. No other support is offered for the increase in rate.

In support of its renegotiated rate increase, Kingwood Oil Company (Kingwood) claims that the proposed increased rate does not change the rate or charges made for natural gas sold to Northern Natural Gas Company, since it involves the compensation for liquid hydrocarbons. Kingwood has not submitted the required comparative statement of revenues and other required material for rate change and offers no support.

Woodson Oil Company states, in support of its proposed renegotiated rate increase, that the increased rate will not exceed the value of gas in the area.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the rate schedule and above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Supplement No. 2 to McElroy Ranch Company's FPC Gas Rate Schedule No. 1, and Supplement No. 1 to Union Oil Company of California, Agent, et al's FPC Gas Rate Schedule No. 45 be allowed to take effect subject to refund upon the timely filing of their respective agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated rate schedule and supplements.

(B) Pending hearings and decisions thereon, said rate schedule and each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule or supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement No. 2 to McElroy Ranch Company's FPC Gas Rate Schedule No. 1 shall be effective as of July 3, 1960, and Supplement No. 1 to Union Oil Company of California, Agent, et al.'s FPC Gas Rate Schedule No. 45 shall be effective as of July 11, 1960; *Provided, however*, That within 20 days from the date of the issuance of this order, McElroy Ranch Company and Union Oil Company of California, Agent, et al., shall execute and file under Docket Nos. RI60-448 (McElroy) and RI60-451 (Union Oil) with the Secretary of the Commission their respective agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder (prescribed by Order 215 and 215A). The agreement and undertaking shall be signed by Respondent, or if Respondent is a corporation, signed by a responsible officer thereof accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Respondents (McElroy and Union Oil) are advised to the contrary within 15 days after the filing of such agreement and undertaking, their agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6300; Filed, July 7, 1960; 8:49 a.m.]

[Docket Nos. RI 60-436—RI 60-444]

FRED W. SHIELD ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 30, 1960.

Fred W. Shield, Docket No. RI60-436; Texas Gulf Producing Company, Docket No. RI60-437; Union Oil Company of California, Docket No. RI60-438; L. H. Puckett, et al., Docket No. RI60-439; J. R. McGill (Operator), et al., Docket No. RI60-440; Gillring Oil Company, Docket No. RI60-441; Jal Oil Company, Inc., Docket No. RI60-442; Humble Oil and Refining Company (Operator), et al., Docket No. RI60-443; Humble Oil and Refining Company, Docket No. RI60-444.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI60-436	Fred W. Shield	8	-------	Trunkline Gas Co. (Heard Ranch Field, Bee County, Tex.).	[2] 5-25-60	6-1-60	[3] 7-2-60	12-2-60	8.0768	-------	-------
RI60-436	do	8	1	do	[2] 5-25-60	6-1-60	[3] 7-2-60	12-2-60	8.0768	-------	-------
RI60-436	do	8	2	do	Undated	6-1-60	[3] 7-2-60	12-2-60	8.0768	15.25	-------
RI60-437	Texas Gulf Producing Co.	24	3	Tennessee Gas Transmission Co. (Piedra Lumbre Field, Duval County, Tex.).	5-24-60	6-2-60	[3] 7-3-60	12-3-60	15.0952	17.24347	G-13699
RI60-437	do	33	3	Tennessee Gas Transmission Co. (Seeligson Field, Jim Wells County, Tex.).	5-24-60	6-2-60	[3] 7-3-60	12-3-60	15.0952	17.24347	G-13699
RI60-438	Union Oil Co. of California.	10	6	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.).	Undated	5-31-60	[4] 7-1-60	12-1-60	11.07425	17.11475	G-13697
RI60-439	L. H. Puckett et al	1	4	Phillips Petroleum Co. (Panhandle Field, Hutchinson County, Tex.).	Undated	6-2-60	[3] 7-3-60	12-3-60	11.0	12.0	G-10276
RI60-440	J. R. McGill (Operator) et al.	1	3	do	Undated	6-2-60	[3] 7-3-60	12-3-60	11.0	12.0	G-10277
RI60-441	Gillring Oil Co.	1	7	Tennessee Gas Transmission Co. (Agua Dulce Field, Nueces, Tex.).	5-26-60	5-31-60	[4] 7-1-60	12-1-60	14.87559	17.09416	G-13664
RI60-442	Jal Oil Co., Inc.	2	2	El Paso Natural Gas Co. (Crosby Devonian Field, Lea County, N. Mex.).	5-27-60	5-31-60	[3] 7-1-60	12-1-60	10.5	15.5598	-------
RI60-443	Humble Oil & Refining Co. (Operator), et al.	5	31	El Paso Natural Gas Co. (Spraberry Field, Midland, Upton, Glasscock, and Reagan Counties, Tex.).	6-1-60	5-31-60	[4] 7-1-60	12-1-60	14.1176	17.2295	-------
RI60-443	do	142	3	El Paso Natural Gas Co. (S. Four Lakes Field, Lea County, N. Mex.).	6-1-60	5-31-60	[4] 7-1-60	12-1-60	14.036	17.0656	G-18173
RI60-444	Humble Oil & Refining Co.	31	10	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	6-1-60	5-31-60	[4] 7-1-60	12-1-60	13.34802	15.5590	G-10487
RI60-444	do	116	9	El Paso Natural Gas Co. (S. Andrews Field, Andrews County, Tex.).	6-1-60	5-31-60	[4] 7-1-60	12-1-60	10.3072	13.6823	G-16416

[1] Contract.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Settlement Agreement.
[4] The stated effective date is that requested by respondent.

In support of its proposed increased rate, Shield states that the new contract will commit additional gas to Trunkline and allow greater flexibility in scheduling the acceptance and delivery of gas over the 20-year term of the contract; the proposed rate does not exceed the price being paid for gas by Trunkline in the same area; and the price increase is necessary to offset the additional expenses of drilling one additional well and to provide the necessary facilities to dehydrate and process the gas. Shield also states that he is now paying a third party 0.5 cents per Mcf for dehydrating the gas whereas the dehydration reimbursement from the buyer amounts to only 0.25 cents per Mcf. The new contract provides for a 1.0 cent per Mcf periodic increase every five years and contains no flexible pricing provision clauses.

In support of its proposed increased rate, Texas Gulf states that the higher prices are provided by contracts agreed upon in arm's-length bargaining; the proposed rates are less than the going price for gas in the area; and such rates represent a lower price than the present market value for equivalent supplies.

In support of higher rates, Union Oil states that the contract was negotiated at arm's length and the contract would not have been executed without the favored-nation clause. Humble states that the proposed rates are provided by contract and are in line with going contract prices in the area. If suspended, Humble requests that the suspension period be limited to one day on the theory

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

that the staff has been investigating Humble's books and records since June 27, 1956, and additional time is not required for investigation.

Puckett and McGill state that the increased rates are provided by contract and are just and reasonable and not contrary to the public interest.

In support of its proposed increased rate, Jal Oil states that in consideration of the higher price it has agree to delete the favored-nation clause from the contract; it agreed to extend the term of the contract to January 1, 1980; the amendatory agreement was arrived at after arm's-length negotiations; and the cost of doing business has been increasing.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements, together with Fred W. Shield's FPC Gas Rate Schedule No. 8, be suspended, and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings will be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements together with Fred W. Shield's FPC Gas Rate Schedule No. 8.

(B) Pending hearings and decisions thereon, each of the aforementioned supplements and Fred W. Shield's FPC Gas Rate Schedule 8 are suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended until" column and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the Rate Schedules nor supplements thereto involved in the above-proposed changes shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 15, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6301; Filed, July 7, 1960; 8:49 a.m.]

[Docket No. E-6952]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

JULY 1, 1960.

Take notice that on June 24, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company ("Applicant") for the issuance of such common shares of Common Stock of Applicant as will equal an aggregate offering price not in excess of $1,000,000, computed on the basis of the market value of Applicant's Common Stock as determined from transactions or quotations in the Over-the-Counter Market on a specified date within 15 days of the date of offering. The exact number of shares to be offered and price will be supplied by amendment. Applicant, having its principal business office at Rapid City, South Dakota, is incorporated under the laws of the State of South Dakota and does business in the States of South Dakota and Wyoming. Applicant proposes to arrange with Dillon, Read & Co., Inc., New York, New York, for the underwriting of such shares of the Additional Common Stock as the stockholders of Applicant may not purchase pursuant to the rights to be issued to them. Applicant did not ask for competitive bids in connection with the sale or underwriting of the aforesaid Common Stock since the Additional Common Stock is to be offered to Applicant's Common Stockholders pursuant to their preemptive rights and since the issuance of the Additional Common Stock will result in proceeds in an amount less than $1,000,000. Applicant states that the proceeds from the issuance and sale of the aforementioned Common Stock will be used for additions and improvements to Applicant's properties.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 26th day of July 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6297; Filed, July 7, 1960; 8:49 a.m.]

COLUMBIAN FUEL CORP.

[Docket No. G-20578]

Order Reopening Proceeding, Staying Order Accepting Offer of Settlement and Terminating Proceeding, Granting Petition To Intervene and Fixing Hearing

JUNE 30, 1960.

On February 29, 1960, Columbian Fuel Corporation (Columbian Fuel) tendered an Offer of Settlement pursuant to § 1.18 (e) of the Commission's rules of practice and procedure. By order issued April 26, 1960, this offer of settlement was accepted by the Commission.

In the order of April 26, 1960, it was stated that: "there are no interveners in this proceeding," whereas, subsequent to Commission action, but prior to issuance of the April 26, 1960 order, on April 22, 1960, a petition to intervene had been filed by the City and County of Denver, Colorado (Denver).

Denver further filed on May 25, 1960, a petition for rehearing of the order of April 26, 1960, requesting that its petition to intervene and rehearing of the order of April 26, 1960, be granted and that the Commission vacate or modify the said order in conformity with its request.

In support of its requested relief, Denver contends that it would uncover through cross-examination facts and evidence which would demonstrate that the settlement between Columbian Fuel and Colorado Interstate is not in the public interest. Denver avers that it should have been allowed to intervene in order to inquire and have determined whether consumers were prejudiced by the settlement terms, such as possible waiver by Colorado Interstate of refunds in return for the possible advantages which Columbian has set forth in its offer of settlement. Denver alleges that since it has not been allowed to intervene, the Commission has deprived itself of evidence without which a finding in the public interest cannot possibly be correctly entered. Finally, Denver argues that the order of April 26, 1960, is clearly unlawful as no finding of justness and reasonableness was made.

Denver in its petition for rehearing has presented allegations which, if supported, may materially affect our decision in this mater. Accordingly, we believe that the public interest would best be served by granting rehearing, granting Denver's petition to intervene, and staying our order of April 26, 1960 for a reasonable time to allow Denver an opportunity to support its above-stated contentions.

The Commission finds:

(1) It is in the public interest that the petition for rehearing of the Commission's order of April 26, 1960 filed by Denver on May 25, 1960, should be allowed; that this proceeding should be reopened; and that a limited hearing should be held to allow Denver the opportunity to offer evidence in support of the contentions it has advanced in its petition of May 25, 1960.

(2) The Commission order of April 26, 1960 accepting the offer of settlement should be stayed until further order of the Commission.

(3) Denver's petition to intervene filed on April 22, 1960, should be granted.

The Commission orders:

(A) The petition filed by Denver on May 25, 1960, requesting rehearing of the Commission's order of April 26, 1960, is hereby granted, this proceeding is hereby reopened and a hearing will be held on July 19, 1960, at 10 a.m., e.d.s.t., in a Hearing Room of the Federal Power

Commission, 441 G Street NW., Washington, D.C., limited to the matters involved in and the issues presented by Denver in its petition for rehearing filed herein on May 25, 1960.

(B) The effectiveness of the Commission's order of April 26, 1960, is hereby stayed until further order of the Commission.

(C) Denver be permitted to become an intervener in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of Denver shall be limited to the matters involved in and the issues presented in its petition for rehearing filed May 25, 1960: *And provided, further,* That the admission of Denver shall not be construed as recognition by the Commission that Denver might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6296; Filed, July 7, 1960; 8:49 a.m.]

[Docket Nos. RI60-445, RI60-446]

TEXACO SEABOARD, INC., AND TEXACO, INC.

Order Providing for Hearings on and Suspension of Proposed Changes in Rate and Allowing Rate Changes To Become Effective Upon Filing of Motions and Undertakings To Assure Refund of Excess Charges [1]

JUNE 30, 1960.

Texaco Seaboard, Inc., Docket No. RI60-445; Texaco, Inc., Docket No. RI60-446.

On May 31, 1960, the above-named respondents tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing the natural gas is sold at 14.65 psia. Neither Notice of Change was dated.

The filing by Texaco Seaboard, Inc., is designated Supplement No. 3 to its FPC Gas Rate Schedule No. 25, and reflects an increase in rate from 6.9918 cents to 8.5 cents per Mcf, for sales to West Lake Natural Gasoline Co. in the producing area of S. Lake Trammell Field. The effective date is July 1, 1960.[2]

The filing by Texaco, Inc., is designated Supplement No. 13 to its FPC Gas Rate Schedule No. 9, and reflects a decrease from 11.7518 cents to 11.3057 cents per Mcf, for sales to Northern Natural Gas Company in the producing area of W. Panhandle Field, Carson County, Texas. The effective date is July 1, 1960.[3]

The filing of Texaco Seaboard, Inc., is based upon a revenue-sharing rate increase for gas sold to West Lake Natural Gasoline Company from leases in the South Lake Trammel Field, Nolan County, Texas, and is requested to be effective as of June 23, 1960, the earliest date that the buyer's related resale rate may be made effective subject to refund in Docket No. RI60-30.

In support of its proposed increase, Texaco cites contractual provisions and states that costs have been increasing due to inflation as shown by the indices of the U.S. Bureau of Labor Statistics; exploratory and developmental expenses have increased because of deeper drilling and drilling in more inaccessible places; and the increase is needed to encourage exploration and development.

Texaco, Inc.'s contract of sale with Northern Natural dated August 1, 1948, provides that buyer will pay seller a price equal to the current market price being paid at the wellhead for sweet gas produced in the Texas Panhandle Field, as determined by the Railroad Commission of Texas. Such determinations are made twice a year by the Texas Railroad Commission and Texaco has been filing rate changes in accordance with such determinations.

The last such previous determination was made on November 16, 1959, for a price of 11.7518 cents per Mcf for sweet gas. Texaco filed for such price on November 30, 1959, and the proposed rate was suspended in Docket No. G-20433 until June 1, 1960, because it exceeded the 11.0 cents per Mcf ceiling at 14.65 psia for increased rates in Texas Railroad Commission District No. 10. On April 28, 1960, Texaco filed a motion to put the suspended rate in effect subject to refund.

The latest determination by the Texas Railroad Commission was made on May 16, 1960, and is for a price of 11.3057 cents per Mcf for sweet gas. This is a decrease of 0.4461 cent per Mcf from the previously determined rate of 11.7518 cents per Mcf. The reasons for the decrease in the average price are not stated by Texaco. Consistent with the pricing provisions of its contract, Texaco now files for the lower rate.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in the above-designated supplement, and that said proposed rate schedules be suspended and the use thereof deferred as hereinafter provided.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that the above proposed rate supplements be made effective as hereinafter provided and that respondents be required to file undertakings as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Ch. I), public hearings shall be held at a time and date to be fixed by notices from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in the above-designated supplements.

(B) Pending such hearings and decisions thereon each of the above-designated supplements is hereby suspended, and its use deferred until July 2, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.[4]

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) The above-designated supplements shall be made effective as of July 2, 1960: *Provided, however,* That within 20 days from the date of issuance of this order, respondents shall execute and file under Docket Nos. RI60-445 and RI60-446 with the Secretary of the Commission their agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and 215A). Each agreement and undertaking shall be filed by respondent, or if respondent is a corporation, signed by a responsible officer thereof accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of such agreements and undertakings, their agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before August 15, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6302; Filed, July 7, 1960; 8:50 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[2] The stated effective date is 30 days after expiration of the required statutory notice.

[3] The stated effective date is that requested by respondent.

[4] Or in the filing by Texaco Seaboard, Inc., RI60-446 until such time as West Lake's resale rate in RI60-30 may be made effective subject to refund.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1314]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing of Application for Order of Exemption

JULY 1, 1960.

Notice is hereby given that Massachusetts Investors Trust ("MIT"), a registered open-end diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares for substantially all of the cash and securities of Edgemont Securities Corporation ("Edgemont") on the basis set forth below.

Shares of MIT, a Massachusetts common law trust, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of April 30, 1960, the net assets of MIT amounted to $1,416,990,132.

Edgemont, a Delaware corporation, is a personal holding company with eleven stockholders which engages in the business of investing and reinvesting its funds. Edgemont is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between MIT and Edgemont, substantially all of the cash and securities of Edgemont, with a total value of approximately $10,600,000 as of April 30, 1960, will be transferred to MIT in exchange for shares of stock of MIT. The shares acquired by Edgemont are to be distributed immediately to its shareholders who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of MIT to be delivered to Edgemont will be determined by dividing the net asset value per share of MIT in effect at the close of business on the day preceding the closing date into the value of the Edgemont assets to be exchanged.

The value of the Edgemont assets will be subject to an adjustment designed to protect MIT's shareholders from possible adverse tax consequences of the exchange. Since the exchange will be tax-free for Edgemont and its shareholders, MIT's cost basis for tax purposes on the assets acquired from Edgemont will be the same as for Edgemont, rather than the price actually paid by MIT for the assets. In view of this, provision is made for the following adjustment. If the percentage of the value of the securities of Edgemont representing unrealized appreciation is greater than the percentage of the value of MIT's portfolio securities representing unrealized appreciation, there will be deducted from the value of the Edgemont assets 12½ percent of the amount of such excess unrealized appreciation. This adjustment is intended to safeguard the present shareholders of MIT from bearing a greater capital gains tax on any subsequent sale by MIT of the Edgemont securities than they would bear on the sale of the securities presently in its portfolio.

The application states that since the average capital gains tax rate that would have to be paid by MIT's shareholders cannot be exactly calculated, the figure of 12½ percent used for adjustment purposes was arrived at as a fair compromise between zero and the maximum long term capital gains tax rate of 25 percent.

As of April 30, 1960, the net unrealized appreciation of the Edgemont securities amounted to $9,577,961, or approximately 90 percent of the value of such securities, as compared with net unrealized appreciation on MIT's portfolio securities of approximately $708,495,066, or approximately 50 percent of the value of the net assets of MIT. If the transaction had been consummated on April 30, 1960, the adjustment described above would have resulted in a deduction of approximately $174,380 from the value of Edgemont's assets, and Edgemont's shareholders would have received approximately 761,074 shares of stock of MIT.

The application recites that the terms of the entire transaction were arrived at through arm's length bargaining between the officers of MIT and Edgemont.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of MIT are to be issued to Edgemont at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2.5 percent for sales over $250,000.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 15, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL.] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6321; Filed, July 7, 1960; 8:52 a.m.]

[File No. 70-3899]

NEW ENGLAND ELECTRIC SYSTEM AND WACHUSETT GAS CO.

Notice of Proposed Increase in Authorized Shares of Capital Stock and Intrasystem Issuance, Sale and Acquisition of Such Increased Shares

JULY 1, 1960.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and one of its gas utility subsidiaries, Wachusett Gas Company ("Wachusett"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 6(b), 7, 9(a) and 10 of the Act and Rules 50(a)(1), (3), (4) and 42(b)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Wachusett proposes (a) to increase its 10,290 authorized shares of capital stock, par value $100 per share, to 13,290 of such shares and (b) to issue and sell such additional 3,000 shares of its capital stock to NEES for the aggregate par value thereof or a total consideration of $300,000.

The proceeds from the above sale are to be applied by Wachusett to the payment of a like amount of short-term Notes payable to a bank, which note indebtedness was incurred for extensions, enlargements and additions to the plant and property of Wachusett.

The estimated fees and expenses to be incurred in connection with the proposed transactions by Wachusett and NEES aggregate $2,950 and $600, respectively, and consist, for the most part, of aggregate charges of $3,100 by the system service company.

Wachusett has applied to the Massachusetts Department of Public Utilities for authorization of the proposed increase in its authorized shares and for the proposed issuance and sale of such increased shares to NEES. A copy of the order entered therein is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over either of the proposed transactions.

Notice is further given that any interested person may, not later than July 26, 1960, request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such re-

quest should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the joint application-declaration as filed, or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6322; Filed, July 7, 1960; 8:52 a.m.]

[File No. 1-3866]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JULY 1, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 5, 1960 to July 14, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6323; Filed, July 7, 1960; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

QUARTERLY AND ANNUAL REPORTS OF CLASS I AND CLASS II MOTOR CARRIERS OF PROPERTY

JUNE 23, 1960.

By a petition filed with the Commission under date of February 3, 1960, the American Trucking Associations, Inc. asks for a rule to provide for the revision of the operating ratio presently required to be furnished by Class I and Class II motor carriers of property in their annual and quarterly reports to the Commission, and to require the furnishing of a second ratio by such carriers in these reports to be known as "Net Income Ratio." Revision of the present operating ratio would call for the inclusion of the item of income taxes in computation of the "Operating Ratio", and the reporting of a second ratio to be called "Net Income Ratio", which would be computed by dividing the net income transferred to surplus by the total operating revenues.

Revision of the present operating ratio is requested by the petitioner so as to obtain a reflection of the treatment of income taxes as an expense of doing business as recognized in certain court decisions and in accordance with sound and generally accepted accounting principals, and for rate-making and other purposes. The second ratio is requested for the purpose of furnishing a valuable guide to the Commission, carrier management, financial institutions and others interested in an accurate measure of the carrier's financial efficiency.

Upon consideration of the above-described petition, notice is hereby given, in conformity with the terms of section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, that the Commission has taken the matter under consideration.

Any interested person may, within 45 days from the date of the appearance of this notice in the FEDERAL REGISTER, file with the Commission a written statement of views or other representations in regard to the above described proposed changes and may request oral argument or public hearing.

This notice with a copy of petition will be served on all Class I and Class II common and contract motor carriers of property and notice will be given to the general public by depositing a copy in the Office of the Secretary of the Commission, Washington, D.C., and by filing the notice with the Director, Federal Register Division.

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6331; Filed, July 7, 1960; 8:53 a.m.]

[Notice 343]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 5, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63060. By order of June 30, 1960, the Transfer Board approved the transfer to Amos C. Baer, doing business as Hagerstown Storage and Transfer Company, Hagerstown, Md., of Certificate No. MC 65631 issued November 22, 1949, to Lewis Samuel Horst and Frances Louise Horst, a partnership, doing business as Horst Transfer, Hagerstown, Md., authorizing the transportation, over irregular routes, of monumental stone and supplies and equipment for installing same, from Hagerstown, Md., to points within 50 miles of Hagerstown, in Pennsylvania, West Virginia, Virginia, and Maryland; newspapers, from Hagerstown, Md., to Greencastle, Pa., Berkeley Springs, W. Va., and points in Maryland within 6 miles of Hagerstown; coal, from points within 5 miles of Dividing Ridge, Pa., to points in Washington County, Md.; petroleum products (not requiring special equipment), between Hagerstown, Md., and points within 10 miles thereof; and, agricultural commodities, between points in Washington County, Md., on the one hand, and, on the other, points within 125 miles of Hagerstown, Md., in Maryland and Pennsylvania. Harry H. Frank, Commerce Building, Harrisburg, Pa., or, Norman I. Broadwater, Second National Bank Building, Hagerstown, Md., for applicants.

No. MC-FC 63071. By order of June 30, 1960, the Transfer Board approved the transfer to Esther Gibson, doing business as The Gibson Trucking Co., Oklahoma City, Oklahoma, of a Certificate in No. MC 109531, issued July 11, 1950, to E. H. Gibson and Esther Gibson, a partnership, doing business as The Gibson Trucking Co., Oklahoma City, Oklahoma, which authorizes, the transportation of oil-field equipment and supplies, over irregular routes, between points in Texas west of, but not including those on U.S. Highway 81 and those in Kansas and Oklahoma. John H. Lewis, Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo.

No. MC-FC 63218. By order of June 30, 1960, the Transfer Board approved the transfer to Ace-R. B. Van Lines, Inc., 2136 Northwest 24th Avenue, Miami, Florida, of a Certificate in No. MC 60004 issued June 18, 1941 to Decker Van Lines, Inc., 143 Clark Street, Auburn, N.Y., which authorizes the transportation of household goods, as defined by the Commission, between Auburn, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Delaware, Virginia, New Hampshire, Rhode Island, Indiana, Wisconsin, Massachusetts, Vermont, Connecticut, Michigan, Illinois, New Jersey, Maryland, and the District of Columbia.

No. MC-FC 63234. By order of June 30, 1960, the Transfer Board approved the transfer to Ohio Valley Motor Freight, Inc., Marietta, Ohio, of the operating rights in Certificates Nos. MC 114718, MC 114718 Sub 1, MC 114718 Sub 2, MC 114718 Sub 6 and MC 114718 Sub 7, issued May 31, 1955, April 13, 1956, March 22, 1956, October 10, 1957, and February 12, 1960, respectively, to William H. Elliott, doing business as Ohio Valley Motor Freight, Marietta, Ohio. The foregoing certificates authorize the transportation of ferro alloys, silicon metals, dry cement, agricultural commodities, except household goods, as defined by the Commission, commodities in bulk, and other specified commodities, from, to, and between, specified points in Ohio, Pennsylvania, New York, West Virginia, Indiana, Illinois, Kentucky, Maryland, Michigan, and Missouri, and the substitution of transferee for transfer or in No. MC 114718 Sub 8. Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, for applicants.

No. MC-FC 63264. By order of June 30, 1960, the Transfer Board approved the transfer to Arthur J. Letourneau, doing business as A. J. Letourneau Movers, Worcester, Mass., of Certificate in No. MC 2797, issued February 14, 1958, to Matthew J. Modzelewski and Victor A. Bergerson, a partnership, doing business as J. B. Brooks Co., Worcester, Mass., authorizing the transportation of: Household goods, between Shrewsbury, Mass., and points in Massachusetts within 20 miles of Shrewsbury, on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey. Arthur A. Wentzell, P. O. Box 720, Worcester, Mass., for applicants.

No. MC-FC 63270. By order of June 30, 1960, the Transfer Board approved the transfer to Donald E. Miller, Lemmon, South Dakota, of Permit No. MC 116720 issued June 20, 1958 in the name of Howard Kellogg, Lemmon, South Dakota, authorizing the transportation over irregular routes of malt beverages, in containers, and supplies, signs and materials used in the sale and distribution thereof, from St. Paul, Minn., to Lemmon, S. Dak., and empty containers on return. Ronald R. Johnson, 310 Main Avenue, Lemmon, S. Dak., for applicants.

No. MC-FC 63272. By order of June 30, 1960, the Transfer Board approved the transfer to Leo E. Richard, doing business as Leo Richard Trucking, Portland, Maine, of a portion of the operating rights in Certificate No. MC 61019, issued April 2, 1959, to Massachusetts Trucking Corp., New Bedford, Mass., authorizing the transportation of: Malt beverages, in containers, and advertising matter used in connection with the sale or distribution of malt beverages, from Newark, N.J., or New York, N.Y., to specified points in Rhode Island, Massachusetts, and Connecticut; and returned or rejected shipments of malt beverages and empty malt beverage containers, on the return. Kenneth B. Williams, 111 State Street, Boston 9, Mass., for applicants.

No. MC-FC 63283. By order of June 30, 1960, the Transfer Board approved the transfer to Boward Truck Line, Inc., Staunton, Va., of that portion of the operating rights authorized to J. C. Boward, doing business as J. C. Boward's Truck Lines, Staunton, Va., in Certificate No. MC 27598 issued January 19, 1950, authorizing the transportation, over regular routes, of plumbing and heating supplies and equipment, from Bayonne, N.J., and Lansdale, Pa., to Staunton, Va., and over irregular routes, of general commodities, excluding household goods, between Staunton, Va., and points in Augusta County, Va., within 50 miles of Staunton on the one hand, and, on the other, Washington, D.C., Baltimore, Hagerstown, and Knoxville, Md., Philadelphia, Bristol, Pittsburgh, and Lancaster, Pa., and points in North Carolina, South Carolina, and West Virginia, and between points in Rockbridge and Rockingham Counties, Va., on the one hand, and, on the other, Washington, D.C., Baltimore, Hagerstown, and Knoxville, Md., Philadelphia, Bristol, Pittsburgh, and Lancaster, Pa., and points in North Carolina, South Carolina, and West Virginia, and various specified commodities from and to specified points in Virginia, Maryland, Delaware, New York, New Jersey, Connecticut, Pennsylvania, North Carolina, South Carolina, West Virginia, Tennessee, and the District of Columbia, and the operating rights authorized to J. C. Boward, doing business as J. C. Boward's Truck Lines, in Certificate No. MC 27598 Sub 5, issued May 17, 1951, authorizing the transportation, over a regular route, of general commodities, excluding household goods and commodities in bulk, between Lynchburg, Va., and Covington, Va. Glenn F. Morgan, 925 Whitfield Avenue, Sarasota, Fla., for applicants.

No. MC-FC 63284. By order of June 30, 1960, the Transfer Board approved the transfer to Boward Moving and Storage, Inc., Staunton, Va., of that portion of the operating rights authorized to J. C. Boward, doing business as J. C. Boward's Truck Lines, Staunton, Va., in Certificate No. MC 27598, issued January 19, 1950, authorizing the transportation, over irregular routes, of household goods, between Staunton, Va., and points in Augusta County, Va., within 50 miles of Staunton, on the one hand, and, on the other, Washington, D.C., and points in North Carolina, Maryland, Pennsylvania, and West Virginia, between points in Rockbridge and Rockingham Counties, Va., on the one hand, and, on the other, Washington, D.C., and points in North Carolina, Maryland, Pennsylvania, and West Virginia, and between Waynesboro, Va., and points within 25 miles of Waynesboro, on the one hand, and, on the other, those in Delaware, the District of Columbia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia. Glenn F. Morgan, 925 Whitfield Avenue, Sarasota, Fla., for applicants.

No. MC-FC 63347. By order of June 30, 1960, the Transfer Board approved the transfer to William Wayne Talkington, Jr., doing business as Talkington Truck Co., 814 West G Street, Wilmington, California, of a Certificate in No. MC 32606 issued April 14, 1941 to Edythe May Talkington, doing business as Talkington Truck Co., 816 Frigate Ave., Wilmington, California, which authorizes the transportation of lumber and forest products, over irregular routes, from Los Angeles Harbor and Long Beach Harbor, Calif., to specified points in California.

No. MC-FC 63375. By order of June 30, 1960, the Transfer Board approved the transfer to Joseph A. Conrad, Jr., Terre Haute, Ind., of Permit No. MC 109470 issued August 24, 1948, to Joseph A. Conrad, doing business as Conrad Transfer Company, Terre Haute, Ind., authorizing the transportation of such merchandise, as is dealt in by mail-order houses and their stores, between Terre Haute, Ind., on the one hand, and, on the other, points in Illinois and Indiana within 50 miles of Terre Haute, Ind. Joseph A. Conrad, Jr., 547 North 13th Street, Terre Haute, Ind., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6326; Filed, July 7, 1960; 8:53 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 5, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36370: *Vermiculite—Between points in southwestern and WTL and IFA territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7839), for interested rail carriers. Rates on vermiculite, asbestos and clay combined, vermiculite, other than crude, and perlite, other than crude, in carloads between points in southwestern territory, on the one hand, and points in western trunk-line, including northern lines territory, also East St. Louis, Ill., St. Louis, Alexandria, Hannibal, Louisiana, Old Monroe, West Alton and West Quincy, Mo., on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 56 to Southwestern Freight Bureau tariff I.C.C. 4330.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 60-6327; Filed, July 7, 1960; 8:52 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HARALD VON SCHENK

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location
Harald von Schenk, Bremen, Germany; $9,661.22 in the Treasury of the United States. Vesting Order No. 12800; Claim No. 56772:
The following securities in the Safekeeping Department of the Federal Reserve Bank, New York:
Republic of Chile External Sinking Fund Dollar Bonds of 1942, due 1993, Nos. M13174/7 at $1,000.00 each; Federal Republic of Germany Conversion and Funding Issue 1953, 10 year 3% Dollar Bonds due 1963, Nos. M 008120/21 at $1,000.00 each, D 001352 at $500.00, C 006750/52 at $100.00 each; German Savings Banks and Clearing Association Berlin, Debt Adjustment Debentures Series A, 5½%, due 1967, Nos. M 004196/8 at $1,000.00 each, C 002076/80 at $100.00 each; Free Hanseatic City of Bremen 10 year External Loan Gold Bonds 5%, due 1945, Nos. M 2473/6 at $1,000.00 each; 29 share warrants Royal Dutch Company for the Working of Petroleum Wells in Netherlands India, 1000 florins p.v., Nos. 474670/83, 491753, 115862, 079744, 281388, 474659/69; and 42 shares of Handelsvereeniging, Amsterdam, 500 guilders face value, various issues.

Executed at Washington, D.C., on June 30, 1960.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F.R. Doc. 60-6330; Filed, July 7, 1960; 8:53 a.m.]

HOUSING AND HOME FINANCE AGENCY

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region VI (San Francisco), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749–1749c), is hereby authorized within such Region:

1. To execute loan agreements involving loans for student and/or faculty housing and/or dining facilities, and to amend or modify any such loan agreement;

2. To execute any loan agreement under the program in the amount approved by the Community Facilities Commissioner, and to amend or modify any such loan agreement.

This redelegation supersedes the redelegation effective September 22, 1959 (24 F.R. 7627, Sept. 22, 1959).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960); corrected 25 F.R. 3196, April 13, 1960))

Effective as of the 3d day of June 1960.

[SEAL] MELVIN S. FRAZIER,
Acting Regional Administrator, Region VI.

[F.R. Doc. 60-6332; Filed, July 7, 1960; 8:53 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region VI (San Francisco), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region:

1. To enter into contracts with public agencies involving loans for essential public works or facilities in amounts not exceeding $250,000, and to amend or modify any such contract provided that such amendment or modification does not increase the Federal loan beyond $275,000;

2. To enter into contracts with public agencies for loans for such public works or facilities in amounts approved by the Community Facilities Commissioner, and to amend or modify any such contract provided that such amendment or modification does not increase the amount of the Federal loan approved by the Commissioner by more than $25,000 or 10 percent, whichever is the lesser.

This redelegation supersedes the redelegation effective September 22, 1959 (24 F.R. 7626, Sept. 22, 1959).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960))

Effective as of the 3d day of June 1960.

[SEAL] MELVIN S. FRAZIER,
Acting Regional Administrator, Region VI.

[F.R. Doc. 60-6333; Filed, July 7, 1960; 8:53 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region VI (San Francisco), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers to public agencies for planning projects involving advances in amounts not exceeding $30,000 per project, and to amend or modify contracts resulting from the acceptance of such offers provided that such amendments or modifications do not increase the Federal advances for any project beyond $30,000;

2. To execute offers to public agencies in amounts approved by the Community Facilities Commissioner for planning projects involving advances in excess of $30,000, and to amend or modify contracts resulting from the acceptance of such offers, except that any amendment or modification involving a substantial increase in the scope of a project or an increase in the amount of the Federal advance shall not be executed without the prior approval of the Community Facilities Commissioner;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraphs 1 or 2 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraphs 1 or 2 above.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective April 9, 1960 (25 F.R. 3090, April 9, 1960))

Effective as of the 3d day of June 1960.

[SEAL] ANNABELLE HEATH,
Regional Administrator, Region VI.

[F.R. Doc. 60-6334; Filed, July 7, 1960; 8:53 a.m.]

REGIONAL DIRECTOR OF URBAN RENEWAL, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Demonstration Grant Program, and Urban Planning Grant Program

The Regional Director of Urban Renewal, Region VI (San Francisco), Housing and Home Finance Agency, is hereby authorized within such Region to exercise all the authority delegated to the Regional Administrator by the Housing and Home Finance Administrator's delegation of authority effective December 23, 1954 (20 F.R. 428, Jan. 19, 1955), as amended, with respect to the slum clearance and urban renewal program authorized under Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U.S.C. 1450–1460), and under section 312 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1450 note), with respect to the demonstration grant program authorized under section 314 of the Housing Act of 1954 (68 Stat. 629, 42 U.S.C. 1452a), and with respect to the urban planning grant program authorized under section 701 of the Housing Act of 1954, as amended (68 Stat. 640, as amended, 40 U.S.C. 461), except those authorities which under paragraph 6 of such delegation may not be redelegated.

This redelegation supersedes the redelegations effective January 17, 1955 (20 F.R. 696, Feb. 1, 1955), October 3, 1955 (20 F.R. 7975, Oct. 22, 1955), and August 13, 1957 (22 F.R. 7092, Sept. 4, 1957).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation, as amended)

Effective as of the 3d day of June 1960.

[SEAL] MELVIN S. FRAZIER,
Acting Regional Administrator, Region VI.

[F.R. Doc. 60-6335; Filed, July 7, 1960; 8:54 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 282]

NEW YORK

Declaration of Disaster Area

Whereas, it has been reported that during the month of June, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Broome (flood occurring on or about June 17, 1960).

Offices: Small Business Administration Regional Office, 42 Broadway, New York 4, N.Y. Small Business Administration Branch Office, Chimes Building, Room 904, 500 South Salina Street, Syracuse, N.Y.

2. A temporary field office will be established in the Town of Union Office Building, Endwell, New York.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1960.

Dated: June 22, 1960.

ROBERT F. BUCK,
Deputy Administrator.

[F.R. Doc. 60-6324; Filed, July 7, 1960; 8:52 a.m.]

[Declaration of Disaster Area 283]

NEBRASKA

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Dodge, Douglas, Madison and Sarpy (flood occurring on or about June 19 and 20, 1960).

Offices: Small Business Administration Regional Office, Home Savings Building, Fifth Floor, 1006 Grand Avenue, Kansas City 6, Mo. Small Business Administration Branch Office, Farm Credit Building, Room 207, 206 South 19th Street, Omaha 2, Nebr.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1960.

Dated: June 22, 1960.

ROBERT F. BUCK,
Deputy Administrator.

[F.R. Doc. 60-6325; Filed, July 7, 1960; 8:52 a.m.]

TARIFF COMMISSION

[AA1921-13]

NEPHELINE SYENITE

Notice of Hearing

Notice is hereby given of a public hearing to be held in the Hearing Room, Tariff Commission Building, Eighth and E Street NW., Washington, D.C., beginning at 10 a.m. e.d.s.t. on July 25, 1960, in connection with the investigation instituted by the Tariff Commission under section 201(a) of the Antidumping Act, 1921, as amended, with regard to Nepheline Syenite from Canada (25 F.R. 4967).

Interested parties desiring to appear and to be heard should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least three days in advance of the date of the hearing.

By order of the Commission.

Issued: July 7, 1960.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-6395; Filed, July 7, 1960; 8:55 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: During the current recess of the Congress a listing of public laws approved by the President will appear in the FEDERAL REGISTER under *Title 2—The Congress.*

Approved July 6, 1960

H.R. 3291.....Public Law 86-593
An Act to amend title 10, United States Code, with respect to certain medals.

H.R. 4251.....Public Law 86-594
An Act to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures.

H.R. 6106.....Public Law 86-595
An Act to provide for the establishment of the Arkansas Post National Memorial, in the State of Arkansas.

H.R. 9142.....Public Law 86-596
An Act to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes.

H.R. 12311.....Public Law 86-592
An Act to amend the Sugar Act of 1948, as amended.

CUMULATIVE CODIFICATION GUIDE—JULY

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Washington, Saturday, July 9, 1960

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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964 6459

PROPOSED RULES:

994 6483

9 CFR

131 6460

14 CFR

507 6462
600 6462
601 (2 documents) 6462, 6463

15 CFR

50 6463

16 CFR

13 (2 documents) 6464

19 CFR

PROPOSED RULES:

1 6483

20 CFR

404 6465

21 CFR

51 6468
121 6469

PROPOSED RULES:

121 (2 documents) 6484

26 (1954) CFR

213 6469
302 6469

30 CFR

33 6473

32 CFR

606 6476

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 205]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.505 Valencia Orange Regulation 205.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 7, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 10, 1960, and ending at 12:01 a.m., P.s.t., July 17, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6464; Filed, July 8, 1960; 11:27 a.m.]

[Lemon Reg. 854]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.961 Lemon Regulation 854.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 6, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 10, 1960, and ending at 12:01 a.m., P.s.t., July 17, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6431; Filed, July 8, 1960; 9:02 a.m.]

PART 964—DRIED FIGS PRODUCED IN CALIFORNIA

Order Terminating the Provisions of Amended Marketing Agreement

This action is to terminate, effective August 1, 1960, Marketing Agreement No.

123, as amended, and Order No. 64, as amended (7 CFR Part 964), regulating the handling of dried figs produced in California (hereinafter referred to respectively as the "marketing agreement" and "order"), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674). The action is being taken, pursuant to section 8c(16)(B) of the act (7 U.S.C. 608c(16)(B)) and the applicable provisions of the marketing agreement and order, on the basis that such termination is favored by a majority of the producers of dried figs who during the 1959–60 crop year have been engaged in the production for market of dried figs in the State of California and that such majority have during such period produced for market more than 50 percent of the volume of such dried figs produced for market within the State of California.

The original marketing agreement and order were issued in March 1955 (20 F.R. 1685). The major regulatory provisions provide for the control of the quality and the volume of the dried figs handled. As contemplated at the time they were issued, the marketing agreement and order have operated in conjunction with the State of California Marketing Order for Dried Figs, as amended July 22, 1953; and the two programs have complemented each other pursuant to the provisions of section 10(i) of the act (7 U.S.C. 610(i)).

For some time the dried fig industry has given serious thought to termination of the marketing agreement and order and to operation only under the State order. On May 20, 1960, the Board of Directors of the California Fig Institute whose membership has for many years included all commercial producers of dried figs, recommended that the Federal program (i.e., the marketing agreement and order) be terminated. On May 24, 1960, the Board of Directors of Valley Fig Growers, a cooperative association whose membership consists of a substantial portion of the dried fig producers who produce a substantial portion of the dried figs produced in California, adopted a resolution favoring termination of the Federal program and declaring that, in the event of a referendum, Valley Fig Growers would vote its entire membership of producers in favor of termination. On June 1, 1960, the Dried Fig Administrative Committee, established under and for the purpose of administering the marketing agreement and order, also considered this matter of termination at an open meeting, and concluded that there existed an overwhelming majority of the entire dried fig industry in favor of such termination. It then unanimously recommended to the Secretary that the marketing agreement and order be terminated at the end of the current crop year (i.e., August 1, 1960). This committee represents the industry as a whole and consists of ten members, of whom five are handler representatives and five are producer representatives. The current members of the committee were recently elected by the groups they represent and selected by the Secretary to serve for a one-year term of office beginning June 1, 1960. They closely reflect the views of the persons whom they represent.

The actions related in the preceding paragraph as taken by the three different organizations are conclusive evidence that a large majority (by numbers and volume of dried fig production) of the producers of dried figs favor termination of the marketing agreement and order. Accordingly, it is hereby found that termination of the marketing agreement and order is favored by a majority of the producers of dried figs who during the crop year beginning August 1, 1959 (i.e., the representative period determined by the Secretary and specified in § 964.86(b) of the marketing agreement and order) have been engaged in the production for market of dried figs in the State of California, and that such majority have during such crop year produced for market more than 50 percent of the volume of such dried figs produced for market within said State.

It is, therefore, ordered, That Marketing Agreement No. 123, as amended, and this Part 964 (Order No. 64, as amended, and the rules and regulations thereunder), regulating the handling of dried figs produced in California, be and they hereby are, terminated, effective on August 1, 1960, pursuant to section 8c(16)(B) of the act (7 U.S.C. 608c(16)(B)) and the applicable provisions of the marketing agreement and order: *Provided*, That the procedure upon termination of the marketing agreement and order shall be as set forth in § 964.87.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the announcement of this termination action later than July 15, 1960, or the effective date of this action later than August 1, 1960 (5 U.S.C. 1001–1011), in that: (1) This termination relieves restrictions on the handling of dried figs produced in California; (2) it is mandatory under the act and this regulatory program that the Secretary terminate the marketing agreement and order at the end of the current crop year whenever he finds that such termination is favored by the requisite majority of producers, and in order for such termination to be effective by August 1, 1960, the announcement of such termination must, under the act and the marketing agreement and order, be not later than July 15, 1960; and (3) such termination and announcement thereof should be effected as soon as practical so as to enable interested parties to arrange their future operations accordingly.

(Sec. 5, 48 Stat. 31, as amended; 7 U.S.C. 608c)

Dated: July 6, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6394; Filed, July 8, 1960; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

[Docket No. AO16-A6]

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Order Amending Order, as Amended, Regulating Handling

§ 131.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U.S.C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), public hearings were held at Kansas City, Missouri, on July 24, 1956, and at Chicago, Illinois, on July 21–22 and December 1–11, 1958, upon proposed amendments to the marketing agreement and the order regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearings and the record thereof, it is found that:

(1) The said marketing agreement, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act; (2) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act; (3) The said order, as amended, and as hereby further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in a marketing agreement upon which a hearing has been held.

(c) *Determinations.* It is hereby determined that the agreement, amending the marketing agreement, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, upon which a public hearing has been held, has been signed by handlers who, during the calendar year 1959, handled not less than 75 per centum of the volume of anti-hog-cholera serum and hog-cholera virus which was handled in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

§ 131.8 [Amendment]

1. Amend § 131.8 by substituting (1) and (2) for (a) and (b) respectively, and place (a) just prior to the first sentence of the section and add the following at the end of such section:

(b) Notwithstanding the provisions of paragraph (a) of this section a person shall not be classified as a wholesaler, or shall be deleted from the list of qualified wholesalers maintained by the Control Agency, if such person or its subsidiary or affiliate, (1) owns or controls, either directly or indirectly, an interest, in whole or in part, in a dealer, or (2) appoints or utilizes any dealer as his agent in any matter related to the handling of serum or virus, or appoints or utilizes any dealer as a branch house or distributional outlet for serum or virus, either directly or indirectly, or (3) where an interest, in whole or in part, in such person is owned or controlled, either directly or indirectly, by any dealer or dealers: *Povided, however*, That if such person or its subsidiary or affiliate is a corporation, ownership both direct and indirect by dealers of a combined interest not to exceed 10 percent of the total outstanding stock of all classes of such corporation shall not disqualify such person for wholesaler status: *Provided, further*, That this paragraph shall not apply to a farmer cooperative association.

2. Add a new § 131.19 to read as follows:

§ 131.19 Farmer Cooperative Association.

"Farmer Cooperative Association" as used in this part means a cooperative association as defined in 12 U.S.C. sec. 1141j(a), including a federation of such cooperative associations and any corporate organization, organized under a cooperative law or operating on a cooperative plan, which is owned and controlled, directly or indirectly, by such farmer cooperative associations or a federation of the same.

3. Amend § 131.51 to read as follows:

§ 131.51 Filing of price list; suspension and cancellation thereof.

(a) Except as provided in § 131.57, each manufacturer and wholesaler handler shall file with the Secretary and the control agency a separate list of his selling prices in the United States, including terms of sale and discounts, to each class of buyer defined in this subpart or under the provisions thereof, other than those specified in § 131.55. Each such handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this subpart.

(b) Each manufacturer and wholesaler handler's prices shall be deemed not to be uniform for all buyers in each classification of trade if such handler or its subsidiary or affiliate pays, or agrees to pay, to any purchaser of serum or virus patronage dividends or patronage refunds based on such purchases, or pays, or agrees to pay, to any purchaser of serum or virus, refunds based on the volume of purchases of serum or virus, or pays or agrees to pay to any purchaser any other discount or refund not immediately ascertainable from a posted price at the time of sale, or bases upon patronage any payment, right or obligation, either directly, indirectly, prospectively, or retrospectively, or associates with or ties into a sale, or sales, directly, indirectly, prospectively or retrospectively, any consideration, right or obligation, the value of which is not immediately ascertainable from the posted price at the time of sale: *Provided, however*, That a farmer cooperative association may pay, or agree to pay, patronage dividends.

(c) If the Secretary has reason to believe that any price list, term of sale or discount, in whole or in part, violates the provisions of this section he may immediately suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation and shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, term of sale or discount, in whole or in part, to be ineffective, if, after an investigation and opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale or discount, in whole or in part, violates the provisions of this section.

4. Amend § 131.54 to read as follows:

§ 131.54 Offers, contracts, sales.

Except as provided in § 131.57, each manufacturer and wholesaler handler shall make no sales unless he has an effective price list, including discounts and terms of sales, as set forth in § 131.51, filed with the control agency. No manufacturer or wholesaler handler shall make any bid, or offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such bid, offer, agreement, contract, sale or delivery is made. No manufacturer or wholesaler handler or its subsidiary or affiliate shall pay, or agree to pay, to any purchaser of serum or virus, patronage dividends or patronage refunds based on such purchases; or shall pay or agree to pay, to any purchaser of serum or virus refunds based on the volume of purchases of serum or virus; or shall pay, or agree to pay, to any purchaser any other discount or refund not immediately ascertainable from a posted price at the time of sale; or shall base upon patronage any payment, right or obligation, either directly, indirectly, prospectively or retrospectively; or shall associate with or tie into a sale, or sales, directly, indirectly, prospectively or retrospectively, any consideration, right or obligation, the value of which is not immediately ascertainable from the posted price at the time of sale: *Provided, however*, That a farmer cooperative association may pay or agree to pay patronage dividends. No manufacturer or wholesaler handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no such handler shall withdraw any filed price list prior to the effective date of such price list.

5. Add a new § 131.57 to read as follows:

§ 131.57 Purchases by manufacturers.

A manufacturer of serum or virus may purchase serum or virus from another manufacturer at a negotiated price. Such purchaser shall not sell or offer for sale the purchased product to wholesalers, dealers or consumers at prices (including discounts and terms of sale) lower than the currently effective posted prices for such classes of purchasers of the manufacturer from whom he purchased such product: *Provided, however*, That in the event such purchaser purchases the same product from two or more manufacturers said purchaser shall not sell or offer for sale such purchased product to wholesalers, dealers or consumers at prices (including discounts and terms of sale) lower than the highest effective prices currently posted by his suppliers for wholesalers, dealers, and consumers. The prices, discounts and terms of sale filed by a manufacturer-buyer for serum or virus shall be uniform for all buyers in each classification of the trade regardless of whether it is of his own manufacture or has been purchased from one or more other manufacturer-handlers.

6. Add a new § 131.58 to read as follows:

§ 131.58 Manufacturer handling.

A manufacturer-handler or its subsidiary or affiliate is prohibited from selling serum or virus to or through any wholesaler or dealer which such manufacturer or its subsidiary or affiliate appoints or utilizes as his agent in any matter related to the handling of serum or virus, either directly or indirectly, or which such manufacturer or its subsidiary or affiliate appoints or utilizes as a branch house or distributional outlet for serum or virus, either directly or indirectly, or in which such manufacturer, its subsidiary or affiliate, owns or controls an interest, either direct or indirect, or

which such manufacturer or its subsidiary or affiliate utilizes in any other manner in the handling of serum or virus.

7. Add a new § 131.69 to read as follows:

§ 131.69 Patronage dividends and refunds.

The payment of, or agreement to pay, patronage dividends or patronage refunds based on purchases of serum or virus to the purchaser thereof, or the payment of, or agreement to pay, refunds based on the volume of purchases of serum or virus to the purchaser thereof, or the payment of, or agreement to pay, to any purchaser of serum or virus any other discount or refund not immediately ascertainable from the applicable posted price at the time of sale; or basing upon patronage any payment, right or obligation, either directly, indirectly prospectively or retrospectively; or associating with or tieing into a sale, or sales, directly, indirectly, prospectively or retrospectively, any consideration, right or obligation, the value of which is not immediately ascertainable from the posted price at the time of sale, by manufacturer and wholesaler handlers or their subsidiaries or affiliates is prohibited: *Provided, however,* That a farmer cooperative association may pay, or agree to pay, patronage dividends.

§ 131.71 [Amendment]

8. Add a new paragraph (j) to § 131.71 to read as follows:

(j) The payment of, or agreement to pay, patronage dividends, patronage refunds, refunds based on the volume of purchases of serum or virus or other discounts, or refunds not immediately ascertainable from a posted price at the time of sale; or basing upon patronage any payment, right or obligation, either directly, indirectly, prospectively or retrospectively; or associating with or tieing into a sale, or sales, directly, indirectly, prospectively, or retrospectively, any consideration, right or obligation, the value of which is not immediately ascertainable from the posted price at the time of sale; excepting, however, the payment of or agreement to pay, patronage dividends by a farmer cooperative association.

(49 Stat. 781–782; U.S.C. 851–855)

The provisions of this amendatory order shall become effective 30 days after publication in the FEDERAL REGISTER; except that those provisions pertaining to the payment of patronage dividends contained in §§ 131.51, 131.54, 131.69 and 131.71(j) shall become effective on January 1, 1961.

Done at Washington, D.C., this 5th day of July 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-6398; Filed, July 8, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 386; Amdt. 178]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator by amending Amendment 97, 25 F.R. 902, Vickers Viscount 745D and 810 Series aircraft was published in 25 F.R. 4289.

Interested persons have been afforded an opportunity to participate in the making of the amendment which consisted of adding a modification of the main landing gear uplock release mechanism. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended as follows:

Amendment 97, Vickers Viscount 745D and 810 Series aircraft, as it appeared in 25 F.R. 902 is amended by adding a new paragraph (d) as follows, effective August 1, 1960:

(d) Prior to August 1, 1961, incorporate the following parts or equivalent in the main landing gear uplock mechanism in accordance with Vickers Modification Bulletin D–2954 and FG. 1745, Issue 2:

(1) Strengthened steel uplock lever.
(2) Spring loaded actuating rod.
(3) Hydraulic release for uplock.

The inspections required by (a), (b), and (c) are no longer required after accomplishing this modification.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 5, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6347; Filed, July 8, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–LA–48]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation, Modification and Revocation of Federal Airways and Associated Control Areas

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1963) stating that the Federal Aviation Agency was proposing the following actions: Extension of VOR Federal airway No. 95 and its associated control areas from Farmington, N. Mex., to Kiowa, Colo.; extension of VOR Federal airway No. 89 and its associated control areas from Denver, Colo.; to Alamosa, Colo.; revoke the segment of VOR Federal airway No. 81 and its associated control areas between Grand Junction, Colo., and Salt Lake City, Utah; designate VOR Federal airway No. 484 and its associated control areas from Alamosa to Salt Lake City; and designate VOR Federal airway No. 486 and its associated control areas from Tuba City, Ariz., to Gunnison, Colo.

Although not mentioned in the notice, the revocation of Victor 81 between Grand Junction and Salt Lake City requires an amendment to § 601.1118 which describes the Grand Junction, Colo., control area extension. Additionally, the Parker Restricted Area (R–195) was revoked in Airspace Docket No. 59–LA–65 (24 F.R. 9420) and reference to this restricted area in the description of Victor 81 is no longer required. Moreover, the actions taken herein require changes be made to the captions of §§ 600.6081 and 601.6081 contained in Airspace Docket No. 59–WA–351 (25 F.R. 3155), which is effective August 25, 1960.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. Part 600 (24 F.R. 10457) is amended by adding the following:

§ 600.6484 VOR Federal airway No. 484 (Salt Lake City, Utah, to Alamosa, Colo.).

From the Salt Lake City, Utah, VORTAC via Myton, Utah, VOR; Grand Junction, Colo., VORTAC; Gunnison, Colo., VOR, including a S alternate via the INT of the Grand Junction VORTAC 129° True and the Gunnison VOR 294° True radials; INT of the Gunnison VOR 110° True and the Alamosa, Colo., VOR 339° True radials; to the Alamosa VOR.

§ 600.6486 VOR Federal airway No. 486 (Tuba City, Ariz., to Gunnison, Colo.).

From the Tuba City, Ariz., VOR via the Dove Creek, Colo., VORTAC; to the Gunnison, Colo., VOR.

2. Section 600.6081 (24 F.R. 10514, 25 F.R. 3155) is amended to read:

§ 600.6081 VOR Federal airway No. 81 (Midland, Tex., to Denver, Colo.).

From the Midland, Tex., VOR via the Lubbock, Tex., VORTAC; Amarillo, Tex., VORTAC, including an E alternate; Dalhart, Tex., VOR, including an E alternate; Tobe, Colo., VORTAC, including a W alternate from Dalhart VOR to the Tobe VORTAC via the Clayton, N. Mex., VOR; Pueblo, Colo., VORTAC; Colorado Springs, Colo., VORTAC; INT of the Colorado Springs VORTAC 345° True and the Denver, Colo., VORTAC 183° True radials; to the Denver VORTAC.

3. Section 600.6089 (24 F.R. 10514, 9986; 25 F.R. 2009, 5480) is amended to read:

§ 600.6089 VOR Federal airway No. 89 (Alamosa, Colo., to Chadron, Nebr.).

From the Alamosa, Colo., VOR via the INT of the Alamosa VOR 005° True and the Denver, Colo., VORTAC 207° True radials; Denver VORTAC; Cheyenne, Wyo., VORTAC, including an E alternate via the Gill, Colo., VOR and the INT of the Gill 003° True and the Cheyenne VORTAC 131° True radials; to the Chadron, Nebr., VOR, including an E alternate via the Scottsbluff, Nebr., VORTAC.

4. Section 600.6095 (24 F.R. 10514) is amended to read:

§ 600.6095 VOR Federal airway No. 95 (Phoenix, Ariz., to Kiowa, Colo.).

From the Phoenix, Ariz., VORTAC via the INT of the Phoenix VORTAC 004° True and the Winslow, Ariz., VOR 224° True radials; Winslow VOR; Farmington, N. Mex., VORTAC; Gunnison, Colo., VOR; to the Kiowa, Colo., VORTAC.

5. Part 601 (24 F.R. 10530) is amended by adding the following:

§ 601.6484 VOR Federal airway No. 484 control areas (Salt Lake City, Utah, to Alamosa, Colo.).

All of VOR Federal airway No. 484 including a south alternate.

§ 601.6486 VOR Federal airway No. 486 control areas (Tuba City, Ariz., to Gunnison, Colo.).

All of VOR Federal airway No. 486.

6. Section 601.6081 (24 F.R. 10600) is amended to read:

§ 601.6081 VOR Federal airway No. 81 control areas (Midland, Tex., to Denver, Colo.).

All of VOR Federal airway No. 81 including E alternates and a W alternate.

7. Section 601.6089 (24 F.R. 10600) is amended to read:

§ 601.6089 VOR Federal airway No. 89 control areas (Alamosa, Colo., to Chadron, Nebr.).

All of VOR Federal airway No. 89 including E alternates.

8. Section 601.6095 (24 F.R. 10600) is amended to read:

§ 601.6095 VOR Federal airway No. 95 control areas (Phoenix, Ariz., to Kiowa, Colo.).

All of VOR Federal airway No. 95.

9. Section 601.1118 (24 F.R. 10553) is amended to read:

§ 601.1118 Control area extension (Grand Junction, Colo.).

Within 5 miles either side of a line bearing 305° True extending from Walker Airport, Grand Junction, Colo., to its intersection with VOR Federal airway No. 484.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 5, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6348; Filed, July 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60–FW–43]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

The purpose of this amendment to § 601.2249 of the regulations of the Administrator is to modify the Corpus Christi, Tex., control zone.

The present Corpus Christi, control zone is designated within a 3-mile radius of Cliff Maus Airport, Corpus Christi, within 2 miles either side of the northwest course of the Corpus Christi radio range extending from the radio range to the Odem fan marker, and within 2 miles either side of the Corpus Christi VOR 178° and 358° True radials extending from the 3-mile radius zone to a point 10 miles north of the VOR.

The city of Corpus Christi has advised the Federal Aviation Agency that aircraft operations presently conducted at Cliff Maus Airport are to be moved to the new International Airport at Corpus Christi August 8, 1960, thus it is necessary to designate a control zone at Corpus Christi International Airport coincident with commencement of operations so that air traffic control service may be exercised to provide protection for instrument approaches to the airport. The Federal Aviation Agency is modifying the Corpus Christi control zone by redesignating the control zone within a 5-mile radius of the new Corpus Christi International Airport, within 2 miles either side of the 135° True bearing from the Corpus Christi International Airport ILS outer marker compass locator (latitude 27°50'04" N., longitude 97°34'34" W.), extending from the 5-mile radius zone to the ILS outer marker compass locator and within 2 miles either side of the 199° True radial of the Corpus Christi VOR extending from the 5-mile radius zone to the VOR. Concurrent with this action, the ADF and VOR instrument approach procedures to Cliff Maus Airport will be canceled.

This action will result in the Corpus Christi control zone being redesignated within a 5-mile radius of Corpus Christi International Airport (latitude 27°46'00" N., longitude 97°30'00" W.), within 2 miles either side of the 135° True bearing from the Corpus Christi International Airport ILS outer marker compass locator extending from the 5-mile radius zone to the outer marker compass locator and within 2 miles either side of the Corpus Christi VOR 199° True radial extending from the 5-mile radius zone to the VOR. The redescribed control zone is approximately 43 square miles less than the existing control zone at Cliff Maus Airport.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) the following action is taken:

Section 601.2249 (24 F.R. 10583) is amended to read:

§ 601.2249 Corpus Christi, Tex., control zone.

Within a 5-mile radius of Corpus Christi International Airport (latitude 27°46'00" N., longitude 97°30'00" W.), within 2 miles either side of the 135° True bearing from the Corpus Christi International Airport ILS OM extending from the 5-mile radius zone to the OM and within 2 miles either side of the Corpus Christi VOR 199° True radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t. August 8, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 7, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6397; Filed, July 8, 1960; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structures for Unpublished Data and Enumeration District Maps From 1960 Census of Population and Housing

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing of this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

In accordance with the provisions of the act authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon the payment of the cost thereof, the following fee structures are hereby established. No tran-

script of any record will be furnished under authority of these acts which would violate existing or future acts requiring that information furnished be held confidential.

§ 50.30 Fee structure for unpublished data from the 1960 Population and Housing Census.

(a) The Bureau of the Census is willing to furnish from the 1960 Census of Population and Housing certain data by census tracts and enumeration districts in advance of publication or from tabulations not to be published, provided there is no serious interruption of the Bureau's regular work program. Specific fees and approximate dates of availability are set for certain kinds of data as listed below. Other special tabulations of data may be arranged by requesting a special cost estimate.

Data available	Date of availability	Fee
1. Preliminary counts of total population and housing units by enumeration districts—copies of former containing unverified counts made in field offices (subject to minor revision).	After July 1, 1960	$1.00 per 75,000 population or fraction thereof.
2. Census tract composition by enumeration district—copies of listings of enumeration districts (ED's) in census tracts for converting ED data to tract totals.	do	$2.00 per 100 tracts or fraction thereof.
3. Preliminary counts of population and housing units by census tracts—copies of hand-posted sheets showing census tract totals.	do	$1.00 per tract.
4. Final counts of total population and housing units by enumeration districts—copies of sheets showing final counts and additional sheets showing ED identification by minor civil division and place.	October through December 1960, and thereafter.	$1.25 per 75,000 population or fraction thereof.
5. Selected population and housing characteristics by census tracts—copies of advance data from complete count tabulations relating to sex, age, other marital status, and relationship, housing units by tenure, color, and vacancy status, condition and plumbing, number of rooms, number of persons and number of persons per room, value of property, and contract rent.	do	$3.50 per 100 tracts or fraction thereof.

§ 50.35 Fee structure for enumeration district maps.

(a) The Bureau of the Census is willing to furnish maps of municipalities and unincorporated places showing boundaries of enumeration districts. Some are available now and all are expected to be available by the end of July. Following is the fee structure:

Population size (1960 Census)	Fee[1] (each)
Less than 25,000	$1.50
25,000–49,999	2.50
50,000–100,000	4.00
Each additional 100,000 or fraction thereof	2.50

[1] Minimum order, $5.00. Cost based on individual places, not on aggregate size of two or more places. Slight additional charge for estimate prepared by the Bureau of the Census. Information as to availability and costs of additional maps not described herein may be obtained by writing to the Director.

To obtain the data or maps, write a letter to the Director, Bureau of the Census, Washington 25, D.C., enclosing a check based on the appropriate fee structure and made payable to Census, Department of Commerce.

(Sec. 2, 49 Stat. 293, as amended; 15 U.S.C. 190a. Interprets or applies sec. 1, 49 Stat. 1256, as amended, sec. 1, 49 Stat. 293, sec. 8, 68 Stat. 1013, as amended, 15 U.S.C. 192, 189a, 13 U.S.C. 8)

ROBERT W. BURGESS,
Director,
Bureau of the Census.

[F.R. Doc. 60-6349; Filed, July 8, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7789 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bachmann Bros., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325-70 *Place:* § 13.1325-70(g) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900-35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bachmann Bros., Inc., et al., Philadelphia, Pa., Docket 7789, June 16, 1960]

In the Matter of Bachmann Bros., Inc., a Corporation, and J. Chester Crowther, Walter F. Newby, Albert H. Redles, and Bayard H. Crowther, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Philadelphia distributors with representing falsely that imported products were made in the United States, through such practices as printing "Manufactured by Bachmann Bros., Inc., * * *" on display cards attached to their Japanese-made "Champion" sunglasses, and through failing to mark cases enclosing the sunglasses with the country of origin.

Accepting an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Bachmann Bros. Inc., a corporation, and its officers, and J. Chester Crowther, Walter F. Newby, Albert H. Redles and Bayard H. Crowther, individually and as officers of said corporation, and respondents' officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sunglasses or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that a product manufactured in a foreign country is manufactured in the United States.

2. Representing, directly or by implication, that respondents, or any of them, manufacture a product, when it is manufactured by others.

3. Offering for sale or selling any product which is in whole or substantial part of foreign origin, without clearly and conspicuously disclosing on such product, and if such product is enclosed in a package or container, on the package or container, or if displayed on cards, upon such cards, in a manner that it will not be hidden or readily obliterated, the country of origin thereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 16, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6352; Filed, July 8, 1960; 8:46 a.m.]

[Dockets 7738 c.o., etc.]

PART 13—PROHIBITED TRADE PRACTICES

James H. Martin, Inc., et al.

James H. Martin, Inc., et al. (Docket 7738 c.o.); M. S. Distributing Company et al. (Docket 7745 c.o.); Gone Recording Corp. et al. (Docket 7766 c.o.); Herald Music Corp. et al. (Docket 7777 c.o.); United Artists Records, Inc. (Docket 7804 c.o.); All-State New Jersey, Inc., et al. (Docket 7805 c.o.); and A–1 Record Distributors, Inc., et al. (Docket 7752 c.o.).

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders, James H. Martin, Inc., et al., Chicago, Ill., Docket 7738, May 26, 1960; M. S. Distributing Company, et al., Chicago, Ill., Docket 7745, May 19, 1960; Gone Recording Corp. et al., New York, N.Y., Docket 7766, June 1, 1960; Herald Music Corp. et al., New York, N.Y., Docket 7777, May 26, 1960; United Artists Records, Inc., New York, N.Y., Docket 7804, May 19, 1960; All-State New Jersey, Inc., et al., Newark, N.J., Docket 7805, May 12, 1960; and A–1 Record Distributors, Inc., et al., New Orleans, La., Docket 7752, May 26, 1960]

In the Matters of James H. Martin, Inc., a Corporation; Music Distributors, Inc., a Corporation; and James H. Martin, Individually, and as Officer of Said Corporations; M. S. Distributing Company, a Corporation, and Milton T. Salstone, and M. G. McDermott, Individually, and as Officers of Said Corporation; Gone Recording Corp., a Corporation, End Music, Inc., a Corporation, and George Goldner, and Jack Waxman, Individually, and as Officers of Said Corporations, and as Co-Partners, Trading as Co-Op Distributing Company, and Jerome G. Roth, Individually, and as Co-Partner, Trading as Co-Op Distributing Company; Herald Music Corp., a Corporation, Ember Records, Inc., a Corporation, Ember Distributors, Inc., a Corporation, and Al Silver, and Jack Braverman, Individually, and as Officers of Said Corporation; United Artists Records, Inc., a Corporation; All-State New Jersey, Inc., a Corporation, and Melvin Koenig, Sidney Koenig, Sherman Koenig, and Irwin R. Fink, Individually, and as Officers of Said Corporation; and A–1 Record Distributors, Inc., a Corporation, Joseph J. Banashak, and Bobbie G. Banashak, Individually and as Officers of Said Corporation

These cases were heard by hearing examiners on complaints of the Commission charging manufacturers and distributors of phonograph records with giving concealed "payola" to television and radio disc jockeys to induce playing their records in order to increase sales.

Accepting consent agreements, the hearing examiners made their initial decisions and orders to cease and desist which became in due course the decisions of the Commission.

The orders to cease and desist, combining the respondents in these seven cases, are as follows:

It is ordered, That respondents James H. Martin, Inc., a corporation, and Music Distributors, Inc., a corporation, and their officers, and James H. Martin, individually, and as an officer of said corporations; M. S. Distributing Company, a corporation, and its officers, and Milton T. Salstone and M. G. McDermott, individually and as officers of said corporation; Gone Recording Corp., a corporation, and End Music, Inc., a corporation, and their officers, and George Goldner and Jack Waxman, individually, and as officers of said corporations, and as co-partners, trading as Co-Op Distributing Company, or by any other name, and Jerome G. Roth, individually, and as co-partner, trading as Co-Op Distributing Company, or by any other name; Herald Music Corp., a corporation, Ember Records, Inc., a corporation, and Ember Distributors, Inc., a corporation, and their officers, and respondents Al Silver and Jack Braverman, individually and as officers of said corporations; United Artists Records, Inc., a corporation, and its officers; All-State New Jersey, Inc., a corporation, and its officers, and Melvin Koenig, Sidney Koenig, Sherman Koenig and Irwin R. Fink, individually, and as officers of said corporation; and A–1 Record Distributors, Inc., a corporation, and its officers, and respondents Joseph J. Banashak and Bobbie G. Banashak, individually and as officers of said corporation; and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records which have been distributed, in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature;

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly received by him or his employer.

By "Decision of the Commission", etc., in each case, reports of compliance were required as follows:

It is ordered that the respondents herein shall within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued May 12, 1960, May 19, 1960, May 26, 1960, May 27, 1960, June 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6353; Filed, July 8, 1960; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

Filing of Applications, Requests and Notices, and Submittal of Evidence to the Veterans' Administration

Regulations No. 4, as amended (20 CFR 404.1 et seq.) are further amended as follows:

1. Section 404.602 is amended to read as follows:

§ 404.602 Prescribed application forms.

Applications shall be made as provided in this Subpart G and on such forms and in accordance with such instructions (provided thereon or attached thereto) as are prescribed by the Administration.

2. Section 404.605 is amended to read as follows:

§ 404.605 Place of filing applications.

Applications shall be filed (in person, by mail, or otherwise) at an office of the Bureau or with an employee of the Social Security Administration who has been duly authorized to receive such applications at a place other than such office except that:

(a) In cases of applicants who are not in the United States, such applications may be filed at an office maintained by the Foreign Service of the United States, and in cases of applicants in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with an employee of the Veterans' Administration authorized to receive such applications at a place other than such office; or

(b) In cases of applicants who file applications to establish periods of disability under section 216(i) of the act on behalf of any individuals (including such applicants) having 10 or more years of service in the railroad industry (see Subpart O of this part) or entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, such applications may be filed at an office of the Railroad Retirement Board.

3. Section 404.606 is amended to read as follows:

§ 404.608 When an application is considered to have been filed.

(a) *Date of receipt.* Except as otherwise provided in this Subpart G an application is considered to have been filed only as of the date the application is received at an office of the Bureau or by an employee of the Social Security Administration who has been authorized to receive such application at a place other than such office except that:

(1) In cases where the application may be and is submitted to an office maintained by the Foreign Service of the United States (see § 404.606(a)) the application shall be considered to have been filed with the Bureau as of the date it is received at such office of the Foreign Service.

(2) In cases where the application is submitted to the Veterans' Administration Regional Office in the Philippines, or to an employee of the Veterans' Administration authorized to receive such application at a place other than such office (see § 404.605(a)), the application shall be considered to have been filed with the Bureau as of the date such application is received at such office of the Veterans' Administration or by such authorized employee.

(3) In cases of claimants having 10 or more years of service in the railroad industry (see Subpart O of this part), or entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, who file with an office of the Railroad Retirement Board applications to establish periods of disability under section 216(i) of the act, the applications shall be considered to have been filed with the Bureau as of the date the application is received at such office of the Railroad Retirement Board.

(4) In case of applications filed with the Veterans' Administration on forms prescribed in section 3005 of title 38 United States Code (see § 404.611a) by or on behalf of an individual who would, upon filing a proper application therefor with the Bureau, be entitled to child's insurance benefits (see § 404.312), widow's insurance benefits (see § 404.319) mother's insurance benefits (see § 404.325), or parent's insurance benefits (see § 404.328) as the case may be, such applications shall be considered to have been filed with the Bureau as of the date of filing determined by the Veterans' Administration.

(b) *Date of mailing.* If the application is deposited in and transmitted by the United States Mail and the fixing of the date of delivery as the date of filing would result in a loss or impairment of benefit rights, the application will be considered to have been received as of the date of mailing (except in cases described in subparagraph (4) of paragraph (a) of this section). The date appearing on the postmark (when available and legible) shall be prima facie evidence of the date of mailing.

4. Section 404.610 is amended to read as follows:

§ 404.610 Execution and filing of requests and notices.

(a) *Execution of requests and notices.* Except as otherwise provided in this part any request for a determination or decision relating to a person's right to monthly benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, or relating to the revision of records of earnings, or any notice, provided for by the regulations in this part shall be in writing and shall be signed by the person authorized to execute an application under § 404.603.

(b) *Place and filing of requests and notices.* Such request and notices, described in paragraph (a) of this section, shall be filed at an office of the Bureau or with an employee of the Social Security Administration who is authorized to receive them at a place other than such office; except that:

(1) In cases of persons who are not in the United States, such requests and notices may be filed at an office maintained by the Foreign Service of the United States and, in cases of persons who are in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with an employee of the Veterans' Administration authorized to receive such requests and notices at a place other than such office; or

(2) In cases of persons having 10 or more years of service in the railroad industry (see Subpart O of this part) or of persons entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 31, 1951, who have filed applications to establish periods of disability under section 216(i) of the act, requests and notices with respect to such applications may be filed at an office of the Railroad Retirement Board.

5. A new § 404.611a is added after § 404.611 to read as follows:

§ 404.611a Effect of applications filed with the Veterans' Administration.

Notwithstanding any provision to the contrary in the regulations in this part, any application which is filed with the Administrator of Veterans' Affairs on or after January 1, 1957, on a form prescribed in section 3005 of title 38, United States Code, shall be considered an application for child's insurance benefits (see § 404.312), widow's insurance benefits (see § 404.319), mother's insurance benefits (see § 404.325), or parent's insurance benefits (see § 404.328), as the case may be.

6. Section 404.613 is amended to read as follows:

§ 404.613 Written statement considered an application on a prescribed form.

(a) *Written statement filed by claimant.* Where a claimant files with the Bureau (or, in the case of a claimant who is not in the United States, files with an office maintained by the Foreign Service of the United States or, in the case of a claimant who is in the Philippines, files with the Veterans' Administration Regional Office in the Philippines) a written statement which indicates an intention to claim monthly benefits or a lump-sum death payment, or a recomputation of a primary insurance amount, or to establish a period of disability, and such statement bears his signature or his mark properly witnessed, such claimant shall, unless he otherwise indicates, be deemed to have "filed an application" for the purpose of section 202, or 216(i) or 223 of the act or for a recomputation of a primary insurance amount, as appears from such written statement. No initial determination, as required by § 404.905 shall be made by the Bureau with respect to such written statement until the claimant files an application on a form prescribed in § 404.602. The Bureau, or the Veterans' Administration Regional Office in the Philippines, as the case may be, shall notify the claimant in writing that an initial determination will be made with respect thereto only if a prescribed application form is filed within 6 months from the date of such notification. If the claimant does not file such prescribed application form within such 6-month period, the claimant shall be deemed to have indicated that the filing of such written statement is not to be considered the filing of an application for purposes of section 202, or 216(i) or 223 of the act or a recomputation of a primary insurance amount, as appears from such written statement.

(b) *Written statement filed by person other than the claimant.* The provisions of paragraph (a) of this section shall apply to a written statement filed by an individual on behalf of the claimant if:

(1) Such statement meets the conditions of such paragraph (a) and contains the signature of such individual or his mark properly witnessed; and

(2) The individual is the spouse of the claimant or the proper party to execute an application on a prescribed form on behalf of the claimant, as determined by § 404.603; and

(3) The claimant (other than an equitably entitled estate) is alive at the time such application on a prescribed form (§ 404.602) is filed.

7. Section 404.615 is amended to read as follows:

§ 404.615 Withdrawal of applications and requests for revision of records of earnings.

An application or a request for revision of records of earnings of the Administration filed by a claimant or on his behalf by a person authorized to execute an application under § 404.603 may be withdrawn only if the claimant or such other person files a written notice of such withdrawal and such notice is filed on or before the date of the Bureau's determination upon such application or request. Thereafter, further action will be taken only upon the filing of a new application or request.

8. Section 404.615a is added following § 404.615, to read as follows:

§ 404.615a Place of filing of notice of withdrawal.

The notice of withdrawal described in § 404.615 shall be filed within the prescribed time at an office of the Bureau or with an employee of the Social Security Administration who is authorized to receive such notices at a place other than such office, except that:

(a) In the case of individuals not in the United States the notice of withdrawal may be filed at an office maintained by the Foreign Service of the United States or in the case of individuals in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with an employee of the Veterans' Administration authorized to receive such notices at a place other than such office; or

(b) In the case of individuals having 10 or more years of service in the railroad industry (see Subpart O of this part) or entitled to annuities on the basis of awards under the Railroad Retirement Act prior to October 30, 1951, who have filed applications to establish periods of disability under section 216(i) of the act, notice of withdrawal of such applications may be filed at an office of the Railroad Retirement Board.

9. Paragraph (d) of § 404.701 is amended to read as follows:

§ 404.701 Evidence as to right to receive monthly benefits and lump-sum death payments.

* * * * *

(d) *Place and manner of submitting evidence.* Evidence in support of an application shall be filed at an office of the Bureau or with an employee of the Social Security Administration authorized to receive such evidence at a place other than such office; except that in cases of persons who are not in the United States such evidence may be filed at an office maintained by the Foreign Service of the United States or, in case of persons in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with an employee of the Veterans' Administration authorized to receive such evidence at a place other than such office. Such evidence may be submitted as part of the application form if the form provides for its inclusion, or it may be submitted in addition to such form and in the manner indicated by the regulations in this Subpart H.

10. Paragraphs (f) and (g) are added after paragraph (e) of § 404.701 to read as follows:

§ 404.701 Evidence as to right to receive monthly benefits and lump-sum death payments.

* * * * *

(f) *Evidence filed with Veterans' Administration.* When applications are made for benefits under Chapter 13 of title 38 of the United States Code which are also applications for survivors benefits under title II of the Social Security Act (see § 404.611a) information and supporting documents, or certifications thereof (see paragraph (g) of this § 404.701) submitted to the Veterans' Administration may be used in determining initial or continuing entitlement to such benefits payable under title II of the Social Security Act. The Social Security Administration may request the applicant or any other individual to furnish such additional evidence as it may consider necessary.

(g) *Certification of evidence by authorized individual.* In cases where a copy of a record, document, or other evidence, or an excerpt of information therefrom, is acceptable as evidence in lieu of the original, such copy or excerpt shall, except as may otherwise clearly be indicated, be certified as a true and exact copy or excerpt by:

(1) The official custodian of any such record; or

(2) An employee of the Social Security Administration authorized to make certifications of any such evidence; or

(3) An employee of the Veterans' Administration authorized to make such certifications in cases:

(i) Where such evidence is submitted or obtained in connection with an application for benefits under Chapter 13 of title 38, United States Code (see paragraph (f) of this section), or

(ii) where an individual in the Philippines has submitted evidence to the Veterans' Administration Regional Office in the Philippines, or to an employee of the Veterans' Administration authorized to receive such evidence at a place other than such office.

11. Section 404.703 is amended to read as follows:

§ 404.703 Evidence as to age.

(a) *When required.* Except when the Administration on the basis of information in its records, is satisfied that the date of birth stated in the application is substantially correct, an applicant for benefits shall file supporting evidence showing the date of his birth if his age is a condition of entitlement or is otherwise relevant to the payment of benefits. Such evidence may also be required by the Administration as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement:

(b) *Evaluation of evidence.* In determining the weight to be given to evidence offered to prove age, consideration will be given to its general probative value and to its position in the following enumeration:

(1) Public record of birth;

(2) Church record of birth or baptism;

(3) Census Bureau notification of registration of birth;

(4) Hospital birth record or certificate;

(5) Flyttningsbetyg or similar foreign record;

(6) Physician's or midwife's record of the individual's birth;

(7) Certification, on approved form, of Bible or other family record of the individual's birth;

(8) Naturalization record;

(9) Immigration record;

(10) Military record;

(11) Passport;

(12) School record;

(13) Vaccination record;

(14) Insurance policy;

(15) Labor union or fraternal organization records;

(16) Marriage record; or

(17) Other evidence of probative value.

(c) *Certified copy in lieu of original.* In lieu of the original of any record, except a Bible or other family record, there may be submitted as evidence of age a copy of such record or a statement as to the date of birth shown by such record, which has been duly certified (see § 404.701(g)).

(d) *When additional evidence may be required.* If the evidence submitted is of recent origin or is not convincing, additional evidence may be required.

12. Section 404.704 is amended to read as follows:

§ 404.704 Evidence as to death.

(a) *When required.* An applicant for monthly benefits or a lump-sum death payment based upon the earnings of a deceased individual shall file supporting evidence as to the death of such individual and as to the time and place of such death. Such evidence may also be required by the Administration as to the death of any other individual when such other individual's death is relevant to the determination of the applicant's entitlement.

(b) *Type of evidence to be submitted.* Such evidence shall be of the following character:

(1) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the State or community where death occurred, or a certificate by the custodian of the public record of death or a statement of the contents of the record of death certified by an individual designated in § 404.701(g) (2) or (3), as appropriate; or

(2) A statement of the funeral director, attending physician, or intern of the institution where death occurred; or

(3) A certified copy of an official report or finding of death made by any agency or department of the United States which is authorized or requested to make such report or finding in the administration of any law of the United States, or a statement of the contents of such report or finding certified by an individual designated in §404.701(g) (2) or (3), as appropriate: *Provided, however,* That a finding of presumptive death made pursuant to section 5 of the Missing Persons Act (56 Stat. 143, 50 U.S.C. App. 1005), as amended, shall be accepted only as evidence of the fact of death and not of the date of death.

(4) If none of the evidence described in paragraph (b) (1), (2), and (3) of this § 404.704 is obtainable, the reason therefor shall be stated and the applicant may submit:

(i) The signed statements of two or more persons having personal knowledge of the death, setting forth the facts and circumstances as to the place, date, and cause of death; or

(ii) Other evidence of probative value.

(c) *Where death occurs outside the United States.* If death occurs outside the United States there must be furnished a report of the death by a United States consul, or other agent of the State Department, bearing the signature and official seal of such consul or agent, or a certified copy of the public record of death authenticated by the United States consul or other agent of the State Department, or other evidence of probative value.

13. Section 404.707 is amended to read as follows:

§ 404.707 Evidence as to ceremonial marriage.

(a) *Type of evidence to be submitted.* Evidence as to a ceremonial marriage shall be of the following character:

(1) A copy of the public record of marriage or a statement as to the marriage which has been duly certified (see § 404.701(g)); or

(2) A copy of the church record of marriage or a statement of the contents of such record as to such marriage which has been duly certified (see § 404.701 (g)); or

(3) The original certificate of marriage; or

(4) If none of the evidence described in subparagraphs (1), (2), and (3) of this paragraph (a) of § 404.707 is obtainable, the reason therefor shall be stated and the applicant may submit:

(i) The signed statement of the clergyman or official who performed the marriage ceremony; or

(ii) Other evidence of probative value.

(b) *When claimant's statement of ceremonial marriage may be accepted.* If the application for benefits, in support of which evidence of a ceremonial marriage is required, is for a lump-sum death payment to a widow or widower of the individual on whose earnings such payment is claimed the Social Security Administration may accept, in lieu of the evidence enumerated in paragraph (a) of this § 404.707 a statement, signed by the claimant, that he or she was ceremonially married to the deceased. If the application is for husband's or wife's monthly benefits, such a statement of the claimant may be so accepted only if confirmed in writing by the individual on whose earnings such benefits are claimed.

14. Section 404.911 is amended to read as follows:

§ 404.911 Time and place of filing request.

The request for reconsideration shall be made in writing and filed at an office of the Bureau or, in the case of an individual in the Philippines, at the Veterans' Administration Regional Office in the Philippines or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this Part 404) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing a hearing with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board, within 6 months from the date of mailing notice of the initial determination, unless such time is extended as provided in § 404.612 or § 404.953.

15. Section 404.918 is amended to read as follows:

§ 404.918 Time and place of filing request.

The request for hearing shall be made in writing and filed at an office of the Bureau or, in the case of an individual in the Philippines, at the Veterans' Administration Regional Office in the Philippines, or with a hearing examiner, or the Appeals Council, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or of an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing a hearing with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board. The request for hearing must be filed within 6 months after the date of mailing notice of the reconsidered determination to such individual, except where the time is extended as provided in § 404.612 or § 404.954.

16. Section 404.946 is amended to read as follows:

§ 404.946 Time and place of filing request.

The request for review shall be made in writing and filed with an office of the Bureau, or in the case of an individual in the Philippines, with the Veterans' Administration Regional Office in the Philippines, or with a hearing examiner, or the Appeals Council, or, in the case of an individual having 10 or more years of service in the railroad industry (see Subpart O of this part) or an individual entitled to an annuity on the basis of an award under the Railroad Retirement Act prior to October 30, 1951, who requests in writing review with respect to his application to establish a period of disability under section 216(i) of the act, at an office of the Railroad Retirement Board. Such request shall be accompanied by whatever documents or other evidence the party desires the Appeals Council to consider in its review. The request for review must be filed within 60 days from the date of mailing notice of the hearing examiner's decision or dismissal, except as provided in § 404.612 or § 404.954.

17. *Effective date.* The above amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 205(a), 53 Stat. 1368 as amended, sec. 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18. Applies sec. 205(a), 53 Stat. 1368, as amended; 42 U.S.C. 405(a))

JULY 5, 1960.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: June 27, 1960.

BERTHA ADKINS,
Acting Secretary of Health, Education and Welfare.

[F.R. Doc. 60-6376; Filed, July 8, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Sweetpotatoes; Order Amending Standard of Identity

In the matter of amending the definition and standard of identity for canned sweetpotatoes with respect to the designation of the optional forms of the vegetable ingredient:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 7, 1960 (25 F.R. 4114), setting forth a proposal by the Princeville Canning Company, St. Francisville, Louisiana, to amend the definition and standard of identity for canned vegetables other than those specifically regulated to provide, in the case of canned sweetpotatoes, for including "halves or halved" as an optional form. The notice invited all interested persons to submit views and comments. Some comments from members of the interested industry recommended that "cuts" or "cut" also be provided as designations to be used on labels in lieu of the term "pieces."

Upon consideration of all views and comments submitted and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) as hereinafter set forth. Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611): *It is ordered*, That § 51.990(b) be amended to read as follows:

§ 51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.

(a) • • •

(b) The table referred to in paragraph (a) of this section is as follows:

I	II	III
Name or synonym of canned vegetable	Source	Optional forms of vegetable ingredient
••	•	••
Sweetpotatoes.	Tuber of the sweetpotato plant.	Whole; mashed; pieces or cuts or cut (longitudinally cut halves may be named on labels as halves or halved in lieu of pieces or cuts or cut).
••	•	••

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: July 5, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-6372; Filed, July 8, 1960; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

PERMITTED USE OF SOURCES OF RADIATION FOR INSPECTION OF FOODS, FOOD PACKAGES, AND FOR CONTROLLING FOOD PROCESSES

The Commissioner of Food and Drugs has evaluated the data submitted in petitions filed by the General Electric Company, 4855 Electric Avenue, Milwaukee 1, Wisconsin, and by Industrial Nucleonics Corporation, 650 Ackerman Road, Columbus 14, Ohio, and other relevant material concerning safe uses of radiation sources consisting of X-ray devices and the radioactive isotopes strontium 90 and cesium 137. This evaluation has led the Commissioner to conclude that the uses outlined will neither produce radioactivity in the food supply nor cause other deleterious effects therein and to conclude that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to these sources when used for the purpose of inspection of foods, food packages, and for controlling food processes.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500), Part 121 is amended by inserting therein a new Subpart G:

§ 121.3001 Sources of radiation used for inspection of foods, food packages, and for controlling food processes.

Sources of radiation for the purposes of inspection of foods, food packages, and for controlling food processes may be safely used under the following conditions:

(a) The radiation source is one of the following:

(1) X-ray tubes producing X-radiation from operation of the tube source at energy levels of 300 kilovolt peak or lower.

(2) Sealed units producing radiations at energy levels of not more than 2.2 million electron volts from one of the following isotopes: Cesium 137, strontium 90.

(b) To assure safe use of these radiation sources, the labels and labeling of the sources shall contain all the following:

(1) Appropriate and accurate information identifying the source of radiation.

(2) Maximum energy levels of the sources.

(3) Adequate directions for installation and use including the statement that no food shall be exposed to the radiation source in excess of 15 minutes.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 5, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-6373; Filed, July 8, 1960; 8:41 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

Correction

In F.R. Doc. 60-5944, appearing at page 5993 of the issue for Wednesday, June 29, 1960, the following change should be made: On page 5996, in the first column, and preceding § 213.23, the paragraph beginning "The Director may approve • • •," and the succeeding subparagraph (1), (2) and (3) should follow the paragraph heading of § 213.22(b) on page 5995.

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6479]

PART 302—TAXES UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT, AS AMENDED AUGUST 9, 1955

Application of the Internal Revenue Laws to Property Subject to the International Claims Settlement Act

On April 2, 1960, notice of proposed rule making regarding the regulations relating to the application of the internal revenue laws pursuant to section 212 of the International Claims Settlement Act of 1949, as added by the Act of August 9, 1955 (Public Law 285, 84th Cong., 69 Stat. 562), was published in the FEDERAL REGISTER (25 F.R. 2800). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations so published are hereby adopted.

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: July 1, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

Sec.
302.1 Statutory provisions and Executive order; section 212 of the International Claims Settlement Act, and Executive Order 10644.
302.1–1 Definitions.
302.1–2 Application of regulations.
302.1–3 Protection of internal revenue prior to tax determination.
302.1–4 Computation of taxes.
302.1–5 Payment of taxes.
302.1–6 Interest and penalties.
302.1–7 Claims for credit or refund.

AUTHORITY: §§ 302.1 to 302.7, incl., issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805, and sec. 212 of the International Claims Settlement Act of 1949, as added by the Act of Aug. 9, 1955, Pub. Law 285, 84th Cong., 69 Stat. 562.

§ 302.1 Statutory provisions and Executive order; section 212 of the International Claims Settlement Act, and Executive Order 10644.

SEC. 212. (a) The vesting in any officer or agency designated by the President under this title of any property or the receipt by such designee of any earnings, increment, or proceeds thereof shall not render inapplicable any Federal, State, Territorial, or local tax for any period before or after such vesting.

(b) The officer or agency designated by the President under this title shall, notwithstanding the filing of any claim or the institution of any suit under this title, pay any tax incident to any such property, or the earnings, increment, or proceeds thereof, at the earliest time appearing to him to be not contrary to the interest of the United States. The former owner shall not be liable for any such tax accruing while such property, earnings, increment, or proceeds are held by such designee, unless they are returned pursuant to this title without payment of such tax by the designee. Every such tax shall be paid by the designee to the same extent, as nearly as may be deemed practicable, as though the property had not been vested, and shall be paid only out of the property, or earnings, increment, or proceeds thereof, to which they are incidant or out of other property acquired from the same former owner, or earnings, increment, or proceeds thereof. No tax liability may be enforced from any property or the earnings, increment, or proceeds thereof while held by the designee except with his consent. Where any property is transferred, otherwise than pursuant to section 207(a) or 207(b) hereof, the designee may transfer the property free and clear of any tax, except to the extent of any lien for a tax existing and perfected at the date of vesting, and the proceeds of such transfer shall, for tax purposes, replace the property in the hands of the designee.

(c) Subject to the provisions of subsection (b) of this section, the manner of computing any Federal taxes, including without limitation by reason of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the designee with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessments, collection, refund, or credit of Federal taxes shall be suspended with respect to any vested property or the earnings, increment, or proceeds thereof, while vested and for six months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

(d) The word "tax" as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate, and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the designee.

[Section 212, International Claims Settlement Act of 1949, as added by Act of August 9, 1955 (Pub. Law 585, 84th Cong., 69 Stat. 562)]

EXECUTIVE ORDER 10644, APPROVED NOVEMBER 7, 1955 (20 F.R. 8363)

By virtue of the authority vested in me by Title II of the International Claims Settlement Act of 1949, as added by Public Law 285, 84th Congress, approved August 9, 1955 (69 Stat. 562), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Attorney General, and, as designated by the Attorney General for this purpose, any Assistant Attorney General are hereby designated and empowered to perform the functions conferred by the said Title II of the International Claims Settlement Act of 1949 upon the President, and the functions conferred by that title upon any designee of the President.

SEC. 2. The Attorney General is hereby designated as the officer in whom property shall vest under the said Title II.

SEC. 3. As used in this order, the term "functions" includes duties, powers, responsibilities, authority, and discretion, and the term "perform" may be construed to include "exercise".

§ 302.1–1 Definitions.

(a) *General.* When used in the regulations in this part, the terms defined in this section shall have the meaning so assigned to them. A term not defined herein shall have the meaning, if compatible with the context, imputed thereto under the internal revenue laws.

(b) *Attorney General.* The term "Attorney General" includes the officer in whom property is vested pursuant to Title II of the International Claims Settlement Act of 1949, as amended. The term also includes the officer, including any Assistant Attorney General designated by the Attorney General for this purpose, designated and empowered pursuant to Executive Order No. 10644 to perform the functions conferred by Title II upon the President of the United States and the functions conferred by such Title upon the designee of the President.

(c) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(d) *Person.* The term "person" includes a natural person, partnership, association, other unincorporated body, corporation, or body politic, having or claiming an interest in vested property or liable or charged with liability for internal revenue tax in connection with such property.

(e) *Former owner.* The term "former owner" means the owner immediately prior to vesting and any successor in interest by inheritance, devise, bequest, or operation of law, of such owner.

(f) *Property.* The term "property" means any property, right, or interest, including earnings, increment, or proceeds thereof.

(g) *Act.* The term "Act" means the International Claims Settlement Act of 1949, as amended by the Act of August 9, 1955 (Pub. Law 285, 84th Cong., 69 Stat. 562).

(h) *Tax.* The term "tax" includes, but is not limited to, any property, income, excess-profits, war-profits, excise, estate, and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the Attorney General.

§ 302.1–2 Application of regulations.

(a) *Property covered.* The regulations in this part are applicable in connection with property vested in the Attorney General pursuant to section 202 (a) of the Act and in connection with the net proceeds of any property described under section 202(b) of such Act which was vested in the Attorney General after December 17, 1941, pursuant to the Trading With the Enemy Act, as amended (40 Stat. 411).

(b) *Taxes covered.* The regulations in this part are applicable to any internal revenue tax with respect to (1) property vested in the Attorney General or any action or transaction incidental to such property, or (2) any person whose property is so vested or any action or transaction of such person, whether the tax is applicable in respect of the period of vesting or any other period.

§ 302.1–3 Protection of internal revenue prior to tax determination.

(a) *Suits and claims for return of vested property*—(1) *General.* The provisions of this paragraph apply in cases where there has been neither a final nor a tentative determination of internal revenue tax liability. See paragraphs (e) and (f) of § 302.1–4. In such cases vested property (including property vested pursuant to section 202(a) of the Act which is subject to divestment by reason of its ownership by a natural person) shall not be returned or divested except in accordance with this paragraph.

(2) *Notice to Commissioner*—(i) *Suits for recovery.* Where suit for the return of vested property has been instituted pursuant to section 207(a) of the Act, the Attorney General shall within a reasonable time after answer has been filed or after beginning of the trial of the case notify the Commissioner in writing of the property involved and the name, address, citizenship, residence, and business organization of the claimant, and any other pertinent information.

(ii) *Return without suit.* Where the Attorney General has determined that pursuant to section 207(b) of the Act vested property is to be returned to the claimant, the Attorney General shall notify the Commissioner in writing in the manner prescribed in subdivision (1) of this subparagraph at least 90 days prior to any return of such property.

(3) *Return of property*—(i) *By divestment.* Where the Attorney General has determined that property vested pursuant to section 202(a) of the Act was directly owned by a natural person, the Attorney General shall not divest himself of such property and restore it to its blocked status prior to vesting unless there has been a determination of tax liability pursuant to § 302.1–4 and a payment of such tax pursuant to § 302.1–5.

(ii) *Without security.* Where vested property is the subject of a suit or proceeding pursuant to the Act, it may be returned without security prior to determination of applicable internal revenue taxes and prior to the judgment of the court or to the publication of the order of the Attorney General directing such return to the following described claimants under conditions hereinafter stated:

(a) *Residents and domestic enterprises.* In the case of claimants who at the time of return are (1) individuals permanently resident in the United States since December 7, 1941, or (2) corporations or other business enterprises organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia, or doing business in the United States, the Attorney General may without notice to the Commissioner return the property at any time.

(b) *Non-residents, etc.* In the case of claimants who at the time of return are (1) individuals not permanently resident in the United States since December 7, 1941, or (2) nondomestic corporations or other nondomestic enterprises not doing business within the United States, the property may be returned not less than 90 days after notice by the Attorney General to the Commissioner in a case within subparagraph (2) (i) of this paragraph, or not less than 60 days after notice in a case within subparagraph (2) (ii) of this paragraph, unless within such time the Attorney General is advised otherwise by the Commissioner.

(iii) *When security required.* Except as provided in subdivisions (i) and (ii) of this subparagraph, vested property shall not be released prior to determination of tax liability without security satisfactory to the Commissioner, but determination of tax liability will be expedited in order that the release of the property or of the security shall not be unnecessarily delayed.

(4) *Security.* When security is required under subparagraph (3) (iii) of this paragraph, it shall be such of the following as the Commissioner considers necessary:

(i) *Bond.* A bond of the claimant conditioned upon payment of the full amount of internal revenue taxes determined to be due, filed with the district director in such amount, and with such sureties, as the Commissioner deems necessary. Only surety companies holding a certificate of authority from the Secretary of the Treasury may be used.

(ii) *Collateral security.* Collateral authorized by law deposited by the claimant in lieu of surety conditioned upon the payment of the full amount of internal revenue taxes determined to be due.

(iii) *Reservation of assets.* Monies, or if the monies are insufficient, so much of the other property involved, to be reserved by the Attorney General, as will be sufficient in the judgment of the Attorney General to cover any internal revenue tax liability determined by the Commissioner.

(b) *Vested property subject to debt claims*—(1) *Notice to Commissioner.* With respect to vested property available for the payment of debt claims pursuant to section 208 of the Act, and with respect to which debt claims have been filed, prior to the allowance of any such claims the Attorney General shall in writing notify the Commissioner of the property involved, the citizenship, residence, business organization and other necessary information concerning the debtor and the aggregate of debt claims filed in respect thereof.

(2) *Action by Commissioner.* Upon receipt of the notice provided in subparagraph (1) of this paragraph the Commissioner shall, as soon as practicable and not later than 120 days after receipt of notice, unless the time is extended by the Commissioner after notice to the Attorney General, (i) determine the taxes payable by the Attorney General in respect of the debtor, or (ii) advise the Attorney General of the provision, if any, to be made by him for payment of taxes with respect of the debtor.

§ 302.1–4 Computation of taxes.

(a) *Detail of employees of the Internal Revenue Service.* The Commissioner will detail for the assistance of the Attorney General such employees of the Internal Revenue Service as may be necessary to make the computations under the regulations in this part promptly and accurately.

(b) *Relationship of Attorney General and former owner.* In the computation of tax liability under the regulations in this part, except as otherwise provided herein, the vesting of property shall not be considered as affecting the ownership thereof; and any act of the Attorney General in respect of such property (including the collection or operation thereof and any investment, sale, or other disposition and any payment or other expenditure) shall be considered as the act of the owner. Nevertheless, except as otherwise provided in the Act or the regulations in this part, insofar as taxes are incident to the vested property during the period of vesting, they shall be payable by the Attorney General, except that to the extent of the value of any of the property returned to the former owner the latter shall be liable for such tax not paid by the Attorney General. While tax incident to nonvested property is collectible out of both vested and nonvested property, the nonvested property will be regarded as the primary source of collection of such tax. In determining the amount of liability to be paid out of property not vested by the Attorney General a computation shall be made covering the taxpayer's full period of liability, but without regard to the vested property, or the income received by, or the operations of, the Attorney General. The amount so computed shall be first asserted against and collected so far as practicable from the taxpayer or out of his property which is not vested. Such part of the total tax liability as is not paid by the taxpayer or collected out of property not vested shall be asserted against the vested property. See § 302.1–5, relating to payment of taxes, and § 302.1–7, relating to claims for credit or refund.

(c) *Laws applicable to computations.* Except as otherwise specifically provided in the regulations in this part, the computation under the regulations in this part of any internal revenue tax liability shall be in accordance with the internal revenue laws and regulations applicable thereto, including all amendments of such laws or regulations enacted or promulgated prior to determination of the tax.

(d) *Periods for which computations made.* The amount of income, declared value excess profits, excess profits, capital stock, employment, and excise taxes under the internal revenue laws will be computed for each taxable year or period during all or part of which property is vested prior to the return of the property. In the case of a return of property prior to computation of tax, see § 302.1–3. Where vesting occurs during a taxable year or taxable period, any return filed or computation made covering vested or nonvested property should nevertheless be for the entire year or period. See paragraph (b) of this section. Unless facts are available indicating a liability for taxes for a taxable year or period occurring wholly prior or subsequent to the period of vesting of the property by the Attorney General, the computations under the regulations in this part, both tentative and final, will be made only in respect of years and periods during all or part of which the property is held by the Attorney General.

(e) *Tentative computation.* In order that the return of property or other appropriate action may not be delayed until the amount of taxes payable is finally computed and paid, a tentative computation of such amount will be made in every case, unless there are circumstances appearing to make such action inappropriate. Such circumstances would include (1) return of the property in accordance with § 302.1–3, (2) notice to the Commissioner by the person to whom the property is returnable or by the Attorney General that such person or the Attorney General, as the case may be, prefers that the return of the property be postponed until the amount of such taxes can be finally computed or (3) belief on the part of the Commissioner that a final computation will not unduly delay the return of, or other appropriate action with respect to, the property. In making any such tentative computation of income, profits, or estate tax, the gross income or the gross estate, as the case may be, as shown by the records of the Attorney General (excluding therefrom items exempt from taxation) shall be considered as the taxable or net income or taxable or net estate, respectively, unless a tax return has been filed or facts are available upon which a more accurate computation can be made. In any case in which a duly authorized officer or employee of the Internal Revenue Service has otherwise computed the amount of taxes payable in respect of any period, such computation will be accepted as a tentative computation, unless the facts

clearly indicate that a more accurate computation can be made.

(f) *Final computation*—(1) *General.* A final computation of the amount of taxes payable by the person to whom property is returnable, or out of property to be returned, will be made as soon as practicable in every case. In any case in which the amount shown by a tentative computation has been paid, refund or credit of any amount paid in excess of the amount properly due will be made in accordance with the final computation, even though a claim therefor has not been filed, if the period of limitation applicable to the filing of such claim has not expired. However, if it is desired to protect the right to any credit or refund determined to be due, a claim for credit or refund should be filed. The sufficiency of any such claim in respect of an amount paid in accordance with a tentative computation under the regulations in this part will not be questioned solely because facts upon which a more accurate computation could be made are not available or cannot be established at the time such claim is filed. Any such claim in respect of an amount paid in accordance with a final computation must, however, clearly set forth in detail under penalties of perjury all the facts relied upon in support of the claim and must conform to the regulations applicable to an ordinary claim for refund or credit. See § 302.1–7 relating to claims for credit or refunds.

(2) *Information required*—(i) *Income and profits taxes.* The following information submitted under penalties of perjury by or for the taxpayer is necessary in each case for a final computation, for each taxable year for which the computation is to be made:

(a) All income (other than income received by the Attorney General) from sources within the United States, or if no such income has been received, then a statement to that effect, except that in the case of a citizen or resident of the United States, income from sources without as well as within the United States must be shown.

(b) If a return of such income has been made, then the following data in respect of such return:

(1) The taxable year for which the return was made and the tax (whether income, declared value excess profits, or excess profits tax) paid;

(2) The name of the taxpayer for whom the return was made;

(3) The name of the agent or other person (if any) by whom such return was made;

(4) The office of the district director in which such return was filed.

(c) Such other facts as may be required, from time to time, by the Commissioner.

(ii) *Other taxes.* Except as otherwise provided in subdivision (i) of this subparagraph, in order to make a final computation of the amount of any internal revenue tax payable by return in any case, the usual return should be filed, together with the supporting documents required by the regulations pertaining to the tax.

(g) *Tax returns*—(1) *General.* In many cases allowance of deductions and credits is contingent upon the making of a return in accordance with the applicable internal revenue law. The submission of evidence relative to income or profits tax in accordance with subdivisions (a) and (c) of paragraph (f)(2)(i) of this section will be considered as the making of the return required by any such law, only (i) for any taxable period, ending on or before December 31, 1946, during all or part of which all or part of the property of the taxpayer was held by the Attorney General, or (ii) for any taxable period ending within one year from the date of the first return to the taxpayer of any part of the property held by the Attorney General, whichever period ends later. In all other cases a return will be required in accordance with the applicable internal revenue law and regulations. In the case of returns where property is vested during a taxable year or period, see paragraph (d) of this section.

(2) *Estates and trusts.* In the case of estates and trusts the fiduciaries shall file returns, including information returns as required by section 147 of the Internal Revenue Code of 1939 or section 6041 of the Internal Revenue Code of 1954.

(3) *Income tax forms to be used*—(i) *General.* In the case of taxpayers engaged in trade or business in the United States Forms 1040B and 1120, as may be appropriate, shall be used. Where the taxpayer is not engaged in trade or business in the United States, Form M797 may be used in lieu of Forms 1040NB, 1040NB–a, and 1120NB.

(ii) *Definition.* When used in subdivision (i) of this subparagraph, the term "engaged in trade or business in the United States" includes the managing and renting of real estate in the United States by an agent of the Attorney General or of the former owner duly authorized to execute rental agreements and to pay all taxes and charges incident to the repair and maintenance of such property, but does not include the mere renting or leasing of property under agreement requiring the lessee or occupant to pay taxes and to make repairs or improvements.

§ 302.1–5 Payment of taxes.

(a) *Pursuant to tentative computations.* The amount of taxes shown by a tentative computation, shall be paid by the Attorney General or the taxpayer, as the case may be, to the district director as soon as practicable after the tentative computation has been made. It will not be necessary, however, for the payment by the Attorney General to be made prior to the return of property if an amount sufficient to cover all internal revenue taxes is retained from the property by the Attorney General.

(b) *Pursuant to final computations.* Upon a final computation of internal revenue taxes properly payable, the amount thereof remaining unpaid shall be paid by the Attorney General to the district director as soon as practicable after the final computation has been made, or, in case the property has been returned to the former owner, by such owner. If the final amount of internal revenue taxes properly payable is less than the amount previously paid, the difference shall be credited or refunded in accordance with the provisions of the regulations in this part and other applicable regulations. A final computation will not prohibit a subsequent recomputation if it is determined that the amount shown by the final computation is erroneous.

(c) *Deficiency procedure.* The Attorney General shall pay internal revenue taxes without regard to the provisions of law relating to the sending of a deficiency notice by certified or registered mail or to notice and demand.

§ 302.1–6 Interest and penalties.

(a) *Liability for interest and civil penalties.* Under subsection (d) of section 212 of the Act there is no liability for interest or penalty on account of any act or failure of the Attorney General. Such subsection is not applicable to interest or penalties payable in respect of any act or failure during the period prior to the vesting of the property by the Attorney General, or after the return of the property, or during the period during which the property was vested by the Attorney General on account of an act or omission of any person other than the Attorney General.

(b) *Adjustment.* In case of any assessment or collection, or credit or refund, of interest or a civil penalty contrary to section 212 (c) or (d) of the Act, proper adjustment shall be made.

§ 302.1–7 Claims for credit or refund.

(a) *Time for filing claims.* Claims for credit or refund must be filed within the period prescribed by section 322 of the Internal Revenue Code of 1939 or by section 6511 of the Internal Revenue Code of 1954, as modified by section 212(c) of the Act. Any such claim must contain a detailed statement under penalties of perjury of all the facts relied upon in support of the claim and should be filed with the district director of the district in which the tax was paid. See paragraph (f)(1) of § 302.1–4 relating to final computation.

(b) *Attorney General acting for taxpayer.* Any act of the Attorney General for, or on behalf of, a taxpayer in respect of any claim under the regulations in this part will be considered as the act of such taxpayer, unless such taxpayer notifies the Commissioner in writing, by the filing of a claim for refund or credit or otherwise, that he does not ratify such act. See paragraph (b) of § 302.1–4 relating to relationship of Attorney General and former owner.

(c) *Refund payable to Attorney General.* All refund of taxes paid by the Attorney General shall be made directly to that official.

[F.R. Doc. 60–6370; Filed, July 8, 1960; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER E—MECHANICAL EQUIPMENT FOR MINES; TESTS FOR PERMISSIBILITY AND SUITABILITY; FEES

[Bureau of Mines Schedule 25B]

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Procedures for Testing for Permissibility

On pages 2014–17 of the FEDERAL REGISTER of March 9, 1960, there was published a notice and text of proposed revision of the regulations of Subchapter E of Title 30, Code of Federal Regulations, prescribing procedures for testing for permissibility and approving Dust Collectors for Use in Connection with Rock Drilling in Coal Mines.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections concerning the proposed revision. Several suggestions to revise the text were received.

To permit unlimited discussion of the suggested changes by interested persons, the Bureau of Mines called a meeting, which was held at the Central Experiment Station, Bureau of Mines, Pittsburgh, Pa., on May 11, 1960. As a result of the discussions at the meeting and consideration of all relevant material presented pursuant to the notice, the following changes in the proposed regulations are made:

1. In § 33.6 paragraph (d) subparagraph (1), the title of the subparagraph is changed to read: "Details of all dust-collector parts".

2. In § 33.11 paragraphs (b), (c), and (d) are redesignated paragraphs (c), (d), and (e), respectively, and a new paragraph (b) is inserted after paragraph (a).

3. In § 33.37 a new paragraph (d) is inserted.

4. In § 33.38 paragraph (b) after the article "a" in the third line the word "gassy" is inserted.

5. In § 33.38 a new paragraph (c) is inserted.

The proposed revision of the regulations with the above changes are hereby adopted and are set forth below. Because of the safety and health-protective features it is deemed in the public interest that this revision of the regulations shall be effective on the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director, Bureau of Mines.

Approved: July 2, 1960.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Part 33, Chapter I of Title 30, Code of Federal Regulations, is revised to read as follows:

Subpart A—General Provisions

Sec.
33.1 Purpose.
33.2 Definitions.
33.3 Consultation.
33.4 Types of dust collectors for which certificates of approval may be granted.
33.5 Fees for investigation.
33.6 Applications.
33.7 Date for conducting tests.
33.8 Conduct of investigations, tests, and demonstrations.
33.9 Certification of dust-collecting systems.
33.10 Certificates of approval or performance.
33.11 Approval plates.
33.12 Changes after certification.
33.13 Withdrawal of certification.

Subpart B—Dust-Collector Requirements

33.20 Design and construction.
33.21 Modification of test equipment.
33.22 Mode of use.
33.23 Mechanical positioning of parts.

Subpart C—Test Requirements

33.30 Test site.
33.31 Test space.
33.32 Determination of dust concentration.
33.33 Allowable limits of dust concentration.
33.34 Drilling test.
33.35 Methods of drilling; dust-collector unit.
33.36 Methods of drilling; combination unit or dust-collecting system.
33.37 Test procedure.
33.38 Electrical parts.

AUTHORITY: §§ 33.1 to 33.38 issued under sec. 5, 36 Stat. 370, as amended; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 33.1 Purpose.

The regulations in this part set forth the requirements for dust collectors used in connection with rock drilling in coal mines to procure their certification as permissible for use in coal mines; procedures for applying for such certification; and fees.

§ 33.2 Definitions.

As used in this part:

(a) "Permissible," as applied to a dust collector, means that it conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the dust collector unit or combination unit has met the requirements of this part, and authorizing the use and attachment of an official approval plate or a marking so indicating.

(d) "Certificate of performance" means a formal document issued by the Bureau stating that a dust-collecting system has met the test requirements of Subpart C of this part and therefore is suitable for use as part of permissible units.

(e) "Dust-collector unit" means a complete assembly of parts comprising apparatus for collecting the dust that results from drilling in rock in coal mines, and is independent of the drilling equipment.

(f) "Combination unit" means a rock-drilling device with an integral dust-collecting system, or mining equipment with an integral rock-drilling device and dust-collecting system.

(g) "Dust-collecting system" means an assembly of parts comprising apparatus for collecting the dust that results from drilling in rock and is dependent upon attachment to other equipment for its operation.

(h) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs and manufactures, assembles or controls the assembly of a dust-collecting system, dust-collector unit, or a combination unit, and seeks certification thereof.

§ 33.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, and discuss with qualified Bureau representatives proposed designs of equipment to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 33.4 Types of dust collectors for which certificates of approval may be granted.

(a) Certificates of approval will be granted only for completely assembled dust-collector or combination units; parts or subassemblies will not be approved.

(b) The following types of equipment may be approved: Dust-collector or combination units having components designed specifically to prevent dissemination of airborne dust generated by drilling into coal-mine rock strata in concentrations in excess of those hereinafter stated in § 33.33 as allowable, and to confine or control the collected dust in such manner that it may be removed or disposed of without dissemination into the mine atmosphere in quantities that would create unhygienic conditions.

§ 33.5 Fees for investigation.

(a) The following fees are charged for inspecting, testing, and certifying dust collectors:

(1) Preliminary review of drawings, specifications, and related data, each unit or system	$50
(2) Detailed inspection to determine adequacy of design and materials, each unit or system	50
(3) Detailed inspection to determine adequacy of design and materials relating to changes subsequent to an initial investigation, per man day or fraction thereof [1]	35
(4) Drilling each set of 10 test holes:	
(i) First set of 10 test holes drilled, per investigation	135
(ii) Each additional set of 10 test holes drilled, per investigation	75

[1] In addition the applicant shall reimburse the Bureau for necessary travel and subsistence expenses of its representative(s) according to "Standardized Government Travel Regulations" when such Bureau representative(s) is required to be away from official headquarters.

(5) Final examination and recording of drawings and specifications, and issuing certificate of approval or certificate of performance	$65
(6) Examination and recording of drawings and specifications, and issuing extension of certificate of approval or certificate of performance	[1] 50
(7) Design of approval plate or P/T label for certified equipment	25

[1] If only a nominal amount of work is required, the fee will be $20.

(b) Additional fees shall be charged in accordance with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) for examining and testing electrical parts of dust collectors required under § 33.38.

(c) The full fee must accompany an application for certification of a unit or dust-collecting system. The fees charged for each investigation will be in proportion to the work done, and any surplus will be refunded to the applicant.

(d) The fee for an extension of certification to cover modifications of equipment will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(e) If the applicant is uncertain as to the amount of fee that should be sent with his application, the information will be furnished him in writing upon request addressed to the Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

§ 33.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate (except as otherwise provided in paragraph (e) of this section), accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all prescribed drawings, specifications, and related materials. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Health Research.

(b) The application shall specify the operating conditions (see § 33.22) for which certification is requested.

(c) Shipment of the equipment to be tested shall be deferred until the Bureau has notified the applicant that the application will be accepted. Shipping instructions will be issued by the Bureau and shipping charges shall be prepaid by the applicant. Upon completion of the investigation and notification thereof to the applicant by the Bureau, the applicant shall remove his equipment promptly from the test site (see § 33.30).

(d) Drawings and specifications shall be adequate in number and detail to identify fully the design of the unit or system and to disclose its materials and detailed dimensions of all component parts. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications and drawings, including a complete assembly drawing with each part that affects dust collection identified thereon, shall include:

(1) Details of all dust-collector parts. A manufacturer who supplies the applicant with component parts or subassemblies may submit drawings and specifications of such parts or subassemblies direct to the Bureau instead of to the applicant. If the unit or system is certified, the Bureau will supply the applicant with a list, in duplicate, of drawing numbers pertaining to such parts or subassemblies for identification purposes only.

(2) Details of the electrical parts of units designed to operate as face equipment (see § 33.38) in accordance with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F).

(3) Storage capacity of the various stages of dust collection in the dust separator.

(4) Net filter area in the dust separator, and complete specifications of the filtering material.

(e) If an application is made for certification of a dust-collector unit or a combination unit that includes electrical parts, and is designed to operate as electric face equipment, as defined in § 33.38, the application shall be in triplicate. One copy of the application shall be marked Attention: Chief, Branch of Electrical-Mechanical Testing.

(f) The application shall state that the unit or system is completely developed and of the design and materials which the applicant believes to be suitable for a finished marketable product.

(g) The applicant shall furnish a complete unit or system for inspection and testing. Spare parts, such as gaskets and other expendable components subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation during test periods. If special tools are necessary to disassemble any part for inspection or test, they shall be furnished by the applicant.

(h) Each unit or system shall be carefully inspected before it is shipped from the place of manufacture or assembly and the results of the inspection shall be recorded on a factory-inspection form. The applicant shall furnish the Bureau with a copy of the factory-inspection form with his application. The form shall direct attention to the points that must be checked to make certain that all parts are in proper condition, complete in all respects, and in agreement with the drawings and specifications filed with the Bureau.

(i) With the application the applicant shall furnish the Bureau with complete instructions for operating and servicing the unit or system and information as to the kind of power required. After the Bureau's investigation, if any revision of the instructions is required a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 33.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a unit or system fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 33.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval or performance, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose principles or patentable features, nor shall it disclose any details of drawings, specifications, and related materials. After the issuance of a certificate, the Bureau may conduct such public demonstrations and tests of the unit or system as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating combination units.

§ 33.9 Certification of dust-collecting systems.

Manufacturers of dust-collecting systems that are designed for integral use on machines with drilling equipment may apply to the Bureau to issue a certificate of performance for such systems. To qualify for a certificate of performance, the dust-collecting system shall have met satisfactorily the test requirements of Subpart C of this part under specified operating conditions (such as type of drilling equipment, drilling speed, and power requirements) and the construction thereof shall be adequately covered by specifications and drawings officially recorded and filed with the Bureau. Individual parts of dust-collecting systems will not be certified for performance. Certificates of performance may be cited to fabricators of combination units as evidence that further inspection and testing of the dust-collecting system will not be required, provided the dust-collecting requirements of the drilling equipment do not exceed the limits of performance for which the system was certified. Since the Bureau does not sanction the use of the words "permissible" or "approved" except as applying to completely assembled equipment, dust-collecting systems, which have been certified only as to performance, shall not be advertised or labeled in a manner inferring that such systems themselves are permissible or approved by the Bureau. However, a certified system may be advertised as suitable for use on combination units for which certification may be desired if the limits of its performance are cited. Certified dust-collecting systems shall bear labels or tags which shall contain the following: "Performance-tested Dust Collecting System, Bureau of Mines File No. P/T ----------," and name of manufacturer, identifying numbers of the dust-collector parts, and description of the limitations for which performance is certified. The Bureau will assign a P/T file number in the certification letter.

§ 33.10 Certificates of approval or performance.

(a) Upon completion of an investigation, the Bureau will issue to the applicant either a certificate or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a unit or system upon which a notice of disapproval has been issued.

(b) A certificate will be accompanied by a list of the drawings and specifications covering the details of design and construction of the unit or system, including the electrical parts, if applicable, upon which the certificate is based. Applicants shall keep exact duplicates of the drawings and specifications submitted and the list of drawing numbers referred to in subparagraph 1 of paragraph (d) of § 33.6 that relate to the certified unit or system, and these are to be adhered to exactly in production.

§ 33.11 Approval plates.

(a) A certificate of approval will be accompanied by a photograph of a design for an approval plate, bearing the seal of the Bureau of Mines, the name of the applicant, the name of the unit, the approval number or space for the approval number (or numbers if permissibility of electrical parts is involved), spaces for the type and the serial numbers of the unit, conditions of approval, and identifying numbers of the dust-collector parts. When deemed necessary by the Bureau, an appropriate statement shall be added, giving the precautions to be observed in maintaining the unit in an approved condition.

(b) An approval plate for a unit designed for use in a nongassy coal mine shall state that any electrical parts are not certified for use in a gassy coal mine. (See § 33.38(c).)

(c) The applicant shall reproduce the design either as a separate plate or by stamping or molding it in some suitable place on each unit to which it relates. The size, type, and method of attaching and location of an approval plate are subject to the approval of the Bureau. The method of affixing the plate shall not impair the dust-collection or explosion-proof features of the unit.

(d) The approval plate identifies the unit, to which it is attached, as permissible, and is the applicant's guarantee that the unit complies with the requirements of this part. Without an approval plate, no unit has the status of "permissible" under the provisions of this part.

(e) Use of the approval plate obligates the applicant to whom the certificate of approval was granted to maintain the quality of each unit bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval was based. Use of the approval plate is not authorized except on units that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 33.12 Changes after certification.

If an applicant desires to change any feature of a certified unit or system, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate, requesting that the existing certification be extended to cover the proposed changes, and shall be accompanied by drawings, specifications, and related data showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the unit or system. The Bureau will inform the applicant whether such testing is required, the components or materials to be submitted for that purpose, and the fee.

(c) If the proposed modification meets the requirements of this part and Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) if applicable, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 33.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certification granted under this part.

Subpart B—Dust-Collector Requirements

§ 33.20 Design and construction.

(a) The Bureau will not test or investigate any dust collector that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. Since all possible designs, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify the tests specified in this part in such manner to obtain substantially the same information and degree of protection as provided by the tests described in Subpart C of this part.

(b) Adequacy of design and construction of a unit or system will be determined in accordance with its ability (1) to prevent the dissemination of objectionable or harmful concentrations of dust into a mine atmosphere, and (2) to protect against explosion and/or fire hazards of electrical equipment, except as provided in paragraph (b) of § 33.38.

§ 33.21 Modification of test equipment.

For test purposes the unit or system may be modified, such as by attaching instruments or measuring devices, at the Bureau's discretion; but such modification shall not alter its performance.

§ 33.22 Mode of use.

(a) A unit or system may be designed for use in connection with percussion and/or rotary drilling in any combination of the folowing drilling positions: (1) Vertically upward, (2) upward at angles to the vertical, (3) horizontally, and (4) downward.

(b) Dust-collector units may be designed for use with specific drilling equipment or at specific drilling speeds.

§ 33.23 Mechanical positioning of parts.

All parts of a unit that are essential to the dust-collection feature shall be provided with suitable mechanical means for positioning and maintaining such parts properly in relation to the stratum being drilled.

Subpart C—Test Requirements

§ 33.30 Test site.

Tests shall be conducted at the Bureau's Experimental Mine, Bruceton, Pennsylvania, or other appropriate place(s) determined by the Bureau.

§ 33.31 Test space.

(a) Drilling tests shall be conducted in a test space formed by two curtains suspended across a mine opening in such a manner that the volume of the test space shall be approximately 2,000 cubic feet.

(b) No mechanical ventilation shall be provided in the test space during a drilling test, except such air movement as may be induced by operation of drilling- or dust-collecting equipment.

(c) All parts of a unit or system shall be within the test space during a drilling test.

§ 33.32 Determination of dust concentration.

(a) Concentrations of airborne dust in the test space shall be determined by sampling with a midget impinger apparatus, and a light-field microscopic technique shall be employed in determining concentrations of dust in terms of millions of particles (5 microns or less in diameter) per cubic foot of air sampled.

(b) Before a drilling test is started the surfaces of the test space shall be wetted; the test space shall be cleared of airborne dust insofar as practicable by mechanical ventilation or other means; and an atmospheric sample, designated as a control sample, shall be collected during a 5-minute period to determine residual airborne dust in the test space.

(c) A sample of airborne dust, designated as a test sample, shall be collected

in the breathing zone of the drill operator during the drilling of each test hole. Time consumed in changing drill steel shall not be considered as drilling time and sampling shall be discontinued during such periods.

§ 33.33 Allowable limits of dust concentration.

(a) The concentration of dust determined by the control sample shall be subtracted from the average concentration of dust determined by the test samples, and the difference shall be designated as the net concentration of airborne dust. Calculations of the average concentration of dust determined from the test samples shall be based upon the results of not less than 80 percent of each set of 10 test samples.

(b) Under each prescribed test condition, the net concentration of airborne dust at each drill operator's position shall not exceed 10 million particles (5 microns or less in diameter) per cubic foot of air when determined in accordance with the method given in paragraph (a) of § 33.32.

§ 33.34 Drilling test.

(a) A drilling test shall consist of drilling a set of 10 holes with each drill involved under the specified operating conditions. The drilling of all sets of holes shall begin simultaneously and drilling shall continue until all holes are completed.

(b) Holes shall be drilled to a depth of 4 feet plus or minus 2 inches and shall be spaced so as not to interfere with adjacent holes. Each hole may be plugged after completion.

(c) Receptacles and filters for collecting drill cuttings shall be emptied and cleaned before each drilling test is started.

(d) Holes designated as "vertical" shall be drilled to incline not more than 10 degrees to the vertical. Holes designated as "angle" shall be drilled to incline not less than 30 and not more than 45 degrees to the vertical. Holes designated as "horizontal" shall be drilled to incline not more than 15 degrees to the horizontal.

§ 33.35 Methods of drilling; dust-collector unit.

(a) *General.* All drilling shall be done with conventional, commercial drilling equipment—pneumatic-percussion, hydraulic-rotary, and/or electric-rotary types—in accordance with the applicant's specifications.

(b) *Pneumatic-percussion drilling.* A stoper-type drill with a piston diameter of 2½ to 3 inches shall be used for roof drilling. A hand-held, sinker-type drill with a piston diameter of 2½ to 3 inches shall be used for down drilling and also for horizontal drilling, except that the drill shall be supported mechanically. Compressed air for operating the drill shall be supplied at a gage pressure of 85–95 pounds per square inch. Drill bits shall be detachable, cross type with hard inserts, and shall be sharp when starting to drill each set of 10 holes. In roof drilling, 1¼- and 1½-inch diameter drill bits shall be used; in horizontal and down drilling, 1¾-inch diameter bits shall be used. The drill steel shall be ⅞-inch hexagonal and of hollow type to permit the introduction of compressed air through the drill steel when necessary to clean a hole during drilling.

(c) *Rotary drilling.* A hydraulic-rotary drill with a rated drilling speed of 18 feet per minute free lift, capable of rotating drill steel at 900 revolutions per minute with 100 foot-pounds torque, and having a feed force of 7,000 pounds, shall be used for roof drilling. An electric-rotary drill, supported by a post mounting, with a rated drilling speed of 30 inches per minute and powered by a 2.25 horsepower motor, shall be used for horizontal drilling. For roof drilling, the bits shall be hard-tipped, 1⅜ and 1½ inches outside diameter, and 1¼-inch auger-type drill steel shall be used. For horizontal drilling, the bits shall be hard-tipped, 2 inches outside diameter, and 1¾-inch auger-type drill steel shall be used. Drill bits shall be sharp when starting to drill each set of 10 holes.

§ 33.36 Method of drilling; combination unit or dust-collecting system.

Drilling shall be conducted in accordance with the applicant's specifications and operating instructions. If special drill bits or drill steel are required, they shall be furnished to the Bureau by the applicant. Otherwise the drill bit and drill steel requirements stated in paragraphs (b) and (c) of § 33.35 shall be complied with for all types of combination units or dust-collecting systems.

§ 33.37 Test procedure.

(a) Roof drilling: Drilling shall be done in friable strata, similar to the roof in the Bureau's Experimental Mine, which tends to produce large scale-like cuttings.

(b) Horizontal drilling: Drilling shall be done in strata comparable in hardness to that of coal-mine draw slate. Holes shall be started near the roof of the test space under conditions simulating the drilling of draw slate in coal mining.

(c) Down drilling: Drilling shall be done in typical mine floor strata with a pneumatic percussion-type drill. Five holes shall be drilled vertically and five holes shall be drilled at an angle.

(d) At the Bureau's discretion drilling in "on site" strata may be acceptable in lieu of strata requirements in paragraphs (a), (b), and (c) of this section. (See § 33.20(a).)

§ 33.38 Electrical parts.

(a) Units with electrical parts and designed to operate as electric face equipment (see definition, § 45.44–1 of this chapter) in gassy coal mines shall meet the requirements of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F), and the examination and testing of the electrical parts shall be entirely separate from the examination and testing of dust-collecting equipment as such.

(b) Units with electrical parts designed to operate only outby the last open crosscut in a gassy coal-mine entry, room, or other opening (including electric-drive units with their controls and push buttons) are not required to comply with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F).

(c) Units with electrical parts and designed for operation only in nongassy coal mines are not required to comply with the provisions of Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F). (See § 33.11(b).)

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Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

PART 606—SUPPLEMENTAL PROVISIONS

Procurement Action Reporting

All of Subpart C—Procurement Action Reporting is revised except § 606.305, which is redesignated as § 606.306, the material therein remaining unchanged:

§ 606.301 General.

§ 606.301–1 Purpose.

This subpart prescribes reports for furnishing information on procurement actions to the Deputy Chief of Staff for Logistics, Headquarters, Department of the Army, and to the Department of Defense.

(a) *DD Form 350 (Individual Procurement Action Report).* DD Form 350 is designed to provide essential procurement records and statistics through a single uniform reporting program as a basis for required recurring and special reports to the President, the Congress, the Office of Civil and Defense Mobilization, the General Accounting Office, the Renegotiation Board, the Small Business Administration, and other Federal agencies. It also provides the Department of the Army with a wide variety of significant data for procurement policy and management control purposes, and provides the Department of Labor with data required in connection with the administration of the Walsh-Healey Public Contracts Act.

(b) DD Form 1057 (*Monthly Procurement Summary by Purchasing Office*). This form provides for reporting a monthly summary of all procurement actions without regard to dollar amount. It includes a total of all actions reported on DD Form 350; a breakdown of actions under $10,000; and information with respect to the utilization of small purchases procedures and indefinite delivery type contracts.

§ 606.301–2 Procurement action.

The term procurement action as used in this report refers to any contractual action to obtain supplies, services, or construction which obligates or deobligates Department of the Army appropriated funds. It includes preliminary contractual instruments such as letter contracts; definitive contracts (both new and superseding, and notices of award);

purchase orders; job orders; task order; delivery orders; and any other orders against existing contracts, including debit and credit actions that modify a contract, such as amendments, change orders, supplemental agreements, cancellations, terminations, and variations in quantities. The term does not include contracts which do not obligate a firm total dollar amount or do not specify a fixed quantity, such as indefinite delivery type contracts (orders or calls placed against such contracts, however, are to be reported as procurement actions when a firm obligation of funds is made), requisitions, and other means of transferring supplies or services within, or between, the military department or the procurement agencies of the Department of Defense.

§ 606.301–3 Verification of data and preparation of punched cards.

Heads of technical services and ZI army commanders shall be responsible for the review and analysis of DD Form 350 and DD Form 1057, the correction of erroneous reports, and codification of reports for electric accounting machine (EAM) processing. Upon completion of editing, auditing, and codification, the DD Form 350 and DD Form 1057 shall be furnished to the Machine Record Activity of the procuring activity for preparation and submission of the required punched cards.

§ 606.302 Individual procurement action report (reports control symbol CSGCD–525(R–4)).

DD Form 350 shall be prepared for each debit and credit procurement action which obligates or deobligates appropriated funds of $10,000 or more, including each letter contract and each contract superseding a letter contract. Procurement actions which are not to be reported under this subpart include:

(a) Procurement actions which have a dollar amount of $10,000 through $25,000 and which relate to the procurement of perishable subsistence by Military Subsistence Supply Agency regional headquarters;

(b) Rental or lease of real estate;

(c) Civil functions such as Engineer Civil Works which shall be reported in accordance with procedures prescribed by the Chief of Engineers; and

(d) Orders placed against contracts entered into by the Military Petroleum Supply Agency (MPSA), which will be reported by MPSA.

§ 606.303 Preparing agencies and submission instructions.

(a) Reports shall be prepared by the purchasing office effecting the procurement and forwarded without letter of transmittal, by airmail, where appropriate, as follows:

(1) Purchasing offices under the jurisdiction of the technical services and purchasing offices under the jurisdiction of the ZI armies shall forward the original DD Form 350 to the head of the procuring activity and a copy of the DD Form 350 to the Deputy Chief of Staff for Logistics, ATTN: Chief, Army Procurment Statistics, Procurement Division, Department of the Army, Washington 25, D.C., within 4 working days after the date (Item 10) of the procurement action being reported. General depots shall prepare and forward a separate DD Form 350 for each procuring technical service in the depot when funds of that service are cited and that technical service shall be designated in the heading of the DD Form 350, Item 4.

(2) Purchasing offices under the jurisdiction of the Chief of the National Guard Bureau; the Commanding General, Military District of Washington, U.S. Army; and the Commanding Generals, United States Army, Alaska; United States Army, Caribbean; United States Army, Hawaii; United States Army, Japan; United States Army, Europe (Rear)/Communications Zone; or a Staff Agency in the Department of the Army (other than a technical service) shall assemble and forward, monthly, original DD Forms 350 to the Deputy Chief of Staff for Logistics, ATTN: Chief, Army Procurement Statistics, Procurement Division, Department of the Army, Washington 25, D.C., and a copy of each DD Form 350 to the Head of the Procuring Activity or Staff Agency concerned, no later than the 5th working day after the close of the month being reported.

NOTE: For procurement actions effected during the month of June only, the above reporting dates are extended 10 additional calendar days.

(b) When the action reported has a value of $500,000 or more, or involves Military Assistance Program funds obligated or deobligated by oversea commands, one additional copy of the DD Form 350 shall be forwarded to the Deputy Chief of Staff for Logistics, ATTN: Chief, Army Procurement Statistics, Department of the Army, Washington 25, D.C.

(c) For each procurement action relating to a contract subject to the Walsh-Healey Public Contracts Act (Subpart F, Part 12 of this chapter), three additional copies of the top portion (first 13 items) of the DD Form 350 shall be prepared and forwarded directly to the Department of Labor, ATTN: Wage and Hour, and Public Contracts Division, Washington 25, D.C.

§ 606.304 Detailed instructions for preparing "Individual Procurement Action Report" (DD Form 350).

NOTE: Detailed instructions for preparation of DD Form 350 are explained under the item numbers below, which correspond to the numbers of the item headings on the face of the form.

(a) *Item 1—Report number.* The report number is the serial number assigned by the preparing office to each DD Form 350. It is determined by consecutively numbering reports from the beginning of each fiscal year, starting with number one, and by adding to this number a hyphen followed by the last two digits of the fiscal year. Where more than one activity in a purchasing office utilizes the same station number, the purchasing office shall assign blocks of numbers to each activity to avoid duplication of report numbers. Enter the number assigned. In addition, enter the number of the last previous procurement action report relating to the contract involved.

(b) *Item 2—Basic contract number.* Enter the basic contract number, such as DA–36–039–SC–66000. For a delivery order issued against a General Services Administration indefinite delivery type contract, enter the GSA contract number in this item and the delivery order number in Item 3.

(c) *Item 3—Modification or other identification number.* Enter the identification and number of letter contract amendments, delivery orders against indefinite delivery type contracts, contract change notifications, change orders, supplemental agreements, and other modifying actions, such as D.O. No. 33, C.O. No. 2, Mod. No. 35, Further Order No. 3, Amendment No. 1, etc.

(d) *Item 4—Purchasing office and mailing address.* Enter sufficient detail to establish the identity and mailing address of the purchasing office submitting the report.

(e) *Item 5—Contractor.* Enter the complete name and office address (street, city, and State or country) of the concern or division of the concern involved. Also enter the name of the parent company if the concern is a division. The contractor code number will be entered by the responsible personnel at Chief of Technical Service level or Headquarters, ZI army level.

(f) *Item 6—Principal place of performance.* Enter the actual location of the plant or place of business where the items will be produced or supplied or where the service will be performed. Principal place of performance, in general, refers to the prime contractor's final assembly point of a manufactured article, construction site, or place where a service is performed for the Government.

(1) Regular dealers normally ship from stock, in which case the place of performance is the regular dealer's location. Regular dealers also ship from subcontractors who produce the items, in which case the place of performance is the subcontractor's location.

(2) If more than one location is involved, show the location involving the largest dollar amount of procurement.

(3) For construction contracts, report the actual site of construction.

(4) In cases where the places of performance will be varied or unknown, enter the home office location of the contractor.

(5) Where set-aside preference is given, the principal place of performance shall be the city and State of the labor surplus or major disaster area which determined the preference.

(6) If the place of performance is a base, post, camp, or station, enter its name and the city and State in which located or the nearest city thereto.

(g) *Item 7—Description of commodity or service.* Enter brief description of commodity or service. When the description of a commodity or service is classified, enter only the word "classified".

(1) When an increase or decrease in funds is the result of price redetermination, change in fixed fee, contract ter-

mination, engineering changes, overruns, accelerated amortization, or continuation of research and development, specify the equipment or service procured under the basic contract, such as "Price Redetermination for M-60 Tanks," "Termination of Contract for XT-1410 Transmissions," "Engineering Changes on Power Plants," etc.

(2) Enter the Federal Supply Classification or Service Code as stated in DA Supply Bulletin 708-401.

(h) *Item 8—Synopsis of proposed procurement.* Check Sub-Item A if the proposed procurement action was synopsized and enter the IFB or RFP number in the space provided. If the procurement action was not synopsized, check as appropriate one of Sub-Items 1 through 17, which identifies the permissive ASPR authority (§ 1.1003-1 (a) through (q) of this title) for not synopsizing the action; Sub-Item 18 if the action is made pursuant to the terms of an existing contract but not increasing the scope of work; or Sub-Item 19 if the action was estimated to be under $10,000 at the time of solicitation but amounted to $10,000 or more at the time of award.

(i) *Item 9—DD Claimant Program Number.* Check the appropriate DDCP number that identifies the commodity described in Item 7.

(1) If the description in Item 7 is for research and development, the objective of the research and development shall control the DDCP number to be checked; e.g., if the objective of the research and development is a guided missile, check Sub-Item A-2. If the description in Item 7 is for basic research that cannot be identified with a particular claimant program, check Sub-Item S-1.

(2) Contracts for ship repair, IRAN and modification of aircraft, overhaul of engines, and like services shall be identified with a particular claimant program where possible. If a particular claimant program cannot be identified check Sub-Item S-1.

(j) *Item 10—Date of this action.* Enter the day, month, and year when a mutually binding agreement was reached. This shall be the effective date for fiscal obligation purposes. As a general rule, this occurs when a notice of award or fully executed document is manually delivered or placed in the mail to the contractor. In the case of letter contracts the date to be entered in this block is the date when the signed copy is received from the contractor.

(k) *Item 11—Estimated completion date.* Enter the month and year it is estimated the work called for by the contract will be completed. Words such as "continuous," "indeterminate," "unknown," or "100 days after approval of first article," are not acceptable. For basic contracts, the last delivery date shall govern the entry in this item. For supplemental agreements, the entry shall be governed by the delivery date in the specific supplemental agreement rather than the delivery dates of the basic contract. For engineering changes and spare parts provisioning actions, enter the date of delivery of the last end item involved. Where the estimated completion date is not affected by the action being reported, enter the date of delivery of the last end item involved.

(l) *Item 12—Subject to Walsh-Healey Public Contracts Act.* Check in accordance with the provisions of the contract. (Subpart F, Part 12 of this title.) If Sub-Item 1 or 2 is checked submit three copies of the top portion of DD Form 350 directly to the Department of Labor, Wage and Hour and Public Contracts Divisions, Washington 25, D.C. (§ 606.303(c)) except for contracts classified Confidential or higher.

(m) *Item 13—Value of this action.* Enter the net amount of funds obligated or deobligated by the contractual instrument being reported. Amounts will be entered in United States dollars and will be rounded to the nearest dollar. If the action increases the amount of Government obligation, also enter the symbol "DD" (for debit); if the amount of obligation is decreased, enter the symbol "CR" (for credit).

(n) *Item 14—Labor surplus or major disaster area.* (1) Labor Surplus Area: For definition see Subpart H, Part 1 of this title.

(2) Labor Surplus Industries: See Subpart H, Part 1 of this title for designations of such industries.

(3) Major Disaster Area—is an area so designated under the provisions of Public Law 875, 81st Congress, as amended (42 U.S.C. 1855b) and as implemented by Defense Mobilization Order VII-7 Supplement 1.

(4) Check as appropriate one of Sub-Items 1 through 5 for all actions placed in labor surplus and major disaster areas, labor surplus industries, including labor surplus area certifications furnished by local State Employment Offices, and enter the name of the appropriate area or industry in the space provided. A labor market area takes its name from the central city or cities located therein but also may include many other communities within its boundaries. The Department of Labor publication, "Directory of Important Labor Market Areas," defines all classified labor areas and lists all major communities located within the boundaries of labor market areas.

(5) If Sub-Item 3 is checked, Item 18, Sub-Item 1a also shall be checked.

(6) Check Sub-Item 6 if labor surplus or major disaster area consideration was not involved.

(o) *Item 15—Kind of procurement action.* Check one of Sub-Items 1 through 9 for each procurement action, including modification of an existing contract or order.

(1) *Sub-Item 1—Initial letter contract.* Check this sub-item when a new letter contract is executed. (For a letter contract which is designated as a modification to an existing contract, see Sub-Item 6.)

(2) *Sub-Item 2—Definitive contract superseding letter contract.* Check when applicable. (For a definitive modification which supersedes a letter contract designated as a modification to an existing contract, see Sub-Item 6.)

(3) *Sub-Item 3—Definitive contract (including notice of award).* Check this sub-item when the first binding document is the instrument containing all the terms and conditions of the agreement.

(4) *Sub-Item 4—Order under contract.* Check this item when reporting orders against indefinite delivery type contracts, priced exhibits, production lists, job orders, task orders, and the like, where firm obligations are created by the issuance of such documents. This type of instrument and number shall be entered in Item 3.

(5) *Sub-Item 5—Provisioning order.* This Sub-Item will not be used by the Department of the Army.

(6) *Modifications.* Check one of Sub-Items 6 through 9, as appropriate, for letter contracts designated as modifications and all other modifications to existing contracts.

(7) *Sub-Item 6—Additional work.* Check this Sub-Item when additional work is procured by means of a modification to the basic contract or order, as follows:

(i) Bi-lateral contract amendments and supplemental agreements which increase the scope of work of existing contracts but are not authorized by the terms of existing contracts; change orders, and exercise of options for increased quantities or extended performance.

(ii) Amendments to delivery orders, etc., increasing the number or quantity of items.

(iii) Amendments to letter contracts increasing the scope of work, including letter contracts designated as modifications and definitive modifications superseding letter contracts designated as modifications.

(8) *Sub-Item 7 — Funding action.* Check this sub-item for letter contract amendments and other contract modifications which do not change the scope of work of the existing contract but obligate or deobligate funds. This includes, by way of illustration, incremental funding, overruns on cost reimbursement contracts, and repricing actions covering incentive, price redetermination, and escalation.

(9) *Sub-Item 8—Change order.* Check this sub-item when reporting contract change notifications, change orders, or supplemental agreements issued pursuant to the "Changes" or "Changed Condition" clause or similar provisions of existing contracts.

(10) *Sub-Item 9—Termination or cancellation.* Check this sub-item when reporting a termination or cancellation action.

(p) *Item 16—Contract placement.* Check one of Sub-Items 1 through 5, as appropriate, to show the method used in making the procurement. Letter contract amendments, delivery orders against an activity's own indefinite delivery type contracts, contract change notifications, change orders, supplemental agreements, and other modifying actions made pursuant to the terms of existing contracts shall be reported the same as the basic contract to which they apply.

(1) *Sub-Item 1—Intragovernmental.* Check this sub-item if the action is an Interservice Interdepartmental action as defined below:

(i) *Interservice actions.* Include purchase orders or other procurement instruments placed by one Department of Defense activity against indefinite delivery type contracts or agreements executed by another Department of Defense activity. Examples are: (a) Orders placed by one military department against contracts entered into by another military department; (b) orders placed by activities of one military department against contracts entered into by other activities of the same military department, (c) orders placed by a military department or activity (other than single manager activities) against contracts entered into by single manager agencies. All contracts entered into by the Military Petroleum Supply Agency (MPSA), including definite delivery type, shall be reported directly by MPSA, and the Army, Air Force, and other Navy purchasing activities shall not report orders placed against indefinite type petroleum contracts entered into by MPSA. Orders placed by an activity against its own indefinite delivery type contract shall not be reported as interservice actions but shall be reported as advertised or negotiated as appropriate. See Sub-Items 3 and 5.

(ii) *Interdepartmental actions.* Include procurements from or through departments, agencies, institutions, or corporations of Federal, State, or local governments, other than Department of Defense. State-controlled educational institutions shall not be reported as interdepartmental, but shall be reported as non-profit institutions. See Item 17, Sub-Item 3. Examples are: (a) Orders placed by a military department or activity against contracts entered into by any Federal, State, or local government, agency, institution, or corporation, outside the Department of Defense, (b) contracts placed by a military department or activity with any Federal, State, or local government department, agency, institution, or corporation outside the Department of Defense.

NOTE: When Sub-Item 1 is checked, no entries shall be made in Items 17, 18, 19, and 20.

(2) *Sub-Item 3—Advertised.* Check this sub-item for new or modifying actions relating to procurement which resulted from acceptance of a bid made by a supplier in response to formal advertisement for bids (Part 2 of this chapter). Check also for orders against a reporting activity's own indefinite delivery type contract and exercise of option provisions in contracts originally placed through formal advertising.

NOTE: When Sub-Item 3 is checked, no entries shall be made in Items 18 and 19.

(3) *Sub-Item 4—Small business restricted advertising.* Is a form of negotiated procurement conducted in the same way as prescribed for formal advertising under Part 2 of this chapter, except that bids and awards are restricted to small business concerns. When Sub-Item 4 is checked, Item 18, Sub-Item A-1B or Sub-Item D-17A shall be checked, as appropriate, and Item 19, Sub-Item 1 shall be checked.

(4) *Sub-Item 5—Negotiated.* Check this sub-item for new or modifying actions relating to procurement resulting from negotiation procedures (Part 3 of this chapter). Check also for orders against an activity's own indefinite delivery type contracts and exercise of option provisions in contracts originally placed through negotiation procedures. When Sub-Item 5 is checked, the appropriate negotiation exception shall be checked in Item 18, and the appropriate sub-item of Item 19 shall be checked.

(q) *Item 17—Small business.* For definition see Subpart G, Part 1 of this title. Letter contract amendments, delivery orders against an activity's own indefinite delivery type contracts, contract change notifications, change orders, supplemental agreements, and other modifying actions shall be reported the same as the basic contract to which they apply.

(r) *Awarded to large business.* Check one of Sub-Items 1A through 1N if the contractor is a large business concern.

(1) Check Sub-Item 1A only when no small business source, considered technically and financially competent, (i) is on the appropriate bidders list, (ii) has submitted a bid or proposal, and (iii) has been proposed for solicitation by the small business representative of the Small Business Administration or of the purchasing office.

(2) Check one of Sub-Items 1B through 1E, as appropriate, only when there are small business sources for the commodity or service which are considered technically and financially competent, but this procurement was negotiated with a large business concern without solicitation of bids or proposals from small business sources because of considerations fully justified by established Department of Defense policy relating to: (i) Emergency procurement; (ii) maintenance of the mobilization base; (iii) proprietary or process control including patent rights, copyrights, secret process, and control of basic raw material, and standardized equipment negotiated under 10 U.S.C. 2304(a)(13); and (iv) quantitive or delivery requirements of the procurement.

(3) Check one of Sub-Items 1J through 1N on the basis of the facts as determined at the time of the award of the contract. Sub-Item 1N shall not be used if either Sub-Item 1L or 1M is applicable. The term "bid" as used in this section includes proposals under negotiated procurements, as well as formal bids under advertised procurement procedures.

(4) When more than one reason is involved in placing an award with a large, rather than a small business concern, the dominant reason shall be checked. The reasons are listed in order of relative importance.

(5) Check Sub-Item 2, if the award was made to a small business concern.

(6) Check Sub-Item 3, if the award was made to a non-profit institution which is defined as any corporation, foundation, trust, or institution not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual. Included are educational and scientific institutions of a non-profit nature.

(7) Check Sub-Item 5, if the work is to be performed outside of the United States, its possessions, and Puerto Rico.

(s) *Item 18—Negotiated under 10 U.S.C. 2304(a) exception.* This entry applies only to negotiated procurement actions.

(1) Negotiation of original contracts and of amendments for additional quantities or services shall cite, as authority for such negotiation, the authority of 10 U.S.C. 2304(a) which applies, and as cited in the appropriate Determination and Findings. Negotiations of all other amending actions which are negotiated in accordance with the provisions of the basic contract that have not been made subject to a separate Determination and Findings shall cite, as authority for such negotiation, the authority under 10 U.S.C. 2304(a) which was cited as authority for negotiating the basic contract.

(2) Check Sub-Item 1A to record negotiated actions pertaining to labor surplus area or industry set-asides. Labor Surplus Set-Aside designates a method of procurement whereby a portion of the requirement is withheld from general solicitation (either formally advertised or negotiated), and is reserved for negotiation exclusively with labor surplus area concerns as defined in Subpart H, Part 1 of this title.

(3) Check Sub-Item 1B to record negotiated actions pertaining to small business set-asides made unilaterally by a Department of the Army contracting officer. Small Business Set-Aside designates a method of procurement whereby either the total amount or a portion of a requirement is withheld from general solicitation and is reserved exclusively for small business concerns. These procurements are considered "negotiated" regardless of whether the contract is awarded by negotiation or by formal advertising procedures (Subpart G, Part 1 of this title).

(4) Check Sub-Item 1C to record negotiated actions pertaining to major disaster area set-asides. Major Disaster Area Set-Aside designates a method of procurement whereby either the total amount or a portion of a requirement is withheld from general solicitation and is reserved exclusively for firms located in major disaster areas and is to be performed substantially within such major disaster areas.

(5) Check Sub-Item 1D to record negotiated actions for property or services for experimental, developmental, or research work, or for making or furnishing property for experimentation, test, development, or research involving not more than $100,000 from contractors other than educational institutions.

(6) Check Sub-Item 1E to record the following types of modifying procurement actions executed under the authority of the provisions of a basic contract, negotiations for which were initiated prior to January 1, 1956: change order, supplemental agreements, or contract amendments issued pursuant to contractual provisions relating to changes, changed conditions, price escalation, price redetermination, incentive, and termination for convenience.

(7) Check Sub-Item B, as appropriate, when negotiation was accomplished pursuant to 10 U.S.C. 2304(a) (2), (4), (5), (6), (7), (8), (9), (11), (12), (13), (14), (15), or (16).

(8) Check Sub-Item C, as appropriate, when negotiation was accomplished pursuant to 10 U.S.C. 2304(a)(10). The procurement circumstances applicable to the negotiation as described in § 3.210-2 of this title are set forth as 10-1 through 10-15, representing (i) through (xv). Sub-Item C "10- (Specify code)" will be checked and appropriate number inserted only if additional procurement circumstances are later published in Subchapter A, Chapter I of this title. Check Sub-Item 10-26 if none of the procurement circumstances set forth in § 3.210-2 of this title is applicable.

(9) Check Sub-Item D when negotiation was accomplished pursuant to 10 U.S.C. 2304(a)(17) Sub-Item 17A shall be checked when reporting Joint Small Business Set-Asides pursuant to Public Law 85-536, i.e., set-asides agreed to jointly by the Small Business Administration representative and the Department of the Army contracting officer. Check Sub-Item 17B when any other public law authorized the negotiation and enter the number of the public law. For repurchase actions following default, check Sub-Item 17B and enter the words "Repurchase Action."

(t) *Item 18—Extent of competition in negotiation.* The purpose of this item is to provide statistics reflecting the extent and kind competition obtained under contracts executed pursuant to the negotiation authorities of Subchapter A, Chapter I of this title. In addition to data on price competition, provision is made to show separately, competition obtained on certain contracts resulting from the participation by numerous firms in precontract briefings and the submission of design and technical proposals incident to the selection of a single contractor with whom final negotiations were conducted.

(1) Check Sub-Item 1 when two or more sources were solicited, i.e., where two or more sources were requested to submit proposals for the purpose of negotiation.

(2) When only one source was solicited, check Sub-Item 2 in reporting procurement actions involving weapon systems, support systems, and other complex equipments specifically identified by the Chiefs of Technical Services, and listed below, as having been negotiated initially by design or technical competition, whether or not price considerations were involved. This includes procurement actions for research, design, development, and production of weapon systems, support systems, and other complex equipments, where industry capability was appraised and the successful contractor was selected by the Government on a competitive basis as a result of technical considerations and negotiations. This item will also be checked for procurement actions covering follow-on procurements of those specifically identified weapon systems, support systems, and other complex equipments, and also for contracts with "Selected Prime Contractors" for spare parts support, engineering and maintenance of such systems and equipments. For example, where under departmental selection procedures, an evaluation was made of technical or design proposals submitted by several different firms and determination was made to conduct further negotiations with only one of the firms, the procurement action report (DD Form 350) covering the resulting contract shall be checked in Sub-Item 2.

NOTE: The following list of missile systems, support systems, and other complex equipment systems have been specifically identified by the chiefs of the technical services as having been negotiated initially by design or technical competition, whether or not price consideration was involved. Where doubt exists as to the Selected Prime Contractor for a specific system, the name of the contractor will be obtained from the technical service having cognizance of the specific system.

Corps of Engineers

Nuclear Power Plants.
Transit Satellite System.
Electric Power Generators for Missile Systems.
Air Conditioning Equipment for Missile Systems.
Survey and Geodetic Equipment for Missile Systems.
Liquid and Compressed Gas Equipment for Missile Systems.

Ordnance Corps

Corporal.
Sergeant.
Honest John.
Improved John.
Target Missiles (Type I thru V).
Little John.
Missile A.
Light Assault Weapon.
Mauler.
Redeye.
Hawk.
La Crosse.
Shillelagh.
Plato.
Talos.
Redstone.
Jupiter.
Pershing.
Jackstraw.
Zebra.
Davy Crocket.
Madfrag.
Tank, Combat, Full Tracked: 90 MM Gun, M48 Series.
Tank, Combat, Full Tracked: 105 MM Gun, M60.
Recovery Vehicle, Full Tracked: Medium, M88.
Truck, Utility: ¼ Ton, 4 x 4, M151.
Semitrailer, Tank: Gasoline, 5,000 Gallon, 4 Wheel, M121A1.
Carrier, Personnel, Full Tracked: Armored, M113.
Chassis, Truck: 5 Ton, 6 x 6, M39 Series.
Chassis, Truck: 2½ Ton, 6 x 6, M44 Series.
Semitrailer, Refrigerator: 7½ Ton, 2 Wheel, M349A1.
Trailer, Cable Reel: 3½ Ton, 2 Wheel, M310.
Trailer, Cargo: ¾ Ton, 2 Wheel, M101.
Trailer, Cargo: 1½ Ton, 2 Wheel, M105A2.
Trailer, Tank: Water, 400 Gallon, 2 Wheel, M107A2.
Semitrailer, Stake: 12 Ton, 4 Wheel, M127A1.
Semitrailer, Van: Cargo, 12 Ton, 4 Wheel, M128A1.
Semitrailer, Van: Supply, 12 Ton, 4 Wheel, M129.
Dolly, Trailer Converter: 8 Ton, 2 Wheel, M198A1.
Chassis, Trailer: Generator, 2½ Ton, 2 Wheel, M200A1.
Chassis, Semitrailer: 6 Ton, 4 Wheel, M295A1.

Signal Corps

Courier, Satellite Communications System.
Inertialess Tracking Antennae System.
AN/VRC-12 Vehicular Radio Communications System.
Pulse Code Modulation System.
Inertialess Navigation System.
Wide Band Antenna Feed System.
Operations Central AN/MSQ-19 (TOC).
Mobidic "A."
Mobidic B, C, D & 7th Army.
AN/TSW-1 Air Traffic Control System.
AN/APS-94.
Airborne Target Locator.
Project Tyros.
Ground Surveillance Complex for Tracking Stations.
Day Drone Photo System.
AN/USD-4 Drone System.
AN/USD-5 Drone System.
AN/MPQ-32 Hostile Artillery Location & Registration Radar.
Unicom (Universal Integrated Communications System).
Development of Army Prototype Electronic Warfare Systems.
War Gaming for Signal Combat System.
Automatic Data Processing Test Facility.
Photo Transmission System.
Medium Payload, Short Range Surveillance System.
Electronic Environmental Test Facilities.
Fire Direction System for Large Area Anti-Aircraft Defense Systems CONUS (AN/FSG-1).
Corps-Army Area Type Communication System.
Division Components for Area Type Communications System.
Anti-Aircraft Defense System, for Field Army and Theatre Rear Area (X-AN/MSG-4).
Surveillance Drone Systems AN/USD-3.
Surveillance Drone Systems AN/USD-1.

Chemical Corps, Quartermaster Corps, Army Medical Service, and Transportation Corps

None.

(3) Check Sub-Item 3 to report procurement actions where there was no competition, i.e., where neither price, design, nor technical competition was a factor in the award, where the work involved was not a specifically identified system or equipment under Sub-Item 2 above, and only one source was solicited for negotiation.

(4) Letter contract amendments, delivery orders against an activity's own indefinite delivery type contract, contract change notifications, change orders, supplemental agreements, and other modifying actions made pursuant to terms of existing contracts shall be reported the same as the basic contract to which they apply.

(u) *Item 20—Type of contract.* Check only one of the sub-items in accordance with the provisions of the basic contract. See Subpart D, Part 3, of this title.

Letter contract amendments, delivery orders against an activity's own indefinite delivery type contracts, contract change notifications, change orders, supplemental agreements, provisioning order obligating documents and other modifying actions shall be reported the same as the basic contract to which they apply.

(v) *Item 21—Contract purpose.* Check one of Sub-Items A through M or Sub-Item Z to show the purpose of the contract. If more than one purpose is involved, check the sub-item most nearly describing the predominant purpose. Letter contract amendments, delivery orders against an activity's own indefinite delivery type contracts, contract notifications change orders, supplemental agreements, and other supplementary actions shall be reported the same as the basic contract to which they apply.

(1) *Sub-Item A—Supply.* Applies when procurement is for supplies purchased with appropriated funds. Supplies procured for the purpose of research and development shall be shown as "Supply" even though Research, Development, Test, and Evaluation, Army (RDT&E) funds were expended.

(2) *Sub-Item B—Maintenance of equipment.* Applies to maintenance, modification, and overhaul of Government property, including ship repair but exclusive of buildings and grounds.

(3) *Sub-Item C—Maintenance of buildings and grounds.* Applies to maintenance, alterations, and repair of buildings and grounds.

(4) *Sub-Item D—Transportation.* Applies to transportation of persons and things, tug services, stevedoring, freight handling, drayage, ocean transportation, motor van services, repair of chartered railroad equipment or vessels, towage, lighterage, truck services, salvage services, and lumber handling. It does not apply to Government bills of lading or transportation requests, nor does it apply to transportation agreements which do not involve receipt of or expenditure of funds, such as switching agreements, rate and traffic agreements, track and interchange agreements, participation in railroad codes and rules and acceptance quotations under section 22 of the Interstate Commerce Act.

(5) *Sub-Item E—Construction.* Applies to construction of buildings, bridges, roads, or other real property, irrespective of source of appropriated funds.

(6) *Sub-Item F—Facilities (Industrial).* Applies to industrial facilities contracts. (Including machine tools and other production equipment, to provide production capacity.)

(7) *Sub-Item G—Utilities.* Applies to utility services such as telephone, electricity, gas, water, sewage, and steam.

(8) *Sub-Item H—Lease of Equipment.* Applies to leases or rentals of personal property.

(9) *Sub-Item I—Professional Services.* Applies to contracts for the performance of professional services, e.g., for the performance of architectural and engineering services.

(10) *Sub-Item J—Personal services.* Applies to personal services which are performed by the individual contractor or person, such as technical consultant or management engineer.

(11) *Sub-Item K—Non-personal services.* Applies to services such as laundry and drycleaning, packing and crating, and technical representative services.

(12) *Sub-Item L—Production engineering.* Applies to contracts for studies and drawings, after research and development of an item but prior to production. (Includes development of production processes, techniques, methods, and other elements of manufacture relating to improving production know-how prior to quantity production.)

(13) *Sub-Item M—Layaway-standby.* Applies to contracts for retention of facilities by the contractor under mobilization planning. (Includes preparation for storage of idle production facilities.)

(14) *Sub-Item Z—Experimental, developmental, and research.* Applies to contracts for research, developmental, and experimental work. Insert the Research and Development Project Number, if any, which has been assigned by the project approving activity in accordance with departmental instructions. If no project number has been assigned insert the word "none". For supplies procured for the purpose of research and development, see Sub-Item A.

(w) *Item 22—Security classification of the contractual instrument being reported.* Check one of Sub-Items 1 through 4, as appropriate, to show the security classification of the contractual instrument being reported—not the security classification of the basic contract.

(x) *Item 23—Remarks.* Enter any explanatory data considered necessary.

(y) *Item 24—Cumulative net value of this contract (incl. this action).* Enter the cumulative net dollar value of obligations incurred under the contract, including the value of the action being reported. This cumulative value will include amendments of less than $10,000 as well as those of $10,000 or more. This item need not be filled in for an order under contract, task order, or similar action.

NOTE: Numbers or letters are omitted from items 16, 17, 20, and 21 in order to maintain continuity of coding on EAM tabulations.

§ 606.305 Monthly Procurement Summary by Purchasing Office (DD Form 1057) Reports Control Symbol CSGLD-534 (R4).

§ 606.305-1 Reporting requirements.

Negative reports are required:

(a) DD Form 1057 shall be prepared monthly for all procurement actions without regard to dollar amount except:

(1) Rental or lease of real estate;

(2) Civil functions such as Engineer Civil Works which shall be reported in accordance with procedures prescribed by the Chief of Engineers;

(3) Orders placed against contracts entered into by the Military Petroleum Supply Agency (MPSA); and

(4) Debit and credit actions under $10,000 that modify a contract, such as amendments; change orders; supplemental agreements; cancellations; and terminations.

(b) Where the consolidated DD Form 1057 includes reports of subordinate agencies or activities which have fiscal station numbers different from that of the reporting agency, list all such station numbers in the block titled "Reporting Office Code."

§ 606.305-2 Preparing agencies and submission instructions.

Reports shall be prepared by each purchasing office effecting procurement, and forwarded, without a letter of transmittal, by airmail where appropriate, as follows:

(a) Each purchasing office under the jurisdiction of a technical service (including those at general depots) and each purchasing office under the jurisdiction of a ZI army shall prepare a single consolidated DD Form 1057 covering all procurement actions effected by that office, regardless of the source of funds (§ 606.303(a)(1)). The original DD Form 1057 shall be forwarded to the Head of the Procuring Activity concerned and a copy of the DD Form 1057 shall be forwarded to the Deputy Chief of Staff for Logistics: Attn: Chief, Army Procurement Statistics, Procurement Division, Department of the Army, Washington 25, D.C., as soon as possible, but not later than the 8th working day, after the close of the calendar month being reported.

(b) All other purchasing offices, identified in § 606.303(a)(2), shall forward the original DD Form 1057 to the Deputy Chief of Staff for Logistics, Attn: Chief, Army Procurement Statistics, Procurement Division, Department of the Army, Washington 25, D.C., and a copy of the DD Form 1057 to the Head of the Procuring Activity or Staff Agency concerned, as soon as possible, but not later than the 5th working day, after the close of the calendar month being reported.

(c) For procurement actions effected during the month of June only, reporting dates are extended 10 additional calendar days.

NOTE: DD Form 1057 as presently submitted excludes Military Petroleum Supply Agency (MPSA) actions and modifications under $10,000, both of which are considered significant in dollars and actions for measuring procurement workload. In order that complete data are available to the Army Management system and other staff agencies, each reporting office will show as a "Memorandum Record" on the reverse of the DD Form 1057 the following information:

Modifications under $10,000

Total Actions, Total Debit Dollars: (a) Small Business (b) Large Business (c) Other.
Total Actions, Total Credit Dollars: (a) Small Business (b) Large Business (c) Other.

Delivery Orders Against MPSA Contracts

Actions Dollars

§ 606.305-3 Detailed Instructions for Preparing "Monthly Procurement Summary by Purchasing Office" (DD Form 1057).

The following instructions cover only those portions of the form which are not self-explanatory.

(a) *Section A—All procurement actions.*—(1) *Line 1—Total.* This entry represents total procurement over $10,000 (line 2) plus total procurement less than $10,000 (line 3).

(2) *Line 2—Actions of $10,000 or more.* Enter the total number (sum of debit and credit actions) and net value (debits

minus credits) of new and modifying procurement actions taken during the month being reported which have a value of $10,000 or more and which have been reported on the DD Form 350 (§ 606.302). In addition these figures shall include procurement actions of $10,000 through $25,000 relating to perishable subsistence procured by the Military Subsistence Supply Agency which were not reported on the DD Form 350.

(3) *Line 3—Actions of less than $10,000.* Enter the total number and value of debit procurement actions taken during the month which have a value of less than $10,000. Modifying actions of less than $10,000 are excluded from this report.

(b) *Section B—Negotiated actions less than $10,000.* Section B shall show a breakdown of negotiated debit procurement actions of less than $10,000 by the provision of 10 U.S.C. 2304(a) permitting negotiation (§§ 3.201 through 3.217 of this title). Particular attention is called to line 1 since § 3.201 of this title and § 592.201 of this chapter restrict the use of 10 U.S.C. 2304(a)(1). If 10 U.S.C. 2304(a)(1) is cited as the authority for negotiations, indicate the reason by appropriate entries in lines a through d of Section B. Line 3 shall include only those negotiated procurements of $2,500 or less using 10 U.S.C. 2304(a)(3). The total of lines 1 through 17 will be the same as the total negotiated procurement in lines 4b, 6b, 7b, and 8b.

(c) *Section C—Experimental, developmental, and research actions of less than $10,000.* Section C is a breakdown of all contracts under $10,000 for experimental, developmental, and research which were negotiated under 10 U.S.C. 2304(a)(1), 10 U.S.C. 2304(a)(3), or 10 U.S.C. 2304(a)(5).

(d) *Section D—Special utilization.* (1) Line 1: refers to DD Form 1155 over $2,500.

(2) Line 2—Requirements contract (§ 3.405–5(b) of this title): formerly Open-End Contracts.

(i) Enter the sum of the total number of requirements contracts currently in force at the end of the month which were entered into by the reporting agency or by any one of its subordinate agencies or activities not reporting direct to the Office of the Deputy Chief of Staff for Logistics.

(ii) Enter the sum of the total number and value of delivery orders which were issued during the month against requirements contracts entered into by any procuring activity of the Department of the Army. Do not report orders against requirements contracts entered into by a procuring activity of any other Military Department or Federal agency.

(3) Line 3—Indefinite quantity contract (§ 3.405–5(c) of this title): contains features of both the former Call Type and Open-End Contracts. Using the procedure prescribed in subparagraph (2) of this paragraph for requirements contracts, enter appropriate data for indefinite quantity contracts.

(4) Line 4—Definite quantity contract (§ 3.405–5(a) of this title): formerly Call Type Contract. Using the procedure prescribed in subparagraph (2) of this paragraph for the requirements contracts, enter appropriate data for definite quantity contracts.

(5) Line 5—Charge accounts: (i) Enter the total number of individual transactions consolidated by purchase orders which were issued during the month in payment of charges incurred under charge accounts.

(ii) Enter the total number and value of purchase orders which were issued during the month in payment of charges incurred under charge accounts.

(e) *Section E—Small purchase procedures.* Section E provides for a further breakdown of procurement actions reported in Section A, to show the number of small purchases actions made by negotiation under 10 U.S.C. 2304(a)(3), using the procedures set forth in Subpart F, Part 3, of this title and Subpart F, Part 592 of this chapter with the purchase order forms designated in Section E.

(1) This section shall not reflect the use of any of these forms as delivery orders.

(2) QMC Form 300 shall not be reported as a purchase or delivery order Section E.

(3) Line 5 refers to negotiated procurements for $2,500 or less, using forms other than those listed in lines 2, 3, and 4.

(f) *Remarks.* On the reverse side of the form, enter a listing of the Individual Procurement Action Reports (DD Form 350) which are being reported in Section A, line 2.

[C 23, APP, June 24, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-6350; Filed, July 6, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

KODIAK, ALASKA

Notice of Proposed Designation as a Customs Port of Entry in Customs Collection District 31 (Alaska)

Notice is hereby given that pursuant to the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is proposed to establish a new customs port of entry at Kodiak, Alaska, in Customs Collection District No. 31 (Alaska), and to amend § 1.1(c) of the Customs Regulations to indicate this change.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to the proposed designation of Kodiak, Alaska, as a customs port of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held. (MC 192–31.1).

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 29, 1960.

LAWRENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6391; Filed, July 8, 1960; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 994]

[Docket No. AO–300–A1]

MILK IN THE COLORADO SPRINGS-PUEBLO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment, as hereinafter set forth, to the tentative marketing agreement and to the order, was formulated, was conducted at Colorado Springs, Colorado, on June 21–22, 1960, pursuant to notice thereof which was issued May 31, 1960 (25 F.R. 4919).

The material issues on the record of the hearing relate to:

1. The Class I price;
2. The Class II price;
3. Pool plant requirements and classification of plant definitions;
4. Classification of milk transferred or diverted to nonpool plants;
5. Limitations on diversions;
6. Location adjustments to producers;
7. Administrative charges to partially regulated handlers; and
8. Allocation of packaged sour cream received from plants where it has been classified and priced as Class I under another Federal order.

Inasmuch as the Class I price provision will expire July 31, 1960, immediate consideration is necessary on issue number 1, therefore this decision is confined to this issue. The remaining issues will be considered in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions are confined to material issue number 1 and are based on evidence presented at the hearing and the record thereof:

1. The Class I price provisions should be continued 18 months beyond its present expiration date.

Producers proposed the continuation of the present Class I price. A handler testified in support of producers' proposal. No testimony in opposition was offered.

The Class I price presently is determined by adding $2.20 to the basic formula price for the preceding month. When the order was issued, effective February 1, 1959, this Class I price provision was made effective for a temporary period of 18 months. It was contemplated that after a full year's operation of the order, there should be opportunity to review the Class I price in the light of experience under the order.

Class I sales and producer milk supplies have both increased in the Colorado Springs-Pueblo market in the past year. For the five-month period January through May 1960, Class I sales of pool plants were 12.7 percent higher than those of the comparable period in 1959. Producer receipts in this period were 124.6 percent of those in the same months of 1959. The ratio of producer receipts to Class I sales was 119.2 percent in January–May 1959 and 130.9 percent in January–May 1960.

This higher ratio of increase in production over sales would in most circumstances indicate need for some downward adjustment of the Class I price in order to avoid excessive supplies for the market. There are, however, circumstances in the Colorado Springs-Pueblo market that indicate strongly the need for further experience under the order before arriving at a conclusion concerning the effect over the longer term of present pricing provisions in influencing a proper level of supply for the market.

The most significant factor in the changing supply-sales relationship from early 1959 to early 1960 is the fact that in early 1960 the Fort Carson military installation was supplied by a Denver handler. When this handler became fully regulated under the order, his milk supply was used to fulfill the contract. Local milk previously used to fulfill the contract then had to be classified as Class II. The needs of Fort Carson represent about 10 percent of the Class I sales of local handlers so that the shift of this one contract had a significant impact. At the time of the hearing the Fort Carson contract for the six-month period beginning July 1, 1960, had not yet been awarded.

The trend of producer numbers since the effective date of the order has been quite erratic. There was an increase of 145 producers (42 percent) from February to March 1959, decreases of 81 and 39, respectively, occurred in April and May and there was an increase of 38 in July. In a substantial number of cases producers supplied the market for only a few days, indicating that such producers were primarily associated with other markets, and that this milk was either received to meet the peak demand of an individual handler or that the pool was carrying reserves associated with other markets. Certain issues of this hearing are related to establishing the regular association of producers with the market as a condition of pooling or diversion.

The Colorado Springs-Pueblo market competes for supplies and sales with the substantially larger nearby Denver market. For May 1960, the Colorado Springs-Pueblo Class I price was 45 cents less than the Class I price reported as prevailing in the Denver market. While classification and accounting in Denver differ from Colorado Springs-Pueblo to the point that close comparisons cannot be made, the present Class I price is in

reasonable alignment with the neighboring market under present conditions.

Continuation of present pricing provisions for another 18-month period will provide opportunity for a better basis for evaluation of the supply responses to such pricing in the light of developments in this and neighboring markets. It is concluded that the order should so provide.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Delete § 994.51(a) and substitute therefor the following:

(a) *Class I milk.* During the period through January 1962, the basic formula price for the preceding month plus $2.20.

Issued at Washington, D.C., this 7th day of July 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-6423; Filed, July 8, 1960; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing that § 121.207 of the food additive regulations be amended to include the use of zoalene in the prevention and control of coccidiosis caused by Eimeria acervulina, Eimeria brunetti, and Eimeria maxima.

Dated: July 1, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6374; Filed, July 8, 1960; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Substances Generally Recognized as Safe; Trace Minerals in Animal Feed

In re: Proposal to list certain chemicals as substances which are generally recognized as safe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act when incorporated as trace minerals in animal feeds for nutritional purposes:

In a notice published in the FEDERAL REGISTER of March 19, 1960 (25 F.R. 2367), it was announced that the Commissioner of Food and Drugs was reconsidering the facts and evaluating the comments received as a result of the notice of proposed rule making in the above-entitled matter published in the FEDERAL REGISTER of December 31, 1959 (24 F.R. 11109). As a result of this study and after conferences with experts in the field of animal nutrition and members of the feed-manufacturing industry, the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055, as amended; 21 U.S.C. 348, 371), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (23 F.R. 9500), hereby proposes to add the following trace minerals that are incorporated in animal feeds to the list of substances generally recognized as safe (Subpart B, § 121.101, 21 CFR 121.101):

§ 121.101 Substances that are generally recognized as safe.

* * * * *

(f) *Trace minerals added to animal feeds.* These substances added to animal feeds as nutritional dietary supplements are generally recognized as safe when added at levels consistent with good feeding practice. Cobalt and copper compounds added to rations of certain species in excess of specified quantities are not generally recognized as safe. These conditions are described in the footnote to the following list:

Element	*Source compounds*
Cobalt[1]	Cobalt acetate.
	Cobalt carbonate.
	Cobalt chloride.
	Cobalt oxide.
	Cobalt sulfate.
Copper[1]	Copper carbonate.
	Copper chloride.
	Copper gluconate.
	Copper hydroxide.
	Copper oxide.
	Copper sulfate
Iodine	Calcium iodate.
	Calcium iodobehenate.
	Cuprous iodide.
	Diiodosalicylic acid.
	Ethylene diamine dihydriodide.
	Potassium iodate.
	Potassium iodide.
	Sodium iodide.
	Thymol iodide.
Iron	Ferric ammonium citrate.
	Ferric chloride.
	Ferric oxide.
	Ferric phosphate.
	Ferric pyrophosphate.
	Ferrous carbonate.
	Ferrous gluconate.
	Ferrous sulfate.
	Reduced iron.
Manganese	Manganese acetate.
	Manganese carbonate.
	Manganese chloride.
	Manganese dioxide.
	Manganese gluconate.
	Manganese oxide.
	Manganese sulfate.
	Manganese phosphate (dibasic).
Zinc	Zinc acetate.
	Zinc carbonate.
	Zinc chloride.
	Zinc oxide.
	Zinc sulfate.

[1] Exceptions to general recognition of safety:

Cobalt added to the rations of non-ruminant species in excess of 0.0001 percent of the total daily feed intake of the animal.

Copper added to the rations of sheep in excess of 0.0010 percent of the total daily feed intake of the animal.

All interested persons are invited to present their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief in support thereof, and it is requested that all comments be submitted in quintuplicate.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 409, 72 Stat. 1785 et seq; 21 U.S.C. 371)

Dated: July 5, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-6375; Filed, July 8, 1960; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 75; Amdt. 1]

REGIONAL APPELLATE DIVISION

Authority in Offers in Compromise

JUNE 1, 1960.

Paragraph numbered 2 of Delegation Order No. 75, dated February 18, 1960, published at 25 F.R. 3766, is amended by striking out "$5,000" and inserting in lieu thereof "$25,000."

Effective date: July 1, 1960.

[SEAL] DANA LATHAM, *Commissioner.*

[F.R. Doc. 60-6392; Filed, July 8, 1960; 8:51 a.m.]

[Order No. 6 (Revised)]

AUTHORITY TO GRANT AUTHORIZATIONS OF AGENTS

Revocation of Delegation Order

JUNE 23, 1960.

Delegation Order No. 6 (Revised), dated August 22, 1957, delegated to District Directors of Internal Revenue authority to grant authorizations of agents to perform all acts required of employers under chapters 21, 22, 24, and 25, subtitle C of the Internal Revenue Code of 1954. This authority is now contained in section 31.3504-1(a) of the Employment Tax Regulations (26 CFR 31.3504-1(a); T.D. 6354, C.B. 1959-1, 263).

Accordingly, Delegation Order No. 6 (Revised), dated August 22, 1957, published at 22 F.R. 7082, is hereby revoked.

Effective date: June 23, 1960.

[SEAL] CHARLES I. FOX, *Acting Commissioner.*

[F.R. Doc. 60-6393; Filed, July 8, 1960; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 14, 1960.

Dated: June 14, 1960.

CLARENCE W. MAYOTT.

[F.R. Doc. 60-6361; Filed, July 8, 1960; 8:47 a.m.]

LILBERT A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 27, 1960.

Dated: June 27, 1960.

L. A. MOLLMAN.

[F.R. Doc. 60-6362; Filed, July 8, 1960; 8:47 a.m.]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Kawecki Chemical Corporation; Polaroid Corporation.
(3) None.
(4) None.

This statement is made as of June 15, 1960.

Dated: June 1, 1960.

RIGGS SHEPPERD.

[F.R. Doc. 60-6363; Filed, July 8, 1960; 8:47 a.m.]

HUBERT O. SPRINKLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 13, 1960.

Dated: June 13, 1960.

HUBERT O. SPRINKLE.

[F.R. Doc. 60-6364; Filed, July 8, 1960; 8:47 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 14, 1960.

Dated: June 14, 1960.

A. H. WADE, Jr.

[F.R. Doc. 60-6365; Filed, July 8, 1960; 8:47 a.m.]

FRED H. WILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 13, 1960.

Dated: June 13, 1960.

FRED H. WILEY.

[F.R. Doc. 60-6366; Filed, July 8, 1960; 8:47 a.m.]

WILLIAM W. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 14, 1960.

Dated: June 14, 1960.

W. W. WILLIAMS.

[F.R. Doc. 60-6367; Filed, July 8, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Minnesota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Big Stone.
Chippewa.
Swift.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of July 1960.

TRUE D. MORSE, *Acting Secretary.*

[F.R. Doc. 60-6360; Filed, July 8, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

EAST COAST COLOMBIA CONFERENCE ET AL.

Notice of Agreements Filed With the Board for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7590-9, between the member lines of the East Coast Colombia Conference, modifies the basic agreement of that conference (No. 7590, as amended), which covers the trade between U.S. Atlantic and Gulf ports and the ports of Barranquilla, Cartagena, Puerto Colombia and Santa Marta, Colombia, S. A. The purpose of the modification is to provide that the $2,500 admission fee required of new members may be waived by unanimous vote of the existing member lines.

(2) Agreement No. 7680-10, between the member lines of the American West African Freight Conference, modifies the basic agreement of that conference (No. 7680, as amended), which covers the trade, both eastbound and westbound, between Atlantic and St. Lawrence ports of Canada/United States Atlantic and Gulf ports and West African ports south of the southerly border of Rio de Oro, Spanish Sahara, and the northerly border of Southwest Africa, including the Atlantic Islands of the Azores, Madeira, Canary and Cape Verdes, also the Islands of Fernando Po, Principe, and San Thome in the Gulf of Guinea. The purpose of the modification is to provide that the member lines shall select a permanent chairman and secretary and designate their duties. The agreement presently provides for the election of the chairman from amongst the member lines, who nominates a secretary.

(3) Agreement No. 8458, between American Export Lines, Inc., Farrell Lines, Incorporated, Isbrandtsen Company, Inc., et al., provides for the establishment of rates and conditions of carriage on cargo for the Spanish Government in the trade from U.S. Atlantic and Gulf ports to Spanish ports.

(4) Agreement No. 8493, between American Mail Line, Ltd., American President Lines, Ltd., States Marine Lines, Inc., States Steamship Company, Isthmian Line, Inc., Pacific Far East Line, Inc., United States Lines Company and Waterman Steamship Corporation, provides that the parties may meet, discuss and agree upon rates, terms and conditions under which cargoes, including Military Houshold Goods and personal effects, originating with the U.S. Department of Defense and moving under Department of Defense through Government Bills of Lading executed by Truck Lines, Household Goods Movers, Railroads and/or Regulated or Non-Regulated Freight Forwarders operating under Rate and Service Tenders approved by the U.S. Department of Defense shall be carried by the parties hereto between U.S. Pacific Coast Ports (including Hawaii) and ports in the Far East (including Guam, Midway, Wake Island and other mid-Pacific Island ports under Trust Territory or in U.S. Territories or possessions) and/or between ports in the Far East.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 6, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER, *Secretary.*

[F.R. Doc. 60-6381; Filed, July 8, 1960; 8:49 a.m.]

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASES IN RATES

Notice of Supplemental Order

Notice is hereby given that the Federal Maritime Board has entered, on June 27, 1960, the following Thirty-Fifth Supplemental Order to the original order in this proceeding, dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

Thirty-fifth supplemental order. It appearing that by the original order (as amended) in Docket 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said original order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on June 15, 1960, Matson Navigation Company filed Special Permission Application No. 61 seeking authority to publish, post and file on less than 30 days' notice, to become effective June 30, 1960, certain consecutively numbered revised pages to Westbound Container Freight Tariff No. 14, F.M.B.-F. No. 109, which tariff is now scheduled to become effective on June 30, 1960, in order to make the following changes thereto:

1. Amend Special Rule No. 101 (Application of Optional Rates) to read as follows:

1. Except as otherwise provided herein, when the charge on a shipment moving under port area pick-up service under class rates, named in Part B of this section, may be reduced by assessing a charge of 60 cents per cubic foot plus the applicable rate named in paragraph 3 of this rule, this latter charge shall apply in lieu of charge under class rates.

(A) The aforementioned provisions shall not apply on goods of a density greater than 50 lbs. per cubic foot.

(B) When shipper exercises the aforementioned option, dock receipt must show the cubic measurement of the shipment as well as the gross weight, otherwise normal class rates as named in Part B shall apply.

2. Where density of goods exceeds 50 lbs. per cubic foot and the charge on a shipment moving under port area pick-up service under class rates, named in Part B of this section, may be reduced by assessing a charge of $1.20 per 100 lbs. plus the applicable rate named in paragraph 3 of this rule, the latter charges shall apply in lieu of charge under class rates.

3. Rates in cents per 100 lbs. to be added to the charge under the optional rate named in paragraph 1 or 2 of this

rule. (Table of rates as now shown in paragraph (C) of Special Rule No. 101 will remain the same.)

4. When a shipment is tendered by shipper at carriers container freight station under provisions of rule 23 (no pick-up service within port area limits) or at container yard under provisions of rule 42 (traffic originating beyond port area limits) under class rates named in Part B of this section and the charge on a shipment may be reduced by assessing a charge of 65 cents per cubic foot or $1.30 per 100 lbs. whichever yields the greater revenue, this latter charge shall apply in lieu of the charge of class rates. Allowances as named in rule No. 23 and No. 42 shall not apply.

II. Establish a new Special Rule No. 206 (Application of Optional Rates to read as follows):

1. Except as otherwise provided herein, when the charge on a shipment moving under port area pick-up service under commodity rates, named in this section, may be reduced by assessing a charge of 60 cents per cubic foot plus the applicable rate named in paragraph 3 of this rule, the latter charge shall apply in lieu of commodity rates.

(A) The aforementioned provisions shall not apply on goods of a density greater than 50 lbs. per cubic foot.

(B) When shipper exercises the aforementioned option, dock receipt must show the cubic measurement of the shipment as well as the gross weight, otherwise normal commodity rates as named in Part B shall apply.

2. Where density of goods exceeds 50 lbs. per cubic foot and the charge on a shipment moving under port area pick-up service under commodity rates, named in this section, may be reduced by assessing a charge of $1.20 per 100 lbs. plus the applicable rate named in paragraph 3 of this rule, the latter charge shall apply in lieu of commodity rates.

3. Rates in cents per 100 lbs. to be added to the charge under the optional rate named in paragraph 1 or 2 of this rule. (Table of rates now shown in paragraph (C) of Special Rule No. 101 to be inserted here.)

4. When a shipment is tendered by shipper at carriers container freight station under provisions of rule 23 (no pick-up service within port area limits) or at container yard under provisions of rule 42 (traffic originating beyond port area limits) under commodity rates named in this section and the charge on a shipment may be reduced by assessing a charge of 65 cents per cubic foot or $1.30 per 100 lbs. whichever yields the greater revenue, this latter charge shall apply in lieu of the charge of commodity rates. Allowances as named in rule No. 23 and rule No. 42 shall not apply.

It further appearing that the Board having found good cause therefor has on June 27, 1960, granted special permission to publish such changes on not less than one day's notice, under Special Permission No. 3852;

It is ordered, That the original order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3852; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: July 6, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6382; Filed, July 8, 1960; 8:50 a.m.]

[Docket No. 908]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE; FIDELITY COMMISSION SYSTEM

Notice of Investigation, Hearing, and Prehearing Conference

On June 20, 1960, the Federal Maritime Board entered the following order:

It appearing that pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814) a modification of an agreement has been filed for approval, between the member lines of the Japan-Atlantic and Gulf Freight Conference, providing for the establishment of a Fidelity Commission System, Agreement No. 3103-15; and

It further appearing that a notice of the filing of said modification was published in the FEDERAL REGISTER on April 30, 1960 (25 F.R. 3828) and that pursuant to said notice the Isbrandtsen Company, Inc., filed, May 20, 1960, a protest against approval of said modification, alleging (1) that the Board has no statutory authority to approve any dual-rate arrangement not in use on May 19, 1958, (2) that the Fidelity Commission System would contravene decisions of the Board and its predecessors, and (3) that the said System would involve a deferred rebate in violation of section 14 First; and requested if the Board considers that there is any real controversy or uncertainty on the points raised by Isbrandtsen that a declaratory order be issued, under section 5 of the Administrative Procedure Act, stating the legal authority or lack thereof of the Board to consider the approval or disapproval of the present conference filing, under existing law, and

It further appearing that Mr. Hyman I. Malatsky (Himala International) points out that the expression "Fidelity Commission" is a semantic differentiation of "Deferred Rebate" which is prohibited by the Shipping Act, 1916, and

It further apearing that the protests of Imported Hardwood Plywood Association, Inc., and Del Valle, Kahman & Co., point out that practically all Japanese plywood is sold f.o.b., Japan that the freight charges are paid by the U.S. importers, who, accordingly should get the refund,

Now therefore pursuant to sections 14, 15, 16, 17 and 22 of the Shipping Act, 1916, as amended, and in accordance with the Administrative Procedure Act,

It is ordered, That the Board, upon its own motion, enter upon an investigation and hearing to determine whether it should under existing law approve Agreement No. 3103-15, between the member lines of the Japan-Atlantic and Gulf Freight Conference, and

It is further ordered, That each member of said conference be made a respondent in this proceeding, and

It is further ordered, That a copy of this order be served upon each of the respondents, and that notice of such order and hearing herein be published in the FEDERAL REGISTER.

Notice is hereby given that, in accordance with Rule 6(d) of the Board's rules of practice and procedure (46 CFR § 201.94), a pre-hearing conference in this proceeding will be held before an examiner of the Board's Office of Hearing Examiners, on July 19, 1960, at 10 a.m., in Room 4519, New General Accounting Office Building, 441 G Street NW., Washington, D.C. Thereafter a public hearing will be scheduled at a date and place to be announced. Said hearing will be conducted in accordance with the above rules, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary, Federal Maritime Board, promptly and file petitions for leave to intervene in accordance with Rule 5(n), 46 CFR § 201.74, of the above rules.

Dated: July 6, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6383; Filed, July 8, 1960; 8:50 a.m.]

COMMON CARRIERS BY WATER

Contracts, Agreements and Understandings; Amendment

Whereas, by order dated April 11, 1960, the Federal Maritime Board directed that every common carrier by water subject to the Shipping Act, 1916, file with it on or before July 15, 1960, certain contracts, agreements and understandings involving the water-borne commerce of the United States; and

Whereas, many common carriers have advised that due to their widespread and far-flung operations involving relationships in innumerable foreign and domestic ports necessitating extensive correspondence with their offices or agents in said foreign and domestic ports in order to resolve questions for, and to advise and assist, such offices or agents and have advised that in many instances it will be impossible to comply with the Board's requirement concerning the assembling, preparation and filing of material pertaining to their contracts, agreements or understandings with stevedores by the presently required date of July 15, 1960;

Now therefore, it is ordered, That the Board's order of April 11, 1960, issued pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820) be, and it is hereby, amended so as to defer, until a date to be specified by the Federal Maritime Board, the filing of contracts, agreements or understandings involving the water-borne commerce of the United States, entered into by any common carrier by water subject to the Shipping Act, 1916, with any stevedore relating to the matters detailed in the basic order of April 11, 1960, all other requirements of said order of April 11, 1960, to remain unchanged.

Dated: July 5, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6457; Filed, July 8, 1960; 10:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

BELGIUM, MOROCCO, AND GHANA

Findings Regarding Foreign Social Insurance and Pension Systems

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the acturial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the acturial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by Belgium, Morocco, and Ghana respectively, relating to the social insurance or pension systems of such countries, from which evidence it appears that:

1. Belgium has a social insurance or pension system of general application in such country which pays periodic benefits, or the acturial equivalent thereof, on account of old age, retirement, or death, but that under such social insurance or pension system citizens of the United States, not citizens of Belgium, who leave Belgium, are not permitted to receive such benefits or equivalent while outside that country without regard to the duration of their absence.

2. Morocco does not have a social insurance or pension system under which benefits are paid on account of old age, retirement, or death.

3. Ghana does not have a social insurance or pension system under which benefits are paid on account of old age, retirement, or death.

Accordingly, it is hereby determined and found that Belgium, Morocco and Ghana do not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402 (t)(2)).

JULY 5, 1960.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: June 27, 1960.

BERTHA ADKINS,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-6377; Filed, July 8, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

DIRECTOR, BUREAU OF FLIGHT STANDARDS

Delegation of Final Authority

1. *Purpose.* The Notice published in 24 F.R. 5662 on July 14, 1959, delegated to the Director, Bureau of Flight Standards, certain authority of the Administrator under Title III and Title VI of the Federal Aviation Act of 1958 relating to the promulgation of rules and regulations with respect to Technical Standard Orders for Aircraft Materials, Parts, Processes and Appliances; Standard Instrument Approach Procedures; and Minimum En Route IFR Altitudes. This notice restates that delegation, and adds thereto authority to promulgate rules and regulations with respect to Airworthiness Directives.

2. *Delegation.* Section 303(d) of the Federal Aviation Act of 1958 authorizes the Administrator to delegate the performance of any function under the Act to any officer, employee, or administrative unit under his jurisdiction.

Final authority to make, issue, amend and terminate rules and regulations promulgated under Title III and Title VI of the Act relating to the subject matters listed below is hereby delegated to the Director, Bureau of Flight Standards:

Technical Standard Orders for Aircraft Materials, Parts, Processes and Appliances.
Standard Instrument Approach Procedures.
Minimum En Route IFR Altitudes.
Airworthiness Directives.

The Director is directed to exercise this authority in accordance with any applicable plans and policies established or approved by the Administrator.

3. *Effective date.* This notice is effective July 5, 1960. The notice published in 24 F.R. 5662 is hereby superseded.

(Section 313(a), 72 Stat. 752, 767; 49 U.S.C. 1354, 1344)

Issued in Washington, D.C., on July 5, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6346; Filed, July 8, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13615; FCC 60M-1126]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Notice of Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 13615; regulations and charges for a connecting arrangement to permit the connection of two two-point duplex teletypewriter services with a customer provided aircraft tracking system.

There will be a prehearing conference, under Rule 1.111, on Wednesday, July 20, 1960, at 2 p.m., in the offices of the Commission, Washington, D.C.

Dated: July 1, 1960.

Released: July 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6384; Filed, July 8, 1960; 8:50 a.m.]

[Docket Nos. 13157, 13159; FCC 60M-1127]

FLOYD BELL AND BELTON BROADCASTERS, INC.

Order Continuing Hearing

In re applications of Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; for construction permits.

It appearing that the Hearing Examiner heretofore assigned to this proceeding by order dated June 30, 1960, certified the record herein to the Commission for appropriate action pursuant to § 1.151 of the Commission's rules.

It appearing further that Hearing herein is scheduled for July 6, 1960, which should be continued without date until another Hearing Examiner is designated to preside in this proceeding.

Accordingly, it is ordered, This 1st day of July 1960, that the Hearing scheduled for July 6, 1960, be and the same is hereby continued without date.

Released: July 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6385; Filed, July 8, 1960; 8:50 a.m.]

[Docket Nos. 13603, 13604; FCC 60M-1140]

ELIZABETH G. COUGHLAN AND NORTH SUBURBAN RADIO, INC.

Order Scheduling Prehearing Conference

In re applications of Elizabeth G. Coughlan, Highland Park, Illinois, Docket No. 13603, File No. BPH-2831; North Suburban Radio, Inc., Highland Park, Illinois, Docket No. 13604, File No. BPH-3007; for construction permits (FM).

It is ordered, This 1st day of July 1960, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 10:00 a.m., July 20, 1960, in the Commission's offices in Washington, D.C.

Released: July 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6386; Filed, July 8, 1960; 8:50 a.m.]

[Docket No. 13469-13471; FCC 60M-1135]

WILMER E. HUFFMAN ET AL.

Order Continuing Hearing

In re applications of Wilmer E. Huffman, Pratt, Kansas, Docket No. 13469, File No. BP-12021; Francis C. Morgan, Jr., Larned, Kansas, Docket No. 13470, File No. BP-12749; Pier San, Inc., Larned, Kansas, Docket No. 13471, File No. BP-12750; for construction permits.

On the oral request of counsel for applicant Huffman and without objection by counsel for the other parties: *It is ordered*, This 30th day of June 1960, that dates previously set are further rescheduled as follows:

Final exchange of engineering and lay exhibits—From July 6 to Aug. 8, 1960.
Notification of witnesses—From July 14 to Aug. 17, 1960.
Hearing (at 10 a.m., in the offices of the Commission, Washington, D.C.)—From July 21 to Sept. 14, 1960.

Released: July 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6387; Filed, July 8, 1960; 8:51 a.m.]

[Docket Nos. 12919, 12920; FCC 60M-1138]

ROBERT L. LIPPERT AND MID-AMERICA BROADCASTERS, INC. (KOBY)

Order Continuing Hearing Conference

In re applications of Robert L. Lippert, Fresno, California, Docket No. 12919, File No. BP-10345; Mid-America Broadcasters, Inc. (KOBY), San Francisco, California, Docket No. 12920, File No. BP-12744; for construction permits for standard broadcast stations.

On the oral request of counsel for Mid-America and without objection by counsel for the other parties: *It is ordered*, This 1st day of July 1960, that the further prehearing conference of July 7, 1960, is rescheduled to Friday, July 22, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: July 5, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6388; Filed, July 8, 1960; 8:51 a.m.]

[Docket No. 13512; FCC 60M-1145]

VITO LOCHIRICO

Order Postponing Hearing

In the matter of Vito Lochirico, Gulf Shores, Alabama, Docket No. 13512; suspension of restricted radiotelephone operator permit.

The Hearing Examiner having under consideration a "Motion to Postpone Hearing" filed on June 20, 1960, by the Chief, Field Engineering and Monitoring Bureau, requesting that the hearing in this proceeding heretofore scheduled for July 15, 1960, be postponed without date pending submission of a request by the Bureau for termination of the proceedings; and

It appearing that the time for responding to said motion has elapsed without the submission of any objection to the Bureau's motion thereon by the respondent; and

It further appearing that in a letter of June 8, 1960, the respondent waived his right to a hearing in this matter, and surrendered his license to the Commission for a three months suspension period, and that by motion filed June 28, 1960, the Bureau has moved for the issuance of an order cancelling the hearing and affirming the Commission's original suspension order herein; and

It further appearing that in light of the aforementioned circumstances a grant of the subject postponement motion would be appropriate;

Accordingly, it is ordered, This 1st day of July 1960, that the aforementioned "Motion to Postpone Hearing" is granted, and the hearing scheduled for July 15, 1960, is postponed without date pending final action of the Bureau's "Motion to Cancel Hearing and Affirm the Suspension Order."

Released: July 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6389; Filed, July 8, 1960; 8:51 a.m.]

[Docket Nos. 13528-13534; FCC 60M-1148]

WASHINGTON BROADCASTING CO. (WOL) ET AL.

Order Scheduling Prehearing Conference

In re applications of Washington Broadcasting Company (WOL), Washington, D.C., Docket No. 13528, File No. BP-12145; Delaware Broadcasting Company (WILM), Wilmington, Delaware, Docket No. 13529, File No. BP-12250; WDAD, Inc. (WDAD), Indiana, Pennsylvania, Docket No. 13530, File No. BP-12455; Centre Broadcasters, Inc. (WMAJ), State College, Pennsylvania, Docket No. 13531, File No. BP-12463; Sky-Park Broadcasting Corporation (WFTR), Front Royal, Virginia, Docket No. 13532, File No. BP-12624; Miners Broadcasting Service, Inc. (WPAM), Pottsville, Pennsylvania, Docket No. 13533, File No. BP-13197; Cumberland Valley Broadcasting Corporation (WTBO), Cumberland, Maryland, Docket No. 13534, File No. BP-13471; for construction permits.

On the Examiner's own motion: *It is ordered*, This 5th day of July 1960, that a pre-hearing conference in the above-entitled matter will be held on July 18, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: July 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6390; Filed, July 8, 1960; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

EASTERN TRUST AND BANKING CO.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Eastern Trust and Banking Company for prior approval of the acquisition of voting shares of Guilford Trust Company, Guilford, Maine.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of Eastern Trust and Banking Company, Bangor, Maine, for the Board's prior approval of the acquisition of up to 70 percent of the 2,000 outstanding voting shares of Guilford Trust Company, Guilford, Maine; a Notice of Tentative Decision referring to a Tentative Statement on said application having been published in the FEDERAL REGISTER on June 8, 1960 (25 F.R. 5115); the said Notice having provided interested persons an opportunity, before issuance of the Board's final order, to file objections or comments upon the facts stated and the reasons indicated in the Tentative Statement; and the time for filing such objections and comments having expired and no such objections or comments having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is granted, and the acquisition by Eastern Trust and Banking Company of up to 70 percent of the 2,000 outstanding voting shares of Guilford Trust Company, Guilford, Maine, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 24th day of June 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-6391; Filed, July 8, 1960; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2073—7-2075]

TRANSITRON ELECTRONIC CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 5, 1960.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges: Transitron Electronic Corporation, File No. 7-2073; Underwood Corporation, File No. 7-2074; S. D. Warren Company, File No. 7-2075.

Upon receipt of a request, on or before July 22, 1960 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6357; Filed, July 8, 1960; 8:46 a.m.]

[File No. 1-2910]

SERRICK CORP.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 5, 1960.

In the matter of Serrick Corporation, Class A common stock, File No. 1-2910.

Board of Trade of the City of Chicago has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The outstanding amount of the stock has become so reduced as to make inadvisable further dealing therein upon the Exchange.

Upon receipt of a request, on or before July 22, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6356; Filed, July 8, 1960; 8:46 a.m.]

[File No. 70-3883]

NEW JERSEY POWER & LIGHT CO.

Notice of Filing Regarding Sale of Utility Assets

JULY 5, 1960.

Notice is hereby given that New Jersey Power & Light Company ("NJP&L"), a subsidiary of General Public Utilities Corporation, a registered holding company, has filed a declaration under section 12(d) of the Public Utility Holding Company Act of 1935 and Rule 44 thereunder regarding the proposed transaction which is summarized as follows:

NJP&L proposes to sell land and its office and service building thereon to The Singer Manufacturing Company for a consideration of $751,000; such property having a net cost on the books of NJP&L as of July 31, 1960, of $702,677.74. A brochure containing information regarding the property to be sold was mailed to 110 persons and as a result thereof NJP&L received four offers for the building. Subsequently, the company published an advertisement inviting the submission of sealed bids and, after receiving and considering two bids, the high bid of $751,000 from The Singer Manufacturing Company was accepted by NJP&L.

It is estimated that the total fees and expenses of NJP&L in connection with the proposed transaction are $2,432.61. It is stated that the proposed transaction requires the approval of the Board of Public Utility Commissioners of New Jersey and that no other State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than July 19, 1960, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may exempt such transactions as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6355; Filed, July 8, 1960; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III, ATLANTA

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c), is hereby authorized within such Region to execute loan agreements and amendments thereof involving loans for student and/or faculty housing and for other educational facilities.

This redelegation supersedes the redelegation effective May 20, 1960 (25 F.R. 4490, May 20, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] WALTER E. KEYES,
Regional Administrator,
Region III.

[F.R. Doc. 60-6376; Filed, July 8, 1960; 8:49 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III, ATLANTA

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region to enter into contracts and amendments thereof with public agencies involving loans for essential public works or facilities.

This redelegation supersedes the redelegation effective May 20, 1960 (25 F.R. 4490, May 20, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] WALTER E. KEYES,
Regional Administrator,
Region III.

[F.R. Doc. 60-6379; Filed, July 8, 1960; 8:49 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION III, ATLANTA

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region III (Atlanta), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers and amendments thereof to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraph 1 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraph 1 above.

This redelegation supersedes the redelegation effective May 20, 1960 (25 F.R. 4490, May 20, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] WALTER E. KEYES,
Regional Administrator,
Region III.

[F.R. Doc. 60-6380; Filed, July 8, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 6, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36371: *Fine coal—Ky., and Tenn., to Harryat, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3977), for interested rail carriers. Rates on fine coal, in carloads, as described in the application from L&N RR mines in southeastern Kentucky, eastern and southern Tennessee to Harryat, Ga.

Grounds for relief: Origin rate relationship.

Tariff: Supplement 23 to Southern Freight Association tariff I.C.C. S-62.

FSA No. 36372: *Tin plate—St. Louis, Mo., to Florida points.* Filed by O. W. South, Jr., Agent (SFA No. A3978), for interested rail carriers. Rates on tin or terne plate, in carloads, as described in the application from St. Louis, Mo., and East St. Louis, Ill., to Tampa, Dade City and Plymouth, Fla.

Grounds for relief: Barge competition.

Tariff: Supplement 106 to Southern Freight Association tariff I.C.C. 1592.

FSA No. 36373: *Iron or steel articles—Atlanta, Ga., to Lebanon, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3979), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application from Atlanta, Ga., to Lebanon, Tenn.

Grounds for relief: Truck competition.

Tariff: Supplement 106 to Southern Freight Association tariff I.C.C. 1592.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-6368; Filed, July 8, 1960; 8:47 a.m.]

[Notice 344]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 6, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63121. By order of July 1, 1960, Division 4, acting as an Appellate Division, approved the transfer to O. C. Wofford, doing business as City Moving & Storage, Odessa, Tex., of that portion of the operating rights set forth in Certificate No. MC 110619, issued by the Commission September 14, 1956, to Paul Harvey, doing business as Paul Harvey Trucking Co., Seminole, Okla., authorizing the transportation, over irregular routes, of mine and oil field machinery and supplies (except Class A and B explosives), between points in Missouri, Kansas, Oklahoma, and those in that part of Illinois within 150 miles of St. Louis, Mo. Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-6369; Filed, July 8, 1960; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: During the current recess of the Congress a listing of public laws approved by the President will appear in the FEDERAL REGISTER under *Title 2—The Congress.*

Approved July 7, 1960

H.R. 3375 ..... Public Law 86-599
An Act to encourage and stimulate the production and conservation of coal in the United States through research and development by authorizing the Secretary of the Interior to contract for coal research, and for other purposes.

H.R. 3923 ..... Public Law 86-600
An Act to provide for the presentation of a medal to persons who have served as members of a United States expedition to Antarctica.

H.R. 5888 ..... Public Law 86-602
An Act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Massachusetts, in exchange for certain other lands.

H.R. 7966 ..... Public Law 86-598
An Act to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions.

H.R. 8212 ..... Public Law 86-603
An Act to amend title 10, United States Code, with respect to the procedure for ordering certain members of the reserve components to active duty and the requirements for physical examination of members of the reserve components, and for other purposes.

H.R. 8241 ..... Public Law 86-604
An Act to amend certain provisions of the Civil Service Retirement Act relating to the reemployment of former Members of Congress.

H.R. 10644 ..... Public Law 86-607
An Act to amend title V of the Merchant Marine Act, 1936, in order to change the limitation of the construction differential subsidy under such title, and for other purposes.

H.R. 11522 ..... Public Law 86-608
An Act to amend the Act of August 26, 1935, to permit certain real property of the United States to be conveyed to States, municipalities, and other political subdivisions for highway purposes.

H.R. 11748 ..... Public Law 86-606
An Act to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes.

H.R. 11787 ..... Public Law 86-597
An Act to authorize a continuation of flight instruction for members of the Reserve Officers' Training Corps until August 1, 1964.

H.R. 11998 ..... Public Law 86-601
An Act making appropriations for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes.

H.R. 12263 ..... Public Law 86-605
An Act to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of a major international storage dam on the Rio Grande in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes.

S. 1886 ..... Public Law 86-609
An Act to amend the Communications Act of 1934 with respect to certain rebroadcasting activities.

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 14, Part 400 to End $1.75

Title 46, Parts 146–149 (1960 Supp. 1) $0.55

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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1960–61 Edition

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The 1960 C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 was supplemented by 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Rye (25 F.R. 3781), containing specific requirements applicable to price support operations on the 1960 rye crop. These regulations are further supplemented as follows:

§ 421.5387 Support rates.

Basic support rates for rye placed under loan or delivered under purchase agreements are set forth in this section.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for rye grading No. 2 or better, or grading No. 3 on the basis of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	*Rate per bushel*
Omaha, Nebr.	$1.12
Sioux City, Iowa	1.12
Duluth, Minn.	1.12
Minneapolis, Minn.	1.12
Saint Paul, Minn.	1.12
Superior, Wis.	1.12
Atchison, Kans.	1.15
Kansas City, Mo.	1.15
St. Joseph, Mo.	1.15
Chicago, Ill.	1.19
Milwaukee, Wis.	1.19
Memphis, Tenn.	1.20
St. Louis, Mo.	1.20
Galveston, Tex.	1.19
Houston, Tex.	1.19
Port Arthur, Tex.	1.19
Los Angeles, Calif.	1.24
Oakland, Calif.	1.24
San Francisco, Calif.	1.24
Stockton, Calif.	1.24
Astoria, Oreg.	1.24
Longview, Wash.	1.24
Portland, Oreg.	1.24
Seattle, Wash.	1.24
Tacoma, Wash.	1.24
Vancouver, Wash.	1.24
Albany, N.Y.	1.33
Baltimore, Md.	$1.33
New York, N.Y.	1.33
Norfolk, Va.	1.33
Philadelphia, Pa.	1.33

(b) *Basic county support rates.* (1) The following basic county support rates per bushel are established for rye grading No. 2 or better, or rye grading No. 3 on the factor of test weight only, but otherwise grading No. 2 or better. Farm-storage loans and country warehouse storage loans, except as otherwise provided in § 421.5383(b), will be based on the support rate established for the county in which the rye is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	*Rate per bushel*
All counties	$1.04

ARIZONA

All counties	$0.94

ARKANSAS

All counties	$0.92

CALIFORNIA

County	*Rate per bushel*	*County*	*Rate per bushel*
Colusa	$1.08	Plumas	$1.01
Contra Costa	1.12	Riverside	1.07
Glenn	1.05	San Joaquin	1.13
Kern	1.04	Shasta	1.00
Lassen	.95	Sierra	.94
Marin	1.12	Siskiyou	1.00
Merced	1.10	Sonoma	1.10
Modoc	.99	Stanislaus	1.12
Mono	.91	Yuba	1.09

COLORADO

Baca	$0.81	Prowers	$0.81
Bent	.80	Sedgwick	.81
Cheyenne	.81	Yuma	.81
Kiowa	.81	All other counties	.79
Kit Carson	.81		
Phillips	.82		

CONNECTICUT

All counties	$1.08

DELAWARE

All counties	$1.08

FLORIDA

All counties	$1.09

GEORGIA

All counties	$1.00

IDAHO

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$0.90	Blaine	$0.83
Adams	.88	Boise	.89
Bannock	.81	Bonner	.88
Bear Lake	.82	Bonneville	.80
Benewah	.96	Boundary	.86
Bingham	.80	Butte	.80
Camas	$0.83	Latah	$0.97
Canyon	.90	Lemhi	.80
Caribou	.82	Lewis	.95
Cassia	.83	Lincoln	.84
Clark	.78	Madison	.80
Clearwater	.96	Minidoka	.84
Custer	.80	Nez Perce	.97
Elmore	.88	Oneida	.80
Franklin	.80	Owyhee	.90
Fremont	.80	Payette	.91
Gem	.90	Power	.83
Gooding	.86	Shoshone	.87
Idaho	.94	Teton	.80
Jefferson	.80	Twin Falls	.82
Jerome	.85	Valley	.88
Kootenai	.96	Washington	.91

ILLINOIS

Adams	$0.97	Lee	$0.99
Alexander	1.00	Livingston	.99
Bond	1.02	Logan	1.00
Boone	1.00	McDonough	.97
Brown	.98	McHenry	1.01
Bureau	.99	McLean	.99
Calhoun	1.01	Macon	1.00
Carroll	.98	Macoupin	1.02
Cass	1.00	Madison	1.03
Champaign	1.00	Marion	1.00
Christian	1.00	Marshall	.99
Clark	.99	Mason	1.00
Clay	1.00	Massac	.99
Clinton	1.02	Menard	1.00
Coles	1.00	Mercer	.96
Cook	1.03	Monroe	1.02
Crawford	.97	Montgomery	1.01
Cumberland	1.00	Morgan	1.00
De Kalb	1.02	Moultrie	1.00
De Witt	1.00	Ogle	1.00
Douglas	1.00	Peoria	.99
Du Page	1.03	Perry	1.00
Edgar	1.00	Piatt	1.00
Edwards	.98	Pike	.99
Effingham	1.00	Pope	.95
Fayette	1.00	Pulaski	1.00
Ford	.99	Putnam	.99
Franklin	1.00	Randolph	1.00
Fulton	.99	Richland	.99
Gallatin	.95	Rock Island	.97
Greene	1.02	St. Clair	1.03
Grundy	1.01	Saline	.95
Hamilton	.99	Sangamon	1.00
Hancock	.96	Schuyler	.99
Hardin	.92	Scott	1.00
Henderson	.96	Shelby	1.00
Henry	.98	Stark	.99
Iroquois	.99	Stephenson	.98
Jackson	1.00	Tazewell	.99
Jasper	.99	Union	1.00
Jefferson	1.00	Vermilion	.99
Jersey	1.02	Wabash	.97
Jo Daviess	.97	Warren	.97
Johnson	.94	Washington	1.00
Kane	1.02	Wayne	.98
Kankakee	1.02	White	.96
Kendall	1.02	Whiteside	.98
Knox	.97	Will	1.03
Lake	1.03	Williamson	1.00
La Salle	1.00	Winnebago	.98
Lawrence	.99	Woodford	.99

INDIANA

Adams	$0.94	Cass	$0.98
Allen	.95	Clark	.89
Bartholomew	.91	Clay	.94
Benton	.97	Clinton	.97
Blackford	.96	Crawford	.89
Boone	.94	Daviess	.92
Brown	.91	Dearborn	.98
Carroll	.98	Decatur	.92

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
De Kalb	$0.95	Morgan	$0.93
Delaware	.94	Newton	.99
Dubois	.89	Noble	.95
Elkhart	.97	Ohio	.89
Fayette	.94	Orange	.89
Floyd	.89	Owen	.93
Fountain	.95	Parke	.95
Franklin	.96	Perry	.85
Fulton	.93	Pike	.91
Gibson	.92	Porter	1.01
Grant	.96	Posey	.92
Greene	.93	Pulaski	.99
Hamilton	.94	Putnam	.94
Hancock	.94	Randolph	.95
Harrison	.89	Ripley	.92
Hendricks	.94	Rush	.94
Henry	.95	St. Joseph	.97
Howard	.97	Scott	.89
Huntington	.95	Shelby	.93
Jackson	.91	Spencer	.85
Jasper	1.01	Starke	.96
Jay	.96	Steuben	.95
Jefferson	.89	Sullivan	.93
Jennings	.90	Switzerland	.87
Johnson	.93	Tippecanoe	.97
Knox	.92	Tipton	.96
Kosciusko	.97	Union	.94
Lagrange	.96	Vanderburgh	.92
Lake	1.08	Vermillion	.96
La Porte	.99	Vigo	.95
Lawrence	.93	Wabash	.97
Madison	.95	Warren	.97
Marion	.94	Warrick	.88
Marshall	.97	Washington	.89
Martin	.91	Wayne	.95
Miami	.97	Wells	.94
Monroe	.93	White	1.00
Montgomery	.96	Whitley	.96

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.92	Iowa	$0.93
Adams	.98	Jackson	.96
Allamakee	.92	Jasper	.91
Appanoose	.94	Jefferson	.93
Audubon	.94	Johnson	.95
Benton	.93	Jones	.95
Black Hawk	.92	Keokuk	.92
Boone	.90	Kossuth	.89
Bremer	.91	Lee	.96
Buchanan	.92	Linn	.94
Buena Vista	.90	Louisa	.95
Butler	.90	Lucas	.91
Calhoun	.91	Lyon	.89
Carroll	.93	Madison	.90
Cass	.93	Mahaska	.92
Cedar	.95	Marion	.92
Cerro Gordo	.89	Marshall	.91
Cherokee	.90	Mills	.95
Chickasaw	.91	Mitchell	.90
Clarke	.91	Monona	.94
Clay	.89	Monroe	.93
Clayton	.93	Montgomery	.95
Clinton	.96	Muscatine	.95
Crawford	.94	O'Brien	.90
Dallas	.91	Osceola	.89
Davis	.95	Page	.94
Decatur	.91	Palo Alto	.88
Delaware	.93	Plymouth	.92
Des Moines	.96	Pocahontas	.89
Dickinson	.88	Polk	.90
Dubuque	.95	Pottawattamie	.95
Emmet	.90	Poweshiek	.91
Fayette	.92	Ringgold	.89
Floyd	.89	Sac	.91
Franklin	.89	Scott	.96
Fremont	.95	Shelby	.95
Greene	.91	Sioux	.91
Grundy	.91	Story	.90
Guthrie	.92	Tama	.92
Hamilton	.89	Taylor	.92
Hancock	.89	Union	.92
Hardin	.90	Van Buren	.95
Harrison	.95	Wapello	.93
Henry	.96	Warren	.91
Howard	.90	Washington	.94
Humboldt	.88	Wayne	.92
Ida	.92	Webster	.90
Winnebago	.90	Woodbury	.93
Winneshiek	.92	Worth	.90
		Wright	.88

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.95	Linn	$0.96
Anderson	.96	Logan	.85
Atchison	.98	Lyon	.94
Barber	.88	McPherson	.90
Barton	.88	Marion	.90
Bourbon	.96	Marshall	.94
Brown	.96	Meade	.85
Butler	.90	Miami	.98
Chase	.92	Mitchell	.90
Chautauqua	.92	Montgomery	.94
Cherokee	.94	Morris	.92
Cheyenne	.84	Morton	.81
Clark	.85	Nemaha	.95
Clay	.92	Neosho	.95
Cloud	.91	Ness	.88
Coffey	.95	Norton	.88
Comanche	.86	Osage	.95
Cowley	.90	Osborne	.89
Crawford	.95	Ottawa	.90
Decatur	.86	Pawnee	.88
Dickinson	.91	Phillips	.88
Doniphan	.96	Pottawatomie	.95
Douglas	.98	Pratt	.88
Edwards	.88	Rawlins	.85
Elk	.92	Reno	.90
Ellis	.88	Republic	.91
Ellsworth	.90	Rice	.90
Finney	.85	Riley	.94
Ford	.87	Rooks	.89
Franklin	.98	Rush	.88
Geary	.92	Russell	.89
Gove	.86	Saline	.90
Graham	.88	Scott	.85
Grant	.84	Sedgwick	.91
Gray	.85	Seward	.83
Greeley	.84	Shawnee	.96
Greenwood	.93	Sheridan	.86
Hamilton	.84	Sherman	.84
Harper	.89	Smith	.90
Harvey	.90	Stafford	.88
Haskell	.85	Stanton	.83
Hodgeman	.88	Stevens	.83
Jackson	.96	Sumner	.90
Jefferson	.98	Thomas	.85
Jewell	.90	Trego	.88
Johnson	.98	Wabaunsee	.94
Kearny	.84	Wallace	.84
Kingman	.90	Washington	.92
Kiowa	.88	Wichita	.84
Labette	.94	Wilson	.94
Lane	.86	Woodson	.95
Leavenworth	.98	Wyandotte	.98
Lincoln	.90		

KENTUCKY

All counties $1.03

LOUISIANA

All counties $0.94

MAINE

All counties $1.03

MARYLAND

All counties $1.03

MASSACHUSETTS

All counties $1.03

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.84	Cheboygan	$0.83
Alger	.86	Clare	.91
Allegan	.94	Clinton	.93
Alpena	.84	Crawford	.86
Arenac	.86	Delta	.88
Baraga	.86	Dickinson	.89
Barry	.93	Eaton	.93
Bay	.91	Genesee	.94
Benzie	.91	Gladwin	.89
Berrien	.97	Gogebic	.88
Branch	.94	Grand Traverse	.85
Calhoun	.94	Gratiot	.93
Cass	.97	Hillsdale	$0.94
Houghton	.83	Montcalm	$0.91
Huron	.91	Montmorency	.84
Ingham	.93	Muskegon	.91
Ionia	.93	Newaygo	.90
Iosco	.86	Oakland	.96
Iron	.86	Oceana	.89
Isabella	.90	Ogemaw	.89
Jackson	.93	Ontonagon	.85
Kalamazoo	.96	Osceola	.89
Kalkaska	.84	Otsego	.83
Kent	.93	Ottawa	.96
Keweenaw	.83	Presque Isle	.83
Lake	.89	Roscommon	.86
Lapeer	.94	Saginaw	.96
Leelanau	.83	St. Clair	.96
Lawanee	.96	St. Joseph	.96
Livingston	.94	Sanilac	.94
Macomb	.97	Shiawassee	.93
Manistee	.87	Tuscola	.93
Marquette	.86	Van Buren	.96
Mason	.89	Washtenaw	.96
Mecosta	.89	Wayne	.96
Menominee	.90	Wexford	.88
Midland	.91	All other counties	.82
Missaukee	.87		
Monroe	.96		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.94	Martin	$0.90
Anoka	.94	Meeker	.94
Becker	.88	Mille Lacs	.94
Beltrami	.88	Morrison	.92
Benton	.93	Mower	.91
Big Stone	.88	Murray	.89
Blue Earth	.92	Nicollet	.94
Brown	.92	Nobles	.88
Carlton	.95	Norman	.86
Carver	.94	Olmsted	.92
Cass	.91	Otter Tail	.90
Chippewa	.91	Pennington	.88
Chisago	.94	Pine	.93
Clay	.87	Pipestone	.88
Clearwater	.88	Polk	.88
Cottonwood	.90	Pope	.91
Crow Wing	.92	Ramsey	.94
Dakota	.94	Red Lake	.89
Dodge	.92	Redwood	.91
Douglas	.91	Renville	.93
Faribault	.90	Rice	.94
Fillmore	.89	Rock	.87
Freeborn	.92	Roseau	.94
Goodhue	.93	St. Louis	.93
Grant	.89	Scott	.94
Hennepin	.94	Sherburne	.94
Houston	.89	Sibley	.94
Hubbard	.89	Stearns	.93
Isanti	.94	Steele	.92
Itasca	.92	Stevens	.90
Jackson	.89	Swift	.91
Kanabec	.93	Todd	.91
Kandiyohi	.94	Traverse	.88
Kittson	.83	Wabasha	.93
Koochiching	.84	Wadena	.91
Lac Qui Parle	.89	Waseca	.93
Lake of the Woods	.85	Washington	.94
Le Sueur	.94	Watonwan	.91
Lincoln	.89	Wilkin	.88
Lyon	.90	Winona	.92
McLeod	.94	Wright	.94
Mahnomen	.86	Yellow Medicine	.91
Marshall	.85		

MISSISSIPPI

All counties $1.08

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.96	Benton	$0.96
Andrew	.97	Bollinger	.98
Atchison	.94	Boone	.96
Audrain	.98	Buchanan	.97
Barry	.92	Butler	.96
Barton	.95	Caldwell	.97
Bates	.97	Callaway	.99

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Camden	$0.95	Mercer	$0.94
Cape Girardeau	.98	Miller	.96
Carroll	.97	Mississippi	.95
Carter	.88	Moniteau	.96
Cass	.98	Monroe	.98
Cedar	.96	Montgomery	1.00
Charlton	.96	Morgan	.95
Christian	.92	New Madrid	.95
Clark	.97	Newton	.92
Clay	.98	Nodaway	.95
Clinton	.97	Oregon	.88
Cole	.97	Osage	.98
Cooper	.96	Ozark	.89
Crawford	1.00	Pemiscot	.94
Dade	.94	Perry	1.00
Dallas	.93	Pettis	.95
Daviess	.96	Phelps	.99
De Kalb	.96	Pike	.99
Dent	.97	Platte	.98
Douglas	.90	Polk	.94
Dunklin	.94	Pulaski	.96
Franklin	1.03	Putnam	.93
Gasconade	1.00	Ralls	.99
Gentry	.95	Randolph	.97
Greene	.92	Ray	.97
Grundy	.95	Reynolds	.96
Harrison	.94	Ripley	.95
Henry	.97	St. Charles	1.04
Hickory	.95	St. Clair	.96
Holt	.95	St. Francois	1.01
Howard	.97	St. Genevieve	1.01
Howell	.88	St. Louis	1.04
Iron	1.00	Saline	.96
Jackson	.98	Schuyler	.95
Jasper	.94	Scotland	.96
Jefferson	1.04	Scott	.96
Johnson	.97	Shannon	.88
Knox	.96	Shelby	.97
Laclede	.95	Stoddard	.97
Lafayette	.97	Stone	.91
Lawrence	.92	Sullivan	.93
Lewis	.98	Taney	.88
Lincoln	1.03	Texas	.88
Linn	.95	Vernon	.96
Livingston	.96	Warren	1.03
McDonald	.92	Washington	1.01
Macon	.96	Wayne	.97
Madison	.99	Webster	.93
Maries	.99	Worth	.94
Marion	.98	Wright	.90

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.77	Madison	$0.73
Big Horn	.61	Meagher	.73
Blaine	.71	Mineral	.78
Broadwater	.73	Missoula	.77
Carbon	.70	Musselshell	.72
Carter	.70	Park	.73
Cascade	.73	Petroleum	.73
Chouteau	.73	Phillips	.67
Custer	.68	Pondera	.73
Daniels	.66	Powder River	.66
Dawson	.69	Powell	.73
Deer Lodge	.73	Prairie	.68
Fallon	.70	Ravalli	.74
Fergus	.73	Richland	.69
Flathead	.78	Roosevelt	.70
Gallatin	.73	Rosebud	.64
Garfield	.67	Sanders	.79
Glacier	.74	Sheridan	.68
Golden Valley	.72	Silver Bow	.73
Granite	.74	Stillwater	.72
Hill	.73	Sweet Grass	.73
Jefferson	.73	Teton	.73
Judith Basin	.73	Toole	.73
Lake	.78	Treasure	.66
Lewis and Clark	.73	Valley	.65
Liberty	.73	Wheatland	.73
Lincoln	.80	Wibaux	.70
McCone	.68	Yellowstone	.72

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.90	Blaine	$0.85
Antelope	.90	Boone	.92
Arthur	.83	Box Butte	.90
Banner	.77	Boyd	.87
Brown	$0.85	Keya Paha	$0.85
Buffalo	.89	Kimball	.79
Burt	.95	Knox	.89
Butler	.95	Lancaster	.95
Cass	.95	Lincoln	.84
Cedar	.90	Logan	.85
Chase	.82	Loup	.88
Cherry	.83	McPherson	.85
Cheyenne	.79	Madison	.92
Clay	.91	Merrick	.92
Colfax	.95	Morrill	.79
Cuming	.94	Nance	.92
Custer	.87	Nemaha	.94
Dakota	.92	Nuckols	.91
Dawes	.78	Otoe	.95
Dawson	.87	Pawnee	.94
Deuel	.81	Perkins	.82
Dixon	.91	Phelps	.89
Dodge	.95	Pierce	.91
Douglas	.95	Platte	.93
Dundy	.82	Polk	.93
Fillmore	.92	Red Willow	.86
Franklin	.89	Richardson	.95
Frontier	.86	Rock	.86
Furnas	.88	Saline	.94
Gage	.94	Sarpy	.95
Garden	.80	Saunders	.95
Garfield	.88	Scotts Bluff	.77
Gosper	.88	Seward	.94
Grant	.81	Sheridan	.80
Greeley	.91	Sherman	.89
Hall	.90	Sioux	.76
Hamilton	.91	Stanton	.93
Harlan	.88	Thayer	.92
Hayes	.83	Thomas	.85
Hitchcock	.84	Thurston	.94
Holt	.89	Valley	.88
Hooker	.83	Washington	.95
Howard	.90	Wayne	.90
Jefferson	.93	Webster	.90
Johnson	.94	Wheeler	.91
Kearney	.89	York	.92
Keith	.83		

NEVADA

All counties $0.84

NEW HAMPSHIRE

All counties $1.03

NEW JERSEY

All counties $1.03

NEW MEXICO

All counties $0.79

NEW YORK

All counties $1.04

NORTH CAROLINA

All counties $1.07

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.75	McLean	$0.78
Barnes	.85	Mercer	.77
Benson	.80	Morton	.77
Billings	.75	Mountrail	.76
Bottineau	.77	Nelson	.82
Bowman	.74	Oliver	.77
Burke	.75	Pembina	.82
Burleigh	.80	Pierce	.80
Cass	.86	Ramsey	.81
Cavalier	.81	Ransom	.85
Dickey	.84	Renville	.76
Divide	.74	Richland	.87
Dunn	.75	Rolette	.79
Eddy	.82	Sargent	.86
Emmons	.79	Sheridan	.80
Foster	.83	Sioux	.77
Golden Valley	.72	Slope	.72
Grand Forks	.85	Stark	.76
Grant	.76	Steele	.85
Griggs	.84	Stutsman	.83
Hettinger	.76	Towner	.80
Kidder	.81	Traill	.85
La Moure	.86	Walsh	.82
Logan	.81	Ward	.76
McIntosh	.80	Wells	.81
McKenzie	.72	Williams	.74

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.96	Licking	$0.99
Allen	.97	Logan	.97
Ashland	.99	Lorain	.99
Ashtabula	1.02	Lucas	.98
Athens	.98	Madison	.97
Auglaize	.96	Mahoning	1.01
Belmont	.99	Marion	.98
Brown	.96	Medina	.99
Butler	.96	Meigs	.96
Carroll	.99	Mercer	.96
Champaign	.96	Miami	.96
Clark	.96	Monroe	.99
Clermont	.96	Montgomery	.96
Clinton	.96	Morgan	.99
Columbiana	1.00	Morrow	.98
Coshocton	.99	Muskingum	.99
Crawford	.98	Noble	.99
Cuyahoga	.99	Ottawa	.98
Darke	.96	Paulding	.96
Defiance	.96	Perry	.98
Delaware	.98	Pickaway	.97
Erie	.98	Pike	.96
Fairfield	.98	Portage	.99
Fayette	.96	Preble	.96
Franklin	.98	Putnam	.97
Fulton	.96	Richland	.99
Gallia	.96	Ross	.97
Geauga	1.02	Sandusky	.98
Greene	.96	Scioto	.96
Guernsey	.99	Seneca	.98
Hamilton	.96	Shelby	.96
Hancock	.98	Stark	.99
Hardin	.98	Summit	.99
Harrison	.99	Trumbull	1.02
Henry	.97	Tuscarawas	.99
Highland	.96	Union	.98
Hocking	.98	Van Wert	.96
Holmes	.99	Vinton	.98
Huron	.98	Warren	.99
Jackson	.96	Washington	.99
Jefferson	1.01	Wayne	.99
Knox	.99	Williams	.96
Lake	1.01	Wood	.98
Lawrence	.96	Wyandot	.98

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$0.88	Le Flore	$0.83
Alfalfa	.88	Lincoln	.84
Atoka	.81	Logan	.84
Beaver	.81	Love	.78
Beckham	.78	McClain	.79
Blaine	.82	McCurtain	.76
Bryan	.77	McIntosh	.88
Caddo	.80	Major	.83
Canadian	.81	Marshall	.78
Carter	.78	Mayes	.91
Cherokee	.89	Murray	.78
Choctaw	.78	Muskogee	.88
Cimarron	.80	Noble	.88
Cleveland	.80	Nowata	.94
Coal	.81	Okfuskee	.85
Comanche	.78	Oklahoma	.81
Cotton	.77	Okmulgee	.88
Craig	.93	Osage	.90
Creek	.88	Ottawa	.96
Custer	.79	Pawnee	.88
Delaware	.92	Payne	.85
Dewey	.80	Pittsburg	.84
Ellis	.80	Pontotoc	.81
Garfield	.87	Pottawatomie	.81
Garvin	.79	Pushmataha	.80
Grady	.80	Roger Mills	.78
Grant	.88	Rogers	.92
Greer	.78	Seminole	.88
Harmon	.78	Sequoyah	.88
Harper	.82	Stephens	.78
Haskell	.86	Texas	.81
Hughes	.84	Tillman	.78
Jackson	.78	Tulsa	.91
Jefferson	.78	Wagoner	.90
Johnston	.79	Washington	.88
Kay	.89	Washita	.79
Kingfisher	.88	Woods	.87
Kiowa	.78	Woodward	.88
Latimer	.84		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.97	Lake	$0.99
Benton	1.05	Lane	1.03
Clackamas	1.09	Lincoln	.99
Clatsop	1.05	Linn	1.06
Columbia	1.07	Malheur	.91
Coos	.96	Marion	1.08
Crook	1.06	Morrow	1.08
Curry	.94	Multnomah	1.11
Deschutes	1.07	Polk	1.07
Douglas	.96	Sherman	1.09
Gilliam	1.09	Tillamook	1.10
Grant	1.07	Umatilla	1.04
Harney	.86	Union	.99
Hood River	1.10	Wallowa	.97
Jackson	.91	Wasco	1.12
Jefferson	1.09	Washington	1.11
Josephine	.93	Wheeler	1.07
Klamath	.89	Yamhill	1.09

PENNSYLVANIA

All counties $1.03

RHODE ISLAND

All counties $1.03

SOUTH CAROLINA

All counties $1.09

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.86	Jackson	$0.76
Beadle	.85	Jerauld	.85
Bennett	.81	Jones	.79
Bon Homme	.88	Kingsbury	.87
Brookings	.88	Lake	.87
Brown	.85	Lawrence	.73
Brule	.85	Lincoln	.90
Buffalo	.85	Lyman	.82
Butte	.73	McCook	.88
Campbell	.80	McPherson	.83
Charles Mix	.86	Marshall	.85
Clark	.87	Meade	.73
Clay	.91	Mellette	.83
Codington	.87	Miner	.87
Corson	.78	Minnehaha	.89
Custer	.75	Moody	.87
Davison	.87	Pennington	.73
Day	.86	Perkins	.75
Deuel	.88	Potter	.81
Dewey	.77	Roberts	.87
Douglas	.87	Sanborn	.86
Edmunds	.83	Shannon	.80
Fall River	.75	Spink	.85
Faulk	.83	Stanley	.81
Grant	.88	Sully	.80
Gregory	.86	Todd	.83
Haakon	.76	Tripp	.85
Hamlin	.87	Turner	.89
Hand	.84	Union	.91
Hanson	.87	Walworth	.81
Harding	.73	Washabaugh	.76
Hughes	.81	Yankton	.90
Hutchinson	.88	Ziebach	.75
Hyde	.83		

TENNESSEE

All counties $1.04

TEXAS

County	Rate per bushel	County	Rate per bushel
Bosque	$0.96	Hamilton	$0.96
Bowie	.93	Hansford	.86
Brown	.95	Hartley	.86
Callahan	.91	Hemphill	.86
Cass	.94	Hood	.95
Clay	.91	Hunt	.95
Collins	.96	Jack	.93
Comanche	.95	Johnson	.97
Concho	.93	Karnes	1.01
Coryell	.99	Lampasas	.96
Dallam	.85	Limestone	1.02
Denton	.95	Lipscomb	.85
Eastland	.93	McCulloch	.94
Fannin	.94	McLennan	1.01
Gillespie	.96	Mason	.95
Gray	.88	Montague	.92
Grayson	.94	Moore	.86

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Ochiltree	$0.85	Smith	$0.99
Oldham	.88	Tarrant	.97
Palo Pinto	.93	Taylor	.90
Parker	.96	Wheeler	.88
Parmer	.88	Wichita	.90
Reeves	.79	Wise	.94
Roberts	.87	Young	.93
Runnels	.91	All other counties	.89
San Saba	.95		
Sherman	.85		

UTAH

All counties $0.79

VERMONT

All counties $1.03

VIRGINIA

All counties $1.03

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.03	Lewis	$1.05
Asotin	.97	Lincoln	1.00
Benton	1.07	Mason	1.03
Chelan	1.05	Okanogan	1.01
Clallam	.96	Pacific	1.03
Clark	1.11	Pend Oreille	.88
Columbia	1.02	Pierce	1.10
Cowlitz	1.09	San Juan	1.07
Douglas	1.02	Skagit	1.07
Ferry	.82	Skamania	1.10
Franklin	1.04	Snohomish	1.08
Garfield	1.01	Spokane	.97
Grant	1.03	Stevens	.91
Grays Harbor	1.03	Thurston	1.05
Island	1.08	Wahkiakum	1.09
Jefferson	.99	Walla Walla	1.03
King	1.11	Whatcom	1.06
Kitsap	1.01	Whitman	.98
Kittitas	1.10	Yakima	1.06
Klickitat	1.09		

WEST VIRGINIA

All counties $1.03

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.94	Marathon	$0.91
Ashland	.90	Marinette	.91
Barron	.91	Marquette	.94
Bayfield	.91	Milwaukee	1.03
Brown	.94	Monroe	.93
Buffalo	.92	Oconto	.93
Burnett	.94	Oneida	.89
Calumet	.95	Outagamie	.95
Chippewa	.90	Ozaukee	.97
Clark	.90	Pepin	.93
Columbia	.95	Pierce	.94
Crawford	.93	Polk	.94
Dane	.97	Portage	.93
Dodge	.97	Price	.88
Door	.91	Racine	1.03
Douglas	.95	Richland	.94
Dunn	.92	Rock	.98
Eau Claire	.92	Rusk	.90
Florence	.89	St. Croix	.94
Fond lu Lac	.96	Sauk	.95
Forest	.90	Sawyer	.92
Grant	.93	Shawano	.93
Green	.97	Sheboygan	.97
Green Lake	.95	Taylor	.88
Iowa	.94	Trempealeau	.90
Iron	.88	Vernon	.93
Jackson	.92	Vilas	.87
Jefferson	.98	Walworth	.99
Juneau	.94	Washburn	.92
Kenosha	1.03	Washington	.97
Kewaunee	.92	Waukesha	.98
La Crosse	.92	Waupaca	.94
Lafayette	.95	Waushara	.94
Langlade	.91	Winnebago	.95
Lincoln	.90	Wood	.93
Manitowoc	.95		

WYOMING

All counties $0.79

(c) *Discount for ergot.* Rye containing more than 3/10 of 1 percent ergot, but not more than 1 percent ergot shall be discounted as follows:

Ergot content (percent):	Discount (cents per bushel)
0.31 to 0.40	1
0.41 to 0.50	2
0.51 to 0.60	3
0.61 to 0.70	4
0.71 to 0.80	5
0.81 to 0.90	6
0.91 to 1.00	7

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 5th day of July 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-6417; Filed, July 11, 1960; 8:48 a.m.]

[1960 C.C.C. Cottonseed Bulletin 1]

PART 443—OILSEEDS

Subpart—1960 Cottonseed Loan Program Regulations

This bulletin states the requirements with respect to loans under the 1960 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). A separate bulletin (or bulletins) will cover purchases of cottonseed under the 1960 Cottonseed Price Support Program. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

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AUTHORITY: §§ 443.1601 to 443.1622 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs, 301, 401, 63 Stat. 1053, 1054, as amended; sec. 601, 70 Stat. 212; Title II, 73 Stat. 178; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421, 1446d.

§ 443.1601 Administration.

In the field, the program will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county" committees) and the CSS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office"). Forms will be distributed through the offices of the ASC State and county committees. ASC county committees will determine or cause to be determined the quantity and grade of cottonseed, the amount of the loan, and the value of the cottonseed delivered under the loan. Loan documents will be completed in the ASC county office, and copies of such documents will be retained there. All documents will be approved by the ASC county office manager (hereinafter referred to as "county office manager") or other employee of the county office designated by him to act in his behalf. Such designation shall be on file in the ASC county office. Program availability and maturity dates will be those specified hereinafter except that whenever the final date of availability or the maturity date falls on a nonwork day for ASC county offices or the New Orleans office, the applicable final date shall be extended to include the next work day. County office managers, ASC State and county committees, and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1602 Availability of loans.

(a) *General.* Loans will be available only to eligible producers on eligible farm-stored cottonseed in accordance with the requirements of this subpart. As provided in § 443.1603, no person shall be eligible to receive nonrecourse price support in excess of $50,000 on 1960-crop cottonseed unless he has qualified for an exemption from the $50,000 limitation on nonrecourse price support contained in Public Law 86-80 through reduction of his production of cotton, and price support in excess of $50,000 to any such person on 1960-crop cottonseed will be made available only through recourse loans.

(b) *Area.* Loans will be available on cottonseed stored in approved farm storage in all cotton-producing areas, except that no loans will be made in any area where the appropriate ASC State committee determines that the damage hasard to farm-stored cottonseed would not warrant the making of loans.

(c) *Time.* Loans will be available through January 31, 1961. Notes and chattel mortgages must be signed by the producer and delivered or mailed to the ASC county office on or before that date.

(d) *Source.* Loans will be made available through the ASC county offices. Disbursements on loans will be made to producers by ASC county offices by means of sight drafts drawn on CCC in accordance with instructions issued by CSS to the ASC State and county committees. Disbursements on loans will be made not later than February 15, 1961, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cottonseed are in existence and in good condition. If the cottonseed are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

§ 443.1603 Eligible producer.

(a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing cottonseed in 1960 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) No person will be eligible to receive more than $50,000 in nonrecourse price support from CCC on 1960-crop cottonseed unless he has qualified for an exemption from the $50,000 limitation on nonrecourse price support contained in Public Law 86-80 through reduction of his production of cotton. The rules provided in the "Regulations Relating to the $50,000 Limitation of Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply" (25 F.R. 1001), as amended (hereinafter referred to as the "Regulations Relating to the $50,000 Limitation"), shall be applied for the purposes of this subpart to determine whether certain individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the $50,000 limitation in Public Law 86-80 and whether producers come within the exemption from such limitation through reduction of their production. Any person who, on the basis of a reduction of his production, desires to qualify for an exemption from the $50,000 limitation shall file an application with the ASC county committee in accordance with the Regulations Relating to the $50,000 Limitation. Persons who have not qualified for an exemption from the $50,000 limitation on nonrecourse price support may obtain price support by means of recourse loans on their 1960-crop cottonseed in excess of that which may be tendered for nonrecourse price support.

(c) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans in accordance with the provisions of § 443.1622.

§ 443.1604 Eligible cottonseed.

Eligible cottonseed shall be cottonseed that meet the following requirements:

(a) The cottonseed must have been produced in the United States in 1960 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for a loan, or by the person who delivered the cottonseed to the cooperative association tendering the cottonseed for a loan, and the beneficial interest in the cottonseed must be in such person and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for a loan must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for a loan must have the legal right to mortgage the cottonseed as security for the loan.

(c) Cottonseed must be sound and clean and must not contain more than 11 percent moisture.

(d) No warehouse receipts shall be outstanding on the cottonseed.

§ 443.1605 Approved storage.

Approved storage shall consist of storage structures located on or off the farm which, as determined by the county office manager, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock, and rodents, and reasonable protection against fire and theft.

§ 443.1606 Approved forms.

(a) The documents named in this section, together with the provisions of this subpart and any supplements or amendments thereto, govern the rights and responsibilities of the producers under this program. Loan documents executed by an administrator, executor, or trustee will be acceptable only where valid in law. Documents must have State and documentary revenue stamps affixed when required by law.

(b) Nonrecourse loans: The following documents must be delivered by the producer in support of every nonrecourse loan: Producer's Note and Supplemental Loan Agreement (Form CL-A (Nonrecourse)) and Commodity Chattel Mortgage (Form CL-AA) covering the cottonseed tendered as security for the loan, both executed and delivered within the period prescribed in § 443.1602(c), and such other forms as prescribed by CCC.

(c) Recourse loans: The following documents must be delivered by the producer in support of every recourse loan: Producer's Note and Supplemental Loan Agreement (Form CL-A (Recourse)) and Commodity Chattel Mortgage (Form CL-AA) covering the cottonseed tendered as security for the loan, both executed and delivered within the period prescribed in § 443.1602(c), and such other forms as prescribed by CCC.

§ 443.1607 Determination of quantity.

The quantity of cottonseed at the time a loan is made shall be determined by actual weight or by an estimate based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 20 cubic feet of cottonseed shall be considered the equivalent of one ton. The quantity delivered in liquidation of the loan shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of one percent of the gross weight.

§ 443.1608 Liens.

The cottonseed must be free and clear of all liens and encumbrances including any claim the ginner may have against the cottonseed for his regular ginning charge. If liens, ginner's claims, or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1609 Service charges.

The producer shall pay a service charge of 35 cents per ton on the number of tons placed under a loan, or $3.00, whichever is greater. ASC State committees are authorized to require prepayment of $3.00 of the service charges. No refund of any service charge will be made.

§ 443.1610 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amount due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 443.1611 Interest rate.

Nonrecourse loans and charges on cottonseed shall bear interest at the rate of 3½ percent per annum from the date of disbursement. Recourse price support advances and charges added thereto shall bear interest at the rate of 6 percent from the date of disbursement of the advance and added charges, except that if any amounts are repaid on or before March 1, 1961, the rate of interest on such amounts shall be at the per annum rate of 3½ percent from the date of disbursement. Notwithstanding the foregoing, where there has been a willful misrepresentation in obtaining a price support advance, such advance and related charges shall bear interest at the per annum rate of 6 percent from the date of disbursement thereof.

§ 443.1612 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to redeem cottonseed under loan.

§ 443.1613 Safeguarding of the cottonseed.

The producer who places cottonseed under a loan is obligated to maintain the storage structure in good repair and to keep the cottonseed in storage and in good condition until the loan is liquidated.

§ 443.1614 Insurance.

(a) *Nonrecourse loans.* CCC will not require the producer to insure the cottonseed placed under a nonrecourse loan. However, if the producer does insure such cottonseed and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cottonseed involved in the loss.

(b) *Recourse loans.* The producer who obtains a recourse farm-storage loan is required to insure at his expense, and at not less than the full market value, the total quantity of collateral under loan. Insurance will be required against loss or damage due to no fewer than the following causes: Fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Any indemnity paid with respect to cottonseed which is collateral for a recourse loan shall inure to the benefit of CCC to the extent of its interest, and the producer shall remain personally liable to CCC for any amount by which the recourse loan, including interest and charges exceeds such indemnity. The producer shall not be relieved of liability if the cottonseed is lost or damaged due to causes for which insurance is not provided.

§ 443.1615 Loss or damage to the cottonseed.

(a) *Nonrecourse loans.* The producer shall be responsible for any loss in quantity or quality of the cottonseed placed under nonrecourse loan, except that, subject to the provisions of § 443.1614, any physical loss or damage other than shrinkage or natural deterioration occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, and resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC to the extent of the loan plus interest, provided the producer or other person having control of the storage structure has given the county office immediate written notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the nonrecourse loan funds to the producer will be assumed by CCC. The date of the draft shall constitute the date of disbursement of the funds.

(b) *Recourse loans.* The producer is responsible for any loss in quantity or quality of the cottonseed placed under recourse loans.

§ 443.1616 Personal liability.

The making of any fraudulent representations by the producer in the loan documents (whether nonrecourse or recourse) or in obtaining the loan, or the conversion or unlawful disposition by him of any portion of the cottonseed under loan, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan (including interest as provided in § 443.1611) and for any resulting expense incurred by CCC.

§ 443.1617 Maturity and liquidation of loans.

(a) *Nonrecourse loans.* (1) Nonrecourse loans mature on March 1, 1961, or upon such earlier date as CCC may make written demand for payment. If the producer does not repay his nonrecourse loan on or before maturity, he shall deliver the mortgaged cottonseed in accordance with instructions issued on behalf of the ASC county committee. The producer may, however, pay off his loan and redeem his cottonseed at any time prior to the delivery of the cottonseed to CCC or removal of the cottonseed by CCC. In the event the farm is sold, there is a change of tenancy, or the producer dies, the cottonseed securing a nonrecourse loan may be delivered before the maturity date of the loan, after obtaining delivery instruction issued on behalf of the ASC county committee, and the cottonseed may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President, CCC.

(2) If the producer is directed to deliver cottonseed securing a nonrecourse loan to a point other than the normal delivery point, the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the cottonseed any distance greater than the distance from the point where the cottonseed are stored by the producer to the normal delivery point.

(b) *Recourse loans.* Recourse loans mature on January 31, 1962. The producer is required to repay his recourse loan, plus interest and charges, on or before such maturity date.

§ 443.1618 Settlement on deliveries under nonrecourse loans.

(a) *General.* The total settlement value of cottonseed delivered under 1960-crop nonrecourse loans by any person who has not qualified for unlimited price support on 1960-crop cottonseed, when added to the amount of nonrecourse loans on 1960-crop cottonseed extended to such person which have been satisfied other than by deliveries and the amounts received by such person from sales of cottonseed to CCC under CCC's 1960 Cottonseed Purchase Program, shall not exceed $50,000. (The rules provided in the Regulations Relating to the $50,000 Limitation shall be applied to determine whether certain individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the $50,000 limitation.) In the absence of fraud, if a person who has not qualified for unlimited price support delivers a quantity of cottonseed which, if received by CCC as a delivery under nonrecourse price support on cottonseed, would cause the amount of nonrecourse price support extended to such person on 1960-crop cottonseed to exceed $50,000, CCC shall effect settlement for the excess cottonseed in accordance with subparagraphs (1), (2), and (3) of this paragraph (basis point of delivery of the cottonseed to CCC), except that CCC shall not accept the delivery of any excess cottonseed where it is practicable to determine, at the time of delivery, the quantity of cottonseed which would cause the total amount of nonrecourse price support extended to such person on 1960-crop cottonseed to exceed $50,000:

(1) Make available to the borrower a quantity of cottonseed having a settlement value equal to the excess above $50,000.

(2) Sell the excess cottonseed at the market price for the borrower's account and settle with him on the basis of the net proceeds.

(3) When it is not practicable to effect full settlement as provided in subparagraphs (1) and (2) of this paragraph, CCC may accept the quantity of excess cottonseed for which settlement has not been so effected at the market value on the date of delivery, as determined by CCC, or the price support value, whichever is lower.

The borrower shall refund to CCC promptly upon demand, any amounts received from CCC on such excess cottonseed in excess of what is due the borrower under subparagraph (1), (2), or (3) of this paragraph. All costs incurred by CCC in connection with such excess cottonseed shall be paid by the borrower.

(b) *Method of settlement.* If cottonseed securing a nonrecourse loan are delivered to CCC, a complete grade determination will be made by a cottonseed chemist licensed by the U.S. Department of Agriculture, and credit will be given for the settlement value of the cottonseed computed at the applicable settlement rate (see § 443.1621) according to the grade and/or quality so determined for the total quantity delivered. If the settlement value of the cottonseed exceeds the amount due on the loan (excluding interest) by more than $3.00, such excess will be paid to the borrower, except that if the quantity of cottonseed delivered would, if received by CCC as a delivery under nonrecourse price support, cause the amount of nonrecourse price support extended to the borrower on 1960-crop cottonseed to exceed $50,000, and if the borrower has not qualified for unlimited price support, CCC shall effect settlement as provided in paragraph (a) of this section. To avoid administrative costs of making small payments, amounts found due the borrower of $3.00 or less will be paid only upon his request. Payments will be made by sight drafts drawn on CCC by the ASC county office. If the settlement value of the cottonseed is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest thereon, shall be paid to CCC by the borrower, except as provided in § 443.1615, and may be set off against any payment which would otherwise be due to him under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the borrower from CCC or any other agency of the United States: *Provided*, That, to avoid administrative costs of handling small accounts, a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC.

§ 443.1619 Foreclosure.

(a) *Nonrecourse loans.* If a producer does not satisfy his loan upon maturity, the holder of the note is authorized to remove the cottonseed securing the loan from storage, and the holder is also authorized to sell the cottonseed in accordance with the provisions of the chattel mortgage (Form CL-AA). If CCC is the holder of the note, then at CCC's election title to the cottonseed shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cottonseed may have in excess of the amount of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party: (1) Any amount by which the settlement value of the cottonseed may exceed the principal amount of the loan or (2) the amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral. If the cottonseed removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the cottonseed as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the cottonseed removed by CCC, plus interest. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

(b) *Recourse loans.* If the cottonseed are not redeemed upon maturity of the recourse loans, or if at any time CCC determines that the cottonseed can no longer be stored because of the danger of deterioration or other reasons, the holder of the note is authorized to remove the cottonseed from storage, and the holder is also authorized to sell the cottonseed securing the note. Upon sale of the cottonseed, the net proceeds will be credited to the producer's recourse indebtedness. Any sum due the producer from the sale of the cottonseed or from an insurance indemnity paid on the cottonseed, after deducting the amount of the loan indebtedness shall be payable only to the producer without right of assignment by him. If the cottonseed are sold at less than the loan indebtedness, the producer shall pay CCC the difference between the loan indebtedness and the sales proceeds of the cottonseed. Such payment shall be made promptly upon demand, unless the cottonseed were sold prior to the maturity date in which event such payment shall be made on the maturity date.

§ 443.1620 Release of the cottonseed under loan.

A producer may at any time obtain the release of cottonseed remaining under loan by paying to CCC the principal amount thereof, plus accrued interest, and any charges that may be due. After payment of the note has been effected, the county office manager shall, in the case of farm-storage loans, execute such release or otherwise make such arrangements as the law may require for the release of chattel mortgage. Partial release of the cottonseed securing nonrecourse loans prior to maturity of the loans may be arranged with the ASC county committee by paying to CCC the amount of the loan, plus charges and accrued interest, represented by the quantity of the cottonseed to be released: *Provided, however*, That no partial release of cottonseed shall include less than the total quantity of cottonseed stored in any single commingled mass unless the appropriate ASC county committee determines that release of a portion of such commingled mass may be made.

§ 443.1621 Loan and settlement rates.

(a) *Nonrecourse loans*—(1) *Loan rate.* Nonrecourse loans on cottonseed shall be made at the rate of $38.00 per ton of eligible cottonseed as defined in § 443.1604.

(2) *Basic settlement rate.* The basic settlement rate for basis grade (100) cottonseed shall be $38.00 per net ton, f.o.b. railroad cars or trucks at delivery points designated by CCC. The settlement rate for cottonseed grading above or below basis grade (100) shall be $38.00 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100. In the case of "off-quality" or "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed pursuant to the provisions of the chattel mortgage at the current market price, and the settlement rate shall be the market price per ton determined on the basis of such sale.

(b) *Recourse loan rate.* Recourse loans on cottonseed shall be made at the rate of $38.00 per ton of eligible cottonseed as defined in § 443.1604.

§ 443.1622 Cooperative marketing associations.

(a) Cooperative marketing associations shall be eligible for loans on 1960-crop cottonseed: *Provided*, That (1) the association shall not tender for a loan cottonseed of any producer-member if the loan on such cottonseed, together with the nonrecourse price support previously received by such producer, would cause the total nonrecourse price support received by such producer to exceed $50,000; (2) the cottonseed placed under loan are delivered to the association by eligible producers who are members of the association; (3) the association has been granted by such producer-members the legal right to mortgage the cottonseed as security for a loan; (4) the association keeps any cottonseed covered by a chattel mortgage segregated from all

cottonseed not covered by the mortgage; (5) the association keeps cottonseed securing nonrecourse loans segregated from cottonseed securing recourse loans; and (6) the association undertakes to pay CCC any amounts due it under the provisions of this program at the time of settlement.

(b) Cooperative associations desiring loans may obtain documents from the ASC county office for the county in which the association is located. The loan and settlement rates to cooperative associations will be the same as those to individual producers, and loans with respect to such associations will otherwise be on substantially the same basis as loans with respect to individual producers.

Issued this 5th day of July, 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-6416; Filed, July 11, 1960; 8:48 a.m.]

PART 464—TOBACCO

Subpart—Tobacco Loan Program

FLUE-CURED TOBACCO; 1960 CROP

Set forth below is schedule of advance rates, by grades, for the 1960 crop of types 11–14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published 25 F.R. 6323.

§ 464.1221 1960 Crop—Flue-Cured Tobacco, Types 11–14. Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
A1F	82.12	B6F	68.12	B3D	48.12
A2F	76.12	B6FV	66.12	B4D	34.12
A1R	74.12	B5FV	62.12	B5D	20.12
A2R	72.12	B4FV	57.12	B6D	24.12
B1L	73.12	B3FV	52.12	B3KL	52.12
B2L	71.12	B1FR	67.12	B4KL	45.12
B3L	67.12	B2FR	66.12	B5KL	40.12
B4L	62.12	B3FR	62.12	B6KL	31.12
B5L	52.12	B4FR	57.12	B3KF	52.12
B6L	41.12	B5FR	52.12	B4KF	45.12
B1LV	66.12	B6FR	45.12	B5KF	40.12
B2LV	62.12	B1R	60.12	B6KF	31.12
B3LV	57.12	B2R	56.12	B4KV	43.12
B4LV	52.12	B3R	52.12	B5KV	38.12
B1LL	56.12	B4R	44.12	B6KV	29.12
B2LL	54.12	B5R	37.12	B3KR	53.12
B3LL	49.12	B6R	30.12	B4KR	53.12
B1F	72.12	B3RV	56.12	B5KR	47.12
B2F	68.12	B4RV	43.12	B3M	48.12
B3F	67.12	B5RV	36.12	B4M	44.12
B4F	62.12	B6RV	30.12		

[1] The advance rates listed above are applicable only to tied flue-cured tobacco identified on a "Within Quota" (white or green) marketing card; rates for untied flue-cured tobacco similarly identified are five dollars ($5.00) per hundred pounds less for each grade than for tied tobacco; and rates for tobacco identified on a "Limited Support—Within Quota" (blue) marketing card are 80 percent of the applicable rates for tobacco identified on a "Within Quota" (white or green) marketing card, plus six cents ($0.06) per hundred pounds. The Cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (unsafe order), "U" (unsound), N2 or No-G will not be accepted.

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
B5M	38.12	H6R	55.12	X1F	72.12
B6M	30.12	H6R	48.12	X2F	71.12
B3RS	33.12	H4K	58.12	X3F	69.12
B4RS	27.12	H5K	52.12	X4F	65.12
B5GS	31.12	H6K	45.12	X5F	56.12
B6GS	25.12	C1L	76.12	X3FV	60.12
B3GL	53.12	C2L	74.12	X4FV	53.12
B4GL	53.12	C3L	73.12	X5FV	43.12
B5GL	46.12	C4L	72.12	X4KL	48.12
B6GL	43.12	C5L	70.12	X4KF	50.12
B3GF	57.12	C4LV	65.12	X5KF	40.12
B4GF	50.12	C5LV	60.12	X4KV	39.12
B5GF	45.12	C4LL	60.12	X5KV	27.12
B6GF	38.12	C5LL	58.12	X4KR	51.12
B4GR	42.12	C1F	76.12	X3M	51.12
B5GR	36.12	C2F	74.12	X4M	45.12
B6GR	28.12	C3F	73.12	X5M	38.12
B4GK	40.12	C4F	72.12	X3G	50.12
B5GK	35.12	C5F	70.12	X4G	44.12
B4GK	29.12	C4FV	65.12	X5G	30.12
B4GG	38.12	C5FV	60.12	P2L	63.12
B5GG	24.12	C4KL	57.12	P3L	60.12
B6GG	20.12	C5KL	52.12	P4L	50.12
H1L	74.12	C4KF	57.12	P5L	35.12
H2L	73.12	C5KF	52.12	P2F	63.12
H3L	72.12	C5KR	54.12	P3F	59.12
H4L	70.12	C5M	54.12	P4F	46.12
H5L	65.12	X1L	72.12	P5F	30.12
H6L	59.12	X2L	71.12	P3G	45.12
H1F	74.12	X3L	69.12	P4G	32.12
H2F	73.12	X4L	65.12	P5G	22.12
H3F	72.12	X5L	56.12	N1L	21.12
H4F	70.12	X3LV	60.12	N1F	28.12
H5F	65.12	X4LV	54.12	N1R	28.12
H6F	59.12	X5LV	45.12	N1GL	20.12
H3R	66.12	X3LL	55.12	N1GF	25.12
H4R	61.12	X4LL	50.12	N1GR	20.12

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 408, 63 Stat. 1051, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423; sec. 125, 76 Stat. 198, 7 U.S.C. 1813; Public Law 86-80, 73 Stat. 178)

Issued this 5th day of July 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-6419; Filed, July 11, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Division inspector in charge to furnish inspection, quarantine or certification service during such overtime period, and shall pay the Government therefor at the rate of $5.80 per man-hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge, in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such overtime or holiday duty with due regard to the work program and availability of employees for such duty.

(64 Stat. 561; 5 U.S.C. 576)

The foregoing amendment shall become effective July 10, 1960.

The purpose of this amendment is to increase the hourly rate for overtime services from $5.40 to $5.80 commensurate with salary increases provided in the Federal Employees Salary Increase Act of 1960 (Public Law 86-568).

The purpose of this amended section is to prescribe conditions under which a minimum charge may be made for unscheduled overtime duty, and to provide for a commuted travel time period for any such overtime duty involving additional and otherwise uncompensated travel. Determination of these conditions and travel time period depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than thirty days after publication.

Done at Washington, D.C., this 7th day of July 1960.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-6437; Filed, July 8, 1960; 1:00 p.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Basis and purpose. The regulations contained in §§ 711.1 to 711.28 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) and govern the review of farm marketing quotas of commodities under section 363 of the act.

The purpose of this revision is to revise the Marketing Quota Review Regulations approved November 27, 1956, and published in the FEDERAL REGISTER on November 30, 1956 (21 F.R. 9365, 9716, 24 F.R. 10868), as amended. The principal changes are as follows:

(1) County committee members will be eligible as members of a review committee, (2) appointment of a panel of six or more farmers as review committee members instead of appointment of three regular and three alternate members, (3) revision of procedure where only two review committee members are present to complete a hearing, (4) revision of hearing procedure upon issuance of an order of dismissal and (5) clarification of procedure for reopening hearings. In addition, editorial changes have been made.

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice was published in the FEDERAL REGISTER on May 27, 1960 (25 F.R. 4686), that the Secretary of Agriculture had under consideration the revision of the Marketing Quota Review Regulations and the data and recommendations received in response to such notice have been duly considered.

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711.28 Special provisions applicable to Puerto Rico.

AUTHORITY: §§ 711.1 to 711.28 issued under sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375. Interpret or apply secs. 363–368, 52 Stat. 63, 64, as amended; 7 U.S.C. 1363–1368.

GENERAL

§ 711.1 Effective date.

The Marketing Quota Review Regulations approved November 27, 1956, and published in the FEDERAL REGISTER on November 30, 1956 (21 F.R. 9365, 9716, 24 F.R. 10868), as amended, shall remain in effect and shall apply to all actions and proceedings taken prior to August 15, 1960, and such regulations are superseded as of midnight, August 14, 1960. The provisions of §§ 711.1 to 711.28 are effective August 15, 1960.

§ 711.2 Definitions.

As used in §§ 711.1 to 711.28 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) The terms "Secretary," "Deputy Administrator," "State committee," "county committee," "community committee," "State administrative officer," and "county office manager" as defined in Part 718 of this chapter (24 F.R. 4223), as amended, shall apply to the regulations in §§ 711.1 to 711.28.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(c) "Director" means the Director, or Acting Director, of the applicable Division, Commodity Stabilization Service, United States Department of Agriculture. The applicable Division shall be the Cotton Division in the case of upland and extra long staple cotton, the Grain Division in the case of rice and wheat, the Oils and Peanut Division in the case of peanuts, and the Tobacco Division in the case of tobacco.

(d) "Quota" means a farm marketing quota established under the act and includes one or more of the following factors: farm acreage allotment, normal yield for the farm, actual production for the farm, farm marketing excess, acreage of the commodity on the farm, and determination by the county committee of the land constituting the farm.

(e) "Application" means an application for review of a quota under section 363 of the act.

(f) "Review committee" means three farmers appointed by the Secretary as members of a panel to review quotas under section 363 of the act.

(g) "Clerk" means a person designated by the State administrative officer to serve as clerk to the review committee and such person shall be the county office manager for the county in which the application was filed or an employee of the State office or other employee of the county office.

(h) "County" means a county or parish of a State or any other equivalent subdivision of a State, as for example but not limited to independent cities and the northern and southern areas of Puerto Rico.

(i) "Expiration of time limitation" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 711.1 to 711.28.

§ 711.3 Issuance of forms and instructions.

The Deputy Administrator shall issue such forms and instructions with respect to internal management as are necessary for carrying out §§ 711.1 to 711.28. The following general forms, as revised from time to time, are prescribed for use in connection with review hearings:

(a) MQ–53 Application for Review.
(b) MQ–54 Notice of Untimely Filing.
(c) MQ–55 Notice of Insufficiency.
(d) MQ–56 Notice of Hearing.
(e) MQ–57 Order of Dismissal.
(f) MQ–58 Determination of Review Committee.
(g) MQ–59 Oath of Review Committeemen.

§ 711.4 Availability of records.

The clerk shall carefully keep a record of all applications and of all proceedings relating to the review of such applications. Such records shall be available for public inspection at the office of the clerk.

REVIEW COMMITTEE

§ 711.5 Eligibility as member of a panel.

Any farmer who meets the eligibility requirements for county committeeman prescribed in the regulations in Part 7 of Subtitle A of this Title (21 F.R. 8385; 7 CFR 7.1 to 7.42), as amended, in a county within the area of venue for which he is to be appointed shall be eligible for appointment as a member of a review committee panel for such area of venue. If the area of venue consists of only one county or a part of a county, these eligibility requirements must be met in such county or in a nearby county. No farmer whose legal residence is in one State shall be eligible for appointment as a member of a review committee panel for an area of venue in another State.

§ 711.6 Appointment of members of a panel.

The Secretary shall appoint six or more eligible farmers to serve as members of a review committee panel in each area of venue. Notice of appointment shall be sent to the State committee, which shall notify the farmers so appointed and the clerk. Appointments may be made before, during, or after the period in which applications for review of quotas are required to be filed. Notwithstanding the foregoing, the Secretary shall have the continuing power to revoke or suspend any appointment made pursuant to the regulations in this part, and subject to the provisions of the act, to make such other appointment deemed proper. The members of review committees appointed for 1960 prior to the effective date of §§ 711.1 to 711.28 shall be deemed to be a panel of members under this paragraph on such effective date: *Provided, however,* That the members

appointed as chairman and vice-chairman for 1960 shall continue in such offices for the balance of their terms of office for 1960.

§ 711.7 Oath of office.

Each farmer appointed to serve as a member of a review committee shall, as soon as possible after appointment, execute an oath of office on such form as may be prescribed by the Deputy Administrator, duly subscribed and sworn to or affirmed before a notary public. No farmer shall serve on a review committee unless such oath of office has been duly executed and filed with the State administrative officer or the clerk. A farmer appointed for consecutive terms to serve as a member of a review committee shall not be required to file a new oath of office after the original filing. If the form of oath of office prescribed by the Deputy Administrator is materially changed, a new oath of office shall be executed if required by the Deputy Administrator.

§ 711.8 Composition of review committee.

(a) *Three designated members from the panel constitute a review committee.* Three members from the panel shall act as a review committee to hear applications for review for the prescribed area of venue. The State administrative officer shall designate from the panel of members for the prescribed area of venue three members who shall act as a review committee to hear specific applications and shall designate one of these three members as chairman of the review committee and another member as vice-chairman. Where the number of applications pending require two or more review committees for prompt disposition of such applications, the State administrative officer shall designate the members of each review committee, the chairman and vice-chairman thereof, and the specific applications to be heard by each review committee. Two or more review committees may hear applications concurrently in an area of venue. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman. The State administrative officer shall notify members of each review committee of the schedule of hearings. No member shall serve in any case in which a quota will be reviewed for a farm in which such member, any of his relatives or business associates is interested, nor shall any member serve where he had acted as State, county, or community committee member on a quota to be reviewed by the review committee.

(b) *Only two members present to commence hearing.* Where only two members of a review committee are present to commence a hearing, although three members were scheduled to hear the application, at the request of or with the consent of the applicant in writing, a hearing conducted by two members of the review committee shall be deemed to be a regular hearing of the review committee as to such application. The determination made by such members shall constitute the determination of the review committee. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State administrative officer. If the applicant does not consent in writing to a hearing conducted by two members of the review committee, the hearing shall be rescheduled.

(c) *Only two members remain to complete a hearing.* Where only two members of a review committee remain to complete a hearing commenced with three members, due to serious illness, death, or other cause which prevents one of the members from completing the hearing within a reasonable time, at the request or with the consent of the applicant in writing, the remaining two members of the review committee shall henceforth constitute an entire review committee for the purpose of such hearing. In the event such members cannot agree upon a determination, such fact shall be set forth in writing and a new hearing scheduled by the State administrative officer. If the applicant does not consent in writing to completion of the hearing by two members of the review committee, the hearing shall be rescheduled.

(d) *Reopened or remanded hearings.* In the case of a reopened or remanded hearing, if any member of the review committee is no longer in office because of death, resignation, or ineligibility, the State administrative officer shall designate another member of the review committee panel to serve on the review committee. If a hearing held pursuant to § 711.8 (b) or (c) is reopened or remanded and only one review committee member is available to hear such reopened or remanded hearing, the State administrative officer shall designate two additional members from the review committee panel to serve on the review committee.

§ 711.9 Term of office.

Appointment as a member of a review committee panel shall be for a term of one calendar year. A member may be reappointed for succeeding terms. Notwithstanding the foregoing, a review committee shall continue in office to conclude hearings before it which are begun during such year and make final determinations thereof, or to hold a reopened hearing, or to conclude a hearing remanded to it by a court.

§ 711.10 Compensation.

The members designated as review committeemen shall receive compensation when serving at the same rate as that received by the members of the county committee which established the quotas sought to be reviewed. No member of a review committee shall be entitled to receive compensation for services as such member for more than thirty days in any one year. Payment of compensation, reimbursement for travel expenses and rates therefor, shall be made under such conditions as may be prescribed by the Deputy Administrator.

§ 711.11 Effect of change in composition of review committee.

Nothing contained in §§ 711.5 to 711.10 relating to any vacancy or revocation or suspension of appointment and nothing done pursuant thereto shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with the regulations in this part, in which the member of the review committee whose office has become vacant participated, or as affecting in any way court proceeding which may be instituted to review such determination.

JURISDICTION

§ 711.12 Area of venue and jurisdiction.

An area of venue for a review committee shall be established by the State committee taking into consideration the requirement of section 363 of the act that review committee members must be from the county in which the quota was established or from nearby counties, the prompt handling of applications for review, transportation problems and the limit of 30-day service by review committeemen in any one year. An area of venue may consist of all or part of a county, or more than one county within a State. A review committee shall have jurisdiction to hear timely filed applications respecting quotas established or denied by official written notice for farms within its area of venue. In all cases, the review committee shall consider only such matters as, under applicable provisions of the act and regulations of the Secretary, are required or permitted to be considered by the county committee in the establishment of the quota sought to be reviewed.

APPLICATION FOR REVIEW OF QUOTA

§ 711.13 Manner and time of filing.

Any farmer who is dissatisfied with his quota may, within fifteen days after the date of mailing to him of notice of such quota on Form MQ–24, "Notice of Farm Acreage Allotment and Marketing Quota," or Form MQ–93, or other official notice of farm marketing excess, file a written application for review thereof by the review committee. Such review may include any of the factors applicable to the quota as defined in § 711.2(d): *Provided, however,* That any determination of the county committee, such as the farm acreage allotment, which has previously been reviewed by a review committee and has become final, shall not be reconsidered in a subsequent review proceeding. Unless application for review is made within such period, the original determination of the quota shall be final. An application shall be in writing and addressed to, and filed with, the county office manager for the county from which the notice of quota was received. Any application (Form MQ–53 available on request) whether made on Form MQ–53 or not, shall contain the following:

(1) Date of application and commodity (including type where applicable, e.g. upland cotton, flue-cured tobacco).

(2) Correct full name and address of applicant.

(3) Brief statement of each ground upon which the application is based.

(4) A statement of the amount of quota which it is claimed should have been established.

(5) Signature of applicant.

§ 711.14 Examination by county committee.

As soon as practicable, the county committee and county office manager shall examine the applications and the following action shall be taken:

(a) If the application is not filed within the prescribed 15-day period the county office manager shall send a notice of untimely filing on Form MQ–54 by certified mail to the applicant at the address shown on the application;

(b) If the increase, adjustment or other determination requested in the application is found to be proper in whole or in part, the county committee shall notify the applicant thereof and, upon withdrawal of the application by the applicant, shall revise the quota within the limits of the act and the regulations for the commodity and mail a notice of revised quota to the applicant. Where any such adjustment is approved as provided in the applicable regulations for the commodity, a charge of the amount so approved, but not to exceed the amount approved by the review committee if the application is not withdrawn, shall be made against applicable available reserve acreages;

(c) If the application does not contain substantially the information required under § 711.13, the county office manager shall send a notice of insufficiency on Form MQ–55 by certified mail to the applicant at the address shown on the application. The applicant may file an amended application within 15 days from the date of mailing the notice of insufficiency;

(d) All applications which are not withdrawn by the applicant and which are not disposed of under paragraphs (a) to (c) of this section shall be listed and a report thereof sent to the State administrative officer with a request that hearings be scheduled. The county committee, in each case scheduled for a hearing on the merits, shall prepare a written answer to the application setting forth all of the pertinent facts relating to the case, pointing out the provisions of applicable regulations under which the quota being reviewed was established, explaining the data used, how the quota was established, pointing out why the quota should not be revised, if such be the case, and any other matters deemed pertinent. The answer shall set forth the foregoing so as to include all the issues of fact which are known to be in dispute. In each case scheduled for a hearing under § 711.19(b), the county committee shall prepare an appropriate written answer.

§ 711.15 Withdrawal of applications.

An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed by the clerk "Dismissed at the request of the applicant."

§ 711.16 Amendments.

Upon due request, and within the discretion of the review committee, the right to amend the application and all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the review committee may deem right and proper.

HEARING AND DETERMINATION

§ 711.17 Place and schedule of hearing.

The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the State administrative officer, or by the review committee in cases arising under § 711.20: *Provided, however,* That the place of hearing may be in some other county if agreed to in writing by the applicant. The State administrative officer shall schedule applications for hearings and forward such schedule to the clerk.

§ 711.18 Notice of hearing.

The clerk shall give written notice on Form MQ–56 to the applicant by depositing such notice in the United States mail, certified and addressed to the last known address of the applicant at least ten days prior to the time appointed for the hearing and copies of such notice shall also be sent to the county committee and the State office. If the applicant requests waiver of such ten day period, the hearing may be scheduled earlier upon consent of the other interested parties. The notice of the hearing shall specify the time and place of the hearing, contain a statement of the statutory authority for the hearing, state that the application will be heard by the review committee duly appointed for the area of venue in which the applicant's farm is located, and that a verbatim transcript may be obtained by the applicant if he makes arrangement therefor before the hearing and pays the expense thereof.

§ 711.19 Order of dismissal.

(a) *Review committee examination of notices of insufficiency and untimely filing.* The review committee shall examine each application where a notice of insufficiency or untimely filing was sent. If it concurs in the action taken by the county office manager, an order of dismissal on Form MQ–57 shall be issued, as provided in § 711.24. If it does not concur, the State administrative officer shall be advised and shall schedule a hearing.

(b) *Hearing on issues of timely filing, sufficiency of application, or failure to appear at a scheduled hearing.* The applicant may file a written request for a hearing on issues of timely filing, sufficiency of the application, or failure to appear at a scheduled hearing, with the clerk within 15 days after the date of mailing of the order of dismissal giving the reasons why he believes a hearing should be held and the State administrative officer shall schedule a hearing as to such issues. Such hearing shall also include a determination on the merits of any application found to be timely filed and sufficient, and, where applicable, the applicant shows that with the exercise of due diligence he was unable to appear at his scheduled hearing.

§ 711.20 Continuances.

Hearings shall be held at the time and place set forth in the notice of hearing or in any subsequent notice amending or superseding the prior notice, but may, without notice other than an announcement at the hearing by the chairman of the review committee, be continued from day to day or adjourned to a different place in the county or to a later date or to a date and place to be fixed in a subsequent notice to be issued pursuant to § 711.18. In the event a full committee of three is not present, those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing unless the hearing is held pursuant to § 711.8 (b) or (c). There shall not be a continuance for lack of a full committee in the case of a reopened or remanded hearing where the hearing was initially held pursuant to § 711.8 (b) or (c) and the two review committeemen who previously held the hearing are present and eligible to serve.

§ 711.21 Conduct of hearing.

(a) *Open to public.* Except as otherwise provided in §§ 711.1 to 711.28, each hearing shall take place before the entire review committee and shall be presided over by the chairman of such committee. The hearing shall be open to the public and shall be conducted in a fair and impartial manner and in such a way as to afford the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture, and all persons appearing on behalf of such parties, reasonable opportunity to give and produce evidence relevant to the quota being reviewed.

(b) *Consolidation of hearings.* Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated by the review committee on its own motion or at the request of the State administrative officer and heard at the same time on the same record.

(c) *Representation.* The applicant and the Secretary may be represented at the hearing. The county committee shall be present or represented at the hearing.

(d) *Order of procedure.* At the commencement of the hearing, the chairman of the review committee shall read or cause to be read the pertinent portions of the application for review. The written answer of the county committee shall be submitted and shall be made a part of the record of the hearing. If the applicant asserts and shows to the satisfaction of the review committee that he has not been informed of the county committee's position in time to afford him adequate opportunity to prepare and present his case, the review committee shall continue the hearing, without notice other than announcement thereof at the hearing, for such period of time as will afford the applicant reasonable opportunity to meet the issues of fact and law involved. After answer by the county committee and following such continuance, if any, as may be granted by the review committee, evidence shall be received with respect to the matters relevant to the quota under review in such order as the chairman of the review committee shall prescribe. The review committee may take official notice of relevant publications of the Department

of Agriculture and regulations of the Secretary.

(a) *Submission of evidence.* The burden of proof shall be upon the applicant as to all issues of fact raised by him. Each witness shall testify under oath or affirmation. The review committee shall confine the evidence to pertinent matters and shall exclude irrelevant, immaterial, or unduly repetitious evidence. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing shall be concluded within such reasonable time as may be determined by the review committee.

(f) *Transcript of testimony.* The review committee shall provide for the taking of such notes including but not limited to stenographic reports or recordings at the hearing as will enable it to make a summary of the proceedings and the testimony received at the hearing. The testimony received at the hearing shall be reported verbatim and a transcript thereof made if (1) the applicant requests such transcript prior to the time the hearing begins and provides for its preparation and for the payment of the expense thereof, or (2) the State committee representative requests that such transcript be made and provides therefor. Immediately upon the completion of any such verbatim transcript, three legible copies thereof shall be furnished to the review committee and one copy shall be furnished to the State office without charge. The clerk shall certify that the summary of the testimony or the verbatim transcript is accurate to the best of his knowledge and belief.

(g) *Written arguments and proposed findings.* The review committee shall permit the applicant, the members of the appropriate county and community committees, and appropriate officers and agents of the Department of Agriculture to file written arguments and proposed findings of fact and conclusions, based on the evidence adduced at the hearing, for the consideration of the review committee within such reasonable time after the conclusion of the hearing as may be prescribed by the review committee. Such written arguments and proposed findings shall be filed in triplicate with the clerk and an additional copy thereof shall be provided to the other party.

§ 711.22 Nonappearance of applicant.

(a) If, at the time of the hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of the absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant and no continuance has been requested by the applicant, the review committee shall thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application.

(b) If, at a hearing which is reopened pursuant to § 711.25 or remanded by a court, the applicant is absent and no appearance is made on his behalf, the review committee shall continue the hearing for a reasonable period of time and if the applicant does not appear at such continued hearing, the review committee shall make a determination on Form MQ–58.

§ 711.23 Determination by review committee.

As soon as practicable after hearing on an application, including a hearing on an order of dismissal, the review committee shall make a determination upon the application. If it is determined by the review committee that the application should be denied, the review committee shall so indicate. If it is determined that the application should be granted in whole or in part, the review committee shall establish the quota which it finds to be proper. Each determination made by the review committee shall be in writing, shall contain specific findings of fact and conclusions, together with the reasons or basis therefor, and shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing. The concurrence of two members of the review committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the review committee as will indicate his concurrence therein or his dissent therefrom. In case of an increase in the quota, the review committee shall specifically state in the determination in what respect, if any, the county committee has failed properly to apply the act and regulations of the Secretary thereunder. If such increase is based upon evidence not available to the county committee, the findings of the review committee shall so indicate. The appropriate county office manager shall make available to the review committee such clerical and stenographic assistance as may be required.

§ 711.24 Service of determination.

A copy of the determination or of any order dismissing the application, certified by the clerk as a true and correct copy of the signed original, shall be served upon the applicant by sending the same by certified mail addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof substantially the following statement: "To all persons who, as operator, landlord, tenant, or sharecropper, are or will be interested in the above-named commodity on the above-identified farm in the year for which the marketing quota being reviewed is established" and such statement shall constitute notice to all such persons. The clerk shall make a notation on the original determination or order of the date and place of such mailing. The clerk forthwith shall forward two copies of such determination or order to the State office, and one copy to the county committee. The determination of the review committee does not become final until the maximum period for reopening of hearing under § 711.25 has expired without any reopening; or if reopened thereunder, such determination becomes final upon issuance of a new determination pursuant to the reopened hearing, subject to further appeal to a court by the applicant.

§ 711.25 Reopening of hearing.

(a) *Upon motion of review committee.* Upon its own motion within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58 the review committee may reopen a hearing for the purpose of taking additional evidence or of adding any relevant matter or document.

(b) *Upon written request based on new evidence.* Upon written request by the applicant, the county committee, or other interested parties, to the review committee within fifteen days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58, the review committee shall reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document if such evidence or documents constitute new evidence not available to the parties at the time of the hearing.

(c) *Upon written notice by the Secretary.* Upon written notice by the Secretary or on his behalf by the Deputy Administrator to the review committee within forty-five days from the date of mailing to the applicant of a copy of the determination of the review committee on Form MQ–58, the hearing shall be deemed reopened and the State administrative officer shall schedule the reopened hearing.

(d) *Schedule of reopened hearing.* Schedule of and notice of any reopened hearing shall follow the requirements of §§ 711.17 and 711.18 insofar as practicable. Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, no hearing shall be reopened after an appeal to a court pursuant to section 365 of the act has been timely filed by the applicant. No special hearing to contest a reopening of a hearing shall be scheduled; however, the applicant may present evidence and arguments to contest the reopening when the reopened hearing is held.

§ 711.26 Record of hearing.

The record of the proceedings shall be prepared by the clerk and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notices of quota and hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regulations, regulations in this part, and apportionments, national, State, or county, issued by the Secretary in respect to the quota in question, as may be presented at the hearing by or on behalf of the Secretary.

(c) The answer of the county committee to the allegations contained in the application.

(d) The summary of the proceedings and the testimony prepared by the review committee if a verbatim transcript is not made, or a transcript of the testimony where a verbatim transcript is made, in accordance with § 711.21(f), to which shall be annexed any documentary evidence received at the hearing.

(e) Any written arguments or proposed findings of fact and conclusions filed in connection with the hearing.

(f) The written determination of the review committee.

(g) A list of all papers included in the record and a certificate by the clerk stating that such record is true, correct, and complete.

Any interested person desiring a copy of the record or any part thereof shall be entitled to same upon application to the clerk and upon payment of the actual cost of supplying such copy.

COURT PROCEEDINGS

§ 711.27 Procedure in the case of court proceedings.

Upon the institution of any suit against the review committee for the purpose of reviewing its determination upon any application for review, the review committee is required by section 365 of the act to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the review committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the review committee's determination is mailed to him. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. The bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the review committee. Any member of the review committee served with papers in such suit shall immediately forward such papers to the clerk. No member of the review committee shall appear or permit any appearance in his behalf or in behalf of the review committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary.

PUERTO RICO

§ 711.28 Special provisions applicable to Puerto Rico.

Notwithstanding the provisions of §§ 711.1 to 711.27, the Caribbean Area Agricultural Stabilization and Conservation Committee (hereinafter referred to as the "ASC Committee") shall perform, insofar as applicable, the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees except as provided herein. The Director, Caribbean Area ASC office, shall recommend members of the review committee panel, the areas of venue, and perform the functions of the State administrative officer. Any farmer who is eligible to vote in a referendum for which a quota has been proclaimed shall be eligible for appointment as a member of a review committee panel. The clerk shall be the ASC district supervisor of the district in which the review committee will hold its hearings. Where it is impractical or impossible to use the United States mail to serve the applicant with notice of hearing or determination or order, use shall be made of such other method of service as is available. However, when such other method is used, the ASC Committee shall make provision for keeping an accurate record of the date and method of delivery to the applicant.

Done at Washington, D.C., this 6th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator.

[F.R. Doc. 60-6435; Filed, July 11, 1960; 8:50 a.m.]

[Amdt. 8]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

1961 FARM BASE ACREAGE AND ALLOTMENT DETERMINATIONS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended. The first amendment is primarily for clarification to state that in the determination of base acreages and acreage allotments the special provisions in the regulations for computing base acreages and allotments for a small number of farms involving exceptional situations have been determined to reflect adequately the statutory factors for determining allotments. The second amendment is for the purpose of providing for the determination of a computed farm base acreage for 1961 for an old farm having a crop-rotation system under which the acreage devoted to the production of wheat for harvest as grain has varied in a set pattern from year to year over a three- or four-year period.

County committees are preparing to compile data and determine 1961 base acreages preparatory to the establishment of 1961 wheat acreage allotments, and the amendment herein is an integral part of the regulations for determining base acreages and acreage allotments. Accordingly, it is hereby found and determined that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon its publication in the FEDERAL REGISTER.

1. Section 728.1017a(a) is amended by striking the period at the end of the last sentence thereof and adding the following language: ", for substantially all farms. For the small number of farms where special provisions are necessary as provided in subparagraphs (4), (5), (6), and (7) of paragraph (b) of this section, the computed base acreage determined in accordance with the provisions of such subparagraphs have been determined adequately to reflect these factors."

2. A new subparagraph (7) is added to § 728.1017a(b) to read as follows:

(7) For any old farm having a crop-rotation system under which the acreage devoted to the production of wheat for harvest as grain has varied in a set pattern from year to year over a three or four-year period, the previous base acreage selected by the county committee as applicable for 1961 for such farm under such rotation system.

(Secs. 334, 375, 377, 52 Stat. 53, as amended, 66, 71 Stat. 592, 73 Stat. 393; 7 U.S.C. 1334, 1375, 1377)

Issued at Washington, D.C., this 6th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6434; Filed, July 11, 1960; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection and Quarantine Activities at Border, Coastal and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 5 U.S.C. 576), § 97.1 of Part 97, Title 9, of the Code of Federal Regulations is further amended to read as follows:

§ 97.1 Overtime work at border ports, seaports, and airports.

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Division on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime period and shall pay the Administrator of the Agricultural Research Service at the rate of $5.80 per man-hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work

which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Director of the Animal Inspection and Quarantine Division for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

Purpose. The purpose of this amendment is to increase the hourly rate for overtime services from $5.40 to $5.80 commensurate with salary increases provided in the Federal Employees Salary Increase Act of 1960 (Public Law 86-568). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

Effective Date. The foregoing amendshall be effective July 10, 1960.

(64 Stat. 561; 5 U.S.C. 576)

Done at Washington, D.C., this 7th day of July 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-6196; Filed, July 8, 1960; 1:00 p.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 4—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR SECURITY CLEARANCE

Application to Government Employment

The current title of 10 CFR Part 4 is changed from "Criteria and Procedures for Determining Eligibility for Security Clearance" to "Criteria and Procedures for Determining Eligibility for Security Clearance for AEC employment."

The three amendments to the present 10 CFR Part 4, "Criteria and Procedures for Determining Eligibility for Security Clearance" are as follows:

Section 4.2 is amended to read as follows:

§ 4.2 Scope.

The criteria and procedures outlined in this part shall be used in those cases in which there are questions of eligibility for AEC security clearance for employment, involving:

(a) Employees (including consultants) of, and applicants for employment with, the Atomic Energy Commission;

(b) Those other persons designated by the General Manager of the Atomic Energy Commission.

B. Paragraph (c) of § 4.25(c) is amended to read:

§ 4.25 Appointment of Personnel Security Boards.

* * * * *

(c) The personnel of the Board shall be selected from a panel of individuals possessing the highest degree of integrity, ability and good judgment. Such panels may not include an employee of the AEC as a voting member of a Personnel Security Board;

C. Paragraph (b) of § 4.32 is amended to read:

§ 4.32 Action by the General Manager.

* * * * *

(b) In making his determination, the mature viewpoint and responsible judgment of Commission staff members are available for consideration by the General Manager;

(Sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201)

Dated at Washington, D.C., this 1st day of July 1960.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 60-6399; Filed, July 11, 1960; 8:45 a.m.]

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR DEFENSE INFORMATION WITHIN INDUSTRY

The following regulations of the Commission establishing the criteria and procedures for resolving questions concerning the eligibility of an individual who is not an AEC employee or applicant for AEC employment for access to Restricted Data pursuant to the Atomic Energy Act of 1954, as amended, or for access to defense information, are published to implement Executive Order 10865, 25 F.R. 1583 (February 24, 1960). It should be noted that these rules relate to personnel employed by or applicants for employment with AEC contractors, agents, access permittees, and licensees of the AEC, while the rules contained in Part 4 of the Atomic Energy Commission's rules and regulations relate to criteria and procedures for resolving questions concerning the eligibility of an individual for security clearance for AEC employment under the Atomic Energy Act of 1954, as amended.

Because these regulations relate to the performance of AEC functions as described in section 4(2) of the Administrative Procedure Act of 1946, 5 U.S.C. section 1003(2), the Commission has found that general notice of proposed rulemaking and public procedure thereon are not required and that good cause exists why these rules should be made effective immediately without the customary period of prior notice.

Because of the important nature of the regulations contained herein, the Commission invites written comments from interested members of the public. These comments should be mailed to the General Counsel, U.S. Atomic Energy Commission, Washington 25, D.C.

Pursuant to the Administrative Procedure Act, the following rules are published as a document subject to codification, to be effective immediately upon publication in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
10.1 Purpose.
10.2 Scope.
10.3 Reference.
10.4 Policy.
10.5 Definitions.

CRITERIA FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR DEFENSE INFORMATION WITHIN INDUSTRY

10.10 Application of the criteria.
10.11 Derogatory information.

PROCEDURES

10.20 Purpose of the procedures.
10.21 Suspension of access.
10.22 Notice to individual.
10.23 Additional information.
10.24 Failure of individual to request a hearing.
10.25 Selection of Hearing Counsel.
10.26 Appointment of Personnel Security Boards.
10.27 Conduct of proceedings.
10.28 Recommendation of the Board.
10.29 New evidence.
10.30 Actions on the recommendations.
10.31 Recommendations of the AEC Personnel Security Review Board.
10.32 Action by the General Manager.
10.33 Action by the Commission.
10.34 Reconsideration of cases.

MISCELLANEOUS

10.35 Terminations.
10.36 Attorney Representation.
10.37 Certifications.
10.38 Washington area cases.

AUTHORITY: §§ 10.1 to 10.38 issued under sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201.

GENERAL PROVISIONS

§ 10.1 Purpose.

This part establishes the criteria, procedures, and methods for resolving questions concerning the eligibility of an individual for access to Restricted Data pursuant to the Atomic Energy Act of 1954, as amended. The appropriate provisions of this part are also to be used to the extent the Commission has responsibilities under Executive Order 10865, 25 F.R. 1583 (February 24, 1960).

§ 10.2 Scope.

The criteria and procedures outlined in this part shall be used in those cases in which there are questions of eligibility for AEC access authorization involving:

(a) Those employees (including consultants) of, and those applicants for employment with, contractors and agents of the Atomic Energy Commission;

(b) Access permittees and licensees of the AEC and their employees (including consultants) and applicants for employment; and

(c) Those other persons designated by the General Manager of the Atomic Energy Commission.

§ 10.3 Reference.

The pertinent sections of of the Atomic Energy Act of 1954 are as follows:

SEC. 141. *Policy.* It shall be the policy of the Commission to control the dissemination and disclosure of Restricted Data in such a manner as to assure the common defense and security * * *

SEC. 145. *Restriction.* (a) No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 41, and no license shall be issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(b) Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(c) In the event an investigation made pursuant to subsections (a) and (b) of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

(d) If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by subsections (a) and (b) of this section to be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

(e) Notwithstanding the provisions of subsections (a) and (b) of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

(f) The Commission shall establish standards and specifications in writing as to the scope and extent of investigations to be made by the Civil Service Commission pursuant to subsections (a) and (b) of this section. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted.

(g) Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricted Data pending the investigation report, and determination required by section 145b, to the extent that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security.

SEC. 161. *General provisions.* In the performance of its functions the Commission is authorized to:

(a) Establish advisory boards to advise with and make recommendations to the Commission on the legislation, policies, administration, research and other matters: Provided, That the Commission issues regulations setting forth the scope, procedure, and limitations of the authority of each such board.

* * * * * *

(c) Make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in the administration or enforcement of this act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893, shall apply with respect to any individual who specifically claims such privilege. Witnesses subpoenaed under this subsection, shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

* * * * * *

(n) Delegate to the General Manager or other officers of the Commission any of those functions assigned to it under this Act except those specified in sections 51, 57a(3), 61, 102 (with respect to the finding of a practical value), 108, 123, 145b (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145e, and 161a.

§ 10.4 Policy.

It is the policy of the Atomic Energy Commission to carry out its responsibility for the security of the atomic energy program in a manner consistent with traditional American concepts of justice. To this end, the Commission has established criteria for determining eligibility for access authorization and will afford those individuals described in § 10.2 the opportunity for administrative review of questions concerning their eligibility for access authorization.

§ 10.5 Definitions.

As used in this part:

(a) "Access authorization" means an administrative determination that an individual is eligible for access to Restricted Data or defense information;

(b) "Personnel Security Board" means an advisory board appointed by the Manager of Operations and consisting of three members, one of whom shall be designated as Chairman;

(c) "Hearing Counsel" means an AEC attorney assigned to prepare and conduct Personnel Security Board hearings;

(d) "AEC Personnel Security Review Board" means an advisory appeal board located in Washington, D.C., consisting of three members, one of whom shall be designated as Chairman;

(e) "Commission" means the commission of five members or a quorum thereof sitting as a body, as provided by section 21 of the Atomic Energy Act of 1954, as amended.

CRITERIA FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR DEFENSE INFORMATION

§ 10.10 Application of the criteria.

(a) The decision as to access authorization is a comprehensive, commonsense judgment, made after consideration of all the relevant information, favorable or unfavorable, as to whether the granting of access authorization would endanger the common defense and security and would be clearly consistent with the national interest.

(b) To assist in making these determinations, on the basis of all the information in a particular case, there are set forth in this part a number of specific types of derogatory information. These criteria are not exhaustive but contain the principal types of derogatory information which create a question as to the individual's eligibility for access authorization. While there must necessarily be adherence to such criteria, the Commission is not limited thereto, nor precluded from exercising its judgment that information or facts in a case under its cognizance are derogatory although at variance with, or outside the scope of, the stated categories. These criteria are subject to continuing review and may be revised from time to time as experience and circumstances may make desirable.

(c) When the reports of investigation of an individual contain information reasonably tending to establish the truth of one or more of the items in the criteria, such information shall be regarded as substantially derogatory and shall create a question as to his eligibility for access authorization. Managers of Operations shall refer cases involving substantially derogatory information to the Director, Division of Security, AEC. The Director, Division of Security, AEC, may authorize the granting of access authorization on the basis of the information in the case or may authorize the conduct of an interview with the individual and, on the basis of such interview and such other investigation as he deems appropriate, may authorize the granting of access authorization. Otherwise, a question concerning the eligibility of an individual for access authorization shall be resolved in accordance with the procedures set forth in § 10.20 et seq.

(d) In resolving a question concerning the eligibility or continued eligibility of an individual for access authorization, the following principles shall be applied by the Board:

(1) Where there are grounds sufficient to establish a reasonable belief as to the truth of one or more of the items in Category "A", this shall be the basis for a recommendation for denying or revoking access authorization if not satisfactorily rebutted by the individual.

(2) Where there are grounds sufficient to establish a reasonable belief as to the truth of one or more of the items in Category "B", the extent of activities, the period in which such activities occurred, the length of time which has since elapsed, and the attitudes and convictions of the individual shall be considered in determining whether the recommendation will be adverse or favorable.

§ 10.11 Derogatory information.

(a) *Category "A" derogatory information.* Category "A" includes those cases in which the individual or his spouse has:

(1) Committed or attempted to commit, or aided, or abetted another who committed or attempted to commit, any act of sabotage, espionage, treason or sedition;

(2) Knowingly established an association with espionage or sabotage agents of a foreign nation; with individuals reliably reported as suspected of espionage or sabotage; with representatives of foreign nations whose interests may be inimical to the interests of the United States, with traitors, seditionists, anarchists, or revolutionists;

(3) Held membership in any organization or group designated by the Attorney General pursuant to Executive Order 10450, as amended, provided the individual did not withdraw from such membership when the organization was so identified, or did not otherwise establish his rejection of its subversive aims; or, prior to the declaration by the Attorney General, participated in the activities of such an organization in a capacity where he should reasonably have had knowledge as to the subversive aims of the organization and did not establish his rejection of its subversive aims. (If an organization has been removed from the Attorney General's list, membership in the organization after such removal shall not be considered as Category "A" derogatory information but may be considered as Category "B" derogatory information.)

(4) Publicly or privately advocated revolution by force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means;

Category "A" also includes those cases in which the individual has:

(5) Deliberately omitted significant information from or falsified his Personnel Security Questionnaire or Personal History Statement concerning a significant matter;

(6) Wilfully violated or disregarded security regulations to a degree which would endanger the common defense and security; or intentionally disclosed classified information to any person not authorized to receive it;

(7) Any mental illness of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the individual;

(8) Been convicted of crimes indicating habitual criminal tendencies;

(9) Been, or is, a user of drugs habitually, without adequate evidence of rehabilitation.

(b) *Category "B" derogatory information.* In evaluating items under this category, the extent of the activities, the period in which such activities occurred, the length of time which has since elapsed, and the attitudes and convictions of the individual shall be considered. Category "B" includes those cases in which the individual or his spouse has:

(1) Advocated totalitarian, fascist, communist or other subversive political ideologies and has not subsequently established his rejection of them.

(2) Associated with persons falling within the provisions of Category "B", subparagraph (1) of this paragraph, when the individual himself did not establish his rejection of such ideologies. (Ordinarily this will not include chance or casual meetings nor contacts limited to normal business or official relations).

(3) Affiliated with any organization or group designated in Category "A", paragraph (a) (3), of this section, provided the individual did not discontinue such affiliation when the organization was so identified or did not otherwise establish his rejection of its subversive aims;

(4) Associated with any person falling within the provisions of Category "A", paragraph (a) (3), of this section, provided the individual did not discontinue such association when the organization was so identified or did not otherwise establish his rejection of its subversive aims. (Ordinarily this will not include chance or casual meetings nor contacts limited to normal business or official relations.)

(5) Parent(s), brother(s), sister(s), spouse, or offspring residing in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas thereof (to be evaluated in the light of the risk that pressure applied through such close relatives could force the individual to reveal sensitive information or perform an act of sabotage); Category "B" also includes those cases in which the individual:

(6) Refuses to serve in the Armed Forces when such refusal cannot be clearly shown to be due to religious convictions;

(7) Has been grossly careless in failing to protect or safeguard any Restricted Data or defense information;

(8) Has abused trust, has been dishonest, or has engaged in infamous, immoral or notoriously disgraceful conduct without adequate evidence of reformation;

(9) Is a sexual pervert or homosexual;

(10) Is a user of alcohol habitually and to excess, or has been such without adequate evidence of rehabilitation;

(11) Refuses, upon the ground of constitutional privilege against self-incrimination, to testify before a Congressional Committee regarding charges of his alleged disloyalty or other misconduct.

PROCEDURES

§ 10.20 Purpose of the procedures.

These procedures establish methods for the conduct of personnel security board hearings and administrative review of questions concerning an individual's eligibility for access authorization pursuant to the Atomic Energy Act of 1954, as amended, and Executive Order 10865, when it has been determined that such questions cannot be favorably resolved by interview or other investigation.

§ 10.21 Suspension of access authorization.

In those cases where information is received which raises a question concerning the continued eligibility of an individual for AEC access authorization, the Manager of the office concerned shall forward to the General Manager, via the Director, Division of Security, AEC, his recommendation as to whether the individual's access authorization should be suspended pending the final determination resulting from the operation of the procedures provided in this part. In making this recommendation the Manager shall consider such factors as the seriousness of the derogatory information developed, the possible access of the individual to classified information, and the individual's opportunity by reason of his position to commit acts adversely affecting the national security. The access authorization of an individual shall not be suspended except by direction of the General Manager.

§ 10.22 Notice to individual.

A notification letter, prepared by the Division of Security, AEC, approved by the Office of the General Counsel, and signed by the Manager of Operations, shall be presented to each individual whose eligibility for access authorization is in question. Where practicable, such letter shall be presented to the individual in person. The letter shall state:

(a) That reliable information in possession of the Commission has created a substantial doubt concerning the individual's eligibility for access authorization;

(b) The information which creates a substantial doubt regarding the individual's eligibility for access authorization shall be as comprehensive and detailed as the national security permits;

(c) In the event the individual desires a Board hearing he must within twenty days of the date of receipt of the notification letter indicate in writing to the Manager from whom he receives such letter that he wishes a hearing before a Personnel Security Board;

(d) That within twenty days of the date of receipt of the notification letter, the individual shall file with the Manager from whom he received such letter his written answer under oath or affirmation, to each item of reported information which raises the question of his eligibility for access authorization;

(e) That, if the individual so requests, a hearing will be scheduled before a Personnel Security Board with due regard for the convenience and necessity of the parties or their representatives for the purpose of affording the individual an opportunity of supporting his eligibility for access authorization;

(f) That, if the individual requests a hearing, he will be notified in writing of the membership of a Personnel Security Board when it is appointed by the Manager;

(g) That the individual will have the right to appear personally before a Personnel Security Board, and present evidence in his own behalf, through witnesses, or by documents, or both, and subject to the limitations set forth in § 10.27(f), be present during the entire hearing and be accompanied, represented and advised by counsel of his own choosing;

(h) That the individual's failure to file a written request for a hearing before a Personnel Security Board, in accordance with paragraphs (c) and (d) of this section, will be considered as a relinquishment by him of the opportunity of availing himself of the hearing and review procedure provided in this part, and that in such event a recommendation as to the final action to be taken will be made by the Manager of Operations and submitted to the General Manager for his decision on the basis of the information in the case without reference to a Personnel Security Board;

(i) His access authorization status until further notice;

(j) The name of the designated AEC official to contact for any further information desired.

§ 10.23 Additional information.

A copy of this part shall be given to the individual with the notification letter.

§ 10.24 Failure of individual to request a hearing.

(a) In the event the individual fails, within the prescribed time, to file a written request for a hearing before a Personnel Security Board, pursuant to § 10.22, a recommendation as to the final action to be taken shall be made by the Manager of Operations to the General Manager on the basis of the information in the case;

(b) The Manager of Operations may for good cause shown, at the request of the individual, extend the time for filing a written request for a hearing or for filing a written answer to the matters contained in the notification letter.

§ 10.25 Selection of AEC Hearing Counsel.

(a) Upon receipt from the individual of his written answer to the notification letter, signifying his desire to appear before a Personnel Security Board and answering under oath or affirmation the allegations contained in the notification letter, an AEC attorney shall forthwith be assigned to act as Hearing Counsel;

(b) Hearing Counsel shall, prior to the scheduling of the Board hearing, review the information in the case and shall request the presence of witnesses and the production of physical evidence in accordance with the provisions of paragraphs (m), (n), (o), and (p) of § 10.27. When the presence of a witness is deemed by the Hearing Counsel to be necessary or desirable to a proper determination of the issues before the Board, the Manager shall make arrangements by subpoena or otherwise for such witnesses to appear, be confronted by the individual, and be subject to examination and cross-examination;

(c) Hearing Counsel is authorized to consult directly with the individual if he is not represented by counsel, or if so represented with his counsel or representative, for purposes of reaching mutual agreement upon arrangements for an expeditious hearing of the case. Such arrangements may include clarification of issues, and stipulations with respect to testimony and the contents of documents and other physical evidence. Such stipulations when entered into shall be binding upon the individual and the Atomic Energy Commission for the purposes of this part. Prior to such consultation the Hearing Counsel shall advise the individual of his right to Counsel or other representation and of the possibility that any statements made by the individual to the Hearing Counsel may be used in subsequent proceedings;

(d) The individual is responsible for producing witnesses in his own behalf or presenting other proof before the board to support his answer and defense to the allegations contained in the notification letter. When requested, however, Hearing Counsel shall assist him to the extent practicable and necessary. In the Hearing Counsel's sound discretion he may request the Manager of Operations to arrange for the issuance of subpoenas for witnesses to attend the hearing in the individual's behalf, or for the production of specific documents or other physical evidence, provided a showing of the necessity for such assistance has been made.

§ 10.26 Appointment of Personnel Security Boards.

(a) Upon receipt of advice from the Hearing Counsel that all arrangements for an expeditious hearing have been completed, the Manager shall forthwith appoint a Personnel Security Board consisting of three members, one of whom shall be designated as the Chairman of the Personnel Security Board;

(b) The personnel of the Board, when practicable as determined by the Manager, shall consist of at least one member who is an attorney and one member who is familiar with the general field of work of the individual;

(c) The personnel of the Board shall be selected from a panel of individuals possessing the highest degree of integrity, ability, and good judgment. Such panels may include employees of the AEC or its contractors but no employee of an AEC contractor shall serve as a member of a Personnel Security Board hearing the case of an employee of, or an applicant for employment with, that contractor;

(d) All persons serving as members of Personnel Security Boards shall have an AEC "Q" clearance;

(e) No person shall serve as a member of a Personnel Security Board who has prejudged the case to be heard; who possesses information that would make it embarrassing to render impartial recommendations or advice; or who for bias or prejudice generated for any reason would be unable to render fair and impartial recommendations or advice;

(f) Immediately upon the appointment of a Personnel Security Board, the Manager will notify the individual of the identity of the members of the Personnel Security Board and of his right to challenge any member for cause, such challenge or challenges, accompanied by the reasons therefor, to be submitted to the Manager within seventy-two hours of the receipt of the notice;

(g) In the event that the individual challenges a member or members of the Personnel Security Board, the justification of the action of the individual shall be determined by the Manager. Where the challenge of the individual is sustained, the Manager shall forthwith appoint such new members as required to constitute a full Personnel Security Board and notify the individual. The individual shall have the right to challenge such new members for cause and such challenge shall be dealt with in the same manner as an original challenge. The Manager shall also notify the individual of his rejection of any challenge. The Personnel Security Board shall convene as soon as is reasonably practicable;

(h) The Manager of Operations shall notify the individual in writing, at least one week in advance, of the date, hour, and place the Personnel Security Board will convene. In the event the individual fails to appear at the time and place specified, a recommendation as to the final action to be taken shall be made by the Manager of Operations to the General Manager on the basis of the information in the case. However, the Manager of Operations may for good cause shown, at the request of the individual, permit the individual to appear before a Personnel Security Board at a newly scheduled date, hour, and place.

§ 10.27 Conduct of proceedings.

(a) The proceedings shall be conducted by the Chairman of the Personnel Security Board in an orderly, impartial, and decorous manner with every effort made to protect the interests of the Government and of the individual and to arrive at the truth. In no case will undue delay be tolerated nor will the individual be hampered by unduly restricting the time necessary for proper preparation and presentation. In performing their duties, the members of the Board shall always bear in mind and make clear to all concerned that the proceeding is an administrative hearing and not a trial;

(b) The proceedings shall be open only to duly authorized representatives of the staff of the Atomic Energy Commission, the individual, his counsel, and such persons as may be officially authorized by the Board. Witnesses shall not testify in the presence of other witnesses;

(c) 1. Hearing Counsel shall examine and cross-examine witnesses and otherwise assist the Board in such a manner as to bring out a full and true disclosure of all facts, both favorable and unfavorable, having a bearing on the issues before the Board. In performing his duties, he shall avoid the attitude of a prosecutor and shall always bear in mind that the proceeding is an administrative hearing and not a trial;

2. Hearing Counsel shall not participate in the deliberations of the Board, and shall express no opinion to the Board concerning the merits of the case. He shall also advise the individual of his rights under these procedures when the individual is not represented by counsel of his own choosing;

(d) The Board may ask the individual, AEC representatives, and other witnesses any supplemental questions which the Board deems appropriate to assure the fullest possible disclosure of relevant and material facts. The proponent of a witness shall conduct the direct examination of that witness;

(e) During the course of the proceedings the Chairman shall rule in open session on all questions presented to the Board for its determination, subject to the objection of any member of the Board. In the event of an objection by any member of the Board, a majority vote of the Board shall be determinative and constitute the ruling of the Chairman. Voting may be either in open or closed session on all questions except recommendations to grant or deny access authorization, which shall be in closed session;

(f) In the event it appears in the course of the hearing that Restricted Data or defense information may be disclosed, it shall be the duty of the Chairman to assure that disclosure is not made to persons who are not authorized to receive it;

(g) The Board shall admit in evidence any matters either oral or written which are material, relevant and competent in determining the issues involved, including the testimony of responsible persons concerning the integrity of the individual. The utmost latitude shall be permitted with respect to relevancy, materiality, and competency. Every reasonable effort shall be made to obtain the best evidence available. Hearsay evidence may for good cause shown be admitted without regard to technical rules of admissibility and accorded such weight as the circumstances warrant;

(h) Testimony of the individual and witnesses shall be given under oath or affirmation, and the individual and witnesses shall be subject to cross-examination. Attention of the individual and the witness shall be invited to 18 U.S.C. 1001 and 18 U.S.C. 1621;

(i) The individual shall be afforded the opportunity of testifying in his own behalf;

(j) The Board shall endeavor to obtain all the facts that are reasonably available in order for it to arrive at its recommendations. If, prior to or during the proceeding, in the opinion of the Board the allegations in the notification letter are not sufficient to cover all matters into which inquiry should be directed, the Board shall recommend to the Manager concerned that, in order to give more adequate notice to the individual, the notification letter should be amended. Any amendment shall be made with the concurrence of the Director, Division of Security, AEC, and the Office of the General Counsel. If, in the opinion of the Board, the circumstances of such an amendment may involve an undue hardship to the individual, because of limited time to answer the new allegations in the notification letter, an appropriate adjournment shall be granted upon the request of the individual;

(k) Unless permitted by paragraphs (l), (m), (n), (o), and (p) of this section, the record may contain no information adverse to the individual on any controverted issue unless (1) the information or its substance has been made available to the individual and he offers no objection to its presentation; or (2) the information or its substance is made available to him and the individual is afforded an opportunity to cross-examine the person providing the information. Information whose admission is not prohibited by this paragraph, or by any other provision of this part, may be received and made a part of the record and may be considered by the Board or officials charged with making determinations under this part;

(l) A written or oral statement of a person relating to the characterization in the notification letter of any organization or person other than the individual may be received and considered by the Board without affording the individual an opportunity to cross-examine the person making the statement on matters relating to the characterization of such organization or person, provided the individual is given notice that it has been received and may be considered by the Board, and is informed of its contents provided such is not prohibited by § 10.27(f);

(m) The individual shall be afforded an opportunity to cross-examine persons who have made oral or written statements adverse to the individual relating to a controverted issue except that any such statement may be received and considered by the Board without affording such opportunity in either of the following circumstances:

(1) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national interest;

(2) The Commission or its special designee for that particular purpose has preliminarily determined, after considering information furnished by the investigative agency as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and the Commission or such special designee has determined that failure of the Board to receive and consider such statement would, in view of the access to Restricted Data or defense information sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (i) due to death, severe illness, or similar cause, in which case the identity of the person and the information to be considered shall be made available to the individual, or (ii) due to some other cause determined by the Commission to be good and sufficient.

(n) Whenever procedures under paragraph (m) (1) or (2) of this section are used (1) the individual shall be given a summary of the information which shall be as comprehensive and detailed as the national security permits, and (2) appropriate consideration shall be accorded to the fact that the individual did not have an opportunity to cross-examine such person or persons;

(o) Records compiled in the regular course of business, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that such information has been furnished to the AEC by an investigative agency pursuant to its responsibilities in connection with assisting the Commission to safeguard Restricted Data or defense information;

(p) Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue which, because they are classified, may not be inspected by the individual, may be received and considered provided that;

(1) The Commission or its special designee for that purpose has made a preliminary determination that such physical evidence appears to be material;

(2) The Commission or such designee has made a determination that failure to receive and consider such physical evidence would, in view of the access to Restricted Data or defense information sought, be substantially harmful to the national security; and

(3) To the extent that national security permits, a summary or description of such physical evidence shall be made available to the individual. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency shall be considered.

(q) The Board may request the Manager to arrange for additional investigation on any points which are material to the deliberations of the Board and which the Board believes need extension or clarification. In this event, the Board shall set forth in writing those issues upon which more evidence is requested, identifying where possible persons or sources from which evidence should be sought. The Manager shall make every effort through appropriate sources to obtain additional information upon the matters indicated by the Board;

(r) A written transcript of the entire proceedings shall be made by a person possessing appropriate AEC clearance and, except for portions containing Restricted Data or defense information, a copy of such transcript shall be furnished the individual without cost.

§ 10.28 Recommendation of the Board.

(a) The Board shall carefully consider the record and the standards set forth herein. In reaching its determination the Board shall consider the demeanor of the witnesses who have testified before the Board, the probability or likelihood of the truth of their testimony, their credibility, the authenticity and accuracy of documentary evidence, or the lack of evidence upon some material points in issue. If the individual is, or may be, handicapped by the non-disclosure to him of confidential information or by lack of opportunity to cross-examine confidential informants, the Board shall take that fact into consideration. The Board may also consider as part of the record the individual's past employment in the atomic energy program, and the nature and sensitivity of the job he is or may be expected to perform. Possible impact of the loss of the individual's services upon the AEC program shall not be considered by the Board;

(b) The Board shall make specific findings based upon the record as to whether each of the allegations contained in the notification letter is true or false and the significance which the Board attaches to such allegations. These findings shall be supported fully by a statement of reasons which constitute the basis for such findings;

(c) The recommendation of the Board shall be predicated upon its findings. If, after considering all the factors in the light of the criteria set forth in this part, the Board is of the opinion that it will not endanger the common defense and security and will be clearly consistent with the national interest to grant access authorization to the individual, it shall make a favorable recommendation; otherwise, it shall make an adverse recommendation;

(d) The recommendation of the Board shall be determined by a majority vote. In the event of a dissent from the majority, the recommendation of the minority member shall be made a matter of record together with a statement of the reasons leading to his conclusions. The recommendation of the Board shall be submitted to the Manager accompanied by a statement of the reasons leading to the Board's conclusions.

§ 10.29 New evidence.

(a) In the event of the discovery of new evidence by the individual prior to final determination of the individual's eligibility for access authorization, such evidence shall be submitted by the individual or his representative to the Manager of Operations from whom he received his notification letter;

(b) The Manager of Operations with the advice of Hearing Counsel shall review the application for the presentation of new evidence to ascertain its materiality and relevancy and further, that the individual or his representative is without fault in failing to present the evidence before. In the event it is determined that the new evidence should be received, the Manager of Operations shall:

(1) Refer the matter to the Personnel Security Board which had been appointed in the individual's case when the Manager of Operations has not yet transmitted the record to the General Manager. The Board receiving the application for the presentation of new evidence shall determine the form in which it shall be received, whether by testimony before the Board, by deposition, or by affidavit.

(2) In those cases where the Manager of Operations has forwarded the record to the General Manager, the application for presentation of new evidence shall be referred to the General Manager with appropriate comment and recommendations. In the event the General Manager determines that the new evidence should be received, he shall determine the form in which it shall be received, whether by testimony before a Personnel Security Board, by deposition, or by affidavit.

§ 10.30 Actions on the recommendations.

(a) The recommendations of the Board and any dissent therefrom shall be signed by the members of the Board as appropriate, and together with the record of the case, shall be transmitted with the least practicable delay to the Manager of Operations concerned;

(b) Upon receipt of the findings and recommendation of the Board, and the record, the Manager shall forthwith transmit it to the General Manager through the Director, Division of Security, AEC. In those cases where denial of access authorization is recommended by the Board, the Manager of Operations shall forward a statement concerning the effect which denial of access authorization would have upon the atomic energy program;

(c) The General Manager may return the record to the Manager for further proceedings by the Personnel Security Board with respect to specific matters designated by the General Manager;

(d) (1) In the event of a recommendation by the Board for a denial of access authorization, the individual shall be immediately notified in writing of that fact by the General Manager, or his designee, and shall be informed of the Board's findings with respect to each allegation contained in the notification letter. The individual shall also be notified of his right to request a review of his case by the AEC Personnel Security Review Board and of his right to submit a brief in support his contentions. The request for a review shall be submitted to the General Manager within five days after the receipt of the notice. The brief shall be forwarded to the General Manager through the Director, Division of Security, AEC, not later than 10 days after receipt of such notice, unless such time is extended by the General Manager for good cause shown;

(2) Where the individual requests a review of the adverse recommendation, the General Manager shall forthwith send the record, with all findings and recommendations, to the Personnel Security Review Board;

(3) In the event the individual fails to request a review by the AEC Personnel Security Review Board of an adverse recommendation within the prescribed time, the final determination shall be made on the basis of the record with all findings and recommendations;

(e) (1) Where the Board has made a recommendation favorable to the individual and the General Manager proposes to transmit the record to the Personnel Security Review Board for its recommendation, the General Manager shall immediately cause the individual to be notified of that fact and of those matters contained in the notification letter concerning which he desires the advice of the Personnel Security Review Board. He shall further inform the individual that he may submit a brief concerning such matters for the consideration of the Personnel Security Review Board. Such brief shall be filed not later than 10 days from the receipt of the notice by the individual, unless extended for good cause shown. The brief shall be forwarded to the General Manager for transmission to the Personnel Security Review Board.

§ 10.31 Recommendations of the AEC Personnel Security Review Board.

(a) The AEC Personnel Security Review Board shall make its deliberations based upon the record, supplemented by such brief as the individual submits. The Personnel Security Review Board may request such additional briefs as it deems appropriate. In any case where the AEC Personnel Security Review Board determines that additional evidence or further proceedings are necessary, it may return the record to the General Manager with a recommendation that the case be remanded to the Manager of Operations for appropriate action;

(b) In its deliberations, the AEC Personnel Security Review Board shall make its findings and recommendations as to the eligibility of an individual for access authorization on the record supplemented by additional testimony or briefs, as determined by the Board. When additional testimony is taken by the Personnel Security Review Board a verbatim transcript of such testimony shall be made part of the record;

(c) The Personnel Security Review Board shall not concern itself with the possible impact of the loss of the individual's services upon the AEC program;

(d) After its deliberations, the AEC Personnel Security Review Board shall make its findings and recommendations on the record in writing to the General Manager.

§ 10.32 Action by the General Manager.

(a) The General Manager, on the basis of the record accompanied by all recommendations, shall then make a final determination whether access authorization shall be granted or denied, unless the provisions of § 10.27 (m), (n), (o), or (p) have been used, in which case the decision to deny or revoke access authorization may be made only by the Commission;

(b) In making the determination as to whether access authorization shall be granted or denied, the General Manager or Commission shall give due recognition to the favorable as well as the unfavorable information concerning the individual and shall take into account the value of the individual's services to the atomic energy program and the operational consequences of denial of access authorization;

(c) In the event of an adverse determination the General Manager shall notify the individual through the Manager of Operations of his decision that

access authorization is being denied or revoked and of his findings with respect to each allegation contained in the notification letter for transmittal to the individual.

§ 10.33 Action by the Commission.

(a) Whenever an individual has not been afforded an opportunity to confront and cross-examine witnesses who have furnished information adverse to the individual under the provisions of § 10.27 (m), (n), (o), or (p) and an adverse recommendation has been made by the General Manager, the Commissioners shall personally review the record and determine whether access authorization shall be granted, denied or revoked, based upon the record;

(b) When the Commission determines to deny or revoke access authorization the individual will be notified through the Manager of Operations of its decision that access authorization is being denied or revoked and of its findings with respect to each allegation contained in the notification letter for transmittal to the individual;

(c) Nothing contained in these procedures shall be deemed to limit or affect the responsibility and powers of the Commission to deny or revoke access to Restricted Data or defense information if the security of the nation so requires. Such authority may not be delegated and may be exercised only when the Commission determines that the procedures prescribed in § 10.27 (m), (n), (o), or (p) cannot be invoked consistently with the national security and such determination shall be conclusive.

§ 10.34 Reconsideration of cases.

(a) Where, pursuant to the procedures set forth in §§ 10.20 to 10.33, the General Manager or the Commission has made a determination granting access authorization to an individual, the individual's eligibility for access authorization shall be reconsidered only when subsequent to the time of the prior hearing, there is new substantially derogatory information or a significant increase in the scope or sensitivity of the Restricted Data or defense information to which the individual has or will have access;

(b) Where, pursuant to these procedures, the Commission or General Manager has made a determination denying access authorization to an individual, the individual's eligibility for access authorization may be reconsidered when there is a bona fide offer of employment requiring access to Restricted Data or defense information and either material and relevant new evidence, which the individual and his representatives are without fault in failing to present before, or convincing evidence of reformation or rehabilitation. Requests for reconsideration shall be submitted in writing to the General Manager through the Manager of Operations having jurisdiction over the position for which access authorization is required. Such requests shall be accompanied by an affidavit setting forth in detail the information referred to above. The General Manager shall cause the individual to be notified as to whether his eligibility for access authorization will be reconsidered and, if so, the method by which such reconsideration will be accomplished;

(c) Where access authorization has been granted to an individual by a Manager of Operations without recourse to the procedures set forth in §§ 10.20 to 10.33, the individual's eligibility for access authorization shall be reconsidered only in a case where subsequent to the granting of the access authorization, new substantially derogatory information has been received or there is a significant increase in the scope or sensitivity of the Restricted Data or defense information to which the individual has, or will have access, and in any other case only with specific prior approval of the Director, Division of Security, AEC.

MISCELLANEOUS

§ 10.35 Terminations.

In the event the individual is no longer an applicant for access authorization or no longer requires access authorization the procedures of this part shall be terminated without a final determination as to his eligibility for access authorization.

§ 10.36 Attorney Representation.

In the event the individual is represented by an attorney or other such representative, the individual shall file with the AEC a document designating such attorney or representative and authorizing such attorney or representative to receive all correspondence, transcripts and other documents pertaining to the proceeding under this part.

§ 10.37 Certifications.

Whenever information is made a part of the record under the exceptions authorized by § 10.27 (m), (n), (o), and (p), the record shall contain certificates evidencing that the determinations required therein have been made.

§ 10.38 Washington Area cases.

In those cases which may arise involving individuals within the Washington Area of AEC operations, an Assistant General Manager designated by the General Manager shall discharge the functions and responsibilities assigned to Managers of Operations in these procedures.

Dated at Washington, D.C., this 1st day of July 1960.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 60-6400; Filed, July 11, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 422; Amdt. 170]

PART 507—AIRWORTHINESS DIRECTIVES

Mooney M20A Aircraft

Evidence of satisfactory service life of the exhaust heater muff assembly, P/N 6363, submitted by the manufacturer is such that AD 59-11-3 may be amended to delete the 50-hour inspection for Mooney M20A aircraft incorporating the part. Accordingly, AD 59-11-3, Amendment 21, 24 F.R. 4590, is being amended by changing the applicability statement to exclude the M20A aircraft having P/N 6363 installed.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is amended as follows:

AD 59-11-3 Amendment 21 Mooney Mark 20A aircraft as it appeared in 24 F.R. 4590 is amended:

1. By amending the first sentence of the applicability statement to read "Applies to Mark 20A aircraft through Serial Number 1534."

2. By adding to paragraph (2) the following sentence, "The 50 hour inspection is not required if exhaust heater muff assembly P/N 6362 is installed."

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 6, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6401; Filed, July 11, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-115]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of these amendments to §§ 600.6092 and 600.6604 of the regulations of the Administrator is to modify the segments of VOR Federal airways No. 92 and 1504 between Wheeling, W. Va., and Grantsville, Md.

A segment of Victor airways 92 and 1504 presently extends from the Wheeling VOR to the Grantsville VOR via the Uniontown, Pa., VORTAC. The Federal Aviation Agency is decommissioning the Uniontown VORTAC because it is no longer required for navigational purposes in this area. Therefore, it is necessary to realign Victor airways 92 and 1504 and delete all reference to the Uniontown VORTAC in the description of these airways.

This action will result in the segments of Victor airways 92 and 1504 between the Wheeling VOR and the Grantsville VOR being designated via direct radials, station to station. The distance between these two stations is approximately 80 nautical miles which is within the maximum spacing criteria for basic airways. The control areas associated with these airways are so designated that they will automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary.

Since these amendments are minor in nature, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. In the text of § 600.6092 (24 F.R. 10514) "Uniontown, Pa., VOR;" is deleted.

2. In the text of § 600.6604 (24 F.R. 10528, 25 F.R. 4077) "Uniontown, Pa., VORTAC;" is deleted.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 5, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6405; Filed, July 11, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-435]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2589) stating that the Federal Aviation Agency proposed to revoke the east alternates to VOR Federal airway No. 5 from Nashville, Tenn., to Bowling Green, Ky., and from Bowling Green to New Hope, Ky., and to designate a new east alternate to Victor 5 from Nashville to New Hope via the intersection of the Nashville VORTAC 029° True and the New Hope VOR 202° True radials.

Two comments were received regarding the proposed amendments. The Air Line Pilots Association concurred in the action taken herein. The Air Transport Association endorsed the designation of the new east alternate to Victor 5 between Nashville and New Hope. The ATA, however, recommended that this new east alternate be assigned another airway number as a primary airway rather than be designated as an alternate to Victor 5, and also recommended that, instead of revoking the existing east alternates to Victor 5 from Nashville to Bowling Green and from Bowling Green to New Hope, these Victor 5 east alternates should be redesignated between Nashville and Bowling Green via the intersection of the Nashville VOR 029° True and the Bowling Green VOR 174° True radials, and between Bowling Green and New Hope via the intersection of the Bowling Green VOR 063° True and the New Hope VOR 202° True radials. The ATA stated that the retention of the east alternates from Nashville to Bowling Green to New Hope would provide for efficient aircraft operation and air traffic management of north and south bound traffic between Nashville and Bowling Green and between Bowling Green and Louisville, Ky., via New Hope. Consideration of the ATA recommendation indicates that, in conjunction with the existing Victor 5, a three-airway structure would result between Nashville and New Hope. However, the designation of Victor 5 east between Nashville and New Hope in the manner proposed in the notice, in conjunction with Victor 5, will provide an airway structure that will be adequate to accommodate the air traffic en route to or overflying Bowling Green. Therefore, the Federal Aviation Agency is modifying Victor 5 as proposed in the notice.

Although the notice states that the control areas associated with Victor 5 are so designated that they will automatically conform to the modified airway, it is necessary to modify § 601.6005 to correctly reflect the control areas associated with Victor 5.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, §§ 600.6005 (24 F.R. 10504, 10874, 25 F.R. 171) and 601.6005 (24 F.R. 10598) are amended to read:

§ 600.6005 VOR Federal airway No. 5 (Jacksonville, Fla., to London, Ont.).

From the Jacksonville, Fla., VORTAC via the INT of the Jacksonville VORTAC 319° True and the Alma, Ga., VOR 148° True radials; Alma VOR, including a W alternate; Macon, Ga., VORTAC, including an E alternate from the Jacksonville VORTAC to the Macon VORTAC via the INT of the Jacksonville VORTAC 334° True and the Macon VORTAC 125° True radials; McDonough, Ga., VOR; Chattanooga, Tenn., VOR, including a W alternate from the Alma VOR to the Chattanooga VOR via the INT of the Alma VOR 305° True and the Vienna, Ga., VORTAC 135° True radials, the Vienna VORTAC, the Atlanta, Ga., VORTAC, and the INT of the Atlanta VORTAC 355° True and the Chattanooga VOR 152° True radials; Nashville, Tenn., VORTAC, including an E alternate via the INT of the Chattanooga VOR 333° True and the Nashville VORTAC 117° True radials; Bowling Green, Ky., VOR; New Hope, Ky., VOR, including an E alternate from the Nashville VORTAC to the New Hope VOR via the INT of the Nashville VORTAC 029° True and the New Hope VOR 202° True radials; Louisville, Ky., VORTAC; Cincinnati, Ohio, VORTAC; INT of the Cincinnati VORTAC 045° True and the Appleton VORTAC 244° True radials; Appleton, Ohio, VORTAC; Mansfield, Ohio, VORTAC; Cleveland, Ohio, VOR; to the London, Ont., VOR.

§ 601.6005 VOR Federal airway No. 5 (Jacksonville, Fla., to London, Ont.).

All of VOR Federal airway No. 5 including E and W alternates, but excluding the airspace between the main airway and its E alternate from the Jacksonville, Fla., VORTAC to the Macon, Ga., VORTAC; and also excluding the airspace between the main airway and its W alternate from the Alma, Ga., VOR to the Chattanooga, Tenn., VOR.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749; 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 5, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6403; Filed, July 11, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-396]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On December 10, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9998) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 485 and its associated control areas between Los Angeles, Calif., and Oakland, Calif.

The segment of the proposed Victor 485 from Los Angeles to Oxnard, Calif., would, in part, lie outside the continental limits of the United States. Such airspace allocation must be the subject of special coordination procedures. For this reason, this portion of the airway will not at this time be designated, but will again be proposed at a later date. This will result in Victor 485 being designated from Oxnard to Oakland.

The coordinates of the Fellows, Calif., VOR were incorrectly described in the preamble of the notice and are revised to read latitude 35°05'35" N., longitude 119°51'53" W. These changes are minor in nature in that they represent a correction of only 8 seconds of latitude and 5 seconds of longitude and necessitate no change in the proposed amendments. Additionally the commissioning dates of the Priest, Calif., VOR and the Fellows VOR have been rescheduled to June 30, 1960, and July 28, 1960, respectively.

No adverse comments were received regarding the proposed amendments. Interested persons have been afforded an

opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4536) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are hereby amended as follows:

1. Section 600.6485 is added to read:

§ 600.6485 VOR Federal airway No. 485 (Oxnard, Calif., to Oakland, Calif.).

From the Oxnard, Calif., VOR via the Fellows, Calif., VOR; Priest, Calif., VOR; INT of the Priest VOR 234° True and the Oakland VORTAC 131° True radials to the Oakland, Calif., VORTAC. The portions of this airway which lie within the geographic limits of, and between the designated altitudes of, the Point Mugu Restricted Areas (R-100) and (R-551), and the Point Mugu Warning Area (W-289), are excluded during these areas' time of designation.

2. Section 601.6485 is added to read:

§ 601.6485 VOR Federal airway No. 485 control areas (Oxnard, Calif., to Oakland, Calif.).

All of VOR Federal airway No. 485.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 5, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6404; Filed, July 11, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-17]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On April 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 3425) stating that the Federal Aviation Agency was considering an amendment to § 601.2233 of the regulations of the Administrator which would modify the Quonset Point, R.I., control zone.

As stated in the notice, the Quonset Point control zone is presently designated within a 5-mile radius of the Naval Air Station excluding the portion which lies within the Providence, R.I., control zone. The Federal Aviation Agency is designating extensions to the existing control zone based on the 146° True radial of the Navy Quonset VOR extending from the 5-mile radius zone to a point 12 miles southeast of the VOR, and on the 160° True radial of the Navy Quonset TACAN extending from the 5-mile radius zone to a point 9 miles southeast of the TACAN. This action will result in the Quonset Point Control Zone being designated within a 5-mile radius of the Quonset Point NAS (latitude 41°35'55" N., longitude 71°24'50" W.); within 2 miles either side of the 146° True radial of the Navy Quonset VOR, extending from the 5-mile radius zone to a point 12 miles southeast of the VOR; within 2 miles either side of the 150° True radial of the Navy Quonset TACAN, extending from the 5-mile radius zone to a point 9 miles SE of the TACAN, excluding the portion which coincides with the Providence, R.I., control zone.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D. C., on July 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6402; Filed, July 11, 1960; 8:45 a.m.]

Mr. Robert F. Wood of the Newport, R.I., Air Park submitted the following comments, quoted in part, in response to the notice: "I in no way wish to hinder Quonset's operation; however, if this extension were to be put onto being it would force a curtailment of the operations from this field, as this proposed extension would encompass about 40% of our traffic pattern—and in view of the fact we very often have low ceilings here, with the sea fog tapering upward from the ocean inland, it would mean that very often this island would be unnecessarily without air transportation." The proximity of the Newport Air Park to the Quonset Point Control Zone extension was considered at the time plans were formulated for the modified control zone. As a result of this consideration, the Quonset Point VOR instrument approach procedure is being altered five degrees west of its present location. This modified VOR approach procedure will be coincident with the LFR instrument approach procedure. The Federal Aviation Agency recognizes that the control zone extension based on the VOR will still infringe upon the traffic pattern for the Newport Air Park. However, in order to provide full protection for the VOR instrument approach to the Quonset Point NAS, the Federal Aviation Agency considers it necessary to designate the control zone as proposed in the notice.

The Department of the Air Force commented stating that they had no objection to the proposed amendment, and the Air Transport Association advised that they concurred in the action proposed.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2233 (24 F.R. 10582) is amended to read:

§ 601.2233 Quonset Point, R.I., control zone.

Within a 5-mile radius of the geographical center of the Quonset Point Naval Air Station (latitude 41°35'55" N., longitude 71°24'50" W.); within 2 miles either side of the 146° True radial of the Navy Quonset VOR, extending from the 5-mile radius zone to a point 12 miles SE of the VOR; within 2 miles either side of the 150° True radial of the Navy Quonset TACAN, extending from the 5-mile radius zone to a point 9 miles SE of the TACAN, excluding the portion which coincides with the Providence, R.I., control zone.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D. C., on July 8, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6403; Filed, July 11, 1960; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS, FLAXSEED, AND SOYBEANS

PART 3—SPECIAL PROVISIONS APPLICABLE TO COTTON

PART 4—SPECIAL PROVISIONS APPLICABLE TO BUTTER

PART 5—SPECIAL PROVISIONS APPLICABLE TO EGGS

PART 6—SPECIAL PROVISIONS APPLICABLE TO POTATOES AND ONIONS

PART 7—SPECIAL PROVISIONS APPLICABLE TO MILLFEEDS

PART 8—SPECIAL PROVISIONS APPLICABLE TO WOOL AND WOOL TOPS

PART 9—SPECIAL PROVISIONS APPLICABLE TO FATS

PART 10—SPECIAL PROVISIONS APPLICABLE TO OILS

PART 11—SPECIAL PROVISIONS APPLICABLE TO COTTONSEED MEAL AND SOYBEAN MEAL

Amendment of Regulations

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U.S.C. 1958 ed., sections 1–17a), §§ 2.11, 3.11, 3.17, 4.11, 5.11, 5.17, 6.11, 6.16, 6.17, 6.18, 6.19, 6.21, 7.11, 8.11, 9.11, 10.11, and 11.11 of Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Chapter I, Title 17, Code of Federal Regulations (17 CFR, 2.11, 3.11, 3.17, 4.11, 5.11, 5.17, 6.11, 6.16, 6.17, 6.18, 6.19, 6.21, 7.11, 8.11, 9.11, 10.11, 11.11) are hereby amended as follows:

§ 2.11 [Amendment]

1. In paragraph (a), insert a semicolon after "United States" and delete "and elsewhere;"; in paragraph (c), insert a semicolon after "United States" and delete "and elsewhere; and"; in paragraph (d), substitute a semicolon for the period after "contracts" and add the word "and"; and add a new paragraph (e), immediately after paragraph (d), as follows:

(e) Any position or transaction in such grain held or controlled by such person on any market outside of the United States, together with the name of the market, to the extent that such position or transaction is claimed to represent spreading or the closing of a spread against any net futures position, or against any futures purchases or futures sales during any one business day, in excess of two million bushels on any one contract market, as specified in the order of the Commodity Exchange Commission fixing limits on positions and daily trading in such grain.

§ 3.11 [Amendment]

2. In paragraph (a), insert a semicolon after "United States" and delete "and elsewhere;"; in paragraph (c), insert a semicolon after "United States" and delete "and elsewhere; and"; in paragraph (d), substitute a semicolon for the period after "contracts" and add the word "and"; and add a new paragraph (e), immediately after paragraph (d), as follows:

(e) Any position or transaction held or controlled by such person on any market outside of the United States, together with the name of the market, to the extent that such position or transaction is claimed to represent straddling or the closing of a straddle against any net futures purchases or futures sales during any one business day, in excess of 30,000 bales on any one contract market, as specified in the order of the Commodity Exchange Commission fixing limits on positions and daily trading in cotton.

§ 3.17 [Amendment]

3. In paragraph (f), insert a comma after "United States" and delete "and elsewhere,".

§ 4.11 [Amendment]

4. In paragraphs (a) and (c), insert a semicolon after "United States" and delete "and elsewhere;".

§ 5.11 [Amendment]

5. In paragraphs (a) and (c), insert a semicolon after "United States" and delete "and elsewhere;".

§ 5.17 [Amendment]

6. In paragraph (c), insert a period after "United States" and delete "and elsewhere.".

§ 6.11 [Amendment]

7. In paragraph (a), insert a semicolon after "United States" and delete "or elsewhere;"; and in paragraph (c), insert a semicolon after "United States" and delete "and elsewhere;".

§§ 6.16, 6.17, 6.18, 6.19 [Deletions]

8. Delete §§ 6.16, 6.17, 6.18 and 6.19, including the heading "FORM 604".

9. Amend the heading immediately preceding § 6.20 to read as follows: "Amount fixed for reporting on Forms 601 and 603".

10. Amend section 6.21 to read as follows:

§ 6.21 Amount fixed for reporting on Form 603.

For the purpose of §§ 6.10 and 6.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i(2) of the Commodity Exchange Act, for reporting on Form 603 is 25 carlots.

§ 7.11 [Amendment]

11. In paragraphs (a) and (c), insert a semicolon after "United States" and delete "and elsewhere;".

§ 8.11 [Amendment]

12. In paragraph (a) (1) and (3), insert a semicolon after "United States" and delete "and elsewhere;".

§ 9.11 [Amendment]

13. In paragraphs (a) (1) and (a) (3), insert a semicolon after "United States" and delete "and elsewhere;".

§ 10.11 [Amendment]

14. In paragraph (a) (1) and (3), insert a semicolon after "United States" and delete "and elsewhere;".

§ 11.11 [Amendment]

15. In paragraph (a) (1) and (3), insert a semicolon after "United States" and delete "and elsewhere;".

The effect of these amendments will be to reduce the amount of information which large (reporting) traders are now required to furnish on Forms, 203, 303, 304, 403, 503, 504, 603, 703, 803, 903, 1003, and 1103, by eliminating the requirement for reporting transactions and positions in markets outside of the United States except in connection with spreading or straddling positions, and for reporting of cash and futures positions in onions on Form 604. Since these amendments will operate to relieve or liberalize existing requirements and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that the amendments should be made effective within less than thirty days after publication in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Issued: July 7, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6416; Filed, July 11, 1960; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

Service of Notices and Orders

On June 11, 1960, the Federal Food, Drug, and Cosmetic Act was amended (Pub. Law 86-507, 74 Stat. 200) to provide for the use of certified mail for orders of the Secretary issued under section 505 of the act.

Therefore, pursuant to the provisions of the act (sec. 701, 52 Stat. 1055; 21 U.S.C. 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611) the procedural and interpretative regulations pertaining to new drugs (21 CFR Part 130) are amended by changing § 130.29 to read as follows:

§ 130.29 Service of notices and orders.

* * * * *

(b) By mailing the order by registered mail or certified mail addressed to the applicant or respondent at his last known address in the records of the Department.

Since this amendment to the regulations is made necessary by the change in the statute above-cited, notice and public procedure are not necessary in this instance.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 505, 52 Stat. 1052, 1053; 21 U.S.C. 355)

Dated: July 5, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-6413; Filed, July 11, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 990, 996, 999, 1019]

[Docket Nos. AO-14-A30; AO-302-A2; AO-308-A12; AO-304-A11; AO-305-A1]

MILK IN GREATER BOSTON, MASS.; SOUTHEASTERN NEW ENGLAND; SPRINGFIELD, MASS., WORCESTER, MASS.; AND CONNECTICUT MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision to Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Massachusetts; Southeastern New England; Springfield, Massachusetts, Worcester, Massachusetts; and Connecticut marketing areas, which were issued June 15, 1960 (25 F.R. 5488), is hereby further extended to July 23, 1960.

Dated: July 7, 1960, Washington, D.C.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Services.

[F.R. Doc. 60-6432; Filed, July 11, 1960; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of DDT

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, proposing the establishment of a tolerance of 1 part per million for residues of DDT in or on potatoes.

The analytical method proposed in the petition for determining residues of DDT is the method published in the FEDERAL REGISTER of March 31, 1956 (21 F.R. 2112)

Dated: July 5, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-6414; Filed, July 11, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 150-19, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement of that conference (No. 150, as amended), which covers the trade from Japan, Korea and Okinawa to Pacific Coast ports of California, Oregon, Washington, Canada and ports in Hawaii and Alaska. This modification provides that voting rights of member lines on rate matters under the conference agreement will be suspended until September 30, 1960, for those member lines which only serve the Pacific Coast ports as way ports of other services.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval or modification, together with request for hearing should such hearing be desired.

Dated: July 7, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6424; Filed, July 11, 1960; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility License

Please take notice that the Atomic Energy Commission has issued Facility License No. R-67, set forth below, authorizing General Dynamics Corporation to possess and operate on its site at Torrey Pines Mesa, California, a TRIGA-type nuclear reactor designated by the applicant as the FLAIR. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

Prior public notice of proposed issuance of an operating license for this facility was published in the FEDERAL REGISTER on June 16, 1960, 25 F.R. 5403.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license.

Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street, Washington, D.C.

For further details see (1) the application submitted by General Dynamics Corporation and amendments thereto, and (2) a hazards analysis dated June 10, 1960, prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 1st day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-67]

1. This license applies to the TRIGA-type nuclear reactor designated by General Dynamics Corporation as the FLAIR (hereinafter referred to as "the reactor") which is described in General Dynamics Corporation's application for license dated March 1, 1960, and amendments thereto dated April 5, 1960, and May 3, 1960 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-59.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed and will operate in conformity with the application and in conformity with the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated without endangering the health and safety of the public;

C. General Dynamics Corporation is technically and financially qualified to operate the reactor;

D. Issuance of a license to possess and operate the reactor will not be inimical to the common defense and security or to the health and safety of the public; and

E. General Dynamics Corporation has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corporation:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" to possess and operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material" to receive, possess and use up to 8 kilograms of contained uranium 235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. General Dynamics Corporation shall not operate the reactor except in accordance with the operating specifications contained in Appendix "A", attached hereto.

B. General Dynamics Corporation shall perform inspections of the reactor at reasonable intervals and in such manner as to assure the prompt detection of any fuel element damage.

C. Subject to the provisions of this paragraph 4, General Dynamics Corporation shall operate the reactor and conduct experiments therein only in accordance with the design and performance specifications, the operating limits and procedures, and the description of the experiments set forth in the application.

D. In any case where the specifications, limits, procedures, or experiments described in the application are not consistent with the requirements of this paragraph 4, the requirements contained herein shall govern.

E. General Dynamics Corporation may change or modify the design or performance specifications or operating limits or procedures described in Appendix A to this license only after a request for a license amendment has been prepared and submitted to the Atomic Energy Commission and such license amendment has been issued.

F. General Dynamics Corporation may change or modify the design or performance specifications, the operating limits or procedures, or experiments described in Sections II through VI of the Hazards Summary Report only after issuance of a license amendment authorizing such change or modification or in accordance with the following procedures:

(1) After its review of the proposed change or modification, General Dynamics Corporation shall provide the Commission with a report describing the proposed change or modification including (a) a hazards evaluation of the proposed change or modification and (b) a determination and reasons therefor by General Dynamics Corporation as to whether or not the proposed change or modification may involve hazards greater than,

or different from, those analyzed in the Hazards Summary Report or may involve a material alteration of the reactor.

(2) If, within 15 days after the date of acknowledgment by the Division of Licensing and Regulation of receipt of such report, the Commission does not issue any notice to General Dynamics Corporation to the contrary, General Dynamics Corporation may make such change or modification without further approval.

(3) If, within 15 days after the date of acknowledgment by the Division of Licensing and Regulation of receipt of such report, the Commission notifies General Dynamics Corporation that the hazards involved may be greater than or different from those analyzed in the Hazards Summary Report, or that the proposed change or modification may involve a material alteration of the reactor, the change or modification shall not be made until such change has been authorized in writing by the Commission. If a license amendment is necessary to authorize the proposed change or modification the report submitted by General Dynamics Corporation shall be deemed to constitute an application for license amendment.

G. For purposes of this paragraph 4., a proposed change or modification shall be deemed to involve hazards which may be "greater than, or different from, those analyzed in the Hazards Summary Report" if (1) the probability of any type of accident analyzed in the Hazards Summary Report might be increased, or (2) the possible consequences of any type of accident analyzed in the Hazards Summary Report might be increased, or (3) such change or modification might create a credible probability of an accident of a type different from, and all possible consequences of which would not be of a lesser magnitude than each of, the accidents analyzed in the Hazards Summary Report.

H. "Hazards Summary Report" as used in this paragraph 4. is defined as "Enclosure 2, Hazards Summary Report" dated March 1, 1960, submitted by General Dynamics Corporation as a part of its application for license.

I. In addition to those otherwise required under this license and applicable regulations, General Dynamics Corporation shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of General Dynamics Corporation as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

J. General Dynamics Corporation shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

6. This license is effective as of the date of issuance and shall expire ten years thereafter.

Date of issuance: July 1, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

APPENDIX "A"

OPERATING SPECIFICATIONS

1. *Fuel material:* TRIGA-type elements (uranium-zirconium-hydride fuel-moderator elements) described in Section 4.1 of the Hazards Summary Report.

2. *Core water content:* 35 percent.

3. *Fuel array:* Compact cylindrical loading with no core vacancies and no in-core experiments.

4. *Control-rod worth:*

Type	No.	Maximum total worth (dollars)	Minimum total worth (dollars)
Transient (pneumatic)	1	3.25	----------
Rack and pinion	3	----------	4.75

5. *Steady-state operation:*

A. Available excess reactivity—$5 maximum above room temperature reactor conditions.

B. Power level—1.0 Mw Maximum.

C. Water temperature—90° C. maximum water temperature at exit of central water channels 60° C. maximum water temperature at top of reactor tank.

6. *Transient operations:*

A. Available excess reactivity—$3.25 maximum above room temperature reactor conditions.

B. Step reactivity insertion—$3 maximum above room temperature reactor conditions.

7. *Fuel condition:*

A. Maximum temperature—600° C. maximum temperature of fuel under steady state or transient conditions.

B. Fuel element damage—The facility shall not be operated with damaged fuel elements. Damage shall be deemed to mean any detectable break in the cladding or physical change in the shape or dimensions of a fuel element, except (1) transverse bending not in excess of 1/16 inch over the total length of the fuel element and (2) longitudinal elongation of the element not exceeding a total of 0.1 inch.

8. *Maximum water contamination*—0.1 c/ml.

9. *Minimum instrumentation:*

Type		No.	Scrams	Remarks
A. Power level	Ion chamber (μa ammeters)	2	2	Required for both steady-state and transient experiments; at least one unit must be sensitive.
B. Fuel temperature	Thermocouples at center of hot fuel elements.	2	2	Required for transient experiments only.

[F.R. Doc. 60-6398; Filed, July 11, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. DA-131-Arizona]

POWER SITE RESERVES NOS. 83, 242, 590, AND 759, POWER SITE CLASSIFICATION NO. 438, WATER POWER DESIGNATION NO. 4, AND PROJECT NO. 837

Findings of the Commission and Partial Vacation of the Withdrawal Under Section 24 of the Federal Water Power Act

JULY 5, 1960.

The Geological Survey, United States Department of the Interior, has transmitted to the Commission a report resulting from its review of the water-power withdrawals of the Gila River Drainage Basin, Arizona, from the San Carlos Indian Reservation boundary line upstream to the Arizona-New Mexico boundary line, in which it recommends the revocation of the power withdrawals with respect to certain lands within the basin and the restoration to entry, subject to the provisions of section 24 of the Federal Power Act, of additional lands.

The lands are variously withdrawn in Power Site Reserves Nos. 83, 242, 590, and 759, Power Site Classification No. 438, Water Power Designation No. 4, and pursuant to the filing on September 2, 1927, of an application for a preliminary permit for proposed Project No. 837, which application was denied on April 6, 1933.

Findings heretofore made by the Commission in Docket Nos. DA-118-Arizona, DA-128-Arizona, and DA-129-Arizona, respectively, provided for the revocation of the power withdrawals pertaining to the lands described in finding (1) herein.

The Commission in Docket No. DA-118-Arizona also vacated the withdrawal pertaining to certain of the lands reserved in connection with proposed Project No. 837.

It appears that the water supply available in the stretch of the Gila River under consideration is not adequate to satisfy present irrigation requirements of the area.

The greater part of the annual flow occurs in the winter, when irrigation demand is least, and it is deficient in the summer when the demand is greatest. Water conservation and utilization appear to be closely related to flood problems along the Gila River. Because of the flashy nature of the streamflow the proportion of the water resources of the area which can be used effectively under present conditions remains a vital factor in the economy of the area.

Of the several potential dam and reservoir sites located in this stretch of the river the development of the Earven (Camelsback) site—primarily for flood control purposes—appears to be the only one having been considered in recent years.

Because of the nature of the streamflow within the area any power developed would be negligible and dependent on draw-down to meet irrigation requirements.

No plan is known that proposes use of any of the lands in this stretch of the river for power development, the water-power potential of the lands being negligible.

The Commission finds:

(1) Further Commission action with respect to the following-described lands is neither necessary nor appropriate:

GILA AND SALT RIVER MERIDIAN—ARIZONA

T. 4 S., R. 20 E.,
Sec. 12, lots 1 through 10, NE¼NE¼, NW¼SE¼, S½SW¼;
Sec. 13, SW¼NE¼, E½NW¼, NW¼NW¼, S½SW¼;
Sec. 24, lots 1, 2, 3, 4, W½E½, E½W½, SE¼SE¼;
Sec. 25, lots 1, 3, 4, 5, 6, 7, N½NE¼, S½SE¼, SE¼SW¼.
T. 5 S., R. 20 E.,
Sec. 1, lots 2, 3, 4, 7, 8, 9, 12 through 17;
Sec. 11, W½NE¼, NW¼, N½SW¼;
Sec. 12, lots 3, 4;
Sec. 13, lots 5 through 16;
Sec. 14, E½SE¼;
Sec. 15, N½NE¼, NW¼, N½SW¼;
Sec. 23, N½;
Sec. 24, NW¼.
T. 3 S., R. 30 E.,
Sec. 1, lots 3, 4, S½NW¼, NW¼SW¼;
Sec. 2, All;
Sec. 3, S½NE¼, SE¼, E½SW¼;
Sec. 9, NE¼NE¼, E½SW¼, SW¼SW¼;
Sec. 10, E½NE¼, NW¼NW¼, NE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, S½NE¼, SE¼, NE¼SW¼;
Sec. 13, N½NE¼, NW¼, NW¼SW¼;
Sec. 14, E½NE¼, SW¼NE¼, S½;
Sec. 15, E½SE¼;
Sec. 16, NW¼;
Sec. 17, NE¼, SE¼NW¼, S½;
Sec. 19, E½NE¼, SE¼;
Sec. 20, W½W½, SE¼SW¼;
Sec. 21, S½NE¼, S½;
Sec. 22, NE¼, S½NW¼, N½SE¼, SW¼SE¼, SW¼;
Sec. 23, N½NW¼, SW¼NW¼;
Sec. 27, W½NW¼;
Sec. 28, All;
Sec. 29, All;
Sec. 30, E½, E½SW¼;
Sec. 31, All;
Sec. 32, All;
Sec. 33, W½NE¼, W½.
T. 4 S., R. 30 E.,
Sec. 4, W½;
Sec. 6, lots 2, 3, 4, 5, SW¼NE¼, SE¼NW¼;
Sec. 7, E½SE¼, SW¼SE¼;
Sec. 8, W½SE¼, SW¼;
Sec. 17, W½;
Sec. 18, E½;
Sec. 19, E½SE¼;
Sec. 20, W½;
Sec. 29, W½, W½SE¼;
Sec. 30, E½NE¼;
Sec. 32, S½S½;
Sec. 33, lots 4 and 5.
T. 5 S., R. 30 E.,
Sec. 5, W½;
Sec. 7, NE¼NE¼, S½NE¼, SE¼;
Sec. 8, NW¼, N½SW¼, SW¼SW¼;
Sec. 18, lot 2, NE¼, SE¼NW¼.
T. 3 S., R. 31 E.,
Sec. 2, lots 2, 5, 6, SW¼SE¼, E½SW¼;
Sec. 3, lots 2, 3, SE¼NW¼, NE¼SW¼;
Sec. 4, SW¼NW¼, E½SE¼, SW¼;
Sec. 5, S½NW¼, E½SE¼;
Sec. 6, SE¼NE¼, SE¼, E½SW¼;
Sec. 7, NE¼, NE¼NW¼;
Sec. 9, E½, E½W½, W½SW¼;
Sec. 10, S½NE¼, NW¼, SW¼SW¼;
Sec. 11, W½NW¼.
T. 6 S., R. 31 E.,
Sec. 5, SW¼;
Sec. 6, N½, SE¼, E½SW¼;
Sec. 7, lot 5;
Sec. 8, NE¼, E½NW¼, N½SE¼, NE¼SW¼;
Sec. 19, NE¼NW¼;
Sec. 20, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼SE¼;
Sec. 28, W½W½, SE¼SW¼;
Sec. 30, lots 5 and 7;
Sec. 31, All;
T. 2 S., R. 32 E. (Unsurveyed),
All lands lying within one mile of San Francisco River.

(2) The existing power withdrawal pertaining to the following-described lands under Section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 837 serves no useful purpose and vacation of the withdrawal is in the public interest:

GILA AND SALT RIVER MERIDIAN—ARIZONA

T. 5 S., R. 28 E.,
Sec. 12, SE¼SE¼;
Sec. 13, E½;
Sec. 25, E½E½;
Sec. 36, E½NE¼, SE¼.
T. 6 S., R. 28 E.,
Sec. 1, lot 1, S½N½, S½;
Sec. 2, S½NE¼, S½;
Sec. 10, E½;
Sec. 11, All;
Sec. 12, N½;
Sec. 14, N½, SW¼, W½SE¼;
Sec. 15, E½;
Sec. 21, E½, SE¼SW¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼;
Sec. 23, NW¼NE¼, N½NW¼;
Sec. 28, N½, NW¼SW¼;
Sec. 29, NE¼NE¼, S½NE¼, SE¼NW¼, S½.
T. 5 S., R. 29 E.,
Sec. 1, lots 10, 11, 16;
Sec. 7, S½SW¼;
Sec. 11, SE¼NE¼, S½SW¼, SE¼;
Sec. 12, lots 1, 6, 9, 10, 11, 12, 13, 14, 15, 16, SW¼;
Sec. 13, lots 1, 2, 3, 4, N½NW¼;
Sec. 14, N½NE¼, NW¼, NW¼SW¼;
Sec. 15, S½NE¼, SE¼, S½SW¼;
Sec. 16, S½SE¼;
Sec. 18, W½, W½SE¼;
Sec. 19, W½, W½E½;
Sec. 21, E½, S½SW¼;
Sec. 22, NW¼NE¼, W½;
Sec. 23, SE¼SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, lots 5 through 16, W½;
Sec. 26, NE¼, S½NW¼, S½;
Sec. 27, All;
Sec. 28, N½NE¼, NW¼;
Sec. 29, NE¼, S½NW¼, N½S½, SW¼SW¼;
Sec. 30, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 31, NE¼NE¼, W½NE¼, W½;
Sec. 35, N½N½, SE¼NW¼, SW¼NE¼;
Sec. 36, N½NW¼.
T. 6 S., R. 29 E. (Unsurveyed),
Sec. 6, N½NE¼, SW¼NE¼, W½;
Sec. 7, N½NW¼.
T. 5 S., R. 30 E.,
Sec. 6, lots 19, 20, 23, 24;
Sec. 7, lots 1, 2, 3, 4;
Sec. 30, lots 3, 4, E½SW¼, SE¼;
Sec. 31, NE¼, NE¼SE¼;
Sec. 32, NW¼.
T. 6 S., R. 30 E.,
Sec. 3, SE¼, S½SW¼;
Sec. 4, lots 3, 6, 4, 5, 6, 7, S½NW¼, N½SW¼, SE¼;
Sec. 9, NE¼NE¼ (Unsurveyed);
Sec. 10, NW¼NE¼, N½NW¼ (Unsurveyed).

(3) The following-described lands have negligible or no value for purposes of power development, and, therefore, it has no objection to the revocation by the Secretary of the Interior of the respective power withdrawals insofar as such withdrawals pertain to said lands:

GILA AND SALT RIVER MERIDIAN—ARIZONA

T. 4 S., R. 22 E.,
Sec. 1, S½S½;
Sec. 2, lot 4;
Sec. 11, lot 1;
Sec. 12, N½NE¼, S½SE¼.
T. 5 S., R. 28 E.,
Sec. 25, S½;
Sec. 35, E½;
Sec. 36, All.
T. 6 S., R. 28 E.,
Sec. 1, All (partly surveyed);
Sec. 16, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 29, All;
Sec. 30, N½, N½SE¼, SW¼SE¼, SW¼;
Sec. 31, lots 1, 2, 3;
Sec. 32, N½, SE¼;

Sec. 25, lots 1, 3, 4, 5, 6, 7, N½NE¼, S½SE¼, SE¼SW¼.
T. 5 S., R. 29 E.,
Sec. 1, lots 2, 3, 4, 7, 8, 9, 12 through 17;
Sec. 11, W½NE¼, NW¼, N½SW¼;
Sec. 12, lots 3, 4;
Sec. 13, lots 5 through 16;
Sec. 14, E½SE¼;
Sec. 15, N½NE¼, NW¼, N½SW¼;
Sec. 23, N½;
Sec. 24, NW¼.
T. 3 S., R. 30 E.,
Sec. 1, lots 3, 4, S½NW¼, NW¼SW¼;
Sec. 2, All;
Sec. 3, S½NE¼, SE¼, E½SW¼;
Sec. 9, NE¼NE¼, E½SW¼, SW¼SW¼;
Sec. 10, E½NE¼, NW¼NW¼, NE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, S½NE¼, SE¼, NE¼SW¼;
Sec. 13, N½NE¼, NW¼, NW¼SW¼;
Sec. 14, E½NE¼, SW¼NE¼, S½;
Sec. 15, E½SE¼;
Sec. 16, NW¼;
Sec. 17, NE¼, SE¼NW¼, S½;
Sec. 19, E½NE¼, SE¼;
Sec. 20, W½W½, SE¼SW¼;
Sec. 21, S½NE¼, S½;
Sec. 22, NE¼, S½NW¼, N½SE¼, SW¼SE¼, SW¼;
Sec. 23, N½NW¼, SW¼NW¼;
Sec. 27, W½NW¼;
Sec. 28, All;
Sec. 29, All;
Sec. 30, E½, E½SW¼;
Sec. 31, All;
Sec. 32, All;
Sec. 33, W½NE¼, W½.
T. 4 S., R. 30 E.,
Sec. 4, W½;
Sec. 6, lots 2, 3, 4, 5, SW¼NE¼, SE¼NW¼;
Sec. 7, E½SE¼, SW¼SE¼;
Sec. 8, W½SE¼, SW¼;
Sec. 17, W½;
Sec. 18, E½;
Sec. 19, E½SE¼;
Sec. 20, W½;
Sec. 29, W½, W½SE¼;
Sec. 30, E½NE¼;
Sec. 32, S½S½;
Sec. 33, lots 4 and 5.
T. 5 S., R. 30 E.,
Sec. 5, W½;
Sec. 7, NE¼NE¼, S½NE¼, SE¼;
Sec. 8, NW¼, N½SW¼, SW¼SW¼;
Sec. 18, lot 2, NE¼, SE¼NW¼.
T. 3 S., R. 31 E.,
Sec. 2, lots 2, 5, 6, SW¼SE¼, E½SW¼;
Sec. 3, lots 2, 3, SE¼NW¼, NE¼SW¼;
Sec. 4, SW¼NW¼, E½SE¼, SW¼;
Sec. 5, S½NW¼, E½SE¼;
Sec. 6, SE¼NE¼, SE¼, E½SW¼;
Sec. 7, NE¼, NE¼NW¼;
Sec. 9, E½, E½W½, W½SW¼;
Sec. 10, S½NE¼, NW¼, SW¼SW¼;
Sec. 11, W½NW¼.
T. 6 S., R. 31 E.,
Sec. 5, SW¼;
Sec. 6, N½, SE¼, E½SW¼;
Sec. 7, lot 5;
Sec. 8, NE¼, E½NW¼, N½SE¼, NE¼SW¼;
Sec. 19, NE¼NW¼;
Sec. 20, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼SE¼;
Sec. 28, W½W½, SE¼SW¼;
Sec. 30, lots 5 and 7;
Sec. 31, All;
T. 2 S., R. 32 E. (Unsurveyed),
All lands lying within one mile of San Francisco River.

GILA AND SALT RIVER MERIDIAN—ARIZONA

T. 4 S., R. 22 E.,
Sec. 1, S½S½;
Sec. 2, lot 4;
Sec. 11, lot 1;
Sec. 12, N½NE¼, S½SE¼.
T. 5 S., R. 28 E.,
Sec. 25, S½;
Sec. 35, E½;
Sec. 36, All.
T. 6 S., R. 28 E.,
Sec. 1, All (partly surveyed);
Sec. 16, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 29, All;
Sec. 30, N½, N½SE¼, SW¼SE¼, SW¼;
Sec. 31, lots 1, 2, 3;
Sec. 32, N½, SE¼;
And: All lands within one mile of Gila River.
T. 4 S., R. 29 E.,
Sec. 1, S½SE¼.
T. 5 S., R. 29 E.,
Sec. 1, lots 1, 10, 11, 12;
Sec. 11, E½NE¼, SE¼, SW¼SW¼;
Sec. 12, lots 1, 2, 5 through 16, W½;
Sec. 13, lots 1, 2, 3, 4, W½;
Sec. 14, N½, SW¼, W½SE¼;
Sec. 15, S½NE¼, SE¼, S½SW¼;
Sec. 16, SE¼SE¼;
Sec. 19, S½NE¼, S½;
Sec. 20, S½SE¼;
Sec. 21, All;
Sec. 22, All;
Sec. 23, S½;
Sec. 24, lots 9 through 16, SW¼;
Sec. 25, lots 1 through 16, W½;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, N½, NW¼SE¼, SW¼;
Sec. 33, NE¼, N½NW¼;
Sec. 34, N½, SE¼, NE¼SW¼;
Sec. 35, All;
Sec. 36, lots 1 through 12, W½.
T. 6 S., R. 29 E.,
Every smallest legal subdivision any portion of which lies within one-quarter mile of Gila River.
T. 3 S., R. 30 E.,
Sec. 1, lots 1, 2, S½NE¼, SE¼, E½SW¼, SW¼SW¼;
Sec. 9, E½NE¼, SE¼;
Sec. 10, W½NE¼, E½NW¼, SW¼NW¼, W½SE¼, SE¼SE¼, SW¼;
Sec. 11, N½, N½SE¼, SW¼SE¼, SW¼;
Sec. 12, N½NE¼, NW¼, W½SW¼, SE¼SW¼;
Sec. 14, NW¼NE¼, NW¼;
Sec. 15, N½, SW¼, W½SE¼;
Sec. 16, NE¼, SW¼, W½SE¼, N½N½NE¼SE¼, S½S½SE¼SE¼;
Sec. 21, N½NE¼, NW¼;
Sec. 22, N½NW¼.
T. 4 S., R. 30 E.,
Sec. 5, lots 1, 2, 4, S½NE¼, SE¼, SE¼SW¼, S½N½SW¼SW¼, S½SW¼SW¼;
Sec. 6, lots 1, 6, 7, E½SW¼;
Sec. 7, E½NE¼, SW¼NE¼, NW¼SE¼, E½SW¼;
Sec. 8, N½NE¼, SW¼NE¼, NW¼;
Sec. 18, E½, W½;
Sec. 19, N½NE¼, SE¼NE¼, SW¼SE¼;
Sec. 30, NW¼NE¼, NE¼SE¼.
T. 5 S., R. 30 E.,
Sec. 6, lots 3 through 9, 13 through 29, 38 and 34;
Sec. 7, lots 1, 2, 3, 4, SE¼NW¼, E½SW¼;
Sec. 18, lot 1, NE¼NW¼;
Sec. 19, lot 4, SE½SW¼;
Sec. 28, S½S½;
Sec. 29, S½NW¼, S½;
Sec. 30, All;
Sec. 31, All;
Sec. 32, W½, S½SE¼;
Sec. 33, N½, N½SE¼, SE¼SE¼, NE¼SW¼;
Sec. 34, W½SW¼.
T. 6 S., R. 30 E.,
Sec. 1, N½;
Sec. 3, lots 5, 6, 7, SW¼NE¼, S½NW¼, S½;
Sec. 4, All;
Sec. 5, N½, SE¼;
Sec. 9, NE¼, NE¼NW¼;
Sec. 18, N½, NE¼SE¼;
Sec. 11, All.
T. 2 S., R. 31 E. (Part unsurveyed),
Sec. 31, All;
And: Every smallest legal subdivision in unsurveyed sections 17, 18, 19, 20 and 30 adjacent to Blue River which when surveyed, will be in whole or in part under an altitude 4,000 feet and; all land within one mile of San Francisco River.

T. 3 S., R. 31 E.
Sec. 2, lots 3, 4, SW¼NW¼;
Sec. 3, lots 1, 4 through 9, SW¼NE¼, W½SW¼, SE¼SW¼;
Sec. 4, lots 1 through 6, W½SE¼;
Sec. 8, lots 1, 2, 3, 4, S½NE¼;
Sec. 9, lots 1, 2, 6 through 12, SW¼NE¼, SE¼NW¼, E½SW¼NW¼;
Sec. 10, N½NE¼.
T. 6 S., R. 31 E.,
Sec. 8, S½SE¼;
Sec. 18, NE¼NW¼;
Sec. 20, N½SE¼;
Sec. 33, W½, W½SE¼.
T. 3 S., R. 32 E.,
All lands within one mile of San Francisco River.

The Commission orders: The existing power withdrawal pertaining to the lands described in finding (2) herein under Section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 837 is vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6406; Filed, July 11, 1960; 8:46 a.m.]

[Docket No. G-18338 etc.]

COASTAL TRANSMISSION CORP. ET AL.

Order Severing Proceedings

JULY 1, 1960.

On June 6, 1960, the Coastal Transmission Corporation (Coastal) filed a request that certain independent producers' applications be heard pursuant to the shortened procedures provided by §§ 1.32(c) (1) and 1.30(c) (1) of the Commission's rules of practice and procedure.

In considering this matter, it is our view that the following dockets should be severed from the formal hearing and be heard pursuant to shortened procedures in the above-named sections of our rules:

The Ohio Oil Company	G-17896
Turnbull & Zoch Drilling Company, Operator, et al	G-17960
H. L. Hawkins and H. L. Hawkins, Jr., Operator, et al	G-18077
Louis Baker et al	G-18175
J. Ray McDermott & Co., Inc., Operator, et al	G-18212
Amerada Petroleum Corporation	G-18346
Phillips Petroleum Company	G-18375
Tidewater Oil Company, Operator	G-18376
Getty Oil Company, Operator, et al	G-18378
Helis Petroleum Corporation, Operator, et al	G-18379
Socony Mobil Oil Company, Inc.	G-18384
Socony Mobil Oil Company, Inc., Operator	G-18385
Socony Mobil Oil Company, Inc.	G-18386
Union Oil Company of California	G-18389
Great Expectations Oil Corporation et al	G-18396
McCurdy & McCurdy	G-18434
The Pure Oil Company, Operator et al	G-18438
Shell Oil Company	G-18439
The British-American Oil Producing Company	G-18445
Herman Brown, et al	G-18479
John A. Newman, Operator, et al	G-18481
M. W. Crockett, et al	G-18522
Investors Syndicate of the Southwest, Inc	G-18590
Layton Brown Drilling Company, Inc. E. Layton Brown, Operator	G-18674
G. H. Vaughn, Jr., et al	G-18678
George K. Taggart, Jr., Operator	G-18796
Callery Properties, Inc	G-18857
V. F. Neuhaus	G-18861
Richard King, Jr	G-18987
Clark Fuel Producing Company, Operator, et al	G-19052
The Superior Oil Company	G-19129
The Pure Oil Company	G-19140
Irwin and Bess	G-19297
Gregory J. Gallagher	G-19308
Trice Production Company	G-19340
W. W. F. Oil Corporation, Operator, et al	G-19585
Tidewater Oil Company	G-19971
Texaco Seaboard Inc	G-18887
Exeter Oil Company	G-19064
Delhi-Taylor Oil Corporation	G-19464
Phillips Petroleum Company	G-19498
George Parker	G-19718
Sunray Mid-Continent Oil Company	G-19803
Skelly Oil Company	G-20155
Amerada Petroleum Corporation	G-20200
Continental Oil Company	G-20242
The Superior Oil Company	G-20359
Texaco Seaboard Inc	G-20460
Diversa, Inc	G-20458
Gregory J. Gallagher	G-20385
The Atlantic Refining Company	G-20492

The Commission finds:

(1) Good cause exists for the severance of the proceedings in the dockets specifically named herein from the other consolidated proceedings.

(2) The final disposition of the dockets severed hereby shall be conditioned upon the issuance of certificates of public convenience and necessity to Coastal Transmission Corporation in Docket No. G-18338 and to the Houston Texas Gas and Oil Corporation in Docket No. G-18615.

The Commission orders:

(A) Docket No. G-17896, G-17960, G-18077, G-18175, G-18212, G-18346, G-18375, G-18376, G-18378, G-18379 G-18384, G-18385, G-18386, G-18389, G-18396, G-18434, G-18438, G-18439, G-18445, G-18479, G-18481, G-18522, G-18590, G-18674, G-18678, G-18796, G-18857, G-18861, G-18987, G-19052, G-19129, G-19140, G-19297, G-19308, G-19340, G-19585, G-19971, G-18887, G-19064, G-19464, G-19498, G-19718, G-19803, G-20155, G-20200, G-20242, G-20359, G-20460, G-20458, G-20385, G-20492, are hereby severed from the above-named proceedings.

(B) The final disposition of the dockets severed herewith shall be conditioned upon the issuance of certificates of public convenience and necessity to Coastal Transmission Corporation in Docket No. G-16338 and to the Houston Gas and Oil Corporation in Docket No. G-18615.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6407; Filed, July 11 1960; 8:46 a.m.]

[Docket No. RP60-15]

SOUTHERN NATURAL GAS CO.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

JULY 1, 1960.

Southern Natural Gas Company (Southern) on June 2, 1960, tendered for filing First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27, and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1, providing for an annual increase in its rates and charges of $1,312,000, or 1.3 percent. The proposed increased rates would be in addition to a $7.7 million increase in rates subject to hearing in Docket No. G-20509.[1] Southern states that the increase is designed solely to reflect an increase in purchased gas costs resulting from an increase in rate filed by United Gas Pipe Line Company which was suspended until August 13, 1960, by the Commission by order issued March 10, 1960, in Docket No. RP60-2.

The proposed effective date designated by Southern is July 2, 1960. However, Southern offers other alternative effective dates for the proposed filing, depending upon whether the Commission grants Southern's accompanying motion that the instant rate filing be consolidated with the earlier filing subject to proceedings in Docket No. G-20509. Southern proposes that if the requested consolidation is granted, the effective date of the combined increase be postponed from June 1, 1960, to June 12, 1960. Southern states that its computations show that if the G-20509 rates are not placed in effect on June 1, but in lieu thereof the rates filed on June 2 become effective, after suspension, on June 12, the net effect would be that Southern will receive the same revenues as if the G-20509 rates became effective on June 1 and rates filed on June 2 become effective on August 13, 1960.

Upon consideration of Southern's motion for consolidation with Docket No. G-20509, it appears that such motion should not be granted at this time. The proposed June 12 effective date does not appear to be feasible and is objectionable to interested parties.

Comments have been received from twelve or more customer companies, the Georgia Public Service Commission and one industrial resale customer, opposing the proposed increased rates. Some of the complainants request suspension for the full statutory period of five months. The Georgia Commission cites the fact that Georgia law does not permit retroactive adjustment of resale rates of Southern's customers. One customer complains that it would not have sufficient time within which to protect itself by filing higher resale rates if the proposed rates were permitted to become effective on June 12, 1960.

The proposed increased rates and charges contained in the aforementioned revised tariff sheets tendered by Southern on June 2, 1960, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 as proposed to be modified by First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27, and 30 to said tariff, as aforementioned, and that said revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC Gas Tariff, Sixth Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27, and 30 to said tariff as tendered for filing on June 2, 1960.

(B) Pending such hearing and decision thereon the aforementioned First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27, and 30 to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 are hereby suspended and the use thereof deferred until August 13, 1960, and until such further time as the aforementioned increased rate and charge proposed by United Gas Pipe Line Company may become effective subject to refund in Docket No. RP60-2, and until such further time as said revised tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by Sections 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)), by filing petitions for leave to intervene on or before August 15, 1960.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6408; Filed, July 11, 1960; 8:46 a.m.]

[1] By order issued December 24, 1959, the Commission suspended the proposed increased rates filed in Docket No. G-20509 until June 1, 1960. On June 1, 1960, Southern filed its motion to make the said rates effective as of that date. No order, however, has been issued on said motion, there being presently pending before the Commission the staff's motion for an interim rate order. The subject proposed increased rates are also in addition to the proposed increased rates subject to hearing and refund in Docket No. G-18512, involving an estimated annual increase of $10.1 million.

CIVIL AERONAUTICS BOARD

[Docket 9004]

WHEELING-NEW YORK NONSTOP

Notice of Cancellation of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be held on July 12, 1960 is hereby cancelled.

Dated at Washington, D.C., July 8, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-6460; Filed, July 11, 1960; 8:51 a.m.]

TARIFF COMMISSION

BROOMS

Notice of Receipt of Application for Investigation

Notice is hereby given that on June 30, 1960 the United States Tariff Commission received an application from the National Broom Manufacturers and Allied Industries Association for an investigation under section 336 of the Tariff Act of 1930 (19 U.S.C. 1336) of the differences in the costs of production of brooms made of broom corn produced in the United States and of such brooms produced in foreign countries. The foreign brooms are dutiable under paragraph 1506 of the Tariff Act of 1930 at the rate of 25 per centum ad valorem, and applicants seek an increase in duty.

The application is available for public inspection at the office of the Secretary of the Commission in Washington, D.C., and at the Commission's office in New York City located in Room 437 of the Custom House, where it may be read and copied by persons interested.

The Commission is conducting a preliminary inquiry to determine whether a formal investigation for the purposes of section 336 is warranted.

Issued: July 7, 1960.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-6421; Filed, July 11, 1960; 8:48 a.m.]

[7-62]

IRON ORE

Notice of Investigation and Hearing

Investigation instituted. The United States Tariff Commission, on the 6th day of July 1960, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether iron ore (including manganiferous iron ore), provided for in paragraph 1760 of the Tariff Act of 1930, is, as a result in whole or in part of the customs treatment reflecting concessions granted thereon under trade agreements, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products. A resolution requesting this investigation was adopted by the Committee on Finance, United States Senate, on June 30, 1960, and was received by the Commission from the Chairman of the Committee on July 1, 1960.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on October 11, 1960, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Issued: July 7, 1960.

By order of the Commission.

DONN N. BENT, *Secretary.*

[F.R. Doc. 60-6422; Filed, July 11, 1960; 8:48 a.m.]

[332—39]

FRESH FRUITS AND VEGETABLES

Notice of Investigation

Pursuant to a resolution adopted by the Committee on Ways and Means of the House of Representatives, the United States Tariff Commission has instituted a general investigation under the authority of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332) of the conditions of competition in the market areas served by the producers in the Imperial, Palo Verde, and Coachella Valleys and adjoining areas of Southern California between fresh fruits and vegetables produced in such areas and those produced in foreign countries.

The Ways and Means Committee resolution directs the Commission to include in its report of the results of the investigation a summary of the facts obtained in the investigation with regard to domestic production, imports, domestic consumption, United States exports, comparability of the domestic and imported products, and the degree of competition between them with respect to the particular products and geographic areas referred to, and a statement of the United States customs treatment since 1930 with special reference to seasonal rates of duty.

If public hearings in connection with this investigation are deemed appropriate, announcement of such hearings will be made.

By order of the Commission.

Issued: July 7, 1960.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-6430; Filed, July 11, 1960; 8:49 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

The following description of the organization of the Post Office Department is from Chapter 8 of the Postal Manual, and is a revision and republication of such description which has appeared annually in the special edition of the FEDERAL REGISTER, designated "The United States Government Organization Manual". It supersedes Federal Register Document 58-4353 (23 F.R. 4010-4018), Federal Register Document 58-5293 (23 F.R. 5276-5281), Federal Register Document 58-7180 (23 F.R. 6799, as corrected and republished in 23 F.R. 6888), Federal Register Document 58-9859 (23 F.R. 8768-8769), Federal Register Document 59-0618 (23 F.R. 9146), Federal Register Document 59-3643 (24 F.R. 2450-2451), Federal Register Document 59-7648 (24 F.R. 7424-7426), and Federal Register Document 59-9111 (24 F.R. 8751-8752), and it reflects the delegations of authority and amendments thereof which have been published in the FEDERAL REGISTER as follows: 18 F.R. 1187, 2480, 8458, 8490, 8906; 19 F.R. 342, 361, 2376, 3065, 3970, 4043, 4331, 4483, 4484, 4584, 5323, 5971, 6168, 6169, 6351, 6862, 7275, 7416, 7510, 7910, 8042, 8226; 20 F.R. 98, 165, 234, 276, 557, 941, 1103, 1186, 2205, 2206, 2669, 3266, 3548, 3833, 5269, 7399, 7946, 8478, 8522; 21 F.R. 162, 613, 1075, 1189, 2896, 5335, 5462, 6096, 7809, 8778; 22 F.R. 3737, 4166, 4673, 6022, 7382, 8542; 23 F.R. 616, 805, 1798, 2754, 2816, 2817, 3740, 5021, 6215, 7676, 8162; 24 F.R. 2451, 4272, 4273, 6584, 6878, 8750, 8751. The said delegations of authority, as amended, including the delegations to and establishment of the Regional Organizations in the field, are hereby adopted and made a part of the description of the "central and field organization" of the Post Office Department.

Subchapter 810—General Principles of Organization

PART 811—BASIS OF RESPONSIBILITY DISTRIBUTION

Sec.
811.1 Postmaster General and Deputy Postmaster General.
811.2 Headquarters and Field.
811.3 Staff Officers and Staff Units.
811.4 Functional Bureaus.
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PART 812—DELEGATIONS OF AUTHORITY

812.1 Authority for delegation.
812.2 Media of delegation.
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812.5 Authority to effect personnel actions.
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PART 813—RESPONSIBILITIES COMMON TO ALL BUREAUS AND OFFICES

813.1 Execution of laws, regulations, and policies.
813.2 Policy and program planning.
813.3 Interbureau assistance.
813.4 Functional direction of field establishment.
813.5 Supervisory officers.
813.6 Internal management.

PART 814—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

Sec.
814.1 Formal channels.
814.2 Informal channels.

PART 815—REGIONAL ABBREVIATIONS AND NUMERICAL DESIGNATIONS

Subchapter 820—Organization Statements

PART 821—OFFICE OF THE POSTMASTER GENERAL

821.1 Postmaster General.
821.2 Executive Assistant to the Postmaster General.
821.3 Special Assistant to the Postmaster General (Public Relations).
821.4 Special Assistant to the Postmaster General (Women's Affairs).
821.5 Judicial Officer.
821.6 Hearing Examiners.
821.7 Board of Contract Appeals.

PART 822—OFFICE OF THE DEPUTY POSTMASTER GENERAL

822.1 Deputy Postmaster General.
822.2 Executive Assistant to the Deputy Postmaster General.

PART 823—STAFF BUREAU AND OFFICES

823.1 Bureau of the Chief Postal Inspector.
823.2 Office of the General Counsel.
823.3 Office of Research and Engineering.

PART 824—FUNCTIONAL BUREAUS

824.1 Assistant Postmaster General, Bureau of Operations.
824.2 Assistant Postmaster General, Bureau of Transportation.
824.3 Assistant Postmaster General, Bureau of Finance.
824.4 Assistant Postmaster General, Bureau of Facilities.
824.5 Assistant Postmaster General, Bureau of Personnel.

PART 825—REGIONAL OPERATIONS DIRECTOR

825.1 Assistant to Director.
825.2 Postal Installations Manager.
825.3 Distribution and Traffic Manager.
825.4 Controller.
825.5 Vehicle Services Manager.
825.6 Real Estate Manager.
825.7 Personnel Manager.
825.8 Engineer.

PART 826—SERVICES OFFICERS

826.1 Field Services Officer.
826.2 Mobile Services Officer.

Subchapter 810—General Principles of Organization

PART 811—BASIS OF RESPONSIBILITY DISTRIBUTION

811.1—POSTMASTER GENERAL AND DEPUTY POSTMASTER GENERAL

.11 All responsibilities and authorities for performance of the work of the Post Office Department are vested by law in the Postmaster General, who may redelegate them to subordinate officers. The Postmaster General operates through delegation, as provided herein, except as to any matters which he may generally or specifically reserve for his personal decision, notwithstanding formal delegations.

.12 The Deputy Postmaster General functions as full alternate to the Postmaster General with full authority to act in his stead on all matters.

811.2—HEADQUARTERS AND FIELD

.21 The duties assigned to the Department in Washington relate mainly to:

a. Program planning, direction, and review.

b. Establishment of policies, procedures, standards, and other guidances.

c. Operational determinations on matters not logically within the full jurisdiction of field officers.

.22 Field installations are assigned responsibility for:

a. Local decision-making and performance of work in accordance with official delegations and prescribed policies, procedures, and standards.

b. Referral to superior authority of matters requiring higher decision, accompanied by appropriate recommendations.

c. Reporting of performance, special problems, trends, and other operating information necessary for effective planning and action by superior headquarters.

811.3—STAFF OFFICERS AND STAFF UNITS

.31 Staff officers to the Postmaster General and the Deputy operate in behalf of their superiors as extended arms of his personal authority. Staff officers do not have authority in their own right to make decisions on matters within the defined scope of other bureaus and offices. To the extent they participate in such decision-making, they do so as personal representatives of, and in behalf of, their superiors.

.32 Staff officers keep their superiors informed as to significant developments, implications, and needs for action. They may represent their superiors in coordinating developmental plans and programs of an interbureau nature.

.33 Additional duties of a service or control nature may be assigned to staff units, as provided in their individual functional statements.

.34 Staff officers and staff units in subordinate components of organization within the Postal Establishment are expected to operate in accordance with the principles stated in this section.

811.4—FUNCTIONAL BUREAUS

.41 *Operating Bureau.*

.411 The Bureau of Operations is the sole operating bureau at the departmental level having line responsibility over the field organization.

.412 It carries out the policies and programs of the Postmaster General on all matters pertaining to the provision of postal service within the scope of its functional statements and delegations.

.413 The execution of policies and program by the Bureau of Operations in the field is discharged with the policy guidance, advice, and support of other bureaus and offices acting within the scope of their own functional statements and delegations.

.414 In the event of differences of opinion with other bureaus and offices as to operating policies or actions, the Bureau of Operations is expected to exhaust every means for composing differences. The means for referring these differences for higher decision ordinarily rests with the Bureau of Operations.

.42 *Policy and Administrative Bureaus.*

.421 The Bureau of Transportation, the Bureau of Finance, the Bureau of Facilities, and the Bureau of Personnel develop or establish policies and programs within their respective areas as defined in their functional statements and delegations. They perform also certain supporting or auxiliary functions as assigned to them in functional statements and delegations. Their mission is to provide the overall policy and program guidance which will contribute to the effectiveness of field operations.

.422 The Bureau of Finance, the Bureau of Facilities, and the Bureau of Personnel develop or establish policies and procedures pertaining to the internal administration of the Department's operations, within the scope of their delegations. They do so in coordination with the appropriate bureaus and offices so that new policies and procedures will realistically serve operating needs and convenience.

811.5—STAFF BUREAU AND OFFICES

.51 *Bureau of the Chief Postal Inspector.*

.511 The Bureau of the Chief Postal Inspector functions as an independent factfinding and internal auditing arm for the Postmaster General. Its national and field offices are independent of the rest of the Department's organizational structure.

.512 Upon request of other bureaus and offices, or as assigned by the Postmaster General, this bureau also performs in a similar manner in behalf of other bureaus and offices and Regional Operations Directors.

.513 This bureau also exercises certain law enforcement, security, protective, and emergency responsibilities.

.514 Internal auditors stationed in the field operate as an independent group reporting through area audit managers, in turn, to the Director, Internal Audit Division and the Chief Postal Inspector.

.52 *Office of the General Counsel.*

While the General Counsel serves the Postmaster General and the Department generally on legal matters, he also performs certain administrative functions specifically delegated to him.

.53 *Office of Research and Engineering.*

The Office of Research and Engineering provides independent research and engineering services for the Post Office Department, including the conduct of research and development, management engineering, and construction engineering activities. Its director serves as the principal advisor to the Postmaster General and the Deputy Postmaster General and the heads of other bureaus and offices on all phases of research and engineering.

PART 812—DELEGATION OF AUTHORITY

812.1—AUTHORITY FOR DELEGATION

.11 All authority for administration of the programs and activities of the Post Office Department is vested by Reorganization Plan No. 3 of 1949 in the Postmaster General. The Postmaster General is authorized by this law to delegate his authority to officers and employees under his direction and supervision.

.12 An Assistant Postmaster General is authorized to act in behalf of the Postmaster General on all matters within the terms of reference of that Assistant Postmaster General. In the absence of an Assistant Postmaster General from duty, his functions shall be discharged by his Deputy Assistant Postmaster General or other designated officer, next in line, who shall use the title of Acting Assistant Postmaster General and sign documents as such. When a designation is to be made to an officer of lesser rank than a Deputy Assistant Postmaster General to act as Assistant Postmaster General, the prior approval of the Postmaster General or the Deputy Postmaster General shall be obtained.

.13 Specific written delegation granting authority for the performance of acts specifically vested in the Postmaster General or in the Post Office Department by statutory or administrative law is sometimes required, such as those which authorize the incurring directly of an obligation on behalf of the United States Government or the certification of vouchers for payment. Evidence of this authority is necessary for audit purposes or to support the validity of official acts in case of legal contest.

812.2—MEDIA OF DELEGATION

.21 All delegations of authority shall be promulgated through officially established media as defined herein. So far as practicable, statements of delegation shall be prepared for inclusion in the Postal Manual or other manuals of regulations and procedures, in the style of such manuals.

.22 Chapter 8 of the Postal Manual shall serve as the general medium for conferring authority to organization units and their heads to perform the duties and responsibilities allocated to them. Such other manuals as are, or may be, officially established shall serve as media for conveying specific operating authorities in connection with specific work processes prescribed by the manuals.

.23 Individual memoranda of delegation, in the format of an Order of the Postmaster General, numbered serially for record purposes, may be issued when promulgation in the form of a manual insert is not appropriate or feasible. Such memoranda shall, however, be kept to a minimum.

.24 In addition to publication in suitable departmental and field service series, delegations shall be published in the FEDERAL REGISTER when required.

812.3—CONTENTS OF DELEGATIONS

.31 Delegations shall ordinarily be made by position title rather than by individual name. The term chief or acting chief or any comparable term need not be used as it will be presumed that the officer acting in the absence of a principal shall have the full authority of that principal.

.32 When authority is delegated to an officer, the officers in line of command above the officer to whom authority is delegated shall have the same authority. This authority shall not extend to associates, deputies, assistant chiefs, assistants to the chief, or other aides to a principal, except on an acting basis as specified in 812.31 or unless specifically authorized.

.33 A delegation shall set forth the specific actions for which an officer has authority as well as limitations and special conditions for exercising the authority. Any delegation of authority shall be subject to any legally prescribed conditions or criteria of execution, whether or not mentioned in the delegation. In addition, conditions or criteria may be administratively included. A delegation may also include a requirement for the making of periodic reports of the exercise of the delegated authority.

812.4—REDELEGATION

.41 An Assistant Postmaster General may redelegate any authority vested in him, except as otherwise provided by law or administrative regulations.

.42 Authority to commit the Post Office Department or the United States Government may be subdelegated by the Deputy Postmaster General or by an Assistant Postmaster General. Other subordinate officers may not redelegate authority to perform acts in accordance with legal requirements.

.43 An officer may redelegate responsibility for the ordinary performance of duties, except as provided in 812.41.

812.5—AUTHORITY TO EFFECT PERSONNEL ACTIONS

.51 *Delegation.*

.511 *Inspection Service.* The authority of the inspection service field officials listed below to approve and sign POD Forms 50, Notification of Personnel Action, for employees under their jurisdiction, is limited to actions involving longevity increases only:

Postal Inspectors in Charge.
Deputy Postal Inspectors in Charge.
Assistant Postal Inspectors in Charge.

.512 *Other Field Service Installations.* The officials and employees listed below are hereby delegated authority, to approve and sign POD Forms 50, Notification of Personnel Action, for appointments, changes during employment, and separations affecting employees under their jurisdiction in the postal field service, except as may be limited by other provisions of the Postal Manual or by the Regional Operations Director:

a. *Regional Headquarters.*
Regional Operations Directors.
Regional Personnel Managers.
Postal Installations Managers.
Distribution and Traffic Managers.
Mobile Unit Managers.

b. *Postal Installations.*
Postmasters.
Assistant Postmasters.
Heads of PTS Stationary Installations.
Manager and Administrative Officer, Money Order Center.
Supervisors Assigned to Personnel Offices in Postal Installations.
Area Supply Managers and Superintendents, Supply Centers.
Manager and Assistant Manager, Mail Equipment Shops.
Chief Cartographer.

.52 *Redelegation.* The authority to approve and sign POD Forms 50 may be redelegated by the Regional Operations Director to such officers and supervisors

under his jurisdiction as is considered necessary and essential to efficient operation of this personnel function.

.52 *Administrative clearances and approvals.* The authority delegated herein does not preclude the securing of administrative clearances and approvals which may be required by instructions implementing this part issued through other media.

312.6—AUTHORITY TO ADMINISTER OATHS OF OFFICE

.61 *Delegation.*

The officials listed below are authorized to administer oaths of office in connection with employment:

a. *Regional Headquarters.*
Regional Operations Directors.
Regional Personnel Managers.
Postal Installations Managers.
Distribution and Traffic Managers.
Regional Controllers.
Mobile Unit Managers.
Regional Employment and Placement Officers.
Regional Personnel Assistant (Placement and Transactions).
Field Services Officers.
Mobile Services Officers.

b. *Postal Installations.*
Postmasters.
Assistant Postmasters.
Heads of PTS Stationary Installations.
Manager and Administrative Officer, Money Order Center.
Superintendents and Administrative Clerks, Mail Bag Depositories.
Superintendent, Assistant Superintendents where authorized, and Administrative Clerks of Combined Mail Bag Depositories and Mail Bag Repair Centers.
Supervisors Assigned to Personnel Offices in Postal Installations.
Executive Secretaries, Postal Boards of Civil Service Examiners.
Area Supply Managers; Superintendents, Supply Centers; and Personnel Officers, Supply Centers.
Manager, Assistant Manager, and Administrative Assistant, Mail Equipment Shops.
Chief Cartographer.
U.S. Postal Agent; and U.S. Stamped Envelope Agent.

c. *Inspection Service.*
Postal Inspectors in Charge.
Deputy Postal Inspectors in Charge.
Assistant Postal Inspectors in Charge.
Postal Inspectors.
Area Managers, Internal Audit Division.

.62 *Prohibition on redelegation.*

The authority delegated to the officers and supervisors specified in 312.61 cannot be redelegated by such officers and supervisors to any officials or employees under their jurisdiction.

.63 *Administration of the oath of office.*

.631 POD Forms 61, Appointment Affidavits, and 62, Oath of Office and Appointment Affidavit, shall be used to ascertain that the personal action being taken conforms with the Civil Service Act and rules and applicable laws pertaining to holding of office, pensions, suitability in connection with any record of discharge or arrest, age, citizenship, and other requirements relating to employment in the Postal Service. No employee shall be assigned to duty if the form indicates that he does not meet the requirements. Appointing officers shall guard against impersonation and determine beyond reasonable doubt that the appointee is the same person who qualified for the appointment. It is incumbent upon officials and supervisors administering oaths of office to become familiar with those organizations in which membership, past or present, may constitute a bar to employment or retention in the Postal Service. (See Part 837.)

.632. The oath of office incident to entrance into the Postal Service (or to a conversion to career status) shall be administered without charge or fee.

PART 313—RESPONSIBILITIES COMMON TO ALL BUREAUS AND OFFICES

313.1—EXECUTION OF LAWS, REGULATIONS, AND POLICIES

Each bureau and office shall observe and execute all laws and regulations of the United States and all policies and regulations of the Post Office Department applicable to its respective area of responsibility.

313.2—POLICY AND PROGRAM PLANNING

.21 Each bureau and office shall initiate and develop policies, programs, and procedures applicable to or governing its assigned area of subject matter responsibility.

.22 The bureau or office having responsibility for development of a policy, program, or procedure shall also seek the advice and assistance of other bureaus and offices as appropriate to the subject matter.

313.3—INTERBUREAU ASSISTANCE

Each component of the Department shall discharge its duties with proper regard to the responsibilities and needs of other affected components and to that end shall, when necessary and appropriate:

a. Furnish operating information needed by other units.

b. Recommend action to be taken by other units.

c. Collaborate in drafting instructions and correspondence.

313.4—FUNCTIONAL DIRECTION OF FIELD ESTABLISHMENT

.41 Each bureau and office shall prepare appropriate policy, procedural, and other instructional materials for the guidance of its functional counterpart in the Field Postal Establishment.

.42 Each bureau and office shall develop operating reports covering field activities within its area of responsibility and shall initiate appropriate action based on its evaluations of field reports.

.43 Each bureau and office of the Department shall review and appraise the budgetary requirements of its counterpart function in the Field Postal Establishment.

.44 Each bureau and office, as affected, shall participate in the selection of key officials in the regional components of the Field Postal Establishment; shall review personnel actions warranting national office action; and shall deal with employee organizations on matters within its jurisdiction.

313.5—SUPERVISORY OFFICERS

Supervisory officers of units of organization are responsible for:

a. Guidance, coordination, and general supervision of subordinate units.

b. Keeping superiors properly informed and assisting them with advice and recommendations.

c. Discharging such responsibilities and special tasks as may be assigned to them by superior officers.

313.6—INTERNAL MANAGEMENT

Every unit, consistent with its status, shall carry out its responsibilities for personnel management, administrative management, budgetary administration, and physical security of its immediate operations.

PART 314—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

314.1—FORMAL CHANNELS

.11 *General.*

A communication sent to a level of higher authority shall ordinarily proceed through each successive point of higher authority without bypassing any. In the same manner an instruction, delegation of authority, or any other communication from a higher level of authority to a lesser level should also proceed through each point. This principle must be followed if each officer who is responsible for an area of activity is to be kept informed of what is going on. An officer who is accountable for any activity must be given an opportunity to pass judgment on matters under his jurisdiction.

.12 *Headquarters and field.*

.121 General authority and responsibility for field operations is vested in the Assistant Postmaster General, Bureau of Operations, who directly supervises the Regional Operations Director, evaluates his performance, and is his general point of contact with the Department. The formal and official channel of communication and authority from the Post Office Department in Washington to any regional management official, other than postal inspectors in charge, is from the Assistant Postmaster General, Bureau of Operations, to the appropriate Regional Operations Director. However, the Assistant Postmasters General, the General Counsel, the Chief Postal Inspector, and the Director of the Office of Research and Engineering will communicate directly with Regional Operations Directors on all matters on which they represent and act for the Postmaster General and will provide professional and technical leadership for the field activities in the areas of their responsibilities.

.122 The formal channel to a postmaster or to the head of any postal transportation service installation is through the Regional Operations Director.

.123 Formal communications from the field to Washington headquarters shall be through the same channels, in reverse, except that the Regional Operations Director should ordinarily address his own communications to the Assistant Postmaster General, Bureau of Operations.

314.2—INFORMAL CHANNELS

.21 *General.*

.211 The formal channels of communication need not be followed when routine information is being requested or transmitted. However, channels of communication should never be shortcut on matters requiring discretion or policy determination.

.212 Ordinary business may be conducted across bureau and office lines by "opposite numbers" each acting within the scope of his responsibility. This timesaving practice should be followed routinely on nonpolicy transactions, unless a specific transaction or a category of transactions is reserved for a higher official. Direct communication between opposite numbers is also encouraged during informal, developmental phases of interbureau or interoffice policy, program, and procedural planning. In such cases, the persons involved must not commit their principals without prior consultation.

.213 Any officer who is bypassed in accordance with principles in 314.21 must, however, be kept informed. This may be done orally or by carbon copy, as the situation may require. The information notification must be transmitted without any delay to the officer concerned.

.22 *Headquarters and field.*

.221 The formal lines of authority and communication governing the relationship of the Washington headquarters to the field establishment are necessary if the responsible officials are to be held administratively accountable. As a matter of practical operation, however, abbreviated channels of communication are authorized in order to bring the several bureaus and offices in Washington in close contact with their functional counterparts in the region. This is to provide direct technical guidance to regional officials.

.222 The Postmaster General relies on the heads of the various bureaus and offices to formulate the directives and guidances for the Regional Operations Directors and their staffs. Certain of these will be issued over the signature of the Postmaster General or the Deputy Postmaster General. As a matter of delegation at national headquarters, most communications from Washington will be issued over the signatures of the various bureau heads, covering matters within their jurisdiction. In any such case, the communication will have the same effect as though it were sent to the Regional Operations Director by the Postmaster General or his Deputy. In either event, the Regional Operations Director shall be responsible for performance.

.223 Functional field staff officers may communicate directly with the corresponding functional bureau or staff office in headquarters. In addition, where specifically authorized in the Department's instructions, they may also directly contact supporting headquarters offices, such as General Counsel, Chief Postal Inspector, Research and Engineering, and Public Relations, on matters of a technical nature not requiring administrative judgment of the Regional Operations Director.

.224 Routine operating reports ordinarily will be sent directly to the respective bureaus and offices for analysis and consideration. The Regional Operations Director will make such additional reports direct to the Assistant Postmaster General, Bureau of Operations, as are required or as he may deem appropriate.

.225 There should be close liaison between the regional officials and the Inspection Service which, as an independent arm of the Postmaster General, does not come under the jurisdiction of the Regional Operations Director. The Inspection Service may be requested to make findings of fact and give recommendations on postal matters.

PART 315—REGIONAL ABBREVIATIONS AND NUMERICAL DESIGNATIONS

The following are the official abbreviations and numerical designations of the fifteen regions of the Post Office Department. They should be used, respectively, when abbreviations or numbers are employed to identify the regions. This does not permit the substitution of abbreviations or numbers in formal reports where names of regions should be used.

Region	*Abbreviation*	*No.*
Boston	BOS	1
New York	NY	2
Philadelphia	PHI	3
Cincinnati	CIN	4
Washington	WDC	5
Atlanta	ATL	6
Chicago	CHI	7
St. Louis	STL	8
Minneapolis	MIN	9
Wichita	WIC	10
Dallas	DAL	11
San Francisco	SF	12
Memphis	MEM	13
Denver	DEN	14
Portland	POR	15

NOTE. The official abbreviation for the word "region" will be RGN.

PART 321—POSTMASTER GENERAL

321.1—POSTMASTER GENERAL

a. Administers the Postal Service in all its branches, the appointment of its personnel, the management of its finances, and the disbursement of appropriations.

b. Appoints postmasters at fourth-class offices and submits nominations to the President on appointments to be made by him for other classes of offices.

c. Determines appeals from the action of the several Assistant Postmasters General, except as otherwise delegated.

d. Promulgates rules and regulations and issues all orders requiring the formal approval of the Postmaster General.

e. Performs all special duties enjoined by law upon the Postmaster General.

321.2—EXECUTIVE ASSISTANT TO THE POSTMASTER GENERAL

Performs such duties as are assigned by the Postmaster General.

321.3—SPECIAL ASSISTANT TO THE POSTMASTER GENERAL (PUBLIC RELATIONS)

a. Initiates and directs the formulation of policies and programs for the administration of public relations matters throughout the Postal Establishment.

b. Directs the Post Office Department's information and public education program, providing current information on problems, policies, and programs of the Post Office Department to the public, the principal mail users, the press, and radio and TV commentators.

c. Formulates the policy for the Post Office Department's philatelic program including selection of subject matter, design, first-day sales, and promotion of United States postage stamps; serves as the Department's liaison with the Citizens' Stamp Advisory Committee.

d. Directs the operation of the Philatelic Exhibition Room and the Department's participation in national and international philatelic exhibits.

321.4—SPECIAL ASSISTANT TO THE POSTMASTER GENERAL (WOMEN'S AFFAIRS)

a. Serves as principal advisor to the Postmaster General and his staff on women's affairs in the Postal Service.

b. Represents the Postmaster General before women's organizations and at meetings of postal groups interested in women's affairs.

c. Performs special assignments as requested by the Postmaster General.

d. Acts under the guidance of the Assistant Postmaster General, Bureau of Personnel, on matters related to personnel administration.

321.5—JUDICIAL OFFICER

a. An independent officer appointed by the Postmaster General, who acts for the Postmaster General in the performance of quasi-judicial functions, having delegated authority from the Postmaster General to—

(1) Execute final departmental decisions and orders in administrative proceedings arising from alleged violation of postal laws and disputes over second-class permits conducted in accordance with the rules of practice and procedures of the Department; and modify, suspend, or rescind any action heretofore taken or hereafter taken pursuant to a delegation of authority.

(2) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or provided in Rules of Practice.

(3) Revise or amend the Post Office Department Rules of Practice for administrative hearings.

b. Decisions and orders of the Judicial Officer made under the delegated authority are the final departmental action from which there is no further administrative remedy or appeal. The Judicial Officer does not supervise or exercise control over any officer, employee, or organization in the Post Office Department except as provided in 321.5c. He is responsible only to the Postmaster General and the Deputy Postmaster General. The Office of the General Counsel and the Bureau of the Chief Postal Inspector do not participate in or advise as to the decisions of the Judicial Officer in any proceeding. The Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

c. Exercises jurisdiction over the Hearing Examiners for administrative purposes only, but does not direct or participate in the initial decisions of Hearing Examiners in any proceeding.

321.6—HEARING EXAMINERS

a. Hearing examiners are appointed and qualified in the manner prescribed by law (5 U.S.C. 1010). They preside at administrative hearings involving al-

leged violations of postal laws or conflicts arising over second-class mail permits.

b. Examiners prepare initial decisions in those cases which become final departmental decisions, unless an appeal is taken to the Judicial Officer.

c. The Hearing Examiners are under the jurisdiction of the Judicial Officer for administrative purposes only in the same manner as are hearing examiners assigned to independent regulatory commissions.

§21.7—BOARD OF CONTRACT APPEALS

a. The Board of Contract Appeals is authorized to decide all disputes arising out of appeals from decisions of contracting officers for the Post Office Department. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Department.

b. The Board of Contract Appeals for the Post Office Department is composed of:

(1) The Judicial Officer of the Post Office Department who is the permanent chairman.

(2) An attorney designated by the General Counsel from among those of his staff who serves for 1 year from the date of appointment.

(3) A member of the headquarters staff designated by the Deputy Postmaster General who serves 1 year from the date of appointment.

An alternate may be appointed for any absent or disqualified member.

§22.1—DEPUTY POSTMASTER GENERAL

a. Executes and performs all powers, functions, and duties conferred by law upon the Postmaster General, including the modification, suspension, or rescission of orders, instructions, and regulations heretofore, or hereafter, issued in the name of the Postmaster General.

b. Delegates to any officer, employee, or agency of the Post Office Department designated by him such of the foregoing powers, functions, and duties as he deems appropriate.

§22.2—EXECUTIVE ASSISTANT TO THE DEPUTY POSTMASTER GENERAL

a. Advises and assists the Deputy Postmaster General and acts for him at his direction; directs the staff and activities of the Office of Management Services, the Office of Headquarters Services, and Special Assignments.

b. Represents the Deputy Postmaster General on matters of staff coordination, planning, and reporting.

c. Prepares reports on the status of departmental programs and activities for use by the Postmaster General and Deputy Postmaster General.

d. Provides executive secretariat services for the Office of the Postmaster General and administrative staff services for headquarters.

e. Represents the Deputy Postmaster General on manpower control matters requiring his determination.

f. Prepares and coordinates programs for the indoctrination of foreign officials in matters of postal administration.

.21 *Office of Management Services.* Directs and coordinates the activities of the Organization and Management Review Division, the Directives Management Division, and the Reports Management Division.

.211 *Organization and Management Review Division.* a. Performs supporting executive staff work on matters requiring attention of the Deputy Postmaster General.

b. Prepares reports on the status of operating programs of the Department for management use of the Postmaster General and the Deputy Postmaster General.

c. Conducts department-wide organization, functional, staffing, and procedural studies; reviews appropriate postal issuance to assure conformity with departmental policy on organization, functions, and staffing.

d. Renders staff assistance on manpower and organization matters, including evaluation of requests for changes in established manpower ceilings and proposed changes in approved organization and functions.

e. Coordinates projects and activities of an interbureau nature, where required.

f. Coordinates the preparation of the Annual Report of the Postmaster General to the President and the Congress, and Interim Reports.

g. Evaluates reports on management projects submitted by bureaus and offices. Upon the basis of this evaluation, selects and prepares material for, and issues, the Monthly Management Report.

h. Maintains followup on internal audit reports of major importance, and prepares reports on significant developments, as required.

i. Provides staff assistance to the Executive Assistant to the Deputy Postmaster General and to heads of bureaus and offices, as requested.

.212 *Directives Management Division.* a. Plans, develops, installs, and maintains department-wide systems and programs of directives for the promulgation of policy statements, orders, regulations, operating procedures and instructions. This includes such issuances as the Postal Manual, Regional Manual, Postal Bulletin, technical handbooks and publications, regional letters, headquarters circulars, headquarters announcements, etc.

b. Coordinates the clearance of proposed directives to assure adequacy of staff coordination and conformity with established or proposed policies. Resolves differences arising out of clearance process.

c. Conducts a central review and editing function for the directives programs to assure: consistency with policies of the Postmaster General, adequacy of staff coordination; conformity with prescribed style standards; avoidance of issuance of conflicting or incorrect instructions. Initiates remedial action, through appropriate operating officials, of policy and procedural deficiency identified through the review of issuance material.

d. Plans, develops, manages, and coordinates the Post Office Department publication distribution program.

.213 *Reports Management Division.* a. Administers the Department-wide reporting system to insure that reports are of maximum usefulness and that reporting activities provide essential planning and operating data at minimum cost. (This excludes postal inspectors' investigative reports.)

b. Develops policies, procedures, and standards for operating the reports management program.

c. Serves as a central review point for the proper coordination and clearance, prior to issuance, of all new or revised reporting requirements.

d. Conducts a continuous review of existing reporting systems to evaluate their adequacy and current need; recommends revisions if necessary.

e. Provides assistance and guidance to all organization elements in developing effective reporting systems.

f. Maintains a complete index of recurring reports and periodically publishes lists of current and discontinued reports.

.22 *Office of Headquarters Service.* a. Provides office, communication, supply, and building services for the headquarters activities of the Post Office Department in Washington, D.C.

b. Operates and provides a graphics, reproduction, and distribution service for headquarters.

c. Provides a mail and messenger service for headquarters.

d. Assigns space and parking permits.

e. Provides Post Office Department library services.

f. Maintains liaison with the General Services Administration on headquarters building and cafeteria matters.

g. Maintains liaison with the Government Printing Office and the Joint Committee on Printing for all printing of the Postal Establishment, except for accountable paper.

h. Develops, maintains, and distributes exhibits for the Postal Service.

.23 *Special assignments.* a. Conducts departmental program for receiving and training postal officials from other countries in methods and practices of U.S. Postal Service.

b. Conducts campaigns for fund-raising activities.

c. Performs special projects as assigned.

§23.1—BUREAU OF THE CHIEF POSTAL INSPECTOR

a. Directs the execution of policies, regulations, and procedures governing all investigations, and operating inspections and audits for the Postal Service.

b. Advises the Postmaster General, the Deputy Postmaster General, and other principal assistants on the condition and needs of the service.

c. Acts as Security Officer and Defense Mobilization Officer for the Postal Establishment.

d. Directs the selection, training, and supervision of inspection service personnel.

e. Maintains liaison with other investigative and law enforcement agencies of the Government.

.11 *Deputy Chief Postal Inspector.* Advises and assists the Chief Postal Inspector and acts for him in his absence or at his direction.

.111 *Criminal Investigations Division.* Directs those responsibilities of the Chief Postal Inspector which relate to mail loss and depredations, mail fraud investigations, and the Identification Laboratory.

a. *Mail Loss and Depredations Branch.*

(1) Directs investigations of:

(a) Mail theft, loss, rifling, and damage.

(b) Armed robbery, burglary, or assaults on postal employees.

(c) Casualties, fires, natural disasters, and train and plane crashes involving the Postal Service.

(d) Alterations and forgeries of postal financial papers.

(e) Counterfeiting of stamps, money orders, or other postal paper.

(2) Traces registered and other mail losses with foreign governments.

(3) Maintains liaison with other Federal, State, and local law enforcement agencies.

(4) Coordinates major postal criminal cases on national basis.

b. *Identification Laboratory.*

(1) Conducts scientific examination and identification of questioned documents, inks, etc., used in postal crimes.

(2) Presents expert testimony in court action.

c. *Mail Fraud Investigations Branch.*

(1) Directs investigations of:

(a) Mail frauds, lotteries, conspiracies.

(b) Extortions, mailing of bombs, poisons, obscene, scurrilous, libelous, or other prohibited matter.

(2) Maintains liaison with Department of Justice and U.S. attorneys.

(3) Examines, analyzes, and disseminates information and decisions affecting criminal investigations.

.112 *Internal and Special Investigations Division.* Directs those responsibilities of the Chief Postal Inspector which relate to service investigations and inspections, and financial investigations.

a. *Service Investigations and Inspections Branch.*

(1) Directs special and confidential investigations.

(2) Inspects and rates post offices.

(3) Directs surveys and service investigations requested by operating management.

(4) Directs investigations of:

(a) Major charges involving postal employees and the preparation of charges.

(b) Malfeasance and misfeasance (coordinated, as applicable, with Department of Justice).

(c) Suitability of postmaster candidates.

(5) Plans for and transports in inspector custody President's mail while he is traveling or is away from Washington.

b. *Financial Investigations Branch.*

(1) Directs investigations involving:

(a) Embezzlement of funds.

(b) Falsification of records, payroll irregularities.

(c) Inflation of stamp sales.

(d) Misuse of mail permits.

(e) Violations of Private Express Statutes.

(2) Determines financial responsibility in cases involving mistreatment of mail or irregularities in handling of official funds, revenues, and property, and accidents and claims arising therefrom.

(3) Initiates actions to enforce recoveries resulting from mail robberies, misappropriations, and other financial irregularities; determines ownership and disposition of money and property recovered by inspectors.

.12 *Internal Audit Division.* a. Develops and directs an internal audit program for the Post Office Department, including property, fiscal, cost, and operating accounts pertaining to revenues, appropriated funds, and assets of the Department.

b. Establishes standards, principles, and procedures for audits of all postal activities and organizations for use by internal auditors and postal inspectors.

c. Develops programs and conducts internal audits of postal activities and organizations other than post offices.

d. Makes post-audit reviews and evaluations of the procurement and contracting policies, procedures, methods, and practices which the Department follows.

e. Provides audit service to the Department's contracting officers under negotiated fixed-price and cost-type contracts by (1) analyzing and substantiating cost and price estimates and proposals submitted by prospective contractors, (2) performing on-site audits of contractors' records and determining allowable cost under cost-type and price-redeterminable contracts, and (3) coordinating results when Defense Department auditors perform assist-audits of contractors' records for the Post Office Department.

f. Represents the Department in dealing with other Government agencies and industry representatives on internal and contract auditing matters, including the coordination of audit programs with General Accounting Office auditors assigned to the Post Office Department.

.13 *Personnel Security.* a. Formulates, with the Office of the General Counsel, personnel security regulations and procedures of the Department; administers personnel and physical security programs for the Postal Establishment.

b. Maintains liaison with the Department of Justice, The Civil Service Commission, and other agencies relative to security activities.

c. Assists operating officials and appointing officers in determining sensitive positions; evaluates security checks and investigations; effects clearances or recommends appropriate action; prepares charges in instances of suspension.

d. Collaborates with the Office of the General Counsel on recommendations for disposition of cases in which suspended employees have submitted statements refuting or explaining security charges against them.

e. Designates postal officials to serve on security hearing boards and arranges facilities for those boards.

.14 *Assistant to the Chief Postal Inspector.* Administers staff matters and, with the Chief Postal Inspector, provides general direction on defense coordination matters as follows:

a. Assists the Chief Postal Inspector on matters of organization, personnel administration, budget administration, management controls, methods, procedures, office management, records management, and issuance of publications and instructions; on examination and selection of inspection service personnel; and on operation of Inspectors' Training School.

b. Formulates, develops, and coordinates civil defense and defense mobilization programs for the Postal Establishment; maintains liaison with the Office of Civil and Defense Mobilization, State and local civil defense organizations, and other agencies concerning these activities.

c. Maintains liaison with the Department of Defense on postal service problems and administers the Army Affiliation Program for the Postal Establishment.

§23.2—GENERAL COUNSEL

a. Serves as legal adviser to the Postmaster General, the Deputy Postmaster General, and the entire Postal Establishment with respect to (1) legal interpretations and opinions; (2) drafting or approving legal documents; (3) legal matters involved in all stages of procurement and contracting activities, including matters of compliance with Federal procurement regulations and departmental regulations and instructions; and (4) conduct of administrative hearings before regulatory agencies of the Federal Government and court proceedings on behalf of the Department.

b. Institutes proceedings under the Administrative Procedure Act in fraud and mailability cases, and defends decisions of administrative officials involving entry of second-class mail or suspension of second-class mailing privileges. He does not advise or consult with the Judicial Officer or the Hearing Examiners with respect to their performance of the duties and functions assigned to them under §21.5 and §21.6, except in the disposition of ex parte matters as authorized by law, nor does he participate in the decision of the Judicial Officer or Hearing Examiners.

c. Acts as legislative officer for the Department by drafting bills, preparing reports on proposed legislation, and representing the Department in hearings and conferences on legislative matters.

d. Maintains liaison with other agencies of the Government on legal matters and determines questions concerning legal relations between the Department and other agencies.

e. Collaborates with the Security Officer (Chief Postal Inspector) in developing procedures and taking action required to effectuate laws, Executive orders, and instructions of the President relating to personnel security.

f. Makes rulings and advisory opinions, with authority to redelegate, as to mailability of matter under laws covering fraud, obscene matter, lotteries, subversive and propaganda matter, extortions and threats, and firearms.

g. Acts for the Postmaster General, with authority to redelegate the function to General Counsel staff members, in the settlement of personal or property damage claims of $100 to $2,500, inclusive, brought against the Department or claims in excess of $100 by postmasters for unavoidable losses by fire, burglary, or casualty; formulates and administers policies and standards governing the adjudication and settlement by regional offices of personal or property damage claims under $100, and claims of postmasters of $100 or under.

h. Acts for the Department in requesting the Department of Justice to institute or defend civil suits involving the Post Office Department or its operations.

i. Initiates and prosecutes, in his name or by his designee, mailability proceedings under laws prohibiting the mailing of fraud, lottery, obscene, subversive or propaganda, extortious, or threatening matter and firearms.

j. Initiates and prosecutes, in his name or by his designee, cases seeking the issuance of final agency "fraud," "unlawful business," and "fictitious name" orders.

k. Determines legal questions arising in the use of the frank for the transmission of mail matter.

l. Authorizes the closing of post office boxes when used in violation of law or regulation.

m. Prepares and publishes rules governing the admission of attorneys to practice before the Post Office Department.

n. Provides experienced attorneys to serve as members of contract negotiating teams which deal with negotiated contracts over $2,500.

.21 *Deputy general counsel.* a. Exercises direct professional supervision over the staff of the Office of the General Counsel.

b. Provides the General Counsel with recommended interpretations, opinions, regulations, and procedures on matters requiring legal action.

c. Represents and acts for the General Counsel in his absence or at his request.

.22 *Special Assistant to the General Counsel.* Performs such duties as are assigned by the General Counsel.

.23 *Special Associate General Counsel.* Performs such duties as are assigned by the General Counsel.

.24 *Administrative aide.* Assists and, as directed, acts for the General Counsel in matters of organization, management, budget and personnel administration, and other related staff activities.

.25 *Associate General Counsel (Mailability-claims).* Directs those phases of the responsibilities of the General Counsel which relate to fraud, mailability, damages, and claims.

.251 *Fraud and Mailability Division.* a. Prepares interpretations and rulings as to mailability of matter under statutes covering obscene matter, lotteries, subversive and propaganda material, extortions and threats, and firearms.

b. Prepares and tries before hearing examiners and the Judicial Officer cases arising under statutes governing fraud, lottery, mailability, and second-class mail matters that involve questions of obscenity.

c. Collaborates with the Department of Justice in the handling of court proceedings brought against the Post Office Department involving fraud and mailability matters.

d. Considers and recommends closing of post office boxes used for deceptive or immoral purposes.

.252 *Damages and Claims Division.* a. Prepares interpretations and applications of the Federal Tort Claims Act to the Post Office Department.

b. Correlates the responsibilities, rights, and respective spheres of action of Federal and State governments under motor vehicle safety responsibility laws.

c. Considers and, under authority delegated by the General Counsel, settles personal or property damage claims brought against the Department; maintains liaison with regional offices in the adjudication thereof claims under $100.

d. Considers and recommends settlement to the General Counsel of claims in excess of $100 by postmasters for unavoidable losses by fire, burglary, or casualty; maintains liaison with regional offices in the adjudication there of claims of $100 or under.

e. Maintains liaison with other agencies of the Government and assists the Department of Justice in the defense of suits brought under the Federal Tort Claims Act.

.26 *Associate General Counsel (Transportation—Real Property).* Directs those phases of the responsibilities of the General Counsel relating to proceedings before regulatory bodies and other agencies of Government concerning transportation of mail, transportation rates and postage rates; and acquisition, disposal, and leasing of real property.

.261 *Transportation Division.* a. Prepares and tries before regulatory bodies, and other agencies of the Government, cases dealing with transportation of mail, transportation rates paid by the Department, and postage rates under the jurisdiction of such bodies or agencies.

b. Assists and collaborates with the Department of Justice in the institution and defense of suits involving orders issued by the Civil Aeronautics Board or the Interstate Commerce Commission dealing with the transportation of mail and postage rates.

c. Examines, approves, or drafts contracts and bonds as requested between the Post Office Department and railroads and airlines.

.262 *Real Property Division.* a. Prepares legal opinions and documents, and performs all other legal work arising from the acquisition, use, disposal, and leasing of real property or space by the Post Office Department.

b. Assists and collaborates with the Department of Justice in the institution or defense of civil suits involving the Post Office Department arising out of real property and space acquisition program.

.27 *Associate General Counsel (Opinions—legislation).* Directs those phases of the responsibilities of the General Counsel which relate to opinions, personnel security, and legislation.

.271 *Opinions Division.* a. Prepares interpretations of laws, regulations, treaties, and conventions; and prepares opinions as requested.

b. Examines, approves, or drafts contracts and bonds as requested.

c. Recommends approval, as to legal acceptability, of securities offered by banks to secure postal savings deposits.

d. Recommends disposition of questions arising from application of the Private Express Statutes.

e. Assists and collaborates with the Department of Justice in the institution and defense of civil suits involving the Department, other than those handled by other divisions of the Office of the General Counsel.

f. Recommends approval of procedures and actions under laws and executive orders relating to personnel security.

g. Prepares and tries before Hearing Examiners and the Judicial Officer cases involving the denial of entry or revocation of entry of second-class mail when obscenity questions are not involved.

.272 *Legislative Division.* a. Coordinates within the Department the analysis, interpretation, and preparation of reports on proposed legislation affecting the Postal Establishment.

b. Prepares and coordinates the legislative program of the Department, including the drafting of bills, maintenance of liaison with other agencies of the Government, and participation in appearances before congressional committees and the Bureau of the Budget.

c. Represents the Department on material to be published in the Federal Register and questions arising under the Administrative Procedure Act.

d. Prepares amendments to postal regulations resulting from new legislation.

§23.3—OFFICE OF RESEARCH AND ENGINEERING

a. Develops and administers research and engineering programs for the Postal Establishment.

b. Develops, designs, and tests postal equipment and materials and prepares specifications for their use.

c. Develops methods programs for postal operations and recommends improved operating systems and procedures.

d. Develops production measurement standards and manpower utilization systems and coordinates their administration.

e. Recommends sites and develops functional design, operational layouts, and space utilization schemes for new facilities.

f. Formulates and provides architectural and engineering policies and services for the planning and construction of all facilities, including site utilization, structures, and process machinery.

g. Develops functional designs, operational layouts, and space utilization schemes for major repairs, alterations, or extensions to Government-owned buildings occupied by the Post Office Department.

h. Formulates and provides architectural and engineering policies and services for the modification, modernization, and mechanization of existing facilities.

.31 *Deputy Director.* Assists the Director and acts for him in his absence or at his request.

.32 *Programing and Control.* a. Formulates and develops general policies and plans for the application of research and engineering to postal problems.

b. Conducts long- and short-range planning for, and develops an integrated program of, research and engineering projects.

c. Coordinates research and engineering programs with the activities and responsibilities of other bureaus and offices of the Department.

d. Plans, determines, and administers budgetary programs and schedules, allocates allotted funds, and evaluates expenditures for the Office of Research and Engineering.

e. Directs studies of the economics of research and engineering improvements and programs; evaluates program performance.

f. Directs the negotiation, preparation, consummation and administration of research and engineering contracts; for such contracts over $2,500, furnishes a contracting officer to act as the head of the contract negotiating team and chief negotiator.

g. Establishes and maintains a system of program and project control and reporting.

h. Represents and acts for the Director, in a staff capacity, on matters of organization, administration, and management of the Office of Research and Engineering.

i. Performs special assignments for the Director.

.33 *Special assignments.* a. Coordinates the preparation, clearance, and distribution of handbooks, manuals, technical instructions, and related publications and issuances for the Office of Research and Engineering.

b. Acts as liaison for the Office of Research and Engineering with (1) Bureau of Personnel on preparation of technical training materials, engineering film reports, and related materials; (2) Special Assistant to the Postmaster General (Public Relations) on preparing and clearing proposed news releases, films, speeches, and articles for outside publications as they relate to research and engineering matters; and (3) Office of Management Services and Office of Headquarters Services on matters relating to publications, office space, furniture, and equipment affecting the Office of Research and Engineering.

c. Coordinates the evaluation of suggestions referred to the Office of Research and Engineering.

d. Performs special assignments for the Director and the Office.

.34 *Field engineering.* a. Represents the Director in reviewing the quality and scope of regional engineering in furnishing technical guidance to regional engineers, including criteria and guide lines.

b. Maintains liaison with regional authorities in developing information for use by bureaus and offices having primary responsibility in the establishment of priorities for all construction projects, the funding of improvement projects, the periodic and final inspection of building and mechanical construction, and recommendations for final acceptance.

c. Coordinates the research and engineering programs of the Office of Research and Engineering with field engineering.

d. Supervises and distributes communications, reports, and information between the Office of Research and Engineering and the regional engineering organization.

.35 *Assistant Director for Construction Engineering.* Directs those phases of responsibility of the Director, Research and Engineering, which concern construction engineering activities for the Post Office Department.

.351 *Architectural Division.* a. Prepares preliminary and schematic building plans to assist in determinating facility requirements and to study land utilization and site requirements; assists in site selection.

b. Coordinates and prepares plans for the inclusion in buildings of mechanical and electrical utility equipment and mail processing machinery.

c. Develops architectural plans and elevations of buildings, final site plans, and prepares building construction specifications.

d. Develops building design criteria and standard construction details.

e. Coordinates and prepares plans for postal-occupied space and facilities in multi-purpose Government-owned buildings to be constructed by General Services Administration.

f. Establishes the structural standards, including design criteria for floor loads and column spacing to adequately support and provide flexibility for the installation of mail processing machinery and equipment.

g. Reviews and checks the structural design of drawings submitted by bidders, lessors, and architects to insure maximum stability and economy consistent with established structural design practices.

h. Reviews for approval and for compliance with contractual requirements preliminary, intermediate, and final working drawings and specifications prepared by bidders, lessors, and architects.

i. Recommends the selection of architectural and engineering firms and assists in negotiating contract services.

j. Reviews and evaluates regional engineering proposals for extension, remodeling, and modernization of Government-owned buildings; prepares plans of such work and forwards to General Services Administration for performance; reviews for compliance and approves contract drawings and specifications prepared by General Services Administration for improvement projects.

.352 *Process Machinery Division.* a. Designs and prepares drawings for processing equipment which has been developed, tested, and proved as a basis for procurement; prepares progressive modification drawings to incorporate latest advances and improvements in existing equipment.

b. Designs and prepares drawings for processing machinery to meet operational and functional requirements in established projects.

c. Prepares contract drawings and specifications for all types of processing machinery; reviews and approves contractors' bids and proposals; checks and approves contractors' engineering and shop drawings.

d. Coordinates the location and installation of processing machinery and equipment with architectural and utility planning.

e. Makes periodic and final inspections of the installation of processing machinery and equipment.

.353 *Utilities Division.* a. Develops and establishes design criteria for plumbing, heating, electricity, lighting, ventilation, air conditioning, elevators, fire prevention equipment and similar mechanical features and components for all buildings and space acquired by the Post Office Department under its leasing program, and for postal space provided by General Services Administration in Government-owned buildings.

b. Establishes and prepares mechanical criteria in building specifications requirements.

c. Makes preliminary design layouts for heating, ventilating, lighting, electrical, and air conditioning systems to insure integration and coordination with processing machinery systems and architectural and construction requirements.

d. Reviews, approves, and checks for compliance with contractual requirements preliminary, intermediate, and final working drawings submitted by bidders, lessors, and architects.

e. Renders technical service to contract architectural engineering firms and lessors in the development of mechanical contract drawings.

.36 *Assistant Director for Research and Development.* Directs those phases of responsibility of the Director, Research and Engineering, which concern research and development activities for the Post Office Department.

.361 *Research Division.* a. Conducts exploratory and applied research and evaluates the advance made in research and development fields; develops new concepts and automated systems applicable to postal operations.

b. Establishes and implements long- and short-range programs for overall research and development objectives; provides consultant and advisory services to other divisions of the office and to other elements of the Department on research matters.

.362 *Development Division.* a. Designs and develops new mail processing machinery and equipment.

b. Prepares preliminary specifications for newly developed and tested postal equipment.

c. Establishes and maintains engineering standards pertaining to the mechanical and electronic design of mail processing machinery.

d. Takes action to protect the Government's interest in patents.

e. Provides consultant and advisory services to other divisions of the office and to other elements of the Department on development matters.

.363 *Postal Laboratory.* a. Develops, maintains, and operates the postal laboratory for the testing of machinery, post office equipment, and supplies.

b. Tests and evaluates new mail processing machinery and equipment.

.37 *Assistant Director for Management Engineering.* Directs those phases of responsibility of the Director, Research and Engineering, which concern the most efficient use of manpower, space, and equipment and the determination of priorities for undertaking such programs.

.371 *Operations Analysis Division.* a. Conducts continuous and specific analyses of postal operating practices, work flow, methods, and equipment to identify problem areas and to recommend to management means for reducing costs and improving postal services.

b. Develops and provides criteria on space utilization for use by all elements of departmental and field management.

c. Studies mail movement and handling to make recommendations on general location of new facilities.

d. Analyzes volume and flow data on mail processing; reviews and adjusts space estimates to assure adequacy and suitability of recommendations to fit the utilization of new methods and machinery.

e. Determines processing machinery and equipment requirements; prepares flow diagrams and related data as a basis for floor plans and processing machinery drawings.

f. Supplies "project managers" for major facility projects authorized by the Bureau of Operations, to coordinate and serve as the focal point for information to assure orderly and timely development of the project from inception to completion.

g. Develops user specifications; recommends body design for functional vehicles and installation of mail and materials handling equipment and methods improvement programs.

h. Conducts studies and evaluations of mailer techniques, methods, and equipment to develop programs of mutual cooperation to improve service to large volume mailers.

.372 *Manpower Utilization Division.* a. Develops production measurement systems and programs; provides technical guidance in their installation and use.

b. Conducts work measurement studies; develops work performance standards and programs for the improvement of manpower utilization.

c. Develops criteria for installation of production measurement and work simplification programs, demonstrates the use of criteria to technical and supervisory personnel, and directs initial installations in mail processing and delivery operations involving manpower utilization.

§24.1—ASSISTANT POSTMASTER GENERAL BUREAU OF OPERATIONS

a. Directs execution of policies, programs, regulations, and procedures governing the operation of the Postal Field Service and the operating procedures of its personnel, excluding installations administered directly from Washington.

b. Represents and acts for the Postmaster General in the selection, appointment, and discipline of postmasters.

c. Represents and acts for the Postmaster General in the promotion of patron relations, and implements policies concerning the entry, makeup, and classification of domestic mail and the application of postage rates and fees.

d. Directs the establishment, consolidation, and discontinuance of mail handling facilities; determines their location and services rendered the public; establishes space, equipment, and supply requirements and priorities, based on operating needs.

e. Directs the distribution and routing of preferential mail; directs motor vehicle utilization programs; establishes motor vehicle operating requirements.

.11 *Executive Assistant.* Provides staff assistance to the Assistant Postmaster General and his deputies in the formulation of policies, programs, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Operations.

.12 *First Deputy Assistant Postmaster General for Administration.* Advises and assists the Assistant Postmaster General and acts for him in his absence or at his direction; directs the staff and activities of the Divisions of Postmasters, Rural Appointments and Post Office Changes, and Postal Services.

.121 *Fiscal Control and Administrative Services.* a. Assembles the Bureau's budget proposals; recommends to the Assistant Postmaster General allocations of allotted funds to activities; and evaluates expenditures, cost trends, and expenditure controls.

b. Prepares operating-type analysis for the Assistant Postmaster General; makes projections of fiscal trends based on economic data from postal regions and other Government agencies.

c. Serves as a consultant to operating officials of the Bureau on financial and cost aspects of programs, projects, management techniques, experiments, mechanization, etc., and keeps the Assistant Postmaster General informed in such matters.

d. Serves as a focal point for review and coordination of proposed regulations and procedural changes originating both in the Bureau and in other bureaus and offices.

e. Assists the Assistant Postmaster General in preparation of the Bureau's legislative program.

f. Directs the Bureau's administrative services, including review and approval of travel orders, travel vouchers, and temporary travel commissions; compiles and prepares for publication the Directory of Post Offices; maintains personnel ceilings and performs other personnel functions for the Bureau's departmental employees.

g. Coordinates the Bureau's programs on charity drives, employee suggestions, and property control.

.122 *Postmasters Division.* a. Directs functions pertaining to filling positions of postmaster and acting postmaster.

b. Develops and administers the program for appraising the conduct and performance of postmasters and acting postmasters.

(1) *Postmasters Appointment Branch.*

(a) Performs functions pertaining to filling positions of acting postmaster and postmaster.

(b) Ascertains qualifications and suitability of candidates for positions of postmaster and acting postmaster.

(c) Recommends candidates and processes their selection, nomination, confirmation, and appointment.

(d) Arranges for and issues instructions governing the installation and indoctrination of newly appointed acting postmasters and postmasters.

(e) Maintains liaison with Congress, the Civil Service Commission, and other interested parties and agencies as necessary to the functions of the Branch.

(2) *Performance Appraisal Branch.*

(a) Performs functions pertinent to appraising the performance of postmasters and acting postmasters.

(b) Initiates investigations into conduct and performance of postmasters and acting postmasters.

(c) Analyzes and evaluates reports of regional officials and inspectors pertaining to conduct and performance of postmasters and acting postmasters; recommends action and, as directed, issues commendations, reprimands, or removal notices.

(d) Recommends withholding periodic step increases in salaries of postmasters and acting postmasters, when justified.

(e) Furnishes information regarding salary level and step and personnel data for postmasters and acting postmasters.

(f) Maintains liaison with Congress, the Civil Service Commission, and other interested parties and agencies as necessary to the functions of the Branch.

.123 *Rural Appointments and Post Office Changes Division.* a. Takes action to discontinue, consolidate, convert, establish, or change the name of post offices of all classes and to reassign postmasters at these offices to other postal units.

b. Makes final determination on appointment of rural carriers and consolidation of rural routes.

c. Maintains liaison with Congress and other interested parties and agencies as necessary to the functions of the Division.

(1) *Rural Appointments Branch.*

(a) Recommends policies and procedures relating to the consolidation of rural delivery service incident to rural carrier vacancies and the appointment of regular and auxiliary rural carriers.

(b) Determines method of filling rural carrier vacancies.

(c) Determines qualifications and suitability of applicants for regular and auxiliary rural carrier positions.

(d) Issues instructions for the appointment of regular and auxiliary rural carriers.

(e) Reviews and analyzes recommendations for consolidations of rural routes; issues related instructions.

(2) *Post Offices Changes Branch.*

(a) Performs functions pertinent to the discontinuance, consolidation, conversion, establishment, and change of name of post offices of all classes.

(b) Determines type of postal facilities to be substituted for discontinued and consolidated post offices and suitability of postmasters at those post offices for reassignment to other postal units.

(c) Issues related directives for the Director.

.124 *Postal Services Division.* a. Directs programs concerned with:

(1) Analysis of public service needs.

(2) Promotion of public cooperation.

(3) Liaison with large mail users.

(4) Tests and analyses of mail service.

(5) Issuance of official sealing machines and postmarking hand stamps and dies.

(6) Disposition of undeliverable and unmailable matter.

(7) Placement and evaluation of equipment in post office lobbies.

b. Recommends policies and develops procedures for the administration of laws and regulations concerning domestic mail. Makes final departmental laws and regulations concerning domestic mail.

c. Makes final departmental determination, subject to appeal and hearing under the Administrative Procedure Act, on sufficiency of applications for (1) entry of newspapers and other periodical publications as second-class matter; (2) acceptance into the mail of controlled circulation publications and matter for use by the blind; and (3) granting of mailing privileges of news agents.

(1) *Service Analysis and Development Branch.*

(a) Directs a continual program of study and analysis on the availability and adequacy of special mail services in relation to customer requirements; anticipates, develops, and implements management improvement programs and changes in special mail services and related procedures to adjust to customer requirements and changing conditions.

(b) Directs a continual program of tests and analyses to provide data for evaluating mail handling systems and procedures; recommends areas for improvement.

(c) Collaborates with mail users; private and consultative research sources; business, mechanical, and electronic equipment manufacturers; Bureau of Standards; Officer of Research and Engineering; and other Government agencies in studying, recommending, and promoting the use of new procedures and equipment for special mail services.

(d) Delegates authority for and controls the placing of postage metering and stamp vending machines in post offices.

(e) Evaluates performance of equipment in post office lobbies; develops criteria for placement of such equipment.

(f) Recommends policies governing the issuance to post offices of official sealing machines and postmarking hand stamps and dies.

(2) *Customer Relations Branch.*

(a) Collaborates, represents the Post Office Department, and maintains liaison with the mailing public and representative mail users, including nationally recognized mailing associations, members of Congress, and other Government units regarding major problems, policy, and procedural matters affecting special mail services.

(b) Plans and directs a diversified patron cooperative program to emphasize, encourage, and promote the mailing public's assistance in the use of proven labor- and time-saving methods for the effective makeup and processing of mail.

(c) Promotes and directs a continual patron relations program of disseminating, through the various channels of communication, information of interests and concern to the mailing public on the proper and effective use of all classes of domestic mail and special mail services.

(d) Plans and directs a modern merchandising program to promote the most economical and effective methods, for the mailer and the Postal Service, in dispensing, selling, issuing, or collecting the prepayment of ordinary postage and special service fees.

(e) Administers the customer complaint program, including replies and acknowledgments; reviews and analyzes the source of complaints; and recommends corrective measures.

(f) Delegates authority for and controls the use of special dies for printing advertising slogans in postmarking mail.

(3) *Mail Classification and Special Services Branch.*

(a) Prescribes standards and maintains control over: admissibility of goods, other than obscene matter, to the mail; limits of weight, size, and class; domestic free mail; official Government mail; use of penalty and franking privileges; acceptance of mail for the Armed Forces; and other factors of administrative concern to domestic mail.

(b) Performs staff work concerned with determining the sufficiency of applications for (1) entry of newspapers and other periodical publications as second-class matter; (2) acceptance into the mail of controlled circulation publications and matter for use by the blind; and (3) granting of mailing privileges of news agents.

(c) Administers provisions of the statute concerning the filing and publication of statements of ownership, management, and circulation of second-class publications.

(d) Administers application of domestic mail rates and special mail service fees; determines rights of customers to refunds of postage; directs and administers the various permit systems for the collection of postage, and the provisions of special services for other departments and agencies.

(e) Prescribes standards for and maintains control over special mail services; packaging, wrapping, enveloping, and addressing of all domestic mail; forwarding and return of mail; disposition of undeliverable and unmailable mail; exceptional dispatch; approval of additional mailing places; newspaper handling; administration of lockbox service; mailing list corrections; and other factors of administrative concern to special mail services.

(f) Administers the official receipting program for ordinary mail of any class and for special mail services.

.13 *Deputy Assistant Postmaster General for Regional Management.* a. Assists the Assistant Postmaster General on regional management functions and problems in the field and at headquarters.

b. Represents the Assistant Postmaster General in all dealings with the Regional Operations Directors, including matters of regional management organization, duties, responsibilities, and staffing.

c. Coordinates management activities and responsibilities at regional and national levels to attain maximum effort and desirable uniformity.

.14 *Deputy Assistant Postmaster General for field operations.* Advises and assists the Assistant Postmaster General and acts for him at his direction; supervises field service activities and directs the staff and activities of the Division of Postal Installations and of Distribution and Traffic.

.141 *Postal Installations Division.* a. Directs the development of and recommends policies and procedures relating to the organization and operation of post offices and other installations, and to the collection, distribution, and delivery of mail by city, rural, and star route carriers.

b. Recommends policies for appointment of mail clerks at armed services installations and for surveillance over their performance.

c. Recommends policies relating to space requirements, furniture, and equipment needs for all types of postal installations, including leased as well as Federal buildings.

d. Develops policy for and provides technical guidance in distributing less than bulk lot shipments of accountable paper handled through regional distributing post offices; supervises, through regional officials, personnel who perform regional distributing office activities.

(1) *Installations Requirements Branch.*

(a) Makes policy changes and plans affecting space and equipment requirements for operating needs, after coordination with other divisions of the Bureau of Operations and other bureaus and offices of the Department; furnishes the regions with this information and authorizes space surveys; analyzes and takes final action on reports and recommendations received from the regional offices.

(b) Establishes, in concert with Regional Operations Directors, other divisions of the Bureau of Operations, and the Bureau of Transportation priorities for new installations and for modifications or alterations of existing facilities, based on operating needs.

(c) Approves site locations and furnishes Bureau of Facilities definitive requisitions for space and equipment requirements; requests Bureau of Facilities to acquire the property and provide the facility.

(d) Coordinates mechanization and automation requirements and schematic plans, layouts, and unrelated drawings, working with other divisions of the Bu-

reau of Operations and the Office of Research and Engineering.

(e) Determines, in cooperation with Bureau of Personnel and the Office of Research and Engineering, the requirements for a mechanical maintenance and training program for mail processing and conveying machinery and stamp vending machines, including parts control. Establishes guidelines for organization and continuation of a preventive and repair maintenance program in accordance with established requirements; and directs indoctrination of postal management in the acceptance and use of mail processing machinery.

(f) Coordinates departmental consideration of establishment, size, arrangement, and location of vehicle maintenance facilities; determines parking requirements, and takes final action toward authorizing procurement.

(g) Develops, in cooperation with Bureau of Facilities, technical requirements for appraising the performance of custodial personnel, and criteria for establishing custodial service complements; issues instructions and guidelines to regional offices to assure compliance with established standards for proper custodial maintenance of installations.

(h) Considers new types of custodial equipment and supplies and authorizes tests to evaluate these items for possible use in the Postal Service; acts as liaison with the Bureau of Facilities in the expeditious handling of equipment and supply requisitions received from the regions.

(2) *Organization and Management Branch.*

(a) Establishes standards covering the form and structure of postal installation supervisory organizations, including determination of the number and kind of positions required.

(b) Formulates clerical and mail handler staffing standards in all postal installations, including determination of the number and kind of positions required.

(c) Develops policy and procedures for the general management of all postal installations, including general delivery, the requirements for and installation of look box service, hours during which first-, second-, and third-class post offices are open to the public, and the number and type of service windows and their hours of operation, but excluding the custodial service and the technical procedures relating to mail classification and the distribution, dispatch, collection, and delivery of mail.

(d) Develops procedures for establishing and discontinuing post office stations, branches, and annexes.

(e) Sets criteria for postal installation manpower utilization program, including systems for recording and reporting work hours and absence hours and analyzing manpower usage.

(f) Administers, through the regions, the operation of work performance standards; extends standards, in cooperation with the Office of Research and Engineering.

(g) Sets criteria for the general management of the military postal service, the establishment and discontinuance of military post offices, and the appointment of military postal clerks.

(3) *Delivery Services Branch.*

(a) Develops and implements national policies and procedures on the collection and delivery of mail to insure uniformity of operation and administration.

(b) Develops and coordinates programs, projects, and regulations for the conduct and improvement of delivery services.

(c) Coordinates with the various bureaus having primary responsibility in developing specifications for, improvements to, and procurement of equipment required for the delivery and collection of mail.

(d) Conducts special analyses of delivery and collection service to determine need for changes in policies, procedures, and regulations.

(e) Maintains liaison with Members of Congress and national officers of various employee organizations on delivery service matters.

(f) Coordinates with the Bureau of Personnel on delivery employee grievances, uniforms, training programs, etc.

(g) Provides advice and information and makes decisions on establishment, extension, conversion, and mechanization of city and rural delivery service referred from lower levels of authority.

.142 *Distribution and Traffic Division.* Develops and administers procedures for the distribution, routing, and dispatch of mail and recommends related policies and regulations concerning:

a. Establishment of transportation requirements for movement of mail and the effective utilization of transportation services concerned.

b. Development of schemes, scheme examinations, schedules, and all related information necessary to the makeup, dispatch, and routing of mail, including coordination with routing instructions for bulk mail issued by the Bureau of Transportation.

c. Operation, maintenance, and assignment of Government-owned and hired motor vehicles; coordination of the scheduling of such vehicles and development of vehicle operating requirements, including need for new vehicles and the effectiveness of fleet management.

d. Direction of mail handling methods and procedures and the utilization of mechanized mail handling equipment, including electronic sorting equipment, at all field mail handling installations.

(1) *Scheme and Routing Branch.*

(a) Develops instructions for the preparation of all types of schemes used in the distribution and dispatch of mail; establishes methods and procedures for correcting them and maintaining them in current status.

(b) Determines content and frequency of issuance of Regional Schedules of Mail Routes; designs formats for Schedules.

(c) Establishes scheme examination requirements including types, frequency, and methods of conducting; determines minimum proficiencies to be attained in qualifying under scheme examination.

(d) Arranges and coordinates such changes in schedules, schemes, and other matters necessary to assure correct routing of mail and to avoid delays.

(e) Determines the format of post route maps and other study aids.

(f) Prescribes stationary installation points at which interregional distribution of preferential mail (including military airmail to and from Alaska and Hawaii) will be performed, the routing of such mail from those points, and the distribution of bulk mail out of concentration points.

(g) Recommends the establishment or discontinuance of terminals and airport mail facilities.

(h) Provides instructions for handling registered mail, including the routing and protection in transit.

(i) Develops programs and procedures for maintaining a well qualified work force, in coordination with the Bureau of Personnel.

(j) Prescribes, in coordination with the Bureau of Transportation, the distribution and routing within the United States of overseas military airmail, and routing to exchange offices of foreign airmail.

(2) *Transportation Requirements Branch.*

(a) Determines mail transportation requirements for the particular service desired—rail, highway, or air.

(b) Assists in formulating policies and operating procedures to improve the preferential mail service through proper and effective utilization of available transportation media.

(c) Approves the establishment or discontinuance of railway post offices, highway post offices, and transfer offices, based on the development and analysis of operational data and requirements.

(d) Determines and establishes the operating requirements for star route and mail messenger service.

(e) Analyzes en route distribution of mail performed in railway post offices and highway post offices; authorizes the distribution of interregional mail in those units and recommends changes in intraregional distribution necessary to insure good service.

(f) Analyzes airmail transportation services and the related schedules for adequacy and to assure integration with total preferential mail service pattern.

(g) Develops procedures and issues criteria governing the performance of functions in transfer offices and the application of rules governing the loading and unloading of mail cars.

(h) Maintains liaison between the Bureau of Operations and the Bureau of Transportation on all matters concerned with scheduling and planning transportation patterns and methods with common and contract carriers to insure full consideration of postal service requirements.

(3) *Distribution Procedures Branch.*

(a) Develops procedures and designs systems for the makeup, distribution, and dispatch of mail.

(b) Issues criteria governing mail handling plans and diagrams of letter cases and pouch- and sack-racks with reference to adequacy of makeup, effect on service, and transportation problems and costs.

(c) Develops criteria used in determining requirements for the type and arrangement of equipment employed in mail handling operations, and in establishing standards for allotting such equipment.

(d) Directs, in collaboration with the Office of Research and Engineering, the development of requirements for and the planning, installation, and utilization of mail processing and movement systems, canceling and sorting machines, and other mechanized and electronic equipment used in mail handling operations.

(4) *Vehicle Operations Branch.*

(a) Initiates and implements programs and policies for guiding and controlling the efficient management of the Government-owned vehicle fleet and vehicles hired under contract, and for coordinating the scheduling of all vehicles, including those used in delivery and collection service.

(b) Develops methods and criteria to be used by regional officials to improve the effectiveness of fleet management, including vehicle utilization and cond[illegible] of the maintenance program in accor[illegible]ance with criteria established by the Bureau of Facilities.

(c) Develops plans for the installation and operation of vehicle traffic control centers.

(d) Develops procedures and forms to provide control information on the vehicle operations program; collaborates with the Bureau of Finance in developing cost control procedures for the vehicle service.

(e) Determines and approves, in cooperation with the Vehicle Division, Bureau of Facilities, quantitative and operating requirements of vehicles and related mechanical equipment to be procured.

(f) Analyzes requests for new, and relocation of existing, vehicles maintenance facilities from the standpoint of efficient vehicle operations.

§ 24.2—ASSISTANT POSTMASTER GENERAL, BUREAU OF TRANSPORTATION

a. Develops policies and programs for the transportation of mail and mail equipment, and the exchange of mail with other countries and with the territories and possessions and military installations outside the continental United States.

b. Administers procurement of transportation from and supervision of service performance by commercial carriers.

c. Determines routes and media for movement of bulk mail and for all classes of international mail.

d. Determines the points at which intransit bulk mail will be massed for distribution.

.21 *Deputy Assistant Postmaster General.* a. Advises and assists the Assistant Postmaster General and acts for him in his absence or as directed.

b. Directs the activities and staff of the Bureau.

.22 *Executive Assistant.* Provides staff assistance to the Assistant Postmaster General and his deputy in the formulation of policies, programs, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Transportation.

.23 *Management Staff.* a. Provides administrative assistance to the Assistant Postmaster General and his deputy and common administrative services for all components of the Bureau.

b. Develops and coordinates manuals and issuances for the Bureau.

c. Handles legislative matters for the Bureau.

d. Reviews, approves, and coordinates field budget proposals for transportation of mail, and evaluates expenditures and cost trends; recommends allocations of funds for procurement of transportation services.

e. Handles all inquiries and complaints from Members of Congress, civic and other organizations, and the general public concerning transportation matters, and maintains liaison with the Members of Congress on such matters.

f. Develops, coordinates, and promulgates transportation civil defense plans and transportation mobilization plans.

.24 *Transportation Development and Research Staff.* a. Gathers, analyzes, and evaluates data and assists the Assistant Postmaster General and his deputy in negotiations with railroads, contractors, and airline and steamship companies for reduced mail transportation rates, better service, improved schedules, and joint utilization of postal and privately owned facilities.

b. Plans and directs research studies of mail traffic patterns and flows and operating cost of mail transportation; evaluates progressive developments in the transportation industry for potential use by the Department.

c. Maintains liaison with all agencies having regulatory responsibilities over carriers transporting mail and with the divisions concerned in the Bureau of Finance.

d. Develops and issues criteria and procedures for measuring the quality and adequacy of service provided by the various mail transport media.

e. Collaborates with all survey groups of the Bureau in developing and using proper techniques of study and in ascertaining elements necessary to the studies.

f. Develops programs for improving transportation means and methods, and recommends changes in media. Reviews and maintains national transportation patterns.

g. Recommends location and establishment of bulk mail concentration points and develops routing for movement of bulk mail.

h. Develops and directs, in collaboration with the Office of the General Counsel, research in mail compensation matters.

i. Collects and analyzes cost and operating data and prepares and presents economic and statistical exhibits and testimony before regulatory agencies.

j. Provides direction and technical guidance to regional research officers.

k. Conducts fact finding surveys relating to air transportation of 4-cent letter mail.

l. Performs research necessary to allocating costs of the various media of transportation to the several classes of service.

m. Develops and recommends plans and patterns for improved interregional transportation of mail by highway, rail, and air; directs implementation of plans and patterns for bulk mail.

n. Approves diversions of mail transportation from one transportation medium to another.

.25 *International Service Division.* a. Recommends policies, develops procedures, and administers regulations for the exchange and transportation of all classes of international mail to and from other countries, including mail to and from United States Territories and possessions (except airmail to and from Puerto Rico and the Virgin Islands), and the Trust Territories of the Pacific; and for the transportation of all classes of mail to military installations outside the continental United States, Alaska, and Hawaii, such as:

(1) Designation of United States entrance and exit points.

(2) Classification of international mail.

(3) Service performance by commercial carriers.

(4) Protection of mail from damage and depredation, and payment of indemnities and postage refunds.

(5) Mail makeup, routing, distribution schemes, dispatch schedules, billing, and handling.

(6) Customs treatment.

(7) Transportation rates.

b. Designates, with the concurrence of the Bureau of Operations, distribution points within the United States, and prescribes schemes and regulations, for distribution and makeup of foreign airmail.

c. Represents the Department in all dealings with other departments, countries, and the international postal unions concerning international mail.

d. Interprets international conventions and regulations of other countries, and advises the Bureau of Finance on matters concerning international mail accounting and postage rates.

e. Develops and recommends United States policy and position with respect to proposals of foreign governments submitted to postal congresses. Prepares and recommends similar United States proposals.

f. Designs systems for appraising the performance of, and imposing penalties on, United States international mail carriers for irregularities, delinquencies, and deficiencies in service.

g. Maintains liaison with industry associations and airline and steamship companies on matters relating to the transportation of international mail.

.26 *Director of Domestic Mail Transportation.* Provides assistance to the Assistant Postmaster General and the deputy in carrying out the transportation policies of the Bureau, and directs and coordinates the activities of the Railway, Highway, Air, and Mail Equipment Transportation Divisions.

.261 *Railway Transportation Division.* a. Recommends policies, designs

procedures, and issues criteria governing transportation of mail by railroads to meet service requirements.

b. Reviews, prepares, and revises special contracts and agreements with railroads as necessary to meet service requirements. Reviews with railroads their performance under these contract agreements.

c. Collaborates with Bulk Mail Unit on interregional rail transportation of bulk mail. Develops carload movements and schedules for bulk mail to balance workloads and avoid congestion at concentration points.

d. Develops and recommends programs, working with rail carriers, to constantly review and induce these carriers to improve equipment, facilities, and performance.

e. Prescribes specifications for the functional design and construction of railway post office and storage mail cars.

f. Collects and analyzes operating data and assists in the preparation of data and exhibits and in their presentation before regulatory bodies responsible for regulations and rates governing the operation of rail carriers.

g. Designs systems for appraising individual performance of, and imposing penalties upon, rail carriers for irregularities, delinquencies, and other deficiencies in service.

h. Reviews legislation and Government regulations affecting the transportation of mail by railroad and recommends desired changes.

i. Analyzes mail transportation and collaborates with the regions in the coordination and improvement of interregional rail operations.

j. Maintains liaison with Association of American Railroads and all rail carriers concerning transportation of mail by railroads including scheduling, training of railroad personnel, and safeguarding the mail.

k. Works with the Bureau of Operations in developing requirements for the training of field personnel engaged in mail transportation activities.

.262 *Highway Transportation Division.* a. Recommends policies, designs procedures, and issues criteria governing transportation of mail by contract, including all matters relating to the execution and cancellation of contracts, on highway, domestic water routes, and air star routes to meet service requirements.

b. Reviews legislation and Government regulations affecting the transportation of mail by highway and domestic waterways and recommends desired changes.

c. Works closely with the motor vehicle utilization staff of the Bureau of Operations to develop policy and to integrate mail hauling by contract motor carriers and Government-owned motor vehicles to meet service requirements at the least practicable cost.

d. Assists the regions in the development and coordination of improved interregional mail transportation by Post Office Department vehicles and contract carriers.

e. Assists in the development with carriers of joint utilization of postal and privately owned facilities.

f. Recommends policy governing, and assists in the consolidation of, highway contract routes.

g. Designs systems for appraising individual performance of, and imposing penalty upon, highway carriers for irregularities, delinquencies, or other deficiencies in service.

h. Designs systems for appraising and determining the justification and validity of contract carriers' applications for increased rates.

i. Prescribes specifications for the functional design and construction of highway post office vehicles.

j. Maintains liaison with associations of truckers, star route carriers, bus operators, vehicle manufacturers, and other groups on mail transportation services and problems, including programs in which carriers participate, for improvement of equipment, facilities, and performance.

.263 *Air Transportation Division.* a. Recommends policies, designs procedures, appraises carrier performance, and issues criteria governing transportation of domestic mail, to meet service requirements, by domestic and territorial air carriers, including U.S. flag carriers to and within Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

b. Develops and recommends programs in cooperation with the airlines for the improvement of carrier performance, facilities, and equipment related to domestic mail transportation.

c. Develops and coordinates procedures for construction and verification of standard mileages, and publishes standard mileages and composite rates payable under CAB orders for domestic airmail transportation.

d. Designs systems for appraising individual performance of, and imposing penalties upon, air carriers for irregularities, delinquencies, and other deficiencies in domestic service.

e. Coordinates departmental and regional matters with the carriers for improved interregional transportation by air.

f. Works with the Bureau of Finance and the Air Transport Association on programs to install or improve procedures for billing and claims verification, machine accounting, mileage and rate tables, and other common interest matters.

g. Establishes and administers policy for equitable division of traffic among air carriers.

h. Reviews airline schedules and prepares departmental air schedules for publication to assure their prompt and economic distribution to postal units affected

i. Maintains liaison with the Air Transport Association and the airlines concerning domestic transportation of mail, including adequacy of schedules, plans for aircraft and ground facilities development, training of airline mail handling personnel, safeguarding the mail, and acceptability of articles as airmail.

j. Works with the Bureau of Operations in developing requirements for the training of field personnel engaged in domestic air transportation activities.

k. Reviews legislation and governmental regulations affecting transportation of mail by air to ascertain impact on air transportation activities, and makes policy recommendations. Makes administrative interpretation and determines applicability to mail service of orders issued by the Civil Aeronautics Board.

l. Implements departmental policy regarding philatelic recognition of CAB authorizations for new domestic air service and prepares appropriate Postal Bulletin announcements.

.264 *Mail Equipment Transportation Division.* a. Directs activities of the mail equipment (bags and locks) transportation system.

b. Recommends policies, designs procedures, and issues criteria governing transportation of mailbag equipment to meet service requirements.

c. Works closely with the Bureau of Operations and Bureau of Facilities to develop maximum utilization of mailbag equipment.

d. Develops mailbag equipment requirements.

e. Develops patterns for the routing and movement of mailbag equipment from surplus points to deficit points and coordinates interregional shipments to meet the requirements of postal facilities and large mailers.

f. Coordinates the activities of the regional mail equipment officers.

g. Negotiates with carriers for special rates and shipping arrangements for mailbag equipment.

824.3—ASSISTANT POSTMASTER GENERAL, BUREAU OF FINANCE

a. Develops and coordinates policies, programs, and procedures governing:

(1) Accounting, cost analysis, and financial reporting.

(2) Budget formulation and execution, financial examinations, economic and statistical analyses.

(3) Banking of postal funds.

(4) Receipt, protection, and disbursement of monies.

(5) The domestic and international money order systems and the postal savings system.

b. Performs Department-wide financial functions, including analysis of overall financial condition and operating results; prepares advisory reports to the Postmaster General and heads of other bureaus to assist them in their decision-making responsibilities.

c. Conducts a postal rate research program; determines proposed changes in parcel post rates and classification reformations, requiring the approval of the Interstate Commerce Commission; determines proposed changes in fees for special services, requiring the approval of the Postmaster General; develops rate proposals for submission to the Congress.

d. Serves as agent of the Board of Trustees of the Postal Savings System for the designation of depository banks and the establishment of collateral requirements; and for the deposit, transfer, and withdrawal of postal savings funds.

e. Administers activities of the Post Office Department related to sale of accountable or negotiable paper for other Government agencies.

f. Prepares estimates of revenues produced or expenses caused by pending or proposed legislation.

g. Establishes standards of accountability and reviews standards established by Bureau of Facilities for safekeeping of stamped paper.

h. Accumulates and interprets statistical and economic information at headquarters, including such information requested by bureaus and offices.

i. Provides following services concerning negotiated contracts over $2,500 (other than for mail transportation and real estate):

(1) Develops and recommends financial policies and cost principles for incorporation in the Department's regulations governing procurement.

(2) Assists requirements bureaus in interpreting and obtaining compliance with such policies and principles, including participation in contract negotiations.

.31 *Deputy Assistant Postmaster General and Controller.* a. Acts for the Assistant Postmaster General in his absence or as assigned.

b. Directs the staff and activities of the Bureau of Finance.

.32 *Statistics and Economic Division.* a. Formulates policies, principles, and standards for the collection, analysis, and presentation of statistical and economic information.

b. Selects and applies statistical and other mathematical techniques to evaluate postal data to provide information for management decisions.

c. Plans, designs, and installs scientific sampling and quality control programs and systems.

d. Conducts research in and develops methods and formulas for applying statistical techniques, including sampling and regression analyses in such areas as cost ascertainment; forecasting, preparing, and presenting short and long range manpower requirements; mail volume, workload, and postal revenue at the national and regional levels; and mail count procedures and conversion rates.

e. Studies the relationship of national and regional economics to postal operations.

f. Develops economic assumptions as basic policy statements for the preparation of estimates for the President's budget; develops estimates of mail volume, workload, and postal revenue at national and regional levels for use in preparation of the budget.

g. Assembles, reviews, and edits statistical materials included in the Annual Report of the Postmaster General.

h. Conducts, in cooperation with other interested bureaus, orientation and training sessions for all levels of postal employees on sampling and other statistical methods as applied to various functions, such as internal audit, inventory, forecasting, and mail count procedures.

i. Provides consultation service and technical direction to bureaus and offices, beginning with the initial planning phases of operating and research activities which involve statistical and economic techniques.

j. Represents the Bureau of Finance at intradepartmental meetings and the Post Office Department at interdepartmental meetings dealing with statistical and economic matters.

.33 *Postal Rates Division.* a. Develops and recommends an effective rate philosophy, with related principles and policies, for establishing and maintaining a sound domestic and international postal rate structure for the Post Office Department; advises the Postmaster General and the Congress on postal rate matters.

b. Develops and maintains a long-range rate program consistent with approved departmental ratemaking principles and policies.

c. Develops and recommends rates and fees for domestic and international mail services to implement departmental policies, international agreements and conventions, and the expressed wishes of Congress.

d. Provides a central research statistical, and analytical service on all facets of domestic and international postal rate matters.

e. Conducts research, as required, on the historic and economic antecedents of postal rates and rate policy, public attitudes on postal rates and services, and the probable effects of proposed revisions in rates and fees.

f. Assists or represents the Postmaster General and his staff in the presentation of rate proposals before the Interstate Commerce Commission, Congressional committees, and other agencies of the Government; maintains liaison with these bodies.

g. Participates in conferences within the Department or with outside groups from which may originate proposals for changes in domestic and international postal rates and fees; furnishes representation for the Department on postal rate matters at international conferences.

h. Coordinates and prepares for the Postmaster General the report to Congress of results and recommendations of reviews, studies, and surveys of postal rates, fees, expenditures, and services as required by Public Law 85-426 each alternate fiscal year.

.34 *Assistant Controller.* Directs those phases of the responsibilities of the Assistant Postmaster General which relate to financial systems and procedures, financial management, and paperwork management; maintains functional liaison with regional controllers.

.341 *Systems and Procedures Division.* Performs staff work required for planning and coordinating the development of basic policies and related systems and procedures for effective financial management and modern controllership in the Post Office Department.

a. Data Processing Methods Branch.

(1) Conducts research in data processing; studies the application of electronic and punched card equipment to data processing problems throughout the Postal Service, including the compilation of information for financial and statistical reports, preparation of disbursements, and the reconciliation of paid money orders, postal savings certificates, and other accountable items.

(2) Designs and assists in the installation of data processing systems for handling operations conducted in bureaus, regional offices, and other field units.

(3) Maintains continuous surveillance over machine accounting units and establishes performance standards to evaluate the effectiveness and need for improvement of such activities.

b. Property Accounting Branch.

(1) Develops, installs, and supervises property accounting systems and procedures for the entire Post Office Department.

(2) Establishes and supervises programs and procedures for complete and current inventories of real and personal property.

(3) Establishes uniform reports required for effective property management.

(4) Establishes property depreciation policies and procedures.

c. Paperwork Management Branch.

(1) Maintains liaison and collaborates with other headquarters bureaus and Federal agencies to establish principles and requirements for effective paperwork management in the Post Office Department.

(2) Assists headquarters and field elements of the Postal Service in refining clerical or office-type procedural analysis, in work simplification, and in eliminating unnecessary requirements for paperwork.

(3) Develops and applies sound principles for the design and utilization of forms and related material required for post office operations; controls issuance of all POD forms; and coordinates headquarters and field activities for the improvement of forms.

(4) Develops and applies sound principles of records management for the Post Office Department, including the creation, processing, storage, and disposal of records.

d. Accounting Systems and Financial Procedures Branch.

(1) Maintains liaison and collaborates with other bureaus and offices and Federal agencies in developing principles and requirements for financial procedures in the Post Office Department, and, in particular, with the General Accounting Office for the formulation and approval of accounting policies applicable to the Postal Service.

(2) Plans and develops accounting systems and procedures, including a general classification of accounts required for recording and reporting of financial transactions, and for producing financial data for effective management in the Post Office Department.

(3) Reviews proposed instructions for conformance with accounting policy; assists operating personnel in installing, testing, and maintaining field procedures, including use of business machines; collaborates in evaluating their effectiveness and in establishing performance standards.

.35 *Assistant Controller, Budget.* a. Develops and recommends an overall

financial plan for the Department based on the programs of the operating bureaus and the regions.

b. Prepares, reviews, apportions, allots, and adjusts the Post Office Department budget, in accordance with guidance of the Assistant Postmaster General.

c. Prepares instructions governing development and review of the Post Office Department budget.

d. Assists or represents the Assistant Postmaster General in the presentation of estimates before the Bureau of the Budget and the Congressional committees on appropriations; maintains liaison with these bodies.

e. Forecasts obligations; maintains budgetary summaries reflecting current obligations, expenditures, and trends, based on accounting reports.

.36 *Finance Officer.* a. Carries out those responsibilities of the Assistant Postmaster General which relate to postal funds, postal savings, money orders, and philatelic sales.

b. Determines financial responsibility of employees for loss of funds due to error or wrong payment.

c. Directs the operation of the Money Order Center.

d. Directs the operation of the Philatelic Sales Agency.

e. Negotiates lump-sum settlements with other Government agencies for postal services used by them.

f. Provides liaison for Bureau of Finance on legislative and civil defense matters.

.361 *Philatelic Sales Agency.* Provides the headquarters over-the-counter and mail order service for the sale of select quality stamps.

.362 *Postal Funds Division.* Formulates and recommends policies and directs administration of regulations and procedures for the handling and protection of monies, stamps, and accountable paper; the receipt, banking, and disbursement of funds; and the Postal Savings System.

a. *Postal Funds Branch.*

(1) Receives and disburses all monies for headquarters of the Post Office Department.

(2) Approves the issuance of duplicate checks on Treasury checking accounts of the Post Office Department when the originals have been lost, destroyed, or mutilated.

(3) Maintains liaison with Treasury and Federal Reserve in matters relating to the deposit of funds in banks and the posting of collateral.

(4) Formulates and administers policies relating the the redemption of all stamped paper.

b. *Postal Savings Branch.*

(1) Administers regulations, formulates and recommends policies, and establishes procedures for those activities of the Postal Savings System for which the Assistant Postmaster General, Finance, serves as the agent of the board of trustees of the system.

(2) Maintains liaison with the Treasury Department on the sale of bonds under the payroll savings plan, and on the sale by post offices of U.S. savings bonds and stamps; formulates internal procedures governing the Post Office Department sales of such bonds and stamps.

c. *Money Order Branch.*

(1) Administers regulations, formulates and recommends policies, and establishes procedures for the domestic and international money order system.

(2) Provides information and advice for the negotiation of agreements with other countries related to international money orders.

(3) Determines currency conversion rates.

.37 *Assistant Controller, Accounting.* Directs those phases of the responsibilities of the Assistant Postmaster General which relate to accounting, cost analysis, and cost ascertainment.

.371 *Cost Analysis Division.* a. Plans and directs the development of programs, principles, and techniques relating to cost analyses of postal operations and to coordination of cost analysis functions in the regions; releases cost analysis statistics for the Post Office Department.

b. Conducts overall studies of factors affecting postal costs; prepares cost data for presentation to regulating agencies; and conducts cost studies of the effect of legislative proposals.

(1) *Operations and Transportation Cost Branch.*

(a) Plans, provides general supervision, coordinates and prescribes techniques for all cost analysis activities related to control of post office operations costs and to the determination of cost of mail transportation.

(b) Collaborates with other bureaus and offices in scheduling and carrying out cost studies and in the development of cost standards and operating targets.

(c) Reviews and analyzes progress in cost reductions and evaluates cost effects of operating changes.

(2) *Facilities Costs Branch.*

Plans, provides general supervision, coordinates, and prescribes techniques for cost analysis activities related to supplies, equipment, and physical plant, vehicles, mail bag repair, and mail equipment manufacturing operations, mail messenger service, and custodial service in regions and at headquarters.

.372 *Accounting Division.* Maintains general controlling accounts for the entire postal service and detailed cost, budgetary, and other financial accounts for headquarters; prepares financial statements of the Post Office Department for internal and external use; reviews and approves proposed obligations for propriety and for conformity with the financial plan of the Department; examines and certifies documents related to payables and receivables; audits and settles accounts related to international services; and prepares interpretations on doubtful and difficult questions on specific cases and prepares submissions requesting legal interpretations for the Assistant Postmaster General.

a. *Accounts and Reconciliation Branch.*

(1) Maintains control accounts for departmental appropriations, revenues, and expenditures.

(2) Provides electronic and other machine accounting and statistical services for headquarters.

(3) Maintains general ledger control and detail accounts for headquarters activities, and reciprocal account control with all regional offices and the Money Order Center.

(4) Performs reconciliations, as required, between reports submitted by regions, Federal Reserve banks, Treasury, and other departments.

b. *Mails Transport and Claims Branch.*

(1) Assists in formulation of procedures for examination, accounting, and certification for payment of transportation vouchers and claims; provides technical guidance for related regional activities.

(2) Maintains liaison with the General Counsel of the Post Office Department, the General Accounting Office, the Civil Aeronautics Board, the Interstate Commerce Commission, transportation companies, and other organizations as necessary.

(3) Negotiates, adjusts, and makes determination for the Department on doubtful and difficult claims referred to headquarters.

c. *Procurement Contracts Review and Accounts Payable Branch.*

(1) Examines, determines account classification, and certifies for payment all departmental supply, facilities, payroll, retirement, insurance, travel, and other expense claims payable.

(2) Performs liaison with General Accounting Office and Civil Service Commission and other Government departments on laws, regulations, and policy necessary for departmental settlements.

d. *Reports Branch.*

(1) Analyzes, interprets, and assists in preparing operating, financial, and budgetary statements and reports for the Post Office Department.

(2) Maintains necessary liaison with other bureaus, regions, and Government agencies on reporting and related accounting activities.

(3) Consolidates departmental and regional financial statements and reports for the Department, the Congress, and other agencies of the Government.

e. *International Accounts Branch.*

(1) Audits and settles postal accounts between the United States and other countries, including accounts for international money orders, international reply coupons, and terminal and transit charges.

(2) Examines, makes accounting determination, and certifies for payment claims and vouchers relating to international mail.

(3) Maintains liaison with State Department, embassies, and steamship, air, and other transportation companies.

.373 *Cost Ascertainment Division.* a. Supervises the operation of the cost ascertainment system, and development and distribution of procedures, forms, and instructions pertaining to the allocation of postal revenues and costs to the specific classes of mail and services, and the determination of total volumes of each class of mail and service.

b. Conducts special or nonrecurring analyses and trend studies on revenues, costs, and volumes involving specific classes and subclasses of mail and services on request from bureaus in the Department, other Government agencies, and the Congress.

c. Provides source data for rate computations, hearings on rate proposals before the Congress, and hearings before other Government agencies in matters involving rate revisions.

d. Controls incoming cost ascertainment reports from field installations, and handles printing and requisitions for cost ascertainment forms and reports.

(1) *Revenue and Volume Branch.*

(a) Provides general supervision, analysis guidelines, and accounting procedures for allocation of revenues to classes of mail and special services, and for development of volumes (pieces, weight, cubic feet, average hauls) of classes and subclasses of mail.

(b) Prepares reports of revenues allocated to specific classes of mail or service and related volume data.

(2) *Expenditures and Costs Branch.*

(a) Provides general supervision, analysis guidelines, and accounting procedures for the apportionment and allocation of expenditures to each of the classes of mail and special services.

(b) Prepares reports of expenditures allocated to specific classes of mail or service from each expenditure account.

824.4—ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

a. Formulates and administers policies, programs, and procedures governing the procurement, management, maintenance, improvement, and disposal of real property occupied by the Post Office Department and of equipment and supplies used in the Postal Service. Formulates and administers policies, programs, and procedures governing the procurement, service testing, maintenance, and disposal of vehicles used in the Postal Service. Establishes criteria for hire of vehicles used in local transportation of mail and for standards of performance.

b. Directs operation of the supply system; the production, repair and storage of mail bags; and the production of keys, locks, and postal route maps. Plans, develops, and administers programs governing the composition, maintenance, and storage of the Government-owned vehicle fleet; determines the quantity, type, and technical specifications of Government-owned vehicles to be procured.

c. Exercises procurement authority for the Department, except for items or services specifically delegated by the Postmaster General to other Bureaus.

d. Represents the Postmaster General on the joint departmental committee to administer the public buildings program outside the District of Columbia.

e. Maintains liaison with the General Services Administration, other agencies of Government, and committees of Congress; handles inquiries from outside the Department and from Members of Congress regarding postal facilities, vehicles, equipment, and supplies.

f. Advises and assists the Bureau of Operations in establishing facility project priorities, based on financial and technical considerations; authorizes expenditure of appropriated funds for such projects.

g. Services the civil defense program of the Department, as coordinated by the Chief Postal Inspector, in the fields of real estate, motor vehicles, supply, and communications.

.41 *Deputy Assistant Postmaster General.* a. Acts for the Assistant Postmaster General, Bureau of Facilities, in his absence or as assigned.

b. Directs the staff and activities of the Bureau of Facilities.

.42 *Special Staff.* a. Provides administrative assistance to the Assistant Postmaster General, his Deputy, and his staff.

b. Develops, implements, and adjusts the Bureau's financial program; evaluates costs and related data against programs; evaluates effectiveness of cost control systems; assembles budget proposals; exercises financial control over the Department's capital programs and the Bureau's operating program.

c. Establishes, maintains, and coordinates Bureau legislative programs; maintains relationships with the legislative branch of the Government; and plans and implements civil defense programs for the Bureau.

d. Directs the Bureau's programs for management assistance and control with respect to forms, records, administrative issuances, printing and reproduction, organization, methods, manpower, public relations, and security.

.43 *Real Estate Division.* a. Plans, develops, and administers policies, programs and procedures governing the procurement, management, maintenance, and disposal of real property.

b. Directs programming and expenditure of funds for:

(1) Rental of space for postal operations.

(2) Alterations, remodeling, extension, and modernization of Federally owned post office buildings occupied by the Post Office Department.

c. Prepares budget estimates and administers funds appropriated for the real estate program; coordinates available Post Office Department funds with General Services Administration funds for Federally owned post office building improvements.

d. Advises and assists the Bureau of Operations in establishing facility project priorities, based on financial and technical considerations, for rental space and for modernizing Federally owned buildings occupied by the Department; provides such information to the Office of Research and Engineering for use in project planning.

e. Negotiates agreements for use and occupancy of real estate facilities by the Post Office Department under leases, rental agreements, or long-term purchase contracts; accepts, revises, cancels, or terminates such leases and agreements.

f. Develops and directs the coordination of Post Office Department space requirements with possible space to be made available in new multiagency Federal buildings planned by General Services Administration.

g. Establishes and maintains standards for the maintenance and management of Federally owned and leased facilities; directs program for assignment and utilization of nonpostal space in buildings operated by the Department.

h. Establishes policy and procedures for control over the procurement of light and power, communications, and other metered utilities, and solid and liquid fuels; determines types of fuel to be used and recommends changes in heating equipment to the Office of Research and Engineering.

i. Develops communications program for the Postal Service, including civil defense.

.431 *Property Management Branch.* a. Plans, develops, and recommends policies, programs, and procedures governing the management, maintenance, and disposal of real estate.

b. Coordinates with General Services Administration on nonpostal space needs and buildings management items.

c. Prepares, recommends, and maintains standard practices for maintenance and management of Government-owned and leased postal facilities operated by the Post Office Department.

d. Assigns nonpostal space and administers utilization of such space in Government-owned buildings occupied by the Post Office Department.

e. Develops and recommends policy and procedures for the procurement and utilization of light, power, and other metered utilities, and solid and liquid fuels.

f. Develops policies and procedures for the operation and control of communications systems throughout the Postal Service.

g. Establishes, operates, and maintains communications system for civil defense.

h. Provides technical advice and assistance to regional real estate managers on all phases of buildings management.

i. Coordinates post office space requirements with space to be made available in proposed General Services Administration Federal building projects.

.432 *Real Estate Leasing Branch.* a. Negotiates, commits, revises, executes, and terminates agreements for real estate facilities covered under lease or rental agreements (or lease-purchase agreements, if applicable).

b. Acquires control of real property through assignable options, purchase, partial payment contracts, and condemnations; approves for advertising purposes; assigns rights in such properties to successful bidder.

c. Prepares bidding documents and issues invitations to bid for proposed leased postal facilities.

d. Analyzes all bids submitted to the Department for leasing space to the Postal Service; accepts agreements to lease or recommends action to be taken; post audits awards made by regional real estate managers.

e. Compiles and analyzes real estate market data for determining real estate values and rentals.

f. Provides technical guidance to regional real estate managers.

.44 *Supplies division.* a. Develops and directs the program for the purchase and inventory control of equipment, supplies, and materials for the Postal Establishment; the development of inventory and purchase requirements for supplies and equipment, except mail bags and locks; the purchasing of replenishment stocks for supply centers; the recording and analyses of inventories; the disposition of surplus property; the routing, transportation, and delivery of supplies and equipment, except mail bags, by common or contract carriers; and the processing of requisitions and purchase orders for the Department, including those to other Government departments.

b. Directs the receipt, inspection, warehousing, and redistribution of post office equipment and supplies; operates the area supply centers and capital equipment warehouses.

c. Administers operation of Mail Equipment Shops.

d. Directs program for the examination, repair, condemnation, and storage of mail equipment; operates the mail equipment repair centers and depositories.

e. Procures stamps and other accountable postal paper; develops policy for and provides technical guidance in the bulk distribution of accountable paper.

f. Directs liaison with General Services Administration, other Government agencies, manufacturing companies, and private contractors on supplies and equipment matters, and with the Bureau of Engraving and Printing and the Government Printing Office on accountable paper.

g. Develops Post Office Department regulations to implement and supplement applicable Federal procurement regulations.

h. Provides a contract specialist to counsel the contracting officer of the requirements bureau, prior to and as needed during negotiation of contracts over $2,500.

i. Directs activities of the U.S. Postal Agency, the Stamped Envelope Agency, and the postal equipment examiners.

.441 *Production Branch.* a. Exercises direct supervision over the operation of the Mail Equipment Shops in the design and manufacture of mail bags, locks, keys, and other special postal equipment.

b. Directs the operation of the Cartography Section in the production of postal maps and postal zone keys.

c. Collaborates with other bureaus in developing departmental requirements for mail bags, postal locks and keys, other specialized items of postal equipment, postal maps, and postal zone keys.

d. Develops and establishes production standards; revises those standards to reflect improved tools or production machinery and other manufacturing techniques.

e. Develops and administers inventory production controls, except for mail bag equipment.

f. Assists in developing and revising cost standards for Mail Equipment Shops.

g. Conducts liaison for Mail Equipment Shops and Cartography Section with other departmental bureaus, other Government agencies, and private industry.

h. Establishes and directs research programs and activities in utilizing improved tools and materials and in developing new or improved production techniques.

.442 *Procurement Branch.* a. Procures capital equipment, supplies, services and accountable paper for the entire Postal Service, except for the transportation of mail and for procurement by negotiated contracts over $2,500 specifically delegated to other bureaus.

b. Plans, determines, and administers local procurement policy and procedures.

c. Exercises direct supervision over the U.S. Postal Agency in the bulk distribution of money orders, treasury checks, international reply coupons, postal savings certificates, air letter sheets, and international postal cards; the Stamped Envelope Agency in the bulk distribution of stamped envelopes; and the postal equipment examiners in the program of plant survey of prospective contractors and the inspection of equipment under contract.

d. Develops sources of supply.

e. Conducts liaison with General Services Administration and other Federal agencies on procurement, excess personal property, and traffic matters.

f. Controls inventory levels, except for mail bag equipment.

g. Plans, directs, and controls the inspection program for acceptance of supplies and equipment; develops local inspection procedures.

h. Establishes policy for the installation of post-office-owned equipment in leased and rented facilities.

i. Develops and directs, in collaboration with the Bureau of Transportation, the program of transportation for supplies and equipment for the Postal Establishment.

j. Exercises production control over stamps and accountable paper; directs the distribution of bulk requirements of accountable paper.

.443 *Distribution Branch.* a. Directs the warehousing and distribution of supplies and equipment to post offices and other field units served by supply centers and capital equipment warehouses.

b. Develops plans for (1) location of supply centers and capital equipment warehouses and (2) supplies and equipments to be warehoused.

c. Directs the examination, condemnation, repair, storage, and the filling of distribution orders for mail bags at mail bag depositories and mail bag repair centers.

d. Plans and develops improved techniques of warehousing, packaging, and distribution of supplies and equipment.

.45 *Vehicles Division.* a. Establishes criteria for the maintenance of vehicles in the Government-owned fleet; furnishes staff assistance and technical guidance to the Bureau of Operations in the maintenance of vehicles and in the development of vehicle requirements; provides technical assistance and guidance to regional officials and, as requested, to field maintenance facilities.

b. Establishes criteria for removing from the fleet vehicles which have become obsolete or otherwise unsatisfactory for the needs of the service.

c. Procures vehicles and related maintenance equipment for the fleet, based on Bureau of Operations' determination of the quantity and types of vehicles needed.

d. Determines technical specifications for Government-owned vehicles to meet service requirements established by Bureau of Operations. Determines type of vehicle maintenance equipment to be procured.

e. Directs the program for disposal of unserviceable and obsolete vehicles and equipment.

f. Establishes criteria for garaging Government-owned vehicles used by the Postal Service, including those vehicles maintained under contract.

g. Establishes criteria for designing, constructing, equipping, and remodeling vehicle maintenance facilities.

h. Determines, in cooperation with the Bureau of Personnel, qualifications for technical personnel. Provides assistance to Bureau of Operations in establishing complements of and productivity control for technical personnel in vehicle maintenance facilities.

i. Establishes procedures and criteria for the hire of vehicles used in local transportation of mail.

j. Exercises departmental control over and is responsible for developing and service testing, in coordination with industry and the Bureau of Operations, of newly designed or modified vehicles and vehicular equipment.

k. Develops, in coordination with Bureau of Personnel, technical training programs for vehicle maintenance employees and assists in conducting the program as requested by Bureau of Operations.

l. Prepares and issues criteria for control of local purchases of garage and vehicle accessory equipment in the field. Negotiates and/or approves all bids requiring departmental approval.

.451 *Technical Branch.* a. Prepares final technical specifications for vehicles, garage equipment, and vehicle painting.

b. Provides consultant services on garage equipment and vehicle design.

c. Exercises departmental control over service tests of all types of automotive equipment; thoroughly reviews reports of evaluation.

d. Directs the inspection, shipment, and delivery of new Government-owned vehicles; arranges for and trains vehicle service personnel to be located at the manufacturer's plant to inspect vehicles for conformance with specifications and to coordinate shipment and delivery of vehicles to final destination.

e. Determines technical criteria for vehicle maintenance facility planning; provides technical advice for typical and schematic plans; reviews proposals, specifications, and plans from the standpoint of technical requirements.

f. Reviews, analyzes, and recommends action on all suggestions pertaining to the Division.

.452 *Maintenance Branch.* a. Establishes standards of performance for the maintenance and repair of Government-owned vehicles; establishes policy and prepares technical material and instructions for the preventive maintenance and motor analysis programs.

b. Provides staff assistance in conducting training programs for vehicle maintenance personnel.

c. Coordinates and implements vehicle disposal program.

d. Prepares specifications for the maintenance and repair of Government-owned vehicles to be performed by contract facilities.

e. Prepares qualifications, in conjunction with the Bureau of Personnel, for technical personnel; provides staff assistance to technical personnel in the field.

f. Prepares and issues instructions for the control of local purchases of garage and vehicle accessory equipment in the regions; reviews all bids required to be submitted for departmental approval.

g. Coordinates group purchases of garage and vehicle accessory equipment.

h. Furnishes technical guidance to regional vehicle officials and conducts studies in field installations as necessary to assist the Bureau of Operations to assure quality of performance of the maintenance program.

824.5—ASSISTANT POSTMASTER GENERAL, BUREAU OF PERSONNEL

a. Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to employee relations, compensation administration, and employee training at professional and educational institutions.

b. Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

c. Directs the formulation of policies, programs, regulations, and procedures required for the development and maintenance of an effective personnel management program throughout the Postal Establishment.

d. Exercises the appointive powers of the Postmaster General with respect to employees in the departmental service, in accordance with the recommendations of the bureaus and offices concerned.

e. Administers the incentive awards program and authorizes awards as provided by law and regulation.

f. Provides following services concerning negotiated contracts over $2,500 (other than for mail transportation and real estate):

(1) Advises the contracting officer on all postal personnel provisions including safety, training, compensation, and any other matters affecting postal employees.

(2) Provides technical assistance, as required, in the preparation and administration of negotiated contracts.

.51 *Deputy Assistant Postmaster General.* a. Assists the Assistant Postmaster General and acts for him in his absence or at his request.

b. Exercises direct supervision over the staff of the Bureau of Personnel.

.511 *Special Assistant, Employee Relations.* a. Serves as principal assistant on employee relations to the Assistant Postmaster General and Deputy Assistant Postmaster General.

b. Formulates and recommends policies and develops procedures on employee relations.

c. Maintains liaison with national officers of employee organizations and provides the principal point of contact between these organizations and the Department.

d. Represents the Assistant Postmaster General in contacts with other Government agencies and outside organizations on employee relations matters.

e. Reviews employee grievances and discrimination complaints, recommending departmental action to Assistant Postmaster General.

f. Develops plans for and administers employee services in the postal field service including, but not limited to, cafeterias, vending machines, and welfare funds.

.512 *Special Assistant, Employee Information.* a. Serves as principal assistant to the Assistant Postmaster General and the Deputy Assistant Postmaster General on employee information programs and problems.

b. Formulates and recommends policies relating to employee information programs and issuances.

c. Prepares, edits, and issues the Postal Service News and other publications for the information of postal employees.

d. Prepares articles for publication and for delivery as speeches on subjects related to the field of personnel management.

e. Conducts research on information needs of postal personnel and provides technical staff assistance to headquarters and regional staffs in the development of effective employee information programs.

.52 *Departmental Personnel Division.* a. Formulates and recommends policies and develops procedures relating to personnel matters affecting departmental (headquarters) employees.

b. Provides staff guidance and technical assistance to departmental bureaus and offices on all matters of personnel administration affecting headquarters personnel.

c. Administers the provisions of the Classification Act of 1949, the Departmental Wage Board, and section 15 of Public Law 600 (5 U.S.C. 55a); takes final action on personnel actions covered by such provisions.

d. Administers applicable policies, programs, and procedures with respect to departmental employees relating to recruiting; testing, placement, and separations; training; performance rating; safety and health; suggestions and awards; relations with employee organizations; and employee services.

e. Maintains direct relations with the Civil Service Commission on all departmental personnel matters except policy matters.

f. Processes formal personnel transactions, maintains central personnel records, issues personnel reports, and conducts official correspondence relative to proposed, current, and former departmental employees.

g. Represents the Bureau of Personnel in civil defense planning and security control.

.53 *Employment and Placement Division.* a. Formulates and recommends policies and develops procedures relating to recruiting, examining, employing, placing, and promoting personnel in the Postal Establishment.

b. Determines the need for employee examining and testing in conjunction with affected bureaus and offices and, in collaboration with the Civil Service Commission, develops and directs the application of a program of suitable examinations and tests.

.54 *Training and Development Division.* a. Determines general need for and plans training and development programs for the Postal Establishment in conjunction with affected bureaus and offices, including general course outlines, instructional guides, and training materials.

b. Reviews and approves proposals for subsidized outside courses of study.

c. Controls the development, procurement, production, and distribution of training aids, films, and auxiliary equipment.

d. Reviews the progress and effectiveness of training activities in all departmental and field services and reports to the appropriate bureaus and offices.

e. Provides official representation of the Department with governmental, educational, and industrial groups on national training matters.

.55 *Compensation Division.* a. Develops and maintains a system for evaluating and classifying all positions in the postal field service.

b. Conducts surveys and establishes procedures and guidelines for proper maintenance of position standards and adherence to approved position ranking criteria.

c. Develops and maintains procedures for hearing appeals and for conducting reviews of actions taken under the postal field service classification system.

d. Promulgates instructions and allowance tables, in accord with legal requirements, covering basic compensation, overtime, compensatory time, holiday pay, night differential, longevity pay, periodic step increases, uniform allowances, equipment maintenance allowances, heavy duty compensation, and per diem allowances for mobile service personnel.

e. Develops and administers policies and procedures, except for accounting procedures, on Civil Service retirement, social security, Federal employees group life insurance, and unemployment compensation.

f. Conducts research on compensation practices and trends in private industry and Government services; submits recommendations for legislation, including fringe pay benefits; and assists in formulating departmental position on other legislative proposals affecting the compensation of postal employees or of the entire Federal service.

.56 *Safety and Health Division.* a. Develops and maintains an effective safety and health program for the Postal Establishment, in conjunction with other bureaus and offices, covering health haz-

ards, fire prevention and protection, transport and traffic safety, first aid and medical services, and safety aspects of property and equipment conservation and utilization.

b. Provides consulting service on safety and health matters to management officials throughout the Postal Establishment.

c. Provides official representation of the Department with other agencies of the Government and with outside organizations on safety and health matters of a national character.

d. Maintains liaison with Department of Labor on injury compensation.

57 Policy Review and Analysis Division. a. Determines need for and develops written statements covering personnel policies, regulations, operating procedures, and reports for the Postal Establishment.

b. Reviews and comments on all legislative proposals relating to personnel management, coordinating with other divisions and bureaus in developing a final position.

c. Maintains bureau control and review of all issuances, coordinating drafts with appropriate divisions and bureaus.

d. Interprets Civil Service Commission regulations, Executive orders, and legislation relating to personnel administration, utilizing the services of the Office of the General Counsel, where required.

e. Conducts studies of procedures and methods used in the administration of the personnel program and develops improvements thereto.

f. Determines personnel reports requirements and maintains liaison with the Bureau of Finance and Civil Service Commission in preparing personnel reports.

58 Suggestions and Awards Division. a. Develops procedures for an effective suggestion and incentive awards system throughout the Postal Establishment.

b. Processes employee contributions of national significance.

c. Conducts promotional campaigns to increase employee participation in the incentive awards program.

PART 825—REGIONAL OPERATIONS DIRECTOR

a. Directs and takes final action with respect to all aspects of postal management, operations, transportation, finance, engineering, equipment, supply, and facilities and personnel within his region except with respect to the work of the postal inspection service, internal auditors, the mail equipment shops, mail bag repair centers and depositories, supply centers, cartography section, postal equipment technicians, examiners of equipment and supplies, and the money order center, except as to specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters.

b. Exercises direct supervision over all offices and employees within his region except as provided in 825a.

825.1—ASSISTANT TO DIRECTOR

Assists the Regional Operations Director in his responsibilities for maintenance of liaison with the general public, principal mail users, Members of Congress, other Federal agencies, local authorities and others; directs regional information activities and programs for the promotion of public cooperation.

825.2—POSTAL INSTALLATIONS MANAGER

a. Advises the Regional Operations Director on total program, organization and complement of all postal installations in the region, and general management of postal installations in the region; acts for the Regional Operations Director in his absence or at his direction.

b. Directs the execution of policies and procedures for:

(1) Organization and operation of postal installations.

(2) Collection and delivery of mail by city and rural carriers.

(3) Utilization of field service personnel in accordance with performance standards.

(4) Determination of space, equipment, and supply adequacy and availability.

(5) Utilization of vehicles in collection and delivery services.

825.3—DISTRIBUTION AND TRAFFIC MANAGER

a. Assists the Regional Operations Director in the general direction of all mail transportation activities within the region.

b. Directs intraregion transportation.

c. Executes policies for the utilization of transportation services; directs the operation of mobile distribution units; eliminates duplication between Government-owned and highway contract vehicles and services.

d. Maintains liaison with carriers; negotiates with common carriers for transportation of mail; and analyzes carrier claims, cites irregularities, and assesses fines.

e. Directs the distribution of mail; coordinates the routing of preferential and bulk mail.

f. Supervises the scheduling and utilization of all motor vehicle service within the region; determines type of vehicle service best suited to particular needs.

g. Develops distribution schemes; programs scheme examinations.

825.4—CONTROLLER

a. Advises and assists the Regional Operations Director in the general direction of all financial matters within the region.

b. Compiles and prepares the regional budget and maintains accounting records related to the control of funds; develops regional targets.

c. Evaluates and interprets operating conditions disclosed by accounting reports.

d. Makes unit cost studies and makes recommendations as a basis for effecting cost reductions.

e. Assures the security of funds, revenues, and assets.

f. Compiles accounting cost analyses, financial, and statistical reports for use in headquarters and regional decision-making.

g. Maintains general and cost ledgers for regional accounts; settles postmaster accounts; processes transportation payment claims; processes employees' accounts; withholds income taxes and makes other deductions from compensation of officers and employees as authorized or required by law.

h. Carries out regional disbursing functions.

i. Adjudicates and settles tort claims under $100, and postmasters' claims for unavoidable losses by fire, burglary, robbery, or casualty and claims for losses of Treasury Department papers and funds of $100 and under, in accordance with policies and standards prescribed by the General Counsel.

j. Forwards postmasters' claims for losses by improper payments and physical losses other than those covered in the foregoing paragraph to the Finance Officer, Bureau of Finance.

k. Authorizes post office cash reserves and bank accounts up to $50,000.

l. Approves the payment of postal savings accounts of deceased or incompetent depositors to other than the depositor.

m. Designates and revokes post offices as postal savings depositories, United States savings bond issuing agents, and United States savings stamp offices; establishes and discontinues international money order business at post offices.

n. Pays unclaimed postal savings accounts on application of depositor.

o. Administers lockbox rental matters other than misuse cases.

p. Determines extent of employee liability for loss of funds and stamps.

q. Designates assistant disbursing officers.

r. Designates new depository banks; establishes maximum and minimum balances; analyzes bank charges for depositories maintaining postal funds of under $50,000.

825.5—VEHICLE SERVICES MANAGER

a. Advises and assists the Regional Operations Director in the general direction of the maintenance and repair of Government-owned vehicles and the procurement of vehicles for hire.

b. Advises the Regional Operations Director and members of his staff on technical personnel complements at vehicle maintenance facilities, and qualifications for technical personnel.

c. Advises the Regional Operations Director and members of his staff on establishment, management, and retention of vehicle maintenance facilities.

d. Administers departmental policy regarding procurement and disposal of vehicles.

e. Allocates Government-operated vehicles, on request, of the size and type to meet postal needs, as prescribed by operating staff.

f. Directs surveys to determine vehicle facility layouts and vehicle equipment requirements and makes appropriate recommendations.

g. Provides staff assistance in the automotive engineering and motor vehicle equipment specialist fields.

h. Directs surveys and initiates action to implement improvements in the garaging, repair, and maintenance of Government-owned vehicles.

i. Supervises the execution of policies and procedures for:

(1) The procurement of parts and supplies for the vehicle service.

(2) The repair and maintenance services in Government-operated vehicle maintenance facilities and maintenance service performed under contract by commercial garages.

825.6—REAL ESTATE MANAGER

a. Plans, organizes, directs and supervises the operation of the real property management program in the region. Supervises field work for that part of the real property management program directed by the Assistant Postmaster General, Bureau of Facilities.

b. Negotiates, commits, revises, executes, and terminates agreements for real estate facilities used by the Post Office Department under leases or rental agreements or through agreements with other Government agencies for space in Government-owned buildings.

c. Acquires control of real property through assignable options, approves for advertising purposes, and assigns such options to the successful bidder.

d. Prepares bidding documents including site and floor plans, elevations, and final construction requirements for leased postal facilities.

e. Plans and authorizes physical space assignments for other Federal agencies in Post Office Department operated Government-owned buildings.

f. Analyzes the buildings management program, including development and recommendation of standards for custodial operations.

g. Analyzes and administers the programs governing fuel and utilities consumption, communications services, and other building services.

h. Takes necessary action on deferred maintenance in all postal space and negotiates with General Services Administration or lessors for corrective measures.

i. Recommends to General Services Administration alterations, structural changes, and deferred maintenance to nonpostal space in Government-owned buildings operated by the Post Office Department.

j. Authorizes placement of vending stands, other than Post Office Department-owned, in post office lobbies.

825.7—PERSONNEL MANAGER

Assists the Regional Operations Director in the direction of all personnel management functions in the region, including recruitment, selection, and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary action; and liaison with the Civil Service Commission in the region.

825.8—ENGINEER

Serves as a principal staff advisor to and assists the Regional Operations Director, and other members of the Director's staff, on all engineering matters including the following responsibilities:

a. Analyzes regional postal operations to identify areas for reducing costs by installation of new or modified equipment, better utilization of space, improved work flow, and develops regional programs for their achievement.

b. Conducts regional facilities studies, recommends location and functional design; develops and recommends space layout and mechanization for new, and related modification to existing, postal facilities.

c. Inspects all completed leased structures, including alterations and improvements, to determine compliance with plans, specifications, and other standards; coordinates with regional General Services Administration employees on matters involving Government-owned buildings; and, based on these activities, make recommendations for action.

d. Supervises the installation of production measurement, work simplification, carrier-vehicle, and related programs.

PART 826—SERVICES OFFICERS

826.1 FIELD SERVICES OFFICERS

a. Takes action to improve mail service within the geographic area assigned to him.

b. Expedites the mail in transit within, emanating from, or entering his area.

c. Reviews service activities of all postal installations and contract operators, including star route and mail messengers, to assure effective operation.

d. Plans, develops, and revises methods and schedules for movement and distribution of mail within work area.

e. Acts as advisor to postal installation heads on all postal matters concerned with the efficient economical operation of their respective offices.

f. Serves as general representative of the Regional Operations Director; interprets regulations; and carries out such other specific assignments as are given him by the Regional Operations Director.

826.2 MOBILE SERVICES OFFICER

a. Responsible for: (1) transportation of mail on railway post offices, highway post offices, and closed pouch trains, (2) proper utilization of manpower, (3) proper utilization of space.

b. Exercises supervision over and is responsible for the efficient operations of these organizations which are engaged in the distribution and movement of mail.

c. Directs the supervisors in charge of the crews and determines the organization of the crews for each run, basing it on the volume of mail handled; makes changes in the organizations.

d. Participates with regional staff in line organization meetings.

e. Determines schemes examination requirements for each position in each crew; makes selections for all supervisory promotions; investigates and initiates disciplinary actions.

f. Determines the amount of space needed for each run, based on volume of mail carried.

g. Ascertains service irregularities occuring on railway post offices and highway post offices and takes appropriate action in each case.

h. Makes a continuous review of the distribution practices and procedures followed by railway post offices and highway post offices in order to expedite the distribution and movement of mail; recommends to the regional staff for approval changes in the distribution and routing patterns; coordinates with the field services officer the distribution and movement of mail between the railway post offices and highway post offices and the postal installations and of star and mail messenger routes.

(R.S. 161, as amended, 396, as amended, sec. 1(b), 63 Stat. 1066; 5 U.S.C. 22, 133z-15, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-6425; Filed, July 11, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 308]

SIOUX CITY STOCK YARDS

Petition for Modification of Rate Order

Correction

In F.R. Doc. 60-6193, appearing at page 6341 of the issue for Wednesday, July 6, 1960, a center heading reading, "Section E Buying Charges", should be inserted above the five asterisks preceding the table of rates and charges.

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers; Identifications of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported during the period of June 1 to June 30, inclusive, as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This listing is a supplement to the publication issued on June 28 (25 F.R., pp. 5954, 5955, and 5956) and represents those establishments and species which were reported too late to be included in the publication, or which have come into compliance with respect to species indicated since the official June 1 report was completed. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	2AT						
Swift & Co.	2D						
Hygrade Food Prods. Corp.	12Q						
Do.	12Q						
The Cudahy Packing Co.	19						
Wilson & Co., Inc.	20A						
Do.	20N						
Do.	20W						
Cons. Dressed Beef, Inc.	47						
Armour & Co.	75						
Cudahy Packing Co.	91						
Wilson & Co., Inc.	111						
Tobin Packing Co., Inc.	123						
Cudahy Packing Co.	208A						
Kansas Beef, Inc.	264						
Pusan Packing Co.	212						
Hygrade Food Prods. Corp.	224						
Do.	224B						
Elliott Packing Co.	274						
Potter Packing Co., Inc.	341						
Union Packing Co.	351						
Hoyer Packing Co.	382						
Queen Packing Corp.	435						
Armour & Co.	477						
St. Cloud Meat Packing Co.	485						
Midwestern Packers	494						
Holm Bros. Packing Co.	499						
B. Rothschild & Co.	508						
Pearl Packing Co., Inc.	534						
Pride Packing Co., Inc.	549						
Mid South Packers, Inc.	557						
D. & W. Packing Co.	560						
Kansmar Packing Co.	617						
Joseph N. Rice Co.	719						
Monroe Packing Co.	725						
Salina Dressed Beef Co.	763						
Mar Bonar Meat Packing	800						
Rochester Ind. Packer	817						
William Davies Co.	888A						
Cargill Packing Co.	889						
Valleydale Packers	922						
Wilson & Co., Inc.	940						
Eagle Packing Co.	967						
Armour & Co.	1065						
Landy Packing Co.	1171						

Done at Washington, D.C., this 7th day of July 1960.

C. H. FALS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-6432; Filed, July 11, 1960; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 945]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63189. By order of July 1, 1960, the Transfer Board approved the transfer to F. B. Neil and Weston Neil, a partnership doing business as Neil Truck Line, Hepler, Kansas, of Certificates No. MC 14167 and MC 14167 Sub 1, issued June 6, 1949 and July 18, 1950, respectively, in the name of Oscar Sapp, Hepler, Kansas, authorizing the transportation of livestock, feed, and building material, over irregular routes, between Hiattville and Fort Scott, Kans., and points within 10 miles of Hiattville, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; livestock, over regular routes, between Redfield, Kans., and Kansas City, Mo.; livestock, farm implements, and empty oil containers, over regular routes, between Hepler, Kans., and Kansas City, Mo.; general commodities, excluding household goods, commodities in bulk, and various specified commodities, from Kansas City, Mo., to Redfield, Kans.; and from Kansas City, Mo., to Hepler. Ernest E. Blincoe, 1½ North Main Street, Fort Scott, Kans. for applicants.

No. MC-FC 63348. By order of June 30, 1960, the Transfer Board approved the transfer to John W. Hollawell, Philadelphia, Pennsylvania, of a Certificate in No. MC 100751, issued April 6, 1956 to John J. Hollawell and Joseph Knable, a partnership, doing business as Mayfair Movers, Philadelphia, Pennsylvania, authorizing the transportation of household goods, as defined by the Commission, between points in Philadelphia County, Pa., on the one hand, and, on the other, New York, N.Y., and points in Westchester and Nassau Counties, N.Y., and those in New Jersey and Maryland. Morris J. Winokur, Winokur & Kahn, Market Street National Bank Building, Juniper and Market Streets, Philadelphia, 7, Pa.

No. MC-FC 63350. By order of June 30, 1960, the Transfer Board approved the transfer to Howard J. Lafferty, doing business as Lafferty Moving & Storage, Greeley, Colo., of Certificate in No. MC 55194, issued March 25, 1941, to Howard J. Lafferty and Harold J. Lafferty, a partnership, doing business as Lafferty Moving & Storage, Greeley, Colo., authorizing the transportation of: Household goods, over irregular routes, between points in Weld County, Colo., on the one hand, and, on the other, points in Wyoming, Kansas, and Nebraska. John W. O'Hagan, Attorney for applicants, Kinney Building, Greeley, Colo.

No. MC-FC 63356. By order of June 30, 1960, the Transfer Board approved the transfer to William F. Cartwright, doing business as South Prospect Transfer, Kansas City, Mo., of Certificate in No. MC 109139, issued November 16, 1948, to Henry Nuss, Newton, Kansas, authorizing the transportation of: Household goods, as defined by the Commission, and emigrant moveables (except those embraced above), over irregular routes, between Newton, Kans., and points within 15 miles thereof, on the one hand, and, on the other, points in Colorado, Nebraska, Missouri, and Oklahoma. Kretsinger & Kretsinger, 1014-16 Temple Building, Kansas City 6, Mo., attorneys for applicants.

No. MC-FC 63360. By order of June 30, 1960, the Transfer Board approved the transfer to Robert H. Feyl, doing business as Robert P. Feyl, Wyomissing, Pa., of Certificate in No. MC 54250, issued February 25, 1959, to Robert P. Feyl, Wyomissing, Pa., authorizing the transportation of: Brick from Harrisburg and Ephrata, Pa., and the site of the plant of the Glen-Gery Shale Brick Corporation in Wyomissing, Pa., to points in Delaware, and New Jersey, with no transportation for compensation on return except as otherwise authorized. Paul F. Barnes and Raymond A. Thistle, Jr., Shertz, Barnes, & Shertz, attorneys for applicant, 811 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa.

No. MC-FC 63362. By order of June 30, 1960, the Transfer Board approved the transfer to Herbert R. Mintzer, doing business as H M Trucking Co., Hartsdale, N.Y., of that portion of the operating rights authorized to R. H. McDonald Company, a Corporation, Paterson, N.J., in Certificate No. MC 103486 Sub 1, issued February 15, 1950, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Bergen, Passaic, Essex, Hudson, Union, and Middlesex Counties, N.J., on the one hand, and, on the other, points in Orange and Rockland Counties, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., for applicants.

No. MC-FC 63370. By order of July 1, 1960, the Transfer Board approved the transfer to Floyd Hill, doing business as Delta Transfer Lines, Jasper, Ala., of Certificate No. MC 22440, issued March 18, 1949, to Kelly Hyche and Curtis Hyche, doing business as Delta Transfer Lines, Jasper, Ala., authorizing the transportation of: Household goods, between Jasper, Ala., and points in Alabama within 25 miles of Jasper, on the one hand, and, on the other, points in Georgia, Mississippi, and Tennessee. John D. Petree, Jr., 201 Bankhead-Long Building, Jasper, Ala., for applicants.

No. MC-FC 63371. By order of June 30, 1960, the Transfer Board approved the transfer to Charles M. Cunningham, Beaver Falls, Pa., of a Certificate in No. MC 32234 issued July 16, 1942, to Rosser Prosser, Beaver Falls, Pa., which authorizes the transportation of clay products and raw materials and supplies used in the production thereof, over a regular route, from Beaver Falls, Pa., to Wellsville, Ohio, serving the intermediate point of East Liverpool, Ohio, and the off-route point of Chester, W. Va. George W. Lucas, 1624 Seventh Avenue, Beaver Falls, Pa., for applicants.

No. MC-FC 63374. By order of June 30, 1960, the Transfer Board approved the transfer to Cen-Tex Bus Lines Co., a corporation, Waco, Tex., of Certificate in No. MC 110688, issued February 16, 1953, to Central Texas Bus Lines, Inc., Waco, Tex., authorizing the transportation of: Passengers and their baggage, and express, in the same vehicle with passengers, between Waco, Tex., and points in Texas, and passengers and their baggage and express, mail, and newspapers in the same vehicle with passengers, between points in Texas. Cureton & Lanham, Attorneys for applicant, Professional Building, Waco, Tex.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6420; Filed, July 11, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Phoenix Area Office Redelegation Order 1; Amdt. 5]

FUNCTIONS RELATING TO CREDIT MATTERS

Redelegation of Authority

Order 1, as amended, is further amended to read as follows:

1. Under Functions Relating to Credit Matters in Part 2, the following amendments are made:

a. Section 2.120 is amended to read as follows:

SEC. 2.120 *Loan agreements and modifications.* The approval of applications for and modifications of loans to individuals (subject to the availability of funds) where the total indebtedness of the applicant to the lender does not exceed $3,000, except on loans to Federal employees and loans for educational purposes.

b. The following sections are added:

SEC. 2.121 *Enforcement terms, loan agreements.* The taking of necessary steps upon failure of any cooperative to conform to the terms of its loan agreement, pursuant to 25 CFR 91 and 92.

SEC. 2.126 *Accounting and records systems.* The inspection of approved accounting and records systems of incorporated and unincorporated tribes and bands, corporate and tribal enterprises, cooperatives, and credit associations, pursuant to 25 CFR 91.

SEC. 2.133 *Revolving Cattle Pool.* (a) The sale of cattle repaid to the United States pursuant to the provisions of 25 CFR 92.17.

(b) The acceptance of cash in lieu of obligations to the United States for cattle, pursuant to the provisions of 25 CFR 92.16.

GLENN L. EMMONS,
Commissioner.

JULY 6, 1960.

[F.R. Doc. 60-6409; Filed, July 11, 1960; 8:46 a.m.]

[Bureau Order 551, Amdt. 63]

RECORD OF DEEDS BY INDIANS

Redelegation of Authority

Order 551, as amended, is further amended by the addition of a new section under the heading "Functions Relating to Indian Lands and Minerals" to read as follows:

SEC. 35. *Record of deeds by Indians.* The maintenance of a record of every deed executed by any Indian, his heirs, representatives, or assigns, pursuant to section 2 of the Act of July 26, 1892 (27 Stat. 273; 25 U.S.C. 5).

GLENN L. EMMONS,
Commissioner.

JULY 6, 1960.

[F.R. Doc. 60-6410; Filed, July 11, 1960; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I, NEW YORK

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c), is hereby authorized within such Region to execute loan agreements and amendments thereof involving loans for student and/or faculty housing and for other educational facilities.

This redelegation supersedes the redelegation effective May 3, 1960 (25 F.R. 4936, June 3, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] LESTER EISNER, JR.,
Regional Administrator, Region I.

[F.R. Doc. 60-6426; Filed, July 11, 1960; 8:49 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I, NEW YORK

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region to enter into contracts and amendments thereof with public agencies involving loans for essential public works or facilities.

This redelegation supersedes the redelegation effective May 3, 1960 (25 F.R. 4936, June 3, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] LESTER EISNER, JR.,
Regional Administrator, Region I.

[F.R. Doc. 60-6427; Filed, July 11, 1960; 8:49 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION I, NEW YORK

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region I (New York), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers and amendments thereof to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraph 1 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraph 1 above.

This redelegation supersedes the redelegation effective May 3, 1960 (25 F.R. 4936, June 3, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] LESTER EISNER, JR.,
Regional Administrator, Region I.

[F.R. Doc. 60-6428; Filed, July 11, 1960; 8:49 a.m.]

ACTING REGIONAL ADMINISTRATOR, REGION III, ATLANTA

Designation

The following officers, listed by title, of Region III, Housing and Home Finance Agency (excluding persons designated to serve in an acting capacity), are hereby designated to act in the place and stead of the Regional Administrator for Region III, with the title of "Acting Regional Administrator", and with all the powers, functions, duties, and responsibilities delegated or assigned to the said Regional Administrator, in the event the Regional Administrator is unable to act by reason of his absence, illness, or other cause; provided that no officer designated below shall serve as "Acting Regional Administrator" unless every officer whose title precedes his in this designation is unable to act by reason of absence, illness, or other cause:

1. Assistant to the Regional Administrator
2. Regional Economist
3. Regional Council
4. Director, Administrative Management.

This designation supersedes the designation effective December 23, 1959 (25 F.R. 3344, April 16, 1960), which is hereby revoked.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283 (1948), as amended, 12 U.S.C. 1952 ed. 1701c; Delegation of Authority effective April 1, 1960, 25 F.R. 3438 (April 20, 1960); Administrator's Order, effective December 28, 1954, 19 F.R. 9303 (December 29, 1954))

Effective as of the 7th day of June 1960.

[SEAL] WALTER E. KEYES,
Regional Administrator.

[F.R. Doc. 60-6429; Filed, July 11, 1960; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

BRANCH MANAGER, BALTIMORE, MARYLAND

Delegation Relating to Financial Assistance, Procurement, and Technical Assistance and Administrative Functions

[Delegation of Authority No. 30-IV-5 (Revision 4)]

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6), (25 F.R. 1706), there is hereby delegated to the Branch Manager, Baltimore Branch Office, Small Business Administration, the authority:

A. *Financial assistance.*

1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding $20,000; and

b. Participation business loans in an amount not exceeding $100,000.

2. To approve or decline disaster loans not exceeding $50,000.

3. To approve or decline limited loan participation loans.

4. To enter into business loan and disaster participation agreements with banks.

5. To disburse approved loans.

6. To execute loan authorizations for Washington and Regional Office approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*

By ----------
(Name)
Manager, Baltimore Branch Office.

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

10. To take all necessary actions in connection with the administration, servicing and collection of current loans.

11. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000 or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc. securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Procurement and technical assistance.*

1. To determine joint set-asides for Government procurements and sales.

2. To determine the need for representation at procurement and disposal centers.

3. To develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

C. *Administrative.*

1. To administer oaths of office.

2. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

3. To administratively approve all types of vouchers, invoices, and bills submitted by public creditors of the Agency for articles or services rendered.

D. *Correspondence.*

To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The authority delegated herein may not be redelegated, except IB which may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Baltimore, Maryland, Branch Office.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Baltimore, Maryland, is hereby rescinded without prejudice to actions taken under all other delegations of authority prior to the date hereof.

Effective date: May 15, 1960.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 60-6411; Filed, July 11, 1960; 8:47 a.m.]

[Declaration of Disaster Area 284]

NEW YORK

Declaration of Disaster Area

Whereas, it has been reported that during the month of June, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Schenectady (tornado occurring on or about June 24, 1960).

Office: Small Business Administration Regional Office, 42 Broadway, New York 4, N.Y.

2. A temporary field office will be established at Schenectady, New York, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1960.

Dated: June 27, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-6412; Filed, July 11, 1960; 8:47 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, the headnote and subparagraphs (1) and (2) of § 6.313(c) are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-6476; Filed, July 12, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 730—RICE

Marketing Quotas, 1960; Rate of Penalty

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to announce the rate of penalty applicable to excess rice produced in the 1960 crop year.

Under the Act the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since the calculation of the penalty rate is a mathematical determination and since farmers have already planted the 1960 crop of rice on their farms and soon will be making plans to harvest such crop, it is imperative that they be notified of the amendment as soon as possible. Accordingly, it is hereby found that compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and the amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 730.972 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1960 crop of rice shall be 3.87 cents per pound, which is 65 per centum of the parity price per pound for rice as of June 15, 1960, which is determined to be 5.96 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended; 66, as amended; 7 U.S.C. 1356, 1375)

Issued this 7th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6492; Filed, July 12, 1960; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Waiver of Inspection and Certification

Pursuant to the Marketing Agreement and Order No. 34 (7 CFR Part 934; 25 F.R. 4669), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the Washington Fresh Peach Marketing Committee, the administrative agency established under this marketing agreement and order, has recommended the administrative regulations, hereinafter set forth to effectuate the provisions of this marketing agreement and order. It is found that the proposed regulations are in accordance with the provisions of the marketing agreement and order and will tend to effectuate the declared policy of the act and, accordingly, such regulations are hereby approved.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011), in that (1) shipments of peaches are now being made and limitation of shipment regulations are currently in effect, (2) all shipments of peaches are subject to inspection and certification requirements under § 934.55; and these regulations relieve restrictions with respect to such inspection and certification requirements.

§ 934.110 Waiver of inspection and certification.

(a) *Application.* Any handler (including a grower-handler packing and handling peaches of his own production), whose packing facilities are located in an area where a Washington State Horticultural Division Inspection Office or Federal-State Inspector is not readily available to perform the required inspection may, prior to shipment, apply to the Committee for a permit authorizing a waiver of inspection. Applications shall be made on forms furnished by the Committee and shall contain such information as the Committee may require including: name and address of applicant, location of packing facility, distance of packing facility from the nearest inspection office, period (by approximate beginning and ending dates) during which applicant expects to ship peaches, estimated quantity of peaches applicant expects to ship to fresh market during such period, manner in which the majority of applicant's fruit will be marketed (i.e., transported by applicant to market, sold at orchard to truckers, etc.), areas or markets to which applicant expects to ship the majority of his peaches. The application shall also contain an agreement by applicant (1) not to ship or handle any peaches unless such peaches meet the grade, size, maturity, container, and all other requirements of the Order in effect at time of handling, (2) to report periodically to the Committee on reporting forms furnished by the Committee the following information on each shipment: quantity, variety, grade, minimum size, container, date of shipment, destination, name and address of buyer or receiver, and such other information as the Committee may specify, (3) to pay applicable assessments on each shipment, and (4) to comply with such other safeguards as the Committee may prescribe.

(b) *Issuance of permit.* Whenever the Committee finds and determines from the information contained in the application or from other proof satisfactory to the Committee that the applicant is entitled to a waiver from the inspection requirements of the order at time of shipment, the Committee shall issue a permit authorizing the applicant to ship peaches in accordance with these administrative regulations and the terms and conditions of such permit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 8, 1960, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6494; Filed, July 12, 1960; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

PART 485—SOIL BANK

Subpart—Violations Procedure

MISCELLANEOUS AMENDMENTS

The Soil Bank regulations applicable to violations, 22 F.R. 3411, as amended, are hereby further amended as follows:

1. The third sentence of § 485.276 is amended by inserting "or certified mail" immediately following the words "registered mail."

2. The fifth sentence of § 485.279 is amended by inserting "or certified mail" immediately following the words "registered mail."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 7th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6490; Filed, July 12, 1960; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Area Regulated in Florida

Pursuant to the provisions of sections 1 and 2 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125), Part 72, Title 9, Code of Federal Regulations, is hereby amended as follows:

1. Section 72.2 is amended by changing the heading thereof to read as set forth below and by adding the following provisions at the end of said section:

§ 72.2 Splenetic or tick fever in cattle in described territory in Florida, Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.

• • • Notice is also hereby given that there is reason to believe that said disease may exist in portions of the State of Florida. Therefore, those portions of the State of Florida described in § 72.5a are hereby regulated, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

2. A new § 72.5a is issued to read:

§ 72.5a Area regulated in Florida.

(a) The following portions of the State of Florida are regulated: Hillsborough County, Martin County, and Palm Beach County.

(b) All of the provisions of this part and Part 71 of this chapter which are applicable to quarantined areas shall

amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment imposes certain further restrictions necessary to prevent the spread of splenetic or tick fever. It must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of July 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-6488; Filed, July 12, 1960; 8:52 a.m.]

SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

PART 180—DESIGNATION OF METHODS

Gunshot

Pursuant to the authority conferred by the Humane Slaughter Act of August 27, 1958 (7 U.S.C. 1901 et seq.), § 180.16(b)(1)(ii) of the regulations relating to humane slaughter of livestock (9 CFR 180.16(b)(1)(ii)) is hereby amended to read as follows:

§ 180.16 Mechanical; gunshot.

• • • • • •

(b) *Facilities and procedure*—(1) *General requirements for shooting facilities; operator.* • • •

(ii) To assure uniform unconsciousness of the animal with every discharge where small-bore firearms are employed, it is necessary to use either hollow pointed or frangible iron plastic composition projectiles. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.

(Sec. 4, 72 Stat. 862; 7 U.S.C. 1904)

This amendment and the designation made thereby shall become effective upon publication hereof for purposes of section 3 of the Act with respect to United States Government contracts for procurement of livestock products under the Act. Section 3 provides in general that after June 30, 1960, no agency or is affiliated, slaughters or handles in connection with slaughter livestock by any methods other than methods designated under the act. The method of slaughtering animals by gunshot with hollow pointed bullets was previously designated as humane under the act following the endorsement by the Advisory Committee established under the act of the principle of such slaughter as humane. The amendment designates as a humane method, slaughter by gunshot with frangible iron plastic composition bullets and thus applies the principle to another type of bullet. This designation provides industry with an additional humane slaughter method which will be acceptable for purposes of section 3 of the act. In order to be of maximum benefit to affected persons, the additional method should be made available for adoption by the industry as soon as possible.

The Department has given the matter careful consideration and it does not appear that new information would be made available to the Department by public rule-making procedure. Therefore under Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of July 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-6489; Filed, July 12, 1960; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Subpart A—Military Personnel

MAXIMUM MORTGAGE AMOUNT; DOLLAR LIMITATION

Section 292a.8 is amended to read as follows:

§ 292a.8 Maximum mortgage amount; dollar limitation.

(a) The mortgage or mortgages shall involve a total principal obligation in an amount not to exceed an average of $16,500 per family unit for each part of

owned by the United States and not provided for out of the proceeds of the mortgage.

(b) Should the financing of housing to be constructed pursuant to a single invitation for bids be accomplished by two or more mortgages, the principal obligation of any single mortgage may exceed an average of $16,500 per family unit if the sum of the principal obligations of all mortgages for such housing does not exceed an average of $16,500 per family unit.

(c) No mortgage shall be insured unless it is established by a certificate of the Military or otherwise that the cost of no family unit contracted for after June 7, 1960, and included in the mortgaged property shall exceed $19,800.

(d) In addition to the dollar limitation prescribed in this section the mortgage amount is subject to other limitations as provided in §§ 292a.7 and 292a.9.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

Issued at Washington, D.C., July 8, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-6491; Filed, July 12, 1960; 8:50 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T. D. 6460]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Net Operating Loss Carryovers in Certain Corporate Acquisitions

On January 29, 1960, notice of proposed rule making regarding the regulations under section 381 (a), (b), and (c) (1) of the Internal Revenue Code of 1954, relating to net operating loss carryovers in certain corporate acquisitions, was published in the FEDERAL REGISTER (25 F.R. 756). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below. Except as otherwise specifically provided therein, such regulations shall be applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PARAGRAPH 1. Section 1.381 (a)–1 is changed by revising the last sentence of paragraph (b)(2)(i), the first sentence of paragraph (b)(3), and by adding a new subparagraph at the end of paragraph (b).

PAR. 3. Section 1.381(c)(1)–1 is changed by adding a new sentence at the end of paragraph (a)(1), by adding a new sentence immediately after the first sentence of example (3) of paragraph (b), and by revising example (1) of paragraph (d)(5).

PAR. 4. Paragraph (b)(5) of § 1.381(c)(1)–2 is revised by placing a new caption at the head thereof.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 7, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 381 (a), (b), and (c) (1) of the Internal Revenue Code of 1954, relating to net operating loss carryovers in certain corporate acquisitions:

CARRYOVERS

Sec.
1.381(a) Statutory provisions; carryovers in certain corporate acquisitions; general rule.
1.381(a)–1 General rule relating to carryovers in certain corporate acquisitions.
1.381(b) Statutory provisions; carryovers in certain corporate acquisitions; operating rules.
1.381(b)–1 Operating rules applicable to carryovers in certain corporate acquisitions.
1.381(c)(1) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; net operating loss carryovers.
1.381(c)(1)–1 Net operating loss carryovers in certain corporate acquisitions.
1.381(c)(1)–2 Net operating loss carryovers; two or more dates of distribution or transfer in the taxable year.

AUTHORITY: §§ 1.381(a) to 1.381(c)(1)–2 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

CARRYOVERS

§ 1.381(a) Statutory provisions; carryovers in certain corporate acquisitions; general rule.

SEC. 381. *Carryovers in certain corporate acquisitions*—(a) *General rule.* In the case of the acquisition of assets of a corporation by another corporation—

(1) In a distribution to such other corporation to which section 332 (relating to liquidations of subsidiaries) applies, except in a case in which the basis of the assets distributed is determined under section 334 (b)(2); or

(2) In a transfer to which section 361 (relating to nonrecognition of gain or loss to corporations) applies, but only if the transfer is in connection with a reorganization described in subparagraph (A), (C), (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met), or (F) of section 368(a)(1),

the acquiring corporation shall succeed to and take into account, as of the close of the day of distribution or transfer, the items

§ 1.381(a)–1 General rule relating to carryovers in certain corporate acquisitions.

(a) *Allowance of carryovers.* Section 381 provides that a corporation which acquires the assets of another corporation in certain liquidations and reorganizations shall succeed to, and take into account, as of the close of the date of distribution or transfer, the items described in section 381(c) of the distributor or transferor corporation. These items shall be taken into account by the acquiring corporation subject to the conditions and limitations specified in sections 381 and 382(b) and the regulations thereunder.

(b) *Determination of transactions and items to which section 381 applies*—(1) *Qualified transactions.* Except to the extent provided in section 381(c)(20), relating to the carryover of unused pension trust deductions in certain liquidations, the items described in section 381(c) are required by section 381 to be carried over to the acquiring corporation (as defined in subparagraph (2) of this paragraph) only in the following liquidations and reorganizations:

(i) The complete liquidation of a subsidiary corporation upon which no gain or loss is recognized in accordance with the provisions of section 332, but only if the basis of the assets distributed to the acquiring corporation is not required by section 334(b)(2) to be the adjusted basis of the stock with respect to which the distribution is made;

(ii) A statutory merger or consolidation qualifying under section 368(a)(1)(A) to which section 361 applies;

(iii) A reorganization qualifying under section 368(a)(1)(C);

(iv) A reorganization qualifying under section 368(a)(1)(D) if the requirements of section 354(b)(1)(A) and (B) are satisfied; and

(v) A mere change in identity, form, or place of organization qualifying under section 368(a)(1)(F).

(2) *Acquiring corporation defined.* (i) Only a single corporation may be an acquiring corporation for purposes of section 381 and the regulations thereunder. The corporation which acquires the assets of its subsidiary corporation in a complete liquidation to which section 381(a)(1) applies is the acquiring corporation for purposes of section 381. Generally, in a transaction to which section 381(a)(2) applies, the acquiring corporation is that corporation which, pursuant to the plan of reorganization, ultimately acquires, directly or indirectly, all of the assets transferred by the transferor corporation. If, in a transaction qualifying under section 381(a)(2), no one corporation ultimately acquires all of the assets transferred by the transferor corporation, that corporation which directly acquires the assets so transferred shall be the acquiring corporation for purposes of section 381 and the regulations thereunder, even though such cor-

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, the headnote and subparagraphs (1) and (2) of § 6.313(c) are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-6476; Filed, July 12, 1960; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 730—RICE

Marketing Quotas, 1960; Rate of Penalty

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to announce the rate of penalty applicable to excess rice produced in the 1960 crop year.

Under the Act the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since the calculation of the penalty rate is a mathematical determination and since farmers have already planted the 1960 crop of rice on their farms and soon will be making plans to harvest such crop, it is imperative that they be notified of the amendment as soon as possible. Accordingly, it is hereby found that compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and the amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 730.972 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1960 crop of rice shall be 3.87 cents per pound, which is 65 per centum of the parity price per pound for rice as of June 15, 1960, which is determined to be 5.96 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended; 66, as amended; 7 U.S.C. 1356, 1375)

Issued this 7th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 60-6492; Filed, July 12, 1960; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Waiver of Inspection and Certification

Pursuant to the Marketing Agreement and Order No. 34 (7 CFR Part 934; 25 F.R. 4669), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the Washington Fresh Peach Marketing Committee, the administrative agency established under this marketing agreement and order, has recommended the administrative regulations, hereinafter set forth to effectuate the provisions of this marketing agreement and order. It is found that the proposed regulations are in accordance with the provisions of the marketing agreement and order and will tend to effectuate the declared policy of the act and, accordingly, such regulations are hereby approved.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011), in that (1) shipments of peaches are now being made and limitation of shipment regulations are currently in effect, (2) all shipments of peaches are subject to inspection and certification requirements under § 934.55; and these regulations relieve restrictions with respect to such inspection and certification requirements.

§ 934.110 Waiver of inspection and certification.

(a) *Application.* Any handler (including a grower-handler packing and handling peaches of his own production), whose packing facilities are located in an area where a Washington State Horticultural Division Inspection Office or Federal-State Inspector is not readily available to perform the required inspection may, prior to shipment, apply to the Committee for a permit authorizing a waiver of inspection. Applications shall be made on forms furnished by the Committee and shall contain such information as the Committee may require including: name and address of applicant, location of packing facility, distance of packing facility from the nearest inspection office, period (by approximate beginning and ending dates) during which applicant expects to ship peaches, estimated quantity of peaches applicant expects to ship to fresh market during such period, manner in which the majority of applicant's fruit will be marketed (i.e., transported by applicant to market, sold at orchard to truckers, etc.), areas or markets to which applicant expects to ship the majority of his peaches. The application shall also contain an agreement by applicant (1) not to ship or handle any peaches unless such peaches meet the grade, size, maturity, container, and all other requirements of the Order in effect at time of handling, (2) to report periodically to the Committee on reporting forms furnished by the Committee the following information on each shipment: quantity, variety, grade, minimum size, container, date of shipment, destination, name and address of buyer or receiver, and such other information as the Committee may specify, (3) to pay applicable assessments on each shipment, and (4) to comply with such other safeguards as the Committee may prescribe.

(b) *Issuance of permit.* Whenever the Committee finds and determines from the information contained in the application or from other proof satisfactory to the Committee that the applicant is entitled to a waiver from the inspection requirements of the order at time of shipment, the Committee shall issue a permit authorizing the applicant to ship peaches in accordance with these administrative regulations and the terms and conditions of such permit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated July 8, 1960, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6484; Filed, July 12, 1960; 8:51 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

PART 485—SOIL BANK

Subpart—Violations Procedure

MISCELLANEOUS AMENDMENTS

The Soil Bank regulations applicable to violations, 22 F.R. 2411, as amended, are hereby further amended as follows:

1. The third sentence of § 485.276 is amended by inserting "or certified mail" immediately following the words "registered mail."

2. The fifth sentence of § 485.279 is amended by inserting "or certified mail" immediately following the words "registered mail."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 7th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6490; Filed, July 12, 1960; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Area Regulated in Florida

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125); Part 72, Title 9, Code of Federal Regulations, is hereby amended as follows:

1. Section 72.2 is amended by changing the heading thereof to read as set forth below and by adding the following provisions at the end of said section:

§ 72.2 Splenetic or tick fever in cattle in described territory in Florida, Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.

• • • Notice is also hereby given that there is reason to believe that said disease may exist in portions of the State of Florida. Therefore, those portions of the State of Florida described in § 72.5a are hereby regulated, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

2. A new § 72.5a is issued to read:

§ 72.5a Area regulated in Florida.

(a) The following portions of the State of Florida are regulated: Hillsborough County, Martin County, and Palm Beach County.

(b) All of the provisions of this part and Part 71 of this chapter which are applicable to quarantined areas shall apply to such regulated areas in the same manner and to the same extent as if they were quarantined.

(Secs. 1, 3, 23 Stat. 1256, as amended, 1265, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 4–7, 23 Stat. 32, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123, 125)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment imposes certain further restrictions necessary to prevent the spread of splenetic or tick fever. It must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of July 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-6488; Filed, July 12, 1960; 8:52 a.m.]

SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

PART 180—DESIGNATION OF METHODS

Gunshot

Pursuant to the authority conferred by the Humane Slaughter Act of August 27, 1958 (7 U.S.C. 1901 et seq.), § 180.16(b)(1)(ii) of the regulations relating to humane slaughter of livestock (9 CFR 180.16(b)(1)(ii)) is hereby amended to read as follows:

§ 180.16 Mechanical; gunshot.

• • • • • •

(b) *Facilities and procedure*—(1) *General requirements for shooting facilities; operator.* • • •

(ii) To assure uniform unconsciousness of the animal with every discharge where small-bore firearms are employed, it is necessary to use either hollow pointed or frangible iron plastic composition projectiles. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.

(Sec. 4, 72 Stat. 863; 7 U.S.C. 1904)

This amendment and the designation made thereby shall become effective upon publication hereof for purposes of section 3 of the Act with respect to United States Government contracts for procurement of livestock products under the Act. Section 3 provides in general that after June 30, 1960, no agency or instrumentality of the United States shall contract for or procure any livestock products produced or processed by any slaughterer or processor which, in any of its plants or in any plants of any slaughterer or processor with which it is affiliated, slaughters or handles in connection with slaughter livestock by any methods other than methods designated under the act. The method of slaughtering animals by gunshot with hollow pointed bullets was previously designated as humane under the act following the endorsement by the Advisory Committee established under the act of the principle of such slaughter as humane. The amendment designates as a humane method, slaughter by gunshot with frangible iron plastic composition bullets and thus applies the principle to another type of bullet. This designation provides industry with an additional humane slaughter method which will be acceptable for purposes of section 3 of the act. In order to be of maximum benefit to affected persons, the additional method should be made available for adoption by the industry as soon as possible.

The Department has given the matter careful consideration and it does not appear that new information would be made available to the Department by public rule-making procedure. Therefore under Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of July 1960.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-6489; Filed, July 12, 1960; 8:52 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Subpart A—Military Personnel

MAXIMUM MORTGAGE AMOUNT; DOLLAR LIMITATION

Section 292a.8 is amended to read as follows:

§ 292a.8 Maximum mortgage amount; dollar limitation.

(a) The mortgage or mortgages shall involve a total principal obligation in an amount not to exceed an average of $16,500 per family unit for such part of the project as may be attributable to dwelling use including ranges, refrigerators, shades, screens, and fixtures, less the amount of the Commissioner's estimated value of any usable utilities within the boundaries of the project where owned by the United States and not provided for out of the proceeds of the mortgage.

(b) Should the financing of housing to be constructed pursuant to a single invitation for bids be accomplished by two or more mortgages, the principal obligation of any single mortgage may exceed an average of $16,500 per family unit if the sum of the principal obligations of all mortgages for such housing does not exceed an average of $16,500 per family unit.

(c) No mortgage shall be insured unless it is established by a certificate of the Military or otherwise that the cost of no family unit contracted for after June 7, 1960, and included in the mortgaged property shall exceed $19,800.

(d) In addition to the dollar limitation prescribed in this section the mortgage amount is subject to other limitations as provided in §§ 292a.7 and 292a.9.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

Issued at Washington, D.C., July 8, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-6491; Filed, July 12, 1960; 8:50 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T. D. 6480]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Net Operating Loss Carryovers in Certain Corporate Acquisitions

On January 29, 1960, notice of proposed rule making regarding the regulations under section 381 (a), (b), and (c) (1) of the Internal Revenue Code of 1954, relating to net operating loss carryovers in certain corporate acquisitions, was published in the FEDERAL REGISTER (25 F.R. 756). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations so published are hereby adopted, subject to the changes as set forth below. Except as otherwise specifically provided therein, such regulations shall be applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

PARAGRAPH 1. Section 1.381 (a)–1 is changed by revising the last sentence of paragraph (b)(3)(i), the first sentence of paragraph (b)(3)(ii), and paragraph (c).

PAR. 2. Section 1.381(b)–1 is changed by revising the last sentence of paragraph (b)(3), and by adding a new subparagraph at the end of paragraph (b).

PAR. 3. Section 1.381(c)(1)–1 is changed by adding a new sentence at the end of paragraph (a)(1), by adding a new sentence immediately after the first sentence of example (3) of paragraph (b), and by revising example (1) of paragraph (d)(5).

PAR. 4. Paragraph (b)(5) of § 1.381(c)(1)–2 is revised by placing a new caption at the head thereof.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 7, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

The following regulations are hereby prescribed under section 381 (a), (b), and (c) (1) of the Internal Revenue Code of 1954, relating to net operating loss carryovers in certain corporate acquisitions:

CARRYOVERS

Sec.
1.381(a) Statutory provisions; carryovers in certain corporate acquisitions; general rule.
1.381(a)–1 General rule relating to carryovers in certain corporate acquisitions.
1.381(b) Statutory provisions; carryovers in certain corporate acquisitions; operating rules.
1.381(b)–1 Operating rules applicable to carryovers in certain corporate acquisitions.
1.381(c)(1) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; net operating loss carryovers.
1.381(c)(1)–1 Net operating loss carryovers in certain corporate acquisitions.
1.381(c)(1)–2 Net operating loss carryovers; two or more dates of distribution or transfer in the taxable year.

AUTHORITY: §§ 1.381(a) to 1.381(c)(1)–2 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

CARRYOVERS

§ 1.381(a) Statutory provisions; carryovers in certain corporate acquisitions; general rule.

SEC. 381. *Carryovers in certain corporate acquisitions*—(a) *General rule.* In the case of the acquisition of assets of a corporation by another corporation—

(1) In a distribution to such other corporation to which section 332 (relating to liquidations of subsidiaries) applies, except in a case in which the basis of the assets distributed is determined under section 334(b)(2); or

(2) In a transfer to which section 361 (relating to nonrecognition of gain or loss to corporations) applies, but only if the transfer is in connection with a reorganization described in subparagraph (A), (C), (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met), or (F) of section 368(a)(1),

the acquiring corporation shall succeed to and take into account, as of the close of the day of distribution or transfer, the items described in subsection (c) of the distributor or transferor corporation, subject to the conditions and limitations specified in subsections (b) and (c).

§ 1.381(a)–1 General rule relating to carryovers in certain corporate acquisitions.

(a) *Allowance of carryovers.* Section 381 provides that a corporation which acquires the assets of another corporation in certain liquidations and reorganizations shall succeed to, and take into account, as of the close of the date of distribution or transfer, the items described in section 381(c) of the distributor or transferor corporation. These items shall be taken into account by the acquiring corporation subject to the conditions and limitations specified in sections 381 and 382(b) and the regulations thereunder.

(b) *Determination of transactions and items to which section 381 applies*—(1) *Qualified transactions.* Except to the extent provided in section 381(c)(20), relating to the carryover of unused pension trust deductions in certain liquidations, the items described in section 381(c) are required by section 381 to be carried over to the acquiring corporation (as defined in subparagraph (2) of this paragraph) only in the following liquidations and reorganizations:

(i) The complete liquidation of a subsidiary corporation upon which no gain or loss is recognized in accordance with the provisions of section 332, but only if the basis of the assets distributed to the acquiring corporation is not required by section 334(b)(2) to be the adjusted basis of the stock with respect to which the distribution is made;

(ii) A statutory merger or consolidation qualifying under section 368(a)(1)(A) to which section 361 applies;

(iii) A reorganization qualifying under section 368(a)(1)(C);

(iv) A reorganization qualifying under section 368(a)(1)(D) if the requirements of section 354(b)(1)(A) and (B) are satisfied; and

(v) A mere change in identity, form, or place of organization qualifying under section 368(a)(1)(F).

(2) *Acquiring corporation defined.* (i) Only a single corporation may be an acquiring corporation for purposes of section 381 and the regulations thereunder. The corporation which acquires the assets of its subsidiary corporation in a complete liquidation to which section 381(a)(1) applies is the acquiring corporation for purposes of section 381. Generally, in a transaction to which section 381(a)(2) applies, the acquiring corporation is that corporation which, pursuant to the plan of reorganization, ultimately acquires, directly or indirectly, all of the assets transferred by the transferor corporation. If, in a transaction qualifying under section 381(a)(2), no one corporation ultimately acquires all of the assets transferred by the transferor corporation, that corporation which directly acquires the assets so transferred shall be the acquiring corporation for purposes of section 381 and the regulations thereunder, even though such corporation ultimately retains none of the assets so transferred. Whether a corporation has acquired all of the assets transferred by the transferor corporation

is a question of fact to be determined on the basis of all the facts and circumstances.

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). Y Corporation, a wholly-owned subsidiary of X Corporation, directly acquired all the assets of Z Corporation solely in exchange for voting stock of X Corporation in a transaction qualifying under section 368(a)(1)(C). Y Corporation is the acquiring corporation for purposes of section 381.

Example (2). X Corporation acquired all the assets of Z Corporation solely in exchange for voting stock of X Corporation in a transaction qualifying under section 368(a)(1)(C). Thereafter, pursuant to the plan of reorganization X Corporation transferred all the assets so acquired to Y Corporation, its wholly-owned subsidiary (see section 368(a)(2)(C)). Y Corporation is the acquiring corporation for purposes of section 381.

Example (3). X Corporation acquired all the assets of Z corporation solely in exchange for the voting stock of X Corporation in a transaction qualifying under section 368(a)(1)(C). Thereafter, pursuant to the plan of reorganization X Corporation transferred one-half of the assets so acquired to Y Corporation, its wholly-owned subsidiary, and retained the other half of such assets. X Corporation is the acquiring corporation for purposes of section 381.

Example (4). X Corporation acquired all the assets of Z Corporation solely in exchange for voting stock of X Corporation in a transaction qualifying under section 368(a)(1)(C). Thereafter, pursuant to the plan of reorganization X Corporation transferred one-half of the assets so acquired to Y Corporation, its wholly-owned subsidiary, and the other half of such assets to M Corporation, another wholly-owned subsidiary of X Corporation. X Corporation is the acquiring corporation for purposes of section 381.

(3) *Transactions and items not covered by section 381.* (i) Section 381 does not apply to partial liquidations, divisive reorganizations, or other transactions not described in subparagraph (1) of this paragraph. Moreover, section 381 does not apply to the carryover of an item or tax attribute not specified in subsection (c) thereof. In a case where section 381 does not apply to a transaction, item, or tax attribute by reason of either of the preceding sentences, no inference is to be drawn from the provisions of section 381 as to whether any item or tax attribute shall be taken into account by the successor corporation.

(ii) If, pursuant to the provisions of subparagraph (2) of this paragraph, a corporation is considered to be the acquiring corporation even though a part of the acquired assets is transferred to one or more corporations controlled by the acquiring corporation, or all the acquired assets are transferred to two or more corporations controlled by the acquiring corporation, then the carryover of any item described in section 381(c) to such controlled corporation or corporations shall be determined without regard to section 381.

Thus, for example, if a parent corporation is the acquiring corporation for purposes of section 381 notwithstanding the fact that, pursuant to the plan of reorganization, it transferred to its wholly-owned subsidiary property acquired from the transferor corporation which the transferor corporation had elected to inventory under the last-in first-out method, then the question whether the subsidiary corporation shall continue to use the same method of inventorying with respect to that property shall be determined without regard to section 381.

(c) *Foreign corporations.* A foreign corporation may be a distributor, transferor, or acquiring corporation for purposes of section 381. Thus, for example, the net operating loss carryovers of a foreign corporation, determined under the provisions of section 172 and subchapter N, chapter 1 of the Code, may be carried over to a domestic acquiring corporation if the domestic corporation acquires the assets of the foreign corporation in a liquidation or reorganization described in section 381(a) and the requirements of § 1.367–1, if applicable, have been complied with.

(d) *Internal Revenue Code of 1939.* Any reference in the regulations under section 381 to any provision of the Internal Revenue Code of 1954 shall, where appropriate, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

§ 1.381(b) Statutory provisions; carryovers in certain corporate acquisitions; operating rules.

SEC. 381. *Carryovers in certain corporate acquisitions.* • • •

(b) *Operating Rules.* Except in the case of an acquisition in connection with a reorganization described in subparagraph (F) of section 368(a)(1)—

(1) The taxable year of the distributor or transferor corporation shall end on the date of distribution or transfer.

(2) For purposes of this section, the date of distribution or transfer shall be the day on which the distribution or transfer is completed; except that, under regulations prescribed by the Secretary or his delegate, the date when substantially all of the property has been distributed or transferred may be used if the distributor or transferor corporation ceases all operations, other than liquidating activities, after such date.

(3) The corporation acquiring property in a distribution or transfer described in subsection (a) shall not be entitled to carry back a net operating loss for a taxable year ending after the date of distribution or transfer to a taxable year of the distributor or transferor corporation.

§ 1.381(b)–1 Operating rules applicable to carryovers in certain corporate acquisitions.

(a) *Closing of taxable year*—(1) *In general.* Except in the case of a reorganization qualifying under section 368(a)(1)(F), the taxable year of the distributor or transferor corporation shall end with the close of the date of distribution or transfer.

(2) *Reorganizations under section 368(a)(1)(F).* In the case of a reorganization qualifying under section 368(a)(1)(F) (whether or not such reorganization also qualifies under any other provision of section 368(a)(1)), the acquiring corporation shall be treated (for purposes of section 381) just as the transferor corporation would have been treated if there had been no reorganization. Thus, the taxable year of the transferor corporation shall not end on the date of transfer merely because of the transfer; a net operating loss of the acquiring corporation for any taxable year ending after the date of transfer shall be carried back in accordance with section 172(b) in computing the taxable income of the transferor corporation for a taxable year ending before the date of transfer; and the tax attributes of the transferor corporation enumerated in section 381(c) shall be taken into account by the acquiring corporation as if there had been no reorganization.

(b) *Date of distribution or transfer.* (1) The date of distribution or transfer shall be that day on which are distributed or transferred all those properties of the distributor or transferor corporation which are to be distributed or transferred pursuant to a liquidation or reorganization described in paragraph (b)(1) of § 1.381(a)–1. If the distribution or transfer of all such properties is not made on one day, then, except as provided in subparagraph (2) of this paragraph, the date of distribution or transfer shall be that day on which the distribution or transfer of all such properties is completed.

(2) If the distributor or transferor and acquiring corporations file the statements described in subparagraph (3) of this paragraph, the date of distribution or transfer shall be that day as of which (i) substantially all of the properties to be distributed or transferred have been distributed or transferred, and (ii) the distributor or transferor corporation has ceased all operations (other than liquidating activities). Such day also shall be the date of distribution or transfer if the completion of the distribution or transfer is unreasonably postponed beyond the date as of which substantially all the properties to be distributed or transferred have been distributed or transferred and the distributor or transferor corporation has ceased all operations other than liquidating activities. A corporation shall be considered to have distributed or transferred substantially all of its properties to be distributed or transferred even though it retains money or other property in a reasonable amount to pay outstanding debts or preserve the corporation's legal existence. A corporation shall be considered to have ceased all operations, other than liquidating activities, when it ceases to be a going concern and its activities are merely for the purpose of winding up its affairs, paying its debts, and distributing any remaining balance of its money or other properties to its shareholders.

(3) The statements referred to in subparagraph (2) of this paragraph shall specify the day considered to be the date of distribution or transfer and shall specify, as of such date (i) the nature and amount of the total assets which were distributed or transferred and the dates so distributed or transferred, (ii) the nature and amount of the assets not distributed or transferred and the purpose for which they were retained, and (iii) the date on which the distributor or transferor corporation ceased all operations other than liquidating activities. Such statements shall be attached to the

timely filed income tax return of the distributor or transferor corporation for its taxable year ending with such date of distribution or transfer and to the timely filed income tax return of the acquiring corporation for its first taxable year ending after such date, except that, with respect to any income tax return filed before October 11, 1960, any such statement shall be filed before October 11, 1960, with the district director with whom such return is filed.

(4) If—

(i) The last day of the acquiring corporation's taxable year is a Saturday, Sunday, or legal holiday, and

(ii) The day specified in subpargraph (1) or (2) of this paragraph as the date of distribution or transfer is the last business day before such Saturday, Sunday, or holiday,

then the last day of the acquiring corporation's taxable year shall be the date of distribution or transfer for purposes of section 381(b) and this section. For purposes of this subparagraph, the term "business day" means a day which is not a Saturday, Sunday, or legal holiday, and also means a Saturday, Sunday, or legal holiday if the date of distribution or transfer determined under subparagraph (1) or (2) of this paragraph is such Saturday, Sunday, or holiday.

(c) *Return of distributor or transferor corporation.* The distributor or transferor corporation shall file an income tax return for the taxable year ending with the date of distribution or transfer described in paragraph (b) of this section. If the distributor or transferor corporation remains in existence after such date of distribution or transfer, it shall file an income tax return for the taxable year beginning on the day following the date of distribution or transfer and ending with the date on which the distributor or transferor corporation's taxable year would have ended if there had been no distribution or transfer.

(d) *Carryback of net operating losses.* For provisions relating to the carryback of net operating losses of the acquiring corporation, see paragraph (b) of § 1.381(c)(1)–1.

§ 1.381(c)(1) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; net operating loss carryovers.

SEC. 381. *Carryovers in certain corporate acquisitions.* • • •

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

(1) *Net operating loss carryovers.* The net operating loss carryovers determined under section 172, subject to the following conditions and limitations:

(A) The taxable year of the acquiring corporation to which the net operating loss carryovers of the distributor or transferor corporation are first carried shall be the first taxable year ending after the date of distribution or transfer.

(B) In determining the net operating loss deduction, the portion of such deduction attributable to the net operating loss carryovers of the distributor or transferor corporation to the first taxable year of the acquiring corporation ending after the date of distribution or transfer shall be limited to an amount which bears the same ratio to the taxable income (determined without regard to a net operating loss deduction) of the acquiring corporation in such taxable year as the number of days in the taxable year after the date of distribution or transfer bears to the total number of days in the taxable year.

(C) For the purpose of determining the amount of the net operating loss carryovers under section 172(b)(2), a net operating loss for a taxable year (hereinafter in this subparagraph referred to as the "loss year") of a distributor or transferor corporation which ends on or before the end of a loss year of the acquiring corporation shall be considered to be a net operating loss for a year prior to such loss year of the acquiring corporation. For the same purpose, the taxable income for a "prior taxable year" (as the term is used in section 172(b)(2)) shall be computed as provided in such section; except that, if the date of distribution or transfer is on a day other than the last day of a taxable year of the acquiring corporation—

(1) Such taxable year shall (for the purpose of this subparagraph only) be considered to be 2 taxable years (hereinafter in this subparagraph referred to as the "pre-acquisition part year" and the "post-acquisition part year");

(ii) The pre-acquisition part year shall begin on the same day as such taxable year begins and shall end on the date of distribution or transfer;

(iii) The post-acquisition part year shall begin on the day following the date of distribution or transfer and shall end on the same day as the end of such taxable year;

(iv) The taxable income for such taxable year (computed with the modifications specified in section 172(b)(2)(A) but without a net operating loss deduction) shall be divided between the pre-acquisition part year and the post-acquisition part year in proportion to the number of days in each;

(v) The net operating loss deduction for the pre-acquisition part year shall be determined as provided in section 172(b)(2)(B), but without regard to a net operating loss year of the distributor or transferor corporation; and

(vi) The net operating loss deduction for the post-acquisition part year shall be determined as provided in section 172(b)(2)(B).

§ 1.381(c)(1)–1 Net operating loss carryovers in certain corporate acquisitions.

(a) *Carryover requirement.* (1) Section 381(c)(1) requires the acquiring corporation to succeed to, and take into account, the net operating loss carryovers of the distributor or transferor corporation. To determine the amount of these carryovers as of the close of the date of distribution or transfer, and to integrate them with any carryovers and carrybacks of the acquiring corporation for purposes of determining the taxable income of the acquiring corporation for taxable years ending after the date of distribution or transfer, it is necessary to apply the provisions of section 172 in accordance with the conditions and limitations of section 381(c)(1) and this section. See also section 382(b) and the regulations thereunder.

(2) The net operating loss carryovers and carrybacks of the acquiring corporation determined as of the close of the date of distribution or transfer shall be computed without reference to any net operating loss of a distributor or transferor corporation. The net operating loss carryovers of a distributor or transferor corporation as of the close of the date of distribution or transfer shall be determined without reference to any net operating loss of the acquiring corporation.

(b) *Carryback of net operating losses.* A net operating loss of the acquiring corporation for any taxable year ending after the date of distribution or transfer shall not be carried back in computing the taxable income of a distributor or transferor corporation. However, a net operating loss of the acquiring corporation for any such taxable year shall be carried back in accordance with section 172(b) in computing the taxable income of the acquiring corporation for a taxable year ending on or before the date of distribution or transfer. If a distributor or transferor corporation remains in existence after the date of distribution or transfer, a net operating loss sustained by it for any taxable year beginning after such date shall be carried back in accordance with section 172(b) in computing the taxable income of such corporation for a taxable year ending on or before that date, but may not be carried back or over in computing the taxable income of the acquiring corporation. This paragraph may be illustrated by the following examples:

Example (1). On December 31, 1954, X Corporation merged into Y Corporation in a statutory merger to which section 361 applies, and the charter of Y Corporation continued after the merger. Y Corporation sustained a net operating loss for the calendar year 1955. Y Corporation's net operating loss for 1955 may not be carried back in computing the taxable income of X Corporation but shall be carried back in computing the taxable income of Y Corporation.

Example (2). On December 31, 1954, X Corporation and Y Corporation transferred all their assets to Z Corporation in a statutory consolidation to which section 361 applies. Z Corporation sustained a net operating loss for the calendar year 1955. Z Corporation's net operating loss for 1955 may not be carried back in computing the taxable income of X Corporation or Y Corporation.

Example (3). On December 31, 1954, X Corporation ceased all operations (other than liquidating activities) and transferred substantially all its properties to Y Corporation in a reorganization qualifying under section 368(a)(1)(C). Such properties comprised all of X Corporation's properties which were to be transferred pursuant to the reorganization. In the process of liquidating its assets and winding up its affairs, X Corporation sustained a net operating loss for its taxable year beginning on January 1, 1955. This net operating loss of X Corporation shall be carried back in computing the taxable income of that corporation but may not be carried back or over in computing the taxable income of Y Corporation.

(c) *First taxable year to which carryovers apply.* (1) The net operating loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer shall first be carried to the first taxable year of the acquiring corporation ending after that date. This rule applies irrespective of whether the date of distribution or transfer is on the last day, or any other day, of the acquiring corporation's taxable year. Thus, such net operating loss carryovers shall first

be used by the acquiring corporation with respect to the computation of its net operating loss deduction under section 172(a), and its taxable income determined under the provisions of section 172(b)(2), for such first taxable year. However, see paragraph (f) of this section.

(2) The net operating loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer shall be carried to the acquiring corporation without diminution by reason of the fact that the acquiring corporation does not acquire 100 percent of the assets of the distributor or transferor corporation. Thus, if a parent corporation owning 80 percent of all classes of stock of its subsidiary corporation were to acquire its share of the assets of the subsidiary corporation upon a complete liquidation described in paragraph (b)(1)(i) of § 1.331(a)–1, then, subject to the conditions and limitations of this section, 100 percent of the net operating loss carryovers available to the subsidiary corporation as of the close of the date of distribution would be carried over to the parent corporation.

(d) *Limitation on net operating loss deduction for first taxable year ending after date of distribution or transfer.* (1) That part of the acquiring corporation's net operating loss deduction, determined in accordance with sections 172(a) and 381(c)(1), for its first taxable year ending after the date of distribution or transfer which is attributable to the net operating loss carryovers of the distributor or transferor corporation, is limited by section 381(c)(1)(B) and this paragraph to an amount equal to the acquiring corporation's postacquisition part year taxable income. Such postacquisition part year taxable income is the amount which bears the same ratio to the acquiring corporation's taxable income for the first taxable year ending after the date of distribution or transfer (determined under section 63 without regard to any net operating loss deduction but taking into account other items to which the acquiring corporation succeeds under section 381) as the number of days in such first taxable year which follow the date of distribution or transfer bears to the total number of days in such taxable year. Thus, if the date of distribution or transfer is the last day of the acquiring corporation's taxable year, the net operating loss carryovers of the distributor or transferor are allowed in full in computing under section 172(a) the net operating loss deduction of the acquiring corporation for its first taxable year ending after that date. In such instance, the number of days in the first taxable year which follow the date of distribution or transfer is the total number of days in such taxable year.

(2) The limitation provided by section 381(c)(1)(B) applies solely for the purpose of computing the net operating loss deduction of the acquiring corporation under section 172(a) for the acquiring corporation's first taxable year ending after the date of distribution or transfer. The limitation does not apply for purposes of determining the portion of any net operating loss (whether of the distributor, transferor, or acquiring corporation) which may be carried to any taxable year of the acquiring corporation following its first taxable year ending after the date of distribution or transfer since such determination is made pursuant to section 172(b) and section 381(c)(1)(C). See paragraphs (e) and (f) of this section.

(3) The limitation provided by section 381(c)(1)(B) shall be applied to the aggregate of the allowable net operating loss carryovers of the distributor or transferor corporation without reference to the taxable years in which the net operating losses were sustained by such corporation. If the acquiring corporation has acquired the assets of two or more distributor or transferor corporations on the same date of distribution or transfer, then the limitation provided by section 381(c)(1)(B) shall be applied to the aggregate of the net operating loss carryovers from all of such distributor or transferor corporations.

(4) If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more different dates of distribution or transfer within one taxable year of the acquiring corporation, the limitation to be applied under section 381(c)(1)(B) to the aggregate of such carryovers shall be governed by the rules prescribed in paragraph (b) of § 1.381(c)(1)–2.

(5) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). (i) X Corporation and Y Corporation were organized on January 1, 1956, and make their returns on the calendar year basis. On December 16, 1957, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and taxable income (computed without the net operating loss deduction) of the two corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2)(A) apply to any taxable year:

Taxable year	X Corporation (transferor)	Y Corporation (acquirer)
1956	($35,000)	($5,000)
Ending 12-16-57	(30,000)	xxx
1957	xxx	36,500

(ii) The aggregate of the net operating loss carryovers of X Corporation carried under section 381(c)(1)(A) to Y Corporation's taxable year ending December 31, 1957, is $65,000; but pursuant to section 381(c)(1)(B), only $1,500 of such aggregate amount ($36,500 × 15/365) may be used in computing the net operating loss deduction of Y Corporation for such taxable year under section 172(a). This limitation applies even though Y Corporation's own net operating loss carryover to such year is only $5,000, with the result that Y Corporation has taxable income under section 63 of $30,000 for its taxable year ending December 31, 1957, that is, $36,500 less the sum of $5,000 and $1,500.

(iii) For rules determining the portion of any given loss of X Corporation or Y Corporation which may be carried to a taxable year of Y Corporation following its taxable year ending December 31, 1957, see sections 172(b)(2) and 381(c)(1)(C) and paragraph (f) of this section.

Example (2). (i) X Corporation was organized on January 1, 1954, and Y Corporation was organized on January 1, 1956. Each corporation makes its return on the basis of the calendar year. On December 31, 1956, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income (computed without any net operating loss deduction) of the two corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2)(A) apply to any taxable year:

Taxable year	X Corporation (transferor)	Y Corporation (acquirer)
1954	($5,000)	xxx
1955	(15,000)	xxx
1956	(10,000)	$30,000
1957	xxx	40,000

(ii) The aggregate of the net operating loss carryovers of X Corporation carried under section 381(c)(1)(A) to Y Corporation's taxable year 1957 is $30,000, and the full amount of such carryovers is allowed in such taxable year to Y Corporation as a deduction under section 172(a), since such amount does not exceed the limitation ($40,000 × 36/365) for such taxable year under section 381(c)(1)(B).

Example (3). (i) X Corporation, Y Corporation, and Z Corporation were organized on January 1, 1954, and each corporation makes its return on the basis of the calendar year. On September 30, 1956, X Corporation and Y Corporation transferred all their assets to Z Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income (computed without any net operating loss deduction) of the three corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2)(A) apply to any taxable year:

Taxable year	X Corporation (transferor)	Y Corporation (transferor)	Z Corporation (acquirer)
1954	($5,000)	($3,000)	($40,000)
1955	(4,000)	(2,000)	10,000
Ending 9-30-56	(1,000)	(9,000)	xxx
1956	xxx	xxx	73,200

(ii) The aggregate of the net operating loss carryovers of X Corporation and Y Corporation carried under section 381(c)(1)(A) to Z Corporation's taxable year 1956 is $24,000; but, pursuant to section 381(c)(1)(B), only $18,400 of such aggregate amount ($73,200 × 93/365) may be used in computing the net operating loss deduction of Z Corporation for such taxable year under section 172(a). For this purpose, Z Corporation may not use the total of the aggregate carryovers ($10,000) from X Corporation plus the aggregate carryovers ($14,000) from Y Corporation, even though each such aggregate of carryovers is separately less than the limitation ($18,400) applicable under section 381(c)(1)(B) and this section.

(iii) For rules determining the portion of any given loss of X Corporation, Y Corporation, or Z Corporation which may be carried to a taxable year of Z Corporation following its taxable year ending December 31, 1956, see sections 172(b)(2) and 381(c)(1)(C) and paragraph (f) of this section.

(e) *Computation of carryovers and carrybacks; general rule—*(1) *Sequence for applying losses and computation of taxable income.* The portion of any net operating loss which is carried back or carried over to any taxable year is the excess, if any, of the amount of the loss over the sum of the taxable income for each of the prior taxable years to which the loss may be carried under sections 172(b)(1) and 381. In determining the taxable income for each such prior taxable year for this purpose, the various net operating loss carryovers and carrybacks to such prior taxable year are considered to be applied in reduction of the taxable income in the order of the taxable years in which the net operating losses are sustained, beginning with the loss for the earliest taxable year. The application of this rule to the taxable income of the acquiring corporation for any taxable year ending after the date of distribution or transfer involves the use of carryovers of the distributor or transferor corporation, and of carryovers and carrybacks of the acquiring corporation. In such instance, the sequence for the use of loss years remains the same, and the requirement is to begin with the net operating loss of the earliest taxable year, whether or not it is a loss of the distributor, transferor, or acquiring corporation. The taxable income of the acquiring corporation for any taxable year ending after the date of distribution or transfer shall be determined in the manner prescribed by section 172(b)(2), except that, if the date of distribution or transfer is on a day other than the last day of a taxable year of the acquiring corporation, the taxable income of such corporation for the taxable year which includes such date shall be computed in the special manner prescribed by section 381(c)(1)(C) and paragraph (f) of this section.

(2) *Loss year of transferor or distributor considered prior taxable year.* Section 381(c)(1)(C) provides that, for the purpose of determining the net operating loss carryovers under section 172(b)(2), a net operating loss for a loss year of a distributor or transferor corporation which ends on or before the last day of a loss year of the acquiring corporation shall be considered to be a net operating loss for a year prior to such loss year of the acquiring corporation. In a case where the acquiring corporation has acquired the assets of two or more distributor or transferor corporations on the same date of distribution or transfer, the loss years of the distributor or transferor corporations shall be taken into account in the order in which such loss years terminate; if any one of the loss years of a distributor or transferor corporation ends on the same day as the loss year of another distributor or transferor corporation, either loss year may be taken into account before the other.

(3) *Years to which losses may be carried.* The taxable years to which a net operating loss shall be carried back or carried over are prescribed by section 172(b)(1). Since the taxable year of the distributor or transferor corporation ends with the close of the date of distribution or transfer, such taxable year and the first taxable year of the acquiring corporation which ends after that date shall be considered two separate taxable years to which a net operating loss of the distributor or transferor corporation for any taxable year ending before that date may be carried over. This rule applies even though the taxable year of the distributor or transferor corporation which ends on the date of distribution or transfer is a period of less than twelve months. However, for the purpose of determining under section 172(b)(1) the taxable years to which a net operating loss of the acquiring corporation is carried over or carried back, the first taxable year of the acquiring corporation which ends after the date of distribution or transfer shall be treated as only one taxable year even though such taxable year is considered under section 381(c)(1)(C) and paragraph (f)(2) of this section as two taxable years. The application of this subparagraph may be illustrated by the following example:

Example. X Corporation was organized on January 1, 1954, and thereafter it sustained net operating losses in its calendar years 1954, 1955, and 1956. On June 30, 1957, X Corporation transferred all its assets to Y Corporation, which was organized on January 1, 1955, in a statutory merger to which section 361 applies. In its taxable year ending June 30, 1957, X Corporation sustained a net operating loss. Y Corporation sustained net operating losses in its calendar years 1955, 1956, and 1958, but had taxable income for the year 1957. The years to which these losses of X Corporation and Y Corporation shall be carried, and the sequence in which carried, are as follows:

Loss year	
X 1954	X 1955, X 1956, X 6/30/57, Y 1957, Y 1958.
X 1955	X 1954, X 1956, X 6/30/57, Y 1957, Y 1958, Y 1959.
Y 1955	Y 1956, Y 1957, Y 1958, Y 1959, Y 1960.
X 1956	X 1954, X 1955, X 6/30/57, Y 1957, Y 1958, Y 1959, Y 1960.
Y 1956	Y 1955, Y 1957, Y 1958, Y 1959, Y 1960, Y 1961.
X 6–30–57	X 1955, X 1956, Y 1957, Y 1958, Y 1959, Y 1960, Y 1961.
Y 1958	Y 1955, Y 1956, Y 1957, Y 1959, Y 1960, Y 1961, Y 1962, Y 1963.

(4) *Computation of carryovers in a case where the date of distribution or transfer occurs on last day of acquiring corporation's taxable year.* The computation of the net operating loss carryovers from the distributor or transferor corporation and from the acquiring corporation in a case where the date of distribution or transfer occurs on the last day of a taxable year of the acquiring corporation may be illustrated by the following example:

Example. X Corporation and Y Corporation were organized on January 1, 1955, and each corporation makes its return on the basis of the calendar year. On December 31, 1956, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income (computed without any net operating loss deduction) of the two corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2)(A) apply to any taxable year:

Taxable year	X Corporation (transferor)	Y Corporation (acquirer)
1955	($2,000)	($11,000)
1956	(3,000)	10,000
1957	xxx	(15,000)

The sequence in which the losses of X Corporation and Y Corporation are applied, and the computation of the carryovers to Y Corporation's calendar year 1958, may be illustrated as follows:

(i) *X Corporation's 1955 loss.* The carryover to 1958 is $2,000, computed as follows:

Net operating loss		$2,000
Less:		
X's 1956 taxable income	$0	
Y's 1957 taxable income	0	0
Carryover		2,000

(ii) *Y Corporation's 1955 loss.* The carryover to 1958 is $1,000, computed as follows:

Net operating loss		$11,000
Less:		
Y's 1956 taxable income	$10,000	
Y's 1957 taxable income	0	10,000
Carryover		1,000

(iii) *X Corporation's 1956 loss.* The carryover to 1958 is $3,000, computed as follows:

Net operating loss		$3,000
Less:		
X's 1955 taxable income	$0	
Y's 1957 taxable income	0	0
Carryover		3,000

(iv) *Y Corporation's 1957 loss.* The carryover to 1958 is $15,000, computed as follows:

Net operating loss		$15,000
Less:		
Y's 1955 taxable income	$0	
Y's 1956 taxable income before net operating loss deduction	$10,000	
Minus Y's 1956 net operating loss deduction (i.e., Y's 1955 carryover)	11,000	
	0	0
Carryover		15,000

(v) *Summary of carryovers to 1958.* The aggregate of the net operating loss carryovers to 1958 is $21,000, computed as follows:

X's 1955 loss	$ 2,000
Y's 1955 loss	1,000
X's 1956 loss	3,000
Y's 1957 loss	15,000
Total	21,000

(f) *Computation of carryovers and carrybacks when date of distribution or*

transfer is not on last day of acquiring corporation's taxable year—(1) *General rule.* Pursuant to the provisions of section 381(c)(1)(C), the taxable income of the acquiring corporation for its taxable year which is a prior taxable year for purposes of section 172(b)(2) and paragraph (e) of this section shall be determined in the manner prescribed in this paragraph, if the date of distribution or transfer occurs within, but not on the last day of, such taxable year.

(2) *Taxable year considered as two taxable years.* Such taxable year of the acquiring corporation shall be considered as though it were two taxable years, but only for the limited purpose of applying section 172(b)(2). The first of such two taxable years shall be referred to in this section as the preacquisition part year; the second, as the postacquisition part year. For purposes of section 172(b)(2), a net operating loss of the acquiring corporation shall be carried to the preacquisition part year and then to the postacquisition part year, whereas a net operating loss of a distributor or transferor corporation shall be carried to the postacquisition part year and then to the acquiring corporation's subsequent taxable years. In determining under section 172(b)(2) and this paragraph the portion of any net operating loss of a distributor or transferor corporation which is carried to any taxable year of the acquiring corporation ending after the postacquisition part year, the taxable income (as determined under this paragraph) of the postacquisition part year shall be taken into account but the taxable income of the preacquisition part year (as so determined) shall not be taken into account. Though considered as two separate taxable years for purposes of section 172(b)(2), the preacquisition part year and the postacquisition part year are treated as one taxable year in determining the years to which a net operating loss is carried under section 172(b)(1). See paragraph (e)(3) of this section.

(3) *Preacquisition part year.* The preacquisition part year shall begin with the beginning of such taxable year of the acquiring corporation and shall end with the close of the date of distribution or transfer.

(4) *Postacquisition part year.* The postacquisition part year shall begin with the day following the date of distribution or transfer and shall end with the close of such taxable year of the acquiring corporation.

(5) *Division of taxable income.* The taxable income for such taxable year (computed with the modifications specified in section 172(b)(2)(A) but without any net operating loss deduction) of the acquiring corporation shall be divided between the preacquisition part year and the postacquisition part year in proportion to the number of days in each. Thus, if in a statutory merger to which section 381 applies Y Corporation acquires the assets of X Corporation on June 30, 1960, and Y Corporation has taxable income (computed in the manner so prescribed) of $36,600 for its calendar year 1960, then the preacquisition part year taxable income would be $18,200 ($36,600×$\frac{182}{366}$) and the postacquisition part year taxable income would be $18,400 ($36,600×$\frac{184}{366}$).

(6) *Net operating loss deduction.* After obtaining the taxable income of the preacquisition part year and of the postacquisition part year in the manner described in subparagraph (5) of this paragraph, it is necessary to compute the net operating loss deduction for each such part year. This deduction shall be determined in the manner prescribed by section 172(b)(2)(B) but subject to the provisions of this subparagraph. The net operating loss deduction for the preacquisition part year shall, for purposes of section 172(b)(2) only, be determined in the same manner as that prescribed by section 172(b)(2)(B) but shall be computed without taking into account any net operating loss of the distributor or transferor corporation. Therefore, only net operating loss carryovers and carrybacks of the acquiring corporation to the preacquisition part year shall be taken into account in computing the net operating loss deduction for such part year. The net operating loss deduction for the postacquisition part year shall, for purposes of section 172(b)(2) only, be determined in the same manner as that prescribed by section 172(b)(2)(B) and shall be computed by taking into account all the net operating loss carryovers available to the distributor or transferor corporation as of the close of the date of distribution or transfer, as well as the net operating loss carryovers and carrybacks of the acquiring corporation to the postacquisition part year. The sequence in which the net operating losses of the two corporations shall be applied for purposes of this subparagraph shall be determined in the manner prescribed in paragraph (e) of this section.

(7) *Limitation on taxable income.* In no case shall the taxable income of the preacquisition part year or the postacquisition part year, as computed under this paragraph, be considered to be less than zero.

(8) *Cross reference.* If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer during the same taxable year of the acquiring corporation, the determination of the taxable income of the acquiring corporation for such year pursuant to section 381(c)(1)(C) shall be governed by the rules prescribed in paragraph (c) of § 1.381(c)(1)–2.

(9) *Illustration.* The application of this paragraph may be illustrated by the following example:

Example—(i) *Facts.* X Corporation was organized on January 1, 1955, and Y Corporation was organized on January 1, 1954. Each corporation makes its return on the basis of the calendar year. On June 30, 1960, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income (computed without any net operating loss deduction) of the two corporations are as follows, the assumption being made that none of the modifications specified in section 172(b)(2)(A) apply to any taxable year:

Taxable year	X Corporation (transferor)	Y Corporation (acquirer)
1954	xxx	($5,000)
1955	($65,000)	(20,000)
Ending 6-30-56	1,000	xxx
1956	xxx	36,600

(ii) *Y Corporation's 1954 loss.* The carryover to 1957 is $0, computed as follows:

Net operating loss		$5,000
Less:		
Y's 1955 taxable income		0
Carryover to Y's preacquisition part year		5,000
Less:		
Y's preacquisition part year taxable income computed under subparagraph (5) of this paragraph ($36,600×$\frac{182}{366}$)	$18,200	
Minus Y's net operating loss deduction for preacquisition part year	xxx	
		18,200
Carryover to Y's postacquisition part year and also to Y 1957		0

(iii) *X Corporation's 1955 loss.* The carryover to 1957 is $45,600, computed as follows:

Net operating loss		$65,000
Less:		
X's 6/30/56 year taxable income		1,000
Carryover to Y's postacquisition part year		64,000
Less:		
Y's postacquisition part year taxable income computed under subparagraph (5) of this paragraph ($36,600×$\frac{184}{366}$)	$18,400	
Minus Y's net operating loss deduction for postacquisition part year (i.e., Y's 1954 carryover of $0 to such part year)	0	
		18,400
Carryover to Y 1957		45,600

(iv) *Y Corporation's 1955 loss.* The carryover to 1957 is $6,800, computed as follows:

Net operating loss		$20,000
Less:		
Y's 1954 taxable income		0
Carryover to Y's preacquisition part year		20,000
Less:		
Y's preacquisition part year taxable income computed under subparagraph (5) of this paragraph	$18,200	
Minus Y's net operating loss deduction for preacquisition part year (i.e., Y's 1954 carryover to such part year)	5,000	
		13,200
Carryover to Y's postacquisition part year		6,800

Less:

Y's postacquisition part year taxable income computed under subparagraph (5) of this paragraph	$18,400	
Minus Y's net operating loss deduction for postacquisition part year (i.e., Y's 1954 carryover of $0, and X's 1955 carryover of $64,000, to such part year)	64,000	
		$0
Carryover to Y 1957		6,800

(v) *Summary of carryovers to 1957.* The aggregate of the net operating loss carryovers to 1957 is $52,400, determined as follows:

Y's 1954 loss	$0
X's 1955 loss	45,600
Y's 1955 loss	6,800
Total	52,400

(g) *Successive acquiring corporations.* An acquiring corporation which, in a distribution or transfer to which section 381(a) applies, acquires the assets of a distributor or transferor corporation which previously acquired the assets of another corporation in a transaction to which section 381(a) applies, shall succeed to and take into account, subject to the conditions and limitations of sections 172 and 381, the net operating loss carryovers available to the first acquiring corporation under sections 172 and 381.

(h) *Illustration.* The application of this section may be further illustrated by the following example:

Example—(1) *Facts.* X Corporation was organized on January 1, 1954, and Y Corporation was organized on January 1, 1955. Each corporation makes its return on the basis of the calendar year. On August 31, 1957, X Corporation transferred all its assets to Y Corporation in a statutory merger to which section 361 applies. The net operating losses and the taxable income of the two corporations for the taxable years involved are set forth in the tabulation below. The taxable income so shown is computed without the modifications required by section 172(b)(2)(A) and without the benefit of any net operating loss deduction. In its calendar year 1957, Y Corporation had a deduction of $365 which is disallowed by section 172(b)(2)(A).

Taxable year	X Corporation (transferor)	Y Corporation (acquirer)
1954	($7,000)	xxx
1955	(10,000)	($10,000)
1956	(25,000)	(15,000)
Ending 8-31-57	1,000	xxx
1957	xxx	54,750
1958	xxx	(5,000)
1959	xxx	50,000

(2) *Computation of carryovers and carrybacks.* The sequence in which the losses of X Corporation and Y Corporation are applied and the computation of the carryovers to Y Corporation's calendar year 1959 may be illustrated as follows:

(i) *X Corporation's 1954 loss.* The carryover to 1958, which is the last year to which this loss may be carried, is $0, computed as follows:

Net operating loss		$7,000
Less:		
X's 1955 taxable income	$0	
X's 1956 taxable income	0	
		0
Carryover to X's 8/31/57-year		7,000

Less:		
X's 8/31/57-year taxable income	$1,000	
Carryover to Y's postacquisition part year		6,000
Less:		
Y's postacquisition part year taxable income computed under paragraph (f)(5) of this section ((($54,750+$365)×$\frac{122}{365}$)	$18,422	
Minus Y's net operating loss deduction for postacquisition part year	xxx	
		18,422
Carryover to Y 1958		0

(ii) *X Corporation's 1955 loss.* The carryover to 1959 is $0, computed as follows:

Net operating loss		$10,000
Less:		
X's 1954 taxable income	$0	
X's 1956 taxable income	0	
		0
Carryover to X's 8/31/57-year		10,000
Less:		
X's 8/31/57-year taxable income before net operating loss deduction	$1,000	
Minus X's net operating loss deduction for 8/31/57-year (i.e., X's 1954 carryover)	7,000	
		0
Carryover to Y's postacquisition part year		10,000
Less:		
Y's postacquisition part year taxable income computed under paragraph (f)(5) of this section	$18,422	
Minus Y's net operating loss deduction for postacquisition part year (i.e., X's 1954 carryover to such part year)	6,000	
		12,422
Carryover to Y 1958 and Y 1959		0

(iii) *Y Corporation's 1955 loss.* The carryover to 1959 is $0, computed as follows:

Net operating loss		$10,000
Less:		
Y's 1956 taxable income		0
Carryover to Y's preacquisition part year		10,000
Less:		
Y's preacquisition part year taxable income computed under paragraph (f)(5) of this section ((($54,750+$365)×$\frac{244}{365}$)	$36,693	
Minus Y's net operating loss deduction for preacquisition part year	xxx	
		36,693
Carryover to Y's postacquisition part year, to Y 1958, and to Y 1959		0

(iv) *X Corporation's 1956 loss.* The carryover to 1959 is $22,578, computed as follows:

Net operating loss		$25,000
Less:		
X's 1954 taxable income	$0	
X's 1955 taxable income	0	
X's 8/31/57-year taxable income before net operating loss deduction	$1,000	
Minus X's net operating loss deduction for 8/31/57-year (i.e., X's 1954 carryover of $7,000 and X's 1955 carryover of $10,000)	$17,000	
		$0
Carryover to Y's postacquisition part year		25,000
Less:		
Y's postacquisition part year taxable income computed under paragraph (f)(5) of this section	$18,422	
Minus Y's net operating loss deduction for postacquisition part year (i.e., X's 1954 carryover of $6,000, X's 1955 carryover of $10,000 and Y's 1955 carryover of $0, to such part year)	16,000	
		2,422
Carryover to Y 1958		22,578
Less:		
Y's 1958 taxable income		0
Carryover to Y 1959		22,578

(v) *Y Corporation's 1956 loss.* The carryover to 1959 is $0, computed as follows:

Net operating loss		$15,000
Less:		
Y's 1955 taxable income		0
Carryover to Y's preacquisition part year		15,000
Less:		
Y's preacquisition part year taxable income computed under paragraph (f)(5) of this section	$36,693	
Minus Y's net operating loss deduction for preacquisition part year (i.e., Y's 1955 carryover to such part year)	10,000	
		26,693
Carryover to Y's postacquisition part year, to Y 1958, and to Y 1959		0

(vi) *Y Corporation's 1958 loss.* The carryover to 1959 is $0, computed as follows:

Net operating loss		$5,000
Less:		
Y's 1955 taxable income[1]	$0	
Y's 1956 taxable income	0	
		0
Carryback to Y's preacquisition part year		5,000
Less:		
Y's preacquisition part year taxable income computed under paragraph (f)(5) of this section	$36,693	
Minus Y's net operating loss deduction for preacquisition part year (i.e., Y's 1955 carryover of $10,000, and Y's 1956 carryover of $15,000, to such part year)	26,000	
		11,693
Carryback to Y's postacquisition part year and carryover to Y 1959		0

[1] Three-year carryback in case of loss years ending after December 31, 1957.

(vii) *Summary of carryovers to 1959.* The aggregate of the net operating loss carryovers to 1959 is $22,578, computed as follows:

X's 1955 loss	$0
Y's 1955 loss	0
X's 1956 loss	22,578
Y's 1956 loss	0
Y's 1958 loss	0
Total	22,578

(3) *Net operating loss deduction for 1957.* (i) The net operating loss deduction available to Y Corporation under section 172(a) for the calendar year 1957, determined in accordance with paragraph (d) of this section, is $48,300, computed as follows:

Aggregate of the net operating loss carryovers available to the transferor corporation as of the close of August 31, 1957, but limited by paragraph (d) of this section to $18,300 (Y's 1957 taxable income of $54,750, computed without any net operating loss deduction, multiplied by 12/36ths)	
Carryover of X's 1954 loss	$6,000
Carryover of X's 1955 loss	10,000
Carryover of X's 1956 loss	25,000
	41,000
Aggregate of carryovers, limited as above	$18,300
Carryover of Y's 1955 loss	10,000
Carryover of Y's 1956 loss	15,000
Carryback of Y's 1958 loss	5,000
Net operating loss deduction	48,300

(ii) The taxable income under section 63 for 1957 is $6,450, computed as follows:

Taxable income determined without any net operating loss deduction	$54,750
Less:	
Net operating loss deduction for 1957, as determined under subdivision (i) of this subparagraph	48,300
Taxable income under section 63	6,450

(4) *Net operating loss deduction for 1959.* The taxable income under section 63 for 1959 is $27,422, computed as follows:

Taxable income determined without any net operating loss deduction	$50,000
Less:	
Net operating loss deduction for 1959 (i.e., the aggregate carryovers determined under subparagraph (2)(vii) of this paragraph)	22,578
Taxable income under section 63	27,422

(5) *Years to which losses may be carried.* The taxable years to which the losses of X Corporation and Y Corporation may be carried, and the sequence in which carried, are as follows:

Loss year	*Carried to*
X 1954	X 1955, X 1956, X 8/31/57, Y 1957, Y 1958.
X 1955	X 1954, X 1956, X 8/31/57, Y 1957, Y 1958, Y 1959.
Y 1955	Y 1956, Y 1957, Y 1958, Y 1959, Y 1960.
X 1956	X 1954, X 1955, X 8/31/57, Y 1957, Y 1958, Y 1959, Y 1960.
Y 1956	Y 1955, Y 1957, Y 1958, Y 1959, Y 1960, Y 1961.
Y 1958	Y 1955, Y 1956, Y 1957, Y 1959, Y 1960, Y 1961, Y 1962, Y 1963.

§ 1.381(c)(1)–2 Net operating loss carryovers; two or more dates of distribution or transfer in the taxable year.

(a) *In general.* If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer within one taxable year of the acquiring corporation, the limitation to be applied under section 381(c)(1)(B) to the aggregate of the net operating loss carryovers to that taxable year from all of the distributor or transferor corporations shall be determined by applying the rules prescribed in paragraph (b) of this section, and the taxable income of the acquiring corporation for that taxable year under sections 381(c)(1)(C) and 172(b)(2) shall be determined by applying the rules prescribed in paragraph (c) of this section. For purposes of this section, the term "postacquisition income" means postacquisition part year taxable income determined under paragraph (d)(1) of § 1.381(c)(1)–1 by treating the first date of distribution or transfer as though it were the only date of distribution or transfer during the taxable year of the acquiring corporation.

(b) *Determination of limitation under section 381(c)(1)(B).*—(1) *In general.* If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer during the same taxable year of the acquiring corporation, and if the amount of the net operating loss carryovers acquired on the first date of distribution or transfer equals or exceeds the postacquisition income, then the limitation under section 381(c)(1)(B) shall be an amount equal to such postacquisition income. If the amount of the net operating loss carryovers acquired on the first date of distribution or transfer is less than such postacquisition income, then the limitation under section 381(c)(1)(B) shall be determined as provided in subparagraphs (2) through (5) of this paragraph.

(2) *Allocation of postacquisition income among partial postacquisition years.* That part of the taxable year of the acquiring corporation beginning on the day following the first date of distribution or transfer and ending with the close of the taxable year of the acquiring corporation shall be divided into the same number of partial postacquisition years as the number of dates of distribution or transfer on which the acquiring corporation succeeds to net operating loss carryovers during its taxable year. The first partial postacquisition year shall begin with the day following the first date of distribution or transfer and shall end with the close of the second date of distribution or transfer. The second and succeeding partial postacquisition years shall begin with the day following the close of the preceding such partial year and shall end with the close of the succeeding date of distribution or transfer, or, if there is no such succeeding date, then with the close of the taxable year of the acquiring corporation. The postacquisition income of the acquiring corporation shall be allocated among the partial postacquisition years in proportion to the number of days in each such partial year.

(3) *Two dates of distribution or transfer.* If the acquiring corporation succeeds to the net operating loss carryovers of two distributor or transferor corporations on two dates of distribution or transfer during the same taxable year of the acquiring corporation, and if the amount of the net operating loss carryovers acquired on the first date equals or exceeds the income for the first partial postacquisition year, the limitation provided by section 381(c)(1)(B) shall be the amount of the postacquisition income. If the income for the first partial postacquisition year exceeds the net operating loss carryovers acquired on the first date of distribution or transfer, the limitation provided by section 381(c)(1)(B) shall be the amount of the postacquisition income reduced by the amount of such excess. The application of this subparagraph may be illustrated by the following example:

Example. (i) X Corporation has taxable income (computed without any net operating loss deduction) of $36,500 for its calendar year 1955. During 1955, X Corporation acquires the assets of Y and Z Corporations in statutory mergers to each of which section 361 applies, the dates of transfer being January 1 and December 1, respectively. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corporation	Carryovers	Income for partial years	Reduction
Y	$1,000	$33,400 ($36,500 × 334/365)	$32,400
Z	50,000	3,000 ($36,500 × 30/365)	0
	51,000	36,400	32,400

(ii) The limitation provided by section 381(c)(1)(B) equals the postacquisition income of $36,400 reduced by $32,400, the excess of the income for the first partial year ($33,400) over the net operating loss carryovers acquired on the first date of transfer ($1,000). Accordingly, the limitation is $4,000 ($36,400 minus $32,400). Therefore, although X Corporation acquired carryovers aggregating $51,000 during 1955, it can utilize only $4,000 of such carryovers in computing its net operating loss deduction for 1955.

(4) *Three dates of distribution or transfer.* If the acquiring corporation succeeds to the net operating loss carryovers of three distributor or transferor corporations on three dates of distribution or transfer during the same taxable year of the acquiring corporation, and if the amount of the net operating loss carryovers acquired on the first date equals or exceeds the income for the first and second partial postacquisition years, the limitation provided by section 381(c)(1)(B) shall be the amount of the postacquisition income. If the amount of the carryovers acquired on the first date equals or exceeds the income for the first partial postacquisition year but does not equal or exceed the income for the first and second partial postacquisition years, the limitation shall be the amount of the postacquisition income reduced by the excess of the income for the first and second partial postacquisition years over the amount of carryovers acquired on the first and second dates of distribution or transfer. If the income for the first partial postacquisition year exceeds the carryovers acquired on the first date, the limitation shall be the postacquisition income reduced by the sum of the amount of such excess plus the amount, if any, by which the income for the second partial postacquisition year exceeds the carryovers acquired on the second date. This subparagraph may be illustrated by the following examples:

Example (1). (i) X Corporation has taxable income (computed without any net operating loss deduction) of $36,500 for its calendar year 1955. During 1955, X Corporation acquires the assets of M, N, and Z Corporations in statutory mergers to each of which section 361 applies, the dates of transfer being January 1, January 31, and December 1, respectively. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corporation	Carryovers	Income for partial years	Reduction
M	$4,000	$3,000 ($36,500 × 30/365)	$23,400
N	6,000	30,400 ($36,500×304/365)	0
Z	50,000	3,000 ($36,500× 30/365)	23,400
	60,000	36,400	

(ii) Since the carryovers of $4,000 acquired on the first date of transfer exceed the income for the first partial year ($3,000), the limitation provided by section 381(c)(1)(B) is the amount of the postacquisition income ($36,400) reduced by the excess of the income for the first and second partial years ($33,400) over the carryovers acquired on the first and second dates of transfer ($10,000). Therefore, the limitation is $13,000 ($36,400 less $23,400).

Example (2). (i) Assume the same facts as in example (1) except that the amount of the net operating loss carryovers acquired from M Corporation is $1,000. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corporation	Carryovers	Income for partial years	Reduction
M	$1,000	$3,000 ($36,500×30/365)	$2,000
N	6,000	30,400 ($36,500×304/365)	24,400
Z	50,000	3,000 ($36,500×30/365)	0
	57,000	36,400	26,400

(ii) Since the income for the first partial year ($3,000) exceeds the $1,000 of carryovers acquired on the first date by $2,000, the limitation provided by section 381(c)(1)(B) is the postacquisition income of $36,400 reduced by such excess and also reduced by the excess of the income for the second partial year ($30,400) over the carryovers acquired on the second date of transfer ($6,000). Therefore, the limitation is $10,000 ($36,400 less the sum of $2,000 and $24,400).

Example (3). (i) Assume the same facts as in example (2) except that the carryovers acquired from N Corporation are $75,000. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corporation	Carryovers	Income for partial years	Reduction
M	$1,000	$3,000 ($36,500× 30/365)	$2,000
N	75,000	30,400 ($36,500×304/365)	0
Z	50,000	3,000 ($36,500× 30/365)	0
	126,000	36,400	2,000

(ii) Since the income for the first partial year ($3,000) exceeds the $1,000 of carryovers acquired on the first date by $2,000, the limitation provided by section 381(c)(1)(B) is the postacquisition income of $36,400 reduced by $2,000, or $34,400. No further reduction is made since the income for the second partial year ($30,400) does not exceed the carryovers of $75,000 acquired on the second date of transfer.

(5) *Four or more dates of distribution or transfer.* If the acquiring corporation succeeds to the net operating loss carryovers of four or more distributor or transferor corporations on four or more dates of distribution or transfer during the same taxable year of the acquiring corporation, the limitation provided by section 381(c)(1)(B) shall be determined consistently with the methods prescribed in subparagraphs (3) and (4) of this paragraph. The application of this subparagraph may be illustrated by the following example:

Example. (i) X Corporation has taxable income (computed without any net operating loss deduction) of $36,500 for its calendar year 1955. During 1955, X Corporation acquired the assets of M, N, O, Y, and Z Corporations in statutory mergers to each of which section 361 applied, the dates of transfer being, respectively, January 1, January 31, March 3, April 2, and December 1. The net operating loss carryovers of each transferor corporation and the income for each partial postacquisition year are:

Corporation	Carryovers	Income for partial years	Reduction
M	$1,000	$3,000 ($36,500× 30/365)	$2,000
N	4,000	3,100 ($36,500× 31/365)	1,100
O	1,000	3,000 ($36,500× 30/365)	14,300
Y	10,000	24,300 ($36,500×243/365)	0
Z	20,000	3,000 ($36,500× 30/365)	17,400
	36,000	36,400	

(ii) The limitation provided by section 381(c)(1)(B) equals the postacquisition income of $36,400 reduced by the sum of (a) the $2,000 excess of the income for the first partial year ($3,000) over the carryovers acquired from M Corporation ($1,000), (b) the $1,100 excess of the income for the second and third partial years ($6,100) over the carryovers acquired from N and O Corporations ($5,000), and (c) the $14,300 excess of the income for the fourth partial year ($24,300) over the carryovers acquired from Y Corporation ($10,000). Accordingly, the limitation is $19,000 ($36,400 minus $17,400). Therefore, although X Corporation acquired carryovers aggregating $36,000 during 1955, it can utilize only $19,000 of such carryovers in computing its net operating loss deduction for 1955.

(c) *Determination of taxable income of acquiring corporation under section 381(c)(1)(C).*—(1) *In general.* If the acquiring corporation succeeds to the net operating loss carryovers of two or more distributor or transferor corporations on two or more dates of distribution or transfer within one taxable year of the acquiring corporation, then pursuant to section 381(c)(1)(C) the taxable income of the acquiring corporation for its taxable year which is a prior taxable year for purposes of section 172(b)(2) and paragraph (e) of § 1.381(c)(1)–1 shall be determined as provided in this paragraph.

(2) *Division of taxable income.* The taxable income of the acquiring corporation (computed with the modifications specified in section 172(b)(2)(A) but without any net operating loss deduction) shall be allocated proportionately on a daily basis among a preacquisition part year (determined under paragraph (f)(3) of § 1.381(c)(1)–1 by treating the first date of distribution or transfer as though it were the only date of distribution or transfer during the taxable year of the acquiring corporation) and two or more partial postacquisition years (determined as provided in paragraph (b)(2) of this section). The preacquisition part year and each partial postacquisition year shall be considered a separate taxable year, but only for the limited purpose of applying sections 172(b)(2) and 381(c)(1)(C).

(3) *Net operating loss deduction.* The net operating loss deduction of the preacquisition part year and the partial postacquisition years shall be determined consistently with the manner described in paragraph (f)(6) of § 1.381(c)(1)–1 but by taking into account, in the case of any partial postacquisition year, only the net operating loss carryovers and carrybacks of the acquiring corporation and those net operating loss carryovers from a distributor or transferor corporation which become available to the acquiring corporation as of the close of those dates of distribution or transfer which occur before the beginning of that specific partial postacquisition year. The sequence in which the net operating losses of the distributor or transferor and acquiring corporations shall be applied for this purpose shall be determined in the manner described in paragraph (e) of § 1.381(c)(1)–1. Subject to the preceding sentence, the net operating loss carryovers to any specific partial postacquisition year, whether from a distributor, transferor, or acquiring corporation, shall be taken into account in the order of the taxable years in which the net operating losses arose, beginning with the loss for the earliest taxable year.

(4) *Illustration.* The application of this paragraph may be illustrated by the following example:

Example—(i) *Facts.* X Corporation, which was organized on January 1, 1957, sustained a net operating loss of $20,000 for its calendar year 1957 and had taxable income (computed without any net operating loss deduction) of $36,500 for its calendar year 1958. During 1958, X Corporation acquired the assets of Y and Z Corporations in statutory mergers to each of which section 361 applied, the dates of transfer being June 30 and September 30, respectively. None of the modifications specified in section 172(b)(2)(A) apply to any of the corporations for any taxable year. The taxable income (computed without any net operating loss deduction) and net operating losses of Y and Z Corporations (which were organized on January 1,

1957, and January 1, 1964, respectively) are set forth below:

Taxable year	Acquiring corporation X	Transferor corporation Y	Transferor corporation Z
1954	XXX	XXX	($30,000)
1955	XXX	XXX	1,000
1956	XXX	XXX	1,000
1957	($30,000)	($35,000)	1,000
Ending 9-30-58	XXX	1,000	XXX
Ending 9-30-59	XXX	XXX	1,000
1960	36,500	XXX	XXX

The sequence in which the losses of the acquiring corporation and the transferor corporations are applied and the computation of the carryovers to X Corporation's calendar year 1959 are illustrated in the following subdivisions of this example.

(ii) *Computation of taxable income.* X Corporation's taxable income, determined in the manner described in subparagraph (2) of this paragraph, for the preacquisition part year and for the partial postacquisition years is as follows:

Year	Taxable income	Computation
Preacquisition part year	$33,100	$36,500×181/365
Partial No. 1	9,200	36,500× 92/365
Partial No. 2	9,200	36,500× 92/365

(iii) *X Corporation's 1954 loss.* The carryover to 1959 is $0, computed as follows:

Net operating loss	$30,000
Less:	
Z's 1956, 1956, 1957, and 9/30/58-year income	4,000
Net operating loss carryover to Partial No. 2 year	26,000
Less:	
Partial No. 2 year taxable income	9,200
	16,800

The balance of $16,800 is not carried over to 1959 since X Corporation's taxable year 1958 is the last of the five years to which Z's 1954 loss may be carried under section 172(b)(1).

(iv) *Y Corporation's 1957 loss.* The carryover to 1959 is $14,800, computed as follows:

Net operating loss	$25,000
Less:	
Y's 6/30/58-year income	1,000
Net operating loss carryover to Partial No. 1 year	24,000
Less:	
Partial No. 1 year taxable income	9,200
Carryover to Partial No. 2 year	14,800
Less:	
X's Partial No. 2 year taxable income $9,200	
Minus X's net operating loss deduction for Partial No. 2 year (i.e., Z's 1954 carryover of $26,000 to such partial year) 26,000	
	0
Carryover to 1959	14,800

(v) *X Corporation's 1957 loss.* The carryover to 1959 is $1,900, computed as follows:

Net operating loss	$20,000
Less:	
X's preacquisition part year taxable income	18,100
Carryover to Partial No. 1 year	1,900
Less:	
Partial No. 1 year taxable income	$9,200
Minus X's net operating loss deduction for Partial No. 1 year (i.e., Y's 1957 carryover of $24,000 to such partial year)	24,000
	$0
Carryover to Partial No. 2 year	1,900
Less:	
Partial No. 2 year taxable income	$9,200
Minus X's net operating loss deduction for Partial No. 2 year (i.e., Z's 1954 carryover of $26,000, and Y's 1957 carryover of $14,800, to such partial year	40,800
	$0
Carryover to 1959	1,900

(vi) *Summary of carryovers to 1959.* The aggregate of the net operating loss carryovers to 1959 is $16,700, computed as follows:

Z's 1954 loss	XXX
Y's 1957 loss	$14,800
X's 1957 loss	1,900
Total	16,700

[F.R. Doc. 60-6452; Filed, July 12, 1960; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER N—TRANSPORTATION

PART 208—TRANSPORTATION OF HOUSEHOLD GOODS OF MILITARY AND CIVILIAN PERSONNEL

The Secretary of Defense issued the following on July 1, 1960. This Part 208 supersedes and cancels 32 CFR 1960 Cum. Supp., Parts 206 and 208; Part 208 (25 F.R. 211) and Notice of Suspension of Part 208 (25 F.R. 680) of Title 32.

Sec.
208.1 Purpose, applicability and objective.
208.2 Definitions.
208.3 Policies.
208.4 Implementation.
208.5 Required action.

AUTHORITY: §§ 208.1 to 208.5 issued under sec. 202, 61 Stat. 500; 5 U.S.C. 171a.

§ 208.1 Purpose, applicability and objective.

(a) This part assigns authority and responsibilities and establishes policies relative to the transportation of household goods of military and civilian personnel of the Department of Defense (1) between points within the United States and other areas in through bill of lading service when the transportation is procured and arranged by an agency of the Department of Defense.

(b) The objective of this part is to assure high quality service to military and civilian personnel of the Department of Defense in the transportation of their household goods at the lowest overall cost to the Government.

§ 208.2 Definitions.

As used herein:

(a) "Lowest over-all cost" means the aggregate of all costs which are known or can reasonably be estimated in connection with a shipment (including accessorial charges and amounts paid by the Government for loss and damage).

(b) "United States" means the forty-eight contiguous states and the District of Columbia.

§ 208.3 Policies.

(a) *Comparative costs among modes of transportation.* Section 303(c) of the Career Compensation Act of 1949, as amended (63 Stat. 802), provides in part that "• • • members of the uniformed services • • • in connection with a change of station (whether temporary or permanent) [shall be entitled] to transportation (including packing, crating, drayage, temporary storage and unpacking) of baggage and household effects, or reimbursement therefor • • • without regard to the comparative costs of the various modes of transportation." However, comparative costs of the various modes of transportation may be disregarded only when all carriers within the mode(s) which would produce the lowest over-all cost to the Government cannot provide the required services satisfactorily. In such instances the next lowest cost mode in which carriers can provide satisfactory service shall be used. The same principle shall apply in shipping household goods of civilian personnel when the transportation is procured and arranged by an agency of the Department of Defense.

(b) *Quality of service.* The quality of service provided by carriers shall be evaluated, in comparison with uniform standards prescribed by the Single Manager for Traffic Management, on the basis of all available information, including, but not limited to, the following:

(1) Reports of inspections of carrier facilities, transportation equipment, and service practices.

(2) Carrier performance reports by military and civilian personnel in connection with the transportation of their household goods.

(3) Official reports and actions by regulatory bodies which serve as factual indicators of carrier performance.

(4) Claims for loss and damage filed against carriers and the Government, and settlements thereof.

(c) *Qualified carriers.* Only those carriers shall be qualified which:

(1) Are authorized according to law to provide the required services;

(2) Provide adequate evidence of satisfactory transportation equipment and financial responsibility and reliability;

(3) Have made specific arrangements for the use of a satisfactory terminal facility consisting of a warehouse, loading and unloading area, and office sufficiently near the shipping activity or point of origin of the shipment to assure satisfactory service and permit ready inspection of the facility and the household goods stored or serviced therein;

(4) When required, have executed and filed with the appropriate office a household goods service tender or other document authorized in lieu thereof;

(5) Assume full responsibility for arranging for placing in a satisfactory terminal facility those shipments which require storage in transit at destination; and

(6) Provide high quality service.

(d) *Selection of carrier and distribution of traffic.* (1) Only those carriers shall be used which satisfy the requirements of paragraph (c) of this section at the lowest over-all cost to the Government. Connecting carriers on a joint carriage arrangement must meet all of the requirements for a qualified carrier except paragraph (c) (3) and (5) of this section when they are not terminating carriers.

(2) To the extent practicable, traffic shall be distributed by destination state or other area outside the United States among these carriers in equitable proportions, subject to the following:

(i) Carrier's ability to respond to requirements of the traffic offered for movement. When a carrier is offered a shipment and cannot perform, the carrier shall be charged with the offer in the same manner as if it had performed.

(ii) At each shipping activity, additional shipments shall be offered to a carrier or carriers when it has been determined that it or they provide an exceptionally high quality of service as compared with other carriers serving the activity. Such shipments shall not be charged to normal distribution.

(3) For traffic distribution purposes, carriers under effective common financial or administrative control shall be treated as a single carrier. The service tender, or document in lieu thereof, filed by each carrier shall include: (i) Name(s) of any other carrier(s) serving the same shipping activity which are under effective common financial or administrative control with the filing carrier, or (ii) a statement that the filing carrier is independent in finance and administration from all other carriers serving the same shipping activity.

(4) When consistent with other provisions of this paragraph (d):

(i) A request by the property owner for non-use of a carrier because of specific prior unsatisfactory service shall be honored if another carrier is available to move the shipment at the same over-all cost to the Government.

(ii) A preference for a carrier expressed by the property owner shall be honored.

(5) Traffic shall be distributed according to the originating carrier rather than according to agent. When a joint carriage arrangement is utilized, shipments transported thereunder shall be considered as having been received by each participating carrier qualified to serve the origin point.

(6) Records of traffic distribution shall be maintained by destination state or other area outside the United States.

(e) *None-use of carriers.* (1) Carriers which have indicated in writing a desire to participate in Department of Defense traffic and are not considered to be qualified shall be notified in writing of their deficiencies. Such carriers shall be provided an opportunity to (i) appeal the decision, or to (ii) receive further consideration after correcting the deficiencies causing the refusal.

(2) Carriers which have been qualified, but which subsequently fail to provide high quality service, fail to meet the other requirements of paragraph (c) of this section, or commit unethical acts, shall be suspended in accordance with criteria and procedures established by the Single Manager for Traffic Management. Such carriers shall be provided an opportunity to (i) appeal the decision, or (ii) request requalification after correcting the deficiencies causing the suspension.

(f) *Use of storage in transit.* When commercial temporary storage is required in connection with transportation, storage-in-transit, as defined in carriers' tariffs, shall be used except when it is clearly evident, after considering such factors as over-all cost, and liability of the carrier versus that of the warehouseman, that the best interests of the Government and the property owner can be served only by the use of contract storage.

(g) *Use of United States carriers.* (1) The contracting carrier shall be a United States organization owned and controlled by citizens of the United States except when the Single Manager for Traffic Management has determined that a United States carrier cannot provide timely movement.

(2) When commercial ocean or air carriers or operators are to be used as a part of through bill of lading service between the United States and other areas, only ships of United States registry engaged in regular berth service or United States flag aircraft shall be used except when the Single Manager for Ocean Transportation or the Single Manager for Airlift Service, respectively, has determined they are not available for timely movement.

§ 208.4 Implementation.

(a) The Single Manager for Traffic Management is assigned authority and responsibility for:

(1) Implementing this part by prescribing, in agreement with the heads of the other military services, uniform joint regulations which will include but not be limited to: (i) Service tenders or other documents authorized in lieu thereof; (ii) standards for quality of service; (iii) procedures for measuring and comparing the quality of service provided by carriers; (iv) criteria and procedures for offering additional shipments and for qualifying, selecting, and suspending carriers; and (v) standards, formulae, and procedures for determining the lowest over-all cost.

(2) Assuring compliance with the above-mentioned regulations. Compliance will be accomplished through command channels of the military services, by appropriate means, including action based on recommendations by representatives of the Military Traffic Management Agency resulting from staff visits to all activities of the military services within the United States which ship household goods.

(3) Negotiating with commercial carriers and operators on all matters incident to the transportation of household goods within the United States and between the United States and other areas in through bill of lading service. Negotiations with commercial air or ocean operators for transportation as a part of through bill of lading service between the United States and other areas, or with air carriers for service within the United States under long term contracts, shall be conducted by the Single Manager for Airlift Service or the Single Manager for Ocean Transportation. The agreement of the Single Manager for Traffic Management shall be secured prior to the initiation of such negotiations.

(b) The service tenders or other documents authorized in lieu thereof referred to in paragraph (a)(1) of this section shall require carriers providing through bill of lading service between the United States and other areas to furnish after the fact reports of shipments to the Single Manager for Traffic Management, the Single Manager for Ocean Transportation, and the Single Manager for Airlift Service, as prescribed by uniform joint regulations.

(c) The Single Manager for Traffic Management shall consult with the Small Business Administration and appropriate representatives of the transportation industry on those portions of joint procedures, standards, criteria and regulations directly affecting the transportation industry prior to their publication.

(d) The Single Manager for Traffic Management shall develop, with the joint participation of the heads of the other military services, all standards, programs and procedures relative to the transportation of household goods. He shall also keep the Single Manager for Ocean Transportation and the Single Manager for Airlift Service informed on plans and other matters involving through bill of lading service between the United States and other areas.

(e) The implementation of this part shall not abrogate the functions and responsibilities of the Single Manager for Airlift Service or the Single Manager for Ocean Transportation, nor, in overseas areas, of the military services or the unified or specified commands.

§ 208.5 Required action.

(a) Joint regulations implementing this part shall be issued and action taken to assure uniformity of application in accordance with the schedule in paragraph (c) of this section. Such regulations, amendments thereto, and reissues thereof shall be coordinated with the Assistant Secretary of Defense (Supply and Logistics) prior to publication, and two copies of such documents shall be forwarded to him within thirty days after publication.

(b) Provisions of all regulations of the Military Departments implementing Parts 206 and 208, 32 CFR 1960 Cum. Supp., shall remain in effect until superseded by the joint regulations implementing this part.

(c) The schedule for implementation of this part is:

(1) September 1, 1960—Completion of printing and distribution of Implementing Regulations.

(2) September 7–December 1, 1960—Conduct conferences with Transportation Officers throughout the United States and overseas areas. Carriers will be invited to similar conferences.

(3) December 1, 1960—Effective date of Implementing Regulations.

MAURICE W. ROCHE,
Administrative Secretary.

JULY 7, 1960.

[F.R. Doc. 60-6461; Filed, July 12, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2150]

[05103]

ALASKA

Revoking Executive Order of September 4, 1902, Which Withdrew Sledge Island for Use of Public Health and Marine Hospital Service

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of September 4, 1902, which withdrew the following-described lands in Alaska, is hereby revoked:

BEHRING SEA

Sledge Island off the coast of Seward Peninsula, west of Cape Nome, in latitude 64°30' north, longitude 168° west from Greenwich.

Containing approximately 900 acres.

2. The lands are withdrawn by Executive Order No. 4257 of June 27, 1925, for use of the United States Coast Guard, for lighthouse purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6446; Filed, July 12, 1960; 8:46 a.m.]

[Public Land Order 2151]

[1508688]

CALIFORNIA

Amending Executive Order No. 8884 of September 3, 1941

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8884 of September 3, 1941, which withdrew the following-described public lands in California:

MOUNT DIABLO MERIDIAN

T. 30 S., R. 14 E.,
Sec. 9, lots 1 and 2;
Sec. 10, N½N½ and SW¼NE¼;
Sec. 15, lots 1, 2, 7, and 8.
(465.57 acres)

for use of the War Department in connection with the construction of a reservoir and water pipeline to Camp San Luis Obispo, is hereby amended to delete therefrom the following paragraph added thereto by Executive Order No. 9526 of February 28, 1945:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

2. Executive Order No. 8884 is hereby further amended to substitute the words "Department of the Army" for the words "War Department" wherever they appear.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6447; Filed, July 12, 1960; 8:46 a.m.]

[Public Land Order 2152]

[Anchorage 049973]

ALASKA

Partially Revoking Air Navigation Site Withdrawal No. 209

By virtue of the authority contained in Section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of October 5, 1943, which established Air Navigation Site Withdrawal No. 209, is hereby revoked so far as it affects the following-described lands:

SKWENTNA AREA

From the Southwest Corner No. 3 of Air Navigation Site Withdrawal No. 209, which is the point of beginning; thence
North, 7,711 feet;
S. 79°11' E., 16,197 feet;
Southerly, 5,600 feet, approximately, along the meander of the Skwentna River;
N. 64° W., 15,400 feet;
South, 6,300 feet;
West, 2,000 feet to the point of beginning.

The tract described contains approximately 1,550 acres.

2. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to settlement and to filing of applications, selections, and locations as are allowable on unsurveyed lands, in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on October 6, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339; Public Law 85–508).

(3) All valid applications and selections under the nonmineral public land laws, other than from the State of Alaska under paragraph 2a. (2) above, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on October 6, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, selections and offers filed after that hour will be governed by the time of filing.

(4) Subject to the applications and claims described in paragraphs 2a. (1) and 2a. (2), the lands shall be subject to settlement under the homestead and Alaska homesite laws beginning at 10:00 a.m. on October 6, 1960.

b. The lands will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on October 6, 1960.

3. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6448; Filed, July 12, 1960; 8:46 a.m.]

[Public Land Order 2153]

[Idaho 010691]

IDAHO

Partially Revoking Proclamation of November 5, 1906, and Executive Order No. 7986 of October 8, 1938, Affecting Lands in Challis National Forest

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Proclamation of November 5, 1906, which established the Lemhi Forest Reserve, the name of which was changed to Lemhi National Forest by the Executive order of July 1, 1908, and Executive Order No. 7986 of October 8, 1938, transferring lands to the Challis and Lemhi National Forests, are hereby revoked so far as they affect the following-described lands now in the Challis National Forest:

BOISE MERIDIAN

T. 10 N., R. 23 E.,
Sec. 10, SE¼.

The area described contains 160 acres.

2. The land is located on the westerly side of the Pahsimeroi Valley at an elevation of about 7,500 feet. The land is mainly of rather smooth surface with broad, open slopes. Soil is sand to fine sand with commingled rock. Vegetative cover is mainly sagebrush with understory of bunchgrass, ricegrass and bluegrass.

3. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on January 7, 1961, the State of Idaho shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–852), and the regulations in 43 CFR.

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on January 7, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to application and offers under the mineral leasing laws, and to location for metalliferous minerals. They will open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m. on January 7, 1961.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6449; Filed, July 12, 1960; 8:46 a.m.]

[Public Land Order 2154]

[Montana 027506, 030672]

MONTANA

Order Providing for Opening of Public Lands (Power Site Classification No. 301)

1. In an order of December 3, 1957, published in the FEDERAL REGISTER of December 11, 1957, at page 9694, as Power Site Cancellation No. 126, the Geological Survey cancelled Power Site Classification No. 301 of August 31, 1937, so far as and to the extent that it affects the following-described lands, pursuant to the determination of the Federal Power Commission in DA–149–Montana, issued October 21, 1955, and DA–159–Montana, issued November 8, 1957:

PRINCIPAL MERIDIAN

T. 23 N., R. 16 E.,
Sec. 21, NW¼ and W½SW¼;
Sec. 28, W½NW¼;
Sec. 29, SE¼NE¼ and E½SE¼;
Sec. 32, NE¼NE¼.

The areas described aggregate 480 acres.

2. In DA–149–Montana, the Federal Power Commission determined that the value of the following-described land, reserved in Power Site Classification No. 301, would not be injured or destroyed for purposes of power development by location, entry, or selection under the public-land laws, subject to the provisions of Section 24 of the Federal Power Act, as amended; and subject to the condition that in the event the said tract is required for power purposes; any improvements or structures placed below the 2450-foot contour elevation thereof which should be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

PRINCIPAL MERIDIAN

T. 23 N., R. 16 E.,
Sec. 32, lot 3.

Containing 44.84 acres.

3. The lands are on the north bank of the Missouri River, approximately 40 miles southeast of Big Sandy, Montana. Topography is rolling to rough, with vegetation consisting of Western wheatgrass, Blue gramma, sagebrush, and cactus.

4. Subject to any valid existing rights, and the requirements of applicable law, the lands described in this order are hereby opened to filing of applications, selections, and locations, in accordance with the following, such opening as to the lands described in paragraph 2, hereof, being subject further to the provisions of section 24 of the Federal Power Act of 1920, as amended, and to the condition specified in the said paragraph 2, supra:

a. Until 10:00 a.m. on January 7, 1961, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of this order and subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. During this period, the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or material sites, in accordance with section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

b. All valid applications under the nonmineral public land laws other than those coming under subparagraph a., above, presented at or before 10:00 a.m. on January 7, 1961, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

c. Applications under subparagraphs a and b above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

5. The lands have been open to application and offers under the mineral leasing laws, and to location under the United States mining laws.

6. Persons claiming preferential consideration must submit evidence of their entitlement.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6450; Filed, July 12, 1960; 8:46 a.m.]

[Public Land Order 2155]

[Montana 023062]

MONTANA

Opening Lands Under Section 24 of the Federal Power Act (Power Site Classification No. 301)

1. In DA–164–Montana, issued March 6, 1950, the Federal Power Commission determined that the value of the following-described lands withdrawn in Power Site Classification No. 301 will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to section 24 of the Federal Power Act, as amended, and subject to the condition that in the event the said land is required for power purposes any im-

provements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees:

PRINCIPAL MERIDIAN

T. 20 N., R. 12 E.,
Sec. 24, W½NE¼.

The area described contains 80 acres.

2. The lands are located in Fergus County, 18 miles north of Winifred, Montana.

3. Subject to any valid existing rights and the requirements of applicable law, including the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and the provisos described in paragraph 1 hereof, and pursuant to authority contained in the said act, the lands are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on January 7, 1961, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–852), and the regulations in 43 CFR. During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act, supra.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on January 7, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 7, 1960.

[F.R. Doc. 60-6451; Filed, July 12, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11759; FCC 60-814]

PART 3—RADIO BROADCAST SERVICES

Certain Television Broadcast Stations in California and Nevada

In the matter of amendment of § 3.606 Table of Assignments, Television Broadcast Stations (Fresno, Bakersfield, and Santa Barbara, California; Goldfield and Tonopah, Nevada); Docket No. 11759.

1. In the Report and Order adopted in this proceeding on March 24, 1960 (FCC 60–279), we announced, with supporting reasons, our conclusion that the public interest would be served by placing all commercial television stations in Fresno on UHF channels.

2. In a further notice of proposed rule making, adopted on the same day, we invited comments on alternative channel assignments designed to accomplish that objective by appropriate disposition of Channel 12, now assigned to Fresno and occupied by Triangle Publications, Inc. (Radio and Television Division) and the substitution of a UHF assignment to Fresno. The alternatives are:

A. (1) Reserve Channel 12+ for noncommercial educational use at Fresno and at the same time make Channel °18— available for commercial use at Fresno; or

(2) Reassign Channel 12+ from Fresno to Santa Barbara; and

B. Substitute Channel 59 for Channel 30+ at Madera, California, and reassign Channel 30+ from Madera to Fresno.

3. For reasons discussed hereinafter we have concluded that the public interest would best be served by accomplishing deintermixture at Fresno in the following manner:

(a) Deleting Channel 12+ from Fresno.

(b) Reassigning Channel 30+ from Madera to Fresno.

(c) Replacing Channel 30+ at Madera with Channel 59.

4. In response to the Further Notice of March 24, 1960, comments in support of the Commission's proposal to deintermix Fresno were submitted by a number of parties, including Triangle Publications, Inc. (Radio and Television Division) KFRE–TV, Channel 12, Fresno; McClatchy Newspapers, Inc., KMJ–TV, Channel 24, Fresno; O'Neill Broadcasting Company, KJEO, Channel 47, Fresno; Kern County Broadcasting Company, KLYD–TV, Channel 17, Bakersfield; the American Broadcasting Company; and others. Generally the positions taken by these parties correspond with our assessment of the desirability of deintermixing Fresno which is set forth in some detail in our Report and Order of March 24, 1960.

5. A number of individuals living in foothill and mountain communities, generally to the northeast of Fresno and to the east and northwest of the existing site of KFRE–TV oppose the deletion of Channel 12 from Fresno. A few persons, residing in the San Joaquin Valley at Fresno, and in such cities as Turlock (northwest of Fresno), and Kingsburg (southeast of Fresno), also voiced objection to the deintermixture of the Fresno assignments. We have carefully considered their views; and we summarize them as follows:

(1) The best service to the foothill areas is provided by KFRE–TV on Channel 12. In some communities, only marginal service is provided by KJEO and KMJ–TV, operating on Channels 47 and 24, respectively. In others, it is impossible to receive UHF signals from the Fresno UHF stations and persons residing there rely exclusively on KFRE–TV for entertainment, news and information.

(2) In some foothill and mountain communities and in some of the cities and towns to the north and south of Fresno, television sets are equipped to receive VHF signals only; and it would be expensive to convert these receivers for UHF reception.

(3) The all-VHF plan, formerly proposed, would provide better service to persons living in the mountain and foothill areas east of Fresno. In addition, Fresno and the surrounding communities that would be served by the VHF stations are of such size and economic importance as to justify the allocation of VHF facilities to meet their needs. The VHF plan is superior for the further reason that UHF allocations for Fresno will be only a temporary expedient in view of the Commission's experience with UHF television in other areas of the United States.

6. In brief, these parties claim that they presently receive satisfactory service only from KFRE–TV and are not able to receive UHF signals, or, at best, such signals do not come in clearly. This phenomenon can be ascribed to a number of reasons. For example, the parties may not have provided themselves with suitable UHF receiving devices or it may be that the precise areas in which they reside are sufficiently shadowed by intervening terrain to prevent good reception of UHF signals. The latter explanation, however, seems doubtful, since the same persons claim that they receive "excellent" service from KFRE–TV. Though UHF frequencies are more subject to attenuation or blockage by natural or artificial barriers than VHF, the VHF signal could not produce "excellent pictures" if these areas were shadowed by intervening terrain to such an extent as to prevent reception of any UHF signals.

This consideration gives substance to our ultimate determination on this point expressed below.

7. First, however, we consider the problem of providing service to these communities in the foothills east of Fresno through the use of VHF channels at Patterson Mountain. Much study was given to this aspect of the case as a result of comments filed in response to the July 17, 1959, Notice of Further Proposed Rule Making (FCC 59–723). The Patterson Mountain site lies to the east and south of Meadow Lake, roughly 25 miles distant therefrom. The terrain between Patterson Mountain and the communities in the foothill regions rises rather sharply, with intervening ridges of over 6,000 feet. We were apprehensive that instead of gaining service the foothill settlements would lose service under the VHF proposal. We said as much at Paragraph 21 of the Report and Order of March 24, 1960 (FCC 60–279). This, together with other reasons expressed in the March 24, 1960, Report and Order, militated against adoption of the all-VHF plan for Fresno.

8. Paramount in our considerations, of course, was and is the maintenance and expansion of television services to the entire Fresno area, including, of course, the foothill areas; but this, we are assured, cannot be accomplished by maintaining the status quo. Therefore, we feel compelled to take such steps as will promote the public interest as a whole, notwithstanding the possibility that some persons have to make adjustments in the equipment they have on hand. In some instances it may be desirable to utilize translators or UHF co-channel boosters. However, it is reasonable to expect that UHF signals from Fresno stations situated at sites similar to the one used by KFRE–TV and utilizing increased power and improved facilities, which is to be anticipated under improved competitive conditions, will provide direct service to most of foothill communities.

9. The San Joaquin Valley Community Television Association, Inc., a non-profit corporation organized to foster the development of educational television in the San Joaquin Valley, alternatively requests the reservation of Channel 12 or 7, or retention of Channel 18 at Fresno as an educational reservation. We are of the view that under the favorable conditions prevailing in the Fresno area for UHF operation, and with all commercial stations operating on UHF channels in that city, the continued reservation of Channel 18 at Fresno for educational use would serve the public interest and, at the same time, provide interested parties with ample opportunities for establishing an educational station at Fresno. Such a station would be operating in the same frequency band used by all other stations in the area, where antennas and receivers will undoubtedly be specially designed for reception of the UHF signals of the three commercial Fresno stations.

10. The Commission's plan to substitute Channel 59 for Channel 30 at Madera was unopposed. Adoption of this proposal would permit the addition of a UHF channel to Fresno as a substitute for Channel 12. The assignment of Channel 59 to Madera will provide a suitable replacement for the one being deleted; and the opportunities for establishing a local outlet in that community, at such time as there is a demand for the same, can be fulfilled. In these circumstances, we find it in the public interest to add Channel 30 to Fresno and substitute Channel 59 at Madera.

11. Several of the parties have strongly urged simultaneous deintermixture of Fresno and Bakersfield. These include operators of the Fresno stations; Kern County Broadcasting Company, KLYD–TV, Channel 17, Bakersfield; the American Broadcasting Company; and others. Bakersfield Broadcasting Company, KBAK–TV, Channel 29, Bakersfield, filed a separate petition for rule making on April 20, 1960, RM–177, seeking similar relief. In substance, it is argued that the same considerations which have led us to order deintermixture of Fresno prevail and are applicable to Bakersfield. On June 23, 1960, the Commission adopted a Notice of Proposed Rule Making, Docket No. 13608, and an Order to Show Cause, directed to Marietta Broadcasting, Inc., KERO–TV, Channel 10, Docket No. 13609, which look toward the deintermixture of Bakersfield. This action meets the requests of the abovementioned parties.

12. We now turn to a consideration of our proposal to reassign Channel 12 from Fresno to Santa Barbara and to the pleadings supporting and opposing adoption of this alternative use of that channel. A number of parties strongly support this plan, contending that (1) Santa Barbara needs and can support an additional television station; (2) the distant VHF television stations, located principally in Los Angeles, cannot be relied upon to provide satisfactory service to the Santa Barbara area; (3) a second local television outlet would afford the public a greater variety of programs and enhance the opportunities for originating local programs and coverage of events of local interest; (4) there is assurance from interested parties that the channel would be applied for and a new station promptly constructed; and (5) Channel 12 can be assigned to Santa Barbara in compliance with the Commission's rules.

13. The opponents, including Key Television, Inc., licensee of KEYT, Channel 3, Santa Barbara, Thomas B. Friedman, and Arenze Broadcasters, licensee of Radio Station KCOY, Santa Maria, argue that (1) the public interest would be served better by retaining and reserving Channel 12 at Fresno or reassigning the same to Bakersfield; (2) the use of Channel 12 at Santa Barbara is not technically feasible, due to potential interference (between the Santa Barbara station operating on Channel 12 and the co-channel Mexican station being constructed at Tijuana) caused by "ducting", "average terrain conditions" (over water path) between Santa Barbara and Tijuana, and "tropospheric propagation characteristics" present in the area; (3) the use of Channel 10 at Santa Barbara would be undesirable for similar reasons, since KFSD–TV operates on Channel 10 at San Diego and the same propagation conditions exist between that City and Santa Barbara as exist between Santa Barbara and Tijuana; (4) since the potential use of Channel 10 and 12 at Santa Barbara is not technically feasible, Santa Barbara could never become a three station market, with separate outlets for each of the three major television networks; (5) there is no need for an additional station in Santa Barbara, because the area to be served by such a station presently receives multiple services from both Los Angeles and San Diego television stations; (6) Santa Barbara is principally a residential and resort city and cannot support a second television station; (7) the operators of KEYT have sustained heavy operating losses since its inception, with a current loss for 1959 of more than $75,000.00, and the authorization of a second station may lead to the elimination of all local service in Santa Barbara, due to economic considerations; and (8) there is a greater need for the facility in Santa Maria or Lompoc-Santa Maria, since these communities now receive only fringe service from KEYT, Channel 3, Santa Barbara, and KSBY–TV, Channel 6, San Luis Obispo and the assignment of Channel 12 would provide a first local service to the communities in question.

14. Our review of all the foregoing arguments and contentions indicates to us the need for further study of the manner in which it would best serve the public interest to reassign Channel 12. An immediate decision in that regard is not in any event necessary to achieve the primary purpose of the instant proceeding, which is to deintermix the Fresno market and to place all television broadcast operations in that market on UHF channels at the earliest practicable date. To that end we confine our action herein to the deletion of Channel 12 from Fresno.

15. In order to facilitate our further review of the best manner in which Channel 12 can be utilized elsewhere we are adopting today a Further Notice of Proposed Rule Making in Docket No. 13608 which looks toward the deintermixture of Bakersfield, California, by the removal from Bakersfield of Channel 10, the only VHF channel assigned to Bakersfield. Owing to the fact that spacing considerations would permit the use of Channel 12 in the same markets to which Channel 10 could be reassigned, subject to any necessary clearances with the Government of Mexico, we deem it desirable to consolidate for consideration in Docket No. 13608 the available alternative possibilities for the use in a new community of both Channels 10 and 12. The comments filed in the instant proceeding (Docket No. 11759) which contain arguments favoring or opposing the assignment of Channel 12 to particular communities (Santa Barbara, Santa Maria, and Lompoc-Santa Maria were mentioned), will be further considered and dealt with in Docket No. 13608.

16. We now direct attention to the comments filed herein by Triangle. Triangle is now licensed for operation on Television Station KFRE–TV, Channel 12 at Fresno. Triangle's transmitter is located some 30 miles northeast of

Fresno at Meadow Lake. In its pleadings, Triangle recognizes that the Commission's proposal for deintermixture of Fresno is fully consistent with its long-range allocations policy; and that the deletion of Channel 12 and the substitution of Channel 30 may well be in the public interest. It further acknowledges that it can operate on Channel 30 and provide a good signal to the residents of Fresno and the surrounding area. Triangle urges prompt and speedy effectuation of the Commission's all-UHF plan; and it consents to shift its operation to Channel 30.

17. Triangle attaches four conditions to its construction of Channel 30+ facilities and the abandonment of its procedural rights relating to its continued operation on Channel 12. First, Triangle requests that its license for KFRE–TV be renewed, on Channel 30 (instead of on Channel 12, as previously specified in its application for renewal, BRCT–265), subject to certain steps appropriate to the issuance of authorization to Triangle to make necessary changes in transmitting equipment and related facilities. We herein: (1) grant Triangle's pending application for renewal of license on Channel 12+; (2) order, pursuant to Triangle's expression of consent, that, effective immediately, the renewed license be modified to specify operation on Channel 30+ in lieu of Channel 12+; and (3) authorize and direct Triangle to make necessary changes in transmitting equipment and other facilities upon the submission and approval of necessary engineering specifications.

18. Second, Triangle requests a waiver of § 3.685(c) of the Commission's rules to permit utilization of a directional antenna, the general specification for the same having been set forth in its Engineering Statement of April 29, 1960. We have examined Figure 8, which shows the potential power gain in db in the horizontal plane for a station operating on Channel 30 and utilizing "beam tilting" as shown on this Figure. We find the ratio of minimum to maximum radiation in the horizontal plane to be substantially less than 10 decibels and, therefore, in accord with the Commission's rules. Under these circumstances, a waiver of our rules, as requested by Triangle, will not be necessary.

19. Third, it requests "that Triangle be authorized to continue to operate KFRE–TV with its presently authorized Channel 12 facilities until such time as the construction and installation of the UHF facilities shall have been completed and licensed for regular operation on Channel 30 or 18, and for such further time as the Commission may deem desirable and in the public interest * * *". We are of the view that Triangle should be allowed to operate on Channel 12+ during such reasonable time as may be required to complete construction on Channel 30+; and we herein grant temporary authority for this purpose. This will provide a continuity of service to the public and be in the public interest. We are of the further view, however, that once construction of the station has been completed and it is readied for operation on Channel 30+, and Triangle is licensed for operation on the same, it would not be in the public interest for Triangle to continue to utilize Channel 12+ at Fresno.

20. Fourth, Triangle requests that upon cessation of KFRE–TV's operation on Channel 12+, that channel be deleted from Fresno and no other channel be assigned to the area, so that the area will continue to be all-UHF. Our actions herein, including the deletion of Channel 12+ from Fresno, the reassignment of Channel 30+ to Fresno, and the steps initiated toward KFRE's shift from Channel 12+ to Channel 30+ all rest upon our considered judgment, after several years of continuing study of the matter in this proceeding, that the public interest would best be served by placing all television operations at Fresno in the UHF band. The merits of this course have been subjected to more than the usual amount of painstaking consideration, including detailed proceedings inaugurated in July 1959, in which we very closely examined the alternative course of providing enough VHF channel assignments at Fresno to accommodate three commercial stations and one noncommercial station there. Having arrived at this point of final decision on the basis of such thorough review of all available alternatives, we foresee no prospect of recurring to VHF channel assignments at Fresno, except in the highly improbable circumstance of the abandonment of the use of UHF channels for television broadcasting.

21. We do not, in any event, having gone to some lengths to deintermix this market, contemplate again intermixing the market by the assignment of VHF channels there. These circumstances, we believe, furnish the assurances sought by Triangle concerning the possibilities of the future assignment of one or more VHF channels to Fresno. It would, of course, be improper for the Commission, to attempt at any stage to make commitments binding for all time with respect to any particular allocation of frequency space. It is clear, moreover, that any attempt to place restraints upon responses by the Commission to future circumstances not now foreseen would be beyond the Commission's lawful powers. Subject to this clarification, the Commission is unaware at this stage of any circumstances which would make it desirable in the public interest, once having deintermixed this market, to intermix it again by the assignment to Fresno of one or more VHF channels.

22. The course of action projected in paragraphs 16 through 21 above conforms with the conditions attached by Triangle to its consent to the shift of KFRE–TV from Channel 12+ to Channel 30+. In embarking upon this course, we deem it appropriate to note that the steps contemplated thereunder are taken without prejudice to whatever measures the Commission might separately find it appropriate to take upon the conclusion of further inquiry into alleged practices of Triangle which raise questions concerning Triangle's compliance with section 317 and other provisions of the Communications Act of 1934 and the Commission's rules. Because of the importance we attach to minimizing further delay in deintermixing Fresno, we find that, notwithstanding the pendency of this other matter, it is in the public interest to proceed now as contemplated in paragraphs 16 to 21. The shift of KFRE from Channel 12+ to Channel 30+ at Fresno constitutes the final step necessary to deintermixing Fresno. Our actions taken and contemplated herein, which are directed to those objectives and are unrelated to the separate questions concerning Triangle's compliance with the Communications Act and the Commission's Rules, cannot affect such decisions or actions as the Commission may find it appropriate to take after all relevant facts relating to the latter have been established and considered.

23. The actions herein are taken pursuant to authority found in sections 4 (i) and (j), 303, 307, 309 and 316 of the Communications Act of 1934, as amended.

24. In view of the foregoing: *It is ordered*, That effective August 12, 1960, § 3.606 of the rules of the Commission, Table of Assignments, Television Broadcast Stations, is amended insofar as the communities named are concerned, to read as follows:

City	*Channel No.*
Fresno, Calif	*18—, 24, 30+, 47, 53
Madera, Calif	59

25. *It is further ordered*, That the application of Triangle Publications, Inc. (Radio and Television Division) for renewal of the license of KFRE–TV (BRCT–265) on Channel 12+ is granted; and,

26. *It is further ordered*, That, effective immediately, the aforesaid renewed license is modified to specify operation of KFRE–TV on Channel 30+ in lieu of Channel 12+, subject, however, to the filing and approval of necessary engineering data as hereinafter ordered; and,

27. *It is further ordered*, That Triangle Publications, Inc. (Radio and Television Division) file with the Commission on or before August 3, 1960, all necessary engineering data relative and pertinent to the construction of facilities for the operation of KFRE–TV on Channel 30+ at the site presently specified for the transmitter of Television Station KFRE–TV at Meadow Lake in accordance with the general specifications set forth in the Engineering Statement of April 29, 1960, attached to its Comments in the instant Docket, filed May 2, 1960; and,

28. *It is further ordered*, That, upon notification of approval by the Commission of the engineering data filed pursuant to paragraph 27 hereof, Triangle Publications, Inc. (Radio and Television Division) proceed promptly and with reasonable dispatch to take all steps necessary to construct and install the facilities so approved and ready them for commencement of operation of KFRE–TV on Channel 30+ no later than April 15, 1961, upon customary notification to the Commission of completion of construction and receipt of authorization to commence operations on Channel 30+; and,

29. *It is further ordered*, That Triangle Publications, Inc. (Radio and Television Division) be and hereby is granted temporary authority to continue to operate Television Station KFRE–TV on Channel 12+ at Fresno until April 15, 1961; and that the temporary authority granted herein shall not be extended unless it is shown that, owing to causes not within Triangle's control, it is impossible for Triangle to commence operation on Channel 30+ by that date; and further, that if such showing is made, this temporary authority for operation of KFRE–TV on Channel 12+ may be extended only for such further time as may be reasonably necessary to complete steps required for commencement of its operation on Channel 30+; and,

30. *It is further ordered*, That the pending applications of Triangle Publications, Inc. (Radio and Television Division) for renewal of the licenses for Auxiliary Stations KD–5052 (BRTP–328) and KMR–56 (BRTS–165) are granted; and,

31. *It is further ordered*, That the actions taken in paragraphs 25 through 30 hereof, shall be without prejudice to whatever measures the Commission may find it appropriate to take, if any, in connection with its pending inquiry into compliance by Triangle Publications, Inc. (Radio and Television Division) with section 317 of the Communications Act of 1934 and the Commission's rules; and,

32. *It is further ordered*, That all other proposals or requests for alternative or other relief sought herein which are inconsistent with the decisions reached and the actions taken in this proceeding are denied; and,

33. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 7, 1960.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6462; Filed, July 12, 1960; 8:51 a.m.]

[1] Dissenting statement of Commissioner Cross filed as part of the original document.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 19]

SMELTING AND REFINING WAREHOUSES

Withdrawal of Products From Bonded Smelting and Refining Warehouses

Notice is hereby given that, under the authority of section 312, Tariff Act of 1930, the Treasury Department is considering an amendment to § 19.18 of the Customs regulations relating to smelting and refining warehouses.

By the President's Proclamation No. 3267 of September 22, 1958 (3 CFR, 1958 Supp., p. 39; T.D. 54705), import quotas were established on dutiable lead and zinc, including the dutiable lead and zinc content of lead-bearing and zinc-bearing ores. So long as a quota is open such merchandise may be tendered for admission under the quota by filing with the appropriate collector of customs duty-paid consumption entries covering the imported merchandise, or in the case of such merchandise entered for storage in customs bonded warehouses of classes 2, 3, or 4 by filing with the collector withdrawals for consumption for the lead and zinc contained in the ores.

In the case of lead-bearing ores taken into a bonded smelting and refining warehouse, there to be smelted or refined, or both, special provision is made in the Proclamation (clause numbered (2) of item 391) that whenever in any three-month period beginning October 1, 1958, and January 1, April 1, July 1, and October 1 in any subsequent year:

> (2) The dutiable lead content (as shown on the warehouse withdrawal for consumption in accordance with the applicable customs regulations) of lead-bearing ores, flue dust, or mattes, the product of such country, with respect to which duty was collected under section 312 of the Tariff Act of 1930, upon withdrawal for consumption from customs bonded warehouse of "metal productible" within the meaning of the said section 312, are determined by the Secretary of the Treasury of the United States to have reached the aggregate quantity specified below for such country, no lead-bearing ores, flue dust, or mattes the product of such country may be entered, or withdrawn from warehouse, for consumption during the remainder of such period; and no article may be withdrawn for consumption from any customs bonded warehouse during the remainder of such period if by reason of such withdrawal duty would become collectible under section 312 of the Tariff Act of 1930 in cancellation of a bond charge covering any lead-bearing ore, flue dust, or matte the product of such country: * * *.

Similar provisions appear with respect to zinc-bearing ores.

The Department has not authorized the filing of warehouse withdrawals from bonded smelting warehouses of lead and zinc either for consumption or for exportation until the lead or zinc is in the form of a smelted or refined product.

It has been suggested to the Bureau of Customs that this procedure be modified by permitting withdrawals for consumption to be filed so long as there is on hand in the bonded smelter or refinery a quantity of metal contained in ores or crude metals in their condition as entered, or in any intermediate stage, or of smelted or refined products, which in total are equivalent to the quantity of metal covered by the withdrawal papers. Under this suggestion withdrawal papers would be accepted even though the total quantity of smelted or refined products physically on hand in the plant was less than the quantity specified in the withdrawal papers, provided however that the total metal in the plant in all forms, e.g., ores, intermediates and smelted and refined products, was at least as great as the quantity specified in the withdrawal.

It is proposed to amend § 19.18 of the Customs regulations by adding at the end of the last sentence the following: "However, duty-paid warehouse withdrawals for consumption may be filed with regard to metal which will be physically withdrawn in the form of smelted or refined products whether at the time of the filing of the withdrawal papers the dutiable metal covered by the bond charge being cancelled by the withdrawal is in the form of ores, concentrates, crude metals, or intermediate products. If the warehouse withdrawal for consumption covers a product which does not sustain the full wastage applicable (see § 19.22) prior to being physically released from customs custody, a proportionate part only of such wastage may be allowed. The warehouse withdrawal and delivery permit shall (1) describe the smelted or refined products to be withdrawn in terms of the condition in which they will be when released from customs custody upon presentation of the delivery permit; (2) state the estimated amount of the dutiable metal contained in the products, and (3) the warehouse withdrawal shall specify the applicable wastage. A quantity of dutiable metal equivalent to the smelted or refined products covered by each withdrawal for consumption must be actually on hand at the plant at the time of filing the withdrawals; but neither the actual ability to withdraw smelted or refined products from the warehouse nor the actual physical condition described in the withdrawal will be required as of the time of filing the withdrawal."

Prior to the final adoption of the amendment to the regulations herein proposed, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D.C., within 45 days from the date of publication of this notice in the FEDERAL REGISTER.

No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 7, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6475; Filed, July 12, 1960; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF FLORIDA GRAPEFRUIT [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Florida Grapefruit pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Proposed changes are designed to make the standards more applicable to current marketing practices. Following are the more important changes proposed:

(1) In the U.S. No. 1 Bright grade the amount of surface permitted to be affected by discoloration would be increased from one-tenth to one-fifth of the surface;

(2) The U.S. No. 1 Bronze grade would be changed to require that all fruit must show some discoloration and more than 30 percent of the fruit shall have more than one-third of the surface affected by discoloration. The predominating discoloration on each fruit must be of rust mite type;

(3) The U.S. No. 1 Russet grade would be changed to require that more than 30 percent of the fruit shall have in excess of one-third of the surface affected by any type of discoloration;

(4) In the U.S. No. 2 grade the definitions of shape and texture would be changed to require slightly better shape and texture; and,

(5) The Application of tolerances would be changed to permit any package which contains 10 pounds or less to have four times the tolerance for defects and at least two defective fruits would be permitted provided that the lot averages within the tolerance. En route or at destination 10 percent of the packages may have more than one fruit affected by decay provided that the lot averages within the tolerance.

A number of changes in definitions and phraseology are also proposed in the interest of clarity.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than August 1, 1960.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.750 U.S. Fancy.
51.751 U.S. No. 1.
51.752 U.S. No. 1 Bright.
51.753 U.S. No. 1 Golden.
51.754 U.S. No. 1 Bronze.
51.755 U.S. No. 1 Russet.
51.756 U.S. No. 2.
51.757 U.S. No. 2 Bright.
51.758 U.S. No. 2 Russet.
51.759 U.S. No. 3.

UNCLASSIFIED

51.760 Unclassified.

TOLERANCES

51.761 Tolerances.

APPLICATION OF TOLERANCES

51.762 Application of tolerances.

STANDARD PACK

51.763 Standard Pack.

DEFINITIONS

51.764 Similar varietal characteristics.
51.765 Well colored.
51.766 Firm.
51.767 Well formed.
51.768 Mature.
51.769 Smooth texture.
51.770 Injury.
51.771 Discoloration.
51.772 Fairly well colored.
51.773 Fairly smooth texture.
51.774 Damage.
51.775 Fairly firm.
51.776 Slightly misshapen.
51.777 Slightly rough texture.
51.778 Serious damage.
51.779 Slightly colored.
51.780 Misshapen.
51.781 Slightly spongy.
51.782 Very serious damage.
51.783 Diameter.

AUTHORITY: §§ 51.750 to 51.783 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.750 U.S. Fancy.

"U.S. Fancy" consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface in the aggregate may be affected by discoloration. (See § 51.761.)

§ 51.751 U.S. No. 1.

"U.S. No. 1" consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin, or similar type of discoloration, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, dirt or other foreign materials, dryness or mushy condition, green or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-third of the surface in the aggregate may be affected by discoloration. (See § 51.761.)

§ 51.752 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that the fruit may have not more than one-fifth of its surface, in the aggregate affected by discoloration. (See § 51.761.)

§ 51.753 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected by discoloration. (See § 51.761.)

§ 51.754 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration, and more than 30 percent, by count, of the fruit shall have more than one-third of the surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit must be of rust mite type. (See § 51.761.)

§ 51.755 U.S. No. 1 Russet.

The requirements of this grade are the same as for U.S. No. 1 except that more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by any type of discoloration. (See § 51.761.)

§ 51.756 U.S. No. 2.

"U.S. No. 2" consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or of slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks and free from serious damage, caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness, or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) In this grade not more than one-half of the surface in the aggregate, may be affected by discoloration. (See § 51.761.)

§ 51.757 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.761.)

§ 51.758 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface in the aggregate affected by discoloration. (See § 51.761.)

§ 51.759 U.S. No. 3.

"U.S. No. 3" consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.761.)

UNCLASSIFIED

§ 51.760 Unclassified.

"Unclassified" consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) *U.S. No. 1 and U.S. No. 1 Bright Grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent,

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

shall be allowed for decay enroute or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(c) *U.S. No. 1 Golden and U.S. No. 1 Bronze Grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 3½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(d) *U.S. No. 1 Russet Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface in the aggregate affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) *U.S. No. 2 and U.S. No. 2 Bright Grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the friuts in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(f) *U.S. No. 2 Russet Grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(g) *U.S. No. 3 Grade.* 15 percent of the fruits in any lot may fail to meet the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

Application of Tolerances

§ 51.762 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less, shall have not more than four times the tolerances specified, except that at least defective fruits may be permitted: *Provided*, That not more than one fruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package; and en route or at destination not more than 10 percent of the packages may have more than one fruit affected by decay.

Standard Pack

§ 51.763 Standard pack.

(a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes or cartons, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages. When grapefruits are packed in standard nailed boxes, each box shall have a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only have a bulge of 1½ inches. When packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container are outside the ranges of diameters given in the following table for various packs:

TABLE I—DIAMETER IN INCHES

Pack	Minimum	Maximum
36's	5	5⅝
45's or 48's	4 11/16	5⅛
54's or 56's	4⅜	4 15/16
64's	4⅛	4 13/16
70's or 72's	3 15/16	4⅜
80's	3 13/16	4⅛
96's	3⅝	4 1/16
112's	3⅜	4
126's or 126's	3 5/16	3 15/16

(d) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

64 size and smaller—not more than 9/32 inch in diameter.

54 size and larger—not more than 5/16 inch in diameter.

(e) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

Definitions

§ 51.764 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.765 Well colored.

"Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.766 Firm.

"Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.767 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.768 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.16, 601.17 and 601.18 of the Florida Citrus Code of 1949, as amended (Ch. 28090 and 29760, Laws of Florida, 1953 and 1955) or as the definition of such term may hereafter be amended.

§ 51.769 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.770 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as injury:

(a) Green spots or oil spots, when more than slightly detracting from the appearance of the fruit.

(b) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on the other portions of the fruit;

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches when the injury is not slight, not well healed, or more unsightly than the discoloration allowed in the grade.

§ 51.771 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.772 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.773 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.774 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

(a) Ammoniation, when not occurring as light speck type similar to melanose;

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Green spots or oil spots, when more than materially detracting from the appearance of the fruit;

(d) Scab when it cannot be classed as discoloration or materially detracts from the shape or texture;

(e) Scale, when occurring as a blotch and its size exceeds the area of a circle ¾ inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1¼ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch ¾ inch in diameter or a ring 1¼ inches in diameter on a 70-size grapefruit;

(f) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(g) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is materially flattened, dry, darkened or hard; and,

(h) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregated area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.775 Fairly firm.

"Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.776 Slightly misshapen.

"Slightly misshapen" means that the fruit has fairly good shape characteristic of the variety and is not more than slightly elongated or pointed or otherwise deformed.

§ 51.777 Slightly rough texture.

"Slightly rough texture" means that the skin may be slightly thick but not excessively thick, materially ridged or grooved.

§ 51.778 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and aggregating more than one-half inch in diameter, or when light colored and aggregating more than one inch in diameter;

(b) Buckskin when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed;

(c) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when the aggregate area exceeds the area of a circle one inch in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(e) Scab when it cannot be classed as discoloration, or when seriously detracting from the shape of texture;

(f) Scale, when occurring as a blotch and its size exceeds the area of a circle one inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1½ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch one inch in diameter or a ring 1½ inches in diameter on a 70-size grapefruit;

(g) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Sprayburn which seriously detracts from the appearance of the fruit, or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration;

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.779 Slightly colored.

"Slightly colored" means that except for two inches in the aggregate of green color, the remainder of the fruit surface shows some yellow color.

§ 51.780 Misshapen.

"Misshapen" means that the fruit is decidedly elongated, pointed, or flat sided.

§ 51.781 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.782 Very serious damage.

"Very serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks, when not healed;

(d) Caked melanose when more than 25 percent in the aggregate of the surface of the fruit is caked.

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Dryness or mushy condition when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(g) Scab when aggregating more than 25 percent of the surface;

(h) Scale when covering more than 20 percent of the surface;

(i) Sprayburn when seriously affecting more than one-third of the fruit surface;

(j) Sunburn when seriously affecting more than one-third of the fruit surface; and,

(k) Thorn punctures when not healed or the fruit is seriously weakened.

§ 51.788 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

Dated: July 8, 1960.

F. R. BURKE,
Acting Deputy Administrator,
Marketing Service.

[F.R. Doc. 60-6497; Filed, July 12, 1960; 8:51 a.m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF FLORIDA ORANGES AND TANGELOS [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140 to 51.1186) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Proposed changes are designed to make the standards more applicable to current marketing practices. Following are the more important changes proposed:

(1) In the U.S. No. 1 Bright grade the amount of surface permitted to be affected by discoloration would be increased from one-tenth to one-fifth of the surface;

(2) The U.S. No. 1 Bronze grade would be changed to require that all fruit must show some discoloration, and more than 50 percent of the fruit shall have more than one-third of the surface affected by discoloration. The predominating discoloration on each fruit must be of rust mite type;

(3) The U.S. No. 1 Russet grade would be changed to require that more than 30 percent of the fruit shall have in excess of one-third of the surface affected by any type of discoloration; and,

(4) The Application of Tolerances would be changed to permit any package which contains 10 pounds or less to have four times the tolerance for defects and at least two defective fruits would be permitted, provided that the lot averages within tolerance. En route or at destination 10 percent of packages may have two fruits or 6 percent (whichever is the larger amount) affected by decay, provided that the lot averages within the tolerance.

A number of changes in definitions and phraseology are also proposed in the interest of clarity.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than August 1, 1960.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.1140 General.

GRADES

51.1141 U.S. Fancy.
51.1142 U.S. No. 1 Bright.
51.1143 U.S. No. 1.
51.1144 U.S. No. 1 Golden.
51.1145 U.S. No. 1 Bronze.
51.1146 U.S. No. 1 Russet.
51.1147 U.S. No. 2 Bright.
51.1148 U.S. No. 2.
51.1149 U.S. No. 2 Russet.
51.1150 U.S. No. 3.

UNCLASSIFIED

51.1151 Unclassified.

TOLERANCES

51.1152 Tolerances.

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STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

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51.1177 Maximum anhydrous citric acid permissible for corresponding total soluble solids.
51.1178 Method of juice extraction.

AUTHORITY: §§ 51.1140 to 51.1178 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GENERAL

§ 51.1140 General.

The standards contained in this subpart apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines, and to the citrus fruit commonly known as "tangelo"—a hybrid between tangerine or mandarin orange (citrus reticulata) with either the grapefruit of pomelo (C. paradisi and C. grandis). Separate U.S. Standards apply to tangerines. The standards for internal quality contained in §§ 51.1175 through 51.1178 apply only to common sweet oranges (citrus sinensis (L) Osbeck).

GRADES

§ 51.1141 U.S. Fancy.

"U.S. Fancy" consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and are free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected by discoloration. (See § 51.1152.)

(b) If any lot of U.S. Fancy fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1142 U.S. No. 1 Bright.

The requirements for this grade are the same as for U.S. No. 1 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. Bright fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1143 U.S. No. 1.

"U.S. No. 1" consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Oranges of the early and mid-season varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface, in the aggregate, may be affected by discoloration. (See § 51.1152.)

(d) If any lot of U.S. No. 1 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1144 U.S. No. 1 Golden.

The requirements for this grade are the same as for U.S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected by discoloration. (See § 51.1152).

(a) If any lot of U.S. No. 1 Golden fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1145 U.S. No. 1 Bronze.

The requirements of this grade are the same as for U.S. No. 1 except that all fruit must show some discoloration, and more than 30 percent, by count, of the fruit shall have more than one-third of the surface, in the aggregate, affected by discoloration. The predominating discoloration on each fruit must be of rust mite type. (See § 51.1152.)

(a) If any lot of U.S. No. 1 Bronze fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1146 U.S. No. 1 Russet.

The requirements of this grade are the same as for U.S. No. 1 except that more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected by any type of discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 1 Russet fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1147 U.S. No. 2 Bright.

The requirements for this grade are the same as for U.S. No. 2 except that no fruit may have more than one-fifth of its surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 2 Bright fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1148 U.S. No. 2.

"U.S. No. 2" consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed; decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab; scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface, in the aggregate, may be affected by discoloration. (See § 51.1152.)

(c) If any lot of U.S. No. 2 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1149 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected by discoloration. (See § 51.1152.)

(a) If any lot of U.S. No. 2 Russet fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

§ 51.1150 U.S. No. 3.

"U.S. No. 3" consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness, or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.1152.)

(b) If any lot of U.S. No. 3 fruit also meets the internal specifications of "U.S. Grade AA Juice (Double A)" or "U.S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1175–51.1178.)

UNCLASSIFIED

§ 51.1151 Unclassified.

"Unclassified" consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1152 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(b) *U.S. No. 1 grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

(c) *U.S. No. 1 Bright grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(d) *U.S. No. 1 Golden and U.S. No. 1 Bronze grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected by discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentages specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) *U.S. No. 1 Russet grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(f) *U.S. No. 2 and U.S. No. 2 Bright grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(g) *U.S. No. 2 Russet grade.* 10 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected by discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(h) *U.S. No. 3 grade.* 15 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

Application of Tolerances

§ 51.1153 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less, shall have not more than four times the tolerances specified, except that at least two defective fruits may be permitted: *Provided*, That not more than one fruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package; and en route or at destination not more than 10 percent of the packages may have more than two fruits or more than 6 percent (whichever is the larger amount) affected by decay.

Standard Pack

§ 51.1154 Standard pack.

(a) Fruit shall be fairly uniform in size, unless specified as uniform in size. When packed in boxes, fruit shall be arranged according to the approved and recognized methods and shall meet the applicable standard size requirements of this section. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard 1⅝ bushel nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(d) "Standard size" means that not more than 10 percent, by count, of the fruits in any container are below the minimum diameters given in the applicable one of the following Tables 1, 2, 3 and 4 for the various packs, types of fruit, and size of boxes:

Table 1

Oranges other than Temples, packed in 1⅗ bushel boxes:

Size and count:	*Minimum diameter in inches*
96's	3⅝
125's or 126's	3⅜
150's	3
175's or 176's	2¹⅞
216's	2¹¹⁄₁₆
252's	2⅝
288's or 294's	2⅝
324's	2⅜

Table 2

Temple oranges and tangelos packed in ⅘ bushel regular, wirebound boxes:

Size and count:	*Minimum diameter in inches*
56's	3⅝
64's	3⅜
72's	3⅛
80's	3
96's	2¹⅞
125's	2⅝
150's	2⅝
175's	2⅜

Table 3

Temple oranges and tangelos packed in ⅘ bushel flat, wirebound boxes:

Size and count:	*Minimum diameter in inches*
64's	3⅝
66's	3⅜
80's	3
90's	2¹⅞
100's	2¹¹⁄₁₆
108's	2¹¹⁄₁₆
120's	2⅝
130's	2⅝
156's	2⅜

Table 4

Temple oranges and tangelos packed in ⅘ bushel half-strap boxes:

Size and count:	*Minimum diameter in inches*
48's	3⅝
60's	3⅜
76's	3⅛
90's	2¹⅞
106's	2¹¹⁄₁₆
120's	2⅝
144's	2⅜
168's	2⅛

(e) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) Five-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1⅗ bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in ⅘ bushel boxes; and,

(2) Six-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1⅗ bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in ⅘ bushel boxes.

(f) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

(1) Four-sixteenths inch in diameter for 150 size and smaller oranges, other than Temples, packed in 1⅗ bushel boxes, and for 76 size and smaller Temple oranges and tangelos packed in ⅘ bushel boxes; and,

(2) Five-sixteenths inch in diameter for 126 size and larger oranges, other than Temples, packed in 1⅗ bushel boxes, and for 72 size and larger Temple oranges and tangelos packed in ⅘ bushel boxes.

(g) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

Definitions

§ 51.1155 Similar varietal characteristics.

"Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.1156 Well colored.

"Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1157 Firm.

"Firm" as applied to common oranges and tangelos means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), "firm" means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1158 Well formed.

"Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1159 Mature.

(a) "Mature," for other than Temple oranges, shall have the same meaning currently assigned that term in sections 601.19 and 601.20 of the Florida Citrus Code of 1949, as amended (Ch. 25149, Laws of Florida, 1949) or as the definition of such term may hereafter be amended;

(b) "Mature" for Temple oranges shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (Ch. 26492, Laws of Florida, 1951) or as the definition of such term may hereafter be amended; and,

(c) "Mature" for tangelos shall have the same meaning currently assigned that term in sections 601.231 and 601.232 of the Florida Citrus Code of 1949, as amended (Ch. 29757, Laws of Florida, 1955) or as the definition of such term may hereafter be amended.

§ 51.1160 Smooth texture.

"Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1161 Injury.

"Injury" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which slightly detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as injury:

(a) Green spots or oil spots when more than slightly detracting from the appearance of the individual fruit;

(b) Rough and excessively wide or protruding navels when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(c) Scale when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(e) Thorn scratches when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.1162 Discoloration.

"Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may detract from the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1163 Fairly smooth texture.

"Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1164 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

(a) Ammoniation when not occurring as light speck type similar to melanose;

(b) Creasing when causing the skin to be materially weakened;

(c) Dryness or mushy condition when affecting all segments of the fruit more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the number or area permitted on an orange 3 inches in diameter;

(e) Scab when it cannot be classed as discoloration, or materially detracts from the shape or texture;

(f) Scale when occurring as a blotch and its size exceeds the area of a circle five-eighths inch in diameter on an orange 3 inches in diameter. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which detracts from the appearance to a greater extent than a blotch five-eighths inch in diameter on an orange 3 inches in diameter;

(g) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Split or rough or protruding navels when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(i) Sunburn when the area affected exceeds 25 percent of the fruit surface, or when the skin is materially flattened, dry, darkened, or hard;

(j) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(k) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1165 Fairly well colored.

"Fairly well colored" means that, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter, the yellow or orange color predominates over the green color.

§ 51.1166 Reasonably well colored.

"Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate.

§ 51.1167 Fairly firm.

"Fairly firm" as applied to common oranges and tangelos, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1168 Slightly misshapen.

"Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1169 Slightly rough texture.

"Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1170 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(b) Buckskin when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(c) Creasing when so deep or extensive that the skin is seriously weakened;

(d) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(e) Green spots or oil spots when seriously detracting from the appearance of the individual fruit;

(f) Scab when it cannot be classed as discoloration, or when seriously detracting from the shape or texture;

(g) Scale when it seriously detracts from the appearance of the individual fruit;

(h) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(i) Split or rough or protruding navels when any split is unhealed, or one well-healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(j) Sprayburn which seriously detracts from the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(l) Thorn scratches when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches, when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(m) Undeveloped or sunken segments in navel oranges when such segments are so sunken or undeveloped that they are readily noticeable; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1171 Misshapen.

"Misshapen" means that the fruit is decidely elongated, pointed or flat-sided.

§ 51.1172 Slightly spongy.

"Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1173 Very serious damage.

"Very serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks when not healed;

(d) Caked melanose when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(e) Buckskin when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Creasing when so deep or extensive that the skin is very seriously weakened;

(g) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(h) Scab when aggregating more than 25 percent of the surface of the fruit;

(i) Scale when covering more than 20 percent of the surface of the fruit;

(j) Split navels when not healed or the fruit is seriously weakened;

(k) Sprayburn when seriously affecting more than one-third of the fruit surface;

(l) Sunburn when seriously affecting more than one-third of the fruit surface;

(m) Thorn punctures when not healed or the fruit is seriously weakened; and,

(n) Riciness or woodiness when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1174 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.1175 U.S. Grade AA Juice (Double A).

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1177.

§ 51.1176 U.S. Grade A Juice.

Any lot of oranges, the juice content of which meets the following requirements, may be designated "U.S. Grade A Juice":

(a) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the permissible maximum acid specified in Table 5 of § 51.1177.

§ 51.1177 Maximum anhydrous citric acid permissible for corresponding total soluble solids.

For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table 5 together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE 5

Total soluble solids (average percent)	Maximum anhydrous citric acid (average percent)	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50-1
9.1	.963	9.45-1
9.2	.979	9.40-1
9.3	.995	9.35-1
9.4	1.011	9.30-1
9.5	1.027	9.25-1
9.6	1.043	9.20-1
9.7	1.060	9.15-1
9.8	1.077	9.10-1
9.9	1.094	9.05-1
10.0	1.111	9.00-1
10.1	1.128	8.95-1
10.2	1.146	8.90-1
10.3	1.164	8.85-1
10.4	1.182	8.80-1
10.5	1.200	8.75-1
10.6	1.218	8.70-1
10.7	1.237	8.65-1
10.8	1.256	8.60-1
10.9	1.275	8.55-1
11.0	1.294	8.50-1
11.1	1.306	8.50-1
11.2	1.318	8.50-1
11.3	1.329	8.50-1
11.4	1.341	8.50-1
11.5	1.353	8.50-1
11.6	1.365	8.50-1
11.7	1.376	8.50-1
11.8	1.388	8.50-1
11.9	1.400	8.50-1
12.0	1.412	8.50-1
12.1	1.424	8.50-1
12.2	1.435	8.50-1
12.3	1.447	8.50-1
12.4	1.459	8.50-1
12.5	1.471	8.50-1
12.6	1.482	8.50-1
12.7	1.494	8.50-1
12.8	1.506	8.50-1
12.9	1.517	8.50-1
13.0	1.530	8.50-1
13.1	1.541	8.50-1
13.2	1.553	8.50-1
13.3	1.565	8.50-1
13.4	1.576	8.50-1
13.5	1.588	8.50-1
13.6	1.600	8.50-1
13.7	1.612	8.50-1
13.8	1.624	8.50-1
13.9	1.635	8.50-1
14.0	1.647	8.50-1
14.1	1.659	8.50-1
14.2	1.671	8.50-1
14.3	1.682	8.50-1
14.4	1.694	8.50-1
14.5	1.705	8.50-1
14.6	1.718	8.50-1
14.7	1.729	8.50-1
14.8	1.741	8.50-1
14.9	1.753	8.50-1
15.0	1.765	8.50-1
15.1	1.776	8.50-1
15.2	1.788	8.50-1
15.3	1.800	8.50-1
15.4	1.812	8.50-1
15.5	1.824	8.50-1
15.6 or more		8.50-1

§ 51.1178 Method of juice extraction.

The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of cheese cloth of sufficiently fine mesh to prevent the passage through it of juice cells, pulp or seeds.

Dated: July 8, 1960.

F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-6485; Filed, July 12, 1960; 8:51 a.m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF FLORIDA TANGERINES [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Florida Tangerines (7 CFR §§ 51.1810 to 51.1836) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed changes are designed to make the standards more applicable to current marketing practices. Following are the important changes proposed:

(1) In the U.S. No. 1 grade a new definition of "fairly well colored" increases the amount of green color permitted and requires the remainder of the surface to have yellow or better ground color with some tangerine blush; and,

(2) The Application of Tolerances would be changed to permit any package which contains 10 pounds or less to have four times the tolerance for defects and at least two defective fruits would be permitted provided that the lot averages within the tolerance.

A number of changes in definitions and phraseology are also proposed in the interest of clarity.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than August 1, 1960.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.1810 U.S. Fancy.
51.1811 U.S. No. 1.
51.1812 U.S. No. 1 Bronze.
51.1813 U.S. No. 1 Russet.
51.1814 U.S. No. 2.
51.1815 U.S. No. 2 Russet.
51.1816 U.S. No. 3.

UNCLASSIFIED

51.1817 Unclassified.

TOLERANCES

51.1818 Tolerances.

APPLICATION OF TOLERANCES

51.1819 Application of tolerances.

STANDARD PACK

51.1820 Standard pack.

DEFINITIONS

Sec.
51.1821 Mature.
51.1822 Firm.
51.1823 Well formed.
51.1824 Damage.
51.1825 Highly colored.
51.1826 Discoloration.
51.1827 Fairly well colored.
51.1828 Bronzed russeting.
51.1829 Fairly firm.
51.1830 Fairly well formed.
51.1831 Serious damage.
51.1832 Reasonably well colored.
51.1833 Very serious damage.
51.1834 Diameter.

AUTHORITY: §§ 51.1810 to 51.1834 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.1810 U.S. Fancy.

"U.S. Fancy" consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be highly colored.

(b) In this grade not more than one-tenth of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1818.)

§ 51.1811 U.S. No. 1.

"U.S. No. 1" consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be fairly well colored.

(b) In this grade not more than one-third of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1818.)

§ 51.1812 U.S. No. 1 Bronze.

The requirements for this grade are the same as for U.S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with bronzed russeting: *Provided,* That no discoloration that ex-

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

ceeds the amount allowed in the U.S. No. 1 grade shall be permitted unless such discoloration is caused by thrip, wind scars, or rust mite. (See § 51.1818.)

§ 51.1813 U.S. No. 1 Russet.

The requirements for this grade are the same as for U.S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected by discoloration. (See § 51.1818.)

§ 51.1814 U.S. No. 2.

"U.S. No. 2" consists of tangerines which are mature, fairly firm, and fairly well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from serious damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be reasonably well colored.

(b) In this grade not more than two-thirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when the fruit has lighter or darker shades of discoloration. (See § 51.1818.)

§ 51.1815 U.S. No. 2 Russet.

The requirements for this grade are the same as for U.S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected by light brown discoloration. (See § 51.1818.)

§ 51.1816 U.S. No. 3.

"U.S. No. 3" consists of tangerines which are mature, not flabby and not seriously lumpy, and which are free from unhealed bird pecks, unhealed skin-breaks, and decay, and free from very serious damage caused by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means. (See § 51.1818.)

UNCLASSIFIED

§ 51.1817 Unclassified.

"Unclassified" consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1818 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. Fancy, U.S. No. 1, U.S. No. 1 Bronze, U.S. No. 1 Russet, U.S. No. 2 and U.S. No. 2 Russet grades.* 10 percent of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, 10 percent of the fruits in any lot may fail to meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

(b) *U.S. No. 3 grade.* 15 percent of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifteenth of the tolerance, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

APPLICATION OF TOLERANCES

§ 51.1819 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(a) A package which contains more than 10 pounds shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(b) A package which contains 10 pounds or less shall have not more than four times the tolerance specified, except that at least two defective fruits may be permitted: *Provided*, That not more than one decayed or very seriously damaged fruit shall be allowed in any package.

STANDARD PACK

§ 51.1820 Standard pack.

The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size", as, for example, "210's", or "210 size". Containers which are not so marked shall not be regarded as meeting requirements of "standard pack".

(a) Fruit in each container shall be of a size not less than the minimum diameters specified in Table I for the various packs. Packs other than those listed shall have a minimum diameter not less than that specified for the nearest count.

TABLE I

Pack:	Diameter in inches (minimum)
100	2 15/16
120	2 11/16
150	2 5/16
176	2 1/16
210	2 1/16
246	2 1/16
294	2

(b) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruits in any lot may be below the minimum size for the count as specified in Table I.

DEFINITIONS

§ 51.1821 Mature.

"Mature" shall have the same meaning currently assigned that term in sections 601.21 and 601.22 of the Florida Citrus Code of 1949, as amended (Ch. 26492, Laws of Florida, 1951) or as the definition of such term may hereafter be amended.

§ 51.1822 Firm.

"Firm" means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1823 Well formed.

"Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1824 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as damage:

(a) Ammoniation when it is not speck-type similar to melanose, provided that no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade;

(b) Creasing when it materially detracts from the appearance or shipping quality of the fruit;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occuring in any portion of the fruit;

(d) Green spots or oil spots when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting when materially detracting from the appearance or shipping quality of the individual fruit;

(f) Scale when occuring as a blotch and the aggregate area exceeds the area of a circle three-eighths inch in diameter, or any scale that detracts from the appearance of the individual fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discolored area caused by scale;

(g) Sprayburn when causing the skin to become hard or when it materially detracts from the appearance of the fruit;

(h) Sunburn when causing the skin to become hard or when it materially detracts from the appearance of the fruit;

(i) Unsightly discoloration when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance;

(j) Buckskin when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U.S. 1 grade is not permitted in the U.S. No 1 Bronze grade;

(l) Scars when not smooth, or when causing any noticeable depression, or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade; and,

(m) Scab when not smooth, or when it affects shape, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U.S. 1 grade is not permitted in the U.S. No. 1 Bronze grade.

§ 51.1825 Highly colored.

"Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1826 Discoloration.

"Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area: *Provided*, That no discoloration may detract from the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U.S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U.S. No. 1 grade. (§ 51.1828.)

§ 51.1827 Fairly well colored.

"Fairly well colored" means that the surface of the fruit may have green color which does not exceed the aggregate area of a circle 1¼ inches in diameter and that the remainder of the surface has a yellow or better ground color with some portion of the surface showing reddish tangerine blush.

§ 51.1828 Bronzed russeting.

"Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc., are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U.S. No. 1 grade and are not permitted in the U.S. No. 1 Bronze grade.

§ 51.1829 Fairly firm.

"Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1830 Fairly well formed.

"Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1831 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Ammoniation when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;

(b) Creasing when it causes the skin to be seriously weakened;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting when seriously detracting from the appearance or shipping quality of the fruit;

(f) Scale when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;

(g) Sprayburn when it has caused the skin to become hard, or when it seriously detracts from the appearance of the fruit;

(h) Sunburn when it has caused the skin to become hard or when if seriously detracts from the appearance of the fruit;

(i) Unsightly discoloration when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;

(j) Buckskin when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(l) Scars when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U.S. No. 2 or U.S. No. 2 Russet grades; and,

(m) Scab when not fairly smooth or when it materially detracts from the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 51.1832 Reasonably well colored.

"Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1833 Very serious damage.

"Very serious damage" means any specific defect described in this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which very seriously detracts from the appearance, or the edible or shipping quality of the fruit. The following specific defects shall be considered as very serious damage:

(a) Ammoniation when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation;

(b) Creasing when causing the skin to be seriously weakened;

(c) Dryness or mushy condition when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Pitting when it very seriously detracts from the appearance or the shipping quality of the fruit;

(e) Scale when it very seriously detracts from the appearance of the fruit;

(f) Sprayburn when it very seriously detracts from the appearance of the fruit;

(g) Sunburn when it very seriously detracts from the appearance of the fruit;

(h) Unsightly discoloration when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(i) Melanose when caked to the extent that the appearance of the fruit is very seriously affected;

(j) Scars when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(k) Scab when it causes the fruit to be very seriously injured.

§ 51.1834 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end.

Dated: July 8, 1960.

F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 60-6485; Filed, July 12, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 608]

[Airspace Docket No. 60-WA-176]

RESTRICTED AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.43 of the regulations of the Administrator, the substance of which is stated below.

The Wilmington, Ohio, Restricted Area (R-109), is an area of 2,383 square miles located southeast of Dayton and southwest of Columbus, Ohio. Time of use is designated as continuous, and the designated altitude extends from the surface to unlimited. It is designated for the purpose of intensive instrument and experimental training, although actual operations therein consist primarily of research and development flight tests. The Federal Aviation Agency has under consideration modification of the boundary of Restricted Area R-109 as follows: Beginning at latitude 39°30'00" N., longitude 83°02'00" W.; thence to latitude 38°48'30" N., longitude 83°02'00" W.; thence to latitude 38°58'30" N., longitude 84°05'00" W.; thence to latitude 39°15'45" N., longitude 84°05'00" W.; thence to latitude 39°30'00" N., longitude 83°47'00" W.; thence to point of beginning. This area would be divided by a line from west to east extending from latitude 39°12'30" N., longitude 84°05'00" W.; to latitude 39°08'20" N., longitude 83°02'00" W. The area south of this line would be designated as Restricted Area R-109 and would extend from the surface to Flight Level 600 during the period from 0800 to 2200 EST, Monday through Saturday. The area would encompass 1,098 square miles. The area north of this line would be designated as Restricted Area R-109A and would extend from 3,000 feet MSL to Flight Level 600 during the period from 0800 to 2200 EST, Monday through Saturday. The area would encompass 1,140 square miles. This reduction in size and modification of configuration of the Wilmington, Ohio, Restricted Area (R-109) is the result of a review of the requirements of Wright Air Development Center and other users of the airspace in the Dayton/Columbus/Wilmington area. It would result in a reduction of 145 square miles of reserved airspace and a reduction of approximately 58% in the time of use of the present restricted area. This would provide adequate protection for aircraft conducting flight test activities for Wright Air Development Center, Dayton, Ohio, and would furnish maximum availability of the area for use by other aircraft.

If these actions are taken, the Wilmington, Ohio, Restricted Areas (R-109) and (R-109A) would be designated as follows:

1. Wilmington, Ohio, Restricted Area (R-109) (Huntington Chart)

Description by geographical coordinates. Beginning at latitude 39°08' 20" N., longitude 83°02'00" W., thence to latitude 38°48'30" N., longitude 83°02'00" W., thence to latitude 38°58'30" N., longitude 84°05'00" W., thence to latitude 39°12'30" N., longitude 84°05'00" W., thence to the point of beginning.

Designated altitudes. Surface to Flight Level 600.

Time of designation. 0800 to 2200 EST, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center.

2. Wilmington, Ohio, Restricted Area (R-109A) (Huntington Chart)

Description by geographical coordinates. Beginning at latitude 39°30'00" N., longitude 84°05'00" W.; thence to latitude 39°15'45" N., longitude 84°05'00" W.; thence to latitude 39°30'00" N., longitude 83°47'00" W.; thence to point of beginning. This area would be divided by a line from west to east extending from latitude 39°12'30" N., longitude 84°05'00" W.; to latitude 39°08'20" N., longitude 83°02'00" W. The area south of this line would be designated as Restricted Area R-109 and would extend from the surface to Flight Level 600 during the period from 0800 to 2200 EST, Monday through Saturday. The area would encompass 1,098 square miles. The area north of this line would be designated as Restricted Area R-109A and would extend from 3,000 feet MSL to Flight Level 600 during the period from 0800 to 2200 EST, Monday through Saturday. The area would encompass 1,140 square miles. This reduction in size and modification of configuration of the Wilmington, Ohio, Restricted Area (R-109) is the result of a review of the requirements of Wright Air Development Center and other users of the airspace in the Dayton/Columbus/Wilmington area. It would result in a reduction of 145 square miles of reserved airspace and a reduction of approximately 58% in the time of use of the present restricted area. This would provide adequate protection for aircraft conducting flight test activities for Wright Air Development Center, Dayton, Ohio, and would furnish maximum availability of the area for use by other aircraft.

If these actions are taken, the Wilmington, Ohio, Restricted Areas (R-109) and (R-109A) would be designated as follows:

1. Wilmington, Ohio, Restricted Area (R-109) (Huntington Chart)

Description by geographical coordinates. Beginning at latitude 39°08' 20" N., longitude 83°02'00" W., thence to latitude 38°48'30" N., longitude 83°02'00" W., thence to latitude 38°58'30" N., longitude 84°05'00" W., thence to latitude 39°12'30" N., longitude 84°05'00" W., thence to point of beginning.

Designated altitudes. 3,000 feet MSL to Flight Level 600.

Time of designation. 0800 to 2200 EST, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Indianapolis, Ind., Air Route Traffic Control Center.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6440; Filed, July 12, 1960; 8:45 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 346]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 8, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63250. By order of June 29, 1960, the Transfer Board approved the transfer to Nelson's Express, Inc., Millersburg, Pa., of Certificate in No. MC 76449, issued November 4, 1940, to George W. Nelson, doing business as Nelson's Express, Millersburg, Pa., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between Harrisburg, Pa., and Orwin, Pa.: service is authorized to and from the intermediate points of Millersburg, Muir, and Halifax, Pa., and those between Millersburg and Orwin. Allan Shaffer, 106 Market Street, Harrisburg, Pa., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6466; Filed, July 12, 1960; 8:48 a.m.]

[MC-C-3024]

NATIONAL AUTOMOBILE TRANSPORTERS ASSN.

Petition for Declaratory Order

JULY 8, 1960.

Petition for declaratory order under section 5(d) of Administrative Procedure Act.

Petitioner: National Automobile Transporters Association, Suite 208, 1000 Connecticut Avenue, NW., Washington 6, D.C. and 2356 First National Building, Detroit 26, Mich. Petitioner's attorneys: Carney D. Matheson, George S. Dixon, and Walter N. Bieneman, 2150 Guardian Building, Detroit 26, Mich.

By petition dated June 27, 1960, petitioner states that it is a voluntary association of motor carriers, both common and contract, engaged under appropriate grants of authority by this Commission, in interstate or foreign commerce, in the transportation of motor vehicle traffic, namely, passenger automobiles, commercial vehicles and closely related wheeled commodities, throughout the Continental United States. Petitioner states that from the inception of Commission regulation of the motor carrier industry under Part II of the Act, all grants of authority covering the transportation of motor vehicle traffic, with but few exceptions, have contained restrictive or qualifying language limiting the authorized motor carrier service to "initial movements" or "secondary movements," or "subsequent movements," or both "initial and secondary or subsequent movements." The meaning of "initial movements" and "secondary or subsequent movements" is defined and explained in Administrative Ruling No. 75 issued July 15, 1938.

This petitioner seeks a ruling as to whether a motor carrier holding initial authority only from A to D may transport the said traffic to B, a non-service point intermediate to D, there load it on a rail flat car, for handling in trailer-on-flat-car or "piggy-back" service to C, another non-service point intermediate to D, where it would take possession of the shipment and move it to destination, without first obtaining specific authority either to serve B and C or to operate from C to D.

Petitioner prays that an order may be entered by the Commission: (a) Accepting this petition for filing; (b) ordering an investigation of this subject matter; (c) providing an opportunity for all interested parties to express their views and present evidence at an oral hearing; (d) providing for the issuance of a declaratory order interpreting Administrative Ruling 75 and the grants of authority issued pursuant thereto in conformity with the views of this Association; and (e) granting such other and further relief as may be deemed necessary or proper.

The above-entitled petition has been referred to Examiner William R. Tyers for hearing on the 27th day of July A.D. 1960, at 8:30 o'clock a.m. United States standard time, 9:30 o'clock a.m. District of Columbia daylight saving time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6467; Filed, July 12, 1960; 8:49 a.m.]

[No. MC-C-2972]

ROCK ISLAND MOTOR TRANSIT CO. ET AL.

Petition for Declaratory Order

JULY 8, 1960.

Petition for a declaratory order for the determination of respondent's operating authority pursuant to the provisions of section 204, Interstate Commerce Act, part II.

Petitioners: The Rock Island Motor Transit Co., Des Moines, Iowa, and U. J. Haas and Cyril H. Wissel, doing business as H & W Motor Express Company, Dubuque, Iowa, and Burlington Truck Lines, Inc., Chicago, Ill. vs. Respondent: Watson Brothers Transportation Co., Inc., Omaha, Nebr. Petitioners attorneys: D. C. Nolan, 405 Iowa State Bank Building, Iowa City, Iowa, and James M. Adams, 796 South Pearl Street, Galesburg, Ill., and A. B. Howland and J. H. Martin, 500 Bankers Truck Building, Des Moines, Iowa.

By petition filed April 11, 1960, petitioners aver: Respondent, Watson Brothers Transportation Co., Inc., is now and has been, for sometime past, the exact length of time thereof these petitioners do not have exact knowledge, engaged in the transporting of general commodities between such Iowa points as Davenport, Bettendorf, and Riverdale, on the one hand, and Iowa City, Newton, Des Moines, Council Bluffs, and Sioux City, on the other, and between Sioux City, on the one hand, and Des Moines, Newton, Iowa City, Davenport, and Bettendorf, on the other; and between Council Bluffs on the one hand, and, Atlantic, Des Moines, Newton, Iowa City, Davenport, and Bettendorf, on the other, without having had issued to it certificates of authority by the Iowa State Commerce Commission for the performance of such interstate operations. These Petitioners are informed and believe and therefore allege the fact to be that said respondent, in the conducting of the aforesaid intrastate operations, between said Iowa points, have attempted a simulated interstate operation by either transporting such traffic from the aforesaid Iowa points across either the state line at Moline or Rock Island, Ill., or at Omaha, Nebr., and then carrying such traffic and freight back across the said state line into Iowa to the aforesaid Iowa points and places, or by billing such traffic via Rock Island or Moline, Ill., or Omaha, Nebr., in lieu of physically transporting the same in and out of the States of Illinois or Nebraska. Petitioners pray:

1. That the Interstate Commerce Commission find and determine, after notice and hearing, that the motor carrier operations being conducted by the Respondent between the points and places in Iowa, as set forth above, are not bona fide and are a subterfuge to escape the jurisdiction of the State of Iowa and the Iowa State Commerce Commission;

2. That the Commission find that the simulated interstate operations being conducted by the Respondent between the points and places in Iowa as set forth above are a wrongful use and an abuse of Respondent's Interstate Certificates;

3. That the Commission find that the Interstate Operating Certificates held by Respondent were not contemplated to

nor do they authorize it to conduct the aforesaid operations between points solely within the State of Iowa by either moving said traffic over and back across the State line between Iowa and Illinois or between Iowa and Nebraska, or by billing the same from a point outside the State of Iowa;

4. That the Respondent be Ordered and Directed by the Commission to cease and desist from conducting the above-described operations solely within the State of Iowa and that upon failure of said Respondent to desist from such operations that its Interstate Certificates be cancelled, and for such other and further orders as may be found necessary in the premises. Any person or persons desiring to participate in this proceeding, may, within 30 days from the publication of this notice in the FEDERAL REGISTER, file an appropriate pleading.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6468; Filed, July 12, 1960; 8:49 a.m.]

[Notice 231]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 8, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 357), filed June 6, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Elba, Ala., to points in Alaska, Arizona, California, Idaho, Montana, New Mexico, Oregon, Nevada, Washington, and Wyoming.

HEARING: September 29, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 4761 (Sub No. 16), filed March 16, 1960. Applicant: LOCK CITY TRANSPORTATION COMPANY (a Corporation), 327 Sixth Avenue, Menominee, Mich. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur Dioxide*, in bulk, in tank vehicles, from Marinette, Wis., to Alpine (Talladega County), Ala., and Claremore, Okla.

HEARING: September 23, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 8989 (Sub No. 192) filed May 19, 1960. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks* and *buses*, as described in Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in truckaway and driveaway service, from Bloomington, Ill., to points in the United States, including points in Alaska and Hawaii, and *damaged or rejected shipments* of the above-described commodities, on return.

NOTE: Applicant states power generating units and power generating recharger accompanying vehicles in a shipment for use with such vehicles.

HEARING: September 26, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 10115 (Sub No. 7), filed May 16, 1960. Applicant: CALVIN D. ZIMMERMAN, Mifflin, Pa. Applicant's attorney: John A. R. Welsh., Mifflintown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk crude clay*, in dump trailers, between Clearfield, Pa., and points within a twenty-five (25) miles radius thereof, and the plant site of American Vitrified Products Company, located at or near Flagtown, Somerset County, N.J.

HEARING: September 22, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 19105 (Sub No. 14) filed May 12, 1960. Applicant: FORBES TRANSFER COMPANY, INC., South Goldsboro Street Extension, P.O. Box 346, Wilson, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *commodities used by packing houses* as described in Appendix I to descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 272–273, as amended at 61 M.C.C. 766, 767, between Wilson, N.C., and points within five miles thereof on the one hand, and, on the other, points in Virginia, the District of Columbia, Maryland, Delaware, New Jersey, Connecticut, New York, Pennsylvania, Massachusetts, and Rhode Island.

HEARING: October 4, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 19201 (Sub No. 118), filed June 22, 1960. Applicant: PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in pneumatically equipped hopper-type vehicles, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware and New Jersey, and points in Pike, Wayne, Lackawanna, Luzerne, Columbia, Montour, Northumberland, Schuylkill, Northampton, Berks, Bucks, Montgomery, Delaware, Chester, Lancaster, York, Lebanon, Dauphin, Cumberland, Perry, Adams, Carbon, Monroe, Lehigh, and Philadelphia Counties, Pa., and points in Dorchester, Talbot, Caroline, Queen Annes, Kent, Cecil, Harford, Baltimore, Carroll, Howard and Anne Arundel Counties, Md. RESTRICTION: The service to be performed by applicant shall be limited to shipments having a prior or subsequent movement by rail.

NOTE: Applicant holds contract carrier authority in Permit No. MC 118779 and Subs thereunder. Applicant indicates it is controlled by the Pennsylvania Railroad Company. Dual operations and common control may be involved.

HEARING: September 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 31600 (Sub No. 479), filed June 28, 1960. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, dry, in bulk, in tank or hopper type vehicles, from Ledyard, Conn., to Roanoke, Va., and *rejected shipments*, on return.

HEARING: September 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 41255 (Sub No. 33), filed May 9, 1960. Applicant: GRUBB MOTOR LINES, INC., P.O. Drawer 567, Lexington, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, as defined by the Commission, from points in Davidson County, N.C., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, and *rejected shipments of new furniture*, on return.

HEARING: October 3, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 43442 (Sub No. 14), filed June 23, 1960. Applicant: TRANSPORTATION SERVICE, INC., 1946 Bagley Avenue, Detroit 16, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Electric Co., from Zanesville, Ohio, over U.S. Highway 40 to junction of U.S. Highway 40 and County Road 55, thence north on County Road 55 to the plant site of the General Electric Co., as an off-route point in connection with applicant's existing operation between Zanesville, Ohio, and Michigan points.

HEARING: September 12, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Roger N. Fortier.

No. MC 46465 (Sub No. 1), filed June 1, 1960. Applicant: CHARLES BRADY, doing business as BRADY'S FAST SERVICE, 2215 Amber Street, Philadelphia 25, Pa. Applicant's Representative: Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burlap and burlap bags*, and *bags made of burlap and cotton combined*, and *materials used in the manufacture of such bags*, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Newark, Jersey City, Perth Amboy, Carteret, Linden, and Elizabeth, N.J., Baltimore, Md., and Wilmington, Del.

HEARING: September 13, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles J. Murphy.

No. MC 52657 (Sub No. 591), filed June 9, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. *Automobiles, trucks*, and *buses*, as described in Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 765, in truckaway and driveaway service, from Bloomington, Ill., to all points in the United States, including Alaska and Hawaii, and, the return of *damaged* or *rejected shipments*, from all points in the United States, including Alaska and Hawaii to Bloomington, Ill. B. *Power generating units* and *power generating recharger units* when accompanying vehicles in a shipment for use with such vehicles, between Bloomington, Ill., and all points in the United States, including Alaska and Hawaii.

HEARING: September 26, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 55811 (Sub No. 64), filed May 6, 1960. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, glassware, products made of glass or of which glass is a major component part, caps, and other closures, paper, paper products, plastics, plastic products, fibreboard boxes, rubber jar rings, soda ash, zinc dry battery shells, stripped zinc,* and *any products, materials, supplies and equipment that are shipped or received by above manufacturers, or as are used or useful in the manufacture, packing, shipping, receiving and sale of the above products*, between points in Illinois, Indiana, Kentucky, the Lower Peninsula of Michigan, Ohio, those in Iowa within ten (10) miles of the Iowa-Illinois State line, those in Missouri within ten (10) miles of the Missouri-Illinois State line, including points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, those in West Virginia within ten (10) miles of the West Virginia-Ohio State line, including points in Hancock, Brooke, and Marshall Counties, W. Va., and those in Pennsylvania on and west of U.S. Highway 219.

NOTE: Any duplication with present authority to be eliminated.

HEARING: October 3, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 56213 (Sub No. 7), filed May 11, 1960. Applicant: WILLIAM H. BRILLHART, doing business as H & B TRUCKING COMPANY, Codorus, Pa. Applicant's Attorney: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Spring Grove, Pa., to points in Ohio, Indiana, Illinois, and those in the lower Peninsula of Michigan, and *refused, rejected* or *damaged shipments* on return.

NOTE: Applicant states, duplicating authority is to be cancelled.

HEARING: September 21, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 68502 (Sub No. 5), filed June 13, 1960. Applicant: CLIFFORD L. OBERST, Conyngham, Pa. Applicant's Representative: John W. Frame, 602 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, ingredients of bakery products*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return, between West Hazleton, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, and Virginia. RESTRICTION: The operations authorized herein are limited to transportation service to be performed, under a continuing contract, or contracts, with Spaulding Bakeries, Inc., of West Hazleton, Pa.

HEARING: September 26, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 69116 (Sub No. 54), filed June 27, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio and junction U.S. Highways 21 and 224, over U.S. Highway 21, serving no intermediate points, but serving the site of a terminal proposed to be constructed by applicant at or near junction U.S. Highway 21 and the Ohio Turnpike as an off-route point, and also serving, for the purpose of joinder only, (a) junction U.S. Highway 21 and the Ohio Turnpike; (b) junction U.S. Highway 21 and Ohio Highway 18, and (c) junction U.S. Highways 21 and 224.

NOTE: Applicant states it has acquired real estate at or near the junction of U.S. Highway 21 and the Ohio Turnpike, upon which it will construct a truck terminal. Authority is sought herein so as to enable applicant to utilize said terminal for the following purposes: (1) Interchange traffic with other motor carriers; (2) Break bulk on traffic moving to and from its presently authorized points, and (3) Perform pick-up and delivery service in the Cleveland Commercial Zone in connection with the movement of traffic to and from its presently authorized points.

HEARING: September 16, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Roger N. Fortier.

No. MC 69389 (Sub No. 1), filed May 18, 1960. Applicant: WARREN F. CARBAUGH, doing business as FRITZ TRANSFER COMPANY, 494 Main Street, McSherrystown, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hanover Borough and Penn Township, Pa., and Baltimore, Md.: (1) from Hanover Borough and Penn Township over Pennsylvania Highway 194 to Littlestown, Pa., and thence over U.S. Highway 140 to Baltimore, and return over the same route, serving all intermediate points, and (2) from Hanover Borough and Penn Township over Pennsylvania Highway 94 to the Pennsylvania-Maryland State line, thence over Maryland Highway 30 to Reisterstown, Md., and thence over U.S. Highway 140 to Baltimore, and return over the same route, serving all intermediate points.

HEARING: September 27, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 74367 (Sub-No. 6) filed May 26, 1960. Applicant: BILLY PALMA WRIGHT, doing business as Wright Motor Lines, 24 Pisgah View Avenue, Asheville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware, plumbing supplies* and *building mate-*

rials, from points in the New York, N.Y., Commercial Zone, as defined in New York, N.Y., Commercial Zone 1 M.C.C. 66, Baltimore and Sparrows Point, Md., Cincinnati, Dover, and Cleveland, Ohio, Uniontown, Johnstown, Elwood City, Philadelphia, Ambler, and Monaca, Pa., Barba, Newark, Camden, Metuchen, and Millington, N.J., Edgemore, Del., Atlanta, Ga., Anniston, Ala., and Alcoa, Tenn., to Sparta, Asheville, Durham, Winston-Salem, Asheboro, Greensboro, Charlotte, Hickory, Marion, Raleigh, Hazelwood, Sanford, Rocky Mount, and Statesville, N.C., and *empty containers* or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return.

HEARING: October 5, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 76177 (Sub No. 278), filed June 17, 1960. Applicant: BAGGETT TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives*, defined as Classes A, B, and C explosives, and *blasting supplies*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between East Alton, Ill., and points within two (2) miles thereof, and points in Connecticut.

NOTE: Common control may be involved.

HEARING: September 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 76177 (Sub No. 279), filed June 17, 1960. Applicant: BAGGETT TRANSPORTATION COMPANY, a Corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting supplies, ingredients*, and *component parts, ammonium nitrate, nitro-carbo-nitrate*, and *containers* therefor, between Springville, Utah, and points within fifteen (15) miles thereof, on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Arkansas, and Louisiana.

NOTE: Common control may be involved.

HEARING: September 14, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 79700 (Sub No. 1), filed May 26, 1960. Applicant: RUSSELL A. KARCHNER, Box 20, Sybertsville, Pa. Applicant's representative: John W. Frame, 903 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Groceries* and *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, excluding commodities in bulk, in tank-type vehicles, from points in Maryland, New Jersey, and New York, to Berwick, Danville, and Hazleton, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states that the proposed operation will be conducted under a continuous or continuing contract with the Royal Swan Foods, Inc. Duplicating authority to be eliminated.

HEARING: September 21, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 94265 (Sub-No. 73) filed May 11, 1960. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from Chicago, Ill., to points in Maryland, North Carolina, Virginia, and the District of Columbia.

HEARING: September 20, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 95473 (Sub No. 11), filed June 22, 1960. Applicant: H. A. DAUB, INC., Reinerton, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Trevorton Colliery, Treverton, Northumberland County, Pa., to points in Bronx County, N.Y.

HEARING: September 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 95540 (Sub No. 332), filed May 13, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods* and *Prepared Dough*, Frozen or Unfrozen, from points in Georgia, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 26, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 95627 (Sub No. 28), filed June 22, 1960. Applicant: NELMS MOTOR LINES, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, 919 18th Street NW., Suite 226, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, foods and food products* requiring temperature control in transit, from Norfolk, Richmond, Smithfield, Roanoke, and Suffolk, Va., and Landover, Md., to points in Georgia, North Carolina, Virginia, and Louisiana.

HEARING: September 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 95627 (Sub No. 29), filed June 22, 1960. Applicant: NELMS MOTOR LINES, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, 919 18th Street NW., Suite 226, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tea, tea dust*, and *advertising material*, between Norfolk and Suffolk, Va. and points in Alabama, Arkansas, Florida, Illinois, Indiana, Michigan, Mississippi, Louisiana, New York (except the New York, N.Y., Commercial Zone), Ohio, Pennsylvania (except Philadelphia, Pa., Commercial Zone), Tennessee, and West Virginia.

HEARING: September 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 103378 (Sub-No. 186), filed June 13, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Animal Tallow, Fats, Oils, Greases and Blends thereof*, in bulk, in tank vehicles, from points in Alabama, Florida, Georgia, and South Carolina to points in Chatham County, Ga.

HEARING: September 30, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 103993 (Sub No. 135), filed April 11, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, not exceeding 20 feet in length, from points in Indiana, to points in the United States, including Alaska.

HEARING: September 26, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 105461 (Sub No. 25), filed June 28, 1960. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, namely, *boards or sheets* (not wall board or insulating board) *made from wood shavings, sawdust or ground wood, with added liquid resin binder* not to exceed 10 percent by weight, compressed flat, not filtered, oiled, polished, waxed, painted, stained, lacquered or varnished, from Goffstown, N.H., to points in Lancaster, Cumberland, Lehigh, Schuylkill, Berks, Dauphin, Luzerne, Montgomery, Northampton, Columbia, Bucks, Carbon, Chester, Lebanon, and York Counties, Pa., and points in Burlington, Camden, Gloucester, and Mercer Counties, N.J.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier in No. MC 105461 Sub No. 19. Applicant also has contract carrier authority under No. MC 66207 and Subs thereunder. Application was accompanied by a Motion to Dismiss.

HEARING: July 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold W. Angle.

No. MC 105713 (Sub No. 3), filed June 30, 1960. Applicant: SERVICE TRUCK LINE OF TEXAS, INC., P.O. Box 811, Jennings, La. Applicant's attorney: Charles D. Mathews, P.O. Box 358, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas and petroleum, and their products and by-products, between points in Texas, and Louisiana.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

PRE-HEARING CONFERENCE: August 3, 1960, at the Baker Hotel, Dallas, Texas, before Examiner James C. Cheseldine. At the pre-hearing conference it is contemplated that the matters to be discussed will be those set forth in the previous publication of the FEDERAL REGISTER under date of July 7, 1960, at page 6393.

No. MC 106714 (Sub No. 9), filed December 30, 1959. Applicant: JOHN E. HIGGINS AND JOHN B. HIGGINS, doing business as HIGGINS TRANSPORTATION, 365 East Kinder Street, Richland Center, Wis. Applicant's attorney: Claude J. Jasper, 616-617 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bags and in bulk, from Hammond, Ind., and Cedar Rapids, Iowa to points in Wisconsin located on and south of U.S. Highway 8 from the Michigan State line just south of Norway, Mich., to St. Croix Falls, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Minnesota, and Wisconsin.

HEARING: September 23, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 107107 (Sub No. 153), filed June 29, 1960. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Facing and flooring tile, towel bars, soap dishes, tooth brush and paper holders*, and *grab bars*, from Wheeling, W. Va., to points in Florida.

HEARING: September 20, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 107515 (Sub No. 353), filed May 13, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 16, Ga. Applicant's attorney: Allan Watkins, 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packing-house products*, and *commodities used by packing houses*, as defined by the Commission in Ex Parte No. MC-45, from Burris, Tex., to points in Alabama, Georgia, Tennessee (except Memphis), North Carolina, South Carolina, and Florida.

NOTE: Dual operations under section 210 and common control may be involved.

HEARING: September 29, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 108305 (Sub No. 30), filed April 18, 1960. Applicant: SUBLER TRANSFER, INC., East Main Street, Box 5, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets* and *carpeting*, from Worcester and Framingham, Mass., to (a) Pittsburgh, Pa., (b) Detroit, Mich., (c) Cleveland, Columbus, and Cincinnati, Ohio, (d) Indianapolis, Ind., and (e) St. Louis, Mo.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 108305 (Sub No. 18) to determine whether applicant's status is that of a common or contract carrier. Applicant also has a certificate under MC 117883 (SOR 1) and a pending common carrier application under MC 117883 (SOR 2). Dual authority under section 210 may be involved.

HEARING: September 19, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Edith H. Cockrill.

No. MC 109875 (Sub-No. 4), filed June 20, 1960. Applicant: ELMER H. BOCK, Clay, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and other foods and foodstuffs*, requiring the use of mechanically refrigerated vehicles, (1) from Morgantown and Downingtown, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, east of U.S. Highway 11, Indiana, Illinois, West Virginia, Virginia, Maryland, Delaware, New Jersey, North Carolina, South Carolina, Kentucky, Wisconsin, and Missouri; and (2) between Morgantown and Downingtown, Pa., on the one hand, and, on the other, points in Ohio, Michigan, and those points in New York on and west of U.S. Highway 11.

HEARING: September 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 110420 (Sub No. 262), filed May 11, 1960. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1321 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid adhesives*, in bulk, in tank vehicles, from Chicago, Ill., to points in Pennsylvania and New Jersey. (2) *Molasses*, in bulk, in tank vehicles, from Lemont, Ill., and points within a radius of five miles thereof, to points in Indiana, Iowa, Michigan, Ohio, and Wisconsin. (3) *Corn syrup, liquid sugar and blends or mixtures* thereof, in bulk, in tank vehicles, from Chicago, Ill., to points in North Carolina. (4) *Chocolate and chocolate coating*, from Chicago, Ill., to points in South Dakota.

HEARING: September 22, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 110525 (Sub No. 415), filed April 28, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between Fernald, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky, and *rejected shipments* on return.

NOTE: Applicant also has contract carrier authority under MC 117607 and pending contract carrier applications under MC 117607 Subs 1, 2, 3, and 4. Dual authority under section 210 may be involved.

HEARING: September 20, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Edith H. Cockrill.

No. MC 110678 (Sub No. 12), filed June 13, 1960. Applicant: GRADY ALBERTSON, doing business as ARGO TRUCKING COMPANY, Lower Heard Street, Elberton, Ga. Applicant's attorney: Guy H. Postell, 805 Peachtree Street Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, in bag containers, from Winfield, La., and points within 25 miles thereof, and points in Reno County, Kans. to points in South Carolina, North Carolina, and points in that part of Georgia on and north of U.S. Highway 80.

HEARING: September 30, 1960, at 680 West Peachtree Street, NW. Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 110988 (Sub No. 9), filed June 9, 1960. Applicant: W. L. BUTLER, doing business as W. L. BUTLER TRANSFER, Elizabethtown, N.C., Applicant's

attorney: Edward G. Villalon, Perpetual Building, 1111 E. Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, on trailers equipped with special racks, from points in North Carolina to points in New York, New Jersey, Maryland, Pennsylvania, the District of Columbia, Connecticut, Indiana, Massachusetts, Vermont, Ohio, West Virginia, Virginia, Kentucky, Tennessee, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida, and *empty containers or other such incidental facilities* used in transporting the above-described commodity on return.

HEARING: October 6, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 111002 (Sub No. 15), filed May 17, 1960. Applicant: CLARA MILES SCHREYER, FRANCES H. MILES AND THOMAS M. MILES, doing business as T. M. MILES OIL COMPANY, a Partnership, 306 Railroad Avenue, Milton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potassium silicate*, in bulk in a semi-tank trailer or trailers, specially built and owned by Sylvania Electric Products, Inc., from Towanda, Pa., to Joliet, Ill., and *empty containers or other such incidental facilities* used in transporting the above-described commodity on return.

NOTE: Applicant holds common carrier authority in Permit No. MC 105261 and Subs thereunder. Dual operations under section 210 may be involved.

HEARING: September 26, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 112296 (Sub No. 1), filed June 17, 1960. Applicant: RAY SALENTINE, doing business as RAY'S GARAGE, Route 3, Box 283, Hales Corners, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, or disabled motor vehicles*, when moved by tow-truck or wrecker equipment, and *replacement motor vehicles or parts* dispatched to relieve wrecked, damaged or disabled motor vehicles, when moved by tow-truck or wrecker equipment, between points in Wisconsin on and south of Wisconsin Highway 33, and Green Bay, Appleton, Neenah, Menasha, Oshkosh, and Fond du Lac, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Nebraska, Illinois, Michigan, Indiana, Ohio, and Pennsylvania.

HEARING: September 20, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 112815 (Sub No. 2) (CORRECTION), filed May 5, 1960, published in the FEDERAL REGISTER, issue of June 29, 1960. Applicant: SARACCO TRUCKING CO., INC., 448 West Broadway, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. The subject application published in the FEDERAL REGISTER at page 6037, issue of June 29, 1960, was erroneously assigned docket No. MC 119621 (Sub No. 1). The correct docket number assigned to the application is that shown above, *No. MC 112815 (Sub No. 2)*.

HEARING: Remains as assigned September 14, 1960, at 346 Broadway, New York, N.Y., before Examiner Warren C. White.

No. MC 112916 (Sub No. 2), filed June 17, 1960. Applicant: GEORGE R. DANNIES, doing business as GALENA TOWING SERVICE, 2465 West Galena Street, Milwaukee, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, or disabled motor vehicles*, when moved by tow-truck or wrecker equipment, and *replacement motor vehicles or parts* dispatched to relieve wrecked, damaged, or disabled motor vehicles, when moved by tow-truck or wrecker equipment, between points in Wisconsin on and south of Wisconsin Highway 33, and Green Bay, Appleton, Neenah, Menasha, Oshkosh, and Fond du Lac, Wis., on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Nebraska, Illinois, Michigan, Indiana, Ohio, and Pennsylvania.

HEARING: September 20, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 113267 (Sub No. 22), filed May 2, 1960. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as *common or contract carrier*, by motor vehicle, over irregular routes, transporting; *Bananas;* and *exempt agricultural commodities* when transported with mixed shipments of bananas, in mechanical temperature controlled vehicles, from Atlanta, Ga., and points within five (5) miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, Tennessee, and Wisconsin.

NOTE: Applicant has contract carrier authority under Permit Nos. MC 50132 and Sub Numbers thereunder. Section 210 (dual authority) may be involved. A proceeding under section 212(c) in No. MC 50132 (Sub No. 38) to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 28, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 113267 (Sub No. 23), filed May 9, 1960. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris, Caseyville, Ill. Applicant's Practitioner: Frederick H. Figge, 416 Bay Bridge Road, Mobile, Ala. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground Mica*, in bulk, and in bags, between Kings Mountain, N.C., Erwin and Greenville, Tenn., and points within five (5) miles thereof, on the one hand, and, on the other, Heflin, Ala.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier. In No. MC 50132 (Sub-No. 38), therefore, dual operations may be involved.

HEARING: September 20, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 113434 (Sub No. 6) (Republication), filed November 9, 1959, published in the FEDERAL REGISTER, issue of February 10, 1960, and republished as amended, March 2, 1960. Applicant: GRA-BELL TRUCK LINE, INC., 697 Lincoln Avenue, P.O. Box 511, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinegar* in bulk, from points in Michigan, except Detroit and 10 miles thereof, Fremont, Battle Creek, Grand Rapids, and Kalamazoo, Mich., to points in Indiana, Illinois, and Ohio, and (2) *Fruit juice concentrate*, in bulk, from points in Michigan, except Detroit and 10 miles thereof, Fremont, and Battle Creek, Mich., to points in Illinois, Indiana, and Ohio, and except from points in Berrien and Van Buren Counties, Mich., to Chicago, Ill.

HEARING: September 15, 1960, at the Olds Hotel, Lansing, Mich., before Examiner Francis A. Welch.

No. MC 113996 (Sub No. 5), filed May 4, 1960. Applicant: T. C. DUNLEVY, 532 Calhoun Street, Johnston, S.C. Applicant's attorney: Blease Ellison, Lexington, S.C. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Used Auto parts*, unpacked, from points in Missouri, Arkansas, Louisiana, and Kentucky, to the plant sites of Rayloc Division of Genuine Parts Co., at Atlanta, Ga., and Memphis, Tenn. RESTRICTION: The operations authorized herein are limited to a transportation to be performed under a continuing contract, or contracts, with Rayloc Division of Genuine Parts Co., of Atlanta, Ga.

HEARING: September 28, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 114019 (Sub No. 37), filed May 20, 1960. Applicant: THE EMERY TRANSPORTATION COMPANY, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (a) From points in Illinois, Indiana, and Wisconsin to points in Minnesota, Iowa, Missouri (except St. Louis), North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, West Virginia, and Kentucky (except Louisville, Bellevue, and Covington). (b) From points in Minnesota to points in Iowa, Missouri (except St. Louis), North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, West Virginia, and Kentucky (except Louisville, Bellevue and Covington).

NOTE: Applicant holds contract carrier authority in Permit No. MC 9635 and Sub numbers thereunder. Dual operations under section 210 may be involved. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 9635 (Sub No. 58).

HEARING: September 29, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 114021 (Sub No. 16), filed May 9, 1960. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor tile* and *materials* and *accessories* required for installation thereof, from Hopetown, Ohio to St. Louis, Mo., and points in Indiana, Michigan, Pennsylvania, New York, West Virginia, Kentucky, Tennessee, Illinois, and Virginia.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 107640 Sub 36.

HEARING: September 21, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 114021 (Sub No. 17) filed May 9, 1960. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal pans, tee bars* and *accessories therefor, insulating materials, board*, (building, fibre, straw, pulp, and mineral, straight or combined), *perlite products, diatomaceous earth* and *asbestos*, combined from Waukegan and Joliet, Ill., to points in Michigan, Indiana, Ohio, Iowa, Kentucky, Missouri, Wisconsin (except Milwaukee, Racine, and Kenosha), Nebraska, Pennsylvania, those in New York on and west of a line beginning at Port Breeze and extending along New York Highway 98 to Salamanca, thence along U.S. Highway 219 to the New York-Pennsylvania State Line.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 107640 Sub 36.

HEARING: September 21, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Francis A. Welch.

No. MC 114045 (Sub No. 57), filed May 9, 1960. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products* from Evansville, Ind., to points in Oklahoma, Arkansas, Louisiana, Missouri, Kansas, and Colorado; (2) *Frozen meats*, from Boston, Mass., to points in Philadelphia and Pittsburgh, Pa.; (3) *Frozen meats* from New York, N.Y., Wilmington, Del., Jersey City, and Newark, N.J., to Philadelphia and Pittsburgh, Pa., and (4) *Meats, meat products and meat by-products* from points in Colorado to Fort Smith, Ark.

HEARING: September 12, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner Edith H. Cockrill.

No. MC 114106 (Sub No. 25), filed June 20, 1960. Applicant: MAYBELLE TRANSPORT COMPANY, a Corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in tank vehicles, from Fayetteville and Wilmington, N.C., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, and Virginia.

NOTE: Applicant has contract carrier authority in No. MC 115176, therefore, dual operations may be involved.

HEARING: October 7, 1960, in the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 114115 (Sub-No. 2), filed June 27, 1960. Applicant: TRUCKAWAY SERVICE, INC., 1099 Oakwood, Detroit, Mich. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the U.S. Ports between the United States and Canada located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers and on Lakes St. Clair, Ontario, Erie, Huron, Michigan, Superior, and Saginaw Bay to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Washington, D.C., when the salt has had a prior movement by water from Port Huron, St. Clair, or Detroit, Mich.; Ontario, Canada; or Cleveland or Fairport, Ohio.

HEARING: September 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Harold W. Angle.

No. MC 114569 (Sub No. 33), filed June 22, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, vinegar in containers*, from Timberville, Va., to points in Ohio, Indiana, Illinois, Iowa, Missouri, and Michigan.

NOTE: Applicant has authority in MC-55813 to conduct operations as a contract carrier, therefore, dual operations under section 210 may be involved.

HEARING: September 15, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 116119 (Sub-No. 6), filed June 23, 1960. Applicant: JOHN F. HARRIS, doing business as HOGAN'S TRANSFER & STORAGE CO., 7 Third Street, Elkins, W. Va. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Pittsburgh, Pa., and Detroit, Mich., to Elkins, W. Va., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above on return.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 116795 (Sub No. 1), filed June 23, 1960. Applicant: LAWRENCE G. WILLMAN, doing business as WILLMAN TRUCKING COMPANY, 1037 Beacon Street, Erie, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, and *parts* moving with or separately from water heaters, and *materials* and *supplies* used or useful in the manufacture, assembling, and distribution of water heaters (except such shipments as require special vehicle equipment), (1) between Erie, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, points in that part of Michigan on and east of U.S. Highway 27, points in New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and points in Tennessee on and east of the Tennessee River, and the District of Columbia; and (2) between Chicago, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and points in that part of Michigan west of U.S. Highway 27, including the Upper Peninsula of Michigan.

NOTE: Applicant indicates the above transportation will be performed for the Republic Appliance Corporation of Erie, Pa.

HEARING: September 16, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 117165 (Sub No. 9), filed June 6, 1960. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum siding*, and *parts, accessories*, and *materials* used in the installation thereof, from Chicago Heights, Ill., to Carrollton, Henderson, Paducah, Louisville, Covington, Owensboro, and Fort Knox, Ky.,

Hannibal, Mo., and to points in Illinois, Iowa, and the Lower Peninsula of Michigan.

NOTE: Applicant also has contract carrier authority under MC 108573 (Sub No. 1) and other Sub Numbers. Dual operations under section 210 may be involved.

HEARING: September 16, 1960, at the Olds Hotel, Lansing, Mich., before Examiner Francis A. Welch.

No. MC 117547 (Sub No. 5), filed May 2, 1960. Applicant: BELL TRANSPORTATION CO., INC., Suite 504, 291 Broadway, New York 17, N.Y. Applicant's attorney: George H. Rosen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in drive-away method, (a) between McGuire Air Force Base, Fort Dix, and Wrightstown, N.J., and Philadelphia, Pa., and (b) between the New York Port of Embarkation at Brooklyn, N.Y., and Philadelphia, Pa.

NOTE: Applicant states that the proposed operation is to transport privately owned motor vehicles belonging to persons traveling by air under military orders to and from points beyond the United States, and which are moving under commercial bills of lading, in driveaway service. The United States army conducts such operations at the New York Port of Embarkation at Brooklyn, N.Y. Philadelphia, Pa., has been designated as an additional point for such operations.

HEARING: July 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James C. Cheseldine.

No. MC 117574 (Sub-No. 53), filed May 24, 1960. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, generators, pumps, transformers, regulators, vibrator screens, engines, compressors, kilns and kiln parts, power units, switches and switching units, crushers and crusher parts, turbine, generators, blowers, condensers, industrial machinery, electrical equipment*, between Milwaukee, West Allis, Wauwatosa, and Carrollville, Wis., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Pennsylvania, North Carolina, and the District of Columbia.

HEARING: September 27, 1960, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Edith H. Cockrill.

No. MC 119226 (Sub No. 20), filed April 22, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Inedible animal fats, lard, grease, tallow, specially refined fats, lard oil, tallow oil, fatty acids, stearic acids, oleic acid, glycerine*, and *fatty acid esters*, from points in the Pittsburgh, Pa., Commercial Zone, as defined by the Commission, to points in Illinois, Indiana, Michigan, Ohio, and Kentucky.

HEARING: September 28, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119226 (Sub No. 22), filed June 2, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin*, in bulk, in tank vehicles, from Gibson City, Ill., to Camegie, Pa.

HEARING: September 28, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119375 (Sub No. 1), filed June 10, 1960. Applicant: ROBERT NELSON HINES, 126 South Penn Street, Bellefonte, Pa. Applicant's attorney: John W. Frame, 603 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Baltimore, Md.; Newark, N.J.; Buffalo, Rochester and Utica, N.Y., and Cleveland, Ohio, to Bellefonte, Lewistown, Lock Haven, and Williamsport, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: September 30, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 119441 (Sub No. 6), filed June 13, 1960. Applicant: BAKER HI-WAY EXPRESS, INC., Stone Creek, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile*, from points in Wayne County, Ohio, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

NOTE: Applicant has pending in MC 101093 (Sub No. 7), application for contract carrier authority; therefore, dual operations under section 210 may be involved.

HEARING: September 20, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Edith H. Cockrill.

No. MC 119517 (REPUBLICATION), filed February 17, 1960, published in the FEDERAL REGISTER, issue of March 30, 1960. Applicant: GLENN B. PERKINSON, Wise, N.C. Applicant's attorney: John Kerr, Jr., Warrenton, N.C. By application, BMC 76, filed February 17, 1960, applicant sought to conduct operations as a contract carrier, over regular routes, from Norfolk, Va., to Wise and Warrenton, N.C. At the hearing held May 3, 1960, at Raleigh, N.C., before Examiner Robert R. Boyd, the evidence adduced revealed that the public convenience and necessity would require the services of applicant in a manner substantially different from the authority as sought in the application. Accordingly, the Examiner, in a Report served June 7, 1960, found that the present and future public convenience and necessity require operations by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *fertilizer*, except in bulk, in tank vehicles, from Norfolk, Va., to points in Warren County, N.C. Any person or persons who may have been prejudiced by the allowance of the amendments to the application, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 119652, filed April 7, 1960. Applicant: LOUIS I. GREENE, doing business as BUS DELIVERY SERVICE, 506 Crawford Street, Mitchell, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, by the "drive-away" method, from Mitchell, Ind., and points within two (2) miles thereof, to points in the United States, except Hawaii.

HEARING: September 27, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119692, Filed April 21, 1960. Applicant: DONALD FITZPATRICK, an individual, R.F.D. No. 1, Sumner, Mich. Applicant's attorney: Quentin A. Ewert, 1117 West Allegan Street, Lansing 23, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Twine* and *cordage*, between points in Ohio, Michigan, Missouri, Kansas, Indiana, Illinois, Mississippi, Wisconsin, Minnesota, Pennsylvania, Iowa, New York, Louisiana, Kentucky, Tennessee, and Arkansas; and (2) *Feed ingredients, manufactured feeds, seeds*, and *supplies*, between points in Michigan, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kansas, Missouri, Mississippi, Wisconsin, Minnesota, Pennsylvania, Iowa, New York, Louisiana, Kentucky, Tennessee, and Arkansas, and *damaged*, and *rejected commodities* and *empty containers* used in transporting said commodities on return.

NOTE: Applicant proposes to perform the above service for the Economy Mills of Hwell, Inc., Hwell, Mich.

HEARING: September 16, 1960, at the Olds Hotel, Lansing, Mich., before Examiner Francis A. Welch.

No. MC 119693, filed April 22, 1960. Applicant: GRAIN TRANSIT, INC., 200 Clement Drive, New Haven, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: *Feed ingredients*, in bulk and in bags, (1) from Decatur, Danville, Kankakee, and Springfield, Ill., to points in Michigan on and south of Michigan Highway 21, points in Pennsylvania on and west of U.S. Highway 15, points in New York on and south of U.S. Highway 20 and on and west of U.S. Highway 15, and points in West Virginia, Indiana, Virginia, and Maryland; and (2) from Bellevue, Fostoria, and Toledo, Ohio to points in Pennsylvania on and west of U.S. Highway 15, points in New York on and south of U.S. Highway 20 and on and west of U.S. Highway 15, and points in West Virginia, Indiana, Virginia, and Maryland; and (3) from Frankfort, Ind., to points in Michigan on and south of Michigan Highway 21, points in Pennsylvania on and west of U.S. Highway 15, points in New York on and south of U.S. Highway 20 and on and west of U.S. Highway 15, and points in West Virginia, Ohio, Virginia, and Maryland.

HEARING: September 29, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119732 (Sub No. 1), filed June 16, 1960. Applicant: GEORGE ZETTELMEIER, JR., AND JESSE RUFFALO, A PARTNERSHIP, doing business as PLAINFIELD TRUCKING, Plainfield, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Frozen entrails* and *meat scraps*, not for human consumption, from Sioux Falls, S. Dak., and Ottumwa and Sioux City, Iowa, to Pittsville, Wis., and to points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan, excluding deliveries of said commodities to points in incorporated municipalities in said states.

HEARING: September 19, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 119732 (Sub No. 2), filed June 16, 1960. Applicant: GEORGE ZETTELMEIER, JR., AND JESSE RUFFALO doing business as PLAINFIELD TRUCKING, Plainfield, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen nutria (COYPU) carcasses*, (not for human consumption), from New Orleans, La., to (a) Pittsville, Wis., and (b) to points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan (excluding deliveries of said commodity to points in incorporated municipalities in said States).

HEARING: September 19, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 119747, filed May 9, 1960. Applicant: CHARLES J. SCOTT, Washington, Ga. Applicant's attorney: Walton Hardin, Washington, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green lumber*, except plywood and veneer, from points in that part of Georgia on and east of U.S. Highway 441, and on and north of U.S. Highway 278 to points in that part of Florida on and north of Florida Highway 70, and points in Alabama and South Carolina and points in McComb, Oakland, Wayne, and Monroe Counties, Mich., and *green lumber* and *green bulk* on return.

NOTE: The above transportation will be performed under a continuing contract or contracts with Jackson Mill and Lumber Company, Washington, Ga.

HEARING: September 29, 1960, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Donald R. Sutherland.

No. MC 119749 (Sub No. 4), filed June 22, 1960. Applicant: RIPON TRUCKING CO., a Corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cookies*, from Ripon, Wis., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: Applicant holds contract carrier authority in Permit No. MC 36907 and Subs thereunder. Dual operations may be involved. Applicant states it seeks no duplicating authority.

HEARING: September 21, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 119774, filed May 13, 1960. Applicant: O. M. STIDHAM, N. M. STIDHAM, A. E. MANKINS, AND JAMES E. MANKINS, a Partnership, doing business as EAGLE TRUCKING COMPANY, Kilgore, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines*, including the stringing and picking up thereof, other than pipe lines used for the transmission of natural gas, petroleum or their products and by-products, (1) between points in Arkansas, Louisiana, Mississippi, and Texas, (2) between points in Louisiana, Arkansas, Mississippi, and Texas, on the one hand, and, on the other, points in Georgia, Alabama, and Florida, (3) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana, (4) between points in Kansas, Oklahoma, and that part of Texas on and north of U.S. Highway 84, and (5) between points in Alabama, Georgia, and Florida.

NOTE: The purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

PRE-HEARING CONFERENCE: August 3, 1960, at the Baker Hotel, Dallas, Texas, before Examiner James C. Cheseldine. At the pre-hearing conference it is contemplated that the matter to be discussed will be those set forth in the previous publication of the FEDERAL REGISTER under date of July 7, 1960, at page 6393.

No. MC 119778 (Sub No. 1), filed May 17, 1960. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, and *cement*, in bulk, from points in Alabama to points in Mississippi, Tennessee, Florida, and Georgia.

HEARING: September 21, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 119815, filed May 25, 1960. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 1518 L Street, Bedford, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* and *gypsum products*, from the site of the United States Gypsum Company plant, approximately five (5) miles east of Shoals in Martin County, Ind., to St. Louis, Mo., points in Illinois, Kentucky, Ohio, Tennessee, and West Virginia, and to points in Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Osage, Perry, Pemiscott, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne Counties, Mo.; and *Pallets* and *skids*, and *refused or rejected shipments* of the above-specified commodities, from the above-specified destination points to the origin point specified above.

HEARING: September 30, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Francis A. Welch.

No. MC 119834, filed June 7, 1960. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., R.D. No. 2, York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire cloth*, aluminum, brass, bronze or copper, and *iron and steel cloth*, in straight or mixed truckloads, from York, Pa. to points in California, Oklahoma, and Texas, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: September 22, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles J. Murphy.

No. MC 119836, filed June 6, 1960. Applicant: PETROLEUM CARRIER CORPORATION, 300 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (Portland, Hydrated and Masonry), *Hydrated Lime*, and *Quicklime*, in bulk, and in bags, from

the plant sites of American Marietta Company (Southern Cement Company Division), located at North Birmingham, Jefferson County, Ala., and in Shelby County, Ala., to points in Georgia, Florida, Mississippi, Tennessee, South Carolina, and North Carolina, and *empty containers, or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

NOTE: Dual Operations may be involved.

HEARING: September 22, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 119867, filed June 17, 1960. Applicant: NICHOLS BADGER BRAND PRODUCTS, INC., 2124 West Grand Avenue, Chicago, Ill. Applicant's attorney: John H. Ames, 935 Empire Building, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and frozen ice cream novelties*, such as, popsicles, drumsticks, etc., from Milwaukee, Wis., and Chicago, Ill., to Mason City, Waterloo, Marshalltown, Dubuque, Des Moines, Cedar Rapids, Burlington, and Davenport, Iowa; and from Mason City and Cedar Rapids, Iowa, to Pekin, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: September 21, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Maurice S. Bush.

No. MC 119874, filed June 21, 1960. Applicant: RICHARD H. STEGER, Millers, Md. Applicant's attorney: Donald E. Freeman, Uniontown Road Box 24, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building or structure stone* (4 inch veneer strips) in truck loads, (1) from Butler, Md., to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. (2) From McDermott, Ohio, and Rutland, Vt., to Butler, Md.

NOTE: Applicant states the above transportation will be performed under a continuing contract for the account of the C. E. Weaver Stone Company (a Corporation), Butler, Md.

HEARING: September 20, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

MOTOR CARRIERS OF PASSENGERS

No. MC 83791 (Sub No. 3), filed June 8, 1960. Applicant: PERKIOMEN VALLEY BUS COMPANY, a Corporation, Ninth & Main Streets, Pennsburg, Pa. Applicant's attorney: Harry H. Frank, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, (1) between the Borough of Red Hill (Montgomery County), Pa., and the City of Allentown (Lehigh County), Pa.: from Red Hill over Pennsylvania Highway 29 to Allentown, and return over the same route, serving all intermediate points; and (2) between the Village of Hereford (Berks County), Pa., and the Borough of Boyertown (Berks County), Pa.: from junction Pennsylvania Highways 29 and 100 at Hereford over Pennsylvania Highway 100 to Boyertown, and return over the same route, serving all intermediate points.

HEARING: September 28, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 84728 (Sub No. 34), filed May 6, 1960. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. Applicant's attorney: William A. Roberts, Continental Building, 14th at K Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round-trip special operations seasonal during racing seasons, beginning and ending at Philadelphia, Pa., and Camden, N.J., and extending to: (a) Yonkers Raceway, Yonkers, N.Y., (b) Roosevelt Raceway, Westbury, Long Island, N.Y., (c) Delaware Park, New Castle, Del., (d) Brandywine Raceway, New Castle, Del., (e) Bowie Race Course, Bowie, Md., (f) Laurel Race Course, Laurel, Md., (g) Pimlico Race Course, Baltimore, Md.

HEARING: September 12, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles J. Murphy.

No. MC 99779 (Sub No. 2), filed June 13, 1960. Applicant: VALLEY TRANSPORTATION COMPANY, a Corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, during respective racing seasons, between Harrisburg, Lemoyne, and York, Pa., and the Pimlico Race Course, Baltimore, Md.

HEARING: September 29, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 74, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

No. MC 107583 (Sub No. 12), filed June 6, 1960. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 291 Broadway, New York 7, N.Y. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Fort Dix, McGuire Air Force Base, Wrightstown, N.J., and points in the Townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia, Pa.

NOTE: Applicant states the proposed operations will be special in character, in nonscheduled door-to-door service limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats. Applicant further states it is presently authorized to conduct these operations between the named origin points, on the one hand, and Philadelphia International Airport, Philadelphia, Pa., on the other, and seeks by this application authority to serve between the said territory and all of Philadelphia. Applicant's stockholders are also stockholders in Central Stages, Inc., MC 105661, and Bell Transportation Co., Inc., MC 117547; therefore, common control may be involved.

HEARING: September 14, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 67, or, if the Joint Board waives its right to participate, before Examiner Charles J. Murphy.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub No. 101), filed June 28, 1960. Applicant: RYDER TANK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Anniston, Ala., and Gadsden, Ala.: from Anniston over U.S. Highway 431 to Gadsden and return over the same route serving no intermediate points, as an alternate route for operating convenience only, and (2) between Lake City, Fla., and Hazlehurst, Ga.: from Lake City over U.S. Highway 441 to Douglas, Ga., thence over U.S. Highway 221 Hazlehurst, and return over the same route serving no intermediate points, as an alternate route for operating convenience only, with right of joinder at Lake City, Fla., but with no authority to serve Lake City, Fla.

NOTE: As to Part 1 of the application, applicant presently holds authority between Anniston, Ala., and Gadsden, Ala., however, there is a restriction on this authority as set forth in Docket No. MC 2900 Sub 47, dated June 30, 1949.

No. MC 66562 (Sub No. 1696), filed June 28, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between the junction of Delaware County Road 64 and Delaware Highway 26 to Salisbury, Md., from the junction of Delaware County Road 64 with Delaware Highway 26, over Delaware Highway 26 to the Delaware-Maryland State line, thence over Maryland Highway 353 to junction U.S. Highway 50, thence over U.S. Highway 50 to Salisbury, Md., and return over the same route, serving the intermediate point of Pittsville, Md. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt.

NOTE: Applicant states the proposed operations will be an extension of applicant's existing authorized operations in No. MC 66562 Subs No. 1141 and 1151.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 195), filed June 23, 1960. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorneys: Raymond H. Warns and George W. Rauch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Chicago, Ill., and junction U.S. Highways 14 and 51, approximately three (3) miles north of Janesville, Wis., from Chicago over Interstate Highway 90 to its interchange with U.S. Highway 14, thence over U.S. Highway 14 to junction U.S. Highway 51, and return over the same route, serving the intermediate and off-route points of Elgin, Ill., from the Elgin East Interchange over Illinois Highway 25 to Elgin, thence over Illinois Highway 31 to the Elgin West Interchange; Belvidere, Ill., from the Genoa Road Interchange over unnumbered highway to Belvidere, thence over U.S. Highway 20 to Rockford, Ill., with the privilege of joinder at the interchange of Interstate Highway 90 and U.S. Highway 20; Beloit, Wis., from the South Beloit Interchange over an unnumbered highway to U.S. Highway 51, thence over U.S. Highway 51 to Beloit; Janesville, Wis., from the Janesville Interchange over Wisconsin Highway 11 to Janesville.

NOTE: Applicant states it proposes to join or tack this authority, if granted, to its present authority between Chicago, Ill., and Great Falls, Mont., serving all intermediate points, and between Melrose Park, Ill., and Pigeon River, Minn., serving all intermediate points, as described on Sheet 1 of Certificate No. MC 1501 (Sub No. 77). Applicant further states that under Deviation Notice it has been operating between Chicago and Beloit via the proposed route, and that the present service will be continued if the instant application is granted, except that the northern terminus will be north of Janesville, Wis.

No. MC 1501 (Sub No. 196), filed June 23, 1960. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorneys: Raymond H. Warns and George W. Rauch (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Janesville, Wis., and junction U.S. Highway 30 and Iowa Highway 212, approximately six (6) miles east of Tama, Iowa, and junction Iowa Highway 131 and U.S. Highway 30, approximately six (6) miles north of Belle Plaine, Iowa, from junction U.S. Highway 30 and Iowa Highway 212 over U.S. Highway 30 to junction Iowa Highway 131, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Applicant states it proposes to join or tack this authority, if granted, to its present authority at junction U.S. Highway 30 and Iowa Highway 131 and at junction U.S. Highway 30 and Iowa Highway 212, as described on Sheet 2 of Certificate No. MC 1501 (Sub No. 77).

No. MC 1501 (Sub No. 197), filed June 29, 1960. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorneys: Raymond H. Warns and George W. Rauch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between Marion, Ill., and junction Interstate Highway 57 and U.S. Highway 51, approximately two (2) miles north of Ullin, Ill., over Interstate Highway 57, serving no intermediate points; and (2) between Wickliffe, Ky., and Union City, Tenn., from Wickliffe over U.S. Highway 51 to Clinton, Ky., thence over Kentucky Highway 58 to junction Kentucky Highway 123, thence over Kentucky Highway 123 to junction Kentucky Highway 127, thence over Kentucky Highway 127 to the Kentucky-Tennessee State line, thence over Tennessee Highway 21 to Union City, and return over the same route, serving no intermediate points; and all subject to the restrictions that no passengers may be transported from Union City, Tenn., or points south thereof over this route whose final destination is Cairo, East St. Louis, Ill., St. Louis, Mo., or points beyond when routed via St. Louis, Mo., or vice versa; and further, that no passengers may be transported whose entire ride is between Cairo, Ill., and Union City, Tenn., or intermediate points, or vice versa.

NOTE: Applicant states it proposes to join or tack this authority, if granted, to (a) its present certificated authority between Marion, Ill., and Union City, Tenn., as described in Route 3 on Sheet 2 under Docket No. MC 1501 (Sub No. 25), between Effingham, Ill., and Jackson, Miss., serving the intermediate points of Memphis, Tenn., and those between Memphis and Effingham, and the off-route point of Herrin, Ill.; and (b) Applicant's present authority between junction Interstate Highway 57 and U.S. Highway 51 and Wickliffe, Ky., as described in Route 2 on Sheet 1 of the certificate issued under Docket No. MC 1501 (Sub No. 25), between St. Louis, Mo., and Paducah, Ky., serving the intermediate points of Cairo, Ill., and Wickliffe, Ky., and all other intermediate points except those on U.S. Highway 51 between Cairo and Wickliffe.

No. MC 5786 (Sub No. 3), filed June 30, 1960. Applicant: H. B. CRENSHAW, doing business as CRENSHAW BUS LINES, P.O. Box 537, Oak Grove, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers* in the same vehicle with passengers, between Monroe, La., and Lake Providence, La.; from Monroe over U.S. Highway 165 to Mer Rouge, La., thence over Louisiana Highway 2 to junction of Louisiana Highway 2 and U.S. Highway 65, thence over U.S. Highway 65 to Lake Providence, La., and return over the same route, serving all intermediate points.

No. MC 119889, filed June 29, 1960. Applicant: MORITZ O. GOCHENOUR, doing business as GOCHENOUR BUS SERVICE, Route 1, Woodstock, Va. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round-trip charter operations beginning and ending at points in Shenandoah County, Va., and extending to points in Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

PETITION

Nos. MC 117330, MC 117330 (Sub No. 1), and MC 117330 (Sub No. 3), (PETITION TO REMOVE OR MODIFY RESTRICTIONS IN PERMITS), dated June 22, 1960. Petitioner: FLEMINGTON TRANSPORTATION, INCORPORATED, Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Permit No. MC 117330, dated February 16, 1950, authorizes the transportation of stone, clay products, and fibre pipe, from points in certain named counties in Ohio, and certain counties in Pennsylvania, to New York, N.Y., and certain counties in New York, points in New Jersey, and certain counties in Connecticut; and brick and stone, on return. Permit No. MC 117330 (Sub No. 1), dated July 9, 1959, authorizes the transportation of brick, clay products, and stone, between points in a portion of Pennsylvania, on the one hand, and, on the other, New York, N.Y., and points in certain counties in New York, points in New Jersey, and certain counties in Connecticut. Permit No. MC 117330 (Sub No. 3), dated April 20, 1960, authorizes the transportation of refractory products (except clay products), insulation, cement and lime products, asphalt and asbestos products, lathe and building boards, from New York, N.Y., and points in certain counties in New York, points in New Jersey, and points in certain counties in Connecticut, to points in certain counties in Ohio, and certain counties in Pennsylvania, also brick and stone and clay products, from New York, N.Y., and certain counties in New York to points in New Jersey, and points in certain counties in Connecticut to points in Pennsylvania. All of the above Permits are subject to a restriction reading: The operations authorized

herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Merritt, Incorporated, of Flemington, N.J. By petition dated June 22, 1960, petitioner requests the Commission accept the petition for modification of the authority described in the outstanding permits and to exclude the restriction as to a named shipper or in the alternative impost a restriction as to a class of consignors or consignees which petitioner may serve in the form of a "Keystone" restriction, viz. under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the production, distribution and utilization of stone, clay products, fibre pipe, brick refractory products, insulation, cement and lime products, asphalt and asbestos products, lathe and building board. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 103435 (Sub No. 97), filed June 3, 1960. Applicant: BUCKINGHAM FREIGHT LINES, a Corporation, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Classes A and B explosives and general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between the junction of U.S. Highway 87 and U.S. Highway 85, north of Cheyenne, Wyo., over U.S. Highway 87 to Douglas, Wyo., for operating convenience only in connection with applicant's authorized regular route operations between Douglas and Gillette, Wyo., serving Douglas as a point of joinder only. (2) *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Scottsbluff, Nebr., and the junction of U.S. Highway 26 and U.S. Highway 26-N, for operating convenience only in connection with applicant's authorized regular route operations between Scottsbluff, Nebr. and Cheyenne, Wyo., serving the junction of U.S. Highways 26 and 26-N as a point of joinder only.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-6740, KINGSWAY TRANSPORTS LIMITED—PURCHASE—CHARLES A. KUHNS DELIVERY, INC., published in the October 30, 1957, issue of the FEDERAL REGISTER on page 8768. Supplemental application filed July 5, 1960, by ALGOMA STEEL CORPORATION LIMITED, 503 Queen Street East, Sault Ste. Marie, Ontario, Canada, as the controlling party of CANADA STEAMSHIP LINES LIMITED, P.O. Box 100, Montreal, Quebec, Canada, which corporation is in control of KINGSWAY TRANSPORT LIMITED, P.O. 1220, Montreal, Quebec, Canada, purchaser of CHARLES A. KUHNS DELIVERY, INC., 2259 Fairfield Avenue, Niagara Falls, New York. Applicants' attorney: S. Harrison Kahn, 1110–1114 Investment Building, Washington 5, D.C. This supplemental application is filed in response to certain discussion in the report and order of March 23, 1960, in No. MC-F-6740.

No. MC-F-7543 (TEXAS BUS LINES—PURCHASE—COASTAL COACHES, INC.), published in the May 25, 1960, issue of the FEDERAL REGISTER on page 4623. Application filed July 5, 1960, for temporary authority under section 210a(b).

No. MC-F-7562 (NAVAJO FREIGHT LINES, INC.—PURCHASE—FRED W. SCHULTZ (MYRON H. BURNETT, RECEIVER)), published in the June 22, 1960, issue of the FEDERAL REGISTER on page 5715. Application filed July 5, 1960, for temporary authority under section 210a(b).

No. MC-F-7569 (CORRECTION), CASSENS TRANSPORT COMPANY—PURCHASE (PORTION)—SPEEDWAY TRANSPORTS, INC., published in the June 22, 1960, issue of the FEDERAL REGISTER on page 5716. The States of Idaho and Minnesota were inadvertently omitted in describing points vendee is authorized to serve.

No. MC-F-7585. Authority sought for control and merger by TOPEKA MOTOR FREIGHT, INC., 301 Adams Street, Topeka, Kansas, of the operating rights and property of DONOVAN MOTOR FREIGHT, INC., Second and Shawnee Streets, Leavenworth, Kansas, and for acquisition by JEFF A. ROBERTSON, 2855 Fairway Drive, Topeka, Kansas, of control of such rights and property through the transaction. Applicants' attorney: James F. Miller, 500 Board of Trade Building, Kansas City, Missouri. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between Atchinson, Kans., and Kansas City, Mo., and the intermediate points of Victory Junction, Lansing, Richardson, Soldiers' Home, Leavenworth, Fort Leavenworth, and Lewemont, Kans., and the intermediate and off route points in Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission. TOPEKA MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Missouri and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7586. Authority sought for purchase by WEST NEBRASKA EXPRESS, INC., 709 Mill Drive, Scottsbluff, Nebr., of the operating rights of CARL J. FORSSTROM, Hemingford, Nebr. Applicants' attorney: Russell E. Lovell, P.O. Box 419, 2112 Broadway, Scottsbluff, Nebr. Operating rights sought to be transferred: *Household goods, livestock, and agricultural commodities*, as a *common carrier* over irregular routes, between Hemingford, Nebr., and points within 30 miles of Hemingford, on the one hand, and, on the other, points in Colorado, South Dakota, and Wyoming; *food*, from Denver, Colo., to Hemingford, Nebr., and points within 30 miles of Hemingford; *lumber, posts, and fuel wood*, from points in Custer County, S. Dak., to Hemingford, Nebr., and points within 30 miles of Hemingford; *coal*, from Denver, Colo., and points within 20 miles of Denver, Douglas and Glenrock, Wyo., and points within 20 miles of Douglas and Glenrock to Hemingford, Nebr., and points within 30 miles of Hemingford. Vendee is authorized to operate as a *common carrier* in Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7587. Authority sought for purchase by C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex., of a portion of the operating rights of GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, Houston, Tex., and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of such rights through the purchase. Applicants' attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla., and Joe C. Fender, 1421 Melrose Building, Houston, Tex. Operating rights sought to be transferred: (A) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment; and (B) *related machinery* and *related contractors' materials* and *supplies* when their transportation is incidental to the transportation of the commodities authorized in (A) above, as a *common carrier* over irregular routes, between points in Texas, on the one hand, and on the other, points in Pennsylvania, New York, and New Jersey, and between points in Michigan, Ohio, and Pennsylvania, on the one hand, and on the other, points in Montana, North Dakota, South Dakota, and Wyoming. RESTRICTION: The authority granted herein is subject to the condition that carrier shall not engage in the stringing or picking up of pipe along pipelines. Vendee is authorized to operate as a common carrier in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Mississippi, Illinois, Indiana, Kentucky, Arkansas, North Dakota, South Dakota, Wisconsin, Tennessee, Nevada, Colorado, Pennsylvania, Montana, Wyoming, Ohio, Oregon, Washington, Minnesota, Michigan, Iowa, New Jersey, New York, Utah, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7588. Authority sought for purchase by JAMESWAY MOVING & STORAGE CO., 446 East 111th Place, Chicago, Ill., of the operating rights and property of D. P. HANENBURG, doing business as JAMESWAY MOVING & STORAGE CO., 446 East 111th Place, Chicago, Ill., and for acquisition by DEWEY P. HANENBURG, also of Chicago, of control of such rights and property through the purchase. Applicants' attorney: G. M. Rebman, La Tourette & Rebman, Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in those portions of Illinois, Indiana, Ohio, and Pennsylvania, beginning at the junction of Illinois Highway 26 and the Wisconsin-Illinois State line and extending along Illinois Highway 26 to junction of Illinois Highway 29, thence along Illinois Highway 29 to Peoria, Ill., thence along U.S. Highway 150 to junction U.S. Highway 36, thence along U.S. Highway 36 (to junction U.S. Highway 22, thence along U.S. Highway 22 to Pittsburgh, Pa.), thence along Pennsylvania Highway 28 to Kittanning, Pa., thence along U.S. Highway 422 to Cleveland, Ohio, thence along U.S. Highway 20 to shore of Lake Michigan, thence along the shore of Lake Michigan to the junction of the Wisconsin-Illinois State line, and thence to point of beginning including indicated points on the highways specified, on the one hand, and, on the other, points in Michigan, Ohio, Illinois, Indiana, Pennsylvania, New Jersey, New York, Massachusetts, Virginia, Kentucky, Missouri, Wisconsin, Minnesota, Connecticut, Iowa, Maryland, Nebraska, Rhode Island, and the District of Columbia. Vendee holds no authority from this Commission. However, DEWEY P. HANENBURG is affiliated with UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, St. Louis 17, Mo., which is authorized to operate as a *common carrier* in all States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6465; Filed, July 12, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on June 15, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-59 authorizing General Dynamics Corporation to construct on the applicant's site at Torrey Pines Mesa, California, a TRIGA-type nuclear reactor designated by the applicant as the FLAIR. Notice of the proposed action was published in the FEDERAL REGISTER on June 16, 1960, 25 FR 5403.

Dated at Germantown, Md., this 1st day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK, *Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 60-6438; Filed July 12, 1960; 8:45 a.m.]

[Docket No. 50-18]

GENERAL ELECTRIC CO.

Notice of Issuance of Amendment of Utilization Facility License

Please take notice that, pursuant to an order of the Atomic Energy Commission dated July 1, 1960, directing that the intermediate decision of Honorable Samuel W. Jensch, Hearing Examiner, dated June 14, 1960, be effective immediately and authorizing and directing the issuance of an amended license to General Electric Company, Amendment No. 14 to Facility License No. DPR-1 has been issued. The amendment authorizes General Electric Company to operate its Vallecitos Boiling Water Reactor with certain internal modifications, with a new fuel arrangement including a new type of control rod and modified control rod activators, and with both turbine-driven and electrically-driven coolant circulation pumps. Public hearings on the issuance of the amendment were held on April 5, 1960, April 6, 1960, and May 23, 1960.

Dated at Germantown, Md., this 6th day of July 1960.

For the Atomic Energy Commission.

H. L. PRICE, *Director, Division of Licensing and Regulation.*

[F.R. Doc. 60-6439; Filed, July 12, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11314]

WINGS AND WHEELS EXPRESS, INC., AND AMERICAN SHIPPERS, INC.; ENFORCEMENT PROCEEDING

Notice of Hearing

In the matter of the unapproved agreement between Wings and Wheels Express, Inc., and American Shippers, Inc.; Enforcement Proceeding.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on July 21, 1960, at 10:00 a.m. e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Henry F. Martin, Jr.

Dated at Washington, D.C., July 8, 1960.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 60-6493; Filed, July 12, 1960; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July 1960 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale on the price basis set forth.

Principal changes in the list for July are dropping farmers stock peanuts from the sales list and shifting to 1960-crop price-support rates in setting minimum domestic sales prices for wheat, oats, barley, rye, and grain sorghums. Wheat sales price examples are based on the 1960-crop minimum support rates announced last summer. Any revision of 1960-crop wheat support rates as of July 1 will be reflected automatically in minimum domestic sales prices.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities (except oats) currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, cotton, tobacco, rice (milled), wheat, corn, barley, rye, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for July 1960 are 4½ percent for periods up to six months, 5 percent for periods from over six and up to 18 months, and 5½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required

U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Commodity Stabilization Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated CSS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS office and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Nonfat dry milk (bags and drums) as available.	Domestic, unrestricted use: Announced prices, under LD-20 as amended: Spray process, U.S. extra grade, 15.00 cents per pound. Roller process, U.S. extra grade, 13.00 cents per pound. Export: Competitive bid under LD-23 pursuant to invitations to bid to be issued by Cincinnati and Portland CSS Commodity Offices (may be applied to arrangements for barter or approved credit sales).
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO-C-12 (Sale of 1958 and prior crop cotton for unrestricted use) and Announcement NO-C-13 (Sale of 1959-crop Choice (A) cotton for unrestricted use). Under NO-C-12 and NO-C-13, cotton in CCC's catalogs to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC or (2) 110 percent of the applicable Choice (B) support price plus carrying charges.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-5 as amended and NO-C-10 as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Wheat, bulk	Domestic, unrestricted use; Commercial wheat-producing area: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 14 cents per bushel if received by truck or (2) 11 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 HW ..... $2.18 Minneapolis, No. 1 DNS ..... 2.25 Kansas City, No. 1 HW ..... 2.18 Portland, No. 1 SW ..... 2.09 (Above examples are based on preliminary loan rates.) Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate. Export: (1) As wheat under Announcement GR-261 revised, as amended, or as flour under Announcement GR-262 revised, as amended, for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily (2) under Announcement GR-212 revised, amended, for specific offerings as announced and (3) under Announcement GR-345 for redemption of certificates under Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Corn, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate plus (1) a markup of 19 cents per bushel for corn in storage at point of production or (2) a maskup of 21 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production. Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.2 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago ..... $1.25¼ Minneapolis ..... 1.26¼ Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites, through ASC County Offices. At other locations through the Commodity Offices indicated below. Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis and Portland CSS Commodity Offices.
Oats, bulk	Domestic, unrestricted use: Market price, basis in store,[1] but not less than the 1960 applicable loan rate, plus (1) a markup of 6 cents per bushel for oats in storage at point of production and (2) a markup of 8 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production. Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively: Chicago, No. 2 oats ..... $0.66¼ Minneapolis, No. 2 oats ..... .57¼ Export: Under Announcement GR-212, revised, amended, for application to approved emergency sales and under Announcement GR-368 for Feed Grain Payment-in-Kind Program (certificate redemption purposes only). Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.
Barley, bulk	Domestic, unrestricted use: Market price basis in store but not less than 1960 applicable loan rate plus (1) 8 cents per bushel if received by truck or (2) 6 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis, No. 2 or better ..... $1.06 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Kansas City, Portland, and Dallas CSS Commodity Offices.

[1] In those counties in which grain is stored in CCC bin sites delivery will be made f.a.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.

Commodity	Sales price or method of sale
Rye, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 10 cents per bushel if received by truck or (2) 7 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis, No. 2 or better (or No. 3 on TW only) ..... $1.19 Export: Under Announcement GR-212 revised, amended, for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Minneapolis, Evanston, Portland, Dallas, and Kansas City CSS Commodity Offices.
Grain sorghums, bulk	Domestic, unrestricted use: Market price basis in store but not less than the 1960 applicable loan rate plus (1) 17 cents per hundredweight if received by truck or (2) 11 cents per hundredweight if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City, No. 2 or better ..... $1.96 Export: Under Announcement GR-212, revised, amended, for application to arrangements for barter and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind Program. Available Evanston, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Rice, milled (as available)	Domestic, unrestricted use: Market price but not less than equivalent 1959 loan rate for rough rice by varieties and grades plus 5 percent, adjusted for milling, plus 43 cents per hundredweight basis in store. Prices and quantities available by varieties and grades may be obtained from Dallas CSS Commodity Office. Example of the minimum prices of milled rice per hundredweight at mills: Blue Bonnet: U.S. No. 3 $9.47; U.S. No. 4 $8.76 Century Patna: U.S. No. 3 8.73; U.S. No. 4 8.10 Export: Under GR-379 for application to arrangements for barter and approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas CSS Commodity Office.
Rice, broken (as available)	Domestic or export, unrestricted use: Competitive bid but not less than $4.78 per hundredweight in bags ($4.63 bulk) basis U.S. No. 4 brewers rice f.o.b. mills and warehouses. Available Dallas and Portland CSS Commodity Offices.
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than 1959 loan rate plus 5 percent, plus 43 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Rice Export Program Payment-in-Kind, and under GR-379 for approved credit sales. Prices, quantities, and varieties of rough rice available from Dallas and Portland CSS Commodity Offices.
Soybeans, bulk (as available)	Domestic or export: Market price basis in store but not less than the 1959 basic loan rate for No. 2 grade, basis point of storage, plus 29 cents per bushel, plus the value of billing, if any, as determined by the CSS Commodity Office. Market discounts for quality factors will be applied to the basic price to determine the actual sales price. Available Dallas, Evanston, Kansas City, and Minneapolis CSS Commodity Offices.
Peanuts, shelled all types (as available).	Domestic, unrestricted use: Under CCC peanut Announcement 2, market price but not less than the following minimum prices: No. 1's: Cents per pound Virginias ..... 20.05 Spanish ..... 20.05 S.E. Runners ..... 19.05 Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended.
Small Red Beans (bagged) (as available).	Domestic or export, unrestricted use: Basic sales for No. 1 beans f.o.b. Washington points of production at domestic market price but not less than $6.40 per hundredweight, with amount of paid-in freight to be added, as applicable. Prices of other grades will be determined on the basis of market differentials. Available Portland CSS Commodity Office.
Tung oil	Export: Competitive bid on limited quantities under Announcement DL-OP-10 by Dallas CSS Commodity Office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 206, 63 Stat. 901)

Issued: July 7, 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-6491; Filed, July 12, 1960; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

LOUISIANA

Notice of Proposed Withdrawal and Reservation of Land

JULY 7, 1960.

The Corps of Engineers, United States Army, New Orleans District, has filed an application for the withdrawal of the lands, hereafter described, from all forms of appropriation under the public land laws, including the United States Mining but not the Mineral Leasing Laws, subject to valid existing rights.

The applicant desires the land for use in connection with the improvement and maintenance of Southwest Pass of the Mississippi River, and the Bayou Bodcau Reservoir Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved are:

LOUISIANA MERIDIAN, LOUISIANA

T. 20 N., R. 11 W.,
Sec. 13, Lot 16, containing 40.80 acres.
T. 24 S., R. 30 E.,
Sec. 8, All Fr'l. containing 160 acres.

The area above described contains in the aggregate 200.80 acres.

H. K. SCHOLL,
Manager, Eastern States Land Office.

[F.R. Doc. 60-6445; Filed, July 12, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 60-811]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

JULY 8, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on August 12, 1960, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106

(c) (1) and § 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on August 12, 1960, or (b) if action is taken by the Commission on any listed application prior to August 13, 1960, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut-off" because it was timely filed for consideration with an application on a previous such list.

(1) Applications listed below, and (2) any timely filed applications involving an engineering conflict therewith, must be amended by the close of business on August 12, 1960, to include the engineering showing required by the revision of Section V–A, FCC Form 301, adopted by the Commission on March 16, 1960, FCC 60–343; except that any such application, (1) and (2), on which a section 309(b) letter has been issued, prior to the adoption date of this notice, need not be amended to include the said showing. However, if the engineering in any such application is amended after issuance of a section 309(b) letter, the said showing must be submitted with the amendment.

Adopted: July 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications from the top of the processing line

BP–12468 NEW, Tampa, Fla.
The Tamark Broadcasting Co., Inc.
Req: 810 kc, 500 w, DA–1, U.

BP–12811 NEW, Lamoore, Calif.
Elbert H. Dean and B. L. Golden.
Req: 1240 kc, 250 w, U.

BP–12821 WEED, Rocky Mount, N.C.
William Avero Wynne.
Has: 1390 kc, 1 kw, 5 kw–LS, DA–2, U.
Req: 1390 kc, 1 kw, 5 kw–LS, DA–N, U.

BP–12969 NEW, Ebensburg, Pa.
Cambria County Broadcasting Co.
Req: 1580 kc, 1 kw, (CR) Day.

BP–12997 NEW, Troy, N.C.
Montgomery County Broadcasting Co.
Req: 1390 kc, 500 w, Day.

BP–13063 NEW, Fowler, Calif.
Morris Mindel.
Req: 1220 kc, 250 w, Day.

BP–13235 WMOA, Marietta, Ohio.
Marietta Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–13239 WSPB, Sarasota, Fla.
WSPB Broadcasting Co., Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13241 WCLW, Mansfield, Ohio.
Mansfield Broadcasting Co.
Has: 1570 kc, 250 w, DA, Day.
Req: 1570 kc, 1 kw, DA, Day.

BP–13242 NEW, Bonita Springs, Fla.
Lee County Broadcasting Company, Inc.
Req: 1440 kc, 5 kw, DA, Day.

BP–13246 NEW, Spokane, Wash.
Independent Broadcasting Co.
Req: 1440 kc, 5 kw, DA–N, U.

BP–13244 WLAG, LaGrange, Ga.
LaGrange Broadcasting Co.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–13246 WJPF, Herrin, Ill.
Egyptian Broadcasting Co. "Voice of Egypt".
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BP–13247 WLAS, Jacksonville, N.C.
Seaboard Broadcasting Corp.
Has: 910 kc, 1 kw, Day.
Req: 910 kc, 5 kw, Day.

BP–13248 KMHT, Marshall, Tex.
Harrison County Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13249 WCLS, Columbus, Ga.
Muscogee Broadcasting Co.
Has: 1580 kc, 1 kw, Day.
Req: 1580 kc, 1 kw, DA–N, U.

BP–13250 KFAM, St. Cloud, Minn.
The Times Publishing Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13251 WSKI, Montpelier, Vt.
Green Mountain Broadcasting Co., Inc.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–13252 WASK, Lafayette, Ind.
Lafayette Broadcasting, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13253 NEW, Nicholasville, Ky.
Nicholasville Broadcasting Co.
Req: 1250 kc, 500 w, Day.

BMP–8624 KTOD, Sinton, Tex.
Southern Broadcasting Corp.
Has CP: 1590 kc, 500 w, 1 kw–LS, DA–2, U.
Req MP: Change nighttime directional antenna system.

BP–13256 KATI, Casper, Wyo.
KATI Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–13258 WKLK, Cloquet, Minn.
Cloquet Broadcasting Co.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–13259 KNOC, Natchitoches, La.
Natchitoches Broadcasting Company, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13260 NEW, Englewood, Tenn.
Englewood Broadcasting Co.
Req: 1360 kc, 1 kw, Day.

BP–13261 KSUM, Fairmont, Minn.
KSUM Broadcasting Co.
Has: 1370 kc, 1 kw, DA–2, U.
Req: 1370 kc, 1 kw, 5 kw–LS, DA–2, U.

BP–13263 NEW, Mauston, Wis.
John D. Rice.
Req: 1270 kc, 500 w, Day.

BP–13265 WPPA, Pottsville, Pa.
Pottsville Broadcasting Co.
Has: 1360 kc, 500 w, 1 kw–LS, DA–N, U.
Req: 1360 kc, 500 w, 5 kw–LS, DA–2, U.

BP–13266 NEW, Cumming, Ga.
Sawnee Broadcasting Co.
Req: 1410 kc, 1 kw, DA, Day.

BP–13267 KRSD, Rapid City, S. Dak.
Heart of the Black Hills Station.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw–LS, U.

BP–13269 KLOG, Kelso, Wash.
James D. Higson.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–13272 NEW, Newnan, Ga.
Radio Newnan.
Req: 1300 kc, 500 w, Day.

BP–13275 NEW, Bartlesville, Okla.
B-D Broadcasters.
Req: 630 kc, 500 w, Day.

BP–13276 NEW, Victorville, Calif.
George Shane.
Req: 1450 kc, 250 w, U.

BP–13277 NEW, Victorville, Calif.
Jerry Carr.
Req: 1590 kc, 500 w, Day.

BP–13278 NEW, Yauco, Puerto Rico.
Ponce Broadcasting Corp.
Req: 1550 kc, 250 w, U.

BP–13279 KVEN, Ventura, Calif.
Coast Ventura Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, DA–D, U.

BP–13280 WSWW, Platteville, Wis.
Southwest Wisconsin Company, Inc.
Has: 1590 kc, 1 kw, Day.
Req: 1590 kc, 500 w, 1 kw–LS, DA–N, U.

BP–13281 NEW, Blue Ridge, Ga.
Fannin County Broadcasting Co.
Req: 1440 kc, 500 w, Day.

BP–13285 WBNY, Buffalo, N.Y.
WBNY, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–13286 WVOS, Liberty, N.Y.
Sullivan County Broadcasting Corp.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–13288 NEW, Indianapolis, Ind.
WIFE Corp.
Req: 1150 kc, 1 kw, Day.

BP–13289 KANA, Anaconda, Mont.
Tri-County Radio Corp.
Has: 1230 kc, 250 w, U.
Req: 580 kc, 1 kw, Day.

Applications on which 309(b) letters have been issued

BP–13236 KENM, Portales, N. Mex.
Plains Broadcasting Co., Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13240 NEW, Shippensburg, Pa.
Town Radio, Inc.
Req: 1480 kc, 500 w, Day.

BP–13264 WMAS, Springfield, Mass.
WMAS, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

BP–13268 WOSH, Oshkosh, Wis.
Value Radio Corp.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw–LS, U.

BP–13270 WMIN, St. Paul, Minn.
Franklin Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 500 w–LS, U.

BP–13271 NEW, Greenville, Tenn.
Greene County Broadcasting Co., Inc.
Req: 1450 kc, 250 w, U.

BP–13274 WWSC, Glens Falls, N.Y.
Normandy Broadcasting Corp.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw–LS, U.

[F.R. Doc. 60-6483; Filed, July 12, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5471 etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Postponement of Hearing

JULY 5, 1960.

Alabama-Tennessee Natural Gas Company, Docket Nos. G–5471, G–11983, G–17218 and G–19984.

Upon consideration of the request filed June 27, 1960, by Counsel for Alabama-Tennessee Natural Gas Company for postponement of the hearing now scheduled for July 12, 1960 in the above-designated matter;

The hearing now scheduled for July 12, 1960, is hereby postponed to July 13, 1960, at 10:00 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6441; Filed, July 12, 1960; 8:45 a.m.]

[Docket Nos. RI60–457, RI60–458]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rate [1]

JULY 6, 1960.

Continental Oil Company, Docket No. RI60–457; and Delaney Oil Company (Operator), et al., Docket No. RI60–458.

On June 6, 1960, the above named respondents tendered for filing proposed rate schedule changes reflecting increases in price for natural gas sold to Tennessee Gas Transmission Company from the producing area of N. Government Wells Field, Duval County, Texas. The Notices of Change, each dated June 3, 1960, proposed an increase from 12.12268 cents to 17.24347 cents per Mcf at a pressure base of 14.65 psia. Continental's filing, designated Supplement No. 2 to its FPC Gas Rate Schedule No. 142, succeeds a filing for proposed increase suspended in Docket No. RI60–53 until June 21, 1960, and made effective as of that date pursuant to Continental's motion to make effective filed May 23, 1960. Delaney's filing, designated Supplement No. 3 to its FPC Gas Rate Schedule No. 1, succeeds a filing for proposed increase suspended in Docket No. G–20556 until June 7, 1960, or until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Delaney has not filed a motion to make the rate effective.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until December 7, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of, or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 22, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6442; Filed, July 12, 1960; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket No. RI60–459]

LeCUNO OIL CORP.

Order for Hearing and Suspending Proposed Change in Rate and Allowing Increased Rate To Become Effective

JULY 6, 1960.

LeCuno Oil Corporation (LeCuno) on June 8, 1960, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser and Producing area: Mississippi River Fuel Corporation, Woodlawn Field, Harrison County, Texas.
Rate schedule designation: Supplement No. 12 to LeCuno's FPC Gas Rate Schedule No. 3.
Proposed increased rate: From 14.1344 cents to 14.6392 cents per Mcf at 14.65 psia.
Effective date: July 9, 1960 (stated effective date is that proposed by LeCuno).

In support of its proposed periodic rate increase, LeCuno states that the contract resulted from extensive arm's-length bargaining, that denial of the proposed increased rate would be discriminatory against the seller, that the increased price is necessary to provide a fair return on its investment and to encourage further exploration, and that, as such increase is justified, denial thereof would abrogate a solemn contract and would be confiscatory of seller's property without due process of law. In addition, LeCuno incorporated by reference cost data which it submitted on December 5, 1958, in support of a motion to terminate suspension proceedings in seven dockets which involve four of its rate schedules including the subject rate schedule.

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 12 to LeCuno's FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is appropriate in the public interest in carrying out the provisions of the Natural Gas Act that LeCuno's proposed increased rate be made effective as hereinafter provided and the LeCuno be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to LeCuno's FPC Gas Rate Schedule No. 3.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 10, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) The above-designated supplement shall be made effective as of July 10, 1960: *Provided, however,* That within 20 days from the date of issuance of this order, LeCuno shall execute and file under Docket No. RI60–459 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order Nos. 215 and 215A). Such agreement and undertaking shall be filed by LeCuno, signed by a responsible officer thereof, and accompanied by proper authorization from the Board of Directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless LeCuno is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

practice and procedure (18 CFR 1.8 or 1.97(f)) on or before August 25, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6443; Filed, July 12, 1960; 8:45 a.m.]

[Project No. 2277]

UNION ELECTRIC CO.

Notice of Application for License

JULY 6, 1960.

Public notice is hereby given that Union Electric Company, of St. Louis, Missouri, has filed application under the Federal Power Act (16 U.S.C. 791a–825r) for a license for proposed water-power Project No. 2277, to be known as the Taum Sauk Project and to be located in Reynolds, Iron, Washington, and St. Francois Counties, State of Missouri, and situated on the East Fork of the Black River at its confluence with Taum Sauk Creek. Jurisdiction over the proposed project is now pending in the Commission in the matter of Docket No. E–6927 (DI–212), filed February 1, 1960.

The proposed project would be a high-head pumped-storage project consisting of a concrete gravity dam with a gated sluice and non-gated spillway section, located on East Fork of Black River at the confluence of Taum Sauk Creek; a reservoir with a water surface elevation of 750 feet, usable storage of 4,000 acre-feet in 15 feet of drawdown and a surface area of 370 acres, known as the "lower pool"; the "upper pool" created by a rockfill concrete-faced dike with water surface at elevation 1625 feet, storage of 4,000 acre-feet in 110 feet of drawdown, and an area of 32 acres, located on top of an adjoining mountain; a tunnel and penstock, leading to a powerhouse located on an open channel leading to the "lower pool", containing two reversible pump-units, each having a generating capacity of 175,000 kilowatts; two 138 kv transmission lines extending to the applicant's Rivermines Substation; step-up transformers and switchyard; and appurtenant electrical and mechanical facilities. The pump-units would be operated as generators during daylight peaking operations and as pumps during the night while pumping water from the lower to the upper pool. According to the application, the project would be operated as a peak load plant, and the energy would be distributed and sold by the Applicant for public utility purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day on which protests or petitions may be filed is August 11, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6444; Filed, July 12, 1960; 8:45 a.m.]

[Docket No. CP60-44]

AMERICAN LOUISIANA PIPE LINE CO. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application and Date of Hearing

JULY 7, 1960.

Take notice that on February 25, 1960, American Louisiana Pipe Line Company (American Louisiana), a Delaware corporation with a principal office in Detroit, Michigan, and Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with a principal office in Owensboro, Kentucky, filed in Docket No. CP60–44 a joint application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the exchange of natural gas through existing and a proposed new interconnection between the facilities of American Louisiana and Texas Gas at the points hereinafter described and as more fully described in the application mentioned above.

Installed interconnections and proposed interconnection:

1. Where American Louisiana's pipeline interconnects with the 26-inch line of Texas Gas near Slaughters, in Webster County, Kentucky.

2. Where American Louisiana's pipeline interconnects with the 26-inch line of Texas Gas in Acadia Parish, Louisiana.

3. Where American Louisiana's pipeline interconnects with the 10-inch line of Texas Gas in Cameron Parish, Louisiana.

4. A proposed new interconnection between American Louisiana's pipeline and the 16-inch line of Texas Gas near Bedford, in Lawrence County, Indiana.

It is estimated that the facilities which Texas Gas proposes to construct will cost approximately $7,000. American Louisiana's tie-in facilities will cost approximately $3,800. Both will be financed by the respective companies from cash on hand.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 4, 1960, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6470; Filed, July 12, 1960; 8:49 a.m.]

[Docket Nos. CP60-32, CP60-52]

CITIES SERVICE GAS CO.

Notice of Applications and Date of Hearing

JULY 5, 1960.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, having an office in Oklahoma City, Oklahoma, filed on February 9, 1960, in Docket No. CP60–32, an application and on March 23, 1960, and April 11, 1960, supplements thereto for a certificate of public convenience and necessity, under section 7(c) of the Natural Gas Act, authorizing the construction and operation of certain additional facilities, as hereinafter described, for the purpose of meeting the estimated peak day demands of Applicant's existing customers for the heating seasons of 1961–1962 and 1962–1963, and, in part, for the purpose of meeting Applicant's contractual commitments to purchase gas in the Barber County, Kansas area. The application is intended to cover not only the bulk of Applicant's contemplated 1960 construction program, but is also intended to cover substantial construction in the years 1961 and 1962. The application also requests an order approving abandonment of certain facilities, as hereinafter described, under section 7(b) of the Natural Gas Act.

The facilities proposed to be constructed and operated and the facilities proposed to be abandoned are more particularly described as follows:

ALDEN STORAGE PROJECT

(a) In 1960, acquire approximately 2,880 acres, develop, and operate an underground gas storage field, plug and abandon old wells, drill, equip, and connect approximately 12 new storage wells located in Sections 21, 22, 27, and 28, Township 21 South, Range 9 West, Rice County, Kansas.

(b) In 1960, construct a gas gathering system for the Alden Storage Field aggregating 1 mile 6", .5 mile 8", and .5 mile 10" pipelines.

(c) In 1960, construct 12.85 miles of 16" line from Section 22, Township 21 South, Range 9 West, in the Alden Storage Field, thence in a Northeasterly direction to Applicant's existing Lyons Compressor Station located in Section 5, Township 19 South, Range 8 West, Rice County, Kansas.

(d) In 1960, construct 10.1 miles of 16" line from the end of Applicant's present 12" in the Northwest Quarter (NW¼) of Section 12, Township 21 South, Range 7 West, thence in a Northwesterly direction to Section 14, Township 20 South, Range 8 West, thence North to Applicant's Lyons Compressor Station. Reclaim 9.33 miles of the present 8" line beginning at said end of present 12", thence Northwesterly to the Northwest Quarter (NW¼) of Section 11, Township 20 South, Range 8 West, all in Rice County, Kansas.

(e) In 1961, construct a 1,350 horsepower addition to Applicant's Lyons Compressor Station and replace present station piping with high pressure pipe and related fittings.

(f) In 1961, construct a semi-automatic glycol dehydration plant with a capacity of approximately 75,000 Mcf per day at Applicant's Lyons Compressor Station.

INCREASE CAPACITY KANSAS-HUGOTON 26"

(a) In 1960, construct a 3,600 horsepower compressor station near Montezuma, Kansas, located in the Northwest Quarter (NW¼) of Section 25, Township 28 South, Range 29 West, Gray County, Kansas. Also construct an 1,800 horsepower addition to this station in 1961.

(b) In 1960, construct a 3,600 horsepower compressor station near Stafford, Kansas, located in the Northwest Quarter (NW¼) Section 19, Township 25 South, Range 11 West, Stafford County, Kansas; and construct an 1,800 horsepower addition to this station in 1961.

(c) In 1960, install turbocharging equipment on one existing 1,350 horsepower unit thus increasing the rating of this engine to 1,800 horsepower at Applicant's existing Ulysses Compressor Station located in the Southwest Quarter (SW¼) Section 28, Township 28 South, Range 38 West, Grant County, Kansas. Also construct an 1,800 horsepower addition in 1961.

(d) In 1960, install turbocharging equipment to the present 1,350 horsepower unit to increase the rating to 1,800 horsepower at Applicant's Sublette Compressor Station, located in the Northeast Quarter (NE¼) of Section 2, Township 29 South, Range 33 West, Haskell County, Kansas. Also construct a 1,350 horsepower addition to this station in 1962.

(e) Construct an 1,800 horsepower addition to Applicant's Hugoton Compressor Station, located in the Northeast Quarter (NE¼) of Section 3, Township 29 South, Range 35 West, Grant County, Kansas in 1961.

(f) In 1961, construct a new compressor station of 800 horsepower to compress the gas received from United Producing Company, located approximately in the Southeast Quarter (SE¼) of Section 27, Township 29 South, Range 35 West, Grant County, Kansas.

(g) In 1961, loop Applicant's existing 26" pipeline with 2.7 miles of 26" pipeline on the discharge side of the proposed Montezuma Station extending from the proposed station in the Northwest Quarter (NW¼), Section 25, Township 29 South, Range 29 West, thence East, paralleling the present 26" line to the Northeast Quarter (NE¼) Section 29, Township 29 South, Range 28 West, all in Gray County, Kansas.

(h) In 1961, construct an 1,800 horsepower addition and turbocharge the present 6–1100 horsepower units to a rating of 1,350 horsepower each, at Applicant's Hesston Compressor Station located in Southwest Quarter (SW¼) of Section 8, Township 22 South, Range 1 West, Harvey County, Kansas.

(i) In 1961, construct a 5,400 horsepower compressor station near the town of Americus, Kansas, located in the Northwest Quarter (NW¼) of Section 23, Township 18 South, Range 10 East, Lyon County, Kansas. Also construct an 1,800 horsepower addition to this station in 1962.

ALVA COMPRESSOR STATION

(a) In 1960, construct an 1,800 horsepower addition to Applicant's Alva Compressor Station, located in the Northeast Quarter (NE¼), Section 36, Township 28 North, Range 14 West, Woods County, Oklahoma.

Applicant alleges that to inject gas into Alden Storage to the full capacity of said field is a two year project.

Applicant alleges that although the demands of its existing customers are steadily increasing, its supply of gas is steadily decreasing in certain areas, namely, the fields which supply its Oklahoma Hugoton-Blackwell 26-inch line, the Pampa (Panhandle)-Alva 20-inch line and the area south of Blackwell, as well as other miscellaneous small fields. Applicant alleges that by reason of the utilization of the Alden Storage Field, together with the increase in capacity of the Kansas-Hugoton 26-inch line, it will have increased the peak day deliverability of gas from the Kansas Hugoton Field by approximately 145,000 Mcf of gas per day, which is required to serve the peak day requirements of the customers for the heating season 1962–1963. Applicant proposes to complete necessary construction in order that Alden Storage might be partially filled with gas during the warm months of 1960 and 1961. Applicant estimates that it can utilize from Alden Storage on the peak day of 1961–1962 approximately 35,000 Mcf of gas, which will be utilized to serve partially the requirements of Applicant's existing customers on its Hutchinson-Superior lateral, thereby displacing that same quantity of gas for transmission to Applicant's eastern markets, mainly in the Kansas City area.

Applicant estimates that with only its present facilities it would have to curtail some of the firm demands of its customers on the 1962–1963 peak day by approximately 17,500 Mcf, and on the 1963–1964 peak day by 94,877 Mcf.

Applicant alleges that the proposed additional horsepower at the Alva Compressor Station will so reduce the pressures on Applicant's gathering facilities that its contractual commitments in the Barber County area can be met.

Applicant's presently controlled gas supply is summarized by principal sources in the following table (Exhibit X–1, p. 1):

ESTIMATED RECOVERABLE RESERVES, DEC. 31, 1959

Field	MMcf at 14.73 psia
1. Kansas-Hugoton	4,991,932
2. Oklahoma Hugoton	1,495,364
3. Other Fields on Hugoton Blackwell 26-inch	375,986
4. Pampa-Alva 20-inch	974,754
5. South of Blackwell	516,655
6. Miscellaneous small fields	13,625
	8,367,485

Some increased annual requirements are proposed to be served from new sources of supply yet to be controlled.

Applicant estimates the total capital cost of the facilities proposed in Docket No. CP60–32 as follows:

Year	Alden storage project	Hugoton-Kansas City 26-inch line	Alva station	Yearly total
1960	$1,778,800	$2,661,000	$445,000	$4,784,800
1961	730,000	4,167,000		4,897,000
1963		821,000		821,000
Total	[1]2,508,800	7,639,000	445,000	10,492,800

[1] Does not include cost of cushion gas, estimated in a supplement to be $1,075,117 excluding native gas.

These costs reflect cost of removal and salvage credit for facilities to be abandoned.

Applicant proposes to pay for said construction out of treasury cash.

Take further notice that Cities Service Gas Company (Applicant in Docket No. CP60–52) filed on March 7, 1960, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate certain transmission facilities, as hereinafter described, subject to the jurisdiction of the Commission.

Applicant proposes to construct and operate approximately 9.25 miles of 16-inch pipeline extending from a point of connection with Applicant's existing 16-inch pipeline near the Northwest corner of section 17, Township 26 South, Range 1 East Sedgwick County, Kansas in a westerly direction to the proposed electric generating plant of Kansas Gas and Electric Company near the Northeast corner of Section 15, Township 26 South, Range 2 West, all in Sedgwick County, Kansas, together with pertinent meter and regulator facilities.

The purpose of the proposed facilities is to enable Applicant to serve directly on an interruptible basis the gas requirements of the proposed Gordon Evans Electric Generating Plant of Kansas Gas and Electric Company, an existing customer of Applicant. The gas is to be

used as boiler fuel in the plant. Applicant alleges that the use of gas as boiler fuel as compared with the use of fuel oil will result in substantial savings in costs to Kansas Gas and Electric Company.

Applicant estimates sales to the Evans plant in Mcf as follows:

Year	Annual		Maximum daily deliveries
	Estimated requirements	Estimated volumes to be sold (90%)	
1961	4,230,053	3,807,049	40,504
1962	8,225,612	7,403,052	40,504
1963	9,248,559	8,323,705	40,504
1964	12,380,640	11,142,581	51,035

The gas supply available to Applicant to meet the requirements of the Evans plant is the same as that shown in its application in Docket No. CP60-32.

The total cost of the construction proposed in Docket CP60-52 is $400,000, which will be paid from treasury cash.

The applications in both of said dockets are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 7, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6471; Filed, July 12, 1960; 8:49 a.m.]

[Docket Nos. RI60-460—RI60-467]

GRARIDGE CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 7, 1960.

Graridge Corporation (Operator), et al., Docket No. RI60-460; Joseph S. Gruss, Docket No. RI60-461; Hanley Company (Operator), et al., Docket No. RI60-462; Hunt Oil Company, Docket No. RI60-463; Frederic C. & Ferris F. Hamilton, d/b/a Hamilton Brothers, Ltd., Docket No. RI60-464; Woodward & Company, Docket No. RI60-465; Texaco, Inc., Docket No. RI60-466; Leland Davison, et al., Docket No. RI60-467.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with the exception of Graridge Corporation (Operator), et al., which is sold at 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Rate suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60-460	Graridge Corp. (Operator), et al.	1	5	Texas Gas Transmission Corp. (Mallard Bay Field, Cameron Parish, La.)	4-29-60	6-20-60	[3] 7-21-60	[4] 7-22-60	10.1972	10.4222	[5] G-17703
RI60-461	Joseph S. Gruss	5	15	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (R.R. Dist. No. 8).	6-9-60	6-13-60	7-14-60	12-14-60	11.1056	17.2295	----------
				do					11.0	17.2295	----------
RI60-462	Hanley Co. (Operator), et al.	6	2	do	6-9-60	6-16-60	7-17-60	7-18-60	6.9918	8.5	RI60-99
		28	3	West Lake Natural Gasoline Co. (Lake Trammell Field, Nolan County, Tex.) (R.R. Dist. No. 7B.)							
RI60-463	Hunt Oil Co	49	2	Northern Natural Gas Co. (East Camrick Field, Beaver County, Okla.).	6-15-60	6-16-60	7-17-60	12-17-60	15.5	16.5	----------
RI60-464	Frederic C. & Ferris F. Hamilton d/b/a Hamilton Brothers, Ltd.	2	2	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (R.R. Dist. No. 10).	6-16-60	6-17-60	7-18-60	12-18-60	15.5	16.5	----------
RI60-465	Woodward & Co	1	8	Tennessee Gas Transmission Co. (Fremont and West Magnolia City Fields, Jim Wells County, Tex.) (R.R. Dist. No. 4).	Undated	[6] 6-8-60	7-9-60	12-9-60	12.12268	17.24347	----------
RI60-466	Texaco, Inc.	28	3	El Paso Natural Gas Co. (Jalmat, Eumont, and Blinbry Fields, Lea County, N. Mex.).	do	6-20-60	7-21-60	12-21-60	[7] 10.5	[7] 15.5599	G-14096
		29	3	do							
		30	3	do							
		31	3	do							
RI60-467	Leland Davison, et al.	2	2	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (R.R. Dist. No. 8).	6-9-60	6-17-60	7-18-60	12-18-60	11.0	17.2295	----------
		1	3	do	6-9-60						
		3	3	do	6-10-60						

[1] The stated effective date is the effective date proposed by respondent or the first day after expiration of the required thirty days' notice.
[2] Or the day dehydration begins, whichever date is later.
[3] Also subject to order in Docket No. G-19071.
[4] The filing was completed on June 17, 1960.
[5] Includes 0.4467 cents per Mcf for compression charged by buyer.
[6] Or until the day after dehydration begins, whichever date is later.

Graridge Corporation (Operator), et al., submitted a proposed increased rate, which reflects its election to dehydrate the gas prior to delivery into buyer's pipeline. The proposed increased rate includes reimbursement of the Louisiana severance tax of questionable amount. When the subject increased rate is made effective pursuant to the Natural Gas Act, only the tax portion of the rate will be subject to refund.

In support of their proposed renegotiated rate increases, Joseph S. Gruss and Leland Davison, et al. submit copies of the renegotiated agreements and state that such agreements resulted from arm's-length negotiation and the increased price was a major consideration to sellers in surrendering their rights under the favored-nation clauses. They further state that the increased price is fair and does not exceed the value of gas in the area.

In support of its favored-nation rate increases, Texaco, Inc. cites its contract favored-nation clauses and the renegotiated increased rates and states that the contract resulted from bargaining at arm's length and the increased rates are needed to encourage exploration and offset increasing costs. Texaco also cites U.S. Bureau of Labor Statistics reports showing increases in wages and wholesale prices.

In support of its proposed revenue-sharing rate increase, Hanley Company (Operator), et al. cites the contract revenue-sharing provisions and West Lake Natural Gasoline Company's increased 17.0 cents per Mcf resale rate to El Paso Natural Gas Company, which is in effect subject to refund in Docket No. RI60-30, and cites a letter from West Lake advising as to the increased 8.5 cents per Mcf price. Hanley further states that the increased price is necessary to offset increasing costs and provide a reasonable rate of return on investment. Hanley requests waiver of notice requirements to allow its proposed increased rate to become effective as of June 23, 1960, the date West Lake's increased rate to El Paso became effective subject to refund in Docket No. RI60-30.

Hunt Oil Company and Frederic C. and Ferris F. Hamilton, d/b/a Hamilton Brothers, Ltd., propose renegotiated rate increases for sales of natural gas to Northern Natural Gas Company. The subject increases are provided by amendatory agreements wherein buyer agrees to increase the price by 1.0 cent per Mcf in consideration of sellers' relinquishing their rights to construct plants and process the gas for removal of liquid hydrocarbons. Hunt and Hamilton claim the proposed changes do not change the rates of charges made for natural gas sold to Northern, since they involve the compensation for liquid hydrocarbons. Hunt and Hamilton have not submitted the required material for rate changes and offer no support.

In support of its proposed favored-nation rate increase, Woodward & Company cites the contract favored-nation provisions and submits copies of Tennessee Gas Transmission Company's letter establishing the increased rate.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date specified in the above-designated "Rate Suspended Until" column and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor the supplements thereto involved in the above-proposed changes shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 22, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[F.R. Doc. 60-6472; Filed, July 12, 1960; 8:49 a.m.]

[Docket No. G-13875]

NORTHERN NATURAL GAS CO.

Notice of Amendments to Application

JULY 7, 1960.

Take notice that Northern Natural Gas Company (Northern), a Delaware corporation with principal place of business at 2223 Dodge Street, Omaha 1, Nebraska, filed on February 12, 1959, July 6, 1959, and May 6, 1960, amendments to its application for a certificate of public convenience and necessity previously filed on December 10, 1957, pursuant to section 7(c) of the Natural Gas Act, authorizing Northern to construct and operate natural-gas facilities in connection with testing the Mt. Simon formation of the Redfield Storage Field. Notice of the original application filed December 10, 1957, as amended June 2, 1958, was issued July 16, 1958, and published in the FEDERAL REGISTER on July 22, 1958 (23 F.R. 5554-5).

On July 10, 1958, Northern was granted temporary authority to construct and operate a 2,000-horsepower compressor station at Redfield, Iowa, to permit testing of the Mt. Simon formation of the Redfield Storage Field, subject to the condition that the "* * * maximum inventory of natural gas in the Mt. Simon formation to be tested for storage purposes shall be eight billion cubic feet". By letters dated April 14, 1959, and July 31, 1959, Northern's temporary certificate was amended to increase the maximum inventory of natural gas authorized for storage in the Mt. Simon formation to 15 and 25 billion cubic feet, respectively.

Northern's amended application filed May 6, 1960, requests authority to increase the gas storage inventory in the Mt. Simon formation from the present level of 25 billion cubic feet to a level of 45 billion cubic feet and to install and operate an additional 2,000-horsepower compressor unit at the Redfield Compressor Station. The amended application states that the additional facilities and increased maximum inventory are necessary to permit the large-scale testing "* * * required before placing the Mt. Simon on a permanent operating basis". Northern states that during 1960 drilling activities for the Mt. Simon reservoir were concluded and that no further drilling is planned. According to the amended application there are now 27 withdrawal wells and 8 observation wells bottomed in the Mt. Simon formation.

Northern avers that the authority requested will enable it to inject during this summer and early fall up to 140,000 Mcf of gas per day and to increase the volume of gas in the Mt. Simon to a level slightly below 45 billion cubic feet by the beginning of the 1960-61 heating season. With a gas storage inventory of about 45 billion cubic feet, Northern states that it will be able to "* * * conduct withdrawal tests during the 1960-61 heating season on a basis which will yield definitive test data respecting the production capabilities of the Mt. Simon reservoir".

Exhibit G attached to the application shows that the total estimated cost of the facilities for which authorization is sought in the amended application is $398,500, such expenditure being in addition to the revised estimated total cost of facilities, previously given as $1,866,000 in the amended application filed June 2, 1958.

Protests or petitions to intervene with respect to the amended application heretofore described may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 26, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6473; Filed, July 12, 1960; 8:49 a.m.]

[Docket No. G-19083]

TENNESSEE GAS TRANSMISSION CO.

Order Extending Time for Filing Briefs and Postponing Oral Argument

JULY 6, 1960.

By order issued June 17, 1960 the Commission, among other things, provided for briefs to be filed on or before July 15, 1960 and oral argument to be heard July 21, 1960 on the issue of rate of return. On June 23, 1960 Counsel for Tennessee Gas Transmission Company filed a request for extension of time for filing briefs and for postponement of the oral argument.

The Commission finds:

(1) It is not appropriate in the public interest to grant the extension as requested and to postpone the oral argument for more than a month as requested.

(2) An extension of one week for filing briefs and for hearing oral argument as hereinafter provided would be appropriate.

The Commission orders:

(A) Main briefs on the issue of the proper rate of return for Tennessee Gas Transmission Company shall be filed and served by all parties who desire to do so, on or before July 22, 1960.

(B) Oral argument before the Commission shall be heard on July 29, 1960 at 10:00 a.m. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(C) The provisions of the order issued June 17, 1960, except as hereinabove modified, shall remain in full force and effect.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6474; Filed, July 12, 1960; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

OCEAN STEAM SHIP CO., LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7568–2, between The Ocean Steam Ship Company, Ltd., The China Mutual Steam Navigation Co., Ltd., and Nederlandsche Stoomvaart Maatschappij "Oceaan", modifies approved joint service Agreement No. 7568, as amended, which covers the trades between ports of the United States and Hawaiian Islands (not including transportation within the purview of the Coastwise Laws of the United States) and ports in British North America, West Indies, Central America, South America, Africa, Asia, Japan, Australasia, Philippine Islands, Europe and all ports in islands or groups of islands adjacent thereto. This modification provides for (1) the elimination of Nederlandsche Stoomvaart Maatschappij "Oceaan" as a joint service party, and (2) for reapportionment as between the parties of the expenses in connection with the participation of the joint service in conferences.

(2) Agreement No. 8501, between Weaver Bros., Inc., and Puget Sound-Alaska Van Lines, Inc., covers a through billing arrangement on cargo between Seattle, Washington, and places in the interior of Alaska, with transshipment at Seward, Alaska. Agreement No. 8501, upon approval, will supersede and cancel approved Agreement No. 8447, between the same parties.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 8, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60–6458; Filed, July 12, 1960; 8:47 a.m.]

Office of the Secretary

JOHN W. BUSKIE

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John W. Buskie.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of Appointment: June 28, 1960.
4. Title of position: Assistant Director for Mobilization Planning (Ferro-Alloys).
5. Name of private employer: Tennessee Products & Chemical Corp., Nashville, Tenn.

CARLTON HAYWARD,
Director of Personnel.

JUNE 15, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Tennessee Products & Chemical Corp.
Colorado Fuel & Iron Corp.
American Telephone & Telegraph Co.
Admiral Corp.
Foremost Dairies.
Fedders Corp.
Reynolds Metals Co.
Kaiser Aluminum & Chemical Corp.
P. Lorillard Co.
General Dynamics Corp.
Bank Deposits.

JOHN W. BUSKIE.

JUNE 29, 1960.

[F.R. Doc. 60–6459; Filed, July 12, 1960; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ORGANIZATION AND FUNCTIONS

Amendment of Statement of Delegations of Authority

The Statement of Organization and Functions of the Public Health Service (23 F.R. 4039) is hereby amended as follows:

1. Add at the end of subsection 109(s) the following new subparagraphs (t) and (u):

(t) The Medical Officer in Charge, the Deputy Medical Officer in Charge, the Assistant Medical Officer in Charge, and the Executive Officer, in the respective Area Offices of the Division of Indian Health, Bureau of Medical Services, are authorized to make arrangements and agreements, pursuant to subsection 7(a)(3) of Public Law 86–121, regarding contributions and to accept such contributions toward the construction, improvement, extension and provision of sanitation facilities, under the Indian health sanitation facilities program.

• • • • •

(u) The Chief, Division of Indian Health, Bureau of Medical Services, is authorized to exercise the following functions under Public Law 85–151: (i) To make determinations pursuant to section 1 of the Act, as to whether Federal financial assistance is more desirable than direct Federal construction, of needed health facilities for the Indians; (ii) to prescribe standards of construction and to require submittal of architectural plans, pursuant to section 3 of the Act; (iii) to offer, execute and amend agreements to extend Federal financial assistance, and to determine reasonable cost of the construction project, pursuant to sections 1 and 2 of the Act; and (iv) to prescribe and obtain such assurances and agreements as are equitable in the light of the financial assistance provided, and to assure the availability of the facility for hospital and medical care for Indians, pursuant to sections 1 and 3 of the Act.

2. Subsection 109(m) is amended to read:

(m) The Chief, Bureau of Medical Services, the Chief and the Assistant Chief, Division of Foreign Quarantine, and the Assistant Chief for Entomology in the Epidemiology and Domestic Operations Branch, Division of Foreign Quarantine, are authorized to: (i) Issue permits for the importation of psittacine birds, pursuant to subsections 71.152(b)(1) and (2) of the Public Health Service Regulations; and (ii) issue permits for the importation and distribution of etiological agents and vectors, pursuant to section 71.156 of the Public Health Service Regulations.

3. Subsection 109(n) is amended to read:

(n) The Chief, and Assistant Chief, Division of Foreign Quarantine, and the Assistant Chief for Entomology in the Epidemiology and Domestic Operations Branch, Division of Foreign Quarantine, are authorized to make findings as to the effectiveness of insecticides for aircraft, pursuant to subsection 71.102(b) of the Public Health Service Regulations.

4. Add a new section 109.1 immediately following the end of section 109 as amended as follows:

SEC. 109.1 *Redelegations by the Chief, Division of Administrative Services.* The Medical Officer in Charge, the Deputy, and the Assistant Medical Officer in Charge, the Executive Officer or Administrative Officer, and the General Services Officer, of the respective Area Offices of the Division of Indian Health, Bureau of Medical Services, are authorized to exercise the following functions under Public Law 86–121: (i) To obtain rights or interests in lands or water, pursuant to subsection 7(a)(2) of the Act; (ii) to transfer sanitation facilities together with appurtenant interests in lands, pursuant to subsection 7(a)(4) of the Act; and (iii) to execute contracts under Indian health sanitation facilities program, pursuant to subsection 7(a)(1) of the Act.

[SEAL] PAUL A. CAULK,
Executive Officer,
Public Health Service.

APRIL 15, 1960.

[F.R. Doc. 60–6462; Filed, July 12, 1960; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV, CHICAGO

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended, (64 Stat. 77, as amended, 12 U.S.C. 1749–1749c), is hereby authorized within such Region to execute loan agreements and amendments thereof involving loans for student and/or faculty housing and for other educational facilities.

This redelegation supersedes the redelegation effective June 7, 1960 (25 F.R. 5009, June 7, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator,
Region IV.

[F.R. Doc. 60–6478; Filed, July 12, 1960; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV, CHICAGO

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region to enter into contracts and amendments thereof with public agencies involving loans for essential public works or facilities.

This redelegation supersedes the redelegation effective June 7, 1960 (25 F.R. 5009, June 7, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator,
Region IV.

[F.R. Doc. 60–6479; Filed, July 12, 1960; 8:50 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION IV, CHICAGO

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region IV (Chicago), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers and amendments thereof to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraph 1 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraph 1 above.

This redelegation supersedes the redelegation effective June 7, 1960 (25 F.R. 5009, June 7, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 1st day of July 1960.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator,
Region IV.

[F.R. Doc. 60–6480; Filed, July 12, 1960; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 286]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Calhoun (rain and flood occurring on or about June 26 and 27, 1960).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Kallison Building, Room 412, 494 South Main Avenue, San Antonio 5, Tex.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1960.

Dated: June 29, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60–6453; Filed, July 12, 1960; 8:47 a.m.]

[Delegation of Authority 30–XIV–1, Revision 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance Function

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706) there is hereby redelegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To disburse approved loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Chief, Financial Assistance Division.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies

of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take the following actions in the Administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000, or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator: *Provided, however,* That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

II. The specific authority delegated in I.A may not be redelegated.

III. All authority delegated herein may be exercised by any SBA Employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under such Delegation of Authority prior to the date hereof.

Effective date: March 7, 1960.

DONALD MCLARNAN,
Regional Director,
Los Angeles Regional Office.

[F.R. Doc. 60-6454; Filed, July 12, 1960; 8:47 a.m.]

[Delegation of Authority 30-XIV-8]

CHIEF, INVESTMENT DIVISION

Delegation Relating to Investment Functions

I. Pursuant to authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706) there is hereby delegated to the Chief, Investment Division the authority:

A. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorizations or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances or partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

II. The authority delegated in I.A may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Investment Division.

IV. All previous authority delegated by the Regional Director to the Chief, Investment Division is hereby rescinded without prejudice to actions taken under such Delegation of Authority prior to the date hereof.

Effective date: March 7, 1960.

DONALD MCLARNAN,
Regional Director,
Los Angeles Regional Office.

[F.R. Doc. 60-6455; Filed, July 12, 1960; 8:47 a.m.]

[Delegation of Authority 30-XIV-9]

BRANCH MANAGER, PHOENIX, ARIZ.

Delegation Relating to Branch Operations

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6) (25 F.R. 1706), there is hereby delegated to the Branch Manager, Phoenix, Arizona, the authority:

A. *Financial assistance.* 1. To decline limited loan participation loans.

2. To approve or decline disaster loans not in excess of $20,000.

3. To take all necessary actions in connection with the administration, servicing and collection of all loans.

B. *Procurement and technical assistance.* 1. To (a) determine joint setasides for Government procurements and sales, (b) determine the need for representation at procurement and disposal centers.

C. *Administration.* 1. To administer oaths of office.

2. To approve annual and sick leave.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $20 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $20 in any one instance.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

D. *Correspondence.* To sign nonpolicy making correspondence except Congressional correspondence, correspondence with the Washington Office, and correspondence to borrowers or guarantors containing any threat of legal action or complaint concerning the operation of the Phoenix Office or its personnel.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein except that contained in section I.A 1, 2, and 3 may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager is rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: March 7, 1960.

DONALD MCLARNAN,
Regional Director,
Los Angeles Regional Office.

[F.R. Doc. 60-6456; Filed, July 12, 1960; 8:47 a.m.]

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CFR SUPPLEMENTS

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Titles 40–41, Revised, $0.70

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FEDERAL REGISTER

VOLUME 25 NUMBER 136

Washington, Thursday, July 14, 1960

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UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1960–61 Edition

(Revised through June 1)

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–308]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Mutual Aid Payments and Reports on Interruptions in Air Transport Operations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1960.

At the present time, Part 241 of the Board's Economic Regulations, entitled "Uniform System of Accounts and Reports for Certificated Air Carriers," contains no instructions on (1) the accounting treatment to be accorded receipts or expenditures under the mutual aid agreement applicable to work stoppages due to strikes, between six carriers, which was approved, subject to modifications, by Board Order E–13899, dated May 20, 1959 (C.A.B. Agreement No. 12633) or (2) the reporting of substantial work stoppages.

As to the accounting treatment to be accorded receipts or expenditures under mutal aid agreements, the Board finds that regulation is needed regardless of Board action on the pending request for renewal of its approval set forth in Board Order E–13899, dated May 20, 1959 (C.A.B. Agreement No. 12633), and the Board's adoption of this regulation in no wise prejudges its action on such request.

As to the reporting of substantial work stoppages, it is apparent that the closing down of operations, regardless of the cause, if of any significant duration, has a substantial impact on operating results. In order to disclose the resulting distortion in income, it appears desirable to the Board to amend the reporting requirements to provide for the submission of information concerning the degree of interruption in service, the period of interruption and the cause of the interruption.

In view of the above, the Board issued a notice of proposed rule making, Docket No. 11148, published in the FEDERAL REGISTER on February 20, 1960 (25 F.R. 1527), in which it proposed an amendment to Part 241 of the Economic Regulations to provide instructions to carriers on the accounting treatment of receipts and expenditures relating to mutual assistance agreements in the event of strikes. The amendment would also require reports on all substantial interruptions of operations irrespective of whether or not such interruptions are related to mutual aid agreements.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. Comments were received from three air carriers. One air carrier favored the amendment as proposed. Of the other two carriers, one questioned the scope of the reporting requirement, feeling it should be limited only to work stoppages covered by mutual aid agreements. The Board finds that there is need for a report to be made whenever operations are substantially interrupted, whether or not such work stoppages are covered by such agreements. Interruptions to be reported must affect at least ten percent of the scheduled operations for any given month. It is believed that such interruptions, regardless of their cause, have a significant effect on operating results and should therefore be reported.

The third carrier objected to the proposed accounting classification "4600 Incidental Revenues—Net" for recording the receipts and expenditures under mutual assistance agreements and suggested instead the use of account classification "8100 Nonoperating Income and Expense—Net." The account classification to be used for receipts and expenditures under mutual aid agreements was fully analyzed prior to release of the notice of proposed rule making, and, in view of this objection, has again been thoroughly reviewed. The Board feels that account classification "4600 Incidental Revenues—Net," as originally proposed, offers the most suitable classification in which to record these items. Classification of the receipts and payments as nonoperating items would have a distortive effect on the relationship between revenues and expenses of individual air carriers, while under the proposed classification the receipts of an individual carrier would offset the continuing expenses of that carrier during the strike, and the payments to others would offset the extra traffic carried during the strike. This treatment would preserve the integrity of the classification "3900 Transport Revenues" and at the same time disclose at the total operating revenue level the amount of revenue actually received for the period.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) effective September 1, 1960, as follows:

1. By redesignating paragraphs (b) and (c) of § 241.12–18 *Other incidental revenues* as (c) and (d), respectively, and adding a new paragraph (b) to read as follows:

(b) This account shall include receipts and payments under agreements with other air carriers providing for mutual financial assistance in the case of work stoppages.

2. By adding a new paragraph (d) to § 241.24 *Schedule P–2* to read as follows:

(d) Each air carrier shall include on this schedule a description of each interruption in air transport operations, the aggregate effect of which is ten (10) percent or more of the scheduled revenue plane-miles which, except for the interruption, would have been operated during the month or either of two consecutive months affected. The information to be reported for each such interruption in operations shall consist of: (1) For the report period in which partial or complete interruption first occurs, the nature of the interruption and dates of partial and/or complete cessation of operations, as applicable; (2) for each report period until full resumption of operations, an estimate of the revenue plane-miles canceled in each month of the quarter because of the interruption; and (3) for the report period in which scheduled operations are resumed, dates of partial and/or complete resumption, as applicable.

3. By redesignating paragraphs (d) through (j) of § 241.24 *Schedule P–4* as (e) through (k), respectively, and adding a new paragraph (d) to read as follows:

(d) Receipts from and payments to other air carriers under agreements providing for mutual financial assistance in the case of work stoppage shall be identified in separate amounts for the individual air carriers involved, through appropriate footnote on Schedule P–2 and shall be cross-referenced to account "18 Other Incidental Revenues" reflected in this schedule. The note covering payments under such agreements shall identify the items and the amounts of the gross revenues and gross expenses upon which the payments to each air carrier are predicated.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407(a), 72 Stat. 766; 49 U.S.C. 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60–6554; Filed, July 13, 1960; 8:52 a.m.]

[Reg. No. ER–309]

PART 289—EXEMPTING CERTIFICATED ROUTE AIR CARRIERS FROM FILING CERTAIN AGREEMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July 1960.

Section 412(a) of the Federal Aviation Act of 1958 requires air carriers which are parties to certain contracts or agreements affecting air transportation to file copies thereof with the Board.

Experience has shown that many of the agreements filed are of such a routine nature that their review by the Board accomplishes little toward the effective regulation of the air carriers. Accordingly, the Board, in a notice of proposed rule making (EDR-9, dated January 27, 1960, Docket 11107) proposed that the certificated route air carriers be exempted from the filing requirements with respect to any agreement between any two certificated route air carriers or between one certificated route air carrier and one foreign air carrier which, by its terms, provides only for the furnishing of facilities, ground equipment, services or building and ground space except when: (a) Such agreement is between "affiliated" carriers as that term is defined in Part 261; (b) such agreement provides for specific fees or charges that in the aggregate exceed $20,000 per year; or (c) such agreement amends an existing agreement which itself would be ineligible for exemption under this part. The proposal stated that multilateral agreements were not to come within the scope of the proposed exemption and that the regulation would not apply to supplemental air carriers, irregular air carriers, air taxi operators or indirect air carriers. It added, moreover, that no antitrust immunity would be conferred on parties to agreements not filed and that the carriers are expected to continue to file agreements of any antitrust significance.

Interested persons have been afforded opportunity to participate in the formulation of this regulation and due consideration has been given to all relevant matter presented. Comments regarding the proposal were received from five certificated route air carriers. Though all favor adoption of such a regulation, four submitted suggestions which call for further clarification of the initial proposal and an expansion of the proposed exemption authority.

Upon review of the comments received, the Board has found that a clarification of the terms "services" and "facilities" is necessary in order to clearly define the precise scope of the proposed exemption. In its explanatory statement accompanying the notice of proposed rule making, the Board stated that initially the exemption should be limited and that any expansion thereof should be based on experience. Though the intent of the proposed rule was to limit the exempted agreements to those involving ground facilities and ground services, as opposed to flight and traffic services, the proposed rule did not modify the terms "facilities" and "services." This question is resolved in the final rule with the insertion of the word "ground" before the terms "facilities" and "services." The grant of an exemption will be limited to agreements involving ground facilities and ground services and does not include agreements involving flight and traffic matters such as reservations and ticketing. Thus, in answer to specific problems raised in industry comments, "services" encompassing the lease of an aircraft would not be exempt. Likewise, interline or joint traffic arrangements such as those concerned with reservations, ticketing, agency, sales or solicitation (passenger or cargo), freight pick-up and delivery, and joint sales facilities would still have to be filed with the Board.

In response to a further suggestion, the Board agrees that agreements which only provide for a unit charge (per gallon, per hour, etc.), leaving the total annual charge dependent upon the quantity of service actually provided, be exempt so long as it is anticipated at the time the agreement is executed that the annual charge will not exceed the dollar limitation established by the regulation. It seems logical to the Board to exempt such agreements where it is in fact not known what amount of the particular commodity or service might be used during any twelve-month period, and where the participants, in good faith, do not expect the aggregate charge to exceed the dollar limitation established by the regulation. The suggestion is therefore reflected in the regulation. However, the regulation adds that, should the annual charge exceed the dollar limitation at any time during any twelve-month period, the carriers are to (1) report promptly the total amount paid and (2) file the agreement with the Board under section 412 upon request by the Director of the Board's Bureau of Air Operations.

The Board, upon considering the possibility of extending this regulation to include agreements among three or more carriers, believes it is not advisable to so expand the exemption at this time. Multilateral agreements have on occasion required more than routine attention by the staff and the Board, and are more likely to involve antitrust considerations.

In view of the limited scope of the exemptions herein provided and the fact that no immunity is conferred on such agreements under section 414, the Board finds that a suggested increase of the dollar limitation will not be adverse to the public interest. Consequently, the originally proposed $20,000 limit has been increased to $50,000.

Finally, a statement has been added to § 289.2 that the exemption granted by this part does not apply to agreements violative of the "antitrust laws," as that term is defined in section 1 of the Clayton Act.

The Board finds that enforcement of section 412(a) of the Act insofar as it would require the certificated route air carriers to file the agreements described in § 289.2 would be an undue burden on such air carriers by reason of the limited extent of, or unusual circumstances affecting, their operations and is not in the public interest.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Ch. II) effective August 12, 1960, by adding thereto a new Part 289, to read as follows:

Sec.
289.1 Definition.
289.2 Agreements which need not be filed.
289.3 Effect of exemption.

AUTHORITY: §§ 289.1 to 289.3 inclusive, issued under sec. 204(a), 416, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386.

§ 289.1 Definition.

For the purpose of this part:

(a) "Certificated route air carrier" means any air carrier which holds a certificate of public convenience and necessity issued under section 401 of the Federal Aviation Act of 1958 authorizing unlimited regularly scheduled route service between specified points or, in case of foreign air transportation, along a general route or routes, designated in the certificate.

§ 289.2 Agreements which need not be filed.

Certificated route air carriers shall be exempt from the provisions of section 412(a) of the Federal Aviation Act with respect to any agreement between two such air carriers, or between such an air carrier and a foreign air carrier, which, by its terms, provides only for the furnishing of ground facilities, ground equipment, ground services or building or ground space, except when:

(a) Such agreement is between carriers "affiliated" within the meaning of that term as it is used in Part 261 of this subchapter; or

(b) Such agreement provides for fees or charges that in the aggregate are known or anticipated to exceed $50,000 during any twelve-month period, provided that in case the aggregate annual charge under an agreement believed to fall within this exemption at the time of execution exceeds the dollar limitation in any twelve-month period, the carriers shall (1) report promptly the total amount paid and (2) file the agreement with the Board under section 412 of the Federal Aviation Act of 1958 upon request by the Director of the Board's Bureau of Air Operations; or

(c) Such agreement amends an existing agreement which itself is ineligible for exemption under this part; or

(d) Such agreement is violative of the "antitrust laws" as that term is defined in section 1 of the Clayton Act, 15 U.S.C. 12.

§ 289.3 Effect of exemption.

The exemption granted by this part shall not be deemed to constitute an "order made under sections 408, 409, and 412" within the meaning of section 414 of the Act.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-6555; Filed, July 13, 1960; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 439; Amdt. 174]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Windsor VOR	QG LFR	064—3.3	2000	T-dn	*800-1	*800-1	*800-1
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2,000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 327°—7.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 mi, climb to 2300' on NW crs Windsor LFR to Warren Int.
AIR CARRIER NOTE: Sliding scale not applicable.
Detroit RBN 2.3 mi SE Detroit City Airport.
*300-1 take-off authorized on runway 33 only.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626'; Fac. Class., SBRAZ; Ident., QG (Windsor LFR); Procedure No. 1, Amdt. 6; Eff. Date, 30 July 60; Sup. Amdt. No. 5; Dated, 14 July 56

Salem VOR	Warren Int#	062—23.9	2700	T-dn	*800-1	*800-1	*800-1
Pontiac Int	Warren Int (Final)#	149—9.5	1800	C-dn	700-1	700-1	700-1½
Windsor VOR	Warren Int#	343—18.5	2300	A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 329° Outbnd, 149° Inbnd, 2300' within 10 mi (nonstandard due to obstruction).
High obstructions W side of crs.
Minimum altitude over facility on final approach crs, 1800' Warren Int.#
Crs and distance, facility to airport, 149—4.5 Warren Int# to Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi, climb to 2300' proceed to QG-LFR or when directed by ATC: Make left turn climbing to 2300' proceed back to Warren Int.#
AIR CARRIER NOTE: Sliding scale not applicable.
*300-1 takeoff authorized on Runway 33 only.
#Warren Int: Int NW crs Windsor LFR and R-062 Salem VOR.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626'; Fac. Class., SBRAZ; Ident., QG (Windsor LFR); Procedure No. 2, Amdt. 4; Eff. Date, 30 July 60; Sup. Amdt. No. 3; Dated, 14 July 56

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	300-1½
				C-dn	800-1	800-1	800-1½
				S-dn-34	800-1	800-1	800-1
				A-dn*	NA	NA	NA

Transition to final approach course by Radar vectoring is authorized at 1500' MSL (Otis RAPCON) when aircraft is within 20 miles (excludes nonscontrolled airspace) of Otis AFB RAPCON site.
Procedure turn E side of crs, 065° Outbnd, 245° Inbnd, 1500' within 10 mi. NA beyond 10 mi (nonstandard to avoid Otis AFB traffic).
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, 245—2.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 mi, make an immediate left climbing turn return to Hyannis MHW at 1200'.
NOTE: Facility must be monitored aurally during this procedure.
*Alternate weather minimus of 800-2 authorized for those who have an approved arrangement for weather service at the airport.

City, Hyannis; State, Mass.; Airport Name, Barnstable; Elev., 52'; Fac. Class., MHW; Ident., HYA; Procedure No. 1, Amdt. 9; Eff. Date, 30 July 60; Sup. Amdt. No. 8; Dated, 23 Aug. 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
IOW-VOR	OID-VOR	Direct	2100	T-dn	300-1	300-1	200-½
Belle Plaine Int	Watkins Int*	Direct	2000	C-dn	400-1	500-1	500-1½
Watkins Int*	OID VOR (final)	Direct	1500	S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 260° Outbnd, 080° Inbnd, 2100′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distances, facility to airport, 087—3.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, climb to 2200′ on R-087 OID within 20 mi.
Missed Approach: Deletes "No tower" note.
*Int IOW-VOR R-320 and OID VOR R-260.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., BVORTAC; Ident., OID; Procedure No. 1, Amdt. 2; Eff. Date, 30 July 60; Sup. Amdt No. 1; Dated, 11 June 60

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

Transition: From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Akron VOR	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Navarre VOR	LOM (Final)	Direct	2400	C-dn	400-1	500-1	500-1¼
Int Navarre R-322 and 095° brng to LOM	LOM	Direct	2500	S-dn-1*	200-½	200-½	300-½
Int Navarre R-082 and 041° brng to LOM	LOM	Direct	2500	A-dn	600-2	600-2	600-2
Int Navarre R-048 and 270° brng to LOM	LOM	Direct	2500				

Procedure turn E side S crs 180° Outbnd, 006° Inbnd, 2500′ within 10 mi.
Minimum altitude at glide slope int Inbnd: 2400′.
Altitude of glide slope and distance to approach end of runway at OM—2410—3.8; at MM—1450—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on N crs Akron-Canton ILS within 10 miles of airport or, as directed by ATC, make a right climbing turn and return to LOM at 2500′.
CAUTION: Glide slope unusable below 200′ account roughness.
*600-¾ required with glide slope inoperative.

City, Akron; State, Ohio; Airport Name, Akron-Canton; Elev., 1226′; Fac. Class., ILS; Ident., OAK; Procedure No. ILS-1, Amdt. 12; Eff. Date, 30 July 60; Sup. Amdt. No. 11; Dated, 20 June 59

SPI—SPI	LOM	Direct	2000	T-dn	300-1	300-1	200-½
SPI—VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1¼
Int R-265 SPI-VOR and/or SW crs SPI-LFR and R-322 VOR-VOR (Vis crs 015°)	SW crs ILS (Final)	Direct	2000	S-dn-4	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
Int R-087 SPI-VOR and 269°-070° Brg SPI LOM	LOM	Direct	2600				
Int R-265 SPI VOR and 126°-265° Brg SPI LOM	LOM	Direct	2000				

Procedure turn S side of crs, 315° Outbnd, 035° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of G.S. and distance to appr end of rny at OM 2077—5.1, at MM 797—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ and proceed to SPI-VOR.

City, Springfield, State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-4, Amdt. 5; Eff. Date, 30 July 60; Sup. Amdt. No. 4; Dated, 16 Apr. 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 30, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-6202; Filed, July 13, 1960; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1960

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended, and as further amended by Public Law 86-592 approved July 6, 1960, (hereinafter called the "Act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 and to establish sugar quotas for the supplying areas, except Cuba, in terms of short tons of sugar, raw value. By a Proclamation effective July 8, 1960 (25 F.R. 6414), the President of the United States, acting pursuant to the provisions of section 408 (b) of the Act, determined that the sugar quota for Cuba for the balance of the calendar year 1960 shall be 39,752 short tons, raw value, plus the sugar certified prior to July 3, 1960, for entry but not yet entered or withdrawn from warehouse for consumption. This regulation establishes quotas for 1960 for domestic areas and for foreign countries other than Cuba pursuant to the provisions of section 202 of the Act, and also establishes for domestic areas and foreign countries other than Cuba (1) the amounts of certain quotas that may be filled by direct-consumption sugar, pursuant to section 207 of the Act, and (2) liquid sugar quotas pursuant to section 208.

The Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1960 is necessary. The purpose of this amendment is to make such determination conform to the requirements of consumers as indicated on the basis of the factors specified in section 201 of the Act, as amended, and give effect to the revised determination.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (24 F.R. 10425). To permit areas for which larger quotas or prorations are hereby established to plan to market and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the Administrative Procedure Act (60 Stat. 237) §§ 811.1, 811.2, 811.3, 811.6 and 811.7 of Sugar Regulation 811 (24 F.R. 10425) are hereby amended to read as follows:

§ 811.1 Sugar requirements, 1960.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 is hereby determined to be 9,600,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a) For the calendar year 1960 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2), as follows:

[Short tons, raw value]

Area	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar	2,088,245	(1)
Mainland cane sugar	642,573	(1)
Hawaii	1,165,444	22,810
Puerto Rico	1,218,620	142,210
Virgin Islands	16,618	0

[1] No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.3 Quotas for foreign countries other than Cuba.

For the calendar year 1960 quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	980,000	80,000
Peru	104,187	10,302
Dominican Republic	91,357	9,235
Mexico	75,000	16,779
Nicaragua	15,175	11,065
Haiti	7,439	7,000
Netherlands	3,571	3,571
China	3,742	3,742
Panama	3,742	3,742
Costa Rica	3,733	3,733
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other countries	0	0

§ 811.4 [Reserved]

§ 811.5 [Reserved]

§ 811.6 Liquid sugar quotas for foreign countries other than Cuba.

For the calendar year 1960 quotas for liquid sugar to be imported into the continental United States for consumption therein are hereby established as follows:

Country:	*Liquid sugar, wine gallons, 72 percent total sugar content*
Dominican Republic	880,894
British West Indies	900,000
Other foreign countries	0

§ 811.7 Applicability of quotas.

The provisions of §§ 811.1 to 811.6 shall apply to all sugar and liquid sugar brought or imported into or marketed in the continental United States in 1960 pursuant to such sections, except as provided in sections 211 and 213 of the Act, and such sugar and liquid sugar as well as sugar imported pursuant to the Proclamation of the President, entitled "Determination of Cuban Sugar Quota" (25 F.R. 6414), are subject to the provisions of the regulations in this chapter, which prescribe the time, manner, and conditions under which quotas are filled by the marketing or importation or sugar.

§ 811.8 Restrictions on importations and marketings within quotas.

With respect to any sugar or liquid sugar which is subject to the provisions of §§ 811.1 to 811.6 as provided in § 811.7, or is subject to the Proclamation of the President entitled "Determination of Cuban Sugar Quota", all persons are prohibited during the calendar year 1960 from bringing or importing into or marketing in the continental United States any of such sugar or liquid sugar after the applicable quota has been filled, or any of such sugar or liquid sugar as direct-consumption sugar after the direct-consumption portion of the applicable quota has been filled.

Statement of bases and considerations. On December 17, 1959, total sugar quotas for 1960 were established at 9,480,000 tons, the same as the final level for last year. Distribution during the first half of 1960 was 111,000 tons larger than for the first half of 1959 and the period of seasonally heavy consumption is at hand. To make certain that there will be no shortage of raw sugar in light of these facts and the shift in sources of supplies from Cuba to other areas, the total requirements are hereby increased to 9,600,000 tons.

(Sec. 408, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 202; 61 Stat. 924; 7 U.S.C. 1112. Pub. Law 86-592; Proclamation No. 3355, 25 F.R. 6414)

Done at Washington, D.C., this 8th day of July 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-6560; Filed, July 13, 1960; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 8, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Becky Smith plums grown in California.

It is, therefore, ordered that the provisions of paragraph (b) of § 936.644 (Plum Order 8; 25 F.R. 5822) are hereby amended as follows:

(1) Delete from subparagraph (1) the words "or Becky Smith";

(2) Renumber subparagraphs 2 and 3 as subparagraphs 3 and 4, respectively;

(3) Insert the following new subparagraph (2):

(2) During the period beginning at the effective time of this amendment, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Becky Smith plums, unless:

(i) such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-six (26) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) the diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 8; or (2) as releasing or extinguishing any violation of Plum Order 8 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 13, 1960, to be effective on and after 12:01 a.m., P.s.t., July 14, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6618; Filed, July 13, 1960; 11:28 a.m.]

[Milk Order 75]

PART 975—MILK IN NORTHEASTERN OHIO MARKETING AREA

Order Amending Order

§ 975.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Northeastern Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 20, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 20, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Northeastern Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

1. Delete § 975.51(a) (1) and (2) and substitute therefor the following:

(1) Divide the total quantity of milk received from producers defined in § 975.10 and in § 995.12 of the order regulating the handling of milk in the North Central Ohio marketing area during the first and second months preceding by the gross quantity of milk utilized as Class I (adjusted for intermarket and interhandler transfers) at pool plants defined in § 975.8 and in § 995.9 of the order regulating the handling of milk in the North Central Ohio marketing area, in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(2) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph, the "standard utilization percentage" shown below:

Months for which the price is being computed:	*Standard utilization percentage*
January	125
February	125
March	126
April	127
May	128
June	137
July	145
August	138
September	124
October	122
November	124
December	126

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 8th day of July 1960, to be effective on and after the 1st day of August 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–6519; Filed, July 13, 1960; 8:47 a.m.]

[Milk Order 95]

PART 995—MILK IN NORTH CENTRAL OHIO MARKETING AREA

Order Amending Order

§ 995.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the North Central Ohio marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not to exceed 3 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk (including milk of handlers own production), (b) other source milk allocated to Class I, and (c) Class I milk disposed of in the marketing area by a distributing plant not a pool plant.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued May 20, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 20, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the North Central Ohio marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

1. Delete § 995.5 and substitute therefor the following:

§ 995.5 North Central Ohio marketing area.

"North Central Ohio marketing area" hereinafter referred to as "marketing area" means all the territory within the corporate limits of the cities of Findlay, Marion and Tiffin, and territory within the boundaries of the counties of Allen and Richland and the Marion Correctional Institution, all in the State of Ohio.

§ 995.64 [Amendment]

2. In § 995.64 delete the pharse "October through December" and substitute therefor "September through November" (to be made effective on September 1, 1961).

3. Delete § 995.80 and substitute therefor the following:

§ 995.80 Plants subject to other Federal orders.

The provisions of this part except §§ 995.30, 995.31, 995.32, and 995.33 shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant pursuant to § 995.9 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the North Central Ohio marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months immediately preceding, unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington D.C., this 8th day of July 1960, to be effective on and after the 1st day of August 1960, except the amendment to § 995.64 which is to be effective on and after the 1st day of September 1961.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–6516; Filed, July 13, 1960; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56171]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Release of Merchandise Under Special Permit

Release of merchandise under special permits—Customs Regulations Amended.

Section 8.39(g), Customs Regulations, relating to entry of merchandise released under special permits, amended.

As the result of a survey to determine the value of a suggestion from the field for the use of a consolidated report on the summary sheet, customs Form 6417, in lieu of a consumption entry permit, customs Form 7501–A, for merchandise released under a term immediate delivery permit, the Bureau has decided that the Customs Regulations should be amended to permit the adoption of the plan by collectors of customs under certain conditions.

It is also desirable to include in the Customs Regulations advice on when an entry permit on customs Form 7501–A, 5119, or 5119–A is required to be submitted with an entry for merchandise released under an immediate delivery application and permit for a single importation.

Accordingly, § 8.39(g) of the Customs Regulations is amended by adding the following at the end thereof:

Each formal consumption entry, except where the collector has approved the use of a consolidated report on the summary sheet (customs Form 6417) in lieu of the reports on customs Form 7501–A, or informal entry for merchandise released under a term immediate delivery permit shall be accompanied by an entry permit on customs Form 7501–A, 5119, or 5119–A, as applicable, for execution by customs officers on the permit of the reports of action. Such consolidated report, which may be printed or rubber stamped in the space on the summary sheet normally used to designate examination packages, shall read substantially as follows:

I certify that the merchandise covered by this entry has been (1) examined or sampled, (2) weighed, gauged, or measured or stamped as directed, or involved ☐ or entered ☐ quantities accepted (check one box, if applicable) and (3) released under immediate delivery permit No. _____ on _____ (Date) and that it was in apparent good order, except as noted below:

_____

If no exceptions, note ("None")

_____

(Inspector-Acting Examiner)

Unless needed by customs for noting the entry number on the manifest, no entry permit on customs Form 7501–A, 5119, or 5119–A is required to accompany an entry for merchandise released under an immediate delivery permit (customs Form 3461) for a single importation. Upon request, the local collector of customs will advise whether an entry permit is required.

(R.S. 251, secs. 448, 624, 46 Stat. 714, 759; 19 U.S.C. 66, 1448, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 7, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60–6530; Filed, July 13, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Ronnel

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of ronnel (*O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothiate) in or on uncooked meat or meat byproducts of cattle.

The Secretary of Agriculture has certified that this pesticide chemical is useful as an ingredient of medicated feed for the treatment of cattle grubs.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1959 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1959 Supp., Part 120) are amended by adding thereto the following new section:

§ 120.177 Tolerances for residues of ronnel.

A tolerance of zero is established for residues of the pesticide chemical ronnel (*O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) in or on the uncooked meat or meat byproducts from cattle.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue, SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 406(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 8, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60–6558; Filed, July 13, 1960; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

RONNEL IN THE FEED OF BEEF CATTLE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Moorman Manufacturing Company, Quincy, Illinois, and other relevant material, has concluded that the addition of the food additive ronnel (*O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) to feed for beef cattle will present no hazard to the health of such animals when the additive is incorporated in the feed in the amount, for the purpose, and under the conditions set forth in the following regulation promulgated pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500). Therefore, *It is ordered*, That the food additive regulations (21 CFR, 1959 Supp., Part 121) be amended by adding to Subpart C the following new section:

§ 121.209 Ronnel in the feed of beef cattle.

Ronnel (*O,O*-dimethyl *O*-(2,4,5-trichlorophenyl) phosphorothioate) may be safely used in medicated feed of beef cattle when incorporated therein in accordance with the following conditions:

(a) It is intended for use only in the treatment of grubs in beef cattle.

(b) The maximum quantity of the additive permitted to be used or to remain in or on the treated feed shall not exceed 2,750 parts per million (0.275 percent).

(c) The feed should not be fed to dairy cattle.

(d) The feed should not be fed within 60 days of slaughter.

(e) The feed should be fed continuously for 14 days.

(f) To insure safe use of the additive the label of the basic material or of any intermediate premixes shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, ronnel.

(2) A statement of the concentration or strength of the additive therein.

(3) Appropriate and accurate mixing directions to produce a final feed with the desired concentration of the additive, whether or not intermediate premixes are also to be used.

(4) Appropriate and accurate use directions to provide a final feed labeled with the concentration and directions for which the medicated feed is to be used, and how it is to be used.

(5) The word "medicated," prominently and conspicuously, wherever the term "feed" or "premix" is used, and in juxtaposition therewith.

(g) To insure safe use of the additive, the label of the finished medicated feed shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, ronnel.

(2) A statement of the concentration of the additive in the finished medicated feed, 2,750 parts per million (0.275 percent).

(3) Appropriate and accurate directions to provide for the proper and intended use of the medicated feed.

(4) The word "medicated," prominently and conspicuously, wherever the term "feed" is used, and in juxtaposition therewith.

(5) Precautionary information, prominently and conspicuously displayed, so as to be read under ordinary conditions of use, that:

(i) The feed is to be used only for the control of cattle grubs.

(ii) The feed should not be fed to dairy cows.

(iii) The feed should not be fed within 60 days of slaughter.

(iv) The feed should be fed continuously for 14 days.

(v) The feed is for beef cattle only.

Based upon an evaluation of the data presented in the petition and other relevant material, the Commission has further concluded that a tolerance limitation in or on meat and meat byproducts is required in order to insure the safe use of the medicated feed, and that the tolerance requested for meat and meat byproducts should properly be established under section 408 of the Federal Food, Drug, and Cosmetic Act, since the additive ronnel is to be used as an economic poison as defined in the Federal Insecticide, Fungicide, and Rodenticide Act, and registration has been applied for thereunder.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: July 8, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60–6557; Filed, July 13, 1960; 8:52 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

San Carlos Indian Irrigation Project, Arizona

On page 4751 of the FEDERAL REGISTER of May 28, 1960, there was published a notice of intention to amend §§ 221.63 and 221.110 of Title 25, Code of Federal Regulations. The purpose of the amendments is to increase the Joint Work annual operation and maintenance assessment rate in § 211.63 from $1.35 to $1.45 per acre and the basic rate as provided in § 221.110 from $4.25 to $4.35 per acre.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

1. Section 221.63 is amended to read as follows:

§ 221.63 Assessments, Joint Works.

(a) Pursuant to the act of Congress approved June 7, 1924 (43 Stat. 476) and supplementary acts, and the repayment contracts of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938 (§ 221.69a to 221.69m), the cost of the operation and maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1962 is estimated to be $145,000 and the rate of assessment for the said fiscal year and subsequent years until further order, is hereby fixed at $1.45 for each acre of land.

2. Section 221.110 is amended to read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U.S.C. 387), and the act of August 9, 1937 (50 Stat. 577), as amended by the act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian irrigation project within the boundaries of the Pima Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1962 and the subsequent years unless changed by further order, is hereby fixed at $4.35 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply.

The foregoing changes are to become effective for the fiscal year 1962 and continue thereafter until further notice; the assessment for the 50,000 acres of Indian land will be payable as provided in §§ 221.111 to 221.116, inclusive.

GLENN L. EMMONS,
Commissioner.

JUNE 29, 1960.

[F.R. Doc. 60–6509; Filed, July 13, 1960; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6481]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Employee Stock Options

In order to revise the definition of the term "employee," "employment," and "employer" in the Income Tax Regulations (26 CFR Part 1) under section 421 of the Internal Revenue Code of 1954, relating to options to which section 421 does not apply, such regulations are amended as set forth below, effective with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

Further consideration is being given to the applicability of the rules in § 1.421–6 to situations not involving the employer-employee relationship.

Paragraph (b)(2) of § 1.421–6 is amended to read as follows:

§ 1.421–6 Options to which section 421 does not apply.

* * * * *

(b) *Meaning and use of certain terms.* * * *

(2) As used in this section, the terms "employee", "employment", and "employer" have reference to the legal and bona fide relationship of employer and employee. For rules applicable to the determination whether the employer-employee relationship exists, see section 3401(c) and the regulations thereunder.

Because this Treasury decision amends § 1.421–6 to restore the substance of the rule relating to the employer-employee relationship which was contained in the notice of proposed rule making, published in the FEDERAL REGISTER (21 F.R. 5774), November 19, 1956, and because further consideration is being given to the applicability of the rules in § 1.421–6 to situations not involving the employer-employee relationship, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 8, 1960.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6561; Filed, July 13, 1960; 8:49 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education and Welfare, General Administration

PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Assignment of Real Property

Section 12.3(c) of Part 12, Title 45 CFR is hereby amended to read as follows:

(c) Real property will be requested for assignment only when the Department has determined that the property is suitable and needed for public health or educational purposes. The amounts of both real and related personal property to be transferred shall not be excessive to normal operating requirements. Such property, except for transfers contemplated under § 12.10, will not be requested for assignment unless it is needed at the time of application for educational or for public health purposes, including research, or unless it will be so needed within the immediate foreseeable future. When construction is contemplated, the initiation of construction of the major functional facility in the approved program must begin within 18 months after the date of transfer. Construction shall be deemed to have been initiated when the transferee executes a contract providing a firm date in the reasonably near future for actual commencement of construction. The Department may, in its discretion, grant extensions of the 18 month period where the transferee can factually demonstrate that it has exercised due diligence in attempting to initiate construction within the said period and that such construction will be initiated during the period of any such extension.

Dated: July 8, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-6559; Filed, July 13, 1960; 8:53 a.m.]

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL, PUBLIC HEALTH, AND CIVIL DEFENSE PURPOSES

Miscellaneous Amendments

1. Section 13.9 of Part 13, Title 45 CFR is hereby amended to read as follows:

§ 13.9 Terms and conditions applicable to transfers or retransfers of donable property.

(a) Property acquired by a donee, regardless of acquisition cost, donated for public health or educational purposes, shall be on an "as is", "where is" basis without warranty of any kind.

(b) Property having a single item acquisition cost of $2,500 or more, donated for public health or educational purposes, shall be subject to the following additional terms and conditions:

(1) Such property shall be used only for the public health or educational purpose for which acquired, including research for any such purpose, and for no other purpose.

(2) Such property shall be placed in use for the purpose for which acquired no later than twelve months after acquisition thereof. In the event such property is not placed in use within twelve months of receipt, the donee, within 30 days after the expiration of the twelve-month period, shall notify the Department in writing through the State agency. Title and right to the possession of such property not so placed in use within the above-mentioned period shall, at the option of the Department, revert to the United States of America, and upon demand the donee shall release such property to such person as the Department or its designee shall direct.

(3) There shall be a period of restriction which will expire after such property has been used for the purpose for which acquired for a period of four years, except that the period of restriction on motor vehicles will expire after a period of two years of such use.

(4) During the period of restriction the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of such property or remove it for use outside the State without prior written approval of the Department. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by the Department, shall be for the benefit and account of the United States of America and the net proceeds thereof shall be received and held in trust for the United States of America and shall be paid promptly to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with respect thereof will exceed such net proceeds.

(5) In the event such property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of during the period of restriction without prior approval, the donee, at the option of the Department, shall be liable to the United States of America for the proceeds of the disposal or for the fair market value of the property at the time of such disposal as determined by the Department.

(6) If during the period of restriction, property is no longer suitable, usable or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department through the State agency, and shall, as directed by the Department or State agency, either retransfer the property to another donee, retransfer the property to a department or agency of the United States, sell the property, or otherwise dispose of the property. Any sale shall be for the benefit and account of the United States of America and the net proceeds thereof shall be received and held in trust for the United States of America and shall be paid promptly to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with receipt thereof will exceed such net proceeds.

(7) Donees shall make reports to the State agency on the use, condition, and location of such property and on other pertinent matters as may be required from time to time by the State agency or the Department.

(8) At the option of the Department, the donee may abrogate the terms and conditions set forth in subparagraphs (1) through (7) of this paragraph by payment of an amount as determined by the Department.

(c) Aircraft (FSC Group 15) are a specific exception to the provisions of paragraphs (a) and (b) of this section. The special terms and conditions provided in section 13.10 herein shall apply to the donation of aircraft.

(d) Property donated for civil defense purposes shall be subject to the terms and conditions set forth in Part 1703, Chapter XVII, Title 32, Code of Federal Regulations.

(e) Butler-type storage warehouses, house trailers (without undercarriages), and quonset huts, located on non-excess land, donated under this section, shall be subject to the terms and conditions applicable to the transfer or retransfer of donable property for public health, educational or civil defense purposes. The State agency and/or the donee, as applicable, shall comply with all conditions which may be required by the holding agency for the removal of such property. Whenever the holding agency requires the site upon which such property is located to be cleared after removal of such property, the State agency shall post performance bonds, or make performance guaranty deposits, or give whatever assurances may be required by the Department or the holding agency that the site will be cleared. Where the application Form HEW 135 has also been executed by a donee, the State agency in lieu of posting such performance bonds, or making such performance guaranty deposits, or giving such other assurances that the site will be cleared, may require these actions to be taken by the donee.

2. Section 13.10 of Part 13, Title 45 CFR is hereby amended to read as follows:

§ 13.10 Terms and conditions applicable to transfers or retransfers of aircraft.

(a) Aircraft donated pursuant to this part, regardless of acquisition cost, shall be on an "as is", "where is" basis without warranty of any kind.

(b) Aircraft having a single item acquisition cost of $2,500 or more, regardless of the purpose for which donated, shall be subject to the following additional terms and conditions:

(1) A Conditional Transfer Document (Aircraft) containing the terms and conditions provided for in this section and signed by the authorized representative of the applicant must accompany the institution's or organization's application.

(2) Title to the aircraft shall pass from the United States of America to the donee when the Conditional Transfer Document (Aircraft) is executed by the Department and is delivered to the donee.

(3) The donee shall apply to the Federal Aviation Agency for registration of the aircraft within thirty days of the receipt of the fully executed Conditional Transfer Document (Aircraft), and the donee's application for registration shall include fully executed copy of the Conditional Transfer Document (Aircraft).

(4) The aircraft, together with all engines, appurtenances, and accessories attached thereto and installed therein, hereinafter referred to in this section as the "aircraft property", shall be placed in use for the purpose stated no later than twelve months after acquisition thereof.

(5) In the event the donee does not apply to the Federal Aviation Agency for registration of the aircraft property, or in the event the aircraft property is not placed in use within twelve months of receipt, the donee, within thirty days after the date on which application for registration should have been made, or within thirty days after the expiration of the twelve-month period, shall notify the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes, in writing, through the State agency. Title and right to the possession of the aircraft property on which application for registration has not been made within thirty days, or which has not been placed in use within twelve months, shall at the option of the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes, revert to the United States of America. Upon demand the donee shall, as directed by the Department, or its designee, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, or his designee, in the case of aircraft property donated for civil defense purposes, release the aircraft property to such agency or person as may be designated, sell the aircraft property, or otherwise dispose of the aircraft property. Any sale shall be for the benefit and account of the United States of America.

(6) There shall be a period of restriction which will expire after the aircraft property has been used for the purpose stated for a period of ten years.

(7) During the period of restriction the aircraft property shall be used only for the purpose stated.

(8) During the period of restriction the donee shall make reports to the State agency on the use, condition and location of the aircraft property and on other pertinent matters as may be required from time to time by such State agency, or the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization in the case of aircraft property donated for civil defense purposes.

(9) During the period of restriction the donee shall not sell, trade, lease, lend, bail, encumber, or otherwise dispose of the aircraft property, without prior written approval of the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes. Any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the aircraft property, when such action is authorized by the Department, in the case of aircraft property donated for public health or educational purposes, or by the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes, shall be for the benefit and account of the United States of America.

(10) In the event, during the period of restriction, the aircraft property is sold, traded, leased, loaned, bailed, encumbered, or otherwise disposed of without prior approval, or is used for a purpose other than the purpose stated, the donee, at the option of the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes, shall be liable to the United States of America for the proceeds of the disposal, the fair market value, or the fair rental value of the aircraft property at the time of such unauthorized transaction or use, as determined by the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes.

(11) If, during the period of restriction, the aircraft property is no longer suitable, usable or further needed by the donee for the purpose for which acquired, the donee shall promptly notify the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes, through the State agency, and shall, as directed by the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes, or the State agency, retransfer the aircraft property to another donee, retransfer the aircraft property to a department or agency of the United States, sell the aircraft property, or otherwise dispose of the aircraft property. Any sale shall be for the benefit and account of the United States of America.

(12) At the option of the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes, the donee may obtain abrogation of the terms and conditions set forth in subparagraphs (6) through (11) of this paragraph by payment of an amount as determined by the Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes.

(13) The Department, in the case of aircraft property donated for public health or educational purposes, or the Director, Office of Civil and Defense Mobilization, in the case of aircraft property donated for civil defense purposes, may terminate all of the above conditions and give unrestricted title to the aircraft property to the donee whenever such action is determined to be appropriate.

Dated: July 8, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-6560; Filed, July 13, 1960; 8:53 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3666; Order 43]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 28th day of June 1960.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 43, dated May 17, 1960, setting forth certain pro-

passed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on May 20, 1960 (25 F.R. 4754), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 43 are deemed justified and necessary:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Notice No. 43, dated May 17, 1960, as revised by the specific deletions and modifications set forth as follows:

1. In § 72.5 *Commodity list*, delete the entry, "Rocket motors."

2. In § 73.100 amend paragraph (aa).

3. Delete the entire proposed addition of § 73.238.

4. Delete the entire proposed amendment to § 73.257 which is paragraph (a) (14).

5. In § 73.315 revise the proposed addition of Note 9 to paragraph (a) (1).

It is further ordered, That this order shall become effective September 25, 1960 and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(49 Stat. 793, 18 U.S.C. 831–835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–79 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F.R. 8264, 8265, 8267, 8269, 8271, 8272, and 8273, Dec. 2, 1950) (18 F.R. 801, Feb. 7, 1953) (20 F.R. 8098, Oct. 28, 1955) as follows:

§ 72.5 **List of explosives and other dangerous articles.**

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Battery charger with electrolyte (acid) or battery fluid.	See § 73.259.			
Corrosive battery fluid. *See* Electrolyte (acid), or Alkaline corrosive battery fluid.	Cor. L.	No exemption, 73.259	White	6 quarts.
Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger, radio current supply device, or electronic equipment and actuating devices.				
Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	Oxy. M.	73.153, 73.217	Yellow	100 pounds.
Mines, explosive, with gas material. See Explosive mine.	See § 73.56 (d).			
Radio current supply device with electrolyte (acid) or battery fluid.	See § 73.259.			
(Add)				
Diethyl aluminum chloride	F.L.	No exemption, 73.134	Red	2 ounces.
Ethyl aluminum dichloride	F.L.	No exemption, 73.134	Red	2 ounces.
Ethyl aluminum sesquichloride	F.L.	No exemption, 73.134	Red	2 ounces.
Gas mine. See Explosive mine.	See § 73.56 (d).			
Methyl aluminum sesquibromide	F.L.	No exemption, 73.134	Red	2 ounces.
Methyl aluminum sesquichloride	F.L.	No exemption, 73.134	Red	2 ounces.
Titanium sulfate solution containing not more than 45 percent sulfuric acid.	Cor. L.	73.244, 73.297	White	1 gallon.
Triisobutyl aluminum	F.L.	No exemption, 73.134	Red	2 ounces.
Zirconium scrap (borings, clippings, shavings, sheets, or turnings).	F.S.	73.153, 73.220	Yellow	100 pounds.
(Cancel)				
Radio battery chargers	See § 73.259.			

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.32 amend paragraph (a) (2) (24 F.R. 3596, May 5, 1959) to read as follows:

§ 73.32 **Qualification, maintenance, and use of portable tanks.**

(a) • • •

(2) Portable tank containers for transportation as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard shall not exceed a loaded weight of 20,000 pounds. Nothing contained in this section shall be so construed as to pertain to transportation on car floats and car ferries, nor shall such limitation in weight apply to trailerships or containerships if approved under Coast Guard Regulations.

In § 73.33 amend paragraphs (a) (1) and (o) (4) (24 F.R. 3596, May 5, 1959) (20 F.R. 8099, Oct. 28, 1955) to read as follows:

§ 73.33 **Qualification, maintenance, and use of cargo tanks.**

(a) • • •

(1) Cargo tank containers for transportation as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard shall not exceed a loaded weight of 20,000 pounds. Nothing contained in this section shall be so construed as to pertain to transportation on car floats and car ferries, nor shall such limitation in weight apply to trailerships or containerships if approved under Coast Guard Regulations.

• • • • •

(o) • • •

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles shall conform to the standards of The Chlorine Institute, Inc. Angle valve to conform with Dwg. 104–4, dated May 5, 1958; excess-flow valve to conform with Dwg. 101–3, dated January 23, 1959. An excess-flow valve shall be installed under each angle valve.

Subpart B—Explosives; Definitions and Preparation

In § 73.56 amend the heading and paragraph (d) (15 F.R. 8266, Dec. 2, 1950) (18 F.R. 802, Feb. 7, 1953) to read as follows:

§ 73.56 **Ammunition, projectiles, grenades, bombs, mines, gas mines, and torpedoes.**

• • • • •

(d) Gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, incendiary grenades, and gas mines, explosive, containing a bursting charge must be packed and properly secured in strong wooden boxes. Detonating fuzes, boosters or bursters, bouchons or ignition elements must not be assembled in these articles or included in the same package with them unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government or unless of a type approved by the Bureau of Explosives. (See §§ 73.190, 73.330, 73.350, and 73.383 for nonexplosive chemical or poisonous ammunition.)

In § 73.92 amend paragraph (a) (4) (21 F.R. 7599, Oct. 4, 1956) to read as follows:

§ 73.92 **Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.**

(a) • • •

(4) Jet thrust units (jato), class B, may be packed in the same outside shipping container with separately packaged igniters, jet thrust, class B, when the containers are approved by the Bureau of Explosives.

In § 73.94 add paragraph (d) (25 F.R. 3099, April 12, 1960) to read as follows:

§ 73.94 **Explosive power devices, class B.**

• • • • •

(d) Label: Each outside container of explosive power devices when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

In § 73.100 amend paragraph (aa) (25 F.R. 3099, April 12, 1960) to read as follows:

§ 73.100 **Definition of class C explosives.**

• • • • •

(aa) Explosive power devices, class C, are devices designed to drive generators or mechanical apparatus by means of propellant explosives, class B. The devices consist of a housing with a contained propellant charge and an electric igniter or squib. The devices must be of a type approved by the Bureau of Explosives for this classification.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.122 amend paragraph (a) (1) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.122 **Acrolein, inhibited.**

(a) • • •

(1) Spec. 5A or 5B (§§ 78.81 or 78.82 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5B drums must have no opening exceeding 2.3 inches in diameter.

In § 73.124 amend paragraph (a) (5) and cancel paragraph (a) (6) (22 F.R. 4790, July 9, 1957) (21 F.R. 4564, June 26, 1956) to read as follows:

§ 73.124 **Ethylene oxide.**

(a) • • •

(5) Spec. 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A100–W–4, or ARA–IV–A[1] (§§ 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.306 of this chapter). Tank cars. Specs. 105A200–W, 105A300–W, 105A400–W, 105A500–W, and 105A600–W (§§ 78.307, 78.286, 78.287, 78.288, and 78.289 of this chapter) tanks must be restenciled 105A100–W (§ 78.285 of this chapter) and be equipped with safety valves of the type and size used on spec. 105A100–W (§ 78.285 of this chapter) tank cars. Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner. See Note 1 of § 73.119(f) (3). (See § 73.432 for shipping instructions.)

[No change in Note 1.]

(6) [Canceled.]

In § 73.128 add paragraph (a) (3) (20 F.R. 4414, June 23, 1955) to read as follows:

§ 73.128 **Paints and related materials.**

(a) • • •

(3) Spec. 52 (§ 78.246 of this chapter). Aluminum portable tanks. Authorized only for materials having flash point above 20° F.

In § 73.132 add paragraph (a) (2) (18 F.R. 5272, Sept. 1, 1953) to read as follows:

§ 73.132 **Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.**

(a) • • •

(2) Spec. 52 (§ 78.246 of this chapter). Aluminum portable tanks. Authorized for materials irrespective of flash point but only those defined as viscous liquids by § 73.115(b).

In § 73.134 amend the heading and introductory text of paragraph (a); amend paragraphs (a) (2) and (3) and (b); add Note 1 to paragraph (a) (2) and add paragraph (a) (4) (24 F.R. 904, Feb. 6, 1959) (24 F.R. 8057, Oct. 6, 1959) to read as follows:

§ 73.134 **Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pryoforic solutions, zinc ethyl, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof.**

(a) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, zinc ethyl, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof must be shipped in devices or apparatus of a type approved by the Bureau of Explosives or in specification containers as follows:

• • • • •

(2) Spec. 105A300–W, 105A400–W, 105A500–W, 105A600–W, 106A500, or 106A500X (§§ 78.286, 78.287, 78.288, 78.289, or § 78.275 of this chapter) tank cars. Authorized for aluminum triethyl, aluminum trimethyl, and mixtures or solutions thereof, pyroforic fuel, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide and mixtures or solutions thereof only. Specs. 106A500 and 106A500X (§ 78.275 of this chapter) tanks must not be filled to a density exceeding 80 percent of the water capacities of the tanks and tanks must be equipped with an approved spring-relief safety valve. Tanks must be loaded on cars and motor vehicles in such a manner that the safety relief valve will always be in the vapor phase.

NOTE 1: Tanks complying with ICC–106A 500 and ICC–106A500X (§ 78.275 of this chapter) specifications may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

(3) Spec. 51 (§ 78.245 of this chapter). Portable tanks.

(4) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicles having a minimum design pressure of 250 pounds per square inch.

(b) Aluminum triethyl, aluminum trimethyl and mixtures or solutions thereof, pyroforic fuel, pyroforic solutions, zinc ethyl, and triisobutyl aluminum, ethyl aluminum sesquichloride, diethyl aluminum chloride, ethyl aluminum dichloride, methyl aluminum sesquichloride, methyl aluminum sesquibromide, and mixtures or solutions thereof when offered for transportation by rail express must be packed in glass ampules not over 2 ounces capacity each, securely cushioned with absorbent material in sufficient quantity to completely absorb contents in event of breakage, within an inside metal container, spec. 2R (§ 78.34 of this chapter), enclosed in a strong wooden box.

In § 73.136 amend paragraph (a) (3) (15 F.R. 8302, Dec. 2, 1950) to read as follows:

§ 73.136 **Methyl dichlorosilane and trichlorosilane.**

(a) • • •

(3) Spec. 5A or 5B (§ 78.81 or § 78.82 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5B drums must have no opening exceeding 2.3 inches in diameter. These containers not authorized for shipment by rail express.

In § 73.141 amend paragraph (a) (7) (24 F.R. 8057, Oct. 6, 1959) to read as follows:

§ 73.141 **Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.**

(a) • • •

(7) Spec. 103–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–1 (§§ 78.280, 78.286, 78.287, 78.288, 78.289, or § 78.303 of this chapter). Tank cars. Specs. 103–W and 111A100–W–1 (§§ 78.280 and 78.303 of this chapter) tank cars equipped with bottom outlets must have bottom outlets effectively sealed. Bottom washout permitted.

In § 73.145 amend paragraph (a) (6) (22 F.R. 3925, June 5, 1957) to read as follows:

§ 73.145 **Dimethylhydrazine, unsymmetrical, and methylhydrazine.**

(a) • • •

(6) Spec. 103–W, 103C–W, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–

W–4 (§§ 78.280, 78.283, 78.285, 78.287, 78.288, 78.287, 78.288, 78.289, or § 78.306 of this chapter). Tank cars. Authorized for dimethylhydrazine, unsymmetrical only. Tank cars must be equipped with steel safety valves of approved design and 103–W (§ 78.280 of this chapter) tank cars must not be equipped with bottom outlets. Specs. 105A300–W, 105A300–W, 105A400–W, 105A500–W, and 105A600–W (§§ 78.307, 78.286, 78.287, 78.288, and 78.289 of this chapter) tanks must be restenciled 105A100–W (§ 78.285 of this chapter) and be equipped with safety valves of the type and size used on Spec. 105A100–W (§ 78.285 of this chapter) tank cars.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.206 amend paragraph (a) (3) (20 F.R. 4416, June 23, 1955) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.

(a) • • •

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Authorized only for lithium metal or sodium, metallic which must be fused solid in the container.

In § 73.207 add paragraph (b) (7) (15 F.R. 8311, Dec. 2, 1950) to read as follows:

§ 73.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.

• • • • • •

(b) • • •

(7) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than four bottles having capacity of 5 pounds each, shall be packed in one outside box. Shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

Amend entire § 73.220 (19 F.R. 6268, Sept. 29, 1954) (19 F.R. 8526, Dec. 14, 1954) (21 F.R. 365, Jan. 19, 1956) to read as follows:

§ 73.220 Magnesium or zirconium scrap (borings, clippings, shavings, sheets, or turnings).

(a) Magnesium or zirconium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in closed metal drums, metal pails, or wooden barrels.

(b) Magnesium or zirconium scrap consisting of clippings or scrap sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight box cars or tightly closed steel covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium or zirconium scrap consisting of clippings or scrap sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.245 add paragraph (a) (23) (15 F.R. 8313, Dec. 2, 1950) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) • • •

(23) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles, not over 5 gallons capacity each, as specified by § 78.205–34 of this chapter. Not more than one bottle shall be packed in one outside box.

In § 73.259 amend the heading and introductory text of paragraph (a); add paragraph (a) (3) (20 F.R. 8102, Oct. 28, 1955) to read as follows:

§ 73.259 Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, radio current supply device, or electronic equipment and actuating devices.

(a) Electrolyte, acid, or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment and actuating devices, with only one device or outfit in each package, in the amount necessary for operation of the device or equipment, provided the containers of electrolyte, acid, or alkaline corrosive battery fluid, are adequately cushioned to prevent breakage, leakage, or damage to other articles packed therewith, must be packed in specification containers or as otherwise authorized herein, as follows:

• • • • • •

(3) Electrolyte, acid, or alkaline corrosive battery fluid, in separate inside acid or alkaline fluid resistant containers not over 5 gallons capacity each included with electronic equipment and actuating devices, are authorized in strong, tightly closed steel drums.

In § 73.263 amend paragraph (a) (15) (23 F.R. 4029, June 10, 1958) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) • • •

(15) Spec. 12A or 12B (§ 78.210 or § 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of completed package must not exceed 65 pounds.

In § 73.271 amend paragraph (a) (9) (25 F.R. 3102, April 12, 1960) to read as follows:

§ 73.271 Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) • • •

(9) Spec. 103A, 103A–W, or 111A100–W–2 (§§ 78.266, 78.281, or § 78.304 of this chapter). Tank cars. Spec. 103A (§ 78.266 of this chapter) tanks must be lead-lined steel or made of steel at least 10 percent nickel clad. Spec 103A–W or 111A100–W–2 (§ 78.281 or § 78.304 of this chapter) tanks must be lead-lined steel or made of steel with a minimum thickness of nickel cladding of 1/16 inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

In § 73.287 amend paragraph (a) (5) (24 F.R. 8058, Oct. 6, 1959) to read as follows:

§ 73.287 Chromic acid solution.

(a) • • •

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open (see § 78.205–34 of this chapter). Not more than one inside container shall be packed in one outside box.

In § 73.294 amend paragraph (a) (2) (25 F.R. 3102, April 12, 1960) to read as follows:

§ 73.294 Monochloroacetic acid, liquid.

(a) • • •

(2) Spec. 103A–N–W or 103A–W (§ 78.299 or § 78.281 of this chapter). Tank cars. Spec. 103A–W (§ 78.281 of this chapter) tank car must be nickel clad at least 20 percent.

In § 73.295 amend paragraph (a) (11) (25 F.R. 3102, April 12, 1960) to read as follows:

§ 73.295 Benzyl chloride.

(a) • • •

(11) Spec. 103A or 103A–W (§ 78.266 or § 78.281 of this chapter). Tank cars which may be 10 percent nickel clad. Authorized for stabilized benzyl chloride only.

Add § 73.297 (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.297 Titanium sulfate solution containing not more than 45% sulfuric acid.

(a) Titanium sulfate solution containing not more than 45% sulfuric acid must be packed in specification containers as follows:

(1) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles, rubber-lined.

(2) Spec. 103B, 103B–W, or 111A100–W–5 (§§ 78.267, 78.282, or § 78.309 of this chapter). Tank cars.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.315 amend paragraphs (a) (1) Table, (i) (11), (j) (1) and (2); add Note 9 to paragraph (a) (1) (23 F.R. 2327, April 10, 1958) (20 F.R. 8103, Oct. 28, 1955) (19 F.R. 1280, Mar. 6, 1954) (15 F.R. 8330, 8331, Dec. 2, 1950) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (i) of this section)	Type (see Note 2)	Minimum design pressure (psig)
(Change)				
Dichlorodifluoromethane (see Note 9)	119	See Note 7	ICC–51, MC–330	150
Dichlorodifluoromethane - dichlorotetrafluoroethane mixture (see Note 9).	119	See Note 7	ICC–51, MC–330	150
Dichlorodifluoromethane - monofluorotrichloromethane mixture (see Note 9).	See par. (c) of this section.	See Note 7	ICC–51, MC–330	150
Monochlorodifluoromethane (see Note 9).	105	See Note 7	ICC–51, MC–330	250

• • • • • •

NOTE 9: Cargo tanks used for transport of the material named can be marked "Dispersant Gas" or "Refrigerant Gas."

• • • • • •

(i) • • •

(11) Safety relief valve on chlorine tank motor vehicles shall conform with the standard of The Chlorine Institute, Inc. Dwg. D–13105E, dated April 30, 1958.

(j) • • •

(1) The containers shall comply with the construction requirements of one of the following pressure vessel codes and shall be marked to indicate compliance as specified in the code:

The 1959 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.
The 1956 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.
The 1952 Edition of the Unfired Pressure Vessel Code of the A.S.M.E., no revisions.
The 1950 Edition of the Unfired Pressure Vessel Code of the A.S.M.E., no revisions.
The 1949 Edition of the Unfired Pressure Vessel Code of the A.S.M.E.
The 1951 Edition of the joint Unfired Pressure Vessel Code of the A.P.I. and A.S.M.E., no revisions.
The 1943 Edition of the joint Unfired Pressure Vessel Code of the A.P.I. and A.S.M.E.

(2) Each container shall be equipped with safety devices in compliance with the requirements for safety devices on containers as specified in the National Board of Fire Underwriters Pamphlet No. 58 "Standards for the Design, Installation and Construction of Containers and Pertinent Equipment for the Storage and Handling of Liquefied Petroleum Gases", 1959 Edition.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.409 amend the introductory text of paragraph (b); cancel paragraph (b) (2) (20 F.R. 8105, Oct. 28, 1955) (25 F.R. 3103, April 12, 1960) to read as follows:

§ 73.409 Poisonous articles and tear gas labels.

• • • • • •

(b) Label for shipment of poisonous articles, class B or class C, by air must be as shown in the following:

• • • • • •

(2) [Canceled.]

In § 73.430 amend paragraphs (b) and (c) (15 F.R. 8344, Dec. 2, 1950) (20 F.R. 8106, Oct. 28, 1955) to read as follows:

§ 73.430 Certificate.

• • • • • •

(b) For the relief of shippers from multiplicity of certifications required for packages which may move by various means of transportation, shipments may be certified for rail, motor vehicle, water, or air transportation by adding to the certificate required on the shipping document "and the Commandant of the Coast Guard," or "and the Administrator of the Federal Aviation Agency," as the case may be.

(c) Shipping papers for shipments made by air between the United States and other countries shall be certified in duplicate with certificate signed by the shipper reading as follows:

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Administrator of the Federal Aviation Agency. (For shipment on passenger-carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passenger carrying aircraft.)

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.526 amend the introductory text of paragraph (n) (22 F.R. 7838, Oct. 3, 1957) to read as follows:

§ 74.526 Loading explosives into cars.

• • • • • •

(n) Container cars or portable containers on flat cars or gondola cars (drop-bottom cars not authorized), when properly loaded, blocked, and braced to prevent change of position under conditions incident to normal transportation, may be used for any class A explosive except black powder packed in metal containers. Portable containers must be of a type approved by the Bureau of Explosives. They must be designed and maintained so as to be weather-tight and so constructed that sparks cannot enter. Wooden containers must be painted or treated with fire-retardant material of a type approved by the Bureau of Explosives.

In § 74.532 amend the introductory text of paragraph (i) (15 F.R. 8348, Dec. 2, 1950) to read as follows:

§ 74.532 Loading other dangerous articles.

• • • • • •

(i) Compressed gases in cylinders: Cylinders containing compressed gases must be loaded on their sides except when packed in boxes or crates, or when placed in suitable permanent racks in cars, or when securely braced. Spec. ICC–4L (§ 78.57 of this chapter) cylinders must be loaded in an upright position and be securely braced.

Subpart C—Placards on Cars

In § 74.546 amend paragraph (g) (15 F.R. 8351, Dec. 2, 1950) to read as follows:

§ 74.546 Placards must be standard.

• • • • • •

(g) Placards remaining on hand and in compliance with § 74.552(a) or § 74.553(a) in effect on June 19, 1960, may be used until present stocks are exhausted.

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.660 amend the introductory text of paragraph (a) (25 F.R. 3104, April 12, 1960) to read as follows:

§ 75.660 Violations and accidents or fires must be reported.

(a) Violations and accidents or fires must be reported promptly by the express carrier to the Bureau of Explosives, 63 Vesey Street, New York 7, New York, as follows:

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.840 amend paragraphs (a) (1) and (c) (15 F.R. 8367, Dec. 2, 1950) (23 F.R. 2329, April 10, 1958) to read as follows:

§ 77.840 Compressed gases.

(a) • • •

(1) *Cylinders, horizontal.* Cylinders containing compressed gases shall be loaded in a horizontal position unless packed in boxes or crates of such dimensions as to prevent their overturning, or unless loaded into racks securely at-

tached to the motor vehicle, or unless so securely lashed in an upright position as to prevent their overturning. Spec. ICC–4L (§ 78.87 of this chapter) cylinders must be loaded in an upright position and be securely braced.

* * * * *

(c) Tanks complying with ICC–106A or ICC–110A (§§ 78.275, 78.276, 78.293, or § 78.295 of this chapter) specifications used for the transportation of compressed gases and flammable liquids as authorized in §§ 73.314(a) and 73.134 (a)(2) of this chapter may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560(b)(1) of this chapter.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205–34 amend the heading and paragraph (a) (24 F.R. 8060, Oct. 6, 1959) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–34 Special box; authorized only for a polyethylene, or other suitable plastic, tight-fitting inside container having a minimum wall thickness of 0.015 inch and so designed as to maintain its configuration when standing empty and open.

(a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. Complete package, closed as for shipment with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds.

Subpart H—Specifications for Portable Tanks

Add § 78.246 (15 F.R. 8484, Dec. 2, 1950) to read as follows:

§ 78.246 Specification 52; aluminum portable tanks.

§ 78.246–1 Compliance.

(a) Required in all details.

§ 78.246–2 Composition and capacity.

(a) Tanks shall be constructed of aluminum base alloy at least 96 percent pure, or other aluminum base alloys of equivalent strength and physical properties suitable for use with the commodity to be transported therein and having a capacity not over 400 gallons.

§ 78.246–3 Construction.

(a) Tanks shall be of all welded fabrication. Welding shall be performed in a workmanlike manner using suitable welding materials. Tanks shall be formed of material at least 0.250 inch thick; material shall comply with the requirements of § 78.246–2. Cubical containers shall have corners reinforced with suitable pads or legs efficiently welded thereto.

§ 78.246–4 Openings and closures.

(a) Tanks shall have one fill opening with properly gasketed positive type closure and may have one threaded flange opening not over 2.3 inches in diameter which must be provided with secure gasketed closure plug. Bottom discharge opening not over 3 inches in diameter authorized.

§ 78.246–5 Tank mountings.

(a) Tanks shall be designed and fabricated with mountings to provide a secure base in transit. "Skids" or similar devices shall be deemed to comply with this requirement.

(b) All tank mountings such as skids, fastenings, brackets, cradles, lifting lugs, etc., intended to carry loadings shall be permanently secured to tanks in accordance with the requirements under which the tanks are fabricated and shall be designed with a factor of safety of four, and built to withstand loadings in any direction equal to two times the weight of the tanks and attachments when filled with water.

§ 78.246–6 Tests.

(a) Each tank shall be tested by introduction of at least 2 pounds sustained air pressure during which time all welded areas shall be examined for leakage by coating entire welded seam area with soap suds. Areas that show leakage in this test may be repaired by welding and must be retested to determine efficiency.

§ 78.246–7 Marking.

(a) Marking on each container in an unobstructed area, by embossing or die-stamping on the container, or on a metal plate securely attached by welding, in letters and figures at least ⅜ inch in height, as follows:

(1) ICC–52 * * * (stars to be replaced by rated gallonage capacity). These marks shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker or user assuming responsibility with specification requirements. Symbol letters must be registered with the Bureau of Explosives.

Subpart I—Specifications for Tank Cars

In § 78.270–1 amend paragraph (a) (21 F.R. 4576, June 26, 1956) to read as follows:

§ 78.270 Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.

§ 78.270–1 Type.

(a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

In § 78.294–1 amend paragraph (a) (25 F.R. 3112, April 12, 1960) to read as follows:

§ 78.294 Specification ICC–105A100–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.294–1 Type.

(a) Tanks built under this specification must be cylindrical, with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover. Other openings in the tank are prohibited.

In § 78.300–1 amend paragraph (a) (25 F.R. 3113, April 12, 1960) to read as follows:

§ 78.300 Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.300–1 Type.

(a) Tanks built under this specification must be cylindrical, with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

In § 78.308–1 amend paragraph (a) (25 F.R. 3115, April 12, 1960) to read as follows:

§ 78.308 Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308–1 Type.

(a) Tanks built under this specification must be cylindrical, with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

In § 78.330–11 amend paragraph (a) (24 F.R. 5644, July 14, 1959) to read as follows:

§ 78.330 Specification MC 310; cargo tanks.

§ 78.330–11 Joints.

(a) All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank provided that joints in tanks for hydrogen peroxide of concentration exceeding 52 percent shall be made by welding only.

In § 78.336–1 amend paragraph (b); in § 78.336–5 amend paragraph (a); in § 78.336–7 amend paragraph (a) (20 F.R. 8115, 8116, Oct. 28, 1955) (23 F.R. 2336, April 10, 1958) to read as follows:

§ 78.336 Specification MC 330; steel cargo tanks.

§ 78.336–1 Requirements for design and construction.

* * * * *

(b) Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

EXCEPTIONS: (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg. 103–3, dated January 23, 1958. There shall be no other opening in the tank.

(2) The openings for liquid level gauging devices, or for safety devices may be installed separately at the other location or in the side of the shell.

(3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere.

(4) Loading and unloading connections may be located in the bottom of the tank.

* * * * *

§ 78.336–5 Protection of valves and accessories.

(a) All valves, fittings, accessories, safety devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

EXCEPTIONS: (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted. (2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing. (3) On chlorine tanks the protective housing and cover plate shall conform to the standard of The Chlorine Institute, Inc., Dwg. 107–2, dated June 4, 1959 and shall be of a design to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

§ 78.336–7 Report.

(a) A copy of the manufacturer's data report required by the "Code" (see § 78.336–1 (a)) under which the tank is fabricated shall be furnished for each new tank to the owner and the Bureau of Explosives, 63 Vesey Street, New York 7, New York. In addition, the manufacturer or owner shall register each tank with the Bureau of Explosives in the following form:

[No change in the Report Form.]

[F.R. Doc. 60–6469; Filed, July 13, 1960; 8:45 a.m.]

[4th Supp. 4th Sec. Order 18900]

PART 143—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATE RATES

Change of Effective Date

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of June A.D. 1960.

Upon further consideration of the matters and things involved in fourth-section order No. 18900, entered by Division 2 on April 11, 1958, as modified and amended by orders entered at later dates, and pending consideration of the matters and things developed at a hearing held pursuant to a petition filed by R. E. Boyle, Jr., Chairman, Southern Freight Association, T. H. Maguire, Chairman, Executive Committee-Western Traffic Association, and E. V. Hill, Chairman, Traffic Executive Association-Eastern Railroads, for further modification of fourth-section order No. 18900 (23 F.R. 2969), which order, petition, and transcript of the hearing thereon, are hereby referred to and made a part hereof:

It is ordered, That fourth-section order No. 18900 (23 F.R. 2969), entered by Division 2 on April 11, 1958, as modified and amended by orders entered July 15, 1958 (23 F.R. 5828), December 18, 1958 (24 F.R. 64), May 4, 1959 (24 F.R. 4104), August 11, 1959 (24 F.R. 6979), and March 30, 1960 (25 F.R. 2893), be and it is hereby, further modified and amended so as to provide that the order, which by its present terms is to become effective on June 30, 1960, shall become effective on September 1, 1960, instead.

It is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register, Washington, D.C.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply secs. 3, 4, 24 Stat. 380, as amended; 49 U.S.C. 3, 4)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–6524; Filed, July 13, 1960; 8:48 a.m.]

[5th Supp. 4th Sec. Order 18900]

PART 143—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATES RATES

Change of Effective Date

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of June, A.D. 1960.

It appearing, that rules governing as to form and content of applications, the manner of presentation, and the method of justifying relief from the provisions of section 4 of the Interstate Commerce Act having been set forth in fourth-section order No. 18900 (23 F.R. 2969),

It further appearing, that, by petition dated June 5, 1959, the Class I rail carriers of the United States sought reconsideration of these rules,

It further appearing, that a hearing having been held and full investigation of the matters and things involved having been made, and the division, on the date hereof, having made and filed a formal report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof,

And it further appearing, that the rules hereinafter provided being procedural, rule making procedure under section 4(a) of the Administrative Procedure Act (5 U.S.C. sec. 1003) is deemed unnecessary:

It is ordered, That fourth-section order No. 18900 (23 F.R. 2969) entered by Division 2 on April 11, 1958, as modified and amended by supplemental orders entered July 15, 1958 (23 F.R. 5828), December 18, 1958 (24 F.R. 64), May 4, 1959 (24 F.R. 4104), August 11, 1959 (24 F.R. 6979), March 30, 1960 (25 F.R. 2893), and June 29, 1960 (25 F.R. 6629), be and it is hereby, further modified and amended by deleting sections 143.75 through 143.85 (49 CFR 143.75 through 143.85) in their entirety, and by substituting in lieu thereof the following provisions which are to become effective September 1, 1960:

§ 143.75 Applications, preparation and filing, conformity with rules.

Any common carrier subject to the act may apply to this Commission, under section 4(1) of the act, for such authorization as it is empowered to grant thereunder. Such application must conform to the requirements hereinafter provided.

§ 143.76 Freight and passenger applications separate.

Separate applications shall be filed for relief with respect to freight rates and passenger fares.

§ 143.77 Long-and-short-haul and aggregate of intermediate applications separate.

Separate applications shall be filed for relief from the long-and-short-haul provision, and for relief from the aggregate-of-intermediates provision of section 4 of the act.

§ 143.78 Number of copies, form, general specifications and requirements, signatures, and verification.

(a) Applications shall be substantially in the form shown below, and five copies of each, including all exhibits and maps, must be furnished.

FORM OF APPLICATION FOR RELIEF UNDER SECTION 4(1) OF THE ACT

FOURTH SECTION APPLICATION

Commission's No. _____
Carrier's No. _____

The _____ Company, by _____, its _____ (Official title), hereby petitions the Interstate Commerce Commission for authority to establish rates (or fares, or charges or classifications) hereinafter set forth without observing the long-and-short-haul (or aggregate-of-intermediates) provision of section 4(1) of the Interstate Commerce Act. (If rates, etc., are to apply over the lines of more than one carrier, the application should show that it is made for and on behalf of all such carriers, naming them, or if made for or on behalf of all carriers parties to a particular tariff, reference may be made by I.C.C. No. to such tariff for the names of such carriers.)

I. (State fully the rates, fares, charges, etc., which it is desired to establish, with complete reference to the tariffs in which published and the effective date thereof, the routes over, and the articles or classes upon which they are to apply, and names or descriptions of the points of origin and destination. See Note A following.)

II. (State fully names or description of intermediate points at which it is desired to maintain higher rates etc., and rates etc., at such points or a sufficient number of such points to illustrate the situation, including the first and last higher-rated and the highest-rated intermediate points. Distances between all points shown should be included in this statement. In applications for relief from the aggregate-of-intermediates provision, set forth typical examples of the higher through rates, fares, or charges, and the intermediate rates, fares, or charges that in the aggregate are less than the through rates, etc. See Note A, following. Also show I.C.C. Nos. of tariffs, and supplements thereto, containing the rates and distances stated.)

III. This application is based upon the following facts which present all of the circumstances and conditions relied upon by your applicant in justification of the relief herein prayed: (Make a complete and accurate statement as to the necessity for the proposed changes, and all of the circumstances and conditions relied upon as justifying the relief prayed. See Note A, following.)

IV. (Give specific reference to any proceeding pending before or determined by the Commission, by docket number, and report citation, if any, which may have any bearing upon, or be in any way related to the rates, etc., sought to be established or maintained. If none, state that fact.)

_____ Company
(Corporate title of applicant)

By _____
(Personal signature of officer)

_____
(Title of officer)

NOTE A. When more convenient this information may be given in an exhibit or exhibits, and here referred to: "As stated in exhibit _____ attached to and made a part hereof." Information required under each numbered section, as above, should be shown in a separate exhibit.

Exhibits should conform to the following requirements:

Generally. Exhibits of a documentary character may have a maximum width of 22 inches by 12½ inches in height. Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should not be argumentative, should be limited to statements of fact, and be relevant and material to the issue.

Reference to tariff authority, routes, and distances. All exhibits showing rates, fares, charges, or other tariff or schedule provision must, by appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor, and if distances are shown must also show the authority therefor and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short-line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedule as provided by this rule.

(b) Applications shall be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. To permit of binding in covers of uniform size, margins of at least 1½ and 1 inch, respectively, shall be allowed on the left and right margins. Binding shall be on the left margin. Reproduction may be by printing, multilithing, mimeographing, or any other process, provided the copies are clear and permanently legible. Whiteline blue prints which cannot be reproduced by photography are not desirable. If directly typewritten, or if in facsimile reproduction of typewriting, the impression must be on one side of the paper and must be double spaced, except that long quotations shall be single spaced and indented. If printed, nothing less than 10-point type shall be used, except that 8-point type may be used in footnotes.

(c) The original copy of the application must be over the personal signature of an executive officer, a responsible traffic officer, or a duly authorized attorney or agent, specifying his title, and sworn to before a notary public or other officer authorized by law to administer oaths. Verification shall be in the manner shown below:

VERIFICATION

State of _____ }
County of _____ } ss:

_____ (Name of affiant), being duly sworn, deposes and says: That he is the _____ (Title of affiant) of the _____ (Name of applicant); that he is authorized by said applicant to sign and file with the Interstate Commerce Commission this application and exhibits attached hereto, and to verify the facts and statements contained in said application and exhibits; that he has carefully examined all of such statements contained in said application and exhibits; and that the same are true and correct to the best of his knowledge, information, and belief.

_____

Subscribed and sworn to before me, a _____ in and for the State and County above, this _____ day of _____, 19__.

_____

(SEAL) My commission expires _____

§ 143.79 **Matters to be shown in the application.**

(a) The information required in this section and in §§ 143.80, 143.81, and 143.82, according to the grounds upon which relief is sought, shall be shown in the application when Commission action is desired on the presentation made therein, without hearing. When a hearing is desired and applicants propose to justify at the hearing the relief desired, the information specified in this section shall be included in the application, and the information required in §§ 143.80, 143.81, and 143.82 may, instead, be introduced at the hearing. It should be understood, however, that where the information included in the application does not fully justify the relief sought, or for other good cause, the application may be assigned for hearing at the Commission's discretion. The application shall show:

(b) The names of the carrier or carriers for, or on behalf of which it is made, or, if made on behalf of all carriers parties to a particular tariff, the application may refer to such tariff by Interstate Commerce Commission number (hereinafter abbreviated I.C.C. No.).

(c) The I.C.C. No. of all tariffs in which rates, fares, or charges referred to in the application or exhibits are published.

(d) The rates, fares, or charges proposed to be established; the basis or bases therefor; the articles or classes on which they are to apply; the points of origin and destination; and the routes between such points over which the rates, fares, or charges will apply. (Direct routes only with respect to applications for long-and-short-haul relief). When relief is desired from or to "related" points or "group" points, the points or groups shall be indicated in the map hereafter required to be furnished, or defined by reference to tariff publications providing the grouping.

(e) If long-and-short-haul relief is sought, the intermediate points at which it is proposed to maintain rates, fares, or charges higher than those proposed from or to more distant points, and the rates, fares, or charges at such points. If relief from the aggregate-of-intermediate provision of section 4 is sought, the intermediate rates, fares, or charges that, in the aggregate, are less than the through rates, fares, or charges.

(f) A complete and accurate statement of the grounds relied upon as justification for the relief prayed.

(g) Applications for relief from the provisions of section 4 with respect to rates, fares, or charges included in schedules filed before the necessary relief has been obtained shall include in the opening or second paragraph a complete statement of the tariffs and supplements containing such rates, fares, or charges in substantially the following form:

The rates (fares) (charges) as to which relief is prayed herein have been published and filed to become effective _____ (Date) in _____ (Name of agent or carriers) tariff I.C.C. _____ (Number). (Supplement number should be shown if published in a supplement).

§ 143.80 **Additional information required.**

(a) *Long-and-short-haul relief.* Applications should show:

(1) That, where proposed rates are depressed to meet competition, the competitive rates they are being established to meet are not within the control of applicant carriers, and any other facts tending to show that such rates should not be observed as maxima at intermediate points.

(2) That the lower rates for longer than for shorter hauls over the same line or route are reasonably compensatory.

The following information is considered pertinent in a showing as to the reasonably compensatory nature of rates:

(i) Statement of ton-mile, car-mile, and per-car earnings under the competitive rates. When a general adjustment is involved covering rates between numerous competitive points and applicable or to be applied by numerous routes, it will be sufficient, ordinarily, to give representative examples of rates throughout the territory yielding the lowest earnings for the longest and shortest hauls involved.

(ii) Statement of ton-mile and car-mile expenses of petitioning carriers on the traffic involved, or other evidence showing that the proposed rates will be reasonably compensatory.

(3) A statement of rates at representative intermediate points at which rates exceed or would exceed the rates at more distant points under the proposed adjustment, including rates at the first and last higher-rated intermediate points and the distances from and to such intermediate points. This information need not be shown where the rates at the more distant points are constructed on the basis of a mileage scale and the rates at the intermediate points reflect the same mileage scale.

(4) That the higher rates for the shorter than for the longer hauls over the same line or route are reasonable. (The usual facts tending to show the reasonableness of rates should be presented).

(5) Whether there is a complaint pending as to the reasonableness of the rates at the intermediate points on the applicant line or route.

(6) In the event the rates proposed to be superseded by subsequent revisions are maintained under authority of outstanding fourth-section orders, reference to such orders shall be furnished.

(7) Where the proposed adjustment is in any way related to a prior adjustment as to which relief has been authorized, that is, the addition of origins, destinations, commodities, etc., or involves rates for the return movement of commodities as to which relief for initial hauls has been authorized, reference to orders authorizing such relief shall be furnished.

(b) *Aggregate-of-intermediates relief.* Applications should show:

(1) The origins and destinations from and to which it is proposed to continue, or to establish and maintain through rates, fares, or charges which exceed the aggregate-of-intermediate rates, fares, or charges, together with the intermediate rates, fares, or charges that, in the aggregate, are less than the through rates, fares, or charges.

(2) That the intermediate rates, fares, or charges which, in the aggregate, are lower than the through rates, fares, or charges, are depressed by competitive conditions that do not affect the through rates, fares, or charges; and the same information with respect to the conditions alleged as affecting the intermediate rates as that required in applications for long-and-short-haul relief with respect to similar conditions when alleged as grounds for maintaining lower rates for longer than for shorter distances.

(3) That the through rates, fares, or charges that would exceed the aggregate-of-intermediate rates, fares, or charges are reasonable. (The usual facts tending to show the reasonableness of rates should be presented).

§ 143.81 **Additional matters to be shown.**

(a) *Applications based on water competitions.* (1) The name of the competing water line or lines actually in operation between the water points and whether said water line or lines, in the transportation of the traffic involved, are subject to the Interstate Commerce Act.

(2) A detailed statement of the charges over the water line or lines, including marine insurance, wharfage, handling, shrinkage, and all other applicable incidental charges. Where such charges are named in tariffs on file with this Commission, reference should be made to such tariffs by I.C.C. number.

(3) Whether facilities for loading into and unloading from barges or ships are available.

(4) The minimum tender that may be made to the water carrier or carriers, and whether shippers and receivers are equipped to handle such amounts.

(5) If the season of navigation is restricted, and, if so, that available storage will permit the handling by water of receivers' needs during the season of navigation.

(6) The cost of installation, maintenance, etc., of loading, unloading, and storage facilities which must be constructed or installed before water transportation is feasible.

(7) Evidence supporting water costs and accessorial charges which are not published in tariffs on file with the Commission.

(8) Certification that a copy of the application has been served upon the competing water line or lines named in paragraph 1 hereof. The service and certification shall conform with the requirements of § 1.22 of this chapter.

(b) *Applications based on motor carrier competition.* The charges over the competing motor line or lines, including all incidental charges, and if interstate common or contract carrier or carriers, reference to the applicable tariffs by I.C.C. numbers.

(c) *Applications based on market competition.* (1) The names of the producing or receiving points whose competition is to be met.

(2) The short line or route and distances, or the class rate distances if the latter are normally used for rate making purposes, from the various producing points to the common market and tariff authority for the distances.

(3) The rates from the competitive producing points with reference by I.C.C. No. to the tariffs naming the rates and whether they conform to the provisions of section 4 of the act. If relief has been granted or application is pending as to such rates, give reference to the I.C.C. No. of the application or order.

(4) Whether similar competition is to be met at intermediate points.

(d) *Applications based on weak financial condition or high operating costs of the applicant line.* Financial statistics and operating conditions.

§ 143.82 **Miscellaneous provisions.**

(a) In addition to the above, applications should show any other conditions or circumstances relied upon as constituting a special case within the meaning of section 4(1) of the act.

(b) Applications should contain a map, made a part thereof, showing the relative location of lines or routes, the competitive points, and representative intermediate points at which higher rates are to be charged, or representative points from or to which it is proposed to maintain through rates, fares, or charges which exceed the aggregate of intermediates. This map need not be furnished where departures are due only to use of class rate distances and grouping, or to the use of relief line arbitraries.

§ 143.83 **Acceptance of applications.**

In any case when, upon inspection, the Commission is of the opinion that an application does not sufficiently set forth required material or is otherwise deficient, the Commission may decline to accept the application for filing and may return it unfiled, or the Commission may accept it for filing and advise the person tendering it of the deficiencies and require that such deficiencies be corrected.

§ 143.84 **Applications for relief previously denied.**

If the Commission denies an application, and the carrier presents a new application based upon new or additional facts in justification of the proposed rates, fares, or charges, such facts should be clearly indicated as such, and the modified application must refer specifically to the previous application and the number of the order by which it was denied.

§ 143.85 **Changes and additions.**

Copies of any amendment to the application, or any additional information furnished to the Commission in connection therewith, including notices of any changes in the effective date of the rates, fares, or charges as set forth in compliance with § 143.79(g), shall be served by applicant upon all parties served with a copy of the application and upon all parties protesting the application. The service and certification thereof shall conform with the requirements of § 1.22 of this chapter.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at

Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply secs. 3, 4, 24 Stat. 380, as amended; 49 U.S.C. 3, 4)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6523; Filed, July 13, 1960; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 60-51]

PART 171—STANDARDS FOR NUMBERING

Mississippi System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 23, 1960, approved the Mississippi system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Mississippi system shall be operative on and after July 1, 1960. On that date the authority to number motorboats principally used in the State of Mississippi passed to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Mississippi. On and after July 1, 1960, all reports of "boating accidents" which involve motorboats numbered in Mississippi will be required to be reported to the Boating Division, Game and Fish Commission, Jackson, Mississippi, pursuant to the "Mississippi Boating Act of 1960" (House Bill No. 217) approved by the Governor on April 14, 1960.

Because the amendments to §§ 171.01-6(b), and 171.10-1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of July 1, 1960:

Subpart 171.01—General

1. Paragraph (b) of § 171.01-6 *Temporary exemptions until July 1, 1960,* is amended by deleting "Mississippi" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. Paragraph (b) of § 171.10-1 *To whom made* is amended by inserting in the list of States having approved numbering systems the State of "Mississippi."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 8, 1960.

[SEAL] J. A. HIRSHFIELD, *Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 60-6529; Filed, July 13, 1960; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Civil and Defense Mobilization

[Defense Mobilization Order IV-1]

DMO IV-1—CREATING A COMMITTEE ON MANPOWER POLICY AND A COMMITTEE ON SPECIALIZED PERSONNEL

Revocation

Defense Mobilization Order IV-1, Creating a Committee on Manpower Policy and a Committee on Specialized Personnel (within the Office of Defense Mobilization), as revised on September 28, 1954, is hereby revoked. Notice of the establishment of similar committees (Interagency Committee on Manpower Policy and Committee on Specialized Personnel) within the Office of Civil and Defense Mobilization was given in the FEDERAL REGISTER on June 30, 1960 (25 F.R. 6155).

Dated: July 6, 1960.

LEO A. HOEGH, *Director.*

[F.R. Doc. 60-6498; Filed, July 13, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 121]

STATUS OF FOLIC ACID IN FOODS FOR SPECIAL DIETARY USE AND AS A DRUG; EXTENSION OF EFFECTIVE DATE OF STATUTE FOR THE FOOD ADDITIVE FOLIC ACID

Notice of Proposed Rule Making

1. The Commissioner of Food and Drugs, on his own initiative, and under authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to him by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), proposes the issuance of the following statement of policy:

§ 3.42 Status of folic acid in foods for special dietary use and as a drug.

The need in human nutrition for folic acid has been established. Diets used in this country supply ample amounts of the vitamin. Rare deficiencies of folic acid occur, but they are associated with conditions for which the patient should be under medical supervision.

Although not itself harmful, folic acid, when added in sufficient dosage to the diets of persons suffering from pernicious anemia who are not receiving proper medication, has the capacity of correcting the blood disorders of this disease while the accompanying nervous system changes may progress. This may create a hazard for a very few individuals who are undiagnosed, untreated victims of pernicious anemia. This situation is not completely corrected by the incorporation of vitamin B_{12} and intrinsic factor in folic acid-containing preparations for oral use.

Medical experts agree that there is a level of administration above which folic acid should be used only under the supervision of a physician. The Council on Foods and Nutrition of the American Medical Association has considered the use of folic acid in multivitamin combinations used for dietary supplementation. On January 3, 1959, the Council published a statement reading in part:

> The amount of folic acid in supplementary vitamin mixtures should be no greater than that available from an abundant dietary. Common experience indicates that this is a quantity which will seldom support hematological function in pernicious anemia and therefore will not mask the diagnosis of this disorder. Although this quantity is still to be determined, 0.8 mg. of folic acid is suggested tentatively as a proper maximum amount for supplemental mixtures. (Journal of The American Medical Association, Volume 169, pages 41-45, January 3, 1959.)

In November 1959, in connection with the administration of the food additives amendment, the Food and Drug Administration considered the justification for placing folic acid on a list of substances considered by qualified experts to be generally recognized as safe. It concluded at that time, and again at a later date, that the facts did not warrant the placing of the chemical on such a list.

The U.S. Pharmacopeia recognizes two multivitamin preparations, each of which supplies 0.25 milligram of folic acid in the usual dose. The Director of Revision of the Pharmacopeia states that the formula for these products was adopted on the advice of qualified medical experts and that the Revision Committee of the Pharmacopeia has no evidence suggesting need for change with respect to folic acid.

Prior to March 1959, the Food and Drug Administration had not considered it necessary to place a limit on the amount of folic acid that could be present in multiple vitamin preparations for sale without prescription. In early 1960, in view of additional information that was becoming available, the Food and Drug Administration expressed the opinion to some companies that folic acid in a quantity not to exceed 0.4 milligram per day would generally be recognized as safe under the food additives amendment. However, this advice was not formalized by placing folic acid on a proposed list of substances generally recognized as safe.

In June 1960, the Food and Drug Administration consulted nine medical experts in the fields of hematology and internal medicine about the use of folic acid. Six of these experts believed that folic acid should not be used in multivitamin preparations that are offered for sale without prescription. Two experts believed that it could be used properly in an amount not to exceed 0.4 milligram per day. One individual believed that folic acid should be available for sale without prescription at a level of 1.0 milligram to 2.0 milligrams per day.

On June 30, 1960, the Commissioner of Food and Drugs appointed a committee of experts from a panel selected by the National Academy of Sciences to consider this matter and make recommendations. The members of the Committee represented the fields of general medicine, preventive medicine, nutrition, hematology, pediatrics, and obstetrics and gynecology. The committee reported as follows:

The meager data available as background information for any recommendation indicate:

1. The only danger of inclusion of folic acid in such preparations [multivitamin preparations] is to those few patients who would develop pernicious anemia while taking the preparations, who would have the development of that disease be masked by the contained folic acid, and who would be liable to the development of combined system disease. The number of patients known to have been harmed to date is very small.

2. Patients with pernicious anemia in relapse—with possible rare exceptions—will not respond with a hematologic remission to doses of 400 micrograms of synthetic folic acid per day (superimposed on the amount of folic acid which will be absorbed from an average diet in the United States).

3. We do not know to what extent the addition of 400 micrograms of folic acid per day may delay the onset of anemia in patients who develop true pernicious anemia and, therefore, increase the chance of neurological change.

The Committee recommends that:

1. The amount of folic acid to be permitted in multivitamin preparations be limited at present to 400 micrograms per day for preparations to be sold without prescription.

2. A period as long as six months be allowed for the orderly compliance with this recommendation.

3. While it is considered that there is no undue risk to the nation's public health involved in this recommendation, further study and consideration of this problem, aimed at the long term aspects of the recommendation, should be undertaken by another committee with time to consider at greater length problems like those posed in Item 3 above, and other new evidence.

On the basis of all the available evidence, the Food and Drug Administration adopts the following policy with respect to folic acid-containing preparations:

(a) Preparations supplying over 0.4 milligram of folic acid in the daily dosage recommended or suggested are regarded as drugs that should only be used under medical supervision. Among other things, these drugs should be labeled with a statement "Caution: Federal law prohibits dispensing without prescription," and their labeling should bear adequate information for their use by physicians, including information about the possible harmful effect of administering folic acid to patients who may have pernicious anemia.

(b) At the point of manufacture or labeling, the change to the prescription legend should be accomplished before further shipments are made. The orderly relabeling of stocks of such drugs in the channels of distribution should proceed as promptly as possible. Regulatory actions will be initiated against any products not properly relabeled after a reasonable time has passed.

2. The Commissioner also proposes, pursuant to Public Law 85-929 (sec. 6c, Pub. Law 85-929, 72 Stat. 1788; 21 U.S.C. note under sec. 342) to extend the effective date of the food additives amendment to the statute for folic acid by

amending § 121.86 to include the following:

FOLIC ACID

§ 121.86 [Amendment]

(a) Folic acid in a preparation the labeling of which clearly limits the daily dosage to a quantity that supplies 0.4 milligram of folic acid per day or less, and labeled for sale without prescription, is regarded as a food additive. The effective date of the food additives amendment of the Federal Food, Drug, and Cosmetic Act is hereby extended to March 6, 1961, for folic acid in such preparations, on the basis of a finding that the extension is necessary and will involve no undue risk to the public health.

(b) On and after March 6, 1961, a preparation described in paragraph (a) of this section may be legally marketed within the jurisdiction of the Federal Food, Drug, and Cosmetic Act only after a food additive regulation is in effect stating allowable conditions for its marketing. Firms that wish to promote folic acid for sale to the public without prescription should supply evidence to support such a regulation.

Interested persons are invited to submit written comments with reference to these proposals, supported by any scientific evidence they may wish to supply, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 11, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6556; Filed, July 13, 1960; 8:52 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of 2,4,5,4'-Tetrachlorodiphenyl Sulfone

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of a tolerance of 2 parts per million for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on lemons.

The analytical methods proposed in the petition for determining residues of 2,4,5,4'-tetrachlorodiphenyl sulfone are the methods published in the FEDERAL REGISTER of July 9, 1959 (24 F.R. 5550, 5551).

Dated: July 6, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60-6527; Filed, July 13, 1960; 8:48 a.m.]

PROPOSED RULE MAKING

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 443; Draft Release 60-12]

CONTINENTAL CONTROL AREA

Establishment of the Base at 14,500 Feet Mean Sea Level

Notice is hereby given that the Bureau of Air Traffic Management will propose to the Administrator the adoption of an amendment to Part 60 of the Civil Air Regulations, which would re-establish the lower limit of the continental control area from the present base of 24,000 feet mean sea level (m.s.l.) to 14,500 feet (m.s.l.).

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to October 13, 1960, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for the return of comments has expired. Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply.

Prior to 1957, controlled airspace had, for the most part, been designated only along 10 mile wide airways and in control zones surrounding certain airport terminal areas. In December 1957, the continental control area was designated which expanded the controlled airspace network above 24,000 feet [2] to the boundaries of the continental United States. This action represented the successful completion of the first phase of comprehensive air traffic control improvement plans that sought the ultimate expansion of controlled airspace to all areas above 15,000 feet.

When the continental control area was first implemented in 1957, it was recognized that the second phase of the implementation plans could not be undertaken until extensive improvements in the air traffic control system were made. Since December 1957, significant advancements have been made in the state of the high altitude air traffic control and navigation system. Among other developments, new and improved radar systems and displays have been developed and are in use. The numerous peripheral radio communications facilities which have been installed and commissioned throughout the country, have provided for the extension of direct communications between pilots and controllers and have proven to be a most effective means of expediting the flow of en route air traffic. Semi-automatic calculating equipment has been put into operational use at several air traffic control facilities and the number of qualified air traffic controllers has increased significantly. These and other similar improvements in the air traffic control system now make it practicable to achieve the objective of expanding controlled airspace to all areas above 15,000 feet.

Although it had been originally contemplated that the "floor" or base of the continental control area would be 15,000 feet, it is proposed herein to establish the "floor" at 14,500 feet. This will permit the continued use of the cardinal altitude of 15,000 feet as an altitude for instrument flight rule (IFR) operations and will provide a 500 foot buffer between IFR and VFR flight operations.

In lowering the "floor" of the continental control area from 24,000 to 14,500 feet, the higher visual flight rule (VFR) minimum weather conditions, which currently apply only above 24,000 feet, would be made applicable to all airspace above 14,500 feet. It is believed that the risk of collision in this area will be alleviated if the minimum visibility for VFR flight is increased to 5 miles and the clearance from clouds minimums is increased to 1,000 feet vertically and one mile horizontally. These minima are believed to be appropriate for application in this airspace since the aircraft that are expected to make the greatest use of this area are the high performance aircraft whose airspeeds are such that the current VFR minimums may not provide sufficient time for pilots to observe and avoid each other. Additionally, such an increase would require a greater number of flight operations to be conducted in accordance with the instrument flight rules with separation being assured by air traffic control.

This proposed action is consistent with the overall airspace structure plans of the Agency which contemplate the movement of IFR air traffic in a three level route structure system. This structure would include the low altitude airway system extending upwards to 14,500 feet; the intermediate airway structure (which would be within the "lowered" continental control area) extending from 14,500 feet to, but not including, 24,000 feet; and the present high altitude jet routes would continue in effect for flights operating at and above 24,000 feet.

It is recognized that in several isolated mountainous locations within the United States, the height of the terrain (13,000 feet or above) requires that the "floor" of the continental control area be set at a higher level than 14,500 feet if uncontrolled airspace is to be provided between such terrain and the "floor" of controlled airspace. Accordingly, provision is made for the exclusion of airspace which is 1,500 feet or less above the terrain.

In consideration of the foregoing, it is proposed to amend the definition of the continental control area contained in § 60.60 to read as follows:

Continental Control Area. The continental control area is that airspace within the continental United States extending upwards from 14,500 feet mean sea level. The continental control area shall not include the airspace over the State of Alaska, the airspace which is less than 1,500 feet above the terrain or, unless otherwise designated in the Regulations of the Administrator, the airspace of prohibited or restricted areas during the time designated as such.

(Sec. 307(a) and 307(c) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 752, 749, 49 U.S.C., 1354, 1348))

Issued in Washington, D.C., on July 7, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management

[F.R. Doc. 60-6525; Filed, July 13, 1960; 8:48 a.m.]

[2] All references to altitude made herein are mean sea level (m.s.l.) unless otherwise noted.

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-53]

FEDERAL AIRWAYS, CONTROL AREAS, REPORTING POINTS AND POSITIVE CONTROL ROUTE SEGMENTS

Notice of Proposed Rule Making

In the matter of designation of intermediate altitude airways, intermediate reporting points, positive control route segments; modification of Federal airways, associated control areas, reporting points; and revocation of positive control route segments.

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal to implement a three-level route structure which would be composed of low altitude airways, intermediate altitude airways, and the present high altitude jet routes. This three-level system would be effective within the continental United States, and would provide the basis for more efficient air traffic management of the increasing volume of air traffic and a basis for interference-free frequency assignments of the VOR, VORTAC and TACAN navigation aids.

As a part of this plan, the Federal Aviation Agency would designate an intermediate altitude airway structure which would replace the present Transcontinental VOR Federal airways (Victor 1500 series). These proposed airways would permit simplification of flight planning and reduce pilot-controller communication. The intermediate altitude airway structure would consist of a system of "express" airways primarily designated to serve medium and long range aircraft operations at altitudes from 14,500 feet mean sea level to but not including, 24,000 feet mean sea level, unless otherwise designated. This structure would also include interconnecting airways to provide transition to or from the low and high altitude structure. The intermediate altitude airways would have a width of 8 statute miles either side of the center line of such airways, unless otherwise designated. All VOR, VORTAC, and TACAN navigation facilities named in the descriptions of the proposed intermediate altitude airways would be designated, by definition in Part 601, as Intermediate Altitude Reporting Points. In addition, a new section to Part 601 would be added in which selected intersections, to be used for air traffic management purposes, would be designated as "Additional Intermediate Altitude Reporting Points."

To complete the proposed three-level route structure plan, it is proposed to revoke the presently designated Transcontinental VOR Federal airways (Victor 1500 series), and modify the VOR and Colored Federal airways in their vertical dimension to extend upward from the surface to, but not including, 14,500 feet MSL, unless otherwise designated. These airways would be described as low altitude airways, with lateral dimensions as described at present, unless otherwise designated. The present Domestic VOR reporting points would be redescribed as Low Altitude VOR reporting points. Since there would be no colored airways above the low altitude structure, the colored Federal airways reporting points would automatically conform to the modified colored airways. Accordingly, no amendment relating to modification of the colored airway reporting points would be necessary.

In addition, the presently designated positive control route segments would be revoked and new positive control route segments would be designated to coincide with selected segments of the proposed intermediate altitude airways.

The control areas associated with the proposed intermediate altitude airways will be the subject of a subsequent notice of proposed rule making.

Portions of several airways, described in their entirety in parts A, B, and C of this Notice, extend beyond the continental United States. These portions are described in Annex I to this Notice by reference to the VOR locations within the United States between which a portion of airway is outside the continental limits. Those portions outside the continental limits are excluded from consideration in this Notice pending completion of coordination in accordance with Executive Order No. 10854 (24 F.R. 9565). A subsequent Notice of Proposed Rule Making will be promulgated proposing designation of those portions upon completion of coordination.

If these actions are taken:

1. The presently designated Transcontinental VOR Federal airways (Victor 1500 series) and their associated control areas would be revoked.

2. The present VOR Federal airways and Colored Federal airways would be redesignated to extend from the surface to, but not including, 14,500 feet MSL, and their associated control areas would be redefined to extend from 700 feet above the surface to, but not including, 14,500 feet MSL, unless otherwise designated.

3. The caption to § 601.7001 would be changed to redescribe Domestic VOR reporting points as Low Altitude VOR reporting points.

4. The presently designated positive control route segments would be revoked.

5. Intermediate Altitude VOR Federal airways would be designated between specified points as described below with airway identification numbers assigned in the Victor 1500, 1600 and 1700 series. Each VOR Intermediate Altitude airway would have a width of eight miles either side of the center line of such airways, and would extend vertically from 14,500 feet MSL to, but not including, 24,000 feet MSL, unless otherwise designated.

6. All VOR, VORTAC or TACAN navigation facilities named in the descriptions of the proposed intermediate altitude airways would be designated, by definition in Part 601, as Intermediate Altitude Reporting Points, and those intersections listed below as "Additional Intermediate Altitude Reporting Points", would be designated in a new section to be added to Part 601.

7. Positive control route segments to coincide with selected segments of the proposed intermediate altitude airways (as described below), would be designated.

A—1500 SERIES (WEST TO EAST)

1. VOR Federal Airway 1502 (Seattle, Wash., to Boston, Mass.). From the Seattle, Wash., VOR via the Ephrata, Wash., VOR; intersection of Ephrata VOR 081° T and the Mullan Pass, Idaho, VOR 275° T radials (site of Spokane, Wash., VOR); Mullan Pass VOR; Great Falls, Mont., VOR; Lewistown, Mont., VOR; Miles City, Mont., VOR; Dickinson, N. Dak., VOR; Bismarck, N. Dak., VOR; Jamestown, N. Dak., VOR; Alexandria, Minn., VOR; Minneapolis, Minn., VOR; Eau Claire, Wis., VOR; Green Bay, Wis., VOR; White Cloud, Mich., VOR; Saginaw, Mich., VOR; Peck, Mich., VOR; thence 10-mile wide airway via the London, Ontario, VOR; to the Buffalo, N.Y., VOR; thence to the Syracuse, N.Y., VOR; intersection of the Syracuse VOR 100° T and the Cambridge, N.Y., VOR 277° T radials (site of Utica, N.Y., VOR); Cambridge, VOR; Manchester, Vt., VOR; intersection of the Manchester VOR 117° T and the Boston VOR 014° T radials (Ipswich, Mass., Intersection); to the Boston, Mass., VOR.

2. VOR Federal Airway 1504 (Seattle, Wash., to Nantucket, Mass.). From the Seattle, Wash., VOR via the Ephrata, Wash., VOR; intersection of the Ephrata VOR 081° T and the Mullan Pass, Idaho, VOR 275° T radials (site of the Spokane, Wash., VOR); Mullan Pass, Missoula, Mont., VOR; Helena, Mont., VOR; Billings, Mont., VOR; Sheridan, Wyo., VOR; Dupree, S. Dak., VOR; Watertown, S. Dak., VOR; Redwood Falls, Minn., VOR; Rochester, Minn., VOR; Lone Rock, Wis., VOR; thence 10-mile wide airway via the intersection of the Lone Rock VOR 106° T and the Milwaukee, Wis., VOR 270° T radials; Milwaukee, Wis., VOR; to the Muskegon, Mich., VOR; thence to the intersection of the Muskegon VOR 114° T and the Salem, Mich., VOR 291° T radials (site of the Lansing, Mich., VOR); Salem, Mich., VOR; thence 10-mile wide airway via the Windsor, Ont., VOR; to the Erie, Pa., VOR; thence to the Bradford, Pa., VOR; intersection of the Bradford VOR 095° T and the Wilkes-Barre, Pa., VOR 279° T radials (site of the Stonyfork, Pa., VOR); Wilkes-Barre, Pa., VOR; Pough-

hoopole, N.Y., VOR; Putnam, Conn., VOR; Providence, R.I., VOR; thence 10-mile wide airway to the Nantucket, Mass., VOR, excluding the portion outside the United States.

2. VOR Federal Airway 1506 (Seattle, Wash., to New York, N.Y.). From the Seattle, Wash., VOR via the Pendleton, Oreg., VOR; McCall, Idaho, VOR; DuBois, Idaho, VOR; DuNoir, Wyo., VOR; Bryan Reservoir, Wyo., VOR; Casper, Wyo., VOR; Chadron, Nebr., VOR; O'Neill, Nebr., VOR; Sioux City, Iowa, VOR; thence 10-mile wide airway to the intersection of the Sioux City VOR 079° T and the Neola, Iowa, VOR 354° T radials; thence to the Fort Dodge, Iowa, VOR; Dubuque, Iowa, VOR; intersection of the Dubuque VOR 095° T and the Northbrook, Ill., VOR 273° T radials (site of Rockford, Ill., VOR); intersection of the Northbrook VOR 273° T and the Janesville, Wis., VOR 137° T radials; thence 10-mile wide airway via the Northbrook, Ill., VOR; to the intersection of the Northbrook VOR 093° T and the Chicago Heights, Ill., VOR 356° T radials; thence to the intersection of the Northbrook VOR 093° T and the Keeler, Mich., VOR 271° T radials (Musky, Mich., Intersection); Keeler, VOR; intersection of the Keeler VOR 094° T and the Carleton, Mich., VOR 271° T radials (site of Litchfield, Mich., VOR); Carleton, Mich., VOR; thence 10-mile wide airway to the Jefferson, Ohio, VOR; thence to the Keating, Pa., VOR; intersection of the Keating VOR 090° T and the Stroudsburg, Pa., VOR 275° T radials (site of Milton, Pa., VOR); thence 10-mile wide airway to the Stroudsburg VOR; thence to the intersection of the Stroudsburg 055° T and the Sparta, N.J., VOR 280° T radials (Branchville, N.J., Intersection); to the Sparta, N.J., VOR.

4. VOR Federal Airway 1508 (Portland, Oreg., to New York, N.Y.). From the Portland, Oreg., VOR via The Dalles, Oreg., VOR; Baker, Oreg., VOR; Boise, Idaho, VOR; Burley, Idaho, VOR; Malad City, Idaho, VOR; Rock Springs, Wyo., VOR; Cherokee, Wyo., VOR; Rock River, Wyo., VOR; Sidney, Nebr., VOR; North Platte, Nebr., VOR; intersection of the North Platte VOR 072° T and the Wolbach, Nebr., VOR 286° T radials (Berwyn, Nebr., Intersection); Wolbach, VOR; Neola, Iowa, VOR; Newton, Iowa, VOR; thence 10-mile wide airway via the Cedar Rapids, Iowa, VOR; Polo, Ill., VOR; intersection of the Polo VOR 088° T and the Naperville, Ill., VOR 290° T radials (Malta, Ill., Intersection); to the Naperville VOR; thence to the South Bend, Ind., VOR; intersection of the South Bend VOR 092° T and the Waterville, Ohio, VOR 288° T radials; Waterville, VOR; intersection of Waterville VOR 096° T and the Carleton, Mich., VOR 162° T radials; thence 10-mile wide airway to the intersection of the Waterville VOR 095° T and the Attica, Ohio VOR 077° T radials; thence to the Cleveland, Ohio, VOR; intersection of the Cleveland VOR 091° T and the Clarion, Pa., VOR 281° T radials (site of Youngstown, Ohio, VOR); thence 10-mile wide airway to the intersection of the Clarion VOR 281° T and the Jefferson, Ohio, VOR 150° T radials; thence to the Clarion, Pa., VOR; thence 10-mile wide airway via the Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; thence 8-mile wide airway to the Tower City, Pa., VOR; intersection of the Tower City VOR 103° T and the Allentown, Pa., VOR 246° T radials (Strausstown, Pa., Intersection); thence to the Yardley, Pa., VOR; to the intersection of the Yardley VOR 098° T and the Idlewild, N.Y., VOR 213° T radials (Monmouth, N.J., Intersection).

5. VOR Federal Airway 1510 (San Francisco, Calif., to Nantucket, Mass.). From the San Francisco, Calif., TVOR via the intersection of the San Francisco, Calif., TVOR 304° T and the Point Reyes, Calif., VOR 155° T radials (Stinson Beach, Calif., Intersection); Sacramento, Calif., VOR; thence 10-mile wide airway to the intersection of the Sacramento VOR 055° T and the Reno, Nev., VOR 230° T radials (Tahoe, Calif., Intersection); thence to the Reno, VOR; thence 10-mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10-mile wide airway via the intersection of the Battle Mountain VOR 062° T and the Wells, Nev., VOR 256° T radials (Doby, Nev., Intersection); to the Wells, VOR; thence to the intersection of the Wells VOR 075° T and the Ogden, Utah, VOR 276° T radials (site of Lucin, Utah, VOR); thence 10-mile wide airway to the Ogden, VOR; thence to the intersection of the Ogden VOR 052° T and the Rock Springs, Wyo., VOR 259° T radials (site of Fort Bridger, Utah, VOR); Rock Springs, VOR; Laramie, Wyo., VOR; Cheyenne, Wyo., VOR; Sidney, Nebr., VOR; North Platte, Nebr., VOR; Grand Island, Nebr., VOR; intersection of the Grand Island VOR 084° T and the Neola, Iowa, VOR 236° T radials; thence 10-mile wide airway via the Omaha, Nebr., VOR; to the Des Moines, Iowa, VOR; thence to the Moline, Ill., VOR; Joliet, Ill., VOR; thence 12-mile wide airway via the Chicago Heights, Ill., VOR; Goshen, Ind., VOR; to the Waterville, Ohio, VOR; thence to the intersection of the Waterville VOR 095° T and the Carleton, Mich., VOR 162° T radials; thence 10-mile wide airway to the intersection of the Waterville VOR 095° T and the Attica, Ohio, VOR 007° T radials; thence to the Cleveland, Ohio, VOR; intersection of the Cleveland VOR 091° T and the Clarion, Pa., VOR 281° T radials (site of Youngstown, Ohio, VOR); thence 10-mile wide airway to the intersection of the Clarion VOR 281° T and the Jefferson, Ohio, VOR 150° T radials; thence to the Clarion VOR; thence 10-mile wide airway via the Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; to the Tower City, Pa., VOR; thence 8-mile wide airway to the intersection of the Tower City VOR 103° T and the Allentown, Pa., VOR 246° T radials (Strausstown, Pa., Intersection); thence to the Yardley, Pa., VOR; intersection of the Yardley VOR 098° T and the Idlewild, N.Y., VOR 212° T radials (Monmouth, N.J., Intersection); thence 10-mile wide airway via the Idlewild, N.Y., VOR; intersection of the Idlewild VOR 063° T and the Hampton, N.Y., VOR 136° T radials (White Cap, N.Y., Intersection); to the Nantucket, Mass., VOR.

6. VOR Federal Airway 1512 (San Francisco, Calif., to Chicago, Ill.). From the intersection of the Sacramento, Calif., VOR 232° T and the Linden, Calif., VOR 264° T radials (Crockett, Calif., Intersection) via the Linden VOR; intersection of the Linden VOR 046° T and the Reno, Nev., VOR 208° T radials (Spring Hill Intersection); Reno, Nev., VOR; thence 10-mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10-mile wide airway via the Elko, Nev., VOR; Bonneville, Utah, VOR; to the Salt Lake City, Utah, VOR; thence to the Myton, Utah, VOR; Kremmling, Colo., VOR; intersection of the Kremmling VOR 081° T and the Akron, Colo., VOR 272° T radials (Longmont, Colo., Intersection); Akron, VOR; Hayes Center, Nebr., VOR; Grand Island, Nebr., VOR; intersection of the Grand Island VOR 084° T and the Neola, Iowa, VOR 236° T radials; thence 10-mile wide airway via the Omaha, Nebr., VOR; to the Des Moines, Iowa, VOR; thence via the intersection of the Des Moines VOR 086° T and Cordova, Ill., VOR 267° T radials; Cordova, Ill., VOR; thence 10-mile wide airway to the Naperville, Ill., VOR.

7. VOR Federal Airway 1514 (Salt Lake City, Utah, to New York, N.Y.). From the Salt Lake City, Utah, VOR via the Myton, Utah, VOR; Kremmling, Colo., VOR; Denver, Colo., VOR; Thurman, Colo., VOR; intersection of the Thurman VOR 100° T and the Hill City, Kans., VOR 277° T radials (site of Goodland, Kans., VOR); Hill City, Kans., VOR; thence 10-mile wide airway via the Salina, Kans., VOR; Topeka, Kans., VOR; to the Kansas City, Mo., VOR; thence to the Kirksville, Mo., VOR; intersection of the Kirksville VOR 065° T and the Bradford, Ill., VOR 248° T (site of the Burlington, Iowa, VOR); Bradford, VOR; Joliet, Ill., VOR; thence 12-mile wide airway via the Chicago Heights, Ill., VOR; Goshen, Ind., VOR; to the Waterville, Ohio, VOR; thence to the intersection of the Waterville VOR 095° T and the Carleton, Mich., VOR 162° T radials; thence 10-mile wide airway to the intersection of the Waterville VOR 095° T and the Attica, Ohio, VOR 067° T radials; thence to the Cleveland, Ohio, VOR; intersection of the Cleveland VOR 091° T and the Clarion, Pa., VOR 281° T radials; thence 10-mile wide airway to the intersection of the Clarion VOR 281° T and the Jefferson, Ohio, VOR 150° T radials; thence to the Clarion VOR; thence 10-mile wide airway via the Philipsburg, Pa., VOR; the Selinsgrove, Pa., VOR; the Allentown, Pa., VOR; the Solberg, N.J., VOR; to the intersection of the Solberg, N.J., VOR 092° T and the Stroudsburg, Pa., VOR 114° T radials (Coney Island, N.Y., Intersection).

8. VOR Federal Airway 1516 (San Francisco, Calif., to New York, N.Y.) From the Oakland, Calif., VOR; a 10-mile wide airway via the intersection of the Oakland, Calif., VOR 075° T and the Stockton, Calif., VOR 269° T radials (Altamont, Calif., Intersection); the Stockton, Calif., VOR; to the intersection of the Stockton, Calif., VOR 065° T and the Linden, Calif., VOR 143° T radials; thence to the Coaldale, Nev., VOR; Wilson Creek, Nev., VOR; Milford, Utah, VOR; Hanksville, Utah, VOR; Grand Junction, Colo., VOR; Kremmling, Colo., VOR; Denver, Colo., VOR; Thurman, Colo., VOR; intersection of the Thurman VOR 100° T and the Hill City, Kans., VOR 277° T radials (site of Goodland, Kans., VOR); Hill City, Kans., VOR; Mankato, Kans., VOR; thence 10-mile wide airway to the Pawnee City, Nebr., VOR; thence to the Lamoni, Iowa, VOR; Moline, Ill., VOR; Joliet, Ill., VOR; thence 12-mile wide airway via the Chicago Heights, Ill., VOR; the Goshen, Ind., VOR; to the Waterville, Ohio, VOR; thence to the intersection of the Waterville VOR 095° T and the Carleton, Mich., VOR 162° T radials; thence 10-mile wide airway to the intersection of the Waterville VOR 095° T and the Attica, Ohio, VOR 007° T radials; thence to the Cleveland, Ohio, VOR; intersection of the Cleveland VOR 091° T and the Clarion, Pa., VOR 281° T radials (site of Youngstown, Ohio, VOR); thence 10-mile wide airway to the intersection of the Clarion VOR 281° T and the Jefferson, Ohio, VOR 150° T radials; thence to the Clarion, Pa., VOR; thence 10-mile wide airway via the Philipsburg, Pa., VOR; Selinsgrove, Pa., VOR; thence 8-mile wide airway to the intersection of the Tower City VOR 103° T and the Allentown, Pa., VOR 246° T radials (Strausstown, Pa., Intersection); thence to the Yardley, Pa., VOR; thence 10-mile wide airway via the intersection of the Yardley VOR 056° T and the Solberg, N.J., VOR 135° T radials (New Brunswick, N.J., Intersection).

9. VOR Federal Airway 1518 (Minneapolis, Minn., to Washington, D.C.). From the Minneapolis, Minn., VOR via the Nodine, Minn., VOR; Lone Rock, Wis., VOR; intersection of the Lone Rock VOR 147° T and the Janesville, Wis., VOR 294° T radials; thence 10-mile wide airway to the Janesville, Wis., VOR; thence to the Naperville, Ill., VOR; Chicago Heights, VOR; thence 12-mile wide airway to the Goshen, Ind., VOR; thence to the intersection of the Goshen VOR 111° T and the Fort Wayne, Ind., VOR 068° T radials; Attica, Ohio, VOR; Navarre, Ohio, VOR; intersection of the Navarre VOR 126° T and the Pittsburgh, Pa., VOR 286° T radials (Kilgore, Pa., Intersection); Pittsburgh, Pa., VOR; Martinsburg, W. Va., VOR; to the Herndon, Va., VOR,

10. VOR Federal Airway 1520 (Minneapolis, Minn., to Washington, D.C.). From the Minneapolis, Minn., VOR via the intersection of the Minneapolis, VOR 165° T and the Rochester, Minn., VOR 334° T radials (site of Farmington, Minn., VOR); Rochester, Minn., VOR; Rewey, Wis., VOR; intersection of the Rewey VOR 143° T and the Joliet, Ill., VOR 137° T radials (site of the Rockford, Ill., VOR); Joliet, Ill., VOR; Peotone, Ill., VOR; thence 12-mile wide airway to the Fort Wayne, Ind., VOR; thence via the Appleton, Ohio, VOR; intersection of the Appleton VOR 111° T and the Morgantown, W. Va., VOR 284° T radials (site of the Zanesville, Ohio, VOR); Morgantown, VOR; intersection of the Morgantown VOR 109° T and the Martinsburg, W. Va., VOR 253° T radials; thence 10-mile wide airway via the Front Royal, Va., VOR, to the Herndon, Va., VOR.

11. VOR Federal Airway 1522 (Los Angeles, Calif., to New York, N.Y.). From the Los Angeles, Calif., VOR via the intersection of the Los Angeles VOR 057° T and the Daggett, Calif., VOR 235° T radials; Daggett, Calif., VOR; thence 10-mile wide airway to the intersection of the Daggett VOR 046° T and the Needles, Calif., VOR 296° T radials (Silver Lake, Calif., Intersection); thence to the Las Vegas, Nev., VOR; Mormon Mesa, Nev., VOR; Bryce Canyon, Utah, VOR; Hanksville, Utah, VOR; La Sal, Utah, VOR; Gunnison, Colo., VOR; Pueblo, Colo., VOR; Lamar, Colo., VOR; Russell, Kans., VOR; thence 10-mile wide airway via the Salina, Kans., VOR; the Topeka, Kans., VOR; the Kansas City, Mo., VOR; to the intersection of the Kansas City VOR 093° T and the Columbia, Mo., VOR 277° T radials (site of Marshall, Mo., VOR); thence via the Columbia, Mo., VOR; Vandalia, Ill., VOR; intersection of the Vandalia VOR 073° T and the Indianapolis, Ind., VOR 248° T radials (site of the Terre Haute, Ind., VOR); thence 10-mile wide airway to the Indianapolis, Ind., VOR; thence to the intersection of the Indianapolis VOR 069° T and the Rosewood, Ohio, VOR 263° T radials; Rosewood, VOR; Tiverton, Ohio, VOR; Navarre, Ohio, VOR; Tyrone, Pa., VOR; thence 10-mile wide airway via the intersection of the Tyrone VOR 095° T and the Tower City, Pa., VOR 279° T radials (Readsville, Pa., Intersection); to the intersection of the Tower City VOR 279° T and the Harrisburg, Pa., VOR 011° T radials; thence 8-mile wide airway via the Tower City, Pa., VOR; to the intersection of the Tower City VOR 103° T and the Allentown, Pa., VOR 246° T radials (Strausstown, Pa., Intersection); thence via the Yardley, Pa., VOR; to the intersection of the Yardley VOR 098° T and the Idlewild, N.Y., VOR 213° T radials (Monmouth, N.J., Intersection).

12. VOR Federal Airway 1524 (Los Angeles, Calif., to New York, N.Y.). From the Los Angeles, Calif., VOR via the Ontario, Calif., VOR; intersection of the Hector, Calif., VOR 228° T and the Palmdale, Calif., VOR 096° T radials (Lucerne, Calif., Intersection); thence 10-mile wide airway via the Hector, Calif., VOR; to the intersection of the Hector, Calif., VOR 072° T and the Daggett, Calif., VOR 121° T radials; thence via the Goffs, Calif., VOR; Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR; Alamosa, Colo., VOR; Lamar, Colo., VOR; Garden City, Kans., VOR; intersection of the Garden City, Kans., VOR 086° T and the Anthony, Kans., VOR 340° T radial; thence 10-mile wide airway via the Hutchinson, Kans., VOR; to the intersection of the Hutchinson, Kans., VOR 078° T and the Wichita, Kans., VOR 010° T radials; thence to the Emporia, Kans., VOR; thence 10-mile wide airway via the intersection of the Emporia VOR 050° T and the Blue Springs, Mo., VOR 272° T radials (Bonner Springs, Mo., Intersection); the Blue Springs, VOR; to the intersection of the Blue Springs VOR 095° T and the Readsville, Mo., VOR 280° T radials (site of the Blackwater, Mo., VOR); thence via the Readsville, Mo., VOR; Troy, Ill., VOR; intersection of the Troy VOR 080° T and the Lewis, Ind., VOR 250° T radials (site of the Bible Grove, Ill., VOR); Lewis, Ind., VOR; intersection of the Lewis, Ind., VOR 071° T and the Cincinnati, Ohio, VOR 350° T radial; thence 10-mile wide airway via the Dayton, Ohio, VOR; to the intersection of the Dayton, Ohio, VOR 084° T and the Rosewood, Ohio, VOR 123° T radials; thence via the Appleton, Ohio, VOR; intersection of the Appleton VOR 085° T and the Parkersburg, W. Va., VOR 023° T radials; thence 10-mile wide airway to the Pittsburgh, Pa., VOR; thence via the Johnstown, Pa., VOR; Harrisburg, Pa., VOR; thence 10-mile wide airway to the intersection of the Harrisburg VOR 073° T and the Allentown, Pa., VOR 246° T radials (Sanger, Pa., Intersection); thence to the Allentown, VOR; Solberg, N.J., VOR; to the intersection of the Solberg VOR 092° T and the Stroudsburg, Pa., VOR 114° T radials (Coney Island, N.Y., Intersection).

13. VOR Federal Airway 1526 (St. Louis, Mo., to Washington, D.C.). From the Troy, Ill., VOR via the Samsville, Ill., VOR; Nabb, Ind., VOR; York, Ky., VOR; Elkins, W. Va., VOR; Linden, Va., VOR; thence 10-mile wide airway to the intersection of the Linden, Va., VOR 095° T and the Washington, D.C., TVOR 245° T radials; thence to the Washington, D.C., TVOR.

14. VOR Federal Airway 1528 (San Francisco, Calif., to Dallas, Tex.). From the Oakland, Calif., VOR; 10-mile wide airway via the intersection of the Oakland VOR 110° T and the Stockton VOR 246° T radials; to the Stockton, Calif., VOR; thence via the Coaldale, Nev., VOR; Wilson Creek, Nev., VOR; Milford, Utah, VOR; Hanksville, Utah, VOR; Dove Creek, Colo., VOR; Alamosa, Colo., VOR; Clayton, N. Mex., VOR; Dalhart, Tex., VOR; Amarillo, Tex., VOR; Childress, Tex., VOR; Wichita Falls, Tex., VOR; intersection of the Wichita Falls VOR 122° T and the Dallas, Tex., VOR 299° T radials (Alvord, Tex., Intersection); to the Dallas, Tex., VOR.

15. VOR Federal Airway 1530 (Los Angeles, Calif., to Washington, D.C.). From the Los Angeles, Calif., VOR via the intersection of the Los Angeles VOR 139° T and the Long Beach, Calif., VOR 287° T radials; Long Beach, Calif., VOR; Ontario, Calif., VOR; intersection of the Hector, Calif., VOR 228° T and the Thermal, Calif., VOR 331° T radials (Lucerne, Calif., Intersection); thence 10-mile wide airway via the Hector, Calif., VOR; to the intersection of the Hector, Calif., VOR 072° T and the Daggett, Calif., VOR 121° T radials; thence via the Goffs, Calif., VOR; Peach Springs, Ariz., VOR; Tuba City, Ariz., VOR; Farmington, N. Mex., VOR, Cimarron, N. Mex., VOR; Clayton, N. Mex., VOR; Liberal, Kans., VOR; intersection of the Liberal VOR 090° T and the Ponca City, Okla., VOR 280° T radials (Aetna, Okla., Intersection); Ponca City, VOR; Oswego, Kans., VOR; Springfield, Mo.,

VOR; Farmington, Mo., VOR; Evansville, Ind., VOR; intersection of the Evansville VOR 069° T and the Louisville, Ky., VOR 269° T radials (Agatone, Ind., Intersection); intersection of the Louisville VOR 269° T and the Robb, Ind., VOR 214° T radials; thence 10-mile wide airway to the Louisville VOR; thence via the Lexington, Ky., VOR; Charleston, W. Va., VOR; Montebello, Va., VOR; intersection of the Montebello VOR 053° T and the Herndon, Va., VOR 226° T radials (site of Casanova, Va., VOR); to the Herndon, Va., VOR.

16. VOR Federal Airway 1532 (Los Angeles, Calif., to New York, N.Y.). From the Los Angeles, Calif., VOR via the Ontario, Calif., VOR; intersection of the Ontario VOR 089° T and the Twenty Nine Palms, Calif., VOR 270° T radials; thence 10-mile wide airway via the Twenty Nine Palms VOR; to the intersection of the Twenty Nine Palms VOR 089° T and the Hector, Calif., VOR 131° T radials; thence to the Needles, Calif., VOR; Prescott, Ariz., VOR; Zuni, N. Mex., VOR; intersection of the Zuni VOR 067° T and the Albuquerque, N. Mex., VOR 269° T radials (site of Grants, N. Mex., VOR); Albuquerque VOR; Tucumcari, N. Mex., VOR; Amarillo, Tex., VOR; Sayre, Okla., VOR; Oklahoma City, Okla., VOR; Tulsa, Okla., VOR; intersection of the Tulsa VOR 059° T and the Springfield, Mo., VOR 240° T (site of Neosho, Mo., VOR); Springfield VOR; Vichy, Mo., VOR; Troy, Ill., VOR; intersection of the Troy VOR 090° T and the Lewis, Ind., VOR 259° T radials (site of the Bible Grove, Ill., VOR); Lewis, VOR; intersection of the Lewis VOR 071° T and the Cincinnati, Ohio, VOR 259° T radials; thence 10-mile wide airway via the Dayton, Ohio, VOR; to the intersection of the Dayton VOR 084° T and the Rosewood, Ohio, VOR 123° T radials; thence to the Appleton, Ohio, VOR; intersection of the Appleton VOR 085° T and the Parkersburg, W. Va., VOR 023° T radials; thence 10-mile wide airway to the Pittsburgh, Pa., VOR; thence to the Johnstown, Pa., VOR; Harrisburg, Pa., VOR; West Chester, Pa., VOR; intersection of the West Chester VOR 095° T and the Woodstown, N.J., VOR 043° T radials; thence 10-mile wide airway via the intersection of the Woodstown VOR 043° T and the Robbinsville VOR 239° T radials (Columbus, N.J., Intersection); to the Robbinsville, N.J., VOR.

17. VOR Federal Airway 1534 (Nashville, Tenn., to Boston, Mass.). From the Nashville, Tenn., VOR via the Bowling Green, Ky., VOR; intersection of the Bowling Green VOR 063° T and the Louisville, Ky., VOR 186° T radials (Campbellsville, Ky., Intersection); Lexington, Ky., VOR; Yeat, Ky., VOR; Parkersburg, W. Va., VOR; Morgantown, W. Va., VOR; Martinsburg, W. Va., VOR; intersection of the Martinsburg VOR 081° T and the Pottstown, Pa., VOR 236° T radials (site of Westminster, Md., VOR); Pottstown, VOR; thence 10-mile wide airway to the Solberg, N.J., VOR; thence to the intersection of the Solberg VOR 051° T and the Wilton, Conn., VOR 249° T radials (Paterson, N.J., Intersection); Wilton, Conn., VOR; Hartford, Conn., VOR; Putnam, Conn., VOR; thence 10-mile wide airway via the intersection of the Putnam VOR 043° T and the Boston VOR 256° T radials (Framingham, Mass., Intersection); to the Boston, Mass., VOR.

18. VOR Federal Airway 1536 (Los Angeles, Calif., to Jacksonville, Fla.). From the Los Angeles, Calif., VOR via the intersection of the Los Angeles VOR 139° T and the Long Beach, Calif., VOR 297° T radials; Long Beach, Calif., VOR; Thermal, Calif., VOR; intersection of the Thermal VOR 091° T and the Twenty Nine Palms, Calif., VOR 175° T radials; thence 10-mile wide airway to the intersection of the Thermal VOR 091° T and the Twenty Nine Palms VOR 142° T radials; thence to the Blythe, Calif., VOR; Phoenix, Ariz., VOR; St. Johns, Ariz., VOR; intersection of the St. Johns VOR 089° T and the Albuquerque, N. Mex., VOR 198° T radials; thence 10-mile wide airway to the Corona, N. Mex., VOR; thence to the intersection of the Corona VOR 077° T and the Texico, N. Mex., VOR 276° T radials; thence 10-mile wide airway to the Texico VOR; thence via the Childress, Tex., VOR; Wichita Falls, Tex., VOR; Bridgeport, Tex., VOR; Dallas, Tex., VOR; Gregg County, Tex., VOR; intersection of the Gregg County VOR 123° T and the Alexandria, La., VOR 300° T radials (Converse, La., Intersection); intersection of the Alexandria VOR 300° T and the Monroe, La., VOR 207° T radials (Boyce, La., Intersection); thence 10-mile wide airway via the Alexandria, La., VOR; to the intersection of the Alexandria, La., VOR 126° T and the Monroe VOR 183° T radials (Bunkie, La., Intersection); thence via the Baton Rouge, La., VOR; New Orleans, La., VOR; intersection of the New Orleans VOR 070° T and the McComb, Miss., VOR 154° T radials; thence 10-mile wide airway to the intersection of the New Orleans VOR 070° T and the McComb VOR 140° T radials; thence to the intersection of the New Orleans VOR 070° T and the Mobile, Ala., VOR 243° T radials (site of the Gulfport, Miss., VOR); Mobile, Ala., VOR; intersection of the Mobile VOR 111° T and the Crestview, Fla., VOR 246° T radials (Elberta, Ala., Intersection); intersection of the Crestview VOR 246° T and the Evergreen, Ala., VOR 161° T radials; thence 10-mile wide airway via the Crestview VOR; to the Marianna, Fla., VOR; thence to the Tallahasse, Fla., VOR; intersection of the Alma, Ga., VOR 179° T and the Jacksonville, Fla., VOR 272° T radials (Taylor, Fla., Intersection); thence 10-mile wide airway to the Jacksonville, Fla., VOR.

19. VOR Federal Airway 1538 (Tulsa, Okla., to Washington, D.C.). From the Tulsa, Okla., VOR via the Fayetteville, Ark., VOR; Walnut Ridge, Ark., VOR; thence 10-mile wide airway to the Dyersburg, Tenn., VOR; thence via the Nashville, Tenn., VOR; London, Ky., VOR; Bluefield, W. Va., VOR; thence 10-mile wide airway to the Montebello, Va., VOR; thence to the Gordonsville, Va., VOR; intersection of the Gordonsville VOR 020° T and the Herndon, Va., VOR 220° T radials (site of Casanova, Va., VOR); to the Herndon, Va., VOR.

20. VOR Federal Airway 1540 (San Diego, Calif., to Boston, Mass.). From the San Diego, Calif., VOR 10-mile wide airway via the intersection of the San Diego VOR 090° T and the Yuma, Ariz., VOR 269° T radials (site of the El Centro, Calif., VOR); the Yuma, Ariz., VOR; the intersection of the Yuma VOR 087° T and the Gila Bend VOR 261° T radials; to the Gila Bend, Ariz., VOR; thence via the Casa Grande, Ariz., VOR; San Simon, Ariz., VOR; Deming, N. Mex., VOR; intersection of the Deming VOR 112° T and the Columbus, N. Mex., VOR 058° T radials (Crater, N. Mex., Intersection); thence 10-mile wide airway via the intersection of Deming, N. Mex., VOR 112° T and the Newman, Tex., VOR 272° T radials (Anthony, N. Mex., Intersection); the Newman, Tex., VOR; to the intersection of the Newman VOR 091° T and the Salt Flat, Tex., VOR 070° T radials; thence via the Wink, Tex., VOR; intersection of the Wink VOR 066° T and the Big Spring, Tex., VOR 260° T radials (Mustang, Tex., Intersection); Big Spring, Tex., VOR; thence 10-mile wide airway to the Abilene, Tex., VOR; thence to the Intersection of the Abilene VOR 081° T and the Dallas, Tex., VOR 256° T radials (site of the Mineral Wells, Tex., VOR); Dallas, Tex., VOR; intersection of the Dallas VOR 079° T and the Texarkana, Ark., VOR 256° T radials (site of Sulphur Springs, Tex., VOR); Texarkana, VOR; Pine Bluff, Ark., VOR; intersection of the Pine Bluff VOR 067° T and the Memphis, Tenn., VOR 241° T radials; Memphis, VOR; Muscle Shoals, Ala., VOR; intersection of the Muscle Shoals VOR 063° T and the Birmingham, Ala., VOR 358° T radials; thence 10-mile wide airway to the intersection of the Muscle Shoals VOR 063° T and the Birmingham VOR 020° T radials; thence via the Chattanooga, Tenn., VOR; intersection of the Chattanooga VOR 032° T and the Knoxville, Tenn., VOR 248° T radials (Sweetwater, Tenn., Intersection); thence 10 mile wide airway to the Knoxville VOR; thence to the Tri-City, Tenn., VOR; Pulaski, Va., VOR; thence 10-mile wide airway via the Gordonsville, Va., VOR; the Shadyside, Md., VOR; to the intersection of the Shadyside, Md., VOR 061° T and the Herndon, Va., VOR 103° T radials; thence via the Kenton, Del., VOR; Coyle, N.J., VOR; intersection of the Coyle VOR 058° T and the Riverhead, N.Y., VOR 218° T radials (Woolf Intersection); Riverhead, N.Y., VOR; intersection of the Riverhead VOR 046° T and the Poughkeepsie, N.Y., VOR 133° T radials; thence 10-mile wide airway to the intersection of the Riverhead VOR 046° T and the Poughkeepsie VOR 115° T radials; thence to the intersection of the Riverhead VOR 046° T and the Boston, Mass., VOR 223° T radials (site of the Norwich, Conn., VOR); thence 10-mile wide airway to the Boston, Mass., VOR.

21. VOR Federal Airway 1542 (San Diego, Calif., to Florence, S.C.). From the San Diego, Calif., VOR 10-mile wide airway via the intersection of the San Diego, Calif., VOR 090° T and the Yuma, Ariz., VOR 269° T radials (site of the El Centro, Calif., VOR); the Yuma, VOR; the intersection of the Yuma VOR 087° T and the Gila Bend VOR 261° T radials; to the Gila Bend, Ariz., VOR; thence to the intersection of the Gila Bend VOR 117° T and the Phoenix, Ariz., VOR 151° T radials; thence 10-mile wide airway via the Tucson, Ariz., VOR; to the intersection of the Tucson, Ariz., VOR 095° T and the San Simon, Ariz., VOR 258° T radials; thence to the intersection of the Tucson VOR 095° T and the Columbus, N. Mex., VOR 277° T radials (site of Cochise, Ariz., VOR); intersection of the Deming, N. Mex., VOR 235° T and the Columbus VOR 277° T radials (Cedar, N. Mex., Intersection); thence 10-mile wide airway via the Columbus VOR; the El Paso, Tex., VOR; to the intersection of the Salt Flat, Tex., VOR 106° T and the Fort Stockton, Tex., VOR 296° T radials (site of the Culberson, Tex., VOR); thence to the Fort Stockton, Tex., VOR; thence 10-mile wide airway to the intersection of the Fort Stockton VOR 097° T and the San Angelo, Tex., VOR 237° T radials (Ozona, Tex., Intersection); thence via the Junction, Tex., VOR; San Antonio, Tex., VOR; Houston, Tex., VOR; intersection of the Houston VOR 075° T and the Lake Charles, La., VOR 256° T radials (site of Beaumont, Tex., VOR); Lake Charles, La., VOR; intersection of the Lake Charles VOR 089° T and the New Orleans, La., VOR 275° T radials (site of Lafayette, La., VOR); New Orleans, La., VOR; intersection of the New Orleans VOR 070° T and the McComb, Miss., VOR 154° T radials; thence 10-mile wide airway to the intersection of the New Orleans VOR 070° T and the McComb, Miss., VOR 140° T radials; thence via the intersection of the New Orleans VOR 070° T and the Mobile, Ala., VOR 243° T radials (site of Gulfport, Miss., VOR); Mobile, VOR; Evergreen, Ala., VOR; Montgomery, Ala., VOR; Tuskegee, Ala., VOR; intersection of the Tuskegee VOR 073° T and the Macon, Ga., VOR 267° T radials (site of Columbus, Ga., VOR); thence 10-mile wide airway to the Macon, Ga., VOR; thence to the intersection of the Macon VOR 056° T and the Royston, Ga., VOR 164° T radial (Gibson, Ga., Intersection); thence 10-mile wide airway to the Augusta, Ga., VOR; thence to the Columbia, S.C., VOR; thence 10-mile wide airway via the intersection of the Columbia VOR 078° T and the Florence VOR 246° T radials; to the Florence, S.C., VOR.

22. VOR Federal Airway 1544 (Dallas, Tex., to Richmond, Va.). From the Dallas, Tex., VOR via the intersection of the Dallas VOR 079° T and the Texarkana, Ark., VOR 256° T radials (site of the Sulphur Springs, Tex., VOR); Texarkana, Ark., VOR; intersection of the Greenwood, Miss., VOR 272° T and the Pine Bluff, Ark., VOR 147° T radials (Jerome, Ark., Intersection); thence 10 mile wide airway to the Greenwood, Miss., VOR; thence to the intersection of the Columbus, Miss., VOR 270° T and the Meridian, Miss., VOR 346° T radials; thence 10 mile wide airway via the Columbus VOR; to the Birmingham, Ala., VOR; thence to the intersection of the Birmingham VOR 100° T and the Atlanta, Ga., VOR 267° T radials; Atlanta, VOR; Royston, Ga., VOR; Spartanburg, S.C., VOR; Greensboro, N.C. VOR; intersection of the Greensboro VOR 051° T and the Flat Rock, Va., VOR 226° T radials (site of South Boston, Va., VOR); Flat Rock, VOR; to the Richmond, Va., VOR.

23. VOR Federal Airway 1546 (Dallas, Tex., to Norfolk, Va.). From the Dallas, Tex., VOR via the intersection of the Dallas VOR 097° T and the Shreveport, La., VOR 275° T radials (site of Quitman, Tex., VOR); Shreveport, VOR; Monroe, La., VOR; Jackson, Miss., VOR; intersection of the Meridian, Miss., VOR 277° T and the Greenwood, Miss., VOR 139° T radial; thence 10-mile wide airway via the Meridian, Miss., VOR; to the intersection of the Meridian VOR 089° T and the Tuscaloosa, Ala., VOR 213° T radials; thence to the intersection of the Meridian VOR 098° T and the Montgomery, Ala., VOR 282° T radials (Safford, Ala., Intersection); thence 10-mile wide airway to the Montgomery VOR; thence via the Tuskegee, Ala., VOR; intersection of the Tuskegee VOR 053° T and the Atlanta, Ga., VOR 212° T radials; thence 10-mile wide airway via the McDonough, Ga., VOR; to the intersection of the McDonough VOR 066° T and the Norcross, Ga., VOR 137° T radials; thence to the Greenwood, S. C., VOR; intersection of the Greenwood VOR 059° T and the Fort Mill, N.C., VOR 227° T radials (Whitmire, S.C., Intersection); Fort Mill, N.C., VOR; intersection of the Fort Mill VOR 068° T and the Raleigh-Durham, N.C., VOR 240° T radials; Raleigh-Durham VOR; Rocky Mount, N.C., VOR; Cofield, N.C., VOR; to the Norfolk, Va., VOR.

24. VOR Federal Airway 1548 (Laredo, Tex., to New York, N.Y.). From the Laredo, Tex., VOR via the Alice, Tex., VOR; intersection of the Alice VOR 072° T and the Palacios, Tex., VOR 230° T radials (site of Corpus Christi, Tex., VOR); Palacios VOR; Houston, Tex., VOR; intersection of the Houston VOR 075° T and the Lake Charles, La., VOR 255° T radials (site of Beaumont, Tex., VOR); Lake Charles, VOR; McComb, Miss., VOR; intersection of the Meridian, Miss., VOR 229° T and the Jackson, Miss., VOR 135° T radials (Mize, Miss., Intersection); thence 10-mile wide airway to the Meridian, Miss., VOR; thence via the intersection of the Meridian VOR 040° T and the Tuscaloosa, Ala., VOR 239° T radials; Tuscaloosa, Ala., VOR; Birmingham, Ala., VOR; Chattanooga, Tenn., VOR; intersection of the Chattanooga VOR 032° T and the Knoxville, Tenn., VOR 248° T radials (Sweetwater, Tenn., Intersection); thence 10-mile wide airway to the Knoxville, Tenn., VOR; thence via the Charleston, W. Va., VOR; Morgantown, W. Va., VOR; Johnstown, Pa., VOR; intersection of the Johnstown VOR 067° T and the Selinsgrove, Pa., VOR 260° T radials (Reedsville, Pa., Intersection); Selinsgrove, Pa., VOR; thence 10-mile wide airway via the Allentown, Pa., VOR; the Solberg, N.J., VOR; to the intersection of the Solberg, N.J., VOR 092° T and the Robbinsville, N.J., VOR 040° T radials (Coney Island, N.Y., Intersection).

25. VOR Federal Airway 1550 (Albuquerque, N. Mex., to Evergreen, Ala.). From the Albuquerque, N. Mex., VOR via the intersection of the Albuquerque VOR 128° T and the Corona, N. Mex., VOR 311° T radials; Corona, VOR; Roswell, N. Mex., VOR; hence 10-mile wide airway via the Hobbs, N. Mex., VOR; the Midland, Tex., VOR; to the San Angelo, Tex., VOR; thence to the Lometa, Tex., VOR; thence 10-mile wide airway to the intersection of the Lometa VOR 106° T and the Leona, Tex., VOR 264° T radials (Belton, Tex., Intersection); thence via the Leona, Tex., VOR; Lufkin, Tex., VOR; intersection of the Lufkin VOR 086° T and the Lake Charles, La., VOR 343° T radials; thence 10-mile wide airway to the Alexandria, La., VOR; thence via the McComb, Miss., VOR; to the Evergreen, Ala., VOR.

B—1500 SERIES (NORTH TO SOUTH)

1. VOR Federal Airway 1502 (Miami, Fla., to Vero Beach, Fla.) (Charleston, S.C., to Presque Isle, Maine). From Biscayne Bay, Fla., VOR via the West Palm Beach, Fla., VOR to the Vero Beach, Fla., VOR. From the Charleston, S.C., VOR via the intersection of the Charleston VOR 090° T and the Wilmington, N.C., VOR 233° T radials (site of the Myrtle Beach, S.C., VOR); Wilmington, VOR; thence 10-mile wide airway via the intersection of the Wilmington VOR 014° T and the Cofield, N.C., VOR 209° T radials (Kinston, N.C., Intersection); to the intersection of the Cofield VOR 209° T and the Rocky Mount, N.C., VOR 112° T radials; thence via the Cofield, VOR; Norfolk, Va., VOR; thence 10-mile wide airway to the Cape Charles, Va., VOR to the Salisbury, Md., VOR; thence via the intersection of the Woodstown, N.J., VOR 154° T and the Coyle, N.J., VOR 289° T radials (Wildwood, N.J. Intersection); Coyle, VOR; intersection of the Coyle VOR 058° T and the Riverhead, N.Y., VOR 267° T radials (Woolf, N.Y., Intersection); Riverhead, VOR; intersection of the Riverhead VOR 046° T and the Poughkeepsie, N.Y., VOR 133° T radials; thence 10-mile wide airway to the intersection of the Riverhead VOR 046° T and the Poughkeepsie VOR 115° T radials; thence via the intersection of the Riverhead VOR 046° T and the Boston, Mass., VOR 223° T radials (site of the Norwich, Conn., VOR); thence 10-mile wide airway to the Boston, VOR; thence via the Kennebunk, Maine, VOR; intersection of the Kennebunk VOR 065° T and the Bangor, Maine, VOR 239° T radials (site of the Augusta, Maine, VOR); Bangor, VOR; Millinocket, Maine, VOR; to the Presque Isle, VOR.

2. VOR Federal Airway 1505 (Miami, Fla., to Boston, Mass.). From the Biscayne Bay, Fla., VOR via the intersection of the Biscayne Bay, VOR 081° T and the Vero Beach, Fla., VOR 145° T radials (Turtle, Fla., Intersection); Vero Beach, VOR; intersection of the Daytona Beach, Fla., VOR 161° T and the Orlando, Fla., VOR 129° T radials (Hopkins, Fla., Intersection); thence 10-mile wide airway via the Daytona Beach, Fla., VOR; the intersection of the Daytona Beach VOR 360° T and the Jacksonville, Fla., VOR 144° T radials (Hilden, Fla., Intersection); Jacksonville, VOR; minimum altitude 17,000 feet MSL; Charles-

ton, S.C., VOR; to the intersection of the Charleston, VOR 029° T and the Florence, S.C., VOR 183° T radials (Overton, S.C., Intersection); thence via the Florence, VOR; intersection of the Florence VOR 001° T and the Raleigh-Durham, N.C., VOR 226° T radials (site of the Pinehurst, N.C., VOR); Raleigh-Durham, VOR; Lawrenceville, Va., VOR; thence 10-mile wide airway to the Richmond, Va., VOR; thence via the Kenton, Del., VOR; (The portion of this segment which lies within the geographical limits of the West Dahlgren, Va., Restricted Area R-38A and/or the Patuxent, Md., Restricted Areas R-41 or R-43 is excluded during the time of designation of restricted area.); New Castle, Del., VOR; West Chester, Pa., VOR; Pottstown, Pa., VOR; thence 10-mile wide airway to the Solberg, N.J., VOR; thence via the intersection of the Solberg, VOR 051° T and the Wilton, Conn., VOR 240° T radials (Paterson, N.J., Intersection); Wilton, VOR; Hartford, Conn., VOR; Putnam, Conn., VOR; thence 10-mile wide airway via the intersection of the Putnam VOR 043° T and the Boston, Mass., VOR 256° T radials (Framingham, Mass., Intersection); to the Boston, VOR.

3. VOR Federal Airway 1507 (Key West, Fla., to Buffalo, N.Y.). From the Key West, Fla., VOR maximum altitude 20,000 feet within Warning Area W-173, via the Miami, Fla., VOR; Pahokee, Fla., VOR; intersection of the Orlando, Fla., VOR 162° T and the Vero Beach, Fla., VOR 296° T radials (Kissimmee, Fla., Intersection); thence 10-mile wide airway to the Orlando, VOR; thence via the intersection of the Orlando VOR 360° T and the Daytona Beach, Fla., VOR 245° T radials; thence 10-mile wide airway via the intersection of the Orlando VOR 360° T and the Jacksonville, Fla., VOR 159° T radials (Bayard, Fla., Intersection); to the Jacksonville VOR; thence via the intersection of the Jacksonville VOR 009° T radials and the Savannah, Ga., VOR 195° T radials (site of the Brunswick, Ga., VOR); intersection of the Savannah VOR 195° T and the Alma, Ga., VOR 083° T radials; thence 10-mile wide airway via the Savannah, VOR; to the intersection of the Savannah, VOR 350° T and the Charleston, S.C., VOR 243° T radials (Tillman, S.C., Intersection); thence via the Allendale, S.C., VOR; thence 10-mile wide airway to the intersection of the Allendale VOR 013° T and the Charleston VOR 293° T radials; thence via the Columbia, S.C., VOR; Fort Mill, S.C., VOR; Greensboro, N.C., VOR; intersection of the Greensboro VOR 356° T and the Elkins, W. Va., VOR 179° T radials (site of the Hollins, Va., VOR); Elkins VOR; Morgantown, W. Va., VOR; Pittsburgh, Pa., VOR; thence 10-mile wide airway via the intersection of the Pittsburgh VOR 354° T and the Tidioute, Pa., VOR 214° radials; to the intersection of the Tidioute VOR 214° T and the Clarion, Pa., VOR 281° T radials; thence via the Tidioute, VOR; to the Buffalo, N.Y., VOR.

4. VOR Federal Airway 1509 (Miami, Fla., to Sault Ste. Marie, Mich.). From the Miami, Fla., VOR via the Pahokee, Fla., VOR; intersection of the Orlando, Fla., VOR 162° T and the Vero Beach, Fla., VOR 296° T radials; thence 10-mile wide airway via the Orlando, VOR; intersection of the Orlando VOR 360° T and the Daytona Beach, Fla., VOR 245° T radials; intersection of the Orlando VOR 360° T and the Jacksonville, Fla., VOR 159° T radials (Bayard, Fla., Intersection); to the Jacksonville, VOR; thence via the intersection of the Jacksonville VOR 009° T and the Savannah, Ga., VOR 195° T radials (site of the Brunswick, Ga., VOR); intersection of the Savannah VOR 195° T and the Alma, Ga., VOR 083° T radials; thence 10-mile wide airway via the Savannah, VOR; to the intersection of the Savannah VOR 350° T and the Charleston, S.C., VOR 243° T radials (Tillman, S.C., Intersection); thence via the Allendale, S.C., VOR; thence 10-mile wide airway to the intersection of the Allendale VOR 013° T and the Charleston VOR 293° T radials; thence via the Columbia, S.C., VOR; Fort Mill, S.C., VOR; Greensboro, N.C., VOR; intersection of the Greensboro VOR 356° T and the Elkins, W. Va., VOR 179° T radials (site of the Hollins, Va., VOR); Elkins VOR; Morgantown, W. Va., VOR; Pittsburgh, Pa., VOR; thence 10-mile wide airway via the intersection of the Pittsburgh VOR 354° T and the Tidioute, Pa., VOR 214° radials; to the intersection of the Tidioute VOR 214° T and the Clarion, Pa., VOR 281° T radials; thence via the Tidioute, VOR; to the Buffalo, N.Y., VOR.

5. VOR Federal Airway 1511 (Key West, Fla., to Detroit, Mich.). From the Key West, Fla., VOR maximum altitude 20,000 feet MSL within Warning Area W-173 via the Fort Myers, Fla., VOR; Lakeland, Fla., VOR; thence 10-mile wide airway via the intersection of the Lakeland VOR 354° T and the Orlando, Fla., VOR 284° T radials; Ocala, Fla., VOR; intersection of the Ocala VOR 343° T and the Alma, Ga., VOR 179° T radials; to the intersection of the Alma VOR 170° T and the Jacksonville, Fla., VOR 271° T radials; thence via the Alma, VOR; intersection of the Alma VOR 012° T and the Augusta, Ga., VOR 170° T radials; thence 10-mile wide airway to the Augusta, VOR; thence via the Spartanburg, S.C., VOR; Tri-City, Tenn., VOR; Charleston, W. Va., VOR; intersection of the Charleston VOR 357° T and the Tiverton, Ohio, VOR 161° T radials (site of the Zanesville, Ohio, VOR); Tiverton, VOR; Cleveland, Ohio, VOR; thence 10-mile wide airway via the intersection of the Cleveland VOR 307° T and the Salem, Mich., VOR 140° T radials (Perch, Ont., Intersection) to the Salem, VOR; excluding that portion outside the United States.

6. VOR Federal Airway 1513 (Miami, Fla., to Saginaw, Mich.). From the Biscayne Bay, Fla., VOR via the intersection of the Biscayne Bay VOR 021° T and the Vero Beach, Fla., VOR 143° T radials (Turtle, Fla., Intersection); Vero Beach, VOR; intersection of the Daytona Beach, Fla., VOR 161° T and the Orlando, Fla., VOR 123° T radials (Hopkins, Fla., Intersection); thence 10-mile wide airway via the Daytona Beach, VOR; intersection of the Daytona Beach VOR 360° T and the Jacksonville VOR 144° T radials (Marion, Fla., Intersection); to the Jacksonville, Fla., VOR; thence via the intersection of the Jacksonville VOR 319° T and the Alma, Ga., VOR 148° T radials; Alma, VOR; thence 10-mile wide airway to the intersection of the Alma VOR 320° T and the Allendale, S.C., VOR 247° T radials; thence via the Macon, Ga., VOR; McDonough, Ga., VOR; thence 10-mile wide airway via the Norcross, Ga., VOR; to the intersection of the Norcross VOR 011° T and the Royston, Ga., VOR 270° T radials; thence via the intersection of the Norcross VOR 011° T and the Knoxville, Tenn., VOR 181° T radials; Knoxville, VOR; thence 10-mile wide airway to the intersection of Knoxville VOR 328° T and the London, Ky., VOR 185° T radials; thence via the Louisville, Ky., VOR; intersection of the Louisville VOR 333° T and the Indianapolis, Ind., VOR 170° T radials; intersection of the Indianapolis VOR 170° T and the Lewis, Ind., VOR 104° T radials (Houston, Ind., Intersection); thence 10-mile wide airway to the intersection of the Indianapolis VOR 170° T and the Lewis VOR 082° T radials; thence via the Indianapolis VOR; intersection of the Indianapolis VOR 312° T and the Roberts, Ill., VOR 113° T radials (Linden, Ind., Intersection); Chicago Heights, Ill., VOR; intersection of the Chicago Heights VOR 358° T and the Milwaukee, Wis., VOR 137° T radials (Taylor, Ill., Intersection); thence 10-mile wide airway to the Milwaukee, VOR.

8. VOR Federal Airway 1517 (Miami, Fla., to Chicago, Ill.). From the Miami, Fla., VOR via the intersection of the Miami VOR 316° T and the Lakeland, Fla., VOR 154° T radials (site of La Belle, Fla., VOR); Lakeland, VOR; thence 10 mile wide airway via intersection of the Lakeland VOR 354° T and the Orlando, Fla., VOR 284° T radials; Ocala, Fla., VOR; intersection of the Ocala VOR 343° T and the Alma, Ga., VOR 179° T radials; to the intersection of the Alma VOR 179° T and the Jacksonville, Fla., VOR 271° T radials; thence to the Alma, VOR; thence 10 mile wide airway to the intersection of the Alma VOR 320° T and the Allendale, S.C., VOR 247° T radials; thence via the Macon, Ga., VOR; McDonough, Ga., VOR; thence 10 mile wide airway via the intersection of the McDonough VOR 345° T and the Royston, Ga., VOR 270° T radials; thence via the Crossville, Tenn., VOR; Bowling Green, Ky., VOR; Lewis, Ind., VOR; thence 10 mile wide airway to the intersection of the Lewis VOR 349° T and the Indianapolis, Ind., VOR 268° T radials; thence via the intersection of the Peotone, Ill., VOR 169° T and the Bradford, Ill., VOR 098° T radials; thence 10 mile wide airway to the Peotone, Ill., VOR.

9. VOR Federal Airway 1519 (Miami, Fla., to Atlanta, Ga.). From the Miami, Fla., VOR via the Fort Myers, Fla., VOR; intersection of the Fort Myers VOR 333° T and the Lakeland, Fla., VOR 202° T radials (Murdock, Fla., Intersection); thence 10 mile wide airway to the St. Petersburg, Fla., VOR; thence via the Cross City, Fla., VOR; intersection of the Cross City VOR 333° T and the Tallahassee, Fla., VOR 091° T radials (Greenville, Fla., Intersection); intersection of the Albany, Ga., VOR 152° T and the Marianna, Fla., VOR 058° T radials; thence 10-mile wide airway to the Albany, VOR; thence to the intersection of the Atlanta, Ga., VOR 174° T and the McDonough, Ga., VOR 234° T radials; thence 10-mile wide airway to the Atlanta, VOR.

10. VOR Federal Airway 1521 (Miami, Fla., to Farmington, Mo.). From the Miami, Fla., VOR via the intersection of the Miami VOR 316° T and the St. Petersburg, Fla., VOR 133° T radials (site of the La Belle, Fla., VOR); intersection of the St. Petersburg VOR 133° T and the Lakeland, Fla., VOR 227° T radials; thence 10-mile wide airway to the St. Petersburg, VOR; thence via the Tallahassee, Fla., VOR; Tuskegee, Ala., VOR; Birmingham, Ala., VOR; Muscle Shoals, Ala., VOR; Paducah, Ky., VOR; to the Farmington, Mo., VOR.

11. VOR Federal Airway 1523 (New Orleans, La., to Windsor, Ont.). From the New Orleans, La., VOR via the McComb, Miss., VOR; Jackson, Miss., VOR; Greenwood, Miss., VOR; Memphis, Tenn., VOR; thence 10-mile wide airway via the intersection of the Memphis VOR 351° T and the Dyersburg, Tenn., VOR 235° T radials; to the Dyersburg, VOR; thence via the Paducah, Ky., VOR; intersection of the Paducah VOR 039° T and the Evansville, Ind., VOR 227° radials; intersection of the Evansville VOR 227° T and the Samsville, Ill., VOR 176° T radials; thence 10-mile wide airway to the Evansville, VOR; thence via the intersection of the Evansville VOR 033° T and the Indianapolis, Ind., VOR 206° T radials (site of the Scotland, Ind., VOR); Indianapolis, VOR; Fort Wayne, Ind., VOR; Carleton, Mich., VOR; thence 10-mile wide airway to the Windsor, Ont., VOR, excluding that portion outside the United States.

12. VOR Federal Airway 1525 (New Orleans, La., to Chicago, Ill.). From the New Orleans, La., VOR via the McComb, Miss., VOR; Jackson, Miss., VOR; Greenwood, Miss., VOR; Memphis, Tenn., VOR; Walnut Ridge, Ark., VOR; Farmington, Mo., VOR; intersection of the Farmington VOR 351° T and the Troy, Ill., VOR 230° T radials (Imperial, Mo., Intersection); thence 10-mile wide airway to the Troy VOR; thence via the Roberts, Ill., VOR; intersection of the Roberts VOR 008° T and the Bradford, Ill., VOR 098° radials; thence 10-mile wide airway to the intersection of the Roberts VOR 008° T and the Joliet, Ill., VOR 093° T radials.

13. VOR Federal Airway 1527 (Houston, Tex., to Chicago, Ill.). From the Houston, Tex., VOR via the Lufkin, Tex., VOR; Gregg County, Tex., VOR; Texarkana, Ark., VOR; Pine Bluff, Ark., VOR; intersection of the Pine Bluff VOR 037° T and the Walnut Ridge, Ark., VOR 188° T radials (Hilleman, Ark., Intersection); Walnut Ridge, VOR; Farmington, Mo., VOR; intersection of the St. Louis, Mo., VOR 171° T and the Troy, Ill., VOR 230° T radials (Imperial, Mo., Intersection); thence 10-mile wide airway to the St. Louis, Mo., VOR; thence via the Springfield, Ill., VOR; intersection of the Springfield VOR 036° T and the Joliet, Ill., VOR 204° T radials (site of the Pontiac, Ill., VOR); Joliet, VOR; thence 10-mile wide airway to the Naperville, Ill., VOR.

14. VOR Federal Airway 1529 (Dalhart, Tex., to Great Falls, Mont.). From the Dalhart, Tex., VOR via the Tobe, Colo., VOR; Pueblo, Colo., VOR; intersection of the Pueblo VOR 013° T and the Kiowa, Colo., VOR 169° T radials; Kiowa, VOR; Denver, Colo., VOR; Laramie, Wyo., VOR; Rock River, Wyo., VOR; Casper, Wyo., VOR; Crazy Woman, Wyo., VOR; Sheridan, Wyo., VOR; Billings, Mont., VOR; intersection of the Billings VOR 317° T and the Great Falls, Mont., VOR 122° T radials; to the Great Falls, VOR.

15. VOR Federal Airway 1531 (Dallas, Tex., to Denver, Colo.). From the Dallas, Tex., VOR via the Ardmore, Okla., VOR; intersection of the Ardmore VOR 342° T and the Oklahoma City, Okla., VOR 154° T radials (Maysville, Okla., Intersection); Oklahoma City, VOR; Gage, Okla., VOR; Liberal, Kans., VOR; Lamar, Colo., VOR; Hugo, Colo., VOR; Kiowa, Colo., VOR; to the Denver, Colo., VOR.

16. VOR Federal Airway 1533 (San Antonio, Tex., to Milwaukee, Wis.). From the San Antonio, Tex., VOR via the intersection of the San Antonio VOR 002° T and the Lometa, Tex., VOR 173° T radials (Willow City, Tex., Intersection); Lometa, VOR; intersection of the Lometa VOR 017° T and the Dallas, Tex., VOR 243° T radials (Cliff, Tex., Intersection); Bridgeport, Tex., VOR; Ardmore, Okla., VOR; Okmulgee, Okla., VOR; Tulsa, Okla., VOR; Oswego, Kans., VOR; thence 10-mile wide airway via the Butler, Mo., VOR; Blue Springs, Mo., VOR; to the intersection of the Blue Springs VOR 016° T and the Kansas City, Mo., VOR 060° T radials; thence via the Kirksville, Mo., VOR; Moline, Ill., VOR; Janesville, Wis., VOR; thence 10-mile wide airway to the Milwaukee, Wis., VOR.

17. VOR Federal Airway 1535 (Kansas City, Mo., to the U.S./Canadian border). From the Blue Springs, Mo., VOR via 10-mile wide airway to the intersection of the Blue Springs VOR 016° T and the Kansas City, Mo., VOR 060° T radials; thence via the intersection of the Blue Springs VOR 016° T and the Lamoni, Iowa, VOR 174° T radials (Jameson, Mo., Intersection); Lamoni, VOR; thence 10-mile wide airway to the Des Moines, Iowa, VOR; thence via the Mason City, Iowa, VOR; intersection of the Mason City VOR 004° T and the Minneapolis, Minn., VOR 165° T radials (site of the Farmington, Minn., VOR); Minneapolis, VOR; Duluth, Minn., VOR; thence 10-mile wide airway via the Duluth VOR 335° T radial to the United States/Canadian border.

18. VOR Federal Airway 1537 (Laredo, Tex., to Joliet, Ill.). From the Laredo, Tex., VOR via the intersection of the Laredo VOR 035° T and the San Antonio, Tex., VOR 183° T radials (Tilden, Tex., Intersection); San Antonio, VOR; Austin, Tex., VOR; intersection of the Austin VOR 016° T and the Lometa, Tex., VOR 105° T radials (Belton, Tex., Intersection); thence 10-mile wide airway to the Waco, Tex., VOR; thence via the Dallas, Tex., VOR; intersection of the Dallas VOR 324° T and the Ardmore, Okla., VOR 176° T radials (Gainesville, Tex., Intersection); Ardmore, VOR; McAlester, Okla., VOR; Fayetteville, Ark., VOR; Springfield, Mo., VOR; Columbia, Mo., VOR; Peoria, Ill., VOR; to the Joliet, Ill., VOR.

19. VOR Federal Airway 1539 (Abilene, Tex., to Wichita, Kans.). From the Abilene, Tex., VOR via the Wichita Falls, Tex., VOR; intersection of the Wichita Falls VOR 028° T and the Oklahoma City, Okla., VOR 202° T radials (Fort Sill, Okla., Intersection); thence 10-mile wide airway to the intersection of the Oklahoma City VOR 202° T and the Ardmore, Okla., VOR 301° radials; thence via the Oklahoma City, VOR; Ponca City, Okla., VOR; thence 10-mile wide airway via the intersection of the Ponca City VOR 320° T and the Wichita, Kans., VOR 190° T radials (Mayfield, Kans., Intersection) to the Wichita, VOR.

20. VOR Federal Airway 1541 (Midland, Tex., to Minot, N. Dak.). From the Midland, Tex., VOR 10-mile wide airway to the Lubbock, Tex., VOR; thence via the Amarillo, Tex. VOR; Gage, Okla., VOR; Anthony, Kans., VOR; Wichita, Kans., VOR; Emporia, Kans., VOR; thence 10-mile wide airway to the Kansas City, Mo., VOR; thence to the intersection of the Kansas City VOR 342° T

and the Laimoni, Iowa, VOR 277° T radials (Coin, Iowa, Intersection); thence 10-mile wide airway to the Neola, Iowa, VOR; thence to the intersection of the Neola VOR 322° T and the Sioux City, Iowa, VOR 160° T radials; thence 10-mile wide airway to the Sioux City, Iowa, VOR; thence via the Sioux Falls, S. Dak., VOR; Watertown, S. Dak., VOR; Jamestown, N. Dak., VOR; to the Minot, N. Dak., VOR.

21. VOR Federal Airway 1543 (El Paso, Tex., to Minneapolis, Minn.). From the El Paso, Tex., VOR, 10-mile wide airway to the intersection of the El Paso VOR 272° T and the Truth or Consequences, N. Mex., VOR 162° T radials (Harrington Ranch, N. Mex., Intersection); thence via the Truth or Consequences, VOR; intersection of the Truth or Consequences VOR 017° T and the Albuquerque, N. Mex., VOR 160° T radials (Belen, N. Mex., Intersection); Albuquerque, VOR; Santa Fe, N. Mex., VOR; thence 10-mile wide airway to the intersection of the Santa Fe VOR 010° T and the Las Vegas, N. Mex., VOR 299° T radials; thence via the intersection of the Santa Fe VOR 010° T and the Alamosa, Colo., VOR 183° T radials; Alamosa, VOR; Pueblo, Colo., VOR; Colorado Springs, Colo., VOR; intersection of the Colorado Springs VOR 347° T and the Denver, Colo., VOR 180° T radials (Parker, Colo., Intersection); thence 10-mile wide airway to the Denver, VOR; thence via the Akron, Colo., VOR; North Platte, Nebr., VOR; O'Neill, Nebr., VOR; Sioux Falls, S. Dak., VOR; Redwood Falls, Minn., VOR; to the Minneapolis, Minn., VOR.

22. VOR Federal Airway 1545 (Tucson, Ariz., to Reno, Nev.). From the Tucson, Ariz., VOR via 10-mile wide airway to the intersection of the Tucson VOR 299° T and the Phoenix, Ariz. 151° T radials; thence via the intersection of the Tucson VOR 299° T and the Casa Grande, Ariz., VOR 158° T radials (Silver Bell, Ariz., Intersection); Casa Grande, VOR; Phoenix, VOR; Prescott, Ariz., VOR; Needles, Calif., VOR; Goffs, Calif., VOR; Beatty, Nev., VOR; Coaldale, Nev., VOR; intersection of the Reno, Nev., VOR 135° T and the Lovelock, Nev., VOR 195° T radials; thence 8-mile wide airway to the intersection of the Reno VOR 135° T and the Lovelock VOR 210° T radials; thence to the Reno VOR.

23. VOR Federal Airway 1547 (Los Angeles, Calif., to Pembina, N. Dak.). From the Los Angeles, Calif., VOR via the intersection of the Los Angeles VOR 057° T and the Daggett, Calif., VOR 235° T radials; Daggett, VOR; thence 10-mile wide airway via the intersection of the Daggett VOR 072° T and the Goffs, Calif., VOR 268° T radials; to the Goffs, VOR; thence via the Mormon Mesa, Nev., VOR; Milford, Utah, VOR; Myton, Utah, VOR; Cherokee, Wyo., VOR; Casper, Wyo., VOR; Dickinson, N. Dak., VOR; to the Pembina, N. Dak., Radio Range.

24. VOR Federal Airway 1549 (Los Angeles, Calif., to Cut Bank, Mont.). From the Los Angeles, Calif., VOR via the intersection of the Los Angeles VOR 057° T and the Daggett, Calif., VOR 235° T radials; Daggett, VOR; thence 10-mile wide airway via the intersection of the Daggett VOR 072° T and the Goffs, Calif., VOR 268° T radials; to the Goffs, VOR; thence via the Mormon Mesa, Nev., VOR; Milford, Utah, VOR; Delta, Utah, VOR; Provo, Utah, VOR; Salt Lake City, Utah, VOR; Ogden, Utah, VOR; Malad City, Idaho, VOR; Pocatello, Idaho, VOR; Dubois, Idaho, VOR; Dillon, Mont., VOR; Helena, Mont., VOR; Great Falls, Mont., VOR; to the Cut Bank, Mont., VOR.

25. VOR Federal Airway 1551 (San Francisco, Calif., to U.S./Canadian Border). From the Oakland, Calif., VOR 10-mile wide airway via the intersection of the Oakland VOR 075° T and the Stockton, Calif., VOR 296° T radials (Altamont, Calif., Intersection); to the Stockton, VOR; thence via the Linden, Calif., VOR; intersection of the Linden VOR 046° T and the Reno, Nev., VOR 208° T radials; Reno, VOR; thence 10-mile wide airway to the Lovelock, Nev., VOR; thence to the Battle Mountain, Nev., VOR; thence 10-mile wide airway via the intersection of the Battle Mountain VOR 062° T and the Wells, Nev., VOR 256° T radials (Doby, Nev., Intersection), to the Wells, VOR; thence via the Pocatello, Idaho, VOR; Du Noir, Wyo., VOR; Billings, Mont., VOR; Miles City, Mont., VOR; Dickinson, N. Dak., VOR; Minot, N. Dak., VOR; thence 10-mile wide airway via the Minot VOR 025° T radial to the U.S./Canadian Border.

26. VOR Federal Airway 1553 (Sacramento, Calif., to U.S./Canadian Border). From the Sacramento, Calif., VOR 10-mile wide airway, to the intersection of the Sacramento VOR 055° T and the Reno, Nev., VOR 230° T radials; thence to the Reno, VOR; thence 10-mile wide airway to the Lovelock, Nev., VOR; thence via the Sod House, Nev., VOR; Boise, Idaho, VOR; McCall, Idaho, VOR; Missoula, Mont., VOR; Cut Bank, Mont., VOR; thence 10-mile wide airway via the Cut Bank VOR 059° T radial to the U.S./Canadian Border.

27. VOR Federal Airway 1555 (San Francisco, Calif., to U.S./Canadian Border). From the San Francisco, Calif., TVOR 10-mile wide airway via the intersection of the San Francisco TVOR 304° T and the Ukiah, Calif., VOR 172° T radials (Marin, Calif., Intersection), to the Ukiah, VOR; thence via the Red Bluff, Calif., VOR; intersection of the Red Bluff VOR 019° T and the Klamath Falls, Oreg., VOR 180° T radials; Klamath Falls, VOR; Redmond, Oreg., VOR; Pendleton, Oreg., VOR; Mullan Pass, Idaho, VOR; thence 10-mile wide airway via the Mullan Pass VOR 026° T radial to the U.S./Canadian Border.

28. VOR Federal Airway 1557 (San Diego, Calif., to the U.S./Canadian Border). From the San Diego, Calif., VOR 10-mile wide airway to the intersection of the San Diego VOR 320° T and the Oceanside, Calif., VOR 280° T radials; thence to the Los Angeles, Calif., VOR; thence 10-mile wide airway to the Gorman, Calif., VOR; thence via the Bakersfield, Calif., VOR; Fresno, Calif., VOR; thence 10-mile wide airway to the Linden, Calif., VOR; thence via the Sacramento, Calif., VOR; intersection of Sacramento VOR 346° T and the Red Bluff, Calif., VOR 158° T radials; Red Bluff, VOR; intersection of the Red Bluff VOR 343° T and the Medford, Oreg., VOR 176° T radials (site of the Ft. Jones, Calif., VOR); Medford, VOR; Eugene, Oreg., VOR; intersection of the Portland, Oreg., VOR 196° T and the Newberg, Oreg., VOR 166° T radials; thence 10-mile wide airway to the Portland, Oreg., VOR; thence via the intersection of the Portland VOR 353° T and the Seattle, Wash., VOR 197° T radials (Toledo, Wash., Intersection); intersection of the Seattle VOR 197° T and the Hoquiam, Wash., VOR 095° T radials; thence 10-mile wide airway to the Seattle, Wash., VOR; thence via the intersection of the Seattle VOR 359° T and the Bellingham, Wash., VOR 169° T radials (Warm Beach, Wash., Intersection); Bellingham, VOR; thence 10-mile wide airway via the Bellingham VOR 303° T radial to the U.S./Canadian Border.

29. VOR Federal Airway 1559 (Long Beach, Calif., to Portland, Oreg.). From the Long Beach, Calif., VOR 10-mile wide airway via the intersection of the Long Beach VOR 287° T and the Fillmore, Calif., VOR 163° T radials (Pt. Dume, Calif., Intersection) to the Fillmore, VOR; thence via the Avenal, Calif., VOR; Los Banos, Calif., VOR; thence 10-mile wide airway via the Stockton, Calif., VOR; intersection of the Stockton VOR 272° T and the Oakland, Calif., VOR 075° T radials (Altamont, Calif., Intersection); Oakland, VOR; Point Reyes, Calif., VOR; intersection of the Point Reyes VOR 352° T and the Ukiah, Calif., VOR 147° T radials (Geyserville, Calif., Intersection); to the Ukiah, VOR; thence via the Fortuna, Calif., VOR; North Bend, Oreg., VOR; intersection of the North Bend VOR 004° T and the Newberg, Oreg., VOR 224° T radials (site of the Newport, Oreg., VOR); intersection of the Newberg VOR 224° T and the Eugene, Oreg., 360° T radials; thence 10-mile wide airway via the Newberg, VOR; to the Portland, Oreg., VOR.

C–1600 SERIES (WEST TO EAST)

1. VOR Federal Airway 1602 (Fort Myers, Fla., to Vero Beach, Fla.). From the Fort Myers, Fla., VOR via the intersection of the Fort Myers VOR 058° T and the Vero Beach, Fla., VOR 224° T radials (site of the La Belle, Fla., VOR); to the Vero Beach, VOR.

2. VOR Federal Airway 1604 (St. Petersburg, Fla., to Daytona Beach, Fla.). From the St. Petersburg, Fla., VOR 10-mile wide airway to the Orlando, Fla., VOR; thence to the Daytona Beach, Fla., VOR.

3. VOR Federal Airway 1606 (Tallahassee, Fla., to Maytown, Fla.). From the Tallahassee, Fla., VOR via the Cross City, Fla., VOR; Ocala, Fla., VOR; thence 10-mile wide airway to the Orlando, Fla., VOR, thence to the intersection of the Orlando VOR 071° T and the Daytona Beach, Fla., VOR 161° T radials (Maytown, Fla., Intersection).

4. VOR Federal Airway 1608 (Lake Charles, La., to Evergreen, Ala.). From the Lake Charles, La., VOR via the intersection of the Lake Charles VOR 088° T and the Baton Rouge, La., VOR 241° T radials (site of the Lafayette, La., VOR); Baton Route VOR; Picayune, Miss., VOR; to the Evergreen, Ala., VOR.

5. VOR Federal Airway 1610 (El Paso, Tex., to Lake Charles, La.). From the El Paso, Tex., VOR 10-mile wide airway via the intersection of the El Paso VOR 132° T and the Hudspeth, Tex., VOR 272° T radials (Fabens, Tex., Intersection); to the Hudspeth VOR; thence via the intersection of the Hudspeth VOR 117° T and the Fort Stockton, Tex., VOR 274° T radials (Apache, Tex., Intersection); Fort Stockton VOR; thence 10-mile wide airway to the intersection of the Fort Stockton VOR 112° T and the Midland, Tex., VOR 202° T radials; thence via the Rocksprings, Tex., VOR; intersection of the Rocksprings VOR 090° T and the San Antonio, Tex., VOR 310° T radials (Comfort, Tex., Intersection); San Antonio VOR; intersection of the San Antonio VOR 075° T and the Houston, Tex., VOR 290° T radials (Round Top, Tex., Intersection); Houston VOR; intersection of the Houston VOR 044° T and the Lake Charles, La., VOR 273° T radials (Daisetta, Tex., Intersection); to the Lake Charles VOR.

6. VOR Federal Airway 1612 (Allendale, S.C., to Charleston, S.C.). From the Allendale, S.C., VOR; to the Charleston, S.C. VOR.

7. VOR Federal Airway 1614 (Salt Flat, Tex., to Oklahoma City, Okla.). From the Salt Flat, Tex., VOR via the intersection of the Salt Flat VOR 055° T and the Hobbs, N. Mex., VOR 242° T radials (site of Carlsbad, N. Mex., VOR); Hobbs VOR; thence 10-mile wide airway via the intersection of the Hobbs VOR 077° T and the Lubbock, Tex., VOR 138° T radials (Welch, Tex., Intersection) to the Lubbock VOR; thence via the Childress, Tex., VOR; intersection of the Childress VOR 064° T and the Oklahoma City, Okla., VOR 242° T radials (Site of the Hobart, Okla., VOR); to the Oklahoma City VOR.

8. VOR Federal Airway 1616 (Macon, Ga., to Savannah, Ga.). From the Macon, Ga., VOR to the Savannah, Ga., VOR.

9. VOR Federal Airway 1618 (Roswell, N. Mex., to Wichita Falls, Tex.). From the Roswell, N. Mex., VOR via the intersection of the Roswell VOR 063° T and the Lubbock, Tex., VOR 277° T radials (Dora, N. Mex., Intersection); thence 10-mile wide airway to the Lubbock VOR; thence via the Guthrie, Tex., VOR; to the Wichita Falls, Tex., VOR.

10. VOR Federal Airway 1620 (Atlanta, Ga., to Augusta, Ga.). From the Atlanta, Ga., VOR via the McDonough, Ga., VOR; to the Augusta, Ga., VOR.

11. VOR Federal Airway 1622 (Lubbock, Tex., to Monroe, La.). From the Lubbock, Tex., VOR 10-mile wide airway via the intersection of the Lubbock VOR 101° T and the Abilene, Tex., VOR 327° T radials (Spur, Tex., Intersection); to the intersection of the Abilene VOR 327° T and the Big Spring, Tex., VOR 059° T radials; thence via the Abilene, Tex., VOR; intersection of the Abilene VOR 096° T and the Britton, Tex., VOR 204° T radials; Britton, VOR; Gregg County, Tex., VOR; intersection of the Gregg County VOR 091° T and the Monroe, La., VOR 208° T radials (site of the Barksdale, La., TVOR); to the Monroe, VOR.

12. VOR Federal Airway 1624 (Prescott, Ariz., to Gage, Okla.). From the Prescott, Ariz., VOR via the St. Johns, Ariz., VOR; intersection of the St. Johns VOR 070° T and the Albuquerque, N. Mex., VOR 254° T radials (Hickman, N. Mex., Intersection); intersection of the Albuquerque VOR 254° T and the Grants, N. Mex., VOR 133° T radials; thence 10-mile wide airway to the Albuquerque VOR; thence via the Santa Fe, N. Mex., VOR; Las Vegas, N. Mex., VOR; Dalhart, Tex., VOR; to the Gage, Okla., VOR.

13. VOR Federal Airway 1626 (Sayre, Okla., to Tulsa, Okla.). From the Sayre, Okla., VOR via the intersection of the Kingfisher, Okla., VOR 251° T and the Oklahoma City, Okla., VOR 298° T radials (Omega, Okla., Intersection); thence 10-mile wide airway via the Kingfisher VOR; the intersection of the Kingfisher VOR 071° T and the Tulsa, Okla., VOR 262° T radials (Stillwater, Okla., Intersection); to the Tulsa VOR.

14. VOR Federal Airway 1628 (San Simon, Ariz., to Knoxville, Tenn.). From the San Simon, Ariz., VOR via the intersection of the San Simon VOR 124° T and the Columbus, N. Mex., VOR 277° T radials (Animas, N. Mex., Intersection); intersection of the Deming, N. Mex., VOR 235° T and the Columbus VOR 277° T radials; thence 10-mile wide airway via Columbus VOR; El Paso, Tex., VOR; intersection of the El Paso VOR 132° T and the Hudspeth, Tex., VOR 272° T radials (Fabens, Tex., Intersection); the Hudspeth VOR; to the Culberson, Tex., VOR; thence via the intersection of the Culberson VOR 060° T and the Midland, Tex., VOR 243° T radials (Pyote, Tex., Intersection); intersection of the Midland VOR 243° T and the Wink, Tex., VOR 107° radials; thence 10-mile wide airway via the Midland, VOR to the intersection of the Midland VOR 064° T and the Big Spring, Tex., VOR 212° T radials; thence via the intersection of the Midland VOR 064° T and the Abilene, Tex., VOR 251° T radials (Jack, Tex., Intersection); Abilene, VOR; Bridgeport, Tex., VOR; Dallas, Tex., VOR; intersection of the Dallas VOR 061° T and the Texarkana, Ark., VOR 271° T radials; Texarkana, VOR; Little Rock, Ark., VOR; Memphis, Tenn., VOR; intersection of Memphis VOR 066° T and the Nashville, Tenn., VOR 252° T radials (site of Jacks Creek, Tenn., VOR); intersection of the Nashville VOR 252° T and the Muscle Shoals, Ala., VOR 062° T radials; thence 10-mile wide airway via the Nashville, VOR to the intersection of Nashville VOR 101° T and the Bowling Green, Ky., VOR 169° T radials; thence via the Crossville, Tenn., VOR; intersection of the Crossville VOR 109° T and the Knoxville, Tenn., VOR 269° T radials (Sweetwater, Tenn., Intersection); thence 10-mile wide airway to the Knoxville, VOR.

15. VOR Federal Airway 1630 (Santa Fe, N. Mex., to Houston, Tex.). From the Santa Fe, N. Mex., VOR via the Las Vegas, N. Mex., VOR; Tucumcari, N. Mex., VOR; Texico, N. Mex., VOR; thence 10-mile wide airway via the intersection of the Texico VOR 117° T and the Lubbock, Tex., VOR 098° T radials; thence via the Lubbock, Tex., VOR; Big Spring, Tex., VOR; San Angelo, Tex., VOR; Austin, Tex., VOR; to the Houston, Tex., VOR.

16. VOR Federal Airway 1632 (Hector, Calif., to Peach Springs, Ariz.). From the Hector, Calif., VOR 10-mile wide airway to the intersection of the Hector VOR 091° T and the Twenty Nine Palms, Calif., VOR 344° T radials, thence via the Needles, Calif., VOR; to the Peach Springs, Ariz., VOR.

17. VOR Federal Airway 1634 (Gaviota, Calif., to Palmdale, Calif.). From the Gaviota, Calif., VOR via the Santa Barbara, Calif., VOR; intersection of the Santa Barbara VOR 091° T and the Fillmore, Calif., VOR 284° T radials; Fillmore, VOR; to the Palmdale, Calif., VOR.

18. VOR Federal Airway 1636 (Tuba City, Ariz., to Hutchinson, Kans.). From the Tuba City, Ariz., VOR via the Dove Creek, Colo., VOR; Gunnison, Colo., VOR; Kiowa, Colo., VOR; Thurman, Colo., VOR; intersection of the Thurman VOR 100° T and the Hill City, Kans., VOR 277° T radials (site of the Goodland, Kans., VOR); Hill City, VOR; to the Hutchinson, Kans., VOR.

19. VOR Federal Airway 1638 (Paso Robles, Calif., to Bakersfield, Calif.). From the Paso Robles, Calif., VOR via the Avenal, Calif., VOR; to the Bakersfield, Calif., VOR.

20. VOR Federal Airway 1640 (Greensboro, N.C., to Raleigh-Durham, N.C.). From the Greensboro, N.C., VOR to the Raleigh-Durham, N.C., VOR.

21. VOR Federal Airway 1642 (Grand Junction, Colo., to Russell, Kans.). From the Grand Junction, Colo., VOR via the Gunnison, Colo., VOR; intersection of the Gunnison VOR 125° T and the Alamosa, Colo., VOR 302° T radials; Alamosa, VOR; Tobe, Colo., VOR; Garden City, Kans., VOR; to the Russell, Kans., VOR.

22. VOR Federal Airway 1644 (Hugo, Colo., to Little Rock, Ark.). From the Hugo, Colo., VOR via the Garden City, Kans., VOR; Anthony, Kans., VOR; Ponca City, Okla., VOR; thence 10-mile wide airway via the Tulsa, Okla., VOR to the Fort Smith, Ark., VOR; thence 9-mile wide airway to the intersection of the Fort Smith VOR 090° T and the Fayetteville, Ark., VOR 173° T radials; thence via the intersection of the Fort Smith VOR 090° T and the Little Rock, Ark., VOR 302° T radials; to the Little Rock, VOR.

23. VOR Federal Airway 1646 (Kansas City, Mo., to Elkins, W. Va.). From the Kansas City, Mo., VOR via the Macon, Mo., VOR; Springfield, Ill., VOR; Indianapolis, Ind., VOR; intersection of the Indianapolis VOR 137° T and the Cincinnati, Ohio, VOR 290° T radials (Hope, Ind., Intersection); Cincinnati, VOR; intersection of the York, Ky., VOR 268° T and the Lexington, Ky., VOR 097° T radials; thence 10-mile airway to the York, VOR; thence via the Charleston, W. Va., VOR; to the Elkins, W. Va., VOR.

24. VOR Federal Airway 1648 (Davenport, Calif., to Fresno, Calif.). From the intersection of the Big Sur, Calif., VOR 330° T and the Salinas, Calif., VOR

302° T radials (Davenport, Calif., Intersection); thence 10-mile wide airway to the Salinas, VOR; thence via the Los Banos, Calif., VOR; to the Fresno, Calif., VOR.

25. VOR Federal Airway 1650 (Macon, Mo., to Peoria, Ill.). From the Macon, Mo., VOR via the intersection of the Peoria, Ill., VOR 230° T and the Springfield, Ill., VOR 334° T radials; thence 10-mile wide airway to the Peoria, VOR.

26. VOR Federal Airway 1652 (Thurman, Colo., to Wolbach, Nebr.). From the Thurman, Colo., VOR via the Hayes Center, Nebr., VOR; intersection of the Hayes Center VOR 059° T and the Wolbach, Nebr., VOR 251° T radials (Eddyville, Nebr., Intersection); to the Wolbach, VOR.

27. VOR Federal Airway 1654 (Ukiah, Calif., to Reno, Nev.). From the Ukiah, Calif., VOR via the Williams, Calif., VOR; to the Reno, Nev., VOR.

28. VOR Federal Airway 1656 (Salt Lake City, Utah, to Myton, Utah). From the intersection of the Salt Lake City, Utah, VOR 265° T and the Provo, Utah, VOR 315° T radials (Timpie, Utah, Intersection) via the Provo, VOR; to the Myton, Utah, VOR.

29. VOR Federal Airway 1658 (Martinsburg, W. Va., to Baltimore, Md.). From the Martinsburg, W. Va., VOR; via the Baltimore, Md., VOR to the intersection of the Baltimore, VOR 097° T and the Kenton, Del., VOR 242° T radials (Price, Md., Intersection). The portion of this airway which lies within the geographic limits of and between the designated altitudes of the Camp Springs, Md., (Andrews, AFB) Restricted Area/Military Climb Corridor (R-542), is excluded during its time of designation.

30. VOR Federal Airway 1660 (Appleton, Ohio, to Flat Rock, Va.). From the Appleton, Ohio, VOR via the intersection of the Appleton VOR 111° T and the Parkersburg, W. Va., VOR 321° T radials (site of Zanesville, Ohio, VOR); Parkersburg, VOR; Elkins, W. Va., VOR; Gordonsville, Va., VOR; to the Flat Rock, Va., VOR.

31. VOR Federal Airway 1662 (Wells, Nev., to Casper, Wyo.). From the Wells, Nev., VOR via the Malad City, Idaho, VOR; Big Piney, Wyo., VOR; to the Casper, Wyo., VOR.

32. VOR Federal Airway 1664 (Des Moines, Iowa, to Janesville, Wis.). From the Des Moines, Iowa, VOR via the Newton, Iowa, VOR; Dubuque, Iowa, VOR; to the Janesville, Wis., VOR.

33. VOR Federal Airway 1666 (Denver, Colo., to Hayes Center, Nebr.). From the Denver, Colo., VOR via the intersection of the Denver VOR 061° T and the Hayes Center, Nebr., VOR 277° T radials (Sterling, Colo., Intersection); to the Hayes Center VOR.

34. VOR Federal Airway 1668 (Rock River, Wyo., to Chadron, Nebr.). From the Rock River, Wyo., VOR to the Chadron, Nebr., VOR.

35. VOR Federal Airway 1670 (Johnstown, Pa., to Cambridge, N.Y.). From the Johnstown, Pa., VOR via the Tyrone, Pa., VOR; Philipsburg, Pa., VOR; Williamsport, Pa., VOR; Binghamton, N.Y., VOR; Rockdale, N.Y., VOR; Albany, N.Y., VOR; to the Cambridge, N.Y., VOR.

36. VOR Federal Airway 1672 (Selinsgrove, Pa., to Kennebunk, Maine.). From the Selinsgrove, Pa., VOR via the Wilkes-Barre, Pa., VOR; Huguenot, N.Y., VOR; intersection of the Wilton, Conn., VOR 295° T and Poughkeepsie, N.Y., VOR 236° T radials (Newburg, N.Y., Intersection); Poughkeepsie, VOR; intersection of the Poughkeepsie VOR 043° T and the Manchester, N.H., VOR 255° T radials (Greenfield, Mass., Intersection); Manchester, VOR; to the Kennebunk, Maine, VOR.

37. VOR Federal Airway 1674 (Cleveland, Ohio, to Binghamton, N.Y.). From the Cleveland, Ohio, VOR via the Jefferson, Ohio, VOR; Erie, Pa., VOR; intersection of the Erie VOR 079° T and the Wellsville, N.Y., VOR 277° T radials (site of the Jamestown, N.Y., VOR); Wellsville, VOR; intersection of the Wellsville, VOR 090° T and the Binghamton, N.Y., VOR 265° T radials (site of the Elmira, N.Y., VOR); to the Binghamton, VOR.

38. VOR Federal Airway 1676 (Chicago, Ill., to Windsor, Ont.). From the Northbrook, Ill., VOR via the South Bend, Ind., VOR; intersection of the South Bend VOR 075° T and the Windsor, Ont., VOR 261° T radials (site of the Litchfield, Mich., VOR); to the Windsor, VOR, excluding that portion outside the United States.

39. VOR Federal Airway 1678 (Chicago, Ill., to Peck, Mich.). From the Northbrook, Ill., VOR 10 mile wide airway to the intersection of the Northbrook VOR 078° T and the Chicago Heights, Ill., VOR 358° T radials; thence via the Pullman, Mich., VOR; intersection of the Pullman VOR 076° T and the Peck, Mich., VOR 251° T radials (site of the Lansing, Mich., VOR); to the Peck, VOR.

40. VOR Federal Airway 1680 (Fortuna, Calif., to Red Bluff, Calif.). From the Fortuna, Calif., VOR to the Red Bluff, Calif., VOR.

41. VOR Federal Airway 1682 (New York, N.Y., to Boston, Mass.). From the Idlewild, N.Y., VOR a 10 mile wide airway via the intersection of the Idlewild VOR 063° T and the Hampton, N.Y., VOR 239° T radials (Mastic, N.Y., Intersection); Hampton, N.Y., VOR; intersection of the Hampton VOR 059° T and the Providence, R.I., VOR 212° T radials (Plum Island, Conn., Intersection); Providence VOR; to the intersection of the Providence VOR 043° T and the Boston, Mass., VOR 133° T radials (Rockland, Mass., Intersection); thence to the Boston VOR.

42. VOR Federal Airway 1684 (Mason City, Iowa, to Dubuque, Iowa. From the Mason City, Iowa, VOR to the Dubuque, Iowa, VOR.

43. VOR Federal Airway 1686 (Bradford, Pa., to West Chester, Pa.). From the Bradford, Pa., VOR via the Selinsgrove, Pa., VOR; thence 10-mile wide airway to the Tower City, Pa., VOR; thence 8-mile wide airway to the intersection of the Tower City VOR 128° T and the Pottstown, Pa., VOR 286° T radials (Sanger, Pa., Intersection); thence to the West Chester, Pa., VOR.

44. VOR Federal Airway 1688 (Casper, Wyo., to Eau Claire, Wis.). From the Casper, Wyo., VOR via the Rapid City, S. Dak., VOR; intersection of the Rapid City VOR 085° T and the Pierre, S. Dak., VOR 253° T radials (site of the Philip, S. Dak., VOR); Pierre VOR; Huron, S. Dak., VOR; Redwood Falls, Minn., VOR; intersection of the Redwood Falls VOR 083° T and the Eau Claire, Wis., VOR 258° T radials (site of the Farmington, Minn., VOR); to the Eau Claire VOR.

45. VOR Federal Airway 1690 (Milwaukee, Wis., to Salem, Mich.). From the Milwaukee, Wis., VOR via the intersection of the Milwaukee VOR 102° T and the Pullman, Mich., VOR 303° T radials (Sunfish, Wis., Intersection); Pullman VOR; to the Salem, Mich., VOR.

46. VOR Federal Airway 1692 (Medford, Oreg., to Burley, Idaho). From the Medford, Oreg., VOR via the Klamath Falls, Oreg., VOR; Lakeview, Oreg., VOR; Rome, Oreg., VOR; intersection of the Rome VOR 099° T and the Burley, Idaho, VOR 261° T radials; to the Burley VOR.

47. VOR Federal Airway 1694 (Muskegon, Mich., to Peck, Mich.). From the Muskegon, Mich., VOR to the Peck, Mich. VOR.

48. VOR Federal Airway 1696 (Buffalo, N.Y., to Stroudsburg, Pa.). From the Buffalo, N.Y., VOR via the Wellsville, N.Y., VOR; intersection of the Wellsville VOR 132° T and the Williamsport, Pa., VOR 307° T radials (site of the Stoneyfork, Pa., VOR); Williamsport, VOR; intersection of the Williamsport VOR 100° T and the Stroudsburg, Pa., VOR 299° T radials (Crystal Lake, Pa., Intersection); to the Stroudsburg, VOR.

49. VOR Federal Airway 1698 (Buffalo, N.Y., to Wilton, Conn.). From the Buffalo, N.Y., VOR via the intersection of the Buffalo VOR 098° T and the Binghamton, N.Y., VOR 300° T radials (site of the Geneseo, N.Y., VOR); Binghamton, VOR; to the Wilton, Conn., VOR.

50. VOR Federal Airway 1700 (Watertown, S. Dak., to Minneapolis, Minn.). From the Watertown, S. Dak., VOR to the Minneapolis, Minn., VOR.

51. VOR Federal Airway 1702 (Toronto, Ont., to Sparta, N.J.). From the U.S. Canadian Border via the intersection of the Toronto, Ont., VOR 141° T and the Buffalo, N.Y., VOR 312° T radials; Buffalo, VOR; intersection of the Buffalo VOR 124° T and the Wilkes-Barre, Pa., VOR 299° T radials (site of the Elmira, N.Y., VOR); Wilkes-Barre, VOR; to the Sparta, N.J., VOR.

52. VOR Federal Airway 1704 (Newberg, Oreg., to McCall, Idaho). From the Newberg, Oreg., VOR via the Redmond, Oreg., VOR; Baker, Oreg., VOR; to the McCall, Idaho, VOR.

53. VOR Federal Airway 1706 (Miles City, Mont., to Salem, Mich.). From the Miles City, Mont., VOR via the Dupree, S. Dak., VOR; Pierre, S. Dak., VOR; Sioux Falls, S. Dak., VOR; Mason City, Iowa, VOR; Rewey, Wis., VOR; intersection of the Rewey VOR 099° T and the Jamesville, Wis., VOR 294° T radials (New Glarus, Wis., Intersection); thence 10-mile wide airway to the Janesville, VOR; thence via the intersection of the Janesville VOR 080° T and the Pullman, Mich., VOR 282° T radials; Pullman, VOR; to the Salem, Mich., VOR.

54. VOR Federal Airway 1708 (Poughkeepsie, N.Y., to Norwich, Conn.). From the Poughkeepsie, N.Y., VOR via the Hartford, Conn., VOR to the intersection of the Hartford VOR 101° T and the Boston, Mass., VOR 223° T radials (site of the Norwich, Conn., VOR).

55. VOR Federal Airway 1710 (The Dalles, Oreg., to Pendleton, Oreg.). From The Dalles, Oreg., VOR 10-mile wide airway via the intersection of The Dalles VOR 096° T and the Pendleton, Oreg., VOR 254° T radials; to the Pendleton, VOR.

56. VOR Federal Airway 1712 (Massena, N.Y., to Plattsburg, N.Y.). From the Massena, N.Y., VOR to the Plattsburg, N.Y., VOR.

57. VOR Federal Airway 1714 (Naperville, Ill., to Peck, Mich.). From the Naperville, Ill., VOR via the Keeler, Mich., VOR; intersection of the Keeler, VOR 061° T and Peck, Mich., VOR 251° T radials (site of the Lansing, Mich., VOR); to the Peck, VOR.

58. VOR Federal Airway 1716 (Seattle, Wash., to Ephrata, Wash.). From the Seattle, Wash., VOR via the Ellensburg, Wash., VOR; to the Ephrata, Wash., VOR.

59. VOR Federal Airway 1718 (Mullan Pass, Idaho, to Cut Bank, Mont.). From the Mullan Pass, Idaho, VOR to the Cut Bank, Mont., VOR.

60. VOR Federal Airway 1720 (Chattanooga, Tenn., to Charlotte, N.C.). From the Chattanooga, Tenn., VOR via the Spartanburg, S.C., VOR; to the Fort Mill, N.C., VOR.

61. VOR Federal Airway 1722 (Casper, Wyo., to Sioux Falls, S. Dak.). From the Casper, Wyo., VOR via the Smithwick, S. Dak., VOR; Winner, S. Dak., VOR; to the Sioux Falls, S. Dak., VOR.

62. VOR Federal Airway 1724 (Crazy Woman, Wyo., to Rapid City, S. Dak.). From the Crazy Woman, Wyo., VOR to the Rapid City, S. Dak., VOR.

63. VOR Federal Airway 1726 (Gunnison, Colo., to Hill City, Kans.). From the Gunnison, Colo., VOR via the intersection of the Kiowa, Colo., VOR 244° T and the Colorado Springs, Colo., VOR 276° T radials; Colorado Springs VOR; Hugo, Colo., VOR; to the Hill City, Kans., VOR.

64. VOR Federal Airway 1728 (San Luis Obispo, Calif., to Hector, Calif.). From the San Luis Obispo, Calif., VOR via the Gorman, Calif., VOR; Palmdale, Calif., VOR; to the Hector, Calif., VOR.

65. VOR Federal Airway 1730 (Thermal, Calif., to Prescott, Ariz.). From the Thermal, Calif., VOR via the Rice, Calif., VOR; to the Prescott, Ariz., VOR.

66. VOR Federal Airway 1732 (Linden, Calif., to Scottsbluff, Nebr.). From the Linden, Calif., VOR via the Mina, Nev., VOR; Current, Nev., VOR; intersection of the Delta, Utah, VOR 251° T and the Milford, Utah, VOR; 334° T radials; thence 10-mile wide airway to the Delta, Utah, VOR; thence via the intersection of the Delta VOR 054° T and the Myton, Utah, VOR 256° T radials; Myton VOR; Laramie, Wyo., VOR to the Scottsbluff, Nebr., VOR.

67. VOR Federal Airway 1734 (Salt Lake City, Utah, to Fort Bridger, Utah). From the Salt Lake City, Utah, VOR to the intersection of the Salt Lake City VOR 065° T and the Rock Springs, Wyo., VOR 259° T radials (site of the Fort Bridger, Utah, VOR).

68. VOR Federal Airway 1736 (Provo, Utah., to Fort Bridger, Utah.). From the Provo, Utah, VOR to the intersection of the Provo VOR 045° T and the Rock Springs, Wyo., VOR 259° T radials (site of the Fort Bridger, Utah, VOR).

69. VOR Federal Airway 1738 (Sacramento, Calif., to Reno, Nev.). From the Sacramento, Calif., VOR via the intersection of the Sacramento VOR 040° T and the Reno, Nev., VOR 257° T radials (Signal, Calif., Intersection); to the Reno, VOR.

70. VOR Federal Airway 1740 (Albany, N.Y., to Hartford, Conn.). From the Albany, N.Y., VOR to the Hartford, Conn., VOR.

71. VOR Federal Airway 1742 (Duluth, Minn., to Green Bay, Wis.). From the Duluth, Minn., VOR to the Green Bay, Wis., VOR.

72. VOR Federal Airway 1744 (Boise, Idaho, to Cherokee, Wyo.). From the Boise, Idaho, VOR via the Pocatello, Idaho, VOR; Big Piney, Wyo., VOR to the Cherokee, Wyo., VOR.

73. VOR Federal Airway 1746 (Texico, N. Mex., to Bridgeport, Tex.). From the Texico, N. Mex., VOR via 10-mile wide airway to the intersection of the Texico VOR 117° T and the Lubbock, Tex., VOR 008° T radials; thence via the Guthrie, Tex., VOR; to the Bridgeport, Tex., VOR.

D—1600 SERIES (SOUTH TO NORTH)

1. VOR Federal Airway 1603 (North Bend, Oreg., to Eugene, Oreg.). From the North Bend, Oreg., VOR to the Eugene, Oreg., VOR.

2. VOR Federal Airway 1605 (San Luis Obispo, Calif., to Red Bluff, Calif.). From the San Luis Obispo, Calif., VOR via the Paso Robles, Calif., VOR; Los Banos, Calif., VOR; thence 10-mile wide airway to the Oakland, Calif., VOR; thence via the intersection of the Oakland VOR 004° T and the Williams, Calif., VOR 191° T radials (Berryessa, Calif., Intersection); Williams, Calif., VOR; intersection of the Williams VOR 002° T and the Red Bluff, Calif., VOR 158° T radials (Jewel, Calif., Intersection); to the Red Bluff VOR.

3. VOR Federal Airway 1607 (Gaviota, Calif., to Point Reyes, Calif.). From the Gaviota, Calif., VOR 10-mile wide airway via the San Luis Obispo, Calif., VOR; the intersection of the San Luis Obispo VOR 313° T and the Big Sur, Calif., VOR 159° T radials; the Big Sur, VOR; the intersection of the Big Sur VOR 330° T and the Point Reyes, Calif., VOR 155° T radials; to the Point Reyes, VOR.

4. VOR Federal Airway 1609 (Santa Barbara, Calif., to Ellensburg, Wash.). From the Santa Barbara, Calif., VOR via the Paso Robles, Calif., VOR; thence 10-mile wide airway via the intersection of the Paso Robles VOR 314° T and the Salinas, Calif., VOR 150° T radials; Salinas VOR; intersection of the Salinas VOR 338° T and the Oakland, Calif., VOR 149° T radials (site of the Agnew, Calif., VOR); Oakland VOR; Point Reyes, Calif., VOR; to the intersection of the Point Reyes VOR 352° T and the Red Bluff, Calif., VOR 202° T radials (Geyserville, Calif., Intersection); thence via the Red Bluff, Calif., VOR; intersection of the Red Bluff VOR 034° T and the Lakeview, Oreg., VOR 202° T radials; Lakeview, Oreg., VOR; Redmond, Oreg., VOR; The Dalles, Oreg., VOR; intersection of the Dallas VOR 012° T radial and the Seattle, Wash., VOR 129° T radials; thence 10-mile wide airway to the Ellensburg, Wash., VOR.

5. VOR Federal Airway 1611 (Baker, Oreg., to Spokane, Wash.). From the Baker, Oreg., VOR via the Pendleton, Oreg., VOR; to the Spokane, Wash., VOR.

6. VOR Federal Airway 1613 (San Diego, Calif., to Las Vegas, Nev.). From the San Diego, Calif., VOR via the Thermal, Calif., VOR; Twenty Nine Palms, Calif., VOR; thence 10-mile wide airway to the intersection of the Twenty Nine Palms VOR 058° T and the Goffs, Calif., VOR 200° T radials; thence via the Goffs, VOR; to the Las Vegas, Nev., VOR.

7. VOR Federal Airway 1615 (McCall, Idaho, to Mullan Pass, Idaho). From the McCall, Idaho, VOR to the Mullan Pass, Idaho, VOR.

8. VOR Federal Airway 1617 (Yuma, Ariz., to Las Vegas, Nev.). From the Yuma, Ariz., VOR 10-mile wide airway to the intersection of the Yuma, VOR 351° T and the Gila Bend, Ariz., VOR 276° T radials; thence via the Blythe, Calif., VOR; Rice, Calif., VOR; Needles, Calif., VOR; to the Las Vegas, Nev., VOR.

9. VOR Federal Airway 1619 (Needles, Calif., to Mormon Mesa, Nev.). From the Needles, Calif., VOR to the Mormon Mesa, Nev., VOR.

10. VOR Federal Airway 1621 (Bonneville, Utah, to Burley, Idaho). From the Bonneville, Utah, VOR 10-mile wide airway to the intersection of the Bonneville VOR 354° T and the Burley, Idaho, VOR 176° T radials (site of the Lucin, Utah, VOR); thence to the Burley, VOR.

11. VOR Federal Airway 1623 (Ogden, Utah, to Burley, Idaho). From the Ogden, Utah, VOR to the Burley, Idaho, VOR.

12. VOR Federal Airway 1625 (San Simon, Ariz., to Salt Lake City, Utah). From the San Simon, Ariz., VOR via the Truth or Consequences, N. Mex., VOR; St. Johns, Ariz., VOR; Zuni, N. Mex., VOR; Farmington, N. Mex., VOR; Grand Junction, Colo., VOR; Myton, Utah, VOR; to the Salt Lake City, Utah, VOR.

13. VOR Federal Airway 1627 (Farmington, N. Mex., to Laramie, Wyo.). From the Farmington, N. Mex., VOR via the Gunnison, Colo., VOR; Kremmling, Colo., VOR; to the Laramie, Wyo., VOR.

14. VOR Federal Airway 1629 (Albuquerque, N. Mex., to Billings, Mont.). From the Albuquerque, N. Mex., VOR via the Farmington, N. Mex., VOR; Grand Junction, Colo., VOR; Rock Springs, Wyo., VOR; Boysen Reservoir, Wyo., VOR; to the Billings, Mont, VOR.

15. VOR Federal Airway 1631 (Corona, N. Mex., to Santa Fe, N. Mex.). From the Corona, N. Mex., VOR to the Santa Fe, N. Mex., VOR.

16. VOR Federal Airway 1633 (Pueblo, Colo., to Scottsbluff, Nebr.). From the Pueblo, Colo., VOR via the Hugo, Colo., VOR; Thurman, Colo., VOR; Akron, Colo., VOR; Sidney, Nebr., VOR; to the Scottsbluff, Nebr., VOR.

17. VOR Federal Airway 1635 (Las Vegas, N. Mex., to Rapid City, S. Dak.). From the Las Vegas, N. Mex., VOR via the Cimarron, N. Mex., VOR; Pueblo, Colo., VOR; Colorado Springs, Colo., VOR; intersection of the Colorado Springs VOR 347° T and the Denver, Colo., VOR 183° T radials (Parker, Colo., Intersection); thence 10-mile wide airway to the Denver, Colo., VOR; thence via the Cheyenne, Wyo., VOR; Scottsbluff, Nebr., VOR; Chadron, Nebr., VOR; Smithwick, S. Dak., VOR; to the Rapid City, S. Dak., VOR.

18. VOR Federal Airway 1637 (Dalhart, Tex., to Lamoni, Iowa). From the Dalhart, Tex., VOR via the Liberal, Kans., VOR; Hutchinson, Kans., VOR; thence 10-mile wide airway via the intersection of the Hutchison VOR 062° T and the Topeka, Kans., VOR 236° T radials (Wilsey, Kans., Intersection); Topeka VOR; to the intersection of the Topeka VOR 030° T and the Lamoni, Iowa, VOR 229° T radials (site of the St. Joseph, Mo., VOR); thence to the Lamoni, Iowa, VOR.

19. VOR Federal Airway 1639 (Gage, Okla., to Garden City, Kans.). From the Gage, Okla., VOR to the Garden City, Kans., VOR.

20. VOR Federal Airway 1641 (Fort Worth, Tex., to Oklahoma City, Okla.). From the Bridgeport, Tex., VOR to the Oklahoma City, Okla., VOR.

21. VOR Federal Airway 1643 (Brownsville, Tex., to San Angelo, Tex.). From the Brownsville, Tex., VOR 10 mile wide airway via the intersection of the Brownsville VOR 339° T and the Alice, Tex., VOR 173° T radials; to the Alice VOR; thence via the intersection of the Alice VOR 334° T and the San Antonio, Tex., VOR 183° T radials (Tilden, Tex., Intersection); San Antonio VOR; Junction, Tex., VOR; to the San Angelo, Tex., VOR.

22. VOR Federal Airway 1645 (Las Vegas, N. Mex., to North Platte, Nebr.). From the Las Vegas, N. Mex., VOR via the Tobe, Colo., VOR; Lamar, Colo., VOR; intersection of the Lamar VOR 032° T and the Hayes Center, Nebr., VOR 209° T radials (site of the Goodland, Kansas, VOR); Hayes Center, VOR; to the North Platte, Nebr., VOR.

23. VOR Federal Airway 1647 (Neola, Iowa, to Mason City, Iowa). From the Neola, Iowa, VOR via the Fort Dodge, Iowa, VOR to the Mason City, Iowa, VOR.

24. VOR Federal Airway 1649 (Lufkin, Tex., to Fayetteville, Ark.). From the Lufkin, Tex., VOR via the Shreveport, La., VOR; Texarkana, Ark., VOR; Page, Okla., VOR; intersection of the Fayetteville, Ark., VOR 195° T and the Okmulgee, Okla., VOR 113° T radials; thence 10-mile wide airway to the Fayetteville, VOR.

25. VOR Federal Airway 1651 (Jackson, Miss., to Kansas City, Mo.). From the Jackson, Miss., VOR via the intersection of the Jackson VOR 311° T and the Pine Bluff, Ark., VOR 148° T radials (Jennie, Miss., Intersection); Pine Bluff, VOR; Little Rock, Ark., VOR; intersection of the Little Rock VOR 302° T and the Flippin, Ark., VOR 181° T radials (Roland, Ark., Intersection); Flippin, VOR; Springfield, Mo., VOR; thence 10-mile wide airway via the Blue Springs, Mo., VOR to the Kansas City, Mo., VOR.

26. VOR Federal Airway 1653 (New Orleans, La., to St. Louis, Mo.). From the New Orleans, La., VOR via the Picayune, Miss., VOR; intersection of the Picayune VOR 021° T and the Meridian, Miss., VOR 205° T radials; Meridian, VOR; intersection of the Meridian VOR 040° T and the Tuscaloosa, Ala., VOR 239° T radials; Tuscaloosa, VOR; Birmingham, Ala., VOR; Muscle Shoals, Ala., VOR; intersection of the Muscle Shoals, VOR 002° T and the Nashville, Tenn., VOR 252° T radials; thence 10-mile wide airway to the Nashville, VOR; thence to the intersection of the Nashville VOR 338° T and the Evansville, Ind., VOR 144° T radials (site of the Central City, Ky., VOR); thence 10-mile wide airway to the Evansville, Ind., VOR; thence to the Troy, Ill., VOR.

27. VOR Federal Airway 1655 (Picayune, Miss., to McComb, Miss.). From the Picayune, Miss., VOR to the McComb, Miss., VOR.

28. VOR Federal Airway 1657 (Tiverton, Ohio, to Traverse City, Mich.). From the Tiverton, Ohio, VOR via the Attica, Ohio, VOR; Waterville, Ohio, VOR; intersection of the Waterville VOR 306° T and the Pullman, Mich., VOR 112° T radials (site of the Litchfield, Mich., VOR); Pullman, VOR; Muskegon, Mich., VOR; White Cloud, Mich., VOR; to the Traverse City, Mich., VOR.

29. VOR Federal Airway 1659 (Milwaukee, Wis., to Green Bay, Wis.). From the Milwaukee, Wis., VOR to the Green Bay, Wis., VOR.

30. VOR Federal Airway 1661 (Crestview, Fla., to Atlanta, Ga.). From the Crestview, Fla., VOR via the Montgomery, Ala., VOR; thence 10-mile wide airway to the intersection of the Montgomery VOR 028° T and the Tuskegee, Ala., VOR 319° T radials; thence via the intersection of the Montgomery VOR 028° T and the Atlanta, Ga., VOR 248° T radials; to the Atlanta, VOR.

31. VOR Federal Airway 1663 (Fort Wayne, Ind., to South Bend, Ind.). From the Fort Wayne, Ind., VOR via the Goshen, Ind., VOR; to the South Bend, Ind., VOR.

32. VOR Federal Airway 1665 (Tallahassee, Fla., to Macon, Ga.). From the Tallahassee, Fla., VOR via the Albany, Ga., VOR; to the Macon, Ga., VOR.

33. VOR Federal Airway 1667 (Charlotte, N. C., to Lexington, Ky.). From the Fort Mill, S.C., VOR via the Tri-City, Tenn., VOR; to the Lexington, Ky., VOR.

34. VOR Federal Airway 1669 (Alma, Ga., to Florence, S.C.). From the Alma, Ga., VOR via the Allendale, S.C., VOR; intersection of the Allendale, VOR 057° T and the Florence, S.C., VOR 221° T radials; to the Florence, VOR.

35. VOR Federal Airway 1671 (Pittsburgh, Pa., to Windsor, Ont.). From the Pittsburgh, Pa., VOR via the Akron, Ohio, VOR; intersection of the Akron VOR 319° T and the Windsor, Ontario 121° T radials; to the Windsor, Ontario, VOR, excluding that portion outside the United States.

36. VOR Federal Airway 1673 (Greensboro, N.C., to Syracuse, N.Y.). From the Greensboro, N.C., VOR via the intersection of the Greensboro VOR 026° T and the Montebello, Va., VOR 189° T radials (site of the Lynchburg, Va., VOR); Montebello, VOR; Front Royal, Va., VOR; Martinsburg, W. Va., VOR; Philipsburg, Pa., VOR; intersection of the Philipsburg VOR 031° T and the Syracuse, N.Y., VOR 210° T radials (site of the Elmira, N.Y., VOR); to the Syracuse, VOR.

37. VOR Federal Airway 1675 (Charleston, S.C., to Spartanburg, S.C.). From the Charleston, S.C., VOR via the intersection of the Charleston VOR 300° T and the Columbia, S.C., VOR 153° T radials; Columbia, VOR; to the Spartanburg, S.C., VOR.

38. VOR Federal Airway 1677 (Wilmington, N.C., to Flat Rock, Va.). From the Wilmington, N.C., VOR via the intersection of the Wilmington VOR 352° T and the Rocky Mount, N.C., VOR 191° T radials (Kenansville, N.C., Intersection); thence 10-mile wide airway to the intersection of the Rocky Mount VOR 191° T and the Raleigh-Durham, N.C., VOR 116° T radials; thence to the Rocky Mount, N.C., VOR; intersection of the Rocky Mount VOR 019° T and the Flat Rock, Va., VOR 154° T radials; to the Flat Rock, VOR.

39. VOR Federal Airway 1679 (Washington, D.C., to Montreal, Quebec). From the Herndon, Va., VOR via the Harrisburg, Pa., VOR; Selinsgrove, Pa., VOR; Williamsport, Pa., VOR; Binghamton, N.Y., VOR; Syracuse, N.Y., VOR; thence 10-mile wide airway to the intersection of the Syracuse VOR 007° T and the Massena, N.Y., VOR 230° T radials; thence to the Massena, N.Y., VOR; thence 10-mile wide airway via the Massena VOR 051° T radial to the U.S./Canadian border.

40. VOR Federal Airway 1681 (Washington, D.C., to New York, N.Y.). From the Washington, D.C., TVOR via the Baltimore, Md., VOR; thence 10-mile wide airway via the intersection of the Baltimore VOR 035° T and the New Castle, Del., VOR 257° T radials (Bel Aire, Md., Intersection); to the New Castle, VOR; thence to the Woodstown, N.J., VOR; thence 10-mile wide airway via the intersection of the Woodstown VOR 043° T and the Pottstown, Pa., VOR 104° T radials (Columbus, N.J., Intersection); to the Robbinsville, N.J., VOR.

41. VOR Federal Airway 1683 (Baltimore, Md., to Buffalo, N.Y.). From the Baltimore, Md., VOR via the Harrisburg, Pa., VOR; Philipsburg, Pa., VOR; Bradford, Pa., VOR; to the Buffalo, N.Y., VOR.

42. VOR Federal Airway 1685 (Salisbury, Md., to Syracuse, N.Y.). From the Salisbury, Md., VOR via 10 mile wide airway to the intersection of the Salisbury VOR 340° T and the Baltimore, Md., VOR 097° T radials (Price, Md., Intersection); thence via the New Castle, Del., VOR; West Chester, Pa., VOR; Pottstown, Pa., VOR; Allentown, Pa., VOR; Wilkes-Barre, Pa., VOR; intersection of the Wilkes-Barre VOR 354° T and the Syracuse, N.Y., VOR 151° T radials (Sidney, N.Y., Intersection); to the Syracuse, VOR.

43. VOR Federal Airway 1687 (New York, N.Y., to Syracuse, N.Y.). From the Sparta, N.J., VOR via the Hugenot, N.Y., VOR; intersection of the Hugenot VOR 340° T and the Rockdale, N.Y., VOR 144° T radials (site of the DeLancey, N.Y., VOR); Rockdale, VOR; intersection of the Rockdale VOR 327° T and the Syracuse, N.Y., VOR 117° T radials (Munnsville, N.Y., Intersection); to the Syracuse, VOR.

44. VOR Federal Airway 1689 (Albany, N.Y., to Massena, N.Y.). From the Albany, N.Y., VOR to the Massena, N.Y., VOR.

45. VOR Federal Airway 1691 (New York, N.Y., to Montreal, Quebec). From the Coyle, N.J., VOR 10-mile wide airway to the Idlewild, N.Y., VOR; thence via the intersection of the Idlewild VOR 042° T and the Wilton, Conn., VOR 185° T radials (Syosset, N.Y., Intersection); Wilton, VOR; Poughkeepsie, N.Y., VOR; intersection of the Poughkeepsie VOR 336° T and the Albany, N.Y., VOR 186° T radials (Catskill, N.Y., Intersection); Albany, VOR; thence 10-mile wide airway via the Plattsburg, N.Y., VOR, and the Plattsburg, VOR 341° T radial to the U.S./Canadian border.

46. VOR Federal Airway 1693 (Poughkeepsie, N.Y., to Burlington, Vt.). From the Poughkeepsie, N.Y., VOR via the Cambridge, N.Y., VOR; thence 10 mile wide airway to the Burlington, Vt., VOR.

47. VOR Federal Airway 1695 (Poughkeepsie, N.Y., to Presque Isle, Maine). From the Poughkeepsie, N.Y., VOR via the intersection of the Poughkeepsie VOR 043° T and the Concord, N.H., VOR 231° T radials (Greenfield, Mass., Intersection); Concord, VOR; Kennebunk, Maine, VOR; intersection of the Kennebunk VOR 033° T and the Bangor, Maine, VOR 232° T radials (site of the Augusta, Maine, VOR); Bangor, VOR; Millinocket, Maine, VOR; to the Presque Isle, Maine, VOR.

48. VOR Federal Airway 1697 (Nantucket, Mass., to Plattsburg, N.Y.). From the Nantucket, Mass., VOR via the intersection of the Nantucket VOR 339° T and the Boston, Mass., VOR 133° T radials (Haley, Mass., Intersection); Boston, VOR; Manchester, N.H., VOR; Concord, N.H., VOR; Burlington, Vt., VOR; thence 10-mile wide airway to the Plattsburg, N.Y., VOR.

49. VOR Federal Airway 1699 (Lakeland, Fla., to Cross City, Fla.). From the Lakeland, Fla., VOR via the intersection of the Lakeland VOR 331° T and the Cross City, Fla., VOR 150° T radials; to the Cross City, VOR.

50. VOR Federal Airway 1701 (Chattanooga, Tenn., to Nashville, Tenn.). From the Chattanooga, Tenn., VOR via the intersection of the Chattanooga VOR 313° T and the Crossville, Tenn., VOR 257° T radials; thence 10-mile wide airway to the Nashville, Tenn., VOR.

51. VOR Federal Airway 1703 (Dallas, Tex., to Ardmore, Okla.). From the Dallas, Tex., VOR via the intersection of the Dallas VOR 283° T and the Ardmore, Okla., 192° T radials (Fox, Tex., Intersection); to the Ardmore, VOR.

52. VOR Federal Airway 1705 (Fresno, Calif., to Lakeview, Oreg.). From the Fresno, Calif., VOR via the Reno, Nev., VOR; to the Lakeview, Oreg., VOR.

53. VOR Federal Airway 1707 (Denver, Colo., to Laramie, Wyo.). From the Denver, Colo., VOR via the intersection of the Denver VOR 359° T and the Laramie, Wyo., VOR 131° T radials (Nunn, Colo., Intersection); to the Laramie, VOR.

54. VOR Federal Airway 1709 (Kiowa, Colo., to Crazy Woman, Wyo.). From the Kiowa, Colo., VOR via the intersection of the Kiowa VOR 005° T and the Cheyenne, Wyo., VOR 131° T radials; Cheyenne, VOR; intersection of the Cheyenne VOR 347° T and the Crazy Woman, Wyo., VOR 146° T radials (site of Douglas, Wyo., VOR); to the Crazy Woman, VOR.

55. VOR Federal Airway 1711 (Houston, Tex., to Dallas, Tex.). From the Houston, Tex., VOR via the Leona, Tex., VOR; to the Dallas, Tex., VOR.

56. VOR Federal Airway 1713 (Hill City, Kans., to Cheyenne, Wyo.). From the Hill City, Kans., VOR via the Akron, Colo., VOR; to the Cheyenne, Wyo., VOR.

57. VOR Federal Airway 1715 (Tobe, Colo., to Hugo, Colo.). From the Tobe, Colo., VOR to the Hugo, Colo., VOR.

58. VOR Federal Airway 1717 (Denver, Colo., to Sidney, Nebr.). From the Denver, Colo., VOR to the Sidney, Nebr., VOR.

59. VOR Federal Airway 1719 (Los Angeles, Calif., to Palmdale, Calif.). From the Los Angeles, Calif., VOR to the Palmdale, Calif., VOR.

60. VOR Federal Airway 1721 (Prescott, Ariz., to Malad City, Idaho). From the Prescott, Ariz., VOR via the Bryce Canyon, Utah, VOR; Delta, Utah, VOR; intersection of the Delta VOR 005° T and the Malad City, Idaho, VOR 179° T radials (Stanbury, Utah, Intersection); to the Malad City VOR.

61. VOR Federal Airway 1723 (Parkersburg, W. Va., to Pittsburgh, Pa.). From the Parkersburg, W. Va., VOR via the intersection of the Parkersburg VOR 037° T and the Pittsburgh, Pa., VOR 244° T radials (Glen Dale, Ohio, Intersection); to the Pittsburgh, VOR.

62. VOR Federal Airway 1725 (Tiverton, Ohio, to Wellsville, N.Y.). From the Tiverton, Ohio, VOR via the intersection of the Tiverton VOR 089° T and the Clarion, Pa., VOR 222° T radials (site of Imperial, Pa., VOR); Clarion, Pa., VOR; intersection of the Clarion VOR 048° T and the Bradford, Pa., VOR 222° T radials (site of the Fitzgerald, Pa., VOR); Bradford, VOR; to the Wellsville, N.Y., VOR.

63. VOR Federal Airway 1727 (Erie, Pa., to Buffalo, N.Y.). From the Erie, Pa., VOR via the intersection of the Erie VOR 058° T and the Buffalo, N.Y., VOR 227° T radials (site of the Dunkirk, N.Y., VOR); to the Buffalo, VOR.

64. VOR Federal Airway 1729 (Pittsburgh, Pa., to Erie, Pa.). From the Pittsburgh, Pa., VOR 10-mile wide airway, via the intersection of the Pittsburgh VOR 354° T and the Clarion, Pa., VOR 281° T radials; thence to the Erie, Pa., VOR.

65. VOR Federal Airway 1731 (Greensboro, N.C., to Gordonsville, Va.). From the Greensboro, N.C., VOR via the intersection of the Greensboro VOR 051° T and the Gordonsville, Va., VOR 207° T radials (site of the South Boston, Va., VOR); to the Gordonsville VOR.

66. VOR Federal Airway 1733 (New Castle, Del., to New Brunswick, N.J.). From the New Castle, Del., VOR 10-mile wide airway via the Yardley, Pa., VOR; to the intersection of the Yardley VOR 056° T and the Solberg, N.J., VOR 135° T radials (New Brunswick, N.J., Intersection).

67. VOR Federal Airway 1735 (Norwich, Conn., to Putnam, Conn.). From the intersection of the Boston, Mass., VOR 223° T and the Putnam, Conn., VOR 195° T radials (site of the Norwich, Conn., VOR); to the Putnam, VOR.

68. VOR Federal Airway 1737 (Rosewood, Ohio, to Cleveland, Ohio). From the Rosewood, Ohio, VOR via the Attica, Ohio, VOR; to the Cleveland, Ohio, VOR.

69. VOR Federal Airway 1739 (Chattanooga, Tenn., to Cincinnati, Ohio.). from the Des Moines, Iowa, VOR to the From the Chattanooga, Tenn., VOR via the Crossville, Tenn., VOR; Louisville, Ky., VOR; to the Cincinnati, Ohio, VOR.

70. VOR Federal Airway 1741 (Bowling Green, Ky., to Cincinnati, Ohio.). From the Bowling Green, Ky., VOR via the intersection of the Bowling Green VOR 008° T and the Nabb, Ind., VOR 214° T radials (Irvington, Ky., Intersection); thence 10-mile wide airway to the Nabb, VOR; hence to the Cincinnati, Ohio, VOR.

71. VOR Federal Airway 1743 (Pulaski, Va., to Elkins, W. Va.). From the Pulaski, Va., VOR to the Elkins, W. Va., VOR.

72. VOR Federal Airway 1745 (Lamar, Colo., to Hill City, Kans.). From the Lamar, Colo., VOR to the Hill City, Kans., VOR.

Additional Intermediate Altitude Reporting Points

Junction City, Ga., Intersection (Intersection of the Macon, Ga., VOR 267° T and the Atlanta, Ga., VOR 179° T radials).

Montrose, Ga., Intersection (Intersection of the Alma, Ga., VOR 331° T and the Macon, Ga., VOR 103° T radials).

Elmira, N.Y., Intersection (Intersection of the Buffalo, N.Y., VOR 124° T and the Wellsville, N.Y., VOR 090° T radials).

Geneseo, N.Y., Intersection (Intersection of the Buffalo, N.Y., VOR 098° T and the Binghamton, N.Y., VOR 300° T radials).

Jamestown, N.Y., Intersection (Intersection of the Buffalo, N.Y., VOR 206° T and the Wellsville, N.Y., VOR 277° T radials).

Pinehurst, N.C., Intersection (Intersection of the Florence, S.C., VOR 001° T and the Raleigh, N.C., VOR 226° T radials).

Youngstown, Ohio, Intersection (Intersection of the Cleveland, Ohio, VOR 091° T and the Jefferson, Ohio, VOR 171° T radials).

Stony Fork, Pa., Intersection (Intersection of the Bradford, Pa., VOR 095° T and the Williamsport, Pa., VOR 307° T radials).

Vance, S.C., Intersection (Intersection of the Florence, S.C., VOR 221° T and the Allendale, S.C., VOR 057° T radials).

Nottley, Tenn., Intersection (Intersection of the Knoxville, Tenn., VOR 181° T and the Chattanooga, Tenn., VOR 068° T radials).

Parsons, Tenn., Intersection (Intersection of the Nashville, Tenn., VOR 253° T and the Muscle Shoals, Ala., VOR 334° T radials).

Springfield, Va., Intersection (Intersection of the Herndon, Va., VOR 145° T and the Linden, Va., VOR 095° T radials).

Proposed Positive Control Route Segments

CFR 601.8001—*Positive Control Route Segments.* The portions of VOR Federal Airways described in this subpart between 17,000 and 22,000 feet (mean sea level) inclusive, including all controlled airspace embraced within them, are designated as positive control route segments.

VOR Federal Airway No. 1508. The portion of VOR Federal Airway No. 1508 from the Naperville, Ill., VOR to the Waterville, Ohio, VOR.

VOR Federal Airway No. 1510. The portion of VOR Federal Airway No. 1510 from the Sacramento, Calif., VOR to the Monmouth, N.J., Intersection.

VOR Federal Airway No. 1512. The portion of VOR Federal Airway No. 1512 from the Kremling, Colo., VOR to the Grand Island, Nebr., VOR; also the portion of VOR Federal Airway No. 1512 from the Des Moines, Iowa, VOR to the Naperville, Ill., VOR.

VOR Federal Airway No. 1516. The portion of VOR Federal Airway No. 1516 from the Hanksville, Utah, VOR to the Kremling, Colo., VOR.

VOR Federal Airway No. 1518. The portion of VOR Federal Airway No. 1518 from the Goshen, Ind., VOR to the Herndon, Va., VOR.

VOR Federal Airway No. 1520. The portion of VOR Federal Airway No. 1520 from the Peotone, Ill., VOR to the Herndon, Va., VOR.

VOR Federal Airway No. 1522. The portion of VOR Federal Airway No. 1522 from the intersection of the Los Angeles, Calif., VOR 057° T and the Long Beach, Calif., VOR 024° T radials to the Hanksville, Utah, VOR; also the portion of VOR Federal Airway No. 1522 from the Lamar, Colo., VOR to the Tower City, Pa., VOR.

VOR Federal Airway No. 1524. The portion of VOR Federal Airway No. 1524 from the Ontario, Calif., VOR to the Lamar, Colo., VOR.

VOR Federal Airway No. 1646. The portion of VOR Federal Airway No. 1646 from the Kansas City, Mo., VOR to the Indianapolis, Ind., VOR.

VOR Federal Airway No. 1654. The portion of VOR Federal Airway No. 1654 from the Williams, Calif., VOR to the Reno, Nev., VOR.

ANNEX I.—OFF-SHORE EXCLUSIONS

EAST COAST

Victor 1503

1. Biscayne Bay, Fla., to Vero Beach, Fla., via West Palm Beach, Fla.
2. Charleston, S.C., to Wilmington, N.C.
3. Norfolk, Va., to Salisbury, Md., via Cape Charles, Va.
4. Coyle, N.J., to Riverhead, N.Y., via Woolf Intersection.
5. Boston, Mass., to Kennebunk, Maine.

Victor 1505

1. Biscayne Bay, Fla., to Vero Beach, Fla.
2. Daytona Beach, Fla., to Jacksonville, Fla.
3. Jacksonville, Fla., to Charleston, S.C.

Victor 1507

1. Key West, Fla., to Miami, Fla.
2. Jacksonville, Fla., to Savannah, Ga.

Victor 1509

1. Jacksonville, Fla., to Savannah, Ga.

Victor 1511

1. Key West, Fla., to Fort Myers, Fla.

Victor 1513

1. Biscayne Bay, Fla., to Vero Beach, Fla.
2. Daytona Beach, Fla., to Jacksonville, Fla.

Victor 1515

1. Key West, Fla., to Miami, Fla.
2. Daytona Beach, Fla., to Jacksonville, Fla.

Victor 1519—St. Petersburg, Fla., to Cross City, Fla.

Victor 1521—St. Petersburg, Fla., to Tallahassee, Fla.

Victor 1510—Idlewild, N.Y., to Nantucket, Mass.

Victor 1540—Coyle, N.J., to Riverhead, N.Y., via Woolf Intersection.

Victor 1682—Idlewild, N.Y., to Hampton, N.Y., via Mastic, N.Y., Intersection.

Victor 1697—Nantucket, Mass., to Boston, Mass.

WEST COAST

Victor 1557—San Diego, Calif., to Los Angeles, Calif.

Victor 1559—Los Angeles, Calif., to Fillmore, Calif.

Victor 1607—Gaviota, Calif., to Point Reyes, Calif.

Victor 1555—San Francisco, Calif., to Ukiah, Calif.

Victor 1559—Fortuna, Calif., to Newport, Oreg.

The portions of the following airways, terminating at the Los Angeles, Calif., VOR, which extend west of the VOR are excluded: Victor 1719, 1522, 1547, 1549, 1524, 1530, 1532 and 1536.

The portion of the following airway, terminating at the San Diego, Calif., VOR, which extends west of the VOR is excluded: Victor 1613.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within ninety days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6526; Filed, July 13, 1960; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-69]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Federal Airway, and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 15 presently extends from Akron, Ohio, to Hubbard, Ohio. The Federal Aviation Agency has under consideration revoking this airway. The Federal Aviation Agency IFR peakday air traffic survey for the period July 1, 1958, through June 30, 1959, and an air traffic survey conducted on April 1, 1960, showed no aircraft movements on Blue 15. On the basis of these surveys, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, § 601.4615 relating to reporting points would be revoked.

If these actions are taken, Blue Federal airway No. 15, its associated control areas and § 601.4615 relating to reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 8, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6505; Filed, July 13, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-47]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification and Revocation of Federal Airways and Associated Control Areas; Designation, Modification and Revocation of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and §§ 600.6006, 600.6025, 600.6027, 600.6110, 600.6111, 600.6137, 600.6230, 601.6027, 601.1193, 601.6110, 601.6111, 601.6137, 601.6230 and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following actions:

1. VOR Federal airway No. 27 extends in part from San Luis Obispo, Calif., via Paso Robles, Calif., and Salinas, Calif., to Point Reyes, Calif., with west alternates from Paso Robles to Salinas and from Salinas to Point Reyes. It is proposed to realign this segment of Victor 27 from the San Luis Obispo VOR via the intersection of the San Luis Obispo VOR 308° and the Big Sur, Calif., VOR 157° True radials; the Big Sur VOR (latitude 36°10'53'' N., longitude 121°38'31'' W.); the intersection of the Big Sur VOR 325° and the Point Reyes, Calif., VOR 161° True radials; to the Point Reyes, VOR excluding that portion below 5,000 feet MSL which would coincide with the San Francisco, Calif., Warning Area (W-283), and excluding the portion which would coincide with the Hunter-Liggett, Calif., Restricted Area (R-285). It is also proposed to revoke the west alternates to Victor 27 and their associated control areas between Paso Robles and Salinas and between Salinas and Point Reyes.

2. VOR Federal airway No. 25 extends in part from Paso Robles, Calif., via Agnew, Calif., to Point Reyes, Calif. It is proposed to realign this segment of Victor 25 from the Paso Robles VOR via the intersection of the Paso Robles VOR 317° and the Salinas, Calif., VOR 147° True radials; Salinas VOR, including an east alternate from the Paso Robles VOR to the Salinas VOR via the intersection of the Paso Robles VOR 332° and the Salinas VOR 131° True radials; intersection of the Salinas VOR 310° and the Woodside, Calif., VOR 158° True radials; the Woodside VOR (latitude 37°23'34'' N., longitude 122°16'51'' W.); the San Francisco, Calif., terminal VOR; intersection of the San Francisco terminal VOR 304° and the Point Reyes, Calif., VOR 161° True radials; to the Point Reyes VOR, excluding the portions which would coincide with the Camp Roberts, Calif., Restricted Area (R-415) and the Fort Ord, Calif., Restricted Area (R-284). The control areas associated with this airway are so designatd that they would automatically conform to the modified airway. Accordingly, no action relating to control areas would be necessary.

3. VOR Federal airway No. 230 extends from Salinas, Calif., to Fresno, Calif. It is proposed to extend this airway and its associated control areas westward from the Salinas VOR to the intersection of the Salinas VOR 281° and the Big Sur, Calif., VOR 325° True radials, excluding the portion which would coincide with the Fort Ord, Calif., Restricted Area (R-284) and the portion below 5,000' which would coincide with the San Francisco, Calif., Warning Area (W-283).

4. VOR Federal airway No. 111 extends from the Salinas, Calif., VOR via the Salinas VOR 041° True radial to its intersection with the enroute radial of VOR Federal airway No. 107. It is proposed to extend this airway and its associated control areas southward from the Salinas VOR direct to the Big Sur, Calif., VOR, excluding the portion which would coincide with the Fort Ord, Calif., Restricted Area (R-284).

5. VOR Federal airway No. 137 extends in part from Salinas, Calif., to Oakland, Calif. It is proposed to revoke this segment of Victor 137 and its associated control areas.

6. VOR Federal airway No. 110 extends from the intersection of the Agnew, Calif., VOR 218° and the Salinas, Calif., VOR 319° True radials via the Agnew VOR to the intersection of the Agnew VOR 038° and the Modesto, Calif., VOR 273° True radials. It is proposed to revoke this airway and its associated control areas.

7. VOR Federal airway No. 6 extends in part from the intersection of the Salinas, Calif., VOR 319° and the Oakland, Calif., VOR 221° True radials to the Oakland, Calif., VOR. It is proposed to redesignate this segment of Victor 6 from the intersection of the Oakland VOR 221° and the Point Reyes, Calif., VOR 161° True radials to the Oakland VOR. The control areas associated with this airway are so designated that they would automatically conform to the modified airway. Accordingly, no action relating to control areas would be necessary.

8. The Monterey, Calif., control area extension (§ 601.1193) is designated as follows: The area bounded by a line 5 miles southeast of and parallel to the 241° True radial of the Salinas omnirange extending from the western boundary of VOR Federal airway No. 27 to a point at latitude 36°27'30'' N., longitude 121°52'30'' W., thence to a point 3 nautical miles offshore and 5 statute miles southeast of the southwest course of the Moffett, Calif., NAS radio range; thence in a northeasterly direction parallel to the southwest course of the Moffett NAS radio range to the western boundary of VOR Federal airway No. 27; thence southeasterly along the western boundary of VOR Federal airway No. 27 to the point of beginning, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Fort Ord Restricted Area (R-284) during this restricted area's time of designation. It is proposed to redesignate this control area extension as the area bounded on the north by VOR Federal airway No. 230, on the east by VOR Federal airway No. 111, on the south by a line south of, 5 miles from, and parallel to the Salinas, Calif., VOR 239° True radial, and on the west by VOR Federal airway No. 27, excluding the portion which would coincide with the Fort Ord, Calif., Restricted Area (R-284).

9. The Oakland, Calif., control area extension (§ 601.1165) is designated as follows: The area southeast of Oakland bounded on the southwest by VOR Federal airway No. 137, on the southeast by VOR Federal airway No. 110 and on the north by VOR Federal airway No. 28. It is proposed to revoke this control area extension.

10. It is proposed to designate the San Jose, Calif., control area extension to include the area bounded on the northeast by VOR Federal airway No. 107, on the southeast by VOR Federal airway No. 111, on the south by VOR Federal airway No. 230, on the southwest by VOR Federal airway No. 27 and on the northwest by the southeastern boundary of the San Francisco, Calif., control area extension (§ 601.1113).

11. The following Domestic VOR reporting points would be designated: Big Sur, Calif., VOR. Point Ano intersection (the intersection of the Point Reyes, Calif., VOR 161° and the Woodside, Calif., 203° True radials). Woodside, Calif., VOR.

12. The Stinson Beach, Calif., Domestic VOR reporting point would be redesignated as follows: Stinson Beach Intersection: The intersection of the Point Reyes, Calif., VOR 161° and the San Francisco TVOR 304° True radials.

13. The following Domestic VOR reporting points would be revoked:

Benito, Calif., Intersection.
Campbell, Calif., Intersection.

Davenport, Calif., Intersection.
Mount Hamilton, Calif., Intersection.
Saratoga, Calif., Intersection.

To accomplish items 1 and 3 above, it would be necessary to modify the San Francisco, Calif., Warning Area (W-283) by establishing a ceiling of 5,000 feet MSL on that portion which would coincide with the proposed alignment of Victor 27 and Victor 230. This modification will be proposed separately in accordance with established non-rule making procedures.

The modification of airways proposed herein would improve air traffic management by providing an additional airway between Los Angeles, Calif., and San Francisco, Calif., and would provide better navigational guidance along the airways by the utilization of additional navigational facilities. Realignment of Victor 25 would reroute traffic around NAS Moffett and San Jose and would result in more expeditious movement of traffic at these airports. Designation of an east alternate to Victor 25 would expedite the movement of local traffic between Monterey and Paso Robles. Victor 111 and 230 would be used for transition between Victor 25 and Victor 27. With the realignment of Victor 27, it would be necessary to redescribe and realign Victor 6 from Oakland westward to Victor 27. When Victor 25 and 27 are realigned, the above segments of Victor 110 and 137 and the Agnew, Calif., VOR would no longer be required for air traffic management purposes. These segments of airways would be revoked and the VOR would be decommissioned. Realignment of Victor 25 and 27, redesignation of Victor 111 and 230 and revocation of Victor 110 and 137 would require redesignation of the Monterey control area extension. The San Jose control area extension would be designated in order to retain control area which would otherwise be relocated by the realignment of associated airways. The Oakland control area extension would be revoked because it is encompassed within control areas associated with airways. Revocation of the Oakland control area extension, redesignation of the Monterey control area extension and designation of the San Jose control area extension would result in a slight increase in control area. Realignment of Victor 27 as proposed would result in a conflict with the San Francisco Warning Area W-283. This conflict would be resolved by placing a 5000' MSL ceiling on the portion of the warning area involved and a floor on the portion of VOR Federal airway No. 27 which would overlie the warning area.

If these actions are taken, the Federal airways and control areas described below would be designated, modified or revoked as follows:

1. The segment of VOR Federal airway No. 27 under consideration would be redesignated from the San Luis Obispo, Calif., VOR via the intersection of the San Luis Obispo VOR 308° and the Big Sur, Calif., VOR 157° True radials; the Big Sur VOR; intersection of the Big Sur VOR 325° and the Point Reyes, Calif., VOR 161° True radials; to the Point Reyes VOR, excluding that portion below 5,000 feet MSL which would coincide with the San Francisco, Calif., Warning Area (W-283); and excluding the portion which would coincide with the Hunter-Liggett, Calif., Restricted Area (R-285).

2. The segment of VOR Federal airway No. 25 under consideration, would be redesignated from the Paso Robles, Calif., VOR via the intersection of the Paso Robles VOR 317° and the Salinas, Calif., VOR 147° True radials; the Salinas VOR, including an east alternate from the Paso Robles VOR to the Salinas VOR via the intersection of the Paso Robles VOR 332° and the Salinas VOR 131° True radials; intersection of the Salinas VOR 310° and the Woodside, Calif., VOR 158° True radials; the Woodside VOR; the San Francisco, Calif., terminal VOR; intersection of the San Francisco terminal VOR 304° and the Point Reyes, Calif., VOR 161° True radials; to the Point Reyes VOR, excluding the portions which would coincide with the Camp Roberts, Calif., Restricted Area (R-415) and the Fort Ord, Calif., Restricted Area (R-284).

3. The segment of VOR Federal airway No. 230 under consideration and its associated control areas would be designated from the intersection of the Big Sur, Calif., VOR 325° and the Salinas, Calif., VOR 281° True radials to the Salinas VOR, excluding the portion which would coincide with the Fort Ord, Calif., Restricted Area (R-284) and the portion below 5,000 feet MSL which would coincide with the San Francisco, Calif., Warning Area (W-283).

4. The segment of VOR Federal airway No. 111 under consideration and its associated control areas would be designated from the Big Sur, Calif., VOR direct to the Salinas, Calif., VOR, excluding the portion which would coincide with the Fort Ord, Calif., Restricted Area (R-284).

5. The segment of VOR Federal airway No. 137 from the Salinas, Calif., VOR to the Oakland, Calif., VOR and its associated control areas would be revoked.

6. VOR Federal airway No. 110 and its associated control areas would be revoked.

7. The segment of VOR Federal airway No. 6 under consideration would be redesignated from the intersection of the Oakland, Calif., VOR 221° and the Point Reyes, Calif., VOR 161° True radials to the Oakland VOR.

8. The Monterey, Calif., control area extension (§ 601.1193) would be redesignated as the area bounded on the north by VOR Federal airway No. 230, on the east by VOR Federal airway No. 111, on the south by a line south of, 5 miles from and parallel to the Salinas, Calif., VOR 239° True radial, and on the west by VOR Federal airway No. 27, excluding the portion which would coincide with the Fort Ord, Calif., Restricted Area (R-284).

9. The Oakland, Calif., control area extension (§ 601.1165) would be revoked.

10. The San Jose, Calif., control area extension would be designated as the area bounded on the northeast by VOR Federal airway No. 107, on the southeast by VOR Federal airway No. 111, on the south by VOR Federal airway No. 230, on the southwest by VOR Federal airway No. 27 and on the northwest by the San Francisco, Calif., control area extension (§ 601.1113).

11. The following Domestic VOR reporting points would be designated: Big Sur, Calif., VOR. Point Ano Intersection: The intersection of the Point Reyes, Calif., VOR 161° True and the Woodside, Calif., 203° True radials. Woodside, Calif., VOR.

12. The Stinson Beach, Calif., Domestic VOR reporting point would be redesignated as follows: Stinson Beach Intersection: The intersection of the Point Reyes, Calif., VOR 161° True and the San Francisco TVOR 304° True radials.

13. The following Domestic VOR reporting points would be revoked:

Benito, Calif., Intersection.
Campbell, Calif., Intersection.
Davenport, Calif., Intersection.
Mount Hamilton, Calif., Intersection.
Saratoga, Calif., Intersection.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6504; Filed, July 13, 1960; 8:45 a.m.]

[14 CFR Parts 600, 608]

[Airspace Docket No. 60-NY-67]

FEDERAL AIRWAYS AND RESTRICTED AREAS

Designation of Restricted Area/Military Climb Corridor Modification of Federal Airways

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6003, 600.6039, 600.6471 and 608.27 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a Restricted Area/Military Climb Corridor at Dow AFB, Bangor, Maine. The military climb corridor, designated as a restricted area, would be used by the high-speed, high-rate-of-climb Century Series air defense aircraft while departing from the airbase on active air defense missions. The restricted area would provide protection for high-speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. The proposed restricted area/military climb corridor would extend along the 312° True radial of the Dow AFB TACAN (latitude 44°48'45" N., longitude 68°50'29" W.), from 8.2 statute miles northwest of the TACAN to 35.2 statute miles northwest of the TACAN having a width of 2 statute miles at the beginning and a width of 5 statute miles at the outer extremity. The lower altitude limits in graduated steps would extend from 2,200 feet MSL to 19,200 feet MSL. The upper altitude limits would extend from 15,200 feet MSL to 27,000 feet MSL. The controlling agency would be the Dow AFB Approach Control. The controlling agency would authorize aircraft to operate within the climb corridor when not in use by active air defense aircraft.

Concurrently with the proposed designation of the Restricted Area/Military Climb Corridor at Dow AFB, the Federal Aviation Agency is considering modification of the following designated VOR Federal airway segment; Victor 3 from Bangor to Houlton, Maine, Victor 39 from Augusta, Maine, to Millinocket, Maine, and Victor 471 from Bangor to Millinocket. It is proposed to realign these airway segments as follows: Victor 3 from the Bangor VOR to the Houlton VOR via the intersection of the Bangor VOR 039° and the Houlton 203° True radials; Victor 39 from Augusta VOR via the intersection of the Augusta VOR 020° and the Millinocket VOR 233° True radials, to the Millinocket VOR; Victor 471 from the Bangor VOR direct to the Millinocket VOR. These modifications would permit optimum use of altitudes on the airway segments for arrival, departure and en route aircraft while the climb corridor is in use. The control areas associated with Victor 3, Victor 39 and Victor 471 are so designated that they would automatically conform to the modified airways. Accordingly, no amendment to such control areas would be necessary.

If these actions are taken, the Bangor, Maine (Dow AFB) Restricted Area/Military Climb Corridor (R-4) (Lewiston Chart) would be designated as follows:

Description. That area centered on the 312° True radial of the Dow AFB TACAN, beginning 8.2 statute miles northwest of the TACAN and extending 35.2 statute miles northwest of the TACAN, having a width of 2 statute miles at the beginning and 5 statute miles at the outer extremity.

Designated altitudes.
2,200' MSL to 15,200' MSL from 8.2 statute miles northwest of the TACAN to 9.2 statute miles northwest of the TACAN.
2,200' MSL to 24,200' MSL from 9.2 to 10.2 statute miles northwest of the TACAN.
2,200' MSL to 27,000' MSL from 10.2 to 13.2 statute miles northwest of the TACAN.
6,200' MSL to 27,000' MSL from 13.2 to 18.2 statute miles northwest of the TACAN.
10,200' MSL to 27,000' MSL from 18.2 to 23.2 statute miles northwest of the TACAN.
15,200' MSL to 27,000' MSL from 23.2 to 28.2 statute miles northwest of the TACAN.
19,200' MSL to 27,000' MSL from 28.2 to 35.2 statute miles northwest of the TACAN.

Time of use. Continuous.

Controlling Agency. Dow AFB, Maine, Approach Control.

The segment of VOR Federal airway No. 3 from Bangor, Maine, to Houlton, Maine, would be redesignated via the intersection of the Bangor VOR 039° and the Houlton VOR 203° True radials. The segment of VOR Federal airway No. 39 from Augusta, Maine, to Millinocket, Maine, would be redesignated via the intersection of the Augusta VOR 020° and the Millinocket VOR 233° True radials. The segment of VOR Federal airway No. 471 from Bangor, Maine, to Millinocket, Maine, would be redesignated direct station to station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviaton Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6507; Filed, July 13, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-35]

CONTROL AREAS

Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1285 of the regulations of the Administrator, the substance of which is stated below.

The present Shreveport, La., control area extension is designated as the airspace within a 40-nautical mile radius of the Barksdale Air Force Base, Shreveport, La., including the airspace northeast of Shreveport bounded on the west by VOR Federal airway No. 13, on the north by VOR Federal airway No. 16 south, on the northeast by a line extending through points of latitude 33°01'00" N., longitude 93°05'00" W., and latitude 33°30'00" N., longitude 93°33'00" W., and on the south and east by VOR Federal airway No. 69; the airspace northwest of Shreveport bounded on the east by VOR Federal airway No. 13, on the northwest by VOR Federal airway No. 289 and on the south by VOR Federal airway No. 114 north. The Federal Aviation Agency has under consideration modifying this control area extension by adding controlled area southeast of Barksdale AFB to provide protection for aircraft arriving the AFB using the 151° True radial of the TVOR, the 123° and 154° True radials of the TACAN and to provide protection for aircraft departing the AFB using the 103°, 118° and the 133° True radials of the TVOR.

If this action is taken, the Shreveport control area extension would be redesignated within the area bounded by a line beginning at a point on the southern boundary of VOR Federal airway No. 278 at latitude 33°26'20" N., longitude 93°29'30" W.; thence southeast to a point on the southern boundary of VOR Federal airway No. 18 at latitude 32°27'50" N., longitude 92°33'00" W.; thence east along the southern boundary of Victor 18 to intersect a line 5 miles southeast of, and parallel to, the 237° True radial of the Monroe, La., VOR; thence southwest via this line to its intersection with the northeast boundary of VOR Federal airway No. 114; thence northwestward along the northeastern boundary of Victor 114 to its intersection with the eastern boundary of VOR Federal airway No. 289; thence northward along the eastern boundary of Victor 289 to its intersection with the southern boundary of Victor 278; thence eastward

along the southern boundary of Victor 278 to the point of beginning.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6500; Filed, July 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-4]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2004 of the regulations of the Administrator, the substance of which is stated below.

The Bangor, Maine, control zone is presently designated within a 5-mile radius of the Dow AFB, within 2 miles either side of the northwest course of the Bangor radio range extending from the radio range station to the East Corinth fan marker, within 2 miles either side of a line bearing 314° True extending from Dow AFB to a point 15 miles northwest of the Air Force Base, and within 2 miles either side of a line bearing 356° True extending from Dow AFB to a point 10 miles north of the Bangor VOR and within 2 miles either side of the extended centerline of Runway 15/33 extending to a point 10 miles southeast of the end of the runway.

The Federal Aviation Agency has under consideration the following modifications to the Bangor control zone:

1. Revoke the control zone extension based on a line bearing 356° True from the Dow AFB. The instrument procedures based on the 356° True bearing of the radio range have been canceled; therefore, this control zone extension is no longer required.

2. Modify the extension based on the northwest course of the Bangor radio range to terminate 12 miles northwest of the radio range station. This modification would shorten this extension and still provide sufficient protection for aircraft executing instrument approaches based on the Bangor radio range northwest course.

3. Revoke the extension based on the 314° True bearing from the Dow AFB and designate an extension within 2 miles either side of the 136° True bearing from the Dow radio beacon to extend from the 5-mile radius zone to the radio beacon. The Bangor radio beacon standard ADF instrument approach is being revised to eliminate any requirement based on this approach for control zone extension northwest of the radio beacon.

4. Designate an extension based on the 321° True radial of the relocated Bangor VOR extending from the 5-mile radius zone to 12 miles northwest of the VOR. This extension would provide protection for aircraft executing instrument approaches based on the Bangor VOR.

If these actions are taken, the Bangor, Maine, control zone would be designated within the 5-mile radius of the Dow AFB (latitude 44°48'20" N., longitude 68°49'32" W.), within 2 miles either side of the extended centerline of Runway 15/33 extending to a point 10 miles southeast of the end of the runway, within 2 miles either side of the 136° True bearing from the Bangor radio beacon extending from the 5-mile radius zone to the radio beacon, within 2 miles either side of the 321° True radial of the Bangor VOR extending from the 5-mile radius zone to 12 miles northwest of the VOR and within 2 miles either side of the northwest course of the Bangor radio range extending from the 5-mile radius zone to 12 miles northwest of the radio range station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6506; Filed, July 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-169]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2202 of the regulations of the Administrator, the substance of which is stated below.

The Philadelphia, Pa., control zone (§ 601.2202), is presently designated within a 5-mile radius of the North Philadelphia Airport extending 2 miles either side of the northeast course of the North Philadelphia radio range to 10 miles northeast of the radio range station. The Federal Aviation Agency has under consideration modification of this control zone. A review of the published instrument approach procedures for the North Philadelphia Airport indicates that an additional extension of the zone to the northeast is required to provide protection for aircraft executing VOR standard instrument approaches based on the North Philadelphia VOR, and that the present northeast extension based on the radio range should be increased in length. The control zone would be further modified to exclude that portion which coincides with the Willow Grove, Pa., control zone. In addition, the name would be changed to the North Philadelphia, Pa., control zone in order to more accurately denote its geographical location.

If this action is taken, the North Philadelphia, Pa., control zone would be designated within a 5-mile radius of the North Philadelphia Airport (latitude 40°04'45" N., longitude 75°00'35" W.); within 2 miles either side of the North Philadelphia VOR 039° True radial, extending from the 5-mile radius zone to 12 miles northeast of the VOR; and within 2 miles either side of the northeast course of the North Philadelphia radio range, extending from the 5-mile radius zone to 12 miles northeast of the radio range, excluding the portion which would coincide with the Willow Grove, Pa., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued at Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6502; Filed, July 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-170]

CONTROL ZONES

Modification and Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2246 of the regulations of the Administrator, the substance of which is stated below.

The Oklahoma City, Okla., control zone is designated within a 5-mile radius of Will Rogers Municipal Airport including extensions to the north, south, west and northwest; within a 5-mile radius of Tulakes Airport including an extension to the southwest; within a 5-mile radius of Tinker Air Force Base including extensions to the north and south, and including an extension between Will Rogers Municipal Airport and Tinker AFB. The Federal Aviation Agency has under consideration modification of this control zone by redesignating it into two separate control zones, one to include Will Rogers Municipal Airport and Tulakes Airport, and the other to include Tinker AFB. In addition, the south and northwest control zone extensions serving Will Rogers Municipal Airport would be reduced in length. The north control zone extension serving Tinker AFB would be reduced in length and width. The south control zone extension serving Tinker AFB would be reduced in width, however, it would be increased in length by approximately 3 miles. The control zone extension between Will Rogers Municipal Airport and Tinker AFB would be revoked.

The instrument approach procedure to Will Rogers Municipal Airport from the east and to Tinker AFB from the west have been cancelled. The remaining standard instrument approach procedures to airports in the Oklahoma City area are being revised to reduce control zone requirements in this area. The modifications proposed herein would provide protection for aircraft executing standard instrument approaches to Will Rogers Municipal Airport, Tinker AFB and Tulakes Airport. In addition, the Tinker AFB portion of this control zone would be designated as the Tinker AFB control zone to more accurately denote its geographical location and to take advantage of the local weather reporting service separately available at Tinker AFB.

If these actions are taken, the Oklahoma City, Okla., control zone and the Tinker AFB control zone would be designated as follows:

Oklahoma City, Okla., control zone. Within a 5-mile radius of Will Rogers Municipal Airport (latitude 35°23'43" N., longitude 97°36'31" W.), including the area 2 miles either side of the north course of the ILS localizer, extending from the 5-mile radius zone to 5 miles north of the Tulakes nondirectional radio beacon; within 2 miles either side of the south course of the ILS localizer extending from the 5-mile radius zone to the outer marker; within 2 miles either side of the west course of the Oklahoma City radio range extending from the 5-mile radius zone to the Mustang fan marker; within 2 miles either side of the 107° True radial of the Oklahoma City VOR extending from the 5-mile radius zone to the VOR; within a 5-mile radius of Tulakes Airport (latitude 35°31'45" N., longitude 97°38'30" W.), including the area within 2 miles either side of the 050° True radial of the Oklahoma City VOR, extending from the 5-mile radius zone to the VOR.

Tinker Air Force Base, Okla., control zone. Within a 5-mile radius of Tinker AFB (latitude 35°25'37" N., longitude 97°23'11" W.), including the airspace from 2 miles west of the 360° True radial of the Tinker AFB VOR to 2 miles east of the 006° True radial of the Tinker AFB TACAN (latitude 35°24'56" N., longitude 97°23'07" W.), extending from the 5-mile radius zone to the Spencer fan marker, and from 2 miles west of the 180° True radial of the Tinker AFB VOR to 2 miles east of the 175° True radial of the Tinker AFB TACAN extending from the 5-mile radius zone to 12 miles south of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6501; Filed, July 13, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-EC-28]

CONTROL ZONES AND CONTROL AREAS

Modification of Control Zone and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.2336 and 601.1338 of the regulations of the Administrator, the substance of which is stated below.

The Green Bay, Wis., control zone is presently designated within a 5-mile radius of the Austin-Straubel Airport, and within 2 miles either side of the 322° True radial of the Green Bay VOR extending from the 5-mile radius zone to a point 10 miles northwest of the VOR. The Green Bay, Wis., control area extension is presently designated within a 15-mile radius of the Green Bay VOR and within 5 miles either side of the 322° True radial of the VOR extending from the VOR to 20 miles northwest. The

Federal Aviation Agency has under consideration the following modifications:

1. Redesignating the northwest control zone extension 2 miles either side of the 146° True radial of the VOR extending from the 5-mile radius zone to the VOR. The instrument approach procedure based on the VOR has been revised to eliminate the requirement for control zone extension northwest of the VOR.

2. Designate a control zone extension within 2 miles either side of the 059° True bearing from the Austin-Straubel radio beacon (latitude 44°26'27" N., longitude 88°14'24" W.), extending from the 5-mile radius zone to the radio beacon to provide protection for aircraft executing the presently prescribed ADF standard instrument approach.

3. Redesignate the present control area extension within a 15-mile radius of the Austin-Straubel Airport; within 5 miles either side of the Green Bay VOR 326° True radial extending from the 15-mile radius area to 15 miles northwest of the VOR; and within 5 miles either side of the 239° True bearing from the Green Bay radio beacon, extending from the 15-mile radius area to 15 miles southwest of the radio beacon. This would center the control area on the Austin-Straubel Airport rather than on the Green Bay, VORTAC, thereby more adequately serving Austin-Straubel Airport IFR operations.

If this action is taken, the Green Bay, Wis., control zone would be designated within a 5-mile radius of the Austin-Straubel Airport (latitude 44°29'17" N., longitude 88°07'50" W.); within 2 miles either side of the 146° True radial of the Green Bay VOR, extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the 059° True bearing from the Green Bay radio beacon, extending from the 5-mile radius zone to the radio beacon. The Green Bay, Wis., control area extension would be designated within a 15-mile radius of the Austin-Straubel Airport; within 5 miles either side of the 326° True radial of the Green Bay VOR, extending from the 15-mile radius area to 15 miles northwest of the VOR; and within 5 miles either side of the 239° True bearing from the Green Bay radio beacon, extending from the 15-mile radius area to 15 miles southwest of the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6503; Filed, July 13, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-171]

CODED JET ROUTES

Establishment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the establishment of VOR/VORTAC Jet Route No. 101 from Houston, Tex., to Chicago, Ill., via the Lufkin, Tex., VOR; Shreveport, La., VORTAC; Flippin, Ark., VOR; St. Louis, Mo., VORTAC; Springfield, Ill., VOR; intersection of the Springfield VOR 036° and the Joliet, Ill., VORTAC 205° True radials; Joliet VORTAC; to the Northbrook, Ill., VOR. The establishment of this jet route will facilitate flight planning and air traffic management by providing a single jet route for air traffic between Houston and Chicago.

If this action is taken, VOR/VORTAC jet route No. 101 would be established from Houston, Tex., to Chicago, Ill., via Lufkin, Tex., Shreveport, La., Flippin, Ark., St. Louis, Mo., Springfield, Ill., intersection of the Springfield VOR 036° and the Joliet, Ill., VORTAC 205° True radials, Joliet, Ill., to Northbrook, Ill.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 7, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6499; Filed, July 13, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number A. 050813 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for use as the King Salmon Outer Marker Air Navigation aid facility.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operation Office, Cordova Building, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KING SALMON AREA

SEWARD MERIDIAN.

T. 17 S., R. 45 W., Sec. 6: N½SE¼NE¼NW¼.

Containing 5 acres.

L. T. MAIN,
Operations Supervisor.

[F.R. Doc. 60-6520; Filed, July 13, 1960; 8:47 a.m.]

[BLM 051062]

ARKANSAS

Notice of Proposed Withdrawal and Reservation of Minerals

JULY 8, 1960.

The Forest Service, Department of Agriculture, has filed an application for the withdrawal of the lands, within the Ouachita National Forest, hereafter described, from the United States Mining and Mineral Leasing Laws, subject to valid existing rights.

The land is in the Dutch Creek Mountain Scenic Area and the withdrawal from mineral entry is needed so that it may remain in public ownership for the enjoyment of our people and for scientific purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

A determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

FIFTH PRINCIPAL MERIDIAN, ARKANSAS

T. 3 N., R. 26 W.,
Sec. 1, S½NW¼, SW¼, W½SW¼SE¼.
Sec. 2, SE¼NE¼, E½NE¼SE¼.

The area described contains 320.50 acres.

H. K. SCHOLL,
Manager,
Eastern States Land Office.

[F.R. Doc. 60-6510; Filed, July 13, 1960; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 6, 1960.

The Bureau of Sport Fisheries and Wildlife, United States Department of the Interior, has filed an application, Serial Number Sacramento 062537, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws, nor the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U.S.C. 1185), as amended, subject to valid existing rights. The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations. The applicant desires the land be reserved in public ownership under the jurisdiction of the Department of the Interior for use by the Department of Fish and Game, State of California, as the Weitchpec Fishing Access for the preservation of recreational values and access to the water of the Klamath River.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

HUMBOLDT MERIDIAN

T. 9 N., R. 4 E.,
Sec. 1: Lot 1.

The area described aggregates 40.89 acres in Humboldt County.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 60-6511; Filed, July 13, 1960; 8:48 a.m.]

Fish and Wildlife Service

ADMINISTRATION; PERSONNEL

Delegations of Authority

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements herein set forth apply as a portion of the directives system of the Bureau of Commercial Fisheries. Such material follows the format of the Bureau's manual and is to be included therein. Material that relates solely to internal management has not been included.

SERIES 2000—ADMINISTRATION

TITLE 2300—PERSONNEL

Chapter 2310—Policy and Delegations of Authority

2311.2 *General delegation.* The Assistant Director, Chief, Division of Administration, and Regional and Area Directors and such others as are specified in this delegation are severally authorized, unless specifically excepted, to the extent stated in each case, or in Sec. 2311.6, Limitations, to exercise the authority of the Director with respect to the administrative matters listed herein.

2311.3 *Personnel management.* To the extent stated below, exercise the authority of the Director (Secretary's Order No. 2803, amendment No. 1, dated December 22, 1950) with respect to personnel management, including but not limited to (1) appointments, (2) changes, (3) position classification, pay and wage administration, (4) separations, (5) designation of persons to administer oaths, (6) travel and transportation expenses incident to transfer, appointment or death, and (7) designation of employees who are authorized to enforce the Federal laws administered by the Bureau of Commercial Fisheries and who may administer oaths, affirmations, and affidavits in connection with such duties.

A. The following are the specific delegations for personnel management:

(1) *Headquarters Office.* Assistant Director, Chief, Division of Administration, all of the authority stated herein.

(2) *Regional office, Region 1.* Regional Director, all of the authority stated with respect to classified positions through Grade GS-13 and all ungraded positions.

(3) *Regional offices, Regions 2–5, inclusive.* Regional Directors, all of the authority stated herein with respect to classified positions through Grade GS–12 and all ungraded positions.

(4) *Area offices.* Area Directors, all of the authority stated herein with respect to classified positions through Grade GS–12 and all ungraded positions.

B. The authority delegated herein does not include:

(1) Authority to grant allowances to employees stationed in foreign areas.

(2) Authority to approve basic labor agreements, or amendments, or terminations of such agreements negotiated between the Bureau or an organizational element thereof and labor organizations representing employees of the Bureau.

(3) Authority to approve actions involving positions as follows:

(a) Positions for which the President or the Secretary alone has appointing authority by statute or Executive order. This includes appointments under section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160).

(b) Associate, deputy, and assistant heads of bureaus or equivalent.

(c) Schedule C positions.

(d) Positions for which the rate of pay is equal to that for Grade GS–16 or above.

(e) Positions as provided for under Public Law 313, 80th Congress, as amended (373 DM 1.3G).

(f) Principal officers reporting directly to the heads or assistant heads of bureaus or offices.

(g) Chiefs of field installations in grade GS–14 and above, Regional and Assistant Regional or Area Directors.

(h) Any position designated by the Secretary or the Administrative Assistant Secretary.

(i) Consultants and experts as covered by 379 DM 17.

(j) Hearing examiners.

(k) Positions requiring the incumbent to be headquartered in foreign countries.

2311.4 *Evacuation of employees' families.* Designate or approve the zones from which the immediate families of civilian employees should be evacuated for military or other causes which create imminent danger to life or property, or adverse living conditions seriously affecting the health, safety, or accommodations of such families; and the payment of travel and transportation expenses to locations designated by the said employees or, if such be impossible or impracticable, to locations designated by their immediate families, pursuant to subsection (d) of Section 1 of the Act of August 2, 1946, as amended (5 U.S.C. 73b–1d); (Secretary's Order No. 2634, dated May 17, 1951): *Provided*, That no evacuation shall be authorized or approved for military purposes without orders from the military authorities in charge of the area or place where the families are living: *Provided further*, That no evacuation shall be authorized or approved for nonmilitary purposes unless such action is fully justified by the circumstances including, but not limited to, fires, floods, epidemics, earthquakes, or circumstances considered "acts of God."

2311.5 Redelegation. A. The foregoing authorities may be redelegated, in writing, as specified.

(1) The Chief, Division of Administration, may redelegate to the Chief, Branch of Personnel Management, the authorities contained in section 2311.3 with authority to redelegate to the Assistant Personnel Officer (Compensation and Labor Relations) authority for position classification, pay and wage administration.

(2) Regional and Area Directors may redelegate:

(a) To their Assistant Regional Directors and their Chiefs, Division of Administrative Services, and the Area Director may redelegate to the Administrative Officer, California Area, authorities contained in section 2311.3 with authority to redelegate to the Regional or Area Personnel Officer.

(b) To station chiefs and program leaders all of the authority stated herein with respect to temporary positions with employment tenures not exceeding six months for which the use of Form DI–353, Notice of Short-term Employment, is authorized.

(3) The Regional Director, Region 1, is authorized to redelegate the authority contained in section 2311.3 to:

(a) The Director of Personnel, Consolidated Administrative Services, Department of the Interior, Portland, Oregon, with authority to that official to redelegate his authority to members of his staff.

(b) The Program Director, Marine Mammal Resources, with authority to redelegate to the General Manager, Pribilof Islands, with authority to redelegate to the Manager, St. Paul Island, and Manager, St. George Island, all of the authority stated herein with respect to resident Aleut natives and nonresident Aleut natives enrolled for duty on the islands.

(4) The Area Director, California Area, is authorized to redelegate the authority contained in section 2311.3 to the Director of Personnel, Consolidated Administrative Services, Department of the Interior, Portland, Oregon, with authority to that official to redelegate his authority to members of his staff.

B. The foregoing authority may not be further redelegated.

2311.6 *Limitations.* The foregoing authorities shall be exercised in strict conformity with applicable statutory requirements, policies, and administrative procedures, and subject to availability of funds.

2311.7 *Revocation.* Director's Order No. 3, revised, dated May 15, 1959 (24 F.R. 4565), is hereby rescinded.

(Commissioner's Order No. 3 (22 F.R. 8126))

DONALD L. MCKERNAN,
Director.

[F.R. Doc. 60–6548; Filed, July 13, 1960; 8:51 a.m.]

Office of the Secretary

OUTER CONTINENTAL SHELF; ATLANTIC COAST AREA

Geological and Geophysical Explorations

Notice is hereby given that the Department of the Interior has received applications from private corporations for authorization, pursuant to section 11 of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 469), to conduct geological and geophysical explorations in that part of the outer Continental Shelf seaward of the Atlantic Coast States north of Florida. Section 11 of the said Act provides as follows:

SEC. 11. *Geological and Geophysical Explorations.* Any agency of the United States and any person authorised by the Secretary may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this Act, and which are not unduly harmful to aquatic life in such area.

It is proposed to issue a general authorization by publication in the FEDERAL REGISTER, in form as set forth below. Interested persons may submit written comments, suggestions, or objections with respect to the proposed authorization to the Director, United States Geological Survey, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 1, 1960.

ELMER F. BENNETT,
Under Secretary of the Interior.

Applications have been received for the conduct of geological and geophysical explorations in that part of the outer Continental Shelf off the Atlantic Coast.

Notice is hereby given that any person, as defined in section 2(d) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462) is hereby authorized to conduct geological and geophysical explorations in that part of the outer Continental Shelf seaward of the submerged lands of any State bordering on the Atlantic Coast (except Florida) upon condition (1) that he obtain a permit for such operations from the Regional Oil and Gas Supervisor of the United States Geological Survey, Washington 25, D.C., (2) that his operations shall be confined to such area or areas as may be designated in the permit, and (3) that for the protection and conservation of aquatic life he files with the said Regional Oil and Gas Supervisor his stipulation agreeing to comply with such requirements governing the methods of and restrictions upon geological and geophysical explorations in the designated area or areas as are acceptable to the Regional Oil and Gas Supervisor.

This general authorization to conduct geological and geophysical explorations does not include the right to conduct core or other exploratory drilling and is subject to termination upon not less than 60 days' notice published in the FEDERAL REGISTER. The authorization may be terminated as to any person upon reasonable notice. Any party conducting this type of exploration obtains no preference to an oil gas lease.

[F.R. Doc. 60–6512; Filed, July 13, 1960; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 648.3]

BICYCLES FROM CZECHOSLOVAKIA

Determination of Sales at Less Than Fair Value

JULY 7, 1960.

A complaint was received that bicycles from Czechoslovakia were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that bicycles from Czechoslovakia are being, and are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

Statement of reasons. In computing purchase price, deductions were made for ocean freight, insurance, and inland freight.

It was determined that the proper fair value comparison is between purchase price and either home market price or constructed value.

It was found that purchase price is lower than either home market price or constructed value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60–6533; Filed, July 13, 1960; 8:49 a.m.]

[Treasury Department Order 187]

ACTING COMMISSIONER OF THE PUBLIC DEBT

Delegation of Authority

By virtue of authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, Donald M. Merritt, Assistant Commissioner of the Public Debt, is hereby designated, effective as of the close of business on July 14, to serve as Acting Commissioner of the Public Debt.

Dated: July 11, 1960.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60–6532; Filed, July 13, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

Delegations of Authority

In order to provide for the execution of sight drafts in connection with Commodity Credit Corporation transactions, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

The Director or Acting Director of the Cotton Products and Export Operations Office at New York, New York, may sign Commodity Credit Corporation sight drafts issued in disbursement of capital funds of Commodity Credit Corporation.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Issued this 8th day of July 1960.

FOREST W. BEALL,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60–6549; Filed, July 13, 1960; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S–114]

GULF & SOUTH AMERICAN STEAMSHIP CO., INC.

Notice of Hearing

Notice is hereby given that, pursuant to section 606(1) of the Merchant Marine Act, 1936, as amended, and at the request of Gulf & South American Steamship Co., Inc., a public hearing will be held concerning the findings of the Federal Maritime Board with respect to applicable foreign-flag competition utilized in determining opreating-differential subsidy rates for maintenance "upkeep" and repairs and hull and machinery insurance for calendar year 1959 covering the service of Gulf & South American Steamship Co., Inc., on Trade Route No. 31.

The hearing will be conducted in accordance with the Board's rules of practice and procedure (46 CFR Part 201), by an examiner of the Board's Office of Hearing Examiners, at a time and place to be determined and announced by the Chief Examiner, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding, must file written notification thereof, in triplicate, with the Secretary, Federal Maritime Board, Washington 25, D.C., by the close of business on July 29, 1960, and should file petitions for leave to intervene in accordance with Rule 5(n) of the above rules (46 CFR 201.74).

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

JULY 11, 1960.

[F.R. Doc. 60–6504; Filed, July 13, 1960; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

THE NETHERLANDS

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by the Netherlands relating to the social insurance or pension system of such country, from which evidence it appears that the Netherlands has a social insurance or pension system of general application which pays periodic benefits or the actuarial equivalent thereof on account of old-age, retirement or death, but that under such system qualified citizens of the United States who are not citizens of the Netherlands and who leave the Netherlands are not permitted to receive such benefits or equivalent while outside that country without regard to the duration of their absence.

Accordingly, it is hereby determined and found that the Netherlands does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: June 30, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60–6526; Filed, July 13, 1960; 8:48 a.m.]

URUGUAY

Finding Regarding Foreign Social Insurance and Pension Systems

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retire-

ment, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Uruguay from which evidence it appears that Uruguay has a social insurance system which pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death, but that under such system qualified citizens of the United States who are not citizens of Uruguay and who leave Uruguay are not permitted to receive such benefits or equivalent while outside that country without regard to the duration of their absence.

Accordingly, it is hereby determined and found that Uruguay does not have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: July 8, 1960.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 60-6562; Filed, July 13, 1960; 8:54 a.m.]

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATION OF AUTHORITY

Surplus Property Utilization Program

1. Sections 2-249.20 and 2-249.30 of Part 2 of the Statement of Organization and Delegation of Authority are hereby amended by striking out the term "Regional Property Coordinator" wherever the same appears, both in the headings and the text of such sections, and substituting therefor the term "Regional Representative."

2. Section 2-249.30(h) of Part 2 of the Statement of Organization and Delegation of Authority is hereby further amended to read as follows:

(h) Each Regional Representative, with respect to the States within the jurisdiction of his region, is authorized, consistent with the policies and procedures set forth in applicable regulations of the Department, to approve State plans of operation and amendments thereto submitted by State Agencies for Surplus Property: *Provided, however,* That such authority shall not include the authority to disapprove a State plan, in whole or in part.

Dated: July 8, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-6561; Filed, July 13, 1960; 8:54 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-129]

WEST VIRGINIA UNIVERSITY

Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-58. The amendment authorizes West Virginia University to operate its nuclear reactor Model AGN-211, Serial No. 103 with a maximum of 0.36 percent excess reactivity loaded in the reactor with the experimental facilities empty and a maximum of 0.56 percent excess reactivity in the reactor with moderator or fuel in the experimental facilities, provided that the excess reactivity shall be determined at the temperature at which the reactor temperature switch is set. Previously, the license authorized operation of the reactor with a maximum of 0.35 percent excess reactivity loaded in the reactor with the experimental facilities empty and a maximum of 0.55 percent excess reactivity in the reactor with moderator or fuel in the experimental facilities. The Hazards Evaluation Branch of the Division of Licensing and Regulation has reviewed the proposed changes and concluded that operation of the reactor in accordance with the amended license will not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor. Accordingly, the Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see the application for license amendment submitted by West Virginia University on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 7th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-58; Amdt. 2]

Paragraph 4.B.(1) of License No. R-58, as amended, is hereby amended to read as follows:

4.B.(1) A maximum of 0.36 percent excess reactivity may be loaded in the reactor with the experimental facilities empty and a maximum of 0.56 percent excess reactivity may be loaded in the reactor with moderator or fuel in the experimental facilities. The excess reactivity loadings shall be determined at the temperature at which the reactor temperature switch is set.

This amendment is effective as of the date of issuance.

Date of issuance: July 7, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6494; Filed, July 13, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11216]

LINEAS AEREAS DE NICARAGUA, S.A.

Notice of Hearing

Notice is hereby given that the hearing to be held in the above-entitled proceeding is assigned to begin on August 3, 1960, at 10:00 a.m. e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., July 11, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-6551; Filed, July 13 1960; 8:51 a.m.]

[Docket 11278 etc.; Order No. E-15521]

NEW YORK-SAN JUAN CARGO RATES

Order of Investigation and Suspension

In the matter of New York-San Juan cargo rates investigation, Dockets 11278 et al., and Dockets 11520, 11522, and 11523.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July, 1960.

Allied Air Freight International Corp., in Docket 11520, and Transportation Corporation of America d/b/a Trans Caribbean Airways, in Docket 11522, have requested investigation and suspension of revised cargo rates filed and published on behalf of Pan American World Airways, Inc., on 62d Revised Page 38 and on 25th Revised Page 40-C of R. C. Lounsbury, Agent, Local and Joint International Air Cargo Tariff No. CS-8, C.A.B. No. 118. These revised pages, as well as subsequently filed 26th Revised Page 40-C of the same tariff, have all been rejected for failure to comply with the provisions of section 403 of the Federal Aviation Act of 1958 and the Board's regulations published as Part 221 of Title 14 of the Code of Federal Regulations. The complaint in Docket 11522, and that portion of the complaint in Docket 11520 which is directed to rates filed for Pan American, require no further consideration and will be dismissed on the procedural basis that the tariff material complained of has been rejected on other grounds.

Allied Air Freight, in Docket 11520, and Trans Caribbean, in Docket 11523, have each also requested investigation and suspension of revised cargo rates filed and published on the 13th Revised Page 6, 8th Revised Page 9, and 12th Revised Page 10 of Riddle Airlines, Inc. Local and Joint International Air Cargo Tariff No. 1, C.A.B. No. 7, to become effective July 9, 1960. The 12th Revised Page 10 of Riddle's filing has also been rejected and it is unnecessary to consider further the complaints as directed to the revisions there proposed; that portion of the complaints will also be dismissed on the procedural basis.

This leaves for consideration on the merits only those portions of the complaints directed to the revisions proposed in 13th Revised Page 6 and on 8th Revised Page 9 of Riddle's filing. We conclude that the revision on 8th Revised Page 9, which merely adds Commodity Group No. 75, need not be investigated since the rates for that group were on the rejected 12th Revised Page 10 and no rates are now filed for the Group No. 75.

The 13th Revised Page 6 proposes significant reductions in the general commodity rates and charges between San Juan and New York and Philadelphia. For example, the rate for shipments in minimum weights of 100 pounds would be reduced from $16.00 per hundred to $15.00 per hundred and a new southbound "directional" rate of $11.00 per hundred would be added for shipments in minimum weights of 3300 pounds whereas the present rate for such a shipment is $15.00 per hundred. These revisions should be investigated with the proceeding previously instituted designated Docket 11278. Furthermore, Pan American caused revisions to be filed and published in R. C. Lounsbury, Agent, Local and Joint Air Cargo Tariff No. C-NS-4, C.A.B. No. 298, on 6th Revised Page 22, 3d Revised Page 64, and 3d Revised Page 68, which became effective May 25, 1960, and which reduced general commodity rates between Baltimore, Philadelphia, and Washington, on the one hand, and San Juan, on the other; these revisions should also be investigated with Docket 11278.

Pending hearing and decision on the lawfulness of the tariff revisions filed by Riddle and of which investigation is herein instituted, the Board concludes it should suspend the operation of such tariff provisions and defer the use thereof. In 1959, the general commodity rate for shipments in minimum weights of 100 pounds in the New York-San Juan market was $20.00 per hundred pounds and the rate for shipments in minimum weights of 3300 pounds in the same market was $17.00 per hundred. In less than nine months the air carriers offering cargo service between the mainland and Puerto Rico have filed a series of revisions to their rates and charges culminating in the latest proposals. Allied Air Freight alleges that recent events demonstrate there now exist "the substantial beginnings of a dangerous rate war" and Trans Caribbean alleges that there is a "destructive cargo rate war."

The Board officially notices the passenger tariff proposals in these markets as are more fully discussed in the several orders issued recently in Docket 9523 et al.[1] There is no basis for concluding that operating costs for cargo traffic are declining at such a pace as to warrant further significant reductions in cargo rates at this time. The outward manifestations of a cargo "rate war" in progress are evident. Under all the circumstances we conclude that suspension action is appropriate. Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, and 1002 thereof, and section 6(d) of the Administrative Procedure Act:

It is ordered:

1. That the investigation designated Docket 11278 et al. is modified and expanded to determine also whether the general commodity rates and provisions applicable between Baltimore, Philadelphia, and Washington, on the one hand, and San Juan, on the other, as filed and published on 6th Revised Page 22, on 3d Revised Page 64, and on 3d Revised Page 68 to R. C. Lounsbury, Agent, Local and Joint Air Cargo Tariff No. C-NS-4, C.A.B. No. 298, including all revisions or reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and, if found to be unlawful, to determine and prescribe the lawful rates or charges thereafter to be demanded, charged, collected, or received.

2. That the investigation designated Docket 11278 et al. is further modified and expanded to determine also whether the general commodity rates and provisions applicable between New York and Philadelphia, on the one hand, and Arecibo, Mayaguez, Ponce, Ramey Field, and San Juan, on the other, as filed and published on 13th Revised Page 6 to Riddle Airlines, Inc. Local and Joint International Air Cargo Tariff No. 1, C.A.B. No. 7, including all revisions or reissues thereof, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and, if found to be unlawful, to determine and prescribe the lawful rates or charges thereafter to be demanded, charged, collected, or received.

3. That, pending hearing and decision on the lawfulness thereof, the rates and provisions between Arecibo, Mayaguez, Ponce, Ramey Field, and San Juan, P.R., on the one hand, and New York, N.Y., and Philadelphia, Pa., on the other, on 13th Revised Page 6 to Riddle Airlines, Inc. Local and Joint International Air Cargo Tariff, C.A.B. No. 7, are suspended and their use deferred to and including October 6, 1960.

4. That the complaint by Allied Air Freight International Corp. in Docket 11520 is dismissed except to the extent the relief requested is granted herein.

[1] We defer for later ruling Riddle's Motion to Consolidate Dockets 9523 et al. and 11278 et al. incorporated in its submittal on June 30, 1960, in these proceedings.

5. That the complaint by Transportation Corporation of America d/b/a Trans Caribbean Airways in Docket 11522 is dismissed and the complaint by Trans Caribbean in Docket 11523 is dismissed except to the extent the relief requested in Docket 11523 is granted herein.

6. That copies of this order be served upon Allied Air Freight International Corp., Transportation Corporation of America d/b/a Trans Caribbean Airways, The Commonwealth of Puerto Rico, Eastern Air Lines, Inc., Pan American World Airways, Inc., and Riddle Airlines, Inc., and a copy shall be filed with Riddle Airlines, Inc. Local and Joint International Air Cargo Tariff No. 1, C.A.B. No. 7.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-6552; Filed, July 13, 1960; 8:51 a.m.]

[Docket 8148; Order No. E-15524]

WASHINGTON-BALTIMORE ADEQUACY OF SERVICE INVESTIGATION

Order for Oral Argument

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July 1960.

By Order E-15162, dated April 29, 1960, the Board ordered additional air service in a number of Baltimore markets. Petitions for reconsideration and answers thereto have been filed by various parties. In view of the important and controversial matters raised in those documents, and in view of the fact that only two of the five Board Members who participated in the original decision are still with the Board, we have decided to hear oral argument on certain of the issues before ruling on the various pleadings now before us. Oral argument will be limited solely to the following issues:

1. Is there any legal deficiency in terms of notice or evidence with respect to the ten-a-day standard adopted by the Board for purposes of this proceeding? If so, what other standard, if any, may properly be adopted on the basis of the existing record?

2. Is there any legal deficiency in the method by which the Board has determined the quantity of traffic available in the various Baltimore markets?

3. Did the Board properly find that the burden is upon the carriers to demonstrate lack of economic feasibility for improved services?

4. Is there any legal defect in the standards or method used by the Board in selecting particular carriers to provide the additional services found required?

In order to hear argument on these issues and to rule on the petitions for reconsideration and other pleadings now before us, we find that it is in the public interest to stay the effectiveness of the Board's decision in this proceeding until

September 30, 1960: *Accordingly, it is ordered:*

1. That oral argument on the matters set forth above be held on July 28, 1960, at 10:00 a.m., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C.

2. That the effectiveness of Board Order E-15162, April 29, 1960, be and hereby is stayed until September 30, 1960: *Provided, however,* That Paragraph 6 of said order shall be effective on July 28, 1960, and the 20-day period specified therein shall commence on that date.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-6553; Filed, July 13, 1960; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13379, 13380; FCC 60M-1169]

THE BIBLE INSTITUTE OF LOS ANGELES, INC. (KBBI), AND BENJAMIN C. BROWN

Order Continuing Hearing

In re applications of the Bible Institute of Los Angeles, Incorporated (KBBI), Los Angeles, California, Docket No. 13379, File No. BMPH-5311; Benjamin C. Brown, Oceanside, California, Docket No. 13380, File No. BPH-2687; for construction permits (FM).

The Hearing Examiner having before him a request, filed by The Bible Institute of Los Angeles, Incorporated (KBBI), on July 1, 1960, that various dates in the above-captioned proceeding be continued; and

It appearing that all of the other parties to the proceeding have consented to the continuances requested but that some of the dates requested conflict with the Examiner's own calendar;

It is ordered, This 6th day of July 1960, that the Request for Continuance is granted to the extent indicated below:

Exchange date continued from July 5, 1960, to July 19, 1960;
Pre-Hearing Conference continued from July 12, 1960, to July 28, 1960;
Freeze of cases continued from July 19, 1960, to September 1, 1960;
Hearing date continued from July 21, 1960, to September 8, 1960;
Further Hearing date continued from July 28, 1960, to September 14, 1960.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6535; Filed, July 13, 1960; 8:50 a.m.]

[Docket No. 13547; FCC 60M-1178]

BUNKIE BROADCASTING CO.

Order Continuing Hearing

In re application of Charles T. Hook, tr/as Bunkie Broadcasting Co., Bunkie, Louisiana, Docket No. 13547, File No. BP-11214; for construction permit.

The Hearing Examiner having under consideration a motion filed June 16, 1960, by the applicant herein requesting that the date for the evidentiary hearing in the above-entitled proceeding be continued from July 29, 1960, to a date approximately 90 days later; and

It appearing that the reason for the requested continuance of the hearing date is the fact that additional time is needed in order to enable the applicant to obtain the information necessary to respond to the issues in this proceeding; and

It further appearing that there are no objections to the granting of the motion for the requested extension of time and good cause for the granting of the motion having been shown;

It is ordered, This the 6th day of July 1960, that the motion is granted and the date for the evidentiary hearing is continued from Friday, July 29, 1960, to Monday, October 24, 1960.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6536; Filed, July 13, 1960; 8:50 a.m.]

[Docket No. 13484; FCC 60M-1156]

CANANDAIGUA BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Canandaigua Broadcasting Company, Inc., Canandaigua, New York, Docket No. 13484, File No. BP-13031; for construction permit.

It is ordered, This 6th day of July 1960, due to the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, scheduled to commence on July 8, 1960, is hereby continued to July 18, 1960, at 9:00 a.m.

Released: July 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6538; Filed, July 13, 1960; 8:50 a.m.]

[Docket No. 13547; FCC 60M-1177]

BUNKIE BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Charles T. Hook, tr/as Bunkie Broadcasting Co., Bunkie, Louisiana, Docket No. 13547, File No. BP-11214; for construction permit.

A prehearing conference in the above-entitled proceeding will be held on Monday, September 12, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

The attention of the applicant is invited to the requirements of § 1.140 of the Commission's rules, the essential parts of which are set forth in the last paragraph of the Commission's order of June 1, 1960, released June 3, 1960, designating the above-entitled application for hearing.

It is so ordered, This the 6th day of July 1960.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6537; Filed, July 13, 1960; 8:50 a.m.]

[Docket Nos. 12433-12435; FCC 60M-1159]

E. ANTHONY & SONS, INC., ET AL.

Order Scheduling Hearing

In re applications of E. Anthony & Sons, Inc., New Bedford, Massachusetts, Docket No. 12433, File No. BPCT-2233; Eastern States Broadcasting Corp., New Bedford, Massachusetts, Docket No. 12434, File No. BPCT-2252; New England Television Company, Inc., New Bedford, Massachusetts, Docket No. 12435, File No. BPCT-2425; for construction permits for new television broadcast stations (Channel 6).

It is ordered, This 8th day of July 1960, that a hearing is scheduled for Thursday, July 14, 1960, at 2 p.m., in the offices of the Commission, Washington, D.C.

Released: July 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6539; Filed, July 13, 1960; 8:50 a.m.]

[Docket Nos. 13624-13626; FCC 60M-1158]

FREDERICK COUNTY BROADCASTERS ET AL.

Order Scheduling Hearing

In re applications of Ralph D. Epperson and Earlene S. Epperson, d/b as Frederick County Broadcasters, Winchester, Virginia, Docket No. 13624, File No. BP-12531; Town Radio, Inc., Shippensburg, Pennsylvania, Docket No. 13625, File No. BP-13240; Jesse J. Goodman, Berryville, Virginia, Docket No. 13626, File No. BP-13860; for construction permits.

It is ordered, This 7th day of July 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 14, 1960, in Washington, D.C.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6541; Filed, July 13, 1960; 8:50 a.m.]

[Docket Nos. 13622, 13623; FCC 60M-1160]

ELEVEN TEN BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Eleven Ten Broadcasting Corporation, Pasadena, California, for renewal of license of standard broadcast station KRLA & Aux., Docket No. 13622, File No. BR-1189; for license to cover construction permit (BP-11700), Docket No. 13623, File No. BL-7701.

It is ordered, This 7th day of July 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 26, 1960, in Washington, D.C.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6540; Filed, July 13, 1960; 8:50 a.m.]

[Docket No. 13589; FCC 60M-1152]

MERCURY BROADCASTING

Order Setting Prehearing Conference

In re application of Rex O. Stevenson, Jack E. Falvey, Harry Saxe, Jr., and Robert Pommer, d/b as Mercury Broadcasting (a joint venture), Colorado Springs, Colorado, Docket No. 13589, File No. BP-12449; requests 790 kc, 500 w, DA, Day; for construction permit.

It is ordered, This 6th day of July 1960, on the Examiner's own motion, that all parties, or their counsel, who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C. at 10:00 a.m., July 21, 1960.

Released: July 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6543; Filed, July 13, 1960; 8:50 a.m.]

[Docket Nos. 13540-13546; FCC 60M-1165]

MACON BROADCASTING CO. (WNEX) ET AL.

Order Continuing Hearing Conference

In re applications of Macon Broadcasting Company (WNEX) Macon, Georgia, Docket No. 13540, File No. BP-12261; Johnston Broadcasting Company (WJLD), (George Johnston, Jr., and Rose Hood Johnston, Partners) Homewood, Alabama, Docket No. 13541, File No. BP-12559; E. H. Eiland, Jr., Union Springs, Alabama, Docket No. 13542, File No. BP-12776; Yetta G. Samford, C. S. Shealy and Aileen M. Samford, Executrix of the Estate of Thomas D. Samford, Jr., Deceased, Miles H. Ferguson and John E. Smollon, d/b as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, Docket No. 13543, File No. BP-12911; John F. Pidcock and Roy F. Zess, d/b as Radio Station WMGA (WMGA), Moultrie, Georgia, Docket No. 13544, File No. BP-12998; Newnan Broadcasting Company (WCOH), Newnan, Georgia, Docket No. 13545, File No. BP-13133; Elberton Broadcasting Company (WSGC), Elberton, Georgia, Docket No. 13546, File No. BP-13405; for construction permits.

It is ordered, This 8th day of July 1960, due to the illness of the presiding Hearing Examiner, that the prehearing conference, scheduled for July 13, 1960, is hereby continued to July 22, 1960, at 9:00 a.m.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6542; Filed, July 13, 1960; 8:50 a.m.]

[Docket Nos. 13627-13629; FCC 60M-1161]

M. EARLENE STEBBINS ET AL.

Order Scheduling Hearing

In re applications of M. Earlene Stebbins, Skokie, Illinois, Docket No. 13627, File No. BPH-2828; WHFC, Inc. (WEHS), Chicago, Illinois, Docket No. 13628, File No. BPH-2870; Gale Broadcasting Company, Inc., (WFMT), Chicago, Illinois, Docket No. 13629, File No. BPH-2920; for construction permits (FM).

It is ordered, This 7th day of July 1960, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 14, 1960, in Washington, D.C.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6544; Filed, July 13, 1960; 8:50 a.m.]

[Docket Nos. 13442-13444; FCC 60M-1170]

WASHINGTON STATE UNIVERSITY AND THE FIRST PRESBYTERIAN CHURCH OF SEATTLE, WASH.

Order Continuing Hearing

In re applications of Washington State University, Pullman, Washington, for renewal of license of Station KWSC (& Aux.), Docket No. 13442, File No. BR-58; for modification of license of Station KWSC, Docket No. 13443, File No. BML-1789; The First Presbyterian Church of Seattle, Washington, Seattle, Washington, for renewal of license of Station KWT, Docket No. 13444, File No. BR-64.

The Hearing Examiner having under consideration a Petition for Postponement of Hearing and Exchange Dates filed June 27, 1960, by Washington State University; and

It appearing that as previously agreed upon, the applicants have exchanged their preliminary engineering exhibits and that, as a result of this exchange and an informal engineering conference, it has become apparent that to eliminate areas of disagreement between and to make possible the preparation of necessary additional engineering material by the applicants' engineering consultants, additional time will be required—more time than is available under the presently arranged schedule for the submission of final engineering exhibits; and

It further appearing that counsel for the First Presbyterian Church of Seattle, Washington and the Chief of the Commission's Broadcast Bureau have not objected to a grant of the subject petition, that good cause for a grant thereof has been shown and that rearrangement of the current schedule in the manner set forth hereinafter will be conducive to the orderly dispatch of the Commission's business;

It is ordered, This 6th day of July 1960, that the following shall govern the future course of this proceeding:

Exchange of final engineering and lay exhibits: September 1, 1960.
Notification of witnesses desired for cross-examination: September 8, 1960.
Commencement of Hearing: September 15, 1960, in the Commission's offices, Washington, D.C. at 10:00 a.m.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6545; Filed, July 13, 1960; 8:50 a.m.]

[Docket No. 13414; FCC 60M-1155]

WDUL TELEVISION CORP. (WHYZ-TV)

Memorandum of Rulings

In re application of WDUL Television Corp. (WHYZ-TV), Duluth, Minnesota, Docket No. 13414, File No. BMPCT-5375; for modification of construction permit.

At today's prehearing conference it was ordered that a further prehearing conference be scheduled for Tuesday, September 13, 1960, at 2 p.m., and that the hearing be rescheduled from July 18 to Tuesday, September 27, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: July 6, 1960.

Released: July 7, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Acting Secretary.*

[F.R. Doc. 60-6546; Filed, July 13, 1960; 8:51 a.m.]

[Docket Nos. 13211, 13212; FCC 60M-1154]

ZEPHYR BROADCASTING CORP. AND MYRON A. RECK (WTRR)

Order Continuing Hearing

In re applications of Zephyr Broadcasting Corp., Zephyrhills, Florida, Docket No. 13211, File No. BP-12291; Myron A. Reck (WTRR), Sanford, Flor-

ida, Docket No. 13212, File No. BP-12900; for construction permits.

Upon the Hearing Examiner's own motion, due to his absence from the office on military leave, the hearing in this proceeding now scheduled for July 19, 1960, should be continued.

Accordingly, it is ordered, That the hearing now scheduled be, and the same is hereby continued to July 25, 1960, 10:00 a.m., in the Commission Offices, Washington, D.C.

Dated: July 5, 1960.

Released: July 8, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6547; Filed, July 13, 1960; 8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 382]

ADMINISTRATOR, FEDERAL AVIATION AGENCY

Delegation of Authority With Respect to Leases of Real Property for Air Route Traffic Control Centers at Fremont, Calif., Hampton, Ga., Hilliard, Fla., Oberlin, Ohio, San Antonio, Tex., and Indianapolis, Ind.

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Administrator, Federal Aviation Agency, to perform, except as provided herein, all lease and space management functions with respect to the leases listed below which provide special-purpose facilities:

Location	Lease No.	Date of lease
Fremont, Calif.	GS-09B-2701	Nov. 19, 1958
Hampton, Ga.	GS-04B-4023	Jan. 15, 1959
Hilliard, Fla.	GS-04B-4056	May 21, 1959
Oberlin, Ohio	GS-05B-6262	Dec. 30, 1958
San Antonio, Tex.	GS-07B-3029	Nov. 25, 1957
Indianapolis, Ind.	GS-05B-7027	June 24, 1959

2. The authority hereby delegated shall not permit the extension of the initial firm term of these leases without the prior written approval of the Administrator of General Services.

3. The authority hereby delegated does not include the authority to exercise any of the purchase options vested in the Government in the leases unless Federal Aviation Agency has express statutory authority and appropriations available to purchase the property.

4. The Administrator, Federal Aviation Agency, may redelegate this authority to any officer or employee of that Agency.

5. The authority hereby delegated shall be exercised in accordance with all applicable laws and regulations in effect on the date of such exercise.

6. Semi-annual reports of action taken pursuant to this delegation of authority shall be furnished to the General Services Administration for review.

7. This delegation of authority is effective immediately.

Dated: July 7, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-6508; Filed, July 13, 1960; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

CHARLES J. HEDLUND

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended:

I am a director of the following corporation:

Esso Tankers, Inc.

On August 1, 1960 I expect to be appointed a Director and Vice-President of Esso Standard Italiana.

I am a stockholder of the following companies:

American Cyanamid.
Badische Anilin and Sodafabrik.
Colgate Palmolive.
Farbenfabriken Bayer.
Phillips Lamp.
Standard Oil Co. (N.J.).
Southern Co.

This amends statement published August 13, 1959 (24 F.R. 6601).

Dated: June 21, 1960.

CHARLES J. HEDLUND.

[F.R. Doc. 60-6495; Filed, July 13, 1960; 8:45 a.m.]

C. F. OGDEN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Domestic stocks

Aeroquip Corp.
American Airlines, Inc.
Aluminum, Ltd.
The Detroit Edison Co.
Dow Chemical Co.
Fundamental Investors, Inc.
General Dynamics.
General Electric Co.
Glenn L. Martin Co.
McLouth Steel.
Parke Davis & Co.
Phillips Petroleum Rayonier, Inc.
Republic Steel Corp.
Sperry Rand Corp.
Texas Gas Transmission.

Canadian Stocks

Britalta Petroleum, Ltd.
New Athona Mines, Ltd.
Scurry Rainbow Oil, Ltd.
Rayrock Mines, Ltd.
Sarnoil, Ltd.

This amends statement published January 26, 1960 (25 F.R. 740).

Dated: June 16, 1960.

C. F. OGDEN.

[F.R. Doc. 60-6496; Filed, July 13, 1960; 8:45 a.m.]

HAWAII

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated May 25, 1960, reading in part as follows:

I hereby determine the damage in the various areas of the State of Hawaii, adversely affected by tidal waves, beginning on or about May 23, 1960, to be of sufficient severity and magnitude to warrant Federal disaster assistance to supplement State and local efforts.

I do hereby determine the following areas in the State of Hawaii to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 25, 1960:

The counties of:
Hawaii.
Maui.

Dated: July 5, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-6497; Filed, July 13, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

JULY 8, 1960.

In the matter of trading on the American Stock Exchange in the Common Stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), File No. 1-4015.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 11, 1960, to July 20, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6515; Filed, July 13, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II-16]

MANAGER, DISASTER LOAN FIELD OFFICE, ENDWELL, NEW YORK

Delegations Relating to Disaster Loan Making

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706) there is hereby delegated to the Manager of the Disaster Loan Field Office, Endwell, New York, the authority:

A. *Financial Assistance.*

1. To approve direct and participation disaster loans.

2. To disburse approved disaster loans.

3. To enter into disaster loan participation agreements with banks.

4. To execute disaster loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Manager, Disaster Loan Field Office.

5. To cancel, reinstate, modify, and amend authorizations for disaster loans.

6. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Correspondence.* To sign all nonpolicymaking correspondence relating to disaster lending functions except Congressional correspondence and correspondence which includes a decision that an applicant is ineligible for disaster loan assistance.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Loan Field Office.

Effective Date: June 24, 1960.

ARTHUR E. LONG,
Regional Director.

[F.R. Doc. 60-6516; Filed, July 13, 1960; 8:47 a.m.]

[Declaration of Disaster Area 286]

NEW YORK

Declaration of Disaster Area

Whereas, it has been reported that during the month of April, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Otsego (flood occurring on or about April 4, 1960).

Offices: Small Business Administration Regional Office, 42 Broadway, New York 4, N.Y. Small Business Administration Branch Office, Chimes Building, Room 904, 500 South Salina Street, Syracuse, N.Y.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1961.

Dated: July 1, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-6517; Filed, July 13, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bay Slacks, Inc., Bay Minette, Ala.; effective 7-1-60 to 6-30-61 (men's dress slacks).

Carwood Manufacturing Co., Division of Chadbourn Gotham, Inc., Winder, Ga.; effective 6-28-60 to 6-27-61 (men's and boys' cotton work pants and shirts).

Greenway Manufacturing Co., Waynesburg, Pa.; effective 6-21-60 to 6-20-61 (boys' and infants' cotton polo shirts).

Industrial Garment Manufacturing Co., Route 2, Palestine, Tex.; effective 7-9-60 to 7-8-61 (men's cotton work pants).

Kent Uniforms, Inc., Burkesville, Ky.; effective 6-30-60 to 6-29-61 (nurses' and waitresses' uniforms).

Marshall Clothing Manufacturing Co., Inc., 115 East Main Street, Butler, Ind., effective 6-28-60 to 6-27-61 (jackets, baseball and softball uniforms).

Maxwell Garment Co., Inc., 145 Maxwell Avenue, Greenwood, S.C.; effective 6-27-60 to 6-26-61 (men's shirts).

Princess Peggy, Inc., 1001 Southwest Adams Street, Peoria, Ill.; effective 6-27-60 to 6-26-61 (women's cotton house dresses.)

Sicelof Manufacturing Co., Inc., East Second Avenue and Pugh Street, Lexington, N.C.; effective 6-26-60 to 6-25-61 (men's and boys' single pants, overalls; women's and children's sportswear and outerwear).

Henry I. Siegel Co., Inc., Gleason, Tenn.; effective 6-23-60 to 6-22-61 (men's and boys' single pants).

Sweet-Orr & Co., Inc., 68 First Street SW., Pulaski, Va.; effective 6-24-60 to 6-23-61 (men's and boys' pants).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 7-1-60 to 6-30-61 (denim dungarees and jackets).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Columbus Manufacturing Co., Inc., Tabor City, N.C.; effective 6-24-60 to 6-23-61; 10 learners (boys' sport shirts).

Dodger Gym, Inc., Humboldt, Iowa; effective 6-23-60 to 6-22-61; 10 learners (men's gym pants, gym suits; women's blouses).

Gilda Blouse Co., R.D. No. 1, Bethlehem, Pa.; effective 6-23-60 to 6-22-61; five learners (ladies' dresses, blouses).

Gross Galesburg Co., 154 North Main Street, Canton, Ill.; effective 6-23-60 to 6-22-61; 10 learners (work jackets, one piece suits).

J B C Company of Madera, Madera, Pa.; effective 6-20-60 to 6-20-61; 10 learners (men's and boys' dress trousers).

Jo-Jac Shirt Co., Inc., Pulaski, Tenn.; effective 6-20-60 to 6-19-61; 10 learners (boys' sport shirts).

Tennis Sportswear Manufacturing Co., Inc., 83 Union Street, New London, Conn.; effective 6-20-60 to 6-19-61; 7 learners (girls' outerwear).

Washington Garment Co., 900 East Fifth Street, Washington, N.C.; effective 6-23-60 to 6-22-61; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Arab, Ala.; effectivy 6-1-60 to 11-30-60; 80 learners (replacement certificate) (boys' and men's denim dungarees).

Booneville Manufacturing Corp., Booneville, Miss.; effective 6-22-60 to 12-22-60; 100 learners (boys' and men's jackets).

Olnett, Peabody and Co., Inc., 1221 West Third Street, Williamsport, Pa.; effective 6-20-60 to 12-7-60; 50 learners (sport shirts).

Joan's Sportswear, Inc., Leonardtown, Md.; effective 6-23-60 to 12-21-60; 75 learners (infants' wear).

Karen Sportswear, RD No. 2, Shickshinny, Pa.; effective 6-20-60 to 12-19-60; 10 learners (women's dresses).

Boris Smoler and Sons, Inc., 507 Jefferson, La Porte, Ind.; effective 6-21-60 to 12-20-60; 15 learners (dresses).

Boris Smoler and Sons, Inc., 600-620 Crawford Avenue, Elkhart, Ind.; effective 6-21-60 to 12-20-60; 20 learners (dresses).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Bayuk Cigars Inc., Second and Washington, Steelton, Pa.; effective 6-29-60 to 6-28-61; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Bisher Hosiery Mills, Inc., Denton, N.C.; effective 6-25-60 to 6-24-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 7-6-60 to 7-5-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 6-22-60 to 12-21-60; 15 learners for plant expansion purposes (seamless).

Stanly Knitting Mills, Inc., Oakboro, N.C.; effective 6-20-60 to 12-19-60; 15 learners for plant expansion purposes (full-fashioned, seamless).

The Wilma Hosiery Mill, Inc., Spruce Pine, N.C.; effective 6-23-60 to 6-21-61; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Bluemont Knitting Mills, Inc., East Virginia Street, Galax, Va.; effective 6-23-60 to 6-22-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit shirts, pajamas).

Bluemont Knitting Mills, Inc., East Virginia Street, Galax, Va.; effective 6-23-60 to 12-22-60; 15 learners for plant expansion purposes (knit shirts, pajamas).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Donn's Originals, Corpus Christi, Tex.; effective 6-23-60 to 6-22-61; 6 learners for normal labor turnover purposes (suedine moccasins for men, women and children).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Belfast Canning Co., Belfast, Maine; effective 6-28-60 to 12-27-60; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (sardines).

Wolverine Hat & Cap Manufacturing Co., Inc., Reform, Ala.; effective 6-28-60 to 12-27-60; 5 learners for normal labor turnover purposes in the occupation of sewing maching operator for a learning period of 240 hours at the rate of 90 cents an hour (caps and other sports headwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Angela Manufacturing Co., Inc., Guayama, P.R.; effective 5-16-60 to 9-30-60; 27 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (replacement certificate) (brassieres).

Linda Bra, Inc., Aguas Buenas, P.R.; effective 6-20-60 to 12-19-60; 50 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 30th day of June 1960.

ROSE G. ROSOFSKY,
Authorized Representative of the Administrator.

[F.R. Doc. 60-6513; Filed, July 13, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 247]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 11, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63261. By order of July 7, 1960, the Transfer Board approved the transfer to Albert R. Davis, Dongola, Illinois, of Certificate No. MC 41832 issued June 13, 1941, in the name of Montie E. Davis and Albert R. Davis, a partnership, doing business as Davis Brothers, Dongola, Illinois, authorizing the transportation, over regular routes, of caskets, vaults, undertakers' supplies, hardware, seeds, furniture, building materials, agricultural implements, and automobile parts, between St. Louis, Mo., and Dongola, Ill.; casket boxes, motors, automobile and tractor parts, and agricultural machinery, from Dongola, Ill., to St. Louis, Mo.; feed, wrapping paper, paper bags, sweeping compound, seeds, and furniture, from St. Louis, Mo., to Anna, Ill. Albert R. Davis, Dongola, Ill., for applicants.

No. MC-FC 63291. By order of July 7, 1960, the Transfer Board approved the transfer to Ernest A. Kroessler, Trucking Corp., Brooklyn, N.Y., of Certificate in No. MC 17061, issued February 18, 1941, to Ernest A. Kroessler, Brooklyn, N.Y., authorizing the transportation of: Steel wool and soap products, between points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665; and between points in said zone, on the one hand, and, on the other, Newark, N.J. Daniel Turchin, 5558 Kings Highway, Brooklyn 3, N.Y., for applicants.

No. MC-FC 63376. By order of July 7, 1960, the Transfer Board approved the transfer to O. K. Transfer & Storage Co., Inc., 2615—25th Avenue, Gulfport, Mississippi, of a Corrected Certificate in No. MC 65088 issued January 30, 1950, to Mrs. Frances Fayard, doing business as O. K. Transfer & Storage Company, 2615 25th Avenue, Gulfport, Mississippi, which authorizes the transportation of general commodities, except household goods, as defined by the Commission, commodities in bulk, and other specified commodities, between Gulfport, Miss., on the one hand, and, on the other, New Orleans, La., Mobile and Bayou Labatre, Ala., and points in Mississippi within 15 miles of Gulfport, and between points in Gulfport, Miss., and meat and packing-house products, between Gulfport, Miss., on the one hand, and, on the other, points in Mississippi within 185 miles of Gulfport.

No. MC-FC 63386. By order of July 7, 1960, the Transfer Board approved the transfer to Raymond H. Puffer, Brattleboro, Vermont, of a portion of Certificate No. MC 24677 issued April 4, 1950, in the name of Sandy Hill Haulage Co., Inc., Paterson, New Jersey, authorizing the transportation of general commodities, except lumber, those of unusual value, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Passaic, Bergen, Essex, and Hudson Counties, New Jersey. Bert Collins, 140 Cedar Street, New York, N.Y., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-6522; Filed, July 13, 1960; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 11, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36374: *Screened gravel—Dickason Pit, Ind., to Shelbyville, Ill.* Filed by Illinois Freight Association, Agent (No. 104), for interested rail carriers. Rates on screened gravel, in carloads from Dickason Pit, Ind., to Shelbyville, Ind.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 132 to Chicago & Eastern Illinois Railroad tariff I.C.C. 144.

FSA No. 36375: *Cement—Tulsa, Okla., to southern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7840), for interested rail carriers. Rates on cement and related articles, in carloads, as described in the application from Tulsa, Okla., to points in southern territory, also Mississippi River crossings, Memphis, Tenn., and south and to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4360.

FSA No. 36376: *Clay—Southern points to Ohio, Illinois, Indiana, and Kentucky.* Filed by O. W. South, Jr., Agent (SFA No. A3980), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to points in Ohio, Illinois, Indiana and Kentucky on the lines of the NYC and PRR.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 48 to Southern Freight Association tariff I.C.C. S-40.

FSA No. 36377: *Substituted service—NYNH&H for North Braddock Motor Lines, Inc.* Filed by The New York, New Haven and Hartford Railroad Company (No. 217), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Harlem River, N.Y., on the one hand, and Boston, Mass., New Haven, Conn., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36378: *Fine coal—Alabama to Yates, McManus and Mitchell, Ga.* Filed by O. W. South, Jr., Agent (SFA No. A3983), for interested rail carriers. Rates on fine coal, in carloads from L&N RR, AC RR, and St. L.S.F. mines in Alabama to Yates, McManus and Mitchell, Ga.

Grounds for relief: Grouping.

Tariff: Supplement 41 to Southern Freight Association tariff I.C.C. S-39.

FSA No. 36379: *Screened gravel—Dickason Pit, Ind., to Illinois points.* Filed by Illinois Freight Association Agent (No. 105), for and on behalf of the Chicago & Eastern Illinois Railroad Company. Rates on screened gravel, in carloads from Dickason Pit, Ind., to Loogootee, St. James and St. Peter, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 133 to Chicago & Eastern Illinois Railroad tariff I.C.C. 144.

FSA No. 36380: *Sand and gravel—Dickason Pit, Ind., to Pittwood, Ill.* Filed by Illinois Freight Association, Agent (No. 106), for interested rail carrier. Rates on sand and gravel, in carloads from Dickason Pit, Ind., to Pittwood, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 133 to Chicago & Eastern Illinois Railroad tariff I.C.C. 144.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-6521; Filed, July 13, 1960; 8:47 a.m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

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Washington, Friday, July 15, 1960

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[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Soybean Loan and Purchase Agreement Program

Correction

In F.R. Doc. 60-6194, appearing at page 6317 of the issue for Wednesday, July 6, 1960, the following corrections are made:

1. In the tabular material of § 421.5433 (c)(2), the figures under Damaged kernels—Total, for 51.0–51.9 pounds test weight per bushel, should read "5.1–6.0" instead of "5–1.6.0".

2. In the first sentence of § 421.5436 (b), the words "authorized is to delivered to CCC" should read "authorized to be delivered to CCC".

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards For Grades of Canned Sweet Cherries [1]

RECOMMENDED MINIMUM DRAINED WEIGHTS

On June 2, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 4867) regarding an amendment to the United States Standards for Grades of Canned Sweet Cherries (7 CFR 52.821–52.836).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendment to the United States Standards for Grades of Canned Sweet Cherries is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Table I in § 52.826 is amended to read as follows:

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR PITTED AND UNPITTED CANNED SWEET CHERRIES

Container size or designation (metal, unless otherwise stated)	In extra heavy sirups and in declared "dietetic packs" whether or not packed in water	In heavy sirups	In light sirup and in slightly sweetened water or juice	Other than declared "dietetic packs" packed in water
	(Ounces)	(Ounces)	(Ounces)	(Ounces)
8 Z tall	4½	5	5¼	5¼
No. 1 tall	9½	10	10¼	10¼
No. 303	9¾	10	10¼	10¼
No. 303 glass	9¾	10	10¼	10¼
No. 2	12	12½	12¾	12¾
No. 2½	17½	18	18½	18½
No. 2½ glass	17¾	17¾	18¾	18¾
No. 10	64½	66½	70	70

It is hereby found that good cause exists for not postponing the effective date of this amendment beyond that herein specified (5 U.S.C. 1001–1011) in that (1) the processing season of sweet cherries in most areas is now underway and it is necessary for purposes of inspection and marketing that these standards be made effective at once; (2) the industry has been apprised of the amendment and no contrary views have been submitted; and (3) the amendment will not require any special preparation for compliance.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: July 12, 1960, to become effective upon publication hereof in the Federal Register.

S. T. WARRINGTON,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 60-6570; Filed, July 14, 1960; 8:47 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Concentrated Tomato Juice [1]

On June 2, 1960, a notice of proposed rule making was published in the Federal Register (25 F.R. 4867) regarding the issuance of United States Standards for Grades of Concentrated Tomato Juice.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Concentrated Tomato Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627):

PRODUCT DESCRIPTION AND GRADES

Sec.
52.5201 Product description.
52.5202 Grades of concentrated tomato juice.

FILL OF CONTAINER

52.5203 Recommended fill of container.

FACTORS OF QUALITY

52.5204 Ascertaining the grade of a sample unit.
52.5205 Color.
52.5206 Consistency.
52.5207 Defects.
52.5208 Flavor.

LOT INSPECTION AND CERTIFICATION

52.5209 Ascertaining the grade of a lot.

SCORE SHEET

52.5210 Score sheet for concentrated tomato juice.

AUTHORITY: §§ 52.5201 to 52.5210 issued under sec. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.5201 Product description.

"Concentrated tomato juice" means the product prepared from clean, sound, whole tomatoes of the red or reddish varieties as such product is defined in the Standard of Identity for Tomato Puree (21 CFR 53.20; 25 F.R. 1667) issued pursuant to the Federal Food, Drug, and Cosmetic Act. The product contains not less than 21 percent but less than 25 percent of salt-free tomato solids. When packed in hermetically sealed containers it is sufficiently processed by heat, before or after sealing, to assure preservation of the product.

§ 52.5202 Grades of concentrated tomato juice.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of concentrated tomato juice that, when properly reconstituted, (1) has a good color; (2) has a good consistency; (3) is practically free from defects; (4) has a good flavor; and (5) scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided*, That the reconstituted tomato juice may have only a fairly good color, scoring not less than 25 points and a fairly good consistency, if the total score is not less than 85 points.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of concentrated tomato juice that, when properly reconstituted, (1) has a fairly good color; (2) has a fairly good consistency; (3) is fairly free from defects; (4) has a fairly good flavor; and (5) scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

(c) "Substandard" is the quality of concentrated tomato juice that fails to meet the requirements of U.S. Grade C.

FILL OF CONTAINER

§ 52.5203 Recommended fill of container.

Fill of container is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of concentrated tomato juice be filled as full as practicable without impairment of quality, and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.5204 Ascertaining the grade of a sample unit.

In addition to considering other requirements outlined in the standards, the quality factors of color, consistency, defects, and flavor are evaluated by applying appropriate criteria to the reconstituted tomato juice prepared by thoroughly mixing the concentrated tomato juice with three volumes of water. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

Factors:	Points
Color	30
Consistency	15
Defects	15
Flavor	40
Total score	100

§ 52.5205 Color.

(a) *General.* (1) The amount of red in the reconstituted tomato juice is determined by comparing the color of the product with that produced by spinning a combination of the following Munsell color discs:

Disc 1—Red (5R 2.6/13) (glossy finish).
Disc 2—Yellow (2.5 YR 5/12) (glossy finish).
Disc 3—Black (N1) (glossy finish).
Disc 4—Grey (N4) (mat finish).

(2) Such comparison is to be made under a diffused light source of approximately 250 foot-candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky, and a color temperature of 7500 degrees Kelvin ±200 degrees. With the light source directly over the disc and product, observation is made at an angle of 45 degrees from a distance of about 24 inches from the product.

(b) (*A*) *classification.* Concentrated tomato juice that, when reconstituted properly, has a good color may be given a score of 26 to 30 points. "Good color" means a color that is typical of canned tomato juice, made from well ripened red tomatoes, which has been properly prepared and properly processed.. Such color contains as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: 65 percent of the area of Disc 1; 21 percent of the area of Disc 2; 14 percent of the area of Disc 3 or of Disc 4, or 7 percent of the area of Disc 3 and 7 percent of the area of Disc 4, whichever most nearly matches the reflectance of the product.

(c) (*C*) *classification.* If the reconstituted tomato juice has a fairly good color a score of 23 to 25 points may be given. Concentrated tomato juice that scores 23 or 24 points for color shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means a color that is typical of canned tomato juice. To score 25 points for color the reconstituted juice shall contain as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: 59 percent of the area of Disc 1; 24½ percent of the area of Disc 2; 16½ percent of the area of either Disc 3 or Disc 4, or 8¼ percent of the area of Disc 3 and 8¼ percent of the area of Disc 4, whichever most nearly matches the reflectance of the product. To score 23 or 24 points for color the reconstituted tomato juice shall contain as much red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations: 53 percent of the area of Disc 1; 28 percent of the area of Disc 2; 19 percent of the area of either Disc 3 or Disc 4, or 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the reflectance of the product.

(d) (*SStd.*) *classification.* Concentrated tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 22 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5206 Consistency.

(a) *General.* This factor has reference to the viscosity of the reconstituted juice. The tendency of the insoluble solids to separate, leaving practically clear liquid at the top is also to be noted in this connection.

(b) (*A*) *classification.* Concentrated tomato juice that, when properly reconstituted, has a good consistency may be given a score of 13 to 15 points. "Good consistency" means that the reconstituted tomato juice flows readily; has a normal amount of insoluble tomato solids in suspension; and that there is little tendency for such solids to settle out.

(c) (*C*) *classification.* If the concentrated tomato juice has a fairly good consistency a score of 10 to 12 points may be given. "Fairly good consistency" means that the reconstituted tomato juice flows readily; has a normal amount of insoluble tomato solids in suspension; and that there is not a marked tendency for such solids to settle out.

(d) (*SStd.*) *classification.* Concentrated tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5207 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from defects, such as dark specks or scale-like particles, seeds, particles of seed, tomato peel, core material or other similar substances.

(b) (*A*) *classification.* Concentrated tomato juice that is practically free from defects may be given a score of 13 to 15 points. "Practically free from defects" means that any defects present in the reconstituted juice do not more than slightly affect the appearance or drinking quality of the juice.

(c) (*C*) *classification.* If the concentrated tomato juice is fairly free from defects a score of 10 to 12 points may be given. Concentrated tomato juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present in the reconstituted juice may be noticeable, but are not so large, so numerous or of such contrasting color as to seriously affect the appearance or drinking quality of the juice.

(d) (*SStd.*) *classification.* Concentrated tomato juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5208 Flavor.

(a) (*A*) *classification.* Concentrated tomato juice that possesses a good flavor may be given a score of 33 to 40 points. "Good flavor" means a distinct canned tomato juice flavor and odor characteristic of good quality tomatoes. To score in this classification the flavor of the reconstituted juice shall not be adversely affected by stems, leaves, crushed seeds, cores, immature tomatoes, or the effects of improper trimming or processing.

(b) (*C*) *classification.* If the reconstituted tomato juice possesses only a fairly good flavor a score of 27 to 32 points may be given. Concentrated tomato juice that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a characteristic canned tomato juice flavor. To score in this classification the flavor of the reconstituted juice may be affected adversely, but not seriously so, by stems, leaves, crushed seeds, cores, immature tomatoes, or the effects of improper trimming or processing.

(c) (*SStd.*) *classification.* Concentrated tomato juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 26 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.5209 Ascertaining the grade of a lot.

The grade of a lot of concentrated tomato juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87 of this title).

SCORE SHEET

§ 52.5210 Score sheet for concentrated tomato juice.

Type of container ____
Container size ____
Label ____
Code ____
Volume (fl. ozs.) ____
Vacuum (inches) ____

Factors	Score points		
Color	30	(A)	26–30
		(C)	[1] 23–25
		(SStd.)	[2] 0–22
Consistency	15	(A)	13–15
		(C)	10–12
		(SStd.)	[2] 0–9
Defects	15	(A)	13–15
		(C)	[1] 10–12
		(SStd.)	[2] 0–9
Flavor	40	(A)	33–40
		(C)	[1] 27–32
		(SStd.)	[2] 0–26
Total score	100		

Grade ____

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond July 15, 1960 (5 U.S.C. 1001–1011) in that (1) the processing season for tomatoes is imminent and it is necessary for purposes of inspection and marketing that these standards be made effective at the beginning of the processing season; and (2) the industry has been apprised of the nature of the standards and compliance therewith will not require any special preparation that cannot be completed by the effective time hereof.

The United States Standards for Grades of Concentrated Tomato Juice (which is the first issue) contained in this subpart shall become effective on July 15, 1960.

Dated: July 12, 1960.

S. T. WARRINGTON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60–6580; Filed, July 14, 1960; 8:47 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Marketing Quota Regulations, 1961–62 Marketing Year

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723.1228 Application for review.
723.1229 Determination of farm preliminary allotments for 1962 and subsequent years and tobacco acreage history for 1960 and subsequent years.

AUTHORITY: §§ 723.1211 to 723.1229 issued under secs. 301, 313, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66 as amended 72 Stat. 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1363, 1375, 1377, 1378, 1824, 1836.

GENERAL

§ 723.1211 Basis and purpose.

The regulations contained in §§ 723.1211 to 723.1228 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1961 farm acreage allotments and normal yields for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco. The purpose of the regulations in §§ 723.1211 to 723.1228 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1961–62 marketing year among farms and for determining normal yields. Section 723.1229 is included for the purpose of showing (a) how farm preliminary allotments for 1962 and subsequent years and (b) how farm tobacco acreage history for 1960 and subsequent years, will be determined. Prior to preparing the regulations in §§ 723.1211 to 723.1229, public notice (25 F.R. 4996) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The date, views, and recommendations pertaining to the regulations in §§ 723.1211 to 723.1229 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.1212 Definitions.

As used in §§ 723.1211 to 723.1229, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "Allotment," "combination," "community committee," "county committee," "State committee," "county," "county office manager," "cropland," "current year," "Department," "Deputy Administrator," "division," "farm," "farm serial number," "field," "history acreage," "operator," "person," "photograph number," "preceding year," "producer," "reconstitution," "Secretary," "Soil Bank Contract," "State administrative officer," and "subdivision."

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "Base period" for the 1961–62 marketing year means the five years 1956–60.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1955. If in accordance with applicable law and regulations, no 1956, 1957, 1958, 1959, or 1960 tobacco acreage allotment was determined for the farm, any production of tobacco in 1956, 1957, 1958, 1959, or 1960, respectively, shall not be considered in determining whether the farm is a new farm. The term "tobacco acreage history" as used in this paragraph shall be as defined and explained in § 723.1229.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1956 through 1960. If in accordance with applicable law and regulations, no 1956, 1957, 1958, 1959, or 1960 tobacco acreage allotment was determined for the farm, any production of tobacco in 1956, 1957, 1958, 1959, or 1960 respectively, shall not be considered in determining whether the farm is an old farm. The term "tobacco acreage history" as used in this paragraph shall be as defined and explained in § 723.1229.

(f) "'Tobacco" means:

(1) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(2) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley

section of Ohio and extending into Indiana;

(3) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(4) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut;

(5) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(6) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(7) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or

(8) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.1215 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1." For example, 10.5549 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5562 would be 10.56.

§ 723.1214 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out §§ 723.1211 to 723.1229. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 723.1215 Applicability of §§ 723.1211 to 723.1229.

Sections 723.1211 to 723.1228, and § 723.1229 to the extent indicated therein, govern the establishment of farm acreage allotments and normal yields in connection with the 1961 crop of tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.1216 Determination of 1961 preliminary acreage allotments for old farms.

(a) The 1961 preliminary acreage allotment for an old tobacco farm shall be the 1960 farm acreage allotment established for such farm, prior to any reduction for violation of the tobacco marketing quota regulations.

(b) Notwithstanding the foregoing provision of paragraph (a) of this section, no 1961 preliminary allotment or 1961 farm tobacco acreage allotment shall be determined for any land which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain and which could not have been acquired under right of eminent domain by the person or agency that did acquire it, and which the county committee and a representative of the State committee determine is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment or allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 723.1220.

§ 723.1217 1961 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 723.1216 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 723.1218 shall not exceed the State acreage allotment.

§ 723.1218 Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 723.1216, the individual 1961 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed in the case of cigar-binder (types 51 & 52) tobacco one percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1960–61 marketing year, and shall not exceed in the case of cigar-filler and binder (types 42, 43, 44, 53, 54 & 55) tobacco 4 percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1960–61 marketing year. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 723.1219 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the 1960–61 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1961 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing:

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1960 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1961 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1960 or a prior year, the 1961 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or a subsequent year more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 723.1220 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1961 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1961. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however*, That no reduction shall be made under this section in the 1961 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1961 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c) or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c) or (d) of this section.

(i) Producers of tobacco in the 1960–61 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 723.1152 (Marketing Quota Regulations, 1960–61 Marketing Year, (Cigar-Binder and Cigar-Filler and Binder—60)) (25 F.R. 3927).

§ 723.1220 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain or shifted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco to production of shade-grown cigar leaf (type 61) wrapper tobacco.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.1222 for determining normal yields for old farms.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco but which will be used in 1961 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 723.1226(a).

§ 723.1221 Farms divided or combined.

Allotments for farms reconstituted for 1961 shall be determined in accordance with Part 719 of this chapter.

§ 723.1222 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm, during the five years 1955–59, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.1223 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 723.1220, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the average of acreage allotments established for two or more but not to exceed five old farms in the community which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the tobacco acreage on a new tobacco farm is less than the tobacco acreage

allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in the kind of tobacco for which an allotment is requested and such experience shall consist of the preparation of the plant bed and extend through preparation of the tobacco for market: *Provided*, That production of tobacco on a farm in 1955 or a subsequent year for which in accordance with applicable law and regulations no tobacco acreage allotment for 1965 or respective subsequent year was determined shall not be deemed such experience for any producer.

(2) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-binder (types 51 and 52) tobacco, or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1961–62 marketing year.

(3) The farm operator shall receive 50 percent or more of his livelihood from the farm covered by the application.

(4) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1956–60 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1955 due to no tobacco history thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1955–60 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1961 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 723.1211 to 723.1229 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled as of the date established.

§ 723.1224 Time for filing application.

An application for a new farm allotment shall be filed with the ASC county office not later than March 10, 1961, unless the farm operator was discharged from the armed services subsequent to December 31, 1960, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.1225 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.1226 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.

(a) Notwithstanding the foregoing provisions of §§ 723.1211 to 723.1225, an allotment may be established for a farm which in 1960 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco will be produced in 1961. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.1220(b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county committee so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.1218.

(b) The normal yield for any such farm under paragraph (a) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.1222 for similar farms in the community.

§ 723.1227 Approval of determinations made under §§ 723.1211 to 723.1226 and § 723.1229, and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 723.1211 to 723.1226 and § 723.1228. All acreage allotments and yields shall be approved by a representative of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 723.1219(b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1961.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1961–62 market-

ing year, except that in determining whether or not 75 percent of the allotment is planted the provisions of § 723.1229(f) shall be followed.

§ 723.1228 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

§ 723.1229 Determination of preliminary allotments for 1962 and subsequent years, and tobacco acreage history for 1960 and subsequent years.

(a) The preliminary acreage allotment for an old farm for 1962 and subsequent years shall be the farm acreage allotment for the immediately preceding year prior to any reduction for violation of the tobacco marketing quota regulations, except that if the tobacco acreage history in at least one of the immediately preceding two years is not as much as 75 percent of the farm allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the average tobacco acreage history for the past five years.

(b) Notwithstanding the provisions of paragraph (a) of this section, no 1962 preliminary allotment or 1962 farm allotment shall be determined for any land which is devoted to commercial or residential development or other nonagricultural purposes, which was not acquired by an agency having the right of eminent domain and which could not have been acquired under right of eminent domain by the person or agency that did acquire it, and which the county committee and a representative of the State committee determine is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary allotment or allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 723.1220.

(c) For each of the years 1957, 1958 and 1959, the tobacco acreage history shall be the same as the farm allotment for each such respective year, prior to any reduction for violation. For 1960, and for each subsequent year, the tobacco acreage history shall be the same as the farm allotment (prior to any reduction for violation) for such year, if

(1) The farm consists of Federally owned land, or

(2) The final tobacco acreage determined for the farm is as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year, or

(3) The final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act is as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year, or

(4) The final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act for at least one of the two immediately preceding years was as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such respective year.

(d) If for 1960 or for any subsequent year, the county committee determines that the final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act is not as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (1) the allotment (prior to any reduction for violation) or (2) the final tobacco acreage determined for the farm, plus the additional acreage which the county committee determines, with approval of a representative of the State committee, would have been included in the final tobacco acreage except for abnormal weather or disease, plus the acreage regarded as planted to tobacco under the Soil Bank Act, and plus the amount of any reduction for violation. However, in such a case, the farm allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests an adjustment in writing by October 1 of the crop year involved.

(e) If the tobacco acreage history for 1960 or any subsequent year cannot be considered to be the same as the farm allotment under the provisions of paragraph (c) or (d) of this section, it shall be the final tobacco acreage determined for the farm, plus the acreage regarded as planted to tobacco under the Soil Bank Act, plus the acreage by which the farm allotment was reduced for violation, and plus the additional acreage which the county committee determines, with approval of a representative of the State committee, would have been included in the final tobacco acreage except for abnormal weather or disease, not to exceed the tobacco acreage allotment prior to any reduction for violation.

(f) In applying the provisions of paragraphs (c), (d), and (e) of this section, the tobacco acreage history for any year shall not be larger than the allotment prior to any reduction for violation. For any year for which the allotment was reduced for violation (but not reduced to zero), the reduced allotment shall be used in determining whether the allotment was 75 percent planted or regarded as planted. For any year for which an allotment of zero was established (or no allotment was established), any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment for 1960 or any subsequent year was or is planted or is to be regarded as planted. In the event of planting pursuant to an erroneous notice of allotment for any year, the smaller of (1) the allotment shown on the erroneous notice or (2) the correct allotment that should have been shown on the notice will be used in determining whether the allotment was 75 percent planted or regarded as planted: Except that, if the correct notice is zero, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment for 1960 or any subsequent year was or is planted or is to be regarded as planted.

(g) The 1956 tobacco acreage history shall not exceed the 1956 allotment, and shall include the tobacco acreage harvested on the farm in 1956, the tobacco acreage devoted in 1956 to the acreage reserve program, the tobacco acreage devoted in 1956 to the conservation reserve program, and the 1956 tobacco acreage preserved pursuant to a request of the owner or operator of the farm, as provided in § 723.816(b) of the tobacco marketing quota regulations for the 1957–58 marketing year (21 F.R. 7202, 9398; 22 F.R. 368).

(h) Notwithstanding the foregoing provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of acreage history restored pursuant to reduction(s) of the allotment for violation(s) of the tobacco marketing quota regulations.

(i) As used in this section, the following terms shall have the meanings described as follows:

(1) "Federally owned land" means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(2) "Final tobacco acreage" means the acreage determined under the provisions of Part 718 of this chapter, Determination of Acreage and Performance, and any amendments thereto, to be the final acreage of tobacco on the farm. Any acreage that may have been planted in any year on a farm for which a zero allotment was established or for which no allotment was established shall not be taken into account in determining whether at least 75 percent of the farm allotment for 1960 or any subsequent year was planted.

(3) "Acreage regarded as planted to tobacco under the Soil Bank Act" means: For 1960 and any subsequent crop year, if the tobacco allotment is the only commodity acreage allotment for the farm, the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the farm tobacco acreage allotment, after any reduction for violation, exceeds the final tobacco acreage shall be regarded as planted to

tobacco under the Soil Bank Act. In the event the farm has two or more commodity allotments for which the final acreage is less than the respective allotment, and the acreage placed in the conservation reserve at the regular rate on the farm is less than the sum of the amounts by which such respective allotments (after release and before reapportionment) exceed the respective final acreages of such crops on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each such allotment commodity. To prorate this acreage, the sum of the amounts by which the respective allotments for those crops for which the final acreage is less than the respective allotment (after release and before reapportionment) exceed the respective final acreage for such allotment crops on the farm shall be obtained. This total shall then be divided into the amount by which each such allotment (after release and before reapportionment) exceeds the final acreage. The percentage thus obtained for each such commodity shall be applied to the acreage on the farm under a conservation contract at the regular rate. The result shall be the acreage considered planted to such commodity on the farm under a conservation reserve contract. Where it is necessary to determine the acreage regarded as planted to tobacco under the Soil Bank Act in 1959 or 1960, the provisions of this paragraph shall be followed in making such determination. For 1958, the acreage entered on the acreage reserve agreement shall be included in the acreage regarded as planted under the Soil Bank Act, and shall be added to the final acreage in determining whether, and the extent to which, the commodity is entitled to share in the conservation reserve credit for the farm. As used in this paragraph (i) (3), the term "allotment" means the allotment after any reduction for violation in the case of tobacco and peanuts.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 11th day of July 1960.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6600; Filed, July 14, 1960; 8:49 a.m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Marketing Quota Regulations 1961–62 Marketing Year

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AUTHORITY: §§ 725.1211 to 725.1228 issued under secs. 301, 313, 315, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 66 Stat. 597, 72 Stat. 703, 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1314a, 1315, 1363, 1375, 1377, 1378, 1824, 1836.

GENERAL

§ 725.1211 Basis and purpose.

The regulations contained in §§ 725.1211 to 725.1227 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1961 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 725.1211 to 725.1227 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1961–62 marketing year among farms and for determining normal yields. § 725.1228 is included for the purpose of showing (a) how farm preliminary allotments for 1962 and subsequent years and (b) how farm tobacco acreage history for 1960 and subsequent years, will be determined. Prior to preparing the regulations in §§ 725.1211 to 725.1228, public notice (25 F.R. 4996) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data views, and recommendations pertaining to the regulations in §§ 725.1211 to 725.1228, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.1212 Definitions.

As used in §§ 725.1211 to 725.1228, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "Allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United State Department of Agriculture.

(c) "Base period" for the 1961–62 marketing years means the five years 1956–60.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1955. If in accordance with applicable law and regulations, no 1956, 1957, 1958, 1959 or 1960 tobacco acreage allotment was determined for the farm, any production of tobacco in 1956, 1957, 1958, 1959 or 1960, respectively, shall not be considered in determining whether the farm is a new farm. The term "tobacco acreage history" as used in this paragraph shall be as defined and explained in § 725.1228.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1956 through 1960. If in accordance with applicable law and regulations, no 1956, 1957, 1958, 1959 or 1960 tobacco acreage allotment was determined for the farm, any production of tobacco in 1956, 1957, 1958, 1959, or 1960, respectively, shall not be considered in determining whether the farm is an old farm. The term "tobacco acreage history" as used in this paragraph shall be as defined and explained in § 725.1228.

(f) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13, and 14; fire-cured tobacco type 21, fire-cured tobacco types 22, 23, and 24; dark air-cured tobacco types 35 and 36; or Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23 and 24, dark air-cured or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23, and 24, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.1213 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 725.1214 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 725.1215 Applicability of §§ 725.1211 to 725.1228.

Sections 725.1211 to 725.1227 and § 725.1228 to the extent indicated therein, govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1961, in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1961, in the case of flue-cured tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.1216 Determination of 1961 preliminary acreage allotments for old farms.

(a) The 1961 preliminary acreage allotment for an old tobacco farm shall be the 1960 farm acreage allotment established for such farm, prior to any reduction for violation of tobacco marketing quota regulations.

(b) Notwithstanding the provision of paragraph (a) of this section, no 1961 preliminary allotment or 1961 farm tobacco acreage allotment shall be determined for any land which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain, and which could not have been acquired under right of eminent domain by the person or agency that did acquire it, and which the county committee and a representative of the State committee determine is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment or allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.1220.

§ 725.1217 1961 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 725.1216 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.1218 shall not exceed the State acreage allotment: *Provided*, That in the case of burley tobacco the farm acreage allotment shall not be less than the smallest of (a) the 1960 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further*, That no 1960 burley tobacco allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre, and no 1960 burley tobacco farm acreage allotment of more than seventy-hundredths of an acre will be reduced to less than six-tenths of an acre.

§ 725.1218 Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 725.1216, the individual 1961 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed one-tenth of one percent of the total acreage allotted to all tobacco farms in the State for the 1960–61 marketing year. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 725.1219 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the 1960–61 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1961 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1960 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1961 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1960 or a prior year, the 1961 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or in a subsequent year, more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 725.1220 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1961 acreage allotment for

any of the reasons heretofore provided in this section shall be made no later than (1) April 1, 1961, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1961, in all other States; otherwise, if the reduction cannot be made by such dates, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by corresponding dates to be specified in a subsequent year; *Provided, however,* That no reduction shall be made under this section in the 1961 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1961 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre, and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1960–61 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 725.1152 (Marketing Quota Regulations, 1960–61 Marketing Year, Burley, Flue, Fire, Air and Sun-60) (25 F.R. 3935).

§ 725.1220 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain.

The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 725.1222 for determining normal yields for old farms.

§ 725.1221 Farms divided or combined.

(a) Allotments for farms reconstituted for 1961 shall be determined in accordance with Part 719 of this chapter except as otherwise provided in paragraphs (b) and (c) of this section.

(b) If after 1961 farm tobacco acreage allotments have been determined, one or more farms having a 1961 fire-cured (type 21) tobacco acreage allotment is combined with another or more farms having a 1961 Virginia sun-cured (type 37) tobacco acreage allotment, or if before 1961 farm tobacco acreage allotments have been established, one or more farms for which a 1960 fire-cured (type 21) tobacco acreage allotment had been established is combined with another or more farms for which a 1960 Virginia sun-cured (type 37) tobacco acreage allotment had been established and a single combined 1960 acreage allotment has not been established for such combined farm, a single combined acreage allotment for the 1961–62 marketing year designated for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco shall be established for the combined farm. Such single combined acreage allotment shall be equal to the total acreage of and be in place of the 1960 acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco which have either previously been established for the farms comprising the combined farm, or which shall be computed and established for the farms comprising the combined farm in accordance with the provisions of §§ 725.1216 to 725.1219 solely for the purpose of enabling a single combined 1961 acreage allotment to be determined and established for the combined farm. The county committee shall give written notification to the owner or owners of such combined farm that the owner or his representative may designate, or if there is more than one owner of the land comprising the farm that the representative of all such owners may designate, a single combined 1961 acreage allotment for the combined farm either for fire-cured (type 21) tobacco or for Virginia sun-cured (type 37) tobacco by submitting his choice to the local county committee within 15 days following the date of mailing of such notification, or within such extended period of time thereafter as the county committee in any case may fix and notify the owner or owners of such extension; and that if within such time the county committee is not notified that a choice has been made as heretofore provided, the county committee, with approval of a representative of the State committee, shall designate the 1961 single combined acreage allotment for the farm as either for fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco on the basis of the prevalent kind of tobacco grown in the area in which such farm is located, the curing facilities on such farm, and the proximity and nature of markets. The occurrence on the same farm of concurrent acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco pursuant to the provisions of § 725.1220 shall be deemed to be of the same effect, for the purposes of and in applying the provisions of this paragraph, as a combination of farms described in this paragraph.

(c) For the purposes of this paragraph and paragraph (b) of this section, the term "representative" shall mean the person named and authorized by the owner of a farm to act for him, or if there are two or more owners of the land comprising a farm, the person named and authorized by such owners to act for all of them in designating or choosing for the farm a single combined acreage allotment for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco. The county committee may require any person to furnish to it such evidence as it may require to reasonably establish such person as an owner or representative of an owner or owners.

§ 725.1222 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1955–59, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

Acreage Allotments and Normal Yields for New Farms.

§ 725.1223 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 725.1220, for a new farm shall be that acreage which the county committee with the approval of the State committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the tobacco acreage on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years; *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from the date of discharge: *And provided further,* That production of tobacco on a farm in 1955 or a subsequent year, for which, in accordance with applicable law and regulations no tobacco acreage allotment for 1955 or respective subsequent year was determined, shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco allotment is established for the 1961–62 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1956–60 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1955 due to no tobacco history thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1956–60 and at time of division of the farm contained cropland but received no part of the allotment due to division of the allotment on a contribution basis.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1961 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 725.1211 to 725.1228, which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled as of the date established.

§ 725.1224 Time for filing application.

An application for a new farm allotment shall be filed with the ASC county office prior to February 16, 1961, unless the farm operator was discharged from the armed services subsequent to December 31, 1960, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.1225 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

Miscellaneous

§ 725.1226 Approval of determinations made under §§ 725.1211 to 725.1225 and § 725.1228, and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 725.1211 to 725.1225 and § 725.1228. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage, or (2) of allotment reductions due only to failure to return marketing cards, and disposition of tobacco is not otherwise furnished as provided in § 725.1219(b).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or share-cropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided,* That the notice of allotment for any farm shall be mailed no later than (i) April 1, 1961, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, or (ii) May 1, 1961, in all other States.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm

acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1961–62 marketing year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 725.1228(f) shall be followed.

§ 725.1227 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASC county office.

§ 725.1228 Determination of preliminary allotments for 1962 and subsequent years, and tobacco acreage history for 1960 and subsequent years.

(a) The preliminary acreage allotment for an old farm for 1962 and subsequent years shall be the farm acreage allotment for the immediately preceding year prior to any reduction for violation of the tobacco marketing quota regulations, except that if the tobacco acreage history in at least one of the immediately preceding two years is not as much as 75 percent of the farm allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the average tobacco acreage history for the past five years.

(b) Notwithstanding the provisions of paragraph (a) of this section, no 1962 preliminary allotment or 1962 farm allotment shall be determined for any land which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain and which could not have been acquired under right of eminent domain by the person or agency that did acquire it, and which the county committee and a representative of the State committee determine is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary allotment or allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 725.1220.

(c) For each of the years 1957, 1958 and 1959, the tobacco acreage history shall be the same as the farm allotment for each such respective year, prior to any reduction for violation. For 1960, and for each subsequent year, the tobacco acreage history shall be the same as the farm allotment (prior to any reduction for violation) for such year, if

(1) The farm consists of Federally owned land, or

(2) The final tobacco acreage determined for the farm is as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year, or

(3) The final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act is as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year, or

(4) The final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act for at least one of the two immediately preceding years was as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such respective year.

(d) If for 1960 or for any subsequent year, the county committee determines that the final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act is not as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (1) the allotment (prior to any reduction for violation) or (2) the final tobacco acreage determined for the farm, plus the additional acreage which the county committee determines, with approval of a representative of the State committee, would have been included in the final tobacco acreage except for abnormal weather or disease, plus the acreage regarded as planted to tobacco under the Soil Bank Act, and plus the amount of any reduction for violation. However, in such a case, the farm allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests an adjustment in writing by October 1 of the crop year involved.

(e) If the tobacco acreage history for 1960 or any subsequent year cannot be considered to be the same as the farm allotment under the provisions of paragraph (c) or (d) of this section, it shall be the final tobacco acreage determined for the farm, plus the acreage regarded as planted to tobacco under the Soil Bank Act, plus the acreage by which the farm allotment was reduced for violation, and plus the additional acreage which the county committee determines, with approval of a representative of the State committee, would have been included in the final tobacco acreage except for abnormal weather or disease, not to exceed the tobacco acreage allotment prior to any reduction for violation.

(f) In applying the provisions of paragraphs (c), (d), and (e) of this section, the tobacco acreage history for any year shall not be larger than the allotment prior to any reduction for violation. For any year for which the allotment was reduced for violation (but not reduced to zero), the reduced allotment shall be used in determining whether the allotment was 75 percent planted or regarded as planted. For any year for which an allotment of zero was established (or no allotment was established), any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment for 1960 or any subsequent year was or is planted or is to be regarded as planted. In the event of planting pursuant to an erroneous notice of allotment for any year, the smaller of (1) the allotment shown on the erroneous notice or (2) the correct allotment that should have been shown on the notice will be used in determining whether the allotment was 75 percent planted or regarded as planted: except that, if the correct notice is zero, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment for 1960 or any subsequent year was or is planted or is to be regarded as planted.

(g) The 1956 tobacco acreage history shall not exceed the 1956 allotment, and shall include the tobacco acreage harvested on the farm in 1956, the tobacco acreage devoted in 1956 to the acreage reserve program, the tobacco acreage devoted in 1956 to the conservation reserve program, and, excepting flue-cured tobacco, the 1956 tobacco acreage preserved pursuant to a request of the owner or operator of the farm, as provided in § 725.816(c) of the tobacco marketing quota regulations for the 1957–58 marketing year (21 F.R. 6803, 9398).

(h) Notwithstanding the foregoing provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of acreage history restored pursuant to reduction(s) of the allotment for violation(s) of the tobacco marketing quota regulations.

(i) As used in this section, the following terms shall have the meanings described as follows:

(1) "Federally owned land" means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(2) "Final tobacco acreage" means the acreage determined under the provisions of part 718 of this chapter, Determination of Acreage and Performance, and any amendments thereto, to be the final acreage of tobacco on the farm. Any acreage that may have been planted in any year on a farm for which a zero allotment was established or for which no allotment was established shall not be taken into account in determining whether at least 75 percent of the farm allotment for 1960 or any subsequent year was planted.

(3) "Acreage regarded as planted to tobacco under the Soil Bank Act" means: For 1960 and any subsequent crop year, if the tobacco allotment is the only commodity acreage allotment for the farm, the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the farm tobacco acreage allotment, after any reduction for violation, exceeds the final tobacco acreage shall be regarded as planted to tobacco under the Soil Bank Act. In the event the farm has two or more commodity allotments for which the final acreage is less than the respective allotment, and the acreage placed in the conservation reserve at the regular rate on the farm is less than the sum of the amounts by which such respective allotments (after release and before reapportionment) exceed the respective final acreages of such crops on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each such allotment commodity. To prorate this acreage, the sum of the amounts by which the respective allotments for those crops for which the final acreage is less than the respective allotment (after release and before reapportionment) exceed the respective final acreage for such allotment crops on the farm shall be obtained. This total shall then be divided into the amount by which each such allotment (after release and before reapportionment) exceeds the final acreage. The percentage thus obtained for each such commodity shall be applied to the acreage on the farm under a conservation contract at the regular rate. The result shall be the acreage considered planted to such commodity on the farm under a conservation reserve contract. Where it is necessary to determine the acreage regarded as planted to tobacco under the Soil Bank Act in 1959 or 1958, the provisions of this paragraph shall be followed in making such determination. For 1958, the acreage entered on the acreage reserve agreement shall be included in the acreage regarded as planted under the Soil Bank Act, and shall be added to the final acreage in determining whether, and the extent to which, the commodity is entitled to share in the conservation reserve credit for the farm. As used in this paragraph (i)(3), the term "allotment" means the allotment after any reduction for violation in the case of tobacco and peanuts.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 11th day of July 1960.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6591; Filed, July 14, 1960; 8:47 a.m.]

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1961–62 Marketing Year

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AUTHORITY: §§ 727.1211 to 727.1228 issued under secs. 301, 313, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 72 Stat. 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1363, 1375, 1377, 1378, 1824, 1836.

GENERAL

§ 727.1211 Basis and purpose.

(a) The regulations contained in §§ 727.1211 to 727.1227 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1961 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.1211 to 727.1227 is to provide the procedure for allocating on an acreage basis, the national marketing quota for Maryland tobacco for the 1961–62 marketing year among farms and for determining normal yields. § 727.1228 is included for the purpose of showing (1) how farm preliminary allotments for 1962 and subsequent years and (2) how farm tobacco acreage history for 1960 and subsequent years will be determined. Prior to preparing the regulations in §§ 727.1211 to 727.1228, public notice (25 F.R. 4996) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.1211 to 727.1228 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.1212 Definitions.

As used in §§ 727.1211 to 727.1228 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "Allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year," "Department," "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(c) "Base period" for the 1961–62 marketing year means the five years 1956–60.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1955. If, in accordance with applicable law and regulations, no 1956, 1957, 1958, 1959 or 1960 tobacco acreage allotment was determined for the farm, any production of tobacco in 1956, 1957, 1958, 1959 or 1960, respectively, shall not be considered in determining whether the farm is a new farm. The term "tobacco acreage history" as used in this paragraph shall be as defined and explained in § 727.1228.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1956 through 1960. If in accordance with applicable law and regulations, no 1956, 1957, 1958, 1959 or 1960 tobacco acreage allotment was determined for the farm, any production of tobacco in 1956, 1957, 1958, 1959 or 1960, respectively, shall not be considered in determining whether the farm is an old farm. The term "tobacco acreage history" as used in this paragraph shall be as defined and explained in § 727.1228.

(f) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.1213 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For ex-

ample, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5562 would be 10.56.

§ 727.1214 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 727.1215 Applicability of §§ 727.1211 to 727.1226.

Sections 727.1211 to 727.1227, and § 727.1228 to the extent indicated therein, govern the establishment of farm acreage allotments and normal yields in connection with the 1961 crop of tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.1216 Determination of 1961 preliminary acreage allotments for old farms.

(a) The 1961 preliminary acreage allotment for an old tobacco farm shall be the 1960 farm acreage allotment established for such farm, prior to any reduction for violation of the tobacco marketing quota regulations.

(b) Notwithstanding the foregoing provisions of paragraph (a) of this section, no 1961 preliminary allotment or 1961 farm tobacco acreage allotment shall be determined for any land which is devoted to commercial or residential development or other non-agricultural purposes, which was not acquired by an agency having the right of eminent domain and which could not have been acquired under right of eminent domain by the person or agency that did acquire it, and which the county committee and a representative of the State committee, determine is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment or allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 727.1220.

§ 727.1217 1961 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 727.1216 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms pursuant to § 727.1218 shall not exceed the State acreage allotment.

§ 727.1218 Adjustment of acreage allotments for old farms, correction of errors made in old farm allotments and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 727.1216, the farm acreage allotment for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section, correction of errors made in old farm allotments, and allotments for overlooked old farms shall not exceed four percent of the total acreage alloted to all tobacco farms in the State for the 1960–61 marketing year. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 727.1219 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm for the 1960–61 or a prior marketing year which in fact was produced on a different farm, the acreage allotments established for both such farms for 1961 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1960 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1961 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids or acquiesces in the filing of, a false acreage report with respect to the acreage of tobacco grown on the farm in 1960 or a prior year, the 1961 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or in a subsequent year, more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 727.1220 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1961 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1961. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however*, That no reduction shall be made under this section in the 1961 acreage allotment for any farm for a violation described in paragraph (a), (b), (c) or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1961 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or

produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c) or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c) or (d) of this section.

(i) Producers of tobacco in the 1960–61 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 727.1128 of this part (Marketing Quota Regulations, 1960–61 Marketing Year, Maryland–Ga (to be issued before October 1, 1960)).

§ 727.1220 Reallocation of allotments determined for farms acquired by an agency having right of eminent domain.

The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 727.1222 for determining normal yields for old farms.

§ 727.1221 Farms divided or combined.

Allotments for farms reconstituted for 1961 shall be determined in accordance with Part 719 of this chapter.

§ 727.1222 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1955–59, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.1223 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 727.1220, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more, but not more than five, old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the tobacco acreage on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in Maryland tobacco and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further*, That production of tobacco on a farm in 1955 or a subsequent year for which in accordance with applicable law and regulations no tobacco acreage allotment for 1955 or respective subsequent year was determined, shall not be deemed such experience for any producer.

(2) The farm operator shall live on and receive 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm shall not have a 1961 allotment for any kind of tobacco other than that for which application is made under this part.

(4) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a Maryland tobacco acreage allotment is established for the 1961–62 marketing year.

(5) The farm shall be operated by the owner thereof.

(6) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1956–60 for which an old farm tobacco acreage allotment was determined except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1955 due to no tobacco history thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1955–60 and at time of division of the farm contained cropland but received no part of the allotment due to division of the allotment on a contribution basis.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-eighth of one percent of the 1961 national marketing quota shall, when converted to an acreage allotment by use of the national average yield be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

(d) Any new farm allotment approved under §§ 727.1211 to 727.1226 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment

shall be cancelled as of the date established.

§ 727.1224 Time for filing application.

An application for a new farm allotment shall be filed with the ASC county office no later than February 15, 1961, unless the farm operator was discharged from the armed services subsequent to December 31, 1960, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 727.1225 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 727.1226 Approval of determinations made under §§ 727.1211 to 727.1225 and § 727.1228, and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 727.1211 to 727.1225 and § 727.1228. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 727.1219(b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practicable all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1961.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1961–62 marketing year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 727.1228(f) shall be followed.

§ 727.1227 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASC county office.

§ 727.1228 Determination of preliminary allotments for 1962 and subsequent years, and tobacco acreage history for 1960 and subsequent years.

(a) The preliminary acreage allotment for an old farm for 1962 and subsequent years shall be the farm acreage allotment for the immediately preceding year prior to any reduction for violation of the tobacco marketing quota regulations, except that if the tobacco acreage history in at least one of the immediately preceding two years is not as much as 75 percent of the farm allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the average tobacco acreage history for the past five years.

(b) Notwithstanding the provisions of paragraph (a) of this section, no 1962 preliminary allotment or 1962 farm allotment shall be determined for any land which is devoted to commercial or residential development or other nonagricultural purposes, which was not acquired by an agency having the right of eminent domain and which could not have been acquired under right of eminent domain by the person or agency that did acquire it, and which the county committee and a representative of the State committee determine is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary allotment or allotment for an old farm returned to agricultural production, or for a farm for which an acreage allotment may be determined under the provisions of § 727.1220.

(c) For each of the years 1957, 1958 and 1959, the tobacco acreage history shall be the same as the farm allotment for each such respective year, prior to any reduction for violation. For 1960, and for each subsequent year, the tobacco acreage history shall be the same as the farm allotment (prior to any reduction for violation) for such year, if

(1) The farm consists of Federally owned land, OR

(2) The final tobacco acreage determined for the farm is as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year, OR

(3) The final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act is as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year, OR

(4) The final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act for at least one of the two immediately preceding years was as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such respective year.

(d) If for 1960 or for any subsequent year, the county committee determines that the final tobacco acreage determined for the farm plus the acreage regarded as planted to tobacco under the Soil Bank Act is not as much as 75 percent of the farm tobacco acreage allotment (after any reduction for violation) for such year because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (1) the allotment (prior to any reduction for violation) or (2) the final tobacco acreage determined for the farm, plus the additional acreage which the county committee determines, with approval of a representative of the State committee, would have been included in the final tobacco acreage except for abnormal weather or disease, plus the acreage regarded as planted to tobacco under the Soil Bank Act, and plus the amount of any reduction for violation. However, in such a case, the farm allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests an adjustment in writing by October 1 of the crop year involved.

(e) If the tobacco acreage history for 1960 or any subsequent year cannot be considered to be the same as the farm allotment under the provisions of paragraph (c) or (d) of this section, it shall be the final tobacco acreage determined for the farm, plus the acreage regarded as planted to tobacco under the Soil Bank Act, plus the acreage by which the farm allotment was reduced for violation, and plus the additional acreage which the county committee determines, with approval of a representative of the State committee, would have been included in the final tobacco acreage except for abnormal weather or disease, not to exceed the tobacco acreage allotment prior to any reduction for violation.

(f) In applying the provisions of paragraphs (c), (d), and (e) of this section, the tobacco acreage history for any year shall not be larger than the allotment prior to any reduction for violation. For any year for which the allotment was reduced for violation (but not reduced to zero), the reduced allotment shall be used in determining whether the allotment was 75 percent planted or regarded as planted. For any year for which an allotment of zero was established (or no allotment was established), any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment for 1960 or any subsequent year was or is planted or is to be regarded as planted. In the event of planting pursuant to an erroneous notice of allotment for any year, the smaller of (1) the allotment shown on the erroneous notice or (2) the correct allotment that should have been shown on the notice will be used in determining whether the allotment was 75 percent planted or regarded as planted: except that, if the correct notice is zero, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment for 1960 or any subsequent year was or is planted or is to be regarded as planted.

(g) The 1956 tobacco acreage history shall not exceed the 1956 allotment, and shall include the tobacco acreage harvested on the farm in 1956, the tobacco acreage devoted in 1956 to the acreage reserve program, the tobacco acreage devoted in 1956 to the conservation reserve program, and the 1956 tobacco acreage preserved pursuant to a request of the owner or operator of the farm, as provided in § 727.816(b) of the tobacco marketing quota regulations for the 1957–58 marketing year (21 F.R. 6882, 8423, 9398).

(h) Notwithstanding the foregoing provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of acreage history restored pursuant to reduction(s) of the allotment for violation(s) of the tobacco marketing quota regulations.

(i) As used in this section, the following terms shall have the meanings described as follows:

(1) "Federally owned land" means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(2) "Final tobacco acreage" means the acreage determined under the provisions of Part 718 of this chapter, Determination of Acreage and Performance, and any amendments thereto, to be the final acreage of tobacco on the farm. Any acreage that may have been planted in any year on a farm for which a zero allotment was established or for which no allotment was established shall not be taken into account in determining whether at least 75 percent of the farm allotment for 1960 or any subsequent year was planted.

(3) "Acreage regarded as planted to tobacco under the Soil Bank Act" means: For 1960 and any subsequent crop year, if the tobacco allotment is the only commodity acreage allotment for the farm, the acreage placed in the conservation reserve at the regular rate, not to exceed the amount by which the farm tobacco acreage allotment, after any reduction for violation, exceeds the final tobacco acreage shall be regarded as planted to tobacco under the Soil Bank Act. In the event the farm has two or more commodity allotments for which the final acreage is less than the respective allotment, and the acreage placed in the conservation reserve at the regular rate on the farm is less than the sum of the amounts by which such respective allotments (after release and before reapportionment) exceed the respective final acreages of such crops on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each such allotment commodity. To prorate this acreage, the sum of the amounts by which the respective allotments for those crops for which the final acreage is less than the respective allotment (after release and before reapportionment) exceed the respective final acreage for such allotment crops on the farm shall be obtained. This total shall then be divided into the amount by which each such allotment (after release and before reapportionment) exceeds the final acreage. The percentage thus obtained for each such commodity shall be applied to the acreage on the farm under a conservation contract at the regular rate. The result shall be the acreage considered planted to such commodity on the farm under a conservation reserve contract. Where it is necessary to determine the acreage regarded as planted to tobacco under the Soil Bank Act in 1959 or 1958, the provisions of this paragraph shall be followed in making such determination. For 1958, the acreage entered on the acreage reserve agreement shall be included in the acreage regarded as planted under the Soil Bank Act, and shall be added to the final acreage in determining whether, and the extent to which, the commodity is entitled to share in the conservation reserve credit for the farm. As used in this paragraph (i)(3), the term "allotment" means the allotment after any reduction for violation in the case of tobacco and peanuts.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 11th day of July 1960.

CLARENCE D. PALMER,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6601; Filed, July 14, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 448; Supp. No. 3]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

Qualifying Experience for Mechanic Inspection Authorization

Part 24 of the Civil Air Regulations presently contains the requirements for issuance of mechanic and repairman certificates, including the issuance of inspection authorizations to certificated mechanics holding both airframe and powerplant ratings and having such other qualifications as the Administrator may deem appropriate. Section 24.43–1 (a)(2) specifies, in part, the qualifying experience for issuance of an inspection authorization and requires the applicant for such authorization to have been actively engaged in the inspection, maintenance, and repair of U.S. civil aircraft and engines for at least 2 years immediately preceding the date of application.

Many Federal, state, and local government agencies operate aircraft which, by definition, are public aircraft, but many of these agencies have established policies requiring such aircraft to be certificated, maintained, and operated in accordance with the certification and airworthiness requirements of the Civil Air Regulations. In order to maintain these aircraft as required by the regulations, it is necessary for such governmental agencies to have their aircraft inspected periodically by persons holding an inspection authorization. However, under the provisions of present § 24.43–1(a)(2), otherwise qualified certificated mechanic personnel of these government agencies cannot obtain an inspection authorization, since they have not been engaged for the preceding 2 years in the maintenance of "U.S. civil aircraft."

The experience acquired by certificated mechanics performing inspection, maintenance, and repair operations on public aircraft, certificated and maintained in accordance with the Civil Air Regulations, is equivalent to the experience acquired on "U.S. civil aircraft." It is deemed appropriate that such mechanics, if otherwise qualified, should be considered eligible to apply for an inspection authorization.

Since this amendment relieves certain mechanics of a technical restriction and does not place any additional burden on anyone, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 24.43–1(a)(2) of the Civil Air Regulations (14 CFR Part 24), is hereby amended as follows effective July 15, 1960:

§ 24.43–1 Inspection authorization (FAA rules which apply to § 24.43).

(a) *Qualifications.* • • •

(2) He has been actively engaged for at least 2 years, immediately preceding the date of application, in the inspection, maintenance, and repair of aircraft certificated and maintained in accordance with the provisions of the Civil Air Regulations.

(Secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 11, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–6584; Filed, July 14, 1960; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 445; Amdt. 179]

PART 507—AIRWORTHINESS DIRECTIVES

Bell Helicopters

Amendment 146, 25 F.R. 4132, required inspection and modification of scissors pivot bolts and bolt holes on certain Bell helicopter models to correct an unsafe condition. Some military 47E and 47K models which have been released as surplus have been converted and certificated. Therefore, Amendment 146 is being amended to include these models.

In the interest of safety the Administrator finds that notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is amended as follows:

Amendment 146, Bell Helicopters, as it appeared in 25 F.R. 4132 is amended:

1. By changing the applicability statement to read "Applies to all helicopter models: 47B, 47B3, 47D, 47D–1, 47–G, and 47H–1, all Serial Numbers: 47G–2 Serial Numbers 1327 through 2450, 2453 through 2456, and 2458; 47J Serial Numbers 1490 through 1776 (except for helicopters on which Kit No. 47–3410–1 (3338I) has been installed); 47E and 47K."

2. By changing the first sentence in paragraph (a) to read "Prior to June 30, 1960, except 47E and 47K as to which compliance is required prior to August 15, 1960, inspect the scissor lever pivot bolts, AN 174–31, and bolt holes in the brackets of the collective pitch sleeve weld assembly, P/N 47–150–117–5 for wear."

This amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 11, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60–6566; Filed, July 14, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–WA–297]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On June 10, 1960, there was published in the FEDERAL REGISTER (25 F.R. 5179) an amendment to §§ 600.6007 and 600.6124 of the regulations of the Administrator. This amendment, to be effective October 20, 1960, modified VOR Federal airway No. 7 from Lewis, Ind., to Westpoint, Ind.; modified Victor 7 west from Evansville, Ind., to Terre Haute, Ind.; revoked Victor 7 west from Terre Haute to Westpoint; and realigned Victor 124 from Terre Haute to Shelbyville, Ind., concurrently with the commissioning of the Terre Haute, Ind., VOR at a new location.

The commissioning date of the relocated Terre Haute VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59–WA–297 is hereby modified as follows: "effective 0001 e.s.t. October 20, 1960." is deleted and "effective 0001 e.s.t. November 17, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 8, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–6568; Filed, July 14, 1960; 8:45 a.m.]

[Airspace Docket No. 60–WA–71]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas

On April 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2804) stating that the Federal Aviation Agency was considering amendments to §§ 600.6066 and 600.6208 of the regulations of the Administrator which would modify VOR Federal airway No. 66 between the San Diego, Calif., VOR and the El Centro, Calif., VOR by extending the airway from the Campo, Calif., intersection to the San Diego VOR and designating it direct from San Diego to El Centro, and modify the segment of VOR Federal airway No. 208 between the Oceanside, Calif., VOR and the Thermal, Calif., VOR by designating the airway via the intersection of the Oceanside VOR 101° True and the San Diego VOR 046° True radials. Subsequent to the closing date, a modification of the proposal was published on April 26, 1960 in the FEDERAL REGISTER (25 F.R. 3597) amending the original proposal by designating the segment of Victor 208 between Oceanside and Thermal via the Julian, Calif., VOR. In addition, it was proposed to designate VOR Federal airway No. 460 from Julian to Blythe, Calif., via the Julian VOR 055° True and the Blythe VOR 272° True radials and VOR Federal airway No. 458 from Julian to El Centro via the Julian VOR 130° True and the El Centro VOR 271° True radials.

Three comments were received in response to the proposal. The Air Transport Association concurred in the modification of the airways. The Department of the Air Force objected to the proposals because they believe that en route aircraft flying along the airways based on the Julian VOR will cause delays to March Air Force Base, Calif., arrival and departure procedures using the Julian VOR. March AFB arrival and departure procedures have recently been transferred from the Thermal VOR to the Julian VOR. This provides a straight-in approach to March AFB. This change in procedures also provides an unrestricted preferential departure route on Victor 64 between Long Beach, Calif., and Thermal for eastbound departures from Los Angeles, Calif. Victor 208 between Oceanside and Thermal, via Julian, will not be a preferential departure route from Los Angeles. Aircraft using this airway and the other airways based on the Julian VOR will generally be low altitude and short haul flights. The Federal Aviation Agency anticipates no conflict between en route traffic and March AFB arrival and departures that cannot be handled procedurally by the Air Route Traffic Control Center concerned. The Department of the Navy offered no objections to the proposal; however, they point out that the designation of Victor 458 between Julian and the Coyote Wells, Calif., intersection will underlie the airspace utilized for the Miramar Naval Air Station high altitude TACAN instrument approach procedure and holding pattern. In this instance, the approach and the holding pattern altitude in the airspace occupied by Victor 458 is at 20,000 feet or above, therefore, this should not cause any conflict in traffic that cannot be handled procedurally.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6066 [Amendment]

1. In the text of § 600.6066 (24 F.R. 10512) "From the INT of a line bearing 345° toward the Julian, Calif., RBN with the El Centro VOR 265° radial via the El Centro, Calif., VOR;" is deleted and "From the San Diego, Calif., VOR, via the El Centro, Calif., VOR;" is substituted therefor.

2. Section 600.6208 (24 F.R. 10522) is amended to read:

§ 600.6208 VOR Federal airway No. 208 (Los Angeles, Calif., to Peach Springs, Ariz.).

From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 185° True and the Oceanside VORTAC 280° True radials; Oceanside, Calif., VORTAC; Julian, Calif., VOR; Thermal, Calif., VORTAC; Twentynine Palms, Calif., VOR; Needles, Calif., VORTAC; to the Peach Springs, Ariz., VORTAC. The portions of this airway which lie within the geographical limits of, and between the designated altitudes of, the Camp Pendleton Restricted Area (R–294) are excluded during the designated time of this restricted area.

3. Part 600 (24 F.R. 10487) is amended by adding the following:

§ 600.6458 VOR Federal airway No. 458 (Julian, Calif., to El Centro, Calif.).

From the Julian, Calif., VOR via the INT of the Julian VOR 130° True and the El Centro VOR 271° True radials, to the El Centro, Calif., VOR.

§ 600.6460 VOR Federal airway No. 460 (Julian, Calif., to Blythe, Calif.).

From the Julian, Calif., VOR via the INT of the Julian VOR 055° True and the Blythe VOR 272° True radials, to the Blythe, Calif., VOR.

4. Part 601 (24 F.R. 10530) is amended by adding the following:

§ 601.6458 VOR Federal airway No. 458 control areas (Julian, Calif., to El Centro, Calif.).

All of VOR Federal airway No. 458.

§ 601.6460 VOR Federal airway No. 460 control areas (Julian, Calif., to Blythe, Calif.).

All of VOR Federal airway No. 460.

These amendments shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 8, 1960.

GEORGE S. CASSADY,
Brigadier General, U.S. Air Force, Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–6567; Filed, July 14, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86–139 as It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Under the authority provided in Public Law 86–139 (73 Stat. 388, 7 U.S.C. 135 et seq.), the Commissioner of Food Drugs has extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants (25 F.R. 2836, 3351, 4864, 5878). The lists previously published in § 120.35 are amended by adding thereto the following items:

§ 120.35 Extension of effective date of Public Law 86–139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

• • • • •

Sodium chlorate with added sodium metaborate	On tomatoes as a defoliant.
	On rice and sorghum (milo) as a desiccant.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Applies sec. 3(b), Public Law 86–139 (73 Stat. 288; 7 U.S.C. 135, et seq.)

Dated: July 8, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60–6578; Filed, July 14, 1960; 8:47 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 45—INTERPRETATIONS; TITLE II, FEDERAL COAL MINE SAFETY ACT

Underground Structures

Section 45.48–1, is amended to read as follows:

§ 45.48–1 Underground structures.

Section 209(g)(5) means that all underground surfaces, including roof and rib supports, enclosing such underground installations as transformer stations, battery-charging stations, substations, permanent pump rooms, etc., shall be fire-proof, unless the equipment enclosed consists only of dry-type transformers, transformers filled with nonflammable fluid or inert gas, or equipment manufactured as package units and fully enclosed in fire-proof housings, such as mercury-arc rectifiers.

MARLING J. ANKENY,
Director, Bureau of Mines.

[F.R. Doc. 60–6574; Filed, July 14, 1960; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 3–75—DELEGATIONS OF AUTHORITY

Subpart B—Delegatees and Specific Limitations

DIVISION OF INDIAN HEALTH, BUREAU OF MEDICAL SERVICES

The following subsection is added following § 3–75.6:

§ 3–75.6–1 Division of Indian Health, Bureau of Medical Services.

Officials occupying the following positions in the Area Offices of the Division of Indian Health, Bureau of Medical Services, are authorized, pursuant to section 7(a)(1) of Public Law 86–121 and section 4–5 of the PHS Manual of Organization and Functions, to negotiate and award contracts for architectural-engineer services for bridges, roads, sidewalks, sewers, mains, or similar items, regardless of construction costs, and for any public building or public improvement when the construction cost is estimated to be less than $200,000; and to advertise and award contracts for construction of Indian Health sanitation facilities, subject to the contracting pro-

visions of Chapter 7–100 of the HEW Procurement Manual, including PHS supplements thereto, and PHS Administrative Services Memorandum No. 51 (March 27, 1958), as amended:

Medical Officer in Charge.
Deputy and/or Assistant Medical Officer in Charge.
Executive or Administrative Officer.
General Services Officer.

This authority may not be redelegated. It may be exercised without regard to the exclusion in section 2–10–40 B4 of the HEW Procurement Manual.

[SEAL] PAUL A. CAULK,
Executive Officer,
Public Health Service.

APRIL 15, 1960.

[F.R. Doc. 60–6468; Filed, July 14, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13475; FCC 60–818]

PART 10—PUBLIC SAFETY RADIO SERVICES

Special Emergency Split Channels

In the matter of amendment of § 10.462(f)(15) of Part 10 of the Commission's rules to permit assignment of special emergency split channels without a showing of co-channel coordination, Docket No. 13475.

1. As a result of a request for waiver filed by Dr. Charles A. Baldwin, d/b as Lakevue Animal Clinic, P.O. Box 851, Lake City, Florida, the Commission issued a notice of proposed rule making in the above-entitled matter. This notice was duly published in the FEDERAL REGISTER, April 20, 1960 (25 F.R. 3427), and invited interested parties to submit comments in support of, or in opposition to, the proposal by June 1, 1960. This date having passed, the only comment received was that of the petitioner who in essence reiterated the arguments advanced in his original petition.

2. The Commission stated in paragraph 6 of the notice of proposed rule making that removal of the requirement that Special Emergency applicants must obtain co-channel coordination on the frequencies 45.92 Mc, 45.96 Mc, 46.00 Mc, and 46.04 Mc would serve to bring licensees in this service into parity. Similarly, since such applicants must still coordinate with existing users within 75 miles and within ±30 kc, except for co-channel users, present stations operating on these adjacent frequencies will be afforded adequate protection.

3. No evidence has been submitted in this proceeding nor has any other information come to the Commission's attention which would warrant a different conclusion. It should be noted that after November 1, 1963, all licensees must comply in full with the new narrow-band technical standards.

4. Authority for this amendment of Part 10 of the Commission's rules ordered hereby is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Therefore, Part 10 of the Commission's rules is amended by the changing of the provisions of § 10.462(f)(15) as set forth below, effective August 15, 1960.

Adopted: July 7, 1960.

Released: July 12, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 10 of the Commission's rules is amended as follows:

Section 10.462(f)(15) is amended to read as follows:

§ 10.462 Frequencies available to the Special Emergency Radio Service.

* * * * * * *

(f) * * *

(15) Available for assignment: *Provided,* That prior to November 1, 1963, application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed, except those authorized to operate on the frequency requested, have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused.

[F.R. Doc. 60–6594; Filed, July 14, 1960; 8:48 a.m.]

[Docket No. 13080; FCC 60–781]

PART 45—PRESERVATION OF RECORDS OF TELEPHONE CARRIERS

PART 46—PRESERVATION OF RECORDS OF WIRE-TELEGRAPH, OCEAN-CABLE AND RADIOTELEGRAPH CARRIERS

Retention Periods For Payroll, Employee Service, Mortality, and Related Records

In the matter of amendment of Parts 45, Preservation of Records of Telephone Carriers, and 46, Preservation of Records of Wire-Telegraph, Ocean-Cable and Radiotelegraph Carriers, of the Commission's rules and regulations to reduce the retention periods for payroll, employee service, mortality, and related records, and to combine into one Part the present two parts, Docket No. 13080.

1. On July 29, 1959, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter, which was published in the FEDERAL REGISTER on August 5, 1959 (24 F.R. 6271) in accordance with section 4(a) of the Administrative Procedure Act. This Notice presented for comment, on or before September 14, 1959 (with allowance for reply comments within twenty days thereafter), a proposal of the American Telephone and Telegraph Company (AT&T), made on behalf of itself and the Bell System companies, that Part 45 of the Rules be amended in such manner that the permanent retention periods prescribed for employees' service records; mortality, service retirement and other statistical data either used or useful in the computation of annual pension accrual rates; and pension or annuity payrolls be reduced to six years after termination of employment for employees' service records, be continued for permanent retention as to the mortality, etc. data but with a more restricted definition of what is comprehended in such data, and be reduced to six years for pension or annuity payrolls. It was also proposed that the retention period for employee payrolls be reduced from ten years to six years and that certain other related changes be made. The Commission proposed that any amendments adopted for Part 45 should also be adopted for Part 46, with the exception that the retention period for item 21–d relating to employees' service records in Part 46 would not be increased from 3 years after termination of employment. The Commission also asked for comments and suggestions on its own proposal to consolidate Parts 45 and 46 into a single part.

2. Timely comments were received from The Western Union Telegraph Company (WU), AT&T, the United States Independent Telephone Association (USITA), The General Services Administration (GSA) representing the consumer interest of the executive agencies of the United States in public utility rate proceedings before Federal and State regulatory bodies, the Communications Workers of America (CWA), the Chicago Telephone Traffic Union (CTTU), and the Maryland Telephone Union, Inc. (MTU). Reply comments were received from AT&T in answer to the comments of GSA and the telephone unions. No one requested a public hearing or oral argument.

3. WU, AT&T and USITA favored the proposed amendments and AT&T, in addition, suggested that, should Parts 45 and 46 be consolidated, the item numbers in the combined Part which pertain to the records of telephone carriers be kept the same, wherever possible, as the numbers for corresponding items in Part 45.

4. CWA agreed that the permanent retention period for individual employee records (items 21–d–1 and 21–j) should be reduced and pointed out that the permanent retention of certain records is an unnecessary and costly practice which, in the final analysis, is paid for by the telephone users. The main concern expressed by all the unions was the problem of determining previous service of employees when they are rehired if the pertinent records are not required to be retained for an adequate period. CTTU and MTU also urged that six years after termination of employment is too short a retention period for regular day-to-day personnel administration. This opposition was apparently based upon a mistaken interpretation that the six-year period begins to run whenever an employee is promoted or transferred. This is not the case. The period begins only when an employee terminates his active service by other than retirement on an annuity, or upon the death of an annuitant. CTTU and MTU suggested a retention period of 25 years after termination of employment for individual employee records covered by present item 21–d–1 and a continuance of the present permanent retention period for records covered by item 21–j(2). They also stated that, if "6 years after termination of employment" is intended to include retirement, the permanent retention period for cards, lists, or other records of earnings for individual employees used in computing pensions or annuities (item 21–j(1)) should be retained in order to be available for the purpose of computation of the beneficiary payments made upon the death of a retired employee. CWA did not specify a retention period for any of these records other than stating that they should be retained for a reasonable length of time during the employee's potential reemployment period.

5. GSA stated that should the proposed amendments be adopted, many important records which support the actuarial and experience basis on which pension fund accruals are charged to operating expenses would no longer be available. While the companies may consider these records no longer useful for their own purposes, it is GSA's opinion that these records are of importance to the telephone customers who are affected by the charges to operating expenses based on the past experience represented by these records. GSA further stated that even though such data is not being currently used by the Bell companies under their present method of calculating pension accrual rates, it is possible that such data could and should be used if a more proper method were devised. GSA felt that, unless such data is retained, it cannot be satisfactorily determined whether there is a better and more appropriate formula for determining the Bell companies' pension accrual rates. GSA also maintained that, so far as can be ascertained, the Commission has never formally approved the present method of computing pension accruals and these employee records therefore are potentially useful to the Commission as well as to other parties. Regarding AT&T's statement in its original proposal that the permanent retention of these records results in voluminous files which are seldom referred to and which are retained at a substantial expense, GSA suggested that since the Rules permit microfilming of all records, it does not believe that voluminous files will be required to be retained. In connection with the consolidation of Parts 45 and 46, GSA stated that it had interpreted the Commission's intent in this regard to be dependent on adoption of the proposal for amendment of retention periods for employee records and, for that reason, was opposed to the consolidation.

6. AT&T in its reply comments stated that GSA's statement is based on the premise that all records "potentially useful" to customers and others should be kept in perpetuity and on the erroneous belief that permanent retention of the specific records in question may be necessary for checking pension accruals. AT&T stated that item 19–j (for which no change is proposed) requires permanent retention of all actuarial computations or studies determining pension accruals. AT&T further stated that, since group methods are used in computing the accrual rates of the Bell System companies (and such methods are universally accepted by actuaries), only employee census summaries are used, and after the summaries are compiled and their accuracy verified, no further reference to individual employee records is required. AT&T also stated that the Bell System actuarial assumptions and methods have been brought in issue by non-actuarial witnesses in some post-war rate cases before State regulatory commissions, but in no case has a commission disallowed any pension expense claimed by a Bell System company on the basis of rejection of actuarial methods. In fact, the principal opposition actuary in those cases has consistently used the Bell System's basic actuarial methods. AT&T felt that GSA's criterion of retaining "potentially useful" records permanently, if applied generally, could lead to permanent retention of practically all telephone company records. AT&T submitted that such a standard is at variance with GSA's own standards for retention of records by agencies of the United States Government. AT&T believed that GSA's suggestion that microfilming be used to reduce the volume of records is impractical due to the physical nature of certain of the records. The cost of microfilming these records would presently be out of proportion to storage cost.

7. With respect to the comments filed by the unions, AT&T in its reply stated that the Bell System companies will retain records used in the determination of pensions, benefits, net credited service, etc., for individual former employees as long as may be necessary to cover their potential reemployment. In addition, records of retired employees covering their entire period of active employment will be retained until at least 6 years after their pensions are terminated (which would be upon death of the retired employee). It is AT&T's belief that "6 years after termination of employment" should be interpreted to apply to retired as well as to active employees. AT&T further pointed out that the Plan for Employees' Pensions, Disability Benefits and Death Benefits of each of the Bell System companies provides that decisions made under this plan with respect to service on or after June 1, 1914 shall be based strictly upon the facts in the case as shown by the records of the company. AT&T argued that there is a clear distinction between retention periods required for regulatory purposes and for other purposes such as statutory requirements and administrative needs. It suggested that this concept is recognized in Section 45.1(c) of our Rules where it is stated that the records retention periods shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed in the Rules. Such other longer retention periods are observed by the telephone companies incorporating such periods in their own routines and instructions. In the instant case AT&T, as noted, believed it would be impractical to set an exact longer period than the 6 years after termination of employment proposed and it urged that the companies should be permitted to follow their own administrative requirements based on the needs for the records in question.

8. It appears that the arguments made by GSA are essentially the same as those which prompted the Commission to adopt (subject to further consideration) the stringent requirements for retention of employee service records and mortality data in Part 45 in 1950. At that time it was felt that the question of the need for permanent retention of these records might be resolved at a later date. Even though the Commission has periodically reviewed Bell Company actuarial computations used in determining pension accrual rates, there has been no occasion for it to use individual employee data or mortality data beyond those used by the companies. It also appears that State regulatory bodies have not had occasion to use old employee service records and mortality data which would cease being required to be retained permanently if the changes in retention periods proposed are adopted. Consequently, the arguments of GSA are not persuasive to us.

9. We believe there is merit in the contentions of the employee organizations as to the necessity of retaining individual employee service records for the purpose of establishing prior service and salaries and wages upon reemployment. This necessity is not, however, for regulatory purposes. Even so, we are not prepared to go all the way and say that we will adopt records retention requirements with an eye only on regulatory needs. Our solution is to follow a path between the two extremes. We do not believe we should adopt a method of insuring the availability of a relatively few individual employee service records which inevitably requires the long-time retention of all such records. The solution we have determined upon is to reduce the retention periods as proposed in the notice of proposed rule making but to append to the critical sections of the rules in Part 45 a note which is designed to make it clear that it is the responsibility of each telephone company, regardless of fixed-number-of-years retention periods, to retain in some form such service and salary data as may be necessary to meet all reasonable future calls for individual records. Such note will be found in the amendments appendix attached. We realize that for the present it may not be found worthwhile to screen the employee service records in order to pull those which can be destroyed. Our rules should, however, be flexible and designed where possible to anticipate the future. We have in mind the possibility that new methods of record keeping may be developed in the future which will make it completely feasible to screen the files and remove on a selective basis those which may be destroyed. When that time comes the rules as being amended will be so adaptable to new

conditions that full advantage may be taken of new developments in the art of record keeping without further amendment of the rules.

10. Even though we agree with AT&T that the interpretation of proposed item 21–d should be that "6 years after termination of employment" is to be construed as applying to retired as well as to active employees, it appears that the language is susceptible of improvement in the interests of clarity. Accordingly, proposed item 21–d and item 21–j(1) of Part 45 are being amended to specifically require the records described therein to be retained until 6 years after termination of pensions. Items 21–d and 21–j(1) of Part 46 are being similarly amended to require the retention of the records covered by those items until 3 and 6 years, respectively, after termination of pensions as a clarifying change to the retention periods.

11. The notice of proposed rule making in this matter stated that it was not proposed to increase the retention period of 3 years after termination of employment for item 21–d of Part 46 and none of the comments suggested any other retention period for that item. Therefore, the retention period for item 21–d of Part 46 is not being amended in this proceeding except for the minor clarifying change discussed in paragraph 10, above.

12. The indicator (M), to designate records which are permitted to be microfilmed and preserved in that form in lieu of the original records, appeared in the notice of proposed rule making herein. This indicator does not appear in the amendments being adopted herein for the reason that since the Notice was issued both Parts 45 and 46 of our rules have been amended to permit microfilming of any and all records at any time (Docket No. 13639, Final Report and Order adopted October 7, 1959, 24 F.R. 8379).

13. There are at present, and there will continue to be under the Rules amendments adopted herein, differences in prescribed retention periods for the same or similar records contained in Parts 45 and 46 of our Rules. These differences had their origin for the most part in the rule making proceeding finalized in 1950 which led to the adoption of the Parts referred to. The differences were dictated by the asserted differing needs of regulatory bodies for information as to telephone companies, on the one hand, and as to wire-telegraph, ocean-cable and radiotelegraph companies on the other. Most of the differences are being eliminated by the amendments ordered herein. There is one new difference being created, however, that deserves mention. This is the note that is being added at the end of item 21 in Part 45 but is not being added in the corresponding place in Part 46. The principal reason for not making the addition in Part 46 is that it would represent a new requirement which has not been submitted to rule making comment. This is a basic difference from the Part 45 change which grew directly out of rule making comments. We do not, however, intend to initiate further rule making in Part 46 at this time to add the note to item 21 therein.

14. It should be noted that wire-telegraph, ocean-cable and radiotelegraph companies stand in quite a different position with respect to the Commission in the matter of regulation than do telephone companies. Whereas the former are regulated wholly or at least primarily by the Commission, state commissions have a large share of the regulatory responsibility in connection with nearly all telephone companies. There are probably hundreds of telephone companies subject to sections 201–205 of the Communications Act but which voluntarily use Part 45 of our rules as a guide to their preservation of records practices. We believe we should consider these companies as well as those over whose practices we have full jurisdiction. This situation has no counterpart in the application of Part 46. We do intend, however, to make individual inquiry of the relatively few telegraph and cable companies as to their practices in this regard and, upon completion of such inquiry, will take such action on the matter as appears appropriate.

15. With respect to the consolidation of Parts 45 and 46 of the rules, the Commission believes that these parts should be combined as proposed in the notice of proposed rule making. However, the consolidation is not being made a part of this First Order. It is contemplated that the consolidation will be promulgated in a future order of the Commission. Such consolidation, being nonsubstantive and editorial in nature, may be accomplished by action of the Secretary of the Commission under authority delegated by section 0.341(a) of our rules. Specific authority to the Secretary to take this action is also conferred by this First Order.

It appearing that the proposed rule making proceeding in this matter has indicated the desirability of amendment of Parts 45 and 46 of the Commission's rules and regulations with respect to the retention periods for payroll, employee service, mortality, and related records;

It further appearing that Parts 45 and 46 should be amended in the manner proposed in the notice of proposed rule making with the variations indicated in paragraphs 9 and 10 herein;

It further appearing that Parts 45 and 46 should be consolidated into a single new part of our rules.

It is ordered, That under authority contained in sections 4(i) and 220 of the Communications Act of 1934, as amended, Part 45 (Preservation of Records of Telephone Carriers) and Part 46 (Preservation of Records of Wire-Telegraph, Ocean-Cable and Radiotelegraph Carriers) are hereby amended as set forth below.

It is further ordered, That Parts 45 and 46 of our rules should be consolidated into a single new part, and that such consolidation shall be accomplished at a later date by an Order issued by the Secretary of the Commission under delegated authority;

It is further ordered, That the amendments ordered and set forth below, be effective August 1, 1960.

Adopted: July 7, 1960.

Released: July 12, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 220, 48 Stat. 1078; 47 U.S.C. 220)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

I. Part 45—Preservation of Records of Telephone Carriers is amended as follows:

In § 45.8, item 21 is amended by revising sub-items a, b, d, j, k, and l, and by adding a note at the end of the item; and item 22 is amended by adding new sub-item j, as follows:

§ 45.8 List of records.

• • • • •

Item No.	Description of records	Period to be retained
21	Payroll records:	
	a. Payroll sheets, registers, lists, ledgers, and other basic records of salaries and wages earned by and payments to individual employees for each payroll period.	6 years.
	b. Payroll change reports or other approved applications or authorities for establishing and changing salary and wage rates of individual employees and for making other changes in employees' service records and in pension or other payrolls.	3 years.
	• • • • • • •	
	d. Service records of individual employees consisting of names, sex, salary and wage rates, occupational classifications, and similar data, together with changes therein. (See item 22–b.)	6 years after termination of employment or pension. (See, however, note at end of item 21.)
	• • • • • • •	
	j. Cards, lists, or other records of earnings for individual employees:	
	(1) Used in computing pensions or annuities	6 years after termination of employment or pension. (See, however, note at end of item 21.)
	(2) Used for current payroll record purposes	6 years. (See, however, note at end of item 21.)
	k. Authorizations, case records, special payrolls, or other records of sickness and accident disability and other benefits to employees and their beneficiaries. (See items 13–a and 22–i.)	6 years.
	l. Pension or annuity payrolls	Do.
	• • • • • • •	
	NOTE: Particularly in connection with items 21–d and 21–j, it should be noted that while minimum retention periods are given, those parts of the payroll records (or extracts therefrom) necessary to establish complete service and salary records shall be retained for whatever periods are necessary to insure that no reasonable call for the establishment of such records will fail of fulfillment by the carrier.	
22	Personnel records:	
	• • • • • • •	
	j. Annual employee census summaries, and supplemental summaries in connection therewith, not used in the computation of annual pension accrual rates. (See item 19–j.)	10 years.

II. Part 46—Preservation of Records of Wire-Telegraph, Ocean-Cable, and Radiotelegraph Carriers is amended as follows:

In § 46.9, item 21 is amended by revising sub-items a, b, d, j, k, and l; and item 22 is amended by adding a new sub-item j, as follows:

§ 46.9 List of records.

• • • • • • •

Item No.	Description of records	Period to be retained
21	Payroll records:	
	a. Payroll sheets, registers, lists, ledgers, and other basic records of salaries and wages earned by and payments to individual employees for each payroll period.	6 years.
	b. Payroll change reports or other approved applications or authorities for establishing and changing salary and wage rates of individual employees and for making other changes in employees' service records and in pension or other payrolls.	3 years.
	• • • • • • •	
	d. Service records of individual employees consisting of names, sex, salary and wage rates, occupational classifications, and similar data, together with changes therein. (See item 22–b.)	3 years after termination of employment or pension.
	• • • • • • •	
	j. Cards, lists, or other records of earnings for individual employees:	
	(1) Used in computing pensions or annuities	6 years after termination of employment or pension.
	(2) Used for current payroll record purposes	6 years.
	k. Authorizations, case records, special payrolls, or other records of sickness and accident disability and other benefits to employees and their beneficiaries. (See items 13–a and 22–i.)	Do.
	l. Pension or annuity payrolls	Do.
	• • • • • • •	
22	Personnel records:	
	• • • • • • •	
	j. Annual employee census summaries, and supplemental summaries in connection therewith, not used in the computation of annual pension accrual rates. (See item 19–j.)	10 years.

[F.R. Doc. 60–6595; Filed, July 14, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 19, 24]

SERVICES AND EXPENSES OF CUSTOMS EMPLOYEES

Reimbursement of Charges

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority of R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, secs. 555, 624, 46 Stat. 743, 759 (5 U.S.C. 22, 140; 19 U.S.C. 66, 1555, 1624), it is proposed to amend §§ 19.5 and 24.17(c) of the Customs Regulations.

At present, misinterpretation is possible as to when a proprietor of a bonded warehouse is required to reimburse the Government for the transportation expenses and any authorized per diem expenses of customs employees assigned to perform services at a bonded warehouse. In order to eliminate this possibility and to make it specifically clear when such expenses incurred by any customs employee so assigned must be reimbursed by the warehouse proprietor, it is proposed to amend §§ 19.5 and 24.17 (c) of the Customs Regulations as tentatively set forth below:

1. Section 19.5(c) is amended to read as follows:

(c) The necessary transportation expenses and any authorized per diem expenses of a customs employee assigned to perform services at a warehouse at which he is not regularly assigned shall be reimbursed by the warehouse proprietor.

2. Section 19.5(d) is amended to read as follows:

(d) When a customs officer is regularly assigned to duty at more than one warehouse, the charge for his compensation and transportation expenses in going from one bonded warehouse to another shall be equitably apportioned among the respective warehouse proprietors concerned. However, no charge shall be made for transportation expenses when a customs employee is reporting to as a first assignment, or leaving from as a last assignment, the place where he is regularly assigned to duty.

3. Section 24.17(c) is amended to read as follows:

(c) The charge for any service enumerated in this section for which expenses are required to be reimbursed shall include actual transportation expenses and any authorized per diem expenses of a customs employee whether the services are performed within or without the port limits, except that no charge shall be made for transportation expenses when a customs employee is reporting to, as a first assignment, or leaving from as a last assignment, the place where he is regularly assigned to duty.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 7, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6602; Filed, July 14, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

[Docket No. AO-201-A4]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to the proposed amendment of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter referred to collectively as the "order"). The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act", and any amendment which may be promulgated as a result of this proceeding also will be effective pursuant to the act. Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, 25, D.C., not later than the close of business on the 15th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed amendment of the order is formulated was held in San Francisco, California, on April 18, 1960, pursuant to a notice thereof which was published in the FEDERAL REGISTER on April 7, 1960 (25 F.R. 2996). The notice of the hearing included proposals submitted by the Prune Administrative Committee (hereinafter referred to as the "committee")—the agency established pursuant to the order to administer the terms and provisions thereof—and one proposal by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals relating to:

(1) The definition of the terms "area," "non-French prunes," "prunes," processed prunes," "handle," "size," "domestic," and "proper storage";

(2) The composition of the committee from the standpoint of "cooperative handler," "independent handler," "cooperative producer," and "independent producer" membership, together with allocation of the membership;

(3) The provisions pertaining to the selection by the Secretary of Agriculture (hereinafter referred to as the "Secretary") of committee members and alternate members;

(4) The provisions pertaining to the eligibility of individuals (including agents of handlers) to serve on the committee as members or alternate members;

(5) Authority of the committee, with the approval of the Secretary, to divide the area into election districts (not exceeding seven in number) for the purpose of nominations of independent producer members and alternate members;

(6) Allocation among independent handlers of representation on the committee on the basis of the relative tonnages handled by the various independent handlers as the first handlers thereof;

(7) The procedures pertaining to nominations;

(8) Vacancies on the committee;

(9) Permitting a cooperative marketing association to recommend to the Secretary the removal from the committee of its producer or handler member or alternate member;

(10) The deletion of § 993.33 *Obligations;*

(11) Modification of present § 993.34 (the committee's voting procedure and the verbatim record requirement provisions) by removing the 75 percent vote requirement and the requirement for the submission to the Secretary of a verbatim record in connection with certain actions and reports on voting in particular instances;

(12) The committee's duty as to audit reports;

(13) The various provisions dealing with marketing policy by eliminating the provisions applicable to salable and surplus tonnage (volume) regulations, and by simplifying and combining under the same section, the remainder of such provisions;

(14) The provisions pertaining to handlers' receipts of natural condition prunes, deletion of the provisions pertaining to volume regulation, and the imposition of a special grade regulation on lots containing certain defects in excess of tolerances;

(15) The provisions pertaining to grade and size regulations of prunes (including non-French prunes) subsequent to their receipt by handlers and size regulation of non-French prunes for consumption as prunes and, a restriction on the use of descriptive terms in effect pursuant to the order;

(16) Deletion of the provisions pertaining to volume regulation;

(17) The provisions pertaining to the expenses of the committee and assessments;

(18) Authorization to the committee to establish marketing research and development projects;

(19) The inclusion of a provision regarding the rights of the Secretary; and

(20) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The order should be amended with respect to certain definitions currently therein and for the inclusion therein of two new definitions.

A new term "area" should be defined to mean the State of California. This term would thus readily identify the State of California and obviate the need for three words where a single word would suffice when referring to the State of California.

Another term—"non-French prunes"—should be defined, as hereinafter set forth, to mean prunes produced from the following varieties of plums or from such other varieties of plums as the committee, with the approval of the Secretary, may, from time to time, specify: Imperial, Sugar, Robe de Sargent, Burton, Standard, Jefferson, Fellenberg, Italian, President, Giant, and Hungarian (Gross). Prunes produced from the listed plum varieties are commonly referred to by the name of the particular plum variety from which produced. The smaller sizes of the prunes covered by the defined term manifest deficiencies in flavor and texture which have an adverse affect on consumer acceptance. If a new prune variety should be developed, the committee should be authorized to specify, with the approval of the Secretary, whether such variety should, for purposes of regulation under this program, be included within the definition of the term non-French prunes. This definition is needed to describe the various prunes with respect to which regulations are to be made applicable as discussed in material issue numbered (15). This term, however, should not mean those prunes which are included within the term "French prunes," as hereinafter defined.

The record shows that the order, as amended, should specifically provide for the regulation of certain prunes other than non-French prunes. These prunes include prune varieties such as French (Prune d'Agen, Petite Prune d'Agen), Coates (Cox, Double X, Saratoga), and other prune varieties which possess taste, flesh texture, and other characteristics similar to those of the prunes previously enumerated in this paragraph. To facilitate reference to these prunes, they should be described as "French prunes," as hereinafter set forth.

The present definition of "prunes" (§ 993.4) should be revised by: (1) Substituting the defined term "area" for "State of California," (2) inserting the term "material" before the phrase "deterioration or spoilage" wherever it appears in the definition, and (3) deleting therefrom the provisions of (c). Although prunes may be dried to a point where they can be satisfactorily stored without the use of refrigeration or an artificial preservative, it does not necessarily follow that such prunes will not undergo some minor degree of deterioration or spoilage when stored in accordance with normal industry practices. For this reason, the term "material" should be included in the definition of "prunes" as indicated, so as to allow such minor tolerance and thereby recognize such insignificant changes in stored prunes. The provisions in (c) of the definition pertain to an exception (present § 993.62) to the definition of prunes and should be deleted inasmuch as the provisions of such section will not be carried over into the order, as proposed to be amended (material issue numbered (16)).

The definition of "processed prunes" should be revised so as to state expressly that the term applies only to such prunes as a handler cleans, or treats with water or steam. This change would simplify the wording of the current definition (§ 993.6) of that term while at the same time continue in effect the exemption expressed in the proviso to the present § 993.6 that the term does not cover prunes that have been cleaned, or treated with water or steam, by a producer or dehydrator in the course of preparing them for delivery to a producer, dehydrator, or handler. The revised definition of the term processed prunes would, therefore, reflect the way in which such term has been construed prior to the proposed amendatory action.

The definition of "handle" should be amended to read as hereinafter set forth. This amendatory change is designed to clarify the definition of the term as it now appears in § 993.10 of the order by making explicit that which has been, and currently is, implicit therein. This section currently specifies that the various acts of handling prunes are directly related to the placing of prunes in the current of the commerce within the area or from such area to points outside the area, "whatever may be the destination or end use of the prunes." Since the quoted language is of no significance in the determination of whether "handling" has occurred, there appears to be no reason to carry such language over into the proposed version of the definition.

However, the scope of the order should be continued in effect, as asserted at the hearing, to regulate prunes placed in intrastate as well as interstate and foreign commerce. At the time the order was promulgated, a finding was made that the intrastate handling of prunes directly burdens, obstructs, and affects the interstate and foreign handling of prunes to such an extent that the interstate and foreign handling may not be regulated effectively without also regulating the intrastate handling of prunes. Deletion of the volume regulation provisions from the order (as discussed in material issue numbered (16)) would remove a part of the original justification for the regulation of intrastate handling of prunes. However, the order, as proposed to be amended, would still impose certain grade regulations on prunes at the time they are received by handlers from producers, and would also provide authority for the establishment of size regulations on such receipts. Since handlers normally do not know the current of commerce within which they will make final disposition of prunes at the time they receive them, and since the marketing of prunes within the area does not differ from the marketing of prunes outside the area, the applicable regulations, and any size regulations which may be established, must be applied uniformly to all prunes received by handlers from producers or dehydrators. Regulation of the intrastate handling of prunes is also necessary in order to prevent individuals from circumventing the provisions of the order. That is, in the absence of regulation of intrastate handling, a handler would be able to sell, consign, ship, etc. prunes to an individual within the area, other than a handler, and he, in turn, could dispose of such prunes in interstate or foreign commerce as if the prunes were free from any restrictions under the order because the committee would have lost surveillance and control of the prunes. In view of the foregoing, the order should continue to be applicable to prunes in intrastate as well as interstate and foreign commerce.

The term "process," which is contained in present § 993.10 as one of the acts of handling, should be omitted. This term refers to an act between that of receiving prunes and of disposing of prunes the regulation of which is not essential to the purposes of the program; and there is no need to classify a person as a handler solely on the basis of the single act of "processing" prunes. Accordingly, the term "process" should not be carried over into the proposed revised definition of handle. In addition, the concluding clause of the definition (i.e., the provisions in § 993.10(c)) has been changed as to wording to more directly state the

exemption and to make specific reference to proposed § 993.50(f). However, there is no intent to change the coverage of present § 993.10(c).

The definition of the term "size" should be recast so as more clearly to indicate the intent of present § 993.16, especially regarding the various groupings by size ranges of counts of prunes per pound. The proposed amended § 993.16, as hereinafter set forth, simplifies the current definition of the term "size" by expressly referring to size ranges. It is not intended to change the intent and coverage of the current definition.

Since Alaska and Hawaii have been admitted as States of the Union, the definition of the term "domestic" (§ 993.18) should be revised to read as hereinafter set forth, omitting the specific references to Alaska and Hawaii.

The term "proper storage" (§ 993.19) in the order is used in conjunction with certain provisions (hereinafter proposed to be omitted from the order, as amended) pertaining to the volume regulation of prunes which is discussed in material issue numbered (16). Since volume regulation would not be carried over into the order as proposed to be amended, the need for the term "proper storage" will no longer continue. Therefore, this section should be deleted.

(2) Section 993.24 should be amended to set forth in one section the number of members on the committee and the composition of the committee including the allocation of the members as between cooperative handlers, independent handlers, independent producers, and cooperative producers. Section 993.24 of the order currently provides for a 21-member Prune Administrative Committee to administer the terms and provisions of the order and all rules, regulations, and supplementary orders issued thereunder. This section further provides an alternate for each member, and that 14 members (with their alternates) represent producers and seven members (with their alternates) represent handlers. Section 993.28 allocates the producer membership between producers whose prune production is handled by cooperative marketing associations handling prunes on behalf of their members (hereinafter referred to as "cooperative producers") and other producers (independent producers), and the handler membership between handlers who are cooperative marketing associations handling prunes and other handlers (independent handlers).

It is not proposed to change the committee membership of 21, the number (i.e., 14) of members to represent producers, the number (i.e., 7) of members to represent handlers, or the base period governing eligibility (the crop year preceding the year in which nominations are made) currently specified in the order. However, it is proposed that the order, as amended, should expressly provide that three handler members are to represent cooperative marketing associations handling prunes (so referred to in the present order and referred to hereinafter as "cooperative handlers"), three members are to represent independent handlers (referred to as such in the present order), and one additional member (i.e., the remaining member) to represent cooperative handlers or independent handlers whichever group of such handlers handled as first handlers more than 50 percent of the prunes handled during the aforesaid base period.

Under present § 993.28, the number of members to represent a particular one of the two groups of handlers is required to be, as near as practicable, in the same proportion to seven members as the tonnage of prunes handled by the handlers in such group as first handlers is to the total tonnage handled as first handlers by handlers in both groups during the base period. This method currently results (as it has with respect to allocations during the past several years) in the allocation of four members to independent handlers and three members to cooperative handlers. The method requires that biennial determinations and announcements of the allocations be made by the Secretary. These determinations, which have been published in the FEDERAL REGISTER, show a fairly gradual change in the quantities of prunes handled by each of the two groups of handlers (viz., the quantity of prunes handled by the sole cooperative handler has increased) and that the respective quantities are becoming nearly comparable in size. According to testimony in the record, it appears unlikely that the handlers in either of the groups would in the foreseeable future handle in excess of 64 percent of the aggregate tonnage handled and thereby become entitled to an allocation of more than four members. The change in the number of members to be allocated to a particular group that has a possibility of occurring would be from three members to four members, with an inverse change in the number of members (four to three) for the other group. An express allocation in the order (as proposed to be amended) of three members to each of the groups with an additional member (i.e., the seventh member) allocated to the group which handled a majority of the tonnage would presently yield results consistent with the allocation method in the current order, would recognize the foreseeable limitations as to membership changes, and would obviate the need for any determination of tonnages handled prior to allocation of members to each of the handler groups. The requirement for such determination and its announcement should, therefore, not be carried over into the order as proposed to be amended.

In view of the trend in the quantity of prunes handled by the sole cooperative handler, it is necessary to modify the current method of allocating the producer membership of the committee between cooperative producers and independent producers. Currently, § 993.28 (a) provides that independent producers in each of seven election districts prescribed in the order shall submit nominations for seven members as representatives of independent producers to serve on the committee. In the event the number of such independent and cooperative producer member nominees does not equal 14, the independent producer member nominees nominate the necessary number of member nominees so that the total number of producer member nominees equals 14. Under this procedure, it is apparent that so long as the number of producer members to represent cooperative producers (by virtue of the volume handled by the cooperative handler) does not exceed seven, there should be no problem of electing seven independent producer members from the prescribed seven districts. However, in order to avoid selection problems which could occur in the event the cooperative handler tonnage exceeds independent handler tonnage, and in order that the methods for allocating the producer membership may be based on the same common denominator, the order should be amended, as hereinafter set forth, to clearly permit, under possible future volumes handled, the number of members allocable to represent the respective producer groups to be based upon the respective quantities handled by the various handler groups.

The method for the allocation of members to the producer groups requires a slight variation from the method for the allocation of members to the handler groups. Under the proposed plan, a particular handler group would be allocated a minimum of three members on the committee and would be entitled to the additional member only if the group handled more than 50 percent of the total tonnage handled by all handlers in the two groups. In allocating seven positions, each represents about 14.29 percent of the total, three represent 42.86 percent, four represent 57.14 percent and the half way mark, past which one group has majority claim on the position, occurs at 50 percent. On the other hand, applying the same principle of passing the half way mark to membership for a particular producer group, where the total is 14 (twice the number of handler positions), means that each producer group would be entitled to an allocation of seven members when the applicable handler group handled 50 percent of the total tonnage handled, and eight members should be allocated to a producer group when such handler group handled in excess of the half way mark between 50 percent and 57.14 percent.

The two-year term of office of the incumbent members (and alternates) of the committee began on June 1, 1960. These members were selected pursuant to the provisions of the current order. As discussed heretofore, the number of members which would be allocable to the respective industry groups under the order as proposed to be amended would be the same as those currently serving on the committee. In this regard, therefore, there is no need to cause selection of a new committee upon the amendments herein proposed being made effective. The testimony at the hearing was to the effect that the amended provisions should first become applicable to the term of office beginning June 1, 1962 and the order should be amended accordingly. Nominations to fill any vacancy which may arise before June 1, 1962 should therefore be made in accordance with the provisions in effect at the time the present members of the committee were nominated and selected.

(3) Section 993.26 pertaining to the selection of committee members and alternate members should be revised, as hereinafter set forth, to simplify the language of that section and to make conforming changes by deleting reference to § 993.28 as it will no longer prescribe the classes or the proportions of member representation.

(4) The provisions of § 993.27 pertaining to the eligibility of persons to serve on the committee as members and alternate members should be amended as hereinafter set forth, to adopt conforming changes and to simplify the language. The reference to handler eligibility should be amended by adopting those positions in handler firms which make producers ineligible to serve as producers (director, officer or employee of a handler) as positions of handler eligibility and by deleting the term "agent". The later term would permit a person with little direct interest in, or knowledge about, the receiving, packaging or disposition of prunes, to be a handler member of the committee. It is the intent, as expressed at the hearing, that a person should have a direct interest in handling and derive a portion of his income from this source in order to be eligible to represent handlers.

(5) Section 993.28, for reasons discussed in connection with material issue numbered (2), should be amended to delete the seven election districts and to authorize the committee to recommend the establishment of election districts, or any changes therein, for the purpose of obtaining nominations for independent producer members and their alternates. In addition provisions should be worded as hereinafter set forth, in the interest of simplification and clarity.

In view of the possible future changes which may occur in the allocation of producer membership between cooperative producers and independent producers, it is necessary that the number and areas of election districts be permitted to reflect such changes. The present provision does not indicate that the number of districts could be less than seven and it authorizes changes in the districts on the basis of number of producers and production of prunes by all producers without distinguishing between independent producers and cooperative producers and the tonnages produced by each group. It was testified at the hearing that the present provisions work inequities in that a relatively few independent producers with a relatively small production could be in a district with a heavy cooperative producer population producing the bulk of the prunes and this inequity of representation should be corrected. The responsibility for initiating the redelineation of election districts should be shifted from the Secretary to the committee. The committee is more immediately aware of the number of independent producers in each district, the tonnages of prunes produced by each and the shifts in number of producers and production from one district to another. Although the proponents indicated that other items, such as differences in cultural practices, should have a bearing on decisions to redelineate districts, no measures of such practices were described nor was amendment language proposed for inclusion in the order. Since such considerations are less measurable than the two factors indicated and could cause administrative difficulties, they are not recommended herein. In conjunction with this amendment, the committee should review the status of the election districts, to consider whether any changes need be made in the district boundaries, at the time it formulates its plans to hold nominations for all independent producer positions. This should not be done when the committee schedules a nomination to fill a vacancy occurring during a term of office as this would upset other representation.

Changes in district boundaries should be submitted to the Secretary for establishment by rule making procedures and thereby avoid the expressed concern about vesting in the committee the power to determine districts. However, this requires that the Secretary be given sufficient time in which to carry out the several steps involved in the rule making procedure. Furthermore, the committee will need time to advise independent producers of the district boundaries. Since the committee will base such recommendations on data accumulated during the crop year preceding the election year, it is reasonable to require submission to the Secretary of districting proposals by January 31 of each election year and this is required in the proposed amendment.

(6) Section 993.28 should be amended further to give independent handlers a definite share of the independent handler representation by providing that the handlers handling the two largest percentages of the prune tonnage handled by independent handlers shall each nominate one member and one alternate, the handlers of the next three largest percentages shall nominate one member and one alternate and all other handlers shall nominate one member and one alternate. However, if the independent handler representation is ever reduced to three, the latter two groups should together nominate a member and alternate.

Section 993.28 presently provides that 40 percent of the independent handler nominees shall be apportioned to the large handlers (i.e., those handlers who handled as first handlers 17 or more percent of the total tonnage handled by all independent handlers as first handlers), 20 percent to medium handlers (i.e., those handlers who handled as first handlers eight or more percent but less than 17 percent of the total tonnage handled by all independent handlers as first handlers) and 40 percent to small handlers (i.e., those handlers who handled as first handlers less than eight percent of the total tonnage handled by all independent handlers as first handlers). However, if these proportions cannot be followed, at least one member nominee and one alternate member nominee shall be apportioned to each of the three size classes of independent handlers. Any remaining member and alternate member nominees shall be apportioned to the size class or classes as determined at a general meeting of independent handlers. The percentage allocations (i.e., 40–20–40 percent) can be applied when five member and five alternate member positions are allocated to independent handlers and this was possible when the order was first promulgated. However, in each of the last five election years, four member and alternate member positions were allocated to independent handlers and it has been necessary to employ the alternative procedure in allocating the membership positions to the respective size classes. Because of their number, and the voting not being weighted by tonnage handled, small handlers have held the fourth member position and alternate member position in four of the five eligible terms, and the alternate member position in the other term. Evidence received at the hearing was to the effect that the two largest independent handlers in the industry recently handled approximately 55 percent of the total tonnage of prunes handled by all independent handlers. The present procedure has permitted the small handlers, although more numerous than handlers of the other two size classes, but with the smallest quantity of prunes handled, to obtain the most independent handler representation on the committee and thus a voice on the committee disproportionate to the tonnage handled.

The amendment would correct the foregoing by recognizing the tonnage differences among independent handlers and would be consistent with the basis for determining independent producer, cooperative producer, and cooperative handler representation on the committee. Consistent with their handling approximately 55 percent, the independent handlers who handled as first handlers the two largest quantities of prunes handled by all independent handlers should each nominate from his organization, one member and one alternate member; the independent handlers who handled as first handlers the next three largest tonnages, about 28 percent, should nominate from their organizations one member and one alternate member; and the handlers who handled the remaining tonnage should nominate one member and one alternate member. This procedure would also permit a possible future change from the existing situation of four independent handler members and four alternate members to one wherein they would hold three member and three alternate member positions. If in some future year, only three member and three alternate member positions are allocated to independent handlers, the independent handlers of the two largest tonnages should each continue to nominate one member and one alternate member from their organizations because it is not foreseen that their percentage of the independent tonnage would be less than 50 percent and by virtue of being past the half way mark between 33⅓ and 66⅔ percent, they would continue to be entitled to two positions. The remaining member and alternate member would be nominated by

all of the other independent handlers. It was proposed that in the latter case the nominee, while representing all handlers other than the two largest, must be from those handlers handling the next three largest tonnages of prunes. However, this casts doubt on whether the handlers of the smaller tonnages would be duly represented. Furthermore, if the nominee must be from the category of the next three largest handlers and these handlers agree on the nominee to the exclusion of all others, attendance of the handlers of the smaller tonnages at a nomination meeting could be of no effect. In lieu of limiting the nominee to the three largest handlers, which is a technique of having a nominee favored by a substantial tonnage, a similar result could be achieved by weighting the votes by the tonnages handled. At the same time a more favorable condition of nomination and representation would be created. Accordingly, the limitation as to the nominee should not be adopted and in lieu thereof, whenever three independent handlers are to be nominated, the nominee for categories (c)(2) and (3) of the proposed section should be chosen by weighting the votes of each handler by the tonnage handled.

(7) In order to permit a review of existing deadlines and procedures on nominations and balloting, relative to any amendments which are made effective, § 993.28 should be amended further by deleting from the provisions those administrative procedures not included in the amendments hereinafter set forth. The section should specify the basic objectives and should leave to adoption by rule making procedures, those actions which will most appropriately carry out the objectives. Thus it will be possible to make timely changes consistent with changed nominating situations or desirable to effectuate economies in application of the section. The committee should prepare and recommend detailed nomination procedures as to preparation of ballot forms, voting, and tabulation of votes, to the Secretary, consistent with amended objectives and for use when next nominations are to be conducted.

Section 993.28 should also be amended to provide that the committee shall submit independent producer nominees and independent handler nominees to the Secretary by April 16 of each election year, and that cooperative marketing associations shall submit their nominations for cooperative producer positions and cooperative handler positions by the same date. The appointment of a committee is a single administrative act and the present varying dates of submittal are inconsistent with the appointment action.

Section 993.29 *Alternates* should be amended by adding a new sentence to provide that the provisions of the order, and all rules, regulations, and supplementary orders, applicable to members should also be applicable to alternate members, except in those instances when certain provisions may apply solely to members. This sentence would make it unnecessary to include the terms "alternate members" or "their respective alternates" along with the term "members" whenever that term is used in the order. However, such provisions would continue to apply to the alternate members of the committee, unless specifically excepted, with the same force and effect as if the term "alternate member" were included in the provision. This amendment would simplify the provisions of the order pertaining to committee membership without changing their import.

Section 993.30 should be revised to recognize the foregoing changes as to common date for submission of nominees, to delete the reference to § 993.28 as it no longer prescribes the basis for selection of committee members, and, without altering the intent, to simplify the language by limiting the Secretary's selection to an "eligible" individual.

(8) It was proposed that § 993.32 be amended by inserting the phrase "to accept such appointment or otherwise qualify" in lieu of "to qualify" in the first sentence. The proponents' intention was that this wording would prescribe a vacancy on the committee when (1) an eligible person is nominated and selected, but fails to accept his appointment, and (2) when an eligible person is nominated and selected but becomes ineligible to serve before accepting his appointment. However, it would not be consistent with the concept expressed in present § 993.25, which is not proposed to be amended, that an incumbent serve until his successor has qualified by accepting an appointment, to hold that a vacancy is created by failure of a new appointee to qualify. In such a case, if a committee action were to be taken, the hold-over member would be eligible to serve in the member position. A vacancy does not exist in fact until a new appointee qualifies (thereby terminating the incumbent's term). Accordingly, the proposal should not be adopted but the provision should be reworded, as hereinafter set forth, to recognize the practical aspects of a failure to qualify.

(9) It was proposed that § 993.32 be amended further by the addition of a sentence permitting a cooperative marketing association, at its discretion, to submit its recommendation to the Secretary for the removal of a member or alternate member representing such association on the committee. It was contended that this provision would clarify that which has been understood to be permissible. Its need was justified on the basis that since the internal organization of a cooperative association could change from year to year, presence of the particular person on the committee as a representative of the association could be contrary to the internal policies and operations of the association. This recommendation would not be submitted to the committee as the order presently provides for the cooperative to make such submittals directly to the Secretary.

A provision of similar import was not introduced on behalf of independent producers and independent handlers although the right of independent producers and independent handlers also to recommend changes in their representation was not denied. However, testimony indicated that recommendations for such changes should be submitted to the committee, accompanied by reasons showing good cause why the particular person should be removed.

Since the proposal does not cover the matter of the Secretary's actions upon receiving such a recommendation, it would not introduce into the program any procedural changes. No restraint is now being placed on any group of nominators requesting the Secretary to replace their incumbent representative. However, before such action should be taken on such a request, the Secretary should have reason to believe that good cause exists for the replacement in terms of the marketing order program. Good cause relative to the order is not necessarily related to the internal policies or operations of any group or association nor could the Secretary so find unless he were in the unlikely position of having detailed knowledge of them. Accordingly, the proposal should not be adopted.

(10) Section 993.33, pertaining to obligations of committee members and alternate members, should be deleted. The provisions of that section are not applicable to the committee's operational practices since individual members and alternate members function as part of a policy group and do not have committee property in their individual custody or possession. Title to the committee's property is in the committee as a unit, with custody in the committee management. In the event that property ever came into the possession of an individual member or alternate member and was not returned to the custody of the management, there would be nothing to stop the committee from reclaiming its property when and as it concluded that it should.

(11) Section 993.34 should be amended as hereinafter set forth. It presently provides that any recommendation submitted to the Secretary by the committee and pertaining to marketing policy, grade and size regulations, pack specifications as to size, and volume regulations shall be on the basis of an affirmative vote of at least 75 percent of the members present with the further requirement that at least 11 members (a majority of the total committee of 21) vote affirmatively on any such recommendation. For the reasons in the discussion of material issue numbered (16), volume regulations should be deleted from the order. This deletion would remove from the program the principal matter of controversy within the committee and the principal area wherein the high vote requirement has affected committee policy. The 75 percent affirmative vote requirement permits a minority of six members of the committee to prevent adoption of measures favored by more than a simple majority and its retention in the proposed amended order would perpetuate a requirement the like of which is not common to this type of marketing order program. Opponents of the deletion indicated an affirmative vote of less than 16 would permit a majority to adopt measures of benefit to them but adversely affecting a large segment of the industry. However, this contention is at variance with the very nature of marketing order activity as neither the benefits nor the burdens are peculiar to one group or faction in an industry. It is concluded that the proposed amendment is reasonable and therefore should be adopted.

Section 993.34 contains a requirement that the committee file a verbatim record along with its recommendations with the Secretary on its deliberations pertaining to marketing policy, grade and size regulations, pack specifications as to size, and volume regulations. This should no longer be a mandatory requirement in view of the proposed deletion of volume regulation, the accompanying modifications to marketing policy (material issue numbered (13)) and the likelihood that grade and size regulations will not be changed annually. Deletion of the mandatory requirement would result in a considerable saving of expense to the committee. Furthermore, the Secretary will still be sufficiently apprised of the committee's deliberations because as one of its duties, the committee is required to submit to the Secretary such available information with respect to prunes as the committee may deem appropriate or as the Secretary may request, minutes of each committee meeting are prepared and submitted to the Secretary, and representatives of the Department regularly attend committee meetings and submit their reports to the Secretary on committee deliberations.

For the reasons already indicated that the proposed revised program will contain less controversial features than at present and the Secretary will have committee and Department representative reports on committee deliberations, the provision in § 993.34 requiring the committee to report promptly on the individual votes cast on any recommendation to the Secretary, or on any other matter on which there is a roll call vote, should be deleted so that such reporting may be permissive or upon request in lieu of mandatory.

The committee should be permitted to continue its past practice relative to a vote on any proposition by mail or telegram, in that one dissenting vote would prevent adoption of the proposition. It has been the practice that a failure to vote does not constitute a dissenting vote and since this has been satisfactory within the industry, the practice should be permitted to continue. However, at least eleven affirmative votes, the same as for deliberations on marketing policy matters, grade and size regulations, and pack specifications as to size, should be required for the adoption of a proposition voted on by mail or telegram.

(12) The changes proposed in material issue numbered (16) relative to deletion of volume regulations, require that paragraph (h) under present § 993.37, should be made to conform by deleting the phrase "exclusive of surplus tonnage operations" therefrom, and by deleting paragraph (i) in its entirety.

Present paragraph (j) should be amended by deleting the sentence that reads "Such report shall show, among other things, the receipt and expenditure of funds." Since the audit report is on the committee's financial transactions, it of necessity, includes information on the committee's receipt and expenditure of funds. Therefore, a provision in the order specifying that the audit report shall show the receipt and expenditure of funds is unnecessary. This paragraph should be amended further to provide that the copy of the audit report which shall be available for inspection at the offices of the committee, by producers, dehydrators, and handlers should not contain confidential information. When the books and records of the committee are audited, the auditor prepares a schedule showing the tonnage of prunes handled by each handler, each handler's assessment payments, and the excess assessment funds to be refunded to handlers. The schedule is confidential in that it reveals the position of each handler in relation to other handlers on the tonnage handled during the crop year. This schedule is attached as a supplement to the copies of the audit report submitted to the Secretary but because of its confidential nature should not be attached to the audit report made available for inspection by the industry.

(13) In view of the proposal in material issue numbered (16) to delete provisions for volume regulations, the items to be considered in marketing policy deliberations should be reduced to those pertinent to the proposed amended order. The detailed considerations formerly necessary to volume regulation should be reduced to general coverage of handler carryover, production, probable quality and prune sizes in the crop, demands in domestic and foreign markets, likely relation of producer prices to parity, probable assessable tonnage and such other factors as will have a bearing on prune marketing and the administration of the program. Present §§ 993.41 through 993.45, inclusive, should be amended by deleting therefrom all provisions promulgated initially to meet the problems of establishing volume regulations. Thus there should be deleted the necessity for two marketing policy meetings as now required and the provision for submission of the Secretary's tentative views to the committee.

The remaining provisions under the heading of marketing policy should be combined into one section. The committee should hold its marketing policy meeting, prior to the fourth Tuesday in July so that it can comply with the duty set forth in § 993.37(f) of submitting a budget by that date. The requirement that reasonable publicity be given to the committee's marketing policy, or any changes therein, should be incorporated in the proposed section. Handler carryover should be construed as the tonnage of prunes, sold and unsold, in the possession of handlers at the beginning of a crop year. In addition, the terms "production," "crop," "probable," and "prune size" and the like should be in reference to prunes, even though the physical state of the fruit is in plums at the time of the marketing policy meeting.

(14) The provisions relating to grade and size regulations on handlers' receipts should be amended, as hereinafter set forth, to delete provisions pertinent to volume regulations, to eliminate needless repetition of prohibitions or requirements within this issue and material issue numbered (15), to more clearly distinguish between minimum standards and more restrictive size or grade regulations and to provide for improved regulations of prunes with defects of mold, imbedded dirt, insect infestation and decay. The proposed new provisions should retain the basic intent of present § 993.48 (a), (b), (c) and (d). The provisions of paragraph (e) of said section should be deleted as they were basically to implement the volume regulation provision herein proposed to be deleted. The provision for giving notice to the industry on grade or size recommendations submitted to the Secretary should be deleted as such recommendations should now be considered as marketing policy recommendations and governed by the notice requirements contained in said proposed section.

So that the goal to be achieved by existing minimum standards may be assured (i.e., the removal of defective prunes definitely objectionable to consumers), provision should be included for regulation of those lots of prunes received by handlers from producers or dehydrators which contain inedible defects (i.e., mold, imbedded dirt, insect infestation and decay) in excess of tolerances prescribed in § 993.97 (Exhibit A) of the order. On each incoming lot a determination should be made of any inedible defects in excess of tolerances and of the quantity of prunes with such defects which must be removed to bring the remainder of the lot within tolerance for inedible defects. This quantity should be a weight obligation on the handler in the sense of defective prunes to be removed in the course of his grading and processing operations and disposed of in non-human consumption outlets. The prunes so removed and disposed of should be representative of the sizes and conditions of prunes found defective on incoming inspection. Therefore, the inspection should not only ascertain the quantity of prunes containing inedible defects in excess of tolerances, but also the size ranges of the prunes with such inedible defects. This is necessary to insure that a handler would actually remove and dispose of prunes containing inedible defects as noted on inspection. It should also be recognized that a lot may contain such a large proportion of defective prunes that a sorting of such lot would not only be uneconomical, but normal sorting practices would not result in the removal of a sufficient quantity of defective prunes as would accomplish the intended purposes of this proposed regulation (i.e., the removal of defective prunes definitely objectionable to consumers). Therefore, any lot which contains such a proportion of prunes with inedible defects should be deemed unfit for human consumption in its entirety. A maximum tolerance for inedible prunes should be prescribed by the committee in its rules and regulations, with the approval of the Secretary. This would permit the tolerance to be adjusted from time to time as dictated by operating experience. Such adjustments could not be made readily if the tolerance were incorporated in the order.

As a practical and economic means of policing and enforcing this grade regulation, handlers should be permitted to dispose of defective prunes set aside in fulfillment of their obligation only in non-human consumption outlets under supervision of the committee. This would preclude the possibility that defective prunes would be blended back into good lots or utilized directly in outlets in which prunes lose their form. The only alternative would be the use of sufficient compliance personnel to watch all handler operations. This would be expensive as well as onerous and would imply that enforcement should include such measures despite there being available a simple, more acceptable method of enforcement. This regulation is considered incidental to, not inconsistent with, and necessary to effectuate the minimum standards.

In order to impose this grade regulation on the existing prune receiving and handling facilities, lots containing inedible defects in excess of the minimum standard tolerance (but not in excess of the maximum tolerance which would prohibit sorting) and lots meeting the minimums for these defects should be permitted to be received and graded, stored and processed simultaneously. In this process some commingling of lots may occur but the mandatory removal of the obligation weight of defective prunes should cause an industry-wide improvement in the quality of prunes handled. A handler should not be permitted to satisfy his defective prune obligation by setting aside, unsorted, a lot received as a substandard lot of prunes with inedible defects in excess of tolerances because this would render the regulation ineffective by permitting a handler to by-pass the actual removal of defective prunes. However, in the course of grading and sorting, a handler may remove prunes with other defects other than inedible. So that handlers need not segregate prunes containing inedible defects from those containing edible defects, the total quantity of prunes which a handler disposes of in fulfillment of his obligation should be permitted, by the committee, to be greater than his cumulative obligation so long as the quantity of prunes with inedible defects so disposed of is at least equal to his obligation.

The committee should recommend to the Secretary the issuance of rules and regulations necessary to administer these incoming regulations and to insure compliance therewith. These should require a handler, among other things, to maintain the physical identity of prunes with inedible defects, to hold such prunes separate and apart from other prunes in his possession, and to provide for such inspection and accounting controls as to insure disposition of such prunes in authorized (non-human consumption) outlets. To the extent practicable, handlers should be required to accumulate and dispose of their obligations within the crop year.

The proposed amendment would be in the public interest in that it would prevent a substantial volume of prunes with inedible defects from entering human consumption outlets, irrespective of whether such consumption would be as prunes or as prune products. The regulation should improve the products offered consumers and assist the industry to comply with State and Federal Food and Drug regulations. In view of the nature of the regulation, it should remain in effect whether or not prices to producers exceed parity.

(15) Present §§ 993.49 and 993.50, pertaining to the regulation of the handling of prunes subsequent to their receipt by handlers, and applicable respectively when the estimated season average price to producers is below parity and in excess of parity should be amended as hereinafter set forth to delete provisions relating to volume regulations (material issue numbered (16)), eliminate needless repetition of prohibitions and requirements, protect the meaning of descriptive terms on pack specifications, and apply size regulations to non-French prunes. The proposed new provisions otherwise retain the basic intent of present §§ 993.49 and 993.50. As discussed in material issue numbered (14) the giving of notice to the industry of any recommendations to the Secretary should be deleted and treated in terms of marketing policy recommendations.

In addition to the existing authority to regulate in terms of minimum standards of quality or more restrictive grades or sizes, specific provision should be made to prohibit handlers from shipping or otherwise making final disposition of any lot of standard prunes or standard processed prunes of the non-French varieties or any lot which includes non-French prunes unless the average count of such non-French prunes is 50 or less per pound, or if the Robe de Sargent variety, 60 or less per pound. However, under proper safeguards to be established by the committee, such prunes should be permitted to be disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. This regulation on whole prunes should be adopted because prunes of the non-French varieties smaller than the foregoing sizes are not as palatable as, and do not compare in flavor and sweetness with, prunes of the French varieties and therefore damage the demand for prunes by consumers. Testimony was presented that such smaller prunes are not entirely suited for manufacture of prune juice or prune juice concentrate, although acceptable if used in small quantities in conjunction with other prunes. In the manufacture of other prune products, similar problems of flavor arise unless other ingredients, such as spices, are used to mask the flavor of the small sized non-French prunes. The regulation should not preclude the use of non-French prunes smaller than the size limitation in manufacturing outlets, as this would unduly deprive producers of returns on such prunes, but their disposition should be under proper safeguards established by the committee. This regulation would be in the public interest, the same as the existing restriction on placing French prunes smaller than 100 count average in consumer packages, and should therefore be adopted and remain in effect whether or not producer returns exceed parity.

In the normal harvesting, dehydrating and handling of prunes it is possible that prune varieties could be commingled. Consequently, if French prunes and non-French prunes are commingled in the same lot, separate determinations relative to the size limitations should be made for each type. Only in this manner can the purposes of this regulation be achieved and the public protected against unpalatable prunes.

Prunes in a lot do not all grade the same size. In view of this, a tolerance should be prescribed by rule making procedures for non-French prunes and Robe de Sargent prunes to permit a reasonable deviation of sizes from the average count. This deviation from the average count should be no greater than that being applied to French prunes under existing provisions of the order.

The present order contains a requirement that no handler shall ship or otherwise make final disposition of any lot of consumer packages of prunes unless the average count of the prunes in such lot is 100 or less per pound. However, since use of non-French prunes smaller than 50 per pound, or Robe de Sargent prunes smaller than 60 per pound, would be restricted under the present proposal to manufacturing purposes, such prunes would no longer appear in consumer packages. Therefore, it is necessary to amend the provision pertaining to the 100 count size limitation on prunes in consumer packages to refer specifically to French prunes.

It should also be provided that in order to effectuate such orderly marketing of prunes as will be in the public interest, no handler shall use descriptive terms in a manner inconsistent with those set forth in the order or any pack specifications or other regulation issued by the Secretary. This prohibition should apply whether prices to producers are above or below parity and is proposed in order to prevent handlers from confusing or taking advantage of consumers or members of the trade, whenever prices exceed parity, by the improper application of descriptive terms which may have been issued by the Secretary in connection with pack specifications. This prohibition is in the public interest and is necessary and incidental to effectuation of other grade regulation provisions.

The requirements as to inspection and certification contained in existing § 993.49 and largely repeated in existing § 993.50 should be embodied in a single section applicable to both handler receipts and shipments of prunes. The new section materially reduces the wording of the order while retaining existing requirements.

A further new section should be added to bring together in one place authorization to modify the minimum standards whether incoming or outgoing, the pack specifications and the size regulations on the basis of a recommendation of the committee. This avoids repeating this authority wherever the separate items appear in earlier portions of the order and does not revise the existing authorization. It was proposed that minimum standard modifications should only be toward making them more restrictive. However, while such may well be the general direction of modifications, in order to avoid a situation wherein a less restrictive application of one of the many criteria of grade would promote the objectives of the program, it is concluded that the proposal should not be adopted.

(16) Sections 993.59 through 993.64, inclusive, pertaining to volume regulation of prunes should be deleted and conforming changes made in the order to delete provisions incidental to volume regulation. The provisions which should be deleted are largely those included in the order at the time of its promulgation in 1949, and arising from conditions existing in the California prune industry at the time; namely, production considerably in excess of total trade disappearance and difficulties in regaining overseas markets. However, since the 1949–50 crop year, domestic consumption of prunes as prunes has declined, but in the 1957–58 season the quantities utilized in manufacturing outlets and shipped in export exceeded domestic consumption of prunes as prunes by approximately 20,000 tons. In the most recent five years, beginning with the 1955–56 crop year, volume regulations have been employed only once. In the remaining four seasons (including the incomplete 1959–60 season) estimated season average prices to producers exceeded parity in three years and in the fourth, a finding was made that if the volume regulations would be in effect, prices would exceed parity. In 1958 and 1959, California production of prunes was well below average and the industry encountered difficulties in satisfying demands domestically and abroad. If a relatively large production of prunes were now to occur, the present volume regulation provisions would be of questionable value because they are not designed to allocate supplies to present outlets and could actually interfere with proper utilization of the prunes.

The California prune industry has devoted considerable time and effort to a study of various methods of volume regulation but has been unable to agree as to the method best suited to the future needs of the industry. Some groups believe the present method of volume regulation could be made to work, some proposed different methods, and some favored abolition of all regulation. It is obvious that the industry is in a transitional period both as to the production and utilization of dried prunes. Production in ensuing years may again place the industry in a position where the volumes to be marketed create a disorderly marketing situation and substantially below parity returns to producers. However, the industry could at that time turn its attention to the development of volume regulations which would be applicable to the situation then existing.

In view of the change discussed in material issue numbered (16), §§ 993.73 and 993.74 of the present order, employed when volume regulations are in effect, should, as a conforming change, be deleted.

(17) Section 993.80 which provides the committee with authority to incur expenses, should be amended by deleting the wording pertaining to volume regulation and by deleting the concluding sentence. Since present § 993.37(f) provides that the committee shall submit a budget of its anticipated expenditures and the recommended rate of assessment no later than the fourth Tuesday of July, repetition of this wording in § 993.80 is unnecessary and therefore should be deleted.

Section 993.81 pertaining to assessments should be amended by deleting all wording pertaining to volume regulation, by deleting provisions providing for a reduction in the rate of assessment once an assessment has been established by the Secretary, and by deleting the provisions pertaining to suits for collection of assessments in arrears. Paragraph (a) of that section should provide that each handler shall pay to the committee, upon demand, an assessment on all prunes received by him from producers and dehydrators. This has been the practical basis for collection of assessments in prior years and it was contended that it should be continued for the sake of consistency. The assessment rate should be applied to each ton of prunes only once and only on natural condition prunes at the time such prunes are received from producers and dehydrators. Prunes transferred to another handler on an inter-handler transfer should not be assessed since such prunes should already have been assessed at the time they were received by the transferring handler.

It was proposed that the term "budgeted" be inserted before "expense" in this paragraph so that it will be clear that the assessment rate reflects the handler's pro rata share of the estimated expenses set forth in the committee's budget as approved by the Secretary. However, the Secretary does not approve each individual item of expense in the committee's budget but rather approves total expenses. It is not unusual for approval to be given, in the course of a crop year, to expenses not specifically budgeted but which may be proper and for which funds may be available within the total budget. Therefore, the term "budgeted" should not be included in the paragraph to modify the word "expense."

In the present order, application of the assessment rate is provided for in § 993.81(a) when the estimated season average price to producers is below parity, and in § 993.50(e) when such prices exceed parity. Since volume regulation and present § 993.50 should be deleted, the matter of the assessment rate should be solely that in proposed § 993.81(a).

The provision for a reduction in the rate of assessment, once such rate has been established by the Secretary, should be deleted because in lieu of using such provision, excess funds have been retained for use in the early months of the subsequent season and upon new season funds being available, the excess funds have been refunded or credited to handlers' accounts. This procedure is continued in § 993.81(c) pertaining to the use and refund of excess assessment funds but is amended to remove unnecessary wording and to state the requirement but not the specific application. There is added a proviso that at time of termination, to the extent practicable, unexpended funds shall be returned pro rata to the persons from whom such funds were collected. These changes are desirable from the standpoint that they would permit the committee to make an equitable distribution of excess or unexpended funds in a manner consistent with the stated objectives. A detailed description of methodology within an order has proven to be too complex to cover all the refunding problems caused by handlers having paid varying portions of their share.

Section 993.81(d) pertaining to suits for collection of assessments in arrears should be deleted. Section 10(b)(2)(iii) of the act provides authorization for such suits and it is unnecessary to incorporate such wording in the order. However, the established practice is for suits for collection of assessments to be processed through the Department of Justice in the same manner as are violations of other provisions of the order. The committee, therefore, need not undertake suits for collection.

Section 993.83 should be amended by removing the limitation that funds may be used solely for purposes authorized by the subpart so that expenditures may be governed by the part and the act. The matter of accounting in the manner provided in the subpart should also be deleted as this is actually covered by Department requirements issued for marketing orders.

(18) A new section should be included in the order to authorize the committee, with the approval of the Secretary, to establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects should be paid from assessment funds collected pursuant to § 993.81. This would permit the prune industry to take advantage of authority added to the enabling legislation since the adoption of the prune order. Several areas of research and promotional activity, with primary emphasis on advertising, are currently undertaken pursuant to authority in the Marketing Order for California Dried Prunes, as amended, issued by the Director of Agriculture, State of California. Since the Federal enabling legislation does not authorize advertising or applied promotional activity, it would not be the purpose of the proposed amendment to supplant such activities conducted under the State program. Rather, the proposed amendment is to permit the committee to undertake research projects on problems arising under the Federal program or problems primarily of interest to handlers on whom all assessments are levied under the Federal order. In addition the industry would have an added source of

research funds on such projects as might be jointly financed by Federal and State programs.

(19) A new section defining the rights of the Secretary should be adopted so as to provide information to interested persons that the members of the committee, including any successors or alternates selected by the Secretary, and any agent or employee appointed or employed by the committee are subject to the removal or suspension by the Secretary in his discretion at any time. Also, each and every decision, determination, or other act of the committee is subject to the continuing right of the Secretary to disapprove at any time, and upon such disapproval, would be deemed null and void. The amendment does not alter or inject any new condition into the program because the matter set forth has prevailed throughout the life of the order. Since not defining the rights of the Secretary could, as a result of issues raised at the hearing, cast doubt upon whether such rights exist, and since they do exist, it is concluded they should be stated.

(20) The proposals for amendment heretofore recommended will make it necessary to make certain minor conforming changes in sections not specifically discussed in connection with the proposals and will also make it desirable to renumber most sections and rearrange some sections to achieve continuity and orderly arrangement of the provisions as proposed to be amended. All such changes should be incorporated in the proposed order. In addition, official notice is taken of there having been adopted by rule making procedures a limitation as to the need of handlers to retain records. Present § 993.76 has been amended, therefore, to incorporate this limitation in the order as hereinafter amended.

Rulings on proposed findings and conclusions. At the hearing, the Presiding Officer required the filing of briefs not later than May 9, 1960, by parties interested in filing briefs with respect to facts presented in evidence and the conclusions to be drawn therefrom. Briefs were filed on behalf of the: (1) Committee, by R. W. Jewell; (2) Northern California Prune Council, by W. L. Stile and J. Thomas Wallace, III; and (3) Tehama County Prune Growers, by Nelson Butler. The briefs contained proposed findings of fact, conclusions, and arguments with respect to the proposals presented at the hearing. Every point covered in these briefs has been considered carefully along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the suggested findings and conclusions contained in these briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings, or to reach such conclusions, is denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. (a) The findings hereinafter set forth are supplementary and in addition to the findings and determinations which were made in connection with the original issuance of the marketing agreement and order (14 F.R. 5254) as from time to time amended (16 F.R. 8437); 19 F.R. 1301; 22 F.R. 5639). Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings set forth herein, all of the said previous findings and determinations are hereby ratified and affirmed.

(b) The marketing agreement and order, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The marketing agreement and order, as hereby proposed to be further amended, regulate the handling of prunes produced in California, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in the proposals upon which a hearing has been held;

(d) There are no differences in the production and marketing of dried prunes in the production area covered by this marketing agreement and order, as hereby proposed to be amended, which require the application of different terms or provisions to different parts of such area; and

(e) All handling of prunes produced in the designated area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendments to the order. The following amendments to the amended marketing agreement and order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Add new § 993.3a to read as follows:

§ 993.3a Area.

"Area" means the State of California.

2. Amend § 993.4 to read as follows:

§ 993.4 Prunes.

"Prunes" means and includes all sundried or artificially dehydrated plums, of any type or variety, produced from plums grown in the area, except: (a) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; and (b) plums which have not been dried or dehydrated to a point where they are capable of being stored prior to packaging, without material deterioration or spoilage unless refrigeration or other artificial means of preservation are used, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California, for the specialty pack known as "high moisture content prunes," but this exception shall not apply if and when such plums are dried to the point where they are capable of being stored without material deterioration or spoilage, refrigeration or other artificial means of preservation.

3. Add new § 993.4a to read as follows:

§ 993.4a Non-French prunes.

"Non-French prunes" means prunes commonly known as Imperial, Sugar, Robe de Sargent, Burton, Standard, Jefferson, Fellenberg, Italian, President, Giant, and Hungarian (Gross), produced from such varieties of plums. This definition may be modified by the committee with the approval of the Secretary.

4. Add new § 993.4b to read as follows:

§ 993.4b French prunes.

"French prunes" means: (a) Prunes produced from plums of the following varieties of plums: French (Prune d'Agen, Petite Prune d'Agen), Coates (Cox, Double X, Saratoga); and (b) any other prunes which possess taste, flesh texture, and other characteristics similar to those of the prunes named in this section.

5. Amend § 993.6 to read as follows:

§ 993.6 Processed prunes.

"Processed prunes" means prunes which have been cleaned, or treated with water or steam, by a handler.

6. Amend § 993.10 to read as follows:

§ 993.10 Handle.

"Handle" means to receive, package, sell, consign, transport, or ship (except as a carrier of prunes owned by another person), or in any other way to place prunes in the current of the commerce within the area or from such area to any point outside thereof: *Provided*, That this term shall not include: (a) Sales or deliveries of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the area; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) receipts, sales, or shipments of prunes already handled by another person other than pursuant to § 993.50(f).

7. Amend § 993.16 to read as follows:

§ 993.16 Size.

"Size" means the number of prunes contained in a pound and may be referred to in terms of size ranges.

8. Amend § 993.18 to read as follows:

§ 993.18 Domestic.

"Domestic" means the United States, Canal Zone, Puerto Rico, Virgin Islands, and Canada.

§ 993.19 [Deletion]

9. Delete § 993.19.

10. Amend § 993.24 to read as follows:

§ 993.24 Establishment and membership.

A Prune Administrative Committee (hereinafter referred to as the "committee"), consisting of 21 members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers and 7 shall represent handlers. For the term of office beginning June 1, 1960, the membership of the committee shall be as selected by the Secretary for such term in accordance with the provisions

of this part in effect on such date. The committee membership for subsequent terms of office shall be allocated in accordance with the following groupings, with the alternate member positions identically allocated:

(a) Three handler members to represent handlers who are cooperative marketing associations of producers (referred to in this part as "cooperative handlers");

(b) Three handler members to represent handlers other than cooperative handlers (referred to in this part as "independent handlers");

(c) One handler member to represent handlers who are cooperative handlers or independent handlers, whichever of such handlers handled as first handlers more than 50 percent of the prunes handled by all handlers during the crop year preceding the year in which nominations are made;

(d) Fourteen producer members to be selected from and to represent producers who are members of cooperative marketing associations (referred to in this part as "cooperative producers") and producers other than "cooperative producers" (referred to in this part as "independent producers"); the number of the producer members for the cooperative producer group or the independent producer group, as the case may be, shall be in the same proportion, as near as practicable, to the total of 14, as the tonnage of prunes handled by the respective group of cooperative handlers or independent handlers as first handlers during the crop year preceding the year in which nominations are made is to the total tonnage of prunes handled by all handlers as first handlers.

11. Amend § 993.26 to read as follows:

§ 993.26 Selection.

Selection of members of the committee, and their respective alternates, shall be made in the appropriate number specified in § 993.24, by the Secretary from nominees nominated pursuant to this part or, in the discretion of the Secretary, from other eligible persons.

12. Amend § 993.27 to read as follows:

§ 993.27 Eligibility.

Each producer member of the committee shall be at the time of his selection and during his term of office, a producer in the group, and if to represent a district also in the district, for which selected, and except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Each handler member of the committee shall be a handler in the group he represents or a director, officer, or employee of such handler.

13. Amend § 993.28 to read as follows:

§ 993.28 Nominees.

(a) For the purpose of obtaining nominations for producer members to represent independent producers, the Committee shall, with the approval of the Secretary, divide the area into districts giving, insofar as practicable, equal representation to numbers of independent producers and production of prune tonnage by such producers. The number of districts shall be equal to the number of such producer members or seven, whichever is the lesser. Candidates for nomination by independent producers from the various districts shall be obtained at meetings convened by the committee. Following such meetings, the committee shall prepare a separate ballot for each of the districts, or a joint ballot for two or more districts, containing (1) the names of the candidates for each district involved and (2) provision for write-in candidates. The ballot shall be mailed to each independent producer of record in each district. The voting procedure (including the casting of the ballot by mail addressed to the committee), and tabulation of votes shall be in accordance with rules and regulations prescribed by the committee, with the approval of the Secretary. Each voter shall be entitled to cast only one vote for a member nominee and only one vote for an alternate member nominee in a district in which he is a producer, and no voter shall vote for candidates in more than one district. In case he is a producer in more than one district, he shall elect in which of such districts he will vote and notify the committee as to his choice. Whenever the number of producer members to represent independent producers during the ensuing term of office is to exceed seven, one nominee shall be nominated by independent producers in each of the seven districts and an additional nominee for each member in excess of the seven members shall be nominated, without reference to districts, by such seven nominees. The committee shall recommend the establishment of districts, or any changes therein, to the Secretary prior to January 31 of each year in which nominations are made.

(b) Nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes before April 16 of each year in which nominations are made.

(c) In any year in which nominations are made following a crop year during which the tonnage of prunes handled by independent handlers as first handlers exceeded the tonnage of prunes handled by cooperative handlers as first handlers, nominees for member positions to represent independent handlers shall be nominated as follows:

(1) Each of the two independent handlers who handled during such preceding crop year, the two largest percentages of the prune tonnage handled by all independent handlers shall nominate from their respective organizations, one nominee for a handler member and one for an alternate member;

(2) Three independent handlers who handled during such preceding crop year the next three largest percentages of the prune tonnage handled by all independent handlers shall nominate from among their organizations, one nominee for a handler member and one for an alternate member;

(3) All other independent handlers who handled the remaining percentage of such prune tonnage shall nominate from their organizations, one nominee for a handler member and one for an alternate member.

In any year in which nominations are made following a crop year during which the tonnage of prunes handled by cooperative handlers as first handlers exceeded the tonnage of prunes handled by independent handlers as first handlers, nominees for two member and alternate positions to represent the independent handlers referred to in paragraph (c)(1) of this section shall be nominated in accordance with said paragraph (c)(1), and one nominee for the member and one for the alternate position to represent all other independent handlers shall be nominated by the handlers referred to in paragraph (c)(2) and (3) of this section and the votes of such handlers shall be weighted by the tonnage of prunes handled during the preceding crop year by the respective handlers.

(d) The committee shall establish, with the approval of the Secretary, the procedures by which such nominations, other than by cooperative marketing associations engaged in the handling of prunes, shall be obtained and shall submit such nominations to the Secretary before April 16 of the year in which nominations are made. In the event the committee determines that any nominating procedure specified in this section does not result in equitable representation, it may establish, with the prior approval of the Secretary, such modifications as will tend to assure such representation.

14. Amend § 993.29 to read as follows:

§ 993.29 Alternates.

An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members.

15. Amend § 993.30 to read as follows:

§ 993.30 Failure to nominate.

If a nomination for any position on the committee is not received by the Secretary by May 1, the Secretary may select an eligible individual without regard to nominations.

16. Amend § 993.32 to read as follows:

§ 993.32 Vacancies.

In the event of any committee vacancy occasioned by the removal, resignation, disqualification, or death of any member, or in the event of the failure of any person selected as a member or alternate member to qualify, a successor for the unexpired term shall be nominated within 60 calendar days thereof. Such nominations shall be made in the manner provided for in this subpart, insofar as applicable, except that nominations of

nominees for a producer member position to represent independent producers may, at the discretion of the committee, be made to the committee by the incumbent producer members of the committee who represent independent producers.

§ 993.33 [Deletion]

17. Delete §993.33.

18. Amend § 993.34 to read as follows:

§ 993.34 Voting procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, or pack specifications shall require at least 11 affirmative votes. A quorum shall consist of at least 12 members of whom at least eight must be producer members and at least four must be handler members. Except in case of emergency, a minimum of five days' advance notice must be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption and at least 11 affirmative votes shall be required for adoption.

19. Amend § 993.37 by deleting paragraph (i), and revising paragraphs (h) and (j) to read as follows:

§ 993.37 Duties.

* * * * *

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee by producers, dehydrators, and handlers;

* * * * *

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request, and two copies of each such audit report shall be submitted to the Secretary and a copy which does not contain confidential data shall be available for inspection at the offices of the committee, by producers, dehydrators, and handlers;

20. Amend §§ 993.41, 993.42, 993.43, 993.44, and 993.45 to read as a single section as follows:

§ 993.41 Marketing policy.

Prior to the fourth Tuesday of each July, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. In the event it becomes advisable to modify such policy, because of changed demand, supply or other conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. In developing the marketing policy, the committee shall give consideration to the handler carryover, production, probable quality and prune sizes in the crop, demands in domestic and foreign markets, whether producer prices are likely to exceed parity and the probable assessable tonnage for the purposes of § 993.81 and such other factors as may have a bearing on the marketing of prunes or the administration of this part. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity, to producers, dehydrators and handlers.

21. Amend §§ 993.48, 993.49, and 993.50 to read as new §§ 993.48, 993.49, 993.50, 993.51, and 993.52 as follows:

§ 993.48 Regulation.

No handler shall handle prunes except in accordance with the provisions of this part.

§ 993.49 Incoming regulation.

(a) No handler shall receive prunes from producers or dehydrators, other than substandard prunes, unless such prunes meet the minimum standards for natural condition prunes set forth in § 993.97 (Exhibit A), or as such standards may be modified, or the more restrictive grade regulation established pursuant to this section, and then in effect: *Provided*, That no handler shall receive any prunes (including substandard prunes) from producers or dehydrators unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and are free from active insect infestation, so that they are capable of being received, stored, and packed without material deterioration or spoilage. Any "high moisture content prunes," as described in the exception in § 993.4(b), in the possession of a handler, shall be held separate and apart from any prunes held by him. If such "high moisture content prunes" are dried or dehydrated to a point where they are capable of being stored, without material deterioration or spoilage, unrefrigerated or not otherwise artificially preserved, they shall be deemed, at that time, to have been received by such handler as prunes, and shall be subject to all of the conditions and restrictions of this subpart.

(b) The Secretary, on the basis of a recommendation of the committee or other information, may establish size regulations or more restrictive grade regulations with respect to prunes that may be received by a handler from producers and dehydrators whenever he finds that such action would tend to effectuate the declared policy of the act.

(c) When an inspection certificate shows that a lot of substandard prunes received by a handler from a producer or dehydrator contains prunes with defects in excess of those permitted in IC (1) or (2) of § 993.97 the quantity of prunes with such defects necessary to be removed from the lot in order that the balance of the lot would then be within the tolerances for such defects shall be determined and the handler shall dispose of a like quantity of prunes affected by such defects in non-human consumption outlets: *Provided*, That the committee, by its rules and regulations, shall prescribe a maximum percentage of such defects in any lot received by a handler; and any lot so received which contains a greater percentage of such defects shall be disposed of in its entirety in non-human consumption outlets. In determining the defective prunes to be disposed of, consideration shall be given to the size ranges of their occurrence and variations in their condition. With the approval of the Secretary, the committee shall issue such rules and regulations (including the prescription of a maximum percentage) as may be necessary to administer the provisions of and to insure compliance with, this section.

§ 993.50 Outgoing regulation.

(a) Except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of prunes which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A), or as such standards may be modified, for standard prunes or standard processed prunes.

(b) The Secretary, on the basis of a recommendation of the committee or other information, may establish size regulations, pack specifications, or more restrictive grade regulations with respect to prunes that may be shipped or otherwise disposed of by a handler if such action would tend to effectuate the declared policy of the act. If a more restrictive grade regulation is established in connection with § 993.97 (Exhibit A) it shall insofar as practicable apply comparably to both natural condition prunes and processed prunes. When pack specifications are in effect, no handler shall ship prunes in consumer packages, unless such prunes are identified by an appropriate label, seal, stamp, or tag affixed to such container by the handler showing the size of prunes in the lot from which the container was packed. In order to effectuate such orderly marketing of prunes as will be in the public interest, whether prices are above or below parity, no handler shall use descriptive terms in a manner inconsistent with that set forth in this subpart or in any pack specifications or other regulation issued by the Secretary pursuant to this subpart.

(c) Non-French prunes: No handler shall ship or otherwise make final disposition of any lot of standard prunes or standard processed prunes of the non-French varieties or any lot which includes non-French prunes in excess of a tolerance to be prescribed by the Secretary on recommendation of the committee, unless the average count of such non-French prunes is 50 or less per pound, or if of the Robe de Sargent variety is 60 or less per pound. However, under safeguards to be established by the committee, such prunes may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. A tolerance as to the permitted deviation of sizes about the average count shall be prescribed by the Secretary, upon recommendation of the committee.

(d) French prunes: No handler shall ship or otherwise make final disposition of any lot of consumer packages of French prunes unless the average count of such prunes contained in such lot is 100 or less per pound. In determining whether such lot of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, modify or change this tolerance for uniformity of size.

(e) No handler shall ship or otherwise make final disposition of any lot of substandard prunes except for use as prune products in which the prunes lose their form and character as prunes by conversion prior to consumption, or for use in non-human consumption outlets: *Provided*, That any such prunes which are shipped or otherwise disposed of for human consumption shall meet the minimum standards prescribed in II C (1), (2), and (3) of § 993.97 or as such standards as may pursuant to § 993.52 be modified. The committee shall issue any such rules and regulations as may be necessary to insure such uses.

(f) Notwithstanding the restrictions contained in this section, any handler may transfer prunes from one plant owned by him to another plant owned by him within the area without having an inspection made as provided for in § 993.51. Any handler may ship prunes from his plant to another handler's plant within the area without having an inspection made as provided for in § 993.51, but a report of such inter-handler transfer shall be made promptly by the transferring handler to the committee. The receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this section and of § 993.51.

§ 993.51 Inspection and certification.

Each handler shall at his own expense, before or upon the receiving, and before the shipping or disposing of prunes, cause an inspection to be made of such prunes to determine whether they meet the applicable grade and size requirements or the pack specifications, including labeling, effective pursuant to this part. Such handler shall obtain a certificate that such prunes meet the aforementioned applicable requirements and shall submit such certificate, or cause it to be submitted, to the committee. Acceptable certificates shall be those issued by inspectors of the Dried Fruit Association of California. The Secretary may designate another inspection agency in the event the services of the Association prove unsatisfactory.

§ 993.52 Modification.

Minimum standards, pack specifications or size regulations may be modified by the Secretary, on the basis of a recommendation of the committee or other information, whenever he finds that such modification would tend to effectuate the declared policy of the act.

§ 993.53 Above parity situations.

The minimum standards, the minimum sizes, and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

§§ 993.59 to 993.64 [Deletions]

22. Delete §§ 993.59 through 993.64 together with the center heading for such sections.

§§ 993.73, 993.74 [Deletions]

23. Delete § 993.73 and § 993.74.

24. Amend § 993.76 to read as follows:

§ 993.76 Records.

Each handler shall maintain such records of prunes received, held and disposed of by him, as are prescribed by the committee and needed by it to perform its functions under this subpart. Such records shall be retained for at least two years beyond the crop year of their applicability.

25. Amend § 993.80 to read as follows:

§ 993.80 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate.

26. Amend § 993.81 by deleting paragraph (d) and amending paragraphs (a) and (c) to read as follows:

§ 993.81 Assessments.

(a) Each handler shall pay to the committee, upon demand, with respect to all prunes received by him from producers and dehydrators, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per ton fixed by the Secretary. At any time during or after a crop year the Secretary may increase the rate of assessment to cover unanticipated expenses of the committee or a deficit in assessable tonnage.

* * * * *

(c) Any money collected as assessments during any crop year and not expended in connection with the committee's operations may be used by the committee for a period of five months subsequent to such crop year. At the end of such period the committee shall, from funds on hand, refund or credit to handler accounts the aforesaid excess. Each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of the actual net expenses of the committee for the preceding crop year. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee at the termination of this part, shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

27. Amend § 993.82 to read as follows:

§ 993.82 Funds.

All funds received by the committee pursuant to the provisions of this part shall be used solely for authorized purposes. The Secretary may, at any time, require the committee or its members and alternate members to account for all receipts and disbursements.

28. Add a new § 993.94 to read as follows:

§ 993.94 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects shall be paid from funds collected pursuant to § 993.81.

29. Add a new § 993.83 under Miscellaneous Provisions to read as follows:

§ 993.83 Rights of the Secretary.

The members of the committee (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to the removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other acts of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

Dated: July 12, 1960.

F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 60-6581; Filed, July 14, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 608]

[Administrative Order 536]

INDUSTRY COMMITTEE NO. 48-B

Resignation and Appointment of Employer Member

Donald J. Garcia, Sabana Grande, Puerto Rico, appointed as an employer representative on Industry Committee No. 48-B by virtue of Administrative Order No. 534 (25 F.R. 5296), has resigned.

Now, therefore, pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint Oscar Castro-Rivera, San Juan, Puerto Rico, to serve on Industry Com-

mittee No. 43–B as an employer representative replacing Donald J. Garcia.

Signed at Washington, D.C., this 12th day of July 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-6596; Filed, July 14, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the use of any one or a mixture of not more than 50 grams of procaine penicillin, streptomycin, chlortetracycline, or zinc bacitracin per ton of medicated animal feed, with not less than 125 parts per million (0.0125 percent) nor more than 250 parts per million (0.025 percent) of 1-(4-amino-2-n-propyl-5-pyrimidinylmethyl)-2-picolinium chloride hydrochloride in medicated chicken feed to be used solely as an aid in stimulating growth in chickens and as an aid in preventing outbreaks of coccidiosis.

Dated: July 11, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6576; Filed, July 14, 1960; 8:46 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The Dow Chemical Company, Midland, Michigan, has withdrawn its petition proposing the issuance of a regulation to establish a tolerance of 175 parts per million (0.0175 percent) of mineral oil in or on meat, notice of filing of which was published in the FEDERAL REGISTER of February 11, 1960 (24 F.R. 1028).

The withdrawal of this petition is without prejudice to a future filing.

Dated: July 8, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6577; Filed, July 14, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economic Regs. Docket No. 11618]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Notice of Proposed Rule Making

JULY 12, 1960.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 221 of the Board's Economic Regulations for the purpose of bringing all effective tariffs within the form requirements of this Part.

The principal features of the proposed amendment are explained in the explanatory statement and the proposed amendment to Part 221 as set forth below. This regulation is proposed under the authority of Sections 204(a) and 403 of the Federal Aviation Act of 1958 (72 Stat. 743, 758; 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 15, 1960, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after August 17, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

Part 221, the tariff filing regulation, became effective in its present revised form on July 1, 1954. It was believed at that time that tariffs and their amendments already in effect would be revised and amended from time to time in accordance with Part 221 and that compliance of all tariffs with Part 221 would thus be achieved by a gradual process. Experience has shown that this has been accomplished only in part.

Inconsistent tariffs create definite problems for travelers and shippers. Where one carrier has brought its tariffs into conformity with Part 221 and another has not, the result may be that different interpretations obtain for different carriers in traffic which is competitive. For example, some tariffs still contain generic commodity descriptions in lieu of specific descriptions as required by § 221.75 of Part 221. The Board deems it necessary, therefore, to designate a date by which all tariffs currently in effect would have to be revised in accordance with Part 221.

It is recognized that a period of time will be required for the carriers to bring their tariffs into compliance. Accordingly, an effective date of February 1, 1961, is envisaged at this time.

It is proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221), by adding a new § 221.5 to read as follows:

§ 221.5 Effective date of compliance with this part.

All tariffs and tariff amendments in force on (effective date of this amendment) whether or not the tariff matter therein was in force on July 1, 1954, shall be brought into compliance with this part effective not later than February 1, 1961.

[F.R. Doc. 60-6567; Filed, July 14, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 21]

[Docket No. 13631; FCC 60-782]

REPORT OF LICENSEE IN DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Notice of Proposed Rule Making

1. The Commission proposes to amend its Form L,[1] Annual Report of Licensee in Domestic Public Land Mobile Radio Service. Such amendments, if adopted, will be effective for the reports covering calendar year 1960. The amendments proposed are principally to rearrange and clarify the existing form, so much so that proposed rule making proceedings may not be mandatory under the Administrative Procedure Act. However, it may be that licensees and others interested in the development of the common carrier mobile radio services have thoughts regarding useful information which should be obtained at this time. This proceeding will afford an excellent opportunity for the submission of suggestions embodying such thoughts at a time when they will receive the fullest consideration.

2. The only change of a substantive nature proposed for Form L is to insert a new question inquiring whether or not the actual operation of the service is in the hands of a person or entity other than the licensee. If the answer to this question is in the affirmative it is proposed to require that the terms of the agreement, including consideration, by which responsibility for the actual operation is placed upon someone other than the licensee, be disclosed in the report. In view of provisions of the Communications Act forbidding transfer of control of radio stations without prior Commission consent the pertinency of this type of question will be apparent.

3. A summary of other changes being proposed in Form L is, (a) a definition of rural subscriber service is being added to Instruction 2, (b) a separate line is being added in the sections on service data and revenue for rural subscriber service so that data regarding this service will no longer be reported as a part of "Other," (c) columns are being added in the section on service data for fixed

[1] Form filed as part of the original document.

stations authorized and served and the three present columns in that section on number of revenue messages are being transferred to the section on revenue, (d) Instruction 5 is being revised in recognition of the fact that new columns are being added in the section on service data, (e) the question on number of mobile stations served in vehicles or vessels used by licensee or any affiliate of licensee is being reworded in the interest of clarity, (f) the present section VI on mobile stations tabulated in accordance with priorities for service is being renumbered as section II and the present section II on revenue is being renumbered as section IV which results in the present sections IV and V, condensed balance sheet and condensed income statement, respectively, being renumbered as sections V and VI, respectively, (g) the balance sheet captions are being changed slightly, (h) the term "mobile stations" is being substituted for "mobile units" throughout in order to conform with the definition in § 21.1 of our rules, (i) instructions 2 and 9 have been incorporated in a parenthetical note under "remarks", (j) instruction 10 has been incorporated in a parenthetical note under the space for certification of the report, (k) the remaining instructions have been renumbered, (l) four of the remaining instructions have been moved to the top of the reverse side of the form immediately preceding the items to which they relate in an effort to overcome reader resistance, (m) columns headed "mobile stations" are being cross-referenced to instruction 3 (old number 5) which instruction is being expanded to explain that one-way signaling receivers, whether or not installed in a vehicle, are considered to be mobile stations, and (n) column headings in section IV relating to revenue and nonrevenue messages are being modified to include, in parentheses, a note to the effect that the number of messages reported should agree with the number of messages recorded in the station log.

4. A copy of Form L is attached to this notice.[1]

5. This notice of proposed rule making is issued under authority of sections 4(i), 219(b), 303(j), 303(r), and 308(b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before August 19, 1960, a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within twenty days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: July 7, 1960.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6597; Filed, July 14, 1960; 8:48 a.m.]

[1] Form filed as part of the original document.

[47 CFR Parts 2, 11]

[Docket No. 13655; FCC 60-816]

NON-GOVERNMENT RADIOLOCATION SERVICE

Notice of Proposed Rule Making

In the matter of amendment of Parts 2 and 11 of the Commission's rules to provide for the use of the band 10000–10500 Mc by the non-Government radiolocation service, Docket No. 13655.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Tellurometer, Inc., in a petition filed April 12, 1960, which was modified by a supplemental filing on April 20, 1960, requests amendment of the Table of Frequency Allocations in § 2.104(a) (5) to provide for the radiolocation service in the band 10000–10500 Mc in addition to those services to which that band is now allocated. Petitioner also requests an appropriate amendment to Subpart M of Part 11 to permit the granting of licenses to radiolocation land and radiolocation mobile stations in the band 10000–10500 Mc on the condition that such stations shall not cause interference to stations of other services to which that band is allocated.

3. The band 10000–10500 Mc is now allocated to both Government and non-Government users. However, by the terms of footnote US127 to the Table of Frequency Allocations, all users are restricted to CW emission, non-Government access to the band is limited to the amateur service, and the amateur service is required to protect Government services in that band from harmful interference.

4. Petitioner states that the degree of accuracy achievable with the Tellurometer device is a function of bandwidth available and that the availability of the band 10000–10500 Mc would permit survey measurement accuracies of plus or minus one-half inch. The band 10500–10550 Mc which is presently allocated to the radiolocation service is not wide enough to permit the degree of accuracy considered necessary for some survey operations.

5. It is therefore proposed to amend Parts 2 and 11 as set forth below to make the frequency band 10000–10500 Mc available to the non-Government radiolocation service on the express condition that (1) only CW will be authorized, (2) harmful interference will not be caused to the amateur service or to the Government services to which the band is allocated, (3) the non-Government radiolocation service will accept any harmful interference that might be experienced from stations of the other services to which the band is allocated, and (4) the non-Government radiolocation service will be limited to survey operations using transmitter powers not to exceed one watt into the antenna.

6. The Administrative Radio Conference, Geneva (1959) modified a number of definitions presently in use in the Commission's rules. For example, the term "radiopositioning" was redefined as "radiolocation." It is the Commission's intention to institute rule-making in the near future to realign its rules, to the extent practicable, with the decisions of that Conference. For the time being, however, it is proposed to introduce new terminology only to the extent necessary to deal with new allocations such as is proposed herein. For administrative purposes it is considered necessary to retain, temporarily, seemingly duplicate definitions in some instances. Accordingly, it is proposed to make the definition changes and insertions set forth in the Appendix hereto.

7. The proposed amendments to Parts 2 and 11 of the Commission's rules as set forth below, are issued pursuant to the authority contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

8. All interested persons are invited to file, on or before August 19, 1960, comments supporting or opposing the proposals set out in this Notice and in the Appendix hereto, or submitting any modifications or counterproposals the parties may wish to submit. Comments in reply thereto may be submitted by August 29, 1960. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

9. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, the original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 7, 1960.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

I. Proposed amendments to Part 2:

1. In § 2.1, in alphabetical order, the definition "Radiodetermination" is added; the definitions "Radiolocation" and "Radiolocation service" are revised; and the definition "Radiolocation station" is deleted and superseded by "Radiolocation land station" and "Radiolocation mobile station", as follows:

§ 2.1 Definitions.

* * * * *

Radiodetermination. The determination of position, or the obtaining of information relating to position, by means of the propagation of radio waves.

* * * * *

Radiolocation. Radiodetermination used for purposes other than those of radionavigation.

Radiolocation service. A radiodetermination service involving the use of radiolocation.

Radiolocation land station. A station in the radiolocation service not intended to be used while in motion.

Radiolocation mobile station. A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

2. In § 2.104(a)(5), the table of frequency allocations is amended by changing the entries in Columns 8, 9, and 11 for the band 10000–10500 Mc; Footnote US127 is revised; and new Footnote NG__ is added, as follows:

§ 2.104 Frequency allocations.

(a) * * *
(5) * * *

United States		Federal Communications Commission				
Band (Mc)	Allocation	Band (Mc)	Service	Class of station	Frequency	Nature of services of stations
5	6	7	8	9	10	11
10000-10500	G, NG (US127)	10000-10500	Amateur Radiolocation (NG—).	Amateur Radiolocation land Radiolocation mobile.	----------	AMATEUR RADIOLOCATION.

* * * * * * *

US127 The band 10,000–10,500 Mc is limited to CW systems. The amateur service and non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

* * * * *

NG... Non-Government stations in the radiolocation service shall not cause harmful interference to the amateur service.

II. Proposed amendments to Part 11:

1. Section 11.3 *Definition of Terms,* is amended by the addition of new definitions as follows:

§ 11.3 Definition of terms.

* * * * *

(y) *Radiolocation land station.* A station in the radiolocation service not intended to be used while in motion.

(z) *Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

2. Section 11.607 is amended by the addition of a new paragraph (h), as follows:

§ 11.607 Frequencies available.

* * * * *

(h) Radiolocation Land Stations and Radiolocation Mobile Stations in this service may be authorized to use frequencies in the band 10,000–10,500 Mc, for CW emission only, upon condition that no harmful interference is caused to other users of this band; and upon further condition that such stations in the radiolocation service operating in this band must accept any harmful interference that may be experienced from the operation of other services in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

[F.R. Doc. 60-6596; Filed, July 14, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 375; Draft Release No 60-8]

DEFINITION OF CONTROLLED AIRSPACE

Notice of Public Hearing

Draft Release 60-8, published as a notice of proposed rule making in the FEDERAL REGISTER on May 7, 1960 (25 F.R. 4083), gave notice that the Federal Aviation Agency proposed to rescind Civil Air Regulations Amendments 60-14 and 60-14A and to adopt a new amendment to Part 60 which would revise the controlled airspace structure.

As a result of the review of the written comments received in response to the draft release, it has been concluded that it is desirable for the Agency to obtain the oral views and comments of interested persons in regard to the proposed revision to the controlled airspace structure.

Notice is hereby given that an informal hearing in accordance with section 4(b) of the Administrative Procedure Act will be held before a representative of the Administrator, at 10:00 a.m., e.d.t., on August 10, 1960, at 1711 New York Avenue NW., Washington, D.C., for the purpose of receiving such views and comments. Amendments 60-14 and 60-14A have been rescinded, effective June 30, 1960, by Amendment 60-18 (25 F.R. 6015) and will not be included in the subject matter of this hearing.

All parties who wish to present their views and comments at the hearing should send advanced written notice of such intention, in duplicate, to the Docket Section, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. Such notice should include the name and number of persons expected to attend, the organization, if any, represented and an estimate of the amount of time required for the presentation of views and comments.

All comments presented at the hearing will be considered before action is taken on the proposed rule and the proposal may be changed in the light of comment received.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 60-6585; Filed, July 14, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL; PUERTO RICO

Adjustments in Maximum Level

JULY 13, 1960.

The maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279 (24 F.R. 1781) is modified pursuant to paragraph (d) of section 2 of said Proclamation to permit, during the period July 1, 1960, through December 31, 1960, an increase of 2700 barrels per day in the imports of light virgin naphtha, 109 barrels per day in the imports of asphalt, to meet the increased demand in Puerto Rico.

Increases in allocations, pursuant to this authorization, will be granted to those eligible importers who have satisfactorily demonstrated an increased need for these oils.

ELMER F. BENNETT,
Acting Secretary of the Interior.

[F.R. Doc. 60-6593; Filed, July 14, 1960; 10:57 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12194 etc.; FCC 60M-1191]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Order Scheduling Prehearing Conference

In the matter of American Telephone and Telegraph Company, et al., Docket No. 12194, (11645 and 11646), charges, classifications, regulations and practices for and in connection with channels for data transmission.

Counsel for all parties in this proceeding are directed to appear for a conference to be held on July 19, 1960, at 2:00 p.m., in the Offices of the Commission at Washington, D.C. The conference will be concerned with consideration of the date to be specified for the resumption of the hearings and of such other matters as will be appropriate for discussion preliminary to resumption herein, with emphasis on procedures that would be conductive to an early conclusion of the proceeding.

Dated: July 11, 1960.

Released: July 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6588; Filed, July 14, 1960; 8:47 a.m.]

[Docket No. 13179; FCC 60M-1189]

MARTIN KARIG

Order Continuing Hearing

In re application of Martin Karig, Johnstown, New York, Docket No. 13179, File No. BP-11926; for construction permit.

Upon the Hearing Examiner's own motion, due to his absence from the office on military leave, the Hearing in this proceeding now scheduled for July 11, 1960, should be continued.

Accordingly, it is ordered, That the Hearing now scheduled be, and the same is hereby continued to July 22, 1960, 10:00 a.m., in the Commission Offices, Washington, D.C.

Dated: July 5, 1960.

Released: July 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6589; Filed, July 14, 1960; 8:47 a.m.]

[Dockets Nos. 13509, 13510; FCC 60M-1186]

M-L RADIO, INC. (KMLW) AND TAFT BROADCASTING CO.

Order Continuing Hearing

In re applications of M-L Radio, Inc. (KMLW), Marlin, Texas, Docket No. 13509, File No. BP-12159; Paul E. Taft, d/b as Taft Broadcasting Company, Houston, Texas, Docket No. 13510, File No. BP-12868; for construction permits.

On the oral request of counsel for M-L Radio, Inc., and without objection by counsel for the other parties: *It is ordered,* This 7th day of July 1960, that the hearing of July 26 is rescheduled to Monday, September 26, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C., and that the time for exchange of exhibits is extended from July 12 to September 15, and for notification of witnesses and receipt of other material, from July 19 to September 20, 1960.

Released: July 11, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6590; Filed, July 14, 1960; 8:47 a.m.]

[Docket Nos. 13632, 13633; FCC 60-802]

WILLIAM R. PACKHAM AND RADIO STATION WPCC, INC. (WPCC)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William R. Packham, Hendersonville, North Carolina, Docket No. 13632, File No. BP-12394, requests 1410 kc, 500 w, Day; Radio Station WPCC, Incorporated (WPCC), Clinton, South Carolina, Docket No. 13633, File No. BP-13744, has 1410 kc, 500 w, Day, requests 1410 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July 1960;

It appearing that upon the basis of the information presently before the Commission, and except as indicated by the issues specified below, each of the instant applicants is legally, technically and otherwise qualified to construct and operate its instant proposal; that Radio Station WPCC, Incorporated, is also financially qualified; but that William R. Packham may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 8, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that in response to the Commission's above-mentioned letter, William R. Packham amended his application to include (a) a verified copy of his agreement with Mr. Tom Carr whereby Mr. Carr will build the proposed station for $20,000; and (b) a supporting balance sheet showing that Mr. Carr has sufficient liquid assets to construct the station as proposed, but that, the balance sheet of Packham reflects only $840 in liquid assets whereas he requires more than $6,800 to operate his proposal for at least three months; and that, therefore, it cannot be determined that Packham is financially qualified to operate his proposed station; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a

consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of William R. Packham and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WPCC and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of William R. Packham would involve objectionable interference with Station WPCC, Clinton, South Carolina (existing operation), or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether William R. Packham is financially qualified to operate his proposed station.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That Radio Station WPCC, Incorporated, is made a party respondent with respect to the existing operation of WPCC.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6592; Filed, July 14, 1960; 8:47 a.m.]

[Docket Nos. 13639, 13640; FCC 60-805]

SOUTHEASTERN BROADCASTING SYSTEM, INC. (WMJM) AND WASHINGTON BROADCASTING CO. (WSNT)

Order Designating Applications For Consolidated Hearing on Stated Issues

In re applications of Southeastern Broadcasting System, Incorporated (WMJM) Cordele, Georgia, Docket No. 13639, File No. BP-12389, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 1 kw-LS, U; Washington Broadcasting Company, Inc. (WSNT), Sandersville, Georgia, Docket No. 13640, File No. BP-13105, has 1490 kc, 250 w, U, requests 1490 kc, 250 w, 500 w-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated February 19, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that WSNT (BP-13105) failed to indicate that the total percentage of population loss from existing stations and pending applications is less than 10 percent, and failed to submit a detailed site photograph showing the proposed 1 volt contour; and

It further appearing that by letter dated March 23, 1960, WMRE requested that the application of the Washington Broadcasting Company, Inc., be denied and that no hearing be held; but that pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, both the said applications must be designated for hearing; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WMJM and WSNT and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of the Southern Broadcasting System, Incorporated (WMJM) would involve objectionable interference with Stations WSNT, Sandersville, Georgia; WSFB, Quitman, Georgia; and WHLD, Lanett, Alabama-West Point, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of the Washington Broadcasting Company, Inc. (WSNT) would involve objectionable interference with Stations WSYL, Sylvania, Georgia; and WMRE, Monroe, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from the present operations of Stations WSYL and WMRE, and the proposed operation of Station WMJM would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of the Washington Broadcasting Company, Inc. (WSNT), in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the WSNT transmitter site is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Valley Broadcasting Company, Inc., Emerson W. Browne tr/as Quitman Broadcasting Company, Edwin H. Bass tr/as Sylvania Broadcasting System, and the Walton Broadcasting Company, licensees of Stations WRLD, WSFB, WSYL, and WMRE, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6593; Filed, July 14, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-161]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of a notice of proposed action with the Office of the Federal Register, the Atomic Energy Commission has issued License No. XR-37 to General Dynamics Corporation authorizing export of a research reactor to the Musashi College of Technology, Tokyo, Japan.

The notice of proposed issuance of this license, published in the FEDERAL REGISTER on March 24, 1960 (25 F.R. 2504), described the reactor as a 100 kilowatt TRIGA Mark II nuclear reactor.

Dated at Germantown, Md., this 8th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6563; Filed, July 14, 1960; 8:45 a.m.]

[Docket No. 50-162]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of a notice of proposed action with the Office of the Federal Register, the Atomic Energy Commission has issued License No. XR-36 to General Dynamics Corporation authorizing export of a research reactor to Rikkyo University, Tokyo, Japan. The notice of proposed issuance of this license, published in the FEDERAL REGISTER on March 24, 1960 (25 F.R. 2504), described the reactor as a 100 kilowatt TRIGA Mark II nuclear reactor.

Dated at Germantown, Md., this 8th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 60-6564; Filed, July 14, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6900]

APPALACHIAN POWER CO.

Order Providing for Hearing and Denying Motion for Extension of Time and Other Relief

JULY 8, 1960.

By order issued October 29, 1959, (22 F.P.C. 754) the Commission ordered Appalachian Power Company (Company), to show cause in writing and within 60 days why an order should not be entered determining:

(1) That Company is accounting for and reporting deferred taxes on income otherwise than by use of the Commission's prescribed Accounts 507-A and 266, all as indicated above, and therefore that it has and continues to violate the accounting requirements prescribed by the Commission through its Uniform System of Accounts;

(2) That this action by Company constitutes a willful and knowing violation of the Federal Power Act;

(3) That the Company be required to make, keep, and preserve its accounts in the manner prescribed by this Commission in the Uniform System of Accounts Prescribed for Public Utilities and Licensees;

(4) That the Company be ordered to file such substitute pages of its Annual Report for 1958 (F.P.C. Form No. 1), including the report to stockholders appended as part of said Annual Report, to make the accounting and reporting of accumulated deferred taxes on income therein consistent and in compliance with the requirements therefor as prescribed by the Commission.

To date, Company has not filed any substantive reply, on the merits, to the issues raised by the afore-mentioned Commission order. Rather, Company has requested that all proceedings in this docket be stayed pending Commission action in Docket No. E-6918. Company's requests for stay have been presented in two ways.

First, Company initiated Docket No. E-6918, by Petition filed December 15, 1959, requesting inter alia an order of the Commission declaring Commission Order No. 216 to be invalid.[1] In that Petition, Company requested that all proceedings in this Docket (E-6900), be stayed "until 30 days after the issuance of a final order upon" that Petition.

Secondly, Company, by Motion filed May 25, 1960, in this Docket (E-6900), requested that it be granted "an extension of time to answer in Docket E-6900 until the final disposition of all proceedings relative to the Petition"; (Petition) meaning Company's aforementioned December 15, 1959, Petition initiating Docket No. E-6918.[2] Company's May 25, 1960, Motion also requests that the Motion, itself, be set down for hearing with opportunity for Company to render written and oral presentations to the Commission in support of the relief therein requested.

In addition, Company, on June 21, 1960, in an "Application for Rehearing" of the Commission's May 23, 1960 order dismissing Company's December 15, 1959 Petition in Docket No. E-6918, again requested that the Commission stay all proceedings in this Docket (E-6900) "until 30 days after the final disposition" of its December 15, 1959 Petition.

By order of the Commission issued concurrently herewith (Docket No. E-6918) Company's "Application for Rehearing" is denied.

Since the issuance of the afore-mentioned Commission order on October 29, 1959, Company has filed its Annual Report (F.P.C. Form No. 1) with this Commission for the year 1959. That Report reveals Company has continued its accounting and reporting procedures for

[1] Commission Order 216, issued October 22, 1959, by its terms merely interprets certain language of the Commission's prior Order No. 204—Order Amending Uniform System of Accounts Prescribed for Public Utilities and Licensees to Provide for the Accounting and Reporting of Deferred Taxes on Income.

[2] The Commission's October 29, 1959 "Order to Show Cause" initiating this proceeding (Docket No. E-6900), afforded Company a period of 60 days from the date of issuance thereof, to respond to the issues which that order raises.

deferred taxes on income in the manner as described in the Commission's October 29, 1959, order.

The Commission finds that in view of the foregoing it is necessary and appropriate for the purposes of the Federal Power Act and the afore-mentioned Commission order issued herein on October 29, 1959, that this matter be set for hearing; and that Company's May 25, 1960 Motion be denied; all as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in the provisions of the Federal Power Act, particularly sections 301, 304, 307, 308, 309 and 311 thereof, and the Commission's rules of practice and procedure, a public hearing be held on September 12, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., at which hearing Company shall show cause, if any there be, why the Commission should not find and determine:

(1) That Company is accounting for and reporting deferred taxes on income otherwise than by use of the Commission's prescribed Accounts 507–A and 208, all as indicated in the aforementioned Commission order issued herein on October 29, 1959, and as confirmed in this order with respect to the year 1959, and therefore that it has and continues to violate the accounting requirements prescribed by the Commission through its Uniform System of Accounts;

(2) That this action by Company constitutes a willful and knowing violation of the Federal Power Act;

(3) That the Company be required to make, keep, and preserve its accounts in the manner prescribed by this Commission in the Uniform System of Accounts Prescribed for Public Utilities and Licensees;

(4) That the Company be ordered to file such substitute pages of its Annual Reports for 1958 and 1959 (F.P.C. Form No. 1), including the reports to stockholders appended as part of said Annual Reports, to make the accounting and reporting of accumulated deferred taxes on income therein consistent and in compliance with the requirements therefor as prescribed by the Commission.

(B) Any petitions seeking leave to intervene in this proceeding or notices of intervention shall be filed with the Federal Power Commission, Washington 25, D.C., on or before August 5, 1960 and otherwise in accordance with § 1.8 (18 CFR 1.8) of this Commission's rules of practice and procedure.

(C) Interested State commissions may participate in this proceeding as provided by §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)) of this Commission's rules of practice and procedure.

(D) Company's May 25, 1960 Motion is hereby denied.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6569; Filed, July 14, 1960; 8:46 a.m.]

[Docket Nos. RI60-468—RI60-474]

MIDHURST OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

JULY 8, 1960.

In the matter of Midhurst Oil Corporation (Operator), et al., Docket No. RI60-468; Texas Pacific Coal and Oil Company, Docket No. RI60-469; Texas Pacific Coal and Oil Company (Operator), et al., Docket No. RI60-470; Edwin L. Cox, Docket No. RI60-471; J. R. Goff, Trustee, Docket No. RI60-472; Humble Oil & Refining Company (Operator), et al., Docket No. RI60-473; Humble Oil & Refining Company, Docket No. RI60-474.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Rate suspended until—	Cents per Mcf: Rate in effect [2]	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI60-468	Midhurst Oil Corp. (Operator), et al.	7	6	Tennessee Gas Transmission Co. (West Magnolia City Field; Jim Wells County, Tex.).	Undated	6- 9-60	7-10-60	12-10-60	12.1236	17.2634[7]	----------
RI60-469	Texas Pacific Coal and Oil Co.	5	5	El Paso Natural Gas Co. (South Fullerton Gas Plant, Andrews County, Tex.).	6- 9-60	6-10-60	7-11-60	12-11-60	11.1485	17.0934	----------
RI60-469	do	1	9	El Paso Natural Gas Co. (Payton Field, Pecos, and Ward Counties, Tex.).	6- 9-60	6-10-60	7-11-60	12-11-60	11.1056	15.6485	----------
RI60-469	do	12	3	El Paso Natural Gas Co. and Hunt Oil Co. (King Mountain Field, Upton County, Tex.).	6- 8-60	6-10-60	7-11-60	12-11-60	8.108	13.68225	----------
RI60-469	do	6	2	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.).	6-10-60	6-13-60	7-14-60	12-14-60	11.0	17.0	----------
RI60-469	do	8	2	El Paso Natural Gas Co. (Bagley Pool, Lea County, N. Mex.).	6-10-60	6-13-60	7-14-60	12-14-60	10.5	15.5	----------
RI60-470	Texas Pacific Coal and Oil Co. (Operator), et al.	29	4	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	6- 9-60	6-13-60	7-14-60	12-14-60	10.5	15.5	----------
RI60-471	Edwin L. Cox	6	1	Panhandle Eastern Pipe Line Co. (Greenwood Field, Morton County, Tex.).	5-26-60	6-10-60	[3] 7-11-60	12-11-60	[3] 12.0	14.15	----------
RI60-471	do	5	1	do	5-26-60	6-10-60	[3] 7-11-60	12-11-60	[3] 12.0	14.15	----------
RI60-472	J. R. Goff, Trustee	1	3	Trunkline Gas Co. (Clear Creek Field, Allen and Beauregard Parishes, La.).	6- 7-60	6-10-60	[3] 7-11-60	12-11-60	[3] 18.3	28.5	G-20441
RI60-473	Humble Oil & Refining Co. (Operator), et al.	144	3	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.).	6- 7-60	6-10-60	[3] 7-11-60	12-11-60	[3] 10.3072	13.6823	G-19187
RI60-474	Humble Oil & Refining Co. (Operator), et al.	240	----------	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	[4] 6-29-60	6-10-60	[3] 7-11-60	12-11-60	[3] 8.0	----------	----------
RI60-474	do	240	1	do	6- 7-60	6-10-60	[3] 7-11-60	12-11-60	[3] 8.0	12.5	----------

[1] The stated effective dates are the first day after expiration of the required statutory notice.
[2] The pressure base is 14.65 psia.
[3] The pressure base is 15.025 psia.
[4] The stated effective date is that requested by respondent.
[5] Contract.

In support of its proposed increase, Midhurst states that the contract was negotiated at arm's-length; all of the pricing provisions thereof were a consideration for entering into such contract; and the requested price is in line with the current value of gas sold in the area.

In support of its proposed increase, Texas Pacific states that the favored-nation provisions constituted a major portion of the consideration of the contracts of sale and were arrived at by bargaining at arm's-length. Regarding its sale to El Paso, Humble similarly mentions arm's-length bargaining and states that the proposed rate is in line with going contract prices in the area. If suspended, Humble requests that the suspension period be limited to one day on the theory that the staff has been investigating Humble's books and records since June 27, 1956, and additional time is not required for investigation.

In support, Cox states that the pricing provisions of the contracts represent the negotiated prices for sales of gas thereunder; such provisions are in general use in long-term contracts and are economically desirable; and the proposed rates are substantially below prices for newly-dedicated gas in the area.

In support of its increased rate, Goff cites the contractual provisions and states that the proposed rate is no more

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

than the initial prices for gas sold in the same general area, and in view of increasing costs, the higher price is needed to encourage exploration and development.

In support of its proposed increased rate to Colorado Interstate, Humble states that the superseding contract was entered into as a result of arm's-length bargaining and the proposed rate is substantially below the going price for gas in the Hugoton-Panhandle Field.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and Humble's Rate Schedule No. 240 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements, and Humble's Rate Schedule No. 240.

(B) Pending hearings and decisions thereon, each of the above-designated supplements and Humble's Rate Schedule No. 240 are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 22, 1960.

By the Commission (Commissioner Kline dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6570; Filed, July 14, 1960; 8:46 a.m.]

[Docket No. RI60-475]

PHILLIPS PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

JULY 8, 1960.

On June 10, 1960, Phillips Petroleum Company (Phillips) tendered for filing proposed changes in rates for sales of natural gas to Kerr-McGee Oil Industries, Inc., in the producing area of Panhandle Field, Gray and Carson Counties, Texas. The Notices of Change were dated June 8, 1960, and June 9, 1960, and the filings were designated Supplement No. 11 to Phillips' FPC Gas Rate Schedule No. 183 and Supplement No. 5 to Phillips' FPC Gas Rate Schedule No. 288, and proposed an effective date of June 10, 1960. The changes reflect decreases of 0.4461 cents from 11.7518 cents to 11.3057 cents per Mcf, at a pressure base of 14.65 psia, based upon price redetermination provisions contained in Phillips' contracts of sale dated April 1, 1959, and September 15, 1956. Said contracts provide for prices equal to the current market price being paid at the wellhead for sweet gas produced in the Texas Panhandle Field, as determined by the Railroad Commission of Texas. Such determinations are made twice a year by the Texas Railroad Commission and Phillips has been filing rate changes in accordance with such determinations. A determination was made on November 10, 1959, for a price of 11.7518¢ per Mcf for sweet gas. Phillips filed for such prices on December 9, 1959, and the proposed rates were suspended in Docket No. G-20683 until June 5, 1960. The requisite motion to make the rates effective was filed on June 1, 1960. The latest determination by the Texas Railroad Commission was made on May 16, 1960, and is for a price of 11.3076¢ per Mcf for sweet gas. This is a decrease of 0.4061¢ per Mcf from the previously determined rate of 11.7518¢ per Mcf. The reasons for the decrease in the weighted average price have not been stated.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Phillips proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that the above-designated supplements be allowed to take effect subject to refund upon the timely filing of an agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed decreased rates and charges contained in Supplement Nos. 11 and 5 to Phillips' FPC Gas Rate Schedule Nos. 183 and 288.

(B) Pending a hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until July 12, 1960, and until such further time as they are made effective in the matter prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Supplement Nos. 11 and 5 to Phillips' FPC Gas Rate Schedule Nos. 183 and 288 shall be effective as of July 12, 1960: *Provided*, That within 20 days from the date of this order, Phillips shall execute and file under Docket No. RI60-475 with the Secretary of the Commission an agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder (prescribed by Order No. 215 and Order No. 215A). The agreement and undertaking shall be signed by a responsible officer of Phillips, shall be attested, and shall be accompanied by proper authorization from the board of directors and by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Phillips is advised to the contrary within 15 days after the filing of such agreement and undertaking, it shall be deemed to have been accepted for filing.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before August 22, 1960.

By the Commission (Commissioner Kline dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6571; Filed, July 14, 1960; 8:46 a.m.]

[Docket No. RI60-476]

UNION PRODUCING CO.

Order Providing for Hearing on Suspension of Proposed Changes in Rates

JULY 8, 1960.

In the order providing for hearing on and suspension of proposed changes in rates, issued June 30, 1960, and published in the FEDERAL REGISTER on July 1, 1960 (25 F.R. 6226–27), the date "January 1, 1961" set forth in ordering clause (B) should be corrected to read "December 1, 1960."

J. H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6572; Filed, July 14, 1960; 8:46 a.m.]

[Docket Nos. RI60-97, RI60-426]

W. A. RICHARDSON OIL CO. ET AL.

Order Accepting Rate Tender for Filing, Providing for Hearing and Suspending Proposed Change in Rate and Terminating Proceeding, in Part

JULY 7, 1960.

In the matter of W. A. Richardson Oil Company, et al., Docket No. RI60-97;

McCarrick, Gouger & Mitchell, et al., Docket No. RI60-426.

In the order accepting rate tender for filing, providing for hearing and suspending proposed change in rate and terminating proceeding, in part, issued June 22, 1960, and published in the FEDERAL REGISTER on June 28, 1960 (25 F.R. 5964), in ordering clause (C) "Supplement No. 2" should be corrected to read "Supplement No. 1 to McCarrick, Gouger & Mitchell, et al. FPC Gas Rate Schedule No. 2."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6573; Filed, July 14, 1960; 8:46 a.m.]

[Docket No. CP60-39]

NORTHERN NATURAL GAS CO.

Notice of Application and Date of Hearing

JUNE 16, 1960.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with a principal office in Omaha, Nebraska, filed, on February 18, 1960, an application in Docket No. CP60-39, for a certificate of public convenience and necessity authorizing the construction and operation of a 7000 horsepower compressor station to be located at the intake of Northern's existing "Spearman System" dehydration and gasoline plant located in section 23 of the A.B. & M. Survey in southwest Ochiltree County, Texas, subject to the jurisdiction of the Commission and more fully described in this application on file in the Commission and open to public inspection.

Applicant states the purpose of the compressor station is to permit Northern to take increased volumes of gas under existing and new gas purchase contracts in the North Hansford and Lips producing areas of Hansford, Ochiltree and Roberts counties.

Applicant proposes to install other facilities in addition to the compressor facilities. Applicant intends to augment the present Spearman Plant dehydration and gasoline capacity, to loop certain field lines, to construct new field lines and to replace thirty-eight and a quarter miles of existing 4-, 6-, 8-, and 10-inch field lines. The looping or extending of existing pipe will entail construction of nearly forty-one miles of 6-, 8-, 10-, 12-, and 26-inch field lines. Most of the proposed pipeline is in the larger sizes.

Applicant states the estimated cost of facilities to be:

Compressor station (7000 H.P.)	$2,685,200
40.3 miles of field lines 6" to 20"	1,746,900
Dehydration plant addition	174,000
Hydrocarbon extraction, addition	436,900
Total	5,043,000
Interest and overhead	201,700
	5,244,700
Cost to remove 38.3 miles of field lines 4" to 10"	66,435
Estimated cost before salvage	$5,311,135
Salvage—field lines	417,627
Total estimated net cost	4,893,508

Applicant further states that the funds required for the additional facilities will be obtained from current cash or cash generated from operations.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 26, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6596; Filed, July 14, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2137]

NORTH AMERICAN PROPERTIES CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

I. North American Properties Corporation (issuer), a Delaware corporation, filed with the Commission on April 1, 1958 a notification on Form 1-A and an offering circular relating to a proposed offering of 40,000 units at 51 cents per unit, consisting of 5 Class A shares and 1 Class B share, or a total of 200,000 shares of Class A 10 cents par value stock and 40,000 shares of Class B one cent par value stock, for an aggregate offering of $20,400 and subsequently filed an amendment thereto increasing the offering to 80,000 units at 51 cents a unit for an aggregate total offering of $40,800, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The exemption under Regulation A is unavailable in that John L. de Lyra, an undisclosed affiliate and promoter of the issuer, is subject to an injunction issued by a court of competent jurisdiction enjoining him from further violations of the registration and anti-fraud provisions of the Securities Act of 1933, as amended.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification fails to set forth the full name and complete address of each affiliate of the issuer as required by Item 2(b) thereof;

2. The notification fails to set forth the full name and complete address of each promoter as required by Item 3(c) thereof.

C. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the name and address of a promoter who was in a controlling position;

2. The failure to disclose the direct and indirect interests of each officer, director, and promoter of the issuer;

3. The statement that the address of North American Properties Corporation was 1700 Walnut Street, Philadelphia, Pa.;

4. The failure to disclose that named officers and directors were mere fronts for the undisclosed promoter;

5. The statement that principal activities of the issuer would be in Philadelphia and neighboring cities;

6. The statement that 10,000 shares of North American Properties Corporation Class A stock and 2,000 shares of Class B stock were sold to officers and directors, and that $1,020 was paid in cash therefor;

7. The statement that the address listed for the alleged officers and directors, Theodore Kempinski and Joan Pierce was 2225 S. 17th Street or 2245 S. 17th Street, Philadelphia, Pa.;

8. The statement that North American Properties Corporation had no properties under serious consideration at the time the offering circular was amended, April 30, 1958;

9. The statement in the Balance Sheet dated March 24, 1958 that 10,000 shares of the Class A stock and 2,000 shares of Class B stock had been sold for $1,020 and that such amount had been received.

D. The report of sales on Form 2-A contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The statement that the issuer had commenced its offering on May 29, 1956 and completed it on May 26, 1958;

2. The statement that the company had received $40,800 from the sale of 80,000 units, and had on hand "cash proceeds of $40,699.81";

3. The statement that the issue "has been closed and that the entire issue has been sold";

4. The statement that "no brokers, dealers, or underwriters, were engaged to dispose of the issue, nor did any participate in the distribution of the issue".

E. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6575; Filed, July 14, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 248]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 12, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63228. By order of July 11, 1960, the Transfer Board approved the transfer to Elmer Klegen, 1904 Quint Ave., Carroll, Iowa, of Certificate No. MC 62007, issued February 27, 1950, to Edmund Schroeder, 310 W. First St., Carroll, Iowa, authorizing the transportation of: Livestock and agricultural commodities, from Maple River over specified routes to Omaha, Nebr., serving intermediate and off-route points within eight miles of Maple River; and livestock, feed, agricultural implements, agricultural implement parts, lubricating oil and grease in containers, and building materials, from Omaha, Nebr., over specified routes to Maple River, Iowa, serving intermediate and off-route points within eight miles of Maple River.

No. MC-FC 63253. By order of July 11, 1960, the Transfer Board approved the transfer to Orbit Transportation Company, Incorporated, Houston, Texas, of a portion of Certificate No. MC 119700, issued June 8, 1960, to Steel Haulers, Inc., Prairie Village, Kans., authorizing the transportation of: Steel articles and such materials as are used or useful on highway construction projects (except cement, rock, sand and gravel), from Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma within 400 miles of Houston, Tex. James P. Miller, 500 Board of Trade Tenth and Wyandotte, Kansas City 5, Mo., for applicants.

No. MC-FC 63326. By order of July 11, 1960, the Transfer Board approved the transfer to LaGrange-La-Grange Park Transit Company, Inc., La Grange Park, Ill., of the operating rights authorized to American Coach Company, Inc., Glenview, Ill., in Certificates Nos. MC 113576 Sub 1 and MC 113576 Sub 3, issued May 1, 1959, and February 7, 1956, authorizing the transportation of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, over regular routes to, from, and between specified points in Wisconsin and Illinois. Louis R. Gambill, 655 First National Bank Building, Chicago 3, Ill., for applicants.

No. MC-FC 63332. By order of July 11, 1960, the Transfer Board approved the transfer to Valley Milling Company, Inc., of that portion of the operating rights authorized to Piedmont Mountain Freight Lines, Inc., Marth Williamson, N.C., in Certificate No. MC 767 Sub 19, issued December 28, 1959, authorizing the transportation of lumber, over irregular routes, from points in Alleghany, and Wilkes Counties, N.C., and in Wythe, and Bland Counties, Va., to points in Maryland, and West Virginia. E. James Moore, 209 Ninth Street, North Wilkesboro, N.C., for applicants.

No. MC-FC 63337. By order of July 12, 1960, the Transfer Board approved the transfer to Grover C. Donald, doing business as Donald's 1241 Chaco, Farmington, New Mexico, of a Certificate in No. MC 114112 Sub 2, issued October 9, 1957, to Elward D. Sheelin, 1519 Santiago, Farmington, New Mexico, which authorizes the transportation of diamond core barrels and bits, and tools used in connection therewith, from, to, and between specified points in Colorado, Nebraska, Wyoming, Utah, New Mexico, and Arizona.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6582; Filed, July 14, 1960; 8:47 a.m.]

[Revised S.O. 562, Taylor's I.C.C. Order 121]

LONG ISLAND RAIL ROAD CO.

Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, The Long Island Rail Road Company is unable to transport traffic routed over its lines, because of work stoppage.

It is ordered, That:

(a) Rerouting traffic: The Long Island Rail Road Company and its connections being unable to transport traffic in accordance with shippers' routing because of work stoppage, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad or railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of said Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:00 a.m., July 10, 1960.

(g) Expiration date: This order shall expire at 11:59 p.m., July 20, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 11, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-6588; Filed, July 14, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

American Uniform Co., North Parker Street, Cleveland, Tenn.; effective 6-11-60 to 6-10-61 (washable service apparel).

Angelica Uniform Co., Summersville, Mo.; effective 6-12-60 to 6-11-61 (women's washable service apparel; men's washable dental smocks).

Brookside Industries, Inc., Reidsville, N.C.; effective 6-19-60 to 6-18-61 (men's sport, uniform and dress shirts).

Clinton Garment Manufacturing Co., Inc., Clinton, Ky.; effective 6-8-60 to 6-7-61 (men's and boys' parka jackets, etc.).

Edinburg Manufacturing Corp., Edinburg, Va.; effective 6-8-60 to 6-7-61 (infants' garments).

Joseph Greenberg, Inc., 133 North Poplar Street, Elizabethtown, Pa.; effective 7-1-60 to 6-30-61 (children's dresses).

Guin Garment Corp., Guin, Ala.; effective 6-8-60 to 6-7-61 (boys' shirts).

Helena Garment Co., Bobbie Brooke Square, West Helena, Ark.; effective 6-23-60 to 6-22-61 (ladies' dresses and co-ordinates).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7-3-60 to 7-2-61 (men's sport shirts).

Kingston Dresses, Inc., Highway 64, Fayetteville, Tenn.; effective 6-7-60 to 6-6-61 (misses' and junior dresses).

The Kym Co., Jackson, Ga.; effective 6-16-60 to 6-15-61 (men's single pants).

Lock Haven Garment Co., 921 Third Street, Lock Haven, Pa.; effective 6-13-60 to 6-12-61 (ladies' sportswear, blouses).

Loma Manufacturing Co., Inc., 101 South Main Street, Winchester, Ky.; effective 6-16-60 to 6-15-61 (ladies' blouses; men's shirts).

Norris Manufacturing Co., Taylors, S.C.; effective 6-10-60 to 6-9-61 (men's, boys' and ladies' sport shirts).

Phillips-Van Heusen Corp., Barnesboro, Pa.; effective 6-26-60 to 6-25-61 (sport shirts).

Publix Shirt Corp., Myerstown, Pa.; effective 6-16-60 to 6-15-61 (men's and boys' cotton dress shirts).

Rival Dress Co., Inc., 110 West Blain Street, McAdoo, Pa.; effective 6-16-60 to 6-15-61 (ladies' dresses).

Williamson-Dickie Manufacturing Co., McAllen, Tex.; effective 6-17-60 to 6-16-61 (men's and boys' cotton pants).

Wilson County Garment Co., Watertown, Tenn.; effective 6-16-60 to 6-15-61 (men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Eminence, Mo.; effective 6-9-60 to 6-8-61; 10 learners (men's and women's washable service uniforms).

Angelica Uniform Co., Marquand, Mo.; effective 6-18-60 to 6-17-61; 10 learners (men's cotton washable pants).

Apparel Manufacturing Corp., 112 South Center Street, Mebane, N.C.; effective 6-26-60 to 6-25-61; 10 learners (children's dresses).

Brooks-Seas Manufacturing, Co., 151-53 Park Avenue, Wilkes-Barre, Pa.; effective 6-15-60 to 6-14-61; 10 learners (children's dresses).

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 6-16-60 to 6-15-61; 10 learners (children's wear).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa.; effective 6-16-60 to 6-15-61; 10 learners (children's dresses).

Gross Galesburg Co., Charlton, Iowa; effective 6-25-60 to 6-24-61; 10 learners (men's work pants and shirts).

Hartwell Manufacturing Co., Inc., Depot Street, Hartwell, Ga.; effective 6-17-60 to 6-16-61; 10 learners (men's and boys' cotton work trousers).

Montgomery Sylvania Manufacturing Co., Inc., 22 East Houston Avenue, Montgomery, Pa.; effective 6-13-60 to 6-12-61; 10 learners (ladies' sportswear).

Nahas of Texas, Inc., 10 Second Street SW., Paris, Tex.; effective 6-29-60 to 6-28-61; 10 learners (children's lingerie and blouses).

Polskin Bros., Inc., 1126 North Avenue, Plainfield, N.J.; effective 6-17-60 to 6-16-61; 10 learners (women's sportswear).

Roseboro Manufacturing Co., Roseboro, N.C.; effective 6-13-60 to 6-12-61; five learners (women's cotton dresses).

Wear Well Garment Co., Inc., First No. and German Street, New Ulm, Minn.; effective 6-18-60 to 6-17-61; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' slacks).

Winett, Inc., 3059 North 27th Street, Kansas City, Kans.; effective 6-9-60 to 6-8-61; 10 learners (infants' diaper sets and sportswear).

Jack Winter Sportswear, Inc., Warren, Ark.; effective 6-9-60 to 6-8-61; 10 learners (ladies' sportswear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Coalgate, Okla.; effective 6-10-60 to 12-9-60; 20 learners (men's and boys' work pants; ladies' and girls' frontier pants).

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 6-9-60 to 12-8-60; 25 learners (children's wear).

Cluett, Peabody and Co., Inc., 1221 West Third Street, Williamsport, Pa.; effective 6-9-60 to 12-7-60; 50 learners (supplemental certificate) (sport shirts).

Cluett, Peabody and Co., Inc., 1221 West Third Street, Williamsport, Pa.; effective 6-8-60 to 12-7-60; 50 learners (sport shirts).

Guin Garment Corp., Guin, Ala.; effective 6-8-60 to 12-7-60; 10 learners (boys' shirts).

Hicks-Hayward Co., Del Rio, Tex.; effective 6-15-60 to 12-14-60; 25 learners (work clothing and wash slacks).

Lock Haven Garment Co., 921 Third Street, Lock Haven, Pa.; effective 6-22-60 to 12-21-60; 15 learners (ladies' sportswear).

Martini Garment Co., Huntsville, Ark.; effective 6-9-60 to 12-7-60; 20 learners (men's wash pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 6-9-60 to 12-8-60; 30 learners (men's and boys' single pants).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 6-15-60 to 12-14-60; 60 learners (men's and boys' single pants).

Vandalia Garment Co., Vandalia, Mo.; effective 6-1-60 to 11-30-60; 50 learners (ladies' dresses).

Jack Winter Sportswear, Inc., Warren Ark.; effective 6-9-60 to 12-8-60; 25 learners (ladies' sportswear).

Yunker Manufacturing Co., Inc., Parkersburg, W. Va.; effective 6-20-60 to 12-19-60; 45 learners (infants' cotton apparel).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

The Boss Manufacturing Co., Oneida, Tenn.; effective 5-23-60 to 5-22-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (corrected certificate) (work gloves).

Ideal Glove Co., Inc., Maben, Miss.; effective 6-15-60 to 6-14-61; 5 learners for normal labor turnover purposes (work gloves).

Lambert Manufacturing Co., Inc., Plant No. 3, 1006 Washington Street, Chillicothe, Mo.; effective 6-7-60 to 6-6-61; 10 learners for normal labor turnover purposes (leather and leather combination work gloves).

Riegel Textile Corp., Brundidge, Ala.; effective 6-6-60 to 6-5-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (corrected certificate) (work gloves).

Riegel Textile Corp., Greenville, Ala.; effective 6-8-60 to 6-7-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (corrected certificate) (work gloves).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; effective 5-26-60 to 5-25-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (canton flannel and jersey work gloves) (corrected certificate).

Western Glove Co., Orting, Wash.; effective 6-7-60 to 6-6-61; six learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S.C.; effective 6-16-60 to 6-15-61; five learners for normal labor turnover purposes (dye and finish ladies' hosiery).

Durham Hosiery Mills, Plant No. 14, 109 South Corcoran Street, Durham, N.C.; effective 6-21-60 to 12-20-60; 30 learners for plant expansion purposes (full-fashioned, seamless).

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn.; effective 6-20-60 to 12-19-60; 50 learners for plant expansion purposes (seamless, full-fashioned).

Outlook Manufacturing Co., Belmont, N.C.; effective 6-7-60 to 12-6-60; 10 learners for plant expansion purposes (seamless).

W. Y. Shugart and Sons, Inc., Fort Payne, Ala.; effective 6-13-60 to 6-12-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Chalmers Knitting Co., Inc., Amsterdam, N.Y.; effective 6-9-60 to 6-8-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's underwear; men's handkerchiefs; women's sportswear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

R. K. Barter Canneries, Inc., Stonington, Maine; effective 6-10-60 to 12-9-60; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (sardines).

Newey Brothers, Inc., East St. Johnsbury Road, St. Johnsbury, Vt.; effective 6-14-60 to 12-13-60; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours at the rates of at least 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours (cloth tapes sewn with nickelled brass hooks and eyes for corset and brassiere trade).

William Underwood Co., Yarmouth, Maine; effective 6-10-60 to 12-9-60; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (canned fish).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Angela Manufacturing Co., Inc., Guayama, P.R.; effective 6-16-60 to 3-31-61; 13 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (replacement certificate) (brassieres).

Beatrice Needle Craft, Inc., Plant No. 2, Malecon Road Plant, Mayaguez, P.R.; effective 5-16-60 to 4-22-61; 20 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Beatrice Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 5-16-60 to 10-7-60; 23 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificates) (brassieres).

Beatrice Needle Craft, Inc., Ponce, P.R.; effective 5-16-60 to 5-4-61; 25 learners for normal labor turnover purposes in the occupations of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres and girdles).

Catherine Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 5-16-60 to 4-21-61; 15 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Compex Undergarment Corporation, Coamo, P.R.; effective 5-9-60 to 10-10-60; 60 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hous for the remaining 240 hours (replacement certificate) (ladies' underwear).

Delia Mejia, Inc., Luna No. 53 Altos, Ponce, P.R.; effective 5-23-60 to 11-22-60; 30 learners for plant expansion purposes in the occupations of: (1) sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 49 cents an hour for the first 240 hours and 57 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 49 cents an hour (children's dresses).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 5-16-60 to 7-12-60; 15 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Juana Diaz Co., Inc., Cuatro Calles Street No. 75, Ponce, P.R.; effective 5-16-60 to 9-15-60; 15 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres) (replacement certificates).

Juana Diaz Co., Inc., Cuatro Calles Street No. 75, Ponce, P.R.; effective 5-16-60 to 3-15-61; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Flamingo Brassieres Inc., 513 Carolina Street, Hato Rey, P.R.; effective 5-16-60 to 11-15-60; 30 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Gibson Caribe, Inc., Luquillo, P.R.; effective 5-11-60 to 11-10-60; 15 learners for plant expansion purposes in the occupations of furnace operators, power press operators, powder mixer, and assembly, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electrical contacts).

The Henry Corp., Roosevelt, P.R.; effective 5-16-60 to 7-10-60; 15 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Linda Bra, Inc., Aguas Buenas, P.R.; effective 5-16-60 to 7-28-60; 13 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Makress, Inc., 906 Miraflores Street, Santurce, P.R.; effective 5-9-60 to 5-8-61; 10 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours to be paid the special minimum wage rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours effective from May 8, 1960 to May 15, 1960; effective from May 16, 1960, the special minimum wage rates to be 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (girdles, corsets and allied products).

Newport Brassiere Co., Inc., Caparra Heights, P.R.; effective 5-16-60 to 7-13-60; 17 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators, for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 70 cents an hour (replacement certificate) (brassieres).

Paula Brassiere Co., Inc., Caguas, P.R.; effective 5-16-60 to 5-31-60; 14 learners for normal labor turnover purposes in the occupation of power sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Sally Manufacturing Corp., Juana Diaz, P.R.; effective 5-16-60 to 9-13-60; 30 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 70 cents an hour (replacement certificate) (brassieres).

Symphony Brassiere Co., Inc., 495 Carpenter Rd., Hato Rey, P.R.; effective 5-16-60 to 5-31-60; 30 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (brassieres).

Wayne Industries, Inc., Catano, P.R.; effective 5-16-60 to 4-30-61; 28 learners for normal labor turnover purposes in the occupations of sewing machine operators, and looping machine operators, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (girdles).

Wayne Industries, Inc., Catano, P.R.; effective 5-16-60 to 7-30-60; 30 learners for plant expansion purposes in the occupations of looping, and sewing, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents

an hour for the remaining 160 hours (replacement certificate) (girdles).

Youthful Corp., 318 Carpenter Road, Hato Rey, P.R.; effective 6-16-60 to 6-10-60; 5 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (replacement certificate) (girdles).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 24th day of June 1960.

ROSE G. ROSOFSKY,
Authorized Representative of the Administrator.

[F.R. Doc. 60-6514; Filed, July 13, 1960; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: During the current recess of the Congress a listing of public laws approved by the President will appear in the FEDERAL REGISTER under *Title 2—The Congress*.

Approved July 12, 1960

S.J. Res. 41.....Public Law 86-610
A Joint Resolution to establish a National Institute for International Health and Medical Research, to provide for international cooperation in health research, research training, and research planning, and for other purposes.

S. 747.....Public Law 86-611
An Act to provide for the conveyance of certain lands which are a part of the Des Plaines Public Hunting and Refuge Area and the Joliet Arsenal Military Reservation, located in Will County, Illinois, to the State of Illinois.

S. 1260.....Public Law 86-613
An Act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use.

S. 1502.....Public Law 86-612
An Act to provide for adjustments in the annuities under the Foreign Service retirement and disability system.

S. 1509.....Public Law 86-615
An Act to amend the Interstate Commerce Act, as amended, to provide "grandfather" rights for certain motor carriers and freight forwarders operating in interstate or foreign commerce within Alaska and between Alaska and the other States of the United States, and for certain water carriers operating within Alaska, to provide "grandfather" rights for certain freight forwarders operating between Hawaii and the other States of the United States, and for other purposes.

S. 1795.....Public Law 86-616
An Act relating to the promotion and separation of certain officers of the regular components of the armed forces.

S. 1965.....Public Law 86-619
An Act to make uniform provisions of law with respect to the terms of office of the members of certain regulatory agencies.

S. 2197.....Public Law 86-618
An Act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics, in accordance with regulations prescribing the conditions (including maximum tolerances) under which such additives may be safely used.

S. 2857.....Public Law 86-622
An Act to amend the Civil Service Retirement Act so as to provide for disposition of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such Act, and for other purposes.

S. 3179.....Public Law 86-617
An Act to increase the authorization for appropriations for construction of facilities for the Gorgas Memorial Laboratory.

S. 3545.....Public Law 86-620
An Act to amend section 4 of the Act of January 21, 1929 (48 U.S.C. 354a(c)), and for other purposes.

H.J. Res. 627.....Public Law 86-614
A Joint Resolution to authorize appropriations incident to United States participation in the International Bureau for the Protection of Industrial Property.

H.R. 1157.....Public Law 86-629
An Act to provide for promotion of economic and social development in the Ryukyu Islands.

H.R. 4049.....Public Law 86-627
An Act to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation for certain additional persons.

H.R. 4346.....Public Law 86-621
An Act to amend the Bankruptcy Act to limit the use of false financial statements as a bar to discharge.

H.R. 4386.....Public Law 86-634
An Act to amend title 18 of the United States Code to make it unlawful to destroy, deface, or remove certain boundary markers on Indian reservations, and to trespass on Indian reservations to hunt, fish, or trap.

H.R. 5040.....Public Law 86-632
An Act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes.

H.R. 5098.....Public Law 86-640
An Act to provide for the application and disposition of net revenues from the power development on the Grand Valley Federal reclamation project, Colorado.

H.R. 6179.....Public Law 86-623
An Act to grant the right, title, and interest of the United States in and to certain lands to the city of Crawford, Nebraska.

H.R. 7726.....Public Law 86-631
An Act to amend section 678 of the Bankruptcy Act (11 U.S.C. 1078) relating to the transmission of petitions, notices, orders, and other papers to the Secretary of the Treasury in Chapter XIII proceedings.

H.R. 7965.....Public Law 86-639
An Act to amend section 612 of title 38, United States Code, to authorize outpatient treatment incident to authorized hospital care for certain veterans.

H.R. 8295.....Public Law 86-636
An Act to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo Reservation, and for other purposes.

H.R. 9702.....Public Law 86-641
An Act to amend section 2771 of title 10, United States Code, to authorize certain payments of deceased members' final accounts without the necessity of settlement by General Accounting Office.

H.R. 10068.....Public Law 86-633
An Act to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes.

H.R. 10500.....Public Law 86-635
An Act to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service.

H.R. 10596.....Public Law 86-638
An Act to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States.

H.R. 11389.....Public Law 86-642
An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes.

H.R. 11602.....Public Law 86-624
An Act to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes.

H.R. 11776.....Public Law 86-626
An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes.

H.R. 12200.....Public Law 86-625
An Act to amend title 10, United States Code, to authorize reduction in enlisted grade upon approval of certain court-martial sentences.

H.R. 12231.....Public Law 86-630
An Act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1961, and for other purposes.

H.R. 12232.....Public Law 86-628
An Act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1961, and for other purposes.

H.R. 12570.....Public Law 86-637
An Act to amend section 303(c) of the Career Compensation Act of 1949 by imposing certain limitations on the transportation of household effects.

CUMULATIVE CODIFICATION GUIDE—JULY

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 26, Parts 222–299 ... $1.75
Titles 40–41, Revised ... $0.70
Title 44, Revised ... $3.25
General Index ... $1.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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PART II

FEDERAL REGISTER

VOLUME 25 NUMBER 137

Washington, Friday, July 15, 1960

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 201—RULES OF PRACTICE

PART 202—INFORMAL AND OTHER PROCEDURES

PART 203—CONDUCT OF MEMBERS AND EMPLOYEES AND FORMER MEMBERS AND EMPLOYEES OF THE COMMISSION

Preamble. 1. Pursuant to the provisions of section 3 of the Administrative Procedure Act (5 U.S.C. 1002) the Securities and Exchange Commission is establishing an expanded Part 200, entitled "Organization, Conduct and Ethics, and Information and Requests." This part will include a revision of former Part 200, which related only to the organization of the Commission and submittals and requests, and will also include current information on the Commission's regulations concerning conduct of members and employees and former members and employees of the Commission, on its canons of ethics, and on its practices with respect to information and requests.

2. The Commission also has revised Part 201, its rules of practice, in the interest of providing for more efficient and expeditious conduct of and disposition of administrative proceedings before the Commission. The current revision is designed largely to clarify existing procedures, restate the rules in more logical sequence, eliminate obsolete and redundant provisions, and generally improve the administrative process. To give persons affected thereby full opportunity to become acquainted with the changes in Part 201, the revision will not become effective until October 1, 1960, except that § 201.24, relating to incorporation by reference, will not become effective until January 1, 1961.

3. The Commission has revised Part 202, dealing with informal and other procedures, to bring the part up-to-date.

4. Former Part 203, relating to conduct of members and employees and former members and employees of the Commission, has been superseded by Subparts B and C of Part 200.

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart A—Organization and Program Management

COMMISSION ORIGIN AND AUTHORITY

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200.2 Statutory functions.

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200.11 Organizational structure.
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AUTHORITY: §§ 200.01 to 200.80 issued under secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 838; 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 77sss, 78w, 79t, 80a–37, 80b–11.

Subpart A—Organization and Program Management

§ 200.1 General statement and statutory authority.

The Securities and Exchange Commission was created in 1934 under the Securities Exchange Act. That Act transferred to the Commission the administration of the Securities Act of 1933, formerly administered by the Federal Trade Commission. Subsequent acts assigned to the Securities and Exchange Commission for administration are: Public Utility Holding Company Act of 1935, Trust Indenture Act of 1939, Investment Company Act of 1940, and Investment Advisers Act of 1940. By the terms of Chapter X of the Bankruptcy Act, as amended in 1938, the Commission serves under certain circumstances as adviser to United States District Courts in connection with reorganization proceedings for debtor corporations.

§ 200.2 Statutory functions.

Following are brief descriptions of the functions of the Commission under each of the statutes it administers:

(a) *Securities Act of 1933.* (1) Issuers of securities publicly offered for sale in interstate commerce or through the mails are required to file with the Commission

registration statements containing information about the issuer and the offering. Unless a registration statement is in effect with respect to such securities, it is unlawful to sell the securities in interstate commerce or through the mails. (There are certain limited exemptions, such as government securities, non-public offerings, and intrastate offerings.) The effectiveness of a registration statement may be refused or suspended if it contains material misstatements or omissions, thus barring sale of the securities until it is appropriately amended. Registration is not a finding of the Commission as to the accuracy of the facts disclosed; and it is not lawful so to represent. Moreover, registration of securities does not imply approval of the issue by the Commission or insure investors against loss in their purchase, but serves rather to make available to investors the issuer's statement of facts upon which investors may reach investment decisions.

(2) Persons responsible for filing false information with the Commission subject themselves to the risk of fine or imprisonment or both; and the issuing company, its directors and other officers, and the underwriters and dealers may be liable in damages to purchasers of registered securities if the disclosures in the registration statements and prospectus are materially defective. Also the statute contains general antifraud provisions that are not limited to registered securities. These provide a basis for suits by private parties, for injunctive actions by the Commission, and for criminal prosecution.

(b) *Securities Exchange Act of 1934.* This Act requires the filing of registration applications and annual and other reports with national securities exchanges and the Commission, by companies whose securities are listed upon the exchanges. These must contain financial and other data prescribed by the Commission for the information of investors. Material misstatements or omissions are grounds for suspension or withdrawal of the security from exchange trading. This Act makes unlawful proxy solicitations for meetings of listed companies in contravention of rules prescribed by the Commission. The rules so prescribed provide for disclosures to securities holders of information relevant to the proposals which are the subject of solicitations. The Act also requires disclosure by officers, directors, and large (10%) security holders of companies with listed equity securities, of their holdings of and transactions in the equity securities of such companies. The Act also provides for registration by the Commission and for certain regulations by the Commission of national securities exchanges, brokers and dealers engaged in an over-the-counter securities business, and national associations of such dealers. It contains provisions for rule making power in the Commission with respect to short sales, stabilizing, floor trading, activities of specialists and odd-lot dealers, and such matters as excessive trading by the exchange members. The Act empowers the Board of Governors of the Federal Reserve System to prescribe minimum margin requirements with respect to listed securities.

(c) *Public Utility Holding Company Act of 1935.* This Act provides for regulation by the Commission of the purchase and sale of securities, properties, and other assets by companies comprised within electric and gas utility holding company systems, their intra-system transactions, service and management arrangements. It further provides for limitation of system operations to physically integrated and coordinated properties, and simplification of complex corporate and capital structures and elimination of unfair distribution of voting power. The issuance and sale of securities by holding companies and their subsidiaries, unless exempt (subject to conditions and terms which the Commission is empowered to impose) as an issue expressly authorized by the state in which the issuer is incorporated, must be found by the Commission to meet statutory standards, namely: that the new security is reasonably adapted to the security structure and earning power of the issuer; that the proposed financing is necessary and appropriate to the economical and efficient operation of the company's business; that the consideration received, and fees, commissions, and other remuneration paid are fair; and that the terms and conditions of the sale are not detrimental to investors, consumers, or the public. The purchase and sale of utility properties and other assets may not be made in contravention of rules, regulations, or orders of the Commission regarding the consideration to be received, maintenance of competitive conditions, fees and commissions, accounts, disclosure of interest, and similar matters. In passing upon proposals for reorganization, merger, or consolidation, the Commission must be satisfied that the objectives of the act generally are complied with and that the terms of the proposals are fair and equitable to all classes of security holders affected.

(d) *Trust Indenture Act of 1939.* This act is designed to safeguard the interests of purchasers of publicly offered debt securities issued under trust indentures through provisions requiring in such indentures the elimination of certain types of exculpatory clauses and the inclusion of certain protective provisions. The act also requires that the indenture trustee, who is a representative of the debt holders, shall be "independent" and free of certain prescribed interests which might conflict with the proper exercise of his duties.

(e) *Investment Company Act of 1940.* This act provides for the registration with the Commission of investment trusts and investment companies and subjects their activities to regulation in accordance with standards prescribed in the interests of protecting investors. Various transactions of investment companies, including transactions with affiliated interests, are prohibited unless exempted by the Commission. The Commission is authorized to prepare reports to security holders on the fairness of plans of reorganization, merger or consolidation; it may institute court action to enjoin the consummation of plans considered grossly unfair to security holders, or to enjoin acts and practices of management involving gross misconduct or gross abuse of trust and to disqualify from office officials responsible therefor.

(f) *Investment Advisers Act of 1940.* Persons who, for compensation, engage in the business of advising others with respect to their security transactions must register with the Commission. Their activities in the conduct of such business are subject to standards of the act which make unlawful those practices which constitute fraud or deceit and which require, among other things, disclosure of any interests they may have in transactions executed for clients. It empowers the Commission to seek an injunction against unlawful activity of registered investment advisers or to refer evidence of violations to the Attorney General for criminal prosecution.

(g) *Chapter X of the Bankruptcy Act.* Chapter X of the Bankruptcy Act provides for Commission participation, as adviser to the courts, in corporate reorganization proceedings pursuant to Chapter X. The Commission may advise the court with respect to the feasibility and fairness of proposed plans of reorganization and other matters arising during the course of the proceedings.

General Organization

§ 200.10 The Commission.

The Commission is composed of five members, not more than three of whom may be members of the same political party. The members are appointed by the President, with the advice and consent of the Senate, for 5-year terms, one term ending each year. The Chairman is designated by the President of the United States pursuant to the provisions of section 3 of Reorganization Plan No. 10 of 1950 (3 CFR, 1949–1953 Comp., p. 1006). The Commission is assisted by a staff which includes lawyers, accountants, engineers, security analysts, and examiners, as well as administrative and clerical employees.

§ 200.11 Organizational structure.

The organizational structure of the staff is designed to achieve three principal objectives: to secure in the members of the Commission control over policy making; to create the most effective possible mechanism for enforcing compliance with the Federal securities laws; and to provide the greatest possible assistance to public investors and to the regulated industries in achieving compliance with the various acts. Duties and responsibilities are stated in § 200.12.

§ 200.12 Functional responsibilities.

This section sets forth the administrative and substantive responsibilities of the Executive Director, Division Directors, Office Heads, Regional Administrators, and certain other Commission officers. All Commission officers and other staff members, except Hearing Examiners, shall perform, in addition to the duties herein set forth, such additional duties as the Chairman of the Commission may assign from time to time. Office Memorandum 157, dated October 13, 1948, is hereby rescinded.

§ 200.13 The Secretary of the Commission.

The Secretary of the Commission shall have the ultimate responsibility to the Commission for the preparation and maintenance of official records of Commission action, the custody of the official seal of the Commission and the certification and authentication of documents reflecting official Commission action, and for the furnishing of information concerning Commission actions and functions to the press and the public.

§ 200.14 Adviser to the Commission.

The Adviser to the Commission is responsible for presenting to the Commission an independent viewpoint with respect to problems and matters in the entire field of capital formation under the several statutes administered by the Commission. He is responsible for undertaking such studies as may be necessary to carry out his advisory functions. He is also responsible for providing advice, guidance, and assistance to Division and Office Heads and their staffs in the development of programs and in connection with cases or matters of first impression or of major significance to the Commission in the administration and enforcement of the Federal Securities Laws.

§ 200.15 Hearing Examiners.

Hearing Examiners preside at public and private hearings and examinations held under the various statutes administered by the Commission and in appropriate cases prepare recommended decisions. The assignment of Hearing Examiners to particular cases or proceedings shall be made by the Chairman or such person as he may designate.

§ 200.16 Director of the Office of Opinion Writing.

The Director of the Office of Opinion Writing shall have the ultimate responsibility to the Commission for the preparation of the opinions of the Commission, including opinions and decisions on motions and certifications of questions and rulings by Hearing Examiners in the course of administrative proceedings, except in cases where, pursuant to a waiver by the parties of separation of function requirements, another Division or Office of the Commission's staff undertakes to prepare such Findings and Opinion, in which cases the Director may assist in such preparation. He shall also have responsibility for the preparation of the Commission's Annual Report to the Congress, including the editing of material submitted by various staff units, and joint responsibility with the General Counsel in dealing with general problems arising under the Administrative Procedure Act, including the revision or adoption of Rules of Practice.

§ 200.17 The Executive Director.

The Executive Director of the Commission shall be the chief administrative official of the Commission. He shall have the direct responsibility to the Chairman for the administration of the Commission to the extent that the Chairman has delegated or may delegate his authority as set forth in Reorganization Plan 10 of 1950, including, without thereby limiting, the administrative direction and coordination of the divisions and offices in the Headquarters Office and the Regional Offices in the field. He shall have the ultimate responsibility to the Commission for the administrative matters reserved to the Commission by Reorganization Plan 10 of 1950. He shall also serve as the Director of the Division of Administrative Management and shall be responsible for the administration of the Regulation Regarding Conduct of Members and Employees and Former Members and Employees of the Commission. Where operating divisions and offices in the Headquarters Office in Washington and the field offices are unable to reach agreement as to the priority and execution of any proceeding, investigation or project to be performed by the field offices, the question shall be referred promptly to the Executive Director.

§ 200.18 Director of the Division of Corporation Finance.

The Director of the Division of Corporation Finance shall have the ultimate responsibility to the Commission for the administration and enforcement of all matters relating to establishing and requiring adherence to standards of economic and financial reporting with respect to securities trade on exchanges or offered for public sale pursuant to registration or exemptive regulations, establishing and requiring adherence to standards of fair disclosure in the solicitation of proxies for election of directors and other corporate actions, enforcement of the standards set forth in the Trust Indenture Act of 1939 regarding indentures covering debt securities, and enforcing of financial reporting and disclosure provisions applicable to investment companies and reviewing their sales literature. These duties shall include the ultimate responsibility to the Commission for the administration and enforcement of disclosure and related requirements of the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, and the Investment Company Act of 1940, as listed below, which responsibility shall extend to matters arising in the Headquarters Office and in the field offices:

(a) All matters under the Securities Act of 1933 arising from or pertaining to material filed pursuant to the requirements of that Act.

(b) All matters arising under the Securities Exchange Act of 1934 in connection with:

(1) The registration of securities on national securities exchanges pursuant to section 12 of that Act.

(2) The examination and processing of periodic reports filed pursuant to sections 13 and 15(d) of that Act.

(3) The examination and processing of proxy soliciting material pursuant to section 14 of that Act.

(4) The examination and processing of ownership reports filed under section 16(a) of that Act.

(5) The denial or suspension of registration of securities listed on national securities exchanges, pursuant to section 19(a)(2) of that Act, arising from failure to comply with the reporting provisions of the Act.

(c) The examination and processing of proxy material filed under the Public Utility Holding Company Act of 1935 and subject to §§ 240.14a–1 to 240.14a–11 of this chapter issued under the Securities Exchange Act of 1934, and the examination of reports filed under section 17(a) of the Public Utility Holding Company Act of 1935.

(d) All matters rising under the Trust Indenture Act of 1939.

(e) All matters relating to disclosure and reporting and the enforcement thereof under the following sections of the Investment Company Act of 1940:

(1) Sections 8(a) through 8(e) of that Act, relating to the registration of investment companies.

(2) Section 14(a) of that Act, insofar as it relates to notice of disclosure with respect to dividends.

(3) Section 19 of that Act, insofar as it relates to notice of and disclosure with respect to dividends.

(4) Section 20(a) and any other sections of that Act, insofar as they relate to proxy solicitation material.

(5) Section 24 of that Act, relating to registration under the Securities Act of 1933 and to disclosure in sales literature. (The Directors of the Divisions of Corporation Finance and Corporate Regulation shall have joint responsibility to the Commission with respect to the content of the Statement of Policy Relating to Investment Company Sales Literature.)

(6) Section 30 of that Act, insofar as it relates to periodic and ownership reports.

§ 200.19 Director of the Division of Trading and Exchanges.

The Director of the Division of Trading and Exchanges shall have the ultimate responsibility to the Commission for the administration and enforcement of all matters relating to the regulation of exchanges, national securities associations, brokers, dealers and investment advisers; the institution and conduct of proceedings to revoke or deny the registration of brokers and dealers; the prevention of fraudulent trading practices and market manipulations; the supervision of investigation and enforcement activities, except as assigned to other operating divisions or offices in the Headquarters Office; and the conduct of statistical functions. These duties shall include the ultimate responsibility to the Commission for the administration and enforcement of matters arising under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Investment Company Act of 1940, and the Investment Advisers Act of 1940, as specified below, which responsibility shall extend to matters arising in the Headquarters Office and in the field offices:

(a) Investigations of violations or suspected violations of sections 5 and 17 of the Securities Act of 1933, except those arising from or pertaining to material filed pursuant to the provisions of that Act.

(b) Administration and enforcement of all matters arising under the Securities Exchange Act of 1934, except:

(1) The examination and processing of applications for registration of securities on national securities exchanges pursuant to section 12 of that Act.

(2) The examination and processing of periodic reports filed pursuant to sections 13 and 15(d) of that Act.

(3) The examination and processing of proxy solicitating material pursuant to section 14 of that Act.

(4) The examination and processing of ownership reports filed under section 16(a) of that Act.

(5) The denial or suspension of registration of securities listed on national securities exchanges, pursuant to section 19(a)(2) by reason of failure to comply with the reporting requirements of that Act.

(c) Investigations initiated pursuant to the provisions of section 12(h) of the Public Utility Holding Company Act of 1935.

(d) Investigations initiated pursuant to the provisions of the Investment Company Act of 1940.

(e) Administration and enforcement of all matters arising under the Investment Advisers Act of 1940.

(f) The Director shall have responsibility for the institution of injunctive actions arising out of the above listed matters and for the determination of whether the available evidence supports the allegations in the proposed complaint. The General Counsel shall be consulted concerning the form and substance of the complaint and any court papers and, upon the filing of the complaint, the General Counsel shall have responsibility for supervising the further course of the litigation.

§ 200.20 Director of the Division of Corporate Regulation.

The Director of the Division of Corporate Regulation shall have the ultimate responsibility to the Commission for the administration and enforcement of all matters arising under the Public Utility Holding Company Act of 1935, the regulatory provisions of the Investment Company Act of 1940, and the Commission's responsibilities under Chapter X and XI of the Bankruptcy Act, as listed below, which responsibility shall extend to matters arising in the Headquarters Office and in the field offices:

(a) The administration and enforcement of all matters arising under the Public Utility Holding Company Act of 1935, except:

(1) The examination and processing of proxy solicitation material which is subject to §§ 240.14a–1 to 240.14a–11 of this chapter under the Securities Exchange Act of 1934.

(2) Investigations pursuant to section 12(h) of the Public Utility Holding Company Act of 1935.

(3) The examination and processing of ownership reports filed under section 17(a) of that Act.

(b) The administration and enforcement of all matters arising under the Investment Company Act of 1940, except investigations, and except matters relating to disclosure and reporting and enforcement thereof under the following sections:

(1) Sections 8(a) through 8(e) of that Act, relating to the registration of investment companies.

(2) Section 14(a) of that Act, insofar as it relates to registration under the Securities Act of 1933.

(3) Section 19 of that Act, insofar as it relates to notice of and disclosure with respect to dividends.

(4) Section 20(a) of that Act, and any other sections, insofar as they relate to proxy solicitation material.

(5) Section 24 of that Act, relating to registration under the Securities Act of 1933 and to disclosure in sales literature. (The Directors of the Divisions of Corporation Finance and Corporate Regulation shall have joint responsibility to the Commission with respect to the content of the Statement of Policy Relating to Investment Company Sales Literature.)

(6) Section 30 of that Act, relating to periodic and ownership reports.

(c) All matters relating to the Commission's responsibilities under Chapters X and XI of the Bankruptcy Act, including representation of the Commission in the United States District Courts in cases involving those chapters.

§ 200.21 The General Counsel.

The General Counsel shall be the chief legal officer of the Commission and shall have the ultimate responsibility to the Commission for the representation of the Commission in judicial proceedings in which it is involved as a party or as amicus curiae, directing and supervising all civil litigation in the United States District Courts (except District Court proceedings under Chapter X of the Bankruptcy Act), and representing the Commission in all cases in Appellate Courts. He shall be ultimately responsible also for the review of cases to be referred to the Department of Justice with a recommendation for criminal prosecution, for advising the Commission at the latter's request or at the latter's request or at the request of any Division Director or Office Head, or when he considers it appropriate to so on his own motion, with respect to interpretations involving novel questions of law, except in situations where he is precluded therefrom by separation-of-functions considerations, for the conduct of administrative proceedings relating to the disqualification of professional persons from practice before the Commission; for the preparation of such new legislation as the Commission may consider recommending to the Congress, for the preparation of Commission comments to the Congress upon new legislation. He shall be the Commission's liaison officer with the Department of Justice, and with the staffs of the various Congressional committees which may have an interest in the Commission's statutes or programs. He also shall be responsible for the review and clearance of the form and content of articles, treatises, and prepared speeches and addresses by members of the staff relating to the Commission or to the statutes and rules administered by the Commission. These responsibilities extend to matters arising in the Headquarters Office and in the field offices as well. He also shall have joint responsibility with the Director of the Office of Opinion Writing in dealing with general problems arising under the Administrative Procedure Act, including the revision or adoption of rules of practice.

§ 200.22 The Chief Accountant.

The Chief Accountant of the Commission shall be the chief accounting officer of the Commission and shall have the ultimate responsibility to the Commission on accounting and auditing matters arising in the administration of the Acts administered by the Commission, particularly with respect to new accounting policy determinations, the form and content of financial statements to be filed with the Commission, and the supervision of procedures to be followed in audit or accounting investigations conducted by the Commission staff. He shall also have responsibility for recommending, and assisting counsel in conducting administrative proceedings relating to the disqualification of accountants to practice before the Commission.

§ 200.23 Director of the Division of Administrative Management.

The Director of the Division of Administrative Management shall have the ultimate responsibility to the Commission and the Chairman for all personnel management functions including recruitment and placement; for all fiscal management functions including preparation of estimates of appropriations and supervision of obligation and expenditure of funds; for all records management functions including maintenance of general files and public reference services; and for all general administrative functions including maintenance of library and duplicating services and purchase and issuance of supplies and equipment.

§ 200.24 The Regional Administrators.

Each Regional Administrator shall have the responsibility within his geographical region (except as specified below with regard to matters arising under Chapters X and XI of the Bankruptcy Act) for executing the Commission's responsibilities under the various Acts administered by the Commission subject to the supervision and direction of the Executive Director, the Division Directors, the General Counsel and the Chief Accountant within their respective spheres as set forth above. The Regional Administrator's responsibilities include particularly the investigation of

transactions in securities on national securities exchanges, in the over-the-counter market, and in distributions to the public; the examination of members of national securities exchanges and registered brokers and dealers including the examination of reports filed under § 240.17a–5 of this chapter; the examination and processing of filings under §§ 230.251 to 230.262 of this chapter issued pursuant to section 3(b) of the Securities Act of 1933; the prosecution of injunctive actions in United States District Courts and administrative proceedings before Hearing Examiners; the rendering of assistance to United States Attorneys in criminal cases; and the making of the Commission's facilities more readily available to the public in that region. In addition, the New York Regional Administrator shall be responsible for the participation in proceedings under Chapters X and XI of the Bankruptcy Act in the New York and Boston Regions, and in the State of Pennsylvania; the Chicago Regional Administrator in the Chicago, Fort Worth and Denver Regions, except for the State of Utah; and the San Francisco Regional Administrator in the San Francisco and Seattle Regions, plus the State of Utah.

§ 200.25 Issuance of instructions.

Within the spheres of responsibilities heretofore set forth, the Executive Director, all Division and Office Heads, and all Regional Administrators may, subject to the approval of the Executive Director, issue such definitive instructions as may be necessary pursuant to this section.

(a) All existing procedures and authorizations not inconsistent with this section shall continue in effect until and unless modified by definitive instructions issued pursuant to this paragraph.

§ 200.26 Rules.

The individual operating divisions shall have the initial responsibility for proposing amendments to existing rules or new rules under the statutory provisions within the jurisdiction of the particular division. Where any such proposal presents a legal problem or is a matter of first impression, or involves a matter of enforcement policy or questions involving statutes other than those administered by the Commission, or may have an effect on prior judicial precedent or pending litigation, submission of the proposal should be made to the Office of the General Counsel for an expression of opinion prior to presentation of the matter to the Commission.

Subpart B—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

§ 200.31 General statement of policy.

It is deemed contrary to Commission policy for a member or employee of the Commission to:

(a) Engage, directly or indirectly, in any personal business transaction or private arrangement for personal profit which accrues from or is based upon his official position or authority or upon confidential information which he gains by reason of such position or authority.[1]

(b) Accept, directly or indirectly, any valuable gift, favor, or service from any person with whom he transacts business on behalf of the United States.[2]

(c) Discuss or entertain proposal for future employment by any person outside the Government with whom he is transacting business on behalf of the United States.[3]

(d) Divulge confidential commercial or economic information to any unauthorized person, or release any such information in advance of authorization for its release.[4]

(e) Become unduly involved, through frequent or expensive social engagements or otherwise, with any person outside the Government with whom he transacts business on behalf of the United States; or

(f) Act in any official matter with respect to which there exists a personal interest incompatible with an unbiased exercise of official judgment.[5]

(g) Fail reasonably to restrict his personal business affairs so as to avoid conflicts of interest with his official duties.

[1] Members of the Commission are subject also to the following prohibition in section 4(a) of the Securities Exchange Act of 1934:

"• • • No commissioner shall engage in any other business, vocation, or employment than that of serving as commissioner, nor shall any commissioner participate, directly or indirectly, in any stock-market operations or transactions of a character subject to regulation by the Commission pursuant to this title • • •"

Detailed provisions regarding outside or private employment and transactions in securities and commodities are set forth in §§ 200.32 and 200.33. Further provisions regarding use and disclosure of confidential information are set forth in paragraph (d) of this section and in the note appended thereto.

[2] Members and employees of the Commission are subject also to provisions of the Federal Criminal Code which prohibit any officer or employee of the United States from asking, accepting or receiving any money or other thing of value in connection with any matter before him in his official capacity (18 U.S.C. 202), and from accepting anything of value for giving or procuring a government contract (18 U.S.C. 216).

[3] Detailed provisions regarding negotiation for future employment are set forth in § 200.35.

[4] The policy regarding confidential information stated in paragraphs (a) and (d) of this section is intended to cover cases where, apart from specific prohibitions in any statute or other rule, the disclosure or use of such information would be unethical. Detailed prohibitions regarding disclosure or use of confidential information are set forth in § 230.122 of this chapter under the Securities Act of 1933; section 24(c) of the Securities and Exchange Act of 1934 and § 240.0–4 of this chapter issued under that Act; section 22(a) of the Public Utility Holding Company Act of 1935 and § 250.104 of this chapter issued under that Act; section 45(a) and § 270.45a–1 of this chapter under the Investment Company Act of 1940; and section 210(b) under the Investment Advisers Act of 1940.

[5] § 200.34 provides a procedure for relieving employees from assignments in certain cases, including those covered by § 200.31(f).

§ 200.32 Outside or private employment.

(a) No member or employee shall permit his name to be associated in any way with any legal, accounting or other professional firm or office.[6]

(b) No employee shall have any outside or private employment of affiliation with any firm or organization incompatible with concurrent employment by the Commission. This applies particularly to employment or association with any registered broker, dealer, public utility holding company, investment company or investment adviser or directly or indirectly related to the issuance, sale or purchase of securities. It applies also to any legal, accounting, or engineering work for compensation involving matters in which the Federal Government or any State, Territorial or municipal authority may be significantly interested.

(c) No employee shall accept or perform any outside or private employment which interferes with the efficient performance of his official duties. An employee who intends to perform services for compensation or engage in any business shall report his intention to do so to the Director of Personnel prior to such acceptance or performance.

(d) No employee shall accept or perform any outside or private employment specifically prohibited to Federal employees by statutes or executive order. For example:

(1) 18 United States Code, section 283, provides, among other things, that Federal employees are prohibited from acting as agent or attorney in prosecuting any claim against the United States or from aiding or assisting in any way, except as otherwise permitted in the discharge of official duties, in the prosecution or support of any such claims, or from receiving any gratuity, or any share of an interest in any claim from any claimant against the United States.

(2) 18 United States Code, section 281, provides, among other things, that Federal employees are prohibited from directly or indirectly receiving or agreeing to receive any compensation whatever for services rendered or to be rendered to any person in relation to any matter in which the United States is a party or directly or indirectly interested.

(3) 5 United States Code, section 62, provides that no person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars shall be appointed to or hold any other [Federal] office to which compensation is attached unless specially authorised by law. The provision, however, does not apply to retired members of the armed forces under certain circumstances.

(4) Executive Order No. 9 of January 18, 1873, prohibits, subject to exceptions, Federal employees from accepting or

[6] With respect to members, this paragraph supplements the statutory prohibition of outside employment contained in section 4(a) of the Securities Exchange Act, quoted in footnote 1. The remaining provisions of this section are not applicable to members in view of the provisions of section 4(a).

holding office under a State, Territorial, County or municipal authority.

(5) 18 United States Code, section 434, provides in substance that no person shall act both as agent for a business entity and for the United States in a transaction between the business entity and the United States.

(6) 18 United States Code, section 1914, provides in substance that no government official or employee shall accept any salary in connection with his government service from any source other than the United States.

(e) No employee shall appear in court or on a brief in a representative capacity (with or without compensation) or otherwise accept or perform legal, accounting or engineering work for compensation unless specifically authorized by the Commission. Requests for such authorization shall be submitted to the division or office head or regional administrator concerned, together with all pertinent facts regarding the proposed employment, such as the name of the employer, the nature of the work to be performed, and its estimated duration. Division and other office heads and regional administrators shall forward all requests, together with their recommendations thereon, to the Director of Personnel for presentation to the Commission.

(f) No employee shall publish any article or treatise or deliver any prepared speech or address relating to the Commission or the statutes and rules that it administers without having obtained clearance from the Commission. The proposed publication or speech will be examined to determine whether it contains confidential information or whether there is any reason why the publication or delivery of the employee's private views on the subject matter would be otherwise inappropriate. Clearance for publication or delivery will not involve adoption of or concurrence in the views expressed, and any such publication or speech shall include at an appropriate place by way of footnote or otherwise the following disclaimer of responsibility:

> The Securities and Exchange Commission, as a matter of policy, disclaims responsibility for any private publication by any of its employees. The views expressed herein are those of the author and do not necessarily reflect the views of the Commission or of the author's colleagues upon the staff of the Commission.

(g) No employee shall hold office in or be a director of any company which has public security holders, except not for profit corporations, savings and loan associations, and similar institutions, whose securities are exempted under section 3(a)(4) or 3(a)(5) of the Securities Act of 1933.

§ 200.33 Securities transactions.

(a) This section applies to all transactions effected by or on behalf of a member or employee. Members and employees are considered to have sufficient interest in the security and commodity transactions of their husbands or wives so that such transactions must be reported and are subject to all the terms of this section.

(b) No member or employee shall effect or cause to be effected any transaction in a security except for bona fide investment purposes. Unless otherwise determined by the Commission for cause shown, any purchase which is held for less than one year will be presumed not to be for investment purposes. Any employee who believes the application of this paragraph will result in undue hardship in a particular case may make written application to the Commission (through the Branch of Personnel, attention of Director of Personnel) setting out in detail the reasons for his belief and requesting a waiver.

(c) No member or employee shall effect any purchase or sale of a future contract for any commodity without the prior approval of the Commission.

(d) No member or employee shall carry securities on margin; nor shall any member or employee borrow funds or securities with or without collateral for the purpose of purchasing or carrying securities or commodities with the proceeds unless prior approval of the Commission has been secured.

(e) No member or employee shall sell a security which he does not own, or the sale of which is consummated by the delivery of a security borrowed by or for such member's or employee's account.

(f) No member or employee shall purchase any security which is the subject of a registration statement filed under the Securities Act of 1933, or of a letter of notification filed under §§ 230.251 to 230.262 or any other security of the same issuer, while such a registration statement or letter of notification is pending or during the first sixty days after its effective date.

(g) No member or employee shall purchase securities of (1) any holding company registered under section 5 of the Public Utility Holding Company Act of 1935, or any subsidiary thereof, or (2) any company if its status under such Act or the applicability of any provision of the Act to it is known by the employee to be under consideration.

(h) No member or employee shall purchase any securities issued by any investment company prima facie subject to the jurisdiction of the Commission under the provisions of the Investment Company Act of 1940.

(i) No member or employee shall purchase any security which to his knowledge is involved in any pending investigation by the Commission or in any proceeding before the Commission or to which the Commission is a party.

(j) No member or employee shall purchase any securities of any company which is in receivership or which is undergoing reorganization under section 77–B or Chapter X of the Bankruptcy Act.

(k) The restrictions imposed in paragraphs (f) to (j) of this section do not apply to the exercise of a privilege to convert or exchange securities; to the exercise of rights accruing unconditionally by virtue of ownership of other securities (as distinguished from a contingent right to acquire securities not subscribed for by others); or to the acquisition and exercise of rights in order to round out fractional shares.

(l) Members and employees shall report every transaction in any security or commodity within five business days. (Reports submitted by employees in field offices must be placed in the mails within five days of the date of each transaction.) Other changes in holdings resulting from inheritance or from reclassifications, gifts, stock dividends or split-ups, for example, shall be reported promptly. These reports shall be prepared on the official form provided for this purpose, copies of which may be procured from the Branch of Personnel (Form SE–P–3, revised). These reports shall be transmitted to the Director of Personnel. The envelope should be marked "Confidential—Securities Transactions."

(m) At the time of taking the Oath of Office a new member or employee shall fill in the information required on Form SE–P–4, revised, relating to securities owned by him or his spouse or any trust or estate of which he is a trustee or other fiduciary or beneficiary, and relating to accounts with securities firms, and relatives who are partners or officers of securities firms, investment companies, investment advisers, or public utilities.

(n) This section does not apply to personal notes, individual real estate mortgages, United States Government securities, and securities issued by building and loan associations or co-operatives.

(o) Any member or employee who is a trustee or other fiduciary or a beneficiary of a trust or estate holding securities not exempted by paragraph (n) of this section shall report the existence and nature of such trust or estate to the Director of Personnel. The transactions of such trust or estate shall be subject to all the provisions of this section except in situations where the member or employee is solely a beneficiary and has no power to control, and does not in fact control or advise with respect to, the investments of the trust or estate, and except to the extent that the Commission shall otherwise direct in view of the circumstances of the particular case.

§ 200.34 Action in cases of personal interest.

Any employee assigned to work on any application, filing, or matter of a company in which he then owns any securities or has any personal interest or with which he has been employed or associated in the past shall immediately advise the division director or other office head or regional administrator of the fact. Division directors, other office heads and regional administrators are authorized to direct the reporting employee to continue with the assignment in question where this appears in the interest of the Government, taking into account (a) the policy stated in § 200.31 (f) and (g), (b) the general desirability of avoiding situations that require a question of conflict of interest to be resolved, (c) the extent the employees' activities will be supervised, and (d) the difficulty of assigning the matter to some other employee. Where the employee in question is not relieved of the assignment, his written report concerning the nature of his interest shall be forwarded to the Director of Personnel with a notation that he has been directed to continue the assignment together with such explanation, if any, as may seem appropriate. In the event that a division director or other office head or regional administrator deems that he has, himself, such personal interest in a transaction as may raise a question as to his disinterestedness, he may delegate his responsibility in the matter to a subordinate, but in that event shall submit a brief memorandum of the circumstances to the Director of Personnel.

§ 200.35 Negotiation for private employment.

(a) The provisions of § 200.31(c) are deemed to preclude negotiation for private employment by an employee who is immediately engaged in representing the Commission in any matter in which the prospective employer is opposing counsel or person chiefly affected. With the approval of his superior or the Commission an employee may be relieved of any assignment which, in the absence of such relief, might preclude such negotiation.

(b) No employee shall undertake to act on behalf of the Commission in any capacity in a matter that, to his knowledge, affects even indirectly any person outside the Government with whom he is discussing or entertaining any proposal for future employment, except pursuant to the direction of the Commission, his division director or other office head, or his regional administrator, as provided in § 200.34.

§ 200.36 Practice by former members and employees of the Commission.

(a) No person shall appear in a representative capacity before the Commission in a particular matter if such person, or one participating with him in the particular matter, personally considered it or gained personal knowledge of the facts thereof while he was a member or employee of the Commission. As used in this paragraph, a single investigation or formal proceeding, or both if they are related, shall be presumed to constitute a particular matter for at least two years irrespective of changes in the issues. However, in cases of proceedings in which the issues change from time to time, such as proceedings involving compliance with section 11 of the Public Utility Holding Company Act, this paragraph shall not be construed as prohibiting appearance in such a proceeding, more than two years after ceasing to be a member or employee of the Commission, unless it appears to the Commission that there is such identity of particular issues or pertinent facts as to make it likely that confidential information, derived while a member or employee of the Commission, would have continuing relevance to the proceeding, so as to make the participation therein by the former member or employee of the Commission unethical or prejudicial to the interests of the Commission.

(b) Any former member or employee of the Commission, who, within two years after ceasing to be such, is employed or retained as the representative of any person outside the Government in any matter in which it is contemplated that he will appear before the Commission shall, within ten days of such retainer or employment, or of the time when appearance before the Commission is first contemplated, file with the Secretary of the Commission a statement as to the nature thereof together with any desired explanation as to why it is deemed consistent with this section. Employment of a recurrent character may be covered by a single comprehensive statement. Each such statement should include an appropriate caption indicating that it is filed pursuant to this rule. The reporting requirements of this paragraph do not apply to communications incidental to court appearances in litigation involving the Commission.

(c) As used in this section, the term "appear before the Commission" means personal appearance before or personal communication with the Commission or any member or employee thereof, in connection with any interpretation or matter of substance arising under the statutes administered by the Commission. As used in this section, the term "representative" or "representative capacity" shall include not only the usual type of representation by an attorney, etc., but also representation of a corporation in the capacity of an officer, director, or controlling stockholder thereof.

(d) Persons in doubt as to the applicability of this section may apply for an advisory ruling of the Commission.

§ 200.37 Employees on leave of absence.

The provisions of this part relative to employees of the Commission are applicable to employees on leave with pay or on leave without pay other than extended military service.

§ 200.38 Violation and participation in violation of rules.

Knowing participation in a violation of this subpart by persons not within the scope of this subpart shall likewise be deemed improper conduct and in contravention of Commission rules. Departure from the regulations in this subpart without specific approval may be cause for removal or for disqualification from appearing and practicing before the Commission.

§ 200.39 Payment of tax obligations of employees.

Failure of an employee to pay his just tax obligations (except where there exists a bona fide dispute as to the employee's liability therefor) may be a cause for removal or other disciplinary action.

Subpart C—Canons of Ethics

§ 200.50 Authority.

The Canons of Ethics for Members of the Securities and Exchange Commission were approved by the Commission on July 22, 1958.

§ 200.51 Policy.

It is characteristic of the administrative process that the Members of the Commission and their place in public opinion are affected by the advice and conduct of the staff, particularly the professional and executive employees. It shall be the policy of the Commission to require that employees bear in mind the principles specified in the Canons.

§ 200.52 Copies of the Canons.

The Canons have been distributed to employees of the Commission. In addition, executive and professional employee are issued copies of the Canons upon entrance on duty.

§ 200.53 Preamble.

(a) Members of the Securities and Exchange Commission are entrusted by various enactments of the Congress with powers and duties of great social and economic significance to the American people. It is their task to regulate varied aspects of the American economy, within the limits prescribed by Congress, to insure that our private enterprise system serves the welfare of all citizens. Their success in this endeavor is a bulwark against possible abuses and injustice which, if left unchecked, might jeopardize the strength of our economic institutions.

(b) It is imperative that the members of this Commission continue to conduct themselves in their official and personal relationships in a manner which commands the respect and confidence of their fellow citizens. Members of this Commission shall continue to be mindful of, and strictly abide by, the standards of personal conduct set forth in Subpart B of this part regarding Conduct of Members and Employees and Former Members and Employees of the Commission, most of which has been in effect many years and which was codified in substantially its present form in 1953. Section 200.31 enunciates a General Statement of Policy as follows:

> It is deemed contrary to Commission policy for a member or employee of the Commission to:
>
> (1) Engage, directly or indirectly, in any personal business transaction or private arrangement for personal profit which accrues from or is based upon his official position or authority or upon confidential information which he gains by reason of such position or authority;
>
> (2) Accept, directly or indirectly, any valuable gift, favor, or service from any person with whom he transacts business on behalf of the United States.
>
> (3) Discuss or entertain proposals for future employment by any person outside the Government with whom he is transacting business on behalf of the United States;
>
> (4) Divulge confidential commercial or economic information to any unauthorized person, or release any such information in advance of authorization for its release;
>
> (5) Become unduly involved, through frequent or expensive social engagements or otherwise, with any person outside the Government with whom he transacts business on behalf of the United States; or
>
> (6) Act in any official matter with respect to which there exists a personal interest incompatible with an unbiased exercise of official judgment.

(7) Fail reasonably to restrict his personal business affairs so as to avoid conflicts of interest with his official duties.

(c) In addition to the continued observance of these foregoing principles of personal conduct, it is fitting and proper for the members of this Commission to restate and resubscribe to the standards of conduct applicable to its executive, legislative and judicial responsibilities.

§ 200.54 Constitutional obligations.

The members of this Commission have undertaken in their oaths of office to support the Federal Constitution. Insofar as the enactments of the Congress impose executive duties upon the members, they must faithfully execute the laws which they are charged with administering. Members shall also carefully guard against any infringement of the constitutional rights, privileges, or immunities of those who are subject to regulation by this Commission.

§ 200.55 Statutory obligations.

In administering the law, members of this Commission should vigorously enforce compliance with the law by all persons affected thereby. In the exercise of the rule-making powers delegated this Commission by the Congress, members should always be concerned that the rule-making power be confined to the proper limits of the law and be consistent with the statutory purposes expressed by the Congress. In the exercise of their judicial functions, members shall honestly, fairly and impartially determine the rights of all persons under the law.

§ 200.56 Personal conduct.

Appointment to the office of member of this Commission is a high honor and requires that the conduct of a member, not only in the performance of the duties of his office but also in his everyday life, should be beyond reproach.

§ 200.57 Relationships with other members.

Each member should recognize that his conscience and those of other members are distinct entities and that differing shades of opinion should be anticipated. The free expression of opinion is a safeguard against the domination of this Commission by less than a majority, and is a keystone of the commission type of administration. However, a member should never permit his personal opinion so to conflict with the opinion of another member as to develop animosity or unfriendliness in the Commission, and every effort should be made to promote solidarity of conclusion.

§ 200.58 Maintenance of independence.

This Commission has been established to administer laws enacted by the Congress. Its members are appointed by the President by and with the advice and consent of the Senate to serve terms as provided by law. However, under the law, this is an independent Agency, and in performing their duties, members should exhibit a spirit of firm independence and reject any effort by representatives of the executive or legislative branches of the government to affect their independent determination of any matter being considered by this Commission. A member should not be swayed by partisan demands, public clamor or considerations of personal popularity or notoriety; so also he should be above fear of unjust criticism by anyone.

§ 200.59 Relationship with persons subject to regulation.

In all matters before him, a member should administer the law without regard to any personality involved, and with regard only to the issues. Members should not become indebted in any way to persons who are or may become subject to their jurisdiction. No member should accept loans, presents or favors of undue value from persons who are regulated or who represent those who are regulated. In performing their judicial functions, members should avoid discussion of a matter with any person outside this Commission and its staff while that matter is pending. In the performance of his rule-making and administrative functions, a member has a duty to solicit the views of interested persons. Care must be taken by a member in his relationship with persons within or outside of the Commission to separate the judicial and the rule-making functions and to observe the liberties of discussion respectively appropriate. Insofar as it is consistent with the dignity of his official position, he should maintain contact with the persons outside the agency who may be affected by his rule-making functions, but he should not accept unreasonable or lavish hospitality in so doing.

§ 200.60 Qualification to participate in particular matters.

The question in a particular matter rests with that individual member. Each member should weigh carefully the question of his qualification with respect to any matter wherein he or any relatives or former business associates or clients are involved. He should disqualify himself in the event he obtained knowledge prior to becoming a member of the facts at issue before him in a quasi-judicial proceeding, or in other types of proceeding in any matter involving parties in whom he has any interest or relationship directly or indirectly. If an interested person suggests that a member should disqualify himself in a particular matter because of bias or prejudice, the member shall be the judge of his own qualification.

§ 200.61 Impressions of influence.

A member should not, by his conduct, permit the impression to prevail that any person can improperly influence him, that any person unduly enjoys his favor or that he is affected in any way by the rank, position, prestige, or affluence of any person.

§ 200.62 Ex parte communications.

Matters of quasi-judicial nature should be determined by a member solely upon the record made in the proceeding and the arguments of the parties or their counsel properly made in the regular course of such proceeding. All communications by parties or their counsel to a member in a quasi-judicial proceeding which are intended or calculated to influence action by the member should at once be made known by him to all parties concerned. A member should not at any time permit ex parte interviews, arguments, or communications designed to influence his action in such a matter.

§ 200.63 Commission opinions.

The opinions of the Commission should state the reasons for the action taken and contain a clear showing that no serious argument of counsel has been disregarded or overlooked. In such manner, a member shows a full understanding of the matter before him, avoids the suspicion of arbitrary conclusion, promotes confidence in his intellectual integrity and may contribute some useful precedent to the growth of the law. A member should be guided in his decisions by a deep regard for the integrity of the system of law which he administers. He should recall that he is not a repository of arbitrary power, but is acting on behalf of the public under the sanction of the law.

§ 200.64 Judicial review.

The Congress has provided for review by the courts of the decisions and orders by this Commission. Members should recognize that their obligation to preserve the sanctity of the laws administered by them requires that they pursue and prosecute, vigorously and diligently but at the same time fairly and impartially and with dignity, all matters which they or others take to the courts for judicial review.

§ 200.65 Legislative proposals.

Members must recognize that the changing conditions in a volatile economy may require that they bring to the attention of the Congress proposals to amend, modify or repeal the laws administered by them. They should urge the Congress, whenever necessary, to effect such amendment, modification or repeal of particular parts of the statutes which they administer. In any action a member's motivation should be the common weal and not the particular interests of any particular group.

§ 200.66 Investigations.

The power to investigate carries with it the power to defame and destroy. In determining to exercise their investigatory power, members should concern themselves only with the facts known to them and the reasonable inferences from those facts. A member should never suggest, vote for, or participate in an investigation aimed at a particular individual for reasons of animus, prejudice or vindictiveness. The requirements of the particular case alone should induce the exercise of the investigatory power, and no public pronouncement of the pendency of such an investigation should be made in the absence of reasonable evidence that the law has been violated and that the public welfare demands it.

§ 200.67 Power to adopt rules.

In exercising its rule-making power, this Commission performs a legislative function. The delegation of this power by the Congress imposes the obligation upon the members to adopt rules necessary to effectuate the stated policies of the statute in the interest of all of the people. Care should be taken to avoid the adoption of rules which seek to extend the power of the Commission beyond proper statutory limits. Its rules should never tend to stifle or discourage legitimate business enterprises or activities, nor should they be interpreted so as unduly and unnecessarily to burden those regulated with onerous obligations. On the other hand, the very statutory enactments evidence the need for regulation, and the necessary rules should be adopted or modifications made or rules should be repealed as changing requirements demand without fear or favor.

§ 200.68 Promptness.

Each member should promptly perform the duties with which he is charged by the statutes. The Commission should evaluate continuously its practices and procedures to assure that it promptly disposes of all matters affecting the rights of those regulated. This is particularly desirable in quasi-judicial proceedings. While avoiding arbitrary action in unreasonably or unjustly forcing matters to trial, members should endeavor to hold counsel to a proper appreciation of their duties to the public, their clients and others who are interested. Requests for continuances of matters should be determined in a manner consistent with this policy.

§ 200.69 Conduct toward parties and their counsel.

Members should be temperate, attentive, patient and impartial when hearing the arguments of parties or their counsel. Members should not condone unprofessional conduct by attorneys in their representation of parties. The Commission should continuously assure that its staff follows the same principles in their relationships with parties and counsel.

§ 200.70 Business promotions.

A member must not engage in any other business, employment or vocation while in office, nor may he ever use the power of his office or the influence of his name to promote the business interests of others.

§ 200.71 Fiduciary relationships.

A member should avoid service as a fiduciary if it would interfere or seem to interfere with the proper performance of his duties, or if the interests of those represented require investments in enterprises which are involved in questions to be determined by him. Such relationships would include trustees, executors, corporate directors, and the like.

§ 200.72 Supervision of internal organization.

Members and particularly the Chairman of the Commission should scrutinize continuously its internal organization in order to assure that such organization handles all matters before it efficiently and expeditiously, while recognizing that changing times bring changing emphasis in the administration of the laws.

Subpart D—Information and Requests

§ 200.80 Information and requests.

(a) A detailed description of the available informal procedures that may be employed to secure advice and to consult with members of the staff on problems relating to the statutes and regulations administered by the Commission is contained in the material published in Part 202 of this chapter.

(b) The Commission has specially staffed and equipped public reference rooms in its central offices at Washington, D.C., and in the New York and Chicago Regional Offices. More limited facilities for public use are provided in other regional and branch offices.

(c) During the Commission's regular business hours, the public may examine, in the Washington offices, copies of public information filed with the Commission, and certain other public documents. Available documents include registration statements, applications, and declarations filed under the various statutes administered by the Commission, records of Commission action, and certain other public record material.

(d) All regional offices have available for public examination copies of prospectuses used in recent offerings of securities registered under the Securities Act, of active broker-dealer and investment adviser applications originating in their respective regions, and of Regulation A letters of notification filed in their respective regions.

(e) In the New York offices of the Commission, other available materials include copies of recent periodic reports made by companies having securities listed on exchanges other than the New York Stock Exchange and the American Stock Exchange (reports by companies listed on the latter exchanges may be seen at the exchanges) and copies of current reports of many companies which have effective registration statements under the Securities Act of 1933.

(f) In the Chicago offices of the Commission, recent reports of companies which have securities listed on the New York and American stock exchanges are available.

(g) Certain materials are considered nonpublic or confidential and generally are not available to the public. Such documents include, but are not limited to: (1) Documents, papers, data or evidence obtained or made in the course of any nonpublic hearing, examination, or investigation; (2) correspondence, and internal Commission records and working papers, such as Minutes of Commission meetings and deliberations, staff drafts and working papers, intra-agency and internal memoranda, personnel documents, etc.; (3) material classified for purposes of national security; (4) letters or reports to members of Congress, Congressional committees, and other government agencies or officials unless and until such documents are made public by the recipients; (5) preliminary copies of proxy material, and (6) documents afforded confidential treatment pursuant to SEC statutes and rules.

(h) Photocopies of registration statements, reports, and other public material filed with the Commission, or portions thereof, may be obtained through the public reference room at the central offices of the Commission in Washington. Fees charged to the public for photocopies are established by an annual contract between the Commission and the private copier who does the work. Current schedules of fees for copying work are available from the public reference room or any regional or branch office. Inquiries and orders may be made to the public reference room in Washington personally, by telephone, or by mail.

(i) Annually the Records and Service Officer on behalf of the Commission makes a contract for stenographic reporting of hearings, examinations, and investigations in Washington and in the field. Interested members of the public may obtain copies of the transcript of public hearings from the contract reporter at prices set by tables of charges in the contract, copies of which are on file in the Commission offices in Washington and in each regional and branch office.

(j) The Commission publishes an annual report to the Congress which sets forth the result of the Commission's operations during the past fiscal year under the various statutes committed to its charge. Copies may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C.

(k) The Commission's decisions, reports, orders, rules and regulations are published initially in the form of releases and distributed to the press and mailed to persons on the mailing list to receive them. The decisions and reports thereafter are printed in bound volumes entitled "Securities and Exchange Commission Decisions and Reports;" these volumes may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C.

(l) The Commission also makes other information in the fields of securities and finance, including economic studies, available to the public through the issuance of releases on specific subject matters.

(m) A classification of the releases available from the Commission appears below as Appendix A to this part. Other publications available from the Commission are set forth in Appendix B to this part. Copies of statutes, rules and regulations, and miscellaneous publications set forth in Appendix C to this part may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C.

APPENDIX A—CLASSIFICATION OF RELEASES AVAILABLE

Mailing lists are maintained in the following classifications only:

1. *News Digest:* A daily summary of orders, decisions, rules and rule proposals issued by the Commission under the various laws it administers, together with a resume of financing proposals contained in Securities Act registration statements and of other Commission announcements.

2. *Rule Proposals:* A special classification for those who wish to receive all proposals (except those referred to in item 3 below) for adoption of new rules of forms or amend-

ments of existing rules or forms (under any of the SEC laws) in order to have an opportunity to submit views and comments thereon. Registrants affected by any such proposal will receive copies thereof whether or not they are on this list. For new or amended rules or forms, if and when adopted, see other release classifications.

3. *All Rules Under Securities Act of 1933* (including those with respect to oil and gas royalties, securities and dealers) and under the Trust Indenture Act of 1939: This classification is only for new or amended rules as finally adopted. See classification 2 for proposed new or amended rules or forms.

4. *All Rules Under Securities Exchange Act of 1934:* This classification is only for new or amended rules, as finally adopted. See classification 2 for proposed new or amended rules or forms.

5. *Holding Company Act Opinions and Rules:* Special classification for those interested in Commission decisions and rules adopted under this Act (frequently, a summary of a decision is distributed in lieu of the full text thereof). See classification 2 for proposed new or amended rules or forms.

6. *All Rules Under Investment Company Act of 1940:* This classification is only for new or amended rules, as finally adopted. See classification 2 for proposed new or amended rules or forms.

7. *All Rules Under Investment Advisers Act of 1940:* This classification is only for new or amended rules, as finally adopted. See classification 2 for proposed new or amended rules or forms.

8. *Accounting:* A paper-bound book containing Accounting Series Releases Nos. 1 to 77, inclusive, amended to March 10, 1956, may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. for $1. Proposed new or amended accounting rules will be distributed to persons whose names appear on the accounting list. When any such revision in the accounting rules or other accounting release is adopted, one copy thereof will generally be distributed to each person on this list. However, where the new rule or release is lengthy or may not be of wide, general interest, a special "summary" briefly describing the rule or release will be distributed to this list. In such event, one copy of such newly adopted rule or release may be obtained by request from our Publications and Distribution Unit.

9. *Corporate Reorganizations:* Announcements relating to the Commission's activities under Chapter X of the Bankruptcy Act, as amended, and advisory reports (or summaries thereof) filed with Courts pursuant thereto.

10. *Securities Traded on Exchanges:* Annual directory and quarterly supplements of securities traded on national securities exchanges.

11. *Individuals' Saving:* Releases issued quarterly presenting data on the volume and composition of individuals' saving. (Information is also included in the SEC monthly Statistical Bulletin.)

12. *Weekly Trading Data on New York Exchanges:* SEC stock price indexes and daily round-lot and odd-lot transactions effected on the New York and American Stock Exchanges. (Information is also included in the SEC monthly Statistical Bulletin.)

13. *Plant and Equipment Expenditures:* Releases issued quarterly presenting data on plan and equipment expenditures of United States business, both actual and anticipated. Joint study of SEC and Department of Commerce. (Information is also included in the SEC monthly Statistical Bulletin.)

14. *Net Working Capital:* Releases issued quarterly presenting data on current assets and liabilities of all United States corporations. (Information is also included in the SEC monthly Statistical Bulletin.)

15. *Quarterly Financial Reports:* Releases issued quarterly summarizing balance sheet and income data for U.S. manufacturing corporations reflected in reports of joint SEC and FTC study. (Copies of reports available at GPO at cost of $1 per year.)

16. *New Securities Offerings:* Releases issued quarterly presenting data on all new securities offerings by corporations in the United States. (More detailed data is available in the SEC monthly Statistical Bulletin.)

17. *Corporate Pension Funds:* Releases issued annually presenting estimates of corporate pension fund assets and their composition and data on receipts and expenditures.

18. *Litigation Releases:* Releases announcing actions to enjoin violations of SEC laws and rules and developments in such actions, as well as developments in criminal prosecutions for securities violations.

APPENDIX B—OTHER PUBLICATIONS AVAILABLE FROM THE COMMISSION

Limited amounts of the following material are available, free of charge, upon request to the Commission's Publications and Distribution Unit:

Work of the Securities and Exchange Commission. (This pamphlet describes briefly the duties and activities of the Commission.)

Uniform System of Accounts for Public Utility Holding Companies.

Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies.

List of Registered Investment Companies.

Most frequently used Forms under each of the Acts.

APPENDIX C—STATUTES, RULES, AND MISCELLANEOUS PUBLICATIONS

Copies of the material listed below may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C.:

Acts, Rules and Regulations:

Securities Act of 1933, as Amended.

General Rules and Regulations Under the Securities Act of 1933.

Securities Exchange Act of 1934, as Amended.

General Rules and Regulations Under the Securities Exchange Act of 1934.

Public Utility Holding Company Act of 1935.

General Rules and Regulations Under the Public Utility Holding Company Act of 1935.

Trust Indenture Act of 1939 and General Rules and Regulations Thereunder.

Investment Company Act of 1940, as Amended.

General Rules and Regulations Under the Investment Company Act of 1940.

Investment Advisers Act of 1940 and General Rules and Regulations Thereunder.

Regulation S–X (form and content of financial statements) Under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940.

Chapter X of the National Bankruptcy Act.

Rules of Practice of the Commission.

Compilations and Reports:

SEC Annual Report to Congress.

SEC Decisions and Reports.

SEC Judicial Decisions.

Accounting Series Releases (compiled, includes Nos. 1–77—see classification 8 in Appendix A for further information).

Periodicals:

Official Summary. A monthly summary of security transactions and holdings reported under the provisions of the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, and the Investment Company Act of 1940 by officers, directors, and certain other persons.

Statistical Bulletin. Issued monthly. Presents data on new securities offerings, registrations, underwriters, trading on exchanges, stock price indexes, round-lot and odd-lot tradings, special offerings, secondary distributions, and other financial series including those releases under classifications 11 to 15, inclusive.

Quarterly Financial Reports—Manufacturing: Reports beginning with the third quarter of 1955 presenting quarterly balance sheet and income data for all United States manufacturing corporations. Joint study of SEC and the Federal Trade Commission.

PART 201—RULES OF PRACTICE

Sec.

201.1 Scope of rules of practice.
201.2 Appearance and practice before the Commission.
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201.22 Filings; formalities; computation of time.
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201.24 Incorporation by reference.
201.25 Availability of information to public.
201.26 Confidential treatment of certain matters.

AUTHORITY: §§ 201.1 to 201.26 issued under secs. 19, 23, 48 Stat. 85, as amended, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 77sss, 78w, 79t, 80a–37, 80b–11.

§ 201.1 Scope of rules of practice.

These rules of practice are generally applicable to proceedings before the Commission under the statutes which it administers, particularly those which involve a hearing or opportunity for hearing before the Commission or its duly designated officer. In connection with any particular matter, reference should also be made to any special requirements of procedure and practice that may be contained in the particular statute involved or the rules and forms adopted by the Commission thereunder, which special requirements are controlling.

§ 201.2 Appearance and practice before the Commission.[1]

(a) *By non-lawyers.* An individual may appear in his own behalf, a member of a partnership may represent the partnership, a bona fide officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a State commission or of a department or political subdivision of a State may represent the State commission or the department or political subdivision of the State, in any proceeding.

(b) *By lawyers.* A person may be represented in any proceeding by an attorney at law admitted to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States, or the Court of Appeals or the District Court of the United States for the District of Columbia.

(c) *Representation only as specified.* A person shall not be represented at any hearing before the Commission or a hearing officer except as stated in paragraphs (a) and (b) of this section or except as otherwise permitted by the Commission.

(d) *Notice of appearance; power of attorney.* When an attorney appears before the Commission or a hearing officer in a representative capacity in a particular proceeding which involves a hearing or an opportunity for hearing, he shall file with the Commission a written notice of such appearance, which shall state his name, address and telephone number and the name and address of the person or persons on whose behalf he appears. Any person appearing or practicing before the Commission in a representative capacity may be required to file a power of attorney with the Commission showing his authority to act in such capacity.

(e) *Suspension and disbarment.* The Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the Commission after notice of and opportunity for hearing in the matter (1) not to possess the requisite qualifications to represent others, or (2) to be lacking in character or integrity or to have engaged in unethical or improper professional conduct.

(f) *Contemptuous conduct.* Contemptuous conduct at any hearing before the Commission or a hearing officer shall be ground for exclusion from said hearing and for summary suspension without a hearing for the duration of the hearing.

(g) *Practice defined.* For the purposes of this rule, practicing before the Commission shall include, but shall not be limited to (1) transacting any business with the Commission; and (2) the preparation of any statement, opinion or other paper by any attorney, accountant, engineer or other expert, filed with the Commission in any registration statement, notification, application, report or other document with the consent of such attorney, accountant, engineer or other expert.

[1] Additional restrictions upon practice by former employees of the Commission are contained in Rule 6 of the Commission's Conduct Regulation (§ 200.36 of this chapter).

§ 201.3 Nonapplicability to investigations; transcripts in investigations.

(a) *Nonapplicability of rules of practice.* These rules of practice, other than § 201.2(e) and except to the extent to which these sections specifically refer to investigations, shall not be applicable to investigations conducted by the Commission pursuant to sections 8(e), 19(b), and 20(a) of the Securities Act of 1933; section 21(a) of the Securities Exchange Act of 1934; sections 11(a), 13(g), 18(a), 16(b) and 30 of the Public Utility Holding Company Act of 1935; section 321(a) of the Trust Indenture Act of 1939; section 209(a) of the Investment Advisers Act of 1940; or sections 14(b) and 42(a) of the Investment Company Act of 1940.

(b) *Right to copy of data or transcript of testimony.* A person who has submitted data or evidence in such investigations shall be entitled to retain or procure a copy of his data or a transcript of his testimony on payment of the prescribed fees; provided, however, in the case of non-public investigations such person shall file a written request stating the reason for desiring to procure such copy or transcript. The Commission may in any non-public investigatory proceeding for good cause deny such request. In the latter event, such person, upon proper identification, shall have the right to inspect the official transcript of his testimony.

(c) *Counsel for witnesses in investigations.* Any person compelled to appear in person at an investigation designated in paragraph (a) of this section may be accompanied, represented and advised by counsel, but such counsel may not represent any other witness or any person being investigated, unless permitted in the discretion of the officer conducting the investigation or of the Commission upon being satisfied that there is no conflict of interest in such representation and that the presence of identical counsel for other witnesses or persons being investigated would not tend to hinder the course of the investigation.

§ 201.4 Issuance, amendment and repeal of rules of general application.

(a) *By petition.* Any person desiring the issuance, amendment or repeal of a rule of general application may file a petition therefor with the Secretary of the Commission. Such petition shall include a statement setting forth the text of any proposed rule or amendment desired or specifying the rule, the repeal of which is desired and stating the nature of his interest and his reasons for seeking the issuance, amendment or repeal of the rule. The Secretary shall acknowledge receipt of the petition and refer it to the Commission for such action as the Commission deems appropriate, and shall notify the petitioner of the action taken by the Commission.

(b) *Notice of proposed issuance, amendment or repeal of rules.* Except where the Commission finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, whenever the Commission proposes to issue, amend, or repeal any rule or regulation of general application other than an interpretative rule, general statement of policy, or a rule of agency organization, procedure, or practice, or any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts, there shall first be published in the FEDERAL REGISTER a notice of the proposed action.

Such notice shall include (1) a statement of the time, place, and nature of the rule-making proceeding, with particular reference to the manner in which interested persons shall be afforded the opportunity to participate in such proceedings; (2) reference to the authority under which the rule is proposed; and (3) the terms or substance of the proposed rule or a description of the subjects and issues involved.

§ 201.5 Business hours.

The principal office of the Commission, at 425 Second Street NW., Washington, D.C., is open each day, except Saturdays, Sundays, and holidays, from 9 a.m. to 5:30 p.m., eastern standard time or eastern daylight-saving time, whichever is currently in effect in Washington.

§ 201.6 Notice of proceedings and hearings.

(a) *Notice of proceedings; order for proceedings.* Whenever an order for proceeding is issued by the Commission, appropriate notice thereof shall be given by the Secretary or other duly designated officer of the Commission to each party to the proceeding and any other person entitled to notice or to the person designated by any such party or person as being authorized to receive on his behalf notices issued by the Commission. The parties or persons entitled to notice shall be timely informed of the time, place and nature of any hearing and the legal authority and jurisdiction under which the hearing is to be held, and furnished a short and simple statement of the matters of fact and law to be considered and determined. In proceedings in which an answer is directed pursuant to § 201.7, the order for proceeding shall set forth the action proposed and the factual and legal basis alleged therefor in such detail as will permit a specific response thereto.

(b) *Notice of hearing; service of notice.* The time and place for any hearing in a proceeding shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives. Each party or person entitled to notice shall be given notice of hearing a reasonable time in advance of the hearing, and such notice may be given by personal service, by confirmed telegraphic notice or, in any proceedings other than those pursuant to section 8 of the Securities Act of 1933 or sections 305 or 307 of the Trust Indenture Act of 1939, by registered mail, addressed to his last known business or residence address or to the address of his agent for service.

(c) *Publication of notice of hearing.* Unless otherwise ordered by the Commission, notice of any public hearing shall be given general circulation by release to the public press and, where ordered, by publication in the FEDERAL REGISTER.

(d) *Amendment of order for proceedings.* In any proceeding amendments to the matters of fact and law to be considered may be authorized, for cause shown, by the hearing officer during the course of the hearing, or by the Commission at any time.

§ 201.7 Answers.

(a) *When required.* In any order for proceeding issued by the Commission, the Commission may direct that any party respondent shall file an answer to the allegations contained in the order for proceeding, and any party in any proceeding may file an answer.

(b) *Time to file answer.* Except where a different period is provided by rule or by order, a party respondent directed to file an answer as provided in paragraph (a) of this section shall do so within 15 days after service upon him of the order for proceeding. Any other person admitted to such a proceeding (except a person becoming a party under § 201.9(a)) may be required to file an answer within such time as is directed by the hearing officer or the Commission. Where amendments to the matters of fact and law to be considered in such proceeding are authorized subsequent to the institution of the proceeding, the parties may be required to answer within a reasonable time the matters of fact and law to be considered as amended.

(c) *Requirements of answer; effect of failure to deny.* Unless otherwise directed by the Commission, an answer required by this section shall specifically admit, deny, or state that the party does not have and is unable to obtain sufficient information to admit or deny, each allegation in the order for proceeding. A statement of a lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends in good faith to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(d) *Motion for more definite statement.* A party may file, with an answer required by this section, a motion for a more definite statement of specified matters of fact or law to be considered or determined. Such motion shall state the respects in which, and the reasons why, each such matter of fact or law should be required to be made more definite. If the motion is granted, the order granting such motion will set the periods in which such statement, and any answer thereto, shall be filed.

(e) *Effect of failure to file answer.* If a party fails to file an answer required by this section within the time provided, the proceeding may be determined against such party by the Commission upon consideration of the order for proceeding, the allegations of which may be deemed to be true.

(f) *Signature on answer; requirement and effect.* Every answer filed pursuant to this section shall be signed by the party filing it or by at least one attorney, in his individual name, who represents such party. The signature constitutes a certificate by the signer that he has read the answer; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay.

§ 201.8 Settlements, pre-trial conferences and procedural agreements.

(a) *Offers of settlement.* (1) Parties may propose in writing offers of settlement which shall be submitted to and considered by the interested division of the Commission where time, the nature of the proceeding, and the public interest permit. Such offers may be made at any time during the course of the proceeding; and (2) the interested division shall present an offer of settlement to the Commission with its recommendation, except that where the division's recommendation is unfavorable, the offer shall not be presented to the Commission by the division unless the party making the offer so requests. Where the Commission deems it appropriate, it may also give the party making the offer an opportunity to make an oral presentation to the Commission. Where the Commission rejects an offer of settlement, the party making the offer shall be notified of the Commission's action and the offer of settlement shall be deemed withdrawn and such offer and any documents relating thereto shall not constitute a part of the record. Final acceptance by the Commission of any offer of settlement will be only by its Findings and Opinion issued in the proceedings.

(b) *Specification of procedures.* In any proceeding the moving party shall, in the moving papers or the notice of hearing if that is practicable, or, if not, as early as practicable in the course of the hearing, specify the procedures considered necessary or appropriate in the proceeding, with particular reference to (1) whether there should be a recommended decision by a hearing officer, (2) whether there should be a recommended decision by any other responsible officer of the Commission, (3) whether the interested division of the Commission may assist in the preparation of the Commission's decision, and (4) whether there should be a 30-day waiting period between the issuance of the Commission's order and the date it is to become effective. Any other party may object promptly or within such time as shall be designated by the hearing officer, having due regard to the circumstances of the case, to the procedure so specified and such party may specify such additional procedure as he considers necessary or appropriate; in the absence of such objection or specification of additional procedure, such party may be deemed to have waived objection to the specified procedure and to the omission of any procedure not specified, unless the Commission, for good cause shown and upon taking into account any resulting prejudice to other parties, determines the contrary.

(c) *Conferences on procedure; stipulations.* The hearing officer on his own motion may, or at the request of any party shall, call a conference of the parties at the opening of the hearing or at any subsequent time for the purpose of specifying and agreeing on the procedural steps to be followed or omitted in the proceeding. Any proposal as to the procedural matters enumerated in paragraph (b) of this section, or, subject to the approval of the hearing officer, any other procedural matter which is agreed upon by all parties present and which is not contrary to any specific provision of this part, shall be embodied in an appropriate stipulation, which shall become part of the record, and shall determine the procedure in that respect, except that the Commission may, upon taking into account any resulting prejudice to the parties, vary such procedure at the request of any party or on its own motion.

(d) *Conferences on issues.* During the course of any proceeding, to the extent practicable, where time, the nature of the proceeding and the public interest permit, the hearing officer shall, at the request of any party or upon his own motion, hold conferences for the purpose of clarifying and simplifying issues by consent of the parties.

§ 201.9 Parties and limited participation.

(a) *Who may become parties; interested division a party.* Any interested representative, agency, authority or instrumentality of the United States or any interested State, State commission, municipality or other political subdivision of a State shall become a party to any proceeding upon the filing of a written notice of appearance therein. The interested division of the Commission shall be deemed a party to all proceedings.

(b) *Parties in broker-dealer proceedings.* In proceedings under sections 15(b), 15A(1)(2) or 19(a)(3) of the Securities Exchange Act of 1934, any person associated with a member of a national securities association, a member of a national securities exchange, a broker or a dealer, whose interests may be affected by the proceedings, shall be entitled to participate as a party. If he participates generally in the proceedings or files a notice of appearance, he shall be deemed a party of record and will be given notices of intermediate developments in the proceedings. In any event he may inform himself of such developments by attendance at the hearings or examination of the record (whether the proceedings be public or private) or by arrangement with a party of record so that he can determine whether he desires to be heard at any time. The term "person associated" as used in this section shall mean a person associated with a member, broker or dealer in any of the capacities specified in sections 15(b) and 15A(b)(4) of the Securities Exchange Act of 1934.

(c) *Limited participation; leave to be heard.* Any person may, at the discretion of the hearing officer, be given leave to be heard in any proceeding as to any matter affecting his interests. Requests for leave to be heard shall be in writing, shall set forth the nature and extent of the aplicant's interest in the proceeding, and, except where good cause for late filing is shown, shall be filed not later than 2 days prior to the date fixed for the commencement of the hearing, or where a respondent is required to answer, requests for leave to be heard shall be filed within the time provided for the filing of the answer. The hearing officer or the Commission may direct any person requesting leave to be heard to submit himself to examination as to his interest in the proceeding.

(d) *Rights of participant.* Leave to be heard pursuant to paragraph (c) of this section may include such rights of a party as the hearing officer may deem appropriate, except that oral argument before the Commission may be permitted only by the Commission upon written request therefor. Persons granted leave to be heard shall be bound, except as may be otherwise determined by the hearing officer, by any stipulation between the parties to the proceeding with respect to procedure, including submission of evidence, substitution of exhibits, corrections of the record, the time within which briefs or exceptions may be filed or proposed findings and conclusions may be submitted, the filing of recommended decisions, the procedure to be followed in the preparation of decisions, and the effective date of the Commission's order in the case. Where the filing of briefs or exceptions or the submission of proposed findings and conclusions are waived by the parties to the proceedings, a person granted leave to be heard pursuant to paragraph (c) of this section shall not be permitted to file a brief or exceptions or submit proposed findings and conclusions except by leave of the Commission or of the hearing officer, if the hearing is pending before the hearing officer. Except as may otherwise be specifically directed by the hearing officer at the request of any person granted leave to be heard, such person shall be expected to inform himself by attendance at public hearings and by examination of the public files of the Commission as to the various steps taken in the proceeding including continuances, the filing of amendments, answers, motions, or briefs by parties to the proceeding, or the fixing of time for any such action, and such person shall not be entitled as of right to other notice thereof, or to service of copies of documents.

(e) *When intervention as party granted.* Except as provided in paragraphs (a) and (b) of this section, no person shall be admitted as a party to a proceeding by intervention unless the Commission is satisfied on the basis of the written application of such person (and any evidence taken in connection therewith) that his participation as a party will be in the public interest, and that leave to be heard pursuant to paragraphs (c) and (d) of this section would be inadequate for the protection of his interests.

(f) *Permission to state views.* Any person who has not complied with the requirements of paragraph (c) of this section may, in the discretion of the hearing officer, be permitted to file a memorandum or make an oral statement of his views, and the hearing officer may accept for the record written communications received from any such person. Unless offered and admitted as evidence of the truth of the statements therein made, the memoranda and oral or written communications submitted pursuant to the provisions of this paragraph will be considered only to the extent that the statements therein made are otherwise supported by the record.

(g) *Certain persons entitled to leave to be heard.* The hearing officer is directed to grant leave to be heard under paragraph (c) or (f) of this section, whichever may be applicable, to any person to whom it is proposed to issue any security in exchange for one or more bona fide outstanding securities, claims or property interests, or partly in such exchange and partly for cash, where the Commission is authorized to approve the terms and conditions of such issuance and exchange after a hearing upon the fairness of such terms and conditions.

(h) *Review by Commission; modification of participation provisions.* Any ruling of the hearing officer as to matters within the scope of this section is subject to review by the Commission at the close of the proceeding, or at the Commission's discretion, in the course of the proceeding. The Commission may, by order in any case, modify the provisions of this section which would otherwise be applicable, and may impose such terms and conditions on the participation of any person in any proceeding as it may deem necessary or appropriate in the public interest.

§ 201.10 Consolidation.

By order of the Commission, proceedings involving a common question of law or fact may be joined for hearing of any or all the matters in issue in such proceedings and such proceedings may be consolidated; and the Commission may make such orders concerning the conduct of such proceedings as may tend to avoid unnecessary costs or delay.

§ 201.11 Hearings for the purpose of taking evidence; procedure.

(a) *When held.* Hearings for the purpose of taking evidence shall be held as ordered by the Commission.

(b) *Presiding officers; public hearings.* All such hearings shall be held before the Commission or a hearing officer, who shall be a hearing examiner or other officer duly designated by the Commission or shall be one or more members of the Commission. The hearings shall be conducted in an impartial and orderly manner. All such hearings, except hearings on applications for confidential treatment filed pursuant to the provisions of Clause 30 of Schedule A of the Securities Act of 1933, section 24(b) of the Securities Exchange Act of 1934, section 22(b) of the Public Utility Holding Company Act of 1935, section 45(a) of the Investment Company Act of 1940, section 210(a) of the Investment Advisers Act of 1940, or the rules and regulations promulgated under such sections, shall be public unless otherwise ordered by the Commission. No hearing shall be private where all respondents request that the hearing be made public.

(c) *Disqualification of hearing officer.* In any hearing for the purpose of taking evidence a hearing officer may withdraw from a case when he deems himself disqualified. In such event he shall immediately notify the Commission of his withdrawal and inform it of his reasons for such action. Any party or any person who has been granted leave to be heard pursuant to § 201.9 may in good faith request a hearing officer to withdraw on the grounds of personal bias or other disqualification. The person seeking disqualification shall file with the hearing officer a timely affidavit setting forth in detail the facts alleged to constitute grounds for disqualification, and the hearing officer may file a response thereto. If the hearing officer believes himself not disqualified, he shall so rule and proceed with the hearing. If the person seeking disqualification excepts from the ruling of the hearing officer, the hearing officer shall certify the question together with the affidavit and any response filed in connection with it, to the Commission. The Commission may rule on the question without hearing or it may require testimony or argument on the issues raised. The affidavit and response, any testimony taken, and the decision thereon shall be part of the record in the case.

(d) *Functions of hearing officer.* The hearing officer shall regulate the course of the hearing and during the course of such hearing shall rule upon procedural matters relating to the hearing, including applications for the issuance, modification or quashing of subpoenas and the taking of depositions and interrogatories pursuant to §§ 201.4(b) and 201.15. Upon notice to all parties, the hearing officer may reopen any hearing prior to the filing of a recommended decision therein, or, if no recommended decision is to be filed, prior to the time for filing briefs with the Commission.

(e) *Rulings by hearing officer; exceptions.* All applications, motions and objections made during the course of the hearing shall be made to and decided by the hearing officer, except that where his ruling would dispose of the proceeding in whole or in part, it shall be made in his recommended decision submitted after the conclusion of the hearing. Objections to the admission or exclusion of evidence must be made on the record and shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the hearing officer. Rulings by the hearing officer on all applications, motions and objections shall be part of the record. Exceptions to any ruling thereon by the hearing officer need not be noted at the time of the ruling in order to be urged before the Commission. Such exceptions will be deemed waived however, unless raised in accordance with § 201.12(a) or in the manner of a proposed finding in accordance with § 201.16(d) or in the manner of an exception to a recommended decision in accordance with § 201.17.

(f) *Transcript of hearings.* Hearings for the purpose of taking evidence shall be stenographically reported, and a transcript thereof shall be made.

§ 201.12 Motions and applications.

(a) *Review of hearing officer's rulings.* Upon exception to any ruling of the hearing officer, the matter shall, on request of a party, be promptly certified to the Commission for its consideration upon a finding by the hearing officer: (1) That there is at issue a privilege not

to answer questions posed; or (2) that a subsequent reversal of the ruling by the Commission would unduly delay or prolong the proceeding or cause undue inconvenience to the parties, taking into consideration the probability of such reversal. If the hearing officer does not certify the matter, a party may apply to the Commission for review, or the Commission on its own motion may direct that the matter be submitted to it for review. Unless otherwise ordered by the hearing officer, the hearing before the hearing officer shall continue whether or not such certification or application is made. Failure to request certification or to make such an application will not waive the right to seek review of the ruling of the hearing officer after the close of the hearing pursuant to §§ 201.16(d) and 201.17. The Commission will prescribe the procedure for each application hereunder and paragraphs (b) and (c) of this section shall not apply.

(b) *Motions to Commission.* All motions and applications not required to be made to the hearing officer pursuant to § 201.11 shall be made to and ruled upon by the Commission.

(c) *Filing of motions to Commission; briefs.* Motions or applications calling for determination by the Commission shall be filed with the Secretary or other duly authorized officer of the Commission in writing, provided that motions or applications calling for determination by the Commission but made in the course of a hearing may be filed in writing with the hearing officer, who shall refer such motion or application to the Commission. Any such motion or application shall be accompanied by a written brief of the points and authorities relied upon in support of the same. Any party may file an answering brief within 5 days after service upon him of such motion or other application as provided in § 201.23, unless otherwise directed by the Commission. Motions and applications will be considered on the briefs filed following the time for filing the answering brief, unless otherwise directed by the Commission. No oral argument will be heard on such matters unless the Commission so directs. Unless otherwise ordered by the Commission or the hearing officer, the hearing shall continue pending the determination of the motion or application by the Commission.

§ 201.13 Extension of time and adjournments.

Except as otherwise provided by law, the Commission for cause shown may extend or shorten any time limits prescribed by this part for filing any papers and may postpone or adjourn any hearing. A hearing before a hearing officer shall begin at the time and place ordered by the Commission, provided that, within the limits provided by statute, the hearing officer may for good cause postpone the commencement of the hearing for not more than 7 days. Any convened hearing may be adjourned to such time and place as may be ordered by the Commission or by the hearing officer. It is the policy of the Commission that such adjournments shall be for not more than 30 days and in no event shall a hearing officer order an adjournment for a period in excess of 45 days.

§ 201.14 Evidence.

(a) *Presentation and admission of evidence.* All witnesses at a hearing for the purpose of taking evidence shall testify under oath or affirmation, which shall be administered by the hearing officer. Every party shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing officer shall receive relevant and material evidence, rule upon offers of proof and exclude all irrelevant, immaterial or unduly repetitious evidence.

(b) *Subpoenas; motions to quash or modify.* (1) Any member of the Commission, the hearing officer or any other officer designated by the Commission for the purpose, in connection with any hearing ordered by the Commission,

(i) Shall issue subpoenas requiring the attendance and testimony of witnesses at any designated place of hearing, upon application therefor by any party, and

(ii) May issue subpoenas requiring the production of documentary or other tangible evidence at any designated place of hearing, upon written application by any party, which shall include a showing of the general relevance, materiality and reasonable particularity of the documentary or other tangible evidence desired and the facts to be proved by them.

(2) In cases in which it is impracticable to make timely application to the hearing officer, any party may at his discretion apply to the Regional Administrator of the Commission who thereupon shall issue subpoenas requiring the attendance and testimony of witnesses upon the application of any party.

(3) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 5 days after the date of service of such subpoena, apply to the hearing officer or, in the case of a subpoena issued by a member of the Commission, to the Commission to quash or modify such subpoena, accompanying such application with a brief statement of reasons therefor. Upon notice to the person upon whose application the subpoena was issued, and opportunity for hearing, the Commission or the hearing officer, as the case may be, may quash or modify the subpoena.

(c) *Witness fees and mileage.* Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

(d) *Official notice.* The Commission, the hearing officer or any Commission officer who is preparing a recommended decision may at the request of any party, or upon his own motion, take official notice of any material fact which might be judicially noticed by a district court of the United States, any matter in the public official records of the Commission, or any matter which is peculiarly within the knowledge of the Commission as an expert body. If official notice is requested or taken of a material fact not appearing in the evidence in the record, the parties, upon timely request, shall be afforded an opportunity to establish the contrary.

§ 201.15 Depositions and interrogatories.

(a) *Applications and orders for depositions.* Any party desiring to take a deposition shall make written application therefor, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected to question the witness, and the time and place proposed for the taking of the deposition. Thereupon the hearing officer or Commission, as the case may be, may in his or its discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken, and specify the time when, the place where, and the designated officer before whom the witness is to testify. Such order shall be served upon all parties by the Secretary, or other duly designated officer of the Commission, a reasonable time in advance of the time fixed for taking testimony.

(b) *Testimony on depositions.* Witnesses whose testimony is taken by deposition shall be sworn or shall affirm before any questions are put to them. Each question propounded shall be recorded and the answers shall be taken down in the words of the witness.

(c) *Objections to questions or evidence.* Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon, but no transcript filed by the officer shall include argument or debate. Objections to questions or evidence shall be noted by the officer upon the deposition, but he shall not have power to decide on the competency or materiality or relevance of evidence. Failure to object to questions or evidence before the officer shall not be deemed a waiver unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(d) *Filing of depositions.* The testimony shall be reduced to writing by the officer, or under his direction, after which the deposition shall be subscribed by the witness and certified in usual form by the officer. The original deposition and exhibits shall be forwarded under seal to the Secretary of the Commission with such number of copies as may be requested by the Secretary of the Commission. Upon receipt thereof the Secretary or other duly designated officer shall file the original in the proceeding and shall forward a copy to each party or his attorney of record.

(e) *Form of depositions.* Such depositions shall conform to the specifications of § 201.22 (e), (f) and (g), but deficiencies of form shall not invalidate the deposition if properly executed.

(f) *Depositions as part of the record.* Any part of a deposition not received in evidence at a hearing before the Commission or a hearing officer shall not constitute a part of the record in such proceeding, unless the parties shall so agree or the Commission so orders.

(g) *Interrogatories.* Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination upon application of any party as provided in paragraph (a) of this section. The interrogatories shall be filed with the application in triplicate. Within ten (10) days after service, any party may file with the Secretary his objections, if any, to such interrogatories, and may file such cross-interrogatories as he desires to submit. Such objections and cross-interrogatories shall be filed in triplicate and all other parties shall have ten (10) days after service to file their objections, if any, to such interrogatories. Objections to interrogatories or cross-interrogatories shall be settled by the hearing officer. Objections to interrogatories shall be made before the order for taking the deposition issues and if not so made shall be deemed waived. When a deposition is taken upon written interrogatories and cross-interrogatories, no party shall be present or represented, and no person other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order. The testimony shall be reduced to writing by the officer or under his direction and shall be subscribed by the witnesses and certified in usual form by the officer.

§ 201.16 Proposed findings and conclusions; recommended decision.[2]

(a) *Effect of failure to appear at hearing.* Unless a party otherwise indicates his objections thereto or the Commission otherwise directs, a party's failure to appear at a hearing of which he has been properly notified, shall be deemed to be a waiver of his right to a recommended decision in the proceeding, and of his right to object to the participation of the interested division of the Commission in the preparation of the Commission's decision.

(b) *When recommended decision required.* The hearing officer shall prepare a recommended decision in any proceeding in which a hearing officer's decision is required under the Administrative Procedure Act, unless such requirement is waived by all parties, and in any other proceeding in which the Commission directs him to prepare such decision.

(c) *Recommended decision by interested division.* Except to the extent that the Commission directs otherwise, in any proceeding where a recommended decision is to be prepared by any officer of the Commission other than the hearing officer, such recommended decision shall be prepared by the staff of the interested division.

(d) *Proposed findings and conclusions; briefs.* In any proceeding involving a hearing or an opportunity for hearing, the parties may file in writing proposed findings and conclusions. Proposed findings of fact shall indicate the basis therefor by appropriate citations to the record. Briefs in support of such proposals may be filed therewith or as a part thereof, and any proposed finding or conclusion not briefed may be regarded as waived.

(e) *Time for filing proposed findings and briefs prescribed by hearing officer.* At the end of every hearing, the hearing officer shall, after consultation with the parties, prescribe the period within which such proposed findings and conclusions and supporting briefs are to be filed and shall direct such filings to be either simultaneous or successive, provided, however, that the period within which the first filing is to be made shall not exceed 30 days after the close of the hearing. If successive filings are directed the proposed findings and conclusions of the moving party shall be set forth in serially numbered paragraphs and any counter statement of proposed findings and conclusions must, in addition to any other matter, indicate as to which paragraphs of the moving party's proposals there is no dispute. Reply briefs may be filed by the moving party or, where simultaneous filings are directed, by all parties, within the period prescribed therefor by the hearing officer.

(f) *Service of record; preparation and filing of recommended decision.* In proceedings in which a recommended decision is to be prepared, the record in the proceeding shall, promptly after the time for the last filing of briefs in reply to proposed findings, be served by the Records Officer upon the person designated to prepare the recommended decision. Such person shall file his recommended decision with the Secretary within 30 days after such service and it shall promptly be served upon the parties. The recommended decision shall set forth separately, in serially numbered paragraphs, the findings of fact and conclusions forming the basis thereof.

§ 201.17 Exceptions to recommended decisions.[2]

(a) *Time for filing exceptions; effect of failure to file.* Within 10 days after receipt of a recommended decision of a hearing officer, any party may serve and file written exceptions thereto indicating specifically the paragraphs to which exceptions are taken. Any objections to a recommended decision not saved by exception filed pursuant to this section will be deemed to have been abandoned and may be disregarded.

(b) *Time for filing briefs; oral argument on exceptions.* A brief in support of such exceptions or in support of one or more paragraphs of the recommended decision may be served and filed within 20 days after receipt of the recommended decision, and any exception not briefed may be regarded as waived. A reply brief may be served and filed within 10 days of service of the original brief. Exceptions may be argued orally only before the Commission.

(c) *Time for filing recommended decision by division.* In any proceeding in which the recommended decision is prepared by the interested division of the Commission this section shall apply, except that the time limits on actions hereunder shall be such as shall be set by the hearing officer at the end of the hearing.

§ 201.18 Briefs.

Briefs shall be confined to the particular matters remaining at issue. Briefs not filed at or before the time provided will not be received except upon special permission of the Commission. Each exception which is briefed shall be supported by a concise argument and by citation of such statutes, decisions and other authorities and by page references to such portions of the record, as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript. Reply briefs shall be confined to matters in original briefs of other parties.

§ 201.19 Special time limits for broker-dealer suspension cases.

In any proceeding pursuant to section 15(b) of the Securities Exchange Act of 1934 on the question of suspension of registration of a broker or dealer pending final determination whether such registration shall be revoked, the following time limits shall be applicable, unless otherwise ordered by the Commission, in lieu of the time limits prescribed by other provisions of this part:

(a) *Proposed findings and briefs.* Proposed findings and conclusions and briefs in support thereof may be filed within 3 days after the close of the hearing.

(b) *Recommended decision.* In proceedings in which a recommended decision is to be prepared, the record in the proceedings shall, promptly after the time for filing proposed findings and conclusions and briefs in support thereof, be served by the Records Officer upon the person designated to prepare the recommended decision. Such person shall file his recommended decision with the Secretary within 5 days after such service and it shall promptly be served upon the parties.

(c) *Exceptions.* Within 3 days after the receipt of a recommended decision of a hearing officer, any party may serve and file written exceptions thereto.

(d) *Briefs.* A brief in support of such exceptions or in support of one or more paragraphs of the recommended decision may be served and filed within 5 days after receipt of the recommended decision. A reply brief may be served and filed within 4 days of service of the original brief.

§ 201.20 Contents and certification of record.

(a) *Contents of Record.* (1) The record in every proceeding before the Commission for final decision shall include:

[2] See § 201.19 for special time limits applicable to broker-dealer suspension cases.

(i) The order for proceedings, the notice of hearing and any amendments thereto;

(ii) Any responsive pleading and any amendments thereto;

(iii) The moving papers to the extent the same are not comprehended under subdivision (i) of this subparagraph;

(iv) Any other document or portion thereof which constitutes part of the official public records of the Commission and which is specified in the documents listed in subdivision (i), (ii) or (iii) of this subparagraph, unless the hearing officer shall determine the same to be irrelevant, immaterial or unduly repetitious;

(v) Any affidavit and response, testimony taken and decision in connection with a request to withdraw under § 201.11(c);

(vi) Proofs of service;

(vii) Any application, motion or objection made in the course of the proceeding, rulings thereon and exceptions thereto;

(viii) Any stipulation between the parties as to any matter of fact, law or procedure;

(ix) The transcript of testimony and any specification of corrections thereof;

(x) Any exhibit received at the hearing, including any document or portion thereof constituting part of the official public records of the Commission which the hearing officer during the course of the hearing may incorporate by reference upon a determination that it is relevant, material and not unduly repetitious;

(xi) Any written communication accepted by the hearing officer pursuant to § 201.9(f);

(xii) Any proposed findings and conclusions; and

(xiii) Any recommended decision and exceptions thereto.

(2) At the beginning of the hearing, the hearing officer shall read into the record a list of the documents which at that time constitute the record.

(3) The documents or portions thereof referred to in subdivisions (iv) and (x) of subparagraph (1) of this paragraph shall be deemed to have been received in evidence as exhibits whether or not they have been physically introduced.

(4) Promptly after the close of the hearing, the hearing officer shall transmit to the Records Officer of the Commission or his designated deputy a list of documents or portions thereof constituting part of the public official records of the Commission which during the course of the hearing have been admitted as exhibits pursuant to subparagraph (1)(x) of this paragraph, or excluded pursuant to subparagraph (1)(iv) of this paragraph, and a copy of any written communication accepted pursuant to § 201.9(f), application, motion, objection, ruling or stipulation made in writing during the proceeding which has not theretofore been filed with the Secretary or other duly designated officer of the Commission or included in the transcript. Promptly after the last date for filing briefs, and prior to any oral arguments before the Commission, the Records Officer of the Commission or his duly designated deputy shall certify the entire record to the Commission for final decision, provided that documents or portions thereof constituting part of the official records of the Commission may be incorporated by reference and need not be physically transferred to the record.

(b) *Retention of documents not admitted in evidence; substitution of copies.* (1) Documents offered in evidence during the course of a hearing but excluded by the hearing officer, and documents marked for identification but not offered as exhibits, shall not be considered as a part of the record, but any such document shall be retained in the custody of the Commission.

(2) With the consent of the parties a copy may be substituted for a document which is retained pursuant to the provisions of this paragraph.

(c) *Correction of transcript.* Any party may submit a timely request to the hearing officer to correct the transcript. Proposed corrections of the transcript may be submitted to the hearing officer by stipulation of the parties, or by a motion by any party, and, upon notice to all parties to the proceeding, the hearing officer may specify corrections of the transcript. A copy of such specification shall be furnished to all parties and made a part of the record.

(d) *Scandalous or impertinent matter.* Any scandalous or impertinent matter contained in any brief or pleading or in connection with any oral presentation in a proceeding may be stricken on order of the Commission or at the direction of the hearing officer.

§ 201.21 Hearings before the Commission.

(a) *Oral argument.* Except as to motions and applications dealt with in § 201.12, upon written request of any party a matter to be decided by the Commission will be set down for oral argument before the Commission unless exceptional circumstances make oral argument impractical or inadvisable. Such request must be made within the time provided for filing the original briefs.

(b) *Time allowed.* Unless otherwise directed by the Commission, not more than 1 hour will be allowed for oral argument by any participant and, where the same or similar interests are represented by more than 1 participant, an aggregate of not more than 1 hour will be allowed the interests so represented irrespective of the number of participants, the time to be divided equally among such participants. In appropriate cases the Commission may, in its discretion, extend, shorten or reallocate the time prescribed herein. Oral argument should be succinct.

(c) *Basis for Commission determinations.* The Commission shall determine the matter on the record, any briefs of the parties and any oral argument before the Commission.

(d) *Leave to adduce additional evidence.* The Commission, upon its own motion or upon application in writing by any party for leave to adduce additional evidence which application shall show to the satisfaction of the Commission that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence at the hearing before the Commission or the hearing officer, may hear such additional evidence or may refer the proceeding to the hearing officer for the taking of such additional evidence.

(e) *Petition for rehearing.* Any petition for rehearing by the Commission shall be filed within 5 days after issuance of the order complained of and shall clearly state the specific grounds and the specific matters upon which rehearing is sought.

§ 201.22 Filing; formalities; computation of time.

(a) *Filing with Commission.* All papers required to be filed with the Commission in any proceeding shall be filed with the Secretary, and must be received at the office of the Commission in Washington, D.C., within the time limit, if any, for such filing.

(b) *Docket of proceedings.* A docket of all proceedings shall be maintained by the Commission, and each proceeding shall be assigned a number.

(c) *Number of copies.* Unless otherwise specifically provided in this part or by a particular rule or order of the Commission an original and 7 copies of all papers shall be filed.

(d) *Length and form of briefs.* All briefs, including briefs filed pursuant to paragraph (c) of this section, containing more than 10 pages shall include an index and table of cases. The date of each brief must appear on its front cover or title page. No brief shall exceed 60 pages in length, except with the permission of the Commission.

(e) *Paper, spacing, type.* All papers filed under this part shall be typewritten, mimeographed or printed, shall be plainly legible, shall be on one grade of good unglazed white paper approximately 8 inches wide and 10½ inches long, with left-hand margin 1½ inches wide, and shall be bound on the left-hand side. They shall be double spaced, except that quotations shall be single-spaced and indented. If printed, they shall be in either 10- or 12-point type with double-leaded text and single-leaded quotations.

(f) *Signatures.* All papers must be signed in ink by the party filing the same, or his duly authorized agent or attorney, and must show the address of the signer.

(g) *Title page.* All papers filed must include at the head thereof, or on a title page, the name of the Commission, the title of the proceeding, the names of the parties, and the subject of the particular paper or pleading, and the docket number assigned to the proceeding.

(h) *Signature on orders.* All orders of the Commission shall be signed by the Secretary or such other person as may be authorized by the Commission.

(i) *Time allowances for residents of distant states.* Wherever the rules in this part provide a specific limitation as to the time within which any papers are required to be filed with the Commission in any proceeding, an additional period of 3 days shall be available for the hearing officers and parties who are residents of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

(j) *Computation of time.* In computing any period of time prescribed or allowed by this part or by order of the Commission the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is Saturday, Sunday or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. Intermediate Saturdays, Sundays and holidays shall be included in the computation.

§ 201.23 Service of pleadings, etc. other than moving papers.

(a) *Service of documents filed with Commission.* All amendments to moving papers, all answers, all motions or applications made in the course of a proceeding (unless made orally during a hearing), all proposed findings and conclusions, all exceptions to any recommended decision, and all briefs shall be filed with the Commission and shall, at the time of personal delivery or dispatch to the Commission, be served by the filing party upon all other parties to the proceeding (including the interested division of the Commission), provided that such papers relating to proceedings concerning confidential treatment pursuant to provisions of Clause 30 of Schedule A of the Securities Act of 1933, section 24(b) of the Securities Exchange Act of 1934, section 22(b) of the Public Utility Holding Company Act of 1935, section 45(a) of the Investment Company Act of 1940, or section 210(a) of the Investment Advisers Act of 1940, and the rules and regulations promulgated under such sections, shall be served only by filing the appropriate number of copies thereof upon the Commission.

(b) *How service made.* Service of such documents shall be made by personal service on, or by mail addressed to, the party or his attorney or other agent for service. Where service is made by mail on a person located more than 500 miles from the point of mailing, airmail must be used. Where the document being served is printed, 2 copies shall be served on each party or his attorney or other agent for service. Service shall be deemed made at the time of personal service or of deposit in the mails properly addressed and post-paid. Where a party makes service by mail, any specific limitation on the time within which the person on whom such mail service has been made may respond thereto shall be increased by 2 days.

(c) *Proof of service.* Proof of service must be made by filing with the Commission an affidavit of service or, in the case of any attorney-at-law, a certificate, simultaneously with the filing of the required number of copies with the Commission.

(d) *Service of decisions and orders.* Copies of all recommended decisions, decisions, orders and rulings by the Commission on any written application shall be served by the Secretary or other duly designated officer of the Commission on the applicant and, if made in connection with a pending proceeding, on all parties thereto.

§ 201.24 Incorporation by reference.

(a) *Requirements.* Where rules, regulations, or instructions to forms permit incorporation by reference, a document may be so incorporated only by reference to the specific document and to the prior filing in which it was physically filed, not to another file which incorporates it by reference. No document which has been on file with the Commission for a period of more than 10 years may be incorporated by reference in a current filing except basic documents as designated under paragraph (b) of this section.

(b) *Basic documents.* The Commission, on its own initiative or upon request, may classify as basic documents certain documents filed under the various Acts administered by the Commission, which appear to the Commission to possess such administrative, legal, historical or other values as to warrant being retained and considered available for incorporation by reference for an indefinite period. Requests for such classification shall be submitted to the Commission in duplicate and shall contain (1) a precise description of the document and of the filing in which it is physically filed and (2) the reasons for the request. A request will be considered to have been granted if notification of denial is not given within 60 days of the receipt of the request. If the Commission grants a request pursuant to this paragraph, it may subsequently dispose of any basic document the retention of which would in its opinion no longer serve a substantial purpose, after giving the person who made the request notice of the proposed disposition and an opportunity to object thereto.

§ 201.25 Availability of information to public.

(a) *Information in documents filed with Commission generally public.* Unless otherwise provided by statute or rule or otherwise directed by the Commission, all information contained in any notification, statement, application, declaration, recommended decision, or other document filed with the Commission pursuant to requirement of a statute or a rule or order of this Commission shall be available to the public.

(b) *Inspection, purchase of copies and certification of public records.* Public material may be inspected in the Public Reference Room at the principal office of the Commission, and such material on file at regional offices of the Commission may be inspected at these offices during regular business hours. Copies of public material will be sold to any person upon payment of the proper fees. A schedule of such fees will be mailed on request. In addition to any copying charge, a charge of $2.00 will be made for each certification relating to the Commission's records without additional charge for the seal of the Commission, which will be affixed in all instances.

(c) *Publication of final opinions, orders and rules.* All final opinions and orders entered by the Commission in the adjudication of cases, and all rules of the Commission shall be released for general publication, except where confidential treatment has for good cause been directed by the Commission. Copies of such published material shall be available for public inspection at the office of the Commission or may be obtained by mail on request. Bound volumes of past Decisions and Reports are obtainable from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. at a prescribed charge.

(d) *Purchase of transcripts of public hearings.* Transcripts of public hearings will be supplied by the official reporter at the prescribed rates.

§ 201.26 Confidential treatment of certain matters.

(a) *Requests for confidential treatment.* Confidential treatment of material listed in § 201.25(a) may be requested for good cause where authorized by statute. Request for confidential treatment may be made pursuant to the provisions of Clause 30 of Schedule A of the Securities Act of 1933 and § 230.485 of this chapter thereunder, section 24(b) of the Securities Exchange Act of 1934 and § 240.24b-2 of this chapter thereunder, section 22(b) of the Public Utility Holding Company Act of 1935 and § 250.104 of this chapter thereunder, section 45(a) of the Investment Company Act of 1940 and § 270.45a-1 of this chapter thereunder, or section 210(a) of the Investment Advisers Act of 1940. In any case where a hearing for the purpose of taking testimony relating to whether confidential treatment should be granted or continued is to be held, the Commission may in its discretion, prior to the hearing, require the person desiring the confidential treatment to furnish in writing additional information in respect of its grounds of objection to public disclosure. Failure to supply the information so requested within 15 days from the date of receipt by the registrant of a notice of the information required, shall be deemed a waiver of the objections to public disclosure of that portion of the information filed confidentially with respect to which the additional information required by the Commission relates, unless the Commission shall otherwise order for good cause shown at or before the expiration of such 15-day period.

(b) *Procedure in confidential treatment cases.* All papers containing data as to which confidential treatment is sought, together with any application making objection to the disclosure thereof, or other papers relating in any way to such application, shall be made available to the public only in accordance with orders of the Commission and/or the applicable provisions of § 230.485 of this chapter issued under the Securities Act of 1933, § 240.24b-2 of this chapter issued under the Securities Exchange Act of 1934, § 250.104 of this chapter issued under the Public Utility Holding Company Act of 1935, section 45 of the

Investment Company Act of 1940 and § 270.45a–1 of this chapter issued under that Act, or section 210(a) of the Investment Advisers Act of 1940.

Proposed findings and conclusions and briefs in support of such proposed findings and conclusions, a recommended decision, exceptions thereto and briefs in support of or in opposition to such exceptions which are filed in connection with any proceeding concerning confidential treatment shall, unless otherwise ordered by the Commission, be for the confidential use only of the hearing officer, the Commission, the parties and counsel. The initial page of copies of such a recommended decision will contain a statement that such decision is nonpublic. The order of the Commission sustaining or denying the application for confidential treatment shall be made available to the public. Any findings or opinion issued by the Commission in any proceeding relating to confidential treatment shall be made public at such time as the material filed confidentially is made available to the public.

(c) *Information obtained in investigations.* Information or documents obtained by the Commission in the course of any examination or investigation shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents available to anyone other than a member, officer, or employee of the Commission, unless the Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this section. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

(d) *Purchase of transcripts of private hearings.* Transcripts of private hearings will be supplied to the parties at the prescribed rates.

TABLE I SHOWING DERIVATION OF REVISED RULES IN RELATION TO PRESENT RULES

Revised Rules (17 CFR)—Old Rules (17 CFR)

I; 201.1— ----; ----
II; 201.2—II; 201.2.
III; 201.3—XX; 201.20.
IV; 201.4—XIX; 201.19.
V; 201.5—I; 201.1.
VI (a), (b), (c); 201.6 (a), (b), (c)—III (a), (b), (c); 201.3 (a), (b), (c).
VI(d); 201.6(d)—IV (a), (b); 201.4 (a), (b).
VII; 201.7—III(d); 201.3(d).
VIII(a); 201.8(a)— ----; ----
VIII (b), (c); 201.8 (b), (c)—III(e); 201.3 (e).
VIII(d); 201.8(d)—V(e); 201.5(e).
IX(a); 201.9(a)—XVII(a); 201.17(a).
IX(b); 201.9(b)—Rule 15b–8—SEA of 1934; 240.15b–8.
IX (c), (d), (e), (f), (g), (h); 201.9 (c), (d), (e), (f), (g), (h)—XVII (b), (c), (d), (e), (f), (g); 201.17 (b), (c), (d), (e), (f), (g).
X; 201.10—XVIII; 201.18.
XI (a), (b); 201.11 (a), (b)—V (a), (b); 201.5 (a), (b).
XI(c); 201.11(c)—V(d); 201.5(d).
XI(d); 201.11(d)—V(e); 201.5(e).
XI(e); 201.11(e)—V(h); 201.5(h).
XI(f); 201.11(f)—V(c); 201.5(c).
XII(a); 201.12(a)—V(h); 201.5(h).
XII (b), (c); 201.12 (b), (c)—VI (a), (b); 201.6 (a), (b).
XIII; 201.13—VII; 201.7.
XIV(a); 201.14(a)—V (c), (e); 201.5 (c), (e).
XIV (b), (c); 201.14 (b), (c)—V (f), (g); 201.5 (f), (g).
XIV(d); 201.14(d)—----; ----
XV; 201.15—VIII; 201.8.
XVI(a); 201.16(a)—----; ----
XVI (b), (c); 201.16 (b), (c)—IX (b), (c); 201.9 (b), (c).
XVI(d); 201.16(d)—IX(f), XI (a), (c); 201.9 (f), 201.11 (a), (c).
XVI(e); 201.16(e)—IX(f), XI(e); 201.9(f), 201.11(e).
XVI(f); 201.16(f)—IX(e); 201.9(e).
XVI(g); 201.16(g)—IX(d); 201.9(d).
XVII; 201.17—X, XI (a), (c), (e); 201.10, 201.11 (a), (c), (e).
XVIII; 201.18—XI (b), (f); 201.11 (b), (f).
XIX; 201.19—----; ----
XX(a); 201.20(a)—V (c), (h), IX(a); 201.5 (c), (h), 201.9(a).
XX(b); 201.20(b)—----; ----
XX(c); 201.20(c)—----; ----
XX(d); 201.20(d)—XI(b); 201.11(b).
XXI; 201.21—XII; 201.12.
XXII (a), (b); 201.22 (a), (b)—XIII (a), (b); 201.13 (a), (b).
XXII(c); 201.22(c)—XIII(e); 201.13(e).
XXII(d); 201.22(d)—XI(d); 201.11(d).
XXII (e), (f), (g); 201.22 (e), (f), (g)—XV (a), (b), (c); 201.15 (a), (b), (c).
XXII(h); 201.22(h)—XVI(a); 201.16(a).
XXII (i), (j); 201.22 (i) (j)—XIII (c), (d); 201.13 (c), (d).
XXIII (a), (b); 201.23 (a), (b)—XI(e), XIV (a), (b); 201.11(e), 201.14 (a), (b).
XXIII(c); 201.23(c)— ----; ----
XXIII(d); 201.23(d)—XVI(b); 201.16(b).
XXIV; 201.24— ----; ----
XXV(a); 201.25(a)—XIII(f); 201.13(f).
XXV (b), (c); 201.25 (b), (c)—XIII (j), (k); 201.13 (j), (k).
XXV(d); 201.25(d)—V(c); 201.5(c).
XXVI (a), (b), (c); 201.26 (a), (b), (c)—XIII (g), (h), (i); 201.13 (g), (h), (i).
XXVI(d); 201.26(d)—V(c); 201.5(c).

TABLE II SHOWING LOCATION IN REVISED RULES OF PROVISIONS OF PRESENT RULES

Present Rules (17 CFR)—Revised Rules (17 CFR)

I; 201.1—V; 201.5.
II; 201.2—II; 201.2.
III (a), (b), (c); 201.3 (a), (b), (c)—VI (a), (b), (c); 201.6 (a), (b), (c).
III(d); 201.3(d)—VII; 201.7.
III(e); 201.3(e)—VIII(b), (c); 201.8(b), (c).
IV; 201.4—VI(d); 201.6(d).
V (a), (b); 201.5 (a), (b)—XI (a), (b); 201.11 (a), (b).
V(c); 201.5(c)—XI(f), XIV(a), XX(a), XXV (d), XXVI (d); 201.11 (f), 201.14 (a), 201.20(a), 201.25(d), 201.26(d).
V(d); 201.5(d)—XI(c); 201.11(c).
V(e); 201.5(e)—VIII(d), XI(d), XIV(a); 201.8(d), 201.11(d), 201.14(a).
V(f); 201.5(f)—XIV(b); 201.14(b).
V(g); 201.5(g)—XIV(c); 201.14(c).
V(h); 201.5(h)—XI(e), XII(a), XX(a); 201.11(e), 201.12(a), 201.20(a).
V(i); 201.5(i)— ----; ----
VI(a); 201.6(a)—XII(b); 201.12(b).
VI(b); 201.6(b)—XII(c); 201.12(c).
VII; 201.7—XIII; 201.13.
VIII; 201.8—XV; 201.15.
IX(a); 201.9(a)—XX(a); 201.20(a).
IX (b), (c); 201.9 (b), (c)—XVI (b), (c); 201.16 (b), (c).
IX(d); 201.9(d)—XVI(g), XXVI(b); 201.16 (g), 201.26(b).
IX(e); 201.9(e)—XVI(f); 201.16(f).
IX(f); 201.9(f)—XVI (d), (e); 201.16 (d), (e).
X (a), (b); 201.10 (a), (b)—XVII (a), (b), (c); 201.17 (a), (b), (c).
XI(a); 201.11(a)—XVI(d), XVII(b); 201.16 (d), 201.17(b).
XI(b); 201.11(b)—XVII, XX(d); 201.18, 201.20(d).
XI(c); 201.11(c)—XVI(d), XVII(b); 201.16 (d), 201.17(b).
XI(d); 201.11(d)—XXII(d); 201.22(d).
XI(e); 201.11(e)—XVII(b), XXIII(a); 201.17 (b), 201.23(a).
XI(f); 201.11(f)—XVIII; 201.18.
XII (a), (b), (c), (d), (e); 201.12 (a), (b), (c), (d), (e)—XXI (a), (b), (c), (d), (e); 201.21 (a), (b), (c), (d), (e).
XIII (a), (b); 201.13 (a), (b)—XXII (a), (b); 201.22 (a), (b).
XIII (c), (d); 201.13 (c), (d)—XII (i), (j); 201.12 (i), (j).
XIII(e); 201.13(e)—XXII(c); 201.22(c).
XIII(f); 201.13(f)—XXV(a); 201.25(a).
XIII (g), (h), (i); 201.13 (g), (h), (i)—XXVI (a), (b), (c); 201.26 (a), (b), (c).
XIII (j), (k); 201.13 (j), (k)—XXV (b), (c); 201.25 (b), (c).
XIV (a), (b); 201.14 (a), (b)—XXIII (a), (b); 201.23 (a), (b).
XV (a), (b), (c); 201.15 (a), (b), (c)—XXII (e), (f), (g); 201.22 (e), (f), (g).
XVI(a); 201.16(a)—XXII(h); 201.22(h).
XVI(b); 201.16(b)—XXIII(d); 201.23(d).
XVII(a); 201.17(a)—IX(a); 201.9(a).
XVII (b), (c), (d), (e), (f), (g); 201.17 (b), (c), (d), (e), (f), (g)—IX (c), (d), (e), (f), (g), (h); 201.9 (c), (d), (e), (f), (g), (h).
XVIII; 201.18—X; 201.10.
XIX; 201.19—IV; 201.4.
XX; 201.20—III; 201.3.

PART 202—INFORMAL AND OTHER PROCEDURES

Sec.
202.1 General.
202.2 Pre-filing assistance and interpretative advice.
202.3 Processing of filings.
202.4 Facilitating administrative hearings.
202.5 Enforcement activities.
202.6 Adoption, revision and rescission of rules and regulations of general application.
202.7 Submittals.

AUTHORITY: §§ 202.1 to 202.7 issued under secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 77sss, 78w, 79t, 80a–37, 80b–11.

§ 202.1 General.

(a) The statutes administered by the Commission provide generally (1) for the filing with it of certain statements, such as registration statements, periodic and ownership reports, and proxy solicitation material, and for the filing of certain plans of reorganization, applications and declarations seeking Commission approvals; (2) for Commission determination through formal procedures of matters initiated by private parties or by the Commission; (3) for the investigation and examination of persons and records where necessary to carry out the purposes of the statutes and for enforcement of statutory provisions; and (4) for the adoption of rules and regulations where necessary to effectuate the purposes of the statutes.

(b) In addition to the Commission's rules of practice set forth in Part 201 of this chapter, the Commission has promulgated rules and regulations pursuant to the several statutes it administers (Parts 230, 240, 250, 260, 270 and 275 of this chapter). These parts contain substantive provisions and include as well numerous provisions detailing the procedure for meeting specific standards embodied in the statutes. The Commission's rules and regulations under each of the statutes are available in pamphlet form upon request to the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

(c) The statutes and the published rules, regulations and forms thereunder prescribe the course and method of formal procedures to be followed in Commission proceedings. These are supplemented where feasible by certain informal procedures designed to aid the public and facilitate the execution of the Commission's functions. There follows a brief description of procedures generally followed by the Commission which have not been formalized in rules.

(d) The informal procedures of the Commission are largely concerned with the rendering of advice and assistance by the Commission's staff to members of the public dealing with the Commission. While opinions expressed by members of the staff do not constitute an official expression of the Commission's views, they represent the views of persons who are continuously working with the provisions of the statute involved. And any statement by the director, associate director, assistant director, chief accountant, chief counsel, or chief financial analyst of a division can be relied upon as representing the views of that division. In certain instances an informal statement of the views of the Commission may be obtained. The staff, upon request or on its own motion, will generally present questions to the Commission which involve matters of substantial importance and where the issues are novel or highly complex, although the granting of a request for an informal statement by the Commission is entirely within its discretion.

§ 202.2 Pre-filing assistance and interpretative advice.

The staff of the Commission renders interpretative and advisory assistance to members of the general public, prospective registrants, applicants and declarants. For example, persons having a question regarding the availability of an exemption may secure informal administrative interpretations of the applicable statute or rule as they relate to the particular facts and circumstances presented. Similarly, persons contemplating filings with the Commission may receive advice of a general nature as to the preparation thereof, including information as to the forms to be used and the scope of the items contained in the forms. Inquiries may be directed to an appropriate officer of the Commission's staff. In addition, informal discussions with members of the staff may be arranged whenever feasible, at the Commission's central office or, except in connection with matters under the Public Utility Holding Company Act of 1935 and certain matters under the Investment Company Act of 1940, at one of its regional offices.

§ 202.3 Processing of filings.

(a) Registration statements, proxy statements, letters of notification, periodic reports, applications for qualification of indentures, and similar documents filed with the Commission under the Securities Act of 1933 and the Trust Indenture Act of 1939, and certain filings under the Securities Exchange Act of 1934 and the Investment Company Act of 1940 are routed to the Division of Corporation Finance, which passes initially on the adequacy of disclosure and recommends the initial action to be taken. If the filing appears to afford inadequate disclosure, as for example through omission of material information or through violation of accepted accounting principles and practices, the usual practice is to bring the deficiency to the attention of the person who filed the document by a letter from the Assistant Director assigned supervision over the particular filing, and to afford a reasonable opportunity to discuss the matter and make the necessary corrections. This informal procedure is not generally employed where the deficiencies appear to stem from careless disregard of the statutes and rules or a deliberate attempt to conceal or mislead or where the Commission deems formal proceedings necessary in the public interest. Where it appears that the filing affords adequate disclosure, acceleration of its effectiveness when appropriate normally will be granted.

A similar procedure is followed with respect to filings under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940, which are routed to the Division of Corporate Regulation.

(b) Applications for registration as brokers, dealers and investment advisers are submitted to the Division of Trading and Exchanges where they are examined to determine whether all necessary information has been supplied and whether all required financial statements and other documents have been furnished in proper form. Defective applications may be returned with a request for correction or held until corrected before being accepted as a filing. The files of the Commission and other sources of information are considered to determine whether any person connected with the applicant appears to have engaged in activities which would warrant commencement of proceedings on the question of denial of registration. The staff confers with applicants and makes suggestions in appropriate cases for amendments and supplemental information. Where it appears appropriate in the public interest and where a basis therefor exists, denial proceedings may be instituted. Normally, absent indications of willful violations, the Commission will accelerate the effective date of registration upon request and after correction of all deficiencies.

§ 202.4 Facilitating administrative hearings.

(a) Applications, declarations, and other requests involving formal Commission action after opportunity for hearing are scrutinized by the appropriate division for conformance with applicable statutory standards and Commission rules and generally the filing party is advised of deficiencies. Prior to passing upon applications and declarations the Commission receives the views of all interested persons at public hearings whenever appropriate; hence, any applicant or declarant seeking Commission approval of proposed transactions by a particular time should file his application or declaration in time to allow for the presentation and consideration of such views.

(b) After the staff has had an opportunity to study an application or declaration, interested persons may informally discuss the problems therein raised to the extent that time and the nature of the case permit (e.g., consideration is usually given to whether the proceeding is contested and if so to the nature of the contest). In such event, the staff will, to the extent feasible, advise as to the nature of the issues raised by the filing, the necessity for any amendments to the documents filed, the type of evidence it believes should be presented at the hearing and, in some instances, the nature, form, and contents of documents to be submitted as formal exhibits. The staff will, in addition, generally advise as to Commission policy in past cases which dealt with the same subject matter as the filing under consideration.

(c) During the course of the hearings, the staff is generally available for informal discussions to reconcile bona fide divergent views not only between itself and other persons interested in the proceedings, but among all interested persons; and, when circumstances permit, an attempt is made to narrow, if possible, the issues to be considered at the formal hearing.

(d) In some instances the Commission in the order accompanying its findings and opinion reserves jurisdiction over certain matters relating to the proceeding, such as payment of fees and expenses, accounting entries, terms and conditions relating to securities to be issued, and other matters. In such cases, upon receipt of satisfactory information and data the Commission considers whether further hearing is required before releasing jurisdiction.

§ 202.5 Enforcement activities.

(a) Where, from complaints received from members of the public, communications from Federal or State agencies, examination of filings made with the Commission, or otherwise, it appears that there may be violation of the acts administered by the Commission or the rules or regulations thereunder, a preliminary investigation is generally made. In such preliminary investigation no process is issued or testimony compelled. When it appears from information obtained either with or without a preliminary investigation that there is a likeli-

hood that a violation has been or is about to be committed and that the issuance of process may be necessary, the matter is reported to the Commission, which may then order a formal investigation or examination if it is deemed necessary. Unless otherwise ordered by the Commission, the investigation or examination is nonpublic and the reports thereon are for staff and Commission use only.

(b) Where it appears after investigation or otherwise that there has been a violation of any of the provisions of the acts administered by the Commission or the rules or regulations thereunder, the Commission may take one or more of the following actions: institution of administrative proceedings looking to the imposition of remedial sanctions, initiation of injunction proceedings in the courts, and, in the case of a willful violation, reference of the matter to the Department of Justice for criminal prosecution. The Commission may also on some occasions refer the matter to other Federal agencies, State authorities or organizations such as the stock exchanges or the National Association of Securities Dealers, Inc.

§ 202.6 Adoption, revision, and rescission of rules and regulations of general application.

(a) The procedure followed by the Commission in connection with the adoption, revision, and rescission of rules of general application necessarily varies in accordance with the nature of the rule, the extent of public interest therein, and the necessity for speed in its adoption. Rules relating to Commission organization, procedure and management, for example, are generally adopted by the Commission without affording public discussion thereof. On the other hand, in the adoption of substantive rules materially affecting an industry or a segment of the public, such as accounting rules, every feasible effort is made in advance of adoption to receive the views of persons to be affected. In such cases, proposals for the adoption, revision, or rescission of rules are initiated either by the Commission or by members of the public, and to the extent practicable, the practices set forth in paragraph (b) of this section are observed.

(b) After preliminary consideration by the Commission a draft of the proposed rule is published in the FEDERAL REGISTER and mailed to interested persons (e.g., other interested regulatory bodies, principal registrants or persons to be affected, stock exchanges, professional societies and leading authorities on the subject concerned, and other persons requesting such draft) for criticism and suggestions. Unless otherwise requested written comments and suggestions received become a part of the public record upon the proposed rule. Following analysis of comments and suggestions received, the rule may be adopted in the form published or in revised form in the light of such comments. In some cases a revised draft is prepared and published and, where appropriate, a public hearing may be held before final action upon the proposal. Any interested person may appear at the hearing or may submit written comment for consideration in accordance with the Commission's notice of the rule-making procedure to be followed. The rule in the form in which it is adopted by the Commission is publicly released and is published in the FEDERAL REGISTER.

§ 202.7 Submittals.

All required statements, reports, applications, etc., must be filed with the central office of the Commission, except that letters of notification filed pursuant to §§ 230.251 et seq. of this chapter, under the Securities Act of 1933 and reports of financial condition by exchange members, brokers, and dealers required by § 240.17a–5 of this chapter under the Securities Exchange Act of 1934 must be filed with the appropriate regional office as provided in § 230.255(a) of this chapter under the Securities Act of 1933 and § 240.17a–5(a) of this chapter under the Securities Exchange Act of 1934, respectively.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 30, 1960.

[F.R. Doc. 60–6477; Filed, July 14, 1960; 8:45 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Determination and Proration of Area Deficits and Adjusted Quotas

Basis and purpose. The purpose of this amendment to Sugar Regulation 811 is to determine and prorate deficits in quotas for domestic areas pursuant to the provisions of the Sugar Act of 1948, as amended, and as further amended by Public Law 86–592 approved July 6, 1960. By Proclamation No. 3355 effective July 8, 1960 (25 F.R. 6414) the President of the United States delegated to the Secretary of Agriculture the authority vested in the President by section 408(b)(2) and section 408(b)(3) of the Act, such authority to be exercised with the concurrence of the Secretary of State. By virtue of such delegation of authority, and pursuant to section 204(a) and section 408(b)(2) of the Act, the deficits of domestic areas determined herein are allocated to other domestic areas. The total of such deficits include 155,334 short tons, raw value, which is equivalent to the quantity allocable from such deficits to Cuba. By virtue of the determination by the President of the quota for Cuba in Proclamation No. 3355 such 155,334 short tons, raw value, are not allocable to Cuba and, with the concurrence of the Secretary of State, are allocated by this regulation to domestic areas pursuant to section 408(b)(2) of the Act. Of the total of such deficits, 402,666 short tons, raw value, are prorated to other domestic areas pursuant to section 204(a) of the Act.

The usual procedure of first prorating the part of the deficits attributable to the inability to market that part of the quotas determined under section 202(a)(2) of the Act for Hawaii, Puerto Rico and the Virgin Islands has not been followed, as no change in the allocation of the deficits would result therefrom.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (24 F.R. 10425). To permit areas for which larger quotas or prorations are hereby established to plan to market and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 928, as amended), and the Proclamation of the President of the United States No. 3355 (25 F.R. 6414), Sugar Regulation 811 (24 F.R. 10425; 25 F.R. 6617) is hereby amended by adding a new § 811.4, to read as follows:

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1960 Hawaii, Puerto Rico and the Virgin Islands will be unable by 225,000, 325,000 and 8,000 short tons, raw value of sugar, respectively, to market the quotas established for such areas in § 811.2

(b) *Proration of deficits and quotas in effect.* The total of the deficits in the quotas determined in paragraph (a) of this section amounts to 558,000 short tons, raw value, of which 402,666 short tons, raw value are hereby prorated pursuant to section 204(a) of the Act to other domestic areas on the basis of the quotas established for those areas in § 811.2, and the balance of 155,334 short tons, raw value, is prorated to other domestic areas pursuant to section 408(b) of the Act on the basis of the quotas established for those areas in § 811.2. The quotas for such areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein (1)	Quotas including prorations herein (2)
Domestic beet sugar	426,700	2,514,945
Mainland cane sugar	131,300	772,673
Hawaii	0	1,165,444
Puerto Rico	0	1,218,620
Virgin Islands	0	16,618

Statement of bases and considerations. Deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands are determined in § 811.4(a) on the basis of the quotas for these areas as established in § 811.2 and the expectation that the total supply of sugar available for marketing in the continental United States from Hawaii, Puerto Rico and the Virgin Islands will not exceed 940,444, 893,620 and 8,618 short tons, raw value, respectively. The harvesting of the crop in Puerto Rico and the Virgin Islands has been completed. The harvesting of the crop in Hawaii will continue until late in the year.

(Sec. 408, 61 Stat. 932; 7 U.S.C. 1158. Interprets or applies sec. 202; 61 Stat. 924; 7 U.S.C. 1112. Pub. Law 86–592; Proclamation No. 3355, 25 F.R. 6414)

Done at Washington, D.C., this 13th day of July 1960:

MARVIN L. MCLAIN,
Acting Secretary.

THOMAS C. MANN,
Assistant Secretary of State.

[F.R. Doc. 60–6626; Filed, July 15, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 206]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.506 Valencia Orange Regulation 206.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period

specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 14, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 17, 1960, and ending at 12:01 a.m., P.s.t., July 24, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 625,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 15, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6747; Filed, July 15, 1960; 11:22 a.m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 936.655 Plum Order 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 12, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 17, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Kelsey plums except in accordance with the following terms and conditions:

(i) Such plums grade at least U.S. No. 1, as required by the provisions of § 936.636 (Plum Order 1; 25 F.R. 4539) except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted for such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack and will have a net weight of not less than twenty-nine (29) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirements; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6695; Filed, July 15, 1960; 8:52 a.m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.656 Plum Order 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 12, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 17, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Emily or President plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than thirty (30) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6696; Filed, July 15, 1960; 8:52 a.m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.657 Plum Order 20.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 12, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 17, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Sharkey plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least 4 x 5 standard pack and will have a net weight of not less than twenty-seven (27) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6697; Filed, July 15, 1960; 8:52 a.m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.658 Plum Order 21.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 12, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 17, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Late Duarte plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-eight (28) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6698; Filed, July 15, 1960; 8:52 a.m.]

[Lemon Reg. 855]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.962 Lemon Regulation 855.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 12, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 17, 1960, and ending at 12:01 a.m., P.s.t., July 24, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6714; Filed, July 15, 1960; 8:58 a.m.]

[957–319]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 98, as amended, and Order No. 57, as amended, (7 CFR Part 957), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 957.1 through 957.91, inclusive, of the order. The Idaho-Eastern Oregon Potato Committee, pursuant to § 957.51 of the order, has recommended that regulations limiting the handling of 1960 crop potatoes should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 957.319 Limitation of shipments.

During the period from July 18, 1960, through June 30, 1961, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade:* All varieties—U. S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties.* 1⅞ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*—(i) *Kennebec variety.* Not more than "slightly dirty."

(ii) *All other varieties.* "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *All varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(2) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;

(ii) Charity;

(iii) Starch;

(iv) Canning or freezing;

(v) Dehydration;

(vi) Experimentation.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility, grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning or freezing, dehydration, experimentation, export, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) Prior to making shipment, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Pay assessments on each shipment, except shipments for canning or freezing;

(3) Have each shipment inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that the receiver will complete and return to the committee such periodic reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(7) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement

No. 90 and Order No. 97, both as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 14, 1960, to become effective July 18, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6712; Filed, July 15, 1960; 8:58 a.m.]

[Avocado Order 19, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados grown in south Florida.

It is, therefore, ordered that paragraph (b)(1) of § 969.319 (Avocado Order 19, 24 F.R. 7355, 9386) is hereby amended to read as follows:

(b) *Order.* (1) On and after the effective time hereof, no handler shall handle any variety of avocados unless such avocados are packed in the containers listed in subdivisions (i) through (viii) of this subparagraph and conform to the net weight requirements of subdivisions (iv), (ix), and (x) of this subparagraph.

(i) Boxes and cartons with inside dimensions 13½ x 16½ x 3¼ inches.

(ii) Boxes and cartons with inside dimensions 13½ x 16½ x 3¾ inches.

(iii) Boxes and cartons with inside dimensions 13½ x 16½ x 4½ inches: *Provided*, That the avocados in such containers shall be packed in one layer only.

(iv) Boxes and cartons with inside dimensions 11 x 16¾ x 10 inches: *Provided*, That the individual avocados in such a container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may weigh not more than 2 ounces less than 16 ounces, but not to exceed double such tolerance (20 percent) of fruit weighing less than 16 ounces shall be permitted in an individual container in a lot.

(v) Boxes and cartons with inside dimensions 11½ x 15¾ x 3¼ inches.

(vi) Boxes and cartons with inside dimensions 11½ x 15¾ x 3¾ inches.

(vii) Boxes and cartons with inside dimensions 11½ x 15¾ x 4¼ inches.

(viii) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(ix) With respect to the containers prescribed in subdivisions (i) through (iii) of this subparagraph, the net weight of the Arue, Pollock, Simmonds, Hardee, Nadir, Trapp, Peterson, Waldin, Pinnelli, Tonnage, Booth 8, Black Prince, Blair, Booth 7, Booth 10, Collinson, Lula, Booth 5, Hickson, Simpson, Vaca, Avon, Booth 11, Hall, Winslowson, Choquette, Herman, Monroe, Ajax (Booth 7–B), Booth 3, Taylor, Byars, Linda, Nabal, Wagner, Schmidt, and Itzamna varieties of avocados in any such container shall be not less than 13½ pounds and the net weight of all other varieties of avacodos in any such container shall be not less than 13 pounds: *Provided*, That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

(x) With respect to the containers prescribed in subdivisions (v) through (viii) of this subparagraph, the net weight of avacados of any variety other than the Fuchs variety in any such container shall be not less than 11½ pounds and the net weight of avocados of the Fuchs variety in any such container shall be not less than 10½ pounds: *Provided*, That, when such containers are packed with more than 16 avocados of any variety other than the Fuchs variety, the net weight of such avocados shall be not less than 11 pounds, and *Provided further*, That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weigh requirement.

The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 18, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6699; Filed, July 15, 1960; 8:56 a.m.]

[Milk Order No. 80]

PART 980—MILK IN WESTERN COLORADO MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 980.0 to 980.101 issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 980.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Western Colorado marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) receipts of producer milk, including handlers' own production and (b) other source milk allocated to Class I pursuant to § 980.46.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued June 20, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued June 30, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

It is ordered, That the complete text of the order, as hereby amended, be published in the FEDERAL REGISTER.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Western Colorado marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 980.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 980.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 980.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 980.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 980.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

§ 980.6 Western Colorado marketing area.

"Western Colorado marketing area" hereinafter called "marketing area" means all the territory within the outer boundaries of the counties of Delta, Mesa, and Montrose, all in the State of Colorado.

§ 980.7 Fluid milk plant.

"Fluid milk plant" means any milk processing or packaging plant from which Class I milk is disposed of under a Grade A label on route(s) in the marketing area during the month.

§ 980.8 Nonfluid milk plant.

"Nonfluid milk plant" means any milk plant other than a fluid milk plant.

§ 980.9 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority having jurisdiction within the marketing area and whose milk is (a) received at a fluid milk plant or (b) diverted from a fluid milk plant to a nonfluid milk plant for the account of the operator of a fluid milk plant: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 980.10 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions are met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from fluid milk plants of other handlers.

§ 980.11 Handler.

"Handler" means any person in his capacity as the operator of a fluid milk plant.

§ 980.12 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted pursuant to § 980.9.

§ 980.13 Other source milk.

"Other source milk" means all skim and butterfat contained in:

(a) Receipts during the delivery period of fluid milk products except (1) fluid milk products received from fluid milk plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 980.14 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk), and concentrated (fresh or frozen) milk, flavored milk or flavored milk drinks which are neither sterilized nor in hermetically sealed cans.

§ 980.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a sale from a plant or plant store) of a fluid milk product other than a delivery to any milk processing plant.

MARKET ADMINISTRATOR

§ 980.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 980.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 980.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date upon which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 980.84 the cost of his bond and those of his employee, his own compensation, and all other expenses (except those incurred under § 980.83) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for by this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, and by such investigation as the market administrator deems necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 980.30 to 980.32, or (2) payments pursuant to § 980.80, § 980.82, § 980.83, or § 980.84;

(i) Publicly announced by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 980.51(a) and the Class I butterfat differential computed pursuant to § 980.52(a), both for the current month;

(2) On or before the 6th day of each month the minimum price for Class II milk computed pursuant to § 980.51(b) and the Class II butterfat differential computed pursuant to § 980.52(b) each for the previous month; and

(3) On or before the 10th day after the end of each month the uniform price for each handler computed pursuant to § 980.72 and the producer butterfat differential computed pursuant to § 980.81.

(j) On or before the 10th day after the end of each month, mail to each handler at his last known address, a statement showing the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are necessary and appropriate to the proper functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 980.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the receipts and utilization at his fluid milk plant(s) for such month, as follows:

(a) The quantities and butterfat content of producer milk received (including such handler's own farm production);

(b) The quantities of fluid milk products, with the butterfat content thereof, received from fluid milk plants of other handlers;

(c) The quantities of other source milk, with butterfat content thereof, received;

(d) The quantities and butterfat content of inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all receipts of milk and milk products; and

(f) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 980.31 Payroll reports.

On or before the 20th day of each month each handler shall submit to the market administrator his producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer and the average butterfat test of milk received, (b) the number of days on which milk was received from each producer, (c) the amount of payment to each producer or cooperative association, (d) the nature and amount of any deductions or charges involved in such payments, and (e) such other information with respect thereto as the market administrator may request.

§ 980.32 Other reports.

Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 980.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative, during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify, or establish the correct data with respect to:

(a) The receipts and utilization of all producer milk, milk and milk products from other handlers, and other source milk;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) Payments to producers or to cooperative associations; and

(d) The pounds of milk and milk products, with butterfat content, on hand at the beginning and end of each month.

§ 980.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 980.40 Skim milk and butterfat to be classified.

All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 980.30, shall be classified by the market administrator pursuant to the provisions of §§ 980.41 to 980.46.

§ 980.41 Classes of utilization.

Subject to the conditions set forth in §§ 980.43 and 980.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b)(3) and (4) of this section, or (2) not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all the skim milk and butterfat: (1) used to produce any product other than a fluid milk product, (2) in inventory of fluid milk products on hand at the end of the month, (3) accounted for as livestock feed, (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator, (5) in shrinkage not to exceed 2 percent of skim milk and butterfat received directly from producers, and (6) in shrinkage of other source milk.

§ 980.42 Shrinkage.

The market administrator shall allocate shrinkage over receipts at fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat; and

(b) Assign the remaining amounts pro rata to the handler's receipts, respectively, in milk received directly from producers and in other source milk.

§ 980.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 980.44 Transfers.

Skim milk and butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a fluid milk plant of another handler, except a producer-handler, unless utilization in another class is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 980.30 subject in either event to the following conditions:

(1) The receiving plant has utilized in such class an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 360 miles from the City Hall in Grand Junction, Colorado, by the shortest highway distance as determined by the market administrator;

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 350 miles from the City Hall in Grand Junction, Colorado, by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II utilization in a product specified in § 980.41(b);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II in such transferor's plant;

(e) If any skim milk or butterfat is transferred to a second nonfluid milk plant under paragraph (d) of this section, the same conditions of audit, classification and allocation shall apply.

§ 980.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk, and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product, plus all of the water originally associated with such solids.

§ 980.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 980.45 the market administrator shall determine the classification of milk received from producers of fluid milk plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage in skim milk received from producers pursuant to § 980.41(b)(5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk other than that subtracted pursuant to subparagraph (3) of this paragraph;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement and order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other fluid milk plants according to its classification as determined pursuant to § 980.44(a);

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of each class of milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 980.50 Basic formula price.

The basic formula price for each month to be used in determining the class prices set forth in § 980.51 shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section rounded to the nearest one-tenth cent:

(a) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or

places for which prices have been reported to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 980.51 Class prices.

Subject to the provisions of §§ 980.52 and 980.53 the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.05.

(b) *Class II milk.* The basic formula price for the current month.

§ 980.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 980.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month by the applicable factor specified below, and rounding to the nearest one-tenth cent.

(a) *Class I milk.* Multiply such price for the preceding month by 0.135; and

(b) *Class II milk.* Multiply such price for the current month by 0.120.

§ 980.53 Location differentials to handlers.

For milk which is received from producers at a fluid milk plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Grand Junction, Colorado, and which is classified as Class I milk the price computed pursuant to § 980.51(a) shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from such Courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles; *Provided*, That for the purpose of calculating such differential transfers between fluid milk plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 980.54 Use of equivalent prices.

If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 980.60 Handler exemption.

Sections 980.40 to 980.46, 980.50 to 980.53, 980.70 to 980.72 and 980.80 to 980.85 shall not apply to a producer-handler or to a handler operating a fluid milk plant from which an average of less than 200 pounds per day of Class I milk is disposed of on routes in the marketing area.

§ 980.61 Plants subject to other Federal orders.

Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Western Colorado marketing area shall be exempted for such month from all provisions of this part except that the handler operating such plant shall make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 980.70 Net obligation of handlers.

The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying pounds of overage deducted from each class pursuant to § 980.46 (a) (7) and the corresponding step of § 980.46 (b) by the applicable class price;

(c) Add a reclassification charge equal to the difference between the Class I price value for the current month and the price value applicable to closing inventory for the preceding month for the skim milk and butterfat subtracted from Class I pursuant to § 980.46(a)(5) and the corresponding step of § 980.46(b) which is not in excess of the skim milk and butterfat remaining in Class II in the previous month pursuant to § 980.46 (a)(5) and the corresponding step of § 980.46(b); and

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 980.71 Computation of aggregate value used to determine uniform prices.

For each month the market administrator shall compute an aggregate value for each handler from which to determine the uniform price per hundred weight for producer milk of 3.5 percent butterfat content as follows:

(a) Add to the amount computed pursuant to § 980.70 the total of the location differentials to be made pursuant to § 980.81(b).

(b) Add or subtract from the amount computed pursuant to § 980.70 for each one-tenth percent that the average butterfat content or producer milk received by such handler is less or more, respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 980.81(a) and multiplying the result by the total hundredweight of producer milk; and

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month.

§ 980.72 Computation of uniform prices for handlers.

The market administrator shall compute a uniform price for producer milk received by each handler as follows: Divide the aggregate value computed pursuant to § 980.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content, at a fluid milk plant f.o.b. marketing area.

PAYMENTS

§ 980.80 Payments to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of the month, to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the Class II price for the preceding month.

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 980.72 subject to the butterfat and location differentials computed pursuant to § 980.81; plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 980.83 and (3) proper deduction authorized in writing by such producer;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th day of each month in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 980.81 Producers differentials.

(a) *Butterfat differential.* The applicable uniform prices to be paid pursuant to § 980.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 980.52, weighted by the pounds of butterfat in producer milk used by such handler in each class and the result rounded to the nearest tenth of a cent.

(b) *Location differential.* For milk which is received from producers at an approved plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse in Grand Junction, Colorado, there shall be deducted 15 cents per hundredweight of milk if such plant is located more than 100 miles but not more than 110 miles from such Courthouse, and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

§ 980.82 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 980.83 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 980.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 980.84 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; and (b) other source milk at a fluid milk plant which is allocated to Class I milk pursuant to § 980.46.

§ 980.85 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler within the applicable period of time, files pursuant to section 8c(15)(A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 980.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 980.91.

§ 980.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 980.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 980.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 980.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 980.101 Separability of provisions.

If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D.C., this 12th day of July 1960, to be effective on and after the 1st day of August 1960.

CLARENCE I. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6619; Filed, July 15, 1960; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 426.1]

PART 306—REAL PROPERTY INSURANCE

Waiver of Evidence of Premium Payment

Section 306.2(g), Title 6, Code of Federal Regulations (21 F.R. 7509), is revised to modify the requirement, subject to certain conditions, that evidence of premium payment must be furnished when Form FHA-878, "Property Insurance Mortgage Clause (Without Contribution)," is not used, and to read as follows:

§ 306.2 Companies and policies.

* * * * *

(g) *Evidence of premium payment.* (1) When Form FHA-878 is attached to the policy, no evidence of premium or assessment payment is required.

(2) When a mortgage clause other than Form FHA-878 is used, the borrower will be required to furnish, with the policy, proper evidence that the premium has been paid for the full term of the policy. The evidence of premium payment may be a receipted bill, the policy stamped "Premium Paid," the endorsement renewing or continuing the policy stamped "Premium Paid" or letter or statement signed by the agent or company stating the premium has been paid. In case the policy is written by an assessment mutual insurance company on an annual assessment basis, proper evidence will accompany the policy to show that the most recent annual assessment has been paid. When Form FHA-878 cannot be used in a state, evidence of premium payments may be waived upon determination by the National Office of the probability that the Government will not be required to pay defaulted premiums.

(Sec. 41, 50 Stat. 869, as amended, sec. 510, 63 Stat. 437, sec. 10, 63 Stat. 739; 7 U.S.C. 1015, 42 U.S.C. 1480, 16 U.S.C. 590z-5; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8189)

Dated July 12, 1960.

H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F.R. Doc. 60-6627; Filed, July 15, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-58]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification of Federal Airway

On January 6, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 82) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 1522 between Anniston, Ala., and Royston, Ga.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following action is taken:

In the text of § 600.6622 (24 F.R. 10629, 9927) "intersection of the Anniston omnirange 084° True and the Atlanta Airport ILS localizer west course; Atlanta, Ga., Airport ILS localizer; intersection of the Atlanta Airport ILS localizer east course and the Atlanta, Ga., omnirange 048° True radial; intersection of the Atlanta omnirange 048° True and the Royston omnirange 236° True radials; Royston, Ga., omnirange station;" is deleted and "INT of the Anniston VOR 099° True and the Atlanta, Ga., VORTAC 267° True radials; Atlanta VORTAC; Royston, Ga., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 11, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6606; Filed, July 15, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-94]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation, Modification and Revocation of Federal Airways and Associated Control Areas

On April 19, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 3379) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 475, and its associated control areas, from a VOR to be installed approximately March 1, 1960, near Deer Park, N.Y., to the Putnam, Conn., VORTAC via a VOR to be installed approximately March 1, 1961, near New Haven, Conn., including an east alternate from the New Haven VOR to the Putnam VORTAC via the Norwich, Conn., VORTAC; to extend VOR Federal airway No. 140 and its associated control areas from the Idlewild, N.Y., VORTAC to the Deer Park VOR; and to revoke in its entirety VOR Federal airway No. 463 and its associated control areas. Subsequent to the publication of the Notice, the commissioning date of the Deer Park VOR was rescheduled to March 1, 1961.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) and §§ 600.6140 (24 F.R. 10517, 10876, 25 F.R. 630, 5874) and 601.6140 (24 F.R. 10601, 10876) are amended as follows:

§ 600.6140 [Amendment]

1. Section 600.6140 *VOR Federal airway No. 140 (Amarillo, Tex., to New York, N.Y.)*:

(a) In the caption "*(Amarillo, Tex., to New York, N.Y.)*." is deleted and "*(Amarillo, Tex., to Deer Park, N.Y.)*." is substituted therefor.

(b) In the text "to the Idlewild, N.Y., VOR." is deleted and "Idlewild, N.Y., VORTAC; to the Deer Park, N.Y., VOR." is substituted therefor.

§ 600.6463 [Revocation]

2. Section 600.6463 *VOR Federal airway No. 463 (Norwich, Conn., to Putnam, Conn.)* is revoked.

3. Section 600.6475 is added to read:

§ 600.6475 VOR Federal airway No. 475 (Deer Park, N.Y., to Putnam, Conn.).

From the Deer Park, N.Y., VOR via the New Haven, Conn., VOR; to the Putnam, Conn., VORTAC, including an E alternate from the New Haven VOR to the Putnam VORTAC via the Norwich, Conn., VORTAC.

§ 601.6140 [Amendment]

4. In § 601.6140 *VOR Federal airway No. 140 control areas (Amarillo, Tex., to New York, N.Y.)*, the caption "*(Amarillo, Tex., to New York, N.Y.)*." is deleted and "*(Amarillo, Tex., to Deer Park, N.Y.)*." is substituted therefor.

§ 601.6463 [Revocation]

5. Section 601.6463 *VOR Federal airway No. 463 control areas (Norwich, Conn., to Putnam, Conn.)* is revoked.

6. Section 601.6475 is added to read:

§ 601.6475 VOR Federal airway No. 475 control areas (Deer Park, N.Y., to Putnam, Conn.).

All of VOR Federal airway No. 475 including an E alternate.

These amendments shall become effective 0001 e.s.t., April 6, 1961.

(Secs. 307(a), 313(a), 71 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 11, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6607; Filed, July 15, 1960; 8:45 a.m.]

[Airspace Docket No. 60-AN-8]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On May 7, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 4088) stating that the Federal Aviation Agency proposed to modify the McGrath, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. In Part 601 (24 F.R. 10530) § 601.2110 is added to read:

§ 601.2110 McGrath, Alaska, Control Zone.

Within a 5-mile radius of the geographical center of the McGrath Airport (latitude 62°57'05" N., longitude 155°36'10" W.), and within 2 miles either side of the McGrath RR SE course extending from the 5-mile radius zone to a point 12 miles SE of the RR.

§ 601.1964 [Amendment]

2. In the text of § 601.1964 (24 F.R. 10570) "McGrath, Alaska: McGrath Airport." is deleted.

These amendments shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 11, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6603; Filed, July 15, 1960; 8:45 a.m.]

[Airspace Docket No. 60-AN-11]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On May 7, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 4008) stating that the Federal Aviation Agency proposed to modify the Minchumina, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. In Part 601 (24 F.R. 10530) § 601.2290 is added to read:

§ 601.2290 Minchumina, Alaska, control zone.

Within a 5-mile radius of the geographical center of the Minchumina Airport (latitude 63°52'55" N., longitude 152°18'39" W.) and within 2 miles either side of the Minchumina RR SE course extending from the 5-mile radius zone to a point 12 miles SE of the RR.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (24 F.R. 10570) "Minchumina, Alaska: Minchumina Airport." is deleted.

These amendments shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 11, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6604; Filed, July 15, 1960; 8:45 a.m.]

[Airspace Docket No. 60-AN-13]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On May 7, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 4087) stating that the Federal Aviation Agency proposed to modify the Nome, Alaska, control zone by adding a control zone extension.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, the following actions are taken:

1. In Part 601 (24 F.R. 10530) § 601.2212 is added to read:

§ 601.2212 Nome, Alaska, control zone.

Within a 5-mile radius of the geographical center of the Nome Federal Aviation Agency Airport (latitude 64°30'-42" N., longitude 165°26'28" W.), and within 2 miles either side of the Nome RR E course extending from the 5-mile radius zone to a point 12 miles E of the RR.

§ 601.1984 [Amendment]

2. In the text of § 601.1984 (24 F.R. 10570) "Nome, Alaska: Nome Airport." is deleted.

These amendments shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 11, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6605; Filed, July 15, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-55]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.24 of the regulations of the Administrator is to modify the Brookville, Kans., Restricted Area (R-196) (Salina Chart).

The presently designated altitudes of the Brookville, Kansas, Restricted Area (R-196) are surface to 50,000 feet MSL. A recent review indicates that 45,000 feet MSL would encompass all activity currently conducted within this area. These activities consist of bombing, air-to-ground and ground-to-air gunnery, demolition, and small arms firing. The Department of the Air Force concurs in this adjustment of the designated altitudes.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirement of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In § 608.24 *Kansas*, the Brookville, Kansas, Restricted Area (R-196) (Salina Chart) (24 F.R. 524) is amended by deleting "Surface to 50,000 feet" and substituting therefor "Surface to 45,000 feet MSL."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6608; Filed, July 15, 1960; 8:45 a.m.]

[Airspace Docket No. 59-NY-32]

PART 608—RESTRICTED AREAS

Modification

On January 23, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 612) stating that the Federal Aviation Agency was considering an amendment to § 608.38 of the regulations of the Administrator which would modify the Warren Grove, N.J., Restricted Area (R-26) (Washington Chart).

As stated in the notice, the Warren Grove Restricted Area (R-26) is an area of 30 square miles in the southeastern part of New Jersey, northeast of Atlantic City. It is designated for flight testing special weapons from the surface to 4,000 feet MSL, during all hours each day, and its controlling agency is the Commander, Naval Air Bases, Fourth Naval District, Lakehurst NAS, N.J.

The Department of the Navy has advised that there is no longer a Navy requirement for use of Restricted Area R-26. The Department of the Air Force, however, has requested that the restricted area be modified for use by the New Jersey Air National Guard for conducting rocketry, skip bombing and strafing from the surface to 4,000 MSL, from 0800 to 1800 e.s.t., Friday, Saturday and Sunday, from September 1 to May 31, annually; and 0800 to 1800 e.s.t. each day from June 1 to August 31, annually. The Federal Aviation Agency considers the Air Force proposal justified and is, therefore, modifying the Warren Grove Restricted Area (R-26) by redesignating it to include approximately the same amount of airspace in the same general area, but with slightly realigned boundaries, and by designating the New Jersey Air National Guard, 108th Tactical Fighter Wing (SD), McGuire, AFB, N.J., as the controlling agency.

The Aircraft Owners and Pilots Association concurred in the redesignation of Restricted Area R-26. The AOPA, however, recommended that, if not already accomplished, a study should be made concerning joint use of this restricted area. The Federal Aviation agency is presently conducting a study regarding the practicability of joint use of the airspace within Restricted Area R-26.

The Department of the Air Force concurred in the proposal, but suggested that, in order to make the time of designation compatible with the daylight saving time observed in the vicinity of Restricted Area R-26, that "0800 to 1800 e.s.t., daily during June through August, annually." be changed to, "0700 to 1700 e.s.t., daily from June 1 to August 31 annually." The Federal Aviation Agency agrees that this modification to the restricted area's time of designation is desirable and it is reflected in the amendment.

Two other comments were received, from the Air Transport Association of America and the Air Line Pilots Association, each of which concurred in the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.38 *New Jersey*, Warren Grove, N.J., Restricted Area (R-26) (Washington Chart) (23 F.R. 8584, 24 F.R. 1832) is amended to read:

Description by geographical coordinates. Beginning at latitude 39°46'10" N., longitude 74°20'14" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'36" N., longitude 74°23'27" W.; to latitude 39°39'50" N., longitude 74°25'52" W.; to latitude 39°43'58" N., longitude 74°24'13" W.; to point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. From 0700 to 1700 e.s.t., daily, June 1 through August 31. From 0800 to 1800 e.s.t., Fridays, Saturdays, and Sundays, September 1 through May 31.

Controlling agency. New Jersey Air National Guard, 108th Tactical Fighter Wing (SD), McGuire AFB, New Jersey.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6609; Filed, July 15, 1960; 8:46 a.m.]

[Airspace Docket No. 59-NY-34]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.54 of the regulations of the Administrator is to modify the time of designation of the Pendleton, Va., Restricted Area (R-74) (Norfolk Chart).

The presently designated time of use for R-74 is continuous. The activities conducted within this restricted area are ground to air anti-aircraft gunnery, high altitude weather sounding projectile firing, and firing at pilotless drone aircraft and tow sleeves. The Department of the Navy has stated that these activities can be accomplished from 0800 to 1700 e.s.t., Mondays through Fridays. Therefore, the Federal Aviation Agency is changing the time of use for R-74 from continuous to 0800 through 17000 e.s.t., Mondays through Fridays.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In § 608.54, the Pendleton, Va., Restricted Area (R-74) (Norfolk Chart) (23 F.R. 8589) is amended by deleting "Continuous." and substituting therefor "From 0800 to 1700 e.s.t., Mondays through Fridays."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6610; Filed, July 15, 1960; 8:46 a.m.]

[Airspace Docket No. 59-NY-43]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.17 of the regulations of the Administrator is to modify the Milford, Del., Restricted Area (R-12) (Washington Chart).

Restricted Area (R-12) is presently designated from the surface to 20,000 feet MSL; time of use, daylight hours only (when the ceiling is at least 5,000 feet and visibility is three miles or better); and the controlling agency, COMNAB, 4th Naval District, Lakehurst NAS, N.J.

Following a recent review of the activities conducted in R-12, the Department of the Navy has agreed that the following modifications of the area are acceptable: reduce the designated altitudes to surface to 3,000 feet MSL; limit the time of use to 0800 to 2200 local time from April 15 through October 31, and 0800 to 2200 local time Saturday and Sunday only from November 1 through April 14; and change the controlling agency to the Federal Aviation Agency. The activities conducted in this area consist of low-level and radar bombing and search light training by naval antisubmarine squadrons.

Since this action reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In § 608.17, the Milford, Del., Restricted Area (R-12) (Washington Chart) (23 F.R. 6578) is amended by deleting:

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Daylight hours only (when ceiling is at least 5,000' and visibility is three miles or better).

Controlling agency. COMNAB, 4th Naval District, Lakehurst NAS, N.J.

and substituting therefor:

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. From 0800 to 2200 local time April 15 through October 31. From 0800 to 2200 local time, Saturday and Sunday only, November 1, through April 14.

Controlling agency. Federal Aviation Agency, New York ARTC Center.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6611; Filed, July 15, 1960; 8:46 a.m.]

[Airspace Docket No. 60-AN-20]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.61 of the regulations of the Administrator is to change the controlling agency of the Big Delta, Alaska, Restricted Area (R-346) (WAC 77 and 177 Charts).

The Department of the Army has requested that the controlling agency for Restricted Area (R-346) be changed from Arctic Test Branch, Army Field Forces, Fort Greely, Alaska, to U.S. Army Arctic Test Board, Fort Greely, Alaska, in order to correctly designate the command presently responsible for utilization of the airspace within this area.

Since this amendment imposes no additional burden on the public, compliance with the notice, public procedure, and effective date requirement of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In § 608.61, the Big Delta, Alaska, Restricted Area (R-346) (WAC 77 and 177 Charts) (23 F.R. 6590) is amended by deleting "Arctic Test Branch Army Field Forces, Fort Greely, Alaska" and substituting therefor "U.S. Army Arctic Test Board, Fort Greely, Alaska".

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6612; Filed, July 15, 1960; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

Miscellaneous Amendments to Chapter

1. Part 221 is amended by adding a new § 221.4a as follows:

§ 221.4a Approval of individuals and organizations as investing mortgagees.

(a) The Commissioner hereby approves, as investing mortgagees, individuals and organizations which:

(1) Acquire one or more mortgages insured under section 203(b) of the Act; and

(2) Acquire these mortgages from a sponsoring mortgagee or another investing mortgagee; and

(3) Acquire these mortgages subject to the provisions set forth in Part 222 of this subchapter.

(b) Insured mortgages may not be originated by an investing mortgagee.

2. In § 221.5 paragraph (b) is revoked as follows:

§ 221.5 Approval of fiduciary investments.

* * * * *

(b) [Revoked].

3. In § 222.1 paragraph (f) is amended and new paragraphs (h) and (i) are added as follows:

§ 222.1 Definition of terms.

* * * * *

(f) The term "mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner. Any reference to the term "mortgagee" as used in Part 221 or this subchapter shall mean one other than an investing mortgagee unless otherwise specified.

* * * * *

(h) The term "investing mortgagee" means individuals and organizations which acquire one or more mortgages insured under section 203(b) of the Act from a sponsoring mortgagee or another investing mortgagee subject to the provisions set forth in this part.

(i) The term "sponsoring mortgagee" means any approved mortgagee other than a loan correspondent mortgagee or an investing mortgagee, who has sold

and assigned an insured mortgage to an investing mortgagee.

4. Section 222.15 is amended to read as follows:

§ 222.15 Sale of insured mortgages.

(a) When the insured mortgage is sold to another approved mortgagee, both seller and buyer shall notify the Commissioner of the sale within 30 days thereof. The buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract of insurance.

(b) The provisions of paragraph (a) of this section shall not apply to an assignment, pledge or transfer of an insured mortgage to an investing mortgagee.

5. In § 222.16 paragraph (a) is amended to read as follows:

§ 222.16 Assignments, pledges or participations.

(a) *Between approved mortgagees.* (1) Any approved mortgagee may assign, pledge or transfer an insured mortgage, a group of such mortgages or a partial interest in such mortgage or mortgages to another approved mortgagee by means of any agreement, arrangement or device (including declaration of trust, participation certificates or trust certificates) if the transaction does not constitute a final sale. Any such transfer shall provide that one of the approved mortgagees shall be the mortgagee of record under the contract of insurance and the Commissioner shall have no obligation to recognize or deal with any party except the approved mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance. With respect to transfers meeting the requirements of this paragraph, mortgagees are not required to notify the Commissioner of the transfer or to obtain the Commissioner's approval.

(2) The provisions of subparagraph (1) of this paragraph shall not apply to an assignment, pledge or transfer of an insured mortgage to an investing mortgagee. However, upon the assignment of a mortgage to an investing mortgagee the credit instrument shall show on its face or on the reverse side thereof the date of assignment, the name of the assignee and the fact that any assignment or reassignment thereof is subject to compliance with the Regulations of the Federal Housing Administration.

6. Part 222 is amended by adding a new § 222.16a as follows:

§ 222.16a Form of assignment to investing mortgagee.

(a) The assignment of the insured mortgage and credit instrument to an investing mortgagee shall contain the following paragraph:

It is a condition of this assignment that the assignee and his heirs, successors, executors, administrators and assigns shall be limited to the receipt of: (1) The principal recovery; (2) all net income from the insured mortgage; (3) the net proceeds from a sale of the mortgage; and (4) the transfer of any debentures, cash adjustment check, or certificates of claim issued by the Federal Housing Commissioner in the name of the assignor or the net proceeds of the foregoing. Unless made subject to the terms and conditions of this paragraph, no further assignment or transfer of this mortgage shall be valid unless and until: (1) The insurance contract with the Federal Housing Administration has been duly terminated in accordance with FHA Regulations; or (2) the mortgage is assigned to an FHA approved mortgagee other than a loan correspondent mortgagee or investing mortgagee. It is a further condition of this assignment that the assignor and assignee or his heirs or successors shall, at no time, take any action inconsistent with the FHA Regulations and the assignee will take no action which will prevent the assignor from complying with the FHA Regulations. All the rights and obligations under the contract or contracts of insurance with the Federal Housing Administration are retained by the assignor and FHA will have no obligation to recognize or deal with any other party except the assignor. The assignor shall have a tacit lien on the mortgage and any principal recovery and net income therefrom as security for the payment of any amounts the assignor may be required to pay for the benefit of the assignee. This paragraph is for the benefit of the Federal Housing Administration and may not be altered. This paragraph will be controlling in the event of any conflict with its provisions by any other agreement or covenant between the assignor and assignee, but shall no longer have any force or effect if the mortgage is assigned to an FHA approved mortgagee other than a loan correspondent mortgagee or an investing mortgagee.

(b) Any agreement to sell an insured mortgage entered into by a sponsoring mortgagee with a prospective investing mortgagee shall contain the following paragraph:

It is mutually agreed by the parties that the assignment of the FHA insured mortgage and credit instrument described herein will contain the language as specified for inclusion in the assignment as set forth in the FHA Regulations. It is further agreed that the credit instrument to be assigned shall show on its face or on the reverse side thereof the date of assignment, the name of the assignee and the fact that any assignment or reassignment thereof is subejct to compliance with the Regulations of the Federal Housing Administration.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., July 13, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-6704; Filed, July 15, 1960; 8:52 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Matanzas River, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.432 is hereby prescribed to govern the operation of the drawspan of the Bridge of Lions across Matanzas River (Intracoastal Waterway) in St. Augustine, Florida, as follows:

§ 203.432 Matanzas River (Intracoastal Waterway), Fla.; Bridge of Lions (State Road No. A1A) in St. Augustine.

(a) Except as otherwise provided in paragraph (b) of this section, the owners or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels between 7:30 a.m. and 8:15 a.m. and between 5:00 p.m. and 5:45 p.m., Monday through Friday of each week.

(b) The drawspan shall be opened promptly at any time to allow the passage of tugboats with tows, vessels owned or operated by the United States, and vessels in distress. Such vessels desiring to pass shall so indicate by four blasts of a whistle or similar device.

(c) The owners of or agency controlling the bridge shall keep a copy of the regulations in this section conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time.

[Regs., June 30, 1960, 285/91 (Matanzas River, Fla.)—ENGCW-O] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-6586; Filed, July 15, 1960; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6482]

PART 172—DISPOSITION OF SEIZED PERSONAL PROPERTY

Miscellaneous Amendments

On May 11, 1960, a notice of proposed rule making to amend 26 CFR Part 172, with respect to the disposition of seized personal property, was published in the FEDERAL REGISTER (25 F.R. 4182).

In accordance with the notice, interested persons were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No comments or objections having been received, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the clarifying changes set forth below:

1. The semi-colon after the word "taxes" in paragraph 4 of the notice, amending § 172.38(g), is removed and a comma substituted therefor.

2. A new paragraph 4(a) is inserted immediately following paragraph 4, to amend § 172.39.

This Treasury decision shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(68A Stat. 917, 62 Stat. 761, as amended; 52 Stat. 1252, 58 Stat. 1292; 26 U.S.C. 7805, 18 U.S.C. 1261, 15 U.S.C. 907, 49 U.S.C. 788)

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: July 12, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

In order to implement and set forth the policy of the Treasury Department in regard to the action taken on petitions for remission or mitigation of forfeitures, 26 CFR (1954) Part 172 is amended as follows:

§ 172.9 [Amendment]

PARAGRAPH 1. Section 172.9 is amended by adding the following new sentence to the end thereof: "Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime."

PAR. 2. Section 172.16 is amended by changing the section to read as follows:

§ 172.16 Equity.

The term "equity", as used in administrative action on petitions for remission or mitigation of forfeitures, shall mean that interest which a petitioner has in the personal property or carrier petitioned for at the time of final administrative action on the petition, but such interest shall not be considered to include any unearned finance charges from the date of seizure or the date of default, if later; any amount rebatable on account of paid insurance premiums; attorney's fees for collection; any amount identified as dealer's reserve; or any amount in the nature of liquidated damages that may have been agreed upon by the buyer and the petitioner.

PAR. 3. Section 172.26 is amended by changing the section to read as follows:

§ 172.26 Forfeiture of seized personal property.

(a) *Administrative forfeiture.* (1) Personal property seized as subject to forfeiture under the internal revenue laws which has an appraised value of $2,500.00 or less, and any carrier appraised by the seizing officer at $2,500.00 or less under the custom laws shall be forfeited to the United States in administrative or summary forfeiture proceedings.

(2) In respect of personal property seized as subject to forfeiture under the internal revenue laws which, in the opinion of the seizing officer, has an appraised value of $2,500.00 or less, such officer shall cause a list containing a particular description of the seized property to be prepared in duplicate, and an appraisement thereof to be made by three sworn appraisers, selected by the seizing officer, who shall be respectable and disinterested citizens of the United States residing within the internal revenue district wherein the seizure was made. Such list and appraisement shall be properly attested to by the seizing officer and such appraisers.

(3) In respect of personal property seized as subject to forfeiture under the internal revenue laws and found by the appraisers to have a value of $2,500.00 or less, the Supervisor in Charge shall publish a notice once a week for three consecutive weeks, in some newspaper of the judicial district where the seizure was made, describing the articles and stating the time, place, and cause of their seizure, and requiring any person claiming them to appear and make such claim within 30 days from the date of the first publication of such notice.

(4) In respect of carriers seized as subject to forfeiture under the provisions of the custom laws and appraised by the seizing officer as having a value of $2,500.00 or less, the Supervisor in Charge shall publish notice of seizure in the same manner as required by subparagraph (3) of this paragraph; provided that the time for making claim shall be within 20 days from the date of first publication.

(5) Any person claiming the personal property or carrier so seized, within the time specified in the notice, may file with the Supervisor in Charge a claim, stating his interest in the articles seized, and may execute a bond to the United States in the penal sum of $250.00, conditioned that, in case of condemnation of the articles so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Both the claim and the cost bond should be executed in quadruplicate.

(b) *Judicial condemnation.* (1) The Assistant Regional Commissioner or the Supervisor in Charge shall authorize the United States Attorney to institute libel proceedings in those instances where the appraised value of the seized personal property or carrier exceeds $2,500.00, or where a claim and cost bond are filed as provided above.

PAR. 4. Section 172.38 is amended by changing the section to read as follows:

§ 172.38 Contents of the petition.

(a) *Description of property.* The petition should contain such a description of the property and such facts of the seizure as will enable the officers of the Internal Revenue Service concerned to identify the property.

(b) *Statement regarding knowledge of seizure.* In the event the petition is filed for the restoration of the proceeds derived from sale of the property pursuant to summary forfeiture, it should also contain, or be supported by, satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture, and that he was in such circumstances as prevented him from knowing of the same. (See also § 172.39.)

(c) *Interest of petitioner.* The petition should state in clear and concise terms the nature and amount of the present interest of the petitioner in the property, and the facts relied upon to show that the forfeiture was incurred without willful negligence or without any intention upon the part of the petitioner to defraud the revenue or to violate the law, or such other mitigating circumstances as, in the opinion of the petitioner, would justify the remission or mitigation of the forfeiture.

(d) *Petitioner innocent party.* If the petitioner is not the one who in person committed the act which caused the seizure, the petition should state how the property came into the possession of such other person, and that the petitioner had no knowledge or reason to believe, if such be the fact, that the property would be used in violation of law.

(e) *Results of investigation.* The petition should also state what investigation, if any, was made of such other person, through principal Federal, State, or local law enforcement officers, to determine whether such other person had either a record or a reputation, or both, as a liquor law violator in a case involving a seizure for violation of the internal revenue laws relating to liquor; or as a violator in the field of commercial crime in all other types of seizures. The petition should further state the information obtained from said investigation, and whether such information was received before the petitioner acquired his interest in the property, or such other person acquired his right in the property, whichever occurred later.

(f) *Documents supporting claim.* The petition should also be accompanied by copies, certified by the petitioner under oath as correct, of contracts, bills of sale, chattel mortgages, reports of investigators or credit reporting agencies, affidavits, and any other papers or documents that would tend to support the claims made in the petition.

(g) *Costs.* The petition should also contain an undertaking to pay the costs, if costs are assessed as a condition of allowance of the petition. Costs shall include all the expenses incurred in seizing and storing the property; the costs borne or to be borne by the United States; the taxes, if any, payable by the petitioner or imposed in respect of the property to which the petition relates; the penalty, if any, asserted by the Director, Alcohol and Tobacco Tax Division; and, if the property has been sold, or is in the course of being sold, the expenses so incurred.

§ 172.39 [Amendment]

PAR. 4(a). Section 172.39 is amended by changing "§ 172.38(c)" in the first sentence to read "§ 172.38(b)."

PAR. 5. Section 172.41 is amended by changing the section to read as follows:

§ 172.41 Discontinuance of administrative proceedings.

If the petition is filed prior to administrative sale or retention for official use, proceedings to effect such sale or retention will be discontinued.

PAR. 6. Section 172.43 is amended by changing the section to read as follows:

§ 172.43 Final action.

(a) *Petitions for remission or mitigation of forfeiture.* (1) The Director, Alcohol and Tobacco Tax Division, shall take final action on any petition filed pursuant to these regulations. Such

final action shall consist either of the allowance or denial of the petition. In the case of allowance, the Director shall state the conditions of the allowance.

(2) In the case of an allowed petition, the Director, Alcohol and Tobacco Tax Division, may order the property returned to the petitioner, sold for the account of the petitioner, or, pursuant to agreement, acquired for official use.

(3) The Assistant Regional Commissioner shall notify the petitioner of the allowance or denial of the petition and, in the case of allowance, the conditions under which the Director, Alcohol and Tobacco Tax Division, allowed the petition.

(b) *Offers in compromise of liability to forfeiture.* (1) The Director, Alcohol and Tobacco Tax Division, shall take final action on any offer in compromise of the liability to forfeiture of personal property seized as provided in § 172.25. Such action shall consist either of the acceptance or rejection of the offer. (2) The Assistant Regional Commissioner shall notify the proponent of the acceptance or rejection of the offer.

PAR. 7. Section 172.44 is amended to read as follows:

§ 172.44 Acquisition for official use and sale for account of petitioner in allowed petitions.

(a) *Acquisition for official use.* (1) The property may be purchased by the United States pursuant to agreement and retained for official use. Where the petitioner is the owner, the purchase price is the appraised value of the property less all costs. Where the petitioner is a creditor, the purchase price is whichever one of these amounts is the smaller: (i) the petitioner's equity, or (ii) the appraised value of the property less the amount of all costs.

(b) *Sale for account of petitioner.* (1) The petitioner may elect not to comply with the condition on which the property may be returned. In this event, the Supervisor in Charge is authorized to sell it. Where the petitioner is the owner of the property, there is deducted from the proceeds of the sale all costs, and the Regional Commissioner pays to the petitioner, out of the proper appropriation, an amount equal to the balance, if any. Where the petitioner is a creditor, there is deducted from the proceeds of the sale all costs, and the Regional Commissioner pays to the petitioner, out of the proper appropriation, an amount equal to the balance, if any: *Provided*, That if that amount exceeds the amount of the equity, only the latter amount is paid to the petitioner.

§ 172.55 [Amendment]

PAR. 8. Section 172.55 is amended by substituting, in the first sentence, the phrase "in the judicial district" for the phrase "in the internal revenue collection district."

[F.R. Doc. 60-6653; Filed, July 15, 1960; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PHILATELY

PART 49—STAR ROUTE COLLECTION AND DELIVERY SERVICE

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 35.5 *Inaugural covers*, subparagraph (1) of paragraph (a) is amended to show that official first flight cachets are authorized if the carrier notifies the Department at least 20 days before the scheduled date of the new service. As so amended subparagraph (1) reads as follows:

§ 35.5 Inaugural covers.

(a) *First flights*—(1) *Cachets authorized.* The Post Office Department recognizes events such as new air service by applying cachets on inaugural covers. Cachets are authorized for all stop points on a new air mail route, for new stop points on existing routes or additional segments, and for events of national aviation interest. Official cachets of distinctive commemorative design are authorized by publication of notice in the Postal Bulletin after notification by the carrier of at least 20 days prior to the scheduled date of the new service.

NOTE: The corresponding Postal Manual section is 145.511.

(R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369)

II. In § 49.3 *Box delivery and collection service*, as amended by Federal Register Document 60-1081, 25 F.R. 905-908, subparagraph (4) of paragraph (b) is amended to implement instructions regarding star route delivery-residence requirements. As so amended, subparagraph (4) reads as follows:

§ 49.3 Box delivery and collection service.

* * * * * * *

(b) *Availability.* * * *

(4) Request from the post office to which mail is addressed, delivery and collection service. Star route patrons residing between two post offices may receive mail service from that post office which is the one next preceding the patron's residence, or from either post office if there is a return trip. In addition, the patron may receive delivery from the post office from which the star route originates.

NOTE: The corresponding Postal Manual section is 159.32d.

(R.S. 161, as amended, 396, as amended, 3964, as amended, 3965, 3966, 3968; 5 U.S.C. 22, 369, 39 U.S.C. 481, 483, 484, 486)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F.R. Doc. 60-6651; Filed, July 15, 1960; 8:51 a.m.]

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 168—DIRECTORY OF INTERNATIONAL MAIL

International Mail Regulations

The regulations of the Post Office Department are amended as follows:

I. In Part 112—Rates and Conditions For Specific Classes, as published in Federal Register Document 60-1246, 25 F.R. 1095-1126, make the following changes:

A. In § 112.7 *Small packets*, paragraph (h) is amended by deleting the countries listed below. Small packets are now being accepted to these countries.

Cambodia.
Cape Verde Islands.
Estonia.
Finland.
Iraq.
Latvia.
Lithuania.
Macao.
Panama.
Portuguese East Africa.
Portuguese India.
Portuguese Timor.
Portuguese West Africa.
Union of Soviet Socialist Republics.

NOTE: The corresponding Postal Manual section is 222.78.

B. In § 112.8 *Eight-ounce merchandise packages*, paragraph (e) is amended by deleting "Panama" from the list of countries which accept eight-ounce merchandise packages.

NOTE: The corresponding Postal Manual section is 222.85.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

II. In § 168.5 *Individual country regulations* make the following changes:

A. In the countries "Estonia, Latvia, and Lithuania", under Postal Union Mail, the item *Small packets* is amended by striking out "Not accepted." and inserting in lieu thereof "Accepted. See U.S.S.R."

B. In each of the countries listed below, under Postal Union Mail, the item *Small packets* is amended by striking out "Not accepted.", and inserting in lieu thereof "Accepted.".

Cambodia.
Cape Verde Islands.
Iraq.
Macao.
Portuguese East Africa (Mozambique).
Portuguese India (Goa, Damao, and Diu).
Portuguese Timor.
Portuguese West Africa (Angola, Guinea, St. Thomas Island, and Prince Island).

C. In the country "Panama (Republic of)", under Postal Union Mail, the item *Small packets* is amended by striking out "Not accepted" and inserting in lieu thereof "Accepted."; and the item *Eight-ounce merchandise packages* is deleted.

D. In the country "Union of Soviet Socialist Republics", as amended by Federal Register Document 60-5926, 25 F.R. 5937-5938, under Postal Union Mail, the item *Small packets* is amended to read as follows:

Small packets—Accepted. Each small packet must have enclosed a Form 2976-A listing the contents in detail, in addition to bearing Form 2976 on the upper portion thereof. (See § 111.4 of this chapter.)

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F.R. Doc. 60-6615; Filed, July 15, 1960; 8:46 a.m.]

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

Rules of Procedure Relating to Fines, Deductions, and Damages

The following rules amend Subpart D of Part 201, Procedures of the Post Office Department, and are made effective as to all proceedings which are filed after 30 days from the date of publication of this document in the FEDERAL REGISTER.

The Department will continue to study the problems involved in the rules with respect to fines, deductions, and damages with a view to making such further changes which may from time to time appear to be desirable. Members of the bar, publishers, and others are invited to submit any further comments and suggestions they may have to the General Counsel, Post Office Department.

Subpart D of Part 201 is amended to read as follows:

Subpart D—Rules of Procedure Relating to Fines, Deductions, and Damages

Sec.
201.60 Fines, deductions, and damages.
201.61 Appeal.

AUTHORITY: §§ 201.60 and 201.61 issued under R.S. 161, as amended, 396, as amended, 3962, as amended, 4010, as amended, sec. 5, 39 Stat. 425, 428, 431, sec. 1, 40 Stat. 748, sec. 901, 72 Stat. 783; 5 U.S.C. 22, 369, 39 U.S.C. 443, 539, 563, 568, 570, 655, and 49 U.S.C. 1471.

§ 201.60 Fines, deductions, and damages.

(a) *Fines.* Where evidence is found or reported against:

(1) Rail and noncontractual steamship and air carriers for unjustified failure to discharge their responsibilities in violation of the applicable provisions of Title 39, or Title 49, U.S. Code, or of the Rules, Regulations and Orders of the Postmaster General issued under those statutory provisions, or for other irregularities or delinquencies;

(2) Mail contractors for failure to observe the contract terms or failure to perform full service, or for other irregularities or delinquencies;

such carriers and contractors, after investigation, are given notice of the irregularity or delinquency, in writing, by an official representative of the Postal Service. They are given reasonable opportunity to answer the charges and explain the alleged irregularity or delinquency. The facts are briefed, and a full report and recommendations are forwarded together with the answer: (i) In the case of steamship carriers performing non-contract services directly to the Bureau of Transportation; (ii) in all other cases, to the Distribution and Traffic Manager who examines and reviews the charges in order to determine the responsibility of the carrier or contractor involved and, if the facts warrant, imposes fine or deduction computed in accordance with statutory, regulatory, or contractual provisions. The Distribution and Traffic Manager may charge directly, in the first instance, the contractor or carrier, in which case the answer shall be filed with the Distribution and Traffic Manager.

NOTE: Postal Field Officials use Form 5178, *Notification of Irregularity in Service-Delay-Damage to Parcel Post Mail.* (For Surface Carriers), and Form 2759, *Report of Irregular Handling of Air Mail.* (For Air Carriers.)

(b) *Deductions.* The same procedure as in paragraph (a) of this section is followed in making deductions for failure to perform service as required except that the Distribution and Traffic Manager is authorized, upon an evaluation of the evidence, to waive omissions of service or make deductions therefor in payments made to mail contractors.

NOTE: Postal Field Officials use Form 5440C-D-E, *Contract Route Service Order*, to notify star route contractors of deductions ordered, and the remission of previous deductions is ordered on the basis or in view of the facts.

(c) *Damages.* Damage cases are investigated in the same manner as fine cases. Where it is found, after investigation, that the Government has suffered a loss through the payment of indemnity or otherwise as a result of damage to or loss of mails, such loss may be taken into consideration in determining the amount of the fine. The Distribution and Traffic Manager determines if a fine should be imposed for damage to or loss of mail.

§ 201.61 Appeal.

(a) Rail and noncontractual air carriers may take an appeal from a decision of the Distribution and Traffic Manager to the Bureau of Transportation within 6 months from the date of imposition of the fine or deduction. The Bureau's decision is final with respect to all cases under its jurisdiction.

(b) Mail contractors including air and steamship carriers performing contract services and only when discharging contractual obligations may take an appeal from the findings of fact or decision of the Distribution and Traffic Manager to the Board of Contract Appeals. The rules of procedure for appeal of the contractor are covered by Subpart L, *Rules of Procedure for the Board of Contract Appeals*, of this part.

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

The foregoing are hereby adopted as Rules of Procedure for the Post Office Department.

RAYMOND J. KELLY, *Judicial Officer.*

[F.R. Doc. 60-6650; Filed, July 15, 1960; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2156]

[22669]

WYOMING

Certain Power Site Orders

In the matter of Power Site Restoration No. 555; Power Site Cancellation No. 138; partly revoking the Executive Order of July 2, 1910, and the Departmental orders of November 3, 1921 and March 7, 1932; (Power Site Reserve No. 5; Power Site Classification No. 8, Wyoming No. 1; Willow and Freemont Lakes Reservoir Sites).

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) and pursuant to the determination of the Federal Power Commission in DA-146-Wyoming, dated May 29, 1959, and as Secretary of the Interior, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Power Site Reserve No. 5, the Departmental order of November 3, 1921, creating Power Site Classification No. 8, Wyoming No. 1, and the Departmental order of March 7, 1932, withdrawing lands for the Willow and Freemont Lakes Reservoir Sites, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 109 W.,
Sec. 19, lots 2, 3, 6, NE¼SW¼ and N½SE¼.
T. 35 N., R. 110 W.,
Sec. 24, SE¼NE¼ and W½SE¼;
Sec. 26, NE¼NE¼.

The areas described aggregate 399.38 acres.

2. The lands are situated approximately 15 miles north of Pinedale, Wyoming, in Sublette County. Topography is rough and mountainous. Soils are sandy loam, shallow, and developed over glacial till.

3. Subject to any valid existing rights and the requirements of applicable law, the lands, except those in section 24, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to al-

lowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) Until 10:00 a.m. on January 8, 1961, the State of Wyoming shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR. During that period the State may apply under any statute or regulation applicable thereto for the reservation to it or to any of its political subdivisions of any of the lands required as a right-of-way for a public highway or as a source of material for the construction and maintenance of such highways, as provided by Section 24 of the Federal Power Act, as amended.

(3) All valid applications and selections under the nonmineral public land laws, other than any from the State, presented prior to 10:00 a.m. on January 8, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. Those in sections 24 and 25 have been open to mining location. Those in section 19 will be open to mining location at 10:00 a.m. on January 8, 1961.

c. The lands in section 24 have previously been restored to entry subject to the provisions of section 24 of the Federal Power Act, pursuant to the determination of the Federal Power Commission in DA–16–Wyoming, issued June 29, 1922. The effect of this order, therefore, is to relieve such lands of the limitations prescribed by the said section 24.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 8, 1960.

[F.R. Doc. 60–6613; Filed, July 15, 1960; 8:46 a.m.]

[Public Land Order 2157]

[Colorado 021327]

COLORADO

Partially Revoking Air Navigation Site Withdrawal 122

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of July 12, 1938, which reserved lands for use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 29 S., R. 63 W.,
A tract of land in the NE¼SE¼ of Section 11, from which the SE corner of Section 11, T. 29 S., R. 63 W., 6th P.M., Colorado, bears S 1320 feet: from Corner No. 1 by metes and bounds, thence
West 1320 feet to corner No. 2;
North 1320 feet to corner No. 3;
East 1320 feet to corner No. 4;
South 575.03 feet to corner No. 5;
West 20 feet to corner No. 6;
South 55 feet to corner No. 7;
West 30.5 feet to corner No. 8;
South 13°15' W. 30.8" to corner No. 9;
East 57.5 feet to corner No. 10;
South 660 feet to corner No. 1, the place of beginning.

The tract described contains 39.94 acres.

2. The land is located approximately 13 miles east and nine miles north of Aguilar, Colorado. Soils are generally shallow and sandy loam in texture with topography slightly rolling. The vegetation is of native short grass, the dominant species being blue grama and other associated short grasses.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on August 16, 1960, will be considered as simultaneously filed at that hour. Rights under such applications, selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws beginning at 10:00 a.m. on August 16, 1960.

4. The State of Colorado has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851–852).

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 11, 1960.

[F.R. Doc. 60–6614; Filed, July 15, 1960; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 934]

PART 95—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Certain Trackage of the Chicago, Burlington & Quincy Railroad Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 12th day of July A.D. 1960.

It appearing, That recent floods have severely demaged tracks on the Chicago and North Western Railway Company branch line between Platte River Junction and Morse Bluff, Nebraska; and that the Chicago and North Western Railway Company is unable to transport traffic over its line between Morse Bluff and Superior, Nebraska, so as to properly serve the public and that the handling, routing and movement of this carrier's traffic (including trains) over the Chicago, Burlington & Quincy Railroad Company's lines between Lincoln and Seward via Milford, Nebraska, will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.934 Service Order 934.

(a) *The Chicago and North Western Railway Company authorized to operate over certain trackage of the Chicago, Burlington & Quincy Railroad Company.* The Chicago and North Western Railway Company is authorized to handle and move traffic (including trains) originating or terminating on its line at or between Morse Bluff and Superior, Nebraska, over the tracks of the Chicago, Burlington & Quincy Railroad Company between Lincoln and Seward via Milford, Nebraska.

(b) *Compensation.* The settlement for the handling of traffic ordered and described in paragraph (a) of this section shall be upon such terms as between the carriers as they may agree upon or in the event of their disagreement as the Commission may, after subsequent hearing find to be just and reasonable.

(c) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(d) *Rates to be applied.* Inasmuch as such disregard of routing is deemed to be due to carrier's disability, the rates applicable to traffic so forwarded by routes other than those designated by shippers, or by carriers shall be the rates which were applicable at the date of shipment over the routes so designated.

(e) *Effective date.* This order shall become effective at 12:01 a.m., July 13, 1960.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1960, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Nebraska State Railway Commission, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–6649; Filed, July 15, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 45]

MISCELLANEOUS STAMP TAXES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury of his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954, as amended (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under Subchapters A, B, and C of Chapter 36, Subchapter F of Chapter 38, Subchapters B, C, D, and F of Chapter 39, Chapter 40, and certain related administrative provisions of Subtitle F of the Internal Revenue Code of 1954 as in effect July 1, 1960.

Subpart A—Introduction

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45.0-1 Introduction.
45.0-2 General definitions and use of terms.
45.0-3 Scope of regulations.
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45.4451-1 Imposition, rate and application of tax.
45.4452 Statutory provisions; definition of manufacturer.
45.4452-1 Who is a manufacturer.
45.4453 Statutory provisions; exemption in case of exportation.
45.4453-1 Exemption in case of exportation.
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45.4454 Statutory provisions; liability for tax.
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45.4455 Statutory provisions; registration.
45.4455-1 Manufacturers to register.
45.4456 Statutory provisions; stamps.
45.4456-1 Stamps for payment of tax.
45.4456-2 Purchase of stamps.
45.4456-3 Affixing stamps.
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45.4457 Statutory provisions; cross references.
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45.4461-2 Rates of tax.
45.4462 Statutory provisions; definition of coin-operated amusement or gaming device.
45.4462-1 Definition of coin-operated amusement or gaming devices.
45.4463 Statutory provisions; administrative provisions; trade or business.
45.4463-1 Cross references.

Subpart D—Occupational Tax on Bowling Alleys, Billiard and Pool Tables

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45.4471-1 Imposition and rate of tax.
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45.4472-1 Definition of bowling alley, billiard room, and pool room.
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Subpart E—Oleomargarine

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45.4592(a) Statutory provisions; definitions.
45.4592(a)-1 Definition of the term "oleomargarine".
45.4593(a) Statutory provisions; exemptions.
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Subpart F—White Phosphorus Matches

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45.4802-1 Definition of white phosphorus.
45.4803 Statutory provisions; stamps.
45.4803-1 Sale of stamps to qualified manufacturer.
45.4804 Statutory provisions; requirements on manufacturers.
45.4804-1 Packing and stamping of white phosphorus matches.
45.4804-2 Factory number.
45.4804-3 Manufacturer's sign.
45.4804-4 Separate factories for taxable and nontaxable matches.
45.4804-5 Factory number required on each package.
45.4804-6 Caution label.
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45.4804-8 Registry by manufacturer.
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45.4804-10 Daily records.
45.4804-11 Quarterly return.
45.4805 Statutory provisions; importation and exportation.
45.4805-1 Importation and exportation of matches.
45.4806 Statutory provisions; cross references.
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TAX ON PRODUCTS

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45.4812-3 Packing and branding.
45.4813 Statutory provisions; stamps.
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45.4814-1 Packing and branding adulterated butter.
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45.4815(b) Statutory provisions; requirements applicable to dealers; books of wholesale dealers.
45.4816 Statutory provisions; exportation of adulterated butter.
45.4816-1 Exemption in case of exportation of adulterated butter.
45.4817 Statutory provisions; inspection of process or renovated butter.
45.4817-1 Inspection of process or renovated butter.
45.4818 Statutory provisions; administrative decisions relating to adulterated butter.
45.4818-1 Administrative decisions relating to adulterated butter.
45.4819 Statutory provisions; cross references.
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OCCUPATIONAL TAX

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45.4821-3 Requirement with respect to wholesale dealers in adulterated butter.
45.4821-4 Exemptions as wholesale dealer.
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45.4826 Statutory provisions; definitions.
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45.4826-3 Preservatives.
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TAX ON PRODUCTS

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45.4832 Statutory provisions; stamps.
45.4832-1 Affixing and canceling of stamps.
45.4832-2 Emptied packages.
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45.4833 Statutory provisions; requirements applicable to manufacturers.
45.4833-1 Requirements applicable to manufacturers.
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45.4834 Statutory provisions; requirements applicable to wholesale and retail dealers.
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45.4834-2 Packaging requirements.
45.4834-3 Branding requirements.
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OCCUPATIONAL TAX

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45.4841-3 Liability of wholesale dealers and retail dealers for special tax.
45.4841-4 Storing filled cheese.
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45.4874 Statutory provisions; immunity of witnesses.
45.4875 Statutory provisions; operation of State laws.
45.4876 Statutory provisions; reports of Secretary of Agriculture.
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45.4893 Statutory provisions; liability for tax.
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45.4907-1 Federal agencies or instrumentalities.

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45.6065-1 Verification of returns.
45.6071 Statutory provisions; time for filing returns and other documents.
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45.6101-1 Period covered by returns or other documents.
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45.7284–1 Violations of laws relating to oleomargarine or adulterated butter operations.
45.7285 Statutory provisions; violations of laws relating to adulterated butter and process or renovated butter.
45.7286 Statutory provisions; violation of laws relating to filled cheese.
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45.7294 Statutory provisions; offenses relating to renovated or adulterated butter.
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45.7296 Statutory provisions; offenses relating to filled cheese.
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45.7510–2 Evidence required to establish exemption.
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45.7641–1 Inapplicability.
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45.7805 Statutory provisions; rules and regulations.
45.7805–1 Promulgation of regulations.

Subpart A—Introduction

§ 45.0–1 Introduction.

(a) *In general.* The regulations in this part (Part 45, Subchapter D, Chapter 1, Title 26 (1954), Code of Federal Regulations) are designated "Miscellaneous Stamp Tax Regulations". The regulations relate to the taxes imposed by Subchapters A, B, and C of Chapter 36, Subchapter F of Chapter 38, Subchapters B, C, D, and F of Chapter 39 of the Internal Revenue Code of 1954, as amended, and to certain general provisions relating to occupational taxes contained in Chapter 40 of such Code and to certain related administrative provisions of Subtitle F of the Code. For a reference to the various taxes to which the regulations in this part relate, see paragraph (b) of this section and § 45.0–3. References in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, unless otherwise indicated. References to a section or other provision of law are references to a section or other provision of the Internal Revenue Code, as amended, unless otherwise indicated.

(b) *Division of regulations.* The regulations in this part are divided into 12 subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of regulations, and extent to which the regulations in this part supersede prior regulations relating to the taxes imposed by Subchapters A, B, and C of Chapter 36, Subchapter F of Chapter 38, and Subchapters B, C, D, and F of Chapter 39 of the Internal Revenue Code. The other subparts of the regulations in this part and the subject matter to which they relate are as follows:

Subpart B—Playing cards.
Subpart C—Occupational tax on coin-operated devices.
Subpart D—Occupational tax on bowling alleys, billiard and pool tables.
Subpart E—Oleomargarine.
Subpart F—White phosphorus matches.
Subpart G—Adulterated and process or renovated butter.
Subpart H—Filled cheese.
Subpart I—Cotton futures.
Subpart J—Silver bullion.
Subpart K—General provisions relating to occupational taxes.
Subpart L—Administrative provisions.

(c) *Arrangement and numbering.* In general each section of the regulations in Subparts B through L is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. The sections of the regulations can readily be distinguished from sections of the Code since—

(1) The sections of the regulations are printed in larger type;

(2) The sections of the regulations are preceded by a section symbol and the part number, arabic numeral 45 followed by a decimal point (§ 45.); and

(3) The sections of the Code are preceded by "Sec.".

Each section of the regulations setting forth law or regulations is designated by a number composed of the part number followed by a decimal point (45.) and the number of the corresponding provision of the Internal Revenue Code. In the case of a section setting forth regulations, this designation is followed by a hyphen (-) and a number identifying such section.

§ 45.0–2 General definitions and use of terms.

As used in the regulations in this part, unless otherwise expressly indicated—

(a) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(b) The Internal Revenue Code of 1954 means the Act approved August 16, 1954 (68A Stat.), entitled "An Act to revise the internal revenue laws of the United States", as amended.

(c) District director means district director of internal revenue.

(d) Calendar quarter means a period of 3 calendar months ending on March 31, June 30, September 30, or December 31.

§ 45.0–3 Scope of regulations.

The regulations in this part relate to the taxes imposed by Subchapters A, B, and C of Chapter 36, Subchapter F of Chapter 38, and Subchapter B, C, D, and F of Chapter 39 of the Code and, except where otherwise specifically provided, have application as provided in the following paragraphs:

(a) *Subpart B.* The regulations in Subpart B of this part relate to playing cards manufactured or imported, and sold, or removed for consumption or sale, by a manufacturer on or after July 1, 1960.

(b) *Subpart C.* The regulations in Subpart C of this part relate to coin-operated devices maintained for use by any person on or after July 1, 1960.

(c) *Subpart D.* The regulations in Subpart D of this part relate to the operation by any person of a bowling alley, billiard room, or pool room on or after July 1, 1960.

(d) *Subpart E.* The regulations in Subpart E of this part relate to oleomargarine imported from foreign countries on or after July 1, 1960.

(e) *Subpart F.* The regulations in Subpart F of this part relate to white phosphorous matches manufactured, sold, or removed by the manufacturer on or after July 1, 1960.

(f) *Subpart G.* The regulations in Subpart G of this part relate to (1) adulterated and process or renovated butter manufactured or sold or removed for consumption or use by the manufacturer on or after July 1, 1960, and (2) to the occupational tax imposed on (i) manufacturers, wholesalers, and retailers who deal in adulterated butter on or after July 1, 1960, and (ii) manufacturers of process or renovated butter on or after July 1, 1960.

(g) *Subpart H.* The regulations in Subpart H of this part relate to filled cheese manufactured or imported on or after July 1, 1960, and to the occupational tax imposed on manufacturers, wholesalers, and retailers who deal in filled cheese on or after July 1, 1960.

(h) *Subpart I.* The regulations of Subpart I of this part relate to contracts of sale of cotton for the future delivery entered into on or after July 1, 1960.

(i) *Subpart J.* The regulations in Subpart J of this part relate to transfers of any interest in silver bullion made on or after July 1, 1960.

(j) *Subpart K.* The regulations in Subpart K of this part deal with the general provisions relating to occupational taxes contained in Chapter 40 of the Code and are applicable on or after July 1, 1960.

(k) *Subpart L.* The regulations in Subpart L of this part, which are prescribed under selected provision of subtitle F of the Code, relate to refunds and other administrative provisions of special application to the various taxes covered by the regulations in this part and have application in respect of any transaction within the scope of any other subpart of the regulations in this part.

§ 45.0–4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the following regulations and such regulations as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 6091, signed August 16, 1954 (19 F.R. 5167, August 17, 1954):

Tax on playing cards	Regulations 66, 26 CFR (1939), Part 305.
Special taxes with respect to coin-operated amusement and gaming devices, bowling alleys, billiard tables, and pool tables.	Regulations 59 (1941 edition), 26 CFR (1939), Part 323.
Tax on white phosphorus matches	Regulations 32, 26 CFR (1939), Part 300.
Taxes on oleomargarine, adulterated butter, and process or renovated butter.	Regulations 9, (Revised April 1936), 26 CFR (1939), Part 310.
Tax on filled cheese	Regulations 22 (Revised August 1926), 26 CFR (1939), Part 301.
Tax on contracts of sale of cotton for future delivery	Regulations 36 (1916 edition), 26 CFR (1939), Part 110.
Tax on transfers of interests in silver bullion	Regulations 85, 26 CFR (1939), Part 112.
Withdrawal of filled cheese and playing cards, from factories, free of tax, for use of the United States.	Regulations 34, 26 CFR (1939), Part 450.
Exportation without payment of tax on tobacco manufacturers, oleomargarine, adulterated butter, mixed flour, and playing cards; shipments to possessions of the United States, and drawback on tobacco manufactures and stills exported, or shipped to Puerto Rico or Philippine Islands.	Regulations 73, 26 CFR (1939), Part 451.
Removals of alcoholic liquors, tobacco products, and other articles of domestic manufacture to foreign-trade zones.	Regulations 31, 26 CFR (1939), Part 199, §§ 199.425 to 199.436, incl.

Subpart B—Playing Cards

§ 45.4451 Statutory provisions; imposition of tax.

SEC. 4451. *Imposition of tax.* There shall be imposed a tax of 13 cents per pack upon every pack of playing cards containing not more than 54 cards, manufactured or imported, and sold, or removed for consumption or sale, by a manufacturer. This tax shall be in addition to any import duties imposed on such articles of foreign manufacture.

[Sec. 4451 as originally enacted and in effect July 1, 1960]

§ 45.4451–1 Imposition, rate and application of tax.

(a) *Imposition of tax.* Section 4451 imposes a tax, applicable as set forth in paragraph (c) of this section and at the rates shown in paragraph (b) of this section, on playing cards manufactured or imported, and sold, or removed for consumption or sale, by a manufacturer. The tax on playing cards accrues upon removal of the cards from the factory or place where made, or upon the sale thereof prior to such removal. For definition of the term "manufacturer", see section 4452 and § 45.4452–1. For rules relating to duties, liabilities and responsibilities in respect of the tax imposed by section 4451, see sections 4454 to 4456, inclusive, and the regulations thereunder in this subpart.

(b) *Rate of tax.* The tax is imposed at the rate of 13 cents per pack upon each pack of playing cards containing not less than 2 nor more than 54 cards. Each additional 54 cards or fraction thereof in a pack constitutes a new pack on which tax must be paid at the rate of 13 cents each. For example, if a pack contains 120 cards it must be considered as constituting three packs, two packs of 54 cards each and one pack of 12 cards, and each such pack is subject to tax at the rate of 13 cents per pack or a total of 39 cents.

(c) *Application of tax—(1) In general.* The tax applies to ordinary playing cards which are used in playing games of skill or chance such as "poker", "bridge", "pinochle", "canasta", and the like, and to cards that may be used in lieu of ordinary playing cards. Cards for the games of "old-maid", "rook", "authors", and the like, differing wholly from ordinary playing cards, are not subject to tax. Miniature playing cards, playing cards with advertising matter printed thereon, and so-called "fortune-telling", "magic", or "trick", decks composed wholly or in part of playing cards or cards that may be used in lieu of playing cards are all subject to the tax.

(2) *Imported playing cards—(i) Foreign manufacture.* Except as set forth in the Customs Regulations (19 CFR 8.3 and 9.6, as amended), relating to certain importations on and after September 7, 1953, playing cards imported from foreign countries, must be tax-paid at the rate of 13 cents per pack of not more than 54 cards. Such tax is in addition to any import duty and must be paid by affixing the required stamps prior to release of the cards from customs custody.

(ii) *American goods returned.* When playing cards produced in the United States which have been duly exported without payment of tax are reimported, they are liable to customs duty equal to the tax imposed by section 4451. Containers of reimported domestic playing cards shall be marked as required by Customs Regulations (19 CFR 11.4). Such packages are not required to have internal-revenue stamps affixed.

§ 45.4452 Statutory provisions; definition of manufacturer.

SEC. 4452. *Definition of manufacturer.* Every person who offers or exposes for sale playing cards, whether the articles so offered or exposed are of foreign manufacture and imported or are of domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamps denoting the tax paid thereon.

[Sec. 4452 as originally enacted and in effect July 1, 1960]

§ 45.4452–1 Who is a manufacturer.

The term "manufacturer", when used in any provision of the regulations in this part having application to the tax on playing cards, shall include the following persons:

(a) Any person who manufactures playing cards for sale or consumption;

(b) Any person who packs or repacks playing cards for sale;

(c) Any person who offers or exposes for sale packs of playing cards, either domestic or imported, without the use of the proper stamps denoting payment of the tax thereon;

(d) Any person who cuts playing cards from large lithographed sheets and finishes them;

(e) Any person who cleans, gilds, reassembles, or repacks playing cards previously tax paid; and

(f) Any person who resells packs of playing cards on which the stamps have been broken. In such case each pack so sold must be restamped.

For requirement relating to registration of a manufacturer of playing cards, see section 4455 and § 45.4455–1.

§ 45.4453 Statutory provisions; exemption in case of exportation.

SEC. 4453. *Exemption in case of exportation.* Playing cards may be removed from the place of manufacture for export to a foreign country or for shipment to a possession of the United States without payment of tax, or affixing stamps thereto, under such rules and regulations and the filing of such bonds as the Secretary or his delegate may prescribe.

[Sec. 4453 as originally enacted and in effect July 1, 1960]

§ 45.4453–1 Exemption in case of exportation.

(a) *Cards removed for exportation—(1) In general.* The tax imposed by section 4451 shall not apply in the case of the removal of playing cards from the place of manufacture for the purpose of exportation to a foreign country or shipment to a possession of the United States and in due course so exported or shipped. Such removal in every instance must be made by shipment direct from the place of manufacture without any stoppage in transit. Packs of playing cards sent to a foreign country or a possession of the United States as sam-

plies must comply with the provisions of this section in order to be exempt.

(2) *Definition of exportation.* Exportation means the severance of an article from the mass of things belonging within the United States with the intention of uniting it with the mass of things belonging within some foreign country or within a possession of the United States. The character of a shipment will be determined by the intention with which it is made and it assumes the character of an export to a foreign country or shipment to a possession of the United States only where destined for, and intended for use in, a foreign country or possession of the United States, as the case may be.

(3) *Responsibility for exportation of playing cards.* Responsibility for compliance with the provisions of this section with respect to the removal of playing cards, without payment of tax, for export, and for the proper exportation of such playing cards shall rest upon the manufacturer thereof.

(4) *Liability for tax on playing cards.* The manufacturer of the playing cards (see § 48.4462–1 for definition of a manufacturer) shall be liable for the tax imposed thereon by section 4451 if the provisions of this section are not complied with.

(5) *Removal for export.* (i) To exempt from tax a removal of playing cards from the place of manufacture for export both of the following conditions must be met: (a) The playing cards so removed must be identified as having been removed from the place of manufacture by the manufacturer for export, and (b) the playing cards so removed must be exported in due course.

(ii) Playing cards will be regarded as having been removed from the place of manufacture by the manufacturer for export if the manufacturer has in his possession at the time of removal from the place of manufacture a written order or contract of sale showing that the manufacturer is to ship the playing cards to a foreign destination or to a possession of the United States.

(iii) The written order or contract of sale referred to in subdivision (ii) of this subparagraph suspends liability for payment of the tax by the manufacturer for such removal from the place of manufacture for export for a period of 6 months from the date of removal of such playing cards.

(6) *Proof of exportation*—(i) *Other than by parcel post.* Exportation may be evidenced by (a) a copy of the export bill of lading issued by the delivering carrier, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the playing cards, or (c) a certificate of landing signed by a customs officer of a foreign country or possession of the United States to which the playing cards are exported, or (d) where such foreign country or possession of the United States has no customs administration, a statement of the foreign consignee showing receipt of the playing cards. If, within a period of six months from the date of removal of such playing cards, the manufacturer has not received and attached to the order or contract proper "proof of exportation", then the temporary suspension of the liability for the payment of the tax ceases and such liability shall become immediately due and payable. Such tax shall be paid to the district director for the district in which is located the place of manufacture from which the shipment is made, with sufficient information to identify the taxpayer and the nature and purpose of the payment. However, if proof of exportation later becomes available, a claim for refund of any tax paid may be filed on Form 843, but such action must be taken within the three-year period prescribed by section 6511.

(ii) *Exportation by parcel post.* If playing cards are exported by parcel post, the manufacturer thereof shall have a statement prepared for use with each package so exported on which shall be shown such information as the destination, order or invoice number, the contents of the package, the name of the vendee, etc. Upon mailing the package described in the statement, the manufacturer shall have the statement stamped by the local postmaster as evidence of said package having been received by him for exportation by parcel post. A waiver of the manufacturer's right to withdraw such package from the mails shall be stamped or written on each package and such waiver shall be signed by the manufacturer making the shipment.

(b) *Bond.* If the district director deems it necessary in order to protect the revenue, a bond may be required of any manufacturer removing playing cards from the place of manufacture for export to a foreign country or for shipment to a possession of the United States. The penal sum of such bond shall be in an amount specified by the district director in a notice mailed to the manufacturer. For other provisions relating to bonds, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Admininstration).

(c) *Miscellaneous*—(1) *Diversion of shipment to another export consignee.* After removal of a shipment of playing cards from the place of manufacture for export in accordance with the provisions of paragraph (a)(5)(ii) of this section, the manufacturer of such playing cards may divert the shipment to another consignee for export provided he has in his possession a written order or contract of sale as provided in paragraph (a)(5)(ii) of this section from such other consignee.

(2) *Return of shipment to factory.* In case a consignee, for whom a manufacturer removes playing cards from his place of manufacture in accordance with a written order or contract of sale for export, modifies or cancels his written order or contract of sale for export, the manufacturer may return the shipment of such playing cards to his place of manufacture provided he maintains adequate records relating to such return.

§ 45.4453–2 Removal to foreign-trade zones.

(a) *In general.* Playing cards may be removed from the place of manufacture without having stamps affixed thereto for delivery to a foreign-trade zone for exportation. Such removal and delivery thereof to a foreign-trade zone is considered an exportation.

(b) *Definition of foreign-trade zone.* "Foreign-trade zone" or "zone," as used in this section, means a foreign-trade zone established and operated pursuant to the Act of June 18, 1934 (48 Stat. 998), as amended by Pub. Law 566, 81st Cong. (64 Stat. 246).

(c) *Proof of delivery to a foreign-trade zone.* A manufacturer of playing cards who removes such playing cards from the place of manufacture for delivery to a foreign-trade zone without affixing stamps thereto shall maintain adequate records of all such removals and shall keep sufficient written proof of such removals and deliveries as may be necessary to substantiate actual delivery of the playing cards to the foreign-trade zone. The records referred to in the preceding sentence shall be retained by the manufacturer and made available for inspection by any revenue officer upon his request.

§ 45.4454 Statutory provisions; liability for tax.

SEC. 4454. *Liability for tax.* The tax imposed by this subchapter shall be paid by any person who makes, sells, removes, consigns, or ships any playing cards, or for whose use or benefit the same are made, removed, consigned, or shipped.

[Sec. 4454 as originally enacted and in effect July 1, 1960]

§ 45.4454–1 Liability for tax.

The tax imposed under section 4451 is payable by the person who makes, sells, removes, consigns, or ships any playing cards, or for whose use or benefit such playing cards are made, removed, consigned, or shipped. In the case of playing cards of foreign manufacture the tax imposed by section 4451 is payable by the importer or consignee of such playing cards.

§ 45.4455 Statutory provisions; registration.

SEC. 4455. *Registration.* Every manufacturer of playing cards shall register with the official in charge of the collection district his name or style, place of residence, trade, or business, and the place where such business is to be carried on.

[Sec. 4455 as originally enacted and in effect July 1, 1960]

§ 45.4455–1 Manufacturers to register.

(a) *In general.* Every manufacturer of playing cards, as defined in section 4452, shall register with the district director for the district in which is located his principal place of business, his name or style, place of residence, trade or business, the location of his factory, and the location of his principal place of business. Application for registry should be made on Form 277. The application for registry shall be prepared in accordance with the form, instructions, and regulations applicable thereto. Upon approval of the application, the district director will furnish the applicant a certificate of registry on Form 362 which shall be conspicuously posted in his principal place of business.

(b) *Prior registrations or applications.* In any case in which a manufacturer of playing cards has made application for registry under corresponding provisions of prior regulations, or holds a Certificate of Registry in effect under such prior regulations, such manufacturer is not required to make application for registry under this section, unless the district director furnishes him with written notification that such application is required. In such event, the application for registry shall be made at the time, in the form, and in the manner prescribed in such written notification.

§ 45.4456 Statutory provisions; stamps.

SEC. 4456. *Stamps*—(a) *Sale.* The Secretary shall cause the stamps on playing cards to be sold only to those manufacturers as have registered as required by law, and to importers of playing cards, who are required to affix the stamps to imported playing cards.

(b) *Accounts.* The Secretary shall cause to be kept accounts of the number and denominate values of the stamps sold to each manufacturer and importer.

[Sec. 4456 as originally enacted and in effect July 1, 1960]

§ 45.4456–1 Stamps for payment of tax.

Stamps have been prepared pursuant to law for payment of the tax on playing cards, and have been furnished to district directors for sale only to such manufacturers as have registered as required by law and to importers of playing cards.

§ 45.4456–2 Purchase of stamps.

(a) *Domestic manufacturer.* Manufacturers must use Form 218 in ordering playing card stamps. This form is printed by the Government only and furnished to district directors for distribution. Each such order form must be accompanied by the proper remittance for the full amount of the order. Unless otherwise directed, stamps will be sent by ordinary mail at the risk of the purchaser. If ordered to be sent by certified or registered mail, the order must be accompanied by the requisite additional amount to pay the fee for such service. Stamps will also be forwarded by express at the expense of the taxpayer.

(b) *Owner or consignee of imported playing cards.* The owner or consignee of imported playing cards shall purchase stamps for use in the payment of the tax on such cards from the district director for the district in which is located the office of the collector of customs where the customs entry is filed. Except as provided in paragraph (b) of § 45.4456–3 (relating to the purchase of stamps for affixing to packages in foreign countries), Form 923, certified by the customs officer having custody of such cards, shall be used in ordering such stamps. A copy of each such order form which has been marked paid by the district director shall be retained by the owner or consignee for three years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request. See paragraph (a) of this section for details other than the form to be used in making the order.

§ 45.4456–3 Affixing stamps.

(a) *Domestic manufacturer.* (1) Each pack of playing cards, except as otherwise provided in this section, shall, prior to sale, or before removal from the place where manufactured, packed, reassembled, or repacked, have securely affixed thereto proper internal-revenue stamp or stamps of such denomination as will cover fully the tax thereon. Such stamp or stamps shall be affixed in such manner as to seal the pack and to necessitate the stamp or stamps being torn in two pieces when the pack is opened.

(2) Where playing cards are packed in leather, plush, plastic, ornamental, or metal cases, the stamps denoting payment of the tax thereon may be affixed to inside wrappers instead of to the cases proper, provided one of the following methods of packing and stamping is used:

(i) Paper bands not less than one-half inch wide must be extended around the entire pack of cards, both the long and short way, and securely fastened together with paste or mucilage at the intersection on the back of the pack so that the pack cannot be separated without breaking the bands. The internal-revenue stamp must be affixed to the pack in such manner that it will adhere partly to one of the bands and partly to the back of the top card so that removal of the bands will necessitate tearing the stamp in two. If desired, an extra blank card may be placed on top of the pack for the purpose of attaching a part of the stamp thereto.

(ii) The package of cards must be completely wrapped with paper, cellophane, or other acceptable wrapper, securely sealed with paste or mucilage, and the internal-revenue stamp affixed across the place where the wrapper is sealed in such manner as to necessitate tearing the stamp in two when the cards are removed from the wrapper.

(3) Where packages of playing cards are sent out from the factory duly stamped and are thereafter opened and the stamp broken, the cards cannot be returned to the package and sold under a broken stamp. In such case a new stamp must be affixed to each package and duly canceled. If cards are reassembled from packs on which tax has been paid, each deck must show the requisite stamp.

(b) *Imported playing cards*—(1) *Stamps affixed in foreign countries.* Stamps for use in payment of the tax on imported playing cards may be affixed to such cards in the foreign country in which manufactured, provided the laws of such foreign country grant a like privilege in respect of playing cards manufactured in the United States and exported to such country. An importer desiring to have the stamps for use in payment of the tax on imported playing cards affixed to these cards in such foreign country shall file with any district director an order for the necessary stamps. No particular form for such order is prescribed, but the order shall show (i) the name and address of the person by whom such playing cards are to be imported, (ii) the name of the foreign country, (iii) the quantity of playing cards to be imported, and (iv) the number and value of the stamps, and the total value of all of the stamps. A copy of such order which has been marked paid by the district director shall be retained by the owner or consignee for three years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request. The details with respect to the purchase of stamps set forth in paragraph (a) of § 45.4456–2, other than the form to be used, are applicable to the orders described in this paragraph. The method of affixing stamps prescribed in paragraph (a) of this section is hereby made applicable to stamps affixed in foreign countries.

(2) *Stamps not affixed before importation.* In the case of imported playing cards to which internal-revenue stamps have not been affixed before importation, such stamp shall be affixed by the owner or consignee while the playing cards are in the hands of the proper customs officer, and such cards shall not pass out of the custody of such officer until the requisite stamps are affixed and canceled. The method of affixing stamps to domestic playing cards prescribed in paragraph (a) of this section is hereby made applicable to stamps affixed in accordance with the provisions of this subparagraph.

§ 45.4456–4 Abandoned or forfeited playing cards.

All playing cards which have been abandoned, forfeited, or seized under warrant of distraint, and which are sold by order of court or of any Government officer for the benefit of the United States, or by a sheriff, constable, or other municipal officer under any writ, execution, or process or order of any court, shall, before delivery by such officer, be properly packed and have the requisite stamps affixed and canceled. With reference to the procurement and cancellation of stamps in cases of sales referred to in this section, instructions will be given as to the procedure according to the facts in the individual case.

§ 45.4456–5 Cancellation of stamps.

(a) *Domestic manufacturer.* Each stamp affixed to a package of playing cards must be canceled by writing or printing in ink across the face of the stamp the initials of the manufacturer.

(b) *Imported playing cards.* Each stamp affixed to imported playing cards must be canceled by writing or printing in ink across the face of the stamp the initials of the owner or consignee and the date on which the stamp was affixed.

§ 45.4456–6 Redemption of stamps.

Playing card stamps, properly affixed to packs when removed from the place of manufacture, may not be redeemed once the cards have been removed from the premises of the manufacturer.

§ 45.4457 Statutory provisions; cross references.

SEC. 4457. *Cross references.* For penalties and other administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4457 as originally enacted and in effect July 1, 1960]

§ 45.4457–1 Cross references.

(a) For penalties for offenses relating to stamps, see § 45.7269.

(b) For penalty for unauthorized use or sale of stamps, see § 45.7269.

(c) For penalties for other offenses relating to stamps, see § 45.7271.

(d) For penalty for failure to register as required by section 4455, see § 45.7272.

(e) For other administrative provisions relating to the tax imposed on playing cards, see Subpart L.

(f) For regulations relating to exemption from tax in case of sale for use by the United States, see §§ 45.7510–1 to 45.7510–3, inclusive.

Subpart C—Occupational Tax on Coin-Operated Devices

§ 45.4461 Statutory provisions; imposition of tax.

SEC. 4461. *Imposition of tax*—(a) *In general.* There shall be imposed a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device at the following rates:

(1) $10 a year, in the case of a device defined in paragraph (1) of section 4462 (a);

(2) $250 a year, in the case of a device defined in paragraph (2) of section 4462 (a); and

(3) $10 or $250 a year, as the case may be, for each additional device so maintained or the use of which is so permitted. If one such device is replaced by another, such other device shall not be considered an additional device.

(b) *Reduced rate.* In the case of a device which is defined in paragraph (2) of section 4462 (a) and which is commonly known as a claw, crane, or digger machine, the tax imposed by subsection (a) shall be at the rate of $10 a year (in lieu of $250 a year) if—

(1) The charge for each operation of such device is not more than 10 cents,

(2) Such device never dispenses a prize other than merchandise of a maximum retail value of $1, and with respect to such device there is never a display or offer of any prize or merchandise other than merchandise dispensed by such machine,

(3) Such device is actuated by a crank and operates solely by means of a nonelectrical mechanism, and

(4) Such device is not operated other than in connection with and as part of carnivals or county or State fairs.

[Sec. 4461 as amended and in effect July 1, 1960]

§ 45.4461–1 Imposition of tax.

(a) *In general.* Section 4461 imposes a special tax to be paid by every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device described in section 4462 and § 45.4462–1. Any agency or instrumentality of the United States such as an Army exchange, Navy exchange, etc., is liable to such special tax unless granted by statute a specific exemption therefrom. Except as otherwise provided in paragraph (b) of this section, liability is incurred in respect of each coin-operated amusement or gaming device maintained for use, or permitted to be used, by a person on his premises during a particular year or portion thereof. Tax liability applies with respect to a device installed on the taxpayer's premises even though previously used on the premises of another person, and even though special tax for the same year or period or part thereof was paid by such other person with respect thereto.

(b) *Replacements.* If a taxpayer replaces a device with respect to which he has paid special tax with a like device, no additional tax is payable. For example, a cigar store proprietor who maintains on the premises two coin-operated amusement devices with respect to which he has paid special tax has these two machines removed and replaces them with two coin-operated amusement devices of a more modern design. In this case no additional special tax is payable. However, if the replacing article is placed in operation before operation of the replaced article is discontinued, additional tax liability is incurred. If coin-operated amusement devices are replaced by coin-operated gaming devices, or gaming devices are replaced by amusement devices, liability to special tax at the rate applicable to the replacing machines or devices is incurred, and no credit is allowable for the special tax paid with respect to the replaced machines or devices.

§ 45.4461–2 Rates of tax.

(a) *In general.* Except as otherwise provided in paragraph (b) of this section, the special taxes under section 4461 are imposed at the following rates:

(1) With respect to each "coin-operated amusement or gaming device" as defined in section 4462(a)(1)—$10 per year per device.

(2) With respect to each "coin-operated amusement or gaming device" defined in section 4462(a)(2)—$250 per year per device.

(b) *Reduced rate.* In the case of a device which is defined in paragraph (2) of section 4462(a) and which is commonly known as a claw, crane, or digger machine, the rate of tax shall be $10 per year per device (in lieu of $250 a year) if—

(1) The charge for each operation of such device is not more than 10 cents,

(2) Such device never dispenses a prize other than merchandise of a maximum retail value of $1, and with respect to such device there is never a display or offer of any prize or merchandise other than merchandise dispensed by such machine,

(3) Such device is actuated by a crank and operates solely by means of a nonelectrical mechanism, and

(4) Such device is not operated other than in connection with and as part of carnivals or county or State fairs.

§ 45.4462 Statutory provisions; definition of coin-operated amusement or gaming device.

SEC. 4462. *Definition of coin-operated amusement or gaming device*—(a) *In general.* For purposes of this subchapter, the term "coin-operated amusement or gaming device" means—

(1) Any machine which is—

(A) A music machine operated by means of the insertion of a coin, token, or similar object,

(B) A vending machine operated by means of the insertion of a one cent coin, which, when it dispenses a prize never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens,

(C) An amusement machine operated by means of the insertion of a coin, token, or similar object, but not including any device defined in paragraph (2) of this subsection, or

(D) A machine which is similar to machines described in subparagraph (A), (B), or (C), and is operated without the insertion of a coin, token, or similar object; and

(2) Any machine which is—

(A) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens, or

(B) A machine which is similar to machines described in subparagraph (A) and is operated without the insertion of a coin, token, or similar object.

(b) *Exclusion.* The term "coin-operated amusement or gaming device" does not include bona fide vending machines in which are not incorporated gaming or amusement features.

[Sec. 4462 as amended and in effect July 1, 1960]

§ 45.4462–1 Definition of coin-operated amusement or gaming devices.

(a) *Devices within scope of section 4462(a)(1)*—(1) *In general.* Section 4462(a)(1) includes within its scope any machine which is—

(i) A music machine operated by means of the insertion of a coin, token, or similar object,

(ii) A vending machine operated by means of the insertion of a one-cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens,

(iii) An amusement machine operated by means of the insertion of a coin, token, or similar object, but not including any device defined in paragraph (b) of this section, or

(iv) A machine which is similar to machines described in subdivisions (i), (ii), and (iii) of this subparagraph, and is operated without the insertion of a coin, token, or similar object.

(2) *Examples of machines or devices within scope of section 4462(a)(1).* The following devices and machines illustrate the type of machines or devices within the scope of section 4462(a)(1):

(i) Coin-operated athletic-type machines such as punching bags, hitting machines, lifters, shockers and grip machines.

(ii) A mechanical horse or other similar device which is activated by the insertion of a coin.

(iii) Coin-operated still or moving picture machines.

(iv) A coin-operated device which resembles a billiard or pool table but which has posts or holes in its playing surfaces precluding its use as a billiard or pool table.

(v) A coin-operated vending machine, which, in addition to delivering chewing gum balls, has incorporated therein an amusement feature, such as a pistol and a target.

(b) *Devices within scope of section 4462(a)(2)*—(1) *In general.* Section 4462(a)(2) includes within its scope any machine which is—

(i) A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens, or

(ii) A machine which is similar to machines described in subdivision (i) of this subparagraph and is operated without the insertion of a coin, token, or similar object.

(2) *Examples of machines or devices within scope of section 4462(a)(2).* The following devices and machines illustrate the type of machines or devices within the scope of section 4462(a)(2):

(i) A machine which is operated by means of the insertion of a coin, token, or similar object and which, even though it does not dispense cash or tokens, has the features and characteristics of a gaming device whether or not evidence exists as to actual payoffs.

(ii) A so-called crane machine, claw, digger or rotary merchandising type device which is operated by the insertion of a coin and adjustment of a control lever for the purpose of removing from the machine, by gripping, pushing or other manipulation articles such as figurines, lighters, etc., in the machine.

(iii) A pinball machine equipped with a push button for releasing free play and a meter for recording the plays so released, or equipped with provisions for multiple coin insertion for increasing the odds.

(iv) Pinball machines in connection with which free plays are redeemed in cash, tokens, or merchandise, or prizes are offered to any person for the attainment of designated scores.

(v) A coin-operated machine that delivers a ticket that entitles the player to a prize if the poker hand symbolized on the ticket constitutes a winning hand.

(c) *Exclusion.* (1) Section 4462(b) specifically excludes from the term "coin-operated amusement or gaming device" a bona fide vending machine in which are not incorporated gaming or amusement features.

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

(i) A vending machine, operated by the insertion of a one cent coin, which occasionally dispenses along with gum sold by means of the machine, toy charms of negligible value.

(ii) A recording machine which, upon insertion of a coin, records a person's voice, plays the record back, and then delivers the record to the purchaser.

§ 45.4463 Statutory provisions; administrative provisions; trade or business.

SEC. 4463. *Administrative provisions*—(a) *Trade or business.* An operator of a place or premises who maintains for use or permits the use of any coin-operated device shall be considered, for purposes of chapter 40, to be engaged in a trade or business in respect of each such device.

(b) *Cross reference.* For penalties and other administrative provisions applicable to this subchapter, see chapter 40 and subtitle F.

[Sec. 4463 as originally enacted and in effect July 1, 1960]

§ 45.4463–1 Cross references.

(a) For provisions relating to registration in case of a trade or business on which a special tax is imposed, see §§ 45.7011 and 45.7011–1.

(b) For requirements relating to posting occupational tax stamps, see §§ 45.6806 and 45.6806–1.

(c) For provisions relating to penalties and other administrative provisions applicable in respect of the special tax imposed with respect to coin-operated amusement and gaming devices, see Subpart K and the applicable provisions of Subpart L of this part.

Subpart D—Occupational Tax on Bowling Alleys, Billiard and Pool Tables

§ 45.4471 Statutory provisions; imposition of tax.

SEC. 4471. *Imposition of tax.* There shall be imposed a special tax to be paid by every person who operates a bowling alley, billiard room, or pool room at the rate of $20 a year for each bowling alley, billiard table, or pool table.

[Sec. 4471 as originally enacted and in effect July 1, 1960]

§ 45.4471–1 Imposition and rate of tax.

(a) *Imposition of tax.* Section 4471 imposes a special tax to be paid by every person who operates a bowling alley, billiard room, or pool room. If a taxpayer replaces an alley bed, billiard table, or pool table with respect to which he has paid special tax with another article of the same or different kind subject to this tax, for example, replaces an alley bed either with another alley bed or a billiard or pool table, no additional tax is payable. However, if the replacing article is placed in operation before operation of the replaced article is discontinued additional tax liability is incurred.

(b) *Rate of tax.* The rate of special tax imposed by section 4471 is $20 per year for each bowling alley, billiard table, or pool table. Liability is incurred in respect of each alley bed, billiard table, or pool table maintained for use on the operator's premises during a particular year or portion thereof.

§ 45.4472 Statutory provisions; definition.

SEC. 4472. *Definition.* For the purpose of section 4471 every building or place where bowls are thrown or where games of billiards or pool are played, except in private homes, shall be regarded as a bowling alley, billiard room, or pool room, respectively.

[Sec. 4472 as originally enacted and in effect July 1, 1960]

§ 45.4472–1 Definition of bowling alley, billiard room, and pool room.

For the purpose of section 4471 every building or place where bowls are thrown or where games of billiards or pool are played, except a private home, shall be regarded as a bowling alley, billiard room, or pool room, respectively.

§ 45.4473 Statutory provisions; exemptions.

SEC. 4473. *Exemptions.* The tax imposed by section 4471 shall not apply with respect to—

(1) *Hospitals.* Any billiard table or pool table in a hospital if no charge is made for the use of such table; or

(2) *Armed Forces.* Any bowling alley, billiard table, or pool table maintained exclusively for the use of members of the Armed Forces on any property owned, reserved, or used by, or otherwise acquired for the use of, the United States if no charge is made for their use; or

(3) *Certain organizations.* Any bowling alley, billiard table, or pool table operated—

(A) By, and located on the premises of, an organization not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual, or

(B) By any agency or instrumentality of the United States,

if no charge is made for the use of such alley or table.

[Sec. 4473 as amended and in effect July 1, 1960]

§ 45.4473–1 Exemptions.

(a) *Hospitals.* The special tax imposed under section 4471 shall not apply in the case of a billiard or pool table operated in a hospital if no charge is made for the use of such table. The term "hospital", as used in this section, does not include a home for the aged even though the home has facilities to care for residents who become ill.

(b) *Armed Forces.* The special tax imposed under section 4471 shall not apply with respect to any bowling alley, billiard table, or pool table maintained exclusively for the use of members of the Armed Forces on any property owned, reserved, or used by, or otherwise acquired for the use of, the United States if no charge is made for their use. The term "Armed Forces" includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force. The term also includes the Coast Guard.

(c) *Certain organizations.* The special tax imposed under section 4471 shall not apply with respect to any bowling alley, billiard table, or pool table—

(1) Operated by, and located on the premises of, an organization not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual provided no charge is made for the use of such alley or table.

(2) Operated by any agency or instrumentality of the United States provided no charge is made for the use of such alley or table.

(d) *Charge for use.* The exemption provided by section 4473 in respect of the tax imposed by section 4471 does not apply if any charge is made for the use of the bowling alley, billiard table or pool table, even though the other conditions are met. Thus, an exemption does not exist where, as a condition precedent to using an alley or table, a

charge is collected from the player or players as, for example, where an amount is collected from a player using a bowling alley for payment, directly or indirectly, to a pin-setter.

§ 45.4474 Statutory provisions; cross references.

SEC. 4474. *Cross references.* For penalties and administrative provisions applicable to this subchapter, see chapter 40 and subtitle F.

[Sec. 4474 as originally enacted and in effect July 1, 1960]

§ 45.4474–1 Cross references.

(a) For provisions relating to registration in case of a trade or business on which a special tax is imposed, see §§ 45.7011 and 45.7011–1.

(b) For requirements relating to posting occupational tax stamps, see §§ 45.6806 and 45.6806(a)–1.

(c) For provisions relating to penalties and other administrative provisions applicable in respect of the special tax imposed with respect to bowling alleys, billiard and pool tables, see Subpart K and the applicable provisions of Subpart L of this part.

Subpart E—Oleomargarine

§ 45.4591 Statutory provisions; imposition of tax.

SEC. 4591. *Imposition of tax*—(a) *Rate.* There is hereby imposed on all oleomargarine imported from foreign countries, in addition to any import duty imposed on the same, an internal revenue tax of 15 cents per pound, such tax to be represented by coupon stamps. The Secretary or his delegate is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this subchapter; and his decision in matters of taxation under this subchapter shall be final.

(b) *Affixing of stamps.* The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper custom house officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than 10 pounds, before the stamps are affixed. Whenever it is necessary to take any oleomargarine so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such oleomargine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct.

[Sec. 4591 as originally enacted and in effect July 1, 1960]

§ 45.4591–1 Imposition, rate and payment of and liability for tax.

(a) *Imposition and rate of tax.* Section 4591 imposes, in addition to any import duty, a tax of 15 cents per pound on all oleomargarine imported into the United States from any foreign country.

(b) *Payment and liability for tax.* The tax imposed under section 4591 shall be paid by the importer or owner of the imported oleomargarine by the affixing of stamps to the packages and the canceling thereof while the oleomargarine is in the custody of the Bureau of Customs. Each stamp affixed to a package must be canceled by writing or printing in ink across the face of the stamp the initials of the owner or consignee and the date on which the stamp was affixed.

§ 45.4592(a) Statutory provisions; definitions.

SEC. 4592. *Definitions*—(a) *Oleomargarine.* For the purposes of section 4591, certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine", namely: All substances known prior to August 2, 1886, as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat;—if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter, or (3) churned, emulsified, or mixed in cream, milk, water, of [or] other liquid, and containing moisture in excess of 1 per centum or common salt.

[Sec. 4592(a) as originally enacted and in effect July 1, 1960]

§ 45.4592(a)–1 Definition of the term "oleomargarine".

For the purposes of the regulations in this part, certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter shall be known and designated as "oleomargarine", namely,

(a) All substances known prior to August 2, 1886, as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral;

(b) All mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral;

(c) All lard extracts and tallow extracts; and

(d) All mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat; if

(1) Made in imitation or semblance of butter, or

(2) Calculated or intended to be sold as butter or for butter, or

(3) Churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per centum or common salt.

§ 45.4593(a) Statutory provisions; exemptions.

SEC. 4593. *Exemption*—(a) *Shortening or condiments.* Section 4591 shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of 118 degrees Fahrenheit or more, nor to any of the following containing condiments and spices: salad dressings, mayonnaise dressings, or mayonnaise products, nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

[Sec. 4593(a) as originally enacted and in effect July 1, 1960]

§ 45.4593(a)–1 Exemptions.

(a) *Shortening or condiments.* Section 4591 shall not apply to puff-pastry shortening not churned or emulsified in milk or cream, and having a melting point of 118 degrees Fahrenheit or more, nor to any of the following containing condiments and spices: salad dressing, mayonnaise dressing, or mayonnaise products, nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

Subpart F—White Phosphorus Matches

§ 45.4801 Statutory provisions; imposition of tax.

SEC. 4801. *Imposition of tax*—(a) *Rate.* There shall be imposed upon white phosphorus matches manufactured, sold, or removed a tax at the rate of 2 cents per one hundred matches.

(b) *By whom paid.* The tax imposed by subsection (a) shall be paid by the manufacturer.

[Sec. 4801 as originally enacted and in effect July 1, 1960]

§ 45.4801–1 Imposition and rate of tax.

Section 4801 imposes a tax upon white phosphorus matches manufactured, sold, or removed at the rate of 2 cents per 100 matches. The tax is payable by the manufacturer of the white phosphorus matches. For a definition of the term "white phosphorus", see section 4802 and § 45.4802–1.

§ 45.4802 Statutory provisions; definition of white phosphorus.

SEC. 4802. *Definition of white phosphorus.* For the purpose of this subchapter, the words "white phosphorus" shall be understood to mean the common poisonous white or yellow phosphorus used in the manufacture of matches and not to include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus.

[Sec. 4802 as originally enacted and in effect July 1, 1960]

§ 45.4802–1 Definition of white phosphorus.

For the purpose of the regulations in this part, the term "white phosphorus" shall be understood to mean the common poisonous white or yellow phosphorous used in the manufacture of matches. The term does not include the nonpoisonous forms or the nonpoisonous compounds of white or yellow phosphorus.

§ 45.4803 Statutory provisions; stamps.

SEC. 4803. *Stamps*—(a) *Method of payment*—(1) *Stamps.* The tax imposed by section 4801 shall be represented by adhesive stamps.

(2) *Assessment.* For assessment in case of omitted taxes, see subtitle F.

(b) *Sale.* The Secretary or his delegate shall require that stamps be sold only to duly qualified manufacturers.

(c) *Accounts.* The Secretary or his delegate shall cause to be kept accounts of the number and denominate values of the stamps sold to each manufacturer.

(d) *Other stamp provisions.* All the provisions and penalties of law governing the engraving, issuing, sale, affixing, cancellation, accountability, effacement, destruction, and forgery of stamps provided for internal revenues shall apply to stamps provided for by this subchapter.

[Sec. 4803 as originally enacted and in effect July 1, 1960]

§ 45.4803–1 Sale of stamps to qualified manufacturer.

Documentary stamps will be used in the payment of the tax imposed by section 4801. Such stamps are obtainable from any district director upon requisition and payment therefor by a manufacturer who has incurred liability for the tax imposed by section 4801 and who has registered and filed a satisfactory bond in accordance with the regulations in this part.

§ 45.4804 Statutory provisions; requirements on manufacturers.

SEC. 4804. *Requirements on manufacturers*—(a) *Packing*—(1) *Number in packages.* All white phosphorus matches shall be packed by the manufacturer thereof in packages containing 100, 200, 500, 1,000, or 1,500 matches each, which shall then be packed by the manufacturer in packages containing not less than 14,400 matches.

(2) *Stamping.* The manufacturer shall affix to every package containing 100, 200, 500, 1,000, or 1,500 matches an adhesive stamp of the required value and shall place thereon the initials of his name and the date on which such stamp is affixed, so that the same may not again be used.

(3) *Factory number.* Every manufacturer of matches shall mark, brand, affix, stamp, or print, in such manner as the Secretary or his delegate shall prescribe, on every package of white phosphorus matches manufactured, sold, or removed by him, the factory number required under subsection (b).

(4) *Label.* Every manufacturer of white phosphorus matches shall securely affix by pasting on each original package containing stamped packages of white phosphorus matches manufactured by him a label, on which shall be printed, besides the number of the manufactory and the district in which it is situated, these words: "*Notice.*—The manufacturer of the white phosphorus matches herein contained has complied with all the requirements of law. Every person is cautioned not to use again the stamps on the packages herein contained under the penalty provided by law in such cases."

(b) *Factory number and signs.* Every manufacturer of white phosphorus matches shall put up such signs and affix such number to his factory as the Secretary or his delegate may by regulation require.

(c) *Bonds.* Every manufacturer of white phosphorus matches shall file with the official in charge of the internal revenue district in which his manufactory is located such bonds as the Secretary or his delegate may by regulation require. The bond required of such manufacturer shall be in the penal sum of not less than $1,000; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the Secretary or his delegate.

(d) *Registration.* Every manufacturer of white phosphorus matches shall register with the official in charge of the internal revenue district his name or style, place of manufactory, and the place where such business is to be carried on.

[Sec. 4804 as originally enacted and in effect July 1, 1960]

§ 45.4804–1 Packing and stamping of white phosphorus matches.

Section 4804(a) requires that all white phosphorus matches shall be packed in packages of 100, 200, 500, 1,000, and 1,500 matches each, and these shall then be packed in packages containing not less than 14,400 matches. The stamp or stamps required to be used in payment of the tax must be securely affixed by the manufacturer so as to seal the packages of 100, 200, 500, 1,000, and 1,500 matches and the initials of the manufacturer and the date when such stamp or stamps are affixed placed thereon either by stencil or perforation. The stenciling or perforating of stamps may be done before affixing to the packages where machines are employed for this purpose and where the stenciling or perforating of stamps after affixing would injure the packages. Packages for packing 100, 200, 500, 1,000, and 1,500 matches may be of any durable material which will permit the affixing and adhesion of the stamps.

§ 45.4804–2 Factory number.

Upon receipt of the notice of intention to manufacture white phosphorus matches, as provided by § 45.4804–8, the district director will assign to the manufacturer a factory number, which applies to the factory, and shall not thereafter be changed. In case there is more than one manufacturer, or a single manufacturer having more than one factory in the same district, a separate and consecutive number shall be given each factory.

§ 45.4804–3 Manufacturer's sign.

The manufacturer shall, after assignment of a factory number, place over the principal entrance to the building in which the business is carried on a sign with letters not less than 4 inches in length and of sufficient width, gilded or painted in oil in colors so as to be easily discernible, giving the name and business and number of factory in the following form:

John Doe,
Manufacturer of White Phosphorus Matches,
Factory No. 1

§ 45.4804–4 Separate factories for taxable and nontaxable matches.

If the manufacturer is also engaged in the production of matches not taxable under section 4801, the factory premises where the taxable and nontaxable matches are produced shall be entirely separate, or if in the same building, separated by solid walls or partitions, which shall extend from floor to ceiling. The manufacture of taxable and nontaxable matches on the same premises and with the same machinery is not permissible.

§ 45.4804–5 Factory number required on each package.

The factory number required under section 4804 must be printed, branded, or lithographed on every package of white phosphorus matches removed by the manufacturer.

§ 45.4804–6 Caution label.

In addition to the factory number required on the stamped packages of white phosphorus matches a caution label, as required by section 4804(a)(4), must be affixed to the original package containing these stamped packages. This label should be printed in black ink on white paper, or, if other colors are used, the printing should be in strongest contrast to the background, so as to be distinct and legible.

§ 45.4804–7 Manufacturer's bond.

Every manufacturer of white phosphorus matches shall file such bonds as the district director may require before commencement of business. The penal sum of such bond shall be not less than $1,000; and the sum of said bonds may be increased from time to time at the discretion of the district director. This bond is a continuing one until replaced by a new instrument. Where there is a discontinuance of operation for a period, a new bond will be required upon resumption of business. For other provisions relating to bonds, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Administration).

§ 45.4804–8 Registry by manufacturer.

Every person proposing to manufacture white phosphorus matches shall, before commencing such manufacture, register by giving written notice of intention to manufacture white phosphorus matches to the district director for the district in which is located the factory, and on July 1 of each year the manufacturer shall give written notice of intent to continue the manufacture of white phosphorus matches. Such manufacturer will also be required to file bond and to comply with all other provisions of the regulations in this part.

§ 45.4804–9 Inventory to be made at commencement of business, on July 1 of each year, and at the time of closing.

After registration, filing of notices and bonds, every manufacturer of white phosphorus matches, before commencing business, shall file with the district director for the district in which his factory is located an inventory in letter form appropriately marked "Opening inventory", stating the quantity of each of the different kinds of materials used in the manufacture of white phosphorus matches, the number of packages and quantity of white phosphorus matches, stamped and unstamped, and the value of attached and unattached stamps held or owned in respect of such factory by such manufacturer, on the date of the inventory. An inventory shall thereafter be filed as of the first day of July during continuance of operations, and a similar inventory must be filed upon discontinuance or suspension of the business for a limited period, which should be marked "closing inventory." Such letter must contain a written declaration that the statements made therein are made under the penalties of perjury.

§ 45.4804–10 Daily records.

(a) *In general.* Every manufacturer is required to keep a daily record showing the total of each material used each day and the total number of matches produced and the number of stamped packages and original packages in which packed; also the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

(b) *Names of customers.* The names of customers to whom matches are consigned and the quantities so sold will not be entered in the manufacturers'

daily record and quarterly returns, but the manufacturer shall, upon request of any internal revenue officer, furnish a record of all sales for such period as may be desired.

§ 45.4804–11 Quarterly return.

Each manufacturer shall render in duplicate to the district director a return in letter form for each calendar quarter, which shall be a summary of the daily record required under provisions of paragraph (a) of § 45.4804–10.

§ 45.4805 Statutory provisions; importation and exportation.

SEC. 4805. *Importation and exportation*—(a) *Importation.* White phosphorus matches, manufactured wholly or in part in any foreign country, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is prohibited. All matches imported into the United States shall be accompanied by such certificate of official inspection by the government of the country in which such matches were manufactured as shall satisfy the Secretary or his delegate that they are not white phosphorus matches.

(b) *Exportation.* It shall be unlawful to export from the United States any white phosphorus matches.

[Sec. 4805 as originally enacted and in effect July 1, 1960]

§ 45.4805–1 Importation and exportation of matches.

(a) *White phosphorus matches*—(1) *Importation.* The importation into the United States of white phosphorus matches is prohibited.

(2) *Exportation.* The exportation from the United States of white phosphorus matches is unlawful.

(b) *Matches in general.* For regulations relating to the importation of matches into, or the exportation of matches out of, the United States, see the regulations of the Bureau of Customs, 19 CFR 12.34 and 12.35.

§ 45.4806 Statutory provisions; cross references.

SEC. 4806. *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4806 as originally enacted and in effect July 1, 1960]

§ 45.4806–1 Cross references.

(a) For penalties, see §§ 45.7208, 45.7209, 45.7267, 45.7274, 45.7303, and 45.7328.

(b) For penalties for failure to register as required by § 45.4804–6, see § 45.7272.

(c) For other administrative provisions, see Subpart L.

Subpart G—Adulterated and Process or Renovated Butter Tax on Products

§ 45.4811 Statutory provisions; imposition of tax.

SEC. 4811. *Imposition of tax*—(a) *Rate*—(1) *Adulterated butter.* There shall be imposed upon adulterated butter, when manufactured or sold or removed for consumption or use, a tax of 10 cents per pound, and any fractional part of a pound shall be taxed as a pound.

(2) *Process or renovated butter.* There shall be imposed upon process or renovated butter, when manufactured or sold or removed for consumption or use, a tax of one-fourth of 1 cent per pound, and any fractional part of a pound shall be taxed as a pound.

(b) *By whom paid.* The tax imposed by subsection (a) shall be paid by the manufacturer.

[Sec. 4811 as originally enacted and in effect July 1, 1960]

§ 45.4811–1 Imposition and rate of tax.

(a) *Adulterated butter.* Section 4811 (a) (1) imposes a tax upon adulterated butter, when manufactured or sold or removed for consumption or use from the place of manufacture, at the rate of 10 cents per pound. A fractional part of a pound is taxed as a pound. (For definition of adulterated butter, see § 45.4826–2.)

(b) *Process or renovated butter.* Section 4811 (a) (2) imposes a tax upon process or renovated butter, when manufactured or sold or removed for consumption or use from the place of manufacture, at the rate of one-fourth of 1 cent per pound. A fractional part of a pound is taxed as a pound. (For definition of process or renovated butter, see § 45.4826–5.)

(c) *Liability for tax.* The taxes imposed under section 4811 shall be paid by the manufacturer of the adulterated butter or the process or renovated butter, as the case may be. For provisions relating to the method of payment of the tax and to bonding requirements, see §§ 45.4813–1 and 45.4814–5, respectively.

§ 45.4812 Statutory provisions; importation of adulterated butter.

SEC. 4812. *Importation of adulterated butter.* There shall be imposed upon adulterated butter imported from a foreign country, in addition to any import duty imposed on the same, an internal revenue tax of 15 cents per pound, such tax to be represented by coupon stamps as in the case of adulterated butter manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the adulterated butter while it is in the custody of the officers or employees designated by the Secretary or his delegate; and the adulterated butter shall not pass out of the custody of said officers or employees until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than 10 pounds, as prescribed in this subpart for adulterated butter manufactured in the United States, before the stamps are affixed; and the owner or importer of such adulterated butter shall be liable to all the penal provisions of this subpart prescribed for manufacturers of adulterated butter manufactured in the United States. Whenever it is necessary to take any adulterated butter so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the Secretary or his delegate shall designate a bonded warehouse to which it shall be taken, under the control of such officer or employee as the Secretary or his delegate may direct.

[Sec. 4812 as originally enacted and in effect July 1, 1960]

§ 45.4812–1 Imposition and rate of tax.

(a) *In general.* Section 4812 imposes a tax upon adulterated butter imported from a foreign country at the rate of 15 cents per pound. The tax imposed by section 4812 is in addition to any import duty imposed upon adulterated butter.

(b) *Liability for tax.* The tax imposed under section 4812 upon imported adulterated butter is payable by the owner or importer of the imported adulterated butter by the affixing of coupon stamps while the adulterated butter is in the custody of the Bureau of Customs.

§ 45.4812–2 Requisition for, affixing and canceling stamps.

(a) *Requisition for stamps.* Stamps for tax payment of imported adulterated butter will be sold to the owner or importer only upon requisition on Form 923 executed by an authorized customs officer. The requisition shall be presented to the district director for the district in which is located the customhouse where the entry is filed.

(b) *Affixing and canceling stamps.* Before release from customs custody stamps shall be affixed and canceled by the owner or importer in the manner prescribed in paragraphs (c) and (d) of § 45.4813–1, except that the cancellation shall distinctly show the name of the owner or importer, port of entry, customs entry number, and date.

§ 45.4812–3 Packing and branding.

Imported adulterated butter shall be packed in wooden packages of not less than 10 pounds each, as prescribed in paragraph (a) of § 45.4814–1. Before removal from customs custody imported packages shall be branded in accordance with paragraph (b) of § 45.4814–1, so far as applicable, the name of the country of origin, and the name and address of the imported to be substituted for the factory number, and internal revenue district and State. The caution notice prescribed in § 45.4814–3 for packages of adulterated butter of domestic manufacture is not required in the case of imported adulterated butter.

§ 45.4813 Statutory provisions; stamps.

SEC. 4813. *Stamps*—(a) *Method of payment*—(1) *Stamps.* The tax imposed by section 4811 shall be represented by coupon stamps.

(2) *Assessment.* For assessment in case of omitted taxes, see subtitle F.

(b) *Emptied packages.* Whenever any stamped package containing adulterated butter is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon. The Secretary or his delegate may destroy any emptied package of adulterated butter upon which the tax-paid stamp is found.

(c) *Other stamp provisions.* The provisions of law governing the engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, shall apply to the stamps provided in paragraph (1) of subsection (a).

[Sec. 4813 as originally enacted and in effect July 1, 1960]

§ 45.4813–1 Method of payment.

(a) *Stamps*—(1) *In general.* The taxes imposed under section 4811 shall be paid by the manufacturer by affixing stamps to the packages of adulterated butter or process or renovated butter, as the case may be, before the packages are removed from the bonded premises. If, however, the district director deems it necessary, he may require the attachment of stamps at any time after manufacture.

(2) *Denomination of stamps.* Stamps for the payment of the tax on adulterated butter, or process or renovated butter are designated "Process or Renovated Butter" and are issued in sheets of 20 stamps each, in denominations of 10, 20, 30, 40, 50, 60, and 100 pounds. One-pound coupon stamps for use in connection with stamps of the foregoing denominations are issued in sheets of 200 stamps each.

(b) *Ordering stamps.* Except as otherwise provided in § 45.4812–2, stamps for packages of adulterated butter or process or renovated butter will be sold only to registered manufacturers. They shall be purchased from the district director for the district in which the factory is located. Orders for stamps shall be prepared on Form 218. A remittance for the total value of the stamps shall accompany the order.

(c) *Affixing stamps.* An internal-revenue stamp of a denomination that will fully cover the tax on the net weight of the contents shall be affixed to each package before removal from the factory, except packages for export and for use of the United States. A single stamp of a denomination denoting the quantity in the package shall be used if stamps of such denomination are issued. If a single stamp will not fully cover the tax due, the least sufficient number of additional stamps shall be used.

(d) *Canceling stamps.* Each stamp affixed to a package shall be canceled before removal from the factory. The cancellation shall be legibly written or printed in ink, or perforated, and shall show the factory number, internal revenue district, State, and date. The cancellation marks may be abbreviated in the following manner, indicating, for example, cancellation by factory No. 10, Chicago district, Illinois, on January 15, 1958: 10–Chicago, Ill., 1–15–58.

§ 45.4814 Statutory provisions; requirements applicable to manufacturers.

SEC. 4814. *Requirements applicable to manufacturers*—(a) *Packing, stamping, and selling requirements*—(1) *Adulterated butter.* All adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden, tin-plate, or paper packages not before used for that purpose, containing, or encased in a manufacturer's package made from any of such materials of, not less than ten pounds, and marked, stamped, and branded as the Secretary or his delegate shall prescribe, and all sales made by manufacturers of adulterated butter shall be in original, stamped packages. Every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—The manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

(2) *Process or renovated butter.* For marking process or renovated butter, see section 4817.

(b) *Factory number and signs.* Every manufacturer of process or renovated butter or adulterated butter shall put up such signs and affix such number to his factory as the Secretary or his delegate may by regulation require.

(c) *Bonds.* Every manufacturer of process or renovated butter or adulterated butter shall file with the official in charge of the internal revenue district in which his manufactory is located such bonds as the Secretary or his delegate may by regulation require. The bond required of such manufacturer shall be in a penal sum of not less $500; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the Secretary or his delegate.

[Sec. 4814 as originally enacted and in effect July 1, 1960]

§ 45.4814–1 Packing and branding adulterated butter.

(a) *Packages*—(1) *General.* (i) Adulterated butter shall be packed by the manufacturer thereof in statutory packages of not less than 10 pounds. A statutory package is one designed to contain only that quantity of adulterated butter as indicated by the stamp or stamps to be affixed thereto.

(ii) Containers of adulterated butter must be of a durable and substantial character and must completely cover the contents. As to penalty for refilling containers from which adulterated butter has been removed, see section 7234(d) (2) (B).

(2) *Additional coverings.* Properly stamped and branded packages of adulterated butter may be incased in additional coverings or wrappers provided such coverings are branded as prescribed in paragraph (b) of this section and contain the following inscription legibly printed or stenciled in letters not less than half an inch high: "Tax has been paid and proper stamp placed on the original package contained herein."

(3) *Prints and rolls.* Manufacturers may subdivide a statutory package of adulterated butter into prints or rolls, provided such subdivisions do not constitute original or statutory packages within the meaning of the law, or weigh less than one-quarter of a pound. Prints and rolls shall be placed in cartons or wrappers branded as prescribed in paragraph (b) of this section.

(b) *Branding*—(1) *Statutory packages.* (i) Before removal from the factory the words "Adulterated Butter," the factory number, the internal revenue district, State, and the gross, tare, and net weights shall be legibly printed or stenciled on one of the sides or top of each package of adulterated butter in the manner shown in the following example:

ADULTERATED BUTTER
Factory No. 2, Manhattan Dist. N.Y.
64–4–60.

(ii) The words "Adulterated Butter" shall be in boldface gothic letters not less than three-quarters of an inch high, and the other letters and figures not less than one-half inch high. The color of the brand shall be in strong contrast to that of the package.

(2) *Cartons.* The words "Adulterated Butter", the net weight of contents, and the manufacturer's name and address, or the internal-revenue factory number, internal revenue district, and State shall be branded on cartons. The words "Adulterated Butter" shall be in plain gothic letters of not less than 20-point type, shall measure not less than 3⅛ inches in length, and be of a color in strong contrast to that of the carton. Hair-line, shaded or ornate letters, or letters in outline may not be used.

(4) *Wrappers*—(i) *Inside wrappers.* The manufacturer's name and address and the factory number, internal revenue district, and State may be omitted from cartons if printed on wrappers used with cartons. When a manufacturer operates more than one factory he may brand cartons with the name and address of his general office, or the address of each factory, provided an inside wrapper is used showing either the name and address of the factory where the adulterated butter was produced, or the factory number, the internal revenue district, and State.

(ii) *Blank wrappers.* Blank wrappers may be used with properly branded cartons.

(iii) *Wrappers without cartons.* When used without cartons, wrappers shall be branded in the same manner as cartons. The words "Adulterated Butter" shall be so placed on the wrapper that they will appear at the top and bottom of the print or roll when wrapped.

(5) *Dealer's name on containers.* When a dealer's name is printed on containers a phrase such as "prepared for," "distributed by," etc., shall be placed before his name to show that the dealer is not the manufacturer.

§ 45.4814–2 Marking process or renovated butter.

For provisions with respect to the inspection and marking of process or renovated butter, see § 45.4817–1.

§ 45.4814–3 Caution notice; placement upon packages.

(a) *Adulterated butter.* Before removal from the factory each statutory package of adulterated butter must have conspicuously printed or labeled on it the following notice, which must measure not less than 3 inches long by 1½ inches wide:

Factory No. ——, ———— District, State of ————.

NOTICE: The manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again (for adulterated butter) or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases.

(b) *Process or renovated butter.* A similar caution notice with appropriate changes in wording is required in the case of process or renovated butter.

§ 45.4814–4 Factories.

(a) *Premises.* Unless otherwise approved by the district director, another factory may not be operated at the same time within the premises described in a manufacturer's notice. (See paragraph (d) of this section.)

(b) *Signs.* Over the principal entrance to each building in which process or renovated butter, or adulterated butter is produced the manufacturer shall conspicuously display a sign showing the name in which the business is conducted, the kind of business, and the internal-revenue factory number, in durable characters not less than 3 inches high.

(c) *Numbers.* Each factory producing process or renovated butter or adulterated butter shall be numbered by the district director of the district in which the plant is located. The number assigned to one factory shall not be used by another factory in the same district, or changed without the approval of the district director. If the factory is moved to another part of the district the number shall be retained. If moved to another district a new number will be assigned to the factory by the district director of the district to which the factory is moved. If the business is discontinued the number will not be assigned to another factory during the balance of the fiscal year.

(d) *Manufacturer's notice*—(1) *Execution of form.* Before commencing business, and immediately on the first day of July thereafter as long as he continues in the business, a manufacturer of adulterated butter or process or renovated butter shall file with the district director a notice of intention to manufacture. This notice shall be prepared on Form 213 which may be obtained from the district director. The premises described in the notice shall conform with the requirements of this section.

(2) *Notice of change.* A new notice shall be filed with the district director before or immediately upon making any change either in location or in the premises or ownership of the business as described in the original notice.

§ 45.4814–5 Bonding.

(a) *Requirement.* Every manufacturer of process or renovated butter or adulterated butter before incurring any liability for the tax imposed by section 4811, shall file a bond with the district director in accordance with the provisions of paragraph (b) of this section.

(b) *Bond*—(1) *In general.* The bond required under paragraph (a) of this section shall be executed in accordance with the form, instructions, and regulations applicable thereto. Such bond shall be conditioned that the principal shall not engage in any attempt, by himself or by collusion with others, to defraud the United States of any tax under section 4811; that he shall render truly and completely all the returns and inventories required by law or regulations in respect of such tax and shall pay all such taxes for which he is liable; and that he shall comply with all requirements of law and regulations with respect to such taxes. The penal sum of such bond shall be not less than $500; and the sum of said bond may be increased from time to time at the discretion of the district director. Copies of the form to be used in filing the bond may be obtained from any district director.

(2) *Cancellation clause.* The bond required under paragraph (a) of this section may be accepted with a cancellation clause incorporated therein. Such cancellation clause shall provide that:

(i) Any surety on the bond may at any time give notice to the principal and the district director that he desires to be relieved of liability under said bond after a date named, which shall be at least 60 days after the receipt of notice by the district director.

(ii) If the notice is not withdrawn in writing prior to the date named in the notice, the rights of the principal as supported by said bond shall be terminated on such date (unless supported by another bond or bonds), and the surety shall be relieved from liability under said bond for any acts done wholly subsequent to said date. The surety shall, however, remain liable for any unpaid tax liability incurred by the principal before cancellation, in addition to penalties and interest, unless the principal pays such tax and penalties and interest.

(iii) Said notice may not be given by an agent of the surety, unless it is accompanied by power of attorney duly executed by the surety authorizing the agent to give such notice or by a verified statement that such power of attorney is on file with the Treasury Department.

(3) *New or additional bond.* The district director may require a new or additional bond under this section in any case where he deems it necessary or desirable in order to protect the interest of the United States.

(4) *Other provisions relating to bonds.* For general provisions relating to bonds, including such matters as the surety or sureties required, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Administration).

§ 45.4815(a) Statutory provisions; requirements applicable to dealers; selling requirements.

SEC. 4815. *Requirements applicable to dealers*—(a) *Selling requirements.* Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden, tin-plate, or paper packages, which shall be marked and branded as the Secretary or his delegates shall prescribe.

[Sec. 4815(a) as originally enacted and in effect July 1, 1960]

§ 45.4815(a)–1 Selling and buying requirements applicable to adulterated butter.

(a) *Factory-branded packages.* Except as may otherwise be required by State law or local regulation, adulterated butter packed by the manufacturer in cartons or wrappers, branded as prescribed in § 45.4814–1(b), may be sold by a retail dealer from the original stamped container without further branding.

(b) *Branding upon sale.* (1) If the manufacturer's package is not subdivided into prints or rolls the retail dealer shall wrap the adulterated butter at the time of sale in a new covering, which shall be branded with his name and address, the words "Adulterated Butter", and the net weight of the contents. Example:

RICHARD ROE
100 Doe Street, Boston
1 pound adulterated butter

(2) The letters shall be not less than one-quarter of an inch square and printed in an ink which forms a strong contrast with the color of the covering. Other marks which would obscure the brand shall not be made. The covering shall be so placed around the adulterated butter that the brand will be plainly visible.

(c) *Misbranded packages.* A retail dealer shall see that cartons and wrappers are branded as prescribed in § 45.4814–1(b), as penalty provided in section 7235(a) is incurred if he sells an improperly branded package of adulterated butter. It will be no defense for a retail dealer to show, in an action for failure to properly brand, that the product was sold in cartons or wrappers as packed by the manufacturer. Penalty for buying improperly branded packages is provided by section 7265(b).

(d) *Removal from package.* A retail dealer may not lawfully remove adulterated butter from the original stamped packages either for repacking, cutting into prints or rolls, or other purposes, nor remove the sides or ends of such packages, before disposal of the contents.

(e) *Displaying packages.* The top of a manufacturer's package may be removed or folded back to display the contents, provided the package is so placed that the words "Adulterated Butter" will be plainly visible and not obscured or rendered inconspicuous. (See § 45.4814–1(b).)

(f) *Ordering.* (1) When ordering or purchasing adulterated butter a dealer shall state his name and address as they appear on his special-tax stamp. If a trade name, as well as the proprietor's real name, appears on the special-tax stamp, both shall be stated on the order. Adulterated butter shall not be ordered in a trade name that is not registered with the district director and stated on the dealer's special-tax stamp.

(2) If the premises have two addresses, because fronting on two streets or for other reasons, the address registered with the district director shall always be used. If adulterated butter is ordered for shipment to a point other than the dealer's registered address, the registered address, as well as the shipping point, shall be named in the order.

§ 45.4815(b) Statutory provisions; requirements applicable to dealers; books of wholesale dealers.

SEC. 4815. *Requirements applicable to dealers.* * * *

(b) *Books of wholesale dealers.* Books required by section 6001 to be kept by wholesale dealers in process, renovated, or adulterated butter shall be open at all times to the inspection of any officer or employee designated by the Secretary or his delegate.

[Sec. 4815(b) as originally enacted and in effect July 1, 1960]

§ 45.4816 Statutory provisions; exportation of adulterated butter.

SEC. 4816. *Exportation of adulterated butter.* Adulterated butter may be removed from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Secretary or his delegate may prescribe. Every person who shall export adulterated butter shall brand upon every tub, firkin, or other package containing such article the words "Adulterated Butter", in plain Roman letters not less than one-half inch square.

[Sec. 4816 as originally enacted and in effect July 1, 1960]

§ 45.4816–1 Exemption in case of exportation of adulterated butter.

(a) *In general.* The tax imposed by section 4811(a) shall not apply in the case of the removal from the place of manufacture of adulterated butter for the purpose of exportation to a foreign country.

(b) *Requirements*—(1) *Packing and marking.* Every firkin, tub, or other package containing adulterated butter to be exported without payment of tax, must, before removal from the factory, be branded with the words "Adulterated Butter" in plain Roman letters not less than one-half inch square.

(2) *Exception.* When manufactured expressly for export in accordance with specifications of foreign customers, a product coming within the classification of adulterated butter, as defined in section 4826(b), may be branded "Preserved Butter" in lieu of "Adulterated Butter", provided such labeling does not violate the laws of the country to which the product is exported, or the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040; 21 U.S.C. chapter 9), or any other act, or regulations issued under authority thereof.

(c) *Consumption aboard vessel.* Adulterated butter for consumption aboard a vessel while in a port of the United States or en route to a foreign country shall be tax-paid.

(d) *Cross reference.* For all other requirements with respect to the exportation of adulterated butter without the payment of tax see §§ 45.4453–1 and 45.4453–2 with respect to the exportation of playing cards which so far as applicable, are hereby extended and made to apply to the exportation of adulterated butter.

(e) *No exemption in case of process or renovated butter.* Part I of subchapter C, chapter 39, makes no provision for the exportation of process or renovated butter free of tax.

§ 45.4817 Statutory provisions; inspection of process or renovated butter.

SEC. 4817. *Inspection of process or renovated butter.* For the purpose of protecting interstate and foreign commerce from process or renovated butter which is unclean, unwholesome, unhealthful, or otherwise unfit for human food—

(1) *Ingredients.* The Secretary of Agriculture shall, through inspectors appointed by him, cause inspections to be made of all milk, butter, butter oil, and other ingredients intended for use in the manufacture of process or renovated butter. All ingredients which are found to be putrid or decomposed or which contain organic or inorganic substances which are foreign to such ingredients when properly made, manufactured, produced, collected, stored, transported, or handled, and which organic or inorganic substances cannot be removed by processing, shall be deemed unfit for use in the manufacture of process or renovated butter, shall be marked "U.S. Inspected and Condemned", and shall be denatured or destroyed under the supervision of the inspector. All other ingredients shall be marked "U.S. Inspected and Passed", and shall be deemed fit for use in the manufacture of process or renovated butter.

(2) *Finished product.* The Secretary of Agriculture shall cause inspections to be made of all process or renovated butter. If such butter is found to be clean, wholesome, healthful, and otherwise fit for human food, it shall be marked "U.S. Inspected and Passed". Process or renovated butter that is found to be unclean, unwholesome, unhealthful, or otherwise unfit for human food shall be denatured or destroyed under the supervision of the inspector.

(3) *Factories.* The Secretary of Agriculture shall cause inspections to be made of all factories wherein process or renovated butter is manufactured to determine the sanitary conditions thereof, and if it is found that the conditions existing in any such factory do not meet the standards prescribed by the Secretary in his regulations, he shall cause inspection to be withdrawn therefrom.

(4) *Compliance by manufacturer.* The Secretary of Agriculture is authorized to withdraw inspection from any factory wherein process or renovated butter is made, if the manufacturer shall fail to comply with any of the provisions of this section or with any of the rules and regulations prescribed hereunder.

(5) *Rules and regulations.* The Secretary of Agriculture is authorized to make such rules and regulations as he deems necessary for the efficient administration of the provisions of this section, and all inspections hereunder shall be made in such manner as may be prescribed in such regulations. The Secretary of Agriculture may, from time to time, by regulations define the foreign substances and the extent thereof that render the ingredients unfit for use in manufacturing process or renovated butter.

(6) *Statistics.* The Secretary of Agriculture shall cause to be ascertained, and he shall report, from time to time, the quantity and quality of all process or renovated butter manufactured and the character and condition of the materials from which it is made.

(7) *Forgery, etc., of stamps, etc.* No person, firm, or corporation shall forge, counterfeit, simulate, falsely represent, detach, or, knowingly alter, deface, or destroy, or use without proper authority any of the marks, stamps, labels, or tabs provided for in this section or in any regulations prescribed hereunder by the Secretary of Agriculture for use on process or renovated butter or on wrappers, packages, containers, or cases in which the product is contained, or any certificate in relation thereto.

(8) *Labels on containers.* All process or renovated butter and the packages or containers thereof shall be marked with the words "Process Butter" and by such other marks, labels, or brands, and in such manner, as may be prescribed by the Secretary of Agriculture.

(9) *False or misleading labels.* No statement that is false or misleading in any particular shall be placed on or affixed to any wrapper, label, carton, or container of process or renovated butter.

(10) *Unapproved product in interstate or foreign commerce.* No person, firm or corporation shall transport, or offer for transportation, or sell or offer for sale, in interstate or foreign commerce, or in commerce affecting commerce among the States, any process or renovated butter that has not been inspected and passed and marked, labeled, and branded in accordance with this section and the regulations issued hereunder.

(11) *Administration.* The administration and enforcement of the provisions of this section, other than its provisions relating to revenue, but including the seizure and denaturing or destruction of ingredients intended to be used in the manufacture of process or renovated butter and the denaturing or destruction of process or renovated butter, are committed exclusively to the Secretary of Agriculture: *Provided*, That any powers and duties of the Food and Drug Administration of the Department of Health, Education, and Welfare under the Federal Food, Drug, and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C., chapter 9), as regards such ingredients before they come into the possession of the manufacturers of process or renovated butter, or as regards such powers and duties in connection with process or renovated butter after it leaves such manufacturers and comes into the hands of wholesale or retail dealers, or others, shall not be affected by this section.

[Sec. 4817 as originally enacted and in effect July 1, 1960]

§ 45.4817–1 Inspection of process or renovated butter.

For regulations issued under section 4817 by the Secretary of Agriculture relating to process or renovated butter, see 9 CFR Part 171.

§ 45.4818 Statutory provisions; administrative decisions relating to adulterated butter.

SEC. 4818. *Administrative decisions relating to adulterated butter.* The Secretary or his delegate is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed as adulterated butter under this subpart; and his decision in such matters of taxation under this subpart shall be final.

[Sec. 4818 as amended and in effect July 1, 1960]

§ 45.4818–1 Administrative decisions relating to adulterated butter.

The Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed as adulterated butter; and his decision in such matters of taxation shall be final.

§ 45.4819 Statutory provisions; cross references.

SEC. 4819. *Cross references*—(a) *Definitions.* For definitions applicable to this subpart, see section 4826.

(b) *Other provisions.* For penalties and other general and administrative provisions applicable to this subpart see subtitle F.

[Sec. 4819 as originally enacted and in effect July 1, 1960]

§ 45.4819–1 Cross references.

(a) For definitions relating to adulterated butter and process or renovated butter, see section 4826 and the regulations thereunder.

(b) For penalties for offenses relating to stamps, see § 45.7209.

(c) For penalty for unauthorized use or sale of stamps, see § 45.7208.

(d) For penalties for other offenses relating to stamps, see § 45.7271.

(e) For penalty for failure to register, see § 45.7272.

(f) *For other administrative provisions relating to the tax imposed on adulterated butter, see subpart L.*

OCCUPATIONAL TAX

§ 45.4821 Statutory provisions; imposition of tax.

SEC. 4821. *Imposition of tax*—(a) *Manufacturers*—(1) *Process or renovated butter.* Manufacturers of process or renovated butter shall pay a special tax of $50 a year.

(2) *Adulterated butter.* Manufacturers of adulterated butter shall pay a special tax of $600 a year.

(b) *Wholesale dealers in adulterated butter.* Wholesale dealers in adulterated butter shall pay a special tax of $480 a year.

(c) *Retail dealers in adulterated butter.* Retail dealers in adulterated butter shall pay a special tax of $48 a year.

[Sec. 4821 as originally enacted and in effect July 1, 1960]

§ 45.4821–1 Imposition and rate of tax.

(a) *Manufacturers*—(1) *Process or renovated butter.* Section 4821(a)(1) imposes a special tax in the case of manufacturers of process or renovated butter of $50 per year.

(2) *Adulterated butter.* Section 4821(a)(2) imposes a special tax in the case of manufacturers of adulterated butter of $600 per year.

(b) *Wholesale dealers.* Section 4821(b) imposes a special tax in the case of wholesale dealers in adulterated butter of $480 per year.

(c) *Retail dealers.* Section 4821(c) imposes a special tax in the case of retail dealers in adulterated butter of $48 per year.

(d) *Computation of the tax.* For regulations relating to computation of the tax, see paragraph (b) of § 45.4901–1.

§ 45.4821–2 Requirements with respect to manufacturers of adulterated butter or process or renovated butter.

(a) *Payment of special tax.* A manufacturer of adulterated butter or process or renovated butter must make a return on Form 11 to the district director, pay the special tax, and comply with the provisions contained in subpart K, relating to special taxes.

(b) *Liability as a wholesale dealer.* If a manufacturer of adulterated butter sells statutory packages of his own production elsewhere than at the place of manufacture, liability as a wholesale dealer is incurred. (See paragraph (c)(1) of § 45.4821–3.) As to exemption from liability as a wholesale dealer, see §§ 45.4821–4 and 45.4903–1.

(c) *Liability as a retail dealer.* A manufacturer shall sell adulterated butter in statutory packages only. (See paragraph (b)(1) of § 45.4814–2.) A manufacturer who sells adulterated butter otherwise than in statutory packages incurs liability to the $1,000 penalty imposed by section 7265(c). If the quantity sold is less than 10 pounds, liability as a retail dealer is also incurred.

(d) *Cross reference.* For the general requirements with respect to manufacturers of adulterated butter or process or renovated butter, see §§ 45.4814–1 to 45.4814–5.

§ 45.4821–3 Requirements with respect to wholesale dealers in adulterated butter.

(a) *Payment of special tax.* A wholesale dealer in adulterated butter shall make a return on Form 11 to the district director, pay the special tax, and comply with the provisions contained in Subpart K, relating to special taxes.

(b) *Liability for breaking package.* A wholesale dealer in adulterated butter shall sell original stamped packages only. A wholesale dealer who removes and sells adulterated butter from original stamped packages incurs liability to the $1,000 penalty imposed by section 7265(c). If the quantity sold is less than 10 pounds, liability as a retail dealer is also incurred.

(c) *Liability in particular situations*—(1) *Place of sale.* Liability to special tax as either a wholesale dealer or a retail dealer is incurred at each place other than the registered premises where adulterated butter is sold or offered for sale. The place of actual or constructive delivery transferring the ownership of the adulterated butter from the vendor to the vendee is regarded as the place of sale for which special tax is required to be paid. (See paragraph (b) of § 45.–4821–6 as to itinerant vendors.)

(2) *Delivery orders.* Sales to persons ordering adulterated butter, including c.o.d. orders, shall be absolutely completed at the registered place of business of the vendor or liability is incurred at each place where deliveries are made. Orders must be received at the vendor's registered premises, where the adulterated butter must be addressed and billed to, and the sales recorded in the names of the persons ordering. The identical package sold at the vendor's registered place of business to the person ordering is the only package the vendor or his agent may deliver at another place without incurring liability for the special tax at the place of delivery.

(3) *Sight draft orders.* Where a bona fide order is received at the registered place of business of the vendor and the adulterated butter is there addressed and billed to the persons ordering, it may be shipped with a draft for the purchase money attached to the bill of lading. The bill of lading shall be endorsed specifically, and not in blank, to the person ordering, and the draft drawn on such person, otherwise the sale is completed and special-tax liability is incurred at the place of delivery.

(4) *Standing orders.* Deliveries of adulterated butter may be made as specified in a standing order accepted at the registered place of business of a manufacturer or dealer without incurring special tax liability at the place of delivery. However, delivery of any other quantity than that specified in the standing order, whether more or less, constitutes a separate transaction not covered by the standing order, and is subject to subparagraph (2) of this paragraph.

(5) *Agents or brokers.* A broker or agent may solicit orders for adulterated butter, receive a commission for his services, and make collections for the principal without becoming liable to special tax as a dealer, provided title to the adulterated butter does not vest in the agent or broker at any time. If the manufacturer or dealer bills the adulterated butter to the broker or agent, who in turn bills it to others, with or without profit, a second sale takes place and the broker or agent incurs special-tax liability as a dealer at each place where he makes deliveries.

(6) *Resales.* Before resale of original stamped packages of adulterated butter they shall be actually or constructively returned to the vendor's registered place of business and the second sale there consummated before delivery. If the goods are picked up at the address of one customer and delivered to that of another before the resale is completed at the vendor's registered place of business, the resale occurs at the place of delivery and additional special tax liability is incurred.

(7) *Delivery from warehouse.* Tax-paid packages of adulterated butter may be stored in warehouses and delivered therefrom without incurring special-tax liability at the warehouse: *Provided*, The sales are completed at the vendor's registered place of business. The mere transmittal to, and the filling of the order at, the warehouse do not constitute a sale at the registered place of business. The adulterated butter must be billed to, and the sale recorded in the name of, the customer at the registered place of business before the removal from the warehouse.

(8) *Chain store warehouses.* An operator of chain stores may store adulterated butter in warehouses operated by him, without incurring special-tax liability at the warehouses, provided no sales are made there and that the adulterated butter is distributed exclusively to stores operated by him, and not to stores of other operators.

(9) *Exporters.* A person otherwise liable as a wholesale dealer for the special tax is not exempt because transactions are for export only.

§ 45.4821–4 Exemptions as wholesale dealer.

Liability for the special tax as a wholesale dealer is not incurred in the following situations:

(a) *Sales at factory.* Where a manufacturer sells adulterated butter of his own production in statutory packages at the place of manufacture. As to manufacturer's liability as a retail dealer, see paragraph (c) of § 45.4821–2.

(b) *Sales of left-over stock.* Where a manufacturer who, having discontinued the business, directs a wholesale dealer holding adulterated butter of his production to consign it to another wholesale dealer for sale on commission for the manufacturer's account.

(c) *Sales to secure charges.* Where a warehouse sells adulterated butter to cover storage charges, or a transportation company to secure freight charges or salvage damaged merchandise. The quantity so sold and the name and address of the buyer shall be reported to the district director.

(d) *Sales to assignee.* Where a retail dealer sells his stock of merchandise, including adulterated butter, to his successor.

§ 45.4821–5 Requirements with respect to retail dealers in adulterated butter.

(a) *Payment of special tax.* A retail dealer shall make return on Form 11 to the district director, pay special tax, and comply with the provisions contained in subpart K, relating to special taxes.

(b) *Quantity limitation.* A retail dealer may sell adulterated butter in quantities of less than 10 pounds at one time taken from an original package or packages, but if he sells an original package of 10 pounds, he will incur liability for the special tax as a wholesale dealer, and for the penalty imposed by section 7265(c) for failure to pay the special tax imposed by section 4821(b).

§ 45.4821–6 Liability in particular situations.

(a) *Dealers in other products.* Dealers in butter and other persons who, knowingly or unknowingly, sell adulterated butter render themselves liable to tax as dealers in adulterated butter.

(b) *Itinerant vendors.* A special-tax stamp can be issued only for a specific address or a fixed place of business. Peddlers, operators of so-called rolling stores, and other vendors who, traveling from place to place, sell adulterated butter incur liability to special tax as either a wholesale or retail dealer at each place where sales are made. (See paragraph (c)(1) of § 45.4821–3 as to incurring liability at place of sale.)

(c) *Nontaxable situations.* Special-tax liability as a dealer is not incurred in the following situations:

(1) *Eating places.* Where proprietors of public eating places serve adulterated butter with meals, with or without special charge for it.

(2) *Pooling funds.* Where a member of a pool formed for the purpose of purchasing adulterated butter remits the purchase money and individual orders to the vendor and distributes the goods to other members of the pool. (See paragraph (c)(5) of § 45.4821–3 as to agents or brokers.)

§ 45.4822 Statutory provisions; cross references.

SEC. 4822. *Cross references*—(a) *Definitions.* For definitions applicable to this subpart, see section 4826.

(b) *Other provisions.* For penalties and other general and administrative provisions applicable to this subpart, see chapter 40 and subtitle F.

[Sec. 4822 as originally enacted and in effect July 1, 1960]

§ 45.4822–1 Cross references.

(a) For provisions relating to registration in case of a trade or business on which a special tax is imposed, see §§ 45.7011 and 45.7011–1.

(b) For requirements relating to posting occupational tax stamps, see §§ 45.–6806 and 45.6806(a)–1.

(c) For other administrative requirements relating to occupational taxes, see Subpart K of this part.

(d) For penalties, see sections 7264, 7265, 7272, and 7273.

§ 45.4826 Statutory provisions; definitions.

SEC. 4826. *Definitions*—(a) *Butter.* For the purpose of this part, the word "butter" shall be understood to mean the food product unusually known as butter, and made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

(b) *Adulterated butter.* "Adulterated butter" is defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as defined in subsection (a), with intent or effect of cheapening in cost the product, or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk or cream.

(c) *Process or renovated butter.* "Process butter" or "renovated butter" is defined to mean butter which has been subjected to any process by which it is melted, clarified, or refined and made to resemble genuine butter, always excepting "adulterated butter" as defined by subsection (b).

(d) *Manufacturer.* Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

(e) *Dealer.* Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter.

(f) *Retail dealer.* Every person who sells adulterated butter in less quantities than 10 pounds at one time shall be regarded as a retail dealer in adulterated butter.

[Sec. 4826 as originally enacted and in effect July 1, 1960]

§ 45.4826–1 Butter defined.

Butter churned and worked in accordance with approved standards, and with quality as a prime object, contains not more than 16 percent moisture. As defined by the Federal Food, Drug, and Cosmetic Act of June 25, 1938 (52 Stat. 1040; 21 U.S.C. ch. 9), butter contains not less than 80 percent, by weight, of milk fat, allowance being made for all tolerances. When butter contains a smaller quantity of milk fat or more than 16 percent moisture, a strong presumption is raised that the product is adulterated butter within the meaning of the statute.

§ 45.4826–2 Adulterated butter classified.

Adulterated butter may be divided into three classes, namely:

(a) Butter in any way produced from different lots of melted or unmelted butter, or butter fat, to which a substance has been added for the purpose of removing rancidity or deodorizing it, except butter made from sour cream the acid of which has been reduced with lime water before churning.

(b) Butter or butter fat with which is mixed any substance foreign to butter as defined by law, for the purpose of reducing the cost of the product. This does not include mixtures properly classifiable as oleomargarine.

(c) Butter manufactured or manipulated by any process or with any material resulting in the absorption of abnormal quantities of water, milk, or cream. Emulsified or milk-blended butter comes within this class.

§ 45.4826–3 Preservatives.

Butter to which a harmless preservative has been added solely for the purpose of preservation is not subject to tax as adulterated butter, provided the quantity is not larger than is absolutely necessary to preserve it. If the preservative is used as a bath or wash in working or renovating it, the product will be subject to tax as adulterated butter.

§ 45.4826–4 Ladled butter.

The product commonly known as "ladled butter" is taxable as adulterated butter if a process within the definition of adulterated butter (see § 45.4826–2) is used.

§ 45.4826–5 Process or renovated butter.

The terms "process butter" and "renovated butter" are used synonymously in the regulations in this part and it is immaterial, for purposes of this part, whether a manufacturer designates the product "process butter" or "renovated butter". Butter which falls within the definition of adulterated butter (see § 45.4826–2) is subject to tax as adulterated butter rather than as process or renovated butter. The principal difference between adulterated butter and process or renovated butter is with respect to the use of chemicals or other substances. Butter reworked with the use of chemicals or other substances is adulterated. Butter which is melted, clarified, or refined without the use of chemicals or other substances is process or renovated butter.

Subpart H—Filled Cheese Tax on Products

§ 45.4831 Statutory provisions; imposition of tax.

SEC. 4831. *Imposition of tax*—(a) *Domestic.* There shall be imposed upon all filled cheese which shall be manufactured a tax of 1 cent per pound payable by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound.

(b) *Imported.* There shall be imposed upon all filled cheese imported from a foreign country, in addition to any import duty imposed on the same, an internal revenue tax of 8 cents per pound; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States.

[Sec. 4831 as originally enacted and in effect July 1, 1960]

§ 45.4831–1 Imposition and rate of tax.

(a) *Domestic filled cheese.* Section 4831(a) imposes a tax on domestically manufactured filled cheese at the rate of 1 cent per pound. Any fractional part of a pound in a package shall be taxed as a pound.

(b) *Liability for tax on domestic filled cheese.* The manufacturer of the filled cheese is liable for the payment of the

tax imposed under section 4831(a). The tax accrues when the filled cheese is manufactured and is to be paid in the manner set forth in § 45.4832–1.

(c) *Imported filled cheese.* Section 4831(b) imposes a tax on filled cheese imported from a foreign country at the rate of 8 cents per pound. Any fractional part of a pound in a package shall be taxed as a pound. The tax imposed under section 4831(b) on imported filled cheese is in addition to any import duty imposed on such filled cheese.

(d) *Liability for tax on imported filled cheese*—(1) *Release of product.* The person importing the filled cheese shall be liable for the tax imposed under section 4831(b) and the tax must be paid by affixing the required stamps prior to release of the product from customs custody.

(2) *Purchase of stamps.* Stamps for the tax payment of imported filled cheese will be sold to the owner or consignee of such merchandise by the district director of internal revenue for the district in which is located the office of the collector of customs where the customs entry is filed, upon requisition therefor duly executed by an authorized customs officer.

(3) *Affixing and cancellation of stamps.* Filled cheese imported from foreign countries is not required to have the internal-revenue stamps affixed to the packages thereof and canceled unless and until such product is to be released from customs custody for consumption or sale in the United States. Such stamps shall be affixed and canceled by the owner or consignee while the product is in the custody of the proper customs officer, and such product shall not pass out of the custody of said officer until the stamps have been affixed and canceled. The mode of affixing the stamps to packages of domestic manufacturers prescribed in paragraph (b) of § 45.4832–1 is hereby made applicable to imported filled cheese. Each stamp so affixed shall be canceled by the owner or consignee writing or imprinting on the face thereof in distinct and legible letters and figures his name and date of cancellation, name of port, and customs entry number.

(e) *Exported filled cheese.* There is no provision for the omission of the tax on filled cheese exported from the United States and all filled cheese exported must be tax paid at the rate of 1 cent per pound.

§ 45.4832 Statutory provisions; stamps.

Sec. 4832. *Stamps*—(a) *Method of payment*—(1) *Stamps.* The taxes imposed by section 4831 shall be represented by coupon stamps.

(2) *Assessment.* For assessment in case of omitted taxes, see subtitle F.

(b) *Emptied packages.* Whenever any stamped package containing filled cheese is emptied, it shall be the duty of the person in whose hand the same is to destroy the stamps thereon.

(c) *Other stamp provisions.* The provisions of law governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, so far as applicable, shall apply to stamps provided for by paragraph (1) of subsection (a).

[Sec. 4832 as originally enacted and in effect July 1, 1960]

§ 45.4832–1 Affixing and canceling of stamps.

(a) *Domestic filled cheese.* The tax imposed under section 4831(a) on filled cheese of domestic manufacture shall be paid by the manufacturer thereof by the affixing of stamps to the packages before removal from the place where made.

(b) *Affixing and cancellation of stamps.* Filled-cheese stamps have been prepared in denominations of 1, 10, 20, and 40 cents with 10 stamps to a sheet. Such stamps are obtainable upon application on Form 218 to the district director for the district in which the factory is located. On the withdrawal of a package of filled cheese the proper tax-paid stamp must be securely affixed to the side thereof and immediately canceled by stamping or perforating the factory number, internal revenue district, State, and date thereon. Illustration: "Fac. No. 12, Chicago District, Ill.", over "April 15, 1960." For provisions relating to affixing and cancellation of stamps in respect of imported filled cheese, see paragraph (d)(3) of § 45.4831–1.

§ 45.4832–2 Emptied packages.

Whenever any stamped package containing filled cheese is emptied, the person in whose hands such package is shall destroy the stamps affixed thereon.

§ 45.4832–3 Other stamp provisions.

For regulations with respect to the engraving, issuing, sale, accountability, effacement, and destruction of stamps, see Subpart L of this part.

§ 45.4833 Statutory provisions; requirements applicable to manufacturers.

Sec. 4833. *Requirements applicable to manufacturers*—(a) *Packing requirements*—(1) *Marks, stamps, and packages.* Filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than two inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters not less than two inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages.

(2) *Label.* Every manufacturer of filled cheese shall securely affix, by pasting on each package containing filled cheese manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice. The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

(b) *Factory number and signs.* Every manufacturer of filled cheese shall put up such signs and affix such number to his factory as the Secretary or his delegate may by regulation require.

(c) *Bonds.* Every manufacturer of filled cheese shall file with the official in charge of the internal revenue district in which his manufactory is located such bonds as the Secretary or his delegate may by regulation require. The bond required of such manufacturer shall be in a penal sum of not less than $5,000; and the amount of said bond may be increased from time to time, and additional sureties required, at the discretion of the Secretary or his delegate.

[Sec. 4833 as originally enacted and in effect July 1, 1960]

§ 45.4833–1 Requirements applicable to manufacturers.

(a) *Packing requirements.* (1) All filled cheese shall be packed by the manufacturer thereof in wooden packages only, not before used for that purpose. The law does not fix the size of the manufacturers' packages. The contents of all packages must be completely covered. Crates with openings between slats may not be used as original packages. A package which has once been used for packing filled cheese may be taken apart and the material, from which all stamps, marks, and brands have been effectually removed, may be used in construction of new containers. All filled cheese sold by manufacturers of filled cheese shall be in original stamped packages.

(2) A package of filled cheese, to meet all the requirements of the law and regulations must be branded (paragraph (b) of this section), have caution notice label affixed (paragraph (c) of this section), and have proper stamp or stamps affixed and canceled (paragraph (b) of § 45.4832–1).

(3) Manufacturers and dealers may incase properly stamped and branded original packages of filled cheese in additional coverings or wrappers, provided such additional coverings or wrappers have duly impressed or stenciled thereon the brand as prescribed in paragraph (b) of this section, and also the following additional inscription: "The original package herein contained has been duly tax paid and proper stamp is affixed."

(b) *Branding requirements.* (1) Each cheese shall be marked, stamped, and branded with the words "filled cheese" in black-faced letters, not less than 2 inches in length, in a circle in the center of the top and bottom of the cheese; and in like letters, in four different places, equidistant from each other, on the side of the cheese, in line from the top to the bottom thereof. Like brands are required upon the wooden packages containing such cheese. Where the consistency of the filled cheese will not permit of the brand being applied directly thereto it will be sufficient if the package is duly branded as herein required.

(2) The width of the letters in the above brands shall not be less than 1 inch over all, with quarter-inch stem. Section 4833(a)(1) prescribes that the brands for the side of the cheese shall be put on in line from top to bottom. Where the cheese is not sufficiently thick to accommodate these words in a perpendicular or vertical line, they may be branded in a line running diagonally from top to bottom.

(3) Each cheese, likewise the wooden package therefor, shall, in addition to the above brands required upon the top and bottom surfaces, be branded with words and figures indicating the factory number, the internal revenue district, State, and the weight of the cheese, in the order observed in the following example:

Factory No. 1, Chicago District, Ill.
30 Pounds
Filled Cheese

(4) All letters and figures in the above brand must be in black-faced block type, not less than 1 inch in width over all, with quarter-inch stems in the words "filled cheese" and not less than 1 inch square in the remaining words.

(5) If a manufacturer desires to place his name upon the filled cheese, or upon the wooden package therefor, he may do so, provided such brand in nowise overshadows, subordinates, or conceals the Government brand above prescribed by the law and the regulations in this part.

(c) *Labeling requirements.* Every manufacturer's package of filled cheese must, before removal from the bonded premises where made, have printed thereon or securely affixed on the side or end thereof by pasting, in such a way as to be exposed to public view and to be easily read, a label on which is printed the number of the manufactory and the internal revenue district and State in which it is situated, and the words of the caution notice as provided by section 4833(a)(2).

(2) The prescribed wording must be in plain, open, and legible letters in black ink, and shall occupy a space not less than 3 inches long and not less than 1½ inches in width, and when in label form, it shall be printed on plain white paper and shall be substantially in the following form:

Factory No. ------, ---------- District.
State of ----------.
NOTICE: The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases.

§ 45.4833–2 Factories.

(a) *Premises.* Unless otherwise approved by the district director, another factory may not be operated at the same time within the premises described in a manufacturer's notice. (See paragraph (d) of this section.)

(b) *Manufacturer's sign.* Every manufacturer of filled cheese shall place and keep over the principal entrance to the building wherein his business is carried on, so that it can be distinctly seen, a sign with letters thereon not less than 3 inches in height, painted in oil colors or gilded, giving his full name and business and the number of his manufactory.

(c) *Factory number.* Each filled-cheese factory shall be assigned a number by the district director, which number shall not be held at the same time by any other manufacturer of filled cheese in his district, nor thereafter changed except for reasons approved by the district director. If the manufacturer removes to a new location in the same district, he will retain his old number. Upon removal from one internal revenue district to another a new number will be assigned by the district director for the district to which removed. When a factory is closed, the number which is released will not be reassigned during the balance of the fiscal year.

(d) *Manufacturer's notice*—(1) *Execution of form.* Before commencing business, and immediately on the first day of July thereafter as long as he continues in the business, a manufacturer of filled cheese shall file with the district director a notice of intention to manufacture. This notice shall be prepared on Form 213 which may be obtained from the district director. The premises described in the notice shall conform with the requirements of this section.

(2) *Notice of change.* A new notice shall be filed with the district director before or immediately upon making any change either in location or in the premises or ownership of the business as described in the original notice.

§ 45.4833–3 Bonding.

(a) *Requirement.* Every manufacturer of filled cheese, before incurring any liability for the tax imposed by section 4831, shall file a bond with the district director in accordance with the provisions of paragraph (b) of this section.

(b) *Bond*—(1) *In general.* The bond required under paragraph (a) of this section shall be executed in accordance with the form, instructions, and regulations applicable thereto. Such bond shall be conditioned that the principal shall not engage in any attempt, by himself or by collusion with others, to defraud the United States of any tax under section 4831; that he shall render truly and completely all the returns and inventories required by law or regulations in respect of such tax and shall pay all such taxes for which he is liable; and that he shall comply with all requirements of law and regulations with respect to such taxes. The penal sum of such bond shall be not less than $5,000; and the sum of said bond may be increased from time to time at the discretion of the district director. Copies of the form to be used in filing the bond may be obtained from any district director.

(2) *Cancellation clause.* The bond required under paragraph (a) of this section may be accepted with a cancellation clause incorporated therein. Such cancellation clause shall provide that:

(i) Any surety on the bond may at any time give notice to the principal and the district director that he desires to be relieved of liability under said bond after a date named, which shall be at least 60 days after the receipt of notice by the district director.

(ii) If the notice is not withdrawn in writing prior to the date named in the notice, the rights of the principal as supported by said bond shall be terminated on such date (unless supported by another bond or bonds), and the surety shall be relieved from liability under said bond for any acts done wholly subsequent to said date. The surety shall, however, remain liable for any unpaid tax liability incurred by the principal before cancellation, in addition to penalties and interest, unless the principal pays such tax and penalties and interest.

(iii) Said notice may not be given by an agent of the surety, unless it is accompanied by a power of attorney duly executed by the surety authorizing the agent to give such notice or by a verified statement that such power of attorney is on file with the Treasury Department.

(3) *New or additional bond.* The district director may require a new or additional bond under this section in any case where he deems it necessary or desirable in order to protect the interest of the United States.

(4) *Other provisions relating to bonds.* For general provisions relating to bonds, including such matters as the surety or sureties required, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Administration).

§ 45.4834 Statutory provisions; requirements applicable to wholesale and retail dealers.

Sec. 4834. *Requirements applicable to wholesale and retail dealers*—(a) *Signs.* Every wholesale dealer and every retail dealer in filled cheese shall display in a conspicuous place in his salesroom a sign bearing the words "Filled cheese sold here" in black-faced letters not less than six inches in length, upon a white ground, with the name and number of the revenue district in which his business is conducted.

(b) *Selling requirements.* Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Secretary or his delegate.

[Sec. 4834 as originally enacted and in effect July 1, 1960]

§ 45.4834–1 Signs to be displayed by wholesale and retail dealers.

Each retail and each wholesale dealer in filled cheese shall display in a conspicuous place in his salesroom a sign bearing the words "Filled cheese sold here" in black-faced letters not less than six inches in length, upon a white ground, with the name of the revenue district in which the business is conducted. Concealment of the sign from full view of the public will not be deemed a compliance with the law. If a dealer has more than one salesroom, he must post the requisite sign in each such room.

§ 45.4834–2 Packaging requirements.

Retail dealers in filled cheese must sell only from original stamped packages, and shall pack the filled cheese sold by them in suitable wooden or paper packages which shall be marked and branded

as provided in § 45.4834–3. Wooden or paper packages similar to those usually employed in selling butter and lard at retail may be used by the retail dealer in filled cheese. There is no restriction as to the quantity of filled cheese that a retailer may sell at one sale, but he must remove the product from the original manufacturer's package and repack in another package, made of either wood or paper, and place on such package the required marks and brands. A retail dealer who sells filled cheese in original packages for resale or to another retailer incurs additional liability to special tax as a wholesale dealer. (See section 4841(b).)

§ 45.4834–3 Branding requirements.

Each retailer's wooden or paper package must have the name and address of the dealer marked or branded thereon, likewise the words "Pound" and "Filled Cheese," in letters not less than one-quarter inch square, and the quantity written, marked, or branded thereon in figures of the same size (one-quarter of an inch square), substantially as follows:

Richard Roe
100 Doe Street
Boston
1 pound Filled Cheese

The words "Filled Cheese" and "Pound" which are required to be marked or branded on retailers' wooden or paper packages, in letters not less than one-quarter inch square, and the quantity which is required to be written, marked or branded thereon in figures of like size, must be so placed so as to be plainly visible to the purchaser at the time of delivery to him. Illegible or concealed marks and brands are not those contemplated and required by the law and regulations. It will not be deemed a compliance with the regulations in this part if the words "Filled Cheese" and the other required words and figures shall be illegibly branded or marked or so placed as to be concealed from view, by being on the inside of the package or by folding in the stamped portion of the paper sheet used for wrapping, or otherwise. The required words and figures must be legibly printed or branded and conspicuously placed, and no other word or business card should be placed in such juxtaposition thereto as to divert attention from the fact that the contents of the package are filled cheese. The color of the ink with which the words are marked or branded must be black.

§ 45.4836 Statutory provisions; cross references.

SEC. 4836. *Cross references.* For definitions, penalties, and other general and administrative provisions, see section 4846 and subtitle F.

[Sec. 4836 as originally enacted and in effect July 1, 1960]

§ 45.4836–1 Cross references.

(a) For definitions relating to filled cheese see § 45.4846 and the regulations thereunder.

(b) For penalties for offenses relating to stamps, see § 45.7208.

(c) For penalties for unauthorized use or sale of stamps, see § 45.7209.

(d) For penalties for other offenses relating to stamps, see § 45.7271.

(e) For penalty for failure to register, see § 45.7272.

(f) For other administrative provisions relating to the tax imposed on filled cheese, see Subpart L.

Occupational Tax

§ 45.4841 Statutory provisions; imposition of tax.

SEC. 4841. *Imposition of tax*—(a) *Manufacturers.* Manufacturers of filled cheese shall pay a special tax of $400 a year for each and every factory.

(b) *Wholesale dealers*—(1) *In general.* Wholesale dealers in filled cheese shall pay a special tax of $250 a year.

(2) *Manufacturers selling at wholesale.* Any manufacturer of filled cheese who has given the required bond and paid the required special tax, and who sells only filled cheese of his own production, at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

(c) *Retail dealers.* Retail dealers in filled cheese shall pay a special tax of $12 a year.

[Sec. 4841 as originally enacted and in effect July 1, 1960]

§ 45.4841–1 Imposition and rate of tax.

Section 4841 imposes a special tax in the case of manufacturers, wholesale dealers, and retail dealers of filled cheese at the following rates:

(a) Manufacturers	$400 per year for each factory.
(b) Wholesale dealers	$250 per year.
(c) Retail dealers	$12 per year.

§ 45.4841–2 Applicability of tax.

(a) *Manufacturers.* Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese.

(b) *Wholesale dealers.* Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufacturer's package for resale, or to retail dealers as defined in paragraph (c) of this section, shall be deemed a wholesale dealer in filled cheese. A qualified manufacturer who sells only tax-paid filled cheese of his own production at the place of manufacture is not liable as a wholesale dealer.

(c) *Retail dealers.* Every person who sells filled cheese at retail, not for resale but for actual consumption, shall be regarded as a retail dealer in filled cheese.

(d) *Payment of special tax.* Every person liable for the special tax imposed by section 4841 must make a return on Form 11 to the district director, pay the special tax, and comply with the provisions contained in Subpart K, relating to special taxes.

(e) *Computation of tax.* For regulations relating to computation of the tax, see § 45.4901–1(b).

§ 45.4841–3 Liability of wholesale dealers and retail dealers for special tax.

(a) *In general.* (1) Except in the case of a manufacturer selling filled cheese of his own producion at the place of manufacture, a person is liable to special tax as a dealer in filled cheese, either wholesale or retail as the case may be, at each and every place where he sells, or offers for sale, filled cheese. The place where the delivery, either actual or constructive, which transfers ownership from vendor to vendee, is made is the place of sale and for which special tax is required to be paid. A special tax stamp can be issued to a dealer in filled cheese only for a fixed place of business. One who travels from place to place and makes sales of filled cheese incurs liability to special tax at each place where such sales and deliveries are made.

(2) Dealers in cheese should ascertain the true character of the article which they sell or offer for sale. If they are found to have sold filled cheese, though they believed it to be genuine cheese, they nevertheless are liable to special tax as dealers in filled cheese.

(3) Special tax stamps are not transferrable from one person to another. When a new member is added to a firm a new stamp is required.

(4) Any number of persons doing business in copartnership at any one place are required to pay but one special tax.

(b) *Situations where special tax liability is not incurred.* Special tax liability is not incurred in respect to sales by:

(1) A receiver appointed by the court to sell filled cheese under order of the court.

(2) A trustee when he carries on the business at the principal's store and under the special tax stamp issued to the principal.

(3) A member of a firm acquiring the interests of the other members and carrying on the business under the stamp issued to the firm.

(4) A qualified dealer moving from one location to another provided he registers the change with the district director during the calendar month in which it occurred.

(5) The legal representative of a deceased special taxpayer carrying on the business until the expiration of the stamp but the change must be registered with the district director within the month in which it was made.

(6) An army post exchange under the complete control of the Department of Defense.

(7) A keeper of a restaurant who furnishes filled cheese merely to patrons as a part of their meals even though a separate charge is made for the filled cheese served.

(8) A transportation company selling filled cheese to secure freight charges.

§ 45.4841–4 Storing filled cheese.

Manufacturers of, and wholesale dealers in, filled cheese may store tax-paid packages of such product at places other than those named in their special-tax stamps and may make deliveries from such places of storage without incurring additional special tax liability, provided that sales of filled cheese so stored are absolutely completed by the manufacturers or wholesale dealers at their registered places of business by

constructive delivery there prior to actual removal of the goods from the place of storage for delivery to purchasers. Receipt of an order at the place of business of a manufacturer or dealer and the sending of such order to the storage house for delivery is not a sale of goods at said place of business. A manufacturer or dealer must not merely receive the order at his place of business, but he must make out there and deliver to the customer ordering, or send to him direct a bill of sale in each instance transferring to him the ownership of the goods before there is an actual delivery from the place of storage.

§ 45.4842 Statutory provisions; cross references.

SEC. 4842. *Cross references*—(a) *Definitions.* For definitions applicable to this subpart, see section 4846.

(b) *Other provisions.* For penalties and other general and administrative provisions applicable to this subpart, see chapter 40 and subtitle F.

[Sec. 4842 as originally enacted and in effect July 1, 1960]

§ 45.4842–1 Cross references.

(a) For provisions relating to registration in case of a trade or business on which a special tax is imposed, see §§ 45.7011 and 45.7011–1.

(b) For requirements relating to posting occupational tax stamps, see §§ 45.6806 and 45.6806(a)–1.

(c) For other administrative requirements relating to occupational taxes, see subpart K of this part.

(d) For penalties, see sections 7266, 7272, and 7273.

§ 45.4846 Statutory provisions; definitions.

SEC. 4846. *Definitions.* For the purposes of this part—(1) *Cheese.* The word "cheese" shall be understood to mean the food product known as cheese, and made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

(2) *Filled cheese.* Certain substances and compounds shall be known and designated as "filled cheese," namely: All substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese. Substances and compounds, consisting principally of cheese with added edible oils, which are not sold as cheese or as substitutes for cheese but are primarily useful for imparting a natural cheese flavor to other foods shall not be considered "filled cheese" within the meaning of this part.

(3) *Manufacturer.* Every person, firm, or corporation who manufacturers filled cheese for sale shall be deemed a manufacturer of filled cheese.

(4) *Wholesale dealer.* Every person, firm, or corporation who sells or offers for sale filled cheese, in the original manufacturer's packages for resale, or to retail dealers as defined in paragraph (5) shall be deemed a wholesale dealer in filled cheese.

(5) *Retail dealer.* Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese.

[Sec. 4846 as originally enacted and in effect July 1, 1960]

§ 45.4846–1 Definitions.

(a) *Cheese.* The term "cheese" shall be understood to mean the food product known as cheese, and made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

(b) *Filled cheese.* (1) The term "filled cheese" shall include all substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese. Substances and compounds, consisting principally of cheese with added edible oils, which are not sold as cheese or as substitutes for cheese but are primarily useful for imparting a natural cheese flavor to other foods shall not be considered "filled cheese" within the meaning of this chapter.

(2) The mixture of cheese with coloring matter does not render it liable to tax as filled cheese, such mixture being permitted under the definition given in section 4846(a) and paragraph (a) of this section. If, however, the annatto or other coloring matter is mixed with a vegetable oil or an animal fat as a mordant, resulting in a compound resembling cheese, this compound would be liable to tax as filled cheese.

(3) The manufacture of cheese from synthetic cream which is prepared by homogenizing a mixture of butter and skimmed milk or a mixture of butter, milk powder, and water results in a product which is clearly "filled cheese" as defined by statute, being a substance made of milk or skimmed milk with an admixture of butter in imitation or semblance of cheese.

§ 45.4846–2 Cross reference.

For definition and application of the terms "manufacturer", "wholesale dealer" and "retail dealer", see section 4841 and the regulations thereunder.

Subpart I—Contracts of Sale of Cotton for Future Delivery

§ 45.4851 Statutory provisions; imposition of tax.

SEC. 4851. *Imposition of tax*—(a) *Rate.* Upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there shall be imposed a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract.

(b) *By whom paid.* The tax imposed by subsection (a) shall be paid by the seller of the cotton involved in the contract of sale.

[Sec. 4851 as originally enacted and in effect July 1, 1960]

§ 45.4851–1 Imposition and rate of tax.

(a) *Imposition of tax.* Section 4851 imposes a tax upon each contract of sale of cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, except contracts for the sale of specific cotton for future delivery which comply with the provisions of the regulations in this subpart.

(b) *Rate of tax.* The tax imposed under section 4851 shall be computed at the rate of 2 cents per pound for each pound of cotton involved in a contract subject to tax.

§ 45.4851–2 Liability for tax.

The tax imposed by section 4851 shall be paid by the seller of the cotton involved in each contract subject to tax.

§ 45.4852 Statutory provisions; definition.

SEC. 4852. *Definition.* For the purpose of this subchapter, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell.

[Sec. 4852 as originally enacted and in effect July 1, 1960]

§ 45.4852–1 Definitions.

(a) *Contract of sale.* The term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell.

(b) *Designation of contracts*—(1) *Contracts subject to section 4863.* The term "contracts subject to section 4863" shall mean basis grade contracts made in compliance with the provisions of section 4863 and the regulations thereunder.

(2) *Contracts subject to section 4864.* The term "contracts subject to section 4864" shall mean tendered grade contracts made in compliance with the provisions of section 4864 and the regulations thereunder.

(3) *Contracts subject to section 4865.* The term "contracts subject to section 4865" shall mean specific grade contracts made in compliance with section 4865 and the regulations thereunder.

§ 45.4853 Statutory provisions; form and validity of contracts.

SEC. 4853. *Form and validity of contracts*—(a) *Form.* Each contract of sale of cotton for future delivery mentioned in section 4851 (a) shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purpose of this subchapter, be deemed to weigh 500 pounds.

(b) *Validity.* No contract of sale of cotton for future delivery mentioned in section 4851(a), which does not conform to the requirements of subsection (a) of this section and has not the necessary stamps affixed thereto as required by section 4871, shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies.

[Sec. 4853 as originally enacted and in effect July 1, 1960]

§ 45.4853–1 Form and validity of contracts.

(a) *Form*—(1) *In general.* Every contract mentioned in section 4851(a) for the sale of cotton for future delivery shall be in writing and shall state, or shall be evidenced by written memorandum showing, (i) the terms of the contract, (ii) the quantity of cotton involved, (iii) the name and address of

the buyer, and (iv) the name and address of the seller. The contract or memorandum shall be signed by the person to be charged or by his agent in his behalf. For the purpose of this subpart, if the contract or memorandum specifies in bales the quantity of cotton involved, without giving the weight, each bale shall be deemed to weigh 500 pounds.

(2) *Exceptions.* (i) Contracts for sale of cotton made at, on, or in any exchange, board of trade, or similar institution or place of business and evidenced by memoranda containing the terms of such contract and the signatures of the parties to be charged in the form of punched and/or printed numbers, letters and symbols by the use of machines operated by a clearing house or a clearing association, pursuant to authority given to such clearing house or association by the members to be charged, are considered to be in compliance with section 4853(a) and subparagraph (1) of this paragraph.

(ii) Variations in the method of operation caused by sales of more than 100 bales of cotton and involving, in some cases, more than a single buying or selling broker, will not result in a noncompliance with section 4853(a) provided there are memoranda containing the terms of the contract and the signatures of the parties to be charged in the form of punched and/or printed numbers, letters or symbols as provided in subdivision (i) of this subparagraph.

(b) *Validity of contracts.* No contract for the sale of cotton for future delivery mentioned in section 4851(a) which does not conform to the requirements of section 4853 and paragraph (a) of this section and which does not have affixed thereto the necessary stamps required by section 4871, shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies.

(c) *Stating number of bales involved.* Each contract must provide that all tenders of cotton shall be the full number of bales involved therein. Such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight, and necessary variations in the weight of the cotton tendered may be permitted not to exceed 1 percent of the total weight specified in the contract.

§ 45.4854 Statutory provisions; cotton standards.

SEC. 4854. *Cotton standards*—(a) *Source and description.* Subject to the provisions of section 6 of the Act of March 4, 1923 (42 Stat. 1518; 7 U.S.C. 56), the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purpose of this subchapter, shall be known as the "Official cotton standards of the United States": *Provided*, That any standard of any cotton established and promulgated under this subchapter by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That no change or replacement of any standard of any cotton established and promulgated under this subchapter by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when same is to become effective.

(b) *Practical forms*—(1) *Preparation, certification, and distribution.* The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

(2) *Disposition of receipts from sales.* All sums collected by the Secretary of Agriculture for furnishing practical forms under paragraph (1) shall be deposited and covered into the Treasury as miscellaneous receipts.

[Sec. 4854 as originally enacted and in effect July 1, 1960]

§ 45.4861 Statutory provisions; spot cotton.

SEC. 4861. *Spot cotton.* This subchapter shall not be construed to impose a tax on any sale of spot cotton.

[Sec. 4861 as originally enacted and in effect July 1, 1960]

§ 45.4861–1 Exemption of spot cotton.

The tax imposed under section 4851 is not applicable to the sale of spot cotton.

§ 45.4862 Statutory provisions; definition of bona fide spot markets.

SEC. 4862. *Definition of bona fide spot markets*—(a) *Definition.* For the purpose of this subchapter, the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

(b) *Determination.* In determining, pursuant to the provisions of this subchapter, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of Middling cotton and the differences between the prices or values of Middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section 4863(c), he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event differences in value of cotton of various grades involved in contracts made pursuant to section 4863 (a) and (b) shall be determined in compliance with such rules and regulations: *Provided further*, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter.

[Sec. 4862 as originally enacted and in effect July 1, 1960]

§ 45.4863 Statutory provisions; basis grade contracts.

SEC. 4863. *Basis grade contracts*—(a) *Conditions.* No tax shall be imposed under this subchapter on any contract of sale mentioned in section 4851(a) if the contract comply with each of the following conditions:

(1) *Conformity with section 4853(a) and regulations.* Conform to the requirements in section 4853(a) and the rules and regulations made pursuant to this subchapter.

(2) *Specification of grade, price, and dates of sale and settlement.* Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth paragraph of this subsection, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the data when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

(3) *Provision for delivery of standard grades only.* Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by paragraph (5) and no other grade or grades.

(4) *Provision for settlement on basis of actual commercial differences.* Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

(5) *Prohibition of delivery of inferior cotton.* Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple, or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

(6) *Provisions for tender in full, notice of delivery date, and certificate of grade.* Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

(7) *Provision for tender and settlement in accordance with Government classification.* Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this paragraph. The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of this paragraph, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of this paragraph shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved.

(b) *Incorporation of conditions in contracts.* The provisions of subsection (a) (3), (4), (5), (6), and (7) shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memoranda evidencing the same, at or prior to the time the same is signed, the phrase "Subject to Internal Revenue Code, section 4863."

(c) *Delivery allowances.* For the purpose of this section, the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with subsection (a) (6), for the delivery of cotton on the contract, established by the sale of spot cotton in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more markets: *Provided*, That for the purpose of this subsection such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

[Sec. 4863 as originally enacted and in effect July 1, 1960]

§ 45.4863–1 Exemption of basis grade contracts, tendered grade contracts, and specific grade contracts.

(a) *In general.* The tax imposed under section 4851 shall not apply to contracts of sale of specific cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business which meet the requirements, and are made in compliance with the conditions, of section 4863, 4864, or 4865.

(b) *Exchange rules and other matters not to affect contracts exempt from tax under section 4863, 4864, or 4865.* No contract shall be deemed to comply with the conditions of section 4863, 4864, or 4865 so as to exempt it from taxation if it contains or incorporates therein by reference or otherwise any provision or any by-law, rule, or custom of any exchange, board of trade, or similar institution or place of business, which is inconsistent or in conflict with any requirement of section 4863, 4864, or 4865, as the case may be, nor if the parties enter into any collateral or additional agreement or understanding, either verbal or written, respecting the subject matter of such contract which is inconsistent or in conflict with any requirement of said sections.

(c) *Provisions deemed inconsistent and in conflict with requirements.* Any such provision, by-law, rule, custom, agreement, or understanding which in any manner takes away or impairs the right of the person obligated to deliver cotton, to tender any cotton which is of or within the grades, of the quality, and of the length of staple deliverable under a contract made in compliance with section 4863, 4864, or 4865; or which takes away or impairs his right to prepare for himself, or to have prepared by anyone at his direction, the written notice or certificate stating the grade of cotton pursuant to section 4863, or which takes away or impairs the right of either party to submit a dispute as to the classification of the cotton tendered to the Secretary of Agriculture, under a contract subject to section 4863 or 4864; or which contains any device, arrangement, or agreement for the adjustment of the price of the grade or grades of cotton tendered under a contract subject to section 4864, other than the basis grade specified in the contract, by any "fixed difference" system, or by arbitration, shall be deemed inconsistent and in conflict with the requirements of such sections, as the case may be.

(d) *Disputes as to classification to be referred to Secretary of Agriculture.* Contracts subject to sections 4863 and 4864, shall provide that, in case a dispute arises between the person making the tender and the person receiving the same as to the classification of any cotton tendered under the contract, either party may refer the question of the true classification of the cotton to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the cost thereof fixed, assessed, collected and paid in such manner and in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture.

§ 45.4864 Statutory provisions; tendered grade contracts.

SEC. 4864. *Tendered grade contracts*—(a) *Conditions.* No tax shall be imposed under this subchapter on any contract of sale mentioned in section 4851(a) if the contract—

(1) *Compliance with section 4863.* Comply with all the terms and conditions of section 4863 not inconsistent with this section; and

(2) *Provision for contingent specific performance.* Provide that, in case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of the contract, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract.

(b) *Incorporation of conditions in contract.* Contracts made in compliance with this section shall be known as "Section 4864 Contracts." The provisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to Internal Revenue Code, section 4864."

(c) *Application of section.* Nothing in this section shall be so construed as to relieve from the tax imposed by section 4851(a) any contract in which, or in the settlement of or in respect to which, any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any "fixed difference" system, or by arbitration, or by any other method not provided for by this subchapter.

[Sec. 4864 as originally enacted and in effect July 1, 1960]

§ 45.4864–1 Exemption of tendered grade contracts.

For regulations with respect to the exemption of tendered grade contracts, see the applicable provisions of § 45.4863–1.

§ 45.4865 Statutory provisions; specific grade contracts.

SEC. 4865. *Specific grade contracts*—(a) *Conditions.* No tax shall be imposed under this subchapter on any contract of sale mentioned in section 4851(a) if the contract complies with each of the following conditions:

(1) *Conformity with rules and regulations.* Conform to the rules and regulations made pursuant to this subchapter.

(2) *Specification of grade, price, dates of sale and delivery.* Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

(3) *Prohibition of delivery of other than specified grade.* Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

(4) *Provision for specific performance.* Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

(b) *Incorporation of conditions in contract.* The provisions of subsection (a) (1), (3), and (4) shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to Internal Revenue Code, section 4865."

(c) *Application of section.* This section shall not be construed to apply to any con-

tract of sale made in compliance with section 4863 or 4864.

[Sec. 4865 as originally enacted and in effect July 1, 1960]

§ 45.4865–1 Exemption of specific grade contracts.

For regulations with respect to the exemption of specific grade contracts, see the applicable provisions of § 45.4863–1.

§ 45.4871 Statutory provisions; method of payment.

SEC. 4871. *Method of payment.* The tax imposed by section 4851 (a) shall be paid by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary or his delegate.

[Sec. 4871 as originally enacted and in effect July 1, 1960]

§ 45.4871–1 Method of payment.

(a) *Stamps.* Documentary stamps issued under the internal revenue laws shall be used for payment of the taxes imposed by section 4851(a) and may be obtained from (1) district directors and other duly authorized officials; (2) postmasters in all post offices of the first and second classes and such post offices of the third and fourth class as are located in county seats; (3) designated depositaries of the United States; and (4) any person who is duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and designated by the Secretary or his delegate for the purpose.

(b) *Affixing stamps.* Stamps representing the tax due are to be affixed by the seller, at the time of signing, to each contract of sale of cotton for future delivery mentioned in section 4851, or to the memorandum evidencing the same, unless the contract under the law and regulations is not subject to tax.

(c) *Canceling stamps.* The person using or affixing a stamp shall write or stamp thereon with ink the initials of his name and the date, including the year, on which the same shall be attached or used, or shall, by cutting and canceling the stamps with a machine or punch, which will affix the initials and date aforesaid, so deface the stamp as to render it unfit for reuse. In addition to the foregoing, stamps of the value of 10 cents or more shall have three parallel incisions made by some sharp instrument lengthwise through the stamp after the stamp has been attached to the document: *Provided*, This will not be required where stamps are canceled by perforation. The cancellation by either method should not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

§ 45.4872 Statutory provisions; collection and enforcement.

SEC. 4872. *Collection and enforcement*—(a) *Rules and regulations.* The Secretary or his delegate is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this subchapter and otherwise to enforce its provisions.

(b) *Records and returns.* Further to effect the purpose of subsection (a), the Secretary or his delegate shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in section 4851(a), including the making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions.

(c) *Employment of officers and employees.* The Secretary or his delegate may appoint officers and employees to conduct the inspection necessary to collect said tax and otherwise to enforce this subchapter and all rules and regulations made by him in pursuance hereof.

[Sec. 4872 as originally enacted and in effect July 1, 1960]

§ 45.4872–1 Records of contracts of sale of cotton for future delivery.

All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between seller and buyer, or otherwise, shall keep a record thereof showing:

(a) Name and address of contracting person keeping record.

(b) Name and address of other party to contract.

(c) Date contract was made.

(d) Quantity of cotton involved, in bales or pounds.

(e) Time specified in contract for delivery.

(f) Whether transaction is a purchase or a sale.

(g) Whether the contract is (1) a contract subject to section 4863, (2) a contract subject to section 4864, or (3) a contract subject to section 4865, and the basis grade.

(h) Grade, type, sample, or description of cotton, if not basis grade.

(i) Specified price per pound.

(j) Date of delivery or settlement.

(k) Method of actual fulfillment or settlement.

(l) Amount of tax paid (or, if exempt, so state).

§ 45.4872–2 Records to be kept by cotton clearing associations.

All persons who act in the capacity of a clearing house or clearing association for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) shall keep a record thereof showing:

(a) Name and address of clearing house or clearing association keeping record.

(b) Name and address of person for whom contract is cleared.

(c) Date contract was made.

(d) Quantity of cotton involved, in bales or pounds.

(e) Time specified in contract for delivery.

(f) Whether transaction is a purchase or a sale.

(g) Whether the contract is (1) a contract subject to section 4863, (2) a contract subject to section 4864, or (3) a contract subject to section 4865, and the basis grade.

(h) Grade, type, sample, or description of cotton, if not basis contract.

(i) Specified price per pound.

(j) Date of delivery or settlement.

(k) Method of actual fulfillment or settlement.

§ 45.4872–3 Form of record.

(a) *Forms prescribed.* For the purpose of uniformity and to enable the district director to check readily such information, the following forms of record are prescribed:

RECORD NO. 1—Contracts subject to Internal Revenue Code, section 4863

(Name and address of firm keeping the record)

Purchases for _____ delivery.

The following transactions are made on the basis of middling and subject to section 4863, I.R.C., unless otherwise stated:

Date	Party or firm from whom bought	Address	Reference number [1]	Bales [2]	Price	Customer [1]	Settlement		Tax, if any
							Date	Method	

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(Name and address of firm keeping the record)

Sales for _____ delivery.

The following transactions are made on the basis of middling and subject to section 4863, I.R.C., unless otherwise stated:

Date	Party or firm to whom sold	Address	Reference number [1]	Bales [2]	Price	Customer [1]	Settlement		Tax, if any
							Date	Method	

[1] Filling in of these columns optional.

[2] Transactions can be entered in 100-bale lots to a line; 50 lines to the page; 100 may be printed in on each line, if so desired.

RECORD NO. 2—Contracts subject to Internal Revenue Code, section 4864

(Name and address of firm keeping the record)

Purchases for _____ delivery.

The following transactions are made on the basis of grade specified and subject to section 4864, I.R.C., unless otherwise stated:

Date	Party or firm from whom bought	Address	Reference number [1]	Bales [2]	Basis grade	Price	Customer [1]	Settlement [3]		Tax, if any
								Date	Method	

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(Name and address of firm keeping the records)

Sales for _____ delivery.

The following transactions are made on the basis of grade specified and subject to section 4864, I.R.C., unless otherwise stated:

Date	Party or firm to whom sold	Address	Reference number [1]	Bales [2]	Basis grade	Price	Customer [1]	Settlement [3]		Tax, if any
								Date	Method	

[1] Filling in of these columns optional.

[2] Transactions can be entered in 100-bale lots to a line; 50 lines to the page; 100 may be printed in on each line if so desired.

[3] In case of actual delivery, state whether basis grade or what grade is delivered.

RECORD NO. 3—Contracts subject to Internal Revenue Code, section 4865

(Name and address of firm keeping records)

The following transactions are made on the basis of grade, type, sample, or description and subject to section 4865, I.R.C., unless otherwise stated:

Date	Bought from—		Bales cotton	Description	Price	Terms	Time of shipment or delivery	Delivery reference	Tax paid or if exempt
	Name	Address							

OBVERSE PAGE

(Name and address of firm keeping records)

The following transactions are made on the basis of grade, type, sample, or description and subject to section 4865, I.R.C., unless otherwise stated:

Date	Sold to—		Bales cotton	Description	Price	Terms	Time of shipment or delivery	Delivery reference	Tax paid or if exempt
	Name	Address							

RECORD NO. 4—Contracts subject to Internal Revenue Code, section 4863 [1]

(Name and address of association keeping record)

The following contracts were cleared or adjusted for members of the _____ Cotton Exchange under section 4863,[1] I.R.C.:

Brought forward, long	Purchase	Contracts in 100-bale lots	Grade	Price	Month of delivery	Method of settlement		Carried forward, long	Name of member	Brought forward, short	Sales	Contracts in 100-bale lots	Grade	Price	Month of delivery	Method of settlement		Carried forward, short
						Passed notices	Set-off									Passed notices	Set-off	

[1] If section 4864 contract or section 4865 contract, so state.

(b) *Use of prescribed forms.* The use of Record No. 1 is required to give information regarding all contracts made upon an exchange subject to section 4863, unless otherwise stated; the use of Record No. 2 is required to cover contracts subject to section 4864, unless otherwise stated; the use of Record No. 3 is required to cover contracts subject to section 4865, unless otherwise stated; and the use of Record No. 4 is required by persons who act in the capacity of a clearing house or clearing association for the purpose of clearing, settling or adjusting transactions mentioned in section 4851. Record Nos. 1, 2, and 3 shall contain 50 lines to a page, unless otherwise permitted by the Commissioner; and Record No. 4 shall contain a sufficient number of lines on one page to show all facts required to be disclosed under subchapter D of chapter 39 of the Code and this subpart unless otherwise permitted by the Commissioner. Persons who use such forms may incorporate additional columns which would be of use to them, such columns to be placed in such positions as not to interfere with the continuity of the columns and headings prescribed. Such records will not be supplied by the Internal Revenue Service, but must be procured elsewhere.

§ 45.4872–4 Records to be kept in separate books and open for inspection.

(a) *Records.* All records required by the regulations in this subpart shall be kept in separate books, and not mixed with records of other accounts or transactions, and shall be open to inspection, when demand is made therefor by officers and agents of the Internal Revenue Service. All entries therein must be in writing, and the books preserved for a period of not less than three years.

(b) *Inspection by agents.* Agents duly appointed by the Commissioner shall have authority to examine the books and records kept in pursuance to §§ 45.4872–1 to 45.4872–3, inclusive, and may require the production of any other books, papers, records, or statements of account necessary to determine any liability to the tax imposed by section 4851.

§ 45.4872–5 Return to be made by persons dealing in future contracts.

All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between the seller and buyer, or otherwise, shall render a return, in letter form, to the district director for the district in which such person's principal place of business is located. The return shall cover the period of one calendar quarter, shall be filed on or before the last day of the first calendar month following the calendar quarter for which it is made, and shall be verified by a written declaration that it is made under the penalties of perjury. The return shall show the number of contracts brought forward from the preceding quarter; the number of contracts bought or sold; the number of bales of cotton involved in said contracts; the month in which said cotton is to be delivered; the method of settlement of said contract—i.e., whether by "ring," "direct," "notice," "actual delivery," "transfer," through a cotton-exchange clearing association, if any, or otherwise; and the number of contracts left open at the end of the quarter.

§ 45.4872–6 Returns to be made by clearing associations.

All persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling or adjusting transactions mentioned in section 4851 shall render, in respect of such transactions,

a return, in letter form, to the district director for the district in which such association is located. The return shall cover the period of one calendar quarter, shall be filed on or before the last day of the first calendar month following the quarter for which it is made, and shall be duly verified by the president, vice-president, secretary, or treasurer of the association by a written declaration that it is made under the penalties of perjury. The return shall show all facts in the possession of the association relating to such transactions, including the number of contracts bought or sold by each member of the association; the number of bales involved in said contracts; the month in which said cotton is to be delivered; the number of contracts cleared for each member of the association; the method of settlement of said contracts—i.e., whether by "notice," "set-off," or by any other method; also the monthly average closing price of cotton for each month dealt in, named in said return.

§ 45.4872–7 Persons failing to make return, district director authorized to do so.

If any person required to make the return under the provision of section 4872(b) and the regulations in this subpart shall fail or refuse to make said return within the time specified, then the return shall be made by the district director upon inspection of the books and records of the person so required: *Provided*, That the making of the return by the district director shall not be construed to relieve the person so required from any penalty incurred by reason of his failure to make such return.

§ 45.4873 Statutory provisions; liability of principal for acts of agent.

SEC. 4873. *Liability of principal for acts of agent.* When construing and enforcing the provisions of this subchapter, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation, as well as that of the person.

[Sec. 4873 as originally enacted and in effect July 1, 1960]

§ 45.4874 Statutory provisions; immunity of witnesses.

SEC. 4874. *Immunity of witnesses.* No person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this subchapter shall withhold his testimony because of complicity by him in any violation of this subchapter or of any regulation made pursuant to this subchapter, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

[Sec. 4874 as originally enacted and in effect July 1, 1960]

§ 45.4875 Statutory provisions; operation of State laws.

SEC. 4875. *Operation of State laws.* The payment of any tax imposed by this subchapter shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this subchapter be held to prohibit any State or municipality from imposing a tax on the same transaction.

[Sec. 4875 as originally enacted and in effect July 1, 1960]

§ 45.4876 Statutory provisions; reports of Secretary of Agriculture.

SEC. 4876. *Reports of Secretary of Agriculture.* The Secretary of Agriculture is directed to publish from time to time the results of investigations made in pursuance of this subchapter.

[Sec. 4876 as originally enacted and in effect July 1, 1960]

§ 45.4877 Statutory provisions; cross references.

SEC. 4877. *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4877 as originally enacted and in effect July 1, 1960]

§ 45.4877–1 Cross references.

(a) For penalties for offenses relating to stamps, see § 45.7208.

(b) For penalties for unauthorized use or sale of stamps, see § 45.7209.

(c) For fines for failure to pay, or attempt to evade payment of, tax on cotton futures, and other violations, see § 45.7233.

(d) For penalties relating to cotton futures, see § 45.7263.

(e) For other administrative provisions relating to the tax imposed on cotton futures, see Subpart L.

Subpart J—Silver Bullion

§ 45.4891 Statutory provisions; imposition of tax.

SEC. 4891. *Imposition of tax.* There shall be imposed on all transfers of any interest in silver bullion, if the price for which such interest is or is to be transferred exceeds the total of the cost thereof and allowed expenses, a tax of 50 percent of the amount of such excess.

[Sec. 4891 as originally enacted and in effect July 1, 1960]

§ 45.4891–1 Imposition of tax.

(a) *Transfers subject to tax.* The tax applies to all transfers, within the scope of the tax as set forth in § 45.4896–1, of any interest in silver bullion, if the price for which such interest is or is to be transferred exceeds the cost thereof and the allowed expenses, unless the transfer is specifically exempted. As to exempt transfers, see paragraph (c) of § 45.4896–1.

(b) *Tax in addition to other taxes.* The tax is in addition to all other taxes under the internal revenue laws of the United States.

(c) *Forward sales.* The tax is not payable twice on the same transaction; that is, when the tax is paid upon an agreement to sell, it is not again payable upon the sale, delivery, or transfer in fulfillment thereof.

(d) *Switching transactions.* A transfer of an interest in silver bullion is taxable if a net profit is realized, even though the transferor simultaneously acquires another equivalent interest in silver bullion for the same or a different delivery.

§ 45.4891–2 Rate and application of tax.

(a) *Rate of tax.* The tax is 50 percent of the amount by which the price for which the interest in silver bullion is or is to be transferred exceeds the total of the cost thereof plus the allowed expenses. For definition of "cost", see paragraph (a) of § 45.4892–1.

(b) *Price.* The price for which an interest in silver bullion is or is to be transferred is the amount of money and/or the market value of any property other than money received or to be received by the transferor, directly or indirectly, in consideration of the transfer.

(c) *Example.* The following examples illustrate the application of this section:

Example (1). A transferred on March 10, 1961, 1,000 ounces of silver to B, who paid $910; on May 16 B sells 100 ounces to C, who pays $90. There is no tax. B then sells 500 ounces to D for an article worth $460. The tax (if any) on this transfer is 50 percent of the amount obtained by subtracting from the sale price ($460, the value of the article), the sum of the cost ($455), and the allowed expenses as to the 500 ounces. B then contracts in July to deliver to E in September 400 ounces for which E agrees to pay $368. E assigns for $380 to F his rights to receive the silver. This is a transfer of an interest in silver bullion, the cost to the transferor (E) being $368 and the sale price $380. The tax on this transfer is 50 percent of the amount by which the sale price to F ($380), exceeds the sum of the cost to E ($368), and allowed expenses, if any. Finally B delivers the silver to F. The tax on this transaction (made up of the agreement to sell to E and the delivery to F) is measured by the sale price ($368) less the aggregate of the cost ($364) and allowed expenses, if there were any.

Example (2). R contracts in June 1961 to deliver to S in September 1,000 ounces of silver at 92 cents an ounce, having previously secured Q's agreement to deliver to him (R) 1,000 ounces in September at 91 cents an ounce. In September R assigns to S the contract of Q which S accepts in fulfillment of R's contract and S pays R $10 and Q $910. The assignment to S of the contract between R and Q is a taxable transfer, and the tax is measured by the sale price ($920) less the cost to R ($910), and less allowed expenses.

§ 45.4892 Statutory provisions; definitions.

SEC. 4892. *Definitions.* For the purpose of this subchapter—

(1) *Cost.* The term "cost" means the cost of the interest in silver bullion to the transferor, except that—

(A) In case of silver bullion produced from materials containing silver which has not previously entered into industrial, commercial, or monetary use, the cost to a transferor who is the producer shall be deemed to be the market price at the time of production determined in accordance with regulations issued hereunder;

(B) In the case of an interest in silver bullion acquired by the transferor otherwise than for valuable consideration, the cost shall be deemed to be the cost thereof to the last previous transferor by whom it was acquired for a valuable consideration; and

(C) In the case of any interest in silver bullion acquired by the transferor in a wash sale, the cost shall be deemed to be the cost to him of the interest transferred by him in such wash sale, but with proper adjustment, in accordance with regulations under this subchapter, when such interests are in silver bullion for delivery at different times.

(2) *Transfer.* The term "transfer" means a sale, agreement of sale, agreement to sell, memorandum of sale or delivery of, or transfer, whether made by assignment in blank or by any delivery, or by any paper or agreement or memorandum or any other evidence of transfer or sale; or means to make a transfer as so defined.

(3) *Interest in silver bullion.* The term "interest in silver bullion" means any title or claim to, or interest in, any silver bullion or contract therefor."

(4) *Allowed expenses.* The term "allowed expenses" means usual and necessary expenses actually incurred in holding, processing, or transporting the interest in silver bullion as to which an interest is transferred (including storage, insurance, and transportation charges but not including interest, taxes, or charges in the nature of overhead), determined in accordance with regulations issued hereunder.

(5) *Memorandum.* The term "memorandum" means a bill, memorandum, agreement, or other evidence of a transfer.

(6) *Wash sale.* The term "wash sale" means a transaction involving the transfer of an interest in silver bullion and, within 30 days before or after such transfer, the acquisition by the same person of an interest in silver bullion. Only so much of the interest so acquired as does not exceed the interest so transferred, and only so much of the interest so transferred as does not exceed the interest so acquired, shall be deemed to be included in the wash sale.

(7) *Silver bullion.* The term "silver bullion" means silver which has been melted, smelted, or refined and is in such state or condition that its value depends primarily upon the silver content and not upon its form.

[Sec. 4892 as originally enacted and in effect July 1, 1960]

§ 45.4892–1 Definitions.

(a) *Cost*—(1) *In general.* Except as otherwise specifically provided in this paragraph, the cost of an interest in silver bullion is the amount paid or agreed to be paid therefor by the transferor in money and/or the market value of any property other than money exchanged or agreed to be exchanged by him for such interest. In computing such cost, the cost of the particular silver bullion (or interest therein) transferred must be used. When more than one lot of silver bullion is acquired on the same day, however, the cost of all lots of 1,000 ounces each, or less, may be averaged and the average cost applied to such lots. In the event that the transferor elects to take advantage of any provisions permitting the delivery in an exempt transfer (see paragraph (c) of § 45.4896–1) of silver bullion in substitution of other silver bullion eligible for such delivery, the cost of the silver bullion for which the substitution has been made shall be deemed to be the cost of the particular silver bullion so delivered.

(2) *Silver bullion produced from natural silver-bearing materials, etc.* When a producer of silver transfers silver bullion produced by him from materials containing silver which has not prior to the transfer entered into industrial, commercial, or monetary use, the cost to him of such silver bullion shall be deemed to be its market price at the time of production (unless the producer shall have elected otherwise under paragraph (f) of § 45.4894–1). The time of production is the time at which the last usual and necessary process of smelting or refining prior to transfer is completed; or in the event that silver bullion is delivered pursuant to a forward contract entered into after the silver contained therein was acquired by the transferor but before the completion of the last usual and necessary process of smelting or refining thereof, the time of making of such contract.

(3) *Interest acquired by gift, bequest, etc.* If the transferor acquired the interest in silver bullion otherwise than for valuable consideration, he shall use, as his cost, the cost of the last previous transferor who acquired it for a valuable consideration.

Example. If A buys silver bullion at a cost of 90 cents an ounce and gives it to B, and B dies and bequeaths it to C, who in turn transfers it to D for 92 cents an ounce, C's tax will be based on the excess of his selling price (92 cents) over the total of the cost to A (90 cents) plus allowed expenses.

(4) *Forward sales.* In the case of a forward sale, as defined in paragraph (k) of this section, the agreement to sell is a transfer, but the cost of the interest transferred cannot be finally determined until the contract is closed out. If the transferor delivers silver under the contract, the cost to him of the silver delivered shall be used in determining the taxability of the agreement and the amount of the tax. In the case of a "ring" settlement of forward contracts, the cost to the transferor on each contract so settled is deemed to be the price he agreed to pay as transferee in his other contract. Otherwise, (i) when the contract is settled without delivery of silver, upon a payment by the transferee, the transferor shall use as his cost the price on the basis of which settlement is made; and (ii) when the contract is settled upon a payment by the transferor, the contract so settled is not itself subject to tax, but the settlement is a transfer subject to tax measured by the amount so paid. In the latter case the original transferee becomes the transferor of an interest in silver bullion.

(b) *Transfer.* The term "transfer" means any sale, agreement of sale, agreement to sell, memorandum of sale or delivery of, or transfer of an interest in silver bullion whether made by assignment in blank or by any delivery, or by any paper or agreement or memorandum or any other evidence of transfer or sale, or means to make such transfer. For regulations with respect to the types of transfers of interest in silver bullion which are subject to tax, see § 45.4896–1.

(c) *Interest in silver bullion.* The term "interest in silver bullion" means any title or claim to, or interest in, any silver bullion or contract therefor.

(d) *Allowed expenses.* In determining the tax, the transferor may add to his cost any usual and necessary expense, such as storage, insurance, and transportation charges, actually incurred in holding, processing or transporting silver bullion with respect to which an interest is transferred. Interest, taxes, and charges in the nature of overhead may not be included in the allowed expenses. In the case of silver bullion produced from materials containing silver which has not previously entered into industrial, commercial, or monetary use, the producer-transferor may include in allowed expenses only expenses actually incurred subsequent to the last usual and necessary process of smelting or refining of the particular silver bullion transferred. If the cost to the transferor is deemed to be the cost to a previous transferor (see paragraph (a)(3) of this section), the allowed expenses may include those incurred with respect to the silver bullion or interest therein in question since the acquisition by such previous transferor. The allowed expenses may in no case be estimated, but must be subject to definite proof as expenses actually incurred.

(e) *Memorandum.* The term "memorandum" means a bill, memorandum, agreement, or other evidence of a transfer of an interest in silver bullion. (See § 45.4895–5.)

(f) *Silver bullion.* Ores, concentrates, and the like, containing silver which has not been melted, smelted, or refined are not silver bullion, whatever their silver content. Material containing silver which has been melted, smelted, or refined, and of which the silver content is not less than 250 troy ounces of fine silver per short ton is silver bullion. Thus, bar silver or crystal silver is silver bullion; as also, is the silver contained in dore, zinc crust, slimes, lead bullion, blister copper, etc., except that materials containing less than 250 troy ounces of fine silver per short ton are not silver bullion. Fabricated silver (defined in paragraph (g) of this section) of which not more than 80 percent of the total value is attributable to the silver content is not silver bullion. Fabricated silver in a form customarily sold for industrial, professional, or artistic use at a stated premium per fine troy ounce above the current market value of commercial bar silver, is not silver bullion, if the current market premium with respect to such fabricated silver is 12 cents or more. Scrap silver is silver bullion.

(g) *Fabricated silver.* The term "fabricated silver" means silver which has in good faith and not for the purpose of evading, or enabling others to evade the tax, been processed or manufactured into such a form that it has one or more specific and customary industrial, professional, or artistic uses.

(h) *Scrap silver.* The term "scrap silver" includes silver sweepings, and fabricated silver or silver coin which is no longer held for the purpose for which it was processed, manufactured, or coined.

(i) *Resident.* The term "resident" includes a domestic corporation or partnership.

(j) *Party to the transfer.* The term "party to the transfer" includes any person who by the transfer disposes of or acquires any ownership or interest in or claim to the interest in silver bullion transferred.

(k) *Forward sale.* The term "forward sale" means a so-called "over-the-counter contract", or a contract to sell silver bullion for spot or future delivery.

(l) *Silver foreign exchange.* The term "silver foreign exchange" means foreign

exchange the fluctuations of which follow generally the fluctuations in the price of silver.

§ 45.4892–2 Expired provisions.

Subparagraph (c) of paragraph (1) and paragraph (6) of section 4892, relating to wash sales, have no application to years as to which the Internal Revenue Code of 1954 is effective.

§ 45.4893 Statutory provisions; liability for tax.

SEC. 4893. *Liability for tax.* This tax imposed by this subchapter shall be paid by any person who makes, signs, issues, or sells any of the documents and instruments subject to the tax imposed by this subchapter, or for whose use or benefit the same are made, signed, issued, or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.

[Sec. 4893 as originally enacted and in effect July 1, 1960]

§ 45.4893–1 Liability for the tax.

(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, both parties to a transfer are responsible for affixing stamps in the required amount in payment of the tax imposed by section 4891. Stamps shall be affixed in accordance with the provisions of § 45.4895–1. In the case of a transfer upon which the transferor claims that no tax is due, he may affix a stamp of 1 cent in order to submit the same for cancellation. If, at any time before the expiration of the period of limitation, tax is found to be due on a transfer on which no tax was paid, or if additional tax is found to be due on a transfer, assessment may be made against either the transferor or the transferee, except as provided in paragraphs (b) and (c) of this section.

(b) *After cancellation of stamps.* When stamps on any memorandum have been cancelled as provided in § 45.4895–6, the transferor and not the transferee shall be liable for any additional tax found due or for any penalty with respect to the transfer in question.

(c) *Transfers to the United States Government.* In the case of taxable transfers to the United States Government, the transferor is liable for the tax, which shall be paid in accordance with the provisions of section 4895 and the regulations thereunder. For transfers exempt from the tax, see paragraph (c) of § 45.4896–1.

(d) *Liability of agent or broker.* An agent or broker acting for a party to a transfer is subject to penalties under section 7201 for delivering any silver bullion or interest therein without the required memorandum, or for delivering any such memorandum without having the proper stamps affixed thereto, with the intent to evade or assist in the evasion of the requirements of the law.

§ 45.4894 Statutory provisions; abatement or refund.

SEC. 4894. *Abatement or refund.* The Secretary or his delegate shall abate or refund, in accordance with regulations issued under this subchapter, such portion of any tax imposed by section 4891 as he finds to be attributable to profits—

(1) *Course of regular business.* Realized in the course of the transferor's regular business of furnishing silver bullion for industrial, professional, or artistic use and—

(A) Not resulting from a change in the market price of silver bullion, or

(B) Offset by contemporaneous losses incurred in transactions in interests in silver bullion determined, in accordance with such regulations, to have been specifically related hedging transactions; or

(2) *Silver foreign exchange.* Offset by contemporaneous losses attributable to changes in the market price of silver bullion and incurred in transactions in silver foreign exchange determined, in accordance with such regulations, to have been hedged specifically by the interest in silver bullion transferred.

[Sec. 4894 as originally enacted and in effect July 1, 1960]

§ 45.4894–1 Abatement or refund of tax attributable to profits realized in course of regular business.

(a) *Transferors engaged in business of furnishing silver bullion for industrial, professional, or artistic use—(1) General.* Section 4894 provides for the abatement or refund of so much of the tax imposed by section 4891 as is found by the district director to be attributable to profits realized in the course of the transferor's regular business of furnishing silver bullion for industrial, professional, or artistic use, to the extent that such profits (i) do not result from changes in the market price of silver bullion or (ii) are offset by contemporaneous losses incurred in transactions in interests in silver bullion determined in accordance with the regulations in this part to be specifically related hedging transactions.

(2) *Registration requirement.* The abatement or refund provided in subparagraph (1) of this paragraph is available only to a transferor regularly engaged in the business of furnishing silver bullion for industrial, professional, or artistic use who has obtained from the district director a certificate of registration on Form 1A (Silver), and with respect to transactions in the regular course of that business. The district director shall issue such certificate upon application on Form 1 (Silver) if satisfied that the applicant is regularly engaged in the business specified. The provision for abatement or refund does not apply to transfers by a person not registered and regularly engaged in the business specified, regardless of the purpose for which the silver bullion so transferred is to be used. Abatement or refund under subdivisions (i) and (ii) of subparagraph (1) of this paragraph may be allowed with respect to the same transfer.

(b) *Profits not resulting from change in market price.* The amount of profit not resulting from a change in the market price of silver bullion shall be determined by subtracting from the net profit the amount attributable to a change in the market price of silver bullion. For purposes of this subpart, the term "net profit" means gross profit less the allowed expenses. ("Allowed expenses" are deemed to be incurred in the course of the transferor's regular business.)

(c) *Profits attributable to change in market price.* The amount of profit attributable to a change in the market price of silver bullion means the rise, if any, in the market price of an interest in silver bullion equivalent to the interest transferred, during the time the interest was held by the transferor. The interest shall be deemed to have been held by the transferor from the date of its acquisition (or of a prior contract for its acquisition) to the date of the taxable transfer. The market price as of each such date shall be deemed to be the market price on that date of a similar interest in silver bullion for delivery on the date specified in the contract of acquisition or the taxable transfer, as the case may be. In all cases market prices shall be determined in accordance with the prices in the nearest established exchange upon which interests in silver bullion are dealt in, and the same exchange shall be used in determining price as of both dates. In the absence of transactions in an established exchange, the market quotations published in the Mining and Engineering Journal, a trade journal published in New York City, may be used in determining price. In the case of any transfer of an interest in silver bullion in a form other than that in which it is dealt in upon an established exchange the market value shall be determined on the basis of the silver content of such silver bullion. When the cost to a producer-transferor is determined under paragraph (a)(2) of § 45.4892–1, the time of production shall be deemed to be the date of acquisition for purposes of this section.

(d) *Profits offset by losses on hedging transactions.* Specifically related hedging transactions are two or more transactions entered into by the same person, at least one of which has been entered into by him for the purpose of offsetting in whole or in part, the profit or loss which would accrue to him upon the other transaction or transactions as a direct result of any change in the market price of silver bullion. To the extent that a net profit realized upon one or more of a group of specifically related hedging transactions, is offset by a contemporaneous loss upon any one or more of the other specifically related transactions, a transferor registered in accordance with subparagraph (2) of paragraph (a) of this section is entitled to abatement or refund of the tax on such profit; provided that the transfers which constituted the hedge transactions are specifically related to one or more transfers made in the course of the transferor's regular business of furnishing silver bullion for industrial, professional, or artistic use.

(e) *When profits and losses are contemporaneous.* The requirement that the profit and loss, respectively, upon specifically related hedging transactions must be incurred contemporaneously, means that the time between the realization of the profit and the loss must be as brief as is reasonably practicable under the circumstances. For the purpose of this requirement, a profit or loss may, in a proper case, be deemed to be incurred

at the time the contract is made although pursuant to paragraph (a)(4) of § 45.4892–1 the profit may not be ascertainable or the tax payable until the contract is closed out.

(f) *Hedges against sales from necessary inventory—(1) Election in case of changes in necessary inventory.* In the case of transfers of any interest in silver bullion made in the course of the transferor's regular business of smelting or refining silver or of furnishing silver bullion for industrial, professional, or artistic use, the transferor may elect (in the manner provided in subparagraph (2) of this paragraph) to have:

(i) The cost of the interest in silver bullion transferred; and

(ii) The amount of contemporaneous losses incurred in specifically related hedging transactions involving acquisitions to be added to inventory

determined in accordance with this paragraph, and such election shall constitute as to the transfers to which subparagraph (4) of this paragraph applies a waiver of any and all rights to have such cost and the amount of such losses determined in any other manner.

(2) *Manner of making election—(i) In general.* Any person eligible for, and desiring to obtain, the benefits of this paragraph, shall file with the district director, in accordance with the provisions of § 45.6091–2, an application on Form 6 (Silver). The district director shall, if satisfied that the applicant is qualified, thereupon issue a certificate on Form 7 (Silver) setting forth the findings of the district director as to the applicant's business, the amount of his necessary inventory, and the average of the cost thereof determined in accordance with paragraph (a) of § 45.4892–1, and such certificate shall fix, until amended by a subsequent certificate, the amount of such inventory and the average cost thereof. The applicant may, within 7 days of the issuance of such certificate, file with the district director an agreement on Form 8 (Silver) which shall constitute the election above referred to. Failure to file the agreement (Form 8 (Silver)) in proper form within the required 7-day period (unless the district director extends the period) shall constitute an election not to obtain the benefits of this paragraph, without prejudice to the right to file application at any time after 30 days.

(ii) *Manner of amending certificate.* If the taxpayer at any time shows to the satisfaction of the district director that changes in his business have caused a change in the amount of his necessary inventory, he may make application for the issuance of an amended certificate and may specify the date as of which he desires the amendment to be effective. An amendment made under the provisions of this subdivision may be retroactive in a proper case. If satisfied that the taxpayer is entitled to the amendment, the district director shall issue an amended certificate on Form 7 (Silver), which shall become effective if the taxpayer files a new agreement on Form 8 (Silver). In case of an increase of necessary inventory the cost per ounce of the necessary inventory as so increased shall be computed as the weighted average of the cost per ounce of the necessary inventory previously fixed and the cost per ounce of the actual silver added thereto. In case of a decrease of necessary inventory the cost per ounce shall not be affected thereby.

(iii) *Effect of delivery to United States mint.* In case a transferor delivers to a United States mint in an exempt transfer pursuant to any Executive order (see paragraph (c) of § 45.4896–1) any silver forming a part of the transferor's necessary inventory, the transferor, after replacing the silver so transferred by other silver not required to be delivered to a United States mint, may make application for the issuance of an amended certificate on Form 7 (Silver) in which the average cost of the necessary inventory shall be the weighted average of (a) the cost of silver in his necessary inventory not so delivered, and (b) the actual cost of the silver acquired to replace silver in his necessary inventory so delivered to a United States mint.

(3) *Definitions applicable to this paragraph.* As used in this paragraph the term "necessary inventory" means the amount of the necessary inventory stated in the certificate issued under subparagraph (2) of this paragraph; the term "average cost of the necessary inventory" means the average of the cost of the silver in the necessary inventory as stated in the certificate issued under subparagraph (2) of this paragraph; and the term "replacement silver" means silver taken into the necessary inventory to replace silver transferred therefrom, provided the replacement takes place within 45 days before or after such transfer.

(4) *Special rules applicable to this paragraph—(i) Basis of cost.* Upon every transfer by a transferor who holds a certificate on Form 7 (Silver) and has filed an agreement on Form 8 (Silver), the cost shall be based upon the average cost of the necessary inventory, except that if replacement silver to replace the interest so transferred is acquired at a cost less than the average cost of the necessary inventory, the actual cost of such replacement silver shall be used as the cost of the interest so transferred.

(ii) *Determination of transfer.* In determining which transfers are transfers from necessary inventory (so as to enable the transferor to claim the benefit of any offsetting loss on replacement silver acquired within 45 days before or after such transfer), due regard shall be given, whenever the transferor's actual inventory exceeds his necessary inventory, to the amount of such excess and the period of its continuance, in relation to the reasonable requirements of his business. The burden shall be upon the transferor to justify any such excess continuously maintained for a period of more than 45 days.

(5) *Computation of cost of replacement silver.* The cost of replacement silver shall be the actual purchase price paid to the vendor, plus allowed expenses, or in the case of replacement silver taken from mines owned by the transferor, the cost shall be the market price of silver at the time of mining. The loss incurred on replacement silver may be offset against any profits resulting from transfers from necessary inventory. Such loss shall be determined by deducting from the cost of the replacement silver the cost, as computed under subparagraph (4) of this paragraph, of the interest transferred from necessary inventory. In lieu of adding allowed expenses to the cost of replacement silver, the transferor may add to the cost the toll or similar charges deducted from a purchase price, based upon the market, in which case he shall not be entitled to abatement attributable (under paragraph (b) of this section) to profits taken into account in such charges.

(6) *Rules applicable to smelter and refiner of silver.* A transferor regularly engaged in the business of smelting and refining silver, in determining the amount of replacement silver and the time of acquisition thereof, may use such estimated figures as are regularly employed by him in preserving in good faith and as nearly as may be practicable a constant inventory. He may use as the cost of replacement silver, where the cost cannot practicably be determined in any other manner, the market price thereof at the time of acquisition; in which case no allowed expenses and no abatement on account of nonmarket profits (under paragraph (b) of this section) shall be claimed for any period prior to the completion of the processing of such silver. Any upward revision of such an estimate of the amount of replacement silver acquired, on the basis of which the transferor's selling policy is correspondingly revised, shall be deemed an acquisition of further replacement silver and the amount and cost thereof shall be determined as of the date of the revision; and any such downward revision shall constitute a shortage of replacement silver until the amount, in fine troy ounces, of the shortage has been made good. All data upon which the estimates and revisions provided in this subparagraph are based shall be considered records of the taxpayer within the meaning of § 45.4895–8.

(7) *Rules applicable to foreign corporate subsidiary or affiliate.* Silver owned by a foreign corporation subsidiary to or affiliated with the taxpayer may at the option of the taxpayer (with the written consent of such foreign corporation) be included in the inventory of the taxpayer; in which case all transfers by such foreign corporation shall be deemed to be transfers by the taxpayer, and as such shall be taxable to the taxpayer, and replacement silver acquired by such foreign corporation shall be included as replacement silver acquired by the taxpayer, but transfers as between the corporations shall not be deemed to be transfers of interests in silver bullion, within the meaning of § 45.4892 and paragraph (b) of § 45.4892–1; and the silver so transferred shall be deemed to have been acquired by the transferee otherwise than for a valuable consideration, within the meaning of paragraph (a)(3) of § 45.4892–1. The election to include a foreign corporate subsidiary or affiliate may be revoked by an instrument in writing signed by the taxpayer and by such foreign corporation and filed with

the district director, in accordance with the provisions of § 45.6091–2, and shall be effective as of the close of the calendar month in which it is filed. Any silver acquired by such foreign corporation after the effective date of the revocation provided in the preceding sentence shall not be deemed to be replacement silver. If, on the effective date of the revocation, the amount of silver owned by such foreign corporation which formed a part of the necessary inventory, does not exceed the amount so owned by it at the time of the election to include such foreign corporation, transfers by the foreign corporation after such revocation are taxable only in accordance with §§ 45.4891–1 and 45.4892–1; and if it does not exceed the amount so owned by it at the time of the election to include the foreign corporation, the next succeeding transfers aggregating the amount of such excess shall be deemed to be transfers from the inventory of the taxpayer and as such shall be taxable to the taxpayer. In determining such amounts, transfers between the taxpayer and the foreign corporate subsidiary or affiliate, whether for spot or future delivery, shall be considered as transfers, but the cost of silver so transferred shall be determined in accordance with paragraph (a) of § 45.4892–1.

§ 45.4894–2 Abatement or refund of tax attributable to profits realized in connection with transactions in silver foreign exchange.

(a) *Hedging transactions in silver foreign exchange*—(1) *In general.* Claim for abatement or refund may be made of so much of the tax imposed by section 4891 as is offset by a contemporaneous loss (i) attributable to a change in the market price of silver bullion and (ii) incurred in a transaction in silver foreign exchange specifically hedged by the interest in silver bullion transferred. See paragraph (l) of § 45.4892–1 for definition of silver foreign exchange.

(2) *Rules applicable*—(i) *When profit and loss are contemporaneous.* The requirement that the profit upon the transfer of an interest in silver bullion must be contemporaneous with the loss upon the silver foreign exchange contract means that the time between the realization of the profit and the loss must be as brief as is reasonably practicable under the circumstances.

(ii) *When interest in silver bullion is a hedge.* A transaction in silver foreign exchange is deemed to have been hedged by an interest in silver bullion when such interest is involved in the fulfillment or liquidation of a contract to sell or purchase silver bullion which contract was entered into for the purpose of offsetting, in whole or in part, the profit or loss which would accrue to the same person on the transaction in silver foreign exchange as a direct result of any change in the market price of silver foreign exchange.

(iii) *Grouping transactions in one operation.* Two or more transactions in silver foreign exchange may be grouped, and two or more transfers of interests in silver bullion may be grouped, when they can be shown to have formed a part of a single hedging operation.

(b) *Elective procedure in case of interrelated hedging operations*—(1) *Application of subparagraph.* The provisions of this subparagraph shall apply to a taxpayer who shall have so elected, as provided in this paragraph, and who, in the regular course of his business, enters into a substantial number of transactions in silver foreign exchange for his own account and as a hedge, from time to time, against his position in such silver foreign exchange buys and sells interest in silver bullion. The making of such election shall constitute an agreement to the determination of the tax upon the profits of such business in accordance with the provisions of this subparagraph and a waiver of any claim to have such tax determined in any other manner. If a taxpayer engages in such business and also in other business involving the purchase and sale of interests in silver bullion not incident to his hedging operations, he shall be entitled to the benefits of this paragraph only upon showing to the satisfaction of the district director that his hedging transactions in interests in silver bullion are so far segregated from his other transactions in such interests, that a separate return can be made with respect to such hedging transactions as hereinafter provided in this paragraph, and that any profits or transactions in interests in silver bullion not a part of such hedging transactions and not incidental thereto, will not be included in such return, but will be taxed under the other provisions of this subpart. In case of such segregation the taxpayer, by making the election under this subparagraph, agrees that any transfer of an interest in silver bullion from one account to the other shall be made at the market price for a similar interest as of the date of such transfer, and shall be treated as though a similar interest had been sold in the open market from one account and a similar interest simultaneously purchased in the open market for the other account.

(2) *Manner of making election.* The election provided in this paragraph shall be made by filing with the district director, in accordance with the provisions of § 45.6091–2, an application on Form 9 (Silver). The district director may require such further proof, in the form of affidavits or otherwise, as he deems necessary. If satisfied that the applicant is entitled to the benefits of this subparagraph the district director shall issue to him a certificate on Form 10 (Silver).

(3) *Election may be revoked.* The election by the taxpayer may be revoked as of the close of any calendar month upon giving to the district director issuing the certificate on Form 10 (Silver) 60 days' written notice of intention to revoke. The certificate may be revoked by the district director upon written notice to the taxpayer and opportunity to be heard. Among other causes, the certificate may be revoked for failure to comply with the regulations in this subpart.

(4) *Memorandum to be filed in case of election.* Upon any transfer of an interest in silver bullion by a taxpayer holding a certificate on Form 10 (Silver), which transfer constitutes a part of his hedging operations or transactions incidental thereto, he shall deliver a memorandum in accordance with § 45.4895–5 (omitting, however, any statement of the cost of the interest transferred, and any computation of tax) and shall state thereon, as a claim for abatement of the entire amount of the tax which would otherwise be payable, the fact that he holds such certificate and that the transfer constitutes a part of his hedging operations. No claim for abatement on Form 843 (Silver) need be attached. If satisfied that the statements are true, the district director shall proceed in accordance with § 45.4895–6. Upon cancellation of a 1-cent stamp, if any (see § 45.4895–1), the transferee is relieved of liability for any tax subsequently found due, but the transferor remains liable for the tax computed as hereinafter provided.

(5) *Burden of proof.* The burden shall be upon the taxpayer to show, with respect to any transfer of an interest in silver bullion, that the transfer constituted a part of a hedging operation against transactions in silver foreign exchange or constituted a transaction properly incidental thereto. In determining what transactions in interests in silver bullion are hedges against transactions in silver foreign exchange or transactions incidental thereto, the taxpayer shall include only transactions within the following tolerances: The excess of the total long or short position in interests in silver bullion and in silver foreign exchange over the total short or long position shall not, for a period of more than two consecutive business days, be consistently greater than 20 percent of the lesser total, nor for any period of more than 7 consecutive business days consistently greater than 5 percent, nor for any period of a calendar month consistently greater than 1 percent. In determining the excesses set forth in the preceding sentence, the taxpayer shall apply to each silver foreign exchange the ratio to silver bullion which is customarily applied in hedging operations against such silver foreign exchange. A taxpayer who is unable to determine his actual position, by reason of unavoidable delay in reporting transactions by branch offices or agents, shall be deemed to comply with the foregoing tolerances if his estimated position complies therewith, based on his usual volume of unreported transactions. To the extent that a taxpayer may fail to comply with either of the requirements of this subparagraph, he shall not be entitled to the benefits of this subparagraph or to abatement under this section with respect to transfers of interests in silver bullion.

(6) *Monthly return required.* A taxpayer who has been furnished a certificate on Form 10 (Silver) entitling him to the benefits of this paragraph shall file a return on Form 11 (Silver) for each calendar month, including therein all transactions in interests in silver bullion during the month constituting a part of his hedging operations or transactions incidental thereto. Such returns shall be filed with the district director, in accordance with the provisions of § 45.6091–2, on or before the 15th day of the succeeding calendar month, except that a return filed by a taxpayer's branch office in a foreign country shall be filed on or before the 15th day of the second succeeding month. The total tax shown on the return shall be paid to the district director at the time the return is filed.

(7) *Records to be kept.* The taxpayer shall keep the records required by § 45.4895–8, and shall also retain and make available for inspection for a like period of time records of all transactions in silver foreign exchange.

(8) *Conditions for filing Form 11A (Silver).* A taxpayer may treat a part only of his transactions in silver foreign exchange as hedged by his transactions in interests in silver bullion; in which event such part only of his transactions in silver foreign exchange shall be included in the schedules on Form 11A (Silver). The taxpayer shall execute an affidavit on the same day on which any interest in silver bullion is either purchased or sold or on the succeeding day. Such affidavit shall refer to such purchase or sale, stating that it is executed on the same or succeeding day, and shall describe the transactions in silver bullion thereby hedged with sufficient precision to avoid the possibility of later substitution. The affidavit shall be annexed to the return (Form 11 (Silver)) for the month in which the purchase or sale was made.

(9) *Exception on account of foreign branch offices.* A taxpayer having branch offices in foreign countries may exclude from his return on Form 11 (Silver) transactions in interests in silver bullion effected by or for the account of such branch offices: *Provided*, That he designates the branch offices concerned: and *Provided*, That the accounts of each such branch office be kept entirely separate: and *Provided*, That each transfer of an interest in silver bullion by such branch office either be reported by a separate memorandum pursuant to § 45.4895–5, or be included in a return to be filed by any such branch office pursuant to this paragraph. The taxpayer, in designating the branch offices concerned, shall specify which method is to be followed. Such designation and such specification may be changed as of the close of any month.

(10) *Computation of the tax.* The tax shall be computed as follows:

(i) The cost of a net long position or the price of a net short position in interests in silver bullion as of the opening of the month shall be the total cost or the total price (less allowed expenses), as the case may be, of the most recent purchases or sales of interests in silver bullion aggregating in the troy ounces the amount of such net position. Allowed expenses incurred prior to the effective date of the taxpayer's election under this paragraph, in connection with interests in silver bullion constituting his net long position, if any, on such effective date, may be added to the cost thereof.

(ii) All purchases of interests in silver bullion during the month shall be reported, together with the aggregate cost thereof; and there shall be added thereto the net long position at the opening of the month, if any, at the cost thereof. All transfers of such interests during the month shall be reported, together with the aggregate price received therefor (less allowed expenses); and there shall be added thereto the net short position at the opening of the month, if any, at the price thereof.

(iii) To the extent of the smaller of the two aggregates in subdivision (ii) of this subparagraph, determined in fine troy ounces, all transactions shall be deemed to be transactions completed within the month, and the opening net position shall be deemed to have been liquidated during the month, and profit or loss thereon shall be deemed to have been realized during the month. To the extent that one of such aggregates exceeds the other, such excess shall constitute the net long or short position, as the case may be, at the close of the month; and the cost or price thereof shall be determined in accordance with subdivision (i) of this subparagraph.

(iv) The cost or price of such net closing position shall be deducted from the aggregate cost or price specified in subdivision (ii) of this subparagraph and the balance shall be treated as the cost or price of the purchases or sales completed during the month. After making such deduction, the excess of the aggregate price, if any, over the aggregate cost, is the profit for the month on transactions in interests in silver bullion; and, except as offset by losses in transactions in silver foreign exchange, or by aggregate net losses carried forward from previous months, as hereinafter provided, is subject to tax at the rate of 50 percent.

(v) A purchase or sale for future delivery shall be included as a transaction effected in the month when the contract for such delivery is made. The cost or price thereof is the contract price, without adjustment for any difference in market price between spot and future silver.

(vi) Allowed expenses shall be reported for the month during which payments are actually made, and shall be deducted from the aggregate selling price for that month.

(vii) In case the taxpayer has positions in interests in silver bullion in more than one market during the month, the cost or price of his opening net positions may be determined separately, and separate schedules attached to the return for the transactions during the month in the various markets, and the net profit or loss on all such schedules shown as the net profit or loss for the month on transactions in interests in silver bullion.

(viii) There shall be attached to the return a separate schedule on Form 11A (Silver) for each silver foreign exchange (see paragraph (l) of § 45.4892–1 for definition) in which the taxpayer had a position at any time during the month. The net profit or loss, and the cost or price of the net position at the opening and at the close of the month shall be computed for each such exchange in the same manner as in the case of interests in silver bullion, except that no allowed expenses shall be included.

(ix) The aggregate net profit or loss for the month is the difference between the total of the net profits and the total of the net losses shown on the return and on the annexed schedules.

(x) An aggregate net loss for the month may be carried forward and applied against an aggregate net profit for the succeeding month, and any amount thereof not so applied may be applied against an aggregate net profit for the second succeeding month. No aggregate net loss for a month shall be carried forward more than 2 months.

(xi) The taxable profit for the month is the aggregate net profit minus any aggregate net loss carried forward from either or both of the 2 preceding months in accordance with subdivision (x) of this subparagraph; or the profit for the month on transactions in interests in silver bullion, whichever is less.

§ 45.4894–3 Procedure; abatement of tax paid by stamps on memorandum.

(a) *Preparation of Form 843 (Silver).* When the tax on any transfer paid by stamps affixed to the memorandum required by § 45.4895–5 is subject to abatement or refund under section 4894 and this subpart, a claim for abatement on Form 843 (Silver) may be prepared in duplicate, in accordance with § 45.4894–7. The original of the claim (Form 843 (Silver)) shall be attached to the duplicate of the memorandum and filed with the district director, in accordance with the provisions of § 45.6091–2. The duplicate shall be attached to the stamped memorandum and the procedure outlined in §§ 45.4895 and 45.4896 shall be observed.

(b) *Marking and stamping memorandum in case of claim.* The memorandum shall be marked "claim in abatement filed herewith" and shall show the amount of tax abatement of which is claimed. Stamps need be affixed only for the balance of the tax, but if the district director has any reason to doubt the correctness of the claim for abatement, he may refuse to cancel the stamps until he is satisfied of the correctness of the claim or until the necessary additional stamps are affixed. The burden of proof is upon the person making the claim to establish definitely every fact upon which it depends.

§ 45.4894–4 Procedure; abatement of tax shown on return.

When all or any part of the tax shown on any return required by the provisions of § 45.4895–7 is subject to abatement or refund under section 4894 and this subpart, there may be filed with the return a claim for abatement on Form 843 (Silver) for each such transfer. Such form shall be filed in duplicate and the form of the procedure set forth in § 45.4894–3 shall be observed. The amount of the tax abatement of which is claimed shall be deducted from the total tax shown on the return, and payment of the balance, if any, shall be made in accordance with § 45.4895–7.

§ 45.4894–5 Disallowance of claim.

If any claim for abatement is disallowed, in whole or in part, the additional tax found due must be paid. The transferee is not liable for additional tax on transfers with respect to which stamps have been canceled.

§ 45.4894–6 Claim for refund.

When tax which has been paid on any transfer is subject to refund under section 4894 and this subpart, a claim for refund in duplicate, on Form 843, may be filed by the person who paid the tax. The claim shall be filed with the district director who canceled the stamps, or to whom the tax was paid. The claim must be filed within 3 years from the date of payment of the tax.

§ 45.4894–7 Form of claim.

Each claim must be made on the prescribed form and must state in detail all the facts necessary to establish its correctness. Each claim must contain a written declaration that it is made under the penalties of perjury. (See §§ 45.6065 and 45.6065–1.)

§ 45.4895 Statutory provisions; stamps, memorandum, etc.

SEC. 4895. *Stamps*—(a) *Affixing of stamps.* On every transfer subject to the tax imposed by section 4891, there shall be made and delivered by the transferor to the transferee a memorandum to which there shall be affixed lawful stamps in value equal to the tax thereon.

(b) *Memorandum.* Every such memorandum shall show the date thereof, the names and addresses of the transferor and transferee, the interest in silver bullion to which it refers, the price for which such interest is or is to be transferred, and the cost, thereof and the allowed expenses.

(c) *Cancellation of stamps.* Stamps affixed under this section shall be canceled (in lieu of the manner provided in subtitle F) by such officers and in such manner as regulations under this subchapter shall prescribe. Such officers shall cancel such stamps only if it appears that the proper tax is being paid, and, when stamps with respect to any transfer are so canceled, the transferor and not the transferee shall be liable for any additional tax found due or penalty with respect to such transfer.

[Sec. 4895 as originally enacted and in effect July 1, 1960]

§ 45.4895–1 Affixing of stamps.

If a transfer, described in paragraph (a) of § 45.4891–1, evidenced by a memorandum as described in § 45.4895–5 or shown on a return as provided by § 45.4895–7, is taxable, stamps in value equal to the amount of the tax shall be affixed to the original of the memorandum or return before delivery to the transferee, except as provided in § 45.4895–6. If no tax is due, a one-cent stamp may be affixed for the purpose of obtaining a cancellation for the protection of the transferee. The person affixing the stamps shall immediately write or stamp in ink on the stamps, or perforate them, to show his initials and the day, month, and year on which affixed.

§ 45.4895–2 Silver tax stamps issued.

Under authority conferred upon the Secretary or his delegate in section 6801 the following adhesive stamps have been prepared:

Documentary stamps, overprinted by the Government with the words "Silver tax": 1 cent, 2 cents, 3 cents, 4 cents, 5 cents, 8 cents, 10 cents, 20 cents, 25 cents, 40 cents, 50 cents, 80 cents, $1, $2, $3, $4, $5, $10, $20, $30, $50, $60, $100, $500, $1,000.

§ 45.4895–3 Where stamps may be purchased and where requisition forms for the purchase of stamps may be obtained.

(a) *Where stamps may be purchased.* Silver tax stamps for use in payment of the tax imposed by section 4891 may be purchased from district directors of internal revenue.

(b) *Requisitions.* Requisitions for the purchase of such stamps shall be made on Form 9 (Silver). Copies of the form may be obtained from any district director.

§ 45.4895–4 Use of stamps.

Whenever feasible the tax imposed by section 4891 shall be paid by the use of a single stamp. If a stamp of the proper denomination to pay the tax due on a transfer is not readily available, the smallest practical number of stamps shall be used. A stamp affixed to an instrument cannot lawfully be removed therefrom and affixed to another instrument requiring a stamp (see section 7208 (§ 45.7208), relating to penalties). Ordinary postage stamps will not be accepted for the payment of this or any internal revenue tax.

§ 45.4895–5 Memorandum of transfer.

(a) *Data to be supplied in memorandum.* On every transfer of an interest in silver bullion, whether or not subject to tax, the transferor shall, except as provided in paragraph (c) of this section and § 45.4895–7, deliver to the transferee a memorandum on Form 2 (Silver), in duplicate, showing:

(1) The date of the memorandum, and the date of the transfer covered thereby.

(2) The name and address of the transferor.

(3) The name and address of the transferee.

(4) The interest in silver bullion which is or is to be transferred.

(5) The date and manner of acquisition (or production when that is the basic date).

(6) The price for which such interest is or is to be transferred.

(7) The cost of such interest. The facts upon which the cost is based shall be stated in detail.

(8) The allowed expenses, if any, itemized.

(b) *Verification.* For rules relating to verification of documents generally, see §§ 45.6065 and 45.6065–1.

(c) *Exceptions.* (1) No memorandum of transfer is required when scrap silver is transferred, in lots not exceeding in the aggregate 300 fine troy ounces within any 10-day period, to any registered jeweler, silversmith, refiner, or other person regularly engaged in the business of furnishing silver for industrial, professional or artistic use.

(2) No memorandum of transfer is required from a transfer of material which was not considered to be silver bullion by reason of its processed form and/or silver content when originally purchased by such transferor for use, when and if he returns such material in whole or in part to any registered dealer or refiner regularly engaged in the business of furnishing silver for industrial, professional, or artistic use, for credit or for the purpose of refining or reprocessing, provided the refining or reprocessing charge is equal to or in excess of the rise, if any, in the market price of silver bullion during the time the material was held, and further provided, the material returned in accordance with the provisions of this subparagraph is identified as the same material in whole or in part as the material originally purchased.

(d) *Delivery of memorandum to the district director.* (1) Except as provided in subparagraph (2) of this paragraph, the memorandum, in duplicate, shall be delivered to the district director within 30 days from the date of the transfer. The 30-day period runs from the date on which the agreement to sell is made. In the case of a forward sale the memorandum shall be delivered to the district director within 30 days from the date of delivery of the interest in fulfillment thereof. If a forward contract is settled without delivery of the interest, the memorandum shall be delivered within 30 days from such settlement.

(2) In the case of transfers outside of the United States, the memorandum, in duplicate, together with the amount of the tax, shall be mailed within the applicable 30-day period to the district director, for the affixing and cancellation of stamps.

(3) For regulations relating to the place for filing the memorandum, see § 45.6091–2.

§ 45.4895–6 Action of district director; cancellation of stamps.

(a) *Method of cancellation.* Upon receipt of the memorandum in duplicate, if no stamps are affixed, the district director shall, if satisfied that no tax is due, write or stamp on the original, or perforate it, to show his name and the date, and return the original to the person from whom received. If stamps are affixed, he shall, if satisfied that the stamps represent the proper amount of tax (or that no tax is due, in case the stamp is of the value of 1 cent), cancel the stamps by writing or stamping on the stamps in ink, or perforating them, to show his name and the date, and return the stamped memorandum to the person from whom received. In every case the district director shall retain the duplicate, noting thereon the date of receipt by him and the amount of stamps, if any, affixed to the original.

(b) *Investigation prior to cancellation.* The district director may, before canceling the stamps or returning an unstamped original, in addition to the examination of the memorandum, make such investigation and require such information as he deems necessary to satisfy him that the memorandum is true and complete in every respect and that no additional tax is due.

§ 45.4895–7 Payment by producers and registered dealers.

In the case of any transfer (a) by a producer of an interest in silver bullion produced by him from materials containing silver which has not previously entered into industrial, commercial, or monetary use, or (b) by a person registered in accordance with paragraph (a) (2) of § 45.4894–1, of an interest in silver bullion transferred to him in the regular course of his business of furnishing silver for industrial, professional, or artistic use, the tax, if any, may, at the option of the parties to the transfer, be paid by the affixing of stamps to a return to be filed with the district director on or before the last day of the month following the month in which the transfer is completed. The return shall be made in duplicate, on Form 3 (Silver), and shall set forth all the facts enumerated in paragraph (a) of § 45.4895–5, with respect to each such transfer for which no memorandum in accordance with § 45.4895–5 is delivered to the transferee, except that upon application and proper showing to the district director he may generally, or in individual cases, as he deems appropriate, waive such of the information as he determines to be unnecessary. If abatement is claimed of all or any part of the tax on any transfer, the amount so claimed shall be specified, and a claim for abatement, prepared in accordance with paragraph (i) of § 45.4894–1, shall be attached to the return. The taxpayer shall affix to the return, in the manner specified in §§ 45.4895–1 and 45.4895–4, stamps in value equal to the total amount of tax shown on the return less the total amount of the claims for abatement. If the district director is satisfied that the stamps affixed to the return represent the proper amount of tax, he shall cancel the stamps as provided in § 45.4895–6, return the original and one copy of each claim for abatement to the taxpayer, and retain the duplicate and one copy of each claim. No memorandum in accordance with § 45.4895–5 is required for any transfer included in a return under this section, but the transferee remains liable for any tax or additional tax found due, until the stamps on the return are canceled. For regulations relating to the place for filing the return, see § 45.6091–2.

§ 45.4895–8 Records.

Each party to every transfer of an interest in silver bullion within the scope of section 4891 shall keep an accurate and complete record of every such transfer whether taxable or not. The record of a transferee shall be so kept that on a subsequent transfer the actual cost to him of the particular interest transferred can be determined. Such records, and the memorandum delivered to the transferee, shall be retained for a period of at least 3 years from the date the tax became due, and must be available for inspection at all times by internal revenue officers. The books of every person liable to the tax shall be open for inspection by Government officers at all times.

§ 45.4896 Statutory provisions; applicability of tax.

SEC. 4896. *Applicability*—(a) *Territorial extent.* The provisions of this subchapter shall extend to all transfers in the United States of any interest in silver bullion, and to all such transfers outside the United States if either party thereto is a resident of the United States or is a citizen of the United States who has been a resident thereof within 3 months before the date of the transfer or if such silver bullion or interest therein is situated in the United States.

(b) *Transfers to the United States Government.* The provisions of this subchapter shall extend to transfers to the United States Government (the tax in such cases to be payable by the transferor), but shall not extend to transfers of silver bullion by deposit or delivery at a United States mint under proclamation by the President or in compliance with any Executive order issued pursuant to section 7 of the Silver Purchase Act of 1934 (48 Stat. 1179; 31 U.S.C. 316a).

[Sec. 4896 as originally enacted and in effect July 1, 1960]

§ 45.4896–1 Applicability of tax.

(a) *Territorial extent.* The tax imposed by section 4891 applies (1) to every transfer in the United States of any interest in silver bullion, and (2) to every transfer outside the United States of any such interest (i) if either party thereto is a resident of the United States, or (ii) if either party to the transfer is a citizen of the United States who has been a resident of the United States at any time during the 3 months immediately preceding the date of the transfer, or (iii) if the silver bullion or interest therein which is transferred is situated in the United States at the time the transfer is made or agreed to be made.

(b) *Transfers to the United States Government.* Transfers of silver bullion or any interest therein to the United States Government are taxable except as provided in paragraph (c) of this section. In case of transfers to the United States Government the tax is payable by the transferor.

(c) *Exempt transfers.* The tax does not apply to transfers of silver bullion by deposit or delivery at a United States mint (1) in compliance with any Executive order issued pursuant to section 7 of the Silver Purchase Act of 1934 (48 Stat. 1179; 31 U.S.C. 316(a)), or (2) to transfers by the United States Government.

§ 45.4897 Statutory provisions; cross references.

SEC. 4897. *Cross references.* For penalties and other general and administrative provisions applicable to this subchapter, see subtitle F.

[Sec. 4897 as originally enacted and in effect July 1, 1960]

§ 45.4897–1 Cross references.

(a) For penalties for offenses relating to stamps, see § 45.7208.

(b) For penalty for unauthorized use or sale of stamps, see § 45.7209.

(c) For penalties for other offenses relating to stamps, see § 45.7271.

(d) For penalty for failure to register as required by paragraph (a) (2) of § 45.4894–1, see § 45.7272.

(e) For other administrative provisions relating to the tax imposed by section 4891, see Subpart L of this part.

Subpart K—General Provisions Relating to Occupational Taxes

§ 45.4901 Statutory provisions; payment of tax.

SEC. 4901. *Payment of tax*—(a) *Condition precedent to carrying on certain business.* No person shall carry on any trade or business subject to the tax imposed by section • • • 4461(3) [4461(a)(2)] (coin-operated gaming devices), • • • until he has paid the special tax therefor.

(b) *Computation.* All special taxes shall be imposed as of on the first day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for 1 year, and in the latter case it shall be reckoned proportionately, from the first day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How paid*—(1) *Stamp.* All special taxes imposed by law shall be paid by stamps denoting the tax.

(2) *Assessment.* For authority of the Secretary or his delegate to make assessments where the special taxes have not been duly paid by stamp at the time and in the manner provided by law, see subtitle F.

[Sec. 4901 as originally enacted and in effect July 1, 1960]

§ 45.4901–1 Payment of special tax.

(a) *Condition precedent to carrying on certain business.* No person shall maintain for use or permit the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device defined in section 4462(a)(2) (see paragraphs (b) and (c) of § 45.4462–1) until he has filed a return on Form 11–B and paid the special tax imposed by section 4461(a)(2). For other requirements relating to special taxes imposed by sections 4461, 4471, 4821, and 4841, see §§ 45.7011 and 45.7011–1.

(b) *Computation of special tax.* The tax year begins July 1, and ends June 30 of the following calendar year. Persons commencing business between August 1 and June 30 (both dates inclusive) shall pay a proportionate part of the annual tax. The term "commencing business" in the case of a coin-operated amusement and gaming device means the initial maintenance for use on the taxpayer's premises of such a device. Persons in business for only a portion of a month are liable for tax for the full month, i.e., a person first becoming subject to a special tax on, for example, the 25th day of a month, is liable for tax for the entire month. If the business is discontinued prior to the end of the taxable year, the liability is not thereby reduced.

(c) *Tax payment evidenced by a special tax stamp.* (1) Upon receipt of a return on Form 11 or Form 11–B, together with remittance of the full amount of tax due, the district director will issue a special tax stamp, or stamps, as evidence of payment of the special tax.

(2) District directors will distinctly write or print on the stamp before it is delivered or mailed to the taxpayer the following information: (i) the taxpayer's registered name, (ii) the business address of the taxpayer, and (iii) such other information as is called for by the form. Special tax stamps will be transmitted by ordinary mail, unless it is requested that they be transmitted by registered or certified mail in which case the additional cost to cover fees shall be remitted with the return.

(3) District directors and their collection officers are forbidden to issue re-

cepts in lieu of stamps representing the payment of special taxes.

(d) *Cross references.* For provisions relating to Form 11 or Form 11–B, see § 45.6011(a)–6 (relating to returns), § 45.6071–2 (relating to time for filing returns), § 45.6091–1 (relating to place for filing returns), and paragraph (g) of § 45.6151–1 (relating to time and place for paying tax shown on returns).

§ 45.4902 Statutory provisions; liability of partners.

SEC. 4902. *Liability of partners.* Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

[Sec. 4902 as originally enacted and in effect July 1, 1960]

§ 45.4902–1 Partnership liability.

Any number of persons doing business in copartnership shall be required to pay but one special tax. The district director may issue a special tax stamp to a copartnership in a firm or trade name, provided the names and addresses of all members of the partnership are disclosed on Form 11 or Form 11–B.

§ 45.4903 Statutory provisions; liability in case of business in more than one location.

SEC. 4903. *Liability in case of business in more than one location.* The payment of the special tax imposed * * * shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the register kept in the office of the official in charge of the internal revenue district; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as provided in this subtitle, for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

[Sec. 4903 as originally enacted and in effect July 1, 1960]

§ 45.4903–1 Each place taxable.

Special tax shall be paid for each place of business, except that a manufacturer who pays special tax for the place of production may, without incurring additional liability, sell products of his own manufacture at his principal office or place of business, provided no products other than samples are kept there.

§ 45.4904 Statutory provisions; liability in case of different businesses of same ownership and location.

SEC. 4904. *Liability in case of different businesses of same ownership and location.* Whenever more than one of the pursuits or occupations described in this subtitle are carried on in the same place by the same person at the same time, except as otherwise provided in this subtitle, the tax shall be paid for each according to the rates severally prescribed.

[Sec. 4904 as originally enacted and in effect July 1, 1960]

§ 45.4904–1 Each business taxable.

Where more than one taxable business is conducted by the same person at the same address, special tax for each business must be paid. But as to manufacturers see section 4903 and the regulations thereunder. (See also §§ 45.4821–2 and 45.4841–2.)

§ 45.4905 Statutory provisions; liability in case of death or change of location.

SEC. 4905. *Liability in case of death or change of location.* — (a) *Requirements.* When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. When any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the register kept in the office of the official in charge of the internal revenue district at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the Secretary or his delegate, under regulations to be prescribed by the Secretary or his delegate.

(b) *Registration.* (1) For registration in case of * * *, playing cards, * * *, and white phosphorus matches, see sections * * * 4455 * * *, and 4804(d), respectively.

(2) For other provisions relating to registration, see subtitle F.

[Sec. 4905 as originally enacted and in effect July 1, 1960]

§ 45.4905–1 Change of ownership.

(a) *Changes through death.* Whenever any person who has paid the special tax imposed by section 4461, 4471, 4821 or 4841 dies, the surviving spouse or child, or executor or administrator, or other legal representative, may carry on such business for the remainder of the term for which such special tax has been paid without any additional payment, subject to the conditions hereinafter set forth. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continues the business, such person shall within 30 days after the date of the death of the taxpayer execute a return on Form 11 or Form 11–B, whichever is applicable. Such return shall show the name of the deceased taxpayer, together with all other information required to be reported thereon, and the stamp issued to such taxpayer shall be submitted with the return for proper notation by the district director.

(b) *Changes from other causes.* A receiver or trustee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the special tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special tax liability. In cases such as set forth in this paragraph the change shall be registered with the district director in a manner similar to that required by paragraph (a) of this section.

(c) *Changes in firm.* When one or more members of a firm or partnership withdraw, the business may be continued by the remaining partner or partners under the same special tax stamp for the remainder of the period for which the stamp was issued to the firm or partnership. The change, however, shall be registered in the same manner as required in paragraph (a) of this section. If new partners are taken into a firm, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm shall make a return on Form 11 or Form 11–B, whichever is applicable, and pay the special tax imposed by the applicable section (sections 4461, 4471, 4821 or 4841, as the case may be) reckoned from the first day of the month in which it began business, even though the name of such firm be the same as that of the old. If the members of a partnership, which has paid the special tax, form a corporation to continue the business, a new special tax stamp must be obtained in the name of the corporation.

(d) *Change in corporation.* If a corporation changes its name, no additional tax is due, provided the change in name is registered with the district director in the manner required by paragraph (a) of this section. An increase in the capital stock of a corporation does not create a new special tax liability if the laws of the State under which it is incorporated permit such increase without the formation of a new corporation. A stockholder in a corporation, who after its dissolution continues the business, incurs liability for the special tax unless he already has a special tax stamp obtained in respect of activities conducted as a sole proprietor.

§ 45.4905–2 Change of address.

(a) *Procedure by taxpayer.* Whenever a taxpayer changes his business address to a location other than that specified in his last return on Form 11 or Form 11–B, he shall, within 30 days after the date of such change, register the change with the district director from whom the special tax stamp was purchased by filing a new return, Form 11 or Form 11–B, designated "Supplemental Return", and setting forth the new address and the date of change. The taxpayer's special tax stamp shall accompany the supplemental return for proper notation by the district director. As to liability in case of failure to register a change of address within 30 days, see § 45.4905–3.

(b) *Procedure by district director.* — (1) *Removal within district.* When registration of a change of address within the same district is made by a taxpayer in the manner specified in paragraph (a) of this section, the district director, if necessary, will enter on his records the new address and the date of change. If the information disclosed on the supplemental return is such as to require a change on the face of the special tax stamp, the district director will make the necessary change and return the stamp to the taxpayer for posting as provided in § 45.6806.

(2) *Removal to another district.* In case of removal of the taxpayer's place of business to another district, the district director after noting the transfer on his records, shall transmit the special tax stamp to the district director for the district to which such business was removed. The latter will make proper entry on his records, as in the case of an original registration in his district, correct the address on the stamp, if necessary, and also note thereon his name, title, date, and district, and then forward the stamp to the taxpayer for posting as provided in § 45.6806.

§ 45.4905–3 Liability for failure to register change.

A person succeeding to and carrying on a business for which the special tax has been paid, or a taxpayer who relocates his business, without registering the change as provided in §§ 45.4905–1 and 45.4905–2 will be liable to an additional tax and to the interest and additions to the tax prescribed in §§ 301.6601, 301.6601–1, 301.6651, and 301.6651–1 of this chapter (Regulations on Procedure and Administration).

§ 45.4906 Statutory provisions; application of State laws.

SEC. 4906. *Application of State laws.* The payment of any special tax imposed by this subtitle for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

[Sec. 4906 as originally enacted and in effect July 1, 1960]

§ 45.4906–1 State laws applicable.

Payment of special tax under Federal law confers no right or privilege to conduct business contrary to State law. The holder of a special-tax stamp issued by the Federal Government may still be punishable under a State law prohibiting or regulating the manufacture or sale of adulterated or process or renovated butter. On the other hand, compliance with State law affords no immunity under Federal law. Persons who engage in business in violation of the law of a State are, nevertheless, required to pay special tax as imposed under the internal revenue laws of the United States.

§ 45.4907 Statutory provisions; Federal agencies or instrumentalities.

SEC. 4907. *Federal agencies or instrumentalities.* Any special tax imposed by this subtitle * * * shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax.

[Sec. 4907 as originally enacted and in effect July 1, 1960]

§ 45.4907–1 Federal agencies or instrumentalities.

Any agency or instrumentality of the United States, such as an Army exchange, Navy exchange, etc., is liable to a special tax unless granted by statute a specific exemption therefrom.

Subpart L—Administrative Provisions

§ 45.6001 Statutory provisions; notice or regulations requiring records, statements, and special returns.

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

[Sec. 6001 as originally enacted and in effect July 1, 1960]

§ 45.6001–1 Records in general.

(a) *Form of records.* The records required by the regulations in this part shall be kept accurately, but no particular form is required for keeping such records. See, however, the requirements in § 45.4804–10 (relating to form for daily record in the case of manufacturers of white phosphorus matches) and §§ 45.4872–1 to 45.4872–4, inclusive (relating to records regarding sales of cotton for future delivery). Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section and by §§ 45.6001–2 to 45.6001–5, inclusive, which relate to the claim.

(d) *Place and period for retention of records.* (1) All records required by the regulations in this part shall be maintained, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(2) Except as otherwise provided in the following sentence, every person required by the regulations in this part to keep records in respect of a tax (whether or not such person incurs liability for such tax) shall retain such records for at least three years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of this section shall be retained for a period of at least three years after the date the claim is filed.

(e) *Microfilm reproductions.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records (1) retains such microfilmed copies for the period specified in paragraph (d) of this section, (2) provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and (3) makes any transcription which may be required of the information contained on the microfilm.

§ 45.6001–2 Records required to be kept by manufacturers of adulterated butter, process or renovated butter, or filled cheese.

(a) *Manner of keeping.* (1) A manufacturer shall keep at his place of business separate records of adulterated butter, of process or renovated butter, and of filled cheese. If the record is kept as hereinafter prescribed in the manufacturer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than (i) adulterated butter, (ii) process or renovated butter, (iii) filled cheese, and (iv) the materials or ingredients used in the manufacture of each product.

(2) Entry shall be made not later than the day following that on which each transaction occurred. Quantities reported shall be as indicated by the tax-paid stamps affixed to the packages, except that where the product is withdrawn free of tax for export, or where the product is returned to the factory, the actual quantity will be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show:

(1) The number of pounds of each material or ingredient used in the production of adulterated butter, process or renovated butter, or filled cheese, and the number of pounds of such materials used for other purposes.

(2) The number of pounds of each product produced.

(3) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(4) The number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt.

(5) The number of pounds reworked, disposed of as grease, dumped, or otherwise destroyed.

(6) The total value of tax stamps purchased and used.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter, process or renovated butter or filled cheese distributed

gratuitously shall be recorded in the same manner as if the packages were sold.

(3) *Transfers to self.* Where adulterated butter, process or renovated butter, or filled cheese is transferred by a manufacturer to himself as a wholesale or retail dealer, the transaction shall be recorded in the same manner as a transfer to another person.

(3) *Sales to chain stores.* Where adulterated butter, process or renovated butter, or filled cheese is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* Where a manufacturer receives an order from one person to ship adulterated butter, process or renovated butter, or filled cheese to another, the transaction shall be recorded in the name and address of the consignee, followed by "acc't of" and the name and address of the person for whose account the shipment was made. A manufacturer shall not record consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party. (See paragraph (c)(5) of § 45.4821–3 as to liability of agents or brokers soliciting orders for adulterated butter.)

§ 45.6001–3 Records required to be kept by wholesale dealers in adulterated butter.

(a) *Manner of keeping.* (1) A wholesale dealer shall keep at his place of business records of transactions in adulterated butter. If the record is kept as hereinafter prescribed in the dealer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than taxpaid and branded adulterated butter.

(2) Entry shall be made not later than the day following that on which the transaction occurred. Quantities reported shall be as indicated by the taxpaid stamps affixed to the packages, except that where goods are returned to or by the wholesaler the actual quantity shall be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show: (1) The number of pounds in each consignment of adulterated butter received, the name and address of the consignor, and the date of receipt.

(2) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter received and disposed of gratuitously shall be recorded in the same manner as adulterated butter which is purchased and sold.

(2) *Transfers to self.* Where adulterated butter is transferred by a wholesale dealer to himself as a retail dealer, the transaction shall be recorded in the same manner as a sale to another person.

(3) *Sales to chain stores.* Where adulterated butter is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* A wholesale dealer shall not record the receipt of adulterated butter which he orders delivered direct to a third party. The dealer's connection with the transaction shall be shown by the manufacturer as provided in paragraph (c) of § 45.6001–2. Where a wholesale dealer receives an order from one person to ship adulterated butter to another, the transaction shall be recorded in the name and address of the consignee followed by "acc't of" and the name and address of the person giving the order. A wholesale dealer shall not record consignments in the names of agents, solicitors, or other persons transmitting orders for other parties. (See paragraph (c)(5) of § 45.4821–3 as to liability of agents.)

(5) *Returned goods.* Where adulterated butter is returned by a customer to a wholesale dealer the transaction shall be recorded separately from other receipts. The sale of repossessed goods shall be recorded with other disposals. Adulterated butter returned by a wholesale dealer to the manufacturer or other wholesale dealer from whom received shall be recorded separately from other disposals. (See paragraph (c)(6) of § 45.4821–3 as to resales.)

§ 45.6001–4 Records required to be kept by wholesale dealers in filled cheese.

Every wholesale dealer in filled cheese shall keep at his place of business a daily record of (a) the number of pounds in each consignment of filled cheese received by him, giving the name and address of the consignor and date of receipt, and (b) the number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent.

§ 45.6001–5 Cross references.

(a) *Manufacturers of white phosphorus matches.* For record requirements, see § 45.4804–10.

(b) *Cotton futures.* For record requirements relating to persons making, clearing, settling or adjusting transactions in contracts of sale of cotton for future delivery, including cotton clearing associations, see §§ 45.4872–1 to 45.4872–4, inclusive.

(c) *Silver bullion.* For record requirements relating to transfers of interests in silver bullion, see § 45.4895–8.

§ 45.6011(a) Statutory provisions; general requirement of return, statement, or list; general rule.

SEC. 6011. *General requirement of return, statement or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

[Sec. 6011(a) as originally enacted and in effect July 1, 1960]

§ 45.6011(a)–1 Returns in general.

(a) *General rule.* Every person subject to any tax imposed by sections 4451, 4461, 4471, 4591, 4801, 4811, 4821, 4831, 4841, 4851, or 4891 shall make such returns, statements, or memorandums as are required by the regulations in this part. The return, statement, or memorandum shall include therein the information required by the applicable regulations or forms.

(b) *Use of prescribed forms.* Except as otherwise provided by the regulations in this part, copies of the prescribed forms will so far as possible be furnished taxpayers by district directors. A taxpayer will not be excused from making a return, however, by the fact that no return form has been furnished to him. Taxpayers not supplied with the proper forms should make application therefor to the district director in ample time to have their returns prepared, verified, and filed on or before the due date with the district director with whom such returns are required to be filed.

(c) *Execution of returns.* Each return required by the regulations in this part, together with any prescribed copies or supporting data, shall be filled in and disposed of in accordance with the forms, instructions, and regulations applicable thereto. The return shall be carefully prepared so as fully and accurately to set forth the data required to be furnished therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the regulations in this part.

§ 45.6011(a)–2 Inventories required of manufacturers.

(a) *Adulterated butter, process or renovated butter, and filled cheese.* Every manufacturer of adulterated butter, process or renovated butter, or filled cheese must file with the district director of internal revenue of the district in which the factory is located a complete and correct inventory, in letter form, stating the quantity of each of the different kinds of materials used in the manufacture of adulterated butter, process or renovated butter, or filled cheese, including all materials or products in process of manufacture or partially manufactured and the quantity of the finished product, stamped and unstamped, and the value of attached and unattached stamps held and owned by him in said factory on the first day of July of each year. An inventory as aforesaid must also be made and filed with the district director at the time of beginning business as a manufacturer, and at the time of discontinuing such business. Letters setting forth the inventories as herein required must contain a written declaration that the statements made therein are made under the penalties of perjury.

(b) *White phosphorus matches.* For inventory requirements relating to white phosphorus matches, see § 45.4804–9.

§ 45.6011(a)–3 Quarterly return by manufacturer or importer of playing cards.

(a) *Form 749.* Every manufacturer or importer of playing cards must furnish to the district director for each calendar quarter an accurate return on Form 749 of the following transactions in packs of playing cards: The number on hand at the beginning of the quarter; the number manufactured during the quarter; the number removed tax-paid and for export during the quarter; the number on hand at the end of the quarter; and the values of all stamps purchased and used during the quarter.

(b) *Return period.* A return on Form 749 must be submitted for each calendar quarter including the calendar quarter in which the manufacturer or importer ceases operations in respect of playing cards. Any stock of playing cards on hand when the business is discontinued must be accounted for on quarterly returns. The return for the last quarter must be marked "Final return."

§ 45.6011(a)–4 Quarterly return by manufacturer of adulterated butter, process or renovated butter, or filled cheese.

(a) *Quarterly return, Form 216.* Each manufacturer of adulterated butter, process or renovated butter, or filled cheese shall furnish to the district director, as indicated in § 45.6091–1 and at the time provided by § 45.6071–1, for each calendar quarter of the period of special-tax liability, an accurate return, under the penalties of perjury, on Forms 216 and 216a.

(b) *Preparation and distribution of copies.* Quarterly returns should be prepared from the manufacturer's records and typewritten on Form 216, in duplicate. The first page of the return should be filled out as indicated on the form. The original shall be forwarded to the district director and the duplicate shall be retained by the manufacturer at his factory as a record and shall be available for examination at any time by internal revenue officers. In the execution of the return, conformity with the special-tax return and the special-tax stamp shall be observed. If the special-tax return and stamp show a trade name as well as the real name of the proprietor, both names shall also appear on the quarterly returns, together with the identical address of the premises as given on such special-tax return and stamp.

(c) *Separate returns.* Returns required by this section shall be made separately for each product.

(d) *Supplemental sheets.* Form 216a is a supplemental sheet and shall be used for reporting in detail disposals of new stock and receipt and resale of stock returned by customers. The entries should be double spaced, as indicated by the dotted lines on the sheet. Appropriate headings should be set up in capital letters in the center of the page. Each page should be completely used before beginning another page. The order indicated in paragraphs (e) to (n), inclusive, of this section should be observed.

(e) *Disposals during first quarter of fiscal year or first quarter of commencing business.* Disposals to wholesalers, retailers, and consumers made in the first quarter of each fiscal year, or the quarter of commencing business, as the case may be, shall be reported on supplemental sheets, Form 216a, as follows:

(1) *To wholesalers.* Disposals to wholesalers shall be listed under a heading, Withdrawn Tax-Paid, Wholesale Dealers, with the entries grouped in alphabetical order of (i) the names of States and (ii) the names of consignees in each State group. State names should be in capital letters centered on the page at the head of each group, and a line left above and below each State subheading. The State name should be omitted in entering the several individual addresses since it will appear at the head of the group. Where a wholesaler operates at more than one place of business (whether or not within the same State), a separate entry shall be made for each place of business of such wholesaler to which consignments are made during the quarter. The aggregate quantity of adulterated butter, process or renovated butter or filled cheese consigned during the quarter to each wholesaler at each place of business shall be reported as provided for by the form.

(2) *To retailers and consumers.* Following the listing of disposals to wholesale dealers the disposals to retailers and consumers shall be listed under a heading, Withdrawn Tax-Paid, Retailers and Consumers, in the same manner as specified in subparagraph (1) of this paragraph with respect to wholesalers.

(f) *Disposals during other quarters.* Disposals to wholesalers, retailers, and consumers in each quarter other than the first quarter of the fiscal year, or the quarter of commencing business, shall be reported on supplemental sheets, Form 216a, as follows:

(1) *To consignees listed on prior returns of same fiscal year.* The total quantity of adulterated butter, process or renovated butter, or filled cheese disposed of during the quarter to all persons, including wholesalers, retailers, and consumers, listed on returns for prior quarters of the same fiscal year, shall be reported as a single amount designated as "Disposed of to consignees listed on returns for previous quarters of the same fiscal year."

(2) *To other consignees.* Disposals to wholesalers, retailers, and consumers not listed on any return for a prior quarter of the same fiscal year shall be reported in detail in the manner prescribed in paragraph (e) of this section.

(g) *Registered names and addresses required.* Names and addresses shall be entered as they appear on customers' special-tax stamps. Where the shipping address differs from the registered address, the name of the shipping point, in parentheses, should be entered with the registered address. (See paragraph (f) of § 45.4815(a)–1.) Surnames should precede first names. County names should be included in the addresses of customers located in the States specified at the head of Form 216a. This subparagraph is not applicable in the case of manufacturers of process or renovated butter since the wholesalers and retailers thereof do not obtain special-tax stamps.

(h) *Repeat shipments.* Only the aggregate quantity disposed of to each person at one address during the quarter shall be reported. Example: If 20 sales of 10 pounds each were made, the name of the purchaser and the address to which delivered should be entered but once with the total of 200 pounds.

(i) *Chain store entries.* Subject to the provisions of paragraphs (e) and (f) of this section, disposals to chain stores shall be reported in alphabetical order of the names of (1) the cities or towns in which the stores are located and (2) the streets on which situated. Numerical order of street numbers should be observed where more than one store is located on the same street.

(j) *Exportation.* Under a heading, Withdrawn Free of Tax for Export, there shall be entered as to each foreign consignment (1) date of invoice, (2) name of consignee and place of consignment, and (3) quantity. The entries shall be in the order prescribed in paragraph (e) of this section for reporting disposals to wholesale dealers. This paragraph has no application in the case of process or renovated butter or filled cheese, since there is no provision for tax-free exportation thereof.

(k) *Returned goods.* Under a heading, Returned Goods, there shall be shown in alphabetical order (1) the name and address of each consignor, and (2) the total quantity received during the quarter from him. Only adulterated butter, process or renovated butter, or filled cheese of the manufacturer's own production may be entered under this heading. Such product received from other manufacturers for reworking shall be included in the total of returned goods reworked as prescribed in paragraph (m) of this section.

(l) *Resales.* Under the headings, "Resales to wholesale dealers" and "Resales to retailers and consumers", entries shall be made in the same manner as disposals of new stock to such customers as prescribed in paragraph (e) of this section. (See paragraph (c)(6) of § 45.4821–3 as to resale of returned goods.)

(m) *Reworked or denatured.* The total quantity of any adulterated butter, process or renovated butter, or filled cheese not removed from the factory but reworked or disposed of as grease shall be reported in the credit column of the summary of new stock. The total quantity of returned goods reworked or disposed of as grease shall be reported in the credit column of the summary. The combined totals of adulterated butter, process or renovated butter, or filled cheese reworked, as shown in the respective summaries, shall be reported under the heading, "Materials used during month", page 1, Form 216.

(n) *Losses.* Adulterated butter, process or renovated butter, or filled cheese accidentally destroyed, lost in transit, or unaccounted for shall be reported in the credit column of the proper summary and an appropriate explanation inserted.

(o) *Summary.* The quantities entered under the respective headings on Form 216a shall be totaled and the

totals carried to the proper lines of the summaries, page 1, Form 216. The actual balances of new stock and returned goods on hand at the beginning and close of the quarter shall be entered in the proper summary, which should balance. The quantities reported on hand at the beginning of the quarter shall agree with the quantities reported on hand at the close of the preceding quarter.

(p) *Correcting entries.* If after rendering a return it is found that any receipts or disposals were omitted or erroneously reported, correcting entries shall be made on the return for the following quarter.

(q) *Final return.* If the business is discontinued, the return for the quarter in which business ceases should be marked "Final."

§ 45.6011(a)–5 Quarterly return by wholesale dealers in adulterated butter or filled cheese.

(a) *Quarterly return, Form 2814.* Each wholesale dealer in adulterated butter or filled cheese shall furnish to the district director, as indicated in § 45.6091–1 and at the time provided by § 45.6071–1, for each calendar quarter of the period of special-tax liability, an accurate return, under the penalties of perjury, on Forms 2814 and 2814a.

(b) *Preparation and distribution of copies.* Quarterly returns should be prepared from the wholesale dealer's records and typewritten on Form 2814, in duplicate. The first page of the return should be filled out as indicated on the form. The original shall be forwarded to the district director and the duplicate shall be retained by the wholesale dealer at his principal place of business as a record and shall be available for examination at any time by internal revenue officers. In the execution of the return, conformity with the special-tax return and the special-tax stamp shall be observed. If the special-tax return and stamp show a trade name as well as the real name of the proprietor, both names shall also appear on the quarterly returns, together with the identical address of the premises as given on such special-tax return and stamp.

(c) *Separate returns.* Returns required by this section shall be made separately for each product.

(d) *Receipts*—(1) *During first quarter of fiscal year or quarter of commencing business.* Under the heading, Adulterated Butter (or Filled Cheese) Received From Manufacturers and Wholesale Dealers, page 1, Form 2814, each entry shall show (i) the name and address of each consignor, and (ii) the total quantity received during the quarter from him. Regardless of the number of consignments received during the quarter from the same consignor, only a single entry showing the aggregate of all such consignments shall be made.

(2) *During other quarters.* Adulterated butter or filled cheese received from manufacturers and wholesale dealers in each quarter other than the first quarter of each fiscal year, or the quarter of commencing business, as the case may be, shall be reported on Form 2814 as follows:

(i) *From consignors listed on returns for previous quarters of same fiscal year.* The total quantity of adulterated butter or filled cheese received from all manufacturers and wholesale dealers listed on returns for prior quarters of the same fiscal year, shall be reported as a single amount designated as "Received from consignors listed on returns for previous quarters of the same fiscal year."

(ii) *From other consignors.* Adulterated butter or filled cheese received from manufacturers and wholesale dealers not listed on a return for a prior quarter of the same fiscal year shall be reported in detail in the manner prescribed in subparagraph (1) of this paragraph.

(e) *Returned goods.* Adulterated butter or filled cheese returned by customers should not be entered in detail on returns. Only the total quantity so received during the quarter shall be reported. The amount should be entered in the debit column of the summary.

(f) *Supplemental sheets.* Form 2814a is a supplemental sheet and shall be used for reporting disposals in detail. The entries should be double-spaced as indicated by the dotted lines on the sheet. Appropriate headings should be set up in capital letters in the center of the page. Each page should be completely used before beginning another page. The order indicated in paragraphs (g) to (m) of this section should be observed.

(g) *Disposals during first quarter of fiscal year or quarter of commencing business.* Disposals to wholesalers and retailers and consumers in the first quarter of each fiscal year, or the quarter of commencing business, shall be reported in full detail on supplemental sheets, Form 2814a as follows:

(1) *To wholesalers.* Disposals to wholesalers shall be listed under a heading, Disposals to Wholesale Dealers, with the entries grouped in alphabetical order of (i) the names of States, and (ii) the names of consignees in each State group. State names should be in capital letters centered on the page at the head of each group, and a line left above and below each State subheading. The State name should be omitted in entering the several individual addresses since it will appear at the head of the group. Where a wholesaler operates at more than one place of business whether or not within the same State, a separate entry shall be made for each place of business of such wholesaler to which consignments are made during the quarter. The aggregate quantity of adulterated butter or filled cheese consigned during the quarter to each wholesaler at each place of business shall be reported as provided for by the form.

(2) *To retailers and consumers.* Following the listing of disposals to wholesale dealers the disposals to retailers and consumers shall be listed under a heading, Disposals to Retailers and Consumers, in the same manner as specified in subparagraph (1) of this paragraph with respect to wholesalers.

(h) *Disposals during other quarters.* Disposals to wholesalers, retailers, and consumers in each quarter other than the first quarter of the fiscal year, or the quarter of commencing business, shall be reported on supplemental sheets, Form 2814a, as follows:

(1) *To consignees listed on prior returns of same fiscal year.* The total quantity of adulterated butter or filled cheese disposed of during the quarter to all persons, including wholesalers, retailers, and consumers, listed on returns for prior quarters of the same fiscal year, shall be reported as a single amount designated as "Disposed of to consignees listed on returns for previous months of the same fiscal year."

(2) *To other consignees.* Disposals to wholesalers, retailers, and consumers not listed on any return for a prior quarter of the same fiscal year shall be reported in detail in the manner prescribed in paragraph (g) of this section.

(i) *Registered names and addresses required.* Names and addresses shall be entered as they appear on customers' special-tax stamps. Where the shipping address differs from the registered address, the name of the shipping point, in parentheses, should be entered with the registered address. (See paragraph (f) of § 45.4815(a)–1.) Surnames should precede first names. County names should be included in the addresses of customers located in the States specified at the head of Form 2814a.

(j) *Repeal shipments.* Only the aggregate quantity disposed of to each person at one address during the quarter shall be reported. Example: If 20 sales of 10 pounds each were made, the name of the purchaser and the address to which delivered should be entered but once with the total of 200 pounds.

(k) *Chain store entries.* Subject to the provisions of paragraphs (g) and (h) of this section, disposals to chain stores shall be reported in alphabetical order of the names of (1) the cities or towns in which the stores are located, and (2) the streets on which situated. Numerical order of street numbers should be observed where more than one store is located on the same street.

(l) *Goods returned or otherwise disposed of.* Under a heading, "Returned to Shipper," there shall be shown in alphabetical order (1) the name and address of each consignor and (2) the total quantity received during the month from him. Similar entries, under appropriate headings, shall be made for adulterated butter or filled cheese disposed of as grease, or for other inedible purposes, or destroyed.

(m) *Losses.* Adulterated butter or filled cheese accidentally destroyed, lost in transit, or unaccounted for shall be reported in the credit column of the summary and an appropriate explanation inserted.

(n) *Summary.* The quantities entered under the respective headings on Form 2814a shall be totaled and the totals carried to the proper lines of the summaries, page 1, Form 2814. The actual quantity on hand at the beginning and close of the quarter shall be entered in the summary, which should balance. The quantity reported on hand at the beginning of the quarter shall agree with the quantity reported on hand at the close of the preceding quarter.

(o) *Correcting entries.* If after rendering a return it is found that any receipts or disposals were omitted or erroneously reported, correcting entries shall be made on the return for the following quarter.

(p) *Final return.* If the business is discontinued, the return for the quarter in which business ceases should be marked "Final."

§ 45.6011(a)–6 Returns relating to special taxes.

(a) *Return on Form 11.* Every person required to pay a special tax imposed by section 4821 or section 4841 shall make a return on Form 11 in accordance with the instructions applicable thereto.

(b) *Returns on Form 11–B.* Every person required to pay a special tax imposed by section 4461 or 4771 shall make a return on Form 11–B in accordance with the instructions applicable thereto.

(c) *Execution of returns, Form 11 and Form 11–B.* In addition to the requirements for the execution of tax returns generally as set forth in paragraph (c) of § 45.6011(a)–1, it is required that where the business is operated in a trade name, both the real name of the proprietor and the trade name shall be used when executing Form 11 and Form 11–B.

§ 45.6011(a)–7 Cross references.

(a) *Manufacturers of white phosphorus matches.* For requirements for quarterly returns, see § 45.4804–11.

(b) *Cotton futures.* For requirements for quarterly returns by persons making, clearing, settling, or adjusting transactions in contracts of sale of cotton for future delivery, including cotton clearing associations, see §§ 45.4872–5 and 45.4872–6.

(c) *Silver bullion.* For requirements for memorandums and returns relating to transfers of interests in silver bullion, see §§ 45.4894–5 and 45.4895–7.

(d) *Signing and verification.* For provisions relating to the signing of returns, see §§ 45.6061 and 45.6061–1. For provisions relating to the verifying of returns, see §§ 45.6065 and 45.6065–1.

§ 45.6061 Statutory provisions; signing of returns and other documents.

SEC. 6061. *Signing of returns and other documents.* * * * any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

[Sec. 6061 as originally enacted and in effect July 1, 1960]

§ 45.6061–1 Signing of returns and other documents.

Each return or other document required under the regulations in this subpart shall be signed by (a) the individual, if the taxpayer is an individual; (b) the president, vice president or other principal officer, if the taxpayer is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the taxpayer is a partnership or other unincorporated organization; or (d) the fiduciary, if the taxpayer is a trust or estate. The return may be executed by an agent in the name of the taxpayer if an acceptable power of attorney is filed with the district director and the return includes the total liability of the taxpayer for the period covered by the return.

§ 45.6065 Statutory provisions; verification of returns.

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. This subsection shall not apply to returns and declarations with respect to income taxes made by individuals.

[Sec. 6065 as originally enacted and in effect July 1, 1960]

§ 45.6065–1 Verification of returns.

If a return, declaration, statement, or other document made under the regulations in this part is required by the regulations contained in this part, or the form and instructions issued with respect to such return, declaration, statement, or other document, to contain or be verified by a written declaration that it is made under the penalties of perjury, such return, declaration, statement, or other document shall be so verified by the person signing it.

§ 45.6071 Statutory provisions; time for filing returns and other documents.

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

(b) *Special taxes.* For payment of special taxes before engaging in certain trades and businesses, see section 4901 and * * *.

[Sec. 6071 as amended and in effect July 1, 1960]

§ 45.6071–1 Time for filing returns or other documents.

(a) *Returns or other documents.* A return required under §§ 45.6011(a)–3 to 45.6011(a)–5, inclusive, shall be filed on or before the last day of the first calendar month following the period for which it is made. The inventories required by § 45.6011(a)–2 shall be filed with the district director on the first day of July of each year, or at the time of commencing and at the time of concluding business, if before or after the first day of July.

(b) *Cross references*—(1) *Cotton futures—(i) Returns to be made by persons dealing in contracts of sale of cotton for future delivery.* See § 45.4872–5 for provisions relating to time for filing returns by persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting contracts of sale of any cotton for future delivery.

(2) *Silver bullion.* (i) For regulations relating to time for filing memorandums of transfer or monthly returns in the case of transfers of interests in silver bullion, see paragraph (d) of § 45.4895–5 and § 45.4895–7, respectively.

(ii) For regulations relating to time for filing returns on Form 11 (Silver) and Form 11A (Silver), see paragraph (b) of § 45.4894–2.

§ 45.6071–2 Special taxes.

(a) *Coin-operated gaming devices return on Form 11–B.* The first return required to be made on Form 11–B shall be filed, as provided in § 45.4901–1, to cover the period beginning with the first day of the calendar month in which a person engages in the trade or business of maintaining for use or permitting the use of, on any place or premises occupied by him, a coin-operated gaming device and ending with the following June 30. Thereafter, each return required to be made on Form 11–B shall be filed on or before July 1 to cover a 1-year period (beginning July 1 and ending June 30 of the following calendar year) during which the tax liability continues.

(b) *Other special taxes.* In the case of persons liable for the special taxes imposed by sections 4461(a)(1) (relating to coin-operated amusement devices), 4471 (relating to bowling alleys, billiard and pool tables), 4821 (relating to adulterated butter and process or renovated butter), and 4841 (relating to filled cheese), the first return required to be made on Form 11 or Form 11–B, as the case may be, shall be filed before the last day of the month in which the business commences to cover the period beginning with the first day of such month and ending with the following June 30. Thereafter, each return required to be made on Form 11 or Form 11–B, as the case may be, shall be filed on or before the last day of July to cover a 1-year period (begining July 1 and ending June 30 of the following calendar year) during which the tax liability continues.

§ 45.6071–3 Last day for filing.

For provisions relating to the time for filing a return when the prescribed due date falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

§ 45.6081(a) Statutory provisions; extension of time for filing returns.

SEC. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

[Sec. 6081(a) as originally enacted and in effect July 1, 1960]

§ 45.6091(a)–1 Extension of time for filing returns.

No extension of time will be granted for filing any return or other document required in respect of the taxes to which the regulations in this part have application.

§ 45.6091 Statutory provisions; place for filing returns or other documents.

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(2) *Corporations.* Returns of corporations shall be made to the Secretary or his delegate in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

* * * * *

(4) *Exceptional cases.* Notwithstanding paragraph (1), (2), or (3) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, * * *.

[Sec. 6091 as originally enacted and in effect July 1, 1960]

§ 45.6091–1 Place for filing returns and other documents other than for silver bullion.

(a) *Persons other than corporations.* Except as otherwise provided in § 45.6091–2, any return or other document required of a person other than a corporation shall be filed with the district director for the district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return or document shall be filed with the District Director at Baltimore, Maryland, except as provided in paragraph (c) of this section.

(b) *Corporations.* Except as otherwise provided in § 45.6091–2, any return or other document required of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation, except as provided in paragraph (c) of this section.

(c) *Returns of taxpayers outside the United States.* Any return or other document required of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or any return or other document required of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C.

(d) *Exceptional cases.* The Commissioner may permit the filing of any return or document required to be made under the regulations in this part in any internal revenue district, notwithstanding the provisions of paragraphs (1) and (2) of section 6091(b) and paragraphs (a), (b), and (c) of this section.

§ 45.6091–2 Place for filing memorandums or returns relating to silver bullion.

(a) *Persons other than corporations.* Except as provided in paragraph (c) of this section, the memorandum of transfer of an interest in silver bullion described in § 45.4895–5, the monthly return provided in § 45.4895–7, and the forms specified in §§ 45.4894–1 to 45.4894–7, inclusive, shall be filed with the district director for the district in which is located the principal place of business or legal residence of the party to the transfer paying the tax on such transfer. If such person has no principal place of business or legal residence in any internal revenue district, the memorandum or monthly return shall be filed with the District Director at Baltimore, Maryland.

(b) *Corporations.* Except as provided in paragraph (c) of this section, if the party to the transfer paying the tax thereon is a corporation, the memorandum, the monthly return, and the forms specified in §§ 45.4894–1 to 45.4894–7, inclusive, shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of such corporation.

(c) *Memorandums or returns filed by taxpayers outside the United States.* If the party to the transfer paying the tax thereon is a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or is a corporation having no principal place of business or principal office or agency in any internal revenue district, the memorandum, the monthly return, and the forms specified in §§ 45.4894–1 to 45.4894–7, inclusive, shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C.

§ 45.6101 Statutory provisions; period covered by returns or other documents.

SEC. 6101. *Period covered by returns or other documents.* When not otherwise provided for by this title, the Secretary or his delegate may by regulations prescribe the period for which, or the date as of which, any return, statement, or other document required by this title or by regulations, shall be made.

[Sec. 6101 as originally enacted and in effect July 1, 1960]

§ 45.6101–1 Period covered by returns or other documents.

(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, the period for which returns are required by the regulations in this part is a calendar quarter.

(b) *Silver bullion.* For the period for which returns are required in the case of transfers of silver bullion, see § 45.4895–7. For alternative provisions, see § 45.4895–5.

(c) *Special taxes.* For the period for which returns are required in the case of special taxes, see paragraph (b) of § 45.4901–1.

§ 45.6151 Statutory provisions; time and place for paying tax shown on returns.

SEC. 6151. *Time and place for paying tax shown on returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

(b) *Exceptions.* * * *

(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

[Sec. 6151 as originally enacted and in effect July 1, 1960]

§ 45.6151–1 Time and place for paying special taxes.

The special taxes required to be reported on Forms 11 and 11–B are due and payable to the district director, without assessment or notice and demand, at the time prescribed in § 45.6071–2 for filing such returns. For regulations relating to place for filing returns, see § 45.6091–1.

§ 45.6161(a)(1) Statutory provisions; extension of time for paying tax.

SEC. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

[Sec. 6161(a) as originally enacted and in effect July 1, 1960]

§ 45.6161(a)(1)–1 Extension of time for paying tax shown on return.

No extension of time will be granted for payment of all or any part of the amount of the taxes to which the regulations in this part have application.

§ 45.6804 Statutory provisions; attachment and cancellation.

SEC. 6804. *Attachment and cancellation.* Except as otherwise expressly provided in this title, the stamps referred to in section 6801 shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Secretary or his delegate may prescribe by rules or regulations.

[Sec. 6804 as originally enacted and in effect July 1, 1960.]

§ 45.6804–1 Attachment and cancellation.

The stamps required to be used for the payment of the taxes imposed by the statutory provisions included in this part shall be attached, protected, removed, canceled, obliterated, and destroyed as set forth in the regulations in this part.

§ 45.6805 Statutory provisions; redemption of stamps.

SEC. 6805. *Redemption of stamps*—(a) *Authorization.* The Secretary or his delegate, subject to regulations prescribed by him, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of any internal revenue law, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Secretary or his delegate, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the Secretary or his delegate, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of, or allowance for, stamps shall be allowed under this section unless presented within 3 years after the purchase of such stamps from the Government.

(d) *Finality of decisions.* The findings of fact in and the decision of the Secretary or his delegate upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

[Sec. 6805 as amended and in effect July 1, 1960]

§ 45.6806 Statutory provisions; posting occupational tax stamps.

SEC. 6806. *Posting occupational tax stamps*—(a) *General rule.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of said special tax.

(b) *Coin-operated amusement and gaming devices.* The Secretary or his delegate may by regulations require that the stamps denoting the payment of the special tax imposed by section 4461 shall be posted on or in each device in such a manner that it will be visible to any person operating the device.

* * * * *

[Sec. 6806 (a) and (b) as originally enacted and in effect July 1, 1960]

§ 45.6806–1 Special tax stamp to be posted.

(a) *In general.* The special tax stamp issued to a taxpayer as evidence of the payment of tax imposed under section 4461 (coin-operated amusement and gaming devices), section 4471 (bowling alleys, billiard and pool tables), section 4821 (adulterated, process or renovated butter), and section 4841 (filled cheese), must be kept posted conspicuously on the premises where the business is operated. Failure to comply will subject the taxpayer to the penalties prescribed in § 45.7273(a).

(b) *Posting of certificate in lieu of stamp.* When a special tax stamp has been lost or destroyed, such fact should be reported at once to the internal revenue officer from whom the stamp was obtained for the purpose of obtaining from him a certificate of payment. Such certificate must be posted in place of the stamp; otherwise the penalty referred to in paragraph (a) of this section for failure to post the stamp will be applicable.

§ 45.7011 Statutory provisions; registration—persons paying a special tax.

SEC. 7011. *Registration—persons paying a special tax*—(a) *Requirement.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the Secretary or his delegate his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

(b) *Registration in case of death or change of location.* Any person exempted under the provisions of section 4905 from the payment of a special tax, shall register with the Secretary or his delegate in accordance with regulations prescribed by the Secretary or his delegate.

[Sec. 7011 as originally enacted and in effect July 1, 1960]

§ 45.7011–1 Registration—persons paying a special tax.

Any person required by sections 4461, 4471, 4821, or 4841 to pay a special tax must register with the district director for the district in which his principal place of business is located. Such registration is effected by filing a return, Form 11–B, in the case of the taxes imposed by sections 4461 and 4471, and Form 11, in the case of the taxes imposed by sections 4821 and 4841. Such returns must be executed, signed and verified as required by the regulations prescribed in §§ 45.6011(a)–6, 45.6061–1, and 45.6065–1. See paragraph (a) of § 45.4901–1 for provisions relating to the special tax imposed by section 4461(a)(2), relating to coin-operated gaming devices.

§ 45.7011–2 Registration in case of change of ownership or location.

(a) *Cross reference.* See §§ 45.4905–1 to 45.4905–3, inclusive, for provisions regarding registration in case of change of ownership or location.

§ 45.7011–3 Registration; other requirements.

(a) For requirement for registration by manufacturers of playing cards, see § 45.4455–1.

(b) For requirement for registration by manufacturers of white phosphorus matches, see § 45.4804–8.

§ 45.7208 Statutory provisions; offenses relating to stamps.

SEC. 7208. *Offenses relating to stamps.* Any person who—

(1) *Counterfeiting.* With intent to defraud, alters, forges, makes, or counterfeits any stamp, coupon, ticket, book, or other device prescribed under authority of this title for the collection or payment of any tax imposed by this title, or sells, lends, or has in his possession any such altered, forged, or counterfeited stamp, coupon, ticket, book, or other device, or makes, uses, sells, or has in his possession any material in imitation of the material used in the manufacture of such stamp, coupon, ticket, book, or other device; or

(2) *Mutilation or removal.* Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this title; or

(3) *Use of mutilated, insufficient, or counterfeited stamps.* Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title,

(A) Any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this title; or

(B) Any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or

(C) Any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article; or

(4) *Reuse of stamps*—(A) *Preparation for reuse.* Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used; or

(B) *Trafficking.* Knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same; or

(C) *Possession.* Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article; or

(5) *Emptied stamped packages.* Commits the offense described in section 7271 (relating to disposal and receipt of stamped packages) with intent to defraud the revenue, or to defraud any person;

shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

[Sec. 7208 as originally enacted and in effect July 1, 1960]

§ 45.7209 Statutory provisions; unauthorized use or sale of stamps.

SEC. 7209. *Unauthorized use or sale of stamps.* Any person who buys, sells, offers for sale, uses, transfers, takes or gives in exchange, or pledges or gives in pledge, except as authorized in this title or in regulations made pursuant thereto, any stamp, coupon, ticket, book, or other device prescribed by the Secretary or his delegate under this title for the collection or payment of any tax imposed by this title, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 6 months, or both.

[Sec. 7209 as originally enacted and in effect July 1, 1960]

§ 45.7233 Statutory provisions; failure to pay, or attempt to evade payment of, tax on cotton futures, and other violations.

SEC. 7233. *Failure to pay, or attempt to evade payment of, tax on cotton futures, and other violations.* Any person—

(1) *Nonpayment or evasion of tax.* Liable to the payment of any tax imposed by subchapter D of chapter 39, who fails to pay, or evades, or attempts to evade the payment of such tax; and

(2) *Other violations.* Who otherwise violates any provision of subchapter D of chapter 39, or any rule or regulation made in pursuance thereof; shall, upon conviction thereof, be fined not less than $100 nor more than $30,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 2 years, in the discretion of the court.

[Sec. 7233 as originally enacted and in effect July 1, 1960]

§ 45.7234 Statutory provisions; violations of laws relating to oleomargarine or adulterated butter operations.

SEC. 7234. *Violation of laws relating to oleomargarine or adulterated butter operations.*—(a) *False branding, selling, or packing, in violation of law.* Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden, tin-plate, or paper packages, as described in section 4884 (a) and (b), or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law shall be fined for each offense not more than $1,000, and be imprisoned not more than 2 years.

(b) *Removal or defacement of stamps, marks, or brands.* Any person who shall willfully remove or deface the stamps, marks, or brands on a package containing oleomargarine or adulterated butter, taxed as provided by subchapter F of chapter 38, or subchapter C of chapter 39, respectively, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $100 nor more than $2,000, and by imprisonment for not less than 30 days nor more than 6 months.

(c) *Failure of wholesale dealers to keep or permit inspection of books, or to render returns.* Any person who willfully violates any of the provisions of section 4597(a) shall for each such offense be fined not less than $50 and not exceeding $500, and imprisoned not less than 30 days nor more than 6 months.

(d) *Imported oleomargarine or adulterated butter.*—(1) *Failure of customs officer to comply with law.* Every officer or employee of the Treasury Department having duties under section 4591 who permits any imported oleomargarine or adulterated butter to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of section 4591 relating thereto, shall be fined not less than $1,000 nor more than $5,000, and imprisoned not less than 6 months nor more than 5 years.

(2) *Supply packages.*—(A) *Failure to destroy stamps.* Any person who willfully neglects or refuses to destroy utterly the stamps on any empty package which contained oleomargarine or adulterated butter, or filled cheese shall for each such offense be fined not exceeding $50, and imprisoned not less than 10 days nor more than 6 months; and

(B) *Trafficking.* Any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine or adulterated butter, any such stamped package shall for each such offense be fined not exceeding $100, and be imprisoned not more than 1 year.

(3) *Sale when improperly packed or stamped.* Every person who sells or offers for sale any imported oleomargarine or adulterated butter, or oleomargarine or adulterated butter purporting or claimed to have been imported, not put up in packages and stamped as provided by subchapter F of chapter 38 or subchapter C of chapter 39, shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than 6 months nor more than 2 years.

(4) *Fraud by importer.* Whenever any person importing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine imported by him, or any part thereof, he shall be fined not less than $500 nor more than $5,000, and shall be imprisoned not less than 6 months nor more than 3 years.

[Sec. 7234 as originally enacted and in effect July 1, 1960]

§ 45.7234–1 Violations of laws relating to oleomargarine or adulterated butter operations.

Except for imported oleomargarine, section 7234 has no application in respect of any transactions involving oleomargarine which occurs on or after the effective date of the regulations in this part.

§ 45.7235 Statutory provisions; violation of laws relating to adulterated butter and process or renovated butter.

SEC. 7235. *Violation of laws relating to adulterated butter and process or renovated butter.*—(a) *Adulterated butter—False branding, sale, packing, or stamping in violation of law.* Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden, tin-plate, or paper packages as described in section 4815(a), or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000, and be imprisoned not more than 2 years.

(b) *Failure of wholesale dealers to keep or permit inspection of books, or to render returns.* Any person who willfully violates any of the provisions of section 4815(b) shall for each such offense be fined not less than $50 and not exceeding $500, and imprisoned not less than 30 days nor more than 6 months.

(c) *Failure to comply with provisions relating to the manufacture, storage, and marking of process or renovated butter.* Any person, firm, or corporation violating any of the provisions of section 4817 shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than $1,000, or by imprisonment for not more than 6 months, or by both such fine and imprisonment, in the discretion of the court.

(d) *Dealers in adulterated butter.* Every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $50 nor more than $500 for each offense.

(e) *Fraud by manufacturer.* Whenever any person manufacturing adulterated butter defrauds, or attempts to defraud, the United States of the tax on the adulterated butter manufactured by him, or any part thereof, he shall be fined not less than $500 nor more than $5,000, and shall be imprisoned not less than 6 months nor more than 3 years.

[Sec. 7235 as originally enacted and in effect July 1, 1960]

§ 45.7236 Statutory provisions; violation of laws relating to filled cheese.

SEC. 7236. *Violation of laws relating to filled cheese—False branding, sale, packing, or stamping in violation of law.* Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as provided for and described in section 4834(b), or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not less than $50 and not more than $500, or be imprisoned not less than 30 days nor more than 1 year.

[Sec. 7236 as originally enacted and in effect July 1, 1960]

§ 45.7239 Statutory provisions; violations of laws relating to white phosphorus matches.

SEC. 7239. *Violations of laws relating to white phosphorus matches.*—(a) *Selling unstamped matches.* Any manufacturer of matches who manufactures, sells, removes, distributes, or offers to sell or distribute, white phosphorus matches without there being affixed thereto an adhesive stamp, denoting the tax required by subchapter B of chapter 39 effectually canceled as provided by section 4804(a)(2), shall, for each offense, be guilty of a felony and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 2 years, or both.

(b) *Use of insufficient stamps.* Every person who affixes a stamp on any package of white phosphorus matches denoting a less amount of tax than that required by law shall, for each offense, be guilty of a felony and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 2 years, or both.

[Sec. 7239 as originally enacted and in effect July 1, 1960]

§ 45.7263 Statutory provisions; penalties relating to cotton futures.

SEC. 7263. *Penalties relating to cotton futures.*—(a) *Withholding information.* Any person engaged in the business of dealing in cotton who shall, within a reasonable time prescribed by the Secretary of Agriculture or any agent acting under his instructions, willfully fail or refuse to answer questions or to produce books, letters, papers, or documents, as required under section 4862(b), or who shall willfully give any answer that is false or misleading, shall, upon conviction thereof, be fined not more than $500.

(b) *Civil penalties.* In addition to the criminal penalties provided by section 7262, there shall be imposed, on account of each violation of subchapter D of chapter 39, relating to cotton futures, a penalty of $2,000, to be recovered in a civil action founded on subchapter B of chapter 39 in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of subchapter D of chapter 39 is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this subsection.

[Sec. 7263 as originally enacted and in effect July 1, 1960]

§ 45.7264 Statutory provisions; offenses relating to renovated or adulterated butter.

SEC. 7264. *Offenses relating to renovated or adulterated butter.* Every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $1,000 nor more than $5,000.

[Sec. 7264 as originally enacted and in effect July 1, 1960]

§ 45.7265 Statutory provisions; other offenses relating to oleomargarine or adulterated butter operations.

SEC. 7265. *Other offenses relating to oleomargarine or adulterated butter operations.*—(a) *Omission or removal of label.* (1) * * *

(2) Every manufacturer of adulterated butter who neglects to affix the label required under section 4814(a)(1) to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined $50 for each package in respect to which such offense is committed.

(b) *Purchasing when not properly branded or stamped.* Every person who knowingly purchases or receives for sale any oleomargarine or adulterated butter which has not been branded or stamped according to law shall be liable to a penalty of $50 for each such offense.

(c) *Other offenses.* If any manufacturer of oleomargarine or adulterated butter, any dealer therein or any importer or exporter thereof shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything prohibited by subchapter F of chapter 38 or subchapter C of chapter 39, if there be no specific penalty or punishment imposed by any other provision of this chapter or chapter 68 for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the things required or prohibited, he shall pay a penalty of $1,000.

[Sec. 7265 as originally enacted and in effect July 1, 1960]

§ 45.7265–1 Other offenses relating to oleomargarine or adulterated butter operations.

Except for imported oleomargarine, section 7265 has no application in respect of any transactions involving oleomargarine which occurs on or after the effective date of the regulations in this part.

§ 45.7266 Statutory provisions; offenses relating to filled cheese.

SEC. 7266. *Offenses relating to filled cheese*—(a) *Failure to pay special tax.* Every person, firm, or corporation—

(1) *Manufacturers.* Who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $400 nor more than $3,000; and

(2) *Wholesale dealers.* Who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $250 nor more than $1,000; and

(3) *Retail dealers.* Who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable for the payment of the tax, be fined not less than $40 nor more than $500 for each and every offense.

(b) *Other offenses.* Any manufacturer of filled cheese who fails to comply with the provisions of section 4833 (b) and (c), or with the regulations therein authorized, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $500 nor more than $1,000.

(c) *Failure of wholesale and retail dealers to display signs.* Any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of section 4834(a) shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not less than $50 and not more than $200.

(d) *Omission or removal of label.* Every manufacturer of filled cheese who neglects to affix the label provided for in section 4833(a)(2) to any package containing filled cheese made by him or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined $50 for each package in respect to which such offense is committed.

(e) *Purchasing when special tax not paid.* Every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax provided for in section 4841 shall be liable, for each offense, to a penalty of $100.

(f) *Purchasing when not stamped, branded, or marked according to law.* Any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of $50 for each such offense.

[Sec. 7266 as originally enacted and in effect July 1, 1960]

§ 45.7267 Statutory provisions; offenses relating to white phosphorus matches.

SEC. 7267. *Offenses relating to white phosphorus matches.*—(a) *Exportation of matches.* Any person guilty of violation of section 4805(b) shall be fined not less than $1,000 and not more than $5,000.

(b) *Offenses not specifically covered.* If any manufacturer of white phosphorus matches, or any importer or exporter of matches, shall omit, neglect, or refuse to do or cause to be done any of the things required by law in carrying on or conducting his business, or shall do anything prohibited by subchapter B of chapter 39, if there be no specific penalty or punishment imposed by any other provision of this chapter or chapter 68 for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited, he shall be fined $1,000 for each offense.

(c) *Omission of label from packages.* Every manufacturer of white phosphorus matches who neglects to affix the label required by section 4804(a)(4) to any original package containing stamped packages of white phosphorus matches made by him or sold or removed by or for him, and every person who removes any such label so affixed from any such original package, shall be fined not more than $50 for each package in respect of which such offense is committed.

(d) *Omission of factory number from packages.* Every manufacturer of white phosphorus matches who omits to mark, brand, affix, stamp, or print the factory number required under section 4804(b) on every package of white phosphorus matches manufactured, sold, or removed by him shall be fined not more than $50 for each package in respect of which such offense is committed.

[Sec. 7267 as originally enacted and in effect July 1, 1960]

§ 45.7271 Statutory provisions; penalties for offenses relating to stamps.

SEC. 7271. *Penalties for offenses relating to stamps.* Any person who with respect to any tax payable by stamps—

(1) *Failure to attach or cancel stamps, etc.* Fails to comply with rules or regulations prescribed pursuant to section 6804 (relating to attachment, cancellation, etc., of stamps), unless such failure is shown to be due to reasonable cause and not willful neglect; or

(2) *Manufacture or offer for sale.* Manufactures or imports and sells, or offers for sale, or causes to be manufactured or imported and sold, or offered for sale, any playing cards, package, or other article without the full amount of tax being duly paid; or

(3) *Instruments.* Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid; or

(4) *Disposal and receipt of stamped packages.* In the case of any container which is stamped, branded, or marked (whether or not under authority of law) in such manner as to show that the provisions of the internal revenue laws with respect to the contents or intended contents thereof have been complied with, and which is empty or contains any contents other than contents therein when the container was lawfully stamped, branded, or marked—

(A) Transfers or receives (whether by sale, gift, or otherwise) such container knowing it to be empty or to contain such other contents; or

(B) Stamps, brands, or marks such container, or otherwise produces such a stamped, branded, or marked container, knowing it to be empty or to contain such other contents;

shall be liable for each such offense to a penalty of $50.

[Sec. 7271 as originally enacted and in effect July 1, 1960]

§ 45.7272 Statutory provisions; penalty for failure to register.

SEC. 7272. *Penalty for failure to register.*—(a) *In general.* Any person (other than persons required to register under subtitle E, or persons engaging in a trade or business on which a special tax is imposed by such subtitle) who fails to register with the Secretary or his delegate as required by this title or by regulations issued thereunder shall be liable to a penalty of $50.

(b) *Cross references.* For provisions relating to persons required by this title to register, see sections * * * 4455, * * * 4804(d), and 7011.

[Sec. 7272 as amended and in effect July 1, 1960]

§ 45.7273(a) Statutory provisions; penalties for offenses relating to special taxes; general rule.

SEC. 7273. *Penalties for offenses relating to special taxes.*—(a) *General rule.* Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 (a) or (b) (whichever is applicable) shall be liable to a penalty equal to the special tax for which his business rendered him liable (unless such failure is shown to be due to reasonable cause); but in no case shall said penalty be less than $10. Where the failure

to comply with the provisions of section 6805 (a) or (b) shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed. Nothing in this subsection shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

[Sec. 7273(a) as originally enacted and in effect July 1, 1960]

§ 45.7274 Statutory provisions; penalty for offenses relating to white phosphorus matches.

Sec. 7274. *Penalty for offenses relating to white phosphorus matches.* Any manufacturer of white phosphorus matches who omits to mark, brand, affix, stamp, or print the factory number required under section 6804(b) on every package of white phosphorus matches manufactured, sold, or removed by him shall be liable to a penalty of $50 for each package in respect of which such offense is committed.

[Sec. 7274 as originally enacted and in effect July 1, 1960]

§ 45.7303 Statutory provisions; other property subject to forfeiture.

Sec. 7303. *Other property subject to forfeiture.* There may be seized and forfeited to the United States the following:

(1) *Counterfeit stamps.* Every stamp involved in the offense described in section 7302 (relating to counterfeit, reused, canceled, etc., stamps), and the vellum, parchment, document paper, package, or article upon which such stamp was placed or impressed in connection with such offense.

[(2) Repealed.]

(3) *Offenses by manufacturer or importer of or wholesale dealer in oleomargarine or adulterated butter.* All oleomargarine or adulterated butter owned by any manufacturer or importer of or wholesale dealer in oleomargarine or adulterated butter, or in which he has any interest as owner, if he shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or if he shall do anything prohibited by subchapter F of chapter 38, or subchapter C of chapter 39.

(4) *Purchase or receipt of filled cheese or adulterated butter.* All articles of filled cheese or adulterated butter (or the full value thereof) knowingly purchased or received by any person from any manufacturer or importer who has not paid the special tax provided in section 4801 or 4841.

(5) *Packages of oleomargarine or filled cheese.* All packages of oleomargarine or filled cheese subject to the tax under subchapter F of chapter 38, or part II of subchapter C of chapter 39, whichever is applicable, that shall be found without the stamps or marks provided for in the applicable subchapter or part thereof.

(6) *Waste phosphorus matches.* (A) All packages of white phosphorus matches subject to tax under subchapter B of chapter 39 and found without the stamps required by subchapter B of chapter 39.

(B) All the white phosphorus matches owned by any manufacturer of white phosphorus matches, or any importer or exporter of matches, or in which he has any interest as owner if he shall omit, neglect, or refuse to do or cause to be done any of the things required by law in carrying on or conducting his business, or shall do anything prohibited by subchapter B of chapter 39, if there be no specific penalty or punishment imposed by any other provision of subchapter B of chapter 39 for the neglecting, omitting, or refusing to do, or for the doing or causing to be done, the thing required or prohibited.

(7) *False stamping of packages.* Any container involved in the offense described in section 7272 (relating to disposal of stamped packages), and of the contents of such container.

(8) *Fraudulent bonds, permits, and entries.* All property to which any false or fraudulent instrument involved in the offense described in section 7207 relates.

[Sec. 7303 as amended and in effect July 1, 1960]

§ 45.7326(a) Statutory provisions; disposals of forfeited or abandoned property in special cases.

Sec. 7326. *Disposal of forfeited or abandoned property in special cases*—(a) *Coin-operated gaming devices.* Any coin-operated gaming device as defined in section 4462(a)(2) upon which a tax is imposed by section 4461 and which has been forfeited under any provision of this title shall be destroyed, or otherwise disposed of, in such manner as may be prescribed by the Secretary or his delegate.

[Sec. 7326(a) as amended and in effect July 1, 1960]

§ 45.7328 Statutory provisions; confiscation of matches exported.

Sec. 7328. *Confiscation of matches exported.* Any white phosphorus matches exported or attempted to be exported shall be confiscated to the United States and destroyed in such manner as may be prescribed by the Secretary or his delegate.

[Sec. 7328 as originally enacted and in effect July 1, 1960]

§ 45.7492 Statutory provisions; enforceability of cotton futures contracts.

Sec. 7492. *Enforceability of cotton futures contracts.* No contract of sale of cotton for future delivery mentioned in section 4851(a), which does not conform to the requirements of section 4856 and has not the necessary stamps affixed thereto as required by section 4871, shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies.

[Sec. 7492 as originally enacted and in effect July 1, 1960]

§ 45.7493 Statutory provisions; immunity of witnesses in cases relating to cotton futures.

Sec. 7493. *Immunity of witnesses in cases relating to cotton futures.* No person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of subchapter D of chapter 39 (relating to cotton futures) shall withhold his testimony because of complicity by him in any violation of subchapter D of chapter 39, or of any regulation made pursuant to such chapter, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

[Sec. 7493 as originally enacted and in effect July 1, 1960]

§ 45.7510 Statutory provisions; exemption from tax of domestic goods purchased for the United States.

Sec. 7510. *Exemption from tax of domestic goods purchased for the United States.* The privilege existing by provision of law on December 1, 1878, or thereafter of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, shall be extended, under such regulations as the Secretary or his delegate may prescribe, to all articles of domestic production which are subject to tax by the provisions of this title.

[Sec. 7510 as originally enacted and in effect July 1, 1960]

§ 45.7510–1 Withdrawal of filled cheese and playing cards from factories, free of tax, for use of the United States.

Section 7510 provides for the withdrawal of filled cheese and playing cards from factories, free of tax, for the use of the United States. Withdrawals for the purpose of sale by Federal agencies are not for the use of the United States within the meaning of the statute. Institutions owned or controlled by the governments of the several States or the District of Columbia are not entitled to make withdrawals under section 7510.

§ 45.7510–2 Evidence required to establish exemption.

(a) *Exemption certificates.* To establish the right to remove filled cheese or playing cards tax free under section 7510, the manufacturer must obtain from an authorized officer of an agency of the United States, and retain in his possession a properly executed exemption certificate in the form prescribed in paragraph (c) of this section.

(b) *Frequency of certificates.* Where only occasional tax free removals from the place of manufacture for use of the United States are made, a separate exemption certificate should be furnished for each order. However, where removals are regular or frequently made, a certificate covering all orders for a specific period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free removals must be retained by the manufacturer and shall at all times be readily accessible for inspection by internal revenue officers and retained as provided in paragraph (d) of § 45.6001–1. If the records with respect to any removal claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the removal, the tax is payable on such removal.

(c) *Form of certificate.* The following form of exemption certificate will be acceptable for purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(To support tax-free removals of filled cheese or playing cards for the use of the United States under provisions of section 7510 of the Internal Revenue Code of 1954.)

----------, 19--
(Date)

The undersigned hereby certifies that he is ---------- of
(Title of officer)
----------; that he is
(Agency of the United States.)
authorized to execute this certificate; and that the article or articles specified in the accompanying order or on the reverse side hereof are purchased from ----------
(Name of vendor)
for the exclusive use of ---------- of
(Government unit)
the United States.

It is understood that the exemption from tax in the case of removals of articles under this exemption certificate for the United States is limited to the removal of articles for its *exclusive use*. The undersigned understands that if articles purchased tax free under this exemption certificate are used otherwise or are sold to employees or others, such fact will be promptly reported to the manufacturer, producer, or importer of the article or articles covered by this certificate. It is also understood that the fradulent use of this certificate for the purpose of securing this exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than 5 years, or both, together with costs of prosecution.

(Signature)

(Address)

§ 45.7510–3 Branding.

(a) Each individual pack of playing cards shall be labeled or branded, "For use of U.S. Government". The letters of such printing shall be conspicuous, in boldfaced type of not less than one-quarter of an inch in height.

(b) Each statutory package of filled cheese, as required by § 45.4833–1, shall, in addition to the markings otherwise required, have legibly and durably marked, stamped, or branded thereon the statement, "For use of U.S. Government", the letters therein to correspond in size and style with the markings required by paragraph (b) of § 45.4833–1.

§ 45.7641 Statutory provisions; supervision of operations of certain manufacturers.

Sec. 7641. *Supervision of operations of certain manufacturers.* Every manufacturer of filled cheese, oleomargarine, * * * process or renovated butter or adulterated butter, or white phosphorus matches shall conduct his business under such surveillance of officers or employees of the Treasury Department as the Secretary or his delegate may by regulations require.

[Sec. 7641 as originally enacted and in effect July 1, 1960]

§ 45.7641–1 Inapplicability.

Section 7641 has no application in respect of any transaction involving oleomargarine which occurs on or after the effective date of the regulations in this part.

§ 45.7701 Statutory provisions; definitions.

Sec. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

* * * * *

(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territory of Hawaii, and the District of Columbia.

(10) *State.* The term "State" shall be construed to include the Territory of Hawaii and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to any internal revenue tax.

* * * * *

(28) *Other terms.* Any term used in this subtitle with respect to the application of, or in connection with, the provisions of any other subtitle of this title shall have the same meaning as in such provisions.

(29) *Internal Revenue Code.* The term "Internal Revenue Code of 1954" means this title, and the term "Internal Revenue Code of 1939" means the Internal Revenue Code enacted February 10, 1939, as amended.

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(c) *Commonwealth of Puerto Rico.* Where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, references in this title to possessions of the United States shall be treated as also referring to the Commonwealth of Puerto Rico.

(d) Cross references—(1) Other definitions. For other definitions, see the following sections of Title 1, of the United States Code:

(1) Singular as including plural, section 1.

(2) Plural as including singular, section 1.

(3) Masculine as including feminine, section 1.

(4) Officer, section 1.

(5) Oath as including affirmation, section 1.

(6) County as including parish, section 2.

(7) Vessel as including all means of water transportation, section 3.

(8) Vehicle as including all means of land transportation, section 4.

(9) Company or association as including successors and assigns, section 5.

(2) *Effect of cross references.* For effect of cross references in this title, see section 7806(a).

[Sec. 7701 as amended and in effect July 1, 1960]

§ 45.7805 Statutory provisions; rules and regulations.

Sec. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulations, relating to the internal revenue laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

[Sec. 7805 as originally enacted and in effect July 1, 1960]

§ 45.7805–1 Promulgation of regulations.

In pursuance of section 7805 of the Internal Revenue Code of 1954, the foregoing regulations are hereby prescribed. (See § 45.0–3 relating to the scope of the regulations.)

[F.R. Doc. 60–6654; Filed, July 15, 1960; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 992]

IRISH POTATOES GROWN IN THE STATE OF WASHINGTON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 992.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such

committee to perform its functions pursuant to the provisions of the marketing agreement and order, during the fiscal year ending May 31, 1961, will amount to $24,112.60.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6624; Filed, July 15, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

[20 CFR Parts 602, 604]

UNITED STATES EMPLOYMENT SERVICE

Referral of Agricultural Workers in Labor Dispute Situations

Agricultural employers have requested more time to prepare their case for the proposal to amend 20 CFR 602.2(b) and 604.1(i) published in the FEDERAL REGISTER July 8, 1960 (25 F.R. 6442). As the representatives of their employees are content with the regulations without amendment, this request will be granted. The change of time will require, however, a changed place and a different Hearing Examiner. Accordingly, the proposal of July 8, 1960, is hereby revoked, and the present notice is substituted in its place.

A series of labor disputes in agriculture is now in progress in California. Regulations governing the cooperation of the United States Employment Service and States in establishing and maintaining a national system of public employment offices (20 CFR Part 602) provide:

§ 602.2 *Placement services.* * * *

* * * * *

(b) No person shall be referred to a position the filling of which will aid directly or indirectly in filling a job which (1) is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or (2) the filling of which is an issue in a labor dispute. With respect to positions not covered by subparagraph (1) or (2) of this paragraph, any individual may be referred to a place of employment in which a labor dispute exists, provided he is given written notice of such dispute prior to or at the time of his referral.

Identical provision is made in expressing the policies of the United States Employment Service (20 CFR 604.1(i)).

Agricultural employers actually or potentially involved in these disputes have complained that the prohibition against referrals in these regulations operates unfairly to their disadvantage, because of the perishable nature of their product and the lack of a permanent labor force on any single farm sufficient to harvest its crop. They request that the prohibition be revoked or curtailed insofar as it applies to agriculture. Representatives of the agricultural employees involved have responded, however, that any such revocation or curtailment would involve use of the employment service to recruit strike breakers. Sharply conflicting factual descriptions of the precise way these regulations operate in such disputes have been presented by the contending groups. I have concluded that each of them and any other person who has an interest should be given an opportunity to hear, examine, and respond to the presentation of the others in proceedings so expedited that any relief demonstrated to be necessary can be granted in season to be effective.

Accordingly, under the authority of section 12, 48 Stat. 117, as amended; 29 U.S.C. 49k, and in accordance with section 4(b) of the Administrative Procedure Act (5 U.S.C. 1003(b)), notice is hereby given that any interested person may appear before Hearing Examiner E. West Parkinson at 10:00 a.m., e.d.t., August 8, 1960, in the North Room, Washington Hotel, Fifteenth Street and Pennsylvania Avenue, Northwest, Washington, D.C., to present orally data, views, and argument on the question whether the prohibition against referrals in labor dispute situations expressed in 20 CFR 602.2(b) and 604.1(i) should be revoked or curtailed insofar as it applies to agricultural employment.

Every interested person shall have the right to present his data by oral or documentary evidence, to submit such rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts. Any interested person who cannot appear in person may submit such data, views, and argument in writing (4 copies) to the Chief Hearing Examiner, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than August 3, 1960, where they will be kept available for examination during usual business hours by any other interested person. Oral presentations shall be reported and transcripts will be made available upon request to any interested person on such terms as the Hearing Examiner may provide.

The Hearing Examiner shall have the authority and the duty to administer oaths and affirmations, rule upon offers of proof and receive relevant evidence, regulate the course of the hearing, and dispose of procedural requests or similar matters. Opportunity shall be granted any interested person at the close of the hearing to comment orally on the record as a whole, but provision will not be made to keep the record open for subsequent comment. As soon as the transcription of oral evidence and argument is made, it, together with such written exhibits as may be received in evidence and written submissions filed as hereinabove provided, shall be certified to the Secretary of Labor for final decision without any proposed or tentative findings, conclusions, or recommendations. The Secretary will give careful consideration to all relevant matter thus presented, together with such other information as may be available to him and will make such amendment to 20 CFR 602.2(b) and 604.1(i) as he may determine to be appropriate.

Signed at Washington, D.C., this 15th day of July 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60–6751; Filed, July 15, 1960; 11:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13608; FCC 60–815]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Bakersfield, Delano, Lompoc-Santa Maria, San Luis Obispo, Santa Barbara, and Santa Maria, California

1. This proceeding was initiated by a Notice of Proposed Rule Making adopted June 23, 1960, in which interested parties were invited to comment on a series of proposals affecting the deintermixture of Bakersfield by certain alternative dispositions of Channel 10, now assigned there, and by certain alternative proposals for the assignment of new UHF channels to Bakersfield. Among the alternative uses under consideration for Channel 10— are its assignment to:

(1) Santa Barbara.
(2) Santa Maria.
(3) Lompoc-Santa Maria (on a hyphenated basis).
(4) San Luis Obispo.

2. In a Report and Order adopted today (in Docket 11759), the Commission ordered the deletion of Channel 12+ from Fresno in the course of proceedings directed to the deintermixture of that television market. Since this action makes Channel 12+ available for possible assignment to Santa Barbara, Santa Maria, Lompoc-Santa Maria or San Luis Obispo—the same cities where the reassignment of Channel 10— is under consideration herein—we deem it desirable to consider the alternative uses of Channels 10— and 12+ in a consolidated proceeding (subject, of course, to any necessary clearances with the Government of Mexico) and to this end, we invite interested parties, herein, to file comments and reply comments on the foregoing possibilities for use of Channel 12+. We believe that proceeding in this manner will be most conducive to orderly consideration and decision of the best uses for these two channels.

3. A number of comments and reply comments filed in Docket 11759 in response to our further notice of proposed rule making, adopted in that proceeding on March 24, 1960, were directed to the Commission's alternative proposal (set out in the aforementioned further notice) that Channel 12+ be reassigned from Fresno to Santa Barbara. Other comments filed in response to that further notice were directed to the possible use of Channel 12+ at Santa Maria or Lompoc-Santa Maria. Having decided to defer our decision concerning which reassignment of Channel 12+ would best serve the public interest until we have the benefit of comments on proposals for reassignment of Channel 10—, now assigned to Bakersfield, and to consolidate herein the matter of the reassignment of Channel 12+, we deem it appropriate to deal in the instant proceeding with the above-referenced comments filed in Docket 11759. Parties to this proceeding are hereby placed on notice of our intention in this regard, so that in filing comments herein they may have appropriate opportunity to give attention to the above-mentioned pleadings which will be disposed of in this proceeding.

4. In the circumstances, it is appropriate to extend the dates for filing comments and reply comments in the instant proceeding. Accordingly, the last dates for filing comments and reply comments are extended to August 8, 1960, and August 22, 1960, respectively.

5. Comments and reply comments are to be filed pursuant to applicable procedures set out in § 1.213 of the rules. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. Authority for the instant actions is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.54 of the Commission's rules an original and 14 copies of all statements, briefs, responses, or comments shall be filed with the Commission.

Adopted: July 7, 1960.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6633; Filed, July 15, 1960; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

COTTON

Notice of Acquisition of 1959-Crop Loan

Notice is hereby given that Commodity Credit Corporation will acquire title at the close of business on August 1, 1960, to all 1959-crop loan cotton securing outstanding loans under Commodity Credit Corporation's 1959 Cotton Loan Program. Loans under the 1959 Cotton Loan Program mature on July 31, 1960. If the producer or the purchaser of his equity does not repay a loan before the close of business on August 1, 1960, Commodity Credit Corporation will acquire title to the cotton securing the loan and will not pay for any market value which the cotton may have in excess of the amount of the loan, plus interest and charges, in accordance with the provisions of the loan agreement. Any loan notes which are sent to local banks for collection at the request of producers or purchasers of equities must be paid at the local banks not later than the close of business on August 1. Any repayments made by mail must be received by Commodity Credit Corporation or the local bank not later than the close of business on August 1.

Issued this 12th day of July 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-6626; Filed, July 15, 1960; 8:47 a.m.]

Office of the Secretary

KANSAS AND TEXAS

Designation of Counties Within the Great Plains Area of the Ten Great Plains States Where the Great Plains Conservation Program Is Specifically Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115-1117), the following counties of the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

KANSAS

Ellis.

TEXAS

Crockett.
Irion.

Done at Washington, D.C., this 13th day of July 1960.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 60-6628; Filed, July 15, 1960; 8:48 a.m.]

6808

MASSACHUSETTS, NEW JERSEY, OREGON, WASHINGTON, AND WISCONSIN

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the States of Massachusetts, New Jersey, Oregon, Washington, and Wisconsin a 1959 production disaster has resulted in a continuing need for agricultural credit to cranberry growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named States after December 31, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of July 1960.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 60-6620; Filed, July 15, 1960; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. 55173]

RYE, RYE FLOUR, AND RYE MEAL

Amount of Quota for 12-Month Period Beginning July 1, 1960

JULY 11, 1960.

Pursuant to the provisions of Presidential Proclamation No. 3306, dated August 4, 1959 (T.D. 54914), I have determined that during the 12-month period beginning July 1, 1960, a total of 143,606,079 pounds of rye, rye flour, and rye meal may be entered for consumption or withdrawn from warehouse for consumption, of which not more than 11,575 pounds may be in the form of rye flour or rye meal.

Of the total quantity which may be entered, or withdrawn, for consumption during the year beginning July 1, 1960, not more than 140,733,957 pounds may be the product of Canada and not more than 2,872,122 pounds may be the product of other foreign countries.

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6655; Filed, July 15, 1960; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CHINA NAVIGATION CO., LTD, ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8464, between The China Navigation Co., Ltd., and the United States Lines Co., covers and is restricted to transportation of asbestos under through bills of lading in the trade between ports in Point Samson in Western Australia and U.S. Atlantic Coast ports, with transhipment at the port of Hong Kong, B.C.C.

(2) Agreement No. 8466, between United States Lines Company and Polish Ocean Lines, covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Poland with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(3) Agreement No. 8467, between United States Lines Company and Bugsier-Reederi u. Bergungs-A.G., covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Odense, with transhipment at ports in the Bayonne/Hamburg-United Kingdom range.

(4) Agreement No. 8469, between United States Lines Company and H. M. Gehrckens, covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Sweden, with transhipment at Hamburg.

(5) Agreement No. 8471, between the United States Lines Company and C. Clausen, Dampskibsrederi A/S, covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Denmark, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(6) Agreement No. 8472, between the United States Lines Company and Mathies Reederei, KG., covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Sweden, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(7) Agreement No. 8473, between the United States Lines Company and Oldenburg-Portugiesische Dampfschiffs-Rhederei Kusen Heitmann & Cie. KG., covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States, and Spain, Portugal, Morocco, Algeria and Canary Islands, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(8) Agreement No. 8474, between the United States Lines Company and Dampfschiffahrts-Gesellschaft "Neptun", covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Western Norway, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(9) Agreement No. 8476, between the United States Lines Company and Dampfschiffahrts-Gesellschaft "Neptun", covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Spain and Portugal, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(10) Agreement No. 8477, between the United States Lines Company and Dampfschiffahrts-Gesellschaft "Neptun", covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Sweden, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(11) Agreement No. 8478, between the United States Lines Company and Ahlmann-Skandinavien-Linien, covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Denmark, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(12) Agreement No. 8479, between the United States Lines Company and Ahlmann-Skandinavien-Linien, covers a through billing arrangement in the trade between ports in Portland, Maine/Key West, Florida range of the United States and Sweden, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(13) Agreement No. 8481, between the United States Lines Company and Bremer Reederei Bruno Bischoff & Co. GMBH, covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Denmark, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(14) Agreement No. 8482, between the United States Lines Company and Bremer Reederei Bruno Bischoff & Co. GMBH, covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Sweden, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(15) Agreement No. 8483, between the United States Lines Company and Bremer Reederei Bruno Bischoff & Co. GMBH, covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and Western Norway, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(16) Agreement No. 8484, between the United States Lines Company and Bremer Reederei Bruno Bischoff & Co. GMBH, covers a through billing arrangement in the trade between ports in the Portland, Maine/Key West, Florida range of the United States and East Norway, with transhipment at ports in the Bayonne/Hamburg/United Kingdom range.

(17) Agreement No. 8498, between Jugoslavenska Linijska Plovba (Jugolinija) and Sploana Plovba, covers an arrangement for the scheduling of sailings for the transportation of cargo and passengers in the trade between ports of the United States and Canada and Mediterranean, Adriatic and North African ports.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 13, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6629; Filed, July 15, 1960; 8:48 a.m.]

SEA-LAND OF PUERTO RICO ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8502, between Sea-Land of Puerto Rico, Division of Sea-Land Services, Inc., and Osaka Shosen Kaisha, Ltd., covers a through billing arrangement in the trade from Korea, Formosa, the Philippines and Japan, including Hong Kong to Puerto Rico, with transhipment at New York.

(2) Agreement No. 8503, between Sea-Land of Puerto Rico, Division of Sea-Land Services, Inc., and the carriers comprising the Barber-Wilhelmsen Line joint service, covers a through billing arrangement in the trade from Japan, Hong Kong and Philippine Islands to Puerto Rico, with transhipment at New York.

(3) Agreement No. 8504, between Sea-Land of Puerto Rico, Division of Sea-Land Services, Inc., and American President Lines, Ltd., covers a through billing arrangement in the trade from Japan, China (including Honk Kong), Philippines, India, Federation of Malaya, Colony of Singapore, and Indonesia to Puerto Rico, with transhipment at New York.

(4) Agreement No. 8506, between Sea-Land of Puerto Rico, Division of Sea-Land Services, Inc., and American President Lines, Ltd., covers a through billing arrangement in the trade from France, Italy, and North Africa to Puerto Rico, with transhipment at New York.

(5) Agreement No. 8492, between T. F. Kollmar, Inc., doing business as Northland Freight Lines and Wagner Tug Boat Company, provides that Wagner will carry on its barges, to the extent excess space on deck is available, cargo booked by Kollmar for transportation between Seattle, Washington and Anchorage, Alaska. Gross ocean freight revenue on Kollmar's cargo is to be divided equally between Kollmar and Wagner.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 13, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6630; Filed, July 15, 1960; 8:48 a.m.]

[Docket No. 882]

UNAPPROVED SECTION 15 AGREEMENTS; SOUTH AFRICAN TRADE

Notice of Supplemental Order

On June 27, 1960, the Federal Maritime Board entered the following supplemental order to its original order herein, dated January 7, 1960, appearing in the FEDERAL REGISTER of January 21, 1960 (25 F.R. 521), as amended by its order of January 15, 1960, appearing in the FEDERAL REGISTER of February 2, 1960 (25 F.R. 881):

Whereas the Board entered an Amended Order herein on January 15, 1960, naming certain respondents and posing for investigation, among other things, the issue of whether the said respondents entered into and carried out prior to Board approval under section 15, Shipping Act, 1916, agreements requiring such approval in violation of said section 15; and

Whereas subsequent to the entry of the above order, information has come before the Board indicating that the respondents herein may have entered into and carried out agreements fixing or regulating transportation rates or fares, controlling, regulating, preventing, or destroying competition; and providing for cooperative working arrangements with Baron Iino Line who was not named as a respondent in the above order;

Now therefore it is ordered, That the scope of this investigation is hereby enlarged to include the determination of the following issues:

1. Whether any or all of the respondents named in the Amended Order of January 15, 1960, herein and Baron Iino Line entered into and carried out prior to Board approval some time in 1958 and 1959 and continuing through the present time agreements fixing or controlling the freight rates for the movement of Liner Board, Kraft paper, Kraft wrapping paper and/or wrapping paper between ports in the United States and ports in South and East Africa in violation of section 15, Shipping Act, 1916.

2. Whether any or all of the respondents named in the said Amended Order and Baron Iino Line entered into and carrier out prior to Board approval during the year 1959 and continuing through the present time agreements fixing or controlling the freight rates for the movement of Bulk Tallow between ports in the United States and ports in South and East Africa in violation of said section 15.

3. Whether any or all of the respondents named in the said Amended Order and Baron Iino Line entered into and carried out prior to Board approval during the year 1959 and continuing through the present time agreements fixing or controlling the freight rates for the movement of wool between ports in the United States and ports in South and East Africa in violation of said section 15.

It is further ordered, That said Baron Iino Line be, and it is hereby, made a respondent in this proceeding.

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

Dated: July 13, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6631; Filed, July 15, 1960; 8:48 a.m.]

Office of the Secretary

MISTAKES IN BIDS

Delegation of Authority To Make Administrative Determinations

1. Pursuant to authority vested in the Secretary of Commerce by law and by delegation from the Administrator of General Services, the Director, Office of Administrative Operations, is hereby authorized to exercise the authority of the Secretary of Commerce to make administrative determinations in connection with mistakes in bids under the provisions of Part 1-2.406-3 of the Federal Procurement Regulations.

2. This delegation of authority may not be redelegated.

3. Each proposed determination shall be approved by the Office of the General Counsel.

4. This delegation is effective as of July 1, 1960.

Dated: July 5, 1960.

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-6623; Filed, July 15, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

In the matter of amendment of the Commission's Statement of Organization, Delegations of Authority, and Other Information for the purpose of making editorial changes therein.

The Commission having under consideration sections 0.404, 0.406, and 0.407 of its Statement of Organization, Delegations of Authority, and Other Information; and

It appearing that these sections should be amended to more accurately describe the FCC Service Frequency Lists, the procedure for obtaining copies of those Lists, and the availability of the Commission's frequency records; and

It further appearing that the amendments herein adopted pertain to Commission management, and that such amendments are editorial in nature, and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations and pursuant to the requirements of section 3 of the Administrative Procedure Act;

It is ordered, This 13th day of July 1960, That, effective July 25, 1960, the Commission's Statement of Organization, Delegations of Authority, and Other Information is amended as set forth below.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 0.404 is amended by adding a new paragraph (f) to read as follows:

SEC. 0.404 *Public reference rooms.*

* * * * * *

(f) The Frequency Registration and Notification Branch of the Frequency Allocations and Treaty Division, Office of Chief Engineer. Here the public may inspect the Frequency Records of the Commission.

2. Section 0.406(g) is amended to read as follows:

SEC. 0.406 *Inspection of records.*

* * * * * *

(g) Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of a machine record system. All stations licensed by the Commission are included, except the following: Aircraft, Amateur, Citizens (except Class A), Civil Air Patrol, and Disaster. The resulting Documents, the F.C.C. Service Frequency Lists, consist of several volumes arranged by Class of Service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These Documents are available for public examination at each of the Commission's Field Engineering and Monitoring Bureau Field Offices, and in Washington, D.C., at the Commission's Broadcast and Docket Reference Room, and in the Offices of the Frequency Registration and Notification Branch. They may be purchased from the Electronic Industries Association, 1721 De Sales Street NW., Washington 6, D.C.

3. Section 0.407 is amended to read as follows:

SEC. 0.407 *Certified copies; requests for; costs.* Copies of any documents subject to inspection under the provisions of section 0.406, with the exception of F.C.C. Service Frequency Lists described in section 0.406(g), will be prepared and certified by the Secretary, under seal, on written request, specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be prepaid by the person making application therefor: *Provided, however*, That, if requests are received from representatives of foreign governments or from persons residing in foreign countries, the criteria established by the Department of Commerce for the control of export of technical data will be taken into account before such certified copies will be made available.

[F.R. Doc. 60-6632; Filed, July 15, 1960; 8:49 a.m.]

[Docket No. 13484; FCC 60M-1198]

CANANDAIGUA BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Canandaigua Broadcasting Company, Inc., Canandaigua, New York, Docket No. 13484, File No. BP-13031; for construction permit.

It is ordered, This 12th day of July 1960, due to the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, scheduled to commence on July 18, 1960, is hereby continued without date.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6634; Filed, July 15, 1960; 8:49 a.m.]

[Docket No. 12615 etc.; FCC 60M-1202]

COOKEVILLE BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Hamilton Parks, tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, et al., Docket Nos. 12615, 12960, 12962, 12964, 12965, 12966, 12968, 12971, 12972, 12973, 12974, 12976, 12979, 12981, 12982; File No. BP-11518; for construction permits.

The Chief Hearing Examiner having under consideration the circumstance that the presiding officer originally appointed in the above-entitled proceeding became unavailable to the Commission after commencement of the taking of testimony and that the participating parties consent to the appointment of another presiding officer forthwith;

It appearing that, during a conference of counsel held July 12, 1960, it was proposed that the presiding officer hereinafter designated should convene a hearing on July 27, 1960;

It is ordered, This 12th day of July 1960, that Herbert Sharfman will serve as presiding officer in the above-entitled proceeding.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6635; Filed, July 15, 1960; 8:49 a.m.]

[Docket No. 13222, etc.; FCC 60-809]

MICHIGAN BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, et al., Docket Nos. 13222, 13223, 13224, 13225, 13226, 13227, 13228, 13229, 13230, 13231, 13232, 13233, 13235, 13237, 13239, 13241, 13242, 13243, 13245, 13246, 13247, 13248, 13249, 13250, 13251; File No. BP-11439; Muskingum Broadcasting Company, Zanesville, Ohio, Requests: 940 kc, 1 kw, DA, Day, Docket No. 13654, File No. BP-13157; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that by an Order adopted October 21, 1959, and released October 28, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of Michigan Broadcasting Company, Docket Nos. 13222, et al.; that on December 16, 1959, the Commission granted the request of the Muskingum Broadcasting Company that its above-described application for a new standard broadcast station in Zanesville, Ohio, be reinstated as of May 15, 1959, he day on which it was originally tendered for filing; that the Muskingum proposal is therefore timely filed and involves objectionable interference with the proposals of BP-12812, BP-12779, BP-12319, BP-11736, BP-12640, BP-13088, BP-12496, and BP-12352 in the above-captioned proceeding, and that therefore its application should be designated for hearing in said consolidated proceeding; and

It further appearing that except as indicated by the issues specified below, the Muskingum Broadcasting Company is legally, technically, financially and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 14, 1960, and incorporated herein by reference, notified the instant applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of its application would serve the public interest, convenience, and necessity; and that said application would be designated for hearing in the consolidated proceeding with other applications in the Michigan Broadcasting Company proceeding; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the said applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of said application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing, that in the 309(b) letter of April 14, 1960, to the Muskingum Broadcasting Company, questions were raised concerning the applicant's financial qualifications; that, however, in its reply of May 4, 1960, the applicant furnished signed subscription agreements from the stockholders, statements with respect to the amount, the terms of payment and security for the loans, and the terms of repayment and security for the bank loan; that we have determined from this showing that the applicant has sufficient funds available to meet the expenses of the construction and early operation of the station; and that, therefore, the applicant is financially qualified; and

It further appearing, that in response to the letter the Muskingum Broadcasting Company submitted an amendment which, inter alia, proposes changes in the directional antenna system; that the amendment was accepted on May 16, 1960, pursuant to the provisions of § 1.354(h) of the Commission rules, as amended, effective April 1, 1960, which permits certain types of engineering amendments without the assignment of a new file number; and that, however, under the provisions of the rule in effect between May 15, 1959, the date other conflicting applications were "cut-off" and October 21, 1959, the date they were designated for hearing, an engineering amendment of this type would require the assignment of a new file number; and

It further appearing that on May 24, 1960, the Citizens Broadcasting Company, an applicant in the above proceeding (940kc, 250w, DA-D, Lima, Ohio), filed a petition requesting the assignment of a new file number to the Muskingum application, or, in the alternative, that action on the amendment be withheld until after the Muskingum application is consolidated in hearing; that Citizens alleges that Muskingum is trying to "jockey" itself into a preferred 307(b) position since its engineering proposal would, pursuant to the amendment, now be compatible with certain proposals in the hearing to the disadvantage of other competing applications; and, that basic fairness to all other conflicting applications in the proceeding who were precluded by the former provisions of § 1.354(h) of the rules from filing a different engineering proposal prior to designation for hearing without the assignment of a new file number supports its request; and

It further appearing that after consideration of the request of Citizens, other similar requests from other applicants in the proceeding,[1] and our Report and Order of March 24, 1960, wherein we stated our reasons for the relaxation of the rule concerning acceptance of engineering amendments without assigning a new file number, the Commission is of the view that orderly procedure and basic fairness to all the applicants in this involved proceeding requires that Muskingum Broadcasting Company should not be permitted to amend its engineering proposal prior to designation of its application for hearing since it would otherwise be able to improve substantially its position in the hearing; that accordingly, on our own motion,[2] we reconsider our action of accepting the Muskingum amendment of May 4, 1960; that the engineering part of said amendment will be dismissed; and that said application will be consolidated in hearing on its original engineering proposal, as reinstated on December 16, 1959;[3] and

[1] Other pleadings filed in this matter are: A "Joinder in Petition For Assignment of New File Number or other Relief," filed on June 1, 1960, by Continental Broadcasting Company; and a "Petition to Review Acceptance of Amendment and Retention of File Number," filed on June 2, 1960, by Charles H. Chamberlain. Continental (940 kc, 5 kw, DA-D, Cincinnati, Ohio) and Chamberlain (940 kc, 1 kw, Day, Urbanna, Ohio) are both applicants for new stations whose applications were among the 31 designated for hearing on October 21, 1959. They support Citizens' basic request. An Opposition to these two pleadings was filed by Muskingum on June 16, 1960. Additionally, a "Motion to Strike" the greater portion of the Chamberlain petition, was filed on June 10, 1960 by Citizens.

[2] Since Citizens' petition is one for reconsideration (pursuant to sec. 302(a) of the rules), the 30 day limitation for acting on our own motion (sec. 1.116) is tolled. Albertson v. FCC, 87 U.S. App. D.C. 30; 6 Pike and Fischer RR 2019.

[3] We note that the Hearing Examiner has denied the requests of several applicants in the proceeding to have their engineering proposals amended. The Examiner stated in denying the request of Shelby Broadcasting Company for leave to amend:

"The rudimentary aspects of fair play prohibit an applicant from waiting until it has had an opportunity to analyze the evidentiary proposals of its adversaries and then to shore up its own proposals to the disadvantage of other applicants who have a right to expect to have been apprised of what they are to meet in the hearing." (FCC 60M-501, April 5, 1960.)

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the Muskingum Broadcasting Company application would serve the public interest, convenience, and necessity; and is of the opinion that its application must be designated for hearing as indicated above, on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Muskingum Broadcasting Company application, File No. BP–13157, is designated for hearing on its engineering proposal, as specified in its application reinstated on December 16, 1959, in the consolidated proceeding in Michigan Broadcasting Company, Docket No. 13222, et al., at a time and place to be specified by a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive new primary service from each of the instant proposals for a broadcast station, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcast station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations involved in the interference between the proposals.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether the following proposals would involve objectionable interference with the operations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Proposals and existing stations	
BP–11626	WFFB, Middletown, Ohio.
BP–11736	WWJ, Detroit, Mich.
BP–11839	BP–11001, Cape Girardeau, Missouri (Docket No. 12364).
BP–12213	WLIV, Livingston, Tenn.
BP–12886	WPEN, Philadelphia, Pa. WPET, Greensboro, N.C.
BP–12952	WXLW, Indianapolis, Ind.
BP–12960	KXJK, Forrest City, Ark. WSLI, Jackson, Miss.
BP–12979	WWJ, Detroit, Mich.
BP–12982	WESA, Charleroi, Pa. WGRP, Greenville, Pa.
BP–12984	WXGI, Richmond, Va.
BP–12983	WPEN, Philadelphia, Pa.
BP–13110	WCNR, Bloomsburg, Pa. WHYL, Carlisle, Pa. WPEN, Philadelphia, Pa.
BP–13114	WXGI, Richmond, Va.
BP–13120	WMIX, Mt. Vernon, Ill. WXLW, Indianapolis, Ind.
BP–13150	WFMD, Frederick, Md.
BP–13153	WNCC, Barnesboro, Pa.
BP–13157	WEOL, Elyria, Ohio. WGRP (CP), Greenville, Pa.

6, 7, 10. (See Footnote 3.)

8. To determine whether the antenna system proposed by WCPC Broadcasting Company (BP–12420), Continental Broadcasting Company (BP–13088), Catonsville Broadcasting Company (BP–13150), Guilford Advertising, Inc. (BP–11742), and Muskingum Broadcasting Company (BP–13157) would constitute a hazard to air navigation.

9. To determine the type and character of program service which would be broadcast by Guilford Advertising, Inc. (BP–11742) and whether the program service would be in the public interest.

11. To determine whether the Miami Valley Christian Broadcasting Association, Inc. (BP–12640) is financially qualified to construct and operate its station as proposed.

12. To determine whether the instant proposals of Seven Locks Broadcasting Company (BP–11877), and Catonsville Broadcasting Company (BP–13150) would serve what is a community within the meaning of section 307(b) of the Communications Act of 1934, as amended.

13. To determine in the light of their location and urban and industrial characteristics, and other relevant factors, whether Delphos, Ohio, and Lima, Ohio, and whether Baltimore, Maryland, and Catonsville, Maryland, are separate communities for the purpose of section 307 (b) of the Communications Act of 1934, as amended.

14. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

15. To determine (a) if Delphos and Lima are separate communities, whether Citizens Broadcasting Company and Western Ohio Broadcasting Company will provide service to the community selected as having the greater need for a new facility; and (b) if Baltimore and Catonsville are separate communities, whether Caba Broadcasting Corporation and Catonsville Broadcasting Company will provide service to the community selected as having the greater need for a new facility.

16. To determine, if (a) Lima and Delphos are determined not to be separate communities, or (b) if they are separate communities and if it is determined that Citizens Broadcasting Company and Western Ohio Broadcasting Company would provide service to the community determined to have the greater need for a new facility, which of the proposals of Citizens Broadcasting Company and Western Ohio Broadcasting Company would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programing service proposed in each of the said applications.

17. To determine, on a comparative basis, in the event that Potomac, Maryland, or Smithfield, Virginia is, or are, selected as having the greatest need pursuant to section 307(b), which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

18. To determine if (a) Baltimore and Catonsville are determined not to be separate communities, or (b) if they are separate communities and if it is determined that Caba Broadcasting Corporation and Catonsville Broadcasting Company would provide service to the community determined to have the greater need for a new facility, which of the proposals of Caba Broadcasting Corporation and Catonsville Broadcasting Company would better serve the public interest in the light of evidence adduced pursuant to the foregoing issues and the record made with respect to significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposal of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

19. To determine whether Catonsville Broadcasting Company is financially qualified to construct and operate its proposed station for a reasonable period of time without operating revenue.

20. To determine, in the event Newport News, Virginia, or Smithfield, Virginia, is preferred under Issue 14, whether Edwin R. Fischer and Tidewater Broadcasting Company will provide service to the community selected as having the greater need for a new facility.

21. To determine, if Edwin R. Fischer and Tidewater Broadcasting Company would provide service to the community determined to have the greater need for a new facility, which of the proposals of these two applicants would better serve the public interest in the light of evidence adduced pursuant to the foregoing issues and the record made with respect to significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposal of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

22. To determine on a comparative basis in the event Zanesville, Ohio, is preferred under Issue 14, whether Raymond I. Kandel and Gus Zaharis or Muskingum Broadcasting Company would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant difference between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

23. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees of the stations indicated are made parties to the proceeding:

Forrest City Broadcasting Company (KXJK), Forrest City, Ark.
Mr. Paul F. Braden (WFFB), Middletown, Ohio.
The Evening News Association (WWJ), Detroit, Mich.
Hirsch Broadcasting Co., BP–11001 (KFVS), Cape Girardeau, Mo.
Audie Broadcasters (WLIV), Livingston, Tenn.
William Penn Broadcasting Co. (WPEN), Philadelphia, Pa.
Radio Indianapolis, Inc. (WXLW), Indianapolis, Ind.
WNCC, Inc. (WNCC), Barnesboro, Pa.
Capitol Broadcasting Company, (WSLI), Jackson, Miss.
Monongahela Valley Broadcasting Corp., (WESA), Charleroi, Pa.
Greenville Broadcasting Company, (WGRP), Greenville, Pa.
The Monocacy Broadcasting Company, (WFMD), Frederick, Md.
Columbia-Montour Broadcasting Corp., (WCNR), Bloomsburg, Pa.
Richard F. Lewis, Jr., Inc. of Carlisle, (WHYL), Carlisle, Pa.
Elyria-Lorain Broadcasting Co., (WEOL), Elyria, Ohio.

It is further ordered, That, the following licensees who are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Guilford Advertising, Inc., (WPET), Greensboro, N.C.
Mt. Vernon Radio & Television Company, (WMIX), Mt. Vernon, Ill.
Radio Virginia, Incorporated, (WXGI), Richmond, Va.

It is further ordered, That this Order supersedes the Michigan Broadcasting Company hearing order, Docket No. 13222, et al, of October 21, 1959, and the Memorandum Opinion and Orders of May 31, 1960 (FCC 60–599 and 60–598) concerning the enlargement of the issues in the proceeding, with respect to issues only; and

It is further ordered, That the engineering part of the amendment submitted on May 4, 1960 by the Muskingum Broadcasting Company is hereby dismissed.

It is further ordered, That, in view of the foregoing action on our own motion, the petition of the Citizens Broadcasting Company, filed on May 24, 1960, and other related pleadings, as enumerated in Footnote 1, are dismissed.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant in BP–13157 and Stations WEOL and WGRP pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6636; Filed, July 15, 1960; 8:49 a.m.]

[Docket No. 13010; FCC 60–606]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, et al., Docket Nos. 13010, 13012, 13014–13053, File No. BP–11689; Pierce E. Lackey and P. E. Lackey, d/b as Chester Broadcasting Company, Chester, Illinois, requests: 1450 kc, 100 w, U, et al., Docket No. 13053, File No. BP–11417; Docket Nos. 13009, 13061; Booth Broadcasting Company (WJLB), Detroit, Michigan, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13641, File No. BP–12351; Southern Michigan Broadcasting Corporation, (WELL); Battle Creek, Michigan, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13643, File No. BP–12834; WSJM, Inc. (WSJM), St. Joseph, Michigan, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13644, File No. BP–12880; Green Bay Broadcasting Co. (WDUZ), Green Bay, Wisconsin, has: 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13645, File No. BP–13014; Racine Broadcasting Corporation (WRJN), Racine, Wisconsin, has; 1400 kc, 250 w, U, requests: 1400 kc, 250 w, 1 kw–LS, U, Docket No. 13646, File No. BP–13146; WPFA Radio, Inc. (WCVS), Springfield, Illinois, has: 1450 kc, 250 w, U, requests: 1450 kc, 250 w, 1 kw–LS, U, Docket No. 13647, File No. BP–13161; Paul A. Brandt (WCBQ), Whitehall, Michigan, has: 1490 kc, 250 w, U, requests: 1490 kc, 250 w, 1 kw–LS, U, Docket No. 13648, File No. BMP–8307; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July, 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that by an Order adopted July 29, 1959 and released August 12, 1959, the Commission designated for hearing in a consolidated proceeding, the above-captioned applications of Mid-America Broadcasting System, Inc., et al, Docket Nos. 13010 et al; that, on July 27, 1959, the Commission granted the request of Station WCVS, Springfield, Illinois (1450 kc, 250 w, U) that its application to increase power to 1 kw be accepted "nunc pro tunc" as of May 15, 1959, the day on which it was originally tendered without verification; that the WCVS proposal is timely filed and involves objectionable interference with the proposal of WHPC, Cicero, Illinois (BP–12655, Docket No. 13037) on 1450 kc in the Mid-America, et al hearing proceeding and with the proposals of Chester Broadcasting Company, Robert F. Neathery, and Paducah Broadcasting Company, Inc. which, on April 27, 1960, were severed from a consolidated proceeding (Hirsch Broadcasting Company, Docket No. 12364 et al) and retained in hearing; that the proposal of Paul A. Brandt was timely filed and involves objectionable interference with the proposal of WMDM, Midland, Michigan (BP–12718, Docket No. 13040); and that, otherwise the Chester Broadcasting Company, et al hearing proceeding should be consolidated into the Mid-American Broadcasting System, Inc. et al, Docket No. 13010 et al hearing proceeding; and BP–12351, BP–12806, BP–12934, BP–12880, BP–13014, BP–13146, BP–13161 and BMP–8307 should be designated for hearing in the said consolidated proceeding; and

It further appearing that on the basis of the information now before us, each of the instant applicants in BP–12806, BP–12934, BP–12880, BP–13014, BP–13146, BP–13161, and BMP–8307 is legally, technically, financially, and

[1] Since this order supersedes previous orders with respect to issues, the Issues 6, 7, and 10 of the original designation order have been deleted as those issues pertained solely to applications which have been dismissed. For convenience other issues have not been renumbered, except that a new Issue 22 has been added, and the former Issue 22 is renumbered 23.

otherwise qualified, except as indicated by the issues specified below, to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in letters dated November 13, 1959 and March 21, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications in BP-12351, BP-12806, BP-12834, BP-12880, BP-13014, BP-13146, BP-13161, and BMP-8307 would serve the public interest, convenience and necessity; and that the said applications should be designated for hearing in a consolidated proceeding on Mid-America; and that BP-11417, BP-12320 and BP-12662 should be consolidated in the Mid-America Broadcasting System, Inc., et al., Docket No. 13010 et al., hearing proceeding; and that copies of the aforementioned letters are available for public inspection at the Commission's offices; and

It further appearing that the said applicants in BP-12351, BP-12806, BP-12834, BP-12880, BP-13014, BP-13146, BP-13161, and BMP-8307 filed timely replies to the aforementioned letters, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that in the above-referenced letter of November 13, 1959, Booth Broadcasting Company (WJLB), Southern Michigan Broadcasting Corporation (WELL), and Knorr Broadcasting Corporation (WSAM) were informed that, because each licensee has several standard broadcast stations grouped in proximity, substantial questions obtain as to whether grants of their respective requests herein for increased power, would be in contravention of § 3.35(b) of the Commission rules on concentration of control of standard broadcast stations; that in reply to the said letter, each of the said applicants states that it does not believe its proposal is in contravention of § 3.35(b) of the Commission's rules in light of the Commission's action In re: Booth Radio Stations, Inc., 4 Pike and Fischer RR 616 (1948); and In re: Knorr Broadcasting Corporation, 14 Pike and Fischer RR 935, 941 (1958), holding that their respective interests at that time did not constitute a concentration of control in violation of § 3.35(b); but that we believe in view of the instant requests for increase in power, that all the pertinent facts should be developed in the hearing proceeding and that, therefore, an issue concerning concentration of control is included with respect to each of the said applicants; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications in BP-12351, BP-12806, BP-12834, BP-12880, BP-13014, BP-13146, BP-13161, and BMP-8307 would serve the public interest, convenience, and necessity; and is of the opinion that the above-captioned applications must be designated for hearing as indicated above on the issues specified below;

It is ordered, That BP-11417, BP-12320 and BP-12662 are consolidated in the Mid-America Broadcasting System, Inc. et al., Docket No. 13010 et al. hearing proceeding and that pursuant to section 309(b) of the Communications Act of 1934, as amended, BP-12351, BP-12806, BP-12834, BP-12880, BP-13014, BP-13146, BP-13161 and BMP-8307 are designated for hearing in the consolidated proceeding in Mid-America, et al., Docket No. 13010 et al., at a time and place to be specified by a subsequent Order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for a new standard broadcast station, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in facilities of an existing standard broadcast station, and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

5. To determine whether the following proposals would involve objectionable interference with the existing standard broadcast stations indicated, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposals and existing stations

BP-11689	WRMN, Elgin, Ill.
	WHFC, Cicero, Ill.
BP-11672	WHFC, Cicero, Ill.
BP-12135	WMBD, Peoria, Ill.
BP-12200	WBTA, Batavia, N.Y.
	WNBT, Wellsboro, Pa.
	WCSS, Amsterdam, N.Y.
	CFRC, Kingston, Ontario, Canada.
BP-12216	WARD, Johnstown, Pa.
	WARE, Hagerstown, Md.
	WGAL, Lancaster, Pa.
	WNBT, Wellsboro, N.Y.
BP-12282	WARK, Hagerstown, Md.
	WMRF, Lewistown, Pa.
	WOHI, East Liverpool, Ohio.
	WTCS, Fairmont, W. Va.
BP-12285	CKCR, Kitchener, Ontario, Canada.
	WESB, Bradford, Pa.
	WNBT, Wellsboro, Pa.
BP-12236	WHLS, Port Huron, Mich.
	WKMF, Flint, Mich.
BP-12282	WRSW, Warsaw, Ind.
	WOPA, Oak Park, Ill.
BP-12283	KRIB, Mason City, Iowa.
BP-12303	WDAN, Danville, Ill.
	WGEZ, Beloit, Wis.
	WNDU, South Bend, Ind.
	NEW, BP-11038 (D-12329), Geneva, Ill.
	NEW, BP-11405 (D-12331), Aurora-Batavia, Ill.
BP-12318	WMRN, Elgin, Ill.
	WHFC, Cicero, Ill.
BP-12344	WMRF, Lewistown, Pa.
	WARK, Hagerstown, Md.
	WBCB, Levittown-Fairless Hills, Pa.
	WAZL, Hazleton, Pa.
BP-12349	WANE, Ft. Wayne, Ind.
	WHLS, Port Huron, Mich.
	WLEC, Sandusky, Ohio.
	NEW, BP-11361 (D-12533), Gladwin, Mich.
BP-12357	WAYB, Waynesboro, Va.
	WTOP, Washington, D.C.
BP-12368	WATZ, Alpena, Mich.
	WIBM, Jackson, Mich.
	WPON, Pontiac, Mich.
	NEW, BP-11361 (D-12533), Gladwin, Mich.
BP-12395	WARD, Johnstown, Pa.
	WMRF, Lewistown, Pa.
	WGAL, Lancaster, Pa.
	WCVA, Culpeper, Va.
	WTOP, Washington, D.C.
BP-12442	WMRF, Lewistown, Pa.
	WAZL, Hazleton, Pa.
	WBTA, Batavia, N.Y.
BP-12470	KLMS, Lincoln, Nebr.
	KTOP, Topeka, Kans.
BP-12494	WISL, Shamokin, Pa.
	WGAL, Lancaster, Pa.
	WNBT, Wellsboro, Pa.
	WDLC, Port Jervis, N.Y.
	WBCB, Levittown-Fairless Hills, Pa.
BP-12504	WBTA, Batavia, N.Y.
	WMGW, Meadville, Pa.
	WNBT, Wellsboro, Pa.
BP-12591	WABJ, Adrian, Mich.
	WBEX, Chillicothe, Ohio.
	WJMO, Cleveland Heights, Ohio.
	WKBV, Richmond, Ind.
	WMOA, Marietta, Ohio.
BP-12644	WDBQ, Dubuque, Iowa.
	WAMV, East St. Louis, Ill.
	KDRO, Sedalia, Mo.
	KLEE, Ottumwa, Iowa.
	NEW, BP-12193 (D-12695), East St. Louis, Ill.
BP-12649	WRAC, Racine, Wis.
	WISC, Madison, Wis.
	KFIZ, Fond du Lac, Wis.
	NEW, BP-11946 (D-12653), Racine, Wis.
BP-12655	WASK, Lafayette, Ind.
	WCVS, Springfield, Ill.
	WKEI, Kewanee, Ill.
	WHTC, Holland, Mich.
	KFIZ, Fond du Lac, Wis.
BP-12678	WMGW, Meadville, Pa.
	WTCS, Fairmont, W. Va.
	WARD, Johnstown, Pa.
BP-12706	WGAL, Lancaster, Pa.
	WAZL, Hazleton, Pa.
	WDLC, Port Jervis, N.Y.
	WLDB, Atlantic City, N.J.
	NEW, BP-6315 (D-8716), Greenwich, Conn.
BP-12718	WKMF, Flint, Mich.
	WABJ, Adrian, Mich.
BP-12725	WABJ, Adrian, Mich.
	WBEX, Chillicothe, Ohio.
	WDAN, Danville, Ill.
	WFKY, Frankfort, Ky.
	WNDU, South Bend, Ind.
	WMRN, Marion, Ohio.
	NEW, BP-11839 (D-12691), Cincinnati, Ohio.
BP-12763	KLEO, Wichita, Kans.
	KBON, Omaha, Nebr.
	KBKC, Mission, Kans.
	KDMO, Carthage, Mo.
	KDRO, Sedalia, Mo.
BP-12776	WRJN, Racine, Wis.
	WGES, Chicago, Ill.
	NEW, BP-10253 (D-11763), Lafayette, Ind.
BP-12794	WOPA, Oak Park, Ill.
	WNDU, South Bend, Ind.
	WKBV, Richmond, Ind.
	WTHI, Terre Haute, Ind.
BP-12867	WKBV, Richmond, Ind.
	WMRN, Marion, Ohio.
BP-13062	WCVA, Culpepper, Va.
BP-13068	WMDN, Midland, Mich.
	WOHO, Toledo, Ohio.
	WMRN, Marion, Ohio.
	WJBK, Detroit, Mich.
BP-13081	WHLS, Port Huron, Mich.
	NEW, BP-11361 (D-12533), Gladwin, Mich.
BP-13112	WJER, Dover, Ohio.
	WJPA, Washington, Pa.
BP-13127	WLEC, Sandusky, Ohio.
	WJPA, Washington, Pa.
	WHHH, Warren, Ohio.
	WPAR, Parkersburg, W. Va.
BP-13142	WFOB, Fostoria, Ohio.
	WIBM, Jackson, Mich.
	WHLS, Port Huron, Mich.
	WANE, Ft. Wayne, Ind.
	WJER, Dover, Ohio.
BMP-8502	WHEC, Canton, Ohio.
	WABJ, Adrian, Mich.
	WMRN, Marion, Ohio.
	WOHI, East Liverpool, Ohio.
	CKCR, Kitchener, Ontario, Canada.
	WMGW, Meadville, Pa.
BP-12662	WAOV, Vincennes, Ind.
	WDSG, Dyersburg, Tenn.
	WRAJ, Anna, Ill.
BP-12351	WSAM, Saginaw, Mich.
	WELL, Battle Creek, Mich.
	WMAN, Mansfield, Ohio.
BP-12806	WSJM, St. Joseph, Mich.
	WCER, Charlotte, Mich.
BP-12834	WJLB, Detroit, Mich.
	WAMM, Flint, Mich.
	WELL, Battle Creek, Mich.
	WTCM, Traverse City, Mich.
	BP-10639 (D-12299), WAMM, Flint, Mich.
BP-12880	WRJN, Racine, Wis.
	WELL, Battle Creek, Mich.
	BP-11285 (D-12303), WIMS, Michigan City, Ind.
BP-13014	WRDB, Reedsburg, Wis.
	WRIG, Wausau, Wis.
	WRJN, Racine, Wis.
	WTCM, Traverse City, Mich.
BP-13146	WDUZ, Green Bay, Wis.
	WRDB, Reedsburg, Wis.
	WRMN, Elgin, Ill.
	WSJM, St. Joseph, Mich.
	WGES, Chicago, Ill.
BP-13161	WAOV, Vincennes, Ind.
	WASK, Lafayette, Ind.
	WKEI, Kewanee, Ill.
	KIRX, Kirksville, Ill.
	WHFC, Cicero, Ill.
	KADY, St. Charles, Mo.
	WMBD, Peoria, Ill.
BMP-8307	WOSH, Oshkosh, Wis.

6. To determine whether the antenna system proposed by Mid-America Broadcasting System, Inc. (BP-11689), by Stevens-Wismer Broadcasting Company (BP-12368), by Friendly Broadcasting Company (BMP-8502), and by Chester Broadcasting Company (BP-11417) would constitute a hazard to air navigation.

7. To determine whether Mid-America Broadcasting System, Inc. (BP-11689) has a reasonable expectation of securing the transmitter site specified in its instant proposal and, if not, whether said proposal is on a site-to-be-determined basis in contravention of § 3.33 of the Commission rules and, therefore, should be dismissed.

8. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Seaway Broadcasting Co., Inc. (BP-11872) and the existing and proposed operations of WHFC, Cicero, Illinois, and between the proposals BP-12318, BP-11689 and BP-12778, and if so, whether circumstances exist which warrant a waiver of said rule.

9. To determine whether the transmitter specified by Batavia Broadcasting Corporation (BP-12235) is acceptable for 250 watts power.

10. To determine whether the transmitter site proposed by Paducah Broadcasting Company, Incorporated (BP-12662), is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

11. To determine whether BP-12662, taken in conjunction with BP-11417, herein, are inconsistent applications, in contravention of § 1.308 of the Commission rules, and, if so, whether they should be dismissed.

12. To determine whether the antennas specified by Village Broadcasting Company (BP-12303) and WGAL, Inc. (BP-12344) are in contravention of the provisions of § 3.188(d) of the Commission rules concerning roof-top installations and, if so, whether circumstances exist which would warrant a waiver of said section.

13. To determine whether a grant of the instant proposal of Booth Broadcasting Company (BP-12349) would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

14. To determine whether the instant proposals of Charles B. Axton (BP-12763) and WPFA Radio, Inc. (BP-13161) are in compliance with § 3.24(g) of the Commission rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

15. To determine whether Charles B. Axton (BP-12763) and Town and Country Broadcasting Co., Inc. (BP-13104) are financially qualified to construct and operate their stations as proposed.

16. To determine the type and character of program service which would be broadcast by Town and Country Broadcasting Co., Inc. (BP-13104) and whether the program service would be in the public interest.

17. To determine whether the site coordinates specified by Civic Broadcasting Corporation (BP-12200) properly reflect the transmitter location.

18. To determine whether the transmitter site proposed by each of the following proposals is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern, and, if so, to determine what means will be used to insure satisfactory operation in the manner proposed:

Batavia Broadcasting Corporation (BP-12235).
WGAL, Inc. (BP-12344).
United Broadcasting Company of Western Maryland, Inc. (BP-12395).
East Liverpool Broadcasting Company (BP-12678).
O'Keefe Broadcasting Company, Inc. (BP-12706).
Shawnee Broadcasting Company (BP-12867).
Charles B. Axton (BP-12763).
WPFA Radio, Inc. (BP-13161).

19. To determine whether the instant application of Friendly Broadcasting Company (BMP-8502) and its application for increase in antenna height (BMP-8457) are multiple applications within the meaning of § 1.310 of the Commission rules, and, if so, whether the instant application (BMP-8502) should be dismissed.

20. To determine whether the proposal of BP-12806 (WELL) is in contravention of § 3.188(d) of the rules and if so, whether circumstances warrant waiver of the rules.

21. To determine whether a grant of the proposals of BP-12351 (WJLB), BP-12806 (WELL) or BP-12834 (WSAM) would be in contravention of § 3.35(b) of the Commission rules with respect to concentration of control.

22. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of BP-13161 (WCVS) and WMBD, Peoria, Illinois, in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

23. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

24. To determine on a comparative basis which of the competing applicants, if any, for the community or communities selected as having the greater need pursuant to section 307(b), would best serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programing service proposed in each of the said applications.

25. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That, the following licensees of the stations indicated are made parties to the proceeding:

Richland Incorporated (WMAN), Mansfield, Ohio.
Eaton County Broadcasting Company (WCEN), Charlotte, Mich.
Binder-Carter-Durham, Inc. (WAMM), Flint, Mich.
Mid-Western Broadcasting Company (WTCM), Traverse City, Mich.
Northern Indiana Broadcasters, Inc. (WIMS), Michigan City, Ind.
William C. Forrest (WRDB), Reedsburg, Wis.
WRIG, Inc. (WRIG), Wausau, Wis.
J. Richard Sutter, Joseph F. McNaughton, William D. McNaughton general partners, and John T. McNaughton, limited partner, d/b as Elgin Broadcasting Company (WRMN), Elgin, Ill.
Radio Station WGES Inc. (WGES), Chicago, Ill.
Vincennes Sun Company (WAOV), Vincennes, Ind.
Lafayette Broadcasting Inc. (WASK), Lafayette, Ind.
WKEI Broadcasting Company (WKEI), Kewanee, Ill.
WHFC Incorporated (WHFC), Cicero, Ill.
WMBD, Inc. (WMBD), Peoria, Ill.
Community Broadcasters, Inc. (KIRX), Kirksville, Mo.
KADY Inc. (KADY), St. Charles, Mo.
State Gazette Broadcasting Company (WDSG), Dyersburg, Tenn.
Value Radio Corporation (WOSH), Oshkosh, Wis.
Anna Broadcasting Company (WRAJ), Anna, Ill.

It is further ordered, That, the following licensees which are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Knorr Broadcasting Corporation (WSAM).
Southern Michigan Broadcasting Corporation (WKLL).
WSJM Inc. (WSJM).
Booth Broadcasting Company (WJLB).
Racine Broadcasting Corporation (WRJN).
Green Bay Broadcasting Co. (WDUZ).

It is further ordered, That this order supersedes the Mid-America Broadcasting System Inc. et al Docket No. 13010 et al. hearing Order and the Chester Broadcasting Company et al, Docket No. 13068 et al (severed and retained in Hearing April 27, 1960) hearing Order with respect to issues only; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants in BP–11417, BP–12320, BP–12662, BP–12351, BP–12806, BP–12834, BP–12880, BP–13014, BP–13146, BP–13161, and BMP–8307 and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6637; Filed, July 15, 1960; 8:49 a.m.]

[Docket No. 13513; FCC 60M–1208]

NATIONAL AMBULANCE AND OXYGEN SERVICE, INC.

Order Continuing Hearing

In the matter of National Ambulance and Oxygen Service, Inc., Rochester, New York, Docket No. 13513; order to show cause why the license for special emergency radio station KED–379 should not be revoked, or, in the alternative, why a cease and desist order should not be issued.

The Hearing Examiner having under consideration the stipulation between the parties to the above-entitled proceeding entered into upon the record during a further prehearing conference held on July 12, 1960, at the request of the Commission's Safety and Special Radio Services Bureau, at the Commission's offices, Washington, D.C.; and a motion by the Bureau made on the record for a continuance of the hearing without date pending resolution of a petition for review to be filed with the Commission by the respondent;

It appearing that the referenced stipulation, if the Commission should approve, would enable the Commission to dispose of this proceeding without an evidentiary hearing thereby saving the government as well as the respondent considerable time and expense;

It appearing further that as part of the stipulation the respondent has agreed to file a petition with the Commission seeking a review of the issuance of the show cause order instituting this proceeding, conceding certain facts in issue, and consenting to the issuance of an order to cease and desist, not later than July 29, 1960, failing which it was agreed that the Bureau would itself file an appropriate petition:

It appearing further that all parties consented on the record to the requested continuance and that "good cause" for favorable action on the relief requested has been shown, as indicated above;

It is ordered, This 12th day of July 1960, that the hearing presently scheduled to commence on July 20, 1960, at Rochester, New York is hereby continued without date;

It is ordered further, That the transcript of the further prehearing conference held July 12, 1960 shall be deemed to be part hereof to the extent pertinent with the same force and effect as if it were set forth herein verbatim.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6638; Filed, July 15, 1960; 8:49 a.m.]

[Docket No. 13656; FCC 60–819]

LESTER OSBAND

Order Designating Hearing

In the matter of Lester Osband, 445 Chestnut Ridge Road, Woodcliff Lake, New Jersey, Docket No. 13656; applications for renewal of radiotelephone first-class and radiotelegraph second-class operator licenses (P1–2–7940; T2–2–1842).

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July, 1960;

The Commission having under consideration the applications of Lester Osband, 445 Chestnut Ridge Road, Woodcliff Lake, New Jersey, for renewal of his radiotelephone first-class and radiotelegraph second-class operator licenses (P1–2–7940; T2–2–1842); and

It appearing that the Commission, in pursuance of its authority under section 303(1) of the Communications Act of 1934, as amended, to issue radio operator licenses to such citizens of the United States as it finds qualified and pursuant to § 1.71 of the Commission's rules directed Lester Osband to suplement his applications for renewal of his radio operator licenses by furnishing answers to certain specified questions, under oath; and

It further appearing that Lester Osband, by letter dated May 16, 1960, refused to answer any of the questions he had been directed to answer; and

It further appearing that in the light of his refusal to answer the questions, the Commission is unable to determine that Lester Osband possesses the requisite qualifications to be the holder of a radio operator license.

It is ordered, Pursuant to section 303(1) of the Communications Act of 1934, as amended, and § 1.71 of the Commission's rules that the above-entitled application is hereby designated for hearing at the Commission offices in Washington, D.C. at a time and before an Examiner to be specified by subsequent order, upon the following issues to which such hearing shall be confined:

(1) To determine whether Lester Osband failed to answer lawful questions with respect to his qualifications to be a licensee which the Commission had directed him to answer under oath;

(2) To determine in the light of the evidence adduced under Issue 1 whether Lester Osband possesses the necessary qualifications to hold a radio operator license.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6639; Filed, July 15, 1960; 8:49 a.m.]

[Docket Nos. 10844, 10845; FCC 60M–1195]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

Notice of Conference

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT–1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT–1157; for construction permits for new commercial television broadcast stations (Channel 13).

Notice is hereby given that a hearing conference in the above-entitled proceeding will be held at 10:00 a.m. on Friday, July 22, 1960, in Washington, D.C.

Dated: July 11, 1960.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6640; Filed, July 15, 1960; 8:49 a.m.]

[Docket Nos. 13649–13653; FCC 60–808]

RADIO CARMICHAEL ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Carmichael, Sacramento, California, req: 1430 kc, 500 w, DA-Day, Docket No. 13649, File No. BP–12031; Ashley Robison and Gordon A. Rogers, d/b as Redwood City Broadcasting Company, Palo Alto, California, req: 1430 kc, 1 kw, DA-Day, Docket No. 13650, File No. BP–12023; Jack L. Powell and Alyce M. Powell, joint tenants (KVON), Napa, California, has: 1440 kc, 500 w, DA–1, U, req: 1440 kc, 500 w, 1 kw-LS, DA–2, U, Docket No. 13651, File No. BP–12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, has: 1450 kc, 250 w, U, req: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13652, File No. BP–12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, California, req: 1430 kc, 500 w, DA-Day, Docket No. 13653, File No. BP–12938; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that upon the basis of information presently before us, and except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated December 16, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for a new broadcast station and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Stations KVON and KSAN and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the following proposals would involve objectionable interference with the existing standard broadcast stations indicated, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposals and existing stations

BP–12031	KMYC, Marysville, Calif. KSTN, Stockton, Calif. KVON, Napa, Calif.
BP–12023	KSAN, San Francisco, Calif. KSTN, Stockton, Calif. KVON, Napa, Calif.
BP–12036	KSTN, Stockton, Calif.
BP–12376	KAGR, Yuba City, Calif. KROG, Sonora, Calif. KVON, Napa, Calif.
BP–12938	KARM, Fresno, Calif. KMYC, Marysville, Calif. KSTN, Stockton, Calif. KVON, Napa, Calif.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said Section.

6. To determine whether the instant proposal of Station KSAN would provide the coverage of the city sought to be served, as required by § 3.188(d) of the Commission rules.

7. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of BP–12023 and the existing operation of Station KSAN, San Francisco, California in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

8. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of BP–12938 and Station KMYC, Marysville, California in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

9. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Station KSAN and the proposal of BP–12023, Palo Alto, California in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

10. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, the following licensees of the stations indicated are made parties to the proceeding:

Carlton Broadcasting Corporation (KMYC, Marysville, Calif.).
San Joaquin Broadcasting Company (KSTN, Stockton, Calif.).
James Emile Jaeger (KAGR, Yuba City, Calif.).
Harlan L. Egan and Ralph Bowen d/b as Senora Broadcasting Company (KROG, Sonora, Calif.).
Hatti Harm and George Harm d/b as KARM, The George Harm Station (KARM, Fresno, Calif.).

It is further ordered, That, Jack L. Powell and Alyce M. Powell, joint tenants, who are applicants in the instant proceeding are made parties thereto with respect to their existing operation of KVON, Napa, California.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the instant applicants and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following

issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6641; Filed, July 15, 1960; 8:50 a.m.]

[Docket No. 12731 etc.; FCC 60-803]

RADIO STATION WAYX, INC. (WAYX)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Station WAYX, Inc. (WAYX), Waycross, Georgia, has: 1230 kc, 250 w, U, requests: 1230 kc, 250 w, 1 kw-LS, U, Docket No. 12731, File No. BP-12295; Radio Gainesville, Inc. (WGGG), Gainesville, Florida, has: 1230 kc, 250 w, U, requests: 1230 kc, 250 w, 1 kw-LS, U, Docket No. 13634, File No. BP-12391; Middle South Broadcasting Company (WBML), Macon Georgia, has: 1240 kc, 250 w, U, requests: 1240 kc, 250 w, 1 kw-LS, U, Docket No. 13635, File No. BP-12459; Fisher Broadcasting Company, Inc. (WSOK), Savannah, Georgia, has: 1230 kc, 250 w, U, requests: 1230 kc, 250 w, 1 kw-LS, U, Docket No. 13636, File No. BP-12726; Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia, has: 1240 kc, 250 w, U, requests: 1240 kc, 250 w, 1 kw-LS, U, Docket No. 13637, File No. BP-13063; Radio South, Inc. (WXLI), Dublin, Georgia, has: 1230 kc, 250 w, U, requests: 1230 kc, 250 w, 1 kw-LS, U, Docket No. 13638, File No. BMP-8559; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July 1960;

The Commission having under considerations the above-captioned and described applications;

It appearing, that by an Order adopted January 14, 1960 and released on January 16, 1960, the Commission designated for hearing the above-captioned application of Radio Station WAYX, Inc., D. 12731; that the applications of BP-12391, BP-12459, BP-12726, BP-13063, and BMP-8559 were timely filed and therefore entitled to be consolidated in the said hearing, pursuant to § 1.106 of the Commission's rules;

It further appearing, that on August 5, 1960, Radio South, Inc. (WXLI) petitioned by its attorneys that its application (BMP-8559) be consolidated with the applications of Radio Station WAYX, Inc. (Docket No. 12731, File No. BP-12295) and Fisher Broadcasting Company, Inc. (BP-12726) and such other applications as may be entitled to consolidation under Commission Rules; that inasmuch as the application of WXLI was timely filed pursuant to § 1.106 of the Commission's rules, its application is being consolidated with the aforementioned applications; and

It further appearing that on the basis of the information before us, each of the instant applicants in BP-12391, BP-12459, BP-12726, BP-13063, and BMP-8559, is legally, technically, financially, and otherwise qualified, except as indicated by the issues specified below, to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated November 18, 1959, and incorporated herein by reference, notified the applicants listed in the preceding paragraph, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; that the said applications are entitled to consolidation in the hearing proceeding on Radio Station WAYX, Inc., Docket No. 12731; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the said applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues as hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the said applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding with Radio Station WAYX, Inc., Docket No. 12731, on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications of Radio Gainesville, Inc. (BP-12391); Middle South Broadcasting Company (BP-12459); Fisher Broadcasting Company, Inc. (BP-12726); Ben Hill Broadcasting Corporation (BP-13063); and Radio South, Inc. (BMP-8559) are designated for hearing in a consolidated proceeding with Radio Station WAYX, Inc. (BP-12295), D. 12731), at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WAYX, Waycross, Georgia; WGGG, Gainesville, Florida; WBML, Macon, Georgia; WSOK, Savannah, Georgia; WBHB, Fitzgerald, Georgia; and WXLI, Dublin, Georgia and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the following proposals would involve objectionable interference with the existing standard broadcast stations indicated, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Proposals and existing stations

BP-12295	WSOK, Savannah, Ga.
D-12731	WMAF, Madison, Fla.
BP-12391	WMAF, Madison, Fla.
BP-12459	WBHB, Fitzgerald, Ga.
	WLAG, LaGrange, Ga.
	WTWA, Thomas, Ga.
	WULA, Eufaula, Ala.
	WWNS, Statesboro, Ga.
BP-12726	WALD, Walterboro, S.C.
	WAYX, Waycross, Ga.
	WSBB, New Smyrna Beach, Fla.
BP-13063	WBML, Macon, Ga.
	WPAX, Thomasville, Ga.
	WULA, Eufaula, Ala.
	WWNS, Statesboro, Ga.
BMP-8559	WAYX, Waycross, Ga.
	WBIA, Augusta, Ga.
	WSOK, Savannah, Ga.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether any antenna towers exist in the vicinity of the proposed antenna site of Station WSOK which may result in cross-modulation, reradiation, or distortion of the proposed nondirectional antenna pattern.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That LaGrange Broadcasting Company, Hickory Hill Broadcasting Company, Dixie Radio, Inc., WWNS, Inc., Walterboro Broadcasting Company, Broadcasters, Inc., Augusta Broadcasting Company, Norman O. Protsman, and H. Wimpy, licensees of Stations WLAG, WTWA, WULA, WWNS, WALD, WSBB, WBIA, WMAF and WPAX, respectively, are made parties to the proceeding.

It is further ordered, That, the following applicants in the instant proceeding are made parties hereto with respect to their existing operations:

Radio Station WAYX, Inc. (WAYX).
Middle South Broadcasting Company (WBML).
Fisher Broadcasting Company, Inc. (WSOK).
Ben Hill Broadcasting Corporation (WBHB).
Radio South, Inc. (WXLI).

It is further ordered, That this order supersedes with respect to issues only, the Commission's Order of January 14, 1959 designating for hearing the application of Radio Station WAYX, Inc.

It is further ordered, That, to avail themselves of the opportunity to be heard, those applicants and parties respondent who have not previously filed an appearance herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6642; Filed, July 15, 1960; 8:50 a.m.]

[Docket No. 13329; FCC 60M-1206]

RALPH J. SILKWOOD

Order Setting Prehearing Conference

In re application of Ralph J. Silkwood, Klamath Falls, Oregon, Docket No. 13329, File No. BP-12656; for construction permit.

It is ordered, This 12th day of July 1960, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 1 p.m., July 18, 1960.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6643; Filed, July 15, 1960; 8:50 a.m.]

[Docket No. 13590; FCC 60M-1193]

REX O. STEVENSON

Order Continuing Hearing

In re application of Rex O. Stevenson, Ojai, California, Docket No. 13590, File No. BP-12418; for construction permit.

Pursuant to agreements reached at the prehearing conference held July 8, 1960, the evidentiary hearing in the above-entitled proceeding is continued from Thursday, September 1, 1960, to Monday, October 10, 1960.

It is so ordered, This the 8th day of July 1960.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6644; Filed, July 15, 1960; 8:50 a.m.]

[Docket No. 13252; FCC 60M-1197]

TRI-STATE BROADCASTING CO. (WGTA)

Order Continuing Hearing

In re application of Tri-State Broadcasting Company (WGTA), Summerville, Georgia, Docket No. 13252, File No. BP-12296; for construction permit.

It is ordered, This 12th day of July 1930, due to the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, scheduled for July 14, 1960, is hereby continued without date.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6645; Filed, July 15, 1960; 8:50 a.m.]

[Docket Nos. 13318, 13319; FCC 60M-1205]

UNITED ELECTRONICS LABORATORIES, INC., AND KENTUCKIANA TELEVISION, INC.

Order Continuing Hearing

In re applications of United Electronics Laboratories, Inc., Louisville Kentucky, Docket No. 13318, File No. BPCT-2640; Kentuckiana Television, Incorporated, Louisville, Kentucky, Docket No. 13319, File No. BPCT-2652; for construction permits for new television broadcast stations (Channel 51).

It is ordered, This 12th day of July 1960, due to the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, scheduled for July 25, 1960, is hereby continued without date.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6646; Filed, July 15, 1960; 8:50 a.m.]

[Docket No. 13630; FCC 60-780]

UNIVERSAL COMMUNICATIONS CO.

Order Designating Hearing

In re application of Cecil M. Fox, d/b as Universal Communications Company, Docket No. 13630, File No. 3532-C2-R-60; for renewal of the license for Station KQA342, a two-way facility in the Domestic Public Land Mobile Radio Service at Toledo, Ohio.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July 1960;

The Commission having under consideration the above-entitled application for renewal of the license for station KQA342, a two-way communication facility in the Domestic Public Land Mobile Radio Service at Toledo, Ohio; and

It appearing that there is a question, in the light of applicant's recent conviction of violating section 301 of Title 47 of the United States Code, whether the applicant has the necessary technical and character qualifications to be a licensee in this service; and

It further appearing that the applicant was advised by letter, pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, as to the reasons why the application cannot be granted without a hearing, which letter was replied to by applicant, and that reply having been considered;

It is ordered, That pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the Commission's offices in Washington, D.C. on a date to be hereafter specified, upon the following issues:

(a) To determine, in the light of the applicant's recent conviction of violating section 301 of Title 47 of the United States Code, whether the applicant has the necessary technical and character qualifications to be a licensee in this service.

(b) To determine, in the light of the evidence adduced on the foregoing issue, whether a grant of the application would serve the public interest, convenience or necessity.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the proceedings herein;

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6647; Filed, July 15, 1960; 8:50 a.m.]

[Docket Nos. 13397-13407; FCC 60M-1194]

YORK COUNTY BROADCASTING CO. (WRHI)

Memorandum Opinion and Order Continuing Hearing

In re applications of James S. Beaty, Jr., William C. Beaty and Harper S. Gault, d/b as York County Broadcasting Company (WRHI), Rock Hill, South Carolina, et al., Docket Nos. 13397-13407, File No. BP-12178; for construction permits.

1. Clearwater Radio, Inc., licensee of Station WTAN, Clearwater, Florida, and an applicant in this proceeding (Docket No. 13407) filed a request for extension

of scheduled dates for the applicants in Group A on June 28, 1960. The first date which the petitioner sought to have extended was July 8, the date previously set for exchange of engineering exhibits and section 307(b) data. It was impossible for the Hearing Examiner to act upon the petition prior to July 8 and still preserve the time allowed by the Rules for the filing of oppositions. No opposition has been filed and the grounds recited by the petitioner appear to justify a continuance. Under the circumstances, however, the parties may have been reasonably in doubt as to whether the July 8 date would remain or not and it would be inequitable to penalize any party if it failed to exchange exhibits on that date. As a consequence the new date for exchange of engineering exhibits will be set at August 8, 1960.

2. The new schedule to be followed for the applicants in Group A of this proceeding will be as follows:

(a) August 8, 1960, for exchange of engineering exhibits and 307(b) data;

(b) August 22, 1960, notification as to witnesses desired for cross-examination;

(c) September 19, 1960, commencement of hearing upon all issues.

Therefore, it is ordered, This 11th day of July 1960, that the request of Clearwater Radio, Inc. for extension of scheduled dates for applicants in Group A of this proceeding is granted and the new schedule shall be as set forth above; and

It is further ordered, That the hearing on Group A is continued from July 28 to September 19, 1960.

Released: July 12, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6648; Filed, July 15, 1960; 8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION III, ATLANTA

Designation

Correction

In F.R. Document 60-6429 appearing in the issue for Tuesday, July 12, 1960, at page 6548, paragraph 3 should read as follows:

3. Regional Counsel.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36381: *Bituminous Coal—Alabama to Boykin, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3984), for interested rail carriers. Rates on bituminous coal, in carloads, as described in the application from L&N and St. L.-S.F. Ry. mines in Alabama to Boykin, Fla.

Grounds for relief: Grouping.

Tariff: Supplement 41 to Southern Freight Association tariff I.C.C. S-39.

FSA No. 36382: *Ferro-Phosphorus—Sheffield, Ala., to Jeffersonville, Ind.* Filed by O. W. South, Jr., Agent (SFA No. A3982), for interested rail carriers. Rates on ferro-phosphorus, in carloads from Sheffield, Ind., to Jeffersonville, Ind., and Louisville, Ky.

Grounds for relief: Barge competition.

Tariff: Supplement 119 to Southern Freight Association tariff I.C.C. 1376.

FSA No. 36383: *Cement—Cementdale, Ohio, to Indiana, Kentucky, and Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. CTR No. 2438), for interested rail carriers. Rates on cement, cement clinker, and dry building mortar, in carloads, as described in the application from Cementdale, Ohio, to specified points in Indiana, Kentucky and Ohio.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 33 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

FSA No. 36384: *Cement—Fairborn, Ohio to Illinois territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2439), for interested rail carriers. Rates on cement, cement clinker, and dry mortar, in carloads, as described in the application from Fairborn, Ohio, to specified points in Illinois Freight Territory.

Grounds for relief: Short-line distance formula, and grouping.

Tariff: Supplement 33 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-56.

FSA No. 36385: *Substituted service—N&W and PRR for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 29), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Norfolk, Va., on the one hand, and Chicago and East St. Louis, Ill., and Cincinnati and Columbus, Ohio, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Midwest Haulers, Inc., MF-I.C.C. 22.

FSA No. 36386: *Substituted service—Wabash RR for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 30), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Toledo, Ohio and Chicago, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Midwest Haulers, Inc., MF-I.C.C. 22.

FSA No. 36387: *Substituted service—B&M, Et Al., for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 31), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between North Adams, Mass., on the one hand, and Chicago and E. St. Louis, Ill., Cincinnati, Cleveland and Toledo, Ohio, Detroit, Mich., Indianapolis, Ind., Louisville, Ky., and Pittsburgh, Pa., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 7 to Midwest Haulers, Inc., MF-I.C.C. 22.

FSA No. 36388: *Substituted service—Wabash RR for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 32), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Detroit, Mich., and Buffalo, N.Y., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 7 to Midwest Haulers, Inc., MF-I.C.C. 22.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6622; Filed, July 15, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1634]

RENNER CO.

Notice of Application To Withdraw From Listing and Registration and of Opportunity for Hearing

JULY 12, 1960.

In the matter of the Renner Company, Common Stock; File No. 1-1634.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to withdraw the specified security from listing and registration on the Pittsburgh Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following: About 75 percent of the stock is closely held. It is selling for less than $1 per share. Delisting will save expenses and may tend to create local interest.

Upon receipt of a request, on or before July 29, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6616; Filed, July 15, 1960; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-14]

BICYCLES

Notice of Investigation

Having received advice from the Treasury Department on July 11, 1960 that bicycles from Czechoslovakia are being, or are likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages, each clearly marked "Submitted in Confidence". Written statements should be filed not later than August 12, 1960.

Issued: July 13, 1960.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-6652; Filed, July 15, 1960; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 287]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Webster, Henderson and Union (flood and tornado occurring on or about June 28 and 29, 1960).

Offices: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio. Small Business Administration Branch Office, Commonwealth Building, Room 1900, Fourth and Broadway, Louisville 2, Ky.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1961.

Dated: July 5, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-6617; Filed, July 15, 1960; 8:47 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Correction by Agency; Agency Reversal of Certain Adverse Decisions of an Administrative Officer

1. Section 20.10 is added to Part 20 as set out below.

§ 20.10 Correction by agency.

If an employee is restored to his former grade or rate of pay or to an intermediate grade or rate of pay as the result of an agency decision that its action under this part was unjustified or unwarranted, the restoration shall be made retroactively effective to the date of the improper action.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

2. Section 22.206 is added to Subpart B of Part 22 as set out below.

§ 22.206 Agency reversal of certain adverse decisions of an administrative officer.

If an employee is restored to his former grade or rate of pay or to an intermediate grade or rate of pay as the result of an agency decision that its action under this part was unjustified or unwarranted, the restoration shall be made retroactively effective to the date of the improper action.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-6705; Filed, July 18, 1960; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 22]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 936.659 Plum Order 22.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 12, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 24, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Giant plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack and will have a net weight of not less than twenty-seven (27) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirements; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) §§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6716; Filed, July 18, 1960; 8:50 a.m.]

[Lemon Reg. 854, Amdt. No. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricul-

tural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.961 (Lemon Reg. 854; 25 F.R. 6459) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6715; Filed, July 18, 1960; 8:50 a.m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP—1960—Hawaii, Supp. 5]

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

Subpart—1960

PROGRAM YEAR AND TECHNICAL AID

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1960 Agricultural Conservation Program for Hawaii, approved September 16, 1959 (24 F.R. 7571), as amended October 16, 1959 (24 F.R. 8543), March 22, 1960 (25 F.R. 2515), April 8, 1960 (25 F.R. 3154), and May 9, 1960 (25 F.R. 4237), is further amended as follows:

Paragraph (a) of § 1105.909 is amended by the addition of the following sentence at the end thereof: "The specifications and rates of cost-sharing for practices approved under the 1961 program and transferred to the 1960 program shall be the specifications and rates of cost-sharing for those practices under the 1961 program."

(Sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q)

Done at Washington, D.C., this 13th day of July 1960.

MARVIN L. MCLAIN,
Acting Secretary.

[F.R. Doc. 60-6694; Filed, July 18, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket 326; Amdt. 40–27]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Installation of Flight Recorders on Turbine-Powered Airplanes

The Federal Aviation Agency published a notice of proposed rule making in the FEDERAL REGISTER (25 F.R. 2734) stating that it had under consideration certain amendments to Parts 40, 41, and 42 of the Civil Air Regulations to require the installation and use of flight recorders on all large (more than 12,500 pounds maximum certificated takeoff weight) turbine-powered airplanes after September 1, 1960. The proposal was circulated to the aviation industry as Draft Release 60–6, dated March 28, 1960, and comments were requested on or before May 3, 1960.

The Air Transport Association, on behalf of the scheduled air carriers, raised specific objections to the proposed effective date of September 1, 1960. The airlines stated that the date prescribed could only be met by removing airplanes from service to complete the required installations. This, they affirmed, would impose unreasonable interruptions of schedules and add undue burdens of additional expense. Further, it was stated that some air carriers may desire to equip their airplanes with a more sophisticated type of recorder capable of recording additional parameters of information which would be of value to their operations and maintenance, as well as for incident and accident investigation purposes. The currently required parameters are time, heading, airspeed, altitude and vertical acceleration.

The FAA recognizes that flight recorders capable of recording additional operations and maintenance parameters would make available information which would be most useful for incident and accident investigation and for accident prevention purposes. Furthermore, it appears that such recorded information would be used by the air carriers in developing more efficient maintenance and operations procedures and in developing new methods of establishing maintenance schedules for engine, accessory, and component overhauls.

Comments received from certain of the manufacturers of flight recorders indicated that the September 1, 1960, date would not provide them with a sufficient period of time to manufacture and deliver equipment ordered for installation on those turbine-powered airplanes now in operation which previously have not been required to be so equipped. In addition, certain manufacturers stated that more recently developed recorders capable of recording additional parameters can be supplied by late 1960, and early 1961, and confirmed that some air carriers had indicated a very definite interest in these newer types of recorders.

After consideration of all the comments received and upon further investigation thereof, the Agency has concluded that a longer period of time should be authorized for compliance with this regulation as it applies to turbine-propeller powered airplanes. Turbojet airplanes, since they are certificated for operation above 25,000 feet, are currently required to be equipped with flight recorders. The FAA recognizes that difficulties may be encountered by the air carriers in accomplishing an orderly procurement and installation program and that a brief period of relief may be granted with respect to turbine-propeller powered airplanes without adversely affecting safety in air carrier operations. Accordingly, a compliance date of November 1, 1960, has been adopted in this final rule. Also, provision has been made in the regulation for the Director, Bureau of Flight Standards, to further extend the November 1, 1960, date for any air carrier who, prior to September 1, 1960, submits to the FAA, in writing, a request for such an extension, together with substantiating data, which shows to the satisfaction of the Director:

1. That the air carrier will be unable to comply with the November 1, 1960, date due to flight recorder procurement or installation problems and;

2. The action the air carrier has undertaken to insure that a progressive installation of the required flight recorder equipment will be completed at the earliest practicable date following November 1, 1960. In no event will the November 1, 1960, date be extended beyond May 1, 1961. This relaxation of the original proposal will provide the air carriers further opportunities to investigate the various types of recorders available and to proceed with the orderly procurement and installation of the required equipment at the earliest practicable time following the effective date of this rule.

It will be noted that neither the November 1, 1960, compliance date nor the provision for extension thereof applies to the large turbojet-powered airplanes or large nonturbine-powered airplanes certificated for operations above 25,000 feet altitude, since they are required by currently effective regulations to be equipped with flight recorders.

Certain air carriers requested that the Fairchild F–27 airplanes be specifically exempted from the requirements of this rule in view of the geographic areas in which they are operated or in consideration of the varied local service or low altitude types of operations in which they are engaged. The FAA, in its notice of proposed rule making, explained that it was proposing this regulation specifically to encompass all of the newer types of high-speed turbine-powered airplanes, whether certificated to operate above or below 25,000 feet, since they are frequently subjected to similar atmospheric forces. The F–27 is a modern turbine-powered transport type airplane and is capable of operating at high speeds. For these reasons, the Agency is convinced that all large turbine-powered airplanes should be equipped with flight recorders. Accordingly, the rules adopted herein make no exception for the F–27 airplane.

This amendment also clarifies the Agency's intent to require continuous operation of the flight recorder from the instant the aircraft starts its takeoff roll until it has completed its landing roll at an airport. Operation of the recorder is not required during taxi operations to or from the runway.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, § 40.208 of Part 40 of the Civil Air Regulations (14 CFR Part 40 as amended) is hereby amended as follows to become effective August 18, 1960, except as otherwise specified:

§ 40.208 Flight recorders.

(a) An approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading shall be installed in accordance with the following requirements:

(1) On all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude; and

(2) On and after November 1, 1960, on all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight: *Provided*, That the Director, Bureau of Flight Standards, or his authorized representative, may extend the November 1, 1960, compliance date for any air carrier who, prior to September 1, 1960, submits to the Federal Aviation Agency, in writing, a request for approval for such an extension, together with substantiating data, which shows to the satisfaction of the Director, or his authorized representative:

(i) That the air carrier will be unable to comply with the November 1, 1960, date due to flight recorder procurement or installation problems, and;

(ii) That the action the air carrier has undertaken to insure that a progressive installation of the required flight recorder equipment will be completed at the earliest practicable date following November 1, 1960. In no event will the November 1, 1960, compliance date be extended beyond May 1, 1961.

(b) When a flight recorder is installed it shall be operated continuously from the instant the airplane commences the takeoff roll until it has completed the landing roll at an airport.

(c) Recorded information shall be retained by the air carrier for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

(Secs. 303, 313(a), 601, 604, 72 Stat. 747, 752, 775, 776, 49 U.S.C., 1344, 1354, 1421, 1424)

Issued in Washington, D.C., on July 12, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6658; Filed, July 18, 1960; 8:45 a.m.]

[Reg. Docket 326; Amdt. 41–34]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Installation of Flight Recorders on Turbine-Powered Airplanes

The Federal Aviation Agency published a notice of proposed rule making in the FEDERAL REGISTER (25 F.R. 2734) stating that it had under consideration certain amendments to Parts 40, 41, and 42 of the Civil Air Regulations to require the installation and use of flight recorders on all large (more than 12,500 pounds maximum certificated takeoff weight) turbine-powered airplanes after September 1, 1960. The proposal was circulated to the aviation industry as Draft Release 60–6, dated March 28, 1960, and comments were requested on or before May 3, 1960.

The Air Transport Association, on behalf of the scheduled air carriers, raised specific objections to the proposed effective date of September 1, 1960. The airlines stated that the date prescribed could only be met by removing airplanes from service to complete the required installations. This, they affirmed, would impose unreasonable interruptions of schedules and add undue burdens of additional expense. Further, it was stated that some air carriers may desire to equip their airplanes with a more sophisticated type of recorder capable of recording additional parameters of information which would be of value to their operations and maintenance, as well as for incident and accident investigation purposes. The currently required parameters are time, heading, airspeed, altitude and vertical acceleration.

The FAA recognizes that flight recorders capable of recording additional operations and maintenance parameters would make available information which would be most useful for incident and accident investigation and for accident prevention purposes. Furthermore, it appears that such recorded information would be used by the air carriers in developing more efficient maintenance and operations procedures and in developing new methods of establishing maintenance schedules for engine, accessory, and component overhauls.

Comments received from certain of the manufacturers of flight recorders indicated that the September 1, 1960, date would not provide them with a sufficient period of time to manufacturer and deliver equipment ordered for installation on those turbine-powered airplanes now in operation which previously have not been required to be so equipped. In addition, certain manufacturers stated that more recently developed recorders capable of recording additional parameters can be supplied by late 1960, and early 1961, and confirmed that some air carriers had indicated a very definite interest in these newer types of recorders.

After consideration of all the comments received, and upon further investigation thereof, the Agency has concluded that a longer period of time should be authorized for compliance with this regulation as it applies to turbine-propeller powered airplanes. Turbojet airplanes, since they are certificated for operation above 25,000 feet, are currently required to be equipped with flight recorders. The FAA recognizes that difficulties may be encountered by the air carriers in accomplishing an orderly procurement and installation program and that a brief period of relief may be granted with respect to turbine-propeller powered airplanes without adversely affecting safety in air carrier operations. Accordingly, a compliance date of November 1, 1960, has been adopted in this final rule. Also, provision has been made in the regulation for the Director, Bureau of Flight Standards, to further extend the November 1, 1960, date for any air carrier who, prior to September 1, 1960, submits to the FAA, in writing, a request for such an extension, together with substantiating data, which shows to the satisfaction of the Director:

1. That the air carrier will be unable to comply with the November 1, 1960, date due to flight recorder procurement or installation problems and;

2. The action the air carrier has undertaken to insure that a progressive installation of the required flight recorder equipment will be completed at the earliest practicable date following November 1, 1960. In no event will the November 1, 1960, date be extended beyond May 1, 1961. This relaxation of the original proposal will provide the air carriers further opportunities to investigate the various types of recorders available and to proceed with the orderly procurement and installation of the required equipment at the earliest practicable time following the effective date of this rule.

It will be noted that neither the November 1, 1960, compliance date nor the provision for extension thereof applies to the large turbojet-powered airplanes or large nonturbine-powered airplanes certificated for operations above 25,000 feet altitude, since they are required by currently effective regulations to be equipped with flight recorders.

Certain air carriers requested that the Fairchild F–27 airplane be specifically exempted from the requirements of this rule in view of the geographic areas in which they are operated or in consideration of the varied local service or low altitude types of operations in which they are engaged. The FAA, in its notice of

proposed rule making, explained that it was proposing this regulation specifically to encompass all of the new types of high-speed turbine-powered airplanes, whether certificated to operate above or below 25,000 feet, since they are frequently subjected to similar atmospheric forces. The F-27 is a modern turbine-powered transport type airplane and is capable of operating at high speeds. For these reasons, the Agency is convinced that all large turbine-powered airplanes should be equipped with flight recorders. Accordingly, the rules adopted herein make no exception for the F-27 airplane.

This amendment also clarifies the Agency's intent to require continuous operation of the flight recorder from the instant the aircraft starts its takeoff roll until it has completed its landing roll at an airport. Operation of the recorder is not required during taxi operations to or from the runway.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, paragraph (t) of § 41.25 of Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) is hereby deleted and in lieu thereof the following new § 41.25a is added effective August 18, 1960, except as otherwise specified:

§ 41.25a Flight recorders.

(a) An approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading shall be installed in accordance with the following requirements:

(1) On all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude; and

(2) On and after November 1, 1960, on all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight; *Provided*, That, the Director, Bureau of Flight Standards, or his authorized representative, may extend the November 1, 1960, compliance date for any air carrier who prior to September 1, 1960, submits to the Federal Aviation Agency, in writing, a request for approval for such an extension, together with substantiating data, which shows to the satisfaction of the Director or his authorized representative:

(i) That the air carrier will be unable to comply with the November 1, 1960, date due to flight recorder procurement or installation problems; and

(ii) The action the air carrier has undertaken to insure that a progressive installation of the required flight recorder equipment will be completed at the earliest practicable date following November 1, 1960. In no event will the November 1, 1960, compliance date be extended beyond May 1, 1961.

(b) When a flight recorder is installed it shall be operated continuously from the instant the airplane commences the takeoff roll until it has completed the landing roll at an airport.

(c) Recorded information shall be retained by the air carrier for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

(d) In the event of failures of the flight recorder, the airplane may continue flight to the next stop where repairs or replacements can be made.

(Secs. 303, 313(a), 601, 604, 72 Stat. 747, 752, 775, 776, 49 U.S.C., 1344, 1354, 1421, 1424)

Issued in Washington, D.C., on July 12, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6659; Filed, July 18, 1960; 8:45 a.m.]

[Reg. Docket 326; Amdt. 42-29]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Installation of Flight Recorders on Turbine-Powered Airplanes

The Federal Aviation Agency published a notice of proposed rule making in the FEDERAL REGISTER (25 F.R. 2734) stating that it had under consideration certain amendments to Parts 40, 41, and 42 of the Civil Air Regulations to require the installation and use of flight recorders on all large (more than 12,500 pounds maximum certificated takeoff weight) turbine-powered airplanes after September 1, 1960. The proposal was circulated to the aviation industry as Draft Release 60-6, dated March 28, 1960, and comments were requested on or before May 3, 1960.

Comments received from certain of the manufacturers of flight recorders indicated that the September 1, 1960, date would not provide them with a sufficient period of time to manufacture and deliver equipment ordered for installation on those turbine-powered airplanes now in operation which previously have not been required to be so equipped. In addition, certain manufacturers stated that more recently developed flight recorders capable of recording additional parameters can be supplied by late 1960, and early 1961, and confirmed that some air carriers had indicated a very definite interest in these newer types of recorders.

The FAA recognized that flight recorders capable of recording additional operations and maintenance parameters would make available information which would be most useful for incident and accident investigations and for accident prevention purposes. Furthermore, it appears that such recorded information would be used by the air carriers in developing more efficient maintenance and operations procedures and in developing new methods of establishing maintenance schedules for engine, accessory, and component overhauls.

After consideration of all the comments received and upon further investigation thereof, FAA concluded that a longer period of time should be authorized for compliance with this regulation as it applies to turbine-propeller powered airplanes, exclusive of the turbojet airplanes which are currently required to be equipped with flight recorders. The FAA recognizes that difficulties may be encountered by the air carriers in accomplishing an orderly procurement and installation program and that a brief period of relief may be granted with respect to turbine-powered airplanes other than the turbo-jets without adversely affecting safety in air carrier operations. Accordingly, a compliance data of November 1, 1960, has been adopted in this final rule. Also, provision has been made in the regulation for the Director, Bureau of Flight Standards, to further extend the November 1, 1960, date for any air carrier who, prior to September 1, 1960, submits to the Federal Aviation Agency, in writing, a request for such an extension, together with substantiating data, which shows to the satisfaction of the Director:

(1) That the air carrier will be unable to comply with the November 1, 1960, date due to flight recorder procurement or installation problems and;

(2) The action the air carrier has undertaken to insure that a progressive installation of the required flight recorder equipment will be completed at the earliest practicable date following November 1, 1960. In no event will the November 1, 1960, date be extended beyond May 1, 1961.

This relaxation of the original proposal will provide the air carriers further opportunities to investigate the various types of recorders available and to proceed with the orderly procurement and installation of the required equipment at the earliest practicable time following the effective date of this rule.

It will be noted that neither the November 1, 1960, compliance date nor the provision for extension thereof applies to the large turbojet airplanes or large nonturbine-powered airplanes certificated for operations above 25,000 feet altitude, since they are required by currently effective regulations to be equipped with flight recorders.

One comment received requested that consideration be given to exempting turbine-powered airplanes under 35,000 pounds maximum certificated takeoff weight from the requirements of this rule. The FAA classifies all airplanes of more than 12,500 pounds maximum certificated takeoff weight as large airplanes. The newer turbine-powered airplanes are capable of operating at high speeds and at high altitudes. The FAA, in its notice of proposed rule making, explained that it was proposing this regulation specifically to encompass all of the newer types of high-speed turbine-powered airplanes, whether certificated to operate above or below 25,000 feet, since they are frequently subjected to similar atmospheric forces. The Agency remains convinced that all large turbine-powered airplanes should be equipped with flight recorders. Accordingly, the rules adopted herein make no exception for any turbine-powered airplane of more than 12,500 pounds maximum certificated takeoff weight.

This amendment also clarifies the FAA's intent to require continuous operation of the flight recorder from the instant the airplane starts its takeoff roll until it has completed its landing roll at an airport. Operation of the recorder is not required during taxi operations to or from the runway. Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42) is hereby amended effective August 18, 1960, except as otherwise specified: (1) By deleting paragraph (c) of § 42.22, (2) by redesignating § 42.22a as § 42.22b, and (3) by adding a new § 42.22a to read as follows:

§ 42.22a Flight recorders.

(a) An approved flight recorder which records at least time, altitude, airspeed, vertical acceleration, and heading shall be installed in accordance with the following requirements:

(1) On all airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude; and

(2) On and after November 1, 1960, on all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight; *Provided*, That, the Director, Bureau of Flight Standards, or his authorized representative, may extend the November 1, 1960, compliance date for any air carrier who, prior to September 1, 1960, submits to the Federal Aviation Agency in writing a request for approval for such an extension, together with substantiating data, which shows to the satisfaction of the Director or his authorized representative:

(i) That the air carrier will be unable to comply with the November 1, 1960, date due to flight recorder procurement or installation problems, and;

(ii) The action the air carrier has undertaken to insure that a progressive installation of the required flight recorder equipment will be completed at the earliest practicable date following November 1, 1960. In no event will the November 1, 1960, compliance date be extended beyond May 1, 1961.

(b) When a flight recorder is installed it shall be operated continuously from the instant the airplane commences the takeoff roll until it has completed the landing roll at an airport.

(c) Recorded information shall be retained by the air carrier for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator of the Civil Aeronautics Board.

(d) In the event of failures of the flight recorder, the airplane may continue flight to the next stop where repairs or replacements can be made.

Issued in Washington, D.C., on July 12, 1960.

(Secs. 303, 313(a), 601, 604, 72 Stat. 747, 752, 775, 776, 49 U.S.C., 1344, 1354, 1421, 1424)

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6660; Filed, July 18, 1960; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-96]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification; Change of Effective Date

On April 29, 1960, there was published in the FEDERAL REGISTER (25 F.R. 3755) an amendment to § 600.6001 of the regulations of the Administrator. This amendment, to be effective October 20, 1960, modified VOR Federal airway No. 1 between Salisbury, Md., and Coyle, N.J., concurrently with the commissioning of a new VOR near Waterloo, Del.

The commissioning date of the Waterloo VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until November 17, 1960.

Since this action does not impose a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), effective immediately, Airspace Docket No. 59-WA-96 is hereby modified as follows: "effective 0001 e.s.t. October 20, 1960." is deleted and "effective 0001 e.s.t. November 17, 1960." is substituted therefor.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6664; Filed, July 18, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-293]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1965) stating that the Federal Aviation Agency was considering amendments to §§ 600.6278 and 601.6278 of the regulations of the Administrator which would modify VOR Federal airway No. 278 and its associated control areas by designating a south alternate from Columbus, Miss., to Birmingham, Ala.

As stated in the notice, the Federal Aviation Agency proposed to designate Victor 278 S from the Columbus VOR via the Millport, Ala., Intersection (intersection of the Columbus VOR 062° True and the Tuscaloosa, Ala., VOR 204° True radials), the Tuscaloosa VOR, to the Birmingham VOR.

The Air Transport Association of America objected to the segment of the proposed route between Columbus and Tuscaloosa because of the indirect routing and increased route mileage. In lieu thereof, ATA recommended a direct route from Columbus to Tuscaloosa, thus decreasing the proposed route distance by approximately 5 miles. In conjunction with the above, ATA further recommended Victor 278 S be designated via the intersection of the Birmingham VOR 248° True radial and the direct route radial between Columbus and Tuscaloosa which would decrease the route distance by approximately 10 miles.

From an air traffic management standpoint, it is undesirable to establish a direct route beween Columbus and Tuscaloosa due to conflictions with both penetration and departure routes established for Columbus Air Force Base. The indirect routing of the segment of Victor 278 S between Columbus and Tuscaloosa was designed to avoid this area.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6278 (24 F.R. 10525, 9929), "to the Birmingham, Ala., VOR." is deleted and "to the Birmingham, Ala., VORTAC, including a south alternate from the Columbus VOR to the Birmingham VORTAC via the INT of the Columbus VOR 062° True and the Tuscaloosa, Ala., VOR 204° True radials, and the Tuscaloosa VOR." is substituted therefor.

2. In the text of § 601.6278 (24 F.R. 10604, 9929), "All of VOR Federal airway No. 278." is deleted and "All of VOR Federal airway No. 278 including a south alternate, but excluding the airspace between the main airway and its S alternate." is substituted therefor.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6663; Filed, July 18, 1960; 8:46 a.m.]

[Airspace Docket No. 59–WA–188]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On December 23, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10458) stating that the Federal Aviation Agency was considering an amendment to § 601.1360 of the regulations of the Administrator which would modify the Abilene, Tex., control area extension.

As stated in the notice, the Abilene control area extension presently includes the airspace within a 35-mile radius of the Abilene VOR including the airspace southwest of Abilene bounded on the northwest by VOR Federal airway No. 69; on the southwest by VOR Federal airway No. 76 north alternate and the San Angelo control area extension; on the south by VOR Federal airway No. 76 and on the east by a line extending through points at latitude 31°59'45" N., longitude 99°42'15" W., and latitude 31°15'45" N., longitude 99°52'00" W.; and including the airspace north of Abilene lying within 5 miles either side of the Abilene VOR 011° True and the Guthrie, Okla., VOR 136° True radials, extending from the Abilene VOR to the Guthrie VOR. The Federal Aviation Agency is extending the control area southeast of Abilene bounded on the north by VOR Federal airway No. 94; on the east by VOR Federal airway No. 163; on the south by Victor 76 north alternate, and the San Angelo control area extension; on the northwest by Victor 66; and that airspace north of Abilene bounded on the southeast by VOR Federal airway No. 77, on the north by VOR Federal airway No. 278 between the Guthrie VOR and the Bridgeport, Tex., VORTAC and VOR Federal airway No. 102, between the Guthrie VOR and the Lubbock, Tex., VORTAC, and on the southwest by VOR Federal airway No. 62. Concurrent with this action, the Brownwood, Tex., control area extension will be revoked as an assignment of airspace since this control area will be encompassed by the modified Abilene control area extension and would be an unnecessary duplication of control area designation. The designation of this additional airspace as control area will provide air traffic control service for radar vectoring of arrival and departure procedures from Dyess AFB, Abilene, Tex., and the Abilene Municipal Airport that are now outside of controlled airspace. Moreover, additional radar departure and arrival routes will be developed north and southeast of Abilene, below the continental control area, when this control area extension is designated.

The Aerospace Industries Association and the Senior Test Pilot of Chance Vought Aircraft, Inc., Dallas, Tex., objected to the control area extension to the southeast of Abilene because it will overlie the same airspace as a portion of an approved flight test area for Chance Vought Aircraft, Inc. Their comments also stated that until facilities were available to properly segregate the various airspace users, promiscuous use and classification of control areas creates additional hazards to airspace users. The Chance Vought Aircraft approved flight test area is an area of approximately 19,150 square nautical miles located roughly in the area just south of Dallas, Tex., bounded on the west by longitude 99°50'' W., on the east by longitude 94°45'' W., and on the south by latitude 31°15'' N. This area was approved by the Administrator, April 12, 1959, for a two-year period for use 7 days a week, 24 hours per day from 3,000 feet to above 50,000 feet. The control area extension in question will overlap approximately 4,225 square nautical miles of the approved flight test area.

Flight test areas are approved by the Administrator in accordance with existing Civil Air Regulations for the purpose of limiting the areas within which aircraft may be tested. The approval of such areas does not constitute an assignment of airspace for that purpose to the exclusion of other air traffic. If the Administrator attempted to avoid approved flight test areas when designating control area extensions and airways, it would be virtually impossible to control the volume of air traffic now flying over the United States. Such a policy would necessitate the severe reduction of areas now utilized for flight tests in order to permit the necessary expansion of the airways/control area structure, which is for all users of the airspace. Test flights must adhere to at least the same rules and weather minimum as all other flights in the same airspace.

The Federal Aviation Agency is of the opinion that the modification to the Abilene control area extensions as proposed is justified by the volume of IFR operations in this area and management of this traffic should not be subordinated to the VFR and flight test activities. Therefore, the Federal Aviation Agency is modifying the Abilene control area as proposed in the Notice.

The Department of the Air Force concurred in the proposal and the Air Transport Association stated they had no objections to the proposal. No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Part 601 (24 F.R. 10530) and § 601.1360 (24 F.R. 10565) are amended as follows:

§ 601.1104 [Revocation]

1. Section 601.1104 *Control area extension (Brownwood, Tex.)*, is revoked.

2. Section 601.1360 is amended to read:

§ 601.1360 Control area extension (Abilene, Tex.).

Within a 35-mile radius of the Abilene VOR including the airspace SE of Abilene bounded on the N by VOR Federal airway No. 94, on the E by VOR Federal airway No. 163, on the S by VOR Federal airway No. 76–N and the San Angelo, Tex., control area extension (§ 601.1195), and on the NW by VOR Federal airway No. 66; and that airspace N of Abilene bounded on the SE by VOR Federal airway No. 77, on the SW by VOR Federal airway No. 62, and on the N by VOR Federal airway No. 278 between the Guthrie, Tex., VOR and the Bridgeport, Tex., VORTAC and VOR Federal airway No. 102 between the Guthrie, Tex., VOR and the Lubbock, Tex., VORTAC.

This amendment shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–6662; Filed, July 18, 1960; 8:46 a.m.]

[Airspace Docket No. 59–WA–345]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On January 6, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 86) stating that the Federal Aviation Agency was considering an amendment to § 602.582 of the regulations of the Administrator which would modify VOR/VORTAC jet route No. 82 between Albany, N.Y., and Boston, Mass.

As stated in the notice, J–82–V presently extends, in part, from Albany to Boston. The Federal Aviation Agency proposed modifying this segment of J–82–V by realigning it via the intersection of the Albany VORTAC 084°True and the Boston VORTAC 307° True radials. This modification would reduce the overall mileage and flying time on this route segment and would improve navigational guidance by establishing a more suitable navigational change-over point near its midpoint. Moreover, this proposed realignment of J–82–V would improve air traffic management by permitting this route segment's eastern half to coincide with the southern portion of a new VOR/VORTAC jet route No. 97 from Boston to Plattsburg, N.Y., via the Boston VORTAC 307° and the Plattsburg VOR 161°True radials, which was proposed in Airspace Docket No. 59–WA–431 and published as a notice of proposed rule making in the FEDERAL REGISTER (24 F.R. 10986) on December 30, 1959. This alignment of the new J–97–V was proposed so as to avoid the existing Burlington, Vt., Restricted Area/Military Climb Corridor (R–540).

Subsequent to the publication of Airspace Docket No. 59–WA–431 as a notice, information was received from the Department of the Air Force that the Burlington Restricted Area/Military Climb Corridor (R–540) would not be required by the Air Force after May 30, 1960, and it was revoked in Airspace Docket No. 59–WA–230 (25 F.R. 4377). This action permitted the establishment of the new J–97–V from Boston direct to Plattsburgh, which was accomplished in Airspace Docket No. 59–WA–431 (25 F.R. 5693). Therefore, in order to have the eastern portion of the Albany to Boston segment of J–82–V coincide with the southern portion of the Boston to Plattsburgh segment of J–97–V, the Federal Aviation Agency is redesignating the Albany to Boston segment of J–82–V via the Boston VORTAC 325° True radial instead of its 307° True radial. This action will result in the alignment of J–82–V from Albany to Boston via the intersection of the Albany VORTAC 084° and the Boston VORTAC 325° True radials which, while not as direct as the alignment proposed in the notice, nevertheless, will provide a reduction in the over-all mileage and flying time on the route and will improve air traffic management in the area.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 602.582 (24 F.R. 2650) is amended to read:

§ 602.582 VOR/VORTAC jet route No. 82 (Chicago, Ill., to Boston, Mass.).

From the Joliet, Ill., VORTAC via the Cleveland, Ohio, VORTAC; Erie, Pa., VORTAC; Albany, N.Y., VORTAC; INT of the Albany VORTAC 084° True and the Boston, Mass., VORTAC 325° True radials; to the Boston VORTAC.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 12, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60–6661; Filed, July 18, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets 7744 c.o. etc.]

PART 13—PROHIBITED TRADE PRACTICES

United Telefilm Records, Inc., et al.

United Telefilm Records, Inc., et al. (D. 7744 c.o.); Commercial Music Company (D. 7795 c.o.); Interstate Supply Company et al. (D. 7799 c.o.); Ric Records, Inc., etc. (D. 7801 c.o.); Astor Records, Inc. (D. 7802 c.o.); Mercury Record Corporation et al. (D. 7846 c.o.); Vee-Jay Records, Inc., et al. (D. 7767 c.o.); Midwest Distributing Company et al. (D. 7794 c.o.); Ace Record Company, Inc., et al. (D. 7808 c.o.); Allstate Record Distributing Co. et al. (D. 7763 c.o.); and Roberts Record Distributing Company, Inc., et al. (D. 7800 c.o.).

Subpart—Bribing customers' employees: § 13.315 *Employees of private concerns.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist orders: United Telefilm Records, Inc., et al., New York, N.Y., Docket 7744, June 9, 1960; Charles Lampe et al., trading as Commercial Music Company, St. Louis, Mo., Docket 7795, June 9, 1960; Interstate Supply Company et al., St. Louis, Mo., Docket 7799, June 9, 1960; Ric Records, Inc., also doing business as Ric Record Co., etc., New Orleans, La., Docket 7801, June 9, 1960; Astor Records, Inc., Pittsburgh, Pa., Docket 7802, June 9, 1960; Mercury Record Corporation (Chicago, Ill.) et al., Docket 7846, June 9, 1960; Vee-Jay Records, Inc., et al., Chicago, Ill., Docket 7767, June 14, 1960; Midwest Distributing Company et al., St. Louis, Mo., Docket 7794, June 14, 1960; Ace Record Company, Inc. (Jackson, Miss.), et al., Docket 7808, June 14, 1960; Allstate Record Distributing Co. et al., Chicago, Ill., Docket 7763, June 16, 1960; and Roberts Record Distributing Company, Inc., et al., St. Louis, Mo., Docket 7800, June 16, 1960]

In the Matters of United Telefilm Records, Inc., a Corporation, and Morton Craft, Individually and as Officer of Said Corporation; Charles Lampe, Edward A. Ochel, and John Pohl, Individually, and as Co-Partners, Trading as Commercial Music Company; Interstate Supply Company, a Corporation, and Dale E. Neiswander, James A. Hertzler, and Clarence W. Mangels, Individually, and as Officers of Said Corporation; Ric Records, Inc., a Corporation, Also Doing Business as Ric Record Co., and Ron Record Co., and Joseph S. Ruffino, Individually, and as Officer of Said Corporation; Astor Records, Inc., a Corporation; Mercury Record Corporation, a Corporation, Mercury Record Distributors, Inc., of Ohio, a Corporation, Mercury Record Sales Corp., a Corporation, and Midwest Mercury Record Distributors, Inc., a Corporation; Vee-Jay Records, Inc., a Corporation, and James Bracken, and Ewart G. Abner, Jr., Individually and as Officers of Said Corporation; Midwest Distributing Company, a Corporation, and Paul Levy, Individually, and as an Officer of Said Corporation; Ace Record Company, Inc., a Corporation, Record Sales, Inc., a Corporation, and John V. Imbragulio, Individually and as an Officer of said Corporations, and Joseph Caronna, Individually, and as an Officer of Record Sales, Inc.; Allstate Record Distributing Co., a Corporation, and Paul J. Glass, and Peggy M. Glass, Individually, and as Officers of Said Corporation; and Roberts Record Distributing Company, Inc., a Corporation, and Robert L. Hausfater, and Sam Rosenblatt, Individually, and as Officers of Said Corporation

These proceedings were heard by hearing examiners on complaints of the Commission charging manufacturers and distributors of phonograph records in various cities with paying concealed "payola" to television and radio disc jockeys as inducement to have their records broadcast.

Accepting consent orders, the hearing examiners made their initial decisions and orders to cease and desist which became in due course the decisions of the Commission.

The orders to cease and desist, combining the respondents in these eleven cases, are as follows:

It is ordered, That respondents United Telefilm Records, Inc., a corporation, and its officers, and Morton Craft, individually, and as an officer of said corporation; Charles Lampe, Edward A. Ochel (erroneously designated in the complaint as Edward A. Oschel) and John Pohl, individually and as co-partners trading as Commercial Music Company, or under any other name; Interstate Supply Company, a corporation, and its officers, and Dale E. Neiswander, James A. Hertzler and Clarence W. Mangels, individually, and as officers of said corporation; Ric Records, Inc., a corporation, also doing business as Ric Record Co. and Ron Record Co., and its officers, and respondent Joseph S. Ruffino, individually and as an officer of said corporation; Astor Records, Inc., a corporation, and its officers; Mercury Record Corporation, a corporation, Mercury Record Distributors Inc. of Ohio, a corporation, Mercury Record Sales Corp., a corporation, and Midwest Mercury Record Distributors, Inc., a corporation, and their officers; Vee-Jay Records, Inc., a corporation, and its officers, and respondents James Bracken and Ewart G. Abner, Jr., individually and as officers of said corporation; Midwest Distributing Company, a corporation, and its officers, and respondent Paul Levy, individually, and as an officer of said corporation; Ace Record Company, Inc., a corporation, and Record Sales, Inc., a corporation, and their officers, and respondents John V. Imbragulio, individually and as an officer of said corporations, and Joseph Caronna, individually, and as an officer of Record Sales, Inc.; Allstate Record Distributing Co., a corporation, and its officers, and Paul J. Glass and Peggy M. Glass, individually, and as officers of said corporation; and Roberts Record Distributing Company, Inc., a corporation, and its officers, and Robert L. Hausfater and Sam Rosenblatt, individually and as officers of said corporation; and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with phonograph records, which have been distributed, in commerce, or which are used by radio or television stations in broadcasting programs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Giving or offering to give, without requiring public disclosure, any sum of money or other material consideration, to any person, directly or indirectly, to induce that person to select, or participate in the selection of, and the broadcasting of, any such records in which

respondents, or any of them, have a financial interest of any nature.

(2) Giving or offering to give, without requiring public disclosure, any sum of money, or other material consideration, to any person, directly or indirectly, as an inducement to influence any employee of a radio or television broadcasting station, or any other person, in any manner, to select, or participate in the selection of, and the broadcasting of, any such records in which respondents, or any of them, have a financial interest of any nature.

There shall be "public disclosure" within the meaning of this order, by any employee of a radio or television broadcasting station, or any other person, who selects or participates in the selection and broadcasting of a record when he shall disclose, or cause to have disclosed, to the listening public at the time the record is played, that his selection and broadcasting of such record are in consideration for compensation of some nature, directly or indirectly, received by him or his employer.

By "Decision of the Commission", etc., in each case, reports of compliance were required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of these orders, file with the Commission reports in writing, setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: June 9, 1960 (Dockets 7744, 7795, 7799, 7801, 7802, 7846); June 16, 1960 (Dockets 7767, 7794, 7808); June 17, 1960 (Dockets 7763, 7800).

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6068; Filed, July 18, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following miscellaneous amendments are issued to this subchapter:

PART 1012—LABOR

Subpart A—Basic Labor Policies

1. Section 1012.101–50 is revised to read as follows:

§ 1012.101–50 Actions affecting labor policies.

AF activities will not take any independent action concerning labor matters unless the action is within an established AF policy. Questions regarding AF policies may be referred AMC (MCPM). Deviations from AF policies concerning labor matters will not be made without prior approval of Hq USAF (AFMPP-PR-3).

2. In § 1012.101–51, paragraphs (a) and (b) are revised to read as follows:

§ 1012.101–51 Communications regarding labor matters.

* * * * *

(a) Commanders of major air commands and separate operating activities in the continental United States are authorized to communicate with local labor organizations and local offices of Federal agencies as required to carry out their responsibilities. Problems may be referred to AMC (MCPM) for assistance.

(b) Commanders of major oversea commands are authorized to take such action on labor matters within their commands consistent with established AF policies. Problems may be referred to Hq USAF (AFMPP–PR–3).

3. Sections 1012.102, 1012.102–3, and 1012.102–4 are revised as follows:

§ 1012.102 Overtime, extra-pay and multi-shift work.

§ 1012.102–3 Procedures.

See § 12.102–3 of this title.

(a) and (b) See § 12.102–3 (a) and (b) of this title.

(c) All fixed price contracts providing for redetermination of price, all fixed-price contracts providing for labor escalation, and all cost-reimbursement type contracts will contain appropriate clause or clauses as specified below to provide that payment of overtime premiums and shift premiums shall be allowed, or considered in pricing, only to the extent approved according to § 12.102–4 of this title.

(1) Contract Clause "A"—To be incorporated in all cost reimbursement type contracts (see § 1003.404 of this chapter) and all fixed-price contracts that provide for price redetermination, including incentive contracts but excluding contracts that provide for redetermination prospectively only.

OVERTIME AND EXTRA-PAY SHIFTS

Except as otherwise provided in this contract and in this clause, Contractor shall not be reimbursed by the Government directly or indirectly for overtime premiums or shift premiums paid in the performance of this contract unless the overtime or extra-pay shifts shall have been approved by the Contracting Officer. Approval is not required for overtime or extra-pay shifts which result in lower over-all cost to the Government nor for work necessary to cope with emergencies such as those resulting from accidents, natural disasters or breakdowns of production equipment or occasional production bottlenecks of a sporadic nature; nor to work performed by indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities or accounting; nor in the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature, and cannot reasonably be interrupted or otherwise completed.

(2) Contract Clause "B"—In addition to Clause "A" incorporate the following clause in all contracts for performance of which a specific amount of overtime or extra-pay shifts has been authorized.

APPROVAL OF OVERTIME AND EXTRA-PAY SHIFTS

The Contractor is authorized to perform overtime and/or extra pay shift work to the extent of _____[1] hours in addition to any overtime or extra pay shift work for the purposes set forth in the clause of this contract entitled "Overtime and Extra Pay Shifts" *Provided, however,* That the Contracting Officer may by written notice to the Contractor reduce the amount of such authorized overtime or extra pay shift work on a prospective-only basis. If such action requires a change in the time for performance of the contract or in other contract terms, adjustment of the affected contract terms shall be accomplished in accordance with the procedures set forth in the clause of this contract entitled "Changes."

(d) and (e) See § 12.102–3(d) and (e) of this title.

§ 1012.102–4 Approvals.

(a) See § 12.102–4 of this title.

(b) The Secretary of the Air Force has designated: The Deputy Chief of Staff, Materiel, Hq USAF; the Deputy Chief of Staff, Development, Hq USAF; the Commander, AMC; the Commander, ARDC; the Director, Procurement and Production, Hq AMC; the Director of Procurement, Hq ARDC; the Commander, AMC Ballistic Missiles Center; the Commander, AMC Aeronautical Systems Center; the Commander, AMC Electronics Systems Center; the Commanders of each air materiel area (ConUS) and the Commanders of Dayton and Memphis Air Force Depots to approve overtime premiums and shift premiums at Government expense in procurement contracts under the circumstances set forth in § 12.102–4(a)(1), (2), and (3) of this title. The authority for Hq ARDC, AMC centers, AMAs, and AF depots is limited to contracts for which they have procurement responsibility at the time of approval.

(c) Contractors performing overtime and extra-pay shift work prior to receipt of the approval do so at their own risk since retroactive approval will be considered only for cases of extreme urgency for which retroactive action can be fully justified.

(d) The Director of Procurement, Hq ARDC, commanders AMC centers, commanders (AMA's (ConUS), and the Commanders of Dayton and Memphis Air Force Depots will furnish to AMC (MCPM), information in letter form on a monthly basis (first through last day) as to their overtime and extra-pay shift approvals. No locally designed forms will be established for this report. The following information will be furnished for each approval: (1) Contractor, (2) program or item, (3) overtime and extra-pay shift hours requested and approved. Where an approval encompasses both overtime and extra-pay shift hours, they will be reported as separate entries; (4) premium dollars requested and approved. Where an approval encompasses both overtime and extra-pay shift premiums, they will be reported as separate entries; (5) period of overtime or extra-pay shift performance; (6) date of the approval; and (7) appropriate comment indicating specific reasons for the action. This information will be submitted in sufficient time to permit receipt at AMC (MCPM) on or before the 25th day of the month following the month covered by the report. RCS: AF–N25 is assigned to this report. Negative reports are required.

(e) The Secretary of the Air Force has exempted the following programs from the overtime restrictions set forth in § 12.102 of this title and these are hereby exempted from the restrictions set forth in this subchapter. The AMC Ballistic Missile Center will issue instructions on IRBM, ICBM, and 117L, if required.

(1) Intermediate Range Ballistic Missiles Program (Thor).

(2) Inter-Continental Ballistic Missiles Program (Titan, Atlas, Minuteman).

(3) Performance of service by contractor personnel on site in connection with Operation Hartack.

(4) Project 117L.

(5) Other high priority programs as determined by the Secretary.

[1] The overtime hours and extra pay shift hours to be inserted in this blank will have the prior approval of the Secretary of the Air Force or his designee (§ 1012.102–4(b)). In the administration of this blanket authorization, the ACO will, in accordance with other APD/AFPRO activities, review from time to time (at least once every 60 days) the criteria under which the overtime and/or extra pay shift hours are being worked to insure that the reasons supporting the original authorization therefor remain valid. If the Contracting Officer finds that the reasons for the original authorization are no longer valid he may, as provided in the clause, reduce the authorized hours on a prospective basis. The ACO does not however, have the authority to increase the number of hours authorized herein.

§§ 1012.102–5, 1012.102–51 [Deletion]

4. Sections 1012.102–5 and 1012.102–51 are deleted.

§ 1012.103–50 [Amendment]

5. In § 1012.103–50 the opening paragraph is now paragraph (a) *General.* Former paragraph (a) is redesignated paragraph (b) *Administration.* This section is otherwise unchanged.

Subpart D—Labor Standards in Construction Contracts

1. Sections 1012.404, 1012.404–6, and 1012.404–7 are revised to read as follows:

§ 1012.404 Administration and enforcement.

An agreement has been reached between the Department of Air Force and Department of Labor placing into effect the decentralized Labor Law enforcement on AF contracts. The detailed procedures are contained in §§ 1012.404–7 to 1012.404–10. For the purpose of brevity and ready identification in these instructions, the AF liaison officer will be referred to as AFLO and the Department of Labor Regional Attorney as RADL. See § 1012.404–51 for locations and areas of jurisdiction.

§ 1012.404–6 Payrolls and statements.

See § 12.404–6 of this title.

§ 1012.404–7 Investigations.

The contracting officer administering the contract is responsible for accomplishment of the investigations set forth below. For contracts being administered by AMC contracting officers, the routine checks, paragraph (a) of this section, will be accomplished by the contracting officer or his representative. For contracts being administered by the base procurement contracting officers, the routine checks and field checks, paragraphs (a) and (b) of this section, will be accomplished by the contracting officer or his representative.

(a) *Routine checking for compliance.* Routine checks for compliance with the labor standards provisions set forth in this part will be made, particularly as to: (1) Whether practice with respect to additional classifications and rates conforms to § 1012.404–3, (2) whether apprenticeship registration certificates are retained for each employee who is classified as an apprentice, and (3) whether required payrolls and statements are received from all subcontractors on all tiers as well as from all prime contractors. Routine checking for compliance requires examination of payroll records. Payrolls will be initialed and dated by the person making the check to indicate compliance with the labor laws. Routine checks would also ascertain whether or not:

(i) Required payrolls and statements have been filed.

(ii) Hourly wage rates shown on the payrolls are not less than the minimum wage rates prescribed in the contract.

(iii) Any time worked in excess of 8 hours in any one day is being paid for at the rate of one and one-half times the hourly rate.

(iv) All classifications listed on the payrolls conform to the classifications listed in the wage determination, or to additional classifications authorized by the contracting officer. If the payrolls show a disproportionate number of laborers or apprentices employed in relation to journeymen, a specific check will be made at the site of the work to determine that such classifications are not being used to perform journeymen's work. A proportionate number of laborers or apprentices will be determined by the prevailing practice in the area. In the case of apprentices, the ratio is specified in the Apprenticeship Agreement which is registered with the State Apprenticeship Council; or if no such council exists, with the Bureau of Apprenticeship, U.S. Department of Labor. The work to be performed by journeymen will also be governed by general practice in the area. It may be advisable in some cases to consult with employers, employer organizations, unions, State or Federal apprentice officers, and others in the area for helpful information as to the permissible ratios and work classifications.

(v) Records contain a certificate of registration, or a certificate from the contractor, showing that the apprentices listed on the payrolls are registered in an approved apprenticeship program, and that the number of persons employed in the classification of apprentice does not exceed the ratio approved for the program.

(vi) The work being performed is being accomplished by properly classified workers.

(vii) If irregularities or violations are indicated, a field check as discussed in paragraph (b) of this section, is necessary and should be made.

(b) *Field checking.* Field checks are conducted at the site(s) of the work. AFPI Form 7, "Labor Law Compliance Check Sheet, Air Force Construction Contract" (see § 1016.451–3 of this chapter) will be used in accomplishing field checks. The first field check should be conducted within 14 days after work begins. The frequency of subsequent field checks should be determined by the degree of contractor and subcontractors compliance which is anticipated on the basis of the first field check and the preconstruction conference or in the light of experience with the contractors or subcontractors. Field checks on AMC facility contracts will be made by the appropriate industrial manpower office. AMC contracting officers will furnish to the appropriate industrial manpower office lists of all construction prime contractors and subcontractors on facility contracts subject to the labor standards provisions of this subpart, indicating name, address, amount of prime contract and subcontracts, nature of work involved, and estimated length of the contract. Lists will be kept current, particularly as to construction subcontracts. The industrial manpower office representative will make a written report to the AMC ACO 15 days after completion of the field check, unless special investigation is required. Field checks on base procurement construction contracts will be made by the base contracting officer or his duly authorized representative. The base contracting officer administering the contract will include the completed AFPI Form 7 in the contract file, unless special investigation is required. If violations are discovered a special investigation, as discussed in paragraph (c) of this section, is necessary and will be conducted

(c) *Special investigations.* Special investigations of suspended criminal or other violations of applicable labor laws must be full scale investigations to determine all pertinent facts, not merely inquiries as to the truth of allegations.

(1) Special investigations will be made when the contracting officer learns of a possible violation of labor laws. Such knowledge may be in the form of complaints, violations disclosed by routine or field checks, paragraphs (a) and (b) of this section, reports of violations referred by the AFLO or higher headquarters, or any other interested source providing sufficient information to indicate need for investigation.

(2) Special investigations at AMC installations, and reports of same in writing, will be made by the appropriate industrial manpower office involved upon request of ACO's, Hq USAF, or other appropriate sources, or if special investigation is required under § 1012.404–7(a)(7). Hq USAF will forward such requests for investigation to the AFLO through Hq AMC (MCPP). The AFLO will forward the requests to the appropriate contracting officer or, in the case of AMC contracts, to the appropriate industrial manpower office. Special investigations at all major commands in the United States, except AMC installations, will be

made by a disinterested person designated by the base commander. If routine or field checks, complaints of violations, or the existence of actual or incipient work stoppages indicates that assistance is needed, a request for assistance may be sent to the nearest industrial manpower office having geographic jurisdiction.

(3) Special investigations will be conducted according to procedures prescribed below; however, such procedures are only to be considered as minimum requirements as there can be no substitute for good judgment on the part of the field investigator. The investigations must be sufficiently thorough that the established facts accurately support the determinations and conclusions.

(4) Reports of investigation will be made according to the requirements of § 1012.404–8. Direct communication between the AFLO and Hq USAF (AFMPP–PR) on matters of labor law enforcement in AF contracts is authorized. Additional guide lines and requirements are discussed in §§ 1012.404–9 and 1012.404–10.

(d) *Conduct of investigation.* (1) Preliminary steps: To the extent that information is available within the Air Force, the investigator should gather as much of the information indicated in subparagraphs (3) to (7) of this paragraph as practicable prior to the initial employer interview.

(2) Initial employer interview or conference: (i) Credentials: Upon arriving at the project site, the investigator should present his credentials to the contractors, subcontractors, or their representatives. (Credentials should also be presented to employees when being interviewed.) Initial conference should be held with the prime contractor or his representative, additional conferences will be held with subcontractors, as necessary.

(ii) The contracting officer will insure that the prime contractor and the subcontractor allegedly in violation are informed that the investigator is a representative of the Air Force authorized to inspect the employment records of the contractor and interview employees on the job pursuant to the Payroll Records and Payroll clause (see § 12.403–1(4)). The investigator will:

(a) Inform the employer that the purpose of his visit is to investigate compliance with the pertinent labor statutes and regulations; describe the allegations of noncompliance which gave rise to the investigation; and outline in general terms the scope of the investigation, including examination of pertinent records, employee interview, and physical inspection of the project.

(b) Obtain the exact legal name of the corporation or firm and any trade names, the full address, full names of owners and addresses of subcontractors, and such similar information as may be necessary to the investigation.

(3) Examination of the payrolls: (i) An examination of the contractor's and subcontractor's payrolls should be made for accuracy, completeness, and true representation of the facts. The examination should cover the current or most recent payrolls as well as those for selected periods which reflect the practice of the contractor or subcontractor during the life of the contract.

(ii) Check for completeness and accuracy of payrolls as to names, addresses, job classifications, hourly wage rates, daily and weekly hours worked during the payroll period, gross weekly wages earned, deductions made from wages, and net weekly wages paid.

(iii) Check the wage rates shown in the payroll against the applicable wage determination.

(iv) Check the number of employees in each job classification to determine whether there is a disproportionate employment of laborers, helpers, or apprentices. By the way of illustration, existence of any of the following circumstances may indicate a disproportionate employment, depending upon the status and type of project.

(a) Several laborers and only one journeyman electrician on a payroll submitted by an electrical subcontractor would normally indicate that laborers are performing electrical work.

(b) A greater number of helpers or apprentices than mechanics may indicate that the ratio of apprentices to mechanics is being disregarded, apprentices or helpers are performing the work of mechanics, and all of the apprentices are not properly registered in an approved program or the contractor or subcontractor is not conforming to approved apprenticeship standards.

(v) Progress reports: If a progress report has been received, it should be carefully checked for information as to the kind of work performed during a certain period, which may be compared with the classification listed on the payrolls for corresponding periods. Thus, for example, if sheetmetal work was done during a particular month and the payroll for that month fails to show any sheetmetal workers, the contractor may be in violation of the labor standards provisions.

(vi) Eight-hour laws: If the Eight-Hour Laws are applicable and the daily hours worked by an employee exceeded 8, determine whether time and a half the employee's basic rate was paid him for such excess hours.

(4) Examination of basic time and work records: (i) A sufficient number of checks of the basic time cards, foreman's work records, time books, sheets, or other work or personnel records of a representative number of employees on each classification should be made against the payroll record to disclose any possible discrepancies, or to give reasonable assurance that none exist. Pertinent excerpts, or copies of such records should be included in the case file.

(ii) The records of particular employees should be included in the check whenever there appears to be any doubt or question with respect to such employees.

(5) Check on conformity with apprenticeship requirements: (i) Apprentices may not be employed on the project unless they are registered under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor, or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U.S. Department of Labor.

(ii) If it is found that so-called "apprentices" are being employed who are not registered under a bona fide program, ascertain their correct names, addresses, type of work each is performing, their classification, age, and rates of pay each is receiving. Also, it may be advisable in some cases to consult with employer or employee organizations, State or Federal apprenticeship offices, and others in the area for helpful information as to wage rates and the permissible ratio of journeymen to apprentices, etc. Permissible ratios of apprentices to mechanics may be found in the set of standards contained in the program to which the contractor has subscribed.

(iii) In the case of employment of apprentices in excess of the approved ratio, or erroneous classification of mechanics as apprentices, the investigator should ascertain from interviews and available data all pertinent information such as work experience in the trade or related trades, age, type of work performed, rate of pay each is receiving, supervision received, and any previous classifications of such employees as apprentices.

(6) Classifications not listed in the wage determination: Determine whether the contractor has been employing any laborers or mechanics whose classification is not listed in the wage determination. If so, describe the work they are performing, the tools used, and report the wage rates they are being paid and whether or not, as the case may be, they have been reclassified or a request made for a supplemental determination according to § 12.404–3 of this title and § 1012.404–3 of this chapter. The investigator should make recommendations as to proper classification.

(7) Transcribing payrolls: Transcriptions should be made of payroll information for those employees selected for interview, thus enabling the investigator to clarify questionable matters and permit the investigator to discuss the situation, with respect to each employee, in a logical and factual manner.

(8) Employee interviews: (i) Objectives of employee interviews: Employee interviews should be sufficient in number to establish the degree of adequacy and accuracy of the records and the nature and extent of any violations, and should be representative of all classifications of employees on the project. The investigator should prepare for the interview in such a manner that the pertinent facts will be elicited clearly and accurately. Transcripts of records of employees selected for interview should be coordinated with the employees, so as to enable each employee to discuss the situation more adequately and to enable the investigator to tie up the interview with the transcripts and clarify matters about which there may be doubt or question. Each employee to be interviewed should be informed that he is not required to make a statement, that it is voluntary, that the information, if given, is confidential, and that his identity will not be disclosed to the employer without the employee's written permission.

(ii) Place of interview: Employees currently employed may be interviewed during working hours on the job, according to § 12.403–1(4)(a) of this title, if such an interview can be conducted properly and privately. In some cases it may be preferable to conduct the interview elsewhere, such as the employer's home, at the investigator's office, or other suitable place.

(iii) Mail interviews: Employees formerly employed on the job may be interviewed at their home, at the investigator's office, or by mail. Ordinarily, an interview should be made by mail only if a personal interview is impracticable. Mail interviews may also be used for employees not on duty at the time of the investigation, but the use of the mail interview should be kept to a minimum.

(iv) Privacy of interviews: Employees should not be interviewed in the presence of the employer, another employee, or any other person, unless the employee requests the presence of another person. In the latter event, questions and answers thereto, may be influenced and it may be necessary to re-interview the employee at his home or at some other place away from the site of work so that additional information may be obtained.

(v) Interview time: If the interview is conducted on the job site, it should be arranged to cause the least inconvenience to the employer and employee. If conducted elsewhere, effort should be made to make it at the convenience of the employee and it will be held outside the employee's working hours.

(vi) Oral interview statements: An employee interview need not be recorded in a signed statement if it serves merely to confirm what the records reveal, or if the employee is unwilling to reduce his statement to writing. A record of such oral interviews should be made, however, for the case file, showing date, name, classification, and digest of the employee's remarks.

(vii) Signed interview statements: A signed employee statement should not be recorded on the same sheet of paper as another signed employee statement. The principal situations which require the preparation of a signed statement arise when the interview:

(a) Involves information as to hours, wages, classification, or other essential facts which are in question or missing from the records.

(b) Bears on the question of falsification of records or other criteria of willfulness.

(c) Indicates that the employee was intimidated or forced to "kick back" any part of his compensation.

(d) Yields factual evidence pertinent to any actual or possible controversy with the employer as to whether a particular violation has occurred.

(viii) Preparation of interview statements; general principles: When a written statement is taken, it should be recorded as stated by the employee as nearly as possible in his own language, should be read by him, and should contain a statement that it has been read and that it is correct. The investigator may restate or summarize the employee's remarks, but when he does so the statement should indicate this fact. The statement should be signed by the employee and the signature, except in mail interviews, should be witnessed by the investigator. When the statement is not signed, the investigator should give, either in the statement or in his report, the employee's reason for not signing. Any changes in a signed employee statement should be initialed by the employee. Each interview statement should contain identifying information as follows:

(a) Place and date of interview, and that statements made by employee are voluntary.

(b) Name of employer (firm).

(c) Name and permanent address of employee being interviewed.

(d) Employment status (whether present or former employee).

(e) If an apprentice, the age, date of birth, and information concerning his status.

(f) Job classification and exact work performed, place and where performed, period of employment, hour for starting and stopping work, daily and weekly hours worked, rate of pay, wages received, manner in which time and work are recorded.

The interview should cover all the allegations of violations with respect to which the employees could be expected to be in a position to furnish information. The employee should be questioned as to whether he has ever been intimidated, threatened with dismissal, or forced to give up any part of his compensation by either his employer or any other group or agency. The interview should also cover any other details necessary to indicate accuracy of the employer's records, statements, or certifications to determine whether there has been compliance.

(ix) Employee interviews where records are inadequate or inaccurate: When records are inadequate or inaccurate, the employee interviews should contain as much information as possible regarding the inadequacies or inaccuracies and hours of work. The workday, workweek, and the periods covered by the active and less active periods should be established in order that a formula or pattern can be formulated for the computation of any back wages that may be due. Holiday weeks, if any, should be identified.

(x) Complainant interviews: All complaint investigations must include, except under extraordinary circumstances, an interview with the complainant. When the complaint was made in person, the complaint itself may constitute an interview and further interview or notice by letter may be postponed until the complainant can be informed that the investigation has been made and of the results insofar as the complainant is concerned. When a complainant interview is impracticable or impossible, the omission of the interview should be justified in the report of the investigation.

(9) Disclosure of information to employees: During an investigation, the investigator may receive oral inquiries from employees as to the provisions of pertinent statutes, compliance with those provisions by the employer, and whether the employees may expect to receive back wages as a result of the investigation. An inquiring employee has a right to be informed of the provisions of such statutes and of his rights. He should, however, be given no information by the investigator which was obtained from an examination of the employer's records, except that the investigator may check with the employee on transcripts from the employer's records of pertinent matters. Under no circumstances may the employee be given, or allowed to make, copies of data obtained from the employer's records. The investigator will not give his opinion as to whether any back wages are due an employee because of the violations by the employer, but he may instruct the employee as to how his wages or overtime pay, if applicable, should be computed. The investigator may advise inquirers that his sole function as an investigator is to ascertain and to report all of the facts concerning the employer's compliance with the provisions of the statutes, that the investigation is not completed until Hq USAF has received an acted upon the facts.

(10) Computations: When violations are disclosed computations of all back wages due will be made by the investigator. Also representative transcriptions of payrolls, time sheets or other records should be made in sufficient number and detail to support the findings and computations against possible dispute by the contractor. If there are indications that legal proceedings may be instituted, additional transcripts may be necessary, for example, to support and help prove that the certified payrolls have been falsified by the contractor. In such cases the transcriptions should be exact copies. Whenever possible they should be prepared on the forms used by the employer and will be free of notes, comments, or other extraneous matter. Comments or explanations will be placed on separate memorandums or in the narrative report.

(i) Salaried employees and employees paid on a "piece" or "incentive" rate present situations different from the normal hourly paid employee. Frequently, no accurate records of hours worked are maintained for these employees. It therefore becomes necessary to determine the actual hours worked by such employees, or reconstruct them based on reasonable evidence. Once the actual hours worked are determined for each work week, the actual wage rate is determined as follows:

(a) Salaried employees: Divide the regular weekly salary by total actual hours worked in each work week. The result will be the actual wage rate for this week. Any variation in hours worked and salary paid, week by week, will naturally cause a variation in actual wage rate.

(b) "Piece" or "Incentive" rate employees: Divide total piece rate earnings by total hours actually worked on piece rate in each week. The result will be the actual wage rate for such piece rate work in each week. Variations in hours and earnings will cause variations in actual wage rate.

(ii) Situations will arise where records of hours or actual earnings of various employees are not accurately shown (this would include hourly paid employees as well as salaried and piece rate employees). Similar actions (as discussed under salaried and piece rate employees) would be necessary to determine the actual wage rate of employees so concerned; i.e., actual regular earnings divided by actual hours worked, to determine actual wage rate. Regular earnings are those earnings excluding any overtime premium such as the one-half time premium payment required by the Eight-Hour Laws.

(11) Concluding employer interview or conference: When the investigator has completed the investigation and obtained all the facts necessary to determine the extent of the employer's compliance or noncompliance, he will confer with the prime contractor as follows:

(i) Inform him generally of the investigative findings, and indicate that these findings are based solely on the facts and information disclosed by the investigation.

(ii) Summarize the investigation to date, including all pertinent facts, and an indication of what the investigative findings and recommendations would be at this point.

(iii) Reinform him of the contractual requirements regarding labor laws and the manner in which compliance with these requirements can be attained.

(12) Investigating officer report of investigation: After completing all aspects of the investigation, the case file, in quintuplicate, containing documents, employee statements, computations, and other material will be referred to the contracting officer administering the contract with an appropriate written report in narrative style covering the following details:

(i) Contract number, brief description of the work, name and address of the contractor and subcontractors involved, and identifying data from the applicable wage determination.

(ii) Initial conference: Report the date of conference, including names and titles of those present and a summary of the conference details.

(iii) Violations: Summarize the major details of the violations, total restitution involved, and causative factors pertinent to each major class or type of violation.

(iv) Final conference: Report the date of conference, including names and titles of those present and a summary of the conference details. Any admissions by the employers as to violations or explanations therefor should be carefully reported. Be specific as to instructions provided the employers for their future compliance.

(v) Findings and recommendations: Discuss elements of willfulness (if any), names of persons involved in willful acts and details leading to such conclusion. Make recommendations as to disposition or further handling of the case. When appropriate, the report will include recommendations as to the assessment or nonassessment of penalties (see § 1012.404–9(e)) whether or not the contractor should be placed on the List of Debarred, Ineligible and Suspended Bidders (see Subpart F, Part 1001 of this chapter), and whether the file should be referred for consideration of possible criminal prosecution. The recommendations will be supported by full information in the file, appropriately referenced.

2. Sections 1012.404–9 and 1012.404–10 are deleted and the following substituted therefor:

§ 1012.404–9 Suspensions and deductions of contract payments.

(a) Regarding any alleged failure or refusal to pay wages due workers under the labor standards provisions of this subpart, the contracting officer will inform the prime contractor of such allegation and, upon mutual agreement that the allegations are correct, request that the contractor provide for restitution according to § 1012.404–10. If restitution is not made, and violation of the Davis-Bacon Act is alleged, action will be taken to withhold sufficient money to cover the alleged unpaid wages. If the violation involves a subcontractor, he should, if possible, be included in conferences with the prime contractor regarding particular violations in which he is involved.

(b) If it is finally determined that restitution is due any worker because of violation of the Davis-Bacon Act and the contractor refuses to make restitution or is unable to locate any of the workers involved, the withheld funds will be transmitted to the General Accounting Office. Notice should be given to any workers whose address is known to file claim with the General Accounting Office. Employee applications for payment may be forwarded with the forms required by § 12.404–9 of this title; such applications should include the employee's name, address, and classification, the name of the employer, and a statement identifying the contract involved. Withholding must be accomplished even though an employee cannot be located to complete restitution. Where underpayments have been determined under the Eight Hour Laws, the pertinent contract clause provides for withholding of such amounts. However, unlike the Davis-Bacon Act, the Eight Hour Laws do not provide for payment of such sums by the United States Government.

(c) Regarding alleged violations involving liability for penalties under the Eight-Hour Laws, the contracting officer should withhold from payments due to the contractor a sum sufficient to cover the estimated penalties possibly due the United States. Such an amount should continue to be withheld until action as set forth in paragraph (d) of this section is taken, or the contractor voluntarily pays the full amount of the penalties allegedly due, or the contracting officer is informed through channels that the Department of Labor has concurred in the nonassessment of penalties.

(d) When investigation discloses that penalties are due the United States, the contracting officer will forward to the disbursing officer who normally makes disbursement to the contractor, a voucher indicating the amount due the contractor, the amount to be paid to the United States as penalties, and sufficient information to explain the withholding. The voucher should be separate from that used to withhold any restitution that may be due the contractor's employees. The contracting officer should retain complete information concerning the penalties, including justification therefor and method of calculation, to be furnished the disbursing officer, if requested.

(e) In appropriate cases where an employer acting in good faith has inadvertently failed to pay the daily overtime compensation required by the Eight-Hour Laws and subsequently makes delayed payment of the extra amount due his employees, a recommendation for nonassessment of penalties may be made, on the basis of the restitution constituting delayed compliance. In this connection, if any employees due daily overtime restitution cannot be located for direct payment by the contractor, the contracting officer may transmit to the General Accounting Office these moneys together with a statement of contractor acquiescence to the payment for deposit and proper disbursement to the unlocated workers as described under § 1012.404–10(c). Recommendations, together with the report of investigation (§ 1012.404–8(a)(2)) will be sent to the AFLO for further processing. Factual justification for the recommendations will be included.

(f) If the contractor does not make voluntary restitution or if any of the underpaid employees cannot be located, the funds withheld for payments due employees under the Davis-Bacon Act will be transferred to the General Accounting Office, Washington 25, D.C., on Standard Form 1093, "Schedule of Withholdings under the Davis-Bacon Act." If the Standard Form 1093 is transmitted to the GAO on a case in which a labor standards investigative report is forwarded to the AFLO, a note will be included on the Standard Form 1093 stating, "Investigative Report is being forwarded to the Department of Labor pursuant to 29 CFR Subchapter A, Part 5." In those cases not requiring report to AFLO, a notation will be made on the back of the Standard Form 1093 indicating the number of employees underpaid by the contractor, the number of employees paid with the amounts paid each; and the number of employees who could not be located for payment and the amounts due each. Each such statement should include a recommendation against imposition of ineligibility sanctions together with a brief explanation of such recommendations.

§ 1012.404–10 Restitution.

(a) Regarding labor standards violations determined to have involved underpayment of wages, the contracting officer will make demand on the contractor for prompt restitution. Computation of restitution as claimed by the contractor shall be fully considered by the contracting officer. Upon completion of computation, a summary sheet listing names, addresses, and the unpaid amounts payable to the employees involved should be prepared by the contractor, a copy of which will be furnished to the contracting officer for his approval. The contracting officer will advise the contractor of the procedure which will satisfy him conclusively that proper restitution has been made, such as the witnessing of cash payments, the furnishing of canceled checks or a certified copy of a supplemental payroll. In apparently serious cases of aggravated, or willful violation or possible criminal action, if the contracting officer has any question that the consequences of such payments of restitution may prejudice the case, he shall refer the matter to the AFLO with recommendations for appropriate action.

(b) When a contractor wishes to make voluntary restitution but the workers involved cannot be located, the contracting officer will effect collection and send the collected money to the disbursing officer on Standard Form 1093. This form should reflect the nature of the violations, the names and last known home addresses of the workers.

(c) There has been established in the General Accounting Office the Account No. 05X6022 into which collections for wage underpayments are deposited. A check drawn on the Treasurer of the United States together with Standard Form 1093 (Revised) is the method by which these collections are deposited to the Account. GAO will make appropriate disbursements to the underpaid employees to whom restitution is due, upon proper request. Inquiries from underpaid employees and/or their applications for payment should be referred to the Claims Division, General Accounting Office, Washington 25, D.C.

3. Section 1012.404–51 is added as follows:

§ 1012.404–51 Air Force liaison offices, Department of Labor regional attorneys, and areas of jurisdiction.

Following are the names and addresses of Air Force Liaison Offices, Department of Labor Regional Attorneys and the areas of their jurisdiction over AF bases and installations for the decentralized Labor Law enforcement procedures contained in §§ 1012.404–7, 1012.404–9 and 1012.404–10.

AF Liaison Office	Dept. of Labor Regional Attorney	Area of jurisdiction
San Francisco APD, Oakland Army Terminal Building, West Grand and Maritime, Oakland 14, Calif. Attn: SMHOI.	307 Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.	California, Arizona, Oregon, Nevada, Hawaii, Utah, Idaho, Washington, Montana, and Alaska.
St. Louis APD, 1114 Market Street, St. Louis 1, Mo. Attn: OCHSP.	1503 Federal Office Building, 911 Walnut Street, Kansas City, Mo.	Colorado, Wyoming, Kansas, Missouri, Nebraska, South Dakota, North Dakota, and Iowa.
Chicago APD, 5555 South Archer Avenue, Chicago 38, Ill. Attn: OCHCP.	105 West Adams Street, Chicago 3, Ill.	Illinois, Wisconsin, Indiana, and Minnesota.
Dallas APD, 912 South Ervay, Dallas 1, Tex., Attn: SAHDP.	1114 Commerce Street, Room 217, Dallas 2, Tex.	Texas, Louisiana, Oklahoma, New Mexico, and Arkansas.
Cleveland APD, 1279 West Third Street, Cleveland, Ohio. Attn: MOHCP.	248 Engineers Building, 1365 Ontario Avenue, Cleveland 13, Ohio.	Ohio and Michigan.
Dayton APD, Building 70, Area "C," Wright-Patterson AFB, Ohio. Attn: MOHBP.	U.S. Court House, 801 Broadway, Nashville, Tenn.	Kentucky, Tennessee, West Virginia, and Virginia.
Air Force Plant Representative at Hayes Aircraft, Birmingham, Ala. Attn: MOBRP.	American Liberty Insurance Company Building, 1401 South 20th Street, Birmingham 5, Ala.	Mississippi, Alabama, Florida, Georgia, North Carolina and South Carolina.
Philadelphia APD, 1411 Walnut Street, Philadelphia 2, Pa. Attn: MAPHP.	Wolf Avenue and Commerce Street, Chambersburg, Pa.	Pennsylvania, Maryland, Delaware, and District of Columbia.
New York APD, 111 East 16th Street, New York 3, N.Y. Attn: MAHYP.	Old Parcel Post Building, 341 Ninth Avenue, New York 1, N.Y.	New York and New Jersey.
Boston APD, Boston Army Terminal, Boston 10, Mass. Attn: MAHBP.	18 Oliver Street, Boston, Mass.	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.

Subpart F—Walsh-Healey Public Contracts Act

§§ 1012.602–1, 1012.602–2 [Deletion]

Sections 1012.602–1 and 1012.602–2 are deleted.

Subpart H—Nondiscrimination in Employment

Section 1012.806–2 is revised as follows:

§ 1012.806–2 Educational responsibility.

ACO's will at the earliest practical time acquaint the contractor with his responsibilities under the Nondiscrimination clause. To assure that the contractor is aware of his responsibilities under this provision, the contracting officer will submit a letter with the initial contract or purchase order over $2,500 and at periodic intervals thereafter (but not less frequently than every 6 months), submit letters to the contractors with copies of such letters maintained at the office of administration setting forth statements that:

(a) In connection with the performance of work under the contract, award of the contract entails a contractual obligation not to discriminate against any employee or applicant for employment because of race, religion, color or national origin.

(b) Encourage and persuade compliance by the contractor with the spirit as well as the letter of the Nondiscrimination clause in his contract.

(c) Included in the review of the contractor's performance will be a review of his compliance with the provisions of the Nondiscrimination clause.

(d) Special reviews may be conducted to measure progress in the Nondiscrimination Program as well as to furnish educational data in connection with the program.

(e) Where applicable, incorporation of the Nondiscrimination clause of his first-tier subcontracts entails his furnishing such subcontractors with copies of the notice for posting, as required in §§ 12.802 and 12.803 of this title.

(f) Where applicable, his requests for copies of the notice will be directed to the ACO, and that the contractor has the responsibility of furnishing such notices to his subcontractors.

(Sec. 3012, 70A Stat. 488; 10 U.S.C. 3012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1013—GOVERNMENT PROPERTY

Subpart A—General

1. Section 1013.102–3 is revised to read as follows:

§ 1013.102–3 Facilities.

(a) It is AF policy that contractors provide their own facilities rather than rely on the initial or continued provision of Government-owned facilities. For effectiveness, it is essential that this policy be observed and adhered to during the early stages of AF planning, development of sources, and programming for procurement requirements. Only in cases where it is clearly in the Government's interest to provide industrial facilities to contractors for performance on AF contracts, will the requests for such provisioning be processed for approval (§§ 1013.401 and 1013.2402). The procuring activity will support this policy by exhaustive search for open capacity before placing supplies and services contracts, including those for research and development, which require Government provided facilities. Such contracts will not be placed until open capacity and the maximum degree of subcontracting, consistent with economy and product control, have been considered. Consistent with the policy that contractors will not be given competitive advantage through use of Government provided facilities, the willingness of a contractor to provide and use his own facilities in lieu of Government provided facilities will be a major factor of consideration during the negotiation process. The procuring activity will determine, when considering this factor, whether the provision of facilities will be in the Government's best interests. In reviewing the requirements for provision of industrial facilities the following policies will be observed:

(i) The industrial base; utilization of existing facilities: Existing industrial facilities, which compose the Air Force Industrial Base, will be screened for use in the following order (in preference to Government financed facilities expansions):

(i) Privately owned facilities and production equipment.

NOTE: Contractors will be encouraged to provide all required facilities and production equipment on the most economical basis.

(ii) Privately owned facilities and associated Government owned production equipment not available in the civilian economy.

(iii) Government-owned facilities and production equipment.

NOTE: Government-owned facilities and equipment will be included in the industrial base for the sole purpose of remedying known deficiencies in privately owned ca-

pacity, when such action is in the best interest of national security.

The screening of existing facilities will include any standby installations of the Military Departments and other Government agencies and also the existing subcontracting sources to insure that maximum use will be made of available resources. Privately owned industrial facilities will not be dropped from the industrial base to justify retention of Government-owned facilities. The preference for privately owned facilities, and production equipment indicated in subdivision (i) and (ii) of this subparagraph will not apply to those Government-owned overhaul, repair and production facilities, which, because of their integrated support, are considered organic to the military or must be under military command in an emergency, e.g., service or work of a specialized nature or mission pertaining to special weapons or defense systems.

(2) Capacity of the industrial base: The industrial base will not exceed that needed to support, on the most efficient and economical basis, the combat readiness of the Air Force, its phased expansion, and the production rates that will satisfy AF combat replacement or consumption requirements, as provided in guidance approved or issued by the Secretary of Defense. No Government-owned industrial facilities will be retained which are excess to the fulfillment of these requirements. In general when Government financed facilities are required, they will be provided: (i) Only to the extent necessary to meet current procurement (supply, service, research and development) contract requirements, or (ii) to provide limited facilities augmentation for selected items noted in AFL 78–16. Normally, facility expansions will be based on a two-shift, 5-day work week.

(3) Exceptions: Request for exceptions to the policies stated in subparagraphs (1) and (2) of this paragraph may be made through channels to the Secretary of Defense. These requests will contain a full justification of the basis upon which the exception is requested. When disposition of facilities might significantly affect national, regional, or local economies, the Secretary of Defense will be fully advised in advance of specific action. Reports Exemption Symbol DD–S&L (EXR) 76 is assigned to the information required by this paragraph.

(4) Reduction of industrial vulnerability: Factors pertinent to industrial vulnerability are contained in paragraph 15, AFR 78–4.

(5) Financing: In general, the Department of Defense will not undertake financing of industrial facility expansions unless it can be demonstrated that it is necessary for the Government itself to perform or support the required production or service.

(6) Test facilities at privately owned plants: No Government financed test facilities will be constructed at a privately owned plant if such facilities duplicate available Government-owned test facilities. Exceptions to the above include: (i) When it can be established that existing Government-owned facilities, regardless of service control, are being used to full capacity, or (ii) that existing Government-owned facilities are inadequate from the standpoints of technical characteristics, workload capabilities, or excessive distance from the development or production source of the weapon or equipment, and (iii) it would be impractical to locate additional capacity at another Government-owned facility.

(7) Cooperative use of Government facilities: The heavy cost and the large land areas frequently required for test and development facilities make it imperative that maximum utilization be made of each facility owned by the Government. Therefore, the following rules will be observed:

(i) Each facility will be acquired in a manner and under circumstances in which the Government's interest is complete and exclusive.

(ii) Each facility will be operated according to a periodically established test program; wherever two or more military departments are engaged in programs involving a particular facility, the test program will be arranged by mutual agreement between the interested departments.

(iii) Under regulations established by the Secretary of the cognizant military department, the technical findings resulting from operation of Government-owned facilities will be the property of the Government and will be made available for such dissemination and use as may, from time to time, be found to be in the interest of the Government.

(8) Prior determinations for common use type facilities: The procuring activity will make the following determination, prior to submitting requests for authority to acquire major common-use type facilities such as airfields, liquid oxygen plants, acceptance test stands, large environmental facilities, nuclear test facilities:

(i) The suitability of other like Government-owned facilities under the control of the Department of Defense, regardless of present occupancy, that are located within a reasonable distance of the proposed site, and the possibility of joint usage.

(ii) The location of the proposed facility is the most suitable for the immediate requirement and the estimated present and future requirement of other contractors, and/or components of the Armed Forces.

(iii) Where a future demand appears probable, provisions have been made in the facility design to allow for suitable expansion if necessary.

(iv) Dispersal criteria or applicability, see subparagraph (4) of this paragraph.

(9) Nonseverable industrial facilities: The construction or installation by the Government of nonseverable structures or industrial facilities on privately owned land is discouraged. Whenever such construction is so located, the Government's investment should be protected according to § 1013.406.

(10) Restricted items: The following items are subject to special restrictions, as follows:

(i) Office and cafeteria equipment: Allowable items of furniture, office equipment, and cafeteria equipment will be provided AF prime contractors operating Government-owned or leased AF plants as required, and may be provided to other contractors operating privately owned or scrambled plants (part Government-owned) only in that quantity which is in excess of the contractor's normal peacetime requirements resulting from his construction, leasing, or otherwise acquiring additional productive floor space. Cafeteria equipment such as tableware, trays, and kitchen utensils are considered expendable and will not be provided under facilities contract. Capital equipment such as stoves, dishwashers, steam tables, and chairs may be provided, as above.

(ii) Vehicles: Provisioning of vehicles will be according to Subpart GG, Part 1015 of this title.

(iii) Nonstandard equipment: Nonstandard equipment such as dollies, racks, trays, platforms, stools, and special tables used for handling, storing, and transporting materials and production components and usually scrapped at the end of supply contracts are not considered capital facilities and are not provided under facilities contracts or leases.

(iv) Special tooling: Special tooling and special inspection gages will not be provided under facilities contracts. Special tooling will include tooling equipment and inspection gages designed for and limited to use in production of the particular production contracted for. Examples are templates, jigs, patterns, fixtures, and punching, forming and drawing dies and tools.

(v) Standard inspection equipment: Standard inspection equipment and hand gages will not be provided under facilities contracts when items or sets are usable in the contractor's regular nonmilitary commercial manufacture.

(vi) Personal equipment: Personal equipment such as flight clothing, parachutes, life vests, uniforms, shoes, helmets, goggles, and microphones will not be provided under facilities contracts.

(vii) Plant equipment with an acquisition cost of $500 or less: Personal property of a capital nature with a unit cost of $500 or less will not be provided under the terms of any facilities, supplies, or services contract; except in those cases where it is clearly demonstrated that (*a*) Acquisition at a contractor's expense is uneconomical under the particular circumstances, or (*b*) it is otherwise determined in the Government's best interest to provide such items. Exceptions under the foregoing criteria will be approved by the Director of Production, AMC Aeronautical Systems Center (LMB), or the Chief, Resource Office, AMC Ballistic Missiles Center (LBEB); or for ARDC contracts the Chief Industrial Resources Office (RDMK–4), as appropriate. The above limitation does not apply to: (*1*) Research and development contracts with educational or other nonprofit organizations, or (2) supplies or services contracts which provide for the acquisition of special tooling requiring component items which if utilized for general plant purposes would be treated as plant equipment.

(viii) General purpose production equipment: Neither general purpose production equipment nor funds to procure them will be provided to contractors by the Air Force except when determination is made that such action is clearly in the best interest of the Government. Such determination may be made if the contractor's proposal is supported by a "Make or Buy" evaluation for each general operation involved, together with supporting justification in the form of acceptable reasons why the contractor is unwilling or financially incapable of providing general purpose machinery and equipment, and is in other respects fully documented. Determination of exceptions will be by Chief, Industrial Facilities Division AMCASC or Director of Resources, AMCBMC, as appropriate. All determinations of exceptions will be fully documented and reported according to AFR 78–16 under reports control symbol AF–E55 as amended. Report submitted will contain the following information:

(*a*) Number of contracts on which exceptions to policy stated above were authorized.

(*b*) Number and dollar acquisition cost of new general purpose items procured as a result of such exceptions.

(*c*) Number and dollar acquisition cost of Department of Defense owned general purpose items provided as a result of such exceptions.

The information necessary to prepare and submit the required report will be furnished by the Commander, AMCASC and AMCBMC to the Commander, WRAMA, who will submit the report according to AFR 78–16.

(11) Rearrangement and reconversion: Cost of rearrangement or relocations of facilities within any plant will not be allowed as a facilities cost but will be considered as a preproduction cost or as normal overhead. Cost of reconverting contractors' facilities to peacetime production including rehabilitation of buildings will not be paid for under facilities contracts.

(12) Diversion: If program changes or availability of equipment in AF equipment reserves necessitates diversion of machinery and equipment on hand, or on order, to another contractor, work up to the point of actual installation by the receiving contractor, will be accomplished, and allowable costs therefor will be reimbursed, under the terms of the losing contractor's facilities contract, and existing purchase orders thereunder, unless authority is granted to supersede the existing purchase order by one issued by the requiring contractor.

(13) Bailment: Facilities will not be furnished under bailment contracts.

(14) Replacement of contractor equipment: No Government-owned machinery or equipment will be used to replace any privately owned machinery or equipment that is currently used on defense production or research and development contract, if the privately owned machinery or equipment is in suitable condition to perform satisfactorily the operations allotted it. Such privately owned facilities are to be kept on regularly scheduled production or research and development contracts.

(15) Government bills of lading: Facilities acquired under facilities contracts will be shipped on Government bills of lading where the Government takes title at the point of origin of shipment. Such facilities, to which the Government has taken title, will not be shipped on commercial bills of lading collect, or otherwise for conversion, unless specifically authorized by the transportation officer-in-charge, commercial traffic officer air procurement district.

(16) Facilities cognizance and responsibility: In plants assigned to the Air Force for procurement responsibility, the Air Force will be responsible for administration, accounting, and any expansion of production facilities. In those plants assigned to other departments which require expansion due to AF production requirements, the Air Force will make funds available to the other department upon request for the AF proportionate share of each facility contract and vice versa in AF assigned plants expanded for requirements of other departments. In plants where procurement responsibility and mobilization and production planning responsibilities are not assigned, expansion will be financed and administered under a facilities contract or lease with the requiring department, unless the contractor has an existing facilities contract or lease with another department, in which case the facilities will be provided and administered thereunder by the other department. Each department will provide, administer, and account for facilities used solely in connection with its research, development, experimental, and overhaul contracts which it issues and fully administers. Exceptions to the above will be made only by agreement between the departments concerned.

(17) Who may issue facilities contracts: Facilities contracts covering AF industrial facilities expansions within the Continental United States will be issued only by LMBI or LBB.

(b) Each procurement contract, facilities contract, lease or other agreement which provides Government-owned facilities, will contain clauses or provisions stating whether the facilities may be used on a charge or no-charge basis (see §§ 1007.2703–12, 1007.2905–5, and 1007.4052 of this chapter, and §§ 1013.402 and 1013.407 of this part). A facilities contract, lease, or agreement under which facilities are held by a contractor will require the periodic payment of a use-charge unless such use-charge is not required according to terms of prime procurement contracts and subcontracts. Where facilities are used without charge, the contract file of the facilities contract, lease, or agreement under which facilities are provided will be documented, by the administering office, to indicate the procurement contracts, subcontracts, or other basis that authorize no-charge use of Government facilities.

2. In § 1013.102–50, the text of paragraph (a) preceding subparagraph (1) is revised as follows:

§ 1013.102–50 Bailments.

(a) Bailment agreements and amendments thereto, issued under the terms and conditions of master bailment agreements will be used to accomplish such bailments except as follows:

* * * * *

Subpart D—Industrial Facilities

§ 1013.403 [Amendment]

In § 1013.403, the word "approval" in line 8 is changed to read "coordination."

Subpart F—Use of Government-Owned Industrial Facilities on Work Other Than for a Military Department

Sections 1013.601, 1013.601–1 and 1013.601–2 are revised as follows:

§ 1013.601 Rental.

§ 1013.601–1 General.

See § 13.601–1 of this title; also Use and Charges Clause, § 1007.2703–12 of this chapter.

§ 1013.601–2 Rental rates.

(a) and (b). See § 13.601–2 (a) and (b) of this title. For portable tools and automotive equipment, rental charges will normally be computed at 25 percent per year based on acquisition cost.

(c) See § 13.601–2(c) of this title; also the Use and Charges Clause, § 1007.2703–12(a) of this chapter. Rental payments (checks) received by contracting officers under facilities contracts will be forwarded for deposit to the appropriate accounting and finance office within 24 hours of receipt. At the time of transmittal, or as soon thereafter as possible; the contracting officer will certify the correctness of the amount of payment and forward such certification to the accounting and finance officer.

Subpart G—Use of Government-Owned Facilities and Special Tooling on Work for Foreign Governments

A new Subpart G is added as follows:

Sec.
1013.700 Scope of subpart.
1013.701 Use without charge.

AUTHORITY: §§ 1013.700 to 1013.701 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1013.700 Scope of subpart.

See § 13.700 of this title.

§ 1013.701 Use without charge.

Requests by a foreign government for rent-free use of AF industrial facilities and special tooling (§ 1013.350) should be forwarded through Director of Procurement and Production, Hq USAF (AFMPP), for consideration and recommendation to the Assistant Secretary of the Air Force (Material) for approval or disapproval. The submission will be prepared by the facilities or procurement office concerned and will contain the following: (a) A copy of the request of the foreign government for such use; (b) a statement that the AF facilities contract,

lease, or supply contract under the facilities or special tooling are provided, authorizes or will be amended to authorize the rent-free use; and (c) statements in compliance with the requirements of § 13.701(b) to (f) of this title.

Subpart U—Adjustment of Discrepancies Incident to the Shipment of Government Property

A new Subpart U is added as follows:

Sec.
1013.2100 Scope of subpart.
1013.2101 Definition.
1013.2102 General.
1013.2103 Discrepancies which do not involve carrier liability.
1013.2103-1 Preparation of AF Form 672.
1013.2103-2 Distribution of AF Form 672.
1013.2103-3 Responsibilities.
1013.2103-4 Reply to AF Form 672.
1013.2104 Carrier liability under Government bill of lading or commercial bill of lading to be converted.
1013.2104-1 Appropriate action for treating the discrepancy.
1013.2104-2 Responsibilities.
1013.2104-3 Preparation of DD Form 46.
1013.2104-4 Distribution of DD Form 46.
1013.2105 Settlement under Government bill of lading as result of carrier's acceptance of responsibility and agreement to repair.
1013.2106 Carrier liability under commercial bill of lading not to be converted.

AUTHORITY: §§ 1013.2100 to 1013.2106 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–139; 10 U.S.C. 2301–2314.

§ 1013.2100 Scope of subpart.

This subpart sets forth procedures to be followed whenever discrepancies occur in connection with the shipment of Government-owned property and outlines the responsibilities of Government personnel and contractors to report, adjust, or settle such discrepancies in the Government's interests.

§ 1013.2101 Definition.

"Discrepancies incident to shipment" include all deficiencies incident to the shipment of Government property to or from a contractor's facility whereby differences exist between the property purported to have been shipped and the property actually received. Such deficiencies include, but are not limited to loss, damage, destruction, improper status and condition coding, error in identity or classification, and improper consignment. Deficiencies in preservation, packaging, packing, and dunnage will be reported. When the deficiency is in quality or specifications of product and is sufficient to warrant initiation of an Unsatisfactory Report, the prescribed procedures will be used.

§ 1013.2102 General.

(a) Government property shipped to a contractor for use in the performance of a contract may be subject to loss, damage, or destruction while in transit from a military installation or another contractor's facility, or may be found upon receipt to differ from that property indicated to have been shipped. Since a contractor is responsible and accountable for only that property delivered to his control or custody, procedures are hereinafter set forth to explain and record the circumstances surrounding a discrepancy and to resolve questions of responsibility including determinations of liability where applicable.

(b) A contractor's approved material receiving and inspection procedures provide for verifying the condition and count or weight of property received and for prompt processing of reports, claims, or adjustments required by discrepancies discovered.

(1) The contractor is responsible for processing the claims and/or adjustments in connection with contractor-acquired property when the shipment has been made via commercial bill of lading not for conversion to Government bill of lading and the discrepancy incident to shipment is determined to be carrier responsibility or when the discrepancy is determined to be the vendor's responsibility.

(2) Government personnel are responsible, as set forth herein, for processing claims and effecting adjustments in all instances of discrepancy incident to shipment of Government-furnished property and in those instances of discrepancy incident to shipment of contractor-acquired property moving on Government bill of lading, or for conversion thereto when the discrepancy is determined to be carrier responsibility.

(3) Under either subparagraph (1) or (2) of this paragraph, Government personnel are responsible for assuring: (i) Protection of the Government's interests in connection with any shortage, incorrect representation, damage, or destruction of Government property, (ii) correction of practices which contribute to or result in general conditions of discrepancy, and (iii) adjustment of related problems or conditions resulting from a discrepancy between consignee, consignor, and/or carrier.

(c) A deficiency incident to shipment of Government-furnished property not exceeding $10 in value, or a damage which does not impair the usefulness of the property or render it unsuitable for use and therefore no repairs are effected, may be determined to be inconsequential by the property administrator and need not be reported under the procedures of this general section.

(d) When the quantity or description of property received by a contractor differs from the quantity or description denoted as shipped on the shipping document, and after inspection of the shipment has established the disagreement to be a fact, only that quantity, or property, received will be recorded on the official property records of the contractor.

(e) The method of adjusting discrepancies incident to shipment will vary according to circumstances surrounding a particular case, as determined by Government personnel involved. The procedures in this subpart will be used in reporting and adjusting discrepancies as appropriate to the nature of each deficiency.

§ 1013.2103 Discrepancies which do not involve carrier liability.

(a) When carload or truckload lots which are shippers load and count arrive with the original seals intact or where packages and/or boxes arrive which are determined to have been packed by the shipping activity with no external evidence of tampering or repacking in transit, any discrepancies disclosed upon receipt are obviously the responsibility of the shipper, provided there are no other circumstances to which the discrepancy may be attributed. When the responsibility for adjustment is with Government personnel as described in § 1013.2102(b)(2), the consignor will be advised of the discrepancy through processing AF Form 672, "Report of Discrepancy," or DD Form 6, "Report of Damaged or Improper Shipment," whichever is appropriate to the nature of discrepancy involved.

(b) AF Form 672 is designed for expeditious economic reporting of discrepancies in a manner permitting prompt correction of conditions at the source of the shipment. A report will not be initiated solely for the correction of obvious and minor typographical errors when it is plain that such errors do not constitute a misrepresentation of the property being shipped. If the nature of the discrepancy is such that proper adjustment involves both the shipping and receiving activities, a request for reply will be stated in the report pursuant to instructions set forth in § 1013.2103–4.

§ 1013.2103–1 Preparation of AF Form 672.

When AF Form 672 is prepared, a separate AF Form 672 will be prepared for each shipping document which involves line items under the following conditions:

(a) When the value of the shortage or overage on an individual shipping document exceeds $10.

(b) When the condition or status of an item is determined to be other than that indicated on the shipping document and/or pertinent tags.

NOTE: The standards for status or condition coding are not so precise that a minimum area of personal judgment is entirely precluded. In some cases a slight variance will be possible due to the normal and logical difference of opinion exercised in the shipping as opposed to the receiving inspections. The report will not be initiated unless it is plain that the incorrect status or condition coding results from obvious error in, or failure to perform, the shipping inspection.

(c) When the identity or property classification of any item is found to be other than that indicated on the shipping document and/or pertinent tags.

(1) When a difference in identity or classification is clearly the result of a newly revised catalog, technical order, or other published instructions, the discrepancy will not be reported unless the following two conditions are present:

(i) The shipment is from another AF activity or is the end item from the contract of a shipping contractor.

(ii) The following periods of time have elapsed since the introduction of the revision so that the shipping activity could have incorporated the change in its records: (*a*) 30 days for an AF activity and (*b*) 60 days for a contractor's activity.

(d) When it is found that the shipment, or any part thereof, is erroneously consigned.

(e) Where the unit price is omitted from the shipping document.

§ 1013.2103–2 Distribution of AF Form 672.

Distribution of AF Form 672 will be as follows:

(a) When a discrepant shipment is received from an AF activity or another Government agency:

(1) The original and duplicate will be forwarded to the consignor.

(2) The triplicate copy will be attached to and filed with appropriate receiving document in the official contract records.

(b) Reports covering shipments from the contractor will be distributed as outlined in paragraph (a) of this section, except that the original and duplicate copy will be forwarded to the ACO for the shipper's contract.

§ 1013.2103–3 Responsibilities.

(a) *At the consignee's activity.* (1) The property administrator at the consignee's activity will assure that the action prescribed herein, with respect to the adjustment of discrepancies incident to shipment, is accomplished. He will collaborate with the AF quality control representative and responsible contractor personnel in the preparation and distribution of AF Form 672. Although this latter action is a collective effort, the preparation and distribution of AF Form 672 is the responsibility of the AF quality control representative or of the activity designated by the chief, air procurement district, or AF plant representative.

NOTE: If the Air Force does not have quality control cognizance for the consignee activity, or for various reasons an AF quality control representative has not been assigned, this responsibility will automatically revert to the AF property administrator.

(2) If conditions require, and request has been made for, reply to AF Form 672, AF personnel responsible for the preparation and distribution of the report (see subparagraph (1) of this paragraph) will take followup action when reply has not been received within 30 days from the date of distribution.

(3) The property administrator and the quality control representative at the consignee's facility will collaborate to assure that actions found necessary as result of reply from the consignor activity are accomplished. Since the reply may require one or more actions of varied nature, it is not possible to specify responsibility herein other than requiring joint review and determination of action, and determination, at that time, as to personnel responsible for the closure action on the basis of type of action required.

(b) *At the consignor's activity.* (1) The AF representative will require conformance with the procedures of this general section towards the prompt adjustment of any discrepancies in shipment reported against a contractor under his cognizance.

(2) The ACO will have the responsibilities described in Part 1064 of this chapter for the adjustment of discrepancies reported against a contract assigned to him for administration. The responsibility for replying to the activity initiating the AF Form 672, and requesting reply, will be with the ACO.

(i) If proper adjustment of the discrepancy reported requires investigation, or other action, on the part of other AF personnel (such as the property administrator, the quality control representative, or the production specialist), the report will be referred to that person for investigation, action, and report to the ACO.

(ii) The ACO's finding of fact will be recorded on the retained copy of AF Form 672, or as an attachment, after necessary investigation of the circumstances and conditions surrounding the discrepancy has been accomplished. The details as to method of adjustment of the discrepancy (correction of shipping documents, shipment of articles to overcome shortage, credit for an overage, etc.) will be noted and properly referenced in the findings.

(iii) When a discrepancy is reported in connection with the identity or property classification of any end items on a contract (see § 1013.2103–1(c)) and investigation discloses that shipment was correctly made according to the contract, the original copy of the report will be noted, "Shipping documents correctly describe articles as per contract." The original copy will then be forwarded to the prime depot for the property class involved. The duplicate copy will be noted, "Shipping documents correctly described articles as per contract. Prime depot notified." The duplicate copy will then be returned to the activity that initiated the report.

(3) The property administrator is responsible for the adequacy and completeness of the contractor's property control system, and for property transactions occurring under contracts to which he has been specifically assigned. AF Form 672 reporting discrepancies that are the result of failures or inadequacies in the property control system will normally be referred to the property administrator for investigation to confirm or refute the condition reported. When an AF Form 672 has been referred to a property administrator for investigation, the quality control representative will collaborate in the investigation and development of findings and recommendations to the extent necessary for establishment of the complete facts and advice to the ACO as to the contractor's responsibility.

(i) When the results of the investigation disclose questionable practices on the part of contractor's employees, or weakness in the contractor's property control system, appropriate action will be taken to correct the unsatisfactory condition.

(ii) When the investigation indicates a possible contractor liability or discloses a question of contract performance, the facts developed will be assembled and submitted, together with recommendations, to the ACO for appropriate action.

(4) The quality control representative is responsible for the adequacy and completeness of the contractor's quality control system, including his shipping practices. AF Form 672 reporting discrepancies that are the result of failures or inadequacies in the quality control system (such as status and condition coding, identification or classification of property, etc.) will normally be referred to the quality control representative for investigation. When an AF Form 672 has been referred to a quality control representative for investigation, the property administrator will collaborate in the investigation and development of findings and recommendations to the extent necessary for establishment of the complete facts and advice to the ACO contractor's responsibility.

§ 1013.2103–4 Reply to AF Form 672.

(a) As indicated in § 1013.2103(b), requests for reply to an AF Form 672 will be confined to those required for the proper adjustment of matters which involve both the shipping and receiving activities.

(1) Normally, no request for reply will be made for discrepancies disclosed in shipments originating with AF activities.

(i) Overages in shipments from AF activities will be retained by the receiving activity, if further requirement for such overages exist, unless return is directed by the AF activity upon receipt of AF Form 672. If there is no known requirement for the overage or retention thereof results in quantities in excess of contractual authorization, such excesses will be automatically returned to the shipping activity.

(ii) No action will be taken by the AF shipping activity to supply items reported as short. If such items are still required, requisitions will be submitted through normal channels.

(iii) Wrong and/or unsatisfactory articles will be considered as simultaneous overages and shortages and processed in the manner prescribed in subdivisions (i) and (ii) of this subparagraph.

(2) When an AF Form 672 is prepared in connection with shipments originating at other than AF activities, a request for reply will be required under the following conditions:

(i) When an overage in shipment creates question as to whether the quantity excess to that purported to have been shipped should properly be retained by the receiving activity or whether the overage should be returned to the shipper.

(ii) Where a shortage in a shipment creates an unsatisfactory condition at the receiving activity wherein anticipated requirements cannot be met with stock on hand. Such condition establishes necessity for determination as to whether the shortage will be adjusted by subsequent shipment, or whether an additional quantity must be requisitioned or procured.

(iii) Receipt of wrong or unsatisfactory articles creates the necessity for information as to method of replacement of the articles, and disposition desired of the wrong or unsatisfactory articles.

(3) Request for reply will be stated in all instances where the AF Form 672 is prepared pursuant to § 1013.2103–1(e).

(b) When after investigation of the discrepancy reported on AF Form 672, the ACO determines that the discrepant shipment, or any part thereof, should be returned to the contractor for repair, rework, modification or replacement, the reply to the reporting activity will be made on the reverse of the AF Form 672 and will be prepared according to the following:

(1) The reply will be specific as to the quantity and description of property being approved for return to the contractor.

(2) Complete instructions will be furnished as to the method of return shipment and the name and address to which the shipment is to be consigned.

(3) The industrial property account identification and control number to which the shipment is to be made will be indicated.

(4) It will be instructed that the following notation be placed on the return shipping document:

Shipped for ---------- (Repair, rework, modification, replacement, etc.) ---------- at no cost to the Government. Rejection No. AF 33(600)–12345–R1.

The rejection number will consist of the contract number followed by a suffix indicating the sequence number of the discrepancy transaction.

(c) Concurrent with the reply action described in the foregoing, a copy of the reply will be furnished to the property administrator assigned to the contract under which the original discrepancy was made, or if no property administrator has been assigned, to the chief of the industrial property division at the AFPRO or APD having cognizance of the contractor, for assignment of a property administrator.

(d) Upon receipt of the notification indicating that the return shipment of rejected property has been approved, the property administrator will establish a control file identified to the Rejection Control Number.

§ 1013.2104 Carrier liability under Government bill of lading or commercial bill of lading to be converted.

§ 1013.2104–1 Appropriate action for treating the discrepancy.

When a commercial carrier fails to deliver all the packages of property listed on a bill of lading or when the property is not delivered in the same condition as when accepted by the carrier, the responsibility is obviously that of the carrier. Under such circumstances, the discrepancy will be adjusted by accomplishing DD Form 46, "Report of Survey (Discrepancies Incident to Shipment of Materiel)." This instrument will be processed as described herein, to determine liability, if any, of the carrier and to effect an equitable adjustment in transportation charges, where appropriate.

(a) Discrepancies can occur in connection with shipments moving via parcel post, Government truck, or other types of Government transportation. Such discrepancies will not require adjustment by Report of Survey action unless in the opinion of the receiving officer there is evidence of fraudulent or illegal disposition of the property. In the event such an unusual discrepancy occurs, a DD Forma 200, "Report of Survey," will be prepared. Although the DD Form 200 differs from the DD Form 46, in format, the same procedures of case investigation and development will be inserted in the appropriate spaces of the DD Form 200. Four copies of DD Form 200 will be prepared. The original and two copies will be furnished to the cognizant AMA and one copy will be retained by the property administrator as a suspense document.

(b) When a discrepancy occurs in connection with a shipment made on a commercial B/L indicated for conversion to Government B/L at destination: (1) The conversion will be made, (2) the notation of discrepancy will be placed on the Government B/L, and (3) the Report of Survey will then be prepared.

(c) If the carrier accepts full responsibility for the damage and agrees to bear full costs of repair of the property, the procedures of § 1013.2105 may be used in lieu of initiating a Report of Survey.

(d) When a shortage in a shipment or damage to Government property received creates a problem in connection with the contract for which the property was requisitioned or procured, the AF representative will determine an appropriate course of action to be taken to preclude any production delay or stoppage. Such actions will be considered as separate and without effect upon the course of settlement under the Report of Survey proceedings, or any determination of liability of the carrier resulting therefrom.

§ 1013.2104–2 Responsibilities.

(a) The accumulation of all facts and evidence necessary to support the Report of Survey will be a collective effort on the part of the property administrator, quality control representative, and interested contractor personnel. It will be the responsibility of the property administrator to insure proper preparation and distribution of DD Form 46.

(b) The AF representative is responsible for the examination of all DD Forms 46 and 200 originating at an activity under his administrative jurisdiction, to assure completeness, accuracy, and compliance with these instructions. Where discrepancies in shipment involving carrier liability are in excess of $500, the AF representative will appoint an individual to serve as surveying officer for the purpose of conducting an impartial investigation of the facts and circumstances pertinent to the case. Otherwise, a surveying officer will be appointed only if evidence in a DD Form 46 or DD Form 200 is conflicting or not sufficiently complete to afford a clear understanding of the data presented, or the AF representative determines such action necessary. The AF representative will exercise due care in selecting a surveying officer, who may be either a commissioned officer or civilian employee, and he will insure that the individual appointed is competent to conduct investigations required.

(c) In accomplishing the administrative review, the AF representative will insure that there are no uninitialed changes, erasures, or interlineations to cause doubt as to the authenticity of any statement in the report. All Reports of Survey will be entered on AF Form 453, "Reports of Survey Register," and the number assigned to the report will be entered in the lower right hand corner on the face of the DD Form 46. The AF representative may return a DD Form 46 or DD Form 200 to the individual who initialed the report, or to the surveying officer, when appointed, for correction, further investigation, or more detailed evidence.

(d) The surveying officer is responsible for making such impartial investigation considered necessary by him to establish the facts in connection with a discrepancy in shipment or according to specific instructions of the AF representative. Individuals who act as surveying officers should thoroughly acquaint themselves with recognized industrial receiving and shipping practices to determine more readily the facts of a particular case. The performance of an investigation will depend upon individual circumstances and the judgment of the surveying officer. Surveying officers will consider carefully the extent of their investigations and refrain from compiling voluminous reports, affidavits, certificates, etc., which do not have a direct bearing on placing responsibility for the discrepancy. They are similarly responsible in assuring that their findings are sufficient in coverage to provide higher headquarters a complete understanding of the facts in the case and specify those factors on which he based his recommendation.

§ 1013.2104–3 Preparation of DD Form 46.

(a) DD Form 46, "Report of Survey (Discrepancies Incident to Shipment of Materiel)," has been designed for use in reporting loss, damage, or destruction of Government property while in the custody or control of a carrier and such shipment is accomplished under a Government bill of lading (GB/L) or a commercial bill of lading for conversion at destination. In the demonstration and control of industrial property, it is used in determining the liability of the carrier and to effect equitable adjustment in transportation charges. Normally, the DD Form 46 will be prepared in quadruplicate. Where the shipment involves reimbursement between the Air Force and another Government agency, an additional copy will be prepared for the information of the office responsible for billing or certifying payment to the agency concerned.

(b) Normally, DD Form 46 will be prepared and processed within 30 days from the date the bill of lading, bearing a discrepancy notation, is released to the carrier. In this connection, the following subparagraphs apply:

(1) Report of Survey covering loss by reason of nondelivery of a portion of a shipment will be prepared and forwarded immediately upon accomplishment of the GBL. However, it is permissible to withhold accomplishment of the GBL for a period of 30 days after receipt to give the carrier opportunity to complete delivery. When no part of a shipment made on a GBL is received within 30 days, a Report of Survey will be initiated for the entire shipment.

(2) Reports of Survey covering damages will be initiated as soon as possible after inspection and accomplishment of the GBL, regardless of whether repair or disposition has been completed. Unless repairs are made immediately, the Report of Survey should be processed on the basis of estimated repair costs, subject to amendment after actual valuation of the transit damage. In such cases, a statement will accompany the report giving the approximate date actual amounts will be available. When estimated costs are used such estimates should be furnished in the same breakdown formula as prescribed for actual costs in paragraph (e) (5) of this section.

(3) If no repair action is contemplated, complete details will be furnished explaining why it is in the best interests of the Government not to accomplish the repairs. Qualified AF personnel, those persons basically responsible for the item involved, with the agreement of the freight claim agent of the destination carrier will estimate the transit damage when: industrial machinery or equipment (which is moved to or from a contractor's plant or to a Government storage facility) is damaged in transit if the Air Force determined that the equipment is to be disposed of by plant clearance, scrapped, or cannibalized, for reasons other than the transit damage and if there is no valid reason for the material or equipment to be repaired and then scrapped. The foregoing will be considered a joint agreement of the amount of transit damages involved and not necessarily an admission of liability.

(4) The manner by which the Government's damages will be measured is determined by principles of law. The measure of the damages suffered by the Government and ascertaining the amount of damages sustained are matters of fact which must be supported by evidence and so proved. The Report of Survey submitted as the basis of a claim for damages to public property resulting from negligence must establish both the fact of the injury and the negligence of the person or persons concerned. In addition, evidence must be submitted to establish the amount of the claim for damages according to the following criteria:

(i) Lost or destroyed property: Amount to be charged for property, lost or destroyed, is the market value of the property immediately before the loss.

(ii) Irreparably damaged property: Amount to be charged for property irreparably damaged, is the market value of the property immediately before the injury, less any salvage value.

(iii) Reparable property: Where property is damaged and can be repaired, the measure of the damages is the difference in the market value of the item immediately before the injury and the market value of the damaged property immediately after the injury, together with reasonable expense incurred by the Government to preserve the property or minimize the damage. The difference in value is generally the standard of measure of the Government's loss and such difference in values can be evidenced by the cost of repairs necessary to restore damaged property to the condition that existed immediately prior to the injury. However, the Government is not entitled to the full value of repairs, where such repairs make the property more valuable than before the injury. Hence, the reasonable cost of repairs used to evidence the degree of transit damage should exclude any costs which cover rebuilding, overhaul, or modernization of the property or any other cost factors which in any way increase the value of the property over the value that existed before the injury.

(iv) Market value: Where property is not instantly salable upon an exchange at a standard price, the market value to be established is the estimate of what a willing buyer would have paid a willing seller for the same property in the same condition. The market value of property may be proved by opinion evidence of those who are familiar with the selling prices of property at the particular time and place, or by price lists and market reports proved to be generally relied upon in the trade. In cases of transit damage or shortage, the market value will be that which prevails at the time and place of delivery. In the absence of market value at the place of delivery or injury, the nearest available market may be utilized.

(v) Property having no market value: When the property lost, damaged, or destroyed has no market value, the value of such property may be shown by the cost of reproducing or replacing it, less depreciation and salvage value, if any.

(5) If extenuating circumstances preclude submission of a Report of Survey within 30 days after the bill of lading was accomplished with a notation of the shortage or damage, a notice of delay (letter) will be sent to the Settlements Division, Air Force Accounting and Finance Center (AFAFC), 3800 York Street, Denver, Colorado, furnishing information regarding the delay and the date it is expected the report will be forwarded through channels. If the submission of the report is delayed beyond the expected date furnished, a second notice will be submitted to AFAFC. The above responsibility devolves upon each echelon of organization and command involved in the survey action.

(c) Where a bill of lading bearing a discrepancy notation has been released and the property administrator or quality control representative determines that the responsibility is other than that of the carrier, AF Form 672 or DD Form 6, whichever is appropriate, will be prepared in lieu of DD Form 46. The property administrator will advise the AFAFC, by letter reading as follows:

Reference is made to Government bill of lading No. ------ dated ---------- covering (describe property). After appropriate investigation of all the facts and circumstances surrounding the noted discrepancy, it has been determined that no responsibility rests with the carrier. Therefore, no Report of Survey action is necessary and adjustment is being effected through completion of AF Form 672 or DD Form 6 (whichever is appropriate).

(d) DD Form 46 (July 1, 1956) is arranged to require a minimum of detailed instructions. Items requiring further clarification are as follows:

(1) Item 4. Insert shipping point.

(2) Item 5. Insert date DD Form 46 initiated.

(3) Item 6. Insert address of office administering the contract from which shipment is made, if applicable.

(4) Item 7. Insert contract number and/or purchase order number under which shipment is procured, if any.

(5) Column A. Standard nomenclature will be used including the manufacturer's serial number, if applicable. In event of damage the major unit will be described including AF serial number where applicable and not the damaged components. A separate list of damaged components normally will be included in the exhibit pertaining to the cost of repair statement.

(6) Column B. Include both quantity and unit of measure.

(7) Column C. Include original total cost obtained by multiplying the unit cost (not entered on form) of each listed item by quantity. In determining cost to be entered in this column, no allowance will be made for depreciation. Any computation for the amount of damage will be shown in the report of the surveying officer, when appointed, or the property administrator on the reverse of the form or in a detailed analysis sheet filed as an exhibit. After the price, specific reference will be made to the source. Information on the price to be charged will normally be obtained from the pertinent shipping document, supply catalogs, contractor's records, or trade journals. If such price is not available, a reasonable estimate will be used in which the abbreviation "est" will be entered after the price.

(8) Column D. Enter the weight of each short or damaged item. The total of the column should correspond to the weight as shown in the discrepancy notations on the bill of lading. With regard to damaged and reparable items, weight discrepancies will normally include only the weight of the parts or components required to be repaired or replaced.

(9) Column F. Enter the serial number of the boxes, bales, etc., short or damaged.

(10) Item 9. Include the letters prefix and the serial number of the bill of lading.

(11) Item 13. Complete according to data shown in item 12.

(12) Item 28 through 36. Enter all information called for when shipment comprises or was accepted by the carrier as a truckload moving under seal, a carload shipment, or when exclusive use was made of the car at request of the shipper or at the carrier's convenience. Otherwise, enter the letters "LCL" (less than carload lot) or "LTL" (less truckload) as conclusive evidence that this section has been considered. If no seal number, check in item 28, "flat or open car."

(13) Item 37. Do not use—reserve for office taking final action on report.

(14) Items 40, 41, and 42. Do not leave blank. Always include the requested information.

(15) Items 43 and 44. If no surveying officer is appointed, the AF representative will indicate his action in Action A or Action B, whichever is appropriate. If the AF representative desires to expand his remarks, they may be continued in item 46 below.

(16) Item 45. The appointment of a surveying officer will be indicated under Action C, by inserting the name and designation of the individual appointed. The disposition of the damaged property will likewise be indicated. When the property is a total loss, indicate "disposition to be obtained from (insert activity and office code)," "shipping instruction No. _____," or "turned over to carrier." Further, when damaged property is a total loss and action is taken under item 43 or item 44 above, the appropriate notation of disposition will be shown under the pertinent item.

(17) Item 46. The AF representative will complete this item when the loss or damage is less than $500 and a surveying officer is not appointed. However, if it is desired, the AF representative may appoint a surveying officer in any case under $500. Only a brief summary is required and should include a positive statement of the basis for conclusion of the carrier's liability. (See § 1013.2104–2 (d).) Exhibits submitted will be listed alphabetically giving the title of each. Include the name of the carrier responsible for the discrepancy and the address of the home claim office.

(18) Item 47. Date and approval of the AF representative. The AF representative may approve Reports of Survey as submitted to him without comment other than the word "approved", which will be a concurrence of the surveying officer's findings. If he does not approve the recommendations of the surveying officer or wishes to add a new recommendation, the AF representative may do so in any available space on the back of the form, provided the reason for such action is stated. His signature and designation will be shown immediately below the entry.

(e) Exhibits to DD Form 46 should be provided only to the extent necessary to effect settlement of a particular case. Normally, one affidavit or disposition will be sufficient to establish a fact or refute an allegation. Originals of substantiating documents will be submitted in support of the original DD Form 46, except where copies are authorized below. Only copies produced by photographic or other permanent method of reproduction are acceptable. The GB/L number involved will be conveniently and legibly inserted on the face of each exhibit. Exhibits attached to the original DD Form 46 will include the following:

(1) Two true copies of the Government bill of lading, including discrepancy notation on reverse side.

(2) Certified true copies of the freight bill or delivery receipt showing any discrepancy notation and signature.

(3) A signed statement of the carrier's local agent (carrier's inspection report) admitting existence of the shortage or damage. It will be noted that this is not an admission of liability. If within 2 weeks after it is requested, the statement is not received from the carrier, a tracer letter will be sent. If at the time the Report of Survey and all other exhibits are ready for submission to higher echelon and answer is still not forthcoming, the pertinent exhibit copies of correspondence will be so noted. The processing of a Report of Survey will not be delayed because of nonreceipt of this statement from the carrier.

(4) A signed statement of the receiving checker containing:

(i) Bill of lading number.

(ii) Number of packages, etc., received.

(iii) Condition of packages, etc.

(iv) Statement as to cause of damage, if known. Otherwise, a reliable opinion based on circumstantial evidence.

(v) Complete description of shipment.

(vi) Identity of car or vehicle from which shipment was checked.

(vii) Date car or vehicle was placed for unloading.

(viii) Record of seals on car or vehicle at origin and destination and whether applied by shipper and/or carrier. If shipment moved as "LCL" or on an "open" or "flat" car, so indicate.

(ix) Date and time unloading was commenced and completed.

(x) General condition of car or vehicle.

(xi) Adequacy of blocking and bracing.

(xii) Circumstances involving discovery of damage.

(xiii) In event of shortage, information as to method of checking used, i.e.: whether by stroke, tally, box number, etc.; where checking was accomplished; and whether the car or vehicle was left unguarded and unlocked while being loaded.

(xiv) Copy of any DD Form 6, "Report of Damaged or Improper Shipment," prepared in connection with the shipment.

(xv) In damage cases involving loading, bracing, or blocking defects, a statement should be obtained from the shipper describing: (*a*) Conditions under which loading, bracing, blocking, and inspection took place, (*b*) whether the carrier or shipper performed such functions, (*c*) whether the property that was subsequently damaged was open to ordinary observation at the time of inspection, and (*d*) whether the packing, loading, bracing, and blocking was according to the terms of a contract, rules of American Association of Railroads, American Truckers Association, or Interstate Commerce Commission. The shipper should be requested to furnish all information other than self-serving statements to assist in determining liability.

(5) Two copies of detailed cost breakdown of actual cost of repairs. "Actual cost of repairs" is that cost applicable to the transit damage only. In this connection the following information is required:

(i) Labor hours and rate per hour.

(ii) Cost of material and parts used with unit costs.

(iii) Credits allowed for salvage and replaced parts.

(iv) Overhead unless this is included in the labor rate.

(v) Transportation to and from a repair activity. (Obtain copy of waybills.)

(vi) Other costs. (Packaging, etc.)

(6) Evidence of local or carriers salvage when an item is damaged beyond economical repair. (Classified property will not be turned over to a carrier. Salvage or destruction of such property will be carried out according to §§ 805.1 to 805.17 of this chapter.)

(7) Copy of the shipping document together with packaging data substantiating any property shortage. The shipping officer's voucher number should be inserted in item 17, DD Form 46.

(8) In event of delay in processing DD Form 46, copy of letter submitted to the Settlements Division, AFAFC, as required under paragraph (b) of this section.

(f) Concealed loss and/or damage: (1) When shortages in, or damages to, a shipment are not revealed at time of delivery but are subsequently disclosed as carrier responsibility prior to surrendering the bill of lading, the carrier will be notified at once and requested to inspect the physical evidence of loss or damage. Immediate action will be effected to obtain the following in support of the DD Form 46:

(i) Copy of the carrier's inspection report.

(ii) Accomplish carrier's concealed loss and damage form.

(2) If loss or damage is discovered after the bill of lading has been accomplished and surrendered to the carrier, procedure will be as in subparagraph (1) of this paragraph, but the notice will be in writing referencing the bill of lading number involved and itemizing the lost or damaged property, including complete information of weights and value.

(g) Disposition of property damaged beyond economical repair: When the damage reported is determined of such extent that the property is beyond economical repair and disposal action is appropriate, the property administrator at the receiving activity will obtain a signed statement from the staff judge advocate servicing that activity, indicating the Report of Survey Case is legally sufficient to support any litigation and that the physical presence of the damaged property is no longer required as evidence. This statement will be retained with the file pertaining to the Report of Survey. In the case of industrial reserve equipment, the statement will be processed pursuant to existing regulations.

(h) Accounting classification: It is required that DD Form 46 cite the accounting classification to be credited prior to submission of the Report of Survey to the AF Accounting and Finance Center, MSAF, Denver, Colorado. This citation is the responsibility of the PIC office having fiscal administration of the contract(s) involved.

§ 1013.2104–4 Distribution of DD Form 46.

Upon completion of the DD Form 46, all copies will be submitted to the AF representative for his action or the appointment of a surveying officer, if appropriate. Where a surveying officer is appointed, all copies of the DD Form 46 will be forwarded to him by the AF representative. Upon completion of action by the surveying officer, all copies will be returned to the AF representative for completion (see § 1013.2104–3(d)(19)) and distribution as follows:

(a) *Original and triplicate.* Submit through the appropriate PIC office for accounting classification to the Settlements Division, Air Force Accounting and Finance Center, Denver, Colorado. After final action has been accomplished by the Settlements Division, AFAFC, the triplicate copy will be returned to the initiating activity for the official contract records, after which the duplicate may be removed and destroyed.

(b) *Duplicate.* Normally this copy will be attached to and filed with the pertinent shipping document.

(c) *Quadruplicate.* Retained in the office of the AF representative with permanent files of DD Form 46 processed by that activity.

§ 1013.2105 Settlement under Government bill of lading as result of carrier's acceptance of responsibility and agreement to repair.

Procedures set forth in this section may be followed in lieu of action by Report of Survey, when the authorized agent of the delivering carrier accepts liability for damage to Government property and agrees to restore same at no cost to the Government. Caution: Truck drivers, freight agents, etc., may not be authorized agents and acceptance of liability from such persons can be considered as not binding upon the carrier and may be later disclaimed. The procedure in this section will not be used in connection with classified articles referred to in §§ 805.1 to 805.17 of this chapter.

(a) *Repair, or arrangement for repair, by carrier.* When the authorized agent of the delivering carrier admits liabilities, in writing, for damage to Government property and states a willingness to repair, or to arrange for the repair of the property, the property administrator will determine through consultation with the contracting officer whether such an arrangement is feasible. If it is determined that repair by the carrier is in the best interests of the Government, the property administrator will notify the carrier that the Government has no objections to such a course of settlement. In such transactions, the following controls will be applied:

(1) The bill of lading will be indorsed with a notation that the damaged item was retained by the carrier pending delivery in good order. Such notation will be made even though shipment is physically delivered.

(2) If the carrier removes the property from the consignee's possession to transfer to another place of repair, a receipt in duplicate, completely describing the article being moved, will be obtained by the property administrator, regardless of whether or not the bill of lading has been relinquished. Where the nature of property, or the extent of damage will require the use of specialized repair contractors to accomplish repairs in acceptable manner and according to exact specifications, the carrier will be advised of such requirements and recommend approved sources. Recommendation of source does not waive the Government's right to inspection and acceptance.

(3) If arrangements for repair are made between the carrier and the consignee (contractor), AF personnel will not enter into such negotiations but the property administrator will obtain from the contractor a written statement indicating that full reimbursement for the repairs will be made by the carrier to the contractor, and that no costs, direct, or indirect, will revert to the Government.

(4) A suspense account will be established by the property administrator to insure documentation of the transaction and followup to obtain return of the repaired property within agreed time limits. Since responsibility for the property rests with the carrier (under the delivery contract, B/L) pending satisfactory delivery, no contractual authority other than reference to the bill of lading will be required.

(5) Upon completion of the repairs, acceptance of the property will be subject to the acceptance procedures of the Government.

(6) Upon satisfactory delivery and acceptance, the property administrator will furnish detailed advice to the Settlements Division, Air Force Accounting and Finance Center, 3800 York Street, Denver, Colorado, indicating: (i) That repairs were satisfactorily made and (ii) that the Government bore no costs thereof, thereby clearing the indorsement of exception previously placed on the bill of lading.

(7) If the carrier cannot arrange for the necessary repairs, or does not desire to do so, a Report of Survey will be initiated.

§ 1013.2106 Carrier liability under commercial bill of lading not to be converted.

(a) *General.* When the provisions of § 1007.4004 of this chapter are in a shipper's contract, Government property (up to prescribed weight limitations) may be shipped on a prepaid commercial bill of lading. Such bills of lading are not intended for conversion and the processing of claims for loss or damage is the responsibility of the consigning contractor.

(b) *Responsibilities of Governmental personnel.* (1) After collaboration with quality control and contractor personnel, the property administrator at the consignee's activity will send all facts and evidence necessary to the support of a claim, to the consigning contractor through the office of the administrative contractor officer for the consignor.

(2) In the case of shipments consigned to the AF activities, the transportation officer at the receiving station will send all facts and evidence necessary to the support of a claim, to the consigning contractor through the office of the administrative contracting officer for the consignor.

(3) The administrative contracting officer for the consignor's contract will maintain followup necessary to insure that the claim is satisfactorily processed and concluded, and that proper credit or adjustment is made in the Government's interest.

Subpart X—Facility Expansion Procedure

1. Section 1013.2401 is revised as follows:

§ 1013.2401 General.

Facility expansion projects fall into two general classes—facilities leases and facilities contracts. Facilities leases normally are used where only existing industrial facilities are to be furnished to a contractor or supplier. Facilities leases are not authorized when the contractor is to be reimbursed for facilities costs unless approved by the Secretary. Facilities contracts are used whenever the contractor is to be reimbursed for facilities costs.

2. In § 1013.2401–1, that part of paragraph (a) preceding subparagraph (1), and paragraph (c), are revised as follows:

§ 1013.2401–1 Delegation of authority.

(a) The Commander, AMC, has been authorized to exercise those approvals of projects for expansion (acquisition, construction, rehabilitation, major repairs) of industrial production facilities, where the estimated cost will not exceed $500,000. The Commander, AMC, has redelegated this authority to the Director of Procurement and Production, Hq AMC, and the Commander, AMC Aeronautical Systems Center, without power of further redelegation. The exercise of this authority as well as any other action with regard to the expansion of industrial facilities will be subject to the following conditions and limitations:

* * * * *

(c) Previous delegations pertaining to the ICBM and IRBM No. 1 Programs will not be affected by the provisions contained herein; nor will any subsequent delegation specifically pertaining to those programs be governed by the provisions contained herein.

§ 1013.2402 [Amendment]

3. In § 1013.2402(d), subparagraph (3) is deleted.

§ 1013.2403–2 [Amendment]

4. In § 1013.2403–2:

a. The material in 32 CFR, 1958, Supp., page 694, published as (o) (4) to (8) should be (p) (4) to (8) as in 23 F.R. 1481, March 1, 1958.

b. Paragraph (r) is revised and a new paragraph (s) is added, as follows:

(r) Facilities clause: Where applicable, quote the facilities clause in the procurement (end item) contract which refers to the facilities to be provided. Also give procurement contract number and date effected or anticipated date of procurement contract coverage.

(s) Royalties charge data: Applications for facilities which contemplate an expenditure estimated to be in excess of $10,000 and the payment of a royalty charge in excess of $250 will contain the information required by § 1003.101–

§ 9(f)(1) of this chapter. All facilities applications of an estimated cost in excess of $10,000 for which royalties are estimated at less than $250 will contain a statement of that fact. In applying this provision only royalties to be reimbursed under the facilities contract or other contract under which the facilities are to be provided will be considered.

Subpart CC—Limited Power of Attorney for Procurement From GSA or FSS Contractors by AF Contractors

1. The title of Subpart CC is revised as shown above.

2. Section 1013.2903 is revised to read as follows:

§ 1013.2903 Procedure.

When office furniture and equipment must be supplied under a facilities contract or a facilities clause of a supply or service contract and cannot be furnished from excess, it must be purchased under the Limited Power of Attorney set forth herein. Compliance with 40 U.S.C. 483(b) will be made by purchase from GSA or by securing a release from that agency prior to purchase. Such release, to purchase from sources other than GSA, will be in writing and will be retained in the contract files of the ACO authorizing the purchase.

(a) *Limited power of attorney.* AF contractors designated by the Facilities Contracting Officer, LMBI, LBB, or RDSKR, to make procurements under the provisions of this subpart will be given a limited power of attorney (see § 1013.2903–1 for form) by the contracting officer authorizing the contractor to (1) issue purchase orders for the procurement of mandatory items and office furniture or equipment from GSA or from an FSS contractor; (2) issue tax exemption certificates in lieu of payment of certain state and other taxes.

(b) *Supply schedules and catalogs.* AF contractors given this limited power of attorney by the contracting officer should secure a copy of the required Federal Supply Schedules and Catalogs from the nearest GSA regional office to enable them to properly utilize the property sources made available to them.

(c) *Purchase order forms.* In submitting purchase orders to the GSA or FSS contractors, the AF contractor will use his regular purchase order form and place the order in the name of the U.S. Government (Department of the Air Force) by the contractor as agent. For example:

U.S. GOVERNMENT (DEPARTMENT OF THE AIR FORCE)

By: Richard Doe and Company
(Signature) ----------
(Title) ----------

The following statement will be included on purchase orders submitted to GSA or FSS contractors:

This order is placed by Richard Doe and Company as agent for and on behalf of the U.S. Government (Department of the Air Force) under Contract No. ------ for furnishing the above property or equipment.

Purchase orders issued according to this subpart will bear instructions to bill and forward the invoices to the purchasing AF contractor. The AF contractor will make payment and request reimbursement in the usual manner.

(d) *Typewriters.* Before submitting purchase orders for manually operated typewriters to FSS contractors, the AF contractor will obtain a certificate of unavailability from the nearest GSA regional office. Upon issuance thereof by GSA, the AF contractor will add the following statement to that required by paragraph (c) of this section on the purchase orders.

This order is covered by General Services Administration Certificate of Unavailability No. TC ------

(e) *Taxes.* All purchases made by the AF contractors under Limited Power of Attorney as provided for herein are to be made exclusive of the same taxes as would be the case if the purchase were made by an AF contracting officer direct. Assistance in tax problems will be provided by the appropriate staff judge advocate's office.

Subpart DD—Leasing of Machinery and Industrial Equipment

Section 1013.3002(c) is revised to read as follows:

§ 1013.3002 Delegation of authority; leases of machine tools and other production equipment.

* * * * *

(c) The authority has been further delegated by the Director of Procurement and Production, Hq AMC, to the following:

(1) The commander and deputy commander of the air materiel areas with power of redelegation to directors of procurement and production only.

(2) The commander and deputy commander of the AMC Ballistic Missiles Center, and the AMC Aeronautical Systems Center with power of redelegation to the Director of Resources.

(3) The commander and deputy commander of the AMC Electronic Systems Center, with power of redelegation to the Director of Procurement and Production or comparable level.

Subpart II—Accelerated Tax Amortization

Subpart II is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1015—CONTRACT COST PRINCIPLES

Subpart B—Supply and Research Contracts With Commercial Organizations

Section 1015.204(w)(6) is revised to read as follows:

§ 1015.204 Examples of items of allowable costs.

* * * * *

(w) Traveling expenses:

* * * * *

(6) Per diem. Establishment of a schedule of per diem rates is recommended. Schedule should be consistent with contractor's experience, provided this experience is not unreasonable by comparison with contractors in comparable industries or areas, and provided further that rates are not in excess of those specified herein. Consideration should be given to duration of travel time. Where the employee travels to one location and remains for an extended period, per diem allowance should be lower than the per diem allowed for trips of short duration. Expenses of nonexecutive employees should be less than expenses of executives. Present conditions indicate that general range of such daily expenditures varies; in case of chief executives and chief research scientists, from $15 to $18 for all types of trips; in the case of lesser executives, from $14 to $15 for all types of trips; in the case of other employees, from $13 to $14 for brief trips and from $11 to $13 for definite trips (over 30 days). Per diem rate schedules submitted to contracting officers for approval will be consistent with the general ranges. All approvals will be in writing and will specify, either by reference to a written schedule of the contractor or otherwise, the per diem approved as reasonable. General ranges listed above will be reviewed periodically by the Director of Procurement and Production, Hq AMC, and will be subject to upward or downward revisions. In computing per diem for continuous travel of more than 24 hours, the calendar day (midnight to midnight) will be the unit. For fractional parts of a day at start or end of continuous travel, one-fourth of rate for a calendar day will be allowed for each period of 6 hours or fraction thereof. For continuous travel of less than 24 hours, one-fourth of rate for a calendar day will be allowed for each 6-hour period or fraction thereof. However, no per diem will be allowed when departure is after 0800 hours and return on same day is before 1800 hours. No per diem will be paid for periods charged to vacation or sick leave.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1016—PROCUREMENT FORMS

Subpart B—Forms for Negotiated Procurement

1. Sections 1016.201 and 1016.202 are revised to read as follows:

§ 1016.201 Request for quotation (Standard Form 18).

See § 16.201 of this title.

§ 1016.202 Negotiated contract forms (DD Forms 1261 and 1270).

See § 16.202 of this title.

(a) to (f). See § 16.202 (a) to (f) of this title.

2. In § 1016.207–50, a new paragraph (d) is added as follows:

§ 1016.207–50 Price redetermination forms (AFPI Forms 4, 4A, and 4B).

* * * * *

(d) AFPI Form 85, "Report of Final Settlement, Incentive Contracts."

Subpart D—Construction Contract Forms

Sections 1016.401 to 1016.401–4 are revised to read as follows:

§ 1016.401 Standard Forms 19, 19A, 20, 21, 22, 23, and 23A.

§ 1016.401–1 General.

See § 16.401–1 of this title.

§ 1016.401–2 Use of forms for negotiated construction contracts.

Standard Form 19 will not be used for negotiated construction contracts of less than $2,000; such contracts will be entered into on AFPI Forms in the 79 series (§ 1016.450). All negotiated construction contracts in excess of $2,000, except those where the work is to be performed outside the United States, its Territories and possessions, entered into on a fixed-price basis, will consist of Standard Form 23, 23A, and such Additional General Provisions and Special Provisions as may be prescribed in Subpart EE, Part 1007 of this chapter. For construction contracts executed by foreign procurement activities see §§ 1007.4206, 1007.4207, and 1007.4208 of this chapter.

§ 1016.401–3 Conditions for use.

See § 16.401–3 of this title.

§ 1016.401–4 Terms, conditions and provisions.

See § 16.401–4 of this title and Subpart EE, Part 1007 of this chapter.

Subpart E—Special Contract and Order Forms

1. Section 1016.504 is revised as follows:

§ 1016.504 Order for paid advertisements (Standard Forms 1143 and 1143a).

Implementation is set forth in § 1002.202–4 of this chapter.

2. Section 1016.506 is added as follows:

§ 1016.506 Communication service authorization (DD Form 428).

DD Form 428 will be used only in procuring communication services and facilities from commercial communication common carriers.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

A new Part 1017 is added as follows:

Sec.
1017.000 Scope of part.
1017.001 Approval of regulations and deviations.

Subpart A—General
1017.101 Previous authority.
1017.102 General policy.
1017.103 Types of actions.
1017.104 Definitions.

Subpart B—Requests for Contractual Agreement
1017.200 Scope.
1017.201 Authority of the secretaries.
1017.202 Contract Adjustment Boards.
1017.203 Authority of other officers and officials.
1017.204 Standards for deciding cases.
1017.205 Limitations upon exercise of authority.
1017.205–1 General limitations.
1017.205–2 Additional limitations upon authority below secretarial level.
1017.206 Contractural requirements.
1017.207 Submission of requests by contractors.
1017.207–1 Filing requests.
1017.207–2 Form of requests by contractors.
1017.207–3 Records.
1017.207–4 Facts and evidence.
1017.208 Processing cases.
1017.208–1 Investigation.
1017.208–2 Disposition below secretarial level.
1017.208–3 Submission of cases to the Contract Adjustment Board.
1017.208–4 Processing by Contract Adjustment Boards.
1017.208–5 Maintenance of records.
1017.208–6 Interdepartmental coordination.
1017.208–50 Implementing documents.
1017.208–51 Letters of denial.

Subpart C—Residual Powers
1017.300 Scope.
1017.301 Delegations of authority.
1017.302 Standards for using residual powers.
1017.303 Procedures.
1017.304 Maintenance of records.

Subpart D—Records of Requests and Dispositions
1017.400 Scope of subpart.
1017.401 Preliminary records.
1017.402 Final records.
1017.403 Sample format for preliminary and final records.

Subpart E—Act and Executive Order
1017.500 Scope of subpart.
1017.501 Act of August 28, 1958 (Public Law 85–804, 50 U.S.C. 1431–1435).
1017.502 Executive Order No. 10789 of November 14, 1958 (23 F.R. 8897).

AUTHORITY: §§ 1017.000 to 1017.502 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1017.000 Scope of part.

See § 17.000 of this title.

§ 1017.001 Approval of regulations and deviations.

See § 17.001 of this title.

Subpart A—General

§ 1017.101 Previous authority.

See § 17.101 of this title.

§ 1017.102 General policy.

See § 17.102 of this title.

§ 1017.103 Types of actions.

See § 17.103 of this title.

§ 1017.104 Definitions.

See § 17.104 of this title.

Subpart B—Requests for Contractual Adjustment

§ 1017.200 Scope.

See § 17.200 of this title.

§ 1017.201 Authority of the Secretaries.

See § 17.201 of this title.

§ 1017.202 Contract Adjustment Boards.

See § 17.202 of this title.

§ 1017.203 Authority of other officers and officials.

The authority delegated as listed in § 17.203(b)(3) of this title has been redelegated as follows:

(a) The Commander, AMC, has redelegated his authority, within AMC, to his Director of Procurement and Production. The Director of Procurement and Production has redelegated his authority to his Deputy Director of Procurement and to his Deputy Director of Production, while he is acting as the Director of Procurement and Production. The Director of Procurement and Production, Hq AMC, has redelegated his authority to:

(1) The Commander-in-Chief and the Vice Commander-in-Chief, United States Air Force, Europe, who have redelegated their authority to their Director of Procurement and Production.

(2) The Commander-in-Chief and the Vice Commander-in-Chief and Chief of Staff, Pacific Air Force.

(3) The Commander and Deputy Commander, Alaskan Air Command, who have redelegated their authority to their Director of Procurement and Production.

(4) The Commander and the Chief of Staff, Caribbean Air Command, who have redelegated their authority to their Director of Procurement and Production.

(5) The Commander and Deputy Commander, Air Materiel Force, European Area.

(6) The Commander and the Deputy Commander, Air Materiel Force, Pacific Area, who have redelegated their authority to their Director of Procurement and Production.

§ 1017.204 Standards for deciding cases.

See § 17.204 of this title.

§ 1017.205 Limitations upon exercise of authority.

§ 1017.205–1 General limitations.

See § 17.205–1 of this title.

§ 1017.205–2 Additional limitations upon authority below Secretarial level.

In addition to the limitation set forth in § 17.205–2 of this title, officers and officials below the Secretarial level will not approve contractors' requests, regardless of dollar amount, if implementation of the approval would require action at the Secretarial level; for example, if a determination and findings under 5 U.S.C. 55a (P.L. 600, 79th Cong.) would be required. Such requests may be denied or submitted to the Air Force Contract Adjustment Board (see § 17.203 (a) (1) and (3) of this title).

§ 1017.206 Contractual requirements.

See § 17.206 of this title.

§ 1017.207 Submission of requests by contractors.

§ 1017.207–1 Filing requests.

(a) The filing of a claim does not relieve the contractor of its obligation to continue performance according to the terms of its contract.

(b) When a person files a request directly with the cognizant contracting officer or his duly authorized representative, the contracting officer will, without delay, notify the appropriate commander listed in § 17.203(b) of this title, of the request. The notification will be made by letter or electrically transmitted message and will, when addressed to Commander, AMC, be marked Attn: MCPR (Readjustment Division). The notification will contain the information necessary to prepare the preliminary record required by § 17.207–3 of this title and described in § 17.401 of this title.

§ 1017.207–2 Form of requests by contractors.

See § 17.207–2 of this title.

§ 1017.207–3 Records.

See § 17.207–3 of this title.

§ 1017.207–4 Facts and evidence.

See § 17.207–4 of this title.

§ 1017.208 Processing cases.

§ 1017.208–1 Investigation.

(a) *General.* To assist the officers and officials having authority to approve, deny, or recommend for approval by the Air Force Contract Adjustment Board, in obtaining facts and evidence in connection with their own investigations, the cognizant contracting officer, upon receipt of a contractor's request will check the adequacy and investigate the accuracy of the information supplied. Contracting officers should make use of available AF personnel in their investigations. Contracting officers will not, however, request that an audit be performed by AF personnel in respect to the contractor's request. If an audit is deemed necessary, it will be requested by the officers and officials referred to above. As a part of his investigation, the contracting officer will obtain such of the additional facts and evidence described in § 17.207–4 of this title as he considers will be necessary in the decision of the case.

(b) *Forwarding to approving authority.* Upon completion of the investigation, the contracting officer will forward the request for relief, all documents and correspondence relating thereto, and the contract file, together with his comments and specific recommendation, to the appropriate command listed in § 17.203(b) (3) of this title. Where that command is AMC, the material will be forwarded to the AMC (MCPR).

(c) *Contract file.* The contract file submitted according to paragraph (b) of this section will in all cases include:

(1) A copy of the contract and all change orders and supplemental agreements.

(2) A copy of the IFB or RFP.

(3) An abstract of bids or proposals received and a copy of any applicable findings and determination.

(d) *Contracting officer's recommendation and comments.* The contracting officer's recommendation should state whether, in his opinion, the contractor's request should be approved, in whole or in part, or denied. If the contracting officer recommends approval involving a change in the contract price or other payment to the contractor, the recommendation should specify the dollar amount which the contracting officer considers fair and reasonable with supporting evidence. Contracting officer's comments will include:

(1) A statement of facts based on the contracting officer's knowledge of the circumstances involved.

(2) A statement as to whether the contractor has submitted the information required by § 17.207–2 of this title or requested by the contracting officer pursuant to § 17.207–4 of this title, and commenting on the accuracy and completeness of information so received.

(3) When the contracting officer recommends approval, in whole or in part, of the contractor's request, a statement of why the subject matter of the request could not be resolved under the terms of the contract itself.

(4) A statement of the extent of performance and whether performance to date has been satisfactory.

(5) Whether contractor is a small or large business, if not stated in the contract.

(6) Where the contractor has alleged a mistake, a statement of when the alleged mistake was first brought to the contracting officer's attention, whether he believes that a mistake actually occurred, and, if so, how it occurred; for example, through clerical or mathematical error in the contractor's office, through an error in the bid, etc. (and whether in advertised procurements, he requested verification of the bids).

(7) Where the contractor has alleged an informal commitment, a statement of the action taken by the Government, whether the Government actually received supplies or services as a result of that action, and evidence to support or preclude a finding that at the time the informal commitment, if any, was made it was impracticable to use normal procurement procedures.

(8) Such additional evidence as the contracting officer considers pertinent.

§ 1017.208–2 Disposition below Secretarial level.

(a) *Disposition.* Authority to deny contractors' requests has not been delegated to contracting officers at any level. All contractors' requests must be forwarded for action as directed by § 1017.208–1.

(b) *Records.* The following documents will be submitted through AMC (MCPR) within 5 days after the close of the month during which it is executed:

(1) Three copies of the Memorandum of Decision and supporting materials.

(2) Two copies of the contractual document implementing any decision, approving contractual action or letter of denial to the contractor.

(3) Two copies of the final record, as prescribed in Subpart D of this part, prepared by the activity responsible for the case under § 17.208 of this title.

§ 1017.208–3 Submission of cases to the Contract Adjustment Board.

See § 17.208–3 of this title.

§ 1017.208–4 Processing by Contract Adjustment Boards.

See § 17.208–4 of this title.

§ 1017.208–5 Maintenance of records.

See § 17.208–5 of this title.

§ 1017.208–6 Interdepartmental coordination.

See § 17.208–6 of this title.

§ 1017.208–50 Implementing documents.

If a decision of approval is to be implemented by a contractual document to be issued by a field office of any Major Command, the Command rendering the decision as listed in § 17.203(b)(3) of this title should prepare a contractual document in draft form containing all the mandatory requirements of § 17.208 of this title and forward to the field office to enable it to issue a proper contractual document. A copy of the draft should be forwarded to the major command of the field office concerned.

§ 1017.208–51 Letters of denial.

Where a contractor's request is denied at or below the Secretarial level, a letter informing the contractor that its request has been denied, and by whom, will be prepared and sent by the appropriate command listed in § 17.203(b)(3) of this title, or by the contracting officer at the request of that command.

Subpart C—Residual Powers

§ 1017.300 Scope.

See § 17.300 of this title.

§ 1017.301 Delegations of authority.

Authority to make or approve contracts for sales of Government property with an acquisition cost of $50,000 or less, subject to the standards specified in § 1017.302, has been delegated to the Deputy Chief of Staff, Materiel, and has been redelegated to the Commander, Air Materiel Command, and further redelegated to the Director of Procurement and Production, or Deputy Director of Procurement, or Deputy Director of Production while he is acting as the Director of Procurement and Production, Hq AMC.

§ 1017.302 Standards for using residual powers.

(a) Sales of Government property pursuant to the delegations of authority described in § 1017.301 will be subject to the limitations set forth in § 17.205–1 of this title and in addition:

(1) Each such sale will be based on a finding that is made in connection with and will facilitate or expedite performance of a specific contract or subcontract for military procurement.

(2) The property sold must not be obtainable by the contractor or subcontractor without unreasonable delay through commercial sources or through the exercise of other Government sale or property disposal authority, and it must be impracticable to furnish such property as Government property according to Part 13 of this title.

(3) Except as provided in subparagraph (4) of this paragraph, the contract of sale will provide for cash payments at prices that are fair and reasonable under the circumstances of the case.

(4) Sales of property to be repaid in kind will be made only when the property is needed by the contractor or subcontractor to maintain or expedite the production rate under a contract with the Government, or subcontract thereunder, and only when the contractor or subcontractor has made arrangements to obtain or produce identical articles which can be used to replace the property loaned.

(b) Each contract for the sale of Government property made pursuant to this authority will contain a statement of the facts and circumstances on which the action is based.

(c) This authority does not apply to the disposition of (1) Excess or surplus property, unless and until such property has been withdrawn from such excess or surplus category according to applicable regulations, or (2) property subject to priorities or allocation under the Defense Production Act, except where such transfer is authorized under the aforesaid Defense Production Act or applicable regulations or orders thereunder.

§ 1017.303 Procedures.

All proposals for the exercise of residual powers to make contracts for the sale of Government property will be sent through channels to AMC (MCPRP).

§ 1017.304 Maintenance of records.

Two copies of each Memorandum of Approval signed by any officer or official to whom authority has been delegated as stated in § 1017.301 will be forwarded promptly to the Air Force Contract Adjustment Board, Office of the Assistant Secretary of the Air Force (Materiel) through AMC (MCPRP).

Subpart D—Records of Requests and Dispositions

§ 1017.400 Scope of subpart.

See § 17.400 of this title.

§ 1017.401 Preliminary records.

See § 17.401 of this title.

§ 1017.402 Final records.

The final record will be prepared: (a) In cases where the contractor's request is denied, promptly after the letter of denial to the contractor is sent; (b) in cases where the contractor's request is approved in whole or in part, after the action authorized by the Memorandum of Decision has been taken; and (c) in cases where the contractor's request is withdrawn, promptly after the withdrawal.

§ 1017.403 Sample format for preliminary and final records.

The sample format set forth in § 17.403 of this title has been established as AFPI Form 48, "Record of Request for Adjustment, Public Law 85–804." AFPI Form 48 will be used by AF activities for the preparation and maintenance of prescribed records.

Subpart E—Act and Executive Order

§ 1017.500 Scope of subpart.

See § 17.500 of this title.

§ 1017.501 Act of August 28, 1958 (Public Law 85–804, 50 U.S.C. 1431–1435).

§ 1017.502 Executive Order No. 10789 of November 14, 1958 (23 F.R. 8897).

See § 17.502 of this title.

[SEAL] R. J. PUGH,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 60–6657; Filed, July 18, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 22]

FOOD FLAVORINGS; DEFINITIONS AND STANDARDS OF IDENTITY

Vanilla Extract and Related Products; Notice of Proposed Definitions and Standards of Identity

In the matter of establishing definitions and standards of identity for vanilla extract and related products:

Notice is given that two petitions proposing definitions and standards of identity for vanilla extract and related products have been filed. One petition was filed by McCormick and Company, Baltimore, Maryland, and the other by a group of flavor manufacturers, as follows:

American Food Laboratories, 1000 Stanley Avenue, Brooklyn 8, N.Y.
David Michael and Co., 3643 D Street, Philadelphia 24, Pa.
Food Materials Corp., 3621 West 48th Street, Chicago 32, Ill.
Fred Fear and Co., Foot of Joralemon Street, Brooklyn 2, N.Y.
S. H. Mahoney Extract Co., 3840 West 47th Street, Chicago 32, Ill.
Vanilla Laboratories, P.O. Box 207, Rochester, N.Y.
Virginia Dare Extract Co., 882 Third Avenue, Brooklyn 32, N.Y.

Each petition proposes that there be established definitions and standards of identity for vanilla extract, vanilla flavoring, vanilla powder, concentrated vanilla extract, concentrated vanilla flavoring, vanilla-vanillin extract, vanilla-vanillin flavoring, vanilla-vanillin powder, concentrated vanilla-vanillin extract, and concentrated vanilla-vanillin flavoring. One difference, among others, between the two petitions concerns the moisture content of vanilla beans used. One petition proposes and the other opposes having the standards require that the moisture content of the cured vanilla beans used be taken into account in prescribing the weight of vanilla beans required.

The standards proposed in the petition filed by McCormick and Company are as follows:

§ 22.1 Vanilla extract; identity; label statement of optional ingredients.

(a) Vanilla extract is the solution in aqueous ethyl alcohol of the sapid and odorous principles of cured vanilla beans of the varieties Vanilla planifolia Andrews or Vanilla tahitensis Moore, in the quantities specified in this section. Vanilla extract contains in 1 gallon substantially all the soluble matters extractable by a 35 percent solution of ethyl alcohol, from not less than that weight of beans which contains 10 ounces of vanilla bean solids as defined in paragraph (b) of this section, and contains not less than 35 percent by volume (60°–60° F.) of ethyl alcohol. Vanilla extract may contain one or more of the following optional ingredients:

(1) Glycerin.
(2) Propylene glycol.
(3) Sucrose.
(4) Dextrose.

(b) Vanilla bean solids are the entire moisture-free portion of cured vanilla beans calculated by subtracting from the total weight of beans the weight of water contained therein determined by the method described in paragraph (c) of this section.

(c) The determination of the moisture content of vanilla beans shall be by the method prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists, Eighth Edition, 1955, page 367 under "Moisture by Distillation with Toluene," except that:

(1) The sample used shall be taken by sampling methods in accord with good commercial practice to represent accurately the lot being sampled. A "lot" shall be a group of vanilla beans of reasonably uniform characteristics.

(2) The sample, during and after collection, shall be protected by a closed and moisture-impermeable container, against moisture loss or gain.

(3) The sample shall be chopped or comminuted to particles the average major dimensions of which are approximately ¼-inch. This chopping shall be done quickly and in such a manner as to minimize moisture loss or gain.

(4) A mixture of one volume of benzene and four volumes of toluene shall be used in place of the toluene only.

(5) The total distillation time shall be 4 hours.

(d) (1) The name specified for the food is vanilla extract. However, the name may include the appropriate fold number, provided that the fold number, as used, correctly states the multiple of 10 ounces of vanilla bean solids used in the preparation of each gallon of vanilla extract.

(2) When vanilla extract is made wholly or partially by dilution of concentrated vanilla extract, as defined in § 22.4, or concentrated vanilla flavoring, as defined in § 22.5, or vanilla oleoresin, the label shall bear the statement, "made wholly from concentrate" or "made partially from concentrate," whichever is applicable.

(3) Wherever the name "vanilla extract" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the applicable statement specified in subparagraph (2) of this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 22.2 Vanilla flavoring; identity; label statement of optional ingredients.

Vanilla flavoring complies with the definition and standard of identity and labeling requirements as to optional ingredients for vanilla extract as defined in § 22.1, except that it contains less than 35 percent ethyl alcohol by volume.

§ 22.3 Vanilla powder, vanilla sugar; identity; label statement of optional ingredients.

(a) Vanilla powder is a mixture of ground vanilla beans or the sapid and odorous principles of vanilla beans, or both, in the quantities specified in this section, with one or more of the following ingredients:

(1) Sucrose.
(2) Dextrose.
(3) Lactose.
(4) Food starch.

It may contain a total of 2 percent or less by weight of one or more of the edible, anticaking agents specified in paragraph (b) of this section. Each 8 pounds of vanilla powder contains not less than that weight of beans which contains 10 ounces of vanilla bean solids, or the soluble matters extractable by a 35 percent solution of ethyl alcohol therefrom, or in part vanilla beans and for the remainder, the soluble matters from vanilla beans, provided that if the soluble matters from vanilla beans are used in place of some portion of vanilla bean solids, the soluble matters used must be the soluble matters from that weight of vanilla bean solids which such soluble matters replace.

(b) The edible anticaking agents referred to in paragraph (a) of this section are:

(1) Aluminum calcium silicate.
(2) Calcium silicate.
(3) Calcium stearate.
(4) Magnesium silicate.
(5) Tricalcium phosphate.
(6) Tricalcium silicate.

(c) The name of the product is vanilla powder, provided that, if it is made with the optional ingredients sucrose or dextrose, the name vanilla sugar may be used.

(d) Vanilla powder complies with the labeling requirements for optional ingredients for vanilla extract, except that the name may include the appropriate fold number, provided that the fold number, as used, correctly states the multiple of 10 ounces of vanilla bean solids used in the preparation of each 8 pounds of vanilla powder.

§ 22.4 Concentrated vanilla extract; identity; label statement of optional ingredients.

(a) Concentrated vanilla extract complies with the definition and standard of identity for vanilla extract, except that, in its production, there occurs reduction in volume by evaporation of vanilla extract or of vanilla flavoring. It contains not less than 35 percent by volume (60°–60° F.) of ethyl alcohol.

(b) Wherever the name "concentrated vanilla extract" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the strength, as expressed by the applicable fold number defined in this paragraph, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter. The fold number, as used, shall correctly state the multiple of 10 ounces of vanilla bean solids used in the preparation of each gallon.

§ 22.5 Concentrated vanilla flavoring; identity; label statement of optional ingredients.

Concentrated vanilla flavoring complies with the definition and standard of identity and labeling requirements as to optional ingredients for concentrated vanilla extract, as defined in § 22.4, except that it contains less than 35 percent by volume of ethyl alcohol.

§ 22.6 Vanilla-vanillin extract; identity; label statement of optional ingredients.

(a) Vanilla-vanillin extract complies with the definition and standard of identity for vanilla extract, except that for each 10 ounces of vanilla bean solids it contains additionally not more than 1 ounce of added vanillin.

(b) Vanilla-vanillin extract complies with the labeling requirements as to optional ingredients for vanilla extract, except that:

(1) The label shall bear the statement "contains vanillin, an artificial flavoring" or "vanillin, an artificial flavoring, added."

(2) The name specified for the food is vanilla-vanillin extract. However, the name may include the appropriate fold number, provided that the fold number, as used, correctly states the sum of the multiple of 10 ounces of vanilla bean solids and the multiple of 1 ounce of added vanillin used in the preparation of each gallon of vanilla-vanillin extract.

§ 22.7 Vanilla-vanillin flavoring; identity; label statement of optional ingredients.

Vanilla-vanillin flavoring complies with the definition and standard of identity and labeling requirements as to optional ingredients for vanilla-vanillin extract, as defined in § 22.6, except that it contains less than 35 percent ethyl alcohol by volume.

§ 22.8 Vanilla-vanillin powder, vanilla-vanillin sugar; identity; label statement of optional ingredients.

(a) Vanilla-vanillin powder complies with the definition and standard of identity for vanilla powder, except that for each 10 ounces of vanilla bean solids used in its preparation it contains additionally not more than 1 ounce of added vanillin.

(b) Vanilla-vanillin powder complies with the labeling requirements as to optional ingredients for vanilla-vanillin extract, except that the name may include the appropriate fold number, provided that the fold number, as used, correctly states the sum of the multiple of 10 ounces of vanilla bean solids and the multiple of 1 ounce of added vanillin used in the preparation of each 8 pounds of vanilla-vanillin powder.

(c) The name of the product is vanilla-vanillin powder, provided that, if it is made with the optional ingredients sucrose or dextrose, the name vanilla-vanillin sugar may be used.

§ 22.9 Concentrated vanilla-vanillin extract; identity; label statement of optional ingredients.

(a) Concentrated vanilla-vanillin extract complies with the definition and standard of identify for vanilla-vanillin extract, except that in its production there occurs reduction in volume by evaporation of any one or more of the following:

(1) Vanilla extract.
(2) Vanilla-vanillin extract.
(3) Vanilla flavoring.
(4) Vanilla-vanillin flavoring.

Concentrated vanilla-vanillin extract contains not less than 35 percent by volume (60°–60° F.) of ethyl alcohol.

(b) Wherever the name "concentrated vanilla-vanillin extract" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the strength, as expressed by the applicable fold number defined in this paragraph, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter. The fold number, as used, shall correctly state the sum of the multiple of 10 ounces of vanilla bean solids and the multiple of 1 ounce of added vanillin used in the preparation of each gallon.

§ 22.10 Concentrated vanilla-vanillin flavoring; identity; label statement of optional ingredients.

Concentrated vanilla-vanillin flavoring complies with the definition and standard of identity and labeling requirements as to optional ingredients for concentrated vanilla-vanillin extract as defined in § 22.9, except that it contains less than 35 percent by volume of ethyl alcohol.

The standards proposed in the petition filed by American Food Laboratories, David Michael and Company, Food Materials Corporation, Fred Fear and Company, S. H. Mahoney Extract Company, Vanilla Laboratories, and Virginia Dare Extract Company are as follows:

§ 22.1 Vanilla extract; identity; label statement of optional ingredients.

(a) Vanilla extract is a solution in ethyl alcohol of the sapid and odorous principles of cured vanilla beans, containing in 1 U.S. gallon (128 fluid ounces) the soluble matters from not less than 13.35 ounces (avoirdupois) of vanilla bean. Vanilla extract contains not less than 35 percent by volume of ethyl alcohol.

(b) Vanilla bean is the dried and cured fruit of Vanilla planifolia Andrews or Vanilla tahitensis J. W. Moore.

(c) Vanilla extract may contain one or more of the following optional ingredients: Sucrose, dextrose, glycerin, propylene glycol.

(d) The name of the food is vanilla extract. To indicate strength, the name may be preceded or followed on the label by a fold number, which will designate the multiple of 13.35 ounces of vanilla bean used in the preparation of each gallon.

§ 22.2 Vanilla flavoring; identity; label statement of optional ingredients.

(a) Vanilla flavoring complies with the definition and standard of identity and labeling requirements for vanilla extract (as defined by § 22.1), except that it contains less than 35 percent ethyl alcohol by volume.

(b) The name of the food is vanilla flavoring.

§ 22.3 Vanilla powder; identity; label statement of optional ingredients.

(a) Vanilla powder is a mixture containing in each 133.5 ounces avoirdupois the soluble matters from not less than 13.35 ounces (avoirdupois) of vanilla bean or 13.35 ounces (avoirdupois) of ground vanilla bean, or a combination of both, with one or more of the following:

(1) Sucrose.
(2) Dextrose.
(3) Lactose.
(4) Food starch.

(b) Vanilla powder may contain a certain percentage, as specified, of one or more of the following optional anticaking ingredients:

(1) Aluminum calcium silicate, 2 percent.
(2) Calcium silicate, 2 percent.
(3) Magnesium silicate, 2 percent.
(4) Tricalcium phosphate, 3 percent.
(5) Tricalcium silicate, 2 percent.

(c) The name of the food is vanilla powder.

§ 22.4 Concentrated vanilla extract; identity; label statement of optional ingredients.

(a) Concentrated vanilla extract complies with the definition and standard of identity for vanilla extract (as defined by § 22.1), except that in the production of concentrated vanilla extract a reduction in volume by evaporation occurs.

(b) The name of the food is concentrated vanilla extract. To indicate strength, the name will be preceded or followed on the label with a fold number, which will designate the multiple of 13.35 ounces of vanilla bean used in the preparation of each gallon.

(c) Wherever the name "concentrated vanilla extract" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the strength, as expressed by the applicable fold number defined in paragraph (b) of this section, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 22.5 Concentrated vanilla flavoring; identity; label statement of optional ingredients.

Concentrated vanilla flavoring complies with the definition and standard of identity and labeling requirements for concentrated vanilla extract (as defined in § 22.4), except that it contains less

than 35 percent by volume of ethyl alcohol.

§ 22.6 Vanilla-vanillin extract; identity; label statement of optional ingredients.

(a) Vanilla-vanillin extract complies with the definition and standard of identity for vanilla extract (as defined in § 22.1), except that each gallon of vanilla-vanillin extract contains not more than 1 ounce (avoirdupois) of vanillin.

(b) The name of the food is vanilla-vanillin extract. The label, however, shall also bear the statement "Contains vanillin, an artificial flavor."

§ 22.7 Vanilla-vanillin flavoring; identity; label statement of optional ingredients.

Vanilla-vanillin flavoring complies with the definition and standard of identity and labeling requirements for vanilla-vanillin extract (as defined in § 22.6) except that it contains less than 35 percent by volume of ethyl alcohol.

§ 22.8 Vanilla-vanillin powder; identity; label statement of optional ingredients.

(a) Vanilla-vanillin powder complies with the definition and standard of identity for vanilla powder (as defined in § 22.3), except that each 133.5 ounces avoirdupois of vanilla-vanillin powder contains not more than 1 ounce (avoirdupois) of vanillin.

(b) The name of the food is vanilla-vanillin powder. The label, however, shall also bear the statement "Contains vanillin, an artificial flavor." To indicate strength, the name may be preceded or followed on the label by a fold number, which will designate the multiple of 13.35 ounces of vanilla bean used in the preparation of each 133.5 ounces avoirdupois of the powder.

§ 22.9 Concentrated vanilla-vanillin extract; identity; label statement of optional ingredients.

(a) Concentrated vanilla-vanillin extract complies with the definition and standard of identity for vanilla-vanillin extract (as defined in § 22.6), except that in the production of concentrated vanilla-vanillin extract a reduction in volume by evaporation occurs.

(b) The name of the food is concentrated vanilla-vanillin extract. The label, however, shall also bear the statement "Contains vanillin, an artificial flavor." To indicate strength, the name will be preceded or followed by a fold number, which will designate the multiple of 13.35 ounces of vanilla bean used in the preparation of each gallon.

§ 22.10 Concentrated vanilla-vanillin flavoring; identity; label statement of optional ingredients.

Concentrated vanilla-vanillin flavoring complies with the definition and standard of identity and labeling requirements for concentrated vanilla-vanillin extract (as defined in § 22.9), except that it contains less than 35 percent by volume of ethyl alcohol.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611), all interested persons are hereby invited to present their views in writing regarding the proposals published in this notice. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 11, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6621; Filed, July 18, 1960; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 60-WA-181]

CODED JET ROUTES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.137 of the regulations of the Administrator, the substance of which is stated below.

L/MF Jet Route No. 37 extends in part from the Biloxi, Miss., (Keesler Air Force Base) radio range to the Atlanta, Ga., radio range via Montgomery, Ala., (Maxwell AFB) radio range. The Federal Aviation Agency has under consideration modification of this jet route by realigning it from Biloxi to Atlanta via the Mt. Meigs, Ala., radio beacon, in lieu of the Maxwell AFB radio range. This would provide a more direct route between Biloxi and Atlanta, thereby facilitating air traffic management and flight planning.

If this action is taken, the segment of L/MF Jet Route No. 37 between Biloxi, Miss., and Atlanta, Ga., would be redesignated from the Biloxi (Keesler Air Force Base) radio range via the Mt. Meigs, Ala., radio beacon to the Atlanta radio range.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 13, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6665; Filed, July 18, 1960; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-183]

CODED JET ROUTES

Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.557 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC Jet Route No. 57 extends in part from Charleston, W. Va., to Appleton, Ohio. The Federal Aviation Agency has under consideration revocation of this segment of Jet Route No. 57-V. The Federal Aviation Agency IFR peakday airway traffic survey for the period from July 1, 1959, through June 30, 1960, shows four aircraft movements on this segment of Jet Route No. 57-V. On the basis of the survey, it appears that the retention of this segment of coded jet route is unjustified and that the revocation thereof would be in the public interest.

If this action is taken, the segment of VOR/VORTAC Jet Route No. 57 from Charleston, W. Va., to Appleton, Ohio, would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 13, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6666; Filed, July 18, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 170; Delegation of Authority 99]

ASSISTANT SECRETARIES OF STATE FOR ECONOMIC AFFAIRS AND FOR INTER-AMERICAN AFFAIRS

Delegation of Authority Relating to Proclamation No. 3355

Pursuant to the authority vested in me by Section 4 of the Act of May 26, 1949, as amended (5 U.S.C. 151c), I hereby delegate to the Assistant Secretary of State for Economic Affairs or the Assistant Secretary of State for Inter-American Affairs the authority to perform all of the functions which the Secretary of State is authorized to perform pursuant to and under the authority of Proclamation No. 3355 (25 F.R. 6414), issued by the President on July 6, 1960.

Dated: July 13, 1960.

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-6702; Filed, July 18, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

Delegations of Authority

Correction

In F.R. Document 60-6549 appearing in the issue for Thursday, July 14, 1960, at page 6657, the signature should read as follows: "Forest W. Beall, *Acting Vice President, Commodity Credit Corporation.*"

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

INGENIORSFIRMAN ELMETRIK AB

Order Amending Temporary Denial Order and Denying Export Privileges for an Indefinite Period

In the matter of Sven O. Hakanson, trading as Ingeniorsfirman Elmetrik AB Sovdeborgsgatan 31, Malmo and Fact 33, Alingsas, Sweden, Respondent, Files 23-679, 23-709, 23-607.

On December 31, 1959, an order was issued against Sven O. Hakanson, trading as Elmetrik, and others, temporarily denying export privileges to them pending final disposition of the administrative proceeding to be instituted against them (25 F.R. 205, January 9, 1960). The named respondent applied to have said order vacated, at the same time offering to submit additional information if requested. Acting on that offer and, for the purpose of continuing the then pending investigation, the Director, Investigation Staff, Bureau of Foreign Commerce, caused to be served on Sven O. Hakanson and his company, Ingeniorsfirman Elmetrik AB, interrogatories pursuant to § 382.15 of the Export Regulations (15 CFR, Chapter III, Subchapter B) concerning the ultimate disposition of certain goods exported from the United States. The said respondents have failed to answer said interrogatories and have given no explanation for their failure to do so and, by such failure, have impaired and impeded the said investigation by the Bureau of Foreign Commerce.

Having concluded that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended: *It is hereby ordered:*

I. Sven O. Hakanson's application of January 16, 1960, to vacate said order of December 31, 1959, shall be and hereby is denied.

II. Paragraph 3 of said order of December 31, 1959, be and the same hereby is modified, amended, and extended so that all export privileges denied to Sven O. Hakanson, individually and trading as Elmetrik, by paragraphs 1, 2 and 4 thereof, shall henceforth be and continue in full force and effect as to him, Ingeniorsfirman Elmetrik AB, all persons related to them within the scope of paragraph 2 thereof, and all persons acting for their benefit as provided in paragraph 4 thereof, until they shall answer satisfactorily, or furnish written information in response to, the interrogatories heretofore served on them, or give adequate reason for their failure and refusal to respond, except as this order and said order hereafter may be further amended or modified.

III. In all other respects said order of December 31, 1959, shall be and remain in full force and effect.

IV. In accordance with § 382.11(c) of the Export Regulations, the respondents, at any time hereafter, may move to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner, and they may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: July 14, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-6706; Filed, July 18, 1960; 8:49 a.m.]

Federal Maritime Board

[Docket No. 911]

ATLANTIC AND GULF AMERICAN-FLAG BERTH OPERATORS AGREEMENT

Notice of Investigation and of Hearing

On June 20, 1960, the Federal Maritime Board entered the following order:

It appearing that the common carriers by water named below are parties to FMB Agreement No. 8086 which was approved by the Board June 30, 1956:

Alcoa Steamship Company, Inc.
American Export Lines, Inc.
American President Lines, Ltd.
American Union Transport, Inc.
Central Gulf Steamship Corp.
Farrell Lines Inc.
Grace Line Inc.
Isbrandtsen Company, Inc.
Isthmian Lines, Inc.
Levant Line—joint service of Stockard Steamship Corporation, Atlantic Ocean Transport Corporation, Mediterranean Transport Corporation.
Lykes Bros. Steamship Co., Inc.
Moore-McCormack Lines, Inc.
Prudential Steamship Corp.
States Marine Lines—joint service of States Marine Corp., States Marine Corp. of Delaware.
Stevenson Lines (T. J. Stevenson & Co., Inc.).
United States Lines Co.
Waterman Steamship Corp.
Bloomfield Steamship Co.; and

It further appearing that said Agreement No. 8086 provides that the parties may consult with each other with respect to pertinent costs and other matters in the arrangement, from time to time, of rates and conditions for the carriage of cargoes for the Military Sea Transportation Service (MSTS) and related Shipper Services, and may appoint and supervise a secretary who will have the function of coordinating information as to transportation costs, space availability, sailing schedules and related matters and of also assisting in the arrangement of such rates and conditions;

It further appearing that the parties to said Agreement No. 8086 may be acting jointly to accept or reject contracts tendered them by MSTS and may be taking other joint actions such as the establishment of rates for the use of private commercial companies who have contracts with the MSTS or related Shipper Services, none of which actions appear to be within the scope of said agreement;

Now therefore, it is ordered, That, pursuant to section 22 of the Shipping Act, 1916, as amended (46 U.S.C. 821), an investigation is hereby instituted, on the Board's own motion, to determine whether Agreement No. 8086 as filed with and approved by the Board is the true and complete agreement of the parties thereto; and

It is further ordered, That all common carriers by water named above are hereby made respondents in this proceeding, which is to be set for hearing before an examiner from the Office of Hearing Examiners at a time and place to be announced and;

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: July 14, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6711; Filed, July 18, 1960; 8:50 a.m.]

[Docket No. 912]

MATSON NAVIGATION CO.; INVESTIGATION OF CONTAINER FREIGHT TARIFFS

Notice of Investigation and of Hearing

On July 7, 1960, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board tariff schedules setting forth new rates and charges, and new rules, regulations and practices affecting such rates and charges between U.S. Pacific Coast ports on the one hand and Honolulu, Hawaii on the other to become effective June 30, 1960, designated as follows:

Matson Navigation Company, Westbound Container Freight Tariff No. 14, F.M.B.-F. No. 109; and

Matson Navigation Company, Eastbound Container Freight Tariff No. 15, F.M.B.-F. No. 110, and

Special Supplement No. 4, directing the cancellation of all currently effective container freight tariffs to become effective concurrently with the effective date of the new tariffs; and

It further appearing, that Westbound Container Freight Tariff No. 14, F.M.B.-F. No. 109 names single-factor rates including pick-up in commercial zones of certain California cities as well as line-haul water transportation, and that such rates may therefore be unjust or unreasonable and in violation of the Shipping Act, 1916, as amended, and/or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that Westbound Container Freight Tariff No. 14, F.M.B.-F. No. 109, and Eastbound Container Freight Tariff No. 15, F.M.B.-F. No. 110, contain rates, charges, rules, regulations and practices which may be otherwise unjust, unreasonable, preferential or discriminatory, and in violation of the Shipping Act, 1916, as amended, and/or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that Matson Navigation Company has agreed (1) to keep account of all freight monies received by reason of rate increases contained in such schedules commencing with the effective date of such filings and terminating on the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedules; and (2) to refund to the person who paid the freight, upon proper authorization by the Board, any freight charges collected by reason of such increases during the said period which may be in excess of those determined by the Board to be just and reasonable;

Now therefore, it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules and regulations contained in said schedules, under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, with a view to making such findings and order in the premises as the facts and circumstances shall warrant; and

It is further ordered, That Matson Navigation Company (1) shall keep an account of all freight monies received by reason of rate increases contained in such schedules commencing with the effective date of such filings, and terminating with the effective date of the Board's order finally determining the reasonableness and lawfulness of the rates, charges, regulations and practices set forth in said schedules; (2) that such carrier, upon final determination by the Board, shall refund to the person who paid the freight any freight charges collected by reason of such increases during the said period, which may be in excess of those determined by the Board to be just and reasonable and otherwise lawful; and

It is further ordered, That no change shall be made in the rates or other matters which result in increased rates or charges named in said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That the investigation herein ordered be assigned for hearing before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; that Matson Navigation Company be made respondent in this proceeding; that a copy of this order shall be forthwith served upon respondent and protestants herein; that respondent and protestants be duly notified of the time and place of the hearing herein ordered; and that this order be published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: July 14, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6712; Filed, July 18, 1960; 8:50 a.m.]

PACIFIC FORWARDERS AND CALIFORNIA AND JUDSON SHELDON INTERNATIONAL CORP.

Notice of Agreement Filed With the Board for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 735, 46 U.S.C. 814):

Agreement No. 8376, between L. F. Burke, d/b/a Pacific Forwarders, San Francisco, California, and Judson Sheldon International Corporation, New York, N.Y., is a cooperative working arrangement between the two registered freight forwarders under which the latter will perform freight forwarding services for the other at specified fees. These services are to be in connection with cargo moving through New York, as well as through the company's branch offices in Philadelphia, New Orleans, and Houston. In addition to the service fees, the New York forwarder is to be compensated by receiving ⅓ of the ocean freight brokerage.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their approval, disap-

proval, or modification, together with request for hearing should such hearing be desired.

Dated: July 14, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6709; Filed, July 18, 1960; 8:49 a.m.]

[Docket No. 910]

UNAPPROVED SECTION 15 AGREEMENTS; CARRIAGE OF CARGO FOR MILITARY SEA TRANSPORTATION SERVICE (MSTS)

Notice of Investigation and of Hearing

On June 20, 1960, the Federal Maritime Board entered the following order:

It appearing that during the period from early 1950 to June 30, 1956, the following common carriers by water may have entered into agreements, understandings or arrangements to control, prevent, or destroy competition for the carriage of Military Sea Transportation Service (MSTS) cargo, or to fix or regulate transportation rates for the carriage of such cargo or to take other action within the purview of section 15 of the Shipping Act, 1916, as amended (46 U.S.C. 814) in the trades between United States Atlantic and Gulf ports on the one hand and various overseas destinations (in foreign countries and in United States territories and possessions) on the other hand:

American Export Lines, Inc.
American President Lines, Ltd.
Farrell Lines Inc.
Isbrandtsen Company, Inc.
Isthmian Lines, Inc.
Levant Line—Joint Service of Atlantic Ocean Transport Corp., Stockard Steamship Corp.
Lykes Bros. Steamship Co., Inc.
Moore-McCormack Lines, Inc.
Prudential Steamship Corp.
States Marine Lines—Joint Service of States Marine Corporation, States Marine Corporation of Delaware.
Stevenson Lines—T. J. Stevenson & Co., Inc.
United States Lines Co.
United States Navigation Co., Inc.
Waterman Steamship Corp.
Bloomfield Steamship Co.

It further appearing that during the period from early 1950 to November 26, 1956, the following common carriers by water may have entered into agreements, understandings, or arrangements to control, prevent or destroy competition for the carriage of Military Sea Transportation Service (MSTS) cargo, or to fix or regulate transportation rates for the carriage of such cargo or to take other action within the purview of said section 15, in the trades between United States Pacific Coast ports on the one hand and various overseas destinations (in foreign countries and in United States territories and possessions) on the other hand:

American Mail Line, Ltd.
American President Lines, Ltd.
Isthmian Lines, Inc.
Pacific Far East Line, Inc.
Pacific Transport Lines, Inc.
States Steamship Co.
States Marine Lines—Joint Service of States Marine Corp., States Marine Corp., of Delaware.
Waterman Steamship Corp.

It further appearing that the aforesaid purported agreements, understandings or arrangements were not filed with the Federal Maritime Board for approval under said section 15, nor approved thereunder, and may have been carried out;

Now therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916, as amended (46 U.S.C. 821), an investigation is hereby instituted, on the Board's own motion, to determine whether any such agreements, understandings or arrangements have been entered into and carried out prior to approval in violation of section 15 of the Shipping Act, 1916 (46 U.S.C. 814); and

It is further ordered, That all common carriers by water named above are hereby made respondents in this proceeding, which is to be set for hearing before an examiner from the Office of Hearing Examiners, at a time and place to be announced; and

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's Rules of Practice and Procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: July 14, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6710; Filed, July 18, 1960; 8:50 a.m.]

Office of the Secretary

RAYMOND E. HEBERT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 11, 1960.

RAYMOND E. HEBERT.

JULY 11, 1960.

[F.R. Doc. 60-6708; Filed, July 18, 1960; 8:49 a.m.]

BERT S. TAYLOR

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Bert S. Taylor.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: July 5, 1960.
4. Title of position: Assistant Director for Mobilization Planning, Chemical and Rubber Division.
5. Name of private employer: Food Machinery & Chemical Corp., Chemicals & Plastics Division, New York, N.Y.

CARLTON HAYWARD,
Director of Personnel.

JUNE 29, 1960.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Food Machinery and Chemical Corp.
Bank deposits.

BERT S. TAYLOR.

JULY 9, 1960.

[F.R. Doc. 60-6707; Filed, July 18, 1960; 8:49 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[General Order 56 (Revised), Amdt. 3]

CHIEF, BRANCH OF MANPOWER AND EMPLOYMENT SERVICE

Assignment of Functions

Assignment of functions under Title V of the Agricultural Act of 1949, as amended, and the Migrant Labor Agreement of 1951, as amended.

Paragraph 1(a) of General Order 56 (Revised November 30, 1955) (20 F.R. 8972) is hereby amended to read as follows:

(a) Rendering final determinations pursuant to paragraphs (b), (c)(4), (c)(5) and (c)(6) of Article 7 and paragraphs (a)(6), (a)(8) and (a)(9) of Article 30 of the Migrant Labor Agreement of 1951, as amended, which function shall be performed by the Chief, Branch of Manpower and Employment Service, Division of Manpower and Employment Security, Office of the Solicitor, or, when he is absent or otherwise unable to perform this function, by whomever the Solicitor of Labor may designate; and

JAMES P. MITCHELL,
Secretary of Labor.

JULY 1, 1960.

[F.R. Doc. 60-6685; Filed, July 18, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-159]

TEXAS TECHNOLOGICAL COLLEGE

Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to Texas Technological College, Lubbock, Texas, a construction permit substantially as set forth below authorizing construction on the College's campus of a 10 kilowatt (thermal) pool-type nuclear reactor. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by Texas Technological College, and (2) a hazards analysis prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 12th day of July 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated January 27, 1960, (hereinafter referred to as "the application") Texas Technological College requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation on the campus of the College in Lubbock, Texas, of a ten kilowatt pool-type, nuclear reactor (hereinafter referred to as "the facility").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act").

C. Texas Technological College is financially qualified to construct and operate the facility in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. Texas Technological College and its contractor, Convair Division of General Dynamics Corporation, are technically qualified to design and construct the facility.

E. Texas Technological College has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to Texas Technological College will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Texas Technological College to construct the facility in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is December 1, 1962.

The latest completion date of the facility is December 31, 1964.

The term "completion date" as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located on the Texas Technological College campus in Lubbock, Texas, as specified in the application.

4. A license authorizing operation of the facility will not be issued by the Commission unless Texas Technological College has submitted to the Commission (by amendment to the application) additional data required to complete the hazards evaluation, and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3.A. above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Texas Technological College pursuant to section 104c of the Act, which license shall expire twenty-five (25) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 60-6656; Filed, July 18, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13527; FCC 60M-1209]

BABYLON-BAY SHORE BROADCASTING CORP. (WBAB)

Order Continuing Hearing

In re application of Babylon-Bay Shore Broadcasting Corp. (WBAB), Babylon, New York, Docket No. 13527, File No. BP-12536; for construction permit.

It is ordered, This 12th day of July 1960, due to the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, scheduled to commence on July 22, 1960, is hereby continued without date.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6717; Filed, July 18, 1960; 8:51 a.m.]

[Docket No. 13536; FCC 60M-1210]

PHILIP D. BOOTHROYD

Order Continuing Hearing

In the matter of Philip D. Boothroyd, Rd. No. 1, Box 142G, Sparta, New Jersey, Docket No. 13536; application for renewal of radiotelephone first class Operator License No. P1-2-7801.

It is ordered, This 12th day of July 1960, due to the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, scheduled for July 29, 1960, is hereby continued without date.

It is further ordered, That the petition of the Chief of the Field Engineering and Monitoring Bureau for continuance of hearing, filed June 27, 1960, is dismissed as moot.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6718; Filed, July 18, 1960; 8:51 a.m.]

[Docket Nos. 13540-13546; FCC 60M-1211]

MACON BROADCASTING CO. (WNEX) ET AL.

Order Continuing Hearing Conference

In re applications of Macon Broadcasting Company (WNEX), Macon,

Georgia, Docket No. 13549, File No. BP-12361; Johnston Broadcasting Company (WJLD), (George Johnston, Jr., and Rose Hood Johnston, Partners), Homewood, Alabama, Docket No. 13541, File No. BP-12569; E. H. Eiland, Jr., Union Springs, Alabama, Docket No. 13542, File No. BP-12776; Yetta G. Samford, C. S. Shealy and Aileen M. Samford, Executrix of the Estate of Thomas D. Samford, Jr., Deceased, Miles H. Ferguson and John E. Smollon, d/b as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, Docket No. 13543, File No. BP-12911; John F. Pidcock and Roy F. Zeas, d/b as Radio Station WMGA (WMGA), Moultrie, Georgia, Docket No. 13544, File No. BP-12998; Newnan Broadcasting Company (WCOH), Newnan, Georgia, Docket No. 13545, File No. BP-13123; Elberton Broadcasting Company (WSGC), Elberton, Georgia, Docket No. 13546, File No. BP-13405; for construction permits.

It is ordered, This 12th day of July 1960, due to the illness of the presiding Hearing Examiner, that the prehearing conference, scheduled for July 22, 1960, is hereby continued without date.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6719; Filed, July 18, 1960; 8:51 a.m.]

[Docket Nos. 13599, 13600; FCC 60M-1214]

A. S. RIVIERE AND RADIO GEORGIA

Order for Prehearing Conference

In re applications of A. S. Riviere, Barnesville, Georgia, Docket No. 13599, File No. BP-12889; John P. Frew, Elizabeth H. Frew, Stephens B. McGarity and Leslie E. Gradick, Jr., d/b as Radio Georgia, Thomaston, Georgia, Docket No. 13600, File No. BP-13051; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Tuesday, July 26, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 12th day of July 1960.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6720; Filed, July 18, 1960; 8:51 a.m.]

[Docket No. 13595; FCC 60M-1213]

PACIFIC BROADCASTERS CORP.

Order Setting Prehearing Conference

In re application of Pacific Broadcasters Corporation, Bakersfield, California, Docket No. 13595, File No. BMPCT-5448; for extension of time to complete construction of Television Station KBFL.

It is ordered, This 12th day of July 1960, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9 a.m., July 27, 1960.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6721; Filed, July 18, 1960; 8:51 a.m.]

[Docket No. 13591; FCC 60M-1212]

STORER BROADCASTING CO. (WWVA-FM)

Order Continuing Hearing Conference

In re application of Storer Broadcasting Company (WWVA-FM), Wheeling, West Virginia, Docket No. 13591, File No. BPH-2956; for construction permit.

It is ordered, This 12th day of July 1960, due to the illness of the presiding Hearing Examiner, that the prehearing conference, scheduled for July 21, 1960, is hereby continued without date.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6722; Filed, July 18, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9065 etc.]

HUNT OIL CO. ET AL.

Order Redesignating Proceeding, Requiring Filing of Undertaking and Further Consolidating Proceedings[1]

JULY 13, 1960.

Hunt Oil Company, Docket Nos. G-9065, G-9568, G-11124, G-11360, G-13157, G-13191, G-13468, G-13504, G-13530, G-14082, G-14408, G-16422, G-16479, G-16639, G-18464, G-18555, G-18668, G-19755, G-19869, G-20531, RI60-202; Hunt Oil Company, Docket No. G-10414; Hunt Oil Company (Operator), et al., Docket Nos. G-16644, G-16937, G-19756, G-20532; Hunt Oil Company and H. L. Hunt, Docket No. G-18092; Hunt Oil Company, Docket No. G-20009.

On January 4, 1960, Hunt Oil Company (Hunt Oil) filed a "Notice of Succession and Adoption of H. L. Hunt's FPC Gas Rate Schedule No. 1"[2] stating therein that Hunt Oil, by assignment dated November 12, 1959, had acquired the interest of H. L. Hunt, and certain others not material to this order, effective as of December 1, 1959. By order issued September 9, 1959, Supplement No. 11 of said rate schedule was made effective as of August 23, 1959, subject to possible refunds as such may be determined in the proceedings in Docket No. G-18092.

H. L. Hunt's FPC Gas Rate Schedule No. 1 has been redesignated as Hunt Oil's FPC Gas Rate Schedule No. 52. It would appear that the proceeding in Docket No. G-18092 should be redesignated so as to make both assignor and assignee parties to the proceeding and to require a joint undertaking to be filed making H. L. Hunt, in this proceeding, primarily responsible for any refunds found necessary for the period between August 23, 1959, and November 30, 1959, and Hunt Oil, for the period beginning December 1, 1959. It would also appear appropriate that this proceeding should be consolidated with those previously consolidated with the proceedings in Docket No. G-9065, et al.

On October 5, 1959, Hunt Oil tendered Supplement Nos. 4, 5 and 6 to its FPC Gas Rate Schedule No. 36. Said supplements, by order issued November 4, 1959, in Docket No. G-20009, were suspended until November 6, 1959, and thereafter until such further time as they are made effective in the manner prescribed in said order and under the conditions therein stated. Since Hunt Oil has not complied with the conditions set out in the aforementioned order issued November 4, 1959, as to the filing of an undertaking, the aforementioned supplements are not effective as of this date. Rate Schedule No. 36 is also included in the proceedings in Docket Nos. G-16479, G-18555, G-20531 and RI60-202, which proceedings have previously been consolidated with G-9065 et al. It would appear appropriate that the proceeding in Docket No. G-20009 should also be consolidated with those previously consolidated with Docket Nos. G-9065, et al.

The Commission finds:

(1) Good cause exists for redesignating the proceeding in Docket No. G-18092 as Hunt Oil Company and H. L. Hunt.

(2) Good cause exists for consolidating the proceedings in Docket Nos. G-18092 and G-20009 with the aforementioned and previously consolidated proceedings.

The Commission orders:

(A) The proceeding in Docket No. G-18092 is hereby redesignated and entitled Hunt Oil Company and H. L. Hunt.

(B) Within 20-days from the issuance of this order, Hunt Oil Company and H. L. Hunt shall file a joint agreement and undertaking consistent with clause (B) of the Commission order issued September 9, 1959, in G-18092 except that H. L. Hunt shall be the party primarily responsible for any refunds found necessary as to sales prior to December 1, 1959, and Hunt Oil as to sales thereafter. The said undertaking shall supersede that heretofore filed by H. L. Hunt.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's rules and regulations (18 CFR, Ch. I), the proceedings in Docket Nos. G-18092 and G-20009 are consolidated with the aforementioned proceedings in the above-designated Docket Nos. G-9065, et al.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6703; Filed, July 18, 1960; 8:49 a.m.]

[1] Previous Notice of Consolidation issued herein on April 30, 1959 and Orders of Consolidation issued herein on February 18, 1960 and April 15, 1960.

[2] The rate schedule covers natural gas produced in Southwest Speaks Field, Lavaca County, Texas, and sold to Texas Eastern Transmission Corporation. Lavaca County is located in the Texas Gulf Coast area which is included in Hunt Oil's Rate Area V as such is shown in the exhibits of record in these consolidated proceedings.

[Docket No. E-6953]

COMMONWEALTH EDISON CO.

Notice of Application

JULY 12, 1960.

Take notice that on June 30, 1960, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Commonwealth Edison Company ("Applicant"), seeking an order authorizing the acquisition of not to exceed $20,000,000, principal amount of 4¾ percent promissory notes of Commonwealth Edison Company of Indiana, Inc. (Indiana Company). Applicant having its principal business office at Chicago, Illinois, is incorporated under the laws of the State of Illinois. It is a public utility company doing business in Illinois. Indiana Company, which has its principal business office at Chicago, Illinois, is incorporated under the laws of the State of Indiana and is operating as an electric utility company doing business in the State of Indiana. Indiana Company is a wholly-owned subsidiary of Applicant. Applicant proposes to acquire the aforesaid promissory notes from Indiana Company under a proposed agreement to provide for Indiana Company's State Line Unit 4 and other 1960-62 construction projects. Applicant states that the underlying reasons for the proposed agreement are (a) to set up a mutually desirable financial arrangement between Applicant and Indiana Company that will be the least costly and still be equitable to Applicant and Northern Indiana Public Service Company, the two customers of Indiana Company's State Line Station, and (b) to establish a reasonable 5¾ percent rate as a basis for Indiana Company charging interest during construction for its State Line Unit 4 and 1960-62 construction projects and for Indiana Company's compensation for use of funds advanced to it by Applicant. The aforesaid promissory notes will be due on December 31, 1997.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 25th day of July, 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6667; Filed, July 18, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1296]

ATLAS CORP. AND TITEFLEX, INC.

Notice of Filing of Application for Order Exempting Certain Transactions Between Affiliates

JULY 7, 1960.

Notice is hereby given that Atlas Corporation ("Atlas"), a registered closed-end non-diversified management investment company, and Titeflex, Inc. ("Titeflex"), an affiliate of Atlas, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Titeflex from Atlas of certain promissory notes payable by Titeflex in exchange for cumulative preferred stock of Titeflex as described below.

Titeflex, a Massachusetts corporation, engages primarily in the manufacture and sale of flexible metal hose and fittings, together with electrical shielding, electrical components, and other aircraft and industrial products. Atlas is the owner of 1,380,379 shares of common stock, par value $1.00 per share, of Titeflex, constituting approximately 94.79 percent of the 1,456,292 outstanding shares of such stock. In addition, Atlas is the holder of promissory notes payable by Titeflex in the following aggregate principal amounts: 5 percent demand notes amounting to $4,113,531; 6 percent demand notes amounting to $1,210,000; 3½ percent notes due November 30, 1960 amounting to $187,000; and a 5 percent note due November 30, 1960 amounting to $53,000. All of the foregoing notes, aggregating $5,563,531, have been subordinated as to payment of principal under a V-Loan Agreement under which Titeflex has borrowed from a bank the maximum amount of $2,000,000 maturing December 31, 1960. Atlas has agreed with Titeflex to take no action in the absence of bankruptcy or reorganization to enforce the payment of the demand notes prior to November 30, 1960.

Titeflex and Atlas propose to replace such subordinated notes with a new issue of preferred stock of Titeflex, the requisite stockholder approval having been obtained and the Agreement of Association and Articles of Organization having been amended to authorize the issuance of not in excess of 300,000 shares of $1.25 cumulative preferred stock, without par value. Each share will have a liquidation preference of $25.00, a redemption price of $26.25, and will be entitled to one vote on all matters. There will also be an annual sinking fund in an amount equal to 25 percent of net profits after taxes for the preceding year.

Titeflex proposes to issue on or before July 31, 1960, shares of such preferred stock to Atlas in return for the cancellation of the subordinated indebtedness referred to above on the basis of one share for every $25.00 of principal amount of such indebtedness and interest accrued thereon to the date of issuance of such preferred stock. Approximately 233,000 shares of preferred stock will be issued to Atlas on this basis.

Applicants state that the proposed transaction will simplify the capital structure of Titeflex and improve its ability to obtain credit by eliminating numerous outstanding promissory notes and increasing the amount of its capital stock account. Titeflex will be replacing a fixed interest obligation with an obligation to pay dividends which, though cumulative and preferred to the dividend rights of common stockholders, is contingent upon the existence of surplus and declaration by the board of directors. The Titeflex stockholders will be required to share their equity and voting interests in the corporation with a new preferred stock, although this requirement will have little practical effect in view of the fact that Atlas already owns approximately 95 percent of the common stock of Titeflex.

Applicants further state that Atlas will have its equity and voting rights increased, its right to dividends will be unlimited as to time, and the improvement in the balance sheet of Titeflex may reduce the frequency of guaranties and advances made by Atlas to Titeflex and may enable Titeflex to obtain business from customers who have been deterred from dealing with Titeflex because of its heavy debt. Atlas is giving up the rights which it would have as a creditor in the event of liquidation and accepting a right to dividends, as declared, in lieu of fixed interest.

Section 17(a) of the Act, in relevant part, prohibits an affiliated person (Titeflex) of a registered investment company (Atlas) from purchasing from such registered investment company any security not issued by the seller (notes of Titeflex), unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is hereby given that any interested person may, not later than July 30, 1960 at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a

statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–6686; Filed, July 18, 1960; 8:47 a.m.]

[File No. 812–1319]

BOSTON FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of its Shares at Other Than Public Offering Price in Exchange for Assets of Non-Affiliated Company

JULY 12, 1960.

Notice is hereby given that Boston Fund, Inc. ("Fund"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of The Hartford Investment Company ("Hartford").

The Fund offers its shares to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of April 30, 1960, the net assets of the Fund amounted to $220,937,856 and it had outstanding 13,410,691 shares of capital stock.

Hartford, a Connecticut corporation and a personal holding company having no more than 45 shareholders, is excepted from registration under the Act by reason of the provisions of section 3(c)(1) thereof.

Pursuant to an agreement between the Fund and Hartford, substantially all of the cash and securities owned by Hartford having a value of approximately $8,200,000 as of March 31, 1960, will be sold to the Fund in exchange for shares of its capital stock. The number of Fund shares to be delivered to Hartford will be determined by dividing the net asset value per share of the Fund in effect as of the close of business on the last full business day of the New York Stock Exchange before the closing date into the value of the Hartford assets to be exchanged. Prior to the closing date, Hartford will sell those securities held by it, consisting primarily of tax-exempt bonds, which the Fund does not wish to acquire. The Fund and Hartford will each bear its own expenses in carrying out the agreement and Hartford will retain a cash reserve not in excess of $30,000 for payment of its liabilities and expenses of liquidation and dissolution.

The value of the assets of Hartford to be transferred will be determined in the same manner as net asset value is calculated for the purpose of issuing Fund shares. Since the exchange will be tax free for Hartford and its shareholders, the Fund's cost basis for tax purposes on the assets acquired from Hartford will be the same as for Hartford rather than the price actually paid for the assets by the Fund. However, the unrealized appreciation on the Hartford assets is proportionately less than on the Fund's assets, amounting to approximately 10.9 percent and 24.2 percent, respectively, as of March 31, 1960.

The application recites that the agreement was negotiated by the parties at arm's length and that no affiliation exists between them. It further recites that the Fund will hold the securities to be acquired under the agreement for investment and that their acquisition is consistent with the investment policy of the Fund as described in its registration statement.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement the shares of the Fund are to be issued to Hartford at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 26, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–6687; Filed, July 18, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 2 (Revision 3), Amdt. 3]

DIRECTOR, OFFICE OF ORGANIZATION AND MANAGEMENT

Delegation Relating to Organization and Management

Delegation of Authority No. 2 (Revision 3) as amended (23 F.R. 556, 10575, and 24 F.R. 6556) is hereby amended by:

1. Deleting subsection IB6 in its entirety.

2. Renumbering subsection IB7 as IB6.

3. Eliminating Part II in its entirety and substituting in lieu thereof, the following:

II. The specific authorities delegated in IB3(b), IB3(c) and IB5 may not be redelegated.

Effective date: June 29, 1960.

ROBERT H. MONTGOMERY, *Deputy Administrator for Administration.*

[F.R. Doc. 60–6690; Filed, July 18, 1960; 8:48 a.m.]

[Delegation of Authority 4 (Revision 3), Amdt. 3]

CONTROLLER

Delegation Relating to Administration

Delegation of Authority No. 4 (Revision 3) as amended (21 F.R. 8223, 22 F.R. 6604, 23 F.R. 280) is hereby amended by:

1. Deleting subsection IB10 in its entirety.

2. Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The specific authority delegated in IB1, IB5 (b) and (c), IB6 and IB8 may not be redelegated.

Effective date: June 29, 1960.

ROBERT H. MONTGOMERY, *Deputy Administrator for Administration.*

[F.R. Doc. 60–6688; Filed, July 18, 1960; 8:48 a.m.]

[Delegation of Authority 10–9, Amdt. 1]

DIRECTOR, OFFICE OF LOAN PROCESSING

Delegation Relating to Financial Assistance

Delegation of Authority No. 10–9 (24 F.R. 645) is hereby amended by:

1. Deleting subsection IA8 in its entirety.

2. Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The specific authorities delegated in subsections IA6 and 7 (b) and (c) may not be redelegated.

Effective date: June 29, 1960.

ROBERT F. BUCK, *Deputy Administrator for Financial Assistance.*

[F.R. Doc. 60–6689; Filed, July 18, 1960; 8:48 a.m.]

[Delegation of Authority 10–10, Amdt. 1]

DIRECTOR, OFFICE OF LOAN ADMINISTRATION

Delegation Relating to Financial Assistance

Delegation of Authority No. 10–10 (24 F.R. 645) is hereby amended by:

1. Deleting subsection IA5 in its entirety.

2. Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The specific authorities delegated in subsections IA3 and 4 (b) and (c) may not be redelegated.

Effective date: June 29, 1960.

ROBERT F. BUCK, *Deputy Administrator for Financial Assistance.*

[F.R. Doc. 60–6691; Filed, July 18, 1960; 8:48 a.m.]

[Declaration of Disaster Area 288]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Rowan, Carter, and Lewis (floods occurring on or about July 3, 1960).

Offices: Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio. Small Business Administration Branch Office, Commonwealth Building, Room 1900, Fourth and Broadway, Louisville 2, Ky.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1961.

Dated: July 7, 1960.

ROBERT F. BUCK, *Deputy Administrator.*

[F.R. Doc. 60–6692; Filed, July 18, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[61417]

FLORIDA

Notice of Filing of Plat of Survey

JULY 13, 1960.

The plat of survey of the land described below will be officially filed in the Eastern States Land Office, effective on August 26, 1960.

TALLAHASSEE MERIDIAN

T. 66 S., R. 28 E. (Island),
Sec. 6, lot 1, 4.63 acres.

This plat represents the survey of the larger island of the Tarpon Belly Key group which was not included in the original surveys of the township and was undertaken as an administrative measure to identify any previously unsurveyed island or key in the Florida Key Area.

The island is of coral marl formation ranging in elevation from 2 to 3 feet above mean high tide, is covered with a heavy growth of black mangrove and buttonwood together with miscellaneous scrub brush and is considered to be over 50 percent upland within the meaning of the Swamp Land Act of 1850.

The land is shown by the records to be within the area withdrawn by Executive Order 7993 dated October 27, 1938 for the Great White Heron National Refuge, and is also subject to the provisions of the Act of August 22, 1957 (71 Stat. 412; P.L. 85–164) in connection with the National Key Deer Refuge.

Inquiries relating to this land should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL, *Manager.*

[F.R. Doc. 60–6669; Filed, July 18, 1960; 8:47 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 11, 1960.

The Atomic Energy Commission has filed an application, Serial No. Washington 03205, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws, including the mineral leasing laws. The applicant desires the land for use in connection with its Hanford Works.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 13 N., R. 24 E., W.M.,
Sec. 14: SW¼, S½NW¼.

The above-described lands aggregate 240 acres.

FRED J. WEILER, *State Supervisor.*

[F.R. Doc. 60–6670; Filed, July 18, 1960; 8:47 a.m.]

Office of the Secretary

WALTER BRENTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 22, 1960.

Dated: June 22, 1960.

WALTER BRENTON.

[F.R. Doc. 60–6671; Filed, July 18, 1960; 8:47 a.m.]

RALPH W. FACKLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Additions: Flintkote Corp.
(3) None.
(4) None.

This statement is made as of July 1, 1960.

Dated: July 1, 1960.

RALPH W. FACKLER.

[F.R. Doc. 60–6672; Filed, July 18, 1960; 8:47 a.m.]

LESTER R. GAMBLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 1, 1960.

Dated: June 22, 1960.

LESTER R. GAMBLE.

[F.R. Doc. 60-6673; Filed, July 18, 1960; 8:47 a.m.]

FRANK W. GRIFFITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete: Sioux City Dressed Beef Inc., Northern Natural Gas Company.
(3) No change.
(4) No change.

This statement is made as of June 27, 1960.

Dated: June 29, 1960.

FRANK W. GRIFFITH.

[F.R. Doc. 60-6674; Filed, July 18, 1960; 8:47 a.m.]

ANDREW P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Central and South West Corporation.
(3) None.
(4) None.

This statement is made as of July 1, 1960.

Dated: June 21, 1960.

A. PAT JONES.

[F.R. Doc. 60-6675; Filed, July 18, 1960; 8:47 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 5, 1960.

Dated: July 5, 1960.

VIVAN B. JONES.

[F.R. Doc. 60-6676; Filed, July 18, 1960; 8:47 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 20, 1960.

Dated: June 20, 1960.

MAX R. LLEWELLYN.

[F.R. Doc. 60-6677; Filed, July 18, 1960; 8:47 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 20, 1960.

Dated: June 20, 1960.

JOHN P. MADGETT.

[F.R. Doc. 60-6678; Filed, July 18, 1960; 8:47 a.m.]

GORDON S. MEYRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 7, 1960.

Dated: July 7, 1960.

GORDON S. MEYRICK.

[F.R. Doc. 60-6679; Filed, July 18, 1960; 8:47 a.m.]

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statment is made as of June 26, 1960.

Dated: June 20, 1960.

STANLEY J. SICKEL.

[F.R. Doc. 60-6680; Filed, July 18, 1960; 8:47 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 20, 1960.

Dated: June 20, 1960.

W. B. SIMONDS.

[F.R. Doc. 60-6681; Filed, July 18, 1960; 8:47 a.m.]

JOSEPH F. SINNOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 22, 1960.

Dated: June 22, 1960.

JOSEPH F. SINNOTT.

[F.R. Doc. 60-6682; Filed, July 18, 1960; 8:47 a.m.]

STANLEY C. TOWNSEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Deletions: California Packing Co., W. R. Grace & Co., Standard Oil Co. of N.J., Sun-Ray Mid Continental Oil Co.
Additions: Crescent Petroleum Co., Bankers Trust Co. of N.Y.
(3) None.
(4) None.

This statement is made as of July 1, 1960.

Dated: July 1, 1960.

STANLEY C. TOWNSEND.

[F.R. Doc. 60-6683; Filed, July 18, 1960; 8:47 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 24, 1960.

Dated: June 24, 1960.

W. D. WILDER.

[F.R. Doc. 60-6684; Filed, July 18, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36389: *Limestone—From Missouri to Mississippi.* Filed by O. W. South, Jr., Agent (SFA No. A3981), for interested rail carriers. Rates on agricultural limestone, in carloads from Dolly Siding, Flat River and River Mines, Mo., to specified points in Mississippi located on the Columbus and Greenville Railway Company.

Grounds for relief: Truck competition and short-line distance formula.

Tariffs: Supplement 211 to Southern Freight Association tariff I.C.C. 1469.

FSA No. 36390: *Sugar—Texas to Southern Points.* Filed by Southwestern Freight Bureau, Agent (No. B-7846), for interested rail carriers. Rates on sugar, corn and sorghum grain, straight or mixed carloads from specified points in Texas to specified points in Alabama, Florida, Georgia, Kentucky, North Carolina and South Carolina.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 711 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 36391: *Substituted service—PRR and Wabash RR for Spector Freight System, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 254), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City, Mo., on the one hand, and Cleveland, Ohio and Pittsburgh, Pa., on the other, on traffic originating at such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 136 to Middlewest Motor Freight Bureau, tariff I.C.C. 223.

FSA No. 36392: *Substituted service—C&NW for Knaus Truck Lines, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 255), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Des Moines, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 138 to Middlewest Motor Freight Bureau tariff MF—I.C.C. 223.

FSA No. 36393: *Substituted service—M&STL and Wabash RR for Gateway Transportation Co., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 256), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Minneapolis, Minn., and St. Louis, Mo., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 138 to Middlewest Motor Freight Bureau, tariff MF-I.C.C. 223.

FSA No. 36394: *Fertilizers—Ark., Mo., and Tex., to Utah.* Filed by Southwestern Freight Bureau, Agent (No. B-7843), for interested rail carriers. Rates on fertilizer, fertilizer compounds, and fertilizer materials, in carloads, as described in the application from Blytheville, Walport, Ark., Sikeston, Mo., and Texas City, Tex., to points in Utah on the Union Pacific RR.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 237 to Southwestern Freight Bureau tariff I.C.C. 4136.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6700; Filed, July 18, 1960; 8:48 a.m.]

[Notice 349]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 14, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63357. By order of July 12, 1960, the Transfer Board approved the transfer to Donald M. Klockner and John Nalence, a Partnership, doing business as Klockner & Nalence, Trenton, N.J., of the operating rights authorized to George E. Pierson, Trenton, N.J., under Certificate No. MC 42556 issued November 16, 1954, authorizing the transportation, over irregular routes, of sand and gravel, crushed stone, fertilizer, millboard, scrap brass, potatoes, and clay, from and to specified points in Pennsylvania, New Jersey, New York, and Maryland. Robert Watkins, 170 South Broad Street, Trenton 10, N.J., for applicants.

No. MC-FC 63364. By order of July 11, 1960, the Transfer Board approved the transfer to Lollie J. Harr, doing business as William E. Harr Horse Transportation, Lutherville, Md., of Certificate No. MC 96424, issued January 31, 1945, to William E. Harr, Lutherville, Md., authorizing the transportation of: Horses, other than ordinary livestock, and equipment, and paraphernalia incidental to the care, transportation, and exhibition of such horses, between points in Maryland, on the one hand, and, on the other, Charles Town, W. Va., and points in Delaware, New Jersey, Pennsylvania, New York, Virginia, Maryland, and the District of Columbia. Louis B. Peters, Central Savings Bank Building, Baltimore 2, Md., for applicants.

No. MC-FC 63392. By order of July 11, 1960, the Transfer Board approved the transfer to Oliver Oil Company, A Corporation, Huntsville, Missouri, of a Permit in No. MC 106150, issued January 17, 1947, to E. H. Oliver, doing business as Oliver Oil Company, Huntsville,

Missouri, which authorizes the transportation of petroleum products, in bulk, in tank trucks, over irregular routes, from Kansas City, Kans., to Richmond, Carrollton, Brunswick, Moberly, Macon, Centralia, Mexico, Montgomery City, Shelbina, Monroe City, Fulton, Herman, Kirksville and Brookfield, Mo.; and rejected shipments of petroleum products, in bulk, in tank trucks, on the return trip. Hosea J. Taylor, 104 North Main Street, Huntsville, Missouri, for applicants.

No. MC-FC 63396. By order of July 12, 1960, the Transfer Board approved the transfer to Clancy-Cullen Storage Co., Inc., Bronx, N.Y., of Certificate No. MC 21479, issued March 31, 1960, in the name of Helen Colonnelli and Raymond Colonnelli, a partnership, doing business as John Santini Vans Co., Bronx, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Delaware, Maryland, Ohio, Virginia, and the District of Columbia. Edward M. Alfano, 2 West 45th Street, New York, N.Y., for transferee. George Nodelman, 340 East 149th Street, Bronx 51, N.Y., for transferor.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6701; Filed, July 18, 1960; 8:49 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: During the current recess of the Congress a listing of public laws approved by the President will appear in the FEDERAL REGISTER under *Title 2—The Congress.*

Approved July 14, 1960

S. 1318.....Public Law 86-653
An Act for the incorporation of the Blue Star Mothers of America, Inc.

S. 2674.....Public Law 86-655
An Act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes.

S. 2969.....Public Law 86-656
An Act to authorize the award posthumously of appropriate medals to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington.

S. 3247.....Public Law 86-659
An Act to amend the Act of September 2, 1958 (72 Stat. 473), to provide that payment for the lands covered by such Act may be made on a deferred basis.

S. 3319.....Public Law 86-646
An act to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Arkansas, and for other purposes.

S. 3450.....Public Law 86-658
An Act to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the Act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions.

S. 3616.....Public Law 86-654
An Act to deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes.

H.J. Res. 397.....Public Law 86-648
Joint Resolution to enable the United States to participate in the resettlement of certain refugees, and for other purposes.

H.J. Res. 606.....Public Law 86-650
Joint Resolution providing for the preparation and completion of plans for a comprehensive observance of the one hundred and seventy-fifth anniversary of the formation of the Constitution of the United States.

H.J. Res. 672.....Public Law 86-647
Joint Resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes.

H.R. 806.....Public Law 86-643
An Act to authorize the Secretary of State to evaluate in dollars certain financial assistance loans expressed in foreign currencies arising as a result of World War II, and for other purposes.

H.R. 3900.....Public Law 86-666
An Act to permit the admission to registry and the use in the coastwise trade of certain foreign-built hydrofoil vessels.

H.R. 4595.....Public Law 86-644
An Act to clarify and make uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials, and for other purposes.

H.R. 5055.....Public Law 86-652
An Act to amend the restriction on the use of certain real property heretofore conveyed to the city of Saint Augustine, Florida, by the United States.

H.R. 5436.....Public Law 86-660
An Act to provide for a register in the Department of Commerce in which shall be listed the names of certain persons who have had their motor vehicle operator's licenses revoked.

H.R. 6556.....Public Law 86-662
An Act to amend subdivision c of section 39 of the Bankruptcy Act (11 U.S.C. 67c) so as to clarify time for review of orders of referees.

H.R. 7004.....Public Law 86-649
An Act to facilitate the administration of the public lands, and for other purposes.

H.R. 7211.....Public Law 86-663
An Act to provide additional disability compensation for certain seriously disabled veterans.

H.R. 7379.....Public Law 86-673
An Act to amend the Act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes.

H.R. 7593.....Public Law 86-661
An Act to provide that the Civil Aeronautics Board may temporarily authorize certain air carriers to engage in supplemental air transportation, and for other purposes.

H.R. 7634.....Public Law 86-645
An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

H.R. 7903.....Public Law 86-665
An Act to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for two years.

H.R. 8229.....Public Law 86-667
An Act to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts.

H.R. 9786.....Public Law 86-670
An Act to amend sections 511 and 512 of title 38, United States Code, to permit Indian war and Spanish-American War veterans to elect to receive pension at the rates applicable to veterans of World War I.

H.R. 10495.....Public Law 86-657
An Act to authorize appropriations for the fiscal years 1962 and 1963 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

H.R. 10511.....Public Law 86-672
An Act to grant an additional benefit to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937.

H.R. 10952.....Public Law 86-668
An Act to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society.

H.R. 10997.....Public Law 86-664
An Act to grant to the Government of Guam certain filled lands, submerged lands, and tidelands.

H.R. 11135.....Public Law 86-669
An Act to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize negotiation to create an interstate agency; and for other purposes.

H.R. 11516.....Public Law 86-676
An Act to create a judicial officer for the Post Office Department.

H.R. 11931.....Public Law 86-674
An Act to amend the Act of March 3, 1901, with respect to the time within which a caveat to a will must be filed in the District of Columbia.

H.R. 12465.....Public Law 86-671
An Act to provide for a simpler method of determining assessments under the Federal Deposit Insurance Act, and for other purposes.

H.R. 12584.....Public Law 86-675
An Act to amend the Uniform Narcotic Drug Act for the District of Columbia.

H.R. 12740.....Public Law 86-661
An Act making supplemental appropriations for the fiscal year ending June 30, 1961, and for other purposes.

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 26, Parts 222–299 $1.75
Titles 40–41, Revised $0.70
Title 44, Revised $3.25
General Index $1.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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FEDERAL REGISTER

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1960–61 Edition

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3356

1960 PACIFIC FESTIVAL

By the President of the United States of America

A Proclamation

WHEREAS the 1960 Pacific Festival will be held at San Francisco, California, from September 9 to September 18, 1960, inclusive; and

WHEREAS the purpose of this festival is to focus the attention of the world on the interdependence of the cultural and economic interests of the cities, States, and nations bordering the Pacific Ocean and to foster mutual understanding and cordial relations among the peoples of these areas; and

WHEREAS this purpose is consistent with our national policy of promoting peace and friendship through the cultivation of mutually beneficial economic, social, and cultural relationships among the nations and peoples of the world; and

WHEREAS the Congress, by a joint resolution approved July 14, 1960, has authorized and requested the President to issue a proclamation inviting foreign nations to participate in the 1960 Pacific Festival:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby authorize and direct the Secretary of State to invite, on my behalf, such foreign nations as he may deem appropriate to participate in the 1960 Pacific Festival at San Francisco, California, from September 9 to September 18, 1960.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-6808; Filed, July 18, 1960; 1:01 p.m.]

Executive Order 10882

FURTHER AMENDMENT OF EXECUTIVE ORDER NO. 10289,[1] RELATING TO THE PERFORMANCE OF CERTAIN FUNCTIONS AFFECTING THE DEPARTMENT OF THE TREASURY

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that Executive Order No. 10289 of September 17, 1951, headed "Providing for the Performance of Certain Functions of the President by the Secretary of the Treasury" (3 CFR, ch. II), as amended by Executive Order No. 10583 of December 18, 1954 (3 CFR, ch. II), be, and it is hereby, further amended by amending the first proviso of subparagraph (f) of paragraph 1 thereof, and by deleting the second proviso of that subparagraph, so that the said subparagraph (f), in its entirety, will hereafter read as follows:

"(f) The authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141); (1) to declare that—upon satisfactory proof being given by the government of any foreign nation that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country—the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country, and (2) to suspend in part the operation of section 4219 of the Revised Statutes, as amended (46 U.S.C. 121), and section IV, J, subsection 1 of the act of October 3, 1913, c. 16, 38 Stat. 195, as amended (46 U.S.C. 146), so that foreign vessels from a country imposing partial discriminating tonnage duties upon American vessels, or partial discriminating import duties upon American merchandise, may enjoy in our ports the identical privileges which the same class of American vessels and merchandise may enjoy in such country: *Provided*, that prior to the issuance of an order of the Secretary of the Treasury suspending and discontinuing (wholly or in part) discriminating tonnage duties, imposts, and import duties within the United States, the Department of State shall obtain and furnish to the Secretary of the Treasury the proof required by the said section 4228, as amended, as the basis for that order."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
July 18, 1960.

[F.R. Doc. 60-6844; Filed, July 19, 1960; 11:37 a.m.]

[1] 3 CFR, 1949–1953 Comp., p. 787; 16 F.R. 9499.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Appeals Involving Performance Ratings

Paragraph (b) of § 22.101 of Subpart A is revoked.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-6763; Filed, July 19, 1960; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Iowa

On June 24, 1960, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values for efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6, Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

IOWA

County	Average value	County	Average value
Adair	$40,000	Chickasaw	$40,000
Adams	40,000	Clarke	40,000
Allamakee	40,000	Clay	45,000
Appanoose	40,000	Clayton	45,000
Audubon	45,000	Clinton	45,000
Benton	45,000	Crawford	45,000
Black Hawk	45,000	Dallas	45,000
Boone	45,000	Davis	40,000
Bremer	45,000	Decatur	40,000
Buchanan	45,000	Delaware	45,000
Buena Vista	50,000	Des Moines	45,000
Butler	45,000	Dickinson	45,000
Calhoun	50,000	Dubuque	45,000
Carroll	45,000	Emmet	45,000
Cass	45,000	Fayette	45,000
Cedar	50,000	Floyd	45,000
Cerro Gordo	45,000	Franklin	45,000
Cherokee	50,000	Fremont	45,000

IOWA—Continued

County	Average value	County	Average value
Greene	$45,000	Montgomery	$45,000
Grundy	50,000	Muscatine	45,000
Guthrie	40,000	O'Brien	50,000
Hamilton	50,000	Osceola	45,000
Hancock	45,000	Page	45,000
Hardin	50,000	Palo Alto	45,000
Harrison	45,000	Plymouth	45,000
Henry	45,000	Pocahontas	50,000
Howard	40,000	Polk	45,000
Humboldt	50,000	Pottawattamie	45,000
Ida	45,000	Poweshiek	45,000
Iowa	45,000	Ringgold	40,000
Jackson	45,000	Sac	50,000
Jasper	45,000	Scott	45,000
Jefferson	45,000	Shelby	45,000
Johnson	45,000	Sioux	45,000
Jones	45,000	Story	50,000
Keokuk	45,000	Tama	45,000
Kossuth	50,000	Taylor	40,000
Lee	45,000	Union	40,000
Linn	45,000	Van Buren	40,000
Louisa	45,000	Wapello	40,000
Lucas	40,000	Warren	40,000
Lyon	45,000	Washington	45,000
Madison	40,000	Wayne	40,000
Mahaska	45,000	Webster	50,000
Marion	45,000	Winnebago	45,000
Marshall	45,000	Winneshiek	40,000
Mills	45,000	Woodbury	45,000
Mitchell	45,000	Worth	45,000
Monona	45,000	Wright	50,000
Monroe	40,000		

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: July 14, 1960.

K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F.R. Doc. 60-6780; Filed, July 19, 1960; 8:51 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 CCC Cottonseed Bulletin 2]

PART 443—OILSEEDS

Subpart—1960 Cottonseed Purchase Program Regulations

Sec.
443.1638 General statement.
443.1639 Administration.
443.1640 Availability.
443.1641 Eligible producer.
443.1642 Eligible cottonseed.
443.1643 Purchase price.
443.1644 Approved forms.
443.1645 Determination of quantity.
443.1646 Liens.
443.1647 Setoffs.
443.1648 Grade reporting areas.

AUTHORITY: §§ 443.1638 to 443.1648 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec 601, 70 Stat. 212; Title II, 73 Stat. 178; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421, 1446d.

§ 443.1638 General statement.

The purchase program provided for in this subpart is a part of the 1960 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). This subpart states the terms and conditions (a) under which ginners, who file Ginner's Notices of Intention to Participate (see § 443.1644(b)) and who otherwise comply with the applicable provisions of this subpart (hereinafter referred to as "participating ginners"), may sell eligible 1960-crop cottonseed, which they have purchased from eligible producers at not less than prescribed minimum prices, to CCC in cases where refusal by oil millers to purchase such seed from participating ginner at prices not less than the f.o.b. gin price to ginners which CCC agrees to pay as provided in §443.1643(b) makes purchases by CCC from such participating ginners necessary, and (b) under which producers may sell directly to CCC 1960-crop cottonseed in cases where nonparticipation by ginners under this subpart makes such purchases necessary. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC. The requirements with respect to loans to producers are contained in the 1960 CCC Cottonseed Bulletin 1 (§§ 443.1601 to 443.1622).

§ 443.1639 Administration.

(a) Operations under the program with respect to the purchase, transportation, handling, and storage of cottonseed prior to delivery of the cottonseed to an oil miller or to a storage facility approved by the New Orleans CSS Commodity Office (such storage facility will hereinafter be referred to as "approved storage facility") will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county" committees). All contracts in connection with such operations may be executed on behalf of CCC only by authorized CCC contracting officers.

(b) Contracts for the storage and handling of cottonseed subsequent to delivery of the cottonseed to an oil miller or an approved storage facility for the sale, crushing, and processing of cottonseed, and for the transportation, storage, handling, and sale of the products derived therefrom, will be executed by CCC contracting officers in the New Orleans CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office").

(c) ASC county office managers, ASC State and county committees, and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1640 Availability of program.

(a) *Area.* The purchase program will be available in all cotton-producing areas of the United States.

(b) *Time.* Purchases will be made from the date of the issuance of this subpart through February 28, 1961.

(c) *Source.* (1) Purchases of eligible cottonseed will be made by participating ginners from producers. Purchases (subject to the $50,000 limitation contained in P.L. 86-80) of eligible cottonseed will also be made directly from producers by CCC through county committees in areas where ginners do not participate in the program and the appropriate State committee determines that such direct purchases are necessary in order to make the program effective. Payments to producers for cottonseed purchased by CCC and for any authorized transportation performed by the producers, in accordance with § 443.1643 (a), will be made by ASC county offices by means of sight drafts drawn on CCC.

(2) Purchases of eligible cottonseed will be made by oil mills from participating ginners and others. Purchases of eligible cottonseed will also be made from participating ginners by CCC through ASC county offices in areas where oil millers refuse to pay such ginners at least the f.o.b. price to ginners for their cottonseed which CCC agrees to pay as provided in § 443.1643(b), and the appropriate State Committee determines that such purchases are necessary to make the program effective. Payments to participating ginners for cottonseed purchased by CCC will be made by ASC county offices by means of sight drafts drawn on CCC.

(3) Lists of participating ginners will be maintained in the ASC State and county offices.

§ 443.1641 Eligible producer.

(a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1960 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) No person will be eligible to receive more than $50,000 in nonrecourse price support from CCC on 1960-crop cottonseed through direct purchases by and loans by CCC unless he has qualified for an exemption from the $50,000 limitation on nonrecourse price support contained in Pub. Law 86-80 through reduction of his production of cotton. The rules provided in the "Regulations Relating to the $50,000 Limitation of Nonrecourse Price Support for the 1960 Crop of Price Supported Field Crops in Surplus Supply" (25 F.R. 1001), as amended (hereinafter referred to as the "Regulations Relating to the $50,000 Limitation"), shall be applied for the purposes of this subpart to determine whether certain individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the $50,000 limitation in Pub. Law 86-80 and whether producers come within the exemption from such limitation through reduction of their production. Any person who, on the basis of a reduction of his production, desires to qualify for an exemption from the $50,000 limitation shall file an application with the ASC county committee in accordance with the Regulations Relating to the $50,000 Limitation. Persons who have not qualified for an exemption from the $50,000 limitation on nonrecourse price support may obtain price support from CCC by means of recourse loans on their 1960-crop cottonseed in excess of that which may be tendered to CCC for nonrecourse price support, in accordance with the provisions of 1960 Cottonseed Bulletin 1.

(c) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in selling their cottonseed: *Provided*, (1) The cottonseed to be sold are delivered to the association by such producers; and (2) the association has been granted by such producer-members the legal right to sell the cottonseed.

§ 443.1642 Eligible cottonseed.

Eligible cottonseed shall be cottonseed which meet the following requirements:

(a) Such cottonseed must have been produced in the United States in 1960 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for purchase, or by the person who delivered the cottonseed to the cooperative association or ginner tendering the cottonseed for purchase, and the beneficial interest in the cottonseed must be in such person at the time he makes such tender or delivery and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for purchase must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for purchase must have the legal right to sell the cottonseed.

§ 443.1643 Purchase price.

(a) *Price to producers.* (1) Any direct purchases by CCC from producers will be made at gin or other designated point of delivery at the rate of $34.00 per gross ton for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). The price per ton thus computed may be rounded to the nearest multiple of ten cents. The grade of eligible cottonseed purchased by CCC directly from producers shall be considered to be the average grade of cottonseed for the area in which the purchase is made (see § 443.1648) as determined on the basis of the latest cottonseed grade report for the area published by CSS or as determined by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall specify the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. Notwithstanding the requirements in this subparagraph, if at any time while direct purchases are being made by CCC, the State ASC administrative officer determines that the average grade for an area, as determined on the basis of the latest cottonseed grade report for the area published by CSS, is higher than the grade of cottonseed being produced in any county in such area where direct purchases are being made, the State ASC administrative officer may reduce the price paid to producers in such county below the price established on the basis of the average grade for the area: *Provided*, That no producer shall be paid, during the period such reduced prices are effective, less than $34.00 per gross ton basis grade (100) cottonseed with price adjustments computed upon the difference between the average grade of cottonseed produced in the county during such period and basis grade (100). The average grade of cottonseed produced in the county during such period shall be determined on the basis of official chemical analysis covering cottonseed produced in such county or on such other reasonable basis as may be determined by the appropriate State ASC administrative officer.

(2) The grade of any cottonseed purchased before there is sufficient information available to make a determination of the grade of cottonseed for an area shall be considered to be 99.

(3) If authorized by the county office manager, the producer may deliver the seed at an oil mill, approved storage facility, or designated concentration point rather than at the gin or designated point of delivery, and the producer will be paid for the additional transportation at a rate not in excess of the commercial rate for such transportation service.

(b) *Price to ginners.* (1) (i) Any purchases by CCC from participating ginners will be at the rate of $30.00 per net ton for basis grade (100) cottonseed, f.o.b. conveyance or carrier at the gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). Cottonseed which are "below grade" or "off-quality," as defined in the United States Official Standards for Grades of Cottonseed, will be purchased from participating ginners by CCC at the market value of such cottonseed as determined by CCC. The grades of cottonseed purchased by CCC from such ginners shall be determined in accordance with the United States Official Standards for Grades of Cottonseed by chemical analysis of samples drawn from the cottonseed by federally-licensed cottonseed samplers or such other persons as are approved by CCC, and forwarded to and analyzed by federally-licensed cottonseed chemists. A ginner tendering cottonseed for purchase by CCC must not have paid any producer for cottonseed purchased by the ginner on or after the date of filing notice of his intention to participate in the program less than

$34.00 per gross ton basis grade (100), plus or minus a percentage of such price equal to the percentage by which the average grade of cottonseed for the area in which the gin is located (see § 443.1648) exceeded or was less than basis grade (100). Such average grade shall be determined on the basis of the latest CSS grade report for the area at the time of purchase from such producer or by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall report the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. If it is determined by the county office manager and the State ASC administrative officer that any participating ginner paid any producer less than the prices he should have paid under the foregoing provisions of this section, such ginner shall not, without prejudice to any other rights which CCC may have, be eligible to make any further sales to CCC under the 1960 Cottonseed Price Support Program.

(ii) Notwithstanding the preceding requirements as to price, a participating ginner, after first notifying the county office manager for the county where the gin is located of his intention to do so, may reduce the price paid to producers below the price established on the basis of the average grade for the area: *Provided*, That the ginner shall not pay any producer during the period he is paying such reduced price less than $34.00 per gross ton basis grade (100), with price adjustments computed upon the difference between the average grade of cottonseed produced at the gin during such period and basis grade (100). The average grade of cottonseed produced at the gin during such period shall be determined on the basis of official chemical analysis or oil mill grade reports covering such cottonseed or on such other reasonable basis as may be approved by the county office manager. The ginner shall furnish the county office with certified copies of such chemical analyses, grade reports, or other evidence satisfactory to the county office manager, showing the average grade of cottonseed produced at the gin during such period. If it is determined by the State ASC administrative officer and county office manager that any participating ginner paid producers less than the prices he should have paid in accordance with the preceding three sentences, such ginner shall, without prejudice to any other rights which CCC may have, be ineligible to make any further sales to CCC under the 1960 Cottonseed Price Support Program unless he first pays all of such producers the difference between the price paid to the producers and the price they should have received.

(iii) A ginner may round per ton prices for cottonseed purchased from producers to the nearest multiple of ten cents.

(2) The grade of any cottonseed purchased from a producer before there is sufficient information available to make a determination of the grade of cottonseed for an area shall be considered to be 90.

(3) If the ginner, upon authorization by the county office manager, transports cottonseed from the gin to oil miller, or approved storage facility, or designated concentration point, the ginner will be paid for such transportation at a rate not in excess of the commercial rate for such transportation service.

§ 443.1644 Approved forms.

The approved forms, together with the provisions of this subpart and any supplements and amendments thereto, shall govern the rights and responsibilities of producers and participating ginners. Approved forms may be obtained from ASC county offices. Any fraudulent representation made by a producer or ginner in executing an approved form may render him subject to criminal prosecution under Federal law and liable for any damages resulting from the purchase of the cottonseed involved. Documents executed by an administrator, executor, or trustee will be acceptable only where valid in law. The approved forms consist of the following:

(a) *Producers.* Producer's voucher (CCC Cottonseed Purchase Form 5) shall be executed by the producer when the cottonseed are purchased from the producer by CCC.

(b) *Cotton ginners.* (1) Each cotton ginner desiring to sell cottonseed to CCC pursuant to this subpart shall, prior to tender of any cottonseed for sale, file with the county office for the county in which each gin is located a Ginner's Notice of Intention to Participate (CCC Cottonseed Purchase Form 1). The filing of such notice does not obligate the ginner to sell any cottonseed to CCC, but all applicable provisions of this subpart must be complied with by the ginner if any cottonseed are offered by the ginner for sale to CCC under the 1960 Cottonseed Price Support Program. Only cottonseed purchased by a participating ginner from a producer after the filing of the Ginner's Notice of Intention to Participate shall be eligible for purchase by CCC under this subpart.

(2) After the Ginner's Notice of Intention to Participate has been filed, a Ginner's Certificate (CCC Cottonseed Purchase Form 2) shall be completed and executed by the participating ginner to cover all cottonseed purchased by him from producers, and the form shall be submitted by the ginner to the appropriate county office at such times and covering such periods of time as the State ASC administrative officer determines are necessary to make the program effective.

(3) If cottonseed are sold to CCC, the ginner shall prepare and execute a Ginner's Voucher and Certificate (CCC Cottonseed Purchase Form 4) covering the cottonseed and deliver the form to the county office. Each Ginner's Voucher and Certificate submitted by a ginner to the county office shall be supported by weight certificates or warehouse receipts covering the cottonseed purchased which have been issued by an oil miller, or an approved storage facility, or a representative of the county committee at a designated concentration point, and in the absence of warehouse receipts guaranteeing grade, by official chemical analyses certificates covering the cottonseed and identifying such cottonseed by lot numbers and/or receipt numbers and weights.

§ 443.1645 Determination of quantity.

The quantity of cottonseed purchased from the producer by CCC shall be the gross weight actually delivered to CCC as determined by a representative of the county committee, or by an approved storage facility, or by an oil miller. The quantity of cottonseed purchased from a producer by a participating ginner shall be the gross weight of the cottonseed as customarily determined by the ginner in his purchases of cottonseed from producers. The quantity of cottonseed purchased from a ginner by CCC shall be the net weight of the cottonseed at first destination after deduction of the weight of any foreign matter in excess of one percent.

§ 443.1646 Liens.

If liens or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1647 Setoffs.

Where CCC makes direct purchases of cottonseed from producers, setoffs will be made as follows:

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 443.1648 Grade reporting areas.

Areas for grade reporting purposes will be established by the Director, Cotton Division, CSS, and a list of area delineation may be obtained from the applicable ASC State office or the Director of the Cotton Division, CSS, Washington 25, D.C.

Issued this 14th day of July 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-6779; Filed, July 19, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 818—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR 1960

SEC.
818.1 Basis and purpose, and persons affected.
818.2 Definitions.
818.3 Non-quota purchases of sugar authorized.
818.4 Source of non-quota purchase sugar.
818.5 Requirements relating to importing non-quota purchase sugar.
818.6 Application by importer.
818.7 Release by a Collector of Customs.
818.8 Specific authorization for release.
818.9 Determination of quantities and time of effect.
818.10 Records and reports.
818.11 Delegation of authority.

AUTHORITY: Secs. 818.1 to 818.11 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, P.L. 86-592, approved July 6, 1960.

§ 818.1 Basis and purpose, and persons affected.

(a) The regulations in this part establish, under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 86-592, approved July 6, 1960, (1) for the calendar year 1960 the amount of non-quota purchase sugar which may be imported into the continental United States (including Alaska) for consumption therein from all foreign countries, and (2) the procedures applicable to importing such sugar. To permit non-quota purchase sugar to be marketed in an orderly manner it is essential that this regulation be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest, and these regulations shall become effective when published in the FEDERAL REGISTER.

(b) Persons affected by the provisions of this part include importers, mainland refiners, shipping companies engaged in the transportation of sugar to ports in the continental United States, and persons otherwise engaged in the movement of sugar in interstate or foreign commerce.

§ 818.2 Definitions.

As used in this part.

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922, as amended).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust, or other business enterprise of legal entity, and, wherever applicable, any unit, instrumentality, or agency of a government, domestic or foreign.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority or to whom authority may hereafter be delegated to act in his stead.

(e) The term "Sugar Division" means the Sugar Division of the Commodity Stabilization Service, of the Department, Washington 25, D.C., or any other organizational unit within the Department to which administration of the Sugar Act may hereafter be delegated.

(f) The term "Collector" means the Collector of Customs, U.S. Bureau of Customs, for the District in which the port of entry is located or any officer of the Bureau of Customs designated to act in his stead.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar into the continental United States (including Alaska) from a foreign country.

(h) The term "importer" means any person who brings or imports sugar into the continental United States (including Alaska), including but not limited to the owner, consignor, consignee, transferee or purchaser of such sugar or the broker acting on behalf of such person.

(i) The term "refiner" means any person who subjects offshore sugar to processes as provided in Part 810 of this subchapter.

(j) The terms "sugars," "sugar," and "raw sugar" have the meanings ascribed to each in sec. 101 (b), (c) and (d), respectively, of the act subject to the provisions of Part 810 of this subchapter which are hereby made applicable to non-quota purchase sugar.

(k) The term "non-quota purchase sugar" means sugar purchased pursuant to the provisions of sec. 408(b)(2) of the act.

§ 818.3 Non-quota purchases of sugar authorized.

Non-quota purchases of sugar, in accordance with sec. 408(b) of the act, are authorized to be made in accordance with the provisions of this part. Such non-quota purchases must be made after July 6, 1960, from the producer of such sugar or from a citizen, partnership, corporation, or other legal entity, or Government agency, of the country in which the sugar was produced, for shipment to the United States, or after shipment to the United States.

§ 818.4 Source of non-quota purchase sugar.

For the calendar year 1960 the amount of non-quota purchase sugar to be imported into the continental United States for consumption therein from foreign countries is as follows:

Country:	*Short tons, raw value*
Haiti	2,567
Netherlands	6,129
China	6,258
Panama	6,258
Costa Rica	6,267
Republic of the Philippines	109,755

The quantities of non-quota purchase sugar that may be imported into the continental United States for consumption therein established in this regulation may be amended from time to time to increase the quantities of sugar that may be imported from the countries named herein and to establish quantities for countries or groups of countries which are not named herein.

§ 818.5 Requirements relating to importing non-quota purchase sugar.

(a) Notwithstanding the provisions of Part 817 of this chapter, non-quota purchase sugar may be imported from the country where produced in accordance with the provisions of this part. The provisions of this part apply only to non-quota purchase sugar.

(b) Non-quota purchase sugar shall be imported only at Customs ports of entry.

(c) A copy of the ship's manifest, bills of lading, or other shipping documents covering all sugar in a shipment must be submitted to the Collector within 72 hours after the beginning of unlading of the sugar.

(d) The Collector shall take custody of such sugar and shall retain custody, at the risk and expense of the consignee or owner, until authorized to permit release thereof in accordance with § 818.7. In taking and retaining custody pursuant to these regulations, the Collector shall be governed by the provisions of §§ 4.37, 4.38, 19.1 through 19.9 and 19.12 of Chapter I, Title 19, Code of Federal Regulations, which are made applicable to such custody by reference as fully as if set forth in full herein.

§ 818.6 Application by importer.

(a) A separate application must be submitted as specified in paragraph (c) of this section on appropriate copies of a form prescribed by the Secretary entitled "Sugar Quota Clearance Record," with the changes hereinafter specified, not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar to be delivered to a single refinery or importer from each cargo:

(1) Port and date of arrival. If the port is not known when the application is submitted, this information must be supplied before a Collector will be authorized to release the sugar.

(2) Name of the vessel or other specific identification of the carrier.

(2) Name of the producing area, the port of lading and the date the carrier is expected to depart from such port.

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted to the Sugar Division, this information must be supplied before a Collector will be authorized to release the sugar.

(5) Quantities, in pounds, to be imported as shown on the application; if in bags, identified by marks, quantities should be shown separately for each mark. The designation of separate quantities within the total to be imported which are identified by separate marks shall be shown on the report required pursuant to paragraph (f) of this section, if such information cannot be shown at the time the application is submitted.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the quantity of sugar which is subject to shipment as specified;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the vessel or carrier stated on the application is (i) the date specified to the applicant or shipper by the Master, Owner or Agent of such vessel or carrier as the expected departure date, or (ii) the date the shipper expects the vessel to depart based on the date the vessel or carrier will be available for loading as specified by the Master, Owner or Agent of such vessel or carrier plus the normally required loading time.

(c) The application specified in paragraph (a) of this section shall be submitted to the Sugar Division for the issuance of an authorization by the Secretary to the appropriate Collector for the release of sugar as provided in § 818.7.

(d) The specific authorization by the Secretary required pursuant to § 818.7 may be issued prior to the receipt of an application on appropriate copies of the "Sugar Quota Clearance Record" provided all of the information required pursuant to paragraphs (a) and (e) of this section is transmitted to the Sugar Division by telegram and such advance authorization is necessary to avoid delay in the delivery of the sugar.

(e) Any application made pursuant to this section shall contain over the signature of the applicant, the following certification:

This application is made under Sugar Regulation 818 for importing non-quota purchase sugar and is subject to all of the provisions of such regulation. The applicant certifies that he is either (1) the producer of the sugar, or (2) a citizen, partnership, corporation, or other legal entity, or government agency, of the country in which the sugar is produced, or (3) has purchased such sugar after July 6, 1960, from ----------, the producer of such sugar, or from ----------, a citizen, partnership, corporation, or other legal entity, or government agency, of the country in which the sugar is produced, for exportation to the United States.

(f) Within 30 days after release of the sugar by the Collector pursuant to § 818.7, the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this subchapter shall be reported to the Sugar Division on the applicable copy of the "Sugar Quota Clearance Record" or a duplicate of such copy, together with information specified in paragraph (a) of this section. The period within which the report required pursuant to this paragraph must be made may be extended for good cause shown with respect to a specified shipment upon request to and approval by the Secretary.

§ 818.7 Release by a Collector.

A Collector of Customs may release sugar imported from any country for any purpose only upon specific authorization by the Secretary pursuant to § 818.8 with respect to each application required under § 818.6.

§ 818.8 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the vessel or other carrier on which the sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause, and shall be canceled only if mistakenly issued, a misrepresentation was made, the shipment does not depart within 3 days of the date stated on the application, or importation does not occur during the period specified. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the Collector until all the information required by paragraph (a) of § 818.6 is received in the Sugar Division.

(b) *Order of eligibility for authorization.* An application on file with the Sugar Division for the release of sugar shall become eligible for authorization at 12:01 a.m., on the fifth calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the country of origin or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release of sugar by the Collector within the unfilled portion of the amount of non-quota purchase sugar authorized to be imported from a country in the same order in which the applications pertaining to such country become eligible for authorization: *Provided*, That, if two or more applications pertaining to the same country become eligible for authorization at the same time, such applications shall be authorized in the order of their stated date of departure (earliest first), and in such case if two or more such applications have the same date of departure and the quantity which may be authorized within the unfilled amount of non-quota purchase sugar assigned to such country is less than the sum of the applied-for quantities, the quantity authorized for each application shall be in the same proportion to the quantity which may be authorized within the unfilled portion as the quantity requested on each such application is to the sum of the quantities requested on all such applications.

(c) *Extent of authorizations.* No authorization shall be issued when the quantity of non-quota purchase sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations issued hereunder but not yet released, equals the amount of non-quota purchase sugar assigned to the country.

(d) *Denial of authorizations.* Authorizations on applications otherwise eligible may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported.

§ 818.9 Determination of quantities and time of effect.

(a) Non-quota purchase sugar imported shall be subject to the amount authorized to be imported from the country in which the sugar was produced.

(b) (1) Each quantity authorized for release pursuant to § 818.8 shall be effective for filling the amount of non-quota purchase sugar at the time the applicable authorization is issued. For this purpose the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipment from the same country and the raw values thereof determined as provided in Title I of the act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of and on the basis of the report required pursuant to § 818.6 (f) covering an application initially given effect pursuant to subparagraph (1) of this paragraph, the quantity effective for filling the amount of non-quota purchase sugar shall be the quantity of sugar imported pursuant to the authorization to the extent of its raw value, as defined in Title I of the act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter.

§ 818.10 Records and reports.

(a) For the purposes of this part, any quantities of sugar imported as crystalline sugar which are subsequently converted into and marketed as liquid sugar shall be reported subsequent to such conversion as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed in paragraph (1), (2) or (3) of sec. 101 (h) of the act, applicable to the crystalline sugar so converted. Liquid sugar for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of two years following the end of the calendar year in which the sugar was imported into the continental United States, an accurate record of the receipt, processing and movement of such sugar and of all tests and weights pertaining thereto. Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during the regular working hours of any business day.

(c) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942. In addition to the applications, authorizations and reports otherwise specifically referred to in this part, this requirement shall include, but is not necessarily limited to, the information prescribed on Form SU-73 or Form SU-74.

§ 818.11 Delegation of authority.

The Director, or Deputy Director, of the Sugar Division, or the Chief or Acting Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, is hereby authorized to act for and on behalf of the Secretary in administering §§ 818.1 through 818.10.

Done at Washington, D.C., this 14th day of July 1960.

MARVIN L. McLAIN,
Acting Secretary.

Concurred in for the Secretary of State by:

THOMAS C. MANN,
Assistant Secretary of State.

[F.R. Doc. 60-6750; Filed, July 19, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 205, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.505 (Valencia Orange Regulation 205, 25 F.R. 6459) are hereby amended to read as follows:

(ii) District 2: 600,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 15, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6748; Filed, July 19, 1960; 8:47 a.m.]

[Milk Order 63]

PART 963—MILK IN THE GREAT BASIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 963), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act: In § 963.42 (c) (1), the phrase "the City Hall in Salt Lake City,".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will allow handlers to transfer cream for manufacturing use greater distances to nonpool plants than at present and permit it to be classified as Class II milk, pending consideration of proposed amendments to the order. Such cream presently is classified as Class I milk if it is transferred to nonpool plants located outside the marketing area 225 miles or more from the City Hall in Salt Lake City, Utah. Substantial quantities of cream for manufacturing are being sold to plants located in excess of 225 miles from Salt Lake City. The urgency of the matter is such that its accommodation should be provided for immediately and not be delayed for the time necessary for analysis of the record evidence and the preparation and issuance of a recommended decision, a final decision, and an order on the proposed amendments being considered.

(4) Suspension action is based on the request of producers' associations representing more than 90 percent of the producers supplying the market and evidence presented by them at a hearing held in South Salt Lake, Utah, May 10–12, 1960. No opposition testimony was offered by handlers.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 49 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 18th day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6821; Filed, July 19, 1960; 9:20 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Stock Dividend

§ 208.102 Necessity for Board approval of stock dividend by State member bank.

(a) The opinion of the Board of Governors has been requested as to whether section 5199(b) of the Revised Statutes of the United States, as amended September 8, 1959 (12 U.S.C. 60), requires the Board's approval for the declaration of a stock dividend by a State member bank in an amount which would exceed the total of net profits for the present year combined with the retained net profits of the preceding two years. This statute is made applicable to State member banks by the sixth paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 324).

(b) The purpose of this provision is to prevent the depletion of the capital structure of a bank by the payment of excessive dividends. Since a stock dividend does not result in the distribution of cash or assets, the Board does not consider the term "dividend" in this statute as including stock dividends. Consequently, the Board's approval for

the declaration of a stock dividend is not required.

(Sec. 11(1), 38 Stat. 263; 12 U.S.C. 248(1). Interprets sec. 315, 40 Stat. 712, as amended; 12 U.S.C. 60)

Dated at Washington, D.C., this 12th day of July 1960.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-6733; Filed, July 19, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket 60-WA-63]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On April 2, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 2907) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 494 and its associated control areas from Sacramento, Calif., to Elko, Nev.

As stated in the Notice, the Federal Aviation Agency proposed to designate Victor 494 from the Sacramento VOR via the intersection of the Sacramento VOR 038° True and the 249° True radial of a VOR to be installed approximately October 1, 1960, near Lake Tahoe, Calif., at latitude 39°10'50" N., longitude 120° 16'07" W.; Lake Tahoe VOR; intersection of the Lake Tahoe VOR 078° True radial and the 244° True radial of a VOR to be installed approximately May 4, 1960, near Fallon, Nev., at latitude 39°30'58" N., longitude 118°59'47" W.; Fallon VOR; via a VOR to be installed approximately June 1, 1960, near Mount Moses, Nev., at latitude 40°11'30" N., longitude 117°24'59" W., to the Elko VOR. The designation of this airway is a part of a plan to establish a dual airway system between the San Francisco/Oakland, Calif., and the Chicago, Ill., terminal areas.

Subsequent to the publication of the Notice, the site of the Mount Moses VOR was corrected to latitude 40°11'42" N., longitude 117°24'38" W. This change is minor in nature since it is less than 1 mile from the original site. Additionally, the commissioning date of the Lake Tahoe and Fallon VORs has been rescheduled to November 1, 1960. The commissioning date of the Mount Moses VOR has been rescheduled to October 31, 1960. Although not mentioned in the Notice, the segment of Victor 494 between Fallon and Mount Moses penetrates the Fallon Restricted Area (R-267). Action is taken herein to exclude the area which coincides with R-267 from the airway's description.

The Aircraft Owners and Pilots Association concurred in the designation of Victor 494. However, AOPA suggested the relocation of the Fallon VOR to a point where it will serve as an approach aid to the Fallon Civil and Naval Airports, and the relocation of the Mount Moses VOR to a point 17 miles south southeast, which would permit alignment of Victor 494 to avoid R-267. The Fallon VOR is so located that it will serve the Fallon Naval Auxiliary Air Station as an instrument approach aid with proposed weather minimums of 1000 foot ceiling and one mile visibility during the day and 1000 foot ceiling and two miles visibility at night. An instrument approach procedure for the Fallon (Civil) Airport is being developed and weather minimums are expected to be 1,500 foot ceiling and one mile visibility. Since the altitude limitation on the Fallon Restricted Area (R-267) is 8,000 feet MSL, which is 3,000 feet below the minimum en route altitude of 11,000 feet proposed for this segment of Victor 494, the Federal Aviation Agency does not consider this to be in confliction with the management of IFR traffic utilizing the airway.

The Department of the Navy requested that a minimum en route altitude of not less than 10,000 feet be established for the segment of Victor 494 between the Lake Tahoe and Mount Moses VORs to enhance air safety in connection with flight activities emanating from the Fallon NAAS, and activities being conducted in the Fallon Restricted Area (R-268). An MEA of not less than 10,000 feet will be established for this route segment.

The Department of the Air Force submitted an objection to the designation of Victor 494 between Lake Tahoe and Fallon VORs due to the confliction of this airspace with the VOR jet penetration procedures for Reno, Nev. The Federal Aviation Agency anticipates no difficulty in the control of air traffic in this area. A suitable by-pass route of the Reno jet penetration area exists and can be utilized during those periods when heavy jet activity so dictates. Any air traffic control problems that may exist between terminal traffic at Reno and en route traffic on the airway will be resolved on a procedural basis by the appropriate air route traffic control center to ensure efficient air traffic management.

No other adverse comments were received regarding the proposed amendments.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following sections:

§ 600.6494 VOR Federal airway No. 494 (Sacramento, Calif., to Elko, Nev.).

From the Sacramento, Calif., VORTAC via the INT of the Sacramento VORTAC 038° True and the Lake Tahoe, Calif., VOR 249° True radials; Lake Tahoe VOR; INT of the Lake Tahoe VOR 078° True and the Fallon, Nev., VOR 244° True radials; Fallon VOR; Mount Moses, Nev., VOR; to the Elko, Nev., VORTAC. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of the Fallon, Nev., Restricted Area (R-267) is excluded during the time of designation of this restricted area.

§ 601.6494 VOR Federal airway No. 494 control areas (Sacramento, Calif., to Elko, Nev.).

All of VOR Federal airway No. 494.

These amendments shall become effective 0001 e.s.t., January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6724; Filed, July 19, 1960; 8:45 a.m.]

[Airspace Docket 60-WA-110]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Route

On April 26, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 3597) stating that the Federal Aviation Agency was considering an amendment to § 602.543 of the regulations of the Administrator which would extend VOR/VORTAC jet route No. 43 from Dayton, Ohio, to Peck, Mich.

As stated in the Notice, J-43-V presently extends from Key West, Fla., to Dayton, Ohio. The Federal Aviation Agency proposed to extend J-43-V from Dayton to Peck direct station to station to provide a route for high altitude traffic operating between the Atlanta, Ga., and the Detroit, Mich./Selfridge Air Force Base, Mich., terminal areas.

The Department of the Air Force objected to the extension of J-43-V for the reasons that the proposed extension would conflict with the Selfridge AFB Military Climb Corridor, and the route would conflict with the Selfridge AFB TACAN approach procedures and holding pattern.

The Air Force noted that other airspace action has been implemented for the express purpose of by-passing the Detroit/Selfridge high density area. They also stated the Air Force has no operational requirement for such a route and recommended that the proposed route be terminated in the vicinity of Detroit which would eliminate the conditions noted above.

In view of the comments received regarding the proposed extension of J-43-V, the Federal Aviation Agency is extending this route via the direct radial between the Dayton and Peck VORs to the intersection of VOR/VORTAC jet route No. 84. This action will result in the termination of J-43-V south of the Selfridge AFB area, which will eliminate the objections of the Air Force, yet still serve the Detroit terminal area.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken: § 602.543 (14 CFR, 1958 Supp., 602.543) is amended as follows:

1. In the caption "*(Key West, Fla., to Dayton, Ohio)*" is deleted and "*(Key West, Fla., to Wayne, Mich.)*" is substituted therefor.

2. In the text "Lexington, Ky., VOR to the Dayton, Ohio, VOR." is deleted and "Lexington, Ky., VORTAC; Dayton, Ohio, VORTAC; to the INT of the Dayton VORTAC direct radial to the Peck, Mich., VOR and the Windsor, Ont., VOR 278° True radial." is substituted therefor.

This amendment shall become effective 0001 e.s.t. August 13, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6723; Filed, July 19, 1960; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55175]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar From Australia

Net amount of bounty declared for the first 6 months of 1960 for products of Australia subject to the countervailing duty order published in T.D. 54582—§ 16.24(f), Customs Regulations, amended.

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1960 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1960	Net amount of bounty per 2,240 pounds of sugar content
January	A£ 27. 8.0
February	28. 1.0
March	27. 4.0
April	25. 14.0
May	26. 17.0
June	25. 4.0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, as amended, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 13, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6760; Filed, July 19, 1960; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Pineapple; Order Amending Standard of Identity

In the matter of amending the definition and standard of identity for canned pineapple:

A notice of proposed rule making was published in the FEDERAL REGISTER of March 25, 1960 (25 F.R. 2548), setting forth a proposal by the National Canners Association, 1133 Twentieth Street NW., Washington 36, D.C., to amend the definition and standard of identity for canned pineapple to provide for the optional addition of mint flavoring. The Commissioner of Food and Drugs invited interested persons to submit their views and comments on the proposal and also on the advisability of expanding the proposed amendment to make spice, flavoring (other than artificial flavoring), and vinegar permitted optional ingredients.

Upon consideration of all views and comments submitted and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers the definition and standard of identity for canned pineapple should be amended as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948, 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered*, That the definition and standard of identity for canned pineapple (21 CFR 27.50) be amended as follows:

1. Section 27.50(a) is amended by inserting a new sentence reading, "Canned pineapple may be flavored or seasoned with one or more of the optional ingredients specified in paragraph (e) of this section" immediately preceding the last sentence of that paragraph, so that as amended the last two sentences in § 27.50(a) shall read:

(a) * * * Canned pineapple may be flavored or seasoned with one or more of the optional ingredients specified in paragraph (e) of this section. Such food is sealed in containers, and is so processed by heat, either before or after sealing, as to prevent spoilage.

2. Section 27.50 is further amended by inserting therein a new paragraph to provide for the use of the optional ingredients spice, flavoring, and vinegar and a new subparagraph in redesignated paragraph (g) to provide for appropriate labeling. As amended, § 27.50 (e), (f), and (g) read as follows:

(e) The optional ingredients referred to in paragraph (a) of this section are as follows:

(1) Spice.

(2) Flavoring, other than artificial flavoring.

(3) A vinegar.

(f) The name of the canned pineapple prepared from each of the optional forms of pineapple ingredient specified in paragraph (a) of this section is as follows:

(1) If the option form is one designated in paragraph (a) (1) to (7), inclusive, of this section, the name is "pineapple," preceded or followed, for each of the indicated optional forms of units, by the words here specified:

(a) (1) "Sliced" or "slices."
(a) (2) "Half sliced" or "half slices."
(a) (3) "Broken sliced" or "broken slices."
(a) (4) "Tidbits."
(a) (5) "Chunks."
(a) (6) "Cubes" or "diced."
(a) (7) "Spears" or "fingers."

(2) If the optional form is one designated in paragraph (a) (8) of this section, the name is "pineapple," preceded or followed by the word "crushed." If the crushed pineapple, when drained by the method specified in § 27.51(b) (1), yields not less than 73 percent but less than 78 percent by weight of drained

material, the word "crushed" or the words "crushed pineapple" in the name of the food may be preceded or followed by the words "heavy pack," and if it yields 78 percent or more by weight of drained material the word "crushed" or the words "crushed pineapple" may be preceded or followed by the words "solid pack."

(g) (1) The labels of canned pineapple prepared from the optional forms of pineapple specified in paragraph (a) (1) to (7), inclusive, of this section shall bear the name of the optional packing medium used as specified in paragraph (b) of this section, preceded by "in" or "packed in." Whenever the optional packing medium pineapple juice, as specified in paragraph (b) (2) of this section, is used, the words "pineapple juice" may be preceded by the word "unsweetened." The labels of crushed pineapple canned with the optional packing media specified in paragraph (b) (2) to (6), inclusive, of this section shall bear the statement "in _____" or "packed in _____," the blank being filled in with the name of the optional packing medium used as specified in paragraph (b) of this section, but in lieu of such statement crushed pineapple canned with pineapple juice (paragraph (b) (2) of this section) may be labeled "unsweetened," and crushed pineapple canned with pineapple juice and sugar may be labeled "lightly sweetened" or "heavily sweetened" or "extra heavily sweetened," if the drained liquid conforms to the density ranges specified in paragraph (c) of this section for light sirup, heavy sirup, or extra heavy sirup, respectively.

(2) When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (e) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(e) (1) "Spiced" or "spice added" or "with added spice" or, in lieu of the word "spice," the common name of the spice.

(e) (2) "Flavoring added" or "with added flavoring" or, in lieu of the word "flavoring," the common name of the flavoring.

(e) (3) "Seasoned with vinegar" or "seasoned with _____ vinegar," the blank being filled in with the name of the vinegar used.

When two or all of the optional seasoning ingredients specified in paragraph (e) (1), (2), and (3) of this section are used, such words may be combined, as for example, "seasoned with vinegar, cloves, and cinnamon oil."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall conspicuously precede or follow the name, without intervening written, printed, or graphic matter, except that the adjectival designation of the State, Territory, or possession of the United States or of the foreign country in which the pineapples were grown may intervene.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: July 13, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6743; Filed, July 19, 1960; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of Parathion in Garlic

No objections having been filed to the proposal published in the FEDERAL REGISTER of May 6, 1960 (25 F.R. 3988), with reference to establishing a tolerance for residues of parathion in or on garlic, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.121) be amended by inserting after the words "corn forage," the word "garlic." As amended, § 120.121 reads as follows:

§ 120.121 Tolerances for residues of parathion.

A tolerance of 1 part per million is established for residues of parathion (*O,O*-diethyl *O*-*p*-nitrophenyl thiophosphate) in or on the following raw agricultural commodities: Alfalfa, barley, clover, corn forage, garlic, grass for forage, hops, oats, olives, pea forage, vetch, wheat.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(c), (e), 68 Stat. 511, 516; 21 U.S.C. 346a(c), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29(a)).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511 et seq.; 21 U.S.C. 346a)

Dated: July 13, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6744; Filed, July 19, 1960; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISTILLED ACETYLATED MONOGLYCERIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Distillation Products Industries, Division of Eastman Kodak Company, Rochester 3, New York, and other relevant material, has concluded that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive distilled acetylated monoglycerides for use in or on food. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611), Subpart D (21 CFR Part 121) of the food additive regulations is amended by adding thereto the following new section:

§ 121.210 Distilled acetylated monoglycerides.

The food additive distilled acetylated monoglycerides may be safely used in or on food in accordance with the following prescribed conditions:

(a) The additive is manufactured from edible fats by interesterification with triacetin and catalytic agents that are not food additives as so defined, followed by a molecular distillation whereby the finished additive meets all the following specifications:

Monoglycerides: Not to exceed 25 percent.
Reichert-Meissl value: 75–150.
Acid value: Less than 6.

(b) It is used or intended for use as:
(1) A food coating agent.
(2) A food container component.
(3) An equipment lubricant.
(4) An emulsifier in food.

The acetylated monoglycerides from any such uses do not exceed 5 percent of the finished food when calculated from the percent fat in the finished food multiplied by the Reichert-Meissl value of the extracted fat, divided by 112.5.

(c) To insure safe use of the additive, the label of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, "distilled acetylated monoglycerides" or "acetylated monoglycerides."

(2) Adequate use directions to provide a final product that complies with the limitations prescribed in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C. written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: July 13, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6745; Filed, July 19, 1960; 8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6483]

PART 17—TEMPORARY RULES RELATING TO THE DEALER RESERVE INCOME ADJUSTMENT ACT OF 1960

Elections or Other Actions by Taxpayers Under Provisions of Act

The following rules, prescribed under the Dealer Reserve Income Adjustment Act of 1960 (74 Stat. 124), relate to certain elections or other actions by taxpayers under the provisions of such Act.

The rules set forth herein are temporary rules designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under the Dealer Reserve Income Adjustment Act of 1960. More comprehensive rules with respect to the subject involved will be incorporated in subsequent regulations under the Act. The inclusion in this Treasury decision of rules relating to certain acts is intended to assist taxpayers in the performance of such acts. Rules with respect to other acts required or permitted by other provisions of the Act will be covered in subsequent regulations.

In order to prescribe temporary rules relating to certain elections or other actions by taxpayers under the provisions of the Dealer Reserve Income Adjustment Act of 1960, the following rules are hereby adopted:

§ 17.1–1 Elections under Dealer Reserve Income Adjustment Act of 1960.

(a) *In general.* The Dealer Reserve Income Adjustment Act of 1960 (74 Stat. 124) contains transitional provisions relating to adjustments to income resulting from a change in the income tax treatment of "dealer reserve income". This Act applies to any person who, for his most recent taxable year ending on or before June 22, 1959, (1) computed, or was required to compute, taxable income under an accrual method of accounting, (2) treated any dealer reserve income, which should have been taken into account (under the accrual method of accounting) for such taxable year, as accruable for a subsequent taxable year, and (3) before September 1, 1960, makes an election under either section 3(a) or 4(a) of the Act. These elections relate to the manner of computing adjustments to income resulting from the change in the treatment of "dealer reserve income". Section 4(b) provides an election in certain cases for the payment in installments of the net increase in tax resulting from the exercise of the election under section 4(a). These elections are applicable only with respect to adjustments resulting from the change in the treatment of dealer reserve income and the increase or decrease in tax resulting therefrom. For a definition of "dealer reserve income", see section 5(a) of the Act.

(b) *Elections*—(1) *Election to have section 481 apply.* Section 3(a) provides that if the taxpayer makes an election under that section, the change in the treatment of dealer reserve income shall be treated as a change in method of accounting not initiated by the taxpayer to which section 481 of the Internal Revenue Code applies. The year in which the change is considered to have been made in the earliest of the years described in section 3(b) in which the treatment of dealer reserve income is changed to a method proper under the accrual method of accounting.

(2) *Election to have section 481 not apply.* Section 4(a) provides that if the taxpayer makes an election under that section, the change in the treatment of dealer reserve income shall be treated as not a change in method of accounting to which section 481 of the Code applies. An election made under section 4(a) shall apply to all taxable years ending on or before June 22, 1959, for which the assessment of any deficiency, or for which refund or credit of any overpayment, was not, on June 21, 1960, prevented by the operation of any law or rule of law. If a valid election is made under section 4(a), whether or not an election under section 4(b) is also made, no interest shall be imposed on any underpayment and no interest shall be paid on any overpayment attributable to such election for the period beginning on the date of the election and ending on the date prescribed for payment of the tax for the taxable year in which the election was made.

(3) *Election to pay in installments.* Section 4(b) provides that if an election is made under section 4(a), and if the "net increase in tax" as defined in paragraph (2) of section 4(b) exceeds $2,500, then the taxpayer may elect to pay any portion of such increase unpaid on the date of election in 2 or more (but not to exceed 10) equal annual installments. In determining whether the net increase in tax resulting from the election exceeds $2,500, there shall be taken into account interest computed on any increase in tax from the due date for payment of the tax for the taxable year to which the increase relates to the date of election. Similarly, there shall be taken into account interest computed on any decrease in tax from the date of overpayment to the date of election.

(c) *By whom election is to be made*—(1) *In general.* Generally, the taxpayer to whom the Act applies will exercise the elections provided therein. In the case of a partnership or a corporation electing under the provisions of Subchapter S, Chapter 1 of the Code, the elections shall be exercised by the persons specified in subparagraphs (2) and (3) of this paragraph, respectively.

(2) *Partnerships.* In the case of a partnership, the election under section 3 or 4(a) shall be exercised by the partnership. If an election is made by the partnership under section 4(a), any election under section 4(b) to pay the net increase in tax in installments shall be made by each partner separately. The determination as to whether the net increase in tax resulting from the section 4(a) election exceeds $2,500 shall be made with reference to the increase or decrease in the tax of each partner attributable to the adjustment to his distributive share of the partnership income resulting from the election.

(3) *Subchapter S corporations.* In the case of an electing small business corporation under Subchapter S, Chapter 1 of the Code, the election under section 3 or 4(a) shall be made by such corporation. An election under section 4(b) to pay the net increase in tax in installments shall, to the extent the net increase in tax resulting from the election is attributable to adjustments to income for taxable years for which the corporation was not an electing small business corporation, be made by the corporation. The determination as to whether the net increase in tax for such

taxable years exceeds $2,500 shall be made with reference to the increase or decrease in tax of the corporation. Any election under section 4(b) to pay the net increase in tax in installments shall, to the extent the increase in tax is attributable to years for which the corporation was an electing small business corporation, be made by the shareholders separately. The determination in such a case as to whether the net increase in tax for such taxable years exceeds $2,500 shall be made with reference to the increases or decreases in the tax of each shareholder attributable to the adjustments to taxable income of the electing small business corporation resulting from the election.

(d) *Time and manner of making elections*—(1) *In general.* Any election made under the Act shall be made by the person described in paragraph (c) of this section before September 1, 1960, by filing a statement with the district director with whom such person's income tax return for the taxable year in which the election is made is required to be filed. Any election is irrevocable after August 31, 1960. A copy of the statement of election shall be attached to and filed with such person's income tax return for such taxable year.

(2) *Election to have section 481 apply.* An election under section 3 of the Act shall be made in the form of a statement which shall include the following:

(i) A clear indication that an election is being made under section 3;

(ii) Information sufficient to establish eligibility to make the election; and

(iii) The year of change as defined in section 3(b).

An amended income tax return reflecting the increase or decrease in tax attributable to the election shall be filed for the year of change together with schedules showing how the tax was recomputed under section 481 of the Code. If income tax returns have been filed for any taxable years subsequent to the year of change, amended returns reflecting the proper treatment of dealer reserve income for such years shall also be filed. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than November 30, 1960. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns.

(3) *Election not to have section 481 apply.* An election under section 4(a) of the Act shall be made in the form of a statement which shall include the following:

(i) A clear indication that an election is being made under section 4(a);

(ii) Information sufficient to establish eligibility to make the election; and

(iii) The taxable years to which the election applies.

Amended income tax returns reflecting the increase or decrease in tax attributable to the election shall be filed for the taxable years to which the election applies. If income tax returns have been filed for any subsequent taxable years, amended returns reflecting the proper treatment of dealer reserve income for such years shall also be filed. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than November 30, 1960. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns.

(4) *Election to pay tax in installments.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph, if the person making the election under section 4(a) of the Act also desires to make the election under section 4(b) to pay the increase in tax in installments, then the statement of election prescribed by subparagraph (3) of this paragraph shall include the following additional information:

(*a*) A clear indication that an election is also being made under section 4(b);

(*b*) A summary of the total increases and decreases in tax, together with interest thereon, in sufficient detail to establish eligibility to make the election; and

(*c*) The number of annual installments in which the taxpayer elects to pay the net increase in tax.

(ii) Where a partnership or electing small business corporation under Subchapter S, Chapter 1 of the Code, has made an election under section 4(a), and any partner or shareholder, as the case may be, desires to make an election under section 4(b), a statement of election shall be filed by such partner or shareholder containing the following information:

(*a*) A clear indication that an election is being made under section 4(b);

(*b*) A summary of the total increases and decreases in tax, together with interest thereon, of such partner or shareholder in sufficient detail to establish eligibility to make the election;

(*c*) The number of annual installments in which the partner or shareholder elects to pay the net increase in tax; and

(*d*) The office of the district director and the date on which the election under section 4(a) was filed by such partnership or corporation.

The statement of election under section 4(b) shall be accompanied by a copy of the statement of election under section 4(a) made by the partnership or by the electing small business corporation under Subchapter S, Chapter 1 of the Code, as the case may be.

Because this Treasury decision merely provides temporary rules designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under the Dealer Reserve Income Adjustment Act of 1960, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(74 Stat. 128; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 14, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6761; Filed, July 19, 1960; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2117]

[Colorado 031000]

COLORADO

Reserving Lands for Use of Forest Service for Experimental Purposes

Correction

In F.R. Doc. 60-5482, appearing at page 5390 of the issue for Thursday, June 16, 1960, a comma should be inserted after "NE¼" in the last line of the land description. As corrected, the line should read: "Sec. 23, NW¼NE¼, NW¼, and SW¼.".

[Public Land Order 2158]

[1514641]

MONTANA

Partly Revoking Executive Orders No. 6707 of May 9, 1934, and No. 9132 of April 13, 1942; (Fort Peck Dam and Reservoir Project)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 6707 of May 9, 1934, and No. 9132 of April 13, 1942, which withdrew lands in Montana in connection with the Fort Peck Dam and Reservoir Project, are hereby revoked so far as they affect the following-described lands:

(A) Executive Order No. 9132:

PRINCIPAL MERIDIAN

T. 21 N., R. 24 E.,
Sec. 6, lots 3 to 7, incl., SE¼NW¼, E½ SW¼, and SE¼.

The areas described aggregate 473.17 acres.

(B) Executive Order No. 6707:

PRINCIPAL MERIDIAN

T. 33 N., R. 32 E.,
Sec. 26, S½SW¼ and W½SE¼.

The areas described aggregate 160 acres.

The total area described aggregates 633.17 acres.

2. The lands described in 1(A), above, are withdrawn by Executive Order No. 7509 of December 11, 1936, for use of the Bureau of Sport Fisheries and Wildlife in connection with the Fort Peck Game Range.

3. The lands described in paragraph 1(B), above, are located approximately 12 miles northwest of Saco, Montana. The topography is flat, with sandy soil. Vegetation consists of native grasses.

4. Subject to any valid rights and the requirements of applicable law, the lands described in paragraph 1(B) of this order, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws, may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on January 13, 1961, the State of Montana shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(2) All valid applications and selections under the nonmineral public land laws other than those coming under subparagraph (1) above, presented at or before 10:00 a.m. on January 13, 1961, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(3) Applications under subparagraphs (1) and (2) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

b. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m. on January 13, 1961.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 13, 1960.

[F.R. Doc. 60-6735; Filed, July 19, 1960; 8:45 a.m.]

[Public Land Order 2159]

[New Mexico 035384]

NEW MEXICO

Withdrawing Lands for Use of the Corps of Engineers, Department of the Army, for Flood Control Purposes (Abiquiu Dam and Reservoir Project)

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest and public lands in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use by the Corps of Engineers, Department of the Army, for flood control purposes, as follows:

a. Under jurisdiction of the Secretary of Agriculture

(SANTA FE NATIONAL FOREST)

NEW MEXICO PRINCIPAL MERIDIAN

(1) Beginning at corner No. 1, which bears S. 27°43' W., a distance of 5,000.61 feet from the southwest corner of Sec. 18 and the northwest corner of Sec. 19, T. 24 N., R. 4 E., thence by metes and bounds,

S. 17°45' W., 924.82 feet, along the boundary line between the Piedra Lumbre Grant on the east and the Santa Fe National Forest on the west, to Corner No. 2;
N. 61°59' W., 369.27 feet to corner No. 3;
North, 715.28 feet to corner No. 4;
N. 89°54' E., 575.23 feet to corner No. 1, the place of beginning.

The area described contains 0.87 acres.

(2) Beginning at corner No. 1, which bears N. 57°45' E., a distance of 721.63 feet from the southwest corner of Sec. 18 and the northwest corner of Sec. 19, T. 24 N., R. 4 E., thence by metes and bounds,

S. 7°20' W., 1,412.06 feet to corner No. 2;
S. 49°00' W., 1,631.97 feet, along boundary line between the Santa Fe National Forest on the north and the Piedra Lumbre Grant on the south, to corner No. 3;
N. 00°15' W., 1,785.74 feet, to corner No. 4;
N. 89°59' W., 2,681.06 feet, to corner No. 5;
N. 42°56' W., 1,967.82 feet, to corner No. 6;
N. 73°43' W., 3,979.58 feet, to corner No. 7;
N. 24°13' W., 1,200.00 feet, to corner No. 8;
N. 69°15' E., 211.20 feet, to corner No. 9;
N. 80°58' E., 249.48 feet, to corner No. 10;
Southeasterly, 1,180.00 feet, along the northerly bank of the Rio Chama, to corner No. 11;
North, 388.06 feet, to corner No. 12;
N. 47°15' W., 1,287.00 feet, to corner No. 13;
N. 40°00' W., 467.94 feet, to corner No. 14;
Northwesterly, 3,760.00 feet along the southerly bank of the Rio Chama, to corner No. 15;
N. 26°00' E., 406.54 feet along eastern boundary of the Canon de Chama Grant, to corner No. 16;
S. 70°15' E., 1890.00 feet, to corner No. 17;
S. 80°14' E., 1,563.25 feet, to corner No. 18;
S. 24°44' E., 1,553.23 feet, to corner No. 19;
S. 81°07' E., 3,695.70 feet, to corner No. 20;
S. 26°22' E., 1,000.41 feet, to corner No. 21;
S. 86°01' E., 1,626.71 feet, to corner No. 22;
S. 62°58' E., 2,512.88 feet, to corner No. 1, the place of beginning.

The area described contains 326.14 acres.

b. Under jurisdiction of the Secretary of the Interior.

T. 23 N., R. 5 E.,
Sec. 8, lots 1, 2, 3, and 4, E½SE¼.

The areas described aggregate 180.87 acres.

The total area described in this order is 507.88 acres, of which all except 180.87 acres described in paragraph b, is located in the Santa Fe National Forest.

2. The jurisdiction of the Corps of Engineers, Department of the Army, over the lands shall be limited to the use thereof for flowage purposes in connection with the Abiquiu Dam and Reservoir Project, as authorized by the Flood Control Acts of June 30, 1948 (62 Stat. 1171), and May 17, 1950 (64 Stat. 163). The lands shall otherwise continue to be managed by the Forest Service, Department of Agriculture, and the Bureau of Land Management, Department of the Interior, as their interests may appear.

3. This order shall be subject to existing withdrawals for power and other purposes so far as they affect any of the lands described, and shall take precedence over but not otherwise affecting the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 13, 1960.

[F.R. Doc. 60-6736; Filed, July 19, 1960; 8:46 a.m.]

[Public Land Order 2160]

[Montana 062688 (S.D.)]

SOUTH DAKOTA

Partly Revoking Certain Reclamation Withdrawals (Belle Fourche Project)

By virtue of the authority contained in Section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental orders of July 18, 1903, September 29, 1903, March 3, 1909, and September 27, 1909, so far as they reserved the following-described lands for reclamation purposes are hereby revoked:

BLACK HILLS MERIDIAN

T. 10 N., R. 3 E.,
Sec. 25, E½SE¼.
T. 9 N., R. 4 E.,
Sec. 6, lots 1 and 2.
Containing 159.74 acres.

The lands are included in allowed entries under the ordinary provisions of the homestead laws.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 13, 1960.

[F.R. Doc. 60-6737; Filed, July 19, 1960; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 60-849]

PART 1—PRACTICE AND PROCEDURE

Revocation of Station Licenses and Construction Permits and Issuance of Cease and Desist Orders

In the matter of amendment of § 1.62 of the Commission's rules of practice and procedure.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission, having under consideration § 1.62 of its rules of practice and procedure, pertaining to cease and desist and revocation proceedings, and in particular paragraphs (c) and (f) thereof, concerning the filing of appearances and statements in mitigation or justification respectively; and

It appearing that no provision for filing of a late appearance or statement is contained in section 1.62; and

It further appearing that late appearances or statements are sometimes filed; that circumstances may exist which excuse such late filings; and that provision should be made for accepting late filings when such circumstances do exist; and

It further appearing, that paragraphs (d) and (f) of § 1.62 should be interchanged to provide a more logical paragraph sequence, and that the phrase, "on the basis of the procedures delineated in this paragraph," in paragraph (f)—(d) as amended—should be deleted; and

It further appearing that the amendment herein adopted pertains to matters of procedure, and hence that compliance with the notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 303(r), and 312 of the Communications Act of 1934, as amended;

It is ordered, That, effective July 25, 1960, § 1.62 of the Commission's rules of practice and procedure is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 1.62 (c), (d), and (f) are amended to read as follows:

§ 1.62 Revocation of station licenses and construction permits and issuance of cease and desist orders.

* * * * *

(c) In order to avail himself of the opportunity to be heard, the licensee, permittee, or person, in person or by his attorney, shall, within 30 days of the receipt of the order or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. Failure to file such written appearance within the time specified shall constitute waiver of the right to a hearing. The Commission in its discretion may accept a late appearance. However, an appearance tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petition for acceptance of late appearance will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time.

(d) Where a hearing is waived, a written statement in mitigation or justification may be submitted within 30 days of the receipt of the order to show cause or within such shorter period of time as may be specified therein. The Commission in its discretion may accept a late statement. However, a statement tendered after the specified time has expired will not be accepted unless accompanied by a petition stating with particularity the facts and reasons relied on to justify such late filing. Such petitions for acceptance of a late statement will be granted only if the Commission determines that the facts and reasons stated therein constitute good cause for failure to file on time. If the statement is timely filed, or if a petition for acceptance of a late statement is granted, and if the statement contains, with particularity, factual allegations denying or, in the Hearing Examiner's opinion, justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and the Hearing Examiner shall request all opposing parties to file an answer to the written statement and/or additional information. The Hearing Examiner will then, unless he orders that further pleadings be filed, close the record and issue an initial decision.

* * * * *

(f) Hearings on the matters specified in the order to show cause and the practice and procedure in connection therewith shall accord with the provisions of this subpart and Subpart B of this part, except that in all such hearings the burden of proceeding with the introduction of evidence and burden of proof shall be upon the Commission, and except that the Commission may, where the circumstances of the proceeding require expedition, specify in the show cause order times less than those specified in §§ 1.153 and 1.154 within which the initial decision in such proceedings shall become effective, within which exceptions to such initial decision or replies thereto may be filed, and within which parties may file notice of intent to seek and participate in oral argument.

[F.R. Doc. 60-6775; Filed, July 19, 1960; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 935]

PART 95—CAR SERVICE

Appointment of Embargo Agent

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 12th day of July A.D. 1960.

It appearing that the matter of car service (Section 1, paragraphs 10 to 17 inclusive) of the Interstate Commerce Act being under consideration by Division 3 that whenever any carrier by railroad subject to Part I of the Interstate Commerce Act, is for any reason, unable to control freight traffic movement when car accumulations, threatened congestions, or other interference with operations, of a temporary nature compel restrictions against such movement so as to properly serve the public, that car service will be promoted in the interest of the public and the commerce of the people by the appointment of an agent with authority to direct the placement of embargoes, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.935 Appointment of embargo agent.

(a) Charles W. Taylor, Director of the Bureau of Safety and Service, Interstate Commerce Commission, Washington, D.C., is hereby appointed an Agent of the Interstate Commerce Commission and vested with authority to direct the placement of embargoes by railroads at such points where freight cars are being unduly delayed due to accumulations, congestions or emergency situations.

(b) Embargoes placed under this order shall be at the direction of the Agent of the Commission and shall be published through the Association of American Railroads, Car Service Division, and in conformity with the Association of American Railroad's "Instructions to Govern the Placing and Handling of Embargoes" and the "Code of Car Service and Per Diem Rules—Freight".

(c) Application: The provisions of this order shall apply to cars moving in intrastate and foreign commerce as well as interstate commerce.

(d) Rules, regulations and practices suspended: The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(e) Effective date: This order shall become effective at 12:01 a.m., July 15, 1960.

(f) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6756; Filed, July 19, 1960; 8:48 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 17]

[Docket No. 13384]

CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Order Extending Time for Filing Reply Comments

1. The Commission has before it for consideration the petition of the Federal Communications Bar Association to extend the time for reply comments in the above-entitled proceeding to September 19, 1960.

2. In support of the request, the Association submits that comments in response to the Commission's notice of proposed rule making, almost without exception, requested that the proposal not be adopted. As a result, a number of informal conferences have been held by interested parties to explore the possibility of submitting reply comments which will set forth alternate proposals; however, there is not sufficient time before July 19, 1960, to complete the contemplated studies.

3. The Commission is of the view that an extension of time for the filing of reply comments in the above-entitled proceeding would serve the public interest, convenience and necessity and is warranted.

4. In view of the foregoing: *It is ordered*, That the date for filing reply comments in the above-entitled matter is extended to September 19, 1960.

Adopted: July 15, 1960.

Released: July 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6776; Filed, July 19, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 60-KC-34]

CONTROL AREAS

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1119 of the regulations of the Administrator, the substance of which is stated below.

The St. Louis, Mo., control area extension is presently designated as all that airspace in the northeast and southeast quadrants of the St. Louis radio range within a 25-mile radius of the radio range station. The Federal Aviation Agency has under consideration the modification of this control area extension by designating all that area within a 25-mile radius of Lambert Field, St. Louis, Mo., as control area. This modification would provide protection for aircraft arriving and departing the St. Louis terminal area under established arrival and departure procedures. It would also provide protection for aircraft departing and arriving via radar vectors and for aircraft holding in the St. Louis terminal area.

If this action is taken, the St. Louis, Mo., control area extension would be designated within a 25-mile radius of Lambert Field, St. Louis, Mo. (latitude 38° 44'50" N., longitude 90°21'52" W.).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 14, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-6726; Filed, July 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-46]

CONTROL ZONE

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Fort Lauderdale, Fla., control zone is designated within a 5-mile radius of Broward County International Airport. The Federal Aviation Agency is considering modifying the Fort Lauderdale control zone by designating an extension within 2 miles either side of the 135° True bearing from the Fort Lauderdale radio beacon extending from the 5-mile radius zone to the radio beacon. This modification would provide protection for aircraft executing the prescribed instrument approach procedure based on the radio beacon.

If this action is taken, the Fort Lauderdale, Fla., control zone would be designated within a 5-mile radius of Broward County Airport (latitude 26°04'20" N., longitude 80°09'10" W.), within 2 miles either side of a 135° True bearing from the Fort Lauderdale radio beacon extending from the 5-mile radius zone to the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 14, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-6727; Filed, July 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-76]

CONTROL ZONE

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2225 of the regulations of the Administrator, the substance of which is stated below.

The Mansfield, Ohio, control zone is presently designated within a 5-mile radius of the Mansfield Municipal Airport within 2 miles either side of the 322° and 142° True radials of the Mansfield VOR extending from the 5-mile radius zone to a point 10 miles northwest of the VOR. The Federal Aviation Agency has under consideration the modification of this control zone as follows:

1. Revoke the northwest extension based on the 322° and 142° True radials of the Mansfield VOR. The prescribed instrument approach procedures based on the VOR have been revised, and the control zone extension based on the 322° and 142° True radials of the VOR is no longer required for the protection of aircraft.

2. Designate a control zone extension within 2 miles either side of the 128° True radial of the VORTAC extending from the 5-mile radius zone to the VORTAC. This modification would provide protection for aircraft executing the revised prescribed standard instrument approach procedures.

3. Designate a control zone extension within 2 miles either side of the ILS localizer southeast course extending from the 5-mile radius zone to the ILS outer marker. This modification would provide protection for aircraft conducting ILS approaches to the Mansfield Municipal Airport.

If these actions are taken, the Mansfield, Ohio, control zone would be designated within a 5-mile radius of the Mansfield Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); within 2 miles either side of the 128° True radial of the Mansfield VORTAC extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the Mansfield Municipal Airport ILS localizer southeast course extending from the 5-mile radius zone to the ILS outer marker compass locator.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 14, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-6728; Filed, July 19, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order 107; Rev. 7]

AUTHORITY TO AFFIX SEAL OF THE TREASURY DEPARTMENT

JULY 13, 1960.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority conferred by section 161 of the Revised Statutes, it is hereby ordered that:

1. Except as provided for in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administrative Services:

(1) Director of Administrative Services
(2) Chief, Printing and Office Services Division
(3) Management Analysis Officer
(4) Chief, Document Distribution Unit

(b) In the Internal Revenue Service:

(1) Commissioner of Internal Revenue
(2) Director, and Assistant Director, Collection Division
(3) Chief, and Assistant Chief, Operations Branch, Collection Division
(4) Chief, and Assistant Chief, Miscellaneous Services Section, Operations Branch, Collection Division

(c) In the Bureau of Customs:

(1) Commissioner of Customs
(2) Assistant Commissioner of Customs
(3) Deputy Commissioner, Division of Management and Controls
(4) Deputy Commissioner, Division of Investigations and Enforcement
(5) Deputy Commissioner, Division of Appraisement Administration

(d) In the Bureau of Public Debt:

(1) Commissioner of the Public Debt
(2) Deputy Commissioner in Charge of the Chicago Office
(3) Assistant Deputy Commissioner in Charge of the Chicago Office

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this Order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, and the Commissioner of the Public Debt are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6762; Filed, July 19, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice No. 19]

ALASKA

Filing of Protraction Diagram, Anchorage Land District

JULY 11, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

SEWARD MERIDIAN

S 19-1, Ts. 1 to 4 S., Rs. 49 to 52 W.,
S 19-2, Ts. 1 to 4 S., Rs. 53 to 56 W.,
S 19-3, Ts. 1 to 4 S., Rs. 57 to 60 W.,
S 19-4, Ts. 1 to 4 S., Rs. 61 to 64 W.,
S 19-5, Ts. 5 to 8 S., Rs. 61 to 64 W.,
S 19-6, Ts. 5 to 8 S., Rs. 57 to 60 W.,
S 19-7, Ts. 5 to 8 S., Rs. 53 to 56 W.,
S 19-8, Ts. 5 to 8 S., Rs. 49 to 52 W.,
S 19-9, Ts. 9 to 12 S., Rs. 49 to 52 W.,
S 19-10, Ts. 9 to 12 S., Rs. 53 to 56 W.,
S 19-11, Ts. 9 to 12 S., Rs. 57 to 60 W.,
S 19-12, Ts. 9 to 12 S., Rs. 61 to 64 W.,
S 19-13, Ts. 13 to 16 S., Rs. 61 to 64 W.,
S 19-14, Ts. 13 to 16 S., Rs. 57 to 60 W.,
S 19-15, Ts. 13 to 16 S., Rs. 53 to 56 W.,
S 19-16, Ts. 13 to 16 S., Rs. 49 to 52 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

L. M. LAITALA,
Acting Manager.

[F.R. Doc. 60-6757; Filed, July 19, 1960; 8:48 a.m.]

[Notice No. 20]

ALASKA

Filing of Protraction Diagram, Anchorage Land District

JULY 11, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, Sixth and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

SEWARD MERIDIAN

S 1-1, T. 33 N., Rs. 9 to 12 E.,
S 1-2, T. 33 N., Rs. 5 to 8 E.,
S 1-3, T. 33 N., Rs. 1 to 4 E.,
S 1-4, Ts. 29 to 32 N., Rs. 1 to 4 E.,
S 1-5, Ts. 29 to 32 N., Rs. 5 to 8 E.,
S 1-6, Ts. 29 to 32 N., Rs. 9 to 12 E.,
S 1-7, Ts. 25 to 28 N., Rs. 9 to 12 E.,
S 1-8, Ts. 25 to 28 N., Rs. 5 to 8 E.,
S 1-9, Ts. 25 to 28 N., Rs. 1 to 4 E.,
S 1-10, Ts. 21 to 24 N., Rs. 1 to 4 E.,
S 1-11, Ts. 21 to 24 N., Rs. 5 to 8 E.,
S 1-12, Ts. 21 to 24 N., Rs. 9 to 12 E.,
S 1-13, Ts. 17 to 20 N., Rs. 9 to 12 E.,
S 1-14, Ts. 17 to 20 N., Rs. 5 to 8 E.,
S 1-15, Ts. 17 to 20 N., Rs. 1 to 4 E.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage Alaska.

L. M. LAITALA,
Acting Manager,
Anchorage Land Office.

[F.R. Doc. 60-6758; Filed, July 19, 1960; 8:49 a.m.]

[Notice No. 21]

ALASKA

Filing of Protraction Diagram, Anchorage Land District

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

SEWARD MERIDIAN

S 28-1, Ts. 59 to 60 S., Rs. 97 to 98 W.,
S 28-2, Ts. 61 to 64 S., Rs. 101 to 104 W.,
S 28-3, Ts. 61 to 64 S., Rs. 97 to 100 W.,
S 28-4, Ts. 65 to 67 S., Rs. 100 to 105 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: Sixth and Cordova, Anchorage, Alaska.

L. M. LAITALA,
Acting Manager.

[F.R. Doc. 60-6759; Filed, July 19, 1960; 8:49 a.m.]

Office of the Secretary

SYCUAN INDIAN RESERVATION, SAN DIEGO COUNTY, CALIFORNIA

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicants

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Sycuan Indian Reservation, San Diego County, California, was adopted on April 10, 1960, by a general meeting of the Sycuan Band of Mission Indians which has jurisdiction over the area of Indian country included in the ordinance:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Sycuan Band, Provided, that such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 11, 1960.

[F.R. Doc. 60-6738; Filed, July 19, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MAX LARRY BLUESTONE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: Universal Oil Products.
B. Additions: General Dynamics, Television & Electronics Fund Inc.

This statement is made as of July 8, 1960.

MAX LARRY BLUESTONE.

[F.R. Doc. 60-6746; Filed, July 19, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

NORTHEASTERN OHIO AND NORTH CENTRAL OHIO MARKETING AREAS

Orders Regulating the Handling of Milk

Pursuant to the authority delegated to me (25 F.R. 436), I hereby determine that milk received by Sealtest Foods Division, National Dairy Products Corporation, at its plant at Lima, Ohio, shall be exempted from all provisions, except §§ 975.31, 975.32, 975.33, and 975.34, of Order No. 75 regulating the handling of milk in the Northeastern Ohio marketing area, and shall be subject to the provisions of Order No. 95 regulating the handling of milk in the North Central Ohio marketing area as specified in §§ 975.90 and 995.80 of the respective orders, in each month during which (1) the total volume of fluid milk products disposed of by such handler from such plant on routes in the Northeastern Ohio marketing area is not more than 45 percent of the total disposition of fluid milk products on routes from such plant, and (2) such plant does not qualify as a supply pool plant pursuant to §§ 975.8 (b) or (c) of Order No. 75.

A copy of this determination shall be served by the Dairy Division upon the market administrators of Orders No. 75 and 95, respectively. It shall be the duty of the market administrator of Order No. 95 to notify the Sealtest Foods Division of the existence and contents of this determination and of the respective market administrators to acquire and exchange such information as may be necessary to establish the applicability of this determination.

Done at Washington, D.C., this 15th day of July 1960, to be effective on and after the 1st day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-6749; Filed, July 19, 1960; 8:47 a.m.]

Commodity Credit Corporation

VARIOUS OFFICIALS

Delegation of Authority Regarding Cottonseed

Pursuant to authority vested in the Executive Vice President, Commodity Credit Corporation, by the bylaws of the Corporation, the respective chairmen or, in their absence, the acting chairmen of the Agricultural Stabilization and Conservation county committees in the cotton-producing States, or if so designated by such Agricultural Stabilization and Conservation county committees the ASC county office managers, are hereby appointed contracting officers of Commodity Credit Corporation with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the purchase, transportation, handling, and storage of cottonseed prior to the delivery of such cottonseed to an oil miller or an approved storage facility under the 1960-Crop Cottonseed Purchase Program formulated by Commodity Credit Corporation and Commodity Stabilization Service.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the appropriate Vice President of Commodity Credit Corporation, which shall be available for public inspection in the files of the Agricultural Stabilization and Conservation county offices in the respective cotton-producing States.

Issued this 14th day of July 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-6778; Filed, July 19, 1960; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13535; FCC 60M-1227]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13535; regulations and charges for switching and selecting equipment (common user group) for use with channels of telephone grade furnished for the remote operation of mobile radiotelephone systems and for channel terminals and terminal equipment in connection with Schedule 5 channels for data transmission. (Filed on behalf of the Lincoln-Tillamook Telephone Company.)

The Hearing Examiner having before him a motion filed by the Chief, Common Carrier Bureau, on July 5, 1960, that the hearing in the above-entitled proceeding be continued from July 19, 1960, to a date to be determined at a pre-hearing conference to be held on July 26, 1960; and

It appearing that no opposition has been filed to grant of the motion and the time for filing such opposition has elapsed;

It is ordered, This 14th day of July 1960, that the motion described above is granted; and that the hearing in the above-entitled proceeding now scheduled for July 19, 1960, is continued to a date to be determined at a pre-hearing conference to be held on July 26, 1960.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6764; Filed, July 19, 1960; 8:50 a.m.]

[Docket Nos. 13624–13626; FCC 60M–1232]

FREDERICK COUNTY BROADCASTERS ET AL.

Order Scheduling Prehearing Conference

In re applications of Ralph D. Epperson and Earlene S. Epperson, d/b as Frederick County Broadcasters, Winchester, Virginia, Docket No. 13624, File No. BP–12531; Town Radio, Inc., Shippensburg, Pennsylvania, Docket No. 13625, File No. BP–13240; Jesse J. Goodman, Berryville, Virginia, Docket No. 13626, File No. BP–13360; for construction permits.

On the Hearing Examiner's own motion: *It is ordered*, This 14th day of July 1960, pursuant to the provisions of § 1.111 of the Commission's rules that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 2:00 p.m., on July 29, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6765; Filed, July 19, 1960; 8:50 a.m.]

[Docket No. 12264, etc.; FCC 60M–1218]

HIRSCH BROADCASTING CO. (KFVS) ET AL.

Order Continuing Hearing

In re applications of Hirsch Broadcasting Company (KFVS), Cape Girardeau, Missouri, Docket No. 12264, File No. BP–11091; W. H. Firmin, J. H. Firmin, and Bernard Lurie, d/b as The Firmin Company, Vincennes, Indiana, Docket No. 12360, File No. BP–11621; Dunne Enterprises, Incorporated (KGMO), Chester, Illinois, Docket No. 13359, File No. BP–11456; for construction permits.

On the oral request of counsel for the Broadcast Bureau and without objection by counsel for the other parties: *It is ordered*, This 12th day of July 1960, that the hearing of July 26 is rescheduled to Friday, July 29, 1960, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6766; Filed, July 19, 1960; 8:50 a.m.]

[Docket No. 13010 etc.; FCC 60M–1231]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, et al., Docket No. 13010, File No. BP–11689; Docket Nos. 13012, 13014, 13015, 13016, 13017, 13018, 13019, 13020, 13021, 13022, 13023, 13024, 13025, 13026, 13027, 13028, 13029, 13030, 13031, 13032, 13033, 13034, 13035, 13036, 13037, 13038, 13039, 13040, 13041, 13042, 13043, 13044, 13045, 13046, 13047, 13048, 13049, 13050, 13051, 13052, 13053, 13058, 13060, 13061, 13641, 13642, 13643, 13644, 13645, 13646, 13647, 13648.

It is ordered, This 14th day of July 1960, that the parties or their counsel are directed to appear at a prehearing conference, under Rule 1.111, on Monday, July 25, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

The Hearing Examiner realizes that the scheduled date is before the expiration of the 20-day period allowed in the order of designation, released July 13, 1960, for filing written appearances, and, moreover, is on fairly short notice. Had the 20-day period been respected, however, the earliest session would have been in September because of the August hiatus. To save as much time as possible, and especially to take advantage of August for preparatory work, if possible, an early prehearing date consistent with the Hearing Examiner's schedule was chosen as soon as the order of designation became available. The Hearing Examiner regrets any inconvenience to the parties or counsel which may be caused by this scheduling.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6767; Filed, July 19, 1960; 8:50 a.m.]

[Docket No. 12870; FCC 60M–1221]

NORTHEAST RADIO, INC. (WCAP)

Order Scheduling Hearing

In re application of Northeast Radio, Inc. (WCAP), Lowell, Massachusetts, Docket No. 12870, File No. BP–12014; for construction permit.

The Hearing Examiner having under consideration the "Motion for New Hearing Date" filed on July 11, 1960, by counsel for Northeast Radio, Inc.;

It appearing that the Examiner previously assigned to try this case is no longer available to this Commission and that the proceeding has been reassigned to the undersigned Examiner; and

It further appearing that at a prehearing conference held on June 13, 1960, certain dates were agreed upon with respect to future proceedings in this matter, to wit:

Exchange of non-engineering exhibits in final form, July 13, 1960;
Exchange of engineering exhibits in final form, July 19, 1960;
Commencement of hearing, July 25, 1960; and

It further appearing that the scheduled date for the hearing of July 25 is not available due to previous commitments of the current Examiner; and

It further appearing that the parties have suggested certain future dates for the formal exchange of exhibits, both engineering and non-engineering, and also suggested a date for the formal evidentiary hearing; and

It further appearing that the suggested dates are agreeable to the undersigned Examiner;

Now, therefore, it is ordered, This 13th day of July 1960, that the dates previously scheduled for the exchange of exhibits and commencement of the hearing, be, and the same are, hereby cancelled; and

It is further ordered, That the following dates shall govern the future conduct of this proceeding:

Exchange of Non-Engineering Exhibits in final form, Sept. 7, 1960;
Exchange of Engineering Exhibits in final form, Sept. 12, 1960;
Commencement of Hearing, Sept. 20, 1960.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6768; Filed, July 19, 1960; 8:50 a.m.]

[Docket Nos. 13632, 13633; FCC 60M–1224]

WILLIAM R. PACKHAM AND RADIO STATION WPCC INC. (WPCC)

Order Scheduling Hearing

In re applications of William R. Packham, Hendersonville, North Carolina, Docket No. 13632, File No. BP–12394; Radio Station WPCC, Incorporated (WPCC), Clinton, South Carolina, Docket No. 13633, File No. BP–13744; for construction permits.

It is ordered, This 13th day of July 1960, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 30, 1960, in Washington, D.C.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6769; Filed, July 19, 1960; 8:50 a.m.]

[Docket Nos. 10644, 10645; FCC 60M–1229]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

Notice of Conference

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10644, File No. BPCT–1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10645, File No. BPCT–1157; for construction permits for new commercial television broadcast stations (Channel 13).

Notice is hereby given that the hearing conference in the above-entitled proceeding now scheduled for 10:00 a.m. on Friday, July 22, 1960, is advanced to 3:00 p.m. on Thursday, July 21, 1960.

Dated: July 14, 1960.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6770; Filed, July 19, 1960; 8:50 a.m.]

[Docket Nos. 13649–13653; FCC 60M–1226]

RADIO CARMICHAEL ET AL.

Order Scheduling Hearing

In re applications of Radio Carmichael, Sacramento, California, Docket No. 13649, File No. BP–12031; Ashley Robison and Gordon A. Rogers, d/b as Redwood City Broadcasting Company, Palo Alto, California, Docket No. 13650, File No. BP–12023; Jack L. Powell and Alyce M. Powell, Joint Tenants (KVON), Napa, California, Docket No. 13651, File No. BP–12306; Golden Gate Broadcasting Corporation (KSAN), San Francisco, California, Docket No. 13652, File No. BP–12376; John Matranga, d/b as Trans-Sierra Radio, Roseville, California, Docket No. 13653, File No. BP–12938; for construction permits.

It is ordered, This 13th day of July 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 28, 1960, in Washington, D.C.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6771; Filed, July 19, 1960; 8:50 a.m.]

[Docket Nos. 13639, 13640; FCC 60M–1225]

SOUTHEASTERN BROADCASTING SYSTEM, INC. (WMJM) AND WASHINGTON BROADCASTING CO., INC. (WSNT)

Order Scheduling Hearing

In re applications of Southeastern Broadcasting System, Incorporated (WMJM), Cordele, Georgia, Docket No. 13639, File No. BP–12389; Washington Broadcasting Company, Inc. (WSNT), Sandersville, Georgia, Docket No. 13640, File No. BP–13105; for construction permits.

It is ordered, This 13th day of July 1960, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 29, 1960, in Washington, D.C.

Released: July 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–6772; Filed, July 19, 1960; 8:50 a.m.]

[FCC 60–851]

DEFENSE COORDINATOR

Reinstatement of Functions

In the matter of amendment of Part O, Statement of Organization, Delegations of Authority, and Other Information to restate the functions of the Defense Coordinator and to make certain editorial changes.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960.

The Commission having under consideration sections 0.91 and 0.93 of its Statement of Organization; and

It appearing that CONELRAD is a unit of the office of Chief Engineer and not of the Office of Administration, and that section 0.91 should be clarified in this respect; and

It further appearing that additional duties have been assigned to the Defense Coordinator since that office was created, and that section 0.93 should be amended to reflect these additional duties; and

It further appearing that the amendments adopted herein pertain to Commission organization, and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 1, 4(i), 5(b), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective July 25, 1960, That Part O, the Commission's Statement of Organization, Delegations of Authority and Other Information, is amended as set forth below.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 0.91(c) is amended to read as follows:

SEC. 0.91 Functions of the office.

* * * * * *

(c) Under the general direction of the Defense Commissioner, and with the advice and assistance of the heads of the several bureaus and offices, to coordinate the defense activities (other than CONELRAD and radio-frequency management activities of the Chief Engineer) with staff representatives of OCDM, local Civil Defense authorities and other Federal agencies.

(8) To arrange for training FCC personnel in self-preservation and other Civil Defense procedures.

(9) To arrange for the assignment of appropriate technical personnel of the Commission (if available) to advise and assist other agencies in defense problems of mutual concern.

(10) To arrange for the appointment and training of Executive Reservists and to keep them informed as to policy actions of the Commission with respect to Mobilization Readiness.

(11) To coordinate the activities of the Commission's Damage Assessment Unit and the Commission's Damage Assessment Officer assigned to OCDM.

(12) To plan for annual exercises and interim tests to determine the state of operational readiness of the Commission in the event of mobilization.

(13) To perform such other duties related to the Commission's defense activities as may be assigned to him.

[F.R. Doc. 60–6773; Filed, July 19, 1960; 8:50 a.m.]

[FCC 60–850]

DELEGATIONS OF AUTHORITY

In the matter of amendment of section 0.224(b) of the Commission's Statement of Delegations of Authority.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission having under consideration § 1.62 of its Rules of Practice and Procedure, pertaining to cease and desist and revocation proceedings, and in particular paragraphs (c) and (f) thereof, concerning the filing of appearances and statements in mitigation or justification respectively; and

It appearing that the Commission has this day adopted an order amending § 1.62 to provide for the filing of petitions to accept late appearances and of petitions to accept late statements in mitigation or justification in certain cases; and

It further appearing that such petitions may most appropriately be acted upon by the Chief Hearing Examiner, to whom authority in various matters has been delegated in section 0.224 of the Statement of Delegations of Authority; and

It further appearing that the amendment adopted herein pertains to Commission organization, and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), 303(r), and 312 of the Communications Act of 1934, as amended;

It is ordered, That, effective July 25, 1960, section 0.224(b) of the Commission's Statement of Delegations is amended by adding a new subparagraph (8) as follows:

Sec. 0.224 Authority delegated.

* * * * * *

(b) * * *

(8) Petitions for acceptance of late written appearances and petitions for acceptance of late written statements in mitigation and justification pursuant to paragraph (c) and (d) respectively of § 1.62 of the Commission's rules.

Released: July 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6774; Filed, July 19, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP60-86, CP60-87]

PANHANDLE EASTERN PIPE LINE CO. AND CITIES SERVICE GAS CO.

Applications and Date of Hearing

JULY 13, 1960.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation, having its principal office at 1221 Baltimore Avenue, Kansas City, Missouri, filed on April 26, 1960, an application (Docket No. CP60-86) and on May 18, 1960, a supplement thereto, under section 7(b) of the Natural Gas Act, for an order permitting and approving the sale and abandonment by Panhandle of certain of its facilities, hereinafter described, which it proposes to sell and transfer to The Gas Service Company (Gas Service) pursuant to an agreement between Panhandle and Gas Service, and for an order permitting and approving the modification of an existing exchange arrangement between Panhandle and Cities Service Gas Company (Cities Service).

Panhandle alleges that under date of February 18, 1947, Panhandle and Cities Service executed a letter agreement, effective February 23, 1947, providing for deliveries of natural gas from each party to the other at points of interconnection on their systems, the deliveries made by each to be an even exchange of gas. Panhandle also alleges that under date of November 21, 1949, it executed an additional letter agreement with Cities Service, effective November 30, 1949, modifying and amending said letter agreement of February 18, 1947. Panhandle states that it gave notice to Cities Service under date of October 22, 1953, terminating said exchange agreement on February 23, 1954. A copy of each of said letter agreements and said notice of termination are attached to and made a part of Panhandle's application. Panhandle alleges further that since the date of such termination, the exchange of gas theretofore performed under said agreement has been continued under the provisions in that respect of section 7(b) of the Natural Gas Act, and has been modified and continued under the order of the Federal Power Commission (Commission) of October 12, 1959 in Docket No. G-2374, et al.

At present volumes of natural gas delivered by Panhandle to Cities Service are delivered at a point in Johnson County, Missouri, known as the Knobnoster connection, where Cities Service's Sedalia-Carrollton lateral crosses Panhandle's main pipeline system. Present deliveries by Cities Service to Panhandle are made at two points. One is in Johnson County, Missouri at a connection on Cities Service's Sedalia lateral, known as the Windsor connection; the other is in Jackson County, Missouri, at a connection on Panhandle's Louisburg lateral, known as the Bannister connection near Kansas City, Missouri.

Panhandle alleges that by the provisions of an agreement between it and Gas Service dated October 8, 1960, Panhandle will sell to Gas Service for $436,000 all of Panhandle's lines and facilities in the Kansas City area other than its transmission line and facilities extending from its main line at Louisburg to a point, generally referred to as Dodson Station, near the south city limits of Kansas City, Missouri.

Panhandle describes the facilities which it has agreed to sell to Gas Service and which it seeks authority to abandon, as follows:

Gas lines; Size (inches)	Number of miles
10	18.691
8	20.361
6	22.941
5	2.436
4	12.387
3	.301
2	1.067
1	.021

Six (6) Regulating Stations.
Twenty-five (25) Measuring and Regulating Stations.
Sixty-six (66) Farm Tap Meters.
Two (2) Scrubbers.
All rights of way, easements and other property interests incident to the facilities listed above.

Panhandle alleges that the proposed sale will enable Gas Service to integrate said facilities into its distribution system and will relieve Panhandle of the local distribution functions. Panhandle now makes deliveries of gas to, or for the account of, Gas Service at more than 750 points of delivery in the Kansas City area. After the proposed sale, Panhandle will make deliveries of gas to Gas Service in said area at two major points of delivery, one near the Dodson Station, at the terminus of the facilities which Panhandle will retain, the other at the terminus of the stub which it will retain on the 8-inch line near Belton, referred to as the Wilkins Station. In addition Panhandle proposes to deliver minor volumes of gas at three other points and will continue to serve 102 farm tap customers, located along its retained facilities, for Gas Service.

Panhandle alleges further that the aggregate winter volume it proposes to supply in the Kansas City area is 16,000 Mcf per day and that this volume, together with the volumes Gas Service will receive under its contract with Cities Service will enable Gas Service to meet its requirements. The facilities to be purchased and operated by Gas Service include the Bannister connection and all lines receiving gas through that connection. Panhandle states that this will enable Gas Service to accept delivery directly from Cities Service of any gas desired at that point.

Panhandle alleges that under date of March 23, 1960, Cities Service and Panhandle entered into an agreement providing for a modification of the existing exchange arrangement, eliminating deliveries to Panhandle at Bannister and initiating deliveries by Cities Service to Panhandle at a point in Franklin County, Kansas, near Ottawa, where Cities Service's Welda-Ottawa line intersects Panhandle's Line No. 100. Offsetting deliveries from Panhandle to Cities Service will be made at Knobnoster, in the same manner as under the existing exchange arrangement. According to said agreement the Ottawa-Knobnoster exchange will be limited in volume in accordance with the following schedule:

Period	Volume mcf per day
Dec. 1, 1960-Feb. 28, 1961	8,000
Dec. 1, 1961-Feb. 28, 1962	6,000
Dec. 1, 1962-Feb. 28, 1963	4,000
Dec. 1, 1963-Feb. 29, 1964	2,000

The Ottawa-Knobnoster exchange would terminate completely at midnight on February 29, 1964.

Under the proposal, deliveries under the existing arrangement by Cities Service to Panhandle at Windsor with offsetting deliveries to Cities Service at Knobnoster will continue until February 29, 1964, when such deliveries will also terminate. Service in accordance with the application is proposed to be commenced on December 1, 1960.

Take further notice that Cities Service Gas Company, a Delaware corporation, having its principal place of business in Oklahoma City, Oklahoma, also filed an application (Docket No. CP60-87) on April 26, 1960, under section 7 (b) and (c) of the Natural Gas Act for authority permitting and approving the abandonment by sale to Gas Service of certain facilities, and for authority to construct and to reclaim certain other facilities, as hereinafter described.

The facilities which Cities Service proposes to be abandoned by sale to Gas Service at a total depreciated original cost of $601,071, are described as follows:

Miscellaneous gas pipelines in Jackson County, Missouri. * * * The approximate footage and size of pipe to be transferred is, as follows:

Size (inches)	Footage (feet)
4	16,219
12	40,487
16	27,955
26	23,173

In addition, the sale proposed by Applicant to Gas Service will include approximately 14 meter and regulator stations appurtenant to said pipelines, together with rights of way, easements and title to existing meter and regulator sites.

The proposed sale is pursuant to the terms of an agreement dated April 4, 1960, between Cities Service and Gas Service.

The facilities to be constructed and reclaimed by Cities Service are described as follows:

Reclaim existing Craig Road town border meter located near the Northwest Corner of Northeast Quarter of Section 5, Township 47 North, Range 32 West, Jackson County, Missouri.

Construct a new town border meter station near the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 5, Township 46 North, Range 32 West, Cass County, Missouri.

Cities Service also requests the Commission's permission and approval of the modification of the existing exchange agreement between it and Panhandle (Cities Service's Rate Schedule X-4, Original Sheets 15 through 20 of Cities Service's FPC Gas Tariff, Original Volume No. 2, as amended by letter agreement dated November 21, 1949). The superseding tariff sheets setting forth the terms of the modification sought to be approved are attached to the application of Cities Service as Exhibit P.

Cities Service alleges that by transferring said facilities to Gas Service it will avoid the expense of having to construct and operate in the future additional metering facilities and will have its town border delivery facilities outside the city limits of Kansas City. Cities Service states also that the facilities to be acquired by Gas Service can be utilized as a part of its distribution system. In lieu of the ten metering facilities now operated by Cities Service, the proposal here will enable it to deliver gas to Gas Service at only two metering facilities. One will be constructed at the location above described in Cass County, Missouri, the other metering facility will be the existing check meter located in the Southeast corner of the Northeast Quarter of Section 15, Township 13 South, Range 24 East, Johnson County, Kansas.

The application of Cities Service also recites the terms of said exchange agreement between it and Panhandle. It also alleges that the agreement, dated March 23, 1960, between it and Panhandle provides for the modification of the existing exchange agreement by terminating deliveries to Panhandle by Cities Service at Bannister and initiating deliveries by Cities Service to Panhandle at a point in Franklin County, Kansas, near Ottawa, where Cities Service's Welda-Ottawa line intersects Panhandle's Line No. 100. Cities Service also alleges that offsetting deliveries by Panhandle to it will be made at Knobnoster as under the existing exchange agreement. The application further recites the schedule of deliveries as set forth in Panhandle's application, supra.

The estimated cost of the town border metering station is $14,000, which Cities Service will finance with treasury cash. The estimated cost of reclaiming the Craig Road Meter Station is $1,000, and the estimated salvage credit of materials reclaimed is $6,500.

The above described applications are on file with the Commission and open for public inspection.

These related matters should be heard upon a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 15, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6720; Filed, July 19, 1960; 8:45 a.m.]

[Docket No. DA-972—Calif.]

CERTAIN LANDS WITHDRAWN IN CALIFORNIA

Findings of the Commission and Vacation of Withdrawals

JULY 13, 1960.

Lands Withdrawn in Power Site Reserves Nos. 230, 279, and 293, Power Site Classifications Nos. 69 and 71 and Projects Nos. 97, 320, 330, 374, 556, 596, 607, 1137, 1370, 1394, 1395, 1396 and 1398; Docket No. DA-972—California.

The Geological Survey, United States Department of the Interior, has transmitted to the Commission a report resulting from its review of the water-power withdrawals of the Bishop Creek in California, in which it recommends the revocation of the power withdrawals with respect to certain lands within the Bishop Creek Basin.

The withdrawals pertaining to the following-described lands are reviewed herein:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 S., R. 30, E.,
Sec. 1: S½SE¼;
Sec. 3: NE¼NE¼;
Sec. 12: NE¼NE¼;
Sec. 25: SW¼SW¼;
Sec. 26: S½SE¼;
Sec. 35: N½ and N½SW¼;
Sec. 36: NW¼NW¼ and E½SE¼.

T. 7 S., R. 31 E.,
Sec. 24: SE¼SE¼;
Sec. 25: NE¼, SW¼ and NW¼SE¼;
Sec. 34: SE¼NE¼, SE¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 35: N½NE¼ and NW¼.

T. 8 S., R. 31 E.,
Sec. 3: N½NW¼ (lots 1 and 2), N½SW¼ NW¼, SW¼SW¼NW¼, NW¼SE¼SW¼ NW¼, N½SE¼NW¼ and E½SE¼SE¼ NW¼;
Sec. 4: NE¼SE¼ and S½SE¼;
Sec. 5: SW¼SW¼ and S½SE¼;
Sec. 6: Lot 7 (SW¼SW¼);
Sec. 7: Lot 1 (NW¼NW¼) and E½NE¼;
Sec. 8: NE¼NE¼;
Sec. 9: N½ and SW¼;
Sec. 16: W½ and SE¼;
Sec. 17: SE¼SE¼;
Sec. 21: NE¼NE¼ and NW¼NW¼;
Sec. 30: Unpatented parts of NW¼NE¼ and NE¼NW¼;
Sec. 31: All.

T. 9 S., R. 31 E.,
Sec. 2: NE¼SW¼;
Sec. 4: SW¼SW¼;
Sec. 5: W½NW¼, SW¼SW¼ and S½SE¼;
Sec. 6: Lots 1 and 2 (N½NE¼), S½NE¼ and S½SE¼;
Sec. 7: NE¼;
Sec. 8: N½NE¼, SE¼NE¼ and W½NW¼;
Sec. 9: W½NW¼;
Sec. 10: S½SE¼;
Sec. 11: S½SW¼ and SE¼;
Sec. 14: NE¼NW¼, and W½NW¼;
Sec. 15: All;
Sec. 22: N½.

T. 7 S., R. 32 E.,
Sec. 8: SE¼SE¼;
Sec. 17: N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼ and S½SE¼;
Sec. 19: N½NE¼, SW¼, N½SE¼ and and SW¼SE¼;
Sec. 20: N½NE¼, N½NW¼ and SW¼ NW¼;
Sec. 21: N½NE¼;
Sec. 22: S½NE¼ and NW¼;
Sec. 25: NW¼NE¼;
Sec. 30: Lot 1 (NW¼NW¼).

The above-described lands, except for those in secs. 8, 17, 20, 21, 22, and 25, T. 7 S., R. 32 E., are located within the Inyo National Forest. The lands are variously withdrawn in Power Site Reserves Nos. 230, 279, and 293 and in Power Site Classifications Nos. 69 and 71 and are also variously withdrawn pursuant to the filing of an application for a preliminary permit for proposed Project No. 320, which application was rejected, and pursuant to the filing of applications for licenses for the following proposed or constructed projects: Project No. 374, now part of Project No. 1394; Project No. 556, which application was withdrawn; Project No. 595, joined with Project No. 607 and now part of Project No. 1394; Project No. 607, joined with Project No. 595 and now part of Project No. 1394; Project No. 1137, license for which has expired; and Projects Nos. 1394, 1395, 1396, and 1398.

The notice of the modification of the land withdrawal for Project No. 1394, which was issued by the Commission on April 25, 1960 (25 F.R. 3825), consolidated all previous withdrawals for Projects Nos. 374, 595, 607, and 1394, as well as those for Projects Nos. 320 and 556.

Withdrawals pertaining to some of the lands under consideration were also effected as a result of the filing of an application for license for proposed Project No. 97, which application was rejected; an application for a preliminary permit for proposed Project No. 330, which application was rejected; and an application for a license for Project No. 1370, which license has expired. Notice of the withdrawal of lands in connection with these three proposed projects was not given.

The land in the E½NE¼ of sec. 19, T. 7 S., R. 32 E., was patented without reservation for power purposes and the lands in the SE¼NW¼ and the E½SW¼ of sec. 15, T. 9 S., R. 31 E., and in the SE¼SE¼ of sec. 8, in the NE¼NE¼ and the SE¼SE¼ of sec. 17, and in the NW¼NE¼ and the NE¼NW¼ of sec. 20, T. 7 S., R. 32 E., were patented prior to their withdrawal for power purposes.

The Bishop Creek Basin covers an area of about 93 square miles. The terrain is rugged, sparsely forested and interspersed with numerous small lakes and ponds. Principal streams in the basin are the main stream, Bishop Creek, and its three forks—North, Middle and South. The greatest flow occurs during the months of May, June, July and August. The natural flow dwindles during the remainder of the year, requiring releases from three artificial reservoirs which have been formed by raising the level of small natural lakes—North Lake on North Fork; Lake Sabrina on Middle Fork; and South Lake, also known as Hillside Reservoir, on South Fork—which are now operated for storage as part of Project No. 1394.

The power potential of the basin has been almost completely developed. The only additional proposed development is power plant No. 1. Construction of this plant is not known to be under active consideration.

The withdrawals pertaining to portions of the lands in secs. 17, 21, 22, and 25, T. 7 S., R. 32 E., for Projects Nos. 1395, 1396, and 1398 were for transmission-line purposes only and the Commission's April 17, 1922 general determination (2d Ann. Rept. FPC, 128) is applicable with respect to said lands.

The power operation formerly conducted under license for minor Project No. 1137—the license for which has expired, and in connection with which the land in the NE¼SW¼ of sec. 2, T. 9 S., R. 31 E., was withdrawn—is being continued under a Forest Service, United States Department of Agriculture, permit.

Revocation of the power withdrawals pertaining to some of the above-described lands which lie beyond the limits of the constructed Bishop Creek development appears to be appropriate since the power value of the lands is negligible.

The above-mentioned April 25, 1960 notice of modification of withdrawal for Project No. 1394—superseding previous constructed and proposed projects for the development of power along Bishop Creek—fully preserves and protects the power value of the lands in the basin needed for water-power generation within the foreseeable future.

The Commission finds:

(1) The following-described lands are not subject to the provisions of section 24 of the Federal Power Act, but in any event the existing power withdrawals of record pertaining to said lands serve no useful purpose. Therefore, the Commission has no objection to the revocation by the Secretary of the Interior of Power Site Reserves Nos. 230, 279, and 293 insofar as such withdrawals of record pertain to said lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 9 S., R. 31 E.,
Sec. 15: SE¼NW¼ and E½SW¼.
T. 7 S., R. 32 E.,
Sec. 8: SE¼SE¼;
Sec. 17: NE¼NE¼ and SE¼SE¼;
Sec. 19: E½NE¼;
Sec. 20: NW¼NE¼ and NE¼NW¼.

(2) Inasmuch as the following-described land is now being used for power development under Forest Service, United States Department of Agriculture, permit, succeeding the expired license for minor Project No. 1137, the power withdrawal pertaining to said land should remain in effect:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 9 S., R. 31 E.,
Sec. 2, NE¼SW¼.

(3) The following-described lands have negligible or no value for purposes of power development and, therefore, it has no objection to the revocation by the Secretary of the Interior of Power Site Classifications Nos. 69 and 71 and of Power Site Reserves Nos. 230 and 293 insofar as such withdrawals pertain to said lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 S., R. 30 E.,
Sec. 36: NE¼SE¼.
T. 7 S., R. 31 E.,
Sec. 25: NW¼NE¼ and NW¼SW¼.
T. 8 S., R. 31 E.,
Sec. 3: E½SE¼SE¼NW¼;
Sec. 9: SE¼NE¼;
Sec. 31: NW¼NE¼, N½NW¼, SW¼NW¼ and E½SE¼.
T. 9 S., R. 31 E.,
Sec. 15: NE¼NW¼ and W½W½;
Sec. 22: W½NW¼, SE¼NW¼ and S½NE¼.
T. 7 S., R. 32 E.,
Sec. 17: SE¼NW¼ and NE¼SW¼.

(4) Inasmuch as the power value of the following-described lands is fully preserved and protected by reservation of the lands in connection with Projects Nos. 1394, 1395, 1396, and 1398, it has no objection to the revocation by the Secretary of the Interior of Power Site Classifications Nos. 69 and 71 and of Power Site Reserves Nos. 230, 279, and 293 insofar as such withdrawals pertain to said lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 S., R. 30 E.,
Sec. 36: SE¼SE¼.
T. 7 S., R. 31 E.,
Sec. 24: SE¼SE¼;
Sec. 25: E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 34: SE¼NE¼, SE¼SW¼, N½SE¼ and SW¼SE¼;
Sec. 35: N½NE¼, E½NW¼ and SW¼ NW¼.
T. 8 S., R. 31 E.,
Sec. 3: N½NW¼ (Lots 1 and 2), N½SW¼ NW¼, SW¼SW¼NW¼, NW¼SE¼SW¼ NW¼ and N½SE¼NW¼;
Sec. 4: E½SE¼ and SW¼SE¼;
Sec. 9: N½NE¼, SW¼NE¼ and W½;
Sec. 16: W½ and SE¼;
Sec. 21: NE¼NE¼ and NW¼NW¼;
Sec. 31: NE¼NE¼, S½NE¼, SE¼NW¼, SW¼ and W½SE¼.
T. 9 S., R. 31 E.,
Sec. 5: Lot 4 (NW¼NW¼);
Sec. 6: N½NE¼ (Lots 1 and 2);
Sec. 10: SE¼SE¼;
Sec. 11: SW¼SW¼;
Sec. 14: W½NW¼;
Sec. 15: E½;
Sec. 22: N½NE¼ and NE¼NW¼.
T. 7 S., R. 32 E.,
Sec. 17: W½NE¼, S½SW¼ and SW¼ SE¼;
Sec. 19: Lot 4 (SW¼SW¼), E½SW¼, N½SE¼ and SW¼SE¼;
Sec. 20: NE¼NE¼ and W½NW¼;
Sec. 21: N½NE¼;
Sec. 22: S½NE¼ and NW¼;
Sec. 25: NW¼NE¼;
Sec. 30: NW¼NW¼.

(5) Inasmuch as the power value of the following-described lands is fully preserved and protected by reservation of the lands for the use and benefit of Project No. 1394, the existing power withdrawals pertaining to said lands under section 24 of the Federal Water Power Act, pursuant to the filing of the application for a preliminary permit for proposed Project No. 320 and the filing of the application for a license for proposed Project No. 556 serve no useful purpose and vacation of the withdrawals is in the public interest:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 S., R. 30 E.,
Sec. 25: SW¼SW¼;
Sec. 26: S½SE¼;
Sec. 35: N½ and N½SW¼;
Sec. 36: NW¼NW¼.
T. 9 S., R. 31 E.,
Sec. 4: SW¼SW¼;
Sec. 5: SW¼SW¼ and S½SE¼;
Sec. 6: S½SE¼;
Sec. 7: NE¼;
Sec. 8: N½NE¼, SE¼NE¼ and W½NW¼;
Sec. 9: W½NW¼.

(6) Inasmuch as the original and only withdrawal pertaining to the following-described lands—in connection with Project No. 1394—has in effect been vacated by the omission of said lands in the April 25, 1960 modified withdrawal for Project No. 1394, further Commission action with respect to said withdrawal is neither necessary nor appropriate:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 S., R. 30 E.,
Sec. 3, NE¼NE¼.
T. 7 S., R. 31 E.,
Sec. 35, NW¼NW¼.

(7) Inasmuch as the following-described lands are required for the operation of Project No. 1394 and are, in fact, withdrawn for the use of said project, such existing power withdrawal pertaining to said lands should remain in effect:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 8 S., R. 30 E.,
Sec. 1: S½SE¼;
Sec. 12: NE¼NE¼.
T. 8 S., R. 31 E.,
Sec. 5: SW¼SW¼ and S½SE¼;
Sec. 6: Lot 7 (SW¼SW¼);
Sec. 7: Lot 1 (NW¼NW¼) and E½NE¼;
Sec. 8: NE¼NE¼;
Sec. 17: SE¼SE¼;
Sec. 30: Unpatented parts of NW¼NE¼ and NE¼NW¼.
T. 9 S., R. 31 E.,
Sec. 5: SW¼NW¼;
Sec. 6: S½NE¼;
Sec. 10: SW¼SE¼;
Sec. 11: SE¼SW¼ and SE¼;
Sec. 14: NE¼NW¼.
T. 7 S., R. 32 E.,
Sec. 19: Lot 3 (NW¼SW¼).

(8) The existing power withdrawals pertaining to the lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a license for proposed Project No. 97, and the filing of the application for a preliminary permit for proposed Project No. 330 and pertaining to the lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a license for proposed Project No. 1370 serve no useful purpose and vacation of the withdrawals is in the public interest.

The Commission orders:

(A) The existing power withdrawals pertaining to the lands described in finding (5) herein under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 320 and the filing of the application for a license for proposed Project No. 556 are vacated.

(B) The existing power withdrawals referred to in finding (8) herein pertaining to lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a license for proposed Project No. 97 and the filing of the application for a preliminary permit for proposed Project No. 330 and pertaining to the lands under section 24 of the Federal Power Act pursuant to the filing of the application for a license for proposed Project No. 1370 are vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6730; Filed, July 19, 1960; 8:45 a.m.]

[Docket No. RP61-1]

LOUISIANA NEVADA TRANSIT CO.

Order for Hearing, Suspending Proposed Changes in Rates and Service Agreement and Allowing Such Changes in Rates and Service Agreement To Become Effective Upon Filing of Motion and Undertaking and Agreement to Assure Refund of Excess Charges

JULY 13, 1960.

Louisiana Nevada Transit Company (Louisiana Nevada) on June 13, 1960, tendered to filing First Revised Sheets Nos. 3-A and 15-A, Second Revised Sheets Nos. 8, 13, 14 and 15 to its FPC Gas Tariff, Original Volume No. 1 and a superseding service agreement providing for an annual increase in its rates and charges of approximately $19,324 or 15.5 percent to its only jurisdictional customer, the City of DeQueen, Arkansas.

The proposed effective date designated by Louisiana Nevada is June 23, 1960; however, the effective date for such proposed changes is July 14, 1960, which is thirty days after expiration of the required statutory notice.

In support of the proposed increased rates, Louisiana Nevada, among other things, submitted a cost of service for the twelve months period ended March 31, 1960, including a rate of return of 7 percent, adjusted for increased purchased gas expense based on the rates of the Cotton Valley Operator's Committee permitted to become effective subject to refund on March 21, 1960, in Docket No. RI60-195, and states that, despite increases in costs experienced throughout the natural gas industry, it has not increased its rates for sales to the City of DeQueen for ten years. In further support, Louisiana Nevada presents the city-gate rates of other pipeline companies providing service in the North Louisiana-Arkansas area where each of such rates is higher than its proposed rate, also states that it will experience higher purchased gas expense because its Cotton Valley contract provides for a one cent periodic price increase effective January 1, 1961, and concludes by saying that its proposal to establish a stabilized rate for a five-year period through a rate fixed by contract (the superseding service agreement) is unique in the pipeline industry.

The City of DeQueen has requested that the proposed increase be made effective without suspension.

The proposed increased rates and charges contained in the aforementioned revised tariff sheets and the superseding service agreement tendered by Louisiana Nevada on June 13, 1960, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated revised tariff sheets and the superseding service agreement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that Louisiana Nevada's proposed increased rates and its superseding service agreement be made effective as hereinafter provided and that Louisiana Nevada be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated revised tariffs sheets and superseding service agreement.

(B) Pending such hearing and decision thereon, said First Revised Sheets Nos. 3-A and 15-A, Second Revised Sheets Nos. 8, 13, 14 and 15, to Louisiana Nevada's FPC Gas Tariff, Original Volume No. 1 and its superseding service agreement with the City of DeQueen are hereby suspended and the use thereof deferred until July 15, 1960, and thereafter until such further time as they are made effective in the manner hereinafter prescribed.

(C) The rates, charges, classifications, services and service agreements set forth in the above-designated filings shall be effective as of July 15, 1960: *Provided, however,* That, within 20 days from the date of this order, Louisiana Nevada shall file a motion to place its rates in effect, as required by section 4(e) of the Natural Gas Act, and shall concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Louisiana Nevada shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Louisiana Nevada until refunded; shall bear all costs of any such refunding, shall keep accurate ac-

counts in detail of all amounts received by reason of the increased rates or charges effective as of the date specified, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to the date upon which the increased rates allowed by this order become effective, and under the rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Louisiana Nevada shall concurrently execute and file (original and three (3) copies) with the Secretary of the Commission its motion to make rates effective and its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Louisiana Nevada Transit Company To Comply With The Terms And Conditions of Paragraph (D) of Federal Power Commission's Order for Hearing, Suspending Proposed Changes in Rates and Allowing Such Rate Changes To become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

In conformity with the requirements of the order issued (Date), in Docket No. RI60-3, Louisiana Nevada Transit Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ----------, 1960.

LOUISIANA NEVADA TRANSIT COMPANY,
By ----------
Attest:

Secretary

Unless Louisiana Nevada is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Louisiana Nevada shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) The revised tariff sheets and the superseding service agreement shall not be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before August 29, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6731; Filed, July 19, 1960; 8:45 a.m.]

[Docket Nos. RI60-396, etc.]

TIDEWATER OIL CO. ET AL.

Correction

JULY 13, 1960.

In the order providing for hearing on and suspension of proposed changes in rates and terminating proceeding, issued June 16, 1960 and published in the FEDERAL REGISTER on June 24, 1960 (25 F.R. 5851): After "By the Commission" add "Commissioner Kline dissenting as to the suspension of the rate filing in Docket No. RI60-404. He would reject the rate filings in Docket Nos. RI60-396, RI60-403 and RI60-405, and Supplement No. 36 to FPC Rate Schedule No. 2 in RI60-378."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6732; Filed, July 19, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JULY 14, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 15, 1960, to July 24, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6739; Filed, July 19, 1960; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 383]

THE SECRETARY OF DEFENSE

Delegation of Authority

Authority to represent the interests of the executive agencies of the Federal Government in the matter of Carolina Power and Light Company for increased electric rates, Docket No. E-2, Sub 76, North Carolina Utilities Commission.

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of petition of Carolina Power and Light Company For Increased Electric Rates, before the North Carolina Utilities Commission, Docket No. E-2, Sub 70, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective June 15, 1960.

Dated: July 13, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-6734; Filed, July 19, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 130]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 15, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(3)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 8), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed June 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Kirkersville, Ohio, over Interstate Highway 70 to Brownsville, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Kirkersville and Brownsville over Ohio Highway 440.

No. MC-2542 (Deviation No. 8), ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn., filed June 21, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From northern terminus of the Richmond-Petersburg Turnpike at Richmond over said turnpike to the southern terminus at Petersburg, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Suffolk, Va., over U.S. Highway 460 to Petersburg, Va., and thence over U.S. Highway 1 via Richmond and Fredericksburg, Va., to Baltimore (also, for operating convenience only, (1) from Suffolk over unnumbered highways, junction U.S. Highway 17, thence over U.S. Highway 17 to junction of U.S. Highway 60, and thence over U.S. Highway 60 to Richmond, and (2) from junction U.S. Highway 17 and 60 over U.S. Highway 17 to Fredericksburg), and return over the same routes.

No. MC-9429 (Deviation No. 1), PAUL V. ADAMS TRUCKING, INC., Sanford, Maine, filed June 22, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation routes, as follows: (A) from the junction of U.S. Highway 1 and Interstate Highway 95 near Danvers, Mass., over Interstate Highway 95 to the Massachusetts-New Hampshire State line; (b) from the Massachusetts-New Hampshire State line over Interstate Highway 95 to the New Hampshire-Maine State line; and (c) from the southern terminus, at Kettery, Maine, of the Maine Turnpike, over the Maine Turnpike to the northern terminus at Augusta, Maine, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston over U.S. Highway 1 via Smithtown and Portsmouth, N.H., to Portland, Maine, thence over Maine Highway 3 to Lewiston, Maine; from Boston over Massachusetts Highway 1-A to Massachusetts-New Hampshire State line, thence over New Hampshire Highway 1-A to Portsmouth, N.H., and thence to Lewiston, as specified above; from Boston over U.S. Highway 1 via Portland, Brunswick, Hampden and Bangor, Maine to Brewer, Maine; from Boston to Portland as specified above, thence over Maine Highway 3 to Augusta, thence over Maine Highway 9 to Hampden, and thence to Brewer as specified above; from Portsmouth, N.H., over U.S. Highway 4 to junction New Hampshire Highway 16, thence over New Hampshire Highway 16, to Dover, N.H., thence over New Hampshire 16-A to Somersworth, N.H., thence across the Salmon Falls River to Berwick, Maine, thence over Maine Highway 9 to Wells, Maine, thence over Maine Highway 109 to Springdale, Maine, thence over Maine Highway 224 to junction of U.S. Highway 202, thence over U.S. Highway 202 to Alfred, Maine, thence over Maine Highway 111 to Biddeford, Maine, and return over the same routes.

No. MC-13123 (Deviation No. 8), WILSON FREIGHT FORWARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, filed June 23, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Washington, Pa., over U.S. Highway 19 to Pittsburgh, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Washington over Pennsylvania Highway 519 to junction Pennsylvania Highway 28, thence over Pennsylvania Highway 28 to Pittsburgh, and return over the same route.

No. MC-29988 (Deviation No. 5), DENVER-CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo. Attorney Edward G. Baielon, 39 So. La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over deviation route as follows: From Buffalo, N.Y. over Interstate Highway 90 to Cleveland, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over U.S. Highway 20 to junction U.S. Highway 62, approximately 4 miles north of Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 via Avon, Auburn, and Lafayette, N.Y., to Albany, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC-1501 (Deviation No. 47, amending Deviation No. 13), THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., filed June 27, 1960. Deviation Notice No. 13 relating to operations over the Tri-State Toll Highway, between the Lake County-Cook County boundary line and junction Illinois Highway 173, is amended to the following: From Chicago over Interstate Highway 94 to the Wisconsin-Illinois State Line, and return over the same route. Deviation Route proposed No. 13 was published in the July 23, 1958, issue of the FEDERAL REGISTER.

No. MC-1501 (Deviation No. 48), THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., filed June 27, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers* over a deviation route as follows: From the junction of U.S. Highway 30 and an unnumbered highway at the south limits of Lisbon, Iowa, over U.S. Highway 30 to Cedar Rapids, Iowa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to operate over a service route as follows: From Grand Mound, Iowa, over U.S. Highway 30 to junction unnumbered highway and at the south limits of Lisbon, Iowa, thence over unnumbered highway to Lisbon, thence over unnumbered highway to Mt. Vernon, thence over Iowa Highway 150 to junction unnumbered highway known as Vernon Road, thence over Vernon Road to Cedar Rapids, Iowa.

No. MC-1501 (Deviation No. 49) THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., filed June 27, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers*, over a deviation route as follows: From Chicago over Interstate Highway 90 to junction Interstate Highway 294, thence over Interstate Highway 294 to its interchange with U.S. Highway 66, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to operate over a service route as follows: from Chicago over U.S. Highway 66, and return.

No. MC-1501 (Deviation No. 50), THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., filed June 27, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers*, over a deviation route as follows: From the junction of U.S. Highway 30 and alternate U.S. Highway 30 southeast of Fulton, Ill., over U.S. Highway 30 to Clinton, Iowa, and return over the same route, for operating convenience only, serving no inter-

mediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Morrison, Ill., over U.S. Highway 30 to a point approximately 9 miles west of Morrison, thence over alternate U.S. Highway 30 via Fulton, Ill., to Clinton, Iowa, and return over the same route.

No. MC-1501 (Deviation No. 51), THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., filed June 27, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers*, over a deviation route as follows: From the junction of Interstate Highway 80 and U.S. Highway 6, one mile east of Dexter, Iowa, over Interstate Highway 80 to interchange with U.S. Highway 71, three miles south of Brayton, Iowa, thence over U.S. Highway 71 to Atlantic, Iowa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to operate over pertinent service routes as follows: From Des Moines, Iowa, over Iowa Highway 90 to Atlantic; and from Des Moines over U.S. Highway 6 to junction Iowa Highway 90, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6755; Filed, July 19, 1960; 8:45 a.m.]

[No. MC-C-8028]

NOTICE OF FILING OF PETITION FOR THE ISSUANCE OF DECLARATORY ORDER

JULY 15, 1960.

Petitioner: BAB TRANSFER, INC., Springfield, Mass.; Petitioner's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. By petition dated June 20, 1960, petitioner states that it is a (a) Motor Carrier subject to Part II of the Interstate Commerce Act, operating under Irregular Route Common Carrier Certificate No. 4571 dated October 9, 1959, issued by the Department of Public Utilities of The Commonwealth of Massachusetts, authorizing the transportation of General Commodities anywhere within the Commonwealth of Massachusetts, (b) Public Warehouseman subject to the General Laws of the Commonwealth of Massachusetts, operating under a License as a Public Warehouseman dated June 11, 1952, issued by the Commonwealth of Massachusetts, and (c) Warehouseman of Shippers' Agent in consolidating and distributing pool cars at Springfield, Mass., in which its services and responsibilities to shippers in connection with such operations are confined to the terminal area in which such operations are performed. The subject petition is filed pursuant to the provisions of section 5(d) of the Administrative Procedure Act, 5 U.S.C. section 1004(d) and petitions the Commission (1) To issue a Declaratory Order that the operations and services provided by Bab Transfer, Inc., Springfield, Mass., are not those of a Freight Forwarder as defined in section 402(a) (5) of the Interstate Commerce Act, or (2) To assign a Hearing at Springfield, Mass., in the event that the Commission cannot issue the Declaratory Order sought in (1) above without a Hearing. Petitioner states the petition arised from a letter dated April 7, 1960, addressed to petitioner from the Bureau of Water Carriers and Freight Forwarders of the Interstate Commerce Commission which states in effect that the services offered by petitioner are those of a freight forwarder which require the holding of an appropriate permit from this Commission in order to lawfully engage therein. Any person or persons desiring to participate in this proceeding may file an appropriate pleading within 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6755; Filed, July 19, 1960; 8:48 a.m.]

[Notice 333]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 15, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 14421 (Sub No. 19), filed July 15, 1960. Applicant: CHICAGO DUBUQUE MOTOR TRANSPORTATION COMPANY, a Corporation, P.O. Box 388, Dubuque, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving the plant site of the J. I. Case Company, located approximately one mile north of the junction of Minnesota Highways 55 and 49, as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Paul and Minneapolis, Minn.

HEARING: July 28, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 69166 (Sub No. 55), filed July 15, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the J. I. Case Company, located approximately one mile north of the junction of Minnesota Highways 55 and 49, as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Paul and Minneapolis, Minn.

HEARING: July 28, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 108586 (Sub-No. 49), July 15, 1960. Applicant: STEFFKE FREIGHT COMPANY, Box 990, Wausau, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the J. I. Case Company, located approximately one mile north of the junction of Minnesota Highways 55 and 49, as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Paul and Minneapolis, Minn.

HEARING: July 28, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 108967 (Sub No. 8), filed July 14, 1960. Applicant: POOLE TRANSFER, INC., 807 East Fourth Street, Muscatine, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plant site of the J. I. Case Company, located approximately one mile north of the junction of Minnesota Highways 55 and 49, as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Paul and Minneapolis, Minn.

HEARING: July 28, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 145.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 98903 (Sub No. 2), filed July 11, 1960. Applicant: COLORADO MOTORWAY, INC., 1805 Broadway, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Denver, Colo., and Fort Collins, Colo., (1) from Denver over U.S. Highway 287 to Fort Collins, and return over the same route, serving all intermediate points; and (2) from Denver over U.S. Highway 87 in a northerly direction approximately 23 miles to junction Colorado Highway 240, thence in a westerly direction over Colorado Highway 240 via Erie, Colo., to junction U.S. Highway 287, thence over U.S. Highway 287 to Fort Collins, and return over the same route, serving all intermediate points.

NOTE: The route described in (1) above was operated by applicant's predecessor in interest on and prior to June 1, 1935. Both Routes (1) and (2) have been operated under the second proviso of section 206(a)(1). This case is directly related to MC-F 7488.

No. MC 98556 (Sub No. 2), filed July 11, 1960. Applicant: COLORADO TRANSPORTATION COMPANY, a Corporation, doing business as ROCKY MOUNTAIN MOTOR COMPANY, 1805 Broadway, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, in year-round and seasonal operations from May 31 to October 1, inclusive, as more fully described in the application, (A) between Denver, Colo., and Estes Park, Colo., (1) from Denver in a northerly direction over U.S. Highway 287 through Longmont and Loveland, Colo., to junction U.S. Highway 34, thence west over U.S. Highway 34 to Estes Park, and return over the same route, serving all intermediate points; (2) from Denver in a northwesterly direction over the Denver-Boulder Turnpike to Boulder, Colo., thence north over Colorado Highway 7, through Lyons and Allenspark, Colo., to Estes Park, and return over the same route, serving all intermediate points; and (3) from Denver to Lyons as described in (2) above, thence west over Colorado Highway 66 to Estes Park, and return over the same route, serving all intermediate points; (B) between Estes Park, Colo., and Grand Lake, Colo., from Estes Park, west and south over U.S. Highway 34 to Grand Lake, and return over the same route, serving all intermediate points; (C) from Grand Lake, Colo., to Denver, Colo., from Grand Lake in a southerly direction over U.S. Highway 34 to junction U.S. Highway 40, thence south and east over U.S. Highway 40 through Granby, Berthoud Pass, and Idaho Springs, Colo., to junction U.S. Highway 6 at Floyd Hill, Colo., thence east over U.S. Highway 6 to Denver, serving all intermediate points; (D) between Longmont, Colo., and Estes Park, Colo., from Longmont west over Colorado Highway 66 to Lyons, thence west over the route described in (A) (3) above to Estes Park, and return over the same route, serving all intermediate points; (E) between Greeley, Colo., and Loveland, Colo., from Greeley in a westerly direction over U.S. Highway 34 to Loveland, and return over the same route, serving all intermediate points; and (F) between Denver Mountain Parks, Colo., from Denver west over the route described in (C) above over U.S. Highway 6 to junction U.S. Highway 40, approximately eleven (11) miles west of Denver, thence south and west over U.S. Highway 40 to junction unnumbered highway going south past Red Rocks, Colo., thence south over said unnumbered highway going through Red Rocks Park to Morrison, Colo., thence west over Colorado Highway 74 through Kittredge, Colo., to Evergreen, Colo., thence north over unnumbered highway through Wah Keeney to Bergen Park, thence east over Colorado Highway 103 to junction U.S. Highway 40, thence east over U.S. Highway 40 to junction unnumbered highway going northeast to Lookout Mountain, thence northeast over said unnumbered highway to the top of Lookout Mountain, thence northeast over Lariat Trail to junction U.S. Highway 6, thence over the route described in (C) above to Denver, and return over the same route, serving all intermediate points.

NOTE: Applicant states that the routes described above include some duplications for the sake of clarity, but no duplicating routes are described twice, and therefore requests that all duplications be omitted. This case is directly related to MC-F 7488.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6777; Filed, July 19, 1960; 8:51 a.m.]

[Notice 332]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 15, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

Correction. The FEDERAL REGISTER, issue of July 7, 1960, at page 6393 indicated in column three of that page the assignment for Pre-Hearing Conference of certain applications. Inadvertently, the assignment of these applications was not prefaced by a heading reading: APPLICATIONS ASSIGNED FOR PRE-HEARING CONFERENCE. The purpose of this notice is to advise that those applications beginning with No. MC 704 (Sub No. 22), and continuing to No. MC 119176 (Sub No. 1), are assigned for PRE-HEARING CONFERENCE on August 3, 1960, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 2900 (Sub No. 101), (CORRECTION), filed June 28, 1960, published in the FEDERAL REGISTER, issue of July 13, 1960. Applicant RYDER TRUCK LINES, INC. 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. The notice of filing of the subject application, published at page 6594, issue of July 13, 1960, FEDERAL REGISTER, under those applications requesting handling without oral hearing, indicated carrier's trade name as Ryder Tank Lines, Inc., in error. The correct corporate name of applicant is *Ryder Truck Lines, Inc.*

No. MC 7746 (Sub No. 103), filed May 12, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, manufactured or produced by a shake or shingle mill including, but not limited to, shakes, shingles and trim, between points in Whatcom, Skagit, Snohomish, Clallam, Jefferson, Grays Harbor, Mason, Pacific, Wahkiakum, King, Thurston, Lewis, Cowlitz, Clark, Pierce, Skamania, Kitsap, and San Juan Counties, Wash., on the one hand, and, on the other, Portland, Oreg., and points in California.

HEARING: September 26, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 7746 (Sub No. 104), filed May 12, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products, articles distributed by meat packing houses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, B, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Nampa, Boise, Twin Falls, and Caldwell, Idaho, on the one hand, and, on the other, points in California.

HEARING: September 22, 1960, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner James A. McKiel.

No. MC 7746 (Sub No. 105), filed May 12, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, be-

tween U.S. Highway 95 and U.S. Highway 30 near Fruitland, Idaho, and Pasco, Wash.; from junction U.S. Highway 95 and 30 over U.S. Highway 30 to junction U.S. Highway 395, and thence over U.S. Highway 395 to Pasco, Wash., and return over the same route serving no intermediate points and serving Junction U.S. Highways 95 and 30 for purposes of joinder only, as an alternate route for operating convenience only.

HEARING: September 27, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 81, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 9895 (Sub No. 113), filed June 30, 1960. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 49th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, and *liquid caustic soda*, in bulk, from points in Colorado, to points in Nebraska.

HEARING: September 20, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 31.

No. MC 10761 (Sub No. 95), filed May 16, 1960. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving the point of Freehold, N.J., as an off-route point in connection with applicant's authorized regular route operations between Harrisburg, Pa., and Newark, N.J.

HEARING: September 16, 1960, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 17563 (Sub No. 22), filed May 31, 1960. Applicant: PIERCE FREIGHT LINES, INC., 2825 Northwest Yeon Avenue, Portland, Oreg. Applicant's attorney: Robert R. Hollis, 1121 Equitable Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, except bulk petroleum products, between Corvallis, Oreg., and Lebanon, Oreg., over unnumbered Linn County Roads, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) *General commodities*, except commodities in bulk, between Vacaville, Calif., and Dunnigan, Calif., over U.S. Highway 5W, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Portland, Oreg., and San Francisco, Calif.

HEARING: October 3, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 19778 (Sub No. 35), filed April 25, 1960. Applicant: CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, a Corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell, Assistant General Solicitor, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 888 516 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods, as defined by the Commission, (1) Between Chicago, Ill., and Joliet, Ill., from Chicago over Illinois Highway 50 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to junction U.S. Highway 52, thence over U.S. Highway 52 to Joliet, and return over the same route. (2) Between Chicago, Ill., and De Kalb, Ill., from Chicago over Illinois Highway 64 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 19, thence over Illinois Highway 19 to junction U.S. Highway 20 in Elgin, Ill., thence over U.S. Highway 20 to junction Illinois Highway 72, thence over Illinois Highway 72 to junction Illinois Highway 23, thence over Illinois Highway 23 to De Kalb, and return over the same route. Serving the intermediate points of Bensenville, Wooddale, Itasca, Roselle, Elgin, Pinegree Grove, Hampshire, De Kalb, Chicago Heights, Momence, Manhattan, and Joliet, Ill., and the off-route points of Ontarioville, Bartlett, Spaulding, Blue Island, North Harvey, Thornton, Brock, Puder, Delmar, Whitaker, Yeager, Peotone, Andres, Wilton, and Faithorn, Ill., on the above-specified routes. (3) Between Joliet, Ill., and Chicago, Ill., from Joliet over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with proposed route (1) above. (4) Between junction Illinois Highway 64 and U.S. Highway 45, and junction Illinois Highways 64 and 23, from junction Illinois Highway 64 and U.S. Highway 45 over Illinois Highway 64 to junction Illinois Highway 23, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with proposed route (2) above. (5) Between Elgin, Ill., and junction Illinois Highways 31 and 64, from Elgin over Illinois Highway 31 to junction Illinois Highway 64, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with proposed route (2) above.

NOTE: Section 210, dual operations, may be involved.

HEARING: October 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 20314 (Sub No. 1), filed May 24, 1960. Applicant: JOHN J. CASALE, INC., 510 West 21st Street, New York, N.Y. Applicant's attorneys: Herbert Burstein, 160 Broadway, New York 38, N.Y., and Wendell Y. Blanning, 612 Barr Building, 910 17th Street, NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, and those injurious or contaminating to other lading, between New York, N.Y., and points in that part of New Jersey north of U.S. Highway 30, and points in Nassau, Suffolk, Westchester, Rockland, Ulster, Dutchess, and Orange Counties, N.Y., points in that part of Connecticut west of the Connecticut River, and points in Philadelphia, Delaware, Bucks, Lehigh, Northampton, Pike, and Wayne Counties, Pa.

HEARING: September 12, 1960, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 21563 (Sub No. 3), filed May 25, 1960. Applicant: ANDREW J. KOVACS, 627 Rahway Avenue, Woodbridge, N.J. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such products as are manufactured, reclaimed or distributed by the manufacturers of heat resisting materials*, and in connection therewith, *equipment, materials and supplies* used in the manufacture thereof, and *returned, damaged or rejected shipments* of the above-described commodities, between Port Murray, N.J., and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

HEARING: September 16, 1960, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 29988 (Sub No. 73), filed May 18, 1960. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, Meat Products, Meat By-Products, and Articles Distributed by Meat Packing Houses*, from Pueblo, Colo., to Philadelphia, Pa.: From Pueblo over U.S. Highway 85 to Denver (also from Pueblo over U.S. Highway 85 to junction U.S. Highway 87, thence over U.S. Highway 87 to Denver), thence over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Sterling, Colo. (also from Denver over U.S. Highway 6 to Sterling), thence over U.S. Highway 138 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, and thence over Alternate U.S. Highway 30 to Chicago, Ill., thence from Chicago over city streets to the Indiana Turnpike at the Illinois-Indiana State line, thence over the Indiana Turnpike to junction Ohio Turnpike at the Indiana-Ohio State line, thence over the Ohio Turnpike to junction Pennsylvania Turnpike at the Ohio-Pennsylvania State line (also from Chicago over Illinois Highway 1 to junction U.S. Highway 6, thence over U.S. Highway 6 to New Rochester, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 7, thence over Ohio Highway 7 to the Youngstown Interchange of the Ohio Turnpike, thence over the Ohio Turnpike to junction Pennsylvania Turnpike at the Ohio-Pennsylvania State line), thence over the Pennsylvania Turnpike to the Valley Forge (No. 24) Interchange, thence over Pennsylvania Highway 43 to Philadelphia, Pa. (also to the Norristown (No. 25) Interchange, thence over Alternate U.S. Highway 422 to Philadelphia) (also to the Norristown (No. 25) Interchange, thence over Alternate U.S. Highway 422, thence over U.S. Highway 422 to Philadelphia) (also to the Fort Washington (No. 26) Interchange, thence over U.S. Highway 309 to Philadelphia) (also to the Fort Washington (No. 26) Interchange, thence over U.S. Highway 309 to junction Alternate U.S. Highway 422, thence over Alternate U.S. Highway 422 to Philadelphia) (also to the Willow Grove (No. 27) Interchange, thence over U.S. Highway 611 to Philadelphia) (also to the Philadelphia (No. 28) Interchange, thence over U.S. Highway 1 to Philadelphia), serving no intermediate points except as otherwise authorized.

HEARING: September 27, 1960, at the New Customs House, Denver, Colo., before Examiner James A. McKiel.

No. MC 31466 (Sub No. 25) filed May 30, 1960. Applicant: L.C.I. TRANSIT COMPANY, a Corporation, 520 North Roosevelt Street, Green Bay, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products* and *articles* distributed by meat packing houses as described in Appendix I of *Description in Motor Carrier Certificates*, 61 M.C.C. 272–273, from Madison and Cudahy, Wis., to points in Anoka, Carver, Chisago, Dakota, Goodhue, Hennepin, Isanti, Le Sueur, McLeoad, Nicollet, Ramsey, Rice, Sherburne, Sibley, Scott, Washington, and Wright Counties, Minn., located beyond the Minneapolis-St. Paul, Minn., Commercial Zone, and *empty containers or other such incidental facilities*, used in transporting the above described commodities, on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 31466 (Sub No. 22).

HEARING: October 6, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 36509 (Sub No. 14), filed March 23, 1960. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin and bullion*, between Denver, Colo., Boston, Mass., Richmond, Va., Cleveland and Cincinnati, Ohio, Jacksonville, Fla., Louisville and Fort Knox, Ky., New Orleans, La., Dallas, San Antonio, Houston, and El Paso, Tex., St. Louis and Kansas City, Mo., Minneapolis, Minn., Helena, Mont., San Francisco and Los Angeles, Calif., Seattle, Wash., Omaha, Nebr., Portland, Oreg., Cashier's Office of the Treasurer of the United States, Wash., D.C., Philadelphia and Pittsburgh, Pa., Atlanta, Ga., Nashville and Memphis, Tenn., Buffalo, New York City, and West Point, N.Y., Chicago, Ill., Little Rock, Ark., Charlotte, N.C., Birmingham, Ala., Detroit, Mich., Oklahoma City, Okla., Salt Lake City, Utah, and Baltimore, Md.

NOTE: Applicant consents to elimination of any duplicating authority.

HEARING: September 30, 1960 at the New Customs House, Denver, Colo., before Examiner James A. McKiel.

No. MC 40007 (Sub No. 67) (CORRECTION), filed May 30, 1960, published FEDERAL REGISTER, issue of July 7, 1960. Applicant: RELIABLE TRANSPORTATION COMPANY, a Corporation, 4817 Sheila Street, Los Angeles 22, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Arizona to all ports of entry in Arizona and California on the International boundary between the United States and the Republic of Mexico, for export.

NOTE: Previous publication designated Joint Board No. 167, in error. The application is correctly assigned before Joint Board No. 47.

HEARING: Remains as reassigned on September 26, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 41116 (Sub No. 6) (REPUBLICATION), filed October 5, 1959, published in the FEDERAL REGISTER, issue of December 23, 1959. Applicant: LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, 1001 West Northern Avenue, Crowley, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. AND No. MC 114486 (Sub No. 3) (REPUBLICATION), filed November 20, 1959, published in the FEDERAL REGISTER, issue of January 20, 1960. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 2902 Lester Street, Texarkana, Tex. Applicant's attorney: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. The above-titled proceeding, filed October 5, 1959, as amended, and the sub-titled proceeding, filed November 20, 1959, as amended, both through inadvertence sought authority from an origin point designated as Sterlington, La. At the hearing before Examiner John B. Mealy, it was ascertained that the shipper supporting the application has production facilities at Sterlington, but manufactures the product, ammonium nitrate for which authority was sought in the subject applications at its Pace Lake plant situated on Louisiana Highway 553 about 5 miles from Sterlington (an unincorporated community). The Examiner permitted amendments to the applications redescribing the origin point, and in a Report and Order, served April 13, 1960, the Examiner found that applicants are fit, willing and able to conduct operations as *contract carriers*, by motor vehicle, under continuing contracts with Commercial Solvents Corporation of Sterlington, La., of *dry ammonium nitrate fertilizer*, in bulk or in bags, from the Pace Lake facility of Commercial Solvents Corporation located about 5 miles from Sterlington, La., on Louisiana Highway 553, to points in Alabama, Arkansas, Mississippi, Oklahoma, Tennessee, and Texas. Any person or persons who may have been prejudiced by the allowance of the amendments, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 41347 (Sub No. 1), filed June 9, 1960. Applicant: DE BACK CARTAGE COMPANY, INC., 4841 West Burnham Street, West Allis 19, Wis. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic jack parts*, from points in Milwaukee County, Wis., to Hebron, Ill., and (2) *Completed Hydraulic Jacks*, from Hebron, Ill. to West Allis (Milwaukee County), Wis.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with the Blackhawk Mfg. Co. of Milwaukee, Wis.

HEARING: October 5, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 42487 (Sub No. 448), filed February 19, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Ronald E. Poelman, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products*, frozen, from points in California, Oregon, Washington, Idaho, and Utah to points in Colorado, Nebraska, Kansas, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Missouri, and Kentucky.

HEARING: September 19, 1960, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner James A. McKiel.

No. MC 43467 (Sub No. 455), filed April 11, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Burley, Idaho, to points in Utah, Wyoming, Colorado, and Montana.

HEARING: September 23, 1960, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner James A. McKiel.

No. MC 43251 (Sub No. 7), filed June 10, 1960. Applicant: H. MAYNARD GOULD CO., Union Street, East Walpole, Mass. Applicant's attorney: Raymond E. Bernard, 53 State Street, Boston 9, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roll paper felt*, from Phillipsdale, R.I., to Salem, N.J., and rolls of *unfinished floor covering* from Salem, N.J., to Norwood, Mass.

NOTE: Applicant holds common carrier authority in Permit No. MC 34689 and Subs thereunder. Dual operations under section 210 may be involved.

HEARING: September 30, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Michael B. Driscoll.

No. MC 43448 (Sub No. 1), filed May 2, 1960. Applicant: SAM BERTUCCI, doing business as TACOMA-RAINIER AUTO FREIGHT, 523 Puyallup Avenue, Tacoma, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over a *regular route*, transporting: *General commodities* and *high explosives*, including *blasting powder* and *caps*, but excluding articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Tacoma, Wash., and Bucoda and Vail, Wash., from Tacoma over Washington Highway 5 to junction Washington Highway 5H, thence over Washington Highway 5H to junction Washington Highways 1N and 5H near Tenino, Wash., thence over Washington Highway 1N to Bucoda (also from junction Washington Highway 5H and unnumbered highway near Rainier, Wash., over unnumbered highway to Vail), and return over the same route, serving the intermediate points of Roy, McKenna, Yelm, Rainier, and Tenino, Wash.

NOTE: Duplication with present authority to be eliminated.

HEARING: September 29, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 30, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 52498 (Sub No. 4), filed May 23, 1960. Applicant: CLAUDE CECIL RIPE, doing business as RIPE TRUCKING CO., Box 446, Yerington, Nev. Applicant's attorney: Paul D. Lazalt, Sweetland Building, Carson City, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving points between the California-Nevada State line and junction U.S. Highways 50 and 395 near Carson City, Nev., over U.S. Highway 50, as intermediate points in connection with applicant's authorized regular route operations.

HEARING: September 1, 1960, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 128.

No. MC 52709 (Sub No. 108), filed May 31, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's attorney: John W. Carlisle, Legal Department (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Liquid glue*, in bulk, in tank vehicles, (1) from Chicago, Ill., and St. Louis, Mo., to points in California; and (2) from St. Louis, Mo., to Denver, Colo.; and (B) *Damaged or rejected shipments*, from the above-specified destination points to their respective origin points.

NOTE: Common control may be involved.

HEARING: September 26, 1960, at the New Customs House, Denver, Colo., before Examiner James A. McKiel.

No. MC 52709 (Sub No. 111), filed June 13, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: John W. Carlisle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus fruit juice*, unfermented, frozen or other than frozen, in bulk, in tank vehicles, from Ontario and Corona, Calif., to points in the United States, including the District of Columbia, but excluding points in Alaska and Hawaii.

NOTE: Common control may be involved.

HEARING: September 29, 1960, at the New Customs House, Denver, Colo., before Examiner James A. McKiel.

No. MC 52709 (Sub No. 115), filed June 27, 1960. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's attorney: John W. Carlisle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condensed fish solubles* (liquid fish oil residuum) fish meal, fish oil, and fish solubles (dry), in bulk, in tank vehicles, from San Diego, Los Angeles harbor, Terminal Island, Monterey, and San Francisco, Calif., and Warrenton, Oreg., to points in Montana, Utah, Colorado, Idaho, New Mexico, Oregon, Washington, Nevada, Arizona, Wyoming, Kansas, Nebraska, Iowa, Missouri, Oklahoma, Texas, South Dakota, Illinois, Indiana, Wisconsin, Kentucky, Tennessee, Arkansas, Mississippi, Alabama, Michigan, and Ohio.

HEARING: September 12, 1960, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 52858 (Sub No. 86), filed May 4, 1960. Applicant: CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 635 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabs, truck, trailer and bus bodies*, and *parts* therefor when accompanying shipments thereof, from La Conner, Wash., to points in California, and *returned shipments* of the same commodities, limited to those which were manufactured or assembled at La Conner, on return.

HEARING: September 29, 1960, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 63562 (Sub No. 38), filed April 22, 1960. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's attorney: Harold K. Bradford, Jr., 176 East Fifth Street, St. Paul, Minn. Applicant's representative: Lelland M. Cowan, 425 Burlington Avenue, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Classes A and B explosives, and household goods, as defined by the Commission, serving the Townsite of Basin City (Franklin County), Wash., and points within 10 miles thereof, as off-route points in connection with applicant's authorized regular route operations in Certificate No. MC 63562 (Sub No. 32).

NOTE: Applicant requests any duplication be eliminated.

HEARING: September 15, 1960, at the Pasco Community Center, Pasco, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 65802 (Sub No. 17), filed May 25, 1960. Applicant: LYNDEN TRANSFER, INC., P.O. Box 433, Lynden, Wash. Applicant's attorney: James T. Johnson, 609–11 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Portland, Oreg., and Tacoma, Wash., as follows: From Portland over U.S. Highway 99 to Tacoma and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states the proposed operations shall be limited to shipments involving a continuous movement by applicant to or from points in Alaska, and weighing not less than 18,000 pounds. Applicant states the stock of Milky Way, Inc. MC 110098, is owned by it; therefore common control may be involved.

HEARING: October 4, 1960, at the Interstate Commerce Commission Hearing

Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 70451 (Sub No. 216), filed July 11, 1960. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities requiring special equipment because of unusual size or weight, serving the plant site of the J. I. Case Company, located approximately one mile north of the junction of Minnesota Highways 55 and 49, as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Paul and Minneapolis, Minn.

HEARING: July 28, 1960, in Room 926 Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 93980 (Sub No. 32) (CORRECTION), filed May 10, 1960, published FEDERAL REGISTER issue of July 7, 1960. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Dabney Drive, Henderson, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* and *asbestos roofing, wallboard* and *insulating material*, from Port Wentworth, Ga., to points in North Carolina and South Carolina, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application on return.

NOTE: Previous publication named the origin point as Port Westworth, Ga., in error.

HEARING: Remains as assigned September 16, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 130.

No. MC 106714 (Sub No. 10) (CORRECTION), filed February 9, 1960, published FEDERAL REGISTER issue of March 23, 1960. Applicant: JOHN E. HIGGINS AND JOHN B. HIGGINS, doing business as HIGGINS TRANSPORTATION, Richland Center, Wis. Applicant's attorney: Claude J. Jasper, 616–17 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire netting, fencing, steel fence posts, nails, staples, baling wire, barbed wire*, and *baler and binder twine*, from Milwaukee, Wis. (ex-lake or ex-ocean-going vessels), and Prairie du Chien, Wis. (ex-river barge), to points in Wisconsin on and south of U.S. Highway 8.

NOTE: Applicant states it proposes to transport only traffic taken directly off a lake or oceangoing vessel or river barge, and placed either directly into the vehicle for transportation, or on the dock for putting into such vehicles. Applicant does not propose to transport the specified commodities which might originate interline at Milwaukee or Prairie du Chien from railroad or other motor carriers, or commodities which, while still maintaining their interstate commerce characteristics, have come into Milwaukee or Prairie du Chien by other than barge, lake or oceangoing vessels.

NOTE: As previously published in the FEDERAL REGISTER and assigned for hearing, the authority sought was incorrectly designated as points on and NORTH of U.S. Highway 8.

CONTINUED HEARING: October 3, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 107227 (Sub No. 82), filed June 30, 1960. Applicant: INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors), weighing in excess of 9000 pounds, and *attachments* and *parts* for such tractors when moving at the same time and in connection therewith, from Portland, Oreg., to points in the United States, including Alaska and the District of Columbia, but excluding Hawaii.

HEARING: October 11, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Allen W. Hagerty.

No. MC 108228 (Sub No. 12), filed June 8, 1960. Applicant: J. A. MILES, Jr., 304 East Reynolds Street, Plant City, Fla. Applicant's attorney: Wm. Reece Smith, Jr., 1208 First National Bank Building, P.O. Box 3239, Tampa, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Naugatuck, Conn., to Jacksonville, Fla.

HEARING: September 21, 1960, at the U.S. Court Rooms, Hartford, Conn., before Examiner Michael B. Driscoll.

No. MC 108549 (Sub No. 6), filed June 20, 1960. Applicant: MURPHY TRANSPORTATION CO., a Corporation, Hampton, Iowa. Applicant's representative: Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum roofing or siding*, from Chicago, Chicago Heights, Joliet, Waukegan, and Wilmington, Ill., to points in Iowa.

HEARING: October 7, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 53.

No. MC 109637 (Sub No. 157), filed July 5, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Covington, Ky., to points in Allen County, Ind., and *rejected shipments* only, on return.

NOTE: Common control may be involved.

HEARING: September 15, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 208.

No. MC 110525 (Sub No. 423), filed July 7, 1960. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Chester A. Zyblut and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank and specialized equipment, from Calvert City, Ky., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *rejected shipments* on return.

NOTE: Applicant has contract carrier authority under MC 117507 and pending applications under MC 117507 Subs 1, 2, 3, and 4. Dual authority under section 210 and common control may be involved.

HEARING: September 12, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 112750 (Sub No. 46), filed May 17, 1960. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Commercial papers, documents* and *written instruments* (except coin, currency, bullion and negotiable securities) as are used in the business of banks and banking institutions, between Chicago, Ill., and points in Iowa, except those in Clinton, Des Moines, Dubuque, and Scott Counties, Iowa.

HEARING: October 12, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 53.

No. MC 113779 (Sub-No. 132), filed June 30, 1960. Applicant: YORK INTERSTATE TRUCKING, INC., 9030 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in specialized equipment, from points in Harris County, Tex., to points in California and (2) *Petroleum products and chemicals*, in bulk, in specialized equipment, from points in California, to points in Texas, on return.

HEARING: October 10, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner Allen W. Hagerty.

No. MC 114084 (Sub No. 2), filed May 19, 1960. Applicant: S AND S TRUCKING COMPANY, a CORPORATION, 1133 West Front Street, Statesville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antique furniture, used household furniture, used office furniture*, and *used store*

furniture and fixtures, from points in the New York, N.Y., Commercial Zone, the Philadelphia, Pa., Commercial Zone and the Washington, D.C., Commercial Zone, all as defined by the Commission to points in Virginia, Tennessee, Ohio, North Carolina (except Lumberton, Whiteville, Wilmington, Goldsboro, and Tabor City), South Carolina (except Summerton, Dillon, Mullins, Hartsville, Darlington, Sumter, Lake City, Walterboro, Leesville, Abbeville, and Charleston), Georgia and Florida. (2) *Used Motor vehicle tires*, from the New York, N.Y., Commercial Zone, the Philadelphia, Pa., Commercial Zone and the Washington, D.C., Commercial Zone all as defined by the Commission, to points in Virginia, Tennessee, Ohio, North Carolina, South Carolina, Georgia, and Florida, and *rejected* or *damaged shipments*, on return.

HEARING: September 14, 1960, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 114364 (Sub No. 47), filed May 16, 1960. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in packages and containers, from Ponca City, Okla., to points in Oregon and Washington, and *empty containers, including barrels, or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: September 28, 1960, at the New Customs House, Denver, Colo., before Examiner James A. McKiel.

No. MC 114486 (Sub No. 3) (REPUBLICATION), filed November 20, 1959, published in the FEDERAL REGISTER issue of January 20, 1960. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 2902 Lester Street, Texarkana, Tex. Applicant's attorney: H. V. Eskelin, P.O. Box 2028, Kansas City 42, Mo. See No. MC 41116 (Sub No. 6), published this issue.

No. MC 115904 (Sub No. 7), filed March 7, 1960. Applicant: LOUIS C. GROVER, doing business as LOUIS GROVER TRUCKING, Route No. 5, Idaho Falls, Idaho. Applicant's attorney: Kenneth G. Bell, 203 McCarthy Building, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from points in Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, and Granite Counties, Mont., and points in Lemhi, Camas, and Gooding Counties, Idaho, to points in Wyoming, Colorado, New Mexico, North Dakota, South Dakota, and Nebraska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

HEARING: September 21, 1960, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner James A. McKiel.

No. MC 116205 (Sub No. 7), (REPUBLICATION), filed December 10, 1959, published in the FEDERAL REGISTER, issue of March 30, 1960. Applicant: BOB JENKINS TRUCK LINES, INC., P.O. Box 430, 500 Diagonal Avenue, Charles City, Iowa. Applicant's attorney: Keith S. Noah, 204½ North Main Street, Charles City, Iowa. The application as originally noticed in the Federal Register of March 30, 1960, sought authority to transport, as a *common carrier*, by motor vehicle, over irregular routes: *Tractors and attachments*, except those requiring special equipment to handle, and except tractors designed for vehicle beds, and farm machinery and attachments, between Rock Island, Moline, and East Moline, Ill., on the one hand, and, on the other, points in Texas. At the hearing April 21, 1960, at Dallas, Texas, before Examiner Leo A. Riegel, the application was amended to read as follows: *Agricultural tractors and attachments* (except those requiring special equipment to handle, and except tractors designed for vehicle beds), and *farm machinery and attachments*, between Rock Island, Moline, and East Moline, Ill., on the one hand, and, on the other, points in Texas. The hearing was not completed, and was continued to a later date.

FURTHER HEARING: September 27, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 117574 (Sub No. 53), REPUBLICATION), filed May 24, 1960, published in the FEDERAL REGISTER, issue of July 13, 1960. Applicant: DAILY EXPRESS, INC., 66 West North Street, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, generators, pumps, transformers, regulators, vibrator screens, engines, machinery, compressors, kilns and kiln parts, power units, switches and switching units, crushers and crusher parts, turbine generators, blowers, condensers, industrial machinery, and electrical equipment*, between Milwaukee, West Allis, Wauwatosa, and Carrollville, Wis., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Pennsylvania, North Carolina, and the District of Columbia.

NOTE: The purpose of this republication is to add *machinery* to the commodities listed above.

HEARING: Remains as assigned September 27, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Edith H. Cockrill.

No. MC 117594 (Sub No. 2), filed June 6, 1960. Applicant: EUGENE LUISI, doing business as LUISI TRUCK LINES, 836 Davis Street, Milton-Freewater, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations between March 1 and September 1, inclusive, transporting: *Metal cans* (not to exceed one gallon), *can ends (and their equipment)*, *paper and paper products, fibre board cartons* (knocked down), and *empty containers or other such incidental facilities* used in transporting the above-described commodities, *rejected and damaged shipments*, between points in Umatilla County, Oreg., and points in Walla Walla, Wash.

HEARING: September 14, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 117730 (Sub No. 2) filed May 18, 1960. Applicant: MARIE KOUBENEC, doing business as R. KOUBENEC MOTOR SERVICE, 641 Maple Lane, Batavia, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in La Porte County, Ind., to points in Illinois.

HEARING: October 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 117934 (Sub No. 3), filed July 5, 1960. Applicant: HOWARD L. JORGENSEN, doing business as B & T TRUCK LINE, 337 East First South, Brigham City, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, no exceptions, (1) between Brigham City, Utah, and U.S. Air Force Plant No. 78; from Brigham City over U.S. Highway 191 to Corinne, Utah, thence over Utah Highway 83 to junction unnumbered highway, thence over said unnumbered highway to the U.S. Air Force Plant No. 78, near Howell, Utah, and return over the same route, serving all intermediate points, (2) between Brigham City, Utah, and Wasatch Division of Thiokol Chemical Corporation, located approximately 25 miles northwest of Corinne, Utah, from Brigham City over U.S. Highway 191 to Corinne, thence over Utah Highway 83 to junction unnumbered highway, thence over said unnumbered highway to the plant site located near the junction of Utah Highway 83 and the said unnumbered highway, and return over the same route, serving all intermediate points, and (3) applicant also proposes to serve all off-route points within two miles laterally of the above-described route, including Corinne, Utah, and the plant of Thiokol Chemical Corporation.

HEARING: September 15, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 119126 (Sub No. 1), filed June 24, 1960. Applicant: RITE-WAY AUTO SERVICE, INCORPORATED, 2655 East Washington Avenue, Madison 4, Wis. Applicant's attorney: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled trucks and truck tractors* restricted to movement with tow-truck or wrecker equipment, between points in Illinois and Wisconsin (except points in Jefferson, Kenosha, Milwaukee, Racine, Walworth, and Waukesha Counties, Wis.).

HEARING: October 5, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 119247 (Sub No. 1) (REPUBLICATION), filed January 28, 1960, published in the FEDERAL REGISTER issue of March 9, 1960. Applicant: EARL L. JACKSON, doing business as JACKSON TRUCK LINE, 308 St. Louis Street, West Plains, Mo. Applicant's attorney: Grover C. Hoff, 408 Ridgely Building, Springfield, Ill. By application filed January 28, 1960, as amended, applicant seeks a Certificate of Public Convenience and Necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fertilizer, in bulk and in bags, from points in Madison and St. Clair Counties, Ill., to points in Carter, Douglas, Howell, Oregon, Ozark, Ripley, Shannon, Texas, and Wright Counties, Mo., and Baxter, Fulton, Izard, and Sharp Counties, Ark. Ripley County, although sought by applicant in his application, inadvertently was omitted from the published notice of the application filed in the FEDERAL REGISTER. The application was referred to Joint Board No. 243 for hearing and recommendation of appropriate order thereon. Hearing was held at Jefferson City, Mo. The Joint Board composed of W. M. Buttram of Arkansas, Albert D. Robertson of Illinois, and H. Barks Davis of Missouri, in a report and order served June 10, 1960, found that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *fertilizer*, in bags and in bulk, from East St. Louis, Ill., to points in Carter, Douglas, Howell, Oregon, Ozark, Ripley, Shannon, Texas, and Wright Counties, Mo., limited to a service to be performed during the months of March, April, May, August, September, and October of every year. The purpose of this republication is to advise that any person or persons who might have been prejudiced by the omission of Ripley County from the previous publication and the allowance of the amendment to include same in the findings of the Joint Board, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 119302 (Sub No. 1), filed July 1, 1960. Applicant: ROBERT G. MARSH, doing business as MARSH AUTO WRECKERS & TOWING SERVICE, 2625 Tacahino Street, Reno, Nev. Applicant's attorney: Leonard T. Howard, Suite 301, Byington Building, 15 West Second Street, Reno, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles and trailers*, designed to be drawn by automobiles, in wrecker-type tow trucks, in truckaway service, between points in Nevada on and north of U.S. Highway 6, points in Modoc, Lassen, Plumas, Sierra, Nevada, Placer, Eldorado, Alpine, and Mono Counties, Calif., and points in Inyo County that are north and west of the south city limits of Bishop, Calif.

HEARING: September 1, 1960, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 78.

No. MC 119529, filed February 25, 1960. Applicant: RICHARD J. PLENDL, Route 2, Kingsley, Iowa. Applicant's attorney: Ray B. Johansen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* (all types), *ingredients* and *materials*, in bags and in bulk, from Sioux City, Iowa, to points in Cedar, Pierce, Wayne, Madison, Stanton, Platte, Colfax, Dodge, Washington, Burt, Cuming, Thurston, Dakota, and Dixon Counties, Nebr., and those in Union, Clay, Yankton, Hutchinson, Turner, Lincoln, Minnehaha, and McCook Counties, S. Dak.; and from Sioux Falls, S. Dak. to points in Cedar, Pierce, Wayne, Madison, Stanton, Platte, Colfax, Dodge, Washington, Burt, Cuming, Thurston, Dakota, and Dixon Counties, Nebr., and those in Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, and Harrison Counties, Iowa. Applicant states the named commodities are manufactured, processed or handled by Cargill, Inc., at its plants in Sioux Falls, S. Dak., and Sioux City, Iowa, for use in feeding livestock and poultry.

HEARING: September 29, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 185.

No. MC 119675 (Sub No. 1), filed May 27, 1960. Applicant: N.E.S.T. CO., a Corporation, North East, Md. Applicant's attorney: Daniel W. Shoemaker, 123 East Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, crushed stone*, and *stone products*, in bulk, in dump trucks, from points in Cecil County, Md., to points in Delaware.

HEARING: September 2, 1960, in Room 709, U.S. Appraisers' Stores Bldg., Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 40.

No. MC 119728, filed May 3, 1960. Applicant: HARRY R. COOPER AND HARRY L. MEYERS doing business as PRODUCE SUPPLY CO., 1115 West Ide Avenue, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in seasonal operations during the period between May 1 and October 1 of each year, between Spokane, Wash., and Nordman, Idaho, from Spokane over combined U.S. Highways 2 and 195 to Newport, Wash., thence continue over combined U.S. Highways 2 and 195 to junction Idaho Highway 57 at Priest River, Idaho, thence in a northerly direction over Idaho Highway 57 to Nordman, and return over the same route, serving all intermediate points from junction Idaho Highway 57 and Coolin Road north to Nordman, Idaho, including points on unnumbered roads and highways within five (5) miles of the shores of Priest Lake, as off-route points.

HEARING: September 12, 1960, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 119762, filed May 12, 1960. Applicant: JAMES O. KIMERLAIN, 509 Three Mile Road, Racine, Wis. Applicant's attorney: Paul Pike Pullen, 3529 West Vliet Street, Milwaukee, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages*, from Chicago, Ill., to Racine, Wis., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: October 4, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 119805, filed May 23, 1960. Applicant: ROSCOE WAGNER, doing business as WAGNER TRANSPORTATION COMPANY, P.O. Box 756, Twin Falls, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building, 500 Washington Street, P.O. Box 965, Boise, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, frozen, fresh and dehydrated, from points in the Los Angeles, Calif. Harbor Commercial Zone, to Boise, Idaho Falls, Pocatello, and Twin Falls, Idaho, and *exempt commodities*, on return.

HEARING: September 23, 1960, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner James A. McKiel.

No. MC 119809, filed May 24, 1960. Applicant: CITY WIDE TRUCKING CORP., 340 West 39th Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage* and *personal effects* of campers, in seasonal operations during the period between June 1 and September 30, inclusive, of each year, between New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., and points in Bergen, Passaic, Sussex, Morris, Hudson, Union, Middlesex, and Monmouth Counties, N.J., on the one hand, and, on the other, camp sites in New York, Pennsylvania, Massachusetts, and Vermont.

HEARING: September 19, 1960, at the Governor Clinton Hotel, 31st and 7th Avenue, New York, N.Y., before Examiner Michael B. Driscoll.

No. MC 119813, filed May 25, 1960. Applicant: SUGAR TRUCKING, 891 Ferry Street, Newark 5, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes*, corrugated *paper wrapping*, corrugated and other than corrugated, from Newark, N.J., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania,

and Virginia, and *pulpboard* and *fibreboard, gummed tape* and *empty pallets*, on return.

NOTE: Applicant states this service to be conducted under contract with Shelton Mfg. Co., Inc., Newark, N.J.

HEARING: September 22, 1960, at the U.S. Court Rooms, U.S. Post Office and Court House, Newark, N.J., before Examiner Walter R. Lee.

No. MC 119822, filed May 31, 1960. Applicant: JEROME P. HAAS, 1190 Iowa Street, Ashland, Oreg. Applicant's attorney: R. B. Maxwell, 538 Main Street, Klamath Falls, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, including box shook, plywood and veneer*, from points in Klamath County, Oreg. to points in California, and *empty containers* or other such incidental facilities (not specified) used in transporting the commodities specified in this application, on return.

HEARING: October 3, 1960, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Allen W. Hagerty.

No. MC 119825, filed June 1, 1960. Applicant: JOE W. PETERSON, Stanley, Wis. Applicant's attorney: Philip A. Meadows, Boyd, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment, between Stanley and Boyd, Wis., over Wisconsin Highway 29, serving no intermediate or off-route points.

HEARING: October 3, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 119837, filed June 8, 1960. Applicant: FRED MENOTTI AND M. M. HIGGINBOTHAM, Partnership, doing business as OZARK MOTOR LINES, 2766 Dunn Street, Memphis, Tenn. Applicant's attorney: Edward G. Grogan, Commerce Title Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, and commodities requiring special equipment, between Memphis, Tenn., and West Plains, Mo.: from Memphis over U.S. Highway 61 to junction U.S. Highway 63 near Turrell, Ark., thence over U.S. Highway 63 to Portia, Ark., serving no intermediate points, thence over U.S. Highway 63 from Portia to West Plains, serving all intermediate points and the off-route point of Alton, Mo., and return over the same route.

NOTE: Applicant states the proposed operations shall be restricted against handling any shipment originating or interchanged at Springfield, Mo., or St. Louis, Mo., destined to Memphis, Tenn., or beyond, and any shipment originating or interchanged at Memphis destined to Springfield or beyond, or St. Louis or beyond.

HEARING: September 14, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner Henry A. Cockrum.

No. MC 119854, filed June 14, 1960. Applicant: LLOYD WILLIAM COPPOCK, 23 West 127 Army Trail Road, Addison, Ill. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice, yogurt, chocolate milk, acidophilus milk, low sodium milk, enzalac milk, goat milk* and *dairy products*, as specified in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, from Kansasville, Wis., to points in Illinois, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: October 12, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 119872, filed June 21, 1960. Applicant: GULF TRANSPORT, LIMITED, 61 St. Peter's Road, Charlottetown, Prince Edward Island, Canada. Applicant's attorney Stanley J Polak, Williams, Kelly, Shrigley & Shepard, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, fruits*, and *vegetables*, between Boston, Mass., and ports of entry on the International Boundary line between the United States and Canada located in New Hampshire and Maine.

HEARING: September 28, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Michael B. Driscoll.

No. MC 119872 (Sub No. 1), filed June 21, 1960. Applicant: GULF TRANSPORT, LIMITED, 61 St. Peter's Road, Charlottetown, Prince Edward Island, Canada. Applicant's attorney: Stanley J. Polak, Williams, Kelly, Shrigley & Shepard, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen blueberries*, from ports of entry on the International Boundary line between the United States and Canada located in Maine and New Hampshire to Boston and Worcester, Mass., and New York, N.Y., and *bananas, fruits, and vegetables* on return movements.

NOTE: Applicant has a pending common carrier application in MC 119872 requesting authority to transport Bananas, fruits, and vegetables between Boston, Mass., and ports of entry on the International Boundary line between the United States and Canada located in New Hampshire and Maine; no duplication is intended.

HEARING: September 30, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Michael B. Driscoll.

No. MC 119911, filed July 11, 1960. Applicant: DONALD L. BODOH, doing business as DONALD L. BODOH TRUCKING, 509 Lake Street, Fond du Lac, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Beer, and empty containers* used in transporting beer, between St. Louis, Mo., and Fond du Lac, Wis., (1) From Fond du Lac, Wis., south over U.S. Highway 41 to junction Illinois Interstate Toll Road, thence over Illinois Interstate Toll Road to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo., and return over the same route, serving no intermediate or off-route points. (2) Alternate route for operating convenience only, from Fond du Lac, Wis., south over U.S. Highway 151 to junction Wisconsin Highway 26, thence over Wisconsin Highway 26 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo., and return over the same route, serving no intermediate points.

HEARING: October 4, 1960, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 194.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PROPERTY

No. MC 12734, filed May 31, 1960. Applicant: CHARLES AMOS LEONARD, doing business as BAKER MOVING, STORAGE AND EXPRESS, 1300 South Kalamath Street, Denver, Colo. For a license (BMC 4) to engage in transportation as a broker at Denver, Colo., in arranging for the transportation of *General commodities*, including *household goods as defined by the Commisston*, but excluding articles of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, beginning and ending at Denver, Colo., and extending to points in the United States, including points in Alaska and Hawaii.

HEARING: September 23, 1960, at the New Customs House, Denver, Colo., before Joint Board No. 126.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 191), filed July 7, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio, and Buffalo, N.Y., over Interstate Highway 90, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

No. MC 66562 (Sub No. 1697), filed July 5, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, General Attorney, Railway Express Agency Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Albany, N.Y., and Gloversville, N.Y., from Albany over New York Highway 5 to Fort Johnson, thence over New York Highway 67 to Johnstown, thence over New York Highway 148 to Gloversville, and return over the same route, serving the intermediate point of Amsterdam. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail.

No. MC 66562 (Sub No. 1698), filed July 11, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Classes A and B explosives*, moving in express service, between Tuscaloosa, Ala., and Aliceville, Ala., from Tuscaloosa over U.S. Highway 82 to Reform, Ala., thence over Alabama Highway 17 to Aliceville, and return over the same route, serving the intermediate points of Gordo, Reform, and Carrollton, Ala. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail express service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 110325 (Sub No. 26), filed July 7, 1960. Applicant: TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, 10th Floor, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, and household goods, as defined by the Commission, between Hamilton, Ala., and the Junction of U.S. Highway 78 and Alabama Highways 4 and 5, approximately 2 miles east of Jasper, Ala.: from Hamilton over Alabama Highway 4 and U.S. Highway 278 to Natural Bridge, Ala., thence over Alabama Highways 4 and 5 to junction U.S. Highway 78, at or near Jasper, Ala., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, serving Hamilton, Ala., and the junction of U.S. Highway 78 and Alabama Highways 4 and 5 at or near Jasper, Ala., as points of joinder.

No. MC 110814 (Sub No. 12), filed July 8, 1960. Applicant: W. L. LINKENHOGER, G. N. LINKENHOGER, AND J. L. LINKENHOGER, doing business as WESTERN LINES, 3815 Richmond Avenue, Houston 27, Tex. Applicant's attorney: Thomas F. Kilroy, 1100 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, (1) from Etter, Tex., to St. Francis, Tex.; and (2) from St. Francis, Tex., to points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma.

NOTE: Applicants state the above-specified service will be performed under contract with Phillips Chemical Company.

No. MC 119478 (Sub No. 2), filed July 11, 1960. Applicant: BENNIE W. HASKINS, doing business as HASKINS TRUCKING COMPANY, 203 East Collins, Henderson, Tex. Applicant's attorneys: Smith, Robinson and Starnes, 401 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Semifinished sawed granite slabs, semifinished polished granite slabs*, and *finished granite slab markers, monuments and bases*, from Rion, S.C., to points in Colorado, Oklahoma, and Texas; and *damaged or returned shipments* of the above-specified commodities, on return.

NOTE: Applicant presently holds authority in MC-116087 (Sub No. 1) to conduct operations as a contract carrier. Dual operations may be involved.

No. MC 119851, filed July 5, 1960. Applicant: EDWARD W. SKINNER, doing business as TWIN FALLS DISTRIBUTORS, Box 346, 242 Second Avenue South, Twin Falls, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Payette, Emmett, Caldwell, and Nampa, Idaho, to points in Montana, and *refused and rejected shipments* of above-specified commodities, and *exempt commodities*, such as, grain, honey and potatoes, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Sub No. 37), filed July 11, 1960. Applicant: AMERICAN BUSLINES, INC., 1341 P Street, Lincoln 8, Nebr. Applicant's attorneys: Curry and Dolan, Southern Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between junction Iowa Highway 92 and U.S. Highway 71 (two (2) miles north of Lyman, Iowa), and junction Iowa Highway 92 and U.S. Highway 375 at a point approximately three (3) miles southeast of Council Bluffs, Iowa, from junction Iowa Highway 92 and U.S. Highway 71 (two (2) miles north of Lyman, Iowa), over Iowa Highway 92 (also identified as U.S. Highway 71) to Lyman, thence over Iowa Highway 92 (formerly Iowa Highway 100) to junction U.S. Highway 375 at a point approximately three (3) miles southeast of Council Bluffs, and return over the same route, serving all intermediate points.

NOTE: Applicant already is operating over the route described above, as a closed-door alternate route, identified as "Deviation Route No. 3". Applicant states that it hereby applies for the above as a regular-service route, serving all intermediate points, cancelling and superseding the present closed-door alternate route.

No. MC 8665 (Sub No. 3), filed January 8, 1960. Applicant: BINGHAMTON SHORT LINES CORP., 123 Eldredge Street, Binghamton, N.Y. Applicant's attorney: Harry H. Frank, Commerce Building, P.O. Box 432, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers, (1) between Lanesboro, Pa., and Thompson, Pa.: from Lanesboro over Pennsylvania Highway 70 to Thompson, and return over the same route, serving no intermediate points, as an alternate route; and (2) between Carbondale, Pa., and Scranton, Pa.: from Carbondale over U.S. Highway 6 to Scranton, and return over the same route, serving all intermediate points.

NOTE: Applicant states its president and sole stockholder also operates and is sole owner of Chenango Valley Transit, MC 58692; therefore, common control may be involved.

NOTICE OF THE FILING OF PETITION

No. MC 108228 (Sub No. 1) (PETITION FOR INTERPRETATION OF CERTIFICATE AND OTHER RELIEF), dated May 13, 1960. Petitioner: J. A. MILES, JR., Plant City, Fla. Petitioner's attorney: William Reece Smith, Jr., First National Bank Building, Tampa, Fla. The subject Certificate authorizes the transportation of (1) Candy, over irregular routes, from Naugatuck, Conn., and Chicago, Ill., to Tampa, Fla., and return with no transportation for compensation except as otherwise authorized, and (2) frozen fruits and frozen vegetables, over irregular routes, from Plant City and Tampa, Fla., to points in Georgia, North Carolina, South Carolina, Baltimore, Md., Jersey City and Newark, N.J., Philadelphia, Pa., New York, N.Y., and the District of Columbia, and (3) frozen fruits and frozen vegetables, over irregular routes, from Plant City, Fla., to points in Alabama, Connecticut, Delaware, Illinois (except Chicago), Indiana (except Lafayette and Indianapolis), Kansas, Kentucky (except Louisville, Lexington, Frankfort and Middlesboro), Massachusetts, Michigan, Missouri, Ohio (except Cincinnati and Cleveland), Rhode Island, and Tennessee (except Knoxville), with no transportation for compensation on return,

except as otherwise authorized, and (4) frozen fruits, over irregular routes, from Lexington, N.C., to Birmingham, Ala., Pittsburgh, Pa., Wheeling, W. Va., and Akron, Cincinnati, and Columbus, Ohio. By petition dated May 13, 1960, petitioner advises that pursuant to the authority described above, petitioner has been, and is now transporting oranges, lemons and limes, coconuts and bananas, which have been processed and are described as "puree". The transportation is performed in mechanically refrigerated equipment and the product is in a frozen solid state. Petitioner prays the Commission enter an Order interpreting and clarifying its Certificate, and grant petitioner the right to transport the above so-called "puree" in addition to the above-named commodities, or in the alternative, set a time for taking testimony in reference to this matter in Tampa, Fla., before an examiner, and further, in the alternative, petitioner requests the Commission reopen that portion of the Certificate No. MC 108228 (Sub No. 1), (formerly Sub No. 4), described in Item (3) above, authorizing the transportation of frozen fruits and vegetables, from Plant City, Fla., to points in the 13 destination States listed above and authorize the transportation of frozen foods in lieu of the frozen fruits and vegetables presently authorized in that portion of the above-numbered certificate. Petitioner further requests that he be granted such other relief as the Commission may deem proper. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7589. Authority sought for control by BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham 5, Ala., of BULK TRANSPORT, INC., 2 South 32d Street, Birmingham 5, Ala., and for acquisition by W. D. SELLERS, JR., also of Birmingham, of control of BULK TRANSPORT, INC., through the acquisition by BAGGETT TRANSPORTATION COMPANY. Applicants' attorney: Harold G. Hernly, 1624 Eye Street Northwest, Washington 6, D.C. Operating rights sought to be controlled: Authority applied for by BULK TRANSPORT, INC., in pending application (Docket Nos. MC–119223 and MC–119223 Sub-1) covering the transportation of *cement*, as a *contract carrier* over irregular routes, from the plant site of National Cement Company, Ragland, St. Clair County, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, and Tennessee and *empty pallets* used in transporting cement on return; cement, in bulk and in packages, palletized and unpalletized, from the plant site of Universal Atlas Cement Division of United States Steel Corporation, located at Leeds, Jefferson County, Ala., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, Mississippi, Louisiana, and Tennessee, and *empty pallets* and *rejected* or *returned shipments* of the above-specified commodity, on return. BAGGETT TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Alabama, New York, Pennsylvania, New Jersey, Florida, New Hampshire, Texas, Georgia, Tennessee, Kentucky, Louisiana, Ohio, Mississippi, North Carolina, South Carolina, Virginia, Illinois, Indiana, Oklahoma, Iowa, Missouri, West Virginia, Arkansas, Connecticut, Rhode Island, Delaware, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, North Dakota, Vermont, South Dakota, Wisconsin, Colorado, Utah, Wyoming, Montana, New Mexico, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7590. Authority sought for control and merger by WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr., of the operating rights and property of WILSON TRUCK COMPANY, INC., 176 Lafayette Street, Nashville, Tenn., and for acquisition by WALNUT GROVE PRODUCTS COMPANY, INC., Atlantic, Iowa, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Judson Harwood, Nashville Trust Building, Nashville, Tenn. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, serving points in the Chicago, Ill., Commercial Zone, as defined by the Commission, Chicago Heights, and Glenview, Ill., as off-route points in connection with carrier's regular-route operations between Nashville, Tenn., and Chicago, Ill., and serving St. Bethlehem, Tenn., as an off-route point in connection with carrier's regular-route operations between Nashville, Tenn., and Hopkinsville, Ky., between St. Louis, Mo., and Kansas City, Mo., between St. Louis, Mo., and Atlanta, Ga., serving certain intermediate and off-route points, between Atlanta, Ga., and Decatur, Ga., between Lawrenceville, Ga., and Greenville, S.C., serving all intermediate points, between Athens, Ga., and Augusta, Ga., serving all intermediate and certain off-route points, serving Monroe, Ga., as an intermediate point in connection with carrier's regular-route operations over U.S. Highway 78, between junction U.S. Highway 29 and Georgia Highway 72, and Elberton, Ga., serving all intermediate points, between Royston, Ga., and Washington, Ga., serving the intermediate point of Elberton, Ga., between Madisonville, Ky., and Henderson, Ky., serving no intermediate points, and serving the termini for joinder only, in connection with carrier's regular-route operations between St. Louis, Mo., and Atlanta, Ga., between Winder, Ga., and Monroe, Ga., serving no intermediate points; and between Decatur, Ga., and Lawrenceville, Ga., serving neither Lawrenceville nor any intermediate points, over several alternate routes for operating convenience only; *general commodities*, excepting, among others, commodities in bulk but not excepting household goods, between Nashville, Tenn., and Chicago, Ill., serving the off-route point of Streator, Ill., but no intermediate points, and between Winder, Ga., and Braselton, Ga., serving all intermediate points; *general commodities*, except Class A and B explosives, livestock, commodities in bulk, currency, bullion, and commodities exceeding ordinary equipment and loading facilities, between Decatur, Ga., and junction U.S. Highways 78 and 29, serving no intermediate points; *general commodities*, except uncrated household goods and used office furniture and fixtures, between Augusta, Ga., and Charleston, S.C., serving certain intermediate and off-route points; *empty motor vehicle equipment*, between Greenville, S.C., and Augusta, Ga., serving no intermediate points; *compressed gases* in specialty tube trailers owned by the U.S. Government, *empty tube trailers, classified and secret materials*, and *commodities* used by the Atomic Energy Commission, between the site of the Savannah River project of the Atomic Energy Commission, near Dunbarton, S.C., and the site of the Atomic Energy plant at Oak Ridge, Tenn., serving no intermediate points; general commodities, excepting, among others, household goods but not excepting commodities in bulk, between Washington, Ga., and Augusta, Ga., serving no intermediate points; *phosphate of lime*, over irregular routes, from Nashville, Tenn., to Germantown, Red Bud, and Steeleville, Ill., *general commodities*, excepting, among others, commodities in bulk and household goods, between points in that part of South Carolina on and east of U.S. Highway 1 (except Columbia, S.C.), on the one hand, and, on the other, Augusta, Ga. WATSON BROS. TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Minnesota, Iowa, Missouri, Nebraska, Kansas, Illinois, Colorado, Oklahoma, Arizona, New Mexico, California, Wyoming, Utah, Idaho, Montana, Oregon, Washington, Arkansas, Texas, Wisconsin and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7591. Authority sought for control and merger by QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass., of the operating rights and property of EASTERN FREIGHT LINE, INC., Old Connellsville Road, Uniontown, Pa., and for acquisition by THOMAS J. LYONS, also of Brockton, of control of such rights and property through the transaction. Applicants' attorneys: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass., and Samuel P. DeLisi, 1515 Park Building, Pittsburgh 22, Pa. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Pittsburgh, Pa., and New York, N.Y., and between Harrisburg, Pa., and junction U.S. Highway 1 and New Jersey Highway 29, for operating convenience only, serving certain intermediate and off-route points; *petroleum products, in containers*, over irregular routes, from Bayonne, N.J., and Claymont, Del., to Pittsburgh Pa., and points in Pennsylvania within 50 miles of Pittsburgh; *roofing and siding materials*, from East Rutherford and South Kearny, N.J., and Edge Moor, Del., to Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh, and from Edge Moor, Del., to points in Bedford, Blair, Cambria, Clarion, Clearfield, Indiana, Jefferson, and Somerset Counties, Pa., but not including points within 50 miles of Pittsburgh, Pa.; *glass* from Arnold, Belle Vernon, Floreffe and Jeannette, Pa., to Washington, D.C.; *glass and glass products*, from Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh, to Baltimore, Md., points in New York, within the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and points in New Jersey within 25 miles of New York, N.Y.; *groceries*, from New York, N.Y., and Baltimore, Md., to Pittsburgh, Pa., and points in Pennsylvania within 50 miles of Pittsburgh; *radiators, boilers, and plumber's goods*, from Uniontown, Pa., to points in New York within the New York, N.Y., Commercial Zone, supra, and those in New Jersey within 25 miles of New York, N.Y.; *radiators, boilers, and plumber's supplies* used in connection therewith, between Uniontown and Monaca, Pa., on the one hand, and, on the other, New Castle, Del.; *general commodities*, excepting, among others, household goods but not excepting commodities in bulk, between Uniontown and Pittsburgh, Pa., on the one hand, and, on the other, Baltimore, Md. QUINN FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Maryland, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Virginia, Delaware, New Hampshire, Maine, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7592. Authority sought for purchase by BE–MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo., of the operating rights and property of P. J. NIX, doing business as TEXHOMA FREIGHT LINES, 100 Henrietta, Wichita Falls, Tex., and for acquisition by GEORGE R. GOODE and P. W. GOODE, both of St. Louis, of control of such rights and property through the purchase. Applicants' attorney: Charles M. M. Shepherd, 20 South Central, Clayton 5, Mo. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Wichita Falls, Tex., and Ardmore, Okla., serving all intermediate and certain off-route points, between Waurika, Okla., and Terral, Okla., between Wichita Falls, Tex., and Burkburnett, Tex., and between the junction of Texas Farm Road 1177 and U.S. Highway 281, somewhat southeast of Burkburnett, and Byers, Tex., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Indiana, Wisconsin, Illinois, Missouri and Oklahoma. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–6754; Filed, July 19, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 15, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36396: *Cement—Missouri to Indiana points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2437), for interested rail carriers. Rates on cement and related commodities, in carloads from Alpha, Hannibal, Hasco Jct., Prospect Hill and St. Louis, Mo., to points in Indiana.

Grounds for relief: Market competition and short-line distance formula.

Tariff: Supplement 53 to Traffic Executive Association-Eastern Railroad tariff I.C.C. 4225 (Hinsch series).

FSA No. 36397: *Scrap iron or steel—Midland, Pa., to Calvert, Ky.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2547), for interested rail carriers. Rates on scrap iron or steel, in carloads, as described in the application from Midland, Pa., to Calvert, Ky.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 168 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A–1079 (Boin series).

AGGREGATE-OF-INTERMEDIATES

FSA No. 36395: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 388), for interested rail carriers. Rates on pipe, pipe or tubing, and rough stone, in carloads as described in the application from, to, and between points in Texas, over interstate routes thrugh adjoining states.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 105 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–6752; Filed, July 19, 1960; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–XII–7]

MANAGER, DISASTER FIELD OFFICE, HILO, HAWAII

Delegation Relating to Disaster Loan Making

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706) there is hereby delegated to the Manager of the Disaster Field Office, Hilo, Hawaii, the authority:

A. *Financial assistance.* 1. To approve or decline disaster loans in an amount not exceeding $50,000.

2. To disburse approved disaster loans.

3. To enter into Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved disaster loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ——————————
(Name)
Manager, Disaster Field Office

5. To cancel, reinstate, modify, and amend authorizations for disaster loans.

6. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence, relating to the work of the office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: June 28, 1960.

EDWARD L. TURKINGTON, *Regional Director.*

[F.R. Doc. 60–6740; Filed, July 19, 1960; 8:46 a.m.]

[Delegation of Authority No. 30–VIII–14]

ATTORNEY-ADVISERS, MINNEAPOLIS REGIONAL OFFICE

Signing of Correspondence

I. Pursuant to the authority delegated to the Regional Counsel by Delegation No. 30–VIII–3 (Revision 1), dated May 17, 1960, there is hereby delegated to all Attorney-Advisers in the Minneapolis Regional Office the authority:

A. *Correspondence.* To sign routine correspondence, excluding Congressional correspondence and communications involving new policy matters, relating to the legal functions of the Regional Office.

II. The authority delegated herein may not be redelegated.

Effective date: June 30, 1960.

T. I. COLTER, *Regional Counsel.*

[F.R. Doc. 60–6742; Filed, July 19, 1960; 8:46 a.m.]

[Delegation of Authority No. 30-VIII-12 (Rev. 2)]

BRANCH MANAGER, FARGO, N. DAK.

Delegation Relating to Financial Assistance, Procurement and Technical Assistance, and Administration

Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706), there is hereby delegated to the Branch Manager, Fargo, North Dakota, Branch Office, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Branch Manager.

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

8. To take the following actions in the Administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to September 3, 1958, for a loan of $20,000, or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

9. To take all necessary actions in connection with the administration and servicing of all loans, except those classified as problem loans or loans "in liquidation."

B. *Procurement and technical assistance.* To determine joint set-asides for Government procurements and sales.

C. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave; and (b) leave without pay, not to exceed 30 days for employees under his supervision.

3. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

4. To (a) authorize or approve his official travel and travel of employees under his supervision; and (b) administratively approve travel reimbursement claims.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

D. *Correspondence.* To sign all correspondence, including Congressional correspondence, relating to the functions of the branch office, except communications involving new policy matters which shall be referred to the appropriate Washington Office for clearance.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: May 19, 1960.

R. C. ALM,
Regional Director.

[F.R. Doc. 60-6741; Filed, July 19, 1960; 8:46 a.m.]

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14 CFR

206 6919
207 6920
600 (3 documents) 6921, 6922
601 (5 documents) 6921–6923

16 CFR

13 6923

17 CFR

PROPOSED RULES:
230 6927

21 CFR

17 6924

PROPOSED RULES:
121 6927

38 CFR

3 6925

43 CFR

PUBLIC LAND ORDERS:
2161 6925

Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 26, Parts 222–299 ..... $1.75
Title 32A $0.65
Titles 40–41, Revised $0.70
Title 44, Revised $3.25
General Index $1.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811; Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1960

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended, and as further amended by Public Law 86–592, approved July 6, 1960 (hereafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 and to establish sugar quotas for the supplying areas except Cuba in terms of short tons of sugar, raw value. By Proclamation No. 3355, effective July 8, 1960 (25 F.R. 6414), the President of the United States, acting pursuant to the provisions of section 408(b) of the act, determined that the sugar quota for Cuba for the balance of the calendar year 1960 should be 39,752 short tons, raw value, plus the sugar certified prior to July 3, 1960, for entry but not then entered or withdrawn from warehouse. This regulation establishes quotas for 1960 for domestic areas and for foreign countries other than Cuba pursuant to the provisions of section 202 of the act and also establishes for domestic areas and foreign countries other than Cuba the amounts of certain quotas that may be filled by direct-consumption sugar pursuant to section 207 of the act.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1960 is necessary.

The purpose of this amendment is to (1) make such determination conform to the requirements of consumers as indicated on the basis of factors specified in section 201 of the act, as amended, (2) establish sugar quotas for the supplying areas, except Cuba, in terms of short tons, raw value, and (3) determine and prorate deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for sugar to be marketed in the continental United States in 1960, as established in § 811.2 as amended herein, in accordance with Sec. 204(a).

Section 204(a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota. By Proclamation No. 3355 for President of the United States delegated to the Secretary of Agriculture the authority vested in the President by sections 408(b)(2) and 408(b)(3) of the act, such authority to be exercised with the concurrence of the Secretary of State. By virtue of such delegation of authority, and pursuant to sections 204(a) and 408(b)(2) of the act, deficits were determined in Amendment 2 of Sugar Regulation 811 based upon the expectation that the supply of sugar available for marketing in the continental United States will not exceed 940,444 tons from Hawaii, 893,620 tons from Puerto Rico and 8,618 tons from the Virgin Islands.

The increases in the quotas for these three areas made effective herein by virtue of the 400,000-ton increase in the determination of the United States sugar requirements amount to 49,966 tons for Hawaii, 52,245 for Puerto Rico and 712 tons for the Virgin Islands. On the basis of the expected supply of sugar available for marketing in the continental United States from these three areas, it is hereby found that these areas will be unable to market the additional quantities provided by the increased quotas established herein.

It is further found that the maximum quantities of sugar expected to be available for marketing by the Domestic Beet Sugar Area and the Mainland Cane Sugar Area will not exceed 2,514,945 short tons, raw value, and 773,873 short tons, raw value, respectively, the quantities established by Amendment 2 to this regulation as their adjusted quotas.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (24 F.R. 10425; 25 F.R. 6617, 6741); To permit areas for which larger quotas or prorations are hereby established to plan marketings and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the Proclamation of the President of the United States No. 3355 (25 F.R. 6414) §§ 811.1, 811.2, 811.3 and 811.4 are hereby amended to read as follows:

§ 811.1 Sugar requirements, 1960.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 is hereby determined to be 10,000,000 short tons, raw value.

§ 811.2 Quotas for domestic areas.

(a) For the calendar year 1960 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quotas (1)	Direct-consumption limits (2)
Domestic beet sugar	2,177,773	(1)
Mainland cane sugar	670,128	(1)
Hawaii	1,215,419	34,216
Puerto Rico	1,270,865	142,396
Virgin Islands	17,330	0

[1] No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.3 Quotas for foreign countries other than Cuba.

For the calendar year 1960 quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	980,000	39,220
Peru	121,397	10,895
Dominican Republic	111,187	9,715
Mexico	98,420	17,645
Nicaragua	17,471	11,636
Haiti	8,288	7,000
Netherlands	4,149	4,149
China	3,990	3,990
Panama	3,990	3,990
Costa Rica	3,990	3,990
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other countries	0	0

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.9.* It is hereby determined pursuant to section 204(a) of the act, that for the calendar year 1960, Hawaii, Puerto Rico and the Virgin Islands will be unable by 274,966, 377,245 and 8,712 short tons, raw value of sugar, respec-

tively, to market the quotas established for such areas in § 811.2.

(b) *Proration of deficits and quotas in effect.* The total of the deficits in the quotas determined in paragraph (a) of this section amounts to 660,923 short tons, raw value, of which 440,923 short tons, raw value, are hereby prorated pursuant to section 204(a) of the act to the other domestic areas as shown below. The balance of the deficits, amounting to 220,000 short tons, raw value, is not herein allocated to Cuba because of the President's Proclamation 3355 effective July 8, 1960 (25 F.R. 6414). The quotas for the domestic areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein (1)	Quotas including prorations herein (2)
Domestic beet sugar	337,172	2,514,945
Mainland cane sugar	103,751	773,873
Hawaii	0	1,215,410
Puerto Rico	0	1,270,865
Virgin Islands	0	17,330

STATEMENT OF BASES AND CONSIDERATIONS

Section 201 of the act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determinations and states that such determinations shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

Accordingly, it is essential to obtain a steady flow of raw sugar supplies to achieve the statutory objectives. Cuba has been our principal source of raw sugar supplies. Total importations permissible from this source under the President's Proclamation 3355 have now been authorized. Supplies not obtained from Cuba must be obtained from many other areas. Inevitably there must be a shift and diversification of sources of supply. Existing inventories, although substantial, are not considered adequate to compensate for the supply problems inherent in such shifts. Taking into consideration the statutory criteria, a sugar requirements determination of 10,000,000 tons is necessary to provide such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

The increase in total sugar requirements of 400,000 tons will enlarge the quotas of full-duty countries approximately 60,000 tons. The increase in requirements plus the determination of domestic deficits made herein would, except for the Presidential Proclamation 3355, have increased Cuba's quota by approximately 340,000 tons. Authority exists under Pub. Law 86-592 to provide for the purchase of such quantity from other countries.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 202; 61 Stat. 924; 7 U.S.C. 1112. Pub. Law 86-592; Proclamation No. 3355, 25 F.R. 6414)

Done at Washington, D.C., this 15th day of July 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-6820; Filed, July 20, 1960; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1030—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Order Regulating Handling

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AUTHORITY: §§ 1030.0 to 1030.71 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1030.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on March 9-10, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of fresh prunes grown in designated counties in the State of Idaho and in Malheur County, Oregon. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of prunes grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of prunes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of prunes grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U.S.C. 1001-1011). As soon as practical after such effective time it will be necessary to establish the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee, the agency charged with administration of the program. Subsequently, and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. The shipments of prunes begin about the middle of August, and for all practical purposes the entire crop is shipped by mid-October. Hence, for the program to be of maximum benefit during the 1960-61 shipping season the order should be made effective as soon as practicable. The provisions of the order are well known to handlers of fresh prunes since the public hearing in connection with the order was completed March 10, 1960, and the recommended decision and the final decision were published in the FEDERAL REGISTER on May 21, 1960 (25 F.R. 4184), and June 15, 1960 (25 F.R. 5342), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of fresh prunes takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of fresh prunes grown in designated counties in Idaho and in Melheur County, Oregon, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the fresh prunes covered by this order) who, during the period beginning June 1, 1959, and ending May 31, 1960, both dates inclusive, handled not less than 50 percent of the volume of fresh prunes covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (June 1, 1959, through May 31, 1960) were engaged, within the production area specified in this order, in the production of fresh prunes for market, such producers having also produced for market at least two-thirds of the volume of fresh prunes represented in such referendum.

It is therefore ordered, That, on and after the effective date hereof, the handling of prunes grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1030.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1030.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 1030.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1030.4 Production area.

"Production area" means and includes Washington, Payette, Gem, Canyon, Ada, and Owyhee Counties in the State of Idaho and Malheur County in the State of Oregon.

§ 1030.5 Prunes.

"Prunes" means all varieties of plums, classified botanically as Prunus domestica, grown in the production area, except those of the President variety.

§ 1030.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of prunes.

§ 1030.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on May 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 1030.8 Committee.

"Committee" means the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee established pursuant to § 1030.20.

§ 1030.9 Grade.

"Grade" means any one of the officially established grades of prunes as defined and set forth in the United States Standards for Fresh Plums and Prunes (§§ 51.1520 to 51.1537 of this title) or amendments thereto, or modifications thereof, or variations based thereon.

§ 1030.10 Size.

"Size" means the shortest dimension, measured through the center of the prune, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 1030.11 Grower.

"Grower" is synonymous with producer and means any person who produces prunes for market and who has a proprietary interest therein.

§ 1030.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting prunes owned by another person) who handles prunes.

§ 1030.13 Handle or ship.

"Handle" or "ship" means to sell, consign, deliver, or transport prunes within the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of prunes from the orchard where grown to a packing facility located within such area for preparation for market.

§ 1030.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1030.31(m):

(a) "District No. 1" shall include Washington and Payette Counties in the State of Idaho and Malheur County in the State of Oregon.

(b) "District No. 2" shall include Gem and Ada Counties in the State of Idaho.

(c) "District No. 3" shall include Canyon and Owyhee Counties in the State of Idaho.

§ 1030.15 Export.

"Export" means to ship prunes to any destination which is not within the 48 contiguous states, or the District of Columbia, of the United States.

§ 1030.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of prunes in a particular type and size of container, or any combination thereof.

§ 1030.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of prunes.

ADMINISTRATIVE BODY

§ 1030.20 Establishment and membership.

There is hereby established an Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee consisting of 10 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Six of the members and their respective alternates shall be growers or officers or employees of corporate growers. Four of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 6 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 4 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Each district shall be represented on the committee by 2 grower members and their respective alternates. Each district shall be represented on the committee by 1 handler member and his alternate. One handler member and his alternate shall be selected from the production area at large.

§ 1030.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning June 1 and end-

ing May 31: *Provided*, That the term of office of one-half of the initial grower members and alternates from each district and the handler member and his alternate from District 2 and the handler member and his alternate selected from the production area at large shall end May 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 1030.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of a meeting of handlers, and group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1030.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than May 1 of each year, a meeting or meetings of growers in each district, and a meeting of handlers, for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the results of the balloting for each member or alternate member position and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings, may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces prunes. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

§ 1030.23 Selection.

From the nominations made pursuant to § 1030.22, or from other qualified persons, the Secretary shall select the 6 grower members of the committee, the 4 handler members of the committee, and an alternate for each such member.

§ 1030.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 1030.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1030.20.

§ 1030.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1030.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1030.22 and 1030.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1030.20.

§ 1030.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a grower member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate the other grower alternate member from the same district to serve in such member's place and stead. In the event both a handler member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other handler alternate member who is not acting as a member to serve in such member's place and stead.

§ 1030.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1030.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to prunes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in prune production within the districts and the production area.

§ 1030.32 Procedure.

(a) Seven members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least seven members.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 1030.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 1030.34 Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the prune industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1030.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 1030.41.

§ 1030.41 Assessments.

(a) Each person who first handles prunes shall, with respect to the prunes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of prunes handled by him as the first handler thereof during the applicable fiscal period and the total quantity of prunes so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all prunes handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 1030.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 1030.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 1030.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects shall be paid from funds collected pursuant to § 1030.41.

REGULATIONS

§ 1030.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 1030.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of prunes within the production area;

(2) The expected general quality and size of prunes in the production area and in other areas;

(3) The expected demand conditions for prunes in different market outlets;

(4) The expected shipments of prunes produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of prunes; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for prunes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 1030.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of prunes in the manner provided in § 1030.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for prunes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 1030.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of prunes whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the Act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any va-

riety or varieties of prunes grown in the production area.

(2) Limit the shipment of prunes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of prunes.

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of prunes which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 1030.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1030.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of prunes in order to effectuate the declared policy of the Act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the Act, he shall suspend or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such suspension.

§ 1030.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1030.41, 1030.52, 1030.53, and 1030.55, and the regulations issued thereunder, handle prunes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 1030.41, 1030.52, 1030.53, or 1030.55, the handling of prunes in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1030.48) as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent prunes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle prunes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the prunes will not be used for any purpose not authorized by this section.

§ 1030.55 Inspection and certification.

Whenever the handling of any variety of prunes is regulated pursuant to § 1030.52 or § 1030.53, each handler who handles prunes shall, prior thereto, cause such prunes to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for prunes which previously have been so inspected and certified only if such prunes have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such prunes.

REPORTS

§ 1030.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of prunes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such prunes, and (4) the destination of each shipment of such prunes.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the prunes received, and of prunes disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1030.61 Compliance.

Except as provided in this part, no person shall handle prunes the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle prunes except in conformity with the provisions and the regulations issued under this part.

§ 1030.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1030.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 1030.64.

§ 1030.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of prunes for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of prunes produced for fresh market in the production area; but such termination shall be effective only if announced on or before May 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1030.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1030.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1030.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 1030.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1030.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1030.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1030.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D. C., this 15th day of July 1960, to become effective upon publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6800; Filed, July 20, 1960; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 201—GENERAL

Exclusions; Correction

F.R. Document 60-3863, appearing at 25 F.R. 3753, April 29, 1960, is corrected to show the subparagraph added to § 201.100(b) to be numbered as "(5)" instead of "(3)".

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-6785; Filed, July 20, 1960; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-310]

PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

Application Form for Operating Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1960.

A notice of proposed rule making was published in the FEDERAL REGISTER on May 4, 1960 (25 F.R. 3856) and circulated to the industry as Economic Regulations Docket No. 11337, dated April 29, 1960, proposing certain amendments to Parts 296 and 297 of the Economic Regulations which would require the use of the same application form for air freight forwarders (Part 296) and international air freight forwarders (Part 297).

It is felt that the use of a single application form would establish a more uniform application system and would allow for the handling of applications in a much more efficient and expeditious manner and be thereby beneficial to the air freight forwarder industry.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. No industry comments were received. The phrase "5 percent or more" found in items 7 and 10 of the application form, and the corresponding phrase in the body of the regulation, have been changed to read "more than 5 percent," to conform with section 407(b) of the Federal Aviation Act of 1958.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Part 296) effective August 19, 1960, as follows:

1. By amending § 296.42 to read as follows:

§ 296.42 Application for issuance.

(a) *Application form.* Any person, other than those specified in § 296.43(a), desiring to operate as an air freight forwarder may apply to the Board for an appropriate Operating Authorization. Such an applicant shall execute in duplicate, an "Application for Operating Authorization as an Air Freight Forwarder" (CAB Form 351).[1] The application shall be certified by a responsible official of such carrier and shall contain the following information: (1) Date; (2) name of applicant, trade names, and name in which authorization is to be issued; (3) address of principal office and mailing address; (4) form of organization (i.e. corporation, partnership, etc.), State under whose laws company is authorized to operate, and date company was formed; (5) a list containing the names of each officer, director, partner, owner, or member of applicant, and holder of more than 5 percent of outstanding stock if a corporation, or owner of a more than 5 percent interest if other than a corporation; an indication as to whether or not 75 percent or more of the voting interest is owned or controlled by citizens of the United States or one of its possessions; if more than 5 percent of applicant's stock is held by a corporation an indication must be made as to whether or not 75 percent or more of the voting interest of such corporation is owned or controlled by citizens of the United States or one of its possessions; (6) a description of current business activities and of former business experience in, or related to, the tranportation field; (7) description of operating authority granted applicant by agencies of the United States Government (such as that of surface freight forwarder, motor carrier, etc.) and, if applicable, reasons for revocation or other termination; (8) totals of cargo tonnage handled during past year, the capacity in which handled (as agent of carrier, agent of shipper, as direct carrier, etc.), and means of transportation (air, truck, rail, etc.); (9) an indication as to whether applicant is a cargo sales agent; affiliations, commissions and agreements of the past year in

[1] Form filed as part of original document. Available from Publications Section, Civil Aeronautics Board.

this regard; (10) list of names of parties, effective dates, operating areas, nature and terms of any oral or written agreements, contracts, or working arrangements concerning transportation activities to which applicant is a party; (11) list of domestic and international points served and proposed to be served; list of offices, agents, etc., at points served and proposed to be served; (12) description of proposed services and specializations and an indication as to whether or not owners or affiliates will use the applicant's proposed air freight forwarding services; (13) list of names of the officers, owners, etc., of applicant who have at any time applied for any type of authority or registration from the Civil Aeronautics Board and, if applicable, reasons for revocation or other termination; (14) list of officers, owners, etc., of applicant who have at any time been employed by or associated with any air carrier authorized to operate by the Civil Aeronautics Board indicating dates of employment and capacity in which employed; also a list of officers, owners, etc., of applicant who were connected in any way with any air freight forwarder, nonpartificated carrier, etc., which had its operating authority revoked or suspended during the time of that connection; (15) description of experience of applicant's officers, managers and key personnel in transportation activities qualifying them for air freight forwarder operations; (16) a detailed description of any affiliated companies, their activity, operating authority, points served, total cargo tonnage handled during past full calender year, agency relationships, agreements concerning transportation activity to which affiliate is a party, and integration between applicant and affiliates; (17) any additional information as desired in support of applications; (18) Profit and Loss Statement (for the full year ending as of date of Balance Sheet); Balance Sheet as of a date not more than three months prior to application, list of terminal facilities and automotive equipment owned or leased; Certificate of Insurance (CAB Form 350)[2] or statement of qualification as a self-insurer (filing of a certificate of insurance may be postponed until later notification); sample of proposed air waybill; report of ownership of stock and other interests (CAB Form 2786)[2] by each officer, director, member, partner or owner of applicant; for each affiliate, a Profit and Loss Statement (for the full year ending as of date of Balance Sheet) and Balance Sheet, as of a date not more than three months prior to application; organizational chart, diagram of intercompany ownership and interlocking relationships, annotated to show percentages of stock holdings, officers, directors, members, partners and owners in each company; plus a brief account of any arrangement by which applicant will have available financial sources and facilities of other companies or individuals.

(b) *Additional information.* The applicant shall also submit such other additional information pertinent to its proposed activities as may be requested by the Board with respect to any individual application.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 101(3), 72 Stat. 737, 49 U.S.C. 1301)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-6814; Filed, July 20, 1960; 8:49 a.m.]

[Reg. ER-311]

PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

Application Form for Operating Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1960.

A notice of proposed rule making was published in the FEDERAL REGISTER on May 4, 1960 (25 F.R. 3856) and circulated to the industry as Economic Regulations Docket No. 11337, dated April 29, 1960, proposing certain amendments to Parts 296 and 297 of the Economic Regulations which would require the use of the same application form for air freight forwarders (Part 296) and international air freight forwarders (Part 297).

It is felt that the use of a single application form would establish a more uniform application system and would allow for the handling of applications in a much more efficient and expeditious manner and be thereby beneficial to the air freight forwarder industry.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. No industry comments were received. The phrase "5 percent or more" found in items 7 and 10 of the application form, and the corresponding phrase in the body of the regulation, have been changed to read "more than 5 percent," to conform with section 407(b) of the Federal Aviation Act of 1958.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 297 of the Economic Regulations (14 CFR Part 297) effective August 19, 1960, as follows:

1. By amending § 297.32 to read as follows:

§ 297.32 Application for issuance.

(a) *Application form.* Any person, other than those specified in § 297.33, desiring to operate as an international air freight forwarder may apply to the Board for an appropriate Operating Authorization. Such an applicant shall execute in duplicate an "Application for Operating Authorization as an International Air Freight Forwarder" (CAB Form 351).[1] The application shall be certified by a responsible official of such carrier and shall contain the following information: (1) Date; (2) name of applicant, trade names, and name in which authorization is to be issued; (3) address of principal office and mailing address; (4) form of organization (i.e., corporation, partnership, etc.), State under whose laws company is authorized to operate, and date company was formed; (5) a list containing the names of each officer, director, partner, owner, or member of applicant, and holder of more than 5 percent of outstanding stock if a corporation, or owner of a more than 5 percent interest if other than a corporation; an indication as to whether or not 75 percent or more of the voting interest is owned or controlled by citizens of the United States or one of its possessions; if more than 5 percent of applicant's stock is held by a corporation an indication must be made as to whether or not 75 percent or more of the voting interest of such corporation is owned or controlled by citizens of the United States or one of its possessions; (6) a description of current business activities and of former business experience in, or related to, the transportation field; (7) description of operating authority granted applicant by agencies of the United States Government (such as that of surface freight forwarder, motor carrier, etc.) and, if applicable, reasons for revocation or other termination; (8) totals of cargo tonnage handled during past year, the capacity in which handled (as agent of carrier, agent of shipper, as direct carrier, etc.), and means of transportation (air, truck, rail, etc.); (9) an indication as to whether applicant is a cargo sales agent; affiliations, commissions, and agreements of the past year in this regard; (10) list of names of parties, effective dates, operating areas, nature and terms, of any oral or written agreements, contracts, or working arrangements concerning transportation activities to which applicant is a party; (11) list of domestic and international points served and proposed to be served; list of offices, agents, etc., at points served and proposed to be served; (12) description of proposed services and specializations and an indication as to whether or not owners or affiliates will use the applicant's proposed air freight forwarding services; (13) list of names of the officers, owners, etc., of applicant who have at any time applied for any type of authority or registration from the Civil Aeronautics Board and, if applicable, reasons for revocation or other termination; (14) list of officers, owners, etc., of applicant who have at any time been employed by or associated with any air carrier authorized to operate by the Civil Aeronautics Board indicating dates of employment and capacity in which employed; also a list of officers, owners, etc., of applicant who were connected in any way with any air freight forwarder, noncertificated carrier, etc., which had its operating authority revoked or suspended during the time of that connection; (15) description of experience of applicant's officers, managers, and key personnel in transportation activities qualifying them for air freight forwarder operations; (16) a detailed description of any affiliated companies, their activity, operating authority, points served, total cargo tonnage handled during past full calender year, agency relationships, agreements concerning transportation activity to which affiliate is a party, and integration between applicant and affiliates; (17) any additional information as desired in support of applications; (18) Profit and Loss Statement (for the full year ending as of date of Balance Sheet); Balance Sheet as of a date not more than three months prior to application; list of terminal facilities and automotive equipment owned or leased; Certificate of Insurance (CAB Form 350)[2] or statement of qualification as a self-insurer (filing of a certificate of insurance may be postponed until later notification); sample of proposed air waybill; report of ownership of stock and other interests (CAB Form 2786)[2] by each officer, director, member, partner or owner of applicant; for each affiliate, a Profit and Loss Statement (for the full year ending as of date of Balance Sheet) and Balance Sheet, as of a date not more than three months prior to application; organizational chart, diagram of intercompany ownership and interlocking relationships, annotated to show percentages of stock holdings, officers, directors, members, partners and owners in each company; plus a brief account of any arrangement by which applicant will have available financial sources and facilities of other companies or individuals.

(b) *Additional information.* The applicant shall also submit such other information pertinent to its proposed activities as may be requested by the Board with respect to any individual application.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 101(3), 72 Stat. 737, 49 U.S.C. 1301)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-6815; Filed, July 20, 1960; 8:49 a.m.]

[1] Form filed as part of original document. Available from Publications Section, Civil Aeronautics Board.

[2] Available from Publications Section, Civil Aeronautics Board.

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-61]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1964) stating that the Federal Aviation Agency was considering an amendment to §§ 600.6189, 600.6260, 601.6189 and 601.6260 of the regulations of the Administrator which would modify VOR Federal airways Nos. 189 and 260 and their associated control areas.

As stated in the notice, Victor 189 presently extends from the Rocky Mount, N.C., VOR to the Franklin, Va., VOR. Victor 260 presently extends from the Charleston, W. Va., VOR to the Richmond, Va., VOR. The Federal Aviation Agency is extending Victor 189 from the Franklin VOR to the Hopewell, Va., VORTAC and Victor 260 from the Richmond VOR to the Hopewell VORTAC, thence via the Hopewell VORTAC 134° True radial to its intersection with VOR Federal airway No. 1.

The Department of the Air Force offered no objections to the proposed amendments, provided the procedures for the use of these airways would not result in an adverse impact on Langley Air Force Base traffic. The Air Force questioned the desirability of extending Victor 260 into an already congested area.

The Department of the Navy interposed no objection to the extension of Victor 189 and concurred in the use of the Hopewell VORTAC 134° True radial to its intersection with Victor 1 provided radar separation standards are utilized. However, the Navy did object to the designation of this route segment as a Federal airway for the following reasons: The extension of Victor 260 was designed for the use of commercial air traffic and would serve one small segment of aviation to the detriment of other, heavier users of the same area; the necessity for terminal traffic to navigate on en route aids in this area is confined to the rare occasions of radar or communications failure. This situation would necessitate the evacuation of the primary feeder fix to the Norfolk Naval Air Station, thereby penalizing landing traffic; the designation of this route would funnel additional VFR civil traffic into an area already containing a heavy concentration of military traffic; the extension of Victor 260 would create a mid-air collision prone environment simply to save an air carrier a few miles on those rare occasions when radar or communications failure prohibit the use of radar services.

The airspace encompassed by the proposed extension of Victor 260 is already designated as control area in § 601.1149 (24 F.R. 10555; 25 F.R. 336, 337, 338). This route has been utilized since approximately July 15, 1958, to expedite all segments of air traffic proceeding via Hopewell VORTAC to Patrick Henry Airport, Langley AFB, Norfolk NAS, Norfolk Municipal Airport and Oceana NAS. No adverse conditions have resulted due to its use. The designation of this route as a Federal airway will not alter the procedures now being utilized except to simplify controller phraseology in reducing the amount of conversation necessary for its description. Even though receiving radar separation and advisory services, it is desirable, from an air traffic management viewpoint, that air traffic navigate on predetermined routes as far as possible into terminal areas prior to transition to pure radar service. Traffic proceeding along the proposed extension of Victor 260 will continue to receive radar services as deemed necessary and in the event of radar or communication failure, traffic to Norfolk Municipal and Oceana NAS will normally be routed via Victor 189 and 268 which will be the preferred flight planning route in this area. The Federal Aviation Agency does not believe that the action taken herein would result in an abnormal increase in VFR civil traffic in this area. The airway is being designated over a commonly used route in presently designated controlled airspace, for the purpose of simplifying procedures.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

1. Section 600.6189 (24 F.R. 10521) is amended to read:

§ 600.6189 VOR Federal airway No. 189 (Rocky Mount, N.C., to Hopewell, Va.).

From the Rocky Mount, N.C., VOR via the Franklin, Va., VOR; to the Hopewell, Va., VORTAC.

§ 600.6260 [Amendment]

2. In § 600.6260 (25 F.R. 2159), the following changes are made:

(a) In the caption "*(Charleston, W. Va., to Richmond, Va.)*" is deleted and "*(Charleston, W. Va., to Deep Creek, Va.)*" is substituted therefor.

(b) In the text "to the Richmond, Va., VOR." is deleted and "Richmond, Va., VOR; Hopewell, Va., VORTAC; to the

[2] Available from Publications Section, Civil Aeronautics Board.

INT of the Hopewell VORTAC 134° True radial and the Norfolk, Va., VORTAC direct radial to the Cofield, N.C., VORTAC." is substituted therefor.

§ 601.6189 [Amendment]

2. In the caption of § 601.6189 (24 F.R. 10002), "(*Rocky Mount, N.C., to Franklin, Va.*)" is deleted and "(*Rocky Mount, N.C., to Hopewell, Va.*)" is substituted therefor.

§ 601.6260 [Amendment]

4. In the caption of § 601.6260 (25 F.R. 2159), "(*Charleston, W. Va., to Richmond, Va.*)" is deleted and "(*Charleston, W. Va., to Deep Creek, Va.*)" is substituted therefor.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 14, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6788; Filed, July 20, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-40]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Associated Control Areas and Reporting Points

The purpose of these amendments to §§ 600.282, 601.282 and 601.4282 of the regulations of the Administrator is to modify Red Federal airway No. 82 between the Skwentna, Alaska radio range station and the Willow, Alaska, intersection.

Red 82 is presently designated from the Skwentna radio range station to the intersection of the southeast course of the Skwentna radio range and the north course of the Anchorage (Merrill), Alaska, radio range. The Anchorage (Merrill) radio range has been decommissioned. Therefore, it is necessary to delete any reference to the "Anchorage (Merrill), Alaska radio range station" and redescribe Red 82 by use of a line bearing 357° True from the Anchorage, Alaska radio range station. This redescription does not alter the airway nor its associated control areas. Concurrently with this action, the captions of § 601.282 relating to control areas for Red 82 and § 601.4282 relating to reporting points for Red 82 are amended to reflect the actual terminals of the airway.

Since these amendments impose no additional burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.282 (24 F.R. 10499), § 601.282 (24 F.R. 10545) and § 601.4282 (24 F.R. 10595) are amended to read:

§ 600.282 Red Federal airway No. 82 (Skwentna, Alaska, to Willow, Alaska).

From the Skwentna, Alaska, RR to the INT of the SE course of the Skwentna RR with a line bearing 357° True from the Anchorage, Alaska, RR.

§ 601.282 Red Federal airway No. 82 control areas (Skwentna, Alaska, to Willow, Alaska).

All of Red Federal airway No. 82.

§ 601.4282 Red Federal airway No. 82 (Skwentna, Alaska, to Willow, Alaska).

No reporting point designation.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 14, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6789; Filed, July 20, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-337]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10920) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 1524 and its associated control areas, from Los Angeles, Calif., to Joliet, Ill.

On February 12, 1960, a modified notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1285) stating that the Federal Aviation Agency was amending its original proposal. This amended proposal substituted "Moline, Ill.," and "Moline VOR" for "Nodine, Ill.," and "Nodine VOR" respectively, where these place names appear in the description of Victor 1524 and also changed the segment of Victor 1524, between the Moline VOR and the Joliet VOR, from a routing via the intersection of the Moline VOR 082° True and the Joliet VOR 263° True radials to direct station to station.

No adverse comments were received regarding the proposed amendments. The Department of the Navy, however, conditioned its concurrence on the proposed airway not being designated as a positive control route segment between Ontario, Calif., and Peach Springs, Ariz. The Federal Aviation Agency is not designating this segment of Victor 1524 as a positive control route segment. Additionally, the Department of the Air Force stated that it had no objections to the proposed airway, provided it would overlie existing airways and that interested agencies would be given an opportunity to comment on the proposed intermediate altitude airway concept. The new Victor 1524 will overlie existing airways and interested persons will be given an opportunity to comment on the intermediate altitude airways concept in accordance with existing Federal Aviation Agency procedures.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following sections:

§ 600.6624 VOR Federal airway No. 1524 (Los Angeles, Calif., to Joliet, Ill.).

From the Los Angeles, Calif., VOR via the Ontario, Calif., VOR; INT of the Ontario VOR 091° True and the Twentynine Palms, Calif., VOR 244° True radials; Twentynine Palms VOR; Needles, Calif., VORTAC; Peach Springs, Ariz., VORTAC; Tuba City, Ariz., VOR; Farmington, N. Mex., VORTAC; Alamosa, Colo., VOR; Lamar, Colo., VOR; Hill City, Kans., VOR; Mankato, Kans., VOR; Pawnee City, Nebr., VORTAC; Lamoni, Iowa, VOR; Ottumwa, Iowa, VORTAC; Moline, Ill., VORTAC; to the Joliet, Ill., VORTAC.

§ 601.6624 VOR Federal airway No. 1524 control areas (Los Angeles, Calif., to Joliet, Ill.).

All of VOR Federal airway No. 1524.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 14, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6790; Filed, July 20, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-1]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On March 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2496) stating that the Federal Aviation Agency proposed to modify the Charlotte, N.C., control zone by revoking the south extension based on the Charlotte radio range and the Fort Mill, S.C., fan marker; by revoking that portion of the control zone extension based on the Fort Mill VOR extending south of the VOR, and by extending the southwest extension to a point 12 miles southwest of the Douglas Airport ILS outer marker.

On May 26, 1960, a modified notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4652) stating that the Federal Aviation Agency was amending its original proposal. This amended proposal stated that the Douglas Airport ILS outer marker compass locator ADF standard instrument approach procedure would be modified to eliminate the need for that portion of the control zone extension southwest of the outer marker. The original proposal was, therefore, amended in that the Federal Aviation Agency was considering the redesignation of the control zone extension based on the Douglas Airport ILS localizer as within 2 miles either side of the Douglas Airport ILS localizer southwest course extending from the 5-mile radius zone to the ILS outer marker.

Subsequent to publication of the notice and modified notice, it was determined that the radial of the Fort Mill VOR, upon which the modified south control zone extension will be based, is the 004° True instead of the 005° True radial. This change has been made herein since it is minor in nature in that it represents a correction of only one degree.

Although the Aircraft Owners and Pilots Association objected to the modification of the southwest extension to the Charlotte control zone as proposed in the original notice, no adverse comments were received regarding the amendment as proposed in the modified notice.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2135 (24 F.R. 10578) is amended to read:

§ 601.2135 Charlotte, N.C., control zone.

Within a 5-mile radius of the geographical center of the Douglas Airport (latitude 35°12'58" N., longitude 80°56'22" W.), within 2 miles either side of the 004° True radial of the Fort Mill, S.C., VOR extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the SW course of the Douglas Airport ILS localizer extending from the 5-mile radius zone to the ILS outer marker.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 14, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6786; Filed, July 20, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-164]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

The purpose of this amendment to § 601.2407 of the regulations of the Administrator is to modify the Alpena, Mich., control zone.

The Alpena control zone is presently designated from 0001 e.s.t., June 11, 1960, to 0001 e.s.t., September 4, 1960, and annually thereafter. Phelps Collins Airport, Alpena, Mich., is used annually during the above period for summer Air National Guard encampments. It has been determined that the activity at this location is not sufficient to meet the minimum control zone criteria on a continuous basis during its period of designation. Therefore, the control zone is modified by limiting the time of designation to from 0600 to 2200 local time daily, June 11, 1960, to September 4, 1960, and annually thereafter.

A review of the instrument approach procedure published for the Phelps Collins Airport revealed that the present control zone extension extending 5 miles north of the Alpena nondirectional radio beacon is in addition to that required. Aircraft executing an instrument approach based on this beacon must cross the beacon on an inbound heading at least 1,700 feet MSL, which is in excess of 1,000 feet above the terrain. Accordingly, the control zone extension is modified by terminating it at the beacon.

Since the changes effected by this amendment are less restrictive in nature than the present requirements, and impose no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2407 (24 F.R. 10590, 25 F.R. 4349) is amended to read:

§ 601.2407 Alpena, Mich., control zone.

The airspace within a 5-mile radius of the geographical center of the Phelps Collins Airport (latitude 45°05'00" N., longitude 83°33'30" W.), and within 2 miles either side of a 185° True bearing from the Alpena (APN), Mich., RBN extending from the 5-mile radius zone to the RBN shall be designated a control zone from 0600 to 2200 local time daily during the period June 11 to September 4, annually.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 14, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6787; Filed, July 20, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7384 c.o. etc.]

PART 13—PROHIBITED TRADE PRACTICES

Select Magazines, Inc., et al.

In the matter of Select Magazines, Inc., et al. (D. 7384 c.o.); Curtis Publishing Co., Inc., et al. (D. 7385 c.o.); Cowles Magazines, Inc., et al. (D. 7386 c.o.); Esquire, Inc., et al. (D. 7387 c.o.); New Yorker Magazine, Inc., et al. (D. 7388 c.o.); Newsweek, Inc., et al. (D. 7389 c.o.); United States News Publishing Corporation et al. (D. 7390 c.o.); The Hearst Corporation (D. 7391 c.o.); MacFadden Publications, Inc. (D. 7392 c.o.); Fawcett Publications, Inc. (D. 7393 c.o.); Triangle Publications, Inc. (D. 7394 c.o.); The New American Library of World Literature, Inc., et al. (D. 7611 c.o.); Dell Publishing Company, Inc. (D. 7612 c.o.); Bantam Books, Inc. (D. 7613 c.o.); National Comics Publications, Inc., et al. (D. 7614 c.o.); and Pocket Books, Inc., et al. (D. 7615 c.o.).

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d.): § 13.625 *Allowances for services or facilities.*

(Sec. 6(f), 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Select Magazines, Inc. (New York, N.Y.), et al., Docket 7384; Curtis Publishing Co., Inc. (Philadelphia, Pa.), et al., Docket 7385; Cowles Magazines, Inc. (New York, N.Y.), et al., Docket 7386; Esquire, Inc. (New York, N.Y.), et al., Docket 7387; New Yorker Magazine, Inc. (New York, N.Y.), et al., Docket 7388; Newsweek, Inc. (New York, N.Y.), et al., Docket 7389; United States News Publishing Corporation (Washington, D.C.) et al., Docket 7390; The Hearst Corporation, New York, N.Y., Docket 7391; MacFadden Publications, Inc., New York, N.Y., Docket 7392; Fawcett Publications, Inc., Greenwich, Conn., Docket 7393; Triangle Publications, Inc., Philadelphia, Pa., Docket 7394; The New American Library of World Literature, Inc., et al., New York, N.Y., Docket 7611; Dell Publishing Company, Inc., New York, N.Y., Docket 7612; Bantam Books, Inc., New York, N.Y., Docket 7613; National Comics Publications, Inc., et al., New York,

N.Y., Docket 7614; and Pocket Books, Inc., et al., New York, N.Y., Docket 7615; all July 6, 1960]

In the Matters of Select Magazines, Inc., McCall Corporation, The Popular Science Publishing Company, Inc., The Reader's Digest Association, Inc., Meredith Publishing Company, Inc., Street & Smith Publications, Inc., Time, Inc., Corporations; Curtis Publishing Co., Inc., The American Home Magazine Corp., Curtis Circulation Company, Inc., Corporations; Cowles Magazines, Inc., Curtis Circulation Company, Inc., Corporations; Esquire, Inc., Curtis Circulation Company, Inc., Corporations; New Yorker Magazine, Inc., Curtis Circulation Company, Inc., Corporations; Newsweek, Inc., Curtis Circulation Company, Inc., Corporations; United States News Publishing Corporation, Select Magazines, Inc., Corporations; The Hearst Corporation, a Corporation; MacFadden Publications, Inc., a Corporation; Fawcett Publications, Inc., a Corporation; Triangle Publications, Inc., a Corporation; The New American Library of World Literature, Inc., Independent News Company, Inc., Corporations; Dell Publishing Company, Inc., a Corporation; Bantam Books, Inc., a Corporation; National Comics Publications, Inc., Independent News Company, Inc., Corporations; and Pocket Books, Inc., Affiliated Publishers, Inc., Corporations

These sixteen proceedings were heard by a hearing examiner on complaints of the Commission charging publishers and their distributors of magazines, paper backs, and comic books with violating section 2(d) of the Clayton Act by making payments or allowances for services or facilities furnished certain customers operating retail outlets in railroad, airport, and bus terminals and in hotels and office buildings, which were not made available on proportionally equal terms to all competing customers.

Accepting consent agreements, the hearing examiner made the initial decisions and orders to cease and desist, all of which became on July 6 the decisions of the Commission.

Respondents in these sixteen cases were ordered to cease and desist as follows:

It is ordered, That each of the named respondents—Select Magazines, Inc., McCall Corporation, The Popular Science Publishing Company, Inc., The Reader's Digest Association, Inc., Meredith Publishing Company, Street & Smith Publications, Inc., Time, Inc.; The Curtis Publishing Company, The American Home Magazine Corporation, Curtis Circulation Company; Cowles Magazines, Inc. and Curtis Circulation Company; Esquire, Inc. and Curtis Circulation Company; The New Yorker Magazine, Inc. and Curtis Circulation Company; Newsweek, Inc. and Curtis Circulation Company; United States News Publishing Corporation and Select Magazines, Inc.; The Hearst Corporation; MacFadden Publications, Inc.; Fawcett Publications, Inc.; Triangle Publications, Inc.; The New American Library of World Literature, Inc., Independent News Company, Inc.; Dell Publishing Co., Inc.; Bantam Books, Inc.; National Comics Publications, Inc., Independent News Company, Inc.; and Pocket Books, Inc., Affiliated Publishers, Inc.—its officers, agents, representatives or employees, directly or through any corporate or other device, in connection with the distribution, sale, or offering for sale of magazines, paper back or comic books in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of any magazine, paper back or comic book published, sold or offered for sale by such respondent, unless such payment or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all of its other customers competing with such favored customer in the distribution of such magazine, paper back or comic book.

Additionally, respondents in seven of these cases were ordered as follows:

It is further ordered, That each of the named respondents—Select Magazines, Inc.; Curtis Circulation Company; The Hearst Corporation; MacFadden Publications, Inc.; Fawcett Publications, Inc.; Independent News Company, Inc.; and Affiliated Publishers, Inc.—its officers, agents, representatives or employees, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of magazines, paper back or comic books in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from paying, contracting for, or passing on an allowance or anything of value to, or for the benefit of any customer of any publisher for which it distributes any magazine, paper back or comic book as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of any of such publisher's magazines, paper back or comic books which are sold, offered for sale or distributed by each respondent, unless such allowance or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all other customers of such publisher to whom each respondent distributes such publisher's magazines, paper back or comic books, and who are competing with such favored customer in the distribution of such magazines, paper back or comic books.

By "Decision of the Commission", etc., in each of these sixteen cases, time for filing reports of compliance was extended as follows:

It is ordered that the time within which the respondents may file their reports, setting forth the manner and form in which they have complied with the orders to cease and desist as required by § 3.26 of the rules of practice, be, and it hereby is, extended until further order of the Commission.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6791; Filed, July 20, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread; Order Amending Standard of Identity

In the matter of amending the definition and standard of identity for bread:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 3, 1960 (25 F.R. 3840), setting forth a proposal by the Red Star Yeast and Products Company, 325 North 27th Street, Milwaukee, Wisconsin, to amend the definition and standard of identity for bread by listing calcium iodate as an optional ingredient permitted to be used in amounts not exceeding 75 parts per million on the basis of the weight of flour used. Upon consideration of the proposal and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers the definition and standard of identity for bread (21 CFR 17.1) should be amended as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611): *It is ordered*, That § 17.1(a)(12) be amended to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) • • •

(12) Potassium bromate, potassium iodate, calcium iodate, calcium peroxide, or any combination of two or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C. written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: July 14, 1960.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 60-6811; Filed, July 20, 1960; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2161]

[Oregon 06325]

OREGON

Order Providing for Opening of Lands; Power Projects Nos. 428 and 577

1. The Federal Power Commission has vacated withdrawals created by the filing of applications for preliminary permits for proposed water-power Projects Nos. 428 and 577, affecting approximately 38,013 acres of land in the State of Oregon. Most of the lands are in the Umpqua National Forest; some are revested Oregon and California Railroad Grant lands, and most are still blanketed by other withdrawals for power purposes. The following-described "revested O&C" lands are not national forest lands or otherwise withdrawn:

WILLAMETTE MERIDIAN

T. 26 S., R. 2 W.,
Sec. 13, NW¼ and SW¼SE¼;
Sec. 15, NE¼NE¼, SW¼NE¼, and S½ NW¼;
Sec. 17, NW¼SW¼, S½SW¼, and SE¼ SE¼;
Sec. 23, lots 10, 11, 12, 13, 14, 15, and 16.
T. 26 S., R. 3 W.,
Sec. 1, NE¼SE¼;
Sec. 11, lots 1, 9, 13, 14, 15, and 16.

The areas described aggregate 1,102.98 acres.

2. Until 10:00 a.m. on October 12, 1960, the described lands shall be open only to application by the State of Oregon for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act.

3. Beginning at 10:00 a.m. on October 12, 1960, the lands shall be open to such other forms of disposition as may by law be made of Revested Oregon and California Railroad Grant lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST, *Assistant Secretary of the Interior.*

JULY 14, 1960.

[F.R. Doc. 60-6794; Filed, July 20, 1960; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Payment of Benefits to Children on Account of Death of More Than One Parent in Same Parental Line

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1543 as follows:

§ 3.1543 *Payment of benefits to children on account of the death of more than one parent in the same parental line.*

(a) *Provisions of the law.* (1) Section 1 of Public Law 86-495 amends section 3104(b)(2) of Title 38, United States Code, to read as follows:

(2) Benefits other than insurance under laws administered by the Veterans' Administration may not be paid or furnished to or on account of any child by reason of the death of more than one parent in the same parental line; however, the child may elect one or more times to receive benefits by reason of the death of any one of such parents.

(2) Section 2 provides:

The amendment made by this Act shall apply only to cases where the death of a parent occurs after the date of enactment of this Act.

(b) *Effect of the Act.* (1) The term "more than one parent in the same parental line" refers to more than one father or more than one mother; e.g., a natural father and a stepfather. It does not include a combination of one mother and one father.

(2) Payment of more than one death benefit (exclusive of insurance) based on the deaths of two or more parents in the same parental line is prohibited by this amendment, except where the death of more than one such parent occured before June 9, 1960.

(3) A child may elect and reelect any number of times to receive benefits by reason of the death of any one parent in the same parental line.

(4) Concurrent benefits for children entitled on the basis of the deaths of two or more parents in the same parental line which occurred prior to June 9, 1960, are not affected by this law.

(5) The finality of election to receive dependency and indemnity compensation provided by 38 U.S.C. 416(b)(2) where death occurred before January 1, 1957, is not affected by this amendment.

(c) *Effective date.* The date of enactment of this Act was June 8, 1960. It applies only to deaths which occurred on or after June 9, 1960. (Instruction 1, 38 U.S.C. 3104(b)(2), Public Law 86-495)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 21, 1960.

[SEAL] A. H. MOSER, *Acting Associate Deputy Administrator.*

[F.R. Doc. 60-6807; Filed, July 20, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 994]

[Docket No. AO-300-A1]

MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Colorado Springs, Colorado, on June 21–22, 1960, pursuant to notice thereof issued on May 31, 1960 (25 F.R. 4919).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 7, 1960 (25 F.R. 6483; Doc. 60–6423) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

The material issues on the record of the hearing relate to:

1. The Class I price;
2. The Class II price;
3. Feed plant requirements and clarification of plant definitions;
4. Classification of milk transferred or diverted to nonpool plants;
5. Limitations on diversions;
6. Location adjustments to producers;
7. Administrative charges to partially regulated handlers; and
8. Allocation of packaged sour cream received from plants where it has been classified and priced as Class I under another Federal order.

Inasmuch as the Class I price provision will expire July 31, 1960, immediate consideration is necessary on issue number 1, therefore this decision is confined to this issue. The remaining issues will be considered in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions are confined to material issue number 1 and are based on evidence presented at the hearing and the record thereof:

1. The Class I price provision should be continued 18 months beyond its present expiration date.

Producers proposed the continuation of the present Class I price. A handler testified in support of producers' proposal. No testimony in opposition was offered.

The Class I price presently is determined by adding $2.20 to the basic formula price for the preceding month. When the order was issued, effective February 1, 1959, this Class I price provision was made effective for a temporary period of 18 months. It was contemplated that after a full year's operation of the order, there should be opportunity to review the Class I price in the light of experience under the order.

Class I sales and producer milk supplies have both increased in the Colorado Springs-Pueblo market in the past year. For the five-month period January through May 1960, Class I sales of pool plants were 12.7 percent higher than those of the comparable period in 1959. Producer receipts in this period were 124.6 percent of those in the same months of 1959. The ratio of producer receipts to Class I sales was 119.2 percent in January–May 1959 and 130.9 percent in January–May 1960.

This higher ratio of increase in production over sales would in most circumstances indicate need for some downward adjustment of the Class I price in order to avoid excessive supplies for the market. There are, however, circumstances in the Colorado Springs-Pueblo market that indicate strongly the need for further experience under the order before arriving at a conclusion concerning the effect over the longer term of present pricing provisions in influencing a proper level of supply for the market.

The most significant factor in the changing supply-sales relationship from early 1959 to early 1960 is the fact that in early 1960 the Fort Carson military installation was supplied by a Denver handler. When this handler became fully regulated under the order, his milk supply was used to fulfill the contract. Local milk previously used to fulfill the contract then had to be classified as Class II. The needs of Fort Carson represent about 10 percent of the Class I sales of local handlers so that the shift of this one contract had a significant impact. At the time of the hearing the Fort Carson contract for the six-month period beginning July 1, 1960, had not yet been awarded.

The trend of producer numbers since the effective date of the order has been quite erratic. There was an increase of 145 producers (42 percent) from February to March 1959, decreases of 81 and 39, respectively, occurred in April and May and there was an increase of 38 in July. In a substantial number of cases producers supplied the market for only a few days, indicating that such producers were primarily associated with other markets, and that this milk was either received to meet the peak demand of an individual handler or that the pool was carrying reserves associated with other markets. Certain issues of this hearing are related to establishing the regular association of producers with the market as a condition of pooling or diversion.

The Colorado Springs-Pueblo market competes for supplies and sales with the substantially larger nearby Denver market. For May 1960, the Colorado Springs-Pueblo Class I price was 45 cents less than the Class I price reported as prevailing in the Denver market. While classification and accounting in Denver differ from Colorado Springs-Pueblo to the point that close comparisons cannot be made, the present Class I price is in reasonable alignment with the neighboring market under present conditions.

Continuation of present pricing provisions for another 18-month period will provide opportunity for a better basis for evaluation of the supply responses to such pricing in the light of developments in this and neighboring markets. It is concluded that the order should so provide.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 18th day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area

§ 994.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 994.51 [Amendment]

Delete § 994.51(a) and substitute therefore the following:

(a) *Class I milk.* During the period through January 1962, the basic formula price for the preceding month plus $2.20.

[F.R. Doc. 60-6818; Filed, July 20, 1960; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition Regarding Manganese Bacitracin in Turkey Feed

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Grain Processing Corporation, Muscatine, Iowa, proposing the issuance of an amendment of the food additive regulation (§ 121.203) to provide for the use of manganese bacitracin in turkey feed and to provide for the use of levels of not more than 50 grams (activity bacitracin master standard) per ton of final manufactured feed when incorporated therein solely as an aid in stimulating growth and improving feed efficiency in chickens, turkeys, and swine.

Dated: July 14, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6810; Filed, July 20, 1960; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

DEFINITION OF "TRANSACTIONS BY AN ISSUER NOT INVOLVING ANY PUBLIC OFFERING"

Notice of Proposed Rule Making

Section 5(c) of the Securities Act of 1933 makes it unlawful for any person, directly or indirectly, to use federal jurisdictional means—the mails, or the means or instruments of transportation or communication in interstate or foreign commerce—to offer to sell or to solicit an offer to buy a security unless a registration statement with respect to such security has been filed with the Securities and Exchange Commission. Under section 5(a) it is unlawful by jurisdictional means for any person, directly or indirectly, to sell such security or to carry or cause to be carried any such security for the purpose of sale or for delivery after sale unless the registration statement has become effective. The second clause of section 4(1) of the Securities Act of 1933 exempts from the registration and prospectus provisions of the Act "transactions by an issuer not involving any public offering." These provisions are intended to make effective a basic statutory objective that the registration and prospectus provisions of section 5 of the Act shall apply to distributions of securities to the public by an issuer, underwriter or dealer. Apart from exemptions for certain securities and transactions, other provisions of the Act limit the application of the registration provisions to distributions effected by or on behalf of an issuer or on behalf of a person in a control relationship with the issuer.

Questions have arisen as to the application of the exemption afforded by section 4(1) to a public offering of convertible securities by or on behalf of any person who purchased the convertible security directly or indirectly from the issuer in a non-public transaction, or to a public offering of the underlying securities received upon conversion of the securities so placed. On December 2, 1959, the Commission published Securities Act of 1933 Release No. 4162 in which it invited comment upon a new Rule 155 which had been proposed by the staff of the Commission to clarify the application of the statute in these circumstances.

Release No. 4162, to which reference is made, contains a summary of the staff

conclusions and recommendations which form the basis for the proposed rule. Briefly restated, the staff view is that, "For purposes of the provisions of sections 2(11), 4(1) and 5 of the Securities Act, the transaction involved in a private placement by an issuer of a convertible security is not completed until the disposition of the underlying securities is determined" and that, in consequence, no exemption from the registration and prospectus provisions of the Act is available for a public offering of an immediately convertible security so issued, or for the underlying security received upon conversion unless the circumstances of acquisition, retention and disposition of the underlying security are such that the persons offering the underlying security are not underwriters within the meaning of section 2(11) of the Act.

The Commission has received helpful letters of comment. A number of the suggestions made have been incorporated in a revision of the proposed § 230.155 (Rule 155) as set forth below.

§ 230.155 Definition of "transactions by an issuer not involving any public offering" in section 4(1) for certain transactions.

(a) The phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Act shall not include (1) any public offering of a security, which at that time is immediately convertible into another security of the same issuer, by or on behalf of any person or persons who purchased the convertible security directly or indirectly from an issuer as part of a non-public offering of such security, or (2) any public offering by or on behalf of any such person or persons of the other security acquired on conversion of a convertible security, unless the other security was acquired under such circumstances that such person or persons are not underwriters within the meaning of section 2(11).

(b) The phrase "transactions by any person other than an * * * underwriter" in section 4(1) of the Act shall, for the purposes of this section, be deemed to include transactions by the initial, and any intermediate, holder of the convertible security or of the underlying security who (1) has not acquired the convertible or underlying security with a view to the distribution of either of them, and (2) is not effecting or causing to be effected, and has not arranged for a public offering of either security within the meaning of and subject to paragraph (a) of this section.

(c) This section shall apply to transactions of the character described in paragraph (a) of this section only with respect to convertible securities issued after _____ (Effective date of the section.)

Several of the letters received also raised questions as to the application of the proposed rule to various situations and requested that the Commission publish, prior to any final action upon the proposed rule, a further release treating with these questions. The following paragraphs refer to the more important of these questions and to the reasons advanced by the staff for the additional provisions reflected in the revised proposal.

I. *Notes or debentures convertible into similar trust indenture securities.* The question has been raised whether the proposed rule would relate to "* * * an unsecured note or debenture issued in a bona fide private placement [which] provides that the holder thereof may, if he so desires, break down the note or debenture into a number of small pieces issued under a trust indenture meeting the requirements of the Trust Indenture Act, so as to make it possible for such purchaser or someone else at a later date to effect resales, in such smaller units, of the notes or debenture * * *." It is understood that transactions initially are effected in this manner to avoid certain taxes, the drafting of an indenture, and payment of the fees of an indenture trustee, all of which are not then necessary but might be required in connection with a later public offering of the security, not then contemplated. Assuming that resales at a later date would not be inconsistent with an original bona fide private placement, the staff for many years has been of the view that the breakdown of the large note originally issued into a number of smaller pieces of the same general terms, under a trust indenture, and the distribution of such pieces by a person not in a control relationship with the issuer, who received the security in the private placement, ordinarily does not raise a question under the Securities Act of 1933. The Commission has so ruled in a number of situations of this character. In any event, the proposed Rule 155 does not apply to cases of this character.

II. *Convertible securities issued in certain exempt transactions.* The question has been raised whether the proposed rule, or the principles underlying it, would apply to convertible securities issued in certain "types of exempt transactions other than non-public offerings." Particular reference is made to transactions in which convertible securities are issued in:

(a) A voluntary exchange offer meeting the requirements of section 3(a)(9);

(b) Transactions meeting the requirements of sections 3(a)(10) or 3(a)(11);

(c) Transactions meeting the requirements of the Commission's rules under section 3(b) or Section 3(c);

(d) Or a Rule 133 transaction, where Rule 133 would not require registration;

(e) In a Chapter X proceeding.

These will be dealt with in order. In general, however, it should be emphasized that the proposed rule deals only with the issue of convertible securities in non-public transactions, and specifies the circumstances under which registration is required for subsequent public offerings of such securities or of the underlying securities by or on behalf of the purchaser in the original transaction. It does not apply where convertible securities are distributed to the public initially, whether they are registered or reliance is placed on one of the cited exemptions.

On the other hand, the cited exemptions are all fundamentally transaction exemptions and do not necessarily create exempted securities. Subsequent transactions in securities issued under these exemptions must find their own exemptions. Consequently, if convertible securities are privately placed initially, the principles announced in the proposed rule will be applicable to subsequent transactions in such securities, even if the initial placement is in form which literally falls within one of the cited exemptions.

These two principles furnish the basis for considering the questions posed. If the initial placement was public in character, whether registered under the Act or exempt from registration because of one or more of the indicated exemptions, the proposed rule does not apply. This is on the basis that the statutory objective has been achieved, that is, registration and the delivery of a prospectus to public purchasers in non-exempt situations. Once registration is effected transactions may be freely made by the public holders of the convertible securities. Any later delivery of the underlying security under conversion is deemed to fall within the exemption afforded by section 3(a)(9); and subsequent transactions in the underlying securities may be consummated free of the registration and prospectus provisions of the Act except as noted below.

Conversely, where the convertible security is issued in a non-public transaction, whether or not the transaction might also be urged as one falling within the literal mold of one of the stated exemptions, the proposed rule would apply. Specifically, the staff's view as to each of the stated situations is as follows:

(a) If, apart from section 3(a)(9), an exchange offer of a convertible security is essentially private in character, any later public offering of the convertible security (if then immediately convertible) and any public offering of the underlying security received upon conversion would be subject to the proposed rule. On the other hand, if the exchange offer is essentially a public offering which, except for the provisions of section 3(a)(9), would be subject to the registration and prospectus provisions of the Act, the proposed rule would not apply either to a later public offering of the convertible security, or of the underlying security, by the holders. If such an offering were made by or on behalf of a person in a control relationship with the issuer or by or on behalf of a person acting as an underwriter for such control person, registration would be necessary without reference to section 3(a)(9) or the proposed Rule 155.

(b) Whether or not the requirements of section 3(a)(10) or 3(a)(11) would seem to be literally fulfilled in regard to the initial placement, if the issuance of the convertible security is essentially private in character, the proposed rule would apply to any later public offering of the convertible or of the underlying security. If, on the other hand, the transaction involving the issuance of the convertible is a public transaction, the proposed rule would not be applicable and registration would not be required except as to transactions by or on behalf of persons in a control relationship with the issuer.

(c) Presumably, the transaction of issuance of the convertible security, where reliance is had upon section 3(b) and section 3(c), is a public transaction. In such case the proposed rule would not apply to subsequent transactions except by or on behalf of a control person.

(d) The question posed here relates to the issuance of convertible securities "in a Rule 133 transaction where Rule 133 would not require registration of such securities for subsequent transactions." It is assumed that the question, as framed, is limited to persons who, under Rule 133, would not be considered "underwriters." Subject to the qualification for transactions by a person in the control relationship with the issuer, the rationale for the application of the proposed rule discussed above is essentially the same in these circumstances. Transactions subsequent to the Rule 133 transaction by such persons would not appear to be subject to the rule if the over-all Rule 133 transaction involved a public offering of the convertible securities. If, however, the over-all transaction is private in character, the proposed rule will apply whether or not the initial placement falls literally within Rule 133.

(e) Similar considerations as have been discussed with respect to section 3(a)(10) will prevail as to transactions after the issuance of the convertible securities in connection with a Chapter X proceeding.

As to all situations, the caveat should be added that no matter which form the initial transaction takes, if the over-all transaction is designed as a method of evading the registration or prospectus provisions, the asserted exemption would not in any case be available.

III. *Exclusion of persons from underwriter status.* The question raised here is whether the person to whom a convertible security was issued initially in a non-public transaction, and any immediate and subsequent assignee of the security in a non-public transaction, should, upon a later public offering of the convertible security or the underlying security, be deemed to be an underwriter as to the securities involved in such offering within the meaning of section 2(11) of the statute. In this connection, it is suggested that at least certain of these holders of the convertible security be excluded from the status of underwriter.

As already stated, the proposed rule is bottomed upon the view that the availability of an exemption from the registration and prospectus provisions of the Act to a transaction involving the issuance of a convertible security in a non-public transaction is not determinable until a public offering of the convertible or underlying security has been effected or precluded or the right to convert has terminated. If as proposed by Rule 155, registration is required as to any such public offering of the underlying security, any person who effects such public offering in the circumstances encompassed by the proposed rule would be a person who has directly or indirectly purchased the convertible from the issuer, with a view to the distribution of, or who has offered, the (underlying) security on behalf of the issuer. Since each holder engaged in steps which ultimately developed into a public offering of the securities, it may be urged that each should be deemed to be an underwriter within the meaning of section 2(11). On the other hand, it has also been urged that a conclusion that each such intermediate holder is an underwriter does not necessarily follow from the facts and the intentions of the parties. This is based on the view that each of the holders who did not acquire the convertible with a view to the direct or indirect public offering by him or on his behalf of either security may be in a position to argue that he does not meet the definition of underwriter. Whatever the merits of this argument, in the light of the special circumstances to which the proposed rule relates, it does not appear necessary to hold that every intermediate holder is an underwriter in order to achieve the aim of the rule—to make clear that the ultimate public offering is subject to the registration and prospectus provisions of the Act. Accordingly, the staff has recommended that the proposed rule be revised to make clear that each such intermediate holder is not, merely because of an intermediate holding of the convertible security, an underwriter within the meaning of section 2(11) and the first clause of section 4(1) of the Act. On this basis, any person who actually effects the public offering as well as any person who arranges for a public offering would be deemed to be an underwriter.

IV. *The "Unless" clause.* The proposed rule provides, in effect, that, in a case falling within the rule, upon exercise of the conversion privilege and subsequent sale of the underlying security, the registration and prospectus provisions apply "unless [that] security was acquired under such circumstances that such person or persons are not underwriters within the meaning of section 2(11)." It has been suggested that (a) if "what is intended is that the person who converts the convertible security must acquire the underlying security with that state of mind which would prevent such person from being an underwriter if the underlying security were being sold for cash," this should be stated, and (b) "a period should be specified which would at least be prima facie evidence of the fact that the converter of the security acquired the underlying security for investment and not with a view to their distribution." It is the view of the staff that the test as quoted in (a) fairly states the meaning and purpose of the "unless" clause and that it is neither necessary nor feasible to adopt a standard as suggested in (b). The Commission has repeatedly indicated its view that it is a question of fact, turning on the circumstances of a particular case, whether a person acquiring securities from an issuer and later disposing of them in a public offering is or is not an underwriter. There is nothing in section 2(11), the legislative history of the Act, Commission precedent or in case law which suggests that the time between the acquisition and disposition is or necessarily should be conclusive of the question. Undoubtedly time is relevant insofar as it may be evidence of the intent of a person when the security is purchased from an issuer. There is nothing in the Act, however, which suggests that one who may otherwise be fairly considered to be an underwriter necessarily ceases to be such because the distribution is intentionally or otherwise deferred.

V. *Brokers' transactions.* It has been suggested that "an exemption analogous to the 'brokers' transactions' exemption of paragraphs (d) and (e) of Rule 133" be considered by the Commission. Particularly it is suggested that adoption of "the same test of 'distribution' which is used to determine whether a person has the status of an underwriter in a Rule 133 transaction would be appropriate in the case of sale of the convertible securities or the related underlying securities, * * *." The Commission has never considered that a person who has taken securities from an issuer in a purportedly private transaction, but under such circumstances that he would have the status of an underwriter if he distributed the securities to the public, may claim exemption from registration under the first clause of section 4(1) for such public offering, and such a position would appear contrary to the holding of the court in Gilligan, Will & Co. vs SEC, 267 F. 2d 461 (C.A. 2, 1959), cert. den. 361 U.S. 896 (1959). The adoption of the standard provided in Rule 133 springs from different circumstances, including the fact that a Rule 133 transaction, unlike the transactions presently involved, may and often does involve a widespread distribution of securities by the issuer in what is, in effect, an exempt transaction. A certain degree of latitude in the application of section 2(11) and the first clause of section 4(1) to reofferings is appropriate under such circumstances. Paragraphs (d) and (e) of Rule 133 represent an effort to recognize that, in a situation where a trading market may be availed of by other persons receiving securities in a Rule 133 transaction, it would be less than realistic to permit a controlling person of a constituent company less latitude in a trading transaction than he had before consummation of the Rule 133 transaction and, indeed, less than a controlling person of the issuer itself.

VI. *Applicability of rule to registered securities and to securities not immediately convertible.* The Commission has been asked to "indicate the practice which it would follow as a matter of logic or policy, where a convertible security, whether widely distributed through an underwriting group or offered directly to a number of initial purchasers for investment, is registered at the time of issuance, particularly where one or more blocks of such security are subsequently distributed by non-controlling but substantial holders or where such non-controlling but substantial holders convert and distribute the underlying security." The question relates to securities immediately convertible and to those which contain a delayed conversion privilege.

Where initially there is a genuine public offering of the convertible security, whether or not immediately con-

vertible, the proposed rule has no application. In such cases, any later reoffering of the convertible security or of the underlying security by a person who is not (a) in a control relationship with the issuer, (b) an underwriter disposing of an undistributed portion of the original offering, (c) someone offering for a person in (a) or (b), or (d) an underwriter acting pursuant to some arrangement with the issuer, would not ordinarily be subject to the registration and prospectus provisions of the Act.

Where there is no genuine public offering, registration is not required for the initial non-public placement. However, even if a registration statement were filed and became effective by lapse of time or otherwise in such circumstances, i.e. at the outset of a non-public placement, this would not relieve the persons with whom the securities were so placed from their status and obligations under the Act. Thus, any later offering by them under circumstances contemplated by proposed Rule 155 would require the use of a prospectus which at that time met the requirements of section 10 in all respects or the filing of a new registration statement.

Section 5(a) of the Act reflects a statutory prohibition against what is referred to as "registration for the shelf." This is accomplished by a provision that "[a] registration statement shall be deemed effective only as to securities specified therein as proposed to be offered." This has been construed by the Commission as limiting the availability of registration to securities presently proposed to be offered at the time of the effectiveness of the registration statement.

It is recognized, however, that the Commission has in certain situations permitted what has been referred to as "continuous registration." Thus, in Rule 133 situations, the Commission has not objected to registration of securities issued to persons who have declined to make a commitment that they were taking for investment and not with a view to distribution because they wished to be free to dispose of the securities in a manner and at a time which might make them "underwriters." However, in these situations it is clear that upon a distribution by such persons, absent a clear showing to the contrary, they might be deemed to be underwriters. Consequently registration is permitted but only when accompanied by undertakings to assure that the prospectus which must be used by the underwriters will meet the requirements of section 10, and otherwise be consistent with other provisions of the Act at the time of its use. Undoubtedly the Commission would be prepared to consider flexible procedures in connection with proposed Rule 155 situations to meet any reasonable problems arising in that context. This would include any special problems created by separate offerings made by one or more holders of convertible securities. In this connection it should again be emphasized that the proposed rule would apply only to a public offering of a convertible security which at the time of the offering is immediately convertible.

VII. *Outstanding securities.* It has been suggested that, in the event the Commission should adopt the proposed rule, a proviso should be added making it inapplicable to outstanding convertible securities and securities acquired upon conversion of such convertibles. It is pointed out that for many years issuers, institutional investors and their counsel relied on the view, which they believed to be shared by the Commission, that, in the situations encompassed by the proposed rule, the registration and prospectus provisions of the Act did not apply; that, in consequence, many such securities were issued and are outstanding with respect to which no provision was negotiated either for registration or for investigations considered necessary to the assumption of an underwriter's liabilities; that even assuming recognition by issuers of a duty to provide registration upon a proposed public offering by such holders, at best a deadlock would arise; that, as a result, many institutional investors with a large public interest in their own securities would be "locked in" or compelled to liquidate a position at less than might be obtained upon a public offering. There is some basis for each of these arguments, and the situation is consequently somewhat analagous to the ones for which Congress provided in section 19 of the Act, that is, those who rely in good faith on what appears to be the view of the Commission, and act accordingly, should not be penalized for so acting. Under all of the circumstances it seems reasonable in this context to suggest that the Commission consider the addition of such a proviso to the proposed rule, and the staff so recommends.

Proposed Rule 155 was published on December 2, 1959. Since that time it has received wide attention and it has been the subject of considerable discussion among issuers, institutional investors, investment bankers and the Bar. The Commission is of the view, therefore, that a further period of comment should be limited to the time reasonably required to consider and comment upon the views of the staff hereinabove described. Accordingly, the Commission invites the comments, suggestions and views of all concerned upon Proposed Rule 155 as revised to give effect to the changes hereinbefore suggested and requests that such comments be submitted not later than September 1, 1960. For the convenience of all concerned there is attached hereto a reprint of Release No. 4162 which contains the text of the rule as originally proposed together with a statement of the staff conclusions upon which the proposal was based.[1] Rule 155 as revised is proposed under section 19(a) of the Securities Act of 1933.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 14, 1960.

[F.R. Doc. 60-6796; Filed, July 20, 1960; 8:47 a.m.]

[1] Release published at 24 F.R. 9045.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 22]

ALASKA

Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

JULY 15, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

SEWARD MERIDIAN

S 29–1, Ts. 49 to 52 S., Rs. 81 to 84 W.,
S 29–2, Ts. 53 to 56 S., Rs. 85 to 89 W.,
S 29–3, Ts. 53 to 56 S., Rs. 81 to 84 W.,
S 29–4, Ts. 57 to 60 S., Rs. 81 to 84 W.,
S 29–5, Ts. 57 to 60 S., Rs. 85 to 88 W.,
S 29–6, Ts. 56 to 60 S., Rs. 89 to 92 W.,
S 29–7, Ts. 58 to 60 S., Rs. 93 to 96 W.,
S 29–8, Ts. 61 to 64 S., Rs. 93 to 96 W.,
S 29–9, Ts. 61 to 64 S., Rs. 89 to 92 W.,
S 29–10, Ts. 61 to 64 S., Rs. 85 to 88 W.,
S 29–11, Ts. 66 to 67 S., Rs. 88 to 91 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

L. M. LAITALA, *Acting Manager.*

[F.R. Doc. 60-6793; Filed, July 20, 1960; 8:46 a.m.]

[Notice 11]

ALASKA

Notice of Filing of Alaska Protraction Diagrams; Fairbanks Land District

JULY 14, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

KATEEL RIVER MERIDIAN—FOLIO NO. 10

Sheet No.
1. Ts. 1 thru 4 S., Rs. 25 thru 28 E.
2. Ts. 1 thru 4 S., Rs. 21 thru 24 E.
3. Ts. 1 thru 4 S., Rs. 17 thru 20 E.
4. Ts. 5 thru 8 S., Rs. 17 thru 20 E.
5. Ts. 5 thru 8 S., Rs. 21 thru 24 E.
6. Ts. 5 thru 8 S., Rs. 25 thru 28 E.
7. Ts. 5 thru 8 S., R. 29 E.
8. Ts. 9 thru 12 S., R. 29 E.
9. Ts. 9 thru 12 S., Rs. 25 thru 28 E.
10. Ts. 9 thru 12 S., Rs. 21 thru 24 E.
11. Ts. 9 thru 12 S., Rs. 17 thru 20 E.
12. Ts. 13 thru 16 S., Rs. 17 thru 20 E.
13. Ts. 13 thru 16 S., Rs. 21 thru 24 E.
14. Ts. 13 thru 16 S., Rs. 25 thru 28 E.
15. Ts. 13 thru 16 S., Rs. 29 thru 30 E.

Cover sheet showing location map and index.

SEWARD MERIDIAN—FOLIO NO. 1

Sheet No.
6. Ts. 29 thru 32 N., Rs. 9 thru 12 E.

SEWARD MERIDIAN—FOLIO NO. 2

Sheet No.
3. Ts. 33 N., Rs. 9 thru 12 W.
4. Ts. 33 N., Rs. 13 thru 16 W.
5. Ts. 29 thru 32 N., Rs. 13 thru 16 W.
6. Ts. 29 thru 32 N., Rs. 9 thru 12 W.

Cover sheet showing location map and index.

FAIRBANKS MERIDIAN—FOLIO NO. 10

Sheet No.
1. Ts. 1 thru 4 S., Rs. 1 thru 4 W.
2. Ts. 1 thru 4 S., Rs. 5 thru 8 W.
17. Ts. 17 thru 20 S., Rs. 1 thru 4 W.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES, *Manager.*

[F.R. Doc. 60-6802; Filed, July 20, 1960; 8:47 a.m.]

ARIZONA

Notice of Filing of Arizona Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following protraction diagrams are officially filed of record in the Arizona Land Office, 1305 North Central Avenue, Phoenix, Arizona.

2. In accordance with 43 CFR 192.42a (c) (24 F.R. 4140, May 22, 1959) and amendments of Parts 188, 193, 195, 196, 198, 199 and 200 of Title 43, Code of Federal Regulations, as published in 25 F.R. 2797 (April 2, 1960) (Circular 2040), these protractions will become the basic record for the description of applications and offers for mineral leases and permits filed at and subsequent to 10:00 a.m. on the thirty-first day after publication of this notice.

ARIZONA PROTRACTION DIAGRAMS NOS. 31 TO 51, INCLUSIVE

GILA AND SALT RIVER MERIDIAN

Unsurveyed sections in:
No. 31—
T. 35 N., R. 4 E.;
Ts. 35, 36, 37, 38 and 40 N., R. 3 E.;
Ts. 39 and 40 N., R. 2 E.
No. 32—
Ts. 35, 36 and 37 N., Rs. 5 through 8 E.;
Ts. 38 and 39 N., Rs. 6, 7 and 8 E.;
T. 40 N., R. 8 E.;
Ts. 41 and 42 N., Rs. 5, 6 and 7 E.
No. 33—
Ts. 35 through 42 N., Rs. 9, 10, 11, 12 and 12½ E.
No. 34—
Ts. 35 through 41 N., Rs. 13 through 16 E.
No. 35—
Ts. 35 through 41 N., Rs. 17 through 20 E.
No. 36—
Ts. 35 through 41 N., Rs. 21 through 24 E.
No. 37—
T. 34 N., Rs. 26, 27 and 28 E.;
Ts. 35 through 41 N., Rs. 25 through 28 E.;
T. 42 N., Rs. 27 and 28 E.
No. 38—
Ts. 34 through 42 N., Rs. 29, 30 and 31 E.
No. 39—
T. 30 N., Rs. 3 and 4 E.;
T. 31 N., Rs. 2, 3 and 4 E.;
Ts. 32, 32½, 33 and 34 N., Rs. 1 through 4 E.
No. 40—
T. 29 N., Rs. 5, 6 and 8 E.;
Ts. 30, 31, 32, 32½, 33 and 34 N., Rs. 5 through 8 E.
No. 41—
T. 28 N., Rs. 10, 11, 12, 12½ E.;
Ts. 29, 30, 33½ and 34 N., Rs. 9, 10, 11, 12, and 12½ E.;
T. 31 N., Rs. 9, 10, 12 and 12½ E.;
T. 32 N., Rs. 9, 12 and 12½ E.;
T. 33 N., Rs. 9, 11, 12 and 12½ E.
No. 42—
T. 28 N., R. 16 E.;
T. 32, 33 and 34 N., Rs. 13 through 16 E.
Nos. 43 and 43A—
T. 27 N., Rs. 18 and 19 E.;
Ts. 28, 32, 33 and 34 N., Rs. 17, 18 and 19 E.;
T. 31 N., R. 19 E.
No. 44—
Ts. 28 through 34 N., Rs. 20 through 23 E.
No. 45—
Ts. 28 through 34 N., Rs. 24 and 25 E.
No. 47—
Ts. 21 and 22 N., Rs. 12 and 12½ E.;
Ts. 23 and 24 N., Rs. 11, 12 and 12½ E.;
Ts. 25, 26 and 27 N., Rs. 10, 11, 12 and 12½ E.
No. 48—
T. 20½ N., R. 13 E.;
Ts. 21 through 24 N., Rs. 13 and 14 E.;
T. 27 N., R. 16 E.
No. 49—
Ts. 23, 24 and 25 N., Rs. 22, 23 and 24 E.;
Ts. 26 and 27 N., Rs. 21 through 24 E.
No. 50—
T. 23 N., R. 25 E.;
Ts. 24, 25 and 27 N., Rs. 25, 26 and 27 E.;
T. 26 N., Rs. 26 and 27 E.
No. 51—
T. 23 N., R. 28 E.;
Ts. 24 and 27 N., Rs. 26 through 31 E.;
T. 25 N., R. 31 E.;
T. 26 N., Rs. 30 and 31 E.

NAVAJO SPECIAL MERIDIAN

Unsurveyed sections in:
No. 45—
Ts. 2 through 5 N., R. 9 W.
No. 46—
Ts. 1, 2 and 6 N., Rs. 5 and 8 W.;
T. 3 N., R. 8 W.;

Ts. 4 and 5 N., Rs. 6, 7 and 8 W.;
T. 7 N., Rs. 5, 6 and 8 W.

2. Copies of these diagrams are for sale at One Dollar ($1.00) per sheet by the Arizona State Office, Bureau of Land Management, P.O. Box 148, Phoenix, Arizona.

Dated: July 14, 1960.

E. I. Rowland,
State Supervisor.

[F.R. Doc. 60-6803; Filed, July 20, 1960; 8:47 a.m.]

[85663]

MINNESOTA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JULY 15, 1960.

1. Plats of survey of the islands described below will be officially filed in the Eastern States Land Office, effective 10:00 a.m. on August 26, 1960.

FOURTH PRINCIPAL MERIDIAN

	Acres
T. 64 N., R. 18 W.,	
Sec. 29, Lot 15	1.36
T. 65 N., R. 19 W.,	
Sec. 23, Lot 6	0.49
Sec. 33, Lot 8	2.63

FIFTH PRINCIPAL MERIDIAN

T. 125 N., R. 38 W.,	
Sec. 16, Lot 8	0.21
T. 139 N., R. 41 W.,	
Sec. 6, Lot 7	0.05
T. 145 N., R. 34 W.,	
Sec. 31, Lot 6	7.81

2. Except for and subject to valid existing rights, it is presumed that title to Lot 8, Sec. 16, T. 125 N., R. 38 W., 5th P.M. passed to the State of Minnesota upon the acceptance of the above mentioned plat of survey.

3. The records show that all of T. 64 N., R. 18 W., 4th P.M. is withdrawn by the Shipstead-Nolan Act of July 10, 1930 and therefore Lot 15, Section 29 therein is not subject to disposition under the public land laws.

4. The remaining islands described in this notice are open to application, location, selection and petition as outlined in paragraph 6 below. No applications for these lands will be allowed under the Homestead, Small Tract or any other non-mineral public land law, unless the lands have already been classified for consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. The islands which are all upland in character are of sandy, gravelly and stoney formation, ranging in elevation from 1 to 20 feet above water level. The timber specie consists mainly of jack pine, Norway pine, white pine, spruce, birch, cedar, poplar, ash, elm, willow, and cottonwood, ranging in size from 4 to 30 inches in diameter.

6. Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

Applications by persons having prior, valid, existing and maintained settlement rights; preference rights conferred by existing laws; or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support thereof. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

All valid applications and selections under the non-mineral public land laws, other than those coming under paragraph above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., August 26, 1960 will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour and date will be governed by the time of filing.

7. All inquiries relating to the lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. Scholl,
Manager.

[F.R. Doc. 60-6804; Filed, July 20, 1960; 8:48 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 15, 1960.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial Number Nevada-055233 for the withdrawal of the lands described below, from all forms of appropriation, including the mining, but not the mineral leasing laws, nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended.

The applicant desires the land for construction of ponds and water control structures to improve waterfowl habitat, to retard waterfowl losses from botulism, and to provide public use of a natural resource. This area, to be known as Alkali Lake Wildlife Management Area, will be administered by the State of Nevada Fish and Game Department.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 23 E.,
Sec. 1, Lots 1, 2, 3 and 4, S½N½, SE¼, N½SW¼, SE¼SW¼;
Sec. 2, Lots 1, 2, 3 and 4, S½N½, N½SE¼, SW¼;
Sec. 3, Lots 1 and 2, S½NE¼, SE¼, S½SW¼;
Sec. 12, E½, E½NW¼, SW¼.
T. 13 N., R. 23 E.,
Sec. 34, S½SE¼;
Sec. 35, S½NE¼, SE¼, S½SW¼, NE¼SW¼;
Sec. 36, S½N½, S½.
T. 12 N., R. 24 E.,
Sec. 6, Lots 3, 4, 5, 6 and 7, SE¼NW¼, NE¼SW¼.
T. 13 N., R. 24 E.,
Sec. 31, Lots 3 and 4, E½SW¼.

The area as described contains approximately 3,487.80 acres.

Max W. Bridge,
Acting State Supervisor,
Reno, Nevada.

[F.R. Doc. 60-6805; Filed, July 20, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DELEGATION OF AUTHORITY TO EXECUTE CERTAIN DOCUMENTS AND ASSIGNMENT OF FUNCTIONS

Pursuant to the assignment of functions and the authority delegated (25 F.R. 436) to the undersigned, the material appearing at (23 F.R. 5931) is hereby revoked and the following is substituted therefor:

1. Authority is hereby delegated to the various market administrators of Federal milk orders, to the various marketing specialists of the Dairy Division, and to the various marketing specialists of the Fruit and Vegetable Division, charged with the responsibility of representing the Directors of said Divisions in the respective areas, to perform the functions of the Deputy Administrator prescribed by the General Regulations in Section 900.4 (b) and (c) (7 CFR Part 900), as follows:

(a) Except in the case of a new program pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the various market administrators of Federal milk orders, in respect to a hearing regarding an order administered by him, shall mail a true copy of the notice of hearing to each of the persons known to him to be interested in the hearing, based upon records available to the market administrator in the respective area, as required by the General Regulations in § 900.4(b) (1) (ii) (7 CFR Part 900), and execute an affidavit or certificate as therein prescribed.

(b) In the case of new programs and programs in operation pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the various marketing specialists of the Dairy Division, charged with the responsibility of representing the Director of said Division in connection with hearings regarding proposed milk orders or amendments to existing milk orders, with respect to which a notice of hearing has been issued, shall, except as notification has been given pursuant to paragraph (a) above, mail a true copy of the notice of hearing to each of the persons known to such representatives to be interested in such hearing as required by the General Regulations in § 900.4(b) (1) (ii) (7 CFR Part 900), and execute the affidavit or certificate as therein prescribed.

(c) The marketing specialist of the Fruit and Vegetable Division, charged with the responsibility of representing the Director of said Division in the respective areas subject to regulation by the order or the proposed order in question concerning other than milk, with respect to which a notice of hearing has been issued, shall mail a true copy of the notice of hearing to each of the persons, disclosed by the information available to such representative in the respective areas subject to regulation or proposed to be regulated, to be interested in such hearing as required by the General Regulations in § 900.4(b) (1) (ii) (7 CFR Part 900), and execute the affidavit or certificate as therein prescribed.

2. Authority is hereby delegated to the Information Specialists, Marketing Information Division, Agricultural Marketing Service, in Washington, D.C., or in the various area offices, to make available a copy of the press release issued by the Department to such newspapers in the area, subject to regulation, or proposed to be subjected to regulation, as will tend to bring the notice to the attention of interested persons as required by § 900.4(b) (1) (iii) of the General Regulations (7 CFR Part 900), and execute the affidavit or certificate as therein prescribed.

3. If for any reason, any officer or employee of the Department, assigned functions hereunder, finds it impractical or impossible to give the notice involved with respect to any hearing, he shall immediately notify the Director concerned of such facts with the reasons for his so finding in order that a decision may be made as to the need for a determination being filed in the proceeding as prescribed in § 900.4(c) of said regulations (7 CFR Part 900).

Done at Washington, D.C., this 12th day of July 1960, to become effective upon publication in the FEDERAL REGISTER.

H. L. Forest,
Director, Dairy Division, Agricultural Marketing Service.
Bert Johnson,
Acting Director, Marketing Information Division, Agricultural Marketing Service.
S. R. Smith,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6817; Filed, July 20, 1960; 8:49 a.m.]

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously published under the act (25 F.R. 8654, 6370, 6545) and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	8AT					(3)	
Do.	2AU	33		333	(3)	(3)	
Swift & Co.	3F		33				
Hygrade food Prods Corp.	12			333		(3)	
Do.	12A						
The Cudahy Pckng. Co.	19						
Roegelein Prov. Co.	82	3333	333				
Do.	32A						
Edgar Pckg. Co.	84						
Wilson & Co.	111	(3)				(3)	
Wilson & Co., Inc.	110		333	(3)			
Armour & Co.	177				(3)	(3)	
The Rath Pckg. Co.	198						
Hygrade Food Prod. Corp.	224			(3)		(3)	
American Stores Co.	279	33					
Midland Empire Pckg.	320					(3)	
Anza Pckg. Co.	345			(3)			
Landy Pckg. Co.	413					(3)	
Hebrew Pckg. Co., Inc.	425	333	(3)				
Cornhusker Pckg. Co.	466			(3)			
Golding Pckg. Co.	469						
Armour & Co.	500						
Pearl Packing Co., Inc.	524		33				
Pepper Pckg. Co.	526					33	
Swift & Co.	540	3333					
Pride Pckng. Co., Inc.	549		33	(3)			
H. H. Keim Co	580						
Ebner Bros. Packers	588					33	
Bird Provision Co.	647						
Wilson & Co., Inc.	655			(3)			
Pierce Pckg. Co., Inc.	691					(3)	
Vernon Calhoun Pckg., Co.	697						
Sigman Meat Co., Inc.	901	333	(3)				
Hansen Packing Co.	901A						
Armour & Co.	1065						

Done at Washington, D.C., this 18th day of July 1960.

C. H. Pals,
Acting Director,
Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 60-6819; Filed, July 20, 1960; 8:50 a.m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July 1960 Monthly Sales List; Amendment

The price listing for the Commodity Credit Corporation Monthly Sales List for July 1960 is amended as set forth below, and effective July 7, 1960, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) by adding the following in the section covering dairy products:

Commodity	Sales price or method of sale
Butter	Domestic, unrestricted use: 66.5 cents per pound New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.75 cents per pound Washington, Oregon, and California. 66.5 cents per pound—all other States. Export: Competitive bid under LD 33 pursuant to invitations to bid to be issued by the Cincinnati CSS Commodity Office. May be applicable to arrangements for barter or approved credit sales.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: July 15, 1960.

Walter C. Berger,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-6801; Filed, July 20, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 117 (Revised)]

FEDERAL MARITIME BOARD AND MARITIME ADMINISTRATION

Organization and Functions

JULY 8, 1960.

The material appearing in 25 F.R. 3860–3864 of May 4, 1960 is revised as follows:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Federal Maritime Board and the Maritime Administration.

SEC. 2. *Establishment.* The Federal Maritime Board and the Maritime Administration were established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950.

SEC. 3. *General functions.* .01 The Federal Maritime Board and the Maritime Administration are responsible for fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national defense and of the domestic and foreign commerce of the United States. The functions of the Federal Maritime Board include the making of rules and regulations with respect to merchant shipping, and the award of construction-differential and operating-differential subsidies to the United States merchant marine. The Maritime Administration is responsible for the construction, repair and operation of merchant ships, maintenance of national defense reserve fleets of Government-owned ships, administration of subsidy programs and other Government aids to shipping, maintenance of reserve shipyards for ship construction in national emergencies and the training of merchant marine officers; and performs activities for the Federal Maritime Board as directed by the Chairman, Federal Maritime Board.

.02 In carrying out their responsibilities, the Federal Maritime Board and the Maritime Administration are guided by the broad declaration of policy stated in Title I of the Merchant Marine Act, 1936, as amended (49 Stat. 1985).

SEC. 4. *Organization of the Federal Maritime Board.*—.01 *Composition of the Federal Maritime Board.* The Federal Maritime Board is composed of three members appointed by the President by and with the advice and consent of the Senate. The President designates one of the members to serve as Chairman of the Federal Maritime Board. The Chairman serves as the chief executive and administrative officer of the Federal Maritime Board, as provided by Reorganization Plan No. 6 of 1949.

.02 *Organizational Components.* The Federal Maritime Board has the following organizational components:

1. Office of the Chairman of the Federal Maritime Board;
2. Offices of the Members of the Federal Maritime Board;
3. Office of the Secretary;
4. Office of Regulations;
5. Office of Hearing Examiners; and
6. The General Counsel.

.03 *Use of Officers and Employees of the Maritime Administration.* Insofar as he deems desirable, the Chairman of the Federal Maritime Board makes use of the officers and employees of the Maritime Administration, under his supervision as Maritime Administrator, to perform activities for the Federal Maritime Board.

SEC. 5. *Functions of the Federal Maritime Board.*—.01 *Regulatory functions.* Reorganization Plan No. 21 of 1950 provides that the Federal Maritime Board shall be independent of the Secretary of Commerce in performing the following functions:

1. All functions under the provisions of Sections 14 to 20, inclusive, and Sections 22 to 33, inclusive, of the Shipping Act, 1916, as amended, including such functions with respect to the regulation and control of rates, services, practices and agreements of common carriers by water and of other persons;

2. All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended;

3. The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of Section 19 of the Merchant Marine Act, 1920, as amended, exclusive of subsection (1)(a) thereof;

4. The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of Section 212(e) of the Merchant Marine Act, 1936; as amended; and

5. So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of Section 21 of the Shipping Act, 1916, as amended, as relates to its functions under subsections 1 through 4 above.

.02 *Subsidy and other functions.* Reorganization Plan No. 21 of 1950 provides that the Federal Maritime Board shall be guided by the general policies of the Secretary of Commerce in performing the following functions:

1. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction, or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

2. The functions with respect to: (a) conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VIII, and Sections 301, 708, 805(a) and 805(f) of the Merchant Marine Act, 1936, as amended; (b) making changes, subsequent to entering into an operating-differential subsidy contract, in such determinations under Section 301 of such Act, as amended, and readjustments in determinations as to operating cost differentials under Section 606 of such Act, as amended; and (c) the approval of the sale, assignment, or transfer of any operating subsidy contract under Section 608 of such Act, as amended;

3. The functions with respect to investigating and determining (a) the relative cost of construction of comparable vessels in the United States and foreign countries, (b) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (c) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of Section 211 of the Merchant Marine Act, 1936, as amended;

4. All functions under Section 12 of the Shipping Act, 1916, as amended, including such functions with respect to making investigations and reports on relative costs and on marine insurance;

5. So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges and memoranda, under Section 21 of the Shipping Act, 1916, as amended, as relates to the functions of the Board under subsections 1 through 4 above;

6. So much of the functions with respect to adopting rules and regulations, making reports and recommendations to Congress, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under Sections 204, 208, and 214 of the Merchant Marine Act, 1936, as amended, as relates to the functions of the Board, under the provisions of Reorganization Plan No. 21.

.03 *Charters Under the Merchant Ship Sales Act of 1946, as Amended by Public Law 591, 81st Congress.* The Federal Maritime Board makes determinations, after public hearings, as to whether the bareboat charter of war-built dry-cargo ships owned by the United States is required in the public interest in any service not adequately served and for which privately-owned American flag ships are not available for charter by private operators on reasonable conditions and rates; certifies its findings to the Secretary of Commerce with any conditions which it determines to be necessary or appropriate to protect the public interest in respect to such charters and to protect privately-owned ships against competition from ships chartered by the Secretary of Commerce; and reviews such charters annually for the purpose of making recommendations to the Secretary of Commerce as to whether conditions exist justifying the continuance of the charters.

.04 *Mortgage insurance.* Pursuant to Section 1104(a)(10) of the Merchant Marine Act, 1936, as amended, the Federal Maritime Board is responsible for approving limited liability mortgages for passenger vessels, in connection with applications for mortgage insurance under Title XI of the said Act.

.05 *Functions of organizational components under the Federal Maritime Board.* 1. The Office of the Secretary receives documents required to be filed with the Federal Maritime Board and the Maritime Administration; prepares agenda and dockets of matters to be considered by the Board; maintains records of meetings; issues notices and orders as a result of actions taken; executes authorized contracts and other instruments; administers oaths; issues subpoenas; and generally exercises administrative surveillance over the activities of the Office of Regulations and the Office of Hearing Examiners;

2. The Office of Regulations examines and makes recommendations to the Federal Maritime Board concerning agreements between common carriers by water and other persons subject to the Shipping Act, 1916, as amended, tariffs of common carriers and terminal operators and applications for registration of freight forwarders; maintains surveillance over the practices of parties subject to the shipping statutes; reviews informal complaints and studies evidences of violations of the Shipping Act, 1916, as amended, and other applicable laws and takes corrective action thereon or prepares recommendations to the Board for appropriate action; makes recommendations to the Board with respect to rules and regulations relating to the foregoing; and maintains official records, available for public inspection. The Office of Regulations has the following divisions: Division of Domestic Regulations, Division of Foreign Regulations, and Division of Compliance;

3. The Office of Hearing Examiners conducts hearings and makes initial or recommended decisions under the Administrative Procedure Act on formal complaints of violations of the Shipping Act, 1916, as amended, and other shipping statutes; applications for operating-differential subsidy; investigations of employment and wage conditions on ships receiving operating-differential subsidy; and applications for charters under Public Law 591, 81st Congress; and

4. The General Counsel serves as the law officer of the Federal Maritime Board and renders legal advice and assistance to the Board. Incumbent serves also as the General Counsel of the Maritime Administration.

SEC. 6. *Organization of the Maritime Administration.*—.01 *Maritime Administrator.* The Chairman of the Federal Maritime Board is ex officio the Maritime Administrator. When serving as Maritime Administrator, he reports and is responsible to the Secretary of Commerce, through the Under Secretary of Commerce for Transportation. As Maritime Administrator, he is vested also with the residual powers and authorities of Director, National Shipping Authority, which was established by the Secretary of Commerce under Executive Order 10219; and is designated Commandant of the United States Maritime Service.

.02 *Deputy Maritime Administrator.* The Maritime Administrator is assisted in his duties by a Deputy Maritime Administrator, who performs such duties as the Maritime Administrator may prescribe. In addition, he is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Maritime Administrator; and executes for the Maritime Administrator his residual powers as Director, National Shipping Authority, including all National Shipping Authority orders and amendments thereof. The Deputy Maritime Administrator is appointed by the Secretary of Commerce, after consultation with the Maritime Administrator. The Deputy Maritime Administrator at no time sits as a member of the Federal Maritime Board.

.03 *Organizational components.* The Maritime Administration has the following organizational components:

1. Office of the Maritime Administrator, Deputy Maritime Administrator.
2. Assistant Deputy for Administration.
   (1) Office of Budget and Management.
   (2) Office of Personnel Management.
   (3) Office of Investigations and Security.
   (4) Office of Property and Supply.
   (5) Office of Ship Statistics.
3. Office of the General Counsel.
4. Office of the Comptroller.
5. Office of Planning and Special Studies.
6. Office of Public Information.
7. Office of Ship Construction.
8. Office of Ship Operations.
9. Office of Government Aid.
10. Office of Research and Development.
11. Offices of the Coast Directors; and
12. United States Merchant Marine Academy.

.04 *Use of officers and employees of the Federal Maritime Board.* Insofar as he deems desirable, the Maritime Administrator makes use of officers and employees of the Federal Maritime Board, under his supervision as Chairman, to perform activities for the Maritime Administration.

SEC. 7. *Functions of the Maritime Administration.* .01 Specific functions of the Organizational Components of the Maritime Administration are as follows:

1. The Office of the Maritime Administrator directs the activities of the Maritime Administration, including all such activities which are performed for the Federal Maritime Board. Within this office are personnel responsible for liaison and advisory services on maritime training.

2. The Assistant Deputy for Administration directs and administers the organizations and activities as enumerated in subsections (1) through (5) below:

(1) The Office of Budget and Management formulates, recommends and interprets budgetary policies and programs; collaborates with operating officials in the development of work programs and fiscal plans; develops and presents budget requests and justifications, and apportionments; arranges for transfers of funds; maintains budgetary control of funds available; conducts analyses of status of all budgetary availabilities; reviews program performance in relation to agency's fiscal plans; conducts studies of management practices, organization, functions, authorities, procedures, work methods, and automatic data processing equipment applications for the purpose of recommending measures for the improvement of operations; maintains a system for the issuance of the manual of orders and other directives; maintains programs for the control of forms, reporting requirements, graphic presentations, and committee activities; facilitates the production of publications and procurement of printing services; coordinates the management improvement program; conducts internal audits of financial activities and records; and prepares periodic activity reports to the Department of Commerce and to the Congress. The Office of Budget and Management has the following divisions: Division of Budget, Division of Management, and Division of Internal Audit;

(2) The Office of Personnel Management plans and administers personnel activities relating to recruitment, placement, compensation, promotion, training, separation, performance evaluation, incentive awards, employee relations and services, employee utilization, National Defense Executive Reserve, position classification and wage rate compensation programs. The Office of Personnel Management has the following divisions: Division of Classification and Wage Administration and the Division of Employment;

(3) The Office of Investigations and Security conducts investigations with respect to the internal programs, activities and employees of the Federal Maritime Board and the Maritime Administration, rates and practices of common carriers by water and other persons subject to the regulatory authority of the Board and performance of individuals and organizations in contractual relationship with the Board/Administration; and, under the general policy guidance of the Departmental Security Officer, administers the Security Program under Executive Orders 10450 and 10501, the Atomic Energy Act and the security provisions of the North Atlantic Treaty Organization and the Southeast Asia Treaty Organization;

(4) The Office of Property and Supply is responsible for the procurement of supplies, materials, equipment and services; conducts domestic freight and passenger traffic activities, and settles loss or damage claims arising from shipments on Government bills of lading; conducts material control and disposal activities, ship and other inventories, sales of ships, and supervises compliance with ship sales agreements and mortgages; secures allocations of the production capacity of private plants for the

manufacture of components and materials required in the event of mobilization; conducts facilities management activities, including acquisition, lease and disposal of marine terminals, warehouses, reserve shipyards, reserve training stations, and other real estate, settlement of claims, maintenance, custody and protection of real property and facilities; is responsible for maintenance and operation of warehouses; renders office services to all components of the agency, including communications, records management, library, duplicating, tabulating and property maintenance services; and issues merchant marine decorations and awards. The Office of Property and Supply has the following divisions: Division of Purchase and Sales, Division of Facilities Management, and Division of Office Services;

(5) The Office of Ship Statistics collects, maintains, and disseminates statistical data relating to cargoes carried in the domestic and foreign trades of the United States, composition and characteristics of the world's merchant fleets, seafaring, longshore and shipyard labor; conducts cargo data analyses reflecting competitive factors for use in calculation of operating-differential subsidy rates. The Office of Ship Statistics has the following divisions: Division of Ship Data, Division of Labor Data, and Division of Cargo Data;

3. The Office of the General Counsel, under the general policy guidance of the General Counsel, Department of Commerce, serves as the law office of the Board and Administration; reviews, and gives legal clearance to, applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepares, and approves as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; renders legal opinions as to the interpretation of such documents and the statutes; prepares drafts of proposed legislation and Executive Orders, and legislative reports to Congressional committees and the Bureau of the Budget; negotiates and settles, or recommends settlement of, admiralty claims, tort claims, and compensation claims, tort claims, and claims referred to the office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represents the Board and Administration in public proceedings involving regulatory, subsidy, charter and related matters, before the Board and other administrative agencies of the Government, and in State and Federal courts; and handles court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Board and Administration. The Office of the General Counsel has the following divisions: Division of Construction Contracts, Division of Operating and Mortgage-Insurance Contracts, Division of Legislation, Division of Litigation, and Division of Regulations;

4. The Office of the Comptroller renders financial advice and opinions; performs accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports; issuance of invoices, audit and certification of vouchers for payment; prescribes a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; performs required external audits of contractors' accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintains control records of statutory and contractual reserve funds; administers the marine and marine war-risk insurance programs; takes necessary action to effect collection of amounts due; negotiates and settles, or recommends settlement of, marine and marine war-risk insurance claims, and general claims; analyzes financial statements and other data submitted by existing and prospective contractors to determine financial qualifications and limitations. The Office of the Comptroller has the following divisions: Division of Accounts, Division of Audits, Division of Insurance, and Division of Credits and Collections;

5. The Office of Planning and Special Studies develops and recommends long-range merchant marine policies and programs; coordinates national defense planning activities; maintains liaison with the Department of State and international organizations on shipping matters; formulates and conducts programs for the development and promotion of ports and port facilities, and emergency planning for operation of United States seaports under mobilization conditions; supervises training in maritime fields for grantees of the International Cooperation Administration and others; and conducts special economic and shipping studies;

6. The Office of Public Information, subject to policy guidance and direction of the Departmental Public Information Officer, issues or clears for issuance all information for the general public on shipping and on decisions and activities of the Board and Administration, and prepares periodic and special reports, as assigned;

7. The Office of Ship Construction collects and analyzes data on relative costs of shipbuilding in the United States and foreign countries; calculates and recommends amount of construction-differential subsidy; develops preliminary designs establishing the basic characteristics of proposed ships; reviews and approves ship designs submitted by applicants for Government aid; recommends and, upon request, conducts research and development projects in ship design and construction; develops or approves contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; reviews, obtains approval and certification of national defense features by the Department of the Navy; prepares cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; inspects ships during the course of work to assure conformance with approved plans and specifications; upon the direction of the Maritime Administrator or upon request of the Office of Research and Development, provides technical services and advice in connection with the development of basic characteristics, preliminary design, and the review of contract plans and specifications of the hull and conventional machinery of experimental ships; conducts activities relating to the design and construction of developed ships, including developed nuclear ships; performs expediting and scheduling activities to insure satisfactory delivery of components and materials to shipyards; maintains current records of commercial shipyard ways in the United States and schedules of work progress on such ways; operates the Defense Materials System for ship construction; develops requirements for mobilization ship construction programs; makes recommendations for the allocation of ship construction contracts under Public Law 805, 84th Congress; and conducts trial, acceptance and guarantee surveys of ships. The Office of Ship Construction has the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Nuclear Activities, Division of Production, and contains the Trial and Guarantee Survey Boards;

8. The Office of Ship Operations provides safety engineering services to all components of the agency; approves transfers of ships to foreign ownership, registry or flag; recommends rates for the transportation of Government-financed cargoes and for services of ships operated by, or for the Maritime Administration; determines program requirements for, and allocates Government-owned oceangoing merchant shipping; recommends the reactivation, purchase, chartering or requisition of merchant ships for Government use; directs the operation of Maritime Administration-owned or acquired merchant ships; is responsible for activities relating to the charter of such ships; recommends terms of and administers General Agency, Charter and Berth Agency agreements and contracts, and related orders; reviews and makes recommendations, from an operating standpoint, on applications for new ship construction; recommends and, upon request, conducts research and development projects in ship operation fields, develops plans for the manning of new or experimental type ships; directs the conduct of condition surveys of ships; recommends terms of, and administers contracts for ship repairs for the account of the Maritime Administration; and directs the maintenance of the national defense reserve fleets, including the ship preservation programs. The Office of Ship Operations has the following divisions: Division of Operating Agreements and Traffic, Division of Operations, Division of Ship Repair and Maintenance, and Division of Ship Custody;

9. The Office of Government Aid processes applications for construction-differential and operating-differential subsidy, Federal Ship Mortgage insurance, trade-in allowances, and other forms of Government aid to shipping; conducts negotiations with applicants, obtains comments of other offices, and prepares reports and recommendations for the award of Government aid contracts; administers all forms of Government aid contracts after their execution; coordinates the work of other organizational components in connection with such contracts; administers Construction Reserve Funds; collaborates with the Office of the Comptroller in preparing recommendations relating to the administration of Special and Capital Reserve Funds of subsidized operators; collects, analyzes, and evaluates costs of operating ships under United States and foreign registry; calculates and recommends operating-differential subsidy rates; conducts studies to evaluate the efficiency and economy of operations of subsidized operators; analyzes and makes recommendations on the trade route structure and requirements of the oceanborne commerce of the United States; and examines, approves or modifies sailing schedules of subsidized operators. Within this office are personnel responsible for the collection of maritime cost data and other technical maritime activities in foreign countries. The Office of Government Aid has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Operating Costs, and Division of Trade Routes;

10. The Office of Research and Development plans, initiates, and carries out research and development activities, including basic and applied research, as needed to assure that the United States merchant marine shall be composed of the best-equipped, safest and most suitable types of ships and capable of competing favorably with ships of other maritime nations; develops, recommends approval of, and directs all approved research and development projects in the maritime field, including cargo handling, ship design, marine transportation systems, advanced propulsion concepts and ship management, relying primarily on outside contractors for the conduct of advanced studies, engineering design, fabrication, construction and test operation of special components and systems, and prototype components, power plants, and ships; is responsible for planning and organizing all research and development projects, establishing fund requirements, maintaining control of allotted funds, negotiating and administering contracts, reviewing, analyzing and approving contractor performance, and performing expediting and scheduling activities to assure satisfactory delivery of services and materials; keeps abreast of research and development programs in maritime fields of other nations, Government agencies, and industry; participates with other Government agencies, such as Atomic Energy Commission, Office of Naval Research, etc., in the conduct of research and development of joint interest, including supervision and direction of all activities relating to the development, design, construction, and test operation of the first nuclear-powered merchant ship, the NS "Savannah"; and collaborates with other offices of the Maritime Administration to obtain optimum utilization of their knowledges and special skills in carrying out all of the above responsibilities. The Office of Research and Development has the following divisions: Division of Research Planning, Division of Development Projects, and Division of Technical Support;

11. The Offices of the Atlantic, Gulf and Pacific Coast Directors are responsible for all field offices and programs of the Maritime Administration within their respective coast areas, subject to national policies and program determinations, standard procedures, and technical direction of the appropriate office chief in Washington, D.C.; and

12. The United States Merchant Marine Academy, Kings Point, New York, develops and maintains programs for the training of American citizens to become officers in the United States merchant marine.

SEC. 8. *Delegations of authority to the Maritime Administrator.* .01 Subject to such conditions and limitations as the Secretary of Commerce may impose, the Maritime Administrator is authorized to exercise the powers and authorities vested in the Secretary of Commerce by:

1. Reorganization Plan No. 21 of 1950 (other than the authority to establish general policies for the guidance of the Federal Maritime Board in exercising its functions under Section 105 of said plan);

2. Executive Orders 10480 and 10219, as amended, and any present or subsequent delegations or implementing orders under mobilization statutes, with respect to intercoastal, coastwise, and overseas shipping, including the use thereof; and

3. Any other existing or subsequent legislation and Executive Orders with respect to the promotion and maintenance of the United States merchant marine.

.02 The authority granted by Section 8.01 2 above shall not be deemed to include authority to grant exceptions from the provisions of Transportation Orders T-1 and T-2, as amended.

.03 Any condition or limitation which may be imposed by the Secretary of Commerce on the authority delegated in Section 8.01 above and which requires public notice under the provisions of Section 3(a) of the Administrative Procedure Act will be published in the FEDERAL REGISTER.

.04 The Maritime Administrator may redelegate the authority delegated herein, and prescribe necessary limitations, restrictions and conditions on the exercise of such authority.

.05 All actions heretofore taken by the Maritime Administrator in conformance with the provisions of this Section are hereby confirmed and approved.

Effective date: July 8, 1960.

FREDERICK H. MUELLER,
Secretary of Commerce.

All statements affecting the Federal Maritime Board contained in the foregoing have been adopted by the Federal Maritime Board.

THOS. E. STAKEM,
Vice Chairman,
Federal Maritime Board.

[F.R. Doc. 60-6809; Filed, July 20, 1960; 8:49 a.m.]

FREDERICK L. GRAF

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 13, 1960.

FREDERICK L. GRAF.

JULY 13, 1960.

[F.R. Doc. 60-6565; Filed, July 20, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11233]

AIRSEMBLY FORWARDERS, INC.; INTERLOCKING RELATIONSHIP

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on July 27, 1960 at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 18, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-6812; Filed, July 20, 1960; 8:49 a.m.]

[Docket Nos. 11541, 11544; Order No. E-15525]

ALLEGHENY AIRLINES, INC.

Proposed "No-Reservation Fares" Between Philadelphia and Providence/Boston

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July 1960, in the matter of complaints against Allegheny Airlines, Inc., proposed "No-Reservation Fares" between Philadelphia and Providence/Boston; Dockets 11541 and 11544.

By a tariff revision filed on June 10, 1960,[1] Allegheny Airlines, Inc. (Allegheny) proposes to introduce "No-Reservation Fares" between Philadelphia/Camden on the one hand, and Boston, Massachusetts and Providence, Rhode Island, on the other. The one-way fares proposed are $13.64 between Philadelphia and Boston and $11.82 between Philadelphia and Providence. These fares reflect reductions from the currently effective first-class fares of approximately 36 percent and 37 percent, respectively.

[1] Allegheny Airlines, Inc., C.A.B. No. 11.

and are marked to expire on March 31, 1961. They are available to passengers who make no reservations, carry their own baggage, and board flights on a stand-by basis.

The New York, New Haven and Hartford Railroad, the Pennsylvania Railroad Company, and Northeast Airlines, Inc., by complaints filed June 24 and 27, 1960, have requested the Board to investigate and suspend Allegheny's proposed tariff on the grounds that the fares are uneconomical, unreasonably low, unjustly discriminatory, unduly preferential, unduly prejudicial, and will have the effect of increasing the subsidy requirements of Allegheny.

On October 1, 1959, the Board considered a similar proposal by Allegheny to introduce a "No-Reservation Fare" between Philadelphia and Pittsburgh and found that, although suspension of the proposal was not warranted, an investigation should be instituted to determine the lawfulness of the tariff charge.[1] A hearing in this investigation is scheduled July 28, 1960.

The proposed fares represent a worthwhile experiment in promotional fares and a lower cost type of service which we are reluctant to suspend in the absence of a more compelling showing of probable unlawfulness than has been made by the complainants. We will therefore dismiss the complaints insofar as suspension is sought.

The current investigation of Allegheny's "No-Reservation Fare" between Pittsburgh and Philadelphia (Docket 10900) involves many questions which are substantially similar to those involving its Philadelphia-Providence/Boston "No-Reservation Fare" proposals. In view of the substantially similar questions involved we recognize that the final decision in the Pittsburgh-Philadelphia investigation may provide guideposts for further Board action in respect to fares of this nature both as presently proposed and as may be proposed in the future. Moreover, it is to be expected that the decision of the Board in the Pittsburgh-Philadelphia case will be issued at a much earlier date than would be possible for the completion of any investigation of the instant proposals. Under these circumstances we will not initiate a second investigation of "No-Reservation Fares" at this time. We will defer ruling, therefore, upon the complainants' requests for investigation until such future time when any investigation would not result in either an unjustifiable duplication of effort or a substantial delay in concluding the pending investigation.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. The complaints in Dockets Nos. 11541 and 11544 be dismissed insofar as suspension is requested.

2. Decision be deferred upon the requests for investigation contained in the complaints in Dockets Nos. 11541 and 11544.

3. Copies of this order be served on Allegheny Airlines, Inc., the New York, New Haven and Hartford Railroad Company, the Pennsylvania Railroad Company, and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-6813; Filed, July 20, 1960; 8:49 a.m.]

[1] Order E-14813 "In the Matter of Allegheny Airlines, Inc., Proposed "Book Ticket Fare" and "No-Reservation Fare", Docket 10900.

[2] Dissenting opinion of Mr. Boyd filed as part of original document.

ATOMIC ENERGY COMMISSION

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Issuance of Interim Facility License

Please take notice that the Atomic Energy Commission has issued to Yankee Atomic Electric Company Interim Facility License No. DPR-3, authorizing operation of the reactor located at Rowe, Massachusetts, at power levels not in excess of 5 MW thermal solely for the purposes of initial core loading, initial criticality, and low power tests. The license, effective July 9, 1960, was issued pursuant to the Second Intermediate Decision and Order for Limited Power Operations issued by the Presiding Officer July 9, 1960.

Dated at Germantown, Md., this 14th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK, *Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 60-6781; Filed, July 20, 1960; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 384]

SECRETARY OF DEFENSE

Authority To Represent Interests of Executive Agencies of Federal Government in Matter of Proposed Rates for In-Out Dialing

Authority to represent the interests of the executive agencies of the Federal Government in the matters of Southern Bell Telephone & Telegraph Company, Alabama Public Service Commission, Georgia Public Service Commission, File 19315, Docket No. 1560-U, Tennessee Public Service Commission, Docket U-4398; proposed rates for in-out dialing.

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matters of Southern Bell Telephone & Telegraph Company, Alabama Public Service Commission, Georgia Public Service Commission, File 19315, Docket No. 1560-U, and Tennessee Public Service Commission, Docket U-4398, proposed rates for in-out dialing, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective June 28, 1960.

Dated: July 15, 1960.

FRANKLIN FLOETE, *Administrator.*

[F.R. Doc. 60-6792; Filed, July 20, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2361]

HEALTH MACHINES AND EQUIPMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 15, 1960.

I. Health Machines and Equipment Corporation (issuer), a Colorado corporation, 206 South Federal Boulevard, Denver, Colorado, filed with the Commission on March 25, 1959 a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has filed a report of sales on Form 2-A which fails to reflect accurately the use of the proceeds from the offering;

2. The issuer has failed to revise its offering circular in accordance with the requirements of Rule 256(e).

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to reflect the fact that the proceeds of the offering were being and had been used for advances to an affiliate;

2. The failure to reflect the fact that the company is no longer in business at the address shown in the offering circular.

C. The offering, if made on the basis of the material filed, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6796; Filed, July 20, 1960; 8:47 a.m.]

[File No. 811-876]

TRINITY SMALL BUSINESS INVESTMENT CO.

Notice of Motion To Terminate Registration

JULY 14, 1960.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion is proposing under section 8(f) of the Investment Company Act of 1940 ("Act") to declare by order that Trinity Small Business Investment Company ("Trinity"), registered under the Act as a closed-end investment company, has ceased to be an investment company.

Trinity was organized under South Carolina law on March 30, 1959 for the express purpose of operating as a licensee under the Small Business Investment Act of 1958 ("Act of 1958"). On April 17, 1959 it registered under the Act and also filed its Registration Statement on Form N-5 under the Act and under the Securities Act of 1933 registering 235,000 shares of its capital stock which it proposed to offer to the public. This Registration Statement, insofar as it pertained to the offering of securities under the Securities Act of 1933, was ordered effective on September 28, 1959. Subsequently, on December 4, 1959, pursuant to the request of Trinity, the Commission issued its order consenting to the withdrawal of the Registration Statement under the Securities Act of 1933.

Trinity has represented to the Commission that the final prospectus under the Securities Act of 1933 registration statement was not circulated to anyone other than the company's directors; that no public solicitations were made, nor were subscriptions accepted; no shares of its capital stock were issued; and the company will be dissolved and its charter cancelled. The Small Business Administration informed the Commission that no license had been issued to Trinity under the Act of 1958.

Notice is further given that any interested person may, not later than July 29, 1960, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6797; Filed, July 20, 1960; 8:47 a.m.]

[File No. 812-1322]

CENTRAL SECURITIES CORP. AND WM. H. TEGTMEYER & CO.

Notice of Filing of Application for Order Exempting Certain Proposed Transactions

JULY 19, 1960.

Notice is hereby given that Central Securities Corporation ("Central"), a registered closed-end non-diversified management investment company, has filed an application under section 17(b) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale to Central by Wm. H. Tegtmeyer & Co. ("Tegtmeyer & Co."), the underwriter in a current offering of the securities of Super Food Services, Inc., ("Super Food"), of 10,000 Preferred Shares-Convertible Series of Super Food at $25.00 per share.

Super Food is a Delaware Corporation engaged, among other things, in the wholesale grocery business. Tegtmeyer & Co., under a firm underwriting commitment acquired 70,000 Preferred Shares-Convertible Series of Super Food which it is offering to the general public at $25.00 per share. Central and Super Food are affiliates of each other by reason of the ownership by Central of more than 5 percent of the outstanding voting securities of Super Food. In addition, William H. Tegtmeyer ("Tegtmeyer"), is President, Director and the sole stockholder of Tegtmeyer & Co., and is also President, Director and the owner of more than 5 percent of the oustanding voting securities of Super Food.

Pursuant to section 2(a)(3) of the Act, Tegtmeyer and Tegtmeyer & Co., are affiliates of each other and Tegtmeyer and Super Food are affiliates of each other. The application recites that Tegtmeyer & Co. is not technically an affiliated person of Super Food or an affiliated person of an affiliated person of Central, but requests the relief sought in the application in order to avoid any question of the legality of the proposed transaction under the Act by reason of Tegtmeyer's sole ownership and control of Tegtmeyer & Co.

Pursuant to section 48(a) of the Act, it is unlawful for any person, directly or indirectly, to cause to be done any act or thing through or by means of any other person which it would be unlawful for such person to do under the Act and the rules promulgated thereunder. In this connection the direct sale of the Super Food stock by Tegtmeyer & Co. to Central would constitute the indirect sale of such stock by Tegtmeyer, who by reason of the affiliated relationship referred to above, could not make such sale unless the transaction is exempted from section 17(a) of the Act.

Section 17(a) prohibits, among other things, an affiliated person of a registered investment company (Central) or an affiliated person (Tegtmeyer) of an affiliated person (Super Food) of a registered investment company from selling to such company any security or other property unless an order exempting such transaction is granted by the Commission pursuant to section 17(b), upon a finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the registered investment company concerned and consistent with the general purposes of the Act.

The application states that the proposed purchase from Tegtmeyer & Co. will be at the same price and under the same conditions as the offering to other purchasers; that the securities proposed to be acquired are a proper and sound investment for Central; and that the proposed transaction does not contravene and is not inconsistent with the general purposes of the Act and is consistent with the tax and investment policy of the Applicant.

Notice is further given that any interested person may, not later than July 29, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed

to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–6864; Filed, July 20, 1960; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 289]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the months of June and July 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in Harris County suffered damage or destruction as a result of flood on or about June 26, 1960 and from persons or firms whose property situated in Hale, Lamb, Hockley and Lubbock Counties suffered damage or destruction as a result of flood occurring on or about July 8, 1960, including any areas adjacent to said counties.

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, 1424 Hadley Street, Houston, Tex. Small Business Administration Branch Office, Veterans Administration Building, Room 212, 1616 19th Street, Lubbock, Tex.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1961.

Dated: July 12, 1960.

PHILIP MCCALLUM, *Administrator.*

[F.R. Doc. 60–6816; Filed, July 20, 1960; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

GERHARD BLEICKEN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Vice President and Secretary, John Hancock Mutual Life Insurance Co., Boston, Mass.

Director, Robinson Technical Products, Inc., Teterboro, N.J.

Director, High Vacuum Equipment Corp., Hingham, Mass.

Director, Kinetics Corp., Hingham, Mass.

Trustee, B & M Real Estate Trust, Hingham, Mass.

This amends statement published January 19, 1960 (25 F.R. 417).

GERHARD BLEICKEN.

JULY 9, 1960.

[F.R. Doc. 60–6782; Filed, July 20, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 18, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36398: *T.O.F.C. service—Paper articles within southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7847), for interested rail carriers. Rates on paper articles, as described in the application, loaded in trailers and transported on railroad flat cars between points in southwestern territory, including Natchez, Miss., and Memphis, Tenn.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36399: *T.O.F.C. service—Iron and steel articles within southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7848), for interested rail carriers. Rates on iron and steel articles, loaded in trailers and transported on railroad flat cars between points in southwestern territory, including Natchez, Miss., and Memphis, Tenn.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36400: *T.O.F.C. service—Class and commodity rates from and to Porum and Shopton, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B–7849), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in trailers and transported on railroad flat cars between points in southwestern territory, including Natchez, Miss., and Memphis, Tenn., on the one hand, and Porum and Shopton, Okla., on the other.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36401: *Scrap iron or steel—Muskegon, Mich., to South Chicago, Ill.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2440), for interested rail carriers. Rates on scrap iron or steel, as described in the application, in carloads from Muskegon, Mich., to South Chicago, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 95 to Chesapeake and Ohio Railway Company tariff I.C.C. 13487.

FSA No. 36402: *Scrap iron or steel—Holland, Mich., to Chicago, Ill.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2441), for interested rail carriers. Rates on scrap iron or steel, as described in the application, in carloads from Holland, Mich., to Chicago, Ill., and points within switching limits, also South Chicago, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 95 to Chesapeake and Ohio Railway Company tariff I.C.C. 13487.

FSA No. 36403: *Coal—West Virginia Mines to South Carolina.* Filed by The Chesapeake and Ohio Railway Company (No. A–39), for interested rail carriers. Rates on coal, in carloads from mines in southern West Virginia to specified points in South Carolina.

Grounds for relief: Rate relationship with other origin mines.

Tariffs: Supplements 12 and 16 to Chesapeake and Ohio Railway tariff I.C.C. 13590.

FSA No. 36404: *Screened gravel—To Decatur, Ill.* Filed by Illinois Freight Association, Agent (No. 107), for interested rail carriers. Rates on screened gravel, in carloads from Attica, Montezuma and Terre Haute, Ind., to Decatur, Ill.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 103 to Baltimore and Ohio Railroad tariff I.C.C. 24046. Supplement 60 to Pennsylvania Railroad tariff I.C.C. 3414.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–6806; Filed, July 20, 1960; 8:48 a.m.]

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Presidential Documents

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Proclamation 3357

CAPTIVE NATIONS WEEK, 1960

By the President of the United States of America

A Proclamation

WHEREAS many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism; and

WHEREAS the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

WHEREAS the citizens of the United States are linked by bonds of family and principle to those who love freedom and justice on every continent; and

WHEREAS it is appropriate and proper to manifest to the peoples of the captive nations the support of the Government and the people of the United States of America for their just aspirations for freedom and national independence; and

WHEREAS by a joint resolution approved July 17, 1959 (73 Stat. 212), the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July 1959 as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning July 17, 1960, as Captive Nations Week.

I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-6802; Filed, July 20, 1960; 2:40 p.m.]

Proclamation 3358

DETERMINING ETHYL 1-(3-CYANO-3,3-DIPHENYLPROPYL)-4-PHENYL-4-PIPERIDINECARBOXYLATE TO BE AN OPIATE

By the President of the United States of America

A Proclamation

WHEREAS section 4731(g) of the Internal Revenue Code of 1954 provides in part as follows:

OPIATE.—The word "opiate", as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201(g); 21 U.S.C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. * * *;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that the following-named drug has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

Ethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenyl-4-piperidinecarboxylate.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that the aforementioned drug has an addiction-forming or addiction-sustaining liability similar to morphine and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this eighteenth day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-6803; Filed, July 20, 1960; 2:40 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1961–62 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1961 CROP

Correction

In F.R. Doc. 60-6045, appearing at page 6267 of the issue for Saturday, July 2, 1960, the following corrections are made in the tabular material under § 728.1107:

1. Under California, the total in the "Apportionment from the national reserve: Acreage apportioned" column should read "414" instead of "441".

2. Under Mississippi, the figures in the "Apportionment from the national reserve: Acreage apportioned" column for Humphreys and Issaquena counties should read "211" and "152" respectively, instead of "21" and "15". In the same column, the figures "2", "1", "3", and "2" should be entered for Itawamba, Jackson, Jefferson, and Jefferson Davis counties, respectively.

3. Under Pennsylvania, the figure in the "County reserve for appeals and corrections" column for Westmoreland county should read "25" instead of "35".

Title 14—AERONAUTICS AND SPACE

Chapter II—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-KC-7]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.30 of the regulations of the Administrator is to modify the Sturgeon Bay, Mich., Restricted Area (R-502) (Green Bay Chart).

The present time of designation of Restricted Area R-502 is from 0800 to 1800 c.s.t. The Department of the Air Force has reviewed the activities, aerial rocketing and gunnery, within this area and determined that the time of designation can be reduced to 0900 to 1600 c.s.t. Therefore, the Federal Aviation Agency is reducing the time of designation from "0800 to 1800 c.s.t." to "0900 to 1600 c.s.t."

Since this amendment reduces a burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.30, the Sturgeon Bay, Mich., Restricted Area (R-502) (Green Bay Chart) (23 F.R. 8583, 24 F.R. 1079) is amended by deleting "0800–1800C, Monday–Friday" and substituting therefor "0900–1600 c.s.t., Monday–Friday".

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 18, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6824; Filed, July 21, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-88]

PART 608—RESTRICTED AREAS

Revocation of Prohibited Area and Designation of Restricted Areas

The purpose of these amendments is to modify Executive Order 10127 by revoking the airspace reservation, hereinafter referred to as Prohibited Area (P-207), established over the Los Alamos Project, Sante Fe, N. Mex., and to amend Part 608 of the regulations of the Administrator by designating Los Alamos, N. Mex., Restricted Areas (R-5A and R-5B) (Albuquerque Chart).

The Los Alamos Prohibited Area (P-207) was established by Presidential Executive Order 10127 (paragraph 3 thereof) dated May 23, 1950 (15 F.R. 3171) at the request of the Atomic Energy Commission for national defense and other government purposes. The prohibited area is in effect continuously from the surface to an unlimited altitude and encompasses the area beginning at latitude 36°00'00" N., longitude 106° 04'00" W.; thence along the Rio Grande River to latitude 35°45'00" N., longitude 106°15'00" W; thence to latitude 35° 45'00" N., longitude 106°30'00" W.; thence to latitude 36°00'00" N., longitude 106°30'00" W.; thence to the point of beginning.

The Federal Aviation Agency has received information from the Atomic Energy Commission which indicates there is no longer a requirement for this prohibited area. However, it does appear that a limited restricted area is justified in the interest of public safety. Therefore, the retention of Prohibited Area (P-207) is no longer justified as an assignment of Airspace and its revocation is in the public interest. Concurrently, two small portions of this area are being designated as restricted areas with a ceiling of 12,000 feet MSL on a continuous basis for the purpose of protecting aircraft from possible exposure to harmful radiations emitted as a result of development work pertaining to the Atomic Energy Program and related fields.

Since the changes effected by these amendments are less restrictive in nature than the present requirements, and impose no additional burden on any person, notice and public procedure thereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, the following actions are taken:

1. In Executive Order 10127 (15 F.R. 3171; 25 F.R. 5925), the Los Alamos Project, Santa Fe, N. Mex., Prohibited Area (P-207) (Albuquerque Chart) is revoked.

2. In § 608.39 *New Mexico* (23 F.R. 8584) the following is added:

(a) Los Alamos, N. Mex., Restricted Area (R-5A) (Albuquerque Chart).

Description of geographical coordinates. Beginning at latitude 35°45'15" N., longitude 106°15'12" W.; thence to latitude 35°50'03" N., longitude 106°21'36" W.; thence to latitude 35°53'22" N., longitude 106°20'42" W.; thence to latitude 35°53'52" N., longitude 106°16'48" W.; thence to latitude 35°53'30" N., longitude 106°14'48" W.; thence to latitude 35°48'35" N., longitude 106°14'48" W.; thence to latitude 35°47'06" N., longitude 106°12'06" W.; thence to the point of beginning.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Continuous.

Controlling agency. U.S. Atomic Energy Commission, Los Alamos, N. Mex.

(b) Los Alamos, N. Mex., Restricted Area (R-5B) (Albuquerque Chart).

Description of geographical coordinates. Beginning at latitude 35°53'53" N., longitude 106°14'06" W.; thence to latitude 35°53'03" N., longitude 106°16'09" W.; thence to latitude 35°54'45" N., longitude 106°16'09" W.; thence on the arc of a circle with a radius of 10,000 feet, centered at latitude 35°53'03" N., longitude 106°16'09" W., to the point of beginning.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Continuous.

Controlling agency. U.S. Atomic Energy Commission, Los Alamos, N. Mex.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 1501(a), 72 Stat. 749, 752, 800; 49 U.S.C. 1348, 1354, 1301 Note)

Issued in Washington, D.C., on July 18, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6825; Filed, July 21, 1960; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Part 1–15 is added to the part table of contents to read as set forth below:

1–15 Contract cost principles and procedures.

New Part 1–15 is added to read as follows:

Sec.
1–15.000 Scope of part.

Subpart 1–15.1—Applicability

1–15.101 Scope of subpart.
1–15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.
1–15.103 Cost-reimbursement research contracts with educational institutions.
1–15.104 Cost-reimbursement construction contracts.
1–15.105 [Reserved.]
1–15.106 Use of cost principles for fixed-price type contracts.
1–15.107 Advance understandings on particular cost items.

Subpart 1–15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

1–15.201 Basic considerations.
1–15.201–1 Composition of total cost.
1–15.201–2 Factors affecting allowability of costs.
1–15.201–3 Definition of reasonableness.
1–15.201–4 Definition of allocability.
1–15.201–5 Credits.
1–15.202 Direct costs.
1–15.203 Indirect costs.
1–15.204 Application of principles and procedures.
1–15.205 Selected costs.
1–15.205–1 Advertising costs.
1–15.205–2 Bad debts.
1–15.205–3 Bidding costs.
1–15.205–4 Bonding costs.
1–15.205–5 Civil defense costs.
1–15.205–6 Compensation for personal services.
1–15.205–7 Contingencies.
1–15.205–8 Contributions and donations.
1–15.205–9 Depreciation.
1–15.205–10 Employee morale, health, and welfare costs and credits.
1–15.205–11 Entertainment costs.
1–15.205–12 Excess facility costs.
1–15.205–13 Fines and penalties.
1–15.205–14 Food service and dormitory costs and credits.
1–15.205–15 Fringe benefits.
1–15.205–16 Insurance and indemnification.
1–15.205–17 Interest and other financial costs.
1–15.205–18 Labor relations costs.
1–15.205–19 Losses on other contracts.
1–15.205–20 Maintenance and repair costs.
1–15.205–21 Manufacturing and production engineering costs.
1–15.205–22 Material costs.
1–15.205–23 Organization costs.
1–15.205–24 Other business expenses.
1–15.205–25 Overtime, extra-pay shift and multi-shift premiums.
1–15.205–26 Patent costs.
1–15.205–27 Pension plans.
1–15.205–28 Plant protection costs.
1–15.205–29 Plant reconversion costs.
1–15.205–30 Precontract costs.
1–15.205–31 Professional service costs—legal, accounting, engineering, and other.
1–15.205–32 Profits and losses on disposition of plant, equipment, or other capital assets.
1–15.205–33 Recruiting costs.
1–15.205–34 Rental costs (including sale and leaseback of facilities).
1–15.205–35 Research and development costs.
1–15.205–36 Royalties and other costs for use of patents.
1–15.205–37 Selling costs.
1–15.205–38 Service and warranty costs.
1–15.205–39 Severance pay.
1–15.205–40 Special tooling costs.
1–15.205–41 Taxes.
1–15.205–42 Termination costs.
1–15.205–43 Trade, business, technical, and professional activity costs.
1–15.205–44 Training and educational costs.
1–15.205–45 Transportation costs.
1–15.205–46 Travel costs.

Subpart 1–15.3—Principles for Determining Applicable Costs Under Research Contracts With Educational Institutions

1–15.301 General.
1–15.302 Definitions.
1–15.303 Direct costs.
1–15.304 Indirect costs.
1–15.305 Applicable costs.
1–15.306 Determination of indirect costs.
1–15.306–1 General.
1–15.306–2 Apportionment.
1–15.306–3 Allocation.
1–15.306–4 Overhead determinations acceptable under special circumstances.
1–15.307 General standards for selected items of cost.
1–15.307–1 Purpose and applicability.
1–15.307–2 Costs applicable to instruction.
1–15.307–3 Allowable and unallowable costs.

Subpart 1–15.4—Construction Contracts

1–15.401 Definition of construction contract.
1–15.402 General basis for determination of costs.
1–15.403 Examples of items of allowable costs.
1–15.404 Examples of items of unallowable costs.
1–15.405 Examples of subjects requiring special considerations.
1–15.406 Cost interpretation of pension and retirement plans.

Subpart 1–15.5—[Reserved]

Subpart 1–15.6—Guidelines for Application in the Negotiation and Administration of Fixed-Price Type Contracts and in the Negotiation of Termination Settlements

1–15.600 Scope of subpart.
1–15.601 Definition of fixed-price type contracts.
1–15.602 Basic considerations.
1–15.603 Cost principles and their use.

AUTHORITY: §§ 1–15.000 to 1–15.603 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 1–15.000 Scope of part.

This part contains general cost principles and procedures for the determination and allowance of costs in connection with the negotiation and administration of cost-reimbursement type contracts and contains guidelines for use, where appropriate, in the evaluation of costs in connection with certain negotiated fixed-price type contracts and contracts terminated for the convenience of the Government.

Subpart 1–15.1—Applicability

§ 1–15.101 Scope of subpart.

This subpart describes the applicability of succeeding subparts of this part to the various types of contracts in connection with which cost principles and procedures are used, and the need for advance understandings.

§ 1–15.102 Cost-reimbursement supply and research contracts with concerns other than educational institutions.

This category includes all cost-reimbursement type contracts (see § 1–3.404) for supplies, services, or experimental, developmental, or research work (other than with educational institutions, as to which § 1–15.103 applies), except that it does not include construction contracts (see § 1–15.104) or facilities contracts. The cost principles and procedures set forth in Subpart 1–15.2 may be incorporated by reference in cost-reimbursement supply and research contracts with other than educational institutions as the basis—

(a) For determination of reimbursable costs under such contracts, including cost-reimbursement type subcontracts thereunder, and the cost-reimbursement portion of time-and-materials contracts (§ 1–3.405–1);

(b) For the negotiation of overhead rates; and

(c) For the determination of costs of terminated cost-reimbursement type contracts, and for settlement of such contracts by determination.

§ 1–15.103 Cost-reimbursement research contracts with educational institutions.

(a) This category includes all cost-reimbursement type contracts (see § 1–3.404) for experimental, developmental, or research work with educational institutions. The cost principles and procedures set forth in Subpart 1–15.3 are the same as those provided, together with related policy guides, for Government-wide use by Circular No. A–21, September 10, 1958, issued by the Bureau of the Budget, and accordingly shall be incorporated (by reference, if desired) in cost-reimbursement research contracts with educational institutions as the basis—

(1) For determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type subcontracts thereunder;

(2) For the negotiation of overhead rates; and

(3) For the determination of costs of terminated cost-reimbursement type contracts, and for settlement of such contracts by determination.

(b) In addition, Subpart 1–15.3 is to be used in determining allowable costs of research and development performed by educational institutions under grants.

§ 1–15.104 Cost-reimbursement construction contracts.

This category includes all cost-reimbursement type contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. It also includes cost-reimbursement type contracts for archi-

tect-engineer services related to such construction." It does not include contracts for vessels, aircraft, or other kinds of personal property. The cost principles and procedures set forth in Subpart 1–15.4 may be incorporated by reference in cost-reimbursement construction contracts as the basis—

(a) For determination of reimbursable costs under cost-reimbursement type contracts, including cost-reimbursement type subcontracts thereunder;

(b) For the negotiation of overhead rates; and

(c) For the determination of costs of terminated cost-reimbursement type contracts, and for settlement of such contracts by determination.

§ 1–15.105 [Reserved]

§ 1–15.106 Use of cost principles for fixed-price type contracts.

Subpart 1–15.6 provides guidance for the use of Subparts 1–15.2, 1–15.3, and 1–15.4 where appropriate, in the evaluation of costs in connection with the negotiation of certain fixed-price type contracts and termination settlements.

§ 1–15.107 Advance understandings on particular cost items.

The extent of allowability of the selected items of cost covered in Subparts 1–15.2, 1–15.3, and 1–15.4 has been stated to apply broadly to many accounting systems in varying contract situations. Thus, as to any given contract, the reasonableness and allocability of certain items of cost may be difficult to determine, particularly in connection with firms or separate divisions thereof which may not be subject to effective competitive restraints. In order to avoid possible subsequent disallowance or dispute based on unreasonableness or nonallocability, it is important that prospective contractors, particularly those whose work is predominantly or substantially with the Government, seek agreement with the Government in advance of the incurrence of special or unusual costs in categories where reasonableness or allocability are difficult to determine. Such agreement may also be initiated by contracting officers when appropriate. Any such agreement should be incorporated in cost-reimbursement type contracts, or made a part of the contract file in the case of negotiated fixed-price type contracts, and should govern the cost treatment covered thereby throughout the performance of the contract. But the absence of such an advance agreement on any element of cost will not, in itself, serve to make that element either allowable or unallowable. Examples of costs on which advance agreements may be particularly important are:

(a) Compensation for personal services;

(b) Use charge for fully depreciated assets;

(c) Deferred maintenance costs;

(d) Pre-contract costs;

(e) Research and development costs;

(f) Royalties;

(g) Selling and distribution costs; and

(h) Travel costs, as related to special or mass personnel movement.

Subpart 1–15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

§ 1–15.201 Basic considerations.

§ 1–15.201–1 Composition of total cost.

The total cost of a contract is the sum of the allowable direct and indirect costs allocable to the contract, incurred or to be incurred, less any allocable credits. In ascertaining what constitutes costs, any generally accepted method of determining or estimating costs that is equitable under the circumstances may be used, including standard costs properly adjusted for applicable variances.

§ 1–15.201–2 Factors affecting allowability of costs.

Factors to be considered in determining the allowability of individual items of cost include (a) reasonableness, (b) allocability, (c) application of those generally accepted accounting principles and practices appropriate to the particular circumstances, and (d) any limitations or exclusions set forth in this Subpart 1–15.2, or otherwise included in the contract as to types or amounts of cost items.

§ 1–15.201–3 Definition of reasonableness.

A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by an ordinarily prudent person in the conduct of competitive business. The question of the reasonableness of specific costs must be scrutinized with particular care in connection with firms or separate divisions thereof which may not be subject to effective competitive restraints. What is reasonable depends upon a variety of considerations and circumstances involving both the nature and amount of the cost in question. In determining the reasonableness of a given cost, consideration shall be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the conduct of the contractor's business or the performance of the contract;

(b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arm's length bargaining, Federal and State laws and regulations, and contract terms and specifications;

(c) The action that a prudent business man would take in the circumstances, considering his responsibilities to the owners of the business, his employees, his customers, the Government, and the public at large; and

(d) Significant deviations from the established practices of the contractor which may unjustifiably increase the contract costs.

§ 1–15.201–4 Definition of allocability.

A cost is allocable if it is assignable or chargeable to a particular cost objective, such as a contract, product, product line, process, or class of customer or activity, in accordance with the relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a Government contract if it:

(a) Is incurred specifically for the contract;

(b) Benefits both the contract and other work, or both Government work and other work, and can be distributed to them in reasonable proportion to the benefits received; or

(c) Is necessary to the overall operation of the business, although a direct relationship to any particular cost objective cannot be shown.

§ 1–15.201–5 Credits.

The applicable portion of any income, rebate, allowance, and other credit relating to any allowable cost, received by or accruing to the contractor, shall be credited to the Government either as a cost reduction or by cash refund, as appropriate.

§ 1–15.202 Direct costs.

(a) A direct cost is any cost which can be identified specifically with a particular cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with the contract are direct costs of the contract and are to be charged directly thereto. Costs identified specifically with other work of the contractor are direct costs of that work and are not to be charged to the contract directly or indirectly. When items ordinarily chargeable as indirect costs are charged to Government work as direct costs, the cost of like items applicable to other work of the contractor must be eliminated from indirect costs allocated to Government work.

(b) This definition shall be applied to all items of cost of significant amount unless the contractor demonstrates that the application of any different current practice achieves substantially the same results. Direct cost items of minor amount may be distributed as indirect costs as provided in § 1–15.203.

§ 1–15.203 Indirect costs.

(a) An indirect cost is one which, because of its incurrence for common or joint objectives, is not readily subject to treatment as a direct cost. Minor direct cost items may be considered to be indirect costs for reasons of practicality. After direct costs have been determined and charged directly to the contract or other work as appropriate, indirect costs are those remaining to be allocated to the several classes of work.

(b) Indirect costs shall be accumulated by logical cost groupings with due consideration of the reasons for incurring the costs. Each grouping should be determined so as to permit distribution of the grouping on the basis of the benefits accruing to the several cost objectives. Commonly, manufacturing overhead, selling expenses, and general and administrative expenses, are separately grouped. Similarly, the particular case may require subdivisions of these groupings, e.g., building occupancy costs might be separable from those of personnel administration within the manufacturing overhead group. The number and composition of the groupings should be governed by practical considerations and should be such as not to complicate unduly the allocation where substantially the same results are achieved through less precise methods.

(c) Each cost grouping shall be distributed to the appropriate cost objectives. This necessitates the selection of a distribution base common to all cost objectives to which the grouping is to be allocated. The base should be selected so as to permit allocation of the grouping on the basis of the benefits accruing to the several cost objectives. This principle for selection is not to be applied so rigidly as to complicate unduly the allocation where substantially the same results are achieved through less precise methods.

(d) The method of allocation of indirect costs must be based on the particular circumstances involved. The method shall be in accord with those generally accepted accounting principles which are applicable in the circumstances. The contractor's established practices, if in accord with such accounting principles, shall generally be acceptable. However, the methods used by the contractor may require reexamination when:

(1) Any substantial difference occurs between the cost patterns of work under the contract and other work of the contractor; or

(2) Any significant change occurs in the nature of the business, the extent of subcontracting, fixed asset improvement programs, the inventories, the volume of sales and production, manufacturing processes, the contractor's products, or other relevant circumstances.

(e) A base period for allocation of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed in that period. Normally, the base period will be the contractor's fiscal year; however, use of a shorter period may be appropriate in case of (1) contracts whose performance involves only a minor portion of the fiscal year, or (2) where it is general practice in the industry to use a shorter period. In any event the base period or periods shall be so selected as to avoid inequities in the allocation of costs. When the contract is performed over an extended period of time, as many such base periods will be used as will be required to represent the period of contract performance.

§ 1–15.204 Application of principles and procedures.

(a) Costs shall be allowed to the extent that they are reasonable (see § 1–15.201–3), allocable (see § 1–15.201–4), and determined to be allowable in view of the other factors set forth in §§ 1–15.201–2 and 1–15.205. These criteria apply to all of the selected items of cost which follow, notwithstanding that particular guidance is provided in connection with certain specific items for emphasis or clarity.

(b) Costs incurred as reimbursements to a subcontractor under a cost-reimbursement type subcontract of any tier above the first fixed-price subcontract are allowable to the extent that allowance is consistent with the subpart of this Part 1–15 which is appropriate to the subcontract involved. Thus, if the subcontract is for supplies, such costs are allowable to the extent that the subcontractor's costs would be allowable if this Subpart 1–15.2 were incorporated in the subcontract; if the subcontract is for construction, such costs are allowable to the extent that the subcontractor's costs would be allowable if Subpart 1–15.4 were incorporated in the subcontract.

(c) Selected items of cost are treated in § 1–15.205. However, § 1–15.205 does not cover every element of cost and every situation that might arise in a particular case. Failure to treat any item of cost in § 1–15.205 is not intended to imply that it is either allowable or unallowable. With respect to all items, whether or not specifically covered, determination of allowability shall be based on the principles and standards set forth in this subpart and, where appropriate, the treatment of similar or related selected items.

§ 1–15.205 Selected costs.

§ 1–15.205–1 Advertising costs.

(a) Advertising costs mean the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, trade papers, outdoor advertising, dealer cards and window displays, conventions, exhibits, free goods and samples, and the like. The following advertising costs are allowable:

(1) Advertising in trade and technical journals, provided such advertising does not offer specific products or services for sale but is placed in journals which are valuable for dissemination of technical information within the contractor's industry;

(2) Help-wanted advertising, as set forth in § 1–15.205–33, when considered in conjunction with all other recruitment costs;

(3) Costs of participation in exhibits—

(i) Upon invitation of the Government, or

(ii) Which exhibits are for the purpose of disseminating technical information within the contractor's industry; however, such costs are not allowable under this (ii) if the exhibit offers specific products or services for sale;

(4) Advertising for the exclusive purpose of obtaining scarce materials, plant, or equipment, or disposing of scrap or surplus materials, in connection with the contract.

(b) Except as provided above, all other advertising costs are unallowable.

§ 1–15.205–2 Bad debts.

Bad debts, including losses (whether actual or estimated) arising from uncollectible customers' accounts and other claims, related collection costs, and related legal costs, are unallowable.

§ 1–15.205–3 Bidding costs.

Bidding costs are the costs of preparing bids or proposals on potential Government and non-Government contracts or projects, including the development of engineering data and cost data necessary to support the contractor's bids or proposals. Bidding costs of the current accounting period of both successful and unsuccessful bids and proposals normally will be treated as allowable indirect costs, in which event no bidding costs of past accounting periods shall be allowable in the current period to the Government contract. However, if the contractor's established practice is to treat bidding costs by some other method, the results obtained may be accepted only if found to be reasonable and equitable.

§ 1–15.205–4 Bonding costs.

(a) Bonding costs arise when the Government requires assurance against financial loss to itself or others by reason of the act or default of the contractor. They arise also in instances where the contractor requires similar assurance. Included are such bonds as bid, performance, payment, advance payment, infringement, and fidelity bonds.

(b) Costs of bonding required pursuant to the terms of the contract are allowable.

(c) Costs of bonding required by the contractor in the general conduct of his business are allowable to the extent that such bonding is in accordance with sound business practice and the rates and premiums are reasonable under the circumstances.

§ 1–15.205–5 Civil defense costs.

(a) Civil defense costs are those incurred in planning for, and the protection of, life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, fire fighting training and equipment, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the contractor's premises pursuant to suggestions or requirements of civil defense authorities are allowable when allocated to all work of the contractor.

(b) Costs of capital assets under (a) above are allowable through depreciation in accordance with § 1–15.205–9.

(c) Contributions to local civil defense funds and projects are unallowable.

§ 1–15.205–6 Compensation for personal services.

(a) *General.*

(1) Compensation for personal services includes all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees to the contractor during the period of contract performance. It includes, but is not limited to, salaries, wages, directors' and executive committee members' fees, bonuses (including stock bonuses), incentive awards, employee stock options, employee insurance, fringe benefits, and contributions to pension, annuity, and management employee incentive compensation plans. Except as otherwise specifically provided in this § 1–15.205–6, such costs are allowable to the extent

that the total compensation of individual employees is reasonable for the services rendered and they are not in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder.

(2) Compensation is reasonable to the extent that the total amount paid or accrued is commensurate with compensation paid under the contractor's established policy and conforms generally to compensation paid by other firms of the same size, in the same industry, or in the same geographic area, for similar services. In the administration of this principle, it is recognized that not every compensation case need be subjected in detail to the above tests. Such tests need be applied only to those cases in which a general review reveals amounts or types of compensation which appear unreasonable or otherwise out of line. However, certain conditions give rise to the need for special consideration and possible limitation as to allowability for contract cost purposes where amounts appear excessive. Among such conditions are the following:

(i) Compensation to owners of closely held corporations, partners, sole proprietors, or members of the immediate families thereof, or to persons who are contractually committed to acquire a substantial financial interest in the contractor's enterprise. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of profits.

(ii) Any change in a contractor's compensation policy resulting in a substantial increase in the contractor's level of compensation, particularly when it was concurrent with an increase in the ratio of Government contracts to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

(iii) The contractor's business is such that his compensation levels are not subject to the restraints normally occurring in the conduct of competitive business.

(3) Compensation in lieu of salary for services rendered by partners and sole proprietors will be allowed to the extent that it is reasonable and does not constitute a distribution of profits.

(4) In addition to the general requirements set forth in (1) through (3) above, certain forms of compensation are subject to further requirements as specified in (b) through (i) below.

(b) *Salaries and wages.* Salaries and wages for current services include gross compensation paid to employees in the form of cash, products, or services, and are allowable. However, premiums for overtime, extra-pay shifts, and multi-shift work are allowable to the extent approved pursuant to § 1-12.102-4 or permitted pursuant to § 1-12.102-5.

(c) *Cash bonuses and incentive compensation.* Incentive compensation for management employees, cash bonuses, suggestion awards, safety awards, and incentive compensation based on production, cost reduction, or efficient performance, are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the contractor and the employees before the services were rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payment. (But see § 1-15.107.) Bonuses, awards, and incentive compensation when any of them are deferred are allowable to the extent provided in (f) below.

(d) *Bonuses and incentive compensation paid in stock.* Costs of bonuses and incentive compensation paid in the stock of the contractor or of an affiliate are allowable to the extent set forth in (c) above (including the incorporation of the principles of (f) below for deferred bonuses and incentive compensation), subject to the following additional requirements:

(1) Valuation placed on the stock transferred shall be the fair market value at the time of transfer, determined upon the most objective basis available; and

(2) Accruals for the cost of stock prior to the issuance of such stock to the employees shall be subject to adjustment according to the possibilities that the employees will not receive such stock and their interest in the accruals will be forfeited.

Such costs otherwise allowable are subject to adjustment according to the principles set forth in (f)(3) below. (But see § 1-15.107.)

(e) *Stock options.* The cost of options to employees to purchase stock of the contractor or of an affiliate is unallowable.

(f) *Deferred compensation.*

(1) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals. It includes (i) contributions to pension, annuity, stock bonus, and profit sharing plans, (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans, and (iii) other deferred compensation, whether paid in cash or in stock.

(2) Deferred compensation is allowable to the extent that (i) except for past service pension and retirement costs, it is for services rendered during the contract period; (ii) it is, together with all other compensation paid to the employee, reasonable in amount; (iii) it is paid pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payments; and (iv) for a plan which is subject to approval by the Internal Revenue Service, it falls within the criteria and standards of the Internal Revenue Code and the regulations of the Internal Revenue Service. (But see § 1-15. 107.)

(3) In determining the cost of deferred compensation allowable under the contract, appropriate adjustments shall be made for credits or gains, including those arising out of both normal and abnormal employee turnover, or any other contingencies that can result in a forfeiture by employees of such deferred compensation. Adjustments shall be made only for forfeitures which directly or indirectly inure to the benefit of the contractor; forfeitures which inure to the benefit of other employees covered by a deferred compensation plan with no reduction in the contractor's costs will not normally give rise to adjustment in contract costs. Adjustments for normal employee turnover shall be based on the contractor's experience and on foreseeable prospects, and shall be reflected in the amount of cost currently allowable. Such adjustments will be unnecessary to the extent that the contractor can demonstrate that its contributions take into account normal forfeitures. Adjustments for possible future abnormal forfeitures shall be effected according to the following rules:

(i) Abnormal forfeitures that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of current costs otherwise allowable; and

(ii) Abnormal forfeitures, not within (i) above, may be made the subject of agreement between the Government and the contractor either as to an equitable adjustment or a method of determining such adjustment.

(4) In determining whether deferred compensation is for services rendered during the contract period or is for future services, consideration shall be given to conditions imposed upon eventual payment, such as, requirements of continued employment, consultation after retirement, and covenants not to compete.

(g) *Fringe benefits.* Fringe benefits are allowances and services provided by the contractor to its employees as compensation in addition to regular wages and salaries. Costs of fringe benefits, such as pay for vacations, holidays, sick leave, military leave, employee insurance, and supplemental employment benefit plans are allowable to the extent required by law, employer-employee agreement, or an established policy of the contractor.

(h) *Severance pay.* See § 1-15.205-39.

(i) *Training and education expenses.* See § 1-15.205-44.

§ 1-15.205-7 Contingencies.

(a) A contingency is a possible future event or condition arising from presently known or unknown causes, the outcome of which is indeterminable at a present time.

(b) In historical costing, contingencies are not normally present since such costing deals with costs which have been incurred and recorded on the contractor's books. Accordingly, contingencies are generally unallowable for historical costing purposes. However, in some cases, as for example, terminations, a contingency factor may be recognized which is applicable to a past period to give recognition to minor unsettled factors in the interest of expeditious settlement.

(c) In connection with estimates of future costs, contingencies fall into two categories:

(1) Those which may arise from presently known and existing conditions, the effects of which are foreseeable within reasonable limits of accuracy; e.g., anticipated costs of rejects and defective work; in such situations where they exist, contingencies of this category are to be included in the estimates of future cost so as to provide the best estimate of performance costs; and

(2) Those which may arise from presently known or unknown conditions, the effect of which cannot be measured so precisely as to provide equitable results to the contractor and to the Government; i.e., results of pending litigation, and other general business risks. Contingencies of this category are to be excluded from cost estimates under the several items of cost, but should be disclosed separately, including the basis upon which the contingency is computed in order to facilitate the negotiation of appropriate contractual coverage (see, for example, §§ 1-15.205-16, 1-15.205-20, and 1-15.205-39).

§ 1-15.205-8 Contributions and donations.

Contributions and donations are unallowable.

§ 1-15.205-9 Depreciation.

(a) Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular contractor's operations as distinguished from physical life.

(b) Normal depreciation on a contractor's plant, equipment, and other capital facilities is an allowable element of contract cost; provided that the amount thereof is computed:

(1) Upon the property cost basis used by the contractor for Federal income tax purposes (see section 167 of the Internal Revenue Code of 1954); or

(2) In the case of nonprofit or tax-exempt organizations, upon a property cost basis which could have been used by the contractor for Federal income tax purposes, had such organizations been subject to the payment of income tax; and in either case

(3) By the consistent application to the assets concerned of any generally accepted accounting method, and subject to the limitations of the Internal Revenue Code of 1954, as amended, including—

(i) The straight line method;

(ii) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in (i) above;

(iii) The sum of the years-digits method; and

(iv) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the use of the property and including the current year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in (ii) above.

(c) Depreciation should usually be allocated to the contract and other work as an indirect cost. The amount of depreciation allowed in any accounting period may, consistent with the basic objectives set forth in (a) above, vary with volume of production or use of multi-shift operations.

(d) Depreciation on idle or excess facilities shall not be allowed except on such facilities as are reasonably necessary for standby purposes.

(e) No depreciation, rental, or use charge shall be allowed on the contractor's assets which have been fully depreciated when a substantial portion of such depreciation was on a basis that represented, in effect, a recovery thereof as a charge against Government contracts or subcontracts. Otherwise, a reasonable use charge may be agreed upon and allowed. (But see § 1-15.107.) In determining this charge, consideration should be given to cost, total estimated useful life at time of negotiation, and effect of any increased maintenance charges or decreased efficiency due to age.

§ 1-15.205-10 Employee morale, health, and welfare costs and credits.

Reasonable costs of health and welfare activities, such as house publications, health or first-aid clinics, recreational activities, and employee counseling services, incurred, in accordance with the contractor's established practice or custom in the industry or area, for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Income generated from any of these activities shall be credited to the costs thereof unless such income has been irrevocably set over to employee welfare organizations.

§ 1-15.205-11 Entertainment costs.

Costs of amusement, diversion, social activities and incidental costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable (but see §§ 1-15.205-10 and 1-15.205-42).

§ 1-15.205-12 Excess facility costs.

Costs of maintaining, repairing, and housing idle and excess contractor-owned facilities, except those reasonably necessary for standby purposes, are unallowable. Any costs of excess plant capacity reserved for defense mobilization production which are to be paid for by the Government should be the subject of a separate contract.

§ 1-15.205-13 Fines and penalties.

Costs of fines and penalties resulting from violations of, or failure of the contractor to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the contract, or instructions in writing from the contracting officer.

§ 1-15.205-14 Food service and dormitory costs and credits.

Food and dormitory services include operating or furnishing facilities for cafeterias, dining rooms, canteens, lunch wagons, vending machines, living accommodations or similar types of services for the contractor's employees at or near the contractor's facilities. Reasonable losses from the operation of such services are allowable if they are allocated to all activities served. Profits (except profits irrevocably set over to an employee welfare organization of the contractor in amounts reasonably useful for the benefit of the employees at the site or sites of contract performance) accruing to the contractor from the operation of these services, whether operated by the contractor or by a concessionaire, shall be treated as a credit, and allocated to all activities served.

§ 1-15.205-15 Fringe benefits.

(See § 1-15.205-6(g)).

§ 1-15.205-16 Insurance and indemnification.

(a) Insurance includes insurance which the contractor is required to carry, or which is approved, under the terms of the contract, and any other insurance which the contractor maintains in connection with the general conduct of his business.

(1) Costs of insurance required or approved, and maintained, pursuant to the contract, are allowable.

(2) Costs of other insurance maintained by the contractor in connection with the general conduct of his business are allowable subject to the following limitations:

(i) Types and extent of coverage shall be in accordance with sound business practice and the rates and premiums shall be reasonable under the circumstances;

(ii) Costs allowed for business interruption or other similar insurance shall be limited to exclude coverage of profit;

(iii) Costs of insurance or of any provision for a reserve covering the risk of loss of or damage to Government property are allowable only to the extent that the contractor is liable for such loss or damage and such insurance or reserve does not cover loss or damage which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or other equivalent representatives, who has supervision or direction of (A) all or substantially all of the contractor's business, or (B) all or substantially all of the contractor's operations at any one plant or separate location in which the contract is being performed, or (C) a separate and complete industrial operation in connection with the performance of the contract;

(iv) Provisions for a reserve under an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage,

and the rates and premiums would have been allowed had insurance been purchased to cover the risks; and

(v) Costs of insurance on the lives of officers, partners, or proprietors are allowable only to the extent that the insurance represents additional compensation (see § 1–15.205–6).

(3) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the contract, except:

(i) Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice, are allowable; and

(ii) Minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of doing business, are allowable.

(b) Indemnification includes securing the contractor against liabilities to third persons and any other loss or damage, not compensated by insurance or otherwise. The Government is obligated to indemnify the contractor only to the extent expressly provided for in the contract, except as provided in (a) (3) above.

§ 1–15.205–17 Interest and other financial costs.

Interest on borrowings (however represented), bond discounts, costs of financing and refinancing operations, legal and professional fees paid in connection with the preparation of prospectuses, costs of preparation and issuance of stock rights, and costs related thereto, are unallowable except for interest assessed by State or local taxing authorities under the conditions set forth in § 1–15.205–41. (But see § 1–15.205–24.)

§ 1–15.205–18 Labor relations costs.

Costs incurred in maintaining satisfactory relations between the contractor and its employees, including costs of shop stewards, labor management committees, employee publications, and other related activities, are allowable.

§ 1–15.205–19 Losses on other contracts.

An excess of costs over income under any other contract (including the contractor's contributed portion under cost-sharing contracts), whether such other contract is of a supply, research and development, or other nature, is unallowable.

§ 1–15.205–20 Maintenance and repair costs.

(a) Costs necessary for the upkeep of property (including Government property unless otherwise provided for), which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition, are to be treated as follows (but see § 1–15.205–9):

(1) Normal maintenance and repair costs are allowable;

(2) Extraordinary maintenance and repair costs are allowable, provided such are allocated to the periods to which applicable for purposes of determining contract costs. (But see § 1–15.107.)

(b) Expenditures for plant and equipment, including rehabilitation thereof, which, according to generally accepted accounting principles as applied under the contractor's established policy, should be capitalized and subjected to depreciation, are allowable only on a depreciation basis.

§ 1–15.205–21 Manufacturing and production engineering costs.

Costs of manufacturing and production engineering, including engineering activities in connection with the following, are allowable:

(a) Current manufacturing processes such as motion and time study, methods analysis, job analysis, and tool design and improvement; and

(b) Current production problems, such as materials analysis for production suitability and component design for purposes of simplifying production.

§ 1–15.205–22 Material costs.

(a) Material costs include the costs of such items as raw materials, parts, subassemblies, components, and manufacturing supplies, whether purchased outside or manufactured by the contractor, and may include such collateral items as inbound transportation and intransit insurance. In computing material costs consideration will be given to reasonable overruns, spoilage, or defective work (concerning correction of defective work, see the provisions of the contract relating to inspection and correction of defective work). These costs are allowable subject, however, to the provisions of (b) through (e) below.

(b) Costs of material shall be suitably adjusted for applicable portions of income and other credits, including available trade discounts, refunds, rebates, allowances, and cash discounts, and credits for scrap and salvage and material returned to vendors. Such income and other credits shall either be credited directly to the cost of the material involved or be allocated (as credits) to indirect costs. However, where the contractor can demonstrate that failure to take cash discounts was due to reasonable circumstances, such lost discounts need not be so credited.

(c) Reasonable adjustments arising from differences between periodic physical inventories and book inventories may be included in arriving at costs, provided such adjustments relate to the period of performance of the contract.

(d) When the materials are purchased specifically for and identifiable solely with performance under a contract, the actual purchase cost thereof should be charged to the contract. If material is issued from stores, any generally recognized method of pricing such material is acceptable if that method is consistently applied and the results are equitable. When estimates of material costs to be incurred in the future are required, either current market price or anticipated acquisition cost may be used, but the basis of pricing must be disclosed.

(e) Charges for materials, services, and supplies sold or transferred between plants, divisions, or organizations, under a common control, ordinarily shall be allowable to the extent of the lower of cost to the transferor or current market price. However, a departure from this basis is permissible where (1) the item is regularly manufactured and sold by the contractor through commercial channels, and (2) it is the contractor's long-established practice to price inter-organization transfers at other than cost for commercial work; provided that the charge to the contract is not in excess of the transferor's sales price to its most favored customer for the same item in like quantity, or the current market price, whichever is lower.

§ 1–15.205–23 Organization costs.

Expenditures, such as incorporation fees, attorneys' fees, accountants' fees, brokers' fees, fees to promoters and organizers, in connection with (1) organization or reorganization of a business, or (2) raising capital, are unallowable.

§ 1–15.205–24 Other business expenses.

Included in this item are such recurring expenses as registry and transfer charges resulting from changes in ownership of securities issued by the contractor, cost of shareholders' meetings, normal proxy solicitations, preparation and publication of reports to shareholders, preparation and submission of required reports and forms to taxing and other regulatory bodies; and incidental costs of directors and committee meetings. The above and similar costs are allowable when allocated on an equitable basis.

§ 1–15.205–25 Overtime, extra-pay shift and multi-shift premiums.

Premiums for overtime, extra-pay shift, and multi-shift work are allowable to the extent approved pursuant to § 1–12.102–4, or permitted pursuant to § 1–12.102–5.

§ 1–15.205–26 Patent costs.

Costs of preparing disclosures, reports, and other documents required by the contract and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the contract relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable. (See § 1–15.205–36.)

§ 1–15.205–27 Pension plans.

(See § 1–15.205–6.)

§ 1–15.205–28 Plant protection costs.

Costs of items such as (a) wages, uniforms, and equipment of personnel engaged in plant protection, (b) depreciation on plant protection capital assets, and (c) necessary expenses to comply with security requirements, are allowable.

§ 1–15.205–29 Plant reconversion costs.

Plant reconversion costs are those incurred in the restoration or rehabilitation of the contractor's facilities to approximately the same condition existing immediately prior to the commencement of the contract work, fair wear and tear excepted. Reconversion costs are unallowable except for the cost of removing Government property and the restoration or rehabilitation costs caused by such removal. However, in special circumstances where equity so dictates, additional costs may be allowed to the extent agreed upon before the costs are incurred. Whenever such costs are given consideration, care should be exercised to avoid duplication through allowance as contingencies, as additional profit or fee, or in other contracts.

§ 1–15.205–30 Precontract costs.

Precontract costs are those incurred prior to the effective date of the contract directly pursuant to the negotiation and in anticipation of the award of the contract where such incurrence is necessary to comply with the proposed contract delivery schedule. Such costs are allowable to the extent that they would have been allowable if incurred after the date of the contract (but see § 1–15.107).

§ 1–15.205–31 Professional service costs—legal, accounting, engineering, and other.

(a) Costs of professional services rendered by the members of a particular profession who are not employees of the contractor are allowable, subject to (b) and (c) below, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government (but see § 1–15.205–23).

(b) Factors to be considered in determining the allowability of costs in a particular case include:

(1) The past pattern of such costs, particularly in the years prior to the award of Government contracts;

(2) The impact of Government contracts on the contractor's business (i.e., what new problems have arisen);

(3) The nature and scope of managerial services expected of the contractor's own organizations;

(4) Whether the proportion of Government work to the contractor's total business is such as to influence the contractor in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government contracts; and

(5) Whether retainer fees are reasonably supported by evidence of bona fide services available or rendered.

(c) Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, defense of antitrust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the contract.

§ 1–15.205–32 Profits and losses on disposition of plant, equipment, or other capital assets.

Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short or long term investments, shall be excluded in computing contract costs (but see § 1–15.205–9(b) as to basis for depreciation).

§ 1–15.205–33 Recruiting costs.

Costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, and travel costs of applicants for interviews for prospective employment are allowable. Where the contractor uses employment agencies, costs not in excess of standard commercial rates for such services are also allowable. Costs of special benefits or emoluments offered to prospective employees beyond the standard practices in the industry are unallowable.

§ 1–15.205–34 Rental costs (including sale and leaseback of facilities).

(a) Rental costs of land, building, and equipment and other personal property are allowable if the rates are reasonable in light of such factors as rental costs of comparable facilities and market conditions in the area, the type, life expectancy, condition, and value of the facilities leased, options available, and other provisions of the rental agreement. Application of these factors, in situations where rentals are extensively used, may involve among other considerations, comparison of rental costs with the amount which the contractor would have received had it owned the facilities.

(b) Charges in the nature of rent between plants, divisions, or organizations under common control are allowable to the extent such charges do not exceed the normal costs of ownership, such as depreciation, taxes, insurance, and maintenance; provided that no part of such costs shall duplicate any other allowed costs.

(c) Unless otherwise specifically provided in the contract, rental costs specified in sale and leaseback agreements, incurred by contractors through selling plant facilities to investment organizations, such as insurance companies, or to private investors, and concurrently leasing back the same facilities, are allowable only to the extent that such rentals do not exceed the amount which the contractor would have received had it retained legal title to the facilities.

(d) The allowability of rental costs under unexpired leases in connection with terminations is treated in § 1–15.205–42(e).

§ 1–15.205–35 Research and development costs.

(a) Basic research, for the purpose of this Subpart 1–15.2, is that type of research which is directed toward increase of knowledge in science. In such research, the primary aim of the investigator is a fuller knowledge or understanding of the subject under study, rather than any practical application thereof. Applied research, for the purpose of this Subpart 1–15.2, consists of that type of effort which (1) normally follows basic research, but may not be severable from the related basic research, (2) attempts to determine and expand the potentialities of new scientific discoveries or improvements in technology, materials, processes, methods, devices, and techniques, and (3) attempts to "advance the state of the art." Applied research does not include any such efforts when their principal aim is the design, development, or test of specific articles or services to be offered for sale, which are within the definition of the term development as hereinafter provided.

(b) "Development" is the systematic use of scientific knowledge which is directed toward the production of, or improvements in, useful products to meet specific performance requirements, but exclusive of manufacturing and production engineering.

(c) A contractor's independent research and development is that research and development which is not sponsored by a contract, grant, or other arrangement.

(d) A contractor's costs of independent research as defined in (a) and (c) above shall be allowable as indirect costs (subject to (h) below), provided they are allocated to all work of the contractor.

(e) Costs of contractor's independent development, as defined in (b) and (c) above (subject to (h) below), are allowable to the extent that such development is related to the product lines for which the Government has contracts, provided the costs are reasonable in amount and are allocated as indirect costs to all work of the contractor on such product lines. In cases where a contractor's normal course of business does not involve production work, the cost of independent development is allowable to the extent that such development is related and allocated as an indirect cost to the field of effort of Government research and development contracts.

(f) Independent research and development costs shall include an amount for the absorption of their appropriate share of indirect and administrative costs, unless the contractor, in accordance with its accounting practices consistently applied, treats such costs otherwise.

(g) Research and development costs (including amounts capitalized), regardless of their nature, which were incurred in accounting periods prior to the award of a particular contract, are unallowable except where allowable as precontract costs (see § 1–15.205–30).

(h) The reasonableness of expenditures for independent research and development should be determined in light of all pertinent considerations such as previous contractor research and development activity, cost of past programs and changes in science and technology. Such expenditures should be pursuant to a broad planned program, which is reasonable in scope and well managed. Such expenditures (especially for development) should be scrutinized with great care in connection with contractors whose work is predominantly or substantially with the Government. Advance agreements as described in § 1–15.107 are

particularly important in this situation. In recognition that cost sharing of the contractor's independent research and development program may provide motivation for more efficient accomplishment of such program, it is desirable in some cases that the Government bear less than an allocable share of the total cost of the program. Under these circumstances, the following are among the approaches which may be used as the basis for agreement: (1) Review of the contractor's proposed independent research and development program and agreement to accept the allocable costs of specific projects; (2) agreement on a maximum dollar limitation of costs, an allocable portion of which will be accepted by the Government; (3) an agreement to accept the allocable share of a percentage of the contractor's planned research and development program.

§ 1–15.205–36 Royalties and other costs for use of patents.

(a) Royalties on a patent or amortization of the cost of acquiring by purchase a patent or rights thereto, necessary for the proper performance of the contract and applicable to contract products or processes, are allowable unless:

(1) The Government has a license or the right to free use of the patent;

(2) The patent has been adjudicated to be invalid, or has been administratively determined to be invalid;

(3) The patent is considered to be unenforceable; or

(4) The patent is expired.

(b) Special care should be exercised in determining reasonableness where the royalties may have been arrived at as a result of less than arm's length bargaining; e.g.:

(1) Royalties paid to persons, including corporations, affiliated with the contractor;

(2) Royalties paid to unaffiliated parties, including corporations, under an agreement entered into in contemplation that a Government contract would be awarded; or

(3) Royalties paid under an agreement entered into after the award of the contract.

(c) In any case involving a patent formerly owned by the contractor, the amount of royalty allowed should not exceed the cost which would have been allowed had the contractor retained title thereto.

(d) See § 1–15.107, regarding advance understandings.

§ 1–15.205–37 Selling costs.

(a) Selling costs arise in the marketing of the contractor's products and include costs of sales promotions, negotiation, liaison between Government representatives and contractor's personnel, and other related activities.

(b) Selling costs are allowable to the extent they are reasonable and are allocable to Government business (but see §§ 1–15.107 and 1–15.205–1). Allocability of selling costs will be determined in the light of reasonable benefit to the Government arising from such activities as technical, consulting, demonstration, and other services which are for purposes such as application or adaptation of the contractor's products to Government use.

(c) Notwithstanding (b) above, salesmen's or agents' compensation, fees, commissions, percentages, or brokerage fees, which are contingent upon the award of contracts, are allowable only when paid to bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

§ 1–15.205–38 Service and warranty costs.

Such costs include those arising from fulfillment of any contractual obligation of a contractor to provide services, such as installation, training, correcting defects in the products, replacing defective parts, making refunds in the case of inadequate performance, etc. When not inconsistent with the terms of the contract, such service and warranty costs are allowable. However, care should be exercised to avoid duplication of the allowance as an element of both estimated product cost and risk.

§ 1–15.205–39 Severance pay.

(a) Severance pay, also commonly referred to as dismissal wages, is a payment in addition to regular salaries and wages, by contractors to workers whose employment is being terminated. Costs of severance pay are allowable only to the extent that, in each case, it is required by (1) law, (2) employer-employee agreement, (3) established policy that constitutes, in effect, an implied agreement on the contractor's part, or (4) circumstance of the particular employment.

(b) Costs of severance payments are divided into two categories as follows:

(1) Actual normal turnover severance payments shall be allocated to all work performed in the contractor's plant; or, where the contractor provides for accrual of pay for normal severances such method will be acceptable if the amount of the accrual is reasonable in light of payments actually made for normal severances over a representative past period, and if amounts accrued are allocated to all work performed in the contractor's plant; and

(2) Abnormal or mass severance pay is of such a conjectural nature that measurement of costs by means of an accrual will not achieve equity to both parties. Thus accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis in the event of occurrence.

§ 1–15.205–40 Special tooling costs.

The term "special tooling" means all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, other special equipment and manufacturing aids, and replacements thereof, acquired or manufactured by the contractor for use in the performance of a contract, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the production of such supplies or parts thereof, or the performance of such services, as are peculiar to the needs of the Government. The term does not include: (a) Items of tooling or equipment acquired by the contractor prior to the contract, or replacements thereof, whether or not altered or adapted for use in the performance of the contract, (b) consumable small tools, or (c) general or special machine tools, or similar capital items. The cost of special tooling, when acquired for and its usefulness is limited to one or more Government contracts, is allowable and shall be allocated to the specific Government contract or contracts for which acquired.

§ 1–15.205–41 Taxes.

(a) Taxes are certain charges levied by Federal, State, or local governments. They do not include fines and penalties except as otherwise provided herein. In general, taxes (including State and local income taxes) which the contractor is required to pay and which are paid or accrued in accordance with generally accepted accounting principles are allowable, except for:

(1) Federal income and excess profits taxes;

(2) Taxes in connection with financing, refinancing, or refunding operations (see § 1–15.205–17);

(3) Taxes from which exemptions are available to the contractor directly or available to the contractor based on an exemption afforded the Government except when the contracting officer determines that the administrative burden incident to obtaining the exemption outweighs the corresponding benefits accruing to the Government; and

(4) Special assessments on land which represent capital improvements.

(b) Taxes otherwise allowable under (a) above, but upon which a claim of illegality or erroneous assessment exists, are allowable: *Provided*, That the contractor prior to payment of such taxes:

(1) Promptly requests instructions from the contracting officer concerning such taxes; and

(2) Takes all action directed by the contracting officer arising out of (b)(1) above or an independent decision of the Government as to the existence of a claim of illegality or erroneous assessment, including cooperation with and for the benefit of the Government to (i) determine the legality of such assessment or, (ii), secure a refund of such taxes.

Reasonable costs of any such action undertaken by the contractor at the direction or with the concurrence of the contracting officer are allowable. Interest and penalties incurred by a contractor by reason of the nonpayment of any tax at the direction of the contracting officer or by reason of the failure of the contracting officer to assure timely direction after prompt request therefor, are also allowable.

(c) Any refund of taxes, interest, or penalties, and any payment to the contractor of interest thereon, attributable to taxes, interest, or penalties which were allowed as contract costs, shall be credited or paid to the Government in the manner directed by the Government, provided any interest actually paid or credited to a contractor incident to a refund of tax, interest, or penalty shall be paid or credited to the Government only to the extent that such interest accrued over the period during which the contractor had been reimbursed by the Government for the taxes, interest, or penalties.

§ 1–15.205–42 Termination costs.

Contract terminations generally give rise to the incurrence of costs, or the need for special treatment of costs, which would not have arisen had the contract not been terminated. Cost principles covering these items are set forth below. They are to be used in conjunction with the remainder of this subpart in termination situations.

(a) Common items: The cost of items reasonably usable on the contractor's other work shall not be allowable unless the contractor submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the contractor, the contracting officer should consider the contractor's plans and orders for current and scheduled production. Contemporaneous purchases of common items by the contractor shall be regarded as evidence that such items are reasonably usable on the contractor's other work. Any acceptance of common items as allocable to the terminated portion of the contract should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(b) Costs continuing after termination: If, in a particular case, despite all reasonable efforts by the contractor, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this subpart, except that any such costs continuing after termination due to the negligent or willful failure of the contractor to discontinue such costs shall be considered unallowable.

(c) Initial costs, including starting load and preparatory costs, are allowable, subject to the following:

(1) Starting load costs are costs of a non-recurring nature arising in the early stages of production and not fully absorbed because of the termination. Such costs may include the cost of labor and material, and related overhead attributable to such factors as:

(i) Excessive spoilage resulting from inexperienced labor,

(ii) Idle time and subnormal production occasioned by testing and changing methods of processing,

(iii) Employee training, and

(iv) Unfamiliarity or lack of experience with the product, materials, manufacturing processes and techniques.

(2) Preparatory costs are costs incurred in preparing to perform the terminated contract, including costs of initial plant rearrangement and alterations, management and personnel organization, production planning and similar activities, but excluding special machinery and equipment and starting load costs.

(3) If initial costs are claimed and have not been segregated on the contractor's books, segregation for settlement purposes shall be made from cost reports and schedules which reflect the high unit cost incurred during the early stages of the contract.

(4) When the settlement proposal is on the inventory basis, initial costs should normally be allocated on the basis of total end items called for by the contract immediately prior to termination; however, if the contract includes end items of a diverse nature, some other equitable basis may be used, such as machine or labor hours.

(5) When initial costs are included in the settlement proposal as a direct charge, such costs shall not also be included in overhead.

(6) Initial costs attributable to only one contract shall not be allocated to other contracts.

(d) Loss of useful value of special tooling, special machinery and equipment is generally allowable: *Provided*—

(1) Such special tooling, machinery or equipment is not reasonably capable of use in the other work of the contractor;

(2) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer; and

(3) The loss of useful value as to any one terminated contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the contract bears to the entire terminated contract and other Government contracts for which the special tooling, special machinery and equipment was acquired.

(e) Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated contract, less the residual value of such leases, if—

(1) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the contract and such further period as may be reasonable; and

(2) The contractor makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided, such alterations were necessary for the performance of the contract, and of reasonable restoration required by the provisions of the lease.

(f) Settlement expenses including the following are generally allowable:

(1) Accounting, legal, clerical, and similar costs reasonably necessary for—

(i) The preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract, and

(ii) The termination and settlement of subcontracts; and

(2) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the contract.

(g) Subcontractor claims, including the allocable portion of claims which are common to the contract and to other work of the contractor, are generally allowable.

§ 1–15.205–43 Trade, business, technical, and professional activity costs.

(a) *Membership.* This category includes costs of memberships in trade, business, technical, and professional organizations. Such costs are allowable.

(b) *Subscriptions.* This item includes cost of subscriptions to trade, business, professional, or technical periodicals. Such costs are allowable.

(c) *Meetings and conferences.* This item includes cost of meals, transportation, rental of facilities for meetings, and costs incidental thereto, when the primary purpose of the incurrence of such costs is the dissemination of technical information or stimulation of production. Such costs are allowable.

§ 1–15.205–44 Training and educational costs.

(a) Costs of preparation and maintenance of a program of instruction at noncollege level, designed to increase the vocational effectiveness of bona fide employees, including training materials, textbooks, salaries or wages of trainees (excluding overtime compensation which might arise therefrom), and

(1) Salaries of the director of training and staff when the training program is conducted by the contractor; or

(2) Tuition and fees when the training is in an institution not operated by the contractor;

are allowable.

(b) Costs of part-time education, at an under-graduate or post-graduate college level, related to the job requirements of bona fide employees, including only:

(1) Training materials;

(2) Textbooks;

(3) Fees charged by the educational institution;

(4) Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect cost of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution; and

(5) Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year where circumstances do not permit the operation of classes or attendance at classes after regular working hours;

are allowable.

(c) Costs of tuition, fees, training materials and textbooks (but not subsistence, salary, or any other emoluments) in connection with fulltime scientific and engineering education at a postgraduate (but not undergraduate) college level related to the job requirements of bona fide employees for a total period not to exceed one school year for each employee so trained, are allowable. In unusual cases where required by military technology, the period may be extended.

(d) Maintenance expense, and normal depreciation or fair rental, on facilities owned or leased by the contractor for training purposes are allowable to the extent set forth in §§ 1–15.205–20, 1–15.205–9, and 1–15.205–24, respectively.

(e) Grants to educational or training institutions, including the donation of facilities or other properties, scholarships, or fellowships, are considered contributions and are unallowable.

§ 1–15.205–45 Transportation costs.

Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be directly costed as transportation costs or added to the cost of such items (see § 1–15.305–22). Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the contractor follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the contract, shall be treated as a direct cost.

§ 1–15.205–46 Travel costs.

(a) Travel costs include costs of transportation, lodging, subsistence, and incidental expenses, incurred by contractor personnel in a travel status while on official company business.

(b) Travel costs may be based upon actual costs incurred, or on a per diem or mileage basis in lieu of actual costs, or on a combination of the two, provided the method used does not result in an unreasonable charge.

(c) Travel costs incurred in the normal course of over-all administration of the business are allowable and shall be treated as indirect costs.

(d) Travel costs directly attributable to specific contract performance are allowable and may be charged to the contract in accordance with the principle of direct costing (see § 1–15.202).

(e) Necessary, reasonable costs of family movements and personnel movements of a special or mass nature are allowable, subject to allocation on the basis of work or time period benefited when appropriate. (But see § 1–15.107.)

Subpart 1–15.3—Principles for Determining Applicable Costs Under Research Contracts With Educational Institutions

§ 1–15.301 General.

(a) It is the intent of these principles to provide executive agencies and educational institutions with a common basis for determining the allowable costs of research sponsored by the Federal Government. Application of these principles should enable such agencies and institutions to identify the allowable direct costs of such research, plus the allocable portion of the allowable indirect costs, less applicable credits. The tests of allowability of costs applied in these principles are reasonableness and allocability under consistently applied generally accepted cost accounting principles and practices; however, these provisions are subject to any limitations as to types or amounts of costs set forth in the research agreement.

(b) These principles do not attempt to identify the circumstances or dictate the extent of agency and institution participation in the financing of a particular research and development project, but rather are confined to the subject of cost determination. Arrangements concerning financial participation are properly the subject of negotiation between the contracting officer and the educational institution concerned.

(c) These principles should be applied to all Government sponsored research at an educational institution, including research conducted at locations other than the main campus of the institution.

(d) A negotiated fixed amount in lieu of indirect costs may be appropriate in certain instances for off-campus or segregated research projects where (1) research agreements are charged directly for the cost of many of their administrative or housekeeping services, or (2) the cost of benefits derived from an institution's indirect services cannot be readily determined by use of apportionment or allocation bases normally employed, or (3) the costs of apportioning and allocating expenses to research agreements are excessive. The negotiated amount should not exceed a conservative estimate of anticipation indirect costs.

§ 1–15.302 Definitions.

As used in this subpart, the following terms have the meanings stated below:

(a) "Research agreements" are agreements to perform Federally sponsored research through grants, cost-reimbursement type contracts, cost-reimbursement type subcontracts, and fixed-price contracts and subcontracts for research.

(b) "Apportionment" is the process by which the indirect costs of the institution are assigned to (1) instruction and research, and (2) other institutional activities.

(c) "Allocation" is the process by which the indirect costs apportioned to instruction and research are distributed to research agreements.

(d) "Sponsoring agency" means the Federal agency for which the institution is performing research. Its use in this document does not imply a change in concept or intent for those agencies that have traditionally used a grant rather than a contractual instrument.

(e) "Original complement" means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings. If a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement.

(f) "Other institutional activities" means all organized activities of an institution not directly related to the instruction and research functions, such as residence halls, dining halls, student hospitals, student unions, intercollegiate athletics, book stores, faculty housing, student apartments, guest houses, chapels, theaters, public museums, financial campaigns, and other similar activities or auxiliary enterprises. Also included under this definition is any category of cost treated as "unallowable," *Provided*, Such category of cost identifies a function or activity to which a portion of the institution's general overhead expenses are properly allocable.

§ 1–15.303 Direct costs.

Direct costs are those identified as having been specifically incurred to perform a particular research agreement. The general types of direct costs are:

(a) Direct salaries and wages, including employee benefit expenses and pension plan costs (see § 1–15.307) to the extent that they are consistently treated by the educational institution as a direct rather than an indirect cost, are those applicable directly to the performance of a research agreement. Such salaries and wages should be charged at the actual rates paid by the institution. Where professional staff paid on a salary basis work directly part time on a research agreement, current and reasonable estimates of time spent may be used in the absence of actual time records;

(b) Direct material costs, including raw materials, purchased or supplied from stock, which are directly consumed or expended in the performance of a research agreement, or are otherwise applicable directly to a research agreement; and

(c) Other direct costs, including other expenses related directly to a particular research agreement or project, including abnormal utility consumption. This may include services purchased from institution service operations, *Provided*, Such are consistently treated as direct rather than indirect costs and are priced under a recognized method of costing or pricing designed to recover only actual costs and conforming to generally accepted cost accounting practices consistently followed by the institution. Purchases of equipment will be included under this heading only to the extent expressly provided for in the research agreement or approved pursuant to such agreement.

§ 1–15.304 Indirect costs.

Indirect costs are those which, because of their incurrence for common or joint objectives, are not readily subject to treatment as direct costs of research agreements or other activities. The general types of indirect costs are:

(a) General administration and general expenses are those incurred for the general executive and administrative offices of educational institutions and other expenses of a general character which do not relate solely to any specific division of the institution. Employee benefit expenses and pension plan costs may be included in this category to the extent that they are consistently treated by the educational institution as an indirect rather than a direct cost;

(b) Research administration expenses are those which apply to research administered in whole or in part by a separate organization or an identifiable administrative unit. Examples of work relating to research which is sometimes performed under such organizational arrangement are: contract administration, security, purchasing, personnel administration, and editing and publishing of research data;

(c) Operation and maintenance expenses are those incurred for operating and maintaining the institution's physical plant. They include expenses normally incurred by the institution for administration or supervision of the physical plant; janitorial service; repairs and ordinary or normal alterations of buildings, furniture, and equipment; care and maintenance of grounds; utilities; and other expenses customarily associated with the operation, maintenance, preservation, and protection of the physical plant;

(d) Library expenses are those incurred for direct operation of the library plus a use allowance for library books. The use allowance shall not exceed eight cents per volume per year;

(e) Use allowance is a means of compensation for the use of buildings, capital improvements, and equipment over and above the expenses for operation and maintenance when depreciation or other equivalent costs are not considered. The use allowance for buildings and improvements shall be computed at an annual rate not to exceed 2 percent of acquisition cost. The use allowance for equipment shall be computed at an annual rate not exceeding 6⅔ percent of acquisition cost of usable equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance shall be computed at an annual rate not exceeding 10 percent of such cost. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable equipment which may be used to compute the use allowance at an annual rate not exceeding 6⅔ percent of such estimate. Computation of the use allowance shall exclude the portion of the cost of buildings and equipment paid for out of Federal funds and the cost of grounds; and

(f) Indirect department expenses are those incurred for departmental administration, such as salaries of deans or heads of colleges, schools, departments or divisions, and related secretarial and other administrative expenses.

§ 1–15.305 Applicable costs.

(a) The cost of a research agreement is comprised of the allowable direct costs incident to its performance, plus the allocable portion of the allowable indirect costs of the institution, less applicable credits.

(b) When any types of expense ordinarily treated as indirect costs are charged to a research agreement as direct costs, the costs of similar items applicable to other activities of the institution must be eliminated from indirect costs allocable to the research agreement.

(c) Where a particular understanding has been reached regarding specific items of cost to be reimbursed, the research agreement should clearly state such understanding.

(d) Section 1–15.307 provides standards to be applied in determining the allowability of certain items of cost and also identifies certain types of expenditures which relate solely to instruction and therefore do not enter into the costs of research agreements, either as direct costs or indirect costs; such costs of instruction shall be excluded from the computations provided herein.

§ 1–15.306 Determination of indirect costs.

§ 1–15.306–1 General.

(a) In determining the indirect costs applicable to Federally sponsored research agreements, the allowable indirect costs should first be apportioned equitably between (1) instruction and research activity and (2) other institutional activities, as provided in § 1–15.306–2.

(b) The amounts of indirect costs apportioned to instruction and research should then be allocated in an equitable manner to research agreements, as provided in § 1–15.306–3.

(c) Actual conditions must be taken into account in determining the most suitable method or methods to be used in the apportionment and allocation of indirect costs. The objective should be the selection of a method or methods which will distribute the indirect costs in a fair and equitable manner to the Government research and development work and other work of the institution, giving due consideration to the nature and extent of the use of the institution's facilities by research personnel, academic staff, students and other personnel or activities, and to the materiality of the amounts involved. The methods used should conform with generally accepted cost accounting practices, provide uniformity of treatment for like cost elements, be applied consistently, and produce equitable results. Any significant change, such as in the nature or extent of Government work or other activities sponsored or conducted by the institution, may require reconsideration of the methods previously in use to determine whether they continue to be equitable.

§ 1–15.306–2 Apportionment.

Where indirect costs relate to research, instruction, and other activities, such indirect costs shall be apportioned as between instruction and research activities, and other institutional activities as defined in § 1–15.302(f). The apportionment shall be made as follows:

(a) General administration and general expenses, on the basis of total expenditures; if more appropriate in the circumstances, however, other bases may be used;

(b) Operation and maintenance of the physical plant, if not separately costed, on the basis of total square or cubic footage of the buildings; and

(c) Other types of indirect costs normally do not require apportionment; where they do, an equitable basis for making the apportionment should be selected.

§ 1–15.306–3 Allocation.

(a) After determination of the total amount of indirect costs applicable to instruction and research activities, such indirect costs shall in turn be allocated between instruction activities and research agreements as described in (b), (c), (d), and (e) below.

(b) The following criteria should be used with such appropriate modifications as will under the circumstances produce reasonably equitable allocation of the indirect costs associated with research agreements:

(1) General administration and general expenses should normally be allocated on the basis of total expenditures (exclusive of capital expenditures and use allowances) if equitable, direct salaries and wages, or other bases appropriate in the circumstances;

(2) Research administration expenses should be allocated to (i) applicable research agreements and (ii) other research benefiting therefrom on the basis of records reflecting the proportion fairly applicable to each or, in the absence of such records, on the basis of a reasonable estimate;

(3) Operation and maintenance expenses should be allocated on a basis that gives primary emphasis to space utilization. The amount allocated may be developed as follows:

(i) Where actual space and related cost records are or can readily be maintained without significant change in the accounting practices, the amount allocated to research agreements should be based on such data;

(ii) Where the space and related cost records maintained are not sufficient for purposes of (i) above, a reasonable estimate of the proportion of total space assigned to research agreements normally will suffice, and this proportion of operation and maintenance expense should be allocated to research agreements. Where it can be established that the cost of maintaining space assigned to research varies significantly from the cost of maintaining other space, appropriate weighting factors may be used to give effect to such variations;

(iii) Where more definitive information is not available, either of the following simplified techniques for determining space may be used, as most appropriate—

(A) Reduce the total space identified with instruction and research by the amount of space occupied by undergraduate students, including appropriate portions of classrooms and access and related space. Reduce by the same proportion the amount of maintenance and operation expense that has been apportioned to instruction and research, and then allocate to research agreements on the basis of the relationship that direct salaries and wages of research agreements bears to direct salaries and wages of instruction and research; or

(B) Prepare a reasonable estimate of the average gross space assigned per research worker, and extend to the

equivalent annual number of research workers under research agreements. The resulting product should then be related to total space assigned to instruction and research in order to obtain the proportion of space utilized for research agreements. The resulting proportion should then be applied to operation and maintenance expense to obtain the amount allocable to research agreements; or

(C) Where it can be demonstrated that an area or volume of space basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of facilities by research personnel and others, including students;

(4) Library expenses should normally be allocated to research agreements on the basis of population including students and other users. Where appropriate, consideration may be given to weighting segments of the population figures as necessary to produce equitable results;

(5) Use allowance for buildings and equipment should, if depreciation or other equivalent costs are not considered, be computed in accordance with § 1.15.-304(c). The cost of buildings and equipment used by "other institutional activities" (as defined in § 1–15.302(f)) should be excluded from any computation of use allowances. If available records permit, use allowances may be specifically allocated in whole or in part to research agreements. In the absence of such usable records, use allowance may be allocated to research agreements on the same basis as that used for allocating operation and maintenance expenses; and

(6) Indirect departmental expenses; the salaries and wages of departmental heads and their offices, including the allocated portion of deans of schools and their offices, which jointly benefit both research agreements and other activities should be allocated between research agreements administered or supervised by the department and other work of the department on any equitable basis, possibly direct salaries and wages, total direct expenditures, or approximate time so devoted. Where equitable results would be obtained, the distribution may be made on a composite base which would include all schools and departments.

(c) Indirect costs allocated to research agreements normally should be treated as a common pool. The costs in such common pool should then be distributed to individual research agreements benefiting therefrom on a single rate basis. This rate will be the percentage which the indirect cost pool is of direct salaries and wages of the applicable research agreements. If appropriate, total direct expenditures may be used rather than salaries and wages.

(d) It is recognized that in certain cases, due to the nature of the work, the facilities or personnel involved, or other considerations, the application of a single indirect expense rate on research agreements may produce inequitable results to the institution or to the Government. In such cases, it may be necessary to develop two or more indirect expense rates by means of: (1) Appropriate adjustment to the basic indirect expense rate developed through use of the common pool, or (2) segregation of the indirect expenses allocated to research agreements into two or more indirect expense pools. In the latter case, the costs in each such pool will be distributed to the specific research agreements benefiting therefrom on the basis of direct wages and salaries or total direct expenditures, as appropriate. Examples of conditions which may justify the development of two or more pools of indirect expense are:

(1) Where the nature of a particular type of overhead cost requires a different basis of allocation to produce equitable results;

(2) Where a research agreement or group of agreements or the facility in which such agreement(s) is performed provides its own services to a significant degree, as may be in the case of a hospital or a segregated or off-campus facility;

(3) Where a research agreement requires significantly different degrees of indirect services from the institution. For example, such conditions may exist where: (i) Significant amounts of Government-owned facilities or equipment are provided in lieu of that normally furnished by the institution, (ii) a research agreement requires an unusual amount of power or other utilities, (iii) the cost of a special library provided in lieu of regular library services is reimbursed by the Government, or (iv) construction constitutes a significant portion of the work; and

(4) Where it is appropriate to associate certain costs more directly with the activities benefited, such as where the research work is performed on one campus of a multicampus university.

(e) Where research is separately administered, in whole or in part, or separate services are provided in lieu of those services normally provided by the institution, the cost of the normal institutional administration or other services replaced thereby shall be excluded from allocation to such research.

§ 1–15.306–4 Overhead determinations acceptable under special circumstances.

(a) Indirect costs may be claimed at a rate which is anticipated to be less than that which would otherwise be allowable with provisions made in the research agreement for adjustment if actual costs subsequently proved to be less than the claimed rate.

(b) The degree of preciseness required in the computation of indirect costs will be influenced by considerations such as the materiality of the amounts involved, the size of the educational institution, and the aggregate dollar volume of Government-sponsored research at the institution. Generally, where the total direct cost of Government-sponsored research and development work at an institution does not exceed $250,000 in a year, the use of abbreviated procedures in the determination of allowable indirect costs may be acceptable when the results obtained are equitable. For example, educational institutions which have a relatively small dollar volume of Government-sponsored research may compute allowable indirect expenses on the basis of data available in the institution's financial reports. One permissible method in such cases would contemplate the use of a single indirect expense pool composed of:

(1) General and administrative expenses, exclusive of unallowable costs (see § 1–15.307), but inclusive of allocable salaries and expenses of deans of schools and department heads;

(2) Operation and maintenance expenses; and,

(3) Library expenses.

The indirect expense pool should then be allocated to research agreements and other activities of the institution on any equitable basis, possibly total expenditures (exclusive of capital expenditures).

§ 1–15.307 General standards for selected items of cost.

§ 1–15.307–1 Purpose and applicability.

(a) This § 1–15.307 provides standards to be applied to the extent deemed practicable in determining the allowability of certain items of cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards should not imply that it is either allowable or unallowable; rather, determination as to allowability in such case should be based on the treatment or standards provided for similar or related items of cost.

(b) In case of discrepancy between the provisions of a specific research agreement and the applicable standards, the provisions of the research agreement should govern.

§ 1–15.307–2 Costs applicable to instruction.

Except as specifically noted, the following types of costs apply only to instruction and therefore do not enter into the costs of research agreements, either as direct costs or indirect costs, unless specific provision is made therefor in the research agreement:

(a) Commencement and convocation costs;

(b) Sabbatical leave costs, including leave of absence to employees for performance of graduate work or sabbatical study, travel, or research;

(c) Scholarships, fellowships, tuition, and other forms of student aid costs. However, in certain cases such costs may be allocable in part to research agreements under the conditions set forth in §1–15.307–3(ii); and

(d) Student services costs, including such activities as deans of students, administration of student affairs, registrar, placement offices, student advisers, student health and infirmary services, and such other activities as are identifiable with student services. However, in the case of students actually engaged in work under research agreements, a proportion of student service costs measured by the relationship between hours of work by students on such research work and total student hours including all research time may be allowed as a part of research administration expenses.

§ 1–15.307–3 Allowable and unallowable costs.

(a) Advertising costs include the cost of advertising media and related technical and administrative costs. Only the following advertising costs are allowable: (1) Help wanted advertising, and (2) other advertising necessary for the performance of the research agreement to the extent authorized.

(b) Bad debts including losses (whether actual or estimated) arising from uncollectible accounts and other claims, related collection costs, and related legal costs are unallowable.

(c) Capital expenditures are unallowable except as provided for in the research agreement. This includes costs of books, equipment and buildings, as well as repairs which materially increase the value or useful life of such equipment or buildings.

(d) Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first aid training and supplies, fire-fighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when apportioned to all activities of the institution. Capital expenditures for civil defense purposes shall not be allowed, but a use allowance may be permitted in accordance with provisions set forth elsewhere. Costs of local civil defense projects not on the institution's premises are unallowable.

(e) Communication costs including telephone services, local and long distance telephone calls, telegrams, radiograms, postage, and the like are allowable.

(f) Compensation for personal services: Each institution shall maintain control over its salary and wage rates according to its established policy consistently applied: *Provided, however,* That the excess of salary and wage rates paid to personnel working on Government research agreements over salary and wage rates paid to personnel working on the institution's departmental research or other research will not be allowed unless specifically provided in the agreement or approved by the contracting officer. This principle does not prohibit the charging of the full salary of any temporary employee in whose favor a salary differential exists solely by virtue of the nature of his employment in accordance with the regular practice of the institution concerned. Faculty members shall be considered as employed for the period represented by the sum of all semesters and other periods during which they are required to work under the practice of the institution concerned. (Example: Professor of X institution is required to work two semesters of 4½ months each, or a total of nine months out of the academic year. His compensation is $5,400.00. During the summer months, July, August, and September, he works full time on Government research projects in the institution laboratory. Unless the established practice of the institution relating to summer compensation, not based on Government contract experience, would result in a different computation, his compensation for that period, chargeable by the institution to the Government research agreement, will be $1,800.00, computed as follows: ($5,400.00÷9=$600.00; $600.00 multiplied by 3=$1,800.00)).

(g) Contingency provisions to provide for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

(h) Deans of faculty and graduate schools, or their equivalents, including their staffs and related expenses are allowable.

(i) Employee morale, health, and welfare costs and credits, such as house publications, health or first aid clinics and/or infirmaries, recreational activities, and employees' counseling services, incurred in accordance with the institution's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Such costs shall be equitably apportioned to all activities of the institution. Income generated from any of these activities shall be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organization.

(j) Entertainment costs including costs of amusement, social activities, entertainment, and incidental costs relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable.

(k) Equipment and other facilities: The cost of equipment or other facilities, including books purchased specifically for use on the project, are allowable where such purchases are approved by the sponsoring agency concerned or provided for by the terms of the research agreement.

(l) Fines and penalties: Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the research agreement, or instructions in writing from the contracting officer.

(m) Insurance and indemnification:

(1) Insurance includes those types of insurance which the institution is required to carry, or which is approved, under the terms of the research agreement, and any other insurance which the institution maintains in the general conduct of its activities. Indemnification includes securing the institution against liabilities to third persons and other losses not compensated by insurance or otherwise.

(2) Costs of insurance required or approved, and maintained, pursuant to the research agreement, are allowable.

(3) Costs of other insurance maintained by the institution in connection with the general conduct of its activities, are allowable subject to the following limitations:

(i) Types and extent and cost of coverage shall be in accordance with sound institutional practice;

(ii) Costs of insurance or of any contributions to any reserve covering the risk of loss of or damage to Government-owned property are unallowable except to the extent that the Government shall have required or approved such costs;

(iii) Contributions to a reserve for an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks;

(iv) Costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted; and

(v) Actual losses which could have been covered by permissible insurance (through an approved self-insurance program or otherwise) are unallowable unless expressly provided for in the research agreement except: (A) Costs incurred because of losses not covered under nominal deductible insurance coverage provided in keeping with sound business practice are allowable; and (B) minor losses not covered by insurance, such as spoilage, breakage, and disappearance of small hand tools, which occur in the ordinary course of doing business, are allowable.

(n) Interest costs for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

(o) Investment counsel and staff costs are unallowable.

(p) Labor relations costs incurred in maintaining satisfactory relations between the institution and its employees, including costs of labor management committees, employees' publications, and other related activities are allowable.

(q) Losses on other research agreements or contracts: Any excess of costs over income under any other research agreement or contract of any nature is unallowable. This includes, but is not limited to, the institution's contributed portion by reason of cost-sharing agreements or any under-recoveries through negotiation of flat amounts for overhead.

(r) Maintenance and repair costs necessary for the upkeep of property (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life but keep it in an efficient operation condition, are allowable.

(s) Material costs of purchased materials, supplies, and fabricated parts directly or indirectly related to the research agreement are allowable. Purchases made specifically for the research agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores withdrawals conforming to sound accounting practices consist-

ently followed by the institution. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the research agreement, and due credit should be given for any excess materials retained, or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the research agreement. Where Government-donated or furnished material is used in performing the research agreement, such material will be used without charge.

(t) Memberships, subscriptions, and professional activity costs:

(1) Membership costs of the institution's membership in civic, business, technical, and professional organizations are allowable.

(2) Subscription costs of the institution's subscriptions to civic, business, professional, and technical periodicals are allowable, excepting those obtained for the library for which a use allowance is made.

(3) Meetings and conferences: This item includes cost of meals, transportation, rental of facilities for meetings, and costs incidental thereto, when the primary purpose of the incurrence of such costs is the dissemination of technical information. Such costs are allowable.

(u) Patent costs: Costs of preparing disclosures, reports, and other documents required by the research agreement and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the research agreement relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable. (See also (ff) below.)

(v) Pension plan costs are allowable if in accordance with the established policies of the institution, provided such policies meet the test of reasonableness and the methods of cost allocation are not discriminatory, and provided appropriate adjustments are made for credits or gains arising out of normal and abnormal employee turnover or any other contingencies that can result in forfeitures by employees which inure to the benefit of the institution.

(w) Plant security costs including wages, uniforms, and equipment of personnel engaged in plant protection, and necessary expenses to comply with Government security requirements, are allowable.

(x) Prerearch agreement costs are those which are incurred prior to the effective date of the research agreement whether or not they would have been allowable thereunder if incurred after such date. Such costs are unallowable unless specifically set forth and identified in the research agreement.

(y) Professional service costs—legal, accounting, engineering, and other.

(1) Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable, subject to (2) and (3) below, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

(2) Factors to be considered in determining the allowability of costs in a particular case include:

(i) The past pattern of such costs, particularly in the years prior to the award of Government research agreements;

(ii) The impact of Government research agreements on the institution's total activity;

(iii) The nature and scope of managerial services expected of the institution's own organization; and

(iv) Whether the proportion of Government work to the institution's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government research agreements.

(3) Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the research agreement.

(z) Profits and losses on disposition of plant, equipment, or capital assets: Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short- or long-term investments, shall be excluded in computing research agreement costs.

(aa) Proposal costs are the costs of preparing bids or proposals on potential Government and non-Government research agreements or projects, including the development of engineering data and cost data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution, and no proposal costs of past accounting periods shall be allocable in the current period to the Government research agreement. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the method used, the results obtained may be accepted only if found to be reasonable and equitable.

(bb) Public information services costs such as news releases pertaining to specific research or scientific accomplishment are unallowable unless specifically authorized by the sponsoring agency.

(cc) Rearrangement and alteration costs: Ordinary or normal rearrangement and alteration costs are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency concerned.

(dd) Reconversion costs are those incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of Government research agreement work, fair wear and tear excepted. Reconversion costs are allowable, only to the extent of the cost of removing Government property and the restoration or rehabilitation costs caused by such removal.

(ee) Recruiting costs such as "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, travel costs of employees while engaged in recruiting personnel, and travel costs of applicants for interviews for prospective employment, are allowable. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are also allowable. Costs of special benefits or emoluments offered to prospective employees beyond recognized practices for recruiting such personnel are unallowable.

(ff) Royalties and other costs for use of patents: Royalties on a patent or amortization of the cost of acquiring a patent or invention or rights thereto, necessary for the proper performance of the research agreement and applicable to tasks or processes thereunder, are allowable unless:

(1) The Government has a license or the right to free use of the patent;

(2) The patent has been adjudicated to be invalid or has been administratively determined to be invalid;

(3) The patent is considered to be unenforceable; or

(4) The patent has expired.

(gg) Severance pay is a payment, in addition to regular salaries and wages, by institutions to employees whose services have been terminated. Severance pay is allowable as a cost only to the extent that it is required by law, employer-employee agreement, established policy that constitutes in effect an implied agreement on the institution's part, or circumstances of the particular employment. Severance payments are divided into two categories as follows:

(1) Those due to normal, recurring turnover: The actual costs of such severance payments shall be regarded as expense applicable to the current fiscal year and equitably apportioned to the institution's activities during that period; and

(2) Those due to abnormal or mass terminations: Abnormal or mass severance pay is of such a conjectural nature that measurement of cost by means of an accrual will not achieve equity to both parties. Thus accruals for this purpose are not allowable. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment. Thus, allowability will be considered on a case-by-case basis.

(hh) Special services costs, such as general public relations activities, catalogs, and alumni activities, are unallowable.

(ii) Staff benefits are allowances and services provided by the institution to its employees as compensation in addition to regular wages and salaries. Costs of such staff benefits are allowable and include vacations, holidays, sick leave, military leave, employee insurance, social security taxes, and workmen's compensation insurance. The payment of tuition or remission of tuition for employees and their families are allowable to the extent that such payments or remissions are made under established policies consistently applied.

(jj) Taxes: In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for:

(1) Taxes from which exemptions are available to the institution directly or which are available to the institution based on an exemption afforded the Government and in the latter case when the sponsoring agency makes available the necessary exemption certificates; and

(2) Special assessments on land which represent capital improvements.

Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or penalties which were allowed as research agreement costs, shall be credited or paid to the Government in the manner directed by the Government provided any interest actually paid or credited to an institution incident to a refund of tax, interest, and penalty shall be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest, and penalties.

(kk) Transportation costs: Transportation costs include freight, express, cartage, and postage charges relating either to goods purchased, in process, or delivered. These costs are allowable. When such costs can readily be identified with the items involved, they may be direct costed as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the research agreement, should be treated as a direct cost.

(ll) Travel costs:

(1) Travel costs consist of transportation, lodging subsistence, and incidental expenses.

(2) Travel costs incurred by institution personnel in a travel status while on specific research business are allowable.

(3) Travel costs incurred in the normal course of over-all administration of the institution and applicable to the entire institution are allowable. Such costs shall be equitably apportioned to all work of the institution.

(4) Subsistence and lodging, including tips or similar incidental costs, are allowable either on an actual or per diem basis. The basis selected shall apply to an entire trip and not selected days of the trip.

(5) Costs of personnel movement of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency or its authorized representative.

(mm) Termination costs:

(1) Contract termination generally gives rise to the incurrence of costs or to the need for special treatment of costs, which would not have arisen had the contract not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of this subpart in the case of contract termination.

(2) The cost of common items of material reasonably usable on the institution's other work shall not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the institution's plans and orders for current and scheduled work. Contemporaneous purchases of common items by the institution shall be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allowable to the terminated portion of the contract should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

(3) If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued immediately after the effective date of termination, such costs are generally allowable within the limitations set forth in this part, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs shall be considered unacceptable.

(4) Loss of useful value of special tooling, and special machinery and equipment is generally allowable, *Provided*,

(i) Such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution;

(ii) The interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer; and

(iii) The loss of useful value as to any one terminated contract is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the contract bears the entire terminated contract and other Government contracts for which the special tooling, special machinery, and equipment was acquired.

(5) Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated cost, less the residual value of such leases, if:

(i) The amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the contract and such further period as may be reasonable, and

(ii) The institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, *Provided*, Such alterations were necessary for the performance of the contract, and of reasonable restoration required by the provisions of the lease.

(6) Settlement expenses including the following are generally allowable:

(i) Accounting, legal, clerical, and similar costs reasonably necessary for—

(A) The preparation and presentation to contracting officers of settlement claims and supporting data with respect to the terminated portion of the contract; and

(B) The termination and settlement of subcontracts; and

(ii) Reasonable costs for the storage, transportation, protection, and disposition of property acquired or produced for the contract.

(7) Subcontractor claims, including the allocable portion of claims which are common to the contract and to other work of the contractor, are generally allowable.

Subpart 1–15.4—Construction Contracts

§ 1–15.401 Definition of construction contract.

The term "construction contract" as used in this subpart means any contract for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. It does not include a contract for the manufacturing, producing, furnishing, construction, alteration, repair, processing or assembling of vessels, aircraft, or other kinds of personal property, regardless of the terms of any such contract as to payment or title.

§ 1–15.402 General basis for determination of costs.

The total cost of a cost-reimbursement type contract for construction or for architect-engineer services related to construction is the sum of the allowable costs incident to the performance of the contract, less applicable income and other credits. The tests used in determining the allowability of costs also include (a) reasonableness and (b) any limitations as to types or amounts of cost items set forth in this Subpart 1–15.4 or otherwise included in the contract. Failure to mention any item of cost in this subpart is not intended to imply that it is either allowable or not allowable. Income and other credits arising out of operations under the contract, where the related cost was reimbursed or accepted as an allowable cost, will be credited to the Government.

§ 1–15.403 Examples of items of allowable costs.

Subject to the requirements of § 1–15.402 with respect to the general basis for determining allowability of

costs, the following items of cost are considered allowable within the limitations indicated:

(a) Bonds and insurance, including self-insurance, to the extent authorized by the contracting officer;

(b) Camp operations (but see § 1–15.404(h));

(c) Freight, transportation, and material handling;

(d) Land and structures, temporary use thereof;

(e) Materials and supplies, including inspection, storage, salvage, and other usual expenses incident to the procurement and use thereof;

(f) Patents, purchased designs, and royalty payments, to the extent authorized by the contracting officer;

(g) Plant and equipment, purchase or rental thereof;

(h) Recruiting of personnel (including "help wanted" advertising);

(i) Restoration and cleanup of site and facilities, as directed by the contracting officer;

(j) Structures and facilities of a temporary nature;

(k) Subcontracts;

(l) Taxes, fees or charges, except those imposed upon, by reason of, or measured by the contractor's fee;

(m) Traveling expenses, to the extent authorized by the contracting officer;

(n) Utility services, such as communication, power, gas, and water;

(o) Vacation, holiday and severance pay, sick leave and military leave, to the extent required by law or specifically provided for elsewhere in the contract;

(p) Wages and salaries; and

(q) Pension and retirement plans in accordance with the interpretation set forth in § 1–15.406 and group health, accident and life insurance plans (but see § 1–15.404 (b), (d) and (m)).

§ 1–15.404 Examples of items of unallowable costs.

The following items of costs are considered unallowable, except as indicated and then only subject to the requirements of § 1–15.402:

(a) Advertising (including advertising in trade or technical journals), except "help wanted" advertising;

(b) Central office expenses of the contractor, such as supplies, equipment, rent, or any other expenses incident to its maintenance and operation, except to the extent authorized by the contracting officer;

(c) Commissions and bonuses (under whatever name) in connection with obtaining or negotiating for a Government contract;

(d) Compensation and traveling expenses of any officer or employee in the central office organization of the contractor, except to the extent authorized by the contracting officer;

(e) Contingency reserves;

(f) Contributions and donations;

(g) Dividend payments;

(h) Entertainment, except for on-site recreational activities for the contractor's employees as authorized by the contracting officer;

(i) Interest on borrowings (however represented), bond discount and expense, and financial charges;

(j) Legal, accounting and consulting fees and related expenses, except to the extent authorized by the contracting officer;

(k) Losses on other contracts;

(l) Memberships in trade, business, and professional organizations;

(m) Premiums for insurance on the lives of directors, officers, proprietors, or other persons, where the contractor is the beneficiary directly or indirectly;

(n) Storage of contract records after completion of contract operations, irrespective of contractual or statutory requirements regarding the preservation of records; and

(o) Taxes, fees, or charges imposed upon, by reason of, or measured by the contractor's fee.

§ 1–15.405 Examples of subjects requiring special considerations.

The following examples are illustrative of subjects affecting cost which may require special consideration:

(a) Costs incurred incidental to work covered by the contract but prior to the execution of the contract, with specific identification of the types thereof and the period involved;

(b) Government-furnished property, general nature and extent;

(c) Indirect cost basis (1) actual, (2) negotiated rate or amount, or (3) other;

(d) Insurance;

(e) Intracompany and intercompany transactions;

(f) Liability to third persons;

(g) Operation of restaurants and cafeterias;

(h) Overtime compensation (see § 1–12.102);

(i) Patents, purchased designs, and royalty payments;

(j) Personnel movement of a special or mass nature;

(k) Plant facilities fully depreciated or amortized on the contractor's books of account or acquired without cost (possible compensation for utilization in the form of a use or rental charge);

(l) Rearrangement or relocation of facilities or plant sites;

(m) Research programs of a general nature;

(n) Security measures of a special nature;

(o) Sharing of cost of research projects of the type which an educational or other nonprofit institution might undertake as a part of its own educational or research program;

(p) Subcontracting, nature and extent thereof and relation to fee or profit;

(q) Subsistence and housing of employees;

(r) Termination expenses;

(s) Tooling and equipment;

(t) Traveling expenses of a special or unusual nature; and

(u) Wages or salaries of partners or sole proprietors.

§ 1–15.406 Cost interpretation of pension and retirement plans.

(See § 1–15.403(q).)

(a) Costs of pension and retirement plans, including reasonable incidental benefits, such as disability, withdrawal, insurance or survivorship allowances which are deductible from taxable income in accordance with the Internal Revenue Code and the regulations of the Internal Revenue Service, are allowable except to the extent they are determined to be unreasonable or unallowable under any other provision of this cost interpretation. Costs of such plans established by nonprofit or other organizations not subject to payment of Federal income taxes are also allowable except to the extent they are determined to be unreasonable or unallowable under any other provision of this cost interpretation.

(b) Pension or retirement plans of a contractor which are subject to approval of the Internal Revenue Service must have been so approved before costs under the plans may be accepted as charges to Government contracts. Many plans of nonprofit or other tax exempt organizations are also reviewed and approved by the Internal Revenue Service—when not so reviewed and approved, each such plan will be reviewed, and approved or disapproved, by the procuring activity concerned, using, insofar as applicable, the criteria and standards of the Internal Revenue Code and the regulations of the Internal Revenue Service. In any case where the Internal Revenue Service withdraws approval of a plan, approval of amounts allocated to contract costs will be withdrawn accordingly.

(c) The approval of a pension or retirement plan by the Internal Revenue Service will, as a general rule, be the only approval required by the procuring activity; however, the right is reserved to require submission of any plan for consideration by the procuring activity and to disapprove such plan in its entirety or any feature thereof whenever the circumstances in a particular case are deemed to warrant such action.

(d) Approval of a pension or retirement plan by the Internal Revenue Service or by the procuring activity does not imply that the cost thereof for any particular year will be allowable for apportionment to contract costs, except to the extent costs for that year meet all other requirements of the Internal Revenue Service as a deduction for income tax purposes, and are acceptable under the provisions of this cost interpretation and other provisions of this Part 1–15.

(e) Pension and retirement costs constitute a part of the total compensation by a contractor to any individual covered by the plan, and accordingly, are subject to the provisions of this Part 1–15 with respect to reasonableness of the total compensation paid to the individual for the services rendered.

(f) Where contributions to pension or retirement plans are based on profits, *Provided*, That provisions of the Internal Revenue Code and regulations of the Internal Revenue Service have been met, the amount allowable for apportionment to contracts in any one year shall be the amount contributed to the pension trust(s) for that year, but not to exceed 15 percent of the total compensation otherwise paid or accrued in that year to the individuals covered under the plan(s).

(g) The allowability of costs of lump sum purchases of annuities or of periodic cash payments made to provide pension or retirement benefits for retiring or retired employees, other than incurred under approved pension or retirement plans, will be subject to consideration on an individual case basis.

(h) Credits which became available or are foreseeable must be taken into account in an equitable manner in determining pension and retirement costs subject to apportionment to a particular contract. In some instances, this may require adjustments to costs in anticipation of the realization of credits. For example, such action would normally be appropriate where contractors' organizations are substantially expanded for the performance of Government contracts and there is a reasonable expectation that, upon completion of the contracts, the services of practically all or a large number of the additional employees will be terminated with the result that contractors will benefit from contributions made on behalf of these employees, because such personnel will not acquire vested rights under the terms of the plan.

(i) In any current or future contract no cost allowance will be made which would duplicate, in whole or in part, an allowance previously made under a prior contract.

Subpart 1–15.5—[Reserved]

Subpart 1–15.6—Guidelines for Application in the Negotiation and Administration of Fixed-Price Type Contracts and in the Negotiation of Termination Settlements

§ 1–15.600 Scope of subpart.

This subpart provides guidance for the use of Subparts 1–15.2, 1–15.3, and 1–15.4 in (a) the evaluation of costs in pricing of negotiated fixed-price type contracts and subcontracts in those instances where such evaluation is required to establish prices for such contracts and (b) the negotiation of termination settlements.

§ 1–15.601 Definition of fixed-price type contracts.

"Fixed-price type" contracts include, for purpose of this subpart, the following:

(a) Firm fixed-price contracts;

(b) Fixed-price contracts with escalation;

(c) Fixed-price contracts providing for the redetermination of price;

(d) Fixed-price incentive contracts;

(e) Non-cost-reimbursable portion of time and materials contracts;

(f) Labor-hour contracts.

§ 1–15.602 Basic considerations.

(a) Under fixed-price type contracts, the negotiated price is the basis for payment to a contractor whereas allowable costs are the basis for reimbursement under cost-reimbursement type contracts. Accordingly, the policies and procedures of Subpart 1–3.8 are applicable in the negotiation of fixed-price type contracts. Cost and accounting data may provide guides for ascertaining fair compensation but are not rigid measures of it. Other types of data, criteria, or standards may furnish reliable guides to fair compensation. The ability to apply standards of business judgment as distinct from strict accounting principles is at the heart of a negotiated price or settlement.

(b) Among the different types of fixed-price type contracts, the need for consideration of costs varies considerably as indicated below:

(1) *Retrospective pricing and settlements.* In negotiating firm fixed prices or settlements for work which has been completed at the time of negotiation (e.g., final negotiations under fixed-price incentive contracts, redetermination of price after completion of the work, or negotiation of a settlement agreement under a contract terminated for the convenience of the Government), the treatment of costs is a major factor in arriving at the amount of the price or settlement. However, even in these situations, the finally agreed price or settlement may represent something other than the sum total of acceptable costs plus profit, since the final price accepted by each party does not necessarily reflect agreement on the evaluation of each element of cost, but rather a final resolution of all issues in the negotiation process.

(2) *Forward pricing.* The extent to which costs influence forward pricing varies greatly from case to case. In negotiations covering future work, actual costs cannot be known and the importance of cost estimates depends on the circumstances. The contracting officer must consider all the factors affecting the reasonableness of the total proposed price, such as the technical, production, or financial risk assumed, the complexity of work, the extent of competitive pricing, and the contractor's record for efficiency, economy, and ingenuity, as well as available cost estimates. He must be free to bargain for a total price which equitably distributes the risks between the contractor and the Government and provides incentives for efficiency and cost reduction. In negotiating such a price, it is not possible to identify the treatment of specific cost elements since the bargaining is on a total price basis. Thus, while cost data is often a valuable aid, it will not control negotiation of prices for work to be performed, or a target price under an incentive contract.

§ 1–15.603 Cost principles and their use.

(a) When, pursuant to § 1–15.602, costs are to be considered in the negotiation of fixed-price type contracts, the appropriate subpart of this Part 1–15 may be used as a guide in the evaluation of cost data required to establish a fair and reasonable price in conjunction with other pertinent considerations as set forth more fully in Subpart 1–3.8.

(b) In retrospective pricing, whenever an occasion arises in which acceptability of a specific item of cost becomes an issue, the appropriate part of this Part 1–15 will serve as a guide for the contracting officer in his conduct of negotiations.

(c) In applying this Part 1–15 to fixed-price contracts, contracting officers will (1) not be expected to negotiate agreement on every individual element of cost; and (2) be expected to use their judgment as to the degree of detail in which they consider the individual elements of cost in arriving at their evaluation of total cost, where such evaluation is appropriate. However, the negotiation record should fully substantiate and justify the reasoning leading to any negotiated price.

(d) In order to permit the proper evaluation of cost data submitted by contractors for use in negotiating prices, it may be necessary to obtain breakdowns or account analyses in respect to some cost items, particularly those whose treatment may be dependent upon special circumstances as stated in these principles. Contractors will be expected to be responsive to reasonable requests for data of this kind.

Effective date. These regulations are effective August 15, 1960, but may be observed earlier.

Dated: July 15, 1960.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 60–6799; Filed, July 21, 1960; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND CANNED FRUIT JUICES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Prunes, Canned Seedless Grapes, Canned Berries, Canned Plums; Order Establishing Standards of Identity [1]

In the matter of establishing definitions and standards of identity for canned prunes, canned seedless grapes, canned berries, and canned plums:

A notice of proposed rule making was published in the FEDERAL REGISTER of March 25, 1960 (25 F.R. 2545), setting forth proposals by the National Canners Association, 1133 Twentieth Street NW., Washington, D.C., to establish definitions and standards of identity for canned prunes, canned seedless grapes, canned berries, and canned plums. Each proposal contained definitions of the optional saccharine ingredients to be used in preparing the packing media for these canned fruits. Since the definitions of such optional saccharine ingredients in § 27.1 apply to all the identity standards for food in this chapter, they need not be repeated in the identity standards established by this order.

[1] Statement of policy § 3.12 *Notice to canners and distributors of canned prunes, canned seedless grapes, canned berries, and canned plums*, published March 25, 1960 (25 F.R. 2516) exempted the listed canned fruits from certain requirements for labeling pending rulings on the proposed standards. It is intended that an announcement shall be published rescinding § 3.12 when the notice confirming the effective date of the identity standards for these canned fruits is published.

Interested persons were invited to submit views and comments on the proposals. The only comment filed was an objection to these standards submitted by a manufacturer of lactose, whose comment was that no standards for these canned fruits should be established unless they are changed to include lactose. No data concerning canned fruits with added lactose was submitted.

Upon consideration of the proposals, the comment submitted, and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers definitions and standards of identity for canned prunes, canned seedless grapes, canned berries, and canned plums should be adopted as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 8611): *It is ordered*, That Part 27 be amended by adding thereto the following new sections:

§ 27.15 Canned prunes; identity; label statement of optional ingredients.

(a) Canned prunes is the food prepared from dried prunes, with or without one of the optional packing media specified in paragraph (b) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice.
(2) Flavoring, other than artificial flavoring.
(3) A vinegar.
(4) Citric acid.
(5) Lemon juice.
(6) Unpeeled pieces of citrus fruits.

Such food is sealed in a container. It is so processed by heat as to prevent spoilage.

(b) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Light sirup.
(iii) Heavy sirup.
(iv) Extra heavy sirup.

(2) Each of packing media in subparagraph (1) (ii) to (iv), inclusive, of this paragraph is prepared with water and one of the optional saccharine ingredients specified in paragraph (c) of this section.

(3) The respective densities of packing media in subparagraph (1) (ii) to (iv), inclusive, of this paragraph as measured on the Brix hydrometer 15 days or more after the prunes are canned, are within the range set out after the name of each in the following list:

Name of packing medium	*Brix measurement*
Light sirup	20° or more but less than 24°.
Heavy sirup	24° or more but less than 30°.
Extra heavy sirup	30° or more but not more than 45°.

(c) The optional saccharine ingredients referred to in paragraph (b) of this section are:

(1) Sugar.
(2) Invert sugar sirup.
(3) Any mixture of sugar and invert sugar sirup.
(4) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided the weight of the solids of the dextrose does not exceed one-third of the total weight of the solids of the combined saccharine ingredients.
(5) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or glucose sirup or such sirups in dried form, or any two or more of such sirups or dried sirups, provided the weight of the solids of such sirups or dried sirups used does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.
(6) Any mixture of the optional saccharine ingredients in subparagraphs (4) and (5) of this paragraph.

(d) Wherever the word "prunes" appears on the label in the name of the food prepared with a packing medium it shall be preceded by one of the words "cooked," "stewed," or "prepared," and shall be followed by the name whereby the optional packing medium used is designated in paragraph (b) of this section, preceded by "in" or "packed in." Wherever the word "prunes" appears on the label in the name of the food prepared without added packing medium it shall be preceded by the word "moistened" or the words "moist pack," and shall be followed by the words "without sirup." The statement "prepared from dried prunes," which is a part of the name of the food, shall immediately follow the name of the optional packing medium or the words "without sirup," as the case may be, without intervening written, printed, or graphic matter. The type used for the words "prepared from dried prunes" shall be of the same style and not less than one-half of the point size of the type used for the word "prunes."

(e) When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth after the number of such subparagraph:

(a) (1) "Spiced" or "spice added" or "with added spice" or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "with added flavoring" or, in lieu of the word "flavoring," the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "seasoned with _____ vinegar," the blank being filled in with the name of the vinegar used.

(a) (4) "Citric acid added" or "with added citric acid."

(a) (5) "Lemon juice added" or "with added lemon juice."

(a) (6) "_____ added" or "with added _____," the blank being filled in with the name of the citrus pieces used.

When two or more of the optional ingredients specified in paragraph (a) of this section are used, such words may be combined, as for example, "with added spices, lemon slices, and lemon juice."

(f) Wherever the name of the food and the other labeling prescribed by paragraph (d) of this section appear on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in paragraph (e) of this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the prunes may so intervene or may immediately precede the word "prunes" in the name.

§ 27.25 Canned seedless grapes; identity; label statement of optional ingredients.

(a) Canned seedless grapes is the food prepared from one of the optional grape ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one or more of the following optional ingredients:

(1) Spice.
(2) Flavoring, other than artificial flavoring.
(3) A vinegar.

Such food is sealed in a container. It is so processed by heat as to prevent spoilage.

(b) The optional grape ingredients referred to in paragraph (a) of this section are prepared from stemmed grapes of the light or dark seedless varieties or from unstemmed clusters of such grapes. For the purposes of paragraph (e) of this section, the names of such optional grape ingredients are "light seedless grapes" or "dark seedless grapes," as the case may be, preceded by the words "unstemmed clusters" where appropriate.

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Grape juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.

As used in this section, the term "grape juice" means the fresh or canned expressed juice of mature grapes of the same variety as the optional fruit ingredient, and the term "water" means, in addition to water, any mixture of water and grape juice.

(2) Each of packing media in subparagraph (1) (iii) to (vi), inclusive, of this paragraph is prepared with water and one of the optional saccharine ingredients specified in paragraph (d) of this section.

(3) The respective densities of packing media in subparagraph (1) (iii) to (vi), inclusive, of this paragraph as measured on the Brix hydrometer 15 days or more after the grapes are canned, are within the range prescribed after the name of each in the following list:

Name of packing medium	*Brix measurement*
Slightly sweetened water.	Less than 14°.
Light sirup	14° or more but less than 18°.
Heavy sirup	18° or more but less than 22°.
Extra heavy sirup	22° or more but not more than 35°.

(d) The optional saccharine ingredients referred to in paragraph (c) of this section are:

(1) Sugar.
(2) Invert sugar sirup.
(3) Any mixture of sugar and invert sugar sirup.
(4) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided that the weight of the solids of the dextrose does not exceed one-third of the total weight of the solids of the combined saccharine ingredients.
(5) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or glucose sirup or such sirups in dried form, or any two or more of such sirups or dried sirups, provided the weight of the solids of such sirups or dried sirups used does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.
(6) Any mixture of the optional saccharine ingredients in subparagraphs (4) and (5) of this paragraph.

(e) The label shall bear the name of the optional grape ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "in" or "packed in." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth after the number of such subparagraph:

(a) (1) "Spiced" or "spice added" or "with added spice," or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "with added flavoring," or, in lieu of the word "flavoring," the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "seasoned with _____ vinegar," the blank being filled in with the name of the vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "seasoned with cidervinegar, cloves, and cinnamon oil."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the grapes may so intervene.

§ 27.35 Canned berries; identity; label statement of optional ingredients.

(a) The canned berries for which definitions and standards of identity are prescribed by this section are the foods each of which is prepared from one of the optional berry ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food is sealed in a container. It is so processed by heat as to prevent spoilage.

(b) The optional berry ingredients referred to in paragraph (a) of this section are prepared from stemmed fruit of the following varieties:

Blackberries.
Blueberries.
Boysenberries.
Dewberries.
Gooseberries.
Huckleberries.
Loganberries.
Black raspberries.
Red raspberries.
Strawberries.
Youngberries.

The fruit of each such variety is an optional berry ingredient.

(c) (1) The optional packing media referred to in paragraph (a) of this section are as follows:

(i) Water.
(ii) Berry juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Slightly sweetened berry juice.
(viii) Light berry juice sirup.
(ix) Heavy berry juice sirup.
(x) Extra heavy berry juice sirup.

As used in this section, the term "berry juice" means the fresh or canned expressed juice of berries of the same variety as the optional berry ingredient, and the term "water" means, in addition to water, any mixture of water and berry juice.

(2) Each of packing media in subparagraph (1) (iii) to (x), inclusive, of this paragraph is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media in subparagraph (1) (iii) to (vi) of this paragraph, inclusive, are prepared, and berry juice is the liquid ingredient from which packing media in subparagraph (1) (vii) to (x) of this paragraph, inclusive, are prepared. The saccharine ingredient from which packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, are prepared is one of the optional saccharine ingredients specified in paragraph (d) of this section. Where the saccharine ingredient used adds water to the packing medium, as it will if it includes invert sugar sirup, corn sirup, or glucose sirup other than such sirups in dried form, the packing medium shall be considered to be one of those designated in subparagraph (1) (iii) to (vi) of this paragraph and not a berry juice packing medium as designated in subparagraph (1) (vii) to (x) of this paragraph.

(3) The respective densities of packing media in subparagraph (1) (iii) to (x), inclusive, of this paragraph as measured on the Brix hydrometer 15 days or more after the berries are canned, fall within the range prescribed for each in the following table of optional packing media:

OPTIONAL PACKING MEDIA

Optional berry ingredient	(c)(1) (iii) and (vii): Slightly sweetened water and slightly sweetened berry juice		(c)(1) (iv) and (viii): Light sirup and light berry juice sirup		(c)(1) (v) and (ix): Heavy sirup and heavy berry juice sirup		(c)(1) (vi) and (x): Extra heavy sirup and extra heavy berry juice sirup	
	Minimum Brix	Maximum Brix less than—	Minimum Brix	Maximum Brix less than—	Minimum Brix	Maximum Brix less than—	Minimum Brix	Maximum Brix not more than—
	Degrees	*Degrees*	*Degrees*	*Degrees*	*Degrees*	*Degrees*	*Degrees*	*Degrees*
Blackberries		14	14	19	19	24	24	26
Blueberries		15	15	20	20	25	25	35
Boysenberries		14	14	19	19	24	24	35
Dewberries		14	14	19	19	24	24	35
Gooseberries		14	14	20	20	26	26	35
Huckleberries		15	15	20	20	25	25	35
Loganberries		14	14	19	19	24	24	35
Black raspberries		14	14	20	20	27	27	35
Red raspberries		14	14	22	22	28	28	35
Strawberries		14	14	19	19	27	27	35
Youngberries		14	14	19	19	24	24	35

(d) The optional saccharine ingredients referred to in paragraph (c) of this section are:

(1) Sugar.
(2) Invert sugar sirup.
(3) Any mixture of sugar and invert sugar sirup.
(4) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided that the weight of the solids of the dextrose does not exceed one-third of the total weight of the solids of the combined saccharine ingredients.
(5) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or glucose sirup or such sirups in dried form, or any two or more of such sirups or dried sirups, provided the weight of the solids of such sirups or dried sirups used does not exceed one-fourth of the total weight of the solids of the combined saccharine ingredients.
(6) Any mixture of the optional saccharine ingredients in subparagraphs (4) and (5) of this paragraph.

(e) The label shall bear the name of the optional berry ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "in" or "packed in."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section, showing the optional ingredients used, shall immedi-

ately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the berries may so intervene.

§ 27.45 Canned plums; identity; label statement of optional ingredients.

(a) Canned plums is the food prepared from one of the optional plum ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring, other than artificial flavoring.

(3) A vinegar.

Such food is sealed in a container. It is so processed by heat as to prevent spoilage.

(b) The optional plum ingredients referred to in paragraph (a) of this section are prepared from mature plums of the domestic (*Prunus domestica* L.) varietal groups; and are in the following forms of units: Unpeeled whole, peeled whole, unpeeled halves, peeled halves. In the case of halves, the plums are pitted, and in the case of whole plums they may be pitted or unpitted. For the purposes of paragraph (c) of this section, the names of such optional plum ingredients are "_____ plums," the blank being filled in with the name of the variety or varietal type of the plums, for example, "purple," "greengage," etc., preceded or followed by the word "whole," "halves," or "halved," as the case may be. The name of the optional plum ingredient shall include the word "peeled" when appropriate, and in the case of whole plums the word "pitted" if such ingredient is pitted as, for example, "pitted whole purple plums," "whole pitted purple plums," "peeled halves purple plums," "peeled purple plums halved."

(c) (1) The optional packing media referred to in paragraph (a) of this section are as follows:

(i) Water.
(ii) Plum juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Slightly sweetened plum juice.
(viii) Light plum juice sirup.
(ix) Heavy plum juice sirup.
(x) Extra heavy plum juice sirup.

As used in this section, the term "plum juice" means the fresh or canned expressed juice of mature plums of the same varietal group as the optional plum ingredient, and means, the term "water" means, in addition to water, any mixture of water and plum juice.

(2) Each of packing media in subparagraph (1) (iii) to (x), inclusive, of this paragraph is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media in subparagraph (1) (iii) to (vi) of this paragraph, inclusive, are prepared and plum juice is the liquid ingredient from which packing media in subparagraph (1) (vii) to (x) of this paragraph, inclusive, are prepared. The saccharine ingredient from which packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, are prepared is one of the optional saccharine ingredients specified in paragraph (d) of this section. Where the saccharine ingredient used adds water to the packing medium, as it will if it includes invert sugar sirup, corn sirup, or glucose sirup other than such sirups in dried form, the packing medium shall be considered to be one designated in subparagraph (1) (iii) to (vi), inclusive, of this paragraph and not a plum juice packing medium as designated in subparagraph (1) (vii) to (x), inclusive, of this paragraph.

(3) The respective densities of packing media in subparagraph (1) (iii) to (x), inclusive, of this paragraph as measured on the Brix hydrometer 15 days or more after canning, are within the range prescribed for each in the following list:

Number of packing medium in the case of purple plums	*Brix measurement*
(1) (iii) and (vii)	Less than 18°.
(1) (iv) and (viii)	18° or more but less than 21°.
(1) (v) and (ix)	21° or more but less than 26°.
(1) (vi) and (x)	26° or more but not more than 35°.

Number of packing medium in the case of all other varieties	*Brix measurement*
(1) (iii) and (vii)	Less than 16°.
(1) (iv) and (viii)	16° or more but less than 19°.
(1) (v) and (ix)	19° or more but less than 24°.
(1) (vi) and (x)	24° or more but not more than 35°.

(d) The optional saccharine ingredients referred to in paragraph (c) of this section are:

(1) Sugar.
(2) Invert sugar sirup.
(3) Any mixture of sugar and invert sugar sirup.
(4) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided that the weight of the solids of dextrose does not exceed one-third of the total weight of the solids of the combined saccharine ingredients.
(5) Any of the optional saccharine ingredients in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or glucose sirup or such sirups in dried form, or any two or more of such sirups or dried sirups, provided the weight of the solids of such sirups or dried sirups used does not exceed one-fourth of the weight of the solids of the combined saccharine ingredients.
(6) Any mixture of the optional saccharine ingredients in subparagraphs (4) and (5) of this paragraph.

(e) The label shall bear the name of the optional plum ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "in" or "packed in." When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used the label shall bear the words set forth after the number of such subparagraph:

(a) (1) "Spiced" or "spice added" or "with added spice" or, in lieu of the word "spice," the common name of the spice.

(a) (2) "Flavoring added" or "with added flavoring" or, in lieu of the word "flavoring," the common name of the flavoring.

(a) (3) "Seasoned with vinegar" or "seasoned with _____ vinegar," the blank being filled in with the name of the vinegar.

When two or more of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as, for example, "with added spices and vinegar."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U.S.C. 341)

Dated: July 18, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6860; Filed, July 21, 1960; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of CIPC

A petition was filed with the Food and Drug Administration by Columbia Southern Chemical Corporation, a subsidiary of Pittsburgh Plate Glass Company, 1 Gateway Center, Pittsburgh 22, Pennsylvania, requesting the establishment of a tolerance for residues of CIPC (isopropyl *N*(3-chlorophenyl) carbamate) at 50 parts per million in or on potatoes to permit its postharvest use to inhibit sprouting.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance esablished in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section.

§ 120.181 Tolerances for residues of CIPC.

A tolerance of 50 parts per million is established for residues of CIPC (isopropyl *N*(3-chlorophenyl) carbamate) in or on potatoes from postharvest application.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: July 18, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6861; Filed, July 21, 1960; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Demethylchlortetracycline Hydrochloride-Nystatin Capsules

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended as follows:

1. Part 141c is amended by adding the following new section:

§ 141c.259 Demethylchlortetracycline hydrochloride-nystatin capsules.

(a) *Potency*—(1) *Demethylchlortetracycline hydrochloride content.* Using a high-speed blender, prepare an appropriate number of capsules in 500 milliliters of 0.1 *N* HCl and proceed as directed in § 141c.251(a). The average potency is satisfactory if it contains not less than 85 percent of the number of milligrams of demethylchlortetracycline hydrochloride that it is represented to contain.

(2) *Nystatin content.* Proceed as directed in § 141c.224(a)(1)(ii). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

2. Part 146c is amended by adding the following new section:

§ 146c.259 Demethylchlortetracycline hydrochloride-nystatin capsules.

Demethylchlortetracycline hydrochloride-nystatin capsules are capsules that conform to all requirements and are subject to all procedures prescribed by § 146c.252 for capsules demethylchlortetracycline hydrochloride, except that:

(a) Each capsule contains not less than 250,000 units of nystatin. The nystatin used conforms to the requirements prescribed therefor by § 146c.222 (a).

(b) The average moisture content of the capsules is not more than 5.0 percent.

(c) In addition to the labeling prescribed by § 146c.252(c), each package shall bear on its label or labeling the number of units of nystatin in each capsule of the batch. Its expiration date shall be the date that is 18 months after the month during which the batch was certified.

(d) In addition to complying with the requirements of § 146c.252(d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and specific rotation. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(e) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (c) of this section shall be:

(1) $1.00 for each capsule.

(2) $4.00 for each immediate container of nystatin.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of this new antibiotic drug.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 18, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6859; Filed, July 21, 1960; 8:48 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146c.204) are amended as indicated below:

In § 146c.204 *Chlortetracycline hydrochloride capsules;* * * *, paragraph (c) (1) (iv) (d) is amended by changing the words "36 months" to read "36 months or 48 months".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer there-

of has supplied adequate data regarding that article.

Effective date. This order shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 18, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6856; Filed, July 21, 1960; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

Promotion of Substitutes in the Postal Service

Section 2.304 is amended as set out below.

§ 2.304 Promotion of substitutes in the Postal Service.

Substitutes shall be promoted to the first vacancy occurring in regular positions in the order of their original appointment, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by position change, reinstatement, or transfer of persons with competitive status in accordance with the regulations in this chapter. When corrective action on an appointment is taken to comply with the requirements of § 2.206, "order of original appointment" means the order in which appointment would have taken place, had the correct action been taken originally. Whenever two (2) or more substitutes are appointed on the same day, the order of promotion shall be the order in which their names appeared on the register from which they were originally appointed.

(Sec. 8, 58 Stat. 389, as amended; 5 U.S.C. 637)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-6847; Filed, July 21, 1960; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, paragraph (f)(2) of § 6.309 is amended as set out below.

§ 6.309 Post Office Department.

* * * * *

(f) *Bureau of Operations.* * * *

(2) Two Special Assistants to the Assistant Postmaster General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-6846; Filed, July 21, 1960; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Section 201.1 is amended by adding new paragraphs (f–1) and (f–2) as follows:

§ 201.1 Definitions.

* * * * *

(f–1) "Direct loan" means a loan applied for by and disbursed directly to the borrower or borrowers where:

(1) The credit application, signed by the borrower or borrowers, is filled out by:

(i) The borrower or borrowers; or

(ii) A maker of the note other than a borrower; or

(iii) A person acting at the direction of a borrower who has no financial interest, directly or indirectly, in the contract for the repair, alteration or improvement of the borrower's property; and

(2) The proceeds are delivered directly to such borrower or borrowers without the intervention or participation of an intermediary in any manner in such disbursement other than a maker of the note.

(f–2) "Dealer loan" means a loan where an intermediary, having a financial interest in the contract for the repair, alteration, or improvement of the borrower's property, intervenes or participates in the application for or disbursement of the loan.

In § 201.8 subparagraphs (1) and (2) of paragraph (a) and paragraph (c) are amended to read as follows:

§ 201.8 Dealer investigation, approval and control.

(a) *Procedure before disbursement.*

* * *

(1) *Dealer investigation and approval.* Have approved as "dealer" any applicant who, after such investigation as the insured considers necessary, is found to be reliable, financially responsible and qualified to perform satisfactorily the work to be financed and to extend proper services to the customer. This approval shall be evidenced by an application, on a form approved by the Commissioner, dated and signed by the person requesting approval as dealer and dated and signed by the insured to signify such approval. The dealer application, the approval by the insured, together with supporting information and a record of the insured's experience with the loans originated by such dealer, shall be maintained in the insured's file.

(2) *Completion certificates.* Obtain a completion certificate on a form approved by the Commissioner, signed by the borrower and by the person approved by the insured as dealer. An insured shall not disburse the proceeds of a loan, if, as an inducement for the consummation of the transaction, the borrower has been given or promised a cash payment or rebate or it has been represented to the borrower that he will receive a cash bonus or commissions on future sales. In the absence of information to the contrary, the insured may rely upon the dealer's statement in his completion certificate as to such bonus selling. If there are two or more eligible borrowers involved in a transaction, only one signature is required on the borrower's certificate.

* * * * * *

(c) *Exceptions.* The provisions of paragraphs (a) and (b) of this section shall not apply to direct loans.

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interpret or apply sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1706c)

Issued at Washington, D.C., July 19, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-6865; Filed, July 21, 1960; 8:50 a.m.]

Title 30—MINERAL RESOURCES

Chapter IV—Federal Coal Mine Safety Board of Review

PART 401—RULES OF PROCEDURE

Use of Certified Mail

Pursuant to section 1 (22) and (23) of Public Law 86-507, 86th Congress (74 Stat. 201), relating to the use of certified mail, sections 401.7(a)(1), 401.7(a)(2), and 401.28(b) of the Rules of Procedure (18 F.R. 3017) are amended by inserting the words "or by certified mail" immediately following the words "by registered mail," when used in those sections of the rules of procedure. As so amended, §§ 401.7(a) (1) and (2), and 401.28(b) read as follows:

§ 401.7 Service on Director: manner and proof.

(a) * * *

(1) The applicant shall send a copy of the application by registered mail or by certified mail to the Director at Washington, D.C.

(2) A copy of any request for temporary relief shall also be sent by registered mail or by certified mail to the Director at Washington, D.C.

* * * * * *

§ 401.28 Certification and filing by officer.

* * * * * *

(b) If any of the requirements specified in paragraph (a) (1) to (6) of this section are waived, the certificate shall so state. The officer shall sign the certificate and affix thereto his seal of office, if he has such seal. Unless waived on the record by agreement, he shall then, without delay, securely seal in an envelope all the evidence, notices, and paper exhibits, inscribe upon the envelope a certificate giving the number and title of the case, the name of each witness, and the date of sealing, and deliver the envelope, in person or by registered mail or by certified mail, to the Secretary of the Board. If the weight or bulk of an exhibit shall exclude it from the envelope it shall, unless waived on the record by agreement of all parties, be authenticated by the officer and transmitted in a separate package, marked and forwarded to the Secretary of the Board by suitable means.

(Sec. 205(h), 66 Stat. 698; 30 U.S.C. 475(h))

Adopted by the Federal Coal Mine Safety Board of Review at its office in Washington, D.C., on the 18th day of July 1960.

TROY L. BACK,
Executive Secretary of the Board.

[F.R. Doc. 60-6850; Filed, July 21, 1960; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast and Geodetic Survey, Department of Commerce

PART 303—CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

Insofar as the Administrative Procedures Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure, or postpone the effective date thereof.

Part 303 of Chapter III, Title 33, is revised as follows:

Sec.
303.1 Certification and validation.
303.2 Reproductions of geophysical records.
303.3 Reproductions of oceanographic records.
303.4 Reproductions of maps.
303.5 Aerial photographic reproductions.
303.6 Mailing costs.
303.7 Special items.
303.8 Large orders.
303.9 Prices.

AUTHORITY: §§ 303.1 to 303.9 issued under sec. 501, 65 Stat. 290; 5 U.S.C. 140.

§ 303.1 Certification and validation.

Certification and validation of reports, documents, maps, charts, photographs, etc., with or without the Department of Commerce Seal—50 cents each.

§ 303.2 Reproductions of geophysical records.

Charges for reproductions of geophysical records:

Form of record	Copies available	Unit cost	Group cost	Minimum charges
Film:				
35 mm	35-mm film [1]	$0.12/ft.		[2] $2.00
	Continuous paper [3]	$0.10/ft.		[2] 15.00
	Paper prints of individual frames:			
	7 x 9 inches	$0.42 ea.		2.00
	8 x 10 inches	$0.48 ea.		2.00
	11 x 14 inches	$0.60 ea.		2.00
	17 x 21 inches	$1.65 ea.		2.00
16 mm	16-mm film [1]	$0.12/ft.		[2] 2.00
	Continuous paper [3]	$0.10/ft.		[2] 15.00
	Paper prints of individual frames:			
	7 x 9 inches	$0.42 ea.		2.00
	8 x 10 inches	$0.48 ea.		2.00
	11 x 14 inches	$0.60 ea.		2.00
	17 x 21 inches	$1.65 ea.		2.00
Paper:				
Rapid-run magnetograms [4]	Photostats:			
	Full size	$1.25 ea.	$21.00/mo.	1.25
	Half size	$1.25/6	$6.50/mo.	1.25
	Positive photostats: full size	$2.25 ea.		2.25
	35-mm film	$0.12/ft.		[2] 2.00
	Continuous paper [3]	$0.10/ft.		[2] 15.00
	Paper prints of individual frames:			
	7 x 9 inches	$0.42 ea.		2.00
	8 x 10 inches	$0.48 ea.		2.00
	11 x 14 inches	$0.60 ea.		2.00
	17 x 21 inches	$1.65 ea.		2.00
Standard magnetograms	Photostats:			
	Full size	$1.25/2	$15.50/mo.	1.25
	Half size	$1.25/8	$4.50/mo.	1.25
	Positive photostats: Full size	$2.25/2	$30.00/mo.	[2] 2.00
	35 mm film	$0.12/ft.		[2] 15.00
	Continuous paper [3]	$0.10/ft.		
	Paper prints of individual frames:			
	7 x 9 inches	$0.42 ea.		2.00
	8 x 10 inches	$0.48 ea.		2.00
	11 x 14 inches	$0.60 ea.		2.00
	17 x 21 inches	$1.65 ea.		2.00
Millimeter hourly scalings [5]	Photostats:			
	Full size	$1.25/4	$3.25/mo.	$1.25
	Half size		$1.25/mo.	1.25
	Positive photostats	$2.25/4	$4.25/mo.	2.25
	35-mm film	$0.12/ft.		[2] 2.00
	Continuous paper [3]	$0.10/ft.		[2] 15.00
	Paper prints of individual frames:			
	7 x 9 inches	$0.42 ea.		2.00
	8 x 10 inches	$0.48 ea.		2.00
	11 x 14 inches	$0.60 ea.		2.00
	17 x 21 inches	$1.65 ea.		2.00
Variograms [4]	Photostats:			
	Full size	$1.25/3	$11.00/mo.	1.25
	Half size	$1.25/12	$2.50/mo.	1.00
	Photostats	$1.25/4 mo.		
	do	[6]		
K-Indices	Photocopies: Full size	$2.25 ea.		
Quarterly storm reports				
Seismograms				

[1] Contact prints.
[2] For each roll.
[3] Positive photos in strip form. 7X to 15X available. 12X will give original record size.
[4] One element, one day on each gram; 30 x 50 cm.
[5] Each sheet (8 x 10½ inches) contains scalings for 3 days, 3 elements.
[6] Astrania. 12 cm. wide.
[7] Prices for particular quarter available on request.

§ 303.3 Reproductions of oceanographic records.

Charges for reproductions of oceanographic records:

Ozalid prints of shoreline surveys: each—$1.00.

Bromide prints of hydrographic survey sheets: each—$7.00 first copy and $4.50 each additional copy of same sheet.

Photostats of portions of hydrographic survey sheets, up to 18" x 24": each—$2.50 for negative, $3.50 for positive, and $1.50 for each additional positive from same negative.

Photostats of tide predictions: $2.50 per station year.

Photostats of tidal current predictions: $3.50 per station year.

Photostats of high and low water observations: $1.50 in units of 3 months or $3.50 per station year.

Photostats of hourly height observations: $1.50 in units of 4 months or $3.50 per station year.

Photostats of sea water temperature and density: $1.50 in units of 4 months or $3.50 per station year.

§ 303.4 Reproductions of maps.

Ozalid prints of planimetric maps: each—$1.00.

§ 303.5 Aerial photographic reproductions.

Charges for aerial photographic reproductions:

Ozalid prints of indexes of aerial photography: each—50 cents.

Single-lens aerial photographs: Contact prints, 9" x 9", untrimmed: each—50 cents. Ratio prints (enlargements of whole negative), untrimmed:

Ratio	Approximate size	1 to 5	Over 5
	Inches	Each	Each
2X	18 x 18	$2.50	$2.50
3X	27 x 27	3.00	3.00
4X	36 x 36	4.00	4.00

Enlargements of part of negative (any size up to 36" x 36"), untrimmed:
1 to 5—$5.50 each.
Over 5—$4.40 each.

Note: Trimmed prints—3 cents extra per print. Waterproof (low shrinkage) paper—20 cents extra per print.

Contact or reduction dispositives (on glass for first and second order plotting instruments):
1 to 5—$5.50 each.

Over 8—$3.00 each.

Multiplex diapositives (reductions on glass): $2.00 each.

Nine-lens aerial photograph prints (size approximately 20" x 36"):

Each—$12.00

Additional prints from the same negative—$9.00 each.

§ 303.6 Mailing costs.

Shipment by first-class mail or parcel post is prepaid. Shipment by express, airmail, or involving any special handling will be paid by purchaser.

§ 303.7 Special items.

Charges for special items not included in this part will be based on labor, material, reproduction, handling, mailing, and overhead costs.

§ 303.8 Large orders.

Special arrangements must be made with the Coast and Geodetic Survey for orders in excess of $50.00 in cost, or when a purchaser expects to place repeated small orders over a period of several months when the aggregate value will be in excess of $50.00.

§ 303.9 Prices.

All prices in this part are based on a single order and are not to be considered subscription prices.

The effective date of this revision is July 1, 1960.

JAMES C. TISON, JR.,
Captain, C&GS,
Acting Director.

Approved: July 15, 1960.

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-6845; Filed, July 21, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 94—HIGHWAY TRANSPORTATION

Powerboat Service

The regulations of the Post Office Department in Part 94—Highway Transportation—are revised by amending §§ 94.24 and 94.25 for purpose of clarification. As so amended §§ 94.24 and 94.25, under Subpart D—Powerboat Service, read as follows:

§ 94.24 Description.

Powerboat service is a contract srevice established by the Post Office Department to provide for the transportation of mail between post offices, or other designated points, via steamboats, or other powerboats, when land transport is unavailable or impracticable. It is operated under formal contracts, awarded after competitive bidding. In addition to transportation of mail, contracts may require:

(a) Box delivery and collection service.

(b) Sale of stamp stock.

(c) Delivery of registered, insured, certified and COD matter.

(d) Acceptance of matter presented for registration, certification, or insurance, or to be sent COD, and money with applications for money orders.

(e) Facilities for distribution of mail en route by postal transportation clerks.

§ 94.25 Postal services provided.

(a) *Exchange of mail.* The contractor must exchange mail with:

(1) All intermediate post offices and non-post office points on the route, as stated in the advertisement, on both outward and return trips, unless otherwise instructed.

(2) Post offices established after the advertisement is issued. No additional pay is made in such instances if the distance is not increased.

(3) Post offices at each end of the route, unless the Post Office Department has otherwise provided for such terminal service.

(4) Mail carriers on connecting routes, if necessary.

(b) *Box delivery and collection service.* Advertisements and contracts state whether box delivery and collection service is required. They also state the scope of such service. The instructions contained in Part 49 of this chapter are applicable to powerboat service, so far as practicable. See also § 94.2 (b) and (c).

(c) *Acceptance of mail en route.* Every mail carrier must receive any mail presented to him, if it is properly prepaid by stamps, and deliver it at the next post office at which he arrives. No fees are allowed for this service.

(d) *Other postal services.* On routes where the provisions of the contract require, the carrier must sell stamp stock and transact money-order and registry business in accordance with the instructions contained in the advertisement.

NOTE: The corresponding Postal Manual sections are 524.1 and 524.2.

(R.S. 161, as amended, 396, as amended, 3964, as amended, 3965, sec. 2, 72 Stat. 103; 5 U.S.C. 22, 369, 39 U.S.C. 422a, 481, 483)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-6838; Filed, July 21, 1960; 8:46 a.m.]

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department in Part 168—Directory of International Mail, are amended by making the following changes in § 168.5 *Individual country regulations:*

I. In country "Finland," as amended by Federal Register Document 60-2068, 25 F.R. 1948-1949, under Postal Union Mail, the item *Small packets* is amended by striking out "not accepted" and inserting in lieu thereof "Accepted."

II. In country "Great Britain and Northern Ireland (England, Scotland, Wales and Channel Islands, and Northern Ireland), as amended by Federal Register Document 60-2068, 25 F.R. 1948-1949; Federal Register Document 60-3356, 25 F.R. 3174-3175; the item *Prohibitions* is amended by adding the following sentence to the second paragraph therein: "The foregoing are admitted, however, if the addressee possesses an import license issued by the competent British authorities." As so amended, the second paragraph of the item *Prohibitions* read as follows:

Prohibitions. • • •

Arms, etc.: Firearms (except shotguns with barrels at least 20 inches long) and other deadly weapons and parts thereof, including guns for throwing liquid or gas and munitions therefor; accessories for reducing the sound or flash of firearms. The foregoing are admitted, however, if the addressee possesses an import license issued by the competent British authorities.

III. In country "Greece (Including Crete and Dodecanese Islands (Astypalaia, Chalki, Kalymnos, Karpathos, Kassos, Kastellorizon, Kos, Leipsos, Leros, Nissiros, Patmos, Rodos, Symi, and Tilos))", as amended by Federal Register Document 60-2068, 25 F.R. 1948-1949, under Parcel Post, make the following changes as a result of the health authorities of Greece issuing new regulations concerning the importation of medicines.

A. In the item *Observations*, delete the second and third sentences therein. As so amended, the item reads as follows:

Observations. Many types of merchandise are subject to import quotas and are not delivered without permission of the Greek authorities. Senders should assure themselves by inquiry of the addressees in advance of mailing that their shipments will be delivered.

Senders must enclose a copy of commercial invoices in parcels. The absence of the invoice may result in delay in delivery of parcels, difficulties in customs treatment, or even prejudice against the addressees.

B. In the item *Prohibitions*, amend the first paragraph to read as follows:

Prohibitions. For Sanitary Reasons: medicines except in the manufacturer's container bearing his distinctive marks. Drugstore prescriptions. Proprietary medicines unless licensed by the Greek Supreme Board of Hygiene or specially authorized by the Minister of Social Welfare.

C. In the item *Import restrictions*, amend the second paragraph to read as follows:

Import restrictions. • • •

See *Prohibitions* with respect to the requirements for licensing of medicines.

IV. In country "Israel, State of", as amended by Federal Register Document 60-1207, 25 F.R. 1076; Federal Register Document 60-2068, 25 F.R. 1948-1949; under Parcel Post the item *Prohibitions* is amended by deleting "Israeli independence bonds" where it appears in the last paragraph headed "For other reasons."

V. In country "Malaya", as amended by Federal Register Document 60-1207, 25 F.R. 1076; Federal Register Document 60-2068, 25 F.R. 1948-1949; make the following changes:

A. Amend the territorial definition which immediately follows the country heading by deleting "(including Province Wellesley)" where it appears immediately following "Penang" therein.

B. Under Parcel Post, the item *Prohibitions* is amended by inserting "Butane gas lighters and refills therefor" immediately following the first paragraph therein.

C. Under Parcel Post, the item *Import restrictions* is amended by deleting the first paragraph therein as result of removal of the requirement for import licenses. As so amended, the item reads as follows:

Import restrictions. Hypodermic syringes require authorization of the medical authorities at Singapore or Penang.

VI. In country "Peru", as amended by Federal Register Document 60-2068, 25 F.R. 1948-1949 under Parcel Post, the item *Observations* is amended as result of the modification of commercial invoice requirements; and to include new Peruvian consuls. As so amended, the item reads as follows:

Observations. Each parcel valued at $50 or over must be accompanied by a consular invoice if there is a Peruvian consulate located at the place of mailing. If there is none, a commercial invoice must be furnished instead. The commercial invoice must be legalized by a Peruvian consulate or countersigned by a chamber of commerce, or if neither is available, it may bear the notarized signatures of two well-known local merchants. If the value is under $50, a commercial invoice must be furnished but need not be legalized. The consular or commercial invoice may be either enclosed in the parcel or sent separately to the addressee so as to arrive before the parcel, but the legalization must not be dated later than the day of the mailing.

Parcels containing used clothing must be accompanied by a certificate of disinfection issued by a competent authority (for example, local Board of Health) or by a firm with facilities for disinfecting the articles involved. The certificate must be legalized by a Peruvian consulate. Senders shall endorse the wrappers of parcels containing used clothing to allow that the certificate of disinfection is enclosed.

Peruvian consuls are located in the following cities:

Aberdeen, Wash.	New Orleans, La.
Atlanta, Ga.	New York, N.Y.
Birmingham, Ala.	Oakland, Calif.
Boston, Mass.	Philadelphia, Pa.
Caguas, P.R.	Portland, Oreg.
Chicago, Ill.	Rolla, Mo.
Dallas, Tex.	Saint Louis, Mo.
Detroit, Mich.	Salt Lake City, Utah.
Honolulu, Hawaii.	San Diego, Calif.
Houston, Tex.	San Francisco, Calif.
Indianapolis, Ind.	San Juan, P.R.
Kansas City, Mo.	Seattle, Wash.
Los Angeles, Calif.	Tampa, Fla.
Mayaguen, P.R.	Washington, D.C.
Miami, Fla.	

Parcels may be addressed to banks or other organizations for ultimate delivery to second addressees. The latter, however, may not take delivery without written authority from the first addressee, unless the sender arranges for change of address as provided in Part 137 of this Chapter.

VII. In country "Philippines (Republic of)," as amended by Federal Register document 60-2068, 25 F.R. 1948-1949, under Parcel Post, make the following changes:

A. The lists of post offices accepting parcels of restricted weight limits, which immediately follow the item *Air Parcel rates*, are amended to read as follows:

Parcels for the following offices are limited to 22 pounds in weight:

Post Office and Province	
Agutaya	Palawan.
Alabat	Quezon.
Allacapan	Cagayan.
Almagro	Samar.
Amadeo	Cavite.
Anao	Tarlac.
Anda	Pangasinan.
Arteche	Samar.
Aurora	Quezon.
Baao	Camarines Sur.
Baleno	Masbate.
Baganga	Davao.
Banayoyo	Ilocos Sur.
Bantay	Do.
Bato	Camarines Sur.
Bigaa	Bulacan
Bocaue	Do.
Bongao	Sulu.
Buenavista	Iloilo.
Buhi	Camarines Sur.
Bulacan	Bulacan.
Bulalacao	Or. Mindoro.
Burdeos	Quezon.
Burgos	Ilocos Sur.
Cabe	La Union.
Cabuyao	Laguna.
Cagayan de Sulu	Sulu.
Cajidiocan	Romblon.
Calayan	Cagayan.
Calumpit	Bulacan.
Caluya	Antique.
Candaba	Pampanga.
Caoayan	Ilocos Sur.
Capul	Samar.
Caraga	Davao.
Caramay	Palawan.
Caramoan	Camarines Sur.
Caramoran	Catanduanes.
Carmona	Cavite.
Casiguran	Quezon.
Cateel	Davao.
Catubig	Samar.
Concepcion	Iloilo.
Concepcion	Romblon.
Concepcion	Tarlac.
Corcuera	Romblon.
Cuartero	Capiz.
Dao	Do.
Daram	Samar.
Del Gallego	Camarines Sur.
Dinaget	Surigao.
Dinalg	Cotabato.
Dumalag	Capiz.
Dumarao	Do.
Enrique Villanueva	Negros Oriental.
Gainsa	Camarines Sur.
Gamay	Samar.
Garchitorena	Camarines Sur.
Glan	Cotabato.
Governor Generoso	Davao.
Guiguinto	Bulacan.
Hinoba-an	Negros Occ.
Ipil	Zamboanga del Sur.
Isabel	Leyte.
Jones	Romblon.
Jordan	Iloilo.

Post Office and Province	
Kabugao	Mt. Province.
Kauayan	Leyte.
Kiamba	Cotabato.
Labason	Zamboanga del Norte.
Langiden	Abra.
Lapinig	Samar.
Larena	Negros Oriental.
Lasam	Cagayan.
Las Navas	Samar.
Lazi	Negros Oriental.
Lebak	Cotabato.
Lemery	Iloilo.
Libon	Albay.
Lingig	Surigao.
Looc	Occ. Mindoro.
Loreto	Surigao.
Lubo	Abra.
Lubang	Occ. Mindoro.
Lumbatan	Lanao del Sur.
Lupon	Davao.
Maddela	Nueva Vizcaya.
Magalang	Pampanga.
Magdiwang	Romblon.
Malangas	Zamboanga del Sur.
Malita	Davao.
Mamburao	Occ. Mindoro.
Manay	Davao.
Manito	Albay.
Mapandan	Pangasinan.
Marabut	Samar.
Margosatubig	Zamboanga del Sur.
Maria	Negros Oriental.
Maria Aurora	Quezon.
Marilao	Bulacan.
Mataasnakahoy	Batangas.
Mati	Davao.
Minalin	Pampanga.
Mulanay	Quezon.
Nagbukel	Ilocos Sur.
Nampicuan	Nueva Ecija.
Natividad	Pangasinan.
New Lucena	Iloilo.
Novaliches	Rizal.
Nueva Era	Ilocos Norte.
Nueva Valencia	Iloilo.
Palapag	Samar.
Paluan	Occ. Mindoro.
Pamplona	Camarines Sur.
Pandan	Catanduanes.
Panitan	Capiz.
Pasi	Iloilo.
Pavia	Do.
Peñablanca	Cagayan.
Peres	Quezon.
Pilar	Surigao.
Pili	Camarines Sur.
Plaridel	Bulacan.
Polillo	Quezon.
Porac	Pampanga.
Pulilan	Bulacan.
Quezon	Quezon.
Ragay	Camarines Sur.
Ramos	Tarlac.
Sablayan	Occ. Mindoro.
Sagbayan	Bohol.
Sallapadan	Abra.
Samal	Davao.
San Andres, Barrio of (San Narciso)	Quezon.
San Antonio	Samar.
San Antonio	Quezon.
San Juan	Negros Oriental.
San Fernando	Romblon.
San Francisco	Cebu.
San Leonardo	Nueva Ecija.
San Luis	Batangas.
San Luis	Pampanga.
San Manuel	Tarlac.
San Narciso	Quezon.
San Nicolas	Pangasinan.
San Pedro	Laguna.
San Simon	Pampanga.
San Vicente	Ilocos Sur.
Santa Catalina	Do.

Post Office and Province	
Santa Fe	Romblon.
Santa Rita	Pampanga.
Santa Rita	Samar.
Santa Rosa	Laguna.
Santol	La Union.
Santo Niño	Samar.
Santo Tomas	Isabela.
Santo Tomas	La Union.
Sasmuan	Pampanga.
Sitaf	Sulu.
Siocon	Zamboanga del Norte.
Sipocot	Camarines Sur.
Siquijor	Negros Oriental.
Sirmna	Camarines Sur.
Sitangkai	Sulu.
Suyo	Ilocos Sur.
Tagig	Rizal.
Talacogon	Agusan.
Talalora	Samar.
Talisay	Cebu.
Tamparan	Lanao del Sur.
Tarangnan	Samar.
Taytay	Palawan.
Tilik	Occ. Mindoro.
Tubay	Agusan.
Tudela	Cebu.
Tumbao	Cotabato.
Upi	Cotabato.
Urbistondo	Pangasinan.
Valderrama	Antique.
Villareal	Samar.
Wao	Lanao del Sur.

Parcels for the following offices are limited to 11 pounds in weight:

Post Office and Province	
Alilem	Ilocos Sur.
Angaki	Do.
Bagulin	La Union.
Bakun	Mt. Province.
Barlig	Do.
Bugulas	Do.
Cabetuan	Isabela
Cagayancillo	Palawan.
Camaligan	Camarines Sur.
Famy	Laguna.
General Nakar	Quezon.
Ivana	Batanes.
Kabayan	Mt. Province.
Kibungan	Do.
Llanera	Nueva Ecija.
Lupi	Camarines Sur.
Lidlidda	Ilocos Sur.
Mahatao	Batanes.
Mayoyao	Mt. Province.
Natonin	Do.
Palanai	Isabela.
Pantabangan	Nueva Ecija.
Pinukpuk	Mt. Province.
San Emilio	Ilocos Sur.
San Policarpo	Samar.
Sigay	Ilocus Sur.
Tanudan	Mt. Province.
Tuba	Do.
Upi Agricultural High School	Cotabato.
Uyugan	Batanes.

B. In the item *Observations*, the fourth paragraph is amended by inserting "San Juan, P.R." in the proper alphabetical order of cities where Philippine consular offices are located.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-6839; Filed, July 21, 1960; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2163]

[1761619]

ALASKA

Revoking Executive Order No. 8872 of August 27, 1941 and Public Land Order No. 894 of May 19, 1953 (Cook Inlet Bombing and Gunnery Range)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8872 of August 27, 1941, withdrawing the public lands in the following-described area (excepting fishing villages and the area withdrawn by Executive Order No. 2141 of February 27, 1915), for use of the War Department as an aerial gunnery and bombing range, is hereby revoked:

Beginning at corner No. 1, not monumented, at the line of mean high tide on the most easterly part of Harriet Point on the west shore of Cook Inlet, approximate latitude 60°23'30" N., longitude 152°14'30" W.

From said initial point, by metes and bounds,
N. 70° W., 18 miles, to highest point on Mt. Redoubt;
N. 16° E., 58 miles, to highest point on Mt. Spurr;
N. 68° E., 25 miles, to foot of Triumvirate Glacier;
S. 55° E., 27 miles, to west shore of Cook Inlet, at a point 1½ miles east of the light at the mouth of Beluga River;
Southwesterly, along line of mean high tide to the point of beginning.

The area described, including both public and non-public lands, aggregates 1,210,000 acres.

2. Public Land Order No. 894 of May 19, 1953, reserving the public lands in the following-described area as an addition to the range described in paragraph 1, is hereby revoked:

Tract No. 1

Beginning at the southwest corner of area withdrawn by Executive Order 8872 of August 27, 1941, which corner is located at the highest point on Redoubt Volcano, latitude 60°29'06.04" N., longitude 152°44'29.29" W.; thence

Northerly 61.4 miles approximately, to intersection of latitude 61°20' N., longitude 152°20' W.

Northeasterly 18.7 miles approximately, to northwest corner of area withdrawn by Executive Order 8872, latitude 61°24'30" N., longitude 151°48'00" W.

S. 63°05'00.10" W., 16.77 miles along west boundary of area withdrawn by Executive Order 8872 to Mt. Spurr.

S. 16°10'04.84" W., 58.74 miles along west boundary of area withdrawn by Executive Order 8872 to point of beginning.

The tract described contains approximately 86,085 acres.

3. Public Land Order No. 894 also restored 74,530 acres from the withdrawal made by Executive Order No. 8872. Reference is made to the public land order for the description of the released lands, which in general parallel the shore of Cook Inlet.

4. Until 10:00 a.m. on October 15, 1960, the State of Alaska shall be entitled to apply to select the lands or portions thereof in accordance with and subject to the provisions of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

5. None of the released lands shall become subject to oil and gas leasing until such time as a notice or notices shall be issued by an authorized officer of the Bureau of Land Management, which notice or notices shall be published in the FEDERAL REGISTER, describing the unselected lands subject to noncompetitive lease and providing for a simultaneous filing period of offers to lease. Such notices shall also include provisions opening the unselected lands to location under the United States mining laws, and to other forms of use and disposal under the public land laws, subject to valid existing rights.

6. Leases will be issued pursuant to the provisions of the 1920 Mineral Leasing Act in accordance with the regulations in 43 CFR Part 192, and the provisions of this order and of the published notices of the availability of the lands for leasing.

7. All offers to lease any portion of the released lands prior to the publication of the notices above referred to will be rejected.

8. The area released from withdrawal by this order is topographically very rugged, varying in elevation from sea level to 11,000 feet. Most of the higher elevations are perpetually covered with ice and snow. Access by foot is along stream beds and game trails.

9. The area has been utilized by the Department of the Air Force as a bombing, gunnery and rocketry range. That Department has completed explosive contamination surveys of all areas traversable by foot, without locating unexploded ordnance. However, the United States cannot and does not give any assurance that contamination does not exist in any part of the area.

10. All locations and settlements shall be made and leases under the mineral leasing laws shall be issued with the understanding that the United States neither warrants nor represents that the lands are safe or suitable for such use. All leases shall contain provisions absolving and releasing the United States from any and all liability of whatever nature for damages for personal injury, death or damage to property arising out of operations under such lease, which may be suffered by the lessee, his successors and assigns, and the agents, servants and employees of either.

11. In an area located about three miles inland from the mouth of the Beluga River are located two buildings and an oil storage tank which have been sold for off site removal. Any entry upon or selection or location of such land, or use or disposal thereof, shall be subject to the rights and interest of the United States and its transferees in such improvements, until such time as they have been removed or officially abandoned in place.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1960.

[F.R. Doc. 60-6835; Filed, July 21, 1960; 8:46 a.m.]

[Public Land Order 2163]

[Anchorage 039164]

ALASKA

Reserving Lands for Use of the Bureau of Sport Fisheries and Wildlife; Partly Revoking Executive Order No. 9035 of January 21, 1942, and Public Land Order No. 616 of November 15, 1949

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Bureau of Sport Fisheries and Wildlife, as an administrative site:

GLENNALLEN AREA

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W.,
Sec. 23, W½NW¼SE¼NE¼SW¼SW¼; NE¼SW¼NE¼SW¼SW¼; E½NW¼SW¼NE¼SW¼SW¼; and those parts of the following subdivisions lying south of the center line of Glen Highway: SW¼SW¼NE¼NE¼SW¼SW¼; SE¼NW¼NE¼SW¼SW¼; E½SW¼NW¼NE¼SW¼SW¼.

Containing 1.89 acres.

Executive Order No. 9035 of January 21, 1942, reserving lands as an administrative site for use of the Alaska Road Commission, now Bureau of Public Roads, and Public Land Order No. 616 of November 15, 1949, reserving lands for classification, are hereby revoked so far as they affect the lands described in this order.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1960.

[F.R. Doc. 60-6836; Filed, July 21, 1960; 8:46 a.m.]

[Public Land Order 2164]

CALIFORNIA AND OREGON

Revoking in Whole or in Part Certain Departmental Orders Which Withdrew Lands in National Forests for Ranger Station Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The departmental orders of May 16, 1907, February 29, 1908, March 9, 1908, May 29, 1908, and January 16, 1909, which withdrew lands in national forests in California and Oregon for use of the Forest Service for ranger station sites, are hereby revoked so far as they affect the following-described lands:

[85044]

California

MOUNT DIABLO MERIDIAN

KLAMATH NATIONAL FOREST

Departmental Order of May 16, 1907

Doggett Creek Ranger Station

T. 46 N., R. 9 W.,
Sec. 4, E½SW¼NE¼, SE¼NE¼, E½NW¼SE¼, and E½SE¼.
(160 acres).

[84907]

Oregon

WILLAMETTE MERIDIAN

FREMONT NATIONAL FOREST

Departmental Order of February 29, 1908

Elder Ranger Station Site

T. 33 S., R. 18 E.,
Sec. 30, S½ of lot 1, and lot 2.
(59.22 acres).

Departmental Order of May 29, 1908

Bend Ranger Station Site

T. 40 S., R. 18 E.,
Sec. 14, E½NE¼.
(80 acres).

Departmental Order of March 9, 1908

Dry Creek Ranger Station Site

T. 41 S., R. 18 E.,
Sec. 7, lot 4, SE¼SW¼, and W½SE¼.
(160.52 acres).

[85006]

Oregon

UMATILLA NATIONAL FOREST

Departmental Order of January 16, 1909

French Prairie Ranger Station

T. 8 S., R. 32 E.,
Sec. 2, SW¼NE¼, SE¼NW¼, and W½SE¼.
(160 acres).

The areas described total in the aggregate 619.74 acres.

At 10:00 a.m. on August 20, 1960, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1960.

[F.R. Doc. 60-6837; Filed, July 21, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 48]

MANUFACTURERS AND RETAILERS EXCISE TAXES

Tax on Sale of Jewelry and Related Items, Furs, Toilet Preparations, and Luggage, Handbags, Etc.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DANA LATHAM,
Commissioner of Internal Revenue.

Subparts B, C, D, and E of the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) set forth below are hereby prescribed under Subchapters A, B, C, and D of Chapter 31 of the Internal Revenue Code of 1954, as amended, relating to retailers excise taxes on jewelry and related items, furs, toilet preparations, and luggage, handbags, etc., effective January 1, 1959, except as otherwise provided:

Subpart B—Jewelry and Related Items

Sec.
48.4001 Statutory provisions; imposition of tax.
48.4001–1 Imposition of tax.
48.4001–2 Jewelry.
48.4001–3 Certain real or synthetic stones.
48.4001–4 Articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof.
48.4001–5 Watches and clocks.
48.4001–6 Gold, gold-plated, silver, or sterling flatware, or hollow ware, and silver-plated hollow ware.
48.4001–7 Opera glasses, lorgnettes, marine glasses, etc.
48.4001–8 Repairs.

48.4002 Statutory provisions; definition of sale includes auctions.
48.4002–1 Definition of sale includes auctions.
48.4003 Statutory provisions; exemptions.
48.4003–1 Exemptions; certain articles.
48.4003–2 Exemptions; certain auction sales.
48.4003–3 Exemptions; certain clocks.
48.4003–4 Other tax-free sales.

Subpart C—Furs

48.4011 Statutory provisions; imposition of tax.
48.4011–1 Imposition of tax.
48.4011–2 Repairing, remodeling, and restyling.
48.4012 Statutory provisions; definitions.
48.4012–1 Manufacture from customer's material.
48.4012–2 Definition of sale includes auctions.
48.4013 Statutory provisions; exemption of certain auction sales.
48.4013–1 Exemption of certain auction sales.
48.4013–2 Other tax-free sales.

Subpart D—Toilet Preparations

48.4021 Statutory provisions; imposition of tax.
48.4021–1 Imposition of tax.
48.4022 Statutory provisions; exemptions.
48.4022–1 Exemptions.
48.4022–2 Other tax-free sales.

Subpart E—Luggage, Handbags, Etc.

48.4031 Statutory provisions; imposition of tax.
48.4031–1 Imposition of tax.

Subpart B—Jewelry and Related Items

§ 48.4001 Statutory provisions; imposition of tax.

SEC. 4001. *Imposition of tax.* There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 percent of the price for which so sold:

All articles commonly or commercially known as jewelry, whether real or imitation.

The following stones, by whatever name called, whether real or synthetic:

Amber.
Beryl of the following types: Aquamarine, emerald, golden beryl, heliodor, morganite.
Chrysoberyl of the following types: Alexandrite, cat's eye, chrysolite.
Corundum of the following types: Ruby, sapphire.
Diamond.
Feldspar of the following type: Moonstone.
Garnet.
Jadeite (jade).
Jet.
Lapis lasuli.
Nephrite (jade).
Opal.
Pearls (natural and cultured).
Peridot.
Quartz of the following types: Amethyst, bloodstone, citrine, moss agate, onyx, sardonyx, tiger-eye.
Spinel.
Topaz.
Tourmaline.
Turquoise.
Zircon.

Articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof.

Watches.
Clocks.
Cases and movements for watches and clocks.
Gold, gold-plated, silver, or sterling flatwear or hollow ware and silver-plated hollow ware.
Opera glasses.
Lorgnettes.
Marine glasses.
Field glasses.
Binoculars.

[Sec. 4001 as amended and in effect Jan. 1, 1959, and as amended by sec. 1, Act of Sept. 21, 1959 (Pub. Law 86–344, 73 Stat. 617)]

§ 48.4001–1 Imposition of tax.

(a) *In general.* Section 4001 imposes a tax upon the following articles sold at retail:

(1) Articles commonly or commercially known as jewelry, whether real or imitation;

(2) Certain real or synthetic stones listed in § 48.4001–3(a);

(3) Articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof; and

(4) Watches and clocks and cases and movements therefor; gold, gold-plated, silver, or sterling flatware or hollow ware; silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars.

(b) *Cross references.* For provisions relating to the specific articles taxable under section 4001, see the following regulations in this subpart:

(1) Section 48.4001–2 for jewelry;
(2) Section 48.4001–3 for certain real or synthetic stones;
(3) Section 48.4001–4 for articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof;
(4) Section 48.4001–5 for watches and clocks, etc.;
(5) Section 48.4001–6 for gold, gold-plated, silver, or sterling flatware or hollow ware, and silver-plated hollow ware; and
(6) Section 48.4001–7 for opera glasses, lorgnettes, marine glasses, field glasses, and binoculars.

(c) *Rate of tax.* The tax is imposed at the rate of 10 percent of the price for which the taxable article is sold at retail. For definition of the term "price", see section 4051 and the regulations thereunder contained in Subpart G.

(d) *Liability for tax.* The tax is payable by the person who sells at retail any article subject to tax under section 4001. For tax applicable to leases, see section 4052 and the regulations thereunder contained in Subpart G.

(e) *Sales by United States.* For provisions relating to sales at retail made by the United States, its agencies or instrumentalities, see section 4054 and the regulations thereunder contained in Subpart G.

§ 48.4001–2 Jewelry.

(a) *Generally.* Jewelry in general includes articles designed to be worn on the person or on apparel for the purpose of adornment and which in accordance with custom or ordinary usage are worn so as to be displayed, such as rings, chains, brooches, bracelets, cuff buttons, necklaces, earrings, beads, charms, pendants, etc. The tax is imposed on the sale of any of such articles at retail, regardless of the substance of which made and without reference to their utilitarian value or purpose, unless for a purpose specifically exempted by law. It is immaterial whether the articles taxable under this paragraph are real or imitation jewelry. Thus, articles constituting costume jewelry are subject to tax regardless of the material of which they are made.

(b) *Articles made of, or ornamented with, certain stones.* Jewelry also includes articles to be carried in the hand, or hung on the arm, or carried or worn on the person, whether in pocket or bag or under the outer garments, such as cigarette cases, pocket mechanical lighters for cigarettes, cigars, and pipes, eyeglass cases, pencils, powder boxes, garter buckles, canes, purses or handbags, if made of, or ornamented, mounted or fitted with, any of the stones enumerated in section 4001 whether such stones are real or synthetic. Such articles are likewise subject to tax without regard to their utilitarian value or purpose. Mother-of-pearl is not a real or synthetic pearl; therefore, articles not otherwise subject to the tax are not made taxable by reason of their ornamentation with mother-of-pearl. See also § 48.4001–4 as to the taxability of the sale at retail of articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof, and section 4031, and the regulations thereunder contained in Subpart E, relating to the taxability of the sale at retail of purses, handbags, pocketbooks, etc.

(c) *Credit or refund of manufacturers excise tax.* See section 6416 (d) and the regulations thereunder contained in Subpart O for credit or refund of the manufacturers excise tax paid under section 4201 on mechanical pencils, fountain and ball point pens, and mechanical lighters for cigarettes, cigars, and pipes, in the case where because of further manufacture the tax imposed by section 4001 applies to the sale of such articles at retail.

§ 48.4001–3 Certain real or synthetic stones.

(a) *Real stones*—(1) *In general.* The tax imposed by section 4001 applies to sales at retail of the following stones, by whatever name called:

Amber.
Beryl of the following types: Aquamarine, emerald, golden beryl, heliodor, morganite.
Chrysoberyl of the following types: Alexandrite, cat's eye, chrysolite.
Coral.
Corundum of the following types: Ruby, sapphire.
Diamond.
Feldspar of the following type: Moonstone.
Garnet.
Jadeite (jade).
Jet.
Lapis lasuli.
Nephrite (jade).
Opal.
Pearls (natural and cultured).
Peridot.
Quartz of the following types: Amethyst, bloodstone, citrine, moss agate, onyx, sardonyx, tiger-eye.
Spinel.
Topaz.
Tourmaline.
Turquoise.
Zircon.

In the case of articles not otherwise taxable under chapter 31 which are ornamented, mounted or fitted with, any of the stones enumerated in section 4001, the tax shall apply to that portion of the retail selling price attributable to such stones.

(2) *Coral.* The tax on sales at retail of coral does not apply to sales after October 31, 1959.

(b) *Synthetic stones.* The tax imposed by section 4001 also applies to the sale at retail of any synthetic stone which has a molecular-composition similar to a natural stone listed in paragraph (a) of this section.

(c) *Condition of stones.* The tax applies to sales at retail of the stones referred to in paragraphs (a) and (b) of this section whether they are in rough or natural state, whether cut or uncut, whether drilled, mounted or matched, whether or not strung, and if strung whether with or without clasps.

(d) *Stones used exclusively for industrial, scientific, or educational purposes, or as part of mechanical devices.* (1) For purposes of section 4001, the stones enumerated in such section do not include stones which are sold to be used exclusively as—

(i) A tool or material for industrial, scientific, research, or educational purposes (including mineral hardness testing, polishing, cutting, and grinding); or

(ii) A part of the mechanism of a mechanical device (for example, a bearing in a watch).

(2) The person making the sale at retail for a purpose indicated in subparagraph (1) of this paragraph shall keep adequate records in the nature of invoices or other documents identifying the stones, the person to whom sold, the date of sale, and the purpose for which the stones are to be used.

§ 48.4001–4 Articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof.

(a) *In general.* The tax imposed by section 4001 applies to the sale at retail of articles (as distinguished from those articles commonly or commercially known as jewelry as described in § 48.4001–2) which are made of, or ornamented, mounted or fitted with, precious metals or imitations thereof. Examples of articles which become subject to the tax when made of, or ornamented, mounted or fitted with, precious metals or imitations thereof are as follows: photograph frames, book ends, ash trays, vanity cases, mesh bags, cigarette cases and lighters, glassware, china, pottery, umbrellas, walking sticks, and shoe buckles. Buttons, belts, and belt buckles, made of, or ornamented, mounted or fitted with, imitations of precious metals are in the nature of dress findings and are not subject to the tax. For exemption from tax of sales at retail of certain pens, pencils, and smokers' pipes, see section 4003 and paragraph (a) of § 48.4003–1.

(b) *Definitions.* For purposes of section 4001—

(1) The term "precious metals" includes platinum, gold, silver, and other metals of similar or greater value.

(2) The term "imitations thereof" includes (i) alloys of precious metals, and (ii) platings of precious metals and platings of alloys of precious metals, provided such platings are one one-hundred-thousandths of an inch or more in thickness. Substances such as metal alloys which resemble but do not contain precious metals (for example, "nickel silver" (sometimes known as "German silver") or polished brass) are not included in the term.

(c) *Credit or refund of manufacturers excise tax.* See section 6416(d) and the regulations thereunder contained in Subpart O for credit or refund of the manufacturers excise tax paid under section 4201 on mechanical pencils, fountain and ball point pens, and mechanical lighters for cigarettes, cigars, and pipes, in the case where because of further manufacture the tax imposed by section 4001 applies to the sale of such articles at retail.

§ 48.4001–5 Watches and clocks.

(a) *In general.* Section 4001 imposes a tax on the sale at retail of watches and clocks and cases and movements therefor. The tax applies to such articles sold at retail regardless of whether they are new, secondhand, or antique, or whether they are in working condition. The term "watches and clocks" includes all time-measuring devices which when in operation indicate the time of day, whether activated by weights, springs, or electrical energy. Any instrument the sole function of which is to indicate elapsed time and which is incapable of being used to tell the time of day at all times, such as a stop watch, is not considered to be a watch or clock within the meaning of section 4001.

(b) *Combined with nontaxable articles*—(1) *Generally.* Except as provided in subparagraph (2) of this paragraph, if a watch or clock and one or more articles not subject to the tax imposed by section 4001 (for example, a barometer, lamp, or an advertising device) are combined in a single unit, the tax shall apply to that portion of the retail sales price charged for the combination which is attributable to such watch or clock. For the method of computing the tax in such cases, see section 4051 and the regulations thereunder contained in Subpart G.

(2) *Exemptions.* See section 4003(a) and paragraph (a) of § 48.4003–1 for exemption for watches designed especially for use by the blind. See also section 4003 (c) and (d) and § 48.4003–3 for the exemption provided for certain clocks, watches, and cases and movements therefor, which are taxed under chapter 32 (relating to manufacturers excise taxes), or which are part of a control or regulatory device not taxable under chapter 32.

§ 48.4001–6 Gold, gold-plated, silver, or sterling flatware or hollow ware, and silver-plated hollow ware.

(a) *In general.* Section 4001 imposes a tax on the sale at retail of any article which is commonly or commercially known and sold as gold, gold-plated, silver, or sterling flatware or hollow ware, or as silver-plated hollow ware. However, a gold, gold-plated, silver, silver-plated, or sterling article which is neither commonly nor commercially known or sold in the trade as flatware or hollow ware, may be subject to the tax as an article made of, or ornamented, mounted or fitted with, precious metals or imitations thereof (see § 48.4001–4).

(b) *Silver-plated flatware.* No tax attaches to the sale at retail of any article commonly or commercially known or sold in the trade as "silver-plated flatware".

§ 48.4001–7 Opera glasses, lorgnettes, marine glasses, etc.

(a) *In general.* Section 4001 imposes a tax on the sale at retail of opera glasses, lorgnettes, marine glasses, field glasses, and binoculars.

(b) *Definitions.* The terms "opera glasses", "lorgnettes", "marine glasses", "field glasses", and "binoculars" generally include all instruments known as such. However, the terms do not include:

(1) Optical instruments which by reason of their size or weight are ordinarily mounted upon tripods or other bases; or

(2) Telescopes and sextants.

§ 48.4001–8 Repairs.

(a) *Taxable operations.* If an item is repaired and in connection therewith the person making the repair furnishes an article which would be taxable under section 4001 if sold separately at retail, the tax applies to the charge made for the article so furnished. In such case, the total charge made for the repair shall be deemed to be the price charged for the taxable article used in the repair, unless the portion of the total charge attributable to labor and to the use of any nontaxable materials is billed as a separate item. The following are examples of articles which are taxable under section 4001 when furnished in connection with the repair of other articles: (1) Articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof, such as a ring mounting or setting, a bracelet link or safety chain, a complete shank of a ring (extending from one side of the head of the ring to the other side), a spring ring or swivel, catch, earring back or screw; and (2) a stone enumerated in section 4001.

(b) *Nontaxable operations.* If an article referred to in section 4001 is repaired and the repair operation consists of labor only, the repair operation is not subject to the tax. Also, the tax does not apply to repair operations (1) in which the person making the repair furnishes only materials such as unfabricated metal, wire, solder, etc., or (2) where he furnishes only a portion of an article made of, or ornamented, mounted or fitted with, a precious metal or imitation thereof, such as a section of a shank of a ring.

(c) *Watches and clocks.* The tax imposed by section 4001 with respect to watches and clocks is limited to watches and clocks as such and cases and movements therefor. Accordingly, the tax imposed by section 4001 attaches to the repair of a watch or clock only if a case or movement is furnished in connection with the repair.

§ 48.4002 Statutory provisions; definition of sale includes auctions.

SEC. 4002. *Definition of sale includes auctions.* For the purposes of section 4001, the term "articles sold at retail" includes an article sold at retail by an auctioneer or other agent in the course of his business on behalf of (1) a person who is not engaged in the business of selling like articles, or (2) the legal representative of the estate of a decedent who was not engaged in the business of selling like articles. In the case of articles so sold, the auctioneer or other agent shall be considered the "person who sells at retail."

[Sec. 4002 as originally enacted and in effect Jan. 1, 1959]

§ 48.4002–1 Definition of sale includes auctions.

(a) *In general.* Section 4002 provides that for purposes of section 4001, the term "articles sold at retail" includes articles sold at retail by an auctioneer or other agent in the course of his business on behalf of (1) a person who is not engaged in the business of selling like articles, or his legal representative, or (2) the legal representative of the estate of a decedent who was not engaged in the business of selling like articles. Section 4002 also provides that in the case of articles so sold, the auctioneer or other agent shall be considered the "person who sells at retail". Thus, such auctioneer or agent shall be liable for payment of the tax imposed by section 4001 and the filing of returns.

(b) *Sales not at auction.* The provisions of section 4002 and paragraph (a) of this section are not limited to auction sales but are applicable to all sales at retail of articles enumerated in section 4001 by an auctioneer or other agent in the course of his business.

(c) *Exemption.* See section 4003(b) and § 48.4003–2 for the limited exemption which applies to certain auction sales.

§ 48.4003 Statutory provisions; exemptions.

SEC. 4003. *Exemptions*—(a) *Specific articles.* The tax imposed by section 4001 shall not apply to any article used for religious purposes, to surgical instruments, to watches designed especially for use by the blind, to frames or mountings for spectacles or eyeglasses, to a fountain pen, mechanical pencil, or smokers' pipe if the only parts of the pen, the pencil, or the pipe which consist of precious metals are essential parts not used for ornamental purposes, or to buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United States,

(b) *Certain auction sales.* (1) In the case of an auction sale held at the home of a person whose articles are being sold, any taxable article (as defined in paragraph (2)) of such person sold by the auctioneer shall be exempt from the tax imposed by section 4001 except to the extent that the price for which such article is sold, when added to the sum of the sale prices of all other taxable articles of such person previously sold at the same auction, exceeds $100.

(2) For the purposes of this subsection—

(A) The term "taxable article" means an article which, by reason of section 4002 and without regard to the exemption provided in paragraph (1), is taxable under section 4001 when sold at auction; and

(B) In the case of articles of a decedent sold on behalf of the legal representative of his estate, an auction sale held at the home of such decedent shall be considered as "held at the home of a person whose articles are being sold".

(c) *Clocks subject to manufacturers tax.* The tax imposed by section 4001 shall not apply to a clock or watch, or to a case or movement for a clock or watch, if a tax in respect of such clock, watch, case, or movement was imposed under chapter 32 by reason of its sale (1) as a part or accessory, or (2) on or in connection with or with the sale of any article.

(d) *Certain parts of control or regulatory devices.* The tax imposed by section 4001 shall not apply to a clock or watch, or to a case or movement for a clock or watch, if such clock, watch, case, or movement is (1) a part of a control or regulatory device which is an article (or part thereof) not taxable under chapter 32, or (2) sold as a repair or replacement part for such a device.

[Sec. 4003 as amended and in effect Jan. 1, 1959]

§ 48.4003–1 Exemptions; certain articles.

(a) *In general.* Section 4003 specifically provides that the tax imposed by section 4001 shall not apply to: Any article used for religious purposes; surgical instruments; watches designed especially for use by the blind; frames or mountings for spectacles or eye-glasses; fountain pens, mechanical pencils, or smokers' pipes, if the only parts thereof which consist of precious metals are essential parts not used for ornamental purposes; and buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United States. See section 7701(a)(15), and the regulations thereunder contained in part 301, for meaning of the term "Armed Forces of the United States".

(b) *Articles used for religious purposes.* (1) The tax imposed by section 4001 does not apply to articles of such nature as to be intended for use only for religious purposes (for example, a crucifix, rosary, chalice, etc.). Such articles may be sold tax free without a statement from the purchaser as to the purpose for which the article is to be used.

(2) The tax imposed by section 4001 also does not apply to articles of such nature as to be usable for nonreligious purposes as well as for religious purposes if such articles are purchased by a church or other religious organization and if—

(i) The articles (such as Cross and Crown pins, medals, or buttons) are to be used by a religious organization as an award in connection with a religious program, or

(ii) The articles (such as crosses, candlesticks, vases, etc.) are used in connection with religious services by a religious organization.

With respect to these articles the retailer must have in his possession a statement from a representative of the religious organization certifying that the articles were purchased solely for religious purposes in order to establish the right to exemption from the tax on the sale.

(c) *Fountain pens, mechanical pencils, smokers' pipes*—(1) *Essential parts defined.* For purposes of the exemption from tax provided by section 4003 applicable to fountain pens, mechanical pencils, and smokers' pipes, the term "essential parts" shall include:

(i) *Fountain pen.* In the case of a fountain pen—the pen point, lever, clip, and the plain narrow band or bands placed on the cap for the purpose of preventing the cap from splitting or expanding.

(ii) *Mechanical pencil.* In the case of a mechanical pencil—the tapered point holding the lead for writing, the clip, and the plain narrow band or bands placed on the barrel or cap, or both, for the purpose of preventing such part or parts from splitting or expanding.

(iii) *Smoker's pipe.* In the case of a smoker's pipe—the plain narrow band or bands placed on the shank of the pipe to prevent the shank from splitting.

All other parts of such pens, pencils, or pipes consisting of precious metals or imitations thereof shall be deemed to be ornamentations unless it is established that a particular part is an essential part not used for ornamental purposes. Furthermore, the tax imposed by section 4001 shall attach if the aforementioned essential band or bands on a fountain pen, mechanical pencil, or smoker's pipe consist of precious metals or imitations thereof and have a combined width of more than ¾ of an inch.

(2) *Credit or refund of manufacturers excise tax.* See section 6416(d) and the regulations thereunder contained in Subpart O of this part for credit or refund of the manufacturers excise tax paid under section 4201 on mechanical pencils, fountain and ball point pens, and mechanical lighters for cigarettes, cigars, and pipes, in the case where because of further manufacture the tax imposed by section 4001 applies to the sale of such articles at retail.

§ 48.4003–2 Exemptions; certain auction sales.

A limited exemption in the amount of $100 of the sale price is provided by section 4003(b) in the case of an auction sale held at the home of the owner of an article or articles taxable under section 4001. Thus, for example, if a pearl necklace was first sold by an auctioneer at the owner's home for $40 and a diamond pin was next sold at the same sale for $150, the sale of the necklace would be tax free and the remaining $60 of the $100 exemption would be applied against the sale price of the pin, $90 of such sale price being subject to tax. Sales of articles not taxable under section 4001 shall not be considered in applying the $100 exemption. Only one exemption shall be allowed regardless of the period of time during which the auction sale takes place. This exemption also applies to an auction sale of articles of a decedent held at the home of such decedent. See section 4013 and § 48.4013–1 for $100 exemption in the case of furs sold at certain auction sales.

§ 48.4003–3 Exemptions; certain clocks.

(a) *Clocks subject to manufacturers excise tax.* Section 4003(c) provides that a clock or watch (or a case or movement for a clock or watch) shall be exempt from the tax imposed by section 4001 if a tax was imposed in respect of such clock, watch, case, or movement under chapter 32 (relating to manufacturers excise taxes) by reason of its sale as a part or accessory (for example, an automobile clock) or by reason of its sale on or in connection with or with the sale of any article (for example, a stove). The exemption is limited to clocks, watches, and cases and movements in respect of which tax under chapter 32 was imposed. Thus, for example, the exemption does not apply where a clock or watch (or a case or movement therefor) in respect of which tax was not imposed under chapter 32 is (1) sold at retail in conjunction with the sale of another article which is subject to a manufacturer's excise tax imposed by chapter 32, or (2) sold separately at retail to replace a clock, watch, case, or movement in an article subject to a manufacturers excise tax imposed by chapter 32.

(b) *Clocks in control or regulatory devices*—(1) *In general.* Section 4003(d) provides that sales at retail of a clock or watch (or a case or movement for a clock or watch) shall be exempt from the tax imposed by section 4001 if such clock, watch, case, or movement is—

(i) A part of a control or regulatory device (for example, a thermostat) which is an article, or part thereof, not taxable under chapter 32 (relating to manufacturers excise taxes), or

(ii) Sold as a repair or replacement part for such a device.

(2) *Control or regulatory device defined.* For purposes of this paragraph, the term "control or regulatory device" does not include clocks which in themselves have control or regulatory features, such as electric clocks that can be used to turn on radios, coffeemakers, etc., or defrost refrigerators. To qualify for the exemption, the control or regulatory device must be the major item of the combination and the clock a subsidiary item.

§ 48.4003–4 Other tax-free sales.

For provisions relating to other tax-free sales of articles referred to in section 4001, see—

(a) Section 4055, relating to the exemption of sales for the exclusive use of any State or political subdivision thereof, or the District of Columbia,

(b) Section 4056, relating to the exemption of sales for export, and

(c) Section 4057, relating to the exemption of sales to nonprofit educational organizations, and the regulations thereunder contained in Subpart G.

Subpart C—Furs

§ 48.4011 Statutory provisions; imposition of tax.

SEC. 4011. *Imposition of tax.* There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 percent of the price for which so sold: Articles made of fur on the hide or pelt, and articles of which such fur is the component material of chief value, but only if such value is more than three times the value of the next most valuable component material.

[Sec. 4011 as originally enacted and in effect Jan. 1, 1959]

§ 48.4011–1 Imposition of tax.

(a) *In general.* (1) Section 4011 imposes a tax upon the following articles sold at retail:

(i) Articles made of fur on the hide or pelt; and

(ii) Articles of which fur on the hide or pelt is the component material of chief value, but only if such value is more than three times the value of the next most valuable component material.

(2) The tax imposed by section 4011 is not limited to wearing apparel, but applies to sales of an article suitable for any use, such as a rug, robe, toy, novelty, etc.

(3) The tax does not apply to the sale of raw fur.

(4) For tax applicable in respect of fur articles manufactured from a customer's materials, see section 4012(a) and § 48.4012–1.

(5) For provisions relating to sales by an auctioneer or other agent, see section 4012(b) and § 48.4012–2.

(b) *Fur on hide or pelt.* For purposes of section 4011 and the regulations in this subpart, the term "fur on the hide or pelt" means animal hides or pelts with hair wholly or partially intact. However, the term does not include hides or pelts with hair which does not have the appearance of fur and is not used as fur. For example, certain sheep have hair so fine that its natural tendency is to become matted or felted, and, therefore, in its natural condition it neither resembles fur nor is used as fur. But if such hides or pelts are processed so that the hair loses its matted or felted appearance and takes on the appearance of fur, they will be deemed to be "fur on the hide or pelt".

(c) *Articles made of fur.* The term "articles made of fur on the hide or pelt", as used in section 4011 and this section, includes all articles made of such fur as distinguished from fur-trimmed or fur-lined articles. For example, fur coats, capes, stoles, hats, etc., shall be subject to the tax referred to in paragraph (a)(1)(i) of this section without regard to the relative values of the component parts. Fur-trimmed or fur-lined articles shall be subject to the tax referred to in paragraph (a)(1)(ii) of this section if the value of the fur is more than three times the value of the next most valuable component material.

(d) *Articles of which fur is a component material*—(1) *Valuation.* In determining, for the purposes of paragraph (a)(1)(ii) of this section, whether the

sale of an article of which fur is a component material is subject to tax, the value of such fur at the time of assemblage of the article must be compared to the value of each other single component at such time. In comparing the value of the fur to the other components, all costs (including labor) of making or preparing a complete component shall be considered. However, the cost of assembling the components into the finished article shall not be considered.

(2) *Records.* Where fur is a component material of an article and exemption with respect to the sale of such article is claimed on the ground that the value of the fur as compared with that of the most valuable of the other component materials is such as to render the sale taxable under paragraph (a)(1)(ii) of this section, the retailer must maintain adequate records or have in his possession proper documentary evidence to establish that fact to the satisfaction of the Commissioner. An example of documentary evidence which will be acceptable is a written statement from the manufacturer or producer of the article stating that the value of the fur at the time of assemblage of the article was not more than three times the value at such time of the next most valuable component material. In the absence of such records or documentary evidence, the tax must be paid with respect to the sale of such article at retail.

(c) *Rate of tax.* The tax is imposed at the rate of 10 percent of the price for which the taxable article is sold at retail. For definition of the term "price", see section 4051 and the regulations thereunder contained in Subpart G.

(f) *Liability for tax.* The tax is payable by the person who sells at retail any article subject to tax under section 4011. For tax applicable to leases, see section 4052 and the regulations thereunder contained in Subpart G.

(g) *Sales by United States.* For provisions relating to sales at retail made by the United States, its agencies or instrumentalities, see section 4054 and the regulations thereunder contained in Subpart G of this part.

§ 48.4011–2 Repairing, remodeling, and restyling.

(a) *Fur furnished by furrier.* If a furrier uses fur on the hide or pelt which he furnishes to repair, remodel, or restyle a fur article owned by a customer, the tax imposed by section 4011 shall apply if a garment or an article such as a collar, cuff, sleeve, lapel, button, border, etc., is produced from the fur furnished by the furrier. The tax shall not apply if, for example, the fur furnished by the furrier is used merely to replace a worn section of a sleeve or cuff. If a taxable garment or article is produced, the tax shall attach to that portion of the price charged for the entire repairing, remodeling, or restyling operation which is attributable to the garment or article so produced, and the person repairing, remodeling, or restyling shall be deemed to be the person selling such garment or article at retail for the purposes of the tax imposed by section 4011. For purposes of this paragraph, the term "furrier" includes a person in the business of repairing, remodeling, or restyling fur articles.

(b) *Fur furnished by customer.* The tax shall not apply in the case where the fur furnished by the customer is used merely to replace a section of a garment or other article, such as a worn section of a sleeve or cuff. For tax applicable in respect of repairing, remodeling, or restyling of fur articles where an article is produced from fur furnished by the customer, see § 48.4012–1.

§ 48.4012 Statutory provisions; definitions.

SEC. 4012. *Definitions*—(a) *Manufacture from customers material.* Where a person, who is engaged in the business of dressing or dyeing fur skins or of manufacturing, selling, or repairing fur articles, produces an article of the kind described in section 4011 from fur on the hide or pelt furnished, directly or indirectly, by a customer and the article is for the use of, and not for resale by, such customer, the transaction shall be deemed to be a sale at retail and the person producing the article shall be deemed to be the person selling such article at retail for the purposes of such section. The tax on such a transaction shall be computed and paid by such person upon the fair retail market value, as determined by the Secretary or his delegate, of the finished article.

(b) *Sale includes auctions.* For the purposes of section 4011, the term "articles sold at retail" includes an article sold at retail by an auctioneer or other agent in the course of his business on behalf of—

(1) A person who is not engaged in the business of selling like articles, or

(2) The legal representative of the estate of a decedent who was not engaged in the business of selling like articles. In the case of articles so sold, the auctioneer or other agent shall be considered the "person who sells at retail."

[Sec. 4012 as originally enacted and in effect Jan. 1, 1959]

§ 48.4012–1 Manufacture from customer's fur.

The tax imposed by section 4011 applies where a person, who is engaged in the business of dressing or dyeing fur skins or of manufacturing, selling, or repairing fur articles, produces a garment, or article such as a muff, collar, cuff, sleeve, lapel, button, border, or other article of the kind described in section 4011 and paragraph (a)(1) of § 48.4011–1, from unused fur on the hide or pelt furnished directly or indirectly by a customer and the article is for the use of, and not for resale by, such customer. The transaction shall be deemed to be a sale at retail and the person producing the article shall be deemed to be the person selling such article for purposes of section 4011. The tax applicable to such transaction shall be computed upon the fair retail market value of the finished article as determined by the district director of internal revenue for the district in which the principal place of business of the taxpayer is located, and shall be determined without regard to the fact that the fur was furnished by the customer. In general, the fair retail market value may be considered as the retail sale price for which the same or a similar finished article is sold by retailers generally in the ordinary course of the retail trade.

§ 48.4012–2 Definition of sale includes auctions.

(a) *In general.* Section 4012(b) provides that for purposes of section 4011, the term "articles sold at retail" includes an article sold at retail by an auctioneer or other agent in the course of his business on behalf of (1) a person who is not engaged in the business of selling like articles or his legal representative, or (2) the legal representative of the estate of a decedent who was not engaged in the business of selling like articles. Section 4012(b) also provides that in the case of articles so sold, the auctioneer or other agent shall be considered the "person who sells at retail". Thus, such auctioneer or agent shall be liable for payment of the tax imposed by section 4011 and the filing of returns.

(b) *Sales not at auction.* The provisions of section 4012(b) and paragraph (a) of this section are not limited to auction sales but are applicable to all sales at retail of articles enumerated in section 4011 by an auctioneer or other agent in the course of his business.

(c) *Exemption.* See section 4013 and § 48.4013–1 for the limited exemption which applies to certain auction sales.

§ 48.4013 Statutory provisions; exemption of certain auction sales.

SEC. 4013. *Exemption of certain auction sales.* (a) In the case of an auction sale held at the home of a person whose articles are being sold, any taxable article (as defined in subsection (b)) of such person sold by the auctioneer shall be exempt from the tax imposed by section 4011 except to the extent that the price for which such article is sold, when added to the sum of the sale prices of all other taxable articles of such person previously sold at the same auction, exceeds $100.

(b) For the purposes of this section—

(1) The term "taxable article" means an article which, by reason of section 4012(b) and without regard to the exemption provided in subsection (a), is taxable under section 4011 when sold at auction; and

(2) In the case of articles of a decedent sold on behalf of the legal representative of his estate, an auction sale held at the home of such decedent shall be considered as "held at the home of a person whose articles are being sold".

[Sec. 4013 as originally enacted and in effect Jan. 1, 1959]

§ 48.4013–1 Exemption of certain auction sales.

Section 4013 provides a limited exemption in the amount of $100 of the sale price in the case of an auction sale held at the home of the owner of an article or articles taxable under section 4011. Thus, for example, if a fur neck piece was first sold by an auctioneer at the owner's home for $80 and a fur coat was next sold at the same sale for $200, the sale of the fur neck piece would be tax free and the remaining $20 of the $100 exemption would be applied against the sale price of the fur coat, $180 of such sale price being subject to tax. Sales of articles not taxable under section 4011 shall not be considered in applying the $100 exemption. Only one exemption shall be allowed regardless of the period of time during which the auction sale takes place. This exemption also applies to an auction sale of articles of a decedent held at the home of such decedent. See section 4003(b) and § 48.4003–2 for $100 exemption in the case of certain auction sales of jewelry and other articles taxable under section 4001.

§ 48.4013–2 Other tax-free sales.

For provisions relating to other tax-free sales of articles referred to in section 4011, see—

(a) Section 4055, relating to the exemption of sales for the exclusive use of any State or political subdivision thereof, or the District of Columbia,

(b) Section 4056, relating to the exemption of sales for export, and

(c) Section 4087, relating to the exemption of sales to nonprofit educational organizations,

and the regulations thereunder contained in Subpart G.

Subpart D—Toilet Preparations

§ 48.4021 Statutory provisions; imposition of tax.

SEC. 4021. *Imposition of tax.* There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 percent of the price for which so sold—

Perfume.	Hair oils.
Essences.	Pomades.
Extracts.	Hair dressings.
Toilet waters.	Hair restoratives.
Cosmetics.	Hair dyes.
Petroleum jellies.	Toilet powders.

Any other similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

[Sec. 4021 as originally enacted and in effect Jan. 1, 1959, and as amended by sec. 1, Act of April 8, 1960 (Pub. Law 86–413, 74 Stat. 31)]

§ 48.4021–1 Imposition of tax.

(a) *In general*—(1) *Articles subject to tax.* The tax attaches to the sale by the retailer of the following articles specifically enumerated in section 4021—

Perfume.	Pomades.
Essences.	Hair dressings.
Extracts.	Hair restoratives.
Toilet waters.	Hair dyes.
Cosmetics.	Aromatic cachous.
Petroleum jellies.	Toilet powders.
Hair oils.	

and similar articles commonly or commercially known as toilet articles, which are used or applied, or intended to be used or applied, for toilet purposes. Any article advertised or held out for toilet purposes, or for any purpose for which the articles enumerated in section 4021 are customarily used, shall be subject to the tax regardless of the name by which it may be known or distinguished. The tax attaches to the sale by the retailer of any preparation which is used or applied or intended to be used or applied for toilet purposes or used in connection with the bath or care of the body, or applied to the clothing as a perfume or to the body as a toilet article.

(2) *Articles not subject to tax.* A substance, article, or preparation which is medicated and is held out for use only for the relief, remedy, or cure of conditions of the skin, such as those caused by acne, "athlete's foot", dandruff, or burns (including sunburn), shall not be subject to the tax imposed by section 4021. Also, a medicated substance, article, or preparation which is held out only for medicinal purposes, such as for use as an antiseptic or for the relief of muscular aches, shall not be subject to the tax imposed by section 4021. However, the fact that any particular product, preparation, or substance coming within the scope of section 4021 may have, or may be held out to have, a medicinal, stimulating, remedial, or curative value does not exempt it from the tax, if it is used, or held out for use, as an adjunct to the toilet or for toilet purposes. Thus, for example, lotions, creams, oils, salves, etc., for such toilet purposes as the treatment of chapped condition of the skin, the treatment of dry, oily, or falling hair, or the prevention of sunburn, are subject to the tax even though they have, or are held out to have, a medicinal, stimulating, remedial, or curative value.

(3) *Aromatic cachous.* The tax on sales at retail of aromatic cachous does not apply to sales after April 30, 1960.

(b) *Certain products for care of the skin.* Except as provided in paragraph (a)(2) of this section, relating to medicated products, the following rules shall apply with respect to substances, articles, or preparations used or held out for use for the care of the skin because of exposure to certain irritants.

(1) *Exposure to weather irritants.* Any substance, article, or preparation which is advertised or held out for use either before or after exposure to sun, wind, cold, or other weather conditions shall be deemed to be intended for use for toilet purposes and shall be subject to tax.

(2) *Exposure to non-weather irritants*—(i) *Industrial or commercial use before exposure.* Any substance, article, or preparation which is advertised or held out only for industrial or commercial use as a protection of the skin before exposure to industrial or commercial irritants such as grease, paint, printing ink, acids, dyes, etc., shall not be subject to tax.

(ii) *General public use before exposure*—(a) *General rule.* Any substance, article, or preparation which is advertised or held out for general public use as a protection of the skin before exposure to irritants such as dirt, grime, household cleaning products, etc., shall be deemed to be intended for use for toilet purposes and shall be subject to tax.

(b) *Effective date.* The provisions of subdivision (ii)(a) of this subparagraph shall, under authority of section 7805(b), apply to the sale at retail of any substance, article, or preparation referred to in such subdivision made on or after the first day of the first calendar month which begins more than 30 days after the date of publication of the regulations in this subpart in the FEDERAL REGISTER.

(iii) *Use after exposure.* Any substance, article, or preparation which is advertised or held out for use after exposure to any non-weather irritants shall be deemed to be intended for use for toilet purposes and shall be subject to tax.

(c) *Rate of tax.* The tax is imposed at the rate of 10 percent of the price for which the taxable article is sold at retail. For definition of the term "price", see section 4051 and the regulations thereunder contained in Subpart G.

(d) *Liability for tax.* The tax is payable by the person who sells at retail any article subject to tax under section 4021.

(e) *Sales by United States.* For provisions relating to sales at retail made by the United States, its agencies or instrumentalities, see section 4054 and the regulations thereunder contained in Subpart G.

§ 48.4022 Statutory provisions; exemptions.

SEC. 4022. *Exemptions*—(a) *Items for babies.* The tax imposed by section 4021 shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the care of babies.

(b) *Barber shops and beauty parlors.* For the purposes of section 4021, the sale of any article described in such section to any person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof, or for resale, shall not be considered as a sale at retail. The resale of such article at retail by such person shall be subject to the provisions of section 4021.

(c) *Miniature samples.* For the purposes of section 4021, the sale of miniature samples of any article described in such section for demonstration use only to a house-to-house salesman by the manufacturer or distributor, shall not be considered as a sale at retail. The resale of such sample at retail by such house-to-house salesman shall be subject to the provisions of section 4021.

[Sec. 4022 as originally enacted and in effect Jan. 1, 1959]

§ 48.4022–1 Exemptions.

(a) *Items for babies.* Section 4022 provides that the tax imposed by section 4021 does not apply to the sale of lotions, oils, powders, or other articles intended to be used or applied only in the care of babies. The determination of whether toilet articles are intended to be used or applied only in the care of babies will be made only by reference to the advertising with respect to, and the labeling contained on, the article. If an article is advertised and labeled as being for use in the care of babies and is not advertised or labeled as usable by persons other than babies, the sale of the article is exempt from tax even though the particular purchaser buys it for adult use. On the other hand, the sale of an article which is represented by advertising or labeling as fit for adult use, in addition to use in the care of babies, shall not be exempt from tax even though sold to a purchaser who intends to use the article only in the care of babies.

(b) *Barber shops and beauty parlors.* (1) The sale of any article taxable under section 4021 to a person operating a barber shop, beauty parlor, or similar establishment, whether for use in the operation thereof or for resale purposes, shall not be considered as a sale at retail and the tax imposed by section 4021 shall not be applicable to such sale.

(2) In any case where the operator of a barber shop, beauty parlor, or similar establishment sells at retail an article

taxable under section 4021, he is liable for the tax imposed by such section.

(c) *Miniature samples.* The sale by the manufacturer or distributor of miniature samples of any article taxable under section 4021 to a house-to-house salesman for demonstration use only shall not be considered as a sale at retail and the tax imposed by section 4021 shall not be applicable to such sale. In any case where the house-to-house salesman sells at retail any of the miniature samples purchased from the manufacturer or distributor for demonstration use, he is liable for the tax imposed by section 4021.

§ 48.4022–2 Other tax-free sales.

For provisions relating to other tax-free sales of articles referred to in section 4021, see—

(a) Section 4055, relating to the exemption of sales for the exclusive use of any State or political subdivision thereof, or the District of Columbia,

(b) Section 4056, relating to the exemption of sales for export, and

(c) Section 4057, relating to the exemption of sales to nonprofit educational organizations,

and the regulations thereunder contained in Subpart G.

Subpart E—Luggage, Handbags, Etc.

§ 48.4031 Statutory provisions; imposition of tax.

SEC. 4031. *Imposition of tax.* There is hereby imposed upon the following articles, by whatever name called, sold at retail (including in each case fittings or accessories therefor sold on or in connection with the sale thereof) a tax equivalent to 10 percent of the price for which so sold—

Bathing suit bags.
Beach bags or kits.
Billfolds.
Briefcases.
Brief bags.
Camping bags.
Card and pass cases.
Collar cases.
Cosmetic bags and kits.
Dressing cases.
Duffelbags.
Furlough bags.
Garment bags designed for use by travelers.
Hatboxes designed for use by travelers.
Haversacks.
Key cases or containers.
Knapsacks.
Knitting or shopping bags (suitable for use as purses or handbags).
Makeup boxes.
Manicure set cases.
Memorandum pad cases (suitable for use as card or pass cases, billfolds, purses, or wallets).
Musette bags.
Overnight bags.
Pocketbooks.
Purses and handbags.
Ring binders, capable of closure on all sides.
Salesmen's sample or display cases, bags, or trunks.
Satchels.
Shoe and slipper bags.
Suitcases.
Tie cases.
Toilet kits and cases.
Traveling bags.
Trunks.
Vanity bags or cases.
Valises.
Wallets.
Wardrobe cases.

[Sec. 4031 as amended and in effect Jan. 1, 1959]

§ 48.4031–1 Imposition of tax.

(a) *In general.* Section 4031 imposes a tax on:

(1) The following articles, by whatever name called, sold at retail—

Bathing suit bags.
Beach bags or kits.
Billfolds.
Briefcases.
Brief bags.
Camping bags.
Card and pass cases.
Collar cases.
Cosmetic bags and kits.
Dressing cases.
Duffelbags.
Furlough bags.
Garment bags designed for use by travelers.
Hatboxes designed for use by travelers.
Haversacks.
Key cases or containers.
Knapsacks.
Knitting or shopping bags (suitable for use as purses or handbags).
Makeup boxes.
Manicure set cases.
Memorandum pad cases (suitable for use as card or pass cases, billfolds, purses, or wallets).
Musette bags.
Overnight bags.
Pocketbooks.
Purses and handbags.
Ring binders, capable of closure on all sides.
Salesmen's sample or display cases, bags, or trunks.
Satchels.
Shoe and slipper bags.
Suitcases.
Tie cases.
Toilet kits and cases.
Traveling bags.
Trunks.
Vanity bags or cases.
Valises.
Wallets.
Wardrobe cases.

(2) Fittings or accessories for any article enumerated in subparagraph (1) of this paragraph sold on or in connection with the sale at retail of such article.

(b) *Meaning of terms—(1) In general.* For purposes of the tax imposed by section 4031, the articles listed in such section include all receptacles commonly or commercially known and sold as such regardless of design, size, or materials from which made or the purpose for which they are to be used. If there is doubt as to whether an article is taxable, the manner in which the article is advertised or otherwise held out for sale shall be considered. The articles listed in section 4031 include any such articles regardless of the name attached to, or associated with, the articles for merchandising or other reasons. For example, an article marketed as a "money holder" is taxable if in fact it is a "billfold" or "wallet".

(2) *Briefcases.* The term "briefcases" includes, for purposes of the tax imposed by section 4031, articles commonly or commercially known and sold as such regardless of materials from which made or the purpose for which they are to be used. The term also includes so-called "portfolios", "envelopes", etc., capable of being closed on all four sides which are designed and constructed for carrying or conveying unfolded legal-size or letter-size papers, documents, etc. The term does not include "portfolios", "envelopes", etc., designed and constructed primarily for storage purposes.

(3) *Knitting or shopping bags.* A knitting or shopping bag shall be considered suitable for use as a purse or handbag, for purposes of the tax imposed by section 4031, if it is capable of being carried in the hand, or hung on the arm or across the shoulder, and if—

(i) The bag has a secure closure, or

(ii) The bag has a built-in purse, side pocket, or compartment closed by a zipper, snap fastener, or other secure closure,

provided the bag, or the built-in purse, side pocket, or compartment, is capable, when open, of holding the normal contents of a purse or handbag.

(c) *Children's luggage and toy luggage.* The tax applies to the sale at retail of articles listed in section 4031 which are designed and constructed for use as such by a child (for example, a child's purse, handbag, or suitcase). However, the tax does not attach to the sale at retail of articles which simulate articles of the type referred to in section 4031 but which are toys, that is, articles designed, constructed, and advertised or otherwise held out for sale for the amusement of a child or for use in a child's play. For example, the tax shall not apply to the sale at retail of a trunk designed, constructed, and held out for sale solely to hold clothing for a doll.

(d) *Rate of tax.* The tax is imposed at the rate of 10 percent of the price for which the taxable article is sold at retail. For definition of the term "price", see section 4051 and the regulations thereunder contained in Subpart G.

(e) *Liability for tax.* The tax is payable by the person who sells at retail any article subject to tax under section 4031. For tax applicable to leases, see section 4052 and the regulations thereunder contained in Subpart G.

(f) *Sales by United States.* For provisions relating to sales at retail made by the United States, its agencies or instrumentalities, see section 4054 and the regulations thereunder contained in Subpart G.

(g) *Tax-free sales.* For provisions relating to tax-free sales of articles referred to in section 4031, see—

(1) Section 4055, relating to the exemption of sales for the exclusive use of any State or political subdivision thereof, or the District of Columbia,

(2) Section 4056, relating to the exemption of sales for export, and

(3) Section 4057, relating to the exemption of sales to nonprofit educational organizations,

and the regulations thereunder contained in Subpart G of this part.

[F.R. Doc. 60-6855; Filed, July 21, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 124]

EQUALIZATION OF ALLOTMENTS, AGUA CALIENTE (PALM SPRINGS) RESERVATION, CALIFORNIA

Disposition of Income

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 161 of the Revised Statutes (5 U.S.C. 22), it is proposed to amend 25 CFR § 124.9 as set forth below. The amendment is necessary to restate the purposes for which the fund referred to in the first sentence of the section may be used. The present language places restrictions on the use of the fund which are not intended.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 124.9 is amended to read as follows:

§ 124.9 Disposition of income from Parcel B, Spa Lease.

Any net rents, profits, and other revenues derived from that portion of the Mineral Springs tribal reserve as provided for in § 124.3, which is designated as Parcel B in the supplement dated September 8, 1958, to the lease by and between the Agua Caliente Band of Mission Indians and Palm Springs Spa, or the net income derived from the investment of such net rents, profits, and other revenues from the sale of said lands or assets purchased from the net rents, profits, and other revenues aforesaid or the net income from the investment thereof, shall be deposited in the Treasury of the United States to the credit of the Agua Caliente Band. Such fund may be used for such purposes as may be designated by the governing body of the Band and approved by the Secretary, except that such fund may be distributed only to those enrolled members who are entitled to an equalization allotment or to a cash payment in satisfaction thereof under the Act of September 21, 1959 (73 Stat. 602), or in the case of such a member who dies after that date, to those entitled to participate in his estate. Such distribution shall be per capita to living enrolled members and per stirpes to participants in the estate of a deceased member.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 15, 1960.

[F.R. Doc. 60-6883; Filed, July 21, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 963]

[Docket No. AO-309-A2]

MILK IN GREAT BASIN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Great Basin marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions shoud be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at South Salt Lake City, Utah on May 10–12, 1960, pursuant to notice thereof which was issued April 15, 1960 (25 F.R. 3420).

The material issues on the record of the hearing relate to:

1. Extension of the marketing area;
2. Limitation of diversion to nonpool plants by a cooperative association;
3. Requirements for producer-handler status;
4. Base-excess payments to producers;
5. Classification of transfers to nonpool plants;
6. Pool plant requirements;
7. Accounting for frozen cream;
8. Shrinkage allowance on milk received in bulk tanks for which a cooperative association is the handler;
9. Advance payments to producers; and
10. Allocation provisions applicable to receipts of packaged sour cream priced under another order.

No evidence was offered with respect to a proposal in the hearing notice to modify the provisions applicable to plants regulated under other orders operating routes in the marketing area. The record presents no issue with respect to this proposal.

This decision is concerned with issues number 4 and 10 and that portion of issue number 5 related to the distance that bulk cream may be moved for manufacturing use as Class II milk. Decision with respect to all other issues is reserved for future decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Base-excess payments.* A base and excess plan should be used in this market as a method of distributing returns to producers.

About 90 percent of the producers on the market are presently receiving payment for milk on a base and excess plan. Each of the three proponent cooperative associations has used this system of distributing payments among its members for a number of years to provide the incentive needed to induce local dairymen to strive for more even milk production throughout the year.

During the period of order operation greater seasonality of production has been shown by producers not operating under a base plan than by the members of the proponent cooperatives. Base and excess plans have proved an effective means of improving the seasonal pattern of milk deliveries and such a plan applied to all producers, by being incorporated in the attached order, will play an essential part in encouraging the trend toward more even production seasonally.

The base-excess plan proposed by the producers is modeled after a similar plan used by Order 25, for the Puget Sound marketing area, and includes provision for a twelve-month base paying period. The plans used by proponent cooperative associations have included base-excess payments in all months of the year.

The type of base plan recommended herein will adopt, with minor exceptions, most of the features of the plan proposed by the producers. The base-forming period proposed at the hearing differed only with respect to the inclusion of January. Producer proponents of the base-excess plan would include the months of August through January of each year as the base-forming period with the base to become effective for the 12-month period beginning with February next following and ending January 31 of the next succeeding year. Bases so computed would be recomputed each year.

The base-excess plan recommended herein would provide that the base-forming period shall be the months of August through December with the base to be effective for the 12-month period beginning with the following February 1.

The exclusion of January from the proposed base-earning period will result in the continuation of the use of the old base for one month after the new base-forming period to permit the market administrator time in which to compute the bases and make the required notices of such new bases prior to February 1, the effective date of the new bases.

There is no evidence in the record to show that the exclusion of January from the base-forming period will materially alter the effectiveness of the plan recommended.

For each month separate uniform prices would be computed for base milk and for excess milk for the purpose of allocating Class I sales first to base milk. Base milk would be that quantity of milk delivered by a producer each month up to his average daily base multiplied by the number of days in the month for which his milk is delivered to any pool plant or is diverted as producer milk. Any milk delivered by such producer in excess of the base is excess milk. The excess price would be the Class II price except in any month when total Class I sales exceed the total quantity of base milk. During such a month, the excess price would be a blend of the actual Class I and Class II utilization of excess milk. Producer location adjustments, where applicable would affect only base milk and adjustments to maintain a producer-settlement fund reserve would be made in the computation of the base milk price only. In view of the lesser volume to which the reserve adjustment applies, the rate, presently 4 to 5 cents, is increased 1 cent so that it will be 5 to 6 cents.

Plants may become newly qualified as pool plants in any month of the year. In such event the producers supplying the new plant should have their bases computed from their deliveries to such plant during the previous base-making period rather than being paid base price for a percentage of monthly deliveries as provided for producers entering the market individually. The essential difference is that the shippers to the new pool plant would have become Great Basin producers by handler action whereas single new shippers at established pool plants become producers by their own choice. It would be necessary in such cases that the plant furnish a record of deliveries during the preceding base-earning period. This provision is also extended to include a producer who has relinquished his status as producer-handler.

Provision should be made for new producers entering the market to be paid for a portion of their deliveries at the base milk price without waiting until they have delivered milk during an entire base-earning period. Such a provision should also be consistent with the primary purpose of the base plan which is to encourage an even seasonal flow of milk to the market.

Since new producers have no prior fall deliveries from which the seasonality of their deliveries may be measured it is necessary that their base payments be determined somewhat arbitrarily as contrasted with producers with established bases who are paid on the basis of their individual performance. Producer proponents have proposed a seasonally varied schedule of percentages for each month which would allot a new producer a certain percentage of his production each month as base milk until such time as the producer has established an earned base. The percentage option would also be applicable to any regular baseholder who might elect to relinquish his earned base in favor of a base computed from such percentages. It is desirable therefore, that the base provisions for new producers be such as to encourage them to enter the market when their supplies will not increase seasonal variation and likewise will not be such as to invite substantial numbers of old producers to relinquish their bases.

In view of the lack of evidence in the record as to the operation of the various base plans in the market the percentages proposed by the producers and modified somewhat to include the considerations set forth above are considered to be reasonable and equitable, at least at the outset of the plan. The recommended percentages are: January, 70; February, 65; March, 60; April, 55; May, 45; June, 50; July, 55; August, 65; and 80 September through December.

Certain rules regulating the transfer of established bases were proposed and are adopted herein. The order should permit the producers to transfer an earned base with the sale or lease of the herd to a producer who continues to produce milk on the same farm. It is reasonable to assume that a herd so obtained and kept normally would continue to produce for a period of several months following the transfer in close alignment with the production pattern already established by the transferor.

Provision is also made that when a base is transferred subsequent to August 1 of any year all of the milk produced on the farm whether by the transferor or the transferee during the base-earning period, will be used in allotting a new base for the succeeding year. The burden of proof would be upon the transferor and transferee to establish to the satisfaction of the market administrator that the transfer was bona fide and not for the purpose of evading any provision of the order. It should be provided that a base may be transferred to a member of a baseholder's immediate family and in case of a baseholder's death the base may be transferred to another person upon transfer of the herd, even though production is not continued on the same farm. Only one base may be established with respect to milk produced by one or more persons where the land, buildings, and equipment are jointly owned and operated and if a producer operates more than one farm he shall establish separate bases with respect to producer milk delivered from each such farm.

2. *Cream transfers.* Some revision should be made in the transfer provisions of the order.

The present provisions of the order classify as Class I, any skim milk or butterfat moved in bulk in the form of skim milk or cream to a nonpool plant located 225 miles or more from the City Hall in Salt Lake City, Utah. Producers proposed changing the mileage limitation, with respect to bulk cream of 30 percent or more butterfat, to 525 miles and proposed to continue using the 225 mile limitation as it may apply to bulk shipments of whole milk or skim milk.

Substantial cream sales for manufacturing use have been made in the past from this market to Denver, Colorado; Las Vegas, Nevada; Grand Junction, Colorado; and Rawlins and Riverton, Wyoming, all of which are included in the proposed 525 mile area. Due to its concentrated nature, cream can move longer distances for manufacturing use than can milk or skim milk.

For the purpose of effective administration of the order some limitation must be set on the requirements upon the market administration to determine final disposition of producer milk in other than Class I use. The mileage limitation of the transfer provision was adopted to cut the costs of administrative expenses in verifying the utilization of milk shipped beyond the limits within which one might reasonably be expected to ship milk for manufacturing. Since the proposed 525 mile area limitation for cream sales includes markets (enumerated above) which are and have been regular manufacturing cream sales outlets for the Great Basin market. It is concluded that this limitation should apply uniformly to all bulk movements of milk, skim milk, and cream. It is probable that shipments of milk and skim milk to the expanded area will be limited in number because of the transportation costs involved. It will be administratively feasible to verify the end use of the milk within this radius.

Other proposals to modify the rules for classification of milk transferred to nonpool plants will be considered in a future decision.

3. *Packaged sour cream.* Sour cream manufactured from milk subject to the pricing and pooling provisions of Order No. 41 for the Chicago marketing area should be allocated directly to Class I at pool plants under the Great Basin order when such cream is received, handled and distributed in the same consumer or institutional size packages in which it was received.

A proposal to this effect was presented by a handler regulated under the Chicago Order No. 41 who has been engaged in the movement of packaged sour cream from the Chicago market to a handler in Salt Lake City area on a regular weekly or bi-weekly basis since November 1957.

Present provisions of the Great Basin order give priority of all Class I utilization to producer milk. Receipts of sour cream priced and pooled under Order No. 41 are allocated to Class II to the extent possible while all cream products under the Chicago order are classified as Class II, under the accounting and pricing system of the Chicago order this class is the equivalent of the Class I classification and pricing under the accounting system of the Great Basin order. With allowance for transportation cost from Chicago raw material cost equals or exceeds that under the Great Basin order. Inasmuch as the Class I price in the Great Basin marketing area will be generally aligned with prices under other Federal orders, there is little chance that handlers in the Chicago market can achieve a substantial competitive advantage with respect to sales of packaged sour cream in this area over handlers under this order.

The movement of packaged sour cream from the Chicago sources to the Salt Lake City handler is of sufficiently long standing to establish that the seasonal and daily reserves necessary to supply the exact quantities so moving were carried by the Chicago producers. Yet under current provisions of the Great Basin order the seasonal and daily excess of producer milk in the market is assigned to Class I to the extent of receipts of packaged sour cream from the Chicago market.

The handler receiving the packaged sour cream went on record as supporting in part the proposal made by the Chicago handler to the extent that such packaged sour cream should be permitted direct assignment to Class I utilization under the Great Basin order.

It is accordingly concluded that receipt of sour cream priced as Class II under Order No. 41 and disposed of in the same consumer or institutional size packages as received should be allocated to the Class I utilization of the receiving handler. Such allocation should be provided only when sour cream is not processed or packaged in the plant during the month. While the Great Basin handler proposed a provision applicable to all packaged Class I products and all orders, all testimony was directed to the allocation of packaged sour cream priced under Order No. 41. No basis exists on the record to provide for movement of other products or from other orders.

In opposing the proposed allocation it was the suggestion of the three producer associations that it would be preferable for sour cream to be classified under the order as a Class II product. The health regulations of the Great Basin market require the same Grade A health standards for sour cream as is required for fluid milk. It is appropriate, therefore, that all the products required to be made from Grade A milk be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for Grade A milk. The suggested change is therefore not adopted on the basis of this record.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Great Basin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Add the following as § 963.18 (to be effective 2–1–61):

§ 963.18 Base milk.

"Base milk" means the quantity of producer milk delivered by a producer each month which is not in excess of his daily base computed pursuant to § 963.65 multiplied by the number of days for which his milk production is delivered during the month.

2. Add the following as § 963.19 (to be effective 2–1–61):

§ 963.19 Excess milk.

"Excess milk" means producer milk delivered by a producer in excess of base milk.

§ 963.22 [Amendment]

3. In § 963.22(k)(3) (to be effective 2–1–61) delete the phrase "uniform price for producer milk" and substitute therefor the following "uniform prices for base milk and excess milk".

§ 963.30 [Amendment]

4. Delete § 963.30(a)(1)(i) (to be effective 2–1–61) and substitute therefor the following:

(i) Producer milk received at the plant or diverted therefrom by the handler and the aggregate quantities of base milk and excess milk, respectively;

§ 963.30 [Amendment]

5. Change the period at the end of § 963.30(b)(2) to a semicolon (;), insert "and" and add the following as § 963.30 (b)(3) (to be effective 2–1–61):

(3) The aggregate quantities of base milk and excess milk involved.

§ 963.42 [Amendment]

6. Delete § 963.42(c)(1) and substitute therefor the following:

(1) The transferee plant is located less than 525 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance as determined by the market administrator.

§ 963.44 [Amendment]

7. Delete § 963.44(a)(4) and substitute therefor the following:

(4) Subtract the pounds of skim milk in fluid milk products received from plants regulated under another order issued pursuant to the Act, as specified:

(i) Subtract, if sour cream was not processed or packaged in the pool plant during the month, from the pounds of skim milk in Class I milk the pounds of skim milk in sour cream packaged in consumer or institutional size packages, classified and priced as Class II milk pursuant to Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area (Part 941 of this chapter), and disposed of in the same packages in which it is received;

(ii) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s).

8. Following § 963.63 add the following:

DETERMINATION OF BASE

§ 963.65 Computation of producer bases.

Subject to the rules set forth in § 963.66 the market administrator shall compute bases for producers as follows:

(a) (1) A daily base shall be computed for each producer delivering 90 days or more milk production during the months of August through December of each year by dividing the total producer milk delivered during this period by such producer by the number of days' production delivered, the number of days from the date of first delivery during the period through December 31, or 120, whichever is greatest. Such base shall be effective for the 12-month period beginning the following February 1.

(2) Any dairy farmer for whom information concerning deliveries during the base earning period is available to the market administrator and who becomes a producer as a result of (i) the plant to which his milk was delivered during the base earning period subsequently qualifying as a pool plant, or (ii) relinquishment of status as a producer-handler, shall have a daily base computed pursuant to this paragraph.

(b) Any producer for whom no base can be computed pursuant to paragraph (a) of this section, or any producer who chooses to relinquish such base pursuant to § 963.66(b) shall have a monthly base computed by multiplying his deliveries to handlers during the month by the appropriate monthly percentage in the following table, except that no such

monthly base shall be computed if such producer or a member of his immediate family has transferred a base pursuant to § 963.65(a) (1) or (2) within the preceding twelve months:

January	70	July	55
February	65	August	65
March	60	September	80
April	55	October	80
May	45	November	80
June	50	December	80

§ 963.66 Base rules.

The following rules shall be observed in determination of base:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer but under the following circumstances only: If a producer who earned a base pursuant to § 963.65(a) sells, leases, or otherwise conveys his herd to another person who is or becomes a producer, the latter may receive the transferor's base, pursuant to the conveyance and utilize such base for the remainder of the period for which such base is effective pursuant to § 963.65(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee-producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all producer milk delivered to a handler(s) between August 1 and the last day of the period as specified in § 963.65(a), inclusive, from the same farm (whether by the transferor or transferee-producer) shall be utilized in computing the base of the transferee-producer pursuant to § 963.65(a).

(3) The burden shall be upon the transferee and transferor to establish to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraph (1) of this paragraph but in compliance with subparagraphs (2) and (3) of this paragraph;

(i) A base, whether earned pursuant to § 963.65(a) or received by transfer, may be transferred to a member of a baseholder's immediate family; and

(ii) In the case of a baseholder's death, a base earned pursuant to § 963.65 (a) by the baseholder or by a member of his immediate family may be further transferred to another person: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to another person.

(b) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 963.65(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 963.65(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 963.65(a), for which such base was computed.

(c) As soon as bases computed by the market administrator are allotted notice of the amount of each producers' base shall be given by the market administrator to the handler receiving such producer's milk and the producer or the cooperative association of which the producer is a member.

(d) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only producers as defined in § 963.7 may establish or earn a base pursuant to the provisions of § 963.65 and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and/or equipment used are jointly owned or operated.

9. Delete § 963.71 and substitute therefor the following (to be effective 2-1-61):

§ 963.71 Computation of uniform prices.

The market administrator shall compute the uniform price per hundredweight of base milk and of excess milk, each of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 963.70 for the producer milk of all handlers who submitted reports prescribed in § 963.30 and who are not in default of payments pursuant to § 963.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 963.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 963.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund from prior periods;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 5 cents nor more than 6 cents from the rate pursuant to paragraph (b) of this section. The resulting figure shall be the uniform price for base milk.

§ 963.72 [Amendment]

10. In § 963.72 (to be effective 2-1-61) delete "price" and substitute therefor "prices".

§ 963.73 [Amendment]

11. In § 963.73 (to be effective 2-1-61) delete the term "prices to be paid for producer milk" and substitute therefor the term "prices to be paid for base milk".

§ 963.74(b) [Amendment]

12. In § 963.74(b) (to be effective 2-1-61) delete "price" and substitute therefor "prices".

§ 963.80(a)(1) [Amendment]

13. In § 963.80(a)(1) (to be effective 2-1-61) delete "price" and substitute therefor "prices".

Issued at Washington, D.C., this 19th day of July 1960.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-6877; Filed, July 21, 1960; 8:50 a.m.]

[7 CFR Part 975]

MILK IN NORTHEASTERN OHIO MARKETING AREA

Notice of Proposed Termination of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Northeastern Ohio marketing area is being considered.

The provisions proposed to be terminated are §§ 975.16, 975.17, 975.22(k), 975.60, 975.61, 975.72, 975.73; in §§ 975.22 (j)(2) the provision "and for April, May, and June the price for ineligible milk and the price for eligible milk, computed pursuant to §§ 975.72, and 975.73, respectively,", in 975.30(a)(1) the provision "and for the months specified in § 975.60 the aggregate quantities of eligible milk", in 975.32(a) the provisions "for the months of July through March," and "and for the months of April through June, the pounds of eligible milk, and the percentage of butterfat contained therein, received from each producer;", in 975.74(b) the provision "975.72, and 975.73", in 975.80(a) the provisions "(a)" and "or §§ 975.72 and 975.73" and in 975.81 the provision "with respect to eligible milk received from producers during the months specified in § 975.60 and" relating to establishment of producer quotas and payments to producers for eligible milk and ineligible milk in certain months.

The Milk Producers Federation of Cleveland, Wayne Cooperative Milk Producers, Inc., Akron Milk Producers, Inc., Stark County Cooperative Sales Association, Northwestern Cooperative Sales Association, Constantine Cooperative Creamery Company, and Tri-County Producers Cooperative have requested that the eligible-ineligible plan of the order be terminated at the earliest possible date in order that producers may be aware that their milk deliveries during the months of October through December 1960 will not be used as a basis of computing payments during the months of April through June 1961. Termination of the plan will have no effect on costs of milk to handlers, but will affect distribution of returns among producers with different seasonal patterns of production. Timely action on the request can best be accomplished through termination of the provisions cited. Opportunity is hereby afforded all interested parties to submit written data, views and arguments with respect to the proposed termination.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Issued at Washington, D.C., this 19th day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6878; Filed, July 21, 1960; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 130]

ENFORCEMENT REGULATIONS DRUGS AND DEVICES, NEW DRUGS

Notice of Proposal to Amend Labeling Requirements

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611) proposes to amend the regulations for the enforcement of the drug and device sections and the new-drug section (21 CFR 1.106, 130.4, 130.5, 130.9, 130.13) as hereinafter set forth. The Commissioner hereby offers an opportunity to all interested persons to submit their views in writing with reference to this proposal to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 60 days from the date of publication of this notice in the FEDERAL REGISTER. Views and comments should be submitted in quintuplicate.

1. It is proposed to amend § 1.106 in the following respects:

a. By changing paragraphs (b), (c), and (d) to read as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * *

(b) *Exemption for prescription drugs.* A drug subject to the requirements of section 503(b)(1) of the act shall be exempt from section 502(f)(1) if all the following conditions are met:

(1) The drug is:

(i)(*a*) In the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescription drugs; or

(*b*) In the possession of a retail, hospital, or clinic pharmacy, or a public health agency, regularly and lawfully engaged in dispensing prescription drugs; or

(*c*) In the possession of a practitioner licensed by law to administer or prescribe such drugs; and

(ii) It is to be dispensed in accordance with section 503(b).

(2) The label of the drug bears:

(i) The statement "Caution: Federal law prohibits dispensing without prescription"; and

(ii) The recommended or usual dosage; and

(iii) The route of administration, if it is not for oral use; and

(iv) If it is fabricated from two or more ingredients and is not designated solely by a name recognized in an official compendium, the quantity or proportion of each active ingredient, as well as the information required by section 502 (d) and (e); and

(v) If it is intended for ophthalmic use or for administration by parenteral injection, the quantity or proportion of all inactive ingredients; and

(vi) An identifying lot or control number from which it is possible to determine the complete manufacturing history of the package of the drug;

Provided, however, That in the case of containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information, but which are packaged within an outer container from which they are removed for dispensing or use, the information required by subdivisions (ii), (iii) and (v) of this subparagraph may be contained in other labeling on or within the package from which it is to be dispensed, and the information referred to in subdivision (i) of this subparagraph may be placed on such outer container only.

(3) Labeling on or within the package from which the drug is to be dispensed bears adequate information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions under which practitioners licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all purposes for which it is advertised or represented; and, if the article is subject to section 505, 506, or 507 of the act, the labeling bearing such information is the labeling authorized by the effective new-drug application or required as a condition for the certification or the exemption from certification requirements applicable to preparations of insulin or antibiotic drugs: *Provided, however*, That in the case of drugs not subject to section 505, 506, or 507, such information may be omitted from the dispensing package if, but only if, the article is a drug for which directions, hazards, warnings, and use information are commonly known to the ordinary practitioner. Upon written request, stating reasonable grounds therefor, the Commissioner will offer an opinion on a proposal to omit such information from the dispensing package under this proviso.

(4) Any labeling, whether or not it is on or within a package from which the drug is to be dispensed, distributed by or on behalf of the manufacturer, packer, or distributor of the drug, that furnishes or purports to furnish information for use or which prescribes, recommends, or suggests a dosage for the use of the drug contains:

(i) Adequate information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration and any relevant hazards, contraindications, side effects, and precautions, under which practitioners licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all conditions for which it is advertised or represented; and if the article is subject to section 505, 506, or 507 of the act, the labeling providing such information is the labeling authorized by the effective new-drug application or required as a condition for its certification or exemption from certification; and

(ii) The same information concerning the ingredients of the drug as appears on the label and labeling on or within the package from which the drug is to be dispensed.

(5) All labeling bearing information for use of the drug also bears the date of the issuance of such labeling.

(c) *Exemption for veterinary drugs.* A drug intended solely for veterinary use which, because of toxicity or other potentiality for harmful effect, or the method of its use, is not safe for animal use except under the supervision of a licensed veterinarian, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502(f)(1) of the act if all the following conditions are met:

(1) The drug is:

(i) In the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of veterinary drugs and is to be sold only to or on the prescription or other order of a licensed veterinarian for use in the course of his professional practice; or

(ii) In the possession of a licensed veterinarian for use in the course of his professional practice.

(2) The label of the drug bears:

(i) The statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian"; and

(ii) The recommended or usual dosage; and

(iii) The route of administration, if it is not for oral use; and

(iv) If it is fabricated from two or more ingredients and is not designated solely by a name recognized in an official compendium, the quantity or proportion of each active ingredient as well as the information required by section 502(e) of the act; and

(v) If it is intended for ophthalmic use or for administration by parenteral injection, the quantity or proportion of all inactive ingredients; and

(vi) An identifying lot or control number from which it is possible to determine the complete manufacturing history of the package of the drug:

Provided, however, That in the case of containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information, but which are packaged within an outer container from which they are removed for dispensing or use, the information required by subdivisions (ii), (iii), and (v) of this subparagraph may be contained in other labeling on or within the package from which it is to be so dispensed, and the information referred to in subdivision (i) of this subparagraph may be placed on such outer container only.

(3) Labeling on or within the package from which the drug is to be dispensed bears adequate information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions under which veterinarians licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all purposes for which it is advertised or represented; and if the article is subject to section 505, or 507 of the act, the labeling bearing such information is the labeling authorized by the effective new-drug application, or required as a condition for the certification or the exemption from certification requirements applicable to preparations of antibiotic drugs: *Provided, however,* That in the case of drugs not subject to sections 505 or 507, such information may be omitted from the dispensing package if, but only if, the article is a drug for which directions, hazards, warnings, and other information are commonly known to the ordinary veterinarian. Upon written request, stating reasonable grounds therefor, the Commissioner will offer an opinion on a proposal to omit such information from the dispensing package under this proviso.

(4) Any labeling, whether or not it is on or within a package from which the drug is to be dispensed, distributed by or on behalf of the manufacturer, packer, or distributor of the drug, that furnishes or purports to furnish information for use or which prescribes, recommends, or suggests a dosage for the use of the drug contains:

(i) Adequate information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions, under which veterinarians licensed by law to administer the drug can use the drug safely and for the purposes for which it is intended, including all conditions for which it is advertised or represented; and if the article is subject to section 505 or 507 of the act, the labeling providing such information is the labeling authorized by the effective new-drug application or required as a condition for its certification or exemption from certification; and

(ii) The same information concerning the ingredients of the drug as appears on the label and labeling on or within the package from which the drug is to be dispensed.

(5) All labeling bearing information for use of the drug also bears the date of the issuance of such labeling.

(d) *Exemption for prescription devices.* A device, which, because of any potentiality for harmful effect, or the method of its uses, or the collateral measures necessary to its use, is not safe except under the supervision of a practitioner licensed by law to direct the use of such device, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502(f)(1) of the act if all the following conditions are met:

(1) The device is:

(i) (a) In the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of such device; or

(b) In the possession of a practitioner, such as physicians, dentists, and veterinarians, licensed by law to use or order the use of such device; and

(ii) Is to be sold only to or on the prescription or other order of such practitioner for use in the course of his professional practice.

(2) The label of the device (other than surgical instruments) bears:

(i) The statement "Caution: Federal law restricts this device to sale by or on the order of a ----------," the blank to be filled with the word "physician," "dentist," "veterinarian," or with the descriptive designation of any other practitioner licensed by the laws of the State in which he practices, to use or order the use of the device; and

(ii) The method of its application or use.

(3) Labeling on or within the package from which the device is to be dispensed bears information for use, including indications, effects, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions under which practitioners licensed by law to administer the device can use the device safely and for the purpose for which it is intended, including all purposes for which it is advertised or represented: *Provided, however,* That such information may be omitted from the dispensing package if, but only if, the article is a device for which directions, hazards, warnings, and other information are commonly known to the ordinary practitioner. Upon written request, stating reasonable grounds therefor, the Commissioner will offer an opinion on a proposal to omit such information from the dispensing package under this proviso.

(4) Any labeling, whether or not it is on or within a package from which the device is to be dispensed, distributed by or on behalf of the manufacturer, packer, or distributor of the device, that furnishes or purports to furnish information for use of the device contains adequate information for its use, including indications, effects, routes, methods, and frequency and duration of administration and any relevant hazards, contraindications, side effects, and precautions, under which practitioners licensed by law to employ the device can use the device safely and for the purposes for which it is intended, including all purposes for which it is advertised or represented.

(5) All labeling bearing information for use of the device also bears the date of the issuance of such labeling.

b. By revoking § 1.106(e).

2. It is proposed to amend § 130.4 *Applications* by changing items (6) (c), (d), and (e) and (9) in the new-drug application form set out in paragraph (c) to read as set forth below and by adding to § 130.4 a new paragraph (e), reading as indicated:

§ 130.4 Applications.

* * * * * * *

(c) * * *

(6) * * *

(c) If the drug is limited in its labeling to use under the professional supervision of a practitioner licensed by law to administer it, labeling on or within the package from which the drug is to be dispensed should bear information for use under which such practitioners can use the drug for the purposes for which it is intended, including all the purposes for which it is to be advertised or represented.

(d) Typewritten or other draft labeling copy may be accepted for conditional consideration of an application with the understanding that final printed labeling identical in content to the draft copy will be submitted as soon as available and prior to the marketing of the drug.

* * * * * * *

(9) It is agreed that the labeling and advertising for the drug will prescribe, recommend, or suggest its use only under the conditions stated in the labeling which is part of this application; and if the article is a prescription drug, it is agreed that any labeling which furnishes or purports to furnish information for use or which prescribes, recommends, or suggests a dosage for use of the drug will also contain adequate information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, any relevant hazards, contraindications, side effects, and precautions, which is contained in the labeling on or within the package from which the drug is to be dispensed.

It is understood that all representations in this application regarding the components, composition, manufacturing methods, facilities, controls, and labeling apply to the drug produced until an effective supplement to the application provides for a change or the applicant is notified in writing by the Food and Drug Administration that a supplemental application is not required for the change, or the article is no longer a new drug. It is further understood that a new drug for which an application is conditionally effective may not be marketed until the stated conditions have been met, including when such is a condition, the submission of final printed labeling identical in content to the draft copy in the application, and including, when such is a condition, notification of the New Drug Branch when the first production batch of the drug will be prepared, so that an inspection may be conducted to verify the adequacy of the manufacturing methods, facilities, and controls.

(e) When in the judgment of the New Drug Branch, the description of the methods used in and the facilities and controls used for the manufacture, processing, and packaging of such drug appears adequate on its face, but it is not feasible to reach a conclusion as to the safety of the drug solely from consideration of this description, the New Drug Branch will notify the applicant that an inspection is required and the application will be made conditionally effective until such time that it is notified that the applicant is prepared to produce the first production batch, and the Administration is given an adequate opportunity to inspect the manufacturing methods, facilities, and controls to verify their adequacy. When an application is made conditionally effective under the conditions prescribed in this paragraph, the production and marketing of the drug without notification of the New Drug Branch or without offering an opportunity for an inspection to verify the adequacy of the manufacturing methods, facilities, and controls shall be regarded as the production and marketing of a drug for which no new-drug application is effective.

3. It is proposed to amend the first sentence of § 130.5(a)(3) to read as follows:

§ 130.5 Reasons for refusing to file applications.

(a) * * *

(3) The specimens of labeling proposed for use upon or within the retail package do not expressly prescribe, recommend, or suggest the use of such drug under such conditions. * * *

4. It is proposed to amend § 130.9 to read as follows:

§ 130.9 Supplemental applications.

(a) After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. Labeling changes include deviations from the authorized brochure in any mailing or promotional piece used after the drug is placed on the market. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. If a material change is made in labeling or advertising from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27, because the authorized labeling does not truly represent the intended uses of the drug.

(b) The submission of a supplemental new-drug application is not required for changes made in the new drug, or in its labeling, or in the manufacturing facilities or controls under which it is produced, that are not significant from the standpoint of the safety of the new drug as established by the original new-drug application. The holder of an effective new-drug application should submit to the New Drug Branch, in writing, full details of any proposed change or changes, and he will be notified in writing whether, in the Food and Drug Administration's opinion, the submission of a supplemental application is required for such change or changes. This includes all mailing and promotional pieces that are to be used after the new drug has been placed on the market.

(c) A supplemental application is not required when the article is no longer a new drug, under the labeling submitted in the new-drug application, unless the proposed change itself causes it to become a new drug.

5. It is proposed to amend § 130.13 to read as follows:

§ 130.13 Insufficient information in application.

The information contained in an application may be insufficient for the New Drug Branch to determine whether a drug is safe for use if it fails to include (among other things) a statement showing whether the drug is to be limited to prescription sale and exempt under section 502(f)(1) of the act, from the requirement that its labeling bear adequate directions for use. If the drug is to be exempt, the information may also be insufficient if:

(a) The specimen labeling proposed for use on or within the package from which the drug is to be dispensed fails to bear adequate information for use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions under which practitioners licensed by law to administer the drug can use the drug for the purposes for which it is intended, including all purposes for which it is to be advertised or represented.

(b) The application fails to show that the labeling and advertising of the drug will offer the drug for use only under those conditions for which it is offered in the labeling on or within the package from which the drug is to be dispensed.

(c) The application fails to show that all labeling which furnishes or purports to furnish information for use of the drug will contain adequate information for use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions which is contained in the labeling on or within the package from which the drug is to be dispensed.

Dated: July 18, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6857; Filed, July 21, 1960; 8:48 a.m.]

[21 CFR Part 120]

SULFUR DIOXIDE AND SODIUM METABISULFITE USED IN FUMIGATION OF STORED GRAINS

Notice of Proposal To Exempt From Requirement of Tolerances

Data in possession of the Food and Drug Administration indicate that the pesticide chemical sulfur dioxide has been used in the fumigation of stored grains to combat insect infestation, to combat deterioration caused by fungi, and to serve as a warning indicator of less odoriferous fumigants used with it. The sulfur dioxide may be used directly as a gas in combination with other fumigants or it may be released from sodium metabisulfite. When sulfur dioxide is used in the fumigation of grains, it has no adverse affect on thiamine of cereal grains and it does not constitute a hazard to the public health.

Accordingly, the Commissioner of Food and Drugs, on his own initiative and under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), 68 Stat. 514; 21 U.S.C. 346a(e)), vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 5611), proposes that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended by adding the following new section:

§ 120.180 Exemption from the requirement of a tolerance for residues of sulfur dioxide from direct application or from sodium metabisulfite.

Sulfur dioxide from direct application or from sodium metabisulfite is exempted from the requirement of a tolerance for residues, when used in the fumigation of barley, buckwheat, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing sulfur dioxide or sodium metabisulfite may request, within 30 days from the date of publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with

section 902(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: July 18, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6856; Filed, July 21, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 450]

AIRWORTHINESS DIRECTIVES

Boeing 707–100 Series Aircraft

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration to a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modifications to Boeing 707–100 Series aircraft engine start levers. This proposal requires an additional start lever detent modification to prevent the lever slipping to the "off" position thereby cutting off the fuel supply, and provides a more adequate engine ignition circuitry modification.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 23, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to the following 707–100 Series aircraft:

Serial Numbers 17586 through 17591, 17628 through 17651, 17655 through 17672, 17696 through 17702, and 17925 through 17927.

Compliance required by 90 days after publication in the FEDERAL REGISTER as an adopted rule.

Incidents have occurred of the engine start lever slipping to the "OFF" position causing engine flame-out. One such incident occurred during take-off. These incidents were caused by insecure placement of the start lever in the "idle" position. In addition, inspections have disclosed the presence of incorrect parts and improper installations on some airplanes.

Also, in the present starting ignition system, on some airplanes, the igniter plug fires during initial engine rotation. This has caused combustion chamber explosions when fuel vapors were present.

To correct the above unsatisfactory conditions, the following modifications and inspections are required:

I. Modify and inspect the start lever system as follows:

a. Machine an additional slot at the start position of the start lever latch in each of the start lever guides as shown in Fig. 1 of Boeing Service Bulletin 369 dated April 15, 1959.

b. Ascertain that the control stand start lever spacers, P/N 66–19067–1 and –2, and lever guide fillers P/N 66–9256–3, are correctly installed as follows:

(1) The two outboard spacers must be P/N 66–19067–1 and –2 and installed in accordance with Boeing Drawing 65–1795. (Boeing 707 Parts Catalog Fig. 25–2–11 is in error in calling for P/N 66–9256–1 and –2 for Items 28 and 33. Correct P/N's are 19067–1 and –2 as indicated above.)

(2) The middle lever guide filler, P/N 66–9256–3, must be installed with the wide section at the top and not at the bottom. (Item 17 in Fig. 75–2–11 of Boeing 707 Parts Catalog is incorrect in that it shows the wide section at the bottom.)

c. Ascertain that the start lever detents have a minimum distance of .53 inches between the stop strap and the idle detents in accordance with Bulletin 369.

d. After reinstallation of the start levers, ascertain that the start lever system is properly rigged as covered in Chapter 76 of Boeing 707–100 Series Maintenance Manual. This applies only to airplanes which require removal of the start lever detents for machining the slot.

II. Modify the starting ignition system as follows:

a. Remove the jumper wire between the "COMMON" terminal and "NO" terminal of each engine start lever switch (S192, S193, S194, S195).

b. Install a wire from the "ON" contact flight start and control switches (S188, S189, S190 and S191) on the pilot's overhead panel to the corresponding engine ignition circuit breaker bus on the P6 circuit breaker panel. Remove the No. 18 jumper wire between the flight start and ground start terminals of the engine start and control switch. Boeing Service Bulletin No. 195 (R–1) dated July 8, 1959, and Supplement No. 195 (R–1) A dated August 4, 1959, covers these changes.

Issued in Washington, D.C., on July 15, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6822; Filed, July 21, 1960; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 60-NY-29]

RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

Pursuant to the authority delegated to me by the Administrator (§ 400.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.40 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force for modification of the Rome, N.Y., Restricted Area/Military Climb Corridor (R–544). The present climb corridor extends from a point 5 statute miles from the airbase on the 138° and 318° True radials of the Griffiss TVOR, to a point 32 statute miles northwest. The lower altitude limits extend in graduated steps from 2,500 feet MSL to 19,500 feet MSL. It is proposed to modify the lateral dimensions of the climb corridor by designating it on the 138° and 318° True radials of the Griffiss TVOR and the 318° True radial of the Griffiss TACAN, extending from 5 statute miles northwest of the airbase to 32 statute miles northwest of the airbase, having a width at the beginning extending from 1 statute mile southwest of the TVOR 138° True radial to 1 statute mile northeast of the TACAN 318° True radial, expanding uniformly to a width extending from 2.3 statute miles southwest of the TVOR 318° True radial to 2.3 statute miles northeast of the TACAN 318° True radial at the outer extremity. This modification would provide protection for TACAN or VOR equipped air defense aircraft while operating within the Restricted Area/Military Climb Corridor.

If this action is taken, the Rome, N.Y., (Griffiss AFB), Restricted Area/Military Climb Corridor (R–544) (Albany Chart) would be designated as follows:

Description. That area based on the 138° and the 318° True radials of the Griffiss TVOR and the 318° True radial of the Griffiss TACAN, extending from 5 statute miles northwest of the airbase to 32 statute miles northwest of the airbase, having a width from 1 statute mile southwest of the 138° True radial of the TVOR to 1 statute mile northeast of the 318° True radial of the TACAN at the point of beginning, expanding uniformly to a width of 2.3 statute miles southwest of the 318° True radial of the TVOR to 2.3 statute miles northeast of the 318° True radial of the TACAN at the outer extremity.

Designated altitudes.

2,500' MSL to 15,500' MSL from 5 statute miles northwest of the airbase to 6 statute miles northwest of the airbase.

2,500' MSL to 24,500' MSL from 6 to 7 statute miles northwest of the airbase.

2,500' MSL to 27,000' MSL from 7 to 10 statute miles northwest of the airbase.

6,500' MSL to 27,000' MSL from 10 to 15 statute miles northwest of the airbase.

10,500' MSL to 27,000' MSL from 15 to 20 statute miles northwest of the airbase.

15,500' MSL to 27,000' MSL from 20 to 25 statute miles northwest of the airbase.

19,500' MSL to 27,000' MSL from 25 to 32 statute miles northwest of the airbase.

Time of designation. Continuous.

Controlling agency. Griffiss Approach Control.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 18, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6823; Filed, July 21, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13506]

[47 CFR Part 3]

FM BROADCAST STATIONS; PERMISSION TO TRANSMIT STEREOPHONIC PROGRAMS ON A MULTIPLEX BASIS

Order Extending Time for Filing Comments

On May 9, 1960, the Commission issued a Notice of Proposed Rule Making in the above-entitled matter (FCC 60–498) inviting comments and technical data on several systems of stereophonic program transmissions by FM broadcast stations. The time for filing comments was specified as July 29, 1960, and the time for filing replies was specified as August 8, 1960. On July 12, 1960, the Electronics Industries Association, in behalf of the National Stereophonic Radio Committee (NSRC) filed a Request for Extension of Time in this proceeding from July 29, 1960, until October 29, 1960.

NSRC states that it has undertaken to test the FM stereophonic radio systems and that the actual testing is scheduled to commence July 11, 1960, and will require several weeks to complete. These tests will deal with transmitter requirements, selection of receiving sites, measurements to be made, and standards for receiving equipment. It urges that it is not possible to complete the tests, the necessary analysis of the data and report to the Commission by the present deadline and that a 90-day extension is needed to do so.

We are of the view that the petitioner has made an adequate showing of need for the extension and that it would serve the public interest.

Accordingly, it is ordered, That the above request made by the Electronics Industries Association is granted, and the last dates for filing comments and reply comments in this proceeding are extended to October 28, 1960, and November 8, 1960, respectively.

Released: July 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6876; Filed, July 21, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARKANSAS

Notice of Proposed Withdrawal and Reservation of Land

JULY 18, 1960.

The United States Department of Agriculture, Washington 25, D.C., has filed an application for the withdrawal of the lands in the Ouachita National Forest, hereafter described, from the United States Mining and Mineral Leasing Laws, subject to valid existing rights.

The applicant desires the land for use as a recreation area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved are:

5TH PRINCIPAL MERIDIAN, ARKANSAS

(*Knoppers Ford Site*)

T. 4 N., R. 27 W.,
Sec. 9, NE¼NE¼;
Sec. 10, W½NW¼NW¼.

The area contains 60 acres.

H. K. SCHOLL,
Manager.

[F.R. Doc. 60-6834; Filed, July 21, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC COAST/CARIBBEAN SEA PORTS CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the agreements, listed below, filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814), modifies the voting provisions of, the following basic conference agreements, respectively:

(1) Agreement No. 4294–17, between the member lines of the Pacific Coast/Caribbean Sea Ports Conference, modifies the basic agreement of that conference (No. 4294, as amended), in the trade from Pacific Coast ports of the United States and Canada to ports in Barbados, British Guiana, British Honduras, East Coast of Colombia, East Coast of Costa Rica, Cuba, Dominican Republic, French Guiana, French West Indies, East Coast of Guatemala, Haiti, East Coast of Honduras, Jamaica, Leeward and Windward Islands, Netherlands West Indies, East Coast of Nicaragua, East Coast of the Republic of Panama (except Colon), Surinam, Trinidad, and Venezuela.

(2) Agreement No. 4630–14, between the member lines of the Pacific/West Coast of South America Conference, modifies the basic agreement of that conference (No. 4630, as amended), in the trade from Pacific Coast ports of the United States and Canada to Pacific Coast ports in Colombia, Ecuador, Peru and Chile.

(3) Agreement No. 6070–10, between the member lines of the Canal, Central America Northbound Conference, modifies the basic agreement of that conference (No. 6070, as amended), in the trade from Colon, Panama City, Panama Canal Zone, and West Coast Central American ports, to Pacific Coast ports of the United States and Canada.

(4) Agreement No. 6170–9, between the member lines of the Capca Freight Conference, modifies the basic agreement of that conference (No. 6170, as amended), in the trade from Pacific Coast ports of the United States and Canada to Pacific Coast ports of Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and to Puerto Armuelles (Panama), by direct vessel or by transhipment.

(5) Agreement No. 6270–6, between the member lines of the West Coast South America/North Pacific Coast Conference, modifies the basic agreement of that conference (No. 6270, as amended), in the trade from Pacific Coast ports of Chile and Peru to Pacific Coast ports of the United States and Canada by direct vessel or by transhipment at Los Angeles or San Francisco.

(6) Agreement No. 6400–10, between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the basic agreement of that conference (No. 6400, as amended), in the trade from ports on the Pacific Coast of North America to ports in Argentine, Uruguay and Brazil (southbound service), and from ports in Argentine, Uruguay and Brazil to ports in California, Oregon, Washington and British Columbia (northbound service).

(7) Agreement No. 6670–6, between the member lines of Camexco Freight Conference, modifies the basic agreement of that conference (No. 6670, as amended), in the trade from West Coast ports of Central America and Mexico to Pacific Coast ports of the United States and Canada.

(8) Agreement No. 7170–8, between the member lines of Pacific Coast/Panama Canal Freight Conference, modifies the basic agreement of that conference (No. 7170, as amended), in the trade from Pacific Coast ports of the United States and Canada to Colon, Panama City, Balboa and Cristobal.

(9) Agreement No. 7270–7, between the member lines of Colpac Freight Conference, modifies the basic agreement of that conference (No. 7270, as amended), in the trade from Atlantic ports of Colombia to Pacific Coast ports of the United States and Canada, either by direct service or by transhipment at Panama Canal ports.

(10) Agreement No. 7570–7, between the member lines of Pacific Coast/Mexico Freight Conference, modifies the basic agreement of that conference (No. 7570, as amended), in the trade between Pacific Coast ports of the United States and Canada and ports on the Pacific Coast of Mexico, either directly or by transhipment.

(11) Agreement No. 8390–1, between the member lines of Caribbean/Pacific Northbound Freight Conference, modifies the basic agreement of that conference (No. 8390), in the trade from the Caribbean ports of Cuba, Jamaica, Haiti, Dominican Republic, Trinidad, Windward and Leeward Islands, Barbados, French and British Guianas, Surinam, French West Indies, Venezuela and Netherlands Antilles to Pacific Coast ports of the United States and Canada.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their positions to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 19, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6863; Filed, July 21, 1960; 8:49 a.m.]

SEA-LAND OF PUERTO RICO ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, U.S.C. 814):

(1) Agreement No. 8507, between Sea-Land of Puerto Rico, Division of Sealand Services, Inc., and Cia Sud Americana de Vapores, covers a through billing arrangement in the trade from Chile to Puerto Rico with transhipment at New York.

(2) Agreement No. 8508, between Sea-Land of Puerto Rico, Division of Sealand Services, Inc., and Grace Line Inc., covers a through billing arrangement in the trade from Chile, Ecuador, Peru and Colombia Pacific Coast ports to Puerto Rico, with transhipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 19, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6862; Filed, July 21, 1960; 8:49 a.m.]

Office of the Secretary

[Dept. Order 87 (Revised)]

COAST AND GEODETIC SURVEY

Organization and Functions

The material appearing in 21 F.R. 4028–4030 of June 12, 1956 is revised as follows:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Coast and Geodetic Survey.

SEC. 2. *Organization.* .01 The Coast and Geodetic Survey, originally established by Act of Congress of February 10, 1807 (2 Stat. 413) and redefined by the Act of June 20, 1878 (20 Stat. 206, 215) and whose functions and authorities are now described in Title 33, Chapter 17, U.S. Code, as amended, is a primary organization unit within and under the jurisdiction of the Department of Commerce and is headed by a Director who shall report and be immediately responsible to the Under Secretary of Commerce for Transportation. The Director and Deputy Director are appointed by the President, by and with the consent of the Senate.

.02 The Coast and Geodetic Survey shall be constituted as follows:

1. Office of the Director, including:
(1) Deputy Director.
(2) Program Planning Coordination Staff.
(3) International Technical Cooperation Staff.

2. Offices and divisions as follows:
(1) Office of Oceanography:
(a) Facilities Division.
(b) Operations Division.
(c) Marine Data Division.
(2) Office of Physical Sciences:
(a) Geodesy Division.
(b) Geophysics Division.
(c) Photogrammetry Division.
(3) Office of Cartography:
(a) Nautical Chart Division.
(b) Aeronautical Chart Division.
(c) Reproduction Division.
(d) Distribution Division.
(4) Office of Research and Development.
(5) Office of Administration:
(a) Budget and Fiscal Division.
(b) Personnel and Safety Division.
(c) Organization and Management Division.
(d) Instrument Division.
(e) Administrative Services Division.
(f) Technical Services Division.

3. A field organization composed of:
(1) District Offices.
(2) Magnetic and seismological observatories and laboratories, and latitude observatories.
(3) Field parties engaged in the following surveys and investigations:
(a) Geodetic.
(b) Gravity.
(c) Magnetic.
(d) Oceanographic.
(e) Photogrammetric.
(f) Seismological.
(g) Coast Pilot.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director, Coast and Geodetic Survey, is hereby delegated the authorities and powers assigned to the Secretary by Title 33, Chapter 17, U.S. Code, or by any other existing or subsequent legislation with respect to surveying, cartography, oceanography, and terrestrial and space investigations, including research and development activities, within the special competence of the Coast and Geodetic Survey.

.02 The Director may redelegate and authorize the successive redelegation of the authority granted herein to any employee of the Coast and Geodetic Survey and may prescribe such limitations, restrictions and conditions in the exercise of such authority as he deems appropriate.

SEC. 4. *General functions.* The general functions of the Coast and Geodetic Survey are to provide:

1. Charts and related information for the safe navigation of marine and air commerce.

2. Basic geodetic control data for surveying, engineering, cartographic, scientific, and defense purposes.

3. Geophysical, astrophysical, and oceanographic data for charting, engineering, scientific, and defense purposes.

SEC. 5. *Functions of the Office of the Director.* .01 The Director determines policies, approves programs of the bureau, and is responsible for the general planning, direction, coordination, and results of Coast and Geodetic Survey operations.

.02 The Deputy Director serves as principal advisor and assistant to the Director in the general operation of the bureau, and assumes direction of the bureau in the Director's absence and exercises direct supervision over the district offices, the officer personnel activities, and the training of foreign students.

.03 The Program Planning Coordination Staff provides advice and assistance to the Director and the Assistant (Deputy) Director and develops, recommends, and coordinates long-range plans and policies for the efficient execution of technical projects and programs, through the fullest utilization of bureau resources.

.04 The International Technical Cooperation/Staff administers the training of foreign nationals under the international technical cooperation programs in those activities conducted by the bureau; cooperates with ICA, Department of State, and UNESCO; and represents the Department at national and international conferences pertaining to the cartographic training program.

SEC. 6. *Functions of the Office of Oceanography.* .01 The Office of Oceanography is responsible for conducting a broad and comprehensive program of collecting and analyzing oceanographic data to obtain a better understanding of the static and dynamic properties of the ocean and to disseminate such knowledge for application in charting, scientific and defense endeavors; plans, coordinates, and directs oceanographic surveys and related combined operations; administers and supervises the analysis and processing of the resulting data; compiles and publishes tide and tidal current tables, tidal current charts, Coast Pilots, sea water temperature and density summaries, and other related reports, for charting, navigation, engineering, and scientific purposes; operates, jointly with the Office of Physical Sciences, the seismic sea wave warning system; in collaboration with the Weather Bureau, studies and investigates the inter-relationship of oceanic environment and meteorological phenomena; plans and provides the operating facilities, including ships and smaller vessels, ships' bases, and tide stations, required for the collection of oceanographic data; and maintains liaison with Government agencies and civil interests concerning oceanography and related matters. Through its divisions, the office conducts research in accordance with the plans and assignments of the bureau's over-all research and development programs.

.02 The functions of the divisions constituting the Office of Oceanography are as follows:

1. *Facilities Division.* Plans and provides the operating facilities, including ships and smaller vessels, ships' bases, and tide stations, required for the collection of oceanographic data; plans, designs, supervises, and inspects the construction and major repair of the operating facilities; establishes and provides standards, supervision, and inspection for their safe and efficient maintenance and operation; supervises and inspects the construction of new ships and facilities to insure conformance with plans and specifications; and maintains the construction, operating, maintenance, and historical records of these facilities.

2. *Operations Division.* Plans, writes instructions for, and supervises the execution of oceanographic surveys and related control surveys, involving the operation of ships and shore-based parties (These surveys include the observation, study, and recording of the bathymetry and the physical and chemical properties of ocean water; the determination of the topography and geology of the ocean bottom; the observation and

recording of tidal and tidal current phenomena; the measurement of water temperatures and densities; the recording of gravimetric and magnetic phenomena at sea; the collection of meteorological data; the study of marine sedimentation; the collection of marine life specimens; and the collection of other data for charting, navigation, scientific, and defense purposes.); and maintains a system of control tide stations, and collaborates with the Geophysics Division in the operation of the seismic sea wave warning system.

2. *Marine Data Division.* Administers and supervises the analysis and processing of oceanographic data, and the preparation of oceanographic and marine navigation publications (This includes the investigation of oceanographic and related phenomena through the study of recorded observations; the processing of survey data for nautical charts and other purposes; and the compilation and publication of tide and current tables, tidal current charts, Coast Pilots, sea water temperature and density summaries, and other reports as required.); participates in the planning of oceanographic surveys and control tide stations; and collects and evaluates oceanographic data from other domestic and foreign sources.

SEC. 7. *Functions of the Office of Physical Sciences.* .01 The Office of Physical Sciences provides geodetic, geophysical, and cartographic data for charting and scientific purposes and for defense needs; plans, coordinates, and directs the maintenance, adjustment, observations, and extension of the geodetic control network including astronomic observations and gravity surveys, the recording and investigation of magnetic and seismological phenomena, photogrammetric mapping, operation of the seismic sea wave warning system in collaboration with the Office of Oceanography, investigations relating to astronautics and astrophysics, operation of latitude observatories, magnetic and seismological observatories and laboratories, and seismological stations, operation of automatic data processing facilities, and office processing and analysis of survey data, including compilation, publication, and distribution of geodetic control data, compilation of planimetric and topographic maps and airport obstruction charts, compilation and publication of magnetic and seismological reports, and compilation and publication of other reports as required; and maintains liaison with Government agencies, foreign countries, and civil interests concerning geodetic, geophysical, and cartographic matters. Through its divisions, the office conducts research in accordance with the plans and assignments of the bureau's overall research and development program.

.02 The functions of the divisions constituting the Office of Physical Sciences are as follows:

1. *Geodesy Division.* Plans, writes instructions for, and supervises the execution of geodetic control surveys, including triangulation, traverse, leveling, base measurement, and astronomic and gravity determination; operates geodetic field parties; latitude observatories, and computing offices; performs the office computation and adjustment of field survey data; compiles, publishes, and distributes geodetic control data for use by the Government and the public for surveying, engineering, cartographic, scientific, and defense purposes; compiles and publishes other matter relating to geodesy; performs studies and collects data relating to astronautics and astrophysics; and cooperates with state and local governments concerning control surveys and state coordinate systems.

2. *Geophysics Division.* Plans, writes instructions for, and supervises the execution of magnetic and seismological investigations; conducts magnetic and seismological field surveys and airborne magnetic surveys; operates magnetic and seismological observatories and laboratories, and seismological stations; determines the location of earthquakes and analyzes earthquake wave motion; investigates the relationship between seismological or magnetic phenomena and other geophysical phenomena; analyzes, compiles and publishes the results of its activities for use by the Government and the public for charting, engineering, scientific, and defense purposes; calibrates magnetic instruments and maintains the international magnetic standards; calibrates and standardizes seismological instruments; collaborates with other countries in the study and exchange of geomagnetic and seismological data, and serves as the international depository for geomagnetic and seismological data; and collaborates with the Operations Division in maintaining the seismic sea wave warning system.

3. *Photogrammetry Division.* Plans, writes instructions for, and supervises the execution of photogrammetric surveys, related field surveys, and airport field surveys; compiles, by photogrammetric methods, planimetric and topographic maps for the location of aids to air and marine navigation, for support of oceanographic surveys, and for the construction and maintenance of nautical charts, aeronautical charts, and airport obstruction charts; and provides and distributes technical data, aerial photographs, and copies of maps for use by the Government and the public in airport and coastal development.

SEC. 8. *Functions of the Office of Cartography.* .01 The Office of Cartography provides charts for marine and air navigation to meet civil requirements and defense needs; plans, coordinates, and directs the compilation and maintenance of nautical and aeronautical charts, the operation of a chart reproduction plant, and the administration of chart distribution facilities; and maintains liaison with Government agencies and civil interests concerning cartographic matters. Through its divisions, the office conducts research in accordance with the plans and assignments of the bureau's overall research and development program.

.02 The functions of the divisions constituting the Office of Cartography are as follows:

1. *Nautical Chart Division.* Compiles, constructs, and maintains nautical charts from original hydrographic surveys of the bureau and other sources; registers, and makes final review of hydrographic, wire drag, and topographic surveys of the bureau; acquires, examines and evaluates cartographic information from various sources, for use in chart construction and other purposes; furnishes critical information for hand correction of nautical charts before issuance; maintains liaison with the U.S. Hydrographic Office and the International Hydrographic Bureau concerning charting matters; and cooperates with the U.S. Hydrographic Office and the U.S. Coast Guard in the preparation of the weekly Notice to Mariners.

2. *Aeronautical Chart Division.* Compiles, constructs, and maintains aeronautical charts and publications for civil aviation; acquires, examines, and evaluates basic source material and information concerning air navigation, for use in chart construction and other purposes; and maintains liaison with the International Civil Aviation Organization and represents Commerce on FAA Cartographic Requirements Group concerning aeronautical charting.

3. *Reproduction Division.* Operates a complete reproduction plant for the lithographic reproduction of charts, maps and related products.

4. *Distribution Division.* Distributes all issues of nautical and aeronautical charts, maps, tide and current tables, and related publications to other agencies, sales agents, and the public; makes hand corrections to nautical charts; administers the establishment and inspection of sales agents; and performs accounting and other clerical work pertaining to the distribution of charts, publications, and miscellaneous photographic work.

SEC. 9. *Functions of the Office of Research and Development.* The Office of Research and Development plans, coordinates, and directs the bureau's overall basic and applied research and development program in fields of interest to or within the competence of the Coast and Geodetic Survey (This includes, but is not limited to, research and development in cartography, oceanography, geodesy, geomagnetism, seismology, photogrammetry, gravimetry, astronautics, and related supporting fields such as mathematics, astronomy, physics, astrophysics, chemistry, marine biology, photography, electronics, optics, mechanics, automatic data processing, survey techniques, instrumentation, and ship and observatory construction and operation.); develops, applies, and disseminates resulting findings, theories, and hypotheses; and maintains liaison with Government agencies and civil interests concerning research in which the bureau has an interest.

SEC. 10. *Functions of the Office of Administration.* .01 The Office of Administration provides the bureau with administrative and technical services for all its activities; plans, coordinates, and directs budget and fiscal activities; personnel activities; organization, management, and internal review activities; procurement and supply activities; construction and maintenance of instruments and equipment; and library and map reference services. Through its divisions, the office conducts research in accordance with the plans and assignments of the bureau's overall research and development program.

.02 The functions of the divisions constituting the Office of Administration are as follows:

1. *Budget and Fiscal Division.* Develops, formulates, and executes the bureau's budget, and establishes and maintains a bureau-wide system of accounting; prepares the estimates, justifications, and other supporting data; assists in the budget presentation; evaluates the execution of the budget; recommends apportionments and allotments of funds by organization and program; maintains expenditure and obligation controls and accounts; maintains a bureau-wide cost accounting system; administers payroll and leave functions; and performs related fiscal activities including the examination, audit, and certification of vouchers.

2. *Personnel and Safety Division.* Develops and directs the Civil Service personnel program and the safety program for the bureau; provides assistance and guidance to other organizational units of the bureau concerning personnel administration and accident prevention; performs the position classification function, and handles Wage Board matters; recruits, places, and orients new employees; monitors and coordinates the bureau's training program; administers the bureau's performance rating and incentive awards programs; conducts the employee relations, welfare, and services program, and the employee suggestion program; and administers the bureau's personnel security program, and the executive and employee development program.

3. *Organization and Management Division.* Conducts surveys, studies, evaluations and analyses for the purpose of improving managerial policies, organizational structures, practices, methods, procedures, application of automatic data processing equipment, management control systems, and other similar or related management functions; coordinates the management improvement program, and promotes the use of improved methods and systems throughout the bureau; coordinates and maintains a system of administrative issuances; and prepares periodic and special reports to the Department of Commerce and other Federal agencies.

4. *Instrument Division.* Designs, develops, and maintains mechanical, optical, and electronic instruments and equipment of the bureau; and provides technical guidance and service to other divisions on mechanical and electronic engineering problems.

5. *Administrative Services Division.* Provides the bureau with general administrative services; performs the contracting function; procures, stocks and ships supplies and equipment; administers the property and motor vehicle management programs; conducts records and forms management activities; and provides transportation, mail, and messenger service.

6. *Technical Services Division.* Provides central service to the bureau and

visions, the office conducts research in accordance with the plans and assignments of the bureau's over-all research and development program.

.02 The functions of the divisions constituting the Office of Administration are as follows:

1. *Budget and Fiscal Division.* Develops, formulates, and executes the bureau's budget, and establishes and maintains a bureau-wide system of accounting; prepares the estimates, justifications, and other supporting data; assists in the budget presentation; evaluates the execution of the budget; recommends apportionments and allotments of funds by organization and program; maintains expenditure and obligation controls and accounts; maintains a bureau-wide cost accounting system; administers payroll and leave functions; and performs related fiscal activities including the examination, audit, and certification of vouchers.

2. *Personnel and Safety Division.* Develops and directs the Civil Service personnel program and the safety program for the bureau; provides assistance and guidance to other organizational units of the bureau concerning personnel administration and accident prevention; performs the position classification function, and handles Wage Board matters; recruits, places, and orients new employees; monitors and coordinates the bureau's training program; administers the bureau's performance rating and incentive awards programs; conducts the employee relations, welfare, and services program, and the employee suggestion program; and administers the bureau's personnel security program, and the executive and employee development program.

3. *Organization and Management Division.* Conducts surveys, studies, evaluations and analyses for the purpose of improving managerial policies, organizational structures, practices, methods, procedures, application of automatic data processing equipment, management control systems, and other similar or related management functions; coordinates the management improvement program, and promotes the use of improved methods and systems throughout the bureau; coordinates and maintains a system of administrative issuances; and prepares periodic and special reports to the Department of Commerce and other Federal agencies.

4. *Instrument Division.* Designs, develops, and maintains mechanical, optical, and electronic instruments and equipment of the bureau; and provides technical guidance and service to other divisions on mechanical and electronic engineering problems.

5. *Administrative Services Division.* Provides the bureau with general administrative services; performs the contracting function; procures, stocks and ships supplies and equipment; administers the property and motor vehicle management programs; conducts records and forms management activities; and provides transportation, mail, and messenger service.

6. *Technical Services Division.* Provides central service to the bureau and to the public in the furnishing of cartographic source data and related information; collects, evaluates, catalogs, disseminates, and stores source material from other agencies; maintains the bureau's cartographic archives; provides geographic names research for map, chart, and related compilation; maintains the bureau library, furnishes material for technical papers and publication articles, prepares exhibits, and provides special cartographic and art services; administers and coordinates the bureau's essential records program; and serves as the publications review and control office for the bureau.

SEC. 11. *Functions of the Field Organization.* The functions of the field organization are as follows:

1. *District Offices.* Supervise and direct all fixed bureau functions located in their respective districts except latitude observatories and magnetic observatories and laboratories; process field records as required, including geodetic data, oceanographic data, and photogrammetric data; make studies and recommendations for new surveys involving the construction and maintenance of nautical and aeronautical charts, and the collection of geodetic control data, magnetic and seismological data, and airport obstruction data; maintain liaison with Federal, state, and local agencies, and private organizations and individuals, for the purpose of collecting and disseminating chart data and geodetic data; and maintain a library of charts and other bureau publications for reference purposes, and supervise the establishment and inspection of agents selling bureau charts and publications.

2. *Observatories.* Record astronomic data relating to latitude determination, and record magnetic and seismological data.

3. *Field Parties.* Collect and record field survey data as directed by their respective divisions.

Effective date: July 1, 1960.

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-6849; Filed, July 21, 1960; 8:47 a.m.]

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

STATEMENT OF ORGANIZATION

Procedure; Use of Certified Mail

Pursuant to section 1(22) of Public Law 86-507, 86th Congress (74 Stat. 201), relating to the use of certified mail, the third sentence of section 4(a) of the Statement of Organization (17 F.R. 10523) is amended to read as follows:

SEC. 4. *Procedure.* (a) * * * A copy of the application must be sent by registered mail or by certified mail to the Director of the Bureau of Mines, Washington 25, D.C., who shall be the respondent in the proceeding.

* * * * *

Adopted by the Federal Coal Mine Safety Board of Review at its office in Washington, D.C., on the 15th day of July, 1960.

TROY L. BACK,
Executive Secretary of the Board.

[F.R. Doc. 60-6851; Filed, July 21, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13667-13673; FCC 60-841]

ALTUS BROADCASTING CO. (KWHW) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Altus Broadcasting Company (KWHW), Altus, Oklahoma, has: 1450 kc, 250 w, U, requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13667, File No. BP-12520; Charles L. Cain, El Reno, Oklahoma, requests: 1450 kc, 500 w, Day, Docket No. 13668, File No. BP-12546; KGFF Broadcasting Company, Incorporated (KGFF), Shawnee, Oklahoma, has: 1450 kc, 250 w, U, requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13669, File No. BP-12552; Plains Broadcast Company, Inc. (KENM), Portales, New Mexico, has: 1450 kc, 250 w, U, requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13670, File No. BP-13236; Woodward Broadcasting Company (KSIW), Woodward, Oklahoma, has: 1450 kc, 250 w, U, requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13671, File No. BP-13330; Snyder Broadcasting Company (KSNY), Snyder, Texas, has: 1450 kc, 250 w, U, requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13672, File No. BP-13446; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 6, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the

grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the aforementioned letter advised The Altus Broadcasting Company that, in the event of a grant of its application, permittee shall submit sufficient field intensity measurements to establish that the proposed non-directional radiation pattern has not been seriously distorted due to the proximity of a steel water tower; that, in response to the Commission's letter, the applicant stated that the tower has not been in use for three years, that the city council has passed an ordinance to demolish it, and that the tower will be done away with before the present KWHW proposal could be put in operation; but that an appropriate condition will be included to require proof of the demolition of the tower or, in lieu thereof, the necessary field intensity measurements; and

It further apearing that by letter dated May 27, 1960, Aubrey D. Conrow, licensee of Station KALV, Alva, Oklahoma, states that he will not interpose an objection to the interference which may be caused by the proposal of Station KSIM (BP-12330) to Station KALV's existing operation; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation proposed by Charles L. Cain (BP-12546) and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KWHW, KGFF, KENM, KSIW, and KSNY and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the proposals would involve objectionable interference with the existing stations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

Proposals and Existing Stations

BP-12520	KGFF, Shawnee, Okla.
	KSIW, Woodward, Okla.
	KSNY, Snyder, Tex.
BP-12546	KGFF, Shawnee, Okla.
	KCRB, Chanute, Kans.
	KVLH, Pauls Valley, Okla.
BP-12588	KSIW, Woodward, Okla.
	KWHW, Altus, Okla.
	KVLH, Pauls Valley, Okla.
	KHOG, Fayetteville, Ark.
	KENA, Mena, Ark.
	KWBW, Hutchinson, Okla.
BP-13236	KLMX, Clayton, N. Mex.
	KFDA, Amarillo, Tex.
	KSNY, Snyder, Tex.
BP-13330	KWHW, Altus, Okla.
	KGFF, Shawnee, Okla.
	KWBW, Hutchinson, Kans.
BP-13446	KWHW, Altus, Okla.
	KENM, Portales, N. Mex.
	KLLL, Lubbock, Tex.
	KCMR, McCarney, Tex.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the transmitter site proposed by Station KGFF (BP-12588) is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the following licensees are made parties to the proceeding:

Cecil W. Roberts and Jane A. Roberts, His Wife (KCRB).

John E. Hampton, S. L. Lloyd and E. J. Ballard, d/b as Pauls Valley Broadcasting Co. (KVLH).

Fayetteville Broadcasting Co., Inc. (KHOG).

E. M. Hoge (KENA).

Nation's Center Broadcasting Co., Inc. (KWBW).

Lone Star Broadcasting Co. (KFDA).

Ari-Ne-Mex Broadcasting Corporation (KLMX).

H. E. Corbin, Glenn E. Corbin and Ray Corbin d/b as Corbin Broadcasting Co. (KLLL).

Joe Martin tr/as Sapphire Broadcasting Company (KCMR).

It is further ordered, That the following applicants are made parties with respect to their existing operations:

KGFF Broadcasting Company, Incorporated (KGFF).

Woodward Broadcasting Company (KSIW).

Snyder Broadcasting Company (KSNY).

The Altus Broadcasting Company (KWHW).

Plains Broadcast Company, Inc. (KENM).

It is further ordered, That, in the event of a grant of the application of The Altus Broadcasting Company (KWHW), the construction permit shall contain the condition that the permittee shall submit evidence that the steel water tower near the KWHW transmitter site has been demolished or, in lieu thereof, sufficient field intensity measurements to establish that the proposed non-directional radiation pattern has not been seriously distorted due to the proximity of the said water tower if still standing.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the instant applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6866; Filed, July 21, 1960; 8:50 a.m.]

[Docket Nos. 13676-13681; FCC 60-845]

CIRCLE L, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Circle L, Inc., Reno, Nevada, Docket No. 13676, File No. BPCT-2656; Electron Corporation tr/as Reno Telecasting Co., Reno, Nevada, Docket No. 13677, File No. BPCT-2662; Sierra Television Co., Reno, Nevada, Docket No. 13678, File No. BPCT-2698; Harriscope, Inc., Irving B. Harris, Donald P. Nathanson and Benjamin Berger, d/b as Rocky Mountain Tele Stations, Reno, Nevada, Docket No. 13679, File No. BPCT-2750; Nevada Broadcasters' Fund, Inc., Reno, Nevada, Docket No. 13680, File No. BPCT-2753; Comstock Telecasting Corporation, Reno, Nevada, Docket No. 13681, File No. BPCT-2754; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4 in Reno, Nevada; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters that their applications are mutually exclusive, of the necessity for a hearing, and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that Comstock Telecasting Corporation has not filed copies of its bylaws and that, therefore, the Commission cannot determine that Comstock Telecasting Corporation is legally qualified to construct, own and operate the proposed television broadcast station; and

It further appearing that upon due consideration of the above-captioned applications and the replies to the above letters the Commission finds that a hearing is necessary; that the Commission finds that Circle L, Inc., and Sierra Television Co., are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations; that Electron Corporation tr/as Reno Telecasting Co. is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except with respect to Issues "1" through "4" below; that Harriscope, Inc. et al. d/b as Rocky Mountain Tele Stations is legally qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except with respect to Issue "6" below; that Nevada Broadcasters' Fund, Inc. is legally qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except with respect to Issues "8" and "9" below; and that Comstock Telecasting Corporation is technically qualified to construct, own and operate the proposed television broadcast station except as to Issue "12" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the correct rated loss for the transmission line specified by Reno Telecasting Co.

2. To determine the correct power gain rating of the transmitting antenna proposed by Reno Telecasting Co.

3. To determine the correct visual and aural effective radiated powers obtainable from the equipment proposed by Reno Telecasting Co.

4. To determine whether the antenna system and site proposed by Reno Telecasting Co. would constitute a hazard to air navigation.

5. To determine the financial qualifications of Harriscope, Inc. et al. d/b as Rocky Mountain Tele Stations to construct, own and operate the proposed television broadcast station.

6. To determine whether the antenna system and site proposed by Rocky Mountain Tele Stations would constitute a hazard to air navigation.

7. To determine the financial qualifications of Nevada Broadcasters' Fund, Inc. to construct, own and operate the proposed television broadcast station.

8. To determine the suitability of the transmitter specified by Nevada Broadcasters' Fund, Inc. for use on Channel 4.

9. To determine whether the antenna system and site specified by Nevada Broadcasters' Fund, Inc. would constitute a hazard to air navigation.

10. To determine, in the absence of by-laws, whether Comstock Telecasting Corporation is legally qualified to construct, own and operate the proposed television broadcast station.

11. To determine the financial qualifications of Comstock Telecasting Corporation to construct, own and operate the proposed television broadcast station.

12. To determine whether the antenna system and site specified by Comstock Telecasting Corporation would constitute a hazard to air navigation.

13. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

14. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Circle L, Inc., Electron Corporation tr/as Reno Telecasting Co., Sierra Television Co., Harriscope, Inc., Irving B. Harris, Donald P. Nathanson and Benjamin Berger d/b as Rocky Mountain Tele Stations, Nevada Broadcasters' Fund, Inc., and Comstock Telecasting Corporation, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6867; Filed, July 21, 1960; 8:50 a.m.]

[Docket No. 13268; FCC 60M-1043]

EVANSTON CAB CO.

Order Scheduling Hearing

In re application of Evanston Cab Company, Docket No. 13268, File No. 34460-LX-59; for authorization to operate a base station in the Taxicab Radio Service in Chicago, Ill.

Pursuant to agreement at the further prehearing conference held in this proceeding on July 14, 1960: *It is ordered*, This 15th day of July 1960, as follows:

(1) Copies of the exhibits which the parties proposed to introduce in evidence will be exchanged on September 7, 1960;

(2) Counsel for the Bureau will notify applicant's counsel by September 9, 1960, as to those witnesses whose presence is desired for cross-examination at the hearing; and

(3) The hearing will commence on Tuesday, September 13, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

It is further ordered, by direction of the Hearing Examiner that copies of exhibits proposed to be introduced in connection with the testimony of non-party witnesses will be supplied by their counsel to the parties and the Hearing Examiner by September 7, 1960.

Released: July 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6868; Filed, July 21, 1960; 8:50 a.m.]

[Docket No. 13659; FCC 60-836]

W. R. FRIER (WBHF)

Order Designating Application for Hearing on Stated Issues

In re application of W. R. Frier (WBHF), Cartersville, Georgia, Docket No. 13659, File No. BP-12964; Has: 1490 kc, 250 w, U, Requests: 1450 kc, 250 w, 1 kw-LS, U; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 21, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that by letter dated July 8, 1960, the applicant agreed to accept the interference which would be caused by the operation of Station WEKU, Griffin, Georgia, proposed in the application of Radio Station WEKU (File No. BP-13063) to increase the daytime power of Station WEKU to one kilowatt and that in the event of a grant of the WBHP proposal the construction permit shall include the condition that the applicant shall accept any interference from the WEKU proposal; and

It further appearing that after consideration of the foregoing, and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBHP and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of WBHP would involve objectionable interference with Stations WDSG, Anniston, Alabama, WRGA, Rome, Georgia, and WOGA, Chattanooga, Tennessee, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Middle South Broadcasting Company, Potts Broadcasting Co., Inc., and Rome Broadcasting Corp., licensees of Stations WOGA, WDSG and WRGA, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: July 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6869; Filed, July 21, 1960; 8:50 a.m.]

[Docket Nos. 13673-13675; FCC 60-842]

HENNEPIN BROADCASTING ASSOCIATES ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Albert S. Tedesco and Patricia W. Tedesco, d/b as Hennepin Broadcasting Associates, Minneapolis, Minnesota, Docket No. 13673, File No. BP-12416, Requests: 690 kc, 500 w, DA, Day; Robert E. Smith, River Falls, Wisconsin, Docket No. 13674, File No. BP-13339, Requests: 690 kc, 1 kw, DA, Day; Jack I. Moore, James L. Magner, Ray Ekberg, Ingvald C. Ryan, Donald E. Nebelung, Post Publishing Company, Inc., and Carl Bloomquist, d/b as Crystal Broadcasting Company, Crystal, Minnesota, Docket No. 13675, File No. BP-13750, Requests: 690 kc, 500 w, DA, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing, that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 7, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of the Crystal Broadcasting Company would involve objectionable interference with Station KUSD, Vermillion, South Dakota, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the antenna system proposed by Crystal Broadcasting Company would constitute a hazard to air navigation.

5. To determine whether the transmitter site proposed by Crystal Broadcasting Company is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine in the light of their location and urban and industrial characteristics, and other relevant factors, whether Minneapolis, Minnesota, and Crystal, Minnesota, are separate communities for the purpose of section 307 (b) of the Communications Act of 1934, as amended.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, if Minneapolis and Crystal are separate communities, whether Hennepin Broadcasting Associates and Crystal Broadcasting Company will provide service to the community selected as having the greater need for a new facility.

9. To determine, if (a) Minneapolis and Crystal are determined not to be separate communities, or (b) if they are separate communities and if it is determined that Hennepin Broadcasting Associates and Crystal Broadcasting Company would provide service to the community determined to have the greater need for a new facility, which of the proposals of Hennepin Broadcasting Associates and Crystal Broadcasting Company would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programing service proposed in each of the said applications.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, of the instant applications should be granted.

It is further ordered, That, the University of South Dakota, licensee of Station KUSD, Vermillion, South Dakota, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6870; Filed, July 21, 1960; 8:50 a.m.]

[Docket Nos. 13660-13662; FCC 60-838]

NORTH GEORGIA RADIO, INC. (WBLJ) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of North Georgia Radio, Inc. (WBLJ), Dalton, Georgia, Docket No. 13660, File No. BP-12590, Has: 1230 kc, 250 w, U, Requests: 1230 kc, 250 w, 1 kw-LS, U; WOOFUM, INC. (WFOM), Marietta, Georgia, Docket No. 13661, File No. BP-12617, Has: 1230 kc, 250 w, U, Requests: 1230 kc, 250 w, 1 kw-LS, U; Regional Broadcasting Corporation (WMMT), McMinnville, Tennessee, Docket No. 13662, File No. BP-13494, Has: 1230 kc, 250 w, U, Requests: 1230 kc, 250 w, 1 kw-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 6, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues herein after specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Station WBLJ would involve objectionable interference with Station WMMT, McMinnville, Tennessee and Station WFOM, Marietta, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Station WMMT would involve objectionable interference with Station WBLJ, Dalton, Georgia and Station WBHP, Huntsville, Alabama, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28 (c) (3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the instant proposal of WFOM would involve objectionable interference with Station WBLJ, Dalton, Georgia, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the transmitter site proposed by Station WFOM is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Wilton Harvey Pollard, licensee of Station WBHP, is made a party to the proceeding.

It is further ordered, That North Georgia Radio, Inc., Woofum, Inc. and Regional Broadcasting Corporation, licensees of Stations WBLJ, WFOM and WMMT are made parties to the proceeding with respect to their existing operations.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own

motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6871; Filed, July 21, 1960; 8:50 a.m.]

[Docket Nos. 13657; 13658; FCC 60-835]

SKYLINE BROADCASTERS, INC., AND EARL McKINLEY TRABUE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Skyline Broadcasters, Inc., Klamath Falls, Oregon, requests: 1010 kc, 1 kw, Day, Docket No. 13657, File No. BP-12509; Earl McKinley Trabue, Myrtle Creek, Oregon, requests: 1010 kc, 5 kw, DA, Day, Docket No. 13658, File No. BP-13598; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, and otherwise qualified to construct and operate its instant proposal; that Skyline Broadcasters, Inc. is financially qualified, but that Earl McKinley Trabue may not be financially qualified; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 1, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that the Commission's letter of April 1, 1960, advised Earl McKinley Trabue that his application did not include an adequate showing that sufficient cash and liquid assets are available to finance the construction and initial operation of his proposed station and that the letter from the equipment manufacturer filed by the applicant does not appear to show that credit has been extended; that the applicant's reply dated May 28, 1960, states that he has "shown the availability or ready cash" and that a firm commitment of credit from an equipment manufacturer will be forwarded to the Commission shortly; but that the financing of the applicant's proposal will require approximately $18,500 (plus cost of leasing land and buildings); that the applicant's financial statement of September 1959, does not show cash or liquid assets (as required by section III, paragraph 4(d) of FCC Form 301) in sufficient amount to cover the estimated costs involved and that no letter from an equipment manufacturer has been received to show that credit has been extended; and

It further appearing that after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations, affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether Earl McKinley Trabue is financially qualified to construct and operate his proposed station.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the instant applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6872; Filed, July 21, 1960; 8:50 a.m.]

[Docket No. 12782; FCC 60M-1245]

STUDY OF RADIO AND TELEVISION NETWORK BROADCASTING

Order Scheduling Hearing

It is ordered, This 14th day of July 1960, that hearings in the above-entitled proceeding will be resumed in Los Angeles, California, on October 5, 1960; and that a list of the witnesses to be called in these sessions will appear in an order to be subsequently issued.

Released: July 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6875; Filed, July 21, 1960; 8:50 a.m.]

[Docket Nos. 13663-13666; FCC 60-840]

NORMAN A. THOMAS ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Norman A. Thomas, Greeneville, Tennessee, requests: 1450 kc, 250 w, U, Docket No. 13663, File No. BP-12729; Greene County Broadcasting Company, Incorporated, Greeneville, Tennessee, requests: 1450 kc, 250 w, U, Docket No. 13664, File No. BP-13271; Wilkes Broadcasting Company (WATA), Boone, North Carolina, has: 1450 kc, 250 w, U, requests: 1450 kc, 250 w, 1 kw-LS U, Docket No. 13665, File No. BP-13451; Radio Hendersonville, Inc. (WHKP), Hendersonville, North Carolina, has: 1450 kc, 250 w, U, requests: 1450 kc, 250 w, 1 kw-LS, U, Docket No. 13666, File No. BP-13487; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of July 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that on the basis of the information before us, each of the applicants is legally, technically, financially, and otherwise qualified, except as indicated by the issues specified below, to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 21, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for a new standard broadcast station and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing standard broadcast station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the interference received by each instant proposal from any of the other proposals herein and any existing stations would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the following proposals would involve objectionable interference with the existing stations indicated below, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

	Proposals and Existing Stations
BP-13451	WGNC, Gastonia, N.C.
	WHKP, Hendersonville, N.C.
BP-13487	WATA, Boone, N.C.
	WCRS, Greenwood, S.C.
	WGNC, Gastonia, N.C.
	WQOK, Greenville, S.C.

6. To determine whether the instant proposals of Norman A. Thomas and the Greene County Broadcasting Company, Incorporated would provide the coverage of the city sought to be served, as required by § 3.188(a)(1) of the Commission rules.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Greeneville, Tennessee should be favored, which of the proposals of Norman A. Thomas or the Greene County Broadcasting Company, Incorporated would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

b. The proposal of each with respect to the management and operation of the proposed station.

c. The programming services proposed in each of the said applications.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, the following licensees of the stations indicated are made parties to the proceeding:

Catherine T. McSwain (WGNC), Gastonia, N.C.

Dick Broadcasting Company, Inc. (WQOK), Greenville, S.C.

Baw Beese Broadcasters, Inc. (WCRS), Greenwood, S.C.

It is further ordered, That, the following licensees who are applicants in the instant proceeding are made parties thereto with respect to their existing operations:

Wilkes Broadcasting Company (WATA), Boone, N.C.

Radio Hendersonville, Inc. (WHKP), Hendersonville, N.C.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6873; Filed, July 21, 1960; 8:50 a.m.]

[Docket No. 13630; FCC 60M-1223]

UNIVERSAL COMMUNICATIONS CO.

Order Scheduling Hearing

In re application of Cecil M. Fox, d/b as Universal Communications Company, Docket No. 13630, File No. 3532-C2-R-60; for renewal of the license for Station KQA342, a two-way facility in the Domestic Public Land Mobile Radio Service at Toledo, Ohio.

It is ordered, This 19th day of July 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 26, 1960, in Washington, D.C.

Released: July 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6874; Filed, July 21, 1960; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9325 etc.]

AMERADA PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rates and Rejecting Settlement Offer and Denying Request To Terminate Proceedings

JULY 15, 1960.

Amerada Petroleum Corporation, et al., Docket No. G-9325, etc.; Amerada Petroleum Corporation, G-13401; G-13683, G-19606, and RI 61-1.

On June 20, 1960, Amerada Petroleum Corporation (Amerada) tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change is designated as follows:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation (Texas Eastern).
Producing area: Melrose Field, Goliad County, Texas (R.R. Dist. No. 2).

Rate schedule designation: Supplement No. 9 to Amerada's FPC Gas Rate Schedule No. 44.

Effective rate: 11.5276$ cents per Mcf at 14.65 psia.

Proposed rate: 13.8733 cents per Mcf at 14.65 psia.

Effective date: July 21, 1960 (stated effective date is the first day after the required thirty days' notice).

Concurrently with its aforementioned filing, Amerada submitted an Offer of Settlement. In its Offer of Settlement, Amerada states that, in consideration of the Commission's acceptance of its proposed rate of 13.8733 cents per Mcf under its FPC Rate Schedule No. 44 and termination of the suspension proceedings in Docket Nos. G–13401, G–16662, and G–19606, it will eliminate the flexible price provisions from the contracts involved (i.e., Rate Schedule Nos. 44 and 53) and will substitute revised schedules of periodic increases at five-year intervals beginning in 1963 in place of the present schedules of annual increases. Amerada further states that, upon the acceptance of its offer, it will also agree to withdraw the 0.2 cent per Mcf increase to 14.8 cents per Mcf suspended in Docket No. G–19606.

The suspension proceedings in Docket Nos. G–13401, G–16662, and G–19606 involve increased rates of 14.4 cents, 14.6 cents, and 14.8 cents per Mcf, respectively, under Amerada's FPC Gas Rate Schedule No. 53, which covers the sale of natural gas to Texas Eastern from the Cherokee Lake Area, Rusk and Gregg Counties, Texas (R.R. Dist. No. 6). The increased rates were made effective subject to refund in Docket No. G–13401 on April 3, 1958, in Docket No. G–16662 on April 1, 1959, and in Docket No. G–19606 on April 1, 1960. The proceedings in Docket Nos. G–12401 and G–16662 have been consolidated in the proceedings involved in Docket Nos. G–9385, et al. which also includes a section 5(a) investigation into all of Amerada's rates. The proceeding in Docket No. G–19606 has not been consolidated with the aforesaid consolidated proceedings. The aforesaid consolidated proceedings are near completion. The direct cases of Amerada and the staff have been presented; Amerada's direct case has been cross-examined; and intervenors' direct case is scheduled to be presented on July 26, 1960.

In support of its Offer of Settlement, Amerada submits the usual statements indicating the value, to the producer, of the flexible price provisions of the contracts and further states that the proposed rates of 13.8733 cents and 14.6 cents per Mcf are not unreasonably high and are below recently negotiated contract prices for gas produced in the same areas. In addition to its aforesaid filing, Amerada also filed a letter agreement executed by Amerada and Texas Eastern. This letter agreement deletes the favored-nation clause and a related provision from the contract comprising the subject Rate Schedule No. 44 and provides for three 0.5 cent per Mcf escalations at five-year intervals beginning in February 1963 in lieu of the present schedule of annual increases. No provision for price redetermination is contained in this letter agreement.

Further, if the offer is accepted, Amerada will execute and file an amendment (submitted as an exhibit to the offer) deleting the favored-nation clause and a related provision from its subject Rate Schedule No. 53 and substituting a revised schedule of three 1.0 cent per Mcf escalations at five-year intervals beginning in November 1963 for the present schedule of annual escalations under this contract. This contract does not provide for price redetermination.

Texas Eastern has executed the aforementioned letter agreement and has agreed to make the contract changes or amendments provided for in the offer with respect to Rate Schedule No. 53. Amerada states that, if the offer is not accepted by the Commission before July 18, 1960, it is to be considered withdrawn.

Amerada has made no attempt to provide a basis for determining whether or not its proposed rates are just and reasonable, since its offer of settlement was not accompanied by any cost data, nor was any substantive data submitted to show that cost determination was not feasible in this situation. Furthermore, in view of the present status of the consolidated proceedings in Docket Nos. G–9385, et al., which includes therein a rate investigation into all of Amerada's rates, it is deemed necessary and in the public interest to reject Amerada's Offer of Settlement inasmuch as it would prejudice the Commission staff's presentation in the section 5(a) case and may possibly lead to protests from the intervenors therein.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change contained in Supplement No. 9 to Amerada's FPC Gas Rate Schedule No. 44 and that the aforesaid supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause exists for rejecting Amerada's Offer of Settlement submitted on June 20, 1960, and denying Amerada's request to terminate the proceedings in Docket Nos. G–13401, G–16662, and G–19606.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Amerada's FPC Gas Rate Schedule No. 44.

(B) Pending hearing and decision thereon, the afore-mentioned supplement is hereby suspended and the use thereof deferred until December 21, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until the proceeding in Docket No. RI61–1 has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 29, 1960.

(E) The Offer of Settlement filed with the Commission by Amerada on June 20, 1960, in Docket Nos. G–13401, G–16662, and G–19606, is hereby rejected, and Amerada's request to terminate the proceedings in the afore-mentioned Docket Nos. G–13401, G–16662, and G–19606 is hereby denied.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–6840; Filed, July 21, 1960; 8:47 a.m.]

[Docket No. CP 60–46]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

JULY 18, 1960.

Take notice that on March 3, 1960, as supplemented on April 18 and May 18, 1960, Panhandle Eastern Pipe Line Company (Applicant) filed in Docket No. CP60–46 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new tap and regulating and measuring facilities on Applicant's existing transmission system near Lulu in Monroe County, Michigan, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The purpose of the facilities for which authorization is sought is to provide an additional delivery point to Applicant's existing customer, Michigan Gas Utilities Company (Michigan Gas), to enable Michigan Gas to render new retail natural gas service in the Village of Petersburg and in Bedford Township, Monroe County, Michigan, in addition to the service presently being rendered in Michigan Gas, Southern Division.

The estimated cost of Applicant's facilities proposed hereunder is $40,200.

Michigan Gas proposes to build pipeline facilities at a total estimated cost of $3,226,600 which will provide service not only to the two new towns but also will provide additional capacity for service to Michigan Gas, existing markets in its Southern Division. Michigan Gas has allocated $3,083,925 of the total cost of the facilities which it will build, to the facilities necessary to render service to the aforesaid two new towns.

The estimated peak day and annual requirements of Petersburg and Bedford at 14.73 psia are:

	1st year	2d year	3d year
Peak day (Mcf)	1,825	3,004	5,338
Annual	312,800	494,300	738,000

Applicant states that there will be no increase in contract demand to the distributor for this service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 16, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 5, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–6841; Filed, July 21, 1960; 8:47 a.m.]

[Docket No. CP60–38]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JULY 18, 1960.

Take notice that on February 17, 1960, as supplemented on May 4, 1960, United Gas Pipe Line Company (Applicant), filed in Docket No. CP60–38, an application, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately .03 of a mile of 6-inch pipeline, a sales meter station and appurtenant facilities on Applicant's existing lateral line to Courtaulds, Inc., in Mobile County, Alabama.

The purpose of the proposed construction is to enable Applicant to sell and deliver natural gas to Clarke-Mobile Counties Gas District (District), for resale and distribution in the communities of Jackson, Grove Hill, Thomasville and environs in Alabama. The District is comprised of the municipalities of Jackson, Thomasville, Grove Hill, Fulton and Mount Vernon, and the area along the route of the District's proposed transmission line all in Mobile, Washington and Clark Counties, Alabama.

It appears that the District was incorporated pursuant to the laws of the State of Alabama and requires no franchise to render the service it proposes, according to the application.

The total cost of Applicant's proposed facilities is $22,024 which will be paid out of current working funds.

This service to the District would be made under Applicant's presently effective rates on file with the Commission, subject to refund.

The application reveals that in order to receive, transport and resell the gas, the District must construct about 79 miles of transmission line and the necessary distribution systems. The District has a construction contract with Hyde Construction Company under which these facilities will be built for a direct cost of approximately $2,664,100. To pay for these facilities and the associated overheads including a 10 percent bond discount, the District proposes to issue $3,800,000 in forty-year gas revenue bonds. The bonds have been sold to the Southern Bond Company.

Applicant estimates the District's gas requirements as follows:

	Mcf at 14.73 psia		
	1st year	2d year	3d year
Annual requirements	808,052	1,032,984	1,081,578
Peak day requirements	4,299	5,078	5,569

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 8, 1960 at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application as supplemented.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 9, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–6842; Filed, July 21, 1960; 8:47 a.m.]

[Docket No. G–14013]

WESTERN NATURAL GAS CO.

Order Terminating Proceedings

JULY 19, 1960.

On March 8, 1960, Western Natural Gas Company (Western) filed a motion to terminate the above-entitled proceeding, which arose as the result of a proposed change in rate embodied in Supplement No. 2 to Western's FPC Gas Rate Schedule No. 3, filed November 29, 1957. The sale involved is made to El Paso Natural Gas Company from production in the Jalmat Field Area of Lea County, New Mexico. The proposed increase in rate is from 9.5 to 10.5 cents per Mcf. By order issued December 25, 1957, the proposed increased rate was suspended until June 1, 1958, and until such further time as it was made effective in the manner prescribed by the Natural Gas Act. The proposed increased rate was made effective as of June 1, 1958, under undertaking to assure refund of excess charges, by order issued July 1, 1958.

Western contends that other producers making sales in the same producing area as the Western sale here involved have been allowed to collect increased rates equal to or greater than 10.5 cents per Mcf, either after termination of suspension proceedings or in instances where such rates have not been suspended by the Commission. Thus, Western concludes, its motion should be granted as consistent with the policy enunciated in Reef Fields Gasoline Corporation, et al., Docket No. G–14030, order issued March 18, 1958 (19 FPC 351).

El Paso Natural Gas Company was granted intervention in this proceeding by order issued March 31, 1959, based upon a petition filed January 26, 1959. However, neither in the petition to intervene nor subsequent to the motion to terminate has El Paso specifically objected to the motion to terminate this proposed change in rate.

The Commission finds: Good cause exists for terminating the proceeding in Docket No. G–14013, for permitting the rate proposed in Supplement No. 2 to Western's FPC Gas Rate Schedule No. 3 to continue in effect without obligation to refund, and for discharging Western from obligation to refund excess charges.

The Commission orders:

(A) The rates and charges set forth in Supplement No. 2 to Western's FPC Gas Rate Schedule No. 3 are hereby permitted to continue in effect without refund obligation.

(B) Western is hereby discharged from refund obligation under its agreement and undertaking filed pursuant to the requirements of the order issued herein July 1, 1958.

(C) The proceeding in Docket No. G–14013 is hereby terminated.

(D) This order shall not be construed as constituting approval of any rate, charge, classification or any rule, regulation or practice affecting such rate or service contained in the rate filing made by Western in the terminated proceeding and shall be without prejudice to any findings or orders which have been or may be made by the Commission in any proceeding or proceedings now pending or hereafter instituted by or against Western Natural Gas Company.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60–6843; Filed, July 21, 1960; 8:47 a.m.]

[Docket No. CP60-62]

ARKANSAS LOUISIANA GAS CO.

Notice of Application and Date of Hearing

JULY 18, 1960.

Take notice that on March 17, 1960, Arkansas Louisiana Gas Company (Applicant), filed an application in Docket No. CP60-62, as supplemented on April 6, 1960, and April 19, 1960, seeking authorization to abandon interstate operation of Line LM-2, which consists of 9 miles of 12¾-inch lateral pipeline located west of Little Rock, Arkansas, all as more fully set forth in the application as supplemented on file with the Commission and open for public inspection. Line LM-2 was built in 1942.

Applicant states that initially Line LM-2, attached to Applicant's main line "L-System" extending northward from fields in southern Arkansas, carried intrastate gas only, primarily to serve a defense plant at Jones Mills, Arkansas.[1] Subsequently, interstate gas was tied into the L-System, including Line LM-2, as authorized by the Commission on June 21, 1946, in Docket No. G-697.

The application shows that the Jones Mills-Hot Springs area is now served by three lines. Two of these lines, LM-2 and AM-22, carry interstate gas westward from the L-System out of Perla Compressor Station, which is near Little Rock, Arkansas. The third line, BT-1, carries local high pressure intrastate gas from northwest Arkansas to the Jones Mills area. The Applicant now proposes to abandon the use of line LM-2 for carrying interstate gas and use the line instead for carrying a portion of the intrastate gas eastward to the main line at Perla Station.

Line BT-1 consists of 95 miles of 16-inch transmission line authorized by the Arkansas Public Service Commission in 1958. It carries high pressure gas from producing areas in northwest Arkansas to the Hot Springs and Jones Mills area, thus, partially replacing the original function of Line LM-2 which was to serve the defense plant at Jones Mills. The eastern terminus of Line BT-1 and the western terminus of Line LM-2 are at Jones Mills. Applicant proposes herein to connect the two lines at these termini and reverse the flow of gas in Line LM-2.

Line AM-22, which consists of about 10 miles of 12¾ and 10¾-inch transmission line, like Line LM-2, has its eastern terminus at Perla Compressor Station. From there it parallels Line LM-2 in its westerly extension to Jones Mills and continues on to Hot Springs. At present, Line AM-22 and Line LM-2 both carry gas westward from Perla Station to Jones Mills and Hot Springs.

Applicant states that because of the recent acquisition of the northwest Arkansas natural gas made available to the Jones Mills area through Line BT-1, both Lines LM-2 and AM-22 are no longer required for interstate transmission to that area. Accordingly, the Applicant proposes to connect Line BT-1 to Line LM-2 at Jones Mills and use LM-2 to transport a part of the intrastate high pressure gas eastward for use in the Little Rock area. Line AM-22 would then carry a large part of the load from the interstate system to the Jones Mills-Hot Springs area.

Applicant states that its industrial consumers usually require their gas at from 25 to 80 pounds pressure. The supply to such consumers in the Jones Mills-Hot Springs area has been satisfactorily handled by the low pressure gas (200 pounds) from Line AM-22. The use of all the northwest Arkansas high pressure gas (600 pounds) for such industrial consumers would require drastic multi-stage regulation to reduce the pressure. Applicant feels the most economical procedure is to make use of Line LM-2 to carry the largest part of the high pressure gas on to the main line at Perla Station and keep the low pressure AM-22 line fully loaded to meet its needs in Jones Mills and Hot Springs.

Applicant indicates that its entire system gas supply is dedicated to all its market areas, including the Jones Mills-Hot Springs area, and, consequently, no change in its reserve life index would result from the proposed rearrangement of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 18, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6827; Filed, July 21, 1960; 8:45 a.m.]

[1] The plant is now operated by Reynolds Metals Company for making aluminum.

[Docket Nos. RI60-447 etc.]

HUMBLE OIL & REFINING CO. AND ASSOCIATED OIL AND GAS CO.

Correction

JULY 15, 1960.

Humble Oil & Refining Company, Docket Nos. RI60-447, etc.; Associated Oil and Gas Company, Docket No. RI60-449.

In the order providing for hearings on and suspension of proposed changes in rates, and allowing increased rates to become effective subject to refund, issued June 30, 1960, and published in the FEDERAL REGISTER on July 8, 1960 (25 F.R. 6446-47-48); Docket No. RI60-449, Associated Oil and Gas Company, under column headed "Date suspended until", change "7-9-60" to read "12-9-60".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6828; Filed, July 21, 1960; 8:45 a.m.]

[Docket No. CP60-97]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

JULY 15, 1960.

Take notice that on May 9, 1960, Natural Gas Pipeline Company of America (Natural) filed in Docket No. CP60-97 an application, as supplemented on June 10, 1960, June 20, 1960, and July 7, 1960, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Natural to acquire and operate all of the facilities owned by Peoples Gulf Coast Natural Gas Pipeline Company (Gulf Coast), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Gulf Coast owns and operates a natural gas pipeline transmission system extending from Texas, in which State it purchases natural gas, through the States of Arkansas and Missouri to termini in Illinois. Its facilities consist of approximately 1225 miles of main transmission pipeline, 366 miles of lateral lines, 11 compressor stations with 146,000 total installed horsepower and other appurtenant facilities. It sells gas to Natural for resale to its utility customers and makes sales for resale to municipalities and utility companies for local distribution in Missouri, Illinois and Indiana. It also sells gas to Natural Gas Storage Company of Illinois, which company is controlled by Natural and Gulf Coast, each of which owns 50 percent of the outstanding common stock.

Natural owns and operates a natural gas pipeline system extending from the West Panhandle Field in Texas through the States of Oklahoma, Kansas, Nebraska and Iowa to a point near Joliet, Illinois, with a lateral extending to the Illinois-Wisconsin state line. Natural makes sales of gas for resale to municipalities and utility companies for local distribution in the States of Kansas, Nebraska, Iowa, Wisconsin, Illinois and Indiana. It also makes some mainline industrial sales.

Natural and Gulf Coast are both controlled by The Peoples Gas Light and Coke Company (PGL) which owns all of the outstanding common stock of Natural and all of the outstanding capital stock of Gulf Coast. Upon consummation of the merger, which it is proposed will follow upon the granting of the requested certificate, PGL would own all of the outstanding common stock of Natural as the surviving company.

Concurrently with the filing of its application, Natural filed with the Commission a certificate of adoption of the tariff and contracts of Gulf Coast.

Under the plan of reorganization which is proposed PGL would transfer to Natural as a contribution to capital, all or part of the capital stock of Gulf Coast, and will surrender to Gulf Coast for cancellation or extinguishment all of the shares of that company owned by PGL which are not transferred to Natural. Gulf Coast would then be dissolved and liquidated pursuant to the applicable laws of the State of Delaware. Gulf Coast would then distribute and transfer to Natural in complete liquidation of Gulf Coast all of its property and assets subject to all of its debts and liabilities existing at the time of transfer. Natural would assume all such debts and liabilities and would surrender to Gulf Coast for cancellation all of the capital stock of Gulf Coast then owned by Natural. The holders of Gulf Coast's outstanding bonds would surrender them for cancellation, receiving in their place substantially identical bonds of Natural.

Natural would initially render all of the services now rendered by Gulf Coast at the same rates of Gulf Coast now on file with the Commission. At a later date Natural would file a single tariff applicable to all sales now made by Natural and Gulf Coast.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6829; Filed, July 21, 1960; 8:45 a.m.]

[Docket No. RP61-2]

NEVADA NATURAL GAS PIPE LINE CO.

Order for Hearing and Suspending Proposed Tariff Sheet

JULY 15, 1960.

Nevada Natural Gas Pipe Line Company (Nevada Natural) on June 16, 1960, tendered for filing Fourth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 wherein it proposed to increase its straight general service rate from 50.50 cents to 53.05 cents per Mcf, which would result in an annual increase of approximately $60,441 or 5.0 percent based on its jurisdictional sales during the test year ended December 31, 1959, as adjusted. Nevada Natural requested that its filing become effective as of July 26, 1960, and that, if the filing be suspended, the suspension period end on August 24, 1960.

In support of the increased rate proposal, Nevada Natural submitted a cost of service study for the calendar year 1959, as adjusted for changes through August 31, 1960; and stated (1) that on May 4, 1960, in Docket No. G-13259, the Commission found Nevada Natural's present effective rate of 50.50 cents per Mcf just and reasonable when it approved a settlement involved therein; (2) that its proposed increase in rate will result from the passing on of a similar increase, which was requested by its sole supplier, El Paso Natural Gas Company (El Paso) and suspended until August 24, 1960, in Docket No. RP60-3; (3) that its proposed increase rate is sufficient only to recoup the 2.55 cents per Mcf which was suspended and will be passed on to it by El Paso; and (4) that, even though its proposed increase was allowed, it would still have a deficiency in its jurisdictional revenues.

It should be noted that in paragraph (I) of our aforementioned order issued May 4, 1960, in Docket No. G-13259, we stated:

> In issuing this order, the Commission's action is not to be construed as a concurrence with the cost of service determinations, allocation methods and rate design principles used in arriving at rates and charges for future sales, or in computing the amount of refunds agreed upon in the settlement agreement, and neither the Commission, its staff, or other parties to the proceedings are to be prejudiced or bound thereby in future proceedings.

The proposed increased rate and charge contained in the aforementioned revised tariff sheet tendered by Nevada Natural on June 16, 1960, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rate, charge, classification, and service contained in Nevada Natural's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the tariff sheet tendered on June 16, 1960, and that proposed Fourth Revised Sheet No. 4 thereof and the rate contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rate, charge, classification, and service contained in Nevada Natural's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the aforementioned tariff sheet tendered on June 16, 1960.

(B) Pending such hearing and decision thereon the aforementioned Fourth Revised Sheet No. 4 to Nevada Natural's FPC Gas Tariff Original Volume No. 1 is hereby suspended and the use thereof deferred until August 24, 1960, and until such further time as the aforementioned increased rate and charge proposed by El Paso may become effective subject to refund in Docket No. RP60-3, and until such further time as said revised tariff sheet may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)), by filing petitions for leave to intervene on or before August 29, 1960.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6830; Filed, July 21, 1960; 8:45 a.m.]

[Docket No. CP60-85]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application and Date of Hearing

JULY 15, 1960.

Take notice that on April 22, 1960, Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application as supplemented on May 12, 1960, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act for authorization to sell and deliver to Consolidated Edison Company of New York, Inc. (Consolidated Edison) 4,750 Mcf of natural gas per day under Transco's presently effective LTF-3 Rate Schedule, all as more fully set forth in the application as supplemented on file with the Commission and open for public inspection.

By order of the Commission issued March 1, 1957, in Docket Nos. G-10000, et al., Transco was authorized to sell and deliver to North Carolina Natural Gas Corporation (North Carolina Natural) 39,780 Mcf of gas per day under Transco's Rate Schedule CD-2. Of this volume, North Carolina Natural is presently purchasing 24,750 Mcf under a service agreement providing for fixed step-ups of contract demand volumes until the full allocation of 39,780 Mcf is reached commencing on November 1, 1961. The application of Transco states that North Carolina Natural's market has developed more slowly than that customer had anticipated, and that, as a result, North Carolina Natural is now obliged to pay for 4,750 Mcf per day of its contract volume which it cannot receive and resell. North Carolina Natural has asked Transco to relieve it temporarily from this contractural obligation.

At Transco's request and in order to relieve North Carolina Natural from this

financial loss, Consolidated Edison has agreed to purchase this volume of 4,750 Mcf per day for the period terminating on October 31, 1961 under Transco's Rate Schedule LTF-3. Transco's application indicated that Consolidated Edison can use such firm service for this limited time without disrupting its market and that Transco will be able to resume enlarged deliveries to North Carolina Natural when the service proposed herein terminates.

North Carolina Natural has not requested, nor is Transco seeking a reduction in the allocation of natural gas for North Carolina Natural heretofore ordered by the Commission in Docket No. G-18000, et al.

The application recites that proposed service can be rendered through the facilities of Transco heretofore authorized by the Commission.

On May 20, 1960, temporary authorization was granted to Transco to render the proposed service to Consolidated Edison.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commision by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 18, 1960 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 130(c) (1) and (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 8, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6831; Filed, July 21, 1960; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region V (Fort Worth), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c), is hereby authorized within such Region to execute loan agreements and amendments thereof involving loans for student and/or faculty housing and for other educational facilities.

This redelegation supersedes the redelegation effective May 14, 1960 (25 F.R. 4336, May 14, 1960).

(63 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the first day of July 1960.

[SEAL] JOHN A. FOSTER,
Regional Administrator, Region V.

[F.R. Doc. 60-6852; Filed, July 21, 1960; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION V, FORT WORTH

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region V (Fort Worth), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 643, as amended, 42 U.S.C. 1492), is hereby authorized within such Region to enter into contracts and amendments thereof with public agencies involving loans for essential public works of facilities.

This redelegation supersedes the redelegation effective May 14, 1960 (25 F.R. 4338, May 14, 1960).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the first day of July 1960.

[SEAL] JOHN A. FOSTER,
Regional Administrator, Region V.

[F.R. Doc. 60-6853; Filed, July 21, 1960; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION V, FORT WORTH

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region V (Fort Worth), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1955 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers and amendments thereof to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraph 1 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraph 1 above.

This redelegation supersedes the redelegation effective May 14, 1960 (25 F.R. 4338, May 14, 1960).

(63 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the first day of July 1960.

[SEAL] JOHN A. FOSTER,
Regional Administrator, Region V.

[F.R. Doc. 60-6854; Filed, July 21, 1960; 8:48 a.m.]

Public Housing Administration

DELEGATIONS OF FINAL AUTHORITY

Miscellaneous Amendments

1. Effective July 1, 1960, paragraph D8 is hereby revoked.

2. Effective July 1, 1960, paragraph E7 is amended to read as follows:

With respect to notes, lien instruments, conditional sales contracts, lease-purchase contracts, and restrictive provisions of deeds of conveyance (such as provisions with respect to mineral rights, easements, and reversionary rights); to execute releases and quitclaim deeds of the Government's interests; to take appropriate action for the enforcement of compliance with the terms and conditions of such instruments; to execute contracts or make arrangements for appraisals, surveys, and engineering and other technical services; to execute amendments to such instruments; to approve or disapprove budgets and take other actions which under such instruments are required to be taken by the Commissioner or by the PHA; to sell and assign such instruments; to execute contracts with agents for the servicing of such instruments; to order the publication of advertisements; to approve insurance contracts; and to execute endorsements on behalf of the PHA on mortgage payment checks, and on insurance company checks on which the PHA is a joint payee.

Assistant Commissioner for Management, Harold B. Pliege.

Approved: July 15, 1960.

BRUCE SAVAGE,
Commissioner.

[F.R. Doc. 60-6832; Filed, July 21, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 350]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 19, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62899. By order of July 15, 1960, the Transfer Board approved the transfer to Alexander Twomey, doing business as Cronin's Express, Revere, Mass., of the operating rights authorized to Michael J. Cronin, Joseph V. Cronin and John F. Cronin, a partnership, doing business as Cronin's Express, Revere, Mass., under Certificate No. MC 22549, issued May 23, 1941, authorizing the transportation, over irregular routes, of general commodities, excluding household goods and commodities in bulk, between Boston, Cambridge, Chelsea, Winthrop, and Revere, Mass. Frank A. R. Murray, 40 Central Street, Boston, Mass., for applicants.

No. MC-FC 63201. By order of July 14, 1960, the Transfer Board approved the transfer to Everett L. Carr, doing business as Briggs Trucking, Dighton, Mass., of Permit No. MC 60390, issued April 26, 1956, to Lester M. Briggs, Dighton, Mass., authorizing the transportation of: Tapioca flour, starches, dyes, sizing, softening and finishing specialties, between Dighton, Mass., and Providence, R.I., over specified routes; between Dighton, Mass., and points within five miles of Dighton, on the one hand, and, on the other, Mechanicsville, Conn., points in Rhode Island, and those in that part of Massachusetts east of U.S. Highway 5; and from Providence, R.I., to Stafford and East Hampton, Conn.; and fertilizer and fertilizing materials, and inedible greases (except petroleum, greases, animal tallow, and meat scraps), restricted against the movement of fertilizer and fertilizing materials and inedible greases, in bulk, in tank vehicles, from Pawtucket, R.I., to points in Barnstable, Bristol, Plymouth, and Norfolk Counties, Mass. Russell B. Curnett, 49 Weybosset Street, Providence, R.I., for applicants.

No. MC-FC 63331. By order of July 14, 1960, the Transfer Board approved the transfer to Herbert A. Steele and Donald H. Steele, a partnership, doing business as Mohnk Delivery Company, Saginaw, Michigan, of the operating rights authorized to Sarah C. Karp, doing business as Mohnk Delivery Company, Saginaw, Michigan, under Certificate No. MC 596, issued January 5, 1942, authorizing the transportation, of general commodities, excluding household goods and commodities in bulk, over regular routes, between Saginaw, Mich., and Bay City, Mich., and over irregular routes, between points in Saginaw, Mich., between points in Carrollton, Mich., and between points in Zilwaukee, Mich., and butter, eggs, cheese, canned goods, soap, alkali products, and packing-house products, over irregular routes, between Saginaw, Mich., on the one hand, and, on the other, points in Saginaw, Mich. William B. Elmer, 1800 Buhl Building, Detroit 26, Mich.

No. MC-FC 63358. By order of July 14, 1960, the Transfer Board approved the transfer to Nationwide Moving & Storage Co., Inc., Hartford, Conn., of Certificates Nos. MC 38591 and MC 38591 Sub 1, issued February 13, 1942, and April 6, 1953, respectively, in the name of Bernie Pearlman doing business as Atlantic Moving & Warehouse Co., Hartford, Conn., authorizing the transportation of household goods over irregular routes, between Hartford, Conn., and points within 10 miles of Hartford, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, Maryland, Ohio, Virginia, North Carolina, Georgia, Florida, Tennessee, and the District of Columbia, traversing Delaware, South Carolina, and Kentucky for operating convenience only; and between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New York, and Rhode Island. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., for applicants.

No. MC-FC 63377. By order of July 14, 1960, the Transfer Board approved the transfer to Roy Bros., Construction Co., Inc., Amesbury, Mass., of Certificate in No. MC 5159, issued January 6, 1960, to Merrimack River Navigation Co., Inc., Haverhill, Mass., authorizing the transportation of: Road building and grading materials, machinery, and alcoholic beverages, between Newburyport, Mass., on the one hand, and, on the other, points in Massachusetts and New Hampshire. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., for applicants.

No. MC-FC 63388. By order of July 15, 1960, the Transfer Board approved the transfer to Court Industrial Trucking Co., Inc., doing business as Court Industrial Trucking Co., Inc., and 20th Century Moving Co., Newark, N.J., under Certificate No. MC 61860, issued to David Kreeger and Lena Friedman, a partnership, doing business as 20th Century Moving Company and Court Industrial Trucking Company, Newark, N.J., authorizing the transportation, over irregular routes, of household goods between points in Essex, Hudson, Union, Bergen, Passaic and Middlesex Counties, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Pennsylvania, and Rhode Island, bakers' supplies, between points in Essex, Passaic, and Bergen Counties, N.J., on the one hand, and, on the other, New York, N.Y., and matzoth, between Newark, and Jersey City, N.J., on the one hand, and, on the other, New York, N.Y. Herbert Quittner, 60 Park Place, Newark 2, N.J., for applicants.

No. MC-FC 63393. By order of July 18, 1960, the Transfer Board approved the transfer to Canadian Machinery Movers, Ltd., Windsor, Ontario, Canada, of a portion of Certificate in No. MC 86423, issued June 7, 1957, to Charles Hinton and Company, Limited, Windsor, Ontario, Canada, which authorizes the transportation of machinery, boilers, contractors' equipment, and commodities, the transportation of which because of size, weight or bulk, requires special equipment, over irregular routes, between the port of entry at Detroit, Mich., at the United States-Canada Boundary Line, on the one hand, and, on the other, Detroit, Mich. Rex Eames, Sullivan, Elmer, Eames and Moody, 1800 Buhl Building, Detroit 26, Mich., for applicants.

No. MC-FC 63394. By order of July 15, 1960, the Transfer Board approved the transfer to Union Motor Line, Inc., Union, New Jersey, of Certificate in No. MC 63901, issued July 19, 1955, to Harry W. Hahn, Palmerton, Pa., authorizing the transportation of: Coal in truckloads, from points in Luzerne, Pa., and Schuylkill Counties, Pa., to points in Essex and Union Counties, N.J., and fertilizer from Carteret, N.J., to points in Pennsylvania and New York. August W. Heckman, Attorney, 880 Bergen Avenue, Jersey City 6, N.J., for applicants.

No. MC-FC 63403. By order of July 18, 1960, the Transfer Board approved the transfer to Henry R. Tomkinson, Sr., Henry R. Tomkinson, Jr., William H. Carney, and Jacqueline Carney, a partnership, doing business as Henry's Express, Egg Harbor City, N.J., of the operating rights authorized to Henry Russell Tomkinson, doing business as Henry's Express, Egg Harbor City, N.J., under Certificates Nos. MC 977 and MC 977 Sub 1, authorizing the transportation, over regular routes, of general commodities, excluding household goods and commodities in bulk, between Philadelphia, Pa., and Egg Harbor City, N.J., and empty tin cans and equipment therefor, between Baltimore, Md., and Germania, N.J., and over irregular routes, general commodities, excluding household goods and commodities in bulk, between Egg Harbor City, N.J., and points within 20 miles thereof, on the one hand, and, on the other, Philadelphia, Pa., and household goods, between Egg Harbor City, N.J., and points within 20 miles thereof, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, New York, and the District of Columbia. Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60-6860; Filed, July 21, 1960; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

H. BURKE HORTON

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsec-

tion 710(b) (6) of the Defense Production Act of 1950, as amended.

1. Telestruk Corp.
2. Sperry Band Corp.

This amends statement published February 10, 1960 (25 F.R. 1195).

H. Burke Horton.

JULY 14, 1960.

[F.R. Doc. 60-6783; Filed, July 20, 1960; 8:46 a.m.]

OTTO L. NELSON

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Addition: Member, Board of Governors, New York Building Congress, Inc.

Deletion: Vice President, New York Building Congress, Inc. Chairman, Temporary State Commission on Governmental Operations of the City of New York. Chairman, Governor Rockefeller's Task Force on Middle-Income Housing.

This amends statement published January 21, 1960 (25 F.R. 522).

OTTO L. NELSON.

JULY 19, 1960.

[F.R. Doc. 60-6795; Filed, July 20, 1960; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Krew-Schneider Co., Inc., Highway No. 62, Blakely, Ga.; effective 7-4-60 to 7-3-61 (washable service garments).

Dillon Manufacturing Co., Dillon, S.C.; effective 7-6-60 to 7-5-61 (ladies' dresses).

Fountain Hill Underwear Mills, 477 Lehigh Avenue, Palmerton, Pa.; effective 6-30-60 to 6-29-61 (men's, ladies', and girls' outerwear, sportswear).

Hamarnat Manufacturing Corp., 212 Hull Avenue, Olyphant, Pa.; effective 7-5-60 to 7-4-61 (children's outerwear).

Iva Manufacturing Co., Inc., Iva, S.C.; effective 7-1-60 to 6-30-61 (blouses).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn.; effective 6-30-60 to 6-29-61 (men's and boys' work and sport jackets).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 6-27-60 to 6-26-61 (boys' sport shirts).

Statham Garment Corp., Statham, Ga.; effective 7-1-60 to 6-30-61 (trousers).

Levi Strauss & Co., Blue Ridge, Ga.; effective 7-5-60 to 7-4-61 (boys', youths', and men's casual pants).

Vandalia Garment Co., Vandalia, Mo.; effective 6-29-60 to 6-28-61 (ladies' dresses).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 6-30-60 to 6-29-61 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Arcadia Valley Manufacturing Co., Arcadia, Mo.; effective 6-29-60 to 6-28-61; 10 learners (ladies' and girls' blouses).

Gunnin Manufacturing Co., Dawson, Ga.; effective 6-29-60 to 6-28-61; 10 learners (men's and ladies' sport shirts).

Hampton Knitting Mills, Inc., 1776 Main Street (rear), Northampton, Pa.; effective 6-29-60 to 6-28-61; 10 learners (boys' and men's knitted polo shirts).

Louisiana Garment Co., Louisiana, Mo.; effective 6-28-60 to 6-27-61; 10 learners; learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses).

Piedmont Manufacturing Co., Piedmont, Mo.; effective 6-28-60 to 6-27-61; 10 learners (ladies' and girls' blouses).

Sherri Lynn, Inc., Zebulon, Ga.; effective 6-27-60 to 6-26-61; 10 learners (ladies' cotton dresses).

Sportswear Unlimited, Iva, S.C.; effective 6-29-60 to 6-28-61; 10 learners (ladies' sportswear).

West Union Garment Co., West Union, W. Va.; effective 7-11-60 to 7-10-61; 10 learners (brassieres, sun halters).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Greensburg Division of Edmonton Manufacturing Co., Greensburg, Ky.; effective 7-1-60 to 12-31-60; 35 learners (work shirts and jackets).

Leco Manufacturing Corp., Mountain City, Tenn.; effective 7-15-60 to 1-14-61; 50 learners (ladies' and children's nightgowns, pajamas).

Louisiana Garment Co., Louisiana, Mo.; effective 6-28-60 to 12-27-60; 15 learners; learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses).

Monticello Manufacturing Inc., Warren Street, Monticello, Ga.; effective 6-29-60 to 12-28-60; 20 learners (boys' and men's casual pants).

Rosemont Corp., 601 Lincoln Road, Oxford, Pa.; effective 6-29-60 to 12-28-60; 20 learners (ladies' dresses).

Levi Strauss & Co., Blue Ridge, Ga., effective 7-5-60 to 1-4-61; 50 learners (boys', youths', and men's casual pants).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Dothan Hosiery Co., Dothan, Ala.; effective 7-20-60 to 1-19-61; 50 learners for plant expansion purposes (full-fashioned, seamless).

Dumas Hosiery Mills, Inc., Dumas, Ark.; effective 6-28-60 to 6-28-61; five learners for normal labor turnover purposes (men's, ladies' and children's full-fashioned).

Granite Hosiery Mills, 838 South Main Street, Mount Airy, N.C.; effective 7-8-60 to 7-7-61; five percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Alabama Textile Products Corp., Crestview, Fla.; effective 7-13-60 to 7-12-61; five percent of the total number of factory production workers in the production of men's shorts for normal labor turnover purposes.

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 7-1-60 to 6-30-61; five percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's underwear, sleeping wear, girdles).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Alco Canning Co., Inc., Water Street, Lubec, Maine; effective 7-1-60 to 12-31-60; 10 learners for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (sardines).

Palm Beach Co., Bourne Avenue, Somerset, Ky.; effective 6-28-60 to 12-27-60; five percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, and hand sewer, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's "Palm Beach" coats).

Rawlings Manufacturing Co., Ava Division, Ava, Mo.; effective 7-1-60 to 12-31-60; 65 learners for plant expansion purposes in the occupations of: (1) sewing machine operating and molding each for a learning period of 320 hours at the rates of at least 90 cents an hour for the first 160 hours and 95 cents an hour for the remaining 160 hours; (2) die and clicker machine operating, other machine operating except cloth cutting, spray and dip painting, sorting and grading, assembling, and final inspection, each for a learning period of 160 hours at the rate of 90 cents an hour (athletic equipment).

The following learner certificates were issued in PuertoRico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

A. & J. Industries, Inc., Yauco, P.R.; effective 5-26-60 to 5-25-61; 10 learners for normal labor turnover purposes in the occupations of: (1) machine embroidery operators, for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) handcutting of appliqua on embroidery panels, for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (blouses and underwear).

Alfredo Manufacturing Corp., Rio Grande, P.R.; effective 5-25-60 to 9-21-60; 35 learners for plant expansion purposes in the occupations of sewing machine operators, and final pressers, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (supplemental certificate) (men's cotton pajamas).

Becton, Dickinson Inc. of Puerto Rico, Juncos, P.R.; effective 6-20-60 to 12-19-60; seven learners for plant expansion purposes in the occupations of point and unrack, chart and second machine test, wax, scale, numbers, names and serials, blot and dip bulbs, paint and polish, inspect engraving, certify, each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (clinical thermometers).

Caguas Tobacco and Processing Corp., Ruis Belvis Street, Caguas, P.R.; effective 5-10-60 to 5-23-60; 40 learners for plant expansion purposes in the occupation of machine stemming for a learning period of 160 hours at the rate of 65 cents an hour (replacement certificates) (machine stripping of Connecticut type tobacco).

Carol Anne Corp., Yauco, P.R.; effective 5-26-60 to 5-25-61; 10 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators, machine embroidery operators, final pressers, each for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (women's underwear).

Gary Garments Co., Inc., 176 Mendez Vigo Street, Mayagues, P.R.; effective 6-3-60 to 12-2-60; 30 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (embroidered lingerie).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 6-6-60 to 6-5-61; 15 learners for normal labor turnover purposes in the occupations of: (1) knitting, topping, and looping, each for a learning period of 480 hours at the rate of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours; (3) winding, for a learning period of 240 hours at the rate of 72 cents an hour (full-fashioned sweaters).

Gordonshire Knitting Mills, Inc., Cayey, P.R., effective 5-16-60 to 11-15-60; 50 learners for plant expansion purposes in the occupations of: (1) sweater looping, sweater knitting, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitching (seaming) for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (supplemental certificate) (sweaters).

International Embroidery, Inc., Calle Vendig No. 14-c, Manati, P.R.; effective 6-1-60 to 11-30-60; 20 learners for plant expansion purposes in the occupation of machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours (half slips).

Marbill Industries, Inc., Sabana Grande, P.R.; effective 6-16-60 to 11-1-60; 147 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators, sewing machine operators, and final pressing, each for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels, for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours; (3) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 53 cents an hour (replacement certificate) (slips, petticoats, and sleepwear).

Pan American Screw Corp., Rio Grande, P.R.; effective 6-2-60 to 6-1-60; five learners for normal labor turnover purposes in the occupations of, cut threader operator, header operator, slotter and shaver operator, shipper and inspector, aluminum heat treating carburizing furnace, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (screws and bolts).

Pan American Screw Corp., Rio Grande, P.R.; effective 6-2-60 to 12-1-60; 2 learners for plant expansion purposes in the occupations of, cut threader operators, header operator, slotter and shaver operator, shipper and inspector, aluminum heat treating carburizing furnace, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (screws and bolts).

Rio Manufacturing Corp., State Road 838, Box 23-K, Rio Piedras, P.R.; effective 5-27-60 to 5-26-61; five learners for normal labor turnover purposes in the single occupation of basic hand and/or machine-production operations: grinders, crimpers, spot welders, punch press operators, for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (fishing tackle hardware).

San Juan Vestments, Inc., Santurce, P.R.; effective 6-3-60 to 6-2-61; five learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators, final pressers, hand finishers, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 57 cents an hour (church vestments).

Tempo Glove Corp., Bo. Coqui, Salinas, P.R.; effective 6-8-60 to 6-7-61; 12 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (leather gloves).

Tempo Glove Corp., Bo. Coqui, Salinas, P.R.; effective 6-8-60 to 12-7-60; 13 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (leather gloves).

Wilson Shoe Co., Inc., Santa Isabel, P.R.; effective 6-16-60 to 8-21-60; 25 learners for plant expansion purposes in any productive factory occupations (except those listed in Regulations 522.53 (a) and (b)) for a learning period of 480 hours at the rates of 47 cents an hour for the first 240 hours and 53 cents an hour for the remaining 240 hours (supplemental certificate) (men's welt shoes).

The following learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are indicated.

St. Croix Textile Mills, Inc., Christiansted, St. Croix, U.S. Virgin Islands; effective 6-20-60 to 12-19-60; 25 learners for plant expansion purposes in the single occupation of basic hand and/or machine production operations: drawing, spinning, twisting and reeling, for a learning period of 240 hours at the rate of 55 cents an hour (spinning of yarn from wool top).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 8th day of July 1960.

ROBERT G. GROSVENALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60-6795; Filed, July 20, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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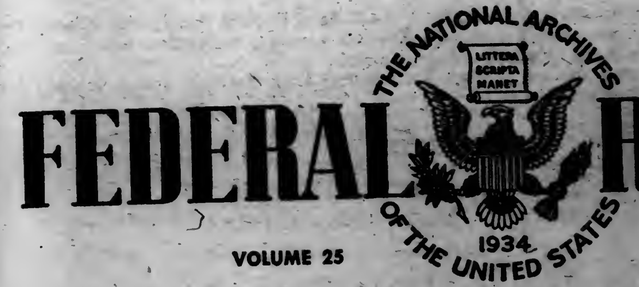
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VOLUME 25 NUMBER 143

Washington, Saturday, July 23, 1960

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CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 26, Parts 222–299	$1.75
Title 32A	$0.65
Titles 40–41, Revised	$0.70
Title 44, Revised	$3.25
General Index	$1.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1960 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS

Correction

In F.R. Doc. 60–5967, appearing at page 6116 of the issue for Thursday, June 30, 1960, the following corrections are made:

1. In the tabular material under § 728.1008, the final state entry should read "Wyoming" instead of "Wisconsin".

2. In the tabular material entitled "Normal Yields of Wheat for Special Cultural Practices", following the signature, the "X" should be deleted from the "Continuous cropping" entry for Pueblo County, Colo., so that it reads "10.0" instead of "X10.0".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 207]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.507 Valencia Orange Regulation 207.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 21, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 24, 1960, and ending at 12:01 a.m., P.s.t., July 31, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 625,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 22, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6977; Filed, July 22, 1960; 11:30 a.m.]

[Lemon Reg. 856]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.963 Lemon Regulation 856.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (68 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 19, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 24, 1960, and ending at 12:01 a.m., P.s.t., July 31, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 326,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 21, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6921; Filed, July 22, 1960; 8:48 a.m.]

[1017.305]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 130 and Order No. 217 (7 CFR Part 1017), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of onions grown in the production area defined therein through the issuance of regulations authorized in §§ 1017.1 through 1017.36, inclusive, of the order. The Idaho-Eastern Oregon Onion Committee, pursuant to § 1017.51, of the order, has recommended that regulations limiting the handling of 1960 crop onions should be issued. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 1017.305 Limitation of shipments.

During the period from July 25, 1960, through June 30, 1961, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraph (b) or (c) of this section.

(a) *Minimum grade requirements.* All varieties: U.S. No. 2, or better, grade.

(b) *Special purpose shipments.* The minimum grade requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;

(2) Livestock feed; and

(3) Charity.

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(d) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Northern Grown Onions (§§ 51.2830 to 51.2847 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1960, to become effective July 25, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6898; Filed, July 22, 1960; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

PART 299—IMMIGRATION FORMS

Refugee-Escapees and Adjustment of Status

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 212.5 is amended to read as follows:

§ 212.5 Parole of aliens into the United States.

(a) *General.* The district director in charge of a port of entry may, prior to examination by an immigration officer, or subsequent to such examination and pending a final determination of admissibility in accordance with sections 235 and 236 of the Act and this chapter, or after a finding of inadmissibility has been made, parole into the United States temporarily in accordance with section 212(d)(5) of the Act any alien applicant for admission at such port of entry under such terms and conditions, including the exaction of a bond on Form I–352, as such officer shall deem appropriate. At the expiration of the period of time or upon accomplishment of the purpose for which parole was authorized or when in the opinion of the district director in charge of the area in which the alien is located that neither emergency nor public interest warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he shall be restored to the status which he had at the time of parole, and further inspection or hearing shall be conducted under section 235 or 236 of the Act and this chapter, or any order of exclusion and deportation previously entered shall be executed.

(b) *Refugee-escapees.* An application for parole as a refugee-escapee under section 1 of the Act of July 14, 1960, shall be submitted by the applicant on Form I–590. Parole will not be authorized until assurances of employment and housing in the United States for a period of two years on Form I–591 and assurances of transportation from the applicant's place of abode to point of final destination in the United States have been provided. The approval of an application for parole under section 1 of the Act of July 14, 1960, by an officer in charge outside the United States authorizes the district director at a port of entry to parole the applicant upon arrival at such port within six months after the date of authorization. For purposes of section 3 of the Act of July 14, 1960, the two-year period shall commence on the date of the refugee-escapee's parole following his arrival in the United States. The provisions of the Act of July 14, 1960, will be applied to the spouse and children, as defined in section 101(b)(1) of the Immigration and Nationality Act, of a refugee-escapee as specified in section 1 of the Act of July 14, 1960, if accompanying such refugee-escapee.

2. The first sentence of § 245.1 is amended to read as follows:

§ 245.1 Application.

An alien, other than an alien who (a) on arrival in the United States was serving in any capacity on board a vessel or aircraft or (b) on arrival in the United States was destined to join a vessel or aircraft in the United States to serve in any capacity thereon, may, if he believes he meets the eligibility requirements of section 245 of the Act, file an application Form I–485 with the district director in whose district he resides. * * *

3. The list of forms in § 299.1 *Prescribed forms* is amended by adding the following forms and references thereto in numerical sequence:

Form No.	*Title and description*
I–590	Registration for Classification as Refugee-Escapee (section 1, Act of July 14, 1960).
I–591	Assurance by a United States Citizen in Behalf of a Refugee-Escapee (Act of July 14, 1960).

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be considered effective as of July 14, 1960. The regulations prescribed by the order are necessary for carrying out the provisions of Public Law 86–648, 86th Congress, which was approved on July 14, 1960. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date is impracticable in this instance, since such compliance would unduly delay and impede the administration of Public Law 86–648.

Dated: July 21, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 60-6936; Filed, July 22, 1960; 9:03 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 453; Civil Air Regs., Amdt. 60-19]

PART 60—AIR TRAFFIC RULES

Interpretation of VFR Cruising Altitudes and IFR Cruising Altitudes

Part 60 of the Civil Air Regulations comprises the Air Traffic Rules and certain definitions pertaining thereto. Section 60.32 of this part prescribes certain requirements attendant to the cruising altitudes to be maintained in flight and is intended to provide a degree of separation between aircraft during level cruising flight. The rule does not purport to provide separation during periods of climb, descent, turning or while holding in a one or two minute holding pattern. There is no parallel between the "segregation" inherent in this rule and the separation provided by the air traffic control system between IFR flights. It must also be emphasized that the application of these rules in no way reduces the obligation of pilots to exercise utmost in-flight vigilance for collision avoidance purposes as required by other sections of this part.

To clarify possible ambiguities which may exist with respect to the applicability of the phrase "level cruising flight", as it appears in the section, to certain flight maneuvers, a note is being inserted to follow § 60.32. The purpose of this note is to indicate that "level cruising flight" does not include the following maneuvers:

1. Turning.

2. Holding which is accomplished in a one or two minute holding pattern.

Since the term "level cruising flight" has an identical application in § 60.44, IFR cruising altitudes, that section is also being amended to include an identical note.

Inasmuch as the addition of these notes is of a minor clarifying nature and imposes no additional burden on any person, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

In consideration of the foregoing, Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) is amended to add the following note to §§ 60.32 and 60.44:

NOTE: When an aircraft is holding in a one or two minute holding pattern or when it is turning, it is not considered to be in level cruising flight.

This amendment shall become effective upon its publication in the FEDERAL REGISTER.

(Secs. 313(a), 307, 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348)

Issued in Washington, D.C., on July 19, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6862; Filed, July 22, 1960; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 396; Amdt. 180]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–6 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include a new airworthiness directive for Douglas DC–6, –6A, and –6B aircraft superseding AD56–14–3, 21 F.R. 9544, as amended by 22 F.R. 2416, Amendment 1, was published in 25 F.R. 4557.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, paragraph (b) has been rewritten to clearly state that if no cracks are found, only the upper front and center spar caps are to be inspected at 1500-hour intervals.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC–6, DC–6A and DC–6B aircraft, up to Fuselage No. 725, Serial Number 45060, having total flight time in excess of 9,000 Hours.

Compliance required as indicated.

There have been numerous cases reported of spar cap cracking on DC–6 Series aircraft. Cracks are reported to have occurred in the upper and lower front and center spar caps in the area of wing station 60. In approximately ninety percent of the cases, the cracks occurred in the fore and aft tang of the upper front cap. The cracks usually originate at the spar cap tang attach hole and progress chordwise. In addition, recent service experience has shown that aircraft reworked per the temporary repair outlined in rework drawing 5611367 have a limited service life.

The following procedure must be followed:

(a) Unless already accomplished within the last 1,000 hours' time in service, inspection of the upper and lower front and center spar caps in the area of wing station 60 must be accomplished within the next 450 hours' time in service. Special attention should be given to the spar cap tangs between station 55 and 65.

(b) If no cracks are found, the affected area of the upper front and center spar caps must be periodically reinspected at intervals not to exceed 1,500 flight hours, and the lower front and center spar caps in the affected area must be afforded adequate periodic reinspections at convenient overhaul periods. The inspections called for in this paragraph must be continued until the permanent preventive rework is accomplished per manufacturer's recommendations.

(c) If cracks are found in the upper and lower front and center spar caps in the area of station 60, temporary repairs may be made per Douglas rework drawing 5611367, providing crack limitations contained in DC–6 Service Bulletin 678 have not been exceeded. Aircraft incorporating this rework must be reinspected at intervals not to exceed 750 hours' time in service. Furthermore, aircraft which have been repaired per the temporary rework (drawing No. 5611367) and have accumulated 3,200 hours' time in service since temporary rework was accomplished must be reworked per the permanent preventive rework recommended by the manufacturer, within the next 1,000 hours' time in service.

(d) After permanent repairs are accomplished in accordance with manufacturer's recommendations, subsequent inspections may then be made at normal inspection periods.

(Satisfactory permanent rework instructions are contained in Douglas Service Bulletin DC–6 No. 678 revised December 10, 1958, and Douglas Service Bulletin DC–6 No. 694, revised December 3, 1959, Douglas Alert Service Bulletin A–678 revised September 25, 1959, covers the inspections outlined above.)

This supersedes AD 56–14–3 (21 F.R. 9544 as amended by 22 F.R. 2416).

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 19, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6863; Filed, July 22, 1960; 8:45 a.m.]

[Reg. Docket No. 494; Amdt. 181]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky S–58 Helicopters

There have been two reported failures of upper pylon hinge fittings on Sikorsky S–58 helicopters, one of which resulted in an accident. It has been determined that these failures were the result of fatigue cracks originating in the attaching bolt holes. Since the tail pylon is hinged at only two points, complete failure of the upper hinge can result in loss of the tail pylon and control of the aircraft.

In the interest of safety it has been found that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6469), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SIKORSKY. Applies to all Sikorsky S-58 Helicopters.

Compliance required as indicated.

Fatigue cracks have been found in the area of the rear three bolt holes of the upper pylon folding hinge fitting, P/N S1620-63120-3. In order to preclude propagation of a fatigue crack in this area, and consequent serious weakening of the pylon attachment, the following must be accomplished on all fittings, P/N S1620-63120-3, which have accumulated 1,000 or more hours' time in service.

Effective August 15, 1960, conduct daily visual inspections of the area around the fitting bolt holes for cracks. Fittings with cracks must be replaced prior to further flight. When the fitting is reinforced in accordance with Sikorsky Drawing S1607-2169, the provisions of the AD no longer apply. Sikorsky Service Bulletin No. 52B30-1 covers this subject.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 19, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6864; Filed, July 22, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 455; Amdt. 178]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Air Route Traffic Control Centers have experienced difficulty in determining, from the filed flight plan, the exact route to be flown by an aircraft. This has been caused by the assignment, in the past, of identical identification code letters to both L/MFR and VOR air navigation facilities when such facilities were located in the same geographical area. This problem is expected to increase as more computers are introduced into the Air Traffic Control system as the computer cannot distinguish between two types of facilities bearing the same identification code letters. Accordingly, new identification code letters are being assigned those L/MFR air navigation facilities, where such duplication exists, effective August 25, 1960.

As Standard Instrument Approach Procedures found in Part 609 contain reference to L/MFR air navigation facilities by identification code letters, these procedures must be amended to reflect the newly assigned letters.

As this technical amendment is necessary in the interest of safety, compliance with the notice and public procedure provisions of section 4 of the Administrative Procedure Act is unnecessary and not required.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 of the regulations of the Administrator is hereby amended as follows:

The Standard Instrument Approach Procedures found in §§ 609.100, 609.200, 609.300, 609.400 and 609.500 are amended, wherever the identification code letters of the following low frequency range air navigation facilities appear therein, by deleting such letters and substituting therefor the identification code letters indicated below:

Location and Identifier	
Aberdeen, S. Dak.	AR
Abilene, Tex.	AK
Akron, Colo.	AJ
Albany, Ga.	AB
Albany, N.Y.	AQ
Albuquerque, N. Mex.	AX
Alexandria, La.	AN
Alexandria, Minn.	AH
Alice, Tex.	AE
Allentown, Pa.	AG
Alma, Ga.	AO
Altoona, Pa.	AM
Amarillo, Tex.	AC
Anchorage, Alaska	AL
Atlanta, Ga.	AY
Atlantic City, N.J.	AS
Augusta, Ga.	AU
Augusta, Maine	BE
Baker, Oreg.	BC
Bakersfield, Calif.	BL
Baltimore, Md.	BW
Bangor, Maine	BR
Baton Rouge, La.	BQ
Battle Creek, Mich.	MV
Battle Mountain, Nev.	BT
Beaumont, Tex.	BV
Belleville, Ill., Scott AFB	BG
Bellingham, Wash.	BT
Bethel, Alaska	BI
Big Delta, Alaska	BI
Big Spring, Tex.	BZ
Billings, Mont.	BM
Birmingham, Ala.	BK
Bismarck, N. Dak.	BH
Blythe, Calif.	BX
Boise, Idaho	BS
Boston, Mass.	BG
Bowling Green, Ky.	BN
Bozeman, Mont.	BP
Bridgeport, Conn.	BI
Bristol, Tenn.	BO
Brownsville, Tex.	NZ
Brunswick, Maine, NAS	BF
Buffalo, N.Y.	BY
Burley, Idaho	BU
Burlington, Vt.	AD
Camp Springs, Md., Andrews AFB	CR
Casper, Wyo.	CU
Chanute, Kans.	CQ
Charleston, S.C.	CW
Charleston, W. Va.	CI
Charlotte, N.C.	NT
Cherry Point, N.C., MCAS	CS
Cheyenne, Wyo.	CP
Chicopee Falls, Mass., Westover AFB	CE
Cleveland, Ohio	CC
Cochise, Ariz.	CI
Columbia, Mo.	CM
Columbia, S.C.	CG
Columbus, Ga.	CZ
Columbus, N. Mex.	CN
Concord, N.H.	CP
Corpus Christi, Tex.	CV
Crestview, Fla.	CY
Cross City, Fla.	CB
Cut Bank, Mont.	DG
Daggett, Calif.	FP
Dayton, Ohio, Wright-Patterson AFB	DB
Daytona Beach, Fla.	DT
Delta, Utah	DN
Denver, Colo.	DZ
Des Moines, Iowa	DK
Dickinson, N. Dak.	DI
Dillon, Mont.	DU
Drummond, Mont.	DS
Dubois, Idaho	DM
Duluth, Minn.	EC
El Centro, Calif.	EN
Elkins, W. Va.	EK
Elko, Nev.	EL
Ellensburg, Wash.	EM
Elmira, N.Y.	EP
El Paso, Tex.	EH
Ephrata, Wash.	EI
Erie, Pa.	EO
Eugene, Oreg.	FL
Fairbanks, Alaska	FG
Fargo, N. Dak.	FL
Florence, S.C.	FB
Fort Bridger, Wyo.	FB
Fort Dix, N.J., McGuire	WI
Fort Jones, Calif., AFB	FS
Fort Wayne, Ind.	FA
Fresno, Calif.	FN
Front Royal, Va.	FR
Gage, Okla.	GA
Garden City, Kans.	GO
Gila Bend, Ariz.	GN
Gordonsville, Va.	GE
Goshen, Ind.	GH
Grand Forks, N.D.	GK
Grand Island, Nebr.	GI
Great Falls, Mont.	GF
Greensboro, N.C.	GO
Greenwood, Miss.	GW
Harrisburg, Pa.	HE
Hartford, Conn.	HD
Helena, Mont.	HN
Hilo, Hawaii	IO
Hobbs, N. Mex.	HB
Homer, Alaska	HH
Honolulu, Hawaii	HL
Houghton, Mich.	CX
Houlton, Maine	HM
Houston, Tex.	HU
Huron, S. Dak.	HK
Hutchinson, Kans.	HT
Idaho Falls, Idaho	IA
Indianapolis, Ind.	IJ
Jacks Creek, Tenn.	JK
Jackson, Miss.	JN
Jacksonville, Fla.	JX
Jamestown, N. Dak.	JS
Joliet, Ill.	JT
Kansas City, Mo.	KB
Kenai, Alaska	KE
Key West, Fla.	EW
King Salmon, Alaska	KN
Klamath Falls, Oreg.	LM
Knoxville, Tenn.	TS
La Crosse, Wis.	LE
Langley Field, Va., Langley AFB	LI
Lansing, Mich.	LN
Laramie, Wyo.	LR
Las Vegas, Nev.	LS
Las Vegas, N. Mex.	LV
Lewistown, Mont.	LW
Lincoln, Nebr., Lincoln AFB	LK
Little Rock, Ark.	LT
Long Beach, Calif.	LB
Lovelock, Nev.	LL
Lubbock, Tex.	LX
Lucin, Utah	LU
Lynchburg, Va.	IH
Macon, Ga.	MN
Malad City, Idaho	MD
Martinsburg, W. Va.	MB
Medford, Oreg.	ME
Memphis, Tenn.	MM
Meridian, Miss.	MS
Middleton, Alaska	MQ
Miles City, Mont.	MC
Midland, Tex.	MF
Millinocket, Maine	MK
Milwaukee, Wis.	MW
Minneapolis, Minn.	MP
Minot, N. Dak.	MT
Missoula, Mont.	MO
Moline, Ill.	MI
Monroe, La.	MU
Montgomery, Ala., Maxwell AFB	ML
Morgantown, W. Va.	MG
Mt. Clemens, Mich., Selfridge AFB	MZ
Mullan Pass, Idaho	MA
Muskegon, Mich.	MJ
Nashville, Tenn.	BA
Needles, Calif.	ED
Nenana, Alaska	XN
New Orleans, La.	MY
Norfolk, Va.	OP
North Philadelphia, Pa.	PF
North Platte, Nebr.	LF
Oakland, Calif.	OK
Ogden, Utah	OD
Oklahoma City, Okla.	OC
Omaha, Nebr.	OA
Otto, N. Mex.	OO
Ozark, Ala., Cairns AAF	OR
Palacios, Tex.	PS
Palmdale, Calif.	PL
Panama City, Fla., Tyndall AFB	PM
Patuxent River, Md., NAS	NK
Pendleton, Oreg.	PN
Peoria, Ill.	PA
Phillipsburg, Pa.	PP
Phoenix, Ariz.	PX
Pierre, S. Dak.	PD
Pittsburgh, Pa.	PT
Pocatello, Idaho	PH
Portland, Oreg.	PO
Poughkeepsie, N.Y.	PU
Prescott, Ariz.	PO
Presque Isle, Maine, Presque Isle AFB	PQ
Providence, R.I.	PE
Pueblo, Colo.	PB
Pulaski, Va.	PK
Quonset Point, R.I., NAS	NO
Raleigh-Durham, N.C.	RU
Rapid City, S. Dak.	RP
Red Bluff, Calif.	RL
Redmond, Oreg.	RM
Reno, Nev.	RO
Richmond, Va.	RO
Riverside, Calif.	RV
Roanoke, Va.	RA
Rochester, Minn.	RT
Rochester, N.Y.	RR
Rock Springs, Wyo.	RK
Roswell, N. Mex.	RW
Sacramento, Calif.	SO
Salt Flat, Tex.	SQ
Salt Lake City, Utah	SC
Santa Barbara, Calif.	SB
Sault Ste. Marie, Mich.	SM
Savannah, Ga.	SV
Scottsbluff, Nebr.	BJ
Seattle, Wash.	SJ
Sheridan, Wyo.	SD
Shreveport, La., Barksdale AFB	BB
Shreveport, La.	SH
South Bend, Ind.	SN
Spartanburg, S.C.	SP
Springfield, Ill.	SI
Springfield, Mo.	SF
Sumter, S.C., Shaw AFB	SW
Sioux City, Iowa	SX
Sioux Falls, S. Dak.	FD
Spokane, Wash.	GG
St. Louis, Mo.	SL
Stockton, Calif.	SK
Syracuse, N.Y.	SR
Tacoma, Wash., McChord AFB	TM
Tallahassee, Fla.	TH
Texarkana, Ark.	TX
The Dalles, Oreg.	DL
Thermal, Calif.	TR
Tonopah, Nev.	TO
Topeka, Kans., Forbes AFB	TE
Traverse City, Mich.	TV
Truth or Consequences, N. Mex.	TT
Tucumcari, N. Mex.	TC
Tucson, Ariz.	TU
Tulsa, Okla.	TL
Waco, Tex.	AT
Walla Walla, Wash.	AW
Washington, D.C.	DA
Westfield, Mass.	AF
West Palm Beach, Fla.	PI
Whidbey Island, Wash., NAS	NW
Whitehall, Mont.	HA
Wichita, Kans.	IT
Wilkes-Barre, Scranton, Pa.	AP
Wink, Tex.	IK
Winslow, Ariz.	IW
Williamsport, Pa.	IP
Yakima, Wash.	YM
Yakutat, Alaska	YK
Youngstown, Ohio	YO
Yuma, Ariz.	YU

This amendment shall become effective on August 25, 1960.

(Secs. 313(a), 307(c) of the Federal Aviation Act of 1958; 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 20, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6903; Filed, July 22, 1960; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter V—Weather Bureau, Department of Commerce

PART 503—SCHEDULE OF CHARGES FOR SERVICES

Part 503 of Chapter V of Subtitle B of Title 15 of the Code of Federal Regulations is revised to read as follows:

§ 503.1 Charges for service, publications, and punched cards.

(a) *Services.*

(1) Synoptic Maps and Charts (Ozalid, Bruning, etc.): Sizes:
Up to 360 square inches $0.28 per copy.
361 to 510 square inches $0.29 per copy.
511 to 800 square inches $0.30 per copy.
801 to 1000 square inches $0.31 per copy.
1001 to 1220 square inches $0.33 per copy.
Above 1220 square inches and $0.34 for first 1220 square inches and $0.01 for each additional 144 square inches.

(2) Ozalid, Bruning, and similar prints (other than synoptic maps and charts):

8 x 10½ (per print)	$0.10
Over 8 x 10½ (per square foot)	.07

(3) Prints, black and white enlargements from microfilm (when microfilm has been previously prepared):

8 x 10 or smaller	.22
11 x 14 or larger	.35

(4) Prints, photocopy:

8½ x 11 or smaller	.35
9 x 12 to 12 x 17	.50
14 x 17 to 18 x 24	.85

(5) Photographic Prints (contact):

8 x 10	.35
11 x 14	.50
14 x 17	.70
16 x 20	1.00
20 x 24	1.25
30 x 40	2.25

(6) Microfilm:
Negative film (one or two pages to exposure on panchromatic contrast film): Per frame or exposure:

35 mm	.05
16 mm	.04

Positive film (when negative is of uniform density) per ft.:

35 mm	.10
16 mm	.08

Aniline dye (when negative is of uniform density), per foot:

35 mm	.04
16 mm	.03

Metal spool and box (for 35 mm or 16 mm microfilm) .04

(7) Photographs:
Negatives:

8 x 10 (or smaller)	1.50
10 x 12	1.60
11 x 14	1.75
14 x 17	2.25
16 x 20	3.00
20 x 24	3.75
28 x 34	4.00
30 x 40	5.00

When film positives are required from above negatives, charge will be twice that shown.

Enlargements:

5 x 7	.45
8 x 10	.60
11 x 14	1.00

(8) Lantern slides:

Slide, including negative	1.75
Slide only (when negatives are available)	.75

(9) Thermofax copies or direct contact prints:

8½ x 11	.10
Larger than 8½ x 11 (per sq. ft.)	.15

(10) Prints, transcopy:

8½ x 11	.40
10 x 12	.40

(11) Calibration of Epply Pyrheliometer 35.00

(12) Tabulating machine listings:
WBAN Form 22 (formerly WB Form 1114)—Winds Aloft Summary Form.
WBAN Form 33 (formerly WB Form 1173)—Summary of Constant Pressure Data.
During current processing, per sheet .10

(Rates for services described above, when performed at the Weather Bureau National Weather Records Center, Asheville, North Carolina, will be on the basis of actual costs for services rendered.)

(13) Time spent by field station employees in performing the following services will be at the rate of $2.75 per hour if services are performed during normal working hours, or at the rate of $4.00 per hour if it is necessary to perform the service on an overtime basis:
(i) Hand transcription of official meteorological records.
(ii) Searching map or record files to assemble material.
(iii) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photostats or other reproductions.

(b) *Publications.* With respect to publications of the Bureau, the basis of charges is contained in "Weather Bureau Publications," which sets prices for private use. Charges will not be made when the publication is furnished to an individual or agency that cooperates with the Bureau in such a way as to minimize costs of dissemination to the public, otherwise incurred. The "Price List" is reissued from time to time, as changes warrant.

(c) *Punched cards.* Reproduction of punched cards will be charged on the basis of actual costs, including those of selection, inventory, duplication, refiling, and packing. Requests for estimates should be directed to Director, National Weather Records Center, Asheville, North Carolina. Shipments of punched cards will be made shipping charges collect, FOB duplication point.

A minimum charge of $1.00 will be made for a single order on any of the items listed in this section.

(58 Stat. 1067, Sec. 501, 65 Stat. 290, 5 U.S.C. 606, 140)

Dated: July 14, 1960.

J. W. OSMUN,
Acting Chief of Bureau.

Approved:

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-6895; Filed, July 22, 1960; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.441]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 44—VIVAS: DOCUMENTATION OF IMMIGRANTS UNDER SECTION 15 OF THE ACT OF SEPTEMBER 11, 1957, AS AMENDED

Miscellaneous Amendments

Parts 41, 42, and 44, Chapter I, Title 22 of the Code of Federal Regulations

are hereby amended in the following respects:

1. The definitions of the terms "passport" and "principal alien" contained in § 41.1 are amended as follows:

§ 41.1 Definitions.

• • • • •

Passport. "Passport", as defined in section 101(a)(30) of the Act, shall not be considered as limited to a national passport and shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101(a)(30) of the Act: *Provided,* That permission to enter a foreign country must be issued by a competent authority and must be clearly valid for such purpose in order to meet the requirements of section 101(a)(30). A nonimmigrant unable to obtain a document issued by a competent authority which indicates his origin, identity, and nationality if any, may furnish the missing information to the best of his knowledge and belief, by presenting an affidavit which, when combined with the documentary evidence of admissibility into a foreign country, will suffice to meet the requirements of section 101(a)(30) of the Act.

• • • • •

Principal alien. "Principal alien" means an alien from whom another alien derives a privilege or status under the law or regulations.

2. Section 41.7 is amended as follows:

§ 41.7 Waiver of visa and/or passport requirements by joint action of consular and immigration officers.

The provisions of section 212(a)(26) of the Act prescribing the documentary requirements for nonimmigrants may be waived by joint action of consular officers abroad and immigration officers pursuant to the authority contained in section 212(d)(4) of the Act in individual cases of aliens who satisfy the consular officer serving the port or place of embarkation, after consultation with and concurrence by the appropriate immigration officer, that their cases come within any of the following categories:

• • • • •

(c) *Visa and passport waiver; members of armed forces of foreign countries making friendly visits to the United States.* An alien who is on active duty as a member of the armed forces of a foreign country and who is a member of a group of such force which is making a friendly call in the United States, whether courtesy or operational and whether in behalf of his own government or in behalf of the United Nations, under advance arrangements made with the military, naval, or air force authorities of the United States, other than an alien who is a citizen or resident of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics.

• • • • •

(g) *Visa and/or passport waiver; authorization to individual consular offices.* An alien within the district of a consular office which has been individually authorized by the Department, because of unusual circumstances prevailing in that district, to join with immigration officers abroad in waivers of documentary requirements in specifically described categories of cases, and whose case falls within one of those categories.

3. Section 41.91 is amended as follows:

§ 41.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the act.* • • •

(7) *Physical defect affecting alien's ability to earn a living.* An alien within the purview of section 212(a)(7) of the Act may be issued a nonimmigrant visa, if otherwise qualified therefor, upon receipt by the consular officer of notice from the Immigration and Naturalization Service of the giving of a bond or undertaking as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the likelihood that the alien might become a public charge within the meaning of section 212(a)(15) of the Act.

• • • • •

(9) *Crime involving moral turpitude.* • • •

(ii) An alien who has been convicted of a crime involving moral turpitude or who admits the commission of acts which constitute the essential elements of such a crime and who has committed an additional crime involving moral turpitude is ineligible to receive a visa under the provisions of section 212(a)(9) of the Act although the crimes were committed while the alien was under the age of eighteen years.

• • • • •

(13) *Immoral sexual act.* An alien shall not be ineligible to receive a visa under section 212(a)(13) of the Act unless his primary purpose in coming to the United States is to engage in an immoral sexual act.

• • • • •

(15) *Public charge.* • • •

(ii) An alien within the purview of section 212(a)(15) of the Act may be issued a nonimmigrant visa upon receipt of notice by the consular officer of the giving of a bond or undertaking, as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the alien's ineligibility to receive a visa under this section of the law.

(16) *Aliens excluded and deported.* An alien who was excluded and deported from the United States within the meaning of section 212(a)(16) of the Act shall not be issued a visa within one year from the date of his deportation unless he has obtained permission from the Immigration and Naturalization Service to reapply for admission.

(17) *Aliens arrested and deported or removed from the United States.* An alien who was arrested and deported from the United States, or who was removed from the United States within the meaning of section 212(a)(17) of the Act shall be required to obtain permission from the Immigration and Naturalization Service to reapply for admission into the United States before a visa may be issued, regardless of the period of time which may have elapsed since his deportation or removal.

• • • • •

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation for entry into the United States by fraud or by willfully misrepresenting a material fact, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided,* That the provisions of this subdivision shall not be applicable if the fraud or misrepresentation was committed by an alien at the time he sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case in connection with his application for a visa to enter the United States: *Provided further,* That the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a visa.

(ii) Subject to the conditions stated in subdivision (i) of this subparagraph, an alien who is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended, for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11(e) of the Refugee Relief Act of 1953, as amended, for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(iii) The commission of fraud or the willful misrepresentation of a material fact in seeking to enter the United States as distinguished from fraud or misrepresentation in connection with the procurement, or attempt to procure, documents for entry, shall not render an alien ineligible to receive a visa under the provisions of section 212(a)(19) of the Act. (6 I. & N. Dec. 149, approved by the Attorney General 9–13–54)

• • • • •

(23) *Narcotics traffickers.* An alien shall be ineligible to receive a nonimmigrant visa under the provisions of section 212(a)(23) of the Act, as amended, irrespective of whether the conviction for illegal possession of narcotic drugs or marihuana or for conspiracy to violate any law or regulation within the contemplation of the Narcotic Control Act of 1956 occurred before or after July 18, 1956.

(Sec. 301(a), 70 Stat. 575, Sec. 8, 74 Stat. 505; 8 U.S.C. 1182)

• • • • •

(28) *Members or affiliates of proscribed organizations.* • • •

(vi) In accordance with the definition of "totalitarian party" contained in section 101(a)(37) of the Act, a former or present voluntary member of, or an alien who was, or is, voluntarily affiliated with a noncommunist party, organization, or group, or of any section, subsidiary, branch, affiliate or subdivision thereof, which during the time of its existence did not or does not advocate the establishment in the United States of a totalitarian dictatorship, shall not be considered ineligible under the provisions of section 212(a)(28)(C) of the Act to receive a visa, unless the alien is known or believed by the consular officer to advocate, or to have advocated, personally, the establishment in the United States of a totalitarian dictatorship, within the meaning of section 212(a)(28)(D) of the Act.

• • • • •

(c) *Failure of application to comply with Act.* (1) • • •

(ii) The application contains a false or incorrect statement other than one which would constitute a ground of ineligibility under section 212(a)(19) of the Act;

• • • • •

(d) *Former exchange visitors.* An alien who was admitted into the United States as an exchange visitor subsequent to June 4, 1956, or who otherwise acquired the status of an exchange visitor subsequent to June 4, 1956, including an alien granted an extension of the period of his temporary admission subsequent to September 20, 1956, shall not be eligible to apply for and receive a nonimmigrant visa under the provisions of section 101(a)(15)(H) of the Act notwithstanding the approval of a petition as provided in section 214(c) of the Act unless (1) the consular officer is satisfied that for an aggregate of at least two years following the termination of his exchange visitor status the alien has resided and been physically present abroad in a country or countries cooperating in the exchange-visitor program, or (2) the residence-abroad requirement of section 201(b) of the United States Information and Educational Exchange Act of 1948, as amended, has been waived as provided in that section. (See §§ 63.6 and 63.7 of this chapter.)

(Sec. 201, 62 Stat. 7, as amended, sec. 402(f), 66 Stat. 276, 70 Stat. 241; 22 U.S.C. 1446)

4. Section 41.112(b) is amended as follows:

§ 41.112 Passports.

• • • • •

(b) *Aliens included in a single passport.* The passport requirement referred to under paragraph (a) of this section may be met by the presentation of a passport including more than one person if such inclusion is authorized under the laws or regulations of the issuing authority and if a photograph of each person sixteen years of age or over to whom a visa is to be issued shall have been attached to the passport by the issuing authority.

5. Section 41.113(c) is amended as follows:

§ 41.113 Medical examination.

• • • • •

(c) The consular officer shall bring to the attention of the panel of physicians the regulations of the United States Public Health Service governing the medical examination of aliens, and shall advise visa applicants, when laboratory facilities for the required tests are not available, that such tests must be made at the United States port of entry and may be a basis for the alien's exclusion.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

6. Section 41.134 is revised as follows:

§ 41.134 Revocation and invalidation of visas.

(a) *Grounds for revocation.* A consular officer is authorized to revoke ab initio a nonimmigrant visa under the following circumstances:

(1) The consular officer knows, or after investigation is satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or

(2) The consular officer obtains information establishing that the alien was otherwise ineligible to receive the visa at the time of issuance.

(b) *Grounds for invalidation.* A consular officer is authorized to invalidate at any time a nonimmigrant visa in any case in which he finds that the alien has become ineligible for such visa. The invalidation shall terminate the validity of the visa on the date of such invalidation.

(c) *Notice of proposed revocation.* The bearer of a nonimmigrant visa which is being considered for revocation or invalidation shall, if practicable, be notified of the consular officer's intention to revoke his visa, be given an opportunity to show why the visa should not be revoked or invalidated, and shall be requested to present his travel document containing the visa to the consular office indicated in the notification of proposed cancelation.

(d) *Procedure in revoking or invalidating visa.* A nonimmigrant visa which is revoked or invalidated shall be canceled by writing the word "Revoked" or "Invalidated", whichever is applicable, plainly across the face of the visa. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa for cancellation shall not affect the validity of any action taken to revoke or invalidate such visa. A nonimmigrant visa may be revoked or invalidated regardless of the fact that the alien may be in the United States at the time such action is taken.

(e) *Notice to carriers.* Notice of revocation or invalidation shall be given to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which it is believed the alien intends to travel to the United States, unless the visa has been canceled as provided in paragraph (d) of this section.

(f) *Notice to Department.* Notice of revocation or invalidation, including a full report of the facts in the case, shall be submitted promptly to the Department for transmission to the Immigration and Naturalization Service. No such report is required if the visa has been canceled prior to the alien's departure for the United States except in cases involving A, G, C–2, C–3, NATO, diplomatic or official visas.

(g) *Record of action.* Upon the revocation or invalidation of a nonimmigrant visa appropriate notation of the action taken, including a statement of the reasons therefor, shall be made, and if the revocation or invalidation of the visa is effected at other than the issuing office, a report of the action taken shall be transmitted to the issuing office.

(h) *Reconsideration of revocation.* The consular officer shall consider any evidence which may be submitted by the alien, his attorney or representative, indicating that the revocation or invalidation of a visa may have been unwarranted. If it is determined that the visa should not have been revoked or invalidated a new visa shall be issued, a memorandum regarding the action taken and the reasons therefor shall be placed in the consular files, and appropriate notification shall be forwarded promptly to the carriers concerned, to the Department, and to the issuing office if notice of revocation or invalidation has been given in accordance with paragraph (e), (f), or (g) of this section.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

7. Section 41.150 is added as follows:

FURNISHING VISA RECORDS FOR COURT PROCEEDINGS

§ 41.150 Furnishing visa records for court proceedings.

Upon receipt by a consular officer of a request for information from a visa file or record for use in court proceedings, as contemplated in section 222(f) of the Act, the consular officer shall, prior to the release of the information, submit the request, together with a full report, to the Department.

8. Section 42.6(c) is amended as follows:

§ 42.6 Immigrants not required to present passports.

• • • • •

(c) *Certain relatives of aliens lawfully admitted for permanent residence.* An immigrant who is the spouse, unmarried son or daughter, or parent of an alien lawfully admitted for permanent residence, unless such immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from that country.

9. Section 42.12 is amended as follows:

§ 42.12 Classification symbols.

A visa issued to an immigrant alien within one of the classes described in this section shall bear a symbol to show the classification of the alien.

(a) The following symbols shall be used in the cases of nonquota immigrants:

Class	Section of the law	Symbol to be inserted in visa
Eligible orphan adopted abroad	4(b)(2)(A), Act of Sept. 11, 1957, as amended.	K-1
Eligible orphan to be adopted	4(b)(2)(B), Act of Sept. 11, 1957, as amended.	K-2
Spouse or child of adjusted first preference immigrant	9, Act of Sept. 11, 1957, as amended.	K-3
Beneficiary of first preference petition approved prior to July 1, 1968	12A, Act of Sept. 11, 1957, as amended.	K-4
Spouse or child of beneficiary of first preference petition approved prior to July 1, 1968	do	K-5
Beneficiary of second preference petition approved prior to July 1, 1957	12, Act of Sept. 11, 1957, as amended.	K-6
Beneficiary of third preference petition approved prior to July 1, 1957	do	K-7
German expellee	15(a)(1), Act of Sept. 11, 1957, as amended.	K-8
Netherlands refugee or relative	15(a)(2), Act of Sept. 11, 1957, as amended.	K-9
Refugee-escapee	15(a)(3), Act of Sept. 11, 1957, as amended.	K-10
Asian natural calamity victim	1(A), Act of Sept. 2, 1958, as amended.	K-11
Accompanying spouse or unmarried minor son or daughter of alien classified K-11.	1, Act of Sept. 2, 1958, as amended.	K-12
Netherlands national displaced from Indonesia	1(B), Act of Sept. 2, 1958, as amended.	K-13
Accompanying spouse or unmarried minor son or daughter of alien classified K-13.	1, Act of Sept. 2, 1958, as amended.	K-14
Parent of United States citizen registered prior to Dec. 31, 1953	4, Act of Sept. 22, 1959	K-15
Spouse or child of alien resident registered prior to Dec. 31, 1953	do	K-16
Brother, sister, son, or daughter of United States citizen registered prior to Dec. 31, 1953	do	K-17
Spouse or child of alien classified K-15, K-16, or K-17	do	K-18
Parent of United States citizen admitted as alien under Refugee Relief Act of 1953.	6, Act of Sept. 22, 1959	K-19
Spouse or child of alien admitted under Refugee Relief Act of 1953	do	K-20
Spouse of United States citizen	101(a)(27)(A) of the Act	M-1
Child of United States citizen	do	M-2
Nonquota resident	101(a)(27)(B) of the Act	N
Native of certain Western Hemisphere countries	101(a)(27)(C) of the Act	Q-1
Spouse of alien classified Q-1 (unless Q-1 in own right)	do	Q-2
Child of alien classified Q-1 (unless Q-1 in own right)	do	Q-3
Person who lost United States citizenship by marriage	101(a)(27)(D) and 324(a) of the Act.	F-1
Person who lost United States citizenship by serving in foreign armed forces.	101(a)(27)(D) and 327 of the Act	F-2
Minister of religion	101(a)(27)(F) of the Act	Q-1
Spouse of alien classified Q-1	do	Q-2
Child of alien classified Q-1	do	Q-3
Certain employees or former employees of United States Government abroad.	101(a)(27)(G) of the Act	R-1
Accompanying spouse of alien classified R-1	do	R-2
Accompanying child of alien classified R-1	do	R-3

(b) The following symbols shall be used in the cases of quota immigrants:

Class	Section of the law	Symbol to be inserted in visa
First preference: Selected immigrant	203(a)(1) of the Act	T-1
First preference: Spouse of alien classified T-1	do	T-2
First preference: Child of alien classified T-1	do	T-3
Second preference: Parent of United States citizen	203(a)(2) of the Act	U-1
Second preference: Unmarried son or daughter of United States citizen	do	U-2
Third preference: Spouse of alien resident	203(a)(3) of the Act	V-1
Third preference: Unmarried son or daughter of alien resident	do	V-2
Fourth preference: Brother or sister of United States citizen	203(a)(4) of the Act	W-1
Fourth preference: Married son or daughter of United States citizen	do	W-2
Fourth preference: Accompanying spouse of brother, sister, son, or daughter of United States citizen.	do	W-3
Fourth preference: Accompanying child of brother, sister, son, or daughter of United States citizen.	do	W-4
Fourth preference: Adopted son or daughter of United States citizen who is beneficiary of petition approved prior to effective date of the Act of Sept. 22, 1959.	5(c), Act of Sept. 22, 1959	W-5
Nonpreference quota immigrant	203(a)(4) of the Act	X

10. Section 42.23(b) is amended as follows:

§ 42.23 Natives of certain Western Hemisphere countries.

• • • • •

(b) A spouse or child of a native of a country referred to in section 101(a)(27)(C) of the Act, other than one referred to in paragraph (c) of this section, who is not a native of that country shall establish to the satisfaction of the consular officer that he is accompanying a spouse or parent born in a nonquota country, or that he is following to join a spouse or parent born in such country who has the status in the United States of an alien lawfully admitted for permanent residence. The eligibility of the spouse or child for nonquota status under this section shall not be affected by the fact that the marriage of the spouse or the birth of the child occurred subsequent to the admission of the principal alien into the United States.

11. Section 42.27 is amended as follows:

§ 42.27 Classes created by special legislation.

• • • • •

(d) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 2 or section 3 of the Act of September 2, 1958, as amended, or that he is the spouse or unmarried son or daughter, under twenty-one years of age, including a stepson or stepdaughter or son or daughter adopted prior to July 1, 1958, of an alien issued a visa under section 2 or section 3 of the Act.

(Pub. Law 85-892, 72 Stat. 1712)

(e) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 4 of the Act of September 22, 1959, and that the petition approved in his behalf is valid at the time of visa issuance. The spouse or child of such principal alien need not be the beneficiary of an approved petition and need not have been registered on a quota waiting list.

(Sec. 4, Pub. Law 86-363, 73 Stat. 644)

(f) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 6 of the Act of September 22, 1959 and if the consular officer has received from the Immigration and Naturalization Service a petition according him second or third preference quota status approved prior to January 1, 1959 and satisfactory evidence is presented that the petitioner was admitted into the United States under the Refugee Relief Act of 1953, as amended, or had his status in the United States adjusted under section 6 of that Act.

(Sec. 6, Pub. Law 86-363, 73 Stat. 645)

12. Section 42.63 is amended as follows:

§ 42.63 Aliens not to be registered.

(a) Except as provided in paragraph (b) of this section, the name of an alien shall not be entered on a quota waiting list if he (1) is issued an exchange-visitor visa or obtains a change of status in the United States to that of an exchange visitor under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended, (2) has been admitted into the United States as a nonimmigrant and has willfully violated his nonimigrant status, or (3) enters or remains in the United States in violation of the immigration laws.

(b) An alien denied registration under paragraph (a) of this section may not have his name registered on a quota waiting list under a priority antedating the date of his departure from the United States except that an alien who qualifies under the provisions of section 203(a)(1) of the Act shall have his name entered on the quota waiting list as of the date the approved petition was filed with the Immigration and Naturalization Service.

(Sec. 201, 62 Stat. 7, sec. 402(f), 66 Stat. 276, 70 Stat. 241; 22 U.S.C. 1446)

§ 42.66 [Amendment]

13. Section 42.66 *Cancellation and reinstatement of registration* is amended by adding at the end of paragraph (a) *Cancellation* the following sentence: "The provisions of subparagraphs (4), (5), and (6) of this paragraph shall not be construed to affect adversely any registration priority acquired prior to June 30, 1955 on the basis of an approved second, third or fourth preference petition regardless of the alien's status in the United States."

14. Section 42.91(a) is amended as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* • • •

(10) *Conviction of two or more offenses.* • • •

(ii) An alien shall not be ineligible to receive a visa under section 212(a)(10) of the Act by reason of having been tried and treated as a juvenile by a juvenile court for the commission of two or more offenses regardless of the period of confinement imposed by the sentence since such proceedings are not regarded as criminal in nature. A juvenile convicted as an adult of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more shall be subject to the provisions of section 212(a)(10) of the Act regardless of whether juvenile courts existed within the jurisdiction at the time of the conviction.

• • • • •

(16) *Aliens excluded and deported.* An alien who was excluded and deported from the United States within the meaning of section 212(a)(16) of the Act shall not be issued a visa within one year from the date of his deportation unless he has obtained permission from the Immigration and Naturalization Service to reapply for admission.

(17) *Aliens arrested and deported or removed from the United States.* An alien who was arrested and deported from the United States, or who was removed from the United States within the meaning of section 212(a)(17) of the Act shall be required to obtain permission from the Immigration and Naturalization Service to reapply for admission into the United States before a visa may be issued, regardless of the period of time which may have elapsed since his deportation or removal.

• • • • •

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation for entry into the United States by fraud or by willfully misrepresenting a material fact, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided*, That the provisions of this subdivision shall not be applicable if the fraud or misrepresentation was committed by an alien at the time he sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case in connection with his application for a visa to enter the United States: *Provided further*, That the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota restrictions of the United States immigration laws, or investigation of the alien's record at the place of his former residence or elsewhere in connection with an application for a visa.

(ii) Subject to the conditions stated in subdivision (i) of this subparagraph, an alien who is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended, for the purpose of gaining admission into the United States as an eligible displaced person, or to have made a material misrepresentation within the meaning of section 11(e) of the Refugee Relief Act of 1953, as amended, for the purpose of gaining admission into the United States as an alien eligible thereunder, shall be considered ineligible to receive a visa under the provisions of section 212(a)(19) of the Act.

(iii) The commission of fraud or the willful misrepresentation of a material fact in seeking to enter the United States as distinguished from fraud or misrepresentation in connection with the procurement, or attempt to procure, documents for entry, shall not render an alien ineligible to receive a visa under the provisions of section 212(a)(19) of the Act. (6 I. & N. Dec. 149, approved by the Attorney General 9-13-54)

• • • • •

(23) *Narcotics traffickers.* An alien shall be ineligible to receive an immigrant visa under the provisions of section 212(a)(23) of the Act, as amended, irrespective of whether the conviction for illegal possession of narcotic drugs or marihuana or for conspiracy to violate any law or regulation within the contemplation of the Narcotic Control Act of 1956 occurred before or after July 18, 1956.

(Sec. 301(a), 70 Stat. 575, Sec. 8, 74 Stat. 505; 8 U.S.C. 1182)

§ 42.111 [Amendment]

15. Section 42.111 *Supporting documents* is amended by revising the third sentence of paragraph (c) *Photographs* as follows: "Each copy of the photograph shall be signed by the person executing the application (see § 42.115(b)) in such manner as not to obscure the alien's features."

16. Section 42.115 is amended as follows:

§ 42.115 Application forms.

(a) *Preliminary questionnaire.* An alien may be required in the discretion of the consular officer to complete Form FS-497 (Questionnaire to Determine Quota or Nonquota Status and Application for Quota Registration) for the purpose of assisting in the determination of the alien's classification and quota chargeability.

(b) *Aliens required to execute applications.* Every alien applying for an immigrant visa shall make separate application therefor on Form FS-510 (Application for Immigrant Visa and Alien Registration) in duplicate. An alien under fourteen years of age, or one physically incapable of executing an application, may have his application for an immigrant visa executed in his behalf by a parent or guardian. If the alien has no parent or guardian, the application may be executed by any person having lawful custody of, or a legitimate interest in, such alien.

(c) *Additional information as part of application.* In any case in which the consular officer believes that the information provided in Form FS-510 is inadequate to determine the alien's eligibility to receive an immigrant visa he may require the submission of such additional information as may be necessary or interrogate the alien on any matter which is deemed material. Any additional statements made by the alien shall become a part of the visa application. All documents required under the authority of § 42.111 shall be considered papers submitted with the alien's application within the meaning of section 221(g)(1) of the Act.

(d) *Statements regarding race and ethnic classification.* The provisions of section 222(c) of the Act which require every alien applying for an immigrant visa and alien registration to state his race and ethnic classification in the application shall not be construed as pertaining to the alien's religion.

(Sec. 222, 66 Stat. 193; 8 U.S.C. 1202)

17. Section 42.134 is revised as follows:

§ 42.134 Revocation of visas.

(a) *Grounds for revocation.* Consular officers are authorized to revoke an immigrant visa under the following circumstances:

(1) The consular officer knows, or after investigation is satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means;

(2) The consular officer obtains information establishing that the alien was otherwise ineligible to receive the particular visa at the time it was issued; or

(3) The consular officer obtains information establishing that, subsequent to the issuance of the visa, a ground of ineligibility has arisen in the alien's case.

(b) *Notice of proposed revocation.* The bearer of an immigrant visa which is being considered for revocation or invalidation shall, if practicable, be notified of the proposed action, shall be given an opportunity to show cause why his visa should not be revoked and shall be requested to present his visa to the consular office indicated in the notification of proposed cancellation.

(c) *Procedure in revoking visas.* An immigrant visa which is revoked shall be canceled by writing the word "Revoked" plainly across the face of the visa. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa for cancellation shall not affect the validity of any action taken to revoke such visa.

(d) *Notice to carriers.* Notice of revocation of the visa shall be given to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which it is believed the alien intends to travel to the United States, unless the visa has been canceled as provided in paragraph (c) of this section.

(e) *Notice to Department.* Notice of revocation, including a full report of the facts in the case, shall be submitted promptly to the Department for transmission to the Immigration and Naturalization Service. No such report is required if the visa has been canceled prior to the alien's departure for the United States.

(f) *Record of action.* Upon the revocation or invalidation of an immigrant visa appropriate notation of the action taken, including a statement of the reasons therefor, shall be made, and if the revocation of the visa is effected at other than the issuing office, a report of the action taken shall be transmitted to the issuing office.

(g) *Reconsideration of revocation.* The consular officer shall consider any evidence which may be submitted by the alien, his attorney or representative indicating that the revocation of the visa may have been unwarranted. If it is determined that the visa should not have been revoked a new or replace visa shall be issued. A memorandum regarding the action taken and the reasons therefor shall be placed in the consular files and appropriate notification shall be forwarded promptly to the carriers concerned, to the Department, and to the issuing office if notice of revocation or invalidation has been given in accordance with paragraph (d), (e), or (f) of this section.

18. The definition of the term "Act" contained in § 44.1 is amended as follows:

§ 44.1 Definitions.

* * * * *

(a) "Act" means the act of September 11, 1957, as amended. (Pub. Law 85–316, 71 Stat. 639)

19. Section 44.2(a) is amended as follows:

§ 44.2 Classes of applicants under section 15 of the Act of September 11, 1957.

(a) *German expellees.* This class shall consist of refugees of German ethnic origin who (1) were born in and were forcibly removed from or forced to flee from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Union of Soviet Socialist Republics, Yugoslavia, or areas provisionally under the administration or control or domination of any such countries, except the Soviet Zone of military occupation of Germany, and (2) are residing in the area of the German Federal Republic, western sectors of Berlin or in Austria at the time of application for a visa. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria, and shall bear the symbol K–8 in the space provided for nonquota classification.

20. Section 44.3(b) is amended as follows:

§ 44.3 Procedure in applying for visa.

* * * * *

(b) *Form and place of application.* Every applicant for an immigrant visa under section 15 of the Act shall make application therefor on Form FS–510 in accordance with the provisions of section 222 of the Immigration and Nationality Act and §§ 42.110 through 42.118 of this chapter, except as otherwise provided in § 44.2 (a), (b), and (c) with respect to the place of application.

21. Section 44.6 is amended as follows:

§ 44.6 Procedure in issuing visas.

The issuance of special nonquota immigrant visas under section 15 of the Act shall be in accordance with the provisions of section 221 of the Immigration and Nationality Act and §§ 42.120 through 42.125 of this chapter. An immigrant visa issued under the Act shall bear a number assigned by the Department for use in issuing the visa, and shall also bear the petition number and approval date of the petition in the case of an applicant eligible under § 44.2(c).

Effective date. The regulations contained in this order shall become effective August 15, 1960.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

J. W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs.

JULY 18, 1960.

[F.R. Doc. 60–6845; Filed, July 22, 1960; 8:45 a.m.]

[Dept. Reg. 108.442]

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Definitions

Part 46, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respects:

The definitions of the terms "United States", "continental United States", and "departure-control officer" contained in § 46.1 are amended as follows:

§ 46.1 Definitions.

* * * * *

(e) The term "United States" means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.

(f) The term "continental United States" means the District of Columbia and the several States, except Alaska and Hawaii.

* * * * *

(l) The term "departure-control officer" means any immigration officer as defined in the regulations of the Immigration and Naturalization Service who is designated to supervise the departure of aliens, or any officer or employee of the United States designated by the Governor of the Canal Zone, the High Commissioner of the Trust Territory of the Pacific Islands, or the governor of an outlying possession of the United States, to supervise the departure of aliens.

Effective date. The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: July 16, 1960.

[SEAL] CHRISTIAN A. HERTER,
Secretary of State.

Concurred in: July 19, 1960.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 60–6888; Filed, July 22, 1960; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

PART 1—GENERAL PROVISIONS

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

PART 5—INTERDEPARTMENTAL PROCUREMENT

PART 7—CONTRACT CLAUSES AND FORMS

PART 12—LABOR

Miscellaneous Amendments

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Supply and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260) and 10 U.S.C. 2202, and have the concurrence of the military departments.

1. The following sections and subparts are revoked: §§ 1.201–15, 1.201–17, 1.305, 1.305–1, 1.305–2, 1.305–3, 1.305–4, 1.305–5, 1.305–6, 1.305–7, 1.306, 1.306–1, 1.306–2, 1.306–3, 1.306–4, 1.306–5, 1.306–6, 1.306–7, 1.306–8, 1.306–9, 1.306–10, 1.306–11, 1.306–12, 1.309, 1.310, 1.310–1, 1.310–2, 1.310–3, 4.000, 4.001, 4.002, Subparts A and B, Part 4, §§ 7.201, 7.501, 12.001.

2. Sections are redesignated as indicated in the following tabulation:

From:	To
1.201–1	1.201–5
1.201–2	1.201–15
1.201–3	1.201–14
1.201–4	1.201–7
1.201–5	1.201–3
1.201–6	1.201–4
1.201–7	1.201–13
1.201–8	1.201–20
1.201–9	1.201–18
1.201–10	1.201–6
1.201–11	1.201–16
1.201–12	1.201–10
1.201–13	1.201–8
1.201–14	1.201–21
1.201–16	1.201–12
1.201–18	1.201–11
1.201–19	1.201–17
1.201–20	1.201–2
1.201–21	1.201–19
1.201–22	1.201–1
1.303	1.306
1.304	1.311
1.306	1.307
1.306–1	1.307–1
1.306–2	1.307–2
1.311	1.308
1.312	1.309
1.313	1.310
1.314	1.303
1.315	1.305
1.315–1	1.305–1
1.315–2	1.305–2
1.315–3	1.305–3
1.315–4	1.305–4
1.316	1.304
1.317	1.312
1.318	1.313

3. Subpart C, Part 4, is redesignated as Subpart L, Part 5, and §§ 4.301, 4.301–1, 4.301–2 and 4.301–3 are redesignated as §§ 5.1201, 5.1201–1, 5.1201–2 and 5.1201–3, respectively.

4. Add new §§ 1.103–5 and 1.201–9 as follows:

§ 1.103–5 Dating contract clauses.

Contract clauses in this subchapter are identified by showing the month and year of issuance of the clause, as most recently revised, in parentheses immediately after the title, e.g. Incentive Price Revision (Jul. 1958). Where an alternative paragraph is provided for insertion in a clause, the identifying date is shown in parentheses immediately following the text of the paragraph. In contract forms using ASPR clauses, each clause should be shown with its indentifying date in the manner prescribed above, except that (a) standard forms are not subject to this requirement and (b) Department of Defense forms and Departmental forms that were issued prior to October 1, 1960 should not be revised solely to meet this requirement. Where a clause to be used in a contract represents a deviation from this subchapter, a date will not be shown.

§ 1.201–9 Labor surplus area concern.

See § 1.801–1.

5. Add new Subparts L, M, and N to Part 1, as follows:

Subpart L—Specifications, Plans, and Drawings

§ 1.1201 General.

(a) Plans, drawings, specifications or purchase descriptions for procurements shall state only the actual minimum needs of the Government and describe the supplies and services in a manner which will encourage maximum competition and eliminate, insofar as is possible, any restrictive features which might limit acceptable offers to one supplier's product, or the products of a relatively few suppliers. Items to be procured shall be described by reference to the applicable specifications or by a description containing the necessary requirements.

(b) Many specifications cover several grades or types, and provide for several options in methods of inspection, etc. When such specifications are used, the invitation for bids or request for proposals shall state specifically the grade, type, or method of inspection, etc., on which bids or offers are to be based.

§ 1.1202 Mandatory specifications.

(a) Except as provided in paragraph (b) of this section the following specifications are mandatory for use by the Department of Defense in the procurement of supplies and services covered by such specifications:

(1) Federal specifications, unless determined by the Department of Defense to be inapplicable for its use; and

(2) Coordinated Military specifications approved by the Department of Defense for its use.

(b) Federal and Military specifications need not be used for the following unless required by Departmental instructions:

(1) Purchase incident to research and development;

(2) Purchase of items for test or evaluation;

(3) Purchase of laboratory test equipment for use by Government laboratories;

(4) Purchase of items for authorized resale except military clothing;

(5) Purchase of items in an amount not to exceed $2,500 (multiple small purchases of less than $2,500 of the same item shall not be made for the purpose of avoiding the use of Federal or Military specifications);

(6) Purchase of one-time procurement items; or

(7) Purchase of items for which it is impracticable or uneconomical to prepare a specification (repetitive use of a purchase description containing the essential characteristics of a specification will be construed as evidence of improper use of this exception).

(c) If it is determined, in accordance with the procedures established under the Defense Standardization Program by the Assistant Secretary of Defense (Supply and Logistics), that the specifications listed in paragraph (a) of this section do not meet the particular or essential needs of a bureau, service, or command, then (except as provided in paragraph (b) of this section) applicable interim Federal specifications or limited coordinated Military specifications should be used.

(d) Whenever a specification is found to be inadequate, immediate action shall be taken to effect the issuance of an amendment or revision in accordance with established procedures to obviate the necessity for repeated departures from the specification.

§ 1.1203 Availability of specifications, plans, and drawings.

Invitations for bids and requests for proposals will:

(a) So far as practicable, be accompanied by all applicable specifications, plans, and drawings, and shall so state that fact;

(b) State the exact locations where all applicable specifications, plans, and drawings may be obtained by prospective contractors and that such specifications, plans, and drawings were not furnished with the invitation for bids or request for proposal; or

(c) If distribution of applicable specifications, plans, or drawings is impracticable, state a reasonable number of locations at which they may be examined.

§ 1.1204 Packaging requirements.

Appropriate preservation, packaging, packing, and marking requirements will be included in contracts as applicable.

§ 1.1205 Offshore procurement.

Contracting officers accomplishing offshore procurement are authorized to use, where necessary, such specifications, standards, and purchase descriptions of foreign governments, or groups thereof, foreign trade associations, or purchase descriptions developed locally which will be readily understood by foreign vendors, provided, adequate measures are taken to insure satisfactory and acceptable products, including standard and interchangeable items, where required.

§ 1.1206 Purchase descriptions.

(a) A purchase description may be used in lieu of a specification when authorized by § 1.1202(b) and, subject to the restriction on repetitive use in § 1.1202(b)(7), where no applicable specification exists. A purchase description should set forth the essential characteristics and functions of the items or materials required. Purchase descriptions shall not be written so as to specify a product, or a particular feature of a product, peculiar to one manufacturer and thereby preclude consideration of a product manufactured by another company, unless it is determined that the particular feature is essential to the Government's requirements, and that similar products of other companies lacking the particular feature would not meet the minimum requirements for the item. Purchase descriptions of services to be procured should outline to the greatest degree practicable the specific services the contractor is expected to perform.

(b) Generally, the minimum acceptable purchase description is the identifi-

cation of a requirement by use of brand name followed by the words "or equal." This technique should be used only as a last resort when an adequate specification or more detailed description cannot feasibly be made available in time for the procurement under consideration. Where feasible, more than one brand name should be indicated. However, the words "or equal" should not be added when it has been determined in accordance with paragraph (a) of this section that only a particular product meets the essential requirements of the Government, as, for example, (1) where the required supplies can be obtained only from one source; (2) procurements negotiated under § 3.207 of this subchapter for specified medicines or medical supplies where it has been determined that only a particular brand name will meet the essential requirements of the Government; or (3) procurements negotiated under § 3.208 of this subchapter for supplies for resale where it has been determined by a selling activity that only a particular brand name will meet the desires or preferences of its patrons.

(c) (1) Where a "brand name or equal" purchase description is used, prospective contractors must be given the opportunity to offer supplies other than those specifically named by brand if such other supplies will meet the needs of the Government in essentially the same manner as those specified by brand. The "brand name or equal" description should specifically set forth those salient characteristics of the named supplies which are essential to the needs of the Government. For example, where interchangeability of parts is required, such requirement should be specified. Where a "brand name or equal" description refers to items, names, and numbers published in manufacturers' catalogs, the invitation for bids or request for proposal shall clearly identify the supplies called for. Such identification should include, for example, complete item names, identification of catalogs, and applicable catalog numbers with the corresponding catalog descriptions. The contracting officer will insure that a copy of any catalogs referenced (except parts catalogs) is available on request for review by bidders at the purchasing office.

(2) When a brand name or equal purchase description is included in an invitation for bids:

(i) The following shall be inserted after each item so described in the invitation for completion by the bidder.

Bidding on:
Manufacturer's Name ___ Brand ___ No. ___

(ii) In addition, the following clause shall be included in the invitation:

BRAND NAME OR EQUAL (JAN. 1960)

As used in this clause, the term "brand name" includes identification of supplies by make and model.

Certain supplies called for by this Invitation for Bids are identified in the schedule by a brand name "or equal" description. This identification is descriptive rather than restrictive. Bids offering "or equal" supplies will be considered for award if such supplies are clearly identified in the bids and are determined by the Government to be equal to the brand named supplies in all material respects.

Bidders must clearly indicate whether their bids are based on a brand name item or on an "equal" item by furnishing the information required below. IF THE BIDDER DOES NOT IDENTIFY THE BRAND NAME OR DESCRIBE IN FULL THE "OR EQUAL" ITEM WHICH IS OFFERED, AS PROVIDED IN (1) AND (2) BELOW, THE BID WILL BE REJECTED.

(1) If the bidder proposes to furnish a brand name item specified in this Invitation for Bids, such brand name shall be inserted in the space provided after each item so described.

(2) If the bidder proposes to furnish an "or equal" item, the brand name of the item proposed to be furnished, if any, shall be inserted in the space provided after each item so described, and in addition, the following descriptive data must be furnished:

A full description thereof, including pertinent physical, mechanical, electrical, and chemical details and a statement explaining the differences between the items being offered and any one of the corresponding brand name items called for by this Invitation for Bids. (This information may be supplied by separate attachments to the bid.)

In negotiated procurements the foregoing provisions may be suitably modified for use in the requests for proposals. If such provisions are not used, prospective contractors shall be informed that proposals offering supplies differing from those identified by brand name will be considered if the contracting officer determines that such offered supplies are equal in all material respects to the supplies identified by brand name. But the requirements of this subparagraph are not mandatory for small purchases made pursuant to Subpart F, Part 3, of this subchapter.

(3) Bids or proposals offering supplies which differ from the brand name supplies shall be considered for award where the contracting officer determines that the offered supplies conform to all characteristics specified in the invitation for bids or request for proposals and otherwise meet the needs of the Government in essentially the same manner as the brand name supplies. Bids or proposals shall not be rejected because of minor differences in design, construction, or features which do not affect the suitability of the supplies.

(4) Award documents shall identify, or incorporate by reference an identification of, the specific supplies (including any brand name and descriptive data specified in the bid) which the contractor is to furnish.

§ 1.1207 Alternate articles or qualities.

Invitations for bids and requests for proposals may provide for alternate bids or proposals on different articles or qualities of material, e.g., where two or more articles will be equally acceptable to the Government depending upon relative price. However, the alternate articles or qualities must be precisely described to assure that the same degree of competition is obtainable on the alternate bids or offers as is obtainable on the basic articles described.

Subpart M—Transportation

§ 1.1301 General.

(a) The transportation factors discussed in this subpart are important in awarding and administering contracts to insure that procurements are on the basis most advantageous to the Government, all factors considered, and that supplies arrive at the right place at the right time and in good condition. Traffic management advice and assistance shall be sought by and given to contracting officers and contract administrators, including property administrators who are concerned with the movement of Government property to, from, and between plants of contractors and subcontractors. Requiring activities should consider transportation factors before submitting purchase requests and should give purchasing activities instructions so that they are able to evaluate all applicable traffic management factors.

(b) As used in this subpart the term "United States" does not include Alaska or Hawaii.

§ 1.1302 Place of delivery.

§ 1.1302–1 Shipments within the United States.

Unless there are valid reasons to the contrary, the procurement of supplies from sources within the United States for ultimate delivery to destinations within the United States shall be in accordance with the following policy:

(a) When it is estimated that a contract will require no shipment to a single destination which will equal a minimum carload or truckload lot, delivery shall be on the basis of all transportation charges paid to destination;

(b) When it is estimated that a contract will require a shipment of a minimum carload or truckload lot, delivery shall be on the basis of whichever of the following is more advantageous to the Government:

(1) At the Government's option, f.o.b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant; or

(2) All transportation charges paid to destination. Solicitations shall provide that bidders or offerors may make bids or proposals on either or both of these bases. In the absence of specific information to the contrary, a minimum carload or truckload lot shall be deemed to be approximately 20,000 pounds.

§ 1.1302–2 Shipments from the United States for overseas delivery.

Unless there are valid reasons to the contrary, purchases of supplies originating within the United States for ultimate delivery to destinations outside the United States, regardless of the quantity of the shipment, shall be made on the basis of delivery at the Government's option, f.o.b. carrier's equipment, wharf, or freight station at a specified city or shipping point at or near contractor's plant. This policy applies to supplies shipped either directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

§ 1.1302–3 Shipments originating outside the United States.

Selection of place of delivery for shipments originating outside the United States shall be in accordance with procedures prescribed by the Department concerned.

§ 1.1303 Quantity analysis.

When additional quantities of the item being purchased can be transported at no increase in transportation cost or when purchase of carload or truckload quantities will result in lower unit transportation costs, the purchasing activity should find out from the requiring activity whether there is a known requirement for additional quantities.

§ 1.1304 Commodity description.

A complete description of the commodity being purchased, including packing and packaging instructions, is necessary not only to enable the supplier to bid or quote properly on the requirement, but also for determination of proper transportation charges. In no case shall the manufacturer's part number only be shown without the appropriate descriptive nomenclature.

§ 1.1305 Delivery terms.

§ 1.1305–1 F.o.b. origin or destination.

Solicitations for supplies to be purchased either f.o.b. origin or f.o.b. destination in accordance with § 1.1302–1 (b) shall provide that bids or proposals may be submitted on either or both bases and that they will be evaluated on the basis of the lowest overall cost to the Government. Invitations for bids and requests for proposals shall include so much of the following information as is pertinent to the particular procurement and shall require prospective suppliers to furnish the Government such of the following as may be appropriate:

(a) Method of shipment, such as rail, water, air, or truck;

(b) Minimum quantities or lots, such as carloads, truckloads, less than carloads, or less than truckloads (Where appropriate, the solicitation should elicit information of the minimum size of the shipment which the prospective supplier will make, so that the evaluation of transportation most may be on a realistic basis. The prospective supplier should be cautioned that, if he tenders shipments in lesser quantities, he may be charged with any resulting excess cost.);

(c) Guaranteed shipping weight (If shipping weight and cube of items to be procured are not shown in the solicitation, prospective suppliers should be required to furnish this information so that proper transportation costs can be computed. The prospective supplier should be cautioned that, if actual shipping weights or cubes vary from the guarantees, he may be charged with any resulting excess cost.);

(d) Packing, crating and other preparations;

(e) Transit privileges (§ 1.1308); and

(f) Any other shipping information required for evaluation.

§ 1.1305–2 F.o.b. destination.

Generally, solicitations for supplies to be purchased f.o.b. destination shall provide that supplies shall be delivered, all transportation charges paid by the contractor, to the specified destination. The solicitation shall inform prospective suppliers of any known shortage of transportation facilities at destination or other factors which may affect the supplier's transportation costs. When f.o.b. destination bids only are desired, the invitation for bids shall specify that bids submitted on a basis other than f.o.b. destination will be rejected as nonresponsive.

§ 1.1305–3 F.o.b. origin.

Generally, solicitations for supplies to be purchased f.o.b. origin shall provide for delivery, at the Government's option, f.o.b. carrier's equipment, wharf, or freight station at a city or shipping point to be specified by the bidder or offeror at or near the contractor's plant. This will enable the military traffic management offices, in issuing routing instructions, to select the mode of transportation which will provide the required service at the lowest cost. The solicitation shall state that bids or proposals will be evaluated on the basis of the lowest overall cost to the Government, taking account of transportation costs to the Government from point of origin to the designated destinations. Thus, when material is to be purchased f.o.b. origin in accordance with § 1.1302–2 for ultimate delivery to known destinations outside the United States, the solicitation will state that bids or proposals will be evaluated so as to take into account the cost to the Government of shipment from the point of origin to the overseas destinations. Contracting officers shall request the appropriate transportation officer to furnish any transportation rates and port handling charges required for use in evaluating bids or proposals. When f.o.b. origin bids only are desired, the invitations for bids will specify that bids submitted on a basis other than f.o.b. carrier's equipment, wharf, or freight stations at a specified city or shipping point at or near the contractor's plant will be rejected as nonresponsive.

§ 1.1305–4 Destination unknown.

When the exact destinations of the supplies being purchased are not known at the time bids or proposals are solicited, but the general location of the destination, such as East Coast, Middle West, or West Coast, is known, a definite place or places shall be designated as the point to which transportation costs will be computed—but only for the purpose of evaluating bids or proposals. The solicitation shall specify that bids or proposals should be submitted f.o.b. origin and that shipments will be made on Government bills of lading. The solicitation shall state:

For the purpose of evaluating (bids) (proposals), and for no other purpose, the final destination for the supplies will be considered to be as follows: [Name destinations].

Invitations for bids shall contain a statement that bids submitted on a basis other than f.o.b. origin will be rejected as nonresponsive.

§ 1.1306 Consignment and marking instructions.

Complete consignment and marking instructions, to the extent that they are known at the time the contract is awarded, shall be included in contracts to assist in insuring that supplies will be delivered to proper destinations without delay. "Military Standard Marking of Shipments (MIL–STD–129B)" shall be consulted for proper marking instructions. In those cases where complete consignment information is not initially known, additional instructions to the contractor shall be furnished as soon as such information becomes known. In contracts which provide for delivery f.o.b. origin and shipment on Government bills of lading, consignment instructions may be limited to the mail address of the consignee, provided the contract instructions state that "Shipments other than mail shall be consigned as indicated on the Government bill of lading furnished to the Contractor." It should be noted that receiving activities may have different consignment points for the various transportation media, or even for particular carriers within a medium depending on the weight, shape, size or nature of the shipment involved.

§ 1.1307 Scheduling of deliveries to permit consolidation of shipments.

The accumulation of small shipments into carload or truckload lots will result in lower transportation costs. Also, the accumulation of small shipments into less than load shipments may result in lower transportation costs. Upon review of the purchase request, and in conjunction with the requiring or requisitioning activity, consideration shall be given to revising delivery schedules to provide for deliveries in larger quantities. In some cases, delivery schedules for supplies to be delivered to multiple destinations can be consolidated and the stop-off in transit privilege used for partial unloading at one or more points directly en route between the point of origin and the last destination.

§ 1.1308 Transit arrangements.

Transit arrangements afford an opportunity to stop carload or truckload shipments at specific intermediate points en route to the final destination in order to store, process, or fabricate, or for other purposes as specified in carriers' applicable tariffs. A single through rate from origin to final destination, plus a transit or other related charge if applicable, is charged in lieu of a combination of rates to and from the transit point which would result in higher costs. Consideration should be given to possible benefits to the Government through the use of such transit arrangements. Traffic management personnel can furnish necessary information and analyses of situations where such transit arrangements may be beneficial.

§ 1.1309 Rates and volume shipments.

Procurements involving volume shipments (as defined in departmental instructions) shall be referred at the earliest practicable time to the appropriate military traffic management office for a determination of the reasonableness of applicable current rates. Generally, carriers are required by both Federal and State laws to charge all shippers equally for like transportation and associated services. However, when Government traffic possesses more favorable transportation characteristic (greater volume, heavier loading, less likelihood of damage, etc.) than commercial traffic between the same origins and destinations, freight rates are often lower for the Government traffic, as in the case of quotations under section 22 of the Interstate Commerce Act (49 U.S.C. 22) and similar tenders. Rate information necessary to properly evaluate offers shall be obtained from the appropriate military traffic office.

§ 1.1310 Crosshauling and backhauling.

Crosshauling is the shipment of material of the same kind in reverse directions. Backhauling is the shipment of material from a geographical area to or through another geographical area from which the material previously had been shipped. Crosshauling and backhauling waste transportation funds, facilities and equipment. To reduce crosshauling and backhauling, purchase requests or authorizations should contain as complete and accurate transportation (including destination) data as possible.

§ 1.1311 Unusually large or heavy shipments.

Before purchasing unusually large, heavy, high, wide, or long items, the appropriate transportation office shall be consulted in order that any transportability difficulties may be considered. Additional costs, such as the use of special equipment, excess blocking and bracing material, circuitous routing, etc., incident to these shipments shall also be considered, in conjunction with the freight rate, in determining total transportation costs.

§ 1.1312 Mode of transportation.

Generally, the military traffic management office is the proper authority to specify the mode and routing of shipments. If urgency in delivery is a factor, the appropriate military traffic management office shall be so informed in order that routing authorities may select the appropriate means of transportation.

Subpart N—Preference for United States-Flag Privately Owned Ocean Carriers

§ 1.1401 Definitions.

As used in this subpart:

(a) "Dry bulk carriers" are ships for the carriage of shipload lots of homogeneous unmarked cargoes such as grain, coal, cement and lumber;

(b) "Dry cargo liners" are ships for the carriage of heterogeneous marked cargoes in parcel lots. However, any cargo can be carried in such ships, including part cargoes of bulk items such as those mentioned above, or, when carried in deep tanks, bulk liquids such as petroleum and vegetable oils;

(c) "Tankers" are ships used for carriage of bulk liquid cargoes such as liquid petroleum products, vegetable oils and molasses;

(d) "Government vessel" means a vessel owned by the United States Government and operated directly by the Government or for the Government by an agent or contractor, including privately owned United States-flag vessels under bareboat charter to the Government;

(e) "Private United States vessels" means privately owned United States-flag commercial vessels, including such vessels when under voyage or time charter to the United States Government, and including Government-owned vessels under bareboat charter to private operators; and

(f) "United States-flag vessels" when used independently means both Government vessels and private United States vessels.

§ 1.1402 General.

It is the policy of the Department of Defense, in furtherance of the Cargo Preference Act (68 Stat. 832; 46 U.S.C. 1241(b)) and 10 U.S.C. 2631 to encourage and foster the American merchant marine. When transportation of supplies by ocean vessel is required:

(a) Private United States vessels shall be employed for the transportation of at least 50 percent of the aggregate gross tonnage per annum of the following categories of supplies:

(1) Supplies owned by the Government and in the possession of a Military Department, or of a contractor, or subcontractor of any tier, of a Military Department;

(2) Supplies for the use of the United States which are contracted for and require subsequent delivery to a Military Department but are not owned by the Government at the time of shipment; and

(3) Supplies procured, contracted for or otherwise obtained for non-reimbursable contribution to foreign assistance programs, but which are not owned by the Government at the time of shipment; provided, that this requirement shall not extend to the ocean transportation between foreign countries of supplies procured with local currency funds made available, or derived from funds made available, under the Mutual Security Act. Provided, that the allocation of gross tonnage will be computed separately for dry bulk carriers, dry cargo liners, and tankers and in such a manner as to assure fair and reasonable participation by geographic areas; and provided, that private United States vessels are available at fair and reasonable rates for such vessels;

(b) Only United States-flag vessels will be employed for the transportation of the supplies defined in paragraph (a)(1) of this section when such supplies are for the use of the Military Departments unless such vessels are not available at fair and reasonable United States-flag rates.

§ 1.1403 Applicability.

(a) For the purposes of this subpart the following geographical areas are established:

(1) *North Atlantic.* Includes Eastern Canada from the United States border to Goose Bay, Labrador; and Narsarssuak, Greenland.

(2) *U.S. East Coast.* Includes the eastern United States from the Canadian border to (and including) Key West, Florida.

(3) *U.S. Gulf.* Extends from (but excluding) Key West, Florida, to the Mexican border.

(4) *Caribbean.* Includes Bermuda; Bahamas; Cuba; Puerto Rico; Haiti; Dominican Republic; Jamaica; Windward and Leeward Islands; Trinidad; the eastern coast of Mexico; the eastern coast of Central America; and the northern coast of South America up to (and including) French Guiana.

(5) *Eastern South America.* Includes the eastern coast of South America from (but excluding) French Guiana to Cape Horn.

(6) *North Europe.* From the northern boundary of Portugal includes northern Atlantic and Biscay ports of Spain; Bordeaux/Hamburg range; Scandinavian and Baltic Sea ports; England, Wales, Scotland and Ireland; Iceland.

(7) *Mediterranean.* Azores; Canary Islands; Morocco; Spanish Morocco; Mediterranean ports extending from Gibraltar to Sues Canal; ports on Adriatic and Aegean Sea, Sea of Marmora and Black Sea; and Atlantic ports of Portugal and Spain from Gibraltar to the northern boundary of Portugal.

(8) *West Africa.* Includes the western coast of Africa from northern boundary of Rio de Oro to southern boundary of Angola and includes the Cape Verde Islands, Ascension Island and St. Helena.

(9) *South and East Africa.* Includes the southern and eastern coast of Africa and Madagascar from southern boundary of Angola on the west coast and around the south and east coast to Cape Guardafui between the Gulf of Aden and the Indian Ocean.

(10) *South Asia.* Extends from Suez to but excluding New Guinea. Includes the shores of the Red Sea; shore of the Gulf of Aden; the northern shores of the Indian Ocean including extensions such as the Persian Gulf; the East Indies including Borneo, the Celebes, etc., but excluding the Philippines and New Guinea; and the Malay Peninsula excluding Thailand.

(11) *New Guinea-Australia.* Includes Australia; New Guinea; Tasmania; New Zealand and Melanesia (comprising generally the Admiralty Islands, New Ireland, New Britain, the Solomons, New Hebrides and New Caledonia).

(12) *East Asia.* Includes the ports of the mainland and islands of East Asia from and including Thailand to and including Japan; includes the Philippines, Formosa, the Ryukyu Islands and the Bonins.

(13) *Hawaii-Central Pacific.* Hawaiian Islands; Wake/Marcus; and Oceania and Micronesia (comprising generally Palau, Marianas, Carolines, Gilberts, Fijis, Marquesas, Tuamotu Archipelago, etc., but excluding oceanic island possessions of South American countries).

(14) *Alaska and Aleutian Islands.* Includes the western coast of Canada and Alaska (including the Aleutian Islands) south of Cape Prince of Wales.

(15) *U.S. Northwest.* Includes all Oregon and Washington ports.

(16) *U.S. West Coast.* Includes all California.

(17) *Western Mexico and Central America.* Includes the western coast of Mexico and the western coast of Central America.

(18) *Western South America.* Includes the western coast of South America from (and including) the Republic of Colombia to Cape Horn, and the Pacific Islands possessions of South American countries.

(19) *Exempt areas.* (i) Alaska north of Cape Prince of Wales.

(ii) Greenland, except Narsarssuak.

(iii) Northern and eastern Canada from Goose Bay, Labrador, to Alaska.

(iv) Ports and facilities under security restrictions in otherwise nonexempt areas.

(v) Antarctica.

(b) The procedures set forth below are applicable to all ocean shipments of supplies except:

(1) Shipments in vessels assigned to United States Navy fleets other than the Military Sea Transportation Service;

(2) Shipments which originate or terminate in "exempt areas" as established in paragraph (a)(19) of this section;

(3) Shipments which originate and terminate in the same geographic area; provided, however, that supplies of the type described in § 1.1402(a)(1) shall be transported in United States-flag vessels to the extent such vessels are available at fair and reasonable United States-flag rates;

(4) Shipments aboard vessels of the Panama Canal Company; and

(5) Shipments of classified supplies where the classification prohibits the use of non-Government vessels.

§ 1.1404 Procedures.

(a) Except for those supplies obtained for non-reimbursable contributions to foreign assistance programs for which the ocean transportation is to be provided by and at the expense of the recipient government, ocean transportation of supplies owned by the Government and in the possession of either a Military Department, or a contractor, or subcontractor of any tier, of a Military Department, will be provided by the Military Sea Transportation Service. Accordingly, any contract which may involve ocean transportation of property owned by the Government and in the possession of the contractor or any of his subcontractors (including any contract under which title to property may pass to the Government prior to shipment) shall include a provision requiring the shipment of such property only as directed by the contracting officer, who shall be guided by this subchapter and applicable Departmental procedures. The Military Sea Transportation Service shall take such action as may be necessary and practicable to assure proper utilization of Government vessels and private United States vessels in accordance with this subpart, and applicable regulations. The Commander of the Military Sea Transportation Service, or his designated representative is authorized to make any determination as to availability of United States-flag vessels required to assure such proper utilization.

(b)(1) Except as provided in subparagraph (2) of this paragraph, procuring activities shall include the following clause in any contract which may involve the ocean transportation of supplies of the type described in § 1.1402(a) (2) and (3):

EMPLOYMENT OF OCEAN-GOING VESSELS (JAN. 1958)

If ocean transportation is required after the date of award of this contract in delivering any of the supplies to be furnished hereunder, the Contractor, promptly after each shipment, shall furnish to the Contracting Officer one copy of the applicable ocean shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessel; provided, that the Contractor need not furnish such a document for any shipment of less than 120 measurement tons of dry cargo or less than 35 long tons of bulk liquid cargo; provided further, if this contract is an indefinite quantity contract or a requirement contract, the Contractor need furnish such documents only in connection with shipments made after the date of any delivery order requiring ocean transportation in delivering supplies thereunder. Additional provisions concerning the vessels to be used may be inserted in accordance with Departmental procedures.

(2) The contract shall include the following clause in lieu of the clause set forth in subparagraph (1) of this paragraph when determined by the Head of a Procuring Activity to be necessary to assure proper implementation of the policy expressed in this section or when the procuring activity has been instructed, pursuant to § 1.1405–2, that particular supplies of the type described in § 1.1402(a) (2) and (3) are to be carried exclusively in private United States vessels:

PREFERENCE FOR UNITED STATES-FLAG VESSELS (DEC. 1955)

(a) After the date of award of this contract, the Contractor shall employ privately owned United States-flag commercial vessels, and no others, in the transportation by sea of any supplies to be furnished hereunder; provided, however, that if such vessels are not available for timely shipment at fair and reasonable rates for such vessels, the Contractor shall so notify the Contracting Officer and request authorization to ship in foreign-flag vessels or designation of available United States flag-vessels. If the Contractor is authorized in writing by the Contracting Officer to ship such supplies in foreign-flag vessels, the contract price shall be equitably adjusted to reflect the difference in costs of shipping such supplies on privately owned United States-flag commercial vessels and foreign-flag vessels.

(b) Promptly after each shipment the Contractor shall furnish the Contracting Officer one copy of the applicable shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessels.

§ 1.1405 Responsibilities.

§ 1.1405–1 Military departments.

(a) Each Military department will furnish quarterly reports to the Office of the Secretary of Defense, showing the gross tonnage of all supplies owned, procured, contracted for or otherwise obtained (computed separately for dry bulk carriers, dry cargo liners, and tankers) which have been transported by ocean carrier, during the report period. Such report will consist of two parts. Part I shall include all tonnage subject to this section except Military Assistance Program tonnage and shall also show the geographic area of origin and of destination and shall separately reflect all such information for:

(1) Private United States vessels;

(2) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(3) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States-flag vessels).

Part II shall show all Military Assistance Program tonnage shipped showing the geographic areas of origin and of destination and shall separately identify any shipments in other than foreign-flag vessels. Cargoes transported under arrangements made by the Military departments. Until a Department of Defense report form is announced in Part 16 of this subchapter, the Military departments will maintain records of required information and prepare reports in accordance with departmental procedures. After promulgation, the appropriate Department of Defense form will be used by the Military departments in furnishing the required reports, except that if a Military department develops, for its own use, reports which meet the requirements of this section, and which are acceptable to the Assistant Secretary of Defense (Supply and Logistics), such reports may be forwarded in lieu of the Department of Defense form.

(b) The Department of Navy will also furnish quarterly reports in two parts to the Office of the Secretary of Defense showing the gross tonnage of all supplies (computed separately for dry bulk carriers, dry cargo liners and tankers) for which transportation has been arranged by the Military Sea Transportation Service by geographic areas of origin and destination for:

(1) Private United States vessels;

(2) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(3) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States flag vessels).

Part I shall include all tonnage subject to this section except Military Assistance Program tonnage, and Part II shall show Military Assistance Program tonnage.

§ 1.1405–2 Office of the Secretary of Defense.

The Office of the Secretary of Defense will evaluate the reports submitted under § 1.1405–1. In the event the evaluation of the reports indicates the need for increased utilization of private United States vessels, the Office of the Secretary of Defense shall issue appropriate instructions to the Military departments.

6. Add new Part 4, as follows:

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Procurement by Barter—Commodity Credit Corporation

Sec.
4.501 General.
4.502 Procurement effected within the United States.
4.503 Procurement effected outside the United States.

AUTHORITY: §§ 4.501 to 4.503 issued under R.S. 161, sec. 2202, 70A Stat. 130; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Procurement by Barter—Commodity Credit Corporation

§ 4.501 General.

The purpose of this subpart is to establish procedures which will assist the Commodity Credit Corporation to arrange and to make, through private trade channels, barters and exchanges of United States surplus agricultural commodities.

§ 4.502 Procurement effected within the United States.

(a) On requirements of $100,000 or more for:

(1) Materials or equipment required in connection with foreign economic and military aid and assistance programs;

(2) Materials or equipment required for offshore construction programs; or

(3) Other supplies not subject to the Buy American Act or the limitations contained in the Annual Appropriations Act (Berry Amendment), or which have been previously excepted therefrom pursuant to Subpart F, Part 1 of this subchapter; the purchasing office shall send a copy of the invitation for bids or request for proposals to the Commodity Credit Corporation, Barter and Stockpiling Division, U.S. Department of Agriculture, Washington 25, D.C.

(b) Such invitations for bids or requests for proposals shall contain appropriate space for indicating alternate prices, one clearly labeled for barter prices and the other clearly labeled for non-barter prices. In addition, such invitations for bids and request for proposals shall include the following clause:

NOTE—PAYMENT BY BARTER (JUN. 1957)

Attention is directed to section 303 of the Agricultural Trade Development and Assistance Act of 1954 (Pub. Law 480, 83d Cong.) which authorizes the disposal by barter or exchange of surplus agricultural commodities for use outside of the United States, its possessions and Puerto Rico. BIDDERS OR OFFERORS INTERESTED IN A BARTER ARRANGEMENT (accepting payment in agricultural commodities for use outside of the United States, its possessions, and Puerto Rico rather than in dollars) SHOULD CONSULT AND MAKE APPROPRIATE ARRANGEMENTS WITH THE COMMODITY CREDIT CORPORATION, Barter and Stockpiling Division, United States Department of Agriculture, Washington 25, D.C., prior to submitting a bid.

Simultaneously with the issuance of this invitation for bids or request for proposals, a copy thereof is being furnished to the Commodity Credit Corporation.

Bids or proposals may be made on a barter basis, or on a non-barter basis, or on both bases in the alternative. Bids or proposals on either basis shall be stated in terms of dollars, not in terms of the desired commodity. Arrangements for converting dollar receipts under the contract into commodities must be made by separate agreement with the Commodity Credit Corporation.

Any bid or proposal based on a barter arrangement must be submitted directly to the purchasing office issuing this invitation for bids or request for proposals. In addition, a copy of the official bid or proposal must be forwarded to the Commodity Credit Corporation, by the time specified for submitting bids or proposals, in a sealed envelope marked with the invitation for bids or request for proposals number, and the date and time of opening by the purchasing office.

The Commodity Credit Corporation will consider the barter aspects of all such bids or proposals and will then advise the purchasing office issuing this Invitation for Bids or Request for Proposals which bids or proposals, if any, based on a barter arrangement are acceptable to the Commodity Credit Corporation. Any such bids or proposals which are acceptable to the Commodity Credit Corporation will be considered and evaluated by the purchasing office in connection with the evaluation of the non-barter bids or proposals received hereunder. If the lowest acceptable barter type bid or proposal is equal to or less than the price of the lowest responsive non-barter bid or proposal, preference will be given to the barter type bid or proposal.

No award will be made on a barter basis unless the bidder or offeror has entered into a suitable agreement with the Commodity Credit Corporation and the Commodity Credit Corporation has informed the purchasing office that the barter bid or proposal is acceptable. If the award is made on the basis of a barter type bid or proposal, the bidder or offeror, pursuant to the clause of the contract entitled Assignment of Claims and notwithstanding any language to the contrary contained therein, hereby irrevocably assigns all the moneys due or to become due under the resultant contract to the Commodity Credit Corporation. The bidder or offeror will be entitled to acquire commodities on the basis of its agreement with the Commodity Credit Corporation.

(c) The Commodity Credit Corporation will retain the barter bids or proposals which it receives in a locked container or until at least 24 hours after the specified opening time for bids or proposals. The bids or proposals based on a barter arrangement will then be opened and analyzed by the Commodity Credit Corporation, which will advise the contracting officer as to which such bids or proposals are acceptable to the Commodity Credit Corporation.

(d) The contracting officer shall make an award on the basis of the lowest responsive bid or proposal, and shall advise the Commodity Credit Corporation in the event the award is made on the basis of a barter type bid or proposal. No award will be made until the Commodity Credit Corporation advises the procuring office as to which barter type bids or proposals, if any, are acceptable, or until ten days after the date set for the opening of bids or receipt of proposals. If the lowest acceptable bid or proposal is on a barter basis, the contracting officer, prior to making the award, shall require such bidder or offeror to furnish evidence of an agreement with the Commodity Credit Corporation covering the payment and assignment arrangements. Where no barter type bids are received by the Commodity Credit Corporation, the Commodity Credit Corporation will promptly advise the contracting officer.

(e) Where the award is made on the basis of a barter type bid or proposal, payment will be made in accordance with the terms of the contract, but to the Commodity Credit Corporation rather than directly to the contractor.

(f) Negotiated contracts based on a barter type proposal shall contain a provision reciting the irrevocable assignment of the contractor's claim for payment to the Commodity Credit Corporation.

§ 4.503 Procurement effected outside the United States.

On procurements of $100,000 or more for supplies or services, except those procurements to be funded and denominated in local currencies or funded in dollars and denominated in local currencies, major overseas commands shall utilize the procedures outlined below:

(a) Major overseas commands shall make available to designated representatives of the Commodity Credit Corporation a copy of all new contracts resulting from procurements described above.

(b) Contracting officers shall distribute to prospective contractors, with the Invitation for Bids or Request for Proposals, or during the course of negotiations, a Commodity Credit Corporation information sheet describing the procurement by barter program.

(c) Designated representatives of the Commodity Credit Corporation are authorized direct contact with contracting officers for the purpose of obtaining information with respect to pertinent clauses in specific existing contracts which may affect barter negotiations.

(d) Commodity Credit Corporation may obtain from a contractor an assignment of moneys due or to become due to the contractor and must, in accordance with the provisions of the Assignment of Claims clause, forward a Notice of Assignment of Claims to the contracting officer, to the disbursing officer, and to any sureties on the contract. The contracting officer shall insure that the Notice of Assignment of Claims is signed by an authorized representative of the Commodity Credit Corporation and that a true copy of the instrument of assignment between the contractor and the Commodity Credit Corporation is attached to the notice. The contracting officer shall acknowledge receipt of the Notice of Assignment of Claims from the Commodity Credit Corporation.

(e) Upon presentation of invoices by the contractor, the contracting officer shall insure that each invoice contains a statement by the contractor that he recognizes the assignment to the Commodity Credit Corporation, its validity, and the right of the Commodity Credit Corporation to receive payment. Disbursing officers shall effect appropriate payments to the Commodity Credit Corporation for the amount of the invoice, less any authorized deductions.

7. Add new Subpart K to Part 5, as follows:

Subpart K—Coordinated Procurement

§ 5.1100 Definitions.

As used in this subchapter, the following terms have the meanings set forth below:

§ 5.1100–1 Coordinated procurement.

Coordinated procurement refers to procurement (a) of supplies and services pursuant to § 5.1116 and (b) of supplies under single procurement as defined in § 5.1100–2.

§ 5.1100–2 Single procurement.

Single procurement refers to procurement of supplies pursuant to assignments of procurement responsibility made by the Secretary of Defense. The following are approved types of single procurement.

(a) Single department procurement, whereby one Military Department procures certain supplies to satisfy the requirements of all the Military Departments.

(b) Plant cognizance procurement, whereby one Military Department procures certain supplies from a particular plant to satisfy the requirements of all the Military Departments. This type of procurement is limited presently to airframes, aircraft engines, and propellers.

(c) Joint procurement, whereby a jointly staffed and financed agency within the Department of Defense procures certain supplies to satisfy the requirements of all the Military Departments.

§ 5.1100–3 Requiring department.

Requiring department refers to the Military Department originating a requisition or purchase request for supplies.

§ 5.1100–4 Procuring department.

Procuring department refers to the Military Department or agency which is assigned the procurement responsibility for the supplies.

§ 5.1100–5 Military interdepartmental purchase request (MIPR).

Military interdepartmental purchase request (MIPR) refers to DD Form 448 (Military Interdepartmental Purchase Request) (see § 16.601 of this subchapter) executed by a Requiring Department, as a request for supplies to be procured or furnished by the Procuring Department, or to be manufactured in its own facilities.

§ 5.1101 Application of procurement assignment.

Single procurement in the form of single department, joint agency, or plant cognizance procurement shall be effected whenever it will result in net advantages to the Department of Defense as a whole, except so far as it can be demonstrated that the use of such a procurement method will adversely affect military operations. Single department procurement assignments in Alaska, Hawaii, and outside the remainder of the United States, regardless of funds utilized, will be determined by the respective Unified Commanders. Implementation of such assignments will be effected within the unified commands under the direction of the Unified Commander.

§ 5.1102 Responsibilities under single procurement.

§ 5.1102–1 Single department procurement.

The Procuring Department is generally responsible for the following, under single department procurement (for specific assignment of procurement responsibilities, see Department of Defense Instruction Number 4115.1, dated March 18, 1957, Subject: Department of Defense Single Procurement Assignments, and any amendments thereto):

(a) Operational phases of procurement planning (phasing the submission of requirements, consolidating or dividing requirements, analyzing the market, and determining patterns for the phased placement of orders in such a manner as to assure meeting the needs of the Military Departments at the lowest possible price to the Government, and at the same time avoiding unnecessary peaks and valleys of production);

(b) Purchasing;

(c) Contract administration, including arrangements for followup and expediting;

(d) Acquisition of licenses under patents or other proprietary rights covering the subject matter of the procurement and the settlement of patent infringement claims arising out of the procurement. Approval of the Military Department or Departments whose funds are to be charged for the acquisition of licenses or settlement of claims will be obtained;

(e) Arrangement for inspection; and

(f) Arrangement for transportation.

§ 5.1102–2 Joint procurement.

Responsibilities for procurement by a Joint agency are as set forth in the individual agency charter.

§ 5.1102–3 Plant Cognizance Procurement.

Responsibilities for procurement and mobilization planning are as set forth in Department of Defense Instruction Number 4115.1, dated March 18, 1957, Subject: Department of Defense Single Procurement Assignments, and any amendments thereto.

§ 5.1103 General principles governing implementation of procurement assignments.

§ 5.1103–1 Standard format — development and promulgation of implementing procedures.

Implementation of a procurement assignment shall be accomplished in accordance with Section V (implementation) Department of Defense Instruction 4115.1, dated March 18, 1957, Subject: Department of Defense Procurement Assignments, and any amendments thereto.

§ 5.1103–2 Relationship between research and development and single procurement.

Items are not subject to procurement assignment until they have reached the production stage.

§ 5.1103–3 Small dollar value purchases.

Requirements of small dollar value will be procured in accordance with the provisions of the approved implementing procedures covering the particular assignment. Such implementing procedures will normally provide a small dollar value limitation of $1,000 per line item; however, in special situations the limitation may vary depending upon the commodity area and may be expressed either in a higher or lower dollar value, by tonnage, less-than-carload lot quantities, or other units, as appropriate. Such implementing procedures will clearly state that requirements of a value or quantity less than the prescribed limitations will, wherever feasible, be procured by the Requiring Department. A MIPR for nonmilitary type items of a value or quantity less than the prescribed limitations will contain a notation that procurement by the Requiring Department was not considered to be feasible. A MIPR for a military type item need not contain such a notation. The Procuring Department will not return a MIPR submitted in accordance with the foregoing but will procure such items.

§ 5.1103–4 Emergency.

In case of emergency, where the exigencies of the situation will not permit of the delay incident to following the normal channels of single procurement, purchases may be made without the prior authorization of the Procuring Department. When such emergency purchases are made, one copy of the contractual instrument, bearing or accompanied by a statement of the emergency, shall be transmitted promptly to the purchasing activity of the Procuring Department.

§ 5.1103–5 Department of Defense Manufacturing Establishment.

When procurement assignments have been made for items required by manufacturing establishments of the Military Departments, these items shall be obtained through the facilities of the Procuring Department unless such action will unduly hinder or delay production. When procurements are made other than through the Procuring Department, one copy of the contractual instrument bearing or accompanied by a statement of the

circumstances necessitating such procurement shall be transmitted promptly to the purchasing activity of the Procuring Department. This section is not applicable when purchases are made pursuant to § 5.1103–3.

§ 5.1103–6 Local purchase as normal means of supply.

When local purchase of any nonmilitary type item has been authorized by a Requiring Department as the normal means of supply, such item may be obtained by that Department without regard to limitations prescribed in the procurement assignment implementing procedures. This authority will apply only while such item remains in "local purchase" status. For purposes of procurement and administrative planning, a Requiring Department will submit to the Procuring Department a list of the assigned items which have been authorized for local purchase, identified by the commodity area in which such items are classified and the dates on which such authorization for local purchase will be effective. Similar lists will be so submitted covering items being converted from a local purchase to a central procurement status.

§ 5.1104 Items in short supply.

In cases where shortages develop in supplies being purchased, the normal procedure will be to resolve the problem on a Departmental level. If mutual agreement cannot be reached, the subject shall be referred to the Assistant Secretary of Defense (Supply and Logistics) for decision.

§ 5.1105 Transfer of uncompleted contracts.

§ 5.1105–1 Effect of assignment of procurement responsibility.

As a general rule, when the procurement responsibility for a commodity or class of commodities is assigned to one Department, uncompleted contracts of any other Department for any such commodity or class of commodities will not be transferred but will continue to be administered for all purposes by such other Department.

§ 5.1105–2 Disputes under transferred contracts.

In the case of any contract transferred, or to be transferred, from one Department to another Department, which contract refers to either the Navy Department Board of Contract Appeals or the Army Board of Contract Appeals, the contract should be amended to provide that the Armed Services Board of Contract Appeals will hear and decide all disputes concerning questions of fact which are appealed pursuant to the "Disputes" clause of such transferred contract.

§ 5.1105–3 Contracting officers under transferred contracts.

In the case of any contract transferred, or to be transferred, to any Department, the successor to the contracting officer for each such contract shall be the Head of the Procuring Activity (or any contracting officer thereof) to which the administration of any such contract is assigned, and any such successor shall have all of the rights and responsibilities of a contracting officer under such transferred contract.

§ 5.1106 Purchase authorization.

§ 5.1106–1 MIPR's or other authorized procurement requests.

Military Interdepartmental Purchase Requests or other authorized procurement requests (see Subpart F, Part 16 of this subchapter), when received by the Procuring Department, shall be the authority to procure the supplies listed thereon in accordance with agreements between the Departments concerned. The Procuring Department has no responsibility to determine the validity of a stated requirement in an approved procurement request; however, it should bring to the attention of the Requiring Department apparent errors in the requirement. In coordinated procurement, the Procuring Department is authorized without referral to the Requiring Department, to deviate by 3 percent of the amount stated for each accounting classification, provided, that the sum of such deviation does not exceed 3 percent of the total amount cited in the MIPR. The Procuring Department is authorized to deviate by more than 3 percent in specific assigned commodity areas where mutual agreement has been reached and so indicated in the implementing procedures in accordance with DOD Directive 4115.28. This authorization will remain available to the Procuring Department until acceptance is completed, at which time any excess funds on the MIPR will be rescinded by the Requiring Department without the issuance of a formal amendment to the MIPR. The Requiring Department will authorize the percent variation on each MIPR, and will reserve a net amount sufficient to provide for such variation. If the deviation exceeds this percentage, referral to the Requiring Department will be necessary.

§ 5.1106–2 Determinations and findings.

(a) When procurement is by negotiation, the Procuring Department, except as provided in paragraphs (b) and (c) of this section, shall make the determinations and findings in accordance with Subpart C, Part 3 of this subchapter with respect to coordinated procurement. The Requiring Department shall furnish with the procurement request the information required by the Procuring Department to develop the determinations and findings.

(b) With respect to 10 U.S.C. 2304 (a)(13), the Requiring Department shall make the determinations and findings in accordance with Subpart C, Part 3 of this subchapter. Two copies of the determinations and findings shall be attached to the procurement request and shall be utilized by the Procuring Department as authority for negotiation, and the Procuring Department need not make further determinations and findings.

(c) With respect to 10 U.S.C. 2304 (a)(16) and when the procurement agreements under § 5.1116 (as distinguished from single procurement) do not include mobilization planning responsibility, the Requiring Department shall make the determinations and findings in accordance with Subpart C, Part 3 of this subchapter. Two copies of the determinations and findings shall be attached to the procurement request and shall be utilized by the Procuring Department as authority for negotiation, and the Procuring Department need not make further determinations and findings. With respect to single procurement (§ 5.1100–2), the Procuring Department shall make the determinations and findings.

§ 5.1107 Components of end items.

§ 5.1107–1 Contractor-furnished components.

In the procurement of end items where the contractor normally secures all components thereof from his own source (not Government-furnished), the procurement assignment does not apply to the component items required by such contractor.

§ 5.1107–2 Government-furnished components.

In the procurement of end items where the Government furnishes components which are covered by a procurement assignment, such components shall be procured in accordance with the procurement assignment. However, direct purchase may be made by a Requiring Department in exceptional cases where agreement is reached with the Procuring Department.

§ 5.1107–3 Purchase of components over and above those initially purchased with the end item.

The Procurement of components covered by a procurement assignment, and above those initially purchased with the end item, shall be effected in accordance with the procurement assignment. However, direct purchase may be made by a Requiring Department in exceptional cases where agreement is reached with the Procuring Department.

§ 5.1108 Funds and payments.

§ 5.1108–1 Citation of appropriation and funds of Requiring Department.

Contracts and orders shall cite the appropriations or funds of the Requiring Department unless it is not considered feasible and economical to relate payments directly to the end item and ultimate use of the material under procurement. The Procuring Department will, for each commodity, determine which type of funding (direct citation or consolidated-reimbursable procurement) will generally be used. The conditions under which it is considered not feasible to cite the funds of the Requiring Department are:

(a) Procurement of the end item involves separate procurement of components to be assembled by the Procuring Department.

(b) At the time of acceptance of the purchase request (MIPR), it is not considered feasible to identify specific quantities of the end item with respective Requiring Department because of the possibility of allocation of the material upon a different basis as completed items are delivered.

(c) Payments will be made without reference to deliveries of end items; for example, cost-plus-fixed-fee contracts, and fixed-price contracts with progress payment clauses.

§ 5.1108–2 Citation of funds of Procuring Department.

In cases where citation of the funds of the Requiring Department is not feasible, funds of the Procuring Department will be cited subject to reimbursement upon delivery to the Requiring Department. In those cases, contracts and orders will provide for payment by the Procuring Department.

§ 5.1109 [Reserved]

§ 5.1110 Administrative costs.

The Procuring Department shall bear, without reimbursement therefor, the administrative costs incidental to its procurement of supplies for another Department. However, when a procurement responsibility is transferred from one Department to another Department, funds appropriated or to be appropriated for defraying the administrative costs of such procurement responsibility shall be made available to the successor Procuring Department which shall assume budget cognizance at the earliest possible date.

§ 5.1111 Inspection.

Policies and procedures concerning inspection and acceptance for use in conjunction with this Part are set forth in Part 14 of this subchapter.

§ 5.1112 Execution and administration of contracts.

Generally, the Procuring Department will execute a single contract where an award embodying the requirements of more than one Department is made to a single contractor. Administration of contracts shall be in accordance with the procedures developed by the Procuring Department in accordance with § 5.1103–1.

§ 5.1113 Status reporting.

Appropriate systems of followup shall be maintained by the Procuring Department in order that contracting personnel may be currently informed as to the performance by a contractor and to further insure that Requiring Departments are apprised of the status of contracts.

§ 5.1114 Specifications.

The Requiring Department shall be responsible for providing the Procuring Department a list of (or copies of) specifications required for purchase. Under no circumstances will the Procuring Department direct or authorize deviations or waivers from the specifications cited in the MIPR without express authority of the Requiring Department.

§ 5.1115 Transportation of supplies.

Subject to the provisions of Subpart M, Part 1 of this subchapter, every requisition or procurement request shall show the appropriation or fund and accounting classification chargeable for such transportation costs as may be incurred in effecting delivery at Government expense. Government bills of lading, when required, will generally be issued by the Procuring Department. In every instance, the Government bill of lading shall show (a) the Requiring Department as the Department to be billed, and (b) the appropriation or fund designated by that Department as the appropriation chargeable. Where Government bills of lading of the Procuring Department are used to cover shipment of supplies consigned to the Requiring Department, the bill of lading number shall be prefixed by the name of the Requiring Department.

§ 5.1116 Procurement agreements.

10 U.S.C. 2308 provides that Military Department heads by agreement may make such assignments and delegations of procurement responsibilities from one Military Department to another or may create such joint or combined procuring activities or agencies as they deem necessary or desirable. Nothing set forth in this Subchapter shall preclude the Military Departments from making agreements under 10 U.S.C. 2308 which do not violate the single procurement policies and procedures set forth in this subpart or in applicable Department of Defense Directives, Instructions, and regulations.

[ASPR, July 1, 1960] (R.S. 161, sec. 2202, 70A Stat. 130; 5 U.S.C. 22, 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60–6681; Filed, July 22, 1960; 8:45 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Business and Defense Services Administration, Department of Commerce

[Foreign Excess Property Order 1 (Revised)]

PART 401—FOREIGN EXCESS PROPERTY

Small Lot Procedures; Appeals

On May 27, 1960, there was published in the FEDERAL REGISTER (25 F.R. 4690) a notice of proposed amendment of Foreign Excess Property Order No. 1 (Revised), Importation Into the United States of Nonagricultural Foreign Excess Property. Said notice provided for the submission of data, views or arguments in writing to the Foreign Excess Property Officer of the Department of Commerce within 20 days following the day of publication of the notice of proposed rule making. Data, views and arguments have been received in writing and have been considered.

Pursuant to the Administrative Procedure Act insofar as it may be applicable hereto, Foreign Excess Property Order No. 1 (Revised) (24 F.R. 366), as amended, is further amended to include a new section, § 401.4a *Small Lot Procedure*, as follows:

§ 401.4a Small Lot Procedure.

(a) Small Lots of foreign excess property, as defined herein, shall be exempt from the requirements for investigation and finding in regard to shortage or other benefit to the economy.

(b) A Small Lot consists of a single item or article of foreign excess property, or a single lot of parts or components, which may be imported for the exclusive use of an applicant, the United States Government acquisition cost of which was not in excess of $10,000. A single lot of parts or components shall, for the purpose of this section, not exceed the number of such parts or components normally used, attached or, installed on a single complete item or article.

(c) To qualify for consideration under the Small Lot Procedure the following conditions must be met:

(1) The property must consist of a single Small Lot as defined in paragraph (b) of this section.

(2) The applicant must file an application to import a single Small Lot in accordance with the provisions of § 401.5. In lieu of the information required in Item 5 of Part I, the application must include the following statement:

This application is filed in accordance with and subject to the provisions of § 401.4a—Small Lot Procedure.

Such applications shall be known as Small Lot Applications.

(3) The applicant must submit evidence satisfactory to the FEPO that he has procured the property or that he proposes to procure the property directly from a United States Government agency, and of the United States Government acquisition cost of the property. Such evidence shall consist of the United States Government acquisition cost of the property as set forth on an actual or estimated basis in the Invitation for Bids; or, if no such actual or estimated acquisition cost is set forth in the Invitation for Bids, the acquisition cost shall, for the purposes of this section, be deemed to be equal to ten times the applicant's bid or ten times the United States Government's sale price of the property, whichever shall be applicable.

(4) A Small Lot Application must set forth that the property is to be imported for the exclusive use of the applicant, that it will not be sold, rented, encumbered, loaned, or given away by the applicant for a period of two years from date of entry, and that bond will be furnished in accordance with paragraph (f) of this section to provide assurance against unauthorized diversion or use of the property.

(d) No person shall be authorized during any one year period to import under the Small Lot Procedure:

(1) More than one item or article, or more than one lot of parts or components, of the same or comparable alternative kind.

(2) More than two Small Lots.

(3) More than $10,000 of property expressed in terms of United States Government acquisition cost.

(e) Every FEP Import Determination and FEP Import Authorization issued

pursuant to this section shall state that it is issued in accordance with the Small Lot Procedure, shall set forth the United States Government acquisition cost of the property, and shall refer to the requirement for furnishing bond contained in paragraph (f) of this section.

(f) A person to whom an FEP Import Authorization has been issued for a Small Lot must furnish, at the time of entry of the property, a bond to the Collector of Customs in an amount equal to the United States Government's acquisition cost as stated in the FEP Import Authorization. Such bond shall conform to the Bureau of Customs Forms 7551 or 7555 with the added condition:

There is incorporated in and made a part of the bond No. ——, dated ——, in the amount of $——, executed by ——, as principal, and ——, as surety, the following added condition:

Whereas, the principal named in the said bond has been permitted, in accordance with § 401.4a of Foreign Excess Property Order No. 1 (Revised), to enter merchandise subject to the provisions of section 402 of the Federal Property and Administrative Services Act of 1949, and,

Whereas, the said obligors stipulate and agree that within two (2) calendar years of the date of entry of this property such property shall not be sold, rented, encumbered, loaned, or given away but shall be restricted to the exclusive use of the principal;

Now therefore, the added condition on this obligation is such that if during the two (2) year calendar period subsequent to the date of importation the principal named herein shall have retained said property in his possession and available for inspection by Customs officials, and if the said property shall not have been sold, rented, encumbered, loaned, or given away within said two (2) year period, and if at the end of said period the principal shall certify to the Collector of Customs at the port of entry that said property has been retained for the exclusive use of the principal and has not been sold, rented, encumbered, loaned, or given away, or in default thereof the obligors shall pay to the Collector of Customs as liquidated damages the full amount of the bond to which this special condition is attached;

Then this added condition shall be void, otherwise to remain in full force and effect.

(g) The Bureau of Customs shall retain custody of bonds furnished under this section and may take appropriate measures to secure compliance with the conditions and obligations of such bonds and for the enforcement thereof.

§ 401.13 [Amendment]

Section 401.13 *Appeals* is amended by adding subparagraph (5) to paragraph (b) thereof as follows:

(5) In determining that an applicant under the Small Lot Procedure established by § 401.4a has failed to meet the conditions specified therein.

(Sec. 402, 63 Stat. 398; 40 U.S.C. 512)

This amendment shall take effect upon the date of its publication in the FEDERAL REGISTER.

Dated: July 19, 1960.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM A. WHITE, Sr.,
Administrator.

The provisions of Part 401 set forth in the foregoing amendments to Foreign Excess Property Order No. 1 (Revised) which relate to appeals to the Appeals Board for the Department of Commerce are adopted as rules of the Appeals Board.

Dated: July 18, 1960.

GRISWOLD FORBES,
Chairman, Appeals Board.

[F.R. Doc. 60-6896; Filed, July 22, 1960; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 61—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Method and Form of Monthly Reports

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 24th day of June A.D. 1960.

The matter of curtailment or simplification of the method and form of monthly reports of hours of service of employees subject to the act of March 4, 1907 (45 U.S.C. 61–64) as amended being under consideration and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the forms to be used and the data to be furnished and that public rule-making procedures are unnecessary:

It is ordered, That the order of June 28, 1911, as amended by orders of April 8, 1912, and May 12, 1955, be and it is hereby further modified with respect to the number and form of monthly reports as follows:

§ 61.0 Method and form of monthly reports.

(a) *Forms and instructions prescribed.* The accompanying forms entitled "Interstate Commerce Commission Hours of Service Report," and designated as:

Form No. 1: Certification and summary for use when there is excess service.

Form No. 2: Employees on duty more than 16 consecutive hours and/or employees returned to duty after 16 hours continuous service without 10 consecutive hours off duty.

Form No. 3: Employees continued on duty after aggregate service of 16 hours and/or employees returned to duty after aggregate service of 16 hours without 8 consecutive hours off duty.

Form No. 4: Employees at continuously operated day-and-night offices, who dispatch, report, transmit, receive, or deliver orders affecting train movements, and who were on duty more than 9 hours in any 24-hour period and employees at offices operated only during the daytime, or not to exceed 13 hours in a 24-hour period, and who were on duty more than 13 hours in any 24-hour period.

and the method embodied in the instructions therein set forth, be, and the same are hereby, adopted and prescribed, and all common carriers subject to said act are thereby notified to use and follow the said prescribed forms and method in making monthly reports of hours of service of employees on duty for a longer period than that named in said act and/or, returned to duty without having the statutory period off duty, commencing with and making the first report for the month of August 1960.

(b) Instructions to be followed in filing out the blanks:

(1) A certified report, in accordance with the method and forms prescribed, must be sent to the Interstate Commerce Commission for each month, showing all employees who were on duty in excess of the period allowed by the Hours of Service Act of March 4, 1907, or who were on duty without the period off duty prescribed by that Act, such report to be filed with the Commission within 30 days after the end of the month for which the report is made. In case any employees have performed excess service, or have returned to duty without having had the statutory period off duty, the proper forms are to be filled out and the certification, Form 1, completed.

The monthly report should be made up in the following order:

Form 1: Certification of officer and summary.

Form 2: One sheet for each case where any member or members of a train or engine crew or any other employee subject to the act remained on duty more than 16 consecutive hours, and/or returned to duty after 16 hours continuous service without having had 10 consecutive hours off duty.

Form 3: One sheet for each case where any member or members of a train or engine crew or any other employee subject to the act remained on duty after aggregate service of 16 hours and/or returned to duty after aggregate service of 16 hours without 8 consecutive hours off duty.

Form 4: Each case where an employee who transmits, receives, or delivers orders affecting train movements at continuously operated day-and-night office was on duty longer than nine hours in any 24-hour period, and each case where an employee who, at offices regularly operated not exceeding 13 hours in a 24-hour period, was on duty for a longer period than 13 hours in any 24-hour period.

(2) *Instructions for filling out Forms 2, 3, and 4.* In the space provided for "Cause", detailed information relative to events or occurrences leading to cause of excess service must be noted. The reasons why employees were allowed to perform excess service or were returned to duty with less than the required time off duty must be shown. On Form 4, the figure "9" should be entered in the proper column when excess service occurred at continuously operated office and the figure "13" when excess service occurred at an office operated only during the daytime. If the excess service reported on Form 4 was caused by the absence of another employee, the reason for such absence should be shown. Abbreviations may be used to show occupations.

§ 61.1 List of forms.

Form No. 1: Hours of service report certifying excess service.

Form No. 2: Employees on duty more than 16 consecutive hours and/or employees returned to duty after 16 hours continuous service without 10 consecutive hours off duty.

Form No. 3: Employees continued on duty after aggregate service of 16 hours and/or employees returned to duty, after aggregate service of 16 hours, without 8 consecutive hours off duty.

Form No. 4: Employees at continuously operated day-and-night offices, who dispatch, report, transmit, receive, or deliver orders affecting train movements, and who were on duty more than nine hours in any 24-hour period and employees at offices operated only during the daytime or not to exceed 13 hours in a 24-hour period, and who were on duty more than 13 hours in any 24-hour period.

It is further ordered, That a copy of this order be served on each common carrier by railroad subject to the Interstate Commerce Act and on each national organization of railroad employees and notice thereof be given to the general public by depositing a copy of said order in the office of the Secretary of the Commission at Washington and by filing it with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 4, 34 Stat. 1417; 49 U.S.C. 12, 45 U.S.C. 64. Interpret or apply sec. 20, 24 Stat. 386, as amended, secs. 1–3, 34 Stat. 1415, 1416, as amended; 49 U.S.C. 20, 45 U.S.C. 61–63)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6890; Filed, July 22, 1960; 8:46 a.m.]

[Ex Parte No. 73]

PART 142—EXTENSION OF CREDIT TO SHIPPERS

Payment of Rates and Charges

In the matter of request of defendants for postponement of effective date of order;

Upon consideration of the record in the above-entitled proceeding, and of the pendency of a petition filed by the respondents on June 17, 1960, for reconsideration of the report and order of the Commission, dated May 19, 1960;

It appearing that since replies to the above-mentioned petition are not due until after the effective date of the Commission's order; and that respondents' request for modification of the effective date of the order of the Commission pending disposition of their petition states good and sufficient reasons to justify postponement of the effective date, as sought:

It is ordered, That the order (§ 142.1b, 25 F.R. 4911) entered in this proceeding on May 19, 1960, be, and it is hereby modified so as to postpone the effective date thereof until September 1, 1960.

Dated at Washington, D.C., this 24th day of June A.D. 1960.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6891; Filed, July 22, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Container Regulation

Consideration is being given to the following proposals of the Avocado Administrative Committee, established under the amended marketing agreement and Order No. 69; as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposals should do so with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than 10 days after the publication of this notice in the FEDERAL REGISTER.

The proposed container regulation (as revised) is set forth below.

§ 969.321 Container regulation.

(a)(1) On and after August 22, 1960, no handler shall handle any variety of avocados unless such avocados are packed in a container or containers meeting the following specifications:

(i) Containers with inside dimensions of 11 x 16¾ x 10 inches: *Provided*, That the individual avocados in such a container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may fail to meet such weight requirement. Such tolerance shall be on a lot basis, but not more than double such tolerance shall be permitted for an individual container in a lot.

(ii) Containers with inside dimensions of 13½ x 16½ x 3¼ inches.

(iii) Containers with inside dimensions of 13½ x 16½ x 3¾ inches.

(iv) Containers with inside dimensions of 13½ x 16½ x 4½ inches.

(v) With respect to the containers prescribed in subdivisions (ii) through (iv) of this subparagraph, the net weight of the Arue, Pollock, Simmonds, Hardee, Nadir, Trapp, Peterson, Waldin, Pinnelli, Tonnage, Booth 8, Black Prince, Blair, Booth 7, Booth 10, Collinson, Lula, Booth 5, Hickson, Simpson, Vaca, Avon, Booth 11, Hall, Winslowson, Choquette, Herman, Monroe, Ajax (Booth 7–B), Booth 3, Taylor, Byars, Linda, Nabal, Wagner, Schmidt, and Itsamna varieties of avocados in any such container shall be not less than 13½ pounds and the net weight of all other varieties of avocados in any such container shall be not less than 13 pounds: *Provided*, That not to exceed 5 percent, by count, of the containers in any lot may fail to meet such applicable weight requirement.

(vi) Containers with inside dimensions of 13½ x 16½ and depth varying from 6½ to 8 inches.

(vii) During the period beginning at 12:01 a.m., e.s.t., August 22, 1960, and ending at 12:01 a.m., e.s.t., November 14, 1960, handlers may handle any variety of avocados in containers with inside dimensions of 13½ x 16½ and depth varying from 9 to 12 inches: *Provided*, That the individual avocados in such container shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in each lot may fail to meet such weight requirement. Such tolerance shall be on a lot basis, but not more than double such tolerance shall be permitted for an individual container in a lot.

(viii) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(2) The terms "handler," "handle," and "avocados" when used herein shall have the same meaning as when used in the amended marketing agreement and order (§§ 969.1 to 969.71).

Dated: July 20, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6897; Filed, July 22, 1960; 8:46 a.m.]

[7 CFR Part 1003]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given that there is being considered a proposed amendment of §§ 1003.145 and 1003.155 of the administrative rules and regulations, as amended (Subpart—Rules and Regulations, 7 CFR 1003.100–1003.165), for operations under, and pursuant to, Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Date Administrative Committee, established under the amended marketing agreement and order.

Consideration will be given to any written data, views, or arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER. Such material should be submitted in triplicate.

The amendatory action hereinafter proposed is intended to assist handlers to develop export outlets for California dates. The proposed action would provide for the identification of restricted dates which are exported and approval of certain countries, in addition to the presently approved country of Mexico, to which handlers may export restricted dates provided the dates meet the minimum grade and size requirements for free dates, are in containers acceptable to the committee, and meet other requirements applicable to exportation of dates.

The proposal is to amend §§ 1003.145 (c)(1) and 1003.155(a) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 1003.100–1003.165) in the following respects:

1. Amend the provisions of § 1003.145 (c)(1) by adding at the end thereof subdivision (iv) which shall read as follows:

(iv) Each handler shall mark all shipping containers (not including subcontainers) of dates for export pursuant to § 1003.55 in such manner as to indicate the appropriate lot number, and, except for exports to Mexico, the name of the handler or distributor. Such markings on shipping containers shall be legible and not less than five-sixteenths (5/16) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (⅛) inch in height on all shipping containers of five pounds net weight or less. All shipping containers of dates to be exported to Mexico also shall be marked "Export Mexico" and such markings shall be legible and not less than three-fourths (¾) inch in height on shipping containers exceeding five pounds net weight and not less than one-eighth (⅛) inch in height on all shipping containers of five pounds net weight or less. The marking shall be done prior to or at the time the dates are inspected. Prior to such marking, the handler shall remove, delete or obliterate from each such container any former identifying marks other than those herein authorized. Upon the dates being inspected and certified as meeting the applicable grade and size requirements prescribed in, or pursuant to, §§ 1003.39, 1003.40, and 1003.155 the shipping containers shall, except those of dates destined for Mexico, be marked or otherwise identified by, or under the supervision of, the inspection agency with the date of inspection, the ensignia or name of inspection agency and the words "103—Export".

2. Amend the provisions of § 1003.155(a) to read as follows:

(a) *By export.* (1) The export of restricted dates to the following countries is approved pursuant to § 1003.55: Mexico and, subject to the conditions herein specified, all other countries not included in the annual determination of trade demand pursuant to § 1003.34 and not specified in connection with the annual establishment of volume percentages pursuant to § 1003.44. Prior to export, except exports to Mexico, such dates shall (i) be inspected and certified as meeting all of the requirements of, or those prescribed pursuant to, §§ 1003.39 and 1003.40, for free dates, and (ii) packed only in such containers of not more than four different sizes as the committee may determine to be appropriate and commonly used in commercial trade channels for dates. If these conditions are not complied with, the exportation of such dates shall be considered to be exportation of free dates and subject to requirements applicable to free dates.

(2) Upon completion of disposition by a handler of dates for export to Mexico, the handler shall furnish to the committee, on DAC Form 11a, a certification to the committee and the United States Department of Agriculture that such dates will not re-enter the United States or be re-shipped to Canada or any other country. Such certificate shall state: (i) The name of the handler; (ii) the date of shipment; (iii) the customs permit, passport or border crossing number of the person moving the dates into export; (iv) the quantity and variety of dates included in the shipment; (v) the destination of the dates as reported on DAC Form No. 8 pursuant to § 1003.164; (vi) the location of border crossing station through which such dates will be transported; (vii) the name and address of the Mexican importer. The certificate shall be signed by the handler and the person moving the dates into export. It may constitute the proof of exportation which the handler is required to submit pursuant to § 1003.164. The original copy of the certificate shall be forwarded by the handler to the committee on the day of sale, the duplicate shall accompany the shipment and shall be surrendered to the United States Customs Service at the Mexican border, and the triplicate shall be retained by the handler.

(3) The destination of all dates shipped pursuant to this paragraph shall be specified at time of shipment and the destination shall not be changed or the shipment otherwise diverted without prior approval of the committee.

Dated: July 19, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division.

[F.R. Doc. 60-6867; Filed, July 22, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 8]

FUNCTIONS RELATING TO CREDIT MATTERS

Redelegation of Authority

Order 1, as amended, is further amended to read as follows:

1. Section 2.120 under the heading "Functions Relating to Credit Matters" in Part 2 is amended to read as follows:

SEC. 2.120 *Loan agreements and modifications.* The approval of applications for and modifications of loans to individuals (subject to the availability of funds) when the total indebtedness of the applicant to the lender does not exceed $3,000, except loans to Federal employees and loans for educational purposes.

2. Section 3.120 under the heading "Functions Relating to Credit Matters" in Part 3 is amended to read as follows:

SEC. 3.120 *Loan agreements and modifications*—(a) *Assiniboine and Sioux Tribes, Fort Peck Reservation, Montana.* The Superintendent, Fort Peck Agency, may approve applications for and modifications of loans to individuals by the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana (subject to the availability of funds) where the total indebtedness to the Tribes does not exceed $5,000, except loans to Federal employees and loans for educational purposes, pursuant to a declaration of policy approved by the Commissioner.

(b) *Blackfeet Tribe.* The Superintendent, Blackfeet Agency, may approve applications for and modifications of loans of cattle to individuals by the Blackfeet Tribe which are repayable in kind (subject to the availability of cattle) except loans to Federal employees, pursuant to Procedures for Operation of the Blackfeet Cattle Enterprise approved by the Commissioner.

GLENN L. EMMONS,
Commissioner.

JULY 19, 1960.

[F.R. Doc. 60-6886; Filed, July 22, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BRODIN LINE JOINT SERVICE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8505, between the parties to the Brodin Line joint service, Hamburg-Suedamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck, Flota Argentina de Navegacion de Ultramar, Flota Mercante del Estado, A/S Ivarans Rederi, Lloyd Brasileiro, Mississippi Shipping Co., Inc., Moore-McCormack Lines, Inc., the parties to the Norton Line joint service, Rederiet Svend Hellesen, and Dampskibsselskabet Torm, provides for a division of the revenue derived from the total coffee transported on their vessels from ports in Brazil, south of and including Victoria, to United States ports. This agreement will replace Agreement No. 8205.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 20, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6901; Filed, July 22, 1960; 8:47 a.m.]

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7345-8, between the members of the California Association of Port Authorities, modifies the basic agreement of the parties which provides for the establishment and maintenance of just and reasonable, and as far as practicable, uniform terminal rates and charges, classifications, rules, regulations and practices at the members' terminals in the State of California. The purpose of the modification is to provide for the voting on conference matters by correspondence.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 20, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6902; Filed, July 22, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10741]

GREAT LAKES AIRLINES, INC., ET AL.

Notice of Postponement of Hearing

In the matter of the complaint of Great Lakes Airlines, Inc., vs. Ralph Cox, Jr., United States Overseas Airlines, et al.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned for July 26, 1960, is hereby postponed until October 4, 1960, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D.C., July 19, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-6900; Filed, July 22, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13673, etc.]

ATLANTIC REFINING CO. ET AL.

Notice of Severance

JULY 18, 1960.

The Atlantic Refining Company, et al., Docket No. G-13673, et al.; Champlin Oil & Refining Company, Operator, et al., Docket No. G-17193; Big "6" Drilling Company, Operator, et al., Docket No. G-17815; Bel Oil Corporation, Operator, et al, Docket No. G-20034.

In view of the filing of applications to abandon in Docket Nos. G-17193 and G-17815 and petitions to intervene in Docket No. G-20034, the applications in said docket numbers heretofore scheduled for hearing on July 26, 1960, in the above-consolidated proceedings are hereby severed from said proceedings for such disposition as may be appropriate.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-6885; Filed, July 22, 1960; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 385]

SECRETARY OF DEFENSE

Authority to Represent Interests of Executive Agencies of Federal Government Regarding Increased Gas Rates and Charges

1. Pursuant to the provisions of sections 201(a)(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of Pacific Gas and Electric Company for Increased Gas Rates and Charges, Application No. 42225, before the California Public Utilities Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective June 15, 1960.

Dated: July 19, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-6894; Filed, July 22, 1960; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

SAMUEL EWING

Appointee's Statement of Changes of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published January 28, 1960 (25 F.R. 740).

Dated July 9, 1960.

SAMUEL EWING.

[F.R. Doc. 60-6899; Filed, July 22, 1960; 8:47 a.m.]

TARIFF COMMISSION

[7-02]

IRON ORE

Notice of Postponement of Hearing

The United States Tariff Commission has ordered that the public hearing in connection with the investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended, relating to iron ore (including manganiferous iron ore), heretofore scheduled for October 11, 1960 (25 F.R. 6525), be postponed to 10 a.m., October 18, 1960.

The hearing will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the date set for the hearing.

Issued: July 20, 1960.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 60-6904; Filed, July 22, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 19, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36405: *T.O.F.C. service—Class rates between points in southwest and New England territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7844), for interested rail carriers. Rates on property of various kinds moving on class rates, loaded in trailers and transported on railroad flat cars between points in New England territory on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 56 to Southwestern Freight Bureau tariff I.C.C. 4335.

FSA No. 36406: *T.O.F.C. service—Class rates between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7845), for interested rail carriers. Rates on property of various kinds, moving on class rates, loaded in trailers and transported on railroad flat cars between points in southwestern territory, on the one hand, and points in Arkansas, Missouri, and Oklahoma, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Southwestern Freight Bureau tariff I.C.C. 4362.

FSA No. 36407: *Newsprint paper—Calhoun, Tenn., to Galveston, Tex.* Filed by O. W. South, Jr., Agent (SFA No. A3985), for interested rail carriers. Rates on newsprint paper, in carloads from Calhoun, Tenn., to Galveston, Tex.

Grounds for relief: Barge competition.

Tariff: Supplement 6 to Southern Freight Association tariff I.C.C. S-74.

FSA No. 36408: *Iron or steel wire—Gulf ports to Memphis, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3986), for interested rail carriers. Rates on iron or steel wire, in carloads from New Orleans and Baton Rouge, La., Gulfport, Miss., Mobile, Ala., Panama City and Pensacola, Fla., (import).

Grounds for relief: Private truck competition.

Tariff: Supplement 40 to Southern Freight Association tariff I.C.C. S-87.

FSA No. 36409: *Mineral wool insulation—Joplin and Kansas City, Mo., to New Orleans, La.* Filed by Western Trunk Line Committee, Agent (No. 2138), for interested rail carriers. Rates on mineral wool insulation, in carloads from Joplin, Mo., and Kansas City, Mo.-Kans., to New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 144 to Western Trunk Line Committee tariff I.C.C. No. A-3831.

FSA No. 36410: *Substituted service—NYNH&H for Gilbertville Trucking Company, Inc.* Filed by The New York, New Haven and Hartford Railroad Company, Agent (No. 218), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Harlem River, N.Y., on the one hand, and Boston, and Springfield, Mass., New Haven, Conn., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 36411: *Liquefied petroleum gas—Houma and Southdown, La., to official territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7850), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads from Houma and Southdown, La., to points in official territory.

Grounds for relief: Market competition.

Tariff: Supplement 217 to Southwestern Freight Bureau tariff I.C.C. 4150.

FSA No. 36412: *Soda ash—Baton Rouge, La., to Plymouth, N.C.* Filed by O. W. South, Jr., Agent (SFA No. A3987), for interested rail carriers. Rates on soda ash, in carloads from Baton Rouge, La., to Plymouth, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 8 to Southern Freight Association tariff I.C.C. S-89.

FSA No. 36413: *Hay—Kansas and Oklahoma to Missouri and Tennessee.* Filed by Southwestern Freight Bureau, Agent (No. B-7852), for interested rail carriers. Rates on hay, in carloads from Kansas and Oklahoma points to points in Missouri and Memphis, Tenn.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 24 to Southwestern Freight Bureau tariff I.C.C. 4166.

FSA No. 36414: *Iron and Steel Articles—Gulfport and Pascagoula, Miss., to Nashville, Tenn.* Filed by O. W. South,

Jr., Agent (SFA No. A3963), for interested rail carriers. Rates on bands, beams or channels and bars, iron or steel, in carloads from Gulfport and Pascagoula, Miss. (import) to Nashville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 41 to Southern Freight Association tariff I.C.C. S-87.

FSA No. 36415: *Petroleum naphtha—Southwestern and midcontinent points to Ky., and West Va.* Filed by Southwestern Freight Bureau, Agent (No. B-7851), for interested rail carriers. Rates on petroleum naphtha, in tank-car loads from points in southwestern and midcontinent territories to C&O stations in Kentucky and West Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 47 to Southwestern Freight Bureau tariff I.C.C. 4334.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6889; Filed, July 22, 1960; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 20]

PART 728—WHEAT

Subpart—Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and are for the purpose of (1) clarifying the provisions of the regulations relating to the issuance of marketing cards and certificates and (2) extending the interpretation provision that wheat delivered to the Secretary shall be free of all encumbrances to include all years subsequent to 1958.

With respect to the provisions relating to the issuance of marketing cards and certificates, a recent amendment to § 728.874(c) of the regulations (FEDERAL REGISTER of May 10, 1960, 25 F.R. 4130), provided that a producer who satisfies his proportionate share of the penalty on a farm marketing excess shall remain liable for the remainder of the penalty on the farm marketing excess, notwithstanding the apportionment of the penalty. The first two amendments are for the purpose of harmonizing §§ 728.867 (b) and (c) and 728.868(a) with the amendment to § 728.874(c).

The third amendment deleted the words "of the 1958 crop" from § 728.880(d) so that the provision will apply to 1958 and subsequent crop years as provided in § 728.850.

Since these amendments apply to the 1960 crop of wheat, it is important that they become effective as soon as possible. In addition, they are issued only for the purpose of clarifying certain provisions of the regulations. Accordingly, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary, impracticable, and contrary to the public interest. Therefore, these amendments shall become effective upon publication in the FEDERAL REGISTER.

1a. Section 728.867(b)(1) is amended to read as follows: "(1) if any producer on the farm owes any penalty for excess wheat for the current crop year or any preceding crop year,".

b. Section 728.867(b) is further amended by inserting the word "or" immediately preceding subparagraph (6) and by changing the comma after the word "operator" at the end of subparagraph (6) to a period and deleting the remainder of the sentence reading "or (7) if a producer's liability has been reduced to a proportionate share of the entire penalty.".

c. The second sentence of § 728.867 (c) is amended by inserting the word "and" immediately preceding subparagraph (2) and by changing the comma after the word "crop" at the end of subparagraph (2) to a period and deleting the remainder of the sentence reading "and (3) the producer's liability has not been reduced to a proportionate share of any such farm.".

2. The first sentence of § 728.868(a)(2) is amended to read as follows: "who has availed himself of the provisions of § 728.874(c),".

3. Section 728.880(d) is amended to read as follows:

(d) *Interpretation.* Any wheat delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess for any farm shall be free and clear of all encumbrances and particularly no wheat shall be accepted for such purpose if it is subject to storage charges or liens of any kind. Conveyance of the wheat to the Secretary shall be made by the execution and delivery of Form MQ–99—Wheat.

(Secs. 1, 55 Stat. 203, 375, 52 Stat. 66, as amended; 7 U.S.C. 1340, 1375)

Issued in Washington, D.C., this 20th day of July 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6925; Filed, July 25, 1960; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 855, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.962 (Lemon Regulation 855; 25 F.R. 6744) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 21, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6923; Filed, July 25, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Fiber Content of Special Types of Products; Exclusions From the Act

On May 10, 1960, a notice of Proposed Rule Making was issued by the Commission and published in the FEDERAL REGISTER on May 11, 1960. Such notice stated that the Commission would on June 6, 1960, at its offices in the City of Washington, District of Columbia, give consideration to an amendment of § 303.10 and 303.45 (Rules 10 and 45) of Part 303 Rules and Regulations under the Textile Fiber Products Identification Act. Such notice provided that interested parties might participate by submitting in writing to the Commission on or before such date their views, arguments or other data and further provided that written rebuttal could be submitted until June 13, 1960. A draft of the proposed amendments was made a part of the notice.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments or other data in writing through June 6, 1960, and

opportunity was afforded for the submission of written rebuttal until June 13, 1960. All views, arguments and data presented have been made a part of the record.

After due consideration of the proposed amendments, suggested revisions, deletions and additions thereto, together with all views, arguments, and other data submitted, the following amendments to § 303.10 and 303.45 (Rules 10 and 45) of Part 303 Rules and Regulations under the Textile Fiber Products Identification Act (72 Stat. 1717, 15 U.S.C. 70) are hereby promulgated. Inasmuch as all of the amendments involve a relaxation of the previous requirements of such Rules, such amendments are hereby made effective upon publication in the FEDERAL REGISTER.

(Sec. 7, 72 Stat. 1717; 15 U.S.C. 70e)

The amendments are as follows:

1. An amendment of § 303.10 (Rule 10) under the authority of section 7(c) so as to incorporate present § 303.10 (Rule 10) into paragraph (a) of amended § 303.10 (Rule 10) and to make certain changes therein for the purpose of clarifying the meaning of the Rule and to add a new paragraph (b) to § 303.10 (Rule 10) relating to the disclosure of the required fiber content information of drapery or upholstery fabrics manufactured on hand-operated looms for a particular customer after the sale of such fabric has been consummated where the amount of such order does not exceed 100 yards of fabric.

Section 303.10 (Rule 10) shall hereafter read:

§ 303.10 Fiber content of special types of products.

(a) (1) Where a textile product is made wholly of elastic yarn or material, with minor parts of non-elastic material for structural purposes, it shall be identified as to the percentage of the elastomer, together with the percentage of all textile coverings of the elastomer and all other yarns or materials used therein. (2) Where a textile fiber product is made in part of elastic material and in part of other fabric, the fiber content of such fabric shall be set forth sectionally by percentages as in the case of other fabrics. In such cases the elastic material may be disclosed by describing the material as elastic followed by a listing in order of predominance by weight of the fibers used in such elastic, including the elastomer, where such fibers are present by more than five percentum with the designation "other fiber" or "other fibers" appearing last when fibers required to be so designated are present. An example of labeling under this paragraph is:

Front and back non-elastic sections: 50% Acetate, 50% Cotton.
Elastic: Rayon, Cotton, Nylon, Rubber.

(b) Where drapery or upholstery fabrics are manufactured on hand-operated looms for a particular customer after the sale of such fabric has been consummated, and the amount of the order does not exceed 100 yards of fabric, the required fiber content disclosure may be made by listing the fibers present in order of predominance by weight with any fiber or fibers required to be designated as "other fiber" or "other fibers" appearing last, as for example:

Rayon.
Wool.
Acetate.
Metallic.
Other fibers.

§ 303.45 [Amendment]

2. An amendment of subdivision (xv) of paragraph (a) (1) of § 303.45 (Rule 45), so as to exclude certain flags from the operation of the Act pursuant to section 12(b) of the Act and under the conditions prescribed by § 303.45 (Rule 45). Section 303.45(a) (1) (xv) (Rule 45) shall hereafter read:

(xv) Flags with heading or more than 216 square inches in size.

3. An amendment of paragraph (a) of § 303.45 (Rule 45) by adding another subparagraph thereto. Such paragraph shall follow subparagraph (7) of paragraph (a) of § 303.45 (Rule 45) and shall read:

(8) All textile fiber products in a form ready for the ultimate consumer procured by the military services of the United States which are bought according to specifications, but shall not include those textile fiber products sold and distributed through post exchanges, sales commissaries, or ship stores; provided, however, that if the military services sell textile fiber products for nongovernmental purposes the information with respect to the fiber content of such products shall be furnished to the purchaser thereof who shall label such products in conformity with the Act and regulations before such products are distributed for civilian use.

By direction of the Commission.

Issued: July 25, 1960.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6937; Filed, July 25, 1960; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Deed of Trust Notes

§ 201.102 Deed of trust notes issued under military housing program as collateral for advances.

(a) The Board of Governors has been asked for an opinion whether certain "Deed of Trust Notes", issued under the provisions of Title VIII of the National Housing Act in connection with the military housing program, are eligible as collateral for advances to member banks under any of the provisions of section 13 of the Federal Reserve Act.

(b) It is understood that the "Deed of Trust Notes" are issued by so-called "Capehart Corporations" and that the financing institutions which advance the funds for the housing construction look to the Defense Department for payment pursuant to a so-called guaranty agreement executed by the Secretary of Defense or his designee under which the United States undertakes to make each periodic payment which becomes due on the note without prior demand for such payment.

(c) After careful consideration of the questions involved, the Board has concluded that (1) the notes would not be eligible as collateral for 15-day advances under the eighth paragraph of section 13 of the Federal Reserve Act since the "Deed of Trust Notes" are not "bonds, notes, certificates of indebtedness, or Treasury bills" as those words are used in the eighth paragraph; (2) the notes are not "such notes, drafts, bills of exchange, or bankers' acceptances" as are eligible for rediscount or for purchase by Federal Reserve Banks under the provisions of the Federal Reserve Act, and, accordingly, they are not eligible as collateral for 90-day advances under paragraph eight of section 13; and (3) the notes are not eligible for advances under the last paragraph of section 13 which authorizes 90-day advances to any individual, partnership, or corporation on promissory notes secured by direct obligations of the United States.

(d) Some comment seems desirable with respect to (3) above. Notwithstanding the fact that in a broad sense the Government's contract to make periodic payments on the notes without prior demand appears to be a direct obligation of the United States, it is the Board's view that the Government's contract does not constitute such an obligation within the meaning of the last paragraph of section 13. Under that paragraph, advances by Reserve Banks are authorized on such obligations subject to such "limitations, restrictions, and regulations" as the Board may prescribe. While the term "direct obligations of the United States" is not specifically defined in this Part 201, nevertheless in two places in paragraph (a) of § 201.3, the term is parenthetically defined as meaning only bonds, notes, Treasury bills, or certificates of indebtedness of the United States. Clearly this evidences an intent that the term shall have that meaning wherever it is used in Part 201.

(e) Of course, the "Deed of Trust Notes" are eligible for advances under section 10(b) of the Federal Reserve Act although at a rate of interest not less than one-half of one percent per annum higher than the highest rate applicable to discounts for member banks then in effect.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies sec. 13, 38 Stat. 263 as amended; 12 U.S.C. 347, 347c)

Dated at Washington, D.C., this 8th day of July 1960.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 60-6913; Filed, July 25, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methylene Chloride and 1,1,1-Trichloroethane; Exemptions From the Requirements of Tolerances

A petition was filed with the Food and Drug Administration by The Brogdex Company, Pomona, California, requesting the establishment of a zero tolerance for residues of methylene chloride and an exemption from the requirement of a tolerance for residues of 1,1,1-trichloroethane from use of a combination of these two pesticide chemicals in the postharvest treatment of citrus fruits.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purpose of which exemptions are being established.

After consideration of the data submitted in the petition and other relevant material which show that the exemptions from the requirement of a tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended in the following respects:

1. Section 120.170 is amended to read as follows:

§ 120.170 Exemption of methylene chloride from the requirement of a tolerance.

Methylene chloride is exempted from the requirement of a tolerance for residues:

(a) When used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

(b) When used in the postharvest fumigation of citrus fruits.

2. Part 120 is amended by adding the following new section:

§ 120.179 Exemption of 1,1,1-trichloroethane from the requirement of a tolerance.

1,1,1-Trichloroethane is exempted from the requirement of a tolerance for residues when used in the postharvest fumigation of citrus fruits.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: July 19, 1960.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 60-6932; Filed, July 25, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-389]

PART 608—RESTRICTED AREAS

Revocation

On November 11, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9217) stating that the Federal Aviation Agency proposed to revoke the Sheboygan, Wis., Restricted Area (R-83c), (Milwaukee and Green Bay Charts).

As stated in the notice, the Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). Several comments were received in response to the notice, objecting to the proposal. The factual information contained in the comments are briefly outlined as follows:

The Adjutant General, State of Ohio, protested the revocation of Restricted Area (R-83c) on the basis that four tactical fighter squadrons of the Ohio Air National Guard utilized the Restricted Area (R-83) complex during the summer of 1959. He furnished no information as to the number of aircraft involved, time of use, type of aircraft or if Restricted Area (R-83c) was specifically used by his units.

The 131st Tactical Fighter Wing, St. Louis, Mo., of the Missouri Air National Guard objected to the proposal and requested action be deferred, but provided no data as to the number and type of aircraft that utilized Restricted Area (R-83c) nor the time of use.

The Commander of the District of Columbia Air National Guard objected to the proposal on the basis that his unit utilized the area during the summer of 1959, for an average of 42 weapons sorties per day for 11 days.

The Departments of the Navy and Air Force objected to the proposal and requested the whole Central Lake Michigan Restricted Area Complex (R. 83 a, b and c) be studied by a Federal Aviation Agency Regional Special Use Airspace Team. The Federal Aviation Agency has reviewed the activities in these restricted areas and is of the opinion that a Special Use Airspace Team study is not necessary.

The Adjutant General and Governor of the State of Wisconsin objected to the proposal because Restricted Area (R-83c) is used by units of the Wisconsin Air National Guard and Reserve Units for training. However, the Wisconsin State Aeronautics Commission concurred in the proposal because the area as it is now designated prevents the use of a natural flyway between the cities of Manitowoc, Sheboygan, and Milwaukee, Wis., and also prevents the development of the proper instrument runway alignment for the Sheboygan County Airport.

The Department of the Army which is the controlling agency for Restricted Area (R-83c), declared the area excess to their needs and requested that the Federal Aviation Agency transfer control to the Wisconsin Air National Guard. No action has been taken on the Army's request by this agency as no justification has been received indicating a need for or planned use of the area. As a matter of interest, no report on the area as required by Special Airspace Regulation No. 1 (24 F.R. 5898) has been received to date for Restricted Area (R-83c).

In view of the absence of sufficient justification by any agency to support the continued designation of Restricted Area (R-83c), the Federal Aviation Agency is revoking this restricted area. The effective date of this action shall be September 22, 1960, so there will be no interruption to any training activities that The Department of the Air Force have scheduled in this area during the summer months of 1960.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.57 *Wisconsin*, the Sheboygan, Wis., Restricted Area (R-83c) (Milwaukee and Green Bay Charts) (24 F.R. 2234) is revoked.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 20, 1960.

E. R. QUESADA, *Administrator.*

[F.R. Doc. 60-6911; Filed, July 25, 1960; 8:46 a.m.]

[Reg. Docket No. 449; Amdt. 175]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR, Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Hutchinson VOR	HUT–LFR	Direct	2800	T–dn	800–1	300–1	300–1
				C–dn	°400–1	500–1	500–1½
				S–dn–35	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side S crs, 176° Outbnd, 356° Inbnd, 2800′ within 10 mi. (nonstandard to avoid ICT traffic).
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 356°—2.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi, climb to 3000′ on N crs HUT–LFR within 20 mi, or when directed by ATC: (1) turn left and climb to 3000′ on W crs HUT–LFR within 20 mi.
CAUTION: 2049′ TV tower located 4.0 mi ESE of airport. Aircraft taking off to N, S, NE, or SE, climb to 2800′ prior to proceeding toward TV tower.
Major change: Deletes transition from North Fork RBn or marker.
° 800–1 required when necessary to circle the airport on the west side to effect a landing.

City, Hutchinson; State, Kans.; Airport Name, Hutchinson; Elev., 1542′; Fac. Class., SBMRLZ; Ident., HUT; Procedure No. 1, Amdt. 11; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 10; Dated, 22 Dec. 56

Piedmont FM	TYS LFR	Direct	2400	T–dn	300–1	300–1	200–½
TYS VOR	TYS LFR	Direct	2400	C–d	500–1	500–1	500–1½
				C–n	500–1½	500–1½	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side N crs, 354° Outbnd, 174° Inbnd, 3000′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 200°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, turn right, climb to 3000′ on West crs TYS LFR within 20 mi.
Major change: Deletes transitions from Tallahassee FM and Inskip FM.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., SBRAZ; Ident., TYS; Procedure No. 1, Amdt. 11; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 10; Dated, 19 Nov. 54

All directions				T–dn°	300–1	300–1	300–1
Shuttle East crs, 052° Outbnd, 232° Inbnd, 4000′ within 25 mi.				C–dn°°	500–2	500–2	500–2
				S–dn–25	500–2	500–2	500–2
				A–dn	800–2	800–2	800–2

Procedure turn N side E crs, 052° Outbnd, 232° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 232°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles (Puffin Island FM), turn left. Climb to 4000′ on East (092°) crs within 20 miles.
CAUTION: "Proceed to Kodiak LFR immediately after takeoff from all runways. Takeoff from Runways 25 and 28 not authorized. °°Maneuvering for approach to Runways 10, 25, 28, and 36 to be accomplished east of airport. Circling approach to Runways 7 and 10 not authorized. Terrain within 1.5 nautical miles—North 1182′, West 2400′, South 1030′.
NOTE: Airport closed to all civil air traffic except in an emergency or when given special authorization by U.S. Navy.

City, Kodiak; State, Alaska; Airport Name, Kodiak U.S. Naval Station; Elev., 77′; Fac. Class., SBRAZ; Ident., NHB; Procedure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 23 July 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
ATL VOR	LOM	Direct	2200	T–dn	300–1	300–1	200–½
MDU VOR	LOM (final)	Direct	1700	C–dn	400–1	500–1	500–1½
Stone Mt. Int	LOM	Direct	2700	S–dn–33	400–1	400–1	400–1
Tucker Int	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Fulton Int	LOM	Direct	2080				

Radar terminal transition altitudes: 0–360° within 25 mi, 3000′; 070°–290° within 15 mi, 2200′. All bearings are from radar site with sector azimuths progressing clockwise.
Procedure turn East side SE crs, 149° Outbnd, 329° Inbnd, 2200′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 329°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi of LOM, turn left, climb to 3000′ on crs of 269° from ATL LOM (Ident. AT) within 15 mi of ATL LOM.
CAUTION: 1182′ tank ¾ mi W of airport.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elv., 1024′; Fac. Class., LOM; Ident., AZ; Procedure No. 2, Amdt. Orig.; Eff. Date, 6 Aug. 60 or com. of facility

Cold Bay LFR	CD LOM	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn–26 and 32	500–1	500–1½	500–1½
				C–d–8	800–2	800–2	800–2
				C–n–8	NA	NA	NA
				S–dn–14	800–1	800–1	800–1
				A–dn	1000–2	1000–2	1000–2

Procedure turn East side of crs, 322° Outbnd, 142° Inbnd, 1600′ within 10 mi. Nonstandard due to terrain 1700′ West of crs.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 142°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, turn left, climb to 2700′ on 322° crs of Cold Bay LOM within 20 miles or, when directed by ATC, turn left, climb to 2700′ on N crs (321°) CDB LFR.
CAUTION: Circling to Runways 26 and 32 will be accomplished East of airport. Mt. Simeon 960′ msl 2.4 miles West of airport.

City, Cold Bay; State, Alaska; Airport Name, Cold Bay; Elev., 93′; Fac. Class., LOM; Ident., CD; Prodecure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 9 July 60

All directions	Hood RBn	Direct	MEA	T–dn	300–1	300–1	200–½
				C–dn	400–1	800–1	800–1½
				S–dn–33	400–1	400–1	400–1
				A–dn	800–2	800–2	° 800–2

Procedure turn West side of crs, 164° Outbnd, 344° Inbnd, 2600′ within 7 mi. Beyond 7 mi NA.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 344°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles or over Hood FM, turn right, climb to 2800′ and proceed to Hood RBn.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac. Class., MHW; Ident., HLR; Prodcsure No. 1, Amdt. Orig.; Eff. Date, 6 Aug. 60

MXF LFR	LOM	Direct	1800	T–dn	300–1	300–1	200–½
MGM VOR	LOM	Direct	1500	C–dn	400–1	800–1	800–1½
Benton Int	LOM (final)	Direct	1700	S–dn–9	400–1	400–1	400–1
Calhoun Int	LOM	Direct	1800	A–dn	800–2	800–2	800–2
Swift Creek Int	LOM	Direct	2000				
Sellers Int	LOM	Within 15 mi	2000				
Radar terminal area transition altitudes		Within 30 mi	3000				

Procedure turn S. side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 093°—5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi after passing LOM, climb to 2000′ on crs of 093° from LOM within 15 mi or, when directed by ATC, climb to 1800′ on R–127 MGM–VOR within 20 mi.
CAUTION: Tower 987′ MSL, 8 mi East.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class., LOM; Ident., MG; Procedure No. 1, Amdt. 2; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 1, Dated, 30 May 59

Coronado RBn	LPT RBn	Direct	1800	T–dn°	300–1	300–1	200–½
Oceanside RBn	LPT RBn	Direct	2000	C–dn	800–2	800–2	800–2
Miramar RBn	LPT RBn	Direct	3000	S–dn–9	400–1	400–1	400–1
Jamul RBn	LPT RBn	Direct	4000	A–dn	800–2	800–2	800–2
Sargo Int	LPT RBn (final)	Direct	700				

Procedure turn South side of crs, 280° Outbnd, 100° Inbnd, 1800′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 100°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 mi, turn right, climb to 2000′ to Coronado RBn/FM or, when directed by ATC, if visual contact not established over Loma Portal RBn, make left climbing turn, climb to 1800′ on a 280° crs from LPT RBn within 10 mi. or if visual contact not established within 1.0 mi after passing RBn, make left climbing turn to 2000′ on crs of 326° to Oceanside RBn.
°300–1 required on all runways except Rwy. 27.

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 18′; Fac. Class., ME; Ident., LPT; Procedure No. 1, Amdt. 2; Eff Date, 6 Aug. 60; Sup. Amdt. No. 1; Dated, 7 Nov. 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1		
				C-dn	600–1		
				A-dn	NA		

Procedure turn South side of crs, 287° Outbnd, 107° Inbnd, 1200′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 107°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make a left climbing turn and return to the Franklin VOR at 1200′. Hold on R-107, right turns, within 10 miles.
NOTE: Instrument takeoff not authorized from Runway 22. Right turn after takeoff from Runway 14 not authorized.
CAUTION: 277′ smoke stacks 0.9 mile SW of airport.

City, Franklin; State, Va.; Airport Name, Franklin Municipal; Elev., 37′; Fac. Class., BVOR; Ident., FKN; Procedure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 14 May 60

Harrisburg LFR	HAR-VOR	Direct	2800	T-d	500–1	500–1	500–1
Harrisburg LOM	HAR-VOR	Direct	2800	T-n	500–2	500–2	500–2
				C-dn	1200–2	1200–2	1200–2
				A-dn	1200–2	1200–2	1200–2

Takeoff minimums of 300–1 authorized for Runways 8–26 only.
Procedure turn S side of crs, 289° Outbnd, 109° Inbnd, 2600′ within 10 mi.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 109°—7.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing Harrisburg VOR, climb to 3000′ on HAR VOR R-115 to Middletown Int.* Hold East one-minute left turns.
AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1500′ or better.
NOTE: Take-off on Runway 20 not authorized.
*Int R-115 HAR VOR and R-269 TWC VOR.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., BVORTAC; Ident., HAR; Procedure No. 1, Amdt. 4; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 3; Dated, 7 Dec. 58

Hutchinson LFR	HUT-VOR	Direct	2700	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-3	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 212° Outbnd, 032° Inbnd, 2700′ within 10 mi. (nonstandard to avoid Hutchinson NAS traffic).
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 032°—5.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi, climb to 2800′ on R-015 within 20 mi.
CAUTION: 249 MSL TV tower located 3.5 mi E of airport. Aircraft taking off to N, S, NE, SE, climb to 2800′ prior to proceeding toward TV tower.
Major change: Deletes transition from North Fork RBn.

City, Hutchinson; State, Kans.; Airport Name, Hutchinson; Elev., 1542′; Fac. Class., BVORTAC; Ident., HUT; Procedure No. 1, Amdt. 6; Eff. Date, 6 Aug. 60; Sup. Amdt No. 5; Dated, 9 July 54

All directions	VOR	Direct	MEA	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 162° Outbnd, 342° Inbnd, 2800′ within 7 mi. Beyond 7 mi NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles or over Hood FM turn right, climb to 2500′ and proceed direct to Hood VOR.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 342°—4.0 mi.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 925′; Fac. Class., TVOR; Ident., HLR; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 Aug. 60

Stanford FM	LWT-VOR	Direct	6000	T-dn	300–1	300–1	300–1
Lewistown LFR	LWT-VOR	Direct	6000	C-dn	700–2	700–2	700–2
				S-dn-rny 7	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn S side crs, 271° Outbnd, 091° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 072°—5.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, turn right, climb to 6000′ on R-271 within 20 miles.

City, Lewistown; State, Mont.; Airport Name, Lewistown; Elev., 4197′; Fac. Class., BVOR; Ident., LWT; Procedure No. 1, Amdt. 3; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 2; Dated, 2 May 59

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-14	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 130°—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi. after passing MFD–VOR, climb to 2600′ on R-130 within 10 miles.

City, Mansfield; State, Ohio; Airport Name, Mansfield; Elev., 1296′; Fac. Class., BVORTAC; Ident., MFD; Procedure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 20 Sept. 58

St. Louis LFR	STL–VOR	Direct	1900	T-dn	200–1	200–1	200–½
Maryland Hgts VOR	STL–VOR	Direct	1900	C-d	500–1	500–1½	500–1½
				C-n	500–2	500–2	500–2
				S-d-12	500–1	500–1	500–1
				S-n-12	500–2	500–2	500–2
				A-dn	500–2	500–2	500–2
				If aircraft dual omni or DMET equipped and *St. Charles Int received, the following minimums apply:			
				S-dn-12	400–1	400–1	400–1

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 1900 within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 137°—6.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.0 miles, make right turn climb to 2600′ direct to MTS–VOR.
*St. Charles Int: Int R-137 STL-VOR and R-040 MTS–VOR or 5 mi. DMET fix on R-127 STL.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 568′; Fac. Class., BVORTAC; Ident., STL; Procedure No. 1, Amdt. 7; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 6; Dated, 15 Nov. 58

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Int R-209 RBS VOR and R-325 CMI VORTAC.	CMI VORTAC	Direct	2200	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-4	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 230° Outbnd, 050° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1225′.
Crs and distance, breakoff point to Runway 4, 038°—0.75 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CMI VORTAC, make right turn, climb to 1800′ on R-120 CMI-VORTAC within 10 miles.
CAUTION: Tower 1703′ MSL 0 mi NW of airport. Tower 1146′ MSL 2.1 mi NNE of airport.

City, Champaign; State, Ill.; Airport Name, University of Illinois; Elev., 753′; Fac. Class., BVORTAC; Ident., CMI; Procedure No. TerVOR–4, Amdt. Orig.; Eff. Date, 6 Aug 60

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE AUGUST 6, 1960.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 820′; Fac. Class. and Ident., BVOR-DME-ATL; Procedure No. VOR-DME-8, Amdt. Orig.; Eff. Date, 8 Sept. 55

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

When an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ABI-VOR	LOM	Direct	3800	T-dn	300-1	300-1	200-½
ABI-LFR	LOM	Direct	3800	C-dn	400-1	500-1	500-1½
				S-dn-35°	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side of S crs, 176° outbnd, 356° inbnd, 3800′ within 10 miles. Beyond 10 miles NA.
Minimum altitude at glide slope intersection inbnd, 3800′.
Altitude of glide slope and distance to appr end of Rnwy at OM, 3753′—6.0 mi; at MM, 2007′—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3100′ on N crs of ILS within 20 miles or, when directed by ATC, turn right, climb to 3200′ on R-065 of ABI-VOR.
CAUTION: Tower 2032′ msl 9.7 mi SSE, 2775′ msl 7.9 mi SSW, 2032′ msl 2.6 mi WNW, 2115′ msl 5.2 mi NW, 2067′ msl 6.8 mi NW.
*600-1 required when glide slope not utilized. 3° glide slope.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., ILS; Ident., I-ABI; Procedure No. ILS-35, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 23 July 60

Atlanta LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Atlanta VOR	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Pelton Int	LOM	Direct	2300	S-dn-9	#*200-½	#*200-½	#*200-½
Chattahoochee Int	LOM (final)	Direct	2300	A-dn	600-2	600-2	600-2
Raymond Int	LOM	Direct	2100				

Radar terminal area transition altitudes: 0-360° within 25 mi, 3000′; 070°-290° within 15 mi, 2200′.
All bearings are from radar site with sector azimuths progressing clockwise.
Procedure turn S side W crs, 269° Outbnd, 089° Inbnd. 2300′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2300′.
Altitude of G.S. and distance to appr end of Rnwy at OM, 2324′—4.1 mi; at MM, 1238′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200′ on E crs ILS within 20 miles.
CAUTION: 1128′ tower ¾ miles W of airport.
#Runway visual range 2600′ also authorized for takeoff and landing on Rnwy 9; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 1224′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
*200-½ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-ATL; Procedure No. ILS-9, Amdt. 20; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 19; Dated, 20 Feb. 60

ATL-VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
MDU-VOR	LOM (final)	Direct	2300	C-dn	400-1	500-1	500-1½
Stone Mt. Int	LOM	Direct	2700	S-dn-33°	200-½	200-½	200-½
Tucker Int	LOM	Direct	3000′	A-dn	600-2	600-2	600-2
Fulton Int	LOM	Direct	3000				

Radar terminal transition altitudes: 0-360° within 25 mi, 3000′; 070°-290° within 15 mi, 2200′. All bearings are from radar site with sector azimuths progressing clockwise.
Procedure turn E side SE crs, 146° Outbnd, 326° Inbnd, 2300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 2300′.
Altitude of glide slope and distance to approach end of Runway at OM, 2257′—4.5 mi; at MM, 1173′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 3000′ and proceed to Chattahoochee Int or, when directed by ATC, climb to 4000′ and proceed to Fulton Int.
CAUTION: 1128′ tank ¾ mi W of airport.
*600-½ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-AZA; Procedure No. ILS-33, Amdt. Orig.; Eff. Date, 6 Aug. 60 or com. of facility

Harrisburg LFR	LOM	Direct	2700	T-d	500-1	500-1	500-1
Harrisburg VOR	LOM	Direct	2700	T-n	500-2	500-2	500-2
New Kingstown FM	LOM	Direct	2700	S-d-S	600-1½	600-1½	600-1½
				S-n-S	600-2	600-2	600-2
				C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Takeoff minimums of 300-1 authorized for Runways 8-26 only.
Procedure turn S side W crs, 269° Outbnd, 079° Inbnd, 2700′ within 10 miles.
Minimum altitude over LOM 2700′. No glide slope. Distance to appr end of rny at OM 7.1, at MM 1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing LOM, climb to 3000′ on Harrisburg VOR R-115 to Middletown Int,° Hold East hold East one-minute left turns.
AIR CARRIER NOTE: Landing on Rnwy 2 authorized only during daylight hrs with ceiling 1500′ or better.
NOTE: Take-off on Rnwy 20 not authorized. ADF approach not authorized.
CAUTION: Circling minimums do not provide standard clearance over 1126′ ridge and tower 1.6 mi S of airport. Nonstandard instrument landing system. Approaches not authorized with any communicated components inoperative.
°Int R-115 HAR VOR and R-200 TWC VOR.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., ILS; Ident., HAR; Procedure No. 1, Amdt. 5; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 4; Dated, 22 Aug. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Maxwell LFR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Montgomery VOR	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
Catoma Int	LOM	Direct	1700	S-dn-9°	200-½	200-½	200-½
Benton Int	LOM (final)	Direct	1700	A-dn	600-2	600-2	600-2
Calhoun Int	LOM	Direct	1500				
Swift Creek Int	LOM	Direct	1500				
Sellers Int	LOM	Within 15 mi	2000				
Radar terminal area transition altitudes		Within 30 mi	3000				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to appr end of Rny at OM, 1700′—5.1; at MM, 435′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 1800′ and proceed to MGM VOR or, when directed by ATC, climb to 2000′ on E crs ILS within 20 miles.
CAUTION: Tower 967′ MSL, 3 mi East.
*400-½ required when Glide Slope not used.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class ILS; Ident., I-MGM; Procedure No. ILS-9, Amdt. 7; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 6; Dated, 8 Aug. 59

SBA VOR	LMM	Direct	3000	T-dn	300-1	300-1	#300-½
El Capitan FM	ILS W crs	Direct	**2800	C-dn	700-2	700-2	700-2
GVO VOR	ILS W crs	R-163	**2000	S-dn-7#	300-½	300-½	300-½
Int E crs ILS and SBA VOR R-107	LMM	Direct	3000	A-dn	600-2	600-2	600-2

Procedure turn S side W crs, 253° Outbnd, 073° Inbnd, 3000′ within 10 mi of Naples Int.
Minimum altitude at glide slope int inbnd °2000′.
No outer marker. Altitude of glide slope at El Capitan FM, 2674′; at Naples Int, 1400′; at MM, 195′.
Distance to appr end of Rnwy from El Capitan FM, 10.0 mi; from Naples Int, 5.2 mi; from MM, 0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 800′, make climbing right turn and climb to 3000′ on crs of 165° from SBA LMM or on SBA VOR R-170 within 15 mi.
CAUTION: All maneuvering must be accomplished South of localiser course. High terrain to the North.
NOTE: Simultaneous use of VOR and ILS required for this procedure.
Naples Int: Int W crs ILS and GVOR VOR R-117 or SBA VOR R-225.
Major change: Deletes transition from SBA LFR.
**Straight-in approach authorized on the localiser course from El Capitan FM or Intersection of GVO VOR R-163.
300-1 required on runways 3 L-R, 7 and 23 L-R.
500-1 required with glide slope inoperative.

City, Santa Barbara; State, Calif.; Airport Name, Municipal; Elev., 14′; Fac. Class., ILS; Ident., SBA; Procedure No. ILS-7, Amdt. 6; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 5; Dated, 26 Mar. 60

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar site	Within 20 mi	2300	Precision approach			
				T-dn-33	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-33	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2500′ and proceed direct to Hood VOR or Hood RBn.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac. Class., Fort Hood AAF; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 16 July 60

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 13, 1960.

OSCAR BAKER,
Director, Bureau of Flight Standards.

[F.R. Doc. 60-6725; Filed, July 25, 1960; 11:01 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPERS AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO

Subpart N—Taxes on Cigarette Papers and Tubes

SUPERSEDURE OF SUBPART

CROSS REFERENCE: For supersedure of regulations in this subpart, see preamble to Part 285 of 26 (1954) CFR, Chapter I, *infra*.

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 285—CIGARETTE PAPERS AND TUBES—MANUFACTURERS AND IMPORTERS

On May 20, 1960, a notice of proposed rule making with respect to regulations designated as Part 285 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (25 F.R. 4468). The proposed regulations supersede 26 CFR (1939) Part 140, Subpart N, "Taxes on Cigarette Papers and Tubes," and are promulgated to implement the Internal Revenue Code of 1954, as amended by section 202 of the Excise Tax Technical Changes Act of 1953 (Public Law 85-859, 72 Stat. 1275).

In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No written comments or suggestions were received within the 30-day period prescribed in the notice and the regulations as published in the FEDERAL REGISTER are hereby adopted, subject to the following change: The preamble is amended by adding a new paragraph 3.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 20, 1960.

DAVID A. LINDSAY,
Acting Secretary of the Treasury.

Preamble. 1. These regulations, 26 CFR Part 285, "Cigarette Papers and Tubes—Manufacturers and Importers," are promulgated to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1953 (Public Law 85-859, 72 Stat. 1275), and supersede 26 CFR (1939) Part 140, Subpart N, "Taxes on Cigarette Papers and Tubes."

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

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285.2 Forms prescribed.

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Subpart C—Taxes

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AUTHORITY: §§ 285.1 to 285.193 issued under sec. 7805, I.R.C., (68A Stat. 917; 26 U.S.C. 7805). Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope of Regulations

§ 285.1 Cigarette papers and tubes—manufacturers and importers.

This part contains the regulations governing the manufacture, importation, and removal of cigarette papers and tubes.

§ 285.2 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

Subpart B—Definitions

§ 285.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Determined or determination. When used with respect to the tax on cigarette papers and tubes, shall mean that the number of books or sets of cigarette papers of each different numerical content or the number of cigarette tubes to be removed subject to tax has been established as prescribed by this chapter so that the tax payable with respect thereto may be calculated.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Export warehouse. A bonded internal revenue warehouse for the storage of tobacco products and cigarette papers and tubes, upon which the internal revenue tax has not been paid, for subsequent shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

Export warehouse proprietor. Any person who operates an export warehouse.

Factory. The premises of a manufacturer of cigarette papers and tubes in which he carries on such business.

Importer. Any person in the United States to whom nontaxpaid cigarette papers or tubes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned, and any person who smuggles or otherwise unlawfully brings cigarette papers or tubes into the United States.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Treasury Department duly authorized to perform any function relating to the administration or enforcement of this part.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of cigarettes. Any person who manufactures cigarettes, except for his own personal consumption.

Manufacturer of tobacco. Any person who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a person who in any manner prepares tobacco solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 290 of this subchapter.

Package. The container in which cigarette papers or tubes are put up and in which, or directly from which, such papers or tubes are offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

Regional commissioner. The regional commissioner of internal revenue of an internal revenue region.

Removal or remove. The removal of cigarette papers or tubes from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Subpart C—Taxes

§ 285.21 Cigarette papers.

On each book or set of cigarette papers containing more than 25 papers, manufactured in or imported into the United States, the law imposes a tax of ½ cent for each 50 papers or fractional part thereof; except that, if cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 285.22 Cigarette tubes.

On cigarette tubes, manufactured in or imported into the United States, the law imposes a tax of one cent for each 50 tubes or fractional part thereof; except that, if cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 285.23 Persons liable for tax.

The manufacturer or importer of cigarette papers and tubes shall be liable for the taxes imposed thereon by section 5701, I.R.C.: *Provided*, That when cigarette papers and tubes are transferred, without payment of tax, pursuant to section 5704, I.R.C., to the bonded premises of another such manufacturer, a manufacturer of cigarettes, a manufacturer of tobacco, or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such papers and tubes and the transferor shall thereupon be relieved of his liability for such tax. When cigarette papers and tubes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of such papers and tubes, a manufacturer of cigarettes, or a manufacturer of tobacco, the transferee shall become liable for the tax on the papers and tubes upon release from customs custody and the importer shall thereupon be relieved of his liability for such tax. Any person who possesses cigarette papers and tubes in violation of section 5751 (a)(1) or (a)(2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5761)

§ 285.24 Determination of tax and method of payment.

Except for removals without payment of tax and transfers in bond, as authorized by law, no cigarette papers and tubes shall be removed until the tax thereon imposed by section 5701, I.R.C., has been determined. The payment of taxes on cigarette papers and tubes which are removed on determination of tax shall be made by return in accordance with the provisions of this part.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 285.25 Return of manufacturer.

Every manufacturer of cigarette papers and tubes shall file, for each of his factories, a tax return on Form 2137, in triplicate, with remittance, with the district director of the internal revenue district in which the factory is located on or before the 10th day of each month, showing the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes which were removed subject to tax during the preceding month: *Provided*, That when the last day for filing a tax return with remittance falls on Saturday or Sunday, or on a legal holiday of the District of Columbia, or on a Statewide legal holiday of the particular State where the return is required to be filed, the filing of such return with remittance shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday. Such return shall be filed regardless of whether cigarette papers and tubes are removed subject to tax or whether tax is due for that particular month. The district director shall return a receipted copy of each tax return to the manufacturer, which copy shall be retained by such manufacturer.

(72 Stat. 1417, 68A Stat. 898; 26 U.S.C. 5703, 7503)

§ 285.26 Adjustments in the return of manufacturer.

Adjustments may be made in Schedules A and B of the manufacturer's monthly

tax return, Form 2137, as provided in this section. Schedule A of the return will be used where an unintentional error in a previous return resulted in an underpayment of tax. Schedule B of the return will be used where an unintentional error in a previous return resulted in an overpayment of tax, or where notice has been received from the assistant regional commissioner that a claim for allowance of tax has been approved. In the case of an overpayment, the manufacturer shall have the option of filing a claim (on Form 843) for refund or taking credit in Schedule B of the return. Any adjustment made in a return must be fully explained in the appropriate schedule or in a statement attached to and made a part of the return in which such adjustment is made.

(72 Stat. 1417, 68A Stat. 791; 26 U.S.C. 5708, 6402)

§ 285.27 Return of importer.

Except for releases in bond as provided in § 285.132, where cigarette papers and tubes are imported into the United States the importer shall pay the tax thereon prior to removal. The importer shall file a tax return on Form 2139, in triplicate, with the district director, for, and prior to, each removal of cigarette papers and tubes from customs custody. The importer shall secure from the district director a copy of the tax return bearing acknowledgment of receipt of the remittance, which copy shall be presented to the appropriate customs officer, with the customs' entry, before such papers and tubes are released from customs custody. When the papers and tubes are so released, the customs officer shall endorse the copy of Form 2139 to show release of the articles and return this copy to the importer, which copy shall be retained by such importer.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 285.28 Assessment.

Whenever any person required by law to pay tax on cigarette papers and tubes fails to pay such tax in accordance with the provisions of this part, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart D—General

§ 285.31 Retention of records, returns, reports, and inventories.

Any record or any copy of a return, report, or inventory required to be kept under this part shall be retained by the manufacturer or importer for three years following the close of the year in which filed or made, as the case may be, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423, 68A Stat. 901; 26 U.S.C. 5741, 7602)

§ 285.32 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where cigarette papers and tubes are produced or kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such cigarette papers and tubes shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 285.33 Interference with administration.

Whoever, corruptly or by force or threats or force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 285.34 Disposal of forfeited, condemned, and abandoned cigarette papers and tubes.

When in the opinion of any Federal, State, or local officer having custody of forfeited, condemned, or abandoned cigarette papers or tubes, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such papers and tubes for consumption in the United States. Where the cigarette papers and tubes are not sold, the officer may deliver them to a Federal or State hospital or institution, or cause their destruction. Where such papers and tubes are sold, they shall not be released by the officer having custody thereof until they are properly packaged and taxpaid, which tax shall be considered as a portion of the sales price. The tax on such papers and tubes shall be evidenced by the presentation, to the officer having custody of the papers and tubes, of a receipt from the district director showing such payment. In the case of such papers and tubes held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(72 Stat. 1425; 26 U.S.C. 5763)

§ 285.35 Variations from requirements.

The Director may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and are not contrary to any provision of law. Any person, subject to the provisions of this part, who proposes to employ methods of operation other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. The assistant regional commissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, together with a report of his findings and his recommendation. Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the person granted the variations shall thereupon fully comply with the prescribed requirements of the regulations from which the variations were authorized.

(68A Stat. 917; 26 U.S.C. 7805)

§ 285.36 Penalties and forfeitures.

Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

Subpart E—Qualification Requirements for Manufacturers

§ 285.41 Persons required to qualify.

Every person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption, shall first qualify as a manufacturer of cigarette papers and tubes in accordance with the provisions of this part.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.42 Bond.

Every person, before commencing business as a manufacturer of cigarette papers and tubes, shall file a bond on Form 2102, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I.R.C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.43 Power of attorney.

If the bond or any other document required under this part is signed by an attorney in fact for an individual, partnership, association, company, or corporation, by one of the partners for a partnership, or by one of the members of an association, power of attorney on Form 1534 shall be furnished to the assistant regional commissioner. If such bond or other document is signed on behalf of a corporation by an officer thereof, it must be supported by duly authenticated extracts of the stockholders' meeting, by-laws, or directors' meeting authorizing such officer to execute such document for the corporation. Form 1534 or support of authority does not have to be filed again with an assistant regional commissioner where such form or support has previously been submitted to that assistant regional commissioner and is still in effect.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.44 Notice of approval of bond.

If the bond required under this part is approved by the assistant regional commissioner, he will assign a number to the factory of the manufacturer of cigarette papers and tubes for internal revenue purposes. The assistant regional commissioner will immediately notify the manufacturer, in writing, of the approval of his bond, in order that he may commence operations.

(72 Stat. 1421; 26 U.S.C. 5711)

Subpart F—Changes Subsequent to Original Qualification of Manufacturers

§ 285.61 Change in name.

Where there is a change in the individual, trade, or corporate name of a manufacturer of cigarette papers and tubes, the manufacturer shall, within 30 days of the change, file an extension of coverage of his bond, in accordance with the provisions of § 285.76.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.62 Change in proprietorship.

Where there is to be any change in proprietorship (including a change in the identity of the members of a partnership or association, but excluding any change in stock ownership in a corporation) of the business of a manufacturer of cigarette papers and tubes, the proposed successor shall, before commencing operations, qualify as a manufacturer of cigarette papers and tubes, in accordance with Subpart E of this part: *Provided*, That qualification as a manufacturer of cigarette papers and tubes will not be required where an administrator, executor, receiver, trustee, assignee, or other fiduciary successor intends to liquidate the business, if he promptly files with the assistant regional commissioner a statement to that effect, and furnishes certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such administrator, executor, receiver, trustee, assignee, or other fiduciary, together with an extension of coverage of the predecessor's bond executed by the administrator, executor, receiver, trustee, assignee, or other fiduciary and the surety, in accordance with the provisions of § 285.76. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively, and the successor shall make an opening inventory, in accordance with the provisions of § 285.92.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5721, 5722)

§ 285.63 Change in location within same region.

Whenever a manufacturer of cigarette papers and tubes contemplates a change in the location of his factory within the same region, the manufacturer shall, before commencing operations at the new location, file an extension of coverage of his bond, in accordance with the provisions of § 285.76.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.64 Change in location to another region.

Whenever a manufacturer of cigarette papers and tubes contemplates changing the location of his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part, and make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5721, 5722)

Subpart G—Bonds and Extensions of Coverage of Bonds

§ 285.71 Corporate surety.

Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(72 Stat. 1421, 61 Stat. 648; 26 U.S.C. 5711, 6 U.S.C. 6)

§ 285.72 Deposit of bonds, notes, or obligations in lieu of corporate surety.

Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the manufacturer of cigarette papers and tubes as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

§ 285.73 Amount of bond.

The amount of the bond of a manufacturer of cigarette papers and tubes shall be not less than the maximum amount of the tax liability on the cigarette papers and tubes manufactured in his factory, received without payment of tax from other factories, and released to him without payment of tax from customs custody during any month. In the case of a manufacturer commencing business, the production, receipts from other factories, and releases to him from customs custody, without payment of tax, shall be estimated for the purpose of this section. The amount of any such bond (or the total amount where strengthening bonds are filed) shall not exceed $20,000 nor be less than $1,000.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.74 Strengthening bond.

Where the assistant regional commissioner determines that the amount of the bond, under which a manufacturer of cigarette papers and tubes is currently carrying on such business, no longer adequately protects the revenue, the assistant regional commissioner may require the manufacturer to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 285.73. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.75 Superseding bond.

A manufacturer of cigarette papers and tubes shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.76 Extension of coverage of bond.

An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the manufacturer of cigarette papers and tubes and by the surety on the bond with the same for-

mality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.77 Approval of bond and extension of coverage of bond.

No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part. Upon receipt of an approved bond or extension of coverage of bond from the assistant regional commissioner, such bond or extension of coverage of bond shall be retained by the manufacturer of cigarette papers and tubes in his factory and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.78 Termination of liability of surety under bond.

The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the effective date of a superseding bond, or the date of approval of the discontinuance of operations by the manufacturer of cigarette papers and tubes, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.79 Release of bonds, notes, and obligations.

Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of the security, the assistant regional commissioner may, for proper cause, extend the date of release of the security for such additional length of time as in his judgment may be appropriate.

(72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

Subpart H—Operations by Manufacturers

Inventories

§ 285.91 General.

Every manufacturer of cigarette papers and tubes shall make a true and accurate inventory on Form 2132, to the assistant regional commissioner, of the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes held by him at the times specified in this subpart, which inventory shall be subject to verification by an internal revenue officer. A copy of each inventory shall be retained by the manufacturer.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.92 Opening.

An opening inventory shall be made by the manufacturer of cigarette papers and tubes at the time of first commencing business.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.93 Special.

A special inventory shall be made by the manufacturer of cigarette papers and tubes when required by any internal revenue officer.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.94 Closing.

A closing inventory shall be made by the manufacturer of cigarette papers and tubes when a change in proprietorship occurs, or he changes his location to another region, or concludes business. Where a change in proprietorship occurs, the closing inventory shall be made as of the day preceding the date of the opening inventory of the successor.

(72 Stat. 1422; 26 U.S.C. 5721)

Records

§ 285.101 Records.

Every manufacturer of cigarette papers and tubes shall keep records of his daily operations and transactions, which shall reflect the date and number of books or sets of cigarette papers of each different numerical content and the date and number of cigarette tubes (a) manufactured; (b) received, without payment of tax—from another factory, an export warehouse, and customs custody, and by withdrawal from the market; (c) removed subject to tax; (d) removed, without payment of tax, for—export purposes, use of the United States, and transfer in bond pursuant to § 285.131; and (e) lost or destroyed. The entries for each day in the records maintained or kept under this subpart will be considered timely if made by the close of the business day following that on which the operations or transactions occur. No particular form of records is prescribed, but the information required shall be readily ascertainable from the records kept.

(72 Stat. 1423; 26 U.S.C. 5741)

Reports

§ 285.111 General.

Every manufacturer of cigarette papers and tubes shall make a report on Form 2138, to the assistant regional commissioner, of the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes manufactured, received, removed, and lost or destroyed. The report shall be made at the times specified in this subpart and shall be made whether or not any operations or transactions occurred during the period covered by the report. A copy of each report shall be retained by the manufacturer.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.112 Opening.

An opening report, covering the period from the date of the opening inventory to the end of the month, shall be made on or before the 10th day following the end of the month in which the business was commenced.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.113 Monthly.

A report for each calendar month shall be made on or before the 10th day of the next succeeding month.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.114 Special.

A special report, covering the unreported period to the day preceding the date of any special inventory required by an internal revenue officer, shall be made with such inventory. Another report, covering the period from the date of the special inventory to the end of the month, shall be made on or before the 10th day following the end of the month in which the inventory was made.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.115 Closing.

A closing report, covering the period from the first of the month to the date of the closing inventory, shall be made with such inventory.

(72 Stat. 1422; 26 U.S.C. 5722)

Packages

§ 285.121 Packages.

All cigarette papers and tubes shall, before removal subject to tax, be put up by the manufacturer in packages which shall be of such construction as will securely contain the papers or tubes therein. No package of cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

Miscellaneous Provisions

§ 285.131 Transfer in bond.

A manufacturer of cigarette papers and tubes may transfer such papers and tubes, under his bond, without payment of tax, to the bonded premises of any manufacturer of cigarette papers and tubes, or to the bonded premises of any manufacturer of cigarettes solely for use in the manufacture of cigarettes. A manufacturer of cigarette papers and tubes may similarly transfer cigarette papers to the bonded premises of any manufacturer of tobacco to be put up by the manufacturer of tobacco in units of of not more than 25 papers each for distribution with packages of his manufactured tobacco.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 285.132 Release from customs custody.

Imported cigarette papers and tubes may be released in bond from customs custody, without payment of tax, for delivery to any manufacturer of cigarette papers and tubes, or to any manufacturer of cigarettes solely for use in the manufacture of cigarettes. Imported cigarette papers may be similarly released for delivery to any manufacturer of tobacco to be put up by him in units of not more than 25 papers each for distribution with packages of his manufactured tobacco. To so obtain release of cigarette papers and tubes, the manufacturer shall prepare a notice of release on Form 2145, which, after certification by the assistant regional commissioner that the applicant is a properly qualified manufacturer in his region, shall be presented to the customs officer having custody of the articles. The customs officer, upon completion of the notice of release, shall return one copy of the form to the manufacturer, which shall be retained by such manufacturer as a part of his records.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

§ 285.133 Use of the United States.

A manufacturer of cigarette papers and tubes may remove cigarette papers and tubes under his bond, without payment of tax, for use of the United States. Such removal shall be in accordance with the provisions of Part 295 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 285.134 Exportation.

A manufacturer of cigarette papers and tubes may transfer cigarette papers and tubes, under his bond, without payment of tax, to the bonded premises of an export warehouse proprietor or remove such papers and tubes, under his bond, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the provisions of Part 290 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

Subpart I—Discontinuance of Operations by Manufacturers

§ 285.141 Discontinuance of operations.

Every manufacturer of cigarette papers and tubes who desires to discontinue operations and close out his factory shall dispose of all cigarette papers and tubes on hand, in accordance with this part, and make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively.

(72 Stat. 1422; 26 U.S.C. 5721, 5722)

Subpart J—Operations by Importers

Packages

§ 285.151 Packages.

All cigarette papers and tubes shall, before removal subject to tax, be put up by the importer in packages which shall be of such construction as will securely contain the papers or tubes therein: *Provided*, That cigarette tubes removed as samples pursuant to the provisions of § 285.161 shall be exempt from the foregoing provisions of this section. No package of cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon, (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

Exemptions From Tax

§ 285.161 Exemption of certain samples from internal revenue taxes.

Samples of cigarette tubes, to be used in the United States by persons importing cigarette papers or tubes in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for cigarette tubes manufactured in foreign countries. Only one sample of cigarette tubes of the same brand, size, shape, color, weight, and burning characteristics, and having the same kind of tip, filter, mouthpiece, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than 3 cigarette tubes.

(71 Stat. 486; 19 U.S.C. 1201)

§ 285.162 Exemption of consular officers and employees of foreign states.

No internal revenue tax shall be due with respect to cigarette papers and tubes imported by a consular officer of a foreign state, or by an employee of a consulate of a foreign state, whether such papers and tubes accompany the officer or employee to his post in the United States, or are imported by him at any time during the exercise of his functions therein, if:

(a) Such officer or employee is a national of the state appointing him and is not engaged in any profession, business, or trade within the territory specified in this section;

(b) The papers and tubes are imported by the officer or employee for his personal or official use; and

(c) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state, as certified by the Secretary of State.

(68A Stat. 900; 26 U.S.C. 7511)

Subpart K—Claims

General

§ 285.171 Abatement.

A claim for abatement of the unpaid portion of the assessment of any tax on cigarette papers and tubes, or any liability in respect thereof, may be allowed to the extent that such assessment is excessive in amount is assessed after the expiration of the applicable period of limitation, or is erroneously or illegally assessed. Any claim under this section shall be prepared on Form 843, in duplicate, and shall set forth the particulars under which the claim is filed. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the tax or liability was assessed.

(68A Stat. 792; 26 U.S.C. 6404)

§ 285.172 Allowance.

Relief from the payment of tax on cigarette papers and tubes may be extended to the manufacturer by allowance of the tax, where the cigarette papers and tubes, after removal from the factory upon determination of tax and prior to the time for payment of such tax, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer who removed such papers and tubes, or are withdrawn by him from the market. Any claim for allowance under this section shall be prepared in letter form, in duplicate, shall show the date the cigarette papers and tubes were removed from the factory, and shall be verified by a written declaration that it is made under the penalties of perjury. The original of a claim relating to cigarette papers and tubes lost or destroyed, supported as prescribed in § 285.181, shall be filed with the assistant regional commissioner for the region in which the articles were removed. The original of a claim relating to cigarette papers and tubes withdrawn from the market shall be filed with the assistant regional commissioner for the region in which the articles were removed. The schedule, as provided in § 285.191, shall be filed with the assistant regional commissioner for the region in which the articles are assembled. The manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the claim or any part thereof is received from the assistant regional commissioner, the manufacturer may make a proper adjusting entry and explanatory statement in a subsequent tax return or returns to the extent necessary to exhaust the credit.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.173 Refund.

The taxes paid on cigarette papers and tubes may be refunded (without interest) to the manufacturer or importer on proof satisfactory to the assistant regional commissioner that such manufacturer or importer has paid the tax on cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer or importer, or withdrawn by him from the market. Any claim for refund under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on cigarette papers and tubes by Chapter 52,

I.R.C., has been paid in respect to the cigarette papers and tubes covered by the claim and that the cigarette papers and tubes were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for refund relating to cigarette papers and tubes lost or destroyed shall be supported as prescribed in § 285.181, and a claim relating to cigarette papers and tubes withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 285.191 and 285.193. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.174 Remission.

Remission of the tax liability on cigarette papers and tubes may be extended to the manufacturer thereof where cigarette papers and tubes, before removal, or after removal for tax-exempt purposes, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer. Where cigarette papers and tubes are so lost or destroyed, the manufacturer shall report promptly such fact, and the circumstances, to the assistant regional commissioner for the region in which the factory is located. Where the manufacturer desires remission of the tax liability on such cigarette papers and tubes, he shall also prepare a claim in letter form, in duplicate, setting forth the nature, date, and extent of the loss or destruction, and shall verify, by a written declaration, that it is made under the penalties of perjury. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the factory is located.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.175 Retention by claimant.

A copy of each claim filed under this subpart, together with any verified supporting schedules, shall be retained by the manufacturer or importer for three years following the close of the year in which filed, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1426; 26 U.S.C. 6741)

LOST OR DESTROYED

§ 285.181 Action by claimant.

Where cigarette papers and tubes are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the manufacturer or importer desires to file claim under the provisions of § 285.172 or § 285.173, he shall indicate on the claim the nature, date, and extent of such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705).

WITHDRAWN FROM THE MARKET

§ 285.191 Action by claimant.

Where cigarette papers and tubes are withdrawn from the market and the manufacturer or importer desires to file claim under the provisions of § 285.172 or § 285.173, he shall assemble the articles in or adjacent to a domestic factory if they are to be retained in or received into such factory, or at any suitable place if they are to be destroyed. The manufacturer or importer shall prepare a letter schedule, in triplicate, listing the cigarette papers and tubes and the factory or factories from which removed, or in the case of an importer, the district director or district directors to whom the tax was paid. The schedule shall also specify (a) whether it relates to a claim for allowance or a claim for refund, (b) the region in which the claim will be filed, (c) the place where the cigarette papers and tubes are assembled, (d) the disposition to be made of the articles, and (e) the date on which disposition of the articles is desired. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the cigarette papers and tubes are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.192 Action by assistant regional commissioner.

Upon receipt of a schedule of cigarette papers and tubes withdrawn from the market, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the cigarette papers and tubes, or he may authorize the manufacturer or importer to dispose of the articles, by so specifying on all copies of the letter schedule and returning the original and one copy to the manufacturer or importer.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.193 Disposition of cigarette papers and tubes and verified schedule.

When so authorized, as evidenced by the assistant regional commissioner's notification on the letter schedule, the manufacturer or importer shall dispose of the cigarette papers and tubes as specified in the schedule. After the manufacturer or importer has disposed of the cigarette papers and tubes, he shall execute a statement verified by a written declaration that it is made under the penalties of perjury, on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim. In connection with a claim for refund, the manufacturer or importer shall attach the original of the schedule to his claim filed under the provisions of § 285.173. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the cigarette papers and tubes, such officer shall, upon completion of his assignment, execute an appropriate certificate on all copies of the schedule to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his files, and in connection with a claim for refund, the officer shall return the original and one copy of the schedule to the manufacturer or importer, the original of which the manufacturer or importer shall attach to his claim filed under the provisions of § 285.173.

(72 Stat. 1419; 26 U.S.C. 5705)

[F.R. Doc. 60-6938; Filed, July 25, 1960; 8:48 a.m.]

Title 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 15—RULES AND REGULATIONS FOR ADMINISTERING FOREST HIGHWAYS

Amendment

Section 15.2(b) of the rules and regulations for administering forest highways, published and effective July 10, 1958, and § 15.4(d) of the said rules and regulations, published and effective March 22, 1950, are hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 15.2 Apportionment.

* * * * *

(b) On or before January 1 of each year, or as otherwise provided by legislation, the Secretary of Commerce shall apportion among the several States and Puerto Rico the forest highway funds authorized for the next succeeding fiscal year in the same percentage as the amounts apportioned for expenditure in each State, Alaska, and Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, which percentage is based upon a determination of the area and value of the land owned by the United States within the national forests, as certified to the Secretary of Commerce by the Secretary of Agriculture as of June 30, 1955.

* * * * *

§ 15.4 Selection of forest highway program.

* * * * *

(d) Approval of the jointly recommended forest highway program shall be by the Administrator and the Forester or their duly authorized representatives.

(23 U.S.C. 204)

Dated: July 21, 1960.

Recommended:

V. L. HARPER,
Acting Chief, Forest Service, Department of Agriculture.

B. D. TALLAMY,
Federal Highway Administrator, Bureau of Public Roads.

Approved:

E. T. BENSON,
Secretary of Agriculture.

FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-6961; Filed, July 25, 1960; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Change in Method of Determining Basic Pay for Purposes of Computing Dependency and Indemnity Compensation

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1544 as follows:

§ 3.1544 Change in method of determining basic pay for purposes of computing dependency and indemnity compensation under Public Law 86-492.

(a) *Provisions of law.* Public Law 86-492 amends 38 U.S.C. 402, by adding the following new subsection:

(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a rank higher than that specified in subsection (a) or (b) and was so serving in such rank within one hundred and twenty days before death in the active military, naval, or air service or before last discharge or release from active duty under conditions other than dishonorable, his basic pay shall be determined by using the appropriate rank specified in those subsections or by substituting such higher rank for the rank specified in those subsections, whichever will result in a greater amount. The determination as to whether an individual has served satisfactorily for the required period in a higher rank shall be made by the Secretary of the Department in which such higher rank was held.

(b) *Effect of the act.* (1) It liberalizes the criteria for determining basic pay for purposes of dependency and indemnity compensation in a limited number of widow cases.

(2) Subsequent to June 8, 1960, the applicable service department will certify basic pay based on the rank and years of service that will provide the higher rate.

(3) The service department is responsible for determining whether the veteran served satisfactorily in a higher rank for at least 6 months during active service and held such rank within 120 days of discharge or death.

(c) *Effective date.* The date of enactment of this act was June 8, 1960. No increase in the rate of dependency and indemnity compensation based solely on its liberalizing provisions may be made effective prior to date of enactment or date of claim, formal or informal, whichever is later.

(1) *Pending claims.* The effective date of an increased rate of dependency and indemnity compensation as to a claim pending on the date of enactment will be June 8, 1960, if evidence otherwise establishes entitlement on that date. Pending claims will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on date of enactment.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after date of enactment but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after June 8, 1960, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than June 8, 1960. (Instruction 1, 38 U.S.C. 402, Public Law 86-429)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 26, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-6933; Filed, July 25, 1960; 8:48 a.m.]

PART 3—VETERANS CLAIMS

Liberalization of Marriage Requirements for Widow's Entitlement to Death Compensation

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1545 as follows:

§ 3.1545 Liberalization of marriage requirements for widow's entitlement to death compensation.

(a) *Provisions of the law.* Public Law 86-491 approved June 8, 1960, amends Chapter 11 of Title 38, United States Code, by substituting "fifteen years" for "ten years" in item (1) of 38 U.S.C. 302 (a). The subsection, as amended, is as follows:

(a) No compensation shall be paid to the widow of a veteran under this chapter unless she was married to him

(1) before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) for five or more years; or

(3) for any period of time if a child was born of the marriage.

(b) *Effect of the act.* (1) The marriage requirements for payment of death compensation to widows have been liberalized and made uniform with those for payment of dependency and indemnity compensation. The marriage requirements in 38 U.S.C. 303, as amended, are now identical with those in 38 U.S.C. 404.

(2) This liberalizing change will have a very limited application. Death compensation currently is payable only where the veteran died prior to January 1, 1957, or where he died after April 30, 1957, while having in force a contract of United States Government life insurance or National Service life insurance under an inservice waiver of premiums pursuant to 38 U.S.C. 724. Even in such cases, the change would be applicable only if no child were born of the marriage and the widow had not been married to the veteran for 5 or more years.

(c) *Effective date.* The law becomes effective on the date of enactment, June 8, 1960. The provisions of this paragraph apply to claims which are allowed solely because of its liberalizing provisions and are subject to the rule that the effective date may not be earlier than the date of enactment.

(1) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim pending on the date of approval of the act will be June 8, 1960. For the purposes of this subparagraph a pending claim will include:

(i) A claim not previously disallowed by the Adjudication activity of original jurisdiction.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry, in which action was pending on June 8, 1960.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry, after June 8, 1960, but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after June 8, 1960, will be considered initial claims for the purpose of this act and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than June 8, 1960. (Instruction 1, 38 U.S.C. 302(a)(1), Public Law 86-491.)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 26, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-6934; Filed, July 25, 1960; 8:48 a.m.]

PART 3—VETERANS CLAIMS

New Effective Date for Payment of Additional Compensation for Dependents

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1546 as follows:

§ 3.1846 New effective date for payment of additional compensation for dependents.

(a) *Provisions of the law.* The law provides that section 3011, Title 38, United States Code, is amended to read:

The effective date of an award of increased compensation, dependency and indemnity compensation, or pension (amending, reopening, or supplementing a previous award, authorizing any payments not previously authorized to the individual involved) shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of evidence showing entitlement thereto, except as hereafter provided. Additional compensation on account of dependents based on the establishment of a disability rating in the percentage evaluation specified by law for the purpose shall be payable from the effective date of such rating provided the basic proof of dependents is received in the Veterans' Administration within sixty days from the date of notification of such rating action.

(b) *Effect of the act*—(1) *Prior law.* Before the enactment of Public Law 86–490, the additional compensation for dependents following a rating increasing the evaluation to 50 percent or more disabling was payable from the date the evidence establishing the dependent was received.

(2) *Present law.* Under Public Law 86–490, the additional compensation will be payable from the effective date of the increased evaluation to 50 percent or more if basic proof of dependent(s) is received within 60 days from date of Veterans Administration notification of increased disability.

(3) *Basic proof*—(i) *Marriage.* The basic proof of marriage will be the evidence described in §§ 3.49 and 3.50 as well as the secondary evidence described in § 3.48, e.g., a copy of the public record of marriage.

(ii) *Birth and relationship.* The basic proof to establish the relationship and date of birth of a child or relationship of a parent will be the evidence described in §§ 3.45 and 3.46 as well as secondary evidence described in § 3.48. In claims involving additional compensation for dependent parents the basic proof will consist of evidence of relationship and dependency.

(4) *Substantiating evidence.* The veteran will be given 1 year in which to perfect the claim for increase for dependents, e.g., if the basic proof (record of marriage) is received within 60 days, he will have 1 year from date of Veterans Administration request to submit any substantiating evidence (such as decree of divorce) to show dissolution of a prior marriage.

(c) *Effective date.* Payment of additional compensation for a dependent by reason of Public Law 86–490 will be from the effective date of the increased evaluation to 50 percent or more or the date of enactment of Public Law 86–490, whichever is the later whenever basic proof received on or after June 8, 1960, is within 60 days from date of Veterans Administration notification of increased evaluation and substantiating evidence is received within 1 year from date of Veterans Administration request therefor. (Instruction 1, 38 U.S.C. 3011, Public Law 86–490)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 26, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60–6935; Filed, July 25, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

FLORIDA GRAPEFRUIT

Limitation of Shipments

Consideration is being given to the following recommendation, submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674):

(1) During the period beginning at 12:01 a.m., e.s.t., August 15, 1960, and ending at 12:01 a.m., e.s.t., September 12, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: *Provided*, That such grapefruit which grade U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, or U.S. No. 2 Russet, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{12}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so by submitting the same to the Director, Fruit, and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER. Shipments of grapefruit grown in Florida are currently subject to Grapefruit Regulation 325 (7 CFR 933.1014; 25 F.R. 4735). This regulation extends to August 15, 1960.

Dated: July 20, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6922; Filed, July 25, 1960; 8:46 a.m.]

[7 CFR Part 1031]

[Docket No. AO–320]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN TEXAS

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of oranges, grapefruit, and tangerines grown in Texas, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Weslaco, Texas, on May 24–28, 1960, pursuant to a notice thereof which was published April 28, 1960, in the FEDERAL REGISTER (25 F.R. 3728). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by Texas Citrus Mutual and the Valley Farm Bureau, with a request for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purpose of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish marketing research and development projects;

(e) The method for regulating shipments of citrus fruits grown in the production area;

(f) The provision of exemptions and the establishment of special regulation for citrus fruits handled in certain types of shipments or for certain specified purposes;

(g) The requirement for inspection and certification of citrus fruits handled;

(h) The establishment of reporting requirements for handlers;

(i) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(j) Additional terms and conditions as set forth in §§ 1031.52 through 1031.62, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 1031.63 through 1031.85, which are common to marketing agreements only, all of which were included in the notice of hearing published in the FEDERAL REGISTER on April 28, 1960 (25 F.R. 3728).

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are

based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Commercial production of citrus fruits in Texas is confined to the southernmost counties bordering, or near, the Rio Grande River, with approximately 99 percent of such production located in Hidalgo, Cameron, and Willacy counties. In the late 1940's, there were approximately 13 million citrus fruit trees in the Lower Rio Grande Valley in Texas, of which about three-fourths were grapefruit trees. Production from such plantings during the 1947–48 season totaled 23.2 million boxes of grapefruit and 9.2 million boxes of oranges. Successive freezes in 1949 and 1951 practically wiped out the citrus fruit industry in Texas; and total production of oranges and grapefruit during the 1951–52 season was only 500,000 boxes.

Production of citrus fruits in Texas, other than oranges and grapefruit, is small and reference to "citrus fruits" or "fruit" in this decision, as is the case in the Texas citrus industry generally, refers only to oranges and grapefruit unless the context indicates otherwise.

Following the freeze in 1951, the replanting of citrus fruit trees in the Rio Grande Valley in Texas was begun and it is estimated there are now approximately 7.2 million citrus fruit trees of all ages in Hidalgo, Cameron, and Willacy counties. Production of oranges and grapefruit from such plantings during the 1959–60 season is estimated at 2.8 and 5.5 million boxes, respectively. Production from these young citrus fruit groves may be expected to increase rapidly and it was estimated, at the hearing, that within the next five years, or during the 1964–65 season, grapefruit production would total approximately 14.0 million boxes and orange production about 9.8 million boxes.

Texas oranges and grapefruit are distributed widely in the United States and are exported to Canada and other foreign countries. For several years following the 1951 freeze, the production of Texas citrus fruits was marketed primarily in the Southwestern and Western States because transportation costs to these markets were substantially less than those for citrus fruits produced in Florida and the Texas industry could market its small production advantageously in this area. However, as the volume of production of Texas citrus fruits has increased, it has been necessary to expand the market area.

Markets within the State of Texas are important outlets for Texas citrus fruits. At the present time, approximately 25 percent of the fresh shipments of Texas citrus fruits is sold within the State. During the 1958–59 season, unloads of Texas citrus fruits in the Texas markets of Dallas, Fort Worth, and Houston each were greater than for any other individual market. However, it is known that a considerable quantity of the fruit included in such unloads is later transshipped to other destinations, many of which are outside the State. It is a common practice for truckers to assemble mixed loads of citrus fruits in the larger cities in Texas and to transport them to destinations in Louisiana, Arkansas, Oklahoma, Colorado, New Mexico, and other Western States.

Any handling of Texas citrus fruits in fresh market channels exerts a direct influence on all other handling of such citrus fruits in fresh form. It is the primary objective of all handlers of citrus fruits, as well as other commodities, to obtain the highest possible return for the commodities they have for sale. Handlers of citrus fruits, therefore, continually survey all accessible markets so that advantage may be taken of the best possible opportunity to market the fruit. Markets within the State of Texas provide opportunities to dispose of citrus fruits the same as the markets within any other State. If shipments of citrus fruits to markets outside Texas were regulated while those within the State were unregulated, growers and handlers would attempt to market within the State the lower quality citrus fruits which could not be shipped under regulation. This would depress the price of citrus fruits in the Texas markets. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used in bargaining for citrus fruits to be shipped into other markets, including markets outside the State of Texas. Moreover, with substantial quantities of poor quality citrus fruits burdening markets in the State of Texas, there would be little opportunity to sell in such markets citrus fruits meeting the requirements of the regulations established. The larger quantity of citrus fruits which would be required to be sold in interstate markets under such circumstances, would tend to lower the level of prices in the interstate markets.

The movement of citrus fruits by truck in complete loads is increasing. It is customary to load citrus fruits on trucks at the packing shed. Often the buyer may not know the final destination of the citrus fruits at time of purchase. If the market is less favorable in the State of Texas than elsewhere, the purchaser moves the citrus fruits to a more favorable market outside the State. This, coupled with the transshipment of citrus fruits from Texas markets such as Dallas and Houston, would make it virtually impossible to effect compliance with regulations governing interstate shipments if shipments to markets within the State were unregulated. Because of the foregoing, it is concluded that the movement and sale of Texas citrus fruits, whether to a market within the State of Texas or outside thereof, directly affect prices of all citrus fruits grown in the production area. Therefore, it is hereby found that all handling of citrus fruits grown in the production area is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. Hence, except as hereinafter otherwise provided, all handling of citrus fruits grown in the production area should be subject to the authority of the act and of the order.

(2) The evidence presented at the hearing indicates that the current trend of citrus fruit production in Texas is sharply upward. During the season following the disastrous freeze of 1951, the total production of oranges and grapefruit was 300,000 and 200,000 boxes, respectively. The immediate rebuilding of the citrus industry was delayed by the lack of sufficient nursery stock, but a tree census in July 1955, showed there were approximately 2,683,000 grapefruit trees and 2,050,000 orange trees planted in the three lower Rio Grande Valley counties of Willacy, Cameron, and Hidalgo. Estimates presented indicate that since that time an additional 2,800,000 orange and grapefruit trees have been planted in the lower Valley; and it is anticipated that from 300,000 to 400,000 citrus fruit trees may be planted in this area each year for the next 10 to 15 years. Citrus fruit trees generally produce a commercial crop about five years after planting but the maximum bearing stage is not reached until the trees are 15 or more years old. The fact that few of the citrus fruit trees planted in the lower Valley have reached the maximum bearing stage gives an indication of the marketing problems developing within the industry.

During this same period, there has been increases in the production of citrus fruits in other producing areas of the United States, particularly in Florida. For the 5-year period 1945–49 the average annual production of oranges and grapefruit in Florida was approximately 55.7 million boxes and 29.7 million boxes, respectively; and in the 5-year period 1955–59 such production was approximately 89.0 and 34.5 million boxes, respectively.

It is particularly important in view of the prospective increase in the production of citrus fruits in Texas and in other producing areas, that the oranges and grapefruit that the Texas industry markets in fresh fruit channels be of desirable grade, quality, size, and maturity. Before the 1951 freeze, the quality of the Texas grapefruit shipped to the fresh market was very good and the industry was the major supplier of grapefruit throughout the Middle Western and Rocky Mountain States. Following the 1951 freeze, however, shippers generally began to market the entire production in fresh fruit channels, including the less desirable grades and sizes. Recently, as the production of Texas citrus fruits has increased, growers and handlers have endeavored, through industry organization to improve the quality of the fruit marketed. However, the handlers of Texas citrus fruits have, in most instances, continued individually to make their decisions concerning the marketing of the supplies available to them.

As the supplies of Texas oranges and grapefruit available for market have increased, fruit of poor quality and appearance and of less desirable size could be sold only at discounts from the prices prevailing for the better fruit. Such price differentials reflect the consumer preferences for the various grades and sizes of citrus fruits. However, competition in the marketing of citrus fruits is based to a considerable extent on price, and the offering of fruit of less desirable quality and size at discounts tends to depress prices for the preferred grades and sizes.

The level of market prices and total returns to growers could be augmented by making only the more preferred grades, sizes, and qualities of citrus fruits available in the fresh markets. Such results could be obtained under a marketing agreement and order by prohibiting the handling of a portion or all of the discounted grades and sizes of citrus fruits. Such limitations would tend to increase consumer satisfaction and stimulate demand. Moreover, shipments of citrus fruits of undesirable quality and size are made at times that do not return the cash costs of harvesting and marketing. Limitation of shipments of fruit of such quality and size would not only improve the quality and size composition of the citrus fruits shipped but would also improve returns to producers by preventing the losses so incurred.

It is concluded, therefore, that the adoption of a marketing order regulating the handling of Texas citrus fruits would contribute to the establishment of more orderly marketing of such fruit and would tend to effectuate the declared policy of the act. The objective under such order should be the tailoring of the supply of citrus fruits available for sale in fresh market channels to the demand in such outlet so that the fruit thus made available to buyers will be packed uniformly and be of desirable size and quality. Such limitations on the handling of Texas citrus fruits should tend to increase the demand for, and to improve returns to the producers of, such fruit.

(3) The term "fruit" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, should include the citrus fruits classified botanically as citrus grandis, Osbeck, and citrus sinensis, Osbeck, which are grown in the production area. Such fruits are commonly called grapefruit and oranges, respectively. The term should not include the so-called Temple oranges. Temple oranges are grown in the production area in limited volume only and probably are a tangor—a hybrid of an orange and tangerine.

It was proposed in the notice of hearing that tangerines also should be included among the citrus fruits to be regulated under the order. Evidence presented at the hearing shows that only about 16,000 tangerine trees were planted in Cameron, Willacy, and Hidalgo counties in Texas in July 1955, and no evidence was presented to indicate there has been any significant increase in the plantings of tangerine trees in this area since that time. While tangerines represented about 20 percent of the plantings of citrus fruit trees in other citrus fruit producing counties of the State, as of July 1955, and it was indicated at the hearing that the planting of tangerine trees in such counties is being increased, these counties should not, for reasons hereinafter discussed, be included in the production area covered by the order.

Tangerines are used primarily in "mixed car" shipments and in specialty gift packages. Data relating to the volume of shipments and inspections of tangerines included some tangerines produced in Mexico which are brought into the Valley by handlers and reshipped to other destinations. It is concluded, therefore, that need for an order at this time to regulate the handling of tangerines grown in Texas has not been established by the evidence of record and that tangerines should not be included under the order.

The term "variety" should be defined in the order, as hereinafter set forth, since it is proposed, for reasons hereinafter discussed, to provide authority for separate regulations for different varieties of oranges and grapefruit. Some varieties of oranges, and also of grapefruit, are marketed during the same period and are sufficiently similar in characteristics that it would not be practical to attempt to apply different regulations to such fruits. For example, early and midseason varieties of oranges, such as Hamlin, Parson Brown, Jaffa, Marrs, and Pineapple, have marketing seasons which coincide or overlap. Representatives of the inspection services testified that it would not be practical to attempt to certify the particular variety of such oranges that may be included in individual shipments. Nor is it necessary to do so since, in order to establish orderly marketing conditions for such fruit, the same quality and size limitations should be applied. Hence, the term "variety," as used in the order, should refer to the groupings or classifications of citrus fruits as set forth therein.

A definition of production area should be set forth in the order to delineate the area in which the citrus fruits to be regulated are grown. Citrus fruit production in Texas is concentrated in the lower Rio Grande Valley counties of Cameron, Willacy, and Hidalgo. Since this area, by reason of soil, climate, and the availability of irrigation water, is the most suited of any in the State for citrus fruit production, it is likely to continue as the major producing area.

There are some citrus fruits produced in Brooks, Dimmit, Starr, and Webb counties in Texas. Data presented at the hearing show that, as of July 1, 1955, there were about 31,000 orange trees and 1,700 grapefruit trees planted in these counties. Estimates of the current acreage of orange and grapefruit groves in this area, presented at the hearing, indicate there has been increased planting since 1955; and it was indicated that some substantial plantings of tangerines are planned for this area. The volume of production that currently is available in these counties, however, is small in relation to the total for the entire citrus producing area in Texas. Moreover, even if the planned new acreage is planted immediately it will be at least 5 years before there would be any substantial volume of citrus fruits produced in this area.

The production area comprising the three lower Rio Grande Valley counties would have a natural boundary on two sides—the Mexican border and the Gulf of Mexico. To the North and West is an area of brush and ranch land and a limited number of roads leading from the lower valley through this land. The Texas State Department of Agriculture has check stations on all of these highways. Thus, if the production area is confined to the three lower valley counties, there already exists facilities for checking all truck shipments for compliance with the regulations. The other citrus producing counties are some distance from the lower valley counties and no existing facilities would be available for checking such compliance in those counties. The increased cost of administration of the program in the larger area would be excessive in relation to the benefits that might accrue from including all of such area within the scope of the order.

It is concluded, therefore, that the production area should include only the three lower Rio Grande Valley counties and such term should be defined as hereinafter set forth.

It was stated at the hearing that citrus growers in Brooks and Dimmit counties were known to have collected, from the nearby markets in Texas, boxes which had the brand labels of handlers in the lower valley affixed thereon, and that such boxes were used to market ungraded fruit produced in such counties. It was argued that fruit shipped from such counties should be subject to the order regulations since the marketing of this ungraded fruit was detrimental to the handler whose label was affixed to these boxes of fruit. It is not necessary to include this production under the order for this purpose, however, as there are other laws dealing with the marketing of fruits and other commodities in containers which misrepresent the grade of the product contained therein and recourse to such laws is available if the situation warrants.

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of fruit that is regulated, the term "handler" should apply to all persons who place fruit in commerce by performing any of the activities within the scope of the term "handle," as hereinafter described. In other words, any person who is responsible for the sale or transportation of fruit, or who in any other way places fruit in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of fruit owned by another person should not be considered as making such carrier a "handler" as, in such instances, the carrier is performing services for hire and is not responsible for the quality or pack of the commodity. Of course, if the carrier is the owner of the fruit being transported, such carrier would be the handler the same as any other person who may primarily be engaged in another business—such as producer or retailer—but at times he is also a handler of fruit. As handler representation on the administrative agency established under the order is divided between the cooperative marketing organizations which are handlers and all other, or "independent," han-

ditors, the term "independent handler" should be defined in the order and should mean any handler other than a cooperative marketing organization.

The term "handle" or "ship" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place fruit in the channels of commerce between the production area to any point outside thereof in the United States, Canada, or Mexico. The handling of fruit begins after the fruit is picked from the trees and includes each of the successive activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling (including consignment and delivery), or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of oranges and grapefruit to fruit which conforms to the applicable regulations under the order.

It is usual for citrus fruits, after picking, to be sorted, graded, packed, or otherwise prepared for market. Such preparation for market generally is performed at a packinghouse. The grower, in such instances, properly relies on the person preparing the fruit for market to see that it meets all applicable requirements for marketing before being shipped. Moreover, such activities, if performed, are preliminary to placing the fruit in marketing channels. It would not be practical and would unnecessarily complicate the administration of the order to endeavor to require persons engaged in the preparation of fruit for market to meet the requirements of regulations under the program until after such preparation. Therefore, movement within the production area from the citrus fruit grove to the place within the production area where the fruit will be prepared for market and activity in connection with such preparation should not be covered as handling subject to regulation.

Oranges and grapefruit may be sold, at times, at the groves where grown to truckers who transport the fruit from such points to markets outside the production area. Such sale or delivery of fruit to the trucker, and the subsequent movement to market, are each handling transactions. Any person, whether grower, packinghouse operator, trucker, or others, who sells or transports fruit, either directly or through others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the fruit he handles meet all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading and otherwise preparing the fruit for market. The primary responsibility for determining whether a particular lot of oranges or grapefruit conforms to the applicable regulations should rest with the person who places such lot, or causes it to be placed, in the current of the regulated commerce. In most cases, such person will be the one who was responsible for grading and preparing the fruit for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the fruit are met at the time such persons handle the fruit. This can readily be ascertained by determining that the fruit has been inspected and certified as meeting such regulations or by having it inspected.

While some fruit is handled for consumption within the production area, most of the transportation of fruit within such area is from groves to packinghouses or to canning plants. The quantity of fruit handled for consumption within the area is so small in relation to the total movement, and the difficulties of enforcing regulations for fruit so marketed would be so great, that such handling should not be regulated.

As all handling of oranges and grapefruit is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all such handling of fruit between the production area and any point outside thereof in the United States, Canada, or Mexico should be subject to the order and any regulations issued pursuant thereto.

It was proposed in the notice of hearing that all exports of citrus fruits be subject to regulation under the order. Proponents of the provision asserted that such authority was needed so that, in addition to the necessary regulation of shipments to the nearby export markets in Canada and Mexico (which generally are considered as an extension of the domestic market), only quality citrus fruits would be available to the European markets. Handlers who export citrus fruits to such markets argued that such regulation was not needed and would tend to impede development of the European market. It was stated that import regulations in the European countries vary according to the country involved and are subject to frequent change. Information concerning the demand in, and the conditions for entry of fruit into, such countries is difficult to obtain. Buyers in these markets will accept only fruit which conform to the demand and conditions in the particular market. It is concluded, therefore, that authority to regulate such exports should not be included under the order at this time.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "producer" should be defined to include any person who is engaged, within the production area, in the production of fruit for market and who has a proprietary interest therein. A definition of the term grower is necessary for such determinations as eligibility to vote for, and to serve as, a member or alternate member on the Texas Valley Citrus Committee—the agency which will administer the order locally—and for other reasons. The producer representation on the committee is divided between those affiliated with cooperative marketing organizations and so-called "independent producers"—those not so affiliated. The terms "producer" and "independent producer" should, therefore, be defined as hereinafter set forth.

Definitions of "grade" and "size" should be incorporated into the order to indicate the basis for expressing grade and size limitations thereunder. Such terms should mean any one of the established grades or sizes, as the case may be, as defined and set forth in the United States Standards that are applicable to oranges or grapefruit grown in Texas, or amendments thereto, or any modifications thereof or variations based thereon recommended by the committee and approved by the Secretary. The grades and sizes, as established in the United States Standards applicable to Texas citrus fruits, have been used by the handlers for many years and therefore provide appropriate and meaningful basis for describing grade and size limitations established under the order. The use of modifications or variations from the grades and sizes established in such standards provide the flexibility necessary to cope with possible seasonal variation in quality and size due to any detrimental effects of weather or other hazards affecting the crops.

The term "pack" is commonly used throughout the citrus trade and refers to a combination of factors relating to the grade, size, quality, and arrangement of oranges or grapefruit in a particular type and size of container. It may be desirable, under certain circumstances, to modify the specifications of the minimum and maximum diameters specified in the sizes so as to reduce the number that may be packed or to provide more uniform sizing for the fruit in particular containers. It may be desirable also to regulate shipments of oranges or grapefruit on the basis of particular grades or sizes, or both, that may be shipped in a specific container or containers and to specify the arrangement of the fruit within the container. Hence, it is concluded that "pack" should be defined as hereinafter set forth.

The term "container" should be defined in the order to mean a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging, or handling of fruit. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles, in which oranges and grapefruit are sold or move to market, for which different regulations could be applicable.

The term "maturity" should be defined in the order to mean the various degrees of ripeness of fruit as may be established by the committee with the approval of the Secretary. Maturity requirements applicable to shipments of oranges and grapefruit have been established under State legislation. Such requirements are expressed in terms of the minimum amount of solids and acid, and the specified ratio of solids to acid, that fruit must meet to be eligible for marketing. The evidence of record clearly indicates that such requirements are satisfactory, insofar as the industry generally is concerned, and concurrent regulation under the order does not appear warranted. However, should the State maturity requirements be discontinued in the future, authority for maturity regulation should be available under the order. The term maturity should be defined as heretofore indicated so that requirements as to ripeness of the fruit could be described in any appropriate terms necessary to assure that only mature fruit would be handled.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid repetition of the full name of the committee each time it is referred to in the order.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the agency which will administer the program locally are to be maintained. At the present time, it is desirable to establish a 12-month period ending the last day of July of each year as a fiscal period. Such a period would fix the end of one fiscal period and the beginning of the next at a time of inactivity in the marketing of oranges and grapefruit. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. Since it may develop that for convenience of management, or for other good and sufficient reasons not now apparent, that it would be desirable to establish a fiscal period other than one ending the last day of July, authority should be included in the order to provide for such establishment, subject to approval of the Secretary pursuant to recommendations of the committee. It is concluded, therefore, that such term should be defined as hereinafter set forth to provide this flexibility.

"District" should be defined as set forth in the order to provide a basis for the nomination and selection of the producer members of the committee. The districts (i.e., the geographical divisions of the production area as established and as set forth in the order) represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

(b) It is desirable to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Texas Valley Citrus Committee" is an appropriate identification of the agency. It should be composed of 15 members, of whom 9 would represent producers and 6 would represent handlers. Alternate members should be provided to act in the place and stead of the members so that, in the event a member is unable to attend a committee meeting or a vacancy exists on the committee, both the producer and handler groups may have full representation on the committee at all times. Such a committee would be large enough to provide representation to all segments of the industry. The foregoing division of the members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of citrus fruit shipments. Each handler member should be either a handler, or an officer or an employee of a handler, as handlers often are corporations and would be precluded from having representation on the committee unless such persons were authorized to serve as members of the committee. There are also producers in the production area which are corporations and their officers and employees should be similarly eligible for membership on the committee.

Each producer member of the committee, and his alternate, should be a producer (or officer or employee of a corporate grower) of oranges or grapefruit in the district for which selected. A person with such qualifications should be intimately acquainted with the problems of producing citrus fruits in such district and may be expected to present accurately the problems incident to the production of citrus fruits grown in that district.

The selection of producer members of the committee on the basis of district, as provided in the order, provides a practical and equitable apportionment of such membership. The division of the production area into three districts, each consisting of one of the three counties of such area, and the apportionment of the producer members to reflect the volume of production within said counties, appears to be as logical and equitable a basis as can be devised at this time. Similarly, the division of both producer and handler representation on the committee between "independent" and "cooperative" growers and handlers provides equitable representation for those who market their crops through these two types of marketing organizations. However, provision should be made in the order for the reestablishment of the districts and for the apportionment of the membership among districts and cooperative and independent marketing organizations so that, should it develop that the districts or representation now provided no longer is appropriate, such changes could be made by the committee with the approval of the Secretary. Any such changes should be made upon recommendation by the committee submitted at least six months prior to the expiration of any of the terms of office of the then current committee membership, and no such change should become effective less than 30 days prior to such time, in order that adequate time be provided for the industry to make appropriate nominations for the positions affected.

All members of the committee should be residents of the production area. Such a requirement is necessary to assure that committee members generally will be available to attend committee meetings and to carry out other duties of the committee. Otherwise, itinerant truckers and nonresident growers of citrus fruits would be eligible to serve on the committee.

The handler members and alternates should be selected from the production area at large. The evidence of record shows that the production area is relatively small in size and handler problems are generally the same throughout all districts. Most of the handlers handle citrus fruits in more than one district. Meetings of handlers representing the production area rather than district meetings are general. Therefore, each handler member and his alternate are likely to be as familiar with conditions throughout the production area as he is with the conditions in the district in which his packinghouse is located.

Handlers testified at the hearing that the membership of the committee should consist of 8 producer and 8 handler representatives, or equal representation on the committee between producers and handlers. It was advanced that handlers generally are better informed on market conditions and marketing problems than are producers and thus are in a better position to know what regulations should be made effective and when such regula-

tions should be imposed or suspended. It was argued, therefore, that handlers should have an equal voice with producers in determining the recommendation for regulation to be submitted to the Secretary. All of the evidence of record supports the contention that handlers have access to current information on market demands and price trends which producers generally do not possess and that it is necessary that such information be available to the committee when it is considering the level of the regulations that should be imposed. It is for that reason that handler representation on the committee should be assured. However, there is no reason to believe, from the evidence of record, that 6 handler members of the committee would not be able to furnish the committee with the necessary market information as well as a larger number of such members.

It is the producer of citrus fruits to whom improvement in marketing conditions is most vital. The record shows that about 90 percent of the production of Texas citrus fruits currently is marketed by cash buyers—i.e., handlers who purchase fruit from growers at an agreed price per box or ton while the fruit is still on the tree. The price that the grower receives for his fruit reflects the level and trend of market prices. Thus it is apparent that the grower can recover his costs of production only when market prices are sufficiently in excess of harvesting and marketing costs to provide such returns.

There are now approximately 23 handlers and an estimated 4,000 growers of citrus fruits in the production area. Six handler members should be a sufficient number to present the views of handlers and to represent handlers on the committee. Moreover, with the committee membership including 6 handler members, and each member having an alternate, nearly one-half of all handlers in the area, on the basis of the current composition of the industry, would be eligible for service on the committee at the same time. It is concluded, therefore, that the composition of the committee should be as hereinafter set forth.

The term of office of committee members and alternates under the proposed program should be for three years beginning on the first day of August and continuing until July 31. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for three years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of a marketing season and hence allow adequate time for the committee to organize and start operating.

Provision should be made in the order for staggered terms of office of committee members and alternates. Under this provision, one-third of the members of the committee in office on July 31 of each year would continue in office until the next year. The establishment of such staggered terms will tend to provide for more efficient administration of the program, in that members and alternates constituting the new portion of the committee membership will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the proposed order which should contribute materially to the successful administration of the marketing program. Hence, only one-third of the initial committee members and alternates should be appointed for the full 3-year term. One-half of the remaining members and alternates should serve from the time of appointment until the following July 31 and the other one-half from the time of appointment until the second following July 31. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

A procedure for the election by growers and handlers of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; and the nomination of prospective members and alternate members at meetings of producers in the respective districts, and meeting of handlers representing the entire production area, as provided in the order, is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held, or caused to be held, by the committee prior to June 15 of each year. Such date is approximately 6 weeks prior to the end of the fiscal period. By having such nomination meetings before June 15 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary in time for the Secretary to select the members and alternate members of the new committee prior to the expiration of the terms of office of the existing committee members. As the committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide for the nomination of the initial members and alternate members at meetings sponsored by this Department or by any agency or group at the request of the Department.

The order should provide that only growers who are present at the nomination meetings, or corporate growers who are represented at such meetings by duly authorized agents, may participate in designating nominees for grower members and alternates, and only handlers present at nomination meetings or handlers represented at such meetings by duly authorized agents may participate in the nomination of handler members and alternates.

It was testified that each grower and handler should have a similar and equitable voice in the election of nominees. Hence, each grower and handler should be limited to one vote on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates regardless of the volume of citrus fruits which he produces or handles or number of districts in which he produces or handles citrus fruits. If a grower could cast more than one vote by reason of operating in more than one district, such grower would have an advantage in selecting nominees over growers operating in only one district. Also, if more than one vote was permitted, there is a possibility that large growers or handlers could dominate the elections by means of their partners, agents, subsidiaries, affiliates, and representatives, and nominate growers and handlers not favored by a majority of growers or of handlers. An eligible grower's or handler's privilege of casting only one vote should be construed to mean that one vote may be cast for each appliable position to be filled.

A grower who produces oranges or grapefruit in more than one district should be permitted to select the district in which he will vote. He will thus be able to vote for nominees where he believes his best interest lies.

In order that there will be an administrative agency in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the Act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for

administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, and that it may develop that there are other duties which the committee may need to perform.

At least 10 members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make any decisions; and decisions of the committee should require a minimum of 10 concurring votes. Also, not less than 6 of the members present at the meeting should be producer members. These provisions will assure that the actions of the committee will be considered by at least two-thirds of the producer members of the committee and will be approved by not less than two-thirds of the entire membership of the committee.

The order should provide for reimbursement of actual out-of-pocket reasonable expenses incurred by members and alternates in carying out assigned duties under the order. It would not be reasonable to require members and alternates to bear such expenses incurred in the interest of all of the industry.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its power and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order, and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each handler who first handles oranges or grapefruit during a fiscal period should pay assessments to the committee, at a rate fixed by the Secretary, on all fruit so handled. In this way, each handler's total payments of assessments during a fiscal period would be proportionate to the quantity of oranges and grapefruit handled by each such handler and assessments would be levied on the same fruit only once.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. The committee, because of its knowledge of the prospective crop, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment to be applicable during a fiscal year should be fixed by the Secretary on the basis of the recommendations of the committee, or from other available information, so as to assure such assessments are consistent with the act. Such rate should be fixed on a fair and equitable unit basis and in an amount designed to secure sufficient funds to cover the expenses which may be incurred during the fiscal period and to accumulate and maintain an operating reserve.

The Secretary should have the authority, at any time during a fiscal period, or thereafter, to increase the rate of assessment when necessary to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee applicable to such period. Since the act requires that administrative expenses shall be paid by all handlers pro rata, it is necessary that any increased rate apply retroactively against all fruit handled during the particular fiscal period.

Except as necessary to establish and maintain an operating reserve, as set forth in the order, handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period or, if a handler should demand payment of any such credit, the proportionate refund should be paid to him.

If the committee should be required to liquidate its affairs, some expense will be involved. Should such liquidation occur after several years' operation, such expense should properly be shared. It would be appropriate, therefore, that all or a portion of any unexpended funds remaining at the end of a fiscal period be placed in a reserve to cover liquidation expense in the event of termination of the order. Further, it would be only good business practice to provide for unforeseen contingencies.

The production area is susceptible to freezes during the winter which may reduce the crop or even damage trees and reduce the crop in succeeding years. The assessment rates under the program are set at the beginning of the season for a crop of an estimated volume of shipments. Should crop failure or partial crop failure reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. However, it would constitute an extra burden on the industry to increase the assessment rate after disasters such as these have occurred. It would be far less burdensome to handlers to contribute to the establishment of an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. The reserve might also properly serve another purpose. At the beginning of each fiscal period there will be need for operating funds but there will be little income until shipments are being made in volume approximately 3 months later. Thus, unless an operating reserve is available, funds for such expenses would have to be borrowed or some other means of financing be employed.

The proposed reserve fund should be built up gradually over a period of years to the desirable amount. Discretion should be used so as not to impose excessively high assessments or delay the attainment of the full amount in the reserve too long, since a material reduction in the crop could occur at any time. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal period's expenses be provided. It was shown that such an amount should be sufficient to cover any foreseeable need since some income from assessment may be expected during any year. After the reserve has been built up to that amount, excess assessment income should thereafter be returned to the handlers entitled to refunds in accordance with the provisions of the order. However, in keeping with the need for the reserve fund, whenever any portion of it is used, the full amount withdrawn should be returned to the reserve as soon as assessment income is available for this purpose.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it may be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at times as may be necessary to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate member of the committee, he should similarly be

required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to such successor as the Secretary may designate. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the successor the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of oranges and grapefruit.

Through the medium of research investigation, the committee should be able to develop information which would be of value to it and the Secretary in more accurate determinations of the effect of specific regulations on the market and thereby promote orderly marketing. Also, it was indicated that new and better products outlets for citrus fruits need to be developed and that information on the nutritional values of red varieties of grapefruit might be of assistance in expanding markets for such fruit. As the committee becomes more aware of the areas of research and development which may be profitably entered into, other projects will undoubtedly be initiated, the scope and character of which may not have been foreseen during the course of the hearing.

The committee should be empowered to engage in such projects (except advertising and sales and trade promotion projects which are not permitted by the act), to spend assessment funds for them, and to consult and cooperate with appropriate agencies, such as State universities; and public and private agencies, with regard to their establishment. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should be set forth in detail, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such costs should be defrayed by the use of assessment funds as authorized by the act.

It was proposed in the notice of hearing that expenditures during any fiscal period for marketing research and development projects be limited to not more than 25 percent of the funds collected. An estimate presented at the hearing in support of the proposal indicated that such a limitation would provide between $10,000 and $15,000 each year for such projects which, it was indicated, would not be excessive. Others testifying suggested that expenditures for research be limited to (1) not more than ¼ cent per ½-box carton, and (2) not more than 10 percent of the total assessments collected. Several of those testifying in support of the latter limitation appeared to be concerned primarily with the amount that might be spent for such research projects during the first year of operation of the program. It was indicated that possibly an increase in such expenditures might be desirable after the first year.

The evidence of record, while replete with opinions that a limitation should be placed on expenditures for research, demonstrates the difficulty of foreseeing future conditions and the needs for research with sufficient accuracy to place at the correct level the desired limitation on funds for research. All of those testifying supported the inclusion of some limitation on expenditures for research, however; and it is therefore concluded that the order should provide that such expenditures should not exceed 10 percent of the total expenses incurred during the initial fiscal year nor more than 25 percent of such expenses during any subsequent fiscal year. Of course, the actual amounts that may be spent for such purpose shall be determined, within such limitations, upon the recommendations of the committee and the supporting information as to the need for, and desirability of, undertaking the proposed research that may be submitted to the Secretary for approval.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for citrus fruits, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of shipments of oranges and grapefruit, as authorized in the order, provides a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for citrus fruits since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of the marketing policy previously adopted. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recomendations for promoting more orderly marketing conditions and increased growers' returns for citrus fruits. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations authorized in the order, which tend to improve growers' returns and to establish more orderly marketing conditions for citrus fruits. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The grade, size, and quality of the oranges and grapefruit which are shipped at any particular time have a direct effect on returns to growers. The poorer grades, and less desirable sizes, marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of such fruit of low grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of poor quality fruit.

Evidence presented at the hearing shows that citrus fruits of the poorer grades and quality and of undesirable size may be sold only at discounts, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales tend to depress prices for the entire crop, for the particular year, below the level which otherwise would have existed if only fruit of suitable grade, size, and quality, considering the supply and demand conditions therefor, had been available in the markets.

The demand for citrus fruits of particular grades, sizes, and qualities varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for citrus fruits are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the orange and grapefruit crops, and the volume of the available supply for the season as a whole and for any particular period during the season, are important factors which must be considered in establishing regulations. For example, supplies of the early and midseason varieties of oranges may be heavy while the Valencia or late type oranges may be in moderate supply; or it may be that the size composition of the crops of early and midseason oranges only would be predominately small sizes. A similar situation may exist at times with respect to the varieties of red seedless grapefruit as compared to other grapefruit. The application of the same regulations to all varieties of grapefruit or oranges may not, therefore, be practicable or desirable. The order should authorize such separate regulations according to variety or type of fruit as may be necessary under the particular supply and demand conditions existing during the marketing season for such fruit. Because of the similarity of certain varieties of oranges or grapefruit having the same marketing seasons, it is necessary, as heretofore discussed, that the same regulations apply to such varieties of fruit and authority for variety regulation, as provided in the order, should refer to the groupings or classifications set forth in the definition of the term "variety." Substantial processing outlets are available within the production area and fruit not meeting the requirements of regulations under the order may be disposed of in such outlets. Also, it is a general practice of handlers, particularly early in the season, to purchase only that portion of the crops that are larger than a specified size. The fruit left on the trees after harvest of the portion of the crop initially purchased should increase in size and be suitable for purchase and shipment at a later date.

Proper maturity is an important factor determining consumer acceptance. Therefore, the order should authorize the committee to recommend and the Secretary to issue regulations requiring all oranges and grapefruit handled to meet specified maturity requirements. However, as indicated heretofore, the maturity requirements established by State legislation and administered by the Texas Commissioner of Agriculture apparently have provided satisfactory control over the shipment of immature fruit and the authority in the order to regulate the maturity of citrus fruits handled should be construed to mean that such regulations may be undertaken in the event appropriate State requirements no longer are in effect.

Authority should be included in the order for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging and handling of citrus fruits. The evidence of record does not indicate that there is any particular marketing problem at this time insofar as the containers used for citrus fruits are concerned. However, there has been substantial changes recently in the types and sizes of containers manufactured and in the materials used for such purpose. The use of a great number of type of containers, of differing materials, could create confusion and disorderly marketing conditions. The standardization of containers, should conditions develop to warrant such action, to those most suitable for the packing and handling of citrus fruits and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other, would tend to establish more orderly marketing conditions and increase growers' returns.

The exercise of the authority to regulate containers, however, should not be used to close the door on experimenting with new containers or to prevent the commercial use of any new or superior containers which may be developed.

It is not in the public interest to cease regulation when the season average price of oranges or grapefruit exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, in terms of grades or sizes, or both, and such grading and inspection requirements, during any and all periods when the season average price for such fruit may be above parity, as will be in the public interest. Some oranges and grapefruit do not give consumer satisfaction under any conditions. Fruit which is marred or bruised from high winds or other means, dry or mushy from freezing injury, or excessively small are examples of the type of fruit that does not represent a value to the consumer and should not be shipped. However, if no regulations were applicable and prices high, fruit of such poor quality undoubtedly would be shipped. Such fruit would not provide consumer satisfaction and would cause an adverse buyer reaction. It could result in dissipation of the benefits accruing from the prior operation of the order.

It was testified, without opposition, that the order should provide authorization to prohibit the handling of (1) any fruit in containers which are not appropriately marked to show the grade or which are improperly marked as to variety and (2) any grapefruit which has not been marked so as to indicate Texas origin. It was stated that required marking of containers as to grade and variety was needed to prevent misrepresentation and to assure buyers that the fruit they purchase meets the specifications of purchase. Containers of fruit have been marked to indicate that it was of a grade or variety having greater trade acceptance than that actually packed therein. Such practice is misleading to buyers and its elimination would tend to instill trade confidence and increased acceptance of Texas citrus fruits. With reference to the marking of individual grapefruit so as to indicate Texas origin, it was stated that retailers often mix grapefruit from different producing areas in the fruit bins in their stores. Since consumers generally cannot identify the origin of the grapefruit, the benefits from quality improvement through order regulations cannot be fully realized without such identification. Apparently this would be true of oranges also, but the mechanical problems of marking this smaller fruit are such that it would not be practical to require such marking. It is concluded, therefore, that the order should contain authority to establish the marking requirements hereinafter provided.

It was testified at the hearing that some citrus fruits produced in Mexico are brought into the production area and thereafter shipped to market. Such fruit may be packed before being brought into the production area or it may be prepared for marketing in the packinghouses in such area. Also, some citrus fruits from Dimmit County, and perhaps from some of the other counties outside the production area, is prepared for market in the production area. The record indicates most of such fruit is tangerines and would not present any problems since tangerines should not, as heretofore set forth, be subject to the provisions of the order. In the case of oranges and grapefruit, however, it is necessary to establish safeguards to assure that fruit subject to the order is not handled without regard to the regulations under the guise of fruit produced outside the production area. Thus, while oranges and grapefruit produced outside the production area would not be subject to the regulations under the order, the committee, with the approval of the Secretary, should establish such rules, regulations, and safeguards governing the physical handling of such fruit as may be necessary to prevent such fruit from losing its identity after being brought into the production area. If any handler should fail to comply with the safeguards so established or for any other reason any such oranges or grapefruit is not kept separate from those grown in the production area, such fruit should be required to conform to the provisions of the order and the regulations thereunder.

(f) The order should provide for the exemption from its provisions of such handling of oranges and grapefruit as it is not necessary to regulate in order to effectuate the declared policy of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Oranges and grapefruit handled by gift fruit shippers usually are handled in a different manner than fruit disposed of in other fresh fruit channels and would not appreciably affect fruit prices in such channels. Typical shipments by a gift fruit dealer are one or two pack-

agon of mixed varieties and types of fruit that are individually addressed and move directly to the consumer. The record shows that such shipments, when made in quantities aggregating not more than 500 pounds to any one person and not for resale, would have little, if any, influence on the level of prices for fruit handled in the usual commercial fresh fruit channels and should not be subject to regulations under the order. However, in order to assure that the exemption of such gift fruit shipments does not open avenues of escape from regulation the committee should prescribe safeguards governing the handling of gift fruit shipments, and only those shipments made in the quantities and manner hereinafter set forth and which conform to such safeguards should be exempt from compliance with the order provisions.

The order should authorize the issuance of regulations, or the modification, suspension, or termination of regulations and other requirements with respect to the handling of oranges and grapefruit for purposes other than disposition in normal commercial fresh fruit channels. Oranges and grapefruit moving to, or sold in, certain outlets such as those specified in § 1031.42 of the order usually are handled in a different manner or utilize grades, sizes, or qualities different from those preferred by the commercial fresh fruit market. Disposition of fruit to such outlets generally has little influence on the level of prices for fresh fruit sold in regular commercial channels. Any returns for fruit disposed of in such outlets may supplement the income received for fruit shipped to the commercial fresh fruit market rather than depress prices received in such market.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of oranges and grapefruit in such specified small quantities and for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of oranges and grapefruit from the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantity shipments, or shipments made for specified purposes, should be exempted from regulation, inspection, and assessments and the period during which such exemptions should be in effect.

The authority to modify, suspend, or terminate regulations and assessments and inspection requirements to facilitate special purpose shipments should be accompanied by additional administrative authority for the committee to prescribe with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent oranges and grapefruit handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the oranges or grapefruit moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such fruit does not have to comply with grade, size, quality, and other requirements. These procedures might include such requirements as filing applications for authorization to move fruit in exempted channels and certification by the receiver that such fruit would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

In order to maintain appropriate identification of shipments of fruit to special outlets the safeguards authorized herein should provide for the issuance of certificates of privilege to handlers desiring to handle exempted fruit and in addition require that such handlers shall obtain such certificates on all shipments by them to such special outlets.

Certificates of privilege would be issued by the committee as an indication of the authority for the handler to make such shipments, and as a means of identifying specific shipments. These certificates should be issued in accordance with the rules and regulations recommended by the committee so that the issuance thereof may be handled in an orderly and efficient manner which can be made known to all handlers.

The committee likewise should be authorized to deny or rescind certificates of privilege, when it is necessary to prevent abuse of the privileges conferred thereunder, upon satisfactory evidence that a handler to whom a certificate of privilege has been issued has handled fruit contrary to the provisions of the certificate previously issued to him. If the committee rescinds or denies a certificate of privilege to any handler, such action should be in the terms of a specified period of time; and any handler who might have a certificate of privilege rescinded should have the right of appeal to the committee for reconsideration. The order should specify that the Secretary may modify, change, alter, or rescind any safeguards prescribed or any certificates of privilege issued by the committee in order that he may at all times retain all rights necessary to carry out the purposes of the act. The Secretary of Agriculture should give prompt notice to the committee of any action taken by him in connection therewith, and the committee should promptly notify all persons affected by any such action.

The committee should keep complete records pertaining to all certificates of privilege and submit reports thereon to the Secretary when requested in order to supply pertinent information to enable him to discharge his duties under the act.

(g) Provision should be made in the order requiring all oranges and grapefruit handled, during any period when handling limitations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all oranges and grapefruit handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with regulations issued under the program can be ascertained only through inspection and certification of all fruit handled during the effective period of such regulations. As the handler of oranges or grapefruit is the person responsible for compliance with the applicable regulations, it is reasonable and necessary to require handlers to submit each lot of oranges and grapefruit handled for inspection and certification and to file a copy of the certificate of inspection with the committee. It was testified that handlers are familiar with the Federal and Federal-State Inspection Service and the certification of oranges and grapefruit in the production area, and the use of such inspection agency under this program is desired by the industry.

Responsibility for obtaining inspection and certification should fall on each person who handles oranges or grapefruit. In this way, not only will the handler who first ships or handles fruit be responsible for meeting this requirement but also no subsequent handler may handle such fruit unless a properly issued inspection certificate, valid pursuant to the terms of the order and the applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments of oranges or grapefruit conforms to all requirements of the order if the regulations are to be of maximum benefit.

After the first handler of a lot of oranges or grapefruit has had such lot inspected and certified as meeting all applicable regulation, subsequent handlers should under ordinary circumstances, be permitted to handle such fruit without incurring the expense of another inspection. To facilitate the identification of lots that have been inspected prior to movement by motor vehicle to destinations outside the production area, the order should provide authority to require such shipments to be accompanied by a copy of the inspection certificate issued thereon. The bulk of the citrus fruits handled are moved to market by truck. All trucks leaving the production area are stopped at the road guard stations mentioned heretofore. Requiring each truck shipment of citrus fruits to be accompanied by the appropriate certificate of inspection provides a method of checking, at such stations, compliance with the established regulations and is necessary to enable the committee to perform its assigned duty of seeing that all shipments conform to the order provisions.

Oranges and grapefruit generally are marketed as soon as possible after harvest. However, some fruit may, at times, not have a ready market immediately after it is prepared for market. In such instances the handler may hold the fruit on the packinghouse floor awaiting a buyer. Such fruit, if held too long, tends to deteriorate to the point where it no longer meets the grade and quality requirements in effect and does not conform to the findings at the time of inspection shown on the inspection certificate. It is necessary, therefore, that the order provide authority to establish the period of time that an inspection certificate is valid under the order. The rapidity with which such deterioration occurs varies according to the weather conditions prevailing at different times of the year and the general condition of the fruit in the area. Hence, the time that an inspection certificate should be considered valid under the program will vary according to the period of the marketing season when the fruit is held on the packinghouse floor.

(h) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the persons subject to regulation under the program, they are the persons who should be required to furnish such information. It is anticipated that much of the information needed by the committee in order to carryout its functions can be obtained from copies of inspection certificates. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information with respect to orange and grapefruit shipments may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information may not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information which may affect detrimentally the trade or financial position, or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain complete records on their receipts, handling, and disposition of oranges and grapefruit for a period of not less than two years subsequent to the termination of each fiscal period.

(i) Except as provided in the order, no handler should be permitted to handle oranges or grapefruit, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle such fruit except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(j) The provisions of §§ 1031.52 through 1031.62, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 1031.63 through 1031.65, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 1031.53 *Right of the Secretary;* § 1031.54 *Effective time;* § 1031.55 *Termination;* § 1031.56 *Proceedings after termination;* § 1031.57 *Effect of termination or amendment;* § 1031.58 *Duration of immunities;* § 1031.59 *Agents;* § 1031.60 *Derogation;* § 1031.61 *Personal liability;* and § 1031.62 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 1031.63 *Counterparts;* § 1031.64 *Additional parties;* and § 1031.65 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. June 15, 1960, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. A brief was filed, within the prescribed time, by Mr. Sid L. Hardin, Attorney for TexaSweet Citrus, Inc., Edinburg, Texas.

The brief contains statements concerning the evidence presented at the hearing with respect to certain provisions of the proposed marketing agreement and order together with arguments and suggested findings and conclusions in regard thereto. Each point included in the brief was carefully considered along with the evidence in the record in making the findings and in reaching the conclusions hereinbefore set forth. To the extent that any of the suggested findings and conclusions contained in such brief is inconsistent with the findings and conclusions contained herein, the request to make such findings, or reach such conclusions, is denied on the basis of the facts found and stated in connection with the conclusions of this decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of oranges and grapefruit grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of oranges or grapefruit grown in the production area which make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of oranges and grapefruit grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 1031.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1031.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1031.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1031.4 Production area.

"Production area" means all territory in the counties of Cameron, Hidalgo, and Willacy in the State of Texas.

[1] The provisions identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order.

§ 1031.5 Fruit.

"Fruit" means either or both of the following citrus fruits grown in the production area: (a) Citrus grandis, Osbeck, commonly called grapefruit, and (b) Citrus sinensis, Osbeck, commonly called oranges.

§ 1031.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of fruit owned by another person) who handles fruit or causes fruit to be handled.

(a) *Independent handler.* "Independent handler" means any handler other than a handler that is a cooperative marketing organization.

§ 1031.7 Handle.

"Handle" or "ship" means to transport or sell fruit, or in any other way to place fruit, in the current of commerce between the production area and any point outside thereof in the United States, Canada, or Mexico.

§ 1031.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of fruit for market.

(a) *Independent producer.* "Independent producer" means any producer who does not market his fruit through a handler that is a cooperative marketing organization.

§ 1031.9 Grade and size.

"Grade" means any one of the established grades of fruit and "size" means any one of the established sizes of fruit as defined and set forth in the applicable U.S. Standards for fruit (§§ 51.630–51.717 and §§ 51.620–51.654) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 1031.10 Pack.

"Pack" means the specific grade, quality, size, or arrangement of fruit in a particular container or containers.

§ 1031.11 Maturity.

"Maturity" means various degrees of ripeness for fruit as established by the committee with approval of the Secretary.

§ 1031.12 Container.

"Container" means any box, bag, crate, hamper, basket, package, bulk carton, or any other type of receptacle used in the packaging, transportation, sale, or other handling of fruit.

§ 1031.13 Variety or varieties.

"Variety or varieties" means any one or more of the following groupings or classifications of fruit: (a) Navel oranges; (b) Early and Midseason oranges, except Navel oranges; (c) Valencia and similar late type oranges; (d) white seeded grapefruit; (e) white seedless grapefruit; (f) pink and red seeded grapefruit; and (g) pink and red seedless grapefruit.

§ 1031.14 Committee.

"Committee" means the Texas Valley Citrus Committee, established pursuant to § 1031.18.

§ 1031.15 Fiscal period.

"Fiscal period" means the period beginning August 1 and ending July 31 following; or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1031.16 District.

"District" means any of the geographic divisions of the production area initially established pursuant to § 1031.20 or as re-established pursuant to § 1031.21.

COMMITTEE

§ 1031.18 Establishment and membership.

(a) The Texas Valley Citrus Committee, consisting of fifteen (15) members is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Nine members shall be producers who produce fruit in the district which they represent and are residents of the production area. Two of the producer members shall be producers who market their fruit through cooperative marketing organizations, and seven of the producer members shall be independent producers. Producer members shall not have a proprietary interest in or be employees of a handler organization: *Provided*, That members of a cooperative marketing organization shall not be considered as having a proprietary interest in a handler organization because of such membership.

(c) Six members shall be handlers who are residents of the production area. One handler member shall represent cooperative marketing organizations; five handler members shall represent independent handlers.

§ 1031.19 Term of office.

(a) The term of office of committee members and their respective alternates shall be for three years beginning August 1 and ending July 31: *Provided*, That the term of office of one-third of the initial producer members and alternates and one-third of the initial handler members and alternates shall end July 31, 1961, and the term of office of an identical number of such committee members and alternates shall end July 31, 1962. No member or alternate member shall succeed himself.

(b) Members and alternates shall serve in that capacity during the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified.

§ 1031.20 Districts.

For the purpose of determining the basis for selecting producer committee members the following districts of the production area are hereby initially established:

District No. 1—The county of Cameron in the State of Texas;

District No. 2—The county of Hidalgo in the State of Texas; and

District No. 3—The county of Willacy in the State of Texas.

§ 1031.21 Redistricting.

The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, the reapportionment of members between grower and handler members representing cooperative marketing organizations and independent grower and independent handler members, and the re-establishment of districts within the production area. In recommending such changes, the committee shall give consideration to: (a) Shifts in production; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) changes in amount of fruit handled by cooperative marketing organizations in relation to fruit handled by independent handlers; and (e) other relevant factors. No changes in districting or in apportionment of members may become effective in less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1031.22 Selection.

(a) From District No. 1 the Secretary shall select initially two producer members and their alternates representing independent producers. From District No. 2 the Secretary shall select initially two producer members and their respective alternates representing producers who market their fruit through cooperative marketing organizations, and four producer members and their respective alternates representing independent producers. From District No. 3 the Secretary shall select initially one producer member and his alternate representing independent producers.

(b) From the production area the Secretary shall select initially six handler members and their respective alternates. One handler member shall represent cooperative marketing organizations and five handler members shall represent independent handlers.

§ 1031.23 Nominations.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting of producers who are members of cooperative marketing organizations and a meeting of independent producers shall be held for each district having both cooperative and independent-producer members and alternates to elect nominees for such positions. For all other districts, meetings of all producers shall be held for such purpose. A meeting of handlers representing cooperative marketing organizations and a meeting of independent handlers shall be held in the production area to elect nominees for handler members and alternates. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart.

(b) At each such meeting at least one nomination shall be designated for each position as member and alternate.

(c) Nominations for committee members and alternates following the initial committee shall be supplied to the Secretary not later than July 1 each year.

(d) In districts having both cooperative and independent producer members, only producers who market their fruit through cooperative marketing organizations may participate in designating nominees for members and alternates representing cooperative producers; and only independent producers may participate in designating nominees for members and alternates representing independent producers. In all other districts, all producers may participate in designating the nominees for producer members and alternates. Only handlers representing cooperative marketing organizations may participate in designating nominees for members and alternates representing cooperative handlers; and only independent handlers may participate in designating nominees for members and alternates representing independent handlers. In the event that a person is engaged in producing fruit in more than one district such person shall elect the district within which he may participate, as aforesaid, in designating nominees.

(e) Regardless of the amount of fruit handled by a handler or the number of districts in which a person produces fruit, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled. Votes must be cast in person at all nomination meetings.

§ 1031.24 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1031.23, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in § 1031.20 through § 1031.22, inclusive.

§ 1031.25 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1031.26 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district and group involved, or from nominations made in the manner specified in § 1031.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of representation provided for in § 1031.20 through § 1031.22 inclusive.

§ 1031.27 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1031.28 Procedure.

Ten members of the committee shall be necessary to constitute a quorum, six of whom shall be producer members. Ten affirmative votes shall be required to pass any motion or approve any committee action. All votes shall be cast in person.

§ 1031.29 Expenses and compensation.

The members of the committee, and alternates, shall serve without compensation; but they may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart.

§ 1031.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1031.31 Duties.

It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select sub-committees, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To require adequate fidelity bonds for all persons handling funds;

(f) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to fruit;

(g) To prepare a marketing policy;

(h) To recommend marketing regulations to the Secretary;

(i) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee; and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative; and minutes of each committee meeting shall be promptly submitted to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request (the report of each such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each report shall be made available at the principal office of the committee for inspection by producers and handlers); and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1031.32 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of fruit handled by him as the first handler thereof during a fiscal period and the total quantity of fruit handled by all handlers as first handlers thereof during such fiscal period.

§ 1031.33 Budget.

At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee shall recommend the rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its estimates and recommendations.

§ 1031.34 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this sub-part. Each handler who first handles fruit shall, with respect to the fruit so handled by him,

pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) The rate of assessment may be increased at any time by the Secretary if he finds such increase is necessary in order that the money collected shall be adequate to cover the committee's expenses during a given fiscal period. Such increase shall be applicable to all fruit handled during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions of this part are suspended or become inoperative.

§ 1031.35 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom collected.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve; *Provided*, That funds already in the reserve do not equal approximately one-fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses; (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses; (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative; and (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this sub-part, or during any period or periods when regulations are not in effect, and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

§ 1031.37 Research and development.

The committee, with the approval of the Secretary may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. The expenses of such projects shall be paid from funds collected pursuant to § 1031.34, and shall not exceed 10 percent of the total expenses of the committee during the initial fiscal period nor exceed 25 percent of such expenses during any subsequent fiscal period.

REGULATION

§ 1031.38 Marketing policy.

Prior to or at the same time as initial recommendations are made pursuant to § 1031.39, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping fruit from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to fruit. The committee shall publicly announce the submission of each marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of fruit, including prices by grade, size, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of fruit, by grade, size, and quality in the production area, and in other production areas, including foreign production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting fruit prices; and

(e) Other relevant factors.

§ 1031.39 Recommendations for regulations.

The committee, upon complying with the requirements of § 1031.38, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this sub-part, will tend to effectuate the declared policy of the act. The committee shall give notice to handlers of any such recommendation at the same time such recommendation is submitted to the Secretary.

§ 1031.40 Issuance of regulations.

The Secretary shall limit the handling of fruit whenever he finds from the recommendation and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulations may:

(a) Limit the handling of particular grades, sizes, qualities, maturities, or packs of any or all varieties of fruit during a specified period or periods.

(b) Limit the handling of particular grades, sizes, qualities, or packs of fruit differently for different varieties, for different containers, for different purposes specified in § 1031.42, or any combination of the foregoing, during any period.

(c) Limit the handling of fruit by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of fruit.

(e) Prohibit the handling (1) of any fruit which does not have marked on each container the grade or the registered grade label of the fruit contained therein; (2) of any grapefruit which does not have marked on each fruit the word "Texas" or other words implying Texas origin, except that the committee may recommend and the Secretary establish a tolerance for grapefruit in any container or lot not so marked; and (3) of any container fruit which is misbranded as to variety.

(f) No regulations may be issued under the provisions of this sub-part which allots to individual handlers the quantity of fruit which each handler may ship during any regulation period.

§ 1031.41 Gift fruit shipments.

The handling to any person of gift packages of fruit individually addressed to such person, in quantities aggregating not more than 500 pounds and not for resale, are exempt from the provisions of §§ 1031.34, 1031.40, and 1031.45, and the regulations issued thereunder, but shall conform to such safeguards as may be established pursuant to § 1031.43.

§ 1031.42 Shipments for special purposes.

Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1031.34, 1031.40, 1031.45, or any combination thereof, in order to facilitate the handling of fruit:

(a) For relief or for charity;

(b) For processing or for manufacture or conversion into specified products; and

(c) In such minimum quantities and for such other purposes as may be specified by the committee with the approval of the Secretary.

§ 1031.43 Notification of regulation.

The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1031.44 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent the handling of fruit pursuant to §§ 1031.41 or 1031.42 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of certificates of privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship fruit pursuant to §§ 1031.41 and 1031.42.

(2) Handlers shall obtain inspection provided by § 1031.45, or pay the assessment levied pursuant to § 1031.34, or both, in connection with shipments made under § 1031.42: *Provided*, That such inspection and assessment requirements shall not apply to fruit handled for canning or freezing.

(3) Handlers shall obtain certificates of privilege from the committee to handle fruit affected or to be affected under the provisions of §§ 1031.41 and 1031.42.

(b) The committee may rescind or deny certificates of privilege to any handler if proof is obtained that fruit handled by him for the purposes stated in §§ 1031.41 and 1031.42 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of fruit covered by such applications, the number of such applications denied and certificates granted, the quantity of fruit handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1031.45 Inspection and certification.

(a) During any period in which handling of a variety of a type of fruit is regulated pursuant to §§ 1031.34, 1031.40, 1031.42, or any combination thereof, no handler shall handle any variety of such type of fruit which has not been inspected by an authorized representative of the Federal or Federal-State Inspection Service, unless such handling is relieved from such requirements pursuant to § 1031.41 or 1031.42, or both;

(b) Regrading, resorting, or repacking any lot of fruit shall invalidate any prior inspection insofar as the requirements of this section are concerned. No handler shall handle fruit after it has been regraded, resorted, repacked, or in any other way prepared for market, unless each lot of fruit is inspected by an authorized representative of the Federal or Federal-State Inspection Service: *Provided*, That the committee, with the approval of the Secretary, may provide for waiving inspection requirements on any fruit in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such fruit meets the applicable quality and other standards then in effect;

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary;

(d) When fruit is inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service;

(e) The committee may recommend and the Secretary may require that any fruit handled or transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

REPORTS

§ 1031.51 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of fruit received by a handler;

(2) The quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation;

(3) The date of each such disposition and the identification of the carrier transporting such fruit;

(4) Identification of the inspection certificates, and the certificates of privilege, if any, pursuant to which the fruit was handled, together with the destination of each lot of fruit handled pursuant to § 1031.41.

(b) All such reports shall be held under appropriate protective classification and custody of the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorised, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the fruit received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1031.52 Compliance.

Except as provided in this subpart, no handler shall handle fruit, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations issued thereunder, and no handler shall handle fruit except in conformity to the provisions of this part.

§ 1031.53 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1031.54 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1031.55 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of fruit for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such fruit produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1031.56 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall, for the purpose of liquidating the affairs of the committee continue as joint trustees of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of

the committee and of the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1031.57 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1031.58 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1031.59 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1031.60 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1031.61 Personal liability.

No member or alternate of the committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1031.62 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1031.63 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.* * *

§ 1031.64 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.* * *

§ 1031.65 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of fruit in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such order.* * *

Dated: July 21, 1960.

F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 60-6962; Filed, July 25, 1960; 8:49 a.m.]

Agricultural Research Service

[7 CFR Part 330]

FEDERAL PLANT PEST REGULATIONS

Notice of Proposed Amendments

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 105 and 106 of the Federal Plant Pest Act of 1957 (7 U.S.C. 150dd, 150ee), is considering the amendment of Part 330, Chapter III, Title 7 of the Code of Federal Regulations, in the following respects:

§ 330.106 [Amendment]

1. Amend § 330.106 relating to Emergency Measures by adding a new paragraph (d) to read as follows:

(d) *Khapra beetle infestations of means of conveyance, or cargo or stores thereof; other infestations.* As a means of preventing the dissemination into the United States, or interstate, of the khapra beetle (Trogoderma granarium Everts), the following procedures will be applicable when that insect is found, or there is reason to believe it is present, in a means of conveyance within paragraph (a) of this section, or in any cargo or stores in such a means of conveyance, or in any cargo or stores unloaded or landed, or being unloaded or landed, in the United States therefrom. These procedures will also apply with respect to other plant pests when the inspector finds they are necessary and sufficient to prevent the spread of such pests.

(1) *Infestation in storerooms and similar compartments of means of conveyance (except aircraft).* (i) When infestation is found only in stores or storerooms, galleys, pantries, or similar noncargo compartments of a means of conveyance, except aircraft, the inspector shall prescribe and supervise the application of such remedial measures as, in his opinion, will be effective under conditions that will not spread the infestation to other parts of the means of conveyance, or to adjacent piers or other installations. If, in the opinion of the inspector, fumigation is the only available safeguard to eliminate the infestation, he shall order the owner to arrange for immediate fumigation of the infested stores and portions of the means of conveyance.

(ii) If the means of conveyance is to leave the territorial limits of the United States directly for a port in another country within 24 hours of such order, the inspector may suspend compliance with the fumigation requirement pending departure from the United States. Pending fumigation or departure, the inspector may seal the openings of infested compartments, packages, or articles, if in his opinion the action is necessary to prevent plant pest dissemination while the means of conveyance remains in the territorial limits of the United States, as authorized in § 330.110. The inspector may extend the 24-hour period of 48 hours, if, in his judgment, such extension is warranted by plans of the owner to remove the means of conveyance from the territorial limits of the United States within the extended period, the inability of the contractor to begin fumigation within the 24-hour period, or other reason deemed valid by the inspector. Further extension shall be given only under authority of the Director. Pending compliance with the requirement of fumigation, or the departure from the territorial limits of the United States directly for a port in another country, no stores, laundry, furnishings or equipment, or other articles or products whether in cargo or stores, shall be unloaded from the means of conveyance except as authorized by the inspector and under conditions prescribed by him. The owner of an infested means of conveyance under notice for fumigation which leaves the territorial limits of the United States without fumigation should arrange for the eradication of the infestation before returning to the same or another port in the United States. Upon return to a port in the United States and unless the infestation has been eliminated to the satisfaction of the inspector, the means of conveyance shall be subject to fumigation immediately upon arrival in the United States. Unloading or landing of any product or article shall not be permitted pending compliance with the fumigation requirement, except as authorized by the inspector and under conditions prescribed by him.

(iii) If the means of conveyance is to remain at the port where the infestation was found or is to be moved to another port in the United States, the inspector shall prescribe and supervise the application of the remedial measures at the port where the infestation is found, as provided in this paragraph; or he may authorize the means of conveyance to be moved to another port for fumigation or the application of other remedial measures under safeguards prescribed by him.

(iv) In all instances where the inspector prescribed procedures concerned with the application of remedial measures which involve (*a*) withholding permission to discharge articles or products; (*b*) permission to discharge after such permission has been withheld; (*c*) discontinuance of discharging; or (*d*) resumption of discharging after it has been discontinued, the appropriate Customs officer shall be immediately notified in writing. The inspector shall also inform the Customs officers at the port where the infestation is found and at such other ports as may be necessary of the requirement for fumigation and/or permission to move coastwise to another U.S. port for fumigation or other remedial measures.

(2) *Infestation in cargo compartments of means of conveyance (except aircraft).* When infestation is found in cargo compartments or in cargo of a means of conveyance, except aircraft, the inspector shall prescribe and supervise the application of such remedial measures as, in his opinion are necessary, with respect to the cargo and the portions of the means of conveyance which contain or contained or were contaminated by the infested cargo. If in the opinion of the inspector fumigation is the only available safeguard to eliminate the infestation, he shall order the owner to arrange for immediate fumigation of the infested portions of such means of conveyance and cargo. However, if such cargo compartments cannot be fumigated without fumigating the entire means of conveyance, the inspector may order the entire means of conveyance and cargo to be fumigated. The inspector shall notify the owner of the means of conveyance of such requirement and the owner shall arrange for immediate fumigation. Discharge of cargo shall be discontinued unless the inspector allows it to continue under safeguards to be prescribed by him. The provisions applicable to stores and storerooms in subparagraph (1) (ii) and (iii) of this paragraph shall apply to cargo and cargo areas of such means of conveyance. Customs officers shall be informed as required in subparagraph (1) (iv) of this paragraph.

(3) *Infestation in an aircraft.* If infestation is found in an aircraft, the inspector may apply seals as provided in § 330.110, and he may require such temporary safeguards as he deems necessary, including the discontinuance of further unloading or landing of any products or articles except as authorized by him. Upon finding such infestation in an aircraft the inspector shall promptly notify the Division of all circumstances and the temporary safeguards employed, and the Division will specify the measures for eliminating the infestation which will not be deleterious to the aircraft or its operating components. Any insecticidal application required shall be approved by the Director for use in aircraft. If the aircraft is to depart from the territorial limits of the United States within 24 hours after the infestation is found, the inspector shall permit such departure in lieu of the application of other measures and shall prior to departure break any seals that would prevent access to the aircraft or safe operation thereof. Other seals shall remain intact at time of departure and shall be broken by the aircraft commander or a crew member upon his order only after the aircraft is beyond the territorial limits of the United States. Extension of the 24-hour period shall be given only under authority of the Director. The owner of the aircraft under notice of khapra beetle infestation which leaves the territorial limits of the United States before the infestation has been eradicated should arrange for eradication before returning the aircraft to the United States. Upon return to the United States, if the infestation is not eliminated to the satisfaction of the inspector, the aircraft shall be subject to the same disinfestation requirements and other safeguards immediately upon arrival in the United States. Customs officers shall be notified as required in subparagraph (1) (iv) of this paragraph.

(4) *Precautions.* The owner of a means of conveyance required to be fumigated pursuant to this section shall arrange with a competent operator to apply the fumigant under the supervision of the inspector. The owner shall understand that if certain fumigants are used they may result in residues in or on foodstuffs which may render them unsafe for use as food items. He is hereby warned against such use unless he ascertains that the fumigated foodstuffs are fit for human consumption. It should also be understood by the owner that emergency measures prescribed by the inspector to safeguard against dissemination of infestation may have adverse effects on certain products and articles, and that the acceptance of fumigation as a requirement is an alternative to the immediate removal of the infested means of conveyance and any products and articles thereon, from the territorial limits of the United States. Products or articles in a means of conveyance, or compartments thereof, which may be exposed to methyl bromide or other remedial measures and may be adversely affected thereby, may be removed from the means of conveyance or compartments thereof prior to the application of the remedial measures if in the opinion of the inspector this can be done without danger of plant pest dissemination and under conditions authorized by him, for additional inspection and/or application of effective remedial measures.

2. Further amend § 330.106 by inserting in paragraph (a), before the phrase "the inspector", the following: "or reason to believe such a pest is present,".

3. Add a new § 330.110 to read as follows:

§ 330.110 Seals.

(a) *Use authorized; form.* Whenever, in the opinion of the inspector, it is necessary, as a safeguard in order to prevent the dissemination of plant pests into the United States, or interstate, seals may be applied to openings, packages, or articles requiring the security provided by such seals. The words "openings, packages, or articles" shall include any form of container, shelf, bin, compartment, or other opening, package, or article which the inspector may have occasion to seal in lieu of more drastic action or otherwise, as a safeguard against plant pest dissemination. The seals may be automatic metal seals or labels or tags and will be provided by the Division. When they consist of a label or tag, they will be printed in black ink on yellow paper and read substantially as follows: "Warning! The opening, package, or article to which this seal is affixed is sealed under authority of law. This seal is not to be broken while within the territorial limits of the United States except by, or under instructions of, an inspector."

(b) *Breaking of seals.* Seals may be broken: (1) By an inspector; (2) by a Customs officer for Customs purposes, in which case the opening, package, or article will be resealed with Customs seals; (3) by the owner or his agent when the means of conveyance, product, or article has left the territorial limits of the United States; (4) by any person authorized by the inspector or the Director under conditions specified by the inspector or Director. No person shall break seals applied under authority of this section except as provided in this paragraph. The movement into or through the United States, or interstate, of any means of conveyance or product or article on which a seal, applied under this paragraph, has been broken in violation of this paragraph is hereby prohibited, except as authorized by an inspector.

(c) *Notice of sealing.* When an inspector seals any opening, product or article, he shall explain the purpose of such action to the owner or his representative and shall present him with a written notice of the conditions under which the seal may be broken, if requested to do so.

The purpose of the amendments to § 330.106 is to specify the nature of the emergency action that may be taken when carriers are found or are reasonably believed upon arrival to contain khapra beetle or other plant pests in the non-cargo or cargo areas of the carrier or in the stores or cargo. Such infestations have been discovered in increasing numbers in the past year. Heretofore, emergency action has been taken on an individual basis as the location and circumstances of the infestation required. There is now a need to publicize procedures that will be adequate to meet any situation that may be encountered. Such procedures are de-

tailed in the proposed amendment. They relate principally to the holding and fumigation of infested vessels, cargo, or stores; the administration of other remedial measures; the removal of the infested products or vessel from United States territory; or the discharge of cargo in accordance with safeguards that will prevent the spread of khapra beetle and other plant pests.

It is also proposed to include in the regulations specific directions for the use of seals to prevent the unloading of cargo or ships' stores infested or suspected of being contaminated with plant pests and for other safeguard measures. The proposed directions are contained in a new § 330.110.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 105, 106, 71 Stat. 32, 33; 7 U.S.C. 150dd, 150ee)

Done at Washington, D.C., this 20th day of July 1960.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 60-6924; Filed, July 25, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of regulation to provide for the use of any one or mixtures of antibiotics (chlortetracycline, manganese bacitracin, zinc bacitracin, procaine penicillin, and streptomycin) with zoalene:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by the Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the use of any one or a mixture of not more than 50 grams per ton of feed of chlortetracycline, procaine penicillin, streptomycin, manganese bacitracin, or zinc bacitracin, with zoalene (3,5-dinitro-o-toluamide) not to exceed 125 parts per million (0.0125 percent), when fed to chickens for the control of intestinal and cecal coccidiosis and for growth promotion.

Dated: July 19, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6931; Filed, July 25, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-107]

FEDERAL AIRWAY, CONTROL AREAS AND REPORTING POINTS

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of Red Federal airway No. 1 and associated control areas from Port Alexander, Alaska (intersection of the southeast course of the Sitka, Alaska, radio range and the southwest course of the Petersburg, Alaska, radio range, which is to be realigned to a bearing of 055° True toward the station), via the Cape Decision, Alaska, radio beacon, to the Guard Islands, Alaska, radio beacon. The designation of this airway would provide an interconnecting route for air traffic operating between Sitka and Ketchikan, Alaska. In addition, the Port Alexander Intersection, Cape Decision radio beacon, and Guard Islands radio beacon would be designated as reporting points.

If these actions are taken, Red Federal airway No. 1 with associated control areas, would be designated from Port Alexander, Alaska, to Guard Islands, Alaska, via Cape Decision, Alaska. The Port Alexander Intersection, Cape Decision radio beacon and Guard Islands radio beacon would be designated as reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 20, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-6909; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-158]

FEDERAL AIRWAY, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6440, 601.6440, and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 440 presently extends from Skwentna, Alaska, to the Whittier, Alaska, intersection. The Federal Aviation Agency has under consideration the extension of Victor 440, southeasterly, from the Whittier intersection via the Middleton Island, Alaska, VOR to the Yakutat, Alaska, VOR, excluding the portion below 2,000 feet MSL outside the United States. Extension of this airway would provide a route for VOR equipped aircraft operating between the Anchorage, Alaska, terminal area and Yakutat. In addition, § 601.7001 relating to domestic VOR reporting points would be modified by adding the Middleton Island VOR and the Yakutat VOR as reporting points.

If this action is taken, VOR Federal airway No. 440 with associated control areas would be designated from Skwentna, Alaska, to Yakutat, Alaska, via Anchorage, Alaska, Whittier, Alaska, and Middleton Island, Alaska, excluding the portion below 2,000 feet MSL outside the United States. In addition, Middleton Island VOR and Yakutat VOR would be designated as VOR reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 19, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6910; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-40]

CONTROL AREA

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1052 of the regulations of the Administrator, the substance of which is stated below.

The Atlanta, Ga., control area extension is presently designated within a 50-mile radius of the Atlanta radio range station including the airspace north of Atlanta bounded on the west by VOR Federal airway No. 5, on the north by VOR Federal airway No. 54 and on the east by VOR Federal airway No. 97, and the airspace east of Atlanta bounded on the northwest by VOR Federal airway No. 20, on the east by VOR Federal airway No. 35 and on the south by VOR Federal airway No. 18, including the airspace southwest of Atlanta bounded on the north by VOR Federal airway No. 18 and on the west by longitude 86° 00'00" W., and on the southeast by VOR Federal airway No. 20. The Federal Aviation Agency has under consideration modification of the Atlanta control area extension by enlarging it to encompass 5 small segments of uncontrolled airspace between airways northeast of Atlanta, including the airspace northeast of Toccoa, Ga. The additional control area would be within the surveillance coverage of air traffic control radar and the designation of this area as controlled airspace would facilitate the movement of aircraft to and from the Atlanta terminal area. The control area northeast of Toccoa VOR would be used for the protection of aircraft departing Greenville Municipal Airport, Greenville, S.C., and Donaldson AFB, Greenville, S.C., via the 315° True radial of the Greenwood VOR.

If this action is taken, the Atlanta, Ga., control area extension would be designated within a 50-mile radius of the Atlanta radio range including the airspace north of Atlanta bounded on the west by VOR Federal airway No. 5, on the north by VOR Federal airway No. 54 and on the east by VOR Federal airway No. 97; and the airspace northeast of Atlanta bounded on the northwest by VOR Federal airway No. 222, on the northeast by the Greenville, S.C., control area extension and the Greenwood, S.C., control area extension, on the southeast by a line parallel to and 5 miles northwest of the 063° True radial of the McDonough, Ga., VOR and including the airspace northeast of Toccoa, Ga., VOR bounded on the north by VOR Federal airway No. 54, on the southeast by Victor 222 and on the southwest by a line 5 miles southwest of and parallel to the 315° True radial of the Greenwood, S.C., VOR and including the airspace southwest of Atlanta bounded on the north by VOR Federal airway No. 18, on the west by longitude 86°00'00" W., and on the southeast by VOR Federal airway No. 20.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 20, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-6907; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-HO-1]

CONTROL ZONE

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

Upolu Point, Hawaii, control zone is presently designated within a 5-mile radius of the Upolu Point Airport and within 2 miles either side of the 261° True radial of the Upolu Point VOR extending from the VOR to a point 10 miles west. The Federal Aviation Agency has under consideration the revocation of this control zone. This action is proposed because weather reporting service is not available on a continuous basis at the airport.

If this action is taken, the Upolu Point, Hawaii, control zone would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 20, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-6908; Filed, July 25, 1960; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-160]

CODED JET ROUTE

Establishment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering establishing a VOR/VORTAC

jet route from Peck, Mich., via the Peck VOR 074° True radial to the United States/Canadian Border. The establishment of this jet route would be compatible with a Canadian high-level airway which will be established in the near future from Kleinberg, Ontario (Toronto, Ontario, Terminal Area), to the United States/Canadian Border. The establishment of this route would facilitate air traffic management and flight planning by providing an interconnecting high altitude route between the Chicago, Ill., and Toronto, Ontario, areas.

If this action is taken, VOR/VORTAC Jet Route No. 846 would be established from Peck, Mich., to the United States/Canadian Border, via the Peck VOR 074° True radial. (Direct route between the Peck VOR and the Kleinberg, Ontario, non-directional radio beacon.) This jet route number would be the same number proposed for the connecting Canadian high-level airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 19, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6905; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-191]

CODED JET ROUTE

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.516 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 16 extends in part from Pendleton, Oreg., via Dillon, Mont., to Billings, Mont. The Federal Aviation Agency has under consideration modification of this jet route by realigning it from Pendleton via Whitehall, Mont., to Billings. This would provide a more direct route between Pendleton and Billings, reduce the route mileage and provide additional enroute radar coverage for the protection of civil jet aircraft.

If this action is taken, the segment of VOR/VORTAC jet route No. 16 under consideration would extend from the Pendleton, Oreg., VOR via the Whitehall, Mont., VOR to the Billings, Mont., VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 19, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6906; Filed, July 25, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

RAYON STAPLE FIBER FROM NORWAY

Determination of No Sales at Less Than Fair Value

JULY 20, 1960.

A complaint was received that rayon staple fiber from Norway was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Norway is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Rayon staple fiber from Norway is purchased outright by the United States importer in arms-length negotiations. The quantity of rayon staple fiber, the same as or similar to the rayon staple fiber sold to the United States, sold for home consumption was inadequate to form a basis for fair value comparison. Accordingly, purchase price was compared to the price at which the rayon staple fiber was sold to countries other than the United States.

In the calculation of purchase price, deductions were made for the included ocean freight, insurance, duty, inland freight in the United States, and commission. In the calculation of the weighted-average third country price, deductions were made for the included ocean freight, insurance, and commission. Adjustment was also made for the moisture regain factor.

It was determined that the purchase price was not less than the price to countries other than the United States.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6953; Filed, July 25, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Redelegation of Authority to Specified Classes of Employees; Correction

JULY 18, 1960

Redelegation of authority, as published in the FEDERAL REGISTER, Docket 60-5478, page 5407, of June 16, 1960, is corrected to read as follows under part III—Minerals:

PART III—MINERALS

SECTION I. The State Lands and Minerals Officer may approve mineral examination reports only as authorized under 2.6 of Order 541, Bureau of Land Management, insofar as it pertains to functions specified in 1.6(k) of the same order.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 60-6914; Filed, July 25, 1960; 8:46 a.m.]

[Utah (I-28)]

UTAH

Notice of Proposed Withdrawal of Public Lands From Oil and Gas Leasing for Preservation and Development of Potash Deposits Belonging to the United States

JULY 15, 1960.

The Department of the Interior has under consideration a proposal that the public lands within the following-described areas be withdrawn from oil and gas leasing subject to valid existing rights for a period of 10 years or for such other period as the Secretary of the Interior may determine in aid of conservation and development of valuable potash deposits belonging to the United States:

SALT LAKE MERIDIAN

T. 26 S., R. 20 E.,
Secs. 22 to 27, inclusive;
Sec. 34, E½;
Secs. 35 and 36.
T. 27 S., R. 20 E.,
Sec. 1;
Sec. 2, lots 1, 2, 7, 8 and S½NE¼.
T. 26 S., R. 21 E.,
Secs. 30 to 32, inclusive.
T. 27 S., R. 21 E.,
Secs. 4 to 6, inclusive;
Sec. 7, lots 1 to 4, inclusive, and NE¼;
Sec. 8, N½;
Sec. 9, N½.

The areas described aggregate approximately 11,128 acres of which approximately 9,445 acres are public lands.

Present knowledge of the geology of the lands appears to support the conclusion that the value of the potash deposits may outweigh that of recoverable quantities of oil and gas, and that drilling for the latter might impair operations for the economic recovery of the potash.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, Third Floor, Darling Building, Salt Lake City, Utah.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the proposal will be published in the FEDERAL REGISTER, and each interested party will be informed thereof.

EVAN L. RASMUSSEN,
Acting State Supervisor.

[F.R. Doc. 60-6915; Filed, July 25, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13667-13673; FCC 60M-1270]

ALTUS BROADCASTING CO. (KWHW) ET AL.

Order Scheduling Hearing

In re applications of the Altus Broadcasting Company (KWHW), Altus, Oklahoma, Docket No. 13667, File No. BP-12520; Charles L. Cain, El Reno, Oklahoma, Docket No. 13668, File No. BP-12546; KGFF Broadcasting Company, Incorporated (KGFF), Shawnee, Oklahoma, Docket No. 13669, File No. BP-12588; Plains Broadcast Company, Inc. (KENM), Portales, New Mexico, Docket No. 13670, File No. BP-13236; Woodward Broadcasting Company (KSIW), Woodward, Oklahoma, Docket No. 13671, File No. BP-13339; Snyder Broadcasting Company (KSNY), Snyder, Texas, Docket No. 13672, File No. BP-13446; for construction permits.

It is ordered, This 19th day of July 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1960, in Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6948; Filed, July 25, 1960; 8:49 a.m.]

[Docket No. 12615, etc.; FCC 60M-1269]

COOKEVILLE BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Hamilton Parks, tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, et al., Docket Nos. 12615, 12960, 12962, 12964, 12965, 12966, 12968, 12971, 12972, 12973, 12974, 12976, 12979, 12981, 12982, File No. BP-11518; for construction permits.

To enable the newly designated successor Hearing Examiner to deal expeditiously with the entire proceeding: *It is ordered*, This 19th day of July 1960,

that a session for consideration of the cases of all groups is scheduled in conjunction with the Group I session already scheduled for Wednesday, July 27, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C., at which all counsel should arrange to be present.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6939; Filed, July 25, 1960; 8:48 a.m.]

[Docket Nos. 13603, 13604; FCC 60M-1259]

ELIZABETH G. COUGHLAN AND NORTH SUBURBAN RADIO, INC.

Order Canceling Prehearing Conference

In re applications of Elizabeth G. Coughlan, Highland Park, Illinois, Docket No. 13603, File No. BPH-2631; North Suburban Radio, Inc., Highland Park, Illinois, Docket No. 13604, File No. BPH-2907; for construction permits (FM).

Because of the pendency of a petition for dismissal by one of the parties in the above-entitled matter, which petition, if granted, would render the comparative issues moot,

It is ordered, This 19th day of July 1960, that the prehearing conference presently scheduled for July 20, 1960, be and it hereby is cancelled.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6940; Filed, July 25, 1960; 8:48 a.m.]

[Docket No. 13010 etc.; FCC 60M-1258]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing Conference

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, et al., Docket Nos. 13010, 13012, 13014-13053, 13058, 13060, 13061, 13641-13648, File No. BP-11689; for construction permits.

Since Broadcast Bureau counsel will be unable to attend on the date now scheduled because of a conflicting commitment, and as his presence would be desirable: *It is ordered*, This 19th day of July 1960, on the Hearing Examiner's own motion, that the prehearing conference of July 25 is rescheduled to Friday, September 16, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6943; Filed, July 25, 1960; 8:48 a.m.]

[Docket No. 13659; FCC 60M-1267]

W. R. FRIER (WBHF)

Order Scheduling Hearing

In re application of W. R. Frier (WBHF), Cartersville, Georgia, Docket No. 13659, File No. BP-12264; for construction permit.

It is ordered, This 19th day of July 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1960, in Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6941; Filed, July 25, 1960; 8:48 a.m.]

[Docket Nos. 13673-13675; FCC 60M-1271]

HENNEPIN BROADCASTING ASSOCIATES ET AL.

Order Scheduling Hearing

In re applications of Albert S. Tedesco and Patricia W. Tedesco, d/b as Hennepin Broadcasting Associates, Minneapolis, Minnesota, Docket No. 13673, File No. BP-12416; Robert E. Smith, River Falls, Wisconsin, Docket No. 13674, File No. BP-13339; Jack I. Moore, James L. Magner, Ray Ekberg, Ingvald C. Ryan, Donald E. Nebelung, Post Publishing Company, Inc., and Carl Bloomquist, d/b as Crystal Broadcasting Company, Crystal, Minnesota, Docket No. 13675, File No. BP-13750; for construction permits.

It is ordered, This 19th day of July 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 5, 1960, in Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6942; Filed, July 25, 1960; 8:48 a.m.]

[Docket Nos. 13660-13662; FCC 60M-1268]

NORTH GEORGIA RADIO, INC. (WBLJ) ET AL.

Order Scheduling Hearing

In re applications of North Georgia Radio, Inc. (WBLJ), Dalton, Georgia, Docket No. 13660, File No. BP-12590; Woofum, Inc. (WFOM), Marietta, Georgia, Docket No. 13661, File No. BP-12617; Regional Broadcasting Corporation (WMMT), McMinnville, Tennessee, Docket No. 13662, File No. BP-13404; for construction permits.

It is ordered, This 19th day of July 1960, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1960, in Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6944; Filed, July 25, 1960; 8:48 a.m.]

[Docket Nos. 13632, 13633; FCC 60M-1250]

WILLIAM R. PACKHAM AND RADIO STATION WPCC, INC. (WPCC)

Order Scheduling Prehearing Conference

In re applications of William R. Packham, Hendersonville, North Carolina, Docket No. 13632, File No. BP-12394; Radio Station WPCC, Incorporated (WPCC) Clinton, South Carolina, Docket No. 13633, File No. BP-13744; for construction permits.

It is ordered, This 18th day of July 1960, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 9:00 a.m., September 7, 1960, in the Commission's offices in Washington, D.C.

Released: July 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6945; Filed, July 25, 1960; 8:49 a.m.]

[Docket No. 13329; FCC 60M-1257]

RALPH J. SILKWOOD

Order Scheduling Hearing

In re application of Ralph J. Silkwood, Klamath Falls, Oregon, Docket No. 13329, File No. BP-12656; for construction permit.

Pursuant to agreement of counsel arrived at during the prehearing conference held on this date: *It is ordered*, This 18th day of July 1960, that the hearing in the above-styled proceeding will commence at 10 o'clock a.m., on October 4, 1960, in Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6946; Filed, July 25, 1960; 8:49 a.m.]

[Docket Nos. 13657, 13658; FCC 60M-1266]

SKYLINE BROADCASTERS, INC., AND EARL McKINLEY TRABUE

Order Scheduling Hearing

In re applications of Skyline Broadcasters, Inc., Klamath Falls, Oregon, Docket No. 13657, File No. BP-12509; Earl McKinley Trabue, Myrtle Creek, Oregon, Docket No. 13658, File No. BP-13596; for construction permits.

It is ordered, This 19th day of July 1960, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1960, in Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6947; Filed, July 25, 1960; 8:49 a.m.]

[Docket No. 13627-13629; FCC 60M-1249]

M. EARLENE STEBBINS ET AL.

Order Scheduling Prehearing Conference

In re application of M. Earlene Stebbins, Skokie, Illinois, Docket No. 13627, File No. BPH-2626; WHFC, Inc. (WEHS), Chicago, Illinois, Docket No. 13628, File No. BPH-2870; Gale Broadcasting Company, Inc., (WFMT), Chicago, Illinois, Docket No. 13629, File No. BPH-2920; for construction permits (FM).

It is ordered, This 18th day of July 1960, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 9:00 a.m., July 28, 1960, in the Commission's offices in Washington, D.C.

Released: July 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6949; Filed, July 25, 1960; 8:49 a.m.]

[Docket Nos. 13663-13666; FCC 60M-1269]

NORMAN A. THOMAS ET AL.

Order Scheduling Hearing

In re applications of Norman A. Thomas, Greeneville, Tennessee, Docket No. 13663, File No. BP-12729; Greene County Broadcasting Company, Incorporated, Greeneville, Tennessee, Docket No. 13664, File No. BP-13271; Wilkes Broadcasting Company (WATA), Boone, North Carolina, Docket No. 13665, File No. BP-13451; Radio Hendersonville, Inc. (WHKP), Hendersonville, North Carolina, Docket No. 13666, File No. BP-13487; for construction permits.

It is ordered, This 19th day of July 1960, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 5, 1960, in Washington, D.C.

Released: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6950; Filed, July 25, 1960; 8:49 a.m.]

[Docket Nos. 13528-13534; FCC 60M-1254]

WASHINGTON BROADCASTING CO. (WOL) ET AL.

Order Continuing Hearing

In re applications of Washington Broadcasting Company (WOL), Washington, D.C., Docket No. 13528, File No. BP-12145; Delaware Broadcasting Company (WILM), Wilmington, Delaware, Docket No. 13529, File No. BP-12250; WDAD, Inc. (WDAD), Indiana, Pennsylvania, Docket No. 13530, File No. BP-12455; Centre Broadcasters, Inc. (WMAJ), State College, Pennsylvania, Docket No. 13531, File No. BP-12463; Sky-Park Broadcasting Corporation (WFTR), Front Royal, Virginia, Docket No. 13532, File No. BP-12624; Miners Broadcasting Service, Inc. (WPAM), Pottsville, Pennsylvania, Docket No. 13-533, File No. BP-13197; Cumberland Valley Broadcasting Corporation (WTBO), Cumberland, Maryland, Docket No. 13-534, File No. BP-13471; for construction permits.

On the basis of agreements reached at a pre-hearing conference held today in the above-entitled proceeding: *It is ordered*, This 18th day of July 1960, that the following procedural steps will be effected:

Informal engineering conference, July 25, 1960;
Final exchange of direct presentations, September 26, 1960;
Hearing now scheduled for September 6, 1960, continued to October 18, 1960.

Released: July 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6951; Filed, July 25, 1960; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST CO.

Order To Increase Capital

In the matter of The Continental Bank and Trust Company, Salt Lake City, Utah.

There has come before the Board of Governors, pursuant to notice of institution of a proceeding with formal hearing dated June 29, 1956 (21 F.R. 6524), the matter of the adequacy or inadequacy of the net capital and surplus funds of The Continental Bank and Trust Company, Salt Lake City, Utah (hereinafter called "the Bank"), in relation to the character and condition of its assets and its deposit liabilities and other corporate responsibilities. During the course of the aforesaid hearing, testimony and documentary evidence were introduced on behalf of the Bank and the Board, following which Counsel for the Bank and Special Counsel to the Board submitted proposed findings and conclusions with briefs thereon and replies thereto; the Trial Examiner filed with the Board his Report and Recommended Decision; Special Counsel to the Board filed exceptions, with supporting brief, and Counsel for the Bank filed a brief in opposition to such exceptions; and the matter was argued orally before the Board.

The Board has considered the evidence of record to the extent and in the degree set forth in the Statement[1] accompanying this Order; the arguments of Counsel on the issues of fact and law raised by motion and otherwise during this proceeding; the Trial Examiner's Report and Recommended Decision; the exceptions and briefs filed by Counsel; the oral arguments before the Board; and information, equally available to the Bank, derived before and after the date of such hearing from reports of examination of the Bank and from supervisory reports filed by the Bank.

On the basis of such deliberation and consideration, and for the reasons set forth in the Statement accompanying this Order, it is the judgment of the Board, and the Board has so determined, that the net capital and surplus funds of the Bank are inadequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, and that such inadequacy in an amount of not less than $1,500,000 shows no likelihood of being corrected within a reasonable time by retained earnings.

Accordingly, it is hereby ordered, That within six months from the date of this Order, the Bank shall, by the sale of common stock for cash, effect an increase in its net capital and surplus funds in the amount of not less than $1,500,000.

Dated at Washington, D.C., this 18th day of July 1960.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-6912; Filed, July 25, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-227 etc.]

ARKANSAS FUEL OIL CORP. AND CITIES SERVICE CO.

Order Disapproving Plan and Adopting Plan

JULY 14, 1960.

In the matters of Arkansas Fuel Oil Corporation, Cities Service Company, File Nos. 54-227, 54-226, 54-223, 54-196, 31-622, 59-93, and 70-1804.

Cities Service Company ("Cities"), a registered holding company, having filed, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

("Act"), a plan for the elimination of the publicly-held stock interest in Arkansas Fuel Oil Corporation ("Arkansas"), a subsidiary company of Cities, by the issuance to such public stockholders of 1 share of the common stock of Cities for each 2.4 shares of the common stock of Arkansas; and

Certain public holders of the common stock of Arkansas having proposed, pursuant to section 11(d) of the Act, a plan for the elimination of the publicly-held stock interest in Arkansas by the payment of $40 per share in cash to all the stockholders of Arkansas, including Cities; and

Cities having filed with the Commission certain steps and transactions which it has requested the Commission to adopt in modification of the section 11(d) plan, as a consequence of which the public stockholders of Arkansas would receive $41 per share for their interests in Arkansas, including any rights they may have on the basis of any claims existing on behalf of Arkansas against Cities or any other subsidiary of Cities, and Cities having advised the Commission that, if such suggested modifications were adopted by the Commission, Cities would not object to the adoption by the Commission of the section 11(d) plan as so modified for the purpose of its enforcement pursuant to section 11(d) and section 18(f) of the Act; and

Public hearings having been held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard; the filing of a recommended decision, of proposed findings and conclusions and briefs in support thereof, and oral argument having been waived; and

The Commission having considered the record and having this day issued its Findings and Opinion; on the basis of such Findings and Opinion:

It is ordered, That the plan filed by Cities pursuant to section 11(e) of the Act be, and it hereby is, disapproved.

It is further ordered, That the plan filed by certain holders of the common stock of Arkansas pursuant to section 11(d) of the Act, be, and it hereby is, modified in the manner suggested by Cities; and, as so modified (the terms and provisions of which plan, as modified, being set forth in full in Appendix A to the Findings and Opinion), is adopted by the Commission for the purpose of applying to a court of competent jurisdiction, in accordance with the provisions of section 11(d) and section 18(f) of the Act, for the enforcement of its terms and provisions.

It is furthere ordered, That jurisdiction be, and it hereby is, reserved with respect to the payment of all fees, expenses, and other remuneration paid or to be paid in connection with all the proceedings before the Commission and in any court concerning the relationship of Cities to Arkansas, including all proceedings relating to the section 11(d) and section 11(e) plans and all other plans and all proceedings consolidated therewith.

It is further ordered, That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in the section 11(d) plan, as modified, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing it, as so modified.

It is further ordered, That jurisdiction be, and hereby is, reserved to entertain such further proceedings, to make such supplemental findings, and to take such further action as may be deemed appropriate in connection with the section 11(d) plan, as modified, the transactions incident thereto and the consummation thereof, and, in the event that the section 11(d) plan, as modified, is not consummated with reasonable promptness, to take such further action as the Commission may deem appropriate under Section 11 of the Act.

It is further ordered and recited, And the Commission finds that (1) the declaration by Arkansas of a dividend payable to Cities (the sole stockholder of Arkansas on the record date) consisting of Arkansas' interest in its properties actually producing oil, gas and other hydrocarbons as of the date of such declaration (excluding, however, all physical plant, property and equipment, located on or used in the operation of said properties), subject to the reservation of a production payment (Production Payment) with respect to such properties in the principal amount of $70,000,000, and the payment by Arkansas of such dividend to Cities by transferring to Cities all the rights, title and interest of Arkansas in and to said properties actually producing oil, gas and other hydrocarbons, subject to the Production Payment, (2) the conveyance and distribution by Arkansas of the Production Payment and the sum of $5,577,186 in cash to a trustee for all the stockholders in Arkansas, other than Cities, for the account of such stockholders and in cancellation and redemption of all the shares of stock in Arkansas owned by such stockholders, and (3) the sale by such trustee for the account of such stockholders of the Production Payment to a purchaser for a cash price equal to the principal amount of the Production Payment, all as provided in Appendix A to the Findings and Opinion, are necessary and appropriate to the integration and simplification of the holding-company system of which Cities and Arkansas are members, and are necessary and appropriate to effectuate the provisions of section 11(b) of the Act within the meaning of sections 1081 to 1083, inclusive, and section 4382(b)(2) of the Internal Revenue Code of 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6916; Filed, July 25, 1960; 8:46 a.m.]

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

JULY 20, 1960.

In the matter of trading on the American Stock Exchange in the common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation) File No. 1-4015.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation), being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fradulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 21, 1960, to July 30, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6917; Filed, July 25, 1960; 8:46 a.m.]

[File No. 1-912]

MIAMI COPPER CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 19, 1960.

In the matter of Miami Copper Company, Capital Stock, File No. 1-912.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Stockholders of the Company have adopted a Plan of Complete Liquidation and an initial liquidating distribution has been made.

Upon receipt of a request, on or before August 5, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6918; Filed, July 25, 1960; 8:46 a.m.]

[File No. 1-3109]

SOLAR AIRCRAFT CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 19, 1960.

In the matter of Solar Aircraft Company, Common Stock, File No. 1-3109.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Less than 11,000 shares are held by others than International Harvester Company.

Upon receipt of a request, on or before August 5, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6919; Filed, July 25, 1960; 8:46 a.m.]

[File No. 1-1994]

PACIFIC INDEMNITY CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 19, 1960.

In the matter of Pacific Indemnity Company, Common Stock, File No. 1-1994.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This application is being made at the request of and with the consent of the issuer and is based upon the comparatively small volume in said stock on the Exchange.

Upon receipt of a request, on or before August 5, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6920; Filed, July 25, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 352]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63206. By order of July 19, 1960, the Transfer Board approved the transfer to Gus Malmborg, doing business as Gus Malmborg Moving & Storage, Yonkers, N.Y., of Certificate No. MC 117893, issued April 9, 1959, to Gus Malmborg Moving & Storage, Inc., Yonkers, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in New York, Maine, New Hampshire, Massachusetts, Connecticut, New Jersey, and Pennsylvania. David Brodsky, 1776 Broadway, New York, N.Y., for applicants.

No. MC-FC 63248. By order of July 18, 1960, the Transfer Board approved the transfer to Ivan I. Pratt, Milbank, S. Dak., of Certificate No. MC 93529, issued January 19, 1955, to A. W. Schaffer, doing business as Schaffer Transportation Co., Revillo, S. Dak., authorizing the transportation of: General commodities, from St. Paul, Minn., to Milbank, S. Dak., over regular routes, serving the intermediate point of Minneapolis, Minn., for pick-up only, and the off-route point of Revillo, S. Dak., for delivery only, and from St. Paul, Minn., to Milbank, S. Dak., serving the intermediate point of Minneapolis, Minn., for pick-up only, and the off-route point of Revillo, S. Dak., for delivery only; livestock, empty barrels, drums, baskets, crates, and boxes, from Milbank, S. Dak., to South St. Paul, Minn., over regular routes, serving intermediate points of Minneapolis, and St. Paul, Minn., for delivery only, and the intermediate and off-route points in South Dakota within 25 miles of Milbank, S. Dak., for pick-up only; twine, from Stillwater and Duluth, Minn., to Milbank, S. Dak., over regular routes, serving no intermediate points, but serving the off-route point of Revillo, S. Dak., for delivery only; livestock, empty barrels, drums, baskets, crates, and boxes, from Milbank, S. Dak., to South St. Paul, Minn., over regular and irregular routes, serving the intermediate points of Minneapolis and St. Paul, Minn., for delivery only, and intermediate and off-route points in South Dakota within 25 miles of Milbank, S. Dak., for pick-up only; and emigrant movables, between Milbank, S. Dak., and points in South Dakota within 25 miles of Milbank, on the one hand, and, on the other, points in Minnesota. Donald A. Morken, 1100 Soo Line Building, Minneapolis 2, Minn., for applicants.

No. MC-FC 63294. By order of July 19, 1960, the Transfer Board approved the transfer to Nielsen Bros. Cartage Co., Inc., Chicago, Ill., of Certificate in No. MC 70557, issued May 16, 1956, to Adolph H. Nielsen, Sarah Nielsen, and Adolph J. Nielsen, a partnership, doing business as Nielsen Bros. Cartage Company, Chicago, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the Chicago, Ill., commercial zone as defined by the Commission. Axelrod, Goodman & Steiner, attorneys

at law, 39 South LaSalle Street, Chicago 3, Ill., for applicants.

No. MC-FC 63368. By order of July 18, 1960, the Transfer Board approved the transfer to H. M. Witmyer, Inc., Manheim, Pennsylvania, of a Certificate in No. MC 45296, issued July 28, 1941, to Harry M. Witmyer, Manheim, Pa., which authorizes the transportation of general commodities, except household goods, as defined by the Commission, commodities in bulk, and other specific commodities, over regular routes, between Manheim, Pa., and Philadelphia, Pa., with service to and from the intermediate points of Lititz and Lancaster, Pa., and other specified commodities between Manheim and Lancaster, Pa., on the one hand, and, on the other, Camden, N.J. Charles B. Grove, Jr., 49 North Duke Street, Lancaster, Pa., for applicants.

No. MC-FC 63390. By order of July 18, 1960, the Transfer Board approved the transfer to Emery Rahm, Colby, Wis., of a portion of Certificate In No. MC 117063, issued December 31, 1959, to Hubert Apfelbeck, Abbotsford, Wis., authorizing the transportation of: Livestock, between points in the Towns of Aurora, Maplehurst, Taft, Roosevelt, Holway, Little Black, and Deer Creek, in Taylor County, Wis., and points in the Towns of Thorp, Withee, Hixon, Hoard, Mayville, Worden, Reseberg, Longwood, Green Grove, Colby, Butler, Mead, Warner, Beaver, Unity, Hendren, Eaton, Loyal, and Sherman, in Clark County, Wis., on the one hand, and, on the other, South St. Paul and New Port, Minn.; building materials, feeds, seeds, and farm machinery, from Minneapolis, St. Paul, and South St. Paul, Minn., to points in the Wisconsin towns specified immediately above, with no transportation for compensation on return except as otherwise authorized; mill feeds, from St. Paul and Minneapolis, Minn., to points in Clark and Wood Counties, Wis., with no transportation for compensation on return except as otherwise authorized. Claude J. Jasper, attorney, 110 East Main Street, Madison 3, Wis., for applicants.

No. MC-FC 63401. By order of July 18, 1960, the Transfer Board approved the transfer to Joseph Pestrak, Mary Pestrak, and Frank Pestrak, a partnership, doing business as Perawel Trucking Company, Trenton, N.J., of Certificate No. MC 76182, issued January 11, 1956, to Joseph Pestrak, Frank Welde, Mary Pestrak, and Frank Pestrak, a partnership, doing business as Perawel Trucking Company, Trenton, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Philadelphia, Pa., and New York, N.Y., and between Philadelphia, Pa., and Trenton, N.J. Harry C. Maxwell, 300 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa., for applicants.

No. MC-FC 63404. By order of July 19, 1960, the Transfer Board approved the transfer to Warners Motor Express, Inc., Red Lion, Pennsylvania, of a portion of Corrected Certificate No. MC 23196, issued April 6, 1956, in the name of Joseph Weiss and David Weiss, a partnership, doing business as Weiss Furniture Transportation Co., Philadelphia, Pa., authorizing the transportation of new furniture, over irregular routes, between points in Philadelphia County, Pa., on the one hand, and, on the other, points in Pennsylvania. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., for applicants.

No. MC-FC 63414. By order of July 19, 1960, the Transfer Board approved the transfer to Joseph Weiss, Ethel Weiss, Executrix, and David Weiss, a partnership, doing business as Weiss Furniture Transportation Co., Philadelphia, Pa., of Certificate No. MC 8323, issued May 29, 1957, in the name of Delaware Valley Fast Freight Service, a corporation, Pennsauken, N.J., authorizing the transportation over irregular routes of furniture, between Jersey City, N.J., New York, N.Y., and Philadelphia, Pa.; and between Souderton, Pa., on the one hand, and, on the other, New York, N.Y., and Jersey City, N.J.; and cotton batting, raw cotton, cotton waste, and supplies used in connection therewith, and wool batting, rug pads, paperboard and articles used or useful in the manufacture of bedding and upholstered furniture (excluding furniture frames), between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 20 miles of New York, N.Y.; between Camden, N.J., and New York, N.Y., and between Philadelphia, Pa., New Haven, Conn., and Wilmington, Del. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6927; Filed, July 25, 1960; 8:47 a.m.]

[Docket No. 33450]

PETITION FOR DECLARATORY ORDER UNDER SECTION 5(d) OF THE ADMINISTRATIVE PROCEDURE ACT

JULY 15, 1960.

Petitioner: Mr. Guy M. Willis, President, Astro Corp., Hartford Building, Dallas, Tex.; Petitioner's Attorneys: Turner, White, Atwood, McLane, and Francis. Attention: Mr. Leo J. Hoffman, 1900 Mercantile Dallas Building, Dallas 1, Tex.

By a petition filed June 30, 1960, the Astro Corporation seeks a declaratory order under section 5(d) of the Administrative Procedure Act (5 U.S.C. 1004) finding that the Interstate Commerce Commission does not have jurisdiction over the proposed terminal storage facilities for jet fuel at Mountain Home, Idaho or over a proposed pipeline from such terminal facilities to the Mountain Home Air Force Base. In the event that the Commission determines that it does have jurisdiction, the petitioner requests waiver by it of the Commission's regulations pertaining to pipelines.

Petitioner states that the previous interstate flow of the jet fuel comes to a complete rest in the storage facilities to be erected by petitioner. If it meets the requirements of the Air Force, it will later be shipped to the Air Force in the proposed pipeline and such transportation will take place solely in the State of Idaho.

Any person or persons desiring to participate in this matter may do so by filing an original and 14 copies of representations supporting or opposing the petition by August 24, 1960.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6928; Filed, July 25, 1960; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 121; Amdt. 1]

LONG ISLAND RAIL ROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 121 (The Long Island Rail Road Company) and good cause appearing therfor:

It is ordered, That Taylor's I.C.C. Order No. 121 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 20, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 19, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60-6929; Filed, July 25, 1960; 8:47 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (u)(3) of § 6.302 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-6990; Filed, July 26, 1960; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 446—PEANUTS

Subpart—1960 Crop Peanut Price Support Program Amendment 1

DEFINITIONS

The regulations issued by Commodity Credit Corporation with respect to the 1960 Crop Peanut Price Support Program (25 F.R. 5437) are amended for the purpose of stating correctly the size of the screen openings which extra large kernels in Virginia type peanuts shall not pass through.

Section 446.1204(o) is amended to read as follows:

§ 446.1204 Definitions.

* * * * *

(o) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64 x 1 inch openings and which are "whole" and free from "minor defects" and "damage" as such terms are defined in the U.S. Standards for Shelled Virginia Type Peanuts (effective August 31, 1959).

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 63 Stat. 899; 73 Stat. 178; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 21st day of July 1960.

WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-6992; Filed, July 26, 1960; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 818—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR 1960

Miscellaneous Amendments

Paragraph (k) of § 818.2 of Part 818 is hereby amended to read as follows:

§ 818.2 [Amendment]

(k) The term "non-quota purchase sugar" means sugar purchased pursuant to the provisions of section 408(b) of the act.

Section 818.4 of Part 818 is hereby amended to read as follows:

§ 818.4 Source of non-quota purchase sugar.

For the calendar year 1960 the amount of non-quota purchase sugar to be imported into the continental United States for consumption therein from foreign countries is as follows:

Country:	*Short tons, raw value*
Haiti	26,567
Netherlands	6,139
China	6,288
Panama	6,258
Costa Rica	6,367
Republic of the Philippines	109,755
Peru	135,000
Mexico	250,540
Nicaragua	22,900
Canada	1,697
United Kingdom	1,385
Belgium	478
Hong Kong	8
British West Indies and British Guiana	70,000
El Salvador	6,000
Guatemala	6,000
Brazil	100,347

Non-quota purchase sugar is limited to raw sugar except sugar testing in excess of 99 degrees polarization is authorized for importation into the United States prior to September 30 from Mexico, Nicaragua, Panama, Costa Rica, Netherlands, Canada, United Kingdom, Belgium, and Hong Kong, within the quantities established above for such countries, provided that such sugar in excess of 2,000 tons from any such country is to be further refined or improved in quality in the United States.

FINDING AND BASIS AND CONSIDERATIONS

On July 14, 1960, pursuant to the Sugar Act of 1948, as amended, and further amended by Public Law 86-592, approved July 6, 1960, the purchase of approximately 137,000 short tons, raw value, of non-quota purchase sugar from six countries was authorized under subparagraphs (i) and (ii) of section 408 (b)(2) of the act. The quantity of sugar which may now be authorized for purchase under section 408(b) and the President's Proclamation 3355 (25 F.R. 6414) is 1,097,540 short tons, raw value.

Of this quantity a total of 51,479 short tons, raw value, has been authorized for purchase from Haiti, Netherlands, China, Panama, and Costa Rica, under subparagraphs (i) and (iii) of section 408(b)(2). A quantity of 109,755 short tons, raw value, has been authorized for purchase from the Republic of the Philippines under subparagraph (ii) of section 408(b)(2). A quantity of 411,038 short tons, raw value, from other countries for which quotas have been established under section 202(c) of the act has been authorized for purchase under subparagraph (iii) of section 408(b)(2). The quantities for each of the latter group of countries have been established pro rata on the basis of the quotas established for these countries under section 202(c) of the act to the extent of the ability of each such country to supply sugar. The proviso in subparagraph (iii) of section 408(b)(2) authorizes the purchase of additional sugar without regard to allocations provided for in subparagraphs (i), (ii) and (iii) of that section if additional amounts of sugar are required. Pursuant to that proviso additional quantities have been authorized for purchase from the following countries in the amounts shown:

Country:	*Short tons, raw value*
British West Indies and British Guiana	70,000
Brazil	100,347
El Salvador	6,000
Guatemala	6,000

Not authorized for purchase at this time are the Dominican Republic apportionment under subparagraph (iii) of section 408(b)(2) of 291,693 short tons, raw value, and 51,028 short tons, raw value, of the Republic of the Philippines apportionment under subparagraph (ii) of section 408(b)(2).

The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named if it later appears that supplies from any country will not be forthcoming in a manner that meets the requirements of this market.

It is hereby found that raw sugar is not reasonably available in sufficient quantity to supply our requirements during the summer months. Accordingly, sugar testing in excess of 99 degrees polarization may be authorized for purchase for arrival in the United States prior to September 30 from certain countries specified in § 818.4 provided that such sugar in excess of 2,000 tons from any such specified country is destined to be further refined or improved in quality in the United States.

To permit such non-quota purchase sugar to be marketed in an orderly manner it is essential that this regulation be made effective immediately. Therefore,

it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest, and these amendments to the regulations shall become effective when published in the FEDERAL REGISTER.

(Sec. 400, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 402; 61 Stat. 923, as amended, 933, as amended; 7 U.S.C. 1101, Pub. Law 86-892, approved July 6, 1960)

Done at Washington, D.C., this 21st day of July 1960.

TRUE D. MORSE,
Acting Secretary.

Concurred in for the Secretary of State by:

THOMAS C. MANN,
Assistant Secretary.

[F.R. Doc. 60-6970; Filed, July 26, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

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958.90 Personal liability.
958.91 Separability.
958.92 Amendments.

AUTHORITY: §§ 958.0 to 958.92 issued pursuant to secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 958.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the rules and practices and procedures governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colorado, on February 1-2, 1960, upon proposed amendments to Marketing Agreement No. 97 and Order No. 58 regulating the handling of Irish potatoes grown in the State of Colorado. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) This order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act with respect to Irish potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the Act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) This order, as amended, authorizes regulation of the handling of Irish potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities classified in, a proposed order upon which a hearing has been held;

(3) This order, as amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the Act;

(4) This order, as amended, prescribes so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of Irish potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area, as defined in this order, as amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found that good cause exists for making the provisions of this order, as amended, effective not later than the time hereinafter specified so that the area committees, the administrative agencies provided for in the order, as amended, can be organized and start to function as soon as possible. Only thereby can regulations be formulated and issued so that potato producers can obtain the benefits of the amended order on all their 1960 crop.

The provisions of the order, as amended, are well know to handlers of potatoes grown in the production area by reason of the following facts:

(1) The public hearing, at which evidence was received from the industry and from which this order, as amended, was based, was held in Denver, Colorado, February 1-2, 1960;

(2) The recommended decision and the final decision were issued on April 22, 1960 (25 F.R. 3653), and May 26, 1960 (25 F.R. 4815), respectively;

(3) Copies of the order, as amended, were made available, to all known parties who may be subject thereto, prior to and during the course of the referendum, which was held June 20-28, 1960, to determine whether producers of Irish potatoes in the production area favored issuance of this order, as amended;

(4) All known handlers in the production area were mailed a copy of the marketing agreement, as amended, the regulatory provisions of which are the same as those contained in this order, as amended;

(5) Potatoes grown in the production area will be shipped in interstate commerce, on or before the effective date specified herein;

(6) Benefits of the order as amended, should apply to as high a portion of the crop as possible; and

(7) Order No. 58 became effective August 30, 1941, and handlers have operated under regulations issued thereunder since 1949. Compliance with regulatory provisions of this order, as amended, will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulations pursuant hereto. Therefore, it would be contrary to the public interest to delay the effective date hereof beyond the date hereinafter specified (5 U.S.C. 1001-1011).

(c) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping potatoes covered by this order, as amended) of more than 50 percent of the volume of potatoes covered by this order, as amended, have signed a marketing agreement, as amended, regulating the handling of Irish potatoes grown in the production area, and

(2) The issuance of this order, as amended, is approved or favored (i) by at least two-thirds of the producers of Irish potatoes who participated in a referendum, held during a period June 20 through June 28, 1960, and who, during the determined representative period (June 1, 1959, through May 31, 1960), have been engaged within the production area in the production of potatoes for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such potatoes produced for market within the production area specified herein by all producers who participated in the said referendum.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of Irish potatoes grown in Colorado shall be in conformity to and in compliance with, the terms and conditions of this order, as amended, and such terms and conditions are as follows:

DEFINITIONS

§ 958.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority hereafter may be delegated, to act in his stead.

§ 958.2 Act.

"Act" means Public Act No. 10 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 958.3 Person.

"Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

§ 958.4 Area.

"Area" means any of the subdivisions of the State of Colorado as set forth in this section or as reestablished pursuant to § 958.53.

(a) "Area No. 1," commonly known as the Western Slope, includes and consists of the counties of Routt, Eagle, Pitkin, Gunnison, Hinsdale, La Plata, in State of Colorado, and all counties in said State west of the aforesaid counties.

(b) "Area No. 2," commonly known as the San Luis Valley, includes and consists of the Counties of Saguache, Huerfano, Las Animas, Mineral, Archuleta, in the State of Colorado, and all counties in said State, south of the counties enumerated in this definition of Area No. 2.

(c) "Area No. 3" includes and consists of all the remaining counties in the State of Colorado which are not included in Area No. 1 or Area No. 2.

§ 958.5 Potatoes.

"Potatoes" means and includes all varieties of Irish potatoes grown within any of the aforesaid areas.

§ 958.6 Seed potatoes.

"Seed potatoes" or "seed" means any potatoes which have been certified by the official seed certification agency of the State of Colorado and bear the official tags, seals, or other appropriate identification indicating such certification.

§ 958.7 Handler.

"Handler" is synonymous with "shipper" and means any person, except a common or contract carrier of potatoes owned by another person, who handles potatoes.

§ 958.8 Handle or ship.

"Handle" or "ship" means to transport, sell, or in any way to place potatoes in the current of the commerce between the State of Colorado and any point outside thereof.

§ 958.9 Producer.

"Producer" means any person engaged in the production of potatoes for market.

§ 958.10 Fiscal period.

"Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by an area committee.

§ 958.11 Grade, size and maturity.

"Grade," means any of the officially established grades of potatoes, "Size" means any of the officially established sizes of potatoes, and "Maturity" means any of the stages of development or condition of the outer skin (epidermis) of potatoes, as defined in the United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1556, inclusive of this title) or Colorado grades established by the Commissioner, or amendments thereto, or modifications thereof, or variations based on any of the foregoing.

§ 958.12 Varieties.

"Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 958.13 Pack.

"Pack" means a quantity of potatoes in any type of container, which falls within specific weight limits, numerical limits, grade limits, or any combination of these recommended by the committee and approved by the Secretary.

§ 958.14 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other receptacle used in the packaging, transportation, or sale of potatoes.

§ 958.15 Culls.

"Culls" means potatoes which do not meet the requirements set forth in § 958.20.

§ 958.16 Committee.

"Committee" means any of the area committees established pursuant to § 958.50 or the Colorado Potato Committee established pursuant to § 958.51.

§ 958.17 Export.

"Export" means the shipment of potatoes to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

REGULATION

§ 958.20 Marketing policy.

(a) *General cull regulation.* (1) It shall be the marketing policy for the production area to maintain a general cull regulation in effect prohibiting the handling of potatoes for fresh market, except as otherwise provided in this subpart, which do not meet the requirements of the U.S. No. 2, or better, grade, 1⅛ inches minimum diameter and larger.

(2) Upon recommendation of the Colorado Potato Committee, or on other available information, the general cull regulation may be suspended or modified by the Secretary during a specified period with respect to any or all varieties of potatoes.

(b) *Area marketing policies.* Each season prior to or at the same time as initial recommendations are made pursuant to § 958.21, each area committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in handling the respective area's potatoes during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by an area committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(1) Supply of potatoes by grade, size, quality, and maturity in the respective area, in the production area, and in other areas;

(2) Market prices for fresh potatoes, including grower, shipping point, and terminal market prices by grade, size, and quality in different packs or in different containers;

(3) Market prices for potatoes in other outlets, including growers' and other

market price levels by grade, size, and quality;

(4) The trend and level of consumer income;

(5) Establishing and maintaining such orderly marketing conditions for potatoes as will be in the public interest; and

(6) Other relevant factors.

§ 958.21 Recommendations for regulations.

An area committee upon complying with the requirements of § 958.20 may recommend regulations, or modifications, suspension or termination thereof, to the Secretary whenever it finds that such regulations as provided for in this subpart will tend to effectuate the declared policies of the act.

§ 958.22 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of potatoes whenever he finds from recommendations and information submitted by an area committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit the handling of particular grades, sizes, qualities, or maturities of any or all varieties of potatoes, or any combination of the foregoing during any period.

(2) Limit the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for different containers, for different packs, for different portions of the production area, for different purposes under § 958.23, or for any combination of the foregoing, during any period.

(3) Provide a method through rules and regulations issued pursuant to this subpart for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both.

(4) Establish in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) Any regulation issued hereunder may be amended, modified, suspended, or terminated by the Secretary on recommendations by an area committee, or on other available information, to provide for

(1) Such changes in regulations found necessary by changes in supplies, demand, or prices;

(2) Minimum quantities which should be relieved of regulatory or administrative obligations; or

(3) Relief from regulations no longer tending to effectuate the declared policies of the Act.

(c) The Secretary shall notify each committee of each regulation recommended by it and issued pursuant to this section. The respective committee shall give reasonable notice thereof to handlers. No regulation, except when relieving limitations, shall become effective less than two days after issuance thereof.

§ 958.23 Handling for special purposes.

Upon the basis of recommendations and information submitted by an area committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared purposes of the Act, shall modify, suspend, or terminate requirements in effect pursuant to §§ 958.20 to 958.22, inclusive, or §§ 958.40 or 958.77, or any combination thereof, to facilitate handling of potatoes for:

(a) Relief or charity;

(b) Livestock feed;

(c) Export;

(d) Seed;

(e) Potatoes, other than certified seed, sold to a producer exclusively for planting within specific geographic limits;

(f) Manufacture or conversion into specified products;

(g) Other purposes recommended by the committees and approved by the Secretary.

§ 958.24 Safeguards.

(a) Each area committee, with the approval of the Secretary, shall prescribe adequate safeguards for potatoes handled pursuant to § 958.23 from entering trade channels other than those authorized by regulations and by such rules as may be necessary and incidental thereto.

(b) Such safeguards may include requirements that handlers or processors desiring to handle potatoes pursuant to § 958.23 shall:

(1) Apply for and obtain Certificates of Privilege from the area committee for handling potatoes affected or to be affected under the provisions of § 958.23.

(2) Obtain inspection as required by § 958.40, or pay the assessment levied pursuant to § 958.77, or both, except as modified pursuant to § 958.23 in connection with shipments made under any such certificate; and

(3) Furnish the committee such information, and execute or obtain execution of such documents, as the committee may require.

(c) An area committee may rescind or deny to any handler permission to handle potatoes pursuant to § 958.23 of this subpart if proof satisfactory to the committee is obtained that potatoes handled by him for a purpose stated in § 958.23 were handled contrary to the provisons of this subpart.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested.

EXEMPTIONS

§ 958.28 Policy.

Any producer whose potatoes have been adversely affected by acts beyond the control or reasonable expectation of a prudent grower and who, by reason of any regulation issued pursuant to this part, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his potato crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 958.29 Procedure.

Rules and procedures for granting exemptions may be issued by the Secretary, upon recommendation of area committees. Such rules and procedures may provide for methods of determinations by area committees of average proportions of crops shipped or being shipped in respective areas or subdivisions thereof during any or all portions of a season, for processing applications for exemption, for issuing or denying certificates of exemption, for administrative compliance with certificates issued, for reports by handlers thereon, and for such other procedures as may be necessary to administration hereof.

§ 958.30 Granting exemptions.

An area committee may issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond his control or reasonable expectations;

(b) That by reason of regulations issued pursuant to § 958.20 or § 958.22, the applicant will be prevented as a producer from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof.

(c) Each such certificate issued shall permit the person identified therein to ship or have shipped the potatoes described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 958.31 Investigation.

An area committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

§ 958.32 Appeal.

If any applicant for exemption certificates is dissatisfied with the determination by an area committee with respect to his application, he may file an appeal with the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal.

RESEARCH AND DEVELOPMENT

§ 958.35 Research and development.

The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and may make available committee information and data to any person, or to any employee of an agency or its agent, authorized by the committee as its agent with the approval of the Secretary, to conduct such projects.

INSPECTION

§ 958.40 Inspection and certification.

(a) During any period in which the handling of potatoes is regulated pursuant to § 958.20 through § 958.24, inclusive, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal or a Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved of such requirements by § 958.22(b), § 958.23, or § 958.40(b).

(b) Rules may be issued by the Secretary, upon recommendation of the Colorado Potato Committee requiring inspection on regraded, resorted or repacked lots, or providing for special inspection requirements or relief therefrom. Such rules may provide distinctions, insofar as practical, between handling at shipping point and handling in receiving markets within the production area.

(c) Upon recommendation of an area committee and approval by the Secretary, any or all potatoes so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) Area committees with the approval of the Colorado Potato Committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

COMMITTEES

§ 958.50 Area committees.

A committee is hereby established as an administrative agency for each area. Each area committee shall be comprised of members and alternates as set forth in this section or as reestablished by § 958.53.

(a) Area No. 1 (Western Slope): Four producers and three handlers selected as follows:

Two (2) producers and one (1) handler from the counties of Eagle, Garfield, Pitkin, Moffat, and Routt, in the State of Colorado;

Two (2) producers and one (1) handler from the remaining counties of Area No. 1;

One (1) handler representing all producers' cooperative marketing associations in Area No. 1.

(b) Area No. 2 (San Luis Valley): Seven producers and five handlers selected as follows:

Three (3) producers from Rio Grande County;

One (1) producer from Saguache County;

One (1) producer from Conejos County;

One (1) producer from Alamosa County;

One (1) producer from all other counties in Area No. 2;

Two (2) handlers representing all producers' cooperative marketing associations in Area No. 2;

Three (3) handlers representing handlers in Area No. 2 other than producers' cooperative marketing associations.

(c) Area No. 3: Five Producers and four handlers selected as follows:

Three (3) producers from Weld County;

One (1) producer from Morgan County;

One (1) producer from the remaining counties of Area No. 3;

Four (4) handlers from Area No. 3.

§ 958.51 Colorado Potato Committee.

The Colorado Potato Committee is hereby established consisting of six members, with alternates. Two members and alternates shall be selected from each area committee. Committeemen shall be selected by the Secretary from nominations of area committee members or alternates.

§ 958.52 Alternates.

(a) For each committee member there shall be an alternate who shall have the same qualifications. During a member's absence, or when called upon to do so in accordance with the terms hereof, or in the event of a member's death, removal, resignation, or disqualification, an alternate shall act in his place and stead until the member's successor is selected and has qualified.

(b) Area committees, with the Secretary's approval, may provide through rules for members or for alternates to recommend regulations for early crop potatoes or for late crop potatoes and to specify the particular crop for which each group shall be responsible.

§ 958.53 Reestablishment.

Areas, subdivisions of areas, the distribution of representation among the subdivision of areas, or among marketing organizations within respective areas may be reestablished by the Secretary upon area committee recommendations. Upon approval therefor of respective committees affected thereby, areas may be reestablished. In recommending any such changes, the committee shall consider (a) the relative importance of new producing sections, (b) relative production, (c) changes in marketing organizations and their relative status in the industry, (d) the geographic locations of producing sections as they would affect the efficiency of administration of this part, and (e) other relevant factors.

§ 958.54 Eligibility.

Area committee members and alternates shall be individuals who shall be residents of, and producers or handlers, as the case may be, in the respective area. Also, each member or alternate to qualify as a representative (a) for producers shall be a producer, or an officer or employee of a producer; (b) for producers' cooperative marketing associations shall be members or employees of such associations; or (c) for handlers other than cooperative marketing associations shall be a handler, or an officer or employee of a handler.

§ 958.55 Term of office.

The term of office of each area committee member and alternate shall be for two years. The term of office for Colorado Potato Committee members and alternates shall be for one year. The dates on which terms of office for each committee shall begin and end shall be established by the Secretary pursuant to respective committee recommendation. Terms of office of area committee members shall be arranged so that approximately one-half shall terminate each year. Determination of which initial members and alternates shall serve for one year or two years shall be by lot.

§ 958.56 Nomination and selection.

(a) Each area committee shall hold or cause to be held, not less than 15 days prior to the expiration date of respective terms of office, meetings of producers and handlers for each subdivision in which terms expire or in which vacancies otherwise occur.

(b) At each such meeting one or more nominees shall be designated for each impending vacancy as member or alternate. Such designation may be by ballot or by motion at the option of those present in voting capacity.

(c) Only producers may participate in designating producer nominees; only handlers may participate in designating handler nominees; and only duly authorized representatives of producers' cooperative marketing associations may participate in designating nominees to represent such associations. If no separate representation is provided for producers' cooperative marketing associations, duly authorized representatives of such associations may participate in designating handler nominees.

(d) Each producers' cooperative marketing association shall be entitled to cast only one vote in designating nominees to represent such associations. Each producer and each handler shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(e) If a producer, handler, or producers' cooperative marketing association is engaged in producing or handling potatoes in more than one area, or in more than one subdivision of an area, such producer, handler, or producers' cooperative marketing association shall elect the area or subdivision in which he may participate in designating nominees. In no event shall there be participation in more than one area or subdivision.

§ 958.57 Failure to nominate.

If nominations are not made pursuant to the provisions of § 958.56 by the date provided therein, the Secretary may, without regard to nominations, select members and alternates on the basis of the representation provided for in this part.

§ 958.58 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of a member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made pursuant to § 958.56, from previously unselected nominees on the current nominee list, or from other eligible persons.

§ 958.59 Qualification.

Each person selected as a member or as an alternate shall qualify by promptly filing a written acceptance with the Secretary.

§ 958.60 Compensation and expenses.

(a) Members of each area committee and their alternates shall serve without salary, but may be compensated at a rate not in excess of $10.00 per day while engaged on committee business, and may be reimbursed for necessary expenses actually incurred while so engaged. At the discretion of an area committee, alternates may be requested to attend any or all committee meetings and receive compensation and expenses therefor regardless of attendance by the respective members.

(b) The compensation and expenses of members and alternates of the Colorado Potato Committee shall be paid by the respective area committee they represent.

(c) Such other expenses as may be incurred by the Colorado Potato Committee pursuant to a budget of expenses approved by the Secretary shall be allotted to, and paid by, one or more of the area committees as may be specified in an order issued by the Secretary pursuant to the provisions of this subpart.

§ 958.61 Procedure.

(a) A majority of all members of a committee shall be necessary to constitute a quorum or to pass any motion or approve any committee action.

(b) Each committee may provide for the members thereof, including the alternate members when acting as members, to vote by mail, telegraph, telephone, or other means of communication, provided that any such vote cast orally shall be confirmed promptly in writing. If any assembled meeting is held all votes shall be cast in person.

§ 958.62 Powers.

Each committee shall have the following powers:

(a) To administer the provisions of this subpart as specified herein;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 958.63 Duties.

(a) Each committee shall:

(1) Meet and organize as soon as practical after the beginning of each term of office, select a chairman and such other officers as may be necessary, select subcommittees and adopt such rules and procedures for the conduct of its business as it may deem advisable;

(2) Act as intermediary between the Secretary and any producer or handler;

(3) Appoint such employees, agents and representatives as it may deem necessary and determine the salaries and define the duties of each;

(4) Keep minutes, books, and records which clearly reflect all its acts and transactions. Such minutes, books and records shall be subject to examination at any time by the Secretary;

(5) Furnish promptly notices of meetings, copies of the minutes of each committee meeting, and such other reports or information as may be requested by the Secretary, including annual reports of each area committee's operations for the preceding marketing season or fiscal period;

(6) Make available to producers, and to other area committees and the Colorado Potato Committee the committee's voting record on recommended regulations and other matters of policy;

(7) Meet jointly with other area committees when requested to do so by the Colorado Potato Committee;

(8) Consult, cooperate, and exchange information with other area committees, with other marketing agreement committees and other agencies or individuals in connection with proper committee activities and objectives;

(9) Take any proper action necessary to carry out the provisions of this subpart; and

(10) Cause the books of the committee to be audited by a competent accountant at least once each fiscal period.

(b) The Colorado Potato Committee shall also:

(1) Supervise the regulation of shipments pursuant to the provisions of the general cull regulation in the absence of more restrictive regulations, and shall cooperate with any area committee in administering any regulation issued pursuant to this subpart;

(2) Make recommendations to the Secretary with respect to suspending or modifying the provisions of the general cull regulation;

(3) Make available to area committees its voting record on recommendations for modification of the cull regulation and other matters of policy;

(4) Submit to each area committee such available information as may be requested; and

(5) Call joint meetings of area committees on matters requiring consideration of statewide marketing policies when requested to do so by an area committee.

EXPENSES AND ASSESSMENTS

§ 958.75 Expenses.

Each area committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for purposes determined to be appropriate for administration of this part. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during such fiscal period.

§ 958.76 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, each area committee shall prepare an estimated budget of income and expenditures necessary for its administration of this part. Each area committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. Each area committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 958.77 Assessments.

(a) The funds to cover each area committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes under this part, shall pay assessments to his respective area committee upon demand, which assessments shall be in payment of such handler's pro rata share of the area committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of each area committee's budget, recommendations, and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period each area committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes grown within the particular area where an area committee recommends such increase and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of each area committee may be required under this part throughout the period it is in effect irrespective to whether particular provisions thereof are suspended or become inoperative.

(e) In order to provide funds to enable each area committee to perform its functions under this part, handlers may make advance payment of assessments.

§ 958.78 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected.

(2) An area committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve are less than approximately two fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses; (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses; (iii) to defray expenses incurred during any period when any or all provisions of this subpart are suspended or are inoperative; (iv) to cover necessary expenses of liquidation in the event of termination of this subpart. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by an area committee pursuant to the provisions of this part shall be used solely for the purposes specified herein. The Secretary may at any time require an area committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of an area committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to such committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) Each area committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for such committee.

REPORTS

§ 958.80 Reports.

Upon request of an area committee or of the Colorado Potato Committee through an area committee, each handler within the respective area of such area committee shall furnish to the area committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to the following examples:

(1) The quantities of potatoes received by a handler during any or all periods of a season;

(2) The quantities disposed of by him, segregated as to quantities subject to regulation, and where necessary segregated as to types of outlets and special or modified regulations applicable to alternative outlets, and including quantities not subject to grade, inspection, assessment, or other similar regulations;

(3) The date of each such disposition and the identification of the carrier transporting such potatoes;

(4) Information essential to identification of any or all specific quantities, lots, and disposition of potatoes handled under §§ 958.23 to 958.30, inclusive, which may include identification of inspection certificates, exemption certificates, certificates of privilege, or other appropriate identification, including the destination of each special shipment, where necessary.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 958.81 Compliance.

Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 958.82 Right of the Secretary.

The members of each area committee (including successors and alternates) and any agent or employee appointed or employed by any committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of each committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 958.83 Effective time.

(a) The provisions of this subpart or any amendments thereto shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

(b) All regulations and rules, including the General Cull Regulation effective July 18, 1949 (§ 958.301; 14 F.R. 3979), issued pursuant to the order (this part) and in effect immediately prior to the effective date of the order as amended (this part), and not in conflict with the amended order, shall continue in effect under this subpart, until such regulations and rules are changed, modified, or suspended. Also, all committee members and alternates selected pursuant to the order and occupying a term of office immediately prior to the effective date of the order as amended, shall continue in office under the amended order until their successors have been selected and have qualified.

§ 958.84 Termination.

(a) (1) The Secretary may at any time terminate any or all provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The provisions of § 958.83 (b) may be terminated when its purpose has been attained.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, as determined by the Secretary have been engaged in the production of potatoes for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such potatoes produced for market.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 958.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of each area committee shall continue as joint trustees for the purpose of liquidating the affairs of their respective area committee of all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of said committees and of the trustees, to such person as the Secretary may direct; and shall upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in said committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by an area committee or its members pursuant to this section shall be subject to the same obligations imposed upon the members of such committee and upon the said trustees.

§ 958.86 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart; or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 958.87 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 958.88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 958.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the Act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 958.90 Personal liability.

No member or alternate of any committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ 958.91 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 958.92 Amendments.

Amendments to this subpart may be proposed from time to time by a committee or by the Secretary.

Issued at Washington, D.C., this 22d day of July 1960, to become effective August 1, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6991; Filed, July 26, 1960; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 422; Amdt. No. 170a]

PART 507—AIRWORTHINESS DIRECTIVES

Mooney M-20A Aircraft

Amendment 170 to Part 507 of the regulations of the Administrator which was published in the FEDERAL REGISTER (25 F.R. 6516) on July 12, 1960, contains a typographical error. Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), this amendment is hereby corrected by changing the reference to "P/N 6362" in paragraph 2 to read "P/N 6363."

Issued in Washington, D.C., on July 21, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-6960; Filed, July 26, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket 59-WA-23]

PART 600—DESIGNATION OF FEDERAL AIRWAY

Modification

On September 16, 1959, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (24 F.R. 7464) stating that the Federal Aviation Agency proposed to modify the segment of VOR Federal airway No. 141 between Nantucket, Mass., and Boston, Mass., via the Hyannis, Mass., VOR.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854 and has obtained their concurrence thereto.

No adverse comments were received concerning the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6141 (24 F.R. 10518; 25 F.R. 4377) is amended as follows:

In the text of § 600.6141 *VOR Federal airway No. 141 (Nantucket, Mass., to Massena, N.Y.)*, delete "via the INT of the Nantucket VOR 339° and the Boston VOR 133° radials;" and substitute therefor "via the Hyannis, Mass., VOR; the INT of the Hyannis VOR 332° and the Boston VOR 133° radials;".

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 1110, 72 Stat. 749, 752, and 800, 49 U.S.C. 1348, 1354, and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6962; Filed, July 26, 1960; 8:45 a.m.]

[Airspace Docket 60-WA-108]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Coded Jet Routes

On May 12, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 4261) stating that the Federal Aviation Agency proposed to extend VOR/VORTAC jet route No. 25 from Butler, Mo., to Minneapolis, Minn., and revoke the segment of VOR/VORTAC jet route No. 33 from Kansas City, Mo., to Minneapolis.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the Notice, § 602.525 (14 CFR, 1958 Supp., 602.525) and § 602.533 (14 CFR, 1958 Supp., 602.533) are amended to read:

§ 602.525 VOR/VORTAC jet route No. 25 (San Antonio, Tex., to Minneapolis, Minn.).

From the San Antonio, Tex., VORTAC via the Austin, Tex., VORTAC; Dallas, Tex., VORTAC; Tulsa, Okla., VORTAC; Butler, Mo., VOR; INT of the Butler VOR 009° True and the Des Moines VOR 196° True radials; Des Moines, Iowa, VOR-TAC; Mason City, Iowa, VORTAC, to the Minneapolis, Minn., VOR.

§ 602.533 VOR/VORTAC jet route No. 33 (Lake Charles, La., to Kansas City, Mo.).

From the Lake Charles, La., VOR via the INT of the Lake Charles VOR 343° True and the Shreveport VORTAC 176° True radials; Shreveport, La., VORTAC; Springfield, Mo., VORTAC to the Kansas City, Mo., VORTAC.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-6961; Filed, July 26, 1960; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55185]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Powers of Attorney to Customhouse Brokers

Notice was published on May 28, 1960, in the FEDERAL REGISTER (25 F.R. 4752) that under the authority of sections 484 and 624, Tariff Act of 1930, as amended (19 U.S.C. 1484, 1624), it was proposed to amend § 8.19 of the Customs Regulations. Upon thorough consideration of the data, views, and arguments received, the amendment as set forth below is hereby adopted effective 30 days after the date of publication in the FEDERAL REGISTER.

Section 8.19(a) now provides that a customs power of attorney executed in favor of a licensed corporate customhouse broker may specify that the power of attorney is granted to the corporation to act through any of its licensed officers or any employees specifically authorized to act for such corporation by power of attorney filed by the coporation with the collector of customs. To make this provision applicable to a customs power of attorney executed in favor of any licensed customhouse broker, whether or not the broker is a corporation, the last sentence of § 8.19(a) of the Customs Regulations is amended to read: "A customs power of attorney executed in favor of a licensed customhouse broker may specify that the power of attorney is granted to the customhouse broker to act through any of its licensed officers or any employee specifically authorized to act for such customhouse broker by power of attorney filed by the customhouse broker with the collector of customs."

(Secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 1484, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 21, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7001; Filed, July 26, 1960; 8:49 a.m.]

[T.D. 55164]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Almonds From Spain

The Bureau has determined that effective July 21, 1959, no bounties or grants within the purview of section 303, Tariff Act of 1930 (19 U.S.C. 1303), are being, or are likely to be, paid or bestowed upon the manufacture, production, or export of almonds from Spain, imported directly or indirectly into the United States.

Treasury Decision 54792 is hereby superseded with respect to all almonds exported from Spain on or after July 21, 1959, which are or will be entered, or withdrawn from warehouse, for consumption, and which have not been liquidated, or the liquidation of which has not become final, on the date of publication of this Treasury decision in the FEDERAL REGISTER.

The table in § 16.24(f) of the Customs Regulations is amended by inserting the number of this Treasury decision immediately following number 54792 in the column headed "Treasury Decision" and the words "Discontinued as to shipments exported on or after July 21, 1959," in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: July 21, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-7000; Filed, July 26, 1960; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

SUBCHAPTER C—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 31—GENERAL ADMINISTRATIVE PROVISIONS

Clarification of Definition of Compensation District No. 8

Pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1442, 33 U.S.C. 939), Reorganization Plan No. 19 of 1950 (15 F.R. 3178, 64 Stat. 1271), and General Order No. 46 of the Secretary of Labor (15 F.R. 3290), 20 CFR 31.2 is hereby amended to clarify the geographical limits of the compensation district designated as District No. 8 by expressly defining it to include that part of the Sabine River between Texas and Louisiana.

As amended, § 31.2 reads as follows:

§ 31.2 Establishment of compensation districts.

* * * * *

District No. 8. Comprises the State of Texas including that part of the Red River between Texas and Oklahoma and that part of the Sabine River between Texas and Louisiana, with headquarters at Galveston, Texas.

This amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 20th day of July 1960.

WM. MCCAULEY,
Director, Bureau of Employees' Compensation.

[F.R. Doc. 60-6969; Filed, July 26, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

EMULSIFIERS IN FROZEN DESSERTS

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Atlas Powder Company, Wilmington, Delaware, and other relevant material, has concluded that the following food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act as amended, with respect to certain polyoxyethylene-sorbitan-fatty acid compounds in frozen desserts, as emulsifiers. In anticipation of the issuance of standards of identity for frozen desserts, the Commissioner has considered section 401 of the act and has concluded that these additives in frozen desserts will be in conformity with that section of the act as well as with section 409. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9509): *It is ordered*, That Subpart D (21 CFR Part 121 (24 F.R. 2434)) be amended by adding thereto the following new sections:

§ 121.1008 Polyoxyethylene (20) sorbitan tristearate as an emulsifier in ice cream, frozen custard, ice milk, and fruit sherbet.

A food additive known as polyoxyethylene (20) sorbitan tristearate, which is a mixture of polyoxyethylene ethers of mixed stearic acid esters of sorbitol anhydrides and related compounds, may be used as an emulsifier in ice cream, frozen custard, ice milk, and fruit sherbet, when prepared and when used in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reacting stearic acid with sorbitol to yield essentially sorbitan tristearate with a maximum acid number of 15 and a maximum water content of 0.2 percent, which is then reacted with ethylene oxide.

(b) The food additive meets the following specifications:

Saponification number 88-98.
Acid number 0-8.
Hydroxyl number 44-60.
Oxyethylene content 46 percent-50 percent.

(c) It is used alone or in combination with polysorbate 80, whereby the maxi-

mum amount of these additives, alone or in combination, does not exceed 1,000 parts per million (0.1 percent) of the finished frozen dessert.

(d) To assure safe use of the additive, the label of the additive and any intermediate mixes shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, polyoxyethylene (20) sorbitan tristearate.

(2) A statement of the concentration or strength of the additive in the basic raw material or intermediate mixes.

(3) Appropriate and accurate directions, which, when followed, will provide a finished frozen dessert containing no more than the permitted amount of the additive, whether or not intermediate mixes are also used.

§ 121.1069 Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate) as an emulsifier in ice cream, frozen custard, ice milk, and fruit sherbet.

A food additive known as polysorbate 80 (polyoxyethylene (20) sorbitan monooleate), which is a mixture of polyoxyethylene ethers of mixed partial oleic acid esters of sorbitol anhydrides and related compounds, may be used as an emulsifier in ice cream, frozen custard, ice milk, and fruit sherbet, when used in accordance with the following prescribed conditions:

(a) The food additive is manufactured by reacting oleic acid with sorbitol to yield essentially sorbitan monooleate with a maximum acid number of 7.5 and a maximum water content of 0.5 percent which is then reacted with ethylene oxide.

(b) The food additive meets the following specifications:

Saponification number 45–55.
Acid number 0–2.
Hydroxyl number 65–80.
Oxyethylene content 65 percent–69.5 percent.

(c) It is used alone or in combination with polyoxyethylene (20) sorbitan tristearate, whereby the maximum amount of the additives, alone or in combination, does not exceed 1,000 parts per million (0.1 percent) of the finished frozen dessert.

(d) To assure safe use of the additive, the label of the additive and any intermediate mixes shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive, polysorbate 80.

(2) A statement of the concentration or strength of the additive in the basic raw material or intermediate mixes.

(3) Appropriate and accurate directions, which, when followed, will provide a finished frozen dessert containing no more than the permitted amount of the additive, whether or not intermediate mixes are used.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 19, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6930; Filed, July 26, 1960; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

EXECUTIVE BOARD

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner (Administration) and Deputy Commissioner (Operations), Vice Chairmen; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Mortgages and Properties; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Title I; Assistant Commissioner for Audit and Examination; Assistant Commissioner for Administration; and Comptroller.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 807, 69 Stat. 651, as amended; sec. 907, 65 Stat. 301, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., July 21, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-6939; Filed, July 26, 1960; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

CROSS REFERENCE: For document deleting §§ 171.1(a), 171.6 and 171.7, see F.R. Doc. 60-7002, Title 26—Internal Revenue, 1954, Chapter I, Parts 170 and 235, *infra*.

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6494]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUORS

PART 235—RECTIFICATION OF SPIRITS AND WINES

Miscellaneous Amendments

On June 7, 1960, a notice of proposed rule making (1) to delete 26 CFR (1939) 171.1(a), (2) to revise and include in 26 CFR (1954) Part 170 certain provisions of 26 CFR (1939) Part 171 and 26 CFR (1954) Part 235, and (3) to implement the changes in section 5025(1), I.R.C., was published in the FEDERAL REGISTER (25 F.R. 4995). In accordance with the notice, interested parties were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice. Accordingly, the regulations as so published are hereby adopted subject to the changes set forth below:

1. Paragraph (A) is amended to read as set forth below.

2. Paragraph (B) is redesignated paragraph (C) and is changed to read as set forth below.

3. Immediately after the subpart heading a preamble is inserted.

4. By deleting the undesignated centerhead "Effect on Other Documents" and § 170.619 *Regulations superseded*, and by changing the authority paragraph.

5. A new paragraph (B) is added to read as set forth below:

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 22, 1960.

DAVID A. LINDSAY,
Acting Secretary of the Treasury.

The purposes of this Treasury decision are to delete certain obsolete material now contained in 26 CFR (1939) Part 171, to revise and include in 26 CFR Part 170 certain regulatory provisions now contained in 26 CFR (1939) Part 171 and in Subparts C, D, and E of 26 CFR Part 235, and to implement the changes in section 5025(1), I.R.C., as amended by Public Law 85-859.

Pursuant to the above:

(A) 26 CFR (1939) Part 171 is amended by deleting—

(1) Obsolete § 171.1(a); and

(2) Sections 171.6 and 171.7, the provisions of which are revised and incorporated in Subpart U of 26 CFR (1954) Part 170.

(B) 26 CFR (1954) Part 235 is amended and superseded in its entirety by deleting §§ 235.40 through 235.42, 235.50 through 235.61, 235.75, and 235.76, the provisions of which are revised and incorporated in Subpart U of 26 CFR (1954) Part 170.

(C) 26 CFR Part 170 is amended by adding, immediately following § 170.585, a new Subpart U, as follows:

Subpart U—Manufacture and Sale of Certain Compounds, Preparations, and Products Containing Alcohol

Preamble. The regulations in this subpart shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of the regulations in this subpart.

Sec.
170.611 Scope of subpart.
170.612 Meanings of terms.

COMMODITY TAX STATUS OF PRODUCTS

170.613 Products exempt from commodity taxes.
170.614 Other exempt U.S.P. and N.F. preparations.
170.615 Change of formula; when required.
170.616 Products classed as rectified products.

SPECIAL (OCCUPATIONAL) TAX STATUS OF APOTHECARIES AND MANUFACTURERS

170.617 Apothecaries and manufacturers exempt.
170.618 Sale of products for beverage use; special tax.

AUTHORITY: §§ 170.611 to 170.618 issued under 68A Stat. 917; 26 U.S.C. 7805. Other statutory provisions interpreted or applied are cited to text in parenthesis.

§ 170.611 Scope of subpart.

This subpart contains provisions relating to the special tax status of persons who compound, mix, manufacture, or sell compounds, mixtures, preparations, or products containing taxpaid distilled spirits or wines, and the commodity tax status of such compounds, mixtures, preparations, and products.

§ 170.612 Meanings of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Commodity tax. The tax or taxes imposed by sections 5021 and 5022, I.R.C., on products of rectification.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D.C.

Distilled spirits, or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof.

I.R.C. The Internal Revenue Code of 1954, as amended.

Liquors. Distilled spirits and/or wines.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Special tax. The special (occupational) tax imposed by sections 5081, 5111, and 5121, I.R.C., on rectifiers and dealers in liquors.

Taxpaid distilled spirits, or wines. Distilled spirits or wines, as the case may be, on which the distilled spirits tax imposed by section 5001, I.R.C., or the wine taxes imposed by section 5041, I.R.C., have been paid or determined.

This chapter. Chapter I of Title 26 of the Code of Federal Regulations.

U.S.C. The United States Code.

COMMODITY TAX STATUS OF PRODUCTS

§ 170.613 Products exempt from commodity taxes.

(a) *Products meeting requirements.* Except as provided in § 170.616(b), apothecaries, pharmacists, and manufacturers are not required to pay commodity taxes on medicines, medicinal preparations, food products, flavors, and flavoring extracts manufactured or compounded by them, if the tax has been paid or determined on all of the distilled spirits and/or wines contained therein, as follows:

(1) *Medicines and medicinal preparations.* Medicines and medicinal preparations (including such preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States) that are unfit for use for beverage purposes.

(2) *Patent medicines.* Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.

(3) *Toilet preparations.* Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.

(4) *Flavoring extracts.* Flavoring extracts, sirups, and concentrates that are unfit for use for beverage purposes.

(5) *Laboratory reagents.* Laboratory reagents, stains, and dyes that are unfit for use for beverage purposes.

(6) *Salted wines.* Salted wines which contain not in excess of 21 percent alcohol by volume and not less than 1.5 grams of salt per 100 cubic centimeters.

(7) *Sauces.* Sauces, or sirups consisting of sugar solutions and liquors, in which the alcohol content is not more than 12 percent by volume and the sugar content is not less than 60 grams per 100 cubic centimeters.

(8) *Brandied fruits.* Brandied fruits consisting of solidly packaged fruits, either whole or segmented, and liquors not exceeding the quantity and alcohol content necessary for flavoring and preserving.

(9) *Food products.* Food products such as mincemeat, plum pudding, and fruit cake, where only sufficient liquor is used for flavoring and preserving; and ice cream and ices where only sufficient liquor is used for flavoring purposes.

(b) *Formulas and samples; when required.* On request of the Director, or when in doubt as to the classification of his product, the manufacturer shall submit to the Director the formula for and a sample of his product for examination to verify the manufacturer's claim of exemption from tax.

(72 Stat. 1338; 26 U.S.C. 5025)

§ 170.614 Other exempt U.S.P. and N.F. preparations.

The following United States Pharmacopoeia and National Formulary preparations which are used by physicians and pharmacists principally as vehicles may be made with distilled spirits without incurring liability for rectification and special taxes for their manufacture and sale:

Elixir aromaticum.
Elixir aromaticum rubrum.
Elixir aurantii amari.
Elixir cardamomi compositum.
Elixir glycyrrhizae.
Elixir taraxaci compositum.
Elixir terpini hydratis.
Spiritus aetheris.
Spiritus myristicae compositus.
Tinctura aurantii dulcis.
Tinctura limonis.

§ 170.615 Change of formula; when required.

If the assistant regional commissioner finds at any time that any product manufactured under this subpart as an unfit product exempt from tax is being used for beverage purposes, or for mixing with beverage liquors other than by a rectifier, he shall notify the manufacturer to desist the manufacturing of such product until the formula is so changed as to render the product not susceptible of beverage use and such change is approved by the Director: *Provided*, That the provisions of this section shall not be so construed as to prohibit the use of such unfit products in small quantities for flavoring drinks at the time of serving for immediate consumption. Where, pursuant to notice, the manufacturer does not desist, or the formula is not so modified as to render the product unsusceptible of beverage use, the manufacturer shall immediately qualify as a rectifier and pay the rectification tax on such product.

§ 170.616 Products classed as rectified liquors.

(a) *Rectified liquors.* United States Pharmacopoeia tincture of ginger is held

to be rectified liquor. Bitters, patent medicines, and similar alcoholic preparations which are fit for beverage purposes, although held out as having certain medicinal properties, are also classed as rectified liquors. The commodity tax imposed by section 5021 or 5023, I.R.C., as the case may be, is required to be paid on alcoholic preparations classed as rectified liquors (including cordials or liqueurs). Such preparations are required to be manufactured in the rectifying facilities of a distilled spirits plant, taxpaid, bottled or packaged, stamped, recorded, and disposed of in accordance with the procedure prescribed in Part 201 of this chapter for other rectified spirits or products. Sellers of such preparations will be subject to the provisions of Part 194 of this chapter with respect to special taxes.

(b) *Products sold for beverage use.* Any product described in §§ 170.613 and 170.614, or any other product declared by the Director to be unfit for use for beverage purposes, or any taxpaid distilled spirits recovered from any such product, which is sold for beverage purposes, or is sold under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, is subject to commodity tax.

(72 Stat. 1336; 26 U.S.C. 5021, 5023)

SPECIAL TAX STATUS OF APOTHECARIES AND MANUFACTURERS

§ 170.617 Apothecaries and manufacturers exempt.

(a) *Compounders or manufacturers.* An apothecary, a pharmacist, or a manufacturer is not required to qualify as a rectifier, or pay special (occupational) tax as a rectifier or, except as provided in § 170.618, to qualify as a dealer in liquors in order to prepare, manufacture, or sell products described in §§ 170.613 and 170.614, or products declared by the Director to be unfit for use for beverage purposes.

(b) *Manufacturers recovering taxpaid alcohol.* A manufacturer who recovers taxpaid distilled spirits from dregs or marc or percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts, which do not meet the manufacturer's standards, is not required to qualify or pay special tax as a rectifier, if such manufacturer uses the recovered distilled spirits exclusively in the manufacture of medicine, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for use for beverage purposes.

(c) *Records.* Each manufacturer intending to recover taxpaid distilled spirits under the provisions of paragraph (b) of this section shall notify the assistant regional commissioner of his intention to do so and advise where such operations will be conducted. Such manufacturer shall keep a record of the distilled spirits recovered and the subsequent use to which they are put. The records shall show, (1) the date of recovery, (2) the commodity from which the spirits were recovered, (3) the amount of distilled spirits recovered, (4) the amount of recovered distilled spirits reused, (5) the commodity in which the recovered distilled spirits were reused, and (6) the date of such reuse. Such records shall be retained at the premises where the recovery operations are conducted for not less than two years, and shall be available during regular business hours for examination by internal revenue officers.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 170.618 Sale of products for beverage use; special tax.

Any person (including the manufacturer) who sells for beverage purposes any of the products described in §§ 170.613 and 170.614, or any other product declared by the Director to be unfit for use for beverage purposes, or any distilled spirits recovered as provided in § 170.617(b), or who sells any such substance under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, is required to pay special tax as a wholesale dealer in liquors or a retail dealer in liquors, as the case may be, and, in the case of a manufacturer, may also be required to pay special tax as a rectifier (plus any penalties and interest due).

(72 Stat. 1338, 1340, 1343; 26 U.S.C. 5081, 5111, 5113, 5121)

[F.R. Doc. 60-7002; Filed, July 26, 1960; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Mississippi River, Louisiana

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.195 establishing and governing the use and navigation of anchorages in the Mississippi River is hereby amended by revising paragraph (a)(6) and (a)(7) redesignating the boundaries of the anchorages, as follows:

§ 202.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.

(a) *The anchorage grounds.* • • •

(6) *Temporary anchorages, Baton Rouge, New Orleans.* Vessels awaiting berthing at riverside wharves between Mile 233 above Head of Passes and the upper limits of the Port of New Orleans, Mile 107 above Head of Passes, will anchor in a manner and area as prescribed by the District Engineer, U.S. Army Engineer District, New Orleans.

(7) *Baton Rouge general anchorage.* An area, 1,400 feet wide, between Mile 225 and Mile 226.5 above Head of Passes with its west limit along the low water line.

[Regs., July 5, 1960, 265/91 (Mississippi River, La.)—ENGCW-O] (38 Stat. 1053, 33 U.S.C. 471)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-6993; Filed, July 26, 1960; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Fort Jefferson National Monument, Florida; Fishing, Anchoring, Dumping Refuse and Protecting Wildlife

By notice of proposed rule making published in the FEDERAL REGISTER on May 28, 1960 (25 F.R. 4751-2) interested persons were invited to submit written comments, suggestions, or objections on the proposed changed amending Title 36 CFR, § 7.27 by revising the present language so as to more effectively limit and control fishing activities as well as to establish reasonable regulations regarding the protection of other marine wildlife.

Such written comments, suggestions, or objections were required to be filed with the Superintendent, Everglades National Park, P.O. Box 275, Homestead, Florida, within 30 days from the publication of notice in the FEDERAL REGISTER.

No written comments, suggestions, or objections were presented, therefore it has been determined that the following regulations should be and are hereby adopted without change and as set forth below. These regulations shall become effective 30 days after publication in the FEDERAL REGISTER.

Section 7.27 is amended to read as follows:

§ 7.27 Fort Jefferson National Monument.

(a) *Fishing.* No species of coral, shells, shellfish, seafan, sponges, sea anemones or other forms of marine life found in the waters of the Monument, shall be taken or disturbed in any manner, except that fish, crawfish, and the common species of conch, may be taken in accordance with subparagraphs (2) to (8) of this paragraph.

(1) Protection of turtles: Sea turtles and terrapins, turtle or terrapin nests and their eggs shall not be taken, disturbed or molested at any time.

(2) Crawfish (Panulirus argus), Florida Lobster, Langouste:

(i) Crawfish measuring at least 12 inches from the tip of head to the tip of tail, exclusive of feelers, may be taken only during the legal open season for taking crawfish as determined by Florida Statutes and the limit shall be two per day per person, except that the total for any one vessel having more than 12 persons aboard shall not exceed twenty-five.

(ii) The taking or catching of crawfish for commercial purposes is prohibited at all times.

(3) Conch (Strombus gigas):

(i) The taking of Conchs shall be limited to the species (Strombus gigas), which is also known as Queen Conch or Pink Conch, and the limit per person, per day, is two Conch, except that the total for any vessel having more than 12 persons aboard shall not exceed twenty-five.

(ii) The taking or catching of Conchs for commercial purposes is prohibited at all times.

(4) Commercial fishing or shrimping, or the taking of fish for the purpose of sale is prohibited in the area of the National Monument described as follows:

Beginning at Pulaski Shoal Light at latitude 24°41'36" North, longitude 82°46'23" West, thence on a straight line to a point at latitude 24°33'00" North, longitude 82°48'00" West; thence on a straight line to a buoy "N2" at latitude 24°27'23" North, longitude 82°49'48" West; thence in a straight line to a buoy "C1" at latitude 24°35'35" North, longitude 82°52'19" West; thence in a straight line to buoy "N8" at latitude 24°35'07" North, longitude 82°54'07" West; thence in a straight line to a buoy "C-1" at latitude 24°36'27" North, longitude 82°55'40" West; thence in a straight line to a buoy "N-10" at latitude 24°36'39" North, longitude 82°57'27" West; thence in a straight line to a point at latitude 24°40'57" North, longitude 82°54'10" West; thence in a straight line to a point at latitude 24°41'50" North, longitude 82°53'10" West; thence in a straight line to a point at latitude 24°42'22" North, longitude 82°51'50" West; thence in a straight line to a point at latitude 24°42'53" North, longitude 82°49'34" West; thence in a straight line to a point at latitude 24°42'44" North, longitude 82°48'20" West; and thence in a straight line to the point of beginning at Pulaski Shoal Light.

(5) (i) The taking of live bait in the area described in subparagraph (4) of this paragraph is prohibited, except that minnows or "pilchers" may be taken by sports fishermen by a cast net not to exceed 12 feet in diameter, or by hook and line, and that possession is limited to one day's supply.

(ii) No bait shall be taken for the purpose of sale.

(6) Fish or other marine life in the moat around the Fort shall not be disturbed or taken at any time.

(7) The use or possession of spears, gigs, or grains, within the boundaries of the National Monument, is prohibited at all times.

(8) Applicability of State laws: Except as otherwise provided in this section, all fishing in the water of Fort Jefferson National Monument shall be done in accordance with the laws of Florida and the regulations made pursuant thereto by the Florida State Board of Conservation.

(b) *Prohibited anchorage.* All vessels are prohibited from anchoring in the channels immediately surrounding Garden Key, at any point southerly from and between Marker No. 1 of the East channel and Marker No. 1 of the West channel: *Provided*, That passenger carrying vessels and yachts carrying visitors to historic Fort Jefferson will be permitted to anchor temporarily within the above-described channel in such a manner as not to obstruct the passage of other vessels or craft. No vessels shall be moored at any of the piers of Fort Jefferson except with the permission of the Superintendent or his representative.

(c) *Dumping of refuse prohibited.* Dumping of trash, oily liquids or wastes, or refuse of any kind in the waters or on the beaches or lands of the National Monument is prohibited.

(d) *Protection of wildlife.* Landing in any area which is used as a nesting or roosting place by summer nesting birds, or the molesting of any wildlife is prohibited. The Superintendent or his representative may, upon application of qualified persons, issue permits to study or photograph the birds at roosting or nesting sites.

Issued this 29th day of June 1960.

WARREN P. HAMILTON,
Superintendent,
Fort Jefferson National Monument.

[F.R. Doc. 60-6983; Filed, July 26, 1960; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Veterans Administration Policy on Priorities for Hospital and Domiciliary Care

In § 17.49(b)(2), subdivision (iv) is amended, a new subdivision (v) and note are added and former subdivision (v) is designated (vi) to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital and domiciliary care.

• • • • •

(b) *Priorities for domiciliary care.* • • •

(2) • • •

(iv) Group IV includes applicants eligible under § 17.47(d) who are in receipt of less than $200 income a month for their own use.

(v) Group V includes applicants eligible under § 17.47(d) who are in receipt of $200 or more income a month for their own use.

(vi) Group VI includes members awaiting transfer for personal reasons from other Veterans Administration domiciliaries and domiciliary sections of centers.

NOTE: The provisions of § 17.49(d)(1) will apply in determining whether the veteran has $900 income available for his own use.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 27, 1960.

[SEAL] A. H. MOSE,
Acting Associate
Deputy Administrator.

[F.R. Doc. 60-6984; Filed, July 26, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 43—MAIL DEPOSIT AND COLLECTION

Procedure for Approving Manufacturers of Mailing Chutes and Receiving Boxes

Federal Register document 60-5128, published at page 4994 of the FEDERAL REGISTER of June 7, 1960, gave notice of the proposal by the Post Office Department to amend the regulations in § 43.6 (h) of Title 39, Code of Federal Regulations, by adding regulations which outline the general procedure to be followed by a firm desiring to have its name placed on the list of approved manufacturers of mailing chutes and receiving boxes. Interested persons were given 30 days in which to submit written comments with respect to the proposed regulations.

No comments have been received by the Department with respect to the proposed amendment.

Accordingly, the amendment is adopted without change. As so adopted, the amendment reads as follows:

In § 43.6 *Mail chutes and receiving boxes*, paragraph (h) is amended by redesignating subparagraphs (1) and (2) as subparagraphs (2) and (3), and by inserting a new subparagraph (1). As so amended, paragraph (h) reads as follows:

§ 43.6 Mail chutes and receiving boxes.

• • • • •

(h) *Mailing chute and receiving box manufacturers.* (1) A firm interested in the manufacture of mailing chutes or mailing chute receiving boxes must first submit to the Regional Operations Director, through the postmaster, specifications, drawings, and a full size working model of the chute and receiving box. The chute section should be at least five feet in length and must contain a mail slot. This section is to be attached to the receiving box. If the specifications, drawings, and model are found satisfactory, the Regional Operations Director will request the firm to submit a $10,000 bond as specified in paragraph (f)(3) of this section. After the bond is examined and approved, he will authorize installation of not more than three mailing chutes and receiving boxes for a 90-day actual service condition test. If no unsatisfactory condition is disclosed during the test period, the Regional Operations Director will give the concern final approval for the manufacture of this equipment. The company's name and address will then be added to the list of authorized manufacturers of mailing chutes and receiving boxes.

(2) Manufacturers of approved receiving boxes and mailing chutes are: Capitol Mail Chute Corp., 55 Cosine Avenue, Brooklyn 7, N.Y.; Cutler Mail Chute Co., 76 Anderson Avenue, Rochester 7, N.Y.; Federal Mail Chute Corp., Ltd., 436 Kearny Street, San Francisco 8, Calif.

(3) Louis Sack Co., Inc., 24 Lake Street, Somerville 43, Mass., is authorized to manufacture only receiving boxes for mailing chutes.

NOTE: The corresponding Postal Manual section is 156.62.

(R.S. 161, as amended, 396, as amended, sec. 1, 24 Stat. 500, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 169)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F.R. Doc. 60-6975; Filed, July 26, 1960; 8:46 a.m.]

PART 112—PARCEL POST

PART 143—FORWARDING DOMESTIC MAIL ABROAD

International Mail Regulations

The regulations of the Post Office Department are amended as follows:

§ 112.4 [Amendment]

I. In § 112.4 *Printed matter*, as published in Federal Register Document 60-1246, 25 F.R. 1095-1126, and amended by Federal Register Document 60-1416, 25 F.R. 1314-1315, Federal Register Document 60-1643, 25 F.R. 1618-1619, make the following changes:

A. In paragraph (b) delete subparagraph (4) and redesignate subparagraph (5) as the new subparagraph (4). The exceptional weight limit of 22 pounds for a single volume sent to Paraguay and Peru is removed.

NOTE: The corresponding Postal Manual sections are 222.42d and 222.42e.

B. In paragraph (d), amend subdivision (x) of subparagraph (3) by deleting the last sentence therein. The requirement that check books addressed to Great Britain and Northern Ireland be sent exclusively in letter mail has been eliminated.

NOTE: The corresponding Postal Manual section is 222.443.

II. Section 143.1 *Individual licenses*, as published in Federal Register Document 60-1246, 25 F.R. 1095-1126, and amended by Federal Register Document 60-1416, 25 F.R. 1314-1315, is amended to show that in addition to firearms of less than .22 caliber and shotguns, firearms using only .22 caliber rim-fire ammunition are also exempt from State Department licensing requirements. As so amended, § 143.1 reads as follows:

§ 143.1 Individual licenses.

Exportation of certain arms or implements of war and related technical data requires individual licenses issued by the Office of Munitions Control, Department of State. Firearms of less than .22 caliber, those using only .22 caliber rim-fire ammunition, and shotguns are exempt. The reader can obtain information as to the applicability of the State Department requirements and how to apply for individual licenses from the Office of Munitions Control, Department of State, Washington 25, D.C.

NOTE: The corresponding Postal Manual section is 253.1.

(R.S. 161, as amended, 396, as amended, 398, as amended, 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F.R. Doc. 60-6976; Filed, July 26, 1960; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2165]

[Montana 032906]

SOUTH DAKOTA

Reserving Lands in Black Hills National Forest for Use of Forest Service as Administrative Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in the Black Hills National Forest, in South Dakota, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service as indicated:

BLACK HILLS MERIDIAN

ALLEN GULCH ADMINISTRATIVE SITE

T. 1 S., R. 4 E.,
Sec. 25, lot 4.

ESTE ADMINISTRATIVE SITE

T. 2 N., R. 5 E.,
Sec. 3, that portion of lot 2 exclusive of M.S. 1487.
T. 3 N., R. 5 E.,
Sec. 34, lot 3.

CROWS NEST LOOKOUT ADMINISTRATIVE SITE

T. 1 N., R. 1 E.,
Sec. 11, SW¼SE¼.

The areas described aggregate 133.82 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST, *Assistant Secretary of the Interior.*

JULY 21, 1960.

[F.R. Doc. 60-6967; Filed, July 26, 1960; 8:45 a.m.]

[Public Land Order 2166]

[Washington 03318]

WASHINGTON

Revoking Executive Order No. 5397 of July 18, 1930

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5397 of July 18, 1930, which withdrew the following-described lands for use of the State of Washington for lookout station purposes, is hereby revoked:

WILLAMETTE MERIDIAN

T. 31 N., R. 38 E.,
Sec. 14, S½SW¼.

Containing 80 acres.

2. The lands are situated on top of Stranger Mountain, 15 miles east of Cedonia, Washington. Topography is steep, rough and mountainous. Soils are shallow, rocky silty clay loam. Vegetation consists of coniferous, evergreen timber.

3. Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Until 10:00 a.m. on January 20, 1961, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

(b) Beginning at 10:00 a.m. on January 20, 1961, the lands shall be open to application, petition, location and selection by the public generally, subject to valid existing rights, to equitable claims, and the requirements of applicable law.

(c) The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a.m. on January 20, 1961.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST, *Assistant Secretary of the Interior.*

JULY 21, 1960.

[F.R. Doc. 60-6968; Filed, July 26, 1960; 8:45 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-141]

FEDERAL AIRWAYS

Withdrawal of Proposed Modification

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 59-WA-141 on September 23, 1959 (24 F.R. 7651), it was proposed to modify VOR Federal airway No. 98, which presently extends from Fort Wayne, Ind., to Montreal, Quebec, by realigning the segment of this airway between Carlton, Mich., and the United States-Canadian Border, via the Carlton VOR 020° and the Windsor, Ontario, VOR 251° True radials. It was stated that this modification would provide an airway which would bypass the military air operations area at the Grosse Ile Naval Air Station, Mich. Subsequent to publication of the Notice, it was determined that revised air traffic management procedures have eliminated the requirement for the proposed realignment.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the proposal contained in Airspace Docket No. 59-WA-141 is withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 20, 1960.

J. R. BAILEY, *Assistant Chief, Airspace Utilization Division.*

[F.R. Doc. 60-6956; Filed, July 26, 1960; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 60-NY-81]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6037 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 37 presently extends in part from Pittsburgh, Pa., to Erie, Pa. The Federal Aviation Agency has under consideration modification of this segment of Victor 37 by realigning it from the Pittsburgh VOR via the Ellwood City, Pa., VORTAC to the Erie VORTAC. This would provide more precise navigational guidance on Victor 37 between Pittsburgh and Erie. The control areas associated with Victor 37 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

If this action is taken, the segment of VOR Federal airway No. 37 from Pittsburgh, Pa., to Erie, Pa., would be designated via Ellwood City, Pa.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 21, 1960.

CHARLES W. CARMODY, *Chief, Airspace Utilization Division.*

[F.R. Doc. 60-6957; Filed, July 26, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-68]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 91 presently extends from Dunkirk, N.Y., to Syracuse, N.Y. The Federal Aviation Agency has under consideration revoking this airway. The Federal Aviation Agency IFR peak-day survey for the period July 1, 1958 through June 30, 1959, and an air traffic survey conducted on April 1, 1960, showed no aircraft movements on Red 91. On the basis of this survey, it appears that the retention of this airway and associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, § 601.4291 relating to reporting points would be revoked.

If these actions are taken, Red Federal airway No. 91, its associated control areas and § 601.4291 relating to reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 20, 1960.

J. R. BAILEY, *Assistant Chief, Airspace Utilization Division.*

[F.R. Doc. 60-6958; Filed, July 26, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-58]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of a Segment of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6042 and 601.6042 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 42 presently extends in part from Johnstown, Pa., to Washington, D.C. The Federal Aviation Agency has under consideration revocation of this segment of Victor 42. The Federal Aviation Agency IFR peak-day airway traffic survey for the period from July 1, 1959 through June 30, 1960, shows one aircraft movement for this airway segment. On the basis of the survey, it appears that the retention of this airway segment and its associated control areas as an assignment of airspace is unjustified and that the revocation thereof would be in the public interest.

If this action is taken, the segment of VOR Federal airway No. 42 and its associated control areas from Johnstown, Pa., to Washington, D.C., would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-136, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 21, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6959; Filed, July 26, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601, 602]

[Airspace Docket No. 60-NY-59]

FEDERAL AIRWAYS, CODED JET ROUTES AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6046, 601.7001 and 602.562 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 46 presently extends from New York, N.Y. (the point of intersection of the Riverhead, N.Y., VOR 264° and the Wilton, Conn., VOR 195° True radials) via the Riverhead VOR; Hampton VOR, including a south alternate via the point of intersection of the Riverhead VOR 146° and the Idlewild, N.Y., VOR 083° True radials; intersection of the Hampton VOR 083° and the Norwich, Conn., VOR 127° radials; to the Nantucket, Mass., VOR. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Westhampton Beach, N.Y. (Suffolk AFB) Restricted Area/Military Climb Corridor (R-545) is excluded during its time of designation. VOR/VORTAC Jet route No. 62 is presently designated from the Idlewild, N.Y., VOR via the Intersection of the Idlewild VOR 083° and the Nantucket, Mass., VOR 252° True radials; to the Nantucket VOR. The Federal Aviation Agency has under consideration the modification of this airway and jet route as follows:

1. Realign Victor 46 and its south alternate from the point of intersection of the Riverhead, N.Y., VORTAC 264° and the Wilton, Conn., VOR 195° True radials via the Riverhead VORTAC; Hampton, N.Y., VOR, including a south alternate from the Riverhead VORTAC to the Hampton VOR via the intersection of the Riverhead VORTAC 119° and the Hampton VOR 223° True radials; the intersection of the Hampton VOR 079° and the Nantucket, Mass., VOR 257° True radials to the Nantucket VOR.

2. Redesignate Jet Route 62-V from the Idlewild, N.Y., VORTAC to the Nantucket, Mass., VOR via the intersection of the Idlewild VORTAC 075°, the Albany, N.Y., VORTAC 148° and the Nantucket VOR 259° True radials to the Nantucket VOR.

In addition, it is proposed to redesignate the Newport Intersection as the intersection of the Norwich, Conn., VORTAC 127° and the Nantucket, Mass., VOR 257° True radials. These modifications would facilitate flight planning and assist air traffic management by providing a more direct airway and route for aircraft operating between New York, N.Y., and Nantucket, Mass., to or from overseas terminals. In addition, the modification would provide additional lateral spacing between Victor 46/Jet Route 62-V and Warning Areas 105 and 106. The control areas associated with Victor 46 are so designated that they would automatically conform with the modified airway. Accordingly, no amendment relating to control areas would be necessary.

If these actions are taken, VOR Federal airway No. 46 from New York, N.Y., to Nantucket, Mass., would be realigned from the intersection of the Riverhead, N.Y., VORTAC 264° and the Wilton, Conn., VOR 195° True radials via the Riverhead VORTAC; Hampton, N.Y., VOR, including a south alternate from the Riverhead VORTAC to Hampton VOR via the intersection of the Riverhead VORTAC 119° and the Hampton VOR 223° True radials; the intersection of the Hampton VOR 079° and the Nantucket, Mass., VOR 257° True radials to the Nantucket VOR.

VOR/VORTAC jet route No. 62 from New York, N.Y., to Nantucket, Mass., would be realigned from the Idlewild, N.Y., VORTAC via the intersection of the Idlewild VORTAC 075°, the Albany, N.Y., VORTAC 148° and the Nantucket VOR 259° True radials to the Nantucket VOR.

The Newport reporting point would be redesignated as the intersection of the Norwich, Conn., VORTAC 127° and the Nantucket VOR 257° True radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 21, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6964; Filed, July 26, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-24]

CONTROL ZONES

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Skwentna, Alaska, control zone is presently designated within a 5-mile radius of the Skwentna Airport. The Federal Aviation Agency has under consideration the revocation of this control zone. Weather reporting service is not conducted on a 24-hour basis at the Skwentna Airport, and a review of the airport operations record indicates that eight instrument approaches were conducted during the period January 1, 1959 through December 31, 1959. On the basis of this information, it appears that the retention of this control zone is unjustified as an assignment of airspace, and the revocation thereof would be in the public interest.

If this action is taken, the Skwentna, Alaska, control zone would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 21, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-6965; Filed, July 26, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 131 and Order No. 22, as amended (7 CFR Part 922), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the growers who, during the period February 1, 1959, through January 31, 1960 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of Arizona and that part of the State of California, south of the 37th Parallel, in the production of Valencia oranges for market to determine whether such growers favor continuation of the said marketing agreement and order. Warren C. Noland and Edmund J. Blaine of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly, or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity for each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid continuance of the marketing agreement and amended order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing Valencia oranges grown in the aforesaid production area or in rendering services for or advancing the interests of the growers of such Valencia oranges, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, and the time such ballots must be received.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Arizona and designated part of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of growers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the growers who are present, and who desire to do so, have had an opportunity to vote. Any grower may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to growers at the meetings, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing such person or persons as are deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized, by said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements set forth; and shall forward to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each grower to whom a ballot form was given;

(ii) A register containing the name and address of each grower from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of the referendum posted by said agent was posted and, if the notice was mailed to growers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by Warren C. Noland of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential. The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of the aforesaid marketing agreement and amended order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D.C., and at the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Dated: July 21, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6978; Filed, July 26, 1960; 8:46 a.m.]

Office of the Secretary

IDAHO AND KENTUCKY

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Idaho and Kentucky production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Bannock.	Clark.
Bear Lake.	Franklin.
Bonneville.	Oneida.
Butte.	Power.
Caribou.	Teton.

KENTUCKY

Carter. Lewis.
Rowan.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties, after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of July 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-6980; Filed, July 26, 1960; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CHARLES R. LEEVER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

No change from previous filings.

This statement is made as of July 5, 1960.

Dated: July 5, 1960.

CHARLES R. LEEVER.

[F.R. Doc. 60-6972; Filed, July 26, 1960; 8:46 a.m.]

HARRY R. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 24, 1960.

Dated: June 24, 1960.

HARRY R. WALL.

[F.R. Doc. 60-6973; Filed, July 26, 1960; 8:46 a.m.]

ALAN A. WOODWARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Eliminate: American Surety Company, Fluor Corporation.
(3) None.
(4) None.

This statement is made as of June 28, 1960.

Dated: June 28, 1960.

ALAN A. WOODWARD.

[F.R. Doc. 60-6974; Filed, July 26, 1960; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

LYKES BROS. STEAMSHIP CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8486, between Lykes Bros. Steamship Co., Inc., and Zim Atid Maritime Services, Ltd., provides for the fixing of rates to apply on cargo which Lykes tranships to Zim Atid Maritime at Italian ports for transportation to Haifa and/or Tel Aviv.

(2) Agreement No. 8511, between Dampskibsselskabet AF 1912 Aktieselskab/Aktieselskabet Dampskibsselskabet Svendborg (carriers comprising the A. P. Moller-Maersk Line joint service), and Pacific Far East Line, Inc., covers a through billing arrangement on cargo from the Panama Canal Zone to Guam, M.I., with transhipment at Los Angeles or San Francisco.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 22, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6995; Filed, July 26, 1960; 8:48 a.m.]

REDERIAKTIEBOLAGET SVENSKA LLOYD ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 7559–2, between Rederiaktiebolaget Svenska Lloyd, Stockholms Rederiaktiebolag Svea and Rederiaktiebolaget Fredrika, (carriers comprising the Norton Line joint service), modifies the approved agreement of that joint service (No. 7559, as amended), in the trade between Canadian and United States Atlantic ports and United States Gulf ports, on the one hand, and all ports in Central and South America, and all islands in the Caribbean Sea, on the other hand. This modification provides that the joint service parties shall proportion payments or accruals of revenues under any pooling agreement approved by the Board to which they become parties.

(2) Agreement No. 7592–2, between Rederiaktiebolaget Disa, Rederiaktiebolaget Poseidon and Angfartygsaktiebolaget Tirfing (carriers comprising the Brodin Line joint service) modifies the approved agreement of that joint service (No. 7592, as amended), in the trades between Canadian and United States Atlantic ports and United States Gulf ports, on the one hand, and ports of Argentina, Paraguay, Uruguay and Brazil, on the other hand. This modification provides that the joint service parties shall proportion payments or accruals of revenues under any pooling agreement approved by the Board to which they become parties.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 22, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6996; Filed, July 26, 1960; 8:49 a.m.]

[Agreements Nos. 7604, 7607, 7676, as amended]

N.V. STOOMVAART MAATSCHAPPIJ "NEDERLAND" ET AL.; JOINT SERVICE AND POOLING AGREEMENTS

Notice of Request for Cancellation of Agreements

Notice is hereby given that N.V. Stoomvaart Maatschappij "Nederland", Koninklijke Rotterdamsche Lloyd, N.V., N.V. Nederlandsch-Amerikaansche Stoomvaart Maatschappij "Holland-Amerika Lijn", The Ocean Steam Ship Company, Ltd., The China Mutual Steam Navigation Co., Ltd., and Nederlandsche Stoomvaart Maatschappij "Ocean" N.V., the parties to the agreement, described below, have requested cancellation thereof:

(1) Agreement No. 7604, as amended, covers the establishment and maintenance of the "Java New York Line" joint service in the trade from Atlantic and Gulf ports of the United States to ports in the Netherlands East Indies;

(2) Agreement No. 7607, as amended, covers the establishment and maintenance of the "Java New York Line" joint service in the trade from Atlantic and Gulf ports of the United States to Singapore, and ports in the Federation of Malaya and Thailand (Siam); and

(3) Agreement No. 7676, as amended, covers the pooling of net freight on all cargo, exclusive of reefer cargo, from East Coast and Gulf ports of the United States to Indonesia, Colony of Singapore, Malayan Union and Siam.

Any written statements, comments or protests with respect to the cancellation of any of the three (3) agreements, listed above, pursuant to section 15 of the Shipping Act, 1916, or request for hearing in connection therewith, may be filed with the Secretary, Federal Maritime Board, Washington 25, D.C., within 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 22, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-6964; Filed, July 26, 1960; 8:48 a.m.]

Maritime Administration

[Docket No. S-115]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS Mormacguide," which is under time charter to States Marine Lines, Inc., to engage in one voyage in the domestic coastwise and intercoastal trade commencing at Hawaii on or about August 7, 1960, to load general cargo at Hawaii and California for discharge at U.S. Gulf Ports. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Maritime Administrator for August 3, 1960, at 9:30 a.m., e.d.t., in Room 4458, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business August 2, 1960, notify the Secretary, Maritime Administration in writing, in triplicate, and file petition for leave to intervene, which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on August 2, 1960, will not be granted in this proceeding.

Dated: July 26, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7054; Filed, July 26, 1960; 10:23 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI61-8—RI61-9]

ATLANTIC REFINING CO. ET AL.

Order Providing for Hearings and Suspending Proposed Changes in Rates [1]

JULY 20, 1960.

In the matter of The Atlantic Refining Company, Docket No. RI61-8, The Atlantic Refining Company (Operator), et al., Docket No. RI61-9.

On June 20, 1960, The Atlantic Refining Company, individually and as Operator, et al. (each hereinafter referred to as Atlantic), tendered for filing eight proposed favored-nation rate increases for its jurisdictional sales of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from leases in Live Oak, DeWitt, Bee, Lavaca, Goliad, and McMullen Counties, Texas. In each filing, the natural gas is sold at 14.65 psia and the effective date is July 21, 1960, which is the first day after expiration of the required thirty day's notice. The proposed changes in rates, as set forth in each filing, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Producing area	Notice of change dated—	Rate in effect	Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-8...	The Atlantic Refining Co.	34	23	W. Spring Creek, Tom Lyne, Clay West, and Chapa Ranch Fields, Live Oak County, Tex.	6-14-60	14.7	15.4444	G-15412
		35	16	Meyersville Field, DeWitt County, Tex.	6-14-60	13.8733	14.9444	G-15233
		37	13	Jennie Bell Field, DeWitt County, Tex.	6-14-60	13.8733	14.9444	G-15238
		38	11	Rhode Ranch Field, McMullen County, Tex.	6-14-60	11.52768	14.9444	
		134	7	Meyersville Field, DeWitt County, Tex.	6-13-60	13.8733	14.9444	G-15732
		161	6	Cabeza Creek Field, Goliad County, Tex.	6-13-60	13.8733	14.9444	G-15752
RI61-9...	The Atlantic Refining Co. (Operator), et al.	36	14	San Domingo Field, Bee County, Tex.	6-14-60	13.8733	14.9444	G-15234
		160	13	Various fields, Lavaca, Live Oak, McMullen, Bee, Goliad, and DeWitt Counties, Tex.	6-13-60	14.3733	15.4444	G-15753

In support of its favored-nation increased rate proposals, Atlantic states in effect that its proposed changes will not result in an excessive rate of return to Atlantic from its regulated business, but will assist it in obtaining a return commensurate with the risks inherent in the exploration, development, production, gathering and sale of natural gas; cites the favored-nation clauses of its contracts; and further states that such clauses were triggered by redetermined rates of 14.9444 cents per Mcf, plus 0.5 cents per Mcf for dehydration where applicable, which Texas Eastern has been paying subject to refund to other producers in the favored-nation area. Atlantic specifically mentions, among others, a redetermined rate of 15.44 cents per Mcf, provided by Supplement No. 13 to Shell Oil Company's FPC Gas Rate Schedule Nos. 4 and 5, respectively, which rate was based upon the average of the three highest prices paid by transporters of gas in the area specified by contract.

Texas Eastern had protested the above-mentioned 14.94 cents and 15.44 cents per Mcf redetermined rates at the time they were filed by the various producers, and has submitted a protest with respect to each of Atlantic's subject favored-nation increased rate proposals.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon a date to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until December 21, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor the supplements thereto involved in the above-proposed changes shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR, 1.8 and 1.37(f)) on or before September 5, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6965; Filed, July 26, 1960; 8:45 a.m.]

[Docket Nos. RI60-159—RI60-170]

BRITISH-AMERICAN OIL PRODUCING CO. ET AL.

Order Amending "Order Providing for Hearings on and Suspension of Proposed Changes in Rate"

JULY 20, 1960.

In the matter of The British-American Oil Producing Company, Docket No. RI60-159; Continental Oil Company, Docket No. RI60-160; Van Norman Oil Company, Docket No. RI60-161; Sun Oil Company, Docket No. RI60-162; Charles B. Wrightsman, Docket No. RI60-163; Standard Oil Company of Texas, Docket No. RI60-164; Continental Oil Company (Operator), et al., Docket No. RI60-165; Carl M. Smith, Docket No. RI60-166; Socony Mobil Oil Company, Inc., Docket No. RI60-167; Cities Service Oil Company, Docket No. RI60-168; Phillips Petroleum Company (Operator), et al., Docket No. RI60-169; Kerr-McGee Oil Industries, Inc., Docket No. RI60-170.

On February 24, 1960, the Commission issued its order in the above-designated proceedings suspending certain proposed increased rates. The order included a list of the rates presently in effect under the rate schedules involved in the proceedings. These rates, appearing under the "Rate in Effect" column of that order describe only what the respondents claim to be the presently effective rates. The inclusion of the list was not intended as a Commission determination that the listed rates are the presently effective legal rates. Our order should be amended to reflect the purport of the "Rate in Effect" column.

The Commission finds: The suspension order issued February 24, 1960, in the proceedings in Docket Nos. RI60-159 through RI60-170 should be amended to include a footnote "2A" to the "Rate in Effect" column, as hereinafter ordered.

The Commission orders: The Commission's suspension order issued February 24, 1960, in the proceedings in Docket Nos. RI60-159 through RI60-170 is amended to include a footnote "2A" to the "Rate in Effect" column appearing on pages 2 and 3 of that order, as follows:

[2a] The rates listed in this column are those claimed by the respondents to be the presently effective rates. The reflection of these rates in this manner is not a Commission determination that these are the presently effective legal rates.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6966; Filed, July 26, 1960; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION VI, SAN FRANCISCO

Redelegation of Authority With Respect to Housing for Educational Institutions

The Regional Director of Community Facilities Activities, Region VI (San Francisco), with respect to the program of loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended (64 Stat. 77, as amended, 12 U.S.C. 1749-1749c), is hereby authorized within such Region to execute loan agreements and amendments thereof involving loans for student and/or faculty housing and for other educational facilities.

This redelegation supersedes the redelegation effective June 3, 1960 (25 F.R. 6454, July 8, 1960).

(62 Stat. 1268 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 19th day of July 1960.

[SEAL] ANNABELLE HEATH,
Regional Administrator, Region VI.

[F.R. Doc. 60-6967; Filed, July 26, 1960; 8:49 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION VI, SAN FRANCISCO

Redelegation of Authority With Respect to Public Facility Loans

The Regional Director of Community Facilities Activities, Region VI (San Francisco), with respect to the public facility loans program authorized under section 202 of Public Law 345, 84th Congress, as amended (69 Stat. 642, as amended, 42 U.S.C. 1492), is hereby authorized within such Region to enter into contracts and amendments thereof with public agencies involving loans for essential public works or facilities.

This redelegation supersedes the redelegation effective June 3, 1960 (25 F.R. 6454, July 8, 1960).

(62 Stat. 1268 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 19th day of July 1960.

[SEAL] ANNABELLE HEATH,
Regional Administrator, Region VI.

[F.R. Doc. 60-6968; Filed, July 26, 1960; 8:49 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES ACTIVITIES, REGION VI, SAN FRANCISCO

Redelegation of Authority With Respect to Public Works Planning

The Regional Director of Community Facilities Activities, Region VI (San Francisco), with respect to the program of advances for public works planning authorized under section 702 of the Housing Act of 1954 (68 Stat. 641), as amended by section 112 of the Housing Amendments of 1956 (69 Stat. 641), 40 U.S.C. 462, is hereby authorized within such Region:

1. To execute offers and amendments thereof to public agencies involving advances to aid in planning proposed public works;

2. To determine the amount of partial repayment due if the public agency undertakes construction of only a portion of the planned public work;

3. To approve the planning data submitted by public agencies in accordance with contracts resulting from acceptance of offers under subparagraph 1 above;

4. To authorize payments under any contracts resulting from acceptance of offers under subparagraph 1 above.

This redelegation supersedes the redelegation effective June 3, 1960 (25 F.R. 6454, July 8, 1960).

(62 Stat. 1268 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective July 1, 1960 (25 F.R. 5801, June 23, 1960))

Effective as of the 19th day of July 1960.

[SEAL] ANNABELLE HEATH,
Regional Administrator, Region VI.

[F.R. Doc. 60-6969; Filed, July 26, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 27-89]

OCEAN TRANSPORT CO.

Notice of Issuance of an Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that since no requests for a formal hearing have been filed following the filing of notice of the proposed amendment of License No. 4-2693-1 held by Ocean Transport Company, No. 1 Drumm Street, San Francisco 11, California, with the Federal Register Division on June 27, 1960, the Atomic Energy Commission has this date issued Amendment No. 3 to License No. 4-2693-1. This amendment authorizes (1) an increase in the possession limit from 750 curies of byproduct material, 3,000 pounds of source material and 4 grams of special nuclear material to 1,000 curies of byproduct material, 4,000 pounds of source material and 300 grams of special nuclear material; and (2) the packaging of waste byproduct, source and special nuclear material in precast concrete blocks, 55 gallon drums, and solidified liquid waste disposal units for disposal at sea.

Notice of the proposed action was published in the FEDERAL REGISTER on June 29, 1960, 25 F.R. 5950.

Dated at Germantown, Md., July 15, 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Licensing and Regulation.

[F.R. Doc. 60-6954; Filed, July 26, 1960; 8:45 a.m.]

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

NOTICE WITH RESPECT TO DATES FOR FILING CLAIMS AGAINST THE POLISH GOVERNMENT

Notice is hereby given that pursuant to the provisions of section 4(b) of Title I of the International Claims Settlement Act of 1949, 22 U.S.C. 1623(b), the Foreign Claims Settlement Commission of the United States will receive, during the period ending at midnight, September 30, 1961, claims of United States citizens against the Polish Government for losses resulting from (1) Nationalization or other taking of their property; (2) Appropriation or loss of use or enjoyment of property under Polish laws, decrees, or other measures restricting or limiting rights and interests in property, and; (3) Debts owed by enterprises which have been nationalized, or which were a charge upon property so nationalized, appropriated, or otherwise taken. Such claims are to be settled in accordance with the terms and conditions prescribed in Title I of the International Claims Settlement Act of 1949, the Polish Claims Agreement of 1960, and the published regulations of the Commission with respect thereto.

Dated: July 22, 1960.

By the Commission.

ANDREW T. MCGUIRE,
General Counsel.

[F.R. Doc. 60-6982; Filed, July 26, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1300]

CENTURY INVESTORS, INC., ET AL.

Notice of Filing of Application for Order Extending Period of Exemption From Provisions of Act

JULY 20, 1960.

In the matter of Century Investors, Inc., Webster Investors, Inc., American Manufacturing Company, Inc.; (File No. 812-1300).

Notice is hereby given that American Manufacturing Company, Inc. ("American"), a Delaware corporation, has filed an application requesting that the sixty day exemption from the provisions of the Investment Company Act of 1940 ("Act") provided under section 3(b)(2) of the Act be extended until the disposition by the Commission of American's pending application for exemption filed pursuant to section 3(b)(2) of the Act.

Century Investors, Inc. ("Century") and Webster Investors, Inc. ("Webster"), both Delaware corporations, registered under the Act as closed-end, non-diversified management investment companies, and American have previously filed a joint application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act certain transactions incident to a merger of Century, Webster and American, with American as the surviving corporation under the same name. American also filed its above-mentioned application pursuant to section 3(b)(2) of the Act for an order declaring that American is not now and will not be an investment company upon consummation of the merger.

The Commission on June 16, 1960, issued a notice of and order for hearing on the aforesaid applications (Investment Company Act Release No. 3049) which recited the facts pertinent to the requested orders, (which notice and order for hearing is incorporated herein by reference).

The section 3(b)(2) application was filed by American on June 2, 1960. Section 3(b)(2) of the Act provides that the filing of an application under that Section shall exempt an applicant for a period of sixty days from all provisions of the Act applicable to investment companies. It also provides that for cause shown the Commission by order may extend such period of exemption. American has requested an extension of the exemption period on the basis of a commitment that pending determination of its status under the Act, it will not, without prior permission of the Commission, engage in any transaction or take any action which would be prohibited to a registered investment company.

Notice is further given that any interested person may, not later than August 2, 1960, at 12:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6971; Filed, July 26, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 131]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 22, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-1074 (Deviation No. 1), ALLEGHENY FREIGHTLINES, INC., Winchester, Va., filed July 5, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Winchester, Va., over U.S. Highway 522 to junction Pennsylvania Highway 126, near Warfordsburg, Pa., thence over Pennsylvania Highway 126 to junction with the Pennsylvania Turnpike near Breezewood, Pa., thence over Pennsylvania Turnpike to the Irwin, Pa., Interchange, thence over U.S. Highway 30 to Pittsburgh, Pa., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized the same commodities over a pertinent service route as follows: Between Winchester, Va., and Clarksburg, W. Va., over U.S. Highway 50, serving all intermediate points, and the off-route point of Grafton, W. Va.; between Clarksburg, W. Va., and Pittsburgh, Pa., over U.S. Highway 19, serving all intermediate points and the off-route points of Oakmont, and Glenfield, Pa.

No. MC-1324 (Deviation No. 1), HICKS EXPRESS, INC., 201-225 North Franklintown Road, Baltimore, Md., filed June 1, 1960. Donald E. Freeman, Uniontown Road, Box 24, Westminster, Maryland. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 13 and 422 in Philadelphia, Pa., over U.S. Highway 422 and the Tacony-Palmyra Bridge to New Jersey Highway 73, thence over New Jersey Highway 73 to its junction with U.S. Highway 130 thence over U.S. Highway 130 to its junction with U.S. Highway 40, thence over U.S. Highway 40 and the Delaware Memorial Bridge to the junction of U.S. Highways 40 and 13, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Philadelphia over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and return over the same route.

No. MC-2202 (Deviation No. 9), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed July 5, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 224 and Interstate Highway 71 near Lodi, Ohio, over Interstate Highway 71 to its junction with U.S. Highway 36, thence over U.S. Highway 36 to Delaware, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Akron, Ohio over U.S. Highway 224 to its junction with U.S. Highway 42 thence over U.S. Highway 42 to Delaware, Ohio.

No. MC-2401 (Deviation No. 1), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind., filed June 30, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Illinois Highway 1 to Paris, Ill., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago over Illinois Highway 49 to Kansas, Ill., thence over Illinois Highway 16 to Paris, Ill., and return over the same route.

No. MC-2589 (Deviation No. 2) C. A. B. Y. TRANSPORTATION COMPANY, 3212 St. Clair Avenue, Cleveland 14, Ohio, filed June 27, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the New York-Pennsylvania State line (New York Thruway Interchange No. 61 near Ripley, N.Y.) over Interstate Highway 90 to Cleveland, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that a carrier is presently authorized to operate to transport the same commodities over pertinent service routes as follows: From Cleveland over U.S. Highway 20 via Ashtabula and Conneaut, Ohio, to Erie, Pa., thence over Pennsylvania Highway 5 to the Pennsylvania-New York State line; from Cleveland over Ohio Highway 283 to Painesville, Ohio, thence over Ohio Highway 44 to junction of Ohio Highway 84, thence over Ohio Highway 84 to Ashtabula, Ohio, and return over the same routes.

No. MC-3420 (Deviation No. 1), MOTOR EXPRESS, INC., 410 Lincoln Building, Cleveland, Ohio, filed June 16, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over the New York Thruway and Interstate Highway 90 to a point south of Painesville, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service as follows: From Buffalo over U.S. Highway 20 to Painesville and return.

No. MC-77477 (Deviation No. 2), ATLANTIC FREIGHT LINES, INC., P.O. Box 32, Uniontown, Pa., filed July 6, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: Between Buffalo, N.Y., and Cleveland, Ohio, over Interstate Highway 90, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland over Ohio Highway 283 to junction Ohio Highway 640, thence over Ohio Highway 640 to Willoughby, Ohio, thence over U.S. Highway 20 to Kirtland Hills, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 534, thence over Ohio Highway 534 to Geneva, Ohio, thence over Ohio Highway 20 to Silver Creek, N.Y., thence over U.S. Highway 5 to Buffalo, N.Y.

No. MC-106456 (Deviation No. 2), SUPER SERVICE MOTOR FREIGHT CO., Pessler Lane, Nashville, Tenn., filed July 8, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over the deviation route as follows: From Lebanon, Tenn., over Tennessee Highway 26 to its junction with U.S. Highway 70S to Crossville, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: From Lebanon over U.S. Highway 70N and to Crossville and return.

MOTOR CARRIERS OF PASSENGERS

No. MC-3866 (Deviation No. 2) EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa., filed June 24, 1960. Attorney Robert H. Maurer, Box 432, Harrisburg, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers* over a deviation route as follows: From junction of Pennsylvania Highway 29 and U.S. Highway 209 over U.S. Highway 209 to junction with the Northeastern Extension, Pennsylvania Turnpike, at Interchange No. 34 (Mahoning Valley), thence over Northeastern Extension, Pennsylvania Turnpike, to junction Pennsylvania Turnpike at Interchange No. 25 (Norristown), thence over Pennsylvania Turnpike to junction U.S. Highway 611 at Interchange No. 27 (Willow Grove), and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From junction of Pennsylvania Highway 29 and U.S. Highway 209, over Pennsylvania Highway 29 to junction Pennsylvania Highway 45, thence over Pennsylvania Highway 45 to junction Pennsylvania 145; and from junction Pennsylvania Highways 45 and 145 over Pennsylvania Highway 145 to Allentown, Pa., thence over U.S. Highway 309 to Quakertown, Pa., thence over Pennsylvania Highway 313 to junction U.S. Highway 611, north of Doylestown, Pa., thence over U.S. Highway 611 to junction Pennsylvania Turnpike; and return over the same routes.

No. MC-3680 (Deviation No. 1), LAKE SHORE SYSTEM, 714 East Broad Street, Columbus 15, Ohio, filed July 1, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *passengers and their baggage*, and *express, newspapers*, and *mail* in the same vehicles with passengers, over a deviation route as follows: From Steubenville, Ohio, via city streets to U.S. Highway 22, thence over U.S. Highway 22 to junction with West Virginia Highway 2, thence over West Virginia Highway 2 to Wheeling, W. Va., and return over the same serving

no intermediate points, as an alternate route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Steubenville, Ohio over Ohio Highway 7 to Bridgeport, Ohio, thence over U.S. Highway 40 to Wheeling, W. Va., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6966; Filed, July 26, 1960; 8:47 a.m.]

[Notice 284]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 22, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 360), filed July 13, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis and semi-trailer chassis*, other than those designed to be drawn by passenger automobile, in initial movements by truckaway and driveaway service, from Mattoon, Ill. and points within five miles thereof, to all points in the United States, including Alaska but excluding Hawaii.

HEARING: September 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 52657 (Sub No. 593), filed July 13, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 S. Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, in initial movements, in truckaway and driveaway service, from Mattoon, Ill., to all points in the United States, including Alaska and Hawaii. (B) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers moving in initial movements, in driveaway service as described in (A), from Mattoon, Ill., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Hawaii, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia. (C) *Construction equipment, forestry and road maintenance and harvesting vehicles, with or without attachments such as loader, plow, grader, and dozer attachments*, (attachments not limited to those specified), from Mattoon, Ill., to all points in the United States, including Alaska and Hawaii.

HEARING: September 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 69116 (Sub No. 55), (CORRECTION), filed July 15, 1960, published in the FEDERAL REGISTER issue of July 20, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the J. I. Case Company, located approximately one mile north of the junction of Minnesota Highways 55 and 49, as an off-route point in connection with applicant's presently authorized regular route operations to and from St. Paul and Minneapolis, Minn.

NOTE: The purpose of this correction is to show applicant's correct number as shown above. Previous publication showed applicant's docket number as No. MC 69166, in error.

HEARING: Remains as assigned July 28, 1960, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 107002 (Sub No. 156), filed June 24, 1960. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the plant site of the Tamak Gas Products Company at or near West Memphis, Ark., to points in Mississippi, Alabama, Georgia, Tennessee, Kentucky, Missouri, and points in that part of Indiana on and south of U.S. Highway 40, extending from the Ohio-Indiana State line to Indianapolis, and points on and south of U.S. Highway 36 from Indianapolis and extending to the Indiana-Illinois State line, points in that part of Illinois on and south of U.S. Highway 36.

HEARING: September 21, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 107403 (Sub No. 310), filed July 5, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Toledo, Ohio to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Pennsylvania (except Philadelphia), West Virginia, and Wisconsin.

NOTE: Applicant holds contract carrier authority in Permit No. MC 117637 and Subs thereunder. Dual operations under section 210 may be involved.

HEARING: September 20, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 108446 (Sub No. 22), filed June 14, 1960. Applicant: FISCHBACH TRUCKING CO., 921 Sherman Street, Akron, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed or dealt in by rubber or rubber products manufacturers, *including materials and supplies* incidental to the conduct of such businesses, between the plant site of the B. F. Goodrich Co. at Woodburn, Ind., on U.S. Highway 24 in Allen County, Ind., on the one hand, and, on the other, points in Ohio, Kentucky, Michigan, Illinois, Massachusetts, Connecticut, Rhode Island, New Jersey, those in New York on and east of a line extending in a southerly direction along the St. Lawrence River to Alexandria Bay, N.Y., thence along New York Highway 12 to Binghamton, and thence along U.S. Highway 11 to the New York-Pennsylvania State line, those in Pennsylvania on and south of U.S. Highway 22 and on and east of U.S. Highway 11, and Clarksville, Tenn., and St. Louis, Mo.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108446 (Sub No. 17).

HEARING: September 21, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 108984 (Sub No. 8), filed July 5, 1960. Applicant: C. L. DeLONG TRUCKING, INC., Willis Street, Box 98, Bedford, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, liquid, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Forest and Warren Counties, Pa.

HEARING: September 21, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Edith H. Cockrill.

No. MC 110012 (Sub No. 7), (REPUBLICATION), filed November 7, 1958, published in the FEDERAL REGISTER, issue of March 4, 1959. Applicant: G. B. C., INCORPORATED, Morristown, Tenn. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. By application filed November 7, 1958, as amended, applicant sought a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, as described in Appendix II to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, crated and uncrated, from Morristown, Tenn., to points in Arkansas, Iowa, Kansas, Louisiana, Nebraska, and Texas, *materials and supplies* used in the manufacture of new furniture, which materials and supplies were specifically described, for example, burlap, cord and twine, electric motors, fibre, etc., between specified cities in numerous states to Morristown, Tenn. The application as originally filed and noticed in the previous publication of the FEDERAL REGISTER did not seek authority to transport returned shipments of new furniture, on return movements, however, at the hearing, the Examiner allowed an amendment to include the transportation of returned shipments of new furniture to Morristown, Tenn., from points in various states named below. A report and order of Division 1, decided June 24, 1960, and served July 11, 1960, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *New furniture* as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273, crated, uncrated, and wrapped, from Morristown, Tenn., to points in Arkansas, Iowa, Kansas, Louisiana, Nebraska, and Texas, and (2) *returned shipments of new furniture* on return to Morristown, Tenn., from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Any person or persons who may have been prejudiced by the allowance of the amendment above listed, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 111785 (Sub No. 10), filed July 1, 1960. Applicant: FRED C. BURNS, doing business as BURNS MOTOR FREIGHT, 1005 Third Avenue, Marlinton, W. Va. Applicant's attorney: Donald E. Cross, Watkins & Rea, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Nicholas and Clay Counties, W. Va., to points in Maryland, Pennsylvania, Ohio, New Jersey, New York, and Virginia. (2) *Tanning materials* and *supplies*, from Erie, Pa., Syracuse, N.Y., and Everett, Mass., to points in Pocahontas County, W. Va.

HEARING: September 21, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Crieher.

No. MC 112020 (Sub No. 99) (AMENDMENT), filed May 13, 1960, published in the FEDERAL REGISTER, issue of June 29, 1960. Applicant: COMMERCIAL OIL TRANSPORT, a Corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* and *animal fats, products and blends* thereof, in bulk, in tank vehicles, between the Kansas City, Kans.-Mo., and the St. Louis, Mo. Commercial Zones, as defined by the Commission, on the one hand, and, on the other, points in Arkansas, Missouri, Illinois, Tennessee, Oklahoma, Kansas, Nebraska, Iowa, Louisiana, and Texas.

NOTE: Applicant indicates it is controlled and owned by the same stockholders who control and own Commercial Oil Transport of Oklahoma, Inc., an Oklahoma Corporation.

HEARING: Remains as assigned September 23, 1960, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 113267 (Sub No. 23) (CORRECTION), filed May 9, 1960, published in the FEDERAL REGISTER issue of July 13, 1960. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris, Caseyville, Ill. Applicant's representative: Frederick H. Figge, 410 O'Farrell Street, Collinsville, Ill. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground Mica*, in bulk, and in bags, between Kings Mountain, N.C., Erwin and Greenville, Tenn., and points within five (5) miles thereof, on the one hand, and, on the other, Heflin, Ala.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 60122 (Sub No. 38), therefore, dual operations may be involved. The purpose of this republication is to show the correct address of applicant's representative.

HEARING: Remains as assigned September 20, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Donald R. Sutherland.

No. MC 113336 (Sub No. 40), filed July 8, 1960. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in tank vehicles, from Fayetteville and Wilmington, N.C. to points in North Carolina, South Carolina, Georgia, Florida, Tennessee and Virginia.

HEARING: October 7, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Donald R. Sutherland.

No. MC 116793 (Sub No. 3) (REPUBLICATION), filed June 9, 1960, published in the FEDERAL REGISTER issue of June 29, 1960. Applicant: EDGAR T. VILLA, doing business as VILLA TRANSPORTATION CO., 187 Saranac Avenue, Buffalo, N.Y. Applicant's attorney: Israel Rumizen, 910-912 Walbridge Building, Buffalo 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, including *cottage cheese, cream cheese, butter*, and *pasteurized cheese products*, and *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, between Buffalo, N.Y., and Scranton, Philadelphia, Altoona and Pittsburgh, Pa., Akron, Cleveland, Columbus, and Youngstown, Ohio, Worcester, Springfield, and Boston, Mass., and New Haven, Conn.

NOTE: The purpose of this republication is to include Columbus, Ohio, inadvertently omitted from the original application.

HEARING: Remains as assigned September 30, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Warren C. White.

No. MC 117206 (Sub No. 2), filed July 14, 1960. Applicant: NATIONAL TRUCKING COMPANY, a Corporation, 709 Talleyrand Avenue, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles, automobile chassis, trucks, truck chassis, semitrailers* and *buses*, in initial and secondary movements, in driveaway and truckaway service, between points in Florida.

NOTE: Any duplicating authority will be eliminated.

HEARING: September 19, 1960, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidman.

No. MC 118318 (Sub No. 1), filed November 30, 1959. Applicant: GREENWOOD'S GARAGE, INCORPORATED, 1150 East North Avenue, Baltimore, Md. Applicant's attorney: William J. Little, Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, abandoned, stolen or repossessed motor vehicles*, by driveaway, towaway, or wrecker truck, between points in Maryland and the District of Columbia, on the one hand, and, on the other, points in the United States, except points in Hawaii and Alaska.

HEARING: September 22, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 202), filed July 1, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Public Service Coordinated Transport, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over

regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, within Madison Township, Middlesex County, N.J., as follows: (1) From junction of New Jersey Highway 18 and County Road 527 at the Old Bridge Traffic Circle, over New Jersey Highway 18 (new alignment) to the junction of U.S. Highway 9, and return over the same route, serving all intermediate points. (2) From junction of New Jersey Highway 18 and County Road 527 at the Old Bridge Traffic Circle, over County Road 516 to the junction of U.S. Highway 9, and return over the same route, serving all intermediate points. (3) From junction U.S. Highway 9 and Throckmorton Lane, over Throckmorton Lane to Gaub Road, thence over Gaub Road to junction County Road 516, and return over the same route, serving all intermediate points.

HEARING: September 16, 1960, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 59915 (Sub No. 39), filed June 20, 1960. Applicant: LINCOLN TRANSIT CO., INC., U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers*, in the same vehicle with passengers, in Madison Township, Middlesex County, N.J., as follows: (1) From the junction of New Jersey Highway 18 and County Road 527 at the Old Bridge Traffic Circle over New Jersey Highway 18 to the junction of U.S. Highway 9, and return over the same route, serving all intermediate points. (2) From the junction of New Jersey Highway 18 and County Road 527 at the Old Bridge Traffic Circle over County Road 516 to the junction of U.S. Highway 9, and return over the same route, serving all intermediate points.

HEARING: September 19, 1960, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

Applications Set for Pre-Hearing Conference

The following applications are set for pre-hearing conference on August 3, 1960, at the Baker Hotel, Dallas, Texas, before Examiner James C. Cheseldine. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application including the submission of the supporting and opposing shipper testimony by verified statement; (2) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their Fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 4405 (Sub No. 362), filed July 21, 1960. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, other than pipelines used for the transmission of natural gas or petroleum, their products and by-products, from Memphis, Tenn., to West Memphis, Ark., and from West Memphis, Ark., to points in Mississippi. RESTRICTION: The applicant will not combine the authority specified above with other certificated authority so as to provide through service from, to, or between points other than those specified above. Between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana. Between points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Applicant states that the purpose of this application is to obtain authority to transport the involved commodities in connection with all types of pipelines, not limited to those for the transmission of natural gas, petroleum or their products and by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipelines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought. Applicant further states it proposes to operate between all points in the above territory traversing the gateways required to be observed in its present operations.

No. MC 25518 (Sub No. 15), filed July 18, 1960. Applicant: JOHN BUNNING TRANSFER COMPANY, INC., Rialto Theatre Building, Rock Springs, Wyo. Applicant's attorneys: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines including the stringing and picking up thereof, other than pipe lines, used for the transmission of natural as, petroleum or their products and by-products, between points in Alaska, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE: Applicant states the purpose of the application is to obtain authority to transport the involved commodities in connection with all types of pipe lines, not limited to those for the transmission of natural gas, petroleum, or their products or by-products. Applicant presently holds appropriate authority to transport the involved commodities in connection with pipe lines used for the transmission of natural gas, petroleum or their products and by-products. No extension of territorial authority is sought.

No. MC 71920 (Sub No. 2), filed July 21, 1960. Applicant: PROGRESSIVE TRANSPORTATION CO., a Corporation, 1911 So. Santa Fe Avenue, Compton, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof of all kinds of pipe, between points in California, Arizona, Nevada, Utah, Wyoming, Idaho, Washington, Oregon, New Mexico, Montana, and Colorado.

Applications in Which Handling Without Oral Handling is Requested

MOTOR CARRIERS OF PROPERTY

No. MC 33973 (Sub No. 2), filed July 13, 1960. Applicant: C. W. ANDERSON, INC., R.D. No. 1, Darlington, Pa. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal and clay*, in bulk, from Darlington, Pa., and 10 miles thereof, to points in Ohio and Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

No. MC 57435 (Sub No. 5), filed July 11, 1960. Applicant: LOUISIANA, ARKANSAS & TEXAS TRANSPORTATION COMPANY, a Corporation, 4601 Blanchard Road, Shreveport, La. Applicant's attorney: W. E. Davis, General Solicitor, The Kansas City Southern Railway Company, Law Department, 114 West 11th Street, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (without exceptions)*, between junction of Louisiana Highways 1 and 970, also junction of Louisiana Highways 1 and 418, and site of Old River Lock Project near Torras, La. (1) From junction of Louisiana Highway 1 (formerly Louisiana Highway 30) with Louisiana Highway 970, over Louisiana Highway 970 to junction with Louisiana Highway 418, thence over Louisiana Highway 418 to junction with unnumbered highway, thence over unnumbered highway to site of Old River Lock Project, serving the intermediate point of Keller, La. (2) From Simmesport, La., over Louisiana Highway 1 (formerly Louisiana Highway 30) to junction with Louisiana Highway 418, thence over Louisiana Highway 418 to junction with unnumbered highway, thence over unnumbered highway to site of Old River Lock Project. (3) Return over either of said routes.

NOTE: Applicant states it is a wholly owned subsidiary of Louisiana & Arkansas Railway. Common control may be involved.

No. MC 61403 (Sub No. 55), filed July 15, 1960. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Greensboro, N.C., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

No. MC 66562 (Sub No. 1700), filed July 13, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities including Classes A and B explosives*, moving in express service, serving Hartford, Ky., as an off-route point in connection with applicant's authorized regular-route operations between Louisville and Fulton, Ky., under Certificate issued in No. MC 66562 (Sub No. 1432), subject to the restrictions set forth therein.

No. MC 66562 (Sub No. 1703), filed July 18, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office—219 East 42d Street, New York 17, N.Y. Local Office—Room 11, Express Annex, Union Station, Kansas City 8, Mo. Applicant's attorneys: Slovacek and Galiani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Pittsburg, Kans., and Miami, Okla., from Pittsburg north over U.S. Highway 69 to junction Kansas Highway 57, thence west over Kansas Highway 57 to Girard, thence south over Kansas Highway 7 to Cherokee and Columbus, Kans., thence south over U.S. Highway 69 to Miami, Okla., thence north over U.S. Highway 66 to Baxter Springs, Kans., continuing north over U.S. Highway 66 to junction Kansas Highway 26, thence north over Kansas Highway 26 to junction U.S. Highway 69, thence north over U.S. Highway 69 to Pittsburg, serving the intermediate points of Girard, Cherokee, Columbus and Baxter Springs, Kans. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on through express receipts, covering, in addition to motor carrier movement by applicant an immediate prior or an immediate subsequent movement by air or rail service.

NOTE: Applicant states it does not propose to institute any new service to any point not heretofore served by it nor to extend its previous service, but proposes only to change the method or mode whereby such service is rendered.

No. MC 107496 (Sub No. 168), filed July 15, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Mercer County, Mo.

NOTE: Common control may be involved.

No. MC 111812 (Sub No. 105), filed July 18, 1960. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses* as defined in Subdivisions A, B, and C of Appendix I of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fremont, Nebr., and Mitchell, S. Dak., to Austin, Minn.

No. MC 114897 (Sub No. 26), filed July 11, 1960. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador, Las Cruces, N. Mex. Applicant's representative: J. P. Rose, General Traffic Manager, Whitfield Tank Lines, Inc., P.O. Box 5345, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish*, in bulk, in tank vehicles, from Los Angeles, Calif. to Albuquerque, N. Mex., and *refused or rejected shipments* of varnish on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 (Sub No. 59), filed July 11, 1960. Applicant: TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Applicant's attorney: Warren A. Goff, 315 Continental Avenue, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and express, newspapers and baggage of passeners* in the same vehicle with passengers, from El Paso, Tex., to Santa Fe, N. Mex.; from El Paso, over U.S. Interstate Highway 10 to Las Cruces, N. Mex., thence over U.S. Interstate Highway 25 to Santa Fe, N. Mex., via Albuquerque, N. Mex., and return over the same route, serving no intermediate points.

Notice of the Filing of Petitions

No. MC 54430 and No. MC 54430 (Sub No. 2), (PETITION FOR MODIFICATION OF RESTRICTION), filed July 7, 1960. Petitioner: MARCELL'S MOTOR EXPRESS, INC., Burlington, Vt. Petitioner's attorneys: J. Boone Wilson and Douglas C. Pierson, 178 Main Street, Burlington, Vt., and Paul Coyle, 5631 Utah Avenue NW., Washington 15, D.C. Certificate No. MC 54430 issued October 5, 1955, in the first territorial description, authorizes the transportation of general commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Burlington, Vt., and New York, N.Y., serving all intermediate points between Burlington, Vt., and the Vermont-New York State line, the off-route points of Essex Junction and Fort Ethan Allen, Vt., and those in Vermont within 25 miles of Rutland, restricted to traffic moving to or from New York and New Jersey points; and Albany, Amsterdam, Garden City, Kingston, Port Chester, Troy and White Plains, N.Y., Belleville, East Rutherford, Garfield, Irvington, Newark, Metuchen, and Paterson, N.J., and points in the New York, N.Y., Commercial Zone as defined by the Commission restricted to traffic moving to or from Vermont points: From Burlington over U.S. Highway 7 to Rutland, Vt., thence over U.S. Highway 4 via Hudson Falls, N.Y., to junction U.S. Highway 9, and thence over U.S. Highway 9 to New York, and return over the same route. From Burlington to Hudson Falls, N.Y., as specified above, thence over New York Highway 32B to Glens Falls, N.Y., thence over U.S. Highway 9 to Albany, N.Y., thence over U.S. Highway 9W to Newburgh, N.Y., thence over New York Highway 32 to Harriman, N.Y., thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to Jersey City, N.J., and thence across the Hudson River to New York, and return over the same route. As noted the transportation is "restricted to traffic moving to or from New York and New Jersey points". Petitioner prays that the subject restriction be modified to read: "Restricted to traffic moving to or from New York and New Jersey points but not restricted to traffic moving to or from points in the New England States," and prays that the petition be assigned for hearing to give petitioner an opportunity to prove that the proposed modification is required by the present and future public convenience and necessity. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 109210 (Sub No. 112), (PETITION FOR CHANGE IN CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), dated July 7, 1960. Petitioner: CRANEL B. HERNDON, doing business as CRANEL B. HERNDON TRUCK TRANSPORTATION, P.O. Box 605, Hampton, S.C. By Certificate issued September 15, 1950, petitioner was authorized to transport wrapping paper, from Franklin, Va., to Hampton, S.C. Sometime ago the shipper found it more advantageous or more proper to describe the material as lower rated wood pulpboard, fibre content consisting of not less than 80 percent wood pulp. This change in wording was for freight classification purposes only. The actual material that is being shipped is still the same and identical grade and type of saturating Kraft Paper as that which was formally described as wrapping paper. Petitioner prays that the Commission grant a change in wording in that portion of the certificate to the

following new description: "*Kraft paper, asphalting or wood pulpboard fibre conduit consisting of not less than 60% wood pulp*, from Franklin, Va., to Hampton, S.C. Any persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

NOTICE OF THE FILING OF PETITION AND ASSIGNMENT FOR PRE-HEARING CONFERENCE

No. MC 97916 (Sub-Nos. 3, 9, 13, and 14), (PETITION), filed June 9, 1960. Petitioner: THE NEW YORK CENTRAL RAILROAD COMPANY, 466 Lexington Avenue, New York 17, N.Y. Petitioner's Attorneys: Robert D. Brooks and Kenneth H. Landmark (same address as Petitioner). By this petition petitioner seeks reconsideration and modification of its certificates in the above-numbered proceedings by the elimination of the key point restrictions at Peoria, Kankakee, Danville, Matoon, Cairo, and Lawrenceville, Ill., Terre Haute, Lafayette, Elkhart, Evansville, Anderson and Greensburg, Ind., Dayton-Farmersville, Springfield, Bellefontaine, Columbus, Galion, Sandusky, Bryan, Ansonia, and Greenville, Ohio, Erie and Lock Haven, Pa., Adrian, Niles, and Jackson, Mich., Rochester, Utica, Chatham and Kingston, N.Y., Springfield and Worcester, Mass., and Jersey City, N.J., which would enable petitioner to subordinate its highway service to rail merchandise service of the New York Central Railroad (which is not now possible), and to provide via highways paralleling the lines of said railroad, those services which present-day volume does not permit to be performed efficiently and economically in rail cars. Petitioner requests handling of the petition without oral hearing. Any party desiring a copy of the petition and the accompanying verified statement of George M. Cleandy may obtain same by appropriate request to Mr. Kenneth H. Landmark, 466 Lexington Avenue, New York 17, N.Y.

PRE-HEARING CONFERENCE: September 6, 1960, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., Examiner Frank R. Saltsman presiding. It is contemplated that petitioner will make available to all parties at or prior to such pre-hearing conference an outline of the testimony to be presented by its witnesses and of the exhibits it expects to submit. The following matters will be discussed: (1) The issues generally, with a view to their stratification and possible simplification. (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of the petition. (3) The interests of opposing carriers and others as a guide to the parties as to the number of public witnesses to be presented and the place or places most convenient for their presentation. (4) The time required for the presentation by both petitioner and opposing parties, and the time and place of such hearing or hearings, if any, as may be necessary. (5) Any other matter by which the handling of the petition may be expedited, or the Commission's handling of the petition may be aided.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7593. Authority sought by HALL'S MOTOR TRANSIT COMPANY, Fifth and Vine Streets, Box 738, Sunbury, Pa., to control and merge the operating rights and property of BUCH EXPRESS, INC., 2800 Paxton Street, Harrisburg, Pa., and to control the operating rights and property of BINGAMAN MOTOR EXPRESS CO., INC., 2800 Paxton Street, Harrisburg, Pa., and for acquisition by JOHN N. HALL and GERALD N. HALL, both of 1151 South 21st Street, Harrisburg, Pa., W. LEROY HALL, 300 West Willow Street, Carlisle, Pa., and J. DUFF GEORGE, 1039 Northwest Street, Carlisle, Pa., of control of such rights and property through the transaction. Applicants' attorneys: John E. Fullerton, 1151 South 21st Street, Harrisburg, Pa., and Homer S. Carpenter, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over regular routes, between Harrisburg, Pa., and New York, N.Y., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, between Hamburg, Pa., and Philadelphia, Pa., between Millersburg, Pa., and Lemoyne, Pa., between Schuylkill Haven, Pa., and Harrisburg, Pa., between Lewistown, Pa., and Duncannon, Pa., and between York, Pa., and Frederick and Williamsport, Md., and Reading, Pa., serving certain intermediate points; *grocery store supplies*, between Baltimore, Md., and York, Pa., and from York, Pa., to Lebanon, Pa., serving certain intermediate points; *macaroni*, from Lebanon, Pa., to Baltimore, Md., serving the intermediate point of Harrisburg, Pa., restricted to pick-up only; *bedding*, from Baltimore, Md., to Hershey, Pa., serving no intermediate points; *general commodities*, except those of unusual value, and except dangerous explosives, sand, gravel, earth, stone, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between points in Harford County, Md., on the one hand, and, on the other, points in Pennsylvania north and west of U.S. Highway 1, within 60 miles of Bel Air, Md.; *general commodities*, excepting, among others, household goods and commodities in bulk, between Baltimore, Md., on the one hand, and, on the other, points in Harford County, Md., except points on U.S. Highway 1 and 40 and except Edgewood Arsenal and Aberdeen Proving Grounds, Md., between New York, N.Y., and Jersey City, N.J., on the one hand, and, on the other, points in Westchester, Nassau, and Suffolk Counties, N.Y., between certain points in New Jersey, on the one hand, and, on the other, points in Pennsylvania along U.S. Highway 1 and within 10 miles of said highway, including Philadelphia, Pa., and Camden, N.J., and from certain points in New Jersey to certain points in Pennsylvania; *household goods* as defined by the Commission, and general commodities, except those of unusual value, dangerous explosives, commodities in bulk, and those requiring special equipment, between points in the WASHINGTON, D.C., COMMERCIAL ZONE, as defined by the Commission, and between points in the WASHINGTON, D.C., COMMERCIAL ZONE, as defined by the Commission, on the one hand, and, on the other, certain points in Maryland and Virginia, with the restriction that building materials may not be transported from Washington, D.C., to Baltimore, Md., points in Fairfax, Loudoun, and Prince William Counties, Va., and those in Anne Arundel, Prince Georges, Calvert, Charles, St. Marys, Baltimore, Montgomery and Howard Counties, Md.; *canned goods*, from Baltimore, Md., and points within 50 miles of Baltimore, to certain points in Pennsylvania; *grocery store supplies and bedding*, from Baltimore, Md., to certain points in Pennsylvania; *chains*, from York, Pa., to Wilmington, Del.; *leather and leather goods*, from Williamsport, Md., to Binghamton and Rochester, N.Y., and Philadelphia, Pa.; *paper and paper products*, from York Haven, Pa., to Hagerstown, Md.; *rubber heels, soles*, and *materials* used in the manufacture of heels and soles, between Hagerstown, Md., on the one hand, and, on the other, Binghamton, N.Y., and between Gettysburg, Pa., on the one hand, and, on the other, Winchester, Va., Binghamton, N.Y., Dansville, and Rochester, N.Y., and Hagerstown and Westminster, Md.; *fresh meats*, from Royalton, Pa., to Utica, Binghamton, Waterford, Cohoes, and Albany, N.Y. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Reading, Pa., and New York, N.Y. (restricted against movements of traffic between Reading, Pa., and points within five miles thereof, on the one hand, and, on the other, points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, those in New York within the New York, N.Y., Commercial Zone, as defined by the Commission, and those in New Jersey within ten miles of the city limits of New York, N.Y., except traffic moving in foreign commerce destined to, or originating at, points in Canada), between Reading, Pa., and the boundary of the United States and Canada near Niagara Falls, N.Y. (restricted to traffic destined to or originating at points in Canada), and between Reading, Pa., and the boundary of the United States and Canada near Rouses Point, N.Y. (restricted to traffic destined to or originating at points in Canada), serving certain intermediate and off-route points; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958, which amended section 203(b)(6) of the Act, viz *frozen vegetables*, from Seabrook, N.J., to the port of entry on the boundary between the United States and Canada at or near Niagara Falls, N.Y., and from Seabrook, N.J., to the boundary of the United States and Canada near Rouses Point, N.Y., with one alternate route for operating convenience only. HALL'S MOTOR TRANSIT COMPANY is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Ohio, Connecticut, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7594. Authority sought for purchase by LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 917 Stewart Street, P.O. Box 1472, Las Vegas, Nev., of the operating rights of THERON W. DRANEY, doing business as TAHOE STAGES, Box 3, Crystal Bay, Nev. Applicants' attorney: Wm. J. Crowell, P.O. Box 1000, Carson City, Nev. Operating rights sought to be transferred: *Passengers and their baggage, express* and *newspapers*, in the same vehicle with passengers, during the season extending from June 1 to September 30 of each year, as a *common carrier* over a regular route between Reno, Nev., and Tahoe City, Calif., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in Arizona, Nevada, and California. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6987; Filed, July 26, 1960; 8:47 a.m.]

[Notice 353]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 22, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62566. By order of July 19, 1960, Division 4, Acting as an Appellate Division, approved the transfer to Harman and Myers, Inc., Williamsport, Pa., of Certificates Nos. MC 107375 and MC 107375 Sub 3, issued June 16, 1950 and December 9, 1952, respectively, to Donald B. McChesney, doing business as Clinton Delivery Service, Lock Haven, Pa., authorizing the transportation of: General commodities, between Lock Haven, Pa., and Woolrich and Farrandsville, Pa., over specified routes, serving the intermediate and off-route points of McElhattan, Queens Run, and Ferney, Pa., as restricted; packing-house products from Lock Haven, Pa., to points within 40 miles of Lock Haven; and paper mill engraving rolls, between Lock Haven, Pa., on the one hand, and, on the other, Newark, N.J., and Waterbury, Conn. Raymond A. Thistle, Jr., 811 Lewis Tower Building, Philadelphia, Pa., for applicants.

No. MC-FC 62568. By order of July 19, 1960, Division 4, Acting as an Appellate Division, approved the transfer to Harman and Myers, Inc., Williamsport, Pa., of Certificates Nos. MC 107543, MC 107543 Sub 5, and MC 107543 Sub 6, issued October 28, 1949, February 28, 1950, and February 16, 1951, respectively, to Joseph M. Myers, doing business as Harman and Myers Express, Williamsport, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from New York, N.Y., to Williamsport, Pa., and points within 15 miles of Williamsport; hot-house supplies, from Elizabeth, N.J., to Muncy, Pa.; machinery, chair frames, glass, popcorn and wooden doors, from Williamsport, Pa., and points within 15 miles of Williamsport, to New York, N.Y.; oleomargarine, prepared mustard, table sauces, pickles, salad dressings, edible vegetable oils, in containers, lard substitutes, vegetable stearine, and cooking oils, in containers, from Bayonne, N.J., to Williamsport, Pa.; malt beverages, in bottles, in cases, from Williamsport, Pa., to Buffalo, Rochester, Elmira, Plattsburg, Watertown, Olean, Binghamton, Schenectady, Watervliet, North Troy, South Troy, Mechanicsville, Utica, Green Island, Glens Falls and Saratoga, N.Y., Baltimore, Md., and Washington, D.C.; rake handles, shovel handles, and beetle trap stakes, from Picture Rocks, Lycoming County, Pa., to New York, N.Y., and East Rutherford, Jersey City, Newark and Passaic, N.J.; new furniture and such commodities as are used or useful in the manufacture thereof, between Williamsport, Picture Rocks, and Montgomery, Pa., on the one hand, and, on the other, Chicago and Cicero, Ill., Baltimore, Md., Washington, D.C., Cincinnati, Toledo, Youngstown and Cleveland, Ohio, and points in New York and New Jersey; household goods, between Williamsport, Pa., and points within 15 miles thereof, on the one hand, and, on the other, points in New York and New Jersey; machinery, between Muncy, Pa., on the one hand, and, on the other, New York, N.Y., and points in Hudson, Bergen, Essex, Union and Middlesex Counties, N.J.; household goods, between points in New Jersey, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Ohio, Michigan, and Indiana; household goods, between Jersey Shore, Pa., and points within 15 miles of Jersey Shore, on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Virginia, Delaware, West Virginia, Ohio, North Carolina, and the District of Columbia. Raymond A. Thistle, Jr., 811 Lewis Tower Building, Philadelphia, Pa., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6988; Filed, July 26, 1960; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 21, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36417: *Lumber—Between points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3288), for interested rail carriers. Rates on lumber and related articles, in carloads between points in southern territory, also Helena, West Helena, West Memphis, Ark., Ohio River crossing, border points in official territory, St. Louis, Mo., and intermediate points in Illinois and Indiana located on southern lines.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

FSA No. 36418: *Substituted service—PRR and NYNH&H for Spector Freight System, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 143), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Detroit, Mich., and New Haven, Conn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-179.

FSA No. 36419: *Substituted service—C&NW for Acme Carriers, Inc.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 144), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Council Bluffs, Iowa and Chicago, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-179.

FSA No. 36420: *Substituted service—PRR for Liberty Motor Freight Lines, Incorporated.* Filed by The Eastern Central Motor Carriers Association, Inc.,

Agent (No. 145), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Columbus, Ohio, and Ft. Wayne, Ind., on the one hand, and Baltimore, Md., Kearny, N.J., Harrisburg, and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-179.

FSA No. 36421: *Substituted service—C&O and LV for Daniels Motor Freight, Inc., et al.*, Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 146), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Detroit, and Saginaw, Mich., on the one hand, and Jersey City, N.J., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-179.

FSA No. 36422: *Substituted service—C&O and PRR for Houff Transfer, Incorporated.*, Filed by The Central Motor Carriers Association, Inc., Agent (No. 147), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Charleston, W. Va., and Baltimore, Md., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-179.

FSA No. 36423: *Substituted service—Wabash, et al., for Chicago Express, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 148), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Decatur and East St. Louis, Ill., on the one hand, and East Cambridge, Holyoke, and Worcester, Mass., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-179.

FSA No. 36424: *Substituted service—Wabash, et al., for Chicago Express, Inc., et al.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 149), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Decatur and East St. Louis, Ill., on the one hand, and Boston, Springfield and Worcester, Mass., Hartford and New Haven, Conn., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 2 to Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-179.

AGGREGATE OF INTERMEDIATES

FSA No. 36416: *Passenger fares in the United States.* Filed by A. J. Winkler, Agent (No. A-9), for interested rail carriers. Rates involving basic first-class fares and basic coach fares for the transportation of persons between points in the East and between points in the East, on the one hand, and points in the United States, except the East, on the other.

Grounds for relief: Maintenance of through one-factor fares in excess of lower combinations of intermediate fares, due to method of disposition of fractions in proposed increased fares.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6926; Filed, July 25, 1960; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 22, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36425: *Phosphate rock—Tennessee to Illinois territory.* Filed by O. W. South, Jr., Agent (SFA No. A3990), for interested rail carriers. Rates on phosphate rock, as described in the application, in carloads from producing points in Tennessee to points in Illinois Territory.

Grounds for relief: Market competition.

Tariff: Supplement 58 to Southern Freight Association tariff I.C.C. 1386.

FSA No. 36426: *Calcium carbide residue—Woodstock, Tenn., to southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3991), for interested rail carriers. Rates on carbide of calcium residue, as described in the application, in carloads from Woodstock, Tenn., to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 134 to Southern Freight Association tariff I.C.C. 1345.

FSA No. 36427: *Joint rail-motor rates—Within the southwest.* Filed by J. D. Hughett, Agent (No. 27), for interested carriers. Rates on various commodities, moving on class or commodity rates, loaded in highway trailers of the motor line over the highways, thence transported on railroad flat cars of the railroad between points in the southwest, and between points in the southwest on the one hand, and Memphis, Tenn., Vicksburg and Natchez, Miss., Baton Rouge and New Orleans, La., on the other.

Grounds for relief: Rail-truck competition.

Tariffs: Southwestern Motor Freight Bureau tariff MF-I.C.C. 314 and seven other motor-carrier tariffs named in the application.

FSA No. 36428: *Glycols—From Geismar, La., to Clinton, Iowa.* Filed by O. W. South, Jr., Agent (SFA No. A3993), for interested rail carriers. Rates on ethylene glycol and propylene glycol, in tank-car loads from Geismar, La., to Clinton, Iowa.

Grounds for relief: Market competition.

Tariff: Supplement 257 to Southern Freight Association tariff I.C.C. 400.

FSA No. 36429: *Soda ash—Baton Rouge, La., to Memphis, Tenn.* Filed by O. W. South, Jr., Agent (No. A3994), for interested rail carriers. Rates on soda ash, in carloads, from Baton Rouge and North Baton Rouge, La., to Memphis, Tenn.

Grounds for relief: Barge competition.

Tariff: Supplement 152 to Southern Freight Association tariff I.C.C. 452 (Marque series).

FSA No. 36430: *Substituted service—L&N for Wilson Truck Company, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 32), for interested carriers. Rates on property loaded in trailers and transported in railroad flat cars (1) between Evansville, Ind., on the one hand, and Atlanta, Ga., Chattanooga and Nashville, Tenn., on the other, (2) between Nashville, Tenn., one the one hand, and Atlanta, Ga., and Chattanooga, Tenn., on the other, and (3) between Chattanooga, Tenn., and Atlanta, Ga.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 10 to Southern Motor Carriers Rate Conference, tariff I.C.C. 33, MF-I.C.C. 1071.

FSA No. 36431: *Substituted service—L&N for Johnson Freight Lines, Company, Inc.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 33), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Atlanta, Ga., and Nashville, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 10 to Southern Motor Carriers Rate Conference, tariff I.C.C. 33, MF-I.C.C. 1071.

FSA No. 36432: *Newsprint paper—Tenn., and Ala., to Fort Lauderdale, Fla.* Filed by O. W. South, Jr., Agent (SFA No. 3992), for interested rail carriers. Rates on newsprint paper, in carloads from Calhoun, Tenn., Childersburg, Coosa Pines and Mobile, Ala., to Fort Lauderdale, Fla.

Grounds for relief: Foreign water-borne competition.

Tariff: Supplement 35 to Southern Freight Association tariff I.C.C. S-46.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-6985; Filed, July 26, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky.; effective 7-19-60 to 7-18-61 (children's dresses).

Barbison of Utah, 150 West 12th North, Provo, Utah; effective 7-11-60 to 7-10-61 (ladies' lingerie).

Blue Bell, Inc., Madison, Va.; effective 7-14-60 to 7-13-61 (children's play clothing).

The Foster Co., Greenville, Ala.; effective 7-11-60 to 7-10-61 (men's and boys' rayon and cotton trousers).

Frackville Pajama Corp., Frackville, Pa.; effective 7-31-60 to 7-30-61 (men's and boys' pajamas and nightshirts).

Heath Springs Manufacturing Co., Inc., Heath Springs, S.C.; effective 7-12-60 to 7-11-61 (children's wear).

Edward Hyman Co., Prentiss, Miss.; effective 7-24-60 to 7-23-61 (doctors', technicians', etc. coats, smocks; men's pants).

Kahn Manufacturing Co., Inc., 150 North Royal Street, Mobile, Ala.; effective 7-11-60 to 7-10-61 (men's and boys' trousers).

Lanier Manufacturing Co., Easley, S.C.; effective 7-19-60 to 7-18-61 (men's and boys' sport shirts).

Oberman Manufacturing Co., Morrilton, Ark.; effective 7-16-60 to 7-15-61 (men's and boys' single pants).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa.; effective 7-15-60 to 7-14-61 (children's dresses).

Top Notch Manufacturing Co., Inc., 400 South Kansas Street, 2101 Cypress Street, El Paso, Tex.; effective 7-24-60 to 7-23-61 (men's and boys' denim overalls).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Garment Co., North Third and Division Streets, Altamont, Ill.; effective 7-11-60 to 7-10-61; 10 learners (boys' cotton trousers).

Isaacson-Carrico Manufacturing Co., 210 East First Street, El Campo, Tex.; effective 7-11-60 to 7-10-61; 10 learners (girls' underwear—woven and knit).

Lora Dress Co., 59 Blinman Street, New London, Conn.; effective 7-11-60 to 7-10-61; five learners (ladies' street dresses).

So-Rite Lingerie, Bright Building, Keyser, W. Va.; effective 7-13-60 to 7-12-61; 10 learners (ladies' pajamas and dusters).

Sullcraft Manufacturing Co., Dushore, Pa.; effective 7-8-60 to 7-7-61; 10 learners (boys' pajamas).

Terry Sportswear Co., Inc., 12 East Main Street, Glen Lyon, Pa.; effective 7-6-60 to 7-5-61; 10 learners (women's and children's blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Barbison of Utah, 150 West 12th North, Provo, Utah; effective 7-11-60 to 1-10-61; 15 learners (ladies' lingerie).

C. B. Dix, Inc., 7 Augusta Street, Greenville, S.C.; effective 7-6-60 to 1-5-61; 50 learners (dresses).

The Foster Co., Greenville, Ala.; effective 7-11-60 to 1-10-61; 100 learners (men's and boys' rayon and cotton trousers).

Lake Butler Apparel Co., Lake Butler, Fla.; effective 7-11-60 to 12-9-60; 15 learners (supplemental certificate) (men's rayon and cotton walking shorts).

Fred Ronald Manufacturing Co., North Eighth Street, Neodesha, Kans.; effective 7-11-60 to 9-30-60; 75 learners (children's shirts) (replacement certificate).

So-Rite Lingerie, Bright Building, Keyser, W. Va.; effective 7-11-60 to 1-10-61; 15 learners (ladies' pajamas and dusters).

Top Notch Manufacturing Co., Inc., 2101 Cypress Street, El Paso, Tex.; effective 8-1-60 to 1-31-61; 100 learners (men's and boys' denim overalls).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Wells Lamont Corp., Eupora, Miss.; effective 7-6-60 to 7-5-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Van Raalte Co., Inc., Franklin, N.C.; effective 7-15-60 to 7-14-61; five learners for normal labor turnover purposes (full-fashioned).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Consolidated Cigar Corp., Caguas, P.R.; effective 6-25-60 to 6-24-61; 176 learners for normal labor turnover purposes in the occupations of: (1) cigar making, packing, each for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours; (2) sorting, selecting, sizing and tying, each for a learning period of 240 hours at the rate of 65 cents an hour; (3) machine stripping, inspectors, each for a learning period of 160 hours at the rate of 65 cents an hour.

Consolidated Cigar Corp., Caguas, P.R.; effective 6-25-60 to 12-24-60; 30 learners for plant expansion purposes in the occupations of: (1) cigar making, packing, each for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours; (2) sorting, selecting, sizing and tying, each for a learning period of 240 hours at the rate of 65 cents an hour; (3) machine stripping, inspectors, each for a learning period of 160 hours at the rate of 65 cents an hour.

Dentsply Puerto Rico, Inc., Caguas, P.R.; effective 7-1-60 to 6-30-61; five learners for normal labor turnover purposes in the occupations of moulders, drillers, heater operators, carders, each for a learning period of 240 hours at the rate of 75 cents an hour (artificial teeth).

Juana Diaz Co., Inc., Juana Diaz, P.R.; effective 7-12-60 to 7-12-61; 15 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

General Enterprises, Inc., Lajas, P.R.; effective 7-1-60 to 12-31-60; 10 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (embroidery on ladies' underwear).

General Enterprises, Inc., Lajas, P.R.; effective 7-1-60 to 6-30-61; 10 learners for normal labor turnover purposes in the occupations of: (1) machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting of applique for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (embroidery on ladies' underwear).

Hannit Corp., 702 Figueroa Street, Stop 18½, Santurce, P.R.; effective 6-27-60 to 12-26-60; 40 learners for plant expansion purposes in the occupations of: (1) loopers, hand fashioning knitting machine operators each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitchers, hand sewers, pressers, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (full-fashioned sweaters and knitted shirts).

La Torre Co., Inc., Aibonito, P.R.; effective 7-5-60 to 1-4-61; 100 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 93 cents an hour for the remaining 240 hours (ladies' underwear and shoulder straps).

Rico Glove Corp., Cayey, P.R.; effective 7-1-60 to 6-30-61; 14 learners for normal labor turnover purposes in the occupation of machine sewing for a learning period of 480 hours at the rates of 97 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (fabric gloves).

San Juan Flower Co., Carolina, P.R.; effective 6-30-60 to 6-29-61; 15 learners for

normal labor turnover purposes in the occupation of plastic injection molding machine operators for a learning period of 320 hours at the rates of 84 cents an hour for the first 160 hours and 93 cents an hour for the remaining 160 hours (plastic plants and flowers).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 15th day of July 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60-6970; Filed, July 26, 1960; 8:45 a.m.]

Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 26, Parts 222–299	$1.75
Title 32A	$0.65
Titles 40–41, Revised	$0.70
Title 44, Revised	$3.25
General Index	$1.00

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

CUMULATIVE CODIFICATION GUIDE—JULY

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PART II

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 25 NUMBER 145

Washington, Wednesday, July 27, 1960

Frozen Desserts; Definitions and Standards of Identity

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket Nos. 34, 34(a)]

PART 20—FROZEN DESSERTS; DEFINITIONS AND STANDARDS OF IDENTITY

Ice Cream, Ice Milk, Frozen Custard, Sherbet, Water Ices, and Related Foods; Order Establishing Standards of Identity

In the matter of fixing and establishing definitions and standards of identity for ice cream, frozen custard, ice milk, sherbet, water ices, and related foods:

After due notices published in the FEDERAL REGISTER, public hearings were held in the above-entitled matter in 1942, 1951, and 1952. Based upon evidence received at these hearings, the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare, published on March 26, 1958 (23 F.R. 1991) proposed findings of fact, conclusions, and proposed identity standards for these foods. After consideration of the exceptions and written arguments received, some of which were adopted in whole or in part and some of which were rejected, as is shown by marginal notations on the exceptions on file in the office of the Hearing Clerk, the Commissioner, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371 (e)), and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 5611), and on the basis of reliable, probative, and substantial evidence in the whole record, orders the promulgation of the following findings of fact, conclusions, and definitions and standards of identity for the subject foods.

FINDINGS OF FACT[1]

1. Ice cream is the common and usual name of the frozen food made from cream or a mixture of milk and cream, or from a combination of dairy products, with or without water, having substantially an equivalent composition. The food is sweetened with sugar or other suitable sweetening agent and may contain natural or artificial flavoring or other food ingredients, such as cocoa, fruit, and nuts, to characterize it as a kind of ice cream. It may contain small amounts of added salt as seasoning. Substances described in later findings and often referred to as stabilizers are usually added to prevent formation of large ice crystals. Artificial coloring and certain other optional ingredients may be added. (R. 42–46, 82, 231–232, 397, 430, 528–529, 688, 800, 4834)

2. The usual household practice of preparing ice cream is to prepare it from sweet cream or a mixture of sweet milk and sweet cream. However, a large proportion of commercially produced ice cream is prepared from various dairy products, with or without water, so combined that in composition the mixture closely resembles cream or a mixture of milk and cream (see finding 3). When prepared for freezing, the sweetened dairy ingredient (with other ingredients used and with or without the addition of flavoring or other characterizing ingredient) is known in the trade as ice cream mix. Certain characterizing ingredients such as fruit may be, and frequently are, added while the mix is being frozen. (R. 230–233, 402, 671–672, 699, 1049, 2252, 5236)

3. Milk and cream are composed of certain proportions of water, milk fat, and other constituents commonly referred to as nonfat milk solids or serum solids. The nonfat milk solids include proteins, milk sugar, various minerals, and certain water-soluble vitamins. The dairy products other than milk and cream (referred to in finding 2) that are used and are suitable for use in making commercial ice cream contain milk fat or nonfat milk solids or both in varying proportions and may also contain added sweetening agents. Such dairy products are dried cream, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed whole milk, dried milk, skim milk, concentrated (evaporated or condensed) skim milk, superheated condensed skim milk, sweetened condensed skim milk (including sweetened condensed part skim milk), nonfat dry milk, liquid or condensed or dried sweet cream buttermilk (see findings 6), butter and butter oil. (Cream includes plastic cream and a so-called concentrated milk fat; butter oil includes milk fat prepared from milk, cream, or butter.) Combinations of two or more of these products may be used. Water is added if necessary. To produce the properties associated by consumers with ice cream, the proportions of the various products used in such combinations are so adjusted that the finished ice cream mix contains substantial amounts of both milk fat and nonfat milk solids. In recent years the proportion of nonfat milk solids to milk fat in ice cream has been generally increased, as compared with the proportion naturally present in cream or mixtures of cream and milk previously used as the dairy ingredient. The most important and expensive single constituent of ice cream, however, is milk fat, and ice cream cannot be made without a substantial proportion of this constituent. There is no evidence that any milk or milk product other than cow's milk or a cow's milk product is used in making ice cream. (R. 44, 46, 50, 402, 440, 532–533, 564, 696–697, 721–728, 732, 786, 1101, 4422, 5204, 5482–5491, 5909–5910, 5967, 5969, 6189, 6198, 6241, 6386, 6502–6504, 6913–6933, 6994–7013)

4. The fat of milk is sometimes separated from milk or from butter by processes that free it almost entirely from moisture and nonfat milk solids. Such fat from butter is usually referred to as butter oil. When prepared directly from milk or cream it may also be called dry butter or dry butterfat. Butter oil is the name commonly used to designate milk fat prepared from butter by processes which eliminate moisture and nonfat milk solids almost completely. Such a product can be prepared directly from milk or cream. (R. 5908, 5968, 6241, 6386, 6422, 6503, 6917, 6933, 7010–7013, 7445–7446, 9754)

5. A proposal was made to recognize as an optional ingredient of ice cream a product prepared from skim milk by the following process: The acidity of the skim milk is adjusted to about 0.06 percent. Then water is removed until the solids content reaches about 20 percent. To this concentrated skim milk a lactic acid starter is added, and the mixture is held at 70°–72° F. until the acidity reaches 1.5 percent. It is then spray-dried. No satisfactory explanation was given of how a product of such high acidity could be used in ice cream making without causing the mix to curdle during pasteurization, unless the cultured skim milk powder were to be used in an ice cream mix that was neutralized. In experimental batches of ice cream that were neutralized the use of the cultured product was said to offer a means of producing a distinctive culture flavor in ice cream. It cannot be concluded that these manipulations are necessary or desirable or that the use of such a product would promote honesty and fair dealing in the interest of consumers. The abuses that might arise from neutralization of ice cream mixes are described in finding 37. (R. 7158–7180, 7210–7243)

6. Sweet cream buttermilk, in liquid or condensed or dried form, has substantially the same composition as the corresponding form of skim milk. Careful selection and handling of the product sold as sweet cream buttermilk are necessary to avoid some degree of souring. To be suitable for use in ice cream, the product is made from cream churned when it is fresh and sweet. No starter or neutralizer is used, and the resulting buttermilk is promptly used or is promptly evaporated or dried while it is still sweet. Such buttermilk, or the concentrated or dried product mixed with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. While there was evidence concerning the desirability of limiting the total bacteria count, this is impracticable at this time. (R. 276–277, 406, 626–628, 660–661, 989, 994, 1513–1514, 1517–1519, 1520–1530, 1532–1535, 1539–1546, 1548–1555, 1562–1563, 1570–1585, 1592–1606, 1607–1615, 1620–1622, 3064, 5469–5473, 5512–5527, 7023–7066, 10619–10623)

7. The tendency in recent years to use increasing amounts of nonfat milk solids in ice cream (see finding 3) has had the effect of improving the texture and, when the fat content is held at the same level, of enhancing the nutritive value of the ice cream. Lactose (milk sugar) constitutes about half or slightly more of the nonfat milk solids. It has a limited solubility in cold water, and when the nonfat milk solids of ice cream are raised to about 12 percent or above, the lactose tends to crystallize if the ice cream is held in storage. These crystals impart an undesirable grittiness known in the trade as sandiness. In order to incorporate larger amounts of nonfat milk constituents without danger of sandiness, several processes have been proposed. (R. 491–499, 668, 681–684, 906, 1819, 1844)

8. A product was proposed from which some of the lactose is removed from sweetened condensed skim milk by crystallization. The resulting product differs from sweetened condensed skim milk only in that it has a lower lactose content. It is a suitable ingredient for ice cream. (R. 491–499, 684)

9. Another product with less lactose proposed as an optional ingredient derived from skim milk is prepared by separating the casein from skim milk by the addition of a gum. Usually, calcium chloride is also added. The precipitated mass is collected and dried. The final product contains casein, gum, some calcium chloride if this salt is used to aid precipitation, and a part of the soluble constituents of the skim milk. The method of preparing this product also results in a very considerable loss of the vitamins and minerals of the original skim milk. Optional use of this product as an ingredient added to, but not in substitution for, required milk solids would help avoid sandiness and furnish some of the desired effects claimed for this ingredient. (R. 686–686, 728–729, 916, 1627–1650, 2206)

10. Other partially "delactosed" products were proposed as optional ingredients. These consisted of concentrated skim milks to which various enzymes had been added to hydrolyze the lactose in part to the more soluble sugars glucose and galactose. No exact description nor identification of the enzymes was furnished. It was stated that the enzyme was obtained by separating active enzymatic material from media prepared from milk and corn products on which a lactose-splitting yeast had been grown. Several yeasts are known to be capable of forming enzymes that hydrolyze lactose. Some are reported to form toxic products. The proponents of the recognition, as an optional ingredient of ice cream, of milk or skim milk treated with an enzyme prepared from a special lactose-splitting yeast did not name the yeast they used, as they considered this fact a trade secret. They did name a number of yeasts and implied that the yeast used was one of these. Feeding tests were reported on milk preparations in which the lactose had been in part hydrolyzed by an enzyme preparation from an unidentified yeast.

This testimony does not adequately identify the proposed optional ingredients. Accordingly, it is impossible to determine that their inclusion in ice cream would promote the interest of the consumer. (R. 6958–6989, 9405–9408, 15376–15397, 15412–15430, 21088–21140)

11. A number of products were offered as optional ingredients in ice cream which also fall in the category of casein compounds derived from the manipulation of skim milk. They were advocated to increase the solids content of ice cream without danger of sandiness. These caseinates were said to be prepared by the following basic procedure: The casein of skim milk is coagulated by the addition of an acid, usually hydrochloric, or by methods described in findings 8 and 9. The coagulated casein is separated from the other solids of the skim milk and is then treated with alkalizing reagents to yield products designated in the testimony as sodium caseinates, calcium caseinates, potassium caseinates, and ammonium caseinates. Excess alkali is washed out, and the resulting product is usually dried. These products consist mostly of casein or a compound of casein and the alkali used. They are suitable ingredients for addition to ice cream already having 20 percent total solids furnished by unaltered dairy ingredients. (R. 686–687, 927–932, 1640–1641, 2200, 7091–7098, 9351–9353, 9364–9399, 15600–15657, 15664–15668, 15677–15700)

12. The caseinates referred to in the previous findings of fact are derived by considerable manipulation of skim milk. Such manipulation leads to a product different from unaltered dairy ingredients. In the methods of preparation practically all the lactose and much of the minerals and vitamins present in skim milk are removed. To this extent, the expected nutritive value of the ice cream would be lessened if the caseinates were permitted to be substituted for the dairy ingredients. Witnesses who testified in the hearings said that the caseinates could be used in addition to the nonfat milk solids for the purpose of increasing the total solids content of ice cream without danger of sandiness. The use of sodium caseinate in ice cream is reported to result in a "wet ice cream" (see finding 38). The main use of caseinates has been as ingredients of special types of mixes, sold under trade names, for the preparation of some special types of frozen dessert. There is no need to manipulate the casein of milk for the commercial production of ice cream. Most of the caseinates are seldom used in the commercial preparation of ice cream. There was no evidence to justify the conclusion that substitution of these caseinates for the nonfat milk solids is in the interest of consumers of commercial ice cream. There is no justification for considering the caseinates as milk solids. The testimony does indicate that the caseinates may serve some useful purpose in increasing the protein value of ice cream if they are added to the permitted total milk solids. Use of such products in substitution for the nonfat milk solids of ice cream would not be in the interest of the consumer, but where these products are added to an ice cream mix already containing not less than 20 percent total milk solids, such ice cream could contain more solids without sandiness and would permit the attainment of the desirable qualities attributed to high-solids ice cream. (R. 7091–7098, 7645–7646, 9351–9353, 9364–9399, 11302–11303, 15600–15657, 15664–15668, 15677–15700)

13. There was testimony proposing as an optional ingredient a product said to be effective in combating sandiness in ice cream when high total solids are present. The testimony referred to this product sometimes as base-exchange treated milk and sometimes as ion-exchange treated milk. The precise treatment encompassed by either of these terms is not clear from the record, although mention was made of passage through sodium aluminum silicate as one method of preparation. There are other ion-exchange reagents the effects of which on milk were not discussed. No testimony was given proposing any limitation on what ion-exchange reagents might be used in preparing the proposed ingredient. In the one process discussed, approximately 20 percent of the calcium in the milk is replaced with sodium, approximately 20 percent of the phosphorus is also removed, and the acidity is reduced. It is not known what effects other ion-exchange reagents might produce in the milk. Lactose crystallization or sandiness in ice cream containing more than 12 percent of nonfat milk solids is claimed to be less likely when base-exchange treated milk is used. Evidence used to support this contention by the witnesses may be interpreted differently. Substantial testimony had been previously offered by other witnesses that sandiness occurs with high levels of serum solids and may be prevented by adding ingredients in which the lactose content has been lowered. The so-called base- or ion-exchange treated milk has had no lactose removed. The use of such milk is also claimed to improve whipping properties of the ice cream mix. Such a product has been used in widely sold ice cream mix concentrates for preparing a frozen dessert in home refrigerators, but it is doubtful that such a product would be of significant advantage to an ice cream manufacturer.

Neither the substitution of sodium for calcium nor the partial elimination of phosphorus will promote the interests of consumers of ice cream. The evidence does not show that the only effects on the milk are the exchange of sodium for calcium, reduction of phosphorus, and reduction of acidity. It is not established that use of base-exchange or ion-exchange treated milk will promote the interests of the consumers. (R. 7091–7106, 9351–9353, 9373, 9449–9461, Ex. 90)

14. A milk protein product proposed as an optional ingredient was referred to in the testimony as "solubilized whole milk protein." This product is essentially sodium caseinate with some of the

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

minor protein fractions of the skim milk. The product is prepared by adding milk alkalizing ingredients to skim milk and heating the mixture. Hydrochloric acid is added in an amount sufficient to effect precipitation of the protein fractions. Alkali is then added to the precipitated curd to adjust the pH to approximately 6.8 or 6.7. The product is spray-dried. The resultant powder is said to have extensive water-holding properties. The product appears to be essentially a caseinate and may properly be classed as an optional ingredient for addition to ice cream mix containing not less than 20 percent total milk solids. (R. 6447–6459, 15660–15657, 15664–15668, 15677–15700) (R. 54–55, 237, 248, 400, 844, 1152, 3032; OP Ex. 2)

19. Various artificial food flavorings are also widely used to modify or characterize the flavor of ice cream. They may be added as such or as components of other ingredients. When so used that they do not create a misleading impression as to the presence of a natural ingredient or be prescribed as an optional ingredient, artificial food flavorings are suitable ingredients of ice cream. Consumers quite generally prefer natural over artificial flavorings and desire to know when artificial flavorings are present in ice cream. To the extent that accurate information can be conveyed to consumers by labeling on ice cream, label statements of the use of artificial flavorings are in the consumer's interest. Labels that comply with the requirements of the general provisions of the Federal Food, Drug, and Cosmetic Act are "artificially flavored." "artificial flavoring added," with added artificial flavoring," or, if the artificial flavoring is not added as such but as a component of some other ingredient, "the statement "_____ artificially flavored," the blank being filled in with the name of such other ingredient. (R. 85–86, 416, 426–429, 1248, 1362–1384, 1391–1394, 1401–1402, 1963–1965, 1982, 1997, 2011–2012, 2903, 5095–5099, 5254, 21324–21326, 21371–21374; Ex. 413)

20. The kind of ice cream now produced in greatest quantity has a flavor derived from one or a combination of the substances vanilla beans (which are the tract of vanilla beans (which are the sources of the flavoring recognized by consumers as "vanilla"), and from artificial flavoring substances such as synthetically produced vanillin, which simulate vanilla flavor. Persons interested in the vanilla bean industry advocated that standards for ice cream should prescribe the type of flavor used and that for the food with the specified name "vanilla ice cream" the standard should require that only natural flavor from vanilla beans could be used. The notices of the hearing and the Commissioner of the evidence as submitted by other persons support establishing a standard for the food "ice cream" and standards for each of the many specific kinds of ice cream. Aside from being inadequately supported by the record, regulations setting separate specific standards for the different kinds of ice cream would be more complex and restrictive than a standard listing the characterizing ingredients and flavorings as optional ingredients. The purpose sought to be served by prescribing the flavoring ingredients was the prevention of misleading labeling. It is concluded that a preferable way to achieve this purpose, and one which will promote honesty and fair dealing in the interest of consumers, is to provide, in designating artificial flavoring for label declaration, that where the label names the food as "vanilla ice cream" or "vanilla flavored ice cream" no artificial flavoring is used, and to provide further that in any ice cream where both natural and artificial flavors are used, any representation made on the label that the ice cream contains natural flavoring shall be accompanied immediately and conspicuously by labeling to show that artificial flavoring is also used. (R. 84–85, 237, 538, 540, 1364, 1395, 4451–4452, 4469, 4462–4466, 4468, 4471, 4473, 4479, 4511–4513, 4517, 4521, 4527, 4532–4536, 4552–4553, 4566, 4576, 4587–4591, 4650, 4656, 4661, 4681–4683, 4688, 4710, 4713, 4728, 4730, 4756, 4782, 4789, 4801, 4912–4913, 4916–4917, 4943, 4952, 4971, 4980, 5092–5094, 11101–11119, 11122–11129, 11131, 11137, 15288, 15306, 15319, 15323; Ex. 228–232, 310)

21. Chocolate, various kinds of cocoa, the unpulverized residual material prepared by removing part of the fat from ground cacao beans, or mixtures of any two or more of these substances are used as characterizing ingredients of a kind of ice cream. These cacao ingredients may be added to the ice cream mix as added, with the same allowance for sugar added to the coconut ingredient as with other sweetened fruits. The use of coconut should be subject to the same minimum requirements for milk fat in the fruit ice cream as are required in the case of other fruits. (R. 11176–11266)

25. Substantial quantities of fruit must be added to ice cream to impart the definite fruit characteristics expected by consumers in a fruit type of ice cream. However, the evidence is insufficient to establish numerical minima for the content of the various fruits so used. (R. 58, 86, 188–192, 252–265, 269–271, 417–421, 1050–1059, 1091, 1097, 1105–1109, 1111–1113, 1123, 1144, 1147, 1152, 1161–1162, 1282–1286, 1304, 1330, 1365–1366; 1377, 1959–1960, 1973, 6936–6939; OPEx. 5; Govt. Ex. 8, 9, 10)

26. Properly prepared nuts are frequently used to characterize ice cream. The nuts used are sometimes roasted or cooked in butter or other food oil or fat and are sometimes preserved in a syrup. Substantial quantities of nuts must be added to ice cream to impart the definite characteristics expected by consumers in a nut-type ice cream. However, the record does not contain sufficient evidence to establish numerical minima for the contents of the various nuts so used. (R. 58–59, 86, 197, 241–242, 254–265, 271, 422–424, 545, 1060–1063, 1110, 1151, 1153, 1231–1232, 1282–1289, 1305, 1961–1963, 1978–1979, 1981, 2005, 2900, 2973–2974, 2994, 5095–5099, 5822, 5837, 5954–5955, 6193–6194; Govt. Ex. 8, 9, 10; OPEx. 5)

27. In addition to contributing sweetness, maple sugar, maple sugar, honey, brown sugar, malt syrup, dried malt syrup, malt extract in liquid or dry form, and molasses (other than blackstrap) are frequently used to characterize ice cream or modify its flavor, and are suitable for such use. A product somewhat similar to molasses but obtained in the process of refining crude sugar is known under the general term "refiner's syrup." There was evidence that some refiner's syrups are suitable for sweetening ice cream. In addition to sweetening, refiner's syrup may impart some flavor. There was no evidence that any designation of a kind of ice cream had ever contained a reference to refiner's syrup, but there is no reason to conclude that refiner's syrup cannot be used in a special type of ice cream without jeopardizing the consumer's interest. (R. 43, 243, 406, 693, 1714, 1730, 1733, 1948–1951, 5891, 6313–6375, 11306–11312, 11321–11324, 11332, 11334–11373, 15040–15103, 16114–15126, 15147–15222)

28. Malted milk is used, and is suitable for use, as a characterizing ingredient of ice cream. Although malted milk contains substantial quantities of milk solids, its use by ice cream manufacturers is solely as a characterizing ingredient and not as a source of milk fat or nonfat milk solids. (R. 894, 801–802, 936–938, 1653–1657, 11326–11327)

29. Candy, cakes, cookies, cooked cereals, and glaceed fruits also are used to characterize ice cream, and are suitable for such use. (R. 57, 59, 244–247, 424–425, 4626–4628)

30. Wines and distilled alcoholic beverages, including liqueurs, are used to characterize ice cream and are suitable for such use. (R. 59, 426–426, 1153, 1338–1343)

31. Eggs or egg yolks (liquid, frozen, or dried) are often used in small quantities in ice cream, both in the home and in commercial manufacturing plants. Their use commercially is said to facilitate whipping or the incorporation of air into the ice cream. When eggs or egg yolks are used in sufficient quantity they impart their color and flavor and create a frozen product different from ice cream and which is known as frozen custard (see finding 50). The egg ingredient should be added before the mix is pasteurized. The quantity of egg or egg yolk used in ice cream is such that the egg yolk solids in the finished ice cream are less than in frozen custard. (R. 56–58, 82, 87, 234, 397, 431–437, 691–692, 741–742, 932–936, 997–998, 4834–4836)

32. A number of different substances used in ice cream for the same general purpose may be grouped into the class commonly known to ice cream manufacturers as stabilizers. The practice of using such substances began many years ago with the addition to ice cream mix of small amounts of gelatin. Other substances were also found to be helpful in retarding the formation of large ice crystals in ice cream, particularly when the ice cream is stored for some time under conditions that cause it to undergo changes in temperature. Effects on the properties of ice cream other than retardation of ice formation can be obtained with some of the stabilizers now used. The capacity of an ice cream mix to

incorporation of any of the citrus oils found in the skin of the fruit. Most of the flavoring materials in the citrus fruits are found in the oil of the peel. The citrus oils may be recovered separately and added back to the juice to improve the flavor of the citrus juices. Addition of the citrus oils will not be suitable in excess of the amount that would have been obtained if the peel from the whole fruit had been used. Fruits are usually sweetened before addition to ice cream, and for some types of ice cream (ripple, variegated, marbleized) the fruit and sugar mixture is thickened with pectin or one of the ingredients named in finding 32. The proportion of sugars to fruits varies, but the sugar content of mixtures usually ranges from 30 percent to 50 percent of the weight of the fruit. Sometimes prepared fruits have been acidulated or are acidulated before use. Citric and ascorbic acids are suitable for the acidulation of such fruits. Ascorbic acid is sometimes used in frozen fruit to reduce discoloration due to enzymatic oxidation. (R. 57, 194–196, 415, 469, 543, 788, 1059, 1145, 1276–1284, 1364, 1957, 1966, 1973–1974, 2001, 2006, 2023, 2417, 2422–2425, 2460–2461, 2468–2472, 2490, 2503–2504, 3031, 3083–3084, 4285–4286, 4296, 4359–4360, 4393–4397, 5870–5874, 5885–5886, 5889–5891, 6637–6638, 13190–13201)

24. Coconut in several forms is used to characterize ice cream. The coconut ingredient may be shredded, comminuted, or in particles of varying sizes intermediate between shreds and the very fine particles of comminuted coconut. The shredded form of coconut is often sweetened. The comminuted form imparts a greater proportion of coconut flavor to ice cream than the other forms. On a moisture-free basis, the flesh of the coconut contains a high proportion (usually over 60 percent) of a fatty oil. When comminuted coconut is added to an ice cream mix, this fatty oil becomes commingled with the milk fat of the mix. When shredded coconut is so used, most of the coconut oil remains in the shreds. It is possible, however, by chemical analysis to estimate the quantity of coconut oil in the mixture. Coconuts are sometimes considered a fruit, and for the purpose of an ice cream standard it is reasonable to classify coconut as a fruit and permit a reduction in milk fat in proportion to the weight of coconut

variable. In some instances only male rats were used; in others there were combinations of males and females, but predominantly males. In the Kelcoloid experiments, some rats died early on the lowest level, (5 percent) fed; diarrhea was noted at times, but no attempt was made to establish whether the deaths were due to Kelcoloid or to ascertain the significance of the diarrhea. In the experimental feeding of Kelcoloid to chicks their growth was retarded at all levels used, but this was ascribed to the physical condition of the diet, without further experimental feeding using various quantities of the test substance in the diets and of diets prepared to have different consistencies. (R. 9468, 9472-9474, 9486-9489, 9514, 9803-9806, 9869-9869, 9990-10017, 10180-10182, 10214-10240; Ex. 84, 86)

34. Calcium sulfate has been used in conjunction with some stabilizers for the purpose of making ice cream stiffer, drier, and slower melting. There was considerable testimony that its use imparted desirable characteristics to ice cream drawn from counter freezers for cups, cones, and some novelties. When calcium sulfate is used it supplements the other stabilizers, and their combined weight need not exceed 0.5 percent of the weight of the finished ice cream. (R. 10428-10430, 10438-10469, 15434-15447, 15453, 15459-15463, 15469-15475, 15488, 15498, 15503-15535, 15556-15564)

35. A proposal was made that a propylene glycol solution of butylated hydroxyanisole, propyl gallate, and citric acid be permitted as an antioxidant for dairy ingredients used in ice cream, but before testimony on this substance was completed the proposal was withdrawn. (R. 21146-21287)

36. A proposal was made to make nordihydroguaiaretic acid (NDGA) and citric acid dissolved in propylene glycol optional ingredients of any of the dairy ingredients recognized in the definition and standard of identity adopted for ice cream, with limits of 0.005 percent for NDGA and 0.0025 percent for citric acid, calculated as percentages by weight of the butterfat (milk fat) content of such dairy product ingredients. The evidence indicated that in some instances where cream was frozen and stored for later use in ice cream, a type of off-flavor (referred to as oxidized flavor) developed in the cream, and that the development of this off-flavor could be prevented or retarded by adding the solution of NDGA and citric acid to the cream before freezing. Citric acid was added to have a synergistic effect on the NDGA; propylene glycol was merely a convenient solvent. It was said that sweetened condensed milk also developed oxidized off-flavors at times and that this could be prevented or retarded by the addition of NDGA to the sweetened condensed milk. There was also evidence of the development of off-flavors in fluid milk, but little connection was shown between such milk and ice cream. Although there are rather voluminous reports in the literature on the subject of so-called oxidized flavors in dairy products, there is little real proof that flavors so noted are due to oxidation.

There are definitions and standards of identity for cream and sweetened condensed milk issued under the Federal Food, Drug, and Cosmetic Act (21 CFR, Part 18), and in neither standard is NDGA, citric acid, or propylene glycol listed as an optional ingredient. To provide in the standard for ice cream that NDGA, citric acid, and propylene glycol may be added to cream and sweetened condensed milk that are later to be used in ice cream would have the effect of amending the standards for cream and sweetened condensed milk or making separate standards for these foods for use in ice cream, without following the requirements of section 701 of the Federal Food, Drug, and Cosmetic Act. There was evidence concerning the pharmacological properties of NDGA, but in view of the finding of the inadequacy of the record as a basis for amending the standards for cream and sweetened condensed milk, no findings on evidence relative to pharmacological properties of NDGA will be made. (R. 13288-13371, 15567-15598)

37. Ice cream has traditionally been made from dairy ingredients that are fresh and sweet. Consumers, from their general knowledge of the composition of ice cream, would not expect the dairy ingredients used in ice cream to be otherwise. The development of lactic acid or souring in a dairy ingredient indicates that that dairy ingredient is not fresh, and consequently is not a proper ingredient in ice cream. Testimony was offered that neutralizing small amounts of developed lactic acid in souring milk would permit this milk to be used without the processing difficulties that are apt to

ids. It was also claimed that use of this product will enhance the whipping properties and the water-holding power of the protein in ice cream mixes.

The testimony shows that these various products have all had alkalies added to them and the effects claimed for these products are the same as those claimed by other witnesses who testified about direct addition by the ice cream manufacturers of these same alkalies for neutralization. The alkalies are discussed in finding 37 and their addition to ice cream directly or in admixture with other constituents is subject to the objections expressed in that finding.

The record contains conflicting testimony on the effect of alkalinized products in preventing sandiness caused by lactose crystallization. According to the testimony of competent investigators, the addition of calcium hydroxide and disodium phosphate to ice cream mix for the prevention of sandiness is not justified. The diversity in the testimony of record is such as to make unwarranted a finding of fact that NuMix or other alkali-treated products have significant effects on the formation of lactose crystals. (R. 44, 730, 3238-3280, 3557-3570, 3605-3616, 6564-6567, 7735-7880, 12366-12400, 12412-12438, 12444-12493, 12592-12603-12608, 12666-12669; Ex. 20, 24, 97)

40. Carotene (provitamin A) was proposed by a manufacturer of this substance as an optional ingredient of ice cream for the purpose of enhancing its nutritive value. The evidence does not establish that carotene is stable and retains its potency in ice cream. It is not shown that, even if carotene retains its potency in ice cream, the quantity of vitamin A it would contribute to such diets would be of any substantial significance; nor was it shown that carotene would otherwise serve a useful purpose in ice cream. To avoid confusing and misleading consumers, the fortification of foods with vitamins should be restricted to a few staple foods that are effective carriers of the particular vitamins deficient in the diet of a significant segment of the population that regularly consumes the foods to be fortified. The quantities of carotene suggested for addition to ice cream would be of no substantial nutritional significance and would tend to mislead consumers. (R. 3550-3561, 3571-3577, 4992-5012, 5041-5046; CFRC. 180)

testimony in the record does not reveal sufficient facts to determine that the other uses of the mineral salts proposed as optional ingredients would be in the interest of consumers. (R. 624, 709-711, 745-763, 769-770, 809-822, 845-858, 869-874, 921-926, 960-977, 996-1000, 1790, 1876-1881, 2172, 2288-2296, 2496, 2520-2523, 3113-3160, 3182-3190, 3202-3205-3223, 5135, 5260-5267, 5332-5336, 5418, 5421, 5432, 6044-6045, 6121-6124, 6390-6391, 6438-6440, 6466-6473, 6482, 6484, 6498-6500, 6513-6519, 6570, 9766-9766, 12673-12712)

38. Several products have been made by adding alkalies to skim milk and concentrating the mixture or by first concentrating the skim milk and then adding the alkalies. The mixtures are dried to a powder and sold under various trade names with representations to ice cream manufacturers that use of the particular product will affect an ice cream in various desirable ways. The desirable effects claimed usually involve the adjustment of the viscosity of the mix, changing the whipping qualities, elevating the water-holding power of the protein, and increasing the quantity of nonfat milk solids in the mix without danger of sandiness.

There was testimony concerning a mixture of an alkali-treated dried skim milk and dried egg yolk, the claimed use of which would cause a change in the texture and whipping quality of the mix and permit a high overrun.

There was considerable testimony about a product sold under the trade name of Nutrimix. Witnesses for the manufacturer gave different information concerning the composition of the product. Some of the testimony indicates that skim milk is evaporated to either 40 percent or 30 percent solids, and calcium hydroxide is added to one portion of the condensed skim milk and disodium phosphate is added to a second portion. The two portions are blended into a mixture containing approximately 1 percent calcium hydroxide and 0.35 percent disodium phosphate on a dry-weight basis. The resultant mixture may be used in either liquid or spray-dried form. Sometimes magnesium hydroxide and sodium citrate may be used. The principal claim made for this product was that the likelihood of sandiness from crystallization of lactose would be reduced by using Nutrimix as an ingredient of ice cream with high nonfat milk solids. It was also claimed that use of this product will enhance the whipping properties and the water-holding power of the protein in ice cream mixes.

The testimony shows that these various products have all had alkalies added to them and the effects claimed for these products are the same as those claimed by other witnesses who testified about direct addition by the ice cream manufacturers of these same alkalies for neutralization. The alkalies are discussed in finding 37 and their addition to ice cream directly or in admixture with other constituents is subject to the objections expressed in that finding.

The record contains conflicting testimony on the effect of alkalinized products in preventing sandiness caused by lactose crystallization. According to the testimony of competent investigators, the addition of calcium hydroxide and disodium phosphate to ice cream mix for the prevention of sandiness is not justified. The diversity in the testimony of record is such as to make unwarranted a finding of fact that NuMix or other alkali-treated products have significant effects on the formation of lactose crystals. (R. 44, 730, 3238-3280, 3557-3570, 3605-3616, 6564-6567, 7735-7880, 12366-12400, 12412-12438, 12444-12493, 12592-12603-12608, 12666-12669; Ex. 20, 24, 97)

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to hold incorporated air may be affected. The viscosity of the mix and of the melted ice cream may be increased. The use of some stabilizers may produce a smoothness suggestive of richness. Deception of consumers through use of some stabilizers appears possible; but aside from suggesting that a limit be set on the quantity of stabilizer used, the record affords insufficient basis for restricting the use of stabilizers to those that affect only ice formation. A limit of not more than 0.5 percent of stabilizing substance has long been in effect in many State standards, and this limit is generally regarded by ice cream manufacturers as reasonable. In addition to using a stabilizer in the ice cream mix, a stabilizing substance, including pectin, is sometimes added separately to the fruit ingredient.[1] A limit of 0.5 percent of pectin or other stabilizer is sufficient to include this additional use.

The following substances were, at one time or another prior to the hearing held in 1942, used as stabilizers: Gelatin, sodium alginate (often referred to as algin), extract of Irish moss, Irish moss, lecithin, psyllium seed husks, agar-agar, and several gums, including gum acacia, gum karaya, locust bean gum (carob bean gum), gum tragacanth. Guar seed gum has since been used. Dextrin is often used as a carrier for such stabilizers. A substance derived from oat flour and referred to as oat gum is also apparently effective as a stabilizer. Oat flour has some stabilizing properties, but such large quantities are needed that, when used alone, it is not a satisfactory stabilizer. There was testimony that oat flour has antioxidant properties, but no need for the use of such an antioxidant in ice cream was established. Pectin may be used as a stabilizing ingredient in the fruit component of some ice cream. Since 1941, a substance prepared from cotton linters by treating them with sodium hydroxide and then reacting with monochloracetic acid has been widely used as a stabilizer. The chemical name of the substance is sodium carboxymethylcellulose. It is often referred to by the rather misleading designation "cellulose gum." Pharmacological tests of this product were reported which indicated that it passed through the body without being absorbed. (R. 45, 53, 90, 437-439, 549-551, 691, 733-741, 805-806, 824-830, 1860, 2031-2038, 2040-2047, 2067-2073, 2079-2119, 2124-2188, 2190-2192, 2202, 2206-2223, 2240-2259, 2271-2276, 2336-2339, 2374-2382, 2468, 2485-2486, 2518, 2557, 2564, 2691-2717, 2735-2763, 2781-2773, 2775-2782, 2802-2824, 2832-2873, 3053, 3203, 4888-4890, 4912, 5895-5896, 6025-6027, 6066-6076, 6224-6225, 6267-6268, 6274-6275, 6370-6386, 6388-6394, 6436-6439, 6496-6496, 6526-6535, 6542-6549, 6566-6570, 6643-6945, 7314-7317, 7558-7559, 9466-9540, 9540-9584, 9588-9607, 9618-9621, 9644-9650, 9651-9658, 9668-9723, 9746-9752, 9764-9770, 9772, 9814-9822, 9830-9831, 9833-9834, 9857-9857, 9890-9891, 10020-10053, 10079-10131, 10158-10165, 10170-10173, 10194-10203, 10208-10213, 10423-10428, 10430-10437, 10600, 10693-10715, 10730-10734, 10758-10766, 10761-10762, 10814-10829, 10831-10834, 10840-10844, 10850-10852, 10854-11007, 11053-11057, 11089-11091, 11084-11086, 15104-15114, 15127-15145, 15222-15284, 15468-15482; Ex. 90, 91)

33. Another product, developed since 1942, which was proposed as a stabilizer in ice cream, is a propylene glycol ester of alginic acid, sold under the trade name of Kelcoloid. The sodium salt of alginic acid (see finding 32, sodium alginate) was the subject of testimony at the earlier hearing held in 1942. Limited testimony at that time concerning the pharmacological properties of sodium alginate indicated that it was suitable for use in foods. Later, in 1951, reports of feeding experiments with both the sodium alginate (in preparations having the trade names Darliold and Kelgin) and the alginic acid ester of propylene glycol (sold under the trade name Kelcoloid) were introduced into this record, and there was testimony about the experiments so reported. The reports of the completed experiments show that the experimental work was carried out in such a way that it is impossible to draw from the record reliable conclusions relative to the significance of the results. For example, the number of rats used in long-term experiments was so small that calculations of average life spans of control and experimental animals may be unreliable. In the experimental feeding of the product called Kelcoloid, rats of different breeds were used in some experiments, introducing an unnecessary

[1] Although this practice may be without deception when such fruit is used in ice cream, this finding has no application to thickeners added to fruit for other uses.

41. Many kinds of ice cream are colored. When so used they do not create a misleading impression regarding the presence of a natural ingredient or the amount of a natural ingredient present, colorings are suitable ingredients of ice cream. (R. 53–54, 56, 547–548, 614, 776–778, 1021, 1102–1103, 1119–1120, 1142–1144, 1148, 1183, 1244, 1958, 1970, 1975, 1993–1998, 2507, 3028, 4331, 4335, 4345)

42. To obtain uniformity of distribution of the components of ice cream mix and to disperse the fat particles so as to produce a better texture in the finished product, it is customary to heat the ice cream mix to a temperature of not less than 145° F. or above while the mix is being stirred and then to run it through a homogenizer. (R. 43, 530, 746–747)

43. The heating prior to homogenization is normally such that it pasteurizes the mix. Pasteurization reduces the danger of milk-borne diseases and increases the keeping quality of ice cream. Pasteurization is generally recognized as an essential step in the preparation of commercial ice cream, and consumers expect the protection from milk-borne diseases afforded by pasteurization. (R. 397, 534, 745)

44. The milk fat content of ice cream has been considered an important factor in the identity of this frozen food. A sufficient quantity of milk fat is necessary to impart certain properties to ice cream that serve to differentiate ice cream from less rich frozen foods, such as ice milk and sherbets. In the period 1900–1941 each State and the District of Columbia by legislation or regulation fixed minimum limits for milk fat in ice cream. In many cases the limits in a State have been changed once or oftener, reflecting changing conditions in the ice cream industry. Just prior to the beginning of World War II, the minimum requirements for milk fat in plain ice cream in the various States and the District of Columbia were as follows:

Minimum requirement of 8 percent milk fat: District of Columbia, Missouri, Rhode Island, Texas, West Virginia.

Minimum requirement of 10 percent milk fat: Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Montana, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, Wyoming.

Minimum requirement of 12 percent milk fat: Colorado, Delaware, Idaho, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah.

Minimum requirement of 13 percent milk fat: Wisconsin.

Minimum requirement of 14 percent milk fat: Nevada, New Hampshire, Vermont.

In all States ice cream with a milk fat content higher than the minimum required by the State law are manufactured and sold. A survey made in 1947 by the International Association of Ice Cream Manufacturers indicated that ice cream manufacturers indicated that about two-thirds of the so-called vanilla ice cream (including unflavored ice cream) made in the United States had a fat content of 12 percent or over. (R. 11398–11434; Ex. 135, 135A, 136, 137, 138, 139, 182, 415; Govt. Ex. 4)

In some areas the milk fat content of the formula found most profitable is around 10 percent and in other areas as 15 percent or higher. In either case, the total milk solids content is usually 20 percent or more. Ice cream having a fat content ranging from 10 percent to about 14 percent do not vary so greatly in their richness that they are readily distinguishable from each other by merely tasting. Particularly if the commodity of the melted ice cream is increased by use of a stabilizer or heat treatment of the mix, and ice cream manufacturers depend on consumer acceptance of a liking for a particular brand from continued use. When the fat content goes about 15 percent, however, an ice cream can be readily distinguished from ice cream with a fat content of around 10 percent.

Generally, the retail price of ice creams of a fat content higher than 15 percent is definitely more than that of ice cream, except that part of finding 1 on the name "ice cream" and that part of finding 31 limiting the egg yolk solids content of ice cream, are applicable to frozen custard. It is reasonable to provide that the minimum quantity of egg yolk solids prescribed for frozen custard or french ice cream may be lowered when ingredients are used to characterize such foods, in the same manner as provided for lowering fat content in ice cream. (See page references under finding 31; also R. 528–524, 589; Govt. Ex. 4)

51. A frozen product closely resembling ice cream but containing less milk fat than ice cream is defined by the laws of several States. In 1941, the laws of 14 States defined such a product as "imitation ice cream," and 10 of these States prohibited the sale of imitation ice cream. Twelve States had laws which, among other things, defined a frozen milk product containing less milk fat than ice cream as "ice milk." These laws prescribed restrictions designed to prevent deception of purchasers through the sale of ice milk. Investigation in 1941 of local sales of ice milk showed that ice milk could be easily passed off as ice cream.

Since 1941, the sale of frozen products resembling ice cream but having

ingredient in ice milk. The Federal Food, Drug, and Cosmetic Act requires food (with exceptions not here applicable) containing artificial coloring to bear labeling stating that fact. (R. 22, 68, 76-76, 80, 851, 2508-2511, 2918-2914, 2982-2988, 3000, 3037-3039, 3088-3096, 3331-3333, 3531-3536, 3575-3583, 3700-3704, 3722-3725, 3775-3784, 3791, 3835-3836, 3900-3904, 3906-3923, 3926-3954, 3956-3969, 3970-3993, 4000-4005, 4007-4111, 4139-4140, 5141-5145, 5245-5246, 5282, 5287-5297, 5328, 5341-5350, 5473-5482, 5958, 6228-6229, 7263, 7332-7337, 7340-7418, 7462-7468, 7496, 7506-7530, 7544-7554, 7566-7578, 7616-7626, 7630, 7650, 7665-7712, 7714-7726, 7729-7734, 7882-7894, 7899-7909, 7974-8019, 8031-8065, 8080-8085, 8109-8153, 8198-8221, 8245-8246, 8260-8300, 8337-8552, 8562-8645, 8648-8762, 8786-8828, 8881-8907, 8915-8917, 8925-9070, 9075-9196, 9197-9247, 9278-9308, 9332-9337, 9666, 9740-9741, 9847-9849, 9896-9898, 10341-10346, 10617, 10637-10640, 10662-10665, 10741-10743, 10847-10849, 11947-11948, 21059-21060, 21079-21082, 21346-21348, 21429-21461, 21499-21500; Ex. 62-63, 66-70; Govt. Ex. 15, 26, 27; OPEx. 98, 99, 101, 102, 105)

52. Sherbet is a frozen food having a number of characteristics that distinguish it from ice cream. The most outstanding characteristics of ice cream, even of the fruit types, are the smoothness, texture, and richness in taste and the food values arising from a relatively high content of milk fat and nonfat milk solids; whereas, the principal characteristic of most sherbet arises from its content of fruit or fruit juice. Sherbet contains milk-constituent solids, but in quantities much less than does ice cream and these solids usually serve to impart to the frozen food no more than a slightly milky (not creamy) taste. Most States have standards or regulations limiting the milk fat and milk solids and requiring some acidity in sherbets, so as to enable consumers to distinguish sherbets from ice cream and ice milk. (R. 21-22, 69-70, 88, 398, 410, 4433, 530, 2504-2506, 4211, 4278-4279, 4834, 4914-4915, 5146-5147, 5249, 13064-13069, 13107-13112, 13159-13183, 21349-21368; Ex. 183, 184, 185, 186)

53. There are other significant differences between ice cream and sherbet. Sherbet has a tarter taste, due to its fruit content or to added acid or both; it is usually somewhat sweeter than ice cream, lower in total solids, and of somewhat coarser texture. (R. 22, 68-70, 200, 398, 530, 1991, 2834, 4196, 4198, 4212, 4221-4224, 4391-4392, 4834)

54. Small quantities of frozen foods that contain no fruit or fruit juice but that are characterized by mint, wine, chocolate, vanilla, tea, coffee, spices, ginger ale, or pistachio have at times been sold as sherbets. Some of these are asceristic tartness of sherbet. Such products can be made to resemble ice cream or ice milk; and to the extent that they are so made they tend toward deception of consumers. The name "sherbet," so generally implies a frozen food of fruity characteristics that it is likely to be misleading when applied to a nonfruity food. Such so-called sherbets containing no fruit nor fruit juice are very similar to ice milk, and it is concluded that they should comply with the standard for ice milk. (R. 73, 411-412, 4219, 4236, 4241-4244, 4249, 4297, 4304, 4834, 4914-4915, 5146-5147, 5249)

55. The findings with respect to the preparation of fruit ingredients for use in ice cream are applicable to fruit ingredients for use in sherbets. Screened or crushed tomato and rhubarb may be considered as fruits when used to characterize sherbets. The quantity of fruit used in sherbets by wholesale manufacturers varies widely. The International Association of Ice Cream Manufacturers proposed as minimum limits for fruit or fruit juice in sherbets: 2 percent including the peel, in the case of citrus sherbets; 6 percent in the case of berry sherbets; and 10 percent in the case of other sherbets. Such limits will serve some useful purposes in the consumer's interest. The International Association of Ice Cream Manufacturers also proposed that in addition to fruit there might be used in sherbets artificial fruit flavorings and natural food flavoring derived from fruit.

At present many manufacturers of sherbets add flavoring materials to enhance the flavor imparted by the actual fruit or fruit juice used. Such flavorings, if added without label declaration, are misleading to consumers who feel that sherbets should be characterized by fruit or fruit juice. The record shows that there is dissatisfaction with some sherbets the flavor of which has been described by dissatisfied consumers as "artificial." Where such flavorings are added to sherbets containing fruit or fruit juice, label statements of their use are in the consumer's interest. Except in the case of citrus fruits, where the oils in the peel are suitable for use in flavoring sherbets, the evidence does not support the conclusion that so-called natural food flavoring derived from fruit was what it purported to be. Most such flavorings contain materials derived from sources other than the fruit the name of which they bear. Use of any flavoring materials added to the fruit or fruit juice characterizing the particular sherbet should in the interest of consumers be declared on the label.

Where the flavoring material added consists in whole or in part of any artificial flavor, label statements that comply with the requirements of the general provisions of the Federal Food, Drug, and Cosmetic Act are "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or, if the artificial flavoring is not added as such but as a component of some other ingredient, the statement "_____ artificially flavored," the blank being filled in with the name of such other ingredient.

When the flavoring material added consists entirely of flavors other than artificial flavors, it will promote honesty and fair dealing in the interest of consumers for the label to bear the statement "flavoring added," "with added flavoring", or "_____ flavoring added," the blank being filled in with the name of the flavoring used. (R. 70-71, 270-271, 411, 417-418, 530, 543, 1960, 2504-2507, 3517-3518, 3081-3035, 4189-4190, 4192-4195, 4219, 4221-4222, 4246, 4261-4262, 4278-4279, 4289, 4295, 4303, 4333-4337, 4372, 4507, 5146-5147, 5917-5918, 5924-5931, 5972-5975, 6192, 6210-6223, 6243-6246, 6259-6266, 7426-7431, 9827-9828, 9840-9850, 11881-11882, 12788-12795, 12805-12876, 12904-12956; Ex. 180, 181)

56. Sherbet is frequently referred to as "milk sherbet," and this designation is used in many State laws defining the product. Some of the essential characteristics of fruit sherbet are imparted to it by its content of milk fat and nonfat milk solids. The milk-constituent solids of fruit sherbet are ordinarily obtained by adding unflavored ice cream mix, with or without cue or more of the dairy products specified in finding 3 as suitable for use in making ice cream. Sometimes milk is used alone or in combination with other dairy products. All the dairy ingredients found suitable for use in ice cream are also suitable for use in fruit sherbet, but the use of skim milk in any of its forms as the sole dairy ingredient would tend to mislead consumers. Milk solids are less important in ice cream. There was testimony that cheese whey gives sherbets certain desirable properties, enhancing the fruity characteristics, and such sherbets have been commercially distributed. Cheese whey is a suitable optional ingredient of fruit sherbet. Honesty and fair dealing in the interest of the consumer will be promoted by designating this ingredient for label declaration. Label statements that are informative to the consumer are "with added _____," the blank being filled in with the appropriate name "whey," "concentrated whey," or "dried whey." (R. 70, 72, 400-402, 440, 443A, 530, 4186-4187, 4214, 4295)

57. The quantity of milk-constituent solids necessary to characterize fruit sherbet is at least 2 percent by weight of the finished product. More than 5 percent of such solids tends to make the product resemble ice cream or ice milk, as does a quantity of milk fat above 2 percent. Maxims of not more than 5 percent total milk-constituent solids and not more than 2 percent total milk fat and minima of not less than 2 percent total milk-constituent solids and not less than 1 percent milk fat are reasonable limits to characterize fruit sherbet and to differentiate it from ice milk and water ice. (R. 440A, 4188, 4215-4217, 4236, 4261-4262, 4271-4272)

58. The sweetening agents that are used and are suitable for use in fruit sherbet are sugar, dextrose, invert sugar (as paste or sirup), corn sirup, glucose sirup, malt sirup, maltose sirup, and malt extract. The solids of such sirup and extract are also suitable for sweetening fruit sherbets. (R. 1786-1787, 1820, 1838, 1888, 1917, 1971, 4236)

60. Finding 32 is, in general, applicable to fruit sherbets, except that there is evidence indicating the use and suitability of egg white as a stabilizer for fruit sherbet. Pectin, in a quantity not more than 0.5 percent by weight, is also suitable for use for this purpose. (R. 70, 83, 439, 530, 2417, 2420-2421, 2430-2431, 2441, 2459-2460, 2478-2479, 2502, 4218, 4282-4285)

60. Most State laws defining sherbet are designed to prevent its manufacture in simulation of ice cream. One requirement of many such laws is that the acidity of the product be not less than 0.35 percent, calculated as lactic acid. The acidity of fruit sherbets averages about 0.5 percent to 0.6 percent. A minimum of 0.35 percent acidity, calculated as lactic acid, is a reasonable limit for fruit sherbet. (R. 22, 71-72, 2903-2904, 4257)

61. To reach the desired acidity, harmless acids may be added, in addition to fruit or fruit juice. Those generally used and suitable for use are citric, tartaric, lactic, and malic. Ascorbic acid is often an ingredient of the frozen fruit used. (R. 202-203, 207, 1976, 2006, 4197, 4223-4224, 4291-4292)

62. Salt and eggs or egg yolks are sometimes present in fruit sherbet as a result of the use of ice cream mix in its preparation. The quantity of egg yolk solids thus introduced is less than one-half of 1 percent. (R. 70, 400, 4211)

63. Much fruit sherbet is colored. When so used that they do not create a misleading impression as to the quantity of fruit or fruit juice present, colorings are suitable ingredients of fruit sherbet. The Federal Food, Drug, and Cosmetics Act requires food (with exceptions not here applicable) containing artificial coloring to bear labeling stating that fact. (R. 70, 1960, 2504-3506, 4200, 4211, 4261)

64. The dairy ingredient of fruit sherbet is pasteurized and may be homogenized, either before or after addition of the fruit sherbet mix. Pasteurization of the dairy ingredient separately or pasteurization of the entire mix is generally recognized as an essential step in the preparation of commercial fruit sherbet, and consumers expect the protection afforded by pasteurization. (R. 73, 214, 396, 401)

65. The normal overrun in fruit sherbet is less than in ice cream. A requirement that the weight of fruit sherbet be not less than 6 pounds per gallon is effective in preventing the excessive incorporation of air and is a reasonable limit. (R. 60, 73, 430, 4278, 4290, 4366)

66. It is concluded that the name that should be prescribed for each kind of fruit sherbet is the word "sherbet," preceded by the common or usual name of the fruit or fruits from which the fruit ingredient used is obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used. (R. 76-77, 12882-12883, 12903)

67. Most of the commercially produced water ices are characterized by their fruit flavor And are of the same composition as the correspondingly flavored commercial fruit sherbets, except that no dairy ingredient is used therein. These products are herein designated as "water ices." Some nonfruit-flavored water ices are produced, but the record contains insufficient evidence to determine what the composition and characteristics of each of such various products should be, and they are not included in the term "water ice." (R. 72-73, 398-399, 4237, 4278, 4365-4366, 21368-21374)

68. Findings 32, 55, 58, and 59 are applicable to water ices for which standards are established. (R. 72-73, 401)

69. To obtain the desired tartness, the acids specified in finding 61 are frequently used and are suitable for use in water ice. (R. 72-73, 212, 1234-1236)

70. Finding 63 and 65 are also applicable to water ice. (R. 72-73, 89, 1234, 1235)

71. The common and usual name of each kind of water ice is the word "ice" preceded by the common or usual name of the fruit or fruits from which the fruit ingredient used is obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used. (R. 72-73, 401)

72. There are other frozen foods that differ from ice cream, ice milk, fruit sherbet, and water ice. They are not sold under these names but usually are referred to collectively as "frozen confections." These "frozen confections" are distinguishable from the frozen deserts for which standards are being established on this record. Such "confections" are frozen without stirring whereas ice cream, ice milk, fruit sherbets, and water ices are all stirred while being frozen. The deserts frozen without stirring are often referred to as "quiescently frozen confections." They are not sold in bulk but are purveyed to the consumer in in-

mon of the testimony about surface-active agents referred to them by their trade names, and often such products are identical in composition, their trade names will be used here. A description of the methods of preparation and probable chemical composition of most of the substances referred to by trade names was furnished by their manufacturers. Otherwise, the composition of the various surface-active agents was unknown, and often these manufacturers have reliable information only as to the process of manufacture and not as to exact chemical identity. The methods of preparation and something of the chemical composition of various surface-active agents proposed as optional ingredients are summarized below:

Mono- and diglycerides of fat-forming fatty acids. These preparations usually consist of mixtures of monoglycerides and diglycerides and some unchanged triglycerides in about the proportion of 40 parts of monoglycerides, 40 parts of diglycerides, and 20 parts of a mixture of triglycerides in which a vegetable fat was used instead of milk fat. Such a product is usually made by heating a fatty substance such as lard or cottonseed oil (either of which may be hydrogenated) with glycerin, in the presence of a small amount of an alkali. Similar preparations containing larger proportions of the monoglycerides (sometimes as high as 90 percent) are sold under special names. Preparations containing more than 40 percent monoglycerides are usually made by a reaction between a fatty acid and glycerin. The monoglyceride is more effective as a surface-active agent than the diglyceride. (R. 6381–6383, 6385–6386, 10158, 13566–13585, 16699–16706, 16736–16756, 16777–16781)

Aldo 33. Aldo 33 is the trade name applied by Glyco Products Company to a mixture of mono- and diglycerides prepared from a reaction between hydrogenated lard and glycerin. Presumably an alkaline catalyst is used. Details of the method of preparation were not furnished. (R. 10778, 10785–10786)

S 1096. S 1096 is the trade designation applied by Glyco Products Company to a substance said to consist substantially of glyceryl monooleate. Details of the method of preparation were not furnished. (R. 10778, 10787)

S 1097. S 1097 is the trade designation applied by Glyco Products Company to a product similar to S 1096, except that it was said to contain from 4 percent to 5 percent of potassium oleate. Details of the method of preparation were not furnished. (R. 10778, 10788)

Drew Make MP. Drew Make MP is the trade name applied by E. F. Drew Company to a substance said to be a glyceride containing 1 mol of stearic acid and 3 mols of lactic acid. It was said to be made by heating under vacuum a mixture of tristearin with glycerin and lactic acid or by heating a mixture of glycerin and stearic acid and lactic acid under vacuum until all fatty acid is combined. (R. 11060–11090, 11092–11094)

Glyceryl Monostearate (Drew). This was said to be a mixture of mono- and diglycerides manufactured by the E. F. Drew Company and referred to as glyceryl monostearate. (R. 11067)

Span 60. Span 60 is the Atlas trade name for a substance prepared by a reaction, under controlled conditions, between sorbitol and commercial stearic acid. The crude product is deodorized and bleached.

Span 60 is said to consist mainly of sorbitan (sorbitol less 1 mol of water) monostearate. Upon saponification with an alkali, it will yield approximately 74 percent of fatty acids and 31 percent of polyhydric residue having a hydroxyl value in the range of 1,200 to 1,300.

Span 60 is a tan-colored, hard, waxy solid melting in the range of 49° C. to 56° C. It is insoluble in water but dispersible in warm water above its melting point. The manufacturing specifications for Span 60 are:

Acid number: 10 maximum.
Saponification number: 150–165.
Hydroxyl number: 235–255.
The water content should not be above 1 percent. There is some ash present but no data on quantity were furnished. In the bleaching process there is a small amount of mineral acid present, so that any soap that may be present is converted to fatty acid and an inorganic salt; and since this salt is insoluble in the ester, the filtration step (when used in preparing Span 60) tends to remove ash-forming substances. (R. 13837–13844, 16074)

Tween 60. Tween 60 is Atlas' trade name for a substance prepared by reaction, under controlled conditions, between sorbitol and commercial stearic acid and ethylene oxide. The ethylene oxide does not react with a Span to form a compound containing a definite number of mols of ethylene oxide, but forms a range of compounds of varying molecular weights having, on the average, for the Tween compounds with which we are concerned, compounds with about 1 mol of ethylene oxide to 1 mol of Span used. When small quantities of water are present in the Spans used for making Tweens, this water will react with ethylene oxide to form glycols, including ethylene glycol and diethylene glycol. There are probably small quantities of unreacted ethylene oxide in the crude Tween-type compound before deodorization and bleaching. This is said to be removed before steam is applied.

The polyol portions of different Tween-type compounds are not identical. The actual chemical structure of the polyols of Tween-type compounds is not known to chemists of the Atlas Powder Company. No satisfactory data concerning possible presence of ethylene glycol and diethylene glycol in Tween-type compounds were furnished.

Tween-type compounds can be separated from ice cream in an impure state and the quantity of oxyethylene determined in the products removed. This procedure would not distinguish one Tween from another or distinguish a Tween-type compound from a Myrj-type compound, which would also be removed if present, by the procedure used for separating Tweens. (R. 13846, 16078–16088, 16089–16091)

Myrj 52. Myrj 52 is Atlas' trade name for a substance prepared by a reaction, under controlled conditions, between commercial stearic acid and ethylene oxide. The reaction is planned to add 40 mols of ethylene oxide to 1 mol of stearic acid. The reaction product is deodorized with steam and bleached with hydrogen peroxide at 100° C.

Myrj 52 is a hard, brittle, waxy solid melting in the range of 42° C. to 47° C. It contains approximately 85 percent of oxyethylene units. Upon saponification with alkali it yields approximately 15 percent of fatty acid and 85 percent of polyhydric residue containing 99 percent oxyethylene and having a hydroxyl value of about 70. The manufacturing specifications for Myrj 52 call for:

Acid number: Not over 2.
Hydroxyl number: 25–45, inclusive.
Saponification number: 25–35.
Water content: Not given.

Myrj 52 contains some free fatty acid. What becomes of the unreacted ethylene oxide that may remain after termination of the reaction with stearic acid is not clear. Small amounts of ethylene glycol or diethylene glycol may get into the product from this and possibly other sources. The stearic acid used carries some impurities into the Myrj 52, including unsaponifiable matter in the fat from which the stearic acid was prepared. Although the theoretical composition of Myrj 52 calls for 40 mols of ethylene oxide, examination of an actual sample of the product indicated about 36 mols. (R. 13851, 16098, 16100, 17150–17154)

Myrj 45. Myrj 45 is the trade name applied by the Atlas Powder Company to a substance somewhat similar to Myrj 52 but containing 8 mols of ethylene oxide to 1 mol of commercial stearic acid. (R. 13967)

Emulgent 45 and 52. Emulgent 45 and 52 are trade names applied by the General Emulsifier Corporation to substances prepared for them which should be about the same products as Myrj 45 and 52. (R. 13965–13968)

E-4C3. E-4C3 is the trade designation applied by Process Chemicals Company to a substance prepared, under controlled conditions, by a reaction between polyethylene glycol 400–W and commercial stearic acid. The reaction is planned to give an end product consisting of a monostearate of the polyethylene glycol. The final products of reaction contain some uncombined reactants and impurities present in the starting materials. The testimony indicates the likelihood that the glycol used contains small quantities of ethylene glycol and diethylene glycol. The possibility that the glycol used may contain impurities consisting of products similar to aldehydes is suggested. (R. 9776–9809)

PEG 42. PEG 42 is the name applied by Glyco Products Company to a substance formed by a reaction of stearic acid with a polyethylene glycol or mixture of such glycols known by the trade name Carbowax 1500. A substance referred to as gray phosphoric acid was said to be used as a catalyst. Conditions

dividually labeled packages. A proposal was advanced that a definition and standard of identity be prescribed for these articles under the name "frozen confections." The composition and characteristics of these articles are so varied that no blanket requirements sufficiently definitive to be of substantial significance to consumers is presently practicable. (R. 552, 553, 557, 597–598, 6383, 6183)

73. There was a limited amount of testimony showing that in some parts of the country there were being sold frozen products resembling ice cream in taste and appearance but differing from ice cream in that instead of milk fat they contained a vegetable fat. Such products were designated with fanciful names. No proposal was made to include vegetable fats as optional ingredients of ice cream or to adopt a definition and standard of identity for frozen foods resembling ice cream but in which a vegetable fat was used instead of milk fat. (R. 10339–10341, 10348, 10350, 21411, 21416–21417, 21419–21428, 21497–21499)

74. Testimony at the first phase of these hearings in 1942 indicated that a recent development in the manufacture of ice cream was the addition of a surface-active agent to the stabilizing ingredient. This new ingredient was often called an emulsifier or emulsifying agent. At that time, the only combination of stabilizer and surface-active agent described was a mixture of mono- and diglycerides of fat-forming fatty acids and gelatin. No evidence explaining the effect of mono- and diglycerides alone on the properties of ice cream was presented. (R. 2118–2121, 2128–2160, 2186–2190)

75. Since 1942, there has been an increase in the number of surface-active agents used in the manufacture of ice cream. There was voluminous testimony in the later hearings in support of proposals to make surface-active agents optional ingredients. This was to the effect that the use in ice cream mix of from 0.1 to 0.2 percent of surface-active agents caused ice cream to come from the freezers in a slightly stiffer and "drier" state. The properties of ice cream to which manufacturers apply the terms "wet" and "dry" are difficult to describe and apparently difficult to measure objectively, but some objective tests designed to show the effect of surface-active agents were described and the results reported. These suggested that surface-active agents might cause the homogenization of the mix to be more effective by aiding in the division of the fat into minute particles. Some possible shortening of the time required for freezing was indicated. Surface-active agents are said to aid in producing smoother ice cream. They also are said to have an effect on the physical properties of ice milk and sherbet but not to the same extent as on the physical properties of ice cream. (R. 6027–6036, 6041–6043, 6077–6120, 6248–6249, 6382–6386, 6488–6492, 6521–6525, 6570–6584, 6586, 6888, 7317–7321, 8105–8108, 9488–9490, 9542–9544, 9563, 9591, 9598–9600, 9603, 9617–9618, 9654–9655, 9737–9738, 9758, 9771–9772, 9815–9816, 9819–9820, 9834–9835, 9854, 9858–9864, 10133–10139, 10144–10147, 10150–10152, 10166–10168, 10250–10332, 10338–10339, 10359–10368, 10384–10388, 10403–10406, 10472–10507, 10518–10535, 10559–10575, 10586–10597, 10606–10609, 10631–10637, 10655–10656, 10668–10690, 10727–10731, 10732–10734, 10744–10745, 10763, 11005–11021, 11034–11037, 11039–11043, 11057–11058, 11071–11095, 11686–11689, 16112–16125; Ex. 5, 97–104)

76. Several types of synthetically prepared surface-active agents are used in stabilizing preparations sold to ice cream manufacturers and are thus incorporated into ice cream, ice milk, sherbets, etc. A few ice cream manufacturers buy surface-active agents directly from the primary manufacturers. Mono- and diglycerides of fat-forming fatty acids were accepted as food ingredients prior to this hearing. The other surface-active agents are substances in which a commercial fatty acid is combined with a polyhydric alcohol other than glycerin. These polyhydric alcohols are synthetic substances that the human body does not utilize as food. The pharmacological properties of such surface-active agents cannot be predicted from their chemical composition, but their pharmacology into question. There was a large amount of testimony about the composition and properties of several surface-active agents manufactured by the Atlas Powder Company. Similar (if not identical) preparations are to some extent manufactured, or may at any time be manufactured, by other companies. Since

Acid number: Not over 2.
Hydroxyl number: 66–83, inclusive.
Saponification number: 44–60, inclusive.
Water content: 2½ percent to 3 percent.
(R. 13845–13847)

Spans. Span 60 and the other compounds grouped under the class name of Spans are not chemical entities but each is a mixture of several compounds. For example, Span 60 will contain some unreacted sorbitol or sorbitol anhydrides or both, some unreacted fatty acids, reaction products of catalysts and fatty acids, and esters of varying degrees of dehydration and fatty-acid content. The fatty acids will consist mainly of one acid, but appreciable amounts of related fatty acids will be present. The commercial grade fatty acids commonly used will also introduce some unsaponifiable matter from the fats from which they are prepared. There are some sorbite (sorbitol less 2 mols of water) esters as well as sorbitan esters and some dianhydrides and tri-esters. Spans contain small quantities of moisture and some ash. The ash results from neutralization of the alkaline catalysts that are not entirely removed in the manufacturing process. Spans may also contain traces of nickel used as a catalyst in preparing sorbitol. Whether Spans may at times contain some reducing sugars is not analytically clear. There is no analytical method available at the present time for accurately identifying the polyol portions of Span compounds and no method for detecting Spans in ice cream. (R. 13846, 16067, 16076–16078)

Tweens. The compounds grouped under the class designation of Tweens are not chemical entities but are mixtures of several compounds. Since they are prepared by reactions between Spans and ethylene oxide, they contain the

for controlling the reaction were not described. (R. 10795–10803)

S 1109, S 1193. S 1109 and S 1193 are designations applied by Glyco Products Company to substances said to be formed by a reaction between polyethylene glycol 400–W and glyceryl trioleate. The term "glyceryl trioleate" was used to describe an oil such as cottonseed oil or corn oil. The reaction is said to be catalyzed by a small amount of potassium hydroxide. Conditions necessary to bring about a reaction between these products were not described nor was there a satisfactory explanation of what substances are present after the reaction is completed. (R. 10780, 10799, 10804–10808)

Dri Freeze. Dri Freeze is the trade name applied by the E. F. Drew Company to a substance said to be a monoester of 400 polyoxyethylene glycol and stearic acid. The glycol and stearic acid, in definite proportions, are said to be heated together under vacuum to cause a reaction between them to take place. No description of the method for removing any impurities was given. Presumably this substance is similar to Myrj 45 in composition, if the reaction takes place as planned. (R. 11079–11080)

Analytical methods for the determination of polyhydric-alcohol emulsifiers in frozen desserts are not furnished.

77. The complex chemistry of the polyhydric-alcohol type of surface-active agents, their method of manufacture, the presence of impurities, and their relationship to substances known to be toxic all combine to draw into question the safety of these materials for use in foods so widely consumed in substantial quantities as are these frozen desserts. The voluminous record establishes that the polyhydric-alcohol type of surface-active agents are substances that are not generally recognized, among experts qualified by scientific training and experience to evaluate their safety, as having been adequately shown through scientific procedures or through experience based on common use in food to be safe for their intended use. They are "food additives," within the meaning of the food additives amendment of 1958. Before they can be used lawfully in frozen desserts, petitions must be filed to supply information required by section 409 of this amendment, and regulations will have to be established. This record does not contain the needed information and will not support the establishment of regulations or exemptions. (See findings 76 and 78 of the proposed order (23 F.R. 1991).) Petitions have been filed for polyoxyethylene (20) sorbitan monooleate and polyoxyethylene (20) sorbitan tristearate and extensions of the March 6, 1960, effective date have been granted for polyoxyethylene (20) sorbitan monooleate and polyoxyethylene (20) sorbitan tristearate, in frozen desserts (other than water ices).

78. Mono- and diglycerides of fat-forming fatty acids are known to be present in small quantities in fats and oils used for food purposes; they are formed to some extent when some foods containing triglycerides are cooked; in metabolic tests, utilizing small test animals, mono- and diglycerides appear to be metabolized and furnish approximately the same energy as triglycerides; and in the process of the human metabolism of triglycerides, mono- and diglycerides are formed, to some extent at least, from triglycerides before absorption of the triglycerides occurs.

An experiment reported by one investigator, in which rats did not do well on a diet containing a preparation said to be high in monoglyceride, was not considered by him to give an accurate indication of the properties of the monoglyceride. That the preparation fed had become rancid before use and the effects noted were due to rancidity appears possible. From the data available on the subject at the present time, mono- and diglycerides of fat-forming fatty acids appear suitable for incorporation in foods containing substantial quantities of triglycerides. (R. 13564–13585, 16678–16688, 17882–17885, 17898, 17913–17918, 17932–17933, 18017–18020, 18026–18028, 18034–18037, 18063–18066; Ex. 239, 243, 248–255, 260–264, 346, 347, 360–361, 364)

Conclusion. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to fix and establish the definitions and standards of identity hereinafter set forth for the following foods: Ice cream, frozen custard, french ice cream, french custard ice cream; ice milk; fruit sherbet; and water ices.

PART 20—FROZEN DESSERTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

20.1 Ice cream; identity; label statement of optional ingredients.

20.2 Frozen custard, french ice cream, french custard ice cream; identity; label statement of optional ingredients.

20.3 Ice milk; identity; label statement of optional ingredients.

20.4 Fruit sherbets; identity; label statement of optional ingredients.

20.5 Water ices; identity; label statement of optional ingredients.

AUTHORITY: §§ 20.1 to 20.5 issued under sec. 701, 52 Stat. 1055; 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341.

§ 20.1 Ice cream; identity; label statement of optional ingredients.

(a) Ice cream is the food prepared by freezing, while stirring, a pasteurized mix composed of one or more of the optional dairy ingredients specified in paragraph (c) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this section. One or more of the optional characterizing ingredients specified in paragraph (b) of this section and one or more of the optional ingredients specified in paragraphs (d) (5) to (10) may be used to characterize the ice cream. One or more of the optional caseinates specified in paragraph (e) and one or more of the optional ingredients specified in paragraph (f) of this section may be used, subject to the conditions hereinafter set forth. Coloring may be added. The mix may be seasoned with salt, and may be homogenized. The kind and quantity of optional dairy ingredients used, as specified in paragraph (c) of this section, and the content of milk fat and nonfat milk solids therein, are such that the weights of milk fat and total milk solids are not less than 10 percent and 20 percent, respectively, of the weight of the finished ice cream; but in no case shall the content of milk solids not fat be less than 6 percent, except that when one or more of the bulky optional ingredients as specified in paragraph (b) (3) to (8), inclusive, of this section, are used, the weights of milk fat and total milk solids (exclusive of such fat and solids in any malted milk used) are not less than 10 percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of such optional ingredients, modified as prescribed below, from the weight of the finished ice cream; but in no case is the weight of milk fat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished ice cream. The optional caseinates specified in paragraph (e) of this section are not deemed to be milk solids. In calculating the reduction of milk fat and total milk solids from the use of bulky optional ingredients, chocolate and cocoa solids used shall be considered the bulky ingredients of paragraph (b) (3) of this section. In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 1.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight multiplied by 1.4. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon. Any artificial flavoring in any chocolate, cocoa, confectionery, or other ingredient used is an optional ingredient of the finished ice cream.

(b) The optional characterizing ingredients referred to in paragraph (a) of this section are:

(1) Ground spice, ground vanilla beans, infusion of coffee or tea, or any natural food flavoring.

(2) Any artificial food flavoring.

(3) Chocolate or cocoa, which may be added as such or as a suspension in sirup, and which may contain disodium phosphate or sodium citrate in such quantity that the finished ice cream contains not more than 0.2 percent by weight of disodium phosphate or sodium citrate. For the purposes of this section, the term "cocoa" means one or any combination of two or more of the following: Cocoa, breakfast cocoa, low-fat cocoa, and the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.

(4) Mature fruit or the juice of mature fruit, either of which may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be whole, shredded, or comminuted; it may be sweetened, thickened with pectin or with one or more of the ingredients named in paragraph (f) (2) of this section, subject to the restriction on the total quantity of such substances in ice cream prescribed in that paragraph, and it may be acidulated with citric or ascorbic acid. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. In the case of fruit or fruit juice from which part of the water is removed, the substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of the citrus fruits the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juice, cold-pressed citrus oil may be added in an amount not exceeding that which would have been obtained if the peel from the whole fruit had been used. For the purposes of this section, the flesh of the coconut shall be considered a fruit.

(5) Nut meats, which may be roasted, cooked in an edible fat or oil, or preserved in sirup, and which may be salted.

(6) Malted milk.

(7) Confectionery. For the purposes of this section, the term "confectionery" means candy, cakes, cookies, and glaceed fruits.

(8) Properly prepared and cooked cereal.

(9) Any distilled alcoholic beverage, including liqueurs, or any wine, or mixtures of two or more of these.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed partskim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, and skim milk that has been concentrated and from which part of the lactose has been removed by crystallization. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk.

(d) The optional sweetening ingredients referred to in paragraph (a) of this section are:

(1) Sugar (sucrose) or sugar sirup.

(2) Dextrose.

(3) Invert sugar (in paste or sirup form).

(4) Corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.

(5) Maple sirup, maple sugar.

(6) Honey.

(7) Brown sugar.

(8) Malt sirup, maltose sirup, malt extract.

(9) Dried malt sirup, dried maltose sirup, dried malt extract.

(10) Refiner's sirup.

(11) Molasses (other than blackstrap).

(12) Lactose.

(e) The optional caseinates referred to in paragraph (a) of this section which may be added to ice cream mix containing not less than 20 percent total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali.

(f) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, and dried egg yolks. Any egg ingredient used is added to the mix before it is pasteurized. The total weight of egg yolk solids in the finished ice cream from one or a combination of two or more such ingredients is less than the minimum prescribed for frozen custard by § 20.2 of this chapter (1.4 percent).

(2) Agar-agar, algin (sodium alginate); calcium sulfate, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, Irish moss, extract of Irish moss, lecithin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient and pectin added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished ice cream. Such ingredients may be added in admixture with dextrin.

(3) Monoglycerides or diglycerides or both from the glycerolysis of edible fats. The total weight of such ingredient is not more than 0.2 percent of the weight of the finished ice cream.

(g) (1) The name of the food is "ice cream." All statements permitted or required by this section relating to principal characterizing ingredient shall appear in written or printed words of equal size and prominence as those used for the name of the food, and shall appear on the label so as to be easily read by the consumer under customary conditions of purchase.

(2) When only natural flavoring is used as the sole principal characterizing ingredient, the label shall bear, as the characterizing ingredient statement, the common or usual name of the natural flavor: e.g., "vanilla ice cream, or vanilla-flavored ice cream."

(3) When any artificial flavoring is used as the sole principal characterizing ingredient in ice cream, the label shall bear, as the characterizing ingredient statement, "artifically flavored _____," the blank being filled in with the common or usual name of the flavor simulated; e.g., "artificially flavored vanilla."

(4) When both natural and artificial flavorings are used as the principal characterizing ingredients and the natural flavor ingredient constitutes the predominent flavor of any one of the principle flavoring ingredients, the label shall bear as the characterizing ingredient statement for that ingredient the common or usual name of the natural flavoring together with the statement "and artificial _____" or "and artificial _____ flavor," the blank being filled in with the common or usual name of the flavor simulated; e.g., "vanilla and artificial vanilla flavor." Where the artificial flavoring constitutes the predominant flavor of any one of the principal flavoring ingredients, the label shall bear as the sole characterizing statement for that ingredient, "artificial _____ flavor," the blank being filled in with the common or usual name of the flavor simulated; e.g., "artificial vanilla flavor."

(5) Whenever a characterizing ingredient is used with an artificial flavor which does not simulate the principal flavor, the label shall include the statement "artificial flavor added" or "artificial _____ flavor added," the blank being filled in with the common or usual name of the flavor simulated; e.g., "chocolate, artificial flavoring added," "chocolate, artificial vanilla flavor added."

§ 20.2 Frozen custard, french ice cream, french custard ice cream; identity; label statement of optional ingredients.

Frozen custard, french ice cream, french custard ice cream conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by § 20.1, except that one or more of the optional egg ingredients permitted by § 20.1(f)(1) are used in such quantity that the total weight of egg yolk solids therein is not less than 1.4 percent of the weight of the finished frozen custard: *Provided, however*, That when the ingredients named in § 20.1(b) (3) through (8), inclusive, are used the content of egg yolk solids may be reduced in proportion to the bulky ingredient or ingredients added, under the conditions prescribed by § 20.1(a) for reduction in milk fat and total milk solids; but in no case is the content of egg yolk solids less than 1.12 percent.

§ 20.3 Ice milk; identity; label statement of optional ingredients.

Ice milk is the food prepared from the same ingredients and in the same manner prescribed in § 20.1 for ice cream and complies with all the provisions of § 20.1 (including the requirements for label statement of optional ingredients), except that:

(a) Its content of milk fat is more than 2 percent but not more than 7 percent.

(b) Its content of total milk solids is not less than 11 percent.

(c) Caseinates may be added when the content of total milk solids is not less than 11 percent.

(d) The provision for reduction in milk fat and total milk solids from the addition of bulky ingredients in § 20.1(a) does not apply.

(e) The quantity of food solids per gallon is not less than 1.3 pounds.

(f) When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored," "artificial coloring added," "with added artificial color," or "_____, an artificial color added," the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "_____ artificially colored."

(g) The name of the food is "ice milk."

(h) If both artificial color and artificial flavorings are used, the label statements may be combined.

§ 20.4 Fruit sherbets; identity; label statement of optional ingredients.

(a) Fruit sherbets are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in paragraph (b) of this section and one or more of the optional dairy ingredients specified in paragraph (c) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this section. One or more of the optional ingredients specified in paragraph (e) of this section may be used, subject to the conditions hereinafter set forth. The mix of combined dairy ingredients, with or without other ingredients, is pasteurized. The titratable acidity of the finished fruit sherbet, calculated as lactic acid, is not less than 0.35 percent. Coloring may be added. The mix with or without added water may be seasoned with salt, and may be homogenized. The optional dairy ingredients used and the content of milk fat and nonfat milk solids therein are such that the weight of milk fat is not less than 1 percent and not more than 2 percent, and the weight of total milk solids is not less than 2 percent and not more than 5 percent of the weight of the finished fruit sherbet. The optional caseinates specified in paragraph (e)(5) of this section are not deemed to be milk solids. The finished fruit sherbet weighs not less than 6 pounds to the gallon.

(b) The optional fruit characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph (e)(3) of this section, subject to the restriction on the total quantity of such substances in fruit sherbets prescribed in that paragraph. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric or ascorbic acid. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than 2 percent in the case of citrus sherbets, 6 percent in the case of berry sherbets, and 10 percent in the case of sherbets prepared with other fruits. For the purposes of this section, tomatoes and rhubarb are considered as kinds of fruit.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed after crystallization, cheese whey, concentrated cheese whey, dried cheese whey. Water may be added. The sweet cream buttermilk, concentrated sweet cream buttermilk, or dried sweet cream buttermilk, adjusted with water to a total solids content of 8.5 percent in each case, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk.

(d) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

(e) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of egg yolk solids therein is less than ½ of 1 percent of the weight of the finished fruit sherbet.

(2) Agar-agar, algin (sodium alginate), calcium sulfate, egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, Irish moss, lecithin, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished fruit sherbet. Such ingredients may be added in admixture with dextrin.

(3) Monoglycerides or diglycerides or both from the glycerolysis of edible fats. The total weight of such ingredient is not more than 0.2 percent of the weight of the finished fruit sherbet.

(4) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, or any combination of two or more of these in such quantity as seasons the finished food.

(5) Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, sodium caseinate.

(6) Any natural food flavoring.

(7) Any artificial flavoring.

(f) The name of each such fruit sherbet is "_____ sherbet," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

(g)(1) When the optional ingredients artificial coloring, artificial flavoring, or natural flavoring are used in fruit sherbet they shall be named on the labels as follows:

(i) The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "_____ an artificial color added," the blank being filled in with the name of the artificial coloring used.

(ii) The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "_____ an artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

(iii) The label shall designate natural flavoring by the statement "flavoring added," "with added flavoring," or "_____ flavoring added," the blank being filled in with the name of the flavoring used.

(iv) Whenever artificial flavoring is not added as such but as a component of some other ingredient, the label shall include the statement "_____ artificially flavored," the blank being filled in with the name of such other ingredient.

Label statements may be combined, as for example, "with added flavoring and artificial coloring."

(2) When cheese whey, concentrated cheese whey, or dried cheese whey is used in fruit sherbet the label shall bear the statement "_____ added," or "with added _____," the blank being filled in with the appropriate name "whey," "concentrated whey," or "dried whey."

(h) Where one or more of the optional ingredients artificial coloring, artificial flavoring, or natural flavoring are used and there appears on the label any representation as to the fruit or fruits in the sherbet, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in paragraph (g)(1) of this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

§ 20.5 Water ices; identity; label statement of optional ingredients.

(a) Water ices are the foods, each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in paragraph (b) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (c) of this section. One or more of the optional ingredients specified in paragraph (d) of this section may be used, subject to the conditions hereinafter set forth. The titratable acidity of the finished water ice, calculated as lactic acid, is not less than 0.35 percent. Coloring may be added. The mix, with or without added water, may be seasoned with salt, and may be homogenized. The finished water ice weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph (d)(1) of this section subject to the restriction on the total quantity of such substances in water ices prescribed in that paragraph. The fruit is prepared by the removal of pits, seeds, skins, and cores where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric or ascorbic acid. In the case of fruit or fruit juices from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that in relation to the weight of the finished water ice, the weight of fruit or fruit juice as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is not less than 2 percent in the case of citrus ices, 6 percent in the case of berry ices, and 10 percent in the case of ices prepared with other fruits.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

(d) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, Irish moss, extract of Irish moss, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient), is not more than 0.5 percent of the weight of the finished water ice. Such ingredients may be added in admixture with dextrin.

(2) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, or any combination of two or more of these in such quantity as seasons the finished food.

(3) Any natural flavoring.

(4) Any artificial flavoring.

(e) The name of each such water ice is "_____ ice," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient used is obtained. When the names of two or more fruits are included, such names shall appear in the order of predominance, if any, by weight of the respective fruit ingredients used.

(f) When the optional ingredients artificial coloring, artificial flavoring, or natural flavoring are used in water ices they shall be named on the labels as follows:

(1) The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "_____ an artificial color added," the blank being filled in with the name of the artificial coloring used.

(2) The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "_____ an artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

(3) The label shall designate natural flavoring by the statement "flavoring added," "with added flavoring," or "_____ flavoring added," the blank being filled in with the name of the flavoring used.

Label statements may be combined, as for example, "flavoring and artificial coloring added."

(g) Where one or more of the optional ingredients artificial coloring, artificial flavoring, or natural flavoring are used and there appears on the labeling any representation as to the fruit or fruits in the ice, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in paragraph (f) of this section, showing the optional ingredients used.

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements set out in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Effective date. This order shall become effective 90 days from the date of its publication in the FEDERAL REGISTER.

Dated: July 19, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-6879; Filed, July 26, 1960; 8:45 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3359

NATIONAL DAY OF PRAYER, 1960

By the President of the United States of America

A Proclamation

WHEREAS by the grace of God we live in a good land where each citizen can enjoy the blessings of liberty; and

WHEREAS our forebears did establish in this land a Nation whose law defends and whose spirit ever nourishes that liberty; and

WHEREAS the Congress, by a joint resolution approved April 17, 1952 (66 Stat. 64), sought to remind our citizens of this heritage by providing that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation":

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby set aside Wednesday, the fifth day of October 1960, as a National Day of Prayer; and I call upon my countrymen to observe it, remembering:

First, that it is not by our strength alone, nor by our own righteousness, that we have deserved the abundant gifts of our Creator;

Second, that the heritage of a faith born of hope and raised in sacrifice lays upon its heirs the high calling of being generous and responsible stewards in our own and among the kindred nations of the earth;

Third, that in this time of testing we shall ever place our trust in the keeping of God's commandments, knowing that He who has brought us here requires justice and mercy in return;

And finally, that as we lift our thankful hearts to Him, we will see clearly the vision of the world that is meant to be and set our hearts resolutely toward the achievement of it.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-7067; Filed, July 26, 1960; 2:20 p.m.]

Proclamation 3360

MODIFYING THE ARCHES NATIONAL MONUMENT, UTAH

By the President of the United States of America

A Proclamation

WHEREAS the Arches National Monument in Grand County, Utah, established by Proclamation No. 1875 of April 12, 1929, and enlarged by Proclamation No. 2312 of November 25, 1938, was reserved and set apart as an area containing extraordinary examples of wind-eroded sandstone formations and other geologic and prehistoric structures of historic and scientific interest; and

WHEREAS it appears that it would be in the public interest to add to the Arches National Monument certain contiguous lands on which outstanding geologic features of great scientific interest are situated, and certain other lands adjacent to the monument which are essential to the proper care, management, and protection of the objects of scientific interest situated on such lands and on lands now comprising a part of the monument; and

WHEREAS it appears that it would also be in the public interest to exclude from the monument certain lands in the southeast section thereof, contiguous to the Salt Wash escarpment, which are used for grazing and which have no known scenic or scientific value:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), and subject to valid existing rights, do proclaim as follows:

The lands now owned by the United States within the exterior boundaries of the following-described tracts of land are hereby added to and reserved as a part of the Arches National Monument; and lands owned by the State of Utah within such boundaries shall become and be reserved as a part of that monument upon acquisition of title thereto by the United States:

SALT LAKE MERIDIAN

T. 24 S., R. 21 E.
Sec. 2, S½;
Sec. 11, NE¼;
comprising 480 acres, more or less.

The following-described lands in the State of Utah are hereby excluded from the Arches National Monument:

SALT LAKE MERIDIAN

T. 24, S., R. 22 E.,
Sec. 17, E½, E½NW¼;
Sec. 20, NE¼, N½SE¼, SE¼SE¼;
Sec. 29, NE¼NE¼;
comprising 720 acres, more or less.

The boundaries of the Arches National Monument are modified accordingly.

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of July in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-7068; Filed, July 26, 1960; 2:20 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

Subpart B—General Compensation Rules

Subpart B is revised to read as follows:

Sec.
25.101 Scope.
25.102 Definitions.
25.103 General provisions.
25.104 Special provisions.
25.105 Special adjustments in minimum pay rate of the class.

Authority: §§ 25.101 to 25.105 issued under sec. 1101, 46 Stat. 971; 5 U.S.C. 1072.

§ 25.101 Scope.

(a) *Applicability.* This subpart applies to each officer or employee covered by the Classification Act.

(b) *Entitlement.* This subpart and the provisions of Title VIII of the Act shall be applied in fixing or adjusting rates of basic compensation of employees covered by subsection (a).

§ 25.102 Definitions.

As used in this subpart, and in making compensation adjustments upon change in type of appointment, employment status, or position of the employee, words and terms are defined as follows:

(a) "Act" or "Classification Act" means the Classification Act of 1949, as amended.

(b) "Area" is a geographical subdivision which can be described in terms of boundaries, such as the metropolitan limits of a city, the area within 20 miles of the city limits, a county, several counties, or a State.

(c) "Demotion" is the reduction of an employee while continuously employed from one Classification Act grade to a lower Classification Act grade, with or without reduction in compensation, or from a higher rate paid under authority other than the Classification Act to a lower rate within a Classification Act grade.

(d) "Existing rate of basic compensation" is the rate received immediately prior to the effective date of a transfer, promotion, repromotion, demotion, or step increase.

(e) "Higher grade" is any General Schedule grade above the last previous General Schedule grade or its equivalent held by the employee.

(f) "Highest previous rate" is the highest rate of basic compensation previously paid to a Federal civilian employee occupying a position in any branch of the Federal Government (executive, legislative, or judicial), or in the municipal government of the District of Columbia, or in a mixed ownership corporation, irrespective of whether or not such position was subject to the pay schedules of the Classification Act. An employee's highest previous rate shall be computed in accordance with § 25.103 (c).

(g) "Location" is a specific place of employment within an area, such as a particular shipyard or airbase.

(h) "New appointment" is the first appointment, regardless of the tenure of appointment, as a Federal civilian officer or employee.

(i) "Promotion" is the advancement of an employee while continuously employed from one Classification Act grade to a higher Classification Act grade, or from a lower rate paid under authority other than the Classification Act to a higher rate within a Classification Act grade.

(j) "Rate of basic compensation" means the compensation fixed by law or administrative action for the position held by an officer or employee.

(k) "Reassignment" is a change without promotion or demotion, from one position to another position, while serving continuously in the same agency.

(l) "Reemployment" is any employment including reinstatement, or any other type of appointment, after a break in Federal service of at least one full workday.

(m) "Repromotion" is the advancement of an employee while continuously employed from one Classification Act grade to a higher Classification Act grade formerly held by the employee or to a higher intermediate grade, or from a lower rate paid under authority other than the Classification Act to a higher rate within a Classification Act grade, based on the highest previous rate paid to the employee.

(n) "Transfer" means a change of position by an employee from one branch of the Government to another or from one agency to another, without a break in service of a full workday.

§ 25.103 General provisions.

(a) *New appointments.* All new appointments shall be made at the minimum rate of the grade to which the employee is appointed. Where the minimum rate for a class of positions is increased under § 25.105, new appointments to those positions shall be made at the new minimum rate for that class.

(b) *Position or appointment changes.* (1) Subject to the mandatory requirements of paragraph (g) of this section and § 25.104, an employee who is reemployed, transferred, reassigned, promoted, repromoted or demoted, may be paid at any scheduled rate for his grade which does not exceed his highest previous rate. If the employee's highest previous rate falls between two scheduled rates of his new grade, he may be given the higher rate. If the employee's existing rate of basic compensation is less than the minimum scheduled rate of the new grade, his compensation shall be increased to the minimum rate.

(2) An employee whose type of appointment is changed in the same position may continue to be paid at his existing rate or may be paid at any higher scheduled rate for his grade which does not exceed his highest previous rate; and if his highest previous rate falls between two scheduled rates of his grade, he may be given the higher rate.

(c) *Computation of highest previous rate.* The highest previous rate must be based on a regular tour of duty at such rate (1) under an appointment not limited to 90 days or less, or (2) for a continuous period of not less than 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a Classification Act position, it shall be increased by any subsequent amendments to the Classification Act pay schedules. If such highest previous rate was earned in a position not subject to the Classification Act, this rate shall be computed as follows: The actual rate earned at the time of such service shall be converted to the equivalent per annum rate under the Classification Act as of the time of such service; where there was no exact equivalent per annum rate under the Classification Act, the next higher Classification Act rate shall be considered an equivalent; where the rate thus determined falls within two or more grades under the Act, the rate in the grade which gives the employee the maximum benefit shall be used; the equivalent Classification Act rate thus determined shall be converted to the current rate for such step and grade and shall be the employee's highest previous rate.

(d) *Agency classification action.* Where an agency regrades a position to a grade higher than the one to which the position had been classified by Commission action, and where subsequent to the regrading, the Commission again classifies the position to the grade which it had originally assigned the position, the rate attained by the employee in the higher grade may not be used as his highest previous rate.

(e) *Pay-fixing—longevity steps.* After an employee has met the eligibility requirements for one or more longevity step increases, an agency may, at its discretion, use such longevity steps to fix an employee's rate of compensation at a comparable longevity step in any grade which is not higher than the grade in which the employee earned such longevity step increase(s).

(f) *Simultaneous actions.* When a position or appointment change and entitlement to a higher rate of pay occur at the same time, the higher rate of pay shall be considered the employee's existing rate of basic compensation. If the employee becomes entitled to two pay benefits at the same time, the changes shall be processed in the order which gives him the maximum benefit.

(g) *Conversion actions.* Where an employee occupies a position not subject to the Classification Act, and the employee together with his position is initially brough under the Act pursuant to a Reorganization Plan or other legislation, an Executive Order of the President, or a decision of the Civil Service Commission under section 203 of the Act, the employee's rate of basic compensation shall be determined as follows:

(1) If the employee is receiving a rate of basic compensation less than the minimum scheduled rate of the grade in which his position is placed, his compensation shall be increased to the minimum rate.

(2) If the employee is receiving a rate of basic compensation equal to a scheduled rate of the grade in which his position is placed, his compensation shall be fixed at such scheduled rate.

(3) If the employee is receiving a rate of basic compensation at a rate between two scheduled rates of the grade in which his position is placed, his compensation shall be fixed at the higher of the two rates.

(4) If the employee is receiving a rate of basic compensation in excess of the maximum scheduled rate of the grade in which his position is placed, and there is no provision of law which entitles him to retain such rate, he shall be paid the maximum scheduled rate for his grade.

§ 25.104 Special provisions.

(a) *Promotions and transfers.* The requirements of section 802(b) of the Act apply in repromotion actions and in transfers involving promotions between Classification Act grades.

(b) *Classification decisions.* When a classification decision is made effective retroactively under Part 36 of the Commission's regulations, corrective personnel action affecting the employee concerned shall be treated as a cancellation or correction, as the case may be, of the original action of demotion and the employee concerned shall be entitled to retroactive pay in accordance with the terms of the corrective action.

§ 25.105 Special adjustments in minimum pay rate of the class.

(a) The minimum rate shall be increased only to the extent believed necessary to produce sufficient additional appointees.

(b) The agency that initiates a request for an increased minimum rate shall be responsible for submitting complete supporting data including, on the specific request of the Commission, a survey of the prevailing entrance rates paid by non-Federal employers in the area. Information and data obtained from private firms in the course of a salary survey shall be available only to the agencies concerned in evaluating the data.

(c) The Federal activity which has employees in the specific occupational class or classes included in the new minimum rate shall adjust the basic compensation of its current employees to the new minimum rate on the effective dates established by the Commission. This adjustment shall not be regarded as an equivalent increase in compensation for step increase purposes. Pay of employees who are receiving basic compensation at a rate equal to or above the new minimum rate shall not be affected.

(d) Both the Commission and the agencies shall be responsible for initiating action to discontinue or revise a specially authorized minimum rate whenever the increased rate is no longer needed to meet recruitment needs. When a special increased minimum rate is discontinued or reduced, the pay of employees on the rolls in positions affected by the decision shall not thereby be reduced.

(e) A statutory revision of the compensation schedule for the General Schedule in the Act shall automatically change the entrance rate for new hires to the nearest step rate of the new schedule which does not result in a decrease in the new minimum rate prescribed by the Commission under the authority of section 803 of the Act.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-7024; Filed, July 27, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-353]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1956) stating that the Federal Aviation Agency proposed to modify the segments of VOR Federal airways Nos. 14, 31, and 84 between Buffalo, N.Y., and Albany, N.Y., between Elmira, N.Y., and Rochester, N.Y., and between Geneseo, N.Y., and Syracuse, N.Y., respectively, and to revoke the south alternate to VOR Federal airway No. 2 between Syracuse and Albany.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6002 (24 F.R. 10503, 25 F.R. 4376, 5568, 5328) "Albany, N.Y., VORTAC, including a S alternate via the INT of the Syracuse VORTAC 117° True and the Albany VORTAC 269° True radials;" is deleted and "Albany, N.Y., VORTAC;" is substituted therefor.

2. In the text of § 600.6014 (24 F.R. 10506, 25 F.R. 3576, 5328, 5924) "Rochester, N.Y., omnirange station; Syracuse, N.Y., VOR; Utica, N.Y., VOR; Albany, N.Y., VORTAC;" is deleted and "Geneseo, N.Y., VORTAC; Georgetown, N.Y., VOR; INT of the Georgetown VOR 093° True and the Albany, N.Y., VORTAC 270° True radials; Albany VORTAC;" is substituted therefor.

3. In the text of § 600.6031 (24 F.R. 10510) "Elmira VOR 355° radial" is deleted and "Elmira VOR 357° True radial" is substituted therefor.

4. In the text of § 600.6084 (24 F.R. 10514, 25 F.R. 173, 4348) "Geneseo, N.Y., VOR; point of INT of the Elmira, N.Y., VOR 355° radial with the Ithaca, N.Y., VOR direct radial to the Rochester, N.Y., VOR;" is deleted and "Geneseo, N.Y., VORTAC; INT of the Geneseo VORTAC direct radial to the Georgetown, N.Y., VOR with the Ithaca, N.Y., VOR direct radial to the Rochester, N.Y., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., January 12, 1961.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7009; Filed, July 27, 1960; 8:45 a.m.]

[Airspace Docket No. 60-FW-27]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On May 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4290) stating that the Federal Aviation Agency proposed to modify VOR Federal airways No. 20 and 70 between Corpus Christi, Tex., and Palacios, Tex., and designate a north alternate to Victor 20 between these two terminals.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6020 (24 F.R. 10508, 25 F.R. 5178) "Corpus Christi, Tex., omnirange station, Palacios, Tex., omnirange station;" is deleted and "Corpus Christi, Tex., VORTAC; INT of Corpus Christi VORTAC 654° True and the Palacios VOR 228° True radials; Palacios, Tex., VOR, including a N alternate via the INT of the Corpus Christi VORTAC 039° True and the Palacios

VOR 241° True radials;" is substituted therefor.

2. In the text of § 600.6070 (24 F.R. 10513) "From the Corpus Christi, Tex., VOR via the Palacios, Tex., VOR;" is deleted and "From the Corpus Christi, Tex., VORTAC via the INT of the Corpus Christi VORTAC 054° True and the Palacios VOR 226° True radials; Palacios, Tex., VOR;" is substituted therefor.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7010; Filed, July 27, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-128]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On May 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4290) stating that the Federal Aviation Agency proposed to modify the south alternate to VOR Federal airway No. 20 between Lafayette, La., and New Orleans, La., and change the name of the Thibodaux, La., VOR to Tibby, La., VOR.

The notice stated that the existing south alternate between Lafayette and New Orleans was via the intersection of the Lafayette VOR 119° and the New Orleans VOR 255° True radials. This was in error and should have read: via the intersection of the Lafayette VOR 109° and the New Orleans 226° True radials.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.6020 (24 F.R. 10508, 25 F.R. 5178) "including a south alternate via the intersection of the Lafayette omnirange 109° and the New Orleans omnirange 226° radial;" is deleted and "including a S alternate via the Tibby, La., VOR" is substituted therefor.

This amendment shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7011; Filed, July 27, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-41]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On May 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4291) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 483, and its associated control areas, from Rockdale, N.Y., to Syracuse, N.Y.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following sections:

§ 600.6483 VOR Federal airway No. 483 (Rockdale, N.Y., to Syracuse, N.Y.).

From the Rockdale, N.Y., VOR via the INT of the Rockdale VOR 325° True and the Syracuse VORTAC 100° True radials; to the Syracuse, N.Y., VORTAC.

§ 601.6483 VOR Federal airway No. 483 control areas (Rockdale, N.Y., to Syracuse, N.Y.).

All of VOR Federal airway No. 483.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7007; Filed, July 27, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-42]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On May 13, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4291) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 464, and its associated control areas, from Dunkirk, N.Y., to Geneseo, N.Y.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following sections:

§ 600.6464 VOR Federal airway No. 464 (Dunkirk, N.Y., to Geneseo, N.Y.).

From the Dunkirk, N.Y., VOR to the Geneseo, N.Y., VORTAC.

§ 601.6464 VOR Federal airway No. 464 control areas (Dunkirk, N.Y., to Geneseo, N.Y.).

All of VOR Federal airway No. 464.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 21, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7008; Filed, July 27, 1960; 8:45 a.m.]

Chapter XV—Defense Air Transportation Administration, Department of Commerce

PART 1502—AIRCRAFT ALLOCATION

Sec.
1502.1 Issuance of aircraft allocations.
1502.2 Reporting requirements.

AUTHORITY: §§ 1502.1 and 1502.2 issued under sec. 301 (a), (b) and (c), Executive Order 10219.

§ 1502.1 Issuance of aircraft allocations.

From time to time the Administrator, Defense Air Transportation Administration, issues orders allocating aircraft to the Department of Defense, identified by FAA registration number, for the Civil Reserve Air Fleet Program and/or as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. The current listing of aircraft allocations will appear in the Notice section of the FEDERAL REGISTER.

§ 1502.2 Reporting requirements.

In the event any aircraft identified in the allocations in effect:

(a) Is destroyed or suffers major damage, the owner and/or operator, shall give immediate notice thereof to the Defense Air Transportation Administration, or

(b) Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to the Defense Air Transportation Administration together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

Dated: July 21, 1960.

THEODORE HARDEEN, JR.,
Administrator, Defense Air Transportation Administration.
FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-7020; Filed, July 27, 1960; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Subpart B—Civilian Employees

MISCELLANEOUS AMENDMENTS

1. Section 292a.51 is amended to read as follows:

§ 292a.51 Certificate of need.

(a) *Issuance by Secretary of Defense.* No mortgage covering property at a military installation shall be insured unless the Secretary of Defense, or his designee, shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilians employed in connection with a research or development installation of one of the military departments of the United States or a contractor thereof, and that there is no present intention to substantially curtail the number of such civilian personnel assigned or to be assigned to such installation. Such certification shall be conclusive evidence to the Commissioner of the need for such housing.

(b) *Issuance by Administrator of National Aeronautics and Space Administration.* A mortgage may be insured under this subpart secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, where such installation was a research or development installation of one of the military departments of the United States (on or after June 13, 1956) before its transfer to the jurisdiction of such Administration. The mortgage shall not be insured, however, unless the Administrator of the National Aeronautics and Space Administration, or his designee, shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilian or military personnel employed or assigned to duty in connection with a research or development installation of the National Aeronautics and Space Administration or a contractor thereof, and that there is no present intention to substantially curtail the number of such personnel assigned or to be assigned to such installation. Such certification shall be conclusive evidence to the Commissioner of the need for such housing.

2. Section 292a.52 is amended to read as follows:

§ 292a.52 Employment status certificate.

(a) *Certificate by Secretary of Defense.* No mortgage covering property at a military installation shall be insured unless the Secretary of Defense, or his designee, has issued a certificate indicating that the mortgagor: (1) Requires housing; (2) is, on the date of the certificate, a civilian employee at a research or development installation of one of the military departments of the United States, or contractor thereof, at a research or development installation; and (3) is considered by the military department to be an essential, nontemporary employee at such date. Such certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and of the mortgagor's need for housing.

(b) *Certificate by Administrator of National Aeronautics and Space Administration.* An employment status certificate shall be required in connection with a mortgage secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, where such installation was a research or development installation of one of the military departments of the United States (on or after June 13, 1956) before its transfer to the jurisdiction of such Administration. No mortgage shall be insured unless the Administrator of the National Aeronautics and Space Administration, or his designee, has issued a certificate indicating that the mortgagor: (1) Requires housing; (2) is, on the date of the certificate, a civilian employee or one of the military personnel assigned to duty at a research or development installation of the National Aeronautics and Space Administration, or is an employee of a contractor thereof, who is employed at such research or development installation; and (3) is considered by the National Aeronautics and Space Administration to be an essential, nontemporary employee at such date. Such certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and of the mortgagor's need for housing.

3. Section 292a.59 is amended to read as follows:

§ 292a.59 Guarantee of fund from loss.

If the Commissioner determines that insurance of mortgages on housing as certified by the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration is not an acceptable risk, he may require the Secretary or the Administrator, as the case may be, to guarantee the Armed Services Housing Mortgage Insurance Fund against loss with respect to mortgages insured under this subpart.

(Sec. 607, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 809, 70 Stat. 273; 12 U.S.C. 1748h-1)

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-7025; Filed, July 27, 1960; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 8—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

PART 9—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Miscellaneous Amendments

On June 25, 1960, a notice of proposed amendments to 29 CFR Part 8, Safety and Health Regulations for Ship Repairing, and 29 CFR Part 9, Safety and Health Regulations for Longshoring, was published in the FEDERAL REGISTER (25 F.R. 5880). After consideration of all such relevant matter as was presented by interested persons regarding the proposed amendments, the amendments as so published are hereby adopted, subject to the changes set forth below.

1. Paragraph (d) of § 8.45 shall have the following sentence added at its end. "Sections of the rafting may be temporarily removed when necessary to permit line handling while a vessel is entering or leaving the dock."

2. Paragraph (a) of § 9.12 shall be amended as follows: The word "certification" appearing in the last sentence shall be changed to "certificates".

These amendments shall become effective August 12, 1960.

Signed at Washington, D.C., this 21st day of July 1960.

JAMES P. MITCHELL,
Secretary of Labor.

1. In order to conform the heading of § 8.1 to the preferable one stated in the table of contents as it appeared in 25 F.R. 1543, the heading of 29 CFR 8.1 is amended to read as follows:

§ 8.1 Purpose and authority.

2. In order to simplify its text, 29 CFR 8.2(a) is amended to read as follows:

§ 8.2 Scope and responsibility.

. . . . . .

(a) The responsibility for compliance with the regulations in this Part 8 is placed on the "employer" as defined in 29 CFR 8.3(c).

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

3. In order to take advantage of the precision afforded by the definition in 29 CFR 8.3(j), 29 CFR 8.3(c) is amended by deleting the word "services" and substituting the word "employments" so that paragraph (c) will read as follows:

(c) The term "employer" means an employer any of whose employees are employed, in whole or in part, in ship repair or related employments as defined in this section within the Federal Maritime jurisdiction on the navigable waters of the United States, including dry docks and marine railways.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

4. In order to make 29 CFR 8.7 available for the substance of a new section, the present 29 CFR 8.7 is renumbered 29 CFR 8.8.

5. In order to provide for notification of serious accidents in time for an investigation of their causes before the circumstances have changed substantially, a new 29 CFR 8.7 is provided to read as follows:

§ 8.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

(44 Stat. 1444; 33 U.S.C. 930)

6. In order to correct a typographical error the reference in 29 CFR 8.31(d)(1)(ii) to § 8.36(e) is amended to refer to § 8.36(e), so that as amended 29 CFR 31(d)(1)(ii) will read as follows:

§ 8.31 Ventilation and protection in welding, cutting, and heating.

* * * * *

(d) Inert-gas metal-arc welding. (1) * * *

* * * * *

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in § 8.36(e) shall be protected by filter lenses meeting the requirements of § 8.31 (a) and (c). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of § 8.31 (a) and (c) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941).

7. In order to correct an inadvertence the reference in 29 CFR 8.33(b) to "paragraph (c) (1) and (2) of this section" is amended to refer to § 8.31(c) (1) and (2), so that as amended 29 CFR 8.33(b) will read as follows:

§ 8.33 Welding, cutting and heating in way of preservative coatings.

* * * * *

(b) When welding, cutting or other heating must be done in locations inaccessible to removal of preservatives containing toxic materials, the precautions specified in § 8.31(c) (1) and (2) shall be taken.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

8. In order to correct a typographical error, the heading of paragraph (c) *Manifolds* of § 8.35 is amended to read: (e) *Manifolds*.

9. In order to eliminate the requirement of labeling hoses otherwise distinguishable and to make it clear that separate hoses for fuel and oxygen are required, 29 CFR 8.35(f)(1) is amended to read as follows:

§ 8.35 Gas welding and cutting.

* * * * *

(f) *Hose.* (1) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage, a wall failure of which would permit the flow of one gas into the other gas passage, shall not be used.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

10. In order to extend 29 CFR 8.45 to graving docks and add certain technical detail, 29 CFR 8.45 is revised to read as follows:

§ 8.45 Access to and guarding of dry docks.

(a) A gangway, ramp, or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(b) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wingwalls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 nor more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(c) Railings meeting the requirements of paragraph (b) of this section shall be provided on the means of access to and from the floors of graving docks.

(d) Railings approximately 42 inches in height, with a mid-rail, shall be provided on the edges of wingwalls of floating dry docks and on the edges of graving docks. Sections of the railing may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(e) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42-inch railings with a midrail. When such a railing would be impractical or ineffective, other effective means shall be provided to prevent men from falling into the water.

11. In order to correct a typographical error the reference in 29 CFR 8.54 to § 8.31(b)(4) is amended to refer to § 8.31(b)(3), so that the amended 29 CFR 8.54 will read as follows:

§ 8.54 Work in confined or isolated spaces.

When any work is performed in a confined space, except as provided in § 8.31(b)(3), or when an employee is working alone in an isolated location, frequent checks shall be made to ensure the safety of the employees.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

12. In order to correct an inadvertence, paragraphs (b) and (c) of § 8.62 are designated paragraphs (b) and (c) of § 8.63.

13. In order to correct an inadvertence by reversing the 30° and 60° bridle or basket hitch columns in tables G–3 and G–5 and to provide certain additional detail in table G–6, tables G–3, G–5, and G–6 in 29 CFR 8.63 are amended in accordance with the tables which appear below.

14. In order to provide a minimum distance between the work rests and grinder wheel and in order to clarify certain nomenclature, 29 CFR 8.74(b) is amended to read as follows:

§ 8.74 Abrasive wheels.

* * * * *

(b) Floor and bench mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be kept a distance not to exceed ⅛ inch from the surface of the wheel.

(44 Stat. 1444, as amended, 72 Stat. 835; 33 U.S.C. 941)

15. In order to conform the heading of § 9.1 to the preferable one stated in the table of contents as it appeared in 25 F.R. 1565, the heading of 29 CFR 9.1 is amended to read as follows:

§ 9.1 Purpose and authority.

16. In order to simplify its text and conform its structure to the comparable provision concerning ship repair (29 CFR 8.2), 29 CFR 9.2 is amended to read as follows:

§ 9.2 Scope and responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 9.3(c) of this part.

(b) It is not the intent of the regulations of this part to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

17. In order to make 29 CFR 9.7 available for the substance of a new section, the present 29 CFR 9.7 is renumbered 29 CFR 9.8.

18. In order to provide for notification of serious accidents in time for an investigation of their causes before the circumstances have changed substantially, a new section § 9.7 is provided to read as follows:

§ 9.7 Notification of accidents resulting in fatalities or serious injuries.

Within 48 hours after the occurrence of an accident causing the death of an employee or resulting in an employee's admission to a hospital as a bed patient, the employer shall file a copy of Bureau of Employees' Compensation Form US—202 (approved by Budget Bureau No. 44–R 887.2) with the Field Safety Consultant of the Bureau of Labor Standards serving the area where the accident occurred (in addition to such filing as is required by 20 CFR 31.3) unless prior thereto and as soon after the accident as feasible the employer has given oral or written notice of the accident to the person in charge of such office in sufficient detail to permit the accident to be identified readily.

(44 Stat. 1444; 33 U.S.C. 930)

19. In order to make compliance with the recommendations of the International Labor Office mandatory, 29 CFR 9.12(a) is amended to read as follows:

§ 9.12 Gear certification.

(a) The employer shall not use the ship's cargo handling gear until he has ascertained that the vessel has a current and valid cargo gear register and certificates indicating that the cargo gear has been tested, examined and annealed in accordance with (1) the requirements of International Labor Organization Convention No. 32, and (2) the recommendations of the International Labor Office concerning the procedures to be followed in testing, examining and annealing cargo gear, which are contained in Appendix I of this Part 9. The forms of registers and certificates shall be essentially in accordance with the sample forms.

20. In order to exempt safety hooks from the limitation on the use of hooks generally in 29 CFR 9.42(b), paragraph (b) is amended to read as follows:

§ 9.42 Beam and pontoon bridles.

* * * * *

(b) Bridles for lifting hatch beams or strongbacks shall be equipped with toggles, shackles, or other safe devices. Toggles, when used, shall be at least one inch longer than twice the longest diameter of the holes into which they are placed. Hooks, other than safety hooks, may be used only when they are hooked into the standing part of the bridle.

21. In order to correct an inadvertance by reversing the 30° and 60° bridle or basket hitch columns in tables G–3 and G–5 and to provide certain additional detail in table G–6, tables G–3, G–5, and G–6 in 29 CFR 9.63 are amended in accordance with the tables which appear below.

22. In order to correct a typographical error, the heading of Form No. 3 in Appendix I of 29 CFR Part 9 is amended to read as follows:

Test Certificate No. ------ Form No. 3

CERTIFICATE OF TEST AND EXAMINATION OF CRANES OR HOISTS, AND THEIR ACCESSORY GEAR, BEFORE BEING TAKEN INTO USE

TABLE G–3.
RATED CAPACITIES FOR IMPROVED PLOW STEEL, IMDEPENDENT WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
	6x19 CLASSIFICATION											
1/4"	1.2	1.1	1.0	1.0	.97	.85	.85	.75	.75	.60	.54	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.9	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.3	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.3	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.3	6.9	6.2	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.8	9.8	9.2	8.3	6.8	6.5	5.6
1"	18.	17.	14.	15.	15.	13.	13.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	19.	16.	16.	15.	13.	11.	10.	9.0
	6x37 CLASSIFICATION											
1-1/4"	28.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	33.	29.	25.	28.	25.	22.	23.	21.	19.	17.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	37.	33.	29.	26.	24.	20.
2"	66.	61.	53.	57.	53.	46.	47.	43.	37.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	59.	54.	47.	41.	38.	33.

(A) - Socket or Swaged Terminal Attachment.
(B) - Mechanical Sleeve Attachment.
(C) - Hand Tucked Splice Attachment.

TABLE G–5
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
	6x19 CLASSIFICATION											
1/4	1.1	1.0	.90	.96	.86	.85	.77	.72	.70	.66	.61	.60
3/8	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.2	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.9
3/4	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.2	6.4	5.9	5.1
1	17.	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	14.	15.	13.	12.	10.	9.5	8.4
	6x37 CLASSIFICATION											
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.5
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	23.	20.	17.	16.	14.
1-3/4	48.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	62.	56.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE G-8—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter (inches)	Number of clips		Minimum spacing (inches)
	Drop forged	Other material	
¼	3	4	3
⅜	3	4	3½
½	4	5	4½
⅝	4	5	5¼
¾	4	6	6
1	5	6	6¾
1¼	5	7	7½
1⅜	6	7	8¼
1½	6	8	9

[F.R. Doc. 60-7016; Filed, July 27, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2167]

[Juneau 010977]

ALASKA

Revoking Executive Orders No. 3465 of May 19, 1921, and No. 5036 of January 24, 1929

By virtue of the authority vested in the President by the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 3465 of May 19, 1921, withdrawing the hereinafter described lands in Alaska for use of the Forest Service as a marine repair station in connection with the administration of the Tongass National Forest, and Executive Order No. 5036 of January 24, 1929, withdrawing the hereinafter described lands to protect the water supply of the marine station, are hereby revoked:

Executive Order No. 3465

U.S. Survey No. 1685.

The tract described contains 58.61 acres.

Executive Order No. 5036

All land within 100 feet of a center line extending South 36° West from corner No. 4 of U.S. Survey No. 1334 for a distance of approximately 3,300 feet; thence South approximately 600 feet to the outlet of a small unnamed lake, and all land lying within one quarter of a mile from the shore of said lake, excepting such part as may be included within the said U.S. Survey No. 1334 upon which patent has issued.

The tract described contains approximately 20 acres.

2. Any lands released from the withdrawal made by Executive Order No. 5036 which are within the boundaries of the Tongass National Forest shall at 10:00 a.m. on August 27, 1960, be open to such forms of appropriation as may by law be made of national forest lands.

3. Subject to any existing valid rights and the requirements of applicable law, the public lands are hereby opened to settlement and to filing of applications, selections, and locations in accordance with the following, the unsurveyed lands being opened to filing of such applications, selections, and locations as may by law be made for unsurveyed lands:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. The lands, or portions thereof, have been and are occupied by and are in the possession of permittees of the Forest Service, who have erected valuable improvements thereon, and who claim an equitable interest thereon.

(2) Until 10:00 a.m. on October 22, 1960, the State of Alaska shall have a preferred right of application to select the lands in accordance with and subject to the provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 22, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(4) Beginning at 10:00 a.m. on October 22, 1960, the lands will be subject to settlement under the homestead and Alaska homesite laws.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10:00 a.m. on October 22, 1960, subject to valid existing rights and the requirements of applicable law.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Juneau, Alaska.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 22, 1960.

[F.R. Doc. 60-7015; Filed, July 27, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13477; FCC 60-886]

PART 3—RADIO BROADCAST SERVICES

Minimum Operating Requirements of Broadcast Stations

1. On April 22, 1960, the Commission released a Notice of Proposed Rule Making (FCC 60-421) instituting rule making in this proceeding on a proposal to change the minimum operating requirements for standard broadcast stations to enable daytime only stations to sign-off the air at 6 p.m. It was also proposed to revise the requirements for notification to the Commission in the event of operation stoppages of standard, FM or television broadcast stations because of technical difficulties so as not to require notification when the off-the-air period is of such short duration that the minimum hour requirements for operation can still be met by a station. Additionally, it was proposed to require notification of resumption of operation in all cases requiring notification of operation stoppages.

2. No comments opposing the aforementioned proposals were received. The National Association of Broadcasters and The Scranton Times, licensee of standard broadcast Station WEJL, Scranton, Pennsylvania, filed comments supporting all proposals. Comments were also received from Milam Broadcasting Company, licensee of standard broadcast Station KMIL at Cameron, Texas, endorsing the proposal to permit daytime only stations to sign-off the air at 6 p.m. The New Orleans Television Corporation, which operates Television Station WVUE pursuant to special temporary authorization at New Orleans, Louisiana, filed comments supporting the proposed changes in notification requirements with respect to operation stoppages.

3. The comments received on the proposal to amend § 3.71 of the rules by placing operation after 6 p.m. on an optional basis insofar as daytime standard broadcast stations are concerned substantiate our conclusion that this relaxation in the rules would be beneficial to both the Commission and daytime broadcasters and would be in the public interest. In the past the Commission has been advised by numerous daytime only stations that they find it a hardship and economically unfeasible to meet the present minimum requirement for operation after 6 p.m. during the months when their specified local sunset time falls after 6 p.m. Daytime only stations have also informed of their difficulty in acquiring an audience for their programs after 6 p.m., since listeners during the greater part of the year are not accustomed to receiving a daytime station after 6 p.m., and their listening habits are not easily changed, particularly when the required minimum operation for a few months after 6 p.m., changes from month to month, as, the interval between 6 p.m. and local sunset increases or decreases. These reports are corroborated by the comments received in this proceeding. While we have found these reasons good cause for waiving § 3.71 of the rules to permit daytime only stations to sign-off the air at 6 p.m., during the months when their specified local sunset time falls after 6 p.m.—75 or more such waiver requests are acted upon yearly—a rule change making operation after 6 p.m. permissive for daytime only stations would obviate the necessity for these waiver requests, lessen our administrative workload and the paperwork of daytime stations, and is believed to be warranted.

4. We also believe it desirable to relax the present requirement in §§ 3.71, 3.261 and 3.651 of the rules which respectively requires standard, FM and television licensees to notify the Commission in writing of every operation stoppage due to technical difficulties so as to make such notification unnecessary for technical failures of such short duration that the minimum hour requirements for operation can still be met. A record of each operation stoppage because of technical difficulties must be kept in a station's operating log, and we consider this to be sufficient information for the Commission's purposes with respect to those brief operation stoppages which do not make it impossible for a station to adhere to the minimum operation requirements. To best serve the Commission's purposes however, we believe that, in addition to receiving notification of each operation stoppage which makes it impossible for a station to adhere to minimum operation requirements, we should subsequently be notified when operation is resumed. The revised provisions relating to notification in §§ 3.71, 3.261 and 3.651 below therefore provide for such notification also.

5. Authority for the adoption of the amendments herein is contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended.

6. The amended provisions of §§ 3.71; 3.261 and 3.651 respecting notification requirements are procedural in nature. The amendment to § 3.71 which enables daytime only stations to sign off the air at 6 p.m. is of practical utility now to those daytime only stations whose specified local sunset time falls after 6 p.m. In these circumstances, we find good cause for making the amendments effective prior to the 30-day publication period prescribed by section 4(c) of the Administrative Procedure Act.

7. In the light of the foregoing: *It is ordered*, That, effective July 28, 1960, §§ 3.71, 3.261 and 3.651 of the Commission's rules are amended as set forth below, and this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 20, 1960.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

1. Section 3.71 is amended to read as follows:

§ 3.71 Minimum operation schedule.

(a) All standard broadcast stations are required to maintain an operating schedule of not less than two-thirds of the total hours they are authorized to operate between 6 a.m. and 6 p.m., local standard time, and two-thirds of the total hours they are authorized to operate between 6 p.m. and midnight, local standard time, on each day of the week except Sunday: *Provided, however*, That stations authorized for daytime operation only need comply only with the minimum requirement for operation between 6 a.m. and 6 p.m.

(b) In the event that causes beyond a licensee's control make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

2. Section 3.261 is amended to read as follows:

§ 3.261 Time of operation.

(a) All FM broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours of 6 a.m. to midnight, consisting of not less than 5 hours in any one day, except Sunday, must be devoted to the FM broadcast operation; time devoted to operations conducted pursuant to a Subsidiary Communications Authorization (see §§ 3.293 to 3.295) shall not be included in meeting this 36-hour broadcast requirement.

(b) In the event that causes beyond a licensee's control make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

3. Section 3.651(a) is amended to read as follows:

§ 3.651 Time of operation.

(a) (1) All television broadcast stations will be licensed for unlimited time operation. Each such station shall maintain a regular program operating schedule as follows: Not less than 2 hours daily in any five broadcast days per week and not less than a total of 12 hours per week during the first 18 months of the station's operation; not less than 2 hours daily in any 6 broadcast days per week and not less than a total of 16 hours, 20 hours and 24 hours per week for each successive 6-month period of operation, respectively; and not less than 2 hours in each of the 7 days of the week and not less than a total of 28 hours per week thereafter.

(2) "Operation" includes the period during which a station is operated pursuant to temporary authorization or during program tests, as well as during the license period. Time devoted to test patterns, or to aural presentations accompanied by the incidental use of fixed visual images which have no substantial relationship to the subject matter of such aural presentations, shall not be considered in computing periods of program service.

(3) In the event that causes beyond a licensee's control make it impossible to adhere to the operating schedule in subparagraph (1) of this paragraph or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority of the Commission. However, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule and shall be subsequently notified when the station resumes regular operation.

[F.R. Doc. 60-7041; Filed, July 27, 1960; 8:50 a.m.]

[Docket 13063; FCC 60-891]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

Use of Microwave Frequencies

1. On August 6, 1959, the Commission released a Notice of Proposed Rule Making and a Supplemental Notice of Proposed Rule Making covering technical standards to govern, during the interim until such time as rules are promulgated on a regular basis, the granting of applications for the use of microwave frequencies above 952 Mc for private communications systems, excluding broadcasters. The original date for filing comments herein, August 24, 1959, was extended to September 24, 1959, pursuant to a request therefor filed by Electronics Industries Association (EIA). Thereafter, by Order released September 1, 1959, the Commission denied a request filed by General Telephone Service Corporation (General) to extend the period of time in which to file comments in this proceeding until at least 20 days following final action on a petition for reconsideration of the Commission's Report

and Order in Docket No. 11866, which it expected to file or any other petition which might be filed. Subsequently, by Order dated September 30, 1959, in Docket No. 11866, in connection with a request for a stay in that proceeding, the Commission also denied requests of General and others that the Commission defer action on the rule making proceeding herein until at least 30 days following final action by the Commission on pending requests for reconsideration in that proceeding. Timely comments were received from thirty parties.

2. In its comments on the instant rule making proposal filed on September 24, 1959, EIA requested that the proposal as to bandwidth be held in abeyance until such time as the EIA Engineering Ad Hoc Committee, which was then studying the problem, could complete its work and make recommendations. In a letter dated and filed January 19, 1960, EIA filed its recommendations concerning bandwidth specifications for use of microwave frequencies by private communications systems. By Order released January 27, 1960, the Commission extended the time for filing comments and accepted such filing. Such Order further provided that interested parties could file comments or replies within a period of twenty days from date of release of such Order. At the request of certain parties, this time was subsequently extended until April 1, 1960.

3. The time for filing comments has now expired. All comments filed in this proceeding have been carefully considered and will be discussed according to subject matter as set forth hereinafter and will not be identified in all cases by the proponents thereof.

4. Review of comments, particularly those received from existing licensees of private microwave systems,[1] indicate some apprehension that the proposed standards would, upon adoption, be applied to all equipment then in operation. These parties generally stated that the equipment now used in existing systems would not meet the standards set forth in the proposed rules, particularly with respect to tolerances, and urged that such equipment and systems be exempted from such standards until such time as harmful interference is encountered. Alternatively, some suggested that they be permitted to use their present equipment during a specified period sufficient to amortize the cost thereof. It was also suggested by some that the Commission should authorize, on a case-by-case basis, additions or modification to existing systems using equipment that does not meet the proposed standards during such period.

5. Most of the parties who filed comments indicated their support for some technical standards governing the granting of applications for private microwave systems. Some, however, suggested that the Commission should defer standards for the so-called "microwave mobile bands", i.e., 2450–2500, 6525–6575, and 10550–10700 Mc, until some future time when more data are known concerning operations therein. It was suggested by most of those who commented thereon, that no standards should be set at this time for operations using frequencies above 16000 Mc. EIA stated that, in general, it supports immediate adoption of adequate technical standards, followed by periodic review and revision to meet the demands placed upon the private microwave spectrum. Several of the parties indicated general agreement with the EIA proposal, which is discussed more fully hereinafter, although certain of these parties suggested modifications or alternatives to such proposal. A few parties, however, argued that the proposed standards were unrealistic and unwarranted. Their comments were apparently related to the problems involved with converting existing equipment to meet the proposed standards rather than with the design and production of new equipment.

6. In its January 19, 1960, submittal, EIA recommended that the Commission adopt the concept of "channel bandwidth", which was defined as "An authorized band of frequencies which includes allowances for necessary bandwidth plus transmitter frequency tolerance." Using such definition, it further recommended channel bandwidths standards as follows:

Frequency band (Mc)	Channel bandwidth	
	For adoption in Docket 13083	5 years after adoption, Docket 13083
952.0–952.6	100 kc	100 kc
952.6–960.0	[1] 100 kc	[1] 100 kc
1850–1990	[2] 8 Mc	[2] 8 Mc
2110–2200	[2] 8 Mc	[2] 8 Mc
2450–2500	(3)	(3)
2500–2700	[2] 8 Mc	[2] 8 Mc
6525–6575	(3)	(3)
6575–6875	20 Mc	[2] 10 Mc
10550–10700	(3)	(3)
12200–12700	50 Mc	[2] 25 Mc
Above 16000	(3)	(3)

[1] Additional channel bandwidths may be authorized upon a factual showing of need therefor; however, bandwidths in excess of 500 kc will not be authorized.
[2] Additional channel bandwidths may be authorized upon a factual showing of need.
[3] To be specified in the authorization.

7. Comments were received from eleven parties in reference to the above-described EIA proposed bandwidth standards. Most of the comments on channel bandwidths were generally favorable. However, three parties stated that a strict set of sandards should not be established at this time, and two other parties expressed concern that the standards, if adopted, would have an adverse impact on existing equipment. The Association of American Railroads (AAR) stated that it supported EIA in reference to the channel bandwidths in Column 1 as proposed for adoption in Docket 13083 but that the standards listed in Column 2 which referred to channel bandwidth "5 years after adoption of Docket 13083" should not be included in any rules or regulations because the railroads propose to use microwave systems capable of transmitting 600 voice circuits, medium-high to high speed facsimile, high speed data, and television, and that, in its opinion, the channel bandwidths necessary for these purposes will exceed the limits shown in Column 2.

8. With a few exceptions, there was general agreement as to the proposed power and beamwidth. Several parties suggested that power for the 952–960 Mc band be increased from 3 watts up to 30 watts in order to accommodate long distance control-repeater circuits. EIA and certain other parties requested that provision be made for a beamwidth of 4 degrees in the 12200–12700 Mc band in lieu of 2 degrees as proposed. The National Committee for Utilities Radio (NCUR) suggested beamwidths considerably narrower than those proposed with the notation that they should apply in critical and congested areas only. Some parties urged that provision should be made for omnidirectional antenna systems for traffic control system. EIA and Motorola suggested that the frequency band 952.0–952.6 Mc be made available for such systems using power up to 100 watts. NCUR also requested omnidirectional antenna systems in bands above 10,000 Mc and in the 6525–6575 and 6575–6875 Mc bands on an engineered, case-by-case basis for capacitor and street light control and off-peak load control.

9. In their comments on bandwidths set forth in the Notice of Proposed Rule Making, Scatter Communications, Inc., an organization engaged in design and installation of communications systems, stated that the bandwidths, as proposed, impose discriminatory and unnecessary restrictions upon 2 KMC wideband systems when compared with 7 KMC and 10 KMC wideband systems. It stated that it is possible to achieve channel capacity of 600 channels in the 6575–6875 Mc band with a 10 Mc bandwidth but only 240 channels in the 2110–2200 Mc where the proposed bandwidth was limited to 4 Mc. The State of Minnesota, Department of Highways, stated that it had made a six months engineering study for a proposed Statewide Communications system using frequencies in the 952–960 Mc band with 25 watts output power and a bandwidth of 700 kc to provide as many as ten voice channels. It was claimed that such system would use "type accepted" microwave equipment and would replace control and repeater equipment now operating in the 72–76, 154–160, and 453–459 Mc bands. It was claimed that the 2000 and 6000 Mc bands were unsatisfactory because many more repeater stations would be required. The Commission was urged not to adopt the proposed standards for the 952–960 Mc band but to "consider retaining those standards by which Operational Fixed operation is permitted under Part 10 of the rules."

10. By far, the bulk of the comments were directed toward the proposed frequency tolerances. In authorizations now being made, the Commission is requiring a frequency tolerance of 0.005 percent for the 952–960 Mc band and 0.05 percent for all higher bands. The Commission proposed that the tolerance for the 952–960, 1850–1990, 2110–2200, and 2500–2700 Mc bands be reduced to 0.0005 percent; 6525–6575 and 6575–6875 Mc bands reduced to 0.005 percent; and higher bands reduced to 0.05 percent.

[1] As used herein, the term "private microwave systems" is meant to exclude broadcasters.

11. Motorola supported the Commission's tolerance proposal for the range 952–3000 Mc, stating that the transmitter frequency tolerance and antenna beamwidth proposed in the Docket are within the state of the art. EIA and General Electric also supported the proposed tolerance for the 952–960 Mc band, stating that such tolerance was within the state of the art, but EIA suggested a more lenient tolerance for the higher bands as shown in the table below. EIA further claimed that, while tolerances as proposed can be obtained technically, it is economically infeasible to do so at the present time. General Electric, while indicating its support of the EIA proposal, suggested a general frequency tolerance of 10 percent of the bandwidth employed.

12. EIA suggested that the Commission adopt progressively restrictive tolerance criteria which would be respectively applicable now, one year after adoption of rules, five years after adoption of rules, and ultimately, as follows:

TOLERANCE (PERCENT)

Frequency band	Now	1 year after adoption	5 years after adoption	Ultimate
952.0–952.6	0.0005	0.0005	0.0001	0.0001
952.6–960	.0005	.0005	.0001	.0001
1850–1990	.05	.02	.01	(4)
2110–2200	.05	.02	.01	(4)
2450–2500	(5)	(5)	(5)	(4)
2500–2700	.05	.02	.01	(4)
6525–6575	(5)	(5)	(5)	(4)
6575–6875	.05	.03	.01	(4)
10550–10700	(5)	(5)	(5)	(4)
12200–12700	.1	.1	.05	(4)
Above 16000	(5)	(5)	(5)	(5)

[4] Dependent upon final channel bandwidth.
[5] To be specified in authorization.

While, as indicated above, the user groups generally opposed the tolerance standards proposed by the Commission as being too restrictive, it is clear that such opposition stems principally from their concern that existing equipment would be rendered obsolete.

13. In a comment filed by the Canadian Marconi Company, which claimed to have invested substantial amounts in the design and production of broadband FM multichannel radio relay equipment, it was argued that the proposed standards deviate radically from the CCIR recommendations,[3] with respect to frequency tolerance and bandwidth, which are internationally accepted as the basis for multichannel radio relay equipment design. It was pointed out that the CCIR recommended frequency tolerance for the 1850–1990 and the 2110–2200 Mc bands is 0.03 percent and there is no restriction on the bandwidth, whereas Docket No. 13083 proposes a frequency tolerance of 0.0005 percent for both bands with a bandwidth limitation of 8 Mc for the 1850–1990 Mc band and 4 Mc for the 2110–2200 Mc band. It was further claimed that the proposal herein discriminates strongly against manufacturers of broadband FM multichannel radio relay systems having capacity in excess of 120 channels or capacity for high speed data transmission.

14. As noted above, EIA has suggested that technical standards for so-called "microwave mobile bands", viz., 2450–2500, 6525–6575, 10550–10700 Mc, not be adopted at this time in order to allow for maximum development of many portable and mobile services. Likewise, they requested deferral of technical standards for the bands above 16000 Mc.

15. The Joint Council on Educational Television (JCET) and the Southern Regional Education Board (SREB) in a joint filing, claimed that the Report and Order in Docket No. 11866 did not adequately provide for educational television needs, thereby making it technically impossible to comment productively upon the technical details of the proposed standards. In Docket No. 11866, these organizations had requested the allocation of a block of frequencies 500 Mc wide below 10000 Mc and preferably between 3000 and 6500 Mc. In their comments herein, they requested the Commission to adopt technical standards governing the grant of applications for the use of microwave frequencies for private communications systems which would accommodate such proposed educational use. It was stated that a bandwidth of approximately 20 Mc is necessary in order "to provide a service of adequate quality for the transmission of the educational television programs proposed."

16. In considering the comments filed herein, we desire at the outset to emphasize that the proper development of the microwave spectrum requires that orderly and systematic procedures and proper technical criteria be applied at the earliest practicable time in the issuance of authorizations for private microwave systems. Authorizations for private microwave systems in certain cases have been made during the past several years, mostly on a developmental basis. The technical specifications for such equipment and systems have been set forth in each authorization. The experience thus gained has proved invaluable to us in formulating appropriate standards and criteria. It is significant, we think, that most of the comments herein support the view that some technical standards should be adopted. The standards proposed herein govern the licensing of equipment used in private microwave systems only during the interim until such equipment and systems are licensed on a regular basis. As such, this proceeding constitutes the first step in assuring the development of microwave systems in an orderly and effective manner.

17. We do not at this time propose to make the standards adopted herein applicable to existing equipment or systems. Thus, any transmitting equipment now authorized (including antennas), or for which an authorization is issued based upon an application which is filed prior to the effective date of this Report and Order, may be used by the licensee, his successors or assigns in business, provided the operation of such equipment does not result in harmful interference to another station which is operating in accordance with these standards. In case of interference, the licensee will be required to take whatever corrective measures are necessary to alleviate the interference. On and after the effective date of this Report and Order, all equipment authorized for use in private microwave systems, except as provided above, must comply with these technical standards.

18. We turn, then, to the comments filed jointly by the Joint Council of Educational Television (JCET) and the Southern Regional Education Board (SREB) concerning the need for microwave frequencies for educational television operations and also to the comments filed by the various parties herein concerning omnidirectional antenna systems. Basically, the question as to frequencies to be allocated for educational television purposes is a matter to be decided in Docket No. 11866 and is not within the scope of the proceedings here. Since both JCET and SREB have filed a petition for reconsideration in the latter docket, their request will be disposed of in connection with that proceeding. Similarly, the Commission in its Report and Order in Docket 11866, stated that omnidirectional antenna systems would substantially curtail the use which may be made of microwave frequencies because a frequency used in such a system could not be used in the same area by another licensee. It was further provided therein that authorizations for such systems would be made on a case-by-case basis, on a showing of exceptional and unique circumstances, using frequencies above 16,000 Mc. Thus, this, too, is a matter which goes to the basic policy determination in Docket 11866 and is, therefore, beyond the scope of the instant proceeding. The action taken herein on these matters, of course, is without prejudice to any action which may be taken in Docket 11866, or in any subsequent rule making proposal on this matter.

19. As shown above, and except for the proposals relating to omnidirectional antenna systems and for the "microwave mobile" bands, there was general agreement as to the powers and beamwidths proposed. It was suggested that the power should be increased to 30 watts in the 952–960 Mc band in order to accommodate longe-range control-repeater circuits, and that the beamwidth in the 12 KMC band be increased from 2° to 4° in order to facilitate development of equipment in this band. We believe that the public interest will be served by permitting, during this interim period, 30 watts power in the 952–960 Mc band and 4° beamwidth in the 12 KMC band. The increase in beamwidth from 2° to 4° will permit the use of parabolic reflectors of smaller physical size, avoid the need for extremely rigid bracing usually required to prevent "twisting" in high winds, and in general

[3] International Radio Consultative Committee, VIII Plenary Session, Warsaw, 1956. Recommendation No. 145:
1.5. In band G (500 Mc/s–10,500 Mc/s): for wide-band radio relay systems the tolerance should be 0.05 percent for the next several years and 0.03 percent thereafter:
2. That the above tolerances are applicable to those stations which might cause international interference or which are used in international services;

aid in the handling and installation of the equipment.

20. With respect to the proposal of EIA concerning bandwidth, it is noted that the recommendations agree substantially with the Commission's proposal for the bands 952–960 Mc and 1850–1990 Mc., but in the higher bands EIA has recommended wider limits. According to available information, the bandwidths proposed by the Commission are within the present state of the art and no showing to the contrary has been made by any of the parties to this proceeding. In view of this, and in view of the provision made herein to permit existing systems to continue to utilize authorized equipment under certain circumstances until harmful interference is caused, and because of the time interval preceding the effective date of the Report and Order herein, we believe that the public interest would be served by the adoption of the bandwidths as set forth in the Appendix attached hereto. Accordingly, as a general rule, we will issue authorizations in accordance with the bandwidths specified in the Appendix attached hereto. However, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels, except in the 2110–2200 Mc band, based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. The band 2110–2200 Mc is expected from the latter flexibility in view of the fact that it is shared with common carrier services under rules which absolutely restrict bandwidth to a maximum of 5 megacycles. Bandwidth limits will apply to necessary or occupied bandwidth, whichever is greater. Spacing between assignable frequencies will be made equal to the maximum values as shown for bandwidth. By specifying separate values for frequency tolerance and bandwidth it is not necessary to use the EIA concept of "channel bandwidth".

21. This brings us to the comments of the Highway Department of the State of Minnesota, and other parties, concerning broadband operations in the microwave bands. Part 10 of the Commission's Rules does not contain technical standards for microwave equipment nor has the Commission type accepted any such equipment for use in private microwave systems. With respect to authorized bandwidth, the Commission has followed a strict policy of not authorizing bandwidths in excess of 500 kc in the 952–960 Mc band. Persons who have need for high capacity systems will be expected to operate in the higher microwave bands where more frequency space generally is available. Conversely, those who have need for a low capacity system which can be accommodated in a 500 kc bandwidth or less will be expected to operate in the band 952–960 Mc. Thus, we feel that the public interest will be served better by making provision generally for wider bandwidths of emission in the higher microwave bands.

22. The question of tolerances presents a more complex problem. It is evident that the thrust of the comments on this point has been directed to the argument that the proposed tolerances are economically infeasible at this time. EIA and Motorola both assert that the proposed tolerance of 0.0005 percent is within the state of the art for the 952–960 Mc band and Motorola states that 0.0005 percent is within the state of the art for the bands up to 3000 Mc. Data on file in the Commission disclose that certain of the microwave equipment now being manufactured meets the proposed tolerances in those bands.

23. At the present time, as shown in the Report and Order in Docket No. 11866, there are relatively few private radio stations in operation using frequencies above 890 Mc. In view of this fact and since the standards herein are of an interim nature, we feel that it would be appropriate for some relaxation of the proposed standards for tolerances in the bands above 960 Mc. Thus, the tolerance for the bands 1850–1990, 2110–2200, 2500–2700, 6525–6575, and 6575–6875 Mc will be reduced to 0.02 percent. The tolerance for the 12000 Mc band remains at 0.05 percent, as proposed, and tolerances in the bands above 16000 Mc will be specified in each authorization.

24. We have noted the suggestions that technical standards should not now be adopted for the so-called "microwave mobile" bands or for the grant of authorizations above 16000 Mc. While it is true that the nature and usage in the "microwave mobile" bands may be varied and may present some unique and novel problems, we believe that some broad and liberal criteria are desirable for such operations in order to provide general guidelines and yet afford a certain amount of protection. The same considerations also hold true with respect to authorizations for private microwave systems above 16000 Mc. Accordingly, in the absence of any specific data showing that such standards will limit or preclude developments in such bands, we are adopting the standards as proposed except for frequency tolerance and except for the beamwidth in the 10550–10700 Mc band where it has been increased to 4° to be consistent with our action in the 12200–12700 Mc band. In the case of frequency tolerances, we are of the opinion that specific frequency tolerances should not be adopted except for the 6525–6575 Mc band as it appears that the tolerance requirement will probably be similar to that in the contiguous band 6575–6875 Mc.

25. There remains only the question raised by Canadian Marconi as to whether the proposed standards are in accordance with the CCIR recommendations. We may quickly dispose of this matter by noting that the CCIR recommendations are considered to be minimum specifications and do not preclude the establishment of stricter specifications. Thus, the more strict technical specifications herein are not inconsistent with such recommendations. In nearly all cases, the Commission's technical specifications for radio transmitting equipment are more stringent than those internationally required or recommended.

26. The adoption of the standards hereinafter ordered are not intended to resolve or affect in any manner the issues raised in the pending requests for reconsiderations in Docket No. 11866.

Accordingly, in view of the foregoing: *It is ordered*, This 20th day of July 1960, that, effective January 1, 1961, the technical standards covering the grant of private microwave systems using frequencies above 952 Mc, as shown below, are adopted and the appropriate service rules governing the several Safety and Special Radio Services are amended to conform therewith, the formal codification of such changes to be accomplished by subsequent order of the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Frequency band (MC)	Power watts [1]	Tolerance (percent)	Bandwidth [2]	Beamwidth [3]
952–960	30	.0005	100 kc	20°
1850–1990	18	.02	8 Mc	10°
2110–2200	15	.02	4 Mc	10°
2450–2500 [4]	12	(5)	(5)	(5)
2500–2700	12	.02	4 Mc	10°
6525–6575 [6]	7	.02	25 Mc	7°
6575–6875	7	.02	10 Mc	5°
10550–10700 [4]	5	(5)	25 Mc	4°
12200–12700	5	.05	20 Mc	4°
Above 16000	5	(5)	50 Mc	(5)

[1] Maximum rated power output of transmitter. Power in excess of that shown herein will be authorized only under exceptional circumstances based upon a factual showing of need. For pulsed systems average power shall be limited to the values shown, peak power shall not exceed five times this limit.

[2] Maximum bandwidth (necessary or occupied, whichever is greater) which will be authorized. Except for the band 2110–2200 Mc, consideration will be given, on a case-by-case basis, to requests for additional adjacent channels based upon a complete and specific factual showing of unique or unusual circumstances, apart from economic considerations, requiring such additional channels. In the band 952–960 Mc, bandwidths up to 500 kc may be authorized.

[3] Maximum beamwidth of major lobe between 0.5 power points in horizontal plane. Exceptions may be granted for stations in remote areas or until harmful interference is caused to other stations operating in accordance with these provisions.

[4] Subject to no protection from ISM equipment on 2450 Mc.

[5] To be specified in authorization.

[6] Limited to mobile operations and temporary service between fixed points.

[F.R. Doc. 60–7042; Filed, July 27, 1960; 8:50 a.m.]

[Docket No. 13273; FCC 60–899]

PART 10—PUBLIC SAFETY RADIO SERVICES

Miscellaneous Amendments

In the matter of amendment of Part 10 of the Commission's rules, so as to establish a medical emergency radio service; provision of additional assignable frequencies for the use of licensees in the Police, Fire, and Highway Maintenance Radio Services; revision of the classes of persons who are eligible for licensing in the Special Emergency Radio Service and the deletion of certain frequencies assignable to licensees in the Special Emergency Radio Service; Docket No. 13273.

1. The Notice of Proposed Rule Making in the above-entitled matter sought comments on the Commission's proposal to dispose of 69 frequencies in the 152–162 Mc band and 6 frequencies in the 42–50 Mc band. These frequencies had already been allocated to Part 10, Public Safety Radio Services in Docket No. 11990, but had not been specifically made available to any public safety group or groups. This Notice was duly published in the FEDERAL REGISTER (24 F.R. 9481; November 25, 1959) inviting comments by February 1, 1960 (which date was later extended to March 1, 1960) either in support of, or in opposition to, the proposals contained therein. The Notice also provided that for a period of 30 days after the deadline for submitting such comments, interested parties might file reply comments. These dates have all passed and an unusually large number of comments have been submitted for Commission consideration.

2. The Notice of Proposed Rule Making endeavored to effect several modifications with respect to Part 10 of the Commission's rules, other than the disposition of the 75 frequencies referred to in paragraph 1. However, the latter was the key issue involved, and most comments directed themselves to that segment of the Notice. In this regard, the Commission proposed: (a) To establish a Medical Emergency Radio Service utilizing 13 frequencies in the 152–162 Mc band and 4 frequencies in the 42–50 Mc band; (b) to make available 5 frequencies in the 152–162 Mc band to the Special Emergency Radio Service; (c) to make available 10 frequencies in the 152–162 Mc band to the Highway Maintenance Radio Service; (d) to make available 25 frequencies in the 162–162 Mc band to the Police Radio Service; and finally (e) to make available 16 frequencies in the 152–162 Mc band and 2 frequencies in the 42–50 Mc band to the Fire Radio Service. With respect to this last assignment, it was proposed that one frequency from each band be designated for use as an intersystem or "mutual aid" frequency by the Fire Radio Service similar to that employed by users in the Police Radio Service. For the reasons set forth below, it is not necessary at this time to consider the proposals contained in the Notice of Proposed Rule Making which do not pertain to the disposition of frequencies.

3. Many of those filing comments recommended that additional frequencies be made available to the Local Government Radio Service. While the Notice did not propose to make any additional frequencies available to this service, such comments have been considered as germane to this proceeding by the Commission since they present a partial solution to the problem of overcrowding on the frequencies available to the Public Safety Radio Services. The key issue faced by the Commission in this Docket is how to accommodate, with the limited number of frequencies now under consideration, the increased needs of those who presently are eligible under the various subparts of Part 10, as well as those whose activities would seem to make them deserving of inclusion under Part 10. It does not appear that either of these objectives can be fully attained. Relative needs must be assessed, and frequencies made available only after there has been a clear-cut showing that under existing circumstances a particular Public Safety group cannot function effectively. The facts presented by those filing in this Docket have been persuasive in establishing some justification for additional frequencies, but the demand exceeds the available supply. Hence, it is obvious that every Public Safety Service cannot be assigned all the frequencies requested. It is further apparent that in the absence of other factors those services whose needs were essentially unchallenged by other Public Safety users must be accorded some priority in the assignment of the 75 frequencies under consideration.

4. In this regard, the comments received with respect to the proposal to make available frequencies to the Police and Fire Radio Services were virtually without exception in support of the proposal. The proposed Medical Emergency Service engendered considerable opposition as did the contemplated assignment to the Highway Maintenance Radio Service and the Special Emergency Radio Service. It should be pointed out that there were also substantial numbers of comments submitted which supported adoption of each of the proposals. It is manifest, however, that these segments of the Docket will require additional consideration before a proper determination may be reached. Many of these matters will be disposed of in a later Report and Order. Of course, should the Commission conclude that establishment of a Medical Emergency Service would be in the public interest, a further Notice of Proposed Rule Making will be required which will set forth specific rules to govern this service, and on which interested parties will be afforded the opportunity to comment.

5. The filings of both the International Municipal Signal Association (IMSA) and the Associated Police Communications Officers, Inc. (APCO) specifically contain requests that in the event all portions of the Docket cannot be disposed of expeditiously, those proposals which affect their respective services should be the subject of immediate action to alleviate their pressing needs. On this point, IMSA stated:

> In the event any delay may occur regarding a decision on whether or not this new Service [Medical Emergency Service] should be established due to Comments filed by interested parties, it is respectfully urged that the proposals concerning the allocations to the Fire Radio Service be considered separately from the proposal for the establishment of this new Service so that the allocation of these additional frequencies will not be held up pending the determination of this other matter.

APCO in raising the same point commented:

> Because of the pressing need for additional frequency assignments, APCO also respectfully requests that prompt and expedited action be taken with respect to the police service . . . and possibly other established public safety services . . . even if the current proceeding and the questions relating to the establishment of a new medical emergency service cannot be concluded fully within a reasonably short time. APCO believes that such action is warranted by the current needs of the police service.

6. It should be pointed out that the absence of similar requests by the other Public Safety users was not the controlling factor in the Commission's determination to act now, only on those proposals affecting the Police and Fire Radio Services. As indicated in paragraph 4, supra, the filings by these groups clearly demonstrate a compelling need for additional frequencies immediately. Since their showings were virtually uncontroverted and, in fact, were generally supported by most of the comments, it would appear that prompt action as to their proposals is justified and is in the public interest.

Proposed Police Frequency Assignment. 7. The Wisconsin Chapter of APCO and the Washington State Patrol requested that all the presently unassigned frequencies located between existing police frequencies in the 152–162 Mc band be assigned to the Police Radio Service. APCO has sought 40 channels for police which it claims still "• • • would leave that service with serious frequency inadequacies." It is the APCO position that to assign the 25 frequencies proposed immediately would be acceptable as a stop-gap measure, but that the other 15 frequencies should be authorized in a later Report and Order. Most other interested parties who commented on this phase of the Notice of Proposed Rule Making concurred with the Commission's proposal to make available 25 frequencies to this service. For the reasons stated previously the Commission does not intend to authorize the 15 additional frequencies requested for use in the Police Radio Service at this time. This should not be construed to mean that the Commission will make available still further frequencies to this service in a subsequent Report and Order. Of course, the converse is also true; however, it must be noted that the assignment of 25 out of a total number of 69 available frequencies in the 152–162 Mc band to a single service represents a relatively high percentage. In addition, Section 10.252 of the Commission's Rules provides that after October 31, 1963, police frequencies may no longer be used for fire communications. It is anticipated that this will relieve to some extent the present overcrowding on police frequencies.

8. The sole disagreement among the various police users who filed comments concerned the number of frequencies which should be made available for state police organizations only. California Public Safety Radio Association, Inc., and the Associated Public Communications Officers, Inc., of California typified the view of those who advocated that none of these additional frequencies should be reserved for states. As the latter stated: "We cannot concur in any thinking which would add even more additional frequencies for exclusive state operation at the expense of the local law enforcement authorities until such time as the state police licensees can show that they are making as full use of

their frequencies as the local law enforcement agencies are." Supporters of this position point out that counties presently operating police systems on low-band frequencies should be given the opportunity to shift to the 150 Mc band to avoid "skip" interference.

While the California State Communications Advisory Board proposed that the entire 25 frequencies be earmarked for state police only, the general consensus was that approximately 50 percent should be so reserved. In this regard, the fact that most of those filing comments in behalf of police users represented state organizations must be recognized. After examination of the record in this Docket and of the frequencies now available for this service, it is the Commission's opinion that 6 frequencies should be set aside for use by state police. Although this is a somewhat smaller number than that urged by many of the comments, it seems to be adequate when it is realized that the remaining frequencies will also be available to states, albeit not on an exclusive basis.

9. Some comments filed by police users requested that the frequencies selected for assignment to this service be chosen so as to permit the establishment of wide-area radio systems. However, to assign "split-channel" frequencies with this wide separation would give rise to frequency coordination problems since such assignments would have to be located between primary frequencies now available to other services. On balance, these serious difficulties which would then be created would transcend the advantages of facilitating large area operations. Hence, the Commission has endeavored to select frequencies for assignment to the Police Radio Service which will provide a one megacycle separation for such operations but has decided against wider separation assignments. It should be noted that judicious selection of an existing and a new frequency may well afford opportunity for wider separation.

Proposed Fire Frequency Assignment. 10. In its comment supporting the Commission's proposal to assign 16 frequencies in the 152–162 Mc band to the Fire Radio Service, IMSA points out that in addition to present overcrowding on existing frequencies many new fire systems will have to be established by October 31, 1963, when fire communications will no longer be able to be transmitted on police frequencies. Currently, there are no "split-channel" frequencies available to this service in this band, and those operating in the lower bands are experiencing severe "skip" interference. Frequencies in the 152–162 Mc band are more suitable for fire communications than the lower frequencies since fire departments are generally somewhat localized in their scope of operation and jurisdiction. Frequencies below 50 Mc give a transmitting range which often is in excess of fire needs, and they have the added disadvantage of bringing in unwanted signals.

The American Municipal Association did not oppose the proposed assignment to the Fire Radio Service but did question whether usage of present frequencies was sufficient to warrant additional channels. However, the comment further stated: "Admittedly, during a catastrophe or during multiple alarms in nearby areas some possible congestion on a present Fire Radio Service could frequently develop." This situation may also be said to exist potentially when radio is needed to aid in any fire-fighting activity. It is true that the frequency of utilization of radio by fire departments may be less than in some other service; however, when radio is required interference-free communications are essential. Otherwise, the value of radio becomes minimal. Thus, based on the frequencies now available to the Fire Radio Service and the interference level existing thereon, it appears that the public interest requires the assignment of additional frequencies to this service.

11. The Commission proposed, and the comments generally supported, the establishment of "mutual aid" or intersystem frequencies to enable adjacent fire departments to intercommunicate where cooperation and coordination is required in fighting a fire. Currently this intercommunication is available only where a group of fire radio licensees elect to operate on common base-mobile frequencies. This results in unnecessary interference and does not provide adequately for large systems which want to operate independently and still coordinate with other areas when the situation requires it. The Police Radio Service has effectively solved this problem under the intersystem concept: designation of particular frequencies solely for this purpose. In its comment, APCO enthusiastically recommends that this principle be adopted in the Fire Radio Service.

Some comments favored continuation of the present system rather than designation of specific frequencies for intercommunication. However, for the reasons stated above, the Commission is of the opinion that use of a particular frequency for this purpose will best serve the needs of the service. After examination of present assignments, the Commission has selected the frequencies 45.88 Mc and 154.280 Mc as the intersystem frequencies. Both of these frequencies are, of course, "split-channel" frequencies and will be available only after an applicant has complied with the requisite frequency coordination procedures. To enable the frequency 154.280 Mc to be used to the fullest, the Commission is proposing not to assign the frequencies 154.265 Mc and 154.295 Mc at this time (i.e., the frequencies 15 kc from this intersystem frequency). These frequencies will be tagged as "reserved," and after October 31, 1963, when frequency coordination on the "split channels" can be effectuated by an appropriate committee letter, these frequencies will be made available to applicants in the Fire Radio Service.

12. A few comments by fire radio users requested that the "split channels" be assigned to this service so that large area operation might be conducted. This requires wide frequency separation. (See paragraph 9, supra.) To provide for this, the Commission would have had to assign fire channels between frequencies allocated to other Public Safety Services. This would have introduced serious frequency coordination problems, and in many areas fire radio applicants might have been unable to obtain consent from these adjacent channel users. The net result might be that to all intents and purposes some of these interspersed split frequencies might prove to be unavailable. Instead the Commission has determined that all the frequencies to be assigned to the Fire Radio Service should be comprised of "split channels" located between existing fire radio assignments. This will create a solid block of fire frequencies and should greatly minimize the task of applicants in obtaining frequency coordination since fire radio applicants will need to seek consent only from existing fire radio users rather than from licensees in other services. It should be noted that a majority of the comments favored this "block type" frequency assignment. Wherever possible both in the balance of this Docket and in similar proceedings, the Commission will follow this policy.

13. Many comments question the need of assigning two frequencies in the 40 Mc band to the Fire Radio Service. In particular, certain users in the Highway Maintenance Radio Service have pointed out that these low-band frequencies are more suitable for their wide area operations than for fire-fighting activities. Of course, one such frequency has been designated, supra, for intersystem communications; however, it would appear advisable to withhold action on the disposition of the other 40 Mc frequency until a later Report and Order to reassess the possibility that it might be better assigned to another service.

14. The Commission wishes to point out that the frequencies made available herein to both Police and Fire Radio Services are located either 15 kc or 30 kc from existing primary channels. As such, the required frequency coordination which applicants will have to submit to obtain one of these frequencies will be that procedure which now applies to the assignment of "split-channel" frequencies. In essence this means that applicants for 30 kc "split channels" will have to comply with the provisions of §§ 10.255(h)(20) and 10.305(g)(11). Applicants for 15 kc "splits" will have to comply with requirements identical to those which are now applicable to the Local Government Radio Service as set forth in § 10.555(g)(5)(iii) in addition to the requirements of the above sections. It should be further noted, however, that certain primary channels are now available for mobile operation only. Hence, applicants seeking authorizations on channels within plus or minus 30 kc of these primaries will not be required to coordinate with existing users who are operating mobile systems only on such primary channels.

15. As mentioned previously, considerable support for additional assignments to the Local Government Radio Service has been placed on the record. The Notice of Proposed Rule Making did not contemplate any such assignments.

The Commission is, however, cognizant of the fact that there is a scarcity in the number of frequencies available in most areas, and in some locations all channels are currently in use, thus precluding new assignments. To alleviate this situation, the Commission intends to issue a Notice of Proposed Rule Making in the near future proposing to split certain frequencies between 150.8 Mc and 152 Mc and to make these split channels resulting therefrom available to the Local Government Radio Service.

Authority for the amendments set forth in the attached Appendix is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

Therefore, it is ordered, That effective September 1, 1960, Part 10 be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 20, 1960.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 10 of the Commission's rules is amended as follows:

1. Section 10.255 is amended as follows:

a. The frequency table in paragraph (g) is amended by deleting that portion beginning with the frequency 154.65 Mc and ending with the frequency 154.950 Mc and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
154.650	Mobile	
154.665	Base and mobile	8, 23
154.680	do	8, 20
154.695	do	8, 23
154.710	Mobile	
154.725	Base and mobile	23
154.740	do	20
154.755	do	23
154.770	Mobile	
154.785	Base and mobile	23
154.800	do	20
154.815	do	23
154.830	Mobile	
154.845	Base and mobile	23
154.860	do	20
154.875	do	23
154.890	Mobile	
154.905	Base and mobile	8, 23
154.920	do	8, 20
154.935	do	8, 23
154.950	Mobile	

b. The frequency table in paragraph (g) is further amended by deleting that portion beginning with the frequency 155.49 Mc and ending with the frequency 155.73 Mc and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
155.490	Base and mobile	
155.520	do	20
155.535	do	23
155.550	do	
155.565	do	23
155.580	do	20
155.595	do	23
155.610	do	
155.625	do	23
155.640	do	20
155.655	do	23
155.670	do	
155.685	do	23
155.700	do	20
155.730	do	

c. Paragraph (h) is amended by adding the following new subparagraph:

(23) Available for assignment for developmental operation: *Provided*, That

(i) Listed frequencies 15 kc removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(ii) The proposed station location is removed by at least 40 miles from the station location of each other station, except those of the applicant authorized to operate on frequencies 30 kc or less removed; and

(iii) The application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location authorized to operate on frequencies 30 kc or less removed have been notified of applicant's intention to request the assignment.

2. Section 10.305 is amended as follows:

a. The frequency table in paragraph (f) is amended by deleting that portion beginning with the frequency 33.98 Mc and ending with the frequency 46.06 Mc and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
33.98	Base and mobile	
45.88	do	11, 13
46.06	do	

b. The frequency table in paragraph (f) is further amended by deleting that portion beginning with the frequency 154.130 Mc and ending with the frequency 166.250 Mc and substituting therefor the following:

Frequency or band	Class of station(s)	Limitations
154.130	Base and mobile	8
154.145	do	8, 12
154.160	do	8, 11
154.175	do	8, 12
154.190	do	8
154.206	do	8, 12
154.220	do	8, 11
154.235	do	8, 12
154.250	do	8
154.265	do	8, 12, 14
154.280	do	8, 11, 13
154.295	do	8, 12, 14
154.310	do	8
154.325	do	8, 12
154.340	do	8, 11
154.355	do	8, 12
154.370	do	8
154.385	do	8, 12
154.400	do	8, 11
154.415	do	8, 12
154.430	do	8
154.445	do	8, 12
166.250	do	8

c. Paragraph (f) is amended by adding the following new subparagraphs:

(12) Available for assignment for developmental operation: *Provided*, That

(i) Listed frequencies 15 kc removed are presently assigned for use in the same area or the use of such frequencies is shown to be impractical at the location proposed; and

(ii) The proposed station location is removed by at least 40 miles from the station location of each other station, except those of the applicant authorized to operate on frequencies 30 kc or less removed; and

(iii) The application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused, together with a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location authorized to operate on frequencies 30 kc or less removed have been notified of applicant's intention to request the assignment.

(13) This frequency is reserved for assignment to stations in the Fire Radio Service for intersystem operations only.

(14) Not available for assignment until November 1, 1963. After that date, this frequency will be available for assignment subject to the conditions in subparagraph (12) of this paragraph.

[F.R. Doc. 60-7043; Filed, July 27, 1960; 8:50 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13689; FCC 60-885]

[47 CFR Part 3]

STANDARD BROADCAST TRANSMITTERS

Single Lever for Allowable Noise and Hum

In the matter of amendment of § 3.40 of the Commission's rules to specify a single level for allowable noise and hum in standard broadcast transmitters, Docket No. 13689.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 3.40(a)(6) of the Commission's rules reads as follows:

(6) The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 50 decibels below 100 percent modulation for the frequency band of 150 to 500 cycles and at least 40 decibels down outside this range.

3. Measurements to determine compliance with the requirements of this paragraph of the rules are directly affected by the bandwidth of the measuring instrument. In the case of random noise, which is uniformly distributed throughout the frequency spectrum, the noise power measured will be directly proportional to the bandwidth of the measuring instrument. If hum or other discrete frequency noise components are present the measured noise level will depend on whether the bandwidth accepted by the measuring instrument includes these frequencies.

4. In order to minimize the need for complex measuring equipment and to permit more uniformity in making measurements to determine compliance with the Commission's rules, it is proposed to amend § 3.40(a)(6) to read as follows:

(6) The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r.s.s.) is at least 45 decibels below 100 percent modulation for the frequency band of 30 to 20,000 cycles.

This proposal, which represents a compromise of existing specifications, will insure acceptable transmitter performance while providing for measurement procedures which are more in keeping with accepted practice.

5. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before August 22, 1960, and reply comments on or before September 1, 1960.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 20, 1960.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7039; Filed, July 27, 1960; 8:49 a.m.]

[47 CFR Part 16]

[Docket No. 13690; FCC 60-898]

LAND TRANSPORTATION RADIO SERVICES

Base Stations in the Taxicab Radio Service

In the matter of amendment of Part 16, Land Transportation Radio Services, to redefine eligibility and to specify permissible locations of base stations in the Taxicab Radio Service, Docket No. 13690.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. The Commission proposes to amend its rules governing the Taxicab Radio Service to specify (1) that application for station authorization in that service may be made by any person who undertakes to provide taxicab service to the public in a given area, regardless of whether actually providing that service or actively preparing to provide that service, and (2) that, except under certain specified conditions, a base station in the Taxicab Radio Service may be located only within the area in which the licensee is regularly permitted to both pick up and discharge passengers in the operation of the taxicab transportation service, or if there is excessive signal strength outside such areas, the Commission may impose restrictions on the license to limit the effective communication service area.

3. The purpose of the first amendment described above is to clarify both the intent of the present rules of the Commission and existing application procedure. It has come to the attention of the Commission that some municipalities or other governmental authorities require that an applicant for a franchise or permit to operate a taxicab business be a licensee of this Commission and be fully equipped to dispatch his cabs by radio, before he may operate his taxicabs. It also appears, that in many other cases, persons starting in the taxicab business need to have their radio authorizations in hand before purchasing the taxicabs, in order to have firm information as to the radio frequencies which should be provided in any equipment to be factory installed. In either case, the issuance of such station authorizations in advance of actual taxicab operation has been considered permissible in the past under the existing provisions of the rules; however, considerable misunderstanding has existed on this matter and the presently proposed amendment is intended to clarify this situation. At the same time, it will be clearly set forth in the rules that when an authorization is issued under the preceding circumstances, the station(s) involved may not be operated for other than test purposes until such time as the associated taxicabs are actually being used to provide a taxicab transportation system in the area involved.

4. The second proposed amendment is designed to aid the Commission in correcting situations which have become more critical in recent years due to the rapid expansion of metropolitan areas and the increased use of radio by the taxicab industry. In addition, it serves to emphasize the intention of the Commission when it originally established the Taxicab Radio Service; i.e., to provide for the use of radio to facilitate the furnishing of adequate taxicab transportation facilities to the general public. In some instances taxicab companies operating in and around contiguous communities have either so constructed their base stations that the signals therefrom blanket the several communities involved or have attempted to locate their base stations so as to obtain additional communication range outside the areas primarily served by the taxicab transportation system. In other cases the station licensees have attempted to fill in "dead spots" in their local coverage areas, caused by buildings or other terrain factors, by the use of higher power or antennas although such complete coverage is frequently impossible. Such base station operation has invariably resulted in increased interference to other licensees, due either to the mere placement of the base station in an area served by such other licensee or due to the additional power and/or antenna height or directional characteristics which might be necessary to provide communications throughout the desired area. While the frequencies available for use by stations in the Taxicab Radio Service are shared without distinction between all licensees and the avoidance of unnecessary interference between such stations is the immediate responsibility of all the licensees involved, the Commission believes that the most effective use of radio as it relates to this service may be obtained by limiting the effective communication area of a base station, insofar as is practicable, to the area in which the associated taxicabs may both pick up and discharge passengers in their normal operations. Provision is made in the proposed amendment, however, for the placement of a base station outside such area when unavoidable, under conditions designed to assure that potential interference to other licensees caused by such placement is held to a minimum.

5. Authority for the proposed amendments, which are set forth below, is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any persons desiring to support this proposal may file with the Commission on or before September 1, 1960, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments are established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: July 20, 1960.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. It is proposed to amend § 16.401 to read as follows:

§ 16.401 Eligibility.

(a) The following persons are eligible to hold authorizations to operate radio stations in the Taxicab Radio Service:

(1) Persons regularly furnishing or undertaking to furnish to the public in a given area a for-hire, non-scheduled, passenger land transportation service, not operated over a regular route or between established terminals.

(2) A non-profit corporation or association organized for the purpose of furnishing a private radiocommunication service solely to persons who are actually engaged in the activity set forth under subparagraph (1) of this paragraph.

(b) Each application for authority to operate radio stations in the Taxicab Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section and the geographical area in which the land transportation service by taxicab is provided or proposed. An applicant may comply with this requirement by submitting, but is not limited to, a showing that he has received, or that he has pending an application for, a franchise, certificate or other formal authority from the appropriate local regulatory agency or agencies to operate taxicabs in the area concerned.

(c) No station authorized pursuant to the provisions of this section shall be operated for other than test purposes until the associated taxicabs are in fact regularly engaged in furnishing the transportation service specified in paragraph (a)(1) of this section.

2. A new § 16.407 is proposed to be added, to read as follows:

§ 16.407 Limitations on base stations.

(a) Base stations in the Taxicab Radio Service will be authorized to be established or relocated only at locations within the respective areas in which the associated taxicabs are permitted to both pick up and discharge passengers. Exceptions to the above may be made, however, when an applicant submits a showing, satisfactory to the Commission, (1) that the location of the base station within such area is prohibited or restricted and (2) that the proposed location outside such area will not result in a material increase in radio interference to other taxicab operations.

(b) When it appears that the emissions of a base station in the Taxicab Radio Service might result in excessive signal strength outside the area in which the taxicabs associated with that base station are permitted to both pick up and discharge passengers, or when it appears that the emissions of such a base station do in fact cause unnecessary interference to other stations outside such area, the Commission in its discretion may specify limitations on the station power and antenna height, and may place such other restrictive terms on the station authorization as may appear necessary to limit the effective communication service area of the base station to the area served by the associated taxicabs.

[F.R. Doc. 60-7040; Filed, July 27, 1960; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 457]

AIRWORTHINESS DIRECTIVES

Lockheed 188 Aircraft

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring lavatory tank ground drain valve seal replacement on certain Lockheed 188 aircraft to preclude ice formation from leaky valves. Incidents of damage to property on the ground have occurred due to falling ice and safety of the aircraft can also be affected by ice formation.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Dockets Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before August 29, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

Lockheed. Applies to 188 aircraft Serial Numbers 1002, 1004 through 1102, 1104 through 1120, and 2001 through 2013.

Compliance required by November 15, 1960.

Leaking lavatory tank ground drain valves have permitted drainage to the exterior surface of the aircraft in flight, resulting in ice formation which came off and struck the stabilizer. Since such ice formation is hazardous to aircraft in flight and to persons on the ground, all lavatory tank ground drain valves must be modified to incorporate LAC seal No. 636238-1 or equivalent.

(LAC 88/SB-407 covers the intent of this change.)

Issued in Washington, D.C., on July 22, 1960,

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7006; Filed, July 27, 1960; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 458]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Airborne Radar Altimeter Equipment

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order will establish minimum performance standards for airborne radar altimeter equipment for use on civil aircraft of the United States engaged in air carrier operations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 12, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed

in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 753, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.73:

§ 514.73 Airborne radar altimeter equipment (for air carrier aircraft)—TSO–C67.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radar altimeter equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radar altimeter equipment manufactured for use on civil air carrier aircraft on or after the effective date of this section shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards for Airborne Radar Altimeter Equipment Intended for Determining Pressure Gradients and Operating Within the Radio Frequency Band of 420–460 Megacycles," (Paper 73–60/DO–103)[1] dated April 12, 1960. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60[1] which is incorporated by reference in and thus is a part of Paper 73–60/DO–103 has been amended by Paper 256–58/EC–366. This amendment is also a part of the minimum performance standards. Exceptions, additions, and substitutions to these standards are covered in subparagraph (2) of this paragraph.[2]

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100–54/DO–60, and amendment Paper 256–58/EC–366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne radar altimeter equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100–54/DO–60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used,

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10–55 c.p.s.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100–54/DO–60 as amended.

(b) *Marking.* (1) In addition to the markings specified in § 514.3, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100–54/DO–60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(2) Each major component of airborne radar altimeter equipment (antenna, power supply, etc.) shall be identified with at least the manufacturer's name and TSO number.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Airborne radar altimeter equipment shall be produced under a quality control system, established by the manufacturer, which will assure that each equipment is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Airborne radar altimeter equipment approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Issued in Washington, D.C., on July 22, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–7005; Filed, July 27, 1960; 8:45 a.m.]

[1] Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 73–60/DO–103, 40 cents per copy; Paper 100–54/DO–60 with Amendment Paper 256–58/EC–366, 20 cents per copy.

[2] When airborne radar altimeter equipment is installed on civil aircraft, the installation must comply with the functional and installation requirements of Parts 3, 4b, 6 or 7 of the Civil Air Regulations as applicable.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Extension of Period for Which To Submit Comments or Suggestions

On June 24, 1960, notices of proposed rule making regarding amendment of §§ 107.308–1(b) and 107.308–5 of Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations were published in the FEDERAL REGISTER (25 F.R. 5846). Such notices provided that prior to final adoption of such amendments of regulations, consideration would be given to any comments or suggestions pertaining thereto submitted within a period of 30 days from the date of such publication in the FEDERAL REGISTER.

Notice is hereby given that prior to the final adoption of such amendments of regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within an additional period of 20 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 19, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60–7018; Filed, July 27, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

AMENDMENT TO THE STATEMENT OF ORGANIZATION

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

District 8—Detroit, Mich., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended in the following respects:

1. The list of Class A ports of entry is amended by deleting "Port Dolomite, Mich."

2. The list of Class C ports of entry is amended by adding in alphbetical sequence "Port Dolomite, Mich."

Dated: July 25, 1960.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 60–7026; Filed, July 27, 1960; 8:47 a.m.]

Office of the Attorney General

[Order 208–60]

PLACING THE OFFICE OF ALIEN PROPERTY IN THE OFFICE OF THE ATTORNEY GENERAL

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), it is hereby ordered as follows:

1. The Office of Alien Property in the Department of Justice, together with all of the records, property, personnel and positions thereof, is hereby placed within the Office of the Attorney General and shall constitute and function therein as the Office of Alien Property which shall be in the charge of an officer to be known and designated as the Director, Office of Alien Property.

2. All the authority, rights, privileges, powers, duties, and functions of the Assistant Attorney General, Director, Office of Alien Property, are hereby transferred to the Director, Office of Alien Property.

3. The Director, Office of Alien Property shall act for and on behalf of the Attorney General.

4. Existing delegations by the Assistant Attorney General, Director, Office of Alien Property, shall continue in force and effect until modified or revoked.

5. All the authority, rights, privileges, powers, duties, and functions of the Director, Office of Alien Property, may be exercised or performed by any agencies, instrumentalities, agents, delegates, or other personnel designated by him.

Dated: July 22, 1960.

WILLIAM P. ROGERS,
Attorney General.

[F.R. Doc. 60–7022; Filed, July 27, 1960; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 25]

[B–26232]

COLORADO

Small Tract Classification; Amendment (Correction)

1. Pursuant to the authority delegated to me by the Colorado State Supervisor, Bureau of Land Management, effective February 19, 1958 (23 F.R. 1098), it is ordered as follows:

2. Federal Register Document 60–6018, appearing on pages 6145–46 of the issue for June 30, 1960 is hereby corrected as follows:

In the tabulation pertaining to lot numbers, acreage, etc., the Advanced Rental for three-year lease period for lot 20 is corrected to read $90.00 instead of $80.00; for lot 22, it is corrected to read $82.50 instead of $92.50.

ANDREW J. SENTI,
Acting Lands and Minerals Officer.

JULY 21, 1960.

[F.R. Doc. 60–7014; Filed, July 27, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 273]

WILLI FARNER ET AL.

Order Denying Export Privileges

In the matter of Willi Farner, also known as Willi Farner Moser, Grenchen, Switzerland, and Sagrera 44–58 Barcelona, Spain; Farner-Werke A.G., Grenchen, Switzerland; Alexander Botez, also known as A. B. Gamboa, and as Alexander Botez Gamboa, and as Allessandro Donici Botez, Boite Postale 21, Poste Grange Canal, Geneva, Switzerland; respondents; Case No. 273.

Willi Farner, also known as Willi Farner Moser, of Grenchen, Switzerland and Barcelona, Spain, Farner-Werke A.G., also of Grenchen, Switzerland, and Alexander Botez, alias A. B. Gamboa, Alexander Botez Gamboa, and Allessandro Donici Botez, of Geneva, Switzerland, the respondents herein, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, among other things, they participated in ventures involving unauthorized transshipments and diversions of electronic goods exported from the United States. They have been subject to a temporary order denying all export privileges to them since August 11, 1958 (23 F.R. 6270, August 14, 1958; 23 F.R. 7145, September 16, 1958). They appeared herein by attorney, admitted certain of the charges but pleaded mitigating circumstances, and denied all other charges.

In accordance with the practice, the case was referred to the Compliance Commissioner, who has reported that the evidence supports findings of violation and has recommended that the respondents be denied export privileges so long as export controls remain in effect.

Now, after considering the entire record consisting of the charges, the evidence submitted in support thereof, the answers, evidence and brief submitted on behalf of respondents, and the Report and Recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, the respondents Willi Farner, Farner-Werke A.G., and Alexander Botez, the last being known also as A. B. Gamboa, Alexander Botez Gamboa, or Allessandro Donici Botez, were engaged in the import and export business in Switzerland, and the respondent Willi Farner had also an address in Barcelona, Spain, where he was known as Willi Farner Moser.

2. During the years 1955, 1956, and 1957, the said respondents, for the purpose of supplying numerous commodities being obtained by or on behalf of purchasers known by them to be engaged in the importation of such commodities into Communist China, proceeded to purchase such commodities from suppliers in the United States or from an exporter in England, who, in turn, purchased the same from suppliers in the United States.

3. Commodities so purchased were delivered by the respondents to persons in Switzerland, who, thereafter, acting independently with the knowledge of the respondents or by utilizing facilities available to the respondents, caused the commodities so purchased and originally exported from the United States to be diverted and transshipped to Communist China contrary to and in violation of the export licenses pursuant to which they had been exported from the United States.

4. Among the commodities so acquired by the respondents were six trademarked signal generators together with spare tubes and instruction manuals, exported from the United States in February, April, and May 1957; another trademarked signal generator together with

spare tubes and instruction manual, exported from the United States in January 1957; a trademarked polar recorder and precision square rooter together with spare tubes, exported from the United States in May 1957; a trademarked electronic frequency meter with spare tubes plus an optical tachometer pickup, two tachometer generators, an accessory meter, and a cable assembly together with instruction manuals for each instrument, exported from the United States in February 1957; and two radio interference-field intensity meters with numerous accessories and spare tubes, exported from the United States in January 1957.

5. In order to induce the sale and exportation to them of the commodities mentioned in Finding 4 hereof, respondents stated and represented or caused to be stated and represented on various export control documents required by the Bureau of Foreign Commerce that the said commodities were to be used in Spain and that Spain was the country of ultimate destination.

6. Said export control documents were submitted to the Bureau of Foreign Commerce in support of applications for validated export licenses to permit the exportation of the commodities from the United States.

7. Also in January, February, and March of 1956, but not shown by the evidence herein to be connected with acquisitions for the purpose of supplying the Communist purchasers, respondents purchased from sources in the United States and caused to be exported from the United States two microwave signal generators with tubes and accessories, two Universal power bridges and ten bolometers with three sets of spare tubes, and one spectrum analyzer with a set of spare tubes.

8. In order to induce the sale and exportation to them of the commodities mentioned in Finding 7 hereof, because they were the subject of representations by the respondents that they would be used in Switzerland, and in accordance with regulations of the Bureau of Foreign Commerce, respondents obtained from a department of the Government of Switzerland three Swiss Import Certificates upon representations to that Government that they would import the said commodities into Switzerland.

9. In support of applications for validated export licenses to permit the exportation of said commodities from the United States, respondents caused to be submitted to the Bureau of Foreign Commerce the said Swiss Import Certificates and three BFC Consignee-Purchaser Statements in which they had represented or caused to be represented that the said commodities were to be imported into Switzerland as the country of final destination.

10. In reliance on the representations so made and contained in the various documents submitted, the Bureau of Foreign Commerce, in due course, issued validated export licenses authorizing the exportation of the commodities mentioned in Finding 4 to Spain and in Finding 7 to Switzerland, and all the said commodities thereafter were exported from the United States pursuant to said licenses.

11. The representations made by the respondents setting forth the end use and ultimate destination of the commodities mentioned in Finding 4 hereof were false and known by them to be false at the time when they made such representations. They made such representations for the purpose of inducing the Bureau of Foreign Commerce to issue the validated export licenses permitting the exportation of the said commodities to them because they well knew that if the true destination of the goods, Communist China, were known to the exporters in the United States or to the Bureau of Foreign Commerce, applications for export licenses would not have been submitted or, if submitted, would not have been granted.

12. The representations made by the respondents as to ultimate use and destination, both in Spain and in Switzerland, were continuing representations, and respondents had certified to the Bureau of Foreign Commerce that, prior to any disposition of the goods contrary thereto, they would send a supplemental statement showing any intended change in facts or intentions to the exporter in the United States from whom the goods were being acquired.

13. Respondents, without notifying any American exporter or the Bureau of Foreign Commerce and without authorization from the Bureau of Foreign Commerce, caused the commodities mentioned in Findings 7 and 8 hereof to be transshipped from Switzerland to Spain without authorization from the Bureau of Foreign Commerce.

14. The transshipments both to Spain and to Communist China were made or caused to be made by respondents after receipt by them of invoices and bills of lading on which had been endorsed destination control notices prescribed by the Bureau of Foreign Commerce, which notices gave them additional knowledge and warning that the goods covered by such documents had been exported from the United States pursuant to export licenses restricting their ultimate delivery to particular countries and that diversion to other places was contrary to United States law.

15. During the course of an investigation concerned with the ultimate disposition of the Commodities which had been licensed for exportation to Spain and in response to inquiries by the American Consul in Barcelona, Spain, acting on behalf of the Bureau of Foreign Commerce, the respondent, Willi Farner, represented and stated to him that certain of the equipments which had been obtained by the respondents for importation into Spain actually had been imported into that country, but in making the said statement, Farner well knew that it was false and intended to mislead the American consul in his investigation and that the equipments mentioned by him in fact had not been imported into Spain.

16. In the Consignee-Purchaser Statement which respondents caused to be submitted to the Bureau of Foreign Commerce in support of the application for the license to export the polar recorder, square rooter and spare tubes, they represented that a particular company in Barcelona, Spain, was the purchaser thereof and Farner, after executing the said statement naming "Willi Farner Moser" as ultimate consignee, executed as well the portion of that statement entitled, "Certificate of Purchaser," caused to be endorsed thereon the name of the company represented as "purchaser," and signed the name of one of the managers of said company thereon.

17. By so signing the name of the manager of the company represented as "purchaser," Farner represented and made it appear to the Bureau of Foreign Commerce that the purchaser of the goods described therein was a person or entity other than himself and that the commodities were being acquired independently by the represented company for ultimate sale to a Willi Farner Moser in Spain, when, in fact, the respondents actually were purchasing such commodities directly and without the intervention of the represented company and, to the extent that the name of the represented company appeared at any stage in the transaction, it appeared only as a device or screen to lessen the apparent connection of the respondents to this particular exportation. This objective was furthered as well by the use by Farner of the name Willi Farner Moser (as distinguished from Willi Farner) when describing the "ultimate consignee."

And from the foregoing, I have concluded that the respondents Willi Farner, Farner-Werke A.G., and Alexander Botez:

A. Knowingly made and caused to be made false statements, representations and certifications to, and concealed and caused to be concealed material facts from, the Bureau of Foreign Commerce, directly and indirectly, in connection with the preparation, submission, issuance and use of export control documents, in connection with effecting exportations from the United States and their re-exportation, transshipment and diversion, and in the course of an investigation instituted under the Export Control Act of 1949, as amended, all in violation of Sections 381.2 and 381.5 of the Export Regulations.

B. Bought, received, sold, disposed of, and caused to be transported and forwarded exportations from the United States, knowing that with respect to such exportations violations of the Export Control Law, regulations and licenses, had occurred, were about to, and were intended to occur, in violation of §§ 381.2 and 381.4 of the Export Regulations.

C. Without authorization of the Bureau of Foreign Commerce, knowingly disposed of, diverted, and caused to be transshipped and re-exported commodities to persons and destinations and for uses, contrary to the terms, provisions and conditions of export control documents, prior representations, notifications of prohibition against such actions, and the Export Control Law, regulations, and licenses issued thereunder, in violation of §§ 381.2 and 381.6 of the Export Regulations.

D. Used and caused to be used export control documents for the purpose of and in connection with facilitating and effecting exportations and re-exportations of U.S. commodities which were not in accord with the terms, provisions, and conditions of said documents, in violation of §§ 381.2 and 381.8 of the Export Regulations.

In his report the Compliance Commissioner considered at length objections on the part of the respondents to the use against them of classified material to which they were not allowed access and to the prosecution of this proceeding against them because, as claimed by them, it had been their intention from the beginning to smuggle most of the goods involved into Spain, and BFC officials, with knowledge of that intention, had issued validated export licenses authorizing the exportations of the goods to Spain. As to the first objection, they claimed that constitutional rights and principles of due process were being violated and, as to the second, they claimed that since BFC employees had been aware of their smuggling intention, BFC ought not to be permitted to prosecute them for not delivering the goods to Spain. The Compliance Commissioner made a careful review of the legal questions thus presented and overruled these objections.[1] In making his recommendation that the respondents be denied all export privileges so long as export controls are in effect, he said:

> • • • The conduct of the respondents in providing very strategic electronic materials to an organized gang operating over a long period of time in the business of procuring and transshipping strategic commodities for Communist Chinese purchasing agencies was most harmful to the export control program, the carrying on of our foreign policy, and our national security. In a case such as this there is no reason whatsoever to make any disposition other than a complete denial of export privileges for all of the respondents so long as export controls shall be in effect. This is my recommendation. • • •

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law, it is hereby ordered:

I. The temporary denial order dated August 11, 1958 (23 F.R. 6270, August 14, 1958; 23 F.R. 7145, September 16, 1958) hereby is made permanent. So long as export controls shall be in effect, the said respondents, their agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation heretofore or hereafter has been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated license, or resorting to a procedure permitted by any General License, or the utilization of any export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with any respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which any respondent may have any interest of any kind or nature.

Dated: July 22, 1960.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 60-7021; Filed, July 27, 1960; 8:46 a.m.]

[1] An extract from this portion of the Compliance Commissioner's report may be obtained, so long as the supply lasts, by writing to Compliance Commissioner, FC-2680, U.S. Department of Commerce, Washington 25, D.C.

FEDERAL COMMUNICATIONS COMMISSION

CHIEF OF SAFETY AND SPECIAL RADIO SERVICES BUREAU

Delegation of Authority To Grant Waivers of Spurious Emission Limitations and Type Acceptance Requirement

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration the above-captioned matter;

It appearing that appropriate waivers of the spurious emission and type acceptance requirements of, respectively, §§ 8.136 and 8.139 should in certain instances be granted for transmitters that do not meet and are not excepted from those requirements; and

It further appearing that for administrative efficiency, the authority to grant such waivers should be delegated to the staff; and

It further appearing that the amendment herein adopted pertains to matters of Commission management and procedure, and that, therefore, compliance with the notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing that the amendment herein adopted is issued pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective August 1, 1960, Part 0, the Commission's Statement of Organization, Delegations of Authority, and Other Information, is amended as set forth below.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 0, Statement of Organization, Delegations of Authority, and Other Information, is amended as follows:

Section 0.291(b) is amended by adding new subparagraph (13) as follows:

SEC. 0.291 *Matters delegated.*

• • • • • •

(b) • • •

(13) To grant, in the absence of unusual circumstances:

(i) A non-renewable, 4-year waiver of the type acceptance requirement of § 8.139 of the Commission's rules for any radiotelephone transmitter that fails to qualify for the "same vessel" exception to that requirement solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(ii) A 4-year waiver and renewals thereof of the spurious emission limitations of § 8.136 of the Commission's rules for any radiotelegraph transmitter that fails to qualify for the "same vessel" exception to those limitations solely because the set was formerly used in a U.S. Government or foreign station and, therefore, has never been licensed by the Commission.

(iii) A 6-month waiver of the type acceptance requirement of § 8.139 of the Commission's rules in cases substantially the same as those in which the Commission en banc has taken similar action.

[F.R. Doc. 60-7027; Filed, July 27, 1960; 8:48 a.m.]

NEW YORK UHF-TV TEST

Notice of Conference

JULY 21, 1960.

At the request of the Commission, Congress has authorized a $2,000,000 study to be made during fiscal years 1961 and 1962 to ascertain the technical and economic feasibility of utilizing UHF

channels to provide satisfactory television coverage to the New York City TV market area. The information is designed to supplement that which was gathered by the Television Allocations Study Organization and to carry forward a recommendation of TASO.

The project will be under the direction of the Commission's Chief Engineer, and for this purpose a UHF–TV Project Unit is being established. The project work will be done principally on a contract basis and those who are prepared to perform various phases of the project under contract should inform the Chief Engineer, so that they may be considered.

So that the Commission can be assured that the study includes as many facets of the problem as are reasonable and that the work may benefit from the active participation of the TV industry, an advisory committee consisting of members from all interested parts of the industry is desired. Representatives of the National Association of Broadcasters, the Electronic Industries Association, the Association of Maximum Service Telecasters, the Institute of Radio Engineers, the Joint Technical Advisory Committee, the Joint Council on Educational Television, the Television Allocations Study Organization, the Association of Federal Communications Consulting Engineers, and others, are invited to participate.

For the purpose of the test, it is proposed to construct a high powered UHF–TV station on the Empire State Building, the site of the existing VHF–TV stations. Another station will be located within about 15 miles of the first on a separate channel to study any improvement which might be obtained with the simultaneous broadcasting of a single program by two stations on two different frequencies. Transmissions with horizontal polarization will be used generally, but for a part of the time, one station will use circular polarization so that comparative observations and measurements can be made. An investigation will be made into UHF improvements in TV receivers, and any practical improvements which are immediately available will be incorporated in receivers to be installed at various points within the service area of the stations. Measurements will be made throughout the service area inside buildings, on roof tops, at street level, and other locations where TV reception may be desired, and correlated with observations of picture quality on the above receivers.

In order to discuss the plans for the project and formulate the membership of an Industry Advisory Committee to aid on this study, interested persons are invited to attend a conference at 10:00 a.m. in Room 7134, New Post Office Building, Washington, D.C., on July 29, 1960.

Adopted: July 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7028; Filed, July 27, 1960; 8:48 a.m.]

[Docket No. 13615; FCC 60M–1290]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13615; regulations and charges for a connecting arrangement to permit the connection of two two-point duplex teletypewriter services with a customer provided aircraft tracking system.

Pursuant to agreement at today's prehearing conference: *It is ordered*, This 20th day of July 1960 that the hearing previously scheduled for September 19, 1960, is rescheduled to Tuesday, November 1, 1960, at 2 p.m., in the offices of the Commission, Washington, D.C.

Released: July 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7029; Filed, July 27, 1960; 8:48 a.m.]

[Docket Nos. 13157, 13159; FCC 60M–1288]

FLOYD BELL AND BELTON BROADCASTERS, INC.

Order Scheduling Hearing

In re applications of Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP–11870; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP–12934; for construction permits.

The Hearing Examiner having before him a petition filed on July 20, 1960, by Belton Broadcasters, Inc., requesting that the hearing in this proceeding be held on July 22, 1960; and

It appearing that all other parties to the proceeding have consented to scheduling the hearing as requested and have consented to immediate consideration of the petition;

It is ordered, This 21st day of July 1960, that the petition is granted; and the hearing in this proceeding now continued without date will be held on July 22, 1960, at 9:30 a.m.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7030; Filed, July 27, 1960; 8:48 a.m.]

[Docket No. 13685; FCC 60–879]

CALOJAY ENTERPRISES, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Calojay Enterprises, Inc., Indianapolis, Indiana, Docket No. 13685, File No. BPH–3013; req. 105.7 Mc, #289; 4.641 kw.; 160 ft., for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified, but may not be financially qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 17, 1960, and incorporated herein by reference, notified the applicant and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the Commission's letter of June 17, 1960, advised the applicant that the proposal to operate 60 hours per week with eight department employees at an estimated cost of operation during the first year of $10,200 did not appear to be realistic and that a detailed showing in support of the estimate should be submitted; that the applicant's reply dated June 27, 1960, stated that the three parties to the applicant would work for a salary of $1.00 per year each until the station would show a net profit, that three other members of the staff would work on a part-time basis; but that substantial questions obtain as to whether the station can be operated as proposed, by three parties to the applicant (when apparently two of the parties will continue full-time employment elsewhere) and three part-time employees; whether, therefore, the applicant's estimated cost of operation, $10,200 per year, is realistic and, if not, whether the applicant has sufficient funds to construct and operate the proposed station; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant's staffing plans and estimated annual cost of operation for the proposed station are realistic, and, if not, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine, in the light of the evidence adduced, pursuant to the foregoing issue, whether the instant application should be granted.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7031; Filed, July 27, 1960; 8:48 a.m.]

[Docket No. 13683]

CUSIMANO CONSTRUCTION CORP.

Order To Show Cause

In the matter of Cusimano Construction Corp., 417 Crain Highway SE., Glen Burnie, Md., Docket No. 13683; order to show cause why there should not be revoked the license for Special Industrial Radio Station KGF–456.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the above-named licensee on March 31, 1960, alleging that on March 22, 1960, the above-captioned radio station was found to be in violation of the following sections of the Commission's rules for the reasons hereinafter set forth:

(1) Section 11.160(c): No record of names of persons responsible for the operation of the base station transmitting equipment together with their periods of duty was maintained on a current daily basis.

(2) Section 11.52(b)(1): Licensee failed to notify the District Office of the completion of construction prior to the commencement of equipment tests.

(3) Section 11.702(a): A suitable means for receiving CONELRAD alerts has not been provided.

It further appearing, that the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated May 11, 1960, and sent by Certified Mail—Return Receipt Requested (No. 991670), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the Licensee's agent, R. A. Larkin, on May 12, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of July 1960, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested, to the said licensee.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting-Secretary.

[F.R. Doc. 60–7032; Filed, July 27, 1960; 8:48 a.m.]

[Docket No. 13684]

HORNE OIL CO.

Order To Show Cause

In the matter of Horne Oil Company, Box 226, Provo, Utah, Docket No. 13684;

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

order to show cause why there should not be revoked the license for Special Industrial Radio Station KOM–765.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the above-named licensee on March 17, 1960, alleging that on March 9, 1960, the above-captioned radio station was found to be in violation of § 11.702(a) of the Commission's rules in that no means was provided for receiving CONELRAD alerts.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated April 19, 1960, and sent by Certified Mail, Return Receipt Requested (No. 1433777), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the Licensee's agent, Serge Nelson, on April 22, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 21st day of July 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested, to the said licensee.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60–7033; Filed, July 27, 1960; 8:48 a.m.]

[Docket No. 13589; FCC 60M-1290]

MERCURY BROADCASTING

Order Continuing Hearing

In re application of Rex O. Stevenson, Jack E. Falvey, Harry Saxe, Jr., and Robert Pommer, d/b as Mercury Broadcasting (a joint venture), Colorado Springs, Colorado, Docket No. 13589, File No. BP-12449; for construction permit.

Pursuant to the agreements reached by counsel for all parties at the prehearing conference held this date, as set forth on the record thus made;

It is ordered, This 21st day of July 1960, that the following shall govern the course of this proceeding:

(1) The direct case of the applicant shall be presented by written, sworn exhibits.

(2) Copies of the applicant's sworn exhibits which are to be offered in evidence shall be supplied to all parties and to the Hearing Examiner on or before September 15, 1960.

(3) Notification of witnesses, if desired, for cross-examination on the applicant's exhibits shall be given on or before September 26, 1960.

It is further ordered, That the hearing heretofore scheduled to commence on September 15, 1960 is hereby continued to October 3, 1960, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7034; Filed, July 27, 1960; 8:48 a.m.]

[Docket Nos. 13076, 13077; FCC 60M-1287]

SUPREME BROADCASTING CO., INC., OF PUERTO RICO, AND RADIO AMERICAN WEST INDIES, INC.

Order Continuing Hearing

In re applications of Supreme Broadcasting Company, Inc., of Puerto Rico, Christiansted, St. Croix, Virgin Islands, Docket No. 13076, File No. BPCT-2575; Radio American West Indies, Inc., Christiansted, St. Croix, Virgin Islands, Docket No. 13077, File No. BPCT-2581; for construction permits for new television broadcast stations (Channel 8).

The Hearing Examiner having under consideration a joint motion filed July 13, 1960, on behalf of both of the applicants herein requesting that the evidentiary hearing now scheduled for July 25, 1960, be continued to September 22, 1960; and

It appearing that the reason for the requested continuance is the fact that counsel for both applicants are engaged in a protest proceeding before the Commission now scheduled for hearing on July 25, 1960, and that such proceeding is required to be expedited; and

It further appearing that counsel for the Broadcast Bureau has given his consent to the grant of the motion and that good cause for the requested continuance having been shown;

It is ordered, This the 21st day of July 1960, that the joint motion for continuance is granted and the evidentiary hearing in this proceeding now scheduled for July 25, 1960, is continued to September 22, 1960.

Released: July 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7035; Filed, July 27, 1960; 8:48 a.m.]

[Docket No. 13686; FCC 60-880]

LAWRENCE SHUSHAN

Order Designating Application for Hearing on Stated Issues

In re application of Lawrence Shushan, Santa Barbara, California, req. 99.9 Mc, #260; 3.5 kw; 3,182 ft., Docket No. 13686, File No. BPH-2994; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified, but may not be financially qualified, to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 8, 1960, and incorporated herein by reference, notified the applicant of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection in the Commission's offices; and

It further appearing that the Commission's letter of June 8, 1960, advised the applicant that it could not be determined that sufficient funds were available for construction and operation of the station; that the applicant's reply dated June 24, 1960, fails to clear up the questions concerning the availability of funds and operating plans for the proposed station, the applicant's balance sheet fails to show cash or liquid assets available over and above those needed to meet current expenditures and commitments, the loan commitment for $10,000 fails to show the security to be posted for the loan, nor does the lender's balance sheet appear to show cash or liquid assets available in an amount to cover the loan; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below:

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue, whether the instant application should be granted.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7036; Filed, July 27, 1960; 8:48 a.m.]

[Docket Nos. 13436-13438; FCC 60-867]

TOT INDUSTRIES, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Tot Industries, Inc., Medford, Oregon, Docket No. 13436, File No. BPCT-2641; Radio Medford, Inc., Medford, Oregon, Docket No. 13437, File No. BPCT-2655; Medford Telecasting Corporation, Medford, Oregon, Docket No. 13438, File No. BPCT-2697; for construction permits for new television broadcast stations (Channel 10).

1. The Commission has for consideration a petition to enlarge issues filed on April 8, 1960, by Medford Telecasting Corporation, together wtih pleadings filed in response thereto.

2. Medford Telecasting seeks to have the issues enlarged to include a determination of the location of the Grade A and B contours of the applicants; a comparison of the areas and populations within such contours which might be expected to receive service; and, in the event it be established that any applicant would serve areas and populations not served by its competitors, a determination of the number of services presently available to such areas and populations.

3. Actual service to areas and populations is a factor of comparative significance if it can be demonstrated by acceptable engineering evidence. While evidence as to the location of Grade A and B contours projected in the manner prescribed by the rules is no more than a measure of service potential entitled to little weight in the absence of supplementary confirming evidence,[1] and subject to being overridden by evidence showing such projected contours to be inaccurate in a given case,[2] a party offering such evidence to prove predicated service is entitled to have it accepted for what it is worth.[3] Therefore, we will grant Medford Telecasting's request to enlarge the issues to permit a showing of the location of the parties Grade A and Grade B contours. In connection with such showing we note that, pursuant to § 3.684(f) of the rules, with respect to each of the applicants the terrain along at least one radial precludes the utilization of the prediction method and a supplemental showing must be made. While the Commission recognizes the difficulties of determining prospective coverage along such radials and, for the purpose of processing the applications was able to accept showings of the type made by the applicants, the establishment of contours along such radials for comparative purposes, as a minimum, will necessitate the submission by each applicant of a complete showing pursuant to all the provisions of § 3.684(f) of the rules. Such showings should be accompanied by engineering analyses setting forth the techniques utilized in predicting the contours, and, in instances where the conventional method prescribed by the rules is, pursuant to such rules, inappropriate, demonstrate the practical reliability of the technique used.

4. Assuming the parties are able to predict their full A and B contours with sufficient accuracy, they will be afforded an opportunity to lend greater significance to such showing by demonstrating the areas within such contours which may be expected to receive actual service, and, after establishing the actual population distribution in such areas, by relating the predicted coverage within the predicted contours to such distribution, as well as showing the number of television facilities presently providing service to such areas and populations.

Accordingly, it is ordered, That the petition to enlarge issues filed by Medford Telecasting Corporation on April 8, 1960, is granted in substance; that the existing Issue No. 4 is renumbered Issue No. 7; and the issues in this proceeding are enlarged as follows:

(4) To determine the location of the proposed Grade A and B contours of the applicants in this proceeding.

(5) To determine, on a comparative basis, the areas and populations within the respective Grade A and B contours which may reasonably be expected to receive actual service from the applicants' proposed stations.

(6) In the event the proof under Issues (4) and (5) above shall show that any or all of the applicants will bring actual service to areas and populations not served by either or both of its competitors, to determine the number of television services, if any, presently available to such areas and populations.

Adopted: July 20, 1960.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7037; Filed, July 27, 1960; 8:49 a.m.]

[1] Great Lakes Television, 16 RR 201 (1957).
[2] Hall v. FCC, 237 F2 567 (C.A.D.C., 1956).
[3] Great Lakes Television, supra.

[Docket Nos. 13687, 13688; FCC 60-881]

VALLEY TELECASTING CO. AND CENTRAL WISCONSIN TELEVISION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Valley Telecasting Company, Wausau, Wisconsin, Docket No. 13687, File No. BPCT-2709; Central Wisconsin Television, Inc., Wausau, Wisconsin, Docket No. 13688, File No. BPCT-2738; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of July 1960;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9, assigned to Wausau, Wisconsin; and

It appearing that the applications of Valley Telecasting Company and Central Wisconsin Television, Inc. are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, Valley Telecasting Company and Central Wisconsin Television, Inc. were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that in the prehearing letter to Central Wisconsin Television, Inc., the Commission raised a question with respect to a possible violation of the spirit of § 3.636(a)(1) of the Commission's rules; and

It further appearing that upon due consideration of the reply to the Commission to the section 309(b) letter, the Commission is of the view that the above question raised with respect to the proposal of Central Wisconsin Television, Inc. should be explored within the framework of comparative issue "6(a)" as specified herein, rather than as an issue with respect to § 3.636(a)(1) of the Commission's rules; and

It further appearing that Valley Telecasting is the permittee of WIRM (TV), Channel 8 in Iron Mountain, Michigan, and that in the event its application were to be granted, the Grade B field intensity contour of the proposed station would overlap the Grade B field intensity contour of WIRM (TV) by approximately 8 miles; and that applicant is licensee of WFRV (TV), Channel 5 in Green Bay, Wisconsin, and that in the event the subject application were to be granted, the Grade B field intensity contour of the proposed station would overlap the Grade A field intensity contour of WFRV (TV) by approximately 17 miles and the Grade A field intensity contour of the proposed station would overlap the Grade B field intensity contour of WFRV (TV) by approximately 32 miles; and

It further appearing that Valley Telecasting Company has requested a waiver of § 3.613(a) of the Commission's rules to locate the main studio outside Wausau, and has shown good cause for the requested waiver; and

It further appearing that Valley Telecasting Company amended its application in response to the above-mentioned 309(b) letter to show proposed financing for the construction and initial operation of the proposed station in the total amount of approximately $163,000 by submitting a loan agreement showing the availability of $200,000, and, therefore, Valley Telecasting Company is now financially qualified; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Valley Telecasting Company is legally and financially qualified to construct, own and operate the proposed television broadcast station, and is technically qualified except as to issue "3" below; that Central Wisconsin Television, Inc. is legally qualified to construct, own and operate the proposed television broadcast station, and is technically so qualified except as to issue "5" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Valley Telecasting Company and Central Wisconsin Television, Inc. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the application of Valley Telecasting Company would be consistent with the provisions of § 3.636(a)(1) of the Commission's rules, in view of the overlap of the area to be served by the proposed station with the area served by WFRV (TV) in Green Bay, Wisconsin, and WIRM (TV) in Iron Mountain, Michigan.

2. To determine whether a grant of the application of Valley Telecasting Company would result in an undue concentration of control of broadcast stations and hence be contrary to the provisions of § 3.636(a)(2) of the Commission's rules, and inconsistent with the public interest, convenience and necessity, in view of the applicant's operation of two television broadcast stations in Green Bay, Wisconsin (WFRV (TV)), and in Iron Mountain, Michigan (WIRM (TV)).

3. To determine whether the proposed antenna system and site of Valley Telecasting Company would constitute a hazard to air navigation.

4. To determine whether Central Wisconsin Television, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

5. To determine whether the proposed antenna system and site of Central Wisconsin Television, Inc. would constitute a hazard to air navigation.

6. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Valley Telecasting Company and Central Wisconsin Television, Inc., pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7038; Filed, July 27, 1960; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-2, etc.]

SKELLY OIL CO. ETC.

Order Permitting Filing and Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

JULY 21, 1960.

In the matter of Skelly Oil Company, Docket No. RI61-2; Rand Morgan, Docket No. RI61-3; Pan American Petroleum Corporation (Operator), et al., Docket No. RI61-4; K. D. Owen, et al., Dooket No. RI61-5; Pan American Petroleum Corporation, Docket No. RI61-6; I. J. Huval, et al., Docket No. RI61-7.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Rate tendered	Effective date [1] unless suspended	Rate suspended until—	Cents per Mcf: Rate in effect [2]	Cents per Mcf: Proposed increased rate [3]	Rate in effect subject to refund in docket Nos.
RI61-2	Skelly Oil Co.	126	3	West Lake Natural Gasoline Co. (Nena Lucia Field, Noland County, Tex.).	6-20-60	6-22-60	7-23-60	7-24-60	5.5	[4] 5.5	----------
RI61-3	Rand Morgan	1	5	Associated Oil and Gas Co. (Farenthold Field, Jim Wells and Nueces Counties, Tex.).	6-15-60	6-23-60	(5)	[4] 12-10-60	13.87589	16.02416	G-10979
RI61-4	Pan American Petroleum Corp. (Operator), et al.	226	3	Tennessee Gas Transmission Co. (Bully Camp Field, La Fourche Parish, La.).	6-24-60	6-27-60	7-28-60	12-28-60	23.00167	23.6	G-10488
RI61-5	K. D. Owen, et al.	2	7	Tennessee Gas Transmission Co. (Zimrick Field, Starr County, Tex.).	Undated	6-29-60	7-30-60	12-30-60	10.87268	15.99247	----------
RI61-6	Pan American Petroleum Corp.	221	2	Panhandle Eastern Pipe Line Co. (Ennis-Camrick Field, Texas County, Okla.).	6-29-60	6-30-60	8-1-60	1-1-61	16.2	16.4	G-10980
RI61-7	I. J. Huval, et al.	1	3	Northern Natural Gas Co. (W. Panhandle Field, Gray County, Tex.).	6-29-60	6-29-60	7-30-60	12-30-60	8.0512	12.0768	----------

[1] The stated effective dates are the first day after expiration of the required statutory notice or the requested effective date, whichever is later.

[2] The rate of Pan American Petroleum Corp. (Operator), et al., is at a pressure base of 14.65 psia. The other rates are at a pressure base of 14.65 psia.

[3] Or until one day after the rate suspended in Docket No. RI60-449 is made effective, whichever is later.

[4] The first possible effective date of Rand Morgan's proposed revenue-sharing increased rate is December 9, 1960, the first day on which the purchaser's resale rate (suspended in the proceeding in Docket No. RI60-449) may become effective.

In support of its proposed revenue-sharing increased rate, Skelly Oil Company (Skelly) states that its contract was negotiated at arm's length and cites the increased resale rate of its purchaser, which is in effect subject to refund in the proceeding in Docket No. RI60-30. Skelly supports that resale rate by noting the purchaser's elimination of favored-nation provisions from the resale contract and by stating that the periodic price provisions in the resale contract are common in long-term contracts and are beneficial to buyer and seller.

In support of its proposed revenue-sharing increased rate, Rand Morgan (Morgan) cites the revenue-sharing provisions in its contract and the increased resale rate of its purchaser, which is suspended in the proceeding in Docket No. RI60-449 until December 9, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Morgan also states that the proposed rate is necessary to provide a fair return and is below other prices in the area.

In support of its proposed favored-nation increased rate, Pan American Petroleum Corporation (Operator), et al. (Pan American) cites the pricing provisions in its contract, which it states was negotiated at arm's length, and also cites a triggering rate increase. Pan American states that denial of the rate would be unfair and confiscatory. In support of its proposed periodic increased rate, Pan American Petroleum Corporation (Pan American) cites the pricing provisions of its contract, which it states was negotiated at arm's length, cites increases reflected in Bureau of Labor Statistics reports, and cites prices in recent contracts in the area. Pan American also states that the increased rate is insufficient to offset increases in costs of drilling wells or offset the effects of inflation.

In support of their proposed favored-nation increased rate, K. D. Owen, et al. (Owen) cite the pricing provisions of their contract and cite a triggering rate increase. Owen also states that the contract was negotiated at arm's length and the pricing provisions were a major consideration for the long-term of the contract.

In support of their proposed redetermined increased rate, I. J. Huval, et al. submit a price redetermination agreement and state that this is their first proposed rate increases.

The changes in rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for waiving the 90-days-maximum notice limit of § 154.94 (b) of the Commission's regulations under the Natural Gas Act and for permitting the filing of Supplement No. 5 to Morgan's FPC Gas Rate Schedule No. 1.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 90-days-maximum notice limit of § 154.94(b) of the Commission's regulations under the Act is waived and the filing of Supplement No. 5 to Morgan's FPC Gas Rate Schedule No. 1 is permitted.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes in rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, plus footnotes thereto, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before September 8, 1960.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-7012; Filed, July 27, 1960; 8:45 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Docket No. R-190]

[Order No. 222]

CHANGES IN RATES REFLECTING CONTINUANCE OF LOUISIANA GAS SEVERANCE TAX

Order Providing for the Acceptance of Changes in Rates Reflecting the Continuance of the Louisiana Gas Severance Tax [1]

JULY 22, 1960.

In accordance with the effect of recently enacted Louisiana Legislation,[2] which continues the current Louisiana gas-severance tax in effect until June 30, 1964, the Commission deems it expedient and in the public interest to facilitate the filing of changes in rate schedules which reflect the continuation of such tax for independent producers' jurisdictional sales of natural gas to United Gas Pipe Line Company (United) and do not otherwise change the presently effective rate.

A number of the independent producer Louisiana suppliers of United have letter agreements with United, regarding the Louisiana gas-severance tax reimbursements, which expire on July 31, 1960. To encourage early filings and to provide for an effective date of August 1, 1960, for such changes, the Commission considers it appropriate and in the public interest to waive the 30-day notice requirements under § 154.98 of the Commission's regulations and to allow such an effective date for those changes received by the Commission prior to September 1, 1960.

Any such change accepted for filing shall be subject to all orders issued in suspension proceedings, including those listed below without excluding any other applicable suspension proceedings, involving the particular rate schedule and supplements thereto; and the acceptance for filing shall not change, modify, or amend such proceedings in any manner. Each of the independent producers submitting filings will be notified, by a letter from the Secretary, of the Commission's acceptance of such changes as hereinafter provided.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission should: (a) Provide for the form of filing of the aforementioned changes and waive the 30-day notice requirements; (b) allow such changes to take effect as of August 1, 1960, provided such changes are received by the Commission prior to September 1, 1960; (c) notify of the acceptance of the filing by notice from the Secretary; and (d) provide that the acceptance of such filings shall be subject to all orders issued in suspension proceedings involving the particular rate schedule and supplements thereto and shall not change, modify, or amend such proceeding in any manner.

(2) As such changes in rate schedule will not otherwise affect the current rate level, it will only be necessary for independent producers to submit a single page statement attached to the executed letter agreement with United Gas Pipe Line Company setting forth the following data in lieu of the requirements of § 154.94(e) of the Commission's regulations: (a) Name of independent producer seller and rate schedule designation; (b) the present total effective price in cents per Mcf at the measured pressure base (psia) with the base rate and the provisions for tax reimbursement, gathering charge, dehydration charge and other components thereof shown separately together with a statement that such rate will continue without change under the attached agreement. In addition to this information, any deductions from the total rate should also be noted.

The Commission orders: Changes in rate schedules that reflect the continuation of the Louisiana gas-severance tax and do not otherwise change the presently effective rate may be filed in accordance with the findings of this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

List of rate suspension proceedings of independent producers selling to United Gas Pipe Line in Louisiana involving possible continuance of Louisiana Severance Tax filings:

G-9932, Tidewater Oil Co. No. 34.
G-10357, John W. Mecomb d.b.a. Mecomb Petroleum No. 1.
G-12037, G-13465, The Ohio Oil Co. No. 15.
G-13180, Placid Oil Co., et al. No. 7.
RI60-435, G-13811, Union Producing Co. No. 215.
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G-14114, Union Producing Co. (Operator), et al. No. 218.
G-17589, Union Producing Co. Nos. 228, 229.
G-14313, The California Co. No. 3.
G-14421, Amerada Petroleum Corp. No. 65.
G-15410, Socony Mobil Oil Co., Inc. (Operator), et al. No. 24.
G-15411, Socony Mobil Oil Co., Inc. No. 69.
G-16330, F. A. Callery, Inc., et al. No. 7.
G-17822, Francis A. Callery (Operator), et al. No. 16.
G-15056, Texas Gulf Producing Co. No. 30.
G-17884, Texas Gulf Producing Co. Nos. 31, 32.
G-8977, 9575, 12231, 13610, R. H. Goodrich No. 1.
G-8978, 9570, 13611, W. H. Cocke No. 1.
G-9065, 9568, 11124, 13468, Hunt Oil Company No. 5.
G-9136, 9589, C. N. Johnston, et al. No. 1.
G-8921, 9571, 11269, 13467, Arkansas Fuel Oil Corp. No. 13.
G-10086, Arkansas Fuel Oil Corp. (Operator), et al. No. 44.
G-12997, Arkansas Fuel Oil Corporation No. 2.
G-8926, 9574, 13609, 15180, Humble Oil & Refining Co. No. 35.
RI60-187, Humble Oil & Refining Co. No. 235.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[2] House Bill No. 466, as approved on June 2, 1960, which amends and reenacts subsection 9 of section 633 of Title 47 of the Louisiana Revised Statutes of 1950, as amended by Act 2 of the Extraordinary Session of 1958, relative to the rate of tax on gas severed from the soil or water in the State of Louisiana.

G-2869, 6976, 11283, 12468, Texaco, Inc. No. 102.
G-12478, Robert B. Prentice (Operator), et al. No. 3.
G-12478, General American Oil Company of Texas No. 37.
G-12880, W. H. Hunt No. 3.
G-20252, Phillips Petroleum Company (Operator), et al. No. 216.
RI60-165, Charles B. Wrightsman No. 1.
RI60-165, Continental Oil Co. (Operator), et al. Nos. 89, 96.
RI60-450, Union Oil Co. of California No. 49.

[F.R. Doc. 60-7018; Filed, July 27, 1960; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36433: *Barytes—Arkansas and Missouri to Louisiana points.* Filed by Southwestern Freight Bureau, Agent (No. B-7853), for interested rail carriers. Rates on ground barite (barytes), in carloads from specified points in Arkansas and Missouri to specified points in Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 33 to Southwestern Freight Bureau tariff I.C.C. 4304.

FSA No. 36434: *Iron and steel articles—Birmingham, Ala., to Greenville, Miss.* Filed by O. W. South, Jr., Agent (SFA No. A3995), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads from Birmingham, Ala., and points grouped therewith to Greenville, Miss.

Grounds for relief: Private motor truck competition.

Tariff: Supplement 106 to Southern Freight Association tariff I.C.C. 1592.

FSA No. 36435: *Iron and steel articles—East St. Louis, Ill., and Alabama points to Louisiana.* Filed by O. W. South, Jr., Agent (SFA No. A3996), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads from E. St. Louis, Ill., Birmingham, Ala., and group points and Alabama City, Ala., to IC RR stations University through Shrewsbury, La., and L&A Ry. stations Essen, through Shrewsbury, La.

Grounds for relief: Market competition.

Tariff: Supplement 106 to Southern Freight Association tariff I.C.C. 1592.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-7023; Filed, July 27, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JULY 22, 1960.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 25, 1960, to August 3, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7017; Filed, July 27, 1960; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

MINOR JAMESON

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended:

Savanna Creek Gas & Oil Limited.

This amends statement published January 21, 1960 (25 F.R. 522).

Dated: July 12, 1960.

MINOR JAMESON.

[F.R. Doc. 60-7003; Filed, July 27, 1960; 8:45 a.m.]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster, published December 17, 1959, for the State of Oklahoma (24 F.R. 10240) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 9, 1959:

Garfield.

Dated: July 19, 1960.

LEO A. HOEGH, *Director.*

[F.R. Doc. 60-7004; Filed, July 27, 1960; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-II-17]

MANAGER, DISASTER FIELD OFFICE, SCHENECTADY, N.Y.

Delegations Relating to Disaster Loan Making

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706) there is hereby delegated to the Manager of the Disaster Field Office, Schenectady, New York, the authority:

A. *Financial assistance.* 1. To approve direct and participation disaster loans.

2. To disburse approved loans.

3. To enter into Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ——————
(Name)
Manager, Disaster Field Office.

5. To cancel, reinstate, modify and amend authorizations for disaster loans.

6. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

B. *Correspondence.* To sign all nonpolicy making correspondence relating to disaster lending functions except congressional correspondence and correspondence which includes a decision that an applicant is ineligible for disaster loan assistance.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager, Disaster Field Office.

Effective date: June 27, 1960.

ARTHUR E. LONG, *Regional Director, New York Regional Office.*

[F.R. Doc. 60-7019; Filed, July 27, 1960; 8:46 a.m.]

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Washington, Friday, July 29, 1960

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CFR SUPPLEMENTS

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The following Supplements are now available:

Title 26, Parts 222–299 ..... $1.75
Title 32A $0.65
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Title 44, Revised $3.25
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Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–30 ($0.45); Parts 31–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Table Grapes (European or Vinifera Type)[1]

On June 21, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 5579) regarding a proposed revision of United States Standards for Grades of Table Grapes (European or Vinifera Type).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Table Grapes (European or Vinifera Type) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.880 U.S. Fancy Table Grapes.
51.881 U.S. Extra No. 1 Table Grapes.
51.882 U.S. No. 1 Table Grapes.

UNCLASSIFIED

51.883 Unclassified.

APPLICATION OF TOLERANCES

51.884 Application of tolerances.

DEFINITIONS

51.885 Well developed grapes.
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51.891 Weak.
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51.903 Dried berries.
51.904 Well developed and strong.
51.905 Diameter.
51.906 Serious damage.
51.907 Mature.
51.908 Fairly well colored.
51.909 Reasonably well colored.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Sec.
51.910 Materially shriveled at capstem.
51.911 Straggly.

AUTHORITY: §§ 51.880 to 51.911 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.880 U.S. Fancy Table Grapes.

"U.S. Fancy Table Grapes" consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems, and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and shall be free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries, and each bunch shall weigh not less than one-half pound.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have stems which are mature. The Emperor variety shall have stems which are mature and distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal	12/16 of an inch.
Almeria	9/16 of an inch.
Thompson Seedless and Black Monukka	7/16 of an inch.
Other varieties	19/16 of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

5 percent for bunches which fail to meet the requirement for minimum diameter of berries;

5 percent for bunches which weigh less than one-half pound;

10 percent for bunches which fail to meet the color requirements;

5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems; and,

5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(1) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.881 U.S. Extra No. 1 Table Grapes.

"U.S. Extra No. 1 Table Grapes" consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, fairly uniform in appearance and fairly well colored, except that grapes of the red varieties shall be reasonably well colored. The berries shall be firm, firmly attached to capstems, and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and each bunch shall weigh not less than one-fourth pound.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have not less than 50 percent of the bunches with stems which are mature. The Emperor variety shall have not less than 50 percent of the bunches with stems which are mature and distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal	12/16 of an inch.
Almeria	9/16 of an inch.
Thompson Seedless and Black Monukka	7/16 of an inch.
Other varieties	19/16 of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

5 percent for bunches which fail to meet the requirement for minimum diameter of berries;

10 percent for bunches which fail to meet the color requirements;

For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than

the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided*, That the entire lot averages within the required percentage; and;

8 percent for bunches which weigh less than one-fourth pound, and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(1) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.882 U.S. No. 1 Table Grapes.

"U.S. No. 1 Table Grapes" consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, materially shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry and sunburn, and free from damage caused by scarring, discoloration, heat, Almeria Spot, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and each bunch shall weigh not less than one-fourth pound.

(b) *Stems.* The stems shall not be weak or dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

10 percent for bunches which fail to meet the color requirements; and,

10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(1) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

UNCLASSIFIED

§ 51.883 Unclassified.

"Unclassified" consists of grapes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.884 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That averages for the entire lot are within the tolerances specified for the grade.

(a) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(b) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

DEFINITIONS

§ 51.885 Well developed grapes.

"Well developed grapes" means grapes which are not abnormally small for the variety.

§ 51.886 One variety.

"One variety" means that the grapes show similar varietal characteristics. However, grapes in special packs of two or more varieties, when designated as "assorted varieties", need not meet this requirement.

§ 51.887 Well matured.

"Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent and the Malaga and Muscat varieties shall test not less than 20 percent.

§ 51.888 Fairly uniform in appearance.

"Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

§ 51.889 Well colored.

"Well colored" means:

(a) *For black varieties.* Each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka, Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple; and,

(b) *For red varieties.* Each bunch shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety.

(c) There are no color requirements for the white varieties.

§ 51.890 Firm.

"Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

§ 51.891 Weak.

"Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

§ 51.892 Shriveled at capstem.

"Shriveled at capstem" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

§ 51.893 Shattered.

"Shattered" means that the berry is separated from the bunch and may or may not have the capstem attached.

§ 51.894 Wet.

"Wet" means that the grapes are wet from moisture from crushed, leaking or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

§ 51.895 Decay.

"Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

§ 51.896 Waterberry.

"Waterberry" means a watery, soft or flabby condition of the berry. Affected berries are low in sugar content, have tender skins and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak".

§ 51.897 Sunburn.

"Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn", occurring as a sunken and usually discolored and dried area on the exposed surface.

§ 51.898 Damage.

"Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage to the individual berry:

(a) Scarring such as that caused by thrip, mildew, rubs and similar injuries when materially affecting the appearance of the berry;

(b) Discoloration when any light brown, tan or darker discoloration of the skin materially affects the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration;

(c) Heat, when the flesh of the berry is affected;

(d) Almeria Spot when any spot is distinctly sunken or dark in color;

(e) Mildew when active powdery mildew is present;

(f) Freezing when the berry is frozen or when the flesh of the berry is affected by freezing;

(g) Insects when any insect is present or there is visible evidence of insect injury; when mealybug residue or aphis honeydew are present; or when the appearance is materially affected by the presence of leafhopper residue;

The following shall be considered as damage to stems:

(h) Mildew when active powdery mildew is present on the stems or when scars caused by this disease constrict or weaken any part of the main or lateral stems; and,

(i) Freezing when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are water-soaked and limp, or dried, as a result of freezing.

§ 51.899 Fairly well filled.

"Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

§ 51.900 Excessively tight.

"Excessively tight" means that the berries are so closely wedged together that when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

§ 51.901 Injury to the bunch.

"Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

§ 51.902 Shot berries.

"Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries". They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries".

§ 51.903 Dried berries.

"Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

§ 51.904 Well developed and strong.

"Well developed and strong" means that the main and lateral stems are firm, fibrous and pliable; not distinctly immature or spindly or threadlike at time of packing.

§ 51.905 Diameter.

"Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

§ 51.906 Serious damage.

"Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end shall not be considered as seriously damaged.

§ 51.907 Mature.

"Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

§ 51.908 Fairly well colored.

"Fairly well colored" means:

(a) *For black varieties.* Each bunch shall have not less than 85 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg and Black Monukka each bunch shall have not less than 75 percent by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple; and,

(b) *For red varieties.* Each bunch shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Sultanina Rose.)

(c) There are no color requirements for the white varieties.

§ 51.909 Reasonably well colored.

"Reasonably well colored" applies to the red varieties and means that each bunch shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface light pink, red or dark red, but not very dark or purplish-red: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries, except that any color ranging from light pink through purple shall be permitted for the Cardinal variety.

§ 51.910 Materially shriveled at capstem.

"Materially shriveled at capstem" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

§ 51.911 Straggly.

"Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond August 15, 1960 (5 U.S.C. 1001–1011) in that: (1) the 1960 packing season for the Tokay variety of table grapes will start during the latter part of August and it is in the interest of the public and the industry that the standards be placed in effect before the start of the season; and (2) no special preparation is required for compliance with the standards on the part of the members of the table grape industry or of others.

The United States Standards for Grades of Table Grapes (European or Vinifera Type) contained in this subpart shall become effective August 15, 1960, and will thereupon supersede the United States Standards for Table Grapes (European or Vinifera Type) which have been in effect since July 8, 1952 (§§ 51.880 to 51.911).

Dated: July 26, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-7076; Filed, July 28, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Area No. 3]

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Marketing Order No. 58, as amended (7 CFR Part 958), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 958.1 to 958.92. Area No. 3 Committee, pursuant to § 958.21, has recommended regulations limiting the handling of 1960 crop potatoes. Committee recommendations, with information submitted therewith and other available in-

formation, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 968.329 Limitation of shipments.

During the period from August 1, 1960, through June 30, 1961, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the following requirements.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diametcr or 4 ounces minimum weight.

(b) *Minimum maturity (skinning) requirements*—(1) *All varieties.* Not more than "slightly skinned."

(2) Not to exceed a total of 100 hundredweight of such potatoes may be shipped for any producer without regard to the aforesaid maturity requirements if the handler thereof reports to the area committee for Area No. 3, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in subparagraph (2) of this paragraph, "producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market, and it is intended that such exception shall apply separately to each farm of a producer and only to the potatoes grown on such farm.

(c) *Special purpose shipments.* (1) The quality and maturity requirements set forth in paragraphs (a) and (b) and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for the following purposes:

(i) Livestock feed; and

(ii) Charity.

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for the following purposes:

(i) Chipping; and

(ii) Prepeeling.

(3) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for seed (§ 958.6) but such shipments shall be subject to assessments.

(d) *Safeguards.* (1) Each handler making shipments of potatoes for chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(i) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes shipped for livestock feed pursuant to paragraph (c) of this section shall be mutilated so as to render them unfit for commercial table stock markets.

(e) *Definitions.* The terms "U.S. No. 2", and "slightly skinned", shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1960, to become effective August 1, 1960.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-7058; Filed, July 28, 1960; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

ALIEN REGISTRATION

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

The third and fifth sentences of § 231.2 are amended to read as follows:

§ 231.2 Departure manifests for passengers.

* * * for all other vessels, the manifest shall be submitted on a Form I-418, executed in accordance with the instructions on the reverse thereof, with a fully executed Form I-94 for each alien passenger except an alien permanent resident of the United States, a Canadian citizen, or a British subject residing in Canada or Bermuda. * * * Any alien registration receipt card on Form I-151 surrendered pursuant to Part 264 of this chapter shall be attached to the manifest.* * *

PART 262—REGISTRATION OF ALIENS IN THE UNITED STATES

Part 262 is revoked.

PART 263—REGISTRATION OF ALIENS IN UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

Part 263 is revoked.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

1. The headnote to Part 264 is amended to read as set out above.

2. Part 264 is amended to read as follows:

§ 264.1 Registration and fingerprinting.

(a) *Prescribed registration forms.* The following forms are prescribed as registration forms:

Form No. and Class

I-67, Inspection Record—Hungarian refugees (Act of July 25, 1958).

I-94, Arrival-Departure Record—Nonimmigrants in status; aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; aliens whose claimed entry prior to July 1, 1924, cannot be verified, they having satisfactorily established residence in the United States since prior to July 1, 1924; aliens who are granted permission to depart without the institution of deportation proceedings or against whom deportation proceedings are being instituted.

I-100C, Alien Laborer's Permit—Mexican agricultural workers.

I-174, Application for Crewman's Landing Permit—Crewmen arriving by vessel.

I-175, Application for Nonresident Alien Canadian Border Crossing Card—Citizens of Canada or British subjects residing in Canada.

I-181, Memorandum of Creation of Record of Lawful Permanent Residence—Aliens presumed to be lawfully admitted to the United States under 8 CFR 101.1.

I-190, Application for Nonresident Alien Mexican Border Crossing Card—Citizens of Mexico residing in Mexico.

I-485, Application for Status as Permanent Resident—Applicants under sections 245 and 249 of the Immigration and Nationality Act, as amended, and sections 9 and 13 of the Act of September 11, 1957.

(b) *Evidence of registration.* The following forms constitute evidence of registration:

Form No. and Class

I-90, Application to Replace Alien Registration Receipt Document—Aliens whose evidence of registration has been lost, mutilated, or destroyed (while application pending).

I-94, Arrival-Departure Record—Nonimmigrants in status; aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; aliens whose claimed entry prior to July 1, 1924, cannot be verified, they having satisfactorily established residence in the United States since prior to July 1, 1924; and aliens granted permission to depart without the institution of deportation proceedings.

I-100C, Alien Laborer's Permit—Mexican agricultural workers in status.

I-102, Application for Copy of Alien Laborer's Permit in lieu of one lost, mutilated, or destroyed—Agricultural workers, including Mexican agricultural workers (while application is pending).

I-151, Alien Registration Receipt Card—Lawful permanent residents of the United States.

I-174, Application for Crewmen's Landing Permit—Crewmen whose landing permits have been lost, mutilated, or destroyed (while application is pending).

I-184, Alien Crewman Landing Permit and Identification Card—Crewmen arriving by vessel.

I-185, Nonresident Alien Canadian Border Crossing Card—Citizens of Canada or British subjects residing in Canada.

I-186, Nonresident Alien Mexican Border Crossing Card—Citizens of Mexico residing in Mexico.

I-221, Order to Show Cause and Notice of Hearing—Aliens against whom deportation proceedings are being instituted.

(c) *Replacement of registration.* Any alien whose evidence of registration has been lost, mutilated, or destroyed, shall immediately apply for new evidence thereof. Except for nonimmigrant crewmen who shall apply on Form I-174, and nonimmigrant agricultural workers, including aliens embraced within the provisions of § 214.2(k) of this chapter, who shall apply on Form I-102, such application shall be made on Form I-90. Any alien lawfully admitted for permanent residence whose name has been legally changed after registration or who is not in possession of Form I-151 may also apply on Form I-90 therefor. No appeal shall lie from the decision of the district director denying the application.

(d) *Surrender of registration.* If an alien is naturalized, dies, permanently departs, or is deported from the United States, or evidence of registration is found by a person other than the one to whom such evidence was issued, the person in possession of the document shall forward it to a Service office.

(e) *Fingerprinting waiver.* Fingerprinting is waived for every nonimmigrant alien who departs from the United States within one year of his admission, provided he maintains his nonimmigrant status during that time. Every nonimmigrant alien not previously fingerprinted shall apply therefor at once if he remains in the United States in excess of one year, or if he fails to maintain his nonimmigrant status.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 221, 261–265, 66 Stat. 191, 223–225; 8 U.S.C. 1201, 1301–1305; sec 5, 71 Stat. 641; 8 U.S.C. 1301a)

PART 265—NOTICES OF ADDRESS

1. The headnote to Part 265 is amended to read as set out above.

2. Part 265 is amended to read as follows:

§ 265.1 Forms.

The notices of address, change of address, and new address required by section 265 of the Act shall be furnished on the forms prescribed herein, which are available at post offices and at offices of the Service in the United States. The notification of current address shall be made on Form I-53 and then handed to a postal clerk at any United States post office. The notification of change of address and new address shall be made on Form AR-11 and then mailed to the address indicated thereon. Form AR-11 shall also be used and mailed to the address indicated thereon by an alien residing in the United States pursuant to a lawful temporary admission when reporting his address at the expiration of each three-month period. The provisions of this part do not apply to nonimmigrant agricultural workers, including aliens embraced within the provisions of § 214.2(k) of this chapter, who are maintaining their authorized status.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply sec. 265, 66 Stat. 225; 8 U.S.C. 1305)

PART 299—IMMIGRATION FORMS

The list of forms in § 299.1 *Prescribed forms* is amended in the following respects:

1. The following forms and references thereto are deleted:

Form No.	*Title and description*
AR-2	Alien Registration Form.
AR-2a	Supplemental Sheet, Alien Registration Form.
AR-4	Fingerprint Card.
I-100a	Alien Laborer's Permit and Identification Card.
I-222	Evidence of Registration for Supervised Alien.

2. The following form and reference thereto is added in numerical sequence:

Form No.	*Title and description*
I-67	Inspection Record.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure and management.

Dated: July 26, 1960.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 60-7062; Filed, July 28, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 378; Special Civil Air Reg. 424e]

PART 60—AIR TRAFFIC RULES

Positive Air Traffic Control Areas; Positive Air Traffic Control Routes

Draft Release No. 60-9, published in the FEDERAL REGISTER on May 7, 1960 (25 F.R. 4062) gave notice that the Federal Aviation Agency had under consideration the adoption of a Special Civil Air Regulation establishing a new and additional application of the positive air traffic control concept. It has been long recognized that there are certain areas wherein the problems of collision avoidance by high-speed flight operations require the application of air traffic control separation standards regardless of the meteorological conditions. While the positive control routes, established in Special Civil Air Regulation series 424, and the civil jet radar flight following and advisory programs were designed to reduce the possibility of mid-air collision, these programs were concerned primarily with the requirements of point-to-point flight. It is axiomatic that the next step in the evolution of positive control would be to the provision of such service within a specified "area," while still retaining the "route" concept of positive control and the civil jet advisory service until superseded by the "area" concept.

All comments received in response to Draft Release No. 60-9 have been reviewed and due consideration has been given to their content. While all of the comments endorsed the concept, some did so with certain reservations.

The Department of the Air Force has recommended that a plan for the evaluation of the positive control area concept be developed and that a simulation study and evaluation of the control procedures to be used and the traffic in the affected area be completed prior to the final rule making action. The Agency intends to evaluate and analyze the positive control program and to prepare a report, available to interested persons or agencies, after the implementing phase of the program is accomplished. Knowledge and statistics gathered will provide the Agency with information upon which future expansion of the positive control program and modification of associated control procedures will be based. A simulation study of the procedural and traffic factors contingent with this program has been completed. While a formal report is not yet available, the preliminary evaluation substantiates the ideology of the positive control area concept. Further knowledge must be obtained from a practical application.

The Air Force has also recommended that the positive control routes underlying positive control areas not be expanded vertically to include the airspace

between 22,000 and 24,000 feet, m.s.l. This recommendation cannot be accepted. To leave a narrow strata of nonpositive controlled airspace between the positive control route segments and the positive control area would compress non-participating flight activities into the airspace between the two positive control systems. This funneling of traffic into a constricted band of airspace in conjunction with aircraft transiting from one positive control environment to the other, would create a hazardous situation. For this reason it has been concluded that the airspace between 22,000 and 24,000 feet, m.s.l., should be designated as a positive control route segment.

The Air Force has contended that certain military flight operations cannot be satisfactorily conducted within positive control airspace and has enumerated such activities in its comments. The Agency had previously informed the Air Force of its program to integrate these operations into the system in accordance with a three-phase plan. Complete integration was scheduled to be accomplished within an estimated six-month period. The Air Force has stated that a delay in accepting these operations in the system could compromise its operations to the extent that the over-all combat readiness of certain commands and units could not be maintained. The Agency has therefor revised the phasing schedule to shorter periods of time and is, in fact, prepared to accept at the inception of the program, several operations which had been scheduled for later phases. The problems are primarily procedural in nature and resolution lies in increased system capacity. The Agency is confident that most of these problems will be resolved prior to or shortly after the initiation of this positive control program.

One foreign air carrier company expressed concern regarding the requirement for a radar beacon transponder, not wishing to install such equipment in the absence of internationally accepted transponder specifications. Due to the limitations of primary radar, particularly, in regard to resolution of target information from certain aircraft types, the use of radar beacon transponders is essential to the success of positive control on an area basis.

Certain language in the proposed rule has been modified to promote clarity. Paragraph 1(d) now states that the Director, Bureau of Air Traffic Management, or his designated air traffic control representative, has the responsibility for the issuance of special authorizations permitting deviations from the requirements of paragraph 1 (b) and (c). As this change is clarifying in nature, makes no substantive change and imposes no additional burden on any person, further rule making procedures thereon are unnecessary.

Draft Release No. 60-9, discussed in considerable detail the airspace within which the proposed implementation of the positive control service would be accomplished. This elaboration was necessary in order to convey to the public a comprehensive understanding of the Agency's intent. Since formal airspace notices of proposed rule making relative to this airspace have been or will be presented for comment, further discussion with respect to the exact dimensions of airspace is not considered pertinent to this document.

In cooperation with all airspace users, the Federal Aviation Agency is making every effort to develop a program for positive control which will best serve the interest of the public. It is believed that with the adoption of this regulation a major advancement in safety will be achieved. It is extremely important that all interested persons exert a concerted effort to promote the success of this endeavor. Through a continuing evaluation and modification of procedures or operations and in close coordination with all users, an orderly and practical expansion of this concept will be accomplished.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted to become effective on August 30, 1960.

(1) The special air traffic rules prescribed in this section shall be applicable, except as otherwise provided in paragraph (d), to any operation of an aircraft in that portion of airspace in the continental control area which has been designated by the Administrator as a "positive control area" in Part 601 of the Administrator's Regulations (14 CFR Part 601):

(a) No person shall operate an aircraft within a positive control area without prior approval of air traffic control.

(b) All VFR flight activities, including VFR on top, irrespective of weather conditions, are prohibited from operating in this designated airspace.

(c) All aircraft operated within positive control areas shall:

(1) Have instruments and equipment required for IFR operations and pilots of such aircraft shall be rated for instrument flight.

(2) Be equipped with a functioning radar beacon transponder which shall be operated to reply on such mode and/or code as may be specified by air traffic control for the area in which flight is conducted.

(3) Be equipped with radio equipment capable of providing direct pilot-controller communications on the frequencies specified by air traffic control for the positive control area in which flight is conducted.

(d) The Director of the Bureau of Air Traffic Management or his designated representative may authorize deviation from the requirements of paragraphs (b) and (c) of this section in accordance with the terms and conditions of such authorization.[1]

(2) The special air traffic rules prescribed in the following paragraphs of this section shall be applicable to any operation of an aircraft in that portion of a federal airway, designated by the Administrator as a "positive control route segment" in Part 601 of the Administrator's Regulations (14 CFR Part 601), between the altitudes of 17,000 and 22,000 feet (m.s.l.); or between the altitudes of 17,000 to 24,000 feet (m.s.l.) for the portion of a "positive control route segment" underlying a "positive control area" with a base of 24,000 feet (m.s.l.).

(a) No person shall operate an aircraft within such designated airspace without prior approval of air traffic control.

(b) All VFR flight activities, including VFR on top, irrespective of weather conditions, are prohibited from operating in this designated airspace.

(c) All aircraft operated within this designated airspace shall have the instruments and equipment currently required for IFR operations and all pilots shall be rated for instrument flight.

SR-424B is hereby rescinded on the effective date of this regulation.

(Secs. 313(a), 307 of the Federal Aviation Act of 1958, 72 Stat. 752, 749; 49 U.S.C. 1354, 1348)

Issued in Washington, D.C., on July 25, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-7047; Filed, July 28, 1960; 8:45 a.m.]

[1] Requests for such authorization shall be presented, in writing, to the air route traffic control center exercising control over the positive control area within which the deviating flight will be conducted. Such request must reach the center at least 4 days in advance of the proposed operation. Approval will be conveyed in writing and may be granted on a continuing basis or by individual flight, whichever is more appropriate.

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 405; Amdt. 182]

PART 507—AIRWORTHINESS DIRECTIVES

Hartzell Propellers

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and replacement of the guide collars on Hartzell propellers was published in 25 F.R. 4651.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HARTZELL PROPELLERS. Applies to all Hartzell propellers HC-82XF-1D, HC-82XF-1DB, HC-82XG-1D, HC-82XG-6DL, HC-82XL-1D, and HC-92ZK-8L; and to HC-82XK-1D Serial Numbers 100G through 846G; and to HC-92ZK-8D Serial Numbers 100L through 491L. These propellers may be used on such aircraft as Piper PA-24, Cessna 180 and 182, Meyers 200, Mooney Mark 20, and Lake (Colonial) C-2.

Compliance required as indicated.

Because of failure or cracking of several cast guide collars, P/N 834-4, -8, -9, the following shall be accomplished:

(a) Within the next 25 hours of propeller operation and each 25 hours of operation thereafter, visually inspect for cracks, all guide collars not marked with a letter "P" or "F". This inspection can be accomplished by looking through the spinner blade cutouts without removing the spinner. Cracked collars must be replaced prior to further flight.

(b) At the next propeller overhaul or by January 1, 1961, whichever occurs first, replace all unmarked guide collars with marked guide collars. Cast collars which are marked with the letter "P" and forged collars which bear same part number as cast collars but are marked with letter "F" have been tested and need not be inspected or replaced.

(Hartzell Service Bulletin No. 71 covers this same subject.)

This amendment shall become effective 30 days after date of publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 25, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7048; Filed, July 28, 1960; 8:45 a.m.]

[Reg. Docket No. 459; Amdt. 183]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 1049 Aircraft

Amendment 110, 25 F.R. 1908, as amended by Amendment 139, 25 F.R. 3850, required in paragraph (b) that fire sleeves be installed over all flammable fluid-carrying flexible hose lines in zones 3 and 3A in the inboard engine nacelles on Lockheed 1049 aircraft. Because of the large number of airplanes affected, it has not been possible for the manufacturer to provide sufficient parts for all operators to comply with the amendment by the compliance date of August 1, 1960. Since only a few aircraft remain to be modified and since there have been no reported failures subsequent to adoption of Amendment 110, it is believed that safety of the aircraft will not be jeopardized by permitting operation of these aircraft until fire sleeves are installed but not later than September 30, 1960. Accordingly, Amendment 110 is being amended to extend the compliance date for paragraph (b) to September 30, 1960. Since this amendment constitutes a relaxation, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is amended as follows:

Amendment 110, Lockheed 1049 C, D, E, G and H aircraft, as it appeared in 25 F.R. 1908 as amended in 25 F.R. 3850, is further amended by changing the final phrase of the compliance statement to read "and by September 30, 1960, for item (b)."

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 26, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7106; Filed, July 28, 1960; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 38[1]]

PART 371—GENERAL LICENSES

Certain Commodities Destined to Poland

Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO* is amended by adding the following commodities:

Schedule B No.	Commodity
	Petroleum and products:
80161	Aviation gasoline, 100 octane number and over.
80225	White mineral oil in containers of 42 gallon capacity or over, except medicinal grade.
80330	Red and pale oils.
80340	Black oils (including all black and dark green oils, except these intended for use in steam cylinders, for which see 80351 and 80352) (barrels of 42 gallons).
80351	Cylinder bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 85 seconds or more) (barrels of 42 gallons).
80352	Cylinder steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock).
80360	Insulating or transformer oils, except polybutenes.
80364	Diesel engine lubricating oils.
80392	Turbine engine lubricating oil.
80394	Other industrial engine lubricating oil.
80399	Industrial lubricating oils, n.e.c.
80403	Automotive engine lubricating oils.
80405	Automotive gear oils.
80408	Cutting oils and compounds, petroleum base.
80410	Lubricating greases (petroleum base).[1]
	Other nonmetallic minerals and products (products included):
84809	Graphite greases and lubricants, petroleum base.[1]
	Chemical specialties:
82979	Additives for lubricating oils.

[1] For other items under this Schedule B number which require a validated license for shipments to Poland (including Danzig) see the Positive List (§ 399.1 of this chapter).

[1] This amendment was published in Current Export Bulletin 836, dated July 14, 1960.

This amendment shall become effective as of July 14, 1960.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2033. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 60-7050; Filed, July 28, 1960; 8:46 a.m.]

[9th Gen. Rev. of Export Regs., Amdt. P.L. 37[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Miscellaneous Amendments

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity description
80161	Aviation gasoline, except jet fuel (Report jet fuels in 80180): 100 octane number and over (barrels of 42 gallons).
80225	Lubricating oils, except hydraulic (Report hydraulic oils of petroleum origin in 80360; hydraulic oils, except of petroleum origin in 82660): White mineral oil in containers of 42 gallon capacity or over, except medicinal grade (barrels of 42 gallons). (Report white mineral oil in containers of less than 42 gallons capacity in 81130.)
80330	Red and pale oils (barrels of 42 gallons).
80340	Black oils (including all black and dark green oils, except those intended for use in steam cylinders, for which see 80351 and 80352) (barrels of 42 gallons).
80351	Cylinder bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 85 seconds or more) (barrels of 42 gallons).
80352	Cylinder steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock) (barrels of 42 gallons).
80360	Insulating or transformer oils, except polybutenes (barrels of 42 gallons).
80364	Industrial engine lubricating oils, including marine: Diesel engine lubricating oils (barrels of 42 gallons). (Report diesel fuel oil in 80365-80510.)
80392	Turbine engine lubricating oil (barrels of 42 gallons).
80394	Other industrial engine lubricating oil (barrels of 42 gallons). (Specify by name.)
80399	Industrial lubricating oils, n.e.c. (barrels of 42 gallons). (Specify by name.)
80403	Automotive engine lubricating oils (barrels of 42 gallons).
80405	Automotive gear oils (barrels of 42 gallons).
80408	Lubricating oils, n.e.c., except lubricating oils in containers of 5 qt. or less, and except raw or unrendered stocks, or distillates from which lubricants may be produced. (Specify by name) (barrels of 42 gallons).
80410	Cutting oils and compounds, petroleum base. (Report cutting oils and compounds, except petroleum base, in 82994.)
80420	Other lubricating greases (petroleum base). (Report greases whose lubricants is nonpetroleum base.)
80979	Carbon or graphite products (natural and artificial): Graphite greases and lubricants, petroleum base. Additives for lubricating oils. (Specify by names of additives and indicate quantity of each.)

This item of the amendment shall become effective as of July 14, 1960.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Research laboratory apparatus and equipment, n.e.s., and specially fabricated parts and accessories, n.e.s.:					
01999	Laboratory apparatus and equipment made wholly of polytetrafluoroethylene (for example, Teflon) or polytrifluorochloroethylene.[1]	.....	RESN 1	25	RO	A E-2
	Cellulose plastics in all unfinished or semi-finished forms:					
32970	Cellulose acetate film suitable for dielectric use 0.0015 inch (0.038 mm.) or less in thickness.[3]	Lb.	RESN 2	25	RO	E-2
	Research laboratory apparatus and equipment, n.e.s., and specially fabricated parts and accessories, n.e.s.:					
01999	Ion separators, electromagnetic, including mass spectrographs and mass spectrometers, with analyzer assemblies capable of handling uranium hexafluoride (UF 6); and solid source mass spectrometers or mass spectrographs of high sensitivity. (Specify by name and model number.) (2) [2] [5] [15]	No.	SATE 1	None	RO	A
01999	Other mass spectrographs and mass spectrometers. (Specify by name and model number.) (2) [5] [6] [16] [17]	No.	SATE 2	None	RO	
01999	Positive ion sources suitable for use in mass spectrographs and mass spectrometers and capable of handling uranium hexafluoride (UF 6). (Specify by name and type.) (2) [15] [16]	.....	SATE 1	25	RO	A
01999	Other parts and accessories specially fabricated for: (a) electromagnetic ion separators with analyzer assemblies capable of handling uranium hexafluoride (UF 6); or (b) solid source mass spectrometers or mass spectrographs of high sensitivity. (Specify by name.) [15] [16]	.....	SATE 1	25	RO	A
01999	Parts and accessories specially fabricated for other mass spectrographs and mass spectrometers. (Specify by name.) (2) [5] [15] [16]	.....	SATE 2	25	RO	

[1] On or after Aug. 20, 1960, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of the added commodity to the countries specified in § 373.2 of this chapter.
[2] The symbol "E" in the column headed "Commodity Lists" indicates that this commodity may be exported under the Periodic Requirements licensing procedure. This symbol is followed by a numerical designation to indicate the FEL Commodity Group to which this commodity has been assigned (see § 376.20 of this chapter).

This item of the amendment shall become effective as of July 21, 1960, except as otherwise indicated in the footnote.

3. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Cellulose plastics in all unfinished or semi-finished forms:					
32970	Cellulose acetate film suitable for dielectric use 0.0015 inch (0.038 mm.) or less in thickness.[3]	Lb.	RESN 2	25	RO	E-2
	Research laboratory apparatus and equipment, n.e.s., and specially fabricated parts and accessories, n.e.s.:					
01999	Ion separators, electromagnetic, including mass spectrographs and mass spectrometers, with analyzer assemblies capable of handling uranium hexafluoride (UF 6); and solid source mass spectrometers or mass spectrographs of high sensitivity. (Specify by name and model number.) (2) [2] [5] [15]	No.	SATE 1	None	RO	A
01999	Other mass spectrographs and mass spectrometers. (Specify by name and model number.) (2) [5] [6] [16] [17]	No.	SATE 2	None	RO	
01999	Positive ion sources suitable for use in mass spectrographs and mass spectrometers and capable of handling uranium hexafluoride (UF 6). (Specify by name and type.) (2) [15] [16]	.....	SATE 1	25	RO	A
01999	Other parts and accessories specially fabricated for: (a) electromagnetic ion separators with analyzer assemblies capable of handling uranium hexafluoride (UF 6); or (b) solid source mass spectrometers or mass spectrographs of high sensitivity. (Specify by name.) [15] [16]	.....	SATE 1	25	RO	A
01999	Parts and accessories specially fabricated for other mass spectrographs and mass spectrometers. (Specify by name.) (2) [5] [15] [16]	.....	SATE 2	25	RO	

[3] The GLV dollar-value limit is increased, effective July 21, 1960.
[5] The processing code is changed or related commodity group number is changed (see § 372.5(f) of this chapter).
[6] The symbol "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IO/DV procedure (see (§ 373.2 of this chapter).
[15] The unit of quantity is changed.
[16] Two entries are substituted for an entry presently on the Positive List under this Schedule B number.
[17] A reporting requirement is added.
[18] Five entries are substituted for an entry presently on the Positive List under this Schedule B number.

This item of the amendment shall become effective as of July 14, 1960, except as otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in item 2 of this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., July 21, 1960 may be exported under the previous general license provisions up to and including August 15, 1960. Any such shipment not laden aboard the exporting carrier on or before August 15, 1960 requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F.R. Doc. 60-7060; Filed, July 28, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

OXYSTEARIN AS A CRYSTALLIZATION INHIBITOR IN SALAD OILS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Procter and Gamble Company, Post Office Box 201, Cincinnati 24, Ohio, and other relevant material, has concluded that the following food-additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive oxystearin, for use as a crystallization inhibitor in salad oils. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (23 F.R. 9500, 25 F.R. 5611), Subpart D (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1016 Oxystearin as a crystallization inhibitor in salad oils.

The food additive oxystearin may be used as a crystallization inhibitor in cottonseed and soybean salad oils in accordance with the following prescribed conditions:

(a) The additive is a mixture of the glycerides of partially oxidized stearic and other fatty acids obtained by heating hydrogenated cottonseed or soybean oil under controlled conditions, in the presence of air and a suitable catalyst which is not a food additive as so defined. The resultant product meets the following specifications:

Acid number	Maximum 16.
Iodine number	Maximum 16.
Saponification number	225–240.
Hydroxyl number	30–45.
Unsaponifiable material	Maximum 0.8 percent.
Refractive index (butyro)	60±1 at 48° C.

(b) It is used or intended for use in cottonseed and soybean salad oils whereby the additive does not exceed 0.125 percent of the combined weight of the oil plus the additive.

(c) To insure safe use of the additive the label and labeling of the food additive container shall bear, in addition to the other information required by the act:

(1) The name of the additive, oxystearin.

(2) Adequate use directions to provide a final salad oil that complies with the limitations prescribed in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: July 25, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7071; Filed, July 28, 1960; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—LEASING AND PERMITTING

PART 131—LEASING AND PERMITTING

Palm Springs, California

On page 9512 of the FEDERAL REGISTER of November 26, 1959, there was published a notice and text of a proposed amendment of §§ 131.16 and 131.29 of Title 25, Code of Federal Regulations. The purpose of this amendment is to implement Public Law 86-236 approved September 21, 1959 (73 Stat. 597), which authorizes the leasing of tribal and allotted lands on the Agua Caliente (Palm Springs) Reservation, California, for periods of not to exceed ninety-nine years.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. Some objections were received to the proposal in § 131.29(b) which, in the notice of proposed rule making contained a limitation of 60 years. The proposal was reconsidered and the full term of 99 years, as provided for in the statute, is being provided for in the regulation. All other comments in regard to § 131.29(b) were fully considered preliminary to adopting the regulation in its present form, as set forth below.

Final publication at this time of § 131.16 is being withheld until further consideration can be given to the comments that were received in regard to the provisions of this section.

Section 131.29, as amended, is hereby adopted as set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

§ 131.29 Palm Springs, California.

(a) In addition to the authority for the negotiation of leases contained in § 131.8, leases and permits for the use of individual trust or restricted lands belonging to members of the Agua Caliente or Palm Springs Band of Mission Indians may be negotiated by guardians or conservators duly qualified as to authority and bond under the laws of California, to enter into transactions on behalf of the owner of the property. Such leases and permits shall be made on forms approved by the Secretary, subject to the regulations of this part and the written approval of the Secretary. Leases and permits so negotiated shall provide that rentals due may, in the discretion of the Secretary, be paid to such guardians or conservators: *Provided, however,* That at any time during the term of the lease or permit the Secretary may, at his discretion and upon thirty days' notices to the lessee or permittee, require the remaining rentals to be paid to the Secretary.

(b) Notwithstanding the limitation contained in § 131.8(a) leases made on tribal or allotted lands of the Agua Caliente (Palm Springs) Reservation, California, may be made for terms up to 99 years, except grazing leases which may be for terms of not to exceed 10 years, but no lease shall be made for a term of years that is longer than the time needed, in the judgment of the approving officer, to obtain the most favorable terms for the Indian lessor.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JULY 23, 1960.

[F.R. Doc. 60-7051; Filed, July 28, 1960; 8:46 a.m.]

SUBCHAPTER Q—OIL AND GAS

PART 184—LEASING CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

Consent of Joint Business Council of Shoshone and Arapahoe Tribes

A notice of proposed rule making to amend 25 CFR, Part 184, was published in the FEDERAL REGISTER on April 2, 1960, on page 2803. The purpose of the amendments is to provide regulations which will require the consent of the Joint Business Council of the Shoshone and Arapahoe Tribes to the initial issuance of oil and gas leases and consultation with the Council prior to the renewal of the leases covering ceded lands within the Wind River Indian Reservation, Wyoming.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JULY 23, 1960.

1. The caption and paragraph (a) of § 184.4 are amended to read as follows:

§ 184.4 Sale of oil and gas leases.

(a) At such times and in such manner as he may deem appropriate, after being authorized by the Joint Business Council of the Shoshone and Arapahoe Tribes or its authorized representative, the superintendent shall publish notices at least thirty days prior to the sale, unless a shorter period is authorized by the Secretary of the Interior or his authorized representative, that oil and gas leases on specific tracts, each of which shall be in a reasonably compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. Each bid must be accompanied by a cashier's check, certified check, or postal money order, payable to the payee designated in the invitation to bid, in an amount not less than 25 percent of the bonus bid. Within 30 days after notification of being the successful bidder, said bidder must remit the balance of the bonus, the first year's rental, and his share of the advertising costs, and shall file with the superintendent the lease in completed form. The superintendent may, for good and sufficient reasons, extend the time for completion and submission of the lease form, but no extension shall be granted for remitting the balance of monies due. If the successful bidder fails to pay the full consideration within said period, or fails to file the completed lease within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Department of the Interior, 25 percent of the bonus bid will be forfeited for the use and benefit of the Shoshone and Arapahoe Tribes.

2. Section 184.5 is amended to change the caption and to read as follows:

§ 184.5 Terms of lease, procedure for renewal and execution.

(a) Leases shall be for a period of twenty years with the preferential right in the lessee to renew the same for successive periods of ten years each upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior or his authorized representative, unless otherwise provided by law at the expiration of any such period. Applications for renewal of leases shall be filed with the superintendent within ninety days prior to the date of expiration of the lease. One copy of the application for renewal shall be filed by the applicant with the Joint Business Council of the Shoshone and Arapahoe Tribes and no lease shall be renewed unless the Joint Business Council or its authorized representative is afforded an opportunity to present the Council's views to the Secretary of the Interior or his authorized representative.

(b) The Secretary of the Interior or his authorized representative may execute oil and gas leases with the consent of the Joint Business Council or its authorized representative, and may execute renewals of leases after consultation with the Joint Business Council or its authorized representative.

[F.R. Doc. 60-7060; Filed, July 26, 1960; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

Eligibility for Appointment in the Corps of the Army Medical Service, Regular Army

Sections 573.1–573.6 are revoked and the following substituted therefor:

§ 573.1 General.

Applicants must meet the general eligibility requirements specified in § 573.10 in addition to those specified in §§ 573.1–573.7. Care will be exercised at all intermediate headquarters to avoid forwarding applications from ineligible individuals.

§ 573.2 Restrictions on appointment in the Army Nurse Corps, Army Medical Specialist Corps, Medical Service Corps, and Veterinary Corps.

(a) *Army Nurse Corps and Army Medical Specialist Corps.* Male personnel are not eligible for appointment in the Army Nurse Corps or Army Medical Specialist Corps, Regular Army.

(b) *Medical Service Corps and Veterinary Corps.* (1) No individual with prior active commissioned service in the Army will be appointed in the Medical Service Corps or Veterinary Corps if the amount of service with which he would be credited would require his appointment in a permanent grade higher than that previously held on active duty for a period of at least 90 consecutive days in any of the components of the Active Army.

(2) No individual who was a cadet at the U.S. Military, Naval, or Air Force Academy may be originally appointed before the date on which his classmates at the Academy are appointed. No former Academy cadet who did not graduate from an Academy may be credited, upon appointment in the Regular Army, with longer service than that credited to any member of his Academy class whose service in the Army has been continuous since graduation.

§ 573.3 Marital status.

Applicants for Army Nurse Corps and Army Medical Specialist Corps must be unmarried at time of nomination for appointment by the President.

§ 573.4 Dependents.

Women applying for any corps of the Army Medical Service must not have dependents under 18 years of age or have any legal responsibility for the custody, control, care, maintenance, or support of any individual under 18 years of age, regardless of relationship.

§ 573.5 Age.

Applicants for any corps of the Army Medical Service must be at least 21 years of age. Except for the Medical and Dental Corps, applicants must also meet the age requirements indicated in paragraphs (a) and (b) of this section for the corps concerned. Applications will not be accepted from applicants whose age will exceed the maximum indicated within 4 months subsequent to the date the completed application file would be forwarded to Headquarters, Department of the Army.

(a) *Veterinary Corps and Medical Service Corps.* Applicant must not have passed his:

(1) 32d birthday on date of appointment in the Veterinary Corps, or

(2) 30th birthday on date of appointment in the Medical Service Corps.

The maximum ages specified in subparagraphs (1) and (2) of this paragraph may be increased by an amount equal to the commissioned service performed on active duty (including active duty for training) in the Army after attaining age 21 and after 6 December 1941.

(b) *Army Nurse Corps and Army Medical Specialist Corps.* Applicant must not have passed her:

(1) 27th birthday for appointment in the grade of second lieutenant,

(2) 30th birthday for appointment in the grade of first lieutenant, or

(3) 39th birthday for appointment in the grade of captain, on the date of nomination for appointment by the President. The maximum ages specified in subparagraphs (1) and (2) of this paragraph are increased by an amount equal to the commissioned service performed on active duty in the Armed Forces after 7 December 1941, but not by more than 5 years.

§ 573.6 Prior service for Veterinary and Medical Service Corps applicants.

At time of application and appearance before the evaluation board (if required), a Veterinary or Medical Service Corps applicant under the regulations in §§ 573.1–573.7 must meet one of the following criteria:

(a) Be on active duty (or active duty for training) as a commissioned officer of the Army, or

(b) Hold an appointment as a commissioned officer in a Reserve component of the Army, be in an active United States Army Reserve or National Guard of the United States status, and have served previously on active duty (or active duty for training) as a commissioned officer for at least 90 consecutive days, or

(c) Be a former Regular Army officer who relinquished his commission under honorable conditions.

§ 573.7 Educational and professional.

Final determination of the acceptability of an applicant's credentials will be made by The Surgeon General. Requirements by specialty area are as follows:

(a) *Medical Corps.* (1) Graduate of an accredited medical school or have received permanent certification by the Educational Council for Foreign Medical Graduates.

(2) Have completed a 1-year internship or its equivalent after graduation from medical school. (Application may be submitted before internship is completed.)

(b) *Dental Corps.* Graduate of an accredited dental school.

(c) *Veterinary Corps.* Graduate of an accredited veterinary medical school.

(d) *Medical Service Corps.* Applicant must have the qualifications indicated for the section or specialty concerned. The required degree must have been awarded by an accredited institution or program.

(1) *Pharmacy, Supply, and Administration Section.* Bachelor's degree. Waivers may be considered for applicants on active duty (other than for training) who have completed at least 2 years' study toward the degree at an accredited institution and attained a passing score on the Educational Requirements Test (DA Form 6200). For assignment to the specialty of pharmacy officer (MOS 3318), applicant must also be licensed to practice pharmacy in the United States or the Commonwealth of Puerto Rico.

(2) *Medical Allied Sciences Section.* (i) Medical entomology or a bachelor's degree in entomology plus a master's degree in public health. At least one course in medical entomology is required.

(ii) Medical laboratory: Master's degree in bacteriology, biochemistry, immunology, microbiology, parasitology, serology, toxicology, nutrition, nutritional physiology, radiobiology or health physics, or equivalent training in a science allied to medicine as determined by The Surgeon General.

(iii) Podiatry: Doctor of surgical chiropody or doctor of podiatry and be currently licensed to practice chiropody or poriatry in the United States or the Commonwealth of Puerto Rico.

(iv) Psychology: Doctor of philosophy or its equivalent in clinical, industrial, social, or experimental psychology or in psychophysiology. The degree in clinical or industrial psychology must be from an institution listed in The American Psychologist, published by the American Psychological Association.

(v) Social work: Master's degree in social work.

(3) *Sanitary Engineering Section.* Bachelor's degree in sanitary, civil or chemical engineering.

(4) *Optometry Section.* Degree in optometry and be currently licensed to practice optometry in the United States or the Commonwealth of Puerto Rico.

(e) *Army Nurse Corps.* Applicant must be a graduate of an accredited institution or program of nursing acceptable to The Surgeon General, and be currently registered as a nurse in the United States or the Commonwealth of Puerto Rico.

(f) *Army Medical Specialist Corps.* Bachelor's degree from an accredited institutioin which has included or been followed by accredited professional training acceptable to The Surgeon General as indicated below:

(1) *Dietitian Section.* Dietetic internship (administrative or hospital) or equivalent training.

(2) *Physical Therapist Section.* Curriculum in physical therapy.

(3) *Occupational Therapist Section.* Curriculum in occupational therapy.

[AR 601–124, July 13, 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 3283–3291, 3294, 3295, and 3311, 70A Stat. 181–184, 192; 10 U.S.C. 3283–3291, 3294, 3295, and 3311)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-7046; Filed, July 28, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60-57]

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

Certain Vessels Exempted From Advance Notice of Time of Arrival of Vessels

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature to vessels, harbors, ports, and waterfront facilities in the United States, and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04–8 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States.

The amendment to 33 CFR 124.10(a) exempts (1) United States vessels engaged in coastwise trade, (2) United States vessels engaged in the fisheries, and (3) United States yachts from the requirements regarding the advance notice of the vessel's estimated time of arrival to be furnished to the Captain of the Port.

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352, I hereby prescribe the following amendment to the introductory sentence preceding the subparagraphs in § 124.10(a), which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

(a) The master or agents of every foreign vessel and every documented vessel of the United States except (1) United States vessels engaged in the coastwise trade, (2) United States vessels engaged in the fisheries, or (3) United States yachts, arriving at a United States port or place from a port or place outside the United States or destined from one port or place in the United States to another port or place in the United States shall give at least 24 hours' advance notice of arrival to the Captain of the Port at every port or place where the vessel is to arrive, except as follows:

(Sec. 1, 40 Stat. 220, as amended, 50 U.S.C. 191, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: July 22, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 60-7063; Filed, July 28, 1960; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 60-53]

PART 171—STANDARDS FOR NUMBERING

Louisiana System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on July 5, 1960, approved the Louisiana system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Louisiana system shall be operative on and after July 5, 1960. On that date the authority to number motorboats principally used in the State of Louisiana passed to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Louisiana. On and after July 5, 1960, all reports of "boating accidents" which involve motorboats numbered in Louisiana will be required to be reported to the Louisiana Wild Life and Fisheries Commission, New Orleans, Louisiana, pursuant to the Act No. 43 of the 1960 regular session of the Louisiana Legislature.

Because the amendments to §§ 171.01–6(b), and 171.10–1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of July 5, 1960:

Subpart 171.01—General

1. In § 171.01–6 *Temporary exemptions until July 1, 1960*, paragraph (b) is amended by deleting "Louisiana" from the list of States.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. In § 171.10–1 *To whom made*, paragraph (b) is amended by inserting in the list of States having approved numbering systems the State of "Louisiana."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 22, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 60-7064; Filed, July 28, 1960; 8:47 a.m.]

[CGFR 60-56]

PART 171—STANDARDS FOR NUMBERING

New Mexico System of Numbering Approved

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on July 8, 1960, approved the New Mexico system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the New Mexico system shall be operative on and after July 7, 1960. On that date the authority to number motorboats principally used in the State of New Mexico passed to that State. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by New Mexico. On and after July 7, 1960, all reports of "boating accidents" which involve motorboats numbered in New Mexico will be required to be reported to the State Park Commission, Santa Fe, New Mexico, pursuant

to the New Mexico Boat Act (Senate Bill No. 119, approved April 2, 1959), and Regulation No. 1 promulgated by the State Park Commission dated May 18, 1960.

Because the amendments to §§ 171.01–6(b), and 171.10–1(b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of July 7, 1960:

Subpart 171.01—General

1. In § 171.01–6 *Temporary exemptions until July 1, 1960*, paragraph (b) is amended by deleting "New Mexico" from the list of States.

(Sec. 2, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Subpart 171.10—Application for Number

2. In § 171.10–1 *To whom made*, paragraph (b) is amended by inserting in the list of States having approved numbering systems the State of "New Mexico."

(Sec. 2, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 22, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60–7065; Filed, July 28, 1960; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 953]

HANDLING OF LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 953.100 et seq.) that are currently in effect pursuant to the applicable provisions of the amended marketing agreement and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the States of California and Arizona. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment to the said rules and regulations was proposed by the Lemon Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendment is as follows:

1. Delete the provisions of paragraphs (c) and (e) of § 953.170 and substitute in lieu thereof a revised paragraph (c) as follows:

(c) *Manifest Report and Certificate of Assignment of Allotment (LAC Form 203–6).* Within twenty-four hours after any shipment of lemons is made to points within the continental United States or to Alaska or Canada, the handler thereof shall furnish to the committee a manifest report (sections (1), (3), and (4), on LAC Form 203–6), of the lemons shipped. Such report shall show the rail car number (if shipment is by rail) and the number of cartons (or carton equivalents) of each size of lemons shipped. If the shipment was made under a size exemption certificate (LAC Form 201), the certificate number shall also be shown. If the shipment was made by truck, section (2) of LAC Form 203–6, the certificate of assignment of allotment covering such shipment, shall also be completed at the time of sale or transfer of such lemons. Each such certificate shall cover the total quantity of lemons shipped and shall show: (1) The date the lemons were actually shipped; (2) the handler's invoice number; (3) the name of the consignee (purchaser or receiver); (4) the destination (address of consignee); (5) truck driver's name, address and signature; (6) the date of loading; and (7) if loose fruit, the net weight of the lemons and the equivalent number of cartons shipped. Each Daily Manifest and Certificate of Assignment of Allotment shall be signed by the handler or his authorized agent, and shall contain the handler's address and a certification to the United States Department of Agriculture and the Lemon Administrative Committee that the lemons listed on such form are covered by an allotment issued during the applicable regulation period, under the provisions of Lemon Marketing Order No. 53, as amended, and the regulations of the Lemon Administrative Committee.

All persons who desire to submit written data, views, or arguments for consideration in connection with said proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077 South Building, Washington 25, D.C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Dated: July 25, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7057; Filed, July 28, 1960; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 672, 673, 675, 677]

[Administrative Order 585]

VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 49–A for the Food and Related Products Industry in Puerto Rico; Industry Committee No. 49–B for the Lumber and Wood Products Industry in Puerto Rico; Industry Committee No. 49–C for the Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico; and Industry Committee No. 49–D for the Construction, Business Service, Motion Picture, and Miscellaneous Industry in Puerto Rico.

Industry Committee No. 49–A is composed of the following representatives:

For the public:
Hiram R. Cancio, Chairman, San Juan, P.R.
Kenneth R. Redden, Charlottesville, Va.
Emanuel Stein, New York, N.Y.
For the employees:
C. P. Snodgrass, Norfolk, Va.
Walter J. Mason, Washington, D.C.
Keith A. Terpe, San Juan, P.R.
For the employers:
Lester C. Rogers, Chicago, Ill.
Jose A. Unanue, Bayamon, P.R.
Norman E. Parkhurst, Jr., Bayamon, P.R.

For the purpose of this order, the Food and Related Products Industry in Puerto Rico is defined as follows:

The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables, and fruits or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products; and the handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life: *Provided, however,* That the industry shall not include any product or activity included in the sugar manufacturing industry as defined in 29 CFR Part 680, the alcoholic beverage and industrial alcohol industry as defined in 29 CFR Part 619, or the chemical, petroleum, rubber, and related products industry as defined in 29 CFR Part 670.

Industry Committee No. 49–B is composed of the following representatives:

For the public:
Hiram R. Cancio, Chairman, San Juan, P.R.
Kenneth R. Redden, Charlottesville, Va.
Emanuel Stein, New York, N.Y.
For the employees:
C. P. Snodgrass, Norfolk, Va.
Walter J. Mason, Washington, D.C.
Prudencio Rivera-Martinez, San Juan, P.R.
For the employers:
Lester C. Rogers, Chicago, Ill.
Mario F. Gartambide, Rio Piedras, P.R.
Adrian P. Higgs, Roosevelt, P.R.

For the purpose of this order the Lumber and Wood Products Industry in Puerto Rico is defined as follows:

The logging, wood preserving, and the manufacture of all products made from lumber and wood and related materials, including, but without limitation, sawmill products; planing and plywood mill products; furniture; office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; trays, bowls, and other woodenware; excelsior, cork, bamboo, rattan, and willow ware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the industry shall not include any product or activity in the metal, machinery, transportation equipment, and allied products industry as defined in 29 CFR Part 604, the button, jewelry, and lapidary work industry as defined in 29 CFR Part 616, the straw, hair, and related products in-

dustry as defined in 29 CFR Part 613, the construction, business service, motion picture, and miscellaneous industry as defined in 29 CFR Part 672, or the paper, paper products, printing, and publishing industry as defined in 29 CFR Part 677: *And provided, further,* That for the purpose of this order the industry shall not include any of the activities defined and described in section 2(a) of 29 CFR Part 675.

Industry Committee No. 49–C is composed of the following representatives:

For the public:
Hiram R. Cancio, Chairman, San Juan, P.R.
Kenneth R. Redden, Charlottesville, Va.
Emanuel Stein, New York, N.Y.
For the employees:
C. P. Snodgrass, Norfolk, Va.
Edith A. Turpe, San Juan, P.R.
Alexander J. Rohan, Washington, D.C.
For the employers:
Lester C. Rogers, Chicago, Ill.
James R. Bain, Ponce, P.R.
Cesar Melendez-Gonzales, San Juan, P.R.

For the purpose of this order the Paper, Paper Products, Printing, and Publishing Industry in Puerto Rico is defined as follows:

The manufacture of pulp from wood, rags, bagasse, and other fibers; the conversion of such pulp into paper, paperboard, and building board; the manufacture of paper, paperboard, and pulp into bags, boxes, containers, tags, cards, envelopes, pressed and molded pulp goods, and all other converted paper products; the printing performed on the foregoing and on allied products; the printing or publishing of newspapers, books, periodicals, maps, and music; and all manufacturing and service operations performed by typesetters, advertising typographers, electrotypers, stereotypers, photoengravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, private printing plants of concerns engaged in other business, binderies, and news syndicates: *Provided, however,* That the industry shall not include any product or activity included in the leather, leather goods, and related products industry as defined in 29 CFR Part 662: *And provided, further,* That for the purpose of this order the industry shall not include any of the activities defined and described in section 2(a) of 29 CFR Part 677.

Industry Committee No. 49–D is composed of the following representatives:

For the public:
Hiram R. Cancio, Chairman, San Juan, P.R.
Kenneth R. Redden, Charlottesville, Va.
Emanuel Stein, New York, N.Y.
For the employees:
C. P. Snodgrass, Norfolk, Va.
Prudencio Rivera-Martinez, San Juan, P.R.
Alexander J. Rohan, Washington, D.C.
For the employers:
Lester C. Rogers, Chicago, Ill.
Jorge I. Bosse, Santurce, P.R.
Eugenio L. Santoni, Hato Rey, P.R.

For the purpose of this order, the Construction, Business Service, Motion Picture, and Miscellaneous Industry in Puerto Rico is defined as follows:

The design, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; the production of photographs and blueprints; the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the industry shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued: *And provided, further,* That for the purpose of this order the industry shall not include any of the activities defined and described in section 2(a) of 29 CFR Part 672.

I hereby refer to each of the above-named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6(c) of the Act in the particular industry with which it is concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 49–A shall convene at 10:00 a.m. on August 15, 1960, in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing, Industry Committees Nos. 49–B, 49–C, and 49–D shall convene consecutively in the same place in that order at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6(a), of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for such committees containing such data as he is able to assemble pertinent to the matters referred to these committees. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file pre-hearing statements containing certain specified data, not later than August 5, 1960.

Signed at Washington, D.C., this 22d day of July 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60–7074; Filed, July 28, 1960; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), the following notice is issued:

A petition has been filed by Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., proposing the issuance of a regulation to provide for the use of hydroxyethyl starch for the surface sizing and coating of paper and paperboard used in food packaging.

Dated: July 25, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60–7069; Filed, July 28, 1960; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by the Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to establish a tolerance of 75 parts per million (0.0075 percent) of calcium disodium ethylenediamine tetraacetate in oleomargarine as a preservative.

Dated: July 25, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60–7070; Filed, July 28, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

July 1960 Monthly Sales List

The price listing for the Commodity Credit Corporation Monthly Sales List for July 1960 is amended, effective July 11, 1960, as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6999) by adding the following:

Commodity	Sales price or method of sale
Turpentine (bulk in tanks).	Domestic—unrestricted use: Under terms and conditions of Announcement TB-21-60 and supplements at announced prices at six warehouse locations. Sales will be made by American Turpentine Farmers Association Cooperative, Valdosta, Ga. Export: Competitive bid under TB-21-60 and supplements. Bids must be received before noon (EST) every Tuesday. All offers to be made by telegram to Chief, Naval Stores Branch, Tobacco Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: July 25, 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 60-7076; Filed, July 28, 1960; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-7]

ISOTOPES SPECIALITIES CO.

Notice of Issuance of an Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that since no requests for a formal hearing have been filed following the publication of the notice of proposed amendment of License No. 4-580-6 held by Isotopes Specialties Company, Division of Nuclear Corporation of America, Inc., 170 West Providencia, Burbank, California, with the Federal Register Division on July 6, 1960, the Atomic Energy Commission has this date issued Amendment No. 2 to License No. 4-580-6. This amendment authorizes (1) the possession of 20 grams of special nuclear material in addition to the 100 curies of byproduct material and 2,000 pounds of source material previously authorized; and (2) the packaging of waste material for disposal at sea in additional types of containers described as "master drum containers" in application dated November 20, 1959 and concrete forms shown in drawings designated D-0047 and D-0048 submitted with their application dated October 1, 1959.

Notice of the proposed action was published in the FEDERAL REGISTER on July 7, 1960, 25 F.R. 6374.

Dated at Germantown, Md., July 22, 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Licensing and Regulation.

[F.R. Doc. 60-7044; Filed, July 28, 1960; 8:45 a.m.]

[Docket No. 50-167]

LOCKHEED AIRCRAFT CORP.

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on July 6, 1960, the Atomic Energy Commission has issued Facility License No. R-68 authorizing the Lockheed Aircraft Corporation to operate the pool-type nuclear reactor at the Georgia Nuclear Laboratories, Air Force Plant No. 67 in Dawson County, Georgia. Notice of the proposed action was published in the FEDERAL REGISTER on July 7, 1960, 25 F.R. 6373.

Dated at Germantown, Md., this 22d day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7045; Filed, July 28, 1960; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2508, Amdt. 42]

BUREAU OF INDIAN AFFAIRS

Delegations of Authority Under Specific Acts

Section 30 of Order No. 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272; 25 F.R. 436, 575, 729, 1385, 1994, 4655), is amended by addition of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts.*
(a) • • •
(16) The act of April 29, 1960 (Pub. Law 86-447; 74 Stat. 85).

ELMER F. BENNETT,
Acting Secretary of the Interior.

July 23, 1960.

[F.R. Doc. 60-7052; Filed, July 28, 1960; 8:46 a.m.]

[Order 2508, Amdt. 43]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority; Lands and Minerals

Paragraph (n) of section 13 of Order No. 2508, as amended (14 F.R. 258; 16 F.R. 11974; 17 F.R. 6418; 19 F.R. 34, 4585; 20 F.R. 167, 552; 21 F.R. 7655; 22 F.R. 2017, 3474; 23 F.R. 90, 1938; 24 F.R. 3703, 9514; 25 F.R. 2602, 5127), is amended to read as follows:

SEC. 13. *Lands and minerals.* • • •
(n) All those matters set forth in 25 CFR 131 except powers reserved by the Secretary in section 131.3 and except the approval of long-term leases, the duration of which, inclusive of any renewal options exceeds a term of fifty years.

ELMER F. BENNETT,
Acting Secretary of the Interior.

[F.R. Doc. 60-7053; Filed, July 28, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-105, 54-228]

PENNSYLVANIA GAS CO. AND NATIONAL FUEL GAS CO.

Notice of Filing and Order for Hearing; Notice of and Order Instituting Proceedings and Directing Hearing

JULY 22, 1960.

In the matters of Pennsylvania Gas Company, National Fuel Gas Company, File No. 59-105; National Fuel Gas Company, File No. 54-228.

I. Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, has submitted a plan pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"). Briefly, the plan provides for the issuance by National of shares of its common stock in exchange for the publicly-held shares of common stock of one of its subsidiary companies, Pennsylvania Gas Company ("Pennsylvania").

All interested persons are referred to the plan which is on file at the offices of the Commission for a full statement of the transactions and terms proposed therein, the salient features of which may be summarized as follows:

National owns 585,079 (94.05 percent) of Pennsylvania's outstanding 622,080 shares of common stock, the remaining 37,001 shares of such stock being held by approximately 225 public stockholders, including Horace Crary, who is a director of Pennsylvania.

In exchange for each of the publicly-held shares of the no par value common stock of Pennsylvania, National will issue 1.45 shares of its $10 par value common stock.

The plan will be consummated on a date ("Consummation Date") which will be the earliest practicable date after the entry of an order by a court of the United States approving and enforcing the plan and will be effective as of a date ("effective date") which will be not more than sixty (60) days prior to the Consummation Date. On the Consummation Date the public holders of the common stock of Pennsylvania will cease to have any rights as shareholders of Pennsylvania and such holders will be entitled to receive the common shares of National and dividend payments thereon, if any, upon surrender of their certificates for shares of Pennsylvania. At the end of two years from the Consummation Date any common shares of National and dividends paid thereon not issued in exchange for shares of Pennsylvania shall irrevocably belong to National, and the public holders of shares of Pennsylvania will have lost all rights with respect thereto.

No fractional shares or scrip in respect thereof will be issued by National in connection with the exchange. National has appointed Warren National Bank of Warren, Pennsylvania to act as exchange agent under the plan. Upon the order of stockholders of Pennsylvania entitled to fractional interests in National stock, the exchange agent will buy or sell the fractional interests, matching buy and sell orders as far as possible; any remaining shares will be sold on the market and the proceeds thereof will be remitted to the selling stockholders. The fees and expenses of the exchange agent will be paid by National.

If the dividends paid on the common stock of Pennsylvania from January 1, 1960, to the effective date are less than the normal thirty cents (30¢) per share quarterly dividend, amounts in cash equal to such deficiency will be added to the common stock of National deliverable under the plan.

The carrying out of the plan is subject to all necessary approvals by the Commission under the Act, and to its approval and enforcement by a court of the United States having jurisdiction, as fair and equitable and as necessary and appropriate to effectuate the provisions of section 11(b)(2) of the Act. All fees and other expenses incidental to the consummation of the plan and the proceedings relating thereto will be paid by National, subject to any necessary approvals by the Commission and by the Court of items subject to their jurisdiction.

II. The Commission having been advised by its Division of Corporate Regulation ("Division") that the Division, pursuant to sections 11(a), 18(a) and 18(b) of the Act, has made a preliminary examination of the affairs of National, its corporate structure, the corporate structure of its subsidiary companies, the relationships among the companies in the National holding company system, the interests of National and the public in such subsidiaries, and has made a preliminary study of National's plan filed pursuant to section 11(e) of the Act; and it appearing to the Division from such examination that:

1. National, organized under the laws of New Jersey in 1902, is solely a holding company and is registered as such under section 5 of the Act. It maintains its principal offices in New York City.

2. As of December 31, 1959, National had six direct subsidiaries and one indirect subsidiary. The names of the subsidiary companies embraced in the holding company system of National, as of December 31, 1959, the nature of their business and the percentage of common (voting) stock owned by National and by the public, are shown in the following table:

Name	Business	Percent of shares held by National	Percent of shares held publicly
Iroquois Gas Corp.	Gas utility	100	
Jefferson County Gas Co.	Gas and oil production.	100	
The Mars Co.	do	100	
Pennsylvania Gas Co.	Gas utility	94.05	5.95
Pennsylvania Oil Co.	Oil production.	100	
Penn-York Natural Gas Corp.	Gas transmission.	100	
United Natural Gas Co.	Gas utility	100	

3. As indicated above, all of the voting securities of the subsidiaries in the holding company system of National are owned, directly or indirectly, by National except those of Pennsylvania Gas Company which has 5.95 percent of its outstanding shares of common (voting) stock in the hands of the public.

4. Pennsylvania, a corporation organized under the laws of the Commonwealth of Pennsylvania, is a gas utility company engaged in the business of producing and storing natural and manufactured gas, transporting and distributing at retail natural and mixed gas to about 66,297 customers in Erie, Warren, Corry, and nearby communities in northwestern Pennsylvania, and to 21,249 customers in Jamestown and adjacent areas in Chautauqua County, New York. Pennsylvania owns all of the outstanding securities of Pennsylvania Oil Company consisting of 576,000 shares of common stock. The latter company is a non-utility, producing a small quantity of petroleum from 135 oil wells.

5. At May 31, 1960 the consolidated assets of Pennsylvania and its subsidiary amounted to $36,876,167, after valuation reserves; and the consolidated gross operating revenues for the year ended on that date amounted to $16,776,292. In the calendar year 1959, Pennsylvania produced 10.6 percent of its total natural gas requirements, and purchased 30.3 percent of such requirements from United Natural Gas Company, Iroquois Gas Corporation and Jefferson County Gas Company, all associate companies in the National holding company system. The balance of its gas requirements was purchased from nonaffiliates.

6. Pennsylvania's outstanding securities at May 31, 1960, consisted of $14,100,000 face amount of long-term promissory notes owned by National, and 622,080 shares of no par value common (voting) stock, of which 585,079 shares are owned by National and 37,001 shares are held by the public.

III. The Division avers that the foregoing allegations, and the facts otherwise disclosed in the course of its examination of the corporate structure of Pennsylvania and its relationship with other companies in the National holding company system establish or tend to establish that its corporate structure unfairly and inequitably distributes voting power among the security holders of the National holding company system and among Pennsylvania's security holders.

IV. It being the duty of the Commission pursuant to section 11(b)(2) of the Act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in a holding company system does not, among other things, unfairly or inequitably distribute voting power among security holders of such holding company systems; and

The Commission being required by the provisions of section 11(e) of the Act to find, after notice and opportunity for hearing and before approving any plan filed thereunder, that such plan, as submitted or as it may be modified, is necessary to effectuate the provisions of section 11(b), and is fair and equitable to the persons affected thereby; and

The Commission deeming it appropriate that notice be given and a hearing be held for the purpose of determining what action should be ordered under section 11(b)(2) and for the purpose of ascertaining whether the plan should be approved; and

It appearing that common issues of fact and law arise in connection with the plan and in connection with issues involved under section 11(b)(2), making it appropriate that said matters be consolidated and that a hearing be held in the consolidated proceeding: *It is hereby ordered:*

(a) That a proceeding be, and the same hereby is, instituted in respect of National and Pennsylvania pursuant to section 11(b)(2) of the Act and that said proceeding be, and the same hereby is, consolidated with the proceeding in connection with the plan of National;

(b) That National and Pennsylvania be, and the same hereby are, made parties to said proceeding; and

(c) That National and Pennsylvania file an answer or answers with the Secretary of the Commission on or before August 20, 1960, to the allegations contained in Parts II and III thereof, in the form prescribed by Rule 25 of the Rules and Regulations under the Act. Any of such allegations which are not denied or otherwise controverted shall be deemed to be admitted for the purpose of these proceedings.

It is further ordered, That the hearing in the consolidated proceedings be held on the 31st day of August 1960, at 10:00 a.m., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., in such

room as may be designated on such date by the hearing room clerk. Any persons desiring to be heard in connection with these proceedings or proposing to intervene therein shall file with the Secretary of the Commission, on or before August 25, 1960, a written request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Irving Schiller or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 19(c) of said Act and to a hearing officer under the Commission's rules of practice.

V. The Division having advised the Commission that the following matters and questions are presented for consideration at such hearing without prejudice, however, to the presentation of additional matters and questions upon further examination:

1. Whether the allegations contained in Parts II and III thereof are true and correct;

2. Whether the corporate structure of Pennsylvania unfairly and inequitably distributes voting power among its security holders or among the security holders of the National holding company system;

3. What steps, if any, are necessary and should be required to be taken by National and Pennsylvania to ensure that the corporate structure of Pennsylvania does not unfairly or inequitably distribute voting power among the security holders of such company or of the National holding company system;

4. Whether the plan, as submitted by National or as it may be modified or amended, is necessary to effectuate the provisions of section 11(b) (2) of the Act;

5. Whether the plan is fair and equitable to the persons affected thereby;

6. Whether, in general, the transactions proposed in the plan satisfy the applicable provisions of the Act;

7. Whether the accounting entries proposed to be made in connection with the plan are proper and in accord with sound accounting principles;

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of such hearing by mailing a copy of this order by registered mail to National, Pennsylvania, the Federal Power Commission, to the Pennsylvania Public Utility Commission, and to the New York Public Service Commission, and that said notice of said hearing be given to all other interested persons by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That National mail a copy of this notice and order to all stockholders of record of Pennsylvania, at least twenty-five days prior to the date herein fixed as the date for hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-7056; Filed, July 28, 1960; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 59]

[V-Ohio-452]

VETERANS ADMINISTRATION HOSPITAL, CHILLICOTHE, OHIO

Transfer of Portion of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated June 17, 1960, a portion of that property known as Veterans Administration Hospital, Chillicothe, Ohio, and more particularly described in said deed, has been transferred from the United States to the State of Ohio.

2. The above-described property was transferred to the State of Ohio for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: July 22, 1960.

KARL E. WALLACE, *Commissioner, Public Buildings Service.*

[F.R. Doc. 60-7049; Filed, July 26, 1960; 8:45 a.m.]

TARIFF COMMISSION

TOWELING OF FLAX, HEMP, OR RAMIE

Reports to the President

JULY 25, 1960.

The U.S. Tariff Commission today submitted to the President its third periodic report on the developments in the trade in toweling of flax, hemp, or ramie since the "escape clause" action effective July 25, 1956, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such toweling classifiable under paragraph 1010 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its third report to the President under Executive Order 10401 with respect to toweling of flax, hemp, or ramie, the Commission advised the President that the conditions of competition between imported and domestic toweling had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of the order. This means that, in the Commission's view, the developments in the trade in toweling of flax, hemp, or ramie do not warrant a formal inquiry into the question of whether a reduction in the duty on such toweling could be made without causing or threatening serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-7072; Filed, July 28, 1960; 8:48 a.m.]

WATCH MOVEMENTS

Reports to the President

JULY 25, 1960.

The U.S. Tariff Commission today submitted to the President its fifth periodic report on the developments in the trade in watch movements since the "escape clause" action, on July 27, 1954, modifying the concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting its fifth report to the President under Executive Order 10401 with respect to watch movements, the Commission advised the President that the conditions of competition between imported and domestic watch movements had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in watch movements do not warrant a formal inquiry into the question of whether a reduction in the duties on watch movements could be made without resulting in serious injury to the domestic watch industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-7073; Filed, July 28, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 354]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 26, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63328. By order of July 21, 1960, the Transfer Board approved the transfer to Stoddard Transfer & Fuel, Inc., Coeur d'Alene, Idaho of Certificate No. MC 16639, issued December 24, 1952, in the name of Merle D. Stoddard, doing business as Stoddard Transfer & Fuel Co., Coeur d'Alene, Idaho, authorizing the transportation over irregular routes of news print, between points in Kootenai County, Idaho, on the one hand, and, on the other, points in Spokane County, Wash.; general commodities excluding household goods, commodities in bulk, and various specified commodities, between points within 3 miles of Coeur d'Alene, Idaho, including Coeur d'Alene; and household goods, between points in Boundary, Bonner, Benewah, Kootenai, Shoshone, Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties, Idaho, on the one hand, and, on the other, points in Washington, those in specified part of Oregon and Montana, and extending through Choteau, Silver City, Boulder, and Sheridan, Mont., to the Montana-Idaho State line.

No. MC-FC 63353. By order of July 21, 1960, the Transfer Board approved the transfer to Baggage & Omnibus Transfer Company, a Corporation, Portland, Oreg., of the operating rights authorized to Sellwood Transfer Company, a Corporation, Portland, Oreg., in Certificate No. MC 39653, issued September 18, 1952, authorizing the transportation, over regular routes, of seed, fertilizer, and insecticides, between Portland, Oreg., and Mount Vernon, Wash., and, over irregular routes, flour, feed, grain, and grain products, in truckload lots, between Portland, Oreg., on the one hand, and, on the other, points in Clark County, Wash., and household goods, between Portland, Oreg., on the one hand, and, on the other, points in Washington, and general commodities, except commodities in bulk, and other specified commodities, between points within three miles of Portland, Oreg. Lawrence V. Smart, Jr., 2010 Northwest Vaughn Street, Portland, Oreg., for applicants.

No. MC-FC 63406. By order of July 21, 1960, the Transfer Board approved the transfer to B. H. Burnett and J. D. Burnett, a partnership, doing business as Burnett Truck Line, Wynne, Arkansas, of a Certificate in No. MC 81617, issued January 31, 1950, to Charles R. Burnett, doing business as Burnett Truck Lines, Wynne, Arkansas, which authorizes the transportation of general comodities, except commodities in bulk, commodities requiring special equipment, and other specific commodities, over regular routes, between Memphis, Tenn., and Levesque, Ark., between Birdeye, Ark., and junction Arkansas Highway 75 and U.S. Highway 70, serving all intermediate points, and the off-route point of Earl, Ark., and general commodities, except household goods, as defined by the Commission, commodities requiring special equipment, and other specific commodities, over regular routes, between Levesque, Ark., and Forest City, Ark., and between Forest City, Ark., and junction U.S. Highway 70 and Arkansas Highway 3, serving all intermediate points, and the off-route points of Heth, Round Pond, Widener, and Madison, Ark. J. L. Shaver, Jr., Shaver & Shaver, Ben Block Bldg., Wynne, Ark., for applicants.

No. MC-FC 63413. By order of July 21, 1960, the Transfer Board approved the transfer to Robert W. Belville and Freda H. Belville, a partnership, doing business as New York and Vermont Motor Express, Barre, Vt., of Certificate in No. MC 1030, issued September 27, 1949, to Robert W. Belville and W. Thomas Belville, a partnership, doing business as New York & Vermont Motor Express, Barre, Vt., authorizing the transportation of: Granite, granite working tools and machinery, woolen cloth, wooden bobbins, and empty oil and grease containers over irregular routes, from Barre, Vt., and points within 25 miles of Barre, to New York, N.Y., points on Long Island, N.Y., and those in New York and New Jersey, within 25 miles of New York, N.Y., and granite and oil and grease, in containers, over irregular routes, from New York, N.Y., and points in New York and New Jersey within 25 miles of New York, N.Y., to Barre, Vt., and points within 25 miles of Barre. Richard E. Davis, 25 Keith Avenue, Barre, Vt., for applicants.

No. MC-FC 63427. By order of July 21, 1960, the Transfer Board approved the transfer to Reddy's Interstate Express Inc., Staten Island, N.Y., of Certificate No. MC 48688 issued May 13, 1949, in the name of Paul Mancuso and John Ruggirello, a partnership, doing business as Reddy's Express, Staten Island, N.Y., authorizing the transportation of general commodities excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between New York, N.Y., and Newark, Elisabeth and Kearny, N.J. Isador Aberlin, 30 Bay Street, Staten Island 1, N.Y., for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-7062; Filed, July 28, 1960; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Burro Manufacturing Co., 105 East Markham Street, Little Rock, Ark.; effective 7-18-60 to 7-17-61 (men's work clothes, shirts and pajamas).

Colonial Corp. of America, Woodbury, Tenn.; effective 7-21-60 to 7-20-61 (men's and boys' dress and sport shirts).

Cotton City Wash Frocks, Inc., 62 Twelfth Street, Fall River, Mass.; effective 7-18-60 to 7-12-61 (misses' and women's cotton wash dresses).

Gary Company, Inc., Gallatin, Tenn.; effective 7-23-60 to 7-22-61 (men's dress shirts).

Katz Underwear Co., Plant No. 1 Sixth Street and Plant No. 2 Sunrise Avenue, Honesdale, Pa.; effective 7-23-60 to 7-22-61 (women's and misses' nightgowns and pajamas).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-60 to 7-20-61 (women's cotton dresses).

Meridian Manufacturing Co., Inc., 2215 Front Street, Meridian, Miss.; effective 7-12-60 to 7-11-61 (men's and boys' bathrobes and sportswear).

Metro Pants Co., 264 East Elizabeth Street, Harrisonburg, Va.; effective 7-18-60 to 7-17-61 (boys' and junior pants; men's pants).

Levi Strauss and Co., 201 South Dillard Street, Blackstone, Va.; effective 7-15-60 to 7-14-61 (men's and boys' cotton pants).

Tropical Garment Manufacturing Co., 2802 Ivy Street, Tampa, Fla.; effective 7-20-60 to 7-19-61 (men's and boys' sport shirts, walking shorts and trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Fluffy Ruffles Manufacturing Co., 116½ South Center Street, Arlington, Tex.; effective 7-12-60 to 7-10-61; five learners (children's dresses).

Holly Hill Dress Corp., Holly Hill, S.C.; effective 7-20-60 to 7-19-61; seven learners (children's dresses).

Hutto Manufacturing Co., Inc., 835 South Union Avenue, Ozark, Ala.; effective 7-13-60 to 7-12-61; 10 learners (ladies' cotton blouses).

Love Dress Co., 80 Bingman Street, New London, Conn.; effective 7-11-60 to 7-10-61; five learners (ladies' dresses).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N.J.; effective 7-20-60 to 7-19-61; 10 learners, (ladies' sportswear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hutto Manufacturing Co., Inc., 835 South Union Avenue, Ozark, Ala.; effective 7-13-60 to 1-12-61; 10 learners (ladies' cotton blouses).

Jefferson Garment Co., Appalachia, Va.; effective 7-18-60 to 1-14-61; 40 learners (boys' cotton pants).

Mt. Pleasant Garment Corp., First Avenue, Mt. Pleasant, Tenn.; effective 7-13-60 to 1-13-61; 25 learners (boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Houlka, Miss.; effective 7-20-60 to 7-20-61; 10 percent of the total number of machine stitchers for normal labor turnover purposes (canton flannel work gloves).

Indianapolis Glove Co., Inc., Richmond, Ind.; effective 7-20-60 to 7-29-61; 10 learners for normal labor turnover purposes (combination leather and cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Adams-Millis Corp., Bodenhamer Street, Kernersville, N.C.; effective 7-14-60 to 7-13-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' seamless half hose).

Broadway Hosiery Mill, Inc., 53 Burton Street, West Asheville, N.C.; effective 7-12-60 to 1-11-61; 20 learners for plant expansion purposes (seamless).

Burlington Industries, Inc., Scottsboro Hosiery Plant, Scottsboro, Ala.; effective 7-14-60 to 1-13-61; 40 learners for plant expansion purposes (seamless).

Mayo Knitting Mill, Inc., Tarboro, N.C.; effective 7-22-60 to 7-21-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wayne Knitting Mills, 641 Knitters Avenue, Fort Wayne, Ind.; effective 7-28-60 to 7-27-61; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Rocky Mount Undergarment Co., 1536 Boone Road, Rocky Mount, N.C.; effective 7-12-60 to 7-11-61; five learners for normal labor turnover purposes (panties).

Rocky Mount Undergarment Co., 1536 Boone Road, Rocky Mount, N.C.; effective 7-12-60 to 1-11-61; 45 learners for plant expansion purposes (panties).

J. H. Rohrer Textile Co., Inc., New Ringgold, Pa.; effective 7-13-60 to 7-12-61; five learners for normal labor turnover purposes (men's, women's and children's knit underwear and sleepwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Vocational Footwear, Inc., Lutesville, Mo.; effective 7-15-60 to 7-14-61; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's, misses' and children's sport welt and bon welt shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Sunset Packing Co., West Pembroke, Maine; effective 7-12-60 to 1-11-61; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at the rates of at least 85 cents an hour for the first 80 hours and not less than 90 cents an hour for the remaining 80 hours (sardines).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of July 1960.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 60-7055; Filed, July 28, 1960; 8:46 a.m.]

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FEDERAL REGISTER

VOLUME 25 NUMBER 148

Washington, Saturday, July 30, 1960

THE UNIVERSITY OF MICHIGAN
AUG 3 1960
MAIN READING ROOM

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

1961–62 Marketing Quota Regulations

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–15), and is issued solely for the purposes of making corrections in the above designated regulations which were published in the FEDERAL REGISTER of July 15, 1960 (25 F.R. 6671).

Section 723.1211 is amended by changing the word "date" in the last sentence thereof to the word "data."

Section 723.1212 is amended by changing the figure "43" in paragraph (f) (1) thereof to the figure "42."

Issued at Washington, D.C., this 27th day of July 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–7133; Filed, July 29, 1960; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 208]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.508 Valencia Orange Regulation 208.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 28, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 31, 1960, and ending at 12:01 a.m., P.s.t., August 7, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 625,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7181; Filed, July 29, 1960; 11:28 a.m.]

[Peach Order 1, Amdt. 1]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 20 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh peaches grown in Washington.

(b) It is, therefore, ordered as follows:

The provisions in paragraph (b) (6) of § 934.301 (Peach Order 1; 25 F.R. 6360) are hereby amended to read as follows:

(6) The terms "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups or compartments, or otherwise are not placed in the container in symmetrical order; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as given

to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 26, 1960, to be effective on and after 12:01 a.m., P.s.t., July 27, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7113; Filed, July 29, 1960; 8:48 a.m.]

[Lemon Reg. 857]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.964 Lemon Regulation 857.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 25 F.R. 9063), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 26, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 31, 1960, and ending at 12:01 a.m. P.s.t., August 7, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7142; Filed, July 29, 1960; 8:50 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Order Finding That Estimated Season Average Price of Prunes for 1960–61 Crop Year Will Be in Excess of Parity and Providing for the Special Regulation of Prunes

In accordance with the provisions of paragraph (a) of § 993.50 of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act", it is hereby found that:

(a) The estimated season average price for prunes for the 1960–61 crop year, which will begin on August 1, 1960, will be in excess of the price level (i.e., parity) contemplated by the provisions of section 2(1) of the act; and

(b) The handling of prunes during such crop year in accordance with the provisions of paragraphs (b), (c), (d), (e) and (f) of § 993.50 will tend to effectuate the declared policy of the act by establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for prunes in interstate commerce as will effectuate such orderly marketing of prunes as will be in the public interest, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder.

On July 19, 1960, the Prune Administrative Committee—the agency established pursuant to the order to administer the terms and provisions thereof—reviewed all matters pertaining to a proposed marketing policy for the 1960–61 crop year and determined that the 1960 prices to producers for dried prunes would be in excess of the price level (i.e., parity) contemplated by the provisions of section 2(1) of the act. Available information indicates that, for the 1960–61 crop year, the total supply of prunes will be somewhat less than the probable market requirements in domestic and foreign commerce (including carryout), and that the prospective demand situation will be enhanced by small, early-season inventories of prunes, prune juice and concentrate, and by below-normal production in foreign prune producing countries.

Since the provisions of § 993.50 are being made effective in lieu of the requirements of §§ 993.48 and 993.49 (which would otherwise be operative in the absence of this determination) for the 1960–61 crop year, the minimum standards as to grade for natural condition prunes or processed prunes, as the case may be, shall be those set forth in § 993.97 (Exhibit A), as currently in effect (24 F.R. 5938). Therefore, the respective combined tolerance allowances of 20 percent as provided in § 993.97 (Exhibit A) for the defects included therein would be in effect during the 1960–61 crop year instead of the modified combined tolerance allowances of 15 percent made effective August 20, 1957 (22 F.R. 6645) pursuant to the provisions of §§ 993.48(c) and 993.49(c). Moreover, the pack regulations, which became effective June 20, 1958 (§§ 993.501–993.518; 23 F.R. 3373) pursuant to § 993.49(b)(3) would be inoperative during the 1960–61 crop year, the same as for the current crop year.

It is, therefore ordered, That:

1. The provisions of paragraphs (b), (c), (d), (e), and (f) of § 993.50 shall apply to all handling of prunes during the 1960–61 crop year beginning August 1, 1960.

2. The modified (22 F.R. 6645) combined tolerance allowances of 15 percent for the defects contained in § 993.97 (Exhibit A), effective August 20, 1957, shall not be operative for the 1960–61 crop year.

3. The pack regulations, effective June 20, 1958 (§§ 993.501–993.518; 23 F.R. 3373), shall not be operative for the 1960–61 crop year.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) and for making the provisions hereof effective August 1, 1960, in that: (1) The regulatory provisions pursuant to the amended marketing agreement and order currently in effect for an above parity crop year (24 F.R. 5938) will terminate at the end of the present crop year (i.e., on July 31, 1960); (2) in the absence of the requirements pursuant hereto becoming effective August 1, 1960, the beginning of the 1960–61 crop year, more restrictive requirements pursuant to §§ 993.48 and 993.49 would, unless sooner suspended or modified, automatically become operative at that time with respect to the handling of prunes during that crop year; (3) the regulatory provisions pursuant to the amended marketing agreement and order that are hereby ordered to be in effect during the 1960–61 crop year are authorized by the said marketing agreement and order and are substantially the same as those in effect during the current crop year and are well known to handlers; (4) handlers will need to know as soon as possible the regulations which will apply to the handling of prunes during the 1960–61 crop year so as to arrange their operations accordingly; and (5) compliance herewith will require no advance preparation by handlers.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 26, 1960, to become effective August 1, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 60-7113; Filed, July 29, 1960; 8:48 a.m.]

[Milk Order 94]

PART 994—MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

Order Amending Order

§ 994.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1960. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued July 7, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 18, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 994.51 [Amendment]

Delete § 994.51(a) and substitute therefor the following:

(a) *Class I milk.* During the period through January 1962, the basic formula price for the preceding month plus $3.20.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 29th day of July, 1960, to be effective on and after the 1st day of August 1960.

CLARENCE I. MILLER,
Assistant Secretary.

[F.R. Doc. 60-7173; Filed, July 29, 1960; 10:19 a.m.]

[Prune Order 1]

PART 1029—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Limitation of Shipments

§ 1029.301 Prune Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 129 (7 CFR Part 1029; 25 F.R. 6350), regulating the handling of fresh prunes grown in designated counties in Washington, and in Umatilla County, Oregon, effective July 7, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, as hereinafter set forth, pursuant to the provisions of § 1029.52(a)(2) of the marketing agreement and order will tend to effectuate such orderly marketing of such prunes as will be in the public interest; will tend to effectuate the declared policy of the act, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1960. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Washington-Oregon Fresh Prune Marketing Committee until July 25, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 25, 1960, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and

supporting information were submitted to the Department; shipments of the current crop of such prunes will begin on or about August 1, 1960, and this section should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the Act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., P.s.t., August 1, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no handler shall handle any lot of prunes to any destination other than export (as defined in § 1030.15 of this part) unless such prunes meet the following applicable requirements:

(1) *Minimum grade requirement.* Such prunes shall grade at least U.S. No. 1, except that any prunes having not less than two-thirds (⅔) of the surface purplish color may be shipped if they otherwise grade at least U.S. No. 1.

(2) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 300 pounds net weight may be handled without regard to the restrictions specified in paragraph (b) of this section or in §§ 1030.41 (Assessment) and 1030.55 (Inspection and certification).

(3) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (§§ 51.1520 to 51.1537 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954); and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-7182; Filed, July 29, 1960; 8:15 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.440]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 23, 1960, paragraph (a) is amended by the deletion of the following:

Nyasaland, all posts except Blantyre.

2. Effective as of the beginning of the first pay period following July 23, 1960, paragraph (b) is amended by the deletion of the following:

Iran, all posts except Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Resaiyeh, Sanandaj, Sari, Shahabad, Shiraz, Tehran and Zirab.

3. Effective as of the beginning of the first pay period following November 26, 1959, paragraph (a) is amended by the addition of the following:

Savannakhet, Laos.

4. Effective as of the beginning of the first pay period following February 20, 1960, paragraph (a) is amended by the addition of the following:

Tandjung Karang, Indonesia.

5. Effective as of the beginning of the first pay period following July 23, 1960, paragraph (a) is amended by the addition of the following:

Chebel-Dokhtar, Iran.
Naudeh, Iran.
Nyasaland, all posts except Blantyre and Lilongwe.

6. Effective as of the beginning of the first pay period following July 23, 1960, paragraph (b) is amended by the addition of the following:

Iran, all posts except Chebel-Dokhtar, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Naudeh, Rezaiyeh, Sanandaj, Sari, Shahabad, Shiraz, Tehran and Zirab.

7. Effective as of the beginning of the first pay period following July 23, 1960, paragraph (d) is amended by the addition of the following:

Lilongwe, Nyasaland.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

Dated: July 11, 1960.

For the Secretary of State:

LANE DWINELL,
Assistant Secretary.

[F.R. Doc. 60-7118; Filed, July 29, 1960; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER K—PATENTS, ALLOTMENTS, AND SALES

PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

Status of Application

Pursuant to authority vested in the Secretary of the Interior by section 161 of the Revised Statutes (5 U.S.C. 22), Part 121, Title 25, Code of Federal Regulations, is changed by amending § 121.2a. This regulation was designed to assure, insofar as practicable, that Indian applicants for patents in fee are informed concerning the status of their applications before such information is made available to the public.

The amendment will maintain these protective features but will permit direct responses in cases where Indian applicants make inquiry through channels of communication normally utilized by many of the Indian people seeking information regarding the status of their applications for patents in fee.

For these reasons, it would not be in the public interest to publish proposed rule making concerning this amendment or to postpone its effective date for 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011).

Section 121.2a, 25 CFR Part 121, is hereby amended as set forth below and will become effective at the beginning of the calendar day on which this amendment is published in the FEDERAL REGISTER.

§ 121.2a Information regarding status of applications for patents in fee.

The status of applications by Indians for patents in fee shall be disclosed to employees of the Department whose duties require that such information be disclosed to them and to the applicant, or his attorney, upon request. This information will also be made available to members of Congress who present requests therefor from the applicant. Such information will be made available to all other persons, upon request, fifteen (15) days after the fee patent has been issued by the Bureau of Land Management, or after the application has been rejected and the applicant notified, if such be the case.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JULY 23, 1960.

[F.R. Doc. 60-7098; Filed, July 29, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-NY-65]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation and Modification of Federal Airways and Associated Control Areas

The purpose of these amendments to Parts 600 and 601, and §§ 600.6047 and 601.6047 is to redesignate the segment of VOR Federal airway No. 47 and its associated control areas from Bowling Green, Ky., to Nabb, Ind., as VOR Federal airway No. 49.

The above action is being taken to eliminate misunderstanding created by the existence of multiple transition points between VOR Federal airway No. 5 and Victor 47. As presently designated Victor 47 joins Victor 5 at Cincinnati, Ohio, and Bowling Green, Ky. In the absence of specific flight plan information, it becomes necessary to solicit additional information to determine the exact point of transition between the two airways. This creates an additional workload in the processing of flight plans at both manual and electronic computer equipped facilities. This action, in effect, will result in the reidentification of a segment of an existing airway, and does not involve designation of any additional airspace.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

§ 600.6047 [Amendment]

1. In § 600.6047 (24 F.R. 10511, 9305; 25 F.R. 430), the following changes are made:

(a) In the caption "*(Bowling Green, Ky., to Detroit, Mich.)*" is deleted and "*(Nabb, Ind., to Detroit, Mich.)*" is substituted therefor.

(b) In the text "From the Bowling Green, Ky., VOR via the Mystic, Ky., VOR; Nabb, Ind., VOR, Cincinnati, Ohio, VOR;" is deleted and "From the Nabb, Ind., VOR via the Cincinnati, Ohio, VORTAC;" is substituted therefor.

2. In Part 600 (24 F.R. 10487) the following is added:

§ 600.6049 VOR Federal airway No. 49 (Bowling Green, Ky., to Nabb, Ind.).

From the Bowling Green, Ky., VOR via the Mystic, Ky., VOR; to the Nabb, Ind., VOR.

§ 601.6047 [Amendment]

3. In the caption of § 601.6047 (24 F.R. 10599), "*(Bowling Green, Ky., to Detroit, Mich.)*" is deleted and "*(Nabb, Ind., to Detroit, Mich.)*" is substituted therefor.

4. In Part 601 (24 F.R. 10530) the following is added:

§ 601.6049 VOR Federal airway No. 49 control areas (Bowling Green, Ky., to Nabb, Ind.).

All of VOR Federal airway No. 49.

These amendments shall become effective 0001 e.s.t. September 22 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7089; Filed, July 29, 1960; 8:46 a.m.]

[Airspace Docket No. 60-NY-67]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation and Modification of Federal Airways and Associated Control Areas

The purpose of these amendments to Parts 600 and 601, and §§ 600.6174 and 601.6174 is to redesignate the segment of VOR Federal airway No. 174 and its associated control areas from Louisville, Ky., to Falmouth, Ky., as VOR Federal airway No. 502.

The above action is being taken to eliminate misunderstanding created by the existence of multiple transition points between VOR Federal airway No. 4 and Victor 174. As presently designated Victor 174 joins Victor 4 at Louisville and Elkins, W. Va. In the absence of specific flight plan information, it becomes necessary to solicit additional information to determine the exact point of transition between these two airways. This creates an additional workload in the processing of flight plans at both manual and electronic computer equipped facilities. This action, in effect, will result in the reidentification of a segment of an existing airway, and does not involve designation of any additional airspace.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

§ 600.6174 [Amendment]

1. In § 600.6174 (25 F.R. 4955), the following changes are made:

(a) In the caption "*(Louisville, Ky., to Washington, D.C.)*" is deleted and "*(Falmouth, Ky., to Washington, D.C.)*" is substituted therefor.

(b) In the text "From the Louisville, Ky., VORTAC via the Falmouth, Ky., VOR; York, Ky., VOR;" is deleted and "From the Falmouth, Ky., VOR via the York, Ky., VOR;" is substituted therefor.

§ 601.6174 [Amendment]

2. In the caption of § 601.6174 (25 F.R. 4955), "*(Louisville, Ky., to Washington, D.C.)*" is deleted and "*(Falmouth, Ky., to Washington, D.C.)*" is substituted therefor.

3. In Part 600 (24 F.R. 10487) the following is added:

§ 600.6502 VOR Federal airway No. 502 (Louisville, Ky., to Falmouth, Ky.).

From the Louisville, Ky., VORTAC to the Falmouth, Ky., VOR.

4. In Part 601 (24 F.R. 10530) the following is added:

§ 601.6502 VOR Federal airway No. 502 control areas (Louisville, Ky., to Falmouth, Ky.).

All of VOR Federal airway No. 502.

These amendments shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7090; Filed, July 29, 1960; 8:46 a.m.]

[Airspace Docket No. 60-NY-66]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation and Modification of Federal Airways and Associated Control Areas

The purpose of these amendments to Parts 600 and 601, and §§ 600.6045 and 601.6045 is to redesignate the segment of VOR Federal airway No. 45 and its associated control areas from Lexington, Ky., to Waterville, Ohio, as VOR Federal airway No. 493.

The above action is being taken to eliminate misunderstanding created by the existence of multiple transition points between Victor 45 and VOR Federal airway No. 4. As presently designated, Victor 45 joins Victor 4 at Charleston, W. Va., and Lexington, Ky. In the absence of specific flight plan information, it becomes necessary to solicit additional information to determine the exact point of transition between these two airways. This creates an additional workload in the processing of flight plans at both manual and electronic computer equipped facilities. This action, in effect, will result in the reidentification of a segment of an existing airway, and does not involve designation of any additional airspace.

Since these amendments are minor in nature and impose no additional burden

on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following actions are taken:

§ 600.6045 [Amendment]

1. In § 600.6045 (24 F.R. 10511; 25 F.R. 869, 2078, 4986), the following changes are made:.

(a) In the caption *"Lexington, Ky., to Waterville, Ohio,"* is deleted.

(b) In the text "From the Lexington, Ky., omnirange station via the York, Ky., omnirange station; Appleton, Ohio, omnirange station; to the Waterville, Ohio, omnirange station." is deleted.

§ 601.6045 [Amendment]

2. In the caption of § 601.6045 (25 F.R. 4956), *"Lexington, Ky., to Waterville, Ohio,"* is deleted.

3. In Part 600 (24 F.R. 10487) the following is added:

§ 600.6493 VOR Federal airway No. 493 (Lexington, Ky., to Waterville, Ohio).

From the Lexington, Ky., VORTAC via the York, Ky., VOR; Appleton, Ohio, VORTAC; to the Waterville, Ohio, VORTAC.

4. In Part 601 (24 F.R. 10530) the following is added:

§ 601.6493 VOR Federal airway No. 493 control areas (Lexington, Ky., to Waterville, Ohio).

All of VOR Federal airway No. 493.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7121; Filed, July 29, 1960; 8:49 a.m.]

[Airspace Docket No. 59-FW-32]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification and Revocation of Control Area Extensions

On May 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4086) stating that the Federal Aviation Agency was considering an amendment to Part 601 and § 601.1260 of the regulations of the Administrator which would modify the Altus, Okla., control area extension and revoke the Lawton, Okla., control area extension.

As stated in the notice, the Altus control area extension includes the airspace bounded on the south by VOR Federal airway No. 102, on the west by VOR Federal airways No. 14 and 114, on the northwest by VOR Federal airway No. 140, and a line from the Sayre, Okla., VOR along longitude 99°38'00'' W., to VOR Federal airway No. 17, on the northeast by Victor 17 and on the southeast by VOR Federal airway No. 77. The Federal Aviation Agency is modifying the Altus control area extension to include the airspace northwest of the present area bounded on the southwest by Victor 140 north alternate, on the northwest by VOR Federal airway No. 12, and on the east by a line from Sayre VOR along longitude 99°38'00'' W., to Victor 17 and on the north by Victor 17. This will provide protection for jet aircraft arriving and departing Clinton Sherman AFB, Okla., during instrument flight rule conditions. Concurrent with this action the Lawton control area extension is being revoked because the Altus control area extension includes the airspace presently designated as the Lawton control area extension.

This action will result in the Altus control area extension being designated to include the airspace bounded on the northeast by VOR Federal airway No. 17; on the southeast by VOR Federal airway No. 77; on the south by VOR Federal airway No. 102; on the west by VOR Federal airway No. 14 from Lubbock, Tex., to Childress, Tex., and VOR Federal airway No. 114, from Childress to Amarillo, Tex.; on the northwest by VOR Federal airway No. 12; excluding the portion which coincides with the Fort Sill Restricted Area (R-208). Concurrently, the Lawton, Okla., control area extension is revoked.

The Air Transport Association of America concurred in the Proposal. The Aircraft Owners and Pilots Association objected to the Proposal because no consideration was given to placing an appropriate floor on this control area extension as permitted by Civil Air Regulation Amendment 60-14 effective January 1, 1960. Civil Air Regulation Amendments 60-14 and 60-14A were rescinded effective June 30, 1960 (25 F.R. 6015) and therefore the designation of control area must be made in accordance with Part 601 of the regulations of the Administrator.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) the following actions are taken:

§ 601.1302 [Revocation]

1. In Part 601 (24 F.R. 10530) § 601.1302 *Control area extension (Lawton, Okla.)*. is revoked.

2. Section 601.1260 (24 F.R. 10560) *Control area extension (Altus, Okla.)*. is amended to read:

§ 601.1260 Control area extension (Altus, Okla.).

All the airspace bounded on the NE by VOR Federal airway No. 17; on the SE by VOR Federal airway No. 77; on the S by VOR Federal airway No. 102; on the W by VOR Federal airway No. 14 from Lubbock, Tex., to Childress, Tex., and VOR Federal airway No. 114, from Childress, Tex., to Amarillo, Tex., on the NW by VOR Federal airway No. 12; excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Fort Sill, Okla., Restricted Area (R-208) during the restricted area's designated time of use.

These amendments shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7085; Filed, July 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-KC-85]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

On January 30, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 814) stating that the Federal Aviation Agency was considering an amendment to § 601.1131 of the regulations of the Administrator which proposed the modification of the Oscoda, Mich., control area extension.

As stated in the notice, the present Oscoda control area extension includes the airspace within a 30-mile radius of the Wurtsmith AFB, Oscoda, Mich., and the airspace centered on the 266° True radial of the Wurtsmith TVOR extending from a point 5 miles west of the airbase to a point 32 miles west of the airbase and having a width of 1 mile on the north side and 2.3 miles on the south side of the 266° True radial at a point 5 miles west of the airbase and expanding to a width of 4.6 miles at a point 32 miles west of the airbase. The notice proposed enlarging the Oscoda control area extension by the addition of that airspace 5 miles either side of the Wurtsmith AFB TACAN 234° True radial extending to a point 46 miles southwest. This additional controlled airspace will provide protection for aircraft landing at Wurtsmith AFB executing the prescribed instrument approach procedure based on the Wurtsmith TACAN.

The Department of the Air Force objected to the proposed control area extension stating that it was not of sufficient dimensions to provide controlled airspace for the holding of aircraft below

24,000 feet MSL; that is, below the floor of the continental control area; and that air traffic control flexibility and capability would not be increased. The Air Force recommended that the area be extended to include the airspace 17 nautical miles on the south side and 8 nautical miles on the north side of the 234° True radial of the TACAN, extending from the present control area periphery to a point 62 nautical miles southwest, with a floor of 14,500 feet MSL, to provide controlled airspace to encompass the special F-104/5 holding pattern between 20,000 and 25,000 feet inclusive. An alternate recommendation submitted by the Air Force proposed an area 8.6 nautical miles on the south side and 5.2 nautical miles on the north side of the 234° True radial of the TACAN extending to a point 45 nautical miles southwest of the facility, with or without a floor of 14,500 feet. This also was to provide controlled airspace for aircraft holding below 24,000 feet MSL.

The present Wurtsmith high altitude TACAN procedure prescribes an initial penetration altitude of 20,000 feet or as directed. The expanded holding pattern for century series type aircraft holding between 20,000 and 24,000 feet would require the designation of a considerably enlarged area of controlled airspace extending from 700 feet above the surface, and would be unduly restrictive to general aviation. Since it is possible and feasible to direct aircraft, when necessary, to commence initial penetration at flight level 240 or above, which would result in any required holding being conducted in the continental control area, the Federal Aviation Agency considers the designation of controlled airspace to accommodate holding below flight level 240 for this penetration procedure to be be excessive and unnecessary.

No other adverse comments were received regarding the proposed amendment.

Subsequent to publication of the notice, Restricted Area (R-91) was revoked in Airspace Docket No. 59-KC-37 (25 F.R. 4377). This will require further amending § 601.1311 to delete all reference to this restricted area from the description of the Oscoda, Mich., control area extension.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.1311 (24 F.R. 10563; 25 F.R. 4377) is amended to read:

§ 601.1311 Control area extension (Oscoda, Mich.).

The airspace within a 30-mile radius of Wurtsmith AFB, Oscoda, Mich.; within 5 miles either side of the Wurtsmith AFB TACAN 234° True radial extending from the TACAN to a point 46 miles southwest; and the airspace centered on the 266° True radial of the Wurtsmith TVOR extending from a point 5 miles west of the AFB to a point 32 miles west of the AFB and having a width of 1 mile on the north side and 2.3 miles on the south side of the 266° True radial at a point 5 miles west of the AFB and expanding to a width of 4.6 miles at the point 32 miles west of the AFB. The portions of this control area extension which lie within the geographic limits of, and between the designated altitudes of, the Upper Lake Huron Restricted Area (R-491) is excluded during this restricted area's time of designation. The portions of this control area extension which lie within the Oscoda, Mich. (Wurtsmith AFB) Restricted Area/Military Climb Corridor (R-550) shall be used only after obtaining prior approval from the controlling agency.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7086; Filed, July 29, 1960; 8:46 a.m.]

[Airspace Docket No. 60-WA-182]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extension

The purpose of this amendment to § 601.1381 of the regulations of the Administrator is to modify the description of the Kwajalein Island control area extension.

The Kwajalein Island Warning Areas (W-448, W-449, and W-450) have been disestablished. The disestablishment of W-448, W-449, and W-450 revokes the portions of these warning areas which conflicted with the Kwajalein Island control area extension. Therefore, all reference to the Kwajalein Island warning areas is being deleted from the description of the Kwajalein Island control area extension. Warning area (W-449) is incorrectly referred to in § 601.1381 as (W-445) and is, therefore, referred to as such in this amendment.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), the following action is taken:

In the text of § 601.1381 (24 F.R. 10566) "from the nondirectional radio beacon excluding the portions which overlap Airspace Warning Areas W-448, W-445, and W-450." is deleted and "from the nondirectional radio beacon."-is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7087; Filed, July 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-LA-61]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Zone

On March 26, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2591) stating that the Federal Aviation Agency was considering an amendment to § 601.2023 of the regulations of the Administrator which would modify the Albuquerque, N. Mex., control zone.

As stated in the notice, the Albuquerque control zone is presently designated within a 5-mile radius of Kirtland Air Force Base with extensions to the south based on the south course of the Albuquerque radio range extending from the 5-mile radius zone to the Peralta, N. Mex., fan marker; to the north based on the Alameda, N. Mex., non-directional radio beacon extending from the 5-mile radius zone to a point 10 miles north of the Alameda radio beacon; and to the west based on the 091° and 271° True radials of the Albuquerque VOR, extending from the 5-mile zone to a point 10 miles west of the VOR. Modification of the Albuquerque control zone would redesignate the present south extension based on the south course of the Albuquerque range to extend it from the 5-mile radius zone to a point 17 miles south of the radio range to provide protection to aircraft executing prescribed ADF and radio range instrument approach procedures; designate a control zone extension based on the ILS localizer north course extending from the 5-mile radius zone to the intersection of the localizer north course and the Albuquerque VORTAC 057° True radial to provide protection for aircraft executing ILS approach procedures based on the ILS localizer north course; revoke a portion of the west extension of the Albuquerque control zone no longer required for the prescribed instrument approach procedure based on the Albuquerque VORTAC; and revoke a portion of the north extension of the Albuquerque control zone no longer required for the prescribed instrument approach procedure based on the Alameda radio beacon.

The Aircraft Owners and Pilots Association concurred in the proposed reduction to the Albuquerque control zone, and advised that they did not object to

the proposed extension along the north course of the ILS localizer. However, the AOPA stated that the proposed extension to a point 17 miles south of the Albuquerque radio range appears to be unnecessary, as does the existing south extension. Subsequent to publication of the Notice, a revised U.S. Air Force range/ADF approach was published nullifying the requirement for a control zone extension to 17 miles south of the range. The existing south extension to the Peralta fan marker (approximately 12 statute miles south of the radio range) remains a requirement to protect the range approach. Any attempt to raise the crossing altitude on final approach by the required amount would eliminate straight-in approaches to runway 26 at Kirtland Air Force Base/Municipal Airport. Consequently, no modification will be made to the south extension to the Albuquerque control zone.

The Department of the Air Force interposed no objection to the proposal. No other comments were received regarding the proposed amendment.

This action will result in the Albuquerque control zone being designated within a 5-mile radius of Kirtland Air Force Base; within 2 miles either side of the south course of the Albuquerque radio range extending from the 5-mile radius zone to the Peralta fan marker; within 2 miles either side of the 091° True radial of the Albuquerque VORTAC extending from the 5-mile radius zone to the VORTAC; within 2 miles either side of the 172° True bearing from the Alameda radio beacon extending from the 5-mile radius zone to the Alameda radio beacon; and within 2 miles either side of the Albuquerque ILS localizer north course extending from the 5-mile radius zone to the intersection of the Albuquerque VORTAC 057° True radial, and the ILS localizer north course.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), § 601.2023 (24 F.R. 10572) is amended to read:

§ 601.2023 Albuquerque, N. Mex., control zone.

Within a 5-mile radius of Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles either side of the south course of the Albuquerque RR extending from the 5-mile radius zone to the Peralta fan marker; within 2 miles either side of the 091° True radial of the Albuquerque VORTAC extending from the 5-mile radius zone to the VORTAC; within 2 miles either side of the 172° True bearing from the Alameda RBN extending from the 5-mile radius zone to the Alameda RBN; and within 2 miles either side of the Albuquerque ILS localizer north course extending from the 5-mile radius zone to the INT of the Albuquerque VORTAC 057° True radial, and the ILS localizer north course.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 26, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-7068; Filed, July 29, 1960; 8:46 a.m.]

[Airspace Docket No. 60-NY-55]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

PART 608—RESTRICTED AREAS

Modification of Restricted Area and Control Area Extension

The purpose of these amendments to §§ 608.25 and 601.1080 of the regulations of the Administrator is to change the controlling agency of the Fort Knox, Ky., Restricted Area (R-64) (Nashville and Cincinnati Charts) from the U.S. Army Armored Center, Fort Knox to the Federal Aviation Agency, Standiford Control Tower, Louisville, Ky., and to delete reference to Restricted Area R-64 in the description of the Louisville control area extension.

Restricted Area R-64 is presently used by the U.S. Army Armored Center, Fort Knox, Ky., for small arms, howitzer and artillery firing, from the surface to 20,000 feet MSL, controlled by the U.S. Army Armored Center, Fort Knox, and is designated continuously. The Federal Aviation Agency and representatives of the Department of the Army have reached an agreement whereby the airspace within R-64 may be used by air traffic when not in use for its designated purpose. Therefore, the Federal Aviation Agency is changing the controlling agency from the Armored Center to the Federal Aviation Agency, Standiford Control Tower, Louisville, and deleting all reference to R-64 in the text of the Louisville control area extension.

Since these amendments are minor in nature, in that they reduce a burden on the public by permitting use of R-64 when it is not in use for its designated purpose, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective immediately.

In consideration of the foregoing, the following actions are taken:

1. In § 608.25, the Fort Knox, Ky., Restricted Area (R-64) (Nashville and Cincinnati Charts) (23 F.R. 8581) "U.S. Army Armored Center, Fort Knox, Ky." is deleted and "The Federal Aviation Agency, Standiford Control Tower, Louisville, Ky." is substituted therefor.

2. In the text of § 601.1080 (24 F.R. 10551) "The portion of this control area extension which lies within the geographical limits of, and between the designated altitudes of, the Fort Knox Restricted Area (R-64) is excluded during the restricted area's time of designation." is deleted.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 25, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-7092; Filed, July 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-LA-45]

PART 608—RESTRICTED AREAS

Designation of Restricted Area

On September 22, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 7620) stating that the Federal Aviation Agency was proposing an amendment to § 608.14 of the regulations of the Administrator which would designate the China Lake South, Calif., Restricted Area (R-278A) (Los Angeles Chart). Additionally, this proposal was given consideration at a public hearing held in Riverside, Calif., on October 27, 1959.

As stated in the notice, the Department of the Navy has advised that their aircraft are performing low level high speed runs in connection with loft bombing maneuvers to a target in the southwest corner of the China Lake, Calif., Restricted Area (R-278) (Mt. Whitney and Los Angeles Charts). The target run is presently made from south to north, mostly outside of R-278 and requires pilot preoccupation to the extent that the "see and be seen" principle is often marginal. Target usage is increasing, and the probability of air collision is increasing. Therefore, the Federal Aviation Agency is designating a new China Lake South Restricted Area (R-278A), 6½ miles wide and 15 miles long adjacent to the southwest corner of R-278, from the surface to 6,000 feet MSL. This additional airspace is considered the minimum necessary to contain that portion of the run-in maneuver of the loft bombing delivery in which the pilot is preoccupied.

As noted above, this proposal was given consideration at a public hearing held in Riverside, Calif., on October 27, 1959. The Department of Defense supported the proposed action at this meeting while Mr. Albert J. Huber, Aviation Director for the Kern County, Calif., Department of Airports objected to the designation of R-278A. Following the public meeting, Mr. Huber submitted the same objections in writing in response to the notice of proposed rule making, as follows: (1) That the height of the test aircraft over the ground (50 feet) precludes other aircraft being underneath, at the same altitude or closer than 450 feet above him and that closer coordination and liaison should be established between local Navy representatives and airport managers to insure that direct travel between civil airports is done not under 1,000 feet above the terrain; (2) that the pilot has completed his cockpit check and is concentrating all his attention on the area immediately in front of him and, therefore, any moving object should be readily recognized and evasive action taken; and (3) that the Airport Manager of Inyokern, Calif., Airport had reported that the test aircraft, on the downwind leg of their target run, fly directly over the airport at near traffic pattern elevation. However, the Department of the Navy states that there is no flat run-in of 10 to 15 miles in length employed in either training or research and development operations and no present pattern requires a terrain clearance of only 50 feet; that a toss bomb or a rocket approach at near sonic speed may involve a run-in at 1,000 to 1,500 feet above terrain, and initiation of a pull up prior to entry into R-278 which would preclude taking evasive action, that some rocket and glide or dive bombing attacks would involve a descending run-in to the range from an initial altitude of 5,000 feet to 6,000 feet MSL; and that the pilots utilizing the loft bombing range are instructed to cross Inyokern Airport not above 6,000 feet and not below 5,000 feet MSL prior to entering the diving turn into the firing line. Adherence to these instructions would put the Navy aircraft at a minimum of 2,500 feet above Inyokern Airport.

Mr. F. G. St. Louis, Clinic Manager of the Drummond Medical Center, Ridgecrest, Calif., also objected to the designation of R-278A stating that since the present training programs in this area seem to call for low level flying techniques, it would seem that the 6,000 foot minimum is not only inconvenient and annoying, but unnecessary, and that he would suggest the ceiling minimum to be set at a more realistic and yet safe elevation. In view of the foregoing statement of the Navy, the Federal Aviation Agency considers that 6,000 feet MSL, which varies from 1,400 feet to 3,700 feet above the terrain in the proposed restricted area, is a reasonable ceiling and considers the Navy position justifiable and applicable to the objections raised by Mr. Huber and Mr. St. Louis.

Both Mr. Huber and Mr. St. Louis recommended that a civil radio frequency be established in the China Lake Tower for the use of civilian pilots who might want to transit the area when it is not in use. The Department of the Navy has agreed to the installation of such a frequency.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.14 *California.* (23 F.R. 8576) add:

China Lake South, Calif., Restricted Area (R-278A) (Los Angeles Chart):

Description by geographical coordinates. Beginning at latitude 35°37'30" N., longitude 117°41'30" W., thence to latitude 35°24'00" N., longitude 117°40'30" W., thence to latitude 35°24'00" N., longitude 117°46'30" W., thence to latitude 35°37'30" N., longitude 117°47'30" W., thence to point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Commander, Naval Ordnance Test Center, China Lake, Calif.

This amendment shall become effective 0001 e.s.t., September 22, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on July 25, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-7091; Filed, July 29, 1960; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6465]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On April 29, 1960, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 72, 105, and 402 of the Internal Revenue Code of 1954 to provide rules relating to certain distributions under employee plans was published in the FEDERAL REGISTER (25 F.R. 3762). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as so published are hereby adopted, subject to the changes set forth below:

Section 1.72-15, as set forth in paragraph 1 of the notice of proposed rule making, is revised:

(A) By changing the first sentence in paragraph (a) to read as follows: "This section provides the rules for determining the taxation of amounts received from an employer-established plan which provides for distributions that are taxable under section 72 (or, in the case of certain total distributions, under section 402(a)(2) or section 403(a)(2)) and which also provides for distributions that may be excludable from gross income under section 104 or 105 as accident or health benefits."

(B) By changing the third sentence of paragraph (b) to read as follows: "Section 72 (or, in the case of certain total distributions, section 402(a)(2) or section 403(a)(2)) does apply to any amount which is received under a plan to which this section applies and which is not an accident or health benefit."

(C) By changing the last sentence in paragraph (c)(3) to read as follows: "However, in the case of a profit-sharing plan providing for periodic distributions from the account of a participant during any absence from work because of a personal injury or sickness, an adjustment under this subparagraph is required only when an employee receives distributions in excess of the employer contributions and earnings thereon or receives distributions consisting in whole or in part of his own contributions."

(D) By changing the first sentence of paragraph (e) to read as follows: "The taxability of amounts that are received under a plan to which this section applies and that are not accident or health benefits is determined under section 72 (or, in the case of certain total distributions, under section 402(a)(2) or section 403(a)(2)) without regard to any exclusion or inclusion of accident or health benefits under sections 104 and 105."

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 28, 1960.

DAVID A. LINDSAY,
Acting Secretary of the Treasury.

PARAGRAPH 1. There is inserted immediately after § 1.72-14 the following new section:

§ 1.72-15 Applicability of section 72 to accident or health plans.

(a) *Applicability of section.* This section provides the rules for determining the taxation of amounts received from an employer-established plan which provides for distributions that are taxable under section 72 (or, in the case of certain total distributions, under section 402(a)(2) or section 403(a)(2)) and which also provides for distributions that may be excludable from gross income under section 104 or 105 as accident or health benefits. For example, this section will apply to a pension plan described in section 401 and exempt under section 501 which provides for the payment of pensions at retirement and the payment of an earlier pension in the event of permanent disability. This section will also apply to a profit-sharing plan described in section 401 and exempt under section 501 which provides for periodic distribution of the amount standing to the account of a participant during any period that the participant is absent from work due to a personal injury or sickness and for the distribution of any balance standing to the account of the participant upon his separation from service. For purposes of this section, the term "contributions of the employee" includes contributions by the employer which were includible in the employee's gross income.

(b) *General rule.* Section 72 does not apply to any amount received as an accident or health benefit, and the tax treatment of any such amount shall be determined under sections 104 and 105. See paragraphs (c) and (d) of this section, paragraph (d) of § 1.104-1, and §§ 1.105-1 through 1.105-5. Section 72 (or, in the case of certain total distribu-

tions, section 402(a)(2) or section 403(a)(2)) does apply to any amount which is received under a plan to which this section applies and which is not an accident or health benefit. See paragraph (e) of this section.

(c) *Accident or health benefits attributable to employee contributions.* (1) If a plan to which this section applies provides that any portion of the accident or health benefits is attributable to the contributions of the employee to such plan, then such portion of such benefits is excludable from gross income under section 104(a)(3) and paragraph (d) of § 1.104–1. Neither section 72 nor section 105 applies to any accident or health benefits (whether paid before or after retirement) attributable to contributions of the employee. Since such portion is excludable under section 104(a)(3), such portion is not subject to the $100-a-week limitation of section 105(d) and if such portion is payable after the retirement of the employee, it is excludable without regard to the provisions of § 1.105–4 and section 72.

(2) In determining the taxation of any amounts received as accident or health benefits from a plan to which this section applies, the first step is to determine the portion, if any, of the contributions of the employee which is used to provide the accident or health benefits and the portion of the accident or health benefits attributable to such portion of the employee's contributions. If such a plan expressly provides that the accident or health benefits are provided in whole or in part by employee contributions and the portion of employee contributions to be used for such purpose, the contributions so used will be treated as used to provide accident or health benefits. However, if the plan does not expressly provide that the accident or health benefits are to be provided with employee contributions and the portion of employee contributions to be used for such purpose, it will be presumed that none of the employee contributions is used to provide such benefits. Thus, in the case of a contributory pension plan, it will be presumed that the disability pension is provided by employer contributions, unless the plan expressly provides otherwise, or in the case of a contributory profit-sharing plan providing that a portion of the amount standing to the account of each participant will be used to purchase accident or health insurance, it will be presumed that such insurance is purchased with employer contributions, unless the plan expressly provides otherwise. Similarly, unless the plan expressly provides otherwise, it will be presumed that if a contributory profit-sharing plan provides for periodic distributions from the account of a participant during any absence from work because of a personal injury or sickness, all such distributions which do not exceed the contributions of the employer plus earnings thereon are provided by employer contributions.

(3) Any employee contributions that are treated under subparagraph (2) of this paragraph as used to provide accident or health benefits shall not be included for any purpose under section 72 as employee contributions or as aggregate premiums or other consideration paid. Thus, in the case of a pension plan, or in the case of a profit-sharing plan providing that a portion of the amount standing to the account of each participant will be used to purchase accident or health insurance, any employee whose contributions are so used must make the adjustment provided by this subparagraph irrespective of whether such employee receives any accident or health benefits under such plan. However, in the case of a profit-sharing plan providing for periodic distributions from the account of a participant during any absence from work because of a personal injury or sickness, an adjustment under this subparagraph is required only when an employee receives distributions in excess of the employer contributions and earnings thereon or receives distributions consisting in whole or in part of his own contributions.

(4) If any of the employee contributions are treated under subparagraph (2) of this paragraph as used to provide any of the accident or health benefits, the portion of the benefits attributable to employee contributions shall be determined in accordance with § 1.105–1. Any accident or health benefits that are excludable under section 104(a)(3) shall not be included in the expected return for purposes of section 72.

(d) *Accident or health benefits attributable to employer contributions.* Any amounts received as accident or health benefits and not attributable to contriutions of the employee are includible in gross income except to the extent that such amounts are excludable from gross income under section 105 (b), (c), or (d) and the regulations thereunder. Thus, such amounts may be excludable under section 105(d) as payments under a wage continuation plan. However, if such payments, when added to other such payments attributable to employer contributions, exceed the limitations of section 105(d), then the excess is includible in gross income under section 105(a). Such excess is not excludable under section 72.

(e) *Other benefits under the plan.* The taxability of amounts that are received under a plan to which this section applies and that are not accident or health benefits is determined under section 72 (or, in the case of certain total distributions, under section 402(a)(2) or section 403(a)(2)) without regard to any exclusion or inclusion of accident or health benefits under sections 104 and 105. For example, the investment in the contract or aggregate premiums paid is determined without regard to the exclusion of any amount under section 104 or 105, and the annuity starting date is determined without regard to the receipt of any accident or health benefits. However, if any employee contributions are used to provide any accident or health benefits, the investment in the contract or aggregate premiums paid must be adjusted as provided in paragraph (c)(3) of this section.

(f) *Examples.* The principles of this section may be illustrated by the following examples:

Example (1). A, an employee, is a participant in a contributory pension plan described in section 401(a) and exempt under section 501(a). Such plan provides for the payment of a pension to each participant when he retires at age 65 or when he retires earlier if the retirement is due to permanent and total disability. In 1958, A, who was age 52, became totally and permanently disabled because of an injury and commenced to receive a pension of $88 a week under this plan. A had contributed $11,804 to the plan. The plan does not expressly provide that any portion of the disability pension is purchased with employee contributions. Accordingly, it is presumed that no portion of the disability pension is purchased with A's contributions. The disability pension which A receives qualifies as payments under a wage continuation plan for purposes of section 105(d) and § 1.105–4, and if such payments are the only accident or health benefits which are attributable to the contributions of his employer, such payments are entirely excludable under section 105(d) until A reaches age 65, his normal retirement age under the plan. The payments which A receives after he becomes age 65 are taxable under section 72. The payments which A receives do constitute an annuity as defined in paragraph (b) of § 1.72–2, but since the amounts which he will receive during the first three years after attaining age 65 exceed his contributions, he shall exclude under § 1.72–13 the entire amount of all payments that he receives as an annuity after attaining age 65 until such amounts equal his contributions to the plan, or $11,804. Thereafter, the payments that he receives under the plan are includible in gross income.

Example (2). B, an employee, is a participant in a contributory profit-sharing plan described in section 401(a) and exempt under section 501(a). Such plan provides that, in the event a participant is absent from work because of a personal injury or sickness, he will be paid $125 a week out of his account in such plan. Any amount standing to the account of a participant at the time of his separation from service will be paid to him at such time. During 1958, B incurred a personal injury and as a result was absent from work for nine weeks. He received nine weekly payments of $125, or a total of $1,125, on account of such absence from work. At the time B was injured, he had contributed $5,000 to the plan. The plan did not expressly provide that a participant's contributions are to be used to provide for the distributions during disability. Accordingly, it is presumed that B's contributions were not used to provide the accident or health benefits under the plan. Since these weekly payments are paid because of B's absence from work due to the injury, and since such payments are considered as attributable to contributions of his employer, such payments are required under section 105(a) to be included in B's gross income except to the extent that they are excludable under section 105(d). If B receives no other payments under a wage continuation plan attributable to contributions of his employer, $100 of each weekly payment is excludable from gross income under section 105(d), but $25 of each weekly payment is includible in gross income under section 105(a). The $100-a-week payment so excludable does not reduce B's investment in the contract or the amount of premiums considered to have been paid by B for purposes of any subsequent computations under section 72.

Example (3). The facts are the same as in example (2) except that B was absent from work for 130 weeks. At the time B was injured, his employer had contributed $10,000 to the plan on his account, and $6,000 of earnings of the plan had been allocated to his account. Thus, at the time he was injured, B's account included $21,000, and $14,000 of such amount consists of employer contributions of $10,000 plus earnings of $4,000 thereon. The first 112 weekly payments (totaling $14,000) which B receives are treated in the manner set forth in example (2). However, since the remaining payments exceed the employer contributions plus earnings thereon, such remaining payments are considered to be distributions of B's contributions plus earnings thereon. Since the total of such payments, of $2,250, is less than B's contributions to the plan, $6,000, the entire amount of such payments is excludable from B's gross income, but a corresponding adjustment with respect to the return of B's contributions shall be made to his consideration in determining the taxation of any lump sum paid to B upon separation from service.

PAR. 2. Paragraph (c)(3) of § 1.105–1 is amended to read as follows:

§ 1.105–1 Amounts attributable to employer contributions.

* * * * * * *

(c) *Contributory plans.* * * *

(3) Except as provided in paragraph (c)(2) of § 1.72–15, if the plan provides accident or health benefits as well as other benefits for the employees, and if the respective contributions made by the employer and the employees to provide the accident or health benefits cannot be ascertained, the determination of the portion of the accident or health benefits received under such plan which is attributable to the contributions of the employer shall be made in accordance with the rules of paragraph (d) or (e) of this section on the basis of the contributions of the employer and of the employees to the entire plan.

PAR. 3. Paragraph (a)(3)(i) of § 1.105–4 is amended to read as follows:

§ 1.105–4 Wage continuation plans.

(a) *In general.* * * *

(3)(i) Section 105(d) applies only to amounts attributable to periods during which the employee would be at work were it not for a personal injury or sickness. Thus, an employee is not absent from work if he is not expected to work because, for example, he has reached retirement age. If a plan provides that an employee, who is absent from work on account of a personal injury or sickness, will receive a disability pension as long as he is disabled, section 105(d) is applicable to any payments which such an employee receives under this plan before he reaches retirement age, but section 105(d) does not apply to the payments which such an employee receives after he reaches retirement age. See § 1.72–15 for additional rules relating to the tax treatment of disability pensions.

PAR. 4. Paragraph (a)(1)(ii) of § 1.402(a)–1 is amended to read as follows:

§ 1.402(a)–1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) *In general.* (1) * * *

(ii) The provisions of section 402(a) relate only to a distribution by a trust described in section 401(a) which is exempt under section 501(a) for the taxable year of the trust in which the distribution is made. The distribution from such an exempt trust when received or made available is taxable to the distributee to the extent provided in section 72 (relating to annuities), except that section 72(e)(3) (relating to the treatment of certain lump sums) shall not apply, and except that certain total distributions described in section 402(a)(2) are taxable as long-term capital gains. For the treatment of such total distributions, see subparagraph (6) of this paragraph. Under certain circumstances, an amount representing the unrealized appreciation in the value of the securities of the employer is excludable from gross income for the year of distribution. For the rules relating to such exclusion, see paragraph (b) of this section. Furthermore, the exclusion provided by section 105(d) is applicable to a distribution from a trust described in section 401(a) and exempt under section 501(a) if such distribution constitutes wages or payments in lieu of wages for a period during which an employee is absent from work on account of a personal injury or sickness. See § 1.72–15 for the rules relating to the tax treatment of accident or health benefits received under a plan to which section 72 applies.

[F.R. Doc. 60–7107; Filed, July 29, 1960; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Additional Compensation for Veterans Having Four or More Children and Whose Disability is 50 Percent or More Disabling

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1547 as follows:

§ 3.1547 Additional compensation for veterans having four or more children and whose disability is 50 percent or more disabling.

(a) *Provisions of the law.* (1) Section 1 of the law amends subsection (a)(1) of section 315, Title 38, United States Code, as follows:

(1) If and while rated totally disabled and—

(D) has a wife and three or more children living, $62 (plus $12 for each living child in excess of three);

(G) has no wife but three or more children living, $89 (plus $12 for each living child in excess of three); and,

(2) Section 2 provides: "The amendments made by this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act."

(b) *Effect of the act—(1) Removal of ceiling.* Prior to its amendment, additional compensation under 38 U.S.C. 315(a) was payable for a maximum of three children. The act removes this limitation and permits payment of additional compensation for any number of children.

(2) *Additional amounts.* Where the veteran's service-connected disability is evaluated at 100 percent, additional compensation of $12 is payable for each living child. Pro rata amounts of additional compensation are payable where the disability is evaluated from 50 percent to 90 percent, adjusted upward or downward to the nearest dollar (counting fifty cents and over as a whole dollar).

(c) *Effective date.* The law becomes effective the first day of the second calendar month which begins after the date of enactment, June 8, 1960. The provisions of this paragraph apply to claims which are allowed solely because of its liberalizing provisions and are subject to the rule that the effective date may not be earlier than August 1, 1960.

(1) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim based on 50 percent or more disability pending on the date of enactment will be August 1, 1960.

Pending claims will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending appelate consideration.

(iii) A previously disallowed claim reopened by receipt of any claim, evidence or inquiry on which action was pending on June 8, 1960.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after June 8, 1960, but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after June 8, 1960, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than August 1, 1960. (Instruction 1, 38 U.S.C. 315, Public Law 86–499)

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 1, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60–7119; Filed, July 29, 1960; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2168]

OREGON

Modification of Grazing District Boundaries, Oregon Grazing District 7

By virtue of the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, U.S.C. 315, et seq.), as amended, known as the

Taylor Grazing Act, Departmental Orders establishing and modifying the exterior boundaries of Oregon Grazing District No. 7 are hereby further modified to eliminate therefrom the following-described lands:

WILLAMETTE MERIDIAN

T. 3 N., R. 19 E.
T. 3 N., R. 20 E.
T. 3 N., R. 21 E.
T. 3 N., R. 22 E.
T. 3 N., R. 23 E.
T. 4 N., R. 22 E.
T. 4 N., R. 23 E.
T. 5 N., R. 22 E.
T. 4 N., R. 24 E.
T. 4 N., R. 25 E.
T. 5 N., R. 25 E.
T. 2 N., R. 26 E.
T. 3 N., R. 26 E.
T. 4 N., R. 26 E.
T. 5 N., R. 26 E.
T. 2 N., R. 27 E.
T. 3 N., R. 27 E., west of Morrow-Umatilla County line.
T. 4 N., R. 27 E., west of Morrow-Umatilla County line.
T. 5 N., R. 27 E., west of Morrow-Umatilla County line.
T. 1 S., R. 18 E.
T. 2 S., R. 18 E.
T. 3 S., R. 19 E.
T. 4 S., R. 18 E.
T. 4 S., R. 19 E.

The areas described aggregate approximately 78,772 acres.

The vacant, unappropriated public domain lands shall be subject to lease for grazing purposes under the provisions of section 15 of the Taylor Grazing Act upon the expiration of current licenses. Applications for grazing use shall be filed in the Bureau of Land Management office at Baker, Oregon. Applications for other use, entry, or disposal, or inquiries relating thereto, shall be filed in the office of the Manager, Land Office, Bureau of Land Management, 809 Northeast Sixth Avenue, Portland 12, Oregon.

ROGER ERNST,
Assistant Secretary of the Interior.

JULY 26, 1960.

[F.R. Doc. 60-7108; Filed, July 29, 1960; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 6—MIGRATORY BIRDS

Hunting On or Over Agricultural Lands

Effective September 1, 1960, §§ 6.3 (a) (4) and (b) (9) of Part 6 are amended as set forth below to make it permissible to hunt migratory game birds on or over lands upon which grains are found scattered solely as the result of normal agricultural planting or harvesting. Heretofore hunting has been permitted only on or over grains found scattered solely as a result of normal agricultural harvesting.

As a result of changed agricultural practices, hunters have unwittingly or inadvertently violated the current regulation by hunting over lands upon which grains had been scattered during normal planting operations. The purpose of the amendment is to clarify the circumstances under which migratory game birds may lawfully be taken.

This amendment constitutes a relaxation of restrictions on hunting methods. No detrimental effect on migratory bird populations is anticipated, but if the relaxation results in excessive depletion of any migratory bird species, corrective action will be considered.

Since the migratory bird hunting seasons begin on September 1 this amendment must be effective by that date; therefore, it is impracticable to offer the usual notice and public procedure. However, the Department of the Interior invites interested persons to submit written comments, suggestions, or objections, with respect to the amendment to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C. Further changes in these regulations may be predicated upon such comments, suggestions, or objections.

1. Section 6.3(a) (4) is amended by inserting the words "planting or" preceding the word "harvesting," to read as follows:

§ 6.3 Hunting methods.

* * * * *

(a) *Permitted methods.* Migratory game birds may be taken.

* * * * *

(4) On or over standing crops (including aquatics), flooded standing crops, flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as a result of normal agricultural planting or harvesting; or

2. Section 6.3(b) (9) is amended by inserting the words "planting or" preceding the word "harvesting" in the last sentence to read as follows:

(b) *Prohibited methods.* Migratory game birds may not be taken.

* * * * *

(9) By the aid of baiting, or on or over any baited area. As used in this subparagraph, "baiting" shall mean the placing, exposing, depositing, distributing or scattering of shelled, shucked, or unshucked corn, wheat or other feed so as to constitute for such birds a lure, attraction or enticement to, on or over any area where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt or any other feed whatsoever capable of attracting such birds is directly or indirectly placed, exposed, deposited, distributed or scattered. Nothing in this subparagraph shall prohibit the taking of such birds over standing crops, flooded standing crops (including aquatics), flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR, 1949–1953 Comp., p. 757)

FRED G. AANDAHL,
Acting Secretary of the Interior.

JULY 27, 1960.

[F.R. Doc. 60-7096; Filed, July 29, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A2]

MILK IN WASHINGTON, D.C., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Washington, D.C., on February 8, 1960, pursuant to notice thereof issued on January 27, 1960 (25 F.R. 805).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator, Agricultural Marketing Service, on June 21, 1960 (25 F.R. 5700) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision on certain issues of the record. Such recommended decision contained notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The definition of "dairy farmer for other markets".
2. Location differential adjustments to handlers.
3. Accounting for milk received from farmers in bulk tank trucks.
4. Date of announcement of uniform price and dates on which payments to and from the producer settlement fund are made.

Findings and conclusions. The findings and conclusions relative to issue No. 1 were dealt with in a separate decision issued by the Assistant Secretary on March 15, 1960 (25 F.R. 2261). The following findings and conclusions on issues 2, 3, and 4 are based on evidence presented at the hearing and the record thereof:

2. The provisions of the order relative to location differential adjustments on Class I milk should not be changed.

The particular provision of the order at issue concerns the allowance for transportation cost which applies at pool plants 75 miles or more from the milestone in Washington, D.C. Such allowance is expressed as a differential to be subtracted from the Class I price and thus tends to equalize at the marketing area the minimum prices for Class I milk originating from nearby and more distant sources. In the case of milk transferred between plants, the location allowance applies only to that part of the transferred milk which is needed for Class I use in the transferee plant. Accordingly, the provision calls for a computation which assigns transferred milk to available Class II disposition in the transferee plant before assigning any to Class I disposition. Further, in any case where a pool plant receives milk from more than one other plant, the computation of location differential allowance for the transferring plants requires that the Class II milk in the transferee plant be assigned first to the transferor plant having the largest differential, and so on in sequence to that plant having the smallest differential.

The system of order pricing thus recognizes the cost of transportation for moving milk from outlying plants to the marketing area. Other movements of milk directly from producers' farms to plants in the marketing area are subject to hauling charges which are paid by each producer. These hauling charges are allowable under the order, but the rate is not specified. Under these circumstances, all milk moving to the market whether directly from farms or through plants, is subject to transportation charges which are borne by producers.

A proposal of the Queen City Cooperative Dairy would provide that, for the purpose of computing location differential credit to a handler transferring milk from his pool plant to another pool plant, the transferred milk should be considered to be Class I and Class II milk in the same proportion as all milk in the transferee plant.

The Queen City Cooperative operates plants at South Cumberland, Maryland, and Meyersdale, Pennsylvania, 146 and 169 miles, respectively, from the milestone in Washington, D.C. Location differentials of 24 and 27 cents per hundredweight, respectively, are applicable at these plants. These plants qualify for pool status on the basis of shipments to a pool plant from which fluid milk is distributed in the marketing area. In addition to receipts of milk from the two plants operated by the Queen City Cooperative, the pool distributing plant receives milk directly from nearby sources.

Utilization at the plant to which the proponent ships milk is largely for fluid distribution, but the plant also manufactures cottage cheese and sour cream. Cream in excess of plant requirements is disposed of to other plants for manufacturing purposes.

For the purpose of illustrating the effect of the proposal, it may be assumed that all of the Class II milk at the pool distributing plant is assigned to the milk from the Queen City plants. The Class II utilization at the distributing plant was said to be usually about 5 percent of total receipts from all sources. This would be equal to about 5.5 percent of the milk from the Queen City plants, which supply about 90 percent of the milk received. On the basis of these figures, 5.5 percent of the shipped-in milk would be assigned, under the existing order provisions, to Class II milk for purposes of computing the location allowance. Under the proposed revision, the percentage of shipped-in milk assigned to Class II milk should be 5 percent.

The possible effects of the proposal are not confined to the particular situation of the proponent, however, and should be examined in light of its implications for the entire market.

The proponent witness pointed out that some other Federal orders provide different methods of computing transportation allowance, including one similar to that proposed here. The question must be raised in this connection, however, whether the particular circumstances in this market justify such broader application of the transportation allowance. Under the Washington order the entire value of all producer milk is pooled under a marketwide pool. Accordingly, any increase in the transportation allowance on the milk shipments from any one plant would be an additional cost borne by all producers in the market. It was not shown, however, that such additional cost to the pool resulting from this proposal would be justified on the basis of needs of the Class I market. On the contrary, the circumstance that the operations at the distributing plant include the regular manufacture of cottage cheese and sour cream raises the question of whether the milk shipped is partly for the purpose of supplying such Class II business.

The need to limit the application of the transportation allowance must be considered in the light of possible supply arrangements which, under the proposal, would result in a greater cost to the market pool than under the present order provision. For instance, if a distributing plant receives just enough milk directly from farmers to cover its Class I milk distribution, and also carries on a Class II milk manufacturing operation which uses an equal, additional volume of milk, then any milk shipped to such plant from a plant where a location differential applies would not be eligible for transportation allowance under the present order. Under the proposal, however, there would be a deduction from the value of the market pool of the amount of the location differential on half of such shipped-in milk. This cost to producers would be in addition to the hauling charges paid by those producers whose milk moved directly from their farms to the first plant. Under this situation, it is clear that producers for the market would be bearing part of the cost of moving milk going into manufacturing uses. This result is not within the purpose of the Class I milk transportation allowance previously stated herein.

3. Payment for bulk tank milk should be based upon the quantity measured at each farm.

A proposal made by a handler would provide that for producers who have farm tanks, payment would be on the basis of the quantity of milk measured by dealer (or other device) at the handler's plant, rather than on the quantity of milk in each farm tank as determined by dip-stick readings made at the farm. Any differences between the plant weight and the stick readings would be prorated to the producers whose milk deliveries are included in the same tank truck, using the amounts resulting from the respective stick readings and their sum as the basis for such proration.

Most of the milk of producers for this market is picked up at farms by tank trucks. Ordinarily the milk of several farmers is combined in one truck load before delivery to the plant. It is customary that the quantity of milk picked up at each farm is measured by use of a dip-stick or other device for measuring the level of the milk in the farm tank. This measurement is converted to pounds of milk on the basis of a chart or table which shows quantities corresponding to each such measurement. The producer of the milk is furnished a receipt for such quantity of milk drawn from the tank. Such method of accounting for milk to the producer has become accepted practice not only in this market but generally in markets where farm tanks have been put in use.

It was contended by proponent that the quantities of milk delivered to his plant in tank trucks as measured by his plant scale are consistently less than the total of the quantities measured by the hauler at the farms from which the milk on the truck is obtained. Various reasons cited as to why differences could occur included inaccurate calibration of the farm tank, failure of the milk hauler to pump all of the milk out of the farm tank, errors in reading the level of milk in the tank, errors in recording the quantities, and losses of milk after being pumped into the tank truck but prior to being placed in a holding tank at the plant. It was contended further that regardless of how perfectly the calibration may be made for any farm tank, the measurement of milk quantities based thereon can be only an approximation of the actual quantity.

As to the amounts of differences which actually have occurred, however, the proponent handler did not present specific data showing actual experience. The only data presented on the record from actual experience were given by a cooperative association engaged in picking up milk at farms in its own tank trucks and delivering such milk to handlers' plants. It found the indicated loss between farm measurements and plant weights in one month to be 19,076 pounds in the handling of approximately 60 million pounds of milk. This amounted to a difference of farm tank measurements over plant scale readings of about 1/100 of one percent of the milk involved. In another month the total of the plant scale readings exceeded the total of quantities shown by farm tank measurements, in this case also by a very small percentage. A handler other than proponent testified that scale weights at his plant have been both above and below the farm stick measurements on the same milk.

On the basis of the only statistical data submitted on the record, it must be concluded that the normal differences have been relatively small. It is not unreasonable with present-day facilities for measuring, to consider some variation in results between these two methods as normal, even in situations where the farm tank calibrations and the plant scale have been checked by public authorities. In other words, there are practical limits of accuracy in either method of measuring the quantities of milk deliveries by the producer.

As previously stated, the proposal of the handler would base his obligation to producers upon the quantity of milk as determined by his plant scale rather than on the individual quantities measured at producer farms. In such weighing of the truck load as delivered to the plant, the individual quantities from each producer, of course, are obscured. The Act, on the other hand, requires that each order issued thereunder shall establish uniform, minimum prices to all handlers based upon use classification of the milk and provide for the payment of uniform prices to all producers. To fulfill these requirements, preserving equity among handlers and in the distribution of returns among individual producers, there must be a uniform method by which the milk from each producer may be known before it is combined with other milk.

The proposed method of arriving at the quantity of milk for which an individual producer would be paid would be subject, however, to aberrations not strictly related to the measurement of such producer's milk. For example, if under the proposed method, an error occurred in the measurement of milk at any farm, the error would be reflected in the returns to all producers whose milk was picked up in the same truck load.

From a practical standpoint the only available method of measurement which, in the bulk of cases, may be applied to the milk of each producer individually is that taken at the farm. In the unusual case where a single producer's milk constitutes the entire load for one tank truck, the same basis of measurement should be used in order to maintain equity among producers and a uniform method of accounting for milk by handlers. There is in this case, however, an opportunity to compare the two kinds of measurements on the same producer's milk, and if, in any particular instance an unusual difference occurs, the proper resolution should depend on available evidence as to the cause. The proposed method of plant scale reading should not be adopted as the basis of accounting for deliveries to handlers by individual producers.

Since the issuance of the recommended decision the proponent has requested that that hearing be reopened for the limited purpose of receiving evidence consisting of a certain tabulation of data with respect to the farm stick measurements and plant scale weights of milk received from one large producer, such data being for each day during the months of February through May 1960, and several days in June.

The petition of the proponent is not persuasive that such additional evidence could result in any modification of the general conclusion that producer payments should be based upon measurements made at the farm in the case of bulk tank milk. This conclusion has been based mainly upon the consideration that uniform, minimum prices to producers must be paid for each producer's milk as measured individually. The need to apply the same method to the unusual case where a single producer's milk constitutes an entire truckload has already been stated. For the foregoing reasons, the request to reopen the hearing is denied.

4. The date on which the uniform price must be announced should be changed from the 10th to the 11th of each month.

Handlers' reports of receipts and utilization must be submitted to the market administrator no later than the 8th day of each month. Such reports are used by the market administrator to compute and announce the uniform price on or before the 10th day of each month. When a weekend or holiday falls in the period between the date on which reports are due and on which the uniform price must be announced, an unnecessary burden is placed on the market administrator in announcing the uniform price by the date specified. The proposed change would not affect the date on which payments to producers are made for their milk. The change was unopposed at the hearing.

To be consistent with the announcement of the uniform price on the 11th day of each month, the dates on which payments to and from the producer settlement fund are made should be changed from the 11th and 12th day of each month, respectively, to the 12th and 13th day of each month, respectively.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Washington, D.C., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of May is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Washington, D.C., marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 26th day of July 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area

§ 902.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. In § 902.22, delete the word "10th" in paragraph (j)(2) and substitute therefor "11th".

2. In § 902.84, delete the word "11th" and substitute therefor "12th".

3. In § 902.85, delete the word "12th" and substitute therefor "13th".

[F.R. Doc. 60-7075; Filed, July 29, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 71]

FOREIGN QUARANTINE

Fumigating Vessels

On December 12, 1959, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (24 F.R. 10078) stating that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, was proposing to amend § 71.103 of the Public Health Service Regulations to require the owner or agent of a vessel to arrange for and bear the expense of fumigation of the vessel when such fumigation is required under the regulations in this part. After review of the subject, including consideration of relevant matter presented by interested persons, it has been determined that the public interest, in affording protection against introduction of communicable disease into the United States, would be better served by not adopting the proposed amendment. Accordingly, the proposed amendment is withdrawn.

Dated: July 11, 1960.

[SEAL] ARNOLD B. KURLANDER,
Acting Surgeon General.

PARKE M. BANTA,
Acting Secretary.

[F.R. Doc. 60-7116; Filed, July 29, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

Bureau of Air Traffic Management

[14 CFR Part 601]

[Airspace Docket No. 60-WA-85]

CONTROL ZONES

Withdrawal of Proposed Designation

In a Notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-WA-85 on April 20, 1960 (25 F.R. 3424), it was proposed to designate a control zone at Toledo, Ohio, within a 5-mile radius of the Toledo Municipal Airport, and within 2 miles either side of the north course of the Toledo radio range extending from the 5-mile radius zone to the radio range to provide protection for aircraft conducting IFR approaches and departures at the Toledo Municipal Airport. Subsequent to publication of the notice, it

has been determined that the weather reporting service required for control zone operation is not available at the Toledo Municipal Airport. Accordingly, the proposal to designate a control zone at Toledo, Ohio, Municipal Airport is being withdrawn.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 60-WA-85 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 25, 1960.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7084; Filed, July 29, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 171]

[Delegation of Authority 23-E]

DELEGATION OF AUTHORITY FOR PROCUREMENT TRANSACTIONS

By virtue of the authority vested in the Secretary of State by the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c and 22 U.S.C. 811a), as amended, the authority vested in the Secretary of State by Delegation of Authority No. 363, dated March 10, 1959, signed by Franklin Floete, Administrator of General Services, and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended, upon the "Agency Head" as defined in section 309(a) of said Act, there is hereby delegated to the officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts, to sign and issue purchase orders, contracts, and certificates of award in connection therewith, and to use the procurement procedures contained in title III of Public Law 152, 81st Congress (63 Stat. 377), as amended, subject to the specific limitations indicated below. The authority hereby delegated is subject to all other applicable provisions of law and to all instructions, regulations and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

a. *Office of Operations.* Chief, Division of Supply Management; Chief, Procurement Branch; Contract Specialists, Procurement Branch; Procurement Officer, Procurement Branch; Purchase Agent, Procurement Branch.

Limitations: (1) The following limitations as to dollar amount per transaction apply to the positions indicated: Chief, Procurement Branch, $50,000; Contract Specialists, Procurement Branch, $20,000; Procurement Officer, Procurement Branch, $10,000; Purchase Agent, Procurement Branch, $1,000. (2) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (12) and (13) of section 302(c). (3) Authority to make determinations and decisions specified in paragraph (11) of section 302(c) is delegated only to the Chief, Division of Supply Management, and said authority is limited to contracts which will not require the expenditure of more than $25,000. (4) Authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304(b) is delegated only to the Chief, Division of Supply Management. (5) Authority to negotiate contracts for services in accordance with section 302(c)(5) is delegated only to the Chief, Division of Supply Management, and the Chief, Procurement Branch.

b. *Office of Intelligence Resources and Coordination.* Chief, Library Division; Deputy Chief, Library Division; Procurement Officer, Library Division.

Limitations: (1) Transactions for the purchase of newspapers, books, maps, and periodicals. (2) The following limitation as to dollar amount per transaction applies to the position indicated; Procurement Officer, Library Division, $100. (3) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (11), (12), and (13) of section 302(c); to authorize cost, cost-plus-a-fixed-fee, or any other incentive-type contract; or to make the determinations and decisions specified in section 304(b).

c. *Office of Foreign Buildings.* Director, Office of Foreign Buildings; Assistant Director for Operations, Office of Foreign Buildings.

Limitations: (1) Transactions chargeable to funds available in the appropriation "Acquisition of Buildings Abroad" (after June 30, 1959, "Acquisition, Operation and Maintenance of Buildings Abroad") or in other appropriations available for foreign buildings operations. (2) The following limitation as to dollar amount per transaction applies to the position indicated: Assistant Director for Operations, Office of Foreign Buildings, $2,500. (3) No authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (11), (12), and (13) of section 302(c). (4) The authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, and to make the determinations and decisions specified in section 304(b) is delegated only to the Director, Office of Foreign Buildings, and said delegation is limited to those contracts for supplies or services which are to be delivered to points outside the United States and its possessions.

This delegation of authority supersedes Delegation of Authority No. 23-D dated May 5, 1959.

Dated: July 11, 1960.

For the Secretary of State.

LANE DWINELL,
Assistant Secretary for Administration.

[F.R. Doc. 60-7117; Filed, July 29, 1960; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

PORTLAND GRAY CEMENT FROM PORTUGAL

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

JULY 26, 1960.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of Portland gray cement imported from Portugal is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of Portland gray cement for Portugal pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 60-7115; Filed, July 29, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JULY 22, 1960.

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective 10:00 a.m., August 15, 1960.

SEWARD MERIDIAN

T. 20 N., R. 9 E.,
Sec. 19: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 20: Lot 1, N½, SW¼, W½SE¼, SE¼SE¼;
Sec. 21: Lots 1, 2, 3, N½, SE¼, S½SW¼;
Sec. 22: All;
Sec. 23: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, S½SE¼, N½NE¼, NW¼;
Sec. 25: Lots 1, 2, 3, 4, 5, 6, NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 26: Lots 1, 2, 3, 4, 5, 6, N½N½;
Sec. 27: Lots 1, 2, 3, 4, 5, N½N½;
Sec. 28: Lots 1, 2, 3, 4, NW¼, W½NE¼, NE¼NE¼;
Sec. 29: Lots 1, 2, 3, 4, NE¼, W½NW¼, NE¼NW¼;
Sec. 30: Lots 1, 2, 3, 4, 5, 6, 7, E½NW¼, NE¼, NE¼SW¼.
Containing 5,414.97 acres.

2. The survey of the land in this range is located along the north side of the Matanuska River, approximately 100 miles northeast of Anchorage, Alaska. The Glenn Highway extends through the surveyed sections of this range. Unimproved roads and tractor trails, used mostly for hunting and timber cutting purposes, are found in most of the sections. The land in general is hilly to mountainous with a ground cover consisting of spruce and aspen timber with willow and alder underbrush, and an abundance of various small underbushes.

The soil is mostly sandy loam on the level and rolling areas with rock, silt, and gravelly loam formed along the cliff slopes and the river banks.

3. The following land lies within Air Navigation Site 196, enlarged dated November 30, 1942, which was withdrawn for the use of the Civil Aeronautics Administration.

SEWARD MERIDIAN

T. 20 N., R. 9 E.
Sec. 25: NE¼NW¼, NE¼, N½SE¼, Lots 3, 4, 5, 6
Containing 439.98 acres.

4. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph one of this order and not withdrawn by paragraph three, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraph (1) above, and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on October 14, 1960, will be considered simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10:00 a.m. on October 14, 1960.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in Part 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 60-7099; Filed, July 29, 1960; 8:46 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JULY 22, 1960.

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10:00 a.m. August 15, 1960.

SEWARD MERIDIAN

T. 20 N., R. 10 E.,
Sec. 20: Lots 1, 2, N½, N½S½, SE¼SE¼, SW¼SW¼;
Sec. 24: All;
Sec. 25: Lots 1, 2, 3, 4, N½;
Sec. 26: Lots 1, 2, 3, 4, 5, E½NW¼, NE¼;
Sec. 27: Lots 1, 2, 3, 4, 5, 6, N½NW¼, NW¼NE¼;
Sec. 28: Lots 1, 2, 3, 4, 5, 6, 7, NE¼, N½NW¼, SE¼NW¼, NW¼SE¼;
Sec. 29: Lots 1, 2, 3, 4, 5, 6, 7, NW¼, NE¼NE¼, N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 30: Lots 1, 2, 3, 4, 5, 6, 7, NE¼, E½NW¼, N½SE¼, NE¼SW¼.
Containing 3,990.16 acres.

2. This survey is located along the north side of the Matanuska River approximately one hundred miles northeast of Anchorage, Alaska. The Glenn Highway extends through this surveyed area. Caribou Creek flows through Sections 20, 28 and 29 of the survey and joins the Matanuska River at the south boundary of Section 28. The area surveyed is very mountainous with elevations ranging from 1,700 to 4,800 feet. The ground cover consists mostly of spruce, aspen, alder, and willow timber with an abundance of berrybush underbrush. The soil is mostly sandy loam along the more level areas changing to gravelly loam and rock along the cliff slopes and river banks. There are no surface indications of any precious metal deposits and no mineral or hot springs are known to exist in the vicinity.

3. The following lands were withdrawn by Public Land Order 255 dated April 21, 1944 subject to valid existing rights and the provisions of outstanding withdrawals, the public lands within the following-described areas in Alaska are hereby temporarily withdrawn from settlement, location, sale, or entry, for classification:

Sec. 29: S½SE¼, E½W½SE¼SW¼, E½SE¼SW¼ (S½SW¼NE¼SE¼), (S½SE¼NW¼SE¼).
All that portion of (S½SW¼NW¼SE¼) that lies south of the centerline (S½SE¼NE¼SW¼) of the Glenn Highway (SE¼SW¼NE¼SW¼);
Sec. 30: Lot 7 and (S½S½NE¼NE¼); All that portion (S½S½NE¼NE¼) that lies south of the centerline of the Glenn Highway.

4. The following land lies within Air Navigation Site 196, enlarged, dated November 30, 1942 subject to valid existing rights, which was withdrawn for the use of the Civil Aeronautics Administration:

Sec. 29: W½ Lot 3, Lot 7, W½NW¼SE¼, S½NW¼, N½SW¼, SE¼SW¼, W½SW¼SE¼;
Sec. 30: Lots 1, 2, 3, 4, 5, 6, 7, E½NW¼, S½NE¼, W½NW¼NE¼, N½SE¼, NE¼SW¼.

5. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph one of this order and not withdrawn by paragraph three, and paragraph four, are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on October 14, 1960, will be considered simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10:00 a.m. on October 14, 1960.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in Part 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

8. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in Part 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

9. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 60-7100; Filed, July 29, 1960; 8:46 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JULY 22, 1960.

1. Plat of the extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10:00 a.m. August 15, 1960.

SEWARD MERIDIAN

T. 20 N., R. 11 E.,
Sec. 19: Lots 1, 2, 3, 4, E½W½, E½;
Sec. 30: Lots 1, 2, 3, 4, 5, 6, NE¼, E½NW¼.
Containing 935.06 acres.

2. The land in these sections is generally hilly and rolling with exception of the Northwest portion of Section 19, which is very steep and mountainous. The soil over most of the area north of the highway is rocky, the remainder is a sandy loam. Scattered spruce timber is found throughout and occasional stands of second growth aspen, with fairly heavy undergrowth, consisting of alder, willow, and berrybush and cover of muskeg growth.

The Matanuska River crosses the southern portion of Section 30, the right bank is the limit of this survey. There is no navigation owing mainly to the swiftness of the river and to the rapids encountered, but it is considered meanderable. The Glenn Highway traverses through Section 19. The land is generally not suitable for agriculture.

3. Subject to valid existing rights and the requirements of applicable law, the lands described in paragraph one of this order are hereby opened to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, other than those mentioned under paragraph (1) and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on October 14, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on October 14, 1960.

4. Persons claiming preference rights based upon valid settlement statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in Part 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Anchorage, Alaska.

DALE E. ZIMMERMAN,
Acting Manager.

[F.R. Doc. 60-7101; Filed, July 29, 1960; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation of the United States Department of the Interior has filed an application, Serial Number Colorado 042348, for withdrawal of the lands described below from public entry, under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

The applicant desires the land for use as a source of riprap material to be used in construction of the Smith Fork Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 91 W.,
Sec. 31, SE¼NE¼.
Total 40 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

JULY 25, 1960.

[F.R. Doc. 60-7102; Filed, July 29, 1960; 8:47 a.m.]

[Notice 12]

ALASKA

Filing of Protraction Diagrams, Fairbanks Land District

JULY 25, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

FAIRBANKS MERIDIAN—FOLIO NO. 9

Approved June 21, 1960

Sheet No.	
4.	Ts. 1 through 4 S., Rs. 1 through 4 E.
5.	Ts. 5 through 8 S., Rs. 1 through 4 E.
6.	Ts. 5 through 8 S., Rs. 5 through 8 E.
7.	Ts. 5 through 8 S., Rs. 9 through 21 E.
10.	Ts. 9 through 12 S., Rs. 9 through 12 E.

SEWARD MERIDIAN—FOLIO NO. 4

Approved June 17, 1960

Sheet No.	
1.	Ts. 33 through 34 N., Rs. 33 through 36 W.
2.	Ts. 33 through 34 N., Rs. 37 through 40 W.
3.	Ts. 33 through 34 N., Rs. 41 through 44 W.
4.	Ts. 33 through 34 N., Rs. 45 through 48 W.
5.	Ts. 29 through 32 N., Rs. 45 through 48 W.
6.	Ts. 29 through 32 N., Rs. 41 through 44 W.
7.	Ts. 29 through 32 N., Rs. 37 through 40 W.
8.	Ts. 29 through 32 N., Rs. 33 through 36 W.
9.	Ts. 25 through 28 N., Rs. 33 through 36 W.
10.	Ts. 25 through 28 N., Rs. 37 through 40 W.
11.	Ts. 25 through 28 N., Rs. 41 through 44 W.
12.	Ts. 25 through 28 N., Rs. 45 through 48 W.

Sheet No.
13. Tr. 21 through 24 N., Rs. 45 through 48 W.
14. Tr. 21 through 24 N., Rs. 41 through 44 W.
15. Tr. 21 through 24 N., Rs. 37 through 40 W.
16. Tr. 21 through 24 N., Rs. 33 through 36 W.
17. Tr. 17 through 20 N., Rs. 33 through 36 W.
18. Tr. 17 through 20 N., Rs. 37 through 40 W.
19. Tr. 17 through 20 N., Rs. 41 through 44 W.
20. Tr. 17 through 20 N., Rs. 45 through 48 W.
Cover sheet showing location map and index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 60-7114; Filed, July 29, 1960; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SETTLEMENT OF CLAIMS ARISING FROM THE ACTIVITIES OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE

The Secretary of Defense approved the following on July 20, 1960:

By virtue of the authority vested in me as Secretary of Defense by section 2734(h) of Title 10, United States Code, I designate all claims commissions appointed under section 2734(a) of Title 10, United States Code, to settle and pay claims covered by section 2734(h).

Delegation of Authority published at 22 F.R. 418 is hereby cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 60-7120; Filed, July 29, 1960; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-139]

PACIFIC GAS & ELECTRIC CO.

Order and Notice of Hearing

The Atomic Energy Commission, by the undersigned Presiding Officer, having under consideration: (1) A letter filed by the applicant on July 20, 1960 requesting that a hearing be set for August 11th or 12th or as soon thereafter as possible; (2) a responding letter from the attorney for the AEC Staff dated July 22, 1960; and (3) the procedural facts and matters shown by the public documents hereinafter referred to; and

It appearing that on March 10, 1960 there was issued by the Director, Division of Licensing and Regulation, a Notice of Hearing upon the application of Pacific Gas & Electric Company for a construction permit for a 50 megawatt (electrical) single-cycle, natural internal circulation boiling water nuclear reactor to be located near Eureka, California, wherein the hearing was scheduled to be held before Samuel W. Jensch, Esq. as the Presiding Officer at Germantown, Maryland on April 14, 1960 or on such later date as might be designated by the Presiding Officer; and

It further appearing from the Notice of Postponement of Hearing issued on April 4, 1960 by the said Presiding Officer that at the request of the applicant the date for hearing was postponed to a date to be designated after receipt by the Presiding Officer from the applicant of a report of completion of certain proposed tests and a request for hearing; and that the Notice further provided that public notice of the date for reconvening the hearing shall be given by publication in the FEDERAL REGISTER at least 15 days prior to the designated date for the hearing; and

It further appearing that on July 19, 1960 this docketed proceeding was assigned by Samuel W. Jensch as Chief Hearing Examiner to the undersigned Hearing Examiner who was thus designated as Presiding Officer to conduct the further procedings herein; and

It further appearing that the applicant's letter request, item (1) above, reports completion of the tests referred to and requests a hearing date and thus complies with the conditions stated in the Notice of Postponement; and

It further appearing that the Staff letter, item (2) above, states that the suggested dates are acceptable to the AEC Staff, and further states that August 24th and 25th are alternate dates acceptable to both parties if the August 11th and 12th dates are not available; and

It further appearing that the initially requested dates of August 11th and 12th are deemed unavailable for hearings in this matter because the Presiding Officer has heretofore scheduled hearings in three other Commission proceedings to be conducted by him at Knoxville, Tennessee, during the week of August 8th to 12th, but that the alternative dates of August 24th and 25th are available for hearing upon this application, and that the scheduling of the hearing upon those dates will conduce to the orderly dispatch of the Commission's business, now therefore:

It is ordered, This 25th day of July 1960 that (1) the hearing in this proceeding shall be convened at 10:30 a.m. on August 24, 1960, in the Auditorium of the headquarters of the Atomic Energy Commission at Germantown, Maryland, for the purposes shown in the original Notice of Hearing issued on March 10, 1960, 25 F.R. 2120; (2) the convened hearing may be adjourned from time to time and place to place as the circumstances and the public interest may require and as the applicable law and Commission's rules may permit; (3) as stated in the original Notice of Hearing, petitions for leave to intervene may be filed with the Commission not later than August 15, 1960; and (4) this Order shall be published in the FEDERAL REGISTER.

Issued: July 25, 1960, Germantown, Md.

ATOMIC ENERGY COMMISSION,
J. D. BOND,
Presiding Officer.

[F.R. Doc. 60-7079; Filed, July 29, 1960; 8:45 a.m.]

[Docket No. 50-123]

THE CURATORS OF THE UNIVERSITY OF MISSOURI SCHOOL OF MINES AND METALLURGY

Amendment of Construction Permit

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to Construction Permit No. CPRR-44 set forth below. The amendment increases the allocation of plutonium to the University of Missouri for use in connection with the facility from 80 grams of plutonium contained in plutonium-beryllium sealed sources to 160 grams of plutonium contained in plutonium-beryllium sealed sources.

The Commission has found that the University is financially qualified to assume responsibility for the payment of Commission charges for the special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time. It has found, further, that the issuance of the amendment is not inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of the amendment is not necessary in the public interest since no hazards considerations are involved.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the construction permit amendment upon receipt of a request therefor from the permittee or an intervener within thirty days after issuance of the construction permit amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see the application for amendment submitted by the Curators of the University of Missouri, School of Mines and Metallurgy on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 25th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[Construction Permit No. CPRR-44; Amdt. 2]

Paragraph 6 of Construction Permit No. CPRR-44 is hereby amended to read as follows:

6. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, The Commission has allocated to University of Missouri for use in connection with the facility 7 kilograms of uranium 235 contained in highly enriched uranium and 160 grams of plutonium contained in plutonium-beryllium sealed sources.

The amendment is effective as of the date of issuance.

Date of issuance: July 25, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7080; Filed, July 29, 1960; 8:45 a.m.]

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued to Westinghouse Electric Corporation, Amendment No. 3, set forth below, to Facility License No. CX-11, authorizing operation until July 3, 1967, of the CES Facility at the Westinghouse Reactor Evaluation Center located near Waltz Mill in Westmoreland County, Pennsylvania. The CES Facility is designed for the performance of critical experiments relating to the Westinghouse Testing Reactor.

Facility License No. CX-11, originally issued June 17, 1958, was amended, effective January 7, 1959, and October 29, 1959, to authorize the performance of additional experiments and facility modifications. In accordance with applicant's original request, the license was made valid until June 14, 1960. Westinghouse filed an application for renewal dated June 24, 1960.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility under the amended license will not present any change in the hazard to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operating license.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see the application amendment dated June 24, 1960, submitted by Westinghouse Electric Corporation on file at the Commission's Public Document Room.

Dated at Germantown, Md., this 20th day of July 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. CX-11; Amdt. 3]

License No. CX-11, as amended, is revised in its entirety to read as follows:

(1) The Atomic Energy Commission (hereinafter "the Commission") finds that:

A. Westinghouse will operate the facility in conformity with the application dated October 21, 1957, and amendments thereto dated October 31, 1957, February 18, 1958, November 20, 1958, September 1, 1959, and request for license renewal dated June 24, 1960 (hereinafter "the application"); and in conformity with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

B. There is reasonable assurance that the critical experiment facility can be operated without endangering the health and safety of the public;

C. Westinghouse is technically and financially qualified to operate the critical experiment facility;

D. Issuance of a license to possess and operate the critical experiment facility will not be inimical to the common defense and security or to the health and safety of the public;

E. Westinghouse has submitted proof of financial protection which satisfies the requirements of Commission regulations which are currently in effect.

(2) Subject to the conditions and requirements incorporated herein the Commission hereby licenses Westinghouse:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" to possess and operate as a utilization facility the nuclear critical experiment facility designated below, and to conduct critical experiments as described in the application.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to possess and use 21 kilograms of contained uranium-235 as fuel for operation of the critical experiment facility;

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material" to possess but not to separate, such byproduct material as may be produced in the operation of the critical experiment facility.

(3) This license applies to the CES critical experiment facility which is owned by Westinghouse and located at the Westinghouse Reactor Evaluation Center near Waltz Mill in Westmoreland County, Pennsylvania, and described in the application. The critical experiment facility is moderated and reflected by water and designed to operate at thermal power levels up to 100 watts as described in the application.

(4) This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified or incorporated below:

A. *Operating restrictions.* (1) Westinghouse shall not operate the reactor at a power level in excess of 100 watts (thermal).

(2) Westinghouse shall not perform a critical experiment other than the experiments described in the application in the facility until a description of the experiment and a hazards summary report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

(3) In conducting the experiments described in the application amendment dated September 1, 1959:

(a) The total available absolute reactivity in experiments in the core and the reflector regions shall not exceed 1% delta k/k.

(b) The total available absolute reactivity in experiments in the reflector region shall not exceed 0.5% delta k/k.

B. *Records.* In addition to those otherwise required under this license and applicable regulations, Westinghouse shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of Westinghouse as measured at the point of such release or discharge.

(3) Records of emergency scrams, including reasons for emergency shutdowns.

C. *Reports.* Westinghouse shall immediately report to the Commission any indication or occurrence of a possible unsafe condition relating to the operation of the critical experiment facility.

5. This amended license is effective as of the date of issuance and shall expire at midnight July 3, 1967.

Date of issuance: July 20, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7081; Filed, July 29, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BARTHOLOMEW'S COMMISSION SALE ET AL.

Proposed Posting of Stockyards

The Director of the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Bartholomew's Commission Sale, Middleburgh, N.Y.
D. R. Chambers & Sons, Inc., Unadilla, N.Y.
Farmers Livestock Market, Bath, N.Y.
Norvel Reed Livestock, Commission Auction, Sherman, N.Y.
Sunny Acres Livestock Market, Bombay, N.Y.
Warrenton Livestock Market, Warrenton, N.C.
Raymond Pope's Livestock Sales Pavilion, Vinita, Okla.
Douglas Livestock Market, Wilbur, Oreg.

Notice is hereby given, therefore, that said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of July 1960.

HOWARD J. DOGGETT,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-7131; Filed, July 29, 1960; 8:50 a.m.]

FORT WAYNE UNION STOCK YARDS

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the Fort Wayne Union Stock Yards, Fort Wayne, Indiana, originally posted on July 1, 1922, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public market, and is, therefore, no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 27th day of July 1960.

HOWARD J. DOGGETT,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

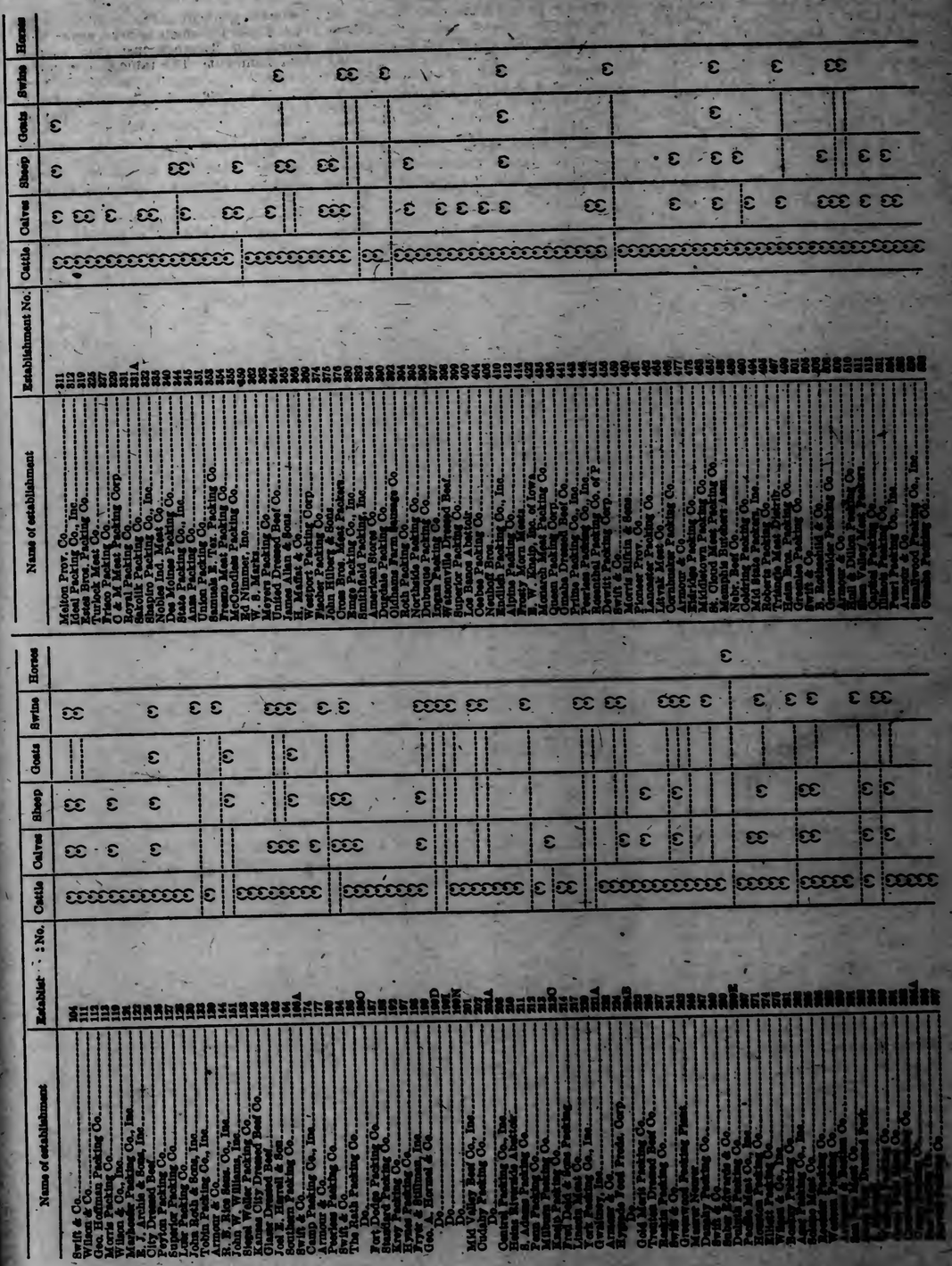
[F.R. Doc. 60-7132; Filed, July 29, 1960; 8:50 a.m.]

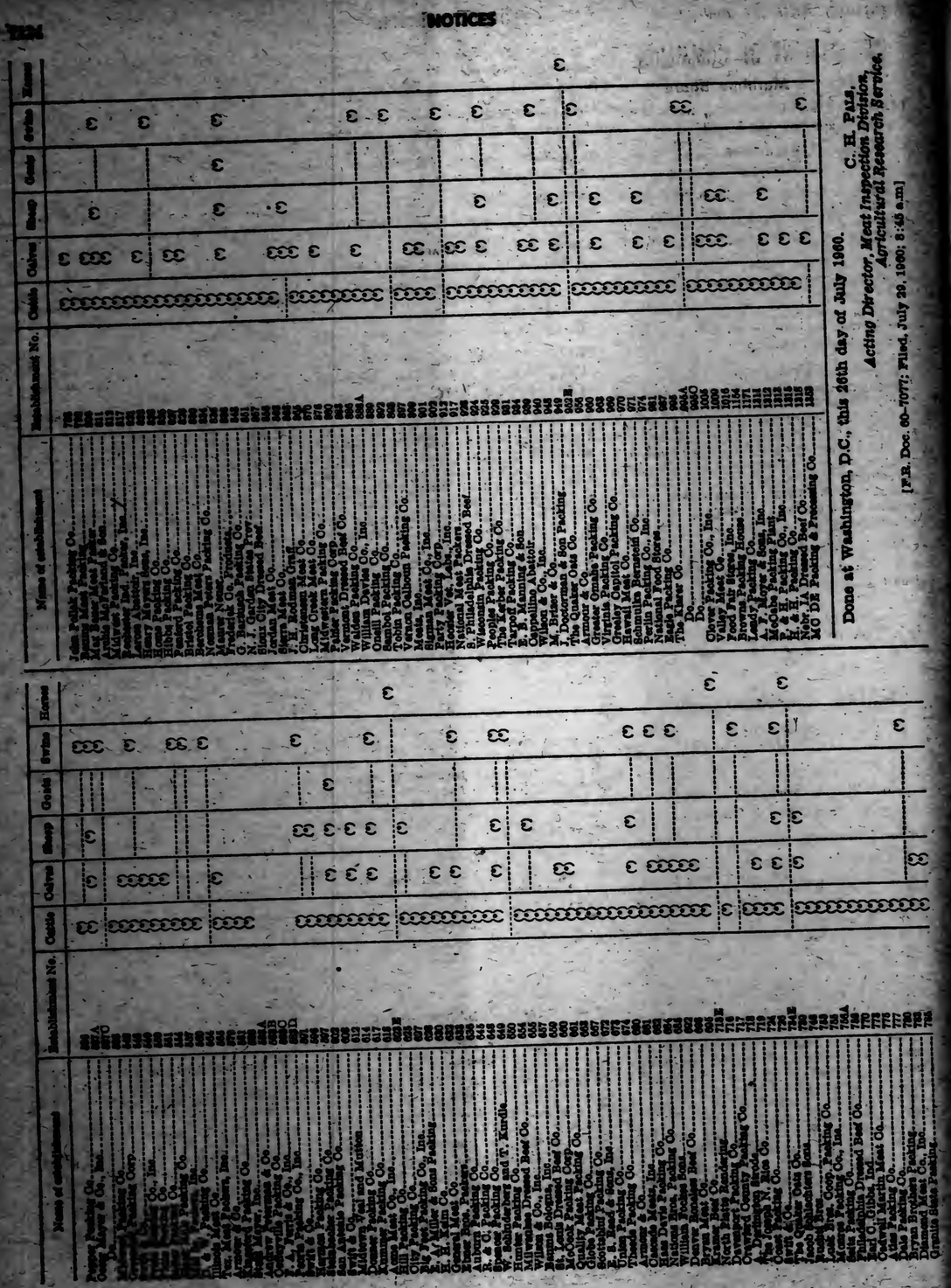
Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on July 1, 1960, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after July 1 as using humane methods on July 1 or a later date in July will be listed in a supplemental list. Previously published lists represented establishments reported in June or July 1960 as humanely slaughtering and handling the designated species of livestock on June 1 or some later date in June, 1960 (25 F.R. 5954, 6370, 6545, and 6933). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	2AD		3				
Do.	2AG					3	
Do.	2AT						
Do.	2AU						
Do.	2B						
Do.	2C		3	3		3	
Do.	2E						
Do.	2F						
Do.	2G						
Do.	2H						
Do.	2LT						
Do.	2SD						
Do.	2WN						
Swift & Co.	2A			3	3	3	
Do.	2AC						
Do.	2AE						
Do.	2AF						
Do.	2AN						
Do.	2AW						
Do.	2B		3				
Do.	2C						
Do.	2CC						
Do.	2D						
Do.	2E						
Do.	2F				3		
Do.	2FF						
Do.	2K						
Do.	2L						
Do.	2N		3	3		3	
Do.	2NN						
Do.	2R						
Do.	2S						
Do.	2T			3			
Do.	2UU						
Do.	2W						
Do.	2Z						
Do.	9		3	3		3	
Lykes Bros. Inc., Ga.	10						
The Cudahy Packing Co.	12						
Hygrade Food Products Corp.	12A						
Do.	12C						
Do.	12D						
Do.	12G						
Do.	17						
John Morrell & Co.	17A						
Do.	19						
The Cudahy Packing Co.	19E						
Cudahy Packing Co., Nebr.	20A						
Wilson & Co., Inc.	20N						
Do.	20Q						
Do.	20Y						
Do.	23						
Swift & Co.	25						
Brander Meat Co.	26						
American Packing Co.	27C						
Sperry & Barnes Co.	30						
Kreinberg & Krasny, Inc.	34						
Valleydale Packers, Inc.	35						
Armour & Co.	37						
Meat Packing Co., Inc.	39						
Pecos Prov. Co.	40						
Armour & Co.	44						
Stark Wetsel & Co., Inc.	45						
Astor Abattoir, Inc.	46						
Idaho Meat Packers	47						
Consolidated Dressed Beef	49						
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Nevada Meat Packing Co.	53						
National Foods, Inc.	54						
Insel & Insel	59						
Swift & Co.	60						
Glover Packing Co., Amar.	67E						
Quaker Oats Co.	72						
Minch Wholesale Meats, Inc.	74E						
Eastern Packing Co.	75						
Armour & Co.	76E						
The Quaker Oats Co.	80						
City Packing Co.	81						
The Cudahy Packing Co.	83E						
Hill Packing Co.	84						
Edgar Packing Co.	86						
Excel Packing Co., Inc.	89						
The E. Kahns Sons, Co.	90						
Hygrade Food Products Corp.	92						
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Shonyos, Inc.	96						
Wm. G. Rahns Sons	97						
John Engelborn & Sons	98						
A. Kothe Sons	100						
Armour & Co.	101						
Liberty Packing Co., Inc.	102						
Queen City Packing Co.	103						
H. Graver Co.							





Done at Washington, D.C., this 26th day of July 1960.

C. H. PAIS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 60-7077; Filed, July 29, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

DIXIE FORWARDING CO., INC., AND HENRY VILA, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 785, 46 U.S.C. 814):

Agreement No. 8513 between Dixie Forwarding Co., Inc., of Houston, Texas, and Henry Vila, Inc., of New York, New York, is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested persons may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 26, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7063; Filed, July 29, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13535; FCC 60M-1297]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 13535; regulations and charges for switching and selecting equipment (common user group) for use with channels of telephone grade furnished for the remote operation of mobile radiotelephone systems and for channel terminals and terminal equipment in connection with Schedule 5 channels for data transmission. (Filed on behalf of the Lincoln-Tillamook Telephone Company.)

The Hearing Examiner having before him a motion filed by the Chief, Common Carrier Bureau, on July 21, 1960, to postpone prehearing conference in the above-entitled proceeding from July 26, 1960, to September 26, 1960; and

It appearing that negotiations are in progress for the filing of a new tariff containing rates which will be substantially changed and would be materially less than the rates being investigated, a step which might avoid the necessity of hearing in this proceeding; and

It further appearing that all other parties to the proceeding have consented to the continuance requested;

It is ordered, This 25th day of July 1960, that the motion described above is granted; and the pre-hearing conference now scheduled for July 26, 1960, is continued to September 26, 1960, at 2:00 p.m.

Released: July 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7122; Filed, July 29, 1960; 8:50 a.m.]

[Docket Nos. 13086, 13088; FCC 60M-1302]

BEACON BROADCASTING SYSTEM, INC., AND SUBURBAN BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP-10518; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP-12802; for construction permits for standard broadcast stations.

The Hearing Examiner having under consideration the petition to designate hearing date filed herein on April 25, 1960, by the Suburban Broadcasting Co., Inc. and the opposition thereto filed by Beacon Broadcasting System, Inc.;

It appearing that the proceeding was continued without date pending consideration by the Federal Aviation Agency of the antenna proposal of Beacon Broadcasting System, Inc., which action it can reasonably be anticipated will be completed within the near future;

It is ordered, This 26th day of July 1960 that the said petition is granted and further hearing herein is scheduled for September 1, 1960, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: July 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7123; Filed, July 29, 1960; 8:50 a.m.]

[Docket No. 13682]

WILLIAM L. BRADFORD, JR.

Order Assigning Matter for Public Hearing

In the matter of William L. Bradford, Jr., Los Angeles, California, Docket No. 13682; suspension of amateur radio operator license (K6YDQ).

The Commission having under consideration the request of William L. Bradford, Jr., 6561 West 85th Street, Los Angeles 45, California, for a hearing in the above-entitled matter;

It appearing that the said William L. Bradford, Jr., acting in accordance with the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, filed with the Commission within the time specified therefor, an application requesting a hearing on the Commission's Order released on June 13, 1960, which suspended his General Class Amateur Radio Operator License for a period of three months;

It further appearing that under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in the matter and that, upon his filing of a timely written application therefor, the Commission's Suspension Order is held in abeyance until the conclusion of proceedings in the hearing;

It is ordered, This 20th day of July 1960, under authority contained in section 303(m)(2) of the Communications Act of 1934, as amended, and section 0.292(f) of the Commission's Statement of Delegations of Authority that the matter of the suspension of the General Class Amateur Radio Operator License of William L. Bradford, Jr., be designated for hearing before a Commission Examiner (at a time and place later to be specified) upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's Rules as set forth in the Commission's Order of Suspension;

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's Order of Suspension.

It is further ordered, That a copy of this order be transmitted by Certified Mail, Return Receipt Requested, to Mr. William L. Bradford, Jr., 6561 West 85th Street, Los Angeles 45, California.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7124; Filed, July 29, 1960; 8:50 a.m.]

[Docket No. 13685; FCC 60M-1307]

CALOJAY ENTERPRISES, INC.

Order Scheduling Hearing

In re application of Calojay Enterprises, Inc., Indianapolis, Indiana, Docket No. 13685, File No. BPH-3013; for construction permit (FM).

It is ordered, This 26th day of July 1960, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1960, in Washington, D.C.

Released: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7125; Filed, July 29, 1960; 8:50 a.m.]

[Docket No. 13685; FCC 60M-1305]

CUSIMANO CONSTRUCTION CORP.

Order Scheduling Hearing

In the matter of Cusimano Construction Corp., 417 Crain Highway, S.E., Glen Burnie, Maryland, Docket No. 13683; order to show cause why there should not be revoked the License for Special Industrial Radio Station KGP-456.

It is ordered, This 26th day of July 1960, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1960, in Washington, D.C.

Released: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7126; Filed, July 29, 1960; 8:50 a.m.]

[Docket No. 13684; FCC 60M-1306]

HORNE OIL CO.

Order Scheduling Hearing

In the matter of Horne Oil Company, Box 226, Provo, Utah, Docket No. 13684; order to show cause why there should not be revoked the License for Special Industrial Radio Station KOM-765.

It is ordered, This 26th day of July 1960, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 6, 1960, in Washington, D.C.

Released: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7127; Filed, July 29, 1960; 8:50 a.m.]

[Docket Nos. 12991, 12992; FCC 60M-1294]

SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

Order Continuing Hearing

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2629; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-2634; for construction permits for new FM broadcast stations.

The Hearing Examiner having under consideration the joint oral request of the above-captioned applicants for a continuance of the hearing presently scheduled for July 25, 1960;

It appearing that the parties are negotiating for an agreement which would render the issues in this case moot; and

It further appearing that all other parties to the proceeding have consented to a grant of the requested continuance, and that good cause has been shown therefor;

It is ordered, This 22d day of July 1960, that the oral request is granted, and that the hearing presently scheduled for July 25, 1960, be, and the same is, hereby continued to a date to be set by subsequent order.

Released: July 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7129; Filed, July 29, 1960; 8:50 a.m.]

[Docket No. 13686; FCC 60M-1308]

LAWRENCE SHUSHAN

Order Scheduling Hearing

In re application of Lawrence Shushan, Santa Barbara, California, Docket No. 13686, File No. BPH-2994; for construction permit (FM).

It is ordered, This 26th day of July 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1960, in Washington, D.C.

Released: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7128; Filed, July 29, 1960; 8:50 a.m.]

[Docket Nos. 13687, 13688; FCC 60M-1309]

VALLEY TELECASTING CO. AND CENTRAL WISCONSIN TELEVISION, INC.

Order Scheduling Hearing

In re applications of Valley Telecasting Company, Wausau, Wisconsin, Docket No. 13687, File No. BPCT-2709; Central Wisconsin Television, Inc., Wausau, Wisconsin, Docket No. 13688, File No. BPCT-2738; for construction permits for new television broadcast stations (Channel 9).

It is ordered, This 26th day of July 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 5, 1960, in Washington, D.C.

Released: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7130; Filed, July 29, 1960; 8:50 a.m.]

CIVIL SERVICE COMMISSION

CERTAIN SURVEY TECHNICIAN POSITIONS IN CALIFORNIA

Notice of Increase in Minimum Rates of Pay

Under the provisions of section 803 of the Classification Act of 1949, as amended (63 Stat. 1106; 5 U.S.C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay in California for Survey Technician positions in Series GS-817-0 as follows:

GS-5—$4,510 (second step).
GS-6—$4,995 (second step).
GS-7—$5,520 (second step).
GS-8—$6,050 (second step).

The increases will be effective on the first day of the first pay period which begins after July 29, 1960.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 60-7062; Filed, July 29, 1960; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-58]

EL PASO NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 22, 1960.

Take notice that on March 14, 1960, El Paso Natural Gas Company (Applicant) filed in Docket No. CP60-58 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the acquisition, compression, processing and transportation of additional volumes of natural gas at Applicant's existing Goldsmith Compressor Station in Ector County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities consist of (a) two additional 2,000 horsepower compressor units, turbo-charger modifications for 12 existing compressor units and appurtenances necessary to operate said facilities, thus increasing the total compressor capacity at the subject station by 6,800 horsepower, and (b) equipment necessary to increase the capacity of Applicant's Goldsmith Purification and Dehydration Plant approximately 58,000 Mcf per day.

The total estimated cost of the aforesaid facilities is $3,930,000, which would be financed from working funds or by short term bank loans as required.

Applicant states that the additional quantities of natural gas to be compressed and processed by use of the facilities for which authorization is sought herein will become available by reason of the termination of the sale of 38,000 Mcf of natural gas presently being made to Sid Richardson Carbon Company (this abandonment of sale was authorized in Docket No. G-16137), which gas will now be processed through Applicant's Goldsmith Plant, and by reason of continuing development of the gas producing fields connected to Phillips Petroleum Company's Goldsmith Gasoline Plant resulting in additional quantities of gas which are available to Applicant under existing contracts between Phillips and Applicant.

These additional gas supplies will be used to augment Applicant's overall gas supply. No additional sales are proposed as a result of installation of the facilities which are the subject of this application.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 25, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7063; Filed, July 29, 1960; 8:46 a.m.]

[Docket Nos. CP60-70, CP60-74]

MICHIGAN GAS STORAGE CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application and Date of Hearing

JULY 25, 1960.

Michigan Gas Storage Company, Docket No. CP60-70; Panhandle Eastern Pipe Line Company, Docket No. CP60-74.

Take notice that on March 28, 1960, as supplemented on May 2, 1960, Michigan Gas Storage Company (Michigan Gas) filed in Docket No. CP60-70 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of metering and regulating facilities at three new delivery points on Michigan Gas' existing pipelines for the delivery of natural gas to Consumers Power Company (Consumers) for distribution and resale in certain communities which heretofore have had no gas service, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The communities proposed to be served, all in the State of Michigan, and the facilities necessary therefor are:

(a) the Villages of Perry and Morrice in Shiawassee County which will be served from a proposed delivery point on Michigan Gas' 24-inch Laingsburg Junction to Clarkston Junction pipeline;

(b) the City of Laingsburg, Shiawassee County, which will be served from another proposed delivery point on the Laingsburg Junction to Clarkston Junction pipeline; and

(c) the Village of Birch Run, Saginaw County, which will be served from a proposed delivery point on Panhandle Eastern Pipe Line Company's (Panhandle) 12¾-inch Bridgeport Junction to Clio Junction pipeline.

The total estimated cost of Michigan Gas' facilities proposed under this application is $53,000 which will be paid from cash on hand. This includes reimbursement to Panhandle for the proposed connection for the Village of Birch Run.

Take further notice that on March 28, 1960, Panhandle Eastern Pipe Line Company filed in Docket No. CP60-74 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the aforementioned delivery connection on Panhandle's Bridgeport-Clio pipeline for redelivery to Consumers for distribution in Birch Run.

The total estimated annual and peak day requirements for the four communities involved herein are:

	1st year	2d year	3d year
Peak day (Mcf)	965	1,060	1,157
Annual (Mcf)	123,930	147,897	161,668

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 25, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7094; Filed, July 29, 1960; 8:46 a.m.]

[Docket No. G-19461]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 25, 1960.

Take notice that on September 18, 1959, Panhandle Eastern Pipe Line Company (Applicant) filed an application, as supplemented on November 6, 1959, March 16, 1960, and May 13, 1960, pursuant to section 7 of the Natural Gas Act, seeking authorization to conduct storage and production testing operations in its Waverly storage field all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that since 1952 it has been developing the Waverly storage field in Morgan and Sangamon Counties, Illinois. Preliminary testing of this field was conducted in 1954 and 1955, and was followed by injection and storage testing from 1956 to the date of application. It proposes to conduct production testing upon authorization by the Commission. Studies would be made and tests conducted to determine various rates of withdrawal that may be possible of attainment. No authorization is sought for any sale of gas which would be dependent on the Waverly storage field.

Applicant estimates that the total cost of the testing operations would be approximately $5,000,000 of which about $2,422,000 has already been expended. Applicant has financed and intends to continue to finance the cost of the storage program from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 22, 1960.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7095; Filed, July 29, 1960; 8:46 a.m.]

[Docket No. CP60-11]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 25, 1960.

Take notice that South Georgia Gas Company (Applicant), a Georgia corporation having its principal place of business in Thomasville, Georgia, filed on January 18, 1960, an application and on March 25, April 18, and May 16, 1960, supplements thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation

of certain facilities, as hereinafter described, for the transportation and sale of natural gas to the cities of Ocilla and Sylvester, Georgia for resale to the public, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a lateral from its existing pipeline (Tifton-Fitzgerald lateral) to the City of Sylvester consisting of approximately 1.4 miles of 3.5-inch O.D. pipeline at an estimated cost of $16,408 and a lateral to the City of Ocilla consisting of approximately 9.4 mile of 3.5-inch O.D. pipeline at an estimated cost of $4,943 and meter and regulating stations for Sylvester at an estimated cost of $6,800 and for Ocilla at an estimated cost of $5,300.

The estimated peak day and annual requirements for each of said cities for the first four years of operation are as follows:

	1959 total	1959-61 peak day	1961 total	1961-62 peak day	1962 total	1962-63 peak day	1963 total	1963-64 peak day
Ocilla	4,161	273	25,874	333	31,988	424	38,779	489
Sylvester	6,555	443	41,109	542	50,180	621	55,400	662
Totals	10,716	715	66,974	894	81,953	1,045	94,179	1,111

Applicant purchases its supply of natural gas from Southern Natural Gas Company (Southern Natural) with which it has a service agreement providing for a present contract demand of 30,550 Mcf and a contract demand of 36,720 Mcf to become effective November 1, 1960. This contract further provides that in the event Applicant's requirements should exceed the quantity specified, the parties will negotiate in good faith to reach an agreement covering the supply of such additional requirements. Southern Natural has advised Applicant that it is willing to increase Applicant's contract demand to include the above estimated third year requirements for Sylvester and Ocilla.

This application proposes service denied by the Commission in its Opinion No. 235 issued August 7, 1959, without prejudice to said municipalities making a future showing of projects which are economically feasible.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 22, 1960, 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7097; Filed, July 29, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3090]

GENERAL TELEPHONE COMPANY OF FLORIDA

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 26, 1960.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Holders number only 101 and 133 for the $1.30 and the $1.32 Preferred Stocks respectively. The $1.30 Preferred B Stock is not included in this application.

Upon receipt of a request, on or before August 12, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7104; Filed, July 29, 1960; 8:47 a.m.]

[File No. 812-1321]

INVESTORS SYNDICATE OF AMERICA, INC.

Notice of Filing of Amendment to Depositary Agreement of Face-Amount Certificate Company

JULY 25, 1960.

Notice is hereby given that Investors Syndicate of America, Inc. ("ISA"), a registered face-amount certificate company, has filed an application seeking the approval of an amendment to a depositary agreement pursuant to section 28(c) of the Investment Company Act of 1940 ("Act"), which amendment was executed in connection with the proposed issuance and sale by ISA of Single Payment Certificates, Series C.

ISA is issuing and proposes to continue to issue face-amount certificates which are subject to the deposit and maintenance of assets under section 28(c) of the Act. The Commission, by orders dated November 16, 1940, June 26, 1948 and August 18, 1953 (Investment Company Act Release Nos. 18, 792 and 1895 respectively) granted applications by ISA with respect to the approval of depositary agreements between it and The Marquette National Bank ("Bank") or with some other trustee or trustees having the qualifications required by paragraph 1 of section 26(a) of the Act, under which ISA is required to deposit and maintain with the Bank qualified assets equivalent to all reserve liabilities of outstanding certificates.

The Series C Certificates are being registered under the Securities Act of 1933. Under the amended depositary agreement, for which approval is being sought, ISA undertakes to deposit and maintain with the Bank qualified investments and reserves as required by section 28 of the Act with the respect to the new Series C certificates upon the terms and conditions specified in said agreement.

Section 28(c) provides, among other things, that the Commission shall by rule, regulation, or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by section 26(a) (1) of the Act for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of section 28(b) of the Act.

Notice is further given that any interested person may, not later than August 12, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7105; Filed, July 29, 1960; 8:47 a.m.]

[File No. 1-507]

F. E. MYERS AND BRO. CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 26, 1960.

In the matter of F. E. Myers & Bro. Company, Common Stock, File No. 1-507.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Stockholders of the Company have adopted a plan for the complete liquidation of the Company and an initial liquidating distribution has been made.

Upon receipt of a request, on or before August 12, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-7106; Filed, July 29, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 27, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36441: *Substituted service—C&NW for Western Transportation Company.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 43), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Clinton, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, Inc., tariff MF-I.C.C. 953.

FSA No. 36442: *Substituted service—CRI&P for Interstate Motor Freight Systems, et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 44), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Moline, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, Inc., tariff MF-I.C.C. 953.

FSA No. 36443: *Substituted service—Wabash for Arkansas—Best Freight System, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 47), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars (1) between Chicago, Decatur and East St. Louis, Ill., on the one hand, and Buffalo, N.Y., and Detroit, Mich., on the other, (2) between East St. Louis, Ill., on the one hand, and Chicago, Ill., and Fort Wayne, Ind., on the other, (3) Chicago, Ill., and Toledo, Ohio, and (4) Detroit, Mich., and Buffalo, N.Y.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, Inc., tariff MF-I.C.C. 953.

FSA No. 36444: *Substituted service—PRR for Chaney Transportation Company, et al.* Filed by Middle Atlantic Conference, Agent (No. 29), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Hagerstown, Md., on the one hand, and Kearny, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Middle Atlantic Conference tariff I.C.C. 13, MF-I.C.C. A-1102.

FSA No. 36445: *Substituted Service—C&O for The Akron-Chicago Transportation Company, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 42), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Buffalo, N.Y., Cincinnati, Ohio and Saginaw, Mich., on the other, and between Detroit, Mich., and Buffalo, N.Y., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, Inc., tariff MF-I.C.C. 953.

FSA No. 36446: *Class and commodity rates from and to Tennessee points.* Filed by O. W. South, Jr., Agent (SFA No. A3998), for interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads between Greenland, New Canton, Church Hill and Holston, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Short-line distance formula and grouping.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7109; Filed, July 29, 1960; 8:47 a.m.]

[Notice 6]

CHICAGO AND EASTERN ILLINOIS RAILROAD CO.

Applications for Loan Guaranties

JULY 26, 1960.

Notice is hereby given of the filing of the following application under part V of the Interstate Commerce Act:

Finance Docket No. 21210 filed July 21, 1960, by Chicago and Eastern Illinois Railroad Company, 332 South Michigan Avenue, Chicago 4, Illinois, for guaranty by the Interstate Commerce Commission of a loan in amount not exceeding $3,000,000. Applicant's representative: Patrick C. Mullen, General Counsel, Chicago and Eastern Illinois Railroad Company, 332 South Michigan Avenue, Chicago 4, Illinois. Loan is for the purpose of reimbursing applicant's treasury for expenditures made from its own funds after January 1, 1957, for additions and betterments and other capital improvements.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-7110; Filed, July 29, 1960; 8:48 a.m.]

[Notice 886]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 27, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63154. By order of July 25, 1960, the Transfer Board approved the transfer to John T. Forsyth, Helen T. Forsyth, and Paul B. Forsyth, a partnership, doing business as Forsyth Trucking Co., Batavia, N.Y., of Certificate in No. MC 7690, and Permit No. MC 107673, issued January 24, 1942, and August 7, 1947, respectively, to John T. Forsyth and Helen T. Forsyth, a partnership, doing business as Forsyth Trucking Company, Batavia, N.Y., authorizing the transportation of: General commodities with the usual exceptions including household goods and commodities in bulk; and, equipment and materials for the construction, maintenance and repair of communication systems, between specified points in New York. John J. Forsyth, 339 East Avenue, Rochester 4, N.Y., for applicants.

No. MC–FC 63329. By order of July 25, 1960, the Transfer Board approved the transfer to Marie Morris, doing business as Vandalia Transfer Co., Vandalia, Illinois, of the operating rights authorized to Charles Morris and Marie Morris, a Partnership, doing business as Vandalia Transfer Co., Vandalia, Illinois, in Certificate No. MC 2350, issued February 4, 1954, authorizing the transportation, over regular routes, of general commodities, excluding household goods and commodities in bulk, between St. Elmo, Ill., and St. Louis, Mo., and between Mulberry Grove, Ill., and St. Louis, Mo., and over irregular routes, of agricultural commodities, from Strasburg, Ill., and points within 25 miles of Strasburg, to St. Louis, Mo., agricultural implements and machinery, between St. Louis, Mo., on the one hand, and, on the other, points in Fayette County, Ill., and general commodities, excluding household goods and commodities in bulk, from St. Louis, Mo., to Strasburg, Ill., and points within 25 miles of Strasburg. Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill., for applicants.

No. MC–FC 63372. By order of July 25, 1960, the Transfer Board approved the transfer to Coulter Bus Line, Inc., South Yarmouth, Mass., of a portion of Certificate No. MC 115096, issued May 11, 1955, to Falmouth Bus and Taxi Co., Inc., Falmouth, Mass., authorizing the transportation of: Passengers and their baggage and express, mail and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, between Hyannis, Mass., and Chatham, Mass., serving all intermediate points. George C. O'Brien, Attorney, 33 Broad Street, Boston, Mass. Frank Daniels, Attorney, 11 Beacon Street, Boston, Mass.

No. MC–FC 63383. By order of July 25, 1960, the Transfer Board approved the transfer to Bonnie Movers, Inc., Brooklyn, N.Y., of certificate in No. MC 91838, issued January 31, 1949, to Benjamin Murphy, Eugene Murphy and Margaret Shade, a partnership, doing business as Murphy Bros., New York, N.Y., authorizing the transportation of: Household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York. David Brodsky, Brodsky and Lieberman, Attorneys, 1776 Broadway, New York 19, N.Y., for applicants.

No. MC–FC 63399. By order of July 25, 1960, the Transfer Board approved the transfer to Edwin B. Prout, doing business as W. F. Prout & Sons, Dorchester, Mass., of Certificate No. MC 89111 issued March 21, 1956, to W. W. Welch, Inc., Medford, Mass., authorizing the transportation: over irregular routes, of refrigerators, refrigerating units, ranges, washing machines, water coolers, water-cooling equipment, electrical appliances, air-conditioning units, and display and show materials pertaining to such commodities, between Boston, Mass., and points within 25 miles of Boston, on the one hand, and, on the other, all points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont; commodities specified above, or materials pertaining thereto when solely for display and show purposes, between Boston, Mass., and points within 25 miles of Boston, on the one hand, and, on the other, all points in New Hampshire; new furniture, crated and uncrated, other than new furniture included in household goods description as defined by the Commission, from Boston, Mass., to all points in Massachusetts and New Hampshire; new furniture, between Nashua, N.H. and Boston, Mass., and points within 5 miles of Boston, on the one hand, and, on the other, Baltimore, Md., Washington, D.C., Richmond, Va., all points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, those in Pennsylvania within 25 miles of Philadelphia, Pa., including Philadelphia, and those in New York within 20 miles of New York, N.Y., including, New York, N.Y.; general commodities, excluding household goods, commodities in bulk, and various specified commodities, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 25 miles of Boston. Kenneth B. Williams, 111 State Street, Boston 9, Mass., for transferor, Mary E. Kelley, 10 Tremont Street, Boston 9, Mass., for transferee.

No. MC–FC 63405. By order of July 25, 1960, the Transfer Board approved the transfer to H. W. English, Inc., Hood River, Oreg., of Certificates Nos. MC 1677 and MC 1677 Sub 4, issued August 20, 1956 and December 13, 1949, respectively, to Harry W. English, doing business as H. W. English, Hood River, Oreg., authorizing the transportation of: Fruit, from points in Hood River County, Oreg., to points in Klickitat County, Wash.; explosives and other dangerous articles, from Du Pont, Wash., to points in Oregon, and from points in Hood River County, Oreg., to points in Skamania, Klickitat, Walla Walla, and Columbia Counties, Wash.; forest products, between points in Hood River County, Oreg., on the one hand, and, on the other, points in Klickitat and Skamania Counties, Wash.; lumber, between Mosier, Oreg., and points in Hood River County, Oreg., on the one hand, and, on the other, points in Clark, Skamania, Yakima, Klickitat, Benton, Franklin, Walla Walla, and Columbia Counties, Wash., and between Portland, Oreg., and Dee, Oreg.; explosives and other dangerous articles and blasting supplies, between Portland and Haskell, Oreg., on the one hand, and, on the other, points in Skamania, Klickitat, Walla Walla, Columbia, Benton, Franklin, and Yakima Counties, Wash.; road building machinery and related contractor's equipment and supplies when transportation is incidental to the transportation of road building machinery, between points in Hood River and Wasco Counties, Oreg., on the one hand, and, on the other, points in Skamania, Klickitat, Clark, Cowlitz, Yakima, Adams, Grant, Lincoln, Benton, Columbia, Asotin, Garfield, Whitman, and Franklin Counties, Wash.; and lumber and lumber products, from points in Hood River County, Oreg., to points in Adams, Grant, and Lincoln Counties, Wash. Robert R. Hollis, 1121 Equitable Building, Portland 4, Oreg., for applicants.

No. MC–FC 63407. By order of July 25, 1960, the Transfer Board approved the transfer to Gerald L. Kramer, Quakertown, Pa., of Certificate in No. MC 49293, issued June 30, 1937, to Wallace J. Becker, Allentown, Pa., authorizing the transportation of: Such materials as are used in the construction of buildings and highways, over irregular routes, between Allentown and Riegelsville, Pa., on the one hand, and, points in New Jersey within 25 miles of Riegelsville, on the other. William J. Wilcox, 624 Commonwealth Building, Allentown, Pa., for applicants.

No. MC–FC 63417. By order of July 25, 1960, the Transfer Board approved the transfer to Olen Kelly and Clay Kelly, doing business as Nevada Transfer and Storage Company, Nevada, Mo., of Certificate No. MC 1912, issued September 16, 1949, to Olen Kelly, doing business as Nevada Transfer & Storage Company, Nevada, Mo., authorizing the transportation of: Household goods, between Nevada, Mo., and points in Missouri within 25 miles of Nevada, on the one hand, and, on the other, points in Kansas. Everett E. Teel, First National Bank Building, Nevada, Mo., for applicants.

No. MC–FC 63421. By order of July 25, 1960, the Transfer Board approved the transfer to A. J. Metler Hauling and Rigging, Inc., Knoxville, Tenn., of the operating rights authorized to A. J. Metler, Knoxville, Tenn., in Certificate No. MC 108676, issued April 5, 1951, authorizing the transportation, over irregular routes, of contractors' machinery and equipment and coal and coke mining machinery equipment, and vehicles, between Knoxville, Tenn., and points within 75 miles of Knoxville, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, of mine cars and iron or steel conveying, dredging, dumping or hoisting buckets, dippers or skips, between the above-specified origin points on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, and marble and iron and steel articles, between Knoxville, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. Fred G. Asquith, Bank of Knoxville Building, Knoxville 2, Tennessee, for applicants.

No. MC–FC 63429. By order of July 25, 1960, the Transfer Board approved the transfer to J. P. Thomas, Jr., Emporia, Kansas, of a Certificate in No. MC 987, issued April 9, 1943, to B. P. Martin, Paul Martin, and Bernard Martin, a partnership, doing business as B. P. Martin & Sons, Emporia, Kansas, which authorizes the transportation of livestock, farm machinery and parts, hides, wool, seeds, furniture, and other specific commodities from, to, and between, specified points in Kansas and Missouri. J. Wm. Townsend, Townsend, Jandera & Hope, 641 Harrison Street, Topeka, Kans., for applicants.

No. MC–FC 63433. By order of July 25, 1960, the Transfer Board approved the transfer to J. Leo Talbot, Glover Street, Barton, Vermont, of Permit No. MC 22862, issued December 6, 1954, in the name of Talbot & Roy Company, Inc., Glover Street, Barton, Vermont, authorizing the transportation of telephone poles, over irregular routes, from St. Johnsbury, Vt., and Montpelier, Vt., to all points in Vermont and New Hampshire; and between points in a territory comprising points in Vermont and points in those towns in New Hampshire that adjoin the New Hampshire-Vermont State line.

No. MC–FC 63435. By order of July 25, 1960, the Transfer Board approved the transfer to Todd Transport Company, Inc., Secretary, Maryland, of a Certificate issued December 17, 1951, to Harry Harrington Todd, doing business as Todd Transport Co., Secretary, Maryland, which authorizes the transportation of lumber, canned goods, agricultural commodities, shingles, commercial fertilizers, oysters, shucked or in the shell, fish, fresh fruits, and oysters, shucked or in the shell, from, to and between, specified points in Virginia, Maryland, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Pennsylvania, Delaware, New Jersey, New York, and Washington, D.C.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7111; Filed, July 29, 1960; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36436: *Substituted service—C&O and PRR for Falwell Fast Freight, Inc.* Filed by Middle Atlantic Conference, Agent (No. 28), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Charleston, W. Va., on the one hand, and Baltimore, Md., Kearny, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Middle Atlantic Conference tariff I.C.C. 13, MF-I.C.C. A–1102.

FSA No. 36437: *Silica sand—Southwest to New Orleans, La.* Filed by Southwestern Freight Bureau, Agent (No. B–7855), for interested rail carriers. Rates on silica sand, in carloads from Guion, Ark., Ludwig, Mo., Gate, Mill Creek, Roff, Okla., and Santa Anna, Tex. Grounds for relief: Market competition.

Tariff: Supplement 65 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 36438: *Substituted service—IC for Southern-Plaza Express, Inc.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 45), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and East St. Louis, Ill., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau tariff MF–I.C.C. 953.

FSA No. 36439: *Substituted service—PRR for Arkansas-Best Freight System, Inc., et al.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 48), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between (1) Chicago, Ill., on the one hand, and Cincinnati, Dayton and Toledo, Ohio and Indianapolis, Ind., on the other, (2) East St. Louis, Ill., on the one hand, and Cleveland, Columbus and Dayton, Ohio, and Indianapolis, Ind., on the other, and (3) Buffalo, N.Y., on the one hand, and Cincinnati, and Columbus, Ohio, and Louisville, Ky., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, Inc., tariff MF-I.C.C. 953.

FSA No. 36440: *Iron and steel pipe—Ohio and Pennsylvania to" southwest.* Filed by Southwestern Freight Bureau, Agent (No. B–7854), for interested rail carriers. Rates on iron and steel pipe and related articles, in carloads, as described in the application from specified points in Ohio and Pennsylvania to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 210 to Southwestern Freight Bureau tariff I.C.C. 4116.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7061; Filed, July 28, 1960; 8:47 a.m.]

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